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LIST OF SECTIONS AFFECTED

WHAT IT IS

The List of Sections Affected is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. Entries indicate the nature of the changes. Certain terms used are defined in the glossary below. Proposed rules are listed at the end of appropriate titles.

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The List of Sections Affected has been changed to the same size as the Code of Federal Regulations to improve the usefulness of this finding aid. It should be shelved with current Code volumes.

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Amended—A typographical unit of the CFR was partially set forth.
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Typographical unit—A numbered, lettered or undesignated entity appearing in the CFR.

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INQUIRIES AND SUGGESTIONS

Future monthly issues of the List of Sections Affected also will appear in this format. The Office of the Federal Register hopes to bring about other changes which will improve the usefulness of the Federal Register and the Code of Federal Regulations. Inquiries concerning this and other publications of this office and suggestions for improvements will be welcomed by the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 7528 Pub. Law 93–74 National Aeronautics and Space Administration Authorization Act, 1974 (July 23, 1973; 87 Stat. 171)

H.R. 8949 Pub. Law 93–75 Veterans, loan guaranty program (July 26, 1973; 87 Stat. 176)

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11732

Delegating Certain Authority of the President to the Secretary of Housing and Urban Development

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, the Secretary of Housing and Urban Development is hereby designated and empowered to exercise, without approval, ratification, or other action by the President, the functions vested in the President by sections 305 and 301 of the National Housing Act, as amended (12 U.S.C. 1720 and 1716, respectively), relating to the authorization of the purchase of mortgages by the Government National Mortgage Association in connection with its special assistance functions and the determination that such action is in the public interest.

Richard Nixon

THE WHITE HOUSE,
July 30, 1973.

[FR Doc.73–16004 Filed 7–31–73;10:50 am]

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EXECUTIVE ORDER 11733

Further Amending Executive Order No. 10122 of April 14, 1950, Entitled "Regulations Governing Payment of Disability Retirement Pay, Hospitalization, and Re-examination of Members and Former Members of the Uniformed Services"

By virtue of the authority vested in me by section 1216(c) of title 10 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces of the United States, Executive Order No. 10122 [1] of April 14, 1950, as amended by Executive Order No. 10400 of September 27, 1952, is further amended as follows:

1. The first proviso of section 5 is deleted.

2. The second proviso of section 5 is amended to read as follows:

"Provided, that all the duties, powers, and functions incident to hospitalization for such members or former members who elect to receive hospitalization in uniformed services facilites shall, subject to the availability of space and facilities and the capabilities of the medical and dental staff, be vested in the Secretary concerned:".

3. The words "Coast and Geodetic Survey" in the last sentence of section 5 and in section 6 are deleted and the words "National Oceanic and Atmospheric Administration (formerly Coast and Geodetic Survey)" are substituted therefor.

Richard Nixon

THE WHITE HOUSE,
July 30, 1973.

[FR Doc.73-16005 Filed 7-31-73;10:50 am]

[1] 15 FR 2173; 3 CFR, 1949-1953 Comp., p. 313.

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EXECUTIVE ORDER 11734

Revising the Membership of the President's Committee on the National Medal of Science

By virtue of the authority vested in me as President of the United States, subsection (c) of Section 2 of Executive Order No. 11287 of June 28, 1966, as amended, is hereby amended by deleting "(1) The President's Science Adviser," and by inserting in lieu thereof "(1) The Science Adviser."

Richard Nixon

THE WHITE HOUSE,
July 30, 1973.

[FR Doc.73-16033 Filed 7-31-73;12:08 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1973 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1973. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1973):

Title	Price
1	$0.55
2 [Reserved]	
3	2.60
3A 1972 Compilation	2.50
4	1.75
5	3.75
6 (Rev. Feb. 1, 1973)	4.25
7 Parts:	
0–45	6.50
46–51	2.60
52	4.20
53–209	7.00
210–699	5.25
700–749	3.75
750–899	2.10
900–944	4.00
945–980	2.25
981–999	2.25
1000–1059	4.00
1060–1119	4.00
1120–1199	3.00
1200–1499	4.25
1500–end	6.50
8	1.85
9	5.00
10	4.00
11	.75
12 Parts:	
1–299	5.50
300-end	6.25
13	3.00
14 Parts:	
1–59	6.50
60–199	6.75
200-end	7.75
15	4.00
16 Parts:	
0–149	7.00
150–end	4.25
General Index	3.75

CFR Unit (Rev. as of April 1, 1973):

Title	Price
17	$5.50
18 Parts:	
1–149	4.00
150–end	4.00
19	5.00
20 Parts:	
01–399	2.25
400–end	7.00
21 Parts:	
1–9	2.25
10–129	5.50
130–140	3.00
141–169	5.50
170–299	2.25
300–end	1.50
22	4.25
25	3.75
26 Parts:	
1 (§§ 1.301–1.400)	2.50
1 (§§ 1.401–1.500)	3.00
1 (§§ 1.501–1.640)	3.75
1 (§§ 1.641–1.850)	4.00
1 (§§ 1.851–1.1200)	4.50
1 (§ 1.1201–end)	6.50
2–29	2.75
30–39	3.00
40–169	4.75
170–299	6.75
300–499	3.00
500–599	3.50
600–end	1.50
27	1.25

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19451; FCC 73–757]

RADIO SERVICES

Non-Government Fixed and Land Mobile Telemetering Operations

1. On February 24, 1972, the Commission adopted a notice of proposed rulemaking in the above entitled matter which was published in the FEDERAL REGISTER on March 3, 1972, (37 FR 4454; FCC 72–173, No. 74864). The Notice proposed to permit non-Government fixed and land mobile telemetering operation in the band 1427–1435 MHz on a secondary basis to existing services. Comments were to be filed on or before May 9, 1972, and reply comments on or before May 23, 1972.

2. Comments were filed by Central Committee on Communication Facilities of the American Petroleum Institute (API), National Association of Manufacturers (NAM), Special Industrial Radio Service Associations, Inc. (SIRSA) Utilities Telecommunications Council (UTC), Associated Public-Safety Communications Officers, Inc. (APCO), and Aerospace and Flight Test Radio Coordinating Council (AFTRCC). AFTRCC also filed reply comments.

3. In the Notice the Commission proposed to limit non-Government use of the band to local area industrial, public safety and land transportation fixed and land mobile telemetering applications to be coordinated with Government users on a case-by-case basis. Extensive telemetering operations requiring wide area frequency clearance were not to be authorized. Nor were systems to be authorized which, because of safety or other factors, could not tolerate interference from the primary users of this band. Telecommand was also to be permitted in conjunction with the new telemetering operations in the band.

4. UTC supports the rule changes as proposed in the Notice. API generally supports adoption of the proposed Rule amendments. It believes, however, that the limitation to telecommand transmissions by base stations should be modified, although no specific proposed modifications are offered. It requests that the frequencies proposed for point-to-point systems also be made available for offshore environments. API also urges that the band be split into two segments and that systems be required to operate with a three megahertz channel separation in order to provide a basis for future channelizing. API does not envision a deluge of applications from those eligible in the Petroleum Service to use the frequencies. The Commission anticipates that new uses for this band may incorporate techniques not now employed within the various services. Therefore, to split the band at this time appears to be unwarranted. Moreover, to permit other than telecommand for transmission from base stations would open the band to broader non-Government applications than anticipated in this proceeding consistent with our agreement with the Office of Telecommunications Policy. Finally, eligible applicants in the Petroleum Service are in no way constrained from telemetering operations in an offshore environment as long as each area of use can be cleared in the coordination process.

5. NAM is not enthusiastic about the band offered for land mobile telemetering use. It estimates that the price of transmitters in the 1427–1435 MHz band at two to thirteen times as great as those in the 216–220 MHz band and the cost of

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receivers at twice those for the lower band. NAM urges the Commission to continue its search for more suitable spectrum space for land mobile telemetering. We should point out that the band 1427–1435 MHz is not being proposed as a substitute for another band nor to serve as a basis for future denial of spectrum space for applications for which it would not be suitable. NAM does see the band as useful for fixed telemetry and suggests that the Part 91 amendments should be broad enough to encompass transmission regardless of source, including aircraft. Transmissions from aircraft, when in flight, are inherently wide area operations and would be very difficult or impossible to coordinate with primary Government users. Therefore, we are adhering to our original proposal to prohibit the use of airborne devices.

6. SIRSA also does not foresee at this time any large number of Special Industrial requests for assignments in the band, although it does mention some possible land mobile applications which may develop. SIRSA also suggests the splitting of the band in order to provide for an appropriate separation of assigned two-way frequencies. However, as indicated above, the Commission does not see now any pattern of use that would be benefited by dividing the band. A channelization plan might be needed in a very limited area with multiple users and can be developed in these cases during the coordination process.

7. AFTRCC agrees that the allocation is needed and foresees many different uses of this band. It specifically commented on the technical standards for equipment, the coordination of assignments and the use of fixed relay links. With regard to coordination, all applications for use of this band will be coordinated on a case-by-case basis with Government users through the usual FCC/IRAC procedures. Technical standards to apply to this band are discussed below. In so far as fixed relay links are concerned, such usage will be permissible only in conjunction with telemetry and telecommand operations authorized in the band. Use of this band for general point-to-point data communications of the type normally carried out in the fixed service will not be authorized.

8. Similar to the provision adopted for the band 216–220 MHz (see Report and Order, Docket No. 18924, 36 FR 9514) no technical standards are being adopted herein except for frequency tolerances which are taken from the international Radio Regulations and for those standards which are presently in the FCC Rules. Power and authorized bandwith limitations will be specified in the station authorizations for telemetry in this band on a case-by-case basis. Transmitters will not be subject to the requirement for type acceptance.

9. In view of the foregoing it appears that the public interest can be served by adopting the rules amendments set forth below. *Accordingly, it is ordered,* That pursuant to authority contained in Section 303 (c), (e) and (f) of the Communications Act of 1934, as amended, Part 2, Section 2.106 and Parts 89, 91 and 93 of the Commission's Rules and Regulations are amended effective August 31, 1973. *It is further ordered,* That this proceeding is hereby terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303).

Adopted: July 18, 1973.

Released: July 24, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Acting Secretary.

[1] Chairman Burch absent.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

I. Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 2.106 [Amended]

In § 2.106, the Table of Frequency Allocations is amended as follows and footnote US60 is deleted from the list of footnotes:

United States		Federal Communications Commission				
Band (MHz)	Allocation	Band (MHz)	Service	Class of Station	Nature OF SERVICES of stations	
5	6	7	8	9	10	11
• • •	• • •	• • •	• • •	• • •	• • •	• • •
1427-1429	G, NG	1427-1429	SPACE OPERATION (Telecommand). Fixed (Telemetering). Land mobile (Telemetering and telecommand).	Base. Earth. Fixed. Land mobile.		INDUSTRIAL. LAND TRANSPORTATION. PUBLIC SAFETY. Earth (telecommand). Base (telecommand). Fixed telemetering). Land mobile (telemetering).
1429-1435	G, NG	1429-1435	Fixed (Telemetering). Land mobile (telemetering and telecommand).	Base. Fixed. Land mobile.		INDUSTRIAL. LAND TRANSPORTATION. PUBLIC SAFETY. Base (telecommand). Fixed (telemetering). Land mobile (telemetering).
• • •	• • •	• • •	• • •	• • •	• • •	• • •

PART 89—PUBLIC SAFETY RADIO SERVICES

II. Part 89 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 89.101, the table of frequencies in paragraph (h) is amended by adding the frequency band 1427–1435 MHz in numerical order, and adding limitation (20) to paragraph (i) to read as follows:

§ 89.101 Frequencies.

• • • • •

(h) • • •

Frequency band-MHz	Class of Station(s)	Limitations
952-960	Operational fixed	5, 6
1427-1435	Base, mobile and operational fixed	20
1850-1990	Operational fixed	6
• • •	• • •	• • •

• • • • •

(i) • • •

(20) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

• • • • •

2. In § 89.103, paragraph (a) is amended to include the band 1427–1435 MHz in numerical sequence in the table and add a new footnote 5 applicable to the band to read as follows:

§ 89.103 Frequency stability.

(a) • • •

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
MHz	*Percent*	*Percent*	*Percent*
• • •	• • •	• • •	• • •
470 to 512	.00025	.0005	.0005
950 to 1427	(2)	(2)	(2)
1427 to 1435	[5] .03	.03	.03
Above 1435	(2)	(2)	(2)

[5] For fixed stations with power above 200 watts, the frequency tolerance is .01 percent if the necessary bandwidth of the emission does not exceed 3 kHz. For fixed station transmitters with a power of 200 watts or less and using time divisiln multiplex, the frequency tolerance may be increased to .05 percent.

• • • • •

3. In § 89.117, paragraphs (a) and (b) are amended to read as follows:

§ 89.117 Acceptability of transmitters for licensing.

(a) Periodically, the Commission publishes a list of equipment entitled "Radio Equipment List, Equipment Acceptable for Licensing." Copies of this list are available for public reference at the Commission's offices in Washington, D.C., and at each of its field offices. This list includes type accepted and type approved equipment and, also until such time as it may be removed by Commission action, other equipment which appeared in this list on May 16, 1955.

(b) Except for transmitting equipment used in developmental stations, transmitting equipment authorized as of January 1, 1965, in police zone and interzone stations, transmitting equipment in radiolocation stations during the term of any license issued prior to January 1, 1973, and transmitting equipment used in the band 1427–1435 MHz, all radio transmitting equipment utilized by a station authorized for operation under this part must be types included in the Commission's current "Radio Equipment List" and designated for use under this part or be types which are type accepted by the Commission for use under this part.

• • • • •

PART 91—INDUSTRIAL RADIO SERVICES

III. Part 91 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. § 91.102, paragraph (a) is amended to include the band 1427–1435 MHz in numerical sequence in the table and add a new footnote 6 applicable to the band to read as follows:

§ 91.102 Frequency stability.

(a) • • •

Frequency range	Transmitter (input) power			
	Fixed and base stations		Mobile stations	
	Over 300 watts	300 watts or less	Over 3 watts	3 watts or less
MHz	*Percent*	*Percent*	*Percent*	*Percent*
• • •	• • •	• • •	• • •	• • •
470 to 512	.00025	.00025	.0005	.0005
950 to 1427	(4)	(4)	(4)	(4)
1427 to 1435	[6] .03	[6] .03	.03	.03
Above 1435	(4)	(4)	(4)	(4)
• • •	•	•	•	•

[6] For fixed stations with power above 200 watts, the frequency tolerance is .01 percent if the necessary band width of the emission does not exceed 3 kHz. For fixed and using time division multiplex the frequency tolerance may be increased to .05 percent.

• • • • •

2. In § 91.109, paragraph (b) is amended to read as follows:

§ 91.109 Acceptability of transmitters for licensing.

• • • • •

(b) Except for transmitting equipment used in developmental stations, transmitting equipment authorized in the Industrial Radio-location Service (see § 91.603) and transmitting equipment used in the band 1427–1435 MHz, all radio transmitting equipment (including signal boosters) utilized by stations authorized for operation under this part must be types included in the Commission's current "Radio Equipment List" and designated for use under this part or be types which are type accepted by the Commission for use under this part.

• • • • •

3. In § 91.254 the table of frequencies in paragraph (a) is amended by adding the frequency band 1427–1435 MHz in numerical order and adding limitation (35) to paragraph (b), to read as follows:

§ 91.254 Frequencies available.

(a) • • •

POWER RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
MHz		
• • •	• • •	• • •
Frequency band		
1427-1435	Base, mobile, & operational fixed	35
1850-1990	Operational fixed	
• • •	• • •	• • •

(b) • • •

(35) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

4. In § 91.304 the table of frequencies in paragraph (a) is amended by adding the frequency band 1427–1435 MHz in numerical order and adding limitation (37) to paragraph (b), to read as follows:

§ 91.304 Frequencies available.

(a) • • •

PETROLEUM RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
MHz		
• • •	• • •	• • •
Frequency band		
1427-1435	Base, mobile, & operational fixed	37
1850-1990	Operational fixed	
• • •	• • •	• • •

(b) • • •

(37) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile, telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

5. In § 91.354 the table of frequencies in paragraph (a) is amended by adding the frequency band 1427–1435 MHz in numerical order and adding limitation (35) to paragraph (b), to read as follows:

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§ 91.354 Frequencies available.

(a) • • •

FOREST PRODUCTS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
MHz		
• • •	• • •	• • •
Frequency band		
1427–1435	Base, mobile, & operational fixed	35
1850–1990	Operational fixed	
• • •	• • •	• • •

(b) • • •

(35) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

6. In § 91.404 the table of frequencies in paragraph (a) is amended by adding the frequency band 1427–1435 MHz in numerical order and adding limitation (12) to paragraph (b) to read as follows:

§ 91.404 Frequencies available.

(a) • • •

MOTION PICTURE RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
MHz		
• • •	• • •	• • •
Frequency band		
1427–1435	Base, mobile, & operational fixed.	12
1850–1990	Operational fixed	
• • •	• • •	• • •

(b) • • •

(12) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

7. In § 91.454 the table of frequencies in paragraph (a) is amended by adding the frequency band 1427–1435 MHz in numerical order and adding limitation (13) to paragraph (b) to read as follows:

§ 91.454 Frequencies available.

(a) • • •

RELAY PRESS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
MHz		
• • •	• • •	• • •
Frequency band		
1427–1435	Base, mobile & operational fixed.	13
1850–1990	Operational fixed	
• • •	• • •	• • •

(b) • • •

(13) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

8. In § 91.504 the table of frequencies in paragraph (a) is amended by adding the frequency band 1427–1435 MHz in numerical order and adding limitation (35) to paragraph (b) to read is follows:

§ 91.504 Frequencies available.

(a) • • •

SPECIAL INDUSTRIAL RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
MHz		
• • •	• • •	• • •
Frequency band		
1427–1435	Base, mobile, & operational fixed.	35
1850–1990	Operational fixed	
• • •	• • •	• • •

(b) • • •

(35) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

9. In § 91.554 the table of frequencies in paragraph (a) is amended by adding the frequency band 1427–1435 MHz in numerical order and adding limitation (48) to paragraph (b) to read as follows:

§ 91.554 Frequencies available.

(a) • • •

BUSINESS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	General reference	Limitations
MHz			
• • •	• • •	• • •	• • •
Frequency band			
1427–1435	Base, mobile, & operational fixed.	Telemetry	48
2150–2160	Operational fixed	Radio Alarm.	22
• • •	• • •	• • •	• • •

(b) • • •

(48) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

• • • • • •

10. In § 91.730 the table of frequencies in paragraph (a) is amended by adding limitation (22) to paragraph (b) to read as follows:

§ 91.730 Frequencies available.

(a) • • •

MANUFACTURERS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
MHz		
• • •	• • •	• • •
Frequency band		
1427–1435	Base, mobile, & operational fixed.	22
1850–1990	Operational fixed	
• • •	• • •	• • •

(b) • • •

(22) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

11. In § 91.754 the table of frequencies in paragraph (a) is amended by adding the frequency band 1427–1435 MHz in numerical order and adding limitation (18) to paragraph (b) to read as follows:

§ 91.754 Frequencies available.

(a) • • •

TELEPHONE MAINTENANCE RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
MHz		
• • •	• • •	• • •
Frequency band		
1427–1435	Base, mobile & operational fixed.	18
1850–1990	Operational fixed	
• • •	• • •	• • •

(b) • • •

(18) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

PART 93—LAND TRANSPORTATION RADIO SERVICE

IV. Part 93 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. § 93.102, paragraph (a) is amended to include the band 1427–1435 MHz in numerical sequence in the table and add a new footnote 5 applicable to the band to read as follows:

§ 93.102 Frequency stability.

(a) • • •

Frequency range	All fixed and base stations	All mobile stations: Over 3 watts	All mobile stations: 3 watts or less
MHz	*Percent*	*Percent*	*Percent*
• • •	• • •	• • •	• • •
470 to 512	.00025	.0005	.0005
950 to 1427	(3) [5]	(3)	(3)
1427 to 1435	[5] .03	.03	.03
Above 1435	(3)	(3)	(3)

• • • • • • •

[5] For fixed stations with power above 200 watts, the frequency tolerance is .01 percent if the necessary bandwidth of the emission does not exceed 3 kHz. For fixed station transmitters with a power of 200 watts or less and using time-division multiplex the frequency tolerance may be increased to .05 percent.

• • • • • • •

2. In § 93.109, paragraphs (a) and (b) are amended to read as follows:

§ 93.109 Acceptability of transmitters for licensing.

(a) Periodically, the Commission published a list of equipment entitled "Radio Equipment List, Equipment Acceptable for Licensing." Copies of this list are available for public reference at the Commission's offices in Washington, D.C. and at each of its field offices. This list includes type accepted and type approved equipment and, also, until such time as it may be removed by Commission action, other equipment which appeared in this list on May 16, 1955.

(b) Except for transmitting equipment used in developmental stations, transmitting equipment used in radiolocation stations during the term of any license issued prior to January 1, 1973, and transmitting equipment used in the band 1427–1435 MHz, all radio transmitting equipment utilized by stations authorized for operation under this part must be types included in the Commission's current "Radio Equipment List" and designated as acceptable for use under this part or be types which are type accepted by the Commission for use under this part.

• • • • • •

3. In § 93.112, the table of frequencies in paragraph (a) is amended by adding the frequency band 1427–1435 MHz in numerical order and adding limitation (21) to paragraph (b) to read as follows:

§ 93.112 Availability of microwave frequencies.

(a) • • •

Frequency band MHz	Class of station(s)	Limitations
952–960	Operational fixed	5,6
1427–1435	Base, mobile & operational fixed.	21
1850–1990	Operational fixed	6
• • •	• • •	• • •

(21) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

• • • • • •

[FR Doc.73–15612 Filed 7–31–73;8:45 am]

[FCC 73–759]

PART 76—CABLE TELEVISION SERVICES

Equal Employment Opportunity; Report of Complaints

In the Matter of Amendment of Part 76, Subpart I, of the Commission's rules, regarding the cable television service, to add new § 76.411 listing, for reference purposes, equal employment opportunity annual "Report of Complaints Filed Against Operators of Systems" required by existing § 76.311(d) of the rules.

1. Section 76.311(d) of our Rules provides, inter alia, that "All operators of cable television systems shall submit an annual report to the Commission no later than May 31 of each year indicating whether any complaints regarding violations by the operator of equal employment provisions of Federal, State, territorial, or local law have been filed during the preceding calendar year before any body having competent jurisdiction."

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2. However, reference to that required annual report was inadvertently not included in Part 76, Subpart I ("Forms and Reports"), of our Rules (since preparation and filing of the annual EEO Complaint Report does not involve the use of a special FCC form, but may be submitted on the cable operator's own stationery). To avoid any possible resultant confusion, we have decided to add to Subpart I, a new § 76.411 drawing further attention to the equal employment opportunity annual "Report of Complaints Filed Against Operators of Systems" required by existing § 76.311(d). In view of the fact that new § 76.411 effects no substantive or procedural change in the Commission's rules, but serves essentially only as a reference to an already-existing requirement, we find that, pursuant to sections 553(b)(3)(A) and (B) and (d)(2) and (3) of Title 5 of the United States Code, the usual Administrative Procedure Act requirements of a general notice of proposed rule making, and a 30-day waiting period between publication of the new rule and its effective date, do not apply to this rule change.

3. For the reasons set forth in the foregoing paragraph, *It is ordered*, Pursuant to the authority contained in Sections 2(a), 3(b) and (d), 4(i), 301, 303, and 403 of the Communications Act of 1934, as amended, and Sections 553(b)(3)(A) and (B) and (d)(2) and (3) of Title 5 of the United States Code, that effective August 1, 1973, Part 76 of the Commission's rules is amended as set forth in Appendix A of this Order.

Secs. 4, 301, 303, 403, 48 Stat., as amended, 1066, 1081, 1082, 1094; 47 U.S.C. 154, 301, 303, 403.

By the Commission.

Adopted: July 18, 1973.

Released: July 20, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Acting Secretary.

APPENDIX A

Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

In Subpart I, new § 76.411 is added to read as follows:

§ 76.411 Annual report of complaints.

An "Annual Report of Compaints" shall be filed with the Commission for each cable television system, as defined in § 76.5, on or before May 31 of each year, in accordance with the provisions of § 76.311. This report indicates whether any complaints, alleging violations by the operator of equal employment provisions of Federal, State, territorial, or local law, have been filed during the previous calendar year before any body having competent jurisdiction.

[FR Doc.73-15780 Filed 7-31-73;8:45 am]

[1] Chairman Burch absent.

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Definition of School; Correction

The amendment entitled, "Definition of School", published in the July 3, 1973, FEDERAL REGISTER (38 FR 17722) is renumbered amendment 9.

(Catalog of Federal Domestic Assistance Program No. 10.556, National Archives Reference Services).

Dated: July 26, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-15812 Filed 7-31-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Loan and Purchase Regs., 1973 Crop Oats Supplement Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1973 Crop Oats Loan and Purchase Program

ALASKA

The regulations issued by the Commodity Credit Corporation published in the FEDERAL REGISTER at 38 FR 11441 containing provisions for loans and purchases applicable to the 1973 crop of oats are amended as follows:

In § 1421.274 which relates to county loan and purchase rates for oats the rate for marketing areas in the State of Alaska are increased by 38 cents per bushel.

§ 1421.274 Loan and purchase rates.

(a) *Basic loan and purchase rates.* * * *

ALASKA[1]

Delta	1.01
Fairbanks	1.00
Glenallen	1.07
Homer	1.04
Kenai-Soldotna	1.09
Palmer	1.13
Talkeetna	1.13

* * * * *

Because the increased rates will benefit farmers participating in the loan program, it is determined that compliance with the notice of proposed rule making procedure at this time is unnecessary. Therefore, this amendment is being issued without following such proposed rule making procedure and shall be effective on August 1, 1973.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: August 1, 1973.

[1] In Alaska loan rates are for marketing areas.

Signed at Washington, D.C., on July 25, 1973.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-15810 Filed 7-31-73;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Housing Loans, Policies, Procedures, and Authorizations

On page 16077 of the FEDERAL REGISTER of June 20, 1973, there was published a notice of proposed rulemaking to amend § 1822.89(b). The purpose of this amendment is to authorize rural rental housing loans to be made to partnerships with personal liability required of its members unless waiver of the personal liability requirement is necessary in order to obtain needed rental housing in the community. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

Comments that were received were considered. No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date: August 1, 1973.

Date: July 27, 1973.

J. R. HANSON,
Acting Administrator,
Farmers Home Administration.

Section 1822.89(b) is amended to read as follows:

§ 1822.89 Security.

* * * * *

(b) Personal liability will not be required for the members or stockholders of any corporation. Personal liability will be required of all members of a partnership, unless the State director determines that this personal liability must be waived in order to obtain needed rental housing in the community. For such cases, the State director will obtain the advice of the regional attorney as to any modifications needed in the promissory note and mortgage.

* * * * *

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 38 FR 14944, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 38 FR 14944, 7 CFR 2.70.)

[FR Doc.73-15857 Filed 7-31-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, PONIES, MULES, AND ZEBRAS

Equine Infectious Anemia; Official Test and Interstate Movement of Reactors

On November 7, 1972, there was published in the FEDERAL REGISTER (37 FR 23651-23652), a notice of proposed rulemaking concerning regulations to be added to Part 75, Title 9, Code of Federal Regulations, relating to equine infectious anemia (swamp fever). The purpose of the proposed amendments was to provide for an official test for equine infectious anemia and to more efficiently prevent the interstate spread of the disease by requiring reactors to an official test for equine infectious anemia to be permanently identified and to meet other specified conditions as a prerequisite for movement interstate. The public was invited to comment upon the proposed amendments.

After due consideration of all relevant material, including comments submitted in connection with such notice, and pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of July 2, 1962, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 134a, 134f), the amendments are adopted in substance as proposed, with the exception that lip tattoo has been added as an alternate means of identifying reactors. Therefore, Part 75, Title 9, Code of Federal Regulations, is amended in the following respects:

1. The heading of Part 75 is amended to read as set forth above.

2. The center heading "Equine Infectious Anemia (Swamp Fever)" is inserted just after § 75.3.

3. The following section is added to Part 75:

§ 75.4 Notice relating to existence of equine infectious anemia (swamp fever), official test and conditions of interstate movement of reactors.

(a) Notice is hereby given that equine infectious anemia (swamp fever), a communicable disease of horses, asses, mules, ponies, and zebras exists in all States.

(b) Definitions. For the purposes of this section, the following terms shall have the meanings set forth in this paragraph. See also definitions in § 71.1 of this chapter.

(1) *Official test.* The Agar gel immuno/diffusion test for equine infectious anemia conducted in a laboratory approved by the Deputy Administrator, Veterinary Services, for the purpose of conducting this test. Laboratories will be approved by the Deputy Administrator following the determination by him that the laboratory: (i) Has adequately trained technical personnel assigned to conduct the test, (ii) uses USDA licensed antigen, (iii) follows standard test protocol, (iv) meets check test proficiency requirements, and (v) reports all test results to State and Federal animal health officials.[1]

(2) *Reactor.* Any horse, ass, mule, pony, or zebra which discloses a positive reaction to the official test.

(3) *Officially identified.* The permanent identification of a reactor using the National Uniform Tag code number assigned by the Department to the State in which the reactor was tested followed by the letter "A"[2] which markings shall be permanently applied to the animal by a Veterinary Services inspector, State inspector, or accredited veterinarian who shall employ for the purpose a hot iron or chemical brand, freezemarking or a lip tattoo. If hot iron or chemical branding or freezemaking is employed, the markings shall be not less than two inches high and shall be applied to the left shoulder or left side of the neck of the reactor. If a lip tattoo is employed, the tattoo shall be not less than one inch high and three-fourths of an inch wide and shall be applied to the inside surface of the upper lip of the reactor.

(4) *Certificate.* An official document issued by a State or Veterinary Services inspector or by an accredited veterinarian at the point of origin of the interstate shipment on which are listed: (i) The description, including age, breed, color, sex, and distinctive markings when present (such as brands, tattoos, scars, or blemishes) on each reactor to be moved; (ii) the number of animals covered by the document; (iii) the purpose for which the animals are to be moved; (iv) the points of origin and destination; (v) the consignor; and (vi) the consignee; and which states that the animal or animals identified on the certificate meet the requirements of § 75.4(c).

(5) *Veterinary Services inspector.* A veterinarian or livestock inspector employed by Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, in animal health activities, who is authorized to perform the function involved.

(6) *State inspector.* A veterinarian or livestock inspector regularly employed in animal health activities by a State or a political subdivision thereof, authorized by such State or political subdivision to perform the function involved under a cooperative agreement with the U.S. Department of Agriculture.

(7) *Accredited veterinarian.* An accredited veterinarian as defined in Part 160 of this chapter.

(c) Any reactor to an official test shall be classified as affected with equine infectious anemia, and shall not be moved interstate unless:

(1) It is officially identified, and accompanied by a certificate as defined in § 75.4(b)(4); and

(2) It is moved interstate, for immediate slaughter, to a federally inspected slaughtering establishment operated under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or to a State-inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter, or to a diagnostic or research facility designated by the Deputy Administrator, as provided in § 71.3(e),[3] or

(3) The reactor is disclosed on an official test conducted in a State other than the State in which the home farm of the reactor is located, and such reactor is moved interstate to its home farm under a certificate issued by a State or Veterinary Services inspector or by an accredited veterinarian upon his determination, after consultation with the State officials concerned, that the reactor so moved will be maintained segregated from other equine animals and quarantined under State authority on the premises of its home farm until natural death, slaughter, or disposition by euthanasia.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 2 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 134a, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendments shall become effective August 1, 1973.

The provision for lip tattoo which did not appear in the notice of proposed rulemaking was made pursuant to comments received from interested persons. It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department. The amendments must be made effective promptly to protect the livestock of the United States. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further public proceedings are impracticable, unnecessary and contrary to the public interest and good cause is found for making the foregoing regulations effective less than 30 days after publication in the FEDERAL REGISTER.

[1] Information as to the names of laboratories approved for running the official test can be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Maryland 20782.

[2] Information as to the National Uniform Tag code number system can be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Maryland 20782.

[3] Research facilities will be designated by the Deputy Administrator upon request and after a determination by the Deputy Administrator that the facility is secure and will prevent exposure to other equine animals. Information as to the names and locations of designated research facilities can be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Maryland 20782.

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Done at Washington, D.C., this 27th day of July 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-15811 Filed 7-31-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Maximum Rates of Interest

The Board of Governors has amended its Regulation Q so as to impose certain interest rate limitations on the receipt by a member bank of time deposits of $1,000 or more with maturities of 4 years or more. There will be no interest rate ceiling on such deposits so long as the total amount of such deposits in the member bank does not exceed 5 per cent of the bank's total time and savings deposits. With respect to any such deposit that is received during the period when the outstanding amount of such deposits is at or above the 5 per cent level, the member bank shall not pay interest on such deposit at a rate in excess of 6½ per cent. This action was taken pursuant to the Board's authority under section 19 of the Federal Reserve Act to prescribe rules governing the payment of interest on deposits.

There was no notice, public participation, and deferred effective date with respect to this amendment because such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. See § 262.2 (e) of the Board's rules of procedure, 12 CFR 262.2(e).

Effective immediately, § 217.7(a) of the Board's Regulation Q (12 CFR Part 217) is amended to read as follows:

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

* * * * *

(a) *Time deposits with no maximum rate of interest prescribed.* (1) There is no maximum rate of interest presently prescribed on any time deposit of $100,000 or more.

(2) There is no maximum rate of interest presently prescribed on any time deposit of $1,000 or more (but less than $100,000) with a maturity of 4 years or more, so long as the total amount of such deposits does not exceed 5 per cent of the member bank's total time and savings deposits that are subject to this section. With respect to any such deposit that is received during the period when the outstanding amount of such deposits is at or above the 5 per cent level, the member bank shall not pay interest on such deposit at a rate in excess of 6½ per cent.

* * * * *

By order of Board of Governors, July 26, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15804 Filed 7-31-73;8:45 am]

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Percentage Limitation on Certain Time Deposits

1. The Board of Directors of the Federal Deposit Insurance Corporation has decided to further amend §§ 329.6 and 329.7 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.6 and 329.7) so as to limit the total amount of time deposits of $1000 or more with maturities of 4 years or more in any one insured nonmember bank. This category of time deposits shall not exceed 5 percent of the bank's total domestic time and savings deposits. Any time deposit in this category received by a bank after the effective date of this amendment which would cause the outstanding amount of all such deposits in the bank to exceed the 5 percent level will be subject to the applicable maximum rate for deposits of 30 months or more, 6½ percent in the case of insured nonmember banks other than mutual savings banks, and 6¾ percent in the case of insured nonmember mutual savings banks. These amendments do not apply to any time deposit of $100,000 or more.

2. Section 329.6(b)(2) is amended to read as follows:

§ 329.6 Maximum rates of interest payable on time and savings deposits by insured nonmember banks other than insured nonmember mutual savings banks.[13]

* * * * *

(b) *Deposits of less than $100,000.* * * *

(2) *Deposits of $1000 or more with maturities of 4 years or more.* There is no maximum rate of interest presently prescribed on any time deposit of $1000 or more with a maturity of 4 years or more, *Provided, however,* That the total amount of such deposits in an insured nonmember bank at the time the deposit is made does not exceed 5 percent of its total time and savings deposits subject to this Part 329. With respect to any such deposit that is received after the effective date of this amendment during any period when the outstanding amount of all such deposits is at or above the 5 percent level, the bank shall not pay interest thereon at a rate in excess of 6½ percent per annum.

* * * * *

3. Section 329.7(b)(4) is amended to read as follows:

§ 329.7 Maximum rate of interest or dividends payable on deposits by insured nonmember mutual savings banks.[14]

* * * * *

(b) *Maximum rates payable.* * * *

(4) *Time deposits of $1000 or more with maturities of 4 years or more.* There is no maximum rate of interest presently prescribed on any time deposit of $1000 or more with a maturity of 4 years or more, *Provided, however,* That the total amount of such deposits in an insured nonmember mutual savings bank at the time the deposit is made does not exceed 5 percent of its total time and savings deposits subject to this Part 329. With respect to any such deposit that is received after the effective date of this amendment during any period when the outstanding amount of all such deposits is at or above the 5 percent level, the bank shall not pay interest thereon at a rate in excess of 6¾ percent per annum.

* * * * *

(Section 9, 18(g), 64 Stat. 881-82, Pub. L. No. 93-63, 1 (July 6, 1973); 12 U.S.C. 1819, 1828(g).)

4. The requirements of sections 553(b) and (d) of Title 5 United States Code, and §§ 302.1, 302.2 and 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation, with respect to notice, public participation and deferred effective date were not followed in connection with these amendments because the Board found that the public interest compelled it to make the action immediately effective.

5. *Effective Date.* The effective date of this amendment is August 1, 1973.

By order of the Board of Directors, July 25, 1973.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.73-15854 Filed 7-31-73;8:45 am]

[13] * * *
[14] * * *

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 12, Amdt. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business; Size Standards Differentials

On June 7, 1973, there was published in the FEDERAL REGISTER (38 FR 14971) a notice that the Small Business Administration proposed to amend the size standards regulation by removing the continuity requirement in the definition of an "Area of Substantial Unemployment" for the purpose of application of the 25 percent size standards differential, and by providing that the size standards differential for "Areas of Substantial Unemployment" is not applicable for the purpose of section 8(a) of the Small Business Act.

Interested parties were given 15 days in which to submit written statements of facts, opinion, and arguments concerning the proposal. On the basis of all information available, it has been decided to adopt the proposal.

Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by:

1. Revising § 121.3-2(d) to read as follows:

§ 121.3-2 Definition of terms used in this part.

* * * * *

(d) "Area of Substantial Unemployment," for the purpose of small business size determination, means a geographical area within the United States which is classified by the Department of Labor either as an "Area of Substantial Unemployment," or an "Area of Substantial and persistent Unemployment."

* * * * *

2. Revising § 121.3-7(b) to delete the reference to section 8(a) so that § 121.3-7(b) will read as follows:

§ 121.3-7 Differentials.

* * * * *

(b) Substantial or persistent unemployment areas; areas of concentrated unemployment or underemployment; certified eligible concerns; and redevlopment areas.

(1) *Assistance under section 7(a) of the Small Business Act.* Notwithstanding any other provision of this part, the applicable size standards for the purposes of assistance under section 7(a) of the Act are increased by 25 percent whenever the concern maintains or operates a plant, facility, or other business establishment within an area of substantial unemployment or underemployment or redevelopment area as defined in § 121.3-2 (d) and (v) or is designated as a "Certified Eligible" concern by the Department of Labor and agrees to use the assistance within such area or, if it does not maintain a plant, facility, or other business establishment within such area, agrees to utilize the assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(2) *Small business investment companies and development companies.* Notwithstanding any other provision of this part, the size standard for a small business concern receiving assistance from a small business investment company or receiving assistance from a development company in connection with section 501 or section 502 loan is increased by 25 percent whenever such concern qualifies for a similar differential under paragraph (b)(1) of this section.

(3) *Government procurement assistance, sales of Government property and Government subcontracting.* This paragraph is not applicable to size determinations for the purpose of Government procurement assistance, sales of Government property or Government subcontracting.

Effective date. This amendment shall become effective on August 1, 1973.

(Catalog of Federal Domestic Assistance Program No. 59.103, State and Local Development Company Loans)

Dated: July 20, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-15794 Filed 7-31-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 72-WE-20-AD, Amdt. 39-1696]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-8 Series Airplanes

Amendment 39-1619 (38 FR 8643), AD 73-7-9, requires inspection of DC-8 control columns for cracks, and removal and replacement, or rework per an FAA approved procedure. Since the issuance of the A.D., control columns exhibiting cracks, or crack indications, have been tested by the manufacturer. Also, fatigue tests have been conducted on columns evidencing only minor casting porosity and surface cracks which have appeared as small specks rather than a linear crack. Crack growth rate data has established an extremely slow growth up to ½". The agency has determined that this data is sufficient to permit some relief from A.D. 73-7-9, to the extent that depending upon the amount of crack indications, rework may be deferred, conditioned upon more frequent inspections, and second, a procedure specifying limits of blend out can be incorporated into the A.D.

Since this amendment provides relief and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1619 (38 FR 8643), AD 73-7-9, is amended as follows. For the sake of clarity, the A.D., as amended herein, is set forth in its complete text.

MCDONNELL DOUGLAS. Applies to all Model DC-8 Series Airplanes.

Compliance required within the next 2500 hours' time in service after the effective date of this A.D., unless already accomplished within the last 2500 hours time in service, and thereafter at intervals not to exceed 5000 hours' time in service, except as provided below.

To detect cracks and prevent failure of the control columns, accomplish the following.

Conduct a dye penetrant or eddy current inspection of the control columns in accordance with the instructions in McDonnell Douglas All Operators Letter 8-632 issued October 11, 1972, or later FAA-approved revisions, or equivalent inspection technique approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(1) If surface indications of cracking, consisting of small specks not yet joined to form a linear crack of at least ⅛" in length, no rework is required, but the inspection interval is thereafter reduced to 2000 hours' time in service.

(2) If linear cracks of ⅛" or more exist, blend out may be accomplished, in lieu of replacement, subject to the following qualifications: Blend out shall not exceed .030" in depth from the original surface and shall be blended over an area 10 times the depth. The defect shall not exceed an initial length of ¼". No more than two defects can occur in the same horizontal plane, and the defects shall be separated by at least 2" center-to-center spacing. Additional defects may be blended if the vertical distance between horizontal planes is at least ¼" and the 2" center-to-center spacing requirement in the same horizontal plane is observed. After this rework, the inspection interval of 5000 hours applies.

(3) If cracks which exceed the limitations described in (1) or (2) are discovered as a result of any inspection, remove and replace the part, or rework in accordance with a method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective August 3, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on July 24, 1973.

ARVIN O. BASNIGHT,
Director,
FAA Western Region.

[FR Doc.73-15785 Filed 7-31-73;8:45 am]

[Docket No. 73-CE-10-AD, Amdt. 39-1697]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 188 Series Airplanes

There have been four reports of broken aileron cables and other cases of frayed and/or broken aileron cable strands in Cessna Model 188 series airplanes. These deficiencies if not corrected can result in loss of aileron control. Since these conditions are likely to exist or develop in other aircraft of the same type design, an Airworthiness Directive (AD) is being issued requiring on all Cessna Model 188 series airplanes, initial and repetitive inspections of the aileron cables and replacement thereof where necessary and establishing a retirement life for the cables of certain serial numbered aircraft. Cessna Service Letter SE 72-1 and Cessna Service Kit SK 188-25 provide means for partial relief from the inspections.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to (1): Paragraphs A and C of the AD are applicable to all Model 188 Series airplanes, except those that have already installed or later install a centerline pulley per Cessna Service Letter No. SE 72-1, dated January 14, 1972, and Cessna Service Kit SK 188-25 in lieu of fair-leads.

(2): Paragraphs B, C and D of the AD are applicable to Model 188 (Serial Numbers 188-0001 through 18800707) Series airplanes.

Compliance: Required as indicated, unless already accomplished.

V 38-147 AUG 1 73 XUM

To insure integrity of the aileron control cables, within the next 25 hours' time in service after the effective date of this AD and thereafter at 100 hour intervals time in service, accomplish Paragraphs A, B, and C and accomplish Paragraph D as indicated:

(A) Inspect those portions of the aileron control cables that move in the area of the fair-leads near B.L. 20 (aft of the rear spar) for frayed or broken cable strands.

(B) 1. To perform the inspections required by Paragraph (B) 2.(a), identify those portions of the aileron control cables that move around the pulleys and:

(a) disconnect either end of each aileron cable to provide sufficient slack to conduct the inspections, or

(b) remove the aileron cables per manufacturer's instructions to conduct the inspections.

2 Inspect those portions of the aileron cables that move around the pulleys as follows:

(a) Rotate the cable so that the cable tends to untwist and simultaneously simulate the curvature of the cable over the pulley and check for fraying and broken outer and inner cable strands.

(C) Prior to further flight replace aileron control cables showing fraying or broken strands that are discovered during any inspection required by this AD.

(D) Upon accumulation of 500 hours' time in service and at 500 hour intervals thereafter, replace all aileron control cables.

This amendment becomes effective August 7, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 24, 1973.

JOHN R. WALLS,
Acting Director, Central Region.

[FR Doc.73-15786 Filed 7-31-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8832]

PART 13—PROHIBITED TRADE PRACTICES

Hearst Corp. and Periodical Publishers' Service Bureau, Inc.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.105 *Individual's special selection or situation;* § 13.155 *Prices*: 13.155–40 Exaggerated as regular and customary; 13.155–70 Percentage savings; 13.155–95 Terms and conditions. Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers.* Subpart—Delaying or withholding corrections, adjustments or actions owed: § 13.675 *Delaying or withholding corrections, adjustments or actions owed;* § 13.677 *Delaying or failing to deliver goods.* Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities or misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1390 *Concealed subsidiary, fictitious collection agency,* etc;—Goods: § 13.1625 *Free goods or services;* § 13.1663 *Individual's special selection or situation;* § 13.1697 *Opportunities in product or service;* § 13.1757 *Surveys;* § 13.1760 *Terms and conditions;*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1823 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature;* § 13.1882 *Prices;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions:* 13.1905–50 Sales contract. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1955 *Free goods;* § 13.1985 *Individual's special selection or situation;* § 13.2015 *Opportunities in product or service;* § 13.2080 *Terms and conditions.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.* Subpart—Threatening infringement suits, not in good faith: § 13.2264 *Delinquent debt collection.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Hearst Corporation, New York, New York, and Periodical Publishers' Service Bureau, Inc., Sandusky, Ohio, Docket No. 8832, June 19, 1973]

In the Matter of The Hearst Corporation, a corporation, and Periodical Publishers' Service Bureau, Inc., a corporation.

Consent order requiring a New York City magazine subscription firm and its wholly-owned subsidiary located in Sandusky, Ohio, among other things to cease misrepresenting the purpose of the call or solicitation; misrepresenting the consumers or class of consumers afforded the opportunity of purchasing respondent's products or services; representing that any merchandise or service is free or that any merchandise is available for a price less than customary or regular; misrepresenting the savings accorded purchasers; failing to cancel subscriptions when representations have been made that said subscriptions are cancellable; misrepresenting the terms and conditions of payments; misrepresenting the nature, kind or legal characteristics of any document; attempting to harass or intimidate customers allegedly delinquent in their payments; failing to inform customers of their right to cancel their contract within three business days; misrepresenting respondent's intention to institute legal proceedings; failing to disclose to customers certain information regarding credit transactions; and furnishing means and instrumentalities of misrepresentation or deception. Respondents are further ordered to cease making sales solicitations through third parties who do not agree to be bound by the order; dealing with any who continue on their own the prohibited practices; and must institute a program of continuing surveillance to determine dealer compliance.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That The Hearst Corporation, a corporation, and Periodical Publishers' Service Bureau, Inc., a corporation, consenting parties herein, their successors or assigns, and said consenting parties' respective officers, representatives, employees, salesmen, agents or solicitors, licensees or franchisees, as each, directly or through any corporate device may from time to time be engaged in connection with the advertising, offering for sale or sale of magazine subscriptions, or a combination of magazine subscriptions and a book or books (hereinafter sometimes referred to as products or services) to consumers (as "consumer" is hereinafter defined) by subscriptions to purchase such products or services through a "paid-during-service" plan, or through a "cash sale" plan (as "paid-during-service" and "cash sale" are hereinafter defined), or in the collection of any delinquent paid-during-service or cash sale subscription account, obtained through door-to-door, mail or telephone solicitation, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that a consenting party is primarily engaged in conducting a survey, quiz or contest, or any other activity other than the soliciting of a paid-during-service plan or a cash sale plan; or misrepresenting in any manner the purpose of the solicitation.

2. Representing, directly or indirectly, that any offering of either the paid-during-service or cash sale plan is being made only to specially selected consumers by a consenting party unless such is a fact; or misrepresenting, in any manner, the consumers or class of consumers being offered the opportunity to purchase said plans.

3. Representing, directly or indirectly, that any parts or components of either plan are free or without cost, or are provided as a gift(s) to either the consumer, or a person or persons designated by such consumer, or without cost or charge in connection with the purchase of either plan unless the stated price of the parts and/or components required to be purchased in order to obtain such free part(s) or gift(s) is the same or less than the customary and usual price at which such parts and/or components required to be purchased have been sold separately from such free part(s) or gift(s), and in the same combination if more than the said parts or components are required to be purchased for a substantial period of time, in the consenting parties' recent and regular course of business in the area in which the offering is made; provided that nothing herein shall prevent the offering of "split orders" as part of the offer of either plan, pursuant to which the consumer designates and/or selects one or more of the magazine subscriptions in either plan to be directed and sent to a third-party consumer, without such third-party consumer paying any part of the price or cost of the plan.

4. Representing, directly or indirectly, that the price or cost of either plan covers only the cost of mailing, handling, editing, printing or any other element of the cost, or is at or below such element of cost; or that any price is a special or reduced price unless it constitutes a significant reduction from the consenting parties' established selling price at which such products or services have been sold in substantial quantities for the offering in the recent and regular course of their business; or misrepresenting, in any manner, the savings which will be accorded or made available to the consumer; however, nothing herein shall prohibit the making of truthful comparisons with newsstand or other prices.

5. Refusing or failing, upon request, to cancel or terminate a consumer's paid-during-service plan if it has been represented, directly or indirectly, that such plan is cancellable at any time.

6. Representing, directly or indirectly, that the paid-during-service plan cannot be cancelled on the ground that the subscriptions in the agreement have been forwarded to the publishers of the selected magazines and that there is a financial commitment to such publishers for the term of the subscriptions; or refusing to cancel a consumer's agreement for future payments for any other deceptive reasons.

7. Failing, clearly, at the time of initial consumer sales contact and at each subsequent consumer sales contact up to verification, either in person or by telephone, to disclose at the outset thereof, either orally or in writing, and after the initial greeting, the name of the individual representative, the applicable consenting party's name, its local town location, that the purpose of such sales contact is to offer for sale the paid-during-service and/or cash sale plan; or misrepresenting, directly or indirectly, the purpose of any contact with a prospective consumer.

8. Making any reference or statement concerning "50 cents a week," "60 months," or any other statement as to the sum of money or duration or period of time in connection with a solicitation for a paid-during-service plan which plan does not in fact provide, at the option of the consumer, for the payment of the stated sum at the stated duration or period of time; or misrepresenting, in any manner, the terms, conditions, methods, rate or time of payment actually made available to the consumer.

9. Representing, directly or indirectly, that the contract or agreement to purchase the plan is only a "preference list," "guarantee," or "route slip," or any kind of document other than a contract or agreement; or misrepresenting in any manner the nature, kind or import of any document purporting to bind the consumer; provided, however, that when such contract or agreement includes a guarantee of service to the consumer, nothing shall prohibit reference to such guarantee in a form such as "agreement and guarantee" or "contract and guarantee."

10. Failing, clearly, to reveal orally and in writing to each consumer before the signing of any agreement for either the paid-during-service or cash sale plan, that the document to be signed by the consumer will become, after three (3) business days, binding on the consumer.

11. Harassing consumers who are allegedly delinquent in their payments due, pursuant to the sale of either a paid-during-service or cash sale plan, through repeated daily telephone contacts, or telephone contacts at unreasonable hours, or by use of abusive language, or by improperly contacting third parties and disseminating defamatory information about such consumers to such parties, or by any other similar means.

12. Representing, directly or indirectly, in the event of alleged nonpayment or alleged delinquency by a consumer arising out of his alleged purchase of either a paid-during-service or cash sale plan, that such consumer's general or public credit rating may be adversely affected, unless the information concerning the consumer's alleged delinquency or alleged nonpayment is referred to a bona fide credit agency.

13. Failing, clearly, in the event any reference is made to referral to a collection agency of the consumer's account, arising out of the sale of either a paid-during-service or cash sale plan, or of a contact from a collection agency, to disclose in each such contact that such collection agency is an operating division of the applicable consenting party, if such is the fact; or representing that such collection agency is an independent bona fide collection agency unless such is the fact.

14. Representing that legal action may be instituted, unless there is a good-faith intention to institute legal action against each alleged delinquent consumer to whom such representation is made; or misrepresenting, in any manner, the action or results of any action which may be taken to effect payment of such debt; provided that nothing herein contained shall preclude the right of the applicable consenting party to retain counsel and to utilize the services of counsel to protect its interest and such counsel shall not in any respect be prohibited from collecting amounts due from consumers.

15. Failing, in connection with the allowing of a consumer to sign an agreement for the purchase of the products and services described herein, to provide, both orally and in writing, as part of such agreement, a statement that the consumer may cancel such agreement within three (3) business days by directing and mailing postpaid a notice of intent to cancel, in any form, including the return of the agreement, to the consenting party's address set forth on such agreement.

16. Failing to furnish each consumer, at the time of his signing of the agreement to purchase either a paid-during-service or cash sale plan of a consenting party, a duplicate of the original of the agreement setting forth the names of the magazines being subscribed to and the total cost to the consumer, and at the same time failing to furnish such consumer, either as a part of said agreement or separately, with a document setting forth the number of issues of each magazine per year and the respective price of each magazine subscription contained in the agreement.

17. Failing, in the event a coupon book is used, after the paid-during-service plan ordered has been orally verified with the consumer as to the months of service, selection of magazines and the payment program, to use a coupon book containing the number of coupons in the amounts called for in the duplicate original agreement provided to the consumer in accordance with paragraph 16 hereof, which coupon book shall contain:

(a) On an inside cover, or other conspicuous place, a statement setting forth the number of coupons, the amount of each coupon, and the total amount represented by coupons; and

(b) A legend asking the consumer to verify the number of coupons against said consumer's original agreement.

18. Failing, after verification (as defined in Paragraph 17 hereof), in the event any magazine subscription set forth in the original plan agreement (provided the consumer in accordance with Paragraph 16 hereof) is changed or altered for any reason, before any coupon book is sent to the consumer, to send the consumer a new agreement reflecting such change or alteration.

19. Failing or refusing to cancel all or any portion (at the consumer's option) of a consumer's agreement to purchase a paid-during-service or cash sale plan offered by a consenting party hereunder when said consenting party has, in good faith, determined that a misrepresentation prohibited by this Order has been made to such consumer, provided, however, that the sole fact of such good-faith determination shall not be admissible against a consenting party in any proceeding brought to recover penalties for the alleged violation of any paragraph of this Order.

20. Failing, clearly and conspicuously, to designate in writing and disclose orally at or before the signing by the consumer of an agreement to purchase the products or services described herein, on the same side of the page as, and above or adjacent to, the place for the consumer's signature:

(a) The total cash price;

(b) The down payment;

(c) The unpaid balance of the cash price;

(d) The number, amount, and due dates or period of payments scheduled to satisfy the payments of the agreement;

and, if all or any portion of the purchase price is being financed:

(e) The amount financed; and,

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(f) The rate of the finance charge, if any, expressed as the annual percentage rate.

21. In the event of the discontinuance of publication, or other unavailability of any magizine subscribed for, at any time during the life of the agreement, failing to offer the subscriber the right to substitute one or more magazines or other publications, or any other arrangement which shall be satisfactory to the consumer.

22. Placing in the hands of consenting parties' employees, or other authorized representatives offering either the paid-during-service or cash sale plans to consumers, the means and instrumentalities, by and through which consumers may be misled or deceived in the manner or by the acts and practices prohibited by this order.

II. *It is further ordered,* That The Hearst Corporation, through Periodical Publishers' Service Bureau, Inc., and Periodical Publishers' Service Bureau, Inc., or any future subsidiary:

(a) (1) Deliver by hand or by registered mail a copy of this Decision and Order to the executive personnel of the operating divisions of a consenting party selling or promoting the products or services by and through the plans included in this order; (2) deliver by hand or registered mail a copy of this Decision and Order to each of the branch managers and their employees, salesmen, agents and solicitors, and present and future franchisees and licensees of a consenting party, who may from time to time be so engaged; and (3) require the applicable consenting party's present and future licensees and franchisees to deliver a copy of this Decision and Order to each of said licensees' and franchisees' employees, agents, salesmen, solicitors, independent contractors, and other representatives so engaged.

(b) Require persons described in (a) (1) and (2) heretofore to sign a form returnable to the applicable consenting party clearly stating such person's intention to conform his business practices to the requirements of this order.

(c) Inform each person so described in paragraph (a) (1) and (2) hereof that such consenting party shall not contract with any such persons for the solicitation of the magazine subscription selling plans described herein, unless such person agrees to and does file notice with the applicable consenting party that it will conform its business practices to the provisions contained in this order.

(d) Shall not use the services of such persons described in (a) (1) and (2) to solicit the subscription offerings described herein, if such person will not agree to so file such notice and conform his business practices to the provisions of this order.

(e) So inform such persons described in paragraph (a) (1) and (2) that such consenting party is obligated by this order to discontinue dealing with those persons who continue on their own the deceptive acts or practices prohibited by this Order.

(f) Initiate a program of continuing supervision of the activities of the applicable consenting party's branches, licensees and franchisees: *Provided,* That such consenting party shall not be required to initiate any program of supervision of franchisees or licensees which would contravene the antitrust or any other laws.

(g) Terminate the authority of any such persons, described in paragraph (a) (1) or (2) above, who are revealed by the aforesaid program of supervision or otherwise, to be continuing on their own to engage in the acts or practices prohibited by this order, to the extent that said Order applies to such persons, provided that such violations of any terms of this Order by any such present or future licensees, franchisees, representatives or employees will not be deemed a violation of this Order by the consenting parties, unless the applicable consenting party fails to terminate or cancel the authority of such persons within a reasonable time of determining, in good faith, a violation of this order.

III. *It is further ordered,* That the consenting parties herein shall notify the Commission at least thirty (30) days prior to any proposed change in the structure of either of the corporate consenting parties, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the respective corporations which may affect compliance obligations arising out of this order.

It is further ordered, That the consenting parties herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

As used in this order, the term "consumer" is defined as the party who is a natural person to whom the applicable consenting party offers to sell or sells magazine subscriptions, or a combination of magazine subscriptions and a book or books, the subject of the transaction and of the paid-during-service or cash sale plan, on its subscription agreement forms primarily for personal, family or household purposes.

As used in this order, the term "cash sale" shall mean the sale to a consumer by the applicable consenting party of magazine subscriptions, or a combination of magazine subscriptions and a book or books, by means of a consenting party's original subscription agreement, obtained by that category of sales personnel referred to in the trade as "field representatives" or "traveling crews," who sell such agreements during the course of door-to-door solicitations in consideration of one immediate full payment or two payments, as contrasted with the more numerous products or payments involved in paid-during-service plans.

As used in this order, the term "paid-during-service" shall mean the sale by an applicable consenting party to a consumer of two or more magazine subscriptions, or a combination of magazine subscriptions and a book or books by its door-to-door, mail or telephone solicitation, and subsequent signing of a consenting party's original subscription plan agreement at the consumer's home, office or at an exhibit (i.e., a temporary booth in space leased by a consenting party at a fair, store exhibit or like facility, wherein and whereby the plans described herein are offered to consumers) or confirming any renewal thereof, the cost of which subscriptions is paid or payable in equal, successive payments over a period of two or more successive months, or sooner, at the option of the consumer.

As used in this order, the phrase "door-to-door, mail or telephone solicitation" of a consenting party's subscription agreements relates only to such solicitation of consumers used by the applicable consenting party to initiate or effect sales or collections pursuant to a paid-during-service plan or a cash sale plan.

Issued: June 19, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-15806 Filed 7-31-73;8:45 am]

[Docket Nos. C-2421, C-2422]

PART 13—PROHIBITED TRADE PRACTICES

Volvo, Inc. and Scali, McCabe, Sloves, Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170–34 Economizing or saving; § 13.205 *Scientific or other relevant facts.* Subpart—Failing to maintain records: [1] § 13.1051 *Failing to maintain records:* 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.710 *Qualities or properties;* § 13.1740 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist orders, Volvo, Inc., Rockleigh, New Jersey, Docket No. C-2421, June 26, 1973, and Scali, McCabe, Sloves, Inc., New York, N.Y., Docket No. C-2422, June 26, 1973]

In the Matter of Volvo, Inc., a corporation; and Scali, McCabe, Sloves, Inc., a corporation.

Consent order requiring a Rockleigh, New Jersey, seller and distributor of a Swedish-built automobile, among other things to cease representing certain quantitative data as to the economy of its product without substantive information to support its claims; and failing to maintain adequate records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

[1] Applies only to Volvo, Inc., Docket C-2421.

I. *It is ordered,* That respondent Volvo of America Corporation, a Corporation, its officers, agents, representatives, employees, successors, and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of motor vehicles in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, through advertising, sales promotional material, or any other written or oral statement tending to promote the sale of motor vehicles, that any such motor vehicle is more economical, in any manner, to own, operate, or own and operate than any or all competing motor vehicles unless, at the time of such representation, said respondent has a reasonable basis for such representation which may consist of quantitative data based on a statistically valid sample, or competent scientific, engineering, cost or other similar objective data compiled by respondent or others;

2. Failing to keep adequate records which may be inspected by the Commission staff members upon reasonable notice:

a. Which contain documentation in support of any economy characteristics (as defined in paragraph I(1) hereof) so claimed by said respondent or its agents for motor vehicles, insofar as such material is prepared, or such statement is made, by or under the direction of, or is approved (expressly or by implication) by, an officer or employee of said respondent, or any of its divisions or subsidiaries; and

b. Which provided the basis upon which said respondent relied at the time such claims were made; and

c. Which shall be maintained by said respondent for so long as such material is disseminated or approved for dissemination, or such statement is made, by said respondent, and for a further period of three (3) years after said respondent's last dissemination of such material or termination of approval for dissemination of such material, or last such statement (whichever period is the longer).

It is further ordered, That respondent Volvo of America Corporation notify the Commission at least thirty (30) days prior to any proposed change in said corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in said corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Consent order requiring a New York City advertising agency for a seller and distributor of a Swedish-built automobile, among other things to cease representing certain quantitative data as to the economy of its client's product without substantive information to support its claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

1. *It is ordered,* That respondent Scali, McCabe, Sloves, Inc., ("SMS"), a corporation, its officers, agents, representatives, employees, successors, and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of motor vehicles in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

representing, directly or by implication, through advertising or sales promotional material that any motor vehicle is more economical, in any manner, to own, operate, or own and operate than any or all competing motor vehicles unless, at the time of such representation SMS or its client has a reasonable basis for such representation which may consist of quantitative data based on a statistically valid sample, or competent scientific, engineering, cost or other similar objective data compiled by respondent or others.

II. *It is further ordered,* That respondent Scali, McCabe, Sloves, Inc., notify the Commission at least thirty (30) days prior to any proposed change in said corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in said corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: June 26, 1973.

By the Commission.

[SEAL] VIRGINIA M. HARDING, *Acting Secretary.*

[FR Doc.73-15807 Filed 7-31-73;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Armed Forces Health Professions Scholarship Program

On April 13, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 9314) proposing addition of a new subpart Z to 42 CFR Part 57, setting forth criteria for use by the Secretary of Defense in determining whether an accredited civilian educational institution has increased its total enrollment for the sole purpose of accepting members of the Armed Forces Health Professions Scholarship Program (10 U.S.C. 2120 et seq.).

Interested persons were invited to submit, on or before May 14, 1973, written comments regarding the proposed regulations.

One response was received, suggesting that the definition of the term "institution" in proposed § 57.2502(a) be expanded to refer specifically to a course of study in "optometry." This suggestion was not adopted because § 57.2502(a), as proposed, was intended in pertinent part to comport with the definition of "course of study" in 10 U.S.C. 2120, which refers only to "medicine, dentistry, or other health profession." It is evident, however, that optometry would be encompassed by the reference to "other health profession."

The only substantive change in the proposed rule making is the addition to § 57.2502(a) of a clause requiring that accreditation be by an accrediting agency or association recognized by the United States Commissioner of Education. The purpose of this change is to clarify the meaning of the term "accredited," as used in the section.

In addition, the subpart has been redesignated subpart U; and §§ 57.2501, 57.2502, and 57.2503 have been renumbered §§ 57.2001, 57.2002, and 57.2003, respectively.

Effective date.—These regulations shall be effective Aug. 1, 1973.

Dated: June 29, 1973.

JOHN F. SHERMAN, *Acting Director, National Institutes of Health.*

Approved: July 25, 1973.

FRANK CARLUCCI, *Acting Secretary.*

Subpart U—Armed Forces Health Professions Scholarship Program

Sec.
57.2001 Applicability.
57.2002 Definitions.
57.2003 Determinations of increased enrollment solely for the program.

AUTHORITY: Sec. 2(a), Public Law 92-426, 86 Stat. 719 (10 U.S.C. 2127(d)).

§ 57.2001 Applicability.

In the event the Secretary of Defense decides to enter into one or more contracts under 10 U.S.C. 2127(d), the regulations in this subpart outline considerations the Secretary of Defense will take into account in determining whether an accredited civilian educational institution has increased its total enrollment for the sole purpose of accepting members of the Armed Forces health professions scholarship program.

§ 57.2002 Definitions.

As used in this subpart:

(a) "Institution" means a college, university, or other institution or a department, division, or other administrative

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unit within a college, university, or other institution, which provides primarily or exclusively a course of study in medicine, dentistry, or other health profession, as determined under regulations prescribed by the Secretary of Defense, leading to a degree in one of said health professions, and which is accredited by an accrediting agency or association recognized by the United States Commissioner of Education.

(b) "Enrollment" in any fiscal year means the number of full-time students enrolled in an institution on October 15 of said year and pursuing a course of study which constitutes a full-time academic workload, as determined by the institution, leading to a degree in medicine, dentistry, or other health profession, as determined under regulations prescribed by the Secretary of Defense: *Provided*, That if the Secretary of Defense finds that a date other than October 15 would more accurately reflect an institution's enrollment in any fiscal year, the Secretary of Defense may use such other date in place of October 15 in making his determination under this subpart.

(c) "Fiscal year" means the Federal fiscal year beginning July 1 and ending on the following June 30.

(d) "Program" means the Armed Forces health professions scholarship program established under section 2(a) of the Uniformed Services Health Professions Revitalization Act of 1972 (86 Stat. 713, Public Law 92–426), and codified in chapter 105 of 10 U.S.C.

§ 57.2003 Determinations of increased enrollment solely for the program.

In the event the Secretary of Defense decides to enter into one or more contracts under 10 U.S.C. 2127(d), his determination as to whether an institution has increased its total enrollment in any fiscal year for the sole purpose of accepting members of the program will take into account the following considerations:

(a) A comparison of the total enrollment in said fiscal year with the total enrollments in immediately preceding fiscal years;

(b) Any increases in enrollment to which the institution has directly or indirectly committed itself in said fiscal year under: (1) Other Federal programs, such as those set forth in title VII and VIII of the Public Health Service Act (42 U.S.C. 292 et seq.), the Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972 (Public Law 92–541, 86 Stat. 1100 (38 U.S.C. 5070 et seq.)) and section 225 of the Public Health Service Act (sec. 5, Public Law 92–585, 86 Stat. 1293 (42 U.S.C. 234)); (2) programs of State or local governments or other public or private agencies, or (3) any legally binding arrangement: *Provided*, That insofar as a single increase may be applied to satisfy the commitments under two or more programs and/or other arrangements, said increase shall be considered to meet all such commitments;

(c) Any unusual factors, such as: (1) An institution having been newly established or (2) an institution experiencing what is for it an abnormal rate of attrition and/or admission.

[FR Doc.73–15834 Filed 7–31–73;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73–119R]

SUBCHAPTER H—PASSENGER VESSELS

PART 72—CONSTRUCTION AND ARRANGEMENT

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 92—CONSTRUCTION AND ARRANGEMENT

SUBCHAPTER U—OCEANOGRAPHIC VESSELS

PART 190—CONSTRUCTION AND ARRANGEMENT

Washrooms and Toilets

The purpose of these amendments to the shipping regulations is to allow female members of the crews of vessels to use washrooms and toilet rooms that are also used by male members of the crew.

This amendment is based on a notice of proposed ruling making published in the FEDERAL REGISTER on January 15, 1972 (CGFR 72–4; 37 FR 676). The time for comments on that notice was extended by a notice published in the FEDERAL REGISTER on March 2, 1972 (CGFR 72–38; 37 FR 4357).

As explained in the notice, current regulations for passenger, cargo, miscellaneous, and oceanographic vessels require that toilet and washing facilities for female members of the crews of these vessels must be located in spaces separate from the facilities for other crewmembers.

Under §§ 72.20–1, 92.20–1, and 190.20–1, this requirement applies only to passenger, cargo, and miscellaneous vessels of 100 gross tons and over contracted for on or after November 19, 1952, and to oceanographic vessels contracted for on or after March 1, 1968. The separate washroom and toilet requirement does not apply to vessels contracted for before these dates; their existing structures, arrangements, materials, and facilities previously approved are considered satisfactory so long as they are maintained in good condition, under §§ 72.20–90, 92.20–90, and 190.20–90.

The facts that create the need for the proposed revision are as follows:

The "semi-private" facility referred to in the present regulations is understood to mean a toilet and washing facility, between two rooms, with two doors that can be locked from either side. This arrangement has been interpreted by the Coast Guard as not being a toilet and washing facility located in a space separate from the facilities for other crewmembers. On vessels where semi-private but no private facilities were available for women, women have been denied employment to avoid violation of the regulations; particularly where the employer has determined it to be unreasonable or impractical to modify the vessel at the time a women sought employment as a crewmember.

As indicated in the notice, the Coast Guard has determined that to require that each women's toilet and washing facility be located in a space separate from men's toilet and washing facilities is unduly restrictive. The requirement was first adopted, for passenger, cargo, and miscellaneous vessels in 1952 when fewer ships had private and semi-private facilities for crewmembers and when women were employed mostly aboard passenger ships where arrangements were satisfactory.

In January of 1970, the Coast Guard responded to a request for an interpretation of present § 92.20–1 in a situation where a female crewmember on board a vessel would share a semi-private shower and wash facility with a male crewmember. The Coast Guard's interpretation concluded that the semi-private toilet and washroom facility available between each pair of single staterooms in the crew quarters of the vessels involved would not meet the requirements of § 92.20–1.

In January, 1971, the National Maritime Union of America requested reconsideration of that interpretation so that female seamen would be permitted to ship on cargo ships when the union and the company agree that the facilities provided on the vessel meet the intent of the regulations to provide privacy for the female.

The Union indicated that the employment of females on merchant vessels where the seamen have a private room and toilet facilities that can be made private by way of a lock when occupied was now acceptable to both management and labor.

In March 1971, after reconsideration, the Coast Guard reaffirmed the earlier interpretation, but noted that semi-private washroom and toilet facilities would now be considered acceptable to the industry, and pointed out that promulgation of a regulation change under the Administrative Procedure Act would be required to effect this position.

On May 10, 1971, the Coast Guard advised the United States shipping commissioners, who superintend the arrangement and discharge of seamen and inspect crew quarters, that the regulations were being amended to allow female members of the crew to share semi-private washroom and toilet facilities without restriction. Therefore, the restriction against employing female crewmembers has been relaxed since May 10, 1971, insofar as it applied to semi-private washroom and toilet facilities. The amendment proposed in the Coast Guard's notice CGFR 72–4 not only relaxes the restriction on the use of semi-private rooms by female crewmembers but also removes the restriction on the use of washroom and toilet facilities that are not located between adjoining crewmembers quarters. Therefore, the proposed revision would remove the restriction and enable employment of female crewmembers on those vessels that are not arranged to have semi-private toilet and washroom facilities. For example, the proposal would enable employment of female crewmembers on a vessel arranged with one or more toilet and washroom facilities that are not between quarters but can be used privately.

Comments in response to the notice generally favored regulations that would permit females to be employed aboard vessels when private and semi-private washroom and toilet facilities are available. Comments pointed out that in the case of new construction such facilities are being provided and that female crewmembers could obtain employment on a substantial portion of the United States flag ocean-going vessels.

However, the Maritime Service Committee and others commented:

> • • • that the proposal would go further and permit the hiring of females even in those instances where a single washroom and toilet facility is shared by an entire department aboard the vessel and where a female would be required to use a washroom and toilet facility which is also being used by seven male crewmembers.
>
> Thus, it would be impossible to insure that a female would have privacy at the time she is using the washroom and toilet facilities, and, of course, privacy for her would deprive other crewmembers of those facilities at the same time.
>
> This kind of situation envisaged by the newest proposed regulations goes far beyond current accepted standards both at the sea and on shore. Not only would it create serious personal problems for the female and male crewmembers but it would also create serious disciplinary problems for the vessel and might, indeed, create circumstances which would endanger the safety of the vessel itself.

Another comment stated that adoption of the proposed rule would have the effect of depriving ship owners and operators of their present legal right to refuse to employ female crewmembers where females would have to share common toilet and washroom facilities with male members of the crew.

Although the proposal would enable the employment of female crewmembers on vessels that are arranged so that there are no toilet or washroom facilities that are intended for private use, it should be noted that Coast Guard regulations and the shipping laws do not require employment of female crewmembers or require females to serve as crewmembers aboard a vessel without facilities that could be used privately.

If the regulations continue to require that vessels be arranged so as to provide female crewmembers with facilities that they can use privately, the regulations would continue to enable discrimination in employment of female crewmembers on a vessel on which the shipowner refuses to provide private facilities.

The Coast Guard recognizes that problems arising from the use of toilet and washroom facilities by both sexes on board merchant vessels during lengthy voyages are different from those aboard passenger vessels, aircraft, and trains or in factories, stores, homes, and other living quarters. However, problems of discipline, morale, sanitation, safety, and discrimination cannot be resolved solely by promulgating general toilet and washing facility requirements. These problems are of the concern not only to the Coast Guard but also to employees, employers, and their representatives and to other government agencies. These are problems that should be resolved by the persons involved, including the Coast Guard when the problem is within its jurisdiction, after considering the arrangement of the particular ship or class of ships and the specific kind of problem.

It should be noted further that the present regulations requiring separate facilities for females are inappropriate insofar as they apply at the time of initial inspection and certification of a vessel because it is not known at that time how many, if any, female crewmembers will regularly serve on the vessel. The regulations were originally promulgated for passenger vessels, where women regularly served in various capacities and the need for facilities could be anticipated. The regulations have been extended, as recently as 1968, to oceanographic vessels, without regard to the difficulty of anticipating crew complement at the time of approval of a vessel's design. The other regulations in the sections being revised apply regardless of sex.

In consideration of the foregoing, the amendments to Parts 72, 92, and 190 of Title 46 of the Code of Federal Regulations are adopted as proposed in the notice of proposed Rulemaking (CGFR 72–4; 37 FR 676).

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

JULY 25, 1973.

Chapter I of Title 46, Code of Federal Regulations is amended as follows:

By revoking §§ 72.20–25(b)(3), 92.20–25(b)(3), and 190.20–25(b)(3).

[FR Doc.73–15829 Filed 7–31–73;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1–74]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Functions With Respect to Marine Protection, Research, and Sanctuaries Act of 1972

The purpose of this amendment is to delegate to the Commandant of the Coast Guard functions vested in the Secretary by sections 104(a) and (g), 107(c), 108, 201, and 302(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (October 23, 1970, Public Law 92–532, 86 Stat. 1052; 33 U.S.C. 1414(a) and (g), 1417(c), 1418, 1441; 16 U.S.C. 1432(a)) relating to ocean dumping.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective on or before Aug. 31, 1973.

In consideration of the foregoing, effective Aug. 1, 1973, paragraph (o) of § 1.46 of Part 1 of Title 49 of the Code of Federal Regulations is amended, and a subparagraph (4) is added thereto, to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

• • • • • •

(o) Carry out the functions vested in the Secretary by the following statutes:

• • • • • •

(4) Sections 104(a) and (g), 107(c), 108, 201, and 302(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (Public Law 92–532) relating to ocean dumping.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e)).

Issued in Washington, D.C., on July 26, 1973.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.73–15815 Filed 7–31–73;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73–8; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

PART 572—ANTHROPOMORPHIC TEST-DUMMY

Occupant Crash Protection

The purposes of this notice are (1) to adopt a regulation that specifies a test dummy to measure the performance of vehicles in crashes, and (2) to incorporate the dummy into Motor Vehicle Safety Standard No. 208 (49 CFR 571.208), for the limited purpose of evaluating vehicles with passive restraint systems manufactured under the first and second restraint options between August 15, 1973, and August 15, 1975. The question of the restraint system requirements to be in effect after August 15, 1975, is not addressed by this notice and will be the subject of future rulemaking action.

The test dummy regulation (49 CFR Part 572) and the accompanying amendment to Standard No. 208 were proposed in a notice published April 2, 1973 (38 FR 8455). The dummy described in the regulation is to be used to evaluate vehicles manufactured under sections S4.1.2.1 and S4.1.2.2, (the first and second options in the period from August 15, 1973, to August 15, 1975), and the section incorporating the dummy is accordingly limited to those sections. The dummy has not been specified for use with any protection systems after August 15, 1975, nor with active belt systems under the third restraint option (S4.1.2.3). The recent decision in Ford v. NHTSA, 473 F.2d 1241 (6th Cir. 1973),

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removed the injury criteria from such systems. To make the dummy applicable to belts under the third option, the agency would have to provide additional notice and opportunity for comment.

By invalidating the former test dummy specification, the decision in Chrysler v. DOT, 472 F. 2d 659 (6th Cir. 1972), affected the restraint options in effect before August 15, 1975, as well as the mandatory passive restraint requirements that were to be effective after that date. A manufacturer who built cars with passive restraints under one of the options would therefore be unable to certify the cars as complying with the standard, as illustrated by the necessity for General Motors to obtain a limited exemption from the standard in order to complete the remainder of a run of 1,000 air-bag equipped cars.

The immediate purpose of this rulemaking is to reconstitute those portions of the standard that will enable manufacturers to build passive restraint vehicles during the period when they are optional. The test dummy selected by the agency is the "GM Hybrid II", a composite developed by General Motors largely from commercially available components. GM had requested NHTSA to adopt the Hybrid II on the grounds that it had been successfully used in vehicle tests with passive restraint systems, and was as good as, or better than, any other immediately available dummy system. On consideration of all available evidence, the NHTSA concurs in this judgment. One fact weighing in favor of the decision is that General Motors has used this dummy to measure the conformity of its vehicles to the passive protection requirements of Standard 208, in preparation for the announced introduction of up to 100,000 air-bag-equipped vehicles during the 1974 model year.

No other vehicle manufacturer has announced plans for the production of passive restraint systems during the optional phase, nor has any other vehicle manufacturer come forward with suggestions for alternatives to Hybrid II. The NHTSA would have considered other dummies had some other manufacturer indicated that it was planning to produce passive restraint vehicles during the option period and that some other dummy had to be selected in order to allow them to proceed with their plans. If there had been any such plans, NHTSA would have made every effort to insure that a test device satisfactory to said manufacturer would have been selected.

This agency recognizes that since various types of dummy systems have been in use under the previous specification, any selection of one dummy, as is required by the Chrysler decision, will necessitate readjustments by some manufacturers. However, considering the quantity of GM's production, the scope and advanced state of its passive restraint development program, and the fact that the Hybrid II does not differ radically from other dummies currently in use, in the NHTSA's judgment that dummy represents the best and least costly choice. That conclusion has not been contradicted by the comments to the docket.

The agency will not make any final decision regarding reinstatement of mandatory passive restraint requirements without further notice and opportunity for comment. Should the agency propose mandatory passive restraint requirements, the question of the conformity of the dummy that is chosen with the instructions of the court in Chrysler will again be open for comment. The NHTSA strongly encourages the continuance of the dummy test programs mentioned in the comments, in the hope that any problems that may arise can be identified and resolved before the dummy specifications for later periods are issued.

The Hybrid II dummy has been found by NHTSA to be a satisfactory and objective test instrument. In sled and barrier tests conducted by GM with the GM restraint systems and in sled tests conducted by Calspan Corp. on behalf of NHTSA, the Hybrid II has produced results that are consistent and repeatable. This is not to say that each test at the same nominal speed and deceleration has produced identical values.

In testing with impact sleds, and to an even greater extent with crash-tested vehicles, the test environment itself is complex and necessarily subject to variations that affect the results. The test data show, however, that the variance from dummy to dummy in these tests is sufficiently small that a manufacturer would have no difficulty in deciding whether his vehicle would be likely to fail if tested by NHTSA.

The provisions of the dummy regulation have been modified somewhat from those proposed in the notice of proposed rulemaking, largely as a result of comments from GM. Minor corrections have been made in the drawings and materials specifications as a result of comments by GM and the principal dummy suppliers. The dummy specification, as finally adopted, reproduces the Hybrid II in each detail of its design and provides, as a calibration check, a series of performance criteria based on the observed performance of normally functioning Hybrid II components. The performance criteria are wholly derivative and are intended to filter out dummy aberrations that escape detection in the manufacturing process or that occur as a result of impact damage. The revisions in the performance criteria, as discussed hereafter, are intended to eliminate potential variances in the test procedures and to hold the performance of the Hybrid II within the narrowest possible range.

General Motors suggested the abandonment of the definition of "upright position" in § 572.4(c), and the substitution of a set-up procedure in § 572.11 to serve both as a positioning method for the performance tests and as a measurement method for the dummy's dimensions as shown in the drawings. The NHTSA does not object to the use of an expanded set-up procedure, but has decided to retain the term "upright position" with appropriate reference to the new § 572.11(i).

The structural properties test of § 572.5 (c), which had proposed that the dummy keep its properties after being subjected to tests producing readings 25 percent above the injury criteria of Standard No. 208, has been revised to provide instead that the properties must be retained after vehicle tests in accordance with Standard No. 208.

The head performance criteria are adopted as proposed. The procedures have been amended to insure that the forehead will be oriented below the nose prior to the drop, to avoid interference from the nose. In response to comments by the Road Research Laboratory, American Motors, and GM, an interval of at least 2 hours between tests is specified to allow full restoration of compressed areas of the head skin.

The neck performance criteria are revised in several respects, in keeping with GM's recommendations. The pendulum impact surface, shown in Figure 4, has been modified in accordance with GM's design. The zero time point has been specified as the instant the pendulum contacts the honeycomb, the instructions for determining chordal displacement have been modified, and the pulse shape of the pendulum deceleration curve has been differently specified. The maximum allowable deceleration for the head has been increased slightly to 26g. In response to suggestions by the Road Research Laboratory and the Japan Automobile Manufacturers Association (JAMA), as well as GM, a tolerance has been specified for the pendulum's impact velocity to allow for minor variances in the honeycomb material.

With respect to the thorax test, each of the minor procedural changes requested by GM has been adopted. As with the head, a minimum recovery time is specified for the thorax. The seating surface is specified in greater detail, and the test probe orientation has been revised to refer to its height above the seating surface. The test probe itself is expressly stated to have a rigid face, by amendment to § 572.11, thereby reflecting the probes actually used by NHTSA and GM. A rigid face for the probe was also requested by Mercedes Benz.

The test procedures for the spine and abdomen tests are specified in much greater detail than before, on the basis of suggestions by GM and others that the former procedures left too much room for variance. The test fixtures for the spinal test orientation proposed by GM, and its proposed method of load application have been adopted. The parts of the dummy to be assembled for these tests are specifically recited, and an initial 50° flexion of the dummy is also specified. The rates of load application and removal, and the method of taking force readings are each specified. The direction of force application is clarified in response to a comment by Volvo.

The abdomen test is amended with respect to the initial point of force measurement, to resolve a particular source of disagreement between GM's data and NHTSA's. The boundaries of the abdominal force-deflection curve are modified to accord with the measurements taken by GM subsequent to the issuance of the notice. The rate of force application is specified as not more than 0.1 inch per second, in response to comments by Mercedes-Benz, JAMA, and GM.

The test procedures for the knee tests are revised to specify the type of seating surface used and to control the angle of the lower legs in accordance with suggestions by JAMA, the Road Research Laboratory, and GM. The instrumentation specifications of section 572.11 are amended to clarify the method of attachment and orientation of the thorax accelerometers and to specify the channel classes for the chest potentiometer, the pendulum accelerometer, and the test probe accelerometer, as requested by several comments.

The design and assembly drawings for the test dummy are too cumbersome to publish in the FEDERAL REGISTER. During the comment period on the April 2 notice, the agency maintained master copies of the drawings in the docket and placed the reproducible mylar masters from which the copies were made with a commercial blueprint facility from whom interested parties could obtain copies. The NHTSA has decided to continue this practice and is accordingly placing a master set of drawings in the docket and the reproducible masters for these drawings with a blueprint facility.

The drawings as adopted by this notice differ only in minor detail from those that accompanied the April 2 notice. The majority of the changes, incorporated into corrected drawings, have already been given to those persons who ordered copies. The letter of June 13, 1973, that accompanied the corrected drawings has been placed in the docket. The June corrections are incorporated into the final drawing package. Additional adjustments are made hereby to reflect better the weight distribution of separated segments of the dummy, to allow other materials to be used for head ballast, and to specify the instrument for measuring skin thickness. The details of these changes are recited in a memorandum incorporated into the drawing package.

Each of the final drawings is designated by the legend "NHTSA Release 8/1/73". Each drawing so designated is hereby incorporated as part of the test dummy specifications of 49 CFR Part 572. Subsequent changes in the drawings will not be made without notice and opportunity for comment.

The incorporation of the Part 572 test dummy into Standard No. 208 makes obsolete several test conditions of the standard that had been adopted to supplement the former test dummy specifications. The location, orientation, and sensitivity of test instrumentation formerly specified by sections S8.1.15 through S8.1.18 are now controlled by Part 572 and are no longer necessary within Standard No. 208. Similarly, the use of rubber components for the head, neck and torso joints as specified in Part 572, supplant the joint setting specifications for those joints in section S8.1.10 of the standard. The NHTSA has determined that the deletion of the above portions of the Standard No. 208 will have no effect on the substantive requirements of the standard and that notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Title 49, Code of Federal Regulations, is amended by the revision of Motor Vehicle Safety Standard No. 208 (49 CFR 571.208) as follows:

§ 571.208 [Amended]

1. Section S8.1.8 is adopted as follows:

S8.1.8 Anthropomorphic test devices used for the evaluation of restraint systems manufactured pursuant to sections S4.1.2.1. and S4.1.2.2 conform to the requirements of Part 572 of this title.

2. Section S8.1.10 is amended as follows:

S8.1.10 Limb joints are set at 1g, barely restraining the weight of the limb when extended horizontally. Leg joints are adjusted with the torso in the supine position.

3. Sections S8.1.15 through S8.1.18 are deleted.

4. Section S8.1.19 is renumbered as S8.1.15.

Title 49, Code of Federal Regulations, is further amended by the addition of Part 572, Test Dummy Specifications, as set forth below.

In view of the pressing need for a test dummy to permit the continued development of passive restraint systems, and the fact that it presently only relates to a new option for compliance, the NHTSA finds that there is good cause to adopt an immediate effective date. Accordingly, Part 572 is effective August 1, 1973, and the amendment to Standard 208 is effective August 15, 1973.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act, P.L. 89-563, 15 U.S.C. 1392, 1407, and the delegation of authority at 38 FR 12147)

Issued on July 26, 1973.

JAMES E. WILSON,
Associate Administrator, Traffic Safety Programs.

1. A new Part 572 is adopted as follows:

Sec.
572.1 Scope.
572.2 Purpose.
572.3 Application.
572.4 Terminology.
572.5 General description.
572.6 Head.
572.7 Neck.
572.8 Thorax.
572.9 Lumbar, spine, abdomen, and pelvis.
572.10 Limbs.
572.11 Test conditions and instrumentation.

AUTHORITY: Secs. 103, 119, National Traffic and Motor Safety Act, P.L. 89-563, 15 U.S.C. 1392, 1407, and delegation of authority at 38 FR 12147.

§ 572.1 Scope.

This part describes the 50th percentile male anthropomorphic test dummy that is to be used for compliance testing of motor vehicles with motor vehicle safety standards.

§ 572.2 Purpose.

The design and performance criteria specified in this part are intended to describe a measuring tool with sufficient precision to give repetitive and correlative results under similar test conditions and to reflect adequately the protective performance of a vehicle with respect to human occupants.

§ 572.3 Application.

This section does not in itself impose duties or liabilities on any person. It is a description of a tool to measure the performance of occupant protection systems required by the safety standards that incorporate it. It is designed to be referenced by, and become a part of, the test procedures specified in motor vehicle safety standards such as Standard No. 208, Occupant Crash Protection.

§ 572.4 Terminology.

(a) The term "dummy" refers to the test device described by this part.

(b) Terms describing parts of the dummy, such as "head," are the same as names for corresponding parts of the human body.

(c) The term "upright position" means the position of the dummy when it is seated in accordance with the procedures of § 572.11(i).

§ 572.5 General description.

(a) The dummy consists of the component assemblies specified in Figure 1 and conforms to the drawings and specifications subreferenced by Figure 1.

(b) Adjacent segments are joined in a manner such that throughout the range of motion and also under crash-impact conditions there is no contact between metallic elements except for contacts that exist under static conditions.

(c) The structural properties of the dummy are such that the dummy conforms to this part in every respect both before and after being used in vehicle tests specified in Standard No. 208 (§ 571.208).

§ 572.6 Head.

(a) The head consists of the assembly shown as number SA 150 M010 in Figure 1 and conforms to each of the drawings subtended by number SA 150 M010.

(b) When the head is dropped from a height of 10 inches in accordance with paragraph (c) of this section, the peak resultant accelerations at the head's center of gravity shall be not less than 210g, and not more than 260g. The acceleration/time curve for the test shall be unimodal and shall lie at or above the 100g level for an interval not less than 0.9 milliseconds and not more than 1.5 milliseconds.

(c) Test procedure:

(1) Suspend the head as shown in Figure 2, so that the lowest point on the

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forehead is 0.5 inches below the lowest point on the dummy's nose when the midsagittal plane is vertical.

(2) Drop the head from the specified height onto a rigidly supported flat horizontal steel plate, 2½ inches thick and 2 feet square.

(3) Allow a time period of at least 2 hours between successive tests on the same head.

§ 572.7 Neck.

(a) The neck consists of the assembly shown as number SA 150 M020 in Figure 1 and conforms to each of the drawings subtended by number SA 150 M020.

(b) When the neck is tested with the head in accordance with paragraph (c) of this section, the head shall rotate in reference to the pendulum's longitudinal centerline a total of 68°±5° about its center of gravity, rotating to the extent specified in the following table at each indicated point in time, measured from impact, with a chordal displacement measured at its center of gravity that is within the limits specified. The chordal displacement at time T is defined as the straight line distance between (1) the position relative to the pendulum arm of the head center of gravity at time zero, and (2) the position relative to the pendulum arm of the head center of gravity at time T. as illustrated by Figure 3. The peak resultant acceleration recorded at the center of gravity of the head shall not exceed 26g, measured relative to the acceleration at time zero.

Rotation (degrees)	Time (ms)* (2+.08T)	Chordal Displacement (inches*0.5)
0	0	0.0
30	30	2.6
60	46	4.8
Maximum	60	5.5
60	75	4.8
30	95	2.6
0	112	0.0

(c) Test procedure:

(1) Mount the head and neck on a rigid pendulum as specified in Figure 4, so that the head's midsagittal plane is vertical and coincides with the plane of motion of the pendulum's longitudinal centerline. Mount the neck directly to the pendulum as shown in Figure 4.

(2) Release the pendulum and allow it to fall freely from a height such that the velocity at impact is 23.5±2.0 feet per second (fps), measured at the center of the accelerometer specified in Figure 4.

(3) Decelerate the pendulum to a stop with an acceleration-time pulse described as follows:

(i) Establish 5g and 20g levels on the a–t curve.

(ii) Establish t_1 at the point where the rising a–t curve first crosses the 5g level, t_2 at the point where the rising a–t curve first crosses the 20g level, t at the point where the decaying a–t_2 curve last crosses the 20g level, and t_4 at the point where the decaying a–t curve last crosses the 5g level.

(iii) t_2–t_1 shall be not more than 3 milliseconds.

(iv) t_3–t_2 shall be not less than 25 milliseconds and not more than 30 milliseconds.

(v) t_4–t_2 shall be not more than 10 milliseconds.

(vi) The average deceleration between t_2 and t_3 shall be not less than 20g and not more than 24g.

(4) Allow the neck to flex without impact of the head or neck with any object other than the pendulum arm.

(5) Measure the acceleration of the pendulum with instrumentation that has a frequency response of the channel class 60, SAE Recommended Practice J211a, December 1971.

§ 572.8 Thorax.

(a) The thorax consists of the assembly shown as number SA 150 M030 in Figure 1, and conforms to each of the drawings subtended by number SA 150 M030.

(b) The thorax contains enough unobstructed interior space behind the rib cage to permit the midpoint of the sternum to be depressed 2 inches without contact between the rib cage and other parts of the dummy or its instrumentation, except for instruments specified in paragraph (d)(7) of this section.

(c) When impacted by a test probe conforming to § 572.11(a) at 14 fps and at 22 fps in accordance with paragraph (d) of this section, the thorax shall resist with forces measured by the test probe of not more than 1400 pounds and 2100 pounds, respectively, and shall deflect by amounts not greater than 1.0 inches and 1.6 inches, respectively. The internal hysteresis in each impact shall not be less than 50 percent.

(d) Test procedure:

(1) Seat the dummy in the upright position on a smooth, flat, rigid horizontal surface without back support and extend the arms and legs horizontally forward parallel to the midsagittal plane.

(2) Place the longitudinal center line of the test probe so that it is 17.7±0.1 inches above the seating surface at impact.

(3) Orient the test probe so that at impact its longitudinal centerline is horizontal and in the dummy's midsagittal plane.

(4) Adjust the dummy so that the surface area on the thorax immediately adjacent to the projected longitudinal center line of the test probe is vertical.

(5) Impact the thorax with the test probe moving horizontally at the specified velocity.

(6) Guide the probe during impact so that it moves with no significant lateral, vertical, or rotational movement.

(7) Measure the horizontal deflection of the sternum relative to the thoracic spine in line with the longitudinal center line of the probe using a potentiometer mounted inside the thorax.

(8) Measure hysteresis by determining the ratio of the area between the loading and unloading portions of the force deflection curve to the area under the loading portion of the curve.

(9) Allow a time period of at least 30 minutes between successive tests on the same thorax.

§ 572.9 Lumbar spine, abdomen, and pelvis.

(a) The lumbar spine, abdomen, and pelvis consist of the assemblies designated as numbers SA 150 M050 and SA 150 M060 in Figure 1 and conform to the drawings subtended by these numbers.

(b) When subjected to a static force in accordance with paragraph (c) of this section, the lumbar spine assembly shall flex by an amount that permits the rigid thoracic spine to rotate from its nominal position by the number of degrees shown below at each specified force level, and shall straighten upon removal of the force so that the thoracic spine returns to within 10 degrees of its nominal position.

Flexion (degrees)	*Force (±6 pounds)*
0	0
20	26
30	33
40	41

(c) Test procedure:

(1) Assemble the thorax, lumbar spine, pelvic, and upper leg assemblies (above the femur force transducers), omitting other assemblies, place them on the rigid horizontal fixture shown in Figure 5 with the mounting brackets for the lumbar test fixture illustrated in Figures 6 to 9, and restrain the pelvis firmly in place.

(2) Attach the rear mounting of the pelvis to the pelvic instrument cavity rear face at the four ¼" cap screw holes and attach the front mounting at the femur axial rotation joint. Tighten the mountings so that the pelvic-lumbar adapter is horizontal and adjust the femur friction plungers to 120 inch-pounds torque.

(3) Flex the thorax forward 50° and return it to its upright position, with the rear face of the chest accelerometer mounting cavity 3° forward of vertical as shown in Figure 11.

(4) Apply a forward force perpendicular to the thorax instrument cavity rear face parallel to and symmetrical about the midsagittal plane 15 inches above the top surface of the pelvic-lumbar adapter. Apply the force at a rate of not more than 2° per second, stabilize the dummy at each flexion increment specified in paragraph (b) and record the force with an instrument mounted to the thorax with a ball joint as shown in Figure 5.

(d) When the abdomen is subjected to a static force in accordance with paragraph (e) of this section, the abdominal force-deflection curve shall be within the bounds shown in Figure 10.

(e) Test procedure:

(1) Place the assembled thorax, lumbar-spine and pelvic assemblies in a supine position on a rigid horizontal surface.

(2) Place a rigid cylinder 6 inches in diameter and 18 inches long transversely across the abdomen, so that the cylinder

is symmetrical about the midsagittal plane, with its longitudinal centerline horizontal and perpendicular to the midsagittal plane at a point 9.2 inches above the bottom line of the buttocks, measured with the dummy in the upright position.

(3) Establish the zero deflection point as the point at which the cylinder first contacts the dummy.

(4) Apply a vertical downward force through the cylinder at a rate of not more than 0.1 inch per second.

(5) Guide the cylinder so that it moves without significant lateral or rotational movement.

§ 572.10 Limbs.

(a) The limbs consist of the assemblies shown as numbers SA 150 M070, SA 150 M071, SA 150 M080, and SA 150 M081 in Figure 1 and conform to the drawings subtended by these numbers.

(b) When each knee is impacted at 6.9 ft/sec. in accordance with paragraph (c) of this section, the maximum force on the femur shall be not more than 2500 pounds and not less than 1900 pounds, with a duration above 1000 pounds of not less than 1.7 milliseconds.

(c) Test procedure:

(1) Seat the dummy in the upright position without back support on a flat rigid steel seat that is 17.3±0.2 inches above a horizontal surface. Place the feet and knees 4 inches apart, measured at the respective pivot bolts, with the lower legs vertical ±2°, measured by the lines from the midpoints of the knee pivots to the midpoints of the ankle pivots, and the feet resting on a horizontal surface.

(2) Position the dummy so that the rearmost surfaces of the lower legs are not less than 5 inches and not more than 6 inches forward of the forward edge of the seat.

(3) Align the test probe specified in § 572.11(a) so that at impact its longitudinal centerline coincides within ±2° with the longitudinal centerline of the femur.

(4) Impact the knee with the test probe moving horizontally and parallel to the midsagittal plane at the specified velocity.

(5) Guide the probe during impact so that it moves with no significant lateral, vertical, or rotational movement.

§ 572.11 Test conditions and instrumentation.

(a) The test probe used for thoracic and knee impact tests is a cylinder 6 inches in diameter that weights 51.5 pounds including instrumentation. Its impacting end has a flat right face that is rigid and that has an edge radius of 0.5 inches.

(b) Accelerometers are mounted in the head on the horizontal transverse bulkhead shown in the drawings subreferenced under assembly No. SA 150 M010 in Figure 1, so that their sensitive axes intersect at a point in the midsagittal plane 0.5 inches above the horizontal bulkhead and 1.9 inches forward of the vertical mating surface of the skull with the skull cover, and so that their seismic mass centers are in a plane parallel to the upper surface of the bulkhead. One accelerometer is aligned with its sensitive axis perpendicular to the horizontal bulkhead in the midsagittal plane and with its seismic mass center not more than 0.3 inches from the axial intersection point. Another accelerometer is aligned with its sensitive axis parallel to the horizontal bulkhead and perpendicular to the midsagittal plane, and with its seismic mass center not more than 1.3 inches from the axial intersection point. A third accelerometer is aligned with its sensitive axis parallel to the horizontal bulkhead in the midsagittal plane, and with its seismic mass center not more than 1.3 inches from the axial intersection point.

(c) Accelerometers are mounted in the thorax by means of a bracket attached to the rear vertical surface (hereafter "attachment surface") of the thoracic spine so that their sensitive axes intersect at a point in the midsagittal plane 0.8 inches below the upper surface of the plate to which the neck mounting bracket is attached and 3.2 inches perpendicularly forward of the surface to which the accelerometer bracket is attached. One accelerometer has its sensitive axis oriented parallel to the attachment surface in the midsagittal plane, with its seismic mass center not more than 1.3 inches from the intersection of the sensitive axes specified above. Another accelerometer has its sensitive axis oriented parallel to the attachment surface and perpendicular to the midsagittal plane, with its seismic mass center not more than 0.2 inches from the intersection of the sensitive axes specified above. A third accelerometer has its sensitive axis oriented perpendicular to the attachment surface in the midsagittal plane, with its seismic mass center not more than 1.3 inches from the intersection of the sensitive axes specified above. Accelerometers are oriented with the dummy in the upright position.

(d) A force-sensing device is mounted axially in each femur shaft so that the transverse centerline of the sensing element is 4.25 inches from the knee's center of rotation.

(e) The outputs of acceleration and force-sensing devices installed in the dummy and in the test apparatus specified by this Part are recorded in individual data channels that conform to the requirements of SAE Recommended Practice J211a, December 1971, with channel classes as follows:

(1) Head acceleration—Class 1000.
(2) Pendulum acceleration—Class 60.
(3) Thorax acceleration—Class 180.
(4) Thorax compression—Class 180.
(5) Femur force—Class 600.

(f) The mountings for sensing devices have no resonance frequency within a range of 3 times the frequency range of the applicable channel class.

(g) Limb joints are set at 1g, barely restraining the weight of the limb when it is extended horizontally. The force required to move a limb segment does not exceed 2g throughout the range of limb motion.

(h) Performance tests are conducted at any temperature from 66°F to 78°F and at any relative humidity from 30 percent to 70 percent.

(i) For the performance tests specified in §§ 572.8 and 572.10, the test dummy is positioned in accordance with Figure 11 as follows:

(1) The dummy is placed on the test surface so that its midsagittal plane is vertical.

(2) The pelvis is adjusted so that the upper surface of the lumbar-pelvic adapter is horizontal.

(3) The shoulder yokes are adjusted so that they are at the midpoint of their anterior-posterior travel with their upper surfaces horizontal.

(4) The dummy is adjusted so that its shoulders and buttocks are tangent to a transverse horizontal plane.

(5) The upper legs are positioned symmetrically about the midsagittal plane so that the distance between the knee pivot bolt heads is 11.6 inches.

(j) The dummy's dimensions, as specified in drawing number SA 150 M002, are determined as follows:

(1) With the dummy seated as specified in paragraph (i) of this section, the head is adjusted and secured so that its occiput is 1.7 inches forward of the transverse vertical plane with the vertical mating surface of the skull with its cover parallel to the transverse vertical plane.

(2) The thorax is adjusted and secured so that the rear surface of the chest accelerometer mounting cavity is inclined 3° forward of vertical.

(3) Chest and waist circumference and chest depth measurements are taken with the dummy positioned in accordance with paragraph (j) (1) and (2) of this section.

(4) The chest skin and abdominal sac are removed and all following measurements are made without them.

(5) Seated height is measured from the seating surface to the uppermost point on the head-skin surface.

(6) Shoulder pivot height is measured from the seating surface to the center of the arm elevation pivot.

(7) H-point locations are measured from the seating surface to the center of the holes in the pelvis flesh covering in line with the hip motion ball.

(8) Knee pivot distance from the backline is measured to the center of the knee pivot bolt head.

(9) Knee pivot distance from floor is measured from the center of the knee pivot bolt head to the bottom of the heel when the foot is horizontal and pointing forward.

(10) Shoulder width measurement is taken at arm elevation pivot center height with the centerlines between the elbow pivots and the shoulder pivots vertical.

(11) Hip width measurement is taken at widest point of pelvic section.

(k) The dummy is clothed in form fitting cotton stretch garments with short sleeves and mid-calf length pants.

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FIGURE 1

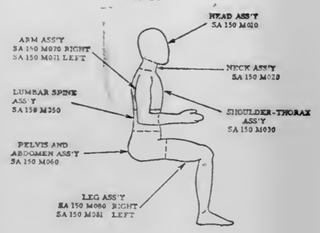
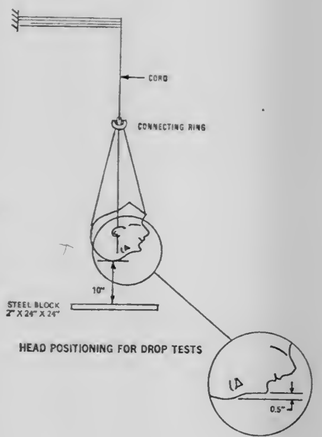


Figure 2



HEAD POSITIONING FOR DROP TESTS

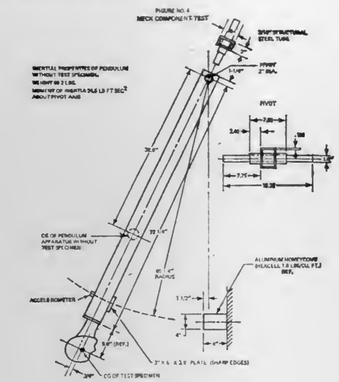
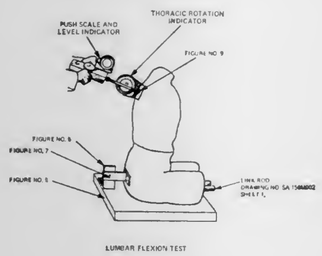


FIGURE NO. 5



LUMBAR FLEXION TEST

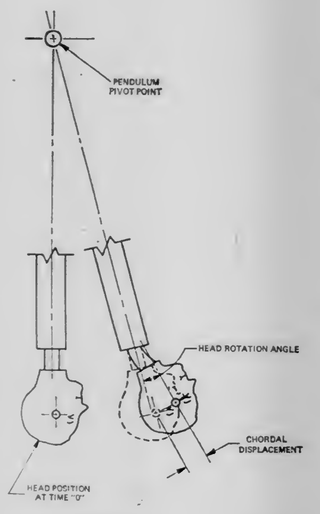
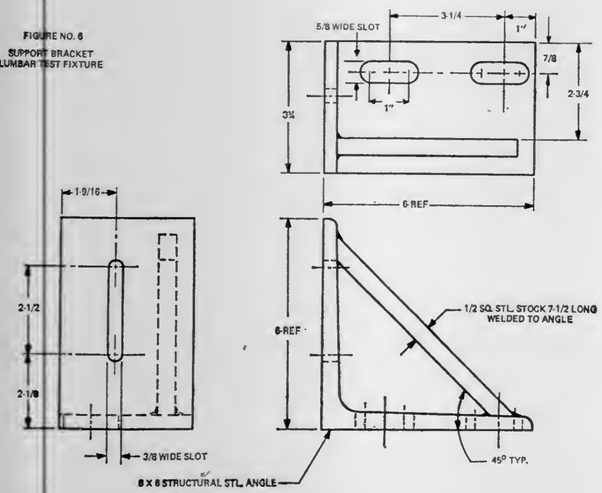
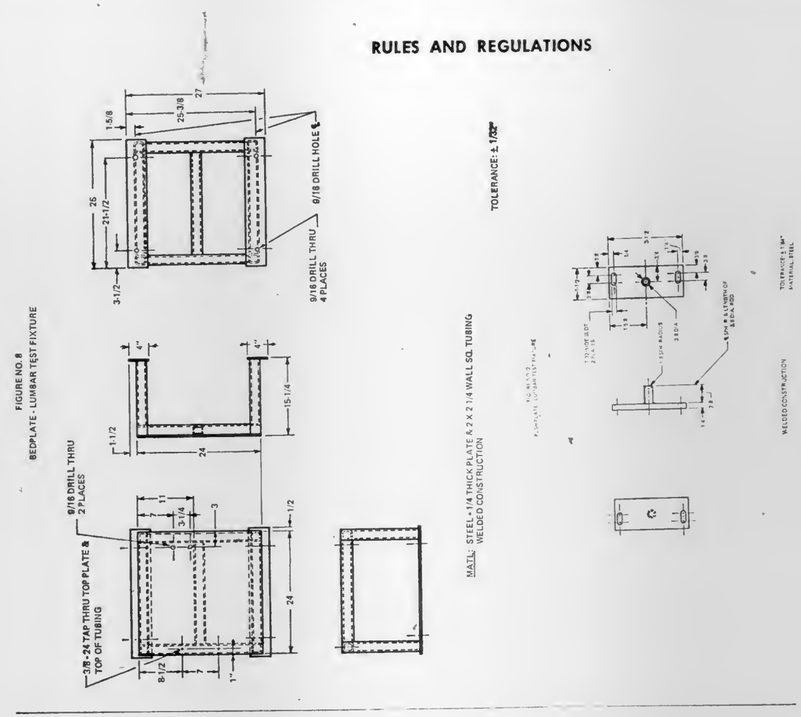


FIGURE NO. 3
NECK COMPONENT TEST

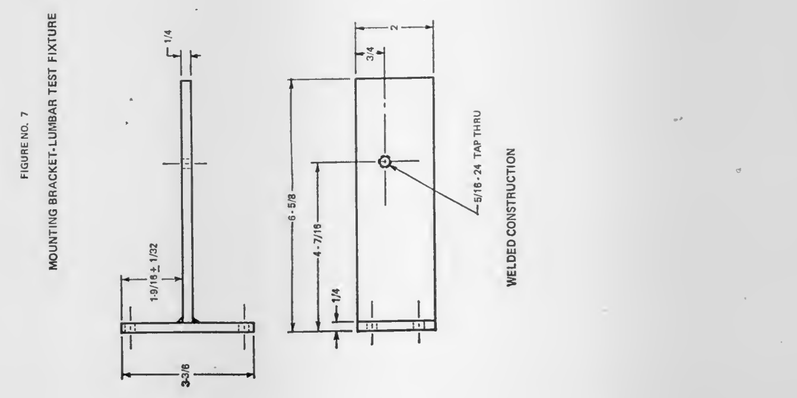
FIGURE NO. 6
SUPPORT BRACKET
LUMBAR TEST FIXTURE



TOLERANCE ± 1/32"







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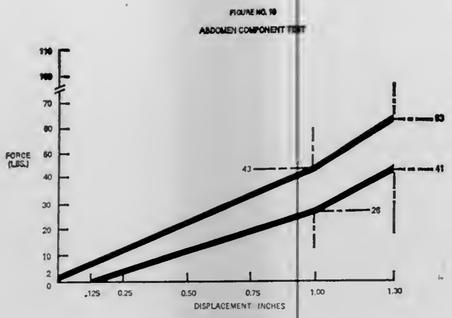
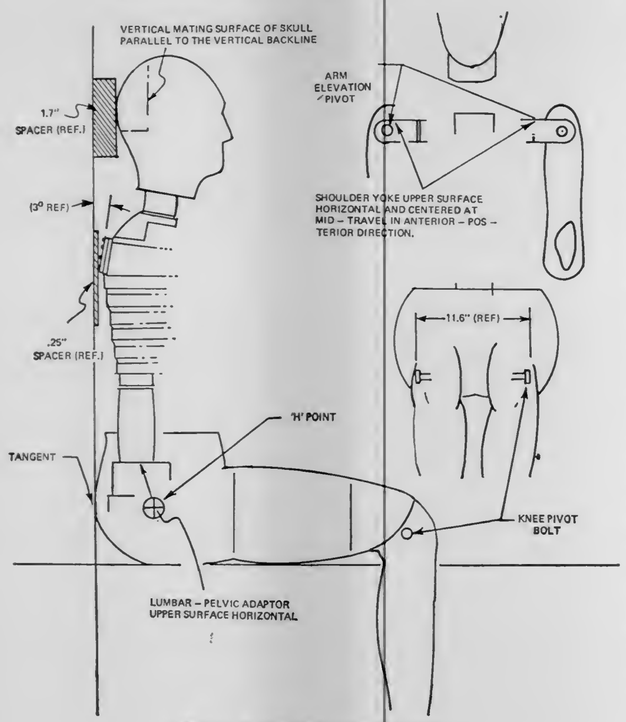


FIGURE No. 11

UPRIGHT SEATED POSITION FOR LINEAR MEASUREMENTS



[FR Doc.73-15761 Filed 7-26-73;4:27 pm]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

JULY 26, 1973.

The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof may be taken, captured, killed possessed, sold, purchased, shipped, carried, or transported.

By a notice of proposed rulemaking published in the FEDERAL REGISTER of May 17, 1973 (38 FR 12926), notification was given that the Secretary of the Interior proposed to amend Part 10 of Title 50 of the Code of Federal Regulations. These amendments would specify open seasons, shooting hours, and bag and possession limits for migratory game birds for the 1973–74 hunting seasons.

Interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, on or before June 17, 1973. After analysis of the migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife, by State game departments, and by other sources, the Director informed the State game departments of the outside dates, season lengths, shooting hours, and daily bag and possession limits for the 1973–74 seasons on doves, pigeons, rails (except coots), gallinules, woodcock, Wilson's snipe, and certain waterfowl; coots, cranes, and waterfowl in Alaska; and certain sea ducks in coastal waters of certain northeastern States. The State game departments were invited to submit recommendations for hunting seasons which complied with the shooting hours, daily bag and possession limits, and season lengths specified in the frameworks of opening and closing dates published by this Department.

The taking of the designated species of migratory birds is presently prohibited. The amendments will permit taking of the designated species within specified periods of time beginning as early as September 1, as has been the case in past years. Therefore, since these amendments benefit the public by relieving existing restrictions, they shall become effective on September 1, 1973.

By a notice of proposed rulemaking published in the FEDERAL REGISTER of April 25, 1973, in 38 FR 10208, notice was given that current Part 10—Migratory Birds would be redesignated Part 20—Migratory Bird Hunting. In the FEDERAL REGISTER of July 5, 1973, in 38 FR 17841, Subchapter B of 50 CFR Ch. I, was retitled Subchapter B—Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife, and Part 10 was redesignated Part 20 and added to 50 CFR Ch. I.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Subpart K of Part 20 be amended as follows:

Subpart K—Annual Season, Limit, and Shooting Hour Schedules

Sec.
20.101 Seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands
20.102 Seasons, limits, and shooting hours for Alaska
20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons
20.104 Seasons, limits and shooting hours for rails, woodcock, and common snipe (Wilson's)
20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules

AUTHORITY: 40 Stat. 755; 16 U.S.C. 703 et seq.

Subpart K—Annual Season, Limit, and Shooting Hour Schedules

Section 20.101 is amended to read as follows:

§ 20.101 Seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the shooting hours and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Puerto Rico.*

	Doves	Pigeons
Daily bag limits	10 singly or in the aggregate of all permitted species.	5 singly or in the aggregate of all permitted species.
Possession limit	10 singly or in the aggregate of all permitted species.	5 singly or in the aggregate of all permitted species.
Open season dates.	July 21 to September 28, 1973.	
Shooting hours	½ hour before sunrise to sunset daily.	
Restrictions	Only the following species of doves and pigeons may be hunted during the open season: Zenaida dove (*Tortola cardosantera*); White-winged dove (*Tortola alibianca o cubanita*); Mourning dove (*Tortola rabilarga o rabiche*); Scaly-naped pigeon (*Paloma turca o torca*); White-crowned pigeon (*Paloma cabeciblanca*).	
	No open season is prescribed for doves and pigeons of any species on Culebra Island in the Municipality of Cidra which is composed of the following wards: Bayamon, Arenas, Monte Llano, Sud, Beatriz, Ceiba, Rio Abajo, Rincon, Toita, Honduras, Rabanel, and Salto. Check Commonwealth regulations for additional restrictions.	

(b) *Puerto Rico.*

	Ducks	Coots	Gallinules	Common snipe (Wilson's)
Daily bag limits	4	6	6	6
Possession limit	8	12	12	12
Open season dates.	December 8, 1973, through January 28, 1974.			
Shooting hours.	12 o'clock noon until sunset daily.			
Restrictions	No open season for waterfowl is prescribed for Culebra Island. The season on Bahama pintail is closed by Commonwealth law. Check Commonwealth regulations for additional restrictions.			

(c) *Virgin Islands.*

ZENAIDA DOVES

Daily bag limit	10
Possession limit	10
Open season dates	July 29 to October 6, 1973.
Shooting hours	½ hour before sunrise until sunset daily.
Restrictions	The season is closed on all species of game birds in the Virgin Islands except Zenaida doves. Check Territorial regulations for additional restrictions.

NOTE: Local names for game birds: Zenaida dove (*Zenaida aurita*)—mountain dove; Bridles quail dove (*Geotrygon mystacea*)—Perdiz, Barbary dove (protected); Ground dove (*Columbigallina passerina nigirostris*)—stone dove, tobacco dove, rola, tortolita (protected).

Section 20.102 is amended to read as follows:

§ 20.102 Seasons, limits, and shooting hours for Alaska.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

Shooting hours. One-half hour before sunrise to sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

	Ducks	Coots	Brant	Geese	Common Snipe (Wilson's)	Little Brown Cranes
Daily bag limit	[1]6	15	4	[2]6	8	2
Possession limit	[1]18	15	8	[2]12	16	4
Season dates in:						
Pribilof and Aleutian Is. east of Unimak Pass except Unimak Islands.	Oct. 13-Jan. 27				Sept. 1–Nov. 4.	Sept. 1–Oct. 15.
Kodiak Islands	Sept. 8-Sept. 30; Nov. 3-Jan. 25				Sept. 1–Nov. 4.	Sept. 1–Oct. 15.
Aleutian Is. west of Unimak Pass.	Oct. 13-Jan. 27 (season closed on Canada geese)				Sept. 1–Nov. 4.	Sept. 1–Oct. 15.
Remainder of Alaska and Unimak Islands.	Sept. 1-Dec. 16				Sept. 1–Nov. 4.	Sept. 1–Oct. 15.

[1] In addition to the basic daily bag and possession limits, a daily bag limit of 15 and a possession limit of 30 is permitted singly or in the aggregate of the following species: scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers.

[2] The daily bag and possession limits may not include more than 4 daily and 8 in possession of white-fronted and Canada geese, singly or in the aggregate. In addition to the daily bag and possession limits on other geese, the daily bag limit is 6 and the possession limit is 12 on Emperor geese.

Section 20.103 is amended to read as follows:

§ 20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Mourning doves—Eastern Management Unit.*

Daily bag limit	12
Possession limit	24
Shooting hours	12 o'clock noon until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:	
Alabama:	
Northern zone [1]	Sept. 22–Nov. 7 Dec. 24–Jan. 15
Southern zone [1]	Oct. 6–Nov. 30 Dec. 20–Jan. 2
Connecticut	Closed.
Delaware	Sept. 15–Oct. 6 Nov. 26–Jan. 3 Jan. 7–Jan. 15
Florida	Oct. 6–Nov. 4 Nov. 10–Nov. 25 Dec. 15–Jan. 7
Georgia:	
Northern zone [2]	Sept. 8–Oct. 27 Dec. 15–Jan. 3
Southern zone [2]	Sept. 29–Oct. 27 Dec. 6–Jan. 15
Illinois	Sept. 1–Nov. 9
Indiana	Closed.
Kentucky	Sept. 1–Oct. 31 Dec. 1–Dec. 9

[1] In Alabama, the Northern zone is defined as that area lying north of U.S. Highway 84 and the Southern zone is defined as that area lying south of U.S. Highway 84.

[2] In Georgia, the Northern zone is defined as that area lying north of U.S. Highway 80 from Columbus to Macon; north of State Highway 49 from Macon to Milledgeville; north of State Highway 22 from Milledgeville to Sparta; north of State Highway 16 from Sparta to Warrenton; and north of U.S. Highway 278 from Warrenton to Augusta. The Southern zone is defined as that area lying south of U.S. Highway 80 from Columbus to Macon; south of State Highway 49 from Macon to Milledgeville; south of State Highway 22 from Milledgeville to Sparta; south of State Highway 16 from Sparta to Warrenton; and south of U.S. Highway 278 from Warrenton to Augusta.

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Louisiana:	
Northern zone [3]	Sept. 1–Sept. 16 Oct. 13–Nov. 11 Dec. 22–Jan. 14
Southern zone [3]	Oct. 13–Nov. 13 Dec. 8–Jan. 14
Maine	Closed.
Maryland	Sept. 1–Nov. 1 Dec. 22–Dec. 29
Massachusetts	Closed.
Michigan	Closed.
Mississippi:	
Northern zone [4]	Sept. 8–Sept. 30 Nov. 3–Nov. 25 Dec. 22–Jan. 14
Southern zone [4]	Sept. 22–Oct. 14 Nov. 3–Nov. 25 Dec. 22–Jan. 14
New Hampshire	Closed.
New Jersey	Closed.
New York	Closed.
North Carolina	Sept. 1–Oct. 6 Dec. 11–Jan. 12
Ohio	Closed.
Pennsylvania	Sept. 1–Nov. 9
Rhode Island	Sept. 10–Nov. 18
South Carolina	Sept. 8–Oct. 6 Nov. 17–Dec. 1 Dec. 18–Jan. 12
Tennessee	Sept. 1–Sept. 30 Oct. 13–Oct. 28 Dec. 22–Jan. 14
Vermont	Closed.
Virginia	Sept. 15–Nov. 10 Dec. 22–Jan. 3
West Virginia	Sept. 1–Oct. 5 Oct. 13–Nov. 16
Wisconsin	Closed.

[3] In Louisiana, the Northern zone is defined as that area lying north of U.S. Highway 190 and the Southern zone is defined as that area lying south of U.S. Highway 190.

[4] In Mississippi, the Northern zone is defined as that area lying north of State Highway 12 to Kosciusko, and north of State Highway 14 from Kosciusko to the Alabama line. The Southern zone is defined as that area lying south of State Highway 12 to Kosciusko, and south of State Highway 14 from Kosciusko to the Alabama line.

(b) *Mourning doves—Central Management Unit.*

Daily bag limit	10
Possession limit	20

Shooting hours:

All States except Texas—One-half hour before sunrise until sunset.

Texas only—12 o'clock noon until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:	
Arkansas	Sept. 1–Oct. 5 Dec. 15–Jan. 8
Colorado	Sept. 1–Oct. 30
Iowa	Closed.
Kansas	Sept. 1–Oct. 30
Minnesota	Closed.
Missouri	Sept. 1–Oct. 30
Montana	Closed.
Nebraska	Closed.
New Mexico [1]	Sept. 1–Sept. 30 Nov. 24–Dec. 23
North Dakota	Closed.
Oklahoma	Sept. 1–Oct. 30
South Dakota	Closed.
Texas:	
Northern zone [2]	Sept. 1–Oct. 14 Jan. 5–Jan. 20
Southern zone: [2]	
Counties of Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy	Sept. 1–Sept. 2 Sept. 8–Sept. 9 Sept. 22–Oct. 31 Jan. 5–Jan. 20
Remainder of Southern zone	Sept. 22–Nov. 4 Jan. 5–Jan. 20
Wyoming	Sept. 1–Sept. 16

[1] In New Mexico, the daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of these species.

[2] In Texas, the Northern zone consists of the counties of Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby and all counties north and west thereof. The Southern zone consists of all counties south and east of the Northern zone.

(c) *Mourning doves—Western Management Unit.*

Daily bag limit	10
Possession limit	20

Shooting hours: One-half hour before sunrise until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:	
Arizona	Sept. 1–Sept. 23 Dec. 1–Dec. 27
California [1]	Sept. 1–Sept. 30 Nov. 24–Dec. 9
Idaho	Sept. 1–Sept. 16
Nevada [1]	Sept. 1–Oct. 20
Oregon	Sept. 1–Sept. 30
Utah	Sept. 1–Sept. 30
Washington	Sept. 1–Sept. 30

[1] In those counties of California and Nevada having an open season on white-winged doves, the daily bag limit is 10 and the possession limit is 20 mourning and white-winged doves, singly or in the aggregate of these species.

NOTE: Hawaii—Subject to the applicable provisions of the preceding sections of this part, mourning doves may be taken in accordance with the State regulations.

(d) *White-winged doves.*

Shooting hours:

All States except Texas—One-half hour before sunrise until sunset.

Texas only—12 o'clock noon until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:	Season Dates	Limits: Bag	Limits: Poss.
Arizona	Sept. 1–Sept. 23	10	10
California: [1]			
Counties of Imperial, Riverside and San Bernardino	Sept. 1–Sept. 30, Nov. 24–Dec. 9	See footnote 1.	
Remainder of State	Closed		
Nevada: [1]			
Counties of Clark & Nye	Sept. 1–Oct. 20	See footnote 1.	
Remainder of State	Closed		
New Mexico [1]	Sept. 1–Sept. 30, Nov. 24–Dec. 23	See footnote 1.	
Texas:			
Counties of Brewster, Brooks, Cameron, Culberson, Dimmit, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kenedy, Kinney, La Salle, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, and Zapata.	Sept. 1–2, Sept. 8–9	10	20
Remainder of State	Closed		

[1] In California, Nevada, and New Mexico, the daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of both species.

(e) *Band-tailed pigeons.*

Shooting hours: One-half hour before sunrise until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:	Season Dates	Limits: Bag	Limits: Poss.
Arizona [1]	Oct. 12–Oct. 31	5	10
California:			
Counties of Butte, Del Norte, Glen, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity.	Sept. 29–Oct. 28	8	8
Remainder of State	Dec. 15–Jan. 15	8	8
Colorado [1]	Sept. 8–Oct. 7	5	10
New Mexico [1]	Sept. 1–Sept. 30	5	10
Oregon	Sept. 1–Sept. 30	8	8
Utah [1]	Sept. 15–Sept. 30	5	10
Washington	Sept. 1–Sept. 30	8	8

[1] Every hunter must have been issued and carry on his person while hunting band-tailed pigeons a properly validated special band-tailed pigeon hunting permit issued by the game department of each respective State for the open season in that State. Such a special band-tailed pigeon hunting permit will be issued upon application to the State game department of the State in which hunting is to be done. Permits issued by any State will be valid in that State only. This season shall be open only in the areas described, delineated, and designated as such by the States of Arizona, Colorado, New Mexico, and Utah in their respective hunting regulations. The head or one fully feathered wing regulation remains.

Section 20.104 is amended to read as follows:

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe (Wilson's).

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows.

	Rails (Sora & Virginia)	Rails (King & Clapper)	Woodcock	Common Snipe (Wilson's)
Daily bag limit	25 [1]	See footnote 2	5	8
Possession limit	25 [1]	See footnote 2	10	16

Shooting hours: One-half hour before sunrise until sunset daily on all species.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Seasons in the Atlantic Flyway:				
Connecticut	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Oct. 20–Dec. 22	Oct. 20–Dec. 22
Delaware	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Oct. 17–Nov. 7 Nov. 19–Dec. 31	Oct. 17–Nov. 7 Nov. 19–Dec. 31
Florida	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Nov. 10–Jan. 13	Nov. 10–Feb. 24
Georgia	Sept. 10–Nov. 18	Sept. 10–Nov. 18	Nov. 20–Jan. 23	Dec. 21–Feb. 23
Maine:				
Northern zone	Sept. 1–Nov. 9	Closed	Sept. 24–Nov. 15	Sept. 24–Nov. 15
Southern zone	Sept. 1–Nov. 9	Closed	Oct. 1–Nov. 15	Oct. 1–Nov. 15
Maryland	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Oct. 5–Dec. 8	Oct. 6–Nov. 23 Dec. 3–Dec. 18
Massachusetts	Sept. 8–Nov. 16	Closed	Oct. 10–Nov. 30	Sept. 8–Nov. 11
New Hampshire	Closed	Closed	Oct. 1–Dec. 1	Oct. 1–Dec. 1
New Jersey [2]	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Oct. 13–Dec. 8 Dec. 20–Dec. 27.	Deferred.
New York: [4]				
Long Island area	Closed	Closed	Oct. 1–Nov. 23	Closed.
Southern zone	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Oct. 1–Nov. 23	Oct. 1–Nov. 23.
Remainder of State.	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Sept. 20–Nov. 23	Sept. 20–Nov. 23.
North Carolina	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Dec. 8–Feb. 9	Nov. 17–Jan. 19.
Pennsylvania	Sept. 1–Nov. 9	Closed	Oct. 13–Dec. 15	Oct. 13–Dec. 15.
Rhode Island	Sept. 10–Nov. 18	Sept. 10–Nov. 18	Oct. 20–Dec. 7 Dec. 17–Jan. 1.	Oct. 20–Dec. 7 Dec. 17–Jan. 1.
South Carolina	Sept. 14–Nov. 22	Sept. 14–Nov. 22	Dec. 26–Feb. 28	Dec. 10–Jan. 19 Feb. 5–Feb. 28.
Vermont	Sept. 29–Dec. 7	Closed	Sept. 29–Dec. 2	Sept. 29–Dec. 2.
Virginia	Sept. 8–Nov. 16	Sept. 8–Nov. 16	Oct. 15–Dec. 18	Deferred.
West Virginia	Oct. 13–Dec. 21	Closed	Oct. 13–Dec. 16	Oct. 13–Dec. 16.
Seasons in the Mississippi Flyway:				
Alabama	Nov. 12–Jan. 20	Nov. 12–Jan. 20	Dec. 26–Feb. 28	Dec. 26–Feb. 28
Arkansas	Sept. 1–Nov. 9	Closed	Dec. 1–Feb. 3	Dec. 1–Feb. 3
Illinois	Sept. 1–Nov. 9	Closed	Oct. 15–Dec. 15	Oct. 15–Dec. 15
Indiana	Sept. 1–Nov. 9	Closed	Sept. 22–Nov. 25	Sept. 22–Nov. 25
Iowa	Sept. 1–Nov. 4	Closed	Sept. 22–Nov. 25	Sept. 1–Nov. 4
Kentucky	Nov. 15–Jan. 20	Closed	Oct. 15–Dec. 18	Oct. 15–Dec. 18
Louisiana	Nov. 3–Jan. 11	Nov. 3–Jan. 11	Dec. 8–Feb. 10	Dec. 15–Feb. 17
Michigan:				
Zones 1 & 2	Sept. 15–Nov. 14	Closed	Sept. 15–Nov. 14	Sept. 15–Nov. 14
Zone 3	Sept. 15–Nov. 14	Closed	Oct. 20–Nov. 14	Sept. 15–Nov. 14
Minnesota	Sept. 1–Nov. 9	Closed	Sept. 1–Nov. 4	Sept. 1–Nov. 4
Mississippi	Oct. 27–Jan. 4	Oct. 27–Jan. 4	Dec. 15–Feb. 17	Dec. 15–Feb. 17
Missouri	Sept. 1–Nov. 9	Closed	Oct. 1–Dec. 4	Oct. 1–Dec. 4
Ohio	Sept. 1–Nov. 9	Closed	Sept. 17–Nov. 20	Sept. 17–Nov. 20
Tennessee	Deferred	Closed	Nov. 22–Jan. 25	Dec. 21–Feb. 23
Wisconsin	Deferred	Closed	Sept. 15–Nov. 18	Deferred.
Seasons in the Central Flyway:				
Colorado [3]	Sept. 1–Nov. 9	Closed	Closed	Sept. 1–Nov. 4
Kansas	Sept. 8–Nov. 16	Closed	Oct. 13–Dec. 16	Sept. 7–Nov. 11
Montana [3]	Closed	Closed	Closed	Closed.
Nebraska	Sept. 1–Nov. 9	Closed	Closed	Sept. 15–Nov. 18
New Mexico [3]	Closed	Closed	Closed	Closed
North Dakota	Closed	Closed	Closed	Sept. 14–Nov. 16
Oklahoma	Sept. 1–Nov. 9	Closed	Nov. 20–Jan. 23	Oct. 20–Dec. 23
South Dakota	Closed	Closed	Closed	Sept. 1–Oct. 31
Texas	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Nov. 17–Jan. 20	Dec. 26–Feb. 28
Wyoming [3]	Oct. 6–Dec. 14	Closed	Closed	Oct. 6–Nov. 4 Nov. 26–Dec. 31
Seasons in the Pacific Flyway:				
No season is prescribed for rails and woodcock.				
Snipe season to run concurrently with regular duck season. Consult waterfowl regulations to be published later for information concerning these seasons.				

[1] The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these two species.

[2] In addition to the limits on sora and Virginia rails, in the States of Connecticut, Delaware, Maryland, New Jersey, New York, and Rhode Island, there is a daily bag limit of 7 and possession limit of 14 king and clapper rails, singly or in the aggregate of these two species, and in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 king and clapper rails, singly or in the aggregate of these two species.

[3] In New Jersey the season for woodcock is closed on November 9 and reopens on November 10 at 9 a.m.

[4] In the State of New York, shooting hours for woodcock are sunrise to sunset daily.

[5] Seasons apply to Central Flyway portion of State only.

NOTE: Some States may select rail and snipe seasons at the time they select their duck seasons in August. Consult waterfowl regulations to be published later for information concerning these seasons.

Section 20.105 is amended to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Sea Ducks.* (1) An open season for taking scoter, elder, and oldsquaw ducks is prescribed according to the following table during the period between September 1, 1973, and January 20, 1974, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the Town of Riverhead to Red Cedar Point in the Town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and, in addition in any tidal waters of any bay which are separated by a least one mile of open water from any shore, island, and emergent vegetation in the States of New Jersey, North Carolina, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in the States of Delaware, Maryland, and Virginia: *Provided,* That any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(2) The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set in addition to the limits prescribed for such seasons a daily bag limit of 7 and possession limit of 14 scoter, eider, and oldsqaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are one-half hour before sunrise until sunset daily.

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CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:

Connecticut	Sept. 21–Jan. 5
Delaware	Oct. 1–Jan. 15
Georgia	Closed.
Maine	Sept. 29–Jan. 12
Maryland	Sept. 29–Jan. 13
Massachusetts	Sept. 15–Dec. 30
New Hampshire	Sept. 22–Jan. 6
New Jersey	Sept. 21–Jan. 5
New York	Sept. 22–Jan. 6
North Carolina	Oct. 1–Jan. 15
Rhode Island	Sept. 22–Jan. 6
South Carolina	Oct. 5–Jan. 19
Virginia	Sept. 1–Dec. 16

(4) Notwithstanding the provisions of this Part 20, the shooting of crippled waterfowl from a motorboat under power will be permitted in the States of Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

(b) *Teal.* September season: An open season for teal ducks (blue-winged, green-winged, and cinnamon) is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the following States:

Daily bag limit	4
Possession limit	8

Shooting hours: Sunrise to sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in the Mississippi Flyway.

Alabama	Sept. 22–Sept. 30
Arkansas	Sept. 14–Sept. 22
Illinois	Sept. 15–Sept. 23
Indiana [1]	Sept. 8–Sept. 16
Louisiana	Sept. 22–Sept. 30
Mississippi	Sept. 15–Sept. 23
Missouri	Sept. 8–Sept 16
Ohio	Sept. 14–Sept. 22
Tennessee	Sept. 22–Sept. 30

Seasons in the Central Flyway.

Colorado [2]	Sept. 8–Sept. 16
Kansas [1]	Sept. 8–Sept. 16
New Mexico	Sept. 22–Sept. 30
Oklahoma	Sept. 15–Sept. 23
Texas	Sept. 15–Sept. 23

[1] Shooting hours are 7 a.m. to 6 p.m. E.S.T. The Kankakee, LaSalle, and Jasper-Pulaski Fish and Wildlife Areas and the refuge area on the Pigeon River Fish and Wildlife Area are closed to teal hunting by State regulations.

[2] Only in Lake and Chaffee Counties and that portion of the State lying east of State Highway 71, U.S. Highway 350, and Interstate Highway 25.

[3] The entire State is open except the Marais des Cygnes Waterfowl Management Area in Linn County and the Neosho Waterfowl Management Areas in Neosho County.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in the Atlantic Flyway.

Connecticut	Sept. 1–Nov. 9
Delaware	Sept. 1–Nov. 9
Florida [1]	Sept. 1–Nov. 9
Georgia	Deferred season.*
Maine	Sept. 1–Nov. 9
Maryland	Sept. 1–Nov. 9
Massachusetts	Sept. 9–Nov. 16
New Hampshire	Closed.
New Jersey	Sept. 1–Nov. 9
New York	
Long Island Area	Closed.
Remainder of State	Sept. 1–Nov. 9
North Carolina	Sept. 1–Nov. 9
Pennsylvania	Sept. 10–Nov. 18
Rhode Island	Sept. 14–Nov. 22
South Carolina	Sept. 1–Nov. 9
Vermont	Sept. 29–Dec. 7.
Virginia	Deferred season.*
West Virginia	Oct. 13–Dec. 21.

Seasons in the Mississippi Flyway.

Alabama	Nov. 12–Jan. 20.
Arkansas	Nov. 7–Jan. 15.
Illinois	Closed.
Indiana	Sept. 1–Nov. 9.
Iowa	Closed.
Kentucky	Nov. 15–Jan. 20.
Louisiana	Sept. 1–Sept. 30. Nov. 3–Dec. 12.
Michigan	Deferred season.*
Minnesota	Deferred season.*
Mississippi	Oct. 27–Jan. 4.
Missouri	Sept. 1–Nov. 9.
Ohio	Sept. 1–Nov. 9.
Tennessee	Deferred season.*
Wisconsin	Deferred season.*

Seasons in the Central Flyway.

Colorado [2]	Closed.
Kansas	Closed.
Montana [2]	Closed.
Nebraska	Closed.
New Mexico [2]	Deferred season.
North Dakota	Closed.
Oklahoma [3]	Sept. 1–Nov. 9
South Dakota	Closed.
Texas	Sept. 1–Nov. 9
Wyoming	Closed.

Seasons in the Pacific Flyway.

All States	Deferred seasons.

[1] The gallinule season in Florida applies to the Florida gallinule only. No open season on purple gallinules in Florida.

[2] Seasons apply to Central Flyway portion of State only.

*NOTE: States with deferred seasons may select gallinule seasons at the time they select their waterfowl seasons in August. Consult waterfowl regulations to be published later for information concerning these seasons.

(d) *Canada geese in the Horicon Zone.* (1) In Wisconsin during the 1973–74 waterfowl season, the kill of Canada geese will be limited to 28,000 birds; 16,000 of which may be taken in the area designated as the Horicon Zone.

(2) The Horicon Zone includes portions of Columbia, Dodge, Fond du Lac, Green Lake, Washington, and Winnebago Counties. It is bounded on the east by U.S. Highway 45 from Oshkosh to Fond du Lac, and then State Highway 175 to Addison; on the south by State Highway 33 from Addison to Beaver Dam, and then U.S. Highway 151 to Columbus; on the west by State Highway 73 from Columbus to its intersection with State Highway 23, east of Princeton; and on the north by State Highway 23 from the intersection with State Highway 73 to Ripon, then State Highway 44 to Oshkosh.

(3) Seasons, limits, and shooting hours for Canada geese:

HORICON ZONE

Daily bag limit	1
Possession limit	1
Season dates	Oct. 11–Oct. 28, inclusive.

Shooting hours: one-half hour before sunrise until sunset.

(4) Each person hunting Canada geese in the Horicon Zone must have been issued in his name and carry on his person a valid State hunting license, a valid Migratory Bird Hunting Stamp (duck stamp), and a valid Horicon Zone Canada goose hunting permit with correspondingly numbered report card and metal Canada goose tag. Hunters less than 16 years of age are not required to have a Migratory Bird Hunting Stamp. To be valid, the permit must remain attached to the report card until a Canada goose is reduced to possession. The required permits and tags are non-transferable.

(5) Immediately after a Canada goose is killed and reduced to possession in the Horicon Zone, the tag must be affixed and securely locked through the nostrils of the Canada goose. The goose may not be carried by hand or transported in any manner without the tag being attached. The tag must remain on the goose until it reaches the abode of the permit holder. The tag is not valid for reuse.

(6) It is mandatory that each person hunting in the Horicon Zone report on tag use or nonuse, using the report card provided, within 12 hours after the close of the Canada goose season in the Horicon Zone.

(7) No special permit is required to hunt blue or snow geese anywhere in Wisconsin, including the Horicon Zone.

(8) Application procedure:

(i) Applications will be made available to the public about the middle of August and must be returned no later than September 11, 1973. All applications postmarked after September 11, 1973, will be disqualified, except applications from persons in the military service on duty outside the State during the regular application period. Applications from military personnel postmarked after September 11, 1973, will be accepted if they are accompanied by a notarized statement attesting to such duty outside the State. All incomplete, illegible, tardy, or duplicate applications will be disqualified. A duplicate application will disqualify all applications by an individual.

(ii) Application forms will be available from county clerks, State hunting and fishing license depots, and from Wisconsin Conservation Department offices in Spooner, Woodruff, Black River Falls, Oshkosh, and Madison.

(iii) Each successful applicant will receive one permit, tag, and report card. In the event that the number of applicants exceeds the number of permits and tags authorized, successful applicants will be randomly selected. Nonresident applicants will not be discriminated against. If two or more persons wish to hunt together in the Horicon Zone, each must fill out an application form and submit them together in an envelope marked "Group Application." Group applications will be considered in the selection as one application.

(9) Those persons not issued a Horicon Zone permit and tag will not be so notified, but they may hunt Canada geese outside the Horicon Zone during the regular Wisconsin goose season where no special permit is required.

The open hunting season dates and limits for Canada geese in the remainder of Wisconsin will be published at the time the regular waterfowl seasons are published in the late August or early September.

Effective: September 1, 1973.

(40 Stat. 755; 16 U.S.C. 703 et seq.)

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.73-15764 Filed 7-31-73;8:45 am]

PART 32—HUNTING

Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective on August 1, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer is permitted on the Ouray National Wildlife Refuge, Utah, for the 1973 archery and rifle seasons except in those areas designated by signs as closed to hunting. This open area, comprising 9,500 acres, is delineated on maps available at refuge headquarters, Vernal, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West 6th Avenue, Denver, Colorado 20240. Archery deer season is August 18 through September 3, 1973, inclusive. Rifle deer season is October 20 through October 30, 1973, inclusive.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting on Indian lands east of Green River, as posted, requires the possession of a Ute Tribal Permit.

(2) Every deer killed must be checked out at refuge headquarters before hunters leave the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 30, 1973.

H. J. JOHNSON,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

JULY 16, 1973.

[FR Doc.73-15784 Filed 7-31-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL

Low Wage Employees

Part 130 is amended by the addition of a new § 130.36 which provides an exemption for wages or salaries below a level of $3.50 per hour. This new regulation implements the exemption set forth in section 207(d) of the Economic Stabilization Act of 1970, as amended. The exemption applies to work performed by employees in all sectors of the economy, whether subject to self-administration or to mandatory controls under the Economic Stabilization Program.

In addition, the regulation contains provisions relating to employees who are paid straight-time hourly rates in excess of $3.50, and who are members of an appropriate employee unit in which other employees are paid wage or salary increases below the $3.50 level.

The new regulation is effective May 1, 1973, with respect to work performed on and after that date.

Because the purpose of this amendment is to provide immediate guidance as to Cost of Living Council policy, I find that publication in accordance with normal rulemaking procedures is impracticable and that good cause exists for making this regulation effective in less than 30 days. Interested persons may submit comments regarding this amendment. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Public Law 92-210, 85 Stat. 743; Public Law 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11723, 38 FR 15765, Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, 6 CFR Part 130 is amended as set forth herein, effective May 1, 1973.

Issued in Washington, D.C. on July 30, 1973.

JAMES W. MCLANE,
Deputy Director, Cost of Living Council.

6 CFR Part 130 is amended in Subpart D by the addition of a new § 130.36 to read as follows:

§ 130.36 Low wage employees.

(a) *Coverage.* Unless otherwise limited in this section, the provisions of this section are applicable to employers and employees in all sectors of the economy, whether subject to self-administration or to mandatory controls under this chapter.

(b) *Exemption.* In accordance with the provisions of section 207(d) of the Act, wages or salaries paid to an employee earning a straight-time hourly rate that is equal to or less than $3.50 are exempt from the limitations imposed under the provisions of this chapter.

(c) *Prior provision inoperative.* The rules governing payments to low wage employees provided by the Pay Board during Phase II of the Economic Stabilization Program, which are set forth in § 201.19 of this title, are inoperative on and after May 1, 1973.

(d) *Employees earning more than $3.50.* The provisions of this paragraph are applicable to employees who are paid straight-time hourly rates in excess of $3.50, and who are members of an appropriate employee unit in which low wage employees are paid wage or salary increases which are exempt under the provisions of paragraph (b) of this section.

(1) *Industries subject to self-administration*—(i) *Application of customary practice.* The Council recognizes that where wages or salaries of lower wage employees within a unit have been increased, employers and employees have customarily adjusted wage or salary rates for higher rated employees in the same unit pursuant to a variety of procedures. Such procedures have included, but have not been limited to—

(*a*) Increasing wages or salaries for the employees by an amount (expressed in dollars and cents) equal to the amount of increase (expressed in dollars and cents) paid to the lower-paid employees.

(*b*) Increasing wages or salaries for the employees by a percentage equal to the percentage increase paid to the lower-paid employees.

(*c*) Increasing wages or salaries for the employees by amounts or percentages which decrease as base wages or salaries increase, in a tapering process.

(*d*) Other procedures which reflect methods of aligning the occupational structure of the unit and differentials among job classifications.

(ii) *Wage adjustments.* Employers and employees subject to self-administration under this chapter may adjust wages or salaries paid to employees subject to the provisions of this paragraph in a manner that recognizes the impact of such factors as the occupational structure of the unit and differentials among job classifications, and that is consistent with their past practice in such situations (as described in Paragraph (d)(1)(i) of this section) and with the standards and goals of the Economic Stabilization Program as set forth in § 130.12 and elsewhere in this chapter.

(iii) *Reporting.* When, pursuant to any regulation in this part or pursuant to an order or request of the Council, an employer submits to the Council a prenotification or report of pay adjustments, and wages or salaries in the subject appropriate employee unit have been adjusted or are proposed to be adjusted as described in paragraph (d)(1)(ii) of this section, such employer shall include in such prenotification or report a description of such adjustments for the entire appropriate employee unit and the manner in which the adjustments were calculated. Such prenotification or report should include a Form PB-3 or PB-3A that covers separately those employees whose straight-time hourly rates on the base date (determined individually) are equal to or in excess of $3.50.

(2) *Industries subject to mandatory controls.* The Tripartite Food Industry Wage and Salary Committee and the Tripartite Health Industry Wage and Salary Committee shall develop one or more methods for reporting and evaluating wage or salary increases paid to employees who are paid straight-time hourly rates in excess of $3.50 and who are members of an appropriate employee unit in which low wage employees are paid wage or salary increases which are exempt under the provisions of paragraph (b) of this section.

(e) *Outstanding decisions and orders.* Decisions and orders issued by the Council which limit wage or salary increases that are below a straight-time hourly rate of $3.50 are rendered inoperative with respect to payment of any such increases for work performed on or after May 1, 1973, without further action by the Council. Such decisions

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and orders remain in effect for the periods specified with respect to wages or salaries paid to employees earning $3.50 per hour or more.

(f) *Conflict.* To the extent that the provisions of this section may conflict with any other provisions of this chapter, the provisions of this section shall control.

Effective date. The provisions of this section shall be effective May 1, 1973, with respect to work performed on and after such date.

[FR Doc.73-15883 Filed 7-30-73;11:29 am]

PART 150—COST OF LIVING COUNCIL PHASE IV REGULATIONS

Phase IV Questions and Answers No. 1

These "Questions and Answers", which are issued by the Cost of Living Council, are designed to provide immediate guidance in understanding and applying the new regulations governing Stage A of Phase IV for food. To achieve the broadest publication, these are hereby added to Appendix B of Part 150. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

Issued in Washington, D.C., on July 26, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

Appendix B of Part 150 is amended by adding the following:

PHASE IV

QUESTIONS & ANSWERS

NO. 1

1. Q. For the purposes of the Phase IV Stage A food regulations, how is veal classified?

A. Veal is considered beef and therefore is subject to both the meat price ceilings and gross margin requirements of the Phase III Economic Stabilization Regulations. As a result cost increases in veal may not be passed through if the resulting price is higher than the appropriate ceiling price.

2. Q. What is the base period that a firm may use in determining its base period gross margin when using the special pricing rule for swine and sheep (§ 130.57d(e))?

A. "Base period" means, at the firm's option, any four consecutive fiscal quarters of the firm which began after May 25, 1970, and which ended prior to May 11, 1973.

3. Q. A firm purchases a food item, whether processed or not, from a seller who is not a producer. Due to normal business practices, the firm sells the food item before receiving a certified invoice from the seller. May this firm raise its price on this food item to pass-through, on a dollar-for-dollar basis, any increases in allowable costs which have been passed on to him before it receives the certified invoice?

A. A firm may charge a price in excess of the freeze price for a food item to reflect, on a dollar-for-dollar basis, an "allowable cost increase" with respect to that food item based on a certified invoice from the seller. A firm that raises its price on a food item prior to receiving a certified invoice may do so if normal business practices require this. However, the firm must have oral or written information from its seller as to the amount of allowable cost pass-through before it resells the item.

The firm must also have the certified invoice from the seller in its possession within one week from the date that it purchases the item. A firm that follows this business practice is subject to being cited for a violation if the allowable cost pass-through which it certifies on the invoice to its buyer is more than the certified invoice which it receives allows.

4. Q. A firm sells a food item that is produced in equal proportions from two inputs, A and B. The allowable cost increase certified on the invoice for input A is 3 cents per unit. The required cost decrease certified on the invoice for input B is 2 cents per unit. What is the firm's allowable cost increase on the food item it sells?

A. A firm may pass through allowable cost increases; a firm must pass through cost decreases. Therefore, the firm's allowable cost increase is 1 cent per unit, e.g., 3 cents per unit—2 cents per unit=1 cent per unit.

5. Q. A retail firm obtains its private label goods, e.g. bacon, from two or more sources which have different certified price increases, e.g., packer A has a 3 cents/lb. increase while B had a 8 cents/lb. increase. The firm buys 20 lbs. from packer A and 5 lbs. from packer B. What is the firm's allowable cost pass through?

A. The retail firm will determine its allowable cost pass-through by means of a weighted average. In this case, the firm's allowable cost pass through would be:

Packer A	supplies 20 lbs. at 3¢ certified price increase=	$ .60
Packer B	supplies 5 lbs. at 8¢ certified price increase=	.40
	25 lbs.	$1.00

Total allowable cost pass through

The price per pound of bacon could then be increased by 4 cents a pound ($1.00/25 lbs.=$.04).

6. Q. A firm buys 100 cases of a perishable food item from the producer. Due to spoilage or other factors the firm can only sell 90 cases. May the firm include in its allowable cost increase pass-through an increase to recover the loss due to spoilage or other factors?

A. No. A firm may only charge a price in excess of the freeze price for a food item to reflect, on a dollar-for-dollar basis, increases in raw agricultural product costs on a per item basis.

7. Q. Is there a small business exemption for food firms in Phase IV, Stage A?

A. No. All firms that sell food products regardless of their size are covered by the Stage A food regulations which are in effect until September 12, 1973.

[FR Doc.73-15778 Filed 7-27-73;10:30 am]

PART 150—COST OF LIVING COUNCIL PHASE IV REGULATIONS

Phase IV Questions and Answers No. 2

These "Questions and Answers", which are issued by the Cost of Living Council, are designed to provide immediate guidance in understanding and applying the new regulations governing Stage A of Phase IV for food. To achieve the broadest publication, these are hereby added to Appendix B of Part 150. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

Issued in Washington, D.C., on July 26, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

Appendix B of Part 150 is amended by adding the following:

PHASE IV QUESTIONS AND ANSWERS

NO. 2

1. Q. A miller had a raw agricultural product, wheat, in inventory on July 18, 1973. Its average cost is $7.15/cwt. of flour. Its freeze price is $7.20/cwt. of flour. At what price may the miller sell the flour he processes from this wheat?

A. The average cost of his raw agricultural product does not exceed his freeze price. Therefore, he may not adjust the price he sells his inventory above his freeze price. The miller's price on his flour processed from wheat is $7.20/cwt. of flour.

2. Q. May food manufacturers and processors who purchase processed or semi-processed items for further processing charge a price in excess of the freeze price?

A. Yes, so long as the price reflects only a certified "allowable cost increase."

3. Q. A firm processes a raw agricultural product into food and nonfood items. How does he price his products in light of allowable pass-through of increases in raw agricultural product costs?

A. The processor may pass through increases for food products, but prices of nonfood items remain subject to the freeze. In the case where a product is sold and not clearly identifiable as primarily intended for human or animal ingestion, the cost increase is allowed in the distribution chain until the point where it is identified as not intended for human or animal ingestion. For example: Processor buys soybeans and presses them into oil; processor then sells that oil to distributor who does not identify ultimate user; distributor then sells half of that oil to a food manufacturer and half to an industrial user. "Allowable cost increases" can be passed through from processor to distributor and distributor to food manufacturer, but not from distributor to industrial user.

4. Q. A firm processes a raw agricultural product into numerous food items. How may this firm increase its prices of its individual end items under the new rules to reflect increases in raw agricultural product costs?

A. In general the firm must pass-through the "allowable cost increases" on a basis proportional to the amount of raw agricultural product in the individual end item. However, if such a proportional process is not feasible in light of customary business practices for cost allocation and repricing, the firm may revert to a process of increasing prices in their customary fashion so long as the total price increase does not exceed the total allowable cost increase.

5. Q. A food firm incurs losses or gains in its hedging operations. Should these losses or gains be considered in determining allowable cost increases or decreases in Phase IV, Stage A?

A. Yes. Hedging losses or gains are considered part of raw agricultural product costs and thus should be considered in determining allowable cost increases or decreases. In other words, the net of hedging operations (loss or gain) should be reflected in raw agriculture product costs. Comprehensive records must be kept to show evidence of an actual cash position and the records must be made available upon request to Economic Stabilization personnel of the Internal Revenue Service.

6. Q. How has Phase IV, Stage A changed the rules as regards promotional sales?

A. Phase IV, Stage A does not permit firms to adjust their freeze prices solely on the basis of promotional sales in effect during the freeze base period. The rules promulgated during the freeze still apply except Phase IV, Stage A allows passthrough of certified increases in the costs of raw agricultural products.

7. Q. What is the status of volatile pricing orders for food items during Phase IV, Stage A regulations?

A. Since Phase IV, Stage A is itself a system that incorporates volatile prices, the volatile pricing orders in effect in Phase III are no longer in effect for Phase IV, Stage A.

8. Q. A retailer is currently selling a food item at a freeze price below the average cost of the food item purchased during the freeze base period. How may this retailer adjust his price on the item?

A. If he can obtain certification as to raw agricultural product cost increases in the period January 10 to June 1–8, he may adjust his freeze base price to reflect those raw agricultural product cost increases not otherwise reflected in the freeze price up to the average cost incurred in purchasing the item. Upon the freeze base price (or an adjusted freeze base price) he may add on new "allowable cost increases" as defined in the rules of Phase IV, Stage A.

[FR Doc.73-15779 Filed 7-27-73;10:30 am]

PART 150—COST OF LIVING COUNCIL PHASE IV REGULATIONS

PHASE IV QUESTIONS AND ANSWERS NO. 3

These "Questions and Answers", which are issued by the Cost of Living Council, are designed to provide immediate guidance in understanding and applying the new regulations governing Stage A of Phase IV for food. To achieve the broadest publication, these are hereby added to Appendix B of Part 150. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

Issued in Washington, D.C., on July 30, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

Appendix B of Part 150 is amended by adding the following:

PHASE IV

QUESTIONS & ANSWERS

No. 3

1. Q: What is the status of restaurants in Phase IV, Stage A?

A: Restaurants and other food service organizations are fully subject to the regulations of Phase IV, Stage A as resellers of food items. They are subject to Section 140.93(f) as resellers of meat and Section 140.93(c) of Subpart I for all other food items.

2. Q: May restaurants increase their menu prices for beef products?

A: No. Restaurants and other food service organizations are exempt from the meat price ceilings but are subject to the freeze and thus must maintain their freeze prices on beef products.

3. Q: May the price of cattle hides be increased during Stage A of Phase IV?

A: No. Cattle hides are not food and therefore their prices are still "frozen", pursuant to the June 13, 1973, Freeze Order. On August 12, 1973, cattle hides will be subject to the applicable non-food regulations of Phase IV.

4. Q: Can the price of an item placed in inventory be increased to reflect an increase in raw agricultural product costs incurred after June 8 and before July 19?

A: Yes, but only if its average cost exceeds its freeze price. Section 140.93(e)(2) of the regulations has been changed to permit an increase in this situation.

5. Q: An item was placed in inventory prior to July 18; *its average cost exceeds its freeze price.* How may it be repriced in light of the rules for Phase IV, Stage A?

A: If the average cost of an item in inventory prior to July 18 exceeds its freeze price, Phase IV, Stage A, allows the firm to adjust its freeze price on those inventoried items to allow a dollar-for-dollar passthrough of increases in the costs of raw agricultural products during the period January 10, 1973, to July 18, 1973, up to the average cost of the food item. Accordingly, inventory items selling at a loss may be repriced to include those raw agricultural cost increases incurred during this period not already reflected in the freeze price of the item, but in no case may a price higher than the average cost of the food item be charged under this rule. All inventory price adjustments pursuant to this rule also must be fully documented.

Examples to illustrate the foregoing:

Average cost:	$5.50/case
Freeze Price:	$5.00/case

The average cost incurred prior to July 18, at which the item is carried in inventory is made up of the following:

Raw agricultural cost	$4.00
Other costs	$1.50
Average cost	$5.50

1. The freeze price is based on a pre-freeze cost of $4.50, made up of the following:

Raw agricultural cost	$3.50
Other costs	$1.00
Total pre-freeze	$4.50

What is the inventory price adjustment? $.50. This reflects the increase in the raw agricultural cost from $3.50 to $4.00.

$4.00 minus $3.50=$.50, i.e., price may be raised to $5.50.

2. The freeze price is based on a pre-freeze cost of $4.50, made up of the following:

Raw agricultural cost	$3.75
Other costs	$ .75
Total pre-freeze cost	$4.50

What is the inventory price adjustment? $.25. This reflects the increase in the raw agricultural cost from $3.75 to $4.00.

$4.00 minus $3.75=$.25, i.e., price may be raised to $5.25.

3. The freeze price is based on a pre-freeze cost of $4.50, made up of the following:

Raw agricultural cost	$3.25
Other costs	$1.25
Total pre-freeze cost	$4.50

What is the inventory price adjustment? $.50. This reflects the increase in the raw agricultural cost from $3.25 to $4.00.

$4.00 minus $3.25=$.75, but since inventory prices may only be raised to the level of the average cost, the price can only be raised to $5.50.

4. The freeze price is based on a pre-freeze cost of $4.50, made up of the following:

Raw agricultural cost	$4.00
Other costs	$ .50
Total pre-freeze costs	$4.50

What is the inventory price adjustment? $.00.

$4.00 minus $4.00=$.00, i.e., there has been no increase in raw agricultural costs and thus there is no justification for a price increase.

6. Q: A firm has an item in inventory as of July 18 whose average cost exceeds its freeze price. It thinks that some (or all) of the cost of that inventory is due to increases in raw agricultural product costs since January 10, 1973, not already reflected in its price. To raise its prices on that inventory the firm knows it must document those increases in raw agricultural costs. What kind of certification for those raw agricultural cost increases is required?

A: The firm must obtain from its supplier documentation for that portion of raw agricultural cost increases not already reflected in its freeze price. The documentation must indicate a specific item ("20,000 cases, Green Peas") and a specific shipping time ("shipped during the period May 25 through June 17") and be in accordance with the requirements of invoice certification as per Section 140.97 of the regulations.

7. Q: Milk dealers regulated under state and Federal milk marketing orders do not know the cost of milk used to produce *manufactured* dairy products until the fifth day of the following month. For example, the cost of milk used in manufactured dairy products this June was not known until July 5. Resale prices for manufactured dairy products are based on last known cost of raw milk during the June 1–8 period. May milk firms use last known costs to establish a "freeze cost"?

A: Yes. Milk dealers can establish a "freeze cost" based on the last known cost of raw milk for manufacturing during the June 1–8 period. However, allowable cost increases calculated from a freeze cost based on the last known cost of raw milk may not be used to justify a price increase which exceeds its minimum prices set under state or Federal milk marketing orders.

8. Q: The price for milk utilized in the production of cheese, butter and other nonfluid products is usually not established until early in the month following the month in which such milk is used. May a milk processor adjust the prices of his non-fluid finished products during the current month to reflect anticipated increases in his current raw milk costs, which will be calculated in the following month?

A: No. Firms may only increase their prices on food items to reflect "allowable cost increases" that have actually been incurred and can be documented.

[FR Doc.73-15946 Filed 7-30-73;3:16 pm]

PART 150—COST OF LIVING COUNCIL PHASE IV REGULATIONS

Phase IV Questions and Answers No. 4.

These "Questions and Answers", which are issued by the Cost of Living Council, are designed to provide immediate

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guidance in understanding and applying the new regulations governing Stage A of Phase IV for food. To achieve the broadest publication, these are hereby added to Appendix B of Part 150. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

Issued in Washington, D.C., on July 30, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

Appendix B of Part 150 is amended by adding the following:

PHASE IV
QUESTIONS & ANSWERS
NO. 4

1. Q: Items in inventory as of July 18 and items put into inventory after July 18 might have different new prices under the rules of the Phase IV, Stage A food regulations due to the timing or severity of new agricultural price increases. It is thus important for a firm in repricing items to know just what was in inventory as of July 18. What methods may be used in that determination?

A: In determining what was in inventory as of July 18 the general rule should be that those goods to which the firm had title are considered inventory. Some firms will have a physical count or accounting tally of inventory as of July 18. However, forecasts based on historical inventory depletion rates may also be used in determining inventory levels as of July 18.

2. Q: What are the restrictions on passing through "allowable cost increases" and the requirements for reflecting cost decreases?

A: While a food firm may take an "allowable cost increase" at any time after it is incurred, it must make a required cost decrease upon the expiration of the repricing period during which the cost decrease occurs.

All decreases must be passed through, but they may be balanced by any "allowable cost increases" which have not been taken. If the current cost goes below the freeze cost or the certified invoice indicates a decrease in cost, a seller must decrease his price to reflect these lower costs, even though this price may be lower than his freeze price.

3. Q: Must a retailer or food service organization provide certification of raw agricultural cost increases to the ultimate consumer?

A: No. However, that retailer or food service organization must maintain certified invoices documenting those increases and they must be made available on request to Internal Revenue Service Economic Stabilization Program personnel.

4. Q: Will a firm be in compliance with the invoice certification requirements of Phase IV, Stage A food regulations if it attaches a preprinted (e.g., mimeographed, computer printed or stamped) certification form to the invoice it gives the buyer?

A: Yes. The firm must still state either on the invoice or the preprinted certification form that part of the price for each item in the shipment that is due to "allowable cost increases" and that part of the price for each item that is due to required cost decreases. Further, it must use the language stipulated in Sections 130.129(a) and 140.197 of the Phase IV, Stage A regulations.

The signature on such a certification may be preprinted or rubber stamped, but it must be initialed by the named individual or his duly authorized agent. Whenever a firm authorizes an individual such as the shipping clerk to initial a preprinted signature on an invoice, the individual whose signature is printed on the preprinted certification will be held responsible for the veracity of the certification.

[FR Doc.73-15947 Filed 7-30-73;3:16 pm]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 67]

STUDENT LOAN MARKETING ASSOCIATION; ISSUANCE AND TRANSFER OF COMMON STOCK

Notice of Proposed Rule Making

Pursuant to the authority contained in section 439 of the Higher Education Act of 1965 (20 U.S.C. 1087-2) notice is hereby given that the Secretary of Health, Education, and Welfare proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 67. The new part would be included in Subtitle A of Title 45. Regulations issued from time to time under the new part would relate only to functions of the Secretary of Health, Education, and Welfare with respect to the conduct of the Student Loan Marketing Association.

The Student Loan Marketing Association (hereinafter referred to as the "Association"), a Government sponsored private corporation, was created by the Congress for the purpose of serving as a secondary market and warehousing facility for student loans insured by the U.S. Commissioner of Education or by a State or non-profit private agency or organization under programs conducted pursuant to Part 177 of Title 45 of the Code of Federal Regulations.

Currently, the affairs of the Association are governed by a 21-member interim Board of Directors appointed by the President of the United States. However, the authorizing statute provides that when sufficient common stock of the Association has been purchased by educational institutions and banks or other financial institutions, a permanent Board of Directors shall be established. The holders of common stock which are educational institutions shall elect seven members and the holders of such stock which are banks or other financial institutions shall also elect seven members of the permanent Board of Directors. The President shall appoint the remaining seven directors who shall be representative of the general public.

The regulations hereby proposed set out the class of institutions and organizations through which and to which the common stock of the Association may be offered for sale or otherwise transferred. The proposed regulations are not exhaustive of the Secretary's authority and are issued at this time in order to facilitate the initial sale of common stock by the Association.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Office of the Assistant Secretary for Planning and Evaluation, Department of Health, Education, and Welfare, Room 5032, 330 Independence Avenue, SW., Washington, D.C. 20201. Responses to this notice will be available for public inspection at the above office Monday through Friday between 9 and 5 p.m. All comments received on or before August 16, 1973 shall be considered.

Dated: July 27, 1973.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended by adding a new Part 67 to Subtitle A to read as follows:

PART 67—STUDENT LOAN MARKETING ASSOCIATION—ISSUANCE AND TRANSFER OF COMMON STOCK

Sec.
67.1 Purpose and scope.
67.2 Definitions.
67.3 Initial issuance of common stock.
67.4 Subsequent transfer of common stock.
67.5 Registration of common stock.

AUTHORITY: Sec. 439(f), Higher Education Act of 1965 as added by sec. 133, Public Law 92-318, 86 Stat. 265, 20 U.S.C. 1087-2.

§ 67.1 Purpose and scope.

The purpose of the regulations published under this part is to prescribe the class of institutions and organizations that may acquire the common stock of the Association. The regulations deal with both the initial issuance of such stock and its subsequent transfer but are not to be deemed as exhaustive of the Secretary's authority to issue regulations pursuant to section 439 of the Higher Education Act of 1965. The sections that follow are intended to facilitate the broadest possible distribution of the common stock of the Association among lenders and educational institutions participating in or eligible to participate in programs of guaranteed student loans authorized by part B of title IV of the Higher Education Act of 1965.

§ 67.2 Definitions.

As used in this part—

"Act" means title IV, part B of the Higher Education Act of 1965, as amended (20 U.S.C. 1071-1087-2).

"Commissioner of Education" means the U.S. Commissioner of Education.

"Eligible holder" means (a) an eligible lender and (b) an eligible institution as defined in this part.

"Eligible institution" means an institution of higher education or vocational school which meets the applicable requirements of sections 435(b)-(f) of the Act. A current list of such institutions shall from time to time be published by the Commissioner of Education.

"Eligible lender" means a financial or credit institution or other organization which (a) is party to a contract of insurance pursuant to the Act with the Commissioner of Education, (b) is otherwise found by the Commissioner of Education to be an "eligible lender" under the Act, or (c) is a party to a contract of insurance with a State or a nonprofit private agency under a student loan insurance program covered by an agreement with the Commissioner of Education under section 428(b) of the Act. A current list of such institutions and organizations shall from time to time be published by the Commissioner of Education.

"Secretary" means the Secretary of Health, Education, and Welfare.

"Student Loan Marketing Association" or "Association" means the Government sponsored nonprofit private corporation established by section 439 of the Act (20 U.S.C. 1087-2) for the purpose of serving as a secondary marketing and warehousing facility for loans to vocational students and students in institutions of higher education which have been insured pursuant to Part 177 of Chapter I, Office of Education, of this title.

§ 67.3 Initial issuance of common stock.

In order to effect any initial issuance of shares of common stock to eligible holders, the Association may enter into a contract or contracts with security underwriters, including banks ("underwriters"), under which the underwriters will purchase and take title to such shares for the purpose of distributing them directly or through selected security dealers, including banks, to eligible holders.

§ 67.4 Subsequent transfer of common stock.

Any shares of common stock that have been acquired by an eligible holder may thereafter be sold and transferred only to other eligible holders or to security brokers and dealers who will acquire the shares of common stock for the purpose of making a secondary market in such shares to facilitate the sale and purchase of such shares by eligible holders.

§ 67.5 Registration of common stock.

Any institution or organization entitled to own shares of common stock under

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the provisions of this part may cause such shares of common stock as it owns to be registered on the books of the Association in its own name or, provided that the request for such registration is accompanied by evidence satisfactory to the Association that the owner is an eligible lender or an eligible institution, in the name of a nominee or in the name of a security broker or dealer, including a bank.

[FR Doc.73-15958 Filed 7-31-73;8:45 am]

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Right to Hearing Under Supplementary Medical Insurance Program

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to regulations set forth in tentative form below are proposed by the Acting Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments, which reflect and implement the provisions of section 262 of Public Law 92-603, impose a qualification amount of $100 or more in controversy in order for an individual dissatisfied with a determination of the carrier to be granted an opportunity for a fair hearing under the Supplementary Medical Insurance program.

The proposed amendments also set out principles and guidelines for determining the amount in controversy for the purpose of ascertaining an individual's right to a hearing. These principles and guidelines are similar to those currently in effect under the Hospital Insurance program (20 CFR 405.740-405.741) and have been formulated primarily with the intent of ensuring that the amount in controversy is commensurate with the expense of conducting a hearing and not with the intent of limiting the number of hearings. In this regard, any series of claims by the same party or parties to the determinations for which requests for hearing have been timely filed, but on which no decisions by a hearing officer have previously been made, shall be considered collectively in determining whether the amount in controversy is $100 or more. The principle, currently in effect under the Hospital Insurance program, that the amount in controversy is the actual amount charged the individual for items and services in question, less any applicable deductible and coinsurance amounts, has been incorporated in the proposed amendments for application under the Supplementary Medical Insurance program. Finally, the proposed regulations provide that the hearing officer shall determine whether the amount in controversy is $100 or more for the purpose of ascertaining an individual's right to a hearing. This provision is similar to the one applicable under the Hospital Insurance program (20 CFR § 405.741).

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, by August 31, 1973.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Buliding, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1842, 1871, 49 Stat. 647, as amended, 79 Stat. 309; 79 Stat. 331, 42 U.S.C. 1302, 1395 et seq.

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Dated: June 22, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved: July 25, 1973.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Part 405 of Title 20 of the Code of Federal Regulations is amended as follows:

1. Paragraph (a) of § 405.801 is revised to read as follows:

§ 405.801 Title XVIII, Part B—General.

(a) Section 1842(b)(3)(C) of the Act provides that a carrier shall establish and maintain procedures under which an individual enrolled in the supplementary medical insurance plan (see Subpart B of this Part) is provided with the opportunity for a hearing by the carrier when the amount in controversy is $100 or more as determined in accordance with § 405.820(b) and he is dissatisfied with the carrier's determination denying a request for payment, or with the amount of payment under the supplementary medical insurance plan or when he believes that the request for payment is not being acted upon with reasonable promptness. A physician or other person who furnishes items or services to a person enrolled under the supplementary medical insurance plan and who accepts an assignment from the enrollee has the same right as the enrollee to appeal the carrier's determination.

* * * * *

2. Section 405.811 is revised to read as follows:

§ 405.811 Notice of informal review determination.

Written notice of the determination after informal review shall be mailed to the parties thereto at their last known addresses. The review determination shall state the basis therefor and advise the parties of their right to a hearing when the amount in controversy is $100 or more as determined in accordance with § 405.820(b). The notice will state the place and manner of requesting a hearing as well as the time limit during which a hearing must be requested (see §§ 405.820 and 405.821).

3. In § 405.820 paragraph (a) is revised, paragraphs (b) and (c) are redesignated as (c) and (d) respectively, and a new paragraph (b) is added to read as follows:

§ 405.820 Right to hearing.

(a) *General.* Any party designated in § 405.822 shall be entitled to a hearing after an informal review determination has been made by the carrier if the amount in controversy is $100 or more as determined in accordance with paragraph (b) of this section when such party files a written request for a hearing.

(b) *Amount in controversy.* For the purpose of determining an individual's right to a hearing under paragraph (a) of this section:

(1) The amount in controversy shall be computed as the actual amount charged the individual for the items and services in question, less any amount for which payment has been made by the carrier and less any deductible and coinsurance amounts applicable in the particular case.

(2) Any series of claims by the same party or parties to the determinations for which the requests for hearing have been timely filed but on which no decisions by a hearing officer have previously been made shall be considered collectively in determining the amount in controversy.

(3) The determination as to whether the amount in controversy is $100 or more shall be made by the hearing officer.

* * * * *

4. In § 405.832 paragraph (d) is redesignated as (e) and a new paragraph (d) is added to read as follows:

§ 405.832 Dismissal of request for hearing.

* * * * *

(d) *Dismissal without prejudice.* The hearing officer may on his own motion dismiss without prejudice a hearing request where the amount in controversy is less than $100.

* * * * *

5. Paragraph (b) of § 405.842 is revised to read as follows:

§ 405.842 Notice of reopening and revision.

* * * * *

(b) *Effect of revised determination.* The revision of a determination (see § 405.841) shall be final and binding upon all parties thereto unless a party files a written request for a hearing with respect to a revised determination when the amount in controversy is $100 or more.

[FR Doc.73-15833 Filed 7-31-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 90]

[CGD 73-100P]

GREAT LAKES PILOT RULES

Notice of Proposed Rulemaking

The Coast Guard is considering an amendment to Part 90 of Title 33 of its regulations.

The purpose of the proposal is to unify the regulations which are now divided between the Coast Guard and the Army Corps of Engineers. The regulations on lights and day signals applicable to the "Great Lakes" and "Western Rivers" in Part 201 of Title 33 were revoked by the Corps of Engineers in the FEDERAL REGISTER dated May 16, 1973 (38 FR 12804), "effective upon promulgation in the FEDERAL REGISTER in Title 33 of identical regulations by the U.S. Coast Guard as §§ 90.31 through 90.46."

While Part 201 applied to both "Great Lakes" and "Western Rivers," the proposed regulations apply only to Great Lakes, inasmuch as similar Coast Guard regulations are already contained in Subchapter F, Part 95, Pilot Rules for Western Rivers, §§ 95.52 through 95.66.

Written comments. Interested persons are invited to participate in this rule making by submitting written data, views or arguments to the Executive Secretary, Marine Safety Council (GCMC/82), Room 8234, 400 Seventh St. SW, Washington, D.C. 20590 (Phone 202-426-1477). Written comments should include the docket number of this notice, the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed. [A separate page for each section commented upon and two or more copies are encouraged].

Public hearing. No public hearing is contemplated, but will be held if requested by anyone who raises a genuine issue.

Closing date for comments. All relevant communications received on or before September 3, 1973, will be fully considered before final action is taken on this proposal. This proposal may be changed in the light of the comments received; however, acknowledgment of individual comments will not be made. Copies of comments received [and a tape recording of the public hearing] will be available for examination in Room 8234. Copies of comments will be furnished interested persons upon request to the Coast Guard (GCMC/82) and payment of the fees prescribed in 49 CFR 7.81.

In consideration of the foregoing, it is proposed to adopt §§ 201.2 through 201.20 of Title 33 of the Code of Regulations as an amendment to Part 90 of the same title by adding them as new §§ 90.31 through 90.46, as set forth below.

(33 U.S.C. 243, 49 CFR 1.46(B))

Dated: July 25, 1973.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

§ 90.31 Signals to be displayed by a towing vessel when towing a submerged or partly submerged object upon a hawser when no signals can be displayed upon the object which is towed.

(a) The vessel having the submerged object in tow shall display by day, where they can best be seen, two shapes, one above the other, not less than six feet apart, the lower shape to be carried not less than 10 feet above the deck house. The shapes shall be in the form of a double frustrum of a cone, base to base, not less than two feet in diameter at the center nor less than eight inches at the ends of the cones, and to be not less than four feet lengthwise from end to end, the upper shape to be painted in alternate horizontal stripes of black and white, eight inches in width, and the lower shape to be painted a solid bright red.

(b) By night the towing vessel shall display the regular side lights, but in lieu of the regular white towing lights shall display four lights in a vertical position not less than three feet nor more than six feet apart, the upper and lower of such lights to be white, and the two middle lights to be red, all of such lights to be of the same character as the regular towing lights.

§ 90.32 Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting.

(a) Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting, shall display by day two shapes of the same character and dimensions and displayed in the same manner as required by § 90.31(a), except that both shapes shall be painted a solid bright red, but where more than one vessel is working under the above conditions, the shapes need be displayed only from one vessel on each side of the wreck from which they can best be seen from all directions.

(b) By night this situation shall be indicated by the display of a white light from the bow and stern of each outside vessel or lighter not less than six feet above the deck, and in addition thereto there shall be displayed in a position where they can best be seen from all directions two red lights carried in a vertical line not less than three feet nor more than six feet apart, and not less than 15 feet above the deck.

§ 90.33 Dredges held in stationary position by moorings or spuds.

(a) Dredges which are held in stationary position by moorings or spuds shall display by day two red balls not less than two feet in diameter and carried in a vertical line not less than three feet nor more than six feet apart, and at least 15 feet above the deck house and in a position where they can best be seen from all directions.

(b) By night they shall display a white light at each corner, not less than six feet above the deck, and in addition thereto there shall be displayed in a position where they can best be seen from all directions two red lights carried in a vertical line not less than three feet nor more than six feet apart, and not less than 15 feet above the deck. When scows are moored alongside a dredge in the foregoing situation they shall display a white light on each outboard corner, not less than six feet above the deck.

§ 90.34 Self-propelling suction dredges under way and engaged in dredging operations.

(a) Self-propelling suction dredges under way and engaged in dredging operations shall display by day two black balls not less than two feet in diameter and carried in a vertical line not less than 15 feet above the deck house, and where they can best be seen from all directions. The term "dredging operations" shall include maneuvering into or out of position at the dredging site, but shall not include proceeding to and from the site.

(b) By night they shall carry, in addition to the regular running lights, two red lights of the same character as the white masthead light and in a vertical line beneath that light, the red lights to be not less than three feet nor more than six feet apart and the upper red light to be not less than four feet nor more than six feet below the masthead light, and on or near the stern two red lights in a vertical line not less than four feet nor more than six feet apart, to show through four points of the compass; that is, from right astern to two points on each quarter.

§ 90.35 Vessels moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike construction, revetment, or other bank protection operations.

(a) Vessels which are moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike construction, revetment, or other bank protection operations, shall display by

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day, not less than 15 feet above the deck, where they can best be seen from all directions, two balls not less than two feet in diameter, in a vertical line not less than three feet nor more than six feet apart, the upper ball to be painted in alternate black and white vertical stripes six inches wide, and the lower ball to be painted a solid bright red.

(b) By night they shall display three red lights, carried in a vertical line not less than three feet nor more than six feet apart, in a position where they can best be seen from all directions, with the lowermost light not less than 15 feet above the deck.

(c) Where a stringout of moored vessels or barges is engaged in the operations, three red lights carried as prescribed in paragraph (b) of this section shall be displayed at the channelward end of the stringout. Where the stringout crosses the navigable channel and is to be opened for the passage of vessels, the three red lights shall be displayed at each side of the opening instead of at the outer end of the stringout. There shall also be displayed upon such stringout one horizontal row of amber lights not less than six feet above the deck, or above the deck house where the craft carries a deck house, in a position where they can best be seen from all directions, spaced not more than 50 feet apart so as to mark distinctly the entire length and course of the stringout.

§ 90.36 Lights to be displayed on pipe lines.

Pipe lines attached to dredges, and either floating or supported on trestles, shall display by night one row of amber lights not less than eight feet nor more than 12 feet above the water, about equally spaced and in such number as to mark distinctly the entire length and course of the line, the intervals between lights where the line crosses navigable channels to be not more than 30 feet. There shall also be displayed on the shore or discharge end of the line two red lights, three feet apart, in a vertical line with the lower light at least eight feet above the water, and if the line is to be opened at night for the passage of vessels, a similar arrangement of lights shall be displayed on each side of the opening.

§ 90.37 Lights generally.

(a) All the lights required by §§ 90.31 to 90.36, except as provided in §§ 90.31 (b) and 90.34(b), shall be of such character as to be visible on a dark night with a clear atmosphere for a distance of at least two miles.

(b) The lights required by § 90.31(b) to be of the same character as the regular towing lights, and the lights required by § 90.34(b) to be of the same character as the masthead light, shall be of such character as to be visible on a dark night with a clear atmosphere for a distance of at least five miles.

(c) All floodlights or headlights which may interfere with the proper navigation of an approaching vessel shall be so shielded that the lights will not blind the pilot of such vessel.

§ 90.38 Vessels moored or at anchor.

Vessels of more than 65 feet in length when moored or anchored in a fairway or channel shall display between sunrise and sunset on the forward part of the vessel where it can best be seen from other vessels one black ball not less than two feet in diameter.

PASSING FLOATING PLANT WORKING IN NAVIGABLE CHANNELS

§ 90.39 Passing signals.

(a) Vessels intending to pass dredges or other types of floating plant working in navigable channels, when within a reasonable distance therefrom and not in any case over a mile, shall indicate such intention by one long blast of the whistle, and shall be directed to the proper side for passage by the sounding, by the dredge or other floating plant, of the signal prescribed in the local pilot rules for vessels under way and approaching each other from opposite directions, which shall be answered in the usual manner by the approaching vessel. If the channel is not clear, the floating plant shall sound the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the plant.

(b) When the pipe line from a dredge crosses the channel in such a way that an approaching vessel cannot pass safely around the pipe line or dredge, there shall be sounded immediately from the dredge the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the dredge. The pipe line shall then be opened and the channel cleared as soon as practicable; when the channel is clear for passage the dredge shall so indicate by sounding the usual passing signal as prescribed in paragraph (a) of this section. The approaching vessel shall answer with a corresponding signal and pass promptly.

(c) When any pipe line or swinging dredge shall have given an approaching vessel or tow the signal that the channel is clear, the dredge shall straighten out within the cut for the passage of the vessel or tow.

NOTE: The term "floating plant" as used in §§ 90.39 to 70.45, includes dredges, derrick boats, snag boats, drill boats, pile drivers, maneuver boats, hydraulic graders, survey boats, working barges, and mat sinking plant.

§ 90.40 Speed of vessels passing floating plant working in channels.

Vessels, with or without tows, passing floating plant working in channels, shall reduce their speed sufficiently to insure the safety of both the plant and themselves, and when passing within 200 feet of the plant their speed shall not exceed five miles per hour. While passing over lines of the plant, propelling machinery shall be stopped.

§ 90.41 Light-draft vessels passing floating plant.

Vessels whose draft permits shall keep outside the buoys marking the ends of mooring lines of floating plant working in channels.

§ 90.42 Aids to navigation marking floating-plant moorings.

Breast, stern, and bow anchors of floating plant working in navigable channels shall be marked by barrel or other suitable buoys. By night approaching vessels shall be shown the location of adjacent buoys by throwing a suitable beam of light from the plant on the buoys until the approaching vessel has passed, or the buoys may be lighted by red lights, visible in all directions, of the same character as specified in § 90.37(a).

§ 90.43 Obstruction of channel by floating plant.

Channels shall not be obstructed unnecessarily by any dredging or other floating plant. While vessels are passing such plant all lines running therefrom across the channel on the passing side which may interfere with or obstruct navigation shall be slacked to the bottom of the channel.

§ 90.44 Clearing of channels.

When special or temporary regulations have not been prescribed and action under the regulations contained in §§ 90.39 to 90.43 will not afford clear passage, floating plant in narrow channels shall, upon notice, move out of the way of vessels a sufficient distance to allow them a clear passage. Vessels desiring passage shall, however, give the master of the floating plant ample notice in advance of the time they expect to pass.

NOTE: If it is necessary to prohibit or limit the anchorage or movement of vessels within certain areas in order to facilitate the work of improvement, application should be made through official channels for establishment by the Secretary of the Army of special or temporary regulations for this purpose.

§ 90.45 Protection of marks placed for the guidance of floating plant.

Vessels shall not run over anchor buoys, or buoys, stakes, or other marks placed for the guidance of floating plant working in channels; and shall not anchor on the ranges of buoys, stakes, or other marks placed for the guidance of such plant.

§ 90.46 Lights for Great Lakes pilot vessels.

(a) A power driven pilot vessel when engaged on pilotage duty and under way:

(1) Shall carry a white light at the masthead at a height of not less than 20 feet above the hull, visible all round the horizon at a distance of at least 3 miles and at a distance of 8 feet below it a red light similar in construction and character. If such a vessel is of less than 65 feet in length the vessel may carry the white light at a height of not less than 9 feet above the gunwale and the red light at a distance of 4 feet below the white light.

(2) Shall carry the sidelights prescribed by Great Lakes Rule 3 (33 U.S.C. 252) or by the Act of April 25, 1940 (46 U.S.C. 526b), as appropriate, and a white light at the stern showing an unbroken light over an arc of the horizon of 135°, so fixed as to show the light 67½° from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles.

(3) Shall show one or more flareup lights at intervals not exceeding 10 minutes. An intermittent white light visible all round the horizon may be used in lieu of flareup lights.

(b) A sailing pilot vessel when engaged on pilotage duty and underway:

(1) Shall carry a white light at the masthead visible all round the horizon at a distance of at least 3 miles.

(2) Shall be provided with the sidelights prescribed in paragraph (a)(2) of this section or the portable lanterns prescribed by Great Lakes Rule 8 (33 U.S.C. 257), as appropriate, and shall, on the near approach of or to other vessels, have such lights ready for use, and shall show them at short intervals to indicate the direction in which the pilot vessel is heading, but the green light shall not be shown on the port side nor the red light on the starboard side. The vessel shall also carry the stern light prescribed in paragraph (a)(2) of this section.

(3) Shall show one or more flareup lights at intervals not exceeding 10 minutes.

(c) A pilot vessel when engaged on pilotage duty and not under way shall carry the lights and show the flares prescribed in paragraph (a) (1) and (3) or (b) (1) and (3) of this section, as appropriate, and if at anchor shall also carry the anchor lights prescribed in Great Lakes Rule 9 (33 U.S.C. 253).

(d) A pilot vessel when not engaged on pilotage duty shall show the lights or shapes for a similar vessel of the same length.

[FR Doc.73-15830 Filed 7-31-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

LOS ANGELES AREA TRANSPORTATION CONTROL PLAN

Bus/Carpool Lanes

On June 15, 1973, the Administrator announced a revised transportation control proposal for the Los Angeles Intrastate Air Quality Control Region to reduce concentrations of photochemical oxidants and nitrogen dioxide. 38 FR 17685 (July 2, 1973).

This proposal included a proposed regulation requiring that major streets and highways with three lanes in one direction have at least one exclusive bus/carpool lane during rush hours, and that those with four lanes in one direction have two lanes for buses and carpools. Similar proposals have been made for several other regions in the nation. The U.S. Department of Transportation (DOT) has commented upon this revised proposal in a letter dated July 9, 1973. DOT recommends, as it did in its comments on the original proposal for Los Angeles, that substantially more road space on certain routes be dedicated exclusively to buses and carpools than the EPA proposal, although less may be dedicated on other routes.

Because of the importance of public discussion on alternative ways of reducing vehicle miles traveled (VMT) and stimulating mass transit, the portions of the DOT letter dealing with buses and carpools are quoted below. Public comment is invited on this proposal along with other proposals, and testimony is solicited at the public hearing to be held on August 9, 1973, at the Los Angeles Convention Center, 1201 South Figueroa, Los Angeles, California.

Mr. Paul DeFalco, Jr.
Regional Administrator
Environmental Protection Agency
100 California Street
San Francisco, California 94111

Dear Mr. DeFalco:

* * * * * *

In general, we strongly support the concept of a bus/carpool strategy as a basic element of transportation control strategies, particularly for the Los Angeles region. As you know, in our comments on the original plan for the Los Angeles region proposed by EPA in January 1973, we recommended setting aside all freeways and arterials for the exclusive use of buses and carpools during the peak hours, with administrative flexibility to make appropriate exceptions.

However, while we strongly support the concept of utilizing a bus/carpool strategy, the particular method now proposed by EPA would, we believe, not be effective and would have severe safety and enforcement problems. The reasons for this situation are set forth below, together with an alternative which we now recommend.

The EPA proposal would require that, on all streets and highways having three moving lanes in one direction, one of these lanes be set aside for exclusive bus/carpool use during the peak hours. On streets and highways having four moving lanes in one direction, one of these lanes would be set aside for exclusive bus/carpool use 24 hours a day and a second lane would be similarly set aside during the peak hours.

Such an arrangement would result, during the peak hours, in two lanes of heavy automobile traffic (moving at high speeds in the case of freeways) crossing through one or two lanes of high speed combined bus/carpool traffic at access and egress points and intersections, assuming that the bus/carpool lanes are the right-hand lanes. If the bus/carpool lanes are the left-hand lanes, then the bus/carpool traffic would be required to cross through two lanes of heavy automobile traffic at access and egress points and intersections. Either situation would be unsafe, and would result in slowing down traffic and causing backups in both the bus/carpool lanes and the general automobile lanes as the cross-throughs were attempted. In order to prevent such a logjam, it would require permitting weaving of the left-hand lanes into the right-hand lanes over a long distance, rather than just at access and egress points and intersections—the effect of which would be to substantially eliminate the exclusive nature (and speed advantage) of the bus/carpool lanes. Moreover, it would be extremely difficult to enforce the proposed bus/carpool arrangement, because of the opportunity for general automobile traffic to slip into the carpool lanes without detection.

The difficulties noted above are so substantial, in our view, that we believe the proposed strategy would be unlikely to result in any significant reduction in vehicle miles of travel (VMT) and even less in automobile emissions. We might add that we are not aware of any place in the United States where a combined bus/carpool lane of moving traffic has yet been attempted (the plans for the bus/carpool lanes on Shirley Highway in Virginia involve physical separation and separate ramps for access and egress for the bus/carpool traffic). It would be most undesirable, in our view, to attempt such an approach on all major streets and highways in the urban area, as proposed by EPA.

We note that in the Preamble to the proposed plan, EPA states that the bus/carpool strategy recommended by DOT in our comments on the January plan (as mentioned above) 'would not provide sufficient transportation for the area.' We understand that EPA's view was that not all trips during the peak hours could be served by buses or carpools, and that precluding such trips from freeways and arterials would therefore be unreasonable. It was for this very reason, however, that our proposal explicitly provided for administrative flexibility to make appropriate exceptions.

Although we believe our earlier recommendation would be an effective and viable approach, there follows a less stringent approach which would, nevertheless, avoid the difficulties inherent in the EPA proposal. Specifically, we recommend that:

a. All lanes on all limited access roads be set aside for the exclusive use of buses and carpools during the peak hours.

b. All lanes on selected non-limited access arterials, in corridors not served by limited access roads, also be set aside for exclusive bus/carpool use during peak hours.

c. On selected additional arterials and Central Business District (CBD) streets, one lane be set aside during the peak hours for the exclusive use of buses only. On such streets, curb parking should be prohibited during the peak hours.

The EPA regulation could require the State, in cooperation with local officials, to submit for EPA approval the roads selected under b. and c. above, together with any exceptions needed to the above requirements.

This bus/carpool approach would give substantial preference to buses and carpools, but would do so safely and effectively. At the same time, it would permit general auto use on some arterials, to provide some flexibility for those users who prefer, or need, to continue to use automobiles during the peak hours in a non-carpool mode.

BENJAMIN O. DAVIS, JR.
Assistant Secretary for Environment, Safety, and Consumer Affairs

Dated: July 27, 1973.

ROBERT W. FRI,
Acting Administrator.

[FR Doc.73-15913 Filed 7-31-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR—Part 73]

FM BROADCAST STATIONS

Table of Assignments; Extension of Time for Comments and Reply Comments

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ripley, Miss.; Berryville, Ark.; Caro, Mich.; Mitchell, S.D.;

V 38-147 AUG 1 73 XUM

Bolivar, Tenn.; Honea Path, S.C.; Pawhuska, Okla.; Oak Creek, Colo.; Springhill, La.; Quitman, Miss.; and Huntingburg, Ind.) Docket No. 19763 RM–2066 RM–2141 RM–2103 RM–2171 RM–2110 RM–2173 RM–2112 RM–2174 RM–2123 RM–2178 RM–2138

1. On June 6, 1973, the Commission adopted a notice of proposed rule making in the above-captioned proceeding. Publication was given in the FEDERAL REGISTER on June 19, 1973, 38 F.R. 15971. The date for comments has expired and the reply comment date is presently July 31, 1973.

2. A. L. Stein, Counsel for Paul Knies, proponent in this proceeding, filed a request for an extension of time to and including August 8, 1973, to file reply comments. Mr. Stein states that he intends to leave on a short vacation without a definite return date and therefore requires the additional time.

3. We are of the view that the requested extension of time is warranted and would serve the public interest. Accordingly, *It is ordered*, That the time for filing reply comments is extended to and including August 8, 1973, in RM–2178 only.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: July 24, 1973.

Released: July 25, 1973.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73–15864 Filed 7–31–73;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

INTEREST ON DEPOSITS

Protection of Depositors

The Board of Governors proposes to amend its Regulation Q to provide that (1) any advertisement, announcement, or solicitation relating to interest paid on time deposits by member banks include clear and conspicuous notice that Federal law and regulation prohibit the bank from paying a time deposit before maturity unless certain interest is forfeited, and (2) the bank customer shall be given, at the time that a time deposit is made, a disclosure statement which makes it clear that the customer has contracted to leave his funds on deposit for the stated maturity and which describes how the early withdrawal penalty applies to time deposits in the bank, in the event the bank, notwithstanding the contract provisions, permits payment before maturity. This amendment to Regulation Q would be made pursuant to the Board's authority under section 19 of the Federal Reserve Act to prescribe rules governing the payment and advertisement of interest on deposits in member banks.

To aid in the consideration of the matter by the Board, interested persons are invited to submit relevant views, arguments, or data. Any such submission should be addressed in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than August 27, 1973. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

To implement its proposal, the Board proposes to amend its Regulation Q (12 CFR Part 217) in the following respects:

1. Section 217.4 would be amended by redesignating paragraph (e) as paragraph (f) and by adding a new paragraph (e) to read as follows:

§ 217.4 Payment of time deposits before maturity.

• • • • •

(e) *Disclosure of early withdrawal penalty.* At the time a customer makes a time deposit in a member bank, the bank shall provide a written statement of the effect of the penalty prescribed in paragraph (d) of this section, which shall (1) state clearly that the customer has contracted to keep his funds on deposit for the stated maturity, and (2) describe fully and clearly how such penalty provisions apply to time deposits in such bank, in the event the bank, notwithstanding the contract provisions, permits payment before maturity. Such statements shall be expressly called to the attention of the customer and shall contain arithmetic examples illustrating how the penalty provisions apply to specific time deposit contracts.

• • • • •

2. Section 217.6 would be amended by redesignating paragraphs (e), (f), and (g) as (f), (g), and (h) and by adding a new paragraph (e) to read as follows:

§ 217.6 Advertising of interest on deposits.

• • • • •

(e) *Penalty for early withdrawals.* Any advertisement, announcement, or solicitation relating to interest paid by a member bank on time deposits shall include clear and conspicuous notice that Federal law and regulation prohibit the bank from paying a time deposit before maturity unless substantial interest is forfeited.

• • • • •

By order of the Board of Governors, July 26, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73–15805 Filed 7–31–73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 210, 239, 249, 259]

Release Nos. 33–5405, 34–10272, 35–18025

FORMS AND REPORTS

Financial Statements, Summaries of Operations, and Exhibits

Notice is hereby given that the Securities and Exchange Commission has under consideration certain amendments of the instructions pertaining to financial statements, summaries of operations and exhibits in the above forms and an amendment of a related definition in Regulation S–X [17 CFR Part 210]. Forms S–1 [17 CFR 239.11], S–7 [17 CFR 239.26], S–8 [17 CFR 239.16b], S–9 [17 CFR 239.22], S–11 [17 CFR 239.18] are used for registration of securities under the Securities Act of 1933; Forms 10 [17 CFR 249.210] and 12 [17 CFR 249.212] are used for registration of securities under the Securities Exchange Act of 1934; Forms 8–K [17 CFR 249.308], 10–K [17 CFR 249.310], 11–K [17 CFR 249.311] and 12–K [17 CFR 249.312] are used for special or annual reports pursuant to the 1934 Act; and Form U5S [17 CFR 259.5s] is used for annual reports by holding companies registered under the Public Utility Holding Company Act of 1935. Regulation S–X states the requirements applicable to the form and content of financial statements filed under the forms.

The instructions in the forms are proposed to be amended generally to conform the terminology to that recently adopted in Regulation S–X (see Accounting Series Release No. 125 [37 FR 14591]), to correct references to changed rule numbers in Regulation S–X, to achieve consistency among similar requirements in various forms, and to provide clarifications and modifications of the instructions in some respects. Some of the more significant or extensive changes are described below in relation to the forms affected.

In the requirements for summaries of operations (or statements of income) in Forms S–1, S–7, S–8, S–9, S–11, 10 and 10–K the format and the order of the instructions were made consistent; the instructions regarding the furnishing of the separate summaries or income statements of the registrant were clarified; and the instructions regarding the items of revenue and expense to be included in the summary and regarding the computations of ratios of earnings to fixed charges were updated to reflect current requirements. The requirements for a summary of earnings in Form S–8 have been changed to requirements for statements of income, consistent with the requirements in Form S–9.

One of the instructions to the summary in Form 10–K (Instruction 5 to Item 2) which requires a statement by the registrant and a letter by the independent accountant regarding changes in accounting principles or practices, as proposed to be amended in this release, has been included in Form 12–K (Instruction 7 as to Exhibits). This requirement which was recently adopted in Form 10–K (Release No. 34–9344 [36 FR 19363] is considered to be applicable to utility company registrants who utilize Form 12–K in filing their annual reports in lieu of Form 10–K.

Certain of the instructions regarding financial statements (e.g., Instructions 4, 6, 7 and 8 as to Financial Statements of Form S–1 and similar instructions in Forms S–1, S–7, S–9, 10 and 10–K) were modified or clarified and made consistent among forms with respect to the requirements for financial statements of the registrant to be filed and for the filing or omission of financial statements of subsidiaries not consolidated and of 50 percent or less owned persons. Similar instructions regarding these latter requirements were also included for consistency under Exhibits in Forms 12 (Instructions 7 and 8) and 12–K (Instructions 4 and 5).

In addition, this release contains a proposal to amend the definition of the term "significant subsidiary" in Rule 1–02 [17 CFR 210.1–02] of Regulations S–X [Part 210] to achieve consistency with the bases and tests of significance of subsidiaries and other affiliates proposed in these instructions, e.g., Instruction 8 of Form S–1. A test relating to income, which is considered an important test of significance of affiliates, is proposed for both the definition and the instructions as an addition to the existing tests relating to assets and revenues. In Form 8–K the tests in Instruction 4 of Item 2 for determining the significance of acquisitions and dispositions of assets or businesses were also conformed to the tests in the definition.

The instructions pertaining to succession to and acquisition of other businesses (e.g., Instructions 11 and 12 as to Financial Statements of Form S–1 and similar instructions in Forms S–7 and 10) have been updated to reflect current requirements and practices and clarified as between past and future successions. Comparable instructions have been included in Form S–9 to achieve consistency with Form S–7.

In Form S–11 corrections of several references and requirements relating to Regulation S–X are necessary because of the revisions of the regulation. Item 26 and special provision C–3 of the Instructions as to Financial Statements are revised and special provisions C–5, 6 and 7 are omitted to reflect the adoption in Regulation S–X of new schedules as Rules 12–42 and 12–43 [17 CFR 210.12–42 and 17 CFR 210.12–43] in substitution for the schedules specified in Rules 12–37 and 12–38 [17 CFR 210.12–37 and 17 CFR 210.12–38] and new instructions in Rule 5–04 [17 CFR 210.5–04] for Schedules XVII, XVIII and XIX which were previously designated as Schedules XVIII, XIX and XX in Form S–11.

In Form U5S corrections of references to Regulation S–X are also necessary. Paragraphs 1(c)(i) and (ii) of the Instructions as to Financial Statements, which provide for the omission of certain schedules specified in Rule 5–04 of Regulation S–X, are revised to provide for the omission also of new Schedule XVIII which was recently adopted under Rule 5–04. Schedule XVII, which is presently specified for omission in paragraphs (c)(i) and (ii), formerly required compliance with Rule 12–17 [17 CFR 210.12–17] of Regulation S–X [Part 210], the requirements of which rule were combined with Rule 12–04 [17 CFR 210.12–04] and Schedule III under Rule 5–04. Schedule XVII in Rule 5–04 now requires compliance with new Rule 12–42 and it is considered appropriate to continue to permit the omission in Form U5S of Schedule XVII with regard to the new requirements as well as the old by the continued omission of Schedule III. New Schedule XIX, which requires information regarding certain other investments, would be required if applicable. Also in Form U5S, the Instructions as to Financial Statements are updated to make them consistent with those of Form 10–K with respect to requiring statements of source and application of funds and the examination by the independent accountant of the schedules filed in support of the financial statements.

These amendments are proposed to be made pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j and 77s] thereof; the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78l, 78m, 78o(d) and 78w] thereof; and the Public Utility Holding Company Act of 1935, particularly sections 5(b), 14 and 20(a) [15 U.S.C. 79e, 79n and 79t] thereof.

Commission action. The Commission hereby proposes to amend a definition in § 210.1–02 and various items and instructions in §§ 239.11, 239.26, 239.16b, 239.22, 239.18, 249.210, 249.212, 249.308, 249.310, 249.311, 249.312 and 259.5s of Chapter II of Title 17 of the Code of Federal Regulations and as so amended they would read as shown in the attached text of the proposed amendments.

All interested persons are invited to submit comments on the proposals in writing to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before September 14, 1973. Such communications should refer to File S7–486. All such comments will be considered available for public inspection.

By the Commission.

RONALD F. HUNT,
Secretary.

JULY 9, 1973.

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

I. Part 210 of this chapter (Regulation S–X). The definition of the term "significant subsidiary" in § 210.1–02 (Rule 1–02) would be amended to read as follows:

§ 210.1–02 Definition of terms used in Regulation S–X (17 CFR Part 210).

• • • • •

(t) *Significant subsidiary.*—The term "significant subsidiary" means (1) a subsidiary or (2) a subsidiary and its subsidiaries, which meets any of the conditions described below based on (i) the most recent annual financial statements, including consolidated financial statements, of such subsidiary which would be required to be filed if such subsidiary were a registrant and (ii) the most recent annual consolidated financial statements of the registrant being filed:

(a) The parent's and the parent's other subsidiaries' investments in and advances to, or their proportionate share of the total assets (after intercompany eliminations) of, the subsidiary exceed 10 percent of the total assets of the parent and consolidated subsidiaries, exclusive of such investments and advances.

(b) The total sales and revenues (after intercompany eliminations) of the subsidiary, reduced to the percentages of equity interests held by the parent and its subsidiaries in the subsidiary, exceed 10 percent of the total sales and revenues of the parent and its consolidated subsidiaries.

(c) The parent's and the parent's other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiary exceeds 10 percent of such income of the parent and consolidated subsidiaries, exclusive of such equity in the subsidiary, provided that if such income of the parent and its consolidated subsidiaries is at least 10 percent lower than the average of such income for the last five fiscal years such average income may be substituted in the determination.

• • • • •

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.11 [Amended]

II. Section 239.11 (Form S–1). General Instruction E, Items 6 and 21, the INSTRUCTIONS AS TO FINANCIAL STATEMENTS, and the INSTRUCTIONS AS TO EXHIBITS would be amended to read as follows:

GENERAL INSTRUCTIONS

E. Omission of information regarding foreign subsidiaries. Information required by any item or other requirement of this form with respect to any foreign subsidiary may be omitted to the extent that the required disclosure would be detrimental to the registrant. However, the financial statements, otherwise required, shall not be omitted pursuant to this instruction. Where information is omitted pursuant to this instruction, a statement shall be made that such information has been omitted and the names of the subsidiaries involved shall be separately furnished to the Commission. The Commission may, in its discretion, call for justification that the required disclosure would be detrimental.

• • • • •

Item 6. *Summary of operations.* Furnish in comparative columnar form a summary of operations for the registrant and its subsidiaries consolidated and for the registrant, if separate financial statements of the registrant are required by the Instructions as to Financial Statements, for—

(a) each of the last five fiscal years of the registrant (or for the life of the registrant and its predecessors, if less), and

(b) any interim period between the end of the latest of such fiscal years and the date of the latest balance sheet furnished and for the corresponding interim period of the preceding fiscal year, and

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(c) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus.

Instructions. 1. Subject to appropriate variation to conform to the nature of the business or the purpose of the offering, the following items shall be included: net sales or operating or other revenues; cost of goods sold or operating or other expenses (or gross profit); interest expense; income tax expenses; income or loss before extraordinary items; extraordinary items; cumulative effects of changes in accounting principles; and net income or loss. See Item 21(b).

2. If the registrant is engaged primarily (i) in the generation, transmission or distribution or electricity, the manufacture, mixing, transmission or distribution of gas, the supplying or distribution of water, or the furnishing of telephone or telegraph services; or (ii) in holding securities of companies engaged in such business, it may at its option include a summary for the twelve-month period prior to the date of the latest balance sheet furnished, in lieu of the summaries for the interim periods specified.

3. If a period or periods reported on include operations of a business prior to the date of acquisition or for other causes differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary, or in a note thereto, with the amounts previously reported.

4. The summary shall be prepared to present earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall also be shown and the basis of the computation stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation is clearly set forth in the answer to this item.

5. (a) If debt securities are being registered, the registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be presented on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]). A pro forma ratio of earnings to fixed charges, adjusted to give effect to the issuance of the securities being registered, any issuance or retirement of securities during or after such period, or any issuance, retirement or redemption of securities presently proposed for a period of one year after the date of the latest balance sheet being filed shall also be shown for the latest fiscal year or latest twelve months.

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income or unconsolidated persons. In the case of utilities, interest credits charged to construction shall be added to gross income and not deducted from interest.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) one-third of all rentals reported in the schedule prepared in accordance with Rule 12-16 [17 CFR 210.12-16] of Regulation S-X [17 CFR Part 210], or such portion as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

(d) The registrant shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios required in paragraphs 5(a) and 6. For the purpose of this exhibit and the pro forma ratio required above, an assumed maximum interest rate may be used on securities as to which the interest rate has not yet been fixed, which assumed rate shall be shown.

6. If preferred stock is being registered, there shall be shown the annual dividend requirements on such preferred stock. To the extent that an issue represents refinancing, only the additional dividend requirements shall be stated. There shall also be shown in tabular form for each fiscal year or other period the ratio of earnings to combined fixed charges and preferred dividend requirements.

7. (No change)

8. Any unaudited summary for an interim period shall be prepared on a basis consistent with the summary for annual periods. In connection with any unaudited summary for an interim period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period have been included. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished, as supplemental information but not as a part of the registration statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

* * * * *

Item 21. *Financial statments.* Include in the prospects all financial statements called for by the Instructions as to Financial Statements for this form, except as provided in paragraphs (a) and (b) below:

(a) All schedules to balance sheets and income statements may be omitted from the prospectus except (1) those prepared in accordance with Rule 12-16 [17 CFR 210.12-16] of Regulation S-X [Part 210] which are applicable to income statements included in the prospectus and (2) those prepared in accordance with Rules 12-27, 12-42 and 12-43 [17 CFR 210.12-17, 210.12-42 and 210.12-43] in Regulation S-X [Part 210] which are applicable to a company's latest balance sheet included in the prospectus. All historical information required by Part E of the Instructions as to Financial Statements may also be omitted from the prospectus.

(b) If either the income or retained earnings statements required are included in their entirety in the summary of operations required by Item 6, the statements so included need not be otherwise included in the prospectus or elsewhere in the registration statement.

* * * * *

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets, income and source and application of funds statements required to be filed as a part of the registration statement. Regulation S-X [17 CFR Part 210] governs the examination and the form and content of such statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. Item 21 above specifies the statements which are to be included in the prospectus. Attention is directed to Rule 411(b) [17 CFR 230.411 (b)] regarding incorporation by reference of financial statements and to Section 10(a)(3) of the Act and Release No. 4936 [33 FR 18617] regarding updating the financial statements in specified circumstances.

A. STATEMENTS OF THE REGISTRANT

1. *Balance sheets of the registrant.* (a) The registrant shall file a balance sheet as of a date within 90 days prior to the date of filing the registration statement. This balance sheet need not be audited. If all of the following conditions exist, this balance sheet may, however, be as of a date within six months prior to the date of filing.

(1) The registrant files annual and other reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934;

(2) The total assets of the registrant and its subsidiaries, as shown by the latest consolidated balance sheet filed, less any valuation or qualifying accounts, amount to $5,000,000 or more, exclusive of intangibles; and

(3) No long-term debt of the registrant is in default as to principal, interest or sinking fund provisions.

(b) If the balance sheet required by paragraph (a) is not audited, there shall be filed in addition an audited balance sheet as of a date within one year unless the fiscal year of the registrant has ended within 90 days prior to the date of filing, in which case the audited balance sheet may be as of the end of the preceding fiscal year.

2. *Income and source and application of funds statements of the registrant.* The registrant shall file income and source and application of funds statements for each of the three fiscal years preceding the date of the latest balance sheet filed and for the period, if any, between the close of the latest of such fiscal years and the date of the latest balance sheet filed. These statements shall be audited up to the date of the latest audited balance sheet filed.

3. *Omission of registrant's statements in certain cases.* Notwithstanding Instructions 1 and 2, the individudal financial statements of the registrant may be omitted if (i) consolidated statements of the registrant and one or more of its subsidiaries are filed, (ii) the conditions specified in either of the following paragraphs are met, and (iii) the basis for such omission is stated in a note to the financial statements.

(a) The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the parent or the consolidated subsidiaries, in amounts which together exceed 5 percent of the total consolidated assets as of the date of the most recent annual financial statements being filed. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is secured by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

(b) The registrant's total assets, exclusive of investments in and advances to the consolidated subsidiaries, as would be shown by the most recent annual balance sheet if it were filed constitute 75 percent or more of the total assets shown by the most recent annual consolidated balance sheet being filed; and the registrant's total gross revenue, exclusive of interest and dividends received or equity in income from the consolidated subsidiaries, for the most recent fiscal year for which its income statement would be filed constitute 75 percent or more of the

total gross revenues shown by the most recent consolidated annual income statement being filed.

B. CONSOLIDATED STATEMENTS

4. *Consolidated balance sheets.* There shall be filed a consolidated balance sheet of the registrant and its subsidiaries as of the same date as each balance sheet of the registrant filed pursuant to Instruction 1. The consolidated balance sheet shall be audited if the registrant's balnace sheet as of the same date is audited. If the registrant's balance sheets are omitted pursuant to Instruction 3, the consolidated balance sheets filed shall be as of the same dates as the balance sheets of the registrant which would be required and shall be audited if the corresponding balance sheet of the registrant would be required to be audited.

5. *Consolidated income and source and application of funds statements.* There shall be filed consolidated income and source and application of funds statements of the registrant and its subsidiaries for each of the three fiscal years preceding the date of the latest consolidated balance sheet filed, and for the period, if any, between the close of the latest of such fiscal years and the date of the latest consolidated balance sheet filed. These statements shall be audited up to the date of the latest related audited consolidated balance sheet filed.

C. UNCONSOLIDATED SUBSIDIARIES AND OTHER PERSONS

6. *Financial statements of subsidiaries not consolidated and 50 percent or less owned persons.* (a) Subject to Rule 4-03 [17 CFR 210.4-03] of Regulation S-X [17 CFR Part 210] regarding group statements and Instructions 7 and 8 below, there shall be filed for each majority-owned subsidiary of the registrant not consolidated and each other person for which the investment is accounted for by the equity method by the registrant or a consolidated subsidiary of the registrant, the financial statements which would be required if each such subsidiary or other person were a registrant. Insofar as practicable, these financial statements shall be as of the same dates or for the same periods as those of the registrant.

(b) If it is impracticable to file financial statements of any unconsolidated subsidiary or other person as of a date within 90 days, or within six months if registrant so filed, prior to the date of filing, there may be filed in lieu thereof audited financial statements of the subsidiary or other person as of the end of its latest annual or semiannual fiscal period preceding the date of filing the registration statement for which it is practicable to do so.

7. *Summarized financial information.* Notwithstanding Instruction 6, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all 50 percent or less owned persons accounted for by the equity method, except such persons which are individually significant under the tests specified in Instruction 8.

8. *Omission of statements required by instruction 6.* Notwithstanding Instructions 6 and 7, there may be omitted from the registration statement all financial statements of any one or more unconsolidated subsidiaries or other persons, if in the aggregate (i) neither the registrant's and its subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total consolidated assets, exclusive of such investments and advances, at the date of the most recent annual financial statements being filed; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the consolidated sales and revenues for the most recent fiscal year for which income statements are being filed; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries, exclusive of such equity in the subsidiaries and other persons, for the most recent fiscal year for which income statements are being filed, provided that if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years such average income may be substituted in the determination.

9. *Affiliates whose securities secure an issue being registered.* (a) For each affiliate, securities of which constitute or are to constitute a substantial portion of the collateral securing any class of securities being registered, there shall be filed the financial statements that would be required if the affiliate were a registrant. However, statements need not be filed pursuant to this instruction for any person whose statements are otherwise filed with the registration statement on an individual, consolidated or combined basis.

(b) (No change.)

D. SPECIAL PROVISIONS

10. *Reorganization of registrant.* (a) If during the period for which its income statements are required, the registrant has emerged from a reorganization in which substantial changes occurred in its asset, liability, capital stock, other stockholders' equity or reserve accounts, a brief explanation of such changes shall be set forth in a note or supporting schedule to the balance sheets filed.

(b) (No change.)

11. *Past successions to other businesses and significant interests in other businesses* (a) If during the period for which its income statements are required, the registrant has by acquisition or by a pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets filed. In addition, if an acquisition of a business had major significance in relation to the registrant, audited income statements for such business shall be filed for such period prior to the acquisition as may be necessary when added to the time, if any, for which income statements after the acquisition are filed to cover the equivalent of the period specified in Instructions 2 and 5 above. The test of major significance shall be based on the term "significant subsidiary" with adjusted percentage rates being utilized in relation to the period the businesses have been merged prior to the date of the registrant's latest audited balance sheet as follows: (i) for less than one full year, no adjustment; (ii) more than one but less than two full years, 25 percent; and (iii) more than two full years, 45 percent.

(b) (Omitted)

[(c)] (b) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one or more businesses if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

12. *Future successions to other businesses and significant interests in other businesses.* (a) If, after the date of the latest balance sheet filed pursuant to Part A or B above, the registrant by acquisition or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses financial statements, combined if appropriate, which would be required if they were registering securities under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (i) a balance sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession and (iv) the pro forma balance sheet of the registrant giving effect to the plan of succession. By a footnote or otherwise, a brief explanation of the changes shall be given.

(b) (No change)

(c) No financial statements need be filed, however, for any business acquired or to be acquired from a totally held subsidiary. In addition, the statements of any one or more businesses may be omitted if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary, provided that the statements of any business may not be omitted where any of the securities being registered are to be offered in exchange for securities representing such business.

13. *Filing of other statements in certain cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

E. HISTORICAL FINANCIAL INFORMATION

14. *Scope of Part E.* The information required by Part E shall be furnished for the seven-year period preceding the period for which income statements are filed, as to the accounts of each person whose balance sheet is filed. The information is to be given as to all of the accounts specified whether they are presently carried on the books or not. Part E does not call for an audit but only for a survey or review of the accounts specified. It should not be detailed beyond a point material to an investor. Information may be omitted, however, as to any person for whom equivalent information for the period has been filed with the Commission pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934.

15. *Revaluation of property.* (No change)

16. *Capital shares.* (a) If there were any material restatements of capital shares which resulted in transfers from capital share liability to other stockholders' equity or reserve, state the amount of each such restatement and all related entries. No statement need be made as to restatements resulting from the declaration of share dividends.

(b) (No change)

17. *Debt discount and expense written off.* (No change)

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18. *Premiums and discount and expense on securities retired.* (No change)

19. *Other changes in other stockholders' equity.* If there were any material increases or decreases in other stockholders' equity, other than those resulting from transactions specified above, the closing of the income account or the declaration or payment of dividends, state (1) the year or years in which such increases or decreases were made; (2) the nature and amounts thereof; and (3) the accounts affected, including all material related entries. Instruction 15(c) above shall also apply here.

20. *Predecessors.* (No change)

21. *Omission of Certain Information.* (No change)

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 13. (No change)

14. Copies of the exhibits called for by Instructions 4 and 5(d) to Item 6.

§ 239.26 [Amended]

III. Section 239.26 (Form S–7). Items 6 and 10 and the INSTRUCTIONS AS TO EXHIBITS would be amended to read as follows.

Item 6. *Statements of income.* Furnish in comparative columnar form statements of income for the registrant and its subsidiaries consolidated and for the registrant, if a separate balance sheet of the registrant is required by Item 10(a), for—

(a) each of the last five fiscal years of the registrant, and

(b) any interim period between the end of the latest of such fiscal years and the date of the latest balance sheet furnished pursuant to Item 10(a) and for the corresponding interim period of the preceding fiscal year, and

(c) any additional fiscal years necessary to keep the statements from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus. A source and application of funds statement shall be furnished for each fiscal year or other period for which a statement of income is required to be furnished.

Instructions. 1. The statements required shall be prepared in compliance with the applicable requirements of Regulation S–X [17 CFR Part 210] and shall be audited to the date of the respective audited balance sheet(s) included in the prospectus. Regulation S–X [17 CFR Part 210] governs the examination and the form and content of such statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed.

2. If the registrant is engaged primarily (i) in the generation, transmission or distribution of electricity, the manufacture, mixing, transmission or distribution of gas, the supplying or distribution of water, or the furnishing of telephone or telegraph service; or (ii) in holding securities of companies engaged in such business, it may at its option include a statement of income for the twelve-month period prior to the date of the latest balance sheet furnished, in lieu of the income statements for the interim periods specified.

3. If a period or periods reported on include operations of a business prior to the date of acquisition or for other causes differ from reports previously issued for any period, the statement shall be reconciled as to sales or revenues and net income in the statement, or in a note thereto, with the amounts previously reported.

4. The statements shall be prepared to present earnings applicable to common stock. Per share earnings and dividends declared for each period of the statement shall also be shown and the basis of the computation stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation is clearly set forth in the answer to this item.

5. (a) If debt securities are being registered, the registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be presented on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]). A pro forma ratio of earnings to fixed charges, adjusted to give effect to the issuance of the securities being registered, any issuance or retirement of securities during or after such period, or any issuance, retirement or redemption of securities presently proposed for a period of one year after the date of the latest balance sheet being filed shall also be shown for the latest fiscal year or latest twelve months.

(b) (No change)

(c) (No change)

(d) The registrant shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios required in paragraphs 5(a) and 6. For the purpose of this exhibit and the pro forma ratio required above, an assumed maximum interest rate may be used on securities as to which the interest rate has not yet been fixed, which assumed rate shall be shown.

6. If preferred stock is being registered, there shall be shown the annual dividend requirements on such preferred stock. To the extent that an issue represents refinancing, only the additional dividend requirements shall be stated. There shall also be shown in tabular form for each fiscal year or other period the ratio of earnings to combined fixed charges and preferred dividend requirements.

7. Any unaudited statement for an interim period shall be prepared on a basis consistent with the statements for annual periods. In connection with any unaudited statement for an interim period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period have been included. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished as supplemental information but not as a part of the registration statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

8. (No change)

9. Statements of income, source and application of funds, retained earnings and other stockholders' equity conforming with the foregoing shall be furnished, here or elsewhere in the prospectus, for each subsidiary or group of subsidiaries or 50 percent or less owned persons for which a balance sheet is furnished in response to Item 10(b).

* * * * *

Item 10. *Other financial statements and schedules.* (a) There shall be furnished a balance sheet of the registrant and a consolidated balance sheet of the registrant and its subsidiaries as of a date within six months prior to the date of filing the registration statement. These balance sheets need not be audited but if they are not audited, there shall be furnished in addition audited balance sheets as of a date within one year, unless the fiscal year of the registrant has ended within 90 days prior to the date of filing, in which case the audited balance sheets may be as of the end of the preceding fiscal year. These balance sheets shall be prepared in compliance with the applicable requirements of Regulation S–X [17 CFR Part 210]. (See Instruction 1 to Item 6.)

Instructions. The individual balance sheets of the registrant may be omitted if (i) consolidated balance sheets of the registrant and one or more of its subsidiaries are furnished, (ii) the conditions specified in either of the following paragranhs are met, and (iii) the basis for such omission is stated in a note to the financial statements.

1. The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the parent or the consolidated subsidiaries, in amounts which together exceed 5 percent of the total consolidated assets at the date of the most recent annual financial statements being filed. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is secured by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

2. The registrant's total assets, exclusive of investments in and advances to the consolidated subsidiaries, as would be shown by the most recent annual balance sheet if it were filed constitute 75 percent or more of the total assets shown by the most recent annual consolidated balance sheet being filed; and the registrant's total gross revenues, exclusive of interest and dividends received or equity in income from the consolidated subsidiaries, for the most recent fiscal year for which its income statement would be filed constitute 75 percent or more of the total gross revenues shown by the most recent consolidated annual income statement being filed.

(b) [(1)] Subject to Rule 4–03 [17 CFR 210.4–03] of Regulation S–X [Part 210] regarding group statements and the instructions below, there shall be filed for each majority-owned subsidiary of the registrant not consolidated and each 50 percent or less owned person for which the investment is accounted for by the equity method by the registrant, the balance sheets which would be required if each such subsidiary or other person were a registrant.

[(2)] (Paragraph omitted)

Instructions. 1. Insofar as practicable, these balance sheets shall be as of the same dates as those of the registrant.

2. Notwithstanding paragraph (b) and Instruction 8 of Item 6, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all 50 percent or less owned persons accounted for by the equity method, except such persons which are individually significant under the tests specified in Instruction 3.

[2] 3. Notwithstanding paragraph (b) and Instruction 2 above and Instruction 8 of Item 6, there may be omitted all financial statements of any one or more unconsolidated subsidiaries or other persons, if in the aggregate (i) neither the registrant's and its subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total consolidated assets, exclusive of such investments and advances, at the date of the most recent annual financial statements being filed; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the consolidated sales and revenues for the most recent fiscal year for which income statements are being filed; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries, exclusive of such equity in the subsidiaries and other persons, for the most recent fiscal year for which income statements are being filed, provided that if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years such average income may be substituted in the determination.

[(d)] (c) *Past successions to other businesses and significant interests in other businesses.* (1) If during the period for which its income statements are required, the registrant has by acquisition or by a pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets filed. In addition, if an acquisition of a business had major significance in relation to the registrant, audited income statements for such business shall be filed for such period prior to the acquisition as may be necessary when added to the time, if any, for which income statements after the acquisition are filed to cover the equivalent of the period specified in Item 6. The test of major significance shall be based on the term "significant subsidiary" with adjusted percentage rates being utilized in relation to the period the businesses have been merged prior to the date of the registrant's latest audited balance sheet as follows: (i) for less than one full year, no adjustment; (ii) more than one but less than two full years, 25 percent; and (iii) more than two full years, 45 percent.

(2) (Omitted)

[(3)] (2) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one of more businesses if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

[(c)] (d) *Future successions to other businesses and significant interests in other businesses.* (1) If, after the date of the latest balance sheet filed pursuant to (a) above, the registrant by acquisition or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses financial statements, combined if appropriate, which would be required if they were registering securities under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (i) a balance sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession and (iv) the pro forma balance sheet of the registrant giving effect to the plan of succession. By a footnote or otherwise, a brief explanation of the changes shall be given.

(2) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control.

(3) No financial statements need be filed, however, for any business acquired or to be acquired from a totally held subsidiary. In addition, the statements of any one or more businesses may be omitted if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

(e) Notwithstanding the provisions of Regulation S–X [17 CFR Part 210], no schedules other than those prepared in accordance with Rules 12–16 and 12–27 [17 CFR 210.12–16 and 210.12–27] of that regulation need be furnished.

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INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 5. (No change)

6. Copies of the exhibits called for by Instructions 4 and 5(d) to Item 6.

§ 239.16b [Amended]

IV. Section 239.16b (Form S–8). Items 11, 19 and 25 and the INSTRUCTIONS AS TO EXHIBITS would be amended to read as follows.

Item 11. *Financial statements of the plan.* (a) The following financial statements shall be furnished for any plan the interests in which are being registered hereunder.

(1) An audited statement of financial condition as of the end of the latest fiscal year of the plan.

(2) An audited statement of income and changes in plan equity for the latest fiscal year of the plan.

(b) If audited financial statements substantially meeting the above requirements have been furnished to all employees who receive a copy of the prospectus, such statements may be incorporated by reference in the prospectus.

(c) (No change)

Instruction. The statements required by this item shall be prepared and audited in accordance with the applicable provisions of Regulation S–X [17 CFR Part 210] and shall be accompanied by the schedules specified in Rule 6–34 [17 CFR 210.6–34] of that regulation.

* * * * *

Item 19. *Statements of income.* Furnish in comparative columnar form statements of income for the issuer for—

(a) each of the last five fiscal years of the issuer (or for the life of the issuer and its predecessors, if less), and

(b) any additional fiscal years necessary to keep the statements from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus. A source and application of funds statements shall be furnished for each fiscal year for which an income statement is required to be furnished.

Instructions. 1. The statements required shall be prepared in compliance with the applicable requirements of Regulation S–X [17 CFR Part 210], and shall be audited for at least the last three fiscal years. Regulation S–X governs the examination and the form and content of such statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity to be filed. If the issuer includes in its annual report filed pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 financial statements of the issuer and its subsidiaries consolidated, the financial statements required by this item shall be prepared on a consolidated basis.

2. If a period or periods reported on include operations of a business prior to the date of acquisition or for other causes differ from reports previously issued for any period, the statements shall be reconciled as to sales or revenues and net income in the statements, or in a note thereto, with the amounts previously reported.

3. The statements shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the statements shall also be shown and the basis of the computation stated, together with the number of shares used in the computation. The issuer shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation is clearly set forth in answer to this item.

4. (No change)

5. If the annual report of the issuer which accompanies the prospectus includes statements of income substantially meeting the above requirements, such statements may be incorporated by reference in the prospectus.

* * * * *

Item 25. *Financial statements.* (a) Include the audited financial statements of the issuer required to be included in the annual report which the issuer has filed or is required to file for its last fiscal year pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934. If the issuer includes in its annual report audited financial statements of the issuer and its subsidiaries consolidated, the latter shall be furnished in lieu of the financial statements of the issuer. No schedules need be included.

(b) If the annual report of the issuer to its security holders for its last fiscal year includes audited financial statements for the last two fiscal years and otherwise substantially meeting the above requirements, such statements may be incorporated by reference in the prospectus.

(c) The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

* * * * *

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 7. (No change)

8. A copy of the exhibit called for by Instruction 3 of Item 19.

§ 239.22 [Amended]

V. Section 239.22 (Form S–9). Items 3 and 5 and the INSTRUCTIONS AS TO EXHIBITS would be amended to read as follows.

Item 3. *Statements of income.* (a) Furnish in comparative columnar form statements of income for the registrant and its subsidiaries consolidated and for the registrant, if separate financial statements of the registrant are required by Item 5(a), for—

(1) Each of the last five fiscal years of the registrant, and

(2) Any interim period between the end of the latest of such fiscal years and the date

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of the latest balance sheet furnished pursuant to Item 5(a) and for the corresponding interim period of the preceding fiscal year, and

(3) Any additional fiscal years necessary to keep the statements from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus. A source and application of funds statement shall be furnished for each fiscal year or other period for which a statement of income is required to be furnished.

Instructions. 1. The statements required shall be prepared in compliance with the applicable requirements of Regulation S–X [17 CFR Part 210], and shall be audited to the date of the respective audited balance sheet(s) included in the prospectus. Regulation S–X [17 CFR Part 210] governs the examination and the form and content of such statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed.

2. If the registrant is engaged primarily (i) in the generation, transmission or distribution of electricity, the manufacture, mixing, transmission or distribution of gas, the supplying or distribution of water or the furnishing of telephone or telegraph service; or (ii) in holding securities of companies engaged in such business, it may at its option include a statement of income for the twelve-month period prior to the date of the latest balance sheet furnished, in lieu of the income statements for the interim periods specified.

3. (No change)

4. (a) The registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be presented on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]). A pro forma ratio of earnings to fixed charges, adjusted to give effect to the issuance of the securities being registered, any issuance or retirement of securities during or after such period, or any issuance, retirement or redemption of securities presently proposed for a period of one year after the date of the latest balance sheet being filed shall also be shown for the latest fiscal year or latest twelve months.

(b), (c) and (d) (No change)

5. Any unaudited statement for an interim period shall be prepared on a basis consistent with the statements for annual periods. In connection with any unaudited statement for an interim period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period have been included. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished as supplemental information but not as a part of the registration statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

6. (No change)

7. Statements of income, source and application of funds, retained earnings and other stockholders' equity conforming with the foregoing shall be furnished, here or elsewhere in the prospectus, for each subsidiary or group of subsidiaries or 50 percent or less owned persons for which a balance sheet is furnished in response to Item 5(b).

(b) (No change)

* * * * *

Item 5. *Balance sheets and schedules.* (a) There shall be furnished a balance sheet of the registrant and a consolidated balance sheet of the registrant and its subsidiaries as of a date within six months prior to the date of filing the registration statement. These balance sheets need not be audited but if they are not audited, there shall be furnished in addition audited balance sheets as of a date within one year, unless the fiscal year of the registrant has ended within 90 days prior to the date of filing, in which case the audited balance sheets may be as of the end of the preceding fiscal year. These balance sheets shall be prepared in compliance with the applicable requirements of Regulation S–X [17 CFR Part 210]. (See Instruction 1 to Item 3.)

Instructions. The individual balance sheets of the registrant may be omitted if (1) consolidated balance sheets of the registrant and one or more of its subsidiaries are furnished, (ii) the conditions specified in either of the following paragraphs are met, and (iii) the basis for such omission is stated in a note to the financial statements.

1. The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the parent or the consolidated subsidiaries, in amounts which together exceed 5 percent of the total consolidated assets at the date of the most recent annual financial statements being filed. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is secured by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

2. The registrant's total assets, exclusive of investments in and advances to the consolidated subsidiaries, as would be shown by the most recent annual balance sheet if it were filed constitute 75 percent or more of the total assets shown by the most recent annual consolidated financial statements being filed; and the registrant's total gross revenues, exclusive of interest and dividends received or equity in income from the consolidated subsidiaries, for the most recent fiscal year for which its income statement would be filed constitute 75 percent or more of the total gross revenues shown by the most recent consolidated annual income statement being filed.

(b) Subject to Rule 4–03 [17 CFR 210.4–03] of Regulation S–X [17 CFR Part 210] regarding group statements and the instructions below, there shall be filed for each majority-owned subsidiary of the registrant not consolidated and each 50 percent or less owned person for which the investment is accounted for by the equity method by the registrant, the balance sheets which would be required if each such subsidiary or other person were a registrant.

Instructions. 1. Insofar as practicable, these balance sheets shall be as of the same dates as those of the registrant.

2. Notwithstanding paragraph (b) and Instruction 6 of Item 3, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all 50 percent or less owned persons accounted for by the equity method, except such persons which are individually significant under the tests specified in Instruction 3.

[2] 3. Notwithstanding paragraph (b) and Instruction 2 above and Instruction 6 of Item 3, there may be omitted all financial statements of any one or more unconsolidated subsidiaries or other persons, if in the aggregate (i) neither the registrant's and its subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total consolidated assets, exclusive of such investments and advances, at the date of the most recent annual financial statements being filed; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the consolidated sales and revenues of the most recent fiscal year for which income statements are being filed; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries, exclusive of such equity in the subsidiaries and other persons, for the most recent fiscal year for which income statements are being filed, provided that if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years such average income may be substituted in the determination.

[New sections (c) and (d) added]

(c) *Past successions to other businesses and significant interests in other businesses.* (1) If during the period for which its income statements are required, the registrant has by acquisition or by a pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets filed. In addition, if an acquisition of business had major significance in relation to the registrant, audited income statements for such business shall be filed for such period prior to the acquisition as may be necessary when added to the time, if any, for which income statements after the acquisition are filed to cover the equivalent of the period specified in Item 3. The test of major significance shall be based on the term "significant subsidiary" with adjusted percentage rates being utilized in relation to the period the businesses have been merged prior to the date of the registrant's latest audited balance sheet as follows: (i) for less than one full year, no adjustment; (ii) more than one but less than two full years, 25 percent; and (iii) more than two full years, 45 percent.

(2) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one or more businesses if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

(d) *Future successions to other businesses and significant interests in other businesses.* (1) If, after the date of the latest balance sheet filed pursuant to (a) the registrant by acquisition or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses financial statements, combined if appropriate, which would be required, if they were registering securities under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (i) a balance sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession and (iv) the pro forma balance sheet of the registrant giving effect to the plan of succession. By a footnote or otherwise, a brief explanation of the changes shall be given.

(2) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control.

(3) No financial statements need be filed, however, for any business acquired or to be acquired from a totally held subsidiary. In addition, the statements of any one or more businesses may be omitted if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary, provided that the statements of any business may not be omitted where any of the securities being registered are to be offered in exchange for securities representing such business.

[(c)] (e) (No change)

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INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 5. (No change)

6. A copy of the exhibit called for by Instruction 4(d) to Item 3.

§ 239.18 [Amended]

VI. Section 239.18 (Form S–11). Items 6 and 26, the INSTRUCTIONS AS TO FINANCIAL STATEMENTS and the INSTRUCTIONS AS TO EXHIBITS would be amended to read as follows.

Item 6. *Summary of operations.* (a) Furnish in comparative columnar form a summary of operations for the registrant and its subsidiaries consolidated and for the registrant, if separate financial statements of the registrant are required by the Instructions as to Financial Statements, for—

(1) each of the last five fiscal years of the registrant (or for the life of the registrant and its predecessors, if less), and

(2) any interim period between the end of the latest of such fiscal years and the date of the latest balance sheet furnished and for the corresponding interim period of the preceding fiscal year, and

(3) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus.

Instructions. 1. Subject to appropriate variation to conform to the nature of the business or the purpose of the offering, the following items shall be included: rental income; mortgage interest income; management fees; operating expenses; real estate taxes; depreciation; interest expense; other income; income tax expense; income or loss before extraordinary items and realized gain or loss on sales of properties and investments; realized gain or loss on sales of properties and investments; income before extraordinary items; extraordinary items; cumulative effect of changes in accounting principles; and net income or loss. See Item 26(b).

2. Any unaudited summary for an interim period shall be prepared on a basis consistent with the summary for annual periods. In connection with any unaudited summary for an interim period, a statement shall be made that all adjustments necessary to a fair presentation of the results for such interim period have been made. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished, as supplemental information but not as a part of the registration statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

3. If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the statement shall be reconciled as to sales or revenues and net income in the statement, or in a note thereto, with the amounts previously reported.

4. The summary shall be prepared to present earnings applicable to common stock. Per share earnings and distributions for each period of the summary shall also be shown and the basis of computation and the status for Federal income tax purposes stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation is clearly set forth in the answer to this item.

5. (a) If debt securities are being registered, the registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be presented on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]). A pro forma ratio of earnings to fixed charges, adjusted to give effect to the issuance of the securities to be registered, any issuance or retirement of securities during or after such period, or any issuance, retirement or redemption of securities presently proposed for a period of one year after the date of the latest balance sheet being filed shall also be shown for the latest fiscal year or latest twelve months.

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated persons.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) one-third of all rentals reported in the schedule prepared in accordance with Rule 12–16 [17 CFR 210.12–16] of Regulation S–X [17 CFR Part 210], or such portion as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

(d) The registrant shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios required in paragraphs 5(a) and 6. For the purpose of this exhibit and the pro forma ratio required above, an assumed maximum interest rate may be used on securities as to which the interest rate has not yet been fixed, which assumed rate shall be shown.

6. If preferred stock is being registered, there shall be shown the annual dividend requirements on such preferred stock. To the extent that an issue represents refinancing, only the additional dividend requirements shall be stated. There shall also be shown in tabular form for each fiscal year or other period the ratio of earnings to combined fixed charges and preferred dividend requirements.

7. (No change)

(b) If the registrant, (i) was organized to acquire and hold primarily for investment, one specific property or group of properties; or, (ii) has during the period for which income statements are required, acquired one or more properties which in the aggregate are significant; or, (iii) has since the date of the latest balance sheet required, acquired one or more properties which in the aggregate are significant; the following shall be furnished with respect to such properties in lieu of the summary of operations required by paragraph (a):

(1) An historical summary of operations, for the period specified in paragraph (a), which shall exclude items not comparable to the proposed future operation of the property, such as mortgage interest, leasehold rental, depreciation, corporate expenses and Federal and state income taxes. Earnings per unit shall not be given in this summary. The three most recent fiscal years of this summary shall be audited.

(2) (No change)

(3) If appropriate under the circumstances, there shall be given in tabular form for a limited number of years the estimated cash distribution per unit showing the portion thereof reportable as taxable income and the portion representing a return of capital together with an explanation of annual variations, if any. If taxable net income per unit will become greater than the cash available for distribution per unit, that fact and the approximate year of occurrence shall be stated, if significant.

* * * * *

Item 26. *Financial statements.* Include in the prospectus all financial statements called for by the Instructions as to Financial Statements for this form; except as provided in paragraphs (a) and (b) below.

(a) All schedules to balance sheets and income statements may be omitted from the prospectus, except those prepared in accordance with Instruction 4 of the Instructions as to Financial Statements herein and the requirements under Rule 5–04 [17 CFR 210.5–40] of Regulation S–X [17 CFR Part 210] for schedules designated XVI, XVII, XVIII and XIX which are applicable to the balance sheets and income statements included in the prospectus. All historical information required by Part E of the Instructions as to Financial Statements in Form S–1 [17 CFR 239.11] may also be omitted from the prospectus.

(b) If the statements of income and expenses and realized gain or loss on investments or the related statements of other stockholders' equity are included in their entirety in lieu of the summary of operations required by Item 6, the statements so included need not be otherwise included in the prospectus or elsewhere in the registration statement.

* * * * *

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets, income and source and application of funds statements required to be filed as a part of the registration statement. Regulation S–X [17 CFR Part 210] governs the examination and the form and content of such statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. The balance sheets, income statements and the schedules shall be prepared in accordance with the applicable requirements of Article 5 [17 CFR 210.5–01—210.5–04] of Regulation S–X [17 CFR Part 210] except as otherwise provided in the special provisions hereunder. Item 26 above specifies the statements which are to be included in the prospectus. Attention is directed to Rule 411(b) [17 CFR 230.411(b)] regarding incorporation by reference of financial statements.

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A. GENERAL PROVISIONS

1. The financial statements filed as a part of a registration statement on this form shall be in accordance with the requirements of Form S-1 [17 CFR 210.5-03].

B. SPECIAL PROVISION AS TO REAL ESTATE INVESTMENT TRUSTS

2. In lieu of the income statements required by Rule 5-03 [17 CFR 210.5-03] of Regulation S-X [17 CFR Part 210] there shall be filed statements of income and expense and statements of realized gain or loss on investments which shall generally conform with the requirements of Rules 6-04 and 6-05 [17 CFR 210.6-04 and 210.6-05] of Regulation S-X [17 CFR Part 210]. In place of the balance sheet caption prescribed by Rule 5-02-39(a)(3) [17 CFR 210.5-02-39(a)(3)] of Regulation S-X [17 CFR Part 210] there shall be shown separately (a) the balance of undistributed net income and (b) accumulated net realized gain or loss on investments, and the statements of other stockholders' equity shall generally conform to the requirements of Rule 6-07 [17 CFR 210.6-07] of Regulation S-X [17 CFR Part 210]. The trust's status as a "real estate investment trust" under applicable provisions of the Internal Revenue Code as amended shall be stated in a note referred to in the appropriate statements. Such note shall also indicate briefly the principal present assumptions on which the trust has relied in making or not making provisions for Federal income taxes.

C. SPECIAL PROVISIONS AS TO SCHEDULES

3. *Schedules required to be filed.* Except as provided in Instruction 4 below, the schedules specified by Rule 5-04 [17 CFR 210.5-04] of Regulation S-X [Part 210] shall be filed.

4. *Marketable securities—other security investments (Schedule I).* In lieu of the Schedule of Marketable Securities—Other Security Investments as prescribed by Rule 12-02 [17 CFR 210.12-02] required under Schedule I there shall be filed a schedule in accordance with that prescribed by Rule 12-19 [17 CFR 210.12-19].

5, 6 and 7. (Omitted).

[8] 5. *Filing of other statements in certain cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required or whose statements are otherwise necessary for the protection of investors.

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 12. (No change)

13. Copies of the exhibits called for by Instructions 4 and 5(d) to Item 6.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

§ 249.10 [Amended]

VII. Section 249.210 (Form 10). Item 2, the INSTRUCTIONS AS TO FINANCIAL STATEMENTS and the INSTRUCTIONS AS TO EXHIBITS would be amended to read as follows:

Item 2. *Summary of operations.* Furnish in comparative columnar form a summary of operations for the registrant and its subsidiaries consolidated, and for the registrant if separate financial statements of the registrant are required by the Instructions as to Financial Statements, for—

(a) each of the last five fiscal years of the registrant (or for the life of the registrant and its predecessors, if less), and

(b) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the registration statement. [Omission]

Instructions. 1. Subject to appropriate variation to conform to the nature of the business, the following items shall be included: net sales or operating or other revenues; cost of goods sold or operating or other expenses (or gross profit); interest expense; income tax expense; income or loss before extraordinary items; extraordinary items; cumulative effects of changes in accounting principles; and net income or loss. If either the income or retained earnings statements required by the Instructions as to Financial Statements are included in their entirety in the summary of operations, the statements so included need not be included elsewhere in the registration statement.

2. If a period or periods reported on include operations of a business prior to the date of acquisition or for other causes differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary, or in a note thereto, with the amounts previously reported.

3. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall be also shown and the basis of the computation stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation is clearly set forth in answer to this item.

4. (a) If debt securities are being registered, the registrant may, at its option, show in tabular form for each fiscal year the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be presented on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]).

(b), (c) and (d) (No change)

5. (No change)

* * * * *

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets, income statements and source and application of funds statements required to be filed as a part of the registration statement. Regulation S-X [17 CFR Part 210] governs the examination and the form and content of such financial statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and schedules to be filed. Attention is directed to Rules 12b-23 and 12b-36 [17 CFR 240.12b-23 and 240.12b-36].

If either the income or retained earnings statements required are included in their entirety in the summary of operations required by Item 2, the statements so included need not be included elsewhere in the registration statement.

A. STATEMENTS OF THE REGISTRANT

1. *Balance sheets of the registrant.* (a) The registrant shall file an audited balance sheet as of the close of its latest fiscal year unless such fiscal year has ended within 90 days prior to the date of filing the registration statement, in which case the balance sheet may be as of the close of the preceding fiscal year.

(b) If the latest fiscal year of the registrant has ended within 90 days prior to the date of filing the registration statement and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal year, there shall be filed as an amendment to the registration statement, within 90 days after the date of the latest fiscal year, an audited balance sheet of the registrant as of the end of the latest fiscal year.

2. *Income and source and application of funds statements of the registrant.* (a) The registrant shall file audited income and source and application of funds statements for each of the three fiscal years preceding the date of balance sheet required by Instruction 1(a).

(b) There shall be filed with each balance sheet filed pursuant to Instruction 1(b) audited income and source and application of funds statements of the registrant for the fiscal year immediately preceding the date of the balance sheet.

3. *Omission of registrant's statements in certain cases.* Notwithstanding Instructions 1 and 2, the individual financial statements of the registrant may be omitted if (i) consolidated statements of the registrant and one or more of its subsidiaries are filed, (ii) the conditions specified in either of the following paragraphs are met, and (iii) the basis for such omission is stated in a note to the financial statements.

(a) The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interest and/or indebtedness to any person other than the parent or the consolidated subsidiaries, in amounts which together exceed 5 percent of the total consolidated assets at the date of the most recent annual financial statements being filed. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is secured by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

(b) The registrant's total assets, exclusive of investments in and advances to the consolidated subsidiaries, as would be shown by the most recent annual balance sheet if it were filed constitute 75 percent or more of the total assets shown by the most recent annual consolidated financial statements being filed; and the registrant's total gross revenues, exclusive of interest and dividends received or equity in income from the consolidated subsidiaries, for the most recent fiscal year for which its income statement would be filed constitute 75 percent or more of the total gross revenues shown by the most recent consolidated annual income statement being filed.

B. CONSOLIDATED STATEMENTS

4. *Consolidated balance sheets.* (a) There shall be filed an audited consolidated balance sheet of the registrant and its subsidiaries as of the close of the latest fiscal year of the registrant, unless such fiscal year has ended within 90 days prior to the date of filing the registration statement, in which case this balance sheet may be as of the close of the preceding fiscal year.

(b) If the latest fiscal year of the registrant has ended within 90 days prior to the date of filing the registration statement, and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal

year, there shall be filed as an amendment to the registration statement, within 90 days after the close of registrant's fiscal year, an audited consolidated balance sheet of the registrant and its subsidiaries as of the end of the latest fiscal year.

5. *Consolidated income and source and application of funds statements.* (a) There shall be filed audited consolidated income and source and application of funds statements of the registrant and its subsidiaries for each of the three fiscal years preceding the date of the consolidated balance sheet required by Instructions 4(a).

(b) There shall be filed with each balance sheet filed pursuant to Instruction 4(b), audited consolidated income and source and application of funds statements of the registrant and its subsidiaries for the fiscal year immediately preceding the date of the balance sheet.

C. UNCONSOLIDATED SUBSIDIARIES AND 50 PERCENT OR LESS OWNED PERSONS

6. *Financial statements of subsidiaries not consolidated and 50 percent or less owned persons.* (a) Subject to Rule 4-03 [17 CFR 210.4-03] of Regulation S-X [17 CFR Part 210] regarding group statements and Instructions 7 and 8 below, there shall be filed for each majority-owned subsidiary of the registrant not consolidated and each other person for which the investment is accounted for by the equity method by the registrant, the financial statements which would be required if each such subsidiary or other person were a registrant.

(b) If the fiscal year of any unconsolidated subsidiary or other person ends within 90 days before the date of filing the registration statement, or after the date of filing, the statements required by paragraph (a) may be filed as an amendment to the registration statement within 90 days after the end of the subsidiary's or other person's fiscal year.

7. *Summarized financial information.* Notwithstanding Instruction 6, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all 50 percent or less owned persons accounted for by the equity method, except such persons which are individually significant under the tests specified in Instruction 8.

8. *Omission of statements required by instruction 6.* Notwithstanding Instructions 6 and 7, there may be omitted from the registration statement all financial statements of any one or more unconsolidated subsidiaries or other persons, if in the aggregate (a) neither the registrant's and its subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total consolidated assets, exclusive of such investments and advances, at the date of the most recent annual financial statements being filed; (b) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the consolidated sales and revenues for the most recent fiscal year for which income statements are being filed; and (c) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries, exclusive of such equity in the subsidiaries and other persons, for the most recent fiscal year for which income statements are being filed, provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

9. *Affiliates whose securities secure an issue being registered.* (a) For each affiliate of the registrant whose securities constitute or are to constitute a substantial portion of the collateral securing any class of securities being registered, there shall be filed the financial statements that would be required if the affiliate were a registrant. However, statements need not be filed pursuant to this instruction for any person whose statements are otherwise filed with the registration statement on an individual, consolidated or combined basis.

(b) (No change)

D. SPECIAL PROVISIONS

10. *Reorganization of registrant.* (a) If during the period for which its income statements are required the registrant has emerged from a reorganization in which substantial changes occurred in its asset, liability, capital stock, other stockholders' equity or reserve accounts, a brief explanation of such changes shall be set forth in a note or supporting schedule to the balance sheets filed.

(b) (No change)

11. *Past successions to other businesses and significant interests in other businesses.* (a) If during the period for which its income statements are required, the registrant has by acquisition or by a pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets filed. In addition, if an acquisition of a business had major significance in relation to the registrant, audited income statements for such business shall be filed for such period prior to the acquisition as may be necessary when added to the time, if any, for which income statements after the acquisition are filed to cover the equivalent of the period specified in Instructions 2 and 5 above. The test of major significance shall be based on the term "significant subsidiary" with adjusted percentage rates being utilized in relation to the period the businesses have been merged prior to the date of the registrant's latest audited balance sheet as follows: (i) for less than one full year, no adjustment; (ii) more than one but less than two full years, 25 percent; and (iii) more than two full years, 45 percent.

(b) (Omitted)

[(c)] (b) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one or more businesses if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

12. *Future successions to other businesses and significant interests in other businesses.* (a) If, after the date of the latest balance sheet filed pursuant to Part A or B above, the registrant by acquisition or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses financial statements, combined if appropriate, which would be required if they were registering securities under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (i) a balance sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession and (iv) the pro forma balance sheet of the registrant giving effect to the plan of succession. By a footnote or otherwise, a brief explanation of the changes shall be given.

(b) (No change)

(c) No financial statements need be filed, however, for any business acquired or to be acquired from a totally held subsidiary. In addition, the statements of any one or more businesses may be omitted if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary, provided that the statements of any business may not be omitted where any of the securities being registered are to be offered in exchange for securities representing such business.

13. *Statements of banks and life insurance companies.* (No change)

14. *Registrant not in the production stage.* Notwithstanding the foregoing instructions, if the registrant falls within the terms of paragraph (b) or (c) of Rule 5A-01 [17 CFR 210.5A-01] of Regulation S-X [Part 210], following statements, all of which shall be audited, shall be filed for the registrant and each of its significant subsidiaries, if any:

(a), (b) and (c) (No change)

15. *Filing of other statements in certain cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

E. HISTORICAL FINANCIAL INFORMATION

16. *Scope of Part E.* The information required by Part E shall be furnished for the seven-year period preceding the period for which income statements are filed, as to the accounts of each person whose balance sheet is filed. The information is to be given as to all of the accounts specified whether they are presently carried on the books or not. Part E does not call for an audit but only for a survey or review of the accounts specified. It should not be detailed beyond a point material to an investor. Information may be omitted, however, as to any person for whom equivalent information for the period has been filed with the Commission pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934.

17. *Revaluation of property.* (No change)

18. *Capital shares.* (a) If there were any material restatements of capital shares which resulted in transfers from capital share liability to other stockholders' equity or reserve, state the amount of each such restatement and all related entries. No statement need be made as to restatements resulting from the declaration of share dividends.

(b) (No change)

19. *Debt discount and expense written off.* (No change)

20. *Premiums and discount and expense on securities retired.* (No change)

21. *Other changes in other stockholders' equity.*

If there were any material increases or decreases in other stockholders' equity, other than those resulting from transactions specified above, the closing of the income account

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or the declaration or payment of dividends, state (1) the year or years in which such increases or decreases were made; (2) the nature and amounts thereof; and (3) the accounts affected, including all material related entries. Instruction 17(c) above shall also apply here.

22. *Predecessors.* (No change)

23. *Omission of certain information.* (No change)

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 10. (No change)

11. Copies of the exhibits called for by Instructions 3 and 4(d) of Item 2.

§ 249.212 [Amended]

VIII. Section 249.212 (Form 12). The INSTRUCTIONS AS TO EXHIBITS would be amended to read as follows.

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 6. (No change)

7. If the registrant files annual reports with the Federal Power Commission, furnish copies of the following reports and statements:

(a) (No change)

(b) the registrant's annual report to stockholders for each of its last three fiscal years (copies of such reports filed with manually signed copies of the registration statement shall contain manually signed reports of the auditing accountant or accountants);

(c) (No change)

(d) for each other majority-owned subsidiary and 50 percent or less owned person accounted for by the equity method of the registrant whose financial statements were not included, on either an individual or a consolidated basis, in the registrant's annual report to stockholders, the financial statements required for such subsidiaries and 50 percent or less owned persons by the form otherwise appropriate for registration of securities of the registrant in lieu of Form 12 [17 CFR 249.212].

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries and 50 percent or less owned persons may be omitted, if in the aggregate (1) neither the registrant's and its subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total consolidated assets, exclusive of such investments and advances, at the date of the most recent annual financial statements being filed; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the consolidated sales and revenues for the most recent fiscal year for which income statements are being filed; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries, exclusive of such equity in the subsidiaries and other persons, for the most recent fiscal year for which income statements are being filed, provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

8. If the registrant files annual reports with the Interstate Commerce Commission or the Federal Communications Commission, furnish copies of the following reports and statements:

(a), (b) and (c) (No change)

(d) for each majority-owned subsidiary and 50 percent or less owned person accounted for by the equity method of the registrant which does not file reports with the Federal Communications Commission or the Interstate Commerce Commission and whose financial statements are not included on either an individual or consolidated basis in the annual reports filed pursuant to clause (a), (b) or (c) above, the financial statements (which need not be audited) required for such subsidiaries and 50 percent or less owned persons by the form otherwise appropriate for registration of securities of the registrant in lieu of Form 12 [17 CFR 249.212].

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries and 50 percent or less owned persons may be omitted pursuant to the criteria for omission specified in Instruction 7.

9. (No change)

§ 249.308 [Amended]

IX. Section 249.308 (Form 8–K). Item 2 and FINANCIAL STATEMENTS OF BUSINESSES ACQUIRED would be amended to read as follows:

Item 2. *Acquisition or disposition of assets.* If the registrant or any of its subsidiaries has acquired or disposed of a significant amount of assets, otherwise than in the ordinary course of business, furnish the following information:

(a) (No change)

(b) (No change)

Instructions. 1. No information need be given as to (i) any transaction between any person and any wholly owned subsidiary of such person; i.e., a subsidiary substantially all of whose outstanding voting securities are owned by such person and/or its other wholly owned subsidiaries; (ii) any transaction between two or more wholly owned subsidiaries of any person; or (iii) the redemption or other acquisition of securities from the public, or the sale or other disposition of securities to the public, by the issuer of such securities.

2. (No change)

3. (No change)

4. An acquisition or disposition shall be deemed to involve a significant amount of assets (i) if the net book value of such assets or the amount paid or received therefor upon such acquisition or disposition exceeded 10 percent of the total assets of the registrant and its consolidated subsidiaries, (ii) if it involved the succession to or disposition of a business which would meet the test of a significant subsidiary, or (iii) if it involved the acquisition of a significant interest in a business which would meet the test of a significant subsidiary and would be required to be accounted for by the equity method.

5. (No change)

6. (No change)

* * * * *

FINANCIAL STATEMENTS OF BUSINESSES ACQUIRED

1. *Businesses for which statements are required.* The financial statements specified below shall be filed for any business the succession to which or the acquisition of an interest in which is required to be described in answer to Item 2 above.

2. *Statements required.* (a) There shall be filed a balance sheet of the business as of a date reasonably close to the date of acquisition. This balance sheet need not be audited, but if it is not audited, there shall also be filed an audited balance sheet as of the close of the preceding fiscal year.

(b) Income and source and application of funds statements of the business shall be filed for each of the last three full fiscal years and for the period, if any, between the close of the latest of such fiscal years and the date of the latest balance sheet filed. These income and source and application of funds statements shall be audited up to the date of the audited balance sheet.

(c) If the business was in insolvency proceedings immediately prior to its acquisition, the balance sheets required above need not be audited. In such case, the income and source and application of funds statements required shall be audited to the close of the latest full fiscal year.

(d) (No change)

3. *Application of regulation S–X* [17 CFR Part 210]. Regulation S–X [17 CFR Part 210] governs the examination and the form and content of the statements required by the preceding instruction, including the basis of consolidation, and prescribes the statements of other stockholders' equity to be filed. No supporting schedules need be filed.

4. *Filing of other statements in certain cases.* (No change)

§ 249.310 [Amended]

X. Section 249.310 (Form 10–K). Item 2 and the INSTRUCTIONS AS TO FINANCIAL STATEMENTS would be amended to read as follows.

Item 2. *Summary of operations.* Furnish in comparative columnar form a summary of operations for the registrant and its subsidiaries consolidated, and for the registrant if separate financial statements of the registrant are required by the Instructions as to Financial Statements, for—

(a) each of the last five fiscal years of the registrant (or for the life of the registrant and its predecessors, if less), and

(b) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the report. [Omission]

Instructions. 1. Subject to appropriate variations to conform to the nature of the business, the following items shall be included: net sales or operating or other revenues; cost of goods sold or operating or other expenses (or gross profit); interest expense; income tax expense; income or loss before extraordinary items; extraordinary items; cumulative effects of changes in accounting changes; and net income or loss. If either the income or retained earnings statements required by the Instructions as to Financial Statements are included in their entirety in the summary of operations, the statements so included need not be included elsewhere in the report.

2. If a period or periods reported on include operations of a business prior to the date of acquisition or for other causes differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary, or in a note thereto, with the amounts previously reported.

3. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall also be shown and the basis of the computation stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation is clearly set forth in answer to this item.

4. (a), (b), (c) and (d) (No change)

5. Describe any change in accounting principles or practices followed by the registrant, or any change in the method of applying any such accounting principles or practices, which materially affected the financial statements being filed with the Commission for the fiscal year covered by the report or will materially affect the financial statements of future fiscal years, and which had not been previously reported. State the date of the change and the reasons therefor. A letter from the registrant's independent accountants, approving or otherwise commenting on the change, shall be filed as an exhibit.

6. (No change)

* * * * *

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets, income statements and source and application of funds statements required to be filed as a part of the annual report. Regulation S–X [17 CFR Part 210] governs the examination and the form and content of such financial statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. Attention is directed to Rules 12b–23 and 12b–36 [17 CFR 240.12b–23 and 240.12b–36].

If either the income or retained earnings statements required are included in their entirety in the summary of operations required by Item 2, the statements so included need not be otherwise included in the annual report.

1. *Statements of the registrant.* (a) There shall be filed for the registrant, in comparative columnar form, audited balance sheets as of the close of the last two fiscal years and audited income and source and application of funds statements for such fiscal years.

(b) Notwithstanding paragraph (a), the individual financial statements of the registrant may be omitted if (1) consolidated statements of the registrant and one or more of its subsidiaries are filed, (2) the conditions specified in either of the following paragraphs are met, and (3) the basis for such omission is stated in a note to the financial statements.

(i) The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the parent or the consolidated subsidiaries, in amounts which together exceed 5 percent of the total consolidated assets at the date of the most recent annual financial statements being filed. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is secured by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

(ii) The registrant's total assets, exclusive of investments in and advances to the consolidated subsidiaries, as would be shown by the most recent annual balance sheet if it were filed constitute 75 percent or more of the total assets shown by the most recent annual consolidated financial statements being filed; and the registrant's total gross revenues, exclusive of interest and dividends received or equity in income from the consolidated subsidiaries, for the most recent fiscal year for which its income statement would be filed constitute 75 percent or more of the total gross revenues shown by the most recent consolidated annual income statements being filed.

2. *Consolidated statements.* There shall be filed for the registrant and its subsidiaries, in comparative columnar form, audited consolidated balance sheets as of the close of the last two fiscal years of the registrant and audited consolidated income and source and application of funds statements for such fiscal years.

3. *Statements of subsidiaries not consolidated and 50 percent or less owned persons.* (a) Subject to Rule 4–03 [17 CFR 210.4–03] of Regulation S–X [17 CFR Part 210] regarding group statements and Instructions 4 and 5 below, there shall be filed for each majority-owned subsidiary of the registrant not consolidated and each other person for which the investment is accounted for by the equity method by the registrant, the financial statements which would be required if each such subsidiary or other person were a registrant.

(b) If the fiscal year of any unconsolidated subsidiary or other person ends within 90 days before the date of filing the annual report, or after the date of filing, the statements required by paragraph (a) may be filed as an amendment to the report within 90 days after the end of the subsidiary's or other person's fiscal year.

4. *Summarized financial information.* Notwithstanding Instruction 3, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for 50 percent or less owned persons accounted for by the equity method, except such persons which are individually significant under the tests specified in Instruction 5.

5. *Omission of statements required by instruction 3.* Notwithstanding Instructions 3 and 4, there may be omitted from the annual report all financial statements of any one or more unconsolidated subsidiaries or other persons, if in the aggregate (a) neither the registrant's and its subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total consolidated assets, exclusive of such investments and advances, at the date of the most recent annual financial statements being filed; (b) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the consolidated sales and revenues for the most recent fiscal year for which income statements are being filed; and (c) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries, exclusive of such equity in the subsidiaries and other persons, for the most recent fiscal year for which income statements are being filed, provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

6. *Affiliates whose securities are pledged as collateral.* (No change)

7. *Statements of banks and insurance companies.* (No change)

8. *Registrants not in the production stage.*

(a) Notwithstanding the foregoing instructions, if the registrant falls within the terms of paragraph (b) or (c) of Rule 5A–01 [17 CFR 210.5A–01] of Regulation S–X [17 CFR Part 210], the following statements, all of which shall be audited except as provided in (b) below, shall be filed for the registrant and each of its significant subsidiaries, if any:

(i) The statements specified in Rules 5A–02, 5A–03, 5A–04, 5A–05 and 5A–07 [17 CFR 210.5A–02, 210.5A–03, 210.5A–04, 210.5A–05 and 210.5A–07] shall be filed in comparative columnar form, as of the close of the last two fiscal years; and

(ii) The statements of cash receipts and disbursements specified in Rule 5A–06 [17 CFR 210.5A–06] shall be filed, in comparative columnar form, for such fiscal years.

(b) The financial statements prescribed in (a) above need not be audited if all of the following conditions are met by the registrant and each of its significant subsidiaries, if any:

(i), (ii), (iii) and (iv) (No change)

(v) No exchange upon which the shares are listed, or governmental authority having jurisdiction, requires the furnishing to it, or the publication of, audited financial statements.

9. *Filing of other statements in certain cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

§ 249.311 [Amended]

XI. Section 249.311 (Form 11–K). The INSTRUCTIONS AS TO FINANCIAL STATEMENTS would be amended to read as follows.

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

Furnish an audited statement of financial condition of the plan as of the end of the last fiscal year of the plan and an audited statement of income and changes in plan equity of the plan for the fiscal year. These statements shall be prepared and audited in accordance with the applicable provisions of Regulation S–X and shall be accompanied by the schedules specified in Rule 6–34 [17 CFR 210.6–34] of that regulation [17 CFR Part 210].

§ 249.312 [Amended]

XII. Section 249.312 (Form 12–K). The INSTRUCTIONS AS TO EXHIBITS would be amended to read as follows.

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 3. (No change)

4. If the registrant files annual reports with the Federal Power Commission, the following reports and statements shall be filed:

(a) (No change)

(b) The registrant's annual report to stockholders for its last fiscal year (copies of such report filed with manually signed copies of the report on this form shall contain manually signed reports of the auditing accountant or accountants);

(c) (No change)

(d) For each other majority-owned subsidiary and 50 percent or less owned person accounted for by the equity method of the registrant whose financial statements were not included, on either an individual or a

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consolidated basis, in the registrant's annual report to stockholders, the financial statements required for such subsidiaries and 50 percent or less owned persons by the form otherwise appropriate for an annual report by the registrant to the Securities and Exchange Commission in lieu of Form 12–K [17 CFR 249.312].

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries and 50 percent or less owned persons may be omitted, if in the aggregate (i) neither the registrant's and its subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany elimination) of, such subsidiaries and other persons do not exceed 10 percent of the total consolidated assets, exclusive of such investments and advances, at the date of the most recent annual financial statements being filed; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the consolidated sales and revenues for the most recent fiscal year for which income statements are being filed; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries, exclusive of such equity in the subsidiaries and other persons, for the most recent fiscal year for which income statements are being filed, provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

5. If the registrant files annual reports with the Interstate Commerce Commission or the Federal Communications Commission, the following reports and statements shall be filed:

(a), (b) and (c) (No change)

(d). For each majority-owned subsidiary and 50 percent or less owned person accounted for by the equity method of the registrant which does not file reports with the Federal Communications Commission or the Interstate Commerce Commission and whose financial statements are not included on either an individual or consolidated basis in the annual reports filed pursuant to clause (a), (b) or (c) above, the financial statements (which need not be audited) required for such subsidiaries and 50 percent or less owned persons by the form otherwise appropriate for an annual report by the registrant to the Securities and Exchange Commission in lieu of Form 12–K. [17 CFR 249.312]

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries and 50 percent or less owned persons may be omitted pursuant to the criteria for omission specified in Instruction 4.

6. (No change)

7. A statement shall be filed describing any change in accounting principles or practices followed by the registrant, or any change in the method of applying any such accounting principles or practices which materially affected the financial statements being filed with the Commission pursuant to Instruction 4 or 5 for the fiscal year covered by the report or will materially affect the financial statement of future fiscal years, and which had not been previously reported. State the date of the change and the reasons therefor. A letter from the registrant's independent accountants, approving or otherwise commenting on the change, shall be filed as a part of the exhibit.

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING ACT OF 1935

§ 259.5s [Amended]

XIII. Section 259.5s (Form U5S). The INSTRUCTIONS AS TO FINANCIAL STATEMENTS would be amended to read as follows.

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

1. *Consolidating statements.* (a) There shall be filed for each registered holding company in the system a consolidating balance sheet as of the end of the calendar year and consolidating statements of income, source and applications of funds, and retained earnings and other stockholders' equity for the calendar year. These consolidating statements shall set forth the individual statements of the parent company and each subsidiary included in the consolidation as well as the elimination adjustments and the consolidated statements. Where any holding company system includes more than one registered holding company, separate consolidating statements shall be filed for each subsidiary registered holding company and its subsidiaries; and, if such subsidiary holding company is included in consolidation with its parent, the consolidated statements of such subsidiary holding company shall be shown in the consolidating statements of the top registered holding company.

(b) Consolidating statements shall be prepared in accordance with the requirements of Regulation S–X [17 CFR Part 210] which governs the examination and the form and content and the basis of consolidation of the financial statements, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. The individual corporate and consolidated statements, included in the consolidating statements, of the top registered holding company and of each other system company filing this report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 shall be audited in accordance with Regulation S–X [17 CFR Part 210]. Separate notes supporting individual statements of a system company may be omitted if the required information is separately set forth in the notes supporting the consolidated statements of its parents. Such notes may also be omitted, except in the case of a system company filing this report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934, if all companies for which notes are omitted pursuant to this sentence, considered in the aggregate as a single company, would not constitute a significant subsidiary (as defined in Regulation S–X [17 CFR Part 210]) of the top registered holding company. If any financial statement required to be audited or supported by notes herein has been filed with the Commission in audited form pursuant to any act administered by it, the requirements of this form as to such audit or as to such supporting notes may be satisfied by incorporating such statement by reference, provided the written consent of the independent accountant to such incorporation is filed as a part of this report.

(c) For the purposes of this form, however, only the following schedules specified in Rule 5–04 [17 CFR 210.5–04] of Regulation S–X [17 CFR Part 210] need be filed, to the extent required by that regulation:

(i) In support of the corporate and consolidated financial statements (included in such consolidating statements) of the top registered holding company, all required schedules except Schedules II, III, IV, X, XVII and XVIII; and

(ii) In support of the financial statements (included in such consolidating statements) of each subsidiary company, which files this report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934, all required schedules, except Schedules II, III, IV, X, XVII and XVIII; provided that any schedule of a subsidiary company may be omitted if the information required is set forth separately in the consolidated schedules of its parent or elsewhere in the financial statements or in the answers to any of the items of the form.

The schedules shall be examined by the independent accountant. Any required schedule may be incorporated by reference to any prior filing under any act administered by the Commission; provided that at least one copy of such prior filing has been filed with, or is simultaneously filed with, each securities exchange on which any security of the particular system company is listed and registered; and provided further that the written consent of the accountant to such incorporation is filed as part of this report. If the information required in any schedule of any system company is contained in any schedule or schedules of such company's report to the Federal Power Commission, duplicates of such schedules with appropriate references this form.

may be used to satisfy the requirements of

(d) (No change)

(e) The elimination adjustments supporting each consolidating statement shall be in detail (not net) showing the adjustments pertaining to each company included in the consolidation and shall be accompanied by an explanation in sufficient detail to reveal clearly the nature of each such adjustment.

2. *Other statements.* Comparable corporate statements shall be filed for any subsidiary company in the holding company system not included in the consolidating statements required above. Such corporate statements need not be prepared and *audited* in accordance with the requirements of Regulation S–X [17 CFR Part 210] except where the company is a signficiant subsidiary and a majority-owned subsidiary as defined in Regulation S–X [17 CFR Part 210].

[FR Doc.73–15800 Filed 7–31–73;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 71]

PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

Form for Shipping Plutonium

The Atomic Energy Commission is considering the amendment of its regulations in 10 CFR Part 71, "Packaging of Radioactive Material for Transport and Transportation of Radioactive Material under Certain Conditions" to require that all plutonium in quantities greater than 20 curies shall be packaged for shipment as a solid in capsules which meet the requirements for special form and shall be shipped inside packaging that meets the requirements of Part 71 for radioactive material in normal form. The proposed requirements would become effective three years after the effective date of the amendment.

In light of anticipated significant changes in the characteristics and quantity of plutonium to be transported in the future, the Commission has considered the matter of form for shipping plutonium from the standpoint of public health and safety. Existing regulations permit the shipment of plutonium in any chemical or physical form, including liquid plutonium nitrate. Using the present criteria and requirements of Part 71, hundreds of plutonium nitrate shipments have been made with no reported instances of plutonium leakage from the containment vessel.

However, the present situation with respect to plutonium transportation in the private sector is expected to change drastically over the next several years. Increasingly larger quantities of plutonium will be recovered from power reactor fuel. Consequently, increases in quantities of plutonium shipped and number of shipments made are expected. For example, the amount of plutonium available for recovery is estimated to be 500 kg in 1973 as compared to 21,000 kg in 1980. In addition, the specific activity of the plutonium will increase with higher reactor fuel burnup, resulting in higher gamma and neutron radiation levels, greater heat generation, and greater pressure generation potential from plutonium nitrate solutions in shipping containers.

Because of these expected changes in plutonium transport and the inherent susceptibility of liquids to leakage, the Commission believes that safety would be significantly enhanced if the basic form for shipments of plutonium were changed from liquid to solid and if the solid form of plutonium were required to be shipped in a package providing at least double containment of the contents. Such a change is considered to be feasible from an economic and technological standpoint.

The Commission's assessment indicates that there will not be a significant increase in the quantities of plutonium available for recovery in the next few years. However, the Commission believes that any change in the requirements regarding the form of plutonium for shipment should be announced promptly so that firms that design and build fuel reprocessing and fuel fabrication plants can make timely plans to accommodate this change. It is anticipated that if a solid form for shipment is required, plutonium recovered at fuel reprocessing plants would be converted to the oxide form for shipment to fuel fabricators. Based on the Commission's assessment of process and equipment changes necessary to permit shipment of plutonium as oxide, and the time when increased plutonium shipments will occur, about three years appears to be a sufficient time period. Accordingly, if the proposed amendments are adopted, the effective date would be specified as three years from the effective date of such adoption.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments of 10 CFR Part 71 is contemplated. All interested persons who desire to submit written comments or suggestions should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by October 1, 1973. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

1. A new § 71.42 would be added to read as follows:

§ 71.42 Special requirements for plutonium shipments.

(a) Notwithstanding the exemptions in § 71.9, plutonium in excess of 20 curies per package shall be shipped as a solid encapsulated to meet the requirements of special form as defined in § 71.4(o)(2) of this part, and shall be shipped inside an outer packaging which meets the requirements of this part for packaging of material in normal form.

(b) Authority provided in AEC licenses issued pursuant to this part for the delivery to a carrier for transport of plutonium in a liquid form in quantities exceeding 20 curies per package, shall expire on (three years from the date of adoption of this amendment).

(Secs. 53, 161, 68 Stat. 930, 948; 42 U.S.C. 2073, 2201)

Dated at Germantown, Maryland, July 30, 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73–15986 Filed 7–31–73;10:47 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

RANGELAND ENHANCEMENT, CALIF.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft Environmental Statement for Rangeland Enhancement on National Forest Lands in California, USDA–FS–FES (Adm). 73–89.

The environmental statement applies to national forest land in California administered by the California and Intermountain Regions, Forest Service, USDA. The statement concerns a proposal to conduct cultural range improvement practices, where the potential exists for obtaining increased benefits, on selected sites within the sagebrush, perennial bunchgrass, and mountain meadow vegetation types.

This draft Environmental Statement was filed with CEQ on July 24, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agricultural Bldg., Room 3230
14th St. and Independence Ave., SW
Washington, D.C. 20250
USDA, Forest Service
California Region
630 Sansome Street
San Francisco, California 94111
USDA, Forest Service
Intermountain Region
Federal Building
324 25th Street
Ogden, Utah 84401
All National Forests in California
Forest Supervisors' Offices and
Forest Supervisor, Toiyabe N. F.
Reno, Nevada 89503

A limited number of single copies are available upon request to Douglas R. Leisz, Regional Forester, U.S. Forest Service, 630 Sansome Street, San Francisco, California 94111.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Douglas R. Leisz, Regional Forester, 630 Sansome Street, San Francisco, Calif. 94111, or Vern Hamre, Regional Forester, Federal Building, 324 25th St. Ogden, Utah 84401.

Comments must be received by September 24, 1973 in order to be considered in the preparation of the final Environmental Statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JULY 25, 1973.

[FR Doc.73–15813 Filed 7–31–73;8:45 am]

SAN ISABEL NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The San Isabel National Forest Multiple Use Advisory Committee will meet at 10 a.m. on August 25, 1973, at the Conquistador Ski Area.

The purpose of this meeting and field trip is to review on-the-ground the technical data for the draft Environmental Statement on the proposal for development of ski facilities involving National Forest land.

The meeting will be open to the public. Persons who wish to attend should notify the Pike-San Isabel Supervisor's Office, P.O. Box 5808, Pueblo, Colorado 81002, 544–5277. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation:

1. To the extent that time permits, interested persons may be permitted by the committee chairman to present oral statements.

R. N. RIDINGS,
Forest Supervisor.

Dated: July 23, 1973.

[FR Doc.73–15822 Filed 7–31–73;8:45 am]

Soil Conservation Service

HIGHWAY 112 CRITICAL EROSION CONTROL PROJECT MEASURE, WIS.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Highway 112 Critical Erosion Control Project Measure, Ashland County, Wisconsin, USDA–SCS–ES–RC&D–(ADM)–73–21–(D).

The environmental statement concerns a plan to control erosion in a gully located near the White River. The planned works of improvement include 1200 feet of sod waterway, 4640 feet of vegetated waterway, 855 feet of diversion, 15 acres of critical area planting, plus necessary grading and mulching.

This draft environmental statement was transmitted to CEQ on July 18, 1973.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, 4601 Hammersly Road, P.O. Box 4248, Madison, Wisconsin 53711
Soil Conservation Service, USDA, 206 Vine Street, Spooner, Wisconsin 54801

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia, 22151. Please use name and number of statement above when ordering. The estimated cost is $3.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Richard W. Akeley, State Conservationist, Soil Conservation Service, 4601 Hammersley Road, P.O. Box 4248, Madison, Wisconsin 53711.

Comments must be received within sixty days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: July 18, 1973.

NORMAN A. BERG,
Acting Administrator, Soil Conservation Service.

[FR Doc.73–15856 Filed 7–31–73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

FOREIGN EXCESS PROPERTY

General Determination 1

On June 8, 1973 there was published in the FEDERAL REGISTER (38 FR 10586 et seq.) a notice in which the Deputy Assistant Secretary for Resources and Trade Assistance indicated his intention to revise General Determination No. 1 (Revised) (33 FR 11023). The principal proposed changes involved the deletion of the classes of foreign excess property listed below from such property subject to the provisions of General Determination No. 1 (Revised):

1. Military motor vehicles and parts enumerated on the controlled U.S. Munitions Import List;
2. All sizes of pneumatic passenger car tires and inner tubes;
3. Compressed gas cylinders; and
4. Front and rear driving axle assemblies in capacities more than 6000 pounds.

Interested persons were invited to submit in writing data, views or statements relative to the proposed revision of General Determination No. 1 (Revised). Timely written comments so submitted were carefully considered in the final formulation of this notice which reflects minor clarification and modification of the proposed notice.

The practical effect of the deletion of the classes of foreign excess property enumerated above from General Determination No. 1 (Revised) is that applications for Import Determinations relating to such property will be evaluated by the Department on a case-by-case basis. Positive or negative determinations will be based upon individual market analyses on the question of whether importation would or would not relieve domestic shortages or otherwise be beneficial to the economy of this country.

General Determination No. 1 (Revised) (33 FR 11023) is hereby revised to read as follows:

GENERAL DETERMINATION NO. 1

Importation of foreign excess property consisting of the following listed items would relieve domestic shortages or would otherwise be beneficial to the economy of this country. Consequently, and in accordance with § 302.4, General determinations of shortage or benefit, of the Foreign Excess Property Regulations (15 CFR 302 et seq.) foreign excess property specified in (a), (b), and (c) below may be imported into the United States, unless otherwise prohibited by law, subject to the conditions of this General Determination.

(a) Pneumatic tires and inner tubes, except passenger car tires and inner tubes. Including all used pneumatic tires and inner tubes, except used passenger car tires and inner tubes, and all unused pneumatic tires and inner tubes, except unused passenger car tires and inner tubes, which at the time of disposal by a Federal Agency are deteriorated or damaged so that their utility is impaired. (Description of property and conditions listed by Federal Agency in the Invitation for Bid as "Unused-Fair" or "Unused-Poor"). Unused tires subject to this General Determination shall prior to entry into the Customs territory of the United States (1) be branded with the letters "N.F.C." (Not First Class) in one inch type on each sidewall of each tire so as to be clearly visable above the bead area, or (11) be buffed so as to remove from each sidewall thereof the name of the manufacturer and trade name(s). Inner tubes must be stamped with indelible ink in one inch block type with the letters "N.F.C.".

(b) Used Noncombat Military Motor Vehicles. All used noncombat military motor vehicles over ½-ton rated capacity including: general purpose types such as cargo, carryall, chassis, dump, panel, pickup platform, prime mover and stake; and special purpose types such as shop van, medical van, laboratory, fluid tank, wrecker and ambulance. [Not included under this General Determination are combat military vehicles such as tanks, self-propelled guns, armored personnel carriers and all other military motor vehicles enumerated in the U.S. Munitions Import List (26 CFR 180).]

(c) Used Parts for Noncombat Military Motor Vehicles. All used parts for noncombat military motor vehicles included in paragraph (b) above, except front and rear driving axle assemblies in capabilities more than 6,000 pounds.

Any of the property described above may be entered into the economy of the United States on presentation of the original FEP Import Authorization to the District Director of Customs for his endorsement at the time of entry: Provided, (i) the requirements in paragraph (a) above relating to unused pneumatic tires and inner tubes are complied with to the satisfaction of the District Director of Customs at the port of entry, and (ii) the entry document (Customs Form 7501) carries the statement, "The foreign excess property described hereon is being entered into the United States under the provisions of General Determination No. 1 issued pursuant to § 302.4 of the Foreign Excess Property Regulations (15 CFR Part 302 et seq.) of the United States Department of Commerce."

Nothing in General Determination No. 1 shall be construed to exempt the importer from presentation of such other entry documents, or conforming with any procedures, required by the Bureau of Customs.

General Determination No. 1 may be amended or withdrawn by the Deputy Assistant Secretary and notice of such amendment or withdrawal shall be published in the Federal Register (15 CFR 302.4.)

This notice shall be effective on August 1, 1973.

Dated: July 27, 1973.

SETH M. BODNER,
Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73–15867 Filed 7–31–73;8:45 am]

DUKE UNIVERSITY MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73–00510–33–02700. Applicant: Duke University Medical Center, Department of Orthopedic Surgery, Durham, N.C. 27710. Article: Ultrathin fiberoptics endoscope, type 25. Manufacturer: Shinko Optical Co. Ltd., Japan. Intended use of article: The article is intended to be used in study of arthritis and painful joints distortion intraretic-ular structures.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant's use of the article in the study of arthritis and painful joints, including arthroscopy of children and small joints, will require a very thin endoscope. The Department of Health, Education, and Welfare (HEW) in its memorandum dated July 13, 1973, advised that the small (2 millimeter) size of the article is pertinent to the purposes for which the article is intended to be used. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73–15793 Filed 7–31–73;8:45 am]

NEWARK COLLEGE OF ENGINEERING

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73–00300–65–46040. Applicant: Newark College of Engineering, 323 High Street, Newark, NJ 07102. Article: Electron Microscope, Model JEM 120. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used by both graduate students and faculty for investigations of crack initiation and propagation, order-disorder, transformations, nature of whisker, nucleation and growth, fatigue and creep, and alloy strengthening.

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In addition the article will be used in the following courses: Engineering Materials, Microscopy and Diffraction in Materials, Materials Science II, and Advanced Materials Science Lab.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a maximum accelerating voltage of 120 kilovolts which the applicant requires for adequate penetration of thick polymer samples with the induction or minimum damage to the samples. The most closely comparable domestic instrument, the Model EMU–4C electron microscope manufactured by Forgflo Corporation, provides a maximum accelerating voltage of 100 kilovolts. The National Bureau of Standards advised in its memorandum dated July 19, 1973 that the higher accelerating voltage of the article is pertinent to the purposes for which the foreign article is intended to be used.

For this reason, we find the EMU–4C is not of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73–15789 Filed 7–31–73;8:45 am]

[File 23(73)–4]

OMNITRONIC ELEKTRONISCHE AND WALTER BASTA

Order Extending Temporary Denial of Export Privileges

In the matter of Omnitronic Elektronische Geraete Ges. M.B.H. and Walter Basta, Mariahilferstrasse 177, 1060 Vienna, Austria.

An order temporarily denying export privileges for 60 days was issued against the above parties on May 31, 1973, 38 FR 14686. Said order was issued in connection with an investigation in progress by the Compliance Division, Office of Export Control, Bureau of East West Trade. On the evidence presented there was reasonable basis to believe the following: The respondents caused a strategic neutron generator to be shipped to a fictitious consignee in Ankara, Turkey; thereafter respondents caused said generator to be shipped to Vienna, Austria; in Vienna, respondent Basta through improper means, obtained possession of the generator; respondents had the generator shipped to U.S.S.R., a destination that was not authorized.

The Director, Compliance Division, has applied under § 388.11 of the Export Control Regulations for an extension of the temporary denial order until completion of the administrative compliance proceedings. It is expected that a charging letter, which will contain allegations of violations of the Export Administrative Act of 1969, will be issued against the respondents in the near future.

The application for extension of the temporary denial order has been considered by the Hearing Commissioner. He has found that such extension is reasonably necessary for the protection of the public interest. I confirm this finding. The Hearing Commissioner has recommended that the petition for extension be granted and that the temporary denial order be extended until completion of administrative compliance proceedings. I accept his recommendation.

Accordingly, it is hereby

ORDERED

I. The prohibitions and restrictions of the temporary denial order issued against the above respondents on May 31, 1973, 38 FR 14868, are hereby continued in full force and effect.

II. The respondents, their successors, assigns, representatives, agents, and employees are denied all privileges of participating, directly or indirectly in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) as a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order, unless hereafter amended, modified, or vacated, in accordance with the provisions of the U.S. Export Control Regulations, shall remain in effect until the completion of the administrative compliance proceedings which will result from the charging letter to be issued against the respondents.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents, or whereby the respondents may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly; (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion, of any commodity or technical data exported or to be exported from the United States, by, to, or for any respondent, or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 388.11(c) of the Export Control Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, Bureau of East-West Trade, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which if requested, shall be held before the Hearing Commissioner, Washington, D.C. at the earliest convenient date.

Dated: July 25, 1973.

RAUER H. MEYER,
Director, Office of Export Control,
Bureau of East-West Trade.

[FR Doc.73–15826 Filed 7–31–73; 8:45 am]

PROVIDENCE HOSPITAL—RCR CENTER

Notice of Applications for Duty Free Entry of Scientific Articles; Correction

In the Notice of Applications for Duty-Free Entry of Scientific Articles appearing at page 18699 in the FEDERAL REGISTER of Friday, July 13, 1973, the following correction should be made.

Docket Number 3–005 6–33–46070 should be corrected to read:

Docket number: 73–00576–33–46070. Applicant: Veterans Administration Hospital (673), 13000 North 30th Street, Tampa, Florida, 33612. Article: Electron Microscope, Model EM 201. . . .

A. H. STUART,
Director
Special Import Programs Division.

[FR Doc.73–15787 Filed 7–31–73;8:45 am]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73–00498–33–46040. Applicant: University of Chicago, department of pathology, 950 East 59th Street, Chicago, Ill. 60637. Article: Electron microscope, model EM 201. Manufacturer: Philips Electronic Instrument NVD, The Netherlands. Intended use of article: The article is intended to be used for the study of the appearance of the various cancerous tissues as removed by surgery, radioautography of cancer cells (removed during surgery and exposed in vitro to radioisotopes), immunoelectron microscopy for the study of oncogenic viral antigens and electron microscopic cytochemistry. The article will also be used in the Haematopathology Training Course for medical doctors who have already completed their training in pathology and teaching of residents and interns in the Division of Surgical Pathology in the use of the electron microscope, including the diagnosis of light microscopically difficult cases.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instruments or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corporation. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated July 13, 1973, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73–15792 Filed 7–31–73;8:45 am]

UNIVERSITY OF MARYLAND HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73–00491–99–75200. Applicant: University of Maryland Hospital, Redwood and Greene Streets, Baltimore, Md. 21201. Article: Engstrom respirator system ER 300. Manufacturer: LKB Medical AB, Sweden. Intended use of article: The article is intended to be used in training anesthesiology and surgical residents, nurses, and inhalation therapists in the functional characteristics and clinical application of mechanical ventilators.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a pressure wave form automatically adapted to changing compliance and airway resistance resulting in improved distribution of air and ventilation of the patient. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 13, 1973 that the characteristics described above are pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no domestic instrument which provides the pertinent characteristic of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73–15791 Filed 7–31–73;8:45 am]

UNIVERSITY OF OREGON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73–00490–33–01710. Applicant: University of Oregon, Department of Chemistry, Eugene, Oreg. 97403. Article: Feedback Amplifier and Accessories. Manufacturer: I. Physiology Institute of the University of Saarland Medical School, West Germany. Intended use of article: The article is intended to be used for the investigation of the action of chemical agents on the functioning nerve membrane under voltage clamp conditions. In addition the article will be used for graduate research leading to a Ph. D. in Chemistry.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article was designed and built by scientists specifically for work similar to the applicant's. The applicant requires the article for advanced teaching and research involving action potentials at single nodes of Ranvier where nerve constrictions occur and where the myelin sheath is absent. The Department of Health, Education, and Welfare (HEW) in its memorandum dated July 13, 1973 advises that the specific design of the article is pertinent to the purposes described above. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73–15790 Filed 7–31–73;8:45 am]

National Oceanic and Atmospheric Administration

JOHN H. HAMLET, ET AL.

Exemption Application

Notice is hereby given that the following named individuals have filed applications for exemptions from the provisions

V 38-147 AUG 1 73 XUM

of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) on grounds of undue economic hardship as authorized by section 101(c) of the Act, and § 216.13 of the Interim Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177, 28182, December 21, 1972) for the taking of the marine mammals hereinafter described and for the purposes stated.

1. Mr. John N. Hamlet, Consultant Naturalist, Homosassa Springs, Inc., P.O. Box 8, Homosassa Springs, Florida 32647, to take two male and eight female California sea lions (*Zalophus californianus*) for public display.

The Applicant states:

(1) The sea lions would be taken off the coast of California between July and October 21, 1973, by professional sea lion capturers, acclimated by the capturers and shipped by air to the Applicant's facility;

(2) At the Applicant's facility the animals would be kept in a special pool at the mouth of a natural spring, where they would be fed by, and perform for, visitors;

(3) The animals would be a part of a nature exhibit featuring other animals such as fish and alligators, providing entertainment and information on nature to as many as 255,000 persons annually;

(4) If the economic hardship exemption is not granted the Applicant would suffer undue economic hardship in that he would lose as much as one-third of his ticket sales or as much as $297,500 annually.

2. Gerald L. Kooyman, Ph.D., Physiological Research Laboratory, P.O. Box 1529, Scripps Institution of Oceanography, La Jolla, California 92037, telephone 714–453–1194, to take as many as five ice-breeding harbor seals (*Phoca vitulina largha*) for scientic research.

The Applicant states:

(1) The seals, weaned pups of approximately 40 pounds each, of either sex, would be taken near Cold Bay, Alaska, during August 1973 by members of the *Alpha Helix* team now collecting seals in the area under a Letter of Exemption issued on June 1, 1973, to Dr. Robert Elsner of the Institute of Marine Science, University of Alaska;

(2) Soon after capture the seals would be air shipped to the Applicant's laboratory at the Scripps Institution of Oceanography, with arrangements made so that the journey would require no more than 24 hours;

(3) The seals would be used in various experiments involving comparative studies of lung function, with no mortality expected, and afterward they would be donated to zoos or aquaria;

(4) The animals must be young animals which can be collected only in summer, and if the animals cannot be taken this August the Applicant would have to postpone his experiments until next summer;

(5) If the Applicant were not issued an exemption he would suffer undue economic hardship in that a planned three-year program would have to be extended for an extra year and additional costs would be incurred in delay and replanning, and he would be unable to take advantage of having the *Alphs Helix* take the animals for him, thus losing considerable funds which would have to be spent otherwise for collectors fees.

3. Mr. P. F. McKenney, President, Theater of the Sea, Inc., P.O. Box 407, Islamadora, Florida 33036, to take three Atlantic bottle-nose dolphins (*Tursiops truncatus*) for public display.

The Applicant states:

(1) The animals would be taken by an experienced dolphin capturer in Florida Bay and transported to the Applicant's facility several miles away;

(2) The animals would be trained as performing animals, and shown for profit to paying visitors and free to groups of school children;

(3) If the exemption were not granted the Applicant would suffer undue economic hardship in that he would have only two dolphins, which are not sufficient dolphins with which to compete with other dolphin shows in the same area as the Applicant (one such nearby show having as many as 15 dolphins), and would be forced to close a business providing as much as $210,739 annually.

4. Ralph C. Ring, Frontier Tanning Company, P.O. Box 122, Star Route A, Anchorage, Alaska, telephone 907–344–1453, to take 6,000 seal pups, species unspecified, and 6,000 Steller sea lion pups (*Eumetopias jubata*) for the commercial sale of hides.

The Applicant states:

(1) The sea lion pups would be taken from the following areas along the coast of Alaska, in the specified numbers: Marmot Island, 1,000; Akutan, 2,000; Bogoslof, 500; Ugamak, 1,000; and the Barren Islands, 1,500;

(2) The seal/pups would be taken as available in the areas of Tugidak, Port Heiden, Port Mohler, Shumigan Islands, Ugat, Prince William Sound, Icy Bay, and the Kenai Peninsula;

(3) Some of the skins would be fleshed and brined and sold for further processing, while some would be completely processed for sale as commercially tanned skins;

(4) If the exemption were not granted, the Applicant would suffer undue economic hardship in that the business which he has worked 18 years to build would be forced to close.

Documents submitted in connection with these applications, other than confidential information, are available for inspection in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Offices of the Regional Directors, National Marine Fisheries Service as follows: For Ralph Ring, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801, telephone 907–586–7221. For Gerald L. Kooyman, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213–831–9575. For John N. Hamlet and P. F. McKenney, Southeast Region, William C. Cramer Federal Office Building, 144 First Avenue South, St. Petersburg, Florida 33701, telephone 813–893–3141. Any person wishing to comment on these applications may write to the Director or the appropriate Regional Director.

All statements and opinions contained in this notice in support of the applications are those of the Applicants and do not reflect the views of the National Marine Fisheries Service.

Dated July 27, 1973.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.73–15817 Filed 7–31–73;8:45 am]

National Bureau of Standards

CASTERS, WHEELS, AND GLIDES FOR HOSPITAL EQUIPMENT

Withdrawal of Commercial Standard

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Commercial Standard CS 223–59, "Casters, Wheels, and Glides for Hospital Equipment."

This action is taken in furtherance of the Department's announced intention, as set forth in the public notice appearing in the FEDERAL REGISTER of June 11, 1973 (38 FR 15378), to withdraw this standard.

The effective date for the withdrawal of this standard will be October 1, 1973. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: July 27, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73–15865 Filed 7–31–73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT–APPL number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Maryland 20014

Patent Application 348 673 Ammonium Ion Specific Electrode; filed Apr. 6, 1973; PC$3.25/MF$0.95.

Patent Application 354 673 Respirator; filed Apr. 26, 1973; PC$3.75/MF$0.95.

Patent Application 347 702 Electrode Insertion Device for Neuroelectrical Recordings; filed Apr. 4, 1973; PC$3.00/MF$0.95.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, N.W., Washington, D.C. 20240.

Patent Application 350 421 Process for Recovering Elemental Sulfur from Aqueous Suspensions; filed Apr. 12, 1973; PC$3.00/MF$1.45.

Patent Application 350 444 Determination of Sulfate Using Ferric Ion-Selective Electrode; filed Apr. 12, 1973; PC$3.00/MF$1.45.

Patent 3,733,255 Conversion of Municipal Refuse, Sewage Sludge and Other Wastes to Heavy Oil or Bitumen; filed Oct. 30, 1970, patented May 15, 1973; not available NTIS.

Patent 3,733,187 Process for Converting Solid Wastes to Pipeline Gas; filed Jun. 7, 1971; not available NTIS.

Patent 3,726,689 Animal Food from Raw Whole Fish; filed Nov. 18, 1970, patented Apr. 10, 1973; not available NTIS.

Patent 3,730,728 Animal Food from Raw Whole Fish; filed Nov. 18, 1970, patented May 1, 1973; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP–2, Washington, D.C. 20546

Patent Application 242 662 Optical Instruments; filed Apr. 10, 1972; PC$3.00 MF$1.45.

Patent Application 359 957 Noise Suppressor; filed May 14, 1973; PC$3.00/MF$1.45.

Patent Application 198 885 Ophthalmic Method and Apparatus; filed Nov. 15, 1971; PC$3.00/MF$1.45.

Patent Application 345 372 High Isolation RF Signal Selection Switches; filed Mar. 27, 1973; PC$3.00/MF$1.45.

Patent Application 359 039 Coherent Receiver Employing Nonlinear Coherence Detection for Carrier Tracking; filed May 10, 1973; PC$4.00/MF$1.45.

Patent Application 348 787 Voltage Monitoring System; filed Apr. 6, 1973; PC$3.00/MF$1.45.

Patent Application 353 162 Correlation Type Phase Detector; filed Apr. 20, 1973; PC$3.25/MF$0.95.

Patent Application 359 157 An Inverter Ratio Failure Detector; filed May 10, 1973; PC$3.75/MF$1.45.

Patent Application 359 156 A Device for Use in Loading Tension Members; filed May 10, 1973; PC$3.00/MF$1.45.

Patent Application 346 372 Signal Conditioner Test Set; filed Mar. 30, 1973; PC$3.00/MF$1.45.

Patent Application 347 952 Variable Resistance Constant Tension and Lubrication Device; filed Apr. 4, 1973; PC$3.00/MF$1.45.

Patent Application 348 422 Cermet Composition and Method of Fabrication; filed Apr. 5, 1973; PC$3.75/MF$1.45.

Patent Application 356 664 System for Depositing Thin Films; filed May 2, 1973; PC$3.00/MF$1.45.

[FR Doc.73–15675 Filed 7–31–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD 119]

WISCONSIN

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Wisconsin, dated April 30, 1973, and published May 4, 1973 (38 FR 11139); amended May 9, 1973, and published May 14, 1973 (38 FR 12636); and amended June 1, 1973, and published June 6, 1973 (38 FR 14888), is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 27, 1973:

The County of:

Adams

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

Dated: July 25, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73–15788 Filed 7–31–73;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N–73–186; Administrative Division Docket No. 73–45]

MINE MOUNTAIN, ET AL.

Notice of Hearing

Notice is hereby given that:

1. Mine Mountain Corporation, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing dated June 11, 1973, which was sent to the Developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45 (b)(1) informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the Developer's Statement of Record for Mine Mountain, and the failure of the Developer to amend the pertinent sections of the Statement of Record and Property Report.

2. The Respondent filed an answer received July 2, 1973, in answer to the allegations of the notice of proceedings and opportunity for a hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for a hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Administrative Law Judge Joseph L. Fitzmaurice, in room 7233, Department of HUD Building, 451 7th Street, S.W., Washington, D.C. on August 9, 1973 at 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before August 2, 1973.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: July 26, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73–15809 Filed 7–31–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73–157N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

(1) Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from May 7, 1973 to May 16, 1973 (List No. 13–73). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

(2) The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

(3) The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless

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sooner cancelled or suspended by proper authority.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

Approval No. 160.002/2/1, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, and COMDT (GMMT-3/83) letter dated March 29, 1973, Type I PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.002/2/1 dated March 29, 1973 to show change of name of manufacturer.)

Approval No. 160.002/3/1, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, and COMDT (GMMT-3/83) letter dated March 29, 1973, Type I PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.002/3/1 dated March 29, 1973 to show change of name of manufacturer.)

Approval No. 160.002/118/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.002/118/0 dated February 2, 1973 to show change of name of manufacturer.)

Approval No. 160.002/119/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.002/119/0 dated February 2, 1973 to show change of name of manufacturer.)

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE), FOR MERCHANT VESSELS

Approval No. 160.017/40/0, Model 12 PL-S, Type II embarkation-debarkation ladder, chain suspension, (8-0 lock link chain), steel ears, dwg. dated January 16, 1970, approval limited to ladders 90 feet or less in length, manufactured by H. K. Metalcraft Manufacturing Corporation, 35 Industrial Road, P.O. Box 275, Lodi, New Jersey 07644, effective May 7, 1973. (It supersedes Approval No. 160.017/40/0 dated November 30, 1970 to show increase in allowable length.)

SIGNALS, DISTRESS, HAND, ORANGE SMOKE, FOR MERCHANT VESSELS

Approval No. 160.037/4/0, Bristol Marine hand orange smoke distress signal, dwg. No. 600 revised June 2, 1958, manufactured by Bristol Flare Corporation, State Road, P.O. Box 540, Bristol, Pennsylvania 19007, effective May 9, 1973. (It is an extension of Approval No. 160.037/4/0 dated August 27, 1968.)

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

Approval No. 160.047/300/0, adult, Model AK-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 154, Type II PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.047/300/0 dated November 2, 1972 to show change of name of manufacturer.)

Approval No. 160.047/301/0, child medium, Model CKM-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 154, Type II PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.047/301/0 dated November 2, 1972 to show change of name of manufacturer.)

Approval No. 160.047/302/0, child small, Model CKS-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 154, Type II PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.047/302/0 dated November 2, 1972 to show change of name of manufacturer.

Approval No. 160.047/601/0, adult, Model AK-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 144, Type II PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.047/601/0 dated November 2, 1972 to show change of name of manufacturer and change of address of distributor.)

Approval No. 160.047/602/0, child medium, Model CKM-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 144, Type II PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.047/602/0 dated November 2, 1972 to show change of name of manufacturer and change of address of distributor.)

Approval No. 160.047/603/0, child small, Model CKS-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 144, Type II PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.047/603/0 dated November 2, 1972 to show change of name of manufacturer and change of address of distributor.)

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

Approval No. 160.048/3/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), Type IV PFD, manufactured by Campco Ventures, Inc., P. O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.048/3/0 dated February 1, 1972 to show change of name of manufacturer.)

Approval No. 160.048/5/1, special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, dwg. No. C-31 dated September 15, 1965, and Bill of Materials dated December 29, 1965, Type IV PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.048/5/1 dated February 2, 1973 to show change of name of manufacturer.)

Approval No. 160.048/244/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), Type IV PFD, manufactured by Campco Ventures, Inc., P. O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.048/244/0 dated February 2, 1973 to show change of name of manufacturer.)

Approval No. 160.048/245/0, special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, dwg. No. C-31 dated September 15, 1965, and Bill of Materials dated December 29, 1965, Type IV PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.048/245/0 dated February 2, 1973 to show change of name of manufacturer.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/12/3, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwgs. No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Campco Ventures, Inc., P. O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.050/12/3 dated February 1, 1972 to show change of name of manufacturer.)

Approval No. 160.050/13/3, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwgs. No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Campco Ventures, Inc., P. O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.050/13/3 dated February 1, 1972 to show change of name of manufacturer.)

Approval No. 160.050/14/3, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwgs. No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.050/14/3 dated February 1, 1972 to show change of name of manufacturer.)

Approval No. 160.050/53/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwgs. No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Campco Ventures, Inc., P. O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.050/53/0 dated February 2, 1973 to show change of name of manufacturer.)

Approval No. 160.050/54/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwgs. No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 15, 1973. (It supersedes Approval No. 160.050/54/0 dated February 2, 1973 to show change of name of manufacturer.)

Approval No. 160.050/55/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwgs. No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapacto, Inc., effective May 15, 1973. (It supersedes Approval No. 160.050/55/0 dated February 2, 1973 to show change of name of manufacturer.

Approval No. 160.050/65/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwg. No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.050/65/0 dated September 12, 1969 to show change of address of manufacturer.)

Approval No. 160.050/66/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwg. No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.050/66/0 dated September 12, 1969 to show change of address of manufacturer.)

Approval No. 160.050/67/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwg. No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.050/67/0 dated September 12, 1969 to show change of address of manufacturer.)

Approval No. 160.050/68/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwg. No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 068952, manufactured by Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, for Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.050/68/0 dated September 12, 1969 to show change of name of distributor and change of address of manufacturer.)

Approval No. 160.050/69/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwg. No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, for Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.050/69/0 dated September 12, 1969 to show change of name of distributor and change of address of manufacturer.)

Approval No. 160.050/70/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwg. No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, for Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 193. (It supersedes Approval No. 160.050/70/0 dated September 12, 1969 to show change of name of distributor and change of address of manufacturer).

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.052/119/1, adult, Model 245, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 154, Type II PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.052/119/1 dated November 2, 1972 to show change of name of manufacturer.)

Approval No. 160.052/120/1, child medium, Model 246M, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 154, Type II PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.052/120/1 dated November 2, 1972 to show change of name of manufacturer.)

Approval No. 160.052/121/1, child small, Model 246S, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 154, Type II PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco,

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Inc., effective May 16, 1973. (It supersedes Approval No. 160.052/121/1 dated November 2, 1972 to show change of name of manufacturer.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/4/1, style Nos. 228 and 229, unicellular plastic foam, cloth-covered work vest, dwg. Nos. 282–1, 282–2, and 282–3 dated February 11, 1965, bill of materials (sheets 1 to 4) dated February 11, 1965, and COMDT (GMMT–3/83) letter dated March 29, 1973, Type IV PFD, approved for use on merchant vessels when engaged in work activities, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.053/4/1 dated March 29, 1973 to show change of name of manufacturer.)

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/60/0, Type IB, Model 67, child cloth covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, U.S.C.G. Dwg. No. 160.055–IB(Sheets 3 & 4), Tapatco Dwg. Nos. C–277–1–1, C–277–2–2, and C–277–3–3, COMDT(MMT–3) letter dated December 27, 1966, and COMDT (GMMT–3/83) letter dated March 29, 1973, Type I PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.055/60/0 dated March 29, 1973 to show change of name of manufacturer.)

Approval No. 160.055/61/0, Type IB, Model 63, adult cloth covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, U.S.C.G. Dwg. No. 160.055–IB(Sheets 1 & 2), Tapatco Dwg. Nos. C–276–1–1, C–276–2–2, and C–276–3–3, COMDT(MMT–3) letter dated December 27, 1966, and COMDT(GMMT–3/83) letter dated March 29, 1973, Type I PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.055/61/0 dated March 29, 1973 to show change of name of manufacturer.)

Approval No. 160.055/83/0, Type IB, Model 67, child cloth covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, U.S.C.G. Dwg. No. 160.055–IB(Sheets 3 & 4), Tapatco Dwg. Nos. C–277–1–1, C–277–2–2, and C–277–3–3 and COMDT (MMT–3) letter dated December 27, 1966, Type I PFD, approved for use on all vessels and motorboats, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.055/83/0 dated February 2, 1973 to show change of name of manufacturer.)

Approval No. 160.055/84/0, Type IB, Model 63, adult cloth covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, U.S.C.G. Dwg. No. 160.055–IB (Sheets 1 & 2), Tapatco Dwg. Nos. C–276–1–1, C–276–2–2, and C–276–3–3 and COMDT (MMT–3) letter dated December 27, 1966, Type I PFD, approved for use on all vessels and motorboats, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.055/84/0 dated February 2, 1973 to show change of name of manufacturer.)

EMERGENCY LOUDSPEAKER SYSTEM

Approval No. 161.004/1/1, Galbraith marine emergency loudspeaker system, Type E–27500, amplifier panel assembly dwg. No. E–27506, manufactured by Galbraith-Pilot Marine Corporation, Division of Marine Electric Corporation, 600 Fourth Avenue, Brooklyn, New York 11215, effective May 15, 1973. (It supersedes Approval No. 161.004/1/0 dated October 17, 1968 to show additional drawings.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/155/0, "Birma Incombustible CG Fine Insulation" fibrous glass insulation material identical to that described in National Bureau of Standards Test Report FR3841 dated May 1, 1973 and Birma Products Corporation letter dated June 29, 1972, approved in 1" thickness and 4.5 pounds per cubic foot density, manufactured by Birma Products Corporation, Jernee Mill Road, Sayreville, New Jersey 08872, Plants located in Sayreville, New Jersey and Greenfield, Indiana, effective May 16, 1973.

Dated: July 26, 1973.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.73-15831 Filed 7-31-73;8:45 am]

[CGD 73-156N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) requires that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from April 18, 1973 to May 3, 1973 (List No. 12–73). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

Approval No. 160.002/6/1, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective April 25, 1973. (It supersedes Approval No. 160.002/6/1 dated August 21, 1968.)

Approval No. 160.002/7/1, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective April 25, 1973. (It supersedes Approval No. 160.002/7/1 dated August 26, 1968.)

Approval No. 160.002/65/1, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Crawford Manufacturing Company, Inc., 3rd & Decatur Streets, Richmond, Virginia 23212, effective April 25, 1973. (It supersedes Approval No. 160.002/65/1 dated August 26, 1968.)

Approval No. 160.002/70/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by The Safegard Corporation, Box 14037, P.O. Annex, Cincinnati, Ohio 45214, effective April 25, 1973. (It supersedes Approval No. 160.002/70/0 dated August 26, 1968.)

Approval No. 160.002/71/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by The Safegard Corporation, Box 14037, P. O. Annex, Cincinnati, Ohio 45214, effective April 25, 1973. (It supersedes Approval No. 160.002/71/0 dated August 26, 1968.)

Approval No. 160.002/74/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Billy Boy Products, Inc., Quincy, Michigan 49082, effective April 25, 1973. (It supersedes Approval No. 160.002/74/0 dated August 26, 1968.)

Approval No. 160.002/75/0, Model 5, child kapok life preserver, U.S.C.G. Specification subpart 160.002, Type I PFD, manufactured by Billy Boy Products, Inc., Quincy, Michigan 49082, effective April 25, 1973. (It supersedes Approval No. 160.002/75/0 dated August 26, 1968.)

Approval No. 160.002/98/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Elvin Salow Company, 273-285 Congress Street, Boston, Massachusetts 02210, for West Products Company, P. O. Box 707, Newark, New Jersey 07101, effective April 25, 1973. (It supersedes Approval No. 160.002/98/0 dated August 28, 1968.)

Approval No. 160.002/99/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Elvin Salow Company, 273-285 Congress Street, Boston, Massachusetts 02210, for West Products Company, P. O. Box 707, Newark, New Jersey 07101, effective April 25, 1973. (It supersedes Approval No. 160.002/99/0 dated August 28, 1968.)

LIFEBOATS

Approval No. 160.035/396/4, 24.0' x 8.0' x 3.5' fibrous glass reinforced plastic (FRP) hand-propelled lifeboat, 40-person capacity, identified by construction and arrangement drawing No. P–24–1C Rev. L dated September 15, 1972, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=3,077 pounds; Condition "B"= 10,183 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective April 18, 1973. (It supersedes Approval No. 160.035/396/3 dated April 24, 1969 to show change in construction.)

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

Approval No. 160.048/18/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), Type IV PFD, manufactured by The Safeguard Corporation, Box 14037, P.O. Annex, Cincinnati, Ohio 45214, effective April 25, 1973. (It supersedes Approval No. 160.048/18/0 dated August 26, 1968.)

INFLATABLE LIFE RAFTS

Approval No. 160.051/1/1, inflatable life raft, 4-person capacity, identified by general arrangement dwg. No. SEC/-MN/4001, alt. 6 dated May 19, 1966, and Drawing List dated March 29, 1973, 4-person capacity size not permitted on a cargo, passenger, or tank vessel engaged in an international voyage: see 46 CFR 75.10–5(b)(4), 94.10–5(b)(3), or 33.01–30(f), manufactured by the Patten Company, Inc., Lake Worth, Florida 33460, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective April 20, 1973. (It supersedes Approval No. 160.051/1/0 dated August 20, 1970 to show change in design.)

Approval No. 160.051/2/3, inflatable life raft, 6-person capacity, identified by general arrangement dwg. No. SEC/MN/6001, alt. 6 dated May 19, 1966, and Drawing List dated March 29, 1973, satisfies requirements for inflatable life raft of 1960 International Convention for Safety of Life at Sea, manufactured by the Patten Company, Inc., Lake Worth, Florida 33460, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective April 20, 1973. (It supersedes Approval No. 160.051/2/2 dated August 20, 1970 to show change in design.)

Approval No. 160.051/3/3, inflatable life raft, 8-person capacity, identified by general arrangement dwg. No. SEC/MN/8001, alt. 7 dated May 19, 1966, and Drawing List dated March 29, 1973, satisfies requirements for inflatable life raft of 1960 International Convention for Safety of Life at Sea, manufactured by the Patten Company, Inc., Lake Worth, Florida 33460, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective April 20, 1973. (It supersedes Approval No. 160.051/3/2 dated August 20, 1970 to show change in design.)

Approval No. 160.051/4/3, inflatable life raft, 10-person capacity, identified by general arrangement dwg. No. SEC/MN/10001, alt. 7 dated May 19, 1966, and Drawing List dated March 29, 1973, satisfies requirements for inflatable life raft of 1960 International Convention for Safety of Life at Sea, manufactured by the Patten Company, Inc., Lake Worth, Florida 33460, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective April 20, 1973. (It supersedes Approval No. 160.051/4/2 dated August 20, 1970 to show change in design.)

Approval No. 160.051/5/3, inflatable life raft, 15-person capacity, identified by general arrangement dwg. No. SEC/MN/15001, alt. 5 dated November 30, 1965, and Drawing List dated March 29, 1973, satisfies requirements for inflatable life raft of 1960 International Convention for Safety of Life at Sea, manufactured by the Patten Company, Inc., Lake Worth, Florida 33460, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective April 20, 1973. (It supersedes Approval No. 160.051/5/2 dated August 20, 1970 to show change in design.)

Approval No. 160.051/6/3, inflatable life raft, 25-person capacity, identified by general arrangement dwg. No. SEC/MN/25001, alt. 4 dated November 30, 1965, or SEC/MN/25001 A, alt. 2 dated November 30, 1965, and Drawing List dated March 29, 1973, satisfies requirements for inflatable life raft of 1960 International Convention for Safety of Life at Sea, manufactured by the Patten Company, Inc., Lake Worth, Florida 33460, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective April 20, 1973. (It supersedes Approval No. 160.051/6/2 dated August 20, 1970 to show change in design.)

Approval No. 160.051/10/3, inflatable life raft, 12-person capacity, identified by general arrangement dwg. No. SEC/MN/12001, alt. 3 dated November 30, 1965, and Drawing List dated March 29, 1973, satisfies requirements for inflatable life raft of 1960 International Convention for Safety of Life at Sea, manufactured by the Patten Company, Inc., Lake Worth, Florida 33460, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective April 20, 1973. (It supersedes Approval No. 160.051/10/2 dated August 20, 1970 to show change in design.)

Approval No. 160.051/11/3, inflatable life raft, 20-person capacity, identified by general arrangement dwg. No. SEC/MN/20001, alt. 3 dated November 30, 1965, or SEC/MN/20001 A, alt. 2 dated November 30, 1965, and Drawing List dated March 29, 1973, satisfies requirements for inflatable life raft of 1960 International Convention for Safety of Life at Sea, manufactured by the Patten Company, Inc., Lake Worth, Florida 33460, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective April 20, 1973. (It supersedes Approval No. 160.051/11/2 dated August 20, 1970 to show change in design.)

Approval No. 160.051/13/3, 4-person inflatable life raft; identified by general arrangement drawing SPC–MM–4002 (Rev. 7) dated April 6, 1973, and drawing list SPC–MM–4, revised October 6, 1972, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective April 24, 1973. (It supersedes Approval No. 160.051/13/2 dated January 8, 1973 to show change in design.)

Approval No. 160.051/14/2, 6-person inflatable life raft; identified by general arrangement drawing SPC–MM–6002 (Rev. 6) dated April 6, 1973, and drawing list SPC–MM–6, revised October 6, 1972, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective April 24, 1973. (It supersedes Approval No. 160.051/14/1 dated January 8, 1973 to show change in design.)

Approval No. 160.051/15/4, 8-person inflatable life raft; identified by general arrangement drawing SPC–MM–8002 (Rev. 9) dated April 6, 1973, and drawing list SPC–MM–8, revised October 6, 1972, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective April 24, 1973. (It supersedes Approval No. 160.051/15/3 dated January 8, 1973 to show change in design.)

Approval No. 160.051/16/4, 10-person inflatable life raft; identified by general arrangement drawing SPC–LRC–10002 (Rev. 9) dated April 6, 1973, and drawing list SPC–MM–10, revised October 6, 1972, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective April 24, 1973. (It supersedes Approval No. 160.051/16/3 dated January 8, 1973 to show change in design.)

Approval No. 160.051/18/4, 15-person inflatable life raft; identified by general

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arrangement drawing SPC-LRC-15002 (Rev. 8) dated April 6, 1973, and drawing list SPC-MM-15, revised October 6, 1972, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective April 24, 1973. (It supersedes Approval No. 160.051/18/3 dated January 8, 1973 to show change in design.)

Approval No. 160.051/19/4, 20-person inflatable life raft; identified by general arrangement drawing SPC-MM-20002 (Rev. 8) dated April 6, 1973, and drawing list SPC-MM-20, revised October 6, 1972, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective April 24, 1973. (It supersedes Approval No. 160.051/19/3 dated January 8, 1973 to show change in design.)

Approval No. 160.051/20/4, 25-person inflatable life raft; identified by general arrangement dwg. SPC-MM-25002(Rev. 9) dated April 6, 1973, and drawing list SPC-MM-25, revised October 6, 1972, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective April 24, 1973. (It supersedes Approval No. 160.051/20/3 dated January 8, 1973 to show change in design.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/23/1, Model 8225, vinyl coated unicellular plastic foam work vest, dwg. No. 8225/9/66, rcvision 2 dated June 10, 1968, Type V PFD, approved for use on Merchant Vessels when engaged in work activities, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective April 25, 1973. (It supersedes Approval No. 160.053/23/1 dated August 29, 1968.)

Approval No. 160.053/26/0, Model 8230, vinyl coated unicellular plastic foam work vest, dwg. No. 8230/7/68 dated July 25, 1968, Type V PFD, approved for use on Merchant Vessels when engaged in work activities, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective April 25, 1973. (It supersedes Approval No. 160.053/26/0 dated August 29, 1968.)

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

Approval No. 160.064/158/1, child small, Model BJS, cloth covered unicellular plastic foam "Boating Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76300, formerly Texas Water Crafters, effective April 18, 1973. (It supersedes Approval No. 160.064/158/0 dated June 22, 1972 to show revision of model and change of name of manufacturer.)

Approval No. 160.064/159/1, child medium, Model BJM, cloth covered unicellular plastic foam "Boating Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76300, formerly Texas Water Crafters, effective April 18, 1973. (It supersedes Approval No. 160.064/159/0 dated June 22, 1972 to show revision of model and change of name of manufacturer.)

Approval No. 160.064/160/1, adult large, Model BJL, cloth covered unicellular plastic foam "Boating Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76300, formerly Texas Water Crafters, effective April 18, 1973. (It supersedes Approval No. 160.064/160/0 dated June 22, 1972 to show revision of model and change of name of manufacturer.)

Approval No. 160.064/161/1, adult X-large, Model BJXL, cloth covered unicellular plastic foam "Boating Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76300, formerly Texas Water Crafters, effective April 18, 1973. (It supersedes Approval No. 160.064/161/0 dated June 22, 1972 to show revision of model and change of name of manufacturer.)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/123/1, Model No. C-293H range for liquefied petroleum gas service approved by the American Gas Association, Inc., approval also covers Model No. C-293-1E which is the same as Model No. C-293H except for a "Hot Top" Plate which covers 2 burners, manufactured by Welbilt Corporation, Garland Division, Welbilt Square, Maspeth, New York 11352, effective April 30, 1973. (It supersedes Approval No. 162.020/123 0 dated March 16, 1970.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/164/0, Marine Veneer, Colored Marine Veneer, Dekeran, and Textured Dekeran, plain or perforated, inorganic heavy density sheets as described in Johns-Manville letter of April 25, 1973, manufactured by Johns-Manville Sales Corporation, 270 Madison Avenue, New York, New York 10016, effective May 3, 1973.

Dated: July 26, 1973.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc.73-15832 Filed 7-31-73;8:45 am]

ATOMIC ENERGY COMMISSION

CAROLINA POWER & LIGHT CO.

Order Postponing Hearing

In the Matter of Carolina Power & Light Co., Docket Nos. 50-400, 50-401, 50-402, 50-403 (Shearon Harris Nuclear Power Plant, Units 1, 2, 3, and 4.

Please take notice that the public hearing in this proceeding, which had been scheduled to start on August 6, 1973 in Courtroom 2, New Federal Building, 310 New Bern Avenue, Raleigh, North Carolina, has been postponed sine die.

The evidentiary hearing is to be held before an Atomic Safety and Licensing Board to consider the application of the Carolina Power and Light Company (the Applicant) for construction permits for four pressurized water nuclear reactors proposed to be located on the Applicant's site 20 miles southwest of Raleigh, North Carolina. The hearing will be rescheduled for a later date to be determined later and will be the subject of prior advance notice to the parties and the public.

It is so ordered.

For the Atomic Safety and Licensing Board.

Issued at Washington, D.C. this 26th day of July, 1973.

THOMAS W. REILLY, Esq.,
Chairman.

[FR Doc.73-15781 Filed 7-31-73;8:45 am]

[Docket Nos. 50-445, 50-446]

TEXAS UTILITIES GENERATING CO. ET AL.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Availability of Applicants' Environmental Report, etc.

The Texas Utilities Generating Company, Dallas Power and Light Company, Texas Electric Service Company, and Texas Power and Light Company (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed an application, which was docketed July 20, 1973, for authorization to construct and operate two generating units utilizing pressurized water reactors. The application was tenderd on June 5, 1973. Following a preliminary review for completeness, it was accepted on July 18, 1973, for docketing.

The proposed nuclear facilities, designated by the applicants as the Comanche Peak Steam Electric Station, Units 1 and 2, are located on the applicants' site in Somervell County, Texas, approximately 4⅓ miles north of Glen Rose, Texas, and approximately 40 miles southwest of Fort Worth in North Central Texas. Each reactor is designed for initial operation at approximately 3411 megawatts (thermal), with a net electrical output of approximately 1159 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 30, 1973. The request should be filed in connection with Docket Nos. 50-445-A and 50-446-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Somervell County Public Library, On the Square, P.O. Box 417, Glen Rose, Texas 76043.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated June 5, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Comanche Peak Steam Electric Station, Units 1 and 2 is also being made available at the North Central Texas Council of Governments, P.O. Box 5888, Arlington, Texas 76011.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 24th day of July, 1973.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Pressurized Water Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.73-15673 Filed 7-31-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS COMBUSTION ENGINEERING SUBCOMMITTEE

Notice of Meeting

JULY 30, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Combustion Engineering Corporation will hold a meeting on August 14 and 15, 1973 at the Tobacco Valley Inn, 450 Bloomfield Avenue, Windsor, Connecticut. The purpose of this meeting will be to review various topics applicable to Combustion Engineering Corporation designed pressurized water reactors.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

TUESDAY, AUGUST 14, 1973,
9:30 A.M.-5:00 P.M.

Review of various topics common to pressurized water reactors (presentations by the AEC Regulatory Staff and CE will be made and discussions with these groups will be held.) If it becomes necessary to carry over the public session to August 15, an announcement will be made at the close of the public session on August 14, 1973.

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m. on August 14, 1973, which will involve a discussion of its preliminary views, and an executive session at the end of the day on August 15, 1973, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS.

In addition, for the balance of the meeting on August 15 the Subcommittee will hold a closed session with the Regulatory Staff and CE to discuss privileged information relating to plant design and corporate research.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussions of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session will be held to discuss certain privileged information under exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule. (As noted before, if it is necessary to continue the public session on August 15, an announcement to that effect will be made at the close of the public session on August 14.)

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than August 7, 1973 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon CE topical reports and various other documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period or no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3 p.m. on August 14, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on August 13, 1973, to the office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m., eastern daylight time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection on August 17, 1973 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 on or after October 15, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Acting Advisory Committee Management Officer.

[FR Doc.73-15987 Filed 7-31-73;10:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25398; Order 73-7-117]

AIR CARRIER DISCUSSIONS

Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of July 1973.

By Order 73-6-8, adopted June 1, 1973, the Board authorized all U.S. certificated route air carriers engaged in interstate or overseas air transportation to enter into discussions with respect to air freight credit, billing, and collection practices in interstate or overseas air transportation for a period of 120 days.

By petition filed June 15, 1973, Emery Air Freight Corporation (Emery) requested the Board to reconsider or clarify the foregoing order to indicate that all carriers providing C.O.D. services

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be permitted to discuss the practices involved in C.O.D. services during the course of the discussions authorized by Order 73–6–8.

In support of its request, the petition alleges:

1. The Board, by EDR–244, Notice of Proposed Rule Making, dated April 26, 1973, proposed to require air freight forwarders and international air freight forwarders to remit all C.O.D. collections to the consignor or his designee within ten days after delivery of the shipment and to provide surety bond protection to consignors for C.O.D. collections. Rather than impose the requirements proposed in EDR–244 on forwarders, the Board should permit all carriers to attempt to jointly resolve any difficulties in the aforementioned discussions.

2. Since practices relating to C.O.D. shipments involve the extension of credit to shippers and collection of charges from consignees, they appear to fall within the scope of the discussions authorized by Order 73–6–8.

3. Since the discussions authorized by Order 73–6–8 clearly encompass potential clearing house arrangements and credit procedures, agreements as to tariffs and practices resulting from these discussions may well provide appropriate mechanisms to deal with the remittance of C.O.D. amounts.

4. Both direct and indirect carriers will be involved in the authorized discussions, and the inclusion of this issue would allow a complete discussion of all related topics.

The airlines filed an answer[1] to the petition for reconsideration stating that the inclusion of C.O.D. remittance practices would impede the orderly movement of the authorized discussions toward resolution of credit problems within the current time limitations, and that the appropriate forum for consideration of C.O.D. problems is the Board's current rulemaking proceeding (EDR–244).

The Board has considered the petition for reconsideration, the answer thereto, and other relevant factors, and has concluded to deny the petition.

While petitioner asserts that the practices relating to C.O.D. shipments involve extension of credit to shippers, this is not the case. C.O.D. monies must be collected before a shipment may be released to the consignee, and they are funds held by the carrier in trust for prompt transmission to consignor or his designee. Thus C.O.D.'s do not involve the extension of credit on the C.O.D. amount. Except as noted below, the matter of remittances of C.O.D. amounts does not involve a problem which can be feasibly resolved only through discussions, nor do carrier discussions on C.O.D. rules, fees, and practices generally appear to be in the public interest. Accordingly, the Board denies the request to embrace generally the matter of C.O.D.'s within the authorized discussions.

Order 73–6–8 does, however, authorize the discussions to include possible clearing house arrangements and procedures among carriers with respect to collection of freight transportation charges. In order to enable the carriers to consider the possibility of utilizing such procedures to handle C.O.D. remittances, we have determined to authorize discussion of clearing house arrangements and procedures for the remittance of C.O.D. collections.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. The discussions authorized by Order 73–6–8 may include discussion of clearing house arrangements and procedures for the remittance of C.O.D. collections.

2. Except to the extent granted herein, the petition of Emery Air Freight Corporation in Docket 25398 for reconsideration of Order 73–6–8 is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-15851 Filed 7-31-73;8:45 am]

[Docket No. 25489]

ZANTOP INTERNATIONAL AIRLINES INC., AND HAWAIIAN AIRLINES

Notice of Proposed Approval

Joint application of Zantop International Airlines, Inc. and Hawaiian Airlines, Inc. for approval of an agreement or, in the alternative, a disclaimer of jurisdiction. Docket 25489.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until August 14, 1973, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 26, 1973.

[SEAL] WILLIAM B. CALDWELL, Jr.,
Director, Bureau of Operating Rights.

By application filed on May 1, 1973[1] Zantop International Airlines, Inc. (Zantop International) and Hawaiian Airlines, Inc. (Hawaiian) request disclaimer of jurisdiction or, alternatively, approval pursuant to the third proviso of section 408(b) of the Federal Aviation Act of 1958, as amended (the Act) with respect to a transaction involving the lease by Hawaiian to Zantop International of seven Convair 640 aircraft with options to purchase at the current market price.[2]

Zantop International is a commercial operator of large aircraft subject to Part 121 of the Federal Aviation Regulations and operates its aircraft in contract carriage of cargo. Hawaiian is a certificated air carrier.

With respect to the seven aircraft, five aircraft leases run for periods of nine years each, and two others extend over periods of ten years each. Two of the aircraft were delivered to Zantop International on or about July 31, 1972. The monthly rental payments over the period of the respective leases are neither regular nor uniform.[3]

In support of the request for disclaimer, the applicants state that five Convair aircraft are excess to Hawaiian's needs and have been grounded for the last few months, and that, apart from such aircraft, the air carrier's fleet is composed of nine DC–9's and two Convair aircraft. On the assumption that the five recently grounded Convair aircraft do not constitute part of Hawaiian's fleet, the applicants also state that the blanket exemption afforded by Part 299 of the Board's Economic Regulations would be available—but for the fact that Zantop is not an "air carrier."[4] In these circumstances, applicants contend that the transaction which involves the lease of seven Convair aircraft to Zantop International, although exceeding the Board's 10 percent rule of thumb,[5] does not involve a substantial portion of the properties of Hawaiian under section 408(a)(2) of the Act.

In support of the request for approval of the lease transactions, applicants state that the Convair aircraft are excess to Hawaiian's needs and their disposal will permit the air carrier to become an all-jet carrier with attendant benefits of fleet standardization.

No objections to the application or requests for a hearing have been received.

[1] The consolidated answer is in behalf of Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hughes Airwest*, National Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Airlines*, Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

*I.e., Air West (Hughes Air Corp. d/b/a Air West) and Piedmont Aviation, Inc.

[1] The application was supplemented by two letters, each dated July 12, 1973.

[2] In addition to the aircraft, each lease transaction includes three spare propellors and other spare parts.

[3] For example, the monthly payments under the respective leases generally range between $1,000 and $7,000, and in two of the leases there are no payments due for six or seven designated months. The variations in rental payments arise by reason of additional payments which are required to be made simultaneously to Hawaiian by Zantop on an independent $600,000 obligation, arising from the purchase of six spare engines and evidenced by quarterly notes of $20,000 plus interest. Zantop's payment schedule for combined lease and debt obligations is designed to reflect a total fixed monthly liability of $45,000.

[4] Part 299 provides that an exemption is available if the transaction involves less than $30 million in market value, less than 10 aircraft, and less than 20 percent of the total number, the market value, or total lift capacity of the aircraft of the owner/lessor air carrier.

[5] Frontier Airlines, Inc., Order 70–11–13, November 4, 1970; Allegheny Airlines, Inc., Order 70–11–14, November 4, 1970. By these orders the Board disclaimed jurisdiction over lease transactions wherein the leased aircraft constituted less than 10 percent of the number, less than 10 percent of the market value, and less than 10 percent of the air carrier's total lift capacity.

Notice of intent to dispose of the application without a hearing has been published in the Federal Register, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration[6] it is concluded that the lease transaction may involve a substantial part of the properties of Hawaiian, and therefore, may be subject to section 408 of the Act. Applicants concede that the aircraft to be leased exceeds the 10 percent rule of thumb used by the Board in disclaiming jurisdiction in *Frontier Airlines, Inc.* and *Allegheny Airlines, Inc., supra*.[7] Also, because Zantop International claims to be a contract carrier and not an "air carrier," within the meaning of the Act, the blanket exemption afforded by Part 299 of the Board's Economic Regulations is not available to it.[8]

However, it is further concluded that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not restrain competition. Further, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. It appears that the Convair aircraft are surplus to Hawaiian's needs and that the disposal of the aircraft would permit Hawaiian not only to standardize its fleet as an all-jet carrier, but also to maintain its ability to consummate its obligations under the transaction without depriving itself of aircraft necessary to meet its own commitments. In addition, the transaction is similar to others approved by the Board.[9] Under all the circumstances, it is not found that the lease transaction will be inconsistent with the public interest or that the conditions of section 408 otherwise will be unfulfilled.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing transaction should be approved under section 408 of the Act, to the extent applicable, without a hearing.

Accordingly, *It is ordered*; That:

1. The subject leases by Zantop International Airlines, Inc. of seven Convair 640 aircraft from Hawaiian Airlines, Inc., as described in the application in Docket 25489, be and they hereby are approved pursuant to section 408 to the extent applicable; and

2. To the extent not granted herein, all other requests be and they hereby are dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

BY WILLIAM B. CALDWELL, Jr.,
Director, Bureau of Operating Rights.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-15852 Filed 7-31-73;8:45 am]

[DOCKETS NO. 25583, 25603]

RONSON CORP. AND RONSON HELICOPTERS, INC.

Acquisition of Control by Liquigas, S.p.A. Et Al.; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 5, 1973, at 10:00 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Joseph L. Fitzmaurice.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 17, 1973, and the other parties on or before August 28, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., July 27, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-15853 Filed 7-31-73;8:45 am]

[6] Notwithstanding Zantop's acceptance of delivery of two Convair 640 aircraft from Hawaiian prior to the filing of the application herein, it has been concluded that, to the extent applicable, exceptional circumstances exist within the meaning of the Sherman Doctrine, 15 CAB 876 (1952), and that there is no impediment to the processing of the application on its merits.

[7] Applicants' contention that five 640 Convair aircraft are grounded and in excess of Hawaiian's needs is relevant to the issue of Board approval of the transaction rather than to the question of the Board's assertion of jurisdiction over the transaction. See Flying Tiger Line Inc., Order 73–4–109, April 26, 1973.

[8] While nothing herein should be construed as indicating that the activities of Zantop International do or do not constitute "air transportation" for the purposes of the Act, it also is noted that the seven Convair aircraft to be leased from Hawaiian exceed the percentage limitation contained in § 299.2 (b) (3).

[9] Cf. Aries Air Cargo International, Inc. and Overseas National Airways, Inc., Order 73–4–104, April 25, 1973.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Availability of EPA Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of June 16, 1973, and June 30, 1973.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Order 1640.1, setting forth the policies and procedures for EPA's review of agency actions, may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: July 19, 1973.

REBECCA W. HANMER,
Acting Director, Office of Federal Activities.

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APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS,

Environmental Impact of The Action

LO—Lack of Objection
EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations
EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

EU—Environmentally Unsatisfactory
EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment. EPA recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate
The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information
EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate
EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III

FINAL ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JUNE 16, 1973 AND JUNE 30, 1973

Identifying number	Title	General nature of comments	Source for copies of comments
Federal Power Commission			3
F-FPC-30018-NY.	Hudson River Project No. 2342, Hamilton Falls, Edward Development, New York.	FPC cited urgent need to remove dam because of its danger of failure. Therefore, EPA generally agreed with the proposed action but recommended it be taken in a manner to minimize any adverse environmental effects to the river.	C

APPENDIX I

DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JUNE 16, 1973 AND JUNE 30, 1973

Identifying number	Title	General nature of comments	Source for copies of comments
Atomic Energy Commission			
D-AEC-00005-NJ	Newbold Island nuclear generating station, units 1 and 2, New Jersey	ER-2	A
Department of Agriculture			
D-AFS-60111-OR	Anthony Lakes recreation area, Oregon	LO-2	K
D-AFS-60266-VT	Vegetation control with herbicides in State of Vermont	ER-2	J
D-AFS-60540-IN	Fall Creek Watershed, Warren County, Indiana	LO-2	F
Corps of Engineers			
D-COE-30144-VA	Beach erosion control project, Virginia Beach, Virginia	ER-2	D
D-COE-30216-NY	Maintenance of New Rochelle Harbor, navigation, New York	LO-2	C
D-COE-30171-NY	City Island, Navigation Project, New York	ER-2	C
D-COE-30172-NH	Mooselauke Blue Lake, Merrimac River, Missouri	ER-2	H
D-COE-30272-FL	C-38S and lower Hillsborough River Basin, Tampa, Florida	ER-2	E
D-COE-30275-NY	Flood control project Sue Mill River, Yonkers, New York	LO-2	C
D-COE-30276-MN	Minnesota River at Chaska, Carver County, Minnesota	ER-2	F
D-COE-30282-CA	Morrison Creek Stream Group, Sacramento, California	LO-1	J
D-COE-30021-AR	Bayou Bartholomew and tributaries, Arkansas and Louisiana	ER-2	G
Federal Power Commission			
D-FPC-6512-CA	Relicensing Bored project No. 382, Kern River, California	LO-1	J
Department of Housing and Urban Development			
D-HUD-80127-MO	Urban renewal project, center 1, 310 R 92, Missouri	LO-2	H
Department of the Interior:			
D-BLM-8008-AZ	Proposed planet townsite, Phoenix, Arizona	ER-2	J
Department of Transportation:			
D-FAA-81575-NE	Superior Municipal Airport, Superior, Nebraska	LO-1	H
D-FHW-41783-WI	Waldo Boulevard, City of Manitowac, Wisconsin	LO-2	F
D-FHW-41787-GA	Cobb County, project S-1883(2) 4 lane urban road, Georgia	LO-1	K
D-FHW-41798-MD	Maryland Route 43, Baltimore County, Maryland	3	D
D-FHW-41795-TX	Loop 9, Dalton Tap Road and Sandy Lake Road, E. SH 78, Texas	3	G
D-FHW-41768-CT	I-84 East Hartford and Manchester, Connecticut	ER-2	B
D-FHW-41800-MN	Missouri Street between East River Road, University, Minneapolis	LO-1	F
D-FHW-41810-AK	Peters Creek to Eklutna, Alaska	LO-1	K
D-FHW-41830-WA	SR 90, West Shore Mercer Island to Mercer Slough, Washington	LO-1	K
D-FHW-41831-MO	Route 36 Road 21 Spur, Carrollton, Carroll, Missouri	LO-2	H
D-FHW-41822-WA	Route 395, 291 Avenue to 14th Avenue, City of Spokane, Washington	LO-1	K
D-FHW-41823-OR	S.E. 80th Avenue to S.E. 196th Avenue, Foster/Woodstock Corridor, Clackamas County, Oregon	LO 1	K
D-FHW-41824-FL	Proposed Shoreline Parkway Barrancas Avenue, Escambia, Florida	LO-2	E
D-FHW-41825-SC	Laurens County, extension of Church Street, Laurens, South Carolina	LO-2	E
D-FHW-41826-NC	I-95, Fayetteville Bypass, Cumberland County, North Carolina	LO-2	E
D-FHW-41831-TX	Loop 500, S.H. 7 SW Center E., N. and NW to SH 7N, Texas	LO-2	G
D-FHW-41801-FL	Widening and Okaloosa County, (S.R. 30, US-98) Florida	ER-2	E
D-FHW-41804-CO	Project S-0012(2) Cameron Pass, Colorado	ER-2	I
D-FHW-41876-NE	U.S. Highway 6, West Dodge Road, Omaha, Nebraska	LO-2	H
D-UMT-54030-OR	Mt. Hood Park and Ride, Oregon	LO-1	K

APPENDIX IV

REGULATIONS, LEGISLATION AND OTHER FEDERAL AGENCY ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN JUNE 16, 1973 AND JUNE 30, 1973

Agency	Title	General nature of comments	Source for copies of comments
Department of Transportation L-UMT-54030-00:	Federal-Aid Highway and Mass Transportation Act of 1970	EPA supports the very important provisions of this proposed legislation to authorize the use of the trust fund moneys for public transportation facilities.	A
Council on Environmental Quality R-CEQ-99023-00:	Preparation of Environmental Impact statements CEQ's proposed guidelines (40 CFR Ch. V)	EPA made numerous comments on the proposed guidelines, the most important of which related to the effect on EPA's environmental protective regulatory activities.	A
Department of the Interior R-DOI-99022-00:	U.S. Geological Survey's proposed revision to the coal mining operating regulations (30 CFR parts 211 and 216)	EPA generally agreed with the substance of the proposed regulations. However, a number of specific comments were made suggesting changes in the proposed revision to tighten control and strengthen environmental protection in certain areas.	A

APPENDIX V

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

B. Director of Public Affairs
Region I
Environmental Protection Agency
Room 2303
John F. Kennedy Federal Building
Boston, Massachusetts 02203

C. Director of Public Affairs
Region II
Environmental Protection Agency
Room 847
26 Federal Plaza
New York, New York 10007

D. Director of Public Affairs
Region III
Environmental Protection Agency
Curtis Bldg., 6th and Walnut Streets
Philadelphia, Pennsylvania 19106

E. Director of Public Affairs
Region IV
Environmental Protection Agency
Suite 300
1421 Peachtree Street, N.E.
Atlanta, Georgia 30309

F. Director of Public Affairs
Region V
Environmental Protection Agency
1 N. Wacker Drive
Chicago, Illinois 60606

G. Director of Public Affairs
Region VI
Environmental Protection Agency
1600 Patterson Street
Dallas, Texas 75201

H. Director of Public Affairs
Region VI
Environmental Protection Agency
1735 Baltimore Street
Kansas City, Missouri 64108

I. Director of Public Affairs
Region VIII
Environmental Protection Agency
Lincoln Tower, Room 916
1860 Lincoln Street
Denver, Colorado 80203

J. Director of Public Affairs
Region IX
Environmental Protection Agency
100 California Street
San Francisco, California 94102

K. Director of Public Affairs
Region X
Environmental Protection Agency
1200 6th Avenue
Seattle, Washington 98101

[FR Doc.73-15770 Filed 7-31-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 658]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 23, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE:

20069–C2–P–74 Advanced TelCom (New) C. P. for new 2-way station to operate on 152.12 MHz at 0.8 Mile South of Watson Blvd. and 0.2 Mile West of South Pleasant Hill Road, Warner Robins, Georgia.

20029–C2–P–(2)–74 Williamsport Mobile Telephone Company (New) C. P. for a new 2-way station to operate on 152.03 and 152.06 MHz at 2.0 Miles S. E. of South Williamsport, Pennsylvania.

20030–C2–P–74 Answer Iowa, Inc. (KLF586) C. P. to add frequency: 152.03 MHz at Loc. #2: RFD #2, 3 Miles East of Sioux City, Iowa.

20031–C2–P–74 Telepage Corporation (New) C. P. for a new 2-way station to operate on 152.09 MHz at Lindale & Clermontville-Laurel Roads, Laurel, Ohio.

20032–C2–P–(3)–74 AAA Anserphone, Inc.-Jackson (New) C.P. for a new 2-way station to operate on 454.025, 454.250 and 454.300 MHz at One mile South of State Line, 0.2 Mile East of Hwy. 51, Southhaven Mississippi.

20033–C2–P–74 AAA Anserphone, Inc.-Jackson (New) C. P. for a new 2-way station to operate on 454.100 MHz at 1 Mile South of State Line, 0.2 Mile East of Hwy. 51, Southaven, Mississippi.

20034–C2–P–74 Pierre Radio Paging (New) C. P. for a new 2-way station to operate on 152.15 MHz at Snake Butte, 2.8 Miles North of Butte, Pierre, South Dakota.

20035–C2–P–74 Cincinnati Radio Telephone Systems, Inc. (New) C. P. for a new 1-way station to operate on 152.09 MHz at 4164 Halfacre Road, Afton, Ohio.

20036–C2–P–74 Central Mobile Radio Phone Service (New) C. P. for a new 1-way signaling station to operate on 43.22 MHz at 3165 Olentangy River Road, Columbus, Ohio.

20037–C2–P–(2)–74 Cactus Communications (New) C. P. for a new 2-way station to operate on 454.050 and 454.100 MHz at Hwy. #173, 1.3 Miles NW of Devine, Texas.

20038–C2–P–74 Radio Telephone Service, Inc. (New) C. P. for a new 2-way station to operate on 152.12 MHz at East Peak of Jeptha Knob, 0.75 mile S. Clay Village, Ky.

20039–C2–P–74. The Tri-County Telephone Association, Inc. (New) C. P. for a new 2-way station to operate on 152.69 MHz at South of Hwy. 56 & Immediately South of RR tracks & Immed. east of local road running N & S to airport, Delavan, Kansas.

20040–C2–AL–74 South Jersey Communications Company (KSW209) Consent to Assignment of License from South Jersey Communications Company, Assignor to Jersey Information Center, Inc., Assignee. Station: KSW209 Greenwich Township, New Jersey.

20041–C2–TC–74 Sweeny-Old Ocean Telephone Company (KLB574) Consent to Transfer of Control from T. C. Inc., Transferor to Sugarland Telephone Company, Transferee. Station: KLB574 Sugarland, Texas.

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20044–C2–P–74 Telephone Answering & Radio Communications (KGH870) C. P. for additional facilities to operate on 152.18 MHz at 0.5 mile East of Intersection of Route 68 & Allendale Road, near Rochester, Pennsylvania.

20045–C2–P–74 Southwestern Bell Telephone Company (KAA695) C. P. to change antenna system and additional facilities to operate on 152.78 MHz at 5212 East 21st Street, Wichita, Kansas.

20046–C2–P–74 The Ohio Bell Telephone Company (KQA768) C. P. to replace antenna operating on 35.42 152.(1 152.69 and 152.75 Base and 43.42 157.77 157.95 and 158.01 Test, at 750 Huron Road, Cleveland, Ohio. (Loc. #1)

20048–C2–P–74 United Telephone Company (KSJ625) C. P. to change antenna system, and additional facilities, operating on 454.500 MHz at 827, 16 Avenue, Monroe, Wisconsin.

20049–C2–TC–74 United Telephone Company Consent to Transfer of Control from Margaret K. Burgi, Transferor to Margaret K. Burgi, et al. (controlling stockholders) Transferees. Station: KSJ625, Monroe, Wisconsin.

20050–C2–P–74 Tri County Telephone Company (KFJ883) C. P. for a new 2-way station to operate on 152.69 MHz at On Cheaha Mountain, 8 miles south of Anniston, Alabama.

20025–C2–P–74 Radio Call Company of Long Island, Inc. (KED367) C. P. to change antenna location to: 500' North of Highland Adirondack Dr., Farmingville, N.Y., operating on 454.20 MHz.

MAJOR AMENDMENT:

2122–C2–P–72 (New) Phenix Communications Co. of Georgia, Inc. Phenix City, Alabama. Amend to change base frequency to 152.24 MHz. All other particulars to remain as reported on PN #567 dated October 26, 1971.

CORRECTIONS:

9280–C2–P–73 The Bell Telephone Company of Pennsylvania (KOA475) Correct to add frequencies: 152.51 152.54 152.63 152.69 152.75 & 152.81 MHz. All other particulars are to remain as reported On Public Notice #654 dated June 25, 1973.

Bell Telephone Company of Pennsylvania. Correct call to read KGH867 instead of KGH671 in the renewal list of June 11, 1973, Public Notice No. 652.

Pacific NW Bell Telephone Company. Correct to add omitted call sign: KOA732 from the renewal list of June 11, 1973, Public Notice No. 652.

RURAL RADIO SERVICE:

60002–C6–P–74 The Mountain States Telephone and Telegraph Company (New) C. P. for a new rural subscriber station to operate on 158.04 MHz at 4.5 Miles West of Powell, Wyoming.

60003–C6–P–74 Sweeny-Old Ocean Telephone Company (KKK52) Consent to Transfer of Control from T. C., Inc., Transferor to Sugarland Telephone Company, Transferee. Station: KKK52 Temporary-Fixed.

60004–C6–TC–73 United Telephone Company (KSP22) Consent to Transfer of Control from Margaret K. Burgi, Transferor to Markaret K. Burgi, et al (controlling stockholders) Transferees. Station: KSP22 Temporary-fixed.

60005–C6–ML–74 RCA Alaska Communications, Inc. (WHB52) Modification of License to add frequencies: 157.80 157.86 157.89 157.95 157.98 and 158.04 MHz, at a temporary-fixed location.

60006–C6–ML–74 RCA Alaska Communications, Inc. (WHB53) Modification of License to add frequencies: 152.54 152.60 152.63 152.69 152.72 and 152.78 MHz at a central office, temporary-fixed location.

Correction:

20005–C6–P/ML–74 Mountain States Telephone and Telegraph Company. Correct file number to read: 60001–C6–P/ML–74. All other particulars to remain as reported on Public Notice #657 dated July 16, 1973.

9589–C6–P–73 Pacific NW Bell Telephone Company. Correct file number to read: 9589–C6–MP–73. All other particulars are to remain as reported on Public Notice #655 dated July 2, 1973.

POINT-TO-POINT MICROWAVE RADIO SERVICE:

9943–C1–MP–73 Data Transmission Company (WKR32) 7 Miles SSE of Weatherford, Texas. Mod. of C.P. (9327–C1–P–72) to correct coordinates to Lat. 32 40 20 N.—Long. 97 44 12 W. Change frequency polarization on 6067.8 MHz toward Primrose to horizontal and change point of communication from Skeen Peak to Agnes on azimuth 352°45'.

9944–C1–MP–73 Same (WQP21) 0.7 Mile North of Agnes, Texas. Mod. of C.P. (2996–C1–P–70) to change antenna location to Lat. 32 59 20 N.—Long. 97 47 4 W. Change frequency on azimuth 11°38' toward Jim Ned Lookout to 6197.2V MHz.

9945–C1–MP–73 Same (WQP21) 1 Mile SW of Dye, Texas. Mod. of C.P. (2997–C1–P–70) to correct coordinates to Lat. 33 36 45 N.—Long. 97 37 52 W. Change frequency toward Agnes to 5945.2V MHz.

9946–C1–MP–73 Same (WQP22) 1.1 Mile NW of Oscar, Oklahoma. Mod. of C.P. (2998–C1–P–70) to correct coordinates to Lat. 33 59 40 N.—Long. 97 46 15 W. Change frequency on azimuth 9°1' toward Velma to 6404.8V MHz.

9947–C1–MP–73 Same (WQP23) 1.7 Miles SW of Velma, Oklahoma. Mod. of C.P. (2999–C1–P–70) to correct coordinates to Lat. 34 26 12 N.—Long. 97 41 15 W. Change frequency on azimuth 189°4' toward Oscar to 6152.8H MHz.

9948–C1–MP–73 Same (WQP24) 2.1 Miles NE of Rush Springs, Oklahoma. Mod. of C.P. (3000–C1–P–70) to correct coordinates to Lat. 34 49 1 N.—Long. 97 56 13 W. Change frequency on azimuth 151°20' toward Velma to 6197.2V MHz.

9950–C1–MP–73 Same (WQP26) 4.5 Miles NE of El Reno, Oklahoma. Mod. of C.P. (3002–C1–P–70) to correct coordinates to Lat. 35 34 7 N.—Long. 97 52 4 W. Change frequency on azimuth 105°30' toward Oklahoma City to 6197.2H MHz.

9951–C1–MP–73 Same (WQP27) Mod. of C.P. (3003–C1–P–70) to change antenna location to Citizens Tower Building, 2200 Classen Street, Oklahoma City, Okla. Lat. 35 29 30 N.—Long. 97 31 50 W. Change frequency on azimuth 285°42' toward El Reno to 5945.2H MHz.

9956–C1–MP–73 Same (WQP32) 3.0 Miles NE of Owasso, Oklahoma. Lat. 36 17 55 N.—Long. 95 48 28 W. Mod. of C.P. (3008–C1–P–70) to add new freq. 5945.2H MHz on azimuth 228°22' toward new point of communication at Tulsa, Oklahoma.

9957–C1–P–73 Same (New) Tulsa, Oklahoma. Lat. 36 10 01 N.—Long. 95 59 25 W. New station located at 901 N. Elgin Street, Tulsa, Oklahoma. Freq. 6197.2H MHz on azimuth 48°16' toward Owasso, Okla.

9960–C1–MP–73 Data Transmission Company (WJM71) Cherryvale, 4.5 Miles SE of Sycamore, Kansas, Lat. 37 18 36 N.—Long. 95 38 3 W. Mod of C.P. (9324–C1–72) to change polarization of freq. 6375.2 MHz toward Coffeyville to Horizonatal.

9961–C1–MP–73 Same (WQP33) Galesburg, 2 Miles SE of Thayer, Kansas. Mod. of C.P. (3012–C1–P–70) to correct coordinates to Lat. 37 28 2 N.—Long. 95 27 9 W. Change freq. polarization of 6123.1 MHz toward Savonburg to Vertical.

9962–C1–MP–73 Same (WQP34) Savonburg, 3 Miles NW of Porterville, Kansas. Mod. of C.P. (3013–C1–P–70) to correct coordinates to Lat. 37 44 12 N.—Long. 95 5 18 W. Change freq. polarization to 6375.2 MHz toward Galesburg to vertical.

9963–C1–MP–73 Same (WQP35) 3.8 Miles N. of Kincaid, Kansas. Lat. 38 8 10 N.—Long. 95 8 32 W. Mod. of C.P. (3014–C1–P–70) to add point of communication on 6004.5V MHz to Merwin on azimuth 57° 53'.

9967–C1–P–73 Same (New) 1.8 Miles SW of Merwin, Texas. Lat. 38 23 32 N.—Long. 94 37 18 W. C.P. for a new station on freq. 6256.5V MHz toward Kincaid on azimuth 238° 12'; freq. 6375.2H MHz toward Garden City on azimuth 66° 16'.

9968–C1–P–73 Same (New) 1.6 Miles East of Garden City, Missouri. Lat. 38 33 6 N.—Long. 94 9 26 W. C.P. for a new station on freq. 6123.1V MHz toward Merwin on azimuth 246°33'; freq. 6152.8V MHz toward Warrensburg on azimuth 67°9'.

9965–C1–MP–73 Same (WQP37). 5 Miles NW of Olathe, Kansas. Mod of C.P. (3016–C1–P–70) to correct coordinates to Lat. 38 56 54—Long. 94 45 48. Change point of communication from Lees Summit to new point of communication at Kansas City on azimuth 42° 59', on frequency 11,055.0 MHz(V).

9966–C1–MP–73 Same (WQP39). Mod. of C.P. (3019–C1–P–70) to change antenna location to Power and Light Building, 106 West 14th Street, Kansas City, Missouri, Lat. 39 5 51, —Long. 94 35 5. Change frequency toward new point of communication at Olathe on azimuth 223° 6' to 11,265.0 MHz (V).

9969–C1–MP–73 Same (WQP41). 6 Miles SE of Warrensburg, Missouri, Mod. of C.P. (3021–C1–P–70) to correct coordinates to Lat. 38 43 25, —Long. 93 37 58. Change point of communication from Odessa to Garden City on 6404.8 MHz(V) on azimuth 247° 29'.

9971–C1–MP–73 Same (WQP43), 3.4 Miles N of Tipton, Missouri. Mod. of C.P. (3023–C1–P–70) to change antenna location to Lat. 38 42 19, —Long. 92 46 5. Change frequency polarization on 6315.9 MHz toward Ashland to vertical.

17–C1–P–73 The Chesapeake and Potomac Telephone Company of West Virginia. (WAX81). 214 Monroe Street, Marion, West Virginia. Lat. 39 29 01 N. –Long. 80 08 36 W. C.P. to change power and replace transmitters. Frequencies: 6360.3V and 10775.0V MHz.

18–C1–P–73 Same. (KQN94). 5 Miles North of Terra Alta, West Virginia. Lat. 39 30 35 N. –Long. 79 32 03 W. C.P. to change frequency, replace transmitters, increase output power and change antenna system. Frequencies: 6330.7V, 10955.0V, 6308.4H, 6189.8H, 6390.0H, and 10855.0H MHz.

20–C1–P–73 Northwestern Bell Telephone Company. (KAR90). Approx. 3 Miles SSW of Baudette, Minnesota. Correct station coordinates to read Lat. 48 49 14 N. –Long. 94 36 58 W. Change antenna system and replace transmitters. Frequencies: 6286.2V, 6404.8V, 6256.5H and 6375.2H MHz.

21–C1–P–73 Same. (KAR91). Approx. 25 mile W of Birchdale, Minnesota. Correct station coordinates to read Lat. 48 37 45 –Long. 94 06 10 W. Change antenna system, replace transmitters and increase output power. Frequencies: 6034.2V, 6152.8V, 6004.5V and 6123.1V MHz.

22–C1–P–73 Same. (KAR92). Approx. 3 miles NNW of Loman, Minnesota. Correct station coordinates to read Lat. 48 33 03 N. –Long. 93 49 09 W. Change antenna system, replace transmitters and increase output power. Frequencies: 6286.2H, 6404.8H, 6256.5V and 6375.2V MHz.

23–C1–P–73 Same. (KAS32). Approx. 1 mile East of International Falls, Minnesota. Lat. 48 35 55 N. –Long. 93 22 33 W. Change antenna system, replace transmitters and increase output power on frequencies 6004.5H and 6123.1H MHz toward Loman, Minnesota on azimuth 260° 56'.

24–C1–P–73 Same. (KAV57). 3 Miles ESE of Roosevelt, Minnesota. Correct station coordinates to read Lat. 48 47 06 –Long. 95 10 26 W. Change antenna system, replace transmitters and increase output power. Frequencies: 6152.8H, 6034.2H, 6004.5V and 6123.1V MHz.

25–C1–P–73 Same. (KAV58). 4 Miles West of Warroad, Minnesota. Correct station coordinates to read Lat. 48 54 06 N. –Long. 95 23 49 W. Change antenna system, replace transmitters and increase output power. Frequencies: 6286.2V and 6404.8V MHz.

26–C1–P–73 Illinois Bell Telephone Company. (WAD89). 211 North Oak Street, Marion, Illinois. Lat. 38 31 48 N. –Long. 89 08 04 W. C.P. to replace transmitters and to change frequencies 59600V, 6019.3V, 6137.9V to 5974.8V and 6093.5V toward St. Rose, Illinois on azimuth 295° 31'.

27–C1–P–73 Illinois Bell Telephone Company (KVU30) 0.5 mile NNW of St. Rose, Illinois. Lat. 38 31 48 N.—Long. 89 08 04 W. C.P. to change antenna location, change frequency 6177.5H to 6345.5V toward Centralia, Ill., toward Collinsville, Ill. change frequency 6137.9V to 6360.3V, 10955V change to 11405V, 11115V change to 11565V, frequency 6019.3H toward Collinsville change to 6241.7V and replace transmitter operating on frequency 6226.9V.

28–C1–P–73 Same. (KVU31). 423 West Clay Street, Collinsville, Illinois. Lat. 38 40 10 N.—Long 89 59 29 W. C. P. to change antenna system, antenna structure and replace transmitters. Frequencies: 6019.3V, 6137.9V, 10955V, 11115V, 5060.0V, 6078.6V, 10755V and 10915V MHz.

29–C1–P–73 Same. (WVU32). 213 East 3rd Street, Madison, Illinois. Lat. 38 53 25 N.—Long. 90 10 56 W. C.P. to change frequencies 5974.8H, 6093.5H, 10755V, 10915V, 6137.9H and 11135H to 6212.0V, 6330.7V, 11685V and 11365V toward Collinsville, Illinois on azimuth 145° 52'.

30–C1–P–73 New England Telephone and Telegraph Company. (WJK74). 0.5 Mile NE of Goshen, Vermont, Lat. 44 03 13 N.—Long. 72 08 29 W. C.P. to add antenna and frequency 6375.2H MHz toward Barnet, Vermont.

31–C1–P–73 Same. (New) on Waterford Hill 4.2 Miles NNE of Barnet, Vermont. Lat. 44 21 15 N.—Long. 72 01 17 W. C.P. for a new station on frequency 6123.1H toward Newbury, Vermont on azimuth 196° 04' and Frequencies 11565.0 11365.0 toward St. Johnsbury, Vermont on azimuth 0° 33'.

32–C1–P–73 Same (New). 19 Main Street, Caledonia, Vermont. Lat. 44 25 02 N.—Long. 72 01 14 W. C.P. for a new station on frequencies 10955.0H and 11155.0V toward Barnet, Vermont on azimuth 180° 33'.

33–C1–P–73 General Telephone Company of California. (KMU46) 8 Miles SE of Santa Ynez, California. Lat. 34 31 36 N.—Long. 119 58 39 W. C.P. to change antenna system and to add points of communication, a transmitter and frequency 6152.8V toward Vandenburg, California on azimuth 293° 12'.

39–C1–P–73 General Telephone Company of the Northwest, Inc. (KTF53). 3.8 Miles SE of Moscow, Idaho. Lat. 46 40 42 N.—Long. 116 58 29 W. C.P. to change antenna system, and to add points of communication, a transmitter and frequencies 10,955V, 11,115V toward Kamiak Butte, Washington on azimuth 322° 15'.

40–C1–MP–73 Southern Pacific Communications Co. (WQO32) Southern Pacific Building, Telegraph Pass, Arizona. Mod. of C.P. to correct radio path azimuth toward Yuma to 282 degrees 34 minutes.

41–C1–MP–73 Same (WQO33) Mod. of C.P. to change station location to Southern Pacific Yard Office, Yuma, Arizona. Lat. 32 43 22 N.—Long. 114 36 54 W. and correct radio path azimuth toward Telegraph Pass to 102 degrees 25 minutes.

43–C1–P–73 Southern Bell Telephone and Telegraph Company. (KIU56). 45 North Magnolia Street, Orlando, Florida. Lat. 28 32 34 N.—Long 81 22 38 W. C.P. to change antenna system, add a transmitter and frequency 6286.2H toward Winter Garden, Florida on azimuth 277° 37'.

44–C1–P–73 Same (KIY61). 208 Broad Street, Clinton, South Carolina. Lat. 34 28 13 N.—Long 81 52 55 W. C.P. to replace transmitter and increase power output. Frequencies: 6034.2H and 5074.8H toward Paris Mountain, South Carolina on azimuth 317° 18'.

45–C1–P–73 Same (KIY62). On Paris Mountain 6 Miles North of Greenville, South Carolina. Lat. 34 56 29 N.—Long 82 24 40 W. C.P. to replace transmitter and increase power output. Frequencies: 11,485H, 11,645H, 6286.2V and 6226.9V MHz.

46–C1–P–73 Same (KIY63). 425 North Academy Street, Greenville, South Carolina. Lat. 34 51 25 N.—Long. 82 24 01 W. C.P. to change antenna system and location, replace transmitter. Frequencies: 10955V, 11115V, 3710V, 3770H, 3850H, 3930H, 4110H, 4090H, 6004.5V, 6123.1V.

MIDWESTERN RELAY COMPANY

9992–C1–P–73 Same (WLJ43) Chicago, Illinois (Merchandise Mart), Latitude 41 53 18 N.—Longitude 87 38 07 W. Construction Permit to add frequencies 5945.2V, 6004.5V, 6063.8V and 6123.1V MHz and to delete frequencies 10735H, 10855V, and 11095V MHz toward Glendale Heights, Illinois, on azimuth 273 degrees 14 minutes.

9993–C1–P–73 Same (WLJ44) Glendale Heights, Illinois, Latitude 41 54 25 N.—Longitude 88 05 48 W. Construction Permit to add frequencies 6315.9H and 6375.2H MHz and to delete frequencies 11425H and 11665H MHz toward Chicago, Illinois, on azimuth 92 degrees 56 minutes; also to add frequencies 6226.9V, 6256.5H, 6286.2V, 6315.9H, 6345.5V, and 6404.8V MHz and to delete frequencies 11265V, 11305H, 11345V, 11505V, and 11545H MHz toward Crystal Lake, Illinois, on azimuth 338 degrees 10 minutes.

9994–C1–P–73 Same (WLJ45) 1.9 miles E of Crystal Lake, Illinois, Latitude 42 15 14 N.—Longitude 88 17 02 W. Construction Permit to add frequencies 5945.2H and 6004.5H MHz and to delete frequencies 10815V and 11135V MHz toward Glendale Heights, Illinois, on azimuth 158 degrees 02 minutes; also to add frequency 6093.5H MHz toward Lake Geneva, Wisconsin, on azimuth 350 degrees 53 minutes.

9995–C1–P–73 Same (WLJ46) 3 miles E of Lake Geneva, Wisconsin, Latitude 42 35 49 N.—Longitude 88 21 30 W. Construction Permit to add frequency 6345.5V MHz toward North Prairie, Wisconsin, on azimuth 00 degrees 53 minutes.

9996–C1–P–73 Same (WLJ47) 2.5 miles E of North Prairie, Wisconsin, Latitude 42 55 52 N.—Longitude 88 21 05 W. Construction Permit to add frequency 6152.8V MHz toward Rubicon, Wisconsin, on azimuth 348 degrees 12 minutes.

9997–C1–P–73 Same (WLJ48) 1 mile NW of Rubicon, Wisconsin, Latitude 43 20 53 N.—Longitude 88 28 15 W. Construction Permit to add frequency 6256.5V MHz and to delete frequency 6197.2V MHz toward Jefferson, Wisconsin, on azimuth 221 degrees 31 minutes.

9998–C1–P–73 Same (WLJ68) Jefferson, 5 miles NW of Fort Atkinson, Wisconsin, Latitude 42 59 38 N.—Longitude 88 53 49 W. Construction Permit to add frequency 6197.2V MHz and to delete frequency 6152.8V MHz toward North Prairie, Wisconsin, on azimuth 98 degrees 43 minutes; also to delete frequency 6152.8H MHz toward Rubicon, Wisconsin, on azimuth 41 degrees 13 minutes.

9982–C1–P–73 Eastern Microwave, Inc. (New) Attica, 4.0 Miles ESE of Attica, New York (Lat. 42 50 15 N.—Long. 78 12 20 W.): C.P. for a new station—frequency 10935V MHz toward Springwater, New York, on azimuth 116 degrees/02 minutes.

9983–C1–P–73 Same (KEA27) 3.0 Miles West of Springwater, New York (Lat. 42 38 21 N.—Long. 77 39 34 W.): C.P. to add frequency 11625V MHz toward new point of communication at Italy Hill, New York, on azimuth 93 degrees/30 minutes.

9984–C1–P–73 Same (KTF96) 1.5 Miles NNW of Italy Hill, New York (Lat. 42 37 13 N.—Long. 77 15 17 W.): C.P. to add frequency 10775H MHz toward new point of communication at Scipio, New York, on azimuth 69 degrees/33 minutes.

9985–C1–P–73 Same (New) Scipio, 1.7 Miles North of Scipio Center, New York (Lat. 42 48 35 N.—Long. 76 33 25 W.): C.P. for a new station—frequency 11545V MHz toward Sentinel Heights (KEM59), New York, on azimuth 67 degrees/10 minutes.

9986–C1–P–73 Eastern Microwave, Inc. (KEM59) Sentinel Heights, New York (Lat. 42 56 40 N.—Long. 76 07 08 W.): C.P. to add frequency 10815H MHz toward Manlius, New York, on azimuth 38 degrees/56 minutes.

9987–C1–P–73 Eastern Microwave, Inc. (KEM59) Sentinel Heights, New York (Lat. 42 56 40 N.—Long. 76 07 08 W.): C.P. to add frequency 10815H MHz toward Liverpool, New York, on azimuth 339 degrees/07 minutes.

9988–C1–P–73 Eastern Microwave, Inc. (KEM59) Sentinel Heights, New York (Lat. 42 56 40 N.—Long. 76 07 08 W.): C.P. to add frequency 10815H MHz toward North Syracuse, New York, on azimuth 359 degrees/04 minutes.

9989–C1–P–73 Eastern Microwave, Inc. (KEM59) Sentinel Heights, New York (Lat. 42 56 40 N.—Long. 76 07 08 W.): C.P. to add frequency 10815V MHz toward Camillus, New York, on azimuth 306 degrees/46 minutes.

9990–C1–P–73 American Microware & Communications, Inc. (KQN52) 3.5 Miles ESE of Talbot, Michigan (Lat. 45 29 40 N.—Long. 87 31 50 W.): C.P. (a) to change transmitters; (b) to add existing frequency 6100.9H MHz, via power split, toward Menominee, Michigan, on azimuth 185 degrees/13 minutes; and (c) to add existing frequency 6037.5V MHz, via power split, toward Iron Mountain, Michigan, on azimuth 312 degrees/30 minutes.

9991–C1–P–73 Tower Communications Systems Corp. (New) Morse and Stelzer Road, Columbus, Ohio (Lat. 40 03 28 N.—Long. 82 54 37 W.): C.P. for new station—frequencies 11305V MHz, 11545V MHz, and 11625V MHz toward Columbus, Ohio, on azimuth 188 degrees/18 minutes.

47–C1–P–74 United States Transmission Systems, Inc. (new): 1 World Trade Center, New York, N.Y. Latitude 40°42'40'' N., longitude 74°00'49'' W. C.P. for a new station on frequency 11505V MHz toward Linden, N.J. on azimuth 238°24'.

48–C1–P–74 same (new): 3200 South Wood Avenue, Linden, N.J. Latitude 40°36'42'' N., longitude 74°13'31'' W. C.P. for a new station on frequency 6197.2V MHz toward Neshanic, N.J. on azimuth 249°56'; frequency 11095V MHz toward New York, N.Y. on azimuth 58°15'.

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49–C1–P–74 same (new): Zion Road 2 miles south of Neshanic, N.J. Latitude 40°28'14" N., longitude 74°43'37" W. C.P. for a new station on frequency 6063.8V MHz toward Baptistown, N.J. on azimuth 283°53'; frequency 6034.2V MHz toward Linden, N.J. on azimuth 69°36'.

50–C1–P–74 same (new): Highway 519 North, Baptistown, N.J. Latitude 40°31'22" N., longitude 75°00'20" W. C.P. for a new station on frequency 6197.2V MHz toward Tylersport, Pa. on azimuth 240°47'; frequency 6315.9V MHz toward Neshanic, N.J. on azimuth 103°42'.

51–C1–P–74 same (new): Hill Road 2 miles west of Tylersport, Pa. Latitude 40°20'43" N., longitude 75°25'07" W. C.P. for a new station on frequency 6034.2V MHz toward Westchester, Pa. on azimuth 203°24'; frequency 6093.5V MHz toward Baptistown, N.J. on azimuth 60°31'.

52–C1–P–74 same (new): Bacton Hill Road—5 miles north of Westchester, Pa. Latitude 40°02'50" N., longitude 75°35'11" W. C.P. for a new station on frequency 6197.2V MHz toward Oxford, Pa. on azimuth 230°-17'; frequency 6256.5V MHz toward Tylersport, Pa. on azimuth 23°17'.

35–C1–P–74 same (new): Highway 10—1 mile north of Oxford, Pa. Latitude 39°48'06" N., longitude 75°58'07" W. C.P. for a new station on frequency 6152.8H MHz toward Delta, Pa. on azimuth 259°40'; frequency 6093.5V MHz toward Westchester, Pa. on azimuth 50°02'.

UNITED STATES TRANSMISSION SYSTEMS, INC.

54–C1–P–74 same (new): Highway 851—2½ miles northwest of Delta, Pa. Latitude 39°-44'42" N., longitude 76°22'00" W. C.P. for a new station on frequency 6197.2H MHz toward Jacksonville, Md. on azimuth 213°-04'; frequency 6345.5V MHz toward Oxford, Pa. on azimuth 79°25'.

55–C1–P–74 same (new): Jarretsville Pike South, Jacksonville, Md. Latitude 39°30'-56" N., longitude 76°33'34" W. C.P. for a new station on frequency 6152.8V toward Ellicott City, Md. on azimuth 229°25'; frequency 6093.5H MHz toward Delta, Pa. on azimuth 32°57'.

56–C1–P–74 same (new): 11910 Carroll Mill Rd—7 miles west of Ellicott City, Md. Latitude 39°16'01" N., longitude 76°55'55" W. C.P. for a new station on frequency 6034.2V MHz toward Middleburg, Va. on azimuth 238°32'; frequency 6345.5V MHz toward Jacksonville, Md. on azimuth 49°11'.

57–C1–P–74 same (new): Bull Run Mountain—5 miles southeast of Middleburg, Va. Latitude 38°54'44" N., longitude 77°-40'08" W. C.P. for a new station on frequency 6315.9H toward Unionville, Va. on azimuth 202°26'; frequency 6123.1V MHz toward Ellicott City, Md. on azimuth 58°04'.

58–C1–P–74 same (new): Off Highway 626—3½ miles northwest of Unionville, Va. Latitude 38°18'59" N., longitude 77°58'51" W. C.P. for a new station on frequency 5974.8H MHz toward Covesville, Va. on azimuth 237°27'; frequency 6004.5H MHz toward Middleburgh, Va. on azimuth 22°14'.

59–C1–P–74 same (new): Heard Mountain—3 miles northwest of Covesville, Va. Latitude 37°55'49" N., longitude 78°44'23" W. C.P. for a new station on frequency 6375.2V MHz toward Appomattox, Va. on azimuth 190°24'; frequency 6226.9H MHz toward Unionville, Va. on azimuth 56°59'.

60–C1–P–74 same (new): Highway 691—2 miles west of Appomattox, Va. Latitude 37°20'30" N., longitude 78°52'30" W. C.P. for a new station on frequency 6093.5H MHz toward Gretna, Va. on azimuth 239°-28'; frequency 6063.8H MHz toward Covesville, Va. on azimuth 10°19'.

61–C1–P–74 same (new): Smith Mountain, Gretna, Va. Latitude 37°00'37" N., longitude 79°34'17" W. C.P. for a new station on frequency 6286.2 H MHz toward Reidsville, N.C. on azimuth 196°41'; frequency 6226.9H MHz toward Appomattox, Va. on azimuth 59° 03'.

62–C1–P–74 same (new): Highway 65—8 miles west of Reidsville, N.C. Latitude 36°20'39" N., longitude 79°49'05" W. C. P. for a new station on frequency 6152.8V MHz toward Winston-Salem, N.C. on azimut 230°29'; frequency 6034.2V MHz toward Gretna, Va. on azimuth 16°32'.

63–C1–P–74 same (new): Highway 421—8 miles east of Winston-Salem, N.C. Latitude 36°08'04" N., longitude 80°07'51" W. C.P. for a new station on freqency 6345.5H MHz toward Lexington, N.C. on azimuth 211°17'; frequency 6226.9V MHz toward Reidsville, N.C. on azimuth 50°18'.

64–C1–P–74 same (new): Highway 150—5 miles northwest of Lexington, N.C. Latitude 35°52'51" N., longitude 80°19'12" W. C.P. for a new station on frequency 5945.2H MHz toward Cleveland, N.C. on azimuth 241°47'; frequency 5974.8H MHz toward Winston-Salem, N.C. on azimuth 31°10'.

65–C1–P–74 same (new): Off Highway 70—2 miles east of Cleveland, N.C. Latitude 35°44'15" N., longitude 80°38'48" W. C.P. for a new station on frequency 6345.5H MHz toward Davidson, N.C. on azimuth 218°22'; frequency 6197.2H MHz toward Lexington, N.C. on azimuth 61°36'.

66–C1–P–74 same (new): Gas Plant Road—2 miles north of Davidson, N.C. Latitude 35°31'29" N., longitude 80°51'09" W. C.P. for a new station on frequency 6004.5V MHz toward Kings Mountain, N.C. on azimuth 239°10'; frequency 6093.5H MHz toward Cleveland, N.C. on azimuth 38°15'.

67–C1–P–74 same (new): Crowders Mountain—4 miles east of Kings Mountain, N.C. Latitude 35°14'01" N., longitude 81°16'36" W. C.P. for a new station on frequency 6197.2H MHz toward Gaffney, S.C. on azimuth 237°26'; frequency 6256.5V MHz toward Davidson, N.C. on azimuth 49°55.

68–C1–P–74 same (new): 2 miles southeast of Gaffney, S.C. Latitude 35°03'02" N., longitude 81°37'27" W. C.P. for a new station on frequency 6063.8H MHz toward Moore, S.C. on azimuth 237°08'; frequency 5945.2H MHz toward Kings Mountain, N.C. on azimuth 57°14'.

69–C1–P–74 same (new): Highway 290—1½ miles northwest of Moore, S.C. Latitude 34°50'40" N., longitude 82°00'36" W. C.P. for a new station on frequency 6345.5H MHz toward Honea Path, S.C. on azimuth 215°37'; frequency 6315.9H MHz toward Gaffney, S.C. on azimuth 56°55'.

70–C1–P–74 same (new): Off Highway 25—7 miles northeast of Honea Path, S.C. Latitude 34°30'43" N., longitude 82°17'51" W. C.P. for a new station on frequency 6152.8V MHz toward Iva, S.C. on azimuth 241°52'; frequency 6093.5V MHz toward Moore, S.C. on azimuth 35°27'.

71–C1–P–74 same (new): Off Highway 81—2½ miles north of Iva, S.C. Latitude 34°-19'58" N., longitude 82°42'00" W. C.P. for a new station on frequency 6345.5H MHz toward Danielsville, Ga. on azimuth 243°37'; frequency 6404.8V MHz toward Honea Path, S.C. on azimuth 61°39'.

72–C1–P–74 same (new): 5 miles northeast of Danielsville, Ga. Latitude 34°09'00" N., longitude 83°08'28" W. C.P. for a new station on frequency 6123.1V MHz toward Good Hope, Ga. on azimuth 231°21'; frequency 6093.5H MHz toward Iva, S.C. on azimuth 63°22'.

73–C1–P–74 same (new): Jacks Creek Mountain—2 miles northwest of Good Hope, Ga. Latitude 33°49'22" N., longitude 83°37'-48" W. C.P. for a new station on frequency 6345.5H MHz toward Milstead, Ga. on azimuth 244°09'; frequency 6315.9V MHz toward Danielsville, Ga. on azimuth 51°05'.

74–C1–P–74 same (new): Mt. Zion Road—5 miles northeast of Milstead, Ga. Latitude 33°42'40" N., longitude 83°54'18" W. C.P. for a new station on frequency 6093.5V MHz toward Stockbridge, Ga. on azimuth 244°17'; frequency 6063.8V MHz toward Good Hope, Ga. on azimuth 64°00'.

75–C1–P–74 same (new): Highway 42 North, Stockbridge, Ga. Latitude 33°34'10" N., longitude 84°15'18" W. C.P. for a new station on frequency 6226.9H MHz toward Madras, Ga. on azimuth 252°13'; frequency 6197.2V MHz toward Milstead, Ga. on azimuth 64°05'.

76–C1–P–74 same (new): Highway 29, Madras, Ga. Latitude 33°26'12" N., longitude 84°-44'42" W. C.P. for a new station on frequency 5974.8V MHz toward Franklin, Ga. on azimuth 233°21'; frequency 6004.5H MHz toward Stockbridge, Ga. on azimuth 71°56'.

77–C1–P–74 same (new): Off Highway 219—7 miles southwest of Franklin, Ga. Latitude 33°11'09" N., longitude 85°08'42" W. C.P. for a new station on frequency 6404.8V MHz toward Roanoke, Ala. on azimuth 264°02'; frequency 6345.5V MHz toward Madras, Ga. on azimuth 53°08'.

78–C1–P–74 same (new): 8½ miles west of Roanoke, Ala. Latitude 33°09'10" N., longitude 85°30'54" W. C.P. for a new station on frequency 6063.8H MHz toward Jackson Gap, Ala. on azimuth 225°47'; frequency 6093.5V MHz toward Franklin, Ga. on azimuth 83°50'.

79–C1–P–74 same (new): 2 miles north of Jackson Gap, Ala. Latitude 32°54'48" N., longitude 85°48'23" W. C.P. for a new station on frequency 6375.2H MHz toward Rockford, Ala. on azimuth 266°59'; frequency 6315.9H MHz toward Roanoke, Ala. on azimuth 45°38'.

80–C1–P–74 same (new): Highway 22—3 miles east of Rockford, Ala. Latitude 32°-53'48" N., longitude 86°10'10" W. C.P. for a new station on frequency 6093.5V MHz toward Marbury, Ala. on azimuth 226°52'; frequency 6152.8H toward Jackson Gap, Ala. on azimuth 86°47'.

81–C1–P–74 same (new): 1 mile north of Oak Grove on road between Poseys Crossroad and New Prospect Church, Marbury, Ala. Latitude 32°38'00" N., longitude 86°30'04" W. C.P. for a new station on frequency 6256.5V MHz toward Billingsley, Ala. on azimuth 281°41'; frequency 6345.5V MHz toward Rockford, Ala. on azimuth 46°42'.

82–C1–P–74 same (new): 1 mile north of Billingsley, Ala. Latitude 32°40'17" N., longitude 86°43'11" W. C.P. for a new station on frequency 6063.8V MHz toward Summerfield, Ala. on azimuth 249°16'; frequency 6004.5V MHz toward Marbury, Ala. on azimuth 101°34'.

83–C1–P–74 same (new): Highway 37—3½ miles north of Summerfield, Ala. Latitude 32°32'14" N., longitude 87°01'59" W. C.P. for a new station on frequency 6404.8V MHz toward Uniontown, Ala. on azimuth 251°08'; frequency 6315.9V MHz toward Billingsley, Ala. on azimuth 69°06'.

84–C1–P–74 same (new): Highway 53 South, Uniontown, Ala. Latitude 32°25'48" N., longitude 87°30'53" W. C.P. for a new station on frequency 6093.5V MHz toward Myrtlewood, Ala. on azimuth 239°15'; frequency 6152.8V MHz toward Summerfield, Ala. on azimuth 70°52'.

85–C1–P–74 same (new): Highway 69—4 miles south of Myrtlewood, Ala. Latitude 32°12'35" N., longitude 87°56'55" W. C.P. for a new station on frequency 6315.9V MHz toward Snell, Miss. on azimuth 262°36'; frequency 6345.5V MHz toward Uniontown, Ala. on azimuth 59°01'.

86–C1–P–74 same (new): 3 miles southeast of Snell, Miss. Latitude 32°09'00" N., longitude 88°28'45" W. C.P. for a new station on frequency 5945.2V MHz toward Vossburg, Miss. on azimuth 242°06; frequency 6063.8V MHz toward Myrtlewood, Ala. on azimuth 82°19' .

87–C1–P–74 same (new): 1 mile northwest of Vossburg, Miss. Latitude 31°56'05" N., longitude 88°57'14" W. C.P. for a new station on frequency 6063.8H MHz toward Sandersville, Miss. on azimuth 214°34'; frequency 6093.5H MHz toward Snell, Miss. on azimuth 61°52'.

88–C1–P–74 same (new): Gas Plant Road, Sandersville, Miss. Latitude 31°48'51" N., longitude 89°03'04" W. C.P. for a new station on frequency 6345.5V MHz toward Seminary, Miss. on azimuth 235°23'; frequency 6315.9H MHz toward Vossburg, Miss. on azimuth 34°31'.

89–C1–P–74 same (new): 5 miles northeast of Seminary, Miss. Latitude 31°135'46" N., longitude 89°25'10" W. C.P. for a new station on frequency 6093.5V MHz toward Carson, Miss. on azimuth 261°03; frequency 6152.8V MHz toward Sndersville, Miss. on azimuth 55°12'.

90–C1–P–74 same (new): Highway 42—1 mile northwest of Carson, Miss. Latitude 31°32'35" N., longitude 89°48'31" W. C. P. for a new station on frequency 6256.5V MHz toward Tylertown, Miss. on azimuth 227°34'; frequency 6315.9V MHz toward Seminary, Miss. on azimuth 80°51'.

91–C1–P–74 same (new): Highway 583—9 miles north of Tylertown, Miss. Latitude 31°14'30" N., longitude 90°11'30" W. C. P. for a new station on frequency 5974.8V MHz toward Magnolia, Miss. on azimuth 241°40'; frequency 6004.5V MHz toward Carson, Miss. on azimuth 47°22'.

92–C1–P–74 same (new): Highway 48—2 miles southeast of Magnolia, Miss. Latitude 31°07'47" N., longitude 90°25'57" W. C. P. for a new station on frequency 6256.5V MHz toward Chipola, La. on azimuth 239°53'; frequency 6286.2V MHz toward Tylertown, Miss. on azimuth 61°32'.

93–C1–P–74 same (new): Highway 43—7½ miles northeast of Chipola, La. Latitude 30°59'33" N., longitude 90°42'23" W. C.P. for a new station on frequency 6063.8H MHz toward Clinton, La. on azimuth 235°03'; frequency 6004.5V MHz toward Magnolia, Miss. on azimuth 59°44'.

94–C1–P–74 same (new): Highway 35—6 miles east of Clinton, La. Latitude 30°52'21" N., longitude 90°54'21" W. C. P. for a new station on frequency 6197.2V MHz toward St. Francisville, La. on azimuth 247°42'; frequency 6345.2H MHz toward Chipola, La. on azimuth 55°02'.

95–C1–P–74 same (new): Highway 964—8 miles southeast of St. Francisville, La. Latitude 30°44'38" N., longitude 91°16'03" W. C. P. for a new station on frequency 5945.2H MHz toward Clinton, La. on azimuth 67°31'.

Major Amendments

767–C1–P–73 MCI Telecommunications Corporation. (WPY80) Relocate station to 2.6 Miles NW of Crown King, Arizona. Lat. 34 14 06 N.—Long. 112 22 04 W. Change frequency from 5974.8V to 6093.5H toward Wittman, Arizona, on azimuth 186°09'.

6355–C1–P–72 Same (New) Relocate station to 6 Miles ESE of Wittman, Arizona. Lat. 34 44 38 N.—Long. 112 25 52 W. Change frequency 6197.2V toward Tolleson, Arizona to 6256.5V toward Glendale, Arizona on azimuth 135°02'.

6356–C1–P–72 Same (New) Relocate station to 1.5 Miles NW of Glendale, Arizona. Lat. 33 33 31 N.—Long. 112 12 37 W. Change azimuth of frequency 5945.2V toward Wittman, Arizona, to 315°09'. Change frequencies 11225V and 11625V to 11265H and 11665H toward Phoenix, Arizona on azimuth 133°00'.

6387–C1–P–70 Same (New) Relocate station to Central Avenue and Van Buren Street, Phoenix, Arizona. Lat. 33 27 03 N.—Long. 112 04 21 W. Change point of communication for frequencies 10735V and 11135V to Glendale, Arizona, on azimuth 313°05'. Delete frequency 3770V toward Miami, Arizona.

5561–C1–P–73 United Video, Inc. Station proposed to be located at Greensboro, North Carolina, amended to correct coordinates to Lat. 36 07 10 N.—Long. 79 47 34 W. (All other particulars : me as reported in Public Notice No. 634 dated February 5, 1973).

8246–C1–P–73 RCA Alaska Communications, Inc. Change coordinates from Lat. 64 10 22 N.—Long. 149 17 49 W. to Lat. 64 10 14 N.—Long. 149 17 43 W. All other particulars the same as reported in Public Notice Report No. 649, dated May 21, 1973.

8247–C1–P–73 Same as above. (New). Change coordinates from Lat. 64 35 19 N.—Long. 149 04 26 W. to Lat. 64 34 48 N.—Long. 149 04 39 W. All other particulars the same as reported in Public Notice Report No. 649, dated May 21, 1973.

6114–C1–P–73 United Video, Inc. (New) 0.2 Mile East of Highway 1, racepond, Georgia. Lat. 30 59 53 N.—Long. 82 07 33 W. Change polarization from vertical to horizontal on frequency 6197.2 toward Owen, Georgia and Toledo, Georgia. Other particulars same as reported in Public Notice Report No. 648 dated May 14, 1973.

[FR Doc.73–15619 Filed 7–31–73;8:45 am]

[Docket No. 19787; FCC 73–748]

CHESAPEAKE-PORTSMOUTH BROADCASTING CO.

Notice of Apparent Liability

In re Application of Chesapeake-Portsmouth Broadcasting Corporation, Docket No. 19787, Filed No. BL–13,137. Portsmouth, Virginia.

For Broadcast License for WPMH (AM)

1. The Commission has before it for consideration (a) the captioned application and (b) its inquiry into the operation of Station WPMH, Portsmouth, Virginia.

2. Information coming to the knowledge of the Commission since the grant of the construction permit raises serious questions as to whether the applicant possesses the qualifications to be a licensee of the captioned station. In view of these questions, the Commission is unable to find that a grant of the license application would serve the public interest, convenience, and necessity, and must, therefore, designate the application for hearing.

3. Accordingly, *It is ordered*, that the application is designated for hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent Order, upon the following issues:

(a) To determine whether the applicant has exercised adequate control and supervision over the policies, practices and other operation of Station WPMH consistent with degree of responsibility expected of a permittee.

(b) To determine whether the applicant has violated § 73.125 of the Commission's rules by discriminating in its employment practices, or by failing to have or to implement an equal employment opportunity program;

(c) To determine whether the applicant violated § 73.932(a) of the Commission's Rules by failing to have either a human listening watch or automatic alarm device in connection with its Emergency Broadcast System;

(d) To determine whether the applicant failed to maintain a public file as required by § 1.526 of the Commission rules;

(e) To determine, in light of the evidence adduced under the preceding issues, whether the applicant has the requisite qualifications to be a Commission licensee and whether a grant of the application would serve the public interest, convenience and necessity.

4. *It is further ordered*, That if it is determined that the hearing record does not warrant an order denying the captioned application for broadcast license for Station WPMH, it shall also be determined whether the applicant has violated Commission Rules and Regulations § 73.125. Equal Employment Opportunity, or § 73.932(a) Emergency Broadcast System requirements, and, if so, whether an Order of Forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or some lesser amount should be issued for violations which occurred within one year of the issuance of the Bill of Particulars in this matter.

5. *It is further ordered*, That this document constitutes a Notice of Apparent Liability for forfeiture for violations of those sections of the Commission's Rules set out in the preceding paragraph. The Commission has determined that, in every case designated for hearing involving revocation or denial of license for alleged violations which also come within the purview of Section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

6. *It is further ordered*, That the Chief of the Broadcast Bureau is directed to

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serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issues (a) through (d) inclusive.

7. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through (d) inclusive, and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its applications would serve the public interest, convenience and necessity.

8. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicant herein, pursuant to section 311 (a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such Rule and shall advise the Commission thereof as required by § 1.594(g) of the Rules.

10. *It is further ordered*, That the Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to the Chesapeake-Portsmouth Broadcasting Corporation.

By the Commission.

Adopted: July 11, 1973.

Released: July 25, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-15860 Filed 7-31-73;8:45 am]

[Docket No. 16070; FCC 73-782]

COMMUNICATIONS SATELLITE CORP.

Order Enlarging Investigation

1. The Commission has before it for consideration Tariff F.C.C. No. 8 filed pursuant to Special Permission No. 6939 by the Communications Satellite Corporation (Comsat) [38 FR 18267] under Transmittal 216 on June 29, 1973, scheduled to become effective on July 1, 1973 and to expire on September 28, 1973, which offers to authorized common carriers (1) leased voice-grade and television service channels for use in establishing communications paths between the Comsat earth stations at Brewster, Washington or Jamesburg, California and an earth terminal at Juneau, Alaska (Lena Point) and (2) television service channels between the Comsat Talkeetna, Alaska earth terminal and the Lena Point terminal at Juneau.[1]

2. Under the instant tariff, Comsat proposes a monthly rate of $4,000 per circuit. Since both ends of the service are points within the jurisdiction of the Commission, the rate may be broken down into two components: (1) A rate of $1,500 for the "uplink" (between the mainland and a Pacific basin satellite) and (2) a rate of $2,500 for the "downlink" (from the satellite to, but not including, the Juneau terminal).[2] The rate component applicable to the uplink is the same as that for Comsat's existing service to Alaska.[3] The component covering the downlink, however, differs from that in the existing tariff because under the subject tariff Comsat will provide only the space segment portion of the service. Because RCA Alaska Communications, Inc. will provide its own earth station at Lena Point, Comsat alleges that it is necessary to adjust the regular Comsat $1,500 rate for Alaska service. Comsat's standard procedure allocates .6667 of a rate to the space segment and .3333 of it to the earth station. Furthermore, Comsat contends that because the Lena Point station is of less than standard size (a diameter of 32 feet vs. 97 fet for a standard station) and because it will exhibit lower performance characteristics, an "adjustment factor" of 2.5 must be applied to the space segment component to compensate for greater portion of available satellite capacity needed to achieve adequate service quality.[4]

3. The rate-making principles and assumptions which Comsat used in developing the rates set forth in Tariff F.C.C. No. 8 are, to a large extent, the same as those it used to develop rates contained in Tariffs F.C.C. No. 1, No. 3, No. 5 and No. 7. Indeed, Comsat makes no attempt to justify the rates herein on any basis other than by reference to its established rate-making procedures. The reasonableness of those procedures is one of the issues currently under investigation in Docket No. 16070. We therefore believe that the investigation in that docket should be expanded to include consideration of the charges, practices, classifications, rates and regulations contained in Comsat Tariff F.C.C. No. 8. Without in any way limiting its scope, the investigation ordered herein should include consideration of the following issue: whether Comsat, which will furnish the space segment capacity between the satellite and the RCA Alascom earth station at Lena Point (Juneau), should separately tariff such charges, and if so, at what rate (in this connection, see Establishment of Regulatory Policies Relating to Authorizations under Section 214 of the Communications Act of 1934, 23 F.C.C. 2d 9 (1970), as clarified by Memorandum Opinion and Order, 30 F.C.C. 2d 513 (1971)).[5]

Accordingly, *It is ordered*, That the investigation in Docket No. 16070 is enlarged, pursuant to sections 203, 204, 205 and 403 of the Communications Act of 1934, to include consideration of the lawfulness under sections 201 and 202 of the Communications Act of 1934 and Sections 201(c)(2) and 201(c)(5) of the Communications Satellite Act of 1962, of Tariff F.C.C. No. 8 of the Communications Satellite Corporation, and any amendments thereof as well as any successive issues of such tariff as may hereafter be made until the close of the record herein.

By the Commission.

Adopted: July 18, 1973.

Released: July 23, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-15859 Filed 7-31-73;8:45 am]

[FCC 73R-272]

RADIO GENEVA, INC., AND BUCCANEER BROADCASTING LTD.

Memorandum Opinion and Order Enlarging Issues

In re Applications of RADIO GENEVA, INC., Geneva, New York, Docket No. 19709, File No. BPH-7645, BUCCANEER BROADCASTING LTD., Geneva, New York, Docket No. 19710, File No. BPH-7821.

1. This proceeding involves the mutually exclusive applications of Radio Geneva, Inc. (Radio Geneva), and Buccaneer Broadcasting Ltd (Buccaneer) [38 FR 7842], each requesting a construction permit for a new FM broadcast station to operate on channel 269A at Geneva, New York. The applications were designated for consolidated hearing by Commission Order, FFC 73-295, 38 FR 7842, published March 26, 1973. Presently before the Review Board is a petition to enlarge issues, filed April 10, 1973, by Radio Geneva,[1] seeking addition of a staff adequacy issue and requesting modification of an existing financial qualifications issue against Buccaneer.[2]

STAFF ADEQUACY ISSUE

2. Supported by the affidavit of Robert R. Michael, General Manager of Radio Station WGVA, Geneva, New York, Radio Geneva alleges that Buccaneer's proposed staff of five persons is inadequate to effectuate its proposed programming format. Noting that Buccaneer proposes to broadcast ten hours and forty minutes of news,[3] five hours of public affairs programming and two and one-half hours of all other programming (exclusive of entertainment and sports) per week, Michael concludes that a staff of six and one-half persons would be required in order to minimally effectuate the proposal. In opposition, both Buccaneer and the Broadcast Bureau argue that the requested staffing issue must be denied because Radio Geneva has not pleaded with the sufficiency and specificity required to support the addition of the issue. In reply, Radio Geneva contends that an issue is nevertheless required inasmuch as Buccaneer aside from indicating the number of hours each proposed employee would work, has failed to adequately specify the duties and responsibilities which would be attributed to each of the proposed employees. Petitioner cites WHCN, Inc., 25 FCC 2d 673, 19 RR 2d 1017 (1970), to support its request.

3. In the Board's view, petitioner's allegations are insufficient to warrant the imposition of the requested staffing issue. Radio Geneva predicates its request on little more than a recitation of Buccaneer's proposed programming, coupled with the bald assertion that the proposed staff is inadequate. While Buccaneer proposes to devote some eighteen hours a week to news, public affairs and "other" programming, there is nothing inherently improbable in Buccaneer's plan to operate an FM facility with a staff of five full-time employees. The Board has long held that where effectuation of a proposal is not inherently improbable, it will not specify an adequacy of staff issue absent specific allegations demonstrating that the proposal cannot be effectuated. Cf. Martin Lake Broadcasting Co., 23 FCC 2d 721, 19 RR 2d 277 (1970); Jay Sadow (WRIP), 27 FCC 2d 248, 20 RR 2d 1171 (1971); and Fred Kaysbier, 19 FCC 2d 636, 17 RR 2d 389 (1969). This holding is clearly applicable in this case. Moreover, although Buccaneer did not specify all of the precise duties of each of its proposed employees, the applicant has indicated that it proposes to devote a considerable and, on its face, not unreasonable amount of employee hours (168) solely to the programming concerns of its 126 hour broadcast week. Accordingly, no issue is warranted.

FINANCIAL QUALIFICATIONS

4. In support of its request to enlarge the existing financial qualifications issue to encompass an inquiry into the reasonableness of Buccaneer's cost estimates, Radio Geneva alleges that Buccaneer either has made no provision for, or has underestimated, certain pre-operation and first year operating costs.[4] The inclusion and accuracy of estimating these expenses is particularly crucial to assuring the continuing operation of the applicant, petitioner asserts, since Buccaneer is proposing to rely on substantial advertising revenues during the first year of operation, citing Ultravision Broadcasting Company, 1 FCC 2d 544, 5 RR 2d 343 (1965). Further, Radio Geneva recommends that Buccaneer be called upon to specify with particularity what equipment it proposes to purchase and what equipment it has on hand. In this connection petitioner alleges that there is considerable confusion as to Buccaneer's precise proposal because of unexplained variances between the applicant's several financial amendments and original proposal.[5]

5. The existing financial issue will be enlarged to encompass inquiry into Buccaneer's cost estimates with respect to equipment payments, legal expenses, and certain pre-operating expenses (specifically engineering and installation costs). The applicant's assertion that its equipment payment schedule is based upon an oral understanding with its equipment supplier that a thirty to sixty day deferral can be obtained does not adequately substantiate its claim that it need only estimate twelve monthly payments in its application. Absent a more definitive arrangement whereby Buccaneer is reasonably assured of a sixty day deferral, it must be assumed that more than twelve monthly payments will be due prior to the expiration of the first year of operation.[6] Further, Buccaneer's amendment filed October 20, 1972, fails to clearly establish the apportionment of funds for the additional legal expenses incurred as a result of this hearing, or for engineering and installation costs. These matters raise questions which warrant further inquiry during the hearing. Radio Geneva's allegations concerning other cost estimates have been satisfactorily answered by Buccaneer. As adequately explained by the applicant, its loan repayments will not commence during the first year of operation; its initial loan from the Bogart Plumbing and Heating Company will not become due and payable for some eighteen months after it receives a construction permit and it does not intend to draw on its bank loan until the third month of operation, thereby suspending repayment of either loan well into the second year of operation. Radio Geneva's remaining allegations are either speculative in nature[7] or are based upon an unwarranted comparison with expenses incurred by an existing station, in this case its own AM facility which is located in the same market. The Commission requires more than a showing that a proposed station is advancing cost estimates which are lower than other on-going and established stations in the same or similar markets;[8] on the contrary, a petitioner must raise a substantial question as to whether or not an applicant's cost estimates are unrealistic. This, Radio Geneva has failed to do. Cf. Dowric Broadcasting Company, Inc., 37 FCC 2d 40, 25 RR 2d 92 (1972); Salem Broadcasting Co., Inc., 37 FCC 2d 115, 25 RR 2d 68 (1972).[9]

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[1] Chairman Burch absent.

[1] On June 21, 1973, Comsat filed Application No. 155 seeking special permission to establish, on less than statutory notice, rates applicable to the instant service.

[2] See Comsat Application No. 155, at p. 2.

[3] Comsat Tariff F.C.C. No. 1, 13th Revised Page 11AAA.

[4] The downlink rate component was calculated in the following manner:

guideline rate (a satellite to Alaska earth station):	$1,500
space segment portion ($1.500 x .6667):	$1,000
multiplied by the adjustment factor (2.5 x $1,000):	$2.500

[5] Although the present tariff proposal has not been challenged by any carrier or customer, we nevertheless believe it appropriate to indicate that a determination of its lawfulness, *ab initio* is appropriate, so that any remedies subsequently found appropriate such as, e.g. refunds, could be entertained as in the case of other Comsat tariffs. See particularly Communications Satellite Corporation, FCC 73-648 released June 27, 1973.

[6] Chairman Burch absent.

[1] Also before the Review Board are the following related pleadings: (a) Broadcast Bureau's comments, filed April 25, 1973; (b) opposition, filed April 30, 1973, by Buccaneer; and (c) reply, filed May 4, 1973, by Geneva.

[2] The financial issue specified by the Commission in its designation Order, *supra*, reads as follows:

1. To determine, with respect to the application of Buccaneer Broadcasting Ltd.:

(a) Whether the applicant can demonstrate the availability of advertising revenues in the amount of $25,000, and if not, whether the applicant has available other sources of funds to meet its requirements;

(b) Whether, in light of the evidence adduced under the preceding issue, the applicant is financially qualified.

[3] Additionally, petitioner notes that the applicant's announcers will be responsible for gathering regional and local news, which will constitute 30% of the time devoted to news.

[4] Specifically, petitioner alleges that Buccaneer has made no provision for the following costs: construction of mobile equipment for remote broadcasts, legal services, installation of equipment and engineering, social security payments, gasoline and transportation, entertainment and promotion, postage and printing, music and record library, technical supplies and equipment, and loan repayments to the Bank of Geneva and the Bogart Plumbing and Heating Company. Furthermore, Radio Geneva contends that Buccaneer has underestimated the following expenses: remodeling of studio and transmitter site, salaries, utilities, equipment payments, office supplies and equipment and insurance. The Bureau also alleges that Buccaneer has underestimated its equipment payments by two installments.

[5] In two separate amendments, Buccaneer has scaled down both its equipment and financial proposals.

[6] As indicated in the application form (Form 301, section III, p. 2, Item Ic), the Commission requires an applicant to include 14 monthly payments in its cost estimate if its first equipment payment is due upon delivery, 13 monthly installments if payment is due in 30 days, and 12 monthly payments if payment is due in 60 days.

[7] E.g. Buccaneer has explained that it will rent rather than construct appropriate studio space; accordingly, there is no basis for concluding that the $1,000 estimate for remodeling a studio would be required, let alone inadequate.

[8] In contrast to the costs incurred by petitioner's AM station, Buccaneer avers that its first year operating expenses were not underestimated since the principals of Buccaneer will use their personal automobiles, take reduced draws as payment, utilize existing office equipment and furniture and spend minimal monies on entertainment and promotion. With regard to miscellaneous expenses, Buccaneer also explains that the social security payments were included in the salary budget and that the postage and printing allocations were included in the office supplies and equipment category. Moreover, Mr Shoupe will contribute his music album collection to the station for use as a music library.

[9] Also see Viking Television, Inc., 17 FCC 2d 823, 16 RR 2d 123 (1969); California Stereo, Inc., 39 FCC 2d 401, 26 RR 2d 887 (1973).

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6. Accordingly, *It is ordered*, That the petition to enlarge issues, filed April 10, 1973, by Radio Geneva, Inc. is granted to the extent indicated herein and IS DENIED in all other respects; and

7. *It is further ordered*, That Issue 1, as specified in the designation Order, is amended to read as follows:

To determine, with respect to the application of Buccaneer Broadcasting Ltd.:

(a) The estimated costs for legal fees, equipment payments, and pre-operation equipment and installation costs during the first year of operation, and whether such estimates are reasonable;

(b) Whether the applicant can demonstrate the availability of advertising revenues in the amount of $25,000, and if not, whether the applicant has available other sources of funds to meet its requirements, including any additional funds necessary in light of evidence adduced pursuant to issue (a);

(c) Whether, in light of the evidence adduced under the preceding issue, the applicant is financially qualified.

By the Review Board.

Adopted: July 20, 1973.

Released: July 25, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-15861 Filed 7-31-73;8:45 am]

[Dockets Nos. 19791, 19792]

MONTROSE COUNTY AIRPORT

Order Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of Montrose County, Colorado, Montrose, Colorado, Docket No. 19791, (FCC FILE NO. 92-A-L-53), and Leonard E. Orme, d/b/a Orme Flying Service, Montrose, Colorado, Docket No. 19792, (FCC FILE NO. 119-A-L-53), For Aeronautical Advisory Station to serve Montrose County Airport, Montrose, Colorado.

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at Montrose County Airport, Montrose, Colorado, and, therefore, are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein, each applicant is otherwise qualified.

2. In view of the foregoing, *It is ordered*, That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331(b) (21) of the Commission rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in Section 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered*, That to avail themselves of an opportunity to be heard Montrose County, Colorado and Leonard E. Orme, d/b/a Orme Flying Service, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

By the Chief, Safety and Special Radio Services Bureau.

Adopted: July 24, 1973.

Released: July 26, 1973.

[SEAL] CHARLES A. HIGGINBOTHAM,
Acting Chief, Safety and Special Radio Services Bureau.

[FR Doc.73-15863 Filed 7-31-73;8:45 am]

CABLE TV TECHNICAL ADVISORY COMMITTEE PANEL 3

Agenda and Notice of Meeting

JULY 25, 1973.

Panel 3 of the Cable Television Technical Advisory Committee will hold an open meeting on Friday, August 10, 1973, at 10:00 a.m. The meeting will be held at the CPB Building, 888 16th Street, NW., Washington, D.C., in the lower level conference room. The agenda of the meeting will include:

1. Draft statement on compatibility
2. Requests to Panel 2 re subjective measurements
3. Approval of draft, local oscillator voltage measurement
4. Report of EIA—R4.2 work on direct pick-up
5. Adjacent sound and adjacent chroma measurements
6. Review of Panel's present objective and direction
7. Other business.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-15862 Filed 7-31-73;8:45 am]

FEDERAL RESERVE SYSTEM

SOUTHERN BANCORPORATION, INC.

Proposed Acquisition of World Acceptance Corp.

Southern Bancorporation, Inc., Greenville, South Carolina, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company (38 Federal Register 16111). At the same time, Southern Bancorporation, Inc., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of World Acceptance Corporation, Greenville, South Carolina. Notice of the application was published in newspapers of general circulation in each of the 44 communities in Georgia, South Carolina, and Texas in which the consumer finance and insurance activities of World Acceptance Corporation are conducted.

Applicant states that the proposed subsidiary engages in the activities of making consumer finance loans and, in the States of Georgia and South Carolina, also acting as agent for the sale of credit related life, accident and disability insurance, and credit related property and casualty insurance issued in connection with extensions of credit by World Acceptance Corporation's consumer finance offices. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competion, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 12, 1973.

Board of Governors of the Federal Reserve System, July 30, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-15993 Filed 7-31-73;10:28 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

CLINCHFIELD COAL CO.

Applications for Renewal Permits; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20219, CLINCHFIELD COAL COMPANY,
Birchfield No. 1 Mine, USBM ID No. 44 01884 0,
Dante, Virginia,
Section ID No. 003 (Unit #1),
Section ID No. 002 (Unit #2).

(2) ICP Docket No. 20222, CLINCHFIELD COAL COMPANY,
Birchfield No. 2 Mine, USBM ID No. 44 02236 0,
Dante, Virginia,
Section ID No. 001 (Unit #1),
Section ID No. 003 (Unit #2).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JULY 25, 1973.

[FR Doc.73-15777 Filed 7-31-73;8:45 am]

PEABODY COAL CO. AND SOUTHERN APPALACHIAN COAL CO.

Applications for Renewal Permits; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20249, PEABODY COAL COMPANY
River King U.G. No. 1 Mine, USBM ID No. 11 00725 0, Freeburg, Illinois,
Section ID No. 001 (Unit 1—Main West Entries),
Section ID No. 012 (Unit 2—Sub-main West Entries),
Section ID No. 009 (Unit 3—Main East Entries),
Section ID No. 010 (Unit 4—35th North Panel),
Section ID No. 004 (Unit 5—Main South Entries),
Section ID No. 014 (Unit 6—40th North Panel),
Section ID No. 016 (Unit 7—45th North Panel),
Section ID No. 015 (Unit 8—3rd East Panel),
Section ID No. 018 (Unit 9—Main North Entries—Left Side),
Section ID No. 013 (Unit 10—1st North Panel),
Section ID No. 017 (Unit 11—Main North Entries—Right Side).

(2) ICP Docket No. 20720, SOUTHERN APPALACHIAN COAL COMPANY
Lens Creek No. 1 Mine, USBM ID No. 46 02784 0,
Marmet, West Virginia,
Section ID No. 001-0 (South West Mains),
Section ID No. 001-1.

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JULY 25, 1973.

[FR Doc.73-15776 Filed 7-31-73;8:45 am]

NORTH AMERICAN COAL CORP.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard/2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20543, THE NORTH AMERICAN COAL CORPORATION, Auids Run No. 2 Mine, USBM ID No. 36 02602 0, Seward, Pennsylvania, Section ID No. 001 (Mains), Section ID No. 005 (4th Left), Section ID No. 006 (2nd Right).

(2) ICP Docket No. 20545, THE NORTH AMERICAN COAL CORPORATION, Conemaugh No. 1 Mine, USBM ID No. 36 00928 0, Seward, Pennsylvania, Section ID No. 003 (New Mains), Section ID No. 012 (3rd Right off New Mains), Section ID No. 010 (2nd Left off New Mains), Section ID No. 013 (3rd Left off New Mains), Section ID No. 014 (4th Left off New Mains).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before Aug. 16, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JULY 26, 1973.

[FR Doc.73-15818 Filed 7-31-73;8:45 am]

POSTAL SERVICE

INTERNATIONAL MAIL

Notice of Parcel Post—People's Republic of China

On July 1, 1973, the U.S. Postal Service began exchanging air and surface parcels with the People's Republic of China. The following instructions govern mailing of the parcels.

Weight Limit: 44 pounds.

Dimension: Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing: Compulsory.

Postal Forms Required: One Form 2966-A, 2 Forms 2966, 1 Form 2972.

Surface Parcel Rates: Two pounds or less, $1.30; each additional pound or fraction, 40 cents.

Air Parcel Rates: Four ounces or less, $2.15; each additional 4 ounces or fraction, 95 cents.

Special Handling: Available to port of dispatch only.

Registration: No provision.

Insurance: No provision.

Full Name of Country: Parcels must be addressed to the People's Republic of China. The country name may not be abbreviated.

Limitations: If the following limits applicable to the addressee for the below listed items are exceeded, authorities of the People's Republic of China may return the parcel to the sender or dispose of the parcel in accordance with their internal laws.

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Description of articles	Parcel limitation	Yearly limitation
1. Hearing aid	1 (ounce only)	
2. Medicine	Reasonable quantity for personal use (certificate required).	
3. Flint	100 pieces	300 pieces
4. Razor blades	20 pieces	80 pieces
5. Saccharin	1¼ ounces	7 ounces
6. Woolen and silk fabrics (double width)	3½ yards	9¾ yards
7. Woolen yarn	2 pounds	6 pounds
8. Cotton, flax, and man-made fiber fabrics (single width).	10½ yards	42⅔ yards
9. Pepper	1 pound 1½ ounces	4 pounds 6 ounces
10. Gourmet powder	7 ounces	28 ounces

Prohibitions: (1) Arms, ammunition, and explosives of all kinds; radio telegraphic receivers and transmitters; Chinese currency, bills (including checks) and securities; (2) printed matter, manuscripts, notes, and memoranda, paper matrices, negatives, photographs, phonograph records, cinematographic films, loaded sound-receiving tapes (wire), if the contents are deemed harmful politically, economically, culturally and morally to China, (3) narcotics, opium, morphine, heroin, cocaine, and implements for smoking them; poisonous drugs; undeveloped exposed photographic plates and films; medicine without packing and trade marks. Also see section 312, U.S. Postal Service Publication 42, *International Mail* for a list of items which may not be sent by parcel post to any country.

Import Restrictions: Gift parcels are admitted without the addressee having to obtain an import permit, if the value of a parcel does not exceed 50 Yuans (approximately $25) and the total value of all parcels sent to one addressee in a year does not exceed 300 Yuans (approximately $155).

(39 U.S.C. 401, 407)

LOUIS A. COX,
General Counsel.

JULY 27, 1973.

[FR Doc.73-15858 Filed 7-31-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AADAN CORP.

Order Suspending Trading

JULY 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Aadan Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 27, 1973 through August 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-15824 Filed 7-31-73;8:45 am]

[File No. 24SF-3943]

CONSOLIDATED MOGUL MINING CO., INC.

Order Permanently Suspending Exemption

JULY 26, 1973.

I

On September 7, 1972, Consolidated Mogul Mining Co., Inc. ("Consolidated Mogul"), 322 Newhouse Building, 10 Exchange Place, Salt Lake City, Utah 84111, filed with the Commission a Notification covering an offering of 3,000,000 shares of common stock at $.10 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3(b) thereof and Regulation A thereunder. The company was incorporated on May 6, 1970, for the purpose of conducting exploratory mining operations.

V. E. Anderson & Co., a broker-dealer having its principal place of business in Salt Lake City, Utah, was named as underwriter.

II

The Commission, on November 8, 1972, temporarily suspended the Regulation A exemption of Consolidated Mogul Mining, Inc., stating it had reason to believe that:

1. The Regulation A exemption was not available to Consolidated Mogul pursuant to the prohibitions of Rule 252(d)(2) of Regulation A, in that the underwriter, V. E. Anderson & Co., was the subject of a permanent injunction for violations of section 17(a) of the Securities Exchange Act of 1934 entered on April 18, 1969 in the United States District Court for Utah.

2. The Notification and Offering Circular of Consolidated Mogul omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading and contained untrue statements of material facts, particularly with respect to:

(a) The disposition of shares by Gregory Chachas and Charles Foote and the purchase of shares by J. William Pace and Thad B. Emery;

(b) The relationship between Gregory Chachas and Station Zebra, Inc. and transfers of mining claims between themselves and Consolidated Mogul; and

(c) The prior affiliation of Gregory Chachas with Consolidated Mogul as officer, director, promoter, and principal security holder.

3. The terms and conditions of Regulation A had not been complied with in that:

(a) Items 2 and 3 of the Notification did not list Gregory Chachas as a predecessor and a promoter;

(b) Item 6 of the Notification failed to describe the injunction against the underwriter, V. E. Anderson & Co.; and

(c) Item 9 of the Notification failed to reflect certain transfers of its shares between former and present officers.

4. The offering, if made, would have been in violation of Section 17 of the Securities Act of 1933.

III

No hearing having been requested by Consolidated Mogul Mining Co., Inc. within thirty days after the entry of an order temporarily suspending the exemption of the Issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be permanently suspended;

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of Consolidated Mogul Mining Co., Inc. under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-15825 Filed 7-31-73;8:45 am]

[File No. 500-1]

FEDERATED FRANCHISES, INC.

Order Suspending Trading

JULY 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Federated Franchises, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:30 a.m. (e.d.t.) July 26, 1973 through midnight (e.d.t.) August 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-15823 Filed 7-31-73;8:45 am]

[811-1192]

TRANSATLANTIC FUND LTD.

Proposal To Terminate Registration

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Transatlantic Fund Limited ("Fund"), Room 215, 20 Exchange Place, New York, New York 10005 a corporation chartered under the Companies Act of Canada, and registered under the Act as an openend, diversified management investment company, has ceased to be an investment company as defined in the Act.

Fund was organized in Canada on April 7, 1959, and pursuant to an order of the Commission permitting registration under the Act, Fund filed a Notification of Registration on Form N-8A and a Registration Statement on Form N-8B-1 with the Commission on December 31, 1962.

Pursuant to shareholder approval, on October 31, 1963 Fund transferred substantially all of its assets to its successor corporation, Transatlantic Fund, Inc. ("Transatlantic"), a Maryland corporation also registered under the Act, in exchange for shares of Transatlantic's common stock, which stock was thereupon distributed to Fund's shareholders and the Fund was subsequently dissolved.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 21, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-15801 Filed 7-31-73;8:45 am]

[811-1910]

FIRST DIVERSIFIED MUTUAL FUNDS, INC.

Proposed Termination of Registration

JULY 26, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that First Diversified Mutual Funds, Inc. ("Fund"), 475 Fifth Avenue, New York, N.Y. 10017, a corporation organized under the laws of the State of New York, and registered under the Act as a closed-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

Fund was organized in New York on February 5, 1969 and filed a Notification of Registration on Form N-8A and a Registration Statement on Form N-8B-1 under the Act with the Commission on August 4, 1969. Fund also filed a Registration Statement on Form S-5 under the Securities Act of 1933 ("1933 Act") on November 4, 1969. However, that Registration Statement has never been declared effective, and Counsel for the Fund has informed the Commission that the Fund has no intention of offering its securities to the public or of otherwise engaging in the business of an investment company.

Section 3(c)(1) of the Act excepts from the definition of "investment company" any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 21, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-15802 Filed 7-31-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 974; Amdt. 6]

ILLINOIS

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Illinois as a major disaster area following flooding, high winds and lake storms beginning on or about March 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional county: DeKalb. (See 38 FR 12179, 38 FR 13586, 38 FR 14897, 38 FR 16812, 38 FR 18064 and 38 FR 19294)

Applications may be filed at the:

Small Business Administration
Branch Office
Ridgely Building, Room 816
902 East Monroe Street
Springfield, Illinois 62701

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than September 18, 1973.

Dated: July 24, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-15799 Filed 7-31-73;8:45 am]

[Notice of Disaster Loan Area 973; Amdt. 4]

MISSOURI

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Missouri as a major

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disaster area following heavy rains and flooding beginning on or about March 6, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following counties: Howell and Oregon. (See 38 FR 10339, 38 FR 12179, 38 FR 14897 and 38 FR 16812)

Applications may be filed at the:

Small Business Administration
District Office
210 North 12th Street, Room 520
St. Louis, Missouri 63101

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92–385.

Applications for disaster loans under this announcement must be filed not later than September 17, 1973.

Dated: July 20, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–15795 Filed 7–31–73;8:45 am]

[Notice of Disaster Loan Area 1006]

NEW YORK

Disaster Relief Loan Availability

As a result of the President's declaration of the State of New York as a major disaster area following severe storms and flooding beginning on or about June 28, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following Counties: Columbia, Delaware, Dutchess, Rensselaer, Sullivan and Ulster.

Applications may be filed at the:

Small Business Administration
Regional Office
26 Federal Plaza—Room 3930
New York, New York 10007

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93–24.

Applications for disaster loans under the announcement must be filed not later than September 18, 1973.

Dated: July 24, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–15798 Filed 7–31–73;8:45 am]

[Notice of Disaster Loan Area 1005]

PENNSYLVANIA

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Pennsylvania as a major disaster area following severe storms and flooding beginning on or about June 27, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following Counties: Berks, Bucks, Chester, Delaware, Lancaster, Monroe, Montgomery and Wayne.

Applications may be filed at the:

Small Business Administration
Regional Office
1 Decker Square—East Lobby Suite 400
Bala Cynwyd, Pennsylvania 19004

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93–24.

Applications for disaster loans under this announcement must be filed not later than September 17, 1973.

Dated: July 23, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–15797 Filed 7–31–73;8:45 am]

[Notice of Disaster Loan Area 998; Amdt. 1]

TENNESSEE

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Tennessee as a major disaster area following severe storms and flooding beginning on or about May 26, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties; Overton and White. (See 38 FR 18596).

Applications may be filed at the:

Small Business Administration
District Office
500 Union Street
Nashville, Tennessee 37219

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of P. L. 93–24.

Applications for disaster loans under this announcement must be filed not later than September 17, 1973.

Dated: July 23, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–15796 Filed 7–31–73;8:45 am]

TARIFF COMMISSION

Washington

[337–L–46]

CLOSED TOE CIRCULAR HOSIERY KNITTING MACHINES AND DEVICES

Notice of Dismissal of Preliminary Inquiry

On the basis of the submissions made to the Commission by interested parties, the Tariff Commission on July 24, 1973, dismissed preliminary inquiry 337–L–46 (December 2, 1971, 36 FR 23018) without a determination on its merits.

By order of the Commission.

Issued: July 27, 1973.

KENNETH R. MASON,
Secretary.

[FR Doc.73–15816 Filed 7–31–73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON CARCINOGENS

Notice of Meetings

Notice is hereby given that the Standards Advisory Committee on Carcinogens, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on the following dates: Thursday, August 2, 1973, at 9:30 a.m. and Friday, August 3, 1973, at 8:30 a.m. in Conference Room B of the Departmental Auditorium, located on Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C.; Tuesday, August 7, 1973 at 9:30 a.m. and Wednesday, August 8, 1973, at 8:30 a.m. in Conference Room B of the Departmental Auditorium (same address as above); and Wednesday, August 15, 1973 at 9:30 a.m. and Thursday, August 16, 1973 at 8:30 a.m. in Conference Room 102 A, B, C, and D of the Main Labor Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The agenda provides for further discussion by the committee of the development of recommendations for a standard on carcinogens.

The meetings shall be open to the public. Written data, views, or arguments concerning the subject to be considered may be filed, together with 25 copies thereof, with the Committee's Executive Secretary up to the close of business on August 15, 1973. Submissions timely received will be provided to the members of the Committee and will be included in the record of the meetings.

Oral comments may be made to the extent that the committee permits. Persons wishing to make oral comments at any of the meetings, should submit a written request to be heard, together with 25 copies thereof, to the Executive Secretary as soon as is practical before the beginning of the meeting. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed. At the meeting the chairman will announce whether oral presentation will be allowed, and, if so, under what conditions.

All written communications should be addressed as follows:

Milton W. Umbenhouer, Acting Executive Secretary
Standards Advisory Committees, OSHA–OSMC
Railway Labor Building, Room 509
U.S. Department of Labor
Washington, D.C. 20210

Signed at Washington, D.C. this 30th day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73–15995 Filed 7–31–73;10:29 am]

INTERSTATE COMMERCE COMMISSION

[Notice 309]

ASSIGNMENT OF HEARINGS

JULY 27, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

FD–20812, Railway Express Agency, Inc., Notes, Pre-Hearing Conference is continued to August 7, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–F 11804, Dallas & Mavis, Inc.,—Control and Merger—Dallas & Mavis Forwarding Co., Inc., now being assigned hearing October 1, 1973 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MCC 8075, Absco, Inc., The Collins Packing Company, The Selected Meat Company, The Waldock Company, and Thomas Industries, Inc.,—Investigation of Operations and Practices and Revocation of Permit, now being assigned hearing September 24, 1973 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 116763 Sub 233, Carl Subler Trucking, Inc., now being assigned hearing September 25, 1973, (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MCC 8088, Point Express, Inc.—Investigation and Revocation of Certificates—now being assigned hearing September 27, 1973, at Columbus, Ohio, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–15838 Filed 7–31–73;8:45 am]

[Under Rev. SO No. 1002; Car Distribution Direction No. 93; Amdt. 2]

ATLANTA AND WEST POINT RAIL ROAD CO.

In the matter of Atlanta and West Point Rail Road Co. Carolina, Clinchfield and Ohio Railway, Georgia Rail Road & Banking Co., Louisville and Nashville Railroad Co., Seaboard Coast Line Railroad Co., the Western Railway of Alabama.

Upon further consideration of Car Distribution Direction No. 93 and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 93 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This direction shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 24, 1973.

INTERSTATE COMMERCE COMMISSION.
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73–15843 Filed 7–31–73;8:45 am]

[Ex Parte No. 241; Exemption No. 46]

ERIE LACKAWANNA RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service Rules

It appearing, that the Erie Lackawanna Railway Company, (EL), Thomas F. Patton and Ralph S. Tyler, Jr., Trustees, and the Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees (PC), have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 388, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GB", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the EL and the PC without regard to the requirements of Car Service Rules 1 and 2.

EL	Reporting Marks PC			
EL	B&A	NH	PCB	TOC
ERIE	BWC	NYC	P&E	
DL&W	CASO	PCA	PRR	

Effective July 23, 1973.

Expires August 31, 1973.

Issued at Washington, D.C., July 23, 1973.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.73–15844 Filed 7–31–73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 27, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before August 16, 1973.

FSA No. 42720—*Class and Commodity Rates Between Points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent, (No. 671), for interested rail carriers. Rates on various commodities, in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff—Supplement 27 to Texas-Louisiana Freight Bureau, Agent, tariff 87–J, I.C.C. No. 1159. Rates are published to become effective on August 25, 1973.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42721—*Class and Commodity Rates Between Points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent, (No. 670), for interested rail carriers. Rates on various commodities, in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 27 to Texas-Louisiana Freight Bureau, Agent, tariff 87–J, I.C.C. No. 1159. Rates are published to become effective on August 25, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–15839 Filed 7–31–73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 74; Amdt. 3]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 74 (Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr. Trustees) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 74 be, and it is hereby, amended by substituting the following

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paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 24, 1973.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.73-15841 Filed 7-31-73;8:45 am]

[No. MC-C-8130]

ANDERSON PEAT CO. AND MICHIGAN PEAT CO.

Petition for Issuance of Declaratory Order

(NOTICE OF FILING OF PETITION FOR ISSUANCE OF A DECLARATORY ORDER), filed July 20, 1973. Joint petitioners: ANDERSON PEAT COMPANY Waterford, Mich. MICHIGAN PEAT COMPANY, Valley Forge, Pa. Petitioners' representative: William L. Slover 1224 Seventeenth Street, N.W. Washington, D.C. 20036 By joint petition filed July 20, 1973, the above-named petitioners request that the Commission issue a declaratory order, pursuant to 5 U.S.C. 554(e), determining affirmatively that the for-hire transportation by motor vehicle, in interstate or foreign commerce, of "peat and peat humus," is exempt from economic regulation by this Commission under the provisions of Section 203(b)(6) of the Interstate Commerce Act. Petitioners submit that the issue arises because of an inappropriate distinction made by the Bureau of Operations in *Administrative Ruling No. 119*, exempting from economic regulation "peat moss, dried, shredded, [or] baled," but not exempting "peat, for use as an organic fertilizer, wet with water and other solutions, decomposed in a pressure vessel and dried." Petitioners contend that the latter category of peat does not exist and should properly be classified as "processed sewage and sludge." Petitioners further aver that they have recently encountered difficulties with State and local officials because of confusion and ambiguity resulting from the erroneous distinction made in *Administrative Ruling No. 119*, and they ask that this Ruling be revoked and rescinded summarily and immediately, or that the erroneous "peat" listing be deleted thereform.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and fifteen copies of such data, views, or arguments shall be filed with the Commission on or before October 1, 1973. A copy of each representation should be served upon petitioners' representative. Written material or suggestions submitted will be available for public inspection at the Offices of The Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15846 Filed 7-31-73;8:45 am]

FILING OF PLEADING COPIES

JULY 27, 1973.

In filing with the Commission the number of pleading copies required by the General Rules of Practice, practitioners occasionally transmit additional copies of pleadings directly to each Commissioner. Every effort has been made to reduce the number of copies filed with the Commission in order to minimize the burden placed upon the parties and the Commission's staff. Accordingly, the practice of transmitting additional copies of pleadings directly to Commissioners is not favored and hereafter such copies will be returned to the sender by the Secretary.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15845 Filed 7-31-73;8:45 am]

SCHNEIDER TRANSPORT, INC. AND B&L MOTOR FREIGHT, INC.

At a session of the Interstate Commerce Commission, Division 1, Acting as an Appellate Division, held at its office in Washington, D.C., on the 17th day of July, 1973. No. MC-51146; Sub-No. 242 SCHNEIDER TRANSPORT, INC., EXTENSION—PAPER (Green Bay, Wis.), No. MC-123255 (Sub-No. 16), B & L MOTOR FREIGHT, INC., EXTENSION—PAPER (Newark, Ohio).

Upon consideration of the record in the above-entitled proceedings, and of:

(1) Petition of Nelson Freightways, Inc., filed May 7, 1973, for intervention embracing a tendered petition for publication and further hearing;

(2) Joint reply by applicants, filed May 31, 1973; and good cause appearing therefor:

It appearing, That while the language employed in the territorial descriptions in the applications as originally filed and published connotes a non-radial operation, the reference therein to a named shipper's facilities at Litchfield, Ill., viewed in the context of applicants' ultimate proposals herein, may well have caused otherwise interested persons to fail to protest the applications and protect their interests; that, accordingly, under the special circumstances here present, a notice of the authority actually granted in these proceedings will be published in the Federal Register; and that within 30 days from the date of such publication any person with a proper interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which he has been prejudiced by a lack of notice of the operations authorized in this proceeding;

It is ordered, That Nelson Freightways, Inc., be, and it is hereby, permitted to intervene in these proceedings, and to appear and participate in all further proceedings therein.

It is further ordered, That the tendered petition embraced in (1) above, be, and it is hereby, accepted for filing.

It is further ordered, That the proceedings be, and they are hereby, reopened for further processing under modified procedure.

It is further ordered, That notice of the authority sought as granted in the findings and order entered in these proceedings on February 1, 1973, be published in the FEDERAL REGISTER.

It is further ordered, That September 19, 1973, be, and it is hereby, fixed as the date on or before which applicants may file verified statements in support of the application; that October 18, 1973, be, and it is hereby, fixed as the date on or before which Nelson Freightways and interveners, if any there be, may file verified statements in opposition; and that October 29, 1973, be, and it is hereby, fixed as the date on or before which applicants may file verified statements in rebuttal.

It is further ordered, That after expiration of the time period fixed by this order for the filing of verified statements, this proceeding be, and it is hereby, referred to an appropriate board for further consideration and disposition.

By the Commission, Division 1, Acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15837 Filed 7-31-73;8:45 am]

[No. 35863]

MONTANA INTRASTATE RAIL FREIGHT RATES AND CHARGES, 1973

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 16th day of July, 1973.

By joint petition filed on June 29, 1973, Burlington Northern Inc.; Chicago, Milwaukee, St. Paul and Pacific Railroad Company; and Union Pacific Railroad Company, common carriers by railroad operating within the State of Montana, aver that the Public Service Commission of Montana has refused to authorize or to permit certain increases in rates or charges on particular commodities or services in intrastate commerce within Montana corresponding to the increases which have been permitted on the same commodities or services by this Commission as pertains to interstate commerce. The increases at issue and the corresponding interstate proceedings are listed below.

(1) grain, grain products, and feeds; switching charges; lead and zinc ores and concentrates; and sugar: Ex Parte No. 256, *Increased Freight Rates and Charges*, 1967, 329 I.C.C. 854, 332, I.C.C. 280;

(2) grain, grain products, and feeds; and coal: Ex Parte No. 259, *Increased Freight Rates, 1968*, 332 I.C.C. 590, 332 I.C.C. 714;

(3) sugar or sugar beets: Ex Parte No. 262, *Increased Freight Rates, 1969*, 337 I.C.C. 436;

(4) sugar beets; and prepared animal and poultry feed: Ex Parte No. 265, *Increased Freight Rates, 1970 and 1971*, 339 I.C.C. 125 [Ex Parte No. 267, which is reported in the same decision is not in issue as pertains to these commodities];

(5) rates and charges generally: Ex Parte No. 281, *Increased Freight Rates and Charges, 1972*, 341 I.C.C. 288; and

(6) rates and charges on the movement of pulpwood chips generally, the sought level of which was denied by the Montana Public Service Commission in its Docket No. 6102 by Order No. 4082 entered on December 15, 1972; this level would incorporate general increases through the level authorized on interstate commerce in Ex Parte No. 281.

Wherefore, and for good cause:

It is ordered, That pursuant to section 13 of the Interstate Commerce Act, an investigation be, and it is hereby, instituted into the matters and things presented in the petition to determine whether the present intrastate rates and charges as set forth above and more particularly in the petition are in any manner unlawful under section 13(4) of the act and, if warranted, to enter an appropriate order thereunder.

It is further ordered, That all common carriers by railroad operating within the State of Montana be, and they are hereby, made respondents to this proceeding.

It is further ordered, That any person intending to participate in this proceeding shall notify this Commission by filing with the Commission's Office of Proceedings, Room 5342, 12th Street and Constitution Avenue, NW., Washington, D.C., 20423, on or before September 4, 1973, an original and one copy of a statement of his intention to participate; and that a service list shall be prepared and made available to persons responding to this order, containing the names and addresses of all parties to this proceeding, upon whom copies of all pleadings must be served; thereafter, the nature of further proceedings will be designated.

And it is further ordered, That a copy of this order be served upon the respondents; that the State of Montana be notified of this proceeding by sending a copy of this order by certified mail to the Governor of Montana, Helena, Mont., and a copy to the Public Service Commission of Montana, Helena, Mont.; and that notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Commission's Secretary and by filing a copy with the Director, Office of the Federal Register for publication in the Federal Register.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15836 Filed 7-31-73;8:45 am]

[Rev. S. O. 994; I.C.C. ORDER 75; Amdt. 3]

WESTERN MARYLAND RAILWAY CO.

Rerouting or Division of Traffic

Upon further consideration of I.C.C. Order No. 75 (Western Maryland Railway Company) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 75 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 24, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-15842 Filed 7-31-73;8:45 am]

[Notice 333]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 21, 1973. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74578. By order entered July 17, 1973, the Motor Carrier Board approved the transfer to Shoemaker Trucking Company, a corporation, Boise, Idaho, of the operating rights set forth in Certificates Nos. MC-114265, MC-114265 (Sub-No. 4), MC-114265 (Sub-No. 5), MC-114265 (Sub-No. 6), MC-114265 (Sub-No. 8), MC-114265 (Sub-No. 9), MC-114265 (Sub-No. 11), and MC-114265 (Sub-No. 13), issued by the Commission October 27, 1964, August 21, 1967, November 27, 1967, October 30, 1968, November 13, 1970, August 6, 1971, December 7, 1972, and February 27, 1973, to Ralph Shoemaker, doing business as Shoemaker Trucking Company, Boise, Idaho, authorizing the transportation of lumber, fertilizer, wood and steel trusses, laminated wooden beams, construction supplies and materials, and commodities which because of size or weight require the use of special equipment, scrap metal, building materials and supplies, pipe, construction equipment, and glue, from, to, or between points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. Raymond D. Givens, 500 Washington St., P.O. Box 964, Boise, Idaho 83701, attorney for applicants.

No. MC-FC-74611. By order of July 24, 1973, the Motor Carrier Board approved the transfer to Tape-Films, Inc., New York, N.Y., of Permit No. MC-135978 Sub-No. 1, issued October 31, 1972, to Expedited Transportation Corporation, Secaucus, N.Y., authorizing the transportation of film, video tape, and sound tracks between points in New York County, N.Y., on the one hand, and, on the other, Wilmington, Del. Gerald Morreale, Sheib, Shatzkin & Cooper, 235 East 42nd St., New York, N.Y. 10017, Attorney for Applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15840 Filed 7-31-73;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 25, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought,

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pursuant to Section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the Federal Register, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 54168 filed July 17, 1973. Applicant: BUSY BEE FREIGHT LINES, INC. P.O. Box 460 Modesto, Calif. 95353 Applicant's representative: Handler, Baker & Greene 100 Pine Street, Suite 2550 San Francisco, Calif. 94111 Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except as hereinafter provided: Part I: (1) Between all points and places in the San Francisco Territory as described in Part II. (2) Between all points and places on or within 20 lateral miles of the following routes: (a) Interstate Highway 80 between San Francisco and Sacramento, inclusive; (b) State Highway 4 between its junction with Interstate Highway 80 near Pinole, and Stockton, inclusive; (c) Interstate Highway 580 between its intersection with State Highway 17 and its intersection with Interstate Highway 5, inclusive; (d) Interstate Highway 5 between its intersection with Interstate Highway 580 and its intersection with State Highway 120, inclusive; (e) State Highway 120 between its intersection with Interstate Highway 5 and its intersection with State Highway 99, inclusive; (f) Interstate Highway 5 between its junction with Interstate Highway 580 and its intersection with State Highway 198, inclusive; (g) State Highway 198 between its intersection with Interstate Highway 5 and its intersection with State Highway 99 near Visalia, inclusive; (h) State Highway 99 between Sacramento and Tulare, inclusive; (i) Interstate Highway 5 between its intersection with State Highway 4 at Stockton and its intersection State Highway 120. (j) State Highway 152 between its intersection with Interstate Highway 5 and its intersection State Highway 99. (k) State Highway 33 between its intersection with State Highway 152 at Dos Palos and its intersection with Interstate Highway 5. (l) State Highway 180 between its intersection with State Highway 33 and its intersection with State Highway 99. (m) State Highway 140 between its intersection with Interstate Highway 5 and State Highway 99. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service. Part II: SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Spring; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. EXCEPT THAT applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A. (2) Automobiles, trucks and buses, viz.: new and used, finished and unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks trailers combined, buses and bus chassis. (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Cement. (8) Logs. (9) Commodities of unusual or extraordinary value. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif., 94102, and should *not* be directed to the Interstate Commerce Commission.

California Docket No. 54156 filed July 6, 1973. Applicant: KERN VALLEY TRUCKING, a Corporation 3901 Medford Street Los Angeles, Calif. 90063 Applicant's representative: Carl H. Fritze 1545 Wilshire Boulevard Los Angeles, Calif. 90017 Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, EXCEPT used household goods and personal effects, motor vehicles in truckaway service, livestock, commodities requiring refrigeration or temperature control, commodities in bulk, in tank, dump or hopper-type vehicles, commodities requiring mixing in transit and logs, as follows: Section I. (1) BETWEEN the portion of the Los Angeles Basin Territory, as described in Section II below, and Wheeler Ridge, inclusive; via Interstate Highway 5 including points within 10 miles laterally therefrom. (SEE EXCEPTIONS 1 and 2). (2) BETWEEN Wheeler Ridge and Fresno, inclusive; via State Highway 99 including points within 25 miles laterally therefrom. INCLUDING points within a 10 mile radius of the following: (a) The junction of State Highways 99 and 180 within the City of Fresno. (b) The junction of State Highways 198 and 41 near Lemoore. (c) The junction of State Highway 180 and County Road J-19, Fresno County (also known as Valley Road) near Squaw Valley. (3) BETWEEN Fresno and Dunnigan, inclusive, via State Highway 99 and Interstate Highway 5 including points and places within a twenty mile radius of the corporate limits of the City of Sacramento (SEE EXCEPTION 2), and including the off-route points of Escalon, Riverbank and Oakdale. (4) BETWEEN Fresno and Lincoln, inclusive, via State Highway 99, Interstate Highway 80 and State Highway 65 including points and places within a twenty mile radius of the corporate limits of the City of Sacramento (SEE EXCEPTION 2), and including the off-route points of Escalon, Riverbank and Oakdale. (5) Interstate Highways 5 and 205 between Stockton and Tracy, inclusive. (6) State Highway 33 between junction with Interstate Highway 205 near Tracy and Maricopa, including the off-route points of Huron, Kettleman City and Ford City. (7) State Highway 14, including points within ten miles laterally therefrom, between its junction with Interstate Highway 5 near San Fernando, and a point five miles north of Lancaster, inclusive including the off-route points of Quartz Hill, Pearblossom and Rosamond (SEE EXCEPTION 1). (8) BETWEEN points in the San Francisco Territory, as described in Section III below, and Sacramento via Interstate Highway 80 and via State Highways 24, 4 and 160 including points within ten miles laterally therefrom. (9) BETWEEN points in the San Francisco Territory and Modesto via Interstate Highway 580 and State Highway 132 including points within ten miles laterally therefrom. (10) BETWEEN Wheeler Ridge and junction Interstate Highways 5 and 205 via Interstate Highway 5 including points within ten miles laterally therefrom. (11) BETWEEN Tracy and junction Interstate Highways 205 and 580 via Interstate Highways 205 and 205 By-Pass. (12) Through routes and rates may be established between any and all points specified in subparagraphs 1 through 11 above. (13) For operating convenience only, applicant is authorized to traverse State Highway 14 between a point thereon five miles north of Lancaster and Mojave, and State Highway 58 between Mojave and a point thereon twenty-five miles east of State Highway 99, serving no points or places on or laterally from State Highways 14 and 58. EXCEPTIONS: (1) Applicant is not authorized to serve Newhall, Saugus and Castaic or the off-route point of Rosamond except in conjunction with split delivery shipments. (2) Applicant is not authorized to provide local service between points: (a) Within the described portion of the Los Angeles Basin Territory (See Section II). (b) Within a twenty mile radius of the corporate limits of the City of Sacramento. Section II: The portion of Los Angeles Basin Territory for which authority is granted herein includes that area embraced by the following boundaries: Beginning at the intersection of Sunset Boulevard and State Highway 1; thence northeasterly on Sunset Boulevard to Interstate Highway 405; thence northerly along Interstate Highway 405 to Chatsworth Street; northeasterly along Chatsworth Street to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to Maclay Avenue; northeasterly along Maclay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundaries to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to and including the City of Redlands; westerly along Interstate Highway 10 to Interstate Highway 15 (U.S. Highway 395); southerly along Interstate Highway 15 to State Highway 91; southwesterly along State Highway 91 to State Highway 55; southerly along State Highway 55 to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and State Highway 1, thence northerly along an imaginary line to point of beginning. Section III: SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif., 94102, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15847 Filed 7-31-73;8:45 am]

[Notice No. 18]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 25, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2 (c)(9) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2 (c)(9).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2 (c)(9) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of

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property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-2890 (Deviation No. 93), AMERICAN BUSLINES, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed June 27, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Brenda Junction, Ariz., over Interstate Highway 10 to Tonopah, Ariz., thence via unnumbered Maricopa County road to junction U.S. Highway 80 south and east of Buckeye, Ariz., thence over U.S. Highway 80 to Phoenix, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Los Angeles, California, over U.S. Highway 99 to Beaumont, Calif., thence over U.S. Highway 60 to Mesa, Ariz., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15848 Filed 7-31-73;8:45 am]

[Notice No. 27]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 25, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4 (d)(11)).

Protests against the use of any proposed deviation routes herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-29910 (Deviation No. 24), ARKANSAS-BEST FREIGHT, SYSTEM, INC., 301 S. 11th Street, Fort Smith, Arkansas 72901, filed July 11, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Sikeston, Mo., over U.S. Highway 60-62 to junction Interstate Highway 57 at or near Cairo, Ill., thence over Interstate Highway 57 to junction Illinois Highway 146, thence over Illinois Highway 146 to junction U.S. Highway 45 at or near Vienna, Ill., thence over U.S. Highway 45 to junction Illinois Highway 141, approximately two miles north of Texas City, Ill., thence over Illinois Highway 141 to junction Indiana Highway 62 at the Illinois-Indiana State Line, thence over Indiana Highway 62 to Evansville, Ind., thence over Indiana Highway 57 to junction U.S. Highways 50-150 at or near Washington, Ind., thence over U.S. Highway 50-150 to junction U.S. Highways 50-150 at or near Shoals, Ind., thence over U.S. Highway 50 to Cincinnati, Ohio, and (2) from Sikeston, Mo., over those routes described in (1) above to Cincinnati, Ohio, thence over Interstate Highway 75 to Dayton, Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Akron, Ohio, over Ohio Highway 5 to Wooster, Ohio, thence over Ohio Highway 3 to Mount Vernon, Ohio, thence over Ohio Highway 13 to Newark, Ohio, thence over Ohio Highway 16 to Columbus, Ohio, thence over Ohio Highway 440 (formerly portion U.S. Highway 40) to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis, Mo. (also from Brandt, Ohio, over Ohio Highway 201 to Dayton, Ohio, thence over Ohio Highway 49 to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis, Mo.) thence over U.S. Highway 66 via Carthage, Mo., to Afton, Okla. (also from Carthage over U.S. Highway 71 to junction Interstate Highway 44 (formerly U.S. Highway 166), thence over Interstate Highway 44 to Joplin, Mo., thence over Missouri Highway 43 to junction U.S. Highway 60, thence over U.S. Highway 60 to Afton), thence over U.S. Highway 66 to Tulsa, Okla., serving the intermediate points of Barberton, Newark, Columbus, Springfield and Dayton, Ohio; Richmond, Indianapolis and Terre Haute, Indiana; East St. Louis, Illinois, and St. Louis and Springfield, Missouri, *restricted* to preclude the handling of traffic originating at or destined to St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, and which moves to or from Cincinnati, Ohio, and points in the Cincinnati, Ohio Commercial Zone, (2) from St. Louis, Mo., over U.S. Highway 67 to junction U.S. Highway 61, thence over U.S. Highway 61 via Crystal City, Perryville and Jackson, Mo., to junction Missouri Highway 34, thence over Missouri Highway 34 to Cape Girardeau, Mo., thence over Missouri Highway 74 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction unnumbered highway to Sikeston, Mo., thence over unnumbered highway via Sikeston to junction U.S. Highway 61, thence over U.S. Highway 61 to Blytheville, Ark., thence over U.S. Highway 61 to junction Arkansas Highway 77, thence over Arkansas Highway 77 via Turrell, Clarkedale, Jericho, and Marion, Ark., to West Memphis, Ark., thence over U.S. Highway 70 to junction U.S. Highway 61, thence over U.S. Highway 61 to Memphis, Tenn., thence over U.S. Highway 70 to Little Rock, Ark., serving the intermediate points of Cape Girardeau and Sikeston, Mo., Memphis, Tenn., and Blytheville, West Memphis, Forrest City, Brinkley, Carlisle, Hazen, Lonoke and North Little Rock, Ark., and the off-route points of Caruthersville, Ferguson and Robertson, Mo., points within two miles of Robertson, Mo., Stuttgart and Camp Joseph T. Robertson, Ark., Alton, East Alton and Belleville, Ill., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, and (3) from Cincinnati, Ohio, over U.S. Highway 52 via Brookville and Rushville, Ind., to Indianapolis, Ind. (also from Cincinnati over U.S. Highway 52 to Brookville, Ind., thence over Indiana Highway 1 to Connersville, Ind., thence over Indiana Highway 44 to Rushville, Ind., thence over U.S. Highway 52 to Indianapolis) serving all intermediate points and serving points in Marion County, Ind., except Julietta and Indianapolis, Ind., as intermediate and off-route points, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15849 Filed 7-31-73;8:45 am]

[Notice 59]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 25, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 16513 (Sub-No. 5) (NOTICE OF FILING OF PETITION TO MODIFY A VEHICLE RESTRICTION) filed July 13, 1973. Petitioner: REISCH TRUCKING & TRANSPORTATION CO., INC. 819 Union Avenue Pennsauken, N.J. 80110 Petitioner's representative: L. C. Major, Jr. Suite 30, Tavern Square 421 King Street Alexandria, Va. 22314 Petitioner presently hold a motor *common carrier* certificate in No. MC 16513 (Sub-No. 5) issued February 23, 1973, authorizing transportation, by motor vehicle, over irregular routes of *food and foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of Kraftco Corporation at or near Fogelsville, Pa., to points in Delaware, Maryland, New York, New Jersey and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, restricted to traffic originating at the named origin points and destined to the named destination points. By the instant petition, petitioner seeks to modify its vehicle restriction to read either: (a) "in vehicles equipped to protect such products from heat or cold, except in bulk, in tank vehicles."; (b) "in vehicles equipped with insulation"; or (c) deletion of the restriction "in vehicles equipped with mechanical refrigeration. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 113635 (Sub-No. 3) (NOTICE OF FILING OF PETITION TO MODIFY PERMIT) Petitioner: S & S TRUCKING, INC. Alzada Star Route Belle Fourche, S. Dak. 57717 Petitioner's representative: Gene R. Bushnell P.O. Box 190 Rapid City, S. Dak. 57701 Petitioner presently holds a motor contract carrier permit in No. MC 113635 (Sub-No. 3), issued December 22, 1972, authorizing, as pertinent, transportation, by motor vehicle, over irregular routes of: (1) *bentonite*, in bulk, in tank and hopper type vehicles, between points in Wyoming, Montana, South Dakota, North Dakota and Minnesota, restricted to a transportation service to be performed under a continuing contract or contracts with Federal Bentonite Company of Colony, Wyo.; and (2) *soda ash*, from the FMC Plant near West Avco, Wyo., to Colony, Wyo., with no transportation for compensation on return except as otherwise authorized, restricted to a transportation service to be performed under a continuing contract or contracts with Baroid Division, N. L. Industries, Inc. and Federal Bentonite Company, of Colony, Wyo. By the instant petition, petitioner seeks: (a) to add International Minerals & Chemical Corporation and Baroid Division, N. L. Industries, Inc. as additional contracting shippers in (1) above; and (b) to expand its present authority in (2) above to include: "*Soda ash*, from points in Sweetwater County, Wyo., restricted to traffic moving in interstate commerce, and further restricted to a transportation service to be performed under a continuing contract or contracts with International Minerals & Chemical Corporation". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 129663 (Sub-Nos. 2 and 5) (CORRECTION—OF A NOTICE OF FILING OF PETITION TO MODIFY PERMITS BY ADDING AN ADDITIONAL ORIGIN AND SHIPPER) filed April 9, 1973. Petitioner: BORIGHT TRUCKING CO., INC. Boright Avenue Kenilworth, N.J. 07033 Petitioner's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07036 Note: The purpose of this correction is to reflect that petitioner seeks to modify its Sub-No. 2 and 5 permit issued March 24, 1969 and June 1, 1972 respectively, in lieu of the base permit MC 129663 which was previously published in error.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11936. (PINTO TRUCKING SERVICE, INC.—PURCHASE (PORTION)—S. S. BERTZ & SONS, INC.), published in the July 19, 1973, issue of the Federal Register on page 19302. Application filed July 18, 1973, for temporary authority under section 210a(b).

No. MC-F-11938. Authority sought for purchase by SCHANNO TRANSPORTATION, INC., P.O. Box 3496, St. Paul, MN 55165, of a portion of the operating rights of OVERLAND EXPRESS, INC., 651 First St., S.W., New Brighton, MN 55112, and for acquisition by PAUL R. SCHANNO, P.O. Box 3496, St. Paul, MN 55165, of control of such rights through the purchase. Applicants' attorney: Daniel C. Sullivan, 327 South LaSalle, Chicago, IL 60604. Operating rights sought to be transferred: *Meats, meat products, and meat by-products, dairy products*, and *articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides), as a *common carrier* over irregular routes, from La Crosse and Middleton, Wis., and Clinton, Iowa, and the site of the Swift & Co. plant near West Bend, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common and contract carrier* in Connecticut, Delaware, Indiana, Iowa, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Virginia, West Virginia, Vermont, Wisconsin, and District of Columbia. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-11940. Authority sought for control and lease by SYSTEM 99, 8001 Capwell Drive, Oakland, CA 94621, of TRANS WESTERN EXPRESS, INC., 222 Southwest Harrison St., Portland, OR 97201, and for acquisition by M. D. GILARDY, TRUSTEE, E. R. PRESTON, AND L. A. DORE, JR., all of 8001 Capwell Drive, Oakland, CA 94621, of control of TRANS WESTERN EXPRESS, INC., through the acquisition by SYSTEM 99. Applicants' attorney: Bertram S. Silver, 140 Montgomery St., San Francisco, CA 94104. Operating rights to be controlled and leased: Trans Western Express, Inc., operates as a *common carrier* of *general commodities*, with the usual exceptions, primarily over regular routes, extending between Seattle, Wash., on the north, to Enterprise, Calif., on the south, via Tacoma, Wash., and Portland and Eugene, Oreg.; *Class A and B Explosives*, over regular routes, between Portland, Oreg., on the north, and Enterprise, Calif., on the south; *Agricultural commodities, wool, livestock, and ranch supplies*, over irregular routes, in Oregon; *general commodities*, with exceptions, over irregular routes, in Oregon; *Livestock and emigrant movables*, over irregular routes, between designated points in Oregon, on the one hand, and, on the other, points in California, Idaho, Nevada, and Washington; *Fire fighting equipment and supplies*, over irregular routes, between certain points in Oregon, on the one hand, and, on the other, points in Washington, Oregon, Idaho and a designated part of California;

Construction, drainage, mining and logging equipment, which because of their size or weight requires the use of special equipment, in Oregon and California; and *Iron and Steel articles*, in Oregon and Washington. SYSTEM 99 is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under Section 210a(b).

NOTE: MC-98327 (Sub-No. 7), is a directly related matter.

No. MC-F-11941. Authority sought for purchase by RINGLE EXPRESS, INC., 450 East Ninth St., Fowler, IN 47944, of a portion of the operating rights of JOHN F. COYNE, D/B/A COYNE TRUCKING CO., P.O. Box 549, New Castle, PA 16103, and for acquisition by ROBERT L. McGRIFF, Route 1, Box 335, Moline, IL 61265, of control of such

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rights through the purchase. Applicants' attorneys: Robert C. Smith, P.O. Box 2278, Colee Station, Ft. Lauderdale, FL 33303, and Jack H. Blanshan, 29 S. LaSalle St., Chicago, IL 60603. Operating rights sought to be transferred: *Strip steel*, as a *common carrier* over irregular routes, From New Castle, Pa., to Chicago, Ill., and points in Indiana, with no transportation for compensation on return except as otherwise authorized; and from the plant site of Elliott Bros. Steel Co. at New Castle, Pa., to the plant site of Associated Spring Corporation, located on Illinois Highway 16, at or near Mattoon (Coles County), Ill., with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in all states in the United States. Application has not been filed for temporary authority under Section 210a(b).

No. MC–F–11942. Authority sought for control by UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit, MI 48209, of HARPER TRUCK SERVICE, INC., 1234 N. 8th St., Paducah, KY 42001, and for acquisition by JOHN J. DOOLEY, SR., also of Detroit, MI 48209, of control of HARPER TRUCK SERVICE, INC., through the acquisition by UNITED TRUCKING SERVICE, INCORPORATED. Applicants' attorney: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40601. Operating rights sought to be controlled: *General commodities*, with certain specified exceptions, and other specified commodities, as a *common carrier*, primarily over regular routes, extending between St. Louis, Mo., on the west, Louisville, Ky., and Evansville, Ind., on the east, and Memphis, Tenn., on the south via Paducah, Ky.; *general commodities*, with the usual exceptions, over irregular routes, between Paducah, Ky., on the one hand, and, on the other, certain specified points in Kentucky, with restriction; *livestock* and *agricultural commodities*, from Bardwell, Ky., and points within 25 miles of Bardwell, to East St. Louis, Ill., and St. Louis, Mo.; feed, fertilizer machinery, hardware, building materials, and used furniture, from East St. Louis, Ill., and St. Louis, Mo., to the immediately above-specified Kentucky territory; *concrete and cinder bricks and blocks*, from Paducah, Ky., to points in Arkansas, Illinois, Indiana, Missouri, and Tennessee within 150 miles of Paducah; *fertilizer*, from Humboldt, Tenn., to points in Kentucky west of the Tennessee River; *livestock*, from points in Graves, Calloway and Marshall Counties, Ky., to East St. Louis and National Stock Yards, Ill.; *malt beverages*, from St. Joseph, Mo., to Paducah, Ky. UNITED TRUCKING SERVICE, INCORPORATED, is authorized to operate as a *common carrier* in Indiana, Michigan and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11943. Authority sought for purchase by FRED OLSON CO., INC., 6022 W. State St., Milwaukee, WI 53213, of a portion of the operating rights of FRED OLSON MOTOR SERVICE COMPANY, also of Milwaukee, WI 53213, and for acquisition by THE JACOBUS COMPANY, 7700 W. State St., Milwaukee, WI 53213, of control of such rights through the purchase. Applicants' attorney: Eugene L. Cohn, One North LaSalle St., Chicago, IL 60602. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and iron and steel articles which, because of size or weight, require special equipment, as a *common carrier* over irregular routes, between the plantsite of the Bethlehem Steel Corporation, in Burns Harbor, Porter County, Ind., on the one hand, and, on the other, certain specified points in Wisconsin, with restriction; *iron and steel articles*, as described in Appendix V of the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209, from Portage, Ind., to the points in Illinois and Wisconsin hereinabove authorized; *iron and steel articles*, from the plantsite of Jones & Laughlin Steel Corporation, located in Putnam County, Ill., to points in Wisconsin; *materials, equipment and supplies*, used in the manufacture and processing of iron and steel articles, from points in Wisconsin to the plantsite of Jones & Laughlin Steel Corporation located in Putnam County, Ill., with restriction. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11944. Authority sought for purchase by MISTLETOE EXPRESS SERVICE, doing business as MISTLETOE EXPRESS, 111 N. Harrison St., Oklahoma City, OK 73125, of GOLDEN BELT EXPRESS, INC, doing business as GOLDEN BELT EXPRESS, 2014 Forrest Ave., Great Bend, KS, and for acquisition by THE OKLAHOMA PUBLISHING CO., 500 N. Broadway, Oklahoma City, OK 73102, of control of such rights through the purchase. Applicant's attorneys: Max G. Morgan, 601 Leininger Bldg., Oklahoma City, OK 73132, and F. T. Davis, Jr., 3300 First National Bank Tower, Atlanta, GA 30303. Operating rights sought to be transferred; Under certificates of registration in Docket No. MC–120549 (Sub-Nos. 1 and 2), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Kansas. Vendee is authorized to operate as a *common carrier* in Oklahoma, Texas, Arkansas, Kansas and Missouri. Application has been filed for temporary authority under section 210a(b). NOTE: MC–42405 (Sub-No. 32), is a matter directly related.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–15850 Filed 7–31–73;8:45 am]

FEDERAL REGISTER PAGES AND DATES—AUGUST

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Volume 38 ■ Number 147

PART II

COUNCIL ON ENVIRONMENTAL QUALITY

■

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Guidelines

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Title 40—Protection of the Environment

CHAPTER V—COUNCIL ON ENVIRONMENTAL QUALITY

PART 1500—PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS: GUIDELINES

On May 2, 1973, the Council on Environmental Quality published in the FEDERAL REGISTER, for public comment, a proposed revision of its guidelines for the preparation of environmental impact statements. Pursuant to the National Environmental Policy Act (P.L. 91-190, 42 U.S.C. 4321 et seq.) and Executive Order 11514 (35 FR 4247) all Federal departments, agencies, and establishments are required to prepare such statements in connection with their proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The authority for the Council's guidelines is set forth below in § 1500.1. The specific policies to be implemented by the guidelines is set forth below in § 1500.2.

The Council received numerous comments on its proposed guidelines from environmental groups, Federal, State, and local agencies, industry, and private individuals. Two general themes were presented in the majority of the comments. First, the Council should increase the opportunity for public involvement in the impact statement process. Second, the Council should provide more detailed guidance on the responsibilities of Federal agencies in light of recent court decisions interpreting the Act. The proposed guidelines have been revised in light of the specific comments relating to these general themes, as well as other comments received, and are now being issued in final form.

The guidelines will appear in the Code of Federal Regulations in Title 40, Chapter V, at Part 1500. They are being codified, in part, because they affect State and local governmental agencies, environmental groups, industry, and private individuals, in addition to Federal agencies, to which they are specifically directed, and the resultant need to make them widely and readily available.

Sec.

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Appendix III Offices within Federal agencies and Federal-State agencies for information regarding the agencies' NEPA activities and for receiving other agencies' impact statements for which comments are requested.
Appendix IV State and local agency review of impact statements.

AUTHORITY: National Environmental Act (P.L. 91-190, 42 U.S.C. 4321 et seq.) and Executive Order 11514.

§ 1500.1 Purpose and authority.

(a) This directive provides guidelines to Federal departments, agencies, and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment as required by section 102(2)(C) of the National Environmental Policy Act (P.L. 91-190, 42 U.S.C. 4321 et. seq.) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 FR 4247) of March 5, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs to protect and enhance environmental quality. Agencies are required to view their actions in a manner calculated to encourage productive and enjoyable harmony between man and his environment, to promote efforts preventing or eliminating damage to the environment and biosphere and stimulating the health and welfare of man, and to enrich the understanding of the ecological systems and natural resources important to the Nation. The objective of section 102(2)(C) of the Act and of these guidelines is to assist agencies in implementing these policies. This requires agencies to build into their decisionmaking process, beginning at the earliest possible point, an appropriate and careful consideration of the environmental aspects of proposed action in order that adverse environmental effects may be avoided or minimized and environmental quality previously lost may be restored. This directive also provides guidance to Federal, State, and local agencies and the public in commenting on statements prepared under these guidelines.

(b) Pursuant to section 204(3) of the Act the Council on Environmental Quality (hereafter "the Council") is assigned the duty and function of reviewing and appraising the programs and activities of the Federal Government, in the light of the Act's policy, for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto. Section 102(2)(B) of the Act directs all Federal agencies to identify and develop methods and procedures, in consultation with the Council, to insure that unquantified environmental values be given appropriate consideration in decisionmaking along with economic and technical considerations; section 102(2)(C) of the Act directs that copies of all environmental impact statements be filed with the Council; and section 102(2)(H) directs all Federal agencies to assist the Council in the performance of its functions. These provisions have been supplemented in sections 3(h) and (i) of Executive Order 11514 by directions that the Council issue guidelines to Federal agencies for preparation of environmental impact statements and such other instructions to agencies and requests for reports and information as may be required to carry out the Council's responsibilities under the Act.

§ 1500.2 Policy.

(a) As early as possible and in all cases prior to agency decision concerning recommendations or favorable reports on proposals for (1) legislation significantly affecting the quality of the human environment (see §§ 1500.5(i) and 1500.12) (hereafter "legislative actions") and (2) all other major Federal actions significantly affecting the quality of the human environment (hereafter "administrative actions"), Federal agencies will, in consultation with other appropriate Federal, State and local agencies and the public assess in detail the potential environmental impact.

(b) Initial assessments of the environmental impacts of proposed action should be undertaken concurrently with initial technical and economic studies and, where required, a draft environmental impact statement prepared and circulated for comment in time to accompany the proposal through the existing agency review processes for such action. In this process, Federal agencies shall: (1) Provide for circulation of draft environmental statements to other Federal, State, and local agencies and for their availability to the public in accordance with the provisions of these guidelines; (2) consider the comments of the agencies and the public; and (3) issue final environmental impact statements responsive to the comments received. The purpose of this assessment and consultation process is to provide agencies and other decisionmakers as well as members of the public with an understanding of the potential environmental effects of proposed actions, to avoid or minimize adverse effects wherever possible, and to restore or enhance environmental quality to the fullest extent practicable. In particular, agencies should use the environmental impact statement process to explore alternative actions that will avoid or minimize adverse impacts and to evaluate both the long- and short-range implications of proposed actions to man, his physical and social surroundings, and to nature. Agencies should consider the results of their environmental assessments along with their assessments of the net economic, technical and other benefits of proposed actions and use all practicable means, consistent with other essential considerations of national policy, to restore environmental quality as well as to avoid or minimize undesirable consequences for the environment.

§ 1500.3 Agency and OMB procedures.

(a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Previous guidelines of the Council directed each agency to establish its own formal procedures for (1) identifying those agency actions requiring environmental statements, the appropriate time prior to decision for the consultations required by section 102(2)(C) and the agency review process for which environmental statements are to be available, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State and local agencies and the public, including obtaining the comment of the Administrator of the Environmental Protection Agency when required under section 309 of the Clean Air Act, as amended, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact. Each agency, including both departmental and subdepartmental components having such procedures, shall review its procedures and shall revise them, in consultation with the Council, as may be necessary in order to respond to requirements imposed by these revised guidelines as well as by such previous directives. After such consultation, proposed revisions of such agency procedures shall be published in the FEDERAL REGISTER no later than October 30, 1973. A minimum 45-day period for public comment shall be provided, followed by publication of final procedures no later than forty-five (45) days after the conclusion of the comment period. Each agency shall submit seven (7) copies of all such procedures to the Council. Any future revision of such agency procedures shall similarly be proposed and adopted only after prior consultation with the Council and, in the case of substantial revision, opportunity for public comment. All revisions shall be published in the FEDERAL REGISTER.

(b) Each Federal agency should consult, with the assistance of the Council and the Office of Management and Budget if desired, with other appropriate Federal agencies in the development and revision of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities. Where applicable, State and local review of such agency procedures should be conducted pursuant to procedures established by Office of Management and Budget Circular No. A-85.

(c) Existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions should be utilized to the maximum extent practicable in dealing with environmental matters. The Office of Management and Budget will issue instructions, as necessary, to take full advantage of such existing mechanisms.

§ 1500.4 Federal agencies included; effect of the Act on existing agency mandates.

(a) Section 102(2)(C) of the Act applies to all agencies of the Federal Government. Section 102 of the Act provides that "to the fullest extent possible: (1) The policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act," and section 105 of the Act provides that "the policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies." This means that each agency shall interpret the provisions of the Act as a supplement to its existing authority and as a mandate to view traditional policies and missions in the light of the Act's national environmental objectives. In accordance with this purpose, agencies should continue to review their policies, procedures, and regulations and to revise them as necessary to ensure full compliance with the purposes and provisions of the Act. The phrase "to the fullest extent possible" in section 102 is meant to make clear that each agency of the Federal Government shall comply with that section unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible.

§ 1500.5 Types of actions covered by the Act.

(a) "Actions" include but are not limited to:

(1) Recommendations or favorable reports relating to legislation including requests for appropriations. The requirement for following the section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation (see § 1500.12); and (ii) agency reports on legislation initiated elsewhere. In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.

(2) New and continuing projects and program activities: directly undertaken by Federal agencies; or supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance (except where such assistance is solely in the form of general revenue sharing funds, distributed under the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et. seq. with no Federal agency control over the subsequent use of such funds); or involving a Federal lease, permit, license certificate or other entitlement for use.

(3) The making, modification, or establishment of regulations, rules, procedures, and policy.

§ 1500.6 Identifying major actions significantly affecting the environment.

(a) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed, related Federal actions and projects in the area, and further actions contemplated. Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed major actions, the environmental impact of which is likely to be highly controversial, should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. In all such cases, an environmental statement should be prepared if it is reasonable to anticipate a cumulatively significant impact on the environment from Federal action. The Council, on the basis of a written assessment of the impacts involved, is available to assist agencies in determining whether specific actions require impact statements.

(b) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, and serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial. Significant effects also include secondary effects, as described more fully, for example, in § 1500.8(a)(iii)(B). The significance of a proposed action may also vary with the setting, with the result that an action that would have little impact in an urban area may be significant in a rural setting or vice versa. While a precise definition of environmental "significance," valid in all contexts, is not possible, effects to be considered in assessing significance include, but are not limited to, those outlined in Appendix II of these guidelines.

(c) Each of the provisions of the Act, except section 102(2)(C), applies to all Federal agency actions. Section 102(2)(C) requires the preparation of a detailed environmental impact statement in the case of "major Federal actions significantly affecting the quality of the human environment." The identification of major actions significantly affecting the environment is the responsibility of each Federal agency, to be carried out against the background of its own particular operations. The action must be a (1)

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"major" action, (2) which is a "Federal action," (3) which has a "significant" effect, and (4) which involves the "quality of the human environment." The words "major" and "significantly" are intended to imply thresholds of importance and impact that must be met before a statement is required. The action causing the impact must also be one where there is sufficient Federal control and responsibility to constitute "Federal action" in contrast to cases where such Federal control and responsibility are not present as, for example, when Federal funds are distributed in the form of general revenue sharing to be used by State and local governments (see § 1500.5(ii)). Finally, the action must be one that significantly affects the quality of the human environment either by directly affecting human beings or by indirectly affecting human beings through adverse effects on the environment. Each agency should review the typical classes of actions that it undertakes and, in consultation with the Council, should develop specific criteria and methods for identifying those actions likely to require environmental statements and those actions likely not to require environmental statements. Normally this will involve:

(i) Making an initial assessment of the environmental impacts typically associated with principal types of agency action.

(ii) Identifying on the basis of this assessment, types of actions which normally do, and types of actions which normally do not, require statements.

(iii) With respect to remaining actions that may require statements depending on the circumstances, and those actions determined under the preceding paragraph (C)(4)(ii) of this section as likely to require statements, identifying: (*a*) what basic information needs to be gathered; (*b*) how and when such information is to be assembled and analyzed; and (*c*) on what bases environmental assessments and decisions to prepare impact statements will be made. Agencies may either include this substantive guidance in the procedures issued pursuant to § 1500.3(a) of these guidelines, or issue such guidance as supplemental instructions to aid relevant agency personnel in implementing the impact statement process. Pursuant to § 1500.14 of these guidelines, agencies shall report to the Council by June 30, 1974, on the progress made in developing such substantive guidance.

(d) (1) Agencies should give careful attention to identifying and defining the purpose and scope of the action which would most appropriately serve as the subject of the statement. In many cases, broad program statements will be required in order to assess the environmental effects of a number of individual actions on a given geographical area (e.g., coal leases), or environmental impacts that are generic or common to a series of agency actions (e.g., maintenance or waste handling practices), or the overall impact of a large-scale program or chain of contemplated projects (e.g., major lengths of highway as opposed to small segments). Subsequent statements on major individual actions will be necessary where such actions have significant environmental impacts not adequately evaluated in the program statement.

(2) Agencies engaging in major technology research and development programs should develop procedures for periodic evaluation to determine when a program statement is required for such programs. Factors to be considered in making this determination include the magnitude of Federal investment in the program, the likelihood of widespread application of the technology, the degree of environmental impact which would occur if the technology were widely applied, and the extent to which continued investment in the new technology is likely to restrict future alternatives. Statements must be written late enough in the development process to contain meaningful information, but early enough so that this information can practically serve as an input in the decision-making process. Where it is anticipated that a statement may ultimately be required but that its preparation is still premature, the agency should prepare an evaluation briefly setting forth the reasons for its determination that a statement is not yet necessary. This evaluation should be periodically updated, particularly when significant new information becomes available concerning the potential environmental impact of the program. In any case, a statement must be prepared before research activities have reached a stage of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives. Statements on technology research and development programs should include an analysis not only of alternative forms of the same technology that might reduce any adverse environmental impacts but also of alternative technologies that would serve the same function as the technology under consideration. Efforts should be made to involve other Federal agencies and interested groups with relevant expertise in the preparation of such statements because the impacts and alternatives to be considered are likely to be less well defined than in other types of statements.

(e) In accordance with the policy of the Act and Executive Order 11514 agencies have a responsibility to develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. In furtherance of this policy, agency procedures should include an appropriate early notice system for informing the public of the decision to prepare a draft environmental statement on proposed administrative actions (and for soliciting comments that may be helpful in preparing the statement) as soon as is practicable after the decision to prepare the statement is made. In this connection, agencies should: (1) maintain a list of administrative actions for which environmental statements are being prepared; (2) revise the list at regular intervals specified in the agency's procedures developed pursuant to § 1500.3(a) of these guidelines (but not less than quarterly) and transmit each such revision to the Council; and (3) make the list available for public inspection on request. The Council will periodically publish such lists in the FEDERAL REGISTER. If an agency decides that an environmental statement is not necessary for a proposed action (i) which the agency has identified pursuant to § 1500.6(c)(4)(ii) as normally requiring preparation of a statement, (ii) which is similar to actions for which the agency has prepared a significant number of statements, (iii) which the agency has previously announced would be the subject of a statement, or (iv) for which the agency has made a negative determination in response to a request from the Council pursuant to § 1500.11(f), the agency shall prepare a publicly available record briefly setting forth the agency's decision and the reasons for that determination. Lists of such negative determinations, and any evaluations made pursuant to § 1500.6 which conclude that preparation of a statement is not yet timely, shall be prepared and made available in the same manner as provided in this subsection for lists of statements under preparation.

§ 1500.7 Preparing draft environmental statements; public hearings.

(a) Each environmental impact statement shall be prepared and circulated in draft form for comment in accordance with the provisions of these guidelines. The draft statement must fulfill and satisfy to the fullest extent possible at the time the draft is prepared the requirements established for final statements by section 102(2)(C). (Where an agency has an established practice of declining to favor an alternative until public comments on a proposed action have been received, the draft environmental statement may indicate that two or more alternatives are under consideration.) Comments received shall be carefully evaluated and considered in the decision process. A final statement with substantive comments attached shall then be issued and circulated in accordance with applicable provisions of §§ 1500.10, 1500.11, or 1500.12. It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council as early as possible in the agency review process in order to permit agency decisionmakers and outside reviewers to give meaningful consideration to the environmental issues involved. In particular, agencies should keep in mind that such statements are to serve as the means of assessing the environmental impact of proposed agency actions, rather than as a justification for decisions already made. This means that draft statements on administrative actions should be prepared and circulated for comment prior to the first significant point of decision in the agency review process. For major categories of agency action, this point should be identified in the procedures issued pursuant to § 1500.3(a). For major categories of projects involving an applicant and identified pursuant to § 1500.6(c)(c)(ii) as normally requiring the preparation of a statement, agencies should include in their procedures provisions limiting actions which an applicant is permitted to take prior to completion and review of the final statement with respect to his application.

(b) Where more than one agency (1) directly sponsors an action, or is directly involved in an action through funding, licenses, or permits, or (2) is involved in a group of actions directly related to each other because of their functional interdependence and geographical proximity, consideration should be given to preparing one statement for all the Federal actions involved (see § 1500.6(d)(1)). Agencies in such cases should consider the possibility of joint preparation of a statement by all agencies concerned, or designation of a single "lead agency" to assume supervisory responsibility for preparation of the statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. In either case, the statement should contain an environmental assessment of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects. As necessary, the Council will assist in resolving questions of responsibility for statement preparation in the case of multi-agency actions. Federal Regional Councils, agencies and the public are encouraged to bring to the attention of the Council and other relevant agencies appropriate situations where a geographic or regionally focused statement would be desirable because of the cumulative environmental effects likely to result from multi-agency actions in the area.

(c) Where an agency relies on an applicant to submit initial environmental information, the agency should assist the applicant by outlining the types of information required. In all cases, the agency should make its own evaluation of the environmental issues and take responsibility for the scope and content of draft and final environmental statements.

(d) Agency procedures developed pursuant to § 1500.3(a) of these guidelines should indicate as explicitly as possible those types of agency decisions or actions which utilize hearings as part of the normal agency review process, either as a result of statutory requirement or agency practice. To the fullest extent possible, all such hearings shall include consideration of the environmental aspects of the proposed action. Agency procedures shall also specifically include provision for public hearings on major actions with environmental impact, whenever appropriate, and for providing the public with relevant information, including information on alternative courses of action. In deciding whether a public hearing is appropriate, an agency should consider: (1) The magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of commitment of the resources involved; (2) the degree of interest in the proposal, as evidenced by requests from the public and from Federal, State and local authorities that a hearing be held; (3) the complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under the Act; and (4) the extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and/or written comments on the proposed action. Agencies should make any draft environmental statements to be issued available to the public at least fifteen (15) days prior to the time of such hearings.

§ 1500.8 Content of environmental statements.

(a) The following points are to be covered:

(1) A description of the proposed action, a statement of its purposes, and a description of the environment affected, including information, summary technical data, and maps and diagrams where relevant, adequate to permit an assessment of potential environmental impact by commenting agencies and the public. Highly technical and specialized analyses and data should be avoided in the body of the draft impact statement. Such materials should be attached as appendices or footnoted with adequate bibliographic references. The statement should also succinctly describe the environment of the area affected as it exists prior to a proposed action, including other Federal activities in the area affected by the proposed action which are related to the proposed action. The interrelationships and cumulative environmental impacts of the proposed action and other related Federal projects shall be presented in the statement. The amount of detail provided in such descriptions should be commensurate with the extent and expected impact of the action, and with the amount of information required at the particular level of decisionmaking (planning, feasibility, design, etc.). In order to ensure accurate descriptions and environmental assessments, site visits should be made where feasible. Agencies should also take care to identify, as appropriate, population and growth characteristics of the affected area and any population and growth assumptions used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives (see paragraph (a)(1)(3)(ii), of this section). In discussing these population aspects, agencies should give consideration to using the rates of growth in the region of the project contained in the projection compiled for the Water Resources Council by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture (the "OBERS" projection). In any event it is essential that the sources of data used to identify, quantify or evaluate any and all environmental consequences be expressly noted.

(2) The relationship of the proposed action to land use plans, policies, and controls for the affected area. This requires a discussion of how the proposed action may conform or conflict with the objectives and specific terms of approved or proposed Federal, State, and local land use plans, policies, and controls, if any, for the area affected including those developed in response to the Clean Air Act or the Federal Water Pollution Control Act Amendments of 1972. Where a conflict or inconsistency exists, the statement should describe the extent to which the agency has reconciled its proposed action with the plan, policy or control, and the reasons why the agency has decided to proceed notwithstanding the absence of full reconciliation.

(3) The probable impact of the proposed action on the environment.

(i) This requires agencies to assess the positive and negative effects of the proposed action as it affects both the national and international environment. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Among factors to consider should be the potential effect of the action on such aspects of the environment as those listed in Appendix II of these guidelines. Primary attention should be given in the statement to discussing those factors most evidently impacted by the proposed action.

(ii) Secondary or indirect, as well as primary or direct, consequences for the environment should be included in the analysis. Many major Federal actions, in particular those that involve the construction or licensing of infrastructure investments (e.g., highways, airports, sewer systems, water resource projects, etc.), stimulate or induce secondary effects in the form of associated investments and changed patterns of social and economic activities. Such secondary effects, through their impacts on existing community facilities and activities, through inducing new facilities and activities, or through changes in natural conditions, may often be even more substantial than the primary effects of the original action itself. For example, the effects of the proposed action on population and growth may be among the more significant secondary effects. Such population and growth impacts should be estimated if expected to be significant (using data identified as indicated in § 1500.8(a)(1)) and an assessment made of the effect of any possible change in population patterns or growth upon the resource base, including land use, water, and public services, of the area in question.

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(4) Alternatives to the proposed action, including, where relevant, those not within the existing authority of the responsible agency. (Section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, is essential. Sufficient analysis of such alternatives and their environmental benefits, costs and risks should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might enhance environmental quality or have less detrimental effects. Examples of such alternatives include: the alternative of taking no action or of postponing action pending further study; alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts (e.g., nonstructural alternatives to flood control programs, or mass transit alternatives to highway construction); alternatives related to different designs or details of the proposed action which would present different environmental impacts (e.g., cooling ponds vs. cooling towers for a power plant or alternatives that will significantly conserve energy); alternative measures to provide for compensation of fish and wildlife losses, including the acquisition of land, waters, and interests therein. In each case, the analysis should be sufficiently detailed to reveal the agency's comparative evaluation of the environmental benefits, costs and risks of the proposed action and each reasonable alternative. Where an existing impact statement already contains such an analysis, its treatment of alternatives may be incorporated provided that such treatment is current and relevant to the precise purpose of the proposed action.

(5) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101 (b) of the Act). This should be a brief section summarizing in one place those effects discussed in paragraph (a)(3) of this section that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a clear statement of how other avoidable adverse effects discussed in paragraph (a)(2) of this section will be mitigated.

(6) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This section should contain a brief discussion of the extent to which the proposed action involves tradeoffs between short-term environmental gains at the expense of long-term losses, or vice versa, and a discussion of the extent to which the proposed action forecloses future options. In this context short-term and long-term do not refer to any fixed time periods, but should be viewed in terms of the environmentally significant consequences of the proposed action.

(7) Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented. This requires the agency to identify from its survey of unavoidable impacts in paragraph (a)(5) of this section the extent to which the action irreversibly curtails the range of potential uses of the environment. Agencies should avoid construing the term "resources" to mean only the labor and materials devoted to an action. "Resources" also means the natural and cultural resources committed to loss or destruction by the action.

(8) An indication of what other interests and considerations of Federal policy are thought to offset the adverse environmental effects of the proposed action identified pursuant to paragraphs (a)(3) and (5) of this section. The statement should also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action (as identified in paragraph (a)(4) of this section) that would avoid some or all of the adverse environmental effects. In this connection, agencies that prepare cost-benefit analyses of proposed actions should attach such analyses, or summaries thereof, to the environmental impact statement, and should clearly indicate the extent to which environmental costs have not been reflected in such analyses.

(b) In developing the above points agencies should make every effort to convey the required information succinctly in a form easily understood, both by members of the public and by public decisionmakers, giving attention to the substance of the information conveyed rather than to the particular form, or length, or detail of the statement. Each of the above points, for example, need not always occupy a distinct section of the statement if it is otherwise adequately covered in discussing the impact of the proposed action and its alternatives—which items should normally be the focus of the statement. Draft statements should indicate at appropriate points in the text any underlying studies, reports, and other information obtained and considered by the agency in preparing the statement including any cost-benefit analyses prepared by the agency, and reports of consulting agencies under the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq., and the National Historic Preservation Act of 1966, 16 U.S.C. 470 et seq., where such consultation has taken place. In the case of documents not likely to be easily accessible (such as internal studies or reports), the agency should indicate how such information may be obtained. If such information is attached to the statement, care should be taken to ensure that the statement remains an essentially self-contained instrument, capable of being understood by the reader without the need for undue cross reference.

(c) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment." Agencies should attempt to have relevant disciplines represented on their own staffs; where this is not feasible they should make appropriate use of relevant Federal, State, and local agencies or the professional services of universities and outside consultants. The interdisciplinary approach should not be limited to the preparation of the environmental impact statement, but should also be used in the early planning stages of the proposed action. Early application of such an approach should help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences.

(d) Appendix I prescribes the form of the summary sheet which should accompany each draft and final environmental statement.

§ 1500.9 Review of draft environmental statements by Federal, Federal-State, State, and local agencies and by the public.

(a) *Federal agency review.* (1) *In general.* A Federal agency considering an action requiring an environmental statement should consult with, and (on the basis of a draft environmental statement for which the agency takes responsibility) obtain the comment on the environmental impact of the action of Federal and Federal-State agencies with jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal and Federal-State agencies and their relevant areas of expertise include those identified in Appendices II and III to these guidelines. It is recommended that the listed departments and agencies establish contact points, which may be regional offices, for providing comments on the environmental statements. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies should, for example, be alert to consultation requirements of the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq., and the National Historic Preservation Act of 1966, 16 U.S.C. 470 et seq. To the extent possible, statements or findings concerning environmental impact required by other statutes, such as section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. 1653(f), or section 106 of the National Historic Preservation Act of 1966, should be combined with compliance with the environmental impact statement requirements of section 102(2)(C) of the Act to yield a single document which meets all applicable requirements. The Advisory Council on Historic Preservation, the Department of Transportation, and the Department of the Interior, in consultation with the Council, will issue any necessary supplementing instructions for furnishing information or findings not forthcoming under the environmental impact statement process.

(b) *EPA review.* Section 309 of the Clean Air Act, as amended (42 U.S.C. § 1857h–7), provides that the Administrator of the Environmental Protection Agency shall comment in writing on the environmental impact of any matter relating to his duties and responsibilities, and shall refer to the Council any matter that the Administrator determines is unsatisfactory from the standpoint of public health or welfare or environmental quality. Accordingly, wherever an agency action related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, generally applicable environmental radiation criteria and standards, or other provision of the authority of the Administrator is involved, Federal agencies are required to submit such proposed actions and their environmental impact statements, if such have been prepared, to the Administrator for review and comment in writing. In all cases where EPA determines that proposed agency action is environmentally unsatisfactory, or where EPA determines that an environmental statement is so inadequate that such a determination cannot be made, EPA shall publish its determination and notify the Council as soon as practicable. The Administrator's comments shall constitute his comments for the purposes of both section 309 of the Clean Air Act and section 102(2)(C) of the National Environmental Policy Act.

(c) State and local review. Office of Management and Budget Circular No. A–95 (Revised) through its system of State and areawide clearinghouses provides a means for securnig the views of State and local environmental agencies, which can assist in the preparation and review of environmental impact statements. Current instructions for obtaining the views of such agencies are contained in the joint OMB–CEQ memorandum attached to these guidelines as Appendix IV. A current listing of clearinghouses is issued periodically by the Office of Management and Budget.

(d) *Public review.* The procedures established by these guidelines are designed to encourage public participation in the impact statement process at the earliest possible time. Agency procedures should make provision for facilitating the comment of public and private organizations and individuals by announcing the availability of draft environmental statements and by making copies available to organizations and individuals that request an opportunity to comment. Agencies should devise methods for publicizing the existence of draft statements, for example, by publication of notices in local newspapers or by maintaining a list of groups, including relevant conservation commissions, known to be interested in the agency's activities and directly notifying such groups of the existence of a draft statement, or sending them a copy, as soon as it has been prepared. A copy of the draft statement should in all cases be sent to any applicant whose project is the subject of the statement. Materials to be made available to the public shall be provided without charge to the extent practicable, or at a fee which is not more than the actual cost of reproducing copies required to be sent to other Federal agencies, including the Council.

(e) *Responsibilities of commenting entities.* (1) Agencies and members of the public submitting comments on proposed actions on the basis of draft environmental statements should endeavor to make their comments as specific, substantive, and factual as possible without undue attention to matters of form in the impact statement. Although the comments need not conform to any particular format, it would assist agencies reviewing comments if the comments were organized in a manner consistent with the structure of the draft statement. Emphasis should be placed on the assessment of the environmental impacts of the proposed action, and the acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives to the action. Commenting entities may recommend modifications to the proposed action and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts.

(2) Commenting agencies should indicate whether any of their projects not identified in the draft statement are sufficiently advanced in planning and related environmentally to the proposed action so that a discussion of the environmental interrelationships should be included in the final statement (see § 1500.8(a)(1)). The Council is available to assist agencies in making such determinations.

(3) Agencies and members of the public should indicate in their comments the nature of any monitoring of the environmental effects of the proposed project that appears particularly appropriate. Such monitoring may be necessary during the construction, startup, or operation phases of the project. Agencies with special expertise with respect to the environmental impacts involved are encouraged to assist the sponsoring agency in the establishment and operation of appropriate environmental monitoring.

(f) Agencies seeking comment shall establish time limits of not less than forty-five (45) days for reply, after which it may be presumed, unless the agency or party consulted requests a specified extension of time, that the agency or party consulted has no comment to make. Agencies seeking comment should endeavor to comply with requests for extensions of time of up to fifteen (15) days. In determining an appropriate period for comment, agencies should consider the magnitude and complexity of the statement and the extent of citizen interest in the proposed action.

§ 1500.10 Preparation and circulation of final environmental statements.

(a) Agencies should make every effort to discover and discuss all major points of view on the environmental effects of the proposed action and its alternatives in the draft statement itself. However, where opposing professional views and responsible opinion have been overlooked in the draft statement and are brought to the agency's attention through the commenting process, the agency should review the environmental effects of the action in light of those views and should make a meaningful reference in the final statement to the existence of any responsible opposing view not adequately discussed in the draft statement, indicating the agency's response to the issues raised. All substantive comments received on the draft (or summaries thereof where response has been exceptionally voluminous) should be attached to the final statement, whether or not each such comment is thought to merit individual discussion by the agency in the text of the statement.

(b) Copies of final statements, with comments attached, shall be sent to all Federal, State, and local agencies and private organizations that made substantive comments on the draft statement and to individuals who requested a copy of the final statement, as well as any applicant whose project is the subject of the statement. Copies of final statements shall in all cases be sent to the Environmental Protection Agency to assist it in carrying out its responsibilities under section 309 of the Clean Air Act. Where the number of comments on a draft statement is such that distribution of the final statement to all commenting entities appears impracticable, the agency shall consult with the Council concerning alternative arrangements for distribution of the statement.

§ 1500.11 Transmittal of statements to the Council; minimum periods for review; requests by the Council.

(a) As soon as they have been prepared, ten (10) copies of draft environmental statements, five (5) copies of all comments made thereon (to be forwarded to the Council by the entity making comment at the time comment is forwarded to the responsible agency), and ten (10) copies of the final text of environmental statements (together with the substance of all comments received by the responsible agency from Federal, State, and local agencies and from private organizations and individuals) shall be supplied to the Council. This will serve to meet the statutory requirement to make environmental statements available to the President. At the same time that copies of draft and final statements are sent to the Council, copies should also be sent to relevant commenting en-

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tities as set forth in §§ 1500.9 and 1500.10(b) of these guidelines.

(b) To the maximum extent practicable no administrative action subject to section 102(2)(C) is to be taken sooner than ninety (90) days after a draft environmental statement has been circulated for comment, furnished to the Council and, except where advance public disclosure will result in significantly increased costs of procurement to the Government, made available to the public pursuant to these guidelines; neither should such administrative action be taken sooner than thirty (30) days after the final text of an environmental statement (together with comments) has been made available to the Council, commenting agencies, and the public. In all cases, agencies should allot a sufficient review period for the final statement so as to comply with the statutory requirement that the "statement and the comments and views of appropriate Federal, State, and local agencies • • • accompany the proposal through the existing agency review processes." If the final text of an environmental statement is filed within ninety (90) days after a draft statement has been circulated for comment, furnished to the Council and made public pursuant to this section of these guidelines, the minimum thirty (30) day period and the ninety (90) day period may run concurrently to the extent that they overlap. An agency may at any time supplement or amend a draft or final environmental statement, particularly when substantial changes are made in the proposed action, or significant new information becomes available concerning its environmental aspects. In such cases the agency should consult with the Council with respect to the possible need for or desirability of recirculation of the statement for the appropriate period.

(c) The Council will publish weekly in the FEDERAL REGISTER lists of environmental statements received during the preceding week that are available for public comment. The date of publication of such lists shall be the date from which the minimum periods for review and advance availability of statements shall be calculated.

(d) The Council's publication of notice of the availability of statements is in addition to the agency's responsibility, as described in § 1500.9(d) of these guidelines, to insure the fullest practicable provision of timely public information concerning the existence and availability of environmental statements. The agency responsible for the environmental statement is also responsible for making the statement, the comments received, and any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C., 552), without regard to the exclusion of intra- or interagency memoranda when such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action pursuant to § 1500.9 of these guidelines. Agency procedures prepared pursuant to § 1500.3(a) of these guidelines shall implement these public information requirements and shall include arrangements for availability of environmental statements and comments at the head and appropriate regional offices of the responsible agency and at appropriate State and areawide clearinghouses unless the Governor of the State involved designates to the Council some other point for receipt of this information. Notice of such designation of an alternate point for receipt of this information will be included in the Office of Management and Budget listing of clearinghouses referred to in § 1500.9(c).

(e) Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, the Federal agency proposing to take the action should consult with the Council about alternative arrangements. Similarly where there are overriding considerations of expense to the Government or impaired program effectiveness, the responsible agency should consult with the Council concerning appropriate modifications of the minimum periods.

(f) In order to assist the Council in fulfilling its responsibilities under the Act and under Executive Order 11514, all agencies shall (as required by section 102(2)(H) of the Act and section 3(i) of Executive Order 11514) be responsive to requests by the Council for reports and other information dealing with issues arising in connection with the implementation of the Act. In particular, agencies shall be responsive to a request by the Council for the preparation and circulation of an environmental statement, unless the agency determines that such a statement is not required, in which case the agency shall prepare an environmental assessment and a publicly available record briefly setting forth the reasons for its determination. In no case, however, shall the Council's silence or failure to comment or request preparation, modification, or recirculation of an environmental statement or to take other action with respect to an environmental statement be construed as bearing in any way on the question of the legal requirement for or the adequacy of such statement under the Act.

§ 1500.12 Legislative actions.

(a) The Council and the Office of Management and Budget will cooperate in giving guidance as needed to assist agencies in identifying legislative items believed to have environmental significance. Agencies should prepare impact statements prior to submission of their legislative proposals to the Office of Management and Budget. In this regard, agencies should identify types of repetitive legislation requiring environmental impact statements (such as certain types of bills affecting transportation policy or annual construction authorizations).

(b) With respect to recommendations or reports on proposals for legislation to which section 102(2)(C) applies, the final text of the environmental statement and comments thereon should be available to the Congress and to the public for consideration in connection with the proposed legislation or report. In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

§ 1500.13 Application of section 102(2)(C) procedure to existing projects and programs.

Agencies have an obligation to reassess ongoing projects and programs in order to avoid or minimize adverse environmental effects. The section 102(2)(C) procedure shall be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. While the status of the work and degree of completion may be considered in determining whether to proceed with the project, it is essential that the environmental impacts of proceeding are reassessed pursuant to the Act's policies and procedures and, if the project or program is continued, that further incremental major actions be shaped so as to enhance and restore environmental quality as well as to avoid or minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

§ 1500.14 Supplementary guidelines; evaluation of procedures.

(a) The Council after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will continue to assess their experience in the implementation of the section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council by June 30, 1974. Such reports should include an identification of the problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures. Such reports shall also indicate what progress the agency has made in developing substantive criteria and guidance for making environmental assessments as required by § 1500.6(c) of this directive and by section 102(2)(B) of the Act.

Effective date. The revisions of these guidelines shall apply to all draft and final impact statements filed with the Council after January 28, 1973.

RUSSELL E. TRAIN,
Chairman.

APPENDIX I—SUMMARY TO ACCOMPANY DRAFT AND FINAL STATEMENTS

(Check one) ( ) Draft. ( ) Final Environmental Statement.

Name of responsible Federal agency (with name of operating division where appropriate). Name, address, and telephone number of individual at the agency who can be contacted for additional information about the proposed action or the statement.

1. Name of action (Check one) ( ) Administrative Action. ( ) Legislative Action.
2. Brief description of action and its purpose. Indicate what States (and counties) particularly affected, and what other proposed Federal actions in the area, if any, are discussed in the statement.
3. Summary of environmental impacts and adverse environmental effects.
4. Summary of major alternatives considered.
5. (For draft statements) List all Federal, State, and local agencies and other parties from which comments have been requested. (For final statements) List all Federal, State, and local agencies and other parties from which written comments have been received.
6. Date draft statement (and final environmental statement, if one has been issued) made available to the Council and the public.

APPENDIX II—AREAS OF ENVIRONMENTAL IMPACT AND FEDERAL AGENCIES AND FEDERAL STATE AGENCIES[1] WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT THEREON[2]

AIR

Air Quality

Department of Agriculture—
  Forest Service (effects on vegetation)
Atomic Energy Commission (radioactive substances)
Department of Health, Education, and Welfare
Environmental Protection Agency
Department of the Interior—
  Bureau of Mines (fossil and gaseous fuel combustion)
  Bureau of Sport Fisheries and Wildlife (effect on wildlife)
  Bureau of Outdoor Recreation (effects on recreation)
  Bureau of Land Management (public lands)
  Bureau of Indian Affairs (Indian lands)
National Aeronautics and Space Administration (remote sensing, aircraft emissions)
Department of Transportation—
  Assistant Secretary for Systems Development and Technology (auto emissions)
  Coast Guard (vessel emissions)
  Federal Aviation Administration (aircraft emissions)

Weather Modification

Department of Agriculture—
  Forest Service
Department of Commerce—
  National Oceanic and Atmospheric Administration
Department of Defense—
  Department of the Air Force
Department of the Interior
  Bureau of Reclamation

WATER RESOURCES COUNCIL

WATER

Water Quality

Department of Agriculture—
  Soil Conservation Service
  Forest Service
Atomic Energy Commission (radioactive substances)
Department of the Interior—
  Bureau of Reclamation
  Bureau of Land Management (public lands)
  Bureau of Indian Affairs (Indian lands)
  Bureau of Sports Fisheries and Wildlife
  Bureau of Outdoor Recreation
  Geological Survey
  Office of Saline Water
Environmental Protection Agency
Department of Health, Education, and Welfare
Department of Defense—
  Army Corps of Engineers
  Department of the Navy (ship pollution control)
National Aeronautics and Space Administration (remote sensing)
Department of Transportation—
  Coast Guard (oil spills, ship sanitation)
Department of Commerce—
  National Oceanic and Atmospheric Administration
Water Resources Council
River Basin Commissions (as geographically appropriate)

Marine Pollution, Commercial Fishery Conservation, and Shellfish Sanitation

Department of Commerce—
  National Oceanic and Atmospheric Administration
Department of Defense—
  Army Corps of Engineers
  Office of the Oceanographer of the Navy
Department of Health, Education, and Welfare
Department of the Interior—
  Bureau of Sport Fisheries and Wildlife
  Bureau of Outdoor Recreation
  Bureau of Land Management (outer continental shelf)
  Geological Survey (outer continental shelf)
Department of Transportation—
  Coast Guard
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
Water Resources Council
River Basin Commissions (as geographically appropriate)

Waterway Regulation and Stream Modification

Department of Agriculture—
  Soil Conservation Service
Department of Defense—
  Army Corps of Engineers
Department of the Interior—
  Bureau of Reclamation
  Bureau of Sport Fisheries and Wildlife
  Bureau of Outdoor Recreation
  Geological Survey
Department of Transportation—
  Coast Guard
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
Water Resources Council
River Basin Commissions (as geographically appropriate)

FISH AND WILDLIFE

Department of Agriculture—
  Forest Service
  Soil Conservation Service
Department of Commerce—
  National Oceanic and Atmospheric Administration (marine species)
Department of the Interior—
  Bureau of Sport Fisheries and Wildlife
  Bureau of Land Management
  Bureau of Outdoor Recreation
Environmental Protection Agency

SOLID WASTE

Atomic Energy Commission (radioactive waste)
Department of Defense—
  Army Corps of Engineers
Department of Health, Education, and Welfare
Department of the Interior—
  Bureau of Mines (mineral waste, mine acid waste, municipal solid waste, recycling)
  Bureau of Land Management (public lands)
  Bureau of Indian Affairs (Indian lands)
  Geological Survey (geologic and hydrologic effects)
  Office of Saline Water (demineralization)
Department of Transportation—
  Coast Guard (ship sanitation)
Environmental Protection Agency
River Basin Commissions (as geographically appropriate)
Water Resources Council

NOISE

Department of Commerce—
  National Bureau of Standards
Department of Health, Education, and Welfare
Department of Housing and Urban Development (land use and building materials aspects)
Department of Labor—
  Occupational Safety and Health Administration
Department of Transportation—
  Assistant Secretary for Systems Development and Technology
  Federal Aviation Administration, Office of Noise Abatement
Environmental Protection Agency
National Aeronautics and Space Administration

RADIATION

Atomic Energy Commission
Department of Commerce—
  National Bureau of Standards
Department of Health, Education, and Welfare
Department of the Interior—
  Bureau of Mines (uranium mines)
  Mining Enforcement and Safety Administration (uranium mines)
Environmental Protection Agency

HAZARDOUS SUBSTANCES

Toxic Materials

Atomic Energy Commission (radioactive substances)
Department of Agriculture—
  Agricultural Research Service
  Consumer and Marketing Service
Department of Commerce—
  National Oceanic and Atmospheric Administration
Department of Defense
Department of Health, Education, and Welfare
Environmental Protection Agency

[1] River Basin Commissions (Delaware, Great Lakes, Missouri, New England, Ohio, Pacific Northwest, Souris-Red-Rainy, Susquehanna, Upper Mississippi) and similar Federal-State agencies should be consulted on actions affecting the environment of their specific geographic jurisdictions.

[2] In all cases where a proposed action will have significant international environmental effects, the Department of State should be consulted, and should be sent a copy of any draft and final impact statement which covers such action.

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Food Additives and Contamination of Foodstuffs

Department of Agriculture—
Consumer and Marketing Service (meat and poultry products)
Department of Health, Education, and Welfare
Environmental Protection Agency

Pesticides

Department of Agriculture—
Agricultural Research Service (biological controls, food and fiber production)
Consumer and Marketing Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Sport Fisheries and Wildlife (fish and wildlife effects)
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Reclamation (irrigated lands)
Environmental Protection Agency

Transportation and Handling of Hazardous Materials

Atomic Energy Commission (radioactive substances)
Department of Commerce—
Maritime Administration
National Oceanic and Atmospheric Administration (effects on marine life and the coastal zone)
Department of Defense—
Armed Services Explosive Safety Board
Army Corps of Engineers (navigable waterways)
Department of Transportation—
Federal Highway Administration, Bureau of Motor Carrier Safety
Coast Guard
Federal Railroad Administration
Federal Aviation Administration
Assistant Secretary for Systems Development and Technology
Office of Hazardous Materials
Office of Pipeline Safety
Environmental Protection Agency

ENGERY SUPPLY AND NATURAL RESOURCES DEVELOPMENT

Electric Energy Development, Generation, and Transmission, and Use

Atomic Energy Commission (nuclear)
Department of Agriculture—
Rural Electrification Administration (rural areas)
Department of Defense—
Army Corps of Engineers (hydro)
Department of Health, Education, and Welfare (radiation effects)
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Bureau of Indian Affairs (Indian lands)
Bureau of Land Management (public lands)
Bureau of Reclamation
Power Marketing Administrations
Geological Survey
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Environmental Protection Agency
Federal Power Commission (hydro, transmission, and supply)
River Basin Commissions (as geographically appropriate)
Tennessee Valley Authority
Water Resources Council

Petroleum Development, Extraction, Refining, Transport, and Use

Department of the Interior—
Office of Oil and Gas
Bureau of Mines
Geological Survey
Bureau of Land Management (public lands and outer continental shelf)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife)
Bureau of Outdoor Recreation
National Park Service
Department of Transportation (Transport and Pipeline Safety)
Environmental Protection Agency
Interstate Commerce Commission

Natural Gas Development, Production, Transmission, and Use

Department of Housing and Urban Development (urban areas)
Department of the Interior—
Office of Oil and Gas
Geological Survey
Bureau of Mines
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Transportation (transport and safety)
Environmental Protection Agency
Federal Power Commission (production, transmission, and supply)
Interstate Commerce Commission

Coal and Minerals Development, Mining, Conversion, Processing, Transport, and Use

Appalachian Regional Commission
Department of Agriculture—
Forest Service
Department of Commerce
Department of the Interior—
Office of Coal Research
Mining Enforcement and Safety Administration
Bureau of Mines
Geological Survey
Bureau of Indian Affairs (Indian lands)
Bureau of Land Management (public lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Labor—
Occupational Safety and Health Administration
Department of Transportation
Environmental Protection Agency
Interstate Commerce Commission
Tennessee Valley Authority

Renewable Resource Development, Production, Management, Harvest, Transport, and Use

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Commerce
Department of Housing and Urban Development (building materials)
Department of the Interior—
Geological Survey
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Transportation
Environmental Protection Agency
Interstate Commerce Commission (freight rates)

Energy and Natural Resources Conservation

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Commerce—
National Bureau of Standards (energy efficiency)
Department of Housing and Urban Development—
Federal Housing Administration (housing standards)
Department of the Interior—
Office of Energy Conservation
Bureau of Mines
Bureau of Reclamation
Geological Survey
Power Marketing Administration
Department of Transportation
Environmental Protection Agency
Federal Power Commission
General Services Administration (design and operation of buildings)
Tennessee Valley Authority

LAND USE AND MANAGEMENT

Land Use Changes, Planning and Regulation of Land Development

Department of Agriculture—
Forest Service (forest lands)
Agricultural Research Service (agricultural lands)
Department of Housing and Urban Development
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Land Management (public la
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (wildlife refuges)
Bureau of Outdoor Recreation (recreation lands)
National Park Service (NPS units)
Department of Transportation
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)
River Basins Commissions (as geographically appropriate).

Public Land Management

Department of Agriculture—
Forest Service (forests)
Department of Defense
Department of the Interior—
Bureau of Land Management
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (wildlife refuges)
Bureau of Outdoor Recreation (recreation lands)
National Park Service (NPS units)
Federal Power Commission (project lands)
General Services Administration
National Aeronautics and Space Administration (remote sensing)
Tennessee Valley Authority (project lands)

PROTECTION OF ENVIRONMENTALLY CRITICAL AREAS—FLOODPLAINS, WETLANDS, BEACHES AND DUNES, UNSTABLE SOILS, STEEP SLOPES, AQUIFER RECHARGE AREAS, ETC.

Department of Agriculture—
Agricultural Stabilization and Conservation Service
Soil Conservation Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration (coastal areas)
Department of Defense—
Army Corps of Engineers
Department of Housing and Urban Development (urban and floodplain areas)

Department of the Interior—
Office of Land Use and Water Planning
Bureau of Outdoor Recreation
Bureau of Reclamation
Bureau of Sport Fisheries and Wildlife
Bureau of Land Management
Geological Survey
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)
River Basins Commissions (as geographically appropriate)
Water Resources Council

LAND USE IN COASTAL AREAS

Department of Agriculture—
Forest Service
Soil Conservation Service (soil stability, hydrology)
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and coastal zone management)
Department of Defense—
Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits)
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Sport Fisheries and Wildlife
National Park Service
Geological Survey
Bureau of Outdoor Recreation
Bureau of Land Management (public lands)
Department of Transportation—
Coast Guard (bridges, navigation)
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)

REDEVELOPMENT AND CONSTRUCTION IN BUILT-UP AREAS

Department of Commerce—
Economic Development Administration (designated areas)
Department of Housing and Urban Development
Department of the Interior—
Office of Land Use and Water Planning
Department of Transportation
Environmental Protection Agency
General Services Administration
Office of Economic Opportunity

DENSITY AND CONGESTION MITIGATION

Department of Health, Education, and Welfare
Department of Housing and Urban Development
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Outdoor Recreation
Department of Transportation
Environmental Protection Agency

NEIGHBORHOOD CHARACTER AND CONTINUITY

Department of Health, Education, and Welfare
Department of Housing and Urban Development
National Endowment for the Arts
Office of Economic Opportunity

IMPACTS ON LOW-INCOME POPULATIONS

Department of Commerce—
Economic Development Administration (designated areas)
Department of Health, Education, and Welfare
Department of Housing and Urban Development
Office of Economic Opportunity

HISTORIC, ARCHITECTURAL, AND ARCHEOLOGICAL PRESERVATION

Advisory Council on Historic Preservation
Department of Housing and Urban Development
Department of the Interior—
National Park Service
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
General Services Administration
National Endowment for the Arts

SOIL AND PLANT CONSERVATION AND HYDROLOGY

Department of Agriculture—
Soil Conservation Service
Agricultural Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense—
Army Corps of Engineers (dredging, aquatic plants)
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Land Management
Bureau of Sport Fisheries and Wildlife
Geological Survey
Bureau of Reclamation
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)
Water Resources Council

OUTDOOR RECREATION

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Defense—
Army Corps of Engineers
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Bureau of Land Management
National Park Service
Bureau of Outdoor Recreation
Bureau of Sport Fisheries and Wildlife
Bureau of Indian Affairs
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)
Water Resources Council

APPENDIX III—OFFICES WITHIN FEDERAL AGENCIES AND FEDERAL-STATE AGENCIES FOR INFORMATION REGARDING THE AGENCIES' NEPA ACTIVITIES AND FOR RECEIVING OTHER AGENCIES' IMPACT STATEMENTS FOR WHICH COMMENTS ARE REQUESTED

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Office of Architectural and Environmental Preservation, Advisory Council on Historic Preservation, Suite 430, 1522 K Street, N.W., Washington, D.C. 20005 254-3974

Regional Administrator, I,
U.S. Environmental Protection Agency
Room 2303, John F. Kennedy
Federal Bldg., Boston, Mass. 02203,
(617) 223-7210

Regional Administrator, II,
U.S. Environmental Protection Agency
Room 908, 26 Federal Plaza
New York, New York 10007
(212) 264-2525

DEPARTMENT OF AGRICULTURE[1]

Office of the Secretary, Attn: Coordinator Environmental Quality Activities, U.S. Department of Agriculture, Washington, D.C. 20250 447-3965

APPALACHIAN REGIONAL COMMISSION

Office of the Alternate Federal Co-Chairman, Appalachian Regional Commission, 1666 Connecticut Avenue, N.W., Washington, D.C. 20235 967-4103

DEPARTMENT OF THE ARMY (CORPS OF ENGINEERS)

Executive Director of Civil Works, Office of the Chief of Engineers, U.S. Army Corps of Engineers, Washington, D.C. 20314 693-7168

ATOMIC ENERGY COMMISSION

For nonregulatory matters: Office of Assistant General Manager for Biomedical and Environmental Research and Safety Programs, Atomic Energy Commission, Washington, D.C. 20545 973-3208
For regulatory matters: Office of the Assistant Director for Environmental Projects, Atomic Energy Commission, Washington, D.C. 20545 973-7531

DEPARTMENT OF COMMERCE

Office of the Deputy Assistant Secretary for Environmental Affairs, U.S. Department of Commerce, Washington, D.C. 20230 967-4335

DEPARTMENT OF DEFENSE

Office of the Assistant Secretary for Defense (Health and Environment), U.S. Department of Defense, Room 3E172, The Pentagon, Washington, D.C. 20301 697-2111

DELAWARE RIVER BASIN COMMISSION

Office of the Secretary, Delaware River Basin Commission, Post Office Box 360, Trenton, N.J. 08603 (609) 883-9500

ENVIRONMENTAL PROTECTION AGENCY[2]

Director, Office of Federal Activities, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 755-0777

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[1] Requests for comments or information from individual units of the Department of Agriculture, e.g., Soil Conservation Service, Forest Service, etc. should be sent to the Office of the Secretary, Department of Agriculture, at the address given above.

[2] Contact the Office of Federal Activities for environmental statements concerning legislation, regulations, national program proposals or other major policy issues.

For all other EPA consultation, contact the Regional Administrator in whose area the proposed action (e.g., highway or water resource construction projects) will take place. The Regional Administrators will coordinate the EPA review. Addresses of the Regional Administrators, and the areas covered by their regions are as follows:

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

New Jersey, New York, Puerto Rico, Virgin Islands

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Regional Administrator, III,
U.S. Environmental Protection Agency
Curtis Bldg., 6th & Walnut Sts.
Philadelphia, Pa. 19106
(215) 597-9801

Regional Administrator, IV,
U.S. Environmental Protection Agency
1421 Peachtree Street
N.E., Atlanta, Ga. 30309
(404) 526-5727

Regional Administrator V,
U.S. Environmental Protection Agency
1 N. Wacker Drive
Chicago, Illinois 60606
(312) 353-5250

Regional Administrator VI,
U.S. Environmental Protection Agency
1600 Patterson Street
Suite 1100
Dallas, Texas 75201
(214) 749-1962

Regional Administrator VII,
U.S. Environmental Protection Agency
1735 Baltimore Avenue
Kansas City, Missouri 64108
(816) 374-5493

Regional Administrator VIII,
U.S. Environmental Protection Agency
Suite 900, Lincoln Tower
1860 Lincoln Street
Denver, Colorado 80203
(303) 837-3895

Regional Administrator IX,
U.S. Environmental Protection Agency
100 California Street
San Francisco, California 94111
(415) 556-2320

Regional Administrator X,
U.S. Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101
(206) 442-1220

FEDERAL POWER COMMISSION

Commission's Advisor on Environmental Quality, Federal Power Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426
386-6084

GENERAL SERVICES ADMINISTRATION

Office of Environmental Affairs, Office of the Deputy Administrator for Special Projects, General Services Administration, Washington, D.C. 20405 343-4161

GREAT LAKES BASIN COMMISSION

Office of the Chairman, Great Lakes Basin Commission, 3475 Plymouth Road, P.O. Box 999, Ann Arbor, Michigan 48105 (313) 769-7431

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE [3]

Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Department of Health, Education and Welfare, Washington, D.C. 20202
963-4456

[3] Contact the Office of Environmental Affairs for information on HEW's environmental statements concerning legislation, regulations, national program proposals or other major policy issues, and for all requests for HEW comment on impact statements of other agencies.

For information with respect to HEW actions occurring within the jurisdiction of the Departments' Regional Directors, contact the appropriate Regional Environmental Officer:

Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia

Alabama, Florida, Georgia, Kentucky Mississippi, North Carolina, South Carolina, Tennessee

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Arkansas, Louisiana, New Mexico, Texas, Oklahoma

Iowa, Kansas, Missouri, Nebraska

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of Pacific Islands, Wake Island

Alaska, Idaho, Oregon, Washington

Region I:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
Room 2007B
John F. Kennedy Center
Boston, Massachusetts 02203 (617) 223-6827

Region II:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
Federal Building
26 Federal Plaza
New York, New York 10007 (212) 264-1368

Region III:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
P.O. Box 13716
Philadelphia, Pennsylvania 19101 (215) 597-6498

Region IV:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
Room 404
50 Seventh Street, N.E.
Atlanta, Georgia 30323 (404) 526-5817

Region V:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
Room 712, New Post Office Building
433 West Van Buren Street
Chicago, Illinois 60607 (312) 353-1644

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT [4]

Director, Office of Community and Environmental Standards, Department of Housing and Urban Development, Room 7206, Washington, D.C. 20410
755-5980

Region VI:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
1114 Commerce Street
Dallas, Texas 75202 (214) 749-2236

Region VII:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
601 East 12th Street
Kansas City, Missouri 64106 (816) 374-3584

Region VIII:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
9017 Federal Building
19th and Stout Streets
Denver, Colorado 80202 (303) 837-4178

Region IX:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
50 Fulton Street
San Francisco, California 94102 (415) 556-1970

Region X:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
Arcade Plaza Building
1321 Second Street
Seattle, Washington 98101 (206) 442-0490

[4] Contact the Director with regard to environmental impacts of legislation, policy statements, program regulations and procedures, and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

Regional Administrator I,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
Room 405, John F. Kennedy Federal Building
Boston, Mass. 02203 (617) 223-4066

Regional Administrator II,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
26 Federal Plaza
New York, New York 10007 (212) 264-8068

Regional Administrator III,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
Curtis Building, Sixth and Walnut Street
Philadelphia, Pennsylvania 19106 (215) 597-2560

Regional Administrator IV,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
Peachtree-Seventh Building
Atlanta, Georgia 30323 (404) 526-5585

Regional Administrator V,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
360 North Michigan Avenue
Chicago, Illinois 60601 (312) 353-5680

DEPARTMENT OF THE INTERIOR [5]

Director, Office of Environmental Project Review, Department of the Interior, Interior Building, Washington, D.C. 20240 343-3891

INTERSTATE COMMERCE COMMISSION

Office of Proceedings, Interstate Commerce, Commission, Washington, D.C. 20423
343-6167

DEPARTMENT OF LABOR

Assistant Secretary for Occupational Safety and Health, Department of Labor, Washington, D.C. 20210
961-3405

MISSOURI RIVER BASINS COMMISSION

Office of the Chairman, Missouri River Basins Commission, 10050 Regency Circle, Omaha, Nebraska 68114
(402) 397-5714

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Office of the Comptroller, National Aeronautics and Space Administration, Washington, D.C. 20546
755-8440

NATIONAL CAPITAL PLANNING COMMISSION

Office of Environmental Affairs, Office of the Executive Director, National Capital Planning Commission, Washington, D.C. 20576
382-7200

NATIONAL ENDOWMENT FOR THE ARTS

Office of Architecture and Environmental Arts Program, National Endowment for the Arts, Washington, D.C. 20506
382-5765

NEW ENGLAND RIVER BASINS COMMISSION

Office of the Chairman, New England River Basins Commission, 55 Court Street, Boston, Mass. 02108
(617) 223-6244

Regional Administrator VI,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
Federal Office Building, 819 Taylor Street
Fort Worth, Texas 76102 (817) 334-2867

Regional Administrator VII,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
911 Walnut Street
Kansas City, Missouri 64106 (816) 374-2661

Regional Administrator VIII,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
Samsonite Building, 1051 South Broadway
Denver, Colorado 80209 (303) 837-4061

Regional Administrator IX,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
450 Golden Gate Avenue, Post Office Box 36003
San Francisco, California 94102 (415) 556-4752

Regional Administrator X,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
Room 226, Arcade Plaza Building
Seattle, Washington 98101 (206) 583-5415

[5] Requests for comments or information from individual units of the Department of the Interior should be sent to the Office of Environmental Project Review at the address given above.

OFFICE OF ECONOMIC OPPORTUNITY

Office of the Director, Office of Economic Opportunity, 1200 19th Street, N.W., Washington, D.C. 20506
254-6000

OHIO RIVER BASIN COMMISSION

Office of the Chairman, Ohio River Basin Commission, 36 East 4th Street, Suite 208-20, Cincinnati, Ohio 45202
(513) 684-3831

PACIFIC NORTHWEST RIVER BASINS COMMISSION

Office of the Chairman, Pacific Northwest River Basins Commission, 1 Columbia River, Vancouver, Washington 98660
(206) 695-3606

SOURIS-RED-RAINY RIVER BASINS COMMISSION

Office of the Chairman, Souris-Red-Rainy River Basins Commission, Suite 6, Professional Building, Holiday Mall, Moorhead, Minnesota 56560
(701) 237-5227

DEPARTMENT OF STATE

Office of the Special Assistant to the Secretary for Environmental Affairs, Department of State, Washington, D.C. 20520
632-7964

SUSQUEHANNA RIVER BASIN COMMISSION

Office of the Executive Director, Susquehanna River Basin Commission, 5012 Lenker Street, Mechanicsburg, Pa. 17055
(717) 737-0501

TENNESSEE VALLEY AUTHORITY

Office of the Director of Environmental Research and Development, Tennessee Valley Authority, 720 Edney Building, Chattanooga, Tennessee 37401 (615) 755-2002

DEPARTMENT OF TRANSPORTATION [6]

Director, Office of Environmental Quality, Office of the Assistant Secretary for Environment, Safety, and Consumer Affairs, Department of Transportation, Washington, D.C. 20590 426-4357

[6] Contact the Office of Environmental Quality, Department of Transportation, for information on DOT's environmental statements concerning legislation, regulations, national program proposals, or other major policy issues.

For information regarding the Department of Transportation's other environmental statements, contact the national office for the appropriate administration:

U.S. Coast Guard

Office of Marine Environment and Systems, U.S. Coast Guard, 400 7th Street, S.W., Washington, D.C. 20590, 426-2007

Federal Aviation Administration

Office of Environmental Quality, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, 426-8406

Federal Highway Administration

Office of Environmental Policy, Federal Highway Administration, 400 7th Street, S.W., Washington, D.C. 20590, 426-0351

Federal Railroad Administration

Office of Policy and Plans, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590, 426-1567

Urban Mass Transportation Administration

Office of Program Operations, Urban Mass Transportation Administration, 400 7th Street, S.W., Washington, D.C. 20590, 426-4020

For other administration's not listed above, contact the Office of Environmental Quality, Department of Transportation, at the address given above.

For comments on other agencies' environmental statements, contact the appropriate administration's regional office. If more than one administration within the Department of Transportation is to be requested to comment, contact the Secretarial Representative in the appropriate Regional Office for coordination of the Department's comments:

SECRETARIAL REPRESENTATIVE

Region I Secretarial Representative, U.S. Department of Transportation, Transportation Systems Center, 55 Broadway, Cambridge, Massachusetts 02142 (617) 494-2709

Region II Secretarial Representative, U.S. Department of Transportation, 26 Federal Plaza, Room 1811, New York, New York 10007 (212) 264-2672

Region III Secretarial Representative, U.S. Department of Transportation, Mall Building, Suite 1214, 325 Chestnut Street, Philadelphia, Pennsylvania 19106 (215) 597-0407

Region IV Secretarial Representative, U.S. Department of Transportation, Suite 515, 1720 Peachtree Rd., N.W. Atlanta, Georgia 30309 (404) 526-3738

Region V Secretarial Representative, U.S. Department of Transportation, 17th Floor, 300 S. Wacker Drive, Chicago, Illinois 60606 (312) 353-4000

Region V Secretarial Representative, U.S. Department of Transportation, 9-C-18 Federal Center, 1100 Commerce Street, Dallas, Texas 75202 (214) 749-1851

Region VII Secretarial Representative, U.S. Department of Transportation, 601 E. 12th Street, Room 634, Kansas City, Missouri 64106 (816) 374-2761

Region VIII Secretarial Representative, U.S. Department of Transportation, Prudential Plaza, Suite 1822, 1050 17th Street, Denver, Colorado 80225 (303) 837-3242

Region IX Secretarial Representative, U.S. Department of Transportation, 450 Golden Gate Avenue, Box 36133, San Francisco, California 94102 (415) 556-5961

Region X Secretarial Representative, U.S. Department of Transportation, 1321 Second Avenue, Room 507, Seattle, Washington 98101 (206) 442-0590

FEDERAL AVIATION ADMINISTRATION

New England Region, Office of the Regional Director, Federal Aviation Administration, 154 Middlesex Street, Burlington, Massachusetts 01803 (617) 272-2350

Eastern Region, Office of the Regional Director, Federal Aviation Administration, Federal Building, JFK International Airport, Jamaica, New York 11430 (212) 995-3333

Southern Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320 (404) 526-7222

Great Lakes Region, Office of the Regional Director, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018 (312) 694-4500

Southwest Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101 (817) 624-4911

Central Region, Office of the Regional Director, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Missouri 64106 (816) 374-5626

Rocky Mountain Region, Office of the Regional Director, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207 (303) 837-3646

Western Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 92007, WorldWay Postal Center, Los Angeles, California 90009 (213) 536-6427

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Northwest Region, Office of the Regional Director, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108 (206) 767–2780

FEDERAL HIGHWAY ADMINISTRATION

Region 1, Regional Administrator, Federal Highway Administration, 4 Normanskill Boulevard, Delmar, New York 12054 (518) 472–6476

Region 3, Regional Administrator, Federal Highway Administration, Room 1621, George H. Fallon Federal Office Building, 31 Hopkins Plaza, Baltimore, Maryland 21201 (301) 962–2361

Region 4, Regional Administrator, Federal Highway Administration, Suite 200, 1720 Peachtree Road, N.W., Atlanta, Georgia 30309 (404) 526–5078

Region 5, Regional Administrator, Federal Highway Administration, Dixie Highway, Homewood, Illinois 60430 (312) 799–6300

Region 6, Regional Administrator, Federal Highway Administration, 819 Taylor Street, Fort Worth, Texas 76102 (817) 334–3232

Region 7, Regional Administrator, Federal Highway Administration, P.O. Box 7186, Country Club Station, Kansas City, Missouri 64113 (816) 361–7563

Region 8, Regional Administrator, Federal Highway Administration, Room 242, Building 40, Denver Federal Center, Denver, Colorado 80225

Region 9, Regional Administrator, Federal Highway Administration, 450 Golden Gate Avenue, Box 36096, San Francisco, California 94102 (415) 556–3895

Region 10, Regional Administrator, Federal Highway Administration, Room 412, Mohawk Building, 222 S.W. Morrison Street, Portland, Oregon 97204 (503) 221–2065

URBAN MASS TRANSPORTATION ADMINISTRATION

Region I, Office of the UMTA Representative, Urban Mass Transportation Administration, Transportation Systems Center, Technology Building, Room 277, 55 Broadway, Boston, Massachusetts 02142 (617) 494–2055

Region II, Office of the UMTA Representative, Urban Mass Transportation Administration, 26 Federal Plaza, Suite 1809, New York, New York 10007 (212) 264–8162

Region III, Office of the UMTA Representative, Urban Mass Transportation Administration, Mall Building, Suite 1214, 325 Chestnut Street, Philadelphia, Pennsylvania 19106 (215) 597–0407

Region IV, Office of UMTA Representative, Urban Mass Transportation Administration, 1720 Peachtree Road, Northwest, Suite 501, Atlanta, Georgia 30309 (404) 526–3948

Region V, Office of the UMTA Representative, Urban Mass Transportation Administration, 300 South Wacker Drive, Suite 700, Chicago, Illinois 60606 (312) 353–6005

Region VI, Office of the UMTA Repreventative, Urban Mass Transportation Administration, Federal Center, Suite 9E24, 1100 Commerce Street, Dallas, Texas 75202 (214) 749–7322

Region VII, Office of the UMTA Representative, Urban Mass Transportation Administration, c/o FAA Management Systems Division, Room 1564D, 601 East 12th Street, Kansas City, Missouri 64106 (816) 374–5567

Region VIII, Office of the UMTA Representative, Urban Mass Transportation Administration, Prudential Plaza, Suite 1822, 1050 17th Street, Denver, Colorado 80202 (303) 837–3242

Region IX, Office of the UMTA Representative, Urban Mass Transportation Administration, 450 Golden Gate Avenue, Box 36125, San Francisco, California 94102 (415) 556–2884

Region X, Office of the UMTA Representative, Urban Mass Transportation Administration, 1321 Second Avenue, Suite 5079, Seattle, Washington (206) 442–0590

DEPARTMENT OF THE TREASURY

Office of Assistant Secretary for Administration, Department of the Treasury, Washington, D.C. 20220 964–5391

UPPER MISSISSIPPI RIVER BASIN COMMISSION

Office of the Chairman, Upper Mississippi River Basin Commission, Federal Office Building, Fort Snelling, Twin Cities, Minnesota 55111 (612) 725–4690

WATER RESOURCES COUNCIL

Office of the Associate Director, Water Resources Council, 2120 L Street, N.W., Suite 800, Washington, D.C. 20037 254–6442

APPENDIX IV—STATE AND LOCAL AGENCY REVIEW OF IMPACT STATEMENTS

1. OMB Circular No. A–95 through its system of clearinghouses provides a means for securing the views of State and local environmental agencies, which can assist in the preparation of impact statements. Under A–95, review of the proposed project in the case of federally assisted projects (Part I of A–95) generally takes place prior to the preparation of the impact statement. Therefore, comments on the environmental effects of the proposed project that are secured during this stage of the A–95 process represent inputs to the environmental impact statement.

2. In the case of direct Federal development (Part II of A–95), Federal agencies are required to consult with clearinghouses at the earliest practicable time in the planning of the project or activity. Where such consultation occurs prior to completion of the draft impact statement, comments relating to the environmental effects of the proposed action would also represent inputs to the environmental impact statement.

3. In either case, whatever comments are made on environmental effects of proposed Federal or federally assisted projects by clearinghouses, or by State and local environmental agencies through clearinghouses, in the course of the A–95 review should be attached to the draft impact statement when it is circulated for review. Copies of the statement should be sent to the agencies making such comments. Whether those agencies then elect to comment again on the basis of the draft impact statement is a matter to be left to the discretion of the commenting agency depending on its resources, the significance of the project, and the extent to which its earlier comments were considered in preparing the draft statement.

4. The clearinghouses may also be used, by mutual agreement, for securing reviews of the draft environmental impact statement. However, the Federal agency may wish to deal directly with appropriate State or local agencies in the review of impact statements because the clearinghouses may be unwilling or unable to handle this phase of the process. In some cases, the Governor may have designated a specific agency, other than the clearinghouse, for securing reviews of impact statements. In any case, the clearinghouses should be sent copies of the impact statement.

5. To aid clearinghouses in coordinating State and local comments, draft statements should include copies of State and local agency comments made earlier under the A–95 process and should indicate on the summary sheet those other agencies from which comments have been requested, as specified in Appendix I of the CEQ Guidelines.

[FR Doc.73–15783 Filed 7–31–73;8:45 am]

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WEDNESDAY, AUGUST 1, 1973

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PART III

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

■

MARINE MAMMAL PROTECTION ACT

Report of Secretary of Commerce

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

MARINE MAMMAL PROTECTION ACT

Report of the Secretary of Commerce

Section 103(f) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) states that "Within six months after the effective date of this Act (December 21, 1972) and every twelve months thereafter, the Secretary shall report to the public through publication in the FEDERAL REGISTER and to the Congress on the current status of all marine mammal species and population stocks subject to the provisions of this Act. His report shall describe those actions taken and those measures believed necessary, including where appropriate, the issuance of permits pursuant to this title to assure the well-being of such marine mammals."

Section 3(12)(A) of the Act limits the responsibility of the Department of Commerce to those mammals which are members of the order Cetacea (whales and porpoises) and members, other than walruses, of the order Pinnipedia (seals and sea lions). Accordingly, there is published herewith the report of the Secretary of Commerce for the period December 21, 1972, to June 21, 1973, on the administration of the Act with regard to those mammals.

Issued at Washington, D.C., and dated July 27, 1973.

FREDERICK B. DENT,
Secretary of Commerce.

ADMINISTRATION OF THE MARINE MAMMAL PROTECTION ACT OF 1972, DECEMBER 21, 1972, TO JUNE 21, 1973

REPORT OF THE SECRETARY OF COMMERCE

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Prepared by The National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, July, 1973.

Introduction. This report is pursuant to requirements of section 103(f) of the Marine Mammal Protection Act of 1972 (Public Law 92-522). It covers the six-month period following the effective date of the Act, December 21, 1972, and is prepared in three parts: The first deals with actions taken to assure the well-being of marine mammals; the second sets out the current status of the stocks of marine mammals for which the Department of Commerce has responsibility; and the third part contains four appendices.

The Act, with certain exceptions, places an immediate moratorium on the taking and importation of all marine mammals and marine mammal products. It makes the Secretary of Commerce responsible for protecting whales, porpoises, seals, and sea lions, and the Secretary of the Interior responsible for all other marine mammals, specifically sea otters, walruses, polar bears, and manatees. On November 30, 1972, the Secretary of Commerce delegated authority for the functions prescribed by the Act to the Administrator of the National Oceanic and Atmospheric Administration (NOAA). On February 9, 1973, the Administrator delegated this authority to the Director, National Marine Fisheries Service (NMFS).

Three major actions were taken to facilitate implementation of the Act. The first was to create a working group comprised of representatives of the Departments of Commerce and the Interior to develop, so far as possible, joint regulations to implement the Act, and to consider, among other things, joint use of enforcement personnel and other ways of cooperating in the interest of economy and efficiency.

The second action was the publication of separate interim regulations by each Department on December 21, 1972, the effective date of the Act.

The third action taken to facilitate immediate implementation of the Act was to reprogram $700,000 and 15 personnel positions from other NMFS/NOAA programs during the balance of fiscal year 1973. Accordingly, $300,000 and four positions were allocated to a porpoise-tuna research program, and $400,000 and 11 positions were allocated to administration and enforcement in NMFS headquarters and in the five regional offices. Prior to passage of the Act, NOAA had already recognized a need for studies on the problem of porpoise mortalities in the Eastern Tropical Pacific Ocean tuna purse seine fishery and had made $250,000 and personnel available to commence work during late summer, 1972.

Significant occurrences between December 21, 1972, and June 21, 1973, are summarized below.

Fifty applications for undue economic hardship exemptions were received and acted upon. Of these, 13 were approved, three denied, four withdrawn, and 30 are pending.

Meetings were held with States, the fishing industry, and environmental and conservation groups to explain the Act, its regulations, and progress on implementation.

Fourteen formal public hearings on applications for undue economic hardship exemptions were held in nine areas, namely, Washington, D.C.; Anchorage and Kodiak, Alaska; Terminal Island and San Diego, California; Mystic, Connecticut; Galveston, Texas; Pensacola, Florida; and Seattle, Washington. Four hearings involved scientific research; seven involved public display; and three involved taking of marine mammals for other purposes. In addition, five other applicants were heard informally at related hearings.

A hearing was held in Washington, D.C., to obtain public reaction regarding disposition of beached, stranded, injured, sick, forfeited, confiscated, and dead animals.

Public hearings are scheduled to receive comments concerning measures to reduce to the extent practicable the incidental taking of marine mammals, particularly porpoises, in commercial fishing operations.

New measures for conserving all whales were proposed to the International Whaling Commission, and additional management considerations for harp and hooded seals were recommended to the International Commission for the Northwest Atlantic Fisheries.

Studies of large whales to include development of an independent United States capability for analysis of world catch statistics and stock assessments are in the planning stage.

Tuna-porpoise studies involving fishing gear dynamics and development, life histories and surveys, and stock assessment were initiated on the Eastern Tropical Pacific Ocean tuna seine fishery.

An expanded research program on the northern fur seal was initiated, including the setting aside of St. George Island, Alaska, as a research area in order to develop additional information on the factors that govern population size.

A high-priority study was begun to acquire information on population size and distribution of the six species of pinnipeds that occur on major hauling or breeding grounds along the west coast.

Discussions were initiated with the State Department regarding its responsibility under the Act for seeking negotiation with other nations on bilateral and multilateral agreements on marine mammals.

Cooperative arrangements for enforcing provisions of the Act were discussed with the Departments of Agriculture, the Interior, Treasury, and Transportation.

Contracts were executed with ten coastal States which provide funds for enforcement of the moratorium on taking marine mammals, including investigations and appearing as witnesses in subsequent judicial actions.

Although much progress has been made in implementing the Marine Mammal Act nationally, the NMFS is aware that prompt consideration must be given to future measures necessary for conserving the world's marine mammal resources. In this regard, one of the most important needs to ensure their well-being is a much greater emphasis on collection of information on marine mammal stocks and the ecosystem in which they live. Furthermore, sufficient international protection must be sought for those species or stocks while adequate knowledge is being obtained.

Marine Mammal Commission. On May 14, 1973, President Nixon announced the formation of the three-man Marine Mammal Commission provided for under the Act. The Commissioners appointed are:

Victor B. Scheffer, of Bellevue, Washington, a marine mammal biologist retired from the United States Fish and Wildlife Service. He will serve as Chairman.

A. Starker Leopold, Professor of Zoology, University of California at Berkeley.

John Ryther, Chairman, Department of Biology, Woods Hole Oceanographic Institution, Falmouth, Massachusetts.

While the Commission has not yet fully assumed its role, the Commissioners have been considering their responsibilities and discussing with NMFS and others the most pressing problems facing the Commission in the next year.

When the Commission and the Committee of Scientific Advisors are functioning, the Secretary of Commerce through the Director, National Marine Fisheries Service, will consult with them regarding applications to take marine mammals for scientific research or public display as required by the Act.

The foregoing summarizes highlights of actions taken by the NMFS between December 21, 1972, and June 21, 1973, to carry out provisions of the Marine Mammal Protection Act of 1972. Details of specific activities related to implementation of the Act are discussed in the report that follows.

PART I. ACTIONS TAKEN TO ASSURE THE WELL-BEING OF MARINE MAMMALS

Interim regulations. On December 2, 1972, a notice of proposed rule making was published by NMFS/NOAA in the FEDERAL REGISTER (37 FR 25731) to implement the Marine Mammal Protection Act of 1972. It was the intention of NMFS/NOAA to have interim regulations in force on December 21, 1972, the effective date of the Act. The notice proposed interim regulations relating to the taking and importing of marine mammals and marine mammal products and requested comments by December 15, 1972. Interim regulations (Appendix A) were published in the FEDERAL REGISTER on December 21, 1972 (37 FR 28177) which (1) reflected comments received on or before December 15, 1972; (2) corrected certain technical errors and omissions; and (3) set forth, in full, Subpart D—Penalties and Procedures for Assessment, previously reserved. The Department of the Interior published its interim regulations in the FEDERAL REGISTER on December 21, 1972 (37 FR 28173).

The NMFS and the Bureau of Sport Fisheries and Wildlife (Department of the Interior) are working on final regulations. These will be published in the FEDERAL REGISTER as proposed regulation revisions. Following receipt of comments from the public and others, final regulations are scheduled to become effective by early fall, 1973.

Economic hardship exemptions. Section 101(c) of the Act and § 216.13 of the interim regulations permits the Secretary of Commerce to grant relief to those persons who can demonstrate undue economic hardship by exempting them from the moratorium until midnight October 20, 1973. The criteria for evaluating undue economic hardship, as prescribed in § 216.13(b) of the interim regulations, are: "(1) the effect of granting the exemption on the species or population stock in question and the marine ecosystem; (2) the degree of economic hardship to be anticipated should the exemption not be granted; (3) the economic and legal alternatives available to the applicant; (4) the likelihood of the anticipated economic hardship; and (5) such of the criteria relative to the issuance of scientific research permits and/or public display permits as may be applicable to the application."

Application of section 101(c) has been conservative. To date, only 13 of the 50 applications for an economic hardship permit have been approved and none of these approvals involves the killing of any marine mammals for commercial purposes.

Although the Act declares a moratorium on the taking of marine mammals, the Act clearly intended that research on marine mammals be continued and that public displays (which maintain the health and well being of the species involved) be allowed. Such permits, however, may be granted only after a review by the Marine Mammal Commission and its Committee of Scientific Advisors. The Commission was appointed on May 14, 1973, and its Committee of Scientific Advisors was not appointed during the period covered in this report. It was therefore not possible to issue scientific or display permits, except through the application of the economic hardship exemption.

Consequently, NMFS has accepted applications for undue economic hardship exemptions from persons wishing to take mammals for scientific research or display. These exemptions were considered under the criteria set forth in §§ 216.12 and 216.13 of the interim regulations regarding undue economic hardship exemptions. While undue economic hardship must be shown in all cases to qualify for an exemption, a lesser degree of economic hardship is considered "undue" in cases involving sound scientific research which does not involve the killing of any marine mammals, than for those cases involving the kill of animals for commerical purposes.

Following a public hearing concerning an application for economic hardship exemption to allow the taking of a large number of sea lions for sale to zoos, aquaria, and others by the applicant, it was decided that applications for economic hardship exemptions involving the taking of marine mammals for the purposes of scientific research or public display would not be granted to persons or organizations engaged solely in the taking and not in the ultimate retention of marine mammals. Such exemptions would be issued only to persons or institutions such as zoos, oceanaria, or scientists ultimately responsible for care of the animals away from their natural habitat. This decision was based on the need for proper care and maintenance of marine mammals taken, and the need for control of all facilities where mammals would be maintained during taking, transport, and display or research. This policy was published April 23, 1973, in the FEDERAL REGISTER (Appendix B).

When an economic hardship exemption is granted, especially for display purposes, the exemption holder is subject to stringent requirements for the care and welfare of the animals. Requirements for care and maintenance, specified in letters of exemption issued for public display of mammals, are set forth in Appendix C.

Additional policy determinations. Additional policy determinations to assure the well-being of marine mammals have been made. As an example, it was learned that some tuna fishermen were experimenting with a method for catching fish which involved the attachment of a radio transmitting device to a porpoise. Upon its release, the mammal was then tracked to locate schools of tuna usually associated with porpoises. The effect of the new practice on porpoise stocks is unknown, but a decision was made that it should not be allowed to continue until more is known. Accordingly, a revision was made in § 216.2(e) of the interim regulations making this activity an illegal taking (Appendix B).

The NMFS is analyzing data gathered as a result of a public hearing in Washington, D.C., on May 22, 1973, and soon will issue a policy statement covering situations in which marine mammals are abandoned, stranded, or beached, with primary concern directed to the welfare of the animals. Further discussion of this matter is included in the section on State-Federal cooperation.

The NMFS received applications for economic hardship exemptions from 11 hunters in Alaska to harvest 11,100 seals and 13,200 sea lions for commercial sale of hides, meat, and fat. On April 11, 1973, a public hearing in Kodiak, Alaska, considered formally the requests from two of the applicants (and informally five others), during which a representative of the Alaska Department of Fish and Game estimated that NMFS could conceivably expect to receive as many as 15 additional applications for exemption from Alaskans who have commercially hunted seals and sea lions in the past. Consequently, it was estimated that requests involving approximately 51,000 animals could be forthcoming.

In view of the possible impact of the projected amount of hunting on the marine ecosystem, NMFS determined that an Environmental Impact Statement would be required, as prescribed in section 102(2)(C) of the National Environmental Policy Act of 1969, prior to action on any of the 11 exemptions requested for the taking of seals and sea lions in Alaska (Appendix B). The draft Environmental Impact Statement is being prepared by NMFS in cooperation with the State of Alaska.

Status of exemption applications. Although the Act does not require public hearings as a condition to the granting of exemptions under conditions of undue economic hardship, it provides for such hearings, at the discretion of the Secretary, on scientific research and display permits issued after review by the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals. It was obvious that there was deep public concern regarding marine mammals. Therefore, NMFS considered public hearings an important

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element of policy formulation. Provision for discretionary hearings regarding economic hardship exemption requests was included in the interim regulations.

In addition to public hearings, meetings were held periodically with many interested national conservation groups, including a consortium of environmentalists and others, to explain the problems involved in implementation of the Act as well as proposed solutions.

Public hearings were held on 14 of the 50 applications received for undue economic hardship exemptions. This included four hearings on applications dealing with scientific research; seven for display; two in Alaska for commercial taking and sale of skins, meat, and fat; and one hearing on an application involving capture of live animals for sale. Of the 50 applications received (18 scientific research, 16 display, 16 other), 13 were approved (9 research, 4 display), 3 were denied (other), 4 were withdrawn (2 research, 1 display, 1 other), and 30 are pending (7 research, 11 display, 12 other). It is expected that additional hearings will be held on several of the pending applications. Table 1 summarizes actions taken on undue economic hardship applications.

Table 1. Summary of Actions Taken on Undue Economic Hardship Applications December 21, 1972, to June 21, 1973

Scientific Research	Approved	Denied	Withdrawn	Pending	Hearing
University of California	X				No
University of Rhode Island	X				No
Paul A. Faulbitski, San Francisco, California	X				No
Smithsonian Institution	X				No
University of Texas				X	Yes
University of California	X				No
California State University	X				No
University of Washington				X	No
Scripps Institution of Oceanography	X				Yes
Naval Biomedical Research Laboratory	X				No
Maine Department of Sea and Shore Fisheries	X				No
Oregon State University				X	Yes
Alaska Department of Fish and Game				X	Yes
University of Alaska			X		No
University of Alaska			X		No
State University of New York				X	No
Naval Arctic Research Laboratory				X	No
University of Missouri and the University of Southern California				X	No
Total Research - 18 applications 4 hearings held; others may be held.	9	0	2	7	4

Table 1 (continued). Summary of Actions Taken on Undue Economic Hardship Applications December 21, 1972, to June 21, 1973

Display	Approved	Denied	Withdrawn	Pending	Hearing
Sea World, Inc., San Diego, California	X				No
Seattle Marine Aquarium, Seattle, Washington			X		Yes
Gulfarium, Fort Walton Beach, Florida				X	Yes
Sea-Arama Marineworld, Galveston, Texas	X				Yes
Black Hills Marineland, Inc., South Dakota				X	Yes
San Diego Zoological Gardens, San Diego, California				X	No
Mystic Aquarium, Mystic, Connecticut	X				Yes
Henry Doorly Zoo, Omaha, Nebraska	X				No
Japanese Village, Buena Park, California				X	Yes
Detroit Zoological Park, Detroit, Michigan				X	No
Children's Zoo, Fort Wayne, Indiana				X	No
Quinlan Marine Attractions, North Carolina				X	Yes
The Aquarium, Depoe Bay, Oregon				X	No
Bob's Seafood, Morro Bay, California				X	No
Gianfuretto Salvadori, Dover, Pennsylvania				X	No
Undersea Gardens, Marina del Ray, California				X	No
Total Display - 16 applications 7 hearings held; others may be held.	4	0	1	11	7

Table 2. Marine Mammals Authorized to Be Taken for Public Display and Scientific Research Under Economic Hardship Exemption December 21, 1972, to June 21, 1973

Marine Mammals Common Name	Scientific Name	Public Display	Scientific Research
Beaked whale	Mesoplodon sp.		1 (skeleton)
Beluga whale	Delphinapterus leucas	4	
Gray whale	Eschrichtius robustus		3
Killer whale	Orcinus orca	4	
Pilot whale	Globicephala melaena	11	
Bottle-nose dolphin	Tursiops truncatus	24	
White-sided dolphin	Lagenorhynchus obliquidens	6	6
Bearded seal	Erignathus barbatus	6	10 (10)*
Gray seal	Halichoerus grypus		3
Harbor seal	Phoca vitulina richardii	21	70
Northern elephant seal	Mirounga angustirostris	5	
Ribbon seal	Histriophoca fasciata		5 (5)*
Ringed seal	Pusa hispida		10 (10)*
Spotted seal	Phoca vitulina largha		20 (20)*
California sea lion	Zalophus californianus	18	77 (75)**
Steller sea lion	Eumetopias jubatus	4	10 (10)*
TOTAL		103	215

(*) Animals to be sacrificed in the course of scientific research.

(**) Includes 75 aborted, stillborn or dead fetuses collected on San Miguel Island, California.

Federal enforcement. There have been a variety of enforcement cases handled by NMFS enforcement agents. The most notable occurred about three weeks after the Act became effective. On January 11-12, 1973, NMFS enforcement agents, responding to requests for action from the State of Mississippi, the Biloxi Humane Society, and other concerned citizens, seized one dead and five live Atlantic bottlenose dolphins that had been left unattended at the facilities of a marine mammal supplier in Biloxi, Mississippi. The dolphins were subsequently transported via truck to Fort Walton Beach, Florida, where they have since been cared for and held. Action by the Secretary against the owners of the dolphins resulted in forfeiture of the five mammals to the Federal Government. This

Table 1.(Continued). Summary of Actions Taken on Undue Economic Hardship Applications December 21, 1972, to June 21, 1973

Other (Dressed skins; sale of skins, meat and fat; live capture for sale; subsistence	Approved	Denied	Withdrawn	Pending	Hearing
Bergner International, New York City			X		Cancelled
F. J. Noulkers, Seward, Alaska				X	Yes 1/ No 2/
Frontier Tanning Company, Anchorage, Alaska		X			
Ray C. Randall, Fort Williams, Alaska				X	Yes 1/
William Matumpski, Kodiak, Alaska				X	No 1/ 2/
Andrew Nault, Kodiak, Alaska				X	No 1/ 2/
Jerry Richmond, Kodiak, Alaska				X	No 1/ 2/
Kenneth Sellers, Anchorage, Alaska				X	No 1/
Joe Hankins, Port Heiden, Alaska				X	No 1/
Jeff Forbes, Port Heiden, Alaska				X	No 1/ 2/
Fred A. King, Anchorage, Alaska				X	No
Keith C. Koontz, St. Lawrence Island, Alaska				X	No 1/
Roscoe Harrell, Whittier, Alaska				X	No 1/
David Andrews, Kodiak, Alaska				X	No 1/

Table 1 (continued). Summary of Actions Taken on Undue Economic Hardship Applications December 21, 1972, to June 21, 1973

Other	Approved	Denied	Withdrawn	Pending	Hearing
Sea Lions International, Santa Barbara, California		X			Yes
Global Sea Lions, Inc., Santa Barbara, California		X			No
Total Other	0	3	1	12	3
16 applications 3 hearings held; others may be held.					
GRAND TOTAL	13	3	4	30	14
50 applications 14 hearings held; others may be held.					

1/ Environmental Impact Statement will be prepared prior to final action.
2/ Heard informally in course of Hoelkers-Randall hearing.

Notices of all policy determinations on economic hardship exemptions (Appendix B) and final actions taken thereon were published in the FEDERAL REGISTER. Records of the 14 hearings on economic hardship exemption applications are available for inspection at NMFS headquarters in Washington, D.C.

Hearings are usually held in the geographic area in which the applicant does business, or the location of prominent public interest, and a transcript of the hearing is made for the official record. Publication in the FEDERAL REGISTER of notices of proposed hearings affords individuals and organizations an opportunity to express their views by appearing at the hearings or by submitting written comments for inclusion in the official record. In all instances, notices of receipt of applications were published in the FEDERAL REGISTER and public comments were solicited.

Table 2 shows the number, by species, of the 318 marine mammals authorized to be taken for public display and scientific research, as of June 21, 1973.

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incident demonstrated the need for NMFS to develop a policy which would provide forfeited, stranded, or beached mammals with the best opportunity for survival. A decision on the disposition of the five dolphins will be made in the near future.

Other cases have involved investigations of reports concerning the sale of whale meat, the sale of ambergris, the alleged shooting of a whale, the taking of porpoises, and inquiries concerning the importation of marine mammal products. NMFS enforcement agents have accompanied and monitored authorized captures of marine mammals by scientific researchers and oceanaria authorized pursuant to Letters of Exemption. Inspections of applicants' facilities have also been conducted to determine adequacy for the care and maintenance of marine mammals.

State-Federal cooperation. Section 109 (c) of the Act authorizes the Secretary of Commerce to enter into cooperative enforcement arrangements with States. Since NMFS's enforcement capability is limited, agreements have been negotiated with ten States along the Pacific and the southeastern coasts of the United States. The purpose of these agreements is to achieve cooperative agreements with the States for prompt enforcement of Federal law and regulations, where needed, through utilization of available State personnel and equipment. Under short term contracts requiring a total monthly amount of about $37,000, the States of Alabama, Alaska, California, Florida, Georgia, Louisiana, Mississippi, Oregon, South Carolina, and Washington have agreed to enforce the moratorium on the taking of marine mammals, including making investigations and appearing as witnesses in any subsequent judicial actions. The services provided by each State vary in scope and are related to the traditional incidence of marine mammals and the need for enforcement activities. In Alaska, the enforcement efforts provided by the State are quite extensive and involves the part-time services of 82 fish and wildlife officers and State troopers, and several patrol boats and aircraft. With each State, the fixed monthly contract cost is established by determining the relative effort required, based on known considerations and potential problems. These contracts identify State officers who will be involved in enforcement activities, including estimates of time and equipment to be used. In addition, periodic reports are required by NMFS from each State under contract which summarize work performed and related information so that future contracts can be directed toward the most effective utilization of Federal funds and State resources.

Sections 109 and 112 of the Act authorize Federal cooperation with the States in the handling and disposition of marine mammals in distress, abandoned, or confiscated. Throughout the coastal areas of the United States, the problem of beached marine mammals is of great concern. The frequency with which animals are stranded varies greatly from area to area; in Florida, California, and Alaska the number of occurrences is significant. Records show that between 150–175 false killer whales (*Pseudorca crassidens*) beached themselves in the vicinity of Fort Pierce, Florida, on January 11, 1970; about 50 pilot whales (*Globicephala macrorhyncha*) came ashore near Sarasota, Florida, on August 21, 1971; and in June 1973, ten pilot whales beached themeselves near Key Largo, Florida. These are only a few of the records of beached mammals during recent years. Section 109(a)(4) of the Act authorizes a State or local government employee to assist distressed mammals. Section 216.8 of the interim regulations prescribes the authority and procedures by which State or local government employees may handle such situations. Depending on the condition of the animal, local authorities may either return the animal to its natural habitat or place it in an aquarium for care until final disposition can be determined.

In many cases, beached or stranded animals are very sick or injured and can be expected to die after a short time. States are, of course, authorized to dispose of the carcasses. In some instances carcasses have been given to scientific institutions for study. In every situation, a report is required from the State by NMFS of the circumstances concerning the taking and final disposition of an animal.

Federal interagency cooperation. Subsections 112 (b) and (c) of the Act authorize and direct each Federal agency to cooperate with the Secretary (Commerce and the Interior) in such a manner as may be mutually agreeable, and the Secretary (Commerce and the Interior) may enter into such contracts, leases, cooperative agreements, or other transactions, as may be necessary to carry out the purposes of the Act.

The NMFS has discussed cooperative arrangements with the Departments of Agriculture, Interior, Transportation, and Treasury. The Department of Agriculture, acting under the Animal Welfare Act of 1970 (Public Law 91–579), would enforce regulations concerning the care and maintenance of marine mammals in captivity prior to the effective date of the Act, specifying the manner in which the animals could be handled, transported, and displayed. The regulations would also specify the minimum standards for such facilities.

A memorandum of understanding between the Department of Commerce and the Department of the Interior is presently being developed which would provide for the Department of the Interior to assist the Department of Commerce in its implementation responsibilities under the Act in the inland States and at designated ports of entry where the Department of the Interior presently has agents stationed. The agreement would also provide that the Department of Commerce assist the Department of the Interior through enforcement of the Act on the high seas.

The Customs Service in the Treasury Department will assist in carrying out responsibilities related to importation of marine mammals and marine mammal products into the United States. The Coast Guard in the Department of Transportation has been asked to report violations encountered on routine sea patrols. Cooperation with other Government agencies will be explored.

International program. The requirements for international action prescribed in Section 108 of the Act aim to conserve and protect marine mammals throughout the world by international arrangements. The National Oceanic and Atmospheric Administration, Department of Commerce, has initiated several pertinent actions.

A proposed new Protocol to the International Whaling Convention, coordinated by all appropriate United States Government agencies, including the Departments of State and the Interior, the Council on Environmental Quality, and the Smithsonian Institution, was prepared for presentation at the International Whaling Commission meeting in London, England, on June 25–29, 1973. Comments from conservation groups and others have been included in the proposed Protocol. Negotiations relative to its adoption will take place at a future date.

The proposed Protocol incorporates into the Convention the basic provisions of the Marine Mammal Protection Act. The major changes to the Convention involve including all cetaceans; elimination of all references to consideration of commercial interests except to recognize that cetaceans have nutritional and economic values; and stipulation that cetaceans may be taken only when the populations are at optimum levels.

At the November 1972 meeting of the Inter-American Tropical Tuna Commission, the United States Delegation informed other member nations of the requirements under the Marine Mammal Protection Act. Agreements with foreign nations having tuna fishing operations similar to those of the United States fishing industry cannot be finalized until the United States has adopted regulatory provisions for its own fishermen. The foreign catch of yellowfin tuna in the Eastern Tropical Pacific amounts to about 15 percent of the total annual yellowfin catch for that area.

At the June 1973 session of the International Commission for the Northwest Atlantic Fisheries (ICNAF), the United States indicated that conservation of harp and hooded seals should include consideration of their esthetic, recreational, and ecological significance.

Section 108(b)(1)(B) requires, in consulation with the Secretary of State, a comprehensive study of the provisions of the Act as they relate to the Interim Convention on the Conservation of North Pacific Fur Seals. This is to determine what modifications may be required in the provisions of the Convention, or the Act, or both, to make them consistent with each other. This study is in progress and a report of findings is scheduled to be submitted to Congress by October 21, 1973.

South African fur seals are considered a national resource and are under regulation by the Government of the Union of South Africa. Uruguay has a similar interest in South American fur seals and South American sea lions which haul out on its territory. A request by the United States for determination of the desirability of bilateral agreements for protection of these mammals has been sent to both Governments pursuant to Section 108(a) of the Act.

A Government-wide decision has been made, with the concurrence of several prominent conservation organizations, to seek the convening of an international ministerial meeting on marine mammals to be held late in 1974. Because of the large number of nations necessarily involved, time will be required for meeting arrangements and for preparations of positions on the new and complex issues involved in negotiating a meaningful convention for protection and conservation of all marine mammals. It was, therefore, considered unrealistic by the Departments of State, Commerce, and the Interior to seek the convening of an international ministerial meeting before July 1, 1973, as called for in Section 108 (a)(5) of the Act.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, negotiated in February 1973, and signed by the United States on March 3, 1973, considers "introduction from the sea" to be a form of trade. Marine mammal species or their products which are covered by the Convention may not be brought in from the sea, imported into, or exported from any other nation party to the Convention except as provided for under the Convention. This provision may give some added protection to five species of whales and affords some needed international protection to all monk seals, two species of elephant seals, four species of fur seals, and the Ganges River dolphin.

In accordance with an agreement between the United States and the Union of Soviet Socialist Republics for cooperation in environmental conservation, a meeting of a joint working group on the problems of nature and preserves was held in Moscow January 23–31, 1973. The working group discussed problems pertaining to the conservation and regulation of marine mammal populations. The group agreed to the conduct of cooperative research on inventory methods, population dynamics and ecology of walruses and ice seals; marking of sei, fin and sperm whales for distribution and assessment information; biological investigations of gray and bowhead whales; and basic biology of other northern marine mammals.

Coordinated Pribilof Islands-Bering Sea research. Fur seals of the Pribilof Islands have been under study by scientists since 1867 when the Islands became a possession of the United States. Since 1956, the seal population has been studied intensively in an effort to satisfy the requirements of the Interim Convention on the Conservation of North Pacific Fur Seals.

Ongoing research has centered on development of information on causes of death among the young; determination of the number of pups born each year; determination of numbers of living adult males and all dead fur seals found on the breeding and hauling grounds; and determination of age composition of the commercial kill.

Because factors that control the population size of fur seals are not fully understood, NMFS proposed new research efforts designed to provide additional information for more effective management of the Pribilof fur seal herd. The research program, which entailed a cessation of commercial sealing on St. George Island, was presented by the United States to the North Pacific Fur Seal Commission Meeting in Tokyo, Japan, on March 19–23, 1973, and adopted by that body. Major parts of the program began this year. Other aspects will be phased in during subsequent years.

The program is designed to determine changes in population size and age and sex composition and how these relate to survival, mortality, and reproduction rates and behavior patterns. The program will describe changes in the unharvested population and rookery areas; and monitor abundance and distribution of Bering Sea fish and invertebrate stocks utilized by fur seals and other marine mammals.

Tuna-Porpoise research and development. A research program was developed to reduce incidental killing of porpoise taken in Eastern Tropical Pacific Ocean tuna purse seine fishing. The first priority is to respond to the requirements of section 101(a)(2) of the Marine Mammal Protection Act by reducing this mortality to a level approaching zero as quickly as possible; and secondly, to back this up with efforts to establish definitive information on the status of porpoise populations in the Eastern Tropical Pacific.

In response to this problem, an expanded porpoise program was developed at the NMFS Southwest Fisheries Center, La Jolla, California. It is presently underway and has three principal elements: (1) gear dynamics and development, (2) life histories and survey, and (3) stock assessment. Most of the effort and research funds are being channeled into gear dynamics and development, since these appear to offer the greatest promise of speedy and practical short-range reduction of mortality. The objective is to reduce incidental porpoise deaths in the tuna fishery to zero, or as near it as possible, by providing realistic solutions which are applicable for use by foreign fishing fleets as well as those of the United States. The approach is to isolate all separate causes of mortalities and to provide both preventive and remedial measures.

The life history and survey element is divided into (1) research on porpoise life studies, (2) an observer program, and (3) aerial assessment surveys. The life studies phase is essentially a continuation of ongoing studies of taxonomy, geographic distribution, life histories, growth, reproductive rates and major causes of natural mortality of Eastern Tropical Pacific porpoises. The National Marine Fisheries Service observer program provides information on porpoises killed incidentally in fishing operations, statistics on size and makeup of the catch, specimens to be used in life history studies and stock assessment, detailed observations of rescue operations during each tuna set, and other observations on porpoises and birds. Aerial observations with cameras and remote sensors, if they prove feasible, will enable rapid census of cetacean populations over vast oceanic areas. The practicality of this technique is still under study.

The porpoise stock assessment studies will incorporate observer data and results of ongoing life history studies and will lead to assessment of status of spotted porpoise (*Stenella attenuata*) stocks first, and later to spinner porpoise (*S. longirostris*) and whitebelly porpoise (*Delphinus delphis*) stocks.

Public hearings for the purpose of obtaining the views of interested parties on ways of improving commercial fishing methods and gear so as to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations are scheduled on July 31, 1973, in Washington, D.C., and on August 3, 1973, in San Diego, California. The NMFS will receive views of the public concerning a variety of proposals, including (a) requiring the use of a smaller mesh "Medina" panel; and (b) requiring the training of skippers of tuna vessels in the handling of this type gear, including so-called "backing down" procedures.

Part II. Current Status of the Stocks of Marine Mammals

Introduction. The following "Report on the Current Status of Stocks of Marine Mammals" was written and reviewed by scientists from universities, State agencies, and the National Marine Fisheries Service. A list of the scientists, who have assisted either by providing information or reviewing the status reports is included in the report.

Of the approximately 104 species of marine mammals throughout the world, status reports have been prepared for 66 species which are of primary concern to the United States and are the responsibility of the Secretary of Commerce under the terms of the Marine Mammal Protection Act. The Act requires a report not only on the status of each marine mammal species, but also on the population stocks. The population stocks of only a few marine mammals have been delineated and the effort needed to obtain information on exotic population stocks is beyond the scope of research being carried out at the present time.

Information about each species is summarized under six major headings. They are distribution and migration, abundance and trends, general biology, ecological problems, allocation problems, and current research. Selected references are listed at the end of each species discussion. Summary information on exist-

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ing protective regulations for marine mammals is also included.

References are not cited in the report except for the paragraph on abundance and trends. Because of the importance of data on abundance and trends, information in this section is cited and citations are given in the list of references. Data on the abundance of marine mammals are difficult and costly to obtain. With the exception of a few species which have been commercially exploited, such as large whales and fur seals in the North Pacific Ocean, abundance data are usually inadequate for management purposes.

SPECIES LIST

Pinnipedia
- *Zalophus californianus* (California sea lion)
- *Eumetopias jubatus* (northern sea lion)
- *Arctocephalus australis* (South American fur seal)
- *Arctocephalus pusillus* (South African fur seal)
- *Arctocephalus townsendi* (Guadalupe fur seal)
- *Callorhinus ursinus* (northern fur seal)
- *Phoca vitulina* (harbor seal)
- *Pusa hispida* (ringed seal)
- *Halichoerus grypus* (gray seal)
- *Histriophoca fasciata* (ribbon seal)
- *Pagophilus groenlandicus* (harp seal)
- *Erignathus barbatus* (bearded seal)
- *Monachus tropicalis* (Caribbean monk seal)
- *Monachus schauinslandi* (Hawaiian monk seal)
- *Lobodon carcinophagus* (crabeater seal)
- *Ommatophoca rossi* (Ross seal)
- *Hydrurga leptonyx* (leopard seal)
- *Leptonychotes weddelli* (Weddell seal)
- *Cystophora cristata* (hooded seal)
- *Mirounga leonina* (southern elephant seal)
- *Mirounga angustirostris* (northern elephant seal)

Mysticeti
- *Balaena glacialis* (black right whale)
- *Balaena mysticetus* (bowhead whale)
- *Eschrichtius robustus* (gray whale)
- *Balaenoptera acutorostrata* (minke whale)
- *Balaenoptera edeni* (Bryde's whale)
- *Balaenoptera borealis* (sei whale)
- *Balaenoptera physalus* (fin whale)
- *Balaenoptera musculus* (blue whale)
- *Megaptera novaeangliae* (humpback whale)

Odontoceti
- *Steno bredanensis* (rough-toothed dolphin)
- *Tursiops truncatus* (bottlenosed dolphin)
- *Grampus griseus* (Risso's dolphin)
- *Lagenorhynchus albirostris* (white-beaked dolphin)
- *Lagenorhynchus acutus* (Atlantic white-sided dolphin)
- *Lagenorhynchus obliquidens* (Pacific white-sided dolphin)
- *Lagenodelphis hosei* (Sarawak dolphin)
- *Stenella attenuata, frontalis, graffmani,* and *dubia* (spotted dolphin)
- *Stenella plagiodon* (Atlantic spotted dolphin)
- *Stenella longirostris* (spinner dolphin)
- *Stenella coeruleoalba* (striped dolphin)
- *Delphinus delphis* (common dolphin)
- *Lissodelphis borealis* (northern light whale dolphin)
- *Peponocephala electra* (broad-beaked dolphin)
- *Feresa attenuata* (pygmy killer whale)
- *Pseudorca crassidens* (false killer whale)
- *Globicephala melaena* (common pilot whale)
- *Globicephala macrorhyncha* (short-finned pilot whale)
- *Orcinus orca* (killer whale)
- *Phocoena simus* and *Phocoena phocoena* (harbor porpoise)
- *Phocoenoides dalli* (Dall porpoise)
- *Delphinapterus leucas* (beluga)
- *Monodon monoceros* (narwhal)
- *Physeter catodon* (sperm whale)
- *Kogia breviceps* (pygmy sperm whale)
- *Kogia simus* (dwarf sperm whale)
- *Mesoplodon bidens* (North sea beaked whale)
- *Mesoplodon europaeus* (Antillean beaked whale)
- *Mesoplodon mirus* (True's beaked whale)
- *Mesoplodon stejnegeri* (Bering Sea beaked whale)
- *Mesoplodon carlhubbsi* (Arch-beaked whale)
- *Mesoplodon ginkgodens* (Ginko-toothed whale)
- *Mesoplodon densirostris* (dense-beaked whale)
- *Ziphius cavirostris* (goose-beaked whale)
- *Berardius bairdi* (giant bottlenose whale)
- *Hyperoodon ampullatus* (North Atlantic bottle-nose whale)

CALIFORNIA SEA LION

(*Zalophus californianus californianus*)

Distribution and migration. This subspecies of the California sea lion ranges along the west coast of Mexico from about lat. 21° N to southern British Columbia, Canada. The California sea lion breeds on some Gulf of California islands northward to San Miguel Island, Calif., in lat. 34° N. Many adult and subadult males move northward along the California, Oregon, Washington, and British Columbia coasts after the breeding season.

Another subspecies occurs on the Galapagos Islands, and still another, formerly found in Japanese waters, is now extinct.

Abundance and trends. The California Department of Fish and Game censuses indicate that the California sea lion population reached a low level in the early 1930's in California waters, then made a steady recovery and apparently leveled off about 1961 with little variation in the counts since then (Ripley, Cox, and Baxter, 1962; Carlisle and Aplin, 1971). Rice, Kenyon, and Lluch (1965) counted 16,150 California sea lions on Guadalupe, San Benito, and Cedros Islands, Mexico, in January and February 1965. Orr, Schonewald, and Kenyon, (1970) counted this species in the Gulf of California between 1960 and 1968, and in April of 1966 made what is the most accurate total count (5,411) obtained on six islands in these waters. In United States waters, Peterson and LeBoeuf (1969) estimated that 40,000 animals were ashore on San Nicholas and San Miguel Islands during the 1967 and 1968 breeding seasons. Odell (1971) obtained minimum counts of 34,382 California sea lions on all Channel Islands in June 1964. The preceding figures indicate a total population of about 60,000, with about 20,000 animals in Mexico and 40,000 in the United States.

Mate (pers. comm.) states that the California sea lion population in Oregon numbered about 2,500 in 1968, 1969, and 1970. As many as 1,000 animals migrated through Oregon to the north during these years.

In 1972, Bigg (1973) counted 430 California sea lions in Barkley Sound off Vancouver Island on February 25. At the same time, 35 on Race Rocks off Victoria, B.C., and 10 in Dodds Narrows (lat. 49°07' N) near Nanaimo, B.C., were counted.

Before passage of the Marine Mammal Protection Act by the U.S. Congress, California sea lions were taken by permit each year for sale to zoos, oceanaria and circuses. Daugherty (1972) states that 400 of these animals were taken in 1969 and 580 in 1970.

General Biology. The adult male grows to 2.1 m and 273 kg; the adult female to 1.8 m and 91 kg. Most of the pups are born in June and are about 0.8 m long and 5.4 to 6.4 kg in weight. The females usually breed 15 to 30 days after parturition and the mother and pup may remain together the first year. The males establish and defend breeding territories on land; the females move about freely. On San Nicholas Island, the pupping season begins about 15 May and last about 5 weeks, with peak during the first week in June.

During the past two or three years an increase in premature births and in the mortality rate of subadults and young adults apparently has occurred. Three potential causes have been isolated: (1) Chemical residues (polychlorinated biphenyls, DDT and metabolites); (2) a bacterium (*Leptospira*); and (3) a virus.

The greatest single cause of death in wild and captive animals is lungworm. Animals in captivity have also died from pleuropneumonia, pneumonia, and enteric infections, diseases which may also occur in wild populations.

Ecological problems. California sea lions associated with certain hauling grounds and rookeries have practically abandoned these areas because of harassment. Major populations are now located only on sites not easily reached by the public.

Allocation problems. A history of conflict exists between people for and against complete protection of this species. Some fishermen want the number of California sea lions to be controlled. A demand exists for taking these animals for display. Some conservation groups would like complete protection for the California sea lion.

Current research. The following organizations are conducting research on the California sea lion: Biological Sonar Laboratory, Fremont, Calif.; University of California, Santa Cruz, Calif.; University of California, Berkeley, Calif.; California Academy of Science, San Francisco, Calif.; Humboldt State College, Arcata, Calif.; and Fisheries Research Board of Canada, Nanaimo. The National Marine Fisheries Service conducts research on this species incidental to a fur seal project on San Miguel Island off California.

REFERENCES

Bigg, Michael A. 1973. Census of California sea lions on southern Vancouver Island, British Columbia. J. Mammal. 54: 285–287.

Bonnot, P. 1951. The sea lions, seals, and sea otters of the California coast. Calif. Fish Game, 37: 371–389.

California Department of Fish and Game. 1971. California's living marine resources and their utilization, Herbert W. Frey (ed.). Calif. Dept. Fish Game, 148 p.

Carlisle, J. G., and J. A. Aplin. 1966. Sea lions census for 1965 including counts of other California pinnipeds. Calif. Fish Game, 52: 119–120.

1971. Sea lion census for 1970, including counts of other California pinnipeds. Calif. Fish Game, 57: 124–126.

Daugherty, Anita E. 1972. Marine mammals of California, 2d rev. Calif. Dept. Fish Game, Sacramento, 90 p.

DeLong, R. L., W. G. Gillmartin, and J. G. Simpson. 1973. Environmental pollutant residues in parturient California sea lions: premature vs normal. Science (in press).

LeBoeuf, B. J., and M. L. Bonnell. 1971. DDT in California sea lions. Nature 234: 108–110.

Mate, Bruce R. In press. Annual migrations of the sea lions *Eumetopias jubatus* and *Zalophus californianaus* along the Oregon coast. In Symposium on the biology of the seal, Guelph, Ontario, August 14–17, 1972.

Odell, D. K. 1971. Censuses of pinnipeds breeding on the California Channel Islands. J. Mammal. 52: 187–190.

1972. Studies on the biology of the California sea lion and the northern elephant seal on San Nicolas Island, California. Ph.D. thesis, Univ. Calif., Los Angeles, 168 p.

Orr, R. T., J. Schonewald, and K. W. Kenyon. 1970. The California sea lion: skull growth and a comparison of two populations. Proc. Calif. Acad. Sci., 4th Series, 37(11): 381–394.

Peterson, R. S., and G. A. Bartholomew. 1967. The natural history and behavior of the California sea lion. Amer. Soc. Mammal. Spec. Publ. No. 1, 79 p.

Peterson, R. S., and B. J. LeBoeuf. 1969. Population studies of seals and sea lions. Trans. 34th N. Amer. Wildl. Nat. Res. Conf., p. 74–79.

Rice, D. W., K. W. Kenyon, and D. Lluch-B. 1965. Pinniped populations at Islas Guadalupe, San Benito, and Cedros, Baja California in 1965. Trans. San Diego Soc. Nat. His. 14(7): 73–84.

Ripley, W. E., K. W. Cox, and J. L. Baxter 1962. California sea lion census for 1958, 1960, and 1961. Calif. Fish Game, 48: 228–231.

NORTHERN (STELLER) SEA LION

(*Eumetopias jubatus*)

Distribution and migration. The northern sea lion is found in continental shelf water from the Sea of Japan and northern Honshu, Japan, northward around the North Pacific Ocean rim to the Okhotsk and Bering Seas and southward to the California Channel Islands. Some seasonal movements occur in parts of its range. Examples of such movements are differences in the winter and summer distribution of these animals in the Bering Sea, and the post-breeding movements of males in central California.

Abundance and Trends. Kenyon and Rice (1961) estimated the world population at between 240,000 and 300,000 in 1961. No published estimates of the total population have been made since that time. Alaska has 202 known rookeries and hauling grounds. The Alaskan population has increased considerably since the early 1900's and now exceeds 200,000 and may be near maximum levels in many areas (Alaska Department of Fish and Game, 1973). Since 1964, several thousand pups have been harvested annually in Alaska until 1973 when the Marine Mammal Protection Act became effective; 6,546 were taken in 1972.

Kenyon and Scheffer (1962) made six aerial and one surface survey along the Washington coast between 1949 and 1959 and stated that the population did not exceed 500. Pearson and Verts (1970) estimated the Oregon population at 1,078. The California Department of Fish and Game makes periodic aerial censuses of sea lions in California. Carlisle and Aplin (1971) have given the following figures for sea lions in California north of Pt. Conception: (1958) 7,053; (1961) 6,675; (1965) 4,998; (1969) 7,156; and (1970) 5,189. They consider these to be northern sea lions, although small numbers of California sea lions are known to occur north of Pt. Conception at the time the census is made.

The northern sea lion ranges to the Channel Islands group south of Pt. Conception. In the Channel Islands, the population peaked at about 2,000 in the late 1930's and has declined since (Bartholomew, 1967). In 1972, the San Miguel Island population was estimated by DeLong (pers. comm.) at 30 to 35 plus a few pups.

General biology. The adult males grow to 3.0 m in length and over 900 kg in weight. Adult females reach 2.0 m and almost 300 kg. Males may mature sexually by age 5 years, but hold breeding territories first at age 7 or 8. Females can produce young at age 5 or 6. Pupping takes place in June and early July and newborn pups weigh 16 to 23 kg. Females breed 10–14 days after parturition. Some pups remain with their mothers the first year. The pup sheds its dark chocolate birthcoat for tan adult pelage in the autumn of birth. The adult male maintains a territory 40 to 60 days, and the female may be territorial for several days after her pup is born. Northern sea lions favor isolated locations with some shelter, free access to the sea, and freedom from human harassment. Colonies may become established on rock outcrops, boulder, cobblestone, and coarse sand beaches. The northern sea lion feeds on a variety of fish and cephalopods.

Ecological problems. Northern sea lions in some areas compete with other pinnipeds for rookery and hauling ground space. Excessive disturbance by humans of sea lions on their rookeries and hauling grounds has caused the animals to abandon these areas.

Allocation problems. Northern sea lions have damaged gear and destroyed fish in the halibut longline, salmon purse seine, gillnet, and troll fisheries. The species has also destroyed herring in herring pots and has been accused of biting and sinking inflated plastic buoys used to mark crab pots. This species has considerable esthetic and recreational value.

Current research. This species has its center of abundance in Alaska where the Alaska Department of Fish and Game's management and research investigations have been directed primarily at determining abundance and distribution, and the effects of harvesting operations on rookery populations.

REFERENCES

Alaska Department of Fish and Game. 1973. Alaska's wildlife and habitat. Van Cleve Printing, Anchorage, 143 p.

Bartholomew, G. A. 1967. Seal and sea lion populations of the California islands. P. 229–244 *In* Philbrick, R. N. (ed.), Proc. Symp. on the biology of the California islands. Santa Barbara Botanic Garden.

Bonnot, Paul. 1929. Report on the seals and sea lions of California, 1928. Calif. Fish Game, Fish Bull. 14, 62 p.

Carlisle, John G., and J. A. Aplin. 1971. Sea lion census for 1970, including counts of other California pinnipeds. Calif. Fish Game, 57(2): 124–126.

Fiscus, C. H., and G. A. Baines. 1966. Food and feeding behavior of Steller and California sea lions. J. Mammal. 47: 195–200.

Gentry, R. L. 1968. Censuses of Steller sea lions Año Nuevo Island during 1967–1968. P. 23–25 *In* Peterson, R. L. (ed.) Año Nuevo Reports, 2, Univ. of Calif., Santa Cruz.

Gentry, R. L. 1970. Social behavior of the Steller sea lion. Ph.D. thesis, Univ. Calif., Santa Cruz, 113 p.

Kenyon, K. W., and D. W. Rice. 1961. Abundance and distribution of the Steller sea lion. J. Mammal. 42: 223–234.

Kenyon, K. W., and V. B. Scheffer. 1962. Wildlife surveys along the northwest coast of Washington. Murrelet, 42: 1–9.

Mate, B. R. 1973a. Population kinetics and related ecology of pinnipeds along the Oregon coast. Ph.D. thesis, Univ. Oreg. Eugene, 92 p.

1973b. Annual migrations of the sea lions *Eumetopias jubatus* and *Zalophus californianus* along the Oregon coast.

V 38-147 AUG 1 73 XUM

Proc. Symp. on the Biology of the Seal, Guelph, Ontario, Canada.

Mathisen, O. A., R. T. Baade, and R. J. Lopp. 1962. Breeding habits, growth and stomach contents of the Steller sea lion in Alaska. J. Mammal. 43: 469–477.

Nishiwaki, M., and F. Nagasaki. 1960. Seals of the Japanese coastal waters. Mammalia, 24: 459–467.

Orr, R. T., and T. C. Poulter. 1965. The pinniped population of Año Nuevo Island, California. Proc. Calif. Acad. Sci. 32: 377–404.

Pearson, J. P., and B. J. Verts. 1970. Abundance and distribution of harbor seals and northern sea lions in Oregon. Murrelet, 51:1–5.

Pike, G. C., and I. B. MacAskie. 1969. Marine mammals of British Columbia. Fish. Res. Bd. Can. Bull. 171, 54 p.

Sandegren, F. E. 1970. Breeding and maternal behavior of the Steller sea lion (*Eumetopias jubata*) in Alaska. MS thesis, Univ. Alaska, Fairbanks, 138 p.

Smith, I. D. 1972. Sea lions wintering along the outer coast of Vancouver Island. J. Fish. Res. Bd. Can. 29: 1764–1766.

Spalding, D. J. 1964. Comparative feeding habits of the fur seal, sea lion, and harbour seal on the British Columbia coast. Fish. Res. Bd. Can., Bull. 146, 52 p.

South American Fur Seal

(*Arctocephalus australis*)

Distribution and migration. Two major populations of the South American fur seal, identifiable only by size, are found, one on the Falkland Islands (Islas Malvinas) and the other on coastal Uruguayan Islands. Minor populations of this species occur in Argentina, Chile, and Peru. The adults are on the Uruguayan breeding grounds in November and December, and offshore up to 200 miles east on the edge of the continental platform during the austral winter. An extreme northern record for the South American fur seal was of one identified at Rio de Janeiro, Brazil.

Abundance and trends. In 1972, the Uruguayan population was estimated at 252,000. This population grew from an estimated 129,000 in 1960 to an estimated 174,000 in 1965. Other populations are also increasing. Information on abundance and trends was furnished by Isaías Ximénez, Uruguayan Government biologist.

General biology. Adult males on the Falkland Islands grow to 159 kg, whereas those in Uruguay reach only 136 kg; the females weigh 33–48 kg. Males are polygamous and establish territories in early November. Most of the pregnant females arrive on the rookeries in mid-November, and form small harems of about six animals. Within 6–7 days, each female bears a single pup and breeds 2–3 days later. The pup is usually weaned by July, although some may nurse for nearly a year. Most males first breed at age 7 and the females at age 3. Uterine implantation of the blastocyst probably occurs in March. Gestation, including the period of delayed implantation, lasts nearly one year. Most of the animals leave the rookeries during the austral winter. On the rookeries, the fur seals are in close contact with South American sea lions, *Otaria flavescens*. Main causes of death in order of importance are from sporadic storms, which wash large numbers of pups out to sea; the seven-gilled shark; and probably the killer whale, which is common around the larger rookeries. The South American fur seal has 10 species of endoparasites, but no heart or lung worms. Nasal mites infest this species.

Ecological problems. Offshore oil wells are planned in the near future which may result in an ecological hazard.

Allocation problems. The species has esthetic, educational, and economic values. The Government of Uruguay annually harvests male fur seals on the islands. The harvest in 1972 and 11,000 and in 1973 will be 12,500.

Current Research. Long-term research on this species is carried out by the Governments of Uruguay and Argentina. In addition, short-term projects are carried out by the Natural History Museum of Montevideo and the Smithsonian Institution.

REFERENCES

Peso Blanco, J. del. 1911. Focas de la Republica o del Uruguay. Granada, Spain, 27 p.

Perez-Fontana, H. 1943. Informe sobre la industria lobera (ciento diez años de explotación de la industria lobera en nuestro país). Informe sobre la industria pesquera nacional, 1943, publicado por el Servicio Oceanográfico y de Pesca. Montevideo y Cia., 70 p.

Smith, Hugh M. 1927. The Uruguayan fur-seal islands. Zoologica 9(6): 271–294.

Vaz Ferreira, Raul. 1950. Observaciones sobre la Isla de Lobos. Revista de la Facultad de Humanidades y Ciencias. Montevideo, Uruguay, 5:145–176.

1956. Ecologia terrestre de *Arctocephalus australis* (Zimmermann) ("lobo fin") en las Islas Uruguayas. Servicio Oceanográfico y de Pesca, Trabajos sobre Islas de Lobos y lobos marinos, 2:1–22.

Vaz Ferreira, Raul, and Blanca Sierra de Soriano. 1961. Division funcional del habitat terrestre y estructura de las agregaciones sociales de *Arctocephalus australis* (Zimmermann), estudio grafico. Rev. Fac. Hum. Cienc. 19:253–260.

Ximénez, Isaias. 1963. Frecuencia y fluctuaciones estacionales en la poblacion de *Arctocephalus australis* en algunas zonas de la Isla de Lobos. Rev. Inst. Invest. Pesq. 1(2):141–158.

In press. Nota preliminar sobre la repoblación de *Arctocephalus australis* en la Isla Rasa en las proximidades de Cabo Polonio. Trabajos V Congs. Latinoamericano de Zool., Montevideo.

South African (Cape) Fur Seal

(*Arctocephalus pusillus*)

Distribution and migration. The South African fur seal breeds on the mainland and coastal islands of southern Africa from Cape Cross (South West Africa) to Algoa Bay (South Africa). This species shows no definite seasonal migration, but disperses widely while feeding. A marked adult was seen in deep-sea trawling grounds 450 miles from its birthplace. Young seals in their first year (November to October) frequent protected bays and areas near their places of birth.

Abundance and trends. No current data are available on the total South African fur seal population, however, Rand (1972) estimates about 19,500 mature territorial males and about 273,000 mature females on mainland and island rookeries. Commercial sealing now appears to be keeping the population fairly stable (op. cit.). First year pups (about 9 months) and a small (unknown) number of second year animals of either sex are harvested in the winter (June-September), although all cow seals are protected (op. cit). In 1950, the winter harvest totaled 27,289 pups and has increased to 76,694 in 1971 (Laws, in press). The summer kill of surplus adult males (October-December) has declined from 3,000 in the early 1950's to 812 in 1969 (Rand, 1972).

General biology. The adult males weigh 204.2–317.6 kg and grow to 2.3 m long; females weigh 90.7–113.4 kg and are 1.5–1.8 m long. In late October, when most of the older pups are weaned, the first adult males come ashore to establish territories and harems; pregnant females arrive about a week later. In November and early December, the female bears a single pup (twins are rare), mates 5–6 days later, then leaves its pup for the first time and feeds for 1–2 days at sea. Subsequent nursing-feeding cycles extend to 4–5 days on land and 7–10 days at sea. Implantation of the blastocyst in the uterus is delayed until April or May. Thus, gestation is 7–8 months, but may be longer for some females that mate for the first time in their second year. At birth the pup is about 0.76 m long and averages 6.4 kg. Food consists of fish, cephalopods, and various small crustaceans.

The South African fur seal has stomach nematodes, a cestode and an acanthocephalan in the intestine, mites in the nasal cavity and pulmonary tubes, and an ectoparasitic louse.

Ecological problems. Sharks and killer whales are natural predators.

Allocation problems. Local fishermen engage in scattered and illegal killing of seals, contending that the animals interfere with their expanding purse-seine fishery. Seals occasionally feed on fish protruding through the meshes of otter trawl nets or taken by line fisheries.

Current research. A marking program on some rookeries is carried out by the South and South West African governments to measure herd size, annual recruitment, natural and harvest mortality, and movements.

REFERENCES

Franca, Pedro da. 1967. Sur la presence d'*Arctocephalus pusillus* (Schreber) (Otariidae) et de *Mirounga leonina* (Linne) (Phocidae) au sud de l'Angola. Mammalia 31(1): 50–54.

King, Judith E. 1964. Seals of the world. Brit. Mus. (Nat. Hist.), London, 154 p.

Laws, R. M. (In press.) The current status of seals in the Southern Hemisphere. IUCN/SSC Working Group of Threatened and Depleted Seals of the World, Guelph, Ontario, August 1972.

Rand, R. W. 1955 Reproduction in the female cape fur seal, *Arctocephalus pusillus* (Schreber). Proc. Zool. Soc. London, 124: 717–740.

1959. The Cape fur seal (*Arctocephalus pusillus*). Distribution, abundance and feeding habits off the southwestern coast of the Cape Province. Div. Sea Fish. Invest. Rep. 34, pp. 1–75.

1967. The Cape fur-seal (*Arctocephalus pusillus*). 3. General behavior on land and at sea. Div. Sea Fish. Invest. Rep. 60, 39 p.

1972. Conservation of Cape fur seals. Text of a lecture delivered to Wildlife Society, Transvaal Branch, 7 Nov. 1972 at Johannesburg.

1972. The Cape fur seal (*Arctocephalus pusillus*). 4. Estimates of population size. Div. Sea Fish. Invest. Rep. 89, 28 p.

Visser, John. 1967. Catching South African fur seals. Zoonooz, 40(2): 15–19.

Guadalupe Fur Seal

(*Arctocephalus townsendi*)

Distribution and migration. The distribution of *A. townsendi* in the 18th and 19th centuries is unknown. The Guadalupe fur seal was believed extinct during two periods (1895–1926; 1928–49). One adult male was observed on San Nicolas Island in 1949, and breeding animals were rediscovered at Guadalupe Island in 1954. Subsequently individual animals have been reported at Cedros Island, Baja California, and others have been sighted on San Miguel Island each year since 1968.

Abundance and trends. The last Guadalupe fur seal was commercially harvested from the islands of southern California and Baja California in 1894. The populations of Guadalupe fur seals on the Guadalupe and San Benito Islands apparently once numbered in the thousands. Rice et al. (1965) counted 285 of these mammals on Guadalupe Island and suggested that the population was growing rapidly and may contain as many as 600 animals, including those in the water.

General biology. Biological information on this species is scarce. No specimens have been collected since their recent rediscovery. The males are almost 1.8 m long. Males appear somewhat smaller and females considerably larger than *Callorhinus ursinus*. *A. townsendi* can be separated from *C. ursinus* by its narrow, pointed muzzle and the extension of pelage beyond the wrist onto the dorsum of the foreflipper. It is separated from *Zalophus californianus* by its distinctive underfur.

The pups are born in June and July. Although breeding has not been observed, a post partum estrus probably occurs, which would extend the breeding period into August. The adult males establish territories in isolated caves that have access to the sea or among large boulders close to the splash zone. Single or small groups of breeding territories are distributed along 20 km of the eastern shoreline of Guadalupe Island. The harems contain 1–10 females.

The feeding habits of *A. townsendi* are unknown. The adult males apparently spend considerable time at sea; all sightings at other islands have occurred during the nonbreeding season. The females may not migrate long distances from Guadalupe Island.

Ecological problems. Increasing numbers of human visitors to Guadalupe Island are subjecting the animals to more disturbance. Plans exist to develop the island for the tourist trade. Such development would increase disturbance and could reduce the amount of available breeding habitat for fur seals. Because they breed only on Guadalupe Island, the seals need complete protection from undue disturbance and habitat modification.

Allocation problems. None known.

Current research. The University of California makes periodic censuses of this species.

REFERENCES

Hubbs, Carl L. 1956. Back from oblivion; Guadalupe fur seal: still a living species. Pac. Disc. 9(6): 14–21.

Peterson, R. S., C. L. Hubbs, R. L. Gentry, and R. L. DeLong. 1968. The Guadalupe fur seal; habitat, behavior, population size, and field identification. J. Mammal. 49: 665–675.

Peterson, R. S., and Donald H. Ramsey. 1969. Reproductive behavior of the Guadalupe fur seal. Proc. Biol. Sonar and Diving Mammal Conf., Stanford Res. Inst., p. 35–42.

Repenning, Charles, A., R. S. Peterson, and C. L. Hubbs. 1971. Contributions to the systematics of the southern fur seal, with particular reference to the Juan Fernandez and Guadalupe species. Antarctic Pinnipedia, Antarctic Res. Ser. 18: 1–34.

Rice, D. W., K. W. Kenyon, and D. Lluch-B. 1965. Pinniped populations at Islas Guadalupe, San Benito, and Cedros, Baja California, in 1965. Trans. San Diego Soc. Nat. Hist. 14(7):73–84.

Scheffer, V. B. 1958. Seals, sea lions, and walruses: a review of the Pinnipedia, Stanford Univ. Press, 179 p.+32 pls.

Northern Fur Seal

(*Callorhinus ursinus*)

Distribution and migration. Most of the animals are on their breeding grounds from May through November to bear young and to breed. They otherwise are found at sea along the continental shelf from the Bering Sea south along both sides of the North Pacific Ocean to latitude 32° N. Some intermingling of eastern and western Pacific populations occurs at sea and on land, primarily among males younger than age 6 years.

Abundance and trends. Beginning in 1956, a program of reducing the population of Pribilof Islands fur seals was begun with the expectation that the rate of survival would improve (Roppel et al., 1963) and result in an increased yield of pelts. By 1968, it had become evident that the herd had been reduced to a level somewhat below that of maximum sustainable yield, and that an increase in the number of pups born was desirable. Thus, no female fur seals have been harvested in the Pribilof Islands since 1968 with the expectation that the population would increase. However, less than average survival of several year classes, the cause of which is not understood, has prevented the expected increase. In 1969 and 1970 the number of pups born was estimated to be 304,000 and 306,000, respectively, and in the past the maximum yield of furs was produced when about 400,000 pups were born. In the 1969–72 period when no females were commercially harvested on the Pribilof Islands, an average of about 37,500 males were taken.

Apparently the Commander Islands fur seals have not become reestablished on a considerable portion of their original rookery area. Consequently, this population should increase to a higher level. It is likely that the Robben Island population is near the maximum. Johnson (1972) estimates the abundance of northern fur seals by breeding islands, as follows:

Location of fur seal rookeries	*Estimated number of northern fur seals (in thousands)*
Pribilof Islands	1,200
San Miguel Island	<1
Commander Islands	265
Robben Island	165
Kuril Islands	15
Total	1,645

General biology. The adult male weighs 227–318 kg, and the female 36–59 kg. Newborn pups average 4.5 (female) to 5.4 kg (male). The male is polygamous and establishes his territory in late May and early June. Most of the pregnant females arrive on the rookeries in late June and early July, when they form harems of 1–100 animals. Within 3 days of her arrival, the female bears a single pup (twins are rare), breeds 2 days later, then begins nursing-feeding cycles of 2 days on land and about 8 days at sea within a 200-mile radius. Implementation of the blastocyst is delayed until November. Most of the males first breed at age 10, and few live longer than 15 years. Immature fur seals arrive in descending order of age, the males beginning in mid-June and the females in late July. Some 1-year-olds haul out in September and October, but most fur seals return first at age 2. Most of the animals have left the rookeries by December. The adult males winter in northern waters, pregnant females usually migrate as far south as southern California, and young animals of both sexes are found throughout that range.

The main causes of death among pups on the rookeries are, in order of importance: emaciation-malnutrition syndrome, hookworm disease, bacterial infections, injuries, and perinatal hemorrhagic syndrome. Pathogenic bacteria thus far isolated include: *Clostridium perfringens*, *Proteus mirabilis*, *Salmonella enteriditis*, and *Leptospira* sp. A

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psittacosis group virus has been reported, but the clinical syndrome caused by the agent has not been described. Three other virus isolates from diseased fur seal pups are presently being characterized.

The fur seal has filariid worms, stomach ascarids, intestinal flukes, cestodes, hookworms, and acanthocephalans, and nasal mites, but no heart or lung worms. Hookworms and sucking lice parasitize the newborn.

Ecological problems. Northern fur seals concentrate within their body tissues contaminants such as pesticides and heavy metals. For example, mercury compounds have been found in fur seal liver, large quantities of which have been eaten by residents of the Pribilof Islands. No evidence exists that consumption of fur seal liver has been a health hazard, but following the discovery of mercury in this organ, little liver has been eaten by the people. The effect of contaminants on the health of fur seals is unknown.

Allocation problems. In the North Pacific Ocean and Bering Sea, fur seal and commercial fisheries may be in competition for the same species of fish. Harvesting of fur seals on the Pribilof Islands has been criticized in recent years by animal protection organizations that would prefer esthetic and educational rather than economic use of the resource.

Current research. Long-term research is financed and carried out by the Governments of Japan, Canada, the U.S.S.R., and the United States. Short-term projects are frequently carried out on the Pribilof Islands by university professors or graduate students.

In 1973 St. George Island was designated by the North Pacific Fur Seal Commission as an area of intensive research where no commercial harvest would take place for some period of years.

REFERENCES

Anas, R. 1970. Mercury found in fur seals. Comm. Fish. Rev. 32(12): 3.

Anas, R. E., and A. J. Wilson, Jr. 1970. Organochlorine pesticides in nursing fur seal pups. Pest. Monit. J. 4(3): 114–115.

Chapman, D. G. 1964. A critical study of Pribilof fur seal population estimates. U.S. Fish Wildl. Serv., Fish. Bull. 63(3): 657–669.

Johnson, A. M. In press. The status of northern fur seal populations. *In* Symposium on the Biology of the Seal, Guelph, Ontario, August 14–17, 1972.

Kenyon, K. W., V. B. Scheffer, and D. G. Chapman. 1954. A population study of the Alaska fur seal herd. U.S. Fish Wildl. Serv., Spec. Sci. Rep. Wildl. 12, 77 p.

Keyes, M. C. 1965. Pathology of the northern fur seal. J. Amer. Vet. Med. Ass. 147(10): 1090–1095.

North Pacific Fur Seal Commission. 1965. North Pacific Fur Seal Commission Report on Investigations from 1958 to 1961. Kenkyusha Co., Tokyo, 183 p.

1969. North Pacific Fur Seal Commission Report on Investigations from 1964 to 1966. Kenkyusha Co., Tokyo, 161 p.

Roppel, A. Y., A. M. Johnson, R. D. Bauer, D. G. Chapman, and F. Wilke. 1963. Fur seal investigations, Pribilof Islands, Alaska. U.S. Fish Wildl. Serv., Spec. Sci. Rep. Fish. 454, p + 101 p.

HARBOR SEAL

(*Phoca vitulina*)

Distribution and migration. The harbor seal is found in the North Atlantic Ocean from the ice pack south to France and Georgia and in North Pacific Ocean waters from the Arctic Ocean south to Baja California and southern Japan and Korea. Populations that breed on the ice in the Bering and Okhotsk Seas are distinct from those that breed on land. *P. v. largha*, the ice-inhabiting form, lives in the seasonal pack ice in winter and spring, bearing and nurturing its pup there, and moves toward the coasts when the ice retreats. The coastal forms (*P. v. richardi* and *P. v. kurilensis* in the North Pacific; *P. v. vitulina* and *P. v. concolor* in the North Atlantic) are more sedentary. The harbor seal is the predominant near-shore seal in ice free waters north of 35° N. latitude.

Abundance and trends. Overall, the world population of harbor seals appears to be high and stable. About 750,000 are present in the North Pacific area (Alaska Department of Fish and Game, 1973; Bigg, 1969; Chapskii, 1966) and about 150,000 in the European North Atlantic region (Chapskii, 1966).

General biology. Harbor seals of all subspecies are of medium size; large adults of both sexes are from 160 to 180 cm long and weigh from 130 to 150 kg. Pups weigh from 9 to 12 kg and are about 80 to 90 cm long at birth. Adults of the ice-inhabiting form pair in March for the duration of the breeding season, and a white-coated pup is born to each pair, on the ice, usually in March or April. Adults of the coastal form congregate on islets and bear dark-coated pups, usually in May to July. The pups of each form nurse 4 to 6 weeks, in which time the weight is more than doubled: Males of both forms become sexually mature at 4 to 5 years of age; females at 3 or 4 years. Breeding is annual, and the period of pregnancy (including delayed implantation) is about 10.5 months. Maximum longevity is at least 35 years. Adults of both forms are gregarious outside the breeding season. The diet of the harbor seal, which varies according to season and location of specific populations, includes primarily pelagic, demersal, and anadromous fishes, cephalopods, and crustaceans. Almost all of the adult seals have anisakid round worms and corynosomid acanthocephalans, and, occasionally, high infestations of anopluran lice. The latter seem associated with filarial heart worms and may be vectors. Toxoplasma has been reported in captive animals, but its presence in wild seals is not verified.

Ecological problems. In some parts of its range, the harbor seal contributes to high worm infections in fish, notably codfish. This animal is extremely sensitive to disturbance, and may leave an area temporarily or even permanently after continual harassment by people, equipment, or aircraft. Contamination of the environment with pesticides, heavy metals, and other contaminants may be a problem for the land-breeding harbor seal because it frequently inhabits the relatively closed waters of bays and estuaries where these contaminants are likely to concentrate.

Allocation problems. These seals damage commercial fishing gear and compete with man for such fish as herring, smelt, whitefish, and salmon.

Current research. Ongoing research in California, Washington, British Columbia, Alaska, the U.S.S.R., and Japan is aimed toward the identification of North Pacific populations and describing their distribution and movements, reproductive biology, feeding habits, growth, physiology, and ecology.

REFERENCES

Alaska Department of Fish and Game. 1972. Testimony presented to Senate Subcommittee on Oceans and Atmosphere. Nome, Alaska, May 11, 12, and 13, 1972. Serial No. 92–56, U.S. Gov. Print. Off., Wash., D.C.

1973. Marine mammal status reports. Unpublished, Juneau, Alaska.

Bigg, M. A. 1969. The harbour seal in British Columbia. Fish. Res. Bd. Can., Bull. 172, 33 p.

Bishop, R. H. 1967. Reproduction, age determination, and behavior of the harbor seal, *Phoca vitulina* L., in the Gulf of Alaska. M. S. thesis, Univ. Alaska, 121 p.

Bonner, W. N. 1972. The gray seal and common seal in European waters. Oceanogr. Mar. Biol. Ann. Rev., 10: 461–507.

Burns, J. J. 1970. Remarks on the distribution and natural history of pagophilic pinnipeds in the Bering and Chukchi Seas. J. Mammal. 51: 445–454.

Burns, J. J. and F. H. Fay, 1972. Comparative biology of Bering Sea harbor seal populations. Paper presented at 23d Alaska Sci. Conf., Fairbanks, AK, Aug. 1972.

Bychkov, V. A. 1971. Pinnipeds of the USSR. P. 59–74 *In* Shaposhnikov, L. K. (ed.), Review of the status of USSR Pinnipedia conservation. Min. Sel. Khoz. SSSR, Tsent. Lab. Okhr. Prir, Moscow. Transl. IPST 650946.

Chapskii, K. K. 1966. Sovremennoe sostoyanie i zadachi vosstanovleniya resursov morskogo zveroboinogo promysla (Present state and tasks of the restoration of resources of marine trapping). Tezisy 3-go Vses. Soveshch. po Izuch. Morsk. Mlek., Moskva-Leningrad, "Nauka."

Galster, W., and J. Burns. 1972. Accumulation of pesticides in Alaskan marine mammals. Paper presented at 23d Alaska Sci. Conf., Fairbanks, AK, Aug. 1972.

Mansfield, A. W. 1967. Distribution of the harbor seal, *Phoca vitulina* Linnaeus, in Canadian arctic waters, J. Mammal. 48: 249–257.

Naito, Y., and M. Nishiwaki. 1972. The growth of two species of the harbour seal in the adjacent waters of Hokkaido. Sci. Rep. Whales Res. Inst., 24: 127–145.

RINGED SEAL

(*Pusa hispida*)

Distribution and migration. The ringed seal is circumarctic in distribution in the ice pack. In the North Pacific Ocean it is found in the Bering, Chukchi, and Okhotsk Seas and in the permanent ice pack of the Polar Basin. In winter, most ringed seals occupy areas of land-fast ice, but nonbreeding adults and juveniles may be found wherever ice occurs. Apparently, animals wintering in the Bering and Chukchi Seas move northward in spring as the ice recedes and southward in autumn as it advances again, whereas those in the Canadian Arctic may reside year-round in the same locality. In western Alaska, the ringed seal is the dominant near-shore seal during months when sea ice is present and is replaced by the harbor seal during ice-free months. A small proportion of the population, mainly juveniles, remains in ice-free areas of the Bering Sea during summer.

Abundance and trends. Counts of ringed seals on land-fast ice along the northern coast of Alaska made in 1970 (Burns and Harbo, 1972) indicated that the density of resident animals varies from 5.36 per square mile in the Chukchi Sea between Point Lay and Wainwright, to 1.06 per square mile in the Beaufort Sea between Oliktok and Flaxman Island. Overall, the population in the Bering and Chukchi Seas appears high and is probably stable. Estimates of population size made by the Soviets are difficult to evaluate because they recognize three subspecies with overlapping ranges. The Soviets estimate that the total population of *P. hispida* is 5 to 6 million (Chapskii, 1966); *P. h. hispida* (North Atlantic and Arctic Oceans) at 2,500,000; *P. h. krascheninikovi* (western Bering Sea) at 12,000 (Shustov, 1969); and *P. h. ochotensis* (Okhotsk Sea) at 800,000 to 1,000,000 animals (Fedoseev, 1969, from Bychkov, 1971). The Alaska Department of Fish and Game (1973) estimates the Bering-Chukchi Seas population at about 250,000 ringed seals. The total U.S.-U.S.S.R. harvest is estimated at 12,000 to 16,000 seals annually in the Bering and Chukchi Seas. Almost all of these seals are taken by shore-based hunters because the animals are not numerous in areas where Soviet sealing vessels operate.

General biology. The ringed seal is the smallest of the northern seals. The adults of both sexes grow to about 125 cm and 66 kg. A few individuals, usually females, become much larger. The animals undergo marked seasonal changes in weight, being heaviest in mid- to late winter. The pups are born with white coats from March to early April in a birth lair within an ice pressure ridge or under drifted snow. Newborn animals are 55 to 65 cm long and weigh about 4.0 kg. The weight of the pup is tripled during a 4- to 6-week nursing period. Males become sexually mature at 6 to 8 years of age, females at 5 to 7 years. The ringed seal breeds annually, has a 10.5-month period of pregnancy (including delayed implantation), and is probably monogamous. Maximum longevity exceeds 35 years. Ringed seals tend to be solitary but congregate in areas favorable for feeding, along extensive tide cracks in land-fast ice, and during seasonal migrations. The diet of these seals varies considerably, depending on their location and water depth. In western Alaska, this mammal feeds mainly on mysids, amphipods, euphausids, shrimps, saffron cod, polar cod, and sculpin.

These animals commonly have internal parasites, including round worms, acanthocephalans, and anopluran lice.

Ecological problems. None known.

Allocation problems. None known.

Current research. The State of Alaska monitors the Eskimo harvest and conducts some biological research in conjunction with other programs. Canada conducts research on the ringed seal.

REFERENCES

Alaska Department of Fish and Game. 1973. Marine mammal status reports. Unpublished report, Juneau, AK.

Burns, J. J. 1970. Remarks on the distribution and natural history of pagophilic pinnipeds in the Bering and Chukchi Seas. J. Mammal. 51: 445–454.

Burns, J. J., and S. J. Harbo, Jr. 1972. An aerial census of ringed seals, northern coast of Alaska. Arctic, 25: 279–290.

Bychkov, V. A. 1971. Pinnipeds of the USSR. P. 59–74 *In* Shaposhnikov, L. I. (ed.), Review of the status of USSR Pinnipedia conservation. Min. Sel. Khoz. SSSR, Tsent. Lab. Okhr. Prir, Moscow. Transl. IPST 650946.

Chapskii, K. K. 1966. [Present state and tasks of the restoration of resources of marine trapping.] Tezisy 3–Go Vsesoyuznogo Soveshchaniya po izucheniyu morskikh mlekopitayushchikh. Moscow, "Nauka."

Fay, F. H. 1973. The role of ice in the ecology of marine mammals of the Bering Sea. Paper presented at International Symposium for Bering Sea Study, 30 Jan.-4 Feb. 1972, Hakodate, Japan. (In press.)

Johnson, M. L., C. H. Fiscus, B. T. Ostenson, and M. L. Barbour. 1966. Marine mammals. P. 877–924 *In* Wilimovsky, N. J., and J. N. Wolfe (eds.), Environment of the Cape Thompson Region, Alaska. U.S. Atomic Energy Comm., Oak Ridge, Tenn.

McLaren, I. A. 1958. The biology of the ringed seal (*Phoca hispida* Schreber) in the eastern Canadian arctic. Fish. Res. Bd. Can. Bull. 118, 97 p.

Tikhomirov, E. A. 1966. On the reproduction of the seals belonging to the family Phocidae in the North Pacific. Zool. Zhur. 45(2): 275–281. (Transl. by George Tschuikow-Roux, Auke Bay Biol. Lab., Juneau, AK.)

GRAY SEAL

(*Halichoerus grypus*)

Distribution and migration. The gray seal inhabits the North Atlantic Ocean, with major populations in eastern Canada, Iceland, and northwestern Europe. Dispersion, particularly by pups, from the Canadian breeding colonies in late spring and summer presumably accounts for most of the gray seals seen scattered along the coast of Maine. The tendency for adults to disperse is far less, although they at times make pronounced local movements. One animal tagged in eastern Canada was recently taken off western Norway.

Abundance and trends. The world population is estimated at 50,000 to 60,000 animals, with about two-thirds of these animals in the British Isles (Bonner, 1972). All populations have been increasing until recently, but now appear to be stabilizing (op. cit.). A small colony of 10–15 animals was recently discovered on Muskeget Island, Massachusetts.

Geneal biology. The average length of adult males is 2.4 m and of females, 2.0 m. The average weight and length of the newborn pups are 13.6 kg and 0.9 m, respectively. Pups of the Canadian and Baltic populations are born mostly in February, whereas those in Britain are born mostly in September–October. At birth the pups are covered with a white natal coat, which is replaced by one of stiff hair with a distinctive pattern after 3 to 4 weeks. The pups are weaned in about 3 weeks, at which time mating occurs. The adult seals feed chiefly on skates, mackerel, flounders, cod, hake, and herring; and occasionally salmon, smelt, haddock, sea bass, dogfish, squid, and crustaceans.

Ecological problems. People occasionally harass the animals and use them for target practice.

Allocation problems. In eastern Europe they compete for commercial fishes and destroy fishing gear, and in Canada, the gray seal is an important predator of inshore herring taken commercially.

Current research. Research on biology, ecology, and populations continues by Canadian and British Governments and private groups. Some work is also being carried out by the University of Massachusetts on Muskeget Island and by the State of Maine.

REFERENCES

Andrews, J. C., and P. R. Mott. 1967. Gray seals at Nantucket, Massachusetts. J. Mammal. 48: 657–658.

Backhouse, K. M., and H. R. Hewer. 1957. A note on spring pupping in the grey seal (*Halichoerus grypus* Fab.). Proc. Zool. Soc. London, 128(4): 593–594, 1 pl.

Bonner, W. N. 1972. The grey seal and common seal in European waters. Oceanogr. Mar. Biol. Ann. Rev. 10: 461–507.

Cameron, A. W. 1967. Breeding behavior in a colony of western Atlantic gray seals. Can. J. Zool., 45: 161–173.

Dubrovskii, A. N. 1937. On the biology of the grey seal (*Halichoerus grypus* Fabr.). Priroda, Leningrad, No. 2, p. 107, Feb.

Mansfield, A. W. 1963. Seals of arctic and eastern Canada. Fish. Res. Bd. Can. Bull. No. 137.

1966. The grey seal in eastern Canada waters. Can. Audubon, 28: 161–166.

Smith, E. A. 1966. A review of the world's grey seal population. J. Zool., 150: 463–489.

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RIBBON SEAL

(*Histriophoca fasciata*)

Distribution and migration. Geographically, the ribbon seal is separable into the Okhotsk and Bering-Chukchi Seas populations, and interchanges between these two groups are not know to occur. In the latter group, the center of abundance is in the central Bering Sea. The ribbon seal bears and nurtures its pup on the sea ice. During winter and spring, the entire population is concentrated along the southern edge of the seasonal ice pack. Only a few ribbon seals remain with the ice edge as it retreats northward through Bering Strait. In summer and autumn, ribbon seals are believed to be pelagic, mainly in the ice-free Bering Sea.

Abundance and trends. The population of ribbon seals is relatively low and has been markedly reduced by commercial sealers of the Soviet Union during the last 10 years (Alaska Department of Fish and Game, 1973). U.S. citizens harvest very few ribbon seals. The Alaska Department of Fish and Game (1973) estimates that the population probably does not exceed 100,000 animals, and Soviet estimates indicate a population of 80,000 to 90,000. Commercial hunting by the USSR has reduced the population of these seals, but measures have been taken to limit the annual harvest. In Alaska, the harvest is usually less than 250 per year.

General biology. Adults of both sexes average 155 cm in length and 80 kg in weight. A very large 23-year-old female obtained in March was carrying a near-term fetus. This seal was 179.7 cm long with a girth of 114.3 cm, a blubber thickness of 6.1 cm, and a weight of 148.2 kg. Pups are born as whitecoats from late March to mid-April and average about 10.0 kg and 80 cm. The pup nurses for about 4 weeks, in which time its weight is tripled. Males become sexually mature between 3 and 5 years of age; females between 2 and 4. The species breeds annually, and pregnancy (included delayed implantation) probably lasts 10.5 months. Maximum longevity is estimated at 26 years. The diet of these seals during late winter and early spring (in the ice edge zone) includes mainly pelagic and demersal fishes, cephalopods, and small crustaceans.

Ribbon seals host anisakid round worms in the stomach and corynosomid acanthocephalans in the intestine.

Ecological problems. None known.
Allocation problems. None known.

REFERENCES

Alaska Department of Fish and Game. 1973. Marine mammals status report. Unpublished report, Juneau, AK.

Burns, J. J. 1969. Marine mammal report. Fed. Aid Segment Report, vol. X. Unpublished, Alaska Dept. Fish Game, Juneau, AK. 25 p.

1970. Remarks on the distribution and natural history of pagophilic pinnipeds in the Bering and Chukchi Seas. J. Mammal. 51:445–454.

Bychkov, V. A. 1971. Pinnipeds of the USSR. P. 59–74 *In* Shaposhnikov, L. K. (ed.), Review of the status of USSR Pinnipedia conservation. Min. Sel. Khoz. SSSR, Tsent. Lab. Okhr. Prir, Moscow, Transl. IPST 650946.

Fay, F. H. 1973. The role of ice in the ecology of marine mammals of the Bering Sea. Paper presented at International Symposium for Bering Sea Study, 30 Jan.–4 Feb. 1972, Hakodate, Japan. (In press.)

Tikhomirov, E. A. 1966. On the reproduction of the seals belonging to the family Phocidae in the North Pacific. Zool. Zhur. 45(2): 275–281. (Transla. by George Tschiukow-Roux, Auke Bay Biol. Lab., Juneau, AK.)

HARP SEAL

(*Pagophilus groenlandicus*)

Distribution and migration. The harp seal occurs in pack ice in the North Atlantic Ocean from Europe to eastern Canada. In the spring, it migrates south for breeding to the White Sea, to the Greenland Sea north of 73° N, and to southern Labrador, northeastern Newfoundland, and the Gulf of St. Lawrence.

Abundance and trends. Three breeding stocks of harp seals are known, the eastern (White Sea), central (Norwegian Sea around Jan Mayen Island), and western (Newfoundland). The latter is divided into two substocks, one east of Belle Isle on winter pack ice drifting southward—the "Front," and the other in the southern Gulf of St. Lawrence on winter ice formed *in situ*—the "Gulf." Sergeant (1973) estimates the total eastern Canadian population at 1.3 million. The number of pups born decreased from about 400,000 in 1960 to 300,000 in 1970. The population size in 1970 was less than that giving maximum production, and estimates indicated the 1970 catch was well in excess of the sustainable yield (International Commission for the Northwest Atlantic Fisheries. 1971. Redbook, Part I, Standing Committee on Research and Statistics Proceedings, annual meeting). According to Bychkov (1971), harp seal stocks of the northeastern Atlantic and Arctic Oceans (White Sea, Jan Mayen Island, and Newfoundland populations) numbered 3.0–3.5 million in the mid-20th century. Bychkov (1971) also stated that the White Sea population totaled 3.0–3.5 million animals in 1926–28 and only 400,000 in the 1960's.

General biology. The adults grow to about 1.8 m and 180 kg; newborn pups are about 0.6 m long and weigh 4.5 kg. The pups are born from late January to early April, and are nursed for 10–12 days. Molting is complete at 4 weeks. The females mature at age 4–6 years and bear a single pup annually after a gestation of about 7½ months. Maximum life span is about 30 years. Pups feed primarily on small pelagic crustaceans and small fish, and in addition as adults on capelin, herring, and haddock.

Ecological problems. One species of helminth affecting the harp seal also is found in the muscles of ground fish, particularly cod, necessitating expensive removal by hand.

Allocation problems. The harp seal may eventually conflict with man over capelin stocks as this fishery expands.

Current research. Canadian, Danish, Norwegian, and Soviet Government scientists are studying the population of harp seals. At the University of Guelph, scientists are studying the biology of this mammal.

REFERENCES

Bychkov, V. A. 1971, Pinnipeds of the USSR. P. 59–74 *In* Shaposhnikov, L. K. (ed.), Review of the status of USSR Pinnipedia conservation. Min. Sel. Khoz. SSSR, Tsent. Lab. Okh. Prir., Moscow, 128 p. IPST 650946, 1972.

Fisher, H. D. 1952. Harp seals of the Northwest Atlantic. Fish. Res. Bd. Can. Gen. Ser. No. 20.

1954. Studies on reproduction in the halp seal *Phoca groenlandica* Erxleben in the northwest Atlantic. Ph. D. thesis. 133 p.

Sergeant, D. E. 1973. Feeding, growth, and productivity of Northwest Atlantic harp seal (*Pagophilus groenlandicus*). J. Fish. Res. Bd. Can. 30: 17–29.

Sivertsen, E. 1941. On the biology of the harp seal. Hvalråd. Skr. 26: 10 + 166 p., 11 pls.

BEARDED SEAL

(*Erignathus barbatus*)

Distribution and migration. The bearded seal is found in the North Pacific region in the Berling, Okhotsk, and northern Japan Sea and is circumpolar in the Arctic Ocean. In winter and spring it is found from the southern edge of the seasonal ice pack, north to permanent ice, wherever areas of broken, moving ice exist. During summer and autumn, it occurs along the edge of the permanent polar ice of the Arctic Ocean. Marked seasonal migrations are associated with the advance and retreat of the seasonal ice. The bearded seal is usually solitary, though very loose aggregations are sometimes observed during the breeding season. It does not normally come ashore.

Abundance and trends. All populations seem to be at high levels and relatively stable. A Soviet estimate places the population at 450,000 animals in the East-Siberian, Chukchi, Bering, Okhotsk, and Japan Seas (Bychkov, 1971). The Alaska Department of Fish and Game estimates a population of 300,000 animals in the Bering, Chukchi, East-Siberian, and Beaufort Seas (Alaska Department of Fish and Game, 1973). The combined U.S. and Soviet harvest in the Bering and Chukchi Seas is 8,000 to 10,000 seals per year, well within the biological productivity of this species. Hunting loss, however, is high (op. cit.).

General biology. The bearded seal is the largest phocid of the western arctic and subarctic. Some adult females are slightly larger than adult males. Large adults attain a winter weight in excess of 340 kg. From June through September the adults weigh from 215 to 240 kg and average 236 cm in length. The female bears a single pup, usually during late April or early May, which weighs about 31 kg and is 132 cm long. The pup's weight is tripled by the end of the 12- to 18-day nursing period. Most adult females breed within 2 weeks of weaning their pup. The period of pregnancy is 10.5 months, including 2.5 months of delayed implantation. Some females ovulate at age 3 years, but reproductive maturity is not attained until they are 5 or 6 years old. The males become sexually mature at 6 or 7 years. An estimated 85% of the adult females become pregnant each year. The bearded seal consumes several species of invertebrates, principally crabs, shrimp, clams, and amphipods, and some demersal fishes.

Most bearded seals, other than nursing pups, are heavily parasitized by anisakid round worms in the stomach, acanthocephalans and diphyllobothriid cestodes in the intestine, and anopluran lice on the skin.

Ecological problems. The bearded seal is the final host for anisakid worms that infect fishes, but this problem is unimportant in Alaska at present. About 1 percent of these animals harbor *Trichinella spiralis*, the cause of trichinosis in man.

Allocation problems. None known. Bearded seals consume commercially important pandalid and crangonid shrimps and lithode crabs; however, they do not compete directly for commercial fishes, nor do they damage fishing gear.

Current research. None known.

REFERENCES

Alaska Department of Fish and Game. 1973. Marine mammal status reports. Unpublished report, Juneau, AK.

Burns, J. J. 1967. The Pacific bearded seal. Alaska Dept. Fish Game, Juneau, 66 p.

1970. Remarks on the distribution and natural history of pagophilic pinnipeds in the Bering and Chukchi Seas. J. Mammal. 51: 445–454.

Bychkov, V. A. 1971. Pinnipeds of the USSR. P. 59–74 *In* Shaposhnikov, L. K. (ed.), Review of the status of USSR Pinnipedia conservation. Min. Sel. Khoz. SSSR, Tsent. Lab. Okhr. Prir, Moscow. Transl. IPST 650946.

Fay, F. H. 1973. The role of ice in the ecology of marine mammals of the Bering Sea. Paper presented at International Symposium for Bering Sea Study, 30 Jan.–4 Feb. 1972, Hokodate, Japan. (In press.)

McLaren, I. A. 1958. Some aspects of growth and reproduction of the bearded seal, *Erignathuse barbatus* (Erxleben). J. Fish. Res. Bd. Can., 15: 219–227.

CARIBBEAN MONK SEAL

(*Monachus tropicalis*)

The Caribbean monk seal is classified as endangered in the Red Book of the International Union for the Conservation of Nature. From 17 to 29 March 1973, the Bureau of Sport Fisheries and Wildlife, Department of the Interior, conducted an aerial survey of this species' former habitat in the Gulf of Mexico and Caribbean Sea. The conclusion was that the Caribbean monk seal is now extinct. It formerly inhabited shores and islands of the Greater Antilles, Bahamas, Yucatan Peninsula, and Florida Keys. It was reported in Jamaican waters as late as 1952. A single pup was born, probably in alternate years. The adults grew to 2.4 m in length. The color was a uniform brownish gray above; the underparts were pale yellow or yellowish white. Monk seals were vulnerable to hunters because they were sluggish, unwary, and not easily alarmed.

REFERENCES

Allen, G. M. 1942. Extinct and vanishing mammals of the western hemisphere with the marine species of all the oceans. New York, Amer. Comm. Int. Wild Life Prot., Spec. Publ. 11, 620 p.

Elliott, H. W. 1884. The monk-seal of the West Indies (*Monachus tropicalis*, Gray). Science, iii, p. 752.

Gilmore, R. M. 1959. Is the West Indian seal extinct? Sea Frontiers, 5(4): 225–236.

Gunter, G. 1947. Sight records of the West Indian seal, *Monachus tropicalis* (Gray), from the Texas coast. J. Mammal. 28: 289–290.

King, Judith. 1956. The monk seals (genus *Monachus*). Bull. Brit. Mus. (Nat. Hist.) Zool. 3(5): 201–256.

Rice, D. W. The Caribbean monk seal, a review prepared for the Survival Service Commission of the International Union for the Conservation of Nature. In press.

Ward, L. 1887. (*Monachus tropicalis*) Notes of its life-history. Amer. Natur, xxi, p. 254–264.

HAWAIIAN MONK SEAL

(*Monachus schauinslandi*)

Distribution and migrations. The Hawaiian monk seal breeds only on French Frigate Shoals, Laysan Island, Lisianski Island, Pearl and Hermes Reef, and Midway and Kure Atolls of the Leeward Hawaiian Islands. The first four of these islands are within the Hawaiian Islands National Wildlife Refuge (HINWR). Rarely do individuals wander southeastward to the main Hawaiian Islands. The species is not known to have a migratory pattern.

Abundance and trends. The total population was estimated at 1,350 in 1958 (Rice, 1960). It is classified as rare by the Office of Rare and Endangered Species, Bureau of Sport Fisheries and Wildlife, and International Union for Conservation of Nature and Natural Resources. Counts in the 1960's and 1970's suggest that the population is declining (Kenyon, 1972).

General biology. An adult female measured 2.3 m and her estimated weight was 273 kg. On the average, females outweigh adult males. A typical male is about 2.1 m long and weighs about 173 kg. The newborn pups weigh 16–17 kg. The weights of six yearlings averaged 45 kg. Pups are born from late December to July, with the peak in April and May. Spewings found on haul-out areas included the remains of reef and bottom fishes, eels, and cephalopods.

Ecological problems. Harassment of the monk seal by humans and dogs on Midway and Kure Atolls may be causing a problem by preventing these animals from using sheltered dry pupping areas. Sharks are a serious predator.

Allocation problems. None known.

Current research. The HINW Refuge Manager, Bureau of Sport Fisheries and Wildlife, has a pup tagging and recovery program in progress. The Refuge Manager also makes counts of animals on the beaches of the HINWR, usually in the spring and again in late summer. No studies or observations of the small populations on Midway and Kure, under U.S. Navy and U.S. Coast Guard control, are being made.

REFERENCES

Kenyon, K. W. 1972. Man versus the monk seal. J. Mammal. 53: 687–696.

Kenyon, K. W. In press. The Hawaiian monk seal, a review. IUCN, Survival Service Commission.

Kenyon, K. W., and D. W. Rice. 1959. Life history of the Hawaiian monk seal. Pac. Sci. 13: 215–252

King, J. E. 1956. The monk seals (genus *Monachus*). Bull. Brit. Mus. (Nat. Hist.), 3(5): 210–256, 8 pls.

Rice, D. W. 1960. Population dynamics of the Hawaiian monk seal. J. Mammal. 41: 376–385.

1964. The Hawaiian monk seal, rare mammal survives in Leeward Islands. Natur. Hist. 73(2): 48–55.

Scheffer, V. B. 1958. Seals, sea lions, and walruses; a review of the Pinnipedia. Stanford Univ. Press, 179 p. + 32 pls.

CRABEATER SEAL

(*Lobodon carcinophagus*)

Distribution and migration. The species is circumpolar and abundant in pack ice of the southern oceans. It is found as a straggler in New Zealand, Australia, Tasmania, and South America. It moves toward the coasts in summer and away from land in the winter.

Abundance and trends. The crabeater seal is the most abundant species of seal in the Antarctic, with population estimates ranging from 2 to 5 million (Scheffer, 1958) to 50–75 million (Erickson, et al., 1971). Laws (in press) believes that the latter estimate is unrealiable, but that earlier estimates were too conservative.

General biology. Adult males grow to 260 kg in weight and 2.6 m in length. Some females may be larger than males. Little information is available on breeding habits; mating has not been observed but sperm are present in the testes of males in October and November. Pups are born in the spring (mid-September to early November), and are about 1.4 m long. These seals molt in January and February, while partly fasting. Food is mainly euphausids. Many individuals carry scars, possibly from leopard seal or killer whale attacks.

The species has lice on skin, roundworms in the stomach, and, rarely, tapeworms in the intestine.

Ecological problems. None known.

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Allocation problems. None known.

Current research. The University of Minnesota is studying population dynamics of Antarctic seals; the University of Idaho is studying abundance, distribution, and reproductive biology; and the University of Oklahoma is studying anatomy, histology, and neuroanatomy.

REFERENCES

Bertram, G. C. L. 1940. The biology of the Weddell and crabeater seal. Sci. Rep. Brit. Graham Land Exped. 1934–37, 1:1–139.

Eklund, C., and E. A. Atwood. 1962. A population study of Antarctic seals. J. Mammal. 43:229–238.

Erickson, A. W., D. B. Siniff, D. R. Cline, and R. J. Hofman. 1971. Distributional ecology of Antarctic seals. P. 55–75 *In* Symposium on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed.).

Laws, R. M. In press. The current status of seals in the Southern Hemisphere. IUCN/SSC Working Group on Threatened and Depleted Seals of the World. Guelph, Ontario, August 1972.

Laws, R. M. and R. J. F. Taylor. 1957. A mass dying of crabeater seals, *Lobodon carcinophagus* (Gray). Proc. Zool. Soc. London, 129:315–324.

Oritsland, Torger. 1970. Biology and population dynamics of Antarctic seals. P. 361–366 *In* Holdgate, M. W. (ed.), Antarctic Ecology 1:1–604.

1970. Sealing and seal research in the southwest Atlantic September–October 1964. P. 367–376 *In* Holdgate, M. R. (ed.) Antarctic Ecology 1:1–604.

Scheffer, V. B. 1958. Seals, sea lions, and walrus; a review of the Pinnipedia. Stanford Univ. Press, 179p + 32 pls.

Seals, U. S., A. W. Erickson, D. B. Siniff, and R. J. Hofman. 1971. Biochemical, population genetic, phylogenetic and cytological studies of Antarctic seal species. P. 77–95 *In* Symposium on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed.).

Siniff, D. B., D. R. Cline, and A. W. Erickson. 1970. Population densities of seals in the Weddell Sea, Antarctic, in 1968. P. 377–394 *In* Holdgate, M. W. (ed.), Antarctic Ecology, 1, Academic Press, London.

ROSS SEAL

(*Ommatophoca rossi*)

Distribution and migration. The species is circumpolar in heavy pack ice of the Antarctic Ocean.

Abundance and trends. The Ross seal is usually solitary. Scheffer (1958) lists the population at 20,000–50,000 but more recently Hofman et al. (in press) have estimated a population in excess of 100,000.

General biology. The adults reach a length of about 2.4 m. The animal is plump, with a short, wide head, a small mouth, and small teeth. The vocalizations of this mammal are striking and account for the common name "singing seal." Little is known of its reproduction and newborn pups have never been seen. The male matures at 3–4 years, and the female at 2–7 years. Breeding probably takes places in November and molting probably in January and February. Food consists primarily of fish and cephalopods. These animals may live up to 12 years.

Roundworms are found in the stomach, tapeworms in the intestine, and lice on the skin.

Ecological problems. None known.

Allocation problems. None known.

Current research. The University of Minnesota is studying the population dynamics of Antarctic seals; the University of Idaho is studying abundance, distribution, and reproductive biology; and the University of Oklahoma is studying anatomy, histology, and neuroanatomy.

REFERENCES

Eklund, D., and E. A. Atwood. 1962. A population study of Antarctic seals. J. Mammal. 43: 229–238.

Erickson, A. W., D. B. Siniff, D. R. Cline, and R. J. Hofman, 1971. Distributional ecology of Antarctic seals. P. 55–75 *In* Symposium on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed.).

Hofman, R. J., A. W. Erickson, and D. B. Siniff. In press. The Ross seal: a review. *In* Symposium on the biology of the seal, Guelph, Ontario, August 14–17, 1972.

King, J. E. 1964. Seals of the world. Brit. Mus. (Nat. Hist.), London, 154 p.

Laws, R. M. 1964. Comparative biology of Antarctic seals. P. 445–457 *In* Carrick, R., M. Holdgate, and J. Prevost (eds.), Biologie Antarctique-Antarctic Biology, Hermann, Paris.

Oritsland, T. 1970. Biology and population dynamcs of Antarctic seals. P. 361–366 *In* Holdgate, M. W. (ed.), Antarctic ecology, 1.

Scheffer, V. B. 1958. Seals, sea lions, and walrus; a review of the Pinnipedia. Stanford Univ. Press, 179 p. + 32 pls.

LEOPARD SEAL

(*Hydrurga leptonyx*)

Distribution and migration. Leopard seals are circumpolar in Antarctic pack ice and in southern temperate regions and subantarctic islands in the winter. They are occasionally seen off the southern tips of New Zealand, Australia, South America, and South Africa.

Abundance and trends. The leopard seal is a solitary animal. Scheffer (1958) estimated the population at 200–300 thousand. More recently (1972), Laws (in press) estimated the population at 250,000 to 500,000.

General biology. The adult males grow to 3.0 m in length and 450 kg in weight; adult females reach 3.3 m in length and 500 kg in weight. Leopard seals have a long slim body, large head, and wide gape. Males are sexually mature at 3–7 years and females at 2–6 years. The mating period is probably in November. Newborn pups are 1.6 m long and weigh 29.5 kg. Lactation lasts about 2 months. The seals molt during January and February. Their food consists of fish, euphausids, squids, penguins, whale carcasses, and pups of other seals.

Leopard seals suffer from diseased teeth, tumors, bony nodules in nasal passages, and stomach carcinomas.

Ecological problems. None known.

Allocation problems. None known.

Current research. The University of Minnesota is studying population dynamics of Antarctic seals; the University of Idaho is studying abundance, distribution, and reproductive biology; and the University of Oklahoma is studying anatomy, histology, and neuroanatomy.

REFERENCES

Eklund, C., and E. A. Atwood. 1962. A population study of Antarctic seals. J. Mammal. 43: 229–238.

Erickson, A. W., D. B. Siniff, D. R. Cline, and R. J. Hofman. 1971. Distributional ecology of Antarctic seals. P. 55–75 *In* Symposium on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed.).

Laws, R. M. 1964. Comparative biology of Antarctic seals. P. 445–457 *In* Carrick, R., M. Holdgate, and J. Prevost (eds.) Biologie Antarctique-Antarctic Biology, Herman, Paris.

In press. The current status of seals in the Southern Hemisphere. IUCN/SSC Working Group of Threatened and Depleted Seals of the World, Guelph, Ontario, August 1972.

Oritsland, Torger. 1970. Biology and population dynamics of Antarctic seals. P. 361–366 *In* Holdgate, M. W. (ed.), Antarctic ecology, 1.

Scheffer, V. B. 1958. Seals, sea lions, and walruses; a review of the Pinnipedia. Stanford Univ. Press, 179 p. + 32 pls.

Seal, U.S., A. W. Erickson, D. B. Siniff, and R. J. Hofman. 1971. Biochemical, population genetic, phylogenetic and cytological studies of Antarctic seal species. P. 77–95 *In* Symposium on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed).

WEDDELL SEAL

(*Leptonychotes weddelli*)

Distribution and migration. This species is circumpolar in fast ice around Antarctica, occasionally reaching as far north as Uruguay (lat. 35° S). It is littoral in distribution and nonmigratory. Because of its occurrence near scientific stations it is the best known of the Antarctic seals.

Abundance and trends. The population was estimated at 800,000 by Scheffer (1958), and Laws (in press) estimates present total population at 250,000 to 500,000.

General biology. Adult males grow to 2.7 m in length and females are slightly larger; up to 2.9 m in length. Males reach sexual maturity at 6–8 years and females at 3 years. The average age of breeding females is 9 years. They give birth from September to early November on fast ice, usually close to the Antarctic continent. Pregnancy lasts 9 to 10 months. Newborn pups are 1.5 m long, weigh 29 kg, and have permanent dentition. Lactation lasts 6–7 weeks and pups are weaned at 6 weeks. The females protect their pups and are aggressive toward intruders. This species feeds primarily on fish and cephalopods.

Wounds inflicted on this mammal heal slowly, and festering sores are common. Kidney stones and uterine fibroids have been found. Weddell seals are heavily infested with tapeworms, trematodes, and roundworms internally, and lice externally. Tooth wear associated with maintaining breathing holes may be a mortality factor.

Ecological problems. None known.

Allocation problems. None known.

Current Research. The University of Minnesota is studying population dynamics of Antarctic seals; the University of Idaho is studying abundance, distribution, and reproductive biology; and the University of Oklahoma is studying anatomy, histology, and neuroanatomy.

REFERENCES

Bertram, G. C. L. 1940. The biology of the Weddell and crabeater seals. Sci. Rep. Brit. Graham Land Exped. 1934–37, 1: 1–139.

Dearborn, J. H. 1965. Food of Weddell seals at McMurdo Sound, Antarctica. J. Mammal. 46: 37–43.

Eklund, C., and E. A. Atwood. 1962. A population study of Antarctic seals. J. Mammal. 43: 229–238.

Erickson, A. W., D. B. Siniff, D. R. Cline, and R. J. Hofman. 1971. Distributional ecology of Antarctic seals. P. 55–75 *In* Symposium on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed.).

Kaufmann, G., D. Siniff, and R. Reichle. 1972. Colony behavior of Weddell seals, *Leptonychotes weddelli*, at Hutton Cliffs, Antarctica. *In* Symposium on the biology of the seal, Guelph Ontario, August 14–17, 1972.

Laws, R. M. In press. The current status of seals in the Southern Hemisphere. IUCN/SSC Working Group on Threatened and Depleted Seals of the World. Guelph, Ontario, August 1972.

Mansfield, A. W. 1958. The breeding behavior and reproductive cycle of the Weddell seal (*Leptonychotes weddelli* Lesson). Falkland Islands Dep. Surv., Sci. Rep. 18: 1–41.

Scheffer, V. B. 1958. Seals, sea lions, and walruses; a review of the Pinnipedia. Stanford Univ. Press, 179 p. + 32 pls.

Siniff, D. B., D. R. Cline, and A. W. Erickson. 1970. Population densities of seals in the Weddell Sea, Antarctica, in 1968. P. 377–394 *In* Holdgate, M. W. (ed.), Antarctic Ecology 1: 1–604.

Siniff, D. B., J. R. Tester, and V. B. Kuechle. 1971. Some observations on the activity patterns of Weddell seals as recorded by telemetry. P. 173–180 *In* Burt, W. H. (ed.), Antarctic Pinnipedia, Antarctic Research Series, 18.

Stirling, I. 1971. Population dynamics of the Weddell seal (*Leptonychotes weddelli*) in McMurdo Sound, Antarctica, 1966–68. P. 141–167 *In* Burt, W. H. (ed.), Antarctic Pinnipedia, Antarctic Research Series, 18.

HOODED SEAL

(*Cystophora cristata*)

Distribution and migration. The hooded seal occurs mainly in the east Greenland pack ice from Bear Island and Spitzbergen to Jan Mayen, Iceland, and Denmark Strait. It also occurs off southern Greenland, southeastern Labrador and the Gulf of St. Lawrence. Stragglers appear on the American coast as far south as Cape Kennedy, Florida, along the Canadian Arctic coast as far west as Hershel Island, and on the European coast as far south as the Bay of Biscay, France. Hooded seals prefer deep water and thick, drifting ice floes.

Abundancse and trends. Hooded seals of all ages are harvested commercially when the animals are congregated for molting. According to Scheffer (1958), the herds in the middle of the 20th century were estimated at 300,000 to 500,000 and according to Chapskii (1966) 500,000. Sergeant (1965) states that the catch rate of hooded seal has been high. The average annual kill from the Jan Mayen Island herd declined from about 53,000 (1949–53) to about 50,000 (1959–63) (Popov, 1967).

General biology. Adult males grow to 2.7–3.0 m and 408 kg; females are slightly smaller. Hooded seals are solitary, but form widely scattered family groups during the breeding season in March. The pups are born from the end of March to the first part of April, are 1.1 m long and weigh 23 kg, and have an exceptionally beautiful silver-gray coat. They are nursed about 2 weeks. Both sexes mature at age 4–6 years and have a maximum life span of about 30 years. The adults mate when the lactation period ends and return to sea, leaving the pups on the ice where they remain an additional 2 weeks before following the adults. Hooded seals feed on redfish, Greenland turbot, octopus, squid, herring, capelin, cod, shrimps, mussles, and starfish, but fast during the breeding period.

Ecological problems. None known.

Allocation problems. None known.

Current research. Research on the hooded seal is carried out by the Fisheries Research Board of Canada, Denmark (Grønlands Fiskerlunders∅gelser), Norway (Fiskeridirektoratets Havforsknings Institutt), and the Soviet Union (VNIRO).

REFERENCES

King, J. E. 1964. Seals of the world. Brit. Mus. (Nat. Hist.) London, 154 p.

Mansfield, A. W. 1967. Seals of arctic and eastern Canada, 2d ed. (revised). Fish. Res. Bd. Can. Bull. 137, 30 p.

Popov, L. A. 1967. Modern marine animal hunting industry of the North Atlantic Seas. Problemy Severa (11): 160–165.

Rasmussen, B. 1960. Om klappmyssbestanden i det nordlige Atlanterhav [On the stock of hood seals in the north Atlantic]. Fisken og Havet (Bergen), No. 1, 23 p. Fish. Res. Bd. Can. Transl. Series No. 387.

1962. Klappmyssen aldersfordeling i Danmarkstredet. Fiskets Gang (Bergen), No. 5.

Scheffer, V. B. 1958. Seals, sea lions; and walruses; a review of the Pinnipedia. Stanford Univ. Press, Stanford, Calif.

Sergeant, D. E. 1965. Exploitation and conservation of harp and hood seals. Polar Record 12(80): 541–551.

SOUTHERN ELEPHANT SEAL

(*Mirounga leonina*)

Distribution and migration. The southern elephant seal is circumpolar on subantarctic islands, south to the ice edge at lat. 78° S. It breeds on the continental coast of Argentina, and on subantarctic islands.

Abundance and trends. The population of the southern elephant seal has been estimated at 600,000±100,000 (Laws, in press). This species was once sought for its oil. It was nearly extinct by 1900, but since that time regulations have allowed the herds to increase. At South Georgia the average annual kill between 1952 and 1964 was 6,000 animals. There has been no commercial sealing there since 1964, although licenses to harvest these animals have been offered (Laws, in press).

General biology. The southern elephant seal is the largest pinniped. Males grow to 5.5–6.1 m in length and 3,628 kg in weight; females reach 3.1–3.7 m and 907 kg. Males are sexually mature at 4 years, and hold harems at 5–7 years in utilized populations. The females mature at age 2 years and bear single pups at age 3. In unutilized populations, the females mature at age 3–6 years, but the males do not reach harem status until 12 years old. Most harems contain 20 to 40 females, but up to 100 have been counted. The pups are born in October, about 1 week after the females haul out, are 1.2 m long, weigh 36 kg, and nurse about 23 days. The females mate about 18 days after their pups are born. The females live about 12 years and the males up to 20. The leopard seal and killer whale are natural enemies of the southern elephant seal.

Ecological problems. None known.

Allocation problems. According to Laws (in press) the southern elephant seal may become threatened because they compete with Soviet fishermen for commercial species of fish.

Current research. The University of Minnesota makes incidental observations of this mammal while studying the Antarctic seal species.

REFERENCES

Cline, D. R., A. W. Erickson, and R. J. Hofman. 1970. Elephant seal in the Weddell Sea. J. Mammal. 51:204.

King, J. E. 1964. Seals of the world. Brit. Mus. (Nat. Hist.), London, 154 p.

Laws, R. M. 1953. The elephant seal (*Mirounga leonina*, Linn.). I. Age and growth. Falkland Islands Dep. Surv. Sci. Rep. 8, 62 p.

1956. The elephant seal (*Mirounga leonina*, Linn.). II. General social, and reproductive behaviour. Falkland Islands Dep. Surv. Sci. Rep. 13, 88 p.

1956. The elephant seal (*Mirounga leonina*, Linn.). III. The physiology of reproduction. Falkland Islands Dep. Surv. Sci. Rep. 15, 66 p.

1960. The southern elephant seal (*Mirounga leonina* Linn.) at South

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Georgia. Norsk Hvalfangst-Tid. 49(10; 11): 466–476; 520–542.

In press. The current status of seals in the Southern Hemisphere. IUCN/SSC Working Group on Threatened and Depleted Seals of the World. Guelph, Ontario, August 1972.

NORTHERN ELEPHANT SEAL

(*Mirounga angustirostris*)

Distribution and migration. This species originally occupied rookeries and hauling grounds on the mainland and islands from Cabo San Lazaro, Baja California, northward to Pt. Reyes, just north of San Francisco. Nonbreeding animals range at least as far north as southeastern Alaska.

Abundance and trends. By 1890 the population had been reduced to 100 or fewer animals found only on Guadalupe Island, but this number increased to an estimated 15,000 animals by 1960 (Bartholomew and Hubbs, 1960). Peterson and LeBoeuf (1969) estimated a population of about 30,000 in 1969. This species has reoccupied most or all of its historic rookeries and hauling grounds. The first birth of a pup on the Farallon Islands (northern limit of the historic breeding range) was observed on January 21, 1972 by David Ainsley, a biologist from the Pt. Reyes Bird Observatory (San Francisco Chronicle, January 25, 1972).

The California Department of Fish and Game has counted elephant seals during sea lion censuses in early June since 1965 (Carlisle and Aplin, 1971). Carlisle (unpublished California Department of Fish and Game records) has counted *Mirounga* on San Miguel Island each year from 1965 through 1972 except 1968. Recent California counts do not indicate any trend in abundance.

Odell (1972) believes that the San Nicolas Island population is increasing. The largest California population of *Mirounga* is found on San Miguel Island, where 3,137 were counted February 26, 1972 by Johnson and DeLong (pers. comm.).

General biology. The adult males usually arrive first on the rookeries in November, followed by the pregnant females in December. Dominant adult males occupy choice locations within the breeding colonies and do most of the mating. The female usually bears a single pup about 7 days after her arrival and weans it about a month later. The female is bred during her last few days ashore. Maximum lengths are about 5 m for adult males and 3.3 m for adult females. Newborn pups are about 1.2 m in length. Little information on the feeding habits of *Mirounga* are available. The stomach of one elephant seal contained seven ratfish, one 66.0 cm California dogfish shark, one swell or puffer shark, three skates, and four squids. The species apparently can feed at considerable depths, as indicated by prey species and the fact that three young *Mirounga* were taken on hooks set in about 100 fathoms.

Ecological problems. Oil from the Santa Barbara spill of 28 January 1969 coated about 100 elephant seal pups ashore on one area of San Miguel Island. The pups had been weaned and apparently suffered no ill effects.

Allocation problems. None known.

Current research. Scientists from the University of California at Santa Cruz, Calif., are studying this species.

REFERENCES

Anthony, A. W. 1925. Expedition to Guadalupe Island, Mexico in 1922. Calif. Acad. Sci., fourth series, 14(13): 277–320.

Bartholomew, G. A. 1952. Reproductive and social behavior of the northern elephant seal. Univ. Calif. Publ. Zool. 47(15): 369–471, pls. 38–57, 2 figs.

1967. Seal and sea lion populations of the California islands. P. 229–244 *In* Philbrick, R. N. (ed.) Proceedings of the Symposium on the Biology of the California Islands, Santa Barbara Botanic Garden.

Bartholomew, G. A., and C. L. Hubbs. 1960. Population growth and seasonal movements of the northern elephant seal, *Mirounga angustirostris*. Mammalia 24: 313–324.

Carlisle, John G., and J. A. Aplin. 1971. Sea lion census for 1970, including counts of other California pinnipeds. Calif. Fish Game, 57: 124–126.

Daugherty, Anita E. 1965. Marine mammals of California. Calif. Dept. Fish Game, Sacramento, Calif. 86 p.

Huey, L. M. 1930. Capture of an elephant seal off San Diego, Calif., with notes on stomach contents. J. Mammal. 11: 229–230.

King, J. E. 1964. Seals of the world. Brit. Mus. (Nat. Hist.), London, 154 p.

LeBoeuf, Burney J. 1972. Sexual behavior in the northern elephant seal, *Mirounga angustirostris*. Behavior 41(1–2): 1–26.

Odell, Daniel K. 1972. Studies on the biology of the California sea lion and the northern elephant seal on San Nicolas Island, Calif. Ph.D. thesis, Univ. Calif., Los Angeles, 168 p.

Peterson, R. S., and B. J. LeBoeuf. 1969. Population study of seals and sea lions. Trans. 34th N. Amer. Wildl. Nat. Res. Conf., p. 74–79.

Radford, K. W., R. T. Orr, and C. L. Hubbs. 1965. Reestablishment of the northern elephant seal (*Mirounga angustirostris*) off central California. Proc. Calif. Acad. Sci. 4th series, 31(22): 601–612, 6 figs.

Rice, D. W., K. W. Kenyon, and D. Lluch-B. 1965. Pinniped populations at Islas Guadalupe, San Benito, and Cedros, Baja California, in 1965. Trans. San Diego Soc. Nat. Hist. 14(7): 73–84.

Scammon, C. M. 1874. The marine mammals of the northwestern coast of North America. John H. Carmany and Co., San Francisco, Calif. 319 p.

Scheffer, V. B. 1964. Deep diving of elephant seals. Murrelet 45(1): 9.

Townsend, C. H. 1912. The northern elephant seal. Zoologica, 1: 159–173.

BLACK RIGHT WHALE

(*Balacna glacialis*)

Distribution and migration. This right whale inhabits all temperate waters of the world. It migrates between summering grounds in cool temperate waters and wintering grounds in warm temperate waters; the wintering grounds are mostly along continental coasts or around islands.

Three geographically isolated populations are recognized, one in the North Pacific Ocean, another in the North Atlantic Ocean, and a third in the Southern Hemisphere.

In the eastern North Pacific Ocean, the right whale ranges from Bristol Bay and the Gulf of Alaska south to 50° N latitude during the summer, and from Oregon south to central Baja California during the winter.

In the western North Atlantic Ocean, it ranges from Labrador south to the Bay of Fundy during the summer, and Massachusetts south to Florida and Bermuda during the winter.

Abundance and trends. The right whale was originally very abundant, but heavy exploitation, mostly during the 19th century, reduced all populations nearly to extinction by the turn of the century. At least some local stocks have increased in recent years. Present numbers are: North Pacific Ocean—about 250 (Wada, 1972); North Atlantic Ocean—no estimate; Southern Hemisphere—about 4,300 (Masaki, 1972).

General biology. The black right whale is a heavy-bodied animal up to 18.0 m long and is characterized by lack of a dorsal fin and by a large head with a narrow arched rostrum. It feeds mainly on copepods. The reproductive biology is poorly known. Body length at sexual maturity is about 15.2 m in males and 15.8 m in females. Mating and calving occur in the winter, so the gestation period is probably about 1 year. The female probably bears a calf only once every 2 (or more) years.

Ecological problems. None known.

Allocation problems. None known.

Current research. Research on the black right whale is being carried out by the South African Division of Sea Fisheries and off Argentina by a joint project of the National Geographic Society and the New York Zoological Society.

REFERENCES

Delyamure, S. L. 1955. Helminthofuana of marine mammals. Akad. Nauk SSSR (Transl. by IPST, Jerusalem, 1968).

Masaki, Y. 1972 Estimation of abundance of whales by means of whale sighting in the Antarctic. Unpublished report submitted to Scientific Committee, International Whaling Commission.

Omura, H., S. Ohsumi, T. Nemoto, K. Nasu, and T. Kasuya. 1969. Black right whales in the North Pacific. Sci. Rep. Whales Res. Inst. 21: 1–78.

Wada, S. 1972. The ninth memorandum on the stock assessment of whales in the North Pacific. Unpublished report submitted to Scientific Committee, International Whaling Commission.

BOWHEAD WHALE

(*Balanena mysticetus*)

Distribution and migration. The bowhead whale inhabits arctic and subarctic waters in four principal areas: (1) From

Spitzbergen west to east Greenland; (2) in Davis Strait, Baffin Bay, James Bay, and adjacent waters; (3) in the Bering, Chukchi, Beaufort, and East Siberian Seas; and (4) in the Okhotsk Sea. They migrate with ice movements.

Abundance and trends. All bowhead whale populations were decimated by the end of the 19th century because of the great value of this species for oil and baleen (Tomilin, 1957). No commercial whaling for bowheads has taken place since about 1915. Eskimos in several arctic coastal villages of Alaska continue to hunt these whales which are an important part in the subsistence economy of the villages. In the last two decades the take of bowhead whales by Eskimos in Alaska has varied between 1 (1959) and 37 (1972) (Maher and Wilimovsky, 1963; Durham, unpublished records). Much of this variation in take is because of variation in hunting conditions, although in recent years an increase in hunting intensity may have taken place. Bowhead whales are taken only occasionally by U.S.S.R. nationals (Zemsky, 1973, pers. comm.). The bowhead whale population of Canada and the Bering, Chukchi, and East Siberian Seas appears to be increasing (Mansfield, 1971; Burns, pers. comm.).

General biology. The bowhead whale grows to 18 m in length. Sexual maturity is reached at 11.6 m and 12.2 m in males and females, respectively. Mating probably occurs in early April or earlier. Gestation last 12–13 months, with a single calf (3–4.5 m long) born in April-May. The calf is weaned at 6 months. The reproductive cycle is apparently 2 years. These whales travel singly, in pairs, or threes during the spring. In autumn they are generally scattered, but may occur in groups of up to 50. They feed mainly on euphausids and bottom-dwelling invertebrates.

Ecological problem. None known.

Allocation problem. Some conflict of interest may exist between people who would like complete protection for bowhead whales and Eskimos who hunt these whales.

Current research. The University of Southern California is under contract to the National Marine Fisheries Service (Seattle) to gather biological data on bowhead whales in 1973. In the spring of 1973 a group of scientists from U.S. and Canadian universities attempted to record underwater sounds of the bowhead whale. The Fisheries Research Board of Canada makes annual surveys from planes of bowhead whales in Canadian waters.

REFERENCES

Breummer, Fred. 1971. Whalers of the north. Beaver, 302(3): 44–55.

Davidson, Art. No date. Eskimo hunting of bowhead whales. Rural Alaska Comm. Action Program, Anchorage, AK. 37 p.

Mansfield, A. W. 1971. Occurrence of the bowhead or Greenland right whale (*Balaena mysticetus*) in Canadian arctic waters. J. Fish. Res. Bd. Can. 28: 1873–1875.

Maher, W. J., and N. J. Wilimovsky. 1963. Annual catch of bowhead whales by Eskimos at Pt. Barrow, Alaska, 1928–1960. J. Mammal. 44: 16–20.

Scammon, C. M. 1874. Marine mammals of the north-western coast of North America: together with an account of the American whale fishery. J. H. Carmany and Co., San Francisco, 319 p.

Sonnenfeld, J. 1960. Changes in an Eskimo hunting technology, an introduction to implement geography Assn. Amer. Geogr. Ann. 50(2): 172–

Tomilin, A. G. 1957. Zverii SSSR i prilezhashchikh stran. Tom 9. Kitoobraznye. (Mammals of the U.S.S.R. and adjacent countries. Vol. IX. Cetacea.) Moscow, Akad. Nauk. SSSR, 756 p. (Transl. by IPST, Jerusalem, 1967, xxii+717 p.)

GRAY WHALE

(*Eschrichtius robustus*)

Distribution and migration. The gray whale is now restricted to the North Pacific Ocean, although it once occurred in the North Atlantic Ocean.

Two geographically isolated populations are recognized: (1) The eastern Pacific ("California") stock, which spends the summer in the Chukchi, western Beaufort, and northern Bering Seas (and rarely along the coast as far south as central California), and migrates to the west coast of Baja California and the southern Gulf of California for the winter; and (2) the western Pacific Ocean ("Korean") stock, which spends the summer in the northern Sea of Okhotsk and migrates to the southern coast of Korea for the winter.

Abundance and trends. Eastern North Pacific Ocean—contrary to earlier published estimates, the original population was almost certainly less than 15,000 (Henderson, 1972). During the late 18th and early 19th centuries the population was greatly reduced. Since complete protection was given the stock in 1947, the population has increased to about 11,000 and has remained stable since 1967 (Rice and Wolman, 1971). In 1972, 181 gray whales were killed in a subsistence fishery on the Chukotski Peninsula in Siberia (Zemsky, 1973, pers. comm.), and in some years one to three gray whales are taken by Eskimos in Alaska.

Western North Pacific Ocean—in 1910, the population probably numbered between 1,000 and 1,500. It now appears to be extinct.

General biology. The gray whale is identified by its mottled gray color and low hump in place of a dorsal fin. It feeds on benthic amphipods and other benthic invertebrates on the summering grounds, and fasts during migrations and on wintering grounds. Sexual maturity is attained at an age of 5 to 11 years, at a mean body length of 11.0 m for males and 11.6 m for females. The mating season is in late November and early December while the animals are on their southward migration. The calf is born following a 13-month gestation period after the pregnant females have arrived in certain shallow lagoons on the west coast of Baja California. The female bears a calf only once every 2 or more years. The calves average about 5.0 m long at birth and are weaned 7 months later when they are about 8.0 m long.

Ecological problems. The gray whale is now valuable as a tourist attraction, and it supports a rapidly increasing cruise-boat industry, including ½-day cruises off San Diego and Los Angeles, and weeklong cruises from these ports to Scammon's Lagoon. These activities have generated a problem of increasing harassment of the whales. In 1972, the Mexican Government declared Scammon's Lagoon a whale refuge, so the activities of the cruise boats are now partly regulated.

Current research. Studies on gray whales are being conducted by the National Marine Fisheries Service and the Soviet Union's Far Eastern Institute of Marine Fisheries and Oceanography.

REFERENCES

Henderson, D. A. 1972. Men and whales at Scammon's Lagoon. Dawson's Book Shop, Los Angeles, 313 p.

Rice, D. W., and A. A. Wolman. 1971. Life history and ecology of the gray whale (*Eschrichtius robustus*). Amer. Soc. Mammal. Spec. Publ. 3: 1–142.

Wolman, A. A., and A. J. Wilson, Jr. 1970. Occurrence of pesticides in whales. Pest. Monit. J., 4(1): 8–10.

MINKE WHALE

(*Balaenoptera acutorostrata*)

Distribution and migration. The minke whale inhabits all oceans of the world, except in equatorial regions, and ranges into the polar pack ice zones in the Northern and Southern Hemispheres. It makes extensive seasonal migrations between high-latitude summering grounds and low-latitude wintering grounds.

At least three geographically isolated populations are recognized, one in the North Pacific Ocean, another in the North Atlantic Ocean, and a third in the Southern Hemisphere. The affinities of the minke whale stocks in the northern Indian Ocean are unknown.

In the eastern North Pacific Ocean, the minke whale ranges from the Chukchi Sea south to northern Baja California during the summer, and from central California south to the Islas Revillagigedo off central Mexico during the winter.

In the western North Atlantic Ocean, it ranges from Baffin Bay south to Chesapeake Bay during the summer, and from the eastern Gulf of Mexico and northeastern Florida to the Bahamas during the winter.

Abundance and trends. The minke whale has long been an important species in the "small whale" fisheries of the world. In 1970, for example, catches were: South Africa—171; Norway (including the entire northern North Atlantic)—2,308; eastern Canada—86; Japan—320; Brazil—701; Soviet Union (Antarctic)—30; South Korea—715. In the 1971/72 season, Japan, for the first time, sent a small factory ship and two catcher boats to the Antarctic specifically for minke whales and 3,000 were killed.

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The venture was sufficiently profitable that increased operations are planned. No estimates are available of the abundance of this species in the North Pacific or North Atlantic. In the Southern Hemisphere the present population, which is virtually unexploited, numbers at least 200,000 (International Whaling Commission, 1973).

General biology. The minke whale is the smallest member of the genus *Balaenoptera*, not exceeding 10 m in length in the Northern Hemisphere. The northern animals are distinguished by a white band on the flipper; individuals from the Southern Hemisphere average about a meter longer, and usually lack the white flipper band. The minke whale feeds mainly on euphausiids, but also takes some small fishes. In the Northern Hemisphere, it attains sexual maturity at an age of 7 to 8 years and an average body length of 7.0 m in males and 7.9 m in females. The female bears a calf only once every 2 years (rather than annually, as once believed). During the summer, pregnant females migrate to much higher latitudes than do the lactating and immature females.

Ecological problems. None known.

Allocation problems. None known.

Current research. Research on minke whales is being conducted by the Japanese Far Seas Fisheries Research Laboratory, the South African Division of Sea Fisheries, and the Norwegian State Institute for Whale Research.

REFERENCES

International Whaling Commission, Scientific Committee. 1973. Report of the Scientific Committee. Rep. Int. Comm. Whaling 23 [in press].

Jonsgård, A. 1951. Studies on the little piked whale or minke whale (*Balaenoptera acutorostrata* Lacépède). Norsk Hvalfangst-Tid. 40(5): 209–232.

1962. Population studies on the minke whale *Balaenoptera acutorostrata* Lacépede. p. 158–167 *In* LeCren, E. D., and M. W. Holdgate (eds.), The exploitation of natural animal populations. Blackwell Sci. Publ., Oxford.

Ohsumi, S., Y. Masaki, and A. Kawamura. 1970. Stocks of the Antarctic minke whale. Sci. Rep. Whales Res. Inst. 22: 75–126.

Omura, H., and H. Sakiura. 1956. Studies on the little piked whale from the coast of Japan. Sci. Rep. Whales Res. Inst., 11: 1–39.

Sergeant, D. 1963. Minke whales, *Balaenoptera acutorostrata* Lacépède, of the western North Atlantic. J. Fish Res. Bd. Can. 20: 1489–1504.

BRYDE'S WHALE

(*Balaenoptera edeni*)

Distribution and migration. The Bryde's whale is found in tropical and warm temperate coastal waters around the world. In the western Atlantic Ocean, it ranges from the Gulf of Mexico south to Cabo Frio, Brazil, and in the eastern Atlantic Ocean from Morocco south to the Cape of Good Hope. In the Indian Ocean, it ranges from the Cape of Good Hope north to the Persian Gulf, east to the Gulf of Martaban, Burma, and thence south to Shark Bay, Western Australia. In the western Pacific Ocean, it is distributed from northern Hokkaido, Japan, south to Victoria, Australia, and North Island, New Zealand; in the eastern Pacific Ocean, it ranges from central Baja California, Mexico, south to Iquique, Chile.

At least some of the temperate zone populations (Japan, South Africa) make limited seasonal migrations. The tropical populations may be sedentary.

Abundance and trends. The Bryde's whale is of minor importance in the modern whaling industry. Until recently, only a few of these animals were taken by shore stations in Japan, South Africa, and rarely elsewhere. Since 1970, however, increasing numbers have been harvested by Soviet and Japanese pelagic expeditions in the western North Pacific Ocean, as these expeditions have shifted operations more to the south. The population in the western North Pacific Ocean (the only one that has been exploited significantly) numbers between 5,000 and 18,000, and is probably above the level needed for a maximum sustainable yield (Ohsumi, Shimadzu, and Doi, 1971). Estimates of populations elsewhere in the world have not been made.

General biology. The Bryde's whale is very similar in appearance to the sei whale, and the two species were formerly confused. The Bryde's whale is slightly smaller—usually less than 13.5 m long; its throat grooves extend posteriorly beyond the umbilicus, and it has a pair of lateral ridges on top of its snout, one on each side of the median ridge. The fringe on its baleen plates is much coarser than that of the sei whale. It feeds mainly on small schooling fishes, and also takes some euphausiids and other crustaceans. Males attain sexual maturity at an average length of 12.2 m and females at 12.5 m. The mating and calving season is usually during the winter, but in some areas—South Africa, for example—they breed year-round. The gestation period is about 1 year. The female does not bear a calf 2 years in succession.

Ecological problems. None known.

Allocation problems. None known.

Current research. Research on the Bryde's whale is being conducted by the South African Division of Sea Fisheries and the Japanese Far Seas Fisheries Research Laboratory.

REFERENCES

Ohsumi, S., Y. Shimadzu, and T. Doi. 1971. The seventh memorandum on the results of Japanese stock assessment of whales in the North Pacific. Rep. Int. Comm. Whaling, 21: 76–89.

Omura, H. 1959. Bryde's whale from the coast of Japan. Sci. Rep. Whales Res. Inst. 14: 1–33.

1962. Further information on Bryde's whale from the coast of Japan. Sci. Rep. Whales Res. Inst. 16: 7–18.

SEI WHALE

(*Balaenoptera borealis*)

Distribution and migration. The sei whale is nearly world wide in distribution. In the eastern North Pacific, it summers from California to the Gulf of Alaska and Aleutian Islands; in the North Atlantic, from New England and the British Isles to the Arctic Ocean. In winters at low latitudes. In the Southern Hemisphere this species summers in all oceans from 30° S latitude and southward, and in winter it is generally found north of 40° S latitude.

Abundance and trends. Information in this section is from the annual reports of the International Whaling Commission (1972, In press) and from recent reports of the Bureau of International Whaling Statistics. Stock sizes available for commercial harvest are estimated to be about 80,000 in the southern oceans and 33,000 to 37,000 in the North Pacific Ocean. Definitive stock estimates of this species in the North Atlantic are not available, though a tentative estimate for the population off Nova Scotia is 1,570. In addition, all stocks contain unknown numbers of sei whales younger than those utilized commercially because a minimum length restriction prevents the taking of these animals and development of population data on this segment of the herd. The sei whale is the second most valuable baleen whale, and populations appear to be near the level of maximum sustainable yield. Catches of sei whales in recent seasons have been:

Season	North Pacific	North Atlantic	Southern oceans [1] (S. of 40° S)	Southern land stations
1969	5,158	222	5,857	[2] 824
1970	1,709	551	6,153	138
1971	2,703	475	5,452	446

[1] Southern oceans catches are for the seasons 1969/70, 1970/71, 1971/72, respectively.
[2] No information from Brazil and Chile in 1969.

General biology. The species resembles the fin whale but is slightly smaller, with less white underneath, and a large dorsal fin. In the far north of the northern hemisphere it feeds mostly on copepods. The diet is much more varied in lower latitudes—including euphausiids, copepods, sauries, anchovies, herring, sardines, and jack mackeral. Sei whales usually travel in small pods of 2–5. They attain sexual maturity at 6–12 years of age, at a body length of about 13.1 m (males) and 13.7 m (females). Females bear calves every 2 or 3 years. The mating and calving season occurs in winter in the respective hemispheres. Gestation lasts 1 year, and the calf is weaned when about 7 months old.

Seven percent of the sei whales taken off California have been infected with a unique disease that causes progressive shedding of the baleen plates and their replacement by an abnormal papilloma-like growth.

Ecological problems. None known.

Allocation problems. None known.

Current research. The National Marine Fisheries Service will share in population and biological studies of this species. Other organizations carrying out research on this species are the Japanese Whale Research Institute and Japanese Far Seas Fisheries Research Laboratory (North Pacific and Antarctic), Fisheries Research Board of Canada (North Atlantic), Norwegian State Institute for Whale Research (Antarctic), British National Institute of Oceanography (South Africa and Antarctic), South African Division of Sea Fisheries (South Africa), and Soviet All-Union Research Institute of Marine Fisheries and Oceanography.

REFERENCES

Bannister, J. L., and R. Gambell. 1965. The succession and abundance of fin, sei, and other whales off Durban Norsk Hvalfangst Tid., 54(3):45–60.

Bureau of International Whaling Statistics. 1972. International Whaling statistics. Vol. 69. 47 p.

1971. International Whaling Statistics. Vol. 67. 42 p.

1970. International Whaling Statistics. Vol. 65. 50 p.

Gambell, R. 1968. Seasonal cycles and reproduction in sei whales of the Southern Hemisphere. Disc. Rep. 35: 31–134.

International Commission on Whaling. In press. Twenty-third report of the Commission.

1972. Twenty-second report of the Commission.

Klumov, S. K. 1961. Plankton and the feeding of the whalebone whales (Mystacoceti). Geiken Tsushin, 129(1962): 1–12.

Matthews, L. H. 1938. The sei whale, *Balaenoptera borealis*. Disc. Rep. 17: 183–290.

Omura, H., and T. Nemoto. 1955. Sei whales in the adjacent waters of Japan. Sci. Rep. Whales Res. Inst. 10: 79–87.

FIN WHALE

(*Balaenoptera physalus*)

Distribution and migration. The fin whale is nearly world wide in distribution. In the eastern North Pacific its summers from California into the Chukchi Sea, and in the North Atlantic from Cape Cod and Spain into the Arctic Ocean. The fin whale migrates to more southern latitudes in winter. In the Southern Hemisphere it is generally found at latitude 40°–60° south in summer and from 20°–40° south in winter.

Abundance and trends. Information in this section is from the annual reports of the International Whaling Commission (1972, in press) and from the reports of the Bureau of International Whaling Statistics, Sandefjord. Stock sizes available for commercial harvest are estimated at about 80,000 in the Southern Hemisphere, 10,000 to 13,000 in the North Pacific, and about 7,000 in the Northwest Atlantic and possibly in the Northeast Atlantic. In addition, all stocks contain unknown numbers of whales younger than those utilized commercially because a minimum length restriction on the catch prevents the taking of these animals and development of population data on this segment of the herd. Recent catches from the stocks have been:

Season	North Pacific	North Atlantic	Southern oceans [1]	Southern land stations [2]
1969	1,276	800	3,002	224
1970	1,012	911	2,890	132
1971	802	663	2,683	40

[1] Southern ocean catches are for the seasons 1969/70, 1970/71, 1971/72, respectively.
[2] No information from Brazil and Chile.

The fin whale is commercially the most valuable baleen whale. Stocks in the North Pacific and southern oceans are below maximum sustainable yield levels.

General biology. This species is second in size only to the blue whale; in the Northern Hemisphere it grows to at least 23.2 m and is distinguished by a gray back, white belly and well-developed dorsal fin. Fin whales feed mostly on euphausiids, but often eat fish—especially anchovies in the North Pacific and capelin in the North Atlantic. They usually travel in small pods of 2–5 animals. Fin whales are sexually mature at 6–12 years, and at a body length of about 17.7 m (males) and 18.3 m (females). Females bear calves every 2–3 years. The mating and calving season occurs in winter in respective hemispheres. Gestations last 1 year and the calf is weaned at about age 7 months.

Ecological problems. None known.

Allocation problems. None known.

Current research. The National Marine Fisheries Service plans to share in population and biological studies of this species. Other organizations carrying out research on this species are the Japanese Whales Research Institute and Japanese Far Seas Fisheries Research Laboratory (North Pacific and Antarctic), Fisheries Research Board of Canada (North Atlantic), British National Institute of Oceanography (South Africa and Antarctic), South African Division of Sea Fisheries (South Africa), and Soviet All-Union Research Institute of Marine Fisheries and Oceanography (North Pacific and Antarctic).

REFERENCES

Bureau of International Whaling Statistics. 1972. International Whaling Statistics. Vol. 69. 47 p.

1971. International Whaling Statistics. Vol. 67. 42 p.

1970. International Whaling Statistics. Vol. 65. 50 p.

International Commission on Whaling. (In press). Twenty-third report of the Commission.

1972. Twenty-second report of the Commission.

Jonsgard, A. 1966. Biology of the North Atlantic fin whale *Balaenoptera physalus* (L.): taxonomy, distribution, migration, and food. Hvalradets Skr. 49:1–62.

Laws, R. M. 1961. Reproduction, growth, and age of southern fin whales. Disc. Rep. 31:327–486.

Mitchell, Edward. (In press). Present status of Northwest Atlantic and other whale stocks. IBP Conference on the Biology of Whales.

Ohsumi, S., M. Nishiwaki, and T. Hibiya. 1958. Growth of fin whale in the northern Pacific. Sci. Rep. Whales Res. Inst. 13:97–133.

Osterberg, C., W. Pearcy, and N. Kujala. 1964. Gamma emitters in a fin whale. Nature, 204 (4962):1006–1007.

BLUE WHALE

(*Balaenoptera musculus*)

Distribution and migration. The blue whale is found throughout all oceans from the equator to the polar pack ice zones in the Northern and Southern Hemispheres. It makes seasonal migrations between rather restricted high-latitude summering grounds and low-latitude wintering grounds.

At least three geographically isolated populations are recognized, one in the North Pacific Ocean, another in the North Atlantic Ocean, and a third in the Southern Hemisphere. Each population is probably comprised of several more or less discrete stocks. The "pygmy blue whale" of the southern Indian Ocean is morphologically distinct from the stocks which spend the summer in Antarctic waters. The affinities of the blue whale populations in the Arabian Sea and Bay of Bengal are unknown.

In the eastern North Pacific Ocean, blue whales range from the Aleutian Islands and Gulf of Alaska south to central California during the summer, and from central Baja California south to southern Sinaloa, Mexico, during the winter.

In the western North Atlantic Ocean, they range from Davis Strait south to the Gulf of St. Lawrence during the summer (the winter range of this stock remains unknown).

Abundance and trends. During the first half of the 20th century, the blue whale was one of the most important cetaceans to the whaling industry, but it is now so rare that it will require probably half a century of complete protection to restore the stocks to a significant level. In the North Pacific Ocean the population, which once numbered about 5,000, now contains about 1,500 individuals (Ohsumi and Wada, 1972). This species apparently has been slowly increasing since 1966, the year it was first given complete protection.

The population in the western North Atlantic (off eastern Canada), which originally numbered about 1,100, is now much less (Allen, 1970). Estimates of the eastern North Atlantic population have not been made.

The Southern Hemisphere population originally numbered about 200,000 (Chapman, Allen, and Holt, 1964), but was severely depleted before complete protection was given the stock in 1965. Gulland (1972) states that the most likely recent history of blue whale numbers would be a catchable stock of some 4,000 whales in 1963, which has increased to some 6,000 (at about 4 to 5 percent per year) plus a similar number of blue pygmy whales.

General biology. The blue whale is the largest mammal that ever lived on earth, reaching a known length of 29 m and a weight of 136 tons. It is distinguished

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from the fin whale by its mottled blue-gray color dorsally and ventrally, its smaller dorsal fin, its broad flat snout, and its black baleen plates. Blue whales feed exclusively on euphausiids during the summer, and fast during the winter. They become sexually mature at an average age of about 10 years, when males of the Antarctic stocks average 22.5 m and females 24.0 m; blue whales of the Northern Hemisphere average about 1 m shorter, whereas the "pygmy" blue whales of the southern Indian Ocean average about 2 m less in length. Every 2 or 3 years during the winter months the female gives birth to a calf after a 12-month gestation period. At birth the calf is about 7 m long; when weaned 8 months later it is about 15 m long.

Ecological problems. None known.

Allocation problems. None known.

Current Research. Observers aboard whaling and research vessels record sightings of blue whales and routinely report them to the International Whaling Commission.

REFERENCES

Allen, K. R. 1970. A note on baleen whale stocks of the north west Atlantic. Rep. Int. Comm. Whaling, 20: 112–113.

Chapman, D. G., K. R. Allen, and S. J. Holt. 1964. Reports of the Committee of Three Scientists on the special scientific investigation of the Antarctic whale stocks. Rep. Int. Comm. Whaling, 14: 32–106.

Gulland, John. 1972. Future of the blue whale. New Scientist, 27 April, p. 198–199.

Jonsgard, Å. 1955. The stocks of blue whales (*Balaenoptera musculus*) in the North Atlantic Ocean and adjacent Arctic waters. Norsk Hvalfangst-Tid. 44(9): 505–519.

Mackintosh, N. A., and J. F. G. Wheeler. 1929. Southern blue and fin whales. Disc. Rep. 1: 257–540, 19 pls, 157 figs.

Ohsumi, S., and S. Wada. 1972. Stock assessment of blue whales in the North Pacific. Unpublished report submitted to Scientific Committee, International Whaling Commission.

HUMPBACK WHALE

(*Megaptera novaeangliae*)

Distribution and migration. The humpback whale is found in almost all oceans from tropical waters to the edge of, but not into, the polar pack ice zones in the Northern and Southern Hemispheres. It makes extensive seasonal migrations between higher latitude summering grounds and low-latitude wintering grounds—the latter along continental coasts or around islands.

Three geographically isolated populations are recognized, one in the North Pacific Ocean, another in the North Atlantic Ocean, and a third in the Southern Hemisphere. Each population is comprised of several almost entirely discrete stocks.

In the eastern North Pacific Ocean, the humpback whale ranges from the Chukchi Sea south to southern California during the summer, and from southern California south to the Islas Revillagigedo and Jalisco, Mexico, and also around the Hawaiian Islands, during the winter.

In the western North Atlantic Ocean it ranges from Disco Bay in western Greenland south to Massachusetts during the summer, and from Hispaniola and Puerto Rico south to Trinidad during the winter.

Abundance and trends. The humpback whale was important, especially to shore stations, during the first half of the 20th century. Now, however, this mammal is so scarce that it will require a half century of complete protection for it to increase to a significant level. A few are killed in subsistence fisheries in Greenland, the Lesser Antilles, and the Tongo Islands. It has a minor value as a tourist attraction in Hawaii and southeastern Alaska. The original population size of the North Pacific Ocean is unknown, but is now severely depleted to about 1,200 individuals (Wada, 1972). The animals have apparently not increased since complete protection was given the species in 1966.

The original population size of the North Atlantic Ocean is unknown, and the western North Atlantic Ocean stock is now reduced to less than 1,000 animals (Allen, 1970). A small increase may have occurred in recent years. Estimates of the eastern North Atlantic Ocean population have not been made.

The original population of the Southern Hemisphere, which probably numbered about 100,000, now contains about 3,000 individuals (Chapman, in press; Masaki, 1972). The stock has apparently not increased since complete protection was given the species in 1964.

General biology. The humpback whale is much more heavily bodied than members of the genus *Balaenoptera*, and is characterized by its extremely long flippers. It feeds mainly on euphausiids, but also eats anchovies and sardines when available. The species attains sexual maturity at an age of 6 to 12 years, when males average 11.6 m long and females 11.9 m. The mating and calving season is from October to March in the Northern Hemisphere, and April to September in the Southern Hemisphere. The gestation period is 12 to 13 months and the calf nurses for about 11 months. The female rarely bears a calf 2 years in succession.

The humpback whale is heavily infested with three species of ectocommensal barnacles and with whale lice.

Ecological problems. None known.

Allocation problems. None at present.

Current research. Observers aboard research vessels and foreign whaling ships record sightings of humpback whales and routinely report them to the International Whaling Commission.

REFERENCES

Allen, K. R. 1970. A note on baleen whale stocks of the north west Atlantic. Rep. Int. Comm. Whaling, 20: 112–113.

Chapman, D. G. In press. Status of research and baleen whale stocks in the Antarctic. Presented at IBP Conference on the Biology of Whales, Luray, Virginia, June 1971.

Chittleborough, R. G. 1965. Dynamics of two populations of the humpback whale, *Megaptera novaeangliae* (Borowski). Austr. J. Mar. Freshw. Res. 16: 33–128.

Masaki, Y. 1972. Estimation of abundance of whales by means of whale sighting in the Antarctic. Unpublished report submitted to Scientific Committee, International Whaling Commission.

Nishiwaki, M. 1959. Humpback whales in Ryukyuan waters. Sci. Rep. Whales Res. Inst. 14: 49–87.

Wada, S. 1972. The ninth memorandum on the stock assessment of whales in the North Pacific. Unpublished report submitted to Scientific Committee, International Whaling Commission.

ROUGH-TOOTHED DOLPHIN

(*Steno bredanensis*)

Distribution and migration. The rough-toothed dolphin inhabits tropical and warm temperature seas. It ranges in the western Atlantic Ocean from Virginia south. In the North Pacific Ocean it ranges north to southern Japan (35° N) where it is rare, and to the Hawaiian Islands where it is fairly common. It is unknown from the eastern North Pacific except for one stranding near San Francisco.

Abundance and trends. The rough-toothed dolphin is uncommon but not rare throughout most of its range. It is seldom caught in the Japanese dolphin fishery (Ohsumi, 1972), and has been recorded on a few occasions in the eastern tropical Pacific tuna fishery (NOAA, 1972).

General biology. This dolphin grows to about 2.4 m. Little is known of its biology or habits. Circular scars on its skin suggest that this species feeds on large squid.

Ecological problems. None known.

Allocation problems. None known.

Current research. The Oceanic Institute of Hawaii is studying this species in the wild.

REFERENCES

NOAA. 1972. Observation on the status of stocks and a recommended program to reduce the incidental kill of porpoise taken in the eastern tropical Pacific tuna seine fishery. Report of the NOAA tuna-porpoise review Committee. 63 p.

Norris, K. S., and J. H. Prescott. 1961. Observations on Pacific Cetaceans of California and Mexican waters. Univ. of Calif. Publications in Zoology. Univ. of Calif. Press, Berkeley and Los Angeles. 63:4, 291–402, pl. 27–41, 12 figs. in text.

Ohsumi, S. 1972. Catch of marine Mammals, mainly of small cetaceans by local fisheries along the coast of Japan. Bull. of Far Seas Fish. Res. Lab. No. 7: 137–166.

Pryor, K. W., R. Haag, and J. O'Reilly. 1969. The creative porpoise: training for novel behavior. J. Exp. Anal. Behav. 12(4): 653–661.

BOTTLENOSED DOLPHINS

(*Tursiops truncatus*)

Distribution and migration. The bottlenosed dolphin is widely distributed in temperate and tropical waters, but strays into much colder latitudes. In the western Atlantic Ocean, it ranges from southern Greenland and Canada to Patagonia, but is best known from New England southward through the West Indies and Caribbean. In the eastern Atlantic, it is found from the northeast Scandinavian coast to South Africa. In the eastern Pacific Ocean, its northern limit is probably Oregon, and it ranges south to Chile. In the western Pacific, it is found north to Japan and south to Australia and New Zealand. Its Pacific range includes the Hawaiian Islands, where it is said to be common. A subspecies, *T. t. aduncus*, may occur in the Indian Ocean and the tropical Indo-Pacific. A closely related form, T. gilli, is presently recognized as inhabiting the northern Gulf of California and waters along the west coast of Baja California and southern California. The geographical ranges and characters delimiting these named forms are still poorly defined: They may be a single species. Limited and subjective data suggest that populations are localized within about a 100-mile radius and that this speices does not make long migrations.

Abundance and trends. In the early 20th century, from 500 to 1,500 animals were killed annually off North Carolina (Townsend, 1914). A few bottlenosed dolphins are now taken for food in small open-boat pilot whale fisheries in the Lesser Antilles (St. Vincent, St. Lucia, Dominica) and some are harvested by Venezuelan fishermen. Several hundred bottlenosed dolphins have been taken each year off Florida, Mississippi, and Texas for display in marine aquariums and for research. Some of these animals are shipped alive to Hawaii, California, and Europe. Trends are based on subjective data, but it is believed that local populations of the southeastern United States are not now being reduced by these activities (D. K. Caldwell, pers. comm.).

General biology. Bottlenosed dolphins are 1.1 m long at birth and grow to 3.6 m in length and 650 kg in weight. Captive animals have become sexually mature at 6 years, but recent evidence suggests that this species normally breeds at about 12 years. Gestation lasts about one year, and calves may nurse for 1.5 to 2 years, although they begin to take solid food at age 6 months. Bleeding apparently occurs throughout the year, but the fact that most of the young are born during a certain time of year suggests that breeding, as well as calving, takes place in the spring and summer. This dolphin is likely to be seen in bays and lagoons, sometimes venturing far up large rivers. These dolphins are usually found close to shore and near islands, but some populations live well beyond the continental shelf. Bottlenosed dolphins are often seen in large loose schools of several hundred animals, which appear to consist of aggregations of small groups of no more than a dozen individuals. Humpback and right whales traveling along the Atlantic coast of Florida are almost always accompanied by bottlenosed dolphins. Bottlenosed dolphins feed on several species of fish, squid, and a few crustaceans. Bottlenosed dolphins have been trained to dive to a depth of about 305 m, from where they have returned within a few minutes. The estimated life span for this species is about 30 years, but it may be longer. Bottlenosed dolphins are extremely social and quick to learn a show routine or experimental procedure. They have been credited with a high order of intelligence, which has not been demonstrated experimentally.

Ecological problems. None known.

Allocation problems. Bottlenosed dolphins have been accused of harassing fishing efforts by biting fish and shrimp nets and some fishermen attempt to drive them away. Some fishermen consider this dolphin a threat to their activities. Bottlenosed dolphins are occasionally trapped accidentally in commercial fishing gear. In this way, a small number are lost in the eastern tropical Pacific tuna seine fishery. The effect on the population of taking these animals off the southeast United States for display and research is not understood and could become a problem.

Current research. Several agencies and institutions conduct or support research on the bottlenosed dolphin. Included are the Office of Naval Research, National Institutes of Health, National Science Foundation, and the American Philosophical Society. The University of Florida concentrates its research on general life history and ecological studies. The Florida State Museum is studying systematics. Research in physiology, echolocation, anatomy, life history and the behavior of captive and wild individuals has been done at the Naval Undersea Centers in San Diego and Hawaii. Studies on vision are being carried out by scientists from the University of Miami. The Dolfinarium at Harderwijk, Netherlands, has recently conducted studies of the physiology and handling of these animals.

REFERENCES

Andersen, Harald T. (ed.). 1969. The biology of marine mammals. Academic Press, New York, 511 p.

Caldwell, David K., and Melba C. Caldwell. 1972. The world of the bottlenosed dolphin. J. B. Lippincott Co., Philadelphia, 157 p.

Norris, Kenneth S. (ed.). 1966. Whales, dolphins, and porpoises. Univ. California Press, Berkeley, 789 p.

Ridgway, Sam H. (ed.). 1972. Mammals of the sea: biology and medicine. Charles C. Thomas, Springfield, IL. 812 p.

Townsend, C. H. 1914. The porpoise in captivity. Zoologica, 1(16):289–299.

RISSO'S DOLPHIN, GRAMPUS

(*Grampus griseus*)

Distribution and migration. The Risso's dolphin ranges through all temperate and tropical seas. In western North America its northern limit is British Columbia, and it is sighted during the winter in central California. In the eastern United States it ranges from Massachusetts south. Strandings in Britain are most common during the summer. The species probably migrates to higher latitudes in warmer months.

Abundance and trends. Risso's dolphin was described in 1894 as "abundant" near Monterey Bay, California. (Daugherty, A. E., 1972). The species is uncommon but not rare throughout most of its range. Over 200 of these animals were sighted in one group during 1972 off the Washington coast. (Fiscus, Unpublished field notes, 1972).

General biology. Risso's dolphin grows to 3.6–4.0 m. Its skin commonly has long, narrow, white marks believed to be scars caused by others of the same species. Solitary animals or schools of 12 or less are generally observed. This species is frolicsome, and sometimes leaps clear of the water. Known foods are almost exclusively cephalopods.

Ecological problems. None known.

Allocation problems. None known.

Current research. None.

REFERENCES

Daugherty, Anita E. 1972. Marine mammals of California. State of Calif. Res. Agency, Dept. Fish and Game, 91 pp.

Orr, R. T. 1966. Risso's dolphin on the Pacific coast of North America J. Mamm. 47: 341–343.

Tomilin, A. G. 1957. Zverii SSSR i prilezhashchikh stran. Tom 9. Kitoobraznye. (Mammals of the U.S.S.R. and adjacent countries. Vol. IX. Cetacea.) Moscow, Akad. Nauk. SSSR, 756 p. (Transl. by IPST, Jerusalem, 1967, xxii+717 p.)

WHITE-BEAKED DOLPHIN

(*Lagenorhynchus albirostris*)

Distribution and migration. The white-beaked dolphin inhabits the coastal waters of the North Atlantic Ocean from the Barents Sea and Davis Strait to France and Massachusetts. It is most common in the North Sea from the east coast of the United Kingdom to the Faroe Islands, and may winter in the southerly parts of the North Atlantic Ocean. It appears in Davis Strait in the spring and summer after the beluga and narwhal migrate north and leaves in autumn sometimes as late as November. It apparently ranges farther north into Arctic waters than its relative the white-sided dolphin.

Abundance and trends. This species is one of the more abundant of North Atlantic toothed whales. Schools of as many as 1,500 have been reported from the coast of Norway where it is attracted by herring (Fraser 1949).

Tomlin (1957) reports schools of several hundred and states that this species is taken commercially in Norway, but gives no statistics on the catch. He also mentions that it was once taken commercially in Davis Strait.

General biology. This gregarious species grows to 3.0 m; the calves are as

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long as 1.2 m when born. The mating period is long, but limited to the warmer half of the year. Most of the calves are born during midsummer. Food is mainly fish such as herring, cod, whiting, and capelin, but also crustaceans and molluscs such as hermit crabs, whelks, and squids.

Ecological problems. Strandings of schools of up to 30 animals have been reported.

Allocation problems. None known.

Current research. None.

REFERENCES

Fraser, F. C. 1949. Whales and dolphins. Part II *In* J. R. Norman and F. C. Fraser. Field book of giant fishes. P. 201–349. pls. 6–8. G. Putnam's Sons, New York.

Morzer Bruyns, Capt. W. F. J. 1971. Field Guide of Whales and Dolphins Amsterdam, Uitgeverij tor/N. V. Uitgeverij v.h.c. a. mees. p. 258.

Nishiwaki, M. 1972. General Biology Chap. 1., p. 1–204. IN: Mammals of the sea, Biology and medicine Ed. S. H. Ridgeway. Charles Thomas, Springfield, Ill.

Tomilin, A. G. 1957. Zverii SSSR i prilezhashehikh stran. Tom 9. Kitoobraznye. (Mammals of the U.S.S.R. and adjacent countries. Vol. IX. Cetacea.) Moscow, Akad. Nauk. SSSR, 756 pp. (Transl. by IPST, Jerusalem, 1967, xxii + 717 pp.)

Van Bree, P. J. H. 1970. Uber Weissschnauz-delphine (*Lagenorhynchus albiroatris*) von den deütschen Nordseekusten. Natur. and Museum 100(b):264–268.

ATLANTIC WHITE-SIDED DOLPHIN

(*Lagenorhynchus acutus*)

Distribution and migration. The Atlantic white-sided dolphin ranges the coastal waters of the North Atlantic Ocean from the Barents Sea and Davis Strait south to France and Cape Cod.

Abundance and trends. The status of this species is unknown. According to Tomilin (1957), "this dolphin is taken only in summer in the waters of Norway: the animals are trapped in the fjords, which they enter in vast schools pursuing herring. The take may reach 1,500 individuals at a time."

General biology. This species grows to 3.0 m. The young are born mostly in midsummer and are about 1.0 m in length. It feeds mostly on pelagic and benthopelagic fish such as mackerel, salmonids, and herring, and some crustaceans and molluscs such as *Pagurus* and *Buccinum*. Schools in excess of 1,000 animals have been reported while they were feeding; groups of 10 to 50 are normally seen.

Ecological problems. Stranded schools of up to 30 have been reported.

Allocation problems. None known.

Current research. None.

REFERENCES

Tomilin, A. G. 1957. Zverii SSSR i prilezhashchikh stran. Tom. 9. Kitoobraznye. (Mammals of the U.S.S.R. and adjacent countries. Vol. IX. Cetacea.) Moscow, Akad. Nauk, SSSR, 756 p. Transl. by IPST, Jerusalem, 1967, xxii + 717 p.

Utrecht, W. L. van and A. M. Husson. 1968. Strandingen van Cetacea in het Voorjaar van 1967 op de Nederlandse Küsten. Lutra 10: 7–17, pl. 2–4.

PACIFIC WHITE-SIDED DOLPHIN

(*Lagenorhynchus obliquidens*)

Distribution and migration. The Pacific white-sided dolphin ranges the northern North Pacific from the coast of Japan and Baja California northward. It is found year round of California and Washington and in Alaska and Kurile Island waters during the summer, but has not been reported from the Bering Sea. It frequents the waters of the continental shelf and slope but on occasion has been sighted in large schools in offshore waters.

Abundance and trends. Norris and Prescott (1961) report the species as common off southern California in inshore waters in winter and spring and offshore in summer and fall. According to sighting reports in the National Marine Fisheries Service files, Seattle, and by Pike and MacAskie (1969), this species may be the most abundant dolphin north of southern California. No estimate of the size of the population along the west coast of North America has been made.

Nishiwaki (1972) estimates the population in Japanese waters to be between 30 and 50 thousand. Klumov (1959) reports that the Pacific white-sided dolphin is one of the two most numerous dolphins found in the late summer and fall in the Kurile Islands area, and forms schools of up to several thousand animals.

A few of these animals are taken for display in ocean aquaria.

General biology. This species grows to 2.3 m, and weighs up to 181 kg. A male 1.2 m in length with milk in its stomach was taken off Washington. It probably breeds in late spring to autumn, with a gestation period of 10–12 months. Schools of thousands are seen, often together with common and right-whale dolphins. It is active day and night, frolics, follows ships, dashes across ships' bows, and occasionally jumps clear of the surface. It adapts well to captivity. This dolphin feeds primarily on cephalopods and small fish such as herring, sardine, anchovy, and saury.

Ecological problems. None known.

Allocation problems. None known.

Current research. None.

REFERENCES

Klumov, S. K. 1959. Commercial dolphins of the far east. Pac. Sci. Res. Inst. of Fish. Econ. Oceanogr. (TINRO) Izv. Vol. XLVII. Transl. by L. V. Sagen, 1962.

Nishiwaki, N. 1972. General Biology. Chap. I. pp. 1–204. *In* Mammals of the sea, biology and Medicine (ed) S. H. Ridgeway.

Norris, K. S., and J. H. Prescott. 1961. Observations on Pacific cetaceans of California and Mexican waters. U. Calif. Publ. Zool. 63(4): 291–402.

Pike, G. C. and I. B. MacAskie. 1969. Marine mammals of British Columbia Fish. Res. Bd. of Can. Bull. 171. p. 54.

Scheffer, V. B. 1950. The striped dolphin, *Lagenorhynchus obliquidens* Gill, 1865, on the coast of North America. Am. Midl. Nat. 44: 750–758.

Tomilin, A. G. 1957. Zverii SSSR i prilezhashchikh stran. Tom 9. Kitoobraznye. (Mammals of the U.S.S.R. and adjacent countries. Vol. IX. Cetacea.) Moscow. Akad. Nauk. SSSR, 756 p. (Transl. by IPST, Jerusalem, 1967, xxii + 717 p.)

SARAWAK DOLPHIN

(*Lagenodelphis hosei*)

Distribution and migration. Only a single specimen of the Sarawak dolphin, from Borneo, was known to science until 25 of the mammals were taken in a tuna purse seine in the eastern tropical Pacific. Since then, it has been recorded from several widely separated localities in the Pacific and Indian Oceans: Durban, South Africa; near Sydney, Australia; Tokyo, Japan; and the Central Pacific south of Hawaii.

Abundance and trends. The animal is rare in collections and presumably not common in its habitat (Perrin et al., 1973).

General biology. Length at birth is approximately 1 m, and the adults are about 2.5 m long. This dolphin feeds on deep living fishes and squids.

Ecological problems. None known.

Allocation problems. Loss of Sarawak dolphins in the tuna fishery is minor in terms of absolute numbers, but may be significant considering the apparent extreme rarity of the animal. Twenty-nine of thirty-four identified specimens have been taken in tuna seines.

Current research. None.

REFERENCES

Fraser, F. C. 1956. A new Sarawak dolphin. Sarawak Mus. J. 7: 478–503.

Perrin, W. F., P. B. Best, W. H. Dawbin, K. C. Balcomb, R. Gambel, and G. J. B. Ross. 1973. Rediscovery of Fraser's dophin *Lagenodelphis hosei*. Nature, 241(5388): 345–350.

SPOTTED DOLPHIN

(*Stenella attenuata*)

(*S. frontalis*)

(*S. graffmani*)

(*S. dubia*)

Distribution and migration. Knowledge of the spotted dolphins is scanty, and their taxonomy is confused, but two species probably exist. The taxonomy used here is provisional. One form is confined to warm waters of the Atlantic and probably is *Stenella plagiodon* Cope. This species, the Atlantic spotted dolphin, is discussed in a separate status report. The other apparent species occurs in all tropical waters of the world, including the Atlantic Ocean, and has been identified as belonging to the four above-listed nominal species. Taxonomists do not agree on the taxonomy. The two apparent species are different in basic color pattern but both have spots.

The spotted dolphin occurs in the Gulf Stream adjacent to the U.S. east coast and in the Gulf of Mexico. Nothing is known of its migrations. It has not been recorded from the U.S. Pacific Coast, but it is the primary cetacean species involved in the tuna fishery in the eastern tropical Pacific, from Cabo San Lucas to Peru and west to approximately long. 145° W. It occurs around the Hawaiian Islands and in the U.S. Trust Territory. The maximum recorded movement of a single animal is 1,300 miles (2,080 km) in 236 days.

Abundance and trends. Population estimates and trends in abundance are not available for these species.

General biology. Length at birth of the race involved in the tuna fishery is about 0.8 m. Adults of the various races are 1.6–2.6 m long. Considerable geographic variations exist in external size and shape, coloration, and skeletal structure, with pronounced differences between coastal and offshore subspecies in the eastern Pacific. It feeds on small mesopelagic and epipelagic fishes and squids. In the eastern tropical Pacific, this species commonly associates with the spinner porpoise in mixed aggregations of up to several thousand animals.

Ecological problems. None known.

Allocation problems. Because of their association with yellowfin tuna, many of these mammals are taken incidentally during tuna harvesting operations by fishermen from Canada, France, Japan, Mexico, Panama, United States, and other countries in coastal and international waters in the eastern tropical Pacific (ETP).

Current research. The National Marine Fisheries Service and the tuna industry are assessing the effects of fishing mortality and improving rescue methods and gear to eliminate losses associated with the tuna harvest. Other research includes systematic and ecological studies by P. J. H. van Bree at the Zoological Museum in Amsterdam, W. Dawbin at Sydney University, and E. D. Mitchell at the Arctic Biological Station of the Fisheries Research Board of Canada in Ste. Anne de Bellevue, Quebec.

REFERENCES

Best, P. B. 1969. A dolphin (*Stenella attenuata*) from Durban, South Africa. Ann. S. Afr. Mus. 52(5):121–135.

Caldwell, D. K., M. C. Caldwell, W. F. Rathjen, and J. R. Sullivan. 1971. Cetaceans from the Lesser Antillean Island of St. Vincent. Fish. Bull. 69(2):303–312.

Fraser, F. C. 1950. Description of a dolphin *Stenella frontalis* (Cuvier) from the coast of French Equatorial Africa, Atlantide—Report No. 1, Scientific Results of the Danish Expedition to the coasts of tropical West Africa 1945–1946. Danish Press, Copenhagen, 83 p.

Green, R. E., W. F. Perrin, and B. Petrich. 1971. The American tuna purse seine fishery. *In* Modern fishing gear of the world. Vol. 3. United Nations FAO, Fishing Books, Ltd., London, 537 p.

Mizue, K., and K. Yoshida. 1962. Studies on the little toothed whales in the West Sea area of Kyusyu. IX. About *Prodelphinus* sp., so-called "Madara Iruka" in Japan caught at Ariko wa in Goto Is., Nagasaki Pref. Bull. Fac. Fish. Nagasaki Univ. 13:1–8.

National Oceanic and Atmospheric Administration. 1972. Report of the NOAA Tuna-Porpoise Review Committee. Processed report, 63 p.

Nishiwaki, M. 1966. A discussion of rarities among the smaller cetaceans caught in Japanese waters. P. 192–202 *In* Norris, K. S., (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles, 789 p.

Perrin, W. F. 1969. Using porpoise to catch tuna. World Fishing, 18(6): 42–45.

1970. Color pattern of the eastern Pacific spotted porpoise *Stenella graffmani* Lonnberg (Cetacea, Delphinidae). Zoologica 54(4): 135–152.

1972. Variation and taxonomy of spotted and spinner porpoises of the eastern tropical Pacific and Hawaii. Ph. D. dissertation, Univ. of Calif., Los Angeles, xxvi+590 p.

Schmidly, D. J., M. B. Beleau, and H. Hildebran. 1972. First record of Cuvier's dolphin from the Gulf of Mexico with comments on the taxonomic status of *Stenella frontalis*. J. Mammal. 53: 625–628.

ATLANTIC SPOTTED DOLPHIN

(*Stenella plagiodon*)

Distribution and migration. The Atlantic spotted dolphin (exact taxonomic position not yet known) is probably confined to tropical and subtropical waters of the Atlantic Ocean. It occurs on the U.S. Gulf coast and off the east coast in Gulf Stream waters, and may be restricted to continental waters, being replaced in the West Indies by some other species in this genus (probably *Stenella frontalis*). Seasonal inshore-offshore migrations occur in Florida waters, and perhaps elsewhere in the Gulf of Mexico, with animals moving close to shore in late spring.

Abundance and trends. Population estimates have not been made for this species. The only known fishery for the species has taken 12 or fewer animals per year for display, however, these animals do not easily withstand handling and captivity. Thus, an increased fishery for display animals is not likely.

General biology. The newborn are about 0.8 m long, and the adults reach 2.0–2.2 m in length. Little is known of the life history of this species. Except for the annual spring migrations to near shore, this species is considered a mammal of the outer continental shelf or adjacent high seas. Spotted dolphins appear to feed primarily on squid in the wild, but they readily adapt to a fish diet in captivity. Newborn and young animals are not spotted, but progress through a series of color changes until the adults become spotted all over except for the ventral surface near the belly. This species is subject to infestations externally by barnacles and whale lice, internally by trematodes in the stomach, liver, and pancreas, and nematodes in the lungs and stomach. In captivity and in cold weather, these animals easily contract pneumonia.

Ecological problems. Little is known about the ecology of this dolphin, but because it normally lives well offshore, it seems likely that it is affected little by man.

Allocation problems. None known.

Current research. Some information on this species has been gathered incidental to studies by the Office of Naval Research on the bottlenosed dolphin. Most of the recent research has been on various aspects of sound production by this species. However, David K. and Melba C. Caldwell have long been gathering general biological information at the Marine Mammal Center of the Communication Sciences Laboratory of the University of Florida located at Marineland, Florida (near St. Augustine).

REFERENCES

Cadenat, J. 1959. Rapport sur les petits Cetaces ouest-africains. Resultats des recherches entreprises sur ces animaux jusqu'au mois de mars 1959. Bull. I.F.A.N., Ser. A, 21(4): 1367–1409, pls. I–XXXI.

Caldwell, David K., and Melba C. Caldwell. 1966. Observations on the distribution, coloration, behavior and audible sound production of the spotted dolphin, *Stenella plagiodon* (Cope). Los Angeles County Mus., Cont. in Sci., 104: 1–28.

Caldwell, David K., and Melba C. Caldwell. 1971. Underwater pulsed sounds produced by captive spotted dolphins, *Stenella plagiodon*. Cetology, 1: 1–7.

Caldwell, Melba C., David K. Caldwell, and J. Frank Miller. 1973. Statistical evidence for individual signature whistles in the spotted dolphin, *Stenella plagiodon*. Cetology, in press.

Caldwell, Melba C., Nicholas R. Hall, and David K. Caldwell. 1971. Ability of an Atlantic bottlenosed dolphin to discriminate between, and potentially identify to individual, the whistles of another species, the spotted dolphin. Cetology, 6: 1–6.

Perrin, W. F. 1972. Variation and taxonomy of spotted and spinner porpoises of the eastern tropical Pacific and Hawaii. Ph.D. dissertation, Univ. Calif., Los Angeles, xxvi + 590 p.

Zam, Stephen G., David K. Caldwell, and Melba C. Caldwell. 1971. Some endoparasites from small odontocete cetaceans collected in Florida and Georgia. Cetology, 2: 1–11.

SPINNER DOLPHIN

(*Stenella longirostris*)

Distribution and migration. The spinner dolphin inhabits tropical inshore and offshore waters around the world. It has been recorded from the Gulf of Mexico, around the Hawaiian and Line Islands, and U.S. Trust Territory, but not from the U.S. Pacific Coast. It is involved in the U.S. tuna fishery in the eastern tropical Pacific, from Cabo San Lucas to Peru and west to about long. 145° W. Little is known of its migrations. The maximum recorded movement of a single animal is 280 miles (448 km) in 396 days.

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Abundance and trends. Population estimates and trends in abundance are not available for this species.

General biology. Length at birth is approximately 0.8 m, and the adults grow to 1.5–2.2 m Pronounced geographical variations exist in external size and shape, coloration, and skeletal structure. In the eastern tropical Pacific, it commonly associates with the spotted porpoise in mixed aggregations of up to several thousand animals. The spinner dolphin feeds on small pelagic fishes and squids.

Ecological problems. None known.

Allocation problems. Because of its association with yellowfin tuna, this species is taken incidentally by fishermen from Canada, France, Japan, Mexico, Panama, United States, and other countries in coastal and international waters of the eastern tropical Pacific.

Current research. The National Marine Fisheries Service and the tuna fishing industry are assessing the effects of fishing mortality and improving rescue methods and gear to eliminate losses associated with the tuna harvest. Other research includes systematics and ecological studies by P. J. H. van Bree at the Zoological Museum in Amsterdam, W. Dawbin at Sydney University, and E. D. Mitchell at the Arctic Biological Station of the Fisheries Research Board of Canada in Ste. Anne de Bellevue, Quebec; and ethological studies by K. S. Norris at the University of California at Santa Cruz.

REFERENCES

Bree, P. J. H. van. 1971. On skulls of *Stenella longirostris* (Gray, 1828) from the eastern Atlantic. (Notes on Cetacea, Delphinoidea IV.) Beaufortia 19: 99–105.

Fitch, J. E., and R. L. Brownell, Jr. 1968. Fish otoliths in cetacean stomachs and their importance in interpreting feeding habits. J. Fish. Res. Bd. Can. 25(12): 2561–2574.

Green, R. E., W. F. Perrin, and B. Petrich. 1971. The American tuna purse seine fishery. *In* Modern fishing gear of the world. Vol. 3. United Nations FAO, Fishing Books, Ltd., London, 537 p.

Hester, F. J., J. R. Hunter, and R. R. Whitney. 1963. Jumping and spinning behavior in the spinner porpoise. J. Mammal. 44: 586–588.

Mizue, K., K. Yoshida, and S. Sonoda. 1964. Studies on the little toothed whales in the West Sea area of Kyusyu. X. About *Prodelphinus* sp. so-called "Hashinaga Iruka" in Japan caught in the sea area around Goto Is., Nagasaki Pref. Bull. Fac. Fish. Nagasaki Univ. 17: 10–24.

Morris, R. A., and L. S. Mowbray. 1966. An unusual barnacle attachment on the teeth of the Hawaiian spinning dolphin. Norsk Hvalfangst-Tid. 55(1): 15–16.

National Oceanic and Atmospheric Administration. 1972. Report of the NOAA Tuna-Porpoise Review Committee. Processed report, 63 p.

Perrin, W. F. 1969. Using porpoise to catch tuna. World Fishing, 18(6): 42–45.

1972. Color patterns of spinner porpoises (*Stenella* cf. *S. longirostris*) of the eastern Pacific and Hawaii, with comments on delphinid pigmentation. Fish. Bull. 70: 983–1003.

1972. Variation and taxonomy of spotted and spinner porpoises of the eastern tropical Pacific and Hawaii. Ph.D. dissertation, Univ. of Calif., Los Angeles, xxvi + 590 p.

Perrin, W. F., and E. L. Roberts. 1972. Organ weights of noncaptive porpoise (*Stenella* spp.). Southern Calif. Acad. Sci. Bull. 71: 19–32.

Perrin, W. F., and J. R. Hunter. 1972. Escape behavior of the Hawaiian spinner porpoise (*Stenella* cf. *S. longirostris*). Fish. Bull. 70: 59–60.

STRIPED DOLPHIN

(*Stenella coeruleoalba*)

Distribution and migration. The striped dolphin inhabits temperate and tropical waters around the world, and has been recorded from both U. S. coasts. Nothing is known about the movements of striped dolphins in waters contiguous to the United States.

Abundance and trends. Population estimates and information on trends are not available for the U.S. or eastern tropical Pacific populations. The Japanese currently take about 5,000 striped dolphins per year (Kasuya, 1972).

General biology. Biological studies have been carried out on the population off Japan. The mean length of the newborn is 1 m, and the gestation period is 12 months long. The mean age at sexual maturity in males and females is 9 years, at 2.2 and 2.1 m, respectively. Lactation lasts about 18 months, and the mean length of the reproductive cycle is about 3 years. Schools of striped dolphins segregate somewhat by age and sex.

Ecological problems. None known.

Allocation problems. The striped dolphin is involved in the tuna fishery to a very minor extent; schools of this mammal apparently do not usually associate with the tuna.

Current research. A federal program of research recently begun by Japan is expected to yield an estimate of population size in the northwestern Pacific Ocean.

REFERENCES

Fraser, F. C., and B. A. Noble. 1970. Variation of pigmentation pattern in Meyen's dolphin. *Stenella coeruleoalba* (Meyen). P. 147–164 *In* Pilleri, G. (ed.), Investigations on Cetacea, Vol. II, Bentelli, Berne, 296 p.

Girh, M., and G. Pilleri. 1969. On the anatomy and biometry of *Stenella styx* Gray and *Delphinus delphis* L. (Cetacea, Delphinidae) of the western Mediterranean. P. 15–65 *In* Pilleri, G. (ed.), Investigations on Cetacea. Vol. I, Bentelli, Berne, 219 p.

Hubbs, C. L., W. F. Perrin, and K. C. Balcomb. 1973. *Stenella coeruleoalba* in the eastern and central tropical Pacific. J. Mammal. (in press).

Kasuya, T. 1972. Growth and reproduction of *Stenella caeruleoalba* (sic) based on the age determination by means of dentinal growth layers. Sci. Rep. Whales Res. Inst. 24: 57–79.

COMMON DOLPHIN, SADDLEBACK DOLPHIN (ATLANTIC COAST), WHITEBELLY PORPOISE (PACIFIC COAST)

(*Delphinus delphis*)

Distribution and migration. This species is world wide in distribution in temperate to tropical waters of from 12°–28° C. There may be more than one species, recognizable differences do exist between populations. In the Northwestern Atlantic Ocean, this mammal ranges from Newfoundland to the Caribbean Sea. In the northeastern Pacific Ocean, the primary distribution of this species is from the California-Oregon border to Costa Rica, but one stranded animal was found in British Columbia. Large populations occur off southern California (Santa Barbara to San Diego), the west coast of Baja California, Mexico (Cedros Island to Cape San Lucas), and Costa Rica. A relatively large population also occurs in, and may be resident of, the Gulf of California. In southern California waters *Delphinus* is present throughout the year but is most abundant from August to January. A decrease in herd size during the spring and summer may be due primarily to the animals breaking up into small subgroups of 50 to 200 animals, and a general movement offshore and north.

Abundance and trends. The common dolphin is probably the most widespread and abundant delphinid. Herds of several thousand individuals have been reported. This species has been utilized in the Black, Mediterranean, and South China Seas, and off the east coast of Japan. Sleptsov (1940) estimated the Black Sea catch at 110,000 to 120,000 per year. Based on data from aerial surveys, Evans (pers. comm.) estimates a population of 10,000–15,000 in the limited area of the southern California continental borderland. The species has been displayed at Marineland of the Pacific and has been used in experiments and field studies by the National Marine Fisheries Service and the Department of the Navy.

General biology. The males grow to 2.6 m and are an average of 14 cm longer than females. The average individual of the northeastern Pacific Ocean is larger than that of the Black and Mediterranean Seas. The largest known specimen from the Black Sea was 212 cm, however, a male 259 cm long was taken from the northeastern Pacific Ocean. Males and females may segregate between mating seasons, especially when the latter are nursing calves or about to bear their young. The gestation period lasts 10–11 months with a post-parturition estrus. The young are 75–85 cm at birth. The young dolphin is weaned at about age 5–6 months (110–120 cm overall length), but may stay with the female up to 1 year. In the northeastern Pacific Ocean, this species appears to have two mating seasons (January–April and August–November), and two calving seasons (March–May and August–October). Herds containing 2,000 to 5,000 dolphins may form, but they appear to be made up of subgroups of 50 to 200 animals.

This species is seldom found inside the 100-fathom line, but it frequents sea mounts, escarpments, and other prominent offshore features. The animal makes most of its dives in excess of 10 fathoms after sunset. The deepest dive recorded is 140 fathoms, but the average dive is to 30 fathoms. During feeding, the animal usually stays under water for 2–3 minutes, but dives of 5 minutes have been recorded. This species is one of the fastest swimming cetaceans and has been clocked at a burst speed of 25–26 knots. Normal cruising speed is about 4–5 knots, with herds moving 40–50 nautical miles in 24 hours. It feeds mainly on anchovy, sprat, pelagic pipefish, and cephalopods in the Black Sea; whiting, horse mackerel, sardine, and hake in the Atlantic Ocean; and anchovy, myctophids, hake, and cephalopods in the northeastern Pacific Ocean.

Skin parasites are rare, but barnacles sometimes attach themselves to the trailing edge of the tail flukes. Remoras are also found on *Delphinus*, especially in tropical waters. Endoparasites include trematodes in the bile ducts, liver, intestine, and stomach; cestodes in the intestine, blubber, and mesentery; nematodes in the intestine, lungs, nasal sacs, and middle ear cavity; and acanthocephalans in the intestine. The brains of 12 stranded specimens contained flukes and their eggs, which in most cases had caused abscesses and lesions.

Ecological problems. Large sharks and the killer whale are the only known natural predators.

Allocation problems. Because the northern anchovy and squid constitute the bulk of this mammal's diet in the northeastern Pacific Ocean, a substantial increase in the fishery for these resources could have a noticeable effect on the porpoise populations. *Delphinus* is the third most important species of porpoise taken incidentally in the eastern tropical Pacific tuna purse seine fishery. Mexican tuna purse seiners fishing for skipjack in the eastern tropical Pacific and the Gulf of California account for an unknown amount of incidental catch.

Current research. The National Marine Fisheries Service and the tuna fishing industry are assessing the effects of fishing mortality and improving rescue methods and gear to eliminate losses associated with the tuna harvest. Studies of behavior, distribution, and abundance have been conducted by the Naval Undersea Center, San Diego, California, since 1968. This research will terminate at the end of FY '73.

REFERENCES

Evans, W. E. 1971. Orientation behavior of *Delphinus:* radio telemetric studies. Ann. N.Y. Acad. Sci. 188:142–162. 162.

Gihr, M., and G. Pilleri. 1969. On the anatomy and biometry of *Stenella styx* Gray and *Delphinus delphis* L. (Cetacea, Delphinidae) of the Western Mediterranean. P. 15–65 *In* Pilleri, G. (ed.), Investigations on Cetacea, Vol. I. Berne, Switzerland, 219 p.

National Oceanic and Atmospheric Administration. 1972. Report of the NOAA Tuna-Porpoise Review Committee. Processed report, 63 p.

Norris, K. S., and J. H. Prescott. 1961. Observations on Pacific cetaceans of Californian and Mexican waters. Univ. Calif. Publ. Zool., 63(4):291–402.

Sleptsov, M. M. 1940. Determination of the age of *Delphinus delphis* L. Bull. Soc. Nat. Moscow, S. Biologique, 49(2):43–61. Fish. Res. Bd. Can. Transl. No. 46, 1957.

Tomilion, A. G. 1948. On the biology and physiology of the Black Sea dolphin. Zool. Zhur., 27(1):53–64.

NORTHERN RIGHT WHALE DOLPHIN

(*Lissodelphis borealis*)

Distribution and migration. Little is known about the distribution of the northern right whale dolphin other than that it inhabits temperate waters of the North Pacific Ocean.

In the western North Pacific Ocean, the northern right whale dolphin is found from Cape Inubo, Japan, north as far as Etorofu and Paramushir Islands, from where it apparently migrates southward in autumn or winter to near the southern Kurils and is common, at least seasonally, in the northern Sea of Japan.

In the eastern North Pacific, this species has been reported from 30° to 50° north latitudes, though mostly from California. It occurs in the southern California continental borderland only from October or November to about April.

Though it is also oceanic, the right whale dolphin has been observed most frequently along the continental slope and near such features as sea mounts and banks. It has been seen close to the California Channel Islands and the mainland coast near San Diego and Palos Verdes. Two sightings and one specimen from the central Pacific suggest that the species may be continually distributed across the temperate North Pacific.

Abundance and trends. Groups of 200 are most common, but herds of an estimated size from 300 to 1,000 off Japan and up to 2,000 off southern California have been seen. Although the species was once thought to be uncommon, aerial surveys have revealed that it is abundant off the Pacific Coast of North America (Leatherwood, pers. comm.). This species is reportedly common in the northern Sea of Japan (Okada and Hanaoka, 1940), where it is harvested.

General biology. Newborn animals are about 0.6 m in length and grow to 3.1 m. The species is gregarious and is frequently reported in close association with the white-sided dolphin, with which it shares an extensive common range.

Right whale dolphins may reach speeds in excess of 25 knots in bursts. One entire herd averaged over 15 knots for 30 minutes while attempting escape from a helicopter. When approached, the animals may move away quietly or in a series of low angle leaps, each covering as much as 7 m. Individuals that are widely scattered when approached, bunch together tightly while fleeing from the cause of their disturbance.

Food is primarily squid, but also miscellaneous fishes, including myctophids and engraulids.

Parasites include trematodes and cestodes.

Ecological problems. If migrations are food dependent, decimation of food supplies in the southern end of its range could adversely affect the species.

Allocation problems. None known.

Current research. The only research known is an unfunded examination of all museum materials, collection of beached specimens, and survey of literature being conducted by J. S. Leatherwood, NUC, San Diego, and R. F. Green, Ventura College, Ventura, Calif.

REFERENCES

Brownell, R. L. 1964. Observations of odontocetes in central California waters. Norsk Hvalfangst-Tid. 3: 60–66.

Fiscus, C. H., and K. Niggol. 1965. Observations of cetaceans off California, Oregon, and Washington. U.S. Fish Wildl. Serv., Spec. Sci. Rep. Fish. 408, 27 p.

Nishiwaki, M. 1972. General biology: Cetacea. *In* Mammals of the sea, biology and medicine, Sam H. Ridgway (ed.). Charles C. Thomas, Springfield.

Norris, K. S., and J. H. Prescott. 1963. Observations of Pacific cetaceans in California and Mexican waters. Univ. Calif. Publ. Zool. 63: 291–402.

Okada, Y., and T. Hanaoka. 1940. A study of Japanese Delphinidae. Sci. Rep. Tokyo Bunrika Daijaku 4(77): 285–306.

Tomilin, A. G. 1957. Mammals of the USSR and adjacent countries. Vol. 9. Cetacea. Izd. Akad. Nauk SSSR, Moskva. Transl. IPST, Jerusalem, 1967.

BROAD-BEAKED DOLPHIN

(*Peponocephala electra*)

Distribution and migration. Peponocephala inhabits the tropical Atlantic, Indian, and Pacific Oceans.

Abundance and trends. The status of this species is unknown, except that it is apparently rare (Nishiwaki and Norris, 1966).

General biology. Unknown.

Ecological problems. None known.

Allocation problems. None known.

Current research. None.

REFERENCES

Nishiwaki, M., and K. S. Norris. 1966. A new genus *Peponocephala* for the odontocete cetacean species *Electra electra*. Sci. Rep. Whales Res. Inst. 20: 95–100.

PYGMY KILLER WHALE

(*Feresa attenuata*)

Distribution and migration. The pygmy killer whale probably inhabits most tropical waters.

Abundance and trends. The status of this species is unknown except that it is apparently rare (Caldwell and Caldwell, 1971). The species has been captured for exhibit in the oceanariums of Hawaii and Japan.

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General biology. The adults reach about 2.4 m. In appearance they resemble a small false killer whale. They are aggressive in captivity.

Ecological problems. None known.

Allocation problems. This species has been reported taken incidentally to a very minor extent in the yellowfin tuna fishery in the eastern tropical Pacific.

Current Research. None.

REFERENCES

Best, P. B. 1970. Records of pygmy killer whale, *Feresa attenuata*, from southern Africa, with notes on behavior in captivity. Ann. S. Afr. Mus. 57(1):1–14, 9 pls.

Caldwell, David K., and Melba C. Caldwell. 1971. The pygmy killer whale, *Feresa attenuata*, in the western Atlantic, with a summary of world records. J. Mammal. 52:206–209.

Nishiwaki, M., T. Kasuya, T. Kamiya, T. Tobayama, and M. Nakajima. 1965. *Feresa attenuata* captured at the Pacific Coast of Japan in 1963. Sci. Rep. Whales Res. Inst. 19:65–90.

Perrin, W. F., and C. L. Hubbs. 1969. Observations on a young pygmy killer whale (*Feresa attenuata* Gray) from the eastern tropical Pacific Ocean. Trans. San Diego Soc. Nat. Hist. 15(18):297–308.

False Killer Whale

(Pseudorca crassidens)

Distribution and migration. The false killer whale ranges through all temperate and tropical seas. It is an oceanic form, found on the Atlantic side of the United States from North Carolina south, and on the Pacific side from the Aleutian Islands south.

Abundance and trends. This species is uncommon throughout most of its range. It is seldom caught in the Japanese small whale fishery but is common on the Pacific side of Honshu (Ohsumi, 1972).

General biology. The males grow to 6.1 m and the females to 4.9 m; adult animals weigh up to 1,360 kg. Mating appears to be over a protracted period, with young born at about 1.8 m. False killer whales are found in schools of both sexes and all ages. They have been seen eating dolphinfish (mahi-mahi) off Hawaii.

Ecological problems. Schools of up to 835 of these animals have stranded.

Allocation problems. The Japanese state that a toothed whale (shachi), which may or may not be the false killer whale, does much damage to their long-line tuna industry by feeding on hooked fish.

Current research. None.

REFERENCES

Bullis, H. R. and J. C. Moore. 1956. Two occurrences of false killer whales, and a summary of American records. Am. Mus. Nov. 1756: 1–5.

Mizue, K., A. Takemura, and K. Nakasai. 1969. Studies on the little-toothed whales in the West Sea area of Kyushu. XVI. Underwater sound of the false killer whale. Bull. Facult. Fish., Nagasaki Univ. 28: 19–29.

Ohsumi, S. 1972. Catch of marine mammals, mainly of small cetaceans, by local fisheries along the coast of Japan. Bull. Far Seas Fish. Res. Lab. No. 7, 137–166.

Yamaguchi, Y. 1964. On the predation of tuna longline catches by the smaller toothed whales [Shachi] Maguro Gyogyo [Tuna Fishing] 27: 59–73. (Transl. by T. Otsu, NMFS, Hawaii, June 1972.)

Common Pilot Whale, Pothead, Blackfish

(Globicephala melaena)

Distribution and migration. This pilot whale inhabits the North Atlantic Ocean south to Virginia and the Mediterranean. It is a schooling mammal and appears regularly off the Canadian and United States coasts. It generally favors pelagic regions, but often moves close to shore in search of food.

Abundance and trends. The status of this species is unknown. A total of 3,000 to 4,000 was killed annually in local Newfoundland fisheries up to the early 1950's (Sergeant, 1962), but only a few have been taken in recent years. About 177,000 were taken in the Faroe Islands from 1584 to 1883 (Tomilin, 1957) and several hundred per year are still being harvested there and in Norway.

General biology. The adults grow to about 6.5 m; females are usually mature at age 6 to 7 years and males at about age 12. Calves are about 1.8 m long at birth, in July to August, although full-term fetuses have been found year round. Cows probably bear calves every 3 years, the gestation period is about 16 months, and lactation lasts about 2 years. Pilot whales are gregarious, and occur in schools of hundreds and thousands. They have a distinct social organization, however, the sex ratio is not always equal in stranded groups. They are believed polygamous by some, with bachelor males sometimes forming separate schools. They travel in tight schools when not feeding, and disperse into scattered groups when on feeding grounds. Captive pilot whales feed at night and sleep days. They have a top swimming speed of over 25 mph, and a longevity of about 50 years. They feed almost exclusively on squids, but also eat small fish such as clupeids and gadids. Sergeant estimates food intake per year at about 11.5 times the weight of the animal.

Ecological problems. Whole schools sometimes strand.

Allocation problems. None known.

Current research. None.

REFERENCES

Sergeant, D. E. 1962. The biology of the pilot or pothead whale *Globicephala melaena* (Traill) in Newfoundland waters. Bull. Fish. Res. Bd. Can. 132: 1–84.

Tomilin, A. G. 1957. [Mammals of the U.S.S.R. and adjacent countries. Vol. 9 Cetacea.] Izdatel. Akad. Nauk. SSSR. IPST Transl. No. 1124, 1967.

Short-Finned Pilot Whale

(Globicephala macrorhyncha)

Distribution and migration. In the North Atlantic Ocean, this pilot whale ranges north to New Jersey and Madiera. In the North Pacific Ocean it is found from Japan and the Aleutian Islands south to New Zealand and Peru. It is an oceanic species with a very wide range. Schools of pilot whales appear regularly off U.S. coasts. It generally favors offshore waters, but often moves close to land in search of food. Greatest numbers are seen in the North Atlantic and North Pacific in summer, fewer in winter.

Abundance and trends. The status of this species is unknown except that it is fairly abundant around the California Channel Islands (D. W. Rice, unpublished data). Many pilot whales are taken in the Japanese small-whale fishery. This species is also taken in the lesser Antilles.

General biology. The adults grow to 4.6–6.7 m. Little work has been done on this species, but indications are that the general biology is similar to *G. melaena*.

Ecological problems. Schools of this species often strand.

Allocation problems. None known.

Current research. The taxonomy of Pacific *Globicephala* is being studied by R. L. Brownell and D. K. Caldwell in the United States, and T. Kasuya and M. Nishiwaki in Japan. The U.S. Navy is studying the behavior and distribution of the pilot whale.

REFERENCES

Bree, P. J. H. van. 1971. On *Globicephala sieboldi* Gray, 1846, and other species of pilot whale (Notes on Cetacea, Delphinoidea III). Beaufortia, 19(249): 79–87.

Tomilin, A. G. 1957. [Mammals of the U.S.S.R. and adjacent countries. Vol. 9. Cetacea.] Izdatel. Akad. Nauk. SSSR. IPST Transl. No. 1124, 1967.

Killer Whale

(Orcinus orca)

Distribution and migration. The killer whale is worldwide and ranges north and south to polar ice. It is more common in cooler waters, and in more productive coastal areas. The Strait of Georgia in British Columbia, Prince William Sound in Alaska, and Puget Sound in Washington State are areas of concentration. Migratory habits are probably dependent on food supply, and killer whales are most numerous in Puget Sound in November and late summer. In Japan, most of these mammals are taken from April to November, with the greatest number from August to November. In the Norway fishery, killer whales seem dependent on distribution and migration of herring, capelin, and cod.

Abundance and trends. Authoritative estimates of the world population are not available. A limited cooperative effort of the Fisheries Research Board of Canada and the Washington State Department of Game primarily in the inside waters of Washington and British Columbia gave counts of 459 killer whales in 1971 and 255 in 1972. About 60 individuals have been removed from inside waters of British Columbia and northern Washington State during the past 7 years for display by marine aquariums. An additional nine were killed during U.S. capture operations, mostly during the early years. The number of killer whales killed in Canadian capture operations is not known. The Japanese fishery took 567 killer whales from the Okhotsk Sea to south of Japan from 1948 to 1957. Norwegians harvested 1,417 in the northeastern North Atlantic between 1938 and 1967.

General biology. Females grow to 7.0 m and males to 8.2 m. Males weigh up to about 8,000 kg, with about 4,000 kg the apparent limit for females. An adult male dorsal fin may be 1.8 m high, considerably higher than that of the female. Breeding appears to occur year-round, although it may peak in May to July; gestation lasts 13 to 16 months. Newborn calves are about 2.4 m long and weigh about 180 kg. In the Northern Hemisphere births occur mostly in autumn. Killer whales usually are found in groups of about 10 to 100 or even more. The males are probably polygamous. Killer whales hunt successfully in packs, but there are no records of attacks on people. The stomach contents of 364 killer whales taken off Japan from 1948 to 1957 included (in order of occurrence): Fish (mostly cod, flatfish, and sardines), squid, octopus, dolphins, whales, and seals. Salmon constituted 1.6 percent of all stomach contents. Soviets in the Kurils recorded "fish and squid" but no marine mammal remains in 10 animals. Of 10 killer whales examined by the National Marine Fisheries Service, Seattle, 6 adult males had only marine mammal remains except for 1 squid; 1 adult female and 1 immature male had only fish remains.

The most common diseases are those caused by wearing of tooth crowns and denudation of the pulp cavity, which results in abscesses. Other diseases include bony outgrowths and bone tumors. Parasites include nematodes, cestodes, and trematodes. One Puget Sound killer whale stomach contained 5,000 nematodes.

Ecological problems. This species has no natural enemies except man. Stranding probably is the greatest nonhuman hazard.

Allocation problems. Public interest in killer whales was stimulated by the first live capture in 1964 in British Columbia. Growing public interest is increasing in killer whales as a recreational resource, especially in Puget Sound. The animals are commercially valuable in the United States for display in oceanariums. U.S., Japanese, and Canadian fishermen contend that the whales cause gear damage and interfere with salmon and tuna long-line fisheries. Many consider killer whales an important predator of salmon and herring; others defend them as the natural enemy of other fish eaters, including harbor seals and sea lions. Some sport salmon fishermen claim their presence spoils fishing.

Current research. The National Marine Fisheries Service and the Fisheries Research Board of Canada are studying killer whale distribution in western U.S. and Canadian waters.

REFERENCES

Jonsgård, Å., and P. B. Lyshoel. 1970. A contribution to the knowledge of the biology of the killer whale *Orcinus orca* (L.). Nytt Magasin for Zool. 18: 41–48.

Nishiwaki, M., and C. Handa. 1958. Killer whales caught in the coastal waters off Japan for recent 10 years. Sci. Rep. Whales Res. Inst. 13: 85–96.

Rice, D. W. 1968. Stomach contents and feeding behavior of killer whales in the eastern North Pacific. Norsk Hvalfangst-Tid. 57: 35–38.

Harbor Porpoise

(Phocoena simus and Phocoena phocoena)

Distribution and migration. There are four recognized species of harbor porpoise, but only the two found in the waters of the Northern Hemisphere are discussed here. One species, *Phocoena simus*, is apparently restricted in range to the Gulf of California. *P. phocoena* is circumpolar in distribution in ice-free seas, ranging south in the Atlantic Ocean to the Delaware River and the Mediterranean Sea. In the Pacific Ocean it is found south to Japan and southern California, although it is not abundant south of San Francisco.

The harbor porpoise is an inshore species, frequenting coastal waters, the mouths of large rivers, harbors, and bays, and sometimes ascending freshwater streams.

Abundance and trends. The harbor porpoise is especially abundant in the waters of Washington (Scheffer and Slipp, 1948) and western Canada (Pike and MacAskie, 1969). Tomlin (1957) reports single catches of 2,000 to 2,500 harbor porpoises at the time they migrate between the Sea of Azov and the Black Sea.

Møhl-Hansen (1954) reporting on biological investigations of the harbor porpoise in Danish waters examined 188 harbor porpoises in 1941–42, 230 in 1942–43, and 212 in 1943–44, so at least those numbers were commercially harvested in Denmark during those years. He also states that these harbor porpoises were from the Baltic Sea populations.

General biology. This species grows to 1.8 m, and weighs up to 72 kg. The females are sexually mature at about age 3–4 years. Newborn calves are half the length of the mother. They breed annually during late spring and summer. The gestation period is 10–11 months, and the calves nurse up to 8 months. Harbor porpoises travel in pairs and schools of up to 200 or more, especially on the feeding grounds. This species is less playful than most dolphins or porpoises; they seldom jump out of the water, and usually ignore passing boats. Schools containing all "bachelors" are common; the females stay in groups of mixed sex. Usually they swim just below the sufrace, rising about 4 times per minute to breathe when not feeding. They feed mainly on bottom fishes such as cod, herring fry, flounder, and occasionally on invertebrates such as squids, clams, and crustaceans.

Ecological problems. These animals occasionally strand for unknown reasons, and because of their feeding habits, a few tend to get trapped in fishermen's nets.

Allocation problems. None known.

Current research. None.

REFERENCES

Fisher, H. D., and R. J. Harrison. 1970. Reproduction in the common porpoise (*Phocoena phocoena*) of the North Atlantic. J. Zool. 161: 471–486.

Møhl-Hansen, U. 1954. Investigations on reproduction and growth of the porpoise (*Phocaena phocaena* (L.)) from the Baltic. Vidensk. Medd. fra Dansk Naturh., Foren., 116: 369–396.

Norris, K. S., and W. N. McFarland. 1958. A new harbor porpoise of the genus *Phocoena* from the Gulf of California. J. Mammal. 39: 22–39.

Pike, G. C., and I. B. MacAskie. 1969. Marine mammals of British Columbia. Fish. Res. Bd. Can. Bull. 171, 54 p.

Scheffer, V. B., and J. W. Slipp. 1948. The whales and dolphins of Washington State with a key to the cetaceans of the west coast of North America. Amer. Midl. Natur., 39(2): 257–337.

Tomilin, A. G. 1957. Zveri SSSR i prilezhashchikh stran. Tom 9. Kitoobraznye. (Mammals of the U.S.S.R. and adjacent countries. Vol. IX. Cetacea.) Moscow, Akad. Nauk, SSSR, 756 p. Transl. by IPST, Jerusalem, 1967, xxii + 717 p.

Dall Porpoise

(Phocoenoides dalli)

Distribution and migration. The Dall porpoise inhabits the North Pacific Ocean from Japan and southern California to the Bering and Okhotsk Seas. It appears to migrate twice yearly off the coasts of Japan and California, and may move inshore in winter and offshore in summer. The Dall porpoise is a regular winter visitor to southern California, and has been observed in the Channel Islands area from October to summer. It has been seen off San Francisco Bay from March to October, off Monterey Bay throughout the year, and may be present year round where food is adequate.

Abundance and trends. The Dall porpoise is one of the most abundant small cetaceans found in Alaskan inside waters (U.S. Forest Service) and in British Columbia waters (Pike and MacAskie, 1969). It is commonly seen off northern California (W. J. Houck, pers. comm.). Mizue and Yoshida (1965) report an annual accidental catch of more than 10,000 Dall porpoise in the Japanese high seas salmon gillnet fishery in the northern North Pacific and Bering Sea west of 175° W longitude. They also state the Dall porpoise is east of 175° W longitude but that the Japanese fishing fleet does not operate east of the boundary.

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The Marine Mammal Division has many records of Dall porpoise ranging from the Bering Sea and the eastern Aleutian Islands south to latitude 34° in California waters (MMD files, Marine mammal observations, 1958–72).

General biology. The Dall porpoise grows to about 2.2 m and a weight of about 218 kg. It and the killer whale have the most conspicuous color patterns among cetaceans. Calves are born in the spring and summer, and young are observed in August. These animals are usually found in groups of 2 to 20, but occasionally 200 or more are seen on favorable feeding grounds. It plays in the bow waves of ships, and is among the swiftest of all marine mammals. This mammal consumes squid and such fish as saury, hake, herring, jack mackerel, and bathypelagic and deep-water benthic fish.

Ecological problems. None known.

Allocation problems. None known.

Current research. W. J. Houck is studying *P. dalli* and *P. truei* at Humboldt State College in California, and M. Nishiwaki is studying these species in Japan. G. V. Morejohn is studying feeding habits, migration, behavior, and morphology of the species at the Moss Landing Marine Station, California.

REFERENCES

Mizue, K., and K. Yoshida. 1965. On the porpoises caught by the salmon fishing gill-net in Bering Sea and the North Pacific Ocean. Bull. Facult. Fish. Nagasaki Univ. 19: 1–36.

Mizue, K., K. Yoshida, and A. Takemura. 1966. On the ecology of the Dall's porpoise in Bering Sea and the North Pacific Ocean. Bull. Facult. Fish., Nagasaki Univ. 21: 1–21.

Pike, G. C., and I. B. MacAskie. 1969. Marine mammals of British Columbia. Fish. Res. Bd. Can. Bull. 171, 54 p.

U.S. Forest Service. 1972. Marine mammal observations in southeastern Alaska and Prince William Sound. Unpublished field records.

BELUGA, WHITE WHALE

(*Delphinapterus leucas*)

Distribution and migration. The beluga whale inhabits the Arctic Ocean and adjacent seas, including the Okhotsk and Bering Seas, Cook Inlet, Hudson Bay, and Gulf of St. Lawrence. Beluga whales ascend several hundred miles up the larger rivers of Siberia and Alaska. Three races are recognized: *dorofeevi* from the Okhotsk Sea; *marisalbi* in the Barents and White Seas; and *leucas* in the rest of the range. In the Pacific, beluga whales are common along the Alaska coast as far south as Bristol Bay and an apparently separate population is found in Cook Inlet.

Abundance and trends. In Alaska beluga whales have been used as a source of muktuk, meat, and oil for both people and dogs by residents of villages on the Bering Sea and Arctic Ocean coasts and along rivers that belugas periodically ascend. In recent years the demand for beluga products has been reduced in the Arctic. Lensink (1961) estimated an annual harvest of 400 to 500 beluga whales in Alaska. In Bristol Bay only a few belugas are now taken, and the estimated annual harvest of the Bering Sea-Arctic Ocean coasts is 150 to 300 (Alaska Department of Fish and Game, 1973). The Cook Inlet, Alaska, population is estimated at 300 to 500. In Bristol Bay the population is estimated at 1,000 to 1,500 and is considered stable. The size of the beluga population in Alaska north of Bristol Bay is unknown, but is much greater than that residing in Bristol Bay (op. cit.). Sergeant (1962) states that from 1948 to 1960 the catch of beluga whales in the Canadian arctic averaged 1,200 annually. In the late 1950's the annual catch of beluga whales averaged 3,000–4,000 in the U.S.S.R., 500–800 in Greenland, and 100–200 from Spitsbergen (Kleinberg et al., 1964).

General biology. Males grow to 4.6 m and the females to 4.0 m in the Beaufort Sea, and to 5.2 m and 4.6 m, respectively, in the Soviet arctic. The beluga is polygamous, breeds in the spring, has a gestation period of 13–14 months, and newborn are about 1.5 m in length. Some females are both pregnant and lactating, suggesting that they calve in alternate years. They are gregarious and travel in groups of 2 or 3 to hundreds. Belugas feed from midwater to the bottom, with a diet including fish such as salmon, capelin, cisco, pike, char, cod, squid, crustaceans, and nereid worms. They frequently occur in shallow areas with a bottom of mud, sand, and stones. The beluga produces high-pitched whistles and squeals, ticking and clucking sounds, and have been given the name "sea-canary." Animals break the ice with their backs to reach air for breathing.

Parasites include nematodes in the respiratory organs, ears, circulatory system, intestine, and urogenital system; trematodes are found in the intestine, as well as cestodes and acanthocephalans. Helminths are apparently one cause of mortality.

Ecological problems. Known natural enemies include the killer whale and polar bear.

Allocation problems. These mammals take salmon at the mouths of large Alaskan rivers, and are important predators of salmon smolt in Bristol Bay, Alaska. Recorded killer whale sounds have been used experimentally to prevent beluga predation in the Kvichak River.

Current research. None known.

REFERENCES

Alaska Department of Fish and Game. 1973. Marine mammal status reports. Unpublished, Juneau, AK.

Fish, J. F., and J. S. Vania. 1971. Killer whale, *Orcinus orca*, sounds repel white whales, *Delphinapterus leucas*. Fish. Bull. 69: 531–536.

Kleinenberg, S. E., A. V. Yablokov, B. M. Bel'kovich, and M. N. Tarasevich. 1964. Beluga (*Delphinapterus leucas*) investigation of the species. Akad. Nauk SSSR. Transl. by IPST, Jerusalem, 1969.

Klinkhart, E. G. 1966. The beluga whale in Alaska. Unpublished report, Alaska Department of Fish and Game, Juneau, AK.

Sergeant, D. E. 1962. The biology and hunting of beluga or white whales in the Canadian arctic. Fish. Res. Bd. Can. Circ. 8, 13 p.

NARWHAL

(*Monodon monoceros*)

Distribution and migration. The narwhal is the most northern cetacean and occurs in north polar seas, including the entire Arctic Ocean, but is mainly found in the North Atlantic Ocean region. It is most common in northwestern Greenland and the eastern Canadian arctic, particularly Jones and Lancaster Sounds, the north and east coasts of Baffin Island, Repulse Bay, and occasionally in northern Foxe Basin and Hudson Strait. Narwhals also occur near Franz Josef Land and Novaya Zemlya. They are rare in the Laptev, East Siberian, Chukchi, and Beaufort Seas.

Abundance and trends. The Canadian population is estimated at about 10,000, with smaller numbers in northwestern Greenland (Mansfield, pers. comm.). Numbers elsewhere are unknown. Extremely rare occurrences in Great Britain (4) and Holland (1) are documented. Narwhals are hunted in Greenland and the eastern Canadian arctic for dog food, muktuk, sinew, and ivory.

General biology. Narwhals grow to 4.6 m in length and adult males to 1,550 kg. The young are born in May and June at about 1.5 m in length. Males have a tusk (canine tooth) which is usually the left one and occasionally both. Sometimes females also have a tusk. The tusk grows as a spiraled rod to 2.0 m in length, and distinguishes narwhals from all other whales. Gestation appears to last about 14 months, since well-developed fetuses are present in July and August. Usually only one calf is produced. Narwhals are gregarious, forming schools of up to one or two thousand, made up of small groups of up to about 20 (Mansfield, pers. comm.). Speculations on the tusk function are numerous and the tusk may only be a secondary sexual characteristic. Food of the narwhal consists mainly of cephalopods, polar cod, and Greenland turbot.

Ectoparasitic whale lice occur in cuts, skinfolds, and around the base of the tusk. Endoparasitic nematodes occur occasionally in the stomach, and frequently in basicranial sinuses.

Ecological problems. Narwhals are occasionally trapped in large numbers by rapid freeze-up. In such situations, Greenlanders may kill entire groups of these mammals. Although it is not adapted to drift ice areas, the killer whale probably occurs there and may be a natural enemy of the narwhal.

Allocation problems. None known.

Current research. The narwhal is being studied by the Fisheries Research Board of Canada.

REFERENCES

Bruemmer, F. 1969. The sea unicorn (Narwhal). Audubon 71(6): 58–63.

Peterson, R. L. 1966. The mammals of eastern Canada. Oxford Univ. Press, Toronto, 465 p.

Tomilin, A. G. 1957. Zverii SSSR i prilezhashchikh stran. Tom 9. Kitoobraznye. (Mammals of the U.S.S.R. and adjacent countries. Vol. IX. Cetacea.) Moscow, Akad. Nauk SSSR, 756 p. (Transl. by IPST, Jerusalem, 1967, xxii + 717 p.).

Vibe, C. 1950. The narwhal. P. 77–84 *In* The marine mammals and marine fauna in the Thule District (Northwest Greenland) with observations on ice conditions in 1939–41. Medd. om Gronland 150(6): 1–116.

SPERM WHALE

(*Physeter catodon*)

Distribution and migration. The sperm whale is nearly world wide in distribution except for the pack ice of the polar regions. Females and immature animals are generally found between 40° S and 50° N latitudes. Sperm whales appear to migrate north during the northern summer and south during the northern winter. In the North Pacific, male sperm whales are found as far north as the Bering and Okhotsk Seas; in the North Atlantic they move into Davis Strait and near Spitzbergen.

Abundance and trends. Information on this section is from the annual reports of the International Whaling Commission (1972, In press) and from recent reports of the Bureau of International Whaling Statistics. Stocks available for commercial harvest are estimated at about 70,000 males and 184,000 females for the North Pacific and 128,000 males and 295,000 females for the southern oceans. Estimates of the number of immature animals are not available. The Northwest Atlantic has an estimated total stock of all ages of about 22,000. The sperm whale is currently the most important species of the world whaling industry. Stocks in most areas are above maximum sustainable yield levels.

Catches of sperm whales in recent seasons have been:

Season	North Pacific	Atlantic	Southern oceans, pelagic [1]	Southern land stations
1969	11,329 males 3,605 females	[2] 610	5,390	4,011
1970	11,236 males 3,579 females	649	5,891	4,135
1971	8,295 males 2,595 females	558	7,335	4,198

[1] Southern oceans catches are for the seasons 1969/70 1970/71, 1971/72, respectively.
[2] All catch data except North Pacific include males and females.

General biology. The sperm whale's large squarish head is distinctive because it bears a tank-like "case" containing spermaceti. The lower jaw is long and narrow, and has about 25 pairs of teeth. Females reach 11.6 m in body length, males 16.8 m. This species dives to at least about 1,000 m, can remain submerged for about an hour, and feeds mainly on large squid. It also consumes significant quantities of octopuses and demersal and mesopelagic fishes. Females and juveniles of both sexes form schools of 10–50 animals, averaging about 25. Younger, sexually mature males (ca. 11.0–13.4 m, age 15–25 years) form "bachelor" schools usually containing not more than 10 animals. Older males (13.7 m, 22–27 years) are usually solitary except when with schools of females for breeding for about 5 months in the spring and early summer. The females mature sexually at about age 8 to 11 years when body length is about 8.5 to 9.1 m, physically at 25 to 30 years and a body length of 11.0 m. Males are not sexually mature until about 19 years and 11.9 m, and are not "socially" mature until about age 25 years. Growth of males continues until they are 45 to 60 years old, and about 15.5 m long. The female bears a calf (about 4.0 m) once every 3 to 5 years. Gestation lasts 14–15 months, and the calf nurses 1–2 years and is weaned at about 6.7 m long.

Ecological problems. None known.

Allocation problems. None known.

Current research. The National Marine Fisheries Service is studying the life history of the sperm whale. Other organizations carrying out research on this species are the Japanese Whales Research Institute and Japanese Far Seas Fisheries Research Laboratory (North Pacific and Antarctic), Fisheries Research Board of Canada (North Atlantic), British National Institute of Oceanography (South Africa and western South America), South African Division of Sea Fisheries (South Africa), Australian Commonwealth Scientific and Industrial Research Organization (Australia), the University of Chile (Chile), the Marine Institute of Peru (Peru), and the Marine Department of New Zealand (New Zealand).

REFERENCES

Berzin, A. A. 1971. Kashalot. Izdatel'stvo. Pishchevaya Promyshlennost, Moscow. 368 p.

Best, P. B. 1967. The sperm whale (*Physeter catodon*) off the west coast of South Africa. 1. Ovarian changes and their significance. Invest. Rep. Div. Sea Fish. S. Afr. 61: 1–27

1968. The sperm whale (*Physeter catodon*) off the west coast of South Africa. 2. Reproduction in the female. Invest. Rep. Div. Sea Fish. S. Afr. 66: 1–32.

1969. The sperm whale (*Physeter catodon*) off the west coast of South Africa. 3. Reproduction in the male. Invest. Rep. Div. Sea Fish. S. Afr. 72: 1–20.

1969. The sperm whale (*Physeter catodon*) off the west coast of South Africa. 4. Distribution and movements. Invest. Rep. Div. Sea Fish. S. Afr. 78: 1–12.

1970. The sperm whale (*Physeter catodon*) off the west coast of South Africa. 5. Age, growth and mortality. Invest. Rep. Div. Sea Fish. S. Afr. 79: 1–27.

Bureau of International Whaling Statistics. 1972. International Whaling Statistics. Vol. 69. 47 p.

1971. International Whaling Statistics. Vol. 67. 42 p.

1970. International Whaling Statistics. Vol. 65. 50 p.

International Commission on Whaling. In press. Twenty-third report of the Commission.

International Commission on Whaling, Scientific Committee. 1971. Report of the special meeting on sperm whale biology and stock assessments. pp. 40–50 In Intl. Comm. Whaling, 21st. Rep. Comm., London.

Gamble, R. 1972. Sperm whales off Durban. Disc. Rep. 35: 199–358.

Onsumi, S. 1965. Reproduction of the sperm whale in the Northwest Pacific. Sci. Rep. Whales Res. Inst. 19: 1–35.

PYGMY SPERM WHALE

(*Kogia breviceps*)

Distribution and migration. The pygmy sperm whale occurs in all the warmer seas of the world. In the Pacific Ocean it ranges north to Washington and Japan; in the Atlantic Ocean it ranges north to Nova Scotia and the Netherlands.

Abundance and trends. The status of this species is unknown other than the fact that it is apparently rather rare. There are many more records of stranding than there are for *Kogia simus*, the dwarf sperm whale (C. O. Handley, Jr., pers. comm.). This species is occasionally taken in the Japanese small-whale fishery (Yamada, 1954).

General biology. Adult pygmy sperm whales are 2.7 to 3.4 m long. Their dorsal fin is low and posterior to the center of the back. This species was long confused with the dwarf sperm whale, and the following composite statement is based on both species. They are usually solitary or in small pods. They feed mostly on squid but also take pelagic crustaceans such as shrimps and giant mysids. Females simultaneously pregnant and lactating have been found, suggesting that they may bear a calf 2 years in succession.

Parasites include tapeworm cysts in the blubber, roundworms in the stomach, and giant kidney worms.

Ecological problems. None known.

Allocation problems. None known.

Current research. None.

REFERENCES

Allen, G. M. 1941. Pygmy sperm whale in the Atlantic. Zool. Ser. Field Mus. Nat. Hist., 27: 17–36.

Handley, C. O., Jr. 1966. A synopsis of the genus *Kogia* (pygmy sperm whales). P. 62–69. *In* K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

Yamada, M. 1954. Some remarks on the pygmy sperm whale, *Kogia*. Scl. Rep. Whales Res. Inst., 9: 37–58.

DWARF SPERM WHALE

(*Kogia simus*)

Distribution and migration. The dwarf sperm whale apparently has a discontinuous distribution around the world. It has been found in the seas adjacent to South Africa, India, Ceylon, Japan, Hawaii, South Australia, and the west and east coasts of the United States. On the west coast it has been recorded only

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from Cabo San Lazaro, Baja California, and San Luis Obispo County, California. On the east coast it ranges from Cape Henry, Virginia, south and west to Texas.

Abundance and trends. The status of this species is unknown other than the fact that it is apparently rather rare over much of its range. However, it strands rather frequently on the southeast coast of the United States and is taken in the Japanese small-whale fishery (Yamada, 1954).

General biology. Adult dwarf sperm whales are 2.1 to 2.7 m long. Their dorsal fin is high and near the center of the back. This species was long confused with the pygmy sperm whale, and the following is a composite statement based on both species. They are usually solitary or in small pods. They feed mostly on squid but also take pelagic crustaceans such as shrimps and giant mysids. Females simultaneously pregnant and lactating have been found, suggesting that they may bear a calf 2 years in succession.

Parasites include tapeworm cysts in the blubber, roundworms in the stomach, and giant kidney worms.

Ecological problems. None known.
Allocation problems. None known
Current research. None.

REFERENCES

Handley, C. O., Jr. 1966. A synopsis of the genus *Kogia* (pygmy sperm whales). P. 62–69 *In* K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

Yamada, M. 1954. Some remarks on the pygmy sperm whale, *Kogia*. Sci. Rep. Whales Res. Inst. 9: 37–58.

NORTH SEA BEAKED WHALE

(*Mesoplodon bidens*)

Distribution and migration. The North Sea beaked whale ranges mostly from the western Baltic Sea and central Norway south to the Bay of Biscay. It has been recorded in the western North Atlantic Ocean from Newfoundland and Massachusetts. Its migrations are unknown.

Abundance and trends. The status of this species is unknown, except that it is apparently rare. (Moore, 1966).

General biology. This species is the only one of its genus for which even rudimentary life history data are available. These beaked whales attain a maximum length of 5.5 m for males and 4.9 m for females. Mating and birth usually take place in late winter and spring. The gestation period is about 1 year. At birth the calf is between 1.8 and 2.1 m long, nurses for about 1 year, and at weaning is probably about 3.0 m long.

Ecological problems. None known.
Allocation problems. None known.
Current research. None.

REFERENCES

Jonsgård, Å., and P. Hvidal. 1957. Strandings of Sowerby's whale *Mesoplodon bidens* on the west coast of Norway. Norsk Hvalfangst-Tid., 46(9): 507–512.

Kükenthal, W. 1914. Zur Kentniss des *Mesoplodon bidens* (Sowerby), Jenaische Z. Naturwiss., 51: 93–122.

Moore, J. C. 1966. Diagnoses and distribution of beaked whales of the genus *Mesoplodon* known from North American waters. P. 32–61 *In* K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

Nishiwaki M., and N. Oguro, 1972. Catch of the Cuvier's beaked whales off Japan in recent years. Sci. Rep. Whales Res. Inst., 24: 35–41.

Omura, H., K. Fujino, and S. Kimura. 1955. Beaked whale *Berardius bairdi* of Japan, with notes on *Ziphius cavirostris*. Sci. Rep. Whales Res. Inst., 10: 89–132.

ANTILLEAN BEAKED WHALE

(*Mesoplodon europaeus*)

Distribution and migration. The Antillean beaked whale ranges from Trinidad, Jamaica, and the Gulf of Mexico, north to Long Island, New York. One record for the English Channel has been obtained. Its migrations are unknown.

Abundance and trends. The status of this species is unknown, except that it is apparently rare (Moore, 1966).

General biology. These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

Ecological problems. None known.
Allocation problems. None known.
Current research. None.

REFERENCES

Moore, J. C. 1966. Diagnoses and distributions of beaked whales of the genus *Mesoplodon* known from North American waters. P. 32–61 *In* K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

TRUE'S BEAKED WHALE

(*Mesoplodon mirus*)

Distribution and migration. The True's beaked whale has been found in the western North Atlantic Ocean from Nova Scotia south to northern Florida, and in the eastern North Atlantic Ocean from the Outer Hebrides south along the west coast of Ireland. There is another population off the coast of South Africa. Its migrations are unknown.

Abundance and trends. The status of this species is unknown, except that it is apparently rare (Moore, 1966; 1968).

General biology. These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

Ecological problems. None known.
Allocation problems. None known.
Current research. None.

REFERENCES

Moore, J. C. 1966. Diagnoses and distributions of beaked whales of the genus *Mesoplodon* known from North American waters. P. 32–61 *In* K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

1968. Relationships among the living genera of beaked whales with classifications, diagnoses and keys. Fieldiana: Zoology, 53(4): 209–298.

BERING SEA BEAKED WHALE

(*Mesoplodon stejnegeri*)

Distribution and migration. The Bering Sea beaked whale is endemic to the North Pacific Ocean. It ranges from the Commander and Pribilof Islands, Bristol Bay, and the northern Gulf of Alaska south to the Sea of Japan on the western side and Oregon on the eastern side. Its migrations are unknown.

Abundance and trends. The status of this species is unknown, except that it is apparently rare (Moore, 1966; 1968).

General biology. These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

Ecological problems. None known.
Allocation problems. None known.
Current research. None.

REFERENCES

Moore, J. C. 1963. Recognizing certain species of beaked whales of the Pacific Ocean. Amer. Midl. Natur. 79–396–428.

1966. Diagnoses and distributions of beaked whales, genus *Mesoplodon* known from North American waters. P. 32–61 *In* K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

1968. Relationships among the living genera of beaked whales with classifications, diagnoses and keys. Fieldiana; 53(4): 209–298.

Nishimura, S., and M. Nishiwaki. 1964. Records of the whale *Mesoplodon* from the Japan Sea. Publ. Seto Lab., 12(4): 323–334.

ARCH-BEAKED WHALE

(*Mesoplodon carlhubbsi*)

Distribution and migration. The arch-beaked whale has been recorded only in the North Pacific Ocean, from the Sanriku coast of Hokkaido on the western side and from British Columbia south to southern California on the eastern side. Its migrations are unknown.

Abundance and trends. The status of this species is unknown, except that it is apparently rare (Moore, 1966; 1968).

General biology. These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

Ecological problems. None known.
Allocation problems. None known.
Current research. None.

REFERENCES

Moore, J. C. 1963. Recognizing certain special of beaked whales of the Pacific Ocean. Amer. Midl. Natur. 70(2): 396–428.

1966. Diagnoses and distribution of beaked whales of the genus Mesoplodon known from North American waters. P. 32–61 *In* K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

1968. Relationships among living genera of beaked whales with classifications, diagnoses and keys. Fieldiana: Zoology, 53(4): 209–298.

Pike, G. C., and I. B. MacAskie. 1969. Marine mammals of British Columbia. Fish. Res. Bd. Can. Bull. 171: 1–54.

GINKGO-TOOTHED WHALE

(*Mesoplodon ginkgodens*)

Distribution and migration. The ginkgo-toothed whale has been recorded from Ceylon, in the western North Pacific Ocean from Taiwan to the Sanriku coast of Hokkaido, and in the eastern North Pacific Ocean at Del Mar in southern California. Its migrations are unknown.

Abundance and trends. The status of this species is unknown, except that it may not be so rare in the western part of the North Pacific as once thought (Nishiwaki et al., 1972).

General biology. These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

Ecological problems. None known.
Allocation problems. None known.
Current research. None. Present knowledge is based on opportunistic examination of specimens.

REFERENCES

Moore, J. C., and R. M. Gilmore. 1965. A beaked whale new to the western hemisphere. Nature, 205(4977): 1239–1240.

Nishiwaki, M., and T. Kamiya. 1958. A beaked whale stranded at Oiso Beach, Japan. Sci. Rep. Whales Res. Inst., 13: 53–83.

Nishiwaki, M., T. Kasuya, K. Kureha, and N. Ogaro. 1972. Further comments on *Mesoplodon ginkgodens*. Sci. Rep. Whales Res. Inst. 24: 43–56.

DENSE-BEAKED WHALE

(*Mesoplodon densirostris*)

Distribution and migration. The dense-beaked whale is widely, but perhaps discontinuously, distributed in tropical and warm temperate waters around the world. In the North Pacific Ocean it has been recorded from Taiwan, Japan, and Midway Island. In the North Atlantic Ocean it has been recorded from Nova Scotia south to the Bahamas on the western side, and from Madeira on the eastern side.

Abundance and trends. The status of this species is unknown, except that it is apparently rare (Besharse, 1971; Moore, 1966).

General biology. These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

Ecological problems. None known.
Allocation problems. None known.
Current research. None.

REFERENCES

Besharse, J. C. 1971. Maturity and sexual dimorphism in the skull, mandible and teeth of the beaked whale, *Mesoplodon densirostris*. J. Mammal. 52: 297–315.

Moore, J. C. 1966. Diagnoses and distributions of beaked whales of the genus *Mesoplodon* known from North American waters. P. 32–61 *In* K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

GOOSE-BEAKED WHALE

(*Ziphius cavirostris*)

Distribution and migration. The goose-beaked whale is found in all oceans except Arctic and Antarctic waters. In the North Pacific Ocean it ranges north to Hokkaido, the Commander and Aleutian Islands, and the Queen Charlotte Islands. In the North Atlantic Ocean it ranges north to Cape Cod, Massachusetts, on the western side and the Shetland and Orkney Islands on the eastern side. Its migrations are not understood.

Abundance and trends. The status of this species is unknown. The goose-beaked whale is the most frequently observed ziphiid, at least in the eastern North Pacific Ocean, and throughout its range has been found stranded far more often than any other species of the family (Mitchell, 1968). Between 13 and 16 goose-beaked whales have been taken annually in the Japanese small-whale fishery during the past 5 years (Nishiwaki and Oguro, 1972).

General biology. The goose-beaked whale is distinguishable from other ziphiids by its relatively short beak, the dorsal profile of which forms an almost straight line with the steeply sloping forehead, and by its brown coloration; older males have snow-white heads. The maximum body length in both sexes is about 7.0 m. These whales usually travel in tight schools of up to about 10 individuals, but old males are often solitary. Their main foods are squids and deep-water fishes. Sexual maturity is attained at a length of about 5.5 m in both sexes.

Ecological problems. None known.
Allocation problems. None known.
Current research. Research on this species has been conducted incidentally to other studies in Japan by the Whales Research Institute and the Ocean Research Institute.

REFERENCES

Mitchell, E. 1968. Northeast Pacific stranding distribution and seasonality of Cuvier's beaked whale *Ziphius cavirostris*. Can. J. Zool., 46: 265–279.

GIANT BOTTLENOSE WHALE

(*Berardius bairdi*)

Distribution and migration. The giant bottlenose whale is endemic to the North Pacific Ocean, where it ranges from St. Matthew Island in the Bering Sea south to central Honshu on the western side and southern California on the eastern side. Its migrations are poorly known.

Abundance and trends. The status of this species is unknown except that it is uncommon but not rare. According to information taken from the Bureau of International Whaling Statistics, between 100 and 400 giant bottlenose whales have been taken annually in the Japanese small-whale fishery during the past 20 years.

General biology. This species is the largest of the beaked whales. Males attain a maximum length of 11.9 m and females 12.8 m. Their long narrow beak, bulging forehead, and size distinguish them from other species of beaked whales in the North Pacific Ocean. They usually travel in tight schools of up to 30 individuals. Their main foods are deep-water fishes and squids. Males attain sexual maturity at a length of about 10.0 m, and females at about 10.3 m. Sexual maturity is not attained earlier than age 3 years, and probably much later. Mating takes place mostly in February, and calves are born in December.

Ecological problems. None known.
Allocation problems. None known.
Current research. Research on this species has been conducted incidentally to other studies in Japan by the Whales Research Institute and the Ocean Research Institute; in California by the National Marine Fisheries Service; and in British Columbia by the Fisheries Research Board of Canada.

REFERENCES

Betesheva, E. I. 1960. Pitanie kashalota (*Physeter catodon* L.) i berardiusa (*Berardius bairdi* Stejneger) v raione Kuril'skoi gryady. Trudy Vses. Gidrobiol. Obshch. 10: 227–234.

Bureau of International Whaling Statistics 1952–1972. International Whaling Statistics.

Nishiwaki, M., and N. Oguro. 1971. Baird's beaked whales caught on the coast of Japan in recent 10 years. Sci. Rep. Whales Res. Inst., 23: 111–122.

Omura, H., K. Fujino, and S. Kimura. 1955. Beaked whales *Berardius Bairdi* of Japan, with notes on *Ziphius cavirostris*. Sci. Rep. Whales Res. Inst., 10: 89–132.

NORTH ATLANTIC BOTTLENOSE WHALE

(*Hyperoodon ampullatus*)

Distribution and migration. This species of bottlenose whale is endemic to the colder waters of the North Atlantic Ocean. On the western side it ranges from Davis Strait south to Rhode Island; on the eastern side it ranges from Novaya Zemlya south to the Azores and English Channel. It migrates south in the autumn and north in the spring.

Abundance and trends. The status of this species is unknown, except that it is fairly common in at least parts of its range. According to records from International Whaling Statistics between 260 and 700 of these animals have been taken annually throughout the North Atlantic Ocean by the Norwegian small-whale fishery. A few individuals are sometimes taken by whalers operating from Nova Scotia and the Faeroe Islands.

General biology. The bottlenose whale is easily recognized by a conspicuous beak that is sharply demarked from the high bulging forehead which, in old males, becomes almost vertical and flattened in front and slightly overhangs the base of the beak. Bottlenose whales

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are black when young, turn brown when adult, and almost yellow with a white head when very old. Males attain a maximum length of 10.7 m, and females 9.7 m. They usually travel in small herds of 4 to 10, but the adult males are often by themselves. Their food appears to be mainly squids. Females attain sexual maturity when about 6.5 m long. The calves are born from early spring to early summer.

Ecological problems. None known.

Allocation problems. None known.

Current research. This species is being studied by the Statens Institutt for Hvalforskning, Oslo, Norway.

REFERENCES

Bureau of International Whaling Statistics. 1936–1972. International Whaling Statistics.

Gray, D. 1882. Notes on the characters and habits of the bottlenose whale (*Hyperoodon rostratus*). Proc. Zool. Soc., London, 1882: 726–731.

Jonsgård, Å. 1952. Om bottlenosen (*Hyperoodon rostrata*) og spekkhoggern (*Orcinus orca*). Fauna (1): 1–18.

Murray, J., and J. Hjort. 1912. The depths of the ocean. McMillan and Co., London. 821 p.

CONTRIBUTORS OUTSIDE THE DEPARTMENT OF COMMERCE TO THE STATUS OF STOCKS REPORT

Brooks, James W., Alaska Department of Fish and Game, Subport Building, Juneau, AK 99801.

Brownell, Robert L., Jr., Museo Nacional de Historia Natural, Casilla 399, Montevideo, Uruguay.

Burns, John J., Alaska Department of Fish and Game, 1300 College Road, Fairbanks, AK 99701.

Caldwell, David K., Communication Sciences Laboratory, Route 1, Box 122, St. Augustine, FL 32804.

Caldwell, Melba C., Communications Sciences Labortory, Route 1, Box 122, St. Augustine, Fla 32804.

Carlisle, John G., California State Fisheries Laboratory, Marine Resources Region, 350 Golden Shore, Long Beach, CA 90802.

Chapman, Douglas G., College of Fisheries, University of Washington, Seattle, WA 98195.

Drury, William H., Massachusetts Audobon Society Lincoln, MA 01773.

Durham, Floyd, Department of Biology, University of Southern California, Los Angeles, CA 90007.

Evans, William E., Naval Undersea Research and Development Center, San Diego, CA 92132.

Fay, Francis H., Arctic Health Research Center, U.S. Public Health Service, Fairbanks, AK 99701.

Gates, Doyle E., California Department of Fish and Game, Marine Resources Region, 350 Golden Shore, Long Beach, CA 90802.

Handley, Charles O., Jr., Department of Vertebrate Zoology, Smithsonian Institution, Washington, DC 20560.

Houck, Warren J., Division of Biological Sciences, Humboldt State University, Arcata, CA 95521.

Leatherwood, James S., Marine Life Sciences Laboratory, Naval Undersea Research and Development Center, San Diego, CA 92132.

Mansfield, Arthur W., Arctic Biological Station, Fisheries Research Board of Canada, P.O. Box 400, Ste. Anne de Bellevue, P.Q., Canada.

Mead, James G., Smithsonian Institution, National Museum of Natural History, Washington, DC 20560.

Norris, Kenneth S., University of California at Santa Cruz, Santa Cruz, CA 95060.

Ray, G. Carleton, Department of Pathobiology, Johns Hopkins University, 615 North Wolfe Street, Baltimore, MD 21205.

Scheffer, Victor B., 14806 SE., 54th Street, Bellevue, WA 98006.

Siniff, Don B., Department of Ecology and Behavior, JFB Museum of Natural History, University of Minnesota, Minneapolis, MN 55453.

Vania, John S., Marine Mammal Studies, Alaska Department of Fish and Game, 1018 International Airport Road, Anchorage, AK 99502.

Ximénez, Isaías, SOYP Depto Cientifico y Tecnico del Servicio, Oceanografico y de Pesca, Juan Lindolfo Cuestas 1409, Montevideo, Uruguay.

MARINE MAMMAL LAWS

Each marine mammal of U.S. concern is protected by one or more U.S. laws or acts, and the conservation of some species is at least partially assured by international treaty or law. A summary of the various laws, conventions, and commissions designed and enacted to protect marine mammals follows:

1. *Marine Mammal Protection Act of 1972.* A U.S. federal law that prohibits U.S. citizens from taking, harassing, or importing any marine mammal or its byproducts into the United States, except when authorized to do so by special permit. Indians, Eskimos, and Aleuts of the North Pacific and Arctic Oceans can take marine mammals for subsistence, and for creating and selling handicraft items and clothing as long as the stocks can support the harvest.

2. *Endangered Species Conservation Act.* The purposes of this Act, which became effective June 3, 1970 with respect to whales, is to provide a program for the conservation, protection, restoration, and propagation of selected species that are threatened with extinction. The Act bans the hunting, capturing, killing, or importing of products derived from species protected under the Act.

3. *International Whaling Convention.* The International Whaling Commission (IWC) was established under a convention signed in Washington, D.C. in December 1946. The membership includes all countries that catch significant numbers of whales except Spain, Portugal, Chile, Peru, and Brazil. The IWC is responsible for whale conservation worldwide. Since 1964, the IWC has acted to bring world whaling under control by prohibiting worldwide the taking of some species, sharply reducing the authorized catches of species in certain areas, establishing catch quotas by species, and implementing an international observer plan for policing quotas and regulations at land stations and on factory ships. The IWC appears to be extending its authority to cover all cetaceans and to implement regulations for threatened species. The IWC now regulates the harvest of fin, sei, Bryde's, minke, and sperm whales. A subcommittee of the IWC may be established to improve data collection on small cetaceans and review problems. The gray, bowhead, right, blue, and humpback whales are completely protected, except for some hunting by aboriginals.

4. *International Convention on Trade in Endangered Species of Wild Fauna and Flora.* When this convention becomes effective, it will provide additional protection for the following species: Appendix I—gray, blue, humpback, bowhead, and right whales, northern elephant seal, Ganges River dolphin, Caribbean and Mediterranean monk seals, dugong, and West Indian and South American manatees; Appendix II—southern elephant seal, southern fur seal, Galapagos fur seal, Juan Fernandez fur seal, dugong (Australian), and West African manatee.

5. *Interim Convention on North Pacific Fur Seals.* This Convention prohibits most citizens of Japan, Canada, the U.S.S.R., and the United States from taking northern fur seals. The exceptions are aboriginal Indians, Aleuts, and Eskimos, who may take them only at sea and by primitive methods. The Convention also provides for intensive research on this species by the four countries. The economic utilization of northern fur seals on their breeding grounds is conducted by the respective governments and is regulated on a scientific basis.

6. *International Convention for the Northwest Atlantic Fisheries.* Under terms of a Convention signed in 1949, ICNAF is responsible for the investigation, protection, and conservation of the fisheries of the Northwest Atlantic in order to make possible the maintenance of a maximum sustained catch from these fisheries. The harp seal harvest is regulated by ICNAF, which imposes quotas for the taking of these mammals.

7. *International Convention for the Conservation of Antarctic Seals, 1972.* The purpose of this Convention is to safeguard all species of Antarctic seals and to ensure that, if commercial sealing begins on floating ice of the Southern Ocean, the killing of certain species will be prohibited and the taking of other species will be subject to strict limitations. Measures adopted under the Antarctic Treaty of 1959 provide only for the protection of seals and other animals around the shoreline of the Antarctic Continent, but not on floating ice. The Convention of 1972 may be applicable to any or all of the following seals: southern elephant, leopard, Weddell, crabeater, Ross, and southern fur seals.

8. *Canadian-Norwegian Agreement on Sealing.* On December 22, 1971, these two governments ratified an agreement on sealing and the conservation of seal stocks in the Northwest Atlantic. The agreement applies to the harp seal, but provision is made for extension to hooded and bearded seals and to the walrus.

9. *Miscellaneous regulations and agreements of some U.S. interest.* a. *Harp seal.* The U.S.S.R. and Norway signed an agreement in 1958 entitled "Preservation of seals in the Greenland Sea." The agreement provides for the regulation of harp seal catches by these two nations. The U.S.S.R., however, has not hunted harp seals since 1965.

b. *Gray seal.* The U.S.S.R. has prohibited (since 1970) the hunting of gray seals for sport and by amateurs, but permits the taking of these animals for subsistence. Canada uses an 1886 law for authority in regulating the take of gray seals. England has prohibited the hunting of gray seals on the Farne Islands since 1932 and on Orkney Island since 1923. Norway has forbidden hunting at Sör Trondelag (since 1923). Finland and Sweden offer bonuses for gray seals taken.

c. *Hooded seal.* Canada and Norway prohibit the taking of hooded seals near Newfoundland before March 10, near Jan Mayen Island before March 13, in Denmark Strait from June 15 to July 15, and in northern waters from March 20 to May 5. The U.S.S.R. and Norway in 1958 agreed to prohibit the harvest of hooded seals near Jan Mayen Island before March 13, and banned hunting in Denmark Strait.

d. *Bearded seal.* The U.S.S.R. has, since 1970, banned the commercial hunting of bearded seals from vessels, and regulates the take of this species by aborigines and the harvest from shore by others.

e. *Ribbon seal.* Since the 1960's, the U.S.S.R. has forbidden the hunting of ribbon seals at sea from March 1 to September 1, and in 1970 stopped hunting by "amateurs."

f. *Ringed seal.* The U.S.S.R. banned sport hunting of *Pusa hispida hispida* beginning in 1970. Sport hunting of another subspecies (apparently accepted by the U.S.S.R. as *P. h. kraschenimikovi*) was also banned by the U.S.S.R. in that year, local harvests were regulated, and hunting of the subspecies between March 1 and September 1 was prohibited. The U.S.S.R. has also, since 1970, prevented commercial hunting of *P. h. ochotensis* from vessels, and regulated the take of this subspecies by aborigines and the harvest from shore by others.

g. *Harbor seal—Ice-dwelling populations.* The U.S.S.R. has prohibited sport hunting of these populations of the harbor seal since 1970, protects its rookeries from harassment and pollution, and regulates the harvest.

Land-dwelling populations. The U.S.S.R. has prohibited the sport hunting of these populations since 1970, and regulates the take of harbor seals from the White and Barents Seas.

h. *Northern sea lion.* The U.S.S.R. regulates the harvest of northern sea lions and protects its rookeries from harassment.

i. *Walrus.* In 1958, the U.S.S.R. and Norway agreed to ban the hunting of walrus except to satisfy local needs and those of expeditions.

j. *Guadalupe fur seal.* Mexico has safeguarded the breeding grounds of the Guadalupe fur seal on the Guadalupe Islands by making this island a wildlife refuge.

k. *South American fur seal.* The Uruguayan and Argentinian Governments protect the South American fur seal on land and out to 200 miles at sea. In addition, the Uruguayan Government regulates the harvest by protecting all female seals except the 1-year-olds, controlling take of pups by seasonal restrictions, and imposing quotas in some instances.

l. *South African fur seal.* The harvest of South African fur seals is largely a state enterprise in South Africa, however, the system includes one of control and leasing of rookeries to private contractors. The South West African Administration has not entered the harvesting business, but licenses private firms, restricts gear to be used, establishes closed seasons, and places limits on sex and condition of catch.

m. *Narwhal.* Canada allows its Eskimos to take five narwhals annually for personal use and issues permits to capture this mammal for exhibition.

n. *Killer whale.* Canada allows this species to be taken under a permit system.

PART III—APPENDICES

Appendix A—Interim Rules and Regulations: FEDERAL REGISTER reference 37 FR 28177

Appendix B—FEDERAL REGISTER Notices: FEDERAL REGISTER references, 38 FR 2340; 38 FR 7987; 38 FR 8610; 38 FR 10032; 38 FR 10484; 38 FR 12145; and 38 FR 16088

Appendix C—Public Display Requirements

Appendix D—Coordinated Pribilof Islands-Bering Sea Research Proposal

APPENDIX C

PUBLIC DISPLAY REQUIREMENTS

1. *Advance notification.* The Holder shall notify the Director by telegram sufficiently in advance of each collecting trip so as to enable him to arrange for an official or officials of the Service or any other person(s) duly designated by the Director to accompany the collecting crew if the Director so desires. Where possible such notice shall be given at least two weeks in advance.

2. *The methods of transportation of living marine mammals.* a. Except in the case of a marine mammal being transported in connection with the taking operation, the Holder shall transport no marine mammal until it has fasted for 12 hours.

b. The Holder shall employ a duly certificated common carrier by air, water, rail, or road in the transportation of any marine mammal, except that the Holder may use a private vehicle for such transportation if such vehicle is operated by Holder's personnel and the provisions of this subsection are complied with in the course of the transportation involved.

c. The Holder shall be responsible for the transportation of the marine mammal from the capture site to the Holder's facilities and shall insure that the provisions of this subsection are complied with in the course of this transportation.

d. The cargo space of any airplane, railroad car, or truck in which a mammal is to be transported shall be constructed and maintained so as to prevent the ingress of the vehicle's exhaust gases or other noxious fumes. The interior of the animal cargo space shall be kept physically clean. The ambient temperature shall be sufficiently regulated by heating or cooling to protect the animals from extremes of temperature, to provide for their health, and to prevent their discomfort.

e. The primary enclosures, such as compartments, transport cages, stretchers, or slings shall be well constructed, well ventilated, and designed to protect the health and assure the safety of the animals. Such devices shall be made and positioned in such a manner that (1) each animal in the vehicle has access to air for normal breathing, (2) the openings of the devices are easily accessible at all times for emergency removal of the animals, and (3) the animals are afforded adequate protection from the elements.

f. Primary enclosures for shipping marine mammals shall be watertight and of adequate size so that the animal is supported in a manner allowing even distribution of weight over as large an area as possible. Padding with foam rubber or polyfoam to prevent pressure necrosis is essential. Animals shall be kept moist over the entire body surface to prevent drying of the skin and overheating.

g. All aspects of the transportation plans must be found satisfactory by a duly license doctor of veterinary medicine.

3. *The methods of care and maintenance of living marine mammals*—a. *Facilities, general*—(1) *Structural strength.* The facility must be constructed of such material and of such strength as appropriate for the animals involved. The housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals in a comfortable fashion.

(2) *Water and power.* Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate circulating water, sufficient to meet USPHS standards for human bathing areas, and standards of salinity and temperature, shall be available on the premises. Controlled chlorine injection shall not exceed 0.4 p.p.m. and shall be monitored at least every 24 hours.

(3) *Storage.* Supplies of food shall be stored in facilities which adequately protect such supplies against deterioration, molding, or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(4) *Waste disposal.* Provisions shall be made for the removal and disposal of animal and food wastes, dead animals, trash, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards. The disposal facilities and any disposal of animal and food wastes, dead animals, trash, and debris shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

(5) *Washroom and sinks.* Facilities such as washrooms, basins, showers, or sinks, shall be provided to maintain cleanliness among animal caretakers.

b. *Facilities, indoor*—(1) *Ambient temperatures.* Temperatures of air and water in indoor housing facilities shall be sufficiently regulated by heating or cooling to protect the animals from the extremes of temperature, to provide for their health, and to prevent their discomfort. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the

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health and comfort of the animal. Insofar as possible, water temperature shall be maintained at or near the natural temperature of the water in the wild from which the animal was taken.

(2) *Ventilation.* Indoor housing facilities shall be adequately ventilated by natural and/or mechanical means to provide for the health and to prevent discomfort of the animals at all times. Such facilities shall be provided with fresh air by means of windows, doors, vents, fans, and/or air-conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

(3) *Lighting.* Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate for the species involved. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning. Lighting of primary enclosures shall be designed to protect the animals from excessive illumination.

(4) *Drainage.* A suitable sanitary method shall be provided to rapidly eliminate excess water from indoor housing facilities. Drains shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent any backup of sewage. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control and/or the protection of the environment.

c. *Facilities, outdoor*—(1) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort of the animals, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from sunlight.

(2) *Shelter from inclement weather.* Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort. Individual animals shall be acclimated before they are exposed to the extremes of the individual climate.

(3) *Drainage.* A suitable sanitary method shall be provided to rapidly eliminate excess water. Drains shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent any backup of sewage. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control and/or the protection of the environment.

d. *Space requirements.* Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns. The minimum size of enclosures for cetaceans shall be a diameter of not less than twice the length of the animal, and a depth of not less than half the length of the animal. The adequacy of the space for all animals shall be satisfactory to the Director.

e. *Feeding.* (1) The food shall be wholesome, palatable, free from contamination, and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of animal. Insofar as possible the animal's natural food in the wild shall be used.

Considering the marked propensity of fresh fish to develop deficiencies and toxic properties, proper handling and storage are required and the use of pasteurized, more stable and balanced rations, as they become available, are encouraged. Animals shall be fed at least once a day except as dictated by hibernation, normal fasts, veterinary treatment, or other professionally accepted practices.

(2) Food receptacles shall be kept clean and sanitary at all times. Adequate measures shall be taken to thaw frozen fish in manner to prevent contamination and minimize deterioration and loss of soluble nutrients.

f. *Water.* If fresh seawater or artificial seawater is not accessible to the animals at all times, it must be provided as often as necessary for the health and comfort of the animal. The frequency of need for seawater shall be dictated by considerations of age, species, condition, size, and type of the animal on the basis of generally acceptable veterinary standards. Salinity where required shall be maintained at 15 to 36 parts per thousand.

g. *Sanitation*—(1) *Cleaning of enclosures.* Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein, to minimize disease hazards, and to reduce odors.

(2) *Sanitation of enclosures.* Whenever an animal in the facility is discovered with infectious or transmissible diseases, the cages, rooms, and hard-surfaced pens and pools shall be sanitized either by washing them with hot water (180° F. at source) and soap or detergent, as in a mechanical washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with saturated live steam under pressure. Pens and pools using gravels, sand, or dirt, shall be sanitized when necessary as directed by the attending veterinarian.

(3) *Housekeeping.* Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Accumulations of trash shall be placed in designated areas and cleared as necessary to protect the health of the animals.

(4) *Pest control.* A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

h. *Employees.* A sufficient number of adequately trained employees shall be utilized to maintain the professionally acceptable level of husbandry practices set forth in this subpart. Such practices shall be under a supervisor who has background in animal care. A doctor of veterinary medicine shall be on the staff of the Holder or otherwise generally available to the Holder when needed.

i. *Separation.* Animals housed in the same primary enclosure must be compatible. Animals shall not be housed near animals that interfere with their health or cause them discomfort. Socially dependent animals should not be needlessly deprived of the company of other compatible animals.

7. *Requirements with regard to reports and rights of inspection*—a. *Reports.* Within 90 days following October 20, 1973, and annually thereafter, the Holder shall submit a report to the Director covering the Holder's performance of the activities authorized by this exemption. Such report shall be in such form and provide such substantive coverage as hereafter shall be required by the Director.

The Holder shall submit such other reports as the Director may hereafter require.

b. *Inspection.* Upon request by the Director, the Holder shall permit any employee(s) of the National Marine Fisheries Service or any other person(s) duly designated by the Director, to inspect the Holder's records and facilities insofar as such records and facilities pertain to activities authorized by this exemption, relate to species covered by this exemption, or pertain to the Director's responsibilities under the Act.

8. *Additional terms and conditions to be prescribed.* Additional reasonable terms and conditions may hereafter be prescribed by the Director.

9. *General conditions.* a. No marine mammal authorized to be taken or imported hereunder, as the case may be, shall be taken by the Holder or any other person, in violation of the law of any country having jurisdiction over the taking.

b. Except as otherwise agreed to by the State involved, no marine mammal authorized to be taken hereunder shall be taken in waters under the jurisdiction of a State unless the method of taking and subsequent transportation conforms with the laws and regulations of that State which were in force and effect on December 20, 1972.

c. The Holder shall neither take nor import any mammal which is pregnant, a lactating female, or is an unweaned young mammal.

d. Any marine mammal taken or imported pursuant to the terms hereof may not be displayed at any facility of the Holder other than the facility for which the exemption was sought, unless specific permission is requested and obtained from the Director. However, the Holder may hold the mammals at another facility acceptable to the Director in the manner required hereunder.

e. In the event any marine mammal is killed or injured during the course of taking, the Holder shall notify the Director as soon as possible but no later than 30 days after the event. For the purpose of this exemption, any marine mammal killed during the taking process or transportation after taking shall be considered as having been taken and the number of live animals of the kind permitted to be taken or imported shall be reduced accordingly unless the Director determines that the death was due to causes beyond the control of the Holder, in which case the Holder shall be entitled to take an additional animal.

Furthermore, if the Holder determines within 30 days after the taking of any marine mammal that such mammal is unacceptable for his purposes, then he shall be permitted to take an additional mammal; *Provided*, The unacceptable mammal is disposed of in a manner satisfactory to the Director: *And provided further*, That in the case of death the Director determines that such death was due to causes beyond the control of the Holder. The foregoing replacement privilege shall not apply in any case in which the Director does not determine that the status of the stock to which the animal in question belongs will not be threatened by any further taking.

f. No marine mammal may be imported unless the Director determines that the methods of taking, holding, and transporting marine mammals in the country of origin are consistent with the provisions and policies of the Act.

g. All marine mammals must be taken in a humane manner. In the event the Director determines that any method of taking authorized herein or otherwise is not humane, taking by such method shall immediately cease and taking shall not resume until an acceptable method of taking has been prescribed by the Director. Any inhumane taking shall subject the Holder to the penalties of the Act, including revocation of this Letter of Exemption.

h. This exemption does not authorize the Holder or any other person to take marine mammals in the territorial waters of any country without the consent of such country. The Holder is responsible for securing such consent and complying with appropriate laws of that country.

i. The Holder is authorized to conduct scientific research on any marine mammal taken hereunder provided such scientific research reasonably can be expected not to cause death or permanent injury to the animal and is approved in advance by the Director.

j. The Holder agrees to abide by any reasonable condition with respect to the maintenance and care of captive marine mammals recommended by the Marine Mammal Commission within a year of its formation.

k. Any display program in which any of the marine mammals taken or imported hereunder are to participate shall be designed so as not to fatigue or overwork the mammals. A duly licensed veterinarian shall certify to the Director that any display programs involving any mammals taken or imported pursuant to this Letter of Exemption will not unduly fatigue or injure such mammals.

l. All personnel of the Holder, including veterinarians, requiring State or Federal licenses to practice their profession shall be, and so long as employed by the Holder in that capacity, remain duly licensed under the appropriate law.

m. The provisions of this Letter of Exemption may be amended upon reasonable notice by the Director.

n. The Holder shall be responsible for the activities of any individual relating to the taking, transportation or maintenance and care of any marine mammal authorized to be taken or imported hereunder.

Under the terms of the Regulations, a violation of any of the terms and conditions of this Letter of Exemption shall subject the Holder to penalties provided in the Act.

o. The Act and regulations prescribe that a reasonable fee will be charged for this Letter of Exemption. You will be advised within 60 days of the established fee.

j. *Veterinary care.* (1) Programs of disease prevention and parasite control, euthanasia, and adequate veterinary care shall be established and maintained under the supervision of a veterinarian. The pest control program shall be reviewed by the veterinarian for the safe use of materials and methods.

(2) Animals shall be observed every day by the person in charge of the care of the animals or by someone working under this direct supervision. Sick, diseased, stressed, injured, or lame animals shall be provided with veterinary care or humanely destroyed as specifically authorized by a licensed veterinarian.

(3) In the event of the humane destruction of an animal pursuant to subsection j(2) above, the Holder shall perform an autopsy on the animal and, within seven days of the death of such animal, shall notify the appropriate regional office of the National Marine Fisheries Service of the death and send to such office a copy of the autopsy report.

(4) Any pregnant animal shall receive proper veterinary attention. All births involving any animal taken under this exemption shall be reported to the Director.

4. *Sale or disposition of mammals or progeny.* The Holder shall not sell or otherwise dispose of (1) any mammal the taking or importation of which is authorized by this exemption, or the progeny of any such mammal, or (2) any mammal in his possession or control on the date of the issuance of this exemption which is of the same species as any mammal the taking or importation of which is authorized by this exemption, or the progeny of such a mammal, except with the approval of the Director and subject to such terms and conditions as the Director may prescribe. All animals subject to this paragraph shall be marked or otherwise identified in a manner satisfactory to the Director.

5. *Period of validity.* The exemption granted herewith is valid for the period beginning with the date of its issuance and ending at midnight, Eastern Standard Time, on October 20, 1973. The Holder shall neither take nor import into the United States any mammals the taking or importing of which is authorized by this exemption after the expiration of the above period.

6. *Transferability and assignability.* The Holder shall not transfer or assign the exemption granted herein to any other person, as person is defined in Section 3(10) of the Act. This exemption is of no force and effect if transferred or assigned to any other such person.

APPENDIX D

COORDINATED PRIBILOF ISLANDS-BERING SEA RESEARCH PROPOSAL

Introduction. The fur seals of the Pribilof Islands have been studied by U.S. scientists with varying degrees of effort since 1867 when the Pribiloff Islands became a part of the United States. Since 1956, the population has been studied intensively in an effort to fulfill the following overall objectives of the Interim Convention on the Conservation of North Pacific Fur Seals:

1. "What measures may be necessary to make possible the maximum sustainable productivity of the fur seal resources so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year;" and

2. "What the relationship is between fur seals and other living marine resources, and whether fur seals have detrimental effects on other living marine resoures substantially exploited by any of the Parties and, if so, to what extent."

The need for coordinated land-pelagic studies was pointed out at the 1972 meeting of the North Pacific Fur Seal Commission. Each delegation was called upon "to be prepared at their next meeting to submit plans for achieving more effective coordination of land and pelagic research to resolve the primary questions posed by the Interim Convention."

Although we now know much about the fur seal, the factors which act to control population size are not fully understood, and the relationship of these mammals to their environment and to other living marine resources has received little consideration. This proposal for a coordinated land and pelagic resarch effort is intended to provide additional knowledge concerning the primary questions posed by the Convention.

Statement of the problem. Management procedures set in motion in 1956 have not resulted in the predicted number of harvestable animals. By 1962 the total population was reduced to 1.2 million animals with an annual pup production of 300,000 to 400,000. From such an annual production a harvestable population of 55,000 to 60,000 males and 10,000 to 30,000 females was anticipated. This has not materialized. The average harvestable total of males has been 43,000 vs. the expected 55,000. A similar situation was evolving for females and in 1969 all harvest of females was stopped. Since our attempt to further manipulate the fur seal population has not succeeded, the problem is to identify the principal factors which control this population.

Management of the fur seal population has been based on the premise that by the mid-1950's the herd had exceeded the level that would provide maximum yield. In practice, management is limited to changing the utilization rate of males and females and thus to regulating abundance and the sex ratio. Beginning in 1956, therefore, females were killed with the objective of reducing the population to a level which would produce about 400,000 pups annually. The expected result was that the total harvest would increase and then stabilize with an estimated sustained yield of 55,000 to 60,000 males and 10,000 to 30,000 females.

Estimates of the number of pups born based on shearing and sampling show that the population of approximately 1.2 million animals has been near the desired level since 1962. During this recent period the number of pups born annually has been between 300,000 and 400,000. The average annual harvest of males from 1965 through 1972, the years when year classes since 1962 have contributed most or all of the harvest, was about 43,000. This harvest is considerably lower than expected from historical data. For instance, we estimate that the number of pups born reached 300,000 in 1929 and increased to slightly over 400,000 in 1933. Thus the number of pups born annually from 1929 to 1933 was similar to the number born annually since 1962. Males from year classes 1929–1933 were harvested primarily during the period 1932 through 1937 when the average annual take was 53,600, compared with 43,000 for recent year classes when similar numbers of pups were born. Even considering the shortcomings of these calculations, it is difficult to reach but one conclusion; namely, that the number of males available for harvest from recent year classes has decreased, compared to year classes of similar size in the early 1930's.

The number of males taken from a year class is believed to be a reasonably accurate index of the total number available because the harvesting effort has changed little since the 1930's. Minor modifications made since 1956 probably have increased the utilization rate slightly, which means that the difference in the number of males available during the two periods was even greater than is indicated by the average harvest figures.

The reasons for the disparity between actual and expected harvests are not known, but a decrease in the survival rate through age 2 years is believed to be the most likely cause of the smaller total harvest. It seems unlikely that the foregoing deviations from "normal" harvests are the result of random fluctuations in survival. The total Pribilof Islands harvest for males has exceeded 50,000 only twice since 1962 and has been less than 40,000 for 3 of the last 4 years. Survival rates will fluctuate randomly, but to be consistently low for such a long period seems improbable.

Individually or combined, several factors could be causing a decline in the survival rate. The availability of food probably has decreased in recent years because of the tremendous increase in the harvest of certain fishes and invertebrates from the Bering Sea and North Pacific within the past 2 decades. Some of the species taken are preferred items in the diet of fur seals. Research and management activities could also be factors because they may disrupt nursing cycles and lessen the intake of food by the pups before they are weaned, as well as increase the amount of energy used. Relatively long term changes in the ocean environment, disease, and pollution are additional factors that may affect survival rates.

Because harvesting is an unnatural cause of mortality, it is also possible that after several generations the gene pool of the population has been modified to the extent that survival or behavior has been altered. If change in the gene pool has occurred, its consequences might be impossible to appraise. With a better understanding of behavior, however, we can perhaps design a harvest that will resemble random mortality, which in turn would have no selective effect on the gene pool.

If the survival rates is lower now than during the early 1930's when the population was at a similar level, then it is uncertain if the relation of survival and abundance calculated from data collected from the 1920's through the mid-1950's is applicable. Therefore, changes in management necessary for

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obtaining maximum sustainable yields from the fur seal population are not obvious; in fact, it is possible that the significant mortality factors now operating on the seal population are not density related.

The success of future management of the fur seal herd will depend considerably on our understanding of how survival changes with changes in abundance (survival-abundance relationship), the relationship of fur seals to other living marine resources, and on our ability to predict these relationships. To date, we are unable to confidently describe either of these relationships, and because of their complexity, we may never obtain irrefutable evidence on which to base an understanding. However, every reasonable opportunity to obtain relevant data should be attempted.

In summary, the approach to studying this problem is three pronged: (1) The relationship between survival and abundance is not understood, especially in view of the returns from recent year classes; (2) the relationship of fur seals to other living marine resources is also not understood; and (3) the effect of management and research activities on the fur seal population is not known.

OBJECTIVES

A. Determine how survival changes with changes in abundance of the fur seal population.

B. Determine the relationship of fur seals to major living marine resources.

C. Compare the biological and behavioral characteristics of a harvested and unharvested population.

Because of their complexity, the first two objectives probably will never be attained to the extent that the relationships will be understood precisely. However, sufficient information can be obtained for making predictions with the accuracy and confidence needed for application to resource management. The third objective appears to be less complex, and useful results should accumulate within a relatively short time span.

RESEARCH PROPOSAL

The General Plan. Research on wild animal populations is complicated by uncontrollable factors that affect the results. This situation has existed with respect to studies of the fur seal and has been a serious obstacle of evaluating the effects of recent management practices on the population. The establishment of a "control" area (one on which the animals are not harvested) will partially solve the problem. Commercial harvesting on St. George Island will be halted for a sufficient period for the fur seals to resemble, as near as possible, a "natural" population. Probably 15 years will be required; but it would be unwise to establish a fixed period at this time.

The land research plan will primarily emphasize comparative studies of harvested and unharvested populations. Subpopulations on St. George Island will be used, at least partially, as "controls" in an attempt to identify and measure the effects of management. For example, the major change that will occur on the control areas is a change in the sex ratio among adult animals. As the sex ratio changes, results of quantitative and observational studies on the control area will be compared to those from areas being harvested to determine the optimum sex ratio.

The control areas will also provide the opportunity to obtain knowledge from a "natural" population. If the causes of mortality of the unharvested population can be identified as the population approaches the maximum levels, those that are density related can be recognized. The "natural" population will also serve as a standard against which changes in the harvested population can be compared.

Another important value of control areas will be the knowledge gained from studying seals on undisturbed hauling grounds. To date, it has not been possible to describe the basic hauling-out pattern of young males or to identify factors that may affect this behavior.

Studies of fur seals in their pelagic environment will be intensified in the Bering Sea and closely coordinated with studies on land. Major feeding areas will be located and prey species identified. The behavior of lactating females on land and at sea and the behavior and distribution of young males in both environments will receive special attention. Birds and northern sea lions will be collected and principal food determined, if found in feeding areas of fur seals.

The abundance and distribution of major prey species of fur seals in the Bering Sea will be studied to provide additional data for evaluating the relationship of fur seals to other living marine resources. These studies will include monitoring changes in abundance of major prey species and analysis of fishery statistics.

Initially, considerable effort will be spent improving and testing such methods and equipment as marking, telemetry, sonic tags, and aerial photography.

Research activities. The land and pelagic studies will be discussed in more detail under the following four categories: (A) Abundance, Distribution, and Composition of the Fur Seal Population; (B) Reproduction and Survival; (C) Behavior and Activity Patterns; and (D) Identification, Abundance and Distribution of Major Prey Species.

Research in the four categories is designed to:

Determine the changes in population abundance and the maximum level of an unharvested population.

Describe the composition of the unharvested population as it changes; for example, the sex ratio of adults, number of pups, and the ratio of territorial to nonterritorial males.

Describe changes in rookery area and density of seals as changes in population abundance and composition occur.

Observe behavioral changes or changes in activity, especially of adult males and females, as density and sex ratio change.

Determine changes in survival rates and causes of mortality with changes in population abundance and composition.

Determine changes in reproductive rates with changes in population abundance and composition.

Determine distribution, food, and feeding behavior of fur seals in the Bering Sea.

Monitor abundance and distribution of Bering Sea stocks of fishes and invertebrates utilized by fur seals and other marine mammals.

A. *Abundance, distribution, and composition of the fur seal population.* The only segment of the population that can be estimated with confidence is the number of pups born. The accuracy of these estimates which will be made as in the past by shearing and sampling pups, will be checked at some areas by making complete counts. The total number of pups born will be estimated every fifth year. Estimates will be made for approximately 25 percent of the rookeries during intervening years.

Adult-sized males will be counted on all rookeries each year about June 20, and on about 25 percent of the rookeries in mid-July. From the counts in July the proportion of territorial, nonterritorial and harem males will be estimated.

Aerial photography will be tested to determine if a reliable index of the number of adult females can be developed, and if this method can replace the present practice of counting adult males on land. Photographs will delineate areas occupied by harems and areas used as hauling grounds.

The distribution of fur seals in the Bering Sea will be determined from sightings and collections taken by scientists aboard vessels. Pelagic collections will be made in the Bering Sea from July through November for about 3 years. Special attention will be given to areas known to be most heavily subjected to commercial fishing.

Specific information that will be collected will include:

1. Estimates of the number of pups born.
2. Counts of adult males, territorial and nonterritorial.
3. Land area occupied by fur seals.
4. Age, sex, and body measurements of animals collected at sea.

B. *Reproduction and survival.* Quantitative information relating to reproduction (age specific pregnancy and ovulation rates) will be based on the examination of females collected pelagically in the North Pacific Ocean, on the rookeries, and in captivity. Unless sufficient samples of females are obtained, pelagic collections from April through June will not provide valid data on pregnancy and ovulation rates for comparison between islands.

Mature females collected on land late in the season may be useful for this research because they will already be bred and will most probably be found on the rookery on which they were born. In addition, observations of behavior on rookery areas will be useful for interpreting this reproductive data. Examination of females of known reproductive history held in captivity will provide knowledge that will further improve the interpretation of conditions observed among collected samples of females. Reproductive physiology will also be studied.

Estimating survival rates with sufficient accuracy and precision to make meaningful comparisons between harvested and unharvested populations may not be possible except for pups on land. If the population increases on St. George Island, comparisons at different population levels should be possible. Survival rates of pups on land will be calculated from estimates of the number born and counts of dead pups on land. The survival rates of other animals will be estimated from mark-recapture data and counts of dead animals on land.

Specific information to be collected will include:

1. Reproductive condition of females collected at sea and on land.
2. Observations and specimens of females of known reproductive history.
3. Marking and recapture of males at age 0, 1, 2, and 3 years.
4. Counts of individually marked animals for a period of years.
5. Age composition of the commercial harvest (St. Paul Island only).
6. Number, age, sex, and, where possible, causes of death among animals on land.
7. Weight and other body measurements of young males in the harvest (St. Paul Island only) and of pups in autumn.

C. *Behavior and activity patterns.* Behavioral studies using individually identifiable animals will begin immediately. Freeze branding, radio tagging, and other methods of marking will be used to provide recognizable animals. Adult females, pups, adult males, and young males will be studied on rookeries and on hauling grounds.

Behavioral and activity studies will provide information valuable for interpreting the results of other studies and for improving or designing new techniques. The significance of human disturbance as a mortality factor will be measured from observations of mother and pup reactions, especially with respect to nursing cycles. The time spent on land and at sea feeding will be determined. Sonic and radio tags will be applied to lactating females to study feeding behavior at sea. Observations of the daily activity patterns of adult territorial males at different population densities and ratios of territorial to nonterritorial males will be useful in determining the effects on the population of changes in sex ratio. Observations of young males on hauling grounds will improve estimates of the magnitude of escapement of males and may result in improved management practices. We will determine if females traditionally found on hauling grounds beginning in late July have living pups. The interactions between northern sea lions and fur seals on a rookery will be observed to determine the probable effect on the fur seal population of the rookery.

Specific information to be collected will include:

1. Behavior and activity patterns of adult males, for example, time spent establishing and defending territory.
2. Length of nursing-feeding cycle of lactating females.
3. Distance traveled to feeding areas and time spent feeding by lactating females.
4. Activity of pups such as time spent nursing and average number of nursing periods prior to leaving the island.
5. Activity patterns of young males and adult females on hauling grounds.
6. Changes in fur seal activity patterns when disrupted by research or management activities.
7. Interaction between fur seals and northern sea lions on fur seal rookery areas.

D. *Identification, abundance, and distribution of prey species.* These studies will provide data that will be helpful in describing the relationship between the availability of food resources and the productivity of fur seals and identify some of the species that may compete with fur seals for food. An essential first step will be to identify the most important food species of fur seals and to determine their relative importance in different areas within the range of fur seals by examining the stomach contents of fur seals collected in the Bering Se... The results will be compared with those developed from fur seals collected in the early 1960's. Northern sea lions and birds will also be collected in areas where fur seals are found to determine the major food species taken by each. The frequency of occurrence and the volume of prey species found in the stomachs of collected animals, and observations of feeding animals, will provide estimates of consumption and possible competition with the commercial fishery. Areas of intense commercial fishing will receive special attention. Chemical analysis of food species and contents of the alimentary tract will yield additional information on the role these predators play in the cycling of nutrients.

Concurrent analyses will be undertaken of statistics on catches of fish and shellfish and fishing effort expended by all nations in the Bering Sea. These analyses will provide a historical base for examining the general relationship between the productivity of the fur seal population and the availability of key forage species. The primary source of data will be from the Japanese fishery in the eastern Bering Sea, which in 1970–71 accounted for 84 percent of the combined harvest by all nations. Statistics on Japan's catches and fishing effort will be analyzed by small statistical blocks measuring ½° latitude by 1° longitude to determine within and between-year changes in availability of forage species. A prerequisite to this analysis will be the development of procedures for standardizing fishing effort to account for improvements which have occurred in gear, detection equipment and tactics.

The initial analysis of fisheries statistics will include all the important target species in the eastern Bering Sea. Once species are identified as important fur seal food, it will be possible to focus analysis on them at relevant areas and seasons.

The period covered by this analysis of commercial fishing statistics will be from 1954; the beginning of Japan's contemporary fishery in the Bering Sea. Greatest detail will be for the period since 1964 when records on Japan's fishery are the most complete.

The effects of the abundance of forage species on the productivity of the fur seal population will also be examined by monitoring changes in availability of fish and shellfish from chartered research vessels and correlating the results with those from studies of the fur seal population. Surveys from research vessels will focus on species and areas identified as especially important from studies of the feeding habits of fur seals. Survey areas and times will be scheduled to correspond with known foraging migrations of fur seals, and thus will provide synoptic information on the availability of key forage species which are not now targets of commercial fisheries or are outside the operating range of the fleets. Such baseline information will be extremely useful in assessing the impact of any future commercial catch of these species on the availability of food for fur seals.

Specific information to be collected will include:

1. Location of major feeding areas.
2. Identification of stomach contents and chemical analysis of food species and contents of alimentary tract.
3. Presence or absence of fish concentrations in areas containing fur seals.
4. Environmental and oceanographic conditions in areas containing concentrations of fur seals.

SELECTION OF A CONTROL AREA

The Pribilof Islands have 21 fur seal rookeries: 14 on St. Paul Island, RDB 6 on St. George Island, RDB and 1 on Sea Lion Rock. Some of these rookeries are isolated, whereas others are in close proximity to each other. The 21 rookeries can be conveniently grouped into 9 subpopulation units, 5 on St. Paul Island and 4 on St. George Island. Associated with each subpopulation unit are one or more hauling grounds from which male seals are harvested annually. The degree of "homing" to the unit of birth among young males determines how much the utilization rate can be changed by not harvesting seals on a hauling ground, an important consideration in selecting a control area. The adaptability of subpopulations as units for study is further enhanced by the fact that maturing seals display good fidelity to the rookery-hauling ground complex of birth. In other words, the "homing instinct" is pronounced in fur seals in general and increases with age. By age 5 years, less than 30 percent of the animals hauled out on land are found outside the subpopulation unit of birth.

Analysis of tag recovery data obtained from harvested males shows that the degree of homing to the island of birth is considerably higher than that to the rookery of birth. For example, the degree of homing among age 2 males varies from 25 to about 40 percent to the subpopulation units on St. George Island but is about 60 percent to the island. The latter figure increases to 85 percent by age 5 years. Comparable homing figures for St. Paul Island 2-year-olds are from 27 to 61 percent for subpopulation units and over 80 percent to the island. Nearly 100 percent of the males "home" to St. Paul by age 5 years. Of the units on St. Paul Island, Northeast Point has the highest degree of homing, with values comparable to those for all of St. George Island. The homing tendency of females is considerably greater than that of males, regardless of the unit or island of birth, or age. Thus, the designation of Northeast Point Rookery or an entire island as a control area will result in maximum change in utilization rate.

Several other factors must also be considered in selecting a research control area. An area that can be readily divided into discrete sampling units will allow replication of studies and will permit studies that are not compatible to be carried out on separate areas. The sampling units should not be too large, yet should be of sufficient size to provide representative data. Large areas require more effort to obtain data, which in some cases can never be complete. For example, areas of a size suitable for making complete counts of the number of pups born have a distinct advantage. Access and topography determine suitability for collecting some kinds of data and have little affect on other collections. The amount of pretreatment data that is available is also a factor but, with the exception of three small sampling units on St. Paul Island, essentially similar data are available for all subpopulations.

Considering all preceding factors, St. George Island is the most desirable as a research control area. The island contains approximately 20 percent of the total Pribilof Island fur seal population, or slightly less than that of Northeast Point on St. Paul Island, and has the second highest degree of homing. The fur seals form four physically discrete subpopulation units which will allow research studies which are not compatible to be carried out on separate units and will also allow replication of studies. The subpopulations are relatively small, containing from about 8,000 to 20,000 pups. It is possible to make a complete count of pups on all units, and access to the rookeries and hauling grounds is as good or better than to the units on St. Paul Island. Topography of the St. George units poses no particular problem with respect to proposed research.

Stopping the commercial harvest of fur seals on St. George Island will reduce the utilization of males born there to an estimated rate of less than 30 percent through age 5, assuming that their homing tendency does not change. Because of progressive increases in homing tendency at ages 3, 4 and 5, little effect on the utilization rate of males born on St. Paul Island is expected. The expected reduction in the harvest is 10 to 20 percent.

[FR Doc.73-15876 Filed 7-31-73;8:45 am]

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August 2, 1973—Pages 20603–20798

THURSDAY, AUGUST 2, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 148

Pages 20603–20798



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Rules and Regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers No. 20

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489; Cost of Living Council Order No. 30, 38 FR 16267; Special Freeze Group Order No. 2, 38 FR 19925)

Issued in Washington, D.C., on July 30, 1973.

BERT M. CONCKLIN,
Deputy Director
Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP QUESTIONS AND ANSWERS

NO. 20

1. **Q:** On July 20, 1973, the Cost of Living Council granted a class exception to the freeze rules to all manufacturers in the textile and apparel industries. Under this exception, may a manufacturer of textile and apparel products making shipment on or before July 19, 1973, at the freeze price, retroactively increase the price of the goods shipped?

A: No. In respect to contracts entered into prior to the freeze, prices for shipments prior to and including July 19, 1973, are subject to the freeze price rules. In respect to contracts made subsequent to 9:00 p.m. on June 13, 1973, the delivery price for shipments during the freeze also remains subject to the freeze price rules. The exception only applies to shipments made after July 19, 1973, under contracts made prior to the freeze. Until the end of the freeze, prices which exceed freeze prices for such shipments may be charged. Post-freeze shipments, however, will be subject to the new Phase IV regulations.

2. **Q:** Does the class exception granted by the Cost of Living Council on July 20, 1973, allow retailers of textile and apparel products to pass on costs during the freeze?

A: No. The exception to increase prices above the freeze price was granted only to manufacturers in the textile and apparel industries as defined in Standard Industrial Classification industry groups 22 and 23.

3. **Q:** Stevedore companies and terminal operators provide services to foreign flag carriers in United States ports. Are these services considered to be exports and therefore exempt from the freeze?

A: Yes. The service provided by the stevedore companies and terminal operators to a foreign flag carrier is considered an export of a service and is therefore exempt from the freeze. Transactions between stevedore companies and terminal operators and U.S. flag carriers are not exports of services and, therefore, are fully subject to the freeze.

4. **Q:** A U.S. firm imports regular gasoline and commingles it with the same grade regular gasoline it manufactures domestically. The firm also manufactures and sells premium gasoline. The cost of the imported regular gasoline has increased over the cost on June 12, 1973. May the firm pass on the increased cost of the imported regular gasoline as an increase in the price of both the regular and premium gasoline?

A: No. The firm sells two separate products, regular gasoline and premium gasoline. An increase in the cost of the one product which is imported, regular gasoline, may be passed on as an increase in the selling price of the regular gasoline. It may not be passed on as an increase in the selling price of the premium gasoline.

5. **Q:** May a State increase the amount both employers and the employees must contribute to the State's workmen's compensation program during the freeze?

A: Yes. Contributions made by employees and employers to workmen's compensation programs are considered tax payments which are exempt from the freeze since they are not prices within the meaning of the Economic Stabilization Program.

6. **Q:** Are mortgage points controlled by the freeze?

A: No. The point system is a method of adjusting interest rates and, to some extent, of compensating the mortgage dealer. Since the variation of points, just as changes in interest rates, is principally a function of changing money market conditions, points are not subject to the freeze.

[FR Doc.73-16028 Filed 7-31-73;11:49 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 443]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period August 3-9, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.743 Valencia Orange Regulation 443.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is steady. Prices f.o.b. averaged $3.31 per carton on a sales volume of 533 carlots during the week ended July 26, 1973, compared with $3.27 per carton on sales of 474 carlots a week earlier. Track and rolling supplies at 352 cars were down 6 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

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(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for section; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 31, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 3, 1973, through August 9, 1973, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: 500,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 1, 1973.

CHARLES R. BRADER,
Acting Deputy Director Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.73-16130 Filed 8-1-73;3:25 pm]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

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PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Prohibitions and Restrictions on Importation of Swine, Pork and Pork Products

The purpose of these amendments is to protect the swine population of the United States from African Swine fever, hog cholera, and swine vesicular disease by: (1) Designating countries of the world which are considered not to be infected with swine vesicular disease; (2) designating certain countries which are considered not to be infected with swine vesicular disease but which have a common land border with swine vesicular disease infected countries, or which carry out trade practices with swine vesicular disease infected countries which are less restrictive than are acceptable to the United States; (3) requiring certification by officials of the country of origin of domestic swine that such country is free of swine vesicular disease, hog cholera and African swine fever; and (4) prohibiting the importation of live domestic swine, and restricting the importation of fresh, chilled, frozen or processed pork and pork products and wild swine from countries not considered to be free of swine vesicular disease.

Swine vesicular disease is a highly contagious virus infection of swine caused by a porcine enterovirus. The causative virus is highly virulent and is likely to be present in pork and pork products originating in countries where the disease exists. Since the disease has been recognized only recently, research applicable to mechanical and biological animal carriers is limited. The swine vesicular disease virus is particularly resistant to changes in pH. Under field and laboratory conditions, swine vesicular disease is clinically indistinguishable from foot-and-mouth disease which further complicates eradication procedures. Epidemiologically, swine vesicular disease appears to spread very readily by direct or indirect contact. Trucks used to haul swine vesicular disease infected swine have been shown to have spread the disease to subsequent lots of swine hauled on the same day. Swine vesicular disease is also spread through garbage feeding. Under laboratory conditions, contact animals develop the disease as quickly as do those inoculated.

All known swine vesicular disease infected countries in Europe are attempting to eradicate the disease by slaughter programs. Since clinical symptoms of swine vesicular disease are identical to those of foot-and-mouth disease, those countries which have foot-and-mouth disease but which do not investigate each foot-and-mouth disease outbreak and obtain laboratory confirmation cannot be considered free of swine vesicular disease.

Based on scientific knowledge available at the present time, the importation of live domestic swine and the unrestricted importation of pork and pork products and wild swine from countries not known to be free of swine vesicular disease constitutes an undue risk of introducing this devastating swine disease into the United States.

Therefore, Subchapter D—Exportation and Importation of Animals (Including Poultry) and Animal Products, in Chapter I, Title 9, Code of Federal Regulations, is amended in the following respects:

1. Pursuant to the provisions of section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), § 92.5, Part 92, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 92.5(a)(1), the last sentence is amended to read:

§ 92.5 Certificate for ruminants, swine, and poultry.

(a) • • •

(1) • • • For domestic swine, the certificate shall also show that the entire country of origin is free of hog cholera, African swine fever, and swine vesicular disease and that for 60 days immediately preceding the time of movement from the premises of origin no swine erysipelas or swine plague has existed on such premises or on adjoining premises.

• • • • •

2. Pursuant to the provisions of section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), Part 94, Title 9, Code of Federal Regulations, is hereby amended as follows:

New §§ 94.12, 94.13, and 94.14 are added to read:

§ 94.12 Pork and pork products from countries where swine vesicular disease exists.

(a) Swine vesicular disease is considered to exist in all countries of the world except Australia, Canada, Central American countries and Panama, Haiti, Dominican Republic, Denmark, Sweden, Switzerland, Norway, Finland, Iceland, Greenland, Mexico, Netherlands, Federal Republic of Germany, Northern Ireland, the Republic of Ireland, New Zealand, Hungary, Yugoslavia, Bulgaria, Belgium and Luxembourg.

(b) No pork or pork products shall be permitted entry into the United States from any country where swine vesicular disease is considered to exist unless it complies with the following requirements and it is not otherwise prohibited importation under this part:

(1) Such pork or pork product has been treated in accordance with one of the following procedures:

(i) Such pork or pork product has been fully cooked by a commercial method in a rigid can which was sealed promptly after filling, and before such cooking, so that such cooking and sealing produced a fully sterilized product which is in a hermetically sealed can and is shelf stable without refrigeration; or

(ii) Such pork or pork product is in compliance with the following requirements:

(A) All bones have been completely removed in the country of origin, and

(B) Such article has received heat treatment in a commercially accepted manner used for perishable canned pork products that produces an internal temperature of 156° F.; or

(iii) Such pork or pork product if cured and dried is in compliance with the following requirements:

(A) All bones have been completely removed in the country of origin, and

(B) Such pork or pork products shall be consigned directly from the port of entry in the United States to a meat processing establishment operating under Federal meat inspection and approved by the Deputy Administrator, Veterinary Services[2] for heating to an internal temperature of 166° F.

(2) The article was prepared in an establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act and the regulations in § 327.2 in Chapter III of this title; and

(3) In addition to the certificate required in § 327.4 of this title, the article is accompanied by a certificate stating the facts specified in subdivision (i), (ii), or (iii) (A) of subparagraph (1) of this paragraph, which is issued by an official of the National Government of the country of origin who is authorized to issue the certificates required by § 327.4 of this title.

[2] Information as to the identity of approved establishments may be obtained from, and request for approval of any establishment may be made to, the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. Establishments will be approved only if the Deputy Administrator, Veterinary Services, determines that the imported articles will be so handled at the establishments as to prevent the introduction and dissemination of livestock or poultry diseases into the United States. Approval of any establishment may be refused or withdrawn only after the operator thereof has been given notice of the proposed action and has had an opportunity to present his views thereon.

§ 94.13 Restrictions on importation of pork or pork products from specified countries.

Belgium, Luxembourg, the Netherlands, the Federal Republic of Germany, Switzerland, Hungary, Yugoslavia, and Bulgaria which are declared to be free of swine vesicular disease in § 94.12(a); are countries which either supplement their national pork supply by the importation of fresh, chilled, or frozen pork from countries where swine vesicular disease is considered to exist; or which have a common border with such countries; or which have certain trade practices that are less restrictive than are acceptable to the United States. Thus, the pork or pork products produced in such countries may be commingled with fresh, chilled, or frozen meat of animals from a country where swine vesicular disease is considered to exist resulting in an undue risk of swine vesicular disease introduction into the United States. Therefore, pork or pork products and shipstores, airplane meals, and baggage containing such pork, other than those articles regulated under Part 95 or Part 96 of this chapter, produced in such countries shall not be brought into the United states unless the following requirements are met in addition to other applicable requirements of Part 327, Subchapter A, Chapter III of this title:

(a) All such pork produced shall have been prepared only in establishments that are eligible to have their products imported into the United States under the Federal Meat Inspection Act (21 U.S.C. 601 et. seq.) and the regulations in § 327.2, Chapter III of this title which are issued thereunder, and shall be accompanied by a Department approved meat inspection certificate prescribed in § 327.4 in Chapter III of this title.

(b) Shipments of such pork or other pork products consigned to the United States must be accompanied by an additional certificate signed by a full-time salaried veterinary official of the agency in the National Government having responsibility for the health of animals within that country, stating the name and official establishment number of the establishment where the swine involved were slaughtered and the pork was processed and also stating that:

(1) The slaughtering establishment is not permitted to receive animals that originated in, or have ever been in a country listed in § 94.12(a) as a country in which swine vesicular disease is considered to exist;

(2) The slaughtering establishment is not permitted to receive pork derived from swine which originated in such a country or pork from swine from a swine vesicular disease free country which has been transported through a country where swine vesicular disease is considered to exist except pork which was transported in containers sealed with serially numbered seals of the National Government of a country of origin listed in § 94.12 as a country considered free of the disease.

(3) The pork has been processed, stored, and transported to the means of conveyance that will bring the article to the United States in a manner that precludes its being commingled or otherwise coming in contact with pork or pork products that have not been handled in accordance with the requirements of this § 94.13.

§ 94.14 Swine from countries where swine vesicular disease exists; importations prohibited.

Whereas it is considered that swine vesicular disease exists in all countries of the world except those listed in § 94.12(a), and that swine which originate in or are shipped from or transit any country except those listed, would, if brought into the United States, be likely to introduce or disseminate swine vesicular disease into the United States, it is hereby further determined that, in order to protect the livestock of the United States, it is necessary to prohibit the movement of such swine into the United States and such movement is hereby prohibited: *Provided*, That wild swine may be brought into the United States in accordance with the provisions of § 92.2 or § 92.4(c) of this chapter upon request to the Deputy Administrator, Veterinary Services, in specific cases.

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 37 FR 28464, 28477.)

Effective date. The foregoing amendments shall become effective on August 2, 1973, except with respect to intransit shipments of swine, pork and pork products that are on board a carrier moving to the United States at the time of issuance hereof. Such intransit shipments shall upon arrival in the United States be allowed entry only under such specific requirements or be disposed of in such manner as the Administrator may determine in each specific case to be necessary and adequate to safeguard against the introduction or dissemination of swine vesicular disease into the United States.

The prohibitions and restrictions imposed by these amendments must be made effective immediately to protect the livestock industry of the United States against the introduction of swine vesicular disease from foreign countries. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments would be impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of July 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-15908 Filed 8-1-73;8:45 am]

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PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Prohibitions and Restrictions on Importation of Animals, Meat and Other Articles

These amendments add Great Britain (England, Scotland, Wales, and Isle of Man) to the list of countries designated as free of rinderpest and foot-and-mouth disease in § 94.1(a)(2) and to the listing of those free countries in § 94.11(a) which are subject to special restrictions on importation of their meat and other animal products into the United States. Great Britain is being placed in this specialized category because of that Country's practice of supplementing its national meat supply by importing fresh, chilled or frozen meats from countries designated in § 94.1(a)(1) as infected with rinderpest or foot-and-mouth disease.

Pursuant to section 306 of the Act of June 17, 1930, as amended, section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (19 U.S.C. 1306, 21 U.S.C. 111, 134a, 134b, 134c, 134f), Part 94, Title 9, Code of Federal Regulations, is hereby amended as follows:

1. Section 94.1(a)(2) is amended by adding thereto the name of the country of Great Britain (England, Scotland, Wales, and Isle of Man) after the reference to "Channel Islands."

2. Section 94.11(a) is amended by adding thereto the name of the country of Great Britain (England, Scotland, Wales, and Isle of Man) before the reference to "Japan."

(Sec. 306, 46 Stat. 689, as amended, sec. 2, 32 Stat. 792, as amended, secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 19 U.S.C. 1306; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendments shall become effective August 2, 1973.

Insofar as the amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of disease, they should be made effective immediately to be of maximum benefit to affected persons and avoid unnecessary interference with foreign commerce. Insofar as they impose restrictions, they are deemed essential to prevent the introduction and dissemination of certain diseases which pose a threat to the livestock industry of the United States, and they must be made effective without delay in order to accomplish this purpose. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of July, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-15907 Filed 8-1-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

(Airworthiness Docket No. 73-SW-30; Amdt. 39-1695)

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 205A-1 Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring removal and inspection of the forward and aft cross tubes within 10 hours time in service after attaining 200 hours total time and requiring certain repetitive inspections at intervals of 25 hours and 100 hours from the first inspection until cross tube friction dampers were installed was published in 38 FR 15523 for Bell Model 205A-1 helicopters equipped with amphibious float landing gear.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Model 205A-1 helicopters certificated in all categories equipped with float landing gear kit, P/N 205-706-050-1, with 200 hours or more total service time on the float gear.

Compliance required as indicated:

To detect possible cracks in the forward and aft cross tubes of the float landing gear, accomplish the following inspections specified in Bell Helicopter Company Service Bulletin 205-02-73-1 dated February 16, 1973 or later approved revision or in accordance with an equivalent inspection approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

(a) Within the next 10 hours time in service after the effective date of this A.D., unless already accomplished, conduct the inspections specified in Part I, paragraphs 3 and 4 of Bell Service Bulletin 205-02-73-1.

(b) At each 25 hours interval after the initial inspection, conduct the inspection specified in Part I, paragraph 6 of Bell Service Bulletin 205-02-73-1.

(c) At each 100 hours interval after the initial inspection, conduct the inspection specified in Part I, paragraph 7 of Bell Service Bulletin 205-02-73-1.

(d) The repetitive inspections specified herein, with the exception of the one-time inspection in (e), are no longer required after friction dampers, P/N 205-050-127-3 and 205-050-127-5 have been installed.

(e) If friction dampers have been installed on helicopters with float kit, P/N 205-706-050-1, with cross tubes which had 200 hours or more service time at the time of damper installation, conduct the inspections specified in Part II, paragraph 1 of Bell Service Bulletin 205-02-73-1 within 10 hours time in service, after the effective date of this A.D., unless already accomplished.

(f) If a crack is found in a cross tube, replace the cross tube prior to next flight.

This amendment becomes effective August 13, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c)).

Issued in Fort Worth, Texas on July 20, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-15879 Filed 8-1-73;8:45 am]

[Docket No. 73-NE-24; Amdt. 39-1698]

PART 39—AIRWORTHINESS DIRECTIVE

Pratt and Whitney Engines

Engine tests performed by the manufacturer have determined that the thermal gradients on the Pratt and Whitney JT9D turbine fan engines containing fourth and fifth stage turbine discs, part numbers P/N 646304, 694804, 618305, and 705905, are higher than was originally determined by analytical methods. These higher thermal gradients reduce the cyclic life of the discs. Since this condition exists in all engines with discs having the same part number, an airworthiness directive is being issued to reduce the disc cyclic life from 8000 to 4000 cycles in order to prevent possible engine failure. By the terms of the applicability language, this reduction of cyclic life would not be applicable to engines with discs that have been reconditioned in accordance with Pratt and Whitney Service Bulletin No. 3785.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PRATT AND WHITNEY—Applies to all Pratt and Whitney Aircraft JT9D turbofan engines containing fourth and fifth stage turbine discs, P/N 646304, 694804, 618305, and 705905.

Compliance required as indicated.

To prevent possible failure of fourth and fifth stage turbine discs, the life limits on these parts have been reduced below the figures currently approved. Unless already accomplished, remove from service fourth and fifth stage turbine discs prior to reaching the revised life limit listed below or within the next 25 cycles in service after the effective date of this airworthiness directive whichever comes later.

Disc part No.	Previous life limit cycles	Revised life limit cycles
646304	8000	4000
694804	8000	4000
618305	8000	4000
705905	8000	4000

(Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the compliance time).

NOTE: (Pratt and Whitney Service Bulletin No. 3785 pertains to this subject).

This amendment becomes effective August 15, 1973.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 49 U.S.C. 1345(a), 1421, 1423; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Burlington, Massachusetts, on July 25, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-15878 Filed 8-1-73;8:45 am]

[Airspace Docket No. 73-SO-55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Marianna, Fla., transition area.

The Marianna transition area is described in § 71.181 (38 FR 435). In the description, an extension is predicated on the Marianna VOR 127° radial and was designated to provide controlled airspace protection for IFR aircraft executing the VOR RWY 32 Instrument Approach Procedure. Effective August 16, 1973, the final approach radial for this procedure will be changed to the Marianna VOR 125° radial. It is necessary to alter the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 16, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the Marianna, Fla., transition area is amended as follows:

". . . 127° . . ." is deleted and ". . . 125° . . ." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c)).

Issued in East Point, Ga., on July 24, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-15880 Filed 8-1-73;8:45 am]

[Airspace Docket No. 73-SO-34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On June 20, 1973, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (38 FR 16079), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Holly Springs, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 11, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added:

HOLLY SPRINGS, MISS.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Holly Springs-Marshall County Airport (Lat. 34°48'12" N, Long. 89°31'16" W); within 2 miles each side of Holly Springs VORTAC 336° radial, extending from the 6.5-mile radius area to 11 miles northwest of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c)).

Issued in East Point, Ga., on July 24, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-15881 Filed 8-1-73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-813, Amdt. 13]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Inclusive Tour Charters; Authorization

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on July 26, 1973.

By ER-807,[1] 38 FR 19678, the Board adopted amendment No. 11 to Part 212 to authorize, subject to the conditions prescribed therein, foreign route air carriers to perform inclusive tour charters.

The changes which amendment 11 makes to §§ 212.4 and 212.5, respectively, do not reflect certain earlier changes and additions to these sections made in amendment No. 10 to the subject part.[2] This amendment corrects that oversight.

This regulation is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective on August 22, 1973, the effective date of ER-807. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50 and 385.54).

Accordingly, the Board hereby amends Part 212 of the Economic Regulations (14 CFR Part 212) effective August 22, 1973, as follows:

1. Amend the Table of Contents by changing the title of § 212.4, the Table as amended to read in pertinent part as follows:

Sec.
212.4 Limitation on the operation of charter trips and certain inclusive tour charter trips.

2. Amend § 212.4 by (1) revising the title of the section; (2) designating the present paragraph of the section, as amended by ER-807, as paragraph (a); and (3) adding paragraph (b), a paragraph which was inadvertently omitted from amendment No. 11 to Part 212. As amended, § 212.4 will read as follows:

§ 212.4 Limitation on the operation of charter trips and certain inclusive tour charter trips.

(a) A foreign air carrier shall not perform any off-route charter trips or inclusive tour charter trips for which prior approval is required unless specific authority in the form of a Statement of Authorization to conduct such charter trip has been granted by the Board: *Provided, however,* That no Statement of Authorization shall be required for the performance of a charter trip as provided in § 212.8(a)(4-a) in cases of emergency: *Provided, also,* That emergency charters for commercial traffic shall be reported in accordance with § 212.14. An emergency charter within the meaning of this section shall not include such circumstances as cancellation of flights due to periodic overhaul of aircraft or delay in the delivery of newly acquired aircraft, and a foreign air carrier may not provide emergency charter trips on any day in each of three or more successive calendar weeks for any single direct air carrier without a Statement of Authorization.

(b) The Board, if it finds that the public interest so requires, may at any time, with or without hearing, notify a foreign air carrier subject to this part that it shall not perform on-route charter trips in the absence of prior Board authorization. The Board's notification shall be effective for such period or periods and with respect to such operations as the Board may specify in accordance with this paragraph. Effective not earlier than 30 days after the date of such notice, the foreign air carrier shall not perform any on-route charter trip falling within the specification of the notice, unless specific authority in the form of a Statement of Authorization to conduct such charter trip has been granted by the Board. Notification of the Board's proposed failure to approve either the whole

[1] July 17, 1973.

[2] ER-788, effective January 22, 1973, and published at 38 FR 2755. Amendment No. 10 embodied various new rules adopted by the Board in the On-Route Charter Authority of Foreign Air Carrier Permits Proceeding, Docket 22362, Order 73-1-71.

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or part of an application for a Statement of Authorization to conduct an on-route charter trip or trips, filed pursuant to the requirements of this subsection, provided that such application has been timely filed at least 30 days in advance of the proposed flight, will be submitted to the President of the United States at least 10 days prior to the date of the proposed flight. Any such failure to approve shall be subject to stay or disapproval by the President within 10 days after the date of the Board's notification.

3. Amend paragraph (b) of § 212.5 to read as follows:

§ 212.5 Statements of authorization; application.

* * * * *

(b) Applications shall be filed with the Board at least five days in advance of the date of the commencement of the proposed flight, except that applications for authority to conduct planeload cargo charters may be filed not less than 48 hours in advance of the proposed flight: *Provided, however,* That an application for the performance of a charter transporting commercial traffic for another direct air carrier or direct foreign air carrier (as provided in § 212.8(a)(4-a)) shall be filed with the Board at least 45 days in advance of the date of the commencement of the proposed flights: *Provided further,* That an application for authority to perform inclusive tour charter trips for which prior approval is required shall be filed with the Board not less than 90 days prior to the date of the commencement of the proposed flights: *And, provided further,* That applications, where required pursuant to § 212.4(b) to conduct on-route charters shall, unless otherwise specified by the Board, be filed not less than 30 days in advance of the proposed flight. Upon a showing that good cause exists for failure to adhere to the above requirements and that waiver of these requirements is in the pubic interest, applications later submitted may be considered by the Board.

* * * * *

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] RICHARD LITTELL,
General Counsel.

[FR Doc.73-15961 Filed 8-1-73;8:45 am]

Title 20—Employees' Benefits

CHAPTER V—MANPOWER ADMINISTRATION, DEPARTMENT OF LABOR

PART 602—COOPERATION OF THE U.S. TRAINING AND EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Minimum Wage Rates for Temporary Foreign Agricultural Labor

On page 15969 of the FEDERAL REGISTER of June 19, 1973, there was published a notice of proposed rule making to revise the minimum wage rates at 20 CFR 602.10b(a)(1), which are applicable to the importation of aliens for certain temporary agricultural work. Interested persons were given 15 days in which to file written statements of data, views, or arguments regarding the proposed amendment. No comments were received. After consideration of all relevant matters, the amendment as so proposed is hereby adopted without change and is set forth below.

The amendments herein reflect findings regarding changes in wage rates of U.S. workers in agricultural occupations to be used pursuant to the Secretary's responsibility in the immigration process. Full opportunity was provided for participation in the rule making process. Any additional advance notice of these changes would be contrary to the public interest. Accordingly, this amendment becomes effective on August 2, 1973.

(U.S.C. 1184; 8 CFR 214.2(h))

Signed at Washington, D.C. this 26th day of July, 1973.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.73-15882 Filed 8-1-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

D&C GREEN NO. 5

The Commissioner of Food and Drugs, having evaluated the data in a petition (CAP 1C0099) filed by Ethicon, Inc., Somerville, NJ 08876, and other relevant material, concludes that D&C Green No. 5 is safe, under the conditions prescribed in this order, for use as a dyeing agent for nylon nonabsorbable surgical sutures (U.S.P.) for use in general surgery and that certification is necessary for the protection of the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c), (d)) and under authority delegated to the Commissioner (21 CFR 2.120), part 8 is amended by adding a new § 8.4069 to Subpart E, as follows:

§ 8.4069 D&C Green No. 5.

(a) *Identity.* The color additive D&C Green No. 5 is principally the disodium salt of 2,2'-[(9,10-dihydro-9,10-dioxo-1,4 - anthracenediyl) diimino]bis[5 - methyl-benzenesulfonic acid].

(b) *Specifications.* D&C Green No. 5 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Sum of volatile matter (at 135°C) and chlorides and sulfates (calculated as sodium salts), not more than 20.0 percent.

Water-insoluble matter, not more than 0.2 percent.

1,4-Dihydroxy-anthraquinone, not more than 0.2 percent.

2-Amino-m-toluenesulfonic acid, not more than 0.2 percent.

Subsidiary colors, not more than 5.0 percent.

Lead (as Pb), not more than 10 parts per million.

Arsenic (as As), not more than 3 parts per million.

Total color, not less than 80.0 percent.

(c) *Uses and restrictions.* D&C Green No. 5 may be safely used to color nylon (the copolymer of adipic acid and hexamethylene diamine) nonabsorbable surgical sutures for use in general surgery subject to the following restrictions:

(1) The quantity of color additives does not exceed 0.6 percent by weight of the suture.

(2) The dyed suture shall conform in all respects to the requirements of the United States Pharmacopeia.

(3) When the sutures are used for the purposes specified in their labeling, there is no migration of the color additive to the surrounding tissue.

(4) If the suture is a new drug, an approved new-drug application, pursuant to section 505 of the act, is in effect for it.

(d) *Labeling.* The label of the color additive shall conform to the requirements of § 8.32.

(e) *Certification.* All batches of D&C Green No. 5 shall be certified in accordance with regulations in subpart A of this part.

Any person who will be adversely affected by the foregoing order may at any time on or before September 4, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective October 1, 1973, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c), (d), 74 Stat. 399–403; 21 U.S.C. 376(b), (c), (d))

Dated: July 26, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-15939 Filed 8-1-73;8:45 am]

PART 8—COLOR ADDITIVES

Dihydroxyacetone

The Commissioner of Food and Drugs, on the basis of a petition (CAP No. 8), submitted by Plough, Inc., Memphis, TN 38101, and other relevant information, finds that dihydroxyacetone, under the conditions prescribed in this order, is safe and suitable for use in or on externally applied drugs or cosmetics which color the human body. It is further concluded that certification is not necessary for the protection of the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c), (d)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 8 is amended as follows:

1. By adding a new § 8.6016 to Subpart F, as follows:

§ 8.6016 Dihydroxyacetone.

(a) *Identity.* (1) The color additive dihydroxyacetone is 1,3-dihydroxy-2-propanone.

(2) Color additive mixtures for drug use made with dihydroxyacetone may contain only those diluents that are listed in this subpart F as safe and suitable in color additive mixtures for coloring externally applied drugs.

(b) *Specifications.* Dihydroxyacetone shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Volatile matter (at 34.6° C. for 3 hours at a pressure of not more than 30 mm. mercury), not more than 0.5 percent.

Residue on ignition, not more than 0.4 percent.

Lead (as Pb), not more than 20 parts per million.

Arsenic (as As), not more than 3 parts per million.

Iron (as Fe), not more than 25 parts per million.

1,3-dihydroxy-2-propanone, not less than 98 percent.

(c) *Uses and restrictions.* Dihydroxyacetone may be safely used in amounts consistent with good manufacturing practice in externally applied drugs intended solely or in part to impart a color to the human body. Authorization for this use shall not be construed as waiving any of the requirements of Section 505 of the act with respect to the drug in which it is used.

(d) *Labeling requirements.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

2. By adding a new § 8.8005 to Subpart H, as follows:

§ 8.8005 Dihydroxyacetone.

(a) *Identity and specifications.* The color additive dihydroxyacetone shall conform in identity and specifications to the requirements of § 8.6016 (a)(1) and (b).

(b) *Uses and restrictions.* Dihydroxyacetone may be safely used in amounts consistent with good manufacturing practice in externally applied cosmetics intended solely or in part to impart a color to the human body.

(c) *Labeling requirements.* The labeling of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health and therefore batches thereof are exempt from the requirements of Section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time on or before September 4, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective October 1, 1973, except as to any provisions that may be stayed by the filing of objections. Notice of the filing of objections or lack thereof will be announced in the FEDERAL REGISTER.

(Sec. 706(b)(1), (c)(2), (d), 74 Stat. 399–402; 21 U.S.C. 376(b)(1), (c)(2), (d)).

Dated: July 26, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-15938 Filed 8-1-73;8:45 am]

Title 38—Pensions, Bonuses and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Interest Rate Change

The Veterans Administration is amending §§ 36.4212(a) (2) and (3), 36.4311 and 36.4503, Title 38 of the Code of Federal Regulations to increase the maximum interest rate on new loans to 7¾ perecnt.

Section 1803(c)(1) of Title 38, United States Code provided that the maximum interest rate applicable to loans guaranteed or insured under Chapter 37 of Title 38 shall be established by the Administrator from time to time as he finds the loan market demands, except that such rate in no event shall exceed that in effect under the provisions of section 203(b)(5) of the National Housing Act. The authority of the Department of Housing and Urban Development and the Veterans Administration to establish home mortgage interest rates in excess of 6 percent pursuant to P.L. 92–335 expired on June 30, 1973. To date, this joint authority has not been extended. P.L. 93–75 effective on July 26, 1973 provides the Administrator with independent authority to set the maximum interest rate on mortgages guaranteed, insured, or made pursuant to Chapter 37, Title 38, United States Code, after consultation with the Secretary of HUD.

Section 36.4212, Title 38 of the Code of Federal Regulations relating to that portion of a mobile home loan which finances the purchase of a lot and the cost of necessary site preparation is amended to increase the maximum interest rate from 7 to 7¾ percent. Thus, the interest rate on such loans will be consistent with that in effect on other guaranteed and insured loans for real estate purposes.

Compliance with the provisions of § 1.12 of this chapter is waived in this instance. The availability of mortgage funds from the private sector is dependent upon the interest rate being competitive with other available investments. Compliance with § 1.12 would create an acute shortage of mortgage funds pending the effective date of the sections, which would be more than 30 days after it was published in proposed form.

These amendments are effective upon date of approval of the Administrator.

1. In § 36.4212(a), subparagraphs (2) and (3) are amended to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima:

* * * * *

(2) 7¾ percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the

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cost of necessary site preparation, if any.

(3) 7¾ percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 10.75 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed $2,500.

* * * * *

2. In § 36.4311, paragraph (a) is amended to read as follows:

§ 36.4311 Interest rates.

(a) Excepting non-real-estate loans insured under 38 U.S.C. 1815 effective July 26, 1973, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 7¾ per centum per annum on the unpaid principal balance.

* * * * *

3. In § 36.4503, paragraph (a) is amended to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after May 7, 1968, shall not exceed an amount which bears the same ratio to $21,000 (or to such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of title 38, United States Code) as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $12,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 7¾ percent per annum, except where a commitment to make the loan at a lower rate was issued prior to July 26, 1973, in which case the rate of interest shall be that applicable on the date such commitment was issued.

* * * * *

These VA Regulations are effective July 26, 1973.

Approved: July 26, 1973.

By direction of the Administrator:

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-15866 Filed 8-1-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-182]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Michigan	Wayne	Ecorse, City of				Aug. 1, 1973, Emergency.
New York	Ontario	Gorham, Town of				Do.
Pennsylvania	Lycoming	Gamble, Township of				Do.
Do.	McKean	Eldred, Borough of				Do.
Do.	Tioga	Richmond, Township of				Do.
Do.	York	York, Township of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

JULY 25, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-15808 Filed 8-1-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Sale of Personal Property

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114-5.3 of Chapter 114, Title 41 of the Code of Federal Regulations, is revised as set forth below.

This revision merely makes it clear that existing Departmental policy relating to sales of personal property to Government employees, is also applicable to sales being conducted pursuant to the exchange/sale provisions of the Federal Property and Administrative Services Act of 1949, as amended. It is, therefore, determined that the public rulemaking procedure is unnecessary and this revision shall become effective on August 2, 1973.

JAMES T. CLARKE,
Assistant Secretary of the Interior.

JULY 26, 1973.

The first paragraph and paragraphs (a)(2) and (b) of § 114-45.302 are amended to read as follows:

§ 114-45.302 Sale to Government employees.

While not unlawful, sales of personal property to Federal employees tend to give rise to the question in the public mind as to whether all prospective bidders are really on equal footing. What is feared is not so much collusion or overtly dishonest practices, as that the Federal employee, through his prior use of the property, or close associations with those familiar with the property, is in a somewhat more advantageous position than the member of the general public in making his bid. In this regard, therefore, all sales of personal property within the Department will be subject to the following requirements:

(a) * * *

(2) Motor vehicles and other personal property being sold for replacement purposes pursuant to the Exchange/Sale authority found in section 201(c) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(c)): *Provided*, That such property meets prescribed replacement standards.

(b) Personal property may be sold to Federal employees only by the publicly advertised sealed bid or public auction sales methods.

* * * * *

[FR Doc.73-15905 Filed 8-1-73;8:45 am]

PART 114-51—PROVISION AND ASSIGNMENT OF QUARTERS AND FURNISHINGS

Subpart 114-51.1—Provision of Quarters

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Subpart 114-51.1 of Chapter 114, Title 41 of the Code of Federal Regulations is revised as set forth below.

This revision codifies into the Interior Property Management Regulations (IPMR) existing Departmental policies related to the provision of employee housing. It is, therefore, determined that the public rulemaking procedure is unnecessary and the revision shall become effective on August 2, 1973.

JAMES T. CLARKE,
Assistant Secretary of the Interior.

The table of contents for Subpart 114-51.1 is revised by the addition of the following:

Sec.	
114-51.103	Design standards.
114-51.104	Housing cost limitation.
114-51.104-1	Elements of cost chargeable to limitation.
114-51.104-2	Elements of cost not chargeable to limitation.
114-51.104-3	Requests for authorization to exceed cost limitation.

Section 114-51.102 is revised to read as follows:

§ 114-51.102 Determination of number, types, and sizes of housing units required.

Bureaus shall be governed by the applicable provisions of Office of Management and Budget Circular No. A-18, Revised, in determining the number, types, and sizes of housing units to be provided employees at a given location.

New §§ 114-51.103 and 114-51.104 are added to subpart 114-51.1 as follows:

§ 114-51.103 Design standards.

Employee housing units constructed by Bureaus and Offices of the Department of the Interior shall not exceed the following standards:

(a) Standard materials, millwork, equipment, and fixtures that are readily available at local supply centers will be used in all dwelling construction.

(b) Design will be simple with no features that increase building costs, such as irregularities in roof framing.

(c) Not to exceed one and a half baths.

(d) One stall garage in areas subject to deep snow or prolonged periods of below freezing temperatures, carports in warmer climates.

(e) Sun porches, enclosed patios, or similar features will not be provided.

(f) Floor area shall not exceed—two-bedroom dwellings, 1,250 square feet; three-bedroom dwellings, 1,300 square feet; exclusive of basement and garage space (or service and storage space in lieu of basement).

(g) No four-bedroom dwellings shall be permitted.

(h) Fireplaces will not be permitted except where essential for adequate heating.

§ 114-51.104 Housing cost limitation.

A maximum amount of $29,000 (regardless of the source of financing) may be expended for single family employee housing units in the continental United States, Alaska, Hawaii, and the Territories, including costs of engineering and design.

§ 114-51.104-1 Elements of costs chargeable to limitation.

The following elements of cost will be charged against the $29,000 cost limitation:

(a) Adaptation of standard dwelling plans to a specific site. Revision or alteration of standard plans and specifications to reflect latest developments in economic construction and materials should be prorated to the dwellings to be constructed from the plans during the fiscal year.

(b) Preparation of necessary plans and specifications to accompany invitations to bid. This will include all costs incurred in providing the contracting officer with data that is to be included as part of the construction contract.

(c) Preparation of site development plans showing location of buildings and other facilities existing or to be installed on the site. These costs will be prorated to number of buildings both existing and to be constructed on the site.

(d) Contract or force account cost of construction of the dwelling including excavation for basement or foundation. Include all construction costs to build a dwelling according to the plans and specifications which accompany the bid or that are approved for force account.

(e) Garage or carport whether attached or detached.

(f) Grading, landscaping, walks, driveways, retaining walls, fences and subsurface drainage. If this work is to serve more than one building, prorate costs accordingly.

(g) Costs incurred in development of landscape plans. Prorate as in paragraph (f) of this section.

(h) Installation of public utilities from the lot line to the dwelling. Prorate as in paragraph (f) of this section.

(i) Cost of airconditioning units, including cost of installation.

§ 114-51.104-2 Elements of cost not chargeable to limitation.

The following elements of cost should not be charged against the housing cost limitation.

(a) General supervision by administrators. Indirect costs, such as payrolling, purchasing, fund accounting, etc.

(b) Revision of standard plans to meet standards specified herein.

(c) Preliminary investigations and field surveys necessary to determine feasibility, location, physical characteristics of the site, etc. This frequently involves consideration of several alternate sites. Includes preliminary engineering surveys and investigations and other costs incurred up to the point where final selection of a site is made.

(d) Cost of site.

(e) Cost of developing water and sanitary systems where public utilities are not available. This includes the drilling of wells and installation of equipment,

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and construction of sewer systems. Installation of a power plant where commercial power is not available would also be in this category.

(f) Removable and replaceable items, such as ranges, refrigerators, venetian blinds, storm doors and storm windows.

(g) Part-time services performed by regular field staff (other than full time technical specialists) in contract supervision or inspection during actual construction; that is, after award of contract or start of force account construction.

(h) Extension of public utilities to the lot line.

§ 114–51.104–3 Requests for authorization to exceed cost limitation.

When it is determined that a dwelling cannot be constructed within the $29,000 cost limitation, a request for approval to exceed the limitation may be submitted for Departmental consideration. Such requests, accompanied by a statement in the format of Appendix I to this Subpart 114–51.1, should be addressed to the Appropriations Committees and submitted to the Assistant Secretary—Program Development and Budget for signature and transmittal to the Committees. A statement should be attached to the Appendix setting forth:

(a) The reasons why it is necessary to exceed the limitation,

(b) The justification of need for the housing, including a statement as to why the housing is necessary at this time,

(c) A listing of any permanent Federal housing already located at the site,

(d) The number of bureau employees now located at the housing site,

(e) The contemplated increase in number of bureau employees at the particular location and,

(f) An explanation showing why existing housing is inadequate.

APPENDIX I

DEPARTMENT OF THE INTERIOR

Bureau

DWELLING CONSTRUCTION COSTS
(SEPARATE FORM FOR EACH DWELLING)

LOCATION

State _____ Town _____
Other location _____

DESCRIPTION

Site: Purchased ____ Other land (describe) __
Type and size of dwelling: No. of bedrooms _____ Net floor area (sq. ft.) _____
Basement: Full ____ Partial ____ None ____;
Fireplace: Yes __ No __
Garage: Attached _____ Detached _____
Basement _____ Carport _____ None _____
Air conditioning: Yes __ No __
Nearest source of contract-labor and materials _____ Distance ____ Miles
(town and state)

ESTIMATED COSTS

Engineering and Design _____ Preparation of site development plan _____
Cost of dwelling _____ Cost of garage or carport _____ Cost of air conditioning _____
Cost of landscaping:
Landscape plans ___ Grading and leveling ___
Lawn, shrubs, trees _____ Sidewalks (linear ft.) _____
Fencing ____ Driveway, curbs (linear ft.) ____
Retaining walls ___ Sub-surface drainage ___
Installation of utilities (lot line to dwelling) _____
Full-time technical specialists on inspection or supervision _____
Other applicable costs (identify) _____
TOTAL COSTS _____
(Attach sheet giving additional details with respect to distance from nearest source of labor and materials; comparative bid prices; if costly site preparation measures are needed; whether the work was advertised more than once, and any other item which it is felt should be more fully explained).

[FR Doc.73–15906 Filed 8–1–73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19547; FCC 73–788]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Geneva Radio Regulations

Memorandum opinion and order. In the matter of amendment of Part 2 of the Commission's rules and regulations to conform, to the extent practicable, with the Geneva Radio Regulations, as Revised by the Space WARC, Geneva, 1971, Docket No. 19547.

1. The Commission, on February 14, 1973, adopted a Report and Order in Docket No. 19547 which, in part, amended Part 2, § 2.106 of the Commission's rules by adding footnote NG 105 which pertained to the 11.7–12.2 GHz band. The Report and Order in the aforementioned Docket was published in the FEDERAL REGISTER on March 1, 1973 (38 FR 5502), corrected on April 12, 1973 (38 FR 9228) and May 4, 1973 (38 FR 11086), and revised the Table of Frequency Allocations to conform, to the extent practicable, with the Geneva Radio Regulations, as revised by the Space World Administrative Radio Conference in Geneva, 1971.

2. A Petition for Reconsideration of the Commission's action in adopting footnote NG 105 in Docket No. 19547 was timely filed by CML Satellite Corporation (CML) on March 26, 1973. An Opposition to the Petition was filed by the Association of Maximum Service Telecasters (AMST) on April 16, 1973, and a Reply to the Opposition was filed by CML on April 26, 1973. Essentially, CML requested deletion of footnote NG 105, which states (as adopted):

> In the band 11.7–12.2 GHz, assignments in the Broadcasting Satellite and Fixed Satellite Services will not be made pending further Order of the Commission.

AMST's opposition to the CML petition was based on its concern for the broadcasting satellite service, and the fact that deletion of NG 105 would, in the absence of more definitive information concerning the broadcasting satellite service, open the way for fixed-satellite service in the entire 11.7–12.2 GHz band. CML states, in its Reply to the Opposition comments, that such opposition was based principally on the basis that such action (i.e. deletion of NG 105) would permit assignments in the Broadcasting Satellite service without further policy consideration by the Commission.

3. CML's petition is based on a desire to proceed with an application which had been filed over two years ago for use of the frequencies in connection with the domestic satellite system it proposes and because, as it alleges, "of the enormous harm to CML and the potential uses of its domestic satellite system."

4. From the beginning, the Commission saw the 11.7–12.2 GHz band as one important to the broadcasting satellite service. In the notice of proposed rulemaking in Docket 19547, adopted July 14, 1972 and released on July 26, 1972, which was published in the FEDERAL REGISTER on August 4, 1972 (37 FR 15714), we said in paragraph 11:

> It should be noted that the WARC imposed no power flux density limit in this band with respect to either broadcasting satellites or fixed satellites and no limits are proposed in our national rules. It is in this band that a domestic broadcasting-satellite service might logically be expected to develop—if we are to have one. It it conceivable that the fixed-satellite service would be used initially for the distribution of broadcasting program material and evolve with time into a community or direct-to-the-home broadcasting-satellite service. It is perhaps more conceivable, unless steps are taken to preclude it, that the fixed-satellite service would not take that course, but would be used for conventional fixed-satellite service and develop to a stage where the entire band and the preferred orbital positions were being used, to the virtual exclusion of a broadcasting-satellite service.

We are still of that opinion. In fact, we would now like to emphasize the importance of there being no flux limits in this band and point out that it is the lowest frequency band allocated to Broadcasting satellites that has no flux limit. As such, it is a highly desirable band for these satellites, that, by their very nature require high flux densities in contrast with fixed satellite systems that do not require a high flux density and moreover, have other bands available to them.

5. Despite the comments of CML, we are still of the opinion, as set forth in paragraph 17 of the Report and Order in Docket No. 19547, that "system parameters and demands for either service are not yet clear." Only a portion of the necessary components and subsystems have yet reached the experimental or developmental stage; and the effects of propagation on system design and performance are still unsettled. Further, we know little of overall commercial and operational requirements for this band. We are therefore not yet ready to arrive at any conclusions concerning the ultimate disposition of the band. Nonetheless, we now favor its interim use by fixed satellite systems.

6. In this connection, however, it should be pointed out that we are extremely uncertain as to when broadcasting satellites will be developed in the United States. Recent developments, including reductions in both Government and industry funded programs, indicate that such development will take at least as long as the decade or so predicted earlier. If such indications are correct, we should not preclude the band from being used during this period of time. Only two communications satellite programs will be continued as a result of the recent NASA decision: one is the ATS/F satellite which will have the capability of transmitting television to community-type receivers in the 2500 MHz region (for experiments with, among other U.S. users, the Federation of Rocky Mountain States) and at around 890 MHz (for subsequent experiments with India); the other is the joint Canada/NASA Communications Technology Satellite ("CTS"). This satellite is scheduled for launch in 1975 and will use a 200 watt tube being developed especially for this program to transmit television signals in the band 11.7–12.2 GHz. Receiving antennas as small as two feet in diameter will be tested with this satellite. Experimental satellites like these will provide technical and operation experience that will be useful in planning for follow-on systems. We should emphasize that full account of the needs of CTS will be taken and that there needs be no adverse impact on this satellite by any fixed-satellite systems that would be permitted under the revised footnote NG 105, described herein. Further, it is possible, indeed forseeable, that, if broadcasting satellites are developed, they will evolve, at least in part, from Fixed Satellite Systems operating in the 11.7–12.2 GHz band. This is a likely outcome because, as the number of earth stations in a system increases, it is more economical to use higher power satellites which permits the use of less expensive earth stations—in other words, a broadcasting satellite system. Accordingly, to bring about this evolution, the interim use of the band by fixed satellite service systems should be encouraged.

7. At the same time, the systems that develop the technology should not make the transition to new systems impossible by their continuing occupancy of the band. They must be expected to evolve, convert or even relinquish occupancy of major portions of allocated spectrum to those new systems of equal or greater benefit to the public. We recognize that changes of which we are speaking will likely not take place, nor will they be required, for a considerable period of time. Moreover, those changes will not occur without notice.

8. Should systems in the fixed satellite service become operational in the next few years, it would be reasonable to assume that minor accommodation for broadcasting satellites (such as a change in orbital location) would probably not be required for perhaps a decade or so, and significant changes (such as giving up the use of specific frequencies), would probably not be required for much longer, if ever. In any event, plans for such broadcasting satellite systems, including their design, development, engineering, funding, and launch will likely be under consideration for a number of years. During this time, operators of fixed satellite systems would be able to alter the design of their systems for successive versions.

9. While we fully recognize the likely occurrence of the foregoing situation, our reluctance to concur totally with the request of CML stems from the fact that this is the lowest band in the radio spectrum (and therefore the most desirable) which has been allocated internationally for the broadcasting satellite service with no limitation on power flux density. Further, it is difficult to foresee where, in the event the band becomes saturated with domestic fixed satellite systems, an alternative band could be made available especially in view of the regional and international agreements required.

10. Finally, because the United States was one of the principal advocates of an allocation for a broadcasting satellite service at the 1971 Space WARC, the Commission, as one of the principal developers of the national position, is deeply committed to retaining a viable allocation for the service.

11. Thus, while we understand the aim of CML to utilize the 11.7–12.2 GHz band for their proposed fixed satellite system with no restrictions, we are not disposed to simply remove the footnote which is the subject of their petition. Instead, we will amend the wording of the footnote to read as follows:

> Pending adoption of specific rules concerning sharing of the band 11.7–12.2 GHz between the Broadcasting Satellite and Fixed-Satellite Services, systems in those Services may be authorized on a case-by-case basis subject to the condition that adjustments in certain system design or technical parameters (including but not limited to orbital location, channel use, etc.) may become necessary during the system lifetime in order to accommodate use of the band by systems of the same or other service.

12. *Accordingly, it is ordered,* Pursuant to sections 4 and 303 of the Communications Act, That footnote NG 105 to § 2.106 of the Commission's rules and regulations is amended as reflected in the attached Appendix effective September 7, 1973.

13. *It is further ordered,* That the petition for reconsideration filed by CML is granted to the extent reflected herein and in all other respects is denied.

14. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: July 26, 1973.

Released: July 31, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

[1] Commissioner Johnson concurring in the result; Commissioner H. Rex Lee absent.

In § 2.106, footnote NG 105 is amended to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

NG 105 Pending adoption of specific rules concerning sharing of the band 11.7–12.2 GHz between the Broadcasting Satellite and Fixed-Satellite Services, systems in those Services may be authorized on a case-by-case basis subject to the condition that adjustments in certain system design or technical parameters (including but not limited to orbital location, channel use, etc.) may become necessary during the system lifetime in order to accommodate use of the band by systems of the same or other service.

* * * * *

[FR Doc.73–15924 Filed 8–1–73;8:45 am]

[Docket No. 19732; FCC 73–802]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Marion, Ill.

Report and order. In the matter of amendment of § 73.202(b), *Table of assignments,* FM Broadcast Stations (Marion, Illinois), Docket No. 19732, RM–1946.

1. The Commission has under consideration its notice of proposed rule making adopted May 3, 1973 (FCC 73–465, 38 FR 12757), inviting comments on a proposal to substitute Class B Channel 297 for Channel 296A at Marion, Illinois, and substituting Class C Channel 238 for Class C Channel 297 at Poplar Bluff, Missouri. This proceeding was instituted on the basis of a petition filed by 3–D Communications Corporation ("3–D"), licensee of Station WDDD(FM), which operates on Channel 296A. Interested parties were invited to comment on the proposal on or before June 14, 1973, and could reply to such comments on or before June 25, 1973. There were no oppositions to the proposal. Supporting comments were filed by the petitioner.

2. Marion has a population of 11,724 and is the seat of Williamson County (population 49,021).[1] In addition to FM Station WDDD(FM), Marion has a daytime station, WGGH. The only other broadcast station in the county is a Class IV fulltime AM station located at Herrin, Illinois.

3. Petitioner points out that the southern Illinois area is undergoing a rebirth of industrialization and growth and indicates that this growth will cause a tremendous increase in population. 3–D contends that a Class B station is needed to serve the area south of Marion which is extremely hilly and would provide service that does not require special receiving equipment. It states that it would be able to extend the station's coverage to a large area not now served and which is in need of additional radio service. 3–D indicates that because of the increase in population the station would serve (3–D estimates an increase to 250,000 persons from the current 75,000) and would be able to operate on a 24-hour-per-day

[1] Population figures cited are from the 1970 U.S. Census.

V38-148 AUG 2 73 XUM

basis. In order to substitute Channel 297 for Channel 296A presently assigned to Marion, Illinois, and licensed to petitioner, it would be necessary to substitute Channel 238 for Channel 297 at Poplar Bluff, Missouri. The channel at Poplar Bluff is unoccupied. However, a station operating on Channel 238 at Poplar Bluff would have to be sited at least 3 miles northwest of the community to meet the minimum mileage separation requirement from Station WBHT–FM, Brownsville, Tennessee, operating on Channel 237A. The substitution of Channel 297 for 296A at Marion would not preclude future assignments on any of the adjacent channels.

4. After consideration of the pertinent facts in this case, we are of the view that the subject proposal has merit and that its adoption would serve the public interest. Although the area which would receive a first service is minimal, approximately one-fourth of the gain area (approximately 250 square miles) would receive a second FM service. Since there are communities with Class B assignments in the neighboring area which have less population than Marion, there appear to be no substantial reasons not to substitute a Class B channel for a Class A channel in Marion. Channel 297 cannot be used at any other place in this area. Its assignment to Marion would not preclude future assignments on any of the adjacent channels. A Class C channel is substituted for a Class C channel, which is presently unoccupied at Poplar Bluff, Missouri. Thus, the substitution of a Class B channel for a Class A channel at Marion would result in efficient use of FM frequencies.

5. Authority for the action taken herein is contained in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended.

6. *Accordingly, it is ordered*, That effective September 7, 1973, the *Table of assignments* (§ 73.202(b) of the rules) is amended with respect to the communities listed as follows:

City	*Channel No.*
Marion, Illinois	297
Poplar Bluff, Missouri	233, 238

7. *It is further ordered*, That effective September 7, 1973, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license of 3–D Communications Corporation for Station WDDD(FM), Marion, Illinois, is modified to specify operation on Channel 297 in lieu of Channel 296A subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than September 27, 1973, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by September 7, 1973, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WDDD(FM) on Channel 297 at Marion, Illinois.

(c) The licensee may continue to operate on Channel 296A under its outstanding authorization until it is ready to operate on the new frequency. Ten days prior to commencing operation on Channel 297, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(d) The licensee shall not commence operation on Channel 297 until the Commission specifically authorizes it to do so.

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: July 26, 1973.

Released: July 31, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] VINCENT J. MULLINS, *Acting Secretary.*

[FR Doc.73-15925 Filed 8-1-73;8:45 am]

[Docket No. 19683; FCC 73-804]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Ocala and Dunnellon, Fla.

Report and order. In the Matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations. (Ocala and Dunnellon, Florida), Docket No. 19683, RM–1908.

1. The Commission here considers the notice of proposed rulemaking in this docket, adopted February 7, 1973 (FCC 73–159; 38 FR 4676), proposing amendment of the FM *Table of assignments* (§ 73.202(b) of the Commission's rules and regulations), as concerns Ocala and Dunnellon, Florida.[1] The parties filing comments are the petitioner, Osceola Broadcasting Company, Inc. (Osceola), licensee of fulltime AM Station WTMC at Ocala, and Greater Ocala Broadcasting Corporation (Greater Ocala), licensee of daytime-only AM Station WWKE at Ocala.

2. Ocala, population 22,583,[2] is the seat and largest city in Marion County (population 69,030). Aural broadcast service at Ocala consists of FM Station WMOP–FM, Channel 229, and three AM stations—WTMC, WWKE, and WMOP (also daytime-only). FM Channel 272A is also assigned to Ocala, but it is occupied by Station WTRS–FM at Dunnellon, Florida.[3] Osceola's objective is replacement of a channel for Channel 272A at Ocala because of that channel's use at Dunnellon, which circumstance we deemed to be an appropriate basis for proposing reassignment of that channel. Osceola made additional arguments based on Ocala's size, recent growth (66.1 percent between the 1960 and 1970 Census), and as the focus for Marion County (whose population increase is 33.7 percent), and our notice indicated that Ocala might warrant additional service in these circumstances. We also observed that petitioner's showing about first nighttime service was not sufficient, although the desirability of additional nighttime service in the area was clear.[4] The notice stated that the proposed assignment of Channel 224A to Ocala comports with spacing requirements if a station on that channel would operate from a site at least three miles southwest of Ocala. We also noted that the proposed assignment would cause little preclusion. The cities affected—Crystal River and Dunnellon—did not merit another channel assignment considering population (1,696 and 1,146, respectively); Channel 253 had then been recently assigned to Crystal River (39 F.C.C. 2d 452, 455–7 (1973)), and in this proceeding we were proposing the reassignment of Channel 272A from Ocala to Dunnellon to conform the FM Table of Assignments to actual operation of Station WTRS–FM.

3. Osceola, as requested by the Notice, has indicated its continuing readiness to construct and operate on an FM channel if assigned to Ocala. In other respects, Osceola incorporates by reference statements in its petition, but we need not repeat such data and information which served as the basis for our Notice or what was said in the Notice. Osceola's comments were filed one day late together with an appropriate motion stating that the failure to file timely was due to an inadvertence. In the circumstances, we are permitting the late filing; this did not delay action on our part in disposing of this proceeding, and, except for reaffirming Osceola's interest, no new facts or arguments are presented.

4. As already noted, Greater Ocala, licensee of daytime-only AM Station WWKE at Ocala, also filed comments supporting the proposed assignment of Channel 224A at Ocala. Greater Ocala states that in recent years community and civic leaders as well as members of the general public have expressed to its management the desire for additional nighttime service, which need, it feels, is reinforced by the inability of the two nighttime aural services at Ocala to fully serve the area around Ocala whose percentage of growth is expected to be greater in the future. (The projected population figures for Marion County for 1980 and 1990 show increases but at a diminishing rate of 30 percent and 22 percent.)

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[3] Commissioner H. Rex Lee absent.

[1] The caption which originally referred to only Ocala is being changed to reflect that this proceeding also concerns a channel assignment at Dunnellon.

[2] All population information is from the 1970 Census, unless otherwise indicated.

[3] Dunnellon is about 22 miles from Ocala. The Commission's Rules and Regulations formerly permitted the use of a Class A channel at an unlisted community within 25 miles of the community of assignment; the distance is now 10 miles (see § 73.203(b)).

[4] In this respect, Station WMOP–FM is authorized to construct a more powerful facility than that referred in the engineering study submitted in support of the petition. However, in this respect, it would appear that operation of WMOP–FM at 75 kW power and 500 feet antenna height A.A.T. or equivalent should have been assumed; see Roanoke Rapids-Goldsboro, 9 F.C.C. 2d 672 (1967).

5. While other questions were raised,[4] this proceeding basically only involves the substitution of a channel at Ocala for Channel 272A because of its use at Dunnellon and conforming the FM Table of Assignments in the latter respect. As noted above, Channel 224A is available for assignment at Ocala in lieu of Channel 272A without a change elsewhere, and the preclusionary effect is nonexistent considering all relevant factors. In the circumstances, we find that the public interest, convenience, and necessity would be served by the assignment of Channel 224A to Ocala in lieu of Channel 272A and the reassignment of Channel 272A from Ocala to Dunnellon.

6. Authority for this action is found in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

7. *Accordingly, it is ordered*, That the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended effective September 7, 1973, as concerns Ocala and Dunnellon, Florida, as follows:

City	*Channel No.*
Ocala, Florida	224A, 229
Dunnellon, Florida	272A

8. *It is further ordered*, That the motion of Osceola Broadcasting Company, Inc. to accept its late filed comments in this proceeding is granted.

9. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: July 26, 1973.

Released: July 31, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] VINCENT J. MULLINS, *Acting Secretary.*

[FR Doc.73-15926 Filed 8-1-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1104, Amdt. 6]

PART 1033—CAR SERVICE

Penn Central Transportation Co. et al., Authorized to Operate Over Tracks of the Erie Lackawanna Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of July 1973.

Upon further consideration of Service Order No. 1104, (37 FR 15307, 22986; 38 FR 3512, 8445, 14754, and 18026), and good cause appearing therefor:

It is ordered, That: § 1033.1104 *Service Order No. 1104* (Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees, authorized to operate over tracks of the Erie Lackawanna Railway Company) Service Order No. 1104 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m. July 31, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets of applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15952 Filed 8-1-73;8:45 am]

[Rev. S. O. 1110, Amdt. 10]

PART 1033—CAR SERVICE

Penn Central Transportation Co., et al.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of July 1973.

Upon further consideration of Revised Service Order No. 1110 (37 FR 19616, 22871, 23236; 38 FR 878, 3333, 5636, 8446, 10942, 14755, and 18025), and good cause appearing therefor:

It is ordered, That § 1033.1110 *Service Order No. 1110* (Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees, required to restore service at the Buttonwood (Wilkes-Barre), Pennsylvania, Gateway and to reroute traffic originally routed via that gateway), Revised Service Order No. 1110 be, and it is hereby, amended by substituting the following paragraphs (a) and (e) for paragraphs (a) and (e) thereof:

(a) The Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees, (Penn Central) be, and it is hereby, ordered to restore service via its Buttonwood (Wilkes-Barre), Pennsylvania, gateway on or before September 30, 1973.

(e) *It is further ordered*, That this order shall become effective at 11:59 p.m., September 15, 1972, and, as to paragraph 1033.1110(b), shall expire at 11:59 p.m., September 30, 1973, unless sooner vacated by order of this Commission upon restoration of service through the Buttonwood (Wilkes-Barre) gateway.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15953 Filed 8-1-73;8:45 am]

[S.O. 1111, Amdt. 10]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co. Authorized To Operate Over Tracks of Erie Lackawanna Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of July 1973.

Upon further consideration of Service Order No. 1111 (37 FR 19617, 22872, 25237; 38 FR 878, 3332, 5637, 8446, 10942, 14755, and 18025), and good cause appearing therefor:

It is ordered, That § 1033.1111 *Service Order No. 1111* (Delaware and Hudson Railway Company authorized to operate over tracks of Erie Lackawanna Railway Company Thomas F. Patton and Ralph S. Tyler, Jr., trustees) Service Order No. 1111 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This amendment shall become effective at 11:59 p.m., July 31, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads

[4] The Notice also mentioned that we normally do not intermix classes of FM channels, but that issue has been disposed of when Channel 272A was assigned to Ocala in lieu of Channel 253; see Titusville and Ocala, Florida, 40 F.C.C. 946, 950–1 (1965).

[5] Commissioner H. Rex Lee absent.

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subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15954 Filed 8-1-73;8:45 am]

[S.O. 1144]

PART 1033—CAR SERVICE

St. Louis-San Francisco Railway Co. Authorized To Operate Over Tracks of Atchison, Topeka and Santa Fe Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of July 1973.

It appearing, That the St. Louis-San Francisco Railway Company (SL–SF) and The Atchison, Topeka and Santa Fe Railway Company (ATSF) have agreed to operate certain transcontinental freight trains via a connecting track at Avard, Oklahoma; that such routing of these trains will expedite the movements of these trains by approximately twenty-four (24) hours when compared with movements of similar traffic handled by these companies via existing routes; that there are no terminal facilities of either of these carriers at Avard, Oklahoma; that suitable facilities are available on the ATSF at Waynoka, Oklahoma; that the ATSF has agreed to operation by the SL–SF over ATSF tracks between Avard milepost 336+109 and Waynoka milepost 345+2599 7', a distance of approximately ten miles; that operation by the SL–SF over the aforementioned tracks of the ATSF is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1144 Service Order No. 1144.

(a) *St. Louis-San Francisco Railway Company authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company.* The St. Louis-San Francisco Railway Company (SL–SF) be, and it is hereby, authorized to operate over tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF), between Avard, Oklahoma, milepost 336+109 and Waynoka, Oklahoma, milepost 345+2599 7', a distance of approximately ten miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the SL–SF over tracks of the ATSF is deemed to be due to carriers' disability, the rates applicable to traffic moved by the SL–SF over these tracks of the ATSF shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., July 31, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15955 Filed 8-1-73;8:45 am]

[S. O. 1145]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of July 1973.

It appearing, That an acute shortage of fifty-foot plain boxcars exists on the Maine Central Railroad Company; that shippers located on lines of this carrier are being deprived of such cars required for loading, resulting in a severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by this railroad are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1145 Service Order No. 1145.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in paragraph (3) herein, all plain boxcars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 388, issued by W. J. Trezise, or reissues thereof as having mechanical designation XM, bearing reporting marks issued to the Maine Central Railroad Company and having inside length of forty-nine feet or longer.

(2) Plain boxcars described in paragraph (1) include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(3) Boxcars described in paragraph (1) herein may be loaded only to stations on the lines of the car owner or to any station which is a junction with the car owner. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(4) Boxcars described in paragraph (1) herein shall not be back-hauled empty from a junction with the car owner.

(5) The return to the owner of a boxcar described in paragraph (1) herein shall be accomplished when it is delivered to the car owner, either empty or loaded.

(6) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, I.C.C. R.E.R. No. 388, issued by W. J. Trezise, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(7) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of paragraph (3) of this section.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 11:59 p.m., July 31, 1973.

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15956 Filed 8-1-73;8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURES

[Ex Parte No. 298]

PART 1107—REQUIREMENTS AND PROCEDURES RELATING TO RAILROAD RATE ADJUSTMENT ACT OF 1973

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 27th day of July 1973.

Upon consideration of the record in the above-captioned proceeding, including the notice of proposed rulemaking and order served on July 6, 1973, and published in the FEDERAL REGISTER on July 10, 1973, inviting the filing of statements of verified facts, views, or arguments; and of the statements received in response from the parties listed in Appendix A below; and

It appearing, that a review of all the statements received is convincing that the proposed requirements and procedures set forth in the notice of proposed rulemaking and order should be modified as reflected below;

Wherefore, and for good cause:

It is ordered, That the following procedures be, and they are hereby, prescribed under the authority of Public Law 93–69, the Railroad Rate Adjustment Act of 1973 (49 U.S.C. 15a(4)(a)), and that they shall become effective on August 1, 1973.

Sec.
1107.1 Requirements.
1107.2 Notice.
1107.3 Commission order.

AUTHORITY: P.L. 93–69, Railroad Rate Adjustment Act of 1973 (49 U.S.C. 15a(4)(a)).

§ 1107.1 Requirements.

Petition or petitions filed by class-I line-haul common carriers subject to part I of the Interstate Commerce Act under the provisions of subsection (4)(a) of section 15a of the act, for adjustment of their interstate freight rates when increases in the expenses of such carriers have or will result from any increases in taxes under the Railroad Retirement Tax Act, as amended, occurring on or before January 1, 1975, or as the result of the enactment of the Railroad Retirement Amendments of 1973, shall be verified and shall disclose:[1]

(a) The amount of increases in expenses of such carriers resulting from any increases in taxes under the Railroad Retirement Tax Act, as amended, occurring on or before January 1, 1975, or as a result of the enactment of the Railroad Retirement Amendments of 1973, by showing—

(1) For each of the four calendar quarters ending with the latest quarter preceding the filing date of the petition—

(i) The mid-month number of employees,

(ii) The total service hours by operating and other employees, as reported in ICC wage statistics, Forms A and B,

(iii) The total compensation paid for operating and other employees, as reported in ICC wage statistics, Forms A and B,

(iv) The total compensation subject to retirement taxes,

(v) The retirement taxes paid,

(vi) The retirement tax rate,

(vii) The retirement taxes reimbursed by AMTRAK and other public authorities.

(2) For the third and fourth quarters of 1973 and for each quarter of 1974—

(i) The estimated mid-month number of employees,

(ii) The estimated total service hours by operating and other employees, as reported in ICC wage statistics, Forms A and B,

(iii) The estimated total compensation paid for operating and other employees, as reported in ICC wage statistics, Forms A and B,

(iv) The estimated total compensation to be subject to retirement taxes,

(v) Estimated retirement taxes to be paid,

(vi) Estimated retirement tax rates,

(vii) The estimated retirement taxes to be reimbursed by AMTRAK and other public authorities and, in addition,

(viii) The estimated dollar amount of tax increases resulting from the increased tax rates.

(b) The dollar amount of increased freight rates needed by showing—

(1) For each of the four calendar quarters ending with the latest quarter preceding the filing date of the petition—

(i) The freight revenue ton miles,

(ii) The freight revenues.

(2) For the second and third quarters of 1973 and each quarter of 1974—

(i) The estimated freight revenue ton miles,

(ii) The estimated freight revenue based on rate levels in effect at the time of the filing of the petition, and

(iii) The estimated freight revenues to be obtained from the increases proposed, including the effect on the movement of the traffic.

(c) Specify proposed rate holddowns and exemptions by individual roads and districts with reasons for such exceptions and effect on estimated freight revenues.

(d) The availability of means other than a rate increase by which carriers might absorb or offset such increases in expenses, identifying the means considered.

§ 1107.2 Notice.

Notice of the filing of such a petition will be given to the general public by publication of such a notice in the FEDERAL REGISTER.

§ 1107.3 Commission order.

Upon consideration of the evidence presented in such a verified petition, and in accordance with the provisions of subsection (4)(b) of section 15a, within 30 days of the filing of the petition, the Commission shall issue an order (a) permitting the establishment of interim increases in the general level of the interstate rates in an amount approximating that needed to offset the increases in expenses attributable to the increases in taxes referred to above, (b) requiring the publication in the tariffs establishing the interim increase of a rule requiring the carriers to pay refunds, with interest at the rate of 4 percent per annum, to the extent that the increase ultimately approved under the provisions of subsection (4)(c) of section 15a is less than that approved on an interim basis, (c) requiring publication of the said order in the Federal Register, and (d) providing for notification to this Commission by all persons who are interested in participating in the subsequent hearings to be held under the provisions of subsection (4)(c) of section 15a.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy in the office of the Commission's Secretary and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

APPENDIX

VERIFIED STATEMENTS

Railroad respondents
Institute of Scrap Iron and Steel
Puget Sound Traffic Association
Southern Hardwood Traffic Association and Associated Cooperage Industries of America, Inc., jointly
Western Wood Products Association, California Redwood Association, Western Wood Preservers Institute, and Western Plywood Manufacturers' Traffic Conference, jointly
Swift & Company and Swift Chemical Company, jointly
Glass Container Manufacturers Institute, Inc.

STATEMENT OF VIEWS

The National Industrial Traffic League
Carolina Power & Light Company, Duke Power Company, South Carolina Electric & Gas Company, and Virginia Electric and Power Company, jointly
Consumers Power Company
General Mills, Inc.
Producers Grain Corporation
Pacific Northwest Traffic League
Weyerhaeuser Company
California Grape & Tree Fruit League
Monsanto Company
Roberta Simons
Canners League of California

[FR Doc.73-15948 Filed 8-1-73;8:45 am]

[1] The data furnished should be individually by carrier, summarized by district, and nationwide; the methods used to derive the estimates must be reflected, including assumptions used; and all underlying work papers must be made available to the Commission upon request.

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Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Izembek National Wildlife Range, Alaska

The following special regulation is issued and is effective on August 2, 1973.

§ 28.28 Special regulations, public access, use, and recreation: for individual wildlife refuge areas.

ALASKA

IZEMBEK NATIONAL WILDLIFE RANGE

Boats are permitted on the Izembek National Wildlife Range for public access, use, and recreation subject to the following special condition:

(1) The use of water-jet driven boats or boats driven by air propellers, commonly known as air boats, is prohibited.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1973.

ROBERT D. JONES, Jr.,
Refuge Manager.

JULY 13, 1973.

[FR Doc.73-15921 Filed 8-1-73;8:45 am]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on August 2, 1973. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations: migratory game birds: for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Kirwin National Wildlife Refuge, Kansas, is permitted from September 1 through October 30, 1973, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 W 6th Ave., Denver, Colorado 80215.

Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 30, 1973.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kansas.

JULY 26, 1973.

[FR Doc.73-15945 Filed 8-1-73;8:45 am]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on August 2, 1973. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations: migratory game birds: for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Kirwin National Wildlife Refuge, Kansas, is permitted from September 8 through September 16, 1973, inclusive, but only on the area designated by signs as open to hunting. This open area comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 W 6th Ave. Denver, Colorado 80215.

Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of teal ducks subject to the following special condition:

(1) Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 16, 1973.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kansas.

JULY 26, 1973.

[F.R. Doc.73-15944 Filed 8-1-73;8:45 am]

PART 32—HUNTING

Quivira National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on August 2, 1973.

§ 32.12 Special regulations: migratory game birds: for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Quivira National Wildlife Refuge, Kansas, is permitted from September 8 through September 16, 1973, inclusive, but only on the areas designated by signs as open to hunting. Hunting of mourning doves, sora and Virginia rails, and Wilson's snipe is also permitted during the teal season. This open area, comprising 7,990 acres, is delineated on maps available at refuge headquarters, Stafford, Kans., and from the Area Manager, Bureau of Sport Fisheries and Wildlife, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of migratory birds.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 16, 1973.

DAVID E. HEFFERNAN,
Acting Refuge Manager Quivira National Wildlife Refuge, Stafford, Kansas.

JULY 26, 1973.

[FR Doc.73-15920 Filed 8-1-73;8:45 am]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on August 2, 1973. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations: migratory game birds: for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Kirwin National Wildlife Refuge, Kansas, is permitted from September 1 through October 30, 1973, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 W 6th Ave., Denver, Colorado 80215.

Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 30, 1973.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kansas.

JULY 26, 1973.

[FR Doc.73-15910 Filed 8-1-73;8:45 am]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on August 2, 1973. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations: migratory game birds: for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Kirwin National Wildlife Refuge, Kansas, is permitted from September 8 through September 16, 1973, inclusive, but only on the area designated by signs as open to hunting. This open area comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 W 6th Ave., Denver, Colorado 80215.

Hunting shall be in accordance with applicable State and Federal regulations covering the hunting or teal ducks subject to the following special condition:

(1) Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

The Provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 16, 1973.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kansas.

JULY 26, 1973.

[FR Doc.73-15911 Filed 8-1-73;8:45 am]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1050]

MILK IN THE CENTRAL ILLINOIS MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Central Illinois marketing area is being considered for the month of August 1973.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, not later than 5 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

In § 1050.61(a) the term "route disposition" as it first appears, and the term "route" as it subsequently appears twice therein.

Statement of consideration. The proposed suspension would remove the limit on the categories of Class I disposition in Federal order marketing areas that shall be counted in the determination of whether a distributing plant has a greater volume of Class I sales in the Central Illinois marketing area than in any other Federal order marketing area. For distributing plants, which meet the minimum pooling provisions under more than one order, full regulation is provided under the order for the market where the greatest volume of Class I sales is made. Under the Central Illinois order, only Class I route disposition is now counted in such determination. The proposed suspension would include, additionally, Class I disposition to other plants in the respective marketing areas, as is provided under the Quad Cities-Dubuque order.

Mississippi Valley Milk Producers Association, Inc., requests the suspension action to facilitate continued regulation of the Borden, Inc., Pekin, Illinois, distributing plant under the Central Illinois order rather than its being pooled under the Quad Cities-Dubuque order in August 1973. This producer association, which supplies the Pekin plant with member producer milk, states that over one-third of the Class I disposition pooled under the Central Illinois order is associated with the Pekin plant. The association contends that if the plant shifts regulation to the Quad Cities market the change in Class I utilization percentages between the markets would result in a substantial reduction of the uniform price under the Central Illinois order and a substantial increase in the uniform price under the Quad Cities-Dubuque order. Consequently, it would have a disruptive impact on the milk procurement situation between the markets, as it is influenced by the relationship of uniform prices under the orders.

Also, the association states that if the Pekin plant were pooled under the Quad Cities order it would adversely affect the association's ability to continue supplying milk to the plant, since substantial additional hauling costs are incurred in moving its member milk to the Pekin location compared to plants located within the Quad Cities market, which are about 100 miles nearer to its member producers' farms. The Quad Cities order prices applicable at the Pekin plant location are the same as for plants within 70 miles of Rock Island, Illinois (one of the Quad Cities).

Signed at Washington, D.C., on July 30, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-15909 Filed 8-1-73;8:45 am]

Commodity Exchange Authority

[17 CFR Part 1]

SCHEDULE OF REGISTRATION FEES

Proposed Increase

Notice is hereby given that the Secretary of Agriculture under the authority contained in section 8a(4) of the Commodity Exchange Act (7 U.S.C. 12a) is considering amending § 1.11 of the general regulations under the Commodity Exchange Act to provide for a schedule of registration fees as follows:

For each application for registration, or renewal thereof, as futures commission merchant, $200 plus a fee of $6 for each domestic branch office and for each correspondent or agent, operating within the United States, authorized to solicit or accept orders for the purchase or sale of any commodity for future delivery on behalf of the applicant.

For each application for registration, or renewal thereof, as floor broker, $20.

As so amended, § 1.11 would read as follows:

§ 1.11 Registration fees; form of remittance.

Each application for registration, or renewal thereof, as futures commission merchant shall be accompanied by a fee of $200, plus a fee of $6 for each domestic branch office and for each correspondent or agent, operating within the United States, authorized to solicit or accept orders for the purchase or sale of any commodity for future delivery on behalf of the applicant. Each application for registration, or renewal thereof, as floor broker, shall be accompanied by a fee of $20. Fees shall be remitted by money order, bank draft, or check, payable to The Commodity Exchange Authority, USDA. Applications and fees shall be forwarded to the nearest regional office of The Commodity Exchange Authority, United States Department of Agriculture.

The last previous increase in registration fees with respect to futures commission merchants was effective with registration for the calendar year 1959 when the application fee was increased from $25 to $30 and the duplicate registration certificate fee (for each branch office and correspondent and agent) was raised from $2 to $5. The only previous increase in registration fees in the case of floor brokers was from $10 to $15 effective with registration for the calendar year 1956.

Registration costs have increased substantially in recent years, both as a result of ordinary inflationary factors and as a result of amendments to the Commodity Exchange Act in 1968 prescribing minimum financial requirements for futures commission merchants and authorizing fitness checks for futures commission merchants and floor brokers. Fees collected for the fiscal year 1973 amount to approximately $21,800 for futures commission merchants and $20,700 for floor brokers whereas costs for the same period are estimated to be $70,000 and $29,000, respectively. The proposed increase in fees is designed to recover the increased costs and conform to the view of Congress as expressed in the Independent Offices Appropriation Act, 1952, that Federal agencies should recover the cost of special services (including registration) to the fullest extent possible. Registration fees are deposited in the Treasury as general receipts and are not available for expenditure by the Department of Agriculture.

The proposed increase in fees would become effective for anyone applying for, or renewing, registration for the calendar year 1974.

All persons who desire to submit written data, facts or arguments for consideration in connection with the proposed amendment should file the same with the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington, D.C. 20250 not later than September 30, 1973.

Issued July 27, 1973.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.73-15967 Filed 8-1-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19795; FCC 73-805]

FM BROADCAST STATIONS IN RAPID CITY, SOUTH DAKOTA

Proposed Table of Assignments

In the matter of amendment of section 73.202(b), *Table of assignments,* FM Broadcast Stations. (Rapid City, South Dakota), Docket No. 19795, RM-2014.

1. The Commission has before it for consideration the above-captioned petition for rule making filed on July 17, 1972, by James E. Taylor, the licensee of AM Station KIMM, Rapid City, South Dakota, who requests the amendment of § 73.202(b) of the Commission's rules to allow the assignment of Class C FM Channel 262 to Rapid City, South Dakota.

2. Rapid City has a population of 43,836 and is the seat of Pennington County, population 59,349 (1970 Census). Two FM channels (both Class C and both occupied) are presently assigned to Rapid City. The community has four AM stations—two full-time, and two daytime-only. One of the daytime-only stations operates in conjunction with an FM station. Petitioner, who is the licensee of the other daytime-only AM station, states that if Channel 262 is assigned to Rapid City he will apply for its use using maximum facilities.

3. Petitioner contends that Rapid City is one of the fastest growing cities in South Dakota and large enough to support an additional Class C FM facility. He notes that because Rapid City is in a busy tourist and convention area and is the home of numerous colleges, its population is substantially higher than the Census indicates.[1] Petitioner states that the official figures also do not include the 14,000 persons who live on Ellsworth Air Force Base (located 7 miles east of Rapid City). Further, he mentions that Rapid City serves the surrounding agricultural community, that it is in the midst of a period of industrial development, and that retail sales in 1971 were over $150,000,000. Petitioner adds that the proposed assignment of another FM facility would be helpful in providing additional communications during local natural disasters.

4. The preclusion study submitted by petitioner indicates that the proposed assignment of Channel 262 to Rapid City would prohibit future assignments on seven channels. However, Rapid City's location in the sparsely populated southwestern section of South Dakota permits a number of other FM channels to be assigned to the communities located within the precluded areas. Most of these communities have populations that are less than 5,000. Those having more than 5,000 already have FM assignments.

5. We believe that petitioner has made a sufficient public interest showing to warrant exploring the possibility of making the proposed assignment of an additional Class C FM channel to Rapid City. However, since the request is for a third FM assignment to a community of 43,836 persons, which exceeds the FM guidelines, the petitioner should submit a showing as to whether its expected operation would provide a first and a second FM service to any portion of its coverage area and the population that would reside therein. The showing should be made according to the Roanoke Rapids-Goldsboro, N.C. criteria (8 FCC 2d 672 (1967)).

6. Pursuant to the authority contained in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, we invite comments from all interested persons on the proposal to amend the FM Table of Assignment as follows:

City	Channel No.	
	Present	Proposed
Rapid City, S. Dak.	230, 250	230, 250, 262

7. *Showings required.* Comments are invited on the proposal discussed above. Proponent will be expected to answer whatever questions are raised in the Notice and other questions that may be presented in initial comments. The proponent of the proposed assignment is expected to file comments even if he only submits or incorporates by reference his former pleading. He should also restate his present intention to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

8. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before September 7, 1973, and reply comments on or before September 17, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

10. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other document shall be furnished the Commission.

11. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW.)

Adopted: July 26, 1973.

Released: July 31, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-15927 Filed 8-1-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 18]

SOUR CREAM AND RELATED PRODUCTS

Proposal To Establish Definitions and Standards of Identity

1. Notice is given that a petition has been filed by the Milk Industry Foundation, 910 17th St., NW, Washington, DC 20006, proposing establishment of definitions and standards of identity for the products: sour cream, sour half-and-half, acidified sour cream, and acidified sour half-and-half. The latter two products would differ from the former two in that the souring would be accomplished through direct acidification with food grade acids, rather than by the traditional method of culturing with lactic acid producing bacteria.

Grounds given in support of the proposal are that there is diversity in the regulations of the various states as to the names given to these products and the minimum fat content required; and that establishment of Federal standards of identity would assist in bringing about uniformity, thereby reducing consumer

[1] It is our understanding that for census purposes college students have been considered residents of the communities in which they were residing while attending college. Petitioner should address himself to this issue in his comments.

[2] Commissioner H. Rex Lee absent.

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confusion and making possible more efficient interstate distribution of the foods.

The petitioner, the Milk Industry Foundation, proposes that 4 new sections be added to Part 18 as follows:

Section 18.550 Sour cream, soured cream or cultured sour cream; identity; label statement of ingredients. (a) Sour Cream, Soured Cream or Cultured Sour Cream is the fluid or semifluid food resulting from the culturing by lactic acid producing bacteria and/or similar culture(s) of pasteurized cream and/or other pasteurized dairy ingredients, and which contains not less than 18 percent milkfat, nor less than 0.2 percent acidity calculated as lactic acid, and may contain one or more of the optional ingredients specified in paragraph (b) of this section.

(b) Optional ingredients: The optional ingredients referred to in paragraph (a) of this section consist of suitable substances which are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act, or if they are food additives as therein defined, they are used in conformity with regulations established pursuant to section 409 of the act. Optional ingredients that perform a useful function are regarded as suitable, when used in a quantity not greater than is reasonably required to accomplish their intended effect.

(c) Ingredient declaration: The common or usual name of each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 1 of this chapter, except that:

(1) Cream, plastic cream, and dried cream may be declared as "cream".

(2) Milk, concentrated milk, dried milk and reconstituted milk prepared by addition of water to concentrated milk or dried milk may be declared as "milk".

(3) Skim milk, concentrated skim milk, nonfat dry milk, and reconstituted skim milk prepared by the addition of water to concetrated skim milk or nonfat dry milk may be declared as "skim milk".

(4) Cheese whey, concentrated cheese whey and dried cheese whey may be declared as "whey".

(5) Bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "cultured cream".

(6) Milk-clotting enzymes may be declared by the word "enzymes".

The declaration of the ingredients as set forth in this paragraph shall appear in letters not less than one-half the size of that required by § 1.8b of this chapter for the declaration of net quantity of contents, but in no case less than one-sixteenth of an inch.

Section 18.555 Acidified sour cream or acidified soured cream; identity; label statement of ingredients. (a) Acidified Sour Cream or Acidified Soured Cream conforms to the definition and standard of identity for Sour Cream (§ 18.550); except that in lieu of culturing the pasteurized cream and/or other pasteurized dairy ingredients by lactic acid producing bacteria and/or similar culture, safe and suitable food grade acidifying agent(s) is (are) used, with or without lactic acid producing bacteria and/or similar culture(s).

(b) Ingredient declaration. The label shall bear an ingredient declaration which complies with the provisions of § 18.550(c).

(c) In declaring the name of the food, the word "Acidified" shall appear in letters not less than one-half of the heights of the letters used in the words "Sour Cream" or "Soured Cream".

Section 18.560 Sour half-and-half, soured half-and-half or cultured sour half-and-half; identity; label statement of ingredients. (a) Sour Half-and-Half, Soured Half-and-Half or Cultured Sour Half-and-Half conforms to the definition and standard of identity for Sour Cream (§ 18.550); except that it shall contain not less than 10.5 percent milkfat.

(b) Ingredient declaration: The label shall bear an ingredient declaration which complies with the applicable provisions of § 18.550.

Section 18.565 Acidified sour half-and-half or acidified soured half-and-half; identity; label statement of ingredients. (a) Acidified Sour Half-and-Half or Acidified Soured Half-and-Half conforms to the definition and standard of identity for Acidified Sour Cream (§18.555); except that it shall contain not less than 10.5 percent milkfat.

(b) Ingredient declaration: The label shall bear an ingredient declaration which complies with the applicable provisions of § 18.555.

2. The Commissioner of Food and Drug concurs that identity standards for sour cream and related products are desirable, and that in naming these products a distinction should be made between sour cream produced by the conventional method (culturing with lactic acid producing bacteria) and acidified sour cream (produced by direct addition of food grade acid to cream). However, the petitioner's proposal, while specifying minimum milkfat percentages, does not require that sour cream must be made from cream; but would permit use of butter, butter oil, and anhydrous milkfat as fat sources; and of whey solids, sodium caseinate, soy protein, or other safe and suitable ingredients to partially or completely replace the nonfat milk solids portion of cream. The Commissioner of Food and Drugs is of the opinion that the name "sour cream" unqualified should be reserved for the product made from cream, and proposes that a similar product not fabricated solely from cream and safe and suitable functional ingredients should be called a "sour cream dressing". The Commissioner recognizes the usefulness of functional additives to improve the texture and keeping quality of sour cream, and to prevent syneresis or the separation of serum from the product, and he therefore proposes that safe and suitable ingredients to accomplish these functions be permitted. Inasmuch as the proposed identity standards for half-and-half, light cream, light whipping cream, and heavy cream (37 FR 18392, September 9, 1972) would provide for optional use of nutritive sweeteners and characterizing flavoring, the Commissioner proposes that the identity standards for sour cream and related products also provide for such optional ingredients. He also proposes that addition of rennet, an enzyme that has a long history of use as an aid in coagulating sour cream, be permitted.

Further, the Commissioner is of the opinion that an acidity of 0.20 percent (expressed as lactic acid) is not sufficient to characterize these cultured and direct acidified products, and he proposes instead a minimum acidity of 0.50 percent.

A proposed amendment of 21 CFR 10.1 to define "safe and suitable" ingredients was published in the FEDERAL REGISTER of April 26, 1973 (38 FR 10277). Definitions for the terms "pasteurized" and "cream" used in the following proposal are given in the definitions sections proposed for Part 18 (37 FR 18392, September 9, 1972). The proposed definition for "cream" provides that cream may have been adjusted by adding thereto milk, concentrated milk, dried milk, skim milk, concentrated skim milk, or nonfat dry milk. Label declaration of such ingredients, when used to adjust the milk solids level of the finished food, would not be required.

Accordingly, as an alternative to the petitioner's proposal, the Commissioner, on his own initiative, proposes that six new sections be added to Part 18.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 18 be amended by adding six new sections to read as follows:

§ 18.550 Sour Cream; identity.

(a) *Description.* Sour cream results from the souring, by lactic acid producing bacteria, of pasteurized cream. Sour cream contains not less than 18 percent milkfat, and has a titratable acidity of not less than 0.50 percent, calculated as lactic acid.

(b) *Optional ingredients.* (1) Safe and suitable ingredients that improve texture, prevent syneresis, or extend the shelf life of the product, in amounts not greater than necessary to accomplish their intended effect.

(2) Rennet.

(3) Safe and suitable dry nutritive sweeteners.

(4) Salt.

(5) Flavoring ingredients (with or without safe and suitable coloring) as follows:

(i) Fruit and fruit juice (including concentrated fruit and fruit juice).

(ii) Safe and suitable natural and artificial food flavoring.

(c) *Method of analysis.* Referenced methods in subparagraph (1) and (2) of this paragraph are from "Official Methods of Analysis of the Association of Official Analytical Chemists", 11th Ed., 1970.[1]

(1) Milkfat content—"Fat—Official Final Action", § 16.129.

(2) Titratable acidity—"Acidity—Official Final Action", § 16.022.

(d) *Nomenclature.* The name of the food is "Sour cream" or alternatively "Cultured sour cream". The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any flavoring that characterizes the product, as specified in § 1.12 of this chapter. If nutritive sweetener in an amount sufficient to characterize the food is added without addition of characterizing flavoring, the name of the food shall be preceded by the word "sweetened".

[1] Copies may be obtained from: Association of Official Analytical Chemists P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

(e) *Label declaration.* The common or usual name of each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 1 of this chapter, except that bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "cultured cream".

§ 18.555 Acidified sour cream; identity.

(a) *Description.* Acidified sour cream results from the souring of pasteurized cream with safe and suitable acidifiers, with or without addition of lactic acid producing bacteria. Acidified sour cream contains not less than 18 percent milkfat, and has a titratable acidity of not less than 0.50 percent, calculated as lactic acid.

(b) *Optional ingredients.* (1) Safe and suitable ingredients that improve texture, prevent syneresis, or extend the shelf life of the product, in amounts not greater than necessary to accomplish their intended effect.

(2) Rennet.

(3) Safe and suitable nutritive sweeteners.

(4) Salt.

(5) Flavoring ingredients (with or without safe and suitable coloring) as follows:

(i) Fruit and fruit juice (including concentrated fruit and fruit juice).

(ii) Safe and suitable natural and artificial food flavoring.

(c) *Methods of analysis.* As prescribed by § 18.550(c).

(d) *Nomenclature.* The name of the food is "Acidified sour cream". The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any flavoring that characterizes the product, as specified in § 1.12 of this chapter. If nutritive sweetener in an amount sufficient to characterize the food is added without addition of characterizing flavoring, the name of the food shall be preceded by the word "sweetened".

(e) *Label declaration.* As prescribed by § 18.550(e).

§ 18.565 Acidified sour half-and-half; identity.

(a) *Description.* Acidified sour half-and-half results from the souring of pasteurized half-and-half with safe and suitable acidifiers, and with or without addition of lactic acid producing bacteria. Acidified sour half-and-half contains not less than 10.5 percent but less than 18 percent milkfat, and has a titratable acidity of not less than 0.50 percent, calculated as lactic acid.

(b) *Optional ingredients.* As prescribed by § 18.555(b).

(c) *Methods of analysis.* As prescribed by § 18.550(c).

(d) *Nomenclature.* The name of the food is "Acidified sour half-and-half". The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any flavoring that characterizes the product, as specified in § 1.12 of this chapter. If nutritive sweetener in an amount sufficient to characterize the food is added without addition of characterizing flavoring, the name of the food shall be preceded by the word "sweetened".

(e) *Label declaration.* As prescribed by § 18.550(e).

§ 18.570 Sour cream dressing; identity.

(a) *Description.* Sour cream dressing is the food which contains not less than 18 percent milkfat and is made in semblance of sour cream, but does not comply with the standards of identity for either sour cream (§ 18.550) or acidified sour cream (§ 18.555). Sour cream dressing has a titratable acidity of not less than 0.50 percent, calculated as lactic acid. The blend of all ingredients used shall be pasteurized, except that volatile flavoring substances, enzymes, bacterial cultures, and acidifying agents may be added following pasteurization.

(b) *Optional ingredients.* Safe and suitable ingredients may be used in a quantity not greater than is reasonably required to accomplish their intended effect.

(c) *Methods of analysis.* As prescribed by § 18.550(c).

(d) *Nomenclature.* The name of the food is "Sour cream dressing". The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any flavoring that characterizes the product, as specified in § 1.12 of this chapter. If nutritive sweetener in an amount sufficient to characterize the food is added without addition of characterizing flavoring, the name of the food shall be preceded by the word "sweetened".

(e) *Label declaration.* The common or usual name of each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 1 of this chapter, except that:

(1) Bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "cultured cream".

(2) Concentrated skim milk, nonfat dry milk, and reconstituted skim milk prepared by addition of water to concentrated skim milk or nonfat dry milk may be declared as "skim milk".

(3) Concentrated milk, dry whole milk, and reconstituted milk prepared by addition of water to concentrated milk or dry whole milk may be declared as "milk".

(4) Sweet cream buttermilk, concentrated sweet cream buttermilk, and dried sweet cream buttermilk may be declared as "buttermilk".

(5) Cheese whey, concentrated cheese whey, and dried cheese whey may be declared as "whey".

§ 18.575 Sour half-and-half dressing; identity.

(a) *Description.* Sour half-and-half dressing is the food which contains not less than 10.5 percent but less than 18 percent milkfat and is made in semblance of sour half-and-half, but does not comply with the standards of identity for either sour half-and-half (§ 18.560) or acidified sour half-and-half (§ 18.565). Sour half-and-half dressing has a titratable acidity of not less than 0.50 percent, calculated as lactic acid. The blend of all ingredients used shall be pastuerized, except that volatile flavoring substances, enzymes, bacterial cultures, and acidifying agents may be added following pasteurization.

(b) *Optional ingredients.* As prescribed by § 18.570(b).

(c) *Methods of analysis.* As prescribed by § 18.550(c).

(d) *Nomenclature.* The name of the food is "Sour half-and-half dressing". The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any flavoring that characterizes the product, as specified in § 1.12 of this chapter. If nutritive sweetener in an amount sufficient to characterize the food is added without addition of characterizing flavoring, the name of the food shall be preceded by the word "sweetened".

(e) *Label declaration.* As prescribed by § 18.570(e).

Interested persons may, on or before October 1, 1973 file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 20, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-15697 Filed 8-1-73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-46]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW STUDY GROUP ON MARITIME BILLS OF LADING

Notice of Meeting

A meeting of the Maritime Bills of Lading Study Group, a sub-group of the Secretary of State's Advisory Committee on Private International Law, will take place on Friday, August 10, 1973, in room 5519 of the Department of State. The meeting, which will begin at 10:00 a.m., will be open to the public.

The primary purpose of the meeting is to review issues to be considered at the sixth session of the Working Group on this subject established by the United Nations Commission on International Trade Law (UNCITRAL). The study group will give particular attention to the topic of liability for delay. It will also discuss other issues relating to maritime bills of lading, including the scope of application of any revison of the existing conventions in the field and matters relating to the required contents and legal effects of the contract of carriage of goods by sea.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Accordingly, members of the general public who plan to attend the meeting are requested to inform the Chairman of the Advisory Committee of their names and addresses prior to August 10. The mailing address of the Chairman is Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-8134. All non-Government attendees at the meeting should use the C Street entrance to the building.

Dated: July 25, 1973.

ROBERT E. DALTON,
Executive Director.

[FR Doc.73-15918 Filed 8-1-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

POLYMERIZED CHLOROBUTADIENE, COMMONLY KNOWN AS POLYCHLOROPRENE RUBBER, FROM JAPAN

Antidumping; Determination of Sales at Less Than Fair Value

JULY 31, 1973.

Information was received on November 14, 1972, that polymerized chlorobutadiene, commonly known as polychloroprene rubber, from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" was published in the FEDERAL REGISTER of June 14, 1973.

I hereby determine that for the reasons stated below, polymerized chlorobutadiene from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of Reasons On Which This Determination Is Based.

The information before the Bureau of Customs reveals that the proper basis of comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of an f.o.b. port price for exportation to the United States, with deductions for a sales discount, inland freight, insurance, and warehousing and ship loading charges at the port. An addition was made for import duties rebated by reason of the exportation of the merchandise to the United States.

Adjusted home market price was based on a weighted-average delivered customer's premises price, with deductions for a sales discount, inland freight, handling charges, credit costs, labelling costs, a commission, and technical service expenses. Adjustments were made for differences in packing, selling expenses, and advertising costs.

Using the above criteria, purchase price was found to be lower than the adjusted home market price of such or similar merchandise.

The United States Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-16064 Filed 8-1-73;8:45 am]

PRIMARY LEAD METAL FROM AUSTRALIA

Antidumping Withholding of Appraisement Notice

JULY 31, 1973.

Information was received on February 16, 1973, that primary lead metal from Australia was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an Antidumping Proceeding Notice which was published in the FEDERAL REGISTER on March 16, 1973, on page 7130. The Antidumping Proceeding Notice indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of primary lead metal from Australia is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

STATEMENT OF REASONS

The information currently before the Bureau of Customs tends to indicate that there are sufficient sales in the home market to provide an adequate basis of comparison for fair value purposes.

Accordingly, the probable basis of comparison for fair value purposes will be between purchase price and the adjusted home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated on the basis of a c.i.f. price, with deductions for a discount, Australian inland freight, ocean freight, insurance, and a sales commission.

The adjusted home market price will probably be calculated on the basis of a weighted-average of delivered prices in the home market with deductions for freight and insurance. Adjustments will probably be made for selling expenses and packing.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of primary lead metal from Australia in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street, N.W., Washington, D.C. 20229, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the Federal Register. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than September 2, 1973.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-16063 Filed 8-1-73;8:45 am]

RACING PLATES (ALUMINUM HORSESHOES) FROM CANADA

Antidumping; Withholding of Appraisement Notice

JULY 31, 1973.

Information was received on March 8, 1973, that racing plates (aluminum horseshoes) from Canada were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an Antidumping Proceeding Notice which was published in the FEDERAL REGISTER of April 13, 1973, on page 9337. The Antidumping Proceeding Notice indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of racing plates (aluminum horseshoes) from Canada is less, or is likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

STATEMENT OF REASONS

The information before the Bureau of Customs tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and the home market price of such or similar merchandise.

Purchase price will probably be calculated on the United States delivered price with deductions for freight, brokerage charges, and U.S. duty. An addition will probably be made for import duties not collected by reason of exportation of the merchandise to the United States.

Home market price will probably be based on the f.o.b. factory price.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than the home market price.

Customs officers are being directed to withhold appraisement of racing plates (aluminum horseshoes) from Canada in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street, N.W., Washington, D.C. 20229, in time to be received by his office not later than August 12, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than September 2, 1973.

This notice, which is published pursuant to § 153.34(b) Customs Regulations (19 CFR 153.34(b)), shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-16062 Filed 8-1-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD

Notice of Meeting

JULY 26, 1973.

The USAF Scientific Advisory Board Ad Hoc Committee on Electromagnetic Pulse Vulnerability of USAF Manned Systems will hold closed meetings on August 13 and 14, 1973 at Kirtland Air Force Base, New Mexico.

The Committee will receive classified briefings on the Air Force plans for testing aircraft systems on electromagnetic pulse effects.

For further information please contact the Scientific Advisory Board Secretariat at (202) 697-4648.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-15943 Filed 8-1-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Closure of Lands to the Discharge of Firearms

JULY 27, 1973.

Public Notice is hereby given that under the provisions of Part 24 of 43 CFR, and in the interest of public safety, the following described lands, under the jurisdiction of the Bureau of Land Management, are hereby closed effective August 10, 1973, to the discharge of all firearms:

SEWARD MERIDIAN, ALASKA

T. 12 N., R. 3 W.,
Sections 1, 2, 3 and 12: all,
Section 10: N½;
Section 11: N½.
T. 13 N., R. 3 W.,
Sections 34, 35 and 36: all.

The above described lands total 5,120 acres more or less. The lands are located in the Anchorage Borough, State of Alaska, and commonly referred to as the Campbell Airstrip Reserve.

The above described lands receive intensive recreation use, and the continued discharge of firearms constitutes a hazard to the public health and safety.

RICHARD L. THOMPSON,
Acting State Director.

[FR Doc.73-15915 Filed 8-1-73;8:45 am]

[M 25638: Group 545]

MONTANA

Notice of Filing of Plat of Survey

JULY 25, 1973.

1. The plat of survey of an omitted island in the Yellowstone River, described below, accepted May 29, 1973, will be officially filed in this office effective at 10 am, on September 10, 1973.

MONTANA PRINCIPAL MERIDIAN

T. 1 N., R. 13 E.,
Sec. 24, lot 3 (4.54 acres);
Sec. 25, lot 9 (2.98 acres).
T. 1 N., R. 14 E.,
Sec. 19, lot 10 (28.62 acres);
lot 11 (34.39 acres);
Sec. 30, lot 5 (6.63 acres).

2. The character of this island and its location in relation to the original township survey in 1886 indicates its existence when Montana was admitted to the Union.

3. The island was withdrawn by Executive Order dated July 2, 1910, for Power Site Reserve No. 35. The land is not open to the public land laws except for mineral leasing and except for the mining laws as authorized in P.L. 555 dated August 11, 1955 (69 Stat. 681).

4. All inquiries relating to this island should be sent to Chief, Division of Management Services, Bureau of Land Management, Billings, Montana 59101.

LARRY O. KOCH,
Acting Chief, Branch of Records and Data Management.

[FR Doc.73-16026 Filed 8-1-73;8:45 am]

SALT LAKE DISTRICT U-1 & U-2 GRAZING BOARDS

Notice of Meeting

Notice is hereby given that the Grazing District Grazing Boards of District U-1 and U-2 of the Sale Lake District will hold a meeting on August 23, 1973, at 9 a.m., at the Ramada Inn, 1000 South State Street, Salt Lake City, Utah. The meeting will be on a combined basis except for those matters of concern to a single board at which time the boards will hold concurrent sessions. The agenda for the meeting will include Advisory

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Board recommendations on winter grazing applications and section 4115.2-2(b) transfers. The boards will also consider range improvement projects, implementation of matters relating to grazing management contained in the District's completed Management Framework Plans (Rich County, Lakeside-Skull Valley, and West Desert).

The meeting will be open to the public. Time will be available for limited comments by members of the public. Those wishing to make an oral statement should inform the Chairman of either Board prior to the meeting of the Board. Any interested person may file a written statement with the joint Boards for their consideration. The Advisory Board Chairman for U-1 is Norman Weston, and for the U-2 Board it is C. Garnett Player. Written statements may be submitted at the meeting or mailed to either Mr. Weston or Mr. Player, c/o District Manager, Bureau of Land Management, 1750 South Redwood Road, Rm. 214, Salt Lake City, Utah 84104. Further information concerning this meeting may be obtained from the District Manager, Salt Lake District Office, (801) 524-5348. Minutes of the meeting will be available for public inspection 30 days after the meeting at the District Office, 1750 South Redwood Road, Salt Lake City, Utah 84104.

GERALD E. HILLIER,
District Manager, Salt Lake.

[FR Doc.73-15904 Filed 8-1-73;8:45 am]

National Park Service

[Order 80]

EXECUTIVE SECRETARY, ADVISORY COUNCIL ON HISTORIC PRESERVATION

Delegation of Authority

Section 1. *Delegation.* The authority of the Director, National Park Service to serve as the Executive Director of the Advisory Council on Historic Preservation is hereby redelegated to the Executive Secretary, Advisory Council on Historic Preservation.

Section 2. *Redelegation.* The authority delegated in Section 1 of this order may not be redelegated.

Section 3. *Revocation.* This order supersedes National Park Service Order 53 published October 19, 1968 (33 FR 15562) and National Park Service Order 74 published April 15, 1972 (37 FR 7534).

(80 Stat. 919; 16 U.S.C. 470m)

Dated: July 27, 1973.

RONALD H. WALKER,
Director, National Park Service.

[FR Doc.73-15875 Filed 8-1-73;8:45 am]

JACKSON HOLE AIRPORT, GRAND TETON NATIONAL PARK, WYO.

Public Hearing Regarding Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement concerning possible actions under consideration related to the Jackson Hole Airport within Grand Teton National Park, Wyoming.

Under consideration is provision for jet carrier service, increasing the passenger carrying capability of present turboprop aircraft serving the facility, and general aviation safety. These actions involve extension of an existing 6,305-foot runway to 8,000 feet, construction of a parallel 8,000-foot taxiway, additional parking aprons, additional car parking, an improved access road, a new sewage system, and miscellaneous minor improvements. Interrelated projects include an instrument landing system, a runway lighting system, and an air traffic control tower.

Notice is hereby given in accordance with the Department of the Interior's policy and procedures as outlined in Department Manual Part 516.2 that public hearings will be held for the purpose of receiving comments and suggestions on the draft environmental impact statement.

A public hearing will be held beginning at 10 am on Sept. 11, 1973, at the Virginian Motel, Highway 89 West, Jackson, Wyoming.

Copies of the draft environmental statement which discusses the social, economic and ecological effects of the proposal and alternatives to the proposal may be obtained from Director, National Park Service, Washington, D.C. 20240, the Superintendent, Grand Teton National Park, Moose, Wyoming 83012, or from the Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer in care of the Superintendent, Grand Teton National Park, P.O. Box 67, Moose, Wyoming 83012, no later than two days in advance of the date announced for the hearing, of their desire to appear. Those not wishing to appear in person may submit written statements on the draft environmental impact statement to the Hearing Officer at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing. Any questions should be directed to the Superintendent, Grand Teton National Park, at the above address.

Oral statements will be limited to a period of 15 minutes. In the event the number of persons desiring to testify warrants, the hearing officer, at his discretion, may further limit the time for oral presentation. These time limitations require that the oral presentation be restricted to one person speaking on behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the draft environmental impact statement by a representative of the National Park Service, the Hearing Officer insofar as possible will adhere to the following order in calling for the presentation of oral statements:

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the counties in which the proposed airport improvements are located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

Dated: July 31, 1973.

RONALD H. WALKER,
Director, National Park Service.

[FR Doc.73-15929 Filed 8-1-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

MIGUEL DISTRICT GRAZING ADVISORY BOARD; NORTH END DISTRICT GRAZING ADVISORY BOARD

Notice of Meeting

The Miguel district grazing advisory board and North End district grazing advisory board will hold a joint meeting beginning at 9:00 a.m. August 7, 1973, at the Junction of the Love Mesa Road and the North Divide Road. (Section 29, T. 49 W., R. 15 W., N.M.P.M.)

The purpose of the meeting is to discuss the proposal to combine the range management of the Hereford Cattle and Horse allotment and the Love Mesa Cattle and Horse allotment into one unit. The meeting will consist of horseback riding the Love Mesa allotment August 7th, staying overnight at permittee Calhoun's cow camp on August 7th, and horseback riding the Hereford Allotment August 8th.

The meeting will be open to the public. Persons who wish to attend should notify: District Ranger Edward Heist, 101 North Uncompahgre Street, Montrose, Colorado 81401; Telephone number 249-3711. Written statements concerning the proposal may be filed with the boards before or after the meeting.

The boards have established the following rules for public participation:

1. Furnish own transportation to and from meeting place. This includes horse, riding tack and vehicles to transport self and horse.

2. Furnish own food, bedroll and other subsistence as desired for the entire trip.

JOHN T. MINOW,
Forest Supervisor.

JULY 26, 1973.

[FR Doc.73-15912 Filed 8-1-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Contraceptives and Other Vaginal Drug Products.	Aug. 2, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 11 a.m., closed after 11 a.m. Armond M. Welch, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Advises the Commissioner of Food and Drugs on the safety and effectiveness of currently marketed nonprescription-drug products for human use containing contraceptives or other vaginal drug products; reviews and evaluates available data on these products, the adequacy of their labeling; advises on the promulgation of monographs establishing conditions under which these over-the-counter drug products are generally recognized as safe and effective and not misbranded; and serves as a forum for the exchange of views regarding the prescription and nonprescription status of these various active ingredients and combinations thereof.

Agenda. Orientation of members; discussion of legal and scientific aspects and formulation of plans and procedures for future meetings.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Laxative, Antidiarrheal, Emetic, and Antiemetic Drugs.	Aug. 3 and 4, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. John T. McElroy (BD-109), Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription-drug products containing laxatives, antidiarrheal, emetic, and antiemetic agents.

Agenda. Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
3. FDA/NIMH Drug Abuse Advisory Committee.	Aug. 9, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to noon, closed after noon, Edward C. Tocus, Ph.D., Room 10B-18, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3870.

Purpose. Advises FDA on action to be taken on Notices of Claimed Investigational New Drugs for substances with abuse potential and advises NIMH on supplies of substances for clinical studies, on requests for quantities of substances for studies, and on requests for any amount of substances which involve protocols containing unique problems.

Agenda. Review of Committee functions; abuse potential of drugs; actions taken on Committee advice; and review of research protocols.

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on Review of Dentifrices and Dental Care Agents.	Aug. 15 and 16, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Aug. 15, 9 a.m., to 10 a.m., closed Aug. 15 after 10 a.m., closed Aug. 16. Michael D. Kenedy, Room 10-B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription-drug products containing dentifrices and dental care agents.

Agenda. Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
5. Panel on Review of Antimicrobial Agents.	Aug. 30 and 31, Sept. 1, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Aug. 30, 9 a.m. to 10 a.m., closed Aug. 30 after 10 a.m., closed Aug. 31 and Sept. 1. Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currenty marketed nonprescription-drugs containing antimicrobial agents.

Agenda. Continuing review of over-the-counter drug products under investigation.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee.

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The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which non-confidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15940 Filed 8-1-73;8:45 am]

[FAP 3B2890]

MONSANTO CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2890) has been filed by Monsanto Co., 1800 N. Lindbergh Blvd., St. Louis, MO 63166, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of polyamine-epichlorohydrin resin prepared by reacting hexamethylenediamine with 1,2-dichloroethane to form a prepolymer and further reacting this prepolymer with epichlorohydrine. The resulting resin optionally may be modified with nitrilotris (methylenephosphonic acid), pentasodium salt. The resin is to be used as a component of paper and paperboard in contact with foods.

Dated: July 25, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-15941 Filed 8-1-73;8:45 am]

[FAP 2A2794]

OLIN CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Olin Corp., 120 Long Ridge Rd., Stamford, CT 06904, has withdrawn its petition (FAP 2A2794), notice of which was published in the FEDERAL REGISTER of June 13, 1972 (37 FR 11739), proposing that § 121.1091 *Chemicals used in washing or to assist in the lye peeling of fruits and vegetables* (21 CFR 121.1091) be amended in paragraph (a)(2) to provide for the safe use of calcium hypochlorite in washing fruits and vegetables.

Dated: July 25, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-15942 Filed 8-1-73;8:45 am]

Office of Education

TASK FORCE ON EDUCATION AND TRAINING FOR MINORITY BUSINESS ENTERPRISE

Notice of Public Meeting

JULY 18, 1973.

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the Task Force on Education and Training for Minority Business Enterprise will be held on August 9, 1973, 2 p.m. to 7 p.m. and August 10, 1973, 9 a.m. to 4 p.m., local time, at the Loew's L'Enfant Plaza Hotel, 9th and Independence Avenue, SW., Washington, D.C., 20024.

The Task Force on Education and Training for Minority Business Enterprise is authorized under the authority of Executive Order 11625, dated October 13, 1971, and specifically established through a Statement of Formal Determination by the Secretary of Health, Education, and Welfare, January 12, 1972. This Task Force is established to advise the Secretary of Health, Education, and Welfare and the Secretary of Commerce with respect to the entire range of problems associated with the education and training needs of the actual and potential minority entrepreneur and will make recommendations as to the legislative and programmatic action calculated to ameliorate the problems so identified.

The agenda of the meeting is structured primarily to give the public members of the Task Force and Government representatives the opportunity to react and make suggestions for modifications to a draft of the Final Report of the Task Force on Education and Training for Minority Business Enterprise prior to submission to the Secretary of Health, Education, and Welfare, and the Secretary of Commerce.

Because of limited space for the meetings, persons who are not public members of the Task Force who wish to attend should call for reservations at telephone number 963-7135.

ROBERT M. WORTHINGTON,
Associate Commissioner for Adult, Vocational, Technical and Manpower Education and Chairman, Task Force on Education and Training for Minority Business Enterprise.

[FR Doc.73-15917 Filed 8-1-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO.

Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the proposed Trojan Nuclear Plant, currently under construction, and the proposed issuance of an operating license to the Portland General Electric Company, in Columbia County, Oregon is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Law Library, Columbia County Courthouse, Circuit Court Room, St. Helens, Oregon 97501. The Final Environmental Statement is also being made available at the Federal Aid Coordination Section, Local Government Relations Division, Executive Department, 301 Public Service Building, Salem, Oregon 97310 and at the Columbia Region Association of Governments, 6400 SW. Canyon Court, Portland, Oregon 97204.

The notice of availability of the Draft Environmental Statement for the Trojan Nuclear Plant, and requests for comments from interested persons was published in the FEDERAL REGISTER on January 3, 1973, 38 FR 73. The comments received from Federal, State and local officials and interested members of the public have been included as appendices to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 30th day of July 1973.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1 Directorate of Licensing.

[FR Doc.73-15923 Filed 8-1-73;8:45 am]

[Docket Nos. 50-445 and 50-446]

TEXAS UTILITIES GENERATING CO. ET AL.

Notice of Hearing on Application for Construction Permits

In the matter of TEXAS UTILITIES GENERATING COMPANY, DALLAS POWER AND LIGHT COMPANY, TEXAS ELECTRIC SERVICE COMPANY, AND TEXAS POWER AND LIGHT COMPANY (Comanche Peak Steam Electric Station, Units 1 and 2.)

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Texas Utilities Generating Company, Dallas Power and Light Company, Texas Electric Service Company, and Texas Power and Light Company (the applicants), for construction permits for two pressurized water nuclear reactors designated as the Comanche Peak Steam Electric Station, Units 1 and 2 (the facilities), each of which is designed for initial operation at approximately 3411 thermal megawatts with a net electrical output of approximately 1159 megawatts. The proposed facilities are to be located on the applicants' site in Somervell County, Texas, approximately 4½ miles north of Glen Rose, Texas, and approximately 40 miles southwest of Fort Worth in North Central Texas. The hearing will be scheduled to begin in the vicinity of the site of the proposed facilities.

The hearing will be conducted by an Atomic Safety and Licensing Board which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Lester Kornblith, Jr., Dr. William E. Martin, Jr., and Robert M. Lazo, Esq., Chairman. Dr. Hugh C. Paxton has been designated as a technically qualified alternate, and Charles A. Haskins, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review, and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicants:

Issues Pursuant to the Atomic Energy Act of 1954, as Amended.

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicants have described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, and will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicants are technically qualified to design and construct the proposed facilities;

3. Whether the applicants are financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

Issue Pursuant to National Environmental Policy Act of 1969 (NEPA).

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1-5 above as a basis for determining whether the construction permits should be issued to the applicants.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held at such times as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a. Notice of the special prehearing conference will be published in the FEDERAL REGISTER.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference, after discovery has been completed, or within such other time as may be appropriate, at a time and place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

With respect to the Commissions' responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102(2)(C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits dated June 5, 1973, and amendments thereto, and the applicants' Environmental Report dated June 5, 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents will also be made available at the Somervell County Public Library, On the Square, P.O. Box 417, Glen Rose, Texas 76043, for inspection by members of the public between the hours of 2:00 p.m. and 5:00 p.m. on Mondays and Wednesdays and 11:00 a.m. and 3:00 p.m. on Saturdays. As they become available, a copy of the safety evaluation by the Commision's Directorate of Licensing, the Commission's draft and final detailed statements

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on environmental considerations, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, other relevant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation and the Commission's final detailed statement on environmental considerations, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than September 4, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any other which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., not later than September 4, 1973. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicants to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicants not later than August 22, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Mr. Troy B. Conner, Jr., Conner & Knotts, 1747 Pennsylvania Avenue, NW, Washington, D.C. 20006, attorney for the applicants.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Germantown, Maryland this 30th day of July, 1973.

UNITED STATES ATOMIC ENERGY COMMISSION
GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-16047 Filed 8-1-73;8:45 a.m.]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements

Environmental impact statements received by the Council on Environmental Quality from July 23 through July 27, 1973.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly
Office of the Secretary
Washington, D.C. 20250
(202) 447-7803
Forest Service

Draft	*Date*
Rangeland Enhancement, California	07/25

California
County: Several
The statement refers to a program of plant control and revegetation which is intended to enhance rangeland on National Forest lands in California. Plants which are controlled include sagebrush, perennial bunchgrass, and mountain meadow vegetative types. Methods include the use of mechanical equipment, herbicides, water spreading, prescribed burning, and hand labor. Land potentially suitable for treatment includes 170,000 acres. Adverse impact will be to air, soil, and water qualities; livestock will be kept from treated areas for one to three years after treatment; wildlife which could be significantly affected include deer, antelope, and sage grouse.
(ELR ORDER # 31237) (NTIS ORDER # EIS 73 1237D)

Ten Year Timber Management Plan, Flathead N.F.	07/25

Montana
County: Several
The statement refers to a proposed ten year timber management plan for the Flathead National Forest. The Forest totals 2,355,366 acres, of which 942,339 acres are considered to be in the timber growing land base. There will be construction of forest roads, skid trails, firelines, and log landings. Adverse impact will be to water quality, aesthetics, wildlife habitat, and vegetative succession. (74 pages)
(ELR ORDER # 31235) (NTIS ORDER # EIS 73 1235D)

Sagebrush and Wyethia, Nevada	07/25

Nevada
The statement refers to a proposed program of herbicide spraying on 5,000 acres of National Forest lands annually, in order to control sagebrush and wyethia. The agent to be used is 2,4–D. Adverse impact will occur from the introduction of the chemical to air and water. Non-target plant species will be affected; the loss of habitat will have greatest effect upon sage grouse, deer (winter range), and antelope (winter range). (86 pages)
(ELR ORDER # 21238) (NTIS ORDER # EIS 73 1238D)

Draft	*Date*
Pinyon Juniper Chaining Program, Nevada	07/25

Nevada
The statement refers to the proposed control of pinyon-juniper growth on 4,000 to 5,000 acres of National Forest land annually, by the mechanical process of chaining. Adverse impact will be primarily esthetic; some wildlife species will be affected by loss of habitat. (80 pages)
(ELR ORDER # 31238) (NTIS ORDER # EIS 73 1236D)

Final	*Date*
Herbicide Use, Oregon National Forests	07/25

Oregon
The statement refers to the proposed use of the herbicides Amitrole, Dicamba, 2,4,5-T,2,4-D, Silvex, and Picloram on the Deschutes, Fremont, Ochoco and Winema National Forests. The purposes of the action include the control of vegetation which interferes with crop trees, is poisonous to livestock, or is classified as noxious on agricultural land. Additional purposes are the improvement of wildlife habitat and the reduction of rodent populations. The use of these chemicals will put herbicide residues into the environment in varying amounts; non-target species will be hit. Very little is known about what effect these herbicides will have on the plant and wildlife community. (approx. 350 pages)

COMMENTS MADE BY: DOI, DOT, COE, HUD, HEW, USDA state and regional agencies, and concerned citizens.

(ELR ORDER # 31240) (NTIS ORDER # EIS 73 1240F)

SOIL CONSERVATION SERVICE

Final	*Date*
Burnt Creek RC & D Measure	07/23

North Dakota
County: Burleigh
The project is intended to reduce flooding on 2,500 acres of agricultural land. Project features include a floodwater diversion, dikes, a grade control structure, a diversion structure, and an inverted siphon. Two and one half acres of woody habitat will be destroyed. (42 pages)

COMMENTS MADE BY: EPA, COE, DOI State agencies.

(ELR ORDER No. 31219) (NTIS ORDER No. EIS 73 1219F)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X Kelly
Director, Office of Public Affairs
Attn: DAEN–PAP
Office of the Chief of Engineers
U.S. Army Corps of Engineers
1000 Independence Avenue, S.W.
Washington, D.C. 20314
(202) 693–7168

Draft	*Date*
Las Tunas Beach Park, Erosion Project	07/20

California
County: Los Angeles
The statement refers to a proposed beach erosion control project. Project measures include the construction of two rubblemound groins and the deposit of 200,000 cu. yds of fill. There will be adverse impact to marine biota. (Los Angeles District) (45 pages)
(ELR ORDER No. 31205) (NTIS ORDER No. EIS 73 1205D)

Dry Creek Lake, Russian River Basin	07/20

California
County: Sonoma
The statement refers to the proposed construction of the Dry Creek Lake and Channel, Russian River Basin Project, known locally as the Warm Springs Dam and Lake Sonoma Project. Project measures include a 319 feet high earthfill dam on Dry Creek, a 381,000 acre-feet reservoir, recreation facilities, a fish hatchery, and channel improvements on Dry Creek. A total of 17,650 acres of land will be acquired for the project. The project will result in the displacement of residents; increased economic activity; the loss of wildlife habitat and displacement of wildlife; and the loss of archeological sites, among other effects. (San Francisco District)
(ELR ORDER No. 31207) (NTIS ORDER No. EIS 73 1207D)

St. Joseph's Bay	07/19

Florida
The statement refers to the maintenance dredging of the entrance channel and inner harbor channels in St. Joseph Bay. Spoil will be placed in diked areas on land. Adverse impact will be to marine biota. (26 pages)
(ELR ORDER No. 31202) (NTIS ORDER No. EIS 73 1202D)

Central and Southern Florida Flood Control	07/20

Florida
The statement refers to proposed modifications to the Central and Southern Florida Flood Control Project, in order to provide flood protection for a rapidly urbanizing 38 square mile area. Project measures include the removing of 683,000 cu. yds. of material from Canal 17, and the enlarging of Structure 44. There will be a more rapid discharge of nutrient-rich fresh water to Lake Worth during flood periods. (Jacksonville District) (33 pages)
(ELR ORDER # 31211) (NTIS ORDER # EIS 73 1211D)

Local Protection Project, Bettendorf	07/24

Iowa
County: Scott
The statement refers to a local flood protection project for the City of Bettendorf. Project measures will include 3 miles of earthen levee and 400 feet of concrete "I" wall. Adverse impact will include the loss of 20 acres of farm land, 10 acres of bottomland vegetation, 5.8 acres of riverbottom aquatic habitat, the disruption of the river view for 12 residences, and increased river turbidity during construction. (Rock Island District) (29 pages)
(ELR ORDER # 31227) (NTIS ORDER # EIS 73 1227D)

Red River Lake	07/20

Kentucky
The statement refers to a proposed multi-purpose project for flood control, water supply, and recreation at mile 42.3 of the Red River. Total project land requirement is 5,775 acres, one fourth of which will be from the Daniel Boone National Forest. Inundation will include 1,546 acres of land and 15 miles of free-flowing stream. (Louisville District) (106 pages)
(ELR ORDER # 31209) (NTIS ORDER # EIS 73 1209D)

Pascagoula Harbor	07/19

Mississippi
The statement refers to the continuation of routine maintenance dredging of the harbor and nearby channels. Adverse impact will include the loss of marine biota, an increase in the amount of mercury in the food chain, and alternation to Petit Bois Island. (Mobile District) (22 pages)
(ELR ORDER # 31200) (NTIS ORDER # EIS 73 1200D)

Preferential Mail Center, Manchester	07/23

New Hampshire
The statement refers to the proposed construction of a preferential mail center on a 45 acre site in Manchester Adverse impact will result from construction disruption and runoff to a local brook. (Waltham District) (82 pages)
(ELR ORDER # 31225) (NTIS ORDER # EIS 73 1225D)

East Rockaway Inlet	07/19

New York
The statement refers to the proposed dredging of the Federal Channel in East Rockaway Inlet to its authorized dimensions. Disposal of spoil will be in deep water offshore. There will be adverse impact to marine biota. (11 pages)
(ELR ORDER # 31201) (NTIS ORDER # EIS 73 1201D)

Flood Control Project, Ardsley	07/20

New York
The statement refers to a flood control project on the Saw Mill River in Ardsley, New York. Project measures will include relocation of a portion of the river, and construction of levees, walls, a stilling basin, and interior drainage facilities. There will be adverse impact to riparian life. (31 pages)
(ELR ORDER # 31210) (NTIS ORDER # EIS 73 1210D)

Optima Lake, North Canadian River	07/20

Oklahoma
County: Texas
The statement refers to the continued construction of the dam and lake on the North Canadian River and Coldwater Creek. Purposes of the project are flood control, water supply, recreation, and fish and wildlife. The lake will permanently inundate 5,340 acres of wildlife habitat, with possible periodic inundation of 7,639 acres. The free flowing nature of Coldwater Creek and the North Canadian River will be lost. The historic townsite of Old Hardesty will be inundated. (Tulsa District)
(ELR ORDER # 31213) (NTIS ORDER # EIS 73 1213D)

Cougar Lake, McKenzie River Salmon Hatchery	07/24

Oregon
County: Lane
The statement refers to the continuation of operations at Cougar Lake, for flood control, power generation, low flow augmentation, and recreation; and construction of a new fish hatchery which will serve to replace runs of spring chinnook salmon which have been eliminated by Cougar Dam and Lake. The operation of the hatchery will add waste materials to McKenzie River. (Portland District) (95 pages)
(ELR ORDER # 31229) (NTIS ORDER # EIS 73 1229D)

Final	*Date*
Libby Reregulating Dam	07/24

Montana
The statement refers to the proposed construction of a reregulating dam on the Kootenai River, along with a 4 unit 36,000 kw hydroelectric power plant. A 1000' long access road will also be part of the project. The plant will require construction of transmission lines; an unspecified amount of land will be committed to the project. (68 pages)
COMMENTS MADE BY: USDA DOI DOT EPA FPC HEW
(ELR ORDER # 31228) (NTIS ORDER # EIS 73 1228F)

Niobrara Ground Water	07/25

Nebraska
County: Knox
The statement considers a program which is intended to resolve the seepage and drainage problems in the vicinity of the town of Niobrara. The village is located on river bottom lands near the confluence of the Niobrara and Missouri Rivers. The growth of the river delta and a rising ground water table threaten local flooding. The program would involve government purchase of all affected property, the establishment of a non-profit development corporation to establish a new townsite and facilities, and the relocation of displaced individuals. Total Federal cost of the project is to be $7,000,000. (54 pages)
COMMENTS MADE BY: EPA, state, local and private agencies
(ELR ORDER # 31230) (NTIS ORDER # EIS 73 1230F)

Gathright Lake, Supplement (2)	07/20

Virginia
The document provides supplemental information on the Gathright Lake Project

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in Virginia. An earlier statement was filed with the Council on June 1, 1973.
(ELR ORDER # 30935; NTIS ORDER # EIS 73 0935F).
(ELR ORDER # 31208) (NTIS ORDER # EIS 73 1208F)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders
Executive Director of Environmental Affairs
18th and F Street, N.W.
Washington, D.C. 20405
(202) 343-4161

Draft	*Date*
Federal Home Loan Bank Board District of Columbia	07/18

The statement refers to the proposed construction of a building which will house the Federal Home Loan Bank Board. The site is 17th and C Streets, N.W. The multi-story structure will encompass 400,650 gross square feet, including two levels of below grade parking. The adjacent building is listed on the National Register of Historic Places. There will be construction disruption. (30 pages)
(ELR ORDER #31197) (NTIS ORDER #EIS 73 1197D)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard
Director, Environmental Project Review
Room 7260
Department of the Interior
Washington, D.C. 20240
(202) 343-3891

BUREAU OF LAND MANAGEMENT

Draft	*Date*
Oil and Gas Lease Sale, Fall 1973 Mississippi, Alabama, Florida	07/20

The statement refers to the proposed sale of one hundred and fifty-nine tracts (886,458 acres) of Outer Continental Shelf Lands off Mississippi, Alabama, and Florida, for oil and gas exploration and development. The sale is scheduled for fall, 1973. All tracts offer some degree of pollution risk. Each tract offered is subject to a matrix analytical technique in order to evaluate significant environmental impacts.
(ELR ORDER #31215) (NTIS ORDER #EIS 73 1215D)

BUREAU OF OUTDOOR RECREATION

Draft	*Date*
Upper Iowa Scenic River Project Iowa	07/20

County: Winneshiek
The proposed action would initiate public acquisition of a land corridor along the Upper Iowa River. The ultimate length of the corridor will be 80 miles. The segment covered by the statement will be 28.7 river miles and 4,993.5 acres, to be acquired utilizing a 50 percent grant from the Federal Land and Water Conservation Fund. The project is intended to protect the free-flowing, scenic values of the Upper Iowa River, and to make the river available for public recreation use. Impact will include the acquisition of the land, in fee title; the possible impact of future, as yet unplanned, development; and that of the long-range acquisition of the entire 80 miles.
(ELR ORDER #31212) (NTIS ORDER #EIS 73 1212D)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Final	*Date*
Lahontan National Fish Hatchery Nevada	07/25

County: Douglas
The statement refers to the proposed construction and operation of additional facilities at the Hatchery. Major additions include an administration-visitor building, 3 residences, a hatchery building, storage buildings, and waste treatment facilities. The purpose of the action is the propagation of Lahontan cutthroat trout, in order to restore the fisheries in Pyramid and Walker Lakes. Hatchery waste discharge will result in organic enrichment of Allerman Canal and pasture lands; long term pumping of ground water may result in a temporary decline in the aquifer. (53 pages)
COMMENTS MADE BY: USDA, COE, DOI, EPA, FPC
(ELR ORDER # 31233) (NTIS ORDER # EIS 73 1233F)

GEOLOGICAL SURVEY

Draft	*Date*
Santa Ynez Unit, Santa Barbara Channel California	07/23

The statement refers to proposed operations on seventeen oil and gas leases (83,037 acres) of the Santa Ynez Unit, on the Outer Continental Shelf in the Santa Barbara Channel. The leases will be issued under the provisions of Section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462) for extraction of known gas and oil deposits. Development will entail some degree of pollution risk to the marine environment, adjacent shoreline, and the site of the onshore treating and processing facility from accidental or recurrent oil spillage. (three volumes)
(ELR ORDER # 31217) (NTIS ORDER # EIS 73 1217D)

NATIONAL PARK SERVICE

Draft	*Date*
Masterplan, Glacier National Park Montana	07/23

The statement refers to a proposed master plan for the Glacier National Park. The plan is intended to set programs to maintain the present serene wilderness and semi-wilderness nature of the Park, while providing an outstanding experience for both the general vacationer and the wilderness enthusiast. Adverse effects will be from visitor use impact. (91 pages)
(ELR ORDER # 31224) (NTIS ORDER # EIS 73 1224D)

Proposed Wilderness, Glacier National Park Montana	07/23

The statement refers to the proposed legislative designation of three wilderness areas within the Glacier National Park. Total acreage involved is 917,600. Six hundred acres of potential wilderness is also proposed for inclusion when it qualifies. Adverse effects include possible rationed use, restrictions on back country development, increased costs of trail maintenance, and restriction on certain research projects and management practices. (56 pages)
(ELR ORDER # 31233) (NTIS ORDER # EIS 73 1233D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director
Office of Environmental Quality
400 7th Street, S.W.
Washington, D.C. 20590
(202) 466-4357

FEDERAL HIGHWAY ADMINISTRATION

Draft	*Date*
U.S. 278, Alabama Alabama	07/19

County: Cullman
Proposed is the reconstruction and conversion of 1.51 miles of U.S. 278 from two lanes to four lanes. The project begins east of I-65 and extends to Main Street in Cullman. Adverse impacts of the action are the acquisition of land for right of way and the displacement of three families and four businesses. (19 pages)
(ELR ORDER # 31199) (NTIS ORDER # EIS 73 1199D)

18th Street and Central Avenue, Kansas City Kansas	07/23

County: Wyandotte
The statement refers to the proposed improvement of the intersection of 18th Street and Central Avenue in the City of Kansas City to provide channelization and signalization. Additional land will be required for right of way. Three families and eight businesses will be displaced. (14 pages)
(ELR ORDER # 31226) (NTIS ORDER # EIS 73 1226D)

Jefferson Freeway, US 31W, Kentucky Kentucky	07/23

County: Jefferson
The statement considers six alternatives for the construction of approximately 23 miles of an overall 34 mile Jefferson Freeway project. The project generally forms a ten (10) mile radius of circumferential belt line, beginning at Dixie Highway (US 31W) and extending to Taylorsville Road (KY 155), around the outer perimeter of metropolitan Louisville. Adverse impacts will result from the acquisition of approximately 1600 acres of land and the displacement of 347 residents and 18 businesses for right-of-way purposes. (62 pages)
(ELR ORDER # 31221) (NTIS ORDER # EIS 73 1221D)

Poughkeepsie East-West Arterial and SH 549 New York	07/10

County: Dutchess
The proposed project is the construction of the Poughkeepsie East-West Arterial and Poughkeepsie-Pleasant Valley, S.H. 549 to complete the arterial. Arterial length is 5.75 miles. The project will displace 39 businesses and 262 families. A 4(f) review has been filed to obtain land from five public/private owned park/recreation areas. An increase in air, noise and water pollution will occur. (101 pages)
(ELR ORDER # 31151) (NTIS ORDER # EIS 73 1151D)

US 301, North Carolina North Carolina	07/23

County: Johnston
Proposed is the widening of a 0.73 mile segment of US 301 (8th Street) in Smithfield. Adverse environmental effects include the acquisition of approximately 1.6 acres of land, displacement of one business, removal of aesthetically pleasing trees, and increases in noise and air pollution. (26 pages)
(ELR ORDER # 31218) (NTIS ORDER # EIS 73 1218D)

State Highway 37, Garrison North Dakota	07/17

County: McLean
Proposed is the improvement of State Highway 37 from Garrison to US 83, a distance of 6 miles. The project consists of acquiring additional agricultural land for right of way and constructing a two lane hard surfaced roadway along the alignment of existing State Highway 37. One business and one residence will be displaced. (85 pages)
(ELR ORDER # 31181) (NTIS ORDER # EIS 73 1181D)

S. Tigard Interchange—I 5 Oregon	07/20

County: Clackamas
Proposed is the construction of a new Federal-Aid Secondary Route (F.A.S. 943) to connect Interstate 5 with Boones Ferry Road. Project length is 1.1 miles. Adverse effects of the action include the loss of 23 acres of wildlife habitat and increased siltation and turbidity. (130 pages)
(ELR ORDER # 31214) (NTIS ORDER # EIS 73 1214D)

FAS 6126 (Long Hollow Pike) Tennessee	07/23

County: Davidson, Sumner
Proposed is the construction of a 0.98 mile section of a four-lane undivided urban highway, and the addition of an interchange with Interstate Route 65. Adverse effects of the action are the displacement of three residences and two businesses, the loss of some natural resources, and increased noise and air pollution. (48 pages)
(ELR ORDER # 31220) (NTIS ORDER # EIS 73 1220D)

State Route 6, Tennessee Tennessee	07/23

County: Maury
The statement considers six alternatives for the construction of approximately 15 miles of a four lane divided highway which would serve as a principal connection between the Cities of Mt. Pleasant and Columbia. Adverse effects are the displacement of some residences and businesses as a result of right-of-way acquisition; loss of some natural resources and increases in noise and air pollution (72 pages)
(ELR ORDER # 31222) (NTIS ORDER # EIS 73 1222D)

Corridor "L", US 19 Relocation West Virginia	07/02

County: Nicholas
The proposed project is the construction of 2.1 miles of Appalachian Corridor "L". Two businesses and three families will be displaced. A 4(f) review will be filed to obtain 8 acres from the Nicholas Memorial County Park. Increases in noise, air and water pollution will occur. (approx. 90 pages)
(ELR ORDER # 31097) (NTIS ORDER # EIS 73 1097D)

Final	*Date*
Jenkins-Pikeville Road, U.S. 23-119 Kentucky	07/20

County: Pike, Letcher
Proposed is the relocation of U.S. 23 and 119 between Jenkins and Darton. The project is a segment of the Appalachian Development Highway System designated as Corridor B. Length of the project is 10.49 miles. Approximately 460 acres are required for right of way. Adverse effects include temporary increased erosion, some air pollution, and inconvenience to relocatees. (170 pages)
COMMENTS MADE BY: DOC HEW HUD EPA DOI DOT state agencies
(ELR ORDER # 31204) (NTIS ORDER # EIS 73 1204F)

U.S. 67 (7th and 8th Streets) Texas Arkansas	07/20

County: several
The proposed action along U.S. Highway 67 is the implementation of two-one-way streets along the existing Seventh and Eighth Streets, into an Urban Arterial thoroughfare for a distance of 2.2 miles, from Texas and Pacific Railroad on West 7th Street (Texas U.S. 67) to East 9th Street (Arkansas U.S. 67). Twenty families and four businesses may be displaced. Two states and two municipalities are involved in this action. (63 pages)
COMMENTS MADE BY: USDA EPA COE HEW HUD DOT state and local agencies of Texas and Arkansas
(ELR ORDER # 31206) (NTIS ORDER # EIS 73 1206F)

TIMOTHY ATKENSON,
General Counsel.

[FR Doc.73-15959 Filed 8-1-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE AND EXECUTIVE COMMITTEE OF THE TECHNICAL ADVISORY COMMITTEE

Meetings Scheduled

JULY 27, 1973.

Panel 9 of the Cable Television Technical Advisory Committee will hold an open meeting on Monday, August 6, 1973, at 10:00 a.m. The meeting will be held in Building A at the Mitre Corporation in Bedford, Massachusetts. The agenda of the meeting will include:

(1) Reviewing last meeting's minutes
(2) Report on Steering Committee's activities
(3) Reviewing results of data communications questionnaire to determine character of communications channels proposed for 2-way services
(4) Reviewing Class III and IV channel services breakdown
(5) Demonstration and discussion of MITRE 2-way TDM system
(6) Report on noise and RFI buildup in systems
(7) Project assignments
(8) Review of timetable
(9) New business.

The Executive Committee of the Steering Committee of the Cable Television Technical Advisory Committee will hold an open meeting on August 7, 1973, at 9:30 a.m. in the Conference Room of the Cable Television Bureau in Washington, D.C. The agenda of the meeting will include a discussion of the appointment of an executive secretary and the solicitation of funds.

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-15928 Filed 8-1-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP74-10]

CITIES SERVICE GAS CO.

Notice of Application

July 25, 1973.

Take notice that on July 16, 1973, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP74-10 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of and for permission and approval to abandon certain pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon by reclamation approximately 1.12 miles of 6-inch pipeline and existing measuring and regulating facilities in Cherokee County, Kansas. It is stated that said line is operationally obsolete and is incapable of providing reliable service to The Gas Service Company (Gas Service) for resale in Baxter Springs, Kansas, as evidenced by the failure of the line on March 13, 1973, due to flooding conditions on the Spring River which the line crosses in Cherokee County. The proposed abandonment would result in the discontinuance of service to Gas Service for resale to one rural customer now served by the 6-inch line. That customer would be paid $300 to cover the conversion costs to an alternative fuel such as liquefied petroleum gas. Another customer served by the line to be abandoned will continue to be served by Applicant's 12-inch Riverton pipeline.

Applicant proposes to replace the older 6-inch line by the construction and operation of approximately 2.0 miles of 6-inch pipeline and appurtenant measuring and regulating facilities extending from its Quapaw 16-inch line in Ottawa County, Oklahoma, to a point in Cherokee County, Kansas, for the deliveries of gas for resale in Baxter Springs. It is stated that the proposed line will not cross the Spring River.

The cost of the proposed facilities is $64,770 which will be financed from treasury funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15895 Filed 8-1-73;8:45 am]

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[Docket No. CI73-642]

FELMONT OIL CORP.

Order Granting Interventions and Fixing Date for Hearing

Issued July 25, 1973.

The above-named Applicant has filed an application pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's General Policy Statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On March 28, 1973, Felmont Oil Corporation (Felmont) filed in Docket No. CI73-642 an application for the sale of natural gas to Columbia Gas Transmission Corporation (Columbia) from the Pineton Field, Indiana and Cambria Counties, Pennsylvania (North Sub-area, Appalachian Basin Area). The application covers Felmont's interest in seven existing unitized gas wells in the Pineton Field.

Felmont, pursuant to the optional procedure, filed its contrct with Columbia dated February 15, 1973, concurrently with its application as its FPC Gas Rate Schedule. The basic contract provides for a rate of 45.0 cents per Mcf at 14.73 psia, subject to a downward Btu adjustment. The initial price is subject to no adjustments or escalations other than the downward Btu adjustment. The contract is effective for a period "as long as the wells produce gas in paying quantities", and Felmont requests the pre-granted right to abandon any well not meeting that criteria for continued production.

The contract submitted by Felmont also provides for an interest free advance payment by Columbia of not more than $130,000 to pay for the construction of the necessary gathering facilities. Columbia would recoup the advance payment by withholding specified portions of the contract price until it had recovered the advance payment.

Felmont's application was notice on April 10, 1973, and the notice was published in the FEDERAL REGISTER on April 20, 1973, (38 FR 9859). Timely petitions to intervene or protests were due on or before May 1, 1973. Timely petitions to intervene were filed by the following parties:

Associated Gas Distributors

Columbia Gas Transmission Corporation.

Having reviewed the petitions to intervene, we find that all of the abovementioned petitioners have sufficient interest in this proceeding to warrant intervention.

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating this sale, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought,[5] bearing in mind that with respect to proceedings under § 2.75 of our regulations, we have heretofore stated:

> We will, absent a showing of special circumstances, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order. (Order 455, paragraph 63, page 21.)

We do not, therefore, open this hearing to the presentation of cost data, other than that incorporated from the Belco, et al. proceedings as hereinafter ordered, unless, in the judgment of the Presiding Administrative Law Judge, a showing of special circumstances is made.

We also direct the attention of the parties to our recent statement in Opinion No. 639, Area Rates for the Appalachian and Illinois Basin Areas, Docket No. R-371, opinion issued December 13, 1972, wherein we stated:

> We have been admonished not to rely on cost alone, but also to consider producer rate levels in the context of "non-cost" factors of supply and demand, capital formation, and probable industry response to any given level of rates. Austral Oil, et al. v. F.P.C., 428 F.2d 407 (CA5, 1970). Applications under § 2.75 will be so considered . . . .

No intervenor has questioned Columbia's need for the approximately 2.1 billion cubic feet per year of natural gas that will be available as a result of these purchases. We note from the filings that Columbia has received approval of its interim curtailment plan. Columbia is not making emergency purchases of natural gas, but has invoked the provisions of § 157.29 of the Regulations under the Natural Gas Act (18 CFR § 157.29) to assure maintenance of adequate supplies of natural gas. A Columbia affiliate has received permission to import liquefied natural gas (LNG) and has filed applications concerning synthetic pipeline gas. Accordingly, the hearing provided for herein should not explore any issues related to Columbia's need for additional supplies of natural gas. However, we shall require Columbia to present evidence as to whether or not a comparable supply of natural gas is available to Columbia at any rate lower than the rates proposed in these applications.

We have just rendered a decision in the first proceedings under § 2.75 in which a full evidentiary record was made.[6] We think it appropriate in these circumstances to incorporate by reference the record developed in that proceeding into these consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

The Commission finds.

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders.

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 15, and 16 thereof, The Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I) a public hearing shall be held concerning the issues presented by the application herein commencing September 25, 1973, at 10:00 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR § 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(C) Applicant and all intervenors supporting the applications shall file their direct testimony and evidence on or before August 31, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(D) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before September 11, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(E) All rebuttal testimony and evidence shall be served on or before September 19, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(F) The record in the *Belco case*, Docket Nos. CI73-293, et al., is incorporated by reference into the subject consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

(G) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Administrative Law Judge's decision shall be rendered on or before October 31, 1973.

(I) All parties shall submit briefs on exceptions to the Commission on or before November 12, 1973.

By the Commission.[7]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15891 Filed 8-1-73;8:45 am]

[Docket No. R-479]

FUEL ADJUSTMENT CLAUSES IN WHOLESALE RATE SCHEDULES

Notice of Extension of Time

JULY 25, 1973.

Motions were filed by The Cincinnati Gas & Electric Company, The Edison Electric Institute and Pacific Gas and Electric Company on July 12, 1973, and July 20, 1973, respectively for an extension of time within which to file comments to the notice of proposed rulemaking issued June 21, 1973, concerning fuel adjustment clauses in wholesale rate schedules.

Upon consideration, notice is hereby given that the time is extended to and including October 4, 1973, within which all persons may file data, views and comments in writing in the above rulemaking proceeding.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15897 Filed 8-1-73;8:45 am]

[Dockets Nos. CP70-288 and CP70-289]

INTER-CITY MINNESOTA PIPELINES LTD. AND ICG TRANSMISSION LTD.

Notice of Petition To Amend

JULY 25, 1973.

Take notice that on April 19, 1973, Inter-City Minnesota Pipelines Ltd. (Inter-City) and ICG Transmission Limited (ICG), 1500 Richardson Building, 1 Lombard Place, Winnipeg 2, Manitoba, Canada, filed in Docket Nos. CP70-288 and CP70-289, respectively, a petition to amend the order authorizing ICG to import and export natural gas to and from the United States and Canada pursuant to section 3 of the Natural Gas Act and the permit authorizing Inter-City to construct, maintain, and operate facilities at the international boundary pursuant to Executive Order No. 10485, so as to authorize the exportation and importation of additional volumes of gas and to substitute Inter-City in lieu of ICG, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners were authorized, pursuant to a 25-year contract, by the order of August 10, 1970, in Docket Nos. CP70-288 and CP70-289 (44 FPC 262) to import up to 38,000 Mcf of gas per day (12,481,000 Mcf per year) from Canada through proposed pipeline facilities crossing the international boundary near Sprague, Manitoba; to construct, operate, and maintain border facilities therefor; and to sell up to 1,634 Mcf per day (337,000 Mcf per year) of gas to Minnesota. Up to 36,366 Mcf per day of gas (12,141,000 Mcf per year) was authorized to be exported back to Canada through proposed pipeline facilities crossing the international boundary at Rainy River, Ontario, for sale in Canada of up to 14,343 Mcf per day (4,429,000 Mcf per year). ICG was then authorized to reimport up to 27,023 Mcf per day (7,715,000 Mcf per year) for sale in Minnesota. Inter-City was also authorized by the order of December 21, 1970, in Docket No. CP71-142 (44 FPC 1611) to construct and operate approximately 160 miles of 12-inch pipeline and appurtenant facilities to facilitate the authorized import and export of gas, and to sell gas to residential, commercial, and industrial customers in Roseau, Warroad, Baudette and International Falls, Minnesota, and in Rainy River, Emo, and Fort Frances, Ontario. It is stated that the National Energy Board of Canada (NEB) issued three export-import licenses authorizing the proposal in the same daily and annual quantities as provided for by the Commission for a term of 25 years commencing November 1, 1970.

Petitioners state that during the two years, November 1, 1970, to October 31, 1972, they imported approximately 2,314,000 Mcf of gas less than previously authorized. To retrieve this deficiency, Petitioners took, between February 1, 1971, and October 31, 1972, approximately 554,759 Mcf of gas in excess of its daily authorized takes.

Petitioners now propose to import additional volumes of gas up to 10,296 Mcf per day (305,000 Mcf per year) through the facilities at the international boundary near Sprague, Manitoba, for export to Canada at Rainy River, Ontario. Petitioners then propose to import an additional 796 Mcf per day (680,000 Mcf per year) into the United States at International Falls, for sales of an additional 9,500 Mcf per day (985,000 Mcf per year) in Minnesota. It is stated that the NEB has issued temporary amendments expiring December 31, 1973, permitting the increase exports upon the condition that the total volumes exported to the United States at the end of any contract year ending October 31 do not exceed the original annual volume limit times the number of contract years that the original licenses have been in effect. Petitioners request that continuing authority to import and export the additional gas be granted until the deficit in initial imports is recovered. Petitioners state that they intend to obtain appropriate NEB authorization for the exportation of the remaining deficit. Petitioners also propose certain rate adjustments which have been filed in Inter-City's FPC Gas Tariff, Original Volume Nos. 1 and 2. The purpose of the proposed additional import and export of gas is to satisfy the requirements of Inter-City's customers which are greater than originally estimated due, in part, to a deficiency of hydro-electric power generated by the Rainy River.

Petitioners request that Inter-City be substituted in lieu of ICG as authorized importer and exporter since Inter-City now owns or is transporting all of the gas brought into the United States.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15894 Filed 8-1-73;8:45 am]

[Docket No. CI74-6]

KANSAS GAS PURCHASING

Notice of Application

JULY 25, 1973.

Take notice that on July 9, 1973, Kansas Gas Purchasing (Applicant), P.O. Box 748, Salina, Kansas 67402, filed in Docket No. CI74-6 an application pursuant to section 7(c) of the Natural Gas

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[1] 15 U.S.C. § 717, et seq. (1970).

[2] 18 CFR § 2.75.

[3] Statement of Policy Relating to Optional Procedure for Certificating New Producer Sales of Natural Gas, Docket No. R-441, — F.P.C. — (issued August 3, 1972), appeal pending sub nom. John E. Moss, et al. v. F.P.C., No. 72-1837 (D.C. Cir.).

[4] Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-293, et al., —— F.P.C. ——, —— (issued May 30, 1973, slip op. at para. 21, p. 5).

[5] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, Opinion No. 659, supra.

[6] Opinion No. 659, supra.

[7] Chairman Nassikas concurring in part filed a separate statement which is appended to the original document.

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Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company from acreage in Kiowa County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 25,000 Mcf of gas per month for one year at 36.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15896 Filed 8-1-73;8:45 am]

[Docket No. CI73-430]

McCULLOCH OIL CORPORATION OF TEXAS

Order Granting Interventions and Fixing Date for Hearing

JULY 25, 1973.

The above-named Applicant has filed an application pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's General Policy Statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On December 21, 1972, McCulloch Oil Corporation of Texas (McCulloch) filed in Docket No. CI73-430 an application for the sale of natural gas to Arkansas Louisiana Gas Company (Arkla) from the Southwest Mathers Ranch Area, Hemphill County, Texas, at an initial price of 35 cents per Mcf until October 1, 1976, with a 1.0 cent per Mcf price escalation every four years thereafter, to a maximum price of 39 cents per Mcf, subject to upward and downward Btu adjustment, at 14.65 psia. The subject contracts continue into effect until October 1, 1992, and provide price adjustments allowing for the recovery of compression and dehydration charges for changes in state production taxes.

McCulloch proposes to sell approximately 301,500 Mcf of natural gas per month to Arkla. Of the total, some 187,500 Mcf per month will be sold pursuant to an August 14, 1972 contract between McCulloch and Arkla, and the other 114,000 Mcf per month will be sold pursuant to August 9, 1972, contract between Arkla and J. M. Huber Corporation, as predecessor in interest to McCulloch.

McCulloch's application was noticed on January 10, 1973 (38 FR 1600), and all protests and petitions to intervene were to be filed by January 29, 1973.

A notice of intervention was filed by The Public Service Commission for the State of New York, and timely petitions to intervene were filed by:

American Public Gas Association.
Associated Gas Distributors.
Arkansas Louisiana Gas Company (late).

Deliveries of the natural gas to Arkla were commenced on May 19, 1973, pursuant to § 2.75n (18 CFR 2.75n).

Having reviewed the petitions to intervene, we find that all of the above-mentioned petitioners have sufficient interest in this proceeding to warrant intervention.

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating this sale, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought,[5] bearing in mind that with respect to proceedings under § 2.75 of our regulations, we have heretofore stated:

> We will, absent a showing of special circumstances, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order. (Order 455, paragraph 63, page 21.)

We do not, therefore, open this hearing to the presentation of cost data, other than that incorporated from the Belco, et al. proceedings as hereinafter ordered, unless, in the judgment of the Presiding Administrative Law Judge, a showing of special circumstances is made.

We also direct the attention of the parties to our recent statement in Opinion No. 639, Area Rates for the Appalachian and Illinois Basin Areas, Docket No. R-371, opinion issued December 13, 1972, wherein we stated:

> We have been admonished not to rely on cost alone, but also to consider producer rate levels in the context of "non-cost" factors of supply and demand, capital formation, and probable industry response to any given level of rates. Austral Oil, et al. v. F.P.C., 428 F.2d 407 (CA5, 1970). Applications under § 2.75 will be so considered • • •.

No intervenor has questioned Arkla's need for the additional supplies for natural gas that will be available to it as a result of this purchase, and we note that this Commission has already determined that Arkla's supply situation is critical. Opinion No. 643, Opinion And Order Reversing Initial Decision, Approving Curtailment Plan, And Directing Further Proceedings, Docket No. RP71-122, —FPC—(issued January 8, 1973). Accordingly, the hearing provided for herein should not explore any issues related to Arkla's need for additional supplies of natural gas. However, we shall require Arkla to present evidence as to whether or not a comparable supply of natural gas is available to Arkla at any rate lower than the rate proposed in this application.

[1] 15 U.S.C. 717, et seq. (1970).
[2] 18 CFR 2.75.
[3] Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas, Docket No. R-441, — F.P.C. — (issued August 3, 1972), appeal pending sub nom. John E. Moss, et al. v. F.P.C., No. 72-1837 (D.C. Cir.).
[4] Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-293, et al., — F.P.C. —, — (issued May 30, 1973, slip op. at para. 21, p. 5).
[5] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, Opinion No. 659, supra.

We have just rendered a decision in the first proceedings under § 2.75 in which a full evidentiary record was made.[6] We think it appropriate in these circumstances to incorporate by reference the record developed in that proceeding into these consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

The Commission finds.

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders.

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 15, and 16 thereof, The Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing shall be held concerning the issues presented by the application herein commencing September 14, 1973, at 10:00 a.m. e.d.t. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(C) Applicant and all intervenors supporting the applications shall file their direct testimony and evidence on or before August 17, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(D) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before August 24, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(E) All rebuttal testimony and evidence shall be served on or before September 5, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(F) The record in the Belco case, Docket Nos. CI73-293, et al., is incorporated by reference into the subject consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

(G) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *and provided, further,* That the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Administrative Law Judge's decision shall be rendered on or before October 24, 1973.

(I) All parties shall submit briefs on exceptions to the Commission on or before November 2, 1973.

By the Commission.[7]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15890 Filed 8-1-73;8:45 am]

[Docket No. CI73-688]

POST OAK OIL CO.

Order Fixing Date for Hearing

JULY 25, 1973.

The above-named Applicant has filed an application pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's general policy statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On April 19, 1973, Post Oak Oil Company (Post Oak) filed an application in Docket No. CI73-688 for certification of a sale of natural gas to Colorado Interstate Gas Company (Colorado) from South Buffalo Area, Harper County, Oklahoma (Hugoton-Anadarko Area).

Post Oak's contract with Colorado, dated March 27, 1973, has a term of 20 years, and provides for an initial rate of 35.0 cents per Mcf, with a 0.5 cent per Mcf escalation on January 1, 1977, and each year thereafter. The price is subject to upward and downward Btu adjustments, and the contract further provides for reimbursement to seller of 100 percent of any new or additional taxes.

The tendered contract contains an FPC Area Rate Clause which is prohibited in contracts submitted for certification under § 2.75f (18 CFR 2.75f). Since Post Oak has not waived any rights under this clause or submitted a filing stating that the clause will not be operative if a certificate is issued under § 2.75, we shall require such a filing before a certificate is issued.

Notice of Post Oak's application was issued on April 26, 1973, and the notice was published in the FEDERAL REGISTER on March 3, 1973 (38 FR 11067). Timely protests to intervene were due on or before March 18, 1973. No petitions to intervene were filed.

We find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating this sale, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought,[5] bearing in mind that with respect to proceedings under § 2.75 of our regulations, we have heretofore stated:

> We will, absent a showing of special circumstances, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order. (Order 455, paragraph 63, page 21.)

We do not, therefore, open this hearing to the presentation of cost data, other than that incorporated from the Belco, et al. proceedings as hereinafter ordered, unless, in the judgment of the Presiding Administrative Law Judge, a showing of special circumstances is made.

We also direct the attention of the parties to our recent statement in Opinion No. 639, Area Rates for the Appalachian and Illinois Basin Areas, Docket No. R-371, opinion issued December 13, 1972, wherein we stated:

> We have been admonished not to rely on cost alone, but also to consider producer rate levels in the context of "non-cost" factors of supply and demand, capital formation, and probable industry response to any given level of rates. Austral Oil, et al. v.

[6] Opinion No. 659, supra.
[7] Chairman Nassikas concurring in part filed a separate statement which is filed as part of the original document.
[1] 15 U.S.C. § 717, et seq. (1970).
[2] 18 CFR § 2.75.
[3] Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas, Docket No. R-441, —— F.P.C. —— (issued August 3, 1972), appeal pending sub nom. John E. Moss, et al. v. F.P.C., No. 72-1837 (D.C. Cir.).
[4] Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-293, et al., —— F.P.C. ——, —— (issued May 30, 1973, slip op. at para. 21, p. 5).
[5] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, Opinion No. 659, supra.

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F.P.C., 428 F.2d 407 (CA5, 1970). Applications under § 2.75 will be so considered * * *.

We have just rendered a decision in the first proceedings under § 2.75 in which a full evidentiary record was made.[6] We think it appropriate in these circumstances to incorporate by reference the record developed in that proceeding into these consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

The Commission finds.

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

The Commission orders.

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 15, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I) a public hearing shall be held concerning the issues presented by the application herein commencing October 2, 1973, at 10:00 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR § 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(C) Applicant shall file his direct testimony and evidence on or before September 7, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(D) The Commission Staff shall file their direct testimony and evidence on or before September 18, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(E) All rebuttal testimony and evidence shall be served on or before September 26, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(F) The record in the Belco case, Docket Nos. CI73-293, et al., is incorporated by reference into the subject consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

(G) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, However,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such interests shall not be construed as recognition by the this proceeding.

Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in

(H) The Administrative Law Judge's decision shall be rendered on or before November 9, 1973.

(I) All parties shall submit briefs on exceptions to the Commission on or before November 16, 1973.

By the Commision.[7]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15892 Filed 8-1-73;8:45 am]

[Docket No. RP73-47]

SEA ROBIN PIPELINE CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

JULY 25, 1973.

On July 18, 1973, Sea Robin Pipeline Company filed a motion for a further extension of time to file testimony and to reset the hearing dates, as fixed by notice issued July 6, 1973. The motion states that no objections to the motion have been received. The notice issued July 6, 1973, erroneously referred to the motion filed by staff as having been filed by Sea Robin Pipeline Company.

Upon consideration notice is hereby given that the procedural dates are further modified as follows:

Service of Intervener evidence, August 1, 1973.
Sea Robin Rebuttal Evidence, August 15, 1973.
Prehearing Conference, August 21, 1973 (10:00 a.m., e.d.t.).
Hearing, September 4, 1973 (10:00 a.m., e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-15901 Filed 8-1-73;8:45 am]

[Docket No. E-8224]

SIERRA PACIFIC POWER CO.

Order Accepting for Filing, and Suspending, Proposed Increased Electric Rates, Granting Intervention, and Establishing Hearing Procedures

JULY 26, 1973.

Sierra Pacific Power Company (Sierra) on May 22, 1973, tendered for filing a proposed increase in FPC Rate Schedule Nos. R-1 and R-2 (redesignated as FPC Rate Schedule R) to become effective July 31, 1973. Sierra states that the proposed rates would result in an increase in revenues of $148,864 based on a test year ended December 31, 1972. Sierra maintains that the increase in rates is necessitated by increases in operating expenses, particularly in fuel costs; increases in costs of plant additions; and higher capital costs. According to Sierra, the rate of return under the proposed rates would be 9.00 percent.

The filing was noticed on June 8, 1973, with comments, protests and/or petitions to intervene due by June 27, 1973. Timely petitions to intervene have been filed by the Truckee-Donner Public Utility District, the City of Fallon, Nevada, Mt. Wheeler Power, Inc., Pacific Gas and Electric Company, and California-Pacific Utilities Company.

Review of the rate filing indicates that it raises certain issues which may require development in an evidentiary hearing. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds.

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Sierra's FPC Rate Schedule Nos. R-1 and R-2, as proposed to be amended in this docket, and that the tendered Rate Schedules be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the rate changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(4) The participation of the above named petitioners in this proceeding may be in the public interest.

The Commission orders.

(A) Pursuant to the authority of the Federal Power Act, particularly Section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations Under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held, commencing with a prehearing conference on November 27, 1973, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Sierra's FPC Rate Schedule as proposed to amended herein.

(B) Pending hearing and a final decision in this proceeding, Sierra's proposed FPC Rate Schedule Nos. R-1 and R-2 (redesignated as FPC Rate Schedule R) tendered on May 22, 1973, are suspended and the use thereof deferred until December 31, 1973.

(C) At the prehearing conference on November 27, 1973, Sierra's prepared testimony together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to

[6] Opinion No. 659, *supra.*

[7] Chairman Nassikas concurring in part filed a separate statement which is appended to the original document.

the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of § 1.18 of the Commission's rules of practice.

(D) On or before November 6, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before November 20, 1973. Any rebuttal evidence by Sierra shall be served on or before December 4, 1973. Cross-examination of the evidence filed will commence December 11, 1973.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(F) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15899 Filed 8-1-73;8:45 am]

[Docket Nos. CP73-27, CI73-878, CI73-879, CI73-880 and CP72-292]

STINGRAY PIPELINE CO. ET AL.

Notice of Extension of Time

JULY 26, 1973.

Stingray Pipeline Co., Sun Oil Co. and Pennzoil Offshore Transmission Co.

On July 19, 1973, Sun Oil Company filed a motion for an extension of time to file and serve its direct case in Docket Nos. CI73-878, CI73-879 and CI73-880 as fixed by the order issued July 19, 1973, in the above-designated matter. By letter received July 25, 1973, Sun Oil Company stated that there was no opposition from any of the parties to the request.

Upon consideration, notice is hereby given that the time is extended to August 15, 1973, within which Sun Oil Company shall file and serve its direct case in the above matter. All other dates in the order remain unchanged.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15900 Filed 8-1-73;8:45 am]

[Docket No. CI73-681]

TEXAS GAS EXPLORATION CORP.

Order Granting Interventions and Fixing Date for Hearing

(Issued July 25, 1973)

The above-named Applicant has filed an application pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's General Policy Statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On April 10, 1973, Texas Exploration Corporation (Texas Gas) filed its application in Docket No. CI73-681 for the certification of a sale of natural gas to Consolidated Gas Supply Corporation (Consolidated) from the Block 255 Field, Vermillion Area, Offshore Louisiana.

Pursuant to the optional pricing procedure, Texas Gas submitted its contract with Consolidated dated January 5, 1973. The contract has a twenty (20) year term, and provides for an initial rate of 45.0 cents per Mcf at 15.025 psia with 0.5 cent per Mcf escalations every year, subject to downward Btu adjustment. The contract further provides for reimbursement of 87.5 percent of any new or additional taxes to the seller.

Initial deliveries were commenced pursuant to § 2.75n (18 CFR 2.75n) on April 13, 1973.

Texas Gas' application in this docket was noticed on April 23, 1973, and the notice was published in the Federal Register on March 1, 1973 (38 FR 10770). Timely protests or petitions to intervene were due on or before May 14, 1973. A Notice of Intervention was filed by The Public Service Commission for the State of New York, and a petition to intervene was filed by the following parties:

Associated Gas Distributors.
American Public Gas Association.

Having reviewed the petitions to intervene, we find that the above-mentioned petitioners have sufficient interest in this proceeding to warrant intervention.

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating this sale, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought,[5] bearing in mind that with respect to proceedings under § 2.75 of our regulations, we have heretofore stated:

> We will, absent a showing of special circumstances, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order. (Order 455, paragraph 63, page 21).

We do not, therefore, open this hearing to the presentation of cost data, other than that incorporated from the Belco, et al. proceedings as hereinafter ordered, unless, in the judgment of the Presiding Administrative Law Judge, a showing of special circumstances is made.

We also direct the attention of the parties to our recent statement in Opinion No. 639, Area Rates for the Appalachian and Illinois Basin Areas, Docket No. R-371, opinion issued December 13, 1972, wherein we stated:

> We have been admonished not to rely on cost alone, but also to consider producer rate levels in the context of "non-cost" factors of supply and demand, capital formation, and probable industry response to any given level of rates. Austral Oil, et al. v. F.P.C., 428 F. 2d 407 (CA5, 1970). Applications under § 2.75 will be so considered * * *.

No intervenor has questioned Consolidated's need for the additional supplies of natural gas that will be available to it as a result of this purchase. However, we are unable to determine Consolidated's actual need for additional supplies of natural gas since it has failed to submit the certification required by § 2.75 (18 CFR 2.75h). Accordingly, we will require Consolidated to present evi-

[1] 15 U.S.C. § 717, *et seq.* (1970).

[2] 18 C.F.R. § 2.75.

[3] Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas, Docket No. R-441, — F.P.C. — (issued August 3, 1972), appeal pending sub nom. John E. Moss, et al. v. F.P.C., No. 72-1837 (D.C. Cir.).

[4] Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-293, et al., — F.P.C. —, — (issued May 30, 1973, slip op. at para. 21, p. 5).

[5] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, Opinion No. 659, supra.

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dence as to its need for additional supplies of natural gas and as to whether or not a comparable supply of natural gas is available to Consolidated at any rate lower than the rate proposed in this application.

We have just rendered a decision in the first proceedings under § 2.75 in which a full evidentiary record was made.[4] We think it appropriate in these circumstances to incorporate by reference the record developed in that proceeding into these consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

The Commission finds.

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gás Act.

The Commission orders.

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 15, and 16 thereof, The Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR, ch. I) a public hearing shall be held concerning the issues presented by the application herein commencing August 27, 1973, at 10:00 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR § 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(C) Applicant and all other intervenors supporting the applications shall file their direct testimony and evidence on or before August 10, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(D) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before August 17, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(E) All rebuttal testimony and evidence shall be served on or before August 22, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(F) The record in the Belco case, Docket Nos. CI73-293, et al., is incorporated by reference into the subject consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

(G) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Administrative Law Judge's decision shall be rendered on or before October 31, 1973.

(I) All parties shall submit briefs on exceptions to the Commission on or before November 12, 1973.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc 73-15893 Filed 8-1-73;8:45 am]

[Docket No. CI73-676]

FLORIDA GAS EXPLORATION COMPANY (OPERATOR) ET AL.

Order Granting Interventions and Fixing Date for Hearing

JULY 25, 1973.

The above-named Applicant has filed an application pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's General Policy Statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On April 6, 1973, Florida Gas Exploration Company (Exploration) filed in Docket No. CI73-676 an application for certification of sales by it, Southeastern Exploration, Ltd. (1970) (Southeastern 70), and Southeastern Exploration, Ltd. (1972-A) (Southeastern 72-A) to Florida Gas Transmission Company (Florida Gas) from the Peterman No. A-1 Well, East Bayou Pigeon Field, Iberia Parish, Onshore Southern Louisiana.

Pursuant to the optional procedure, Exploration submitted its contract with Florida Gas dated December 1, 1972 with its application. The basic contract provides for an initial rate of 35.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustments, and price escalations of 1.0 cent per Mcf every year of the contract term. The contract term is twenty (20) years and further provides for reimbursement to the seller of 100 percent of all new or additional taxes.

Exploration is affiliated with Florida Gas and states that the 35.0 cents per Mcf price is the same as the contract prices that Florida Gas pays to certain non-affiliated producers.

Exploration's application was noticed on April 23, 1973 and the notice was published in the FEDERAL REGISTER on March 1, 1973 (38 F.R. 10762). Timely petitions to intervene or protests were due on or before March 14, 1973. Timely petitions to intervene were filed by the following parties:

Florida Gas Transmission Company
Associated Gas Distributors
American Public Gas Association (late).

Having reviewed the petitions to intervene, we find that all of the above-mentioned petitioners have sufficient interest in this proceeding to warrant intervention.

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating this sale, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought,[5] bearing in mind that with respect to proceedings under § 2.75 of our regulations, we have heretofore stated:

> We will, absent a showing of special circumstances, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order. (Order 455, paragraph 63, page 21.)

[1] Chairman Nassikas' statement, concurring in part, is filed as part of the original document.

[2] 15 U.S.C. 717, *et seq.* (1970).

[3] 18 CFR 2.75.

[4] Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas, Docket No. R-441, — F.P.C. — (issued August 3, 1972), appeal pending sub nom. John E. Moss, et al. v. F.P.C., No. 72-1837 (D.C. Cir.).

[5] Opinion No. 659, supra.

[6] Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-293, et al., — F.P.C. —, — (issued May 30, 1973, slip op. at para. 21, p. 5).

[7] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, Opinion No. 659, supra.

We do not, therefore, open this hearing to the presentation of cost data, other than that incorporated from the Belco, et al. proceedings as hereinafter ordered, unless, in the judgment of the Presiding Administrative Law Judge, a showing of special circumstances is made.

We also direct the attention of the parties to our recent statement in Opinion No. 639, Area Rates for the Appalachian and Illinois Basin Areas, Docket No. R-371, opinion issued December 13, 1972, wherein we stated:

> We have been admonished not to rely on cost alone, but also to consider producer rate levels in the context of "non-cost" factors of supply and demand, capital formation, and probable industry response to any given level of rates. Austral Oil, et al. v. F.P.C., 428 F.2d 407 (CA5, 1970). Applications under Section 2.75 will be so considered * * *.

No intervenor has questioned Florida Gas's need for the approximately 1 billion cubic feet of natural gas that will be available as a result of this purchase. We note from the filings that Florida Gas is currently curtailing deliveries to its customers and is seeking approval of its curtailment plan in Docket No. RP66-4. Florida Gas is also making short-term emergency purchases in order to maintain its deliverability. Accordingly, the hearing provided for herein should not explore any issues related to Florida Gas's need for additional supplies of natural gas. However, we shall require Florida Gas to present evidence as to whether or not a comparable supply of natural gas is available to Florida Gas at any rate lower than the rate proposed in this application.

We have just rendered a decision in the first proceedings under § 2.75 in which a full evidentiary record was made.[6] We think it appropriate in these circumstances to incorporate by reference the record developed in that proceeding into these consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

The Commission finds.

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders.

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 15, and 16 thereof, The Commission's Rules of Practice and Procedure and the Regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing shall be held concerning the issues presented by the application herein commencing October 2, 1973, at 10:00 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(C) Applicant and all intervenors supporting the applications shall file their direct testimony and evidence on or before September 7, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(D) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before September 18, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(E) All rebuttal testimony and evidence shall be served on or before September 26, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(F) The record in the Belco case, Docket Nos. CI73-293, et al., is incorporated by reference into the subject consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

(G) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Administrative Law Judge's decision shall be rendered on or before November 9, 1973.

(I) All parties shall submit briefs on exceptions to the Commission on or before November 16, 1973.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15889 Filed 8-1-73;8:45 am]

[1] Chairman Nassikas concurring in part filed a separate statement as part of the original document.

[6] Opinion No. 659, *supra.*

[Docket No. CP74-14]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JULY 26, 1973.

Take notice that on July 19, 1973, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-17 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a change in the storage service performed under its Rate Schedule S-1, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to revise Paragraph 6.12 of its Rate Schedule S-1, FPC Gas Tariff, Third Revised Volume No. 1, Sheet 27 from:

> The total of Buyer's withdrawals of gas from storage during the Withdrawal Period for any Storage Year which Natural will be obligated to deliver shall not exceed 66⅔% of such Buyer's Storage * * *

to:

> The total of Buyer's withdrawals of gas from storage during the Withdrawal Period for any Storage Year which Natural will be obligated to deliver shall not exceed 66⅔ percent of such Buyer's Storage Gas Balance as of November 1 of that year, plus all quantities of gas injected by Buyer during the Withdrawal Period which do not increase Buyer's Storage Gas Balance above Buyer's Storage.

Applicant states that the proposed change will afford its storage customers greater assurance of sustaining deliveries to their ultimate consumers during periods when winter weather is more severe than normal. Frequently, a period of below-normal temperatures is followed by a period of above-normal temperatures. To the extent that Applicant's customers have gas available for injection during the warmer periods, and providing that Applicant can physically inject quantities tendered for injection, Applicant's customers' capability of meeting succeeding periods of below-normal temperatures, particularly prolong and severe cold spells, is enhanced. Applicant states further that by permitting its customers to reinstate its obligation to deliver storage gas, following a period of withdrawals, none of its customers will receive more volume of gas than is presently authorized under Applicant's effective entitlement sheets and that if Applicant's customers could not avail themselves of this added protection against the occurrence of two or more severe cold spells in the winter, they would need to curtail other firm service during severe periods in order to provide sufficient gas to meet added space heating needs. During warm periods the gas they would now inject would go into the market for other firm service; and, consequently, the added storage protection offers an upgrading of service insofar as

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it reduces volumes available for firm industrial use and increases human need space heating protection.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by §§ 7 and 15 of the Natural Gas Act and the commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15887 Filed 8-1-73;8:45 am]

[Docket No. CP74-16]

NORTHERN NATURAL GAS COMPANY

Notice of Application

JULY 26, 1973.

Take notice that on July 19, 1973, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-16 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 18.8 miles of branchline loop facilities on its existing pipeline system in Iowa and Minnesota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate:

Approximately 1.8 miles of 8-inch loop in Scott County, Minnesota;

Approximately 3.9 miles of 6-inch loop in Wright and Sherburne Countries, Minnesota;

Approximately 5.1 miles of 6-inch loop in Carver County, Minnesota;

Approximately 0.7 mile of 4-inch loop in Wright County, Iowa;

Approximately 3.5 miles of 10-inch loop in Boone County, Iowa; and

Approximately 3.8 miles of 4-inch loop in Polk County, Iowa.

The total estimated cost of the proposed facilities is $961,000 which will be financed from cash on hand and funds generated from operations.

The purpose of the proposed facilities is to augment Applicant's ability to provide reliable gas service during the heating season. Applicant states that the proposed branchline loop will provide the necessary wintertime capacity to meet changing load patterns and increased flow requirements on certain portions of its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determinng the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by §§ 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15888 Filed 8-1-73;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

NOTICE OF COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Monday, August 6, 1973.
Thursday, August 9, 1973.
Thursday, August 16, 1973.
Thursday, August 23, 1973.

The meetings will convene at 10:00 a.m. and will be held in Room 5A06A, Civil service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public under a determination to do so, made under the provisions of section 10 (d) of Public Law 92-463.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E. Street, NW., Washington, D.C.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

JULY 30, 1973.

[FR Doc.73-15916 Filed 8-1-73;8:45 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The First National Bank of Bay Harbor Islands, Bay Harbor Islands, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 41 banks with total deposits of $1.3 billion, representing approximately 7 percent of total deposits of commercial banks in the State, and is the second largest banking organization in Florida. (All banking data are as of December 31, 1972, and reflect holding company acquisitions approved as of June 30, 1973, including four new acquisitions since January 1, 1973.) The acquisition of Bank (deposits of $28.6 million) would increase Applicant's share of the total State deposits by less than .2 percent, and it would remain the second largest banking organization in Florida.

Bank is located in the Greater Miami Banking Market (the relevant market) where it controls .6 percent of market deposits. Applicant presently operates 7 of the 98 banks in the Greater Miami area. It is the fifth largest of 41 banking organizations represented in the market and holds but 4.8 percent of the total market deposits. Thus, consummation of the proposal will not place Applicant in a dominant position in the area nor have any adverse effect on competing area banks.

Applicant's nearest banking subsidiary, Barnett Bank of Miami Beach, is located 8 miles south of Bank. Bank draws only a minimal amount of its deposits from the service area of this subsidiary. In view of the distance between Bank and this subsidiary, the heavy traffic congestion, and the number of intervening banks, the Board concludes that no significant competition would be eliminated upon consummation of the proposal. Thus, competitive considerations are consistent with approval of the application.

Applicant has recently injected capital into certain of its subsidiary banks and has increased its own equity capital by converting $6.7 million of debentures into common stock. It has also recently completed a public stock offering. In light of these actions, the Board finds the financial condition and managerial resources of Applicant, its subsidiaries, and Bank as satisfactory; and prospects for each are favorable.

Applicant intends to increase the volume and range of Bank's lending services and, in an area of increasing local construction, make Bank a more aggressive competitor in the origination of construction and mortgage loans. Applicant will sever Bank's indirect affiliation with a savings and loan association and, thus, promote a more aggressive lending policy for Bank. Applicant will also cause Bank to seek trust powers and offer trust services. Accordingly, considerations relating to convenience and needs of the communities to be served are consistent with and lend weight to approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective July 24, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15937 Filed 8-1-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, and Bucher. Absent and not voting: Governors Brimmer and Holland.

CENTRAL NATIONAL BANCSHARES, INC.

Acquisition of Bank

Central National Bancshares, Inc., Des Moines, Iowa, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Adair County State Bank, Greenfield, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 12, 1973.

Board of Governors of the Federal Reserve System, July 24, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-15933 Filed 8-1-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Citizens First National Bank of Tyler, Tyler, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 20, 1973.

Board of Governors of the Federal Reserve System, July 23, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-15934 Filed 8-1-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First Hutchings-Sealy National Bank, Galveston, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 20, 1973.

Board of Governors of the Federal Reserve System, July 24, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-15935 Filed 8-1-73;8:45 am]

FLORIDA NATIONAL BANKS OF FLORIDA

Acquisition of Bank

Florida National Banks of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Northside Bank of Miami, Miami, Florida. The factors that are considered in acting on the application are set forth in §3(c) of the Act (12 U.S.C. 1842(c)).

Applicant's banks have been controlled by the Alfred I. duPont Trust which was required by the 1966 Amendments to the Act to divest either its banking or nonbank assets by July 1, 1971. At the present time the Trust owns approximately 24 percent of Florida National's voting shares, and Trustees hold the power to vote approximately another 10 percent of Florida National's voting shares. On July 5, 1973, the Board notified the duPont Trust that it had made a preliminary determination that the duPont Trust has not made on effective divestiture of control under the Act and that the Trust continues to exercise control or a controlling influence over the management or policies of Florida National and or its subsidiary banks. The duPont Trust has been granted an extension to October 8, 1973, of the time within which it must respond to the Board's determination. Processing of the present application is not intended to reflect acquiesence with the Trust's previously stated contention that it is not a bank holding company with respect to the banks in the Florida National system.

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 20, 1973.

Board of Governors of the Federal Reserve System, July 24, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-15936 Filed 8-1-73;8:45 am]

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PAN NATIONAL GROUP, INC.

Order Approving Acquisition of Bank

PanNational Group, Inc., El Paso, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 69.9 percent[1] of the voting shares of the successor by merger to Bassett National Bank of El Paso, El Paso, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the thirteenth largest bank holding company in Texas, controls two banks with total deposits of approximately $294 million representing less than 1 percent of total commercial bank deposits in the State, and approximately 37 percent of commercial bank deposits in the El Paso banking market. Bank is the seventh largest of 13 banks in the El Paso market, controlling approximately $20 million (or 2.4 percent) of the deposits in that market. (All banking data are as of December 31, 1972.) The proposed acquisition will not change Applicant's rank or percentage of deposits controlled among bank holding companies in the State.[2]

Bank has been controlled by Applicant and its subsidiaries and predecessors since principals of Applicant organized Bank in 1961. In addition to the 30.1 percent of Bank's common stock now held by Applicant, common shareholders of Applicant and Bank hold an additional 40.4 percent of Bank. Approval of the application, therefore, will not change the control of commercial bank deposits in El Paso, as Applicant, its subsidiaries or predecessors, have controlled Bank for 12 years and the prospects for disaffiliation appear unlikely. Hence, the acquisition will not likely have an effect on either present or future competition.

The financial and managerial resources of Applicant, its subsidiaries and Bank appear satisfactory and are consistent with approval. Future prospects of all appear favorable in view of the expected continuation of economic expansion in the El Paso area. To the extent acquisition by Applicant will enable Bank to more fully draw upon the specialized services, managerial expertise and larger resources of Applicant, and, thereby, provide these facilities to its service area, convenience and needs considerations are consistent with approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order of (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 24, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15930 Filed 8-1-73;8:45 am]

POPULAR BANCSHARES CORPORATION

Acquisition of Bank

Popular Bancshares Corporation, Miami, Florida, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 99 percent or more of the voting shares of Popular Bank of Hialeah, Hialeah, Florida. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 20, 1973.

Board of Governors of the Federal Reserve System, July 24, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-15932 Filed 8-1-73;8:45 am]

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corp., Miami, Florida, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Southeast National Bank of Manatee, Manatee County, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 12, 1973.

Board of Governors of the Federal Reserve System, July 24, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-15931 Filed 8-1-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

ARCHIVES ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that the Region 7 Archives Advisory Council will meet at the time and place indicated. Anyone who is interested in attending or wants additional information should contact the person shown below.

REGIONAL ARCHIVES ADVISORY COUNCIL
REGION 7

Meeting date: September 14, 1973.
Time: 1:00 p.m.–5:00 p.m.
Place: Faculty Lounge, Library Building Centenary College Shreveport, LA 71104.

Agenda: Increasing research in archives branch holdings; NARS microfilm publication program; discussion of plans for observance of the Bicentennial of the American Revolution.

For further information contact: Ivan D. Eyler, NARS Regional Commissioner, 819 Taylor Street, Fort Worth, TX 76102, 817–334–2759.

Issued in Washington, DC on July 26, 1973.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.73-15902 Filed 8-1-73;8:45 am]

[FEDERAL PROPERTY MANAGEMENT REGULATIONS TEMPORARY REGULATION D-40]

SECRETARY OF THE TREASURY

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of the Treasury to assist in controlling violations of law at United States Treasury locations.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of the Treasury to appoint uniformed guards as special policemen, to make all needful rules and regulations, and to annex to such rules and regulations such reasonable penalties, not to exceed those prescribed in 40 U.S.C. 318c, as will ensure their enforcement for the protection of Treasury Building and Treasury Annex, Washington, DC; Bureau of Engraving and Printing and Bureau of Engraving and Printing Annex, Washington, DC; United States Mint, Denver, Colorado; United States Bullion Depository, Fort Knox, Kentucky; United States Assay Office, 32 Old Slip, New York, New York; New United States Mint, Fifth and Arch Streets, Philadelphia, Pennsylvania; United States Assay Office, 155 Hermann Street, San Francisco, California; the old United States Mint Building, 88 Fifth Street, San Francisco, California; and United States Bullion Depository, West Point, New York, over which the United States has exclusive or concurrent legislative jurisdiction.

b. The Secretary of the Treasury may redelegate this authority to any officer or employee of the Department of the Treasury.

c. This authority shall be exercised in accordance with the limitations and requirements of the above cited Acts, and the policies, procedures, and controls prescribed by the General Services Administration.

4. *Revocation.* This regulation revokes FPMR Temporary Regulation D–22.

ARTHUR F. SAMPSON,
Administrator of General Services.

JULY 25, 1973.

[FR Doc.73-15903 Filed 8-1-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

CHRISTOPHER COAL CO. AND GLEN IRVAN CORP.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20278, CHRISTOPHER COAL COMPANY, Pursglove No. 15 Mine, USBM ID No. 46 01454 0, Osage, West Virginia, Section ID No. 007–0 (2 North), Section ID No. 009–0 (11 North), Section ID No. 010–0 (1 Right), Section ID No. 011–0 (1A), Section ID No. 013–0 (2A).

(2) ICP Docket No. 20602, GLEN IRVAN CORPORATION, Bark Camp No. 1 Mine, USBM ID No. 36 02391 0, Penfield, Pennsylvania, Section ID No. 003 (2nd Right).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JULY 30, 1973.

[FR Doc.73-15877 Filed 8-1-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

MECHANICAL ENTERPRISES, INC.

Order Suspending Trading

JULY 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.16⅔ par value, and all other securities of Mechanical Enterprises, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. (e.d.t.) July 26, 1973 through midnight e.d.t. August 4, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73-15963 Filed 8-1-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

MASSACHUSETTS DEVELOPMENTAL PLAN

Submission of Plan and Opportunity for Public Comment

1. *Submission and Description of Plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of Massachusetts has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan and hereby gives notice that the question of its approval is in issue before him.

The plan designates the Massachusetts Department of Labor and Industries as the agency responsible for administering the plan throughout the State. Under the legislation, the Department of Labor and Industries will have full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State with the exception of employees of the United States, employees working in workplaces within the exclusive Federal maritime jurisdiction, and employees whose working conditions are regulated by Federal agencies other than the Department of Labor under the provisions of section 4(b)(1) of the Occupational Safety and Health Act of 1970. (84 Stat. 1592 29 U.S.C. 653(b)(1)).

The plan includes proposed enabling legislation to be considered by the Massachusetts Legislature during its 1973 session to bring the plan into conformity with the requirements of Part 1902. The legislation will apply to all places of employment and cover all classes of employment except private and domestic employment.

The proposed legislation provides that the Commissioner of the Department of Labor and Industries shall establish and may modify standards for occupational safety and health, and provides for the procedures involved; that he shall establish rules and regulations for the enforcement of the standards; that there shall be an advisory committee on occupational safety and health; that employers may request temporary variances; that the commissioner or his authorized representative may make inspections, and they shall be made without advance notice except in special cases; and that if the inspector believes a standard has been violated he shall issue a written citation to the employer. There are provisions made for prompt restraint of imminent danger situations; monitoring of employee's exposure to toxic materials; a system of penalties; recordkeeping; and training programs.

The proposed legislation is accompanied by a statement of the Governor's support for it and an opinion from the Attorney General that it is consistent with the constitution and other laws of the State. There is set forth in the plan a timetable projection for all developmental aspects of the plan. The plan contains information on personnel to be employed directly; on jurisdictional relations with other State agencies; and on the proposed budget and resources.

2. *Location of Plan for Inspection and Copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, 400 First Street N.W., Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, 18 Oliver Street—5th Floor, Boston, Massachusetts 02110; Massachusetts Department of Labor and Industries, Room 1101, State Office Building, 100 Cambridge

[1] Applicant presently owns 30.07 percent of the voting shares of Bank. In connection with Applicant's application to become a bank holding company approved by the Board on February 29, 1972, Applicant was required to divest its 28.4 percent interest in Charles Bassett Center, Inc. (a nonbank subsidiary engaged in shopping center development) and its 12 percent interest in Darbyshire Steel Company, Inc. (acquired through loan foreclosure in 1972). Applicant has advised the Board that the required divestiture will take place by February 1974.

[2] In addition to the present application, Applicant has also filed applications to acquire two other banks. Consummation of all three proposals will mean that Applicant will control $352 million in deposits and will still rank thirteenth in the State.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, and Bucher. Absent and not voting: Governors Brimmer and Holland.

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Street, Boston, Massachusetts 02202; and Massachusetts Department of Labor and Industries, Branch Office, 165 Liberty Street—1st Floor, Springfield, Massachusetts 01103.

3. *Public Participation.* Interested persons are hereby given until September 4, 1973, to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Occupational Safety and Health Administration, Railway Labor Building, Room 305, 400 First Street N.W., Washington, D.C. 20210. The written comments will be available for public inspection and copying at the above address.

Copies of pages from the plan or of written comments received with respect thereto will be provided in accordance with the general Department of Labor fee schedule (29 CFR 70.62(a)).

Any interested person(s) may request a hearing concerning the proposed plan, or any part thereof, by filing particularized written objections thereto within the time allowed for comments specified above. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue a decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 30th day of July, 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-15960 Filed 8-1-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 310]

ASSIGNMENT OF HEARINGS

JULY 30, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 107515 Sub 805, Refrigerated Transport Co., Inc., now assigned September 11, 1973, MCC 7878, Transcon Lines—Investigation and Revocation of Certificates, now assigned September 14, 1973, MC 113855 Sub 267, International Transport, Inc., now assigned September 17, 1973, MC 110689 sub 6, Airway Trucking Co., now assigned September 24, 1973, will be held in Room 8544, 300 N. Los Angeles, Street, Los Angeles, Calif.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15949 Filed 8-1-73;8:45 am]

[Notice 102]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 27, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the Federal Register. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 15897 (Sub-No. 12 TA), filed July 11, 1973. Applicant: O. K. TRANSFER AND STORAGE CO. 207 S. Union Street P.O. Box 1602, Shawnee, Okla. 74801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Uncrated store fixtures and furnishings*, in mixed loads with one or more of the commodities named in (2) below; and (2) *such commodities* as are dealt in by electronic equipment and supply stores in mixed loads with the commodities set forth in (1) above, from the warehouse facilities of the Radio Shack Division of the Tandy Corporation at Garden Grove, Calif., to Hayden, Mesa, Peoria, Phoenix and Yuma, Ariz.; Boise, Butte City and Twin Falls, Idaho; Las Vegas, Nev.; Bend, Eugene, Portland, Roseburg and Salem, Oreg.; Ogden and Salt Lake City, Utah; Bellevue, Everett, Federal Way, Gig Harbor, Issaquah, Kirkland, Marysville, Mt. Vernon, Renton, Seattle, Tacoma and Vancouver, Wash., for 180 days. SUPPORTING SHIPPER: Radio Shack, Div. of Tandy Corporation, Ray Hicks, Warehouse Manager, 12821 Knotts St., Garden Grove, Calif. 92645. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240 Old P.O. Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 44639 (Sub-No. 74 TA) filed July 17, 1973 Applicant: L. & M. EXPRESS CO., INC. 220 Ridge Road Lyndhurst, N.J. 07071 Applicant's representative: Herman B. J. Weckstein 60 Park Place Newark, N.J. 07102 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), between Eagle Rock, Va., on the one hand, and, on the other, Copiaque, Long Island, N.Y., for 180 days. SUPPORTING SHIPPER: Famous Cottons, Inc., 590 Oak Street, Copiaque, Long Island, N.Y. SEND PROTESTS TO: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 56640 (Sub-No. 29 TA) filed July 17, 1973. Applicant: DELTA LINES, INC. 333 Hegenberger Road, Oakland, Calif. 94621. Applicant's representative: Marshall G. Berol, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and Classes A and B explosives). REGULAR ROUTES: (A) between Reno and Boulder City, Nev. serving all intermediate points, and the off-route points of the Tonopah Test Range and the Atomic Energy Commission Test Site (Nevada Test Site) located in Nye and Clark Counties, Nev.; from Reno over U.S. Highway 40 to its junction with U.S. Alternate 95 at or near Fernley; thence over U.S. Alternate 95 to its junction with U.S. Highway 95 at or near Fallon; thence over U.S. Highway 95 to Boulder City, and return over the same route; (B) between Fernley, Nev. and Silver Springs, Nev., serving all intermediate points: from Fernley over U.S. Alternate 95, to Silver Springs, and return over the same route; (C) between Yerington, Nev. and junction U. S. Highway 95 (at or near Schurz, Nev.), serving all intermediate points: from Yerington over U.S. Alternate 95, to its junction with U.S. Highway 95 (at or near Schurz), and return over the same route; and (D) between Luning, Nev. and Gabbs, Nev., serving all intermediate points, and all points within 5 miles of Nevada Highway 23 as off-route points: from Luning over Nevada Highway 23, to Gabbs, and return over the same route, IRREGULAR ROUTES: (A) between points in Nye County, Nev. and (B) between points in Nye County, Nev., on the one hand, and, on the other, points in Clark, Esmeralda or Mineral Counties, Nev., for 180 days. Note: Applicant intends to tack with its own authority in MC 56640 and subs, and will interline with other carriers at any common service points. SUPPORTING SHIPPERS: There are approximately 71 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 60157 (sub-No. 18 TA) filed July 17, 1973. Applicant: C. A. WHITE TRUCKING CO., 5327 N. Central Expressway, Suite 310, Dallas, Tex. 75205. Applicant's representative: Frank Crane (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials* and *supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Texas, on the one hand, and, on the other, points in Arkansas and Illinois, for 180 days. SUPPORTING SHIPPER: Lone Star Steel Company, P.O. Box 35888, Dallas, Tex. 75235. SEND PROTESTS TO. Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 61396 (sub-No. 249 TA), filed July 16, 1973. Applicant: HERMAN BROS., INC., 2501 No. 11th Street, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: Dale G. Herman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from points in the Soulx City, Iowa Commercial Zone, to points in Minnesota, Nebraska and South Dakota, for 180 days. SUPPORTING SHIPPER: PPA of Iowa, Inc., R. A. Pollard, Jr., Exec. Vice President, 2220 Hawkeye Drive, P.O. Box 1618, Sioux City, Iowa 51102. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Bldg., Omaha, Nebr. 68102.

No. MC 61396 (Sub-No. 250 TA) filed July 16, 1973 Applicant: HERMAN BROS., INC. 2501 No. 11th Street P.O. Box 189 Omaha, Nebr. 68101 Applicant's representative: Dale G. Herman (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt, road oils, and residual fuel oils*, in bulk, in tank vehicles, from the facilities of Jebro, Inc., Bridgeport Industrial Park, Sioux City, Iowa, to points in Minnesota and South Dakota, for 180 days. SUPPORTING SHIPPER: Jebro, Inc., R. A. Everist, Pres., 313 So. Phillips Ave., Sioux Falls, S. Dak. 57102. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 75302 (Sub-No. 12 TA) (CORRECTION) filed June 11, 1973, as MC 138685 (Sub-No. 1 TA) and republished in the FEDERAL REGISTER issue as corrected this issue. Applicant: DOUDELL TRUCKING COMPANY 545 Queen's Row (P.O. Box 842) San Jose, Calif. 95106 Applicant's representative: Marvin Handler 100 Pine Street Suite 2550 San Francisco, Calif. 94111 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Alameda, Contra Costa, Los Angeles, Napa, Riverside, San Bernardino, San Francisco, and San Mateo Counties, Calif., to points in Arizona; and (2) *steel drums*, from points in Arizona, to Vernon, Calif., for 180 days. SUPPORTING SHIPPERS: United States Steel Corp., 120 Montgomery St., San Francisco, Calif. 94106; Davis Walker Corp., 6315 Bandini Boulevard, Los Angeles, Calif. 90040; Kaiser Steel Corp., 300 Lakeshore Drive, Oakland, Calif. 94612; Bethlehem Steel Corp., 100 California, San Francisco, Calif. 94119; and Triangle Conduit & Cable Co., 1666 Willow Pass Road, Pittsburg, Calif. 94565. SEND PROTESTS TO: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102. Note: The purpose of this republication is to indicate applicant's correct docket No. MC 75302 (Sub-No. 12 TA) in lieu of No. MC 138685 (Sub-No. 1 TA) which was inadvertently previously published in error.

No. MC 106644 (Sub-No. 155 TA) (CORRECTION) filed July 5, 1973, published in the FEDERAL REGISTER issue of July 24, 1973, and, republished as corrected this issue. Applicant: SUPERIOR TRUCKING COMPANY, INC. 2770 Peyton Road, N.W. P.O. Box 916 (Box zip 30301) (Chattanoochee Station) Atlanta, Ga. 30321 Applicant's representative: Archie B. Culbreth Suite 246 1252 West Peachtree Street, N.W. Atlanta, Ga. 30309 Note: The purpose of this partial republication is show the applicant correct MC number as No. MC 106644 (Sub-No. 155 TA) in lieu of No. MC 10644 (Sub-No. 155 TA) which was published in error. The rest of the application remains the same.

No. MC 108973 (Sub-No. 9 TA) filed July 13, 1973 Applicant: INTERSTATE EXPRESS, INC. 2334 University Avenue St. Paul, Minn. 55114 Applicant's representative: Joseph J. Dudley W-1260 First National Bank Bldg. St. Paul, Minn. 55101 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from St. Cloud, Minn., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin, with no transportation for compensation on return except as otherwise authorized and (2) *Machinery, equipment, materials and supplies* used in, or in connection with the manufacture of paper and paper products, between St. Cloud, Minn., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin, for 180 days. RESTRICTIONS: The above described operations are limited to a transportation service to be performed under an amendment to an existing and continuing contract with Hoerner Waldorf Corporation. SUPPORTING SHIPPER: Hoerner Waldorf Corporation, 2250 Wabash Avenue, P. O. Box 3260, St. Paul, Minn. 56165. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Bureau of Operations, Interstate Commerce Commission, 448 Federal Bldg., 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 109584 (Sub-No. 150 TA) filed July 18, 1973 Applicant: ARIZONA-PACIFIC TANK LINES P.O. Box 192 Littleton, Colo. 80120 Applicant's representative: Kenneth E. Stolz (Same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate*, in bulk, in tank vehicles, from Salinas, Calif., to Salt Lake City, Utah, for 180 days. SUPPORTING SHIPPER: The Nestle Company, Inc., 100 Bloomingdale Road, White Plains, N.Y. 10605. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 1961 Stout Street, Denver, Colo. 802020.

No. MC 111729 (Sub-No. 390 TA) filed July 18, 1973 Applicant: PUROLATOR COURIER CORP. 2 Nevada Drive Lake Success, N.Y. 11040 Applicant's representative: John M. Delany (Same address as above) Authority sought to operate as a *common carrier*, by motor

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vehicle, over irregular routes, transporting: (1) *Radiopharmaceuticals, radioactive drugs, and medical isotopes and medical test kits*, between Alexandria and Richmond, Va., on the one hand, and, on the other, points in West Virginia, on traffic having an immediately prior or subsequent movement by air or motor vehicle; and (2) *business papers, records, audit and accounting media of all kinds, and advertising material moving therewith*, between Boston, Mass., on the one hand, and, on the other, Greece, N.Y., and Pittsford, N.Y., for 90 days. SUPPORTING SHIPPERS: Mallinckrodt Nuclear, Box 10172, Lambert Field, St. Louis, Mo.; Abbott Laboratories, Radiopharmaceutical Products Division, Abbott Park Building, 8, North Chicago, Ill.; Gorin Stores, Inc., P.O. Box 66, Kenmore Station, Boston, Mass. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 391 TA) filed July 16, 1973. Applicant: PUROLATOR COURIER CORP. 2 Nevada Drive Lake Success, N.Y. 11040 Applicant's representative: John M. Delany (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds, and advertising material of all kinds*, moving therewith, (a) between Pittsburgh, Pa., on the one hand, and, on the other, Batavia, Buffalo, Hornell, Lakewood, Niagara, Olean, Rochester, and Victor, N.Y.; and Charleston, Huntington, and Williamson, W. Va.; (b) between Toledo, Ohio, on the one hand, and, on the other, Angola, Auburn, Fort Wayne, and Warsaw, Ind.; Adrian, Albion, Battle Creek, Coldwater, Hillsdale, Marshall, Monroe, Morenci, Sturgis, Tecumseh, and Union City, Mich.; (c) between Paramus, N.J. and York, Pa.; (d) between Red Lion, Pa., on the one hand, and, on the other, Jersey City, South Hackensack and South Rutherford, N.J.; Columbus, Ohio; Springfield and Canton, Mass.; and points in that portion of the New York, N.Y. Commercial Zone as defined in the Commercial Zones and Terminal Areas 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption provided by Section 203(b)(8) of the Act (the "exempt" zone); (e) between Nashville, Tenn., on the one hand, and, on the other, Bedford and Blytheville, Ark.; Chicago, Ill.; Bloomington and Indianapolis, Ind.; Corinth, Clarksdale and Oxford, Miss.; Cincinnati, Columbus and Springdale, Ohio; and points in Kentucky; and (f) between Elmhurst, Ill., on the one hand, and, on the other, points in Ohio, located on/or west of U.S. Interstate Highway 75 and (2) *cutting dies and small parts*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from the consignor to one consignee on any one day, between Red Lion, Pa., on the one hand, and, on the other, Jersey City, South Hackensack and South Rutherford, N.J.; Columbus, Ohio; Springfield and Canton, Mass.; and points in that portion of New York, N.Y. Commercial Zone as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption provided by Section 203(b)(8) of the Act (the "exempt" zone), for 90 days. SUPPORTING SHIPPERS: (1) Sears, Roebuck and Co., 4640 Roosevelt Blvd., Philadelphia, Pa.; (2) The Great Atlantic and Pacific Tea Company, Inc., 830 N. Westwood Avenue, P.O. Box 925, Toledo, Ohio; (3) McCrory - McLellan - Green Stores, 2365 East Market St., P.O. Box 3128, York, Pa.; (4) New Era Die Company, Maple Street Extended, Red Lion, Pa.; (5) Kuhn's-Big K Stores, Corp., 3040 Sidco Drive, Nashville, Tenn.; (6) Baird-Ward Printing Company, Inc., P.O. Box 539, Nashville, Tenn.; (7) Service Merchandise Company, P.O. Box 11356, Nashville, Tenn.; and (8) SCA Services Incorporated, 188 Industrial Drive, Elmhurst, Ill. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113855 (Sub-No. 279 TA) filed July 17, 1973 Applicant: INTERNATIONAL TRANSPORT, INC. 2450 Marion Road S.E. Rochester, Minn. 55901 Applicant's representative: Thomas J. Van Osdel 502 First National Bank Bldg. Fargo, N. Dak. 58102 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, tractor attachments, and parts* for tractors and tractor attachments, from Romeo, Mich., to points in Montana, Idaho, Oregon, Washington, California, Nevada, Utah and Arizona, for 180 days. SUPPORTING SHIPPER: Ford Motor Company Tractor, 2500 E. Maple Road, Troy, Mich. 48084. SEND PROTESTS TO: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg., 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 117610 (Sub-No. 10 TA) filed July 18, 1973 Applicant: DERRICO TRUCKING CORP. 907 E. 141st St., Bronx, N.Y. 10454 Applicant's representative: Bert Collins Suite 6193 5 World Trade Center New York, N.Y. 10048 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard* such as—boxboard, kraftboard, paperboard, and paper for the account of Whippany Paper Board Company, Inc., from Whippany, N.J., to Central Islip, Valley Stream, Syosset, Hauppauge, Deer Park, Melville, Long Island, New York and Mt. Vernon, N.Y.; (2) *waste paper*, from the aforementioned destinations to Whippany, N.J., for 180 days. SUPPORTING SHIPPER: Whippany Paper Board Co., Inc., 10 North Jefferson Road, Whippany, N.J. SEND PROTESTS TO: Marvin Kampel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 120841 (Sub-No. 4 TA) filed July 16, 1973 Applicant: WALTER J. DUNLAP AND W. A. BIRCKBICHLER, doing business as BLACK & WHITE EXPRESS 217 American Avenue Butler, Pa. 16001 Authority's representative: John A. Vuono 2310 Grant Building Pittsburgh, Pa. 15219 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and perishable foods* requiring refrigeration, in temperature controlled vehicles, from points in Butler County, Pa., to Johnstown, Altoona, State College, Somerset, Philipsburg, Houtzdale, Clearfield, DuBoise, Punxsutawney, Blairsville, Reynoldsville, Tyrone and Huntingdon, Pa., for 180 days. SUPPORTING SHIPPER: Rath Packing Company, P.O. Box 330, Waterloo, Iowa 50704. SEND PROTESTS TO: District Supervisor John J. England, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 129034 (Sub-No. 4 TA) filed July 18, 1973 Applicant: LOOMIS COURIER SERVICE INC. 55 Battery Street Seattle, Wash. 98121 Applicant's representative: George H. Hart 1100 IBM Bldg. Seattle, Wash. 98101 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cash letters*, (1) Between Portland, Oreg., on the one hand, and, on the other, points in Yakima, Franklin, Walla Walla, Asotin, Whitman, and Spokane Counties, Wash; (2) Between Walla Walla County, Wash., and points in Umatilla, Union, Wallowa, Malheur, Baker, Gilliam, and Morrow Counties, Oreg; and (3) Between points in Spokane, Whitman and Asotin Counties, Wash., and Nefi Perce, Latah, Kootenai, Bonner, Boundary Shoshome, Clearwater, Lewis and Idaho Counties, Idaho, for 180 days. RESTRICTION: Limited to a transportation service to be performed under a continuing contract or contracts with Banks and Banking Institutions. SUPPORTING SHIPPER: Federal Reserve Bank of San Francisco, Portland Branch, P.O. Box 3436, Portland, Oreg. 97208. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg. Seattle, Wash. 98104.

No. MC 133779 (Sub-No. 6 TA) filed July 18, 1973 Applicant: FUNDIS COMPANY (a Nevada Corporation) 110 West Broadway P.O. Box 740 Lovelock, Nev. 89419 Applicant's representative: Pete Fundis (Same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diatamaceous earth*, in bulk, (a) from Clark and Colado, Nev., to points in Arizona, California, Idaho, Oregon, Utah, Washington, and Wyoming and *soda ash*, in bulk and (b) from points in Sweetwater County, Wyo., and San Bernardino County, Calif., to Clark and Colado, Nev., for 180 days. SUPPORTING SHIPPER: Eagle Picher Industries, Inc., P.O. Box 1869, Reno, Nev. 89505. SEND PROTESTS TO: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, 203 Federal Building, 705 North Palza Street, Carson City, Nev. 89701.

No. MC 134017 (Sub-No. 4 TA) filed July 16, 1973 Applicant: R. M. HENDERSON doing business as H & M MOTOR LINES P.O. Box 3585 One Furman Hall Road Greenville, S.C. 29608 Applicant's representative: E. Stephen Heisley 666 Eleventh Street, N.W. Washington, D.C. 20001 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, burlap articles and paper articles* (except in bulk), from Garden City, Kans., to points in the United States (except Alaska and Hawaii), under continuing contract with Packaging Products and Design Corp. of Newark, N.J., for 180 days. SUPPORTING SHIPPER: Packaging Products and Design Corp., 574 Ferry Street, Newark, N.J. 07105. SEND PROTESTS TO: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 135556 (Sub-No. 2 TA) filed July 9, 1973 Applicant: RAYMOND R. CARPENTER AND JAMES E. CARPENTER, doing business as CARPENTER BROS. TRUCKING Rt. #2, Box 2005 Bucyrus, Ohio 44820 Applicant's representative: Gerald P. Wadkowski 85 East Gay Street Columbus, Ohio Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry ammonia nitrate*, in bulk, between points in Wyandot County, Ohio, on the one hand, and, on the other, Terre Haute, Ind. and (2) *Animal feed*, in bulk and bag, between points in Ohio, on the one hand, and, on the other, Ft. Wayne and Syracuse, Ind., for 180 days. SUPPORTING SHIPPERS: (1) Landmark, Inc., Kirby Plant, P.O. Box 31, Kirby, Ohio 43330 and (2) The Ziegler Milling Company, P.O. Box 190, Bucyrus, Ohio 44820. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit St., Toledo, Ohio 43604.

No. MC 136228 (Sub-No. 8 TA) filed July 18, 1973 Applicant: LUISI TRUCK LINES, INC. New Walla Walla Highway No. 11 (Box 606) Milton-Freewater, Oreg. 97862 Applicant's representative: Eugene Luisi (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, frozen foods, fresh produce, beer and wine*, from points in Los Angeles, Orange, Riverside, Kern, Fresno, Madera, Merced, Stanislaus, San Joaquin, Santa Clara, Sacramento, San Benito, San Francisco, and Napa Counties, Calif., to Nyssa, Pendleton and La Grande, Oreg. and Walla Walla, Wash., for 180 days. SUPPORTING SHIPPER: La Grande Fruit Company, Highway 30 East, P.O. Box 458, La Grande, Oreg. 97850. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S. W. Pine St., Portland, Oreg. 97204.

No. MC 136408 (Sub-No. 10 TA) filed July 16, 1973 Applicant: CARGO CONTRACT CARRIER CORP. P.O. Box 206 U.S. Highway 20 Sioux City, Iowa 51102 Applicant's representative: William J. Hanlon 60 Park Place Newark, N.J. 07102 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Emporia, Kans., to points in Bergen, Essex, Passaic, Hudson, Union and Middlesex Counties, N.J. and New York, Nassau, Suffolk and Westchester Counties, N.Y., for 180 days. RESTRICTION: The operations authorized are limited to a transportation service to be performed under a continuing contract with Iowa Beef Processors, Inc. SUPPORTING SHIPPER: Iowa Beef Processors, Inc., John F. Roeser, Jr., V. Pres., Dakota City, Nebr. 68731. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 136646 (Sub-No. 4 TA) filed July 16, 1973 Applicant: DYKSTRA TRANSPORT, INC. 317 Fourth Avenue S.E. Sioux Center, Iowa 51250 Applicant's representative: Robert G. Planansky 605 So. 14th Street P.O. Box 82028 Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk (gasolines and fuel oils), from the International Boundaries between Canada and points in Minnesota and North Dakota, to points in North Dakota, South Dakota, Minnesota, Nebraska and Iowa, for 150 days. SUPPORTING SHIPPER: Oskey Gasoline and Oil Company, Inc., L. G. Jaskowiak, V.P., Dir. of Transportation, 2950 Metro Drive, Suite 301, Minneapolis, Minn. 55420. SEND PROTESTS TO: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

MOTOR CARRIERS OF PASSENGERS

No. MC 123577 (Sub-No. 15 TA) (CORRECTION) filed June 18, 1973, published in the FEDERAL REGISTER issues of July 2, 1973, and July 20, 1973, and republished as corrected this issue. Applicant: WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC. (Donald A. Robinson, Trustee) 419 Anderson Avenue Fairview, N.J. 07022 Applicant's representative: Edward F. Bowes 744 Broad Street Newark, N.J. 07102 Authority sought to operate as *a common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between Ringwood, N.J. and New York, N.Y., serving no intermediate points, from junction of Greenwood Lake Turnpike, Skyline Drive and Erskine Road, over Skyline Drive to junction West Oakland Avenue in Oakland, thence over West Oakland Avenue to junction New Jersey Highway 208 in Oakland, thence over New Jersey Highway 208 to junction New Jersey Highway 4 in Fair Lawn, thence over New Jersey Highway 4 to junction New Jersey Highway 17 in Paramus, thence over New Jersey Highway 17 to junction Interstate Highway 80 in Hackensack, thence over Interstate Highway 80 to junction Interstate Highway 95 in Teaneck, thence over Interstate Highway 95 to junction New Jersey Highway 3, and Interstate Highway 495 in Secaucus, return over the same route, serving no intermediate points, for 180 days. Note: The purpose of this partial republication is to show that Skyland Drive should be Skyline Drive and Colfax Avenue should be West Oakland Avenue. The rest of the application remains the same.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.73-15950 Filed 8-1-73;8:45 am]

[Notice No. 324]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 22, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matter relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74489. By order of July 30, 1973, the Motor Carrier Board approved the transfer to Ronald Dale Smith, Doing Business As Appleton City

V 38-148 AUG 2 73 XUM

Truck Line, Appleton City, Mo., of portions of Certificates Nos. MC–29611 and MC–29611 (Sub-No. 2) issued to Raymond D. Good, Doing Business As La Cygne Truck Line, La Cygne, Kans., authorizing the transportation of: General commodities, with the usual exceptions, between specified points and areas in Missouri and Kansas. Kenneth F. Crockett. Attorney, 308 Casson Bldg., Topeka, Kans. 66603

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15951 Filed 8-1-73;8:45 am]

[Notice 60]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 25, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearings.

No. MC 730 (sub-No. 349), filed June 6, 1973. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94604. Applicant's representative: R. N. Colledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Petroleum products*, in bulk, in tank vehicles; (1) from points in San Juan County, N. Mex., to points in Arizona; (2) between points in California (except shipments moving in foreign commerce); (3) from points in Texas, to points in California and Oregon; and (B) *gas odorants*, in bulk, in tank vehicles, from Houston, Tex., to points in Wyoming and North Dakota.

NOTE: Common control may be involved. Applicant states that authority sought for transportation of petroleum products between points in California will be tacked at Chico, Calif. (sub-No. 204), Meridian, Calif. (sub-No. 52) and Oildale, Calif. (sub-No. 294), to serve points in Oregon and Washington. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Albuquerque, N. Mex.

No. MC 1328 (sub-No. 14), filed June 14, 1973. Applicant: MGS TRANSPORTATION, INC., P.O. Box 270, Alexandria, Ind. 46001. Applicant's representative: Donald W. Smith, 900 Circle Tower Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated and cleated containers*, from the plantsite of Indiana Box Company, Inc., at Greenfield, Ind., to points in Arkansas, Georgia, Illinois, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, under contract with Indiana Box Corporation.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 1977 (sub-No. 18), filed June 11, 1973. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5231 Monroe Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, suite 1600, Lincoln Center, 1600 Lincoln Street Denver, Colo. 80202 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Colorado on the one hand, and, on the other, points in Utah.

NOTE: Common control was approved in Nos. MC–F–9760 and MC–F–9396. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 10875 (sub-No. 35), filed March 14, 1973. Applicant: BRANCH MOTOR EXPRESS COMPANY, a corporation, 114 Fifth Avenue, New York, N.Y. 10011. Applicant's representative: G. G. Heller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), serving the plant site of the Ford Motor Company located at or near Romeo, (Macomb County) Mich., as an off-route point in connection with applicant's regular-route operations to and from Detroit.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich. or Washington, D.C.

No. MC 20722 (sub-No. 24), filed June 18, 1973. Applicant: M & G CONVOY INC., 590 Elk Street, P.O. Box 104, Buffalo, N.Y. 14240. Applicant's representative: Walter N. Bieneman, One Woodward Avenue, suite 1700, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *parts thereof* moving therewith, in initial movements, in truckaway and driveaway service, from the plantsite of Chrysler Corporation near New Stanton (Westmoreland County), Pa., to points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Mississippi, Missouri, New Hampshire, North Carolina, Rhode Island, South Carolina, Tennessee, Vermont, and Wisconsin.

NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 29120 (sub-No. 160), filed June 11, 1973). Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Michael J. Ogborn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A, B, C & D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, hides and inedible skins), from Waterloo and Columbus Junction, Iowa to points in Michigan, Ohio, Kentucky and Indiana, restricted to traffic originating at the plantsites and storage facilities of Rath Packing Co. at or near the named origins and destined to the named destination areas.

NOTE.—Common control was approved in MC–F–11285. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Waterloo, Iowa.

No. MC 29848 (sub-No. 3), filed June 11, 1973. Applicant: O. CLOUTIER & SONS, INC., 137 Crawford Street, Fall River, Mass. 02724. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products*, between Portsmouth, R.I.; Woburn, and Boston, Mass.; Hartford, Conn.; Hancock, Vt.; New York, Irvington, New Windsor, Syracuse, Buffalo, and Farmingdale, N.Y.; Port Newark, Port Elizabeth, Camden, and Freehold, N.J.; and Philadelphia, Ridgeway and Pittsburgh, Pa., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey and Pennsylvania, under contract with Weyerhauser Company.

NOTE: If a hearing is deemed necessary, applicant requests it be held at either Boston, Mass., Providence, R.I., or Washington, D.C.

No. MC 29910 (sub-No. 132), filed May 11, 1973. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11 Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, P.O. Box 43, Kelley Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the Highland Industrial Park located in Calhoun and Quachita Counties, Ark., as off-route points in connection with applicant's regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark. or Shreveport, La.

No. MC 31389 (sub-No. 165), filed June 7, 1973. Applicant: McLEAN TRUCKING CO., a corporation, 617 Waughtown Street, P.O. Box No. 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street, NW., suite 502, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value), classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of Gulf States Utilities Company, at or near St. Francisville, La., as an off-route point in connection with applicant's regular route operations to and from Baton Rouge, La.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 31389 (sub-No. 167), filed June 7, 1973. Applicant: McLEAN TRUCKING CO., a corporation, 617 Waughton Street, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site and facilities of Ford Motor Company, located at Romeo, Mich., as an off-route point in connection with carrier's regular route operations to and from Detroit, Mich.

NOTE: Common control was approved in MC–F–11666. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 35807 (sub-No. 35), filed April 23, 1973. Applicant: WELLS FARGO ARMORED SERVICE CORP., P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency*, from Nogales and Tucson, Ariz. to El Paso, Tex., under a continuing contract with Southern Arizona Bank & Trust Company.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tucson, Ariz.

No. MC 35628 (sub-No. 349), filed May 31, 1973. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving applicant's terminal facilities, in White Deer Township (Union County) Pa., as an off-route point in connection with applicant's regular-route operations as authorized at Sheet 16 of Certificate MC 35628, between Halls, Pa., and Dauphin, Pa., over Pennsylvania Highway 147.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 42011 (sub-No. 10) (amendment), filed March 29, 1972, published in the FEDERAL REGISTER issue of August 24, 1972 and republished, as amended, this issue. Applicant: D. Q. WISE & CO., INC., 2835 W. 21st Street, P.O. Box 9205, Tulsa, Okla. 74107. Applicant's representative: Rufus H. Lawson, 2400 Northwest 23d, P.O. Box 75124, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in appendix V of "Descriptions in Motor Carrier Certificates," *Ex parte No. MC 45*, 64 M.C.C. 209 (restricted against the transportation of Mercer Description Commodities, Earth drilling commodities, pipe and tubing), from Tulsa, Okla., and points on the Arkansas and Verdigris Rivers in Oklahoma, to points in Arkansas, Kansas, Colorado, Nebraska, Missouri, and Texas.

NOTE: The purposes of this republication are: (1) to eliminate the truck load commodity restriction; (2) to delete the origin of Sandy Springs, Okla.; (3) to restrict the proposed operations to "from and to" movements; and (4) to include the transportation restriction as described above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 43963 (sub-No. 1), filed June 22, 1973. Applicant: CHIEF TRUCK LINES, INC., Joliet Road and 79th Street, Hinsdale, Ill. 60521. Applicant's representative: Richard A. Kerwin, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction, and road-making equipment, rollers, mobile cranes, and highway freight trailers*, and (2) *parts, attachments, and accessories of the commodities* in (1) above, between the plant sites of Hyster Company at or near Danville, Kewanee, and Peoria, Ill. and Crawfordsville, Ind., on the one hand, and, on the other, points in Wisconsin, Illinois, and Indiana, restricted to the transportation of shipments originating at or destined to the above-named points.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 44639 (sub-No. 71), filed June 18, 1973. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative:

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Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, and *materials and supplies* used in the manufacture of wearing apparel (exception commodities in bulk), between Whitakers, N.C. and Jersey City, N.J.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 53965 (sub-No. 89), filed June 4, 1973. Applicant: GRAVES TRUCK LINE, INC., 2130 S. Ohio, P.O. drawer 838, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, insulating products and materials*, and *materials, supplies and equipment*, used in the production, and distribution thereof, from the plant site and storage facilities of Johns-Manville Products Corp., at or near McPherson, Kans., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming.

NOTE: Applicant states that the requested authority can be tacked with its existing authority at McPherson, Kans., to serve numerous destination states named above and Texas, but indicates it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 59583 (sub-No. 138), filed June 14, 1973. Applicant: THE MASON AND DIXON LINES, INC., P.O. Box 969, Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel*, and *iron and steel articles*, from the plantsite and storage facilities of Continental Steel Corp., at Kokomo, Ind., to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, and (2) *equipment, materials, and supplies* used in the production of iron and steel and iron and steel articles, from points in Alabama, Connecticut, Delaware, Georgia, Illinois, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, to the plantsite and storage facilities of Continental Steel Corp., at Kokomo, Ind.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 59640 (sub-No. 36), filed June 25, 1973. Applicant: PAULS TRUCKING CORP., Three Commerce Drive Cranford, N.J. 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, catalogue showroom stores, and home center stores, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such businesses (except commodities in bulk), (1) between Linden and South Plainfield, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, New York, Massachusetts, and Pennsylvania, and (2) between Springfield and Chicopee, Mass., on the one hand, and, on the other, points in Connecticut, Delaware, New Jersey, New York, and Pennsylvania, under a continuing contract, or contracts, with Supermarkets General Corp.

Note: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 61592 (sub-No. 308) filed June 22, 1973. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: E. A. DeVine (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Wheels, rims, hubs, spindles, and parts thereof*, from the plant site of French and Hecht, Division of Kelsey Hayes Co., at or near Walcott, Iowa, to points in the United States (except Alaska and Hawaii), and (2) *materials and supplies* used in the manufacture and distribution of the above named commodities from points in the United States (except Alaska and Hawaii), to the plant site of French and Hecht, Division of Kelsey Hayes Co. at or near Walcott, Iowa.

NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 66886 (sub-No. 39), filed June 18, 1973. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes, and highway freight trailers*, and (2) *parts, attachments, and accessories* of the commodities in (1) above, between the plant sites of the Hyster Co. at or near Crawfordsville, Ind., on the one hand, and, on the other, points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Texas, restricted to the transportation of shipments originating at or destined to the above named points.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 69833 (sub-No. 109), filed June 7, 1973. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Harry Pohlad (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of International Packing Corp. at or near Morristown, Ind., as an off-route point in connection with carrier's authorized regular route operations to and from Shelbyville and Greensburg, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or Columbus, Ohio.

No. MC 71074 (sub-No. 5), filed June 25, 1973. Applicant: WAREHOUSE TRANSPORT, INC., 211 Plainfield Street, Springfield, Mass. 01107. Applicant's representative: David G. Macdonald, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, under continuing contract or contracts with The Great Atlantic & Pacific Tea Co., Inc.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 73688 (sub-No. 62), filed June 21, 1973. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, P. O. Box 7182, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 601 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from the warehouse of National Gypsum Co., at Memphis, Tenn., to points in Mississippi in and north of Warren, Hinds, Rankin, Scott, Newton, and Lauderdale Counties, those in Arkansas in and east of Ashley, Bradley Calhoun, Dallas, Hot Springs, Garland, Perry, Pope, Searcy and Marion Counties, those in Missouri in and east of Ozark, Howell, Shannon, Reynolds, Iron, Madison, and Perry Counties, and points in Lamar, Marion, Winston, Franklin, Lawrence, Morgan, Colbert, Lauderdale, Limestone, and Madison Counties, Ala.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 74321 (sub-No. 86), filed June 18, 1973. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, plastic pipe, fittings, water meter boxes, manhole covers, valve boxes, frames, watermain fittings, including parts and accessories thereof*, from Tyler, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Applicant states that the requested authority can be tacked at Tyler, Tex., with its sub-No. 51, in order to provide through service from Birmingham, Ala., to points in southwestern states via a Tyler, Tex., gateway, but it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Denver, Colo.

No. MC 74321 (sub-No. 87), filed June 4, 1973. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building panels*, from the plantsite of Star Manufacturing Co. at Oklahoma City, Okla., to points in Arizona, California, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 82492 (sub-No. 84), filed June 28, 1973. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, drugs and rubber and plastic articles* when moving at the same time and in the same vehicle with foodstuffs (except commodities in bulk), from Columbus, Ohio, to points in Iowa, Minnesota, Nebraska, and Wisconsin, restricted to traffic originating at Columbus, Ohio.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 82841 (sub-No. 122), filed June 15, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corp. at Lackawana, N.Y., to points in Illinois, Iowa, Missouri, and Wisconsin, and Beatrice, Grand Island, and Omaha, Nebr.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Buffalo, N.Y.

No. MC 82841 (sub-No. 123), filed June 15, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk material handling, mixing, and processing equipment*, and *bulk storage bins*, from Columbus, Nebr., to points in the United States (except Alaska and Hawaii).

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 95540 (sub-No. 879), filed May 21, 1973. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive NE., Atlanta, Ga. 30325. Applicant's representative: Alan E. Serby, 1600 First Federal Building, P.O. Box 872, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen citrus products*, from points in Florida to points in Massachusetts, Maine, Connecticut, Rhode Island, Vermont, and New Hampshire; and (2) *citrus products not canned and not frozen*, from points in Florida to points in Rhode Island.

NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Further, applicant states that the purpose of the instant application is to eliminate the gateway of Bridgeton, N.J., and provide through service between the points named in (1) and (2) above. If a hearing is deemed necessary, applicant requests it be held at Tampa, or Orlando, Fla.

No. MC 95540 (sub-No. 883) filed June 14, 1973. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, NE., P.O. Box 1636, Atlanta, Ga. 3030. Applicant's representative: Lyle E. Welch, 2715 Ellis Street, Fort Worth, Tex. 76106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible meats*, from Palestine, (Anderson County) Tex., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, and Pennsylvania.

NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Atlanta, Ga.

No. MC 103191 (sub-No. 38), filed June 6, 1973. Applicant: THE GEO. A. PHEMAN CO., INC., 2019 Elgin Street, P.O. Box 2095, Station A, Charleston, S.C. 29403. Applicant's representative: Harris G. Andrews, P.O. Box 4255, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, between Charleston, S.C., on the one hand, and, on the other, points in Kentucky and Cincinnati, Ohio.

NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Atlanta, Ga.

No. MC 103993 (sub-No. 769), filed June 8, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Martin County, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (sub-No. 770), filed June 21, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Baxter County, Ark. to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fayetteville, Ark.

No. MC 106398 (sub-No. 665), filed May 24, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor

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vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Union County, Miss., to points in the United States (except Alaska and Hawaii).

NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 106398 (sub-No. 667), filed June 13, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irwin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Arlington, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 106398 (sub-No. 668), filed June 13, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Marshfield, Wis., to points in the United States (except Alaska and Hawaii).

NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 106398 (sub-No. 674), filed June 18, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Lauderdale County, Miss., to points in the United States (except Alaska and Hawaii).

NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 107002 (sub-No. 435), filed June 6, 1973. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Natchez, Miss., to points in Alabama, Arkansas, Illinois, Louisiana, Mississippi, Missouri, New Jersey, Oklahoma, Pennsylvania, Tennessee, and Texas.

NOTE: Applicant states that the requested authority can be tacked with its existing authority at points in Alabama, Arkansas, Illinois, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, to serve points in Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, North Carolina, Ohio, South Carolina, West Virginia, and Wisconsin, but indicates that it has no present intention to tack. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 107012 (sub-No. 182), filed June 7, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new household furnishings, fixtures, appliances, and equipment, and new commercial and institutional furnishings, fixtures, and equipment*, all crated, from points in Washington and Oregon, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming, restricted against the transportation of commodities which because of size or weight require the use of special equipment.

NOTE: Common control may be involved. Also dual operations. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or San Francisco, Calif.

No. MC 107295 (sub-No. 644), filed May 31, 1973. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal panels and building parts*, from Little Rock, Ark., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 107403 (sub-No. 851), filed June 11, 1973. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdown, Pa. 19050. Applicant's representative: Harry C. Amers, Jr., 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plant site of Commercial Solvents Corp., at Sterlington, La., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plant site of Commercial Solvents Corp.

NOTE.—Common control may be involved Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (sub-No. 854), filed June 4, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meats, meat products and meat byproducts*, from points in Oklahoma, to points in Alabama, Georgia, Florida, Tennessee (except Memphis), South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, Vermont, New Hampshire, and the District of Columbia.

NOTE: Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 108341 (sub-No. 33), filed June 15, 1973. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, (except commodities in bulk), from the plantsites and facilities of United States Gypsum Co. at Chamblee and Morrow, Ga., to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, restricted to traffic originating at the above described facilities and destined to points in the above named territory.

NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108393 (sub-No. 71), filed June 14, 1973. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances*, and *equipment, materials, and supplies* used in the manufacture, distribution, and repair of electrical and gas appliances, (a) between Frankfort, Ind., on the one hand, and, on the other, Marion and Findlay, Ohio, and (b) between St. Marys, Pa., on the one hand, and, on the other, Clyde, Marion and Findlay, Ohio, and St. Joseph, Mich., under contract with Whirlpool Corporation.

NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110098 (sub-No. 138), filed June 25, 1973. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and matches*, from Fullerton, Hayward, Oakdale, and Davis, Calif., to points in Idaho, Oregon, and Washington.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 110589 (sub-No. 26), filed June 14, 1973. Applicant: J. E. LAMMERT TRANSFER, INC., 317 North Oak Street, Grand Island, Nebr. 68801. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese products, and cheese byproducts*, and *pizza toppings*, from Denver, Colo., Hutchinson, and Wichita, Kans., and Superior, Nebr., to points in Alabama, Florida, Georgia, Illinois, Mississippi, Nebraska, North Carolina, South Carolina, Tennessee, and Wisconsin.

NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Lincoln, Nebr.

No. MC 110659 (sub-No. 18), filed June 25, 1973. Applicant: COMMERCIAL CARRIERS, INC., 975 Virginia Street West, Charleston, W. Va. 25302. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Window glass*, from Charleston, W. Va., to points in the lower peninsula of Michigan (except Detroit and points in the Detroit, Michigan Commercial Zone).

Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., Columbus, Ohio, or Washington, D.C.

No. MC 110683 (sub-No. 95), filed June 7, 1973. Applicant: SMITH'S TRANSFER CORP., P.O. Box No. 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Frankfort, Ind., as an off-route point in connection with applicant's existing authority between Indianapolis, Ind., and Morocco, Ind.

Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or Washington, D.C.

No. MC 111170 (sub-No. 205), filed June 21, 1973. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, Ark. 71730. Applicant's representative: Don A. Smith, P.O. Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petoleum and petroleum products*, in bulk, in tank vehicles, as set forth in Appendix XIII of the report in "Descriptions in Motor Carrier Certificates", 61 M.C.C. 209, from the refinery and loading facilities of AMSCO/Union Oil Company of California located at Nederland (Smiths Bluff), Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 112304 (sub-No. 69), filed June 21, 1973. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical substations, circuit breakers and switches, and related parts, attachments, and accessories* used in the assembly and construction thereof, from Springdale, Ark. to points in Illinois, Wisconsin, Missouri, Michigan, Ohio, Indiana, Kentucky, Tennessee, North Carolina, Virginia, West Virginia, Delaware, Maryland, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia, and (2) *equipment, materials and supplies* (except commodities in bulk), used in the manufacture and assembly of articles in (1) above, from points in the destination states named in (1) above to Springdale, Ark.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Washington, D.C.

No. MC 112750 (sub-No. 298), filed June 8, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments and business records* (except currency, and negotiable securities) as are used in the business of banks and banking institutions, (1) between points in Hartford County, Conn., on the one hand, and, on the other, points in Hampden and Hampshire Counties, Mass.; and (2) from Greenfield, Mass., to Windsor Locks, Conn., under contract with banks and banking institutions.

NOTE.—Applicant holds common carrier authority under MC 111729 and subs, therefore dual operations may be involved. Also common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Boston, Mass.

No. MC 112822 (sub-No. 279), filed June 13, 1973. Applicant: BRAY LINES, INC., P.O. Box 1191, 1401 N. Little Street, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and powdered whey*, when in mixed shipments with foodstuffs, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsites and public warehouse facilities of vendors or suppliers of Kraft Foods located in Minnesota (except the Minneapolis and St. Paul, Minn., Commercial Zone), and Wisconsin, to the plantsites and public warehouse facilities of Kraft Foods at Springfield, Mo., and Dallas and Garland, Tex., restricted to traffic originating at the named origins and destined to the named destination points.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 112822 (sub-No. 280), filed June 25, 1973. Applicant: BRAY LINES, INC., P.O. Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, suite 1600, Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, from Ponca City, Okla., to Lakeland, Fla., and Springhill, La.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed

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necessary, applicant requests it be held at Houston or Fort Worth, Tex.

No. MC 112822 (sub-No. 281), filed June 25, 1973. Applicant: BRAY LINES, INC., P.O. Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: J. R. Gardner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectioneries*, from Montrose, Colo., to points in California and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or St. Louis, Mo.

No. MC 114457 (Sub-No. 152), filed June 11, 1973. Applicant: DART TRANSIT CO., a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Artificial Christmas trees and accessories*, (a) from the plantsite and warehouse facilities of Gordon Industries, Inc., located at Chicago, Ill., to points in the United States (except Alaska and Hawaii); and (b) from the plantsite and warehouse facilities of Gordon Industries, Inc., located at Newburgh, N.Y., to points in Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia; and (2) *returned or rejected shipments* from those destination points named in (b) above, to the plantsite and storage facilities of Gordon Industries, Inc. located at Chicago, Ill. and Newburgh, N.Y.; and (3) *polyvinyl chloride* (except in bulk), from Ramsey, N.J. to the plantsite and storage facilities of Gordon Industries, Inc., located at Chicago, Ill.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, aplicant requests it be held at St. Paul, Minn. or Chicago, Ill.

No. MC 115904 (sub-No. 30), filed June 11, 1973. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard, particle board and lumber mill products and gypsum products*, from points in California, to points in Idaho, Montana, Wyoming, Colorado, North Dakota, and South Dakota.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Idaho Falls, Idaho.

No. MC 119406 (sub-No. 7), filed June 18, 1973. Applicant: ROBERT J. GRALL, 2901 Calumet Avenue, P.O. Box 313, Manitowoc, Wis. 54220. Applicant's representative: Edward Solie, Executive Building, suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, boards or sheets, *veneer, wood paneling, hardboard, construction board, and wood particle board*, from Oshkosh, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Ohio, restricted to traffic originating at the plant site and warehouse facilities of Pluswood. Inc., at Oshkosh, Wis., and destined to points in the above described destination States.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 113651 (sub-No. 157), filed May 8, 1973. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), and *dressed rabbits* when shipped in mixed shipments with meat, meat products, meat by-products and articles distributed by meat packinghouses, from Denver, Colo., to points in California, Arizona, New Mexico, Washington, and Oregon.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 113678 (sub-No. 503), filed June 21, 1973. Applicant: CURTIS, INC. 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, from Omaha, Nebr., Kansas City, Kans., Southbridge, Mass., Sycamore, Ill.; Elizabeth, N.J.; Atlanta, Ga., and Oklahoma City, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr., Denver, Colo. or Lincoln, Nebr.

No. MC 113843 (sub-No. 194), filed June 4, 1973. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except commodities in bulk, in tank vehicles), from Owenton and Lawrenceburg, Ky., to the plantsite and warehouse facilities utilized by Kraft Food Division of Kraftco Corp. at Lehigh County, Pa., restricted to the transportation of traffic originating at the named origin points and destined to the named destination.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113843 (sub-No. 195), filed June 13, 1973. Applicant: REFRIGERATED FOODS EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranporting: *Bakery goods*, from Westbury, N.Y., to points in Ohio, Michigan, Virginia, Illinois, Missouri, and Pennsylvania.

NOTE.—Common control was approved in MC-F-6781. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114045 (sub-No. 386), filed June 20, 1973. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Chino, Calif., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, and the District of Columbia, restricted to products originating at the plant site and storage facilities of Swift Fresh Meats Co. and destined to the named States.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114211 (sub-No. 195) (clarification), filed April 27, 1973, published in the FEDERAL REGISTER issue of May 17, 1973, republished, as corrected, in the FEDERAL REGISTER issue of June 1, 1973, and in third publication, as clarified, this issue. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements, loaders, platforms, feeders, trailers, wagons, augers, spreaders, buckets, hoists, accessories, attachments, and parts*, from points in Wright County, Minn., to points in the United States (except Alaska and Hawaii), and (2) *equipment, materials, and supplies*, used in the manufacture or distribution of the above described commodities (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to points in Wright County, Minn.

NOTE.—Applicant states that taking possibilities exist at points in the United States, to provide service to points in the United States; but indicates that tacking is not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 114273 (sub-No. 143), filed June 11, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, suite 315, Commerce Exchange Building, 2720 First Avenue Northeast, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from Toledo, Ohio to Butler, Wis.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (sub-No. 154), filed June 18, 1973. Applicant: DART TRANSIT CO., a corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in cartons, from the plantsite and storage facilities of the Simmons Co. at Kansas City, Kans., to St. Louis, Mo., restricted to traffic originating at the plantsite and storage facilities of Simmons Co., at Kansas City, Kans.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 114457 (sub-No. 155), filed June 21, 1973. Applicant: DART TRANSIT CO., a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products, articles distributed by meat packinghouses*, and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers as described in Sections A, C, and D of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the plantsite and warehouse facilities utilized by Yankton Sioux Industries at Wagner, S. Dak., to points in Arkansas, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Lousiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Maine; and (2) *meats meat products, and meat by-products*, as described in Section A, of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61, M.C.C. 209 and 766 (except commodities in bulk and hides), *and materials, supplies, and equipment* used by meat packers in the conduct of their business, from points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, Texas, and Wisconsin, to the plantsite and warehouse facilities utilized by Yankton Sioux Industries at Wagner, S. Dak.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 114552 (sub-No. 86), filed June 25, 1973. Applicant: SENN TRUCKING CO., a corporation, P.O. Box 333, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, and veneer*, from the plant site and warehouse facilities of International Paper Co., located in Greenwood County, S.C. to points in Georgia, North Carolina, and Virginia.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Charlotte, N.C. or Washington, D.C.

No. MC 115491 (sub-No. 126), filed June 11, 1973. Applicant: COMMERCIAL CARRIER CORP., 502 East Bridgers Avenue, P.O. Drawer 67, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from the plant sites and facilities of United States Gypsum Co., located at or near Chamblee and Morrow, Ga., to points in Florida and Georgia, restricted to traffic originating at the above described facilities and destined to points in the above-named territory.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 115793 (sub-No. 16), filed June 28, 1973. Applicant: CALDWELL FREIGHT LINES, INC., U.S. Highway 321 South, P.O. Box 672, Lenoir, N.C. 28645. Applicant's representative: Theodore Polydoroff, suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture stock*, from the plant site of Singer Furniture Co. at or near Trumann, Ark., to the plant sites of Singer Furniture Co. at or near Lenoir and Bryson City, N.C.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 116073 (sub-No. 267), filed June 6, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, transported on wheeled undercarriages, from points in Boulder County, Colo. to points in Nebraska, Kansas, Oklahoma, New Mexico, Utah, Wyoming, South Dakota, and Montana.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 116077 (sub-No. 344), filed June 4, 1973. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite and facilities of Union Carbide Corp. at or near Taft (St. Charles Parish), La., to points in the United States (except Alabama, Arizona, California, Colorado, Florida, Georgia, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee west of U.S. Highway 27, and Texas), restricted to the transportation of traffic originating at the plantsite and facilities of Union Carbide Corp. and destined to the above destinations.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La. or Washington, D.C.

No. MC 116077 (sub-No. 345), filed July 2, 1973. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, 401 First National Life Building,

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Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Sulphur*, in bulk, in tank vehicles, from Edgewood, West Yantis, and Myrtle Springs, Tex., to Woodstock, Tenn., and (B) *petroleum wax*, in bulk, in tank vehicles, from Gulf Oil Co., U.S. Cedar Bayou Olefin Plant at or near Baytown, Tex., to points in Connecticut and New Jersey.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Atlanta, Ga.

No. MC 116763 (sub-No. 257), filed June 13, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Iowa City and Muscatine, Iowa, to points in Arkansas, Kentucky, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas; and from Mechanicsburg, Pa., to points in North Carolina, restricted to traffic originating at the facilities of Heinz U.S.A., Division of H. J. Heinz Company at Iowa City, Iowa, Muscatine, Iowa, and Mechanicsburg, Pa., and destined to points in the named destinations States.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. 116763 (sub-No. 259), filed June 21, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies, ceiling suspension systems, iron and steel studding and parts, and plasterboard*, from Westlake, Ohio, to points in Arkansas, Oklahoma, and Texas.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116763 (sub-No. 262), filed June 25, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caps, covers, lids and discs, and plastic articles*, from Pomona, Calif., to points in the United States in and east of Minnesota, Iowa, Kansas, Oklahoma, and Texas.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117815 (sub-No. 211), filed June 14, 1973. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, Ninth floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *feed*, animal, fish or poultry (except in bulk), when moving in mixed loads, from Chicago, Ill., to points in Iowa, restricted to shipments originating at the facilities of Campbell Soup Co. and destined to the named destinations.

NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 117119 (sub-No. 478), filed June 10, 1973. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen products*, from Grand Fork, N. Dak., to points in Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah, Colorado, Arizona, New Mexico, Nebraska, New York, Pennsylvania, Delaware, Maryland, Virginia, New Jersey, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Bismarck, N. Dak. or Washington, D.C.

No. MC 117940 (sub-No. 93), filed June 18, 1973. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from South Edmeston and Walton, N.Y., Hagerstown, Md., and Elizabeth, N.J., to points in North Carolina, South Carolina, Georgia, Florida, Tennessee, and Alabama.

NOTE.—Applicant also holds contract carrier authority under MC 114789 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Miami, Fla.

No. MC 118468 (sub-No. 37), filed May 31, 1973. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson P.O. Box 236, Eagle Grove, Iowa 50533. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Washington, Oregon, Montana, Idaho, Wyoming, Colorado, North Dakota, and Nebraska, to points in Iowa, Minnesota, Nebraska, Missouri, Wisconsin, Illinois, Kansas, North Dakota and South Dakota, under a continuing contract or contracts with Emmer Bros., Inc. and its affiliates.

NOTE: Applicant also holds common carrier authority in MC 12483 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 119400 (sub-No. 12), filed June 22, 1973. Applicant: SIMANEK, INC., 150 West Seventh Street, Wahoo, Nebr. 68066. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, from Doniphan, Nebr., and Kansas City, Mo., to points in Kansas.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119547 (sub-No. 35), filed June 6, 1973. Applicant: EDGAR W. LONG, INC., Route 4, Zanesville, Ohio 43701. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from Columbus, Ohio, to Buffalo, N.Y.; (2) from Milwaukee, Wis., Louisville, Ky., and Columbus, Ohio, to Mabscott, W. Va.; (3) from Ft. Wayne, Ind., Louisville, Ky., St. Louis, Mo., and Columbus and Cleveland, Ohio, to Beckley, W. Va.; (4) from Cleveland, Ohio, and Peoria, Ill., to Wheeling, W. Va.; and (5) from Bensonville, Ill., and Milwaukee, Wis., to Zanesville, Ohio.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119726 (sub-No. 33), filed May 24, 1973. Applicant: N. A. B. TRUCKING CO., INC., 2502 West Howard Street, Indianapolis, Ind. 46221. Applicant's representative: James L. Beattey, 130 East Washington Street, suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, tops, and corrugated boxes*, knocked down, from Indianapolis, Ind., to points in Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119774 (sub-No. 69), filed June 22, 1973. Applicant: EAGLE TRUCKING CO., a corporation, 301 East Main Street, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cable and wire*, from the plantsite of Kaiser Alluminum and Chemical Corp. at or near Bay Minette, Ala., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials and supplies* used in the manufacture of cable and wire, from points in the destination territory described in (1) above, to the plantsite of Kaiser Aluminum and Chemical Corp. at or near Bay Minette, Ala.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., Pensacola, Fla., or New Orleans, La.

No. MC 119792 (sub-No. 36), filed June 14, 1973. Applicant: CHICAGO SOUTHERN TRANSPORTATION CO., INC., 3215 South Hamilton, Chicago, Ill. 60608. Applicant's representative: William J. Boyd, 29 South La Salle Street, suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, food products and food ingredients*, from points in Minnesota and Wisconsin, to points in Indiana, Ohio, Kentucky, Tennessee, South Carolina, North Carolina, Georgia, Florida, Alabama, Mississippi and Louisiana.

NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123048 (sub-No. 265), filed June 28, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53403. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal buildings*, knocked down, (2) *iron or steel conduit*, (3) *iron or steel conduit fittings;* and (4) *material, equipment and supplies* used in the manufacture, sale or distribution of the commodities named in (1), (2) and (3) above, from Parkersburg, W. Va., to points in the United States (except Alaska and Hawaii).

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Parkersburg, W. Va., or Washington, D.C.

No. MC 123048 (sub-No. 266), filed June 29, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53403. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Welded steel tubing and pressured tubing*, from Gerald, Mo., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Chicago, Ill., or Washington, D.C.

No. MC 123233 (sub-No. 46), filed June 11, 1973. Applicant: PROVOST CARTAGE INC., 7887 Second Avenue, Ville d'Anjou 437, Quebec, Canada. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from the port of entry on the international boundary line between the United States and Canada located at or near Rooseveltown, N.Y., to Massena, N.Y., restricted to traffic moving in foreign commerce originating in Ontario, Canada.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Albany, N.Y.

No. MC 123233 (sub-No. 47), filed June 10, 1973. Applicant: PROVOST CARTAGE, INC., 7887 Second Avenue, Ville d'Anjou 437, Quebec, Canada. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda and sodium chlorate*, in bulk, in tank vehicles, from the ports of entry on the international boundary line between the United States and Canada located at or near Highgate Springs and Derby Line, Vt., to Jay, Maine, restricted to traffic having a prior movement in foreign commerce.

NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Albany, N.Y.

No. MC 123993 (sub-No. 26) filed June 6, 1973. Applicant: FOGLEMAN TRUCK LINE, INC., 1724 West Mill Street, P.O. Box 1504, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plant site of Commercial Solvents Corp., at Sterlington, La., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, restricted to traffic originating at the plant site of Commercial Solvents Corp.

NOTE: Applicant holds a motor contract carrier permit in No. MC 41116 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 124071 (sub-No. 8), filed May 31, 1973. Applicant: LIVESTOCK SERVICE, INC., 1413 Second Avenue South, St. Cloud, Minn. 46301. Applicant's representative: Bruce E. Mitchell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cocks, valves and related parts*, from Sartell, Minn., and McMinnville, Tenn., to points in the United States (except Alaska and Hawaii), under contract with De Zurik Corp.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 124211 (sub-No. 229), filed June 4, 1973. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages and foodstuffs*, from points in Idaho, Oregon, and Washington, to points in the United States on and east of U.S. Highway 83, and to Rapid City, S. Dak., and Scottsbluff, Nebr.

NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant

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requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 124306 (sub-No. 13), filed June 25, 1973. Applicant: KENAN TRANSPORT COMPANY, INC., P.O. Box 2933, West Durham Station, Guess Road and Interstate 85, Durham, N.C. 27705. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, from Chesapeake, Va., to points in Georgia, Alabama, Kentucky, Tennessee, West Virginia, New Jersey, and Pennsylvania.

NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 125375 (sub-No. 10), filed June 1, 1973. Applicant: F. B. GUEST doing business as: F. B. G. TRANSPORT, Route 5, Box 298, Covington, Ga. 30209. Applicant's representative: Monty Schumacher, suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese*, from Watertown, N.Y., to the warehouse facilities of Winn-Dixie Stores, Inc., in Pompano Beach, Fla., under a continuing contract, or contracts, with Borden, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 125996 (sub-No. 37), filed June 8, 1973. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, Nebr. 68137. Applicant's representative: Arnold Burke, 127 North Dearborn St., suite 1133, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food ingredients*, from the plant site and storage facilities utilized by Co-Pet-Co., Inc., at or near Cortland, N.Y., to Columbus, Ohio, restricted to shipments originating at Cortland, N.Y., and destined to Columbus, Ohio.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y., or Omaha, Nebr.

No. MC 127242 (sub-No. 3), filed May 29, 1973. Applicant: HOUSTON TRUCK LINES, INC., 602 Service Street, P.O. Box 8847, Houston, Tex. 77009. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in cargo containers and/or cargo vans, and *empty cargo containers and empty cargo vans*, between points in Texas, Arkansas, Kansas, Oklahoma, Louisiana, New Mexico, and Kansas City, Mo.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 127253 (sub-No. 48), filed June 25, 1973. Applicant: R. A. CORBETT TRANSPORT, INC., P.O. Box 728, Waskom, Tex. 75692. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plant site of Commercial Solvents Corp. at Sterlington, La., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, restricted to traffic originating at the plantsite of Commercial Solvents Corp.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 128273 (sub-No. 142), filed June 18, 1973. Applicant: MIDWESTERN EXPRESS, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except frozen), from points in California to points in Minnesota, Wisconsin, Michigan, Iowa, Missouri, Illinois, Indiana, Kentucky, Ohio, and Pennsylvania.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 128412 (sub-No. 5), filed June 7, 1973. Applicant: LO-TEMP EXPRESS, INC., 1810 Tenth Avenue, Altoona, Pa. 16603. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour, sugar, foodstuffs and packaging materials*, from the warehouse of Steel City Milling, Inc., at Youngstown, Ohio, to points in Pennsylvania on and west of U.S. Highway 15, under a continuing contract with Steel City Milling, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 128521 (sub-No. 2), filed June 5, 1973. Applicant: BIRMINGHAM-NASHVILLE EXPRESS, INC., 317 Arlington Avenue, P.O. Box 7429, Nashville, Tenn. 37210. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and articles requiring special equipment), between Nashville, Tenn., and New Orleans, La.: From Nashville over U.S. Highway 431 to junction Tennessee Highway 99, thence over Tennessee Highway 99 to Columbia, Tenn., thence over U.S. Highway 431 to Tuscaloosa, Ala., thence over U.S. Highway 11, and also over Interstate Highway 59 to New Orleans, La., and return over the same route, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or New Orleans, La.

No. MC 129808 (sub-No. 10), filed June 22, 1973. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., West Highway 30, Grand Island, Nebr. 68801. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain storage bins, grain drying bins, bulk feed tanks, metal buildings and parts, materials and supplies* used in connection therewith, *automotive parts and accessories, ballast masters and hand carts*, from the plantsites and storage facilities of Chief Industries, Inc., at or near Grand Island, Nebr., Fort Dodge, Iowa, and Rensselaer, Ind. to points in the United States (except Alaska and Hawaii), and (2) *raw materials, parts, supplies, and tools* used in connection with the manufacture, distribution and erection of the commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to the plantsites and storage facilities of Chief Industries, Inc. at or near Grand Island, Nebr., Fort Dodge, Iowa, and Rensselaer, Ind., under a continuing contract or contracts with Chief Industries, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 129862 (sub-No. 3), filed May 24, 1973. Applicant: RAJOR, INC., P.O. Box 765, Franklin, Tenn. 37064. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, Calif. 90621. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Baseball bats, tobboggans, tobboggan cushions, bat chokes rubber, bat rubber swing rings, bat grip clear pine tar* in aerosol spray cans, *hockey sticks, hockey pucks, skis and poles, ski scooters, and other items* necessary to merchandise this line of sporting goods, from Dolgeville and Gloversville, N.Y., to points in the United States (except Alaska and Hawaii); (2) *baseball bats, components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to Dolgeville and Gloversville, N.Y., under a contract in (1) and (2) above with Adirondack Division of A–T–O Inc.; (3) *iron and steel pipe hangers, suspension systems and components* for plumbing, heating, powerplant and process piping systems, from Manasquan, N.J., to points in the United States (except Alaska and Hawaii); (4) *components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (3) above, from points in the United States (except Alaska and Hawaii), to Manasquan, N.J., under a contract in (3) and (4) above with Fee and Mason Division of A–T–O Inc.; (5) *laundrys*, steam or commercial (washing or dry cleaning establishments), including lint collectors or filters, dampeners, dampening presses, dry rooms, dry room appliances, folders, ironer drying cylinders, ironers, marking machines, stackers, starch cookers or kettles, starching machines, tumblers, washer-extractors, washing machine cylinders, washing machines and wringers, from Moline, Ill., to points in the United States (except Alaska and Hawaii); (6) *components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (5) above, from points in the United States (except Alaska and Hawaii), to Moline, Ill., under a contract in (5) and (6) above with Hydraxtor Division of A–T–O Inc.; (7) *airpowered floor polishers and carpet sweepers, vacuum cleaners, die cast products, and building alarm systems* to detect smoke and burglars, from Anaheim, Calif., to points in the United States (except California, Alaska, and Hawaii); (8) *components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (7) above, from points in the United States (except California, Alaska, and Hawaii), to Anaheim, Calif., under a contract in (7) and (8) above with Interstate Engineering Division of A–T–O Inc.; (9) *conveyors and electronic high-speed automated package sorting systems, and analog memory units* for sortation equipment, from Milwaukee, Wis., to points in the United States (except Alaska and Hawaii); (10) *components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (9) above, from points in the United States (except Alaska and Hawaii), to Milwaukee, Wis., under a contract in (9) and (10) above with Speaker Sortation Systems Division of A–T–O Inc.; (11) *running gears, hitches, and fenders* used for mobile homes, motor homes, trailers, and recreational vehicles, from Anaheim and Los Angeles, Calif., to points in the United States (except California, Alaska and Hawaii); (12) *components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (11) above, from points in the United States (except California, Alaska and Hawaii), to Anaheim and Los Angeles, Calif.; (13) *electric and gas refrigerators and their parts* for mobile homes, motor homes, and trailers, from Baltimore, Md., Elizabeth, N.J., Elkhart, Ind., and Los Angeles and Anaheim, Calif., to points in the United States (except Alaska and Hawaii and with no service to California when originating from Los Angeles and Anaheim); (14) *running gears, hitches, and fenders* used for mobile homes, motor homes, trailers, and recreation vehicles, from Tiffin, Ohio, to points in the United States (except Alaska and Hawaii); (15) *components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (14) above, from points in the United States (except Alaska and Hawaii), to Tiffin, Ohio; (16) *outdoor advertising metal poster panels, school furniture and lockers, portable filing cabinets, crane and construction machinery cabs, and components*, from Tiffin, Ohio, to points in the United States (except Alaska and Hawaii); (17) *components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (16) above, from points in the United States (except Alaska and Hawaii), to Tiffin, Ohio, under a contract in (11) through (17) above, inclusive, with Hadco Engineering Division of A–T–O Inc.; (18) *concrete mixers, mortar mixers, machines* used for applying concrete, mortar, plaster, fireproofing, and similar materials, *road rollers, saws, motors, commercial air cooling systems and their pads, and air make-up heating and cooling equipment*, from Los Angeles, Calif., and Elizabeth, N.J., to points in the United States (except Alaska and Hawaii); (19) *components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (18) above, from points in the United States (except Alaska and Hawaii) to Los Angeles, Calif., and Elizabeth, N.Y.; (20) *air coolers and air make-up heating and cooling equipment*, from Little Rock, Ark., to points in the United States (except Alaska and Hawaii); (21) *components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (20) above, from points in the United States (except Alaska and Hawaii) to Little Rock, Ark.; (22) *machinery parts*, from Los Angeles, Calif., to Little Rock, Ark., and Elizabeth, N.J., under a contract in (18) through (20) above, inclusive, with Essick Manufacturing Division of A–T–O Inc.; (23) *fire extinguishers*, charged and not charged, portable hand and wheeled, *fire extinguisher compounds, brass firehose couplings, brass valves and fittings, brass castings, brass fire engine accessories and equipment, and firehose*, from Ranson and Charles Town, W. Va., and Charlottesville, Va., to points in the United States (except Alaska and Hawaii); (24) *components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (23) above, from points in the United States (except Alaska and Hawaii), to Ranson and Charles Town, W. Va., and Charlottesville, Va.; (25) *firehose* with or without brass nozzles, *brass firehose couplings, and brass valves*, from North Bergen, N.J., to points in the United States (except Alaska and Hawaii); (26) *components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (25) above, from points in the United States (except Alaska and Hawaii), to North Bergen, N.J.; (27) *components, materials, and supplies* used in the manufacture, production, and assembly of fire engines and apparatus, from points in the United States (except Alaska and Hawaii), to Elmira, N.Y.; (28) *replacement parts and apparatus* for fire engines and apparatus, from Elmira, N.Y., to points in the United States (except Alaska and Hawaii); (29) *fire extinguishers*, charged and not charged, portable hand and wheeled, and *fire extinguisher compounds*, from Elmira, N.Y., to points in the United States (except Alaska and Hawaii); (30) *components, materials, and supplies* used in the manufacture, production, and assembly of the commodities described in (29) above, from points in the United States (except Alaska and Hawaii), to Elmira, N.Y., under a contract in (23) through (30) above, inclusive, with Badger-Powhatan-Blaze Guard Division of American LaFrance, Inc., a subsidiary of A–T–O, Inc.; (31) *ornamental iron work, partitions or partition doors, steel and wire combined in sections or panels, conveyors, gravity roller, steel wire tote and storage bins*, from Louisville, Ky., to points in the United States (except Alaska and Hawaii); and (32) *components, materials, and supplies* used in the manufacture, production, and assembly of the commodities described in (31) above, from points in the United States (except Alaska and Hawaii), to Louisville, Ky., under a contract in (31) and (32) above with Logan Co. a subsidiary of A–T–O, Inc., restricted in all of the above against the transportation of commodities in bulk, in tank vehicles.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 129863 (sub-No. 9), filed June 4, 1973. Applicant: FREDERICK L. BULTMAN, INC., 11144 West Silver Spring Drive, Milwaukee, Wis. 53225. Applicant's representative: William C. Dineen, 710 North Plankington Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated sheet metal products*, in shipper-owned trailers, from Milwaukee, Wis., to points in Michigan, Illinois, Iowa, and Minnesota, under contract with Ajax Metal Products, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 133178 (sub-No. 2), filed May 29, 1973. Applicant: PAPER CARGO CORPORATION, 3260 Chicago Drive, Grandville, Mich. 49418. Applicant's representative: Ronald J. Mastej, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fiberboard and corrugated fiberboard boxes* between Grand Rapids, Mich., on the one hand, and, on the other, Muncie, Goshen, and La Porte, Ind. Restriction: The authority sought

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above is restricted to a service to be performed under a continuing contract or contracts with Corco, Inc., and is further restricted to traffic originating at or destined to the plant or facilities utilized by Corco, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 133490 (sub-No. 8), filed June 6, 1973. Applicant: LEE'S TRUCKING, INC., 122 Cedar Avenue, Minneapolis, Minn. 55404. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut houses*, knocked down, from Minneapolis, Minn., to points in Colorado and Wyoming, under contract with President Homes Division-Harvey Builders, Inc.

NOTE: Applicant holds common carrier authority under MC 135299 (sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133566 (sub-No. 25), filed June 15, 1973. Applicant: GANGLOFF AND DOWNHAM TRUCKING CO., INC., Box 676, Logansport, Ind. 46947. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of the Kitchens of Sara Lee at Deerfield and Chicago, Ill., to points in Maine, Vermont, New Hampshire, Rhode Island, and Massachusetts, restricted to traffic originating at Deerfield and Chicago, Ill., and destined to the named States.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Wayne, Ind., or Washington, D.C.

No. MC 133689 (sub-No. 28), filed May 16, 1973. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., P.O. Box 2667, New Brighton, Minn. 55112. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes, potato products, and potato byproducts* (except commodities in bulk), from Grafton, N. Dak., to points in Maine, Vermont, New Hampshire, Connecticut, Massachusetts, New York, Maryland, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, Illinois, Indiana, North Dakota, Kansas, Wisconsin, Ohio, Michigan, Missouri, Minnesota, Iowa, South Dakota, Kentucky, North Carolina, and South Carolina.

NOTE: Applicant holds contract carrier authority under MC 76025 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133802 (sub-No. 1), filed June 25, 1973. Applicant: EMPAK TRANSPORTATION COMPANY, a corporation, 20th and William Streets, Omaha, Nebr. 68108. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lubricants, oils, petroleum products, antifreezes, windshield washer solvent, paint, concrete form release agents and dispensers*, from Bakerstown, Pa., Wichita and Olathe, Kans., Kansas City, Mo., and Compton, Calif., to points in the United States (except Alaska and Hawaii), and (2) *the commodities* named in (1) above and *materials and supplies* used in the production, sale, and distribution thereof, from points in the United States (except Alaska and Hawaii), to Bakerstown, Pa., Wichita and Olathe, Kans., Kansas City, Mo., and Compton, Calif., restricted in (1) and (2) above to traffic originating at or destined to the plantsites and storage facilities utilized by Southwest Petro-Chem, Inc., and its subsidiaries, and further restricted to a transportation service to be performed under a continuing contract or contracts with Southwest Petro-Chem, Inc., and its subsidiaries.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 134145 (sub-No. 35), filed June 11, 1973. Applicant: NORTH STAR TRANSPORT, INC., P.O. Box 51, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Abrasive paper or cloth*, from the port of entry on the international boundary line between the United States and Canada located at or near Detroit, Mich., to Ames, Iowa; Alexandria and St. Paul, Minn.; and Cumberland, Wis., under contract with Minnesota Mining & Manufacturing Co. (3M Company).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Detroit, Mich.

No. MC 134400 (sub-No. 7), filed June 11, 1973. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 200 Southern Avenue, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ornamental iron products including, bars, columns, fencing, pipe, posts, railings and parts, rods, roofing sockets; also cement compounds, gates, lamps, plastic articles, posts, lamp and mailbox, and promotional materials*, (1) from Mount Carroll, Ill., to points in Arkansas, Colorado, Kansas, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming; and (2) from Lodi, Ohio, to Mount Carroll, Ill., under contract with Leslie-Locke Building Products Co., Lodi, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Cleveland, Ohio.

No. MC 134426 (sub-No. 5), filed June 4, 1973. Applicant: McCORT DRIVEAWAY, INC., 7032 Barkwood Drive, Jacksonville, Fla. 32211. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* (other than commercial) *setup and assembled parts and accessorics*, between points in the United States, including Alaska and Hawaii.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 134449 (sub-No. 8), filed June 6, 1973. Applicant: LESTER V. MOZNIK, 3753 Grandview Highway, Burnaby, British Columbia, Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic camper canopies and parts thereof*, from San Leandro and Paramount, Calif., and Portland, Oreg., to the ports of entry on the international boundary line between the United States and Canada at or near Blaine and Sumas, Wash., under contract with King of the Road Enterprises, Ltd.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134599 (sub-No. 80), filed June 4, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys and advertising and promotional matter*, when moving at the same time and in the same vehicle with games and toys; *aquariums and aquarium accessories; household pet cages, supplies and equipment; brine shrimp, dried; tape, magnetic, sound or video, blank, in cassettes, on reels or as components, accessories and supplies; playground equipment, play ground furniture, bar stools and hobby kits and equipment, materials, and supplies* used in the manufacture and production of the above items (except commodities in bulk and those which because of size and weight, require special handling or special equipment), between City of Industry, Hawthorne, Gardena, and Compton, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Mattel, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134599 (sub-No. 81), filed June 11, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, *and parts, materials, equipment, and supplies*, used in the manufacture, sale and distribution of such commodities, between the plantsite of Steelcase, Inc. located in Henderson County, N.C., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Steelcase, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134734 (sub-No. 12), filed June 1, 1973. Applicant: NATIONAL TRANSPORTATION INC., Box 31, Norfolk, Nebr. 68701. Applicant's representative: Lanny N. Fauss, Box 37096, Omaha, Nebr. 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry products*, (except in bulk), from Kenosha, Wis., to points in Louisiana, Mississippi, Alabama, and Georgia, under contract with Ocean Spray Cranberries, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 135124 (sub-No. 6), filed June 8, 1973. Applicant: DRESSING TRANSPORT, INC., Lake Street, Wilson, N.Y. 14172. Applicant's representative: Kenneth T. Johnson, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from Port Allegany, Pa., to points in Indiana, Michigan, Illinois, Iowa, and Missouri, under contract with Pierce Glass Co. of Port Allegany, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135306 (sub-No. 2), filed June 20, 1973. Applicant: DAN'S TRANSIT, INC., 239 Woodmont Road, Milford, Conn. 06460. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, between points in that part of Connecticut west of the Connecticut River on the one hand, and, on the other, points in Vermont, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, and Pennsylvania.

NOTE: Applicant states it presently holds heavy hauling authority coextensive with the territory sought and files this application as a result of the Commission's decision in *Ace Doran Hauling & Rigging Co.*, Investigation of Operations, 108 M.C.C. 717. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 135760 (sub-No. 12), filed June 12, 1973. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, N.C. 28445. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, packinghouse products, and commodities* used and distributed by meat packinghouses, in vehicles equipped with mechanical refrigeration, between Baltimore, Md., and Wilmington, N.C., on the one hand, and, on the other, points in Connecticut, Massachusetts, New York, New Jersey, North Carolina, Pennsylvania, Rhode Island, Maryland, and the District of Columbia, under a continuing contract with H. G. Parks, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135760 (sub-No. 13), filed June 12, 1973. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, N.C. 28445. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Kansas City, Kans., to points in Illinois, Indiana, Michigan, Ohio, Wisconsin, Alabama, Florida, Georgia, Mississippi, Louisiana, North Carolina, South Carolina, Tennessee, Texas, Virginia, New York, New Hampshire, Pennsylvania, New Jersey, Minnesota, and Iowa; and (2) *frozen citrus juices*, in vehicles equipped with mechanical refrigeration, from points in Florida, to Kansas City, Kans., and points in New York, under a continuing contract with Rich Plan Corp., Food and Freezer Division.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136220 (sub-No. 6), filed June 14, 1973. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., 1705 Northeast Woodland, Ponca City, Okla. 74601. Applicant's representative: Dean Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, in bulk, in dump vehicles, from the refining and storage facilities of Continental Oil Co. at Ponca City, Okla., to the facilities of the Char-Lite Briquettes Divisions of Pine O' Pine, Inc., at Lewisville, Ark., and Jacksonville, Tex.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 136343 (sub-No. 11), filed May 3, 1973. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 207, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags, plastic bags, paper boxes, and wrapping paper*, (1) from the facilities of Equitable Bag Co., Inc., at Long Island City, N.Y., and Moonachie, N.J., to points in Pennsylvania, New Jersey, Maryland, Delaware, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, New York, Connecticut, Rhode Island, Massachusetts, Alabama, Florida, and the District of Columbia, and (2) from the facilities of Equitable Bag Co., Inc., at or near Florence, Ky., to points in Ohio, Illinois, Michigan, Pennsylvania, New York, New Jersey, Maryland, Delaware, Massachusetts, Rhode Island, Connecticut, Florida, Alabama, and the District of Columbia.

NOTE: Applicant also holds contract carrier authority under MC 96098 and subs, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136343 (sub-No. 14), filed June 5, 1973. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 207, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and other commodities* used or useful in the manufacture, sale, and distribution of products manufactured or sold by Diamond Crystal Salt Co., between points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Texas, and Oklahoma (including the District of Columbia).

NOTE: Applicant holds contract carrier authority under MC 96098 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 136378 (sub-No. 3), filed June 11, 1973. Applicant: R & L TRUCKING CO., INC., 105 Rocket Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from St. Louis, Mo., to points in Talladega County, Ala., under a continuing contract with Coosa Valley Budweiser Co., Inc.; (2) *athletic equipment*, from points in Lee County, Ala., to points

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in Florida, under a continuing contract with Abco Industries, Inc.; and (3) *meters and accessories* used in the installation thereof, from Tallassee, Ala., to points in Georgia, Kentucky, and California under a continuing contract with Neptune Meter Co.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala.

No. MC 136451 (sub-No. 4), filed June 6, 1973. Applicant: HUBBARD CARTAGE, INC., 3737 North Lincoln, Chicago, Ill. 60613. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin pursuant to a continuing contract or contracts with Norwood Papers, Division of B & J Supply, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136786 (sub-No. 5), filed May 17, 1973. Applicant: ROBCO TRANSPORTATION, INC., 3033 Excelsior Boulevard, Minneapolis, Minn. 55416. Applicant's representative: Val M. Higgins, 1000 1st National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from the plantsites and warehouse facilities utilized by Broyhill Industries at or near: (1) Rutherfordton, N.C., to points in Illinois north of Illinois Highway 15, those in Wisconsin on and south of Wisconsin Highway 64, and points in the Upper Peninsula of Michigan; (2) Newton, Conover, Marion, and Taylorsville, N.C., to points in Illinois, Iowa, Missouri, Arkansas, those in Wisconsin on and south of Wisconsin Highway 64, points in the Omaha, Nebr., and Minneapolis-St. Paul, Minn., commercial zones, and the Upper Peninsula of Michigan; (3) Lenior, N.C., to points in Iowa, Missouri, and Arkansas, those in Illinois north of Illinois Highway 15, those in Wisconsin on and south of Wisconsin Highway 64, points in the Omaha, Nebr., and Minneapolis-St. Paul, Minn., commercial zones, and the Upper Peninsula of Michigan; and (4) at or near Rutherfordton, Lenoir, Newton, Conover, Marion, and Taylorsville, N.C., to points in Louisiana, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, California, Nevada, Oregon, and Washington.

NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N C , or St. Paul, Minn.

No. MC 136786 (sub-No. 7), filed May 18, 1973. Applicant: ROBCO TRANSPORTATION, INC., 3033 Excelsior Boulevard, Minneapolis, Minn. 55416. Applicant's representative: K. O. Petrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Macaroni, noodles, spaghetti, or vermicelli*, prepared with or without cheese, meat, vegetables, of sauce, (1) from Minneapolis, Minn., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Idaho, Nevada, and Utah; and (2) from Carnegie, Pa., to points in Montana, Idaho, Washington, Oregon, California, Nevada, Arizona, Utah, and Minneapolis, Minn.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, or Minneapolis, Minn

No. MC 136831 (sub-No. 1), filed June 7, 1973. Applicant: GEORGE HUSACK, 167 Locust Drive, Schnecksville, Pa. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps, lampshades, flocked paper, plastic lampshades, and parts and accessories* for lamps and lampshades, and *materials, supplies, and equipment* used or useful in the production, storage, distribution, or use of lamps and lampshades, between the plantsite of Keystone Lamp Manufacturing Corp., Washington Township (Lehigh County), Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, the District of Columbia, Virginia, West Virginia, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, Ohio, North Carolina, South Carolina, Michigan, Indiana, Illinois, Wisconsin, Texas, Florida, Alabama, Tennessee, and Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 138134 (sub-No. 1) (Amendment), filed June 1, 1973, published in the FEDERAL REGISTER issue of July 20, 1973, as MC–138830, and republished, as amended, this issue. Applicant: DONALD HOLLAND TRUCKING, INC., 1300 Main Street, Keokuk, Iowa 52632. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Silicon metal, manganese metal, ferro alloys* and *pig iron* in dump vehicles and flatbed trailers, from Keokuk, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin; and (2) *Scrap metal*, from points in Illinois, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin, to Keokuk, Iowa, under a continuing contract with Foote Mineral Co. at Exton, Pa.

NOTE: The purposes of this republication are: (1) To indicate applicant's request for contract carrier authority in lieu of common carrier authority; (2) to reflect the assignment of docket No. MC–138134 (sub-No. 10) to this proceeding; and (3) to indicate the contracting shipper of Foote Mineral Co. at Exton, Pa. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138144 (sub-No. 2), filed June 21, 1973. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, Wis. 53213. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Room 2255, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Chicago, Joliet, and Waukegan, Ill., and Gary, Ind., on the one hand, and, on the other, points in Iowa, Missouri, Nebraska, and Kansas.

NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at Chicago, Ill., to serve presently authorized points in Indiana, Illinois, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 138148 (sub-No. 1), filed June 4, 1973. Applicant: JOSEPH J. SCHMIDT, 7499 Montevideo Court, Jessup, Md. 20794. Applicant's representative: William J. Little, 1110 W. R. Grace Building, 10 East Baltimore Street, Baltimore, Md. 21202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer and malt beverages*, from Granston, R.I., and Fort Wayne, Ind., to points in Maryland, and (2) *empty beer and malt beverages containers*, from points in Maryland to Cranston, R.I., and Fort Wayne, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 138380 (sub-No. 2), filed June 14, 1973. Applicant: DEAN ZABEL, P.O. Box 325, Minnesota Lake, Minn. 56068. Applicant's representative: F. H. Kroeger, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, parts, and accessories* used in the building of custom homes and garages (except commodities in bulk, in tank vehicles), between Minnesota Lake and Wells, Minn., on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin under contract with A Home of Your Own, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 138621 (sub-No. 2), filed June 13, 1973. Applicant: MOUW TRANSPORTATION, INC., 307 Maple Drive, Sibley, Iowa 51249. Applicant's representative: Robert G. Planansky, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, in bulk or print form, (1) from points in Nebraska, South Dakota, and Minnesota, to points in Iowa; and (2) from points in Nebraska, South Dakota, and Iowa, to points in Minnesota, under a continuing contract or contracts with Associated Milk Producers, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 138635 (sub-No. 4), filed June 6, 1973. Applicant: CAROLINA-WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: John R. Sims, Jr., suite 600, 1707 H Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric heat* in panels and/or strips, *circuit breakers, panels, switches, controllers, transformers weighing less than 1,000 pounds each and parts thereof*, from points in Mecklenburg County, N.C., to points in California and Denver, Colo., restricted to traffic moving in logistic trailers.

NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 138668 (sub-No. 2), filed May 31, 1973. Applicant: MERCHANTS DELIVERY & WAREHOUSE CORPORATION, 1307 Baur Road, St. Louis, Mo. 63132. Applicant's representative: Austin C. Knetzger, 722 Chestnut Street, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *All home care products*, sold and distributed by Amway Corp., consisting principally of soaps, detergents, and toiletries, from points in the St. Louis-East St. Louis commercial zone, and Blue Springs, Mo., to points in Missouri, under contract with Amway Corp.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 138783, filed May 16, 1973. Applicant: M & M TRUCKING COMPANY, INC., P.O. Box 1743, Auburn, Ala. 36830. Applicant's representative: Jack R. McAnally (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, from Auburn, Ala., to those points in that part of Georgia in a territory beginning at the intersection of Interstate Highway 20 with the Alabama-Georgia State line, thence along Interstate Highway 20 to intersection Interstate Highway 75 at Atlanta, Ga., thence along Interstate Highway 75 to intersection U.S. Highway 84 at Valdosta, Ga., thence along U.S. Highway 84 to the Alabama-Georgia State line, under a continuing contract, or contracts, with Georgia Marble Co., Willingham-Little Stone Division.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Auburn, Opelika, or Montgomery, Ala.

No. MC 138809, filed June 8, 1973. Applicant: CROSS COUNTRY EXPRESS, INC., 1912 East Wensley Street, Philadelphia, Pa. 19134. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa powder, kibbled chocolate liquor, cocoa pressed cake and related cocoa products*, from Camden, N.J., to points in California, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract with Intercontinental Cocoa Products, Ltd.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 138814, filed June 1, 1973. Applicant: WILLIAM A. ADDISON AND L. O. McCULLOUGH, a partnership, doing business as AD–MAC TRUCKING CO., 854 Forest Lake Drive South, Macon, Ga. 31204. Applicant's representative: William A. Addison (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Box and crate material,* woodwired, knocked down, *lumber, hardboard, particle board, masonite, plywood and other manufactured building material* from forest products, *pipe*, rail and track, *piling, highway products and construction material* (except liquid or bulk commodities), restricted against transportation in tank vehicles, between points in Georgia, Florida, Alabama, North Carolina, South Carolina, Tennessee, Kentucky, Virginia, Maryland, Pennsylvania, Ohio, Minnesota, Illinois, Indiana, and Michigan, under contract with Gillespie-Deka Corp., Maxwell Wirebound Box Co., and Southern Crate & Veneer Co.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 138820 (Sub-No. 1), filed June 13, 1973. Applicant: PATTON'S, INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from Ellensburg, Wash., to points in Oregon, under a continuing contract with Schaake Packing Co., Inc.

NOTE: Applicant currently holds common carrier authority in MC 129516 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 138831, filed June 5, 1973. Applicant: JOHNNY JOHNS, doing business as J & J HAULING, 3 Midland Avenue, Elmwood Park, N.J. 07407. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, outdoor furniture, and materials, equipment, and supplies* used and useful in the manufacture and sale thereof, from points in the New York, N.Y., commercial zone as defined by the Commission, to points in Delaware, New Jersey, New York, Pennsylvania, Ohio, Connecticut, Rhode Island, and Massachusetts, under a continuing contract with Raleigh Bicycles of America and Kettler of America.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 138851, filed June 18, 1973. Applicant: M & H FABRICATING COMPANY, a corporation, 725 Mound Street, Springfield, Ohio 45505. Applicant's representative: Charles D. Ross, 367 West Second Street, Dayton, Ohio 45402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal decking, bar joists, and structural steel*, from Rankin and Heidelberg, Pa., and Beech Bottom, W. Va., to points in Ohio, under contract with Cheugh and Schlegel of Dayton, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138854, filed May 24, 1973. Applicant: HORSE TRANSPORTATION, INC., Rural Delivery No. 3, Harrington, Del. 19952. Applicant's representative: William J. Little, Suite 1110, W. R. Grace Building, 10 East Baltimore Street, Baltimore, Md. 21202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* (other than ordinary livestock) and *equipment, supplies, and paraphernalia* incidental to the transportation, care, display, and racing of such horses, between points in South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, West Virginia, Ohio, Florida, and Georgia.

NOTE: If a hearing is deemed necessary, applicant does not state a location.

No. MC 138855, filed June 18, 1973. Applicant: FISCHER FAST FREIGHT, INC., 31207 Arrowhead, St. Clair Shores, Mich. 48082. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo. Columbus, Ohio, and Milwaukee, Wis., to Mount Clemens and Port Huron, Mich., and *empty containers and damaged, rejected, or refused shipments*, on return, under contract with Petitpren, Inc., Mount Clemens, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 138858, filed June 5, 1973. Applicant: CHARLES M. SHIRK, 205 East Main Street, Terre Hill, Pa. 17581. Applicant's representative: Christian V.

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Minnesota, to points in Iowa; and (2) from points in Nebraska, South Dakota, and Iowa, to points in Minnesota, under a continuing contract or contracts with Associated Milk Producers, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 138635 (sub-No. 4), filed June 6, 1973. Applicant: CAROLINA-WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: John R. Sims, Jr., suite 600, 1707 H Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric heat* in panels and/or strips, *circuit breakers, panels, switches, controllers, transformers weighing less than 1,000 pounds each and parts thereof*, from points in Mecklenburg County, N.C., to points in California and Denver, Colo., restricted to traffic moving in logistic trailers.

NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 138668 (sub-No. 2), filed May 31, 1973. Applicant: MERCHANTS DELIVERY & WAREHOUSE CORPORATION, 1307 Baur Road, St. Louis, Mo. 63132. Applicant's representative: Austin C. Knetzger, 722 Chestnut Street, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *All home care products*, sold and distributed by Amway Corp., consisting principally of soaps, detergents, and toiletries, from points in the St. Louis-East St. Louis commercial zone, and Blue Springs, Mo., to points in Missouri, under contract with Amway Corp.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 138783, filed May 16, 1973. Applicant: M & M TRUCKING COMPANY, INC., P.O. Box 1743, Auburn, Ala. 36830. Applicant's representative: Jack R. McAnally (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, from Auburn, Ala., to those points in that part of Georgia in a territory beginning at the intersection of Interstate Highway 20 with the Alabama-Georgia State line, thence along Interstate Highway 20 to intersection Interstate Highway 75 at Atlanta, Ga., thence along Interstate Highway 75 to intersection U.S. Highway 84 at Valdosta, Ga., thence along U.S. Highway 84 to the Alabama-Georgia State line, under a continuing contract, or contracts, with Georgia Marble Co., Willingham-Little Stone Division.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Auburn, Opelika, or Montgomery, Ala.

No. MC 138809, filed June 8, 1973. Applicant: CROSS COUNTRY EXPRESS, INC., 1912 East Wensley Street, Philadelphia, Pa. 19134. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa powder, kibbled chocolate liquor, cocoa pressed cake and related cocoa products*, from Camden, N.J., to points in California, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract with Intercontinental Cocoa Products, Ltd.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 138814, filed June 1, 1973. Applicant: WILLIAM A. ADDISON AND L. O. McCULLOUGH, a partnership, doing business as AD-MAC TRUCKING CO., 854 Forest Lake Drive South, Macon, Ga. 31204. Applicant's representative: William A. Addison (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Box and crate material*, woodwired, knocked down, *lumber, hardboard, particle board, masonite, plywood and other manufactured building material* from forest products, *pipe*, rail and track, *piling, highway products and construction material* (except liquid or bulk commodities), restricted against transportation in tank vehicles, between points in Georgia, Florida, Alabama, North Carolina, South Carolina, Tennessee, Kentucky, Virginia, Maryland, Pennsylvania, Ohio, Minnesota, Illinois, Indiana, and Michigan, under contract with Gillespie-Deka Corp., Maxwell Wirebound Box Co., and Southern Crate & Veneer Co.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 138820 (Sub-No. 1), filed June 13, 1973. Applicant: PATTON'S, INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from Ellensburg, Wash., to points in Oregon, under a continuing contract with Schaake Packing Co., Inc.

NOTE: Applicant currently holds common carrier authority in MC 129516 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 138831, filed June 5, 1973. Applicant: JOHNNY JOHNS, doing business as J & J HAULING, 3 Midland Avenue, Elmwood Park, N.J. 07407. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, outdoor furniture, and materials, equipment, and supplies* used and useful in the manufacture and sale thereof, from points in the New York, N.Y., commercial zone as defined by the Commissioin, to points in Delaware, New Jersey, New York, Pennsylvania, Ohio, Connecticut, Rhode Island, and Massachusetts, under a continuing contract with Raleigh Bicycles of America and Kettler of America.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 138851, filed June 18, 1973. Applicant: M & H FABRICATING COMPANY, a corporation, 725 Mound Street, Springfield, Ohio 45505. Applicant's representative: Charles D. Ross, 367 West Second Street, Dayton, Ohio 45402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal decking, bar joists, and structural steel*, from Rankin and Heidelberg, Pa., and Beech Bottom, W. Va., to points in Ohio, under contract with Cheugh and Schlegel of Dayton, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138854, filed May 24, 1973. Applicant: HORSE TRANSPORTATION, INC., Rural Delivery No. 3, Harrington, Del. 19952. Applicant's representative: William J. Little, Suite 1110, W. R. Grace Building, 10 East Baltimore Street, Baltimore, Md. 21202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* (other than ordinary livestock) and *equipment, supplies, and paraphernalia* incidental to the transportation, care, display, and racing of such horses, between points in South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, West Virginia, Ohio, Florida, and Georgia.

NOTE: If a hearing is deemed necessary, applicant does not state a location.

No. MC 138855, filed June 18, 1973. Applicant: FISCHER FAST FREIGHT, INC., 31207 Arrowhead, St. Clair Shores, Mich. 48082. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo. Columbus, Ohio, and Milwaukee, Wis., to Mount Clemens and Port Huron, Mich., and *empty containers and damaged, rejected, or refused shipments*, on return, under contract with Petitpren, Inc., Mount Clemens, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 138858, filed June 5, 1973. Applicant: CHARLES M. SHIRK, 205 East Main Street, Terre Hill, Pa. 17581. Applicant's representative: Christian V.

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Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete products*, from the plantsite of Terre Hill Concrete Products, Inc. at Terre Hill, Pa., to points in New York, New Jersey, Maryland, West Virginia, Delaware, Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 138861, filed June 19, 1973. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinder blocks*, from Warwick, R.I., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont.

NOTE: Applicant also holds contract carrier authority in MC 128343 and subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 185), filed June 7, 1973. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Greensboro, N.C., and Richmond, Va. serving the intermediate points of Durham, N.C., Henderson, N.C., and the junction of Interstate Highway 85 with U.S. Highways 1 and 58, near South Hill, Va.: From Greensboro over Interstate Highway 85 to junction Interstate Highway 95 at Petersburg, Va., thence over Interstate Highway 95 to Richmond, and return over the same route. Restriction: Service at Durham and Henderson, N.C. is restricted against the pickup or discharge of traffic moving to or from Greensboro, N.C., or points west of Greensboro.

NOTE: Common control may be involved. Applicant seeks authority under section 1042.1 of part 1042-Superhighway and Deviation Rules, by the instant application.

No. MC 124817 (Sub-No. 1), filed June 20, 1973. Applicant: SANDWICH, WINDSOR, & AMHERSTBURG, RAILWAY COMPANY, a corporation, 1570 Kildare Road, Windsor, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations and in sightseeing and pleasure tours, from ports of entry on the international boundary line between the United States and Canada, to points in the United States (including Alaska, but excluding Hawaii) and return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 135738 (Sub-No. 2), filed June 11, 1973. Applicant: DONALD DeGRAFF, doing business as ACE LIMOUSINE SERVICE, Brick Plaza Shopping Center, Brick Township, N.J. 08723. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, in special operations, between points in Ocean and Monmouth Counties, N.J., on the one hand, and, on the other, Philadelphia International Airport, Phialdelphia, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 138730 (sub-No. 1), filed May 11, 1973. Applicant: CARAVAN TOURS, INC., doing business as CARAVAN TOWNE CARS, 707 Route 46, Parsippany, N.J. 07054. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and express*, in the same vehicle with passengers, in one-way and round-trip charter operations, beginning and ending at points in Morris, Bergen, Passaic, Sussex, Essex, Union, Hudson, Middlesex, Monmouth, Warren, Hunterdon, and Somerset Counties, N.J., and extending to points in New Jersey, New York, and Pennsylvania, restricted to the transportation of not more than six passengers in any one vehicle (not including the driver).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark N.J., or New York, N.Y.

APPLICATION OF FREIGHT FORWARDERS

No. FF-441, filed July 17, 1973. Applicant: HARLE LAND & SEA FORWARDERS (HARLE-THRU) a division of J. P. Harle Forwarding Co., P.O. Box 52908, 614 Cotton Exchange Building, Houston, Tex. 77052. Applicant's representative: Mr. J. P. Harle (same as above). Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, motor vehicle, and water, in the transportation of *general commodities* (except explosives and hazardous articles, perishables, and unusual value articles), principally export and import shipments, between points in Oklahoma, Texas, and Louisiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Dallas or Houston, Tex.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15835 Filed 8-1-73;8:45 am]

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PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

Food and Food Products

Definitions, identity, and label statements

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Title 21—Food and Drugs

SUBCHAPTER A—GENERAL

CHAPTER I—FOOD AND DRUG ADMINISTRATION DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Imitation Foods; Application of the Term "Imitation"

In the FEDERAL REGISTER of January 19, 1973 (38 FR 2138), the Commissioner of Food and Drugs proposed under Title 21 a new § 1.8(e), defining the term "imitation" for purposes of enforcing section 403(c) of the Federal Food, Drug, and Cosmetic Act.

A total of 236 comments were received in response to the proposal from consumers, consumer organizations, state agencies, manufacturers, and trade and agricultural associations. Seventy-six comments favored the proposal and 101 opposed it. Ten comments did not directly address its contents. The remaining comments requested modification, clarification, or additional requirements. The points raised and the Commissioner's conclusions are as follows:

1. Five State agencies, a manufacturer, and a consumer group questioned the correctness of the Commissioner's interpretation of section 403(c) of the Act. The comments questioned the Commissioner's authority to establish a definition for the term "imitation" which was asserted to be more restricted than the interpretation adopted in earlier court cases (62 Cases * * * Jam v. United States, 340 U.S. 593 (1951) and United States v. 651 Cases * * * Chocolate Chil-Zert, 114 F. Supp. 430 (N.D. N.Y. 1953)). One industry association urged that this proposed definition be given more careful consideration before it is finally promulgated, but did not state opposition to it. Two comments suggested that the Food and Drug Administration consider recommending legislation to repeal section 403(c) of the Act. One based this recommendation on the premise that if new products are to be marketed under their own names, section 403(c) is not needed. The other suggested that FDA should obtain data on what "imitation" means to the consumer, and that if consumer interpretation has changed, section 403(c) should be repealed and all products should compete under common or usual names.

The Commissioner concludes that the definition of "imitation" set forth in this regulation is fully consistent with the court opinions in the Jam and Chil-Zert cases, cited above, both of which discussed factors of resemblance, substitution, and inferiority in concluding that the products involved were imitations. There have been several State court cases in the past 10 years holding that a vegetable oil substitute for cream, which looks like, tastes like, and is intended to replace cream, is not an "imitation cream" but rather is a separate and distinct product that should bear its own common or usual name. See, e.g., Coffee-Rich, Inc. v. Kansas State Board of Health, 388 P.2d 582 (Kan. 1964); Coffee-Rich, Inc. v. Michigan Department of Agriculture, 135 N.W. 2d 594 (Mich. 1965). These cases represent the most current and definitive judicial interpretation of the term "imitation."

Several consumers stated that "All imitation foods should be labeled as such." Section 403(c) so requires. This regulation is intended to provide a clear and reasonable definition of "imitation" so that section 403(c) can be enforced consistently and fairly.

The Commissioner also concludes that section 403(c) should not be repealed. As interpreted in this regulation it constitutes a valuable consumer protection measure by protecting against nutritionally inferior substitute foods.

2. Some comments asserted that the proposal would cause difficulty in enforcement of some State laws, and that the proposal does not give the manufacturer of a food a clear explanation of how he can meet the nutritional equivalence requirement before he markets his product. These comments contended that leaving the determination of nutritional equivalence to the ad hoc determination of the Commissioner would make the regulation vague, indefinite, and invalid.

The Commissioner concludes that a clear definition of the term "imitation" for the purposes of section 403(c) of the act should not create difficulty in the enforcement of State laws, since this definition follows the most recent State court judicial decisions.

The Commissioner also concludes that the definition of "imitation" promulgated in this order is sufficiently clear for a manufacturer of a substitute food to determine prior to marketing whether or not such a product is an imitation, and indeed is much more helpful than the current absence of any definition. In order to clarify this matter further, the final regulation provides a clearer definition of nutritional inferiority and no longer provides for "ad hoc" determinations of nutritional inferiority by the Commissioner on the basis of criteria not stated in a regulation.

3. One comment stated that nutritional inferiority should not be the only criterion for defining "imitation." Two comments stated that the criteria for authorizing omission of the term "imitation" from the label of a substitute food should be based on consumer understanding of the overall impression conveyed by the food, the labeling, and the container. Another comment requested that additional labeling requirements be established so that consumers can better differentiate between new and traditional foods. Still other comments recommended labeling foods according to actual food value, irrespective of their imitation status.

Nutritional inferiority is not the only criterion involved in the defining "imitation" status. An evaluation of the overall impression conveyed by the food must first establish that the food is a substitute for and resembles another food.

No comment was able to articulate or even suggest objective standards constituting inferiority in addition to nutritional inferiority. Whenever the Commissioner or any other interested person concludes that a substitute food is inferior for reasons other than those set forth in the present regulation, he may propose appropriate revisions to this regulation or a separate regulation governing the particular food. The Commissioner concludes that the only objective factors defining inferiority that can be quantitated at this time relate to nutritional inferiority. Other factors of comparison, such as taste, texture, origin and cost, are too subjective and uncertain to be appropriate for inclusion in this regulation.

Additional labeling requirements already exist which help the consumer to distinguish between foods, including new and traditional foods. For example, the principal display panel of a food in package form must bear as one of its principal features a statement of the identity of the commodity, § 1.8(a) and (b). The Commissioner has recently promulgated a procedure which can be utilized to establish a common or usual name for a new food product, to prevent consumer confusion with a traditional product, 21 CFR Part 102 published in the FEDERAL REGISTER on March 14, 1973 (38 FR 6964), and new § 1.8(e) specifically refers to this procedure as one means of providing informative labeling. The nutritional value of a food is also required to be labeled under § 1.17 whenever a nutrient is added or a nutrition claim is made for the product. All ingredients in a nonstandardized food must be included on the label, and new § 1.8(d) requires uniform placement and a minimum type size for this information. Finally, section 402(b) of the act prohibits any economic adulteration and section 403(a) of the act prohibits use of any labeling which is false or misleading in any particular. In view of all of this informative labeling, the existence of other statutory provisions to prevent deception, and the clear requirement of inferiority in section 403(c) of the act, the Commissioner concludes that it would be contrary to the statute and the public interest to interpret section 403(c) as a trade barrier against the introduction of nutritious new food products.

4. Numerous comments were concerned with the effect of the regulation on standardized foods.

a. Several comments from trade associations and manufacturers of standardized foods suggested that Food and Drug Administration approval of a common or usual name be required for products which are substitutes for standardized foods, but that such approval remain optional for substitutes for non-standardized foods. Several other manufacturers stated that any new products resembling standardized foods should be labeled "imitation."

This regulation will not reduce in any way the protection afforded by standards of identity to the consumer, or to persons who manufacture standardized foods. Any food which purports to be or is represented as a standardized food but which does not conform to the standard of identity is deemed to be misbranded under section 403(g) of the act. See, e.g. 62 cases * * * Jam v. United States, 340 U.S. 593 (1951). A substitute for a standardized food may properly be labeled with a distinctive common or usual name or a descriptive term or phrase if it is sufficiently informative to prevent confusion with the standardized product. The Commissioner finds that it is neither necessary nor practical to require prior approval of all such common or usual names. The present way by which common or usual names may be established, under § 102.1(d) published in the FEDERAL REGISTER on March 14, 1973 (38 FR 6966) provides adequate consumer protection.

b. Two consumers, two manufacturers, and an agricultural association recommended that new standards of identity be required for all new products. One trade association requested that standards be required for new table spread products.

The Commissioner has concluded that there is no need to require standards of identity for all new food products, just as there has been no need for standards for all existing products. Interested parties may submit petitions to establish standards of identity for any food products, new or existing. Standards will be proposed and adopted whenever this is in the public interest.

c. One trade association suggested that the regulation should preclude the use of a standardized name in connection with the name of a nonstandardized product.

The Commissioner rejects this suggestion because in some cases it may be necessary to include a standardized name in the name of a substitute food in order to provide the consumer with accurate, descriptive, and fully informative labeling.

d. A trade association asserted that the proposed regulation would constitute a "short cut procedure to product standards," which may not be valid.

This regulation does not establish a procedure for standardizing the identity or the name of a food product, other than use of the name "imitation." The establishment of a common or usual name for a non-standardized food product is governed by Part 102 (38 FR 6964), and standards of identity are governed by Part 10. Section 1.8(e) interprets only section 403(c) of the act.

5. The following requests for clarification were received relative to labeling requirements under the proposed regulation:

a. May a food be labeled "imitation" if it is not nutritionally inferior to the food for which it is a substitute?

b. Is a common or usual name required for a food which is nutritionally inferior and labeled as an imitation?

c. Is a fanciful name optional or is it required in addition to a common or usual name?

d. What is the difference between "common or usual name," and "appropriately descriptive term"?

A manufacturer or distributor may label a substitute food which is not nutritionally inferior to the traditional food as an imitation if he concludes that the product is inferior in some other way and if use of the term is not misleading. A substitute food which is nutritionally inferior and labeled as an imitation will in most cases thereby bear a sufficient statement of identity, but "imitation" may not be used as the sole common or usual name if it is misleading to the consumer. In some cases an additional informative term or phrase will be necessary to avoid a misleading label. If there is an established common or usual name for a substitute product, use of "imitation" labeling for that product would inherently be misleading and thus prohibited.

The use of fanciful names in food labeling is optional, and the regulation has been revised to state this fact.

A common or usual name is an established term identifying a particular food. The common or usual name of a food may be established by regulation (e.g., by a standard of identity promulgated pursuant to section 401 of the act, in a common or usual name regulation pursuant to Part 102, or in a regulation establishing a nutritional quality guideline pursuant to Part 100), or by common everyday usage. Where a common or usual name exists, it must be used. For a food, especially a new product, for which there is no established common or usual name, an appropriately descriptive term must be used, and there may be more than one such descriptive term in use for a food until a common or usual name is established. Widespread, consistent use of a descriptive or fanciful term for a sufficient time period will result in such term being established as the common or usual name. An appropriately descriptive term may also be established as a common or usual name by petition pursuant to Part 102 eliminating the time required for common usuage.

6. One comment stated that the regulation should require manufacturers of substitute foods to demonstrate equivalent consumer acceptance of such foods to traditional foods through consumer and market acceptability studies. The Commissioner rejects this suggestion. The purpose of the act and of this regulation is to provide the consumer with sufficient information on food labels so that he can choose intelligently among the various products before him, not to limit choices to those products which have previously obtained consumer acceptance.

7. For foods which resemble other foods and are not nutritionally inferior to them, one individual suggested that "ana" (an abbreviation for analog) be considered as a prefix or suffix to the name of the traditional food which the analog product resembles, e.g., anabacon, anabeef, or cheesecana. The Commissioner agrees that in some cases a term such as "ana", or an alternative uniform system of identification might be a practical element of a common or usual name. However, considerable care would have to be taken to insure that such terminology is used in conjunction wth a descriptive term so as to provide fully informative labeling which would not be confusing or misleading to the consumer. Adoption of any such terminology should be pursuant to the procedures established in § 102.1(d) published in the FEDERAL REGISTER on March 14, 1973 (38 FR 6966).

8. A number of comments were related to the definition of nutritional inferiority. Some comments, predominantly from industry, requested a stricter definition of "nutritionally inferior." One suggested that nutritional inferiority be based on 10 percent of the amounts of the essential nutrients present in the traditional food for which a new product is a substitute. Other comments suggested requiring equal amounts of nutrients for a substitute food to avoid imitation status. While one of these comments suggested that the total profile of available nutrients be considered, another suggested that all essential nutrients present in a significant amount be considered, and that such significant amounts should be based on caloric content of the food as well as percentages of the U.S. Recommended Daily Allowance (RDA) present per serving.

The Commissioner agrees that the proposed criterion for nutritional inferiority (ten percent of the U.S. RDA) would allow foods with less than ten percent of the U.S. RDA of essential nutrients to be substituted for by similar products which might contain none of these nutrients and yet not be labeled as imitations. In order to prevent such occurrences and in response to comments, the definition of nutritional inferiority has been revised to include any reduction in the content of an essential vitamin or mineral or of protein that is present in a "measurable amount." A "measurable amount" of an essential nutrient is defined as two percent or more of the U.S. RDA of that nutrient per serving or portion of the food, as set out in § 1.17. Protein and those vitamins and minerals listed under § 125.1(b) will be considered essential nutrients for all substitute foods. The regulation is modified accordingly.

Other comments regarding the definition of nutritional inferiority included arguments that such a concept should include the quality of nutrients as well as their quantity, especially protein quality. One comment requested that bioavailability of nutrients be considered, and another requested consideration of maximum limits on the amounts of various nutrients in foods subject to this regulation. The U.S. RDA of protein is already related to quality, under § 1.17(c)(7)(ii), and there are no meaningful distinctions of quality for those nutrients listed in § 125.1(b).

There is at this time no apparent need for bioavailability requirements. Bioavailability is significant for certain drugs because of the need to deliver the drug to the body in precise, consistent amounts. Nutrients in foods exist in widely varying concentrations and there is not the same need for a precise, consistent amount to be delivered. However, if problems of bioavailability of specific added nutrients should be discovered in

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the future, the Food and Drug Administration will establish regulations governing bioavailability requirements for such added nutrients.

Excessive nutrient fortification will be effectively prohibited by § 80.1, which would apply to any substitute food product to which nutrients listed under § 125.1(b) are added in amounts greater than necessary to prevent inferiority as compared to the food for which it substitutes, if any such nutrients are present in the food at a level higher than the lower limit established by § 80.1(f)(1).

One manufacturer felt that nutritional inferiority should not be defined until a committee of experts appointed by the National Academy of Sciences (NAS) has reviewed and recommended guidelines for such a definition.

The Commissioner recognizes the significance of the definition of nutritional inferiority as well as the benefits derived from NAS expert committees. However, the Commissioner concludes that there is no need for such a committee at this time.

9. One comment stated that if there are circumstances which would result in a food being nutritionally inferior for reasons other than that stated in the definition, such specific circumstances should be named in the regulation.

The proposal recognized the possibility that a food might be found to be nutritionally inferior for additional reasons not stated in the regulation, and authorized notice from the Commissioner to the manufacturer or distributor in such cases. The final regulation has been revised to eliminate any reference to regulatory action for violation of section 403(c) of the act based on standards of inferiority not promulgated in a regulation. The final regulation provides that if the Commissioner concludes that a food is a substitute for and resembles another food but is inferior to the food initiated for reasons other than those set forth he may propose appropriate revisions to the regulation or he may propose a separate regulation governing the particular food.

10. One comment suggested that a specific type size be required for any "imitation" designation, in relation to the type used for the brand name. Since existing regulations require that any such designation be conspicuous, the Commissioner concludes that this is unnecessary. Any such requirement should be the subject of a separate proposal dealing with the relationship between the brand name and the common or usual name.

11. In response to other concerns expressed in the comments, the Commissioner advises that:

a. While this regulation will affect competition between distributors of new food products and those of traditional foods, this is not a valid objection to a measure otherwise appropriate for avoiding confusion concerning the meaning of "imitation."

b. The nutritional adequacy of substitute foods, i.e., their place in the total diet, is not a subject of this regulation. The consumer is free to determine the place each food will have in his diet, and the labeling required by this regulation will help him to make informed choices.

c. This regulation does not affect the food additive status of any ingredient of the foods herein regulated.

12. The Commissioner is aware of the Resolution adopted June 21, 1973, by the Association of Food and Drug Officials of the United States at this year's annual conference in Rapid City, South Dakota in which opposition to his January 19, 1973, proposal is set forth. The views of that organization as well as the views of the State officials which were individually expressed through their own response to the proposal have been thoroughly considered in arriving at this final order.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701(a), 52 Stat. 1047–1048, as amended, 1055; 21 U.S.C. 343, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 1 is amended by adding a new paragraph (e) to § 1.8 to read as follows:

§ 1.8 Food in package form, labeling; identity.

* * * * * *

(e) Under the provisions of section 403(c) of the Federal Food, Drug and Cosmetic Act, a food shall be deemed to be misbranded if it is an imitation of another food unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

(1) A food shall be deemed to be an imitation and thus subject to the requirements of section 403(c) of the act if it is a substitute for and resembles another food but is nutritionally inferior to that food.

(2) A food that is a substitute for and resembles another food shall not be deemed to be an imitation provided it meets each of the following requirements:

(i) It is not nutritionally inferior to the food for which it substitutes and which it resembles.

(ii) Its label bears a common or usual name that complies with the provisions of § 102.1 of this chapter and that is not false or misleading, or in the absence of an existing common or usual name, an appropriately descriptive term that is not false or misleading. The label may, in addition, bear a fanciful name which is not false or misleading.

(3) A food for which a common or usual name is established by regulation (e.g., in a standard of identity pursuant to section 401 of the act, in a common or usual name regulation pursuant to part 102 of this chapter, or in a regulation establishing a nutritional quality guideline pursuant to Part 100 of this chapter), and which complies with all of the applicable requirements of such regulation(s), shall not be deemed to be an imitation.

(4) Nutritional inferiority includes: (i) Any reduction in the content of an essential nutrient that is present in a measurable amount, but does not include a reduction in the caloric or fat content provided the food is labeled pursuant to the provisions of § 1.17, and provided the labeling with respect to any reduction in caloric content complies with the provisions applicable to caloric content in Part 125 of this chapter.

(ii) For the purpose of this section, a measurable amount of an essential nutrient in a food shall be considered to be 2 percent or more of the U.S. RDA of protein or any vitamin or mineral listed under § 125.1(b) per average or usual serving, or where the food is customarily not consumed directly, per average or usual portion, as established in § 1.17.

(iii) If the Commissioner concludes that a food is a substitute for and resembles another food but is inferior to the food imitated for reasons other than those set forth in this paragraph, he may propose appropriate revisions to this regulation or he may propose a separate regulation governing the particular food.

Effective date. Labeling may be changed to comply with this regulation beignning on August 2, 1973. All labeling ordered after December 31, 1973, and all labeling used on products shipped in interstate commerce after December 31, 1974, shall comply with this regulation.

(Secs. 403, 701(a), 52 Stat. 1047–1048, as amended, 1055; 21 U.S.C. 343, 371(a))

Dated: July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15701 Filed 8-1-73;8:45 am]

INCIDENTAL ADDITIVES

Exemptions From Food Labeling Requirements

In the FEDERAL REGISTER of January 19, 1973, (38 FR 2141), the Commissioner of Food and Drugs proposed to clarify the Agency's policy with regard to the label declaration of incidental additives and to consolidate into one place regulations currently found in 21 CFR Parts 1, 3, and 5 establishing exemptions from certain labeling requirements.

The comments received and the Commissioner's responses are as follows:

1. Several comments opposed labeling exemptions for incidental additives, particularly the provisions of proposed § 1.10a (a)(4)(i) and (a)(4)(ii)(c) These comments asserted that:

(a) The proposed exemption for incidental additives is not predicated on impracticability, deception or unfair competition as required by section 403(i)(2) of the act.

(b) Any possible incentive to reduce the use of additives is destroyed by not requiring industry to list incidental additives.

(c) Faulty calibration or malfunction of machines used in food manufacturing may result in unnecessary amounts of additives in foods.

(d) Substances that migrate from processing equipment and packaging material should be eliminated rather than exempted from label declaration.

(e) Additives that do not serve a technical or functional effect should not remain in food.

It was also asserted that consumers have an "undeniable right" to know what is in the food they eat so that they may make informed choices among foods. It was noted that, for medical or religious reasons, consumers may wish to restrict their diets and thus need to be aware of the ingredients in foods. It was also contended that the proposed exemptions are contrary to the policy of the Food and Drug Administration stated by the Commissioner at hearings in which he said, "We believe that consumers should be aware of the ingredients in the foods they consume."

The Commissioner concludes that to require label declaration of all incidental additives which may be present in a finished food product in nonfunctional trace amounts would be impracticable. In many cases there may be no feasible way to determine whether nonfunctional trace amounts of some particular substances remain in particular lots of a finished food, and label declaration of such ingredients would be false and misleading for those lots which do not contain any remaining traces of such incidental substances. Furthermore, to require lengthy listings of such substances might cause consumers to give undue attention to the essentially meaningless compilations resulting in deception and unfair competition from competing products whose manufacturers fail to do as thorough a job of imagining all possible substances which may be present in some trace amount.

The Commissioner is not aware of evidence that industry is using food additives without valid technological reasons. A food additive, including a substance migrating from packaging material or equipment, must be approved for safety by the Food and Drug Administration before it can appear in food, and the food additive regulations do not permit use of an additive in an amount greater than necessary to achieve a valid technical or functional effect. Faulty calibration or malfunctioning of machinery, or any other manufacturing practices which result in illegal levels of additives, and any insanitary manufacturing conditions whereby food may have become contaminated with filth or rendered injurious to health, would cause the finished food to be adulterated and subject to regulatory action. Labeling rules are not appropriate to govern such situations.

Section 403(i) of the act specifically provides for regulations establishing exemptions from declaration of ingredients, to the extent that such declaration would be impracticable or result in deception or unfair competition. The insignificant, nonfunctional substances which may be present in a food fall within that exemption provision. The Commissioner is, however, committed to a policy that foods should bear informative labeling listing all ingredients which have any nutritive or other technical or functional effect. The provisions of this regulation are not inconsistent with that policy, but rather apply a rule of reason to prevent lengthy, meaningless listings of insignificant ingredients which may be present in trace amounts.

The Commissioner is not aware of any evidence that any substance omitted from a declaration of ingredients because of this regulation would have any medical, religious or dietary significance. He concludes that these general rules are necessary in the interest of practicality and to avoid deception and unfair competition.

2. It was suggested that the provisions dealing with incidental additives be expanded to cover standardized foods as well as nonstandardized foods.

The Commissioner concludes that there is no reason to exempt standardized foods from this regulation and advises that these rules apply to all foods. All labeling requirements in 21 CFR Part 1 apply equally to standardized and nonstandardized food except where a specific standard establishes a different requirement.

3. One comment requested clarification of the regulations with regard to food products manufactured under the Meat Inspection Act or the Poultry Products Inspection Act, administered by the United States Department of Agriculture.

The Commissioner advises that this regulation is not in conflict with the aforementioned acts or any regulation of the Department of Agriculture.

4. One comment was opposed to the exemption in proposed § 1.10a(a)(1) for "assortment" packages which contain varying ingredients.

Section 1.10a(a)(1) has been modified to require the labels of such assortments to list by name those ingredients that may be present.

5. One comment from a consumer group opposed the exemption in proposed § 1.10a(a)(3) for propylene glycol and glycerin in quiescently frozen confections. The comment also stated that the proposed exemption appears to be in violation of section 403(i)(2) of the act in that it is not based on impracticability, deception or unfair competition.

This provision was proposed as a transfer to this regulation of § 1.10(g) (21 CFR 1.10). Propylene glycol and glycerin used as carriers for stabilizers and emulsifiers in quiescently frozen confections were exempted from label declaration by § 1.10(g) because these ingredients are used in small amounts, are generally recognized as safe and are exempt from label declaration when used in ice cream and other frozen desserts by the standards of identity for those competing products.

The Commissioner concludes that this exemption should not be continued and that proposed § 1.10a(a)(3) should be deleted. The Commissioner republished in the FEDERAL REGISTER of January 19, 1973 a statement of policy favoring label declaration of all optional ingredients in standardized foods and announcing that food standards will be amended to require such declaration (38 FR 2137). It would be inconsistent, under these circumstances, to continue labeling exemptions for analogous ingredients in nonstandardized foods.

6. One comment interpreted proposed § 1.10a(b) to mean that a food repackaged in a retail establishment would be exempt from listing ingredients.

The exemptions of proposed § 1.10a(b) do not apply to listing of ingredients other than optional ingredients in standardized foods. As specified, this paragraph pertains only to exemptions from subsections 403(e)(1), (g)(2), and (i)(1) of the act. A standardized food, repackaged in a retail establishment, is exempt from label declaration of optional ingredients which would otherwise be required to be declared on the label only if the food is displayed to the consumer with its interstate labeling or other sign, card, etc., clearly in view listing the optional ingredients. The same alternate methods for providing ingredient information for nonstandardized foods retailed from bulk containers are authorized by proposed § 1.10a(a)(2).

7. One comment proposed that if an open container of a fresh fruit or vegetable is displayed at retail without labeling then it should be required to bear its interstate label or a counter card, sign or other device listing the ingredients.

The Commissioner advises that If fresh fruits or vegetables retailed from bulk containers contain additional ingredients within the meaning of 403(i)(2) of the act, for example waxed fruits, they are required to be labeled in accordance with section 403(i)(2) of the act or the exemption provisions of § 1.10a(a)(2).

8. One comment asserted that the provisions of proposed § 1.10a(b), insofar as they apply to "delicatessen products" offered for retail sale in open trays, are not authorized by the fair packaging and labeling powers of the Commissioner.

The Commissioner advises that § 1.10a(b) is authorized by the various sections of the Federal Food, Drug, and Cosmetic Act specified in that paragraph, and that it does not purport to be promulgated pursuant to the Fair Packaging and Labeling Act.

9. The Commissioner does not agree with a comment that the use of counter cards, signs, or other devices required by § 1.10a(b) would necessarily hinder and obscure a customer's view. Such cards, signs, etc. may be above, below, or otherwise adjacent to a food display if they are conspicuous. The Commissioner further advises that § 1.10a(b)(3) specifically provides that a food subject to section 403(i)(1) of the act need not have such a card or sign "if the common or usual name of the food is clearly revealed by its appearance."

10. In response to a request for clarification, the Commissioner advises that containers of fresh fruits and vegetables which otherwise comply with § 1.10a(c) and which are covered with clear uncolored overwrap through which the contents of the container are clearly visible are "open" within the meaning of § 1.10a(c). The regulation has been revised to so state.

11. One trade association requested confirmation of its interpretation that the exemption in proposed § 1.10a(d)(2)

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(for a shipment of food which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantity at an establishment other than that where originally processed or packed) covers not only shipments intended to be processed, labeled, or repacked as the same food but also ingredients for use in the manufacture of other foods.

The Commissioner advises that the regulation does not apply to food to be used as an ingredient in the manufacture of other foods.

12. One comment opposed the proposal to exempt the use of harmless markers in food on the basis that some people may be allergic to the markers used. The comment proposed that if a marker is present in a food then the label of such food indicate the presence of an unidentified ingredient.

Markers cannot be added to a food without prior approval by the Food and Drug Administration and such approval is not given unless the marker will be safe and suitable for use. To require a manufacturer to state that an unidentified ingredient is present would nullify the purpose for which such markers are used. The Commissioner is not aware that any markers currently in use have caused any allergic reaction in consumers, and no such evidence was submitted. Accordingly, § 1.10a(g) of the proposed regulation has been retained.

13. It was asserted that the statement required to appear on wrapped fish fillets and wrapped banana clusters specifying weighing of the package "at the time of sale" conflicts with both common practice and the provisions of these sections since the product may be weighed and have its weight marked prior to or at the time of sale. It was proposed in one comment that as an alternative to showing the wrapper tare weight on the individual packages of fish, the tare weight along with instructions should be permitted to be shown on the shipping containers only. One manufacturer asserted that the wording in proposed § 1.10a(h) and (i) is confusing since the term "wrapper tare ——— ounce" appearing in paragraph (h) does not appear in paragraph (i).

The Commissioner agrees that in practice these products may be weighed prior to time of sale, and the affected proposed § 1.10 a(h)(1)(ii) and (i)(1)(ii) are revised to read "to be weighed at or before time of sale". The Commissioner does not agree with the suggestion to permit the wrapper tare weight to appear on the shipping containers only. This could increase the possibility of misbranding of the individual packages once they are removed from the cartons, should the weighing and weight marking not be done immediately or should tare weights differ from shipment to shipment. The example wrapper tare weight statement appearing in paragraph (h) has been added to paragraph (i).

14. In response to a request for clarification, the Commissioner advises that the wrapper tare weight statement must appear on the wrappers used by the fish packer in the shipment to the retailer.

15. The Commissioner is aware of the Resolution adopted June 21, 1973, by the Association of Food and Drug Officials of the United States at this year's annual conference in Rapid City, South Dakota in which opposition to his January 19, 1973, proposal is set forth. The views of that organization as well as the views of the State officials which were individually expressed through their own response to the proposal have been thoroughly considered in arriving at this final order.

Accordingly, having considered the comments received, and other relevant information, the Commissioner concludes that proposed § 1.10a with the changes noted above, should be adopted.

Therefore, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (secs. 403, 405, 701(a), 52 Stat. 1047–1049, 1055; 21 U.S.C. 343, 345, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 1, 3, and 5 are amended as follows:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

§ 1.10 [Amended]

1. In § 1.10 paragraphs (e), (f), and (g) are hereby revoked, and paragraph (h) is redesignated as paragraph (e).

2. A new § 1.10a is added to Part 1, to read as follows:

§ 1.10a Food; labeling; exemptions from labeling requirements.

(a) The following foods are exempt from compliance with the requirements of section 403(i)(2) of the act (requiring a declaration on the label of the common or usual name of each ingredient when the food is fabricated from two or more ingredients).

(1) An assortment of different items of food, when variations in the items that make up different packages packed from such assortment normally occur in good packing practice and when such variations result in variations in the ingredients in different packages, with respect to any ingredient that is not common to all packages. Such exemption, however, shall be on the condition that the label shall bear, in conjunction with the names of such ingredients as are common to all packages, a statement (in terms that are as informative as practicable and that are not misleading) indicating by name other ingredients which may be present.

(2) A food having been received in bulk containers at a retail establishment, if displayed to the purchaser with either (i) the labeling of the bulk container plainly in view or (ii) a counter card, sign, or other appropriate device bearing prominently and conspicuously the information required to be stated on the label pursuant to section 403(i)(2) of the act.

(3) Incidental additives that are present in a food at insignificant levels and do not have any technical or functional effect in that food. For the purposes of this subparagraph, incidental additives are:

(i) Substances that have no technical or functional effect but are present in a food by reason of having been incorporated into the food as an ingredient of another food, in which the substance did have a functional or technical effect.

(ii) Processing aids, which are as follows:

(*a*) Substances that are added to a food during the processing of such food but are removed in some manner from the food before it is packaged in its finished form.

(*b*) Substances that are added to a food during processing, are converted into constituents normally present in the food, and do not significantly increase the amount of the constituents naturally found in the food.

(*c*) Substances that are added to a food for their technical or functional effect in the processing but are present in the finished food at insignificant levels and do not have any technical or functional effect in that food.

(iii) Substances migrating to food from equipment or packaging or otherwise affecting food that are not food additives as defined in section 201(s) of the act; or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act.

(b) A food repackaged in a retail establishment is exempt from the following provisions of the act if the conditions specified are met.

(1) Section 403(e)(1) of the act (requiring a statement on the label of the name and place of business of the manufacturer, packer, or distributor).

(2) Section 403(g)(2) of the act (requiring the label of a food which purports to be or is represented as one for which a definition and standard of identity has been prescribed to bear the name of the food specified in the definition and standard and, insofar as may be required by the regulation establishing the standard the common names of the optional ingredients present in the food), if the food is displayed to the purchaser with its interstate labeling clearly in view, or with a counter card, sign, or other appropriate device bearing prominently and conspicuously the information required by these provisions.

(3) Section 403(i)(1) of the act (requiring the label to bear the common or usual name of the food), if the food is displayed to the purchaser with its interstate labeling clearly in view, or with a counter card, sign, or other appropriate device bearing prominently and conspicuously the common or usual name of the food, or if the common or usual name of the food is clearly revealed by its appearance.

(c) An open container (a container of rigid or semirigid construction, which is not closed by lid, wrapper, or otherwise other than by an uncolored transparent wrapper which does not obscure the contents) of a fresh fruit or fresh vegetable, the quantity of contents of which is not more than 1 dry quart, shall be exempt from the labeling requirements of sec-

tions 403(e), (g)(2) (with respect to the name of the food specified in the definition and standard), and (i)(1) of the act; but such exemption shall be on the condition that if two or more such containers are enclosed in a crate or other shipping package, such crate or package shall bear labeling showing the number of such containers enclosed therein and the quantity of the contents of each.

(d) Except as provided by paragraphs (e) and (f) of this section, a shipment or other delivery of a food which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantity at an establishment other than that where originally processed or packed, shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment, from compliance with the labeling requirements of section 403 (c), (e), (g), (h), (l), (j), and (k) of the act if:

(1) The person who introduced such shipment or delivery into interstate commerce is the operator of the establishment where such food is to be processed, labeled, or repacked; or

(2) In case such person is not such operator, such shipment or delivery is made to such establishment under a written agreement, signed by and containing the post office addresses of such person and such operator, and containing such specifications for the processing, labeling, or repacking, as the case may be, of such food in such establishment as will insure, if such specifications are followed, that such food will not be adulterated or misbranded within the meaning of the act upon completion of such processing, labeling, or repacking. Such person and such operator shall each keep a copy of such agreement until 2 years after the final shipment or delivery of such food from such establishment, and shall make such copies available for inspection at any reasonable hour to any officer or employee of the Department who requests them.

(3) The article is an egg product subject to a standard of identity promulgated in Part 42 of this chapter, is to be shipped under the conditions specified in paragraph (d)(1) or (d)(2) of this section and for the purpose of pasteurization or other treatment as required in such standard, and each container of such egg product bears a conspicuous tag or label reading "Caution—This egg product has not been pasteurized or otherwise treated to destroy viable Salmonella microorganisms." In addition to safe and suitable bactericidal processes designed specifically for Salmonella destruction in egg products, the term "other treatment" in the first sentence of this paragraph shall include use in acidic dressings in the processing of which the pH is not above 4.1 and the acidity of the aqueous phase, expressed as acetic acid, is not less than 1.4 percent, subject also to the conditions that:

(i) The agreement required in paragraph (d)(2) of this section shall also state that the operator agrees to utilize such unpasteurized egg products in the processing of acidic dressings according to the specifications for pH and acidity set forth in this paragraph, agrees not to deliver the acidic dressing to a user until at least 72 hours after such egg product is incorporated in such acidic dressing, and agrees to maintain for inspection adequate records covering such processing for 2 years after such processing.

(ii) In addition to the caution statement referred to above, the container of such egg product shall also bear the statement "Unpasteurized ——— for use in acidic dressings only," the blank being filled in with the applicable name of the eggs or egg product.

(e) Conditions affecting expiration of exemptions. (1) An exemption of a shipment or other delivery of a food under paragraph (d) (1) or (3) of this section shall, at the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment become void ab initio if the food comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed.

(2) An exemption of a shipment or other delivery of a food under paragraph (d) (2) or (3) of this section shall become void ab initio with respect to the person who introduced such shipment or delivery into interstate commerce upon refusal by such person to make available for inspection a copy of the agreement, as required by paragraph (d) (2) or (3) of this section.

(3) An exemption of a shipment or other delivery of a food under paragraph (d)(2) or (3) of this section shall expire:

(i) At the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment if the food comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed; or

(ii) Upon refusal by the operator of the establishment where such food is to be processed, labeled, or repacked, to make available for inspection a copy of the agreement, as required by such paragraph.

(f) The word "processed" as used in this paragraph shall include the holding of cheese in a suitable warehouse at a temperature of not less than 35° F. for the purpose of aging or curing to bring the cheese into compliance with requirements of an applicable definition and standard of identity. The exemptions provided for in paragraph (d) of this section shall apply to cheese which is, in accordance with the practice of the trade, shipped to a warehouse for aging or curing, on condition that the cheese is identified in the manner set forth in one of the applicable following paragraphs, and in such case the provisions of paragraph (e) of this section shall also apply:

(1) In the case of varieties of cheese for which definitions and standards of identity require a period of aging whether or not they are made from pasteurized milk, each such cheese shall bear on the cheese a legible mark showing the date at which the preliminary manufacturing process as been completed and at which date curing commences, and to each cheese, on its wrapper or immediate container, shall be affixed a removable tag bearing the statement "Uncured ——— cheese for completion of curing and proper labeling," the blank being filled in with the applicable name of the variety of cheese. In the case of swiss cheese, the date at which the preliminary manufacturing process had been completed and at which date curing commences is the date on which the shaped curd is removed from immersion in saturated salt solution as provided in the definition and standard of identity for swiss cheese, and such cheese shall bear a removable tag reading, "To be cured and labeled as 'swiss cheese,' but if eyes do not form to be labeled as 'swiss cheese for manufacturing.'"

(2) In the case of varieties of cheeses which when made from unpasteurized milk are required to be aged for not less than 60 days, each such cheese shall bear a legible mark on the cheese showing the date at which the preliminary manufacturing process has been completed and at which date curing commences, and to each such cheese or its wrapper or immediate container shall be affixed a removable tag reading, "——— cheese made from unpasteurized milk. For completion of curing and proper labeling," the blank being filled in with the applicable name of the variety of cheese.

(3) In the case of cheddar cheese, washed curd cheese, colby cheese, granular cheese, and brick cheese made from unpasteurized milk, each such cheese shall bear a legible mark on the cheese showing the date at which the preliminary manufacturing process has been completed and at which date curing commences, and to each such cheese or its wrapper or immediate container shall be affixed a removable tag reading "——— cheese made from unpasteurized milk. For completion of curing and proper labeling, or for labeling as ——— cheese for manufacturing," the blank being filled in with the applicable name of the variety of cheese.

(g) The label declaration of a harmless marker used to identify a particular manufacturer's product may result in unfair competition through revealing a trade secret. Exemption from the label declaration of such a marker is granted, therefore, provided that the following conditions are met:

(1) The person desiring to use the marker without label declaration of its presence has submitted to the Commissioner of Food and Drugs full information concerning the proposed usage and the reasons why he believes label declaration of the marker should be subject to this exemption; and

(2) The person requesting the exemption has received from the Commissioner of Food and Drugs a finding that the marker is harmless and that the exemption has been granted.

(h) Wrapped fish fillets of nonuniform weight intended to be unpacked and marked with the correct weight at or before the point of retail sale in an establishment other than that where originally packed shall be exempt from

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the requirement of section 403(e)(2) of the act during introduction and movement in interstate commerce and while held for sale prior to weighing and marking:

(1) *Provided*, That:

(i) The outside container bears a label declaration of the total net weight; and

(ii) The individual packages bear a conspicuous statement "To be weighed at or before time of sale" and a correct statement setting forth the weight of the wrapper: *And*

(2) *Provided further*, That it is the practice of the retail establishment to weigh and mark the individual packages with a correct net-weight statement prior to or at the point of retail sale. A statement of the weight of the wrapper shall be set forth so as to be readily read and understood, using such term as "wrapper tare — ounce," the blank being filled in with the correct average weight of the wrapper used.

(3) The act of delivering the wrapped fish fillets during the retail sale without the correct net-weight statement shall be deemed an act which results in the product's being misbranded while held for sale. Nothing in this paragraph shall be construed as requiring net-weight statements for wrapped fish fillets delivered into institutional trade provided the outside container bears the required information.

(l) Wrapped clusters (consumer units) of bananas of nonuniform weight intended to be unpacked from a master carton or container and weighed at or before the point of retail sale in an establishment other than that where originally packed shall be exempt from the requirements of section 403(e)(2) of the act during introduction and movement in interstate commerce and while held for sale prior to weighing:

(1) *Provided*, That:

(i) The master carton or container bears a label declaration of the total net weight; and

(ii) The individual packages bear a conspicuous statement "To be weighed at or before the time of sale" and a correct statement setting forth the weight of the wrapper; using such term as "wrapper tare ——— ounce," the blank being filled in with the correct average weight of the wrapper used;

(2) *And provided, further*, That it is the practice of the retail establishment to weigh the individual packages either prior to or at the time of retail sale.

(3) The act of delivering the wrapped clusters (consumer units) during the retail sale without an accurate net weight statement or alternatively without weighing at the time of sale shall be deemed an act which results in the product's being misbranded while held for sale. Nothing in this paragraph shall be construed as requiring net-weight statements for clusters (consumer units) delivered into institutional trade, provided that the master container or carton bears the required information.

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

§ 3.1 [Revoked]

3. The provisions of § 3.1 are hereby revoked.

§ 3.26 [Revoked]

4. The provisions of § 3.26 are hereby revoked.

PART 5—[REVOKED]

5. The provisions of Part 5 are hereby revoked.

Effective date. This order shall become effective on September 4, 1973.

(Secs. 403, 405, 701(a), 52 Stat. 1047–1049, 1055; 21 U.S.C. 343, 345, 371(a))

Dated: July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15702 Filed 8-1-73;8:45 am]

LABEL STATEMENTS; FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER

In the matter of revising the regulations for food for special dietary uses:

The Commissioner of Food and Drugs published Proposed Findings of Fact, Proposed Conclusions, and a Tentative Order in the FEDERAL REGISTER of January 19, 1973 (38 FR 2143), and allowed 60 days for the filing of written exceptions by any interested person whose appearance was filed at the hearing. The published document also included a history of the proceedings in the matter and an explanation of the scope of this action. Time for the filing of exceptions was subsequently extended through April 20, 1973 by notice published in the FEDERAL REGISTER on March 9, 1973 (38 FR 6396).

Exceptions to the order and the Findings of Fact were received from 35 persons whose appearance was filed at the hearing and one person who did not file such an appearance. In addition, approximately 790 postcards, form letters, and individual letters representing 1200 persons were received by the Hearing Clerk, objecting to the order. Over 20,000 similar letters objecting to the order, submitted to other government offices, were forwarded to the agency. None of these letters provided any substantive reasons for modifying the order. All exceptions filed have been considered and have been the basis of modification in the findings and in the order as set forth below. The Commissioner is aware of the Resolution adopted June 21, 1973, by the Association of Food and Drug Officials of the United States at this year's annual conference in Rapid City, South Dakota, in which opposition to his January 19, 1973, tentative order is set forth. The views of that organization, as well as the views of the State officials which were individually expressed through their own responses to the tentative order, have been thoroughly considered in arriving at this final order.

1. Exceptions were received stating that defining the term "special dietary use" to include dietary supplements was not within the province of the Federal Food, Drug, and Cosmetic Act. The Commissioner finds no merit in this exception. The agency as well as the courts have long recognized that dietary supplements which possess a label or labeling indicating the presence of various vitamins or minerals do in fact represent that the product has a special dietary use for man, by reason of its vitamin and mineral properties. 21 CFR 125.3; *V. E. Irons* v. *United States*, 244 F.2d 34 (C.A. 1, 1957), cert denied 354 U.S. 923 (1957).

2. An exception was received stating that the words "pathological" and "disease" should have been included in the definition of "special dietary use" in § 125.1(a) (21 CFR 125.1). The Commissioner reiterates the general principle that the labeling of foods for special dietary uses may not represent, suggest, or imply that the food is adequate or effective in the prevention, cure, mitigation, or treatment of any disease or symptom. Such products are defined as drugs under the act. The Commissioner also points out that, under specific sections of Part 125, provisions are made for appropriate labeling of foods for special dietary use for use solely under medical supervision to meet nutritional requirements in specific medical conditions. Such foods are intended to provide sound nutrition to sick persons rather than to treat a disease. The Commissioner concludes that the deletion of the words "pathological" and "disease" from the definition of foods for special dietary use is proper and supported by the Hearing Record and therefore no change is warranted.

3. In order to clarify the derivation of U.S. Recommended Daily Allowances (U.S. RDA's) and to indicate his intent to amend them at appropriate times, the Commissioner adds a new subparagraph to § 125.1(b). It is made clear in the regulation that as new information on nutrient needs of humans is obtained and becomes generally adopted as authoritative by experts in nutritional science, comparable changes will be made in the table of U.S. RDA's when such changes will serve to better inform users of the nutrient value of a food for special dietary use. This action is supported by paragraph 9 of the Proposed Findings of Fact.

4. Exceptions were received objecting to the use of the new term "U.S. RDA" on the basis that the term was not used in the 1962 and 1966 proposals and therefore was not a subject of the hearings.

One of the purposes of the hearings was to develop a set of recommended dietary allowances which reflect the nutrient requirements of consumers, and which can also be used in the labeling of foods to fully inform the consumer regarding nutrient content. Paragraphs 9, 10 and 13 of the Proposed Findings of Fact for Part 125 support the use of publication No. 1694 of the National Academy of Sciences, including the table entitled "Recommended Daily Dietary Allowances", to develop such a new set of recommended dietary allowances. Because the term "RDA", standing alone, refers specifically to the values found in the table entitled "Recommended Daily Dietary Allowances", it would be improper to use the identical term in referring to a new set of recommended dietary allowances not identical in all instances to those appearing in the aforementioned table. The Commissioner therefore concludes that a new term is needed which will convey the sense of recommended dietary allowances without being confused with the already existing RDA's, and finds "U.S. RDA" to be such a term. The Commissioner further concludes that the development of such a new term falls within the mandate of the hearings to develop a new set of recommended dietary allowances, and therefore finds no merit in the exception.

5. An exception was received suggesting that the U.S. RDA's for biotin and folic acid were too high, since experience with naturally-occurring lower levels in milk-based weight control dietaries had not resulted in any observations of deficiency in either humans or experimental animals consuming these products.

The Commissioner again notes his reliance upon the information contained in "Recommended Dietary Allowances," (Seventh Revised Ed., 1968), published by the Food and Nutrition Board of the National Academy of Sciences-National Research Council, as being authoritative for the development of the U.S. RDA's. This is clearly indicated in paragraphs 9, 10 and 13 of the Proposed Findings of Fact for Part 125, as well as in § 125.1(b)(1), which also indicates that the U.S. RDA's "are subject to amendment from time to time as more information on human nutrition becomes available." As noted in paragraph 9 of the Proposed Findings of Fact for Part 125, the Commissioner considers revisions in subsequent editions of "Recommended Dietary Allowances" to be the principal indicator for any need for revisions of U.S. RDA's. There presently is inadequate scientific evidence to justify changing the folic acid and biotin levels. The Commissioner therefore concludes that changes in the U.S. RDA's for biotin and folic acid at this time are unwarranted.

6. Exceptions were received recommending that the quantity of tryptophan present in a food for special dietary use be taken into consideration in terms of niacin equivalents when calculating the amount of niacin in that food. The Commissioner has carefully reviewed the Hearing Record and notes the discussion of the matter in "Recommended Dietary Allowances," (Seventh Revised Ed., 1968), published by the Food and Nutrition Board, National Academy of Sciences-National Research Council.

The Commissioner considers the quantitative contribution of tryptophan to total niacin activity in foods to be variable and the quantitative determination of niacin equivalents derived from tryptophan subject to serious practical limitations of analytical methodology. The Commissioner notes that, although the conversion of a portion of tryptophan intake to niacin is a well-established nutrition principle, there is currently inadequate knowledge of the magnitude of such conversion resulting from the consumption of specific individual foods. Therefore, for the present, the use of niacin equivalents derived from tryptophan is rejected for declaring total niacin activity. As further knowledge accumulates and improved analytical procedures become available, the Commissioner will re-examine the matter.

7. Exceptions were received stating that the U.S. RDA's for the specific consumer groups failed to insure that the special dietary requirements of infants (i.e., persons not more than 12 months of age) are properly identified and recognized. Noting the numerous exceptions concerning this issue, at the urging of the American Academy of Pediatrics, and after review of the Hearing Record and the Hearing Examiner's Report, the Commissioner concludes that, although the U.S. RDA's for infants and children under four years of age can safely be used by infants and one- to two-year-olds, as stated in paragraph 14 of the Proposed Findings of Fact, there is a need to establish infant U.S. RDA's for the labeling of those foods intended for use primarily or solely by infants. (WD–3A–Sebrell, Q&A 15; Lowe, Tr. 12568–70) The major concern expressed by the American Academy of Pediatrics dealt with the nutrition labeling of food products, e.g., strained vegetables, fruits, and meat mixtures. In their opinion, the higher U.S. RDA levels could result in mothers feeding their infants large quantities of food in order to provide the higher vitamin and mineral levels, and thus causing excessive caloric intake and obesity. By separate action the Commissioner is proposing to revise Nutrition Labeling § 1.17(h)(1) (21 CFR 1.17) to reflect this change by requiring that when nutrition labeling is used on baby foods expressly labeled for use by infants less than twelve months of age, the U.S. RDA's established in § 125.1(b) for infants shall be used. A reasonable and scientifically accurate derivation of infant U.S. RDA values from "Recommended Dietary Allowances," (Seventh Revised Ed., 1968), published by the Food and Nutrition Board of the National Academy of Sciences-National Research Council reads as follows: (WD–3A–Sebrell, Q&A 15)

Vitamins & minerals	Unit of measurement	U.S. RDA for infants
Vitamin A	International units.	1,500
Vitamin D	do	400
Vitamin E	do	5
Vitamin C	Milligrams	35
Folic acid	do	0.1
Thiamine	do	0.5
Riboflavin	do	0.6
Niacin	do	8
Vitamin B_6	do	0.4
Vitamin B_{12}	Micrograms	2
Biotin	Milligrams	0.05
Pantothenic acid	do	3
Calcium	Grams	0.6
Phosphorus	do	0.5
Iodine	Micrograms	45
Iron	Milligrams	15
Magnesium	do	70
Copper	do	0.9
Zinc	do	5

Therefore, the Commissioner concludes that paragraph 13 of the Proposed Findings of Fact and § 125.1(b) should be amended by including the above U.S. RDA's for infants as a separate column entitled "Infants" and revising the heading for the group entitled "Infants and children under 4 years of age" to read "Children under 4 years of age".

8. Exceptions were received pointing out that the units of measurement for vitamins A and D in the tentative order for § 125.1 are International Units, which is in conflict with the final order published for § 125.5(c)(5) (21 CFR 125.5) which uses U.S.P. Units as the units of measurement for vitamins A and D.

The Commissioner concurs that the units of measurement for these sections should be uniform and elsewhere in this issue of the FEDERAL REGISTER is publishing a proposed amendment to change the units of measurement for vitamins A and D in § 125.5 to International Units.

9. Exceptions were received to the effect that there is a need to describe the proper uses of the essential nutrients listed in § 125.1(c) for which no U.S. RDA's have been established. The Commissioner recognizes that there are certain foods for special dietary uses where the inclusion of one or more of these nutrients is appropriate, as determined by other regulations. Therefore, for purposes of clarification, the following sentences are added to paragraph (c): "These nutrients are not appropriate for addition to general purpose foods or dietary supplements of vitamins and minerals, but may be added to such foods for special dietary uses as infant formulas and foods represented for use solely under medical supervision to meet nutritional requirements in specific medical conditions, when permitted by other regulations."

The Codex Alimentarius is presently preparing food standards on two types of infant formulas, one with a milk base and one without. The Commissioner has concluded that it is appropriate to await the availability of those standards before proceeding with similar regulations in this country. In the interim, the Food and Drug Administration will monitor the use of nutrients listed in § 125.1(c) in infant formula products to make cer-

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tain that they are safe and appropriate on the basis of a sound nutritional rationale.

Similarly, it is premature at this time to promulgate regulations setting definitive standards on the use of these nutrients in so-called "medical foods" represented solely for use under medical supervision to meet nutritional requirements in specific medical conditions. Pending promulgation of such regulations the Commissioner will continue a close surveillance of these products to prevent improper use of any nutrient listed in § 125.1(c).

The Commissioner is unable to anticipate exactly when such regulations will be promulgated. Accordingly, the restriction in § 125.1(c), that such ingredients may be used in those products only in accordance with specific regulations, is being held in abeyance until further notice.

10. Exceptions were received recommending the recognition of choline, inositol, selenium and chromium as appropriate for inclusion in certain foods for special dietary uses. The Commissioner has carefully reviewed the Hearing Record and the current state of scientific knowledge concerning these substances and their role in the human diet. The Commissioner reiterates that the Food and Drug Administration relies heavily on "Recommended Dietary Allowances." (Seventh Revised Ed., 1968), published by the National Academy of Sciences as a basic guide to the inclusion or exclusion of nutrient substances from regulations concerned with nutrient composition. (WD–3A–Sebrell Q&A 4) On the basis of the review and the present position of the National Academy of Sciences, the Commissioner concludes as follows:

There is now sufficient evidence of the essentiality of choline in the human for it to be appropriate to include choline in infant formulas, especially those designed for the premature, and in chemically defined diets to be used as the sole source of nutrition under the supervision of physicians to provide good nutrition to critically ill patients. Because any diet of general purpose food contains sufficient chloine, however, it is not appropriate to include choline in other forms of foods for special dietary uses.

There is insufficient evidence to show that inositol is an essential nutrient for humans, and it is therefore inappropriate for this substance to be included in foods for special dietary uses. There is also inadequate knowledge at this time to determine the essentiality of chromium, and therefore it is not appropriate to include chromium in foods for special dietary uses. The Food and Drug Administration will follow new scientific information on the nutritional role of inositol and chromium, and amend these regulations if they are shown to be essential.

The information on selenium is equivocal at this time. It has been clearly shown to be essential in animals and thus is widely regarded as also essential in humans, but there is as yet no evidence of a possible deficiency in man. Because there is presently no known justification for the addition of selenium to any type of food product the Commissioner has concluded that this ingredient should not be added to § 125.1(c) at this time.

The Commissioner therefore concludes that the paragraph 11 of the Proposed Findings of Fact should be amended by including the words "and choline" after the word "biotin" and that § 125.1(c) should be amended to include the word "choline" following the words "vitamin K".

11. Exceptions were filed concerning § 125.1(h) setting forth the need to clarify the meaning of the terms "product", "upper limit of the U.S. RDA", and "food represented for use solely under medical supervision." The Commissioner recognizes the need for clarification of this paragraph, and it is therefore reworded as follows: "Any product containing more than the upper limit of the U.S. RDA per serving or, where appropriate, per daily recommended quantity of a vitamin or mineral as specified in § 80.1(f)(1) is a drug, except for conventional foods which contain naturally occurring amounts in excess of these upper limits, and except for foods provided for in Part 125, such as infant formulas or foods which are represented for use solely to meet nutritional requirements in specific medical conditions."

12. Exceptions were also filed concerning § 125.1(h) stating that the Commissioner had exceeded his authority in classifying products containing a vitamin or mineral in excess of the upper limits of the U.S. RDA's as drugs. The basis for such exceptions was the claim that the term "drug" is defined by the Federal Food, Drug, and Cosmetic Act, which should be controlling in this matter. The Commissioner recognizes that the act is controlling, and, upon further review of the hearing record and the findings of fact for Parts 80 and 125, concludes that those products which contain vitamins or minerals in excess of the upper limits of the U.S. RDA's are in fact articles intended for use in the cure, mitigation, treatment, or prevention of disease in man and therefore, pursuant to the definition contained in 21 U.S.C. 321(g)(1)(B), are properly classified as drugs, with the exceptions noted above in Exception number 11. The hearing record discloses no known food or nutrition use of nutrients at such high levels, and no such uses were shown in the exceptions.

13. Exceptions were received stating that the agency has no authority to promulgate regulations which prohibit certain claims as provided for in § 125.2(b) (21 CFR 125.2). The Order Staying the Effective Date of the Regulations published in the FEDERAL REGISTER on December 14, 1966 (31 FR 15730), as well as the tentative final order published in the FEDERAL REGISTER on January 19, 1973 (38 FR 2149), as they pertained to § 125.2(b), relies on sections 201(n), 403(a), and 403(j) of the act for authority to prohibit false and misleading statements on foods represented to be for special dietary uses. The Commissioner has reviewed these exceptions and finds ample authority for these prohibitions in sections 201(n), 403(a) and 403(j).

14. Exceptions were received concerning the prohibition in § 125.2(b)(1) against labeling claims that the vitamin or mineral properties of a food are adequate or effective in the prevention or treatment of any disease or symptom. Some exceptions erroneously interpreted this as prohibiting virtually any discussion of nutritional usefulness of all vitamins and minerals.

The hearing record establishes and the Commissioner recognizes that all vitamins and minerals inherently assist in preventing nutrient deficiencies and thus, in that sense, prevent disease. The prohibition in no way prohibits truthful representation that a given nutrient is essential to human nutrition and good health and well-being. At the same time it must be recognized that explicit claims related to prevention or treatment of specific disease conditions render a product a drug under section 201(g)(1)(B) of the act. The statutory definitions of "food" and "drug" are not mutually exclusive in this respect.

This prohibition was required because the hearing record, as noted in paragraphs 29, 30, 32 and 35 of the Proposed Findings of Fact, demonstrated widespread promotional practices stating or implying that a vitamin or mineral should be consumed in order to prevent a specific disease. As evidenced by paragraph 35 of the Proposed Findings of Fact, it has been common practice to promote nutrients by stating that a deficiency of a particular vitamin or mineral leads to a specific disease, thus implying that a consumer who fails to purchase the product in question may suffer from that disease or that the vitamin or mineral in question will prevent that disease.

The Commissioner concludes that reliance upon scare promotional claims, designed to panic the public into believing that nutrient supplementation is necessary to prevent the onset of severe deficiency diseases, neither is supported by the Hearing Record nor fosters good nutritional practices. Informative labeling designed to educate the public about the need for basic nutrition planning, and to emphasize the importance of essential nutrients to good health, is truthful, supported by the Hearing Record, and encouraged by the agency. The Commissioner concludes that no change in § 125.2(b)(1) is warranted.

15. Exceptions were received objecting to § 125.2(b)(2), which prohibits the use of labeling claims suggesting that ordinary foods in the diet are inadequate to meet nutritional needs, as being contrary to the Hearing Examiner's findings. No evidence, except for testimony which related to specific segments of the population, such as that contained in paragraph 45 of the Proposed Findings of Fact, is contained in the Hearing Record to establish that a diet of ordinary foods cannot satisfy all nutrition needs.

Since the early 1940's, and continuing to the present time, certain labeling, promotion, advertising, and lay literature concerning dietary supplements of

vitamins and minerals and other foods offered for special dietary use based on their vitamin and/or mineral qualities has repeatedly represented that ordinary foods are incapable of supplying adequate amounts of vitamins and minerals to meet human needs. (Weissenberg, Tr. 6560–61, 6571–72, 6304, 6358, 6375, 6447–50, 6579). Individual case determinations have shown that the use of this theme in the labeling of foods for special dietary uses is false and misleading. (Exhibit P–670, 670(a), 671).

To clarify this issue, the Commissioner concludes that a Finding of Fact 46 should be added to the Findings of Fact for Part 125 as published on January 19, 1973 (38 FR 2145), to read as follows:

> Since the early 1940's, and continuing to the present time, certain labeling, promotion, advertising, and lay literature concerning dietary suppiments of vitamins and minerals and other foods offered for special dietary use based on their vitamin and/or mineral qualities has repeatedly represented that ordinary foods are incapable of supplying adequate amounts of vitamins and minerals to meet human needs. (Weissenberg, Tr. 6560–61, 6571–72, 6304, 6358, 6375, 6447–50, 6579). Individual case determinations have shown that the use of this theme in the labeling of foods for special dietary uses is false and misleading. (Exhibit P–670, 670(a), 671).

To further clarify this prohibition, the phrase "balanced diet" will be substituted for "diet", since it is obvious that an unbalanced or poor diet could be deficient in nutrients. The Commissioner concludes that § 125.2(b)(2) should be modified to read "That a balanced diet of ordinary foods cannot supply adequate amounts of nutrients".

16. Exceptions were received expressing concern that the labeling prohibitions in § 125.2(b)(3) and (4) would preclude factual supportable statements that certain losses may be due to improper handling or that certain products may be lower in nutrient content due to the soil upon which the food was grown. This is not the intent of these prohibitions, nor are they so worded. Any truthful claims, supported by adequate scientific data, relating to the specific nutrient value of a product will be permitted.

These prohibitions are intended to prohibit unsupported generalization that there is a general deficiency in the daily diet because of soil in which the food was grown, or transportation, or processing methods used in preparing food. These prohibitions are clearly supported by paragraphs 37, 39, 40, and 41 of the Proposed Findings of Fact.

For clarification purposes and uniformity, § 125.2(b)(4) is amended by substituting the phrase "the daily diet" for the word "diets".

17. Exceptions were received objecting to those provisions which prohibit the inclusion of certain ingredients in dietary supplements and other forms of foods for special dietary uses which have not been shown to be essential in human nutrition, such as rutin, other bioflavonoids, para-aminobenzoic acid, inositol and similar ingredients, products and compounds. No evidence was submitted to show that these ingredients are of nutritional value. This matter was discussed in detail in paragraph B of the proposed Conclusions of Law with respect to § 125.2 supported by paragraph 4 of the Proposed Findings of Fact in respect to Part 125 and paragraphs 8, 19, 21, and 32 of the Proposed Findings of Fact in respect to Part 80.

The Commissioner has carefully reconsidered the Hearing Record, and reiterates his conclusion that it is not nutritionally sound, and results in false or misleading labeling, to permit inclusion of these ingredients in dietary supplements or other forms of foods for special dietary uses. Such ingredients may properly be marketed as separate foods.

18. Exceptions were received stating that § 125.2(b)(5), concerning unacceptable labeling and marketing practices, requires clarification. The Commissioner concurs with the need for clarification of this paragraph. Therefore, the last sentence of § 125.2(b)(5) is replaced with the following:

> Ingredients or products of this type may be marketed as individual products or mixtures thereof: *Provided*, That the possibility of nutritional, dietary or therapeutic value is not stated or implied. Examples of false or misleading statements or implications are: (i) label statements to the effect that the products' need or usefulness in human nutrition has not been established; (ii) label statements which otherwise disclaim nutritional, dietary or therapeutic value. (paragraphs 3, 4 and 33 of the Proposed Findings of Fact)

19. Exceptions were received objecting to § 125.2(b)(6) which prohibits any suggestion that a natural vitamin is superior to a synthetic vitamin. The basis for such objection is the allegation that the consumer will know the source (natural or synthetic) of the vitamin.

This is not the intent of the prohibition nor is it so worded. A factual and true statement of the origin of a nutrient is permitted, and only a claim of superiority is prohibited. This prohibition was included because of widespread claims that nutrients of natural origin are superior to synthetic nutrients. Paragraphs 26 and 27 of the Proposed Findings of Fact clearly establish that there is no valid scientific evidence to support such claims of superiority. The required list of ingredients will also in all instances enable the consumer to determine the source of the nutrient. The Commissioner concludes that no changes are warranted.

20. Exceptions were received pointing out that there is a need to specify that a synthetic vitamin must be in a form equivalent to the naturally occurring compound. The Commissioner notes that within a family of compounds exhibiting a specific vitamin's activity, there may be differences in biological activity for equal weights of the various compounds. For the purpose of declaring potency of a vitamin in a uniform manner, the Commissioner concludes that it is necessary to express the potency in terms of the weight of a specific reference compound equivalent in biological activity to the amount of the vitamin form actually present in the product. Therefore a list of appropriate reference forms has been added as a new paragraph § 125.1(b)(2).

21. Exceptions were received objecting to paragraph 34 of the Proposed Findings of Fact which states that vitamin or mineral deficiencies are unrelated to the great majority of symptoms like tiredness, nervousness, and a rundown condition. The Commissioner has reviewed this finding of fact and the hearing record concerning this issue and concludes that the evidence clearly establishes that over the years there have been widespread promotional practices stating or implying that a vitamin or mineral should be consumed in order to prevent tiredness, nervousness, etc.

The Commissioner concludes that reliance upon promotional claims designed to induce the public into believing that nutrient fortification or supplementation will prevent such physical conditions, is neither supported by the hearing record nor fosters good nutritional practices. The Commissioner concludes that paragraph 34 of the Proposed Findings of Fact is fully supported by the record and therefore no change is warranted.

22. Exceptions were filed stating that the proposed regulations were invalid as the agency had failed to follow the requirements as set forth in 21 U.S.C. 371(e) for amending a regulation because no notice of proposal to revise the regulations was ever published prior to the order revising the regulations for foods for special dietary use published in the FEDERAL REGISTER on June 18, 1966 (31 FR 8521).

In the FEDERAL REGISTER on June 20, 1962, (27 FR 5815), under the heading "Food and Drug Administraton, (21 CFR Parts 1, 125), Dietary foods, Notice of Proposal to Revise Regulation," the Commissioner of Food and Drugs published a proposal to amend the regulations dealing with special dietary foods in general and dealing specifically with food supplements or dietary supplements. The Commissioner therefore finds no merit in the exception.

23. Several exceptions stated that the Hearing Examiner, David Harris, was improperly appointed because he was not assigned to the hearing in rotation from a designated group of Food and Drug Administration hearing examiners as required by the Administrative Procedures Act, 5 U.S.C. 3105. Further exceptions were expressed to the fact that he was appointed hearing examiner on April 2, 1968 and then sworn in as a hearing examiner on April 15, 1968.

Review of these exceptions reveals that in early 1967 it became apparent that the hearing on the regulations would take at least a year to complete because of the numerous parties involved. In view of the scope of the hearing and the matters to be covered therein, and in light of the fact that the Food and Drug Administration's only Hearing Examiner was otherwise engaged, it became apparent that another Hearing Examiner would be needed. Because the Civil Service Commission discouraged the borrowing of examiners from other agencies for hearings ex-

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pected to exceed a period of six months, the Commission, pursuant to the Food and Drug Administration's request on June 6, 1967, certified a list of eligible candidates for the position. Of the seven recommended, four indicated that they were not interested in the appointment and one failed to respond. Following personal interviews with the two remaining candidates, David H. Harris was offered the position, which he accepted on February 23, 1968. On April 2, 1968, a Notice of Hearing and Prehearing Conference published in the FEDERAL REGISTER announced his designation as the Hearing Examiner for the dietary foods proceeding (33 FR 5268). Mr. Harris was formally sworn in on April 15, 1968. On May 4, 1968 a notice confirming that Mr. Harris had been appointed as a Food and Drug Hearing Examiner effective April 15, 1968, was published in the FEDERAL REGISTER (33 FR 6828).

During the prehearing conference which began on May 7, a motion to set aside Mr. Harris' assignment and designation was denied. A subsequent request that the motion be certified to the Commissioner was similarly denied.

This exception has been previously ruled on in the case of National Dietary Foods Assn. v. Cohen, 68 Civ. 2368 (S.D. N.Y. 1968), wherein the court said:

> Considering the increased caseload before the FDA, the scope of the present proceedings, the fact that FDA had only one Hearing Examiner, and the degree of discretion permissible under 5 U.S.C. 3105 regarding the selection process, it is the opinion of this Court that the FDA acted in consonance with the statutory mandate. To require the application of the mechanical rotation method where the agency employs but one examiner would not be at all "practicable".

The Commissioner, having reviewed the facts and the ruling of the court, is of the opinion that the Agency acted within the bounds of its statutory authority and that no prejudice or harm was suffered by any participant in the hearings.

24. Exceptions were filed stating that the rights of certain participants in the hearing were violated in that, following the termination of the government's case, the Hearing Examiner precluded cross-examination of the opponent witnesses by any other opponent unless a request in writing was filed stating the subject matter the party intended to go into on cross-examination. It is further asserted that the Hearing Examiner, as a matter of course, refused any further cross-examination from certain opponents, and that such denials were precipitated by pressure to speed up the hearing, exerted upon the Hearing Examiner by the Commissioner's Office and the General Counsel's Office.

The Commissioner recognizes that each participant in a hearing is entitled to a full and fair hearing and that such a hearing occurs when ample opportunity is afforded to all parties to make, by evidence and oral presentation, a sufficient record and to be heard in support of its issues. Boston & M.R.R. v. United States, 208 F. Supp. 661 (D.C. Mass., 1962), affirmed 371 U.S. 26 (1962).

The question of whether a hearing officer's actions are arbitrary, and thus constitute a denial of due process, depends upon the circumstances. Shachtman v. Dulles, 225 F.2d 938 (C.A. D.C., 1955). Determination of what cross-examination is necessary and proper is with the sound judicial discretion of the Hearing Examiner. N.L.R.B. v. Miami Coca-Cola Bottling Co., 360 F.2d 569 (C.A. 5, 1966).

The Commissioner, having reviewed the record, is of the opinion that the Hearing Examiner acted within the scope of discretion provided for in 5 U.S.C. 556 in restricting the cross-examination, in view of the fact thata each of the opponents was given the opportunity to present his views, and make a full and complete record, by whatever direct oral and written testimony he wished to present.

25. Exceptions were received stating that fresh fruits and vegetables should not be subject to the provisions of Part 125, as foods for special dietary use. The Commissioner agrees and has so stated in the preamble to the tentative order on nutrition labeling published in the FEDERAL REGISTER on January 19, 1973 (38 FR 2125) that it is inappropriate to label conventional general purpose foods such as fresh fruits and vegetables under Part 125. When a claim with respect to nutritional properties of such foods is included in labeling, the full nutrition labeling established in § 1.17 (21 CFR 1.17) must be utilized.

26. Exceptions were received stating that failure to include § 125.6, relating to low caloric foods, in the tentative orders of January 19, 1973, makes it difficult to plan labeling of such foods that would not be in conflict with Part 125 or §§ 1.17 and 1.18. The Commissioner recognizes the need to finalize regulations related to claims based upon the caloric content of food. Section 125.6 is presently under review, and the Commissioner intends to publish a tentative order later this year related to the issue of claims based upon the caloric content of a food, in the context of the proposals which were the subject of the Special Dietary Food Hearings.

27. Exceptions were received objecting to Proposed Findings of Fact in paragraphs 31, 35, 36, and 44 on the ground that these findings indicate the appropriate uses of therapeutic formulations of vitamins and minerals. The exceptions argued that the appropriate uses of therapeutic formulations should be determined during the course of the OTC drug review and not in this proceeding. The Commissioner has reviewed each of the Findings of Fact in question and concludes to change or modification is required. None of those findings relate to drug products. To clarify this issue, an additional finding of fact 47 will be added which provides that it is the intent of the Commissioner that the appropriate uses of therapeutic formulations of vitamins and minerals (i.e., those defined as a drug under § 125.1(h)), are to be determined during the course of the OTC drug review:

> These regulations interpret and apply sections 403(a) and (j), by prescribing requirements for label information necessary in order fully to inform purchasers of the value of foods for special dietary uses, and to prevent false or misleading labeling for foods. Neither the findings of fact nor the regulations relate to or affect vitamin-mineral products which are classified as "drugs". It is the intent of the Food and Drug Administration that the safety, effectiveness, and labeling of OTC vitamin-mineral drugs be determined through the separate OTC drug review for vitamin-mineral drugs as provided in 21 CFR 130.301. The OTC vitamin-mineral drug review panel will make its own independent inquiry on these matters.

28. Certain exceptions were filed to various findings of fact stating that said findings were improper interpretations of the hearing testimony and were otherwise contrary to the evidence presented in the Hearing Examiner's Findings of Fact. The Commissioner has reviewed the Findings of Fact and is of the opinion that, except where modified, they are a proper interpretation and application of the hearing testimony. The Commissioner further points out that it is the Agency's function, not the Examiner's, to develop findings of fact and make the ultimate selection, and where there is substantial evidence in the record, it is the agency's choice that governs. Greater Boston Television Corp. v. F.T.C. 444 F.2d 841, (C.A. D.C. 1970), cert. denied 403 U.S. 923 (1970).

29. A number of the exceptions and letters raised general questions about the Food and Drug Administration's overall policy on vitamin-mineral products. These general questions were also the subject of an inquiry from five members of Congress, the response to which has been reprinted in the Congressional Record of July 12, 1973 (119 Cong. Rec. S13214–S13220). In lieu of reiterating the lengthy discussion in that response, the Commissioner hereby incorporates it by reference and advises that it accurately reflects the basis for and his interpretation and application of these regulations.

Having considered the evidence received at the hearing, the hearing examiner's report, and all the exceptions and written arguments which were filed, the Commissioner, pursuant to the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 401, 403(a) and (j), 701(a) and (e), 52 Stat. 1046, 1048, 1055, 1056, as amended by 70 Stat. 919; 21 U.S.C. 321(n), 341, 343(a) and (j), 371(a) and (e)) and under authority delegated to him (21 CFR 2.120), issues the following Findings of Fact, Conclusions, and Final Order:

FINDINGS OF FACT [1]

1. Since enactment, in 1941, of the currently effective regulations concerning foods for special dietary uses, the definition of special dietary use contained therein (21 CFR 1.11) has proved inadequate, in certain respects, to meet the needs of the Food and Drug Administration in its regulatory activity. (Swain, Tr. 115, 116, 125–127, 153–155, 168, 169)

2. The term "special dietary use," as applied to food including dietary supplements used by man, means a particular use for which a product purports or is represented to be used, including but not limited to the following uses:

(a) Supplying a special dietary need that exists by reason of a physical, physiological, or other condition, including but not limited to the conditions of convalescence, pregnancy, lactation, infancy, allergic hypersensitivity to food, underweight, overweight, diabetes mellitus, or the need to control the intake of sodium;

(b) Supplying a vitamin, mineral, or other dietary property for use by man to supplement his diet by increasing the total dietary intake.

(c) Supplying a special dietary need by reason of being a food for use as the sole item of the diet. (Mickelsen, Tr. 2508; WD–G–Ross, Q&A 55, 56; WD–G–Moses, Q&A 17–19)

3. To fully inform the purchaser of the product's value for such use, the label of a food for a special dietary use should bear a statement of usefulness consisting of a list of the dietary properties upon which the special use is based. (Grollman, Tr. 1766; Hodges, Tr. 2969–70; Mickelsen, Tr. 2518–19; WD–G–Moses, Q&A 33) Many dietary supplements include named ingredients which are of no value as supplements to the human diet. (Grollman, Tr. 1626, 1675–77, 1707, Exhibit P–125, Mickelsen, Tr. 2464–65, Exhibit P–172, 2469, Exhibit P–173, Hodges, Tr. 2933, Exhibit P–179, 2936, Exhibit P–180, Herbert, Tr. 9891, Exhibit P–113, 9899, Exhibit P–468, Swain, Tr. 185–191, 213, 220, 221, 223, 229–231, 255, 264, 269, 336, 397, 442, 447, 455, 469, 475, 476, 487, Weissenberg, Tr. 8761, 6402, 5949, Exhibit P–576, P–591) However, many consumers will purchase such products with long lists of ingredients, believing them to be of better value than products with a lesser number of ingredients. (WD–G–Perloff, Q&A 38–41; Exhibit P–1151, page B9). Such consumers believe that if an ingredient is listed, it must significantly contribute to the value of the product as a dietary supplement. (WD–G–Perloff, Q&A 18, 19; Exhibit P–737) The label of a dietary supplement, as a food for special dietary use, should bear a statement of usefulness consisting of a list of the nutrient ingredients which provide the special use characteristics. The list of such ingredients should be limited to those which are of significant value and need in human nutrition as components of dietary supplements. (Grollman, Tr. 1766; Hodges, Tr. 2969–2970; Mickelsen, Tr. 2518–2520; WD–G–Moses, Q&A 33; WD–C–Ross, Q&A 59–61)

4. It is scientifically inaccurate to list a dietary property of a food for special dietary use that is of no significance in human nutrition, and listing of dietary properties should be limited to ingredients of significant value and need in human nutrition. (WD–G–Ross, Q&A 59–61; Grollman, Tr. 1766; Mickelsen, Tr. 2518–19; Hodges, Tr. 2969–70)

5. In addition to statements on the container label of a food for special dietary use it is necessary to consider the label in its entire setting including statements made in the labeling, promotional material, and advertising for such food, to determine whether the label bears a statement concerning properties of the food which are of no significance in human nutition. (WD–G–Perloff, Q&A 10, 16, 17; WD–G–Swanson, Q&A 50; WD–G–Ross, Q&A 61; Section 201(n), FDCA)

6. The term "minimum daily requirement" was adopted by the Food and Drug Administration in 1940 as a means of fully informing consumers about vitamins and minerals in food for special dietary uses. (Boehne, Tr. 2702–03; Swain, Tr. 170) The term "minimum daily requirements," as it has been used since 1940, in the labeling and promotional material for foods with special dietary uses has led to some confusion among consumers. Consumers believe that the "minimum" requirements may be, or may nearly be, inadequate in terms of the nutrient content provided. (Boehne, Tr. 2704; Weissenberg, Tr. 5891, 7734, 8783; WD–G–Gullberg, Q&A 20; WD–G–Perloff, Q&A 35, 37; Exhibit P–737) The continued existence of the term "minimum daily requirement" has led to the production, promotion, and sale of a variety of dietary supplements, that contain large multiples of the minimum daily requirements for vitamins and minerals, and by far exceed the adequate human total daily dietary requirements for these nutrients. (Boehne, Tr. 2739; Grollman, Tr. 1682 (Exhibit P–84), 1685 (Exhibit P–85); Hodges, Tr. 2933–37 (Exhibit P–181), 2939–40; Herbert, Tr. 9898 (Exhibit P–232), 9899–9901 (Exhibit P–468); Mickelsen, Tr. 2448 (Exhibit P–167); Hodges, Tr. 2942 (Exhibit P–183); Swain, Tr. 171–175, 180–182; Weissenberg, Tr. 8760 (Exhibit P–575, P–583))

7. It will prove beneficial to consumers and simplify the task of consumer education to provide for use of the term "recommended daily allowance" (RDA) as a substitute for "minimum daily requirement" (MDR). (Sebrell, Tr. 26181; WD–G–Gullberg, Q&A 21)

8. The "Recommended Dietary Allowances," revised periodically by the Food and Nutrition Board of the National Research Council, National Academy of Sciences, represent established nutrient levels that are quantitatively high enough to provide for the adequate intake of essential nutrients under the wide variety of conditions that exist in this country for essentially all of the normal healthy persons in the United States. Furthermore, these levels are reviewed, discussed, and accepted by numerous scientists and, therefore, are considered to be extremely reliable. (Hodges, Tr. 2880, 2919, 2964–65; Grollman, Tr. 1670, 1763; Mickelsen, Tr. 2438–39; Herbert Tr. 9865–67; WD–G–Harrison, Q&A 23; Schweigert, Tr. 8257, 8260; WD–G–Gullberg, Q&A 19; Exhibit P–651; Sebrell, Tr. 26, 181)

9. Publication No. 1694 of the National Academy of Sciences entitled "Recommended Dietary Allowances, Seventh Revised Edition, 1968, A Report of the Food and Nutrition Board, National Research Council," and subsequent editions, should be used as the source of authentic and reliable information on which to base recommended daily allowances of nutrients. (WD–3A–Sebrell, Q&A 9, 10, 18, 19, Tr. 26181; Hodges, Tr. 2917; Herbert, Tr. 9865; WD–G–Harrison, Q&A 14, 23, 26, 27; WD–G–Ross, Q&A 65)

10. Recommended dietary allowances adapted from publication No. 1694 of the National Academy of Sciences are sufficiently above the average requirement for particular nutrients to cover the needs of between 95 percent and 99 percent of the normal healthy population. (Hodges, Tr. 7083; WD–46–Olsen, page 7, Tr. 29466–67; Jukes, Tr. 28688; Briggs, Tr. 28761; Mayer, Tr. 28865–66; Stokstad, Tr. 26742; Goodhart, Tr. 30169–70; Stare, Tr. 29280; WD–G–Ross P–5)

11. The essential vitamins are: Vitamins A, C (ascorbic acid), D, E, K, B_1 (thiamine), B_2 (riboflavin), niacin, vitamin B_6, folic acid (folacin), pantothenic acid, vitamin B_{12}, biotin, and choline. (WD–3A–Sebrell, Q&A 4; WD–G–Harrison, Q&A 20)

12. The essential mineral nutrients are: Calcium, chlorine, iron, magnesium, phosphorus, potassium, sodium, sulfur, copper, fluorine, iodine, manganese, and zinc. (WD–3A–Sebrell, Q&A 4)

13. The values for vitamins and minerals in the table entitled "Recommended Daily Dietary Allowances," in publication No. 1694 of the National Academy of Sciences, and values for essential nutrients derived from sections in the text when no values are given in the aforementioned table, may be used as a basis for fully informing the purchaser of the nutrient value of a food for special dietary use. A reasonable and scientifically accurate adaptation of the table and text referred to above reads as follows:

[1] The abbreviations in the citations are:
Tr.—For transcript pages of the hearing.
P.—For exhibits introduced by the Government, the proponent.
O.—For exhibits introduced by opponents.
WD–G—For written direct testimony by a witness for the Government.
WD–3A—For written direct testimony by a witness for the designated opponent (e.g., "3A").
Q. & A.—Question and answer.

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Vitamins & minerals	Unit of measurement	Infants	Children under 4 years of age	Adults and children 4 or more years of age	Pregnant or lactating women
Vitamin A	International units.	1,500	2,500	5,000	8,000
Vitamin D	do	400	400	400	400
Vitamin E	do	5	10	30	30
Vitamin C	Milligrams	35	40	60	60
Folic acid	do	0.1	0.2	0.4	0.8
Thiamine	do	0.5	0.7	1.5	1.7
Riboflavin	do	0.6	0.8	1.7	2.0
Niacin	do	8	9	20	20
Vitamin B_6	do	0.4	0.7	2.0	2.5
Vitamin B_{12}	Micrograms	2	2	6	8
Biotin	Milligrams	0.05	0.15	0.30	0.30
Pantothenic acid	do	3	3	10	10
Calcium	Grams	0.6	0.8	1.0	1.3
Phosphorus	do	0.5	0.8	1.0	1.3
Iodine	Micrograms	45	70	150	150
Iron	Milligrams	15	10	18	18
Magnesium	do	70	200	400	450
Copper	do	0.6	1.0	2.0	2.0
Zinc	do	5	8	15	15

(WD-3A-Sebrell, Q&A 15; Lowe, Tr. 1256-70)

14. There are scientific and medical justifications for selecting an age separation at under 4 years of age for the purpose of establishing a basis for dietary supplements. (WD–33–Krehl, pages 5–8; WD–33–Emerson, pages 4–5; WD–43–Filer, page 21) The recommended daily dietary allowance of the Food and Nutrition Board, NAS–NRC, for 2- to 3-year olds can safely be used by infants and 1- to 2-year olds, and the maximum values for the under-4-years-old group can be used for all infants and children under 4 years of age. (WD–33–Krehl, pages 6–7; Tr. 2, 877–8, Hodges; WD–43–Graham; and WD–43–Filer, page 21)

15. There are demonstrable distinctions among the nutritional requirements of infants and young children, and pregnant or lactating women, as compared to the nutritional requirements of adults. (Michelsen, Tr. 2424–2427; Grollman, Tr. 1665; Hodges, Tr. 2877–2878; Herbert, Tr. 9944; WD–3A–Sebrell, Q&A 15, 16, 19, and 28; WD–G–Ross, Q&A 23, Boehne, Tr. 2741–2759)

16. The label of a food purported or represented to be for special dietary use by reason of its vitamin or mineral properties, should bear a statement revealing the proportion or percentage of the recommended daily allowance of the particular vitamins or minerals contained in a specified quantity of the product when consumed during a period of 1 day. This is both reasonable and necessary for an intelligent scientific evaluation of the article. (Herbert, Tr. 9944–5; Grollman, Tr. 1762; Hodges, Tr. 2964–6; WD–G–Ross, Q&A 63; Michelsen, Tr. 2635–7)

17. When a food is purported or represented to be for special dietary use because of certain vitamin or mineral properties, and is offered for use by more than one of the groups for which the recommended daily allowances for the vitamins and minerals are set, it then becomes necessary to state the percent or proportion of the recommended daily allowances for each group separately. (Herbert, Tr. 9945–6; WD–G–Gullberg, Q&A 17; Hodges, Tr. 2966–7)

18. It makes no difference from a scientific point of view when the proportion of the recommended daily allowance amounts to a whole number and a fraction, if the fraction is discarded. (Herbert, Tr. 9946)

19. The term "artificial sweetener" means a sweetening substance not used in normal metabolism as a source of calories. (WD–G–Levine, Q&A 75–77, 81; WD–G–Ricketts, Q&A 34–35, 39)

20. Occasionally, in the manufacturing of foods not intended for special dietary uses, it is possible to achieve certain food characteristics only through the use of an artificial sweetener as a constituent of the food. When this situation exists, it is reasonable to consider the use of the artificial sweetener in such a food not to be for the purpose of reducing or maintaining body weight, or for use in the diet of diabetics: *Provided*, That no label reference is made to the caloric reduction or presence of the artificial sweetener in the food, other than the simple listing of the artificial sweetener as an ingredient. (WD–G–Moses, Q&A 21, 23–31; WD–G–Levine, Q&A 213, 214)

21. For the purposes of dietary evaluation and nutritional characteristics an infant should be considered to be a person 12 months of age or less. (Mickelsen, Tr. 2511; Lowe, Tr. 12, 568–70)

22. The term "serving" means that reasonable quantity of food suitable for or practicable of consumption as a part of a meal by an adult male engaged in light physical activity, or by an infant or child when the article purports or is represented to be for infant feeding or child consumption. (WD–G–Dawson, Q&A 17–20; Mickelsen, Tr. 2514, Exhibit P–718, P–723; WD–G–Gullberg, Q&A 42, 43; WD–G–Ross, Q&A 57)

23. Among dietitians and nutritionists it is customary to describe quantities of foods in units of measure thought to be readily understood by consumers such as teaspoonfuls, tablespoonfuls, cupfuls, and slices. (WD–G–Dawson, Q&A 21; WD–G–Gullberg, Q&A 42; WD–G–Ross, Q&A 58; Mickelsen, Tr. 2514)

24. The standard measuring cup is 8 fluid ounces or approximately 240 milliliters. A tablespoonful is the equivalent of 3 teaspoonfuls, approximately one-half fluid ounce, or about 15 milliliters. A teaspoon holds one-sixth fluid ounce or about 5 milliliters. (WD–G–Dawson, Q&A 22–25; WD–G–Gullberg, Q&A 44–47, 49)

25. Persons suffering from diabetes mellitus are known as "diabetics." (WD–G–Ricketts, Q&A 85; WD–G–Levine, Q&A 171; Exhibit P–1082)

26. There is no nutritional difference between a vitamin provided by a synthetic source and the same vitamin provided by a natural source, but the natural source may contain other ingredients which may limit the absorbability of the vitamin provided by the natural source. (Herbert, Tr. 9937–38, 9984, 10050)

27. A large number of dietary supplements on our domestic market advertise or otherwise call attention to the claim that their ingredients are "natural" or derived from "natural sources." (Swain, Tr. 234–477; Weissenberg, Tr. 6554–56, 8757–58; Exhibit P–35, P–40–43, P–54, P–66–68, P–70, P–74)

28. More than half of the people in the United States are likely to choose foods for special dietary uses that contain ingredients described as "natural" or derived from "natural sources" in the belief that "natural" foods are superior to "synthetic foods." (P–1151, pages B10–11, Q 16, Q 16a, Q 16b; WD–G–Perloff, A 44, 45, 46, 49)

29. For a considerable time, the labeling, promotion, and advertising of various foods offered for special dietary uses have contained statements claiming or suggesting that these products were adequate or effective, by virtue of their vitamin or mineral content, for the treatment, prevention, or mitigation of a large variety of diseases and symptoms. (Swain, Tr. 153, 157–8, 192–3, 199–200, 212–3, 224–5, 239, 254, 255, 264–72, 276–7, 286, 288–9, 314, 352, 354–6, 379, 385, 394, 396, 443–6, 453, 469–71, 478, 487–9; Weissenberg, Tr. 5819, 5980, 6017, 6027, 6049, 6152, 6193, 6347, 6416, 6436, 6443, 6450)

30. There is no rationale for allowing or encouraging the promotion and sale of dietary supplements of vitamins and/or minerals to the general American population for the purpose of treating, preventing, or curing diseases or symptoms. To the contrary, there is ample reason to discourage such methods of promoting foods for special dietary use. (Grollman, Tr. 1771–2; Mickelsen, Tr. 2520; Schweigert, Tr. 8233–4; Herbert, Tr. 9961; WD–G–Ross, Q&A 62; Hodges, Tr. 2994–5; Thiessen, Tr. 26,755–6; Briggs, Tr. 28,750–1; Unglaub, Tr. 28,942–3; Wallerstein, Tr. 28,986–90; Mayer, Tr. 28,868, 28,892–8; Gershoff, Tr. 29,108–9)

31. Lay persons are incapable of determining, by themselves, whether they have, or are likely to develop, vitamin or mineral deficiencies. (Grollman, Tr. 1771–2, 1782; Herbert, Tr. 9961, 9979–80, 10,029; Unglaub, Tr. 28,942; Wallerstein, Tr. 28,989; Hodges, Tr. 2994–5; Mickelsen, Tr. 2520; Mayer, Tr. 28,892–3)

32. Since there are persons in the United States who are receptive to the suggestions that human ailments, to a great degree, can be prevented, treated, and cured by using vitamins and minerals, it is clear that representations or suggestions that certain symptoms, ailments, or diseases result from failure to ingest adequate amounts of vitamins and minerals will lead substantial numbers of the population to conclude that they must buy dietary supplements or other foods promoted for their vitamin or mineral qualities in order to prevent, cure, or treat certain diseases or symptoms. (WD–G–Perloff, Q&A 23–5; Weissenberg, Tr. 7738–9, 8474–7; WD–G–Gullberg; Q&A 14)

33. Literally true and scientifically accurate statements concerning the ultimate physiological result of vitamin or mineral deficiencies can mislead when made in connection with foods offered for special dietary use based upon their vitamin or mineral content. (Mayer, Tr. 28892–3; Gershoff, Tr. 29120)

34. Vitamin or mineral deficiencies are unrelated to the great majority of symptoms like tiredness, nervousness, and rundown condition. (Herbert, Tr. 10029)

35. When consumers read a label, promotional material, or advertising wherein a literally true statement is made, e.g., "Night blindness is caused by a lack of vitamin A," they may frequently conclude that the symptom will appear in them unless they use the product being promoted, or, on the basis that, even though they may not suffer from the specific symptoms described, the product will be generally good for improving their vision. (WD–G–Perloff, Q&A 30–31)

36. Vitamin and mineral deficiency are considered to be abnormal conditions resulting from inadequate consumption, absorption, transport, or utilization of one or more essential vitamins or minerals. The conditions are characterized by specific clinical signs, symptoms, and/or abnormalities observed in biochemical tests, and used together by physicians to establish the diagnosis. The term "subclinical" and similar ill-defined terms when used to refer to vitamin or mineral deficiencies, in the labeling of foods for special dietary use, are neither informative nor meaningful to consumers. (Mickelsen, Tr. 2537–9; WD–G–Schaefer, Q&A 23, 32–7; Herbert, Tr. 9880–5, 9984–5; Hodges, Tr. 2993–4, 3025; Grollman, Tr. 2023, 2252)

37. Scientifically it is inaccurate to state that the quality of soil in the United States causes abnormally low concentrations of vitamins or minerals in the food supply produced in this country. (Allaway, Tr. 12, 109; Herbert, Tr. 10,003)

38. There is no relationship between the vitamin content of foods and the chemical composition of the soil in which they are grown. (Allaway, Tr. 12,061, 10–063; Mickelsen, Tr. 2620)

39. Mineral nutrients in foods are not significantly affected by storage, transportation, cooking, and other processing. (Schweigert, Tr. 8200, 8223–4; Mickelsen, Tr. 2621)

40. While some vitamins are susceptible to partial destruction through the effects of heat, light, oxidation, and other physical and chemical reactions (Schweigert, Tr. 8200–8223), loss of nutrients from the ordinary effects of cooking, processing, transportation, and storage have not significantly impaired the nutritional qualities of food in the United States. There is no need or scientific justification for recommending, for example, the routine use of dietary supplements of vitamins and minerals to offset losses that occur as a result of these processes. (Schweigert, Tr. 8227–8, 8231; Mickelsen, Tr. 2527, 2642; Herbert, Tr. 9869–70)

41. It is reasonable to prohibit representation or suggestions in labeling, promotional material, or advertising of foods offered for special dietary use based on vitamin and mineral qualities, that imply that a dietary deficiency of vitamins or minerals exists or is threatened in the United States by virtue of loss of nutrients which occur from processing, transportation, storage, and cooking. (Schweigert, Tr. 8233–4)

42. Table salt has been fortified with iodine in the United States for many years. The usual level of fortification with potassium iodide is 0.01 percent by weight, which is equivalent to 0.0076 percent iodine (or about 0.01 percent iodine). This is commonly known as iodized salt. (Boehne, Tr. 2777–8; Herbert, Tr. 9948)

43. There is no necessity for iodized salt to contain on its label a statement of the percent or proportion of the recommended daily allowance for iodine provided in a specified serving, particularly since there is no specific serving size for salt and it is used in widely varying quantities. (Herbert, Tr. 9948; WD–G–Dawson, Q&A 29)

44. The use of dietary supplements of vitamins and minerals to ensure against a specific inadequacy of intake of these nutrients is a function clearly distinguished from the use of vitamin and mineral preparations for therapeutic purposes by the administration of large amounts of specific nutrients for the correction of disorders in humans, and the same product should not be used for both functions. (Grollman, Tr. 1680–82; Herbert, Tr. 9896; Hodges, Tr. 2937–40, 2970–71; WD–G–Harrison, Q&A 22; WD–3A–Sebrell, Q&A 44; WD–G–Schaefer, Q&A 36, 37).

45. It is often impractical to supply the iron needs of adult women with conventional foods, and iron supplementation is often advisable. (WD–3A–Sebrell, p. 17, Tr. 26088–89; Hodges, Tr. 3068–69; WD–46–Olson, pp. 10–11; WD–46–Wallerstein, pp. 12–13; WD–46–White, pp. 13–14; WD–46–Schwartz, pp. 6–7; WD–46–Margen, p. 7, Tr. 28713–14; Exhibit P–651, p. 59). Many women of childbearing age, particularly including those who are pregnant, ingest inadequate amounts of iron in the diets which they consume (WD–46–Mayer, pp. 14–17; Hodges, Tr. 6738; WD–65–Vitale, p. 5, Tr. 31914; WD–46–Unglaub, p-30; WD–46–Schwartz, pp. 6–10; WD–46–Wallerstein, pp. 9, 11–12, Tr. 28976; WD–46–Olson, p. 11; WD–46–Margen, p. 10; Goodhart, Tr. 30179; WD–46–Briggs, p. 27; WD–46–White, pp. 12–14; Krehl, Tr. 27218–19; Exhibit P–651, pp. 58–59). The iron intake of many adolescent girls and menstruating women is 10 milligrams or less each day. This value is consistent with the 1,500 to 2,000 calorie diet of sedentary women. In addition, the iron requirements of infancy and of the latter half of pregnancy are clearly in excess of what may be obtained from a conventional unfortified diet. (Exhibit 0–612–46, pp. 120–121).

46. Since the early 1940's, and continuing to the present time, certain labeling, promotion, advertising, and lay literature concerning dietary supplements of vitamins and minerals and other foods offered for special dietary uses based on their vitamin and/or mineral qualities has repeatedly represented that ordinary foods are incapable of supplying adequate amounts of vitamins and minerals to meet human needs. (Weissenberg, Tr. 6560–61, 6571–72, 6304, 6358, 6375, 6447–50, 6579) Individual case determinations have shown that the use of this theme in the labeling of foods for special dietary uses is false and misleading. (Exhibit P–670, 670(a), 671)

47. These regulations interpret and apply sections 403 (a) and (j), by prescribing requirements for label information necessary in order fully to inform purchasers of the value of foods for special dietary uses, and to prevent false or misleading labeling for foods. Neither the findings of fact nor the regulations relate to or affect vitamin-mineral products which are classified as "drugs". It is the intent of the Food and Drug Administration that the safety, effectiveness, and labeling of OTC vitamin-mineral drugs be determined through the separate OTC drug review for vitamin-mineral drugs as provided in 21 CFR 130.301. The OTC vitamin-mineral drug review will make its own independent inquiry on these matters.

CONCLUSIONS OF LAW

A. With respect to § 125.1 *Definitions and interpretations of terms:*

The Commissioner has carefully reviewed the history of the "special dietary" designation for foods to which nutrients have been added. At the time the original regulations relating to "special dietary" foods were being developed, it appeared reasonable, on the basis of nutrition knowledge, to classify fortified foods as special, and to require labeling under 21 CFR Part 125. Over the years the science of nutrition has moved forward, and the general requirement for nutrients, on a daily basis, have been better established. In addition, foods of all kinds are recognized as the preferred source of nutrients. The majority of those foods categorized as "special dietary foods" in the past for purposes of requiring nutrient labeling are in fact intended for consumption by the general population as conventional foods.

The development of general nutrition labeling regulations, available for use on all foods, has become of primary concern to all consumers, because of the ever increasing complexity of the conventional food supply. The use of the special dietary labeling under 21 CFR Part 125 for conventional foods with added nutrients can no longer be considered adequate to provide the consumer with a complete understanding of proper use of such foods in the diet. The Commissioner has, therefore, established that nutrition labeling (21 CFR 1.17) is the

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required form of labeling for foods with added nutrients, or for which the manufacturer makes nutritional claims or provides nutrition information on the label or in the labeling or advertising.

It is recognized that high levels of nutrient additions may occur for which labeling for special dietary uses is appropriate. Thus, a relationship between nutrition labeling (21 CFR 1.17) and the standard of identity for dietary supplements (21 CFR 80.1) has been established, providing that food with nutrients added up to levels of 50 percent of the U.S. Recommended Daily Allowance (U.S. RDA) will be labeled under 21 CFR 1.17, and that food with nutrients added at levels between 50 percent and 150 percent of the U.S. RDA or greater will be subject to the provisions of 21 CFR 80.1 and labeled under 21 CFR 1.17.

Within 4 broadly defined groups (infants, children under 4 years of age, adults and children 4 or more years of age, and pregnant or lactating women) values can be selected from the almost 390 RDA values, as well as information on the needs of each group for 4 nutrients for which there are no RDA's. In order to provide the consumer meaningful labeling it is necessary to provide a single level of RDA values for each of the above groups.

Selection of reasonable values for labeling purposes was done primarily by choosing the highest RDA value for each of the three groups. This was done so that the needs of all individuals in the age group would be included, recognizing that the needs of many would be surpassed by the selected value. Since there is no danger to health inherent in this approach, and it does not significantly affect the traditional concept of teaching consumers about the nutrient contribution of specific foods, the selection which is made is reasonable for the purpose stated.

The Commissioner realizes that legal challenge may be brought against the new approach to nutrition labeling in 21 CFR 1.17. If 21 CFR 1.17 is found invalid for any reason it will be necessary to resume the labeling of foods with added nutrients, or for which nutritional claims are made, under 21 CFR Part 125. The Commissioner is therefore keeping the record on this portion of the hearing open, for this limited purpose, in the event that it becomes necessary to amend this final order or to issue a supplemental final order to provide for labeling of this type pursuant to 21 CFR Part 125 in lieu of 21 CFR 1.17.

Accordingly, the Commissioner concludes, based on the foregoing statement in conjunction with the findings of facts herein published, that:

1. It is reasonable and necessary, in order to fully inform purchasers of the value of foods for special dietary uses, to define "special dietary use" as set forth in § 125.1(a).

2. It is reasonable and necessary, in order to fully inform purchasers of the value of foods for special dietary uses, to establish "recommended daily allowances" for essential nutrients as set forth in § 125.1(b).

3. The "recommended daily allowances" as set forth in § 125.1(b) are reasonable.

4. The definition of "artificial sweetener," as set forth in § 125.1(c), is reasonable.

B. With respect to § 125.2 *General label statements; dietary properties; value; placement:*

Over the years there have been a number of ingredients or products marketed as nutrients and nutritional supplements, which have not been shown to be essential in human nutrition. This point was discussed in considerable detail during the 1968-70 special dietary hearings held by the Food and Drug Administration. Among ingredients or products of this type are rutin, other bioflavonoids, paraaminobenzoic acid, inositol, and similar ingredients, products, and compounds. These ingredients or products have frequently been combined with vitamins and minerals or otherwise represented as a type of nutritional supplement. In these situations there is a false representation that these ingredients or products have nutritional value. The Commissioner has concluded that ingredients or products of this type may not properly make direct or implied nutritional claims, and that in no instances can these be represented in any way that suggests a nutritional value. Combining these products with added vitamins and/or minerals in any food, or adding these ingredients to any food for which nutrition labeling is used, or calling attention to these products in any manner which would be considered to imply some nutritional benefit, is inherently misleading. See, e.g., United States v. Vitasafe, 226 F. Supp. 266 (D.N.J. 1964), aff'd 345 F. 2d 864 (3d Cir. 1965), cert. denied 382 U.S. 918 (1965); United States v. Nuclomin, No. 71 C 585 (E.D. Mo. 1972), aff'd No. 72-1626 (8th Cir. 1973).

Labeling of such ingredients or products may not state that their usefulness in human nutrition has not been established, or otherwise disclaim dietary or therapeutic value, since such statements are also misleading and fail to correct an otherwise false or misleading statement or implication. See, e.g., the Vitasafe and Nuclomin cases; United States v. 47 Bottles, . . Jenasol RJ Formula, 320 F.2d 564 (3d Cir. 1963), cert. denied 375 U.S. 953 (1963); United States v. Millpox, Inc., 313 F.2d 152 (7th Cir. 1963), cert. denied 373 U.S. 903 (1963); United States v. 3 Cartons . . . No. 26 Formula GM, 132 F. Supp. 569 (S.D. Cal. 1952); United States v. Nutrition Service, Inc., 227 F. Supp. 375 (W.D. Pa. 1964), aff'd 347 F.2d 233 (3d Cir. 1965). The Commissioner recognizes that there are individuals who desire to purchase ingredients or products of this type for various reasons. These individuals have a right to obtain these ingredients or products as long as they are truthfully labeled. Thus, ingredients or products of this type may properly be marketed as individual ingredients, or products, or mixtures thereof, provided no nutritional or dietary supplement claims are made.

Accordingly, the Commissioner further concludes, based on the foregoing statement in conjunction with the finding of facts herein published, that it is reasonable and necessary, in order to fully inform purchasers of the value of foods for special dietary uses, to require that the labels of such foods bear a statement as required and limited by § 125.2 as set forth in this final order.

C. With respect to § 125.3 *Label statements relating to vitamins and minerals:*

With the development of nutrition labeling (21 CFR 1.17) the use of special dietary labeling under 21 CFR Part 125 will be for all practical purposes limited to those articles which purport or are represented to supply a special dietary need that exists by reason of a physical or physiological condition, food represented for use as the sole item of the daily diet, and dietary supplements as provided for in 21 CFR 80.1.

The Commissioner recognizes there are foods which by their nature may contain nutrients in excess of 100 percent of the U.S. RDA per serving or reasonable daily intake. The Commissioner further recognizes the need for reasonable ranges for individual nutrients in dietary supplements above and below the U.S. RDA. The Commissioner further recognizes that departures from the U.S. RDA are appropriate for certain types or classes of foods for special dietary uses, e.g., chemically defined diets used to provide sound nutrition to critically ill patients.

Accordingly, the Commissioner concludes, having considered the findings of fact and other relevant information, that it is reasonable and necessary, in order to fully inform purchasers of the value of foods for special dietary uses, to require that the labels of such foods, by reason of their vitamin or mineral content, bear a statement of the percentages of the recommended daily allowances for such vitamins and minerals. Nutrition labeling under 21 CFR 1.17 is not sufficiently precise for these special types of food.

FINAL ORDER

Therefore, on the basis of the foregoing findings of fact and conclusions of law drawn therefrom: *It is ordered*, That the stay of effective date of §§ 125.1 through 125.3, promulgated December 14, 1966 (31 FR 15730), be ended, and that Parts 1, 3, and 125 of Title 21 of the Code of Federal Regulations be amended as follows:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

§ 1.11 [Revoked]

1. The provisions of § 1.11 *Special dietary uses* are hereby revoked.

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

§ 3.9 [Revoked]

2. The provisions of § 3.9 *Label declaration of vitamin E in food for special dietary use* is hereby revoked.

§ 3.32 [Revoked]

3. The provisions of § 3.32 *Label declaration of vitamin B_{12} and folic acid in food for special dietary uses* is hereby revoked.

§ 3.46 [Revoked]

4. The provisions of § 3.46 *Interpretations of orders relating to dietary supplements; vitamin and mineral-fortified foods; foods for special dietary use* are hereby revoked.

PART 125—LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

5. The provisions of §§ 125.1, 125.2, and 125.3 are revised to read as follows:

§ 125.1 Definitions and interpretations of terms.

The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable with the following additions:

(a) The term "special dietary use" as applied to food (including dietary supplements) used by man means a particular use for which an article purports or is represented to be used, including but not limited to the following:

(1) Supply a special dietary need that exists by reason of a physical, physiological, or other condition, including but not limited to the conditions of convalescence, pregnancy, lactation, infancy, allergic hypersensitivity to food, underweight, overweight, diabetes mellitus, or the need to control the intake of sodium. The use of an artificial sweetener in a food, except when specifically and solely used for achieving a physical characteristic in the food which cannot be achieved with sugar or other nutritive sweetener, shall be considered a use for regulation of the intake of calories and available carbohydrate, or for use in the diets of diabetics.

(2) Supplying a vitamin, mineral, or other dietary property for use by man to supplement his diet by increasing the total dietary intake, except for foods for which nutrition labeling is used as required pursuant to § 1.17 of this chapter.

(3) Supplying a special dietary need by reason of being a food for use as the sole item of the diet.

(b) The term "U.S. Recommended Daily Allowance (U.S. RDA)" means the following daily amounts of the following vitamins and minerals:

Vitamins & minerals	Unit of measurement	Infants	Children under 4 years of age	Adults and children 4 or more years of age	Pregnant or lactating women
Vitamin A	International units.	1,500	2,500	5,000	8,000
Vitamin D	do	400	400	400	400
Vitamin E	do	5	10	30	30
Vitamin C	Milligrams	35	40	60	60
Folic acid	do	0.1	0.2	0.4	0.8
Thiamine	do	0.5	0.7	1.5	1.7
Riboflavin	do	0.6	0.8	1.7	2.0
Niacin	do	8	9	20	20
Vitamin B_6	do	0.4	0.7	2.0	2.5
Vitamin B_{12}	Micrograms	2	3	6	8
Biotin	Milligrams	0.15	0.15	0.30	0.30
Pantothenic acid	do	3	5	10	10
Calcium	Grams	0.6	0.8	1.0	1.3
Phosphorus	do	0.5	0.8	1.0	1.3
Iodine	Micrograms	45	70	150	150
Iron	Milligrams	15	10	18	18
Magnesium	do	70	200	400	450
Copper	do	0.6	1.0	2.0	2.0
Zinc	do	5	8	15	15

[1] The following synonyms may be added in parentheses immediately following the name of the vitamin:

Vitamin	*Synonym*
Vitamin C	Ascorbic acid
Folic acid	Folacin
Riboflavin	Vitamin B_2
Thiamine	Vitamin B_1

(1) The U.S. Recommended Daily Allowances (U.S. RDA's) have been derived by the Food and Drug Administration from "Recommended Dietary Allowances", published by the Food and Nutrition Board, National Academy of Sciences-National Research Council, and are subject to amendment when new authentic and reliable information on human nutrient needs appears in new editions of the above publication.

(2) For determining the percentage of the U.S. RDA's of vitamins in a quantity of food, as required in § 125.3(a), the quantitative content of the following vitamins shall be calculated in terms of the following chemically identifiable reference forms:

REFERENCE FORM

Vitamin	Name	Empirical formula	Molecular weight
Vitamin C	*L*-Ascorbic acid	$C_6H_8O_6$	176.12
Folic acid	Pteroyl mono-*L*-glutamic acid	$C_{19}H_{19}N_7O_6$	441.41
Niacin	Nicotinic acid	$C_6H_5NO_2$	123.11
Riboflavin	Riboflavin	$C_{17}H_{20}N_4O_6$	376.37
Thiamine	Thiamine chloride hydrochloride	$C_{12}H_{17}ClN_4OS.HCl$	337.28
Vitamin B_6	Pyridoxine	$C_8H_{11}NO_3$	169.18
Vitamin B_{12}	Cyanocobalamin	$C_{63}H_{88}CoN_{14}O_{14}P$	1,355.40
Biotin	*D*-Biotin	$C_{10}H_{16}N_2O_3S$	244.31
Pantothenic acid	*D*-Pantothenic acid	$C_9H_{17}NO_5$	219.23

(c) In addition to the vitamins and minerals listed in paragraph (b) of this section, vitamin K, choline, and the minerals chlorine, potassium, sodium, sulfur, fluorine, and manganese are recognized as essential in human nutrition, but no U.S. Recommended Daily Allowance (U.S. RDA) has been established for these nutrients. These nutrients are not appropriate for addition to general purpose foods or dietary supplements of vitamins and minerals but may be added to such other foods for special dietary use as infant formulas, and foods represented for use solely under medical supervision to meet nutritional requirements in specific medical conditions.

(d) The term "artifical sweetener" means a sweetening substance not used in normal metabolism as a source of calories.

(e) The term "infant" means a person not more than 12 months of age.

(f) The term "serving" means that reasonable quantity of food suited for or practicable of consumption as part of a meal either by an adult male engaged in light physical activity, or by an infant or child when the article purports or is represented to be for infant feeding or child consumption. A label statement regarding a serving, as used in this part, shall be in terms of a convenient unit of such food or a convenient unit of measure that can be readily understood by purchasers of such food, e.g., a serving may be expresed in terms of slices, cookies, or wafers, or in terms of ounces, fluid ounces, teaspoonfuls, tablespoonfuls, or cupfuls. A teaspoonful shall be considered to mean 5 milliliters (approximately $\frac{1}{6}$ fluid ounce) in volume; a tablespoonful shall be considered to mean 15 milliliters (approximately $\frac{1}{2}$ fluid ounce) in volume; and a cupful shall be considered to mean 240 milliliters (approximately 8 fluid ounces) in volume.

(g) The term "diabetic" means a person having diabetes mellitus.

(h) Any product containing more than the upper limit of the U.S. RDA per serving (or, where appropriate, per daily recommended quantity) of a vitamin or mineral as specified in § 80.1(f)(1)(i) of

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this chapter is a drug, except for conventional foods which contain naturally-occurring amounts in excess of these limits or which contain added amounts in excess of these limits pursuant to § 1.8 (e) of this chapter so that it is not nutritionally inferior to the food for which it substitutes and which it resembles, and except as provided for in a specific regulation for such special dietary foods as infant formulas or foods which are represented for use solely under medical supervision to meet nutritional requirements in specific medical conditions.

§ 125.2 General label statements; dietary properties; value; placement.

(a) If a food purports or is represented to be for any special dietary use, covered by other regulations, the principal display panel of its label shall bear a conspicuous statement of the usefulness of the food, limited to a listing of the dietary properties upon which such use is based: *Provided, however*, That if insufficient space is available on the principal display panel, the information panel may be used (21 CFR 1.8d), if such use is consistent with § 1.9 of this chapter. Such statement shall show the presence or absence of any substance, any alteration of the quantity or character of any constituent, and any other special dietary property of such food upon which such use is based.

(b) A food which purports or is represented to be a food for special dietary use shall be deemed to be misbranded under sections 201(n), and 403(a) and (j) of the act (21 U.S.C. 321(n), 343(a) and (j)), if its labeling bears any statement, vignette, or other printed graphic matter that represents, suggests or implies:

(1) That the food, because of the presence or absence of certain vitamins and/or minerals, is adequate or effective in the prevention, cure, mitigation, or treatment of any disease or symptom, except that the label may state that the food is a source of an essential nutrient and that this nutrient is important for good nutrition and health, and except that this provision shall not apply to foods represented for use solely under medical supervision in the dietary management of specific diseases and disorders.

(2) That a balanced diet of ordinary foods cannot supply adequate amounts of nutrients.

(3) That the lack of optimum quality of a food, by reason of the soil on which that food is grown, is or may be responsible for an inadequacy or deficiency in the quality of the daily diet.

(4) That the storage, transportation, processing, or cooking of a food is or may be responsible for an inadequacy or deficiency in the quality of the daily diet.

(5) That the food has dietary properties when such properties are of no significant value or need in human nutrition. Ingredients or products such as rutin, other bioflavonoids, para-aminobenzoic acid, inositol, and similar substances which have in the past been represented as having nutritional properties but which have not been shown to be essential to human nutrition may not be combined with vitamins and/or minerals, added to food labeled in accordance with this section, or otherwise used or represented in any way which states or implies nutritional benefit. Ingredients or products of this type may be marketed as individual products or mixtures thereof: *Provided*, That the possibility of nutritional, dietary or therapeutic value is not stated or implied. Examples of false or misleading statements or implications are:

(i) Label statments to the effect that their need or usefulness in human nutrition has not been established.

(ii) Label statements which otherwise disclaim nutritional, dietary or therapeutic value.

(6) That a natural vitamin in a food is superior to an added or synthetic vitamin, or that there is a difference between vitamins naturally present and those that have been added.

§ 125.3 Label statements relating to vitamins and minerals.

(a) If a food purports or is represented to be for special dietary use because of vitamin or mineral properties, the label shall bear a statement of the percentage of the U.S. RDA of such vitamins and minerals, as set forth in § 125.1(b), supplied by such food when consumed in a specified quantity during a period of 1 day. The quantity specified shall be a reasonable quantity suitable for and practicable of consumption within 1 day. The order in which the nutrients appear on the label shall be in the order listed in § 125.1(b), except when other regulations indicate otherwise. Immediately preceding the declaration of vitamin and mineral content, the following heading shall be stated, "Percentage of U.S. Recommended Daily Allowances (U.S. RDA)". If such purported or represented special dietary use is for persons within one or more groups for which the recommended daily allowance is set, such statement shall include the percentage for each age group. When such proportion or percentage is a whole number and a fraction or a whole number and a decimal, it shall be expressed as the whole number disregarding the fraction or decimal. The total quantity of vitamins or minerals in a food shall be no less than the amount declared, and no more than a reasonable amount above the declared quantity. Reasonable variations caused by heat, light, oxidation, storage, transportation, or unavoidable deviations in good manufacturing practice are recognized.

(b) The requirements of this section shall not apply to iodized salt, when the declared content of the iodine compound in the salt is equivalent to 0.01 percent by weight iodine.

Effective date. Labeling may be changed to comply with this regulation beginning on August 2, 1973. All labeling ordered after December 31, 1973, and all labeling used on products shipped in interstate commerce after December 31, 1974, shall comply with this regulation; *Provided*, That infant formulas and foods represented for use solely under medical supervision to meet nutritional requirements in specific medical conditions shall not be subject to § 125.1(c) until a further FEDERAL REGISTER order so provides.

(Secs. 201(n), 401, 403(a) and (j), 701(a) and (e), 52 Stat. 1046, 1048, 1055, 1056, as amended by 70 Stat. 919; 21 U.S.C. 321(n), 341, 343(a) and (j), 371(a) and (e))

Dated: July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15690 Filed 8-1-73;8:45 am]

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Food Labeling; Spices, Flavorings, Colorings and Chemical Preservatives

In the FEDERAL REGISTER of January 19, 1973 (38 FR 2139), the Commissioner of Food and Drugs published a proposal to revoke §§ 3.10, 3.23(b), and 3.201 (21 CFR 3.10, 3.23(b), and 3.201) and to amend § 1.12 (21 CFR 1.12). Fifty-seven comments were received from industry, trade associations, consumer and professional groups, individual consumers and government agencies (Federal and city). One consumer and two trade associations agreed with the proposal in its entirety. Other comments suggested modifications or requested clarification. The points raised and the Commissioner's responses are as follows:

1. One comment requested clarification about the relationship between the proposal and the standard of identity for soda water (21 CFR 31.1). Another comment suggested that the regulation should apply to the labeling of ice cream, since it improves upon the flavor labeling provisions in the standard of identity for that food (21 CFR 20.1(g)(2)).

The Commissioner advises that this regulation will apply to all foods, including standardized foods. The Commissioner intends to propose revisions in all standards with different flavor labeling requirements to incorporate the provisions of this regulation. In the interim, all standardized foods with different labeling provisions may voluntarily be labeled to conform to the labeling requirements of § 1.12.

2. Several comments were received requesting modification of the definition for "artificial flavor" or "artificial flavoring:"

(a) Eggs and dairy products should be considered sources of natural flavors.

(b) One comment stated that under the present wording a chemical derivative of one of the materials listed could be used to imitate natural vanilla without being considered artificial and suggested that the definition be amended as follows: "* * * derived from the spice * * * or poultry it seeks to imitate." Another comment proposed that the definition should be modified to exclude substances

listed under §§ 121.101(g) and 121.1164 (b) (21 CFR 121.101 and 121.1164) since some of these substances are "natural" as defined in § 1.12(a)(3).

(c) It was suggested that the definition provide a classification of synthesized "nature-identical" flavors and that such a classification also be included in § 1.12(g)(4). It was further suggested that such action would be consistent with the Food and Drug Administration's practice of equating synthetic and natural vitamins.

The Commissioner agrees that eggs and dairy products are properly considered a source of natural flavor, and the definitions of artificial and natural flavor are amended accordingly. The Commissioner does not agree that the definition of artificial flavor should be expanded to include flavors derived from natural sources but used to simulate foods other than their source. Such flavors, derived from natural sources, are properly identified as natural flavors in a list of ingredients. The term "artificial" connotes a synthetic source. However, labeling concerning the presence of such natural flavor in a food cannot be misleading to the consumer. When a natural flavor is used in a food product to simulate a flavor of a food, other than the one from which the flavor is derived, the food to which the flavor is added must be labeled as "artificially flavored". Thus a "lemon" type pie made with natural flavor derived predominantly from other citrus fruits could not be identified simply as "lemon pie" without misleading the consumer. It must be labeled as "citrus" pie or as "artificially flavored lemon pie."

The Commissioner agrees that some of the flavors listed in §§ 121.101(g) and 121.1164(b) could be derived from natural sources. However, the concern is whether a particular flavor is in fact derived from a natural or a synthetic source. If the flavor originates from a natural source, it is considered a natural flavor. Section 1.12(a)(1) has therefore been changed to reflect this.

The Commissioner does not agree with the comment which suggests that the definition for "artificial flavor" provide for a classification of "nature-identical" flavors. Such substances are synthetic products and properly classified as artificial. Section 403(k) of the Federal Food, Drug, and Cosmetic Act requires that when a food bears or contains artificial flavoring it must bear labeling stating that fact.

3. One comment requested clarification of § 1.12(a)(2) on the basis that horseradish and parsley may have been erroneously listed as spices under § 121.101(e) of this chapter. The Commissioner disagrees. These substances are well known and commonly used as spices in foods, and the Commissioner concludes that they are properly listed in § 121.101(e) of this chapter and in § 1.12(a)(2).

4. One comment requested that § 1.12(a)(2) be amended to coincide with the policy of the Department of Agriculture with regard to the use of paprika. It was asserted to be the policy of that Department that paprika in cured and smoked meats need not be declared as such, or as a coloring, provided it is used at a level which does not impart color.

The Commissioner advises that this regulation is not in conflict with any regulation of the United States Department of Agriculture (USDA). Paprika is widely used for its colorant and mild spice properties in foods other than meats. When so used in sufficient quantities to impart flavor, the Commissioner is not aware of any situation where the paprika would not also impart color. If it is declared as "spice and coloring" it need not be declared by name. The Commissioner concludes that there is no reason to modify § 1.12(a)(2).

5. One comment requested clarification with regard to the definition for "spice" as "* * * any aromatic vegetable substance in the whole, broken, or ground form; * * *" whose significant function in food is seasoning rather than nutritional. The comment states that there is an apparent conflict with § 1.12 (h)(3) which states that powdered or granulated onion, garlic powder and celery powder are foods rather than flavor. In addition, clarification was requested with regard to listing of seeds such as celery, cumin, fennel, caraway, and dill, etc., as spices while celery powder is listed as a food.

Several comments suggested changes under § 1.12(h)(3) with respect to the declaration of powdered onions, powdered garlic, powdered celery, and juices of onions or garlic. Most objected to their declaration by common or usual name and suggested that these substances be declared as "flavoring," "spices," or "other seasoning materials." They reasoned that these substances are used as "flavorings" and that there is no significant nutritional contribution. One comment did not object to declaring onions and garlic by their common name because of individual dislikes and allergies.

The commissioner has amended the regulation so that there is no conflict between § 1.12(a)(2) and (h)(3) with regards to onions, garlic, and celery. These products are commonly regarded by consumers to be vegetables, in addition to providing seasoning, and thus must be labeled by their common or usual names. The Commissioner advises that juices of onions and garlic are "natural flavors" as defined under § 1.12(a)(3) and that seeds such as celery seeds, cumin seed, fennel seed, etc. are commonly understood to be spices.

6. Uncertainty was expressed as to the scope of the phrase "hydrolysate, distillate, or other reaction product," and the propriety of including this phrase in the definition of "natural flavor" was questioned.

The phrase has been retained to assure that all flavors derived from natural sources are classified as "natural flavor."

7. One comment suggested the addition of a new § 1.12(a)(6) defining the word "flavor."

The Commissioner does not consider it necessary to define "flavor" as used in this regulation because its meaning is no different than the accepted meaning commonly understood and found in standard dictionaries.

8. One comment objected to the proposed mutually exclusive definitions of "spices" and "natural flavors." It was stated that the term "natural flavor" has long been used by food processors as a generic term including both spices and natural flavorings and that current regulations of the Department of Agriculture permit a manufacturer of meat or meat products to include spices within the declaration of "natural flavor."

Spices and flavorings are treated as distinct substances in Section 403(i)(2) of the Federal Food, Drug, and Cosmetic Act. The Commissioner therefore rejects this comment.

9. The United States Department of Agriculture opposed the provision in the definition of "natural flavor" which would allow meat extracts to be labeled as flavors. The USDA stated that "meat extract" and "fluid extract of meat" are standardized by USDA's meat inspection regulations and must bear names as specified by the regulations. The Commissioner concludes that there is no conflict between the USDA regulations and this regulation, since these substances when sold as such must still be labeled as "meat extract" and "fluid extract of meat." Only when these substances are used as ingredients without significant nutritional function, but rather to impart flavor, may they be declared as "natural flavor."

10. Several comments stated that the word "vital" in the definition of "natural flavor" does not have a clear meaning. The Commissioner agrees and the term has been deleted.

11. The Commissioner rejects suggestions for deletion of the last sentence in § 1.12(a)(3). The reference in that sentence to §§ 121.101(e) and 121.1163 provides useful and accurate listings of substances properly classified as natural flavorings.

12. Four respondents commented on the definition of artificial color in § 1.12 (a)(4) of the proposal. It was asserted that a dye or natural pigment extracted from a plant or other material in which such dye or natural pigment is naturally produced is properly classified as a natural and not an artificial coloring. One respondent objected to natural colors such as annatto, curcumin, and beet being designated as artificial colors asserting that it is not the colors that are artificial but the products that are artificially colored with natural colors. Another comment stated that the distinction between coal tar colors and natural colors was eliminated by the Color Additive Amendments of 1960, and pink lemonade is just as artificially colored by beet juice as by a synthetic dye. One comment stated that under the proposed definition, oleoresins of spices are artificial colors whereas turmeric, paprika and saffron are considered natural colorings and their oleoresins are considered natural flavors.

The Commissioner agrees that substances such as beet juice, paprika, tur-

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meric, and saffron are not artificial colors per se. The Commissioner also agrees that when such substances are used to color articles of food of which the substance used is not naturally present as a constituent, such food is artificially colored.

Similarly, the designation "spice and coloring" in § 1.12(a)(2) for paprika, turmeric and saffron is not intended to indicate that foods colored by these spices are not artificially colored. Even though oleoresins of these spices are artificial colors, it is not inconsistent to consider them as natural flavors. When used as ingredients in foods, oleoresins of spices may be designated as natural flavors in accordance with the provision of § 1.12 (h) of the regulation.

The Commissioner agrees that the Color Additive Amendments of 1960 does not make a distinction between coal tar colors and natural colors. Therefore, the regulation has been amended by redefining the terms "artificial color" or "artificial coloring" to mean any "color additive" as this term is defined in § 8.1 (f) of this chapter.

13. Comments concerning § 1.12(g) were as follows:

(a) The labeling requirements for flavors shipped to manufacturers and processors should also apply to flavors sold at retail. Another comment suggested that all reference to "retail sale" be deleted because the phrase implies that manufacturers of flavoring must determine the end use of their products, which they cannot do.

(b) This paragraph should be revised to specifically provide that a flavor must be labeled such that a food manufacturer using the flavor as an ingredient can properly label his products with regard to flavor.

(c) An exemption from the labeling requirements of this section was requested in those cases where a firm manufactures a flavor and ships it to another of its own plants to be used in manufacturing other products.

(d) The alternative label statement authorized by § 1.12(g)(2) should be expanded to include those flavor ingredients listed in an industry association list of ingredients.

(e) The terminology "• • • shall be so labeled" in § 1.12(g)(4) should be made more specific.

(f) The word "flavor" should be reserved for artificial flavors or combinations of natural and artificial flavors, on the premise that there would be difficulty in applying and enforcing the criterion of predominance between "natural" and "artificial" flavors as proposed in the regulations.

(g) A definition for "predominates" was suggested, as follows: "The natural flavor from the source(s) named shall be deemed to predominate, if when used by itself in the same amount as is present in the blend, it provides a characterizing flavor in the finished food." Another comment stated that the distinction made on the basis of natural or artificial flavor predominating is not meaningful to the consumer and is detrimental to the manufacturer. A number of comments stated that a predominance test is unenforceable.

The Commissioner concludes that the provisions of § 1.12(g) should not be extended to flavors intended for retail sale. Those provisions are intended to protect trade secrets concerning flavor formulas, and the Commissioner is not aware of any flavor sold as such to consumers for which the qualitative formula could be shown to be a trade secret.

The reference to "retail sale" in § 1.12 (g) has been deleted.

The Commissioner concludes that the labeling authorized by § 1.12(g) as revised in the final regulation will provide the manufacturer who uses flavor ingredients with sufficient information for the proper labeling of his finished products in virtually all situations. If further information is necessary in a particular instance it may be obtained from the manufacturer.

Where a firm manufactures a flavoring and ships it to another of its own plants for use in manufacture of a food product, the Commissioner advises that the labeling authorized by § 1.12(g) may be used.

The Commissioner concludes that the label statement authorized by § 1.12(g)(2) should not be expanded to include flavor ingredients listed in an industry association list of ingredients. Only ingredients which have been reviewed for safety by the Food and Drug Administration and approved for use in a regulation after an opportunity for public comment are properly exempted from specific label declaration.

However, the effective date of this provision has been extended to December 31, 1974, provided that the label of the product bears a statement certifying that the ingredients are listed as being generally recognized as safe on a reliable published industry association list. This will provide the industry sufficient time to file petitions seeking the affirmation of GRAS status or a food additive regulation covering the safe use of any ingredient not covered by a Food and Drug Administration regulation. Consideration of these petitions will be expedited.

Section 1.12(g)(4) has been redesignated as § 1.12(g)(3) and has been revised to provide examples of appropriate labeling.

The Commissioner agrees that there would be great difficulty in enforcing the criteria for "predominance" necessary to determine the proper labeling of a combination of natural and artificial flavors as contained in § 1.12(i)(2) of the proposal. The absence of chemical analytical methodology to distinguish a natural flavor from its synthetic counterpart makes the enforcement of the criteria for predominance wholly dependent on organoleptic determination, and thus on inspection of company records. It would be impossible for the Food and Drug Administration to review all of the records of food manufacturers and flavor suppliers to determine compliance. Enforcement of the provision as proposed would therefore not be feasible.

The Commissioner is also aware that the term "flavored" does not explicitly convey to consumers the incorporation of artificial flavor in a product. This term might, indeed, be misconstrued to imply the presence solely of natural flavor. The purpose of flavor labeling is to distinguish between the use of natural and artificial flavoring in as clear and concise terminology as is possible. A number of comments specifically objected to the three-fold system of flavor designation contained in the proposal on the ground that it would not readily be understood by consumers, in addition to being unenforceable.

The Commissioner has therefore concluded that the proposal should be revised to eliminate the concept of "predominates," and to require that any food containing any amount of artificial flavor shall be labeled "artificially flavored." In the event that natural flavor is included in the product at some level, the presence of such natural flavor will be shown in the statement of ingredients. The Commissioner believes that this two-fold system of flavor designation will be more enforceable as well as more readily understandable by consumers. It will also more accurately reflect the statutory mandate to inform consumers of the presence of artificial flavor.

The Commissioner recognizes that there will continue to be situations where, because of analytical and enforcement difficulties, the addition of artificial flavors to natural flavors will remain undetected. However, this problem will be substantially reduced by the two-fold flavor designation system adopted in the final regulation. The Commissioner urges the industry to apply this regulation with honesty, and advises that violations will be the subject of severe regulatory action. Many food manufacturers regularly cooperate with the Food and Drug Administration by providing sufficient records to document the truthfulness of label statements.

14. Several consumers suggested that spices, flavorings, and colorings be declared by individual common name rather than by the generic terms. A manufacturer suggested that spices be declared under the term "natural flavor." One comment suggested that the source be declared when sweeteners are used as flavors. Another suggested that the term "MSG" be used as an alternative designation for monosodium glutamate.

Section 403(i) of the act specifically provides that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings and colorings without naming each. Section 403(i) also makes a specific distinction between spices and flavors. Sweeteners are not spices or flavors, and when used as an ingredient in a food must be declared by common or usual name. Similarly monosodium glutamate is not a spice or flavor, and it must be declared by its common or usual name. The Commissioner does not agree that "MSG" used alone to designate monosodium glutamate as an ingredient would be recognized by consumers as a designation for monosodium glutamate. However, there is no objection to its being used parenthetically immediately following the words "monosodium glutamate."

15. Several comments were received concerning the proposed labeling of incidental additives which originate in a spice or flavor ingredient used in manufacture of a food but which have no functional effect in the finished food.

The Commissioner concludes that incidental additives in a food, originating in a spice or flavor ingredient used in manufacture of the food, should be labeled in the same manner as incidental additives originating in any other ingredient. A proposal to provide general rules governing this situation was published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2141), and a final order establishing 21 CFR 1.10a(a)(4) is published elsewhere in this issue of the FEDERAL REGISTER. Section 1.12(h)(2) has been revised to incorporate by reference this general rule.

16. Several comments objected to the label declaration of pyroligneous acid. The comments also observed that the proposal failed to consider the labeling of smoke flavorings other than pyroligneous acid.

The Commissioner has amended the regulation to provide that pyroligneous acid and other artificial smoke flavors may be declared as "artificial flavor" or "artificial flavoring." There is no reason to treat the labeling of these flavor substances differently than any other artificial flavor. Of course, where a manufacturer chooses to characterize a product containing any of these substances with labeling references to smoke, the labeling must prominently state that the smoke flavor is artificial. Failure to do so would make the label false or misleading.

The Commissioner advises that when true smoke is absorbed in a liquid or other medium, and that medium is added to a food to provide a smoke flavor, such a flavor ingredient may be identified as "natural flavor" or natural smoke flavor." It would be misleading, however, to characterize such a food as "smoked," although a label statement such as "with added smoke flavor" or with "natural smoke flavor" would be permissible.

17. Several comments objected to the labeling requirements under § 1.12(i). These comments and the Commissioner's responses are as follows:

(a) Several comments objected to the provision of § 1.12(i)(1) requiring use of the term "flavored" whenever a product contains natural flavor in addition to the characterizing ingredient because this implies that the product may be merely flavored and does not contain, or contains only a small amount of, the characterizing ingredient.

The Commissioner recognizes that there may be situations where a food contains a characterizing ingredient and the manufacturer adds natural flavoring to maintain consistent flavor characteristics. In such instances it is not appropriate to require such food to be labeled as "flavored," e.g., "strawberry flavored shortcake," when in fact the food contains the expected amount of the characterizing ingredient. The regulation has been revised to require that in such cases the phrase "flavor added" follow the name of the food, e.g., "strawberry shortcake, flavor added." However, if such product does not contain the expected amount of the characterizing ingredient, the regulation requires that the word "flavored" must follow the name of the characterizing flavor.

(b) One comment urged the prohibition of vignettes and depictions for a characterizing ingredient not present in a food. The Commissioner concludes that the labeling requirements of § 1.12(i) of the regulation are sufficient to inform the consumer of the nature of a characterizing flavor.

(c) One comment urged application of the labeling requirements of the ice cream standard to all other food products. The Commissioner concludes that the present regulation substantially adopts and improves upon the labeling rules for ice cream. The three-fold flavor designation system adopted for ice cream has been enforceable because of minimum standards for characterizing ingredients and the analytical methods to enforce them. The lack of such standards and methods precludes the adoption of that system for all foods. In order to achieve consistent labeling, the Commissioner will propose to amend the ice cream standard to conform to this regulation.

(d) One comment asked that the provision of the standard of identity for ice cream which defines when artificial vanilla flavor predominates be added to this regulation. The Commissioner concludes that this is unnecessary in view of the deletion of the criteria of "predominates."

(e) One comment contended that the proposal failed to provide for appropriate labeling of foods containing a characterizing flavor predominantly of natural origin but not derived from the food simulated, e.g., a textured vegetable protein food containing a beef-like flavor derived from a natural source other than beef. Several comments favored a labeling category for natural flavor derived only from the simulated food.

The Commissioner advises that section 403(i) of the act allows flavor ingredients to be declared generically as "flavoring," except that, pursuant to section 403(k), artificial (synthetic) flavors are to be declared as "artificial flavoring." Thus a flavor of natural origin may be declared in the statement of ingredients as "flavoring" or "natural flavoring" even though that flavor may simulate a food other than the one from which it is derived.

However, section 403(a) of the act prohibits labeling which is false or misleading in any respect. Where a natural flavor is used in a food to simulate a flavor of a product other than the one from which the flavor is derived, the food to which the flavor is added must be labeled either with the flavor of the product from which it is derived or as "artificially flavored." Failure to include such information in a conspicuous manner on the principal display panel would result in a violation of section 403(a) of the act in that the label would be false and misleading for failure to reveal a material fact within the meaning of section 201(n) of the act.

(f) One comment suggested that chewing gum be excluded from the proposal, even though it is defined as a "food" under the act. It was reasoned that this product is not intended to be ingested as food, but merely serves as a delivery system for an organoleptically satisfying flavor sensation. In addition, it was claimed that difficulties would be encountered in the labeling requirements because of type size and package size.

Section 201(f)(2) of the act defines chewing gum as a food. The Commissioner concludes that there is insufficient justification for exempting chewing gum or other similar products from the labeling requirements of the regulation.

(g) Several other comments suggested additional terms or different meanings for proposed terms.

The Commissioner recognizes that there are many possible variations that could be used in prescribing the manner by which natural and artificial flavors are to be designated in the labeling of foods. However, he concludes that the terminology of § 1.12(i) as revised in the final regulation can be applied by industry, that the required labeling will be informative to consumers, and that the terminology employed is otherwise fair, reasonable, and as enforceable as can reasonbly be achieved. Accordingly, changes other than those discussed above are not necessary.

18. The Commissioner is aware of the Resolution adopted June 21, 1973, by the Association of Food and Drug Officials of the United States at this year's annual conference in Rapid City, South Dakota in which opposition to his January 19, 1973, proposal is set forth. The views of that organization as well as the views of the State officials which were individually expressed through their own response to the proposal have been thoroughly considered in arriving at this final order.

19. The Commissioner has decided to adhere to the proposed effective dates for the regulation. Accordingly, all labeling ordered on or after December 31, 1973, and all other products shipped in interstate commerce on or after December 31, 1974, shall comply with these rules. Although one trade association objected to these dates, the Commissioner concludes that they provide a reasonable time for compliance by industry and that further delay would not be in the interest of the consumer.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701(a), 52 Stat. 1047, 1055; 21 U.S.C. 343, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 1 and 9 are amended as follows:

1. In Part 1 by amending § 1.12 by revising the section title, by revising paragraph (a)(1), by redesignating existing paragraphs (a)(2) and (a)(3) as new paragraphs (a)(5) and (a)(6), by adding new paragraphs (a)(2), (a)(3) and (a)(4) and by adding new paragraphs (g), (h), and (i) to read as follows:

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§ 1.12 Food labeling; spices, flavorings, colorings and chemical preservatives.

(a)(1) The term "artificial flavor" or "artificial flavoring" means any substance, the function of which is to impart flavor, which is not derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or similar plant material, meat, fish, poultry, eggs, dairy products, or fermentation products thereof. Artificial flavor includes the substances listed in §§ 121.101(g) and 121.1164(b) of this chapter except where these are derived from natural sources.

(2) The term "spice" means any aromatic vegetable substance in the whole, broken, or ground form, except for those substances which have been traditionally regarded as foods, such as onions, garlic and celery; whose significant function in food is seasoning rather than nutritional; that is true to name; and from which no portion of any volatile oil or other flavoring principle has been removed. Spices include the spices listed in § 121.101(e) of this chapter, such as the following:

Allspice	Marjoram
Anise	Mustard flour
Basil	Nutmeg
Bay leaves	Oregano
Caraway seed	Paprika
Cardamon	Parsley
Celery seed	Pepper, black
Chervil	Pepper, white
Cinnamon	Pepper, red
Cloves	Rosemary
Coriander	Saffron
Cumin Seed	Sage
Dill seed	Savory
Fennel seed	Star aniseed
Fenugreek	Tarragon
Ginger	Thyme
Horseradish	Turmeric
Mace	

Paprika, turmeric, and saffron are also colors which, under § 1.10(c), shall be declared as "spice and coloring" unless declared by their common or usual name.

(3) The term "natural flavor" or "natural flavoring" means the essential oil, oleoresin, essence or extractive, hydrolysate, distillate, or other reaction products which contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or similar plant material, meat, fish, poultry, eggs, dairy products, or fermentation products thereof, whose significant function in food is flavoring rather than nutritional. Natural flavors include the natural essence or extractives obtained from plants listed in § 121.101(e) and the substances listed in § 121.1163 of this chapter.

(4) The term "artificial color" or "artificial coloring" means any "color additive" as defined in § 8.1(f) of this chapter.

(5) The term "chemical preservative" means any chemical that, when added to food, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oils extracted from spices, substances added to food by direct exposure thereof to wood smoke, or chemicals applied for their insecticidal or herbicidal properties.

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(g) A flavor shall be labeled in the following way when shipped to a food manufacturer or processor (but not a consumer) for use in the manufacture of a fabricated food, unless it is a flavor for which a standard of identity has been promulgated, in which case it shall be labeled as provided in the standard:

(1) If the flavor consists of one ingredient, it shall be declared by its common or usual name.

(2) If the flavor consists of two or more ingredients, the label either may declare each ingredient by its common or usual name or may state "All flavor ingredients contained in this product are approved for use in a regulation of the Food and Drug Administration." Any flavor ingredient not contained in one of these regulations, and any nonflavor ingredient, shall be separately listed on the label.

(3) In cases where the flavor contains a solely natural flavor(s), the flavor shall be so labeled, e.g., "strawberry flavor," "banana flavor," or "natural strawberry flavor." In cases where the flavor contains both a natural flavor and an artificial flavor, the flavor shall be so labeled, e.g., "natural and artificial strawberry flavor." In cases where the flavor contains a solely artificial flavor(s), the flavor shall be so labeled, e.g., "artificial strawberry flavor."

(h) The label of a food to which flavor is added shall declare the flavor in the statement of ingredients in the following way:

(1) Spice, natural flavor, and artificial flavor may be declared as "spice," "natural flavor," or "artificial flavor," or any combination thereof, as the case may be.

(2) An incidental additive in a food, originating in a spice or flavor used in the manufacture of the food, need not be declared in the statement of ingredients if it meets the requirements of § 1.10a(a)(4).

(3) Substances obtained by cutting, grinding, drying, pulping, or similar processing of tissues derived from fruit, vegetable, meat, fish, or poultry, e.g., powdered or granulated onions, garlic powder, and celery powder, are commonly understood by consumers to be food rather than flavor and shall be declared by their common or usual name.

(4) Any salt (sodium chloride) used as an ingredient in food shall be declared by its common or usual name "salt."

(5) Any monosodium glutamate used as an ingredient in food shall be declared by its common or usual name "monosodium glutamate."

(6) Any pyroligneous acid or other artificial smoke flavors used as an ingredient in a food may be declared as artificial flavor or artificial smoke flavor. No representation may be made, either directly or implied, that a food flavored with pyroligneous acid or other artificial smoke flavor has been smoked or has a true smoked flavor, or that a seasoning sauce or similar product containing pyroligneous acid or other artificial smoke flavor and used to season or flavor other foods will result in a smoked product or one having a true smoked flavor.

(i) If the label, labeling, or advertising of a food makes any direct or indirect representations with respect to flavor, by word, vignette, e.g., depiction of a fruit, or other means, or if for any other reason the manufacturer or distributor of a food wishes to designate the type of flavor in the food other than through the statement of ingredients, the flavor of the product shall be declared in the following way:

(1) If the food contains no artificial flavor, the name of the food on the principal display panel or panels of the label shall be accompanied by the common or usual name of the characterizing flavor, e.g., "vanilla," in letters not less than one-half the height of the letters used in the name of the food, except that:

(i) If the food is one that is commonly expected to contain a characterizing food component e.g., strawberries in "strawberry shortcake," and the food contains a sufficient quantity of that ingredient to characterize the food independent of any added natural characterizing flavor derived from such ingredient and the food contains added natural flavors derived from such ingredient, the name of the food shall be immediately followed by the words "flavor added" in letters not less than one-half the height of the characterizing ingredient, or

(ii) If the food is one that is commonly expected to contain a characterizing food component, e.g., strawberries in "strawberry shortcake," and the food contains natural flavor derived from such ingredient and an amount of characterizing ingredient insufficient to independently characterize the food, or the food contains no such ingredient, the name of the characterizing flavor shall be immediately followed by the word "flavored" in letters not less than one-half the height of the letters in the name of the characterizing flavor.

(iii) If a natural flavor is used in a food to simulate a flavor of a product other than the one from which the flavor is derived, the food in which the flavor is used shall be labeled either with the flavor of the product from which the flavor is derived or as "artificially flavored."

(2) If the food contains any artificial flavor, the name of the food on the principal display panel or panels of the label shall be accompanied by the common or usual name of the characterizing flavor, in letters not less than one-half the height of the letters used in the name of the food preceded by the word(s) "artificial" or "artificially flavored," in letters not less than one-half the height of the letters in the name of the characterizing flavor, e.g., "artificial vanilla," or "artificially flavored strawberry."

(3) Wherever the name of the characterizing flavor appears on the label (other than in the statement of ingredients) so conspicuously as to be easily seen under customary conditions of purchase, the words prescribed by this paragraph shall immediately and conspicuously precede or follow such name, except:

(i) Where the characterizing flavor and a trademark or brand are presented together, other written, printed, or graphic matter that is a part of or is associated with the trademark or brand may intervene if the required words are in such relationship with the trademark or brand as to be clearly related to the characterizing flavor; and

(ii) If the finished product contains more than one flavor subject to the requirements of this paragraph, the statements required by this paragraph need appear only once in each statement of characterizing flavors present in such food, e.g., "artificially flavored vanilla and strawberry."

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

§ 3.10 [Revoked]

2. The provisions of § 3.10 are hereby revoked.

§ 3.23(b) [Revoked]

3. The provisions of § 3.23(b) are hereby revoked.

§ 3.201 [Revoked]

4. The provisions of § 3.201 are hereby revoked.

Effective date. Labeling may be changed to comply with this regulation beginning August 2, 1973. All labeling ordered on or after December 31, 1973, and all labeling used for products shipped in interstate commerce on or after December 31, 1974, shall comply with this regulation; provided, that the label of a flavor need not conform to paragraph (g)(2) of this regulation prior to December 31, 1974, if it bears a statement certifying that the ingredients are listed as being generally recognized as safe on a reliable published industry association list.

(Secs. 403, 701(a), 52 Stat. 1047, 1055; 21 U.S.C. 343, 371(a))

Dated: July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15700 Filed 8-1-73;8:45 am]

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Status of Vitamin A and Vitamin D

In the FEDERAL REGISTER of December 14, 1972 (37 FR 26618) the Commissioner of Food and Drugs proposed that preparations containing vitamin A in excess of 10,000 international units (IU) per dosage unit and preparations containing vitamin D in excess of 400 IU per dosage unit shall be dispensed on prescription. A correction, which did not alter the intent of the proposal, was published in the FEDERAL REGISTER of January 4, 1973 (38 FR 799). Sixty days were allowed for comment.

Approximately 2,500 comments and 1,000 signatures on petitions were received in response to the proposal. Comments were received from a wide segment of the public, including individual consumers, physicians, nurses, pharmacists, dietitians, home economists, nutritionists, nine pharmaceutical manufacturers, a number of vitamin preparation distributors, and health food store operators. Comments from the medical profession were presented by the American Academy of Pediatrics and the American Medical Association. Organized consumer groups that responded were the National Health Federation, Oregon Student Public Interest Research Group, Committee Against Health Fraud, Inc., Committee for the Cessation of "Fortification" of Food Products with Calciferol Hormones, Virginia Citizens Consumer Council, Inc., Consumers Cooperative of Berkeley, Inc. Comments were also submitted by the Wisconsin Alumni Research Foundation, The Ann Arbor Dietetic Association, the American Dietetic Association, and five trade associations: The Pharmaceutical Manufacturers Association, East Coast Health Food Corporation, the National Food, Drug and Cosmetic Association of Manufacturers and Distributors, Inc., the National Nutritional Foods Association and the National Association of Pharmaceutical Manufacturers.

GENERAL COMMENTS

The proposal was controversial and generated widely ranging comments regarding broad issues raised by the use of vitamins in foods and drugs. Many of these comments are not appropriate for consideration of the more limited issues raised in the proposed regulation regarding vitamin A and vitamin D. With respect to the broad issues of vitamin and mineral use the Commissioner notes that several regulations including comprehensive discussion of these issues have been published in the FEDERAL REGISTERS of January 19 and March 14, 1973 (38 FR 2124, 6950) and elsewhere in this issue of the FEDERAL REGISTER.

The majority of responses from individual consumers were opposed to the proposal. In reviewing such comments, the Commissioner is concerned that the public is not fully aware of the provisions and medical basis of the proposal: For example, the tenor of many comments was that vitamin A and vitamin D would be available only on prescription. Form letters and several petitions, which were submitted with a number of signatures, contained key statements, presumably the basis on which the signatures were obtained, that bear very little, if any, resemblance to the actual provisions of the proposal. It is clear that the majority of individual consumers responding had been improperly or inadequately informed.

The comments fall into three general categories:

(1) Those who agree that the action proposed by the Food and Drug Administration is necessary and that the prescription levels proposed for vitamin A and vitamin D are suitable. Those who agreed included the American Academy of Pediatrics, the American Medical Association, the American Dietetic Association, five consumer groups, a number of physicians, dietitians, nutritionists, home economists and other professionals in the scientific and health care community, and a few individual consumers.

(2) Those who agree that such vitamins can be toxic, but only at levels higher than those levels proposed by the Food and Drug Administration. The majority of the drug manufacturers and trade associations, and some consumers, made responses that were in this category.

(3) Those who disagree with the proposal entirely, stating that such vitamins are foods and that individuals should have the right to ingest any amount desired. The comments from most individual consumers, operators of health food establishments and a consumer group, were in this category.

SPECIFIC COMMENTS

1. A number of comments contended that "natural" vitamins (including vitamin A and vitamin D) and minerals are foods rather than drugs and should not be treated as drugs. Some viewed "natural" vitamins as safe whereas synthesized vitamins may be (or are) toxic.

The question regarding whether a vitamin is a food or drug generated considerable discussion. The tentative and final orders promulgating §§ 80.1, 125.1, and 125.3 (21 CFR 80.1, 125.1 and 125.3), published in the January 19, 1973 FEDERAL REGISTER (38 FR 2143, 2152) and elsewhere in this issue of the FEDERAL REGISTER discuss this matter in detail. The Commissioner concludes, on the basis of all the available evidence, that vitamins between the upper and lower limits as specified in § 80.1 are adequate for all known nutritional needs for normal individuals and that nutrients at these levels are dietary supplements which are foods for special dietary use. No evidence was submitted in the comments to establish a food or nutritional use of vitamin A or vitamin D at higher levels, except for a limited number of persons with poor vitamin D absorption who need up to 1000 IU of this vitamin for nutritional purposes under medical supervision. With that one exception, which is recognized in the revised regulation, intake of vitamins at levels exceeding the upper limits as specified in § 80.1 are therefore appropriate only for therapeutic purposes and thus are properly classed as drugs.

This position is entirely consistent with the Food and Drug Administration's long-standing interpretation and application of the act. See, e.g., Kordel v. United States, 335 U.S. 345 (1948), in which the Supreme Court upheld the conviction of an individual for marketing "health food products" consisting of "various vitamins, minerals, and herbs" on the ground that they were misbranded drugs. See also United States v. 3 Cartons • • • "No. 26 Formula GM etc.," 132 F. Supp. 569 (S.D. Calif. 1952).

Alleged differences in vitamins based on their source is also discussed in the

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tentative and final orders promulgating §§ 80.1 and 125.1–125.3. There is no scientific evidence to suggest that there is a difference in the metabolic actions or toxic effects of synthetically produced vitamins as compared with those from natural sources.

2. Several manufacturers and trade associations objected to the proposal on the ground that the proper classification of OTC drug levels of vitamins would be made in the near future by the appropriate OTC drug advisory review panel and that levels established now by the Food and Drug Administration would only be on interim measure. These comments expressed the opinion that deferring action on this proposal would not result in any signficant hazard to the public health.

In the preamble of the proposal the Commissioner stated his reasons for separating vitamin A and vitamin D from the other vitamins at this time and establishing levels above which these vitamins are limited to prescription distribution. The continuing information available to the Commissioner regarding the toxicity of vitamin A and vitamin D and the continuing reports of promotion of large amounts of these vitamins for a variety of purposes makes this action necessary at this time in the public interest.

3. A number of comments from individual consumers and those representing the vitamin industry agreed that vitamin A and vitamin D are toxic in amounts in excess of known requirements, but stated that such levels are much higher than the limitations proposed. Some comments offered a level of 25,000 IU of Vitamin A and 1,000 IU of Vitamin D as providing a sufficient safety margin for known toxicity. Other comments contended that the proposed levels were suitable for children, but higher levels would be more appropriate for adults. A number of comments felt the proposed levels were arbitrary and without scientific merit or support. Several of the comments had made a review and provided their own analysis of the bibliography prepared by the Food and Drug Administration at the time the proposal was published in the FEDERAL REGISTER. Generally, these comments stated that toxicity below 50,000 IU daily for vitamin A was rare and that vitamin D toxicity reports would not support the vitamin D level proposed.

Several other comments recommended lower levels than those proposed. A comment from a physician at a university School of Medicine, Department of Biochemistry, supported the proposal, but stated that 5,000 IU for vitamin A would be a more judicious level. Another comment from the Department of Chemical Pathology, the United Liverpool Hospitals, Liverpool, England, included a reference to a paper written by the respondent regarding self-medication with multivitamin preparations and recommended that 100 IU of vitamin D per dosage unit be the limit for non-prescription marketing.

The Commissioner has carefully reviewed the comments and analysis regarding the medical/scientific justification for establishing the proposed vitamin A and vitamin D limits and finds that such comments do not sufficiently support a revision of the proposed limits. No evidence refuted the toxicity findings on which the proposal was based, and further reports of toxicity continue to accumulate. Based on consultation with the most knowledgeable experts available, the Commissioner finds that the scientific consensus is that the proposed limits are appropriate at this time.

The Commissioner of Food and Drugs will soon publish in the FEDERAL REGISTER a request for submission of all data and information relevant to the safety and effectiveness of vitamins and minerals for OTC drug use, pursuant to the procedures established in 21 CFR 130.301, published in the FEDERAL REGISTER on May 11, 1972 (37 FR 9464). The members of the OTC drug review panel for vitamin-mineral drugs are presently being selected. This panel will have full authority to review and re-evaluate the proper dividing line between OTC and prescription levels of vitamin A and vitamin D, and to recommend to the Commissioner any changes in the regulations promulgated by this order, in its report. Thus, the levels of vitamin A and vitamin D for prescription use in this regulation are established on an interim basis only. These regulations will be revoked upon promulgation of a final OTC drug monograph for vitamin-mineral drugs incorporating final prescription levels for these two vitamins.

4. A number of comments, particularly those from individual consumers, state that it is not logical to require a prescription for dosage levels of vitamins that may be lower than the vitamin content of an average serving of certain foods. A few comments expressed concern that normal diets with or without appropriate vitamin supplementation may lead to toxic conditions.

The Commissioner recognizes that many common foods contain a variety of vitamins and minerals in widely ranging amounts, and that some common foods contain vitamin A in excess of 10,000 IU per serving. It is also recognized, however, that these foods particularly rich in vitamin A are rarely consumed daily in sufficient quantity over the long periods of time required to lead to toxic manifestations. The concern of the Food and Drug Administration is the availability of vitamin A and vitamin D in large dosage units in medicinal forms, i.e. capsules and tablets, particularly in view of the multiplicity of other sources of this vitamin in the daily diet. The convenience of ingestion in this form on a routine basis encourages excessive intake of these vitamins far beyond the average amounts ingested in normal diets of conventional food over extended periods of time. Adequate amounts of vitamin A and vitamin D will continue to be available as dietary supplements and are not being removed from the market place. The margins of safety provided in the levels established by this proposal were developed to take into account the wide ranges of vitamin content in foods and the dosage levels of vitamin A and vitamin D preparations that are usually implicated in toxic conditions.

5. Comment was received that consumers would be able to ingest as many dosage units as they desired and therefore the proposed limits would have no effect. The Commissioner cannot agree with this concept. Today's consumers are increasingly knowledgeable and are concerned about the health and safety of themselves and their family. The Commissioner believes that most consumers will carefully consider the advisability of taking dosage units in excess of suitable recommended daily dosages. Conscientious consumers will have a basis upon which to make a judgment as to their intake of these vitamins. The fact that a small number of consumers will abuse their health by excessive intakes of drugs, regardless of regulatory and other approaches to curtail such abuse, is no reason to forego a reasonable regulation that will afford appropriate public health protection for the vast majority of the public.

6. The Committee on Nutrition, American Academy of Pediatrics, and several other respondents commented on the special needs for vitamin D in foods for special dietary use in specific medical conditions. Foods designed to provide sound nutrition to individuals with poor vitamin D absorption require higher than normal levels of vitamin D. Such individuals may require dietary intakes up to 1000 IU as part of their overall dietary management.

The Commissioner recognizes that foods represented solely for use under medical supervision to meet nutritional requirements in specific medical conditions have a place in medical care of a select group of individuals who have diagnosed conditions that will benefit from the use of complete foods containing up to 1000 IU of vitamin D. The marketing of such foods is permitted in compliance with § 125.1(h) being published elsewhere in this issue of the FEDERAL REGISTER. The regulation for vitamin D has been revised to allow this limited use of a higher amount of vitamin D without a prescription.

7. Comments received from the Council on Foods and Nutrition, American Medical Association, endorse the proposal and include reference to the possible relationship between excess vitamin D and hypercholesterolemia, in addition to the classic form of vitamin D toxicity. The Council also commented that the proposal fails to mention that there is no recommended dietary allowance for vitamin D for adults, since their needs are considered to be met by ordinary mixed diets and exposure to sunlight. The Council, along with other respondents, raised a question regarding a controlled "overage" to assure compliance with label declarations of the amounts present.

The Food and Drug Administration recognizes that there is no recommended dietary allowance for vitamin D in adults except during pregnancy and lactation and therefore considers vitamin D as an optional component of dietary supplements of vitamins and minerals for adults and older children (21 CFR 80.1). The Commissioner notes that within good manufacturing practices reasonable overages are permissible in formulating drugs and these are recognized in the specification ranges used in determining whether or not a product meets its labeled potency.

8. In response to the proposal, the Wisconsin Alumni Research Foundation resubmitted comments directed to a proposal regarding vitamin D published in the FEDERAL REGISTER of August 28, 1965 (30 FR 11140). The previous proposal was more restrictive than the present one and contained several provisions not currently being considered. Of significance in this comment was concern by the Wisconsin Alumni Research Foundation that the requirements as proposed in 1965 would have the effect of decreasing the vitamin D intake by the general public to a level below their nutritional needs.

The Commissioner concludes that such a situation is clearly not possible as a result of the current proposal, which is directed only at the use of vitamin D as a drug. As a result of the vitamin D content of milk and other foods, and the availability of vitamin D in dietary supplements, the national food supply provides ample vitamin D.

9. Several manufacturers commented that the effective date of any final order with respect to vitamin A and vitamin D should be the same uniform effective date established for recent food labeling revisions. Such an effective date would permit interstate shipments of existing high potency products through December 31, 1974. Several comments also requested that those vitamin A and vitamin D preparations already in commercial channels be allowed continued marketing until existing supplies are exhausted.

Because of the known toxicity and continuing reports of toxic conditions resulting from large dosages over a period of time, the Commissioner concludes that protracted continuation of manufacture and marketing of preparations that do not meet the requirements of this order is not justified. However, a reasonable period of time to allow for orderly reformulation and relabeling, where necessary, is in the public interest to assure continued availability of vitamin A and vitamin D preparations. Therefore, this order shall become effective for products labeled beginning October 1, 1973. No recall of existing stocks is deemed necessary.

10. One comment from a manufacturer stated that the proposal conflicts with the limits for vitamin A established by the food labeling regulations published in the January 19, 1973 FEDERAL REGISTER (38 FR 2124). The Commissioner finds no conflict between this drug regulation and the food regulations. Those vitamin A preparations within the ranges specified in § 80.1 are considered foods and must be labeled as dietary supplements. Those preparations containing vitamin A in excess of the upper limit of these ranges, but less than the proposed prescription drug level, are OTC drugs. Those preparations containing in excess of 10,000 IU of vitamin A per dosage unit are prescription drugs.

11. Several comments requested that a public hearing be held to consider the issues and objections. A hearing on these matters is not mandatory under section 701(a) of the act. The Commissioner concludes that a hearing is inappropriate at this time and that any further delay in promulgation of these regulations is not in the public interest. A hearing on this issue will be available before both the advisory drug panel and the Commissioner under the OTC drug review procedures.

Having considered the comments received, the Commissioner concludes that the proposed regulations are in the public interest and should be adopted as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(a), (f), and (j), 503(b), 701(a), 52 Stat. 1050–1052, as amended, 1055; 21 U.S.C. 352(a), (f), and (j), 353(b), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 3 is amended by adding thereto the following new sections:

§ 3.94 Vitamin A preparations for oral use as drugs.

(a) Vitamin A is an essental nutrient for humans. It is widely recognized that large amounts of vitamin A can cause adverse effects, some of which are serious. The U.S. Recommended Daily Allowance (U.S. RDA) for vitamin A is 1500 International Units, (IU) for infants, 2500 IU for children under 4 years of age, 5000 IU for adults and children 4 or more years of age, and 8000 IU for pregnant or lactating women.

(b) In view of the toxicity of excessive consumption of vitamin A, the Food and Drug Administration finds that, in order to protect the public health, oral preparations containing vitamin A in excess of 10,000 IU per dosage unit or recommended daily intake are drugs subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act and shall be restricted to prescription sale. Such products will be regarded as misbranded if at any time prior to dispensing the following conditions are not met:

(1) The label bears the legend, "Caution: Federal law prohibits dispensing without a prescription"; and

(2) The labeling bears full disclosure information as required by § 1.106(b)(3)(i) of this chapter, and especially appropriate warnings regarding vitamin A toxicity.

(c) Preparations containing 10,000 or less IU of vitamin A per dosage unit will be regarded as misbranded if their recommended daily intake exceeds 10,000 IU.

§ 3.95 Vitamin D preparations for oral use as drugs.

(a) Vitamin D is an essential nutrient for humans. It is widely recognized that vitamin D, when ingested daily in large amounts, is toxic. The U.S. Recommended Daily Allowance (U.S. RDA) for vitamin D is 400 International Units (IU).

(b) In view of the toxicity of the excessive consumption of vitamin D, the Food and Drug Administration finds that, in order to protect the public health, oral preparations containing vitamin D in excess of 400 IU per dosage unit or recommended daily intake are drugs subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act and shall be restricted to prescription sale. Such products will be regarded as misbranded if at any time prior to dispensing the following conditions are not met:

(1) The label bears the legend, "Caution: Federal law prohibits dispensing without a prescription"; and

(2) The labeling bears full disclosure information as required by § 1.106(b)(3)(i) of this chapter, and especially appropriate warnings regarding vitamin D toxicity.

(c) Preparations containing 400 or less IU of vitamin D per dosage unit will be regarded as misbranded if their recommended daily intake exceeds 400 IU.

(d) Foods which are represented for use solely under medical supervision to meet nutritional requirements of persons with poor vitamin D absorption may contain vitamin D not in excess of 1000 IU per dosage unit or recommended daily intake.

Effective date. This order shall become effective on October 1, 1973 for products labeled on or after that date.

(Secs. 502(a), (f), and (j), 503(b), 701(a), 52 Stat. 1050–1052, as amended, 1055; 21 U.S.C. 352(a), (f), and (j), 353(b), 371(a))

Dated: July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15703 Filed 8-1-73;8:45 am]

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Folic Acid, Potassium Iodide and Kelp

In the FEDERAL REGISTER of January 19, 1973, the Commissioner of Food and Drugs published tentative orders revising regulations for food for special dietary uses and establishing a definition and standard of identity for dietary supplements of vitamins and minerals (38 FR 2143, 2152). In the preamble to the tentative order revising the regulations for foods for special dietary uses, the Commissioner stated that other regulations governing the levels of the food additives folic acid and iodine would be revised at a later date to make them consistent with the levels of these nutrients permitted in foods for special dietary uses and in dietary supplements of vitamins and minerals (38 FR 2145).

No exceptions were received objecting to the provisions of the two tentative orders relating to the levels for folic acid and iodine. Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is publishing a final order promulgating those new regulations with the levels for folic acid and iodine unchanged.

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The Commissioner, having evaluated the Hearing Record in the proceeding that led to adoption of the new regulations, the Recommended Dietary Allowances established by the National Academy of Sciences, and other relevant information, concludes that the applicable regulations should be amended to provide for the safe use of folic acid and iodine.

The statement of policy on the status of folic acid contained in § 3.42 (21 CFR 3.42) was adopted in 1964 in order to emphasize that incorporation of any level of folic acid in excess of the permitted food additive level would require the sale of the product as a prescription drug. Pending review of the status of folic acid by the OTC vitamin-mineral drug panel pursuant to the procedures established in § 130.301 (21 CFR 130.301), the Food and Drug Administration will continue this policy. Thus, any product containing more than the levels of folic acid established in this regulation in the daily dosage recommended or suggested will be classified as a prescription drug on an interim basis until a final OTC drug monograph on this ingredient becomes effective. In order to make it clear that the OTC vitamin-mineral drug panel is entirely free to reexamine the status of folic acid at levels greater than those established in this regulation, however, the Commissioner has concluded that § 3.42, which is now obsolete, should be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1049, 1055; 21 U.S.C. 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 3 and 121 are amended as follows:

§ 3.42 [Revoked]

1. In Part 3 existing § 3.42 is hereby revoked.

2. In Part 121:

a. Section 121.1134 is revised to read as follows:

§ 121.1134 Folic acid (folacin).

Folic acid (folacin) may be safely added to a food for its vitamin property, provided the maximum intake of the food as may be consumed during a period of one day, or as directed for use in the case of a dietary supplement, will not result in daily ingestion of the additive in excess of 0.4 milligram for foods labeled without reference to age or psysiological state; and when age or the conditions of pregnancy or lactation are specified, in excess of 0.1 milligram for infants, 0.3 milligram for children under 4 years of age, 0.4 milligram for adults and children 4 or more years of age, and 0.8 milligram for pregnant or lactating women.

b. Section 121.1073 is amended by revising paragraph (a) to read as follows:

§ 121.1073 Potassium iodide.

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(a) Potassium iodide may be safely added to a food as a source of the essential mineral iodine, provided the maximum intake of the food as may be consumed during a period of one day, or as directed for use in the case of a dietary supplement, will not result in daily ingestion of the additive so as to provide a total amount of iodine in excess of 225 micrograms for foods labeled without reference to age or physiological state; and when age or the conditions of pregnancy or lactation are specified, in excess of 45 micrograms for infants, 105 micrograms for children under 4 years of age, 225 micrograms for adults and children 4 or more years of age, and 300 micrograms for pregnant or lactating women.

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c. Section 121.1149 is amended by revising the first sentence to read as follows:

§ 121.1119 Kelp.

Kelp may be safely added to a food as a source of the essential mineral iodine, provided the maximum intake of the food as may be consumed during a period of one day, or as directed for use in the case of a dietary supplement, will not result in daily ingestion of the additive so as to provide a total amount of iodine in excess of 225 micrograms for foods labeled without reference to age or physiological state; and when age or the conditions of pregnancy or lactation are specified, in excess of 45 micrograms for infants, 105 micrograms for children under 4 years of age, 225 micrograms for adults and children 4 or more years of age, and 300 micrograms for pregnant or lactating women. • • •

Any person who will be adversely affected by the foregoing order may at any time on or before September 4, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on August 2, 1973.

(Secs. 409, 701(a), 52 Stat. 1049, 1055; 21 U.S.C. 348, 371(a))

Dated: July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15704 Filed 8-1-73;8:45 am]

PART 11—STANDARDS OF QUALITY FOR FOODS FOR WHICH THERE ARE NO STANDARDS OF IDENTITY

A notice of proposed rulemaking was published in the FEDERAL REGISTER of September 23, 1972 (37 FR 20038) which set forth general principles for the establishment of microbiological quality standards for foods. The notice also contained proposed microbiological quality standards for frozen ready-to-eat banana, coconut, chocolate, or lemon cream-type pies and food grade gelatin. Interested persons were invited to submit coments on the proposal within 60 days.

A total of 25 comments were received. In support of the proposal were 6 consumer comments, and one comment each from a consumer organization, a health association, a State official and a food consultant. In opposition to the proposal were 12 comments from industry and industry associations, and one comment each from a consumer organization, a university research organization, and a food bacteriologist.

1. One comment stated it would be confusing to establish a standard of quality without defining the product in a standard of identity. Another comment considered it unreasonable to establish a standard of quality without establishing a standard of identity because of the close interrelationship between identity and quality. One comment questioned the establishment of microbiological quality standards only for foods having no standard of identity.

The Commissioner of Food and Drugs concludes that section 401 of the act authorizes the promulgation of a standard of quality for a food without establishing a standard of identity. The Commissioner also concludes that the product descriptions of cream-type pies and food grade gelatin in the regulations setting microbiological quality standards for those foods are sufficient to describe the foods subject to the standards. No comment indicated any confusion as to the foods to be subject to these first quality standards.

Creation of new Part II standards of quality for foods for which there are no standards of identity does not limit establishment of microbiological or other quality standards to nonstandarized foods. When a standard of identity exists for a food a microbiological quality standard for that food will be codified in the same part of the Code of Federal Regulations as the standard of identity. In the absence of a standard of identity, a microbiological or other quality standard will be included in the new Part II established by this order.

2. Comments opposing the proposal contended that microbial levels are not indicators of food quality because of the absence of a perceptible difference in organoleptic quality between a food with a microbial content within the proposed limits and a food having a microbial content in excess of the limits.

The Commissioner does not agree with these comments. The courts have long recognized that the proper scope of the act in regulating the quality of food is not limited to factors which are organoleptically perceptible to the consumer. Thus, for example, the Commissioner has established defect action levels for unavoidable filfth in food in the FEDERAL REGISTER of January 5, 1973 (38 FR 854), although organoleptically imperceptible to the consumer and posing no health risk. Indeed, those factors which a consumer cannot detect for himself, but which are important to him, are perhaps most deserving of attention by the Food and Drug Administration. The Commissioner concludes that it is reasonable and in the interest of consumers to establish microbiological quality standards for foods so that the consumer may have some assurance, where such standards have been promulgated, that only reasonable levels of microorganisms exist in the food. Microbial levels in foods are indicative of such elements of quality as the excellence of the raw materials and ingredients used, the degree of control present at the time of processing, and the distribution and storage conditions experienced by the food.

3. One comment suggested listing, for each food, bacteria that are considered pathogenic. One comment suggested that the proposal include the microbial level at which the product is considered adulterated. One comment considered certain statements in the preamble concerning pathogenic microorganisms inappropriate and inaccurate because the proposal does not pertain to public health matters. Two comments considered the reference to the Grade A milk standard as misleading and inappropriate for the reason that the Grade A milk standard was designed to protect the public health.

Pathogens in food are covered under the adulteration provisions of the act, and are not within the scope of these regulations which are limited to quality factors not involving adulteration. The purpose of statements in the proposal concerning pathogenic microorganisms is to draw the distinction between pathogenic microorganisms and microbiological quality standards. The reference made in the proposal to the Grade A milk standard was intended only to point out an existing microbial limit for a food.

4. A common suggestion of most of the opposing comments was that microbial limits should be established as guidelines under the good manufacturing practices (GMP) regulations (Part 128 of this chapter) in lieu of being promulgated as quality standards. The comments stressed that the establishment of microbial limits as GMP guidelines would place the emphasis and responsibility for microbial levels in food on the manufacturing process and the manufacturer.

The Commissioner concludes that mircobiological quality standards should be promulgated separately from the GMP regulations for several reasons. The GMP regulations are promulgated for the efficient enforcement of the adulteration provisions of the act, while the microbiological quality standards are not based on consideration of adulteration. The GMP regulations are generally limited to manufacturing procedures and usually do not extend to distribution and retail sale, while the consumer is entitled to be informed of excessive levels of microbial organisms regardless whether they result from manufacturing, distribution, or retailing practices. Where the need and sufficient data exist for the promulgation of a quality standard, it would not be in the interest of consumers to delay promulgation until an appropriate GMP could also be developed.

As stated in the proposal, compliance with the microbiological quality standards does not excuse failure to observe either the requirements of section 402(a)(4) of the act or the GMP regulations. Evidence obtained through a factory inspection indicating a violation of the GMP regulations renders the food unlawful, even though the food contains levels of microorganisms lower than those promulgated in a microbiological quality standard. Conversely, compliance with the GMP regulations and other requirements of the act does not excuse failure of a product to meet the microbiological quality standards.

5. Most of the comments opposing the proposal objected to the microbiological quality standards being applicable to a food after it leaves the direct control of the manufacturer. It was stated that a food in compliance with the standards when it leaves the manufacturer's control may subsequently experience an increase in microbial level causing it to fail to meet the standards.

The Commissioner is aware this situation could occur, as a result of abuse during shipping, storage, or retail sale. However, restricting application of the standards to the limited time the product is under the manufacturer's control would not assure that the product would be in compliance with the standards when it reached the consumer, and therefore, would not be in the interest of the consumer. The consumer rightly expects the quality of food to be adequately and continuously protected through the point of retail sale. Regulatory action can and will be taken against a product that is substandard in quality and which fails to bear the label statement of substandard quality, regardless whether the product deterioration occurred during manufacture or subsequently during distribution or retailing. This will provide incentive to manufacturers, distributors, and retailers to take positive measures to insure that foods are handled properly.

6. All but two of the opposing comments objected to the label statement of substandard quality. Many comments stated that a product so labeled would be unsaleable to the consumer. Some comments stated substandard food would be sold only in salvage stores and institutions to be used only by the underprivileged or unaware consumers. Several comments indicated that manufacturers would destroy substandard food rather than use the proposed label statement resulting in the loss of wholesome food, the cost of which would ultimately be borne by the consumer. Objections were made to the use of the word "bacteria" in the proposed label statement of substandard quality because it suggests a danger to health to the consumer. Suggestions were made that the statement of substandard quality provided for by § 10.7 (21 CFR 10.7) be used. One comment suggested use of the statement "This product does not meet the bacteria standards but is considered safe for human consumption."

The Commissioner agrees that many consumers will choose not to buy a substandard quality food labeled as such. Past experience indicates that few manufacturers destroy large lots of substandard quality food. Substandard quality food, when properly labeled as such, is a legitimate article of commerce and has been marketed for years. The marketing of food substandard in microbiological quality would be likely to follow the marketing patterns that already exist for substandard quality food. It is in the interest of consumers that an explicit informative label statement of substandard quality be required.

The statement of substandard quality provided in § 10.7 is not considered appropriate for foods substandard in microbiological quality for the reasons stated in the proposal. The Commissioner agrees that some consumers may relate the term "excessive bacteria" with danger to health. However, it is not possible to state that excess bacteria cannot create a health hazard. Therefore, the Commissioner concludes that this statement of substandard quality should not be changed.

7. Several comments objected that no reference was made to the fact that in certain foods microorganisms are deliberate, desirable ingredients. One comment stated that microbiological quality standards should not apply to canned foods.

The Commissioner recognizes that certain microorganisms are deliberate, desirable ingredients in some foods and in such instances cannot be considered as inverse factors of quality. The controlled use of microorganisms is useful and desirable to impart a particular flavor, odor or other desirable characteristic to food such as cheese and other dairy products. The proposal was not intended to effect any change in current good manufacturing practices in such controlled use of microorganisms, and microbiological quality standards would not be established which would prohibit the use of such desirable microorganisms. Microbiological quality standards would not be appropriate for sterilized foods or food processed and packaged to maintain commercial sterility, such as canned foods.

8. One of the opposing comments objected to the concept of microbiological quality because it does not conform to the definitions of "condition" and "quality" contained in the United States Department of Agriculture (USDA) regulations for food grades.

The terms "quality" and "condition" as used by USDA usually pertain to factors that are noticeable to the consumer. New Part 11 concerns factors of

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quality which will usually be imperceptible to the consumer. Therefore, the Commissioner concludes that there is no conflict between the proposal and USDA regulations concerning food grades.

9. One comment indicated that microbiological quality standards could prevent a manufacturer currently using artificial ingredients from using natural flavors and spices that usually have higher microbial levels. Several comments questioned the proposal on the basis that the microbial level increases in some foods and decreases in others during storage. However, no data were submitted supporting the concept that the microbiological quality standards would limit the choice of ingredients and none were submitted concerning the change in microbial content during storage or distribution.

The Commissioner is aware that the microbial level in foods can be changed by storage and other conditions and is aware of variations in microbial levels of different ingredients. The existence of such variables was considered and is reflected in the microbial limits contained in the proposal. The existence of variations in microbial levels does not, however, justify excessive microbial levels above the quality standards, without a label statement advising consumers.

10. One comment questioned the application of microbiological quality standards for a food, such as food grade gelatin, which is often used as an ingredient of another food.

The Commissioner concludes that a standard of quality applies regardless whether the food is intended to be used or sold as such or is intended for use as an ingredient in another product. The standard of quality applies only to the food described in the standard and does not apply to another food solely on the basis that it contains the standardized food as an ingredient.

11. One comment suggested the use of a limit for enterococci in place of the coliform organism limit in the proposed standards because coliform organism counts are sharply reduced by freezing.

A limit for enterococci cannot be used at this time for frozen cream-type pies and food grade gelatin since the study providing the basis for the proposed standards did not include data on enterococci. Although coliform organisms may be more susceptible than enterococci to freezing temperatures, the level of coliforms is nevertheless a reasonable indicator of quality. The Food and Drug Administration has not used enterococcus determinations routinely because of limitations in determination procedures. Recent information indicates the methodology has improved and the routine use of enterococcus determinations is being studied.

12. Several comments claimed that the time required for microbial testing, production delays pending the test results, and the relabeling of a packaged lot would increase the cost of the food and could potentially cause higher microbial levels in the food. It was stated that it is impractical to delay the production process until the microbial test results of a lot in production are completed. It was further stated that if production was not delayed and the tests subsequently revealed a lot to be in excess of a microbial standard, each package in the lot would have to be uncased and relabeled.

Microbiological quality control testing of foods is not new or unique and the Commissioner concludes that such testing by food manufacturers is practicable. Adequate processing controls should make it unnecessary to delay production of a lot pending test results since the use of adequate quality controls would make the production of a substandard quality lot an infrequent occurrence. The time required for microbial tests does not exceed 96 hours and will not cause a serious problem for the manufacturer in holding a finished lot under his control until the test results are completed. The labeling of packaged lots is impractical on a routine basis but is a common method of correcting infrequent labeling errors. Although there will be some additional cost in establishing quality control procedures for those firms that do not now have adequate quality control procedures, it is not expected that significant increased costs would result from implementation of the proposal.

13. One industry comment suggested that the proposal allow the manufacturer to reprocess substandard quality lots for food use or to divert them to non-food use. No specific reprocessing procedures were suggested in the comment.

The Commissioner will not agree to any reprocessing procedure to bring substandard quality food into compliance with these standards unless it is clearly evident that such procedure will not cause the reprocessed food to be inferior in any respect. The diversion of substandard quality food to non-food use is not precluded by the regulation.

14. Some of the comments objected to the sampling and testing procedures of the proposal, stating that they were inflexible and required excessive testing. One comment suggested the terms "lot" and "unit" be defined.

The sole purpose of the sampling plan contained in the proposal is to specify the plan that will be used by the Food and Drug Administration to determine whether a lot is in compliance with the standard. The proposal does not require manufacturers or others to use the sampling plan. Manufacturers and others may use any type of sampling and testing plan they choose, but they should make certain that any plan used to check compliance with the standards will produce results compatible with those of the compliance plan contained in the regulation. Failure to institute adequate quality control procedures may substantially increase a manufacturer's risk of producing foods not in compliance with the proposed standards.

The terms used in the sampling and testing procedures of the proposal have been defined. For purposes of determining quality factors related to manufacture, processing, or packing, a lot is defined as a collection of primary containers or units of the same size, type, and style produced under conditions as nearly uniform as possible and usually designated by a common container code or marking, or in the absence of any common container code or marking a day's production. For purposes of determining quality factors related to distribution and storage, a lot is defined as a collection of primary containers or units transported, stored, or held under conditions as nearly uniform as possible. Examples of a "lot" are containers or units produced during the same shift or day, transported or stored as a single item of trade. A "sample" is a composite of 10 subsamples (consumer units), taken one from each of 10 different randomly chosen shipping cases, to be representative of a given lot. An "analytical unit" is defined as a portion of food taken from a subsample of a sample for the purpose of analysis.

15. One comment objected that the use of a microbial count limit does not allow the occasional high count lots to meet the standard. Another comment objected to the microbial limits being expressed as geometric means because this allows a sample with some very high count units to meet the standard. One comment stated that insufficient data were provided to properly evaluate the proposed microbial limits. One comment stated that it is not clear if the microbial limits apply to each individual unit or to the 10 units totally. Another comment suggested the proposal provide for a resampling of the lot to confirm the initial test.

Complete assurance that every container or unit of a lot is in compliance with the proposed standards would of course require destructive analysis of the entire lot. Therefore, a statistical approach involving analysis of a representative sample from the lot is appropriate. The Commissioner concludes that the proposed microbial limits, when applied to a lot sampled and tested in the manner set forth in the regulation, afford a reasonable basis for judgment of the microbiological quality of the lot and that it is not necessary or appropriate to conduct confirmatory resampling and retesting.

The sampling and analytical procedure requires that the microbiological quality of a lot be determined on the basis of the "geometric mean" (rather than a simple arithmetic average) of the analytical results derived from the ten analytical units. Microbial growth increases according to geometric progression. The most appropriate method of expressing the average of a group of data representing a geometric progression such as microbial levels is by the geometric mean. Also the geometric mean is less subject to distortion by the occasional high or low extreme encountered in microbial counts than is the more common arithmetic average. The Commissioner concludes that the sampling and testing procedures contained in the proposal have been evaluated statistically and judged to be satisfactory. Additional information in this regard may be obtained from the statistical staff of the Food and Drug Administration's Bureau of Foods. Should additional information become available that justifies any change in these procedures the standard will be amended.

16. Two comments questioned the disparity between the 5,000 grams aerobic plate count (APC) limit for pharmaceutical gelatin contained in the United States Pharmacopoeia (U.S.P.), 18th revision, and the 3,000 grams APC that is contained in the proposal for food grade gelatin.

These values cannot be compared directly since (a) the standard for food grade gelatin is based upon a geometric mean of the aerobic plate counts of the 10 units tested per sample, whereas the standard for pharmaceutical gelatin is based upon a count obtained from a dry composite of 1 gram portions from not less than 10 packages or containers of gelatin; (b) the bacterial growth medium used for pharmaceutical gelatin is not the same as that used for food grade gelatin, and (c) the incubation temperature specified for pharmaceutical grade gelatin is 30–35° C, whereas, 35° C is specified for food grade gelatin.

Both the plating medium and the incubation temperature used to determine the aerobic plate count will affect the apparent count. The selection of an aerobic plate count done using Standard Methods Agar and an incubation period of 35° C was made for food grade gelatin so that the methodology used for this food would be similar to that commonly used for other foods. The data on food grade gelatin used to create the proposed standard included aerobic plate count values for all manufacturers of food grade gelatin in the United States at the time of the survey and the data are based upon aerobic plate counts using Standard Methods Agar at 35° C. The Commissioner concludes that there is no conflict with the U.S.P. standard and that no change in the proposal is warranted.

17. One comment stated that the 3,000 APC is not feasible because of wide variability of plate counts on gelatin.

The data on food grade gelatin fully support the 3,000 grams APC level of the proposal. A higher APC level cannot be statistically justified based on the food grade gelatin data. The variability of plate count values was considered in establishing the proposed microbial levels.

18. One comment inquired if the microbial tests for cream-type pies are to be made on the entire pie including the crust or only on the pie filling.

The Commissioner advises that tests are to be made on the entire pie including the crust.

19. A comment from a food consultant recommended significantly lower microbial limits for frozen ready-to-eat cream-type pies and food grade gelatin.

Data were not submitted and the recommendation cannot be accepted without adequate supporting data.

20. After publishing this proposal, the Commissioner published an additional proposal for a standard of quality covering bottled water, for a food for which there is no standard of identity, in the FEDERAL REGISTER of January 8, 1973 (38 FR 1019). That proposed standard of quality relates to both microbiological and other quality factors. The Commissioner concluded that new Part 11 should be utilized for all standards of quality for foods for which there is no standard of identity, regardless whether the quality factors involve microbiological or other considerations. Accordingly, the term "microbiological" has been deleted from the heading of the new Part and Subpart A has been revised accordingly. The standard of quality for bottled water will be published in the FEDERAL REGISTER in the near future.

All comments and other relevant material have been carefully considered by the Commissioner and, where deemed to be appropriate, have been incorporated in the final regulation. Accordingly, the Commissioner concludes that standards should be promulgated as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403, 701, 52 Stat. 1046, 1047, and 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 343, 371) and under the authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended by establishing a new Part 11 as follows:

Subpart A—General

Sec.
11.1 General principles.
11.2 Definitions.

Subpart B—Standards of Quality

11.5 Frozen ready-to-eat banana, coconut, chocolate, or lemon cream-type pies.
11.6 Food grade gelatin.

AUTHORITY: Secs. 401, 403, 701, 52 Stat. 1046, 1047, and 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 343, 371.

Subpart A—General

§ 11.1 General principles.

(a) The quality of a food depends upon numerous characteristics including but not limited to the levels of microorganisms and such physical factors as turbidity, color, flavor, and odor. Such characteristics are indicative of the quality of the raw materials and ingredients, the degree of quality control used in manufacture, processing, and packing, and the conditions of distribution and storage. The diversity of raw materials, food processing, and distribution practices, as well as the variation in quality factors important to consumers, requires that individual standards of quality be established for different types of food.

(b) A food which fails to meet the requirements of an applicable standard of quality promulgated pursuant to this Part shall be labeled as follows:

(1) The label shall bear the following statement of substandard quality: "Below Standard in Quality— _____", the blank to be filled in with whichever of the following are applicable:

(i) "Contains Excessive Bacteria".
(ii) "Excessively Turbid".
(iii) "Abnormal Color".
(iv) The phrase specified in the applicable standard of quality to describe any other quality deviation.

(2) The statement of substandard quality shall appear on the principal display panel or panels and shall immediately and conspicuously precede or follow, without intervening written, printed or graphic matter, the name of the food. The statement shall be printed in two lines of Cheltenham bold condensed caps. The words "Below Standard in Quality" constitute the first line and the specific quality deviation(s) constitutes the second and subsequent line(s) which immediately follows. The words shall be in letters which are not less in height than those required for the declaration of the net quantity of contents as specified in § 1.8b of this chapter. The statement shall be enclosed within lines, not less than one-sixteenth inch in width, forming a rectangle. The statement with enclosing lines, shall be printed on a strongly contrasting, uniform background.

(3) The general statement of substandard quality provided for by § 10.7 of this chapter may not be used to designate a food which fails to meet the requirements of an applicable standard of quality promulgated pursuant to this Part unless the applicable standard specifically provides for such use.

(c) Product descriptions included in a standard of quality promulgated pursuant to this Part are intended only to designate the class of foods to which the standards apply, and are not standards of identity for the products involved. Should a standard of identity later be established for any of these foods, the standard of quality will be recodified to appear in the same part of the regulations.

(d) The food characteristics included in a standard of quality published in this Part relate only to the quality of the food and not to compliance with any of the adulteration provision of section 402 of the act. Compliance with a standard of quality promulgated pursuant to this Part does not excuse failure to observe either the requirement of section 402(a)(4) of the act that food may not be prepared, packed, or held under insanitary conditions, or the provisions of Part 128 of this chapter requiring that food manufacturers must observe current food manufacturing practices. For example, evidence obtained through factory inspection indicating such a violation renders the food unlawful, even though the food contains levels of microorganisms lower than those prescribed by an applicable standard.

(e) The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition, may publish a proposal to establish, amend, or repeal, under Subpart B of this Part, a regulation prescribing a standard of quality for a food. Any such petition shall include a proposed regulation together with an adequate factual basis to support the petition in the form set forth in § 2.65 of this chapter and will be published in the FEDERAL REGISTER for comment if it contains reasonable grounds for the proposed regulation.

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§ 11.2 Definitions.

(a) A "lot" is:

(1) For purposes of determining quality factors related to manufacture, processing, or packing, a collection of primary containers or units of the same size, type, and style produced under conditions as nearly uniform as possible and usually designated by a common container code or marking, or in the absence of any common container code or marking, a day's production.

(2) For purposes of determining quality factors related to distribution and storage, a collection of primary containers or units transported, stored, or held under conditions as nearly uniform as possible.

(b) A "sample" is a composite of 10 subsamples (consumer units), taken one from each of 10 different randomly chosen shipping cases, to be representative of a given lot, unless otherwise specified in a specific quality standard in this Part.

(c) An "analytical unit" is a portion of food taken from a subsample of a sample for the purpose of analysis.

Subpart B—Standards of Quality

§ 11.5 Frozen ready-to-eat banana, coconut, chocolate, or lemon cream-type pies.

(a) For the purposes of this section a frozen ready-to-eat banana, coconut, chocolate, or lemon cream-type pie is a frozen ready-to-eat pie that is labeled as and/or has the physical and compositional characteristics of a cream-type pie, including but not limited to semi-solid filling and/or topping, and contains flavoring and/or fruit ingredients corresponding to the banana, coconut, chocolate, or lemon flavor representation made for such pie. It is made with or without a crust.

(b) A sample of a frozen ready-to-eat banana, coconut, chocolate, or lemon cream-type pie, as defined § 11.2(b) when examined by the methods described in sections 41.015 and 41.016 of the "Official Methods of Analysis of the Association of Official Analytical Chemists" 11th Ed. (1970),[1] shall meet standards of microbiological quality as follows:

(1) Aerobic plate count (geometric mean) ≤50,000 per gram.

(2) Coliform count (geometric mean) ≤50 per gram, MPN.

(c) If the microbiological quality of the cream-type pies described in paragraph (a) of this section falls below the standard prescribed by paragraph (b) of this section, the label shall bear the statement of substandard quality specified in § 11.1(b)(1)(i).

§ 11.6 Food grade gelatin.

(a) For the purposes of this section food grade gelatin is the high quality edible ground product that is labeled as and/or has the physical and compositional characteristics of gelatin. It is extracted from animal bones and tissues in accordance with current good manufacturing practices. In hot solution it does not have a foreign odor, is clear and of light color.

(b) A sample of food grade gelatin, as defined in § 11.2(b), when examined in accordance with the methods described in sections 41.015 and 41.016 of the "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed. (1970),[1] shall meet standards of microbiological quality as follows:

(1) Aerobic plate count (geometric mean) ≤30,000 per gram.

(2) Coliform count (geometric mean) ≤ 10 per gram, MPN. In the preparation for examination of an analytical unit, as defined in § 11.2(c), 10 grams are weighed out aseptically into a 90 milliliter sterile water blank containing glass beads held at 45° C., with intermittent shaking for not more than 15 minutes.

(c) If the microbiological quality of gelatin falls below the standard as prescribed by paragraph (b) of this section, the label shall bear the statement of substandard quality specified in § 11.1(b)(1)(i).

Any person who will be adversely affected by the foregoing order may at any time on or before September 4, 1973 file with the Hearing Clerk, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall be effective on February 4, 1974.

(Secs. 401, 403, 701, 52 Stat. 1046, 1047, and 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 343, 371)

Dated: July 25, 1973.

NOTE. Incorporation by reference provisions approved by the Director of the Federal Register March 26, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15705 Filed 8-1-73;8:45 am]

PART 80—DEFINITIONS AND STANDARDS OF IDENTITY FOR FOOD FOR SPECIAL DIETARY USE

Dietary Supplements of Vitamins and Minerals

In the matter of establishing a definition and standard of identity for dietary supplements of vitamins and minerals:

The Commissioner of Food and Drugs published proposed findings of fact, proposed conclusions, and a tentative order in the FEDERAL REGISTER of January 19, 1973 (38 FR 2152), and allowed 60 days for the filing of written exceptions by any interested person whose appearance was filed at the hearing. The published document also included a history of the proceedings in the matter and an explanation of the scope of this action. Time for the filing of exceptions was subsequently extended through April 20, 1973 by notice published in the FEDERAL REGISTER on March 9, 1973 (38 FR 6396).

Exceptions to the order and the findings of fact were received from 35 persons whose appearance was filed at the hearing and one person who did not file such an appearance. In addition, approximately 790 postcards, form letters, and individual letters representing 1200 persons were received by the Hearing Clerk, objecting to the order. Over 20,000 similar letters objecting to the order, submitted to other government offices, were forwarded to the agency. None of these provided any substantive reasons for modifying the order. All exceptions filed have been considered and have been the basis of modification in the findings and in the order as set forth below. The Commissioner is aware of the Resolution adopted June 21, 1973, by the Association of Food and Drug officials of the United States at this year's annual conference in Rapid City, South Dakota, in which opposition to his January 19, 1973, tentative order is set forth. The views of that organization, as well as the views of the State officials which were individually expressed through their own response to the tentative order have been thoroughly considered in arriving at this final order.

1. Exceptions were received stating that the Commissioner was without authority to establish a standard of identity under section 401 of the act because standards of identity may be established only for individual food items and not for a class of foods, and because the authority to regulate foods for special dietary uses is limited to the authority expressly granted by section 403(j) of the act, which provides only for the use of informative labeling of this class of foods.

Section 401 of the act provides for the establishment of standards of identity for "any food". A full reading of the section reveals that the term "any food" includes a class of food, and is not limited to one specific food item. The section refers to a class of food as follows: "In prescribing a definition and standard of identity for any food or class of food . . .". In particular, this section specifically authorizes the establishment of a standard of identity for "citrus fruits" and "melons" both of which are classes of foods and not a specific food. It is also clear that the regulation of dietary supplements is not limited to the use of informative labeling as required by 21 U.S.C. 343(j). As was stated in Federal Security Administrator v. Quaker Oats Co., 318 U.S. 218, 230 (1943):

> Both the text and legislative history of the present statute plainly show that its purpose was not confined to a requirement of truthful and informative labeling. False and misleading labeling had been prohibited by the Pure Food and Drug Act of 1906, 21 U.S.C.A. 1 et seq. But it was found that such a prohibition was inadequate to protect the consumer from "economic adulteration", by which less expensive ingredients were substituted, or the proportion of more expensive ingredients diminished, so as to make the product, although not in itself deleterious, inferior to that which the consumer expected to receive when purchasing a product with the name under which it was sold. • • • The remedy chosen was not a requirement of informative labeling. Rather it was the purpose to authorize the Administrator to promulgate definitions and standards of identity "under which the integrity of food products can be effectively maintained" • • •

The Commissioner concludes that the establishment of a standard of identity is necessary to insure that rational dietary supplements, containing essential vitamins and minerals at proper levels and in scientifically justified combinations, are provided to the consumer. Paragraphs 1, 8, 9, 11, 12, and 13 of the Proposed Findings of Fact clearly demonstrate that informative labeling standing alone is not sufficient to protect the consumer from the deception referred to by the supreme Court in the *Quaker Oats* Case. Therefore, the Commissioner considers the exception to be unfounded and unwarranted.

2. Exceptions were received stating that the standard of identity for dietary supplements of vitamins and minerals will impede further research and development of new knowledge relative to dietary supplementation, including recognition of the possible essentiality of additional nutrients in human nutrition. The Commissioner is of the opinion that the standard of identity in no way impedes such research and development. Changes in the regulation will be proposed as more information on human nutrition becomes available, as provided in §§ 80.1(f)(2) and 80.1(b)(4). The Commissioner concludes that no changes are justified on this basis.

3. Exceptions were received stating that combinations of vitamins and minerals other than those specifically provided for in § 80.1(b) should be allowed. The Commissioner points out that this possibility was previously recognized in the discussion published in the FEDERAL REGISTER on January 19, 1973 (38 FR 2158), and that § 80.1(b)(4) of the tentative order specifically provided for petitions to be filed for addition to or amendment of the permissible combinations of vitamins and minerals contained in § 80.1(b)(1). The Commissioner has reviewed the record of the hearing and finds no persuasive justification for additional combinations at this time. The evidence strongly supports the inclusion of all vitamins and/or minerals in a dietary supplement as a means of eliminating the bewildering combinations now found in the market place. (Paragraph 10 of the Proposed Findings of Fact.) No evidence was submitted with the exceptions to support a sound scientific rationale for additional combinations. Therefore, no change in the final order is warranted.

4. Exceptions were received stating that the specific combinations provided for in § 80.1(b) are too restrictive in that certain persons may have allergies to one or more vitamins and thus would have to purchase and ingest each nonallergenic vitamin separately to adequately supplement the diet with a full complement of such vitamins. The exception is without merit. Allergies to certain vitamin preparations are not caused by a vitamin per se, but rather are due to constituents other than the vitamin in the source or ingredient which provides the vitamin. Section 80.1 requires full disclosure of the ingredients of each supplement, and thus the source of each vitamin or mineral supplied by a given product will be indicated to the consumers. Therefore, the consumer will be able to determine if the product contains any ingredient to which he may be allergic.

5. Exceptions were filed to the requirement that optional vitamins or optional minerals must be included as a group if present at all. The stated basis for these exceptions was the absence of the issue in the stayed regulation subject to public hearing, or the lack of testimony on the matter. The Commissioner notes that the concept of optional ingredients was a part of the stayed regulation published in the FEDERAL REGISTER December 14, 1966 (31 FR 15732), and that extensive testimony was received on the importance of completeness of formulation (paragraph 10 of the Proposed Findings of Fact) and on minimizing the multiplicity of formulations available to the public (paragraphs 3, 7, 10, 23, and 29 of the Proposed Findings of Fact). On the basis of these findings of fact and related information, the Commissioner concludes that no change is justified.

6. A request was received for clarification as to whether phosphorus may be omitted when zinc and copper are included in dietary supplements for pregnant or lactating women. As stated in the discussion on § 80.1 (38 FR 2159), "Phosphorus is not mandatory in dietary supplements for pregnant or lactating women because of evidence that supplemental phosphorus may increase the problem of leg cramps during pregnancy." It was thus intended that phosphorus may be omitted when zinc and copper are included in dietary supplements for pregnant or lactating women. For purposes of clarification, § 80.1(b)(1)(v) has been rewritten as follows:

"Inclusion of the optional ingredients vitamin D and/or phosphorus in a multivitamin, multimineral, or multivitamin and multimineral supplement does not require inclusion of any additional optional ingredients. Inclusion of the optional ingredients biotin and pantothenic acid and/or copper and zinc in such products does not require inclusion of vitamin D and/or phosphorus when the latter two nutrients are optional. The inclusion of any of the other optional ingredients (biotin or pantothemic acid for vitamins and copper or zinc for minerals) requires the inclusion of both such optional ingredients if the product is a multivitamin or multimineral supplement, and requires the inclusion of all four such ingredients if the product is a multivitamin and multimineral supplement."

7. Review of § 80.1(b)(5) has revealed that reference to § 125.1(c) was inconsistent with § 80.1(b)(5)(i) in that no U.S. Recommended Daily Allowances (RDA's) or compositional limits have been established for the nutrients listed in § 125.1(c). The Commissioner therefore finds that the words "and/or (c)" should be deleted from the first sentence of § 80.1(b)(5).

8. Exceptions were filed pointing out the inconsistency between § 80.1(b)(5)(i), which exempts foods containing nutrients at levels below the lower limits established pursuant to § 80.1(f)(1), and § 1.17(a)(2) (nutrition labeling), which provides that foods to which nutrients have been added that contain 50 percent or more of the U.S. RDA per serving of one or more of the added nutrients are dietary supplements and subject to the provisions of § 80.1. Since the lower limits do not equal 50 percent of the U.S. RDA's in all cases, the Commissioner concurs, and therefore § 80.1(b)(5)(i) is reworded as follows: "No such nutrient is contained at a level of 50 percent or more of the adult U.S. RDA per serving for that nutrient."

9. Review of § 80.1(b)(5)(iii) concerning foods in other than conventional forms reveals that such a provision is unnecessary. The Agency is unaware of any food other than dietary supplements which should exist in unconventional food forms. Therefore, § 80.1(b)(5)(iii) is deleted, and § 80.1(b)(5)(iv) is renumbered as § 80.1(b)(5)(iii).

10. Exceptions were received stating that the U.S. RDA's for specific consumer groups failed to insure that the special dietary requirements of infants (i.e., persons not more than 12 months of age) are properly identified and recognized. Noting the numerous exceptions concerning this issue, at the urging of the American Academy of Pediatrics, and after review of the Hearing Record and the Hearing Examiner's Report, the Commissioner concludes that, although the U.S. RDA's for infants and children under four years of age can safely be used by this entire group, as stated in paragraph 14 of the Proposed Findings of Fact for Part 125 and paragraph 15 of the Proposed Findings of Fact for § 80.1, there is a need to establish infant U.S. RDA's for the labeling of those foods intended for use primarily or solely by infants. (WD–3A–Sebrell Q&A 15, Lowe Tr. 12568–70). Therefore the Commissioner concludes that § 80.1(d) should be amended by including a separate group designation for infants and revising the designation for the group entitled "Infants and children under 4 years of age" to read "Children under 4 years of age". Elsewhere in this issue of the FEDERAL REGISTER appropriate U.S. RDA's for infants are being added to § 125.1(b), for the reasons stated. There-

[1] Copies may be obtained from: Association of Official Analytical Chemists P.O. Box 540, Benjamin Franklin Station Washington, DC 20044

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fore, beginning with the third line, § 80.1 (d) is amended to read as follows:

For labeling purposes:
(1) Infants,
(2) Children under 4 years of age,
(3) Adults and children 4 or more years of age,
(4) Pregnant or lactating women.

11. Exceptions were received which stated that it was unclear how to classify a food which naturally contains one or more nutrients at a level of 50 percent or more of the applicable U.S. RDA's. Section 80.1(e) presently provides that any food which contains vitamins and minerals which are naturally occurring in the food at any level may be labeled as a conventional food. Such foods shall meet the requirements of § 80.1 or the drug labeling requirements only in the event that the food is represented as a dietary supplement or as a drug product for the treatment or prevention of disease. The Commissioner concludes that no change is warranted in § 80.1(e).

12. Exceptions were received requesting exemption of infant cereals fortified at levels equal to or in excess of 50 percent of the U.S. RDA's per serving. Review of the Hearing Record provides no support for such an exemption. The Commissioner reiterates that it is inappropriate to provide for fortification of conventional foods at nutrient levels which would result in gross overconsumption of vitamins and minerals in the diet, and that, with certain exceptions, any conventional food fortified in a way that any nutrient achieves a level of 50 percent or more of its U.S. RDA per serving will be regarded as a dietary supplement. No change in this provision is justified.

13. As a result of the establishment of separate U.S. RDA's for nutrients for infants in § 125.1(b), and the concommitant recognition that it is appropriate to provide for a dietary supplement designated for infants, either as a specified single user group or as one of several groups intended to be users of the product, the Commissioner amends the table in paragraph 36 of the Proposed Findings of Fact and in § 80.1(f)(1) by revising the heading for the group entitled "Infants and children under 4 years of age" to read "Children under 4 years of age", and by inserting the superscript "1" after this column heading. The footnote designated by this superscript reads:

When labeled for use by infants, a dietary supplement shall contain not less than the lower limit designated for a nutrient in this column nor more than 100% of the infant U.S. RDA for a nutrient as prescribed in § 125.1(b), except that the level of biotin, when used, shall be 0.05 mg per daily recommend quantity.

In effecting this amendment, the superscripts appearing in the table as previously published are changed to the next higher number. In addition, for the purpose of expanding the provisions of this section as indicted above, the Commissioner is further amending § 80.1(h)(3) to read as follows:

(3) The phrases used to designate the group(s) for which a dietary supplement is intended shall be as follows: (i) "For infants"; (ii) "For children under 4 years of age"; (iii) "For adults and children 4 or more years of age"; and (iv) "For pregnant and lactating women".

14. Exceptions were filed to the effect that the upper limits of nutrient content permitted for dietary supplements of vitamins and minerals were inadequate to meet the requirements of a proportion of the population for whom dietary supplements are intended. The primary basis of this objection was that the Recommended Daily Dietary Allowances (RDA's) of the Food and Nutrition Board, National Academy of Sciences—National Research Council, upon which most of the U.S. RDA's are based, are considered by those objecting to be inadequate to meet all of the vitamin and mineral requirements of this population segment. However, no evidence was presented at the hearing or with the exceptions to show that 150 percent of the U.S. RDA's is inadequate to meet the nutritional needs of all healthy individuals.

The Commissioner concurs with the conclusion of the Food and Nutrition Board that the RDA's represent levels that will provide for the adequate intake of essential nutrients in practically all normal healthy persons in the United States (paragraph 16 of the Proposed Findings of Fact). In order to provide for those few healthy individuals whose requirements may be higher, the upper limits were set at 150 percent of the U.S. RDA's except for those nutrients known to have significant toxic properties or side-effects.

The Commissioner notes that dietary supplements of vitamins and minerals are intended, as the name states, to be taken to supplement the diet as insurance in the event that an individual's diet may not include a full complement of essential vitamins and minerals, are not intended to be the sole source of vitamins and minerals, and are not intended for medicinal or therapeutic purposes. (Paragraph 4 of the Proposed Findings of Fact and discussion of proposed findings.) Thus, the 150 percent of the U.S. RDA for a nutrient available from a dietary supplement at the upper limit is in addition to the usually adequate amount of that nutrient available from a balanced diet of ordinary foods. Drugs containing higher levels of vitamins and minerals are also available without a prescription. It is therefore apparent that the nutritional needs of all normal healthy persons are quite adequately met.

15. Exceptions were filed objecting to the permissible ranges of nutrient content of dietary supplements, and to the permissible variability between nutrients in the same product. Statements were made recommending that all dietary supplements be limited to 100 percent of the U.S. RDA's, or that, if ranges are permitted, all nutrients in the same product should be present at the same U.S. RDA levels. The Commissioner refers to this matter in the discussion of the proposed findings for the tentative order published in the FEDERAL REGISTER January 19, 1973 (38 FR 2158) relating to paragraph 36 of the Proposed Findings of Fact. The Commissioner concludes that it is reasonable to permit up to 150 percent of the U.S. RDA's (except for vitamins A and D and folic acid) in order to cover the nutritional needs of all healthy persons and to provide a degree of flexibility in the composition of dietary supplements to exist at this time within the limits of modern nutrition knowledge. If abuses occur, changes in the regulation will be proposed.

16. Exceptions were received recommending that the nomenclature of certain of the water-soluble vitamins be changed to reflect the newer nomenclature accepted by the American Institute of Nutrition and the International Union of Nutrition Sciences, e.g., spelling thiamine without the "e", and writing "Vitamin B,", as "Vitamin B–1". The Commissioner recognizes that it is highly desirable ultimately to standardize nomenclature for all of the vitamins. The Food and Drug Administration uses the nomenclature of the United States Pharmacopeia and of the National Academy of Sciences. The Commissioner welcomes the continuing efforts to standardize nomenclature, but concludes that, for the present, the nomenclature should remain as stated.

17. Exceptions regarding folic acid requested clarification of nomenclature, levels set for the U.S. RDA's, the reference form, and analytical methodology. In regard to nomenclature, the Commissioner recognizes that the nutrition and biochemical scientific communities do not have a system of standard nomenclature for the family of compounds with folic acid activity. Review of the Hearing Record reveals considerable interchangeability in the use of terms relative to "folic acid" and "folacin". Until such time as the nomenclature matter is resolved by the scientific community, the Commissioner concludes that it is appropriate to continue the primary use of the most familiar term, "folic acid", and the optional additional use of the synonym, "folacin". In regard to the levels set for the U.S. RDA's, the Commissioner understands that the Recommended Daily Dietary Allowances (upon which most of the U.S. RDA's are based) set by the National Academy of Sciences are based upon the human requirements for pteroylmonoglutamic acid as the standard reference form. In regard to analytical methodology for folic acid, the method described in "Official Methods of Analysis of the Association of Official Analytical Chemists", Eleventh Ed., 1970 (pages 785–786) is an acceptable method for measurement of free forms of folic acid. Other methods are more appropriate for conjugated forms, an example of which is Ford, J. E. and Scott, K. J., *Journal of Dairy Research 35*, 85–90 (1968).

18. Exceptions were filed relative to the quantitative content of biotin, not on the basis of the U.S. RDA for the nutrient but upon the fact that there exists a limited supply of the nutrient available to manufacturers as well as a limited production capacity. The Commissioner recognizes the existence of a temporary shortage in commercial production of the nutrient, and therefore concludes that, until December 31, 1976, biotin when present in the product may be present in quantities down to a lower limit of 0.05 milligram per daily recommended quantity. Therefore, § 80.1(f)(1) is modified by adding the following footnote relative to biotin in the table in the paragraph: "'Lower limit may be 0.05 milligram until December 31, 1976."

19. Exceptions were filed recommending changes as to which nutrients are included in the mandatory and optional groups specified in the table in § 80.1(f)(1), e.g., the inclusions of zinc and copper in the mandatory group of minerals, the inclusion of pantothenic acid in the mandatory group of vitamins, and the inclusion of manganese in the optional group of minerals. As discussed in paragraphs 10 and 23 of the Proposed Findings of Fact (38 FR 2154–55) and in the discussion of the proposed findings, the mandatory and optional categories are based upon the presence or absence of specific quantitative requirements in human nutrition established by the National Academy of Sciences. The Commissioner reiterates, as stated in the tentative order for § 80.1(f)(2), that the components of the quantitative levels in the mandatory and optional groups of nutrients are subject to amendment from time to time as more information on human nutrition becomes available. At this time the Hearing Record and the exceptions provide no scientific basis of a change in these provisions.

20. Exceptions were received recommending that, for technological purposes, the lower permissible limits for calcium, phosphorus, and magnesium be set at 10 percent of the respective U.S. RDA's, on the basis that individual units might otherwise be excessively large for consumption and that 10 percent of the U.S. RDA has been recognized by the Food and Drug Administration as a significant contribution to the daily intake of a given nutrient. The Commissioner has reexplored the technological matters and concludes that the quantitative amounts established are reasonable, and that the Hearing Record and exceptions present no technological problems of significance likely to be encountered with these lower limits. The Commissioner reemphasizes that dietary supplements should contain a minimum of 50 percent of the U.S. RDA's of the essential vitamins and/or minerals per recommended daily quantity wherever possible. The lower limits for calcium, phosphorous, and magnesium are already at 12.5, 12.5, and 25 percent respectively, for purely technological reasons. The Commissioner concludes that no changes are warranted relative to this matter.

21. Exceptions were received recommending that the ratio of calcium to phosphorus in dietary supplements be equal to or greater than 1.0. The primary basis for this recommendation was the desirability of avoiding a situation wherein dietary supplements could adversely effect the calcium-to-phosphorus ratio of the daily diet. This is in accord with the basic nutrition principle that the dietary calcium-to-phosphorus ratio should be equal to or greater than 1.0, as pointed out in the discussion of the Proposed Findings of Fact. The Commissioner concurs that this is a reasonable adaptation of the 1968 Recommended Daily Dietary Allowances as published by the NAS–NRC (WD–3A–Sebrell, Q&A 15). Therefore, § 80.1(f)(1) is modified by adding the following sentence to footnote 5 relative to both mandatory and optional phosphorus in the table in the paragraph: "When present, the quantity of phosphorus may be no greater than the quantity of calcium."

22. Exceptions were received stating that the requirement for the common name of a dietary supplement to include a phrase or phrases designating the specific group(s) for which the supplement is represented was not at issue during the hearings and is not supportable by the published findings of fact. The Commissioner notes that one of the primary functions of the Hearing was to develop a fully informative labeling system for dietary supplements. Paragraphs 3, 14, 15 and 29 of the Proposed Findings of Fact clearly establish the need for a common or usual name which includes both the general composition of the supplement and the consumer group(s) for which the product is represented as suitable. Unless the specific group is designated it will be impossible for consumers to choose the correct product. Therefore, the Commissioner concludes that no changes in § 80.1(h)(1) are required or justified.

23. Exceptions were received stating that the Agency did not have authority to require a complete listing of all of the vitamins and minerals on the label if the product in fact meets the standard of identity. The exceptions specifically referred to recent Agency opinions which state that the Federal Food, Drug, and Cosmetic Act contains no authority to require the listing of mandatory ingredients in the standardized food.

Under section 401 of the act, all optional ingredients in the product may be required to be named on the label. Section 80.1(b) clearly states that the manufacturer at his option may include all vitamins, all minerals, all vitamins and minerals, all vitamins and the mineral iron, or any single vitamin or mineral. Because each of the combinations of vitamins and/or minerals chosen to be included in a dietary supplement is optional, all such nutrients in the combination chosen may be required to be named on the label pursuant to section 401 of the act. Section 403(j) of the act specifically provides that, as determined by the Secretary to be necessary, all foods for special dietary uses must bear on the label the vitamin, mineral, and other dietary properties which are necessary to fully inform purchasers of their nutritive value. Such a need has long been recognized in § 125.3, and paragraphs 3 and 16 of the Proposed Findings of Fact clearly demonstrate the need to continue such a requirement. The Commissioner therefore concludes that no change in the requirement for the listing of the vitamins and minerals is warranted.

24. Exceptions were received that, because of the small package size of many dietary supplements, use of both principal display and information panels for the listing of vitamins, minerals and ingredients should be allowed. The Commissioner points out that § 80.1(i)(1), as well as § 1.8d, provides for use of the information panel for such a listing if insufficient space is available on the principal display panel. Therefore, the requirement remains unchanged.

25. Exceptions were received stating that there was no evidence at the hearing to support the incorporation of § 1.8d requirements into § 0.1(i) and (1). The Commissioner concludes that paragraphs 31, 32, and 34 of the Proposed Findings of Fact support the need to require that dietary supplements be labeled in compliance with § 1.8d.

The information required to appear on the label or labeling could be misleading and lack sufficient prominence and conspicuousness to render it likely to be read and understood unless it appears in compliance with the requirement of § 1.8d. The Commissioner again wishes to emphasize that he recognizes that type size is only one element which determines conspicuousness (38 FR 6950). Section 1.8d specifically provides that any interested person may petition for a smaller type size or an alternative means of disseminating mandatory label information to the consumer, based on a showing of impracticability or economic hardship. Therefore, no modification is appropriate.

26. Exceptions were received indicating a need to clarify the intent of the first sentence in § 80.1(i)(4), and stating that the hearing evidence did not support any requirement to repeat the listing of the nutrients in the ingredient statement required in this paragraph.

The label for dietary supplements must contain a list of nutrients and a full statement of ingredients. The Commissioner recognizes that, by using the term "nutrient ingredients" exclusively in § 80.1(i)(4) and in § 80.1(l)(2), there may be a misunderstanding as to what substances are to be listed on the label pursuant to these provisions. It is the Commissioner's intent that all ingredients, i.e., those which are nutrients or the source of nutrients as well as those which serve only a technological function, be stated together in order of predominance in one ingredient statement. The natural source or chemical form of each individual nutrient present in the product must be stated rather than the nutrients themselves. To clarify this matter, the Commissioner amends the first sentence in both §§ 80.1(i)(4) and 80.1(l)(2) by deleting the word "nutrient".

27. Exceptions were made to § 80.1(k), which requires the product to contain not

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less than the quantity of each vitamin and/or mineral as set forth in its label when consumed. It is contended that such a requirement fails to recognize variances due to manufacturing and storage practices. Such exception is without exception is without merit. The total quantity of vitamins or minerals in a supplement when consumed should be no less than the amount declared. The manufacturer will be allowed reasonable overages to insure that the vitamin and mineral content of a product does not fall below the declared amount due to heat, light, oxidation, storage, transportation, or unavoidable deviation in good manufacturing practices (paragraph 35 of the Proposed Findings of Fact). The Commissioner concludes no change is warranted.

28. Exceptions were received concerning § 80.1(m) which states that the labeling for a dietary supplement shall be subject to the prohibitions contained in § 125.2(b). All of these exceptions have been fully discussed in the final order on Part 125 which is published elsewhere in this issue of the FEDERAL REGISTER. The Commissioner, in addition to the findings of fact relied upon there, relies also upon paragraphs 8, 21, 32 and 33 of the Proposed Findings of Fact for Part 80 as hearing evidence which clearly demonstrates the necessity of retaining § 80.1(m).

29. Exceptions were received objecting to paragraphs 4, 8 and 11 of the Proposed Findings of Fact on the ground that these findings indicate the appropriate uses of therapeutic formulations of vitamins and minerals. The exceptions argued that the appropriate uses of therapeutic formulation should be determined during the course of the OTC drug review and not in this proceeding. The Commissioner has reviewed each of the findings of fact in question and concludes no change or modification is required. None of these findings relate to drug products. To clarify this issue, an additional Finding of Fact 37 will be added which provides that it is the intent of the Commissioner that the appropriate uses of therapeutic formulations of vitamins and minerals (i.e., those defined as a drug under § 125.1(h) are to be determined during the course of the OTC drug review):

These regulations interpret and apply sections 403 (a) and (j) of the act, by prescribing requirements for label information necessary in order fully to inform purchasers of the value of dietary supplements, which are foods for special dietary use, and to prevent false or misleading labeling of such foods. Neither the findings of fact nor the regulations relate to or affect vitamin-mineral products which are classified as "drugs". It is the intent of the Food and Drug Administration that the safety, effectiveness, and labeling of OTC vitamin-mineral drugs be determined through the separate OTC drug review for vitamin-mineral drugs as provided in 21 CFR 130.301. The OTC vitamin-mineral drug review panel will make its own independent inquiry on these matters.

30. A number of the exceptions and letters raised general questions about the Food and Drug Administration's overall policy on vitamin-mineral products. These general questions were also the subject of an inquiry from five members of Congress, the response to which has been reprinted in the Congressional Record of July 12, 1973 (119 Cong. Rec. S13214–S13220). In lieu of reiterating the lengthy discussion in that response, the Commissioner hereby incorporates it by reference and advises that it accurately reflects the basis for and his interpretation and application of these regulations.

Having considered the evidence received at the hearing, the Hearing Examiner's Report, and all the exceptions and written arguments which were filed, the Commissioner, pursuant to the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 401, 403(a) and (j), 701(a) and (e), 52 Stat. 1046, 1048, 1055, as amended by 70 Stat. 919; 21 U.S.C. 321(n), 341, 343(a) and (j), 371(a) and (e)) and under authority delegated to him (21 CFR 2.120), issues the following findings of fact, conclusions and final order:

FINDINGS OF FACT[1]

1. The hearings have shown that there is a need to establish a definition for dietary supplements, and to describe what is a rational composition for dietary supplements in terms of the vitamins and minerals present, and the quantities allowed.

2. The apparent appeal to consumers which results from the addition of vitamins and minerals to food articles, with concurrent promotion calling attention to this fact, has resulted in ever increasing amounts, qualitatively and quantitatively, of these nutrients being added to various foods (Weissenburg, Tr. 8569–8570; Exhibit P–1151, page C1). In many cases, foods, particularly some cereal products, have become the equivalent of multivitamin/multimineral dietary supplements in terms of their added nutrient contents (Weissenberg, Tr. 8584; WD–G–Gullberg, Q&A 35).

3. The establishment of a standard of identity and quantitative limits for the nutrient ingredients in dietary supplements will reduce consumer confusion concerning choice of dietary supplements by insuring a basically rational formula for all products (Mayer, Tr. 28868; WD–G–Gullberg, Q&A 31).

4. Dietary supplements are articles purporting to be or represented for special dietary use by man to supplement his diet by increasing the total dietary intake of vitamins and/or minerals. They may be prepared as tablets, capsules, pills, wafers, or similar uniform units, and/or in powder, granular, flake or liquid form (Grollman, Tr. 1660; Mickelsen, Tr. 2421–2424; Hodges, Tr. 2874; Herbert, Tr. 9859; Garrett, Tr. 10943; WD–G–Ross, Q&A 14). The proper use of dietary supplements of vitamins and/or minerals is for short-term correction of specific inadequacy of intake (Hodges, Tr. 2874–2875; Herbert, Tr. 9860, 9922–9923). They are not intended for therapeutic use for the correction of disorders in humans by the administration of large amounts of specific nutrients (Grollman, Tr. 1680–1682; Herbert, Tr. 9896; Hodges, Tr. 2937–2940, 2970–2971; WD–G–Harrison, Q&A 22; WD–3A–Sebrell, Q&A 44; WD–G–Schaefer, Q&A 36, 37).

5. Vitamins are organic substances, present in foods, which are essential for the maintenance of human life and the activity of the cells of the body (Grollman, Tr. 1624–1625; WD–3A–Sebrell, Q&A 4). These include vitamins A, D, E, K, C (ascorbic acid), B_1 (thiamine), B_2 (riboflavin), B_6, and B_{12}, niacin, folic acid (folacin), biotin, and pantothenic acid (Exh. P–651; Grollman, Tr. 1625–1627).

6. Essential mineral nutrients include the inorganic elements calcium, phosphorus, iodine, iron, magnesium, copper, zinc, sodium, potassium, and manganese. They are needed by the human body in varying amounts, and are utilized in a variety of metabolic processes (WD–3A–Sebrell, Q&A 4).

7. The sale and use of vitamin/mineral preparations in the United States are extensive, running into hundreds of millions of dollars annually in wholesale bulk value, and involve three-fourths of American households (Exh. P–735; Exh. P–1151, pages B1 and B2). The majority of such preparations differ qualitatively and quantitatively from each other, presenting a bewildering variety to the consumer (Weissenberg, Tr. 5998, 6551–6552, 8752–8756; WD–G–Gullberg, Q&A 14, 26; Exhibits P–2, P–3, P–8, P–9, P–40–42, P–47, P–51–54, P–57–59, P–61–70, P–72–74, P–76–78, P–80–153, P–156–163, P–165–174, P–188, P–194–349, P–398, P–399, P–400, P–402–404, P–468, P–471, P–564, P–567, P–575–579, P–582–594, P–596–597, P–599, P–600, P–613).

8. Many dietary supplements are nutritionally irrational, in that they provide quantitative levels and qualitative combinations of nutrients for which no human individual need could possibly exist, if the products are used only as dietary supplements (Grollman, Tr. 1683 (Exhibit P–84), 1686 (Exhibit P–89), 1688 (Exhibit P–94), 1691 (Exhibit P–95), 1696 (Exhibit P–102), 1699 (Exhibit P–113), 1701–1702 (Exhibit P–113), 1707–1709 (Exhibit P–124), 1713 (Exhibit P–157), 1714 (Exhibit P–158); Mickelsen, Tr. 2447–2447A (Exhibit P–166), 2448–2450 (Exhibit P–168), 2451–2452 (Exhibit P–169), 2455–2457 (Exhibit P–171); Hodges, Tr. 2942 (Exhibit P–183); Herbert, Tr. 9898–9899 (Exhibit P–232); Weissenberg, Tr. 6553–6554; WD–G–Gullberg, Q&A 26; Exhibits P–588, P–595). Lay persons are incapable of determining, by themselves, whether they have or are likely to develop vitamin or mineral deficiencies (Grollman, Tr. 1771–2, 1782; Herbert, Tr. 9961, 9979–80, 10,029; Unglaub, Tr. 28,942; Wallerstein, Tr. 28,989; Hodges, Tr. 2994–5; Mickelsen, Tr. 2520; Mayer, Tr. 28,892–3).

9. Although approximately 20 percent of the users of dietary supplements of vitamins and minerals actually use those articles to supplement or balance their diet, more than 40 percent of those persons admit they have no idea which vitamins or minerals, if any, are not sufficiently supplied by their diet (Exhibit P–1151, page B4, Q&A 4b).

10. Certain basic vitamins and/or minerals should be included in all articles offered as multivitamin and/or multimineral supplements. The remaining group of appropriate vitamins and/or minerals are considered to be scientifically optional for inclusion (Herbert, Tr. 9880–9882). The mandatory group of vitamins and/or minerals found in multivitamin and/or multimineral supplements should include all those listed in the table entitled "Recommended Daily Dietary Allowances, Revised 1968" in publication 1694 of the National Academy of Sciences (WD–43–Filer, pp. 19–20; WD–33–Coursin, p. 23; WD–33–Emerson, p. 9; WD–33–Brin, pp. 23–24; WD–33–Krehl, pp. 8–9, Tr. 27216–27217, 27255–27256; WD–33–Horwitt, pp. 12–14; Hodges, Tr. 2878–2879, 2945–2946, 6813, 7007).

11. Many dietary supplements contain such high amounts of nutrients that they are appropriate only for therapeutic use, for persons already in a deficiency state (Hodges, Tr. 2939–40). Some of these contain potentially toxic amounts of certain vitamins (Herbert, Tr. 9891; Grollman, Tr. 1711; Exhs. P–113, P–183, P–594). There is a sound scientific basis for establishing quantitative maximums on the nutrient ingredients in a dietary supplement (Herbert, Tr. 9900–9904; WD–G–Ross, Q. & A. 17, 18; WD–G–Harrison, Q. & A. 22). This is based on the rapid excretion of excesses of certain nutrients without benefit to the consumer, as well as on the potential problems of toxicity or nutritional imbalances due to excessive ingestion of certain nutrients (Grollman, Tr. 1666–1669; Herbert, Tr. 9861–9862; Mickelsen, Tr. 2433–2434; WD–3A–Sebrell, Q. & A. 24, 25; Polack, Tr. 4954–4955; Exh. P–1142).

12. Some dietary supplements contain so little of a named nutrient as to be insignificant in human nutrition (Swain, Tr. 233, 488; Grollman, Tr. 1695–1696 (Exh. P–102); Mickelsen, Tr. 2448 (Exh. P–167), 2451 (Exh. P–169), 2456 (Exh. P–171), 2469 (Exh. P–173); Hodges, Tr. 2935 (Exh. P–180); WD–G–Gullberg, Q&A 26). There is a sound scientific basis for establishing quantitative minimums on the nutrient ingredients for dietary supplements since only substantial amounts of nutrients should be represented for purposes of dietary supplementation (Herbert, Tr. 9867; WD–G–Harrison, Q&A 24; Boehne, Tr. 2764; WD–3A–Sebrell, Q&A 26, 27, 39).

13. Certain dietary supplements are objectionable because they must be taken in large numbers of units for the user to get the designated amounts of the nutrients involved (Grollman, Tr. 1685 (Exhibit P–89); Hodges, Tr. 2936 (Exhibit P–180); Exhibits P–179, P–359, P–368, P–383, P–395). In establishing a standard of identity for dietary supplements it is medically and pharmacologically sound to establish a standard of identity for dietary supplements on the basis of units suitable for and practical of consumption in one day (Grollman, Tr. 1661; Hodges, Tr. 2956).

14. There are demonstrable distinctions among the nutritional requirements of infants and young children, and pregnant or lactating women, as compared to the nutritional requirements of adults (Michelsen, Tr. 2424–2427; Grollman, Tr. 1665; Hodges, Tr. 2877–2878; Herbert, Tr. 9944; WD–3A–Sebrell, Q&A 15, 16, 19 and 28; WD–G–Ross, Q&A 23; Boehne, Tr. 2741–2759).

15. There is scientific or medical justification for selecting an age separation at 4 years of age for the purpose of establishing a basis for dietary supplements (WD–33–Krehl, pp. 5–8; WD–33–Emerson, pp. 4–5; WD–43–Filer, p. 21). The recommended daily dietary allowances of the Food and Nutrition Board, NAS–NRC, for 2- to 3-year-olds can safely be used by infants and 1- to 2-year-olds, and the maximum values for the under 4-year-old group can be used for all infants and children under 4 years of age (WD–33–Krehl, pp. 6–7; Hodges, Tr. 2, 877–8; WD–43–Graham; and WD–43–Filer, p. 21).

16. The "Recommended Dietary Allowances," revised periodically by the Food and Nutrition Board of the National Research Council, National Academy of Sciences, represent established nutrient levels that are quantitatively high enough to provide for the adequate intake of essential nutrients under the wide variety of conditions that exist in this country for essentially all of the normal healthy persons in the United States. Furthermore, these levels are reviewed, discussed, and accepted by numerous scientists and, therefore, are considered to be extremely reliable. (Hodges, Tr. 2880, 2919, 2964–65; Grollman, Tr. 1670, 1763; Mickelsen, Tr. 2438–39; Herbert, Tr. 9865–67; WD–G–Harrison, Q&A 23; Schweigert, Tr. 8257, 8260; WD–G–Gullberg, Q&A 19; Exhibit P–651; Sebrell, Tr. 26, 181).

17. Publication No. 1694 of the National Academy of Sciences entitled "Recommended Dietary Allowances, Seventh Revised Edition, 1968, A Report of the Food and Nutrition Board, National Research Council," and subsequent editions, should be used as the source of authentic and reliable information on which to base recommended daily allowances of nutrients (WD–3A–Sebrell, Q&A 9, 10, 18, 19, Tr. 26181; Hodges, Tr. 2917; Herbert, Tr. 9865; WD–G–Harrison, Q&A 14, 23, 26, 27; WD–G–Ross, Q&A 65).

18. Recommended dietary allowances adapted from publication 1694 of the National Academy of Sciences are sufficiently above the average requirement for particular nutrients to cover the needs of between 95 percent and 99 percent of the normal healthy population (Hodges, Tr. 7083; WD–46–Olsen, page 7, Tr. 29466–67; Jukes, Tr. 28688; Briggs, Tr. 28761; Mayer, Tr. 28865–66; Stokstad, Tr. 26742; Goodhart, Tr. 30169–70; Stare, Tr. 29280; WD–G–Ross p. 5).

19. The identity and levels of nutrients in the NAS–NRC Recommended Dietary Allowances are extremely reliable since they are reviewed and discussed by large numbers of scientists and brought up for revision approximately every 5 years (Mickelsen, Tr. 2438–2439); Hodges, Tr. 2880; Sebrell, Tr. 26181). They are the best basis on which to establish a standard of identity for dietary supplements of vitamins and minerals in the United States (Grollman, Tr. 1670; Mickelsen, Tr. 2438; Herbert, Tr. 9864–9865; WD–3A–Sebrell, Q&A 5–7; Sebrell, Tr. 26181; WD–G–Ross, Q&A 19). Publication 1694 of the National Academy of Sciences, entitled "Recommended Dietary Allowances, Seventh Revised Edition, 1968, A Report of the Food and Nutrition Board, National Research Council", should be used as the source of authentic and reliable information on which to base a standard of identity for dietary supplements of vitamins and minerals (Exhibit P–651). Values for essential nutrients (to be designated as "U.S. Recommended Daily Allowances (U.S. RDA's)") may reasonably be derived from the table and sections in the text of this publication (WD–3A–Sebrell, Q&A 15).

20. The human body has the capacity to store varying amounts of almost all vitamins as reserves to be drawn upon when needed (Mickelsen, Tr. 2436). Fat-soluble vitamins, particularly vitamins A and D, are readily stored for relatively long periods of time, while excesses of the water-soluble vitamins are excreted more rapidly (Grollman, Tr. 1628–1629; Mickelsen, Tr. 2645; WD–3A–Sebrell, Q&A 4). The excessive ingestion of the fat-soluble vitamins A and D, because of their relatively high retention by the human body, poses a potential danger of toxicity (Mickelsen, Tr. 2644–2645; Hodges, Tr. 2956; WD–G–Ross, Q&A 18; WD–G–Harrison, Q&A 22; Herbert, Tr. 9891).

21. The nutrients which are scientifically appropriate for inclusion in dietary supplements in the United States are (1) the vitamins A, C, D, E, folic acid, niacin, riboflavin, thiamine, B_6, B_{12}, biotin, and pantothenic acid; and (2) the minerals calcium, phosphorus, iodine, iron, magnesium, copper, and zinc (Hodges Tr. 2879; Grollman, Tr. 1662; Mickelsen, Tr. 2427–2430; Herbert, Tr. 9861, 9868, 9881; Krehl, Tr. 27, 216–27, WD–G–Ross, Q. & A. 15, 16; WD–G–Harrison, Q. & A. 20; Exhibit P–651).

22. The establishment of qualitative and quantitative limits on the composition of dietary supplements will reduce consumer confusion concerning choice of dietary supplements by ensuring a basically rational formula for all products (WD–G–Gullberg, Q. & A. 31, Weissenberg, Tr. 7737).

23. From among these nutrients, appropriate for inclusion in dietary supplements, certain basic vitamins and/or minerals should be included in all articles offered as multivitamin and/or multimineral supplements (Herbert, Tr. 9880–81). Conversely, certain vitamins and minerals are, scientifically, optional in

[1] The abbreviations in the citations are:
Tr.—For transcript pages of the hearing.
P.—For exhibits introduced by the Government, the proponent.
O.—For exhibits introduced by opponents.
WD–G—For written direct testimony by a witness for the Government.
WD–3A—For written direct testimony by a witness for the designated opponent (e.g. "3A").
Q&A—Question and answer.

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terms of whether or not they should be included in a multivitamin and/or multimineral supplement (Herbert, Tr. 9882).

24. A gross excess of folic acid intake on the part of human beings can interfere with the diagnosis of pernicious anemia as it masks the hematological manifestations of vitamin B_{12} deficiencies. (Herbert, Tr. 9872–73.)

25. While people in the United States appear to have some understanding of the comparatively greater requirements for iron experienced by many women during their child-bearing years, this appears to have affected opinion about other nutrients, since well over a third of the population believes that women need more vitamins than men (Exhibit P–1151, page B13, questions 20, 20a, 21, 21a). However, when iron is not named, only 16 percent of the population expresses an opinion that there is any difference in the mineral requirements of men and women (Exhibit P–1151, page B14, question 22).

26. All vitamins are specific chemical compounds. Each has the same composition and effect whether it is synthetically produced or derived from natural sources. (Grollman, Tr. 1758–1759; Mickelsen, Tr. 2471; Hodges, Tr. 2958–2959, 2962; Herbert, Tr. 9937–9938; WD–G–Harrison, Q&A 36).

27. It is pharmacologically necessary to allow, in a standard of identity for dietary supplements, for the inclusion of preservatives, stabilizers, colors, sweeteners, seasoning, carriers, bases, vehicles, and other substances which facilitate preparation of the product. However, no greater quantity of any such substances should be allowed to be included than is necessary to establish the desired physical or technical effect. Furthermore, the biological availability of the nutrients in the dietary supplement should not be impaired by the presence of such substances. (Grollman, Tr. 1752; Garrett, Tr. 11039).

28. Lack of a common language for identifying nutrients in dietary supplements has resulted in use of highly inappropriate names, having no or imprecise scientific meaning. The resultant wide variation in the manner of qualitatively naming and quantitatively declaring the nutrients in a dietary supplement on its label also extends to artificial colors, artificial flavors, and preservatives used in producing the supplement. (Grollman, Tr. 1698–1699, 1724; Herbert, Tr. 9891, 9896–9897; Weissenberg, Tr. 6623–6626, 8763–8764, 8789–8791; Exhs. P–113, P–161, P–311, P–95, P–152).

29. The use of standardized common names for various forms of dietary supplements will aid in more fully informing purchasers of the nature and value of these articles. The following common names are scientifically meaningful and accurate designations for the various supplements involved:

(a) "Multivitamin and multimineral supplement", for a dietary supplement which contains all of the mandatory vitamins and mandatory minerals listed in the table under § 80.1(f).

(b) "Multivitamin supplement", for a dietary supplement which contains all of the mandatory vitamins listed in the table under § 80.1(f).

(c) "Multimineral supplement", for a dietary supplement which contains all of the mandatory minerals listed in the table under § 80.1(f).

(d) "Multivitamin and iron supplement" or "multivitamin supplement with iron", for a dietary supplement which contains all of the mandatory vitamins listed in the table under § 80.1(f) plus the mineral iron.

(e) "_____ supplement", for a dietary supplement which contains a single vitamin or mineral listed in the table under § 80.1(f), the blank to be filled in with the name of the vitamin or mineral which the supplement purports or is represented to contain. (Grollman, Tr. 1753; Hodges, Tr. 2945–54; Mickelsen, Tr. 2487; Herbert, Tr. 9882, 9884–91; WD–G–Ross, Q&A 28–33; WD–G–Harrison, Q&A 30–33.

30. It is scientifically correct and necessary for the purpose of determining the value of a dietary supplement as a food which is purported to be or is represented for a special dietary use that the label thereof bear a statement stating the amount and percentage of the recommended daily allowance of each vitamin and/or mineral which the supplement contains in a specified daily quantity, such a statement being given for each consumer group for which the supplement is offered (Herbert, Tr. 9944–9946; Grollman, Tr. 1762; Hodges, Tr. 2964–2967; WD–G–Ross, Q&A 63; Mickelsen, Tr. 2685–2687). It is also necessary that clear directions for frequency of ingestion be stated on the label (Grollman, Tr. 1758; Hodges, Tr. 2955–2956; Herbert, Tr. 9937).

31. Reasons for a consumer desiring to know the sources of the nutrients in a dietary supplement include: (1) A medical need to have exact knowledge of all potential allergens encountered by a patient (WD–23–Kailin, Q&A 22; Lowe, Tr. 12579); and (2) religious or philosophical needs to know the components of one's total diet (WD–58–Morgan; WD–58–Prazenka; WD–58–Pietz; WD–23–Desmone; WD–23–Singer; WD–58–Pelc; WD–58–Curtis; WD–58–Taylor; WD–32–Hill).

32. Many dietary supplements include named ingredients which are of no value as supplements to the human diet (Grollman, Tr. 1626, 1675–77, 1707, Exhibit P–125; Mickelsen, Tr. 2464–65 (Exhibit P–172), 2469 (Exhibit P–173); Hodges, Tr. 2933 (Exhibit P–179), 2936, (Exhibit P–180); Herbert, Tr. 9891 (Exhibit P–113), 9899 (Exhibit P–468; Swain, Tr. 185–191, 213, 220, 221, 223, 229–231, 255, 264, 269, 336, 397, 442, 447, 455, 469, 475, 476, 487; Weissenberg, Tr. 8761, 6402, 5949, Exhibits P–576, P–591). However, many consumers will purchase such products with long lists of ingredients, believing them to be of better value than products with a lesser number of ingredients (WD–G–Perloff, Q&A 38–41; Exh. P–1151, page B9, questions 13, 14). Such consumers believe that if an ingredient is listed, it must significantly contribute to the value of the product as a dietary supplement (WD–G–Perloff, Q&A 18, 19; Exh. P–737). The label of a dietary supplement, as a food for special dietary use, should bear a statement of usefulness consisting of a list of the nutrient ingredients which provide the special use characteristics. The list of such ingredients should be limited to those which are of significant value and need in human nutrition as components of dietary supplements (Grollman, Tr. 1766; Hodges, Tr. 2969–2970; Mickelsen, Tr. 2518–2520; WD–G–Moses, Q&A–33; WD–G–Ross, Q&A 59–61).

33. A large proportion of the population of the United States is likely to choose dietary supplements, the ingredients of which are described as "natural" or from "natural sources", on the basis that "natural" constituents are superior to "synthetic" constituents (WD-G-Perloff, Q&A 44–46; Exhibit P–1151, pages B–10 and B–11, questions 16, 16a, 16b). There are many dietary supplements on the market which stress the "natural" source of their constituents (Swain, Tr. 234, 477; Weissenberg, Tr. 6554–6556, 8757–8758; Exhibits P–6, P–35, P–40–43, P–54, P–66–68, P–70, P–74), although this fact is of no nutritional significance (Grollman, Tr. 1758–1759; Mickelsen, Tr. 2471; Hodges, Tr. 2933, 2958–2959, 2962; Herbert, Tr. 9937–9938; WD-G-Harrison, Q&A 36).

34. It is medically and nutritionally appropriate to identify, on the label, chemical preservatives used in a dietary supplement, as well as to indicate on the label that artificial sweetener, artificial coloring, or artificial flavoring has been added to the article, if such is the case. In addition to these and the identification of the nutrients in the supplement, there is also the necessity for identifying alcohol, if present (Grollman, Tr. 1758; Hodges, Tr. 2956–2957; Herbert, Tr. 9941–9942). When alcohol is included as an ingredient in a dietary supplement, it is necessary, from a medical point of view, that the amount of alcohol contained in the dietary supplement by expressed on the label as a percent by volume (Grollman, Tr. 1705, 1760–1761; Hodges, Tr. 2956; Herbert, Tr. 9942).

35. Dietary supplements have been found on the market containing levels of vitamins below declared strength (Weissenberg, Tr. 8769–8770; Deutsch, Tr. 11147–11151; Garrett, Tr. 10986). Under certain ordinary and usual conditions of shipment, storage, and shelf-life, some vitamins and minerals in dietary supplements deteriorate, affecting the nutritional quality of the supplement (Grollman, Tr. 1761; Mickelsen, Tr. 2489; Hodges, Tr. 2963–2964; Herbert, Tr. 9942–9943; Garrett, Tr. 10943 et seq.). Based upon known rates of deterioration, it is technologically feasible to determine an appropriate expiration date for dietary supplements beyond which they should not be sold in the event deterioration actually occurs (Garrett, Tr. 10981 et seq.; Exhs. P–659, P–660). In the interest of consumers, it is reasonable and necessary to require that a manufacturer, packer, or distributor of dietary supplements containing vitamins and/or minerals determine an appropriate expiration date for his product, based on deterioration data under specified or customary conditions of handling and storage as indicated on the label, and that the expiration date be indicated when the supplement is offered for sale. (Garrett, Tr. 10978–10981, 11013–11015; Grollman, Tr. 1762; Hodges, Tr. 2963–2964; Mickelsen, Tr. 2489–2490; Herbert, Tr. 9943; WD–G–Gullberg, Q&A 17, 33; WD–G–Ross, Q&A 40–42; WD–G–Harrison, Q&A 34, 35).

36. The following table represents a reasonable and scientifically accurate adaptation of the 1968 Recommended Dietary Allowances as published by the Food and Nutrition Board of the National Academy of Sciences-National Research Council (WD–3A–Sebrell, Q&A 15). Upper and lower limits for the listed nutrients are appropriate for dietary supplements of vitamins and minerals (Herbert, Tr. 9900–04, 9867; WD–G–Ross, Q&A 17, 18; WD–G–Harrison, Q&A 22, 24; Boehne, Tr. 2764; WD–3A–Sebrell, Q&A 26, 27, 39).

U.S. GOVERNMENT RECOMMENDED DAILY ALLOWANCES (U.S. RDA's) AND PERMISSIBLE COMPOSITIONAL RANGES FOR DIETARY SUPPLEMENTS OF VITAMINS AND MINERALS

	Unit of Measurement	Children under 4 years of age[1]—U.S. RDA		Adults and children 4 or more years of age—U.S. RDA		Pregnant or lactating women—U.S. RDA	
		Lower Limit	Upper Limit	Lower Limit	Upper Limit	Lower Limit	Upper Limit
Vitamins							
Mandatory							
Vitamin A	International Units	1,250	2,500	2,500	5,000	5,000	8,000
Vitamin D[2]	do	200	400	400		400	400
Vitamin E	do	5	10	15	30	30	60
Vitamin C	Milligrams	20	40	60	90	60	120
Folic acid[3]	do	0.1	0.2	0.3	0.2	0.4	0.4
Thiamine	do	0.35	0.70	1.05	0.75	1.50	2.25
Riboflavin	do	0.4	0.8	1.2	0.8	1.7	2.6
Niacin	do	4.5	9.0	13.5	10.0	20.0	30.0
Vitamin B_6	do	0.35	0.70	1.05	1.00	2.00	3.00
Vitamin B_{12}	Micrograms	1.5	3.0	4.5	3.0	6.0	9.0
Optional							
Vitamin D	International Units			200	400	400	
Biotin[4]	Milligrams	0.075	0.150	0.225	0.150	0.300	0.450
Pantothenic acid	do	2.5	5.0	7.5	5.0	10.0	15.0
Minerals							
Mandatory							
Calcium	Grams	0.125	0.800	1.200	0.125	1.000	1.500
Phosphorus[5]	Do	0.125	0.800	1.200	0.125	1.000	1.500
Iodine	Micrograms	35	70	105	75	150	225
Iron	Milligrams	5	10	15	9	18	27
Magnesium	Do	40	200	300	100	400	600
Optional							
Phosphorus[5]	Grams					0.125	1.300
Copper	Milligrams	0.5	1.0	1.5	1.0	2.0	3.0
Zinc	Do	4.0	8.0	12.0	7.5	15.0	22.5

	Unit of Measurement	Pregnant or lactating women—U.S. RDA	
		Lower Limit	Upper Limit
Vitamins			
Mandatory			
Vitamin A	International Units	5,000	8,000
Vitamin D[2]	do	400	400
Vitamin E	do	30	30
Vitamin C	Milligrams	60	60
Folic acid[3]	do	0.4	0.8
Thiamine	do	1.50	1.70
Riboflavin	do	1.7	2.0
Niacin	do	20.0	20.0
Vitamin B_6	do	2.00	2.50
Vitamin B_{12}	Micrograms	6.0	8.0
Optional			
Vitamin D	International Units		
Biotin[4]	Milligrams	0.300	0.300
Pantothenic acid	do	10.0	10.0
Minerals			
Mandatory			
Calcium	Grams	0.125	1.300
Phosphorus[5]	Do	0.125	1.300
Iodine	Micrograms	150	150
Iron	Milligrams	18	18
Magnesium	Do	100	450
Optional			
Phosphorus[5]	Grams	0.125	1.300
Copper	Milligrams	1.0	2.0
Zinc	Do	7.5	15.0

[1] When labeled for use by infants, a dietary supplement shall contain not less than the lower limit designated for a nutrient in this column nor more than 100% of the infant U.S. RDA for a nutrient as prescribed in § 125.1(b) except that the level of biotin, when used shall be 0.05-mg per daily recommended quantity.
[2] Optional for adults and children 4 or more years of age.
[3] Optional for liquid products.
[4] Lower limit may be 0.05 milligram until December 31, 1976.
[5] Optional for pregnant or lactating women. When present, the quantity of phosphorus may be no greater than the quantity of calcium.

37. These regulations interpret and apply sections 403(a) and (j) of the act, by prescribing requirements for label information necessary in order fully to inform purchasers of the value of dietary supplements, which are foods for special dietary use, and to prevent false or misleading labeling of such foods. Neither the findings of fact nor the regulations relate to or affect vitamin-mineral products which are classified as "drugs". It is the intent of the Food and Drug Administration that the safety, effectiveness, and labeling of OTC vitamin-mineral drugs be determined through the separate OTC drug review for vitamin-mineral drugs as provided in 21 CFR 130.301. The OTC vitamin-mineral drug review panel will make its own independent inquiry on these matters.

CONCLUSIONS OF LAW

Based on the foregoing statements in conjunction with the findings of fact herein published the Commissioner concludes, that:

1. It will promote honesty and fair dealing in the interest of consumers, and will assist in carrying out the purpose of the law of providing full information to consumers as to the value of such foods for special dietary use, to promulgate a standard of identity for dietary supplements of vitamins and minerals as hereinafter set forth in § 80.1.

2. Such standard should limit the nutrients contained therein to those listed in § 80.1(f).

3. Such standard should limit the lower and upper amounts of nutrients supplied, to those listed in § 80.1(f).

4. The label of the dietary supplement should bear the statement as hereinafter prescribed by § 80.1(h), "multivitamin and multimineral supplement", "multivitamin supplement", "multimineral supplement", "multivitamin and iron supplement", or "multivitamin supplement with iron", or "_____ supplement" (the blank to be filled in with the name of the vitamin or mineral which the supplement purports or is represented to contain). In addition, such standard should specify the nutrients which shall comprise "multivitamin and multimineral supplements", "multivitamin supplements", "multimineral supplements", " multivitamin and iron supplements", or "multivitamin supplements with iron", and single nutrient supplements as hereinafter prescribed by § 80.1(b).

5. The label of the dietary supplement should bear the name and amount of each vitamin and mineral supplied by the supplement as prescribed by § 80.1(f).

6. The label of the dietary supplement also should name the natural source or chemical form of the nutrient ingredients used.

7. The label of a dietary supplement containing one or more nutrients subject to deterioration should bear an expiration date which will assure that the supplement contains the full declared level of the nutrients when consumed.

FINAL ORDER

Therefore, on the basis of the foregoing findings of fact, discussion, and conclusions of law drawn therefrom: *It is ordered,* That the stay of effective date of § 80.1, which stay was promulgated December 14, 1966 (31 FR 15730), be ended and that § 80.1 be modified to read as follows:

PART 80—DEFINITIONS AND STANDARDS OF IDENTITY FOR FOOD FOR SPECIAL DIETARY USES

§ 80.1 Dietary supplements of vitamins and minerals; definition, identity, label statements.

(a) The dietary supplements of vitamins and/or minerals for which definitions and standards of identity are prescribed by this section are prepared and offered as tablets, capsules, wafers, or other similar uniform units; in powder, granular, flake, or liquid form; or in the physical form of conventional foods; and purport to be or are represented for special dietary use by man to supplement his diet by increasing the total dietary intake of one or more of the essential vitamins and/or minerals specified in paragraph (f) of this section. The dietary supplements of vitamins and/or minerals are henceforth referred to as "dietary supplements" in this section.

(b) Classifications of dietary supplements.

(1) A dietary supplement shall contain only those vitamins and/or minerals listed in paragraph (f) of this section and shall be offered for its vitamin and/or mineral content only in the following combinations, with the provision that any vitamin or mineral defined as optional in paragraph (f) of this section may be omitted:

(i) All vitamins and minerals.

(ii) All vitamins.

(iii) All minerals.

(iv) All vitamins and the mineral iron.

(v) Inclusion of the optional ingredients vitamin D and/or phosphorus in a multivitamin, multimineral, or multivitamin and multimineral supplement does not require inclusion of any additional optional ingredients. Inclusion of the optional ingredients biotin and pan-

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tothenic acid and/or copper and zinc in such products does not require inclusion of vitamin D and/or phosphorus when the latter two nutrients are optional. The inclusion of any of the other optional ingredients (biotin or pantothenic acid for vitamins and copper or zinc for minerals) requires the inclusion of both such optional ingredients if the product is a multivitamin or multimineral supplement, and requires the inclusion of all four such ingredients if the product is a multivitamin and multimineral supplement.

(2) A dietary supplement may also be composed of any single vitamin or mineral listed in paragraph (f) of this section.

(3) Folic acid is optional for liquid dietary supplements because of instability of the vitamin in liquid preparations. Liquid dietary supplements containing multivitamins but not containing folic acid shall bear the following statement on the label, "This product does not contain the essential vitamin folic acid" which shall immediately follow the listing of vitamins, and minerals as prescribed in paragraph (i) of this section.

(4) Addition to or amendment of the list of permissible combinations of vitamins and/or minerals contained in paragraph (b)(1) of this section may be proposed by the Commissioner of Food and Drugs, on his own initiative, or upon petition by an interested person in accordance with the procedures set forth in Part 2 of this chapter. Any such petition shall be submitted in the form set forth in § 2.65 of this chapter, and shall include scientific data of a human nutritional and/or technological nature to support such addition or amendment as being consistent with the definition and purpose of dietary supplements as described by this section. The Commissioner, upon request, may extend the effective date of this section with respect to any particular product or class of products pending consideration and any administrative or court proceedings relating to any such petition, and may set a new effective date upon completion of the matter.

(5) The provisions of this section shall not apply to any food which contains or consists of any vitamin or mineral listed in § 125.1(b) of this chapter, or any combination thereof, provided that all of the following requirements are met: (i) No such nutrient is contained at a level of 50 percent or more of the adult U.S. RDA per serving for that nutrient, (ii) No direct or implied representation is made on the label, in labeling, or in advertising that the product is a dietary supplement or is adequate or appropriate for supplementing the daily diet with essential nutrients, and (iii) The product is labeled pursuant to the provisions of § 1.17 of this chapter.

(c) General definitions.

(1) Subject to good manufacturing practices, dietary supplements described in this section shall contain in the specified daily quantity no less than the lower limit nor more than the upper limit of any nutrient specified in paragraph (f) of this section for the group(s) for which the supplement is offered.

(2) For the purposes of this section, the term "daily quantity" means the quantity of a dietary supplement that shall be specified in the labeling of the dietary supplement for consumption in a period of 1 day, and which shall be an amount or number of units reasonably suitable for and practicable of consumption in 1 day.

(3) In the event a dietary supplement is offered for more than one specific group, the specified daily quantity for each group shall be stated separately on the label.

(d) The different groups described in § 125.1(b) of this chapter shall be designated as follows: For labeling purposes:

(1) Infants,

(2) Children under 4 years of age,

(3) Adults and children 4 or more years of age,

(4) Pregnant or lactating women.

(e) Section 80.1 does not apply to:

(1) Other standardized foods.

(2) Foods the composition of which is defined by other regulations or statutes.

(3) Any food represented for use as the sole item of a meal or of the diet.

(4) Foods represented for use solely under medical supervision to meet nutritional requirements in specific medical conditions.

(5) Raw agricultural commodities (including marine products) and fabricated and other conventional foods to which single or multiple vitamins and/or minerals are added to improve nutritional quality, unless the total level (including any naturally occurring amounts) of any added vitamin or mineral per single serving attains or exceeds 50 percent of the U.S. Recommended Daily Allowance (U.S. RDA) for adults and children 4 years or more of age as specified in § 125.1(b) of this chapter, in which case the provisions of both this section and § 1.17 of this chapter shall apply. If the provisions of both this section and § 1.17 apply to a food, the labeling of such food shall conform to the labeling established in this section except that the labeling established in paragraph (c) of § 1.17 of this chapter, including the order for listing vitamins and minerals established in paragraph (c)(7)(iv) of that section, shall be used in lieu of the labeling established in paragraph (i)(1) of this section.

(6) Raw agricultural commodities (including marine products) which by their nature are sources of a specific vitamin(s) and/or mineral(s) at a level that, if it had been added, would have brought them within the definition of a dietary supplement. Such shall meet all the requirements of this section if they are represented as dietary supplements. Such foods may also be used as a source of specific vitamins and/or minerals in dietary supplements meeting the requirements of this section.

(7) A food with nutrients restored to pre-processing levels or added pursuant to § 1.8(e) of this chapter so that it is not nutritionally inferior to the food for which it substitutes and which it resembles.

(f) Permissible qualitative and quantitative composition of dietary supplements.

(1) The following table sets forth the permissible qualitative and quantitative composition of dietary supplements of vitamins and/or minerals:

U.S. GOVERNMENT RECOMMENDED DAILY ALLOWANCES (U.S. RDA'S) AND PERMISSIBLE COMPOSITIONAL RANGES FOR DIETARY SUPPLEMENTS OF VITAMINS AND MINERALS

	Unit of Measurement	Children under 4 years of age[1]—U.S. RDA		Adults and children 4 or more years of age—U.S. RDA		Pregnant or lactating women—U.S. RDA	
		Lower Limit	Upper Limit	Lower Limit	Upper Limit	Lower Limit	Upper Limit
Vitamins							
Mandatory							
Vitamin A	International Units	1,250	2,500	2,500	5,000	5,000	8,000
Vitamin D	do	200	400	400		400	400
Vitamin E	do	5	10	15	30	45	60
Vitamin C	Milligrams	20	40	60	120	90	150
Folic acid[2]	do	0.1	0.2	0.3	0.4	0.4	0.8
Thiamine	do	0.35	0.70	1.05	0.75	1.50	2.25
Riboflavin	do	0.4	0.8	1.2	0.8	1.7	2.6
Niacin	do	4.5	9.0	13.5	10.0	20.0	30.0
Vitamin B_6	do	0.35	0.70	1.05	1.00	2.00	3.00
Vitamin B_{12}	Micrograms	1.5	3.0	4.5	3.0	6.0	9.0
Optional							
Vitamin D	International Units				200	400	400
Biotin	Milligrams	0.075	0.150	0.225	0.150	0.300	0.450
Pantothenic acid	do	2.5	5.0	7.5	5.0	10.0	15.0
Minerals Mandatory							
Calcium	Grams	0.125	0.800	1.200	0.125	1.000	1.500
Phosphorus[3]	Do	0.125	0.800	1.200	0.125	1.000	1.500
Iodine	Micrograms	35	70	105	75	150	225
Iron	Milligrams	5	10	15	9	18	27
Magnesium	Do	40	200	300	100	400	600
Optional							
Phosphorus[4]	Grams						
Copper	Milligrams	0.5	1.0	1.5	1.0	2.0	3.0
Zinc	Do	4.0	8.0	12.0	7.5	15.0	22.5

[1] When labeled for use by infants, a dietary supplement shall contain not less than the lower limit designated for a nutrient in this column nor more than 100% of the infant U.S. RDA for a nutrient as prescribed in §125.1(b) except that the level of biotin, when used, shall be 0.05 mg per daily recommended quantity.
[2] Optional for adults and children 4 or more years of age.
[3] Optional for liquid products.
[4] Lower limit may be 0.05 milligram until December 31, 1976.
[5] Optional for pregnant or lactating women. When present, the quantity of phosphorus may be no greater than the quantity of calcium.

(2) The U.S. Recommended Daily Allowances (U.S. RDA's) have been derived by the Food and Drug Administration from the "Recommended Dietary Allowances," published by the Food and Nutrition Board, National Academy of Sciences—National Research Council, and are subject to amendment from time to time as more information on human nutrition becomes available.

(g) Acceptable ingredient sources for dietary supplements:

(1) A vitamin or mineral used in a dietary supplement may be supplied by any suitable chemically synthesized or naturally produced substance which is not a food additive as defined in section 201(s) of the act; or if it is a food additive as so defined, it shall be used in conformity with regulations established pursuant to section 409 of the act.

(2) Any safe and suitable substance may be used as a preservative, stabilizer, flavor, sweetener, color, seasoning, carrier, base, or vehicle, or to facilitate preparation of the vitamin and mineral substances. A dietary supplement shall be prepared so that any such substance contained therein does not exceed the amount reasonably required to accomplish its intended physical or technical effect, and so that the biological availability of the vitamin(s) or mineral(s) is not impaired by the presence of such substance. Any such substance shall not be a food additive or color additive as defined in section 201 (s) or (t) of the act; or if it is a food additive or color additive as so defined, it shall be used in conformity with regulations established pursuant to section 409 or 706 of the act.

(h) Nomenclature.

(1) The common name of a dietary supplement shall consist of a term descriptive of the vitamin and/or mineral composition of the product, as established in paragraph (h)(2) of this section, together with a phrase or phrases designating the group(s) for which the supplement is represented, as established in paragraph (h)(3) of this section (e.g., "multivitamin and multimineral supplement for children under 4 years of age"). The name of the dietary supplement shall appear prominently and conspicuously on the principal display panel(s) of the label. The letters of the phrase(s) designating the consumer group(s) for which the product is represented shall be no less than one-third the size of those used in the term descriptive of the composition of the product. In addition to the common name prescribed by this paragraph, a dietary supplement may be labeled with a proprietary name: *Provided*, That it is not false or misleading in any particular.

(2) The terms used to describe the vitamin and/or mineral composition of dietary supplements listed in paragraphs (b) (1) and (2) of this section shall be as follows: (i) "Multivitamin and multimineral supplement" for a dietary supplement containing all vitamins and minerals, (ii) "multivitamin supplement" for a dietary supplement containing all vitamins, (iii) "multimineral supplement" for a dietary supplement containing all minerals, (iv) "multivitamin and iron supplement" or "multivitamin supplement with iron" for a dietary supplement containing all vitamins and the mineral iron, (v) "———supplement" for a dietary supplement containing a single vitamin or mineral listed as a mandatory or optional ingredient in the table contained in paragraph (f)(1) of this section (the blank to be filled in with the name of the vitamin or mineral).

(3) The phrases used to designate the group(s) for which a dietary supplement is intended shall be as follows: (i) "For infants"; (ii) "For children under 4 years of age"; (iii) "For adults and children 4 or more years of age"; and (iv) "For pregnant or lactating women".

(i) Format for listing vitamins and minerals, and ingredients: (1) Immediately following the name and group designation on the principal display panel, as required by paragraph (h) of this section, or on the information panel (21 CFR 1.8d) if insufficient space is available on the principal display panel, the label shall bear a listing in tabular form of each of the vitamins and/or minerals supplied by the specified daily quantity of the dietary supplement, such daily quantity being specified at the top of the list. The vitamins and/or minerals shall be described by the names appearing in paragraph (f) of this section, shall appear in the order listed in paragraph (f) of this section, and shall be grouped and identified separately as "vitamins" and/or "minerals" without reference to "mandatory" or "optional." The quantity of each vitamin and/or mineral present in a specified daily quantity of the dietary supplement shall be stated as a part of this list and expressed in percentage of the U.S. RDA for each specific group for which the supplement is offered. The quantity of each vitamin and/or mineral present in the specified daily quantity of the dietary supplement shall also appear in the tabular listing in terms of the units of measure specified in paragraph (f) of this section.

(2) For determining the percentage contents of the U.S. RDA's present in the dietary supplement, the quantitative content of the following vitamins shall be calculated in terms of the following chemically identifiable reference forms:

REFERENCE FORM

Vitamin	Name	Empirical formula	Molecular weight
Vitamin C	*L*-Ascorbic acid	$C_6H_8O_6$	176.12
Folic acid	Pteroyl mono-*L*-glutamic acid	$C_{19}H_{19}N_7O_6$	441.41
Niacin	Nicotinic acid	$C_6H_5NO_2$	123.11
Riboflavin	Riboflavin	$C_{17}H_{20}N_4O_6$	376.37
Thiamine	Thiamine chloride hydrochloride	$C_{12}H_{17}ClN_4OS.HCl$	337.28
Vitamin B_6	Pyridoxine	$C_8H_{11}NO_3$	169.18
Vitamin B_{12}	Cyanocobalamin	$C_{63}H_{88}CoN_{14}O_{14}P$	1,355.40
Biotin	*D*-Biotin	$C_{10}H_{16}N_2O_3S$	244.31
Pantothenic acid	*D*-Pantothenic acid	$C_9H_{17}NO_5$	219.23

(3) The following synonyms may be added in parentheses immediately following the name of the vitamin in the statement described in paragraph (i)(1) of this section:

Vitamin	*Synonym*
Vitamin C	Ascorbic acid.
Folic acid	Folacin.
Riboflavin	Vitamin B_2.
Thiamine	Vitamin B_1.

(4) A separate list of ingredients in the product shall be included on the label pursuant to the requirements of Part 1 of this chapter. Such list shall include the natural source or chemical form of each individual nutrient present in the dietary supplement.

(j) When the dietary supplement is in liquid form and contains alcohol, the label shall state the percent-by-volume of alcohol present.

(k) A dietary supplement containing one or more nutrients, subject to deterioration below the labeled value before consumption shall bear on its outside wrapper or container, as well as on the label of its immediate container, the statement: "Expiration date ———", the blank to be filled in by the month and year. The expiration date shall be the date selected by the manufacturer, packer, or distributor of the dietary supplement on the basis of tests or other information showing that the dietary supplement, until that date, under the conditions of handling, storage, and use prescribed by directions appearing on its label, or, in the absence of such prescribed directions, under customary or usual conditions of handling, storage, and use will contain not less than the quantity of each vitamin and/or mineral, as set forth on its label, when consumed.

(l) All labeling information required by this section shall comply with the conspicuousness required by section 403(f) of the act and § 1.8d of this chapter. In addition, the following labeling requirements shall be met.

(1) The list of nutrients required by paragraph (i)(1) of this section shall appear in uniform type size.

(2) The synonyms permitted by paragraph (i)(3) of this section, if used, and the list of ingredients required by paragraph (i)(4) of this section shall appear in uniform type size, and in type size no larger than that used for the list of nutrients required by paragraph (i)(1) of this section.

(m) In addition to the requirements of this section, the labels and labeling for a dietary supplement is subject to the prohibitions contained in § 125.2(b) of this chapter.

Effective date. Labeling may be changed to comply with this regulation beginning August 2, 1973. All labeling for dietary supplements that is ordered after

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December 31, 1973, and all labeling used for such products shipped in interstate commerce after December 31, 1974, shall comply with the provisions of this section; and if not so labeled, such product shall be deemed to be misbranded under section 403(a), (g) and (j) of the act.

(Secs. 201(n), 401, 403(a) and (j), 701(a) and (e), 52 Stat. 1046, 1048, 1055–1056, as amended by 70 Stat. 919; 21 U.S.C. 321(n), 341, 343(a) and (j), 371(a) and (e))

Dated: July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15706 Filed 8-1-73;8:45 am]

PART 100—NUTRITIONAL QUALITY GUIDELINES FOR FOOD

General Principles

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6969) the Commissioner of Food and Drugs published a new Part 100 which included new § 100.1 *General principles* for the establishment by regulation of nutritional quality guidelines for foods.

Paragraph (c)(1) of § 100.1 states that "The label of the product shall bear the common or usual name of the food in accordance with the provisions of the guideline and §§ 1.8 and 102.1 of this chapter".

Based on comments received the Commissioner of Food and Drugs concludes that the reference to § 102.1 in paragraph (c)(1) should be amended as set forth below for the purpose of clarification.

Therefore, pursuant to provisions of the Federal Food, Drugs, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042, as amended, 1047–1048, as amended, 1055; 21 U.S.C. 321, 343, 371(a)), and under authority delegated to the Commissioner (21 CFR 2.120) § 100.1 is amended in paragraph (c)(1) to read as follows:

§ 100.1 General principles.

* * * * *

(c) * * *

(1) The label of the product shall bear the common or usual name of the food in accordance with the provisions of the guideline and §§ 1.8 and 102.1(a) of this chapter.

* * * * *

As this amendment merely clarifies an existing regulation, notice and public procedure and a delayed effective date are not necessary prerequisites to the promulgation of this order.

Effective date. This order shall become effective on August 2, 1973.

(Secs. 201, 403, 701(a), 52 Stat. 1040–1042, as amended, 1047–1048, as amended, 1055; 21 U.S.C. 321, 343, 371(a))

Dated: July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15686 Filed 8-1-73;8:45 am]

PART 102—COMMON OR USUAL NAMES FOR NONSTANDARDIZED FOODS

Foods Packaged for Use in Preparation of "Main Dishes" or "Dinners"

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6975) the Commissioner of Food and Drugs proposed a new § 102.12, defining the common or usual name for foods packaged and represented for use in the preparation of a "dish," "dinner," or other food serving, and to which meat or other valuable characterizing ingredients or components, not included in the package, must be added.

A total of fourteen comments were received in response to the proposal. Eleven of the comments were from manufacturers and trade associations, two were from consumer groups, and one was from a professional association. Twelve of the fourteen comments supported the proposal, although nine of these requested modification, clarification, or additional requirements. Two comments opposed the proposal.

The comments and the Commissioner's conclusions are as follows:

1. A manufacturer and a trade association recommended that the proposal be withdrawn and replaced by a statement of policy. One comment based this recommendation on the contention that there is no evidence of consumer confusion resulting from present labeling practices for "add meat" dinners, and the other comment questioned the authority of the Food and Drug Administration to establish common or usual names.

The Commissioner rejects the recommendations to withdraw the proposal. The Food and Drug Administration has already found it necessary to take regulatory action against certain products of this type whose labeling was misleading. This regulation is intended to assure the consumer of informative labeling regarding the product and to provide manufacturers with objective criteria for compliance. The Commissioner has discussed the legal authority for establishing common or usual names in the preamble to the order promulgating Part 102 of this Chapter, published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6964). As the Supreme Court recently stated in upholding the Food and Drug Administration's rule making authority under section 701(a) of the act, "A decision that FDA lacks authority to determine in its own proceedings the coverage of the Act it administers, subject of course to judicial review, would seriously impair FDA's ability to discharge the responsibilities placed on it by Congress." CIBA Corp. v. Weinberger, No. 72-394 (decided June 18, 1973).

2. Several comments requested revision of the regulation so that it would apply only to products intended for use as "main dishes" and "dinners," not to such products as seasoning mixes, sauce or gravy mixes, or cake mixes. This was the intent of the proposal, and the term "dish" has been revised to read "main dish."

3. Two manufacturers stated that the common or usual name for the products involved should not be required to contain all three elements of the name described in § 102.12(a)(1), (2) and (3) of the proposal. One stated that the common or usual name should be limited to the name that it is reasonably expected that consumers will use. However, both comments acknowledged that all the information described in § 102.12(a)(1), (2) and (3) of the proposal should appear prominently on the principal display panel.

Including all three elements in the common or usual name should not cause difficulty for manufacturers of main dishes or dinners. The regulation as modified in this order permits the separate elements of the name to be placed in different locations on the principal display panel, and the comments did not find difficulty with the prominence requirements in the proposal. As for the name that consumers might use, the regulation does not preclude use of fanciful names for such products, in addition to the required common or usual name, as long as such fanciful names are not false or misleading.

4. One comment stated that the name of the dish to be prepared by use of the package contents is unnecessary if the vignette on the principal display panel shows the food as prepared, accompanied by the statement described in § 102.12(a)(3), indicating that the food as shown contains a characterizing ingredient not contained in the package. The comment contended that such a vignette is more informative than the written name of the dish.

The Commissioner disagrees. A picture of the type of food to be prepared would be insufficient to meet the requirements of the act that the product bear a common or usual name and fully informative labeling.

5. Some manufacturers requested that § 102.12(a)(3) be reworded so that the requirement for a statement that additional ingredient(s) or component(s) must be added would be limited to "major" or "important" or "characterizing" missing ingredient(s). These comments stated that the proposed regulations could be interpreted as requiring the listing of such ingredients as salt or water, while the preamble refers to "valuable characterizing" or "significant characterizing" ingredients.

The Commissioner agrees with this suggestion and § 102.12(a)(3) of the final regulation is limited to "characterizing" ingredients.

6. One manufacturer suggested that it would be in the consumer's interest to permit the designation of the finished product to be in a type size slightly larger and more prominent than the list of the components in the package.

The Commissioner rejects this suggestion because it could result in misleading labeling. Such a presentation would tend to draw the consumer's eye to the name of the finished food and may mislead him to expect the package to contain all components necessary to prepare the finished food.

7. Several manufacturers requested that the prominence requirements in § 102.12(b)(2) be stated in that paragraph and not incorporated by reference to § 102.1 (21 CFR 102.1). They also disagreed with the requirement that all of the elements of the common or usual name appear in a prescribed order on the principal display panel. The manufacturers stated that they should have the option to arrange the elements of the common or usual name anywhere on the principal display panel.

The Commissioner has concluded that a prescribed order for the elements of the common or usual name for these food products is not necessary for informative labeling. Manufacturers may arrange such elements as they choose, provided the prominence requirements of the regulation are met and provided the resulting overall presentation on the principal display panel is not misleading. The regulation has been modified accordingly. In the interest of clarity, the full prominence requirements are stated in § 102.12(b)(2).

8. Several manufacturers objected to the requirement in § 102.12(c) that any vignette which shows any food or characterizing ingredient(s) not included in the package shall be accompanied either by the statement required by § 102.12(a)(3) or by a similar statement that such item is not included. Their objections and suggestions were:

a. The statement required in § 102.12(a)(3) might be required to appear twice on the principal display panel, in the common or usual name and with the vignette.

b. Section 102.12(c) would require listing of such unimportant missing ingredients as garnishments.

c. Section 102.12(c) should be revised to permit use of "serving suggestion," as is current practice, in lieu of its present requirement.

d. The statement required by § 102.12(a)(3) should not be required to accompany a vignette on the principal display panel where such statement in the common or usual name is in type as large as that used for the name of the finished "dish."

The Commissioner has considered these points and has concluded that the requirement as stated in this order is reasonable and appropriate. The arrangement of the elements of the common or usual name is no longer prescribed, and thus the part of the common or usual name required by § 102.12(a)(3) can be placed in sufficient proximity to a vignette that the requirement in § 102.12(c) will also be met.

The Commissioner also concludes that use of the term "serving suggestion" is not sufficient to inform the consumer that depicted foods or components are not included in the package. Use of such a term without indicating which foods or components are included or must be added would indicate, indeed, that everything shown in the vignette is in the package.

9. Comments also objected to the requirement in § 102.12(d) that wherever the name of the finished food appears other than on the principal display panel, the entire common or usual name must be used. The objections and suggestions were as follows:

a. Repetition of the entire common or usual name on panels other than the principal display panel is unnecessarily restrictive to package design.

b. This provision should be limited to the requirement that the elements of the common or usual name in § 102.12(a)(2) and (a)(3) appear on other panels.

c. The entire common or usual name should be required only once on each panel, and should appear with the most prominent reference to the "dish" name.

d. Section 102.12(d) should apply only when the "dish" name is used as a product identification statement on other panels.

The Commissioner accepts the suggestion that the entire common or usual name should be required on panels other than the principal display panel only when the name of the finished "dish" is used as a product identification on such panels. For example, a statement identifying the food to be prepared appearing on a side panel in the text of directions for use of the package, or in a suggested recipe, would not require use of the entire common or usual name on that panel. However, such a statement in bold type likely to be read by consumers at the point of purchase must be accompanied on the same panel by the full common or usual name. This should provide fully informative labeling without undue restriction of manufacturers. The Commissioner further advises that the entire common or usual name need appear only once on a panel unless for some particular reason failure to repeat the entire name would result in false or misleading labeling.

10. Another manufacturer suggested the additional requirement that when a brand name of a product specifies the missing ingredient, such name should not be more conspicuous than the part of the common or usual name required in § 102.12(a)(1) of the proposal, i.e., the names of all important ingredients or components in the package.

The Commissioner concurs in the intent of this comment. Prominent emphasis of a missing ingredient or component in a brand name would constitute false or misleading labeling in violation of section 403(a) of the act. The Commissioner believes that it is sufficient to require that the explanatory element of the common or usual name required by § 102.12(a)(3) be labeled next to, and in at least half the type size used for, the brand name under these circumstances. The regulation has been modified accordingly.

11. A consumer group asked whether a survey or other data would be used in determining whether a missing ingredient is emphasized in a misleading manner in a brand name. In view of the type size requirement for the explanatory element of the common or usual name required by § 102.12(a)(3) in the final regulation, the Commissioner believes that this will not be a problem. If survey data show that any label is misleading or confusing, however, the Commissioner will consider revision of the regulation. Survey data are helpful but are not required for the Food and Drug Administration to determine that labeling is misleading.

12. The Commissioner has concluded that the same effective date should be adopted for this regulation as for all of the other food labeling regulations adopted at this time. The Commissioner is also concerned, however, that there is currently a serious problem of misleading labeling among the foods subject to this regulation, as shown by the regulatory action already taken against several of these products. Accordingly, the adoption of the uniform effective date for this regulation does not authorize continued use of existing labeling that is false or misleading. It is recommended that manufacturers adopt the labeling established in this regulation as quickly as possible in order to avoid further regulatory action.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041, as amended, 1047–1048, as amended, 1055; 21 U.S.C. 321(n), 343, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 102 is amended by adding thereto a new section to read as follows:

§ 102.12 Foods packaged for use in the preparation of "main dishes" or "dinners".

(a) The common or usual name of a packaged food which is represented on the principal display panel by word or vignette to be used in the preparation of a "main dish", "dinner", or other such food serving, and to which some other important characterizing ingredient(s) or component(s) not present in the package must be added, consists of all the following:

(1) The common or usual name of each important ingredient or component in the package, in descending order of predominance by weight (e.g., "noodles and tomato sauce").

(2) An appropriate informative statement identifying the food to be prepared by use of the package contents (e.g., "for preparation of chicken casserole").

(3) An appropriate informative statement that additional characterizing ingredient(s) or component(s) must be added and which names the additional characterizing ingredient(s) or component(s) (e.g., "you must add _____ to complete the recipe," the blank to be filled in with the name(s) of the important characterizing ingredient(s) or component(s) that must be added).

(b) The labeling required by paragraph (a) of this section shall appear on the principal display panel.

(1) No word in the statement required by paragraph (a)(2) of this section may appear on the principal display panel more conspicuously or in larger type than the smallest and least conspicuous type employed on the panel for any word, phrase or statement within the scope of paragraph (a)(1) of this section.

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(2) Every word in the statement required by paragraph (a)(3) of this section shall appear on the principal display panel in easily legible bold face print or type in distinct contrast to other printed or graphic matter, and in a height not less than the larger of the following alternatives:

(i) Not less than one-sixteenth inch in height on packages having a principal display panel with an area of 5 square inches or less and not less than one-eighth inch in height if the area of the principal display panel is greater than 5 square inches; or

(ii) Not less than one-half the height of the largest type appearing in the part of the common or usual name of the food required by paragraphs (a)(1) and (a)(2) of this section.

(c) Any vignette which shows any food or characterizing ingredient(s) or component(s) not included in the package shall be accompanied either by the statement required by paragraph (a)(3) of this section or by a separate statement specifying the food or characterizing ingredient(s) or component(s) shown in the vignette but not included in the package.

(d) If the statement specified in paragraph (a)(2) of this section is used on any panel in addition to the principal display panel as a product identification statement, the complete common or usual name shall appear on such panel in the manner specified in paragraph (b) of this section.

(e) When a brand name or other prominent product designation contains a word or words that includes or suggests an important characterizing ingredient(s) or component(s) that must be added, or otherwise states or implies that the package contains a complete main dish, dinner, or other food serving, the part of the common or usual name of the food required by paragraph (a)(3) of this section shall appear in direct conjunction with such brand name or other designation and in type size not less than one-half the height of the largest type appearing in such brand name or other designation.

Effective date. Labeling may be changed to comply with this regulation beginning August 2, 1973. All labeling ordered after December 31, 1973, and all labeling used for products shipped in interstate commerce after December 31, 1974, shall comply with this regulation.

(Secs. 201(n), 403, 701(a), 52 Stat. 1041, as amended, 1047–1048, as amended, 1055; 21 U.S.C. 321(n), 343, 371(a))

Dated: July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15689 Filed 8-1-73;8:45 am]

PART 102—COMMON OR USUAL NAMES FOR NONSTANDARDIZED FOODS

Noncarbonated Beverages Containing No Fruit or Vegetable Juice

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6974) the Commissioner of Food and Drugs published a proposal to establish a common or usual name for noncarbonated beverages containing no fruit or vegetable juice.

Five responses were received in response to the proposal. The comments and the Commissioner's conclusions are as follows:

1. One comment from a consumer and three comments from consumer associations favored the proposal, stating that the regulation is a vital and appropriate step toward providing the consumer sufficient information to make rational decisions at the point of purchase.

2. A manufacturer of powdered beverage mixes opposed the proposal on the ground that the regulation will saddle the entire food industry with negative labeling requirements. This comment opposed particularly the inclusion of powdered beverage products within the scope of the regulation.

The Commissioner concludes that the regulation as proposed is a reasonable and appropriate measure for the prevention of consumer confusion and deception in the purchase of beverages which contain no fruit or vegetable juice. The Commissioner also concludes that there is no reason to treat powdered beverage products differently from other forms of beverage base to which water is added. Informative labeling is as necessary for accurate identification of this product as it is for any other type of beverage product. The comment offered no other more appropriate means of accurately informing the consumer about the nature of the product.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042, as amended, 1047–1048, as amended, 1055; 21 U.S.C. 321, 343, 371(a)) and under authority delegated to the Commissioner, the following new section is added to Part 102 of this chapter.

§ 102.10 Non-carbonated beverage products containing no fruit or vegetable juice.

(a) The common or usual name of noncarbonated beverage products (including a concentrated, dehyrated, powdered, or other counterpart) containing no fruit or vegetable juice shall include the following:

(1) A decriptive name for the product meeting the requirements of § 102.1(a); and

(2) When the labeling or the color and flavor of the beverage represents, suggests, or implies that any fruit or vegetable juice may be present (e.g., the product label bears the name or a variation of the name or any pictorial representation of any fruit or vegetable, or the product contains color and flavor which give the beverage the appearance and taste of containing a fruit or vegetable juice) the statement "Containing (or contains) no _____ juice", or "no _____ juice", or "does not contain _____ juice", the blank to be filled in with the name of the fruit(s) or vegetable(s) represented, suggested, or implied, in the manner set forth in § 102.1(c). If a nonspecific fruit or vegetable juice content is represented, suggested, or implied, the blank shall be filled in with the word "fruit" or "vegetable" as applicable.

Effective date. Labeling may be changed to comply with this regulation beginning on August 2, 1973. All labeling ordered after December 31, 1973, and all labeling used for products shipped in interstate commerce after December 31, 1974, shall comply with this regulation.

(Secs. 201, 403, 701(a), 52 Stat. 1040–1042, as amended, 1047–1048, as amended, 1055; 21 U.S.C. 321, 343, 371(a))

Dated: July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15688 Filed 8-1-73;8:45 am]

PART 102—COMMON OR USUAL NAMES FOR NONSTANDARDIZED FOODS

Frozen "Heat and Serve" Dinners

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6974), the Commissioner of Food and Drugs proposed to establish a common or usual name for frozen "heat and serve" dinners.

Seven comments were received in response to this proposal, three from manufacturers, two from trade associations, one from a consumer group and one from a dietetic association. The consumer organization agreed with the proposed regulation in its entirety. The other comments opposed it or suggested modification. The comments received and the Commissioner's conclusions are as follows:

1. It was asserted in all of the responses submitted by food producers that the Federal Food, Drug, and Cosmetic Act does not authorize the Food and Drug Administration to establish common or usual names. The Commissioner has concluded that authority is provided by sections 201(n), 403, and 701(a) of the Federal Food, Drug, and Cosmetic Act to establish common or usual names for foods. This matter is discussed in the preamble to the final order promulgating a procedure for the establishment of a common or usual name published in the FEDERAL REGISTER on March 14, 1973 (38 FR 6964). As the Supreme Court recently stated in upholding rule making authority of the Food and Drug Administration under section 701(a) of the act, "A decision that FDA lacks authority to determine in its own proceedings the coverage of the Act it administers, subject of course to judicial review, would seriously impair FDA's ability to discharge the responsibilities placed on it by Congress. CIBA Corp. v. Weinberger, No. 72–394 (decided June 18, 1973).

2. One respondent contended that the term "dinner" is not sufficiently defined and is so vague as to violate the due process clause of the United States Constitution. The Commissioner concludes that the meaning of the term "dinner," as applied to frozen "heat and serve" dinners, is understood both by manufacturers and by consumers, and that it is not unconstitutionally vague.

3. Two comments stated that since the United States Department of Agriculture has jurisdiction over meat and poultry there is no need for additional regulations by the Food and Drug Administration.

The Food and Drug Administration and the United States Department of Agriculture have cooperated in the development of this regulation. It would be inappropriate to have different labeling requirements for frozen dinners depending upon whether, for example, they contain meat or fish as a principal component. The Commissioner concludes that uniformity of labeling to prevent consumer confusion is in the public interest.

4. One comment suggested that compositional standards for an entire class of products should be the subject of a standard of identity under section 401 of the act. The Commissioner has concluded that standards of identity are appropriate and useful, and will continue to be promulgated where there is a need to prescribe the entire compositional requirements for a food, in addition to the name of the food. However, in this case there is a need simply to establish a uniform and informative name for the frozen dinner type of food product and consequently a standard of identity is neither necessary nor appropriate.

5. One comment objected to the fact that the proposal does not guarantee a nutritionally balanced meal. The purpose of the proposal was to establish a uniform and informative name for frozen dinner products, not to establish nutritional requirements. A regulation establishing a nutritional quality guideline for frozen dinners, § 100.5 (21 CFR 100.5), was published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6972).

6. Two comments objected to what one manufacturer termed the "compositional approach" of paragraph (a) of the proposed regulation. It was stated that the proposal requires certain foods to be included in the dinner, thereby limiting selection and precluding certain products, such as ethnic dinners or vegetarian dinners.

There appears to have been some misinterpretation of the requirements of this regulation. The regulation would allow the term "frozen heat and serve dinner" to be used for any product meeting the minimal identifying criteria set forth in § 102.11(a)(1). Essentially, the effect of this regulation is to provide that a product may not be called a "frozen heat and serve dinner" unless it contains at least three traditional dinner components. The nutritional quality guideline in § 100.5 prescribes minimum nutritional requirements which must be met for a frozen dinner to be allowed to bear the statement: "This product provides nutrients in amounts appropriate for this class of food as determined by the U.S. Government."

Certain traditional frozen heat and serve dinner products may not be able to bear the guideline statement because of nutritional insufficiencies. However, compliance with the guideline is not required to use the name "frozen heat and serve dinner."

The question was raised whether three vegetable dishes could constitute a dinner. The Commissioner has concluded that, while such a product might well be designated as a "vegetable platter," it is not commonly regarded as a "dinner." The regulation has therefore been revised to require that one of the components be a significant source of protein.

The question was also raised whether any of the three dishes could be combined with each other. The Commissioner concludes that such combinations are reasonably expected by consumers, e.g., a Chinese dinner combining rice, chicken, and vegetables. The regulation has therefore been revised to refer to "components" rather than "separate" and different dishes (recipes)."

7. It was suggested by one manufacturer that the proposed regulation has the indirect effect of making producers comply with the nutritional quality guidelines. As previously stated, this is not the case. The manufacturer may prepare a dinner of any combination of three dishes as prescribed in § 102.11(a)(1) and sell it as a "frozen heat and serve dinner." As long as no guideline claim is made, the dinner may be sold without meeting the nutritional guideline requirements.

8. It was suggested in one comment that the regulation should distinguish between frozen products considered "dinners" and those described as "entrees" or "breakfasts." The Commissioner concludes that the present regulation provides a reasonable and appropriate description of "frozen heat and serve dinner," sufficient to distinguish the product from "breakfasts" or products containing only part of a dinner. The proper name of an "entree" or a "breakfast" is beyond the scope of the proposal.

9. An objection was raised by one respondent that fruit was excluded from the foods listed in § 102.11(a)(1). The Commissioner concludes that because of the established practice and consumer acceptance of the use of apples and other fruit as components of frozen dinners, the list of foods prescribed in § 102.11(a)(1) should be expanded to include fruit, and it is so amended.

10. One manufacturer argued that the words "frozen" in § 102.11(b)(1) and "containing" in § 102.11(b)(2) should be made optional. The Commissioner has concluded that the regulation should be amended to allow optional use of the word "frozen" in the common or usual name, provided that the words "Keep Frozen" or the equivalent are placed prominently and conspicuously on the principal display panel in type size not less than that specified in § 102.1(b)(2)(i) (21 CFR 102.1). The Commissioner has also determined that the word "containing" (or "contains") should be made optional. The regulation has been so revised.

11. The United States Department of Agriculture and other respondents requested that the proposal allow use of a term indicating the primary or principal component of the dinner in the common or usual name, as "Beef Dinner" or "Cheese Enchilada Dinner." The Commissioner has concluded that such designations or other appropriately descriptive terms should be permitted and has amended § 102.11(b)(1) to so provide.

12. Two manufacturers suggested that the proposal be modified to allow use of a vignette to substitute for the list of the contents of the dinner as required by § 102.11(b)(2). The Commissioner is of the opinion that a vignette which depicts the contents of the dinner would not be sufficient clearly to inform the consumer of the contents. To be fully informative, the Commissioner concludes that a listing of the components of the dinner must be included in the common or usual name.

13. One manufacturer commented that all components of the dinner should be listed in order of descending predominance, instead of the proposed requirement that the components listed in § 102.11(a)(1) be listed in order of descending predominance, followed by a listing, also in order of descending predominance, of any servings specified in § 102.11(a)(2). The Commissioner concludes that the proposed requirement is preferable, since it highlights the principal dinner components expected to be present by placing them first. A complete listing of all ingredients in descending order of predominance by weight will also be present on the label, as required by section 403(i)(2) of the act and § 1.10(h) (21 CFR 1.10).

14. The United States Department of Agriculture and other respondents expressed opposition to paragraph (b)(3) of the proposal, requiring a statement that other foods must be consumed to obtain a complete meal when the package contains less than two of the servings set forth in § 102.11(a)(2). After considering these objections, the Commissioner has concluded that such a requirement relates more to nutritional quality than to a statement of the identity of the dinner, and that the intent and purpose of that part of the proposal is adequately satisfied by requiring the prominent listing of the major components of the product. Consumers will be able readily to compare the components of one dinner with those in another. The Commissioner has therefore deleted this provision from the proposal. However, since one reason for the use of common or usual names is to prevent consumer deception, the Commissioner is amending § 102.11(b)(3) to provide that if the labeling implies that the package contains any servings of food which are not included in the pacakage, e.g., a "serving suggestion" vignette depicting foods not present in the package, the principal display panel must bear a prominent statement that such servings are not present, in type size not less than that specified in § 102.1(b)(2)(i).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041 as amended, 1047–1048, as amended, 1055; 21 U.S.C. 321(n), 343, 371(a)) and

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under authority delegated to the Commissioner (21 CFR 2.120), Part 102 of Title 21 of the Code of Federal Regulations is amended by adding thereto the following new section:

§ 102.11 Frozen "heat and serve" dinner.

(a) A frozen "heat and serve" dinner:

(1) Shall contain at least three components, one of which shall be a significant source of protein and each of which shall consist of one or more of the following: meat, poultry, fish, cheese, eggs, vegetables, fruit, potatoes, rice, or other cereal based products (other than bread or rolls).

(2) May also contain other servings of food (e.g., soup, bread or rolls, beverage, dessert).

(b) The common or usual name of the food consists of all of the following:

(1) The phrase "frozen 'heat and serve' dinner," except that the name of the predominant characterizing ingredient or other appropriately descriptive term may immediately precede the word "dinner" (e.g., "frozen chicken dinner" or "frozen heat and serve beef dinner"). The words "heat and serve" are optional. The word "frozen" is also optional, provided that the words "Keep Frozen" or the equivalent are prominently and conspicuously placed on the principal display panel in type size not less than that specified in § 102.1(b)(2)(i).

(2) The phrase "containing (or contains) ————" the blank to be filled in with an accurate description of each of the three or more dish components listed in paragraph (a)(1) of this section in their order of descending predominance by weight (e.g., ham, mashed potatoes, and peas), followed by any of the other servings specified in paragraph (a)(2) of this section contained in the package (e.g., onion soup, enriched white bread, and artificially flavored vanilla pudding) in their order of descending predominance by weight. This part of the name shall be placed immediately following or directly below the part specified in paragraph (b)(1) of this section in the manner set forth in § 102.1(c)(3). The words "contains" or "containing" are optional.

(3) If the labeling implies that the package contains other foods and these foods are not present in the package, e.g., if a vignette on the package depicts a "serving suggestion" which includes any foods not present in the package, the principal display panel shall bear a statement that such foods are not present, in type size not less than that specified in § 102.1(b)(2)(i).

Effective date. Labeling may be changed to comply with this regulation beginning on August 2, 1973. All labeling ordered after December 31, 1973 and all labeling used on products shipped in interstate commerce after December 31, 1974, shall comply with this regulation.

(Secs. 201(n), 403, 701(a), 52 Stat. 1041 as amended, 1047–1048 as amended, 1055; 21 U.S.C. 321(n), 343, 371(a))

Dated: July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15687 Filed 8-1-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

LABELING OF CHEMICAL PRESERVATIVES IN FOOD

Notice of Proposed Rule Making

Section 403(i) of the Federal Food, Drug, and Cosmetic Act requires the common or usual name of each ingredient used in a fabricated food to be listed on the label, and section 403(k) of the act requires that any food containing a chemical preservative bear labeling stating that fact. The Food and Drug Administration has consistently interpreted these requirements to mean that a preservative ingredient contained in a food must be designated in the statement of ingredients by both the common or usual name of the ingredient and a separate designation of that ingredient as a preservative (e.g., "BHA (a preservative)" or "calcium proprionate (to retard spoilage)").

At one time, the United States Department of Agriculture permitted the label designation of preservatives in meat and poultry products by the use of such general designations as "oxygen interceptor" and "freshness preserver," without the specific name of the ingredient. The USDA regulations have now been changed, and require that the label designation of preservatives in meat and poultry products identify the substance by both its common name and its purpose (9 CFR 317.2(f)(1), (j)(10), (12) published in the FEDERAL REGISTER on October 3, 1970 (35 FR 15551, 15581, 15583)).

The Food and Drug Administration is therefore aware of no exception to the rule that every preservative in food must be labeled both by its common or usual name and its function. Because some food labels presently do not comply with these requirements, and because new food labels are now being prepared for compliance with food labeling regulations published in the FEDERAL REGISTERS of January 19 and March 14, 1973, and elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs has concluded that it is appropriate to propose a specific regulation covering this matter.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701(a), 52 Stat. 1047–1048, 1055; 21 U.S.C. 343, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 1 be amended in § 1.12 by adding thereto a new paragraph (j) to read as follows:

§ 1.12 Food; labeling; spices, flavorings, colorings and chemical preservatives.

* * * * *

(j) A food to which a chemical preservative(s) is added shall, except when exempt pursuant to § 1.10a, bear a label declaration stating both the common or usual name of the ingredient(s) and a separate description of its function, e.g., "preservative," "to retard spoilage," "a mold inhibitor," "to help protect flavor," or "to promote color retention."

Interested persons may, on or before, September 4, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food, and Drugs.

[FR Doc.73-15692 Filed 8-1-73;8:45 am]

[21 CFR Part 1]

FOOD; NUTRITION LABELING

Proposed U.S. Recommended Daily Allowances for Infants

In paragraph 38 of the preamble to the order on nutrition labeling (21 CFR 1.17) published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6951), the Commissioner of Food and Drugs concluded that the U.S. Recommended Daily Allowances (U.S. RDA) for infants and children under four years of age were reasonable interim standards for use in labeling food represented for use by infants. He recognized that the U.S. RDA for infants and children under four years of age were not wholly adequate for the labeling of foods marketed solely for infants under 12 months of age, however, and invited interested persons to consider appropriate new U.S. RDA's for this age level for incorporation into § 1.17 and Part 125.

The Commissioner received comments on this matter in relation to the tentative order for §§ 125.1 and 125.3, published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2143). The American Academy of Pediatrics provided considerable information supporting their view that such a separate U.S. RDA should be established at this time. A review of the comments and information provided is presented in the preamble to the order on Part 125. On the basis of these comments and information the Commissioner has concluded that it is reasonable to establish a separate U.S. RDA for infants under 12 months of age. Elsewhere in this issue of the FEDERAL REGISTER the final order promulgating §§ 125.1 and 125.3 is published, establishing a separate U.S. RDA for infants.

Accordingly, as anticipated in paragraph 38 of the preamble to the order promulgating § 1.17, the Commissioner is revising § 1.17(h)(1) to utilize the U.S. RDA for infants established in § 125.1(b) for the nutrition labeling of foods marketed solely for infants, except for those formula products expressly covered by § 125.5.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047, 1055; 21 U.S.C. 321, 343, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend § 1.17(h)(1) to read as follows:

§ 1.17 Food; nutrition labeling.

* * * * *

(h) * * *

(1) Except where expressly covered by § 125.5 of this chapter, infant, baby, and junior-type food marketed and promoted primarily for infants shall include nutrition information on the label and in labeling in compliance with this section except that the U.S. RDA levels for infants contained in § 125.1(b) of this chapter shall be used in lieu of the U.S. RDA contained in paragraph (c)(7)(iv) of this section. For the purposes of labeling these foods with a percent of the U.S. RDA for protein, a value of 20 grams of protein shall be the U.S. RDA value for protein with a protein efficiency ratio (PER) equal to or greater than casein, and 28 grams if the PER of the protein is less than the PER of casein but greater than 20 percent of casein.

* * * * *

Interested persons may, on or before September 4, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–88, 5600 Fishers Lane, Rockville, MD, 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15961 Filed 8-1-73;8:45 am]

[21 CFR Part 20]

PROPOSED STANDARDS OF IDENTITY FOR MELLORINE AND PAREVINE

Extension of Time for Filing Comments

In the matter of establishing identity standards for mellorine, a vegetable fat frozen dessert made in semblance of ice cream, and for parevine, a food resembling ice cream but containing no milk, meat, or ingredients derived from milk or meat:

A notice of proposed rule making in the above-identified matter published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2150), provided for the filing of comments within 60 days following its publication date.

Eight comments were received on the proposal. Some comments were of the opinion that the 6 percent minimum fat level proposed for mellorine should be raised. These comments believed that the minimum fat requirements should parallel those for ice cream, but with substitution of other fats for the milk fat of ice cream.

Other comments stated that mellorine sold best in those states where compositional requirements resulted in a product more closely resembling ice milk, and

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requested that the 6 percent minimum fat requirement of the proposal be lowered still further to permit continued marketing of a lower fat content mellorine.

Available information indicates that the compositional range for the vegetable fat frozen desserts now available in various states is too wide to be encompassed by a single identity standard, and that separate identity standards, parallel to those that now exist for ice cream and ice milk, may be required. Some states have established regulations to provide for the marketing of a mellorine-like product having a lower fat and total solids content. Another alternative would be to establish only one standard, and require declaration of the fat content as a part of the name of food so that consumers could choose between high and low fat mellorine.

The Commissioner of Food and Drugs concludes that this issue is of such importance that further comments on the alternative ways of handling matter (including proposed names for an ice milk counterpart) should be invited. Therefore, the period for filing comments is reopened until September 4, 1973. This extension will not affect the common effective date proposed in the FEDERAL REGISTER of January 19, 1973 (38 FR 2163) for compliance with various new labeling requirements for packaged food.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (Secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15693 Filed 8-1-73;8:45 am]

[21 CFR Part 102]

RESTRUCTURED FOODS

Proposal To Establish Common or Usual Names

A number of convenience foods recently introduced on the market have the appearance of the traditional foods whose names they often carry, but are manufactured by new processes. One such group of foods is made by chopping, grating, or otherwise reducing a food substance into small units which are then formed or extruded into a uniform shape. In many cases, the restructured food resembles a product which traditionally has been made from either the whole product or a slice or segment of the product and not comminuted. For example, onion rings traditionally made from ringed slices of onions are now often composed of fresh chopped onions extruded into a ring. Dehydrated potatoes are now formed into the shape of potato chips traditionally made from potato slices. Fried clams traditionally made by breading a whole clam are now sometimes made from chopped clam pieces in semblance of whole fried clams. Fish sticks are often made not from segments of fish fillets, but from minced fish pieces formed into the shape of sticks.

Unless the labeling of foods constructed in this manner clearly specifies that the product is made from chopped food or small units of a food, the consumer may be led to believe that the product is made in the traditional manner. The Commissioner of Food and Drugs has concluded that any confusion and deception resulting from such new products can be prevented by adoption of informative common or usual names pursuant to 21 CFR Part 102. He proposes that such names include a qualifying statement describing the composition of the product in words which are not less than half the type size of the rest of the product name, in order to make this portion of the name sufficiently prominent and conspicuous.

The Commissioner believes that in establishing common or usual names for these products only one term should be used for the comminuted form in the name to avoid further consumer confusion resulting from the use of more than one term for the same comminuted form in the names of products on the market. For example, it is proposed that the term "minced" be designated as the comminuted form from which fried clams, nonstandardized breaded shrimp, fish sticks, and portions are made and that "diced" be used as the name for the comminuted form used in the ringed onion product.

The standard of identity for Frozen Raw Breaded Shrimp (21 CFR 36.30) does not provide for "minced" shrimp to be used in composite units of shrimp. Therefore, in addition to proposing a common or usual name for nonstandardized breaded shrimp products, a proposal to amend the standard to provide for minced shrimp will be published at a future date to avoid any inconsistency between the proposed common or usual name and the names prescribed by the standard.

The Commissioner proposes that a common or usual name be established for comminuted forms of the following products: onion rings, fish sticks or portions, fried clams, breaded shrimp and potato chips.

ONION RINGS MADE FROM DICED ONIONS

Traditionally, the food product known as "onion rings" has been made from ringed slices of onion. Some processors are now producing a product which is composed of fresh chopped onions which are breaded and extruded into a ring. The Food and Drug Administration is informed that the comminuted products contain as much, if not more, onion than the product composed of sliced whole onions.

The Commissioner proposes that onion products which are made from diced fresh or dehydrated onions which are breaded and shaped into a ring may be labeled as "Onion Rings" provided that this designation is immediately followed by a qualifying statement indicating the composition of the product. The words "Made from Diced Fresh (or Dehydrated) Onions" must be in type size no less than half that of the words "Onion Rings."

A proposal to establish a common or usual name for onion rings has been submitted to the Commissioner by Mrs. Paul's Kitchens, Inc., 5830 Henry Ave., Philadelphia, PA 19128, a frozen food processing company. Petitioner proposes the following common or usual name for onion rings:

Section ------ *Onion rings.* The common or usual name for a food product prepared from fresh onion bulbs, sliced and separated into rings coated with batter or breading and fried in a suitable fat or oil bath.

In its statement of grounds, petitioner maintains that products made with diced fresh onions should not be labeled or sold as onion rings, whether or not there is a qualifying statement. It is stated that the United States Department of Agriculture and other technical and cookbook references define onion rings as fresh onion bulbs, sliced and separated into rings, coated with batter and breading and fried in a fat or oil bath, and that this is also the understanding of the consumer.

Petitioner contends that the statement that the product is made from fresh chopped onions is inconsistent with the term "onion rings" and that this leads to consumer deception, which is not rectified by a statement that the product is made from fresh chopped onions.

Petitioner states that until 1972, it was Food and Drug Administration policy to consider a product mislabeled if it was made from fresh chopped onions and labeled "onion rings," whether or not there was a qualifying statement accompanying the term. It is argued that the change in policy made by the Food and Drug Administration in November 1972, allowing comminuted onions formed into rings to be labeled "onion rings" provided that these words were followed by the statement "Made from Diced Fresh Onions" in the same type size, color and prominence, was contrary to the requirements of the Administrative Procedure Act and is a nullity. As grounds for this conclusion, petitioner states that this policy change had a substantive, not merely procedural, effect on an entire industry, thus requiring consultation with or opportunity for comment by the onion ring industry, which was not afforded it when the change was made.

The full petition submitted by Mrs. Paul's Kitchens, Inc. is available at the Office of the Hearing Clerk, Food and Drug Administration, Rm. 6–88, 5600 Fishers Lane, Rockville, MD 20852.

FISH STICKS OR PORTIONS MADE FROM MINCED FISH

Traditionally, fish sticks or fish portions have been made from segments of fish fillets. These products are now sometimes made by forming minced fish into the desired shape. The Commissioner proposes to allow use of the terms "Fish Sticks" or "Fish Portions" for this type of product provided that these words are immediately followed by the statement "Made From Minced Fish." These qualifying words must be in type size no less than half that of the words "Fish Sticks" or "Fish Portions."

On December 21, 1972, a notice was published in the FEDERAL REGISTER (37 FR 28189) by the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration (NOAA), Department of Commerce, proposing label designations for fish sticks and fish portions made from mechanically separated fish flesh. The Food and Drug Administration submitted a comment on the proposal, stating that the qualifying statement should be in the same type size as the words "Fish Sticks" or "Fish Portions." This view was reiterated in a letter to NOAA commenting on a draft of the final order, and as a result of this suggestion the final order, published in the FEDERAL REGISTER on May 11, 1973 (38 FR 12334), requires the same type size for all words in the name. This policy has been reconsidered and the Commissioner is now proposing that the qualifying statement should be in type size not less than half that of the words "Fish Sticks" or "Fish Portions." Except for the inconsistency in type size requirements, the regulation now proposed by the Commissioner conforms with the NOAA regulation.

FRIED CLAMS MADE FROM MINCED CLAMS

The traditional fried clam has been made by breading a whole clam and frying it. This food product is now sometimes made by combining chopped clam pieces, breading, forming into a clam shape and frying. The Commissioner proposes to allow this new product to be labeled "Fried Clams," provided that this term is followed by the words "Made From Minced Clams" in type that is no less than half the size of the words "Fried Clams."

NONSTANDARDIZED BREADED COMPOSITE SHRIMP UNITS

Section 36.30(c)(6) (21 CFR 36.30) prescribes a standard of identity for frozen raw breaded shrimp which consists of two or more whole shrimp or pieces of shrimp formed into composite units. This standard does not provide for "minced" shrimp nor does it cover any type of shrimp other than frozen raw shrimp. The Commissioner now proposes to designate a common or usual name for comminuted breaded shrimp units not included under § 36.30(e)(6), and to provide that the name to be used must be one prescribed under § 36.30(e)(6), either "Breaded Shrimp Sticks," "Breaded Shrimp Cutlets," depending upon the shape of the product, or if prepared in a shape other than that of sticks or cutlets, "Breaded Shrimp ------", the blank to be filled by a word or phrase that accurately describes the shape, but which is not misleading. The words "Made From Minced Shrimp" must follow in type size not less than half that of the words chosen to name the product.

The common or usual names proposed are intended to cover shrimp products that are not frozen raw. In order to avoid any inconsistency between this proposed common or usual name and the names prescribed by the standard, a proposal to amend the standard to include minced shrimp will be published at a future date.

POTATO CHIPS MADE FROM DEHYDRATED POTATOES

Traditionally, the name "potato chips" has been applied to thin slices of potato fried in deep fat. In recent years products have been introduced into the market which are made not from potato slices but from dehydrated potatoes, combined with small amounts of other ingredients and formed into the traditional potato chip shape.

Since 1969, the Food and Drug Administration has allowed use of the term "potato chips" for products made from dehydrated potatoes as long as the term is accompanied by a prominent declaration that it is made from dehydrated potatoes. The Commissioner proposes to establish a common or usual name for potato chips made from dehydrated potatoes formed into the shape of traditional potato chips. The words "Made From Dehydrated Potatoes" must follow the term "Potato Chips" and must be in type size not less than half the size of the largest type used in the words "Potato Chips."

Three petitions have been submitted to the Commissioner proposing to establish a common or usual name for potato chips. The following proposal has been received by the Commissioner from General Mills, Inc., 9200 Wayzata Blvd., Minneapolis, MN 55440.

Section 102. ------. The common or usual name of "potato chips" shall include the type of potatoes from which the chips are made. In the case of potato chips made from raw potatoes the statement shall be "Made from Raw Potatoes." In the case of potato chips made from dried or dehydrated potatoes the statement shall be "Made from Dried Potatoes." The statement shall follow the words "Potato Chips" and shall be in type not less than 25 percent the size of the largest type used in the words "Potato Chips."

As grounds for its proposal, petitioner cites both a July 1969 Food and Drug Administration compliance policy guideline and a court ruling that "potato chips" accompanied by a qualifying statement indicating the type of potatoes used is an appropriate name, Potato Chip Institute v. General Mills, Inc., 333 F. Supp. 173 (D. Neb. 1971), aff'd 461 F.2d 1088 (8th Cir. 1972). Petitioner also argues that consumer acceptance of the new product is indicated by the estimate that has been made that in markets where both types of potato chips are sold, the product made from dehydrated potatoes has as much as 25 percent of the market. It is in the interest of the consumer, petitioner maintains, that both subclasses of potato chips are identified.

A petition to establish separate common or usual names for potato chips and for potato snacks has also been submitted by the Potato Chip Institute International (PCII), 940 Hanna Building, Cleveland, OH 44115:

Section ------. *Potato chips.* The common or usual name for a food consisting of thin slices of raw potato fried until crisp shall be potato chips.

Section ------. *Potato snacks.* The common or usual name for a food resembling potato chips, made from dried or dehydrated potatoes or dried or dehydrated potato granules, shall be potato ---------, the blank to be filled in with a word or words such as "snacks" or "bites" but not with any word or words containing the word "chip" or "chips."

In support of its proposal that products made from dried potatoes or potato granules not be sold or labeled as potato chips, with or without a qualifying statement, petitioner argues that by dictionary definition and common consumer understanding, potato chips are thin slices of raw potatoes, fried until crisp. Consequently, PCII maintains, it is deceptive and misleading to call products made from dried potatoes "potato chips." This deception, it is contended, cannot be rectified by the addition of a qualifying statement.

PCII argues that the Compliance Policy Guideline issued in July 1969 by the Food and Drug Administration, was a complete reversal of previous policy and that the decision to change the policy was made without consultation with or opportunity for comment by the potato chip industry. The petition alleges that since the action had a substantive and not merely procedural effect on an entire industry, the provisions of the Administrative Procedure Act were violated and the guideline is a nullity.

The Procter & Gamble Company, Cincinnati, OH, has also submitted to the Commissioner a proposal establishing a common or usual name for potato chips. The proposal states:

Section 102. ---------. The common or usual name for a product made from potatoes which are thinly-formed and deep-fat fried shall be "potato chips." The name shall be accompanied (a) in the case of potato chips made from raw potatoes, by a prominent declaration that the product is "made from raw potatoes"; and (b) in the case of potato chips made from dried or dehydrated potatoes, by a prominent declaration that the product is "made from dried potatoes." In either case, the declaration shall immediately follow the words "potato chips" on any principal display panel and shall be in type size not less than that required for the product's net content declaration pursuant to the Fair Packaging and Labeling Act.

Petitioner initially states that it does not concede the validity of 21 CFR Part 102 or the authority of the Commissioner to establish regulations under it. It is argued that Part 102 seems to authorize substantive regulations that are tantamount to standards of identity for food products, and that this is an impermissible attempt to extend the Commissioner's authority to set such standards beyond the authority accorded to him under section 401 of the act.

Procter & Gamble asserts that the establishment of a common or usual name is unnecessary since the Food and Drug Administration in its Compliance Policy Guideline and the court in the Potato

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Chip Institute case, concluded that the name "potato chips" includes chips made from dried or dehydrated potatoes provided that a prominent declaration that the product is made from dried potatoes accompanies the name "potato chips."

In its statement of grounds supporting its proposed regulation, petitioner maintains that there is no qualitative difference between the two types of potato chips, since potato is the raw material for both, with one less processing step involved with raw potatoes. Procter & Gamble contends that if the product made from dried potatoes were called something other than "potato chips" it would mislead the consumer into thinking that this product was significantly different from the traditional product.

Petitioner cites research done by an independent firm which showed that the great majority of consumers voluntarily recognize as "potato chips" the product made from dried potatoes, even when put on notice of the processing difference. It was also noted in the petition that many other food products, standardized and nonstandardized, such as ice cream and corn flakes, use alternate physical forms of their basic ingredients without any prominent labeling declaration.

In support of its proposal that the qualifying statement should be no less than the size of the net content declaration for foods under the Fair Packaging and Labeling Act, Procter & Gamble argues that the declaration need only be large enough to be read at a distance of about three or four feet. There is no reason, petitioner argues, that compels the size of the qualifying statement to bear any specific relation to the size of the words "potato chips," and an excessively large declaration would be unnessary and would unduly emphasize the form of the ingredients used.

The full petitions submitted by General Mills, Inc., Potato Chip Institute International, and the Procter & Gamble Co. are available for inspection at the Office of the Hearing Clerk, Food and Drug Administration, Rm. 6-88, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041, as amended, 1047-1048, as amended, 1055; 21 U.S.C. 321(n), 343, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 102 of Chapter I of Title 21 of the Code of Federal Regulations, by adding thereto the following new sections:

§ 102.13 Onion rings made from diced onion.

The common or usual name of a food product consisting of diced fresh or dehydrated onion products which are mixed with binders and formed, shaped or extruded into rings, shall be: "Onion Rings Made From Diced Onions," the blank to be filled in by the word "Fresh" when diced fresh onions are used or with the word "Dehydrated" when dehydrated onions are used. The words "Made From Diced Onions" shall appear on the label in type size that complies with § 102.1(b)(2)(i) and (ii). Such food product shall contain a quantity of onions not less than the quantity present in the similar product made from rings of sliced whole onion.

§ 102.14 Fish sticks or portions made from minced fish.

The common or usual name of a food product manufactured from fish blocks composed entirely of mechanically separated fish flesh combined with binders shaped in the form of fish sticks or portions and breaded shall be "Fish Made From Minced Fish" the blank to be filled in by the word "Sticks" or "Portions" as the case may be. The words "Made From Minced Fish" shall appear on the label in type size that complies with § 102.1(b)(2)(i) and (ii). Such food product shall contain a quantity of fish not less than the quantity present in the similar product made from cut whole fish.

§ 102.15 Fried clams made from minced clams.

The common or usual name of a food product consisting of breaded comminuted clams shall be "Fried Clams Made From Minced Clams." The words "Made From Minced Clams" shall appear on the label in type size that complies with § 102.1(b)(2)(i) and (ii). Such food product shall contain a quantity of clams not less than the quantity present in the similar product made from whole clams.

§ 102.16 Nonstandardized breaded composite shrimp units.

The common or usual name for breaded composite shrimp units that do not conform to the definition and standard of identity prescribed by § 36.30(c)(6) of this chapter by reason that the food is not marketed in the frozen, raw form shall be "_____ Made From Minced Shrimp," the blank to be filled with the words prescribed for the shape of the product by § 36.30(e)(6) of this chapter, either "Breaded Shrimp Sticks," "Breaded Shrimp Cutlets," depending upon the shape of the product, or if prepared in a shape other than that of sticks or cutlets, "Breaded Shrimp _____ Made From Minced Shrimp" the blank to be filled by a word or phrase that accurately describes the shape, but which is not misleading. The words "Made From Minced Shrimp" shall appear on the label in type size that compiles with § 102.1(b)(2)(i) and (ii). Such food product shall contain a quantity of shrimp not less than the quantity present in the similar frozen, raw breaded composite shrimp unit product made in accordance with provisions of the standard of identity.

§ 102.17 Potato chips made from dehydrated potatoes.

The common or usual name of a food product consisting of dehydrated potatoes combined with other ingredients formed into the shape of traditional potato chips shall be "Potato Chips Made From Dehydrated Potatoes." The words "Made From Dehydrated Potatoes" shall appear on the label in type size that complies with § 102.1(b)(2)(i) and (ii). Such food product shall contain a quantity of onions not less than the quantity present in the similar product made from rings of sliced whole onion.

Interested persons may, on or before October 1, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate), regarding the petitions and the Commissioner's proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc. 73-15695 Filed 8-1-73;8:45 am]

[21 CFR Part 102]

FILLED MILK PRODUCTS

Proposed Common or Usual Name

On November 9, 1972, the United States District Court for the Southern District of Illinois handed down a decision in *Milnot Co. v. Richardson*, 350 F. Supp. 221 (S.D. Ill. 1972), holding the Filled Milk Act unconstitutional. The Filled Milk Act of 1923 (42 Stat. 1486), 21 U.S.C. 61-64, prohibits the shipment of any filled milk in interstate commerce. A filled milk is defined as a combination of any milk, cream or skimmed milk (whether or not condensed, evaporated, concentrated, powdered, dried or desiccated) with any fat or oil other than milk-fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk.

The court in the *Milnot* case concluded that, since other substitute milk and dairy products may lawfully be shipped in interstate commerce, the prohibition against interstate shipment of filled milk products was an unconstitutional discrimination against these products. The White House Conference on Food, Nutrition and Health recommended in 1969 that the Filled Milk Act be repealed, and the Food and Drug Administration has concurred in that recommendation. Accordingly, it has been concluded that the decision in the *Milnot* case will not be appealed. On February 1, 1973, a protective notice of appeal filed in the case was withdrawn, and the appeal was dismissed.

This notice will serve to inform the public that, pursuant to the court decision in this case, the Filled Milk Act will no longer be enforced. Henceforth, filled milk products may lawfully be shipped in interstate commerce and will be regulated under the provisions of the Federal Food, Drug, and Cosmetic Act, just as any other foods.

In view of these developments, the Commissioner of Food and Drugs concludes that appropriate labeling for filled milk products should promptly be considered. The Food and Drug Administration is now studying the possibility of establishing a standard of identity for these products. In the interim, the Commissioner has concluded that a regulation should be promulgated governing the common or usual name of these products.

During this interim the Commissioner invites interested persons to comment on the suitability and meaning to them of the word "filled" in the name of the food. Alternate words or phrases which are more meaningful and are not deceptive and misleading may be suggested.

Milk products are a major source of nutrients in the diet. Pursuant to § 1.8(e) of this chapter, published elsewhere in this issue of the FEDERAL REGISTER, any filled milk product which is not nutritionally equivalent to the product that it resembles and for which it is intended as a substitute shall be labeled as an "imitation". The proposed regulation set out below provides that if a product as defined in paragraph (a) is made nutritionally equivalent to a counterpart milk or cream product by meeting the nutrient specifications in paragraph (b), the common or usual name of the product will be "filled_____", the blank to be filled in with the name of the counterpart milk product (e.g., milk, cream, skimmed milk, and so forth).

The significant nutritional qualities of milk which should be preserved in a milkfat-replaced product are vitamin A, vitamin E, and polyunsaturated fatty acids of the linoleic acid series. An additional quality which should be provided is vitamin D because beverage milk products are recognized as the preferred food vehicle for this vitamin in the American diet. The terminology used for polyunsaturated fatty acids of the linoleic acid series in the recently published regulation on fat labeling, § 1.18 of this chapter (38 FR 6961) is *cis, cis*-methylene-interrupted polyunsaturated fatty acids. Some vegetable fats or fat blends which may be used to replace milkfat in producing filled milk have a fatty acid pattern which is deficient in this fatty acid group. Providing for a level equivalent to 4 percent of the fat in the product will correct this deficiency.

Labeling requirements of § 1.17 of this chapter (38 FR 6951) apply to all filled milk products to which descrete nutrients are added or for which a claim or information with respect to nutritional properties (including the nature or content of the fat and fatty acids, in which case the requirements of § 1.18 also apply) is made.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041, as amended, 1047-1048, as amended, 1055; 21 U.S.C. 321(n), 343, 371(a)), and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that a new § 102.18 be added to Part 102, as follows:

§ 102.18 Filled milk products.

(a) The common or usual name of the food made from milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, from which all or part of the fat has been removed and to which has been added, or which has been blended or compounded with, any fat or oil other than milkfat, shall be "filled_____", the blank being filled in with the name of the counterpart milk product as defined in Part 18 of this chapter.

(b) A product meeting the definition of paragraph (a) of this section but which is nutritionally inferior to the counterpart milk product shall be labeled as an imitation pursuant to § 1.8(e) of this chapter. For purposes of § 1.8(e) of this chapter, a filled milk product shall be considered nutritionally equivalent to its counterpart milk product if it meets all of the following requirements:

(1) It contains the minimum milk solids not fat required for the counterpart milk product as prescribed in Part 18 of this chapter.

(2) If it is filled milk, filled lowfat milk, filled skim milk, or the condensed, evaporated, concentrated, powdered, dried or desiccated form of these fluid products:

(i) Vitamin A shall be present in such quantity that each quart (or reconstituted quart, in the case of the condensed or dried products) of the food contains 2,000 International Units thereof.

(ii) Vitamin D shall be present in such quantity that each quart (or reconstituted quart, in the case of the condensed or dried products) of the food contains 400 International Units thereof.

(iii) *Cis,cis* - methylene - interrupted polyunsaturated fatty acids (as glycerides) shall be present at a level equivalent to 4 percent of the fat in the product.

(iv) Vitamin E shall be present at a level equivalent to 1 International Unit per gram of total polyunsaturated fatty acids (as glycerides) in the product.

(3) If it is filled half-and-half, filled light cream, filled light whipping cream, filled heavy cream, or the condensed, evaporated, concentrated, powdered, dried or desiccated form of these fluid products;

(i) Vitamin A shall be present at a level equivalent to 40 International Units per gram of fat.

(ii) *Cis,cis* - methylene - interrupted polyunsaturated fatty acids (as glycerides) shall be present at a level equivalent to 4 percent of the fat in the product.

(iii) Vitamin E shall be present at a level equivalent to 1 International Unit per gram of total polyunsaturated fatty acids (as glycerides) in the product.

(c) This section shall not apply to an infant formula that is labeled as such and that is represented for feeding infants and young children.

Interested persons may, on or before October 1, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15694 Filed 8-1-73;8:45 am]

[21 CFR Part 125]

USE OF INTERNATIONAL UNITS FOR VITAMINS A AND D

Notice of Proposed Rule Making

Elsewhere in this issue of the FEDERAL REGISTER the Commissioner of Food and Drugs is promulgating final regulations for food for special dietary uses. Exceptions filed to the tentative order in that proceeding pointed out that § 125.5(c)(5) uses "U.S.P. Units" as the units of measurement for vitamins A and D, whereas the tentative order used "International Units" for these vitamins.

The Commissioner has concluded that International Units should be used as the standard units of measurement for vitamins A and D. Accordingly, it is proposed that § 125.5(c)(5) (21 CFR 125.5) be revised to refer to "International Units" rather than "U.S.P. Units" for vitamins A and D.

The Commissioner recognizes that this is a technical change and that there will be no need to require immediate label changes to reflect this revision. The Commissioner therefore proposes that, when adopted, this revision may be reflected in labeling when other labeling changes are made, in order to prevent any unnecessary costs to consumers.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701, 52 Stat. 1047-1048, 1055; 21 U.S.C. 343, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 125 in § 125.5(c)(5) to insert "International Units" in lieu of "U.S.P. Units" as the units of measurement for vitamins A and D.

Interested persons may, on or before September 1, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 25, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15696 Filed 8-1-73;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5897]

FOLIC ACID PREPARATIONS, ORAL AND PARENTERAL FOR THERAPEUTIC USE

Drugs for Human Use; Drug Efficacy Study Implementation; Amendment

In the FEDERAL REGISTER of April 9, 1971 (36 FR 6843), the Commissioner of Food and Drugs published conclusions concerning the effectiveness of folic acid for therapeutic use pursuant to reports received from the National Academy of Sciences-National Research Council.

It was concluded that there is no evidence that doses of folic acid greater than 1 mg. daily have greater efficacy than do those of 1 mg., and that the usual therapeutic dose, oral or parenteral, should be 0.25 mg. to 1.0 mg. daily, and the maintenance dose should ordinarily be 0.1 to 0.25 mg. daily. The notice allowed 180 days for manufacturers and distributors to reformulate products of higher strength than 1.0 mg.

That notice also stated, in accord with regulations then in effect (21 CFR 3.42), that oral preparations supplying more than 0.1 mg. folic acid per dosage unit would be restricted to prescription dispensing and that a dietary supplement furnishing 0.1 mg. could be prescribed when a maintenance level of 0.1 mg. per day was indicated.

Elsewhere in this issue of the FEDERAL REGISTER the Commissioner of Food and Drugs has published orders revising regulations for foods for special dietary use and promulgating a standard of identity for dietary supplements and an order revoking § 3.42 and amending the food additive regulations as they apply to folic acid. The effect of these orders is to increase the amount of folic acid which may be added to a food or used in a dietary supplement above the level previously allowed. The maximum daily amount of folic acid now permitted for such use is 0.1 mg. for infants, 0.3 mg. for children under 4 years of age, 0.4 mg. for adults and children 4 or more years of age, and 0.8 mg. for pregnant or lactating women.

Pending review of the status of folic acid by the OTC vitamin-mineral drug panel pursuant to procedures established in § 130.301, the Food and Drug Administration will continue on an interim basis its previous policy of regarding any preparation containing folic acid in excess of the permitted food additive level as a prescription drug.

Therefore, the Commissioner finds it appropriate to amend certain parts of the previous DESI notice for folic acid and republish it as follows:

The Food and Drug Administration has evaluated reports of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, as well as other available evidence, and concludes that folic acid administered orally or parenterally:

1. Is effective for the treatment of megaloblastic anemias of tropical and nontropical sprue, nutritional origin, pregnancy, infancy, and childhood.

2. Lacks substantial evidence of effectiveness in "macrocytic anemias associated with pellagra and similar deficiency states" and such vague, unspecific conditions as "macrocytic anemia of gastrointestinal origin" and "megaloblastic anemias other than pernicious anemia."

The Food and Drug Administration also concludes that there is no evidence that doses of folic acid greater than 1 mg. daily have greater efficacy than do those of 1 mg. The maintenance level of folic acid permitted in food and dietary supplements is up to 0.1 mg. for infants, 0.3 mg. for children under four years of age, 0.4 mg. for adults and children four or more years of age, and 0.8 mg. for pregnant or lactating women. The usual therapeutic dose, oral or parenteral, is up to 1.0 mg. daily.

Dietary supplement preparations are available without a prescription (21 CFR 121.1134). Levels higher than dietary supplement amounts are available only with a prescription.

Parenteral drug products and those oral dosage form products which by reason of containing in excess of 0.8 mg. per dosage unit or per recommended daily dosage or because of a recommended use are limited to prescription dispensing, are regarded as new drugs (21 U.S.C. 321(p)). The Food and Drug Administration is prepared to approve abbreviated new-drug applications and abbreviated supplements to previously approved applications providing for these articles under the conditions described herein.

A. *Form of drug.* Folic acid preparations are in (1) tablet form suitable for oral administration and contain no more than 1.0 mg. folic acid per tablet or (2) solution form suitable for parenteral administration in the dosages recommended in the labeling guidelines below.

B. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations promulgated thereunder, and those parts of its labeling indicated below are substantially as follows: (Optional additional information applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below.)

FOLIC ACID

DESCRIPTION

(To be supplied by the manufacturer. This is to be confined to an appropriate description of the physical and chemical properties of the drug, and the formulation.)

ACTIONS

(To be supplied by the manufacturer. This is to be confined to an appropriate statement of the demonstrated pharmacologic/physiologic actions of the active ingredients of the drug in humans. When the mode of action has not been determined, this should be clearly indicated.)

INDICATIONS

Folic acid is effective in the treatment of megaloblastic anemias due to a deficiency of folic acid as may be seen in tropical or nontropical sprue, in anemias of nutritional origin, pregnancy, infancy, or childhood.

WARNINGS

Folic acid alone is improper therapy in the treatment of pernicious anemia and other megaloblastic anemias where vitamin B_{12} is deficient.

PRECAUTIONS

Folic acid especially in doses above 1.0 mg. daily may obscure pernicious anemia in that hematologic remission occur while neurological manifestations remain progressive.

ADVERSE REACTIONS

Allergic sensitization has been reported following both oral and parenteral administration of folic acid.

DOSAGE AND ADMINISTRATION

Oral administration. Folic acid is well absorbed and may be administered orally with satisfactory results except in severe instances of intestinal malabsorption.

Parenteral administration. Intramuscular, intravenous, and subcutaneous routes may be used if the disease is exceptionally severe, or if gastrointestinal absorption may be, or is known to be, impaired.

Usual therapeutic dosage—In adults and children (regardless of age) up to 1.0 mg. daily. Resistant cases may require larger doses.

Maintenance level. When clinical symptoms have subsided and the blood picture has become normal, a maintenance level should be used, i.e., 0.1 mg. for infants and up to 0.3 mg. for children under four years of age, 0.4 mg. for adults and children four or more years of age, and 0.8 mg. for pregnant and lactating women, per day, but never less than 0.1 mg. per day. Patients should be kept under close supervision and adjustment of the maintenance level made if relapse appears imminent.

In the presence of alcoholism, hemolytic anemia, anticonvulsant therapy, or chronic infection, the maintenance level may need to be increased.

Holders of new-drug applications and abbreviated new-drug applications approved for folic acid-containing preparations limited to prescription sale shall submit supplements by October 1, 1973 to provide for revised labeling in accord with that given in paragraph B.2, above.

Any identical, related, or similar product, not the subject of a new drug application, is covered by the new drug applications reviewed and is subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and the Administrative Procedure Act (5 U.S.C. 554) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 26, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15699 Filed 8-1-73;8:45 am]

federal register

THURSDAY, AUGUST 2, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 148

PART III

ENVIRONMENTAL PROTECTION AGENCY

■

AIR QUALITY STANDARDS

Approval and Promulgation of Implementation Plans

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

COLORADO; APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Notice of Proposed Rule Making

On May 31, 1972 (37 FR 19842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, State plans for implementation of the National Ambient Air Quality Standards. On that date, the Governor of Colorado was advised that in order to complete the requirements of §§ 51.11(b) and 51.14, a transportation and/or land use control strategy for the Metropolitan Denver Intrastate Air Quality Control Region (hereinafter, the Metropolitan Denver Region) was to be submitted to the Administrator by February 15, 1973.

On January 31, 1973, the U.S. Court of Appeals for the District of Columbia Circuit (Natural Resources Defense Council, Inc., et al. v. Environmental Protection Agency (civil action No. 72-1522) found that the Administrator did not conform to the strict requirements of the Clean Air Act of 1970 in permitting several States to delay submission of transportation control portions of their implementation plans until February 15, 1973, and in granting extensions until mid-1977 for attainment of the national primary ambient air quality standards without following the procedures established in section 110, 42 U.S.C. 1857c-5 (e). Accordingly, the court ordered that the Administrator rescind the extension granted the States for implementation of the transportation and/or land use control portion of their implementation plans. The affected States, including Colorado, were required to submit a control plan by April 15, 1973. The plan was to show attainment of the National Ambient Air Quality Standards for photochemical oxidants (hydrocarbons) and carbon monoxide as expeditiously as practicable but no later than May 31, 1975.

This proposal is a result of certain deficiencies which have been noted by the Administrator in his preliminary review of the Colorado Transportation Control Plan. Following the expiration of the 21-day comment period on the supplemental information submitted by the Governor of Colorado on July 16, 1973, the Administrator will announce a decision on the approvability of the Colorado Plan prior to the public hearings scheduled on September 10, 1973. Additional proposals by EPA may be submitted to the public in the FEDERAL REGISTER or portions of this proposal deleted if appropriate.

POLLUTION IN THE METROPOLITAN DENVER REGION

The Metropolitan Denver Region lies within the South Platte River drainage basin. Pollution problems associated with motor vehicle generated carbon monoxide and photochemical oxidants (hydrocarbons) occur during periods of stable atmospheric conditions with light winds. The South Platte River flows from southwest to northeast through the center of Denver, with land elevation generally decreasing toward the northeast. The mountains rise to about 8,000 ft. above sea level to the west and 6,000 to 7,000 ft. to the southwest. This topographic pattern results in downslope or drainage winds from the south through the southwest during the night and into the morning hours. As daytime heating takes effect, upslope or toward-the-mountains wind flow occurs, and maybe over a considerably wider range from north-northeast to south-southeast. This local wind regime is strongest when the general weather situation is quiet and under the influence of a weak pressure gradient.

The Primary National Ambient Air Quality Standard for photochemical oxidants is 160 $\mu g/m^3$ (0.08 part per million (ppm) average) maximum 1-hour concentration, not to be exceeded more than once per year. The standard, promulgated on April 30, 1971 (36 FR 8186), is intended to avoid adverse effects on human visual and respiratory systems that have been observed on days when estimated hourly average concentration of photochemical oxidants reach 0.10 ppm. A level of 0.08 ppm was therefore judged necessary by the Administrator to protect public health with an adequate margin of safety, as required by the Act.

The second highest recorded 1-hour average concentration of oxidants in the Metropolitan Denver Region was 0.18 ppm. This concentration was recorded in 1971 and using the relationship between hydrocarbons emissions and ambient photochemical oxidant concentration, as defined in Appendix J, 40 CFR 51, a 60 percent reduction in hydrocarbon emissions is required.

The Primary National Ambient Air Quality Standards for carbon monoxide are 35 ppm maximum 1-hour concentration and 9 ppm maximum 8-hour concentration, each not to be exceeded more than once per year. These standards are intended to prevent adverse effects caused by the absorption of carbon monoxide by blood hemoglobin.

The second highest 1-hour and 8-hour carbon monoxide concentrations were recorded in 1971 in the Metropolitan Denver Region. The concentrations are 51 ppm and 24.7 ppm respectively. Control measures adequate to ensure meeting the 8-hour carbon monoxide standard will also ensure meeting the 1-hour carbon monoxide standard. Utilizing a proportional rollback technique a 64 percent reduction in carbon monoxide emissions is required.

Colorado faces a unique situation. The high altitude provokes and intensifies the air pollution problem, particularly that associated with mobile sources. Because of Colorado's high altitude (an average elevation of 6,800 ft. above sea level) problems are compounded between pollutant levels, density of atmosphere, and effects on human health. Acquiring data which accurately reflects true emissions at Denver's altitude creates problems in selection of appropriate control strategies for the Metropolitan Denver Region.

SUMMARY OF CONTROL REQUIREMENTS

The best information available to the Administrator indicates that the anticipated decrease in motor vehicle emissions from the Federal Motor Vehicle Control Program (FMVCP) will be insufficient to permit meeting the National Standards by May 31, 1975. This information indicates further that the degree of control of hydrocarbon emissions necessary to meet the 1-hour photochemical oxidant standard is greater than the degree of control necessary to meet either the 1-hour or 8-hour carbon monoxide standards. Stationary sources of hydrocarbons contribute significantly to the photochemical oxidant problem in the Metropolitan Denver Region, and control of these sources will contribute to the necessary emissions reductions for hydrocarbons. The balance of reduction necessary will come from controls on mobile source emissions. The same amount of control necessary to meet the photochemical oxidants standards will ensure meeting the 8-hour standard for carbon monoxide.

The State of Colorado submitted to the Environmental Protection Agency on June 4, 1973 a plan for attainment of the standards and a request for an extension of 2 years. EPA is currently reviewing this plan. The strategies in the Colorado submittals appear to be approvable in concept. Colorado's strategies together with those proposed here should assure attainment of the standard. The Administrator, however, is withholding approval at this time pending the evaluation of supplemental information which has been received from the State of Colorado and the expiration of the public comment period.

Should the Administrator approve the Colorado plan, such approval would represent EPA sanction of a plan which is less specific as to individual strategies than would be acceptable from a sea level region. The altitude of the Denver area precludes the arbitrary selection of a retrofit device or a particular inspection/maintenance program. Data to justify such a selection does not exist. Accordingly, the Administrator is considering approval of the Colorado plan to develop those strategies for high altitude areas. A firm commitment from the State has been received to undertake this development effort and has now been mandated by Colorado Senate Bill 893 which is submitted to the Administrator as part of the supplemental information received on July 16, 1973. Because of the lack of data at high altitude, EPA development of these strategies would require essentially the levels of effort and amount of time required in the State plan. EPA is now cooperating in the effort to develop a suitable retrofit device for pre-1968 vehicles, high altitude modification and tuning specifications, and a high altitude inspection/maintenance program.

The commitment expressed by the Colorado legislature in Senate Bill 393 allocates resources to the Colorado pollution control program at a level which is reasonable and proper.

Prior to the submission of the supplemental information, this commitment did not exist nor was a commitment to implement compliance schedules included in the original submittal. Even though the combined State of Colorado plan and the proposed EPA plan have considered all reasonable strategies, the standards can not be met by 1975. Accordingly, an extension will be required for the Metropolitan Denver Region.

The transit improvements, bikeway development, and bus/carpool lanes proposed by the state will provide a nonautomotive increase in mobility for residents of the Metropolitan Denver Region. This increase will be absorbed by a shift away from the private automobile due to the vehicle restraints to be imposed by the State and the measures being proposed by EPA.

The supplemental information includes three additional strategies together with information which relates to the specific methods or techniques by which the strategies proposed by the State of Colorado will be implemented. The strategies which are being proposed here represent those additional strategies which are necessary to achieve and maintain the standards by May 31, 1977. Control plans will not be promulgated in final form until the opportunity for public participation, including public hearings, has taken place. The measures being proposed represent EPA's best judgment of the most reasonable methods currently available to meet air quality standards. However, they may be amended, others may be added, or entirely new measures may be chosen in their place if the comments received on this notice or EPA's own reexamination of the problem indicates that such action would be warranted.

The State of Colorado has in its plan a proposed regulation for the control of stationary hydrocarbon emissions. Only transportation and land use controls may be submitted in proposed form (40 CFR 51.22). EPA must, therefore, propose stationary hydrocarbon emission control regulations. If the State of Colorado adopts suitable regulations in the future, the EPA regulations can be withdrawn.

The stationary source hydrocarbon regulations proposed herein are for the stationary hydrocarbon emission. Only control of hydrocarbon emissions from a variety of sources. The regulations limit emissions in the areas of transportation manufacturing and processing. Regulations are also provided for control of gasoline sales and marketing operations.

The emissions of carbon monoxide affecting ambient concentration within the areas of concern come almost entirely from motor vehicle sources, so that reductions required beyond those provided by the FMVCP will need to be effected by transportation controls that reduce total motor vehicle emissions. The two general types of transportation controls available are those that reduce the average emission per mile of vehicle travel and those that reduce the number of vehicle miles traveled (VMT). The Colorado control plan together with the EPA proposal set forth here includes strategies selected from both these major categories.

SUMMARY OF THE TRANSPORTATION CONTROL PLAN

Of the strategies listed below, the first three were proposed in the original Colorado transportation control plan submitted on June 4, 1973. The second three were proposed in the submittal of supplemental information on July 16, 1973. The strategies are:

(1) Semi-annual inspection and maintenance program using the idle test mode to be fully implemented by December 1, 1975.

(2) Air bleed retrofit for pre-1968 vehicles to be fully implemented by July 1, 1976.

(3) High altitude modification and tuning specifications for 1968–1975 vehicles to be fully implemented by July 1, 1976.

The following strategies are to be implemented by December 1, 1974:

(4) Designation of mandatory bus/carpool lanes.

(5) Limitation on the construction of future parking facilities.

(6) Removal of on-street parking in the core area.

The State of Colorado has also included improvements in public transit and expanded bikeway development and use to reduce the number of vehicle miles traveled. EPA has determined that an additional measure to reduce VMT is necessary. Accordingly, EPA is proposing a limitation on gasoline sales at fiscal year 1973 levels to be effective on July 1, 1974, and a 31 percent reduction in VMT attained by the same method to be effective on May 31, 1977.

The 31 percent reduction is not mandated in the proposed regulations. The State is required by January 1, 1977 to evaluate the reductions in VMT achieved through other strategies prior to that date, and project the necessary VMT reduction to be achieved through gasoline sales limitation. The 31 percent represents EPA's best estimate of this required reduction based on current data.

The statement of a requirement for a 31 percent VMT reduction is somewhat misleading when viewed in the context of the gasoline sales limitations to be imposed earlier. The 31 percent is a reduction from projected 1977 levels rather than 1971 levels. The sales limitation on gasoline should effectively stop growth in VMT, hence the actual reduction from current levels should be somewhat less than 31 percent.

Gasoline limitation was selected because it was originally included in the Colorado submittal as one of the State's strategies and seemed most practical particularly in view of its low cost of implementation. Furthermore, implementation of the strategy to account for a significant VMT reduction might not be necessary. The required VMT reduction may be achieved by the State through other means such as mass improvements. The relative ease of implementation of gas limitation compared to many other strategies makes it attractive in a situation such as Colorado's where there is a significant chance that it may not have to be implemented. Eight of the alternative strategies would probably require more cost and capital expenditure prior to implementation than gas limitation and similarly would require more lead time.

A system for the limitation of auto use by means of colored license plates or stickers is one alternative to the limitation of gasoline. In such a system, the vehicle population would be divided randomly into five groups. Each group would be assigned a colored sticker or license plate. One working day each week one color group would be excluded from the Denver core area. Such a limitation would lessen congestion in the downtown area, and serve to encourage carpooling, bicycle utilization and the use of transit. In other areas where such a system has been proposed by EPA, however, the period of operation of the system has been limited to that part of the annual season when air quality is worse. If instituted in Denver, preliminary indications reflect that poor air quality is somewhat less seasonal than in other cities. Accordingly, the license plate or sticker system could be required throughout the year.

The second alternative to gasoline limitation involves the use of catalytic converter retrofit. This retrofit package is applicable to controlled (post 67) cars, and is estimated to have a cost of $100 to $200. Reductions which can be achieved through this retrofit are substantial, but longer lead times for the development of the program would require institution of other control measures prior to the retrofit. One of the primary reasons for the initial rejection of this approach is that there is considerable uncertainty surrounding the effectiveness of a catalyst in a high altitude environment. Current indications are that the catalysts would be available in sufficient quantity by the necessary time to allow retrofitting the affected vehicle population in the Metropolitan Denver Region. Comments are particularly solicited from the public regarding the desirability of gasoline sales limitations versus the alternatives of auto use limitation by stickers or license plate and the catalytic retrofit.

As shown in Table I, the proposed EPA regulations, together with the strategies proposed by the State of Colorado in their Transportation Control Plan, ensure attainment of the National Ambient Air Quality Standards for carbon monoxide and photochemical oxidants (hydrocarbons) by May 31, 1977. If the reductions for the hardware devices, as determined by actual investigation, are found to be less than those claimed by the State of Colorado, a plan revision will be necessary to implement strategies to compensate for the loss.

The three strategies proposed by the Governor of Colorado in the submission of supplemental information are de-

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signed to reduce vehicle miles of travel in the Region. These proposals are similar to those that have been proposed by EPA in other areas.

Economic and Social Impact of the Transportation Control Plan

Congress recognized that the achievement of the goals of the Clean Air Act would have a significant impact on many urban areas A thorough quantitative assessment of the impact of the plan on the economic and social fabric of the community has not been possible due to the lack of time and the innate complexity of the issues. In the judgment of the Administrator, the following impact may occur. First, vehicle owners may have to assume the direct cost of emission abatement equipment required to bring their vehicle into compliance. Second, reduction in the mobility of workers and consumers could have some impact on the economic fabric of the community. Third, interferences with the ability of citizens to move as freely as before may slightly alter the life style of the region. Obviously, the severity of the impact depends on the degree of vehicle use restriction, the manner in which direct costs of abatement equipment is financed, and the degree to which the effects can be ameliorated by improvement of the transit system.

TABLE I

COMPILATION OF CONTROL STRATEGY EFFECTS ON CARBON MONOXIDE AND HYDROCARBON EMISSIONS

Control Strategy	Emission Reduction in Addition to the Federal Motor Vehicle Control Program (FMVCP)							
	Carbon Monoxide Tons Per Year				Hydrocarbons Tons Per Year			
	1974	1975	1976	1977	1974	1975	1976	1977
State Strategies								
1. Inspection-Maintenance			1,342	1,350			1,512	1,812
2. Air Bleed (Pre-1968)			3,217	2,306			756	670
3. High Altitude Modification (1968-1971)			8,521	8,907			2,159	3,071
4. VMT Reductions								
a. bus/car pool lanes								
b. parking lot construction limitation		3,301	1,766	1,765		1,729	1,221	969
c. limitation of construct parking								
d. gasoline limitation								
EPA Proposal								
5. Stationary Hydrocarbon control						10,339	10,339	10,339
6. Gasoline limitation		826	589	646		132	108	462
Uncontrolled Emissions (includes FMVCP)	51,106	16,183	42,513	37,105	13,307	38,219	35,903	33,445
Total Reduction from strategies		1,130	18,138	17,401		12,500	16,698	17,353
Remaining Emissions	51,106	12,353	21,075	19,911	13,307	25,719	19,205	16,092
Allowable Emissions	19,802	19,802	19,802	19,802	17,378	17,378	17,378	17,378

Any direct or indirect effects of the plan on the economy of the area are primarily dependent on the extent of the necessary reduction in VMT. Since the degree of restriction is relatively small, it is expected that the principal effects will be more a matter of social adjustment than of serious economic consequences.

EPA Efforts to Mitigate the Effects of Proposed Regulations

Together with the Colorado Implementation Plan, the effect of these proposed regulations will eliminate the air pollution danger to human health and welfare that exists in the Metropolitan Denver Region. They may, however, have adverse economic and social impacts, and the Administrator will make every effort possible to mitigate the effects of his final promulgation. He will be in contact with the Department of Transportation and with other departments as necessary. The Administrator of EPA will request that the departments and agencies give special attention to the need for funding adequate mass transit to replace the automobile travel eliminated by any promulgated control measures.

Public Comments Solicited

The Administrator intends that the finally adopted plans be as responsive as possible to the needs of the Metropolitan Denver Region. He therefore desires to obtain the comments and suggestions of the public on the problems of achieving the Ambient Air Quality Standards. Comments are particularly invited pertaining to other measures that may be taken by Federal, State or local authorities to support or supplement these measures, and pertaining to the comparative social and economic effects of alternative pollution control measures. A public hearing will be held on September 10, 1973, at 10:00 a.m., Denver Post Office Auditorium, Denver, Colorado.

The Administrator's final promulgation of transportation controls for the Metropolitan Denver Region will be influenced by the comments and testimony he receives, as well as by the supplemental information which has been submitted by the State of Colorado, and by any further approvable strategies which are submitted by the State as part of the Colorado Implementation Plan. These influences, and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulations that differ in important ways from this proposal.

Submittal of Comments

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203. All relevant comments received on or before September 4, 1973 will be considered. Comments on the supplemental information submitted by the State will also be accepted during the same time period. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the EPA Region VIII Office and at the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460. The changes proposed by this notice with appropriate modification will be effective as noted. This notice of proposed rule making is issued under the authority of section 110(c) and 301(a) of the Clean Air Act.

(42 U.S.C. 1857c et seq.)

Dated: July 24, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

Subpart G—Colorado

1. Subpart G is amended by adding §§ 52.329 through 52.338 as follows:

§ 52.329 Gasoline limitations.

(a) Definitions:

(1) "Base year" means the consecutive 12-month period commencing on July 1, 1972, and ending June 30, 1973.

(2) "Distributor" means any corporation, partnership, or sole proprietorship which transports or stores or causes the transportation or storage of gasoline between any refinery and any retail outlet.

(3) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the public, or introduced into any vehicle.

(b) This section is applicable within the Metropolitan Denver Intrastate Air Quality Control Region (hereafter referred to as the Region) to all distributors of gasoline, to any retail outlet in this area, and to the owners or operators of all retail outlets in this area.

(c) Beginning July 1, 1974, the State of Colorado shall implement regulations limiting the total gallonage of gasoline delivered to retail outlets in the Region to the amount delivered to such outlets during the base year.

(d) Beginning May 31, 1977, the State of Colorado shall implement regulations limiting the total gallonage of gasoline delivered to retail outlets to that amount which, when combusted, will not result in the ambient air quality standard being exceeded. The State shall by January 1, 1977, submit to the Administrator regulations to accomplish this limitation. The amount of limitation required shall also be specified.

(e) In order for the State to determine the amount of gasoline delivered during the base year and years during which control is in effect, all distributors to which this section applies shall provide the State with a detailed accounting of

the amount of gasoline delivered to each retail outlet in the Region during the base year and years during which control is in effect. For each year during which control is in effect, the owner or operator of each retail outlet to which this section applies shall provide the State with a detailed accounting of gasoline received from each distributor, the total amount of gasoline sold during the year, and the amount of gasoline on hand at the beginning and end of the year. The State may require any other reports as it may deem necessary for the implementation of this section.

(f) The State of Colorado shall submit no later than November 1, 1973, a detailed compliance schedule showing steps it will take to establish and enforce the limitation program specified in paragraphs (c) and (d) of this section including:

(1) The text of needed statutory proposals and needed regulations which it will propose for adoption.

(2) A date by which the State shall adopt procedures to ensure that no more than the amount of gasoline specified in paragraph (c) of this section is delivered to retail outlets in the Region. Such date shall be no later than March 30, 1974.

(3) A date by which the State shall determine the total gallonage deliverable to limit the vehicle miles traveled in the Region by light duty gasoline fueled vehicles to that amount specified in paragraph (d) of this section. Such date shall be no later than March 1, 1977.

(4) A date by which any report necessary for establishing such procedures will be furnished to the State by the distributors. Such date shall be no later than January 1, 1974.

(5) Designation of an agency responsible for implementation and monitoring of this program.

(g) Failure to comply with any provision of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, a State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.330 Control of dry cleaning solvent evaporation.

(a) "Drycleaning operation" means that process by which an organic solvent, as defined in § 52.332(k), is used in the commercial cleaning of garments and other fabric material.

(b) This section is applicable in the Metropolitan Denver Intrastate Air Quality Control Region.

(c) No person shall operate a drycleaning operation unless the uncontrolled organic emissions from such operation have been reduced at least 85 percent except that drycleaning operations emitting less than 3 pounds per hour and less than 15 pounds per day of uncontrolled organic materials are exempt from the requirements of this section.

(d) If incineration is used as a control technique, 90 percent or more of the carbon in the organic compounds being incinerated must be oxidized to carbon dioxide. Compliance with this requirement shall be in accordance with the provisions of § 52.338.

(e) Any owner or operator of a stationary source subject to this section shall achieve compliance with the requirements of paragraph (c) of this section by discontinuing the use of photochemically reactive solvents as defined by § 52.332(l) no later than January 31, 1974, or by controlling emissions in accordance with the requirements of § 52.338.

§ 52.331 Degreasing Operations.

(a) "Degreasing" means the operation of using an organic solvent as a surface cleaning agent prior to fabricating, surface coating, electroplating, or any other process.

(b) This section is applicable in the Metropolitan Denver Intrastate Air Quality Control Region.

(c) No person shall use for degreasing any organic solvent other than perchloroethylene or saturated halogenated hydrocarbons after January 31, 1974.

§ 52.332 Organic solvent usage.

(a) This section is applicable in the Metropolitan Denver Intrastate Air Quality Control Region. Compliance with the requirements of paragraphs (b) through (i) of this section shall be in accordance with the provisions of § 52.338.

(b) A person shall not discharge more than 15 pounds of organic materials into the atmosphere in any one day from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat polymerized, in the presence of oxygen, unless all organic materials discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent overall or to not more than 15 pounds in any one day.

(c) A person shall not discharge more than 40 pounds of organic material into the atmosphere in any one day from any article, machine, equipment or other contrivance used under conditions other than described in paragraph (b) of this section for employing, applying, evaporating or drying any photochemically reactive solvent, as defined in paragraph (l) of this section, or material containing such solvent, unless all organic materials discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent overall or to not more than 40 pounds in any one day.

(d) Any series of articles, machines, equipment or other contrivances designed for processing a continuously moving sheet, web, strip or wire which is subjected to any combination of operations described in paragraphs (b) or (c) of this section involving any photochemically reactive solvent, as defined in paragraph (l) of this section, or material containing such solvent, shall be subject to compliance with paragraph (c) of this section. Where only non-photochemically reactive solvents or material containing only non-photochemically reactive solvents are employed or applied, and where any portion or portions of said series of articles, machines, equipment or other contrivances involves operations described in paragraph (b) of this section, said portions shall be collectively subject to compliance with paragraph (b) of this section.

(e) Emissions of organic materials to the atmosphere from the cleanup with photochemically reactive solvent, as defined in paragraph (l) of this section, of any article, machine, equipment or other contrivance described in paragraphs (b), (c) or (d) of this section shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this section.

(f) Emissions of organic materials to the atmosphere as a result of spontaneously continuing drying of products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in paragraphs (b), (c), or (d) of this section shall be included with other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this section.

(g) Emissions of organic materials into the atmosphere required to be controlled by paragraphs (b), (c), or (d) of this section shall be reduced by:

(1) Incineration: *Provided*, That 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(2) Adsorption, or

(3) Processing in a manner determined by the Administrator to be not less effective than the methods described in paragraphs (g) (1) or (2) of this section.

(h) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or the permit to operate, or as specified by the Administrator, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(i) Any person using organic solvents or any materials containing organic solvents shall supply the Administrator, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

(j) The provisions of this section shall not apply to:

(1) The manufacture of organic solvents, or the transport or storage of or-

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ganic solvents or materials containing organic solvents.

(2) The spraying or other employment of insecticides, pesticides or herbicides.

(3) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

(4) The use of any material, in any article, machine, equipment or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The volatile content of such material consists only of water and organic solvents, and

(ii) The organic solvents comprise not more than 20 percent by volume of said volatile content, and

(iii) The volatile content is not photochemically reactive as defined in paragraph (l) of this section, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(5) The use of any material, in any article, machine, equipment or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The organic solvent content of such material does not exceed 20 percent by volume of said material, and

(ii) The volatile content is not photochemically reactive as defined in paragraph (l) of this section, and

(iii) More than 50 percent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(6) The use of any material, in any article, machine, equipment or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The organic solvent content of such material does not exceed 5 percent by volume of said material, and

(ii) The volatile content is not photochemically reactive as defined in paragraph (l) of this section, and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame.

(k) For the purposes of this section, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents.

(l) For the purpose of this section, a photochemically reactive solvent is any solvent with an aggregate or more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(2) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

(m) Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

(n) For the purpose of this section, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

(o) This section shall be effective on the date of its adoption as to any article, machine, equipment or other contrivance not then completed and put into service. As to all other articles, machines, equipment or other contrivances, this section shall be effective in accordance with § 52.338.

§ 52.333 Storage of petroleum products.

(a) This section is applicable in the Metropolitan Denver Intrastate Air Quality Control Region. Compliance with the requirements of paragraph (b) of this section shall be in accordance with the provisions of § 52.338.

(b) A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute (psia) or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

(1) A floating roof, consisting of a pontoon type or double deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(2) A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight, except when gauging or sampling is taking place.

(3) Other equipment of equal efficiency, provided such equipment is approved by the Administrator.

§ 52.334 Organic liquid loading.

(a) This section is applicable in the Metropolitan Denver Intrastate Air Quality Control Region. Compliance with the requirements of paragraphs (b) through (d) of this section shall be in accordance with the provisions of § 52.338.

(b) No person shall load organic liquids having a vapor pressure of 1.5 psia or greater under actual loading conditions into any tank truck, trailer, or railroad tank car from any loading facility unless the loading facility is equipped with a vapor collection and disposal system or its equivalent approved by the Administrator.

(c) Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

(d) The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following:

(1) An absorber system or condensation system which processes all vapors and recovers at least 90 percent by weight of the organic vapors and gases from the equipment being controlled.

(2) A vapor handling system which directs all vapors to a fuel gas system.

(3) Other equipment of an efficiency equal to or greater than subparagraph (1) or (2) of this paragraph if proved by the Administrator.

(e) This section shall apply only to the loading of organic liquids having a vapor pressure of 1.5 psia or greater under actual loading conditions at a facility from which at least 20,000 gallons of such organic liquids are loaded in any one day.

(f) "Loading facility" means any aggregation or combination of organic liquid loading equipment which is both possessed by one person, and located so that all the organic liquid loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

§ 52.335 Gasoline transfer vapor control.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Metropolitan Denver Intrastate Air Quality Control Region.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 95 percent by weight of organic compounds in the said vapors displaced from the stationary container location.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight vapor return line from the storage container to the delivery vessel and a device that will ensure that the vapor return line is connected

before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 95 percent by weight of the organic compounds in the displaced vapor.

(2) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Stationary containers having a capacity of less than 550 gallons used exclusively for agricultural operations, provided, however, said containers are equipped with submerged fill pipes.

(2) Any container having a capacity of less than 2,000 gallons installed prior to promulgation of this section.

(3) Transfer made to storage tanks equipped with floating roofs or their equivalent.

(e) Compliance with this section shall be in accordance with the provisions of § 52.338.

§ 52.336 Control of evaporative losses from the filling of vehicular tanks.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Metropolitan Denver Intrastate Air Quality Control Region.

(c) No person shall transfer gasoline to an automotive fuel tank from gasoline dispensing systems unless the transfer is made through a fill nozzle designed to:

(1) Effect a vapor-tight fit between the fill nozzle and filler neck of the automotive fuel tank so as to prevent discharge of hydrocarbon vapors to the atmosphere.

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 95 percent by weight of the organic compounds in the displaced vapors are recovered.

(3) Prevent automotive fuel tank overfills or spillage on fill nozzzle disconnect.

(d) The system referred to in paragraph (c) of this section can consist of a vapor-tight vapor return line from the fill nozzle-filler neck interface to the dispensing tank or to an adsorption, absorption, incineration, or refrigeration-condensation system or equivalent.

(e) Components of the systems required by § 52.335(c) can be used for compliance with paragraph (c) of this section.

(f) If demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of fill neck configuration, location, or other design features, the provisions of this paragraph shall not apply to tanks on vehicles existing at the time of promulgation of this regulation.

(g) Compliance with this section shall be as follows:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1975.

(2) Initiation of on-side construction or installation of emission control equipment or process change must begin not later than July 31, 1975.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1976.

(4) Final compliance is to be achieved not later than May 31, 1976.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(h) Paragraph (g) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1976. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(i) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (g) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

§ 52.337 Paint and varnish manufacturing.

(a) This section is applicable in the Metropolitan Denver Intrastate Air Quality Control Region. Except as provided in paragraph (b)(1) of this section, compliance with paragraphs (b) and (c) of this section shall be in accordance with the provision of § 52.338.

(b) All persons engaged in the manufacturing of paints shall fulfill one of the following requirements:

(1) Reformulate paint to replace a photochemically reactive (§ 52.332(l)) solvent with a non-photochemically reactive solvent by January 31, 1974.

(2) Produce water-base coatings.

(3) Condense and absorb by scrubbing with alkali or acid washes.

(4) Scrub and adsorb by activated charcoal or other adsorbants.

(5) Combust organic emissions.

(c) Any manufacturer engaged in the production of varnish shall not engage in such activity unless the manufacturer fulfills the following requirements:

(1) Remove copal vapors through installation of a condensation unit which has been approved by the Administrator.

(2) Remove varnish vapors through installation of a combustion unit which has been approved by the Administrator.

§ 52.338 Federal compliance schedules.

(a) Except as provided in paragraph (c) of this section, the owner or operator of any stationary source subject to the requirements of §§ 52.330, 52.332, 52.333, 52.334, 52.335, and 52.337 shall comply with the compliance schedule in paragraph (b) of this section.

(b) Compliance Schedule:

(1) September 17, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the regulations cited in paragraph (a) of this section.

(2) November 16, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(3) April 1, 1974—Initiate on-site construction or installation of emission control equipment or process modification.

(4) April 1, 1975—Complete on-site construction or installation of emission control equipment or process modification.

(5) May 31, 1975—Final compliance with the regulations cited in paragraph (a) of this section.

(6) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(c) Paragraph (b) of this section shall not apply:

(1) To a source which is presently in compliance with the regulations cited in paragraph (a) of this section and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator such schedule shall satisfy the requirements of this paragraph for the affected source.

(d) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

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[40 CFR Part 52]

DISTRICT OF COLUMBIA; APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Notice of Proposed Rule Making

The transportation control plan submitted by the District of Columbia for attainment of the primary National ambient air quality standards for carbon monoxide (CO) and photochemical oxidants for the District of Columbia portion of the National Capital Interstate Region was disapproved in part on June 15, 1973 (38 FR 16556). This Notice of Proposed Rulemaking sets forth regulations which in the Administrator's judgment could be implemented in addition to the approvable portions of the District of Columbia plan to attain and maintain the National standards for carbon monoxide and photochemical oxidants in the District of Columbia portion of the National Capital Interstate Region.

If revisions to the District plan are submitted and determined to be approvable prior to Federal promulgation, these proposed regulations will be withdrawn. If revisions to the District plan are submitted and determined to be approvable after Federal promulgation, then those Federal regulations will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain the carbon monoxide and photochemical oxidant standards in the District of Columbia portion of the National Capital Interstate Region be a Regional plan carried out by the District or its designated representative.

Transportation Control Alternatives

Analysis of the air quality problems in the National Capital Interstate Region, of which the District of Columbia is a part, reveals that both photochemical oxidants and carbon monoxide exhibit unacceptably high levels in the region, with the former being the pacing pollutant.

Since a substantial proportion of the photochemical oxidant problem and almost all of the carbon monoxide problem are the result of automotive vehicle emissions, measures to reduce emissions from individual vehicles and measures to reduce vehicular travel can be effective in improving air quality. Since a significant percentage of the oxidant-producing hydrocarbon emissions stem from the vehicle-related sources associated with gasoline handling operations, measures to reduce these operational losses can also provide a measurable improvement in the regional air quality.

Reductions in emissions from vehicles can be obtained through inspection and maintenance programs, and from incorporation of various retrofit devices. Reductions in Vehicle Miles Traveled (VMT) can be achieved through various pricing and taxing schemes for road use, adoption of parking restrictions, and/or limitations of available number of parking spaces, restrictions on idling or cruising of fleet vehicles, selective control of goods movement, the establishment of vehicle-free zones, establishment of a four-day week, and programs promoting the use of carpools or alternative modes of transportation and limitations on gasoline usage. It must be emphasized that, in order to be effective, each VMT control measure proposed or adopted by the District of Columbia must be reflected by identical or equivalent measures in the neighboring jurisdictions of Maryland and Virginia for their portions of the National Capital Interstate Region.

In effecting substantial improvements in air quality, improvements in and expansion of public transportation facilities are a necessary and effective complement facilitating use of this alternative to the private automobile. Clearly, public transit improvements must be implemented in concert with the appropriate level of vehicle restraints, as determined by the regional characteristics of the private automobile use demand elasticity. Such improvements as greater coverage, increased frequency of service, improved reliability, increased comfort and convenience, a reasonable cost, and adequate personal security will further encourage the use of public transit alternatives to the private automobile.

Summary

The District of Columbia plan, as amended by the July 9, 1973 and July 16, 1973 submissions, in its demonstration of the attainment of the photochemical oxidant and carbon monoxide air quality standards, utilizes the following general measures: the Federal Motor Vehicle Control Program, a Motor Vehicle Inspection Program for all gasoline powered vehicles, improvements in public transportation, increased "terminal" (or parking) charges, a bus/car pool locator program, selective control of goods movement, restrictions on aircraft ground operations, and increased control of stationary source emissions.

According to the District of Columbia plan, which utilizes data compiled by the Metropolitan Washington Council of Governments for the entire National Capital Interstate Region, peak period hydrocarbon emissions were 63.3 tons for the Region as a whole and peak period carbon monoxide emissions were 1133.5 tons in 1972. In order to demonstrate attainment of standards, the Council of Government calculations indicate that hydrocarbon emissions must be reduced by 67 percent of the 1972 emissions in the National Capital Interstate Region to a level of 20.9 tons/peak period, and that carbon monoxide emissions must be reduced by 55.6 percent of the 1972 emissions in the Region to a level of 501 tons/peak period.

Including projected increases in vehicle miles of travel the Federal Motor Vehicle Control Program will reduce hydrocarbon peak period emissions by 47 percent to 33.6 tons and will reduce carbon monoxide emissions by 49 percent to 576 tons/peak period by 1977. These estimates are adjusted to reflect the 1975 interim motor vehicle emission standards as announced on April 11, 1973.

Since the 21-day period for public comment on the additional submissions has not been completed, it is impossible for the Administrator to make a final decision on approval or disapproval of the strategies included in the District of Columbia plan at this time. This decision must take into consideration all comments received during this time. However, preliminary review by EPA indicates that certain strategies are likely to be approvable. Accordingly, the Agency is proposing only those items which, when added to the approvable measures, are necessary to attain the National Ambient Air Quality Standards.

If an apparently approvable strategy is determined not to be approvable additional measures will be proposed.

The information contained in the additional submissions by the District appears to remedy many of the deficiencies on which the Administrator's June 15 decision was based.

The following is a summary of the actions EPA is proposing to take with respect to the District of Columbia Plan:

Federal Motor Vehicle Control Program—Reductions appear to be approvable, based on projected vehicle populations and emission factors.

Motor Vehicle Inspection Program—Appears to be approvable based upon proposed regulation and supporting data.

Improvements in Public Transit—(a) District participation in the area wide addition of 750 buses to current fleet—appears to be approvable, contingent upon clarification of certain administrative details.

(b) Exclusive Bus Lanes—appears to be approvable.

(c) System Improvements (i.e., shelters, fringe parking, improved scheduling)—appears to be approvable.

Increased Terminal Charges—(a) Elimination of free employee parking for District of Columbia Government employees and private employees in certain areas—appears to be approvable.

(b) Elimination of on-street long-term parking in certain areas—appears to be approvable.

(c) $2.00 parking surcharge (or an equivalent measure)—appears to be approvable.

Bus/Carpool Locator Program—Appears to be approvable.

Selective control of goods movement (heavy duty gasoline powered vehicle use ban 6:00–9:30 a.m. and 4:00–6:30 p.m.)—Appears to be approvable.

Restrictions on aircraft ground operations—Partial reductions are allowable; appears to be partially approvable.

Increased Control of Stationary Source Emissions—Not approvable at this time due to lack of adopted regulations.

Since full reductions claimed for aircraft emissions do not appear to be allowable, and the controls over stationary sources cannot be approved at this time, EPA is proposing the following measures:

Retrofit by 1975 of all pre-1968 vehicles with a vacuum spark advance disconnect kit.

Retrofit of light-duty 1971–1975 fleet vehicles (including federal government vehicles) and taxicabs and certain 1975 model light-duty vehicles with an oxidizing catalyst retrofit—beginning in mid-1976 to be completed by mid-1977.

Further controls over emissions of hydrocarbons due to gasoline handling; both from delivery truck to underground tank, and from the pump to the vehicle. Implementation begins in 1974 and is fully completed by 1977.

Further controls over drycleaning operations beginning in 1974.

The District plan also indicated that the elimination of free Federal employee parking was essential to the success of their transportation control strategy. It further encouraged the Federal Government to take direct action to implement this portion of the strategy.

Accordingly, EPA is also proposing to institute commercial type parking rates or reduce by 12 percent the available spaces at any federal facility which is in a high density employment area and which is well serviced by public transit. The commercial rates would go into effect January 1, 1975, and the reduction would be phased, beginning November 30, 1974 and ending on May 31, 1975.

Finally, since the $2.00 surcharge proposed by the District is integral to the success of this plan, EPA is proposing contingency strategies to be implemented if appropriate steps are not taken to implement the surcharge. These contingency measures are:

A ban on the construction, modification or enlargement of any parking facility without having first obtained a permit from the Administrator.

A phased 15 percent reduction in the number of off-street parking spaces.

The Administrator invites comments on these and any other measures which may be used to achieve the national ambient air quality standards for photochemical oxidants and carbon monoxide.

Two-Year Extension to Achieve Standards

The Administrator proposes to give a two-year extension for the attainment of the standard in the District of Columbia. To attain the standards in 1975 would require stringent restraints on vehicle miles traveled which could not be considered to be "reasonably available" within the meaning of section 110(e) of the Clean Air Act, or the implementation of a widespread catalytic retrofit program which could not be implemented due to technological problems before 1977. Although some measures have not been proposed here which have appeared in some other proposals, such as gasoline limitations and a selective vehicle exclusion program involving colored tags, the reduction in vehicle miles traveled expected from measures contained herein appears to be substantial and adequate to fulfill the requirement that reasonably available alternative measures be employed before an extension is given for any strategy. The plan proposed herein, along with the apparently approvable measures submitted by the District of Columbia, apply the reasonably available alternative means of control at the earliest possible dates. Comment is invited on any measures which have not been considered and applied and which can be considered to be reasonably available.

Summary of Effects

The following table is a summary of the effect of the proposed strategies on the total reductions required.

Compilation of Control Strategy Effects for the National Capital Interstate Region on May 31, 1977

	Carbon Monoxide		Hydrocarbons	
	Tons per Peak Period	Percent of Total Reduction Required	Tons per Peak Period	Percent of Total Reduction Required
Stationary Source Emissions Without Control Strategy	78		11.3	
Expected Reductions From:				
(a) Dry Cleaning Vapor Recovery	0	0	1.1	8.7
(b) Gasoline Handling Vapor Recovery	0	0	5.0	39.4
(c) Other Stationary Source Rule Strengthening	0	0	0	
Stationary Source Emissions Remaining	78		8.2	
Mobile Emissions from Highway Light and Heavy Duty Vehicles without Control Strategy	498		19.3	
Expected Reductions From:				
(a) Inspection and Maintenance	26	31.6	1.5	11.8
(b) VSAD Retrofit, pre-'68 cars	3	4.0	0.4	3.2
(c) Catalytic Retrofit of Fleet LDV's	5	6.7	0.2	1.6
(d) Mass Transit Improvements	21	28	2.7	21.2
(e) HDV Peak Hour Delivery Ban	27	36	1.0	7.9
(f) Aircraft Ground Operations		12	0.8	6.4
Mobile Emissions Remaining	416		12.7	
Total Emissions without Strategy (FMVCP Included)	576		33.6	
Total Reductions	82	100.3	12.7	100.2
Total Emissions Remaining	494		20.9	

Proposed Controls on Stationary Sources

The major stationary sources of hydrocarbon emissions which have been identified in the District of Columbia's plan, are the gas handling losses which occur in the distribution system for gasoline fuel, and the emission losses from dry cleaning establishments. Since present regulations are inadequate to effect any substantial control on the resultant emissions, the District of Columbia has proposed regulations and compliance schedules which would reduce gasoline handling losses by 90 percent and dry cleaning losses by 85 percent.

The regulation proposed by the District of Columbia for control of hydrocarbon emissions through vapor recovery during service station and automobile tank refueling operations requires the installation by May 31, 1975 of a vapor collection and disposal system which is 90 percent effective, on all loading facilities for tank trucks or trailers, railroad tank cars, locomotives, aircraft, or stationary storage tanks with a capacity of more than 250 gallons; and for boat or motor vehicle fuel tank filling equipment applied to facilities with a capacity greater than five gallons. The proposed regulation further requires provision for a means to prevent liquid organic compound drainage from the loading device when it is removed from the hatch. It is estimated that installation of 90 percent effective vapor recovery devices on all installations throughout the Region will result in a total reduction of hydrocarbon emissions of 5.0 tons/peak period by 1977.

The regulation proposed by the District of Columbia for elimination of dry cleaning losses require that all dry cleaning operations emitting more than three pounds per hour or 15 pounds per day of photochemically reactive hydrocarbons shall install, prior to January 1, 1975, control devices to reduce such emissions by at least 85 percent of the uncontrolled emissions. It is estimated that the effect of the proposed 85 percent control of dry cleaning losses throughout the National Capital Interstate Region will result in a total reduction in hydrocarbon emissions of 1.1 tons per peak period.

The foregoing regulations as proposed by the District of Columbia appear to be adequate to achieve the anticipated reduction in hydrocarbon emissions. However, the Administrator cannot approve these proposed regulations at this time, since 40 CFR Part 51 requires that all regulations dealing with the control of emissions from stationary sources be adopted at the time of submittal of the plan. EPA is therefore proposing to promulgate similar regulations which will be rescinded upon submission of equivalent regulations as adopted by the District of Columbia.

The Environmental Protection Agency has also examined the District of Columbia's regulations governing emissions of organic solvents resulting from degreasing operations and from evaporation from surface and architectural coatings. For degreasing operations, there are no specific requirements that non-reactive material be used such as perchlorethylene or saturated hologenated hydrocarbons. Comments are solicited on whether degreasing operations in the National

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Capital Interstate Region are a significant source of reactive hydrocarbon emissions for which a specific regulation should be promulgated.

Emissions of other solvents in the National Capital Interstate Region were also investigated. It has been determined that technology does exist to control more efficiently the emissions of a number of the smaller heating (15 to 200 lb. per day category) involving organic solvents.

Comments are solicited as to whether it is feasible or practicable to require additional controls on these sources, many of which are presumably located on premises of small sized firms. If these comments indicate that further controls are needed, then the Administrator proposes to promulgate regulations equivalent to those currently adopted by the County of Los Angeles Air Pollution Control District as Rule 66. L.A. Rule 66 contains minor exceptions involving evaporative emissions from gallon (or smaller) sized containers of architectural coating compounds, and from the allowable disposal limits of waste solvent materials. There are no data presently available to the Administrator on the atmospheric burden that may be created by such evaporative emissions though they are presently believed to be very small.

PROPOSED CONTROLS ON MOBILE SOURCES (NON-AIRCRAFT)

The District of Columbia, in its submissions proposes a loaded emissions inspection program in conjunction with its existing annual safety inspection program. The July 9, 1973 submission proposes a 13% reduction in hydrocarbon emissions from private and commercial vehicles. Therefore, this part of the District of Columbia plan appears to be approvable. Anticipated emissions reductions from the inspection/maintenance program as proposed throughout the National Capital Interstate Region, are 1.5 tons per peak period for hydrocarbons and 26 tons per peak period for carbon monoxide.

In order to comply with the requirements of the Clean Air Act that primary standards be achieved as expeditiously as practicable, the Administrator proposes to promulgate a regulations requiring that on or before January 1, 1975, all pre-1963 light duty vehicles be retrofitted with a vacuum spark advance disconnect device which will reduce hydrocarbon emissions from such vehicles by 25 percent and carbon monoxide emissions by 9 percent. If implemented throughout the National Capital Interstate region, installation of these devices will result in a total reduction of hydrocarbon emissions of 0.4 tons per peak period and a reduction of 3.0 tons per peak period of carbon monoxide emissions.

In order to attain the primary air quality standard by May 31, 1977 additional measures are required beyond those proposed by the District of Columbia. Since catalytic retrofit devices for light duty vehicles are expected to be readily available by 1977, it is proposed to require installation of these devices on selected segments of the light duty vehicle population. These segments include all 1971–1975 LDV fleet vehicles (e.g., taxis, GSA vehicles, rental cars, fleet delivery vehicles), capable of operating on 91 RON gasoline. The regulation proposed by the Administrator will require that the above motor vehicles be equipped with catalytic retrofit devices by May 31, 1977, effecting a 50% hydrocarbon emission reduction for each vehicle. Exemptions will be allowed for all 1975 vehicles originally equipped with the oxidizing catalytic converter or those vehicles which are certified to meet the original statutory federal emission standards for 1975. Based on information currently available to him, the Administrator estimates that:

Fleet vehicles account for 6 percent of total mobile source emissions. Under the assumptions that one-third of the fleet vehicles will be older than two years (pre-1976), and catalytic retrofits can reduce automotive emission by 50 percent, it is apparent that this measure, when applied on a Region-wide basis, will result in a hydrocarbon emission reduction of 0.2 tons/peak period.

In the event that the measures proposed herein prove to be inadequate, the Administrator is required by law to apply additional reasonably available alternatives, such as catalytic retrofit of other segments of 1968–1975 light duty vehicle population. Candidate segments include all light duty trucks, or passenger vehicles of specified model years. The public is urged to comment on these or any other type of control measure that may help to achieve the National Ambient Air Quality Standards.

PROPOSED REDUCTION IN VMT

According to computer printouts provided by the Metropolitan Washington Council of Governments, the District of Columbia's transportation package (including participation in the area wide expansion of transit by 750 buses, exclusive bus/carpool lanes, a carpool locator service, and extensive parking restrictions) will result in a 12 percent reduction in 6–9 a.m. VMT and a corresponding reduction in total trips during those hours.

The total commitment of the District of Columbia to the transportation package is demonstrated by submission of proposed regulations for the following supportive measures:

1) Participation in the area wide improved transit system, including the addition of 750 buses to the current area fleet and the establishment of exclusive bus lanes, bus shelters, and fringe parking facilities.

2) Increased terminal cost, including the elimination of free parking and the establishment of a $2.00 parking surcharge for long-term commuter parking in all areas served adequately by mass transit, and strict enforcement of reciprocal parking agreements.

3) Establishment of a computerized carpool locator service.

This portion of the plan is central to the District of Columbia's plan for reduction of HC and CO emissions. Therefore, to avoid confusion and expedite comments, a discussion of the elements that make up this portion of the plan shall be included.

a. *Elimination of Free Parking*—The District of Columbia proposes to eliminate free parking for the District of Columbia government employees, and for employees of private businesses located in the District of Columbia. A portion of this shall be achieved by the elimination of street commuter parking (in major arterials) and by requiring all District of Columbia government employees and all privately operated lots which are providing free employee parking to establish charges for this parking.

These measures will be imposed in high density employment areas which are adequately served by mass transit. These areas will be more specifically described by the District within the next 10 months, upon completion of studies of the matter.

Additionally, the District proposes to enter into a reciprocal enforcement program for parking violations. Thus, enforcement of the existing parking regulations will be facilitated.

On the basis of the information submitted by the District of Columbia in its plan, the Administrator feels that this portion of the District of Columbia's plan is approvable.

As pointed out in the District of Columbia's plan, (reduction) of emissions due to work trips into, out of and within the District by Federal Government employees is integral to achieving air quality goals. Therefore, EPA feels it has the responsibility to aid the District in the control of these emissions. As a result, EPA will follow the District's suggestion and propose a federal regulation which would effectively reduce emissions as a result of commuter trips by federal employees. This will be done by requiring Federal Facilities in high density areas served by mass transit either to eliminate free parking by establishing commercial type rates or to reduce the available parking spaces in these facilities by 12 percent. The Administrator feels that the result of this proposal will be to induce Federal employees to utilize alternate modes of transportation, such as buses and carpools and thereby reduce the VMT in the area. It should be noted that this proposal should result in a reduction of the VMT for employees from all three jurisdictions in the National Capital area.

It is the Administrator's opinion that, at a minimum the central business district (Massachusetts Avenue, 1st Street, NW.; Constitution Avenue and 23rd Street, NW.) as well as the Southwest Mall-Waterside Mall area in Southwest, the Capitol Hill area, along with other areas would, in all likelihood, need to be included in any definition of high density employment area which is serviced by mass transit for this strategy to be effective.

b. *$2.00 Surcharge.* The District of Columbia plan proposes the imposition of a $2.00 per day surcharge (or an equivalent measure) on all long-term commercial parking facilities in employment areas which are adequately served by mass transit. Identification of the areas where the surcharge is to be imposed should be made by the District of Columbia within the next 10 months, upon completion of studies of the matter.

This proposal is to be implemented and enforced by the parking agency to be established by the District. The Administrator feels that if implemented according to the schedule provided in the plan, this proposal is approvable.

The effectiveness of mass transit systems can be greatly enhanced by imposing disincentives to the use of the private automobile. It is felt the District's proposals for the surcharge is integral to the success of the plan.

The Administrator wants to make it clear that if for any reason this strategy is not implemented according to schedule, he will institute equivalent measures. In order to avoid any delay in implementation of such equivalent measures and to invite timely public comment, the Administrator is proposing contingency measures in the plan which will become effective if it becomes apparent that the surcharge will not be implemented. Specifically, a phased 15 percent reduction in existing off-street parking spaces would be imposed, as well as ban on the construction, modification or enlargement of any parking facility without first obtaining a permit from the Administrator. Public comments are solicited on these contingency proposals.

c. *Mass Transit Improvements.* The development of an effective mass transit system is essential to the development of an effective transportation control strategy. If the strategy is to be successful, a sufficient number of buses with convenient service and adequate schedules must be provided.

The District of Columbia plan proposes that the District shall take all possible measures to assure that the area wide transmit system's current fleet be increased by 750 buses and that its service and convenience for commuters be improved. Included in this proposal are provisions for installing bus shelters, providing additional public information and improved scheduling. In addition, the District plans to institute a number of exclusive bus lanes, and contra-flow lanes on major highway corridors into the downtown area. All of these measures are meant to provide the increased mass transit service which will be necessary if air quality standards are to be achieved.

Based on the information contained in the three documents submitted by the District, the Administrator feels that the proposals for increased mass transit are approvable, on the condition that certain administrative details are provided to him by the District. Specifically, the arrangements or agreements which will trigger the expansion of the fleet should be clarified, since it is necessary for EPA to determine what actions are necessary to bring about any additional purchases of buses. Also a clarification on the schedule showing the projected incremental increases in fleet size should be provided.

d. *Bus/Car Pool Locator System.* The District of Columbia plan recognizes the need for more efficient automobile usage. Thus, the plan proposes a voluntary bus/car pool locator matching service. This system will attempt to assemble lists of commuters with similar work schedules and home, work locations, and will be phased in starting with pilot projects during 1973. Full operation of the system is scheduled for April 1974. The Administrator feels that this measure is approvable and encourages residents of the National Capital area to take advantage of this service.

Along with the benefits accruing to this system in terms of a potential decrease of vehicle miles traveled, this system also will mitigate the impact of disincentives to private auto use (i.e., the surcharge and elimination of free employee parking).

e. *Heavy Duty Vehicle Restraints.* In addition to the transportation measures described above, the District of Columbia plan proposes to reduce emissions from heavy duty gasoline powered vehicles. Since a substantial portion of the peak hour emissions of both hydrocarbons 6 percent and carbon monoxide 10 percent are produced by heavy duty trucks, the District of Columbia proposes a regulation which would ban peak hour (6–9:30 a.m., 4–6:30 p.m.) deliveries by gasoline-powered heavy duty trucks. Proposed compliance dates are January 1974 for the morning hours and January 1975 for the two peak periods. Assuming that the ban will result in a 50 percent reduction in heavy duty truck emissions (due to the exception of essential services and through traffic), calculations indicate a peak-hour reduction in total hydrocarbon emissions by 1.0 ton/ peak period. The Administrator commends the District of Columbia for proposing this effective measure and feels that this measure is approvable.

AIRCRAFT EMISSION REDUCTION

Aircraft emissions, as they affect ambient air quality, occur during approach, landing, taxi, idle, takeoff, and climbout. Heaviest emissions occur during taxi and idle when aircraft engines are operated at greatly reduced power.

The District of Columbia Transportation Control Plan asserts that control of these emissions through modified ground operations at Dulles and Washington National Airports can result in a significant hydrocarbon, and carbon monoxide emission reduction in the National Capital Region. The District of Columbia contends that a 50 percent reduction in hydrocarbon and carbon monoxide emissions can be achieved though the implementation of such ground controls at the two northern Virginia airports. Such a reduction would represent a 1.7 ton reduction in the area's hydrocarbon emissions and 28 ton reduction in the area's carbon monoxide emissions. The District of Columbia assumes the required measures will be fully implemented by EPA and FAA during the next four years and takes full credit for the potential emissions reductions which they believe could result from these measures.

The assumed reduction in hydrocarbon emissions is necessary for the plan to demonstrate achievement of the oxidant standards; the claimed carbon monoxide reductions are not needed for attainment of the standard.

EPA has published an Advance Notice of Proposed Rulemaking for aircraft ground controls but has not yet proposed regulations for such controls. The Agency, however, is currently funding a demonstration project with FAA to determine if safety hazards would accompany modified ground operations. If the demonstration is successful, EPA will propose and promulgate regulations for the implementation of ground operations deemed free of safety hazards.

The Agency currently believes that certain ground and taxi operations included in the demonstration can be conservatively assumed to be safe and acceptable. EPA calculations indicate that the application of these measures could result in a 24 percent reduction in hydrocarbons at National Airport and a 30 percent reduction in hydrocarbons at Dulles Airport versus 50 percent reduction proposed by the District of Columbia. No reductions are assumed for Andrews Air Force Base, which is responsible for 15 percent of the emissions inventory. In light of EPA's intention to work jointly with FAA to promulgate and implement ground operations deemed safe and acceptable prior to 1977, the Agency believes it is reasonable to allow the District of Columbia to accept credit for emission reductions which will result from controlling the ground operations conservatively felt at this time to be safe and acceptable. The percent emissions reductions indicated above which would result from these measures would provide approximately a 0.8 tons reduction in hydrocarbons for the National Capital Region. Accordingly, the Agency will accept 0.8 tons of the claimed 1.7 tons hydrocarbon reduction as being an approvable portion of the plan based on the expected implementation of ground operation regulations.

ECONOMIC AND SOCIAL IMPACT

The social and economic consequences of the measures included in the District of Columbia plan or proposed herein are considered reasonable. For example, the inspection and maintenance procedures will require expenses of approximately $10 annually for the average vehicle inspected. The implementation of the VSAD retrofit program of pre-1968 vehicles will require that individual motorists pay approximately $20 installation costs. Though the price to the fleet vehicle owner for the catalytic retrofit is $135 per vehicle, this cost could gradually be reclaimed through slightly higher service or use fees for the fleet vehicles controlled. In addition, such expenditure can be deducted from income tax as a business expense, and therefore part of the cost will be absorbed by the govern-

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ment. Compensation for the expenditures associated with the modifications required by the gasoline handling regulations could similarly be gained through slight increase in the fees for station services or fuel prices. This also could be deducted as a business expense from the income tax. Distributed costs of the various mass transportation improvement measures, as well as the incentives for the use of express buses and carpools and disincentives on the use of automobiles by individual motorist-commuters, are also considered reasonable.

The measures providing transportation improvements are expected to benefit the public fom the standpoint of improved traffic flow for commuters, general urban mobility, and energy consumption. The resulting VMT reductions may also have some impact on the sprawling development patterns fostered by widespread automobile use which are unduly wasteful of energy, land and other resources and have contributed to the decay of urban centers.

PUBLIC COMMENTS SOLICITED

Although the Administrator has concluded that the proposed plan is the best approach available to him at the present time for achieving compliance with the requirements of the Act, further analysis may demonstrate that more appropriate options are available. He therefore desires to obtain the comments and suggestions of the public on the problems of achieving the ambient air quality standards in the District of Columbia portion of the National Capital Interstate Air Quality Control Region. Comments are particularly invited pertaining to measures that may be taken by Federal, State, or local authorities to support or supplement the proposed air pollution control strategy, to implement these measures, and to compare social and economic effects of alternative pollution control measures.

Public hearing will be held in the Department of Commerce Interior departmental Auditorium, 14th Street between E and Constitution Avenues, N.W., Washington, D.C. on September 5, 1973, beginning at 9:00 a.m. Notice of the hearing on these regulations (including designation of locations for inspection and distribution of EPA proposals) is being published in the District of Columbia.

The Administrator's final promulgation of transportation controls for the District of Columbia will be significantly influenced by the comments and testimony he receives, as well as any additional approvable strategies submitted by the District of Columbia as part of the District of Columbia plan before or at the hearing. These influences, and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulations that differ in important ways from this proposal.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to EPA, Attention: Mobile Source Enforcement Division, 401 M Street SW., Washington, D.C. 20460. All relevant comments received on or before September 4, 1973 will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at EPA, Office of Public Affairs, 401 M Street SW., Washington, D.C. 20460. This notice of proposed rule making is issued under the authority of section 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1857 et seq.).

EPA STUDIES AND GUIDELINES

Further information on transportation control, land use, and motor vehicle emissions may be obtained from one or more of the following documents which the Environmental Protection Agency has published:

a. "Prediction of the Effects of Transportation Controls on Air Quality in Major Metropolitan Areas" and "Evaluating Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Areas," November 1972. Both of these documents are generally known as the "Six Cities Study".

b. "Transportation Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Areas", December 1972. This document is a summary of a study of 14 cities conducted with the view of recommending specific transportation control strategies. (Separate reports for each of the 14 cities are also available.)

NOTE: The documents listed in a and b above are available from the Air Pollution Technical Information Center, EPA, Research Triangle Park, North Carolina 27711.

c. "Control Strategies for In-Use Vehicles", November 1972. This report is available from EPA, Mobile Source Pollution Control Programs, 401 M Street, SW., Washington, D.C. 20460.

d. "Transportation Control Measures", FEDERAL REGISTER (38 FR 15194) June 8, 1973.

e. "Aircraft and Aircraft Engines", FEDERAL REGISTER (37 FR 26488) December 12, 1972.

f. "Aircraft Emissions: Impact on Air Quality and Feasibility of Control". This report presents the available information on the present and predicted nature and extent of air pollution related to aircraft operations in the United States. In addition, it presents an investigation of the present and future technological feasibility of controlling such emissions.

g. "An Air Pollution Impact Methodology for Airports—Phase I", APTD-1470, January, 1973.

(42 U.S.C. 1857 et seq.)

Dated: July 24, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I of Title 40 of the Code of Federal Regulations by adding the following:

§ 52.486 Reduction of Employee Parking.

(a) Definitions:

(1) Government Entity—means a federal, department, agency, bureau, board, office, commission, district, or unit of any other type (excluding foreign embassies) which employs personnel paid wholly with public funds.

(2) Commercial Parking Rate—means the average rate charged by commercial parking facilities (excluding on-street parking meters) on a monthly basis within a 1 mile radius of a facility or installation covered by this section.

(3) Served by Public Transit—means that such transit is available during working hours within a reasonable walking distance of the employee's place of employment, even though such transit may not serve the area of the employee's residence.

(b) This section shall be applicable in the District of Columbia portion of the National Capital Interstate Air Quality Control Region.

(c)(1) All facilities or installations owned, operated or leased by federal government which control, operate or lease a parking facility containing 25 or more spaces, shall by January 1, 1974, report to the Administrator the number of parking spaces in each such facility as of October 15, 1973. This number shall not include residential (including barracks) parking spaces contained in or on the facility or installation.

(2) The chief administrative officer of all facilities or installations subject to paragraph (c)(1) of this section, shall by April 1, 1974, submit to the Administrator a detailed report specifying the level of public transit service to the facility, and also the parking space utilization at the facilities or installations under his or her control at that time. This report shall include but is not limited to:

(i) All public transit lines which have stops within one-half mile of any such installation or facility.

(ii) The practicality of the operation of shuttle service from presently well serviced location such as (Federal Triangle, Southwest Mall, Georgetown, Capitol Hill, etc.) to the facility or installation during morning and afternoon peak hours.

(iii) A summary of the existing parking situation at the facility including:

(a) average vehicle occupancy calculated from a visual survey of vehicles entering and leaving the facility over a full week's time.

(b) the percentage of vehicles with one, two, three and four occupants.

(c) the total number of vehicles using the facility daily.

Should the report state that the facility or installation is not presently served by public transit, this report shall be reexamined, updated, and submitted annually not later than April 1 of each successive year.

(d) Each governmental entity subject to paragraph (c)(1) of this section which in the opinion of the Administrator is served by public transit shall comply with either paragraph (d)(1) or (2) of this section. The governmental entity shall either:

(1) Adopt a plan whereby a charge equivalent to commercial parking rates will be imposed for parking at any such parking facility owned, operated or leased by the governmental entity. In no case shall the charge be less than $20.00 per space per month. Any funds collected by any governmental entity under this subparagraph may be used for any legitimate governmental purpose, *Provided, however,* That no such funds shall be used to subsidize directly or indirectly employee parking; or

(2) Adopt a plan to reduce the number of parking spaces in each facility from the number in existence on October 15, 1973, according to the following schedule:

(i) by November 30, 1974, a reduction of 4 percent

(ii) by February 28, 1975, a reduction of 8 percent

(iii) by May 31, 1975, a reduction of 12 percent

(e)(1) Each entity of the Federal government subject to paragraph (c) of this section shall submit to the Administrator no later than June 30, 1974, a detailed compliance schedule showing steps it will take to achieve either the require reduction of spaces, or the initiation of commercial parking rates. In the case of a reduction of spaces, the schedule shall include provisions for marking those spaces to be eliminated in a manner obvious to members of the public (painting over, roping off, etc.). In the case of the initiation of commercial parking rates, the schedule shall include:

(i) A date for the initial imposition of the charge. Such date shall be no later than January 31, 1975,

(ii) The amount to be charged per space per month,

(iii) Any exceptions to the charge (e.g., handicapped personnel, certain high level officials of the governmental entity), including documentation of the need and rationale for such exceptions,

(iv) Provisions for annual reevaluation of the amount charged per space per month based upon any changes in commercial parking rates.

(f) Failure to submit any report or compliance schedule as required by this section shall render the person so failing to comply in violation of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. Any governmental entity which either allows vehicles to be parked in excess of the number allowable, or which fails to collect commercial parking charges, shall likewise be in violation and subject to enforcement.

§ 52.487 Limitation of Off-Street Parking.

(a) This section shall apply only in the event that the Administrator finds that the District of Columbia fails to take one or more of the following steps to implement the $2.00 surcharge (or an equivalent measure):

(1) Complete study identifying locations where surcharge or equivalent measure shall apply and submit to the Administrator by May 30, 1974.

(2) Submit to the Administrator legally adopted regulations of the District of Columbia or other governmental entities to collect the surcharge or impose the equivalent measure by June 30, 1974.

(3) Institute the collection of the surcharge or impose the equivalent measure in those areas identified in the study by April 1, 1975.

(b) In the event the District of Columbia chooses to adopt any "equivalent measure" to this surcharge, the District of Columbia must submit to the Administrator by December 31, 1973, information demonstrating that such measure will in fact achieve the required result. Failure to demonstrate this fact adequately will cause the Administrator to determine that the District of Columbia is failing to implement the surcharge.

(c) In the event that the Administrator determines that the District of Columbia is failing to implement the $2.00 surcharge (or an equivalent measure) he shall make this determination public in the FEDERAL REGISTER, and this section shall then be immediately effective.

(d) Definition:

(1) The term "off-street parking facility" means any land or building or portion of a building set aside for the purpose of storing a maximum capacity of 10 or more vehicles on a temporary basis.

(e) Each governmental entity, public agency, private corporation, partnership or sole proprietor owning or operating an off-street parking facility located within the District of Columbia portion of the National Capital Interstate Air Quality Control Region shall, within 30 days of the effective date of this regulation, report to the Administrator the number of parking spaces in each such facility under its ownership or control of the effective date of this regulation. The number used solely for the storage of vehicles of persons who reside within ¼ mile of the facility shall not be counted.

(f) Each such owner or operator of any off-street parking facility located within the area specified in paragraph (c) of this section shall reduce the number of affected parking spaces in each such facility from the number in existence as of the date this regultaion becomes effective according to the following schedule:

(i) Within 90 days of the effective date—a 5 percent reduction;

(ii) Within 120 days of the effective date—a 10 percent reduction;

(iii) Within 180 days of the effective date—a 15 percent reduction.

(g) Each such owner or operator of an off-street parking facility subject to the requirements of this section shall submit to the Administrator, no later than 60 days after the effective date of this section, a detailed compliance schedule showing the steps it will take to achieve the required reduction in parking spaces. Such schedule shall provide for the marking in some manner obvious to the public (such as painting over, roping off, or the like) of the eliminated spaces on which parking is not permitted pursuant to this section.

(h) Failure to submit a compliance schedule as required by this section shall render the person or governmental entity so failing in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. Any owner or operator of an off-street parking facility who allows any vehicle to be parked on any parking space which has been eliminated pursuant to this section, or who fails to mark clearly those spaces which have been eliminated, shall likewise be in violation and subject to enforcement.

§ 52.488 Vacuum Spark Advance Disconnect.

(a) For purposes of this section, "vacuum spark advance disconnect" means a device or system installed on the vehicle which prevents the ignition vacuum advance from operating either when the vehicle's transmission is in the lower gears or when the vehicle is traveling below a predetermined speed.

(b) This section is applicable in the District of Columbia portion of the National Capital Interstate Air Quality Control Region.

(c) On or before January 1, 1975, all gasoline-powered light duty vehicles of model year prior to 1968 and subject under presently existing legal requirements to registration in the area described in paragraph (b) of this section shall be equipped with an appropriate vacuum spark advance disconnect device.

(d) The District of Columbia shall submit, no later than January 1, 1974, a detailed compliance schedule showing the steps it will take to implement and enforce this requirement. Such schedule shall included, as a minimum, the following:

(1) A date by which the District of Columbia will evaluate and approve devices for use in this program. Such date shall be no later than March 1, 1974.

(2) A date by which installation of this equipment shall commence. Such date shall be no later than June 1, 1974.

(3) A date by which all vehicles subject to this section will be equipped with such devices. Such date shall be no later than January 1, 1975.

(4) Designation of any agency or agencies responsible for evaluating and approving such devices for use on vehicles subject to this section.

(5) Designation of an agency or agencies responsible for ensuring that the prohibitions of paragraph (e)(2) of this section shall be enforced.

(6) Method and proposed procedures for ensuring that those persons installing the devices have the training and ability to perform the needed tasks satisfactorily and that an adequate supply of devices will be available.

(7) Provision (apart from the requirements of any program for periodic inspection and maintenance of vehicles generally) for emission testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After January 1, 1975, the following shall apply within the District of Columbia portion of the National Capital Interstate Air Quality Control Region.

(1) The District of Columbia shall not register a vehicle subject to this paragraph which is not equipped in accordance with paragraph (c) of this section.

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(2) No owner of a light duty vehicle subject to this paragraph shall operate or allow the operation of any such vehicle that is not equipped in accordance with paragraph (c) of this section.

(f) The failure of any person to comply with any provision of this section shall render such person in violation of a requirement of an applicable implementation plan, and subject to enforcement action under section 113 of the Clean Air Act. As to compliance schedules, the District of Columbia will be considered to have failed to comply with the requirements of this regulation if it fails to submit on a timely basis the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.489 Gasoline transfer vapor control.

(a) The term "gasoline" means any petroleum distillate having a Reid vapor pressure of four (4) pounds or greater.

(b) This section is applicable in the District of Columbia portion of the National Capital Interstate Air Quality Control Region.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight vapor return line from the storage container to the delivery vessel and a device that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(2) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapor displaced from the delivery vessel during refilling.

(d) The provisions of this paragraph (c) of this section shall not apply to the following:

(1) Stationary containers having a capacity less than 550 gallons used exclusively for the fueling of implements of husbandry; provided, however, said containers are equipped with submerged fill pipes.

(2) Any container having a capacity less than 2,000 gallons installed prior to promulgation of this paragraph.

(3) Transfer made to storage tanks equipped with floating roofs or their equivalent.

(e) *Compliance schedule.* Except as provided in paragraph (f) of this section, the owner or operator of any source subject to this section shall comply with this section on or before January 31, 1974.

(1) Any owner or operator in compliance with this section on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this section.

(2) Any owner or operator who achieves compliance with this section after the effective date of this section shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(f) Any owner or operator of a source subject to paragraph (e) of this section may, not later than 120 days following the effective date of this section, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with the provisions specified in paragraph (e) of this section as expeditiously as practicable but no later than June 30, 1975. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievment of such increments of progress shall be specified. Increments of progress shall include, but not be limited to: submittal of final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of on-site construction or installation of emission control equipment or process modification; completion of on-site construction or installation of emission control equipment or process modification; and final compliance.

(g) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

§ 52.491 Elimination of drycleaning losses.

(a) Definition:

(1) Drycleaning Operation means that process by which an organic solvent is used in the commercial cleaning of garments and other fabric material.

(b) This section is applicable in the District of Columbia portion of the National Capital Interstate Air Quality Control Region.

(c) After May 31, 1974, no person shall operate a drycleaning operation unless the uncontrolled organic emissions from such operation have been reduced at least 85 percent, except that drycleaning operation emitting less than three (3) pounds per hour and less than fifteen (15) pounds per day are exempt from this regulation.

(d) If incineration is used as a control technique, 90 percent or more of the carbon in the organic compounds being incinerated must be oxidized to carbon dioxide.

(f) Any person who fails to fulfill any requirement of this section shall be in violation of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.

§ 52.493 Management of parking supply.

(a) This section shall apply only in the event that the Administrator finds that the District of Columbia fails to take one or more of the following steps to implement the $2.00 surcharge (or an equivalent measure):

(1) Complete study identifying locations where surcharge or equivalent measure shall apply and submit to the Administrator by May 30, 1974.

(2) Submit to the Administrator legally adopted regulations of the District of Columbia or other governmental entities to collect the surcharge or impose the equivalent measure by June 30, 1974.

(3) Institute the collection of the surcharge or impose the equivalent measures in those areas identified in the study by April 1, 1975.

(b) In the event the District of Columbia chooses to adopt any "equivalent measure" to this surcharge, the District of Columbia must submit to the Administrator by December 31, 1973, information demonstrating that such measure will in fact achieve the required result. Failure to demonstrate this fact adequately will cause the Administrator to determine that the District of Columbia is failing to implement the surcharge.

(c) In the event that the Administrator determines that the District of Columbia is failing to implement the $2.00 surcharge (or an equivalent measure) he shall make this determination public in the FEDERAL REGISTER, and this section shall then be immediately effective.

(b) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land to use as a parking facility.

(2) "Modification" means any change to a parking facility which increases the vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the vehicle capacity of such facility.

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

(5) "Parking facility" (also called "facility") means any facility, building, structure, or lot or portion thereof used primarily for temporary storage of motor vehicles.

(c) No person, after the effective date of this section, shall commence construction of any new parking facility or modification or enlargement of any existing parking facility until he has first received from the Administrator or from an

agency approved by the Administrator a permit stating the construction, modification or enlargement of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include, but not be limited to, a requirement that before a permit may be issued, the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the construction, modification, or enlargement of the facility.

(iii) The normal hours of operation of the facility and the enterprises and activities which it serves.

(iv) The number of people using or engaging in any enterprises or activities which the facility will serve.

(v) The number of motor vehicles using the facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include, but shall not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of VMT within any area, the air quality of which fails to meet applicable Federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement or modification of a parking facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type the notice shall conform to the requirements of 40 CFR 51.4(b); and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. Such a requirement, if imposed, shall be noted prominently in the required notice of hearing.

§ 52.490 Control of evaporative losses from the filling of vehicular tanks.

(a) The term "gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the District of Columbia portion of the National Capital Interstate Air Quality Control Region.

(c) A person shall not transfer gasoline to an automotive fuel tank from gasoline dispensing systems unless the transfer is made through a fill nozzle designed to:

(1) Effect a vapor-tight fit between the fill nozzle and filler neck of the automotive fuel tank so as to prevent discharge of hydrocarbon vapors to the atmosphere.

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered.

(3) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section can consist of a vapor-tight vapor return line from the fill nozzle filler neck interface to the dispensing tank or to an adsorption, absorption, incineration, or refrigeration-condensation system or equivalent.

(e) Components of the systems required by § 52.489(c) can be used for compliance with paragraph (c) of this section.

(f) If demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of fill neck configuration, location, or other design features, the provisions of this paragraph shall not apply to tanks or vehicles existing at the time of promulgation of this regulation.

(g) The District of Columbia shall divide all facilities subject to this section into three classes, the first of which shall equal approximately 70 percent of hydrocarbon emissions from all gasoline stations, the second and third classes shall each equal approximately 15 percent of total hydrocarbon emissions from these sources. The classes shall be known as Class I, Class II, and Class III.

(h) Except as provided in paragraph (k) of this section, the owner or operator of a source included in Class I shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1974.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than July 31, 1974.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1975.

(4) Final compliance is to be achieved not later than May 31, 1975.

(i) The owner or operator of a source included in Class II shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1975.

(2) Initiation of on-site construction or installation of emissions control equipment or process change must begin not later than July 31, 1975.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1976.

(4) Final compliance is to be achieved not later than May 31, 1976.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(j) The owner or operator of a source included in Class III shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1975.

(2) Initiation of on-site construction or installation of emissions control equipment or process change must begin not later than July 31, 1976.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1977.

(4) Final compliance is to be achieved not later than May 31, 1977.

(5) Any owner or operator of stationary sources, subject to compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(k) Paragraphs (h) and (i) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Administrator by December 31, 1973. The Administrator may request whatever information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the District and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by December 31, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975, in the case of Class I sources, and May 31, 1976, in the case of Class II sources. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(l) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compli-

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ance schedule in paragraph (b) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

§ 52.492 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizies a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbon and carbon monoxide from that vehicle.

(2) Fleet vehicle means any of 5 or more light duty vehicles operated by the same person(s), business, or governmental entity and used principally in connection with the same or related occupations or uses. This definition shall also include any taxicab (or other light duty gasoline-powered vehicle-for-hire) owned by any individual or business.

(3) Governmental entity means any agency of the executive branch of the Federal government, or a state or local department, agency, bureau, board, office, commission, district, or unit of any other type (excluding foreign embassies) which employs personnel paid wholly with public funds.

(4) All other items used in this section which are defined in 40 CFR Part 51, Appendix N, are used herein with the meanings so defined.

(b)(1) This section is applicable in the District of Columbia portion of the National Capital Interstate Air Quality Control Region.

(2) Classes of Vehicles Covered: (i) Light duty fleet vehicles of model year 1971 through 1975, not already equipped with catalyst, or certified to meet original 1975 statutory light duty vehicle emission standards.

(c) The District of Columbia shall establish a retrofit program to insure that on or before May 31, 1977, classes of gasoline-powered light duty vehicles as specified in paragraph (b)(2) of this section, which are subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section and are used on the streets and highways, of the District, are equipped with an appropriate oxidizing catalyst retrofit device. No later than March 1, 1974, the District of Columbia shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on motor vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (c)(3) of this section are enforced.

(3) A provision that starting no later than May 31, 1976, the District of Columbia shall commence retrofitting oxidizing catalysts to those light duty motor vehicles able to operate properly on unleaded 91 RON gasoline. The installation shall be completed by May 31, 1977.

(4) A method and proposed procedure for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and that they will have an adequate supply of retrofit components.

(d) After May 31, 1977, the District shall not register or allow to operate on public streets or highways any light duty gasoline-powered vehicles specified in paragraph (b)(2) of this section which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicles which does not comply with the applicable standards and procedures implementing this section.

(f) The District of Columbia shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, and the text of needed statutory proposals and needed regulations which it will proposed for adoption. The compliance schedule shall include a date by which the District shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1975.

(g) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of applicable implementation plan and subject to enforcement under § 113 of the Clean Air Act. The District will be considered to have failed to comply with the requirements of this regulation if it fails to submit on time the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

[FR Doc.73-15626 Filed 8-1-73;8:45 am]

[40 CFR Part 52]

OREGON; APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Notice of Proposed Rule Making

The transportation control plan submitted to EPA on April 13, 1973, by the State of Oregon for attainment of the primary national ambient air quality standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Portland Interstate Region was approved with certain exceptions on June 15, 1973 (38 FR 16561). This Notice of Proposed Rulemaking sets forth regulations that in the Administrator's judgment can be implemented in addition to the approved portions of the Oregon transportation control plan to attain national standards in the Region by May 31, 1975.

If, prior to Federal promulgation the State of Oregon submits transportation control plan revisions which will assure attainment of national standards by May 31, 1975, and which the Administrator determines are acceptable, these proposed Federal regulations will not be promulgated. If revisions to the State plan are submitted and determined to be approvable after promulgation of Federal regulations, then those regulations will be rescinded. It is the desire of EPA that the plan to attain and maintain national standards in the Region be a State plan carried out by the State or by authorized local governments. To the greatest extent feasible, the Federal regulations proposed are designed to implement transportation control measures that are acceptable to the State and/or that received public support at the State hearings held on October 25, 1972, and on May 29, 1973, or that were contained in the comments submitted to EPA following EPA receipt of the State transportation control plan.

Pollution in the Oregon Portion of the Portland Interstate Region

The Oregon portion of the Portland Interstate Region encompasses the counties of Columbia, Washington, Multnomah, Yamhill, Polk, Marion, Benton, Linn, and Lane. The Region lies between the low Coast Mountain Range to the west and the Cascade Mountain Range to the east and contains three major urban areas. Portland, the largest city in the Region, is situated in a bowl at the confluence of the Willamette and Columbia Rivers. The topographical and climatological features of the Portland area contribute to the accumulation of air pollution.

Portland is the only area in the Region experiencing levels of carbon monoxide and photochemical oxidants exceeding national ambient air quality standards. The highest 8-hour carbon monoxide concentration recorded in Portland in 1971 was 23 parts per million, compared to an 8-hour national ambient air quality standard of 9 parts per million (10 milligrams per cubic meter), not to be exceeded more than once per year. The highest 1-hour concentration recorded in Portland was 32 parts per million compared with a national standard of 35 parts per million (40 milligrams per cubic meter), not to be exceeded more than once per year. An estimated 43 percent reduction in addition to the reductions resulting from implementation of Federal emission standards for new cars, is required to attain the 8-hour national ambient air quality standard. Attainment of the 8-hour standard will ensure attainment of the 1-hour standard.

The maximum 1-hour photochemical oxidant concentration recorded in Portland in 1971 was 0.14 part per million, compared to a 1-hour national ambient air quality standard of 0.08 part per million (160 micrograms per cubic meter), not to be exceeded more than once per year. An estimated 17 percent reduction in motor vehicle hydrocarbon emissions, in addition to the reductions resulting from implementation of Federal emission standards for new cars, is required to attain the 1-hour national ambient air quality standard for photochemical oxidants. The strategies proposed to achieve attainment of the 8-hour carbon monoxide standard will ensure attainment of the 1-hour standard for photochemical oxidants.

Summary of State Plan

The measures adopted by the State for implementation in the Oregon portion of the Portland Interstate Region and submitted to EPA on April 13 include: (1) Annual inspection to determine emissions from and maintenance required for gasoline-powered light-duty vehicles with a contingency retrofit provision; (2) traffic flow improvements with contingency provisions including alteration of the hours for loading and servicing to off-peak times; (3) public transportation improvements; and (4) reorganization and management of parking.

The State intends to limit the requirement for light-duty motor vehicle inspection to vehicles registered in four of the Oregon counties in the Portland metropolitan area (Clackamas, Columbia, Multnomah, and Washington). The emission inspection will be performed using loaded (dynamometer) emissions tests at inspection stations that are either State owned or privately operated under State supervision. If the emission reductions forecast by the State to result from the inspection and maintenance program are not achieved, the State indicates retrofitting of pre-1968 vehicles will then be required.

The State proposes to implement traffic flow improvements in the Portland central business district through a computerized traffic signalization system and through removal of on-street parking on selected streets. If further steps are needed to improve traffic flow or to maintain the flow improvements achieved through the computerized traffic signalization system and removal of on-street parking, the State will implement other measures including prohibiting turns into pedestrian crosswalks and altering servicing and loading hours.

The transit improvement plan developed includes elements such as acquisition of new buses, construction and operation of suburban park-and-ride stations with exclusive bus lanes and/or express buses, development of supplemental park-and-ride stations using existing parking lots, and creation of a transit mall in the Portland central business district. Service improvements and an aggressive marketing program will be used to attempt to induce new ridership.

To implement the reorganization and management of parking, the State has determined the maximum allowable parking spaces by land use and planning zone for new developments in downtown Portland. The Portland City Council, by ordinance, removed the minimum off-street parking requirements for new development in the downtown area.

State Emissions Density Calculations

In developing the transportation control strategies it submitted, the State used a proportional mathematical model to establish the maximum emission densities allowable if the 8-hour national ambient air quality standard for carbon monoxide is to be attained and maintained in the Oregon portion of the Portland Intrastate Region. The reductions in motor vehicle carbon monoxide emissions necessary to attain the ambient carbon monoxide standard by 1975 were determined by forecasting the emission densities for that year and subtracting the allowable emission densities established by means of the proportional model. For the purposes of the analysis, traffic speeds and volumes were determined for the metropolitan Portland area. Estimates of 1975 emissions were calculated for selected grid cells having high traffic densities and congested traffic flow. Based on these calculations the State determined that the only grid cell where the 8-hour ambient carbon monoxide standard will be exceeded in 1975 is in the central business district of Portland.

Tabular Summary—Control Strategy Effects

The following table summarizes, for one of the critical grid cells, within the Portland central business district, the effect of each of the control measures included in the strategy adopted by the State of Oregon on the overall emission reductions necessary in the Oregon portion of the Portland Interstate Region. The State estimates that the 8-hour standard for carbon monoxide can be met in the Portland central business district by reducing the emission density per week day to 79,000 grams per grid cell. The emission density forecast for 1975 is 133,950 grams per day for the selected grid cell. The 1975 estimate takes growth into account and the reduction in emissions from implementation of the Federal standards for new motor vehicles, but not the interim 1975 standards published April 26, 1973 (38 FR 10317). Consequently, an appropriate revision to the forecasted motor vehicle emissions inventory and adjustment of strategies may be required.

The State calculations indicate the emission reductions needed in the Portland central business district can be achieved by combining increased transit patronage, traffic signal optimization, removal of selected on-street parking, and vehicle inspection to determine emissions from and maintenance required for light-duty vehicles.

Compilation of Control Strategy Effects of State Plan for the Sample Analysis (Grid Cell[1] on May 31, 1975

Portland central business district

Transportation Control Measure	Carbon Monoxide Reductions Based on Motor Vehicle Emissions forecast for 1975	
	gm/grid—24 hr.	%
Increased transit patronage	−7,500	6
Traffic signal optimization	−7,700	6
Removal of selected on-street parking	−21,300	18
Inspection and maintenance of light duty vehicles	−18,900	14
Total	−58,400	44
Motor vehicle emission, 1975 forecast	133,950	
Motor vehicle emissions remaining	75,550	
Maximum emissions allowable to attain standard	79,000	

[1] Fourth, Washington, and Alder grid cell.

Deficiencies in the State Plan

Although the types of transportation control measures contained in the plan submitted to EPA by the State of Oregon are acceptable, there are deficiencies in the plan which prevent its complete approval by the Administrator. The plan does not contain for the inspection/maintenance program an adequate description of proposed surveillance and enforcement methods, proposed rules and regulations, proposed administrative procedures to be used, a description of the resources available, and a schedule of dates by which significant steps will be achieved. A sufficient description of the resources available to the State and to local agencies for carrying out other meaures in the plan is also not included.

In addition, the emission reductions claimed by the State to result from some of the transportation control measures are considered by the Administrator to be somewhat high. In the Administrator's judgment, a motor vehicle inspection/maintenance program of the type proposed by the State will result in an annual average reduction in carbon monoxide emissions of only 12 percent (See Appendix N, 38 FR 15197). The contingency retrofit program is not specified in sufficient detail to assure implementation.

The State has supplied some evidence that the traffic flow improvements resulting from traffic signal optimization and removal of on-street parking may not ultimately result in increased traffic on the affected streets and has indicated that other measures such as turn prohibitions and alteration of hours for loading and servicing will be implemented if the forecasted traffic flow improvements do not occur. Based on experience in other areas, improvements in traffic flow are generally short-lived: streets with improved traffic flow attract additional traffic and are again soon congested. The contingency measures to be instituted if the expected traffic flow improvements are not achieved and maintained are not discussed in sufficient detail to assure implementation.

Proposed Federal Regulations

Because of the deficiencies in the State transportation control plan for the Portland Interstate Region, Federal regulations are proposed to implement the following transportation control measures:

1. Establishment of a system of traffic lanes for the exclusive use of buses and car pools. The proposed regulation will require that a bus or bus and car pool lane be established between the downtown and Park-and-Ride lot. It will also require that for streets having four or more traffic lanes in one direction, at least one lane must be designated for use only by buses or by buses and car pools with an additional lane during rush hours. In the case of a street or highway with only three lanes in one direction, at least one of the lanes must be open to buses or buses and car pools from 6:30 to 9:30 a.m. and from 3:30 to 6:30 p.m. This regulation will apply to the Oregon

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Counties of Clackamas, Columbia, Multnomah and Washington.

2. Institution of a daylight delivery ban that will alter the hours heavy-duty gasoline powered motor vehicles are allowed to make deliveries in the Portland central business district. The proposed regulation will prohibit these vehicles from making deliveries in the central business district between 7 a.m. and 6 p.m. The purpose of this regulation is to reduce the number and thus the air pollutant emissions from heavy-duty vehicles operating in downtown Portland during the hours when the 8-hour carbon monoxide standard is most likely to be exceeded. Reducing the number of heavy-duty vehicles will have the additional benefit of helping to improve traffic flow.

These Federally proposed measures are intended to strengthen and supplement, not wholly replace, State-adopted transportation control measures. Other measures are available to EPA and to the State that will, if implemented, assist in achieving a reduction in motor vehicles emissions equivalent to that resulting from the two proposed measures. In the State of Washington, for example, EPA is proposing regulations requiring the implementation of a selective vehicle-use exclusion program that will provide for metering the amounts of traffic entering those areas of Seattle and Spokane where air quality standards are presently not being met. To meter the traffic entering the affected areas, the State of Washington will be required to issue an "access certificate" to each vehicle requested within specified counties in the two metropolitan areas. The certificate will be affixed in a prominent place on the vehicle. On specified days of the week, vehicles displaying designated certificates will be prohibited from operating or parking in the affected areas between 7:00 a.m. and 5:00 p.m.

The estimated effect of the two proposed regulations, implemented together with three State-adopted transportation control measures is presented in the following table. Because the State-adopted measures to improve traffic flow will not, in the opinion of the Administrator, result in the increases in average vehicle speed forecasted, the reduction in carbon monoxide emissions from traffic flow improvements was reduced from the amount estimated by the State. Attainment of national standards by 1975 through implementation of only the State and Federal measures listed in the table will require that the State not permit in the Portland central business district the construction of any new parking facilities or the enlargement of any existing facilities. A regulation containing this authority, Oregon Administrative Rule, Chapter 340, section 20–050 through 20–070, "Parking Facilities and Highways in Urban Areas," was adopted January 24, 1972. This rule was incorporated in Section 5 of the State's Implementation Plan submitted January 30, 1972 and approved on May 31, 1972 (37 FR 10888). Stabilization of the parking supply in the Portland central business district will reduce the annual increase in light-duty vehicle travel, will help assure the success of State-adopted programs for traffic flow improvement and increased transit patronage, and will also encourage car pooling.

COMBINATION OF STATE/FEDERAL TRANSPORTATION CONTROL STRATEGY EFFECTS FOR THE SAMPLE ANALYSIS GRID CELL* ON MAY 31, 1975

PORTLAND CENTRAL BUSINESS DISTRICT

Transportation Control Measure	Carbon Monoxide Reductions	
	gm/grid—8 hr.	Percent
Increased transit patronage 1	−3,100	6
Traffic flow improvement 1, 3	−9,200	14
Parking management 1	−2,600	4
Bus/carpool lanes 2	−3,100	6
Daylight delivery ban 2	−9,200	14
Total	−28,800	44
Motor vehicle emissions 1975 forecast	65,600	
Motor vehicle emissions remaining	36,800	
Maximum emissions allowable to attain standard	38,800	

*Fourth, Washington, and Alder grid.
1 State-adopted transportation control measure.
2 EPA-proposed transportation control measure.
3 Traffic flow improvement measures include traffic signal optimization and removal of on-street parking.

Social and Economic Impacts of Proposed Federal Transportation Control Measures

A quantitative assessment of the economic and social impacts of the proposed Federal transportation control measures on the Portland Interstate Region has not been possible due to the short time available for development of the measures and the innate complexities of the issues involved. However, an attempt has been made to identify some of the more important impacts that will result if the proposed Federal measures are promulgated and implemented.

Reductions in the accessibility of the Portland central business district could result if vehicle use is restricted through the daylight delivery ban. If deliveries at alternative times of the day or using alternative modes of transportation are not provided and the central business district becomes less convenient, the economy of the district may be adversely affected. Property values could fall and private profits and government revenues could decline. The extent of adverse economic effects and the degree to which these effects can be ameliorated through providing alternatives to day time deliveries are difficult to estimate. However, economic losses in the central business district may be offset by gains elsewhere within the Region.

EPA Efforts to Mitigate the Effects of Proposed Regulations

The proposed Federal regulations, together with the State-adopted measures, will eliminate the danger to human health and welfare that exists in the Oregon portion of the Portland Interstate Region as a result of air pollution from motor vehicles. The regulations may, however, have adverse economic and social impacts. The Administrator will make every effort to mitigate the adverse effects of his final promulgation. He will be in contact with the Department of Transportation and other departments as necessary. The Administrator will request that these departments give special attention to the need for funding of programs necessary to offset any adverse effects resulting from the implementation of transportation control measures.

Public Comments Solicited

The Administrator intends that any Federal regulations which must be promulgated be as responsive as possible to the needs of the Portland Interstate Regions; he therefore desires to obtain the comments and suggestions of the public on the proposed regulations and on any other measures that may be taken by Federal, State, or local governments to strengthen, supplement, or replace the proposed measures.

A public hearing will be held on this and any alternative proposals in Portland at the Portland Hilton Hotel, Parlor D, 921 Sixth Avenue at 7:30 p.m. on September 5, 1973.

In any promulgation of regulations necessary the Administrator will consider all comments and testimony he receives, as well as any additional strategies submitted by the State.

Submittal of Written Comments

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Administrator, EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: Ms. Betty Simon. All relevant comments received on or before September 4, 1973 will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the EPA Region X library. The changes proposed by this notice, with appropriate modifications, will be effective as noted. This notice of proposed rule making is issued under the authority of section 110(c) and 301(a) of the Clean Air Act.

(42 U.S.E. 1857c et seq.)

Dated: July 24, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Regulations as follows:

Subpart MM—Oregon

1. Subpart MM is amended by adding § 52.1979 and § 52.1980 as follows:

§ 52.1979 Bus/carpool lanes.

(a) Definitions:

(1) "Carpool"—a vehicle containing three or more persons.

(2) "Bus/carpool lane"—a lane on a street or highway open only to buses (or buses and carpools), whether constructed specially for that purpose or converted from existing lanes.

(3) "Major street or highway"—any street or highway which meets the criteria given in paragraph (b)(4) (ii), (iii) and (iv) of this section.

(b) The following constitutes the bus/carpool control strategy for the Portland Interstate Air Quality Control Region.

(1) Each incorporated city within the counties of Clackamas, Columbia, Multnomah and Washington shall establish bus/carpool lanes on the major streets and highways (as defined herein) over which it has ownership or control, according to the schedule in paragraph (b)(4)(vi) of this section.

(2) The Oregon counties of Clackamas, Columbia, Multnomah and Washington shall establish bus/carpool lanes on the major streets and highways (as defined herein) within the Region over which they have ownership or control, according to the schedule in paragraph (b)(4)(vi) of this section.

(3) The State of Oregon shall establish bus/carpool lanes on the major streets and highways (as defined herein) within the Region over which it has ownership or control, according to the schedule in paragraph (b)(4)(vi) of this section.

(4) Each of the governmental entities named in the previous three subparagraphs shall submit no later than December 1, 1973, a detailed compliance schedule showing the steps which it will take to establish these bus/carpool lanes and to enforce the limitations on their use, with each schedule to include the following:

(i) Each street and highway which will have bus/carpool lanes must be identified with a schedule for the establishment of the lanes.

(ii) A bus/carpool lane must be established between the Portland central business district and each Park-and-Ride lot identified in section (iv), "Public Transportation Improvements of the Portland Transportation Strategy," April 15, 1973.

(iii) If a street or highway has four or more traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) at all times. If only one lane is open to buses (or buses and carpools) at all times, a second lane must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iv) If a street or highway has three traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(v) In unusual situations, a street or highway, or lane or segment thereof, may be exempt from these requirements if an approval of the exemption is obtained from the Administrator. The application for exemption shall not be submitted and will not be accepted after November 1, 1973. Special circumstances justifying the need for an exemption or modification (such as inappropriateness of use by buses, designation of bicycle lanes, or desire to allow bus/carpool lanes to be entered briefly by other vehicles for the purpose of crossing a lane or making a right turn) must be given in detail with its application.

(iv) Bus/carpool lanes must be prominently indicated by overhead signs at least once every mile, and at each intersection or entry ramp. Twenty-five percent of the lane mileage for each of the governmental entities must be established and needed signs must be installed by March 1, 1974; fifty percent by June 1, 1974; seventy-five percent by September 1, 1974; one hundred percent by December 1, 1974.

(vii) Bus/carpool lanes must be prominently indicated by distinctive painted lines, pylons, or physical barrier.

(viii) A signed statement by the chief executive officer of each governmental entity or his designee will identify the sources and amounts of funds for all projects.

(5) Buses shall have the right of way whenever changing lanes on streets and highways with bus lanes. This shall take effect as each lane is established and identified.

(6) Buses shall be permitted to make left turns whether or not the intersection is posted for "No Left Turn" (except when a one-way street would be entered from the wrong direction). This shall take effect January 1, 1974.

(7) None of the governmental entities named in paragraph (b) of this section shall convert existing on-street parking spaces to use as motor vehicle traffic lanes unless the effect will be to increase the number of bus/carpool lanes on the affected street beyond the number otherwise required by paragraph (b) of this section or unless the effect will be to create a bicycle lane in place of parking spaces.

(c) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, a governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1980 Daylight delivery ban regulation.

(a) Definitions:

(1) "Daylight hours" means the hours between 7 a.m. and 6 p.m. Monday through Friday.

(2) "Delivery ban" means a program to reduce emissions from in-use heavy-duty gasoline-powered vehicles employed to deliver goods during daylight hours.

(3) "Heavy-duty gasoline-powered vehicle" means any motor vehicle designated primarily for transportation of property and rated at more than 6,000 pounds GVW which is powered by a gasoline-burning engine.

(4) All other terms used in this section which are defined in Part 51 of this subchapter are used herein with the meaning so defined.

(5) "Portland central business district" means an area enclosed by the freeway loop formed by the Marquam Bridge-Eastbank Freeway (I–5) and the Fremont Bridge-Stadium Freeway (I–405) and by West Burnside Street.

(b) This section is applicable in the Portland central business district.

(c) Beginning January 1, 1975, the State of Oregon, Multnomah County, and the City of Portland shall prohibit during daylight hours deliveries of goods to commercial establishments employing 10 or more persons on the streets or highways over which it has ownership or control. The prohibition shall state that heavy-duty gasoline-powered vehicles making deliveries in violation of the prohibition shall either be towed away, or the owner and/or operator subject to a fine of up to $100 or both. No later than March 1, 1974 each of the governmental entities shall submit legally adopted regulations to EPA establishing such a prohibition.

(d) The State of Oregon, Multnomah County, and the City of Portland shall submit, no later than December 1, 1973, detailed compliance schedules showing the steps they will take to establish and enforce a daylight hours delivery ban program including the statutory proposals and needed regulations which they will propose for adoption. The compliance schedule shall include the date by which the governmental entities will recommend needed legislation to the appropriate body and will identify the State, county or city officer responsible for enforcement.

(e) Failure to comply with any provision of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A state or other governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

[FR Doc.72–15629 Filed 8–1–73;8:45 am]

[40 CFR Part 52]

MARYLAND; APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Notice of Proposed Rule Making

The transportation control plan submitted by the State of Maryland for attainment of the primary national ambient air quality standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Baltimore Intrastate Air Quality Region, hereafter called the Metropolitan Baltimore Intrastate Region, was disapproved in part on June 15, 1973. This notice of proposed rule making sets forth regulations which in the Administrator's judgment could be implemented in addition to

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the approved portions of the Maryland plan to attain and maintain the national standards for carbon monoxide and for photochemical oxidants in the Metropolitan Baltimore Intrastate Region.

If revisions to the State plan are submitted and determined to be approvable prior to Federal promulgation, these proposed regulations will be withdrawn. If revisions to the State plan are submitted and determined to be approvable after Federal promulgation, then those Federal regulations will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain the carbon monoxide standard and the photochemical oxidant standard in the Metropolitan Baltimore Intrastate Region be a State plan carried out by the State or its designated representatives.

SUMMARY

Portions of the Maryland plan were not approved on June 15, 1973, because the justification for claimed reductions and the procedures for administration, enforcement, and monitoring of the strategies were not adequate. Although some of the general strategies proposed in the plan were approved, the specific control strategy package was not approved. The specific control strategies in the State plan did not guarantee a sufficient degree of carbon monoxide and hydrocarbon emission reductions to justify a finding that carbon monoxide and photochemical oxidant air quality standards would be attained.

Maryland, by letter from Governor Marvin Mandel, has made a request for a 2-year extension until May 31, 1977, to meet the carbon monoxide and photochemical oxidant air quality primary standards. This would be the maximum extension permitted under section 110(e) of the Clean Air Act. On January 31, 1973, the opinion of the U. S. Court of Appeals for the District of Columbia in the case of Natural Resources Defense Council Inc., et al. v. Environmental Protection Agency (Civil Action No. 72–1522) and seven related cases required EPA to apply a very stringent standard of review to State extension requests. Maryland's submittal does not itself contain sufficient supporting data on the technical infeasibility of the available control strategies nor does it show adequate consideration of available alternative strategies.

However, based on EPA's own evaluation and analysis we have determined that the hardware necessary for retrofitting substantial numbers of light-duty vehicles with catalytic converters will not be available to meet standards until May 31, 1977. If evidence presented at the public hearings or submitted to the Agency during the comment period indicates that this 2-year extension is not justified, appropriate revisions will be made in our final promulgation.

The EPA-proposed regulations are designed to correct specific deficiencies in the State plan. A regulation is proposed to accelerate the implementation of the Maryland-proposed program which would prohibit the State of Maryland from registering or allowing the operation of vehicles which cannot show proof of satisfactorily passing a loaded emission test. Because the State plan lacks specific assurances of emission reductions from improvements to public transportation, regulations are proposed to establish exclusive bus/carpool lanes, restrict on-street parking, restrict the establishment of additional parking facilities, and require the establishment of a bus/carpool computer matching system.

A regulation also is proposed to require a Vacuum Spark Advance Disconnect (VSAD) retrofit by 1975 of all pre-1968 light-duty vehicles and an oxidizing catalyst retrofitting by 1977 of certain light-duty vehicles of model years 1968–1975 inclusive. Also proposed are regulations requiring gasoline marketing vapor controls to reduce hydrocarbon loss during transfer of gasoline. As a final assurance of adequate emission reductions, a regulation is proposed to limit gasoline sales in the Region to their base year levels beginning July 1, 1974, and to limit them to 40.5 percent of their base year levels beginning May 31, 1977.

The strategies proposed herein, when taken together with the effects of the Federal Motor Vehicle Control Program, are projected to achieve more than the 57 percent reduction in carbon monoxide base year (1972) emissions required to meet the national ambient air quality standard for carbon monoxide by May 31, 1977, and will achieve the 70 percent reduction in hydrocarbon base year (1972) emissions required to meet the national ambient air quality standards for photochemical oxidants by May 31, 1977 in the Metropolitan Baltimore Intrastate Region.

EPA is also considering the promulgation of additional control measures and requests public comment on the applicability of these measures to the Metropolitan Baltimore Intrastate Region. Candidate measures include phased reductions of public parking facilities, motorcycle limitation programs, the expanded use of any existing rail right-of-way, and establishment of bikeways.

In addition, EPA is evaluating the potential of increasing the stringency of certain proposed regulatory measures. The proposed inspection and maintenance regulations incorporate a 30 percent failure rate which could be expanded to 50 percent and gain additional emission reductions. Furthermore, Maryland has in effect regulations for organic solvent use and control of degreasing operations. Though these regulations are believed to be reasonable, further examination may indicate that additionally stringent measures are necessary. Pending review of public comments and additional EPA evaluation of these control measures and/or modifications, EPA may include some, if not all, of these potential strategies in the final promulgation.

TRANSPORTATION CONTROL ALTERNATIVES

Analysis of the air quality problems in the State of Maryland reveals a photochemical oxidant problem and a carbon monoxide problem within the Metropolitan Baltimore Intrastate Region.

Since a substantial proportion of the photochemical oxidant problem and virtually all of the carbon monoxide problem stems from emissions from individual motor vehicles, measures to reduce emissions and measures to reduce vehicular travel can be effective in improving air quality. Reductions in emissions from vehicles can be obtained through inspection and maintenance programs and from incorporation of various retrofit devices. Reductions in Vehicle Miles Traveled (VMT) can be achieved through various pricing and taxing schemes for road use, adoption of parking restrictions and/or limitations of available number of parking spaces, and programs promoting the use of bus/carpools.

Direct vehicle restraints may also be necessary. These can take the form of limitations on gasoline distribution or of restricting access of vehicles to areas of high pollutant concentrations. In the Metropolitan Baltimore Intrastate Region, where the greatest threat to air quality is an area-wide photochemical oxidant pollution generated by hydrocarbon emissions, an area-wide limitation on gasoline distribution would be an effective approach.

In solving the pollution problem, improvements to public transportation are a desirable and effective complement to restraints on automobile use. Such improvements as greater coverage, increased frequency of service, improved reliability, improved comfort, and adequate personal security would further encourage the use of public transit alternatives.

PROPOSED ADDITIONAL CONTROL STRATEGIES

The Maryland plan as amended by the June 15, 1973 submission, attempts to demonstrate attainment of the photochemical oxidant and carbon monoxide air quality standards through utilization of five general measures: the Federal Motor Vehicle Emissions Control Program; a State-wide, State-run Motor Vehicle Inspection Program for all gasoline-powered vehicles; improvements to public transportation; retrofit of heavy-duty gasoline-powered vehicles; and major stationary source restrictions.

The Maryland plan, which utilizes data gathered in the physical area defined by the Baltimore Metropolitan Area Transportation Study (BMATS), reports peak-period hydrocarbon emissions were 57.7 tons and carbon monoxide emissions were 507,800 tons per year in 1972. In order to demonstrate attainment of the standards, the State of Maryland calculations indicate that hydrocarbon emissions must be reduced by 70 percent of the 1972 emissions in the BMATS area to a level of 17.3 tons/peak period and that carbon monoxide emissions must be reduced by 57 percent of the 1972 emissions in the BMATS area to a level of 217,800 tons/year.

Including projected increases in vehicle miles of travel, the Federal Motor Vehicle Emissions Control Program will reduce hydrocarbon peak-period emissions by 31 percent to 39.7 tons and will reduce carbon monoxide emissions by 32 percent to 345,100 tons/year by 1977.

These estimates are adjusted to include the 1975 interim motor vehicle emission standards as announced on April 11, 1973.

To provide the required additional reductions to attain the national ambient air quality standards as expeditiously as practicable, several measures for controlling mobile sources and reducing VMT are proposed. Mobile source controls include the early initiation of a State vehicle inspection program and the retrofitting of certain light-duty gasoline-powered vehicles. VMT reductions to be realized through improvements to public transportation are augmented and supported by proposed measures providing for encouragement of bus/carpools, parking restrictions and limitations, and a gasoline distribution limitation.

In order to ensure that national ambient air quality standards will be achieved as expeditiously as practicable, the following VMT reduction measures will be implemented by May 31, 1975:

1. Gasoline distribution limitations to their base year (July 1, 1972–June 30, 1973) levels.

2. Public transportation improvements including exclusive bus lanes and parking restrictions.

Moreover, the Administrator is considering the promulgation of additional control strategies which he believes can possibly provide further support to assure attainment of the needed reduction in VMT. The Administrator encourages testimony on a program calling for the phased reduction of public parking spaces in the CBD and other trip attraction centers by as much as 20 percent by mid-1975. Also solicited is testimony on the possibility and advisability of the expanded use of existing rail right-of-way and motorcycle limitation programs.

The final promulgation may include measures not explicitly proposed herein if, on the basis of information provided to the Administrator, they appear at the time of the final promulgation to be the most effective and reasonable means of attaining standards.

PROPOSED REDUCTIONS IN VMT

According to the Maryland plan, improvements to public transportation are credited with reducing vehicle miles of travel by 13 percent in the BMATS area. This VMT reduction is expected to reduce by 13 percent light-duty mobile emissions of both hydrocarbons and carbon monoxide in that area. Improvements proposed include establishing exclusive bus lanes, purchase of new buses, and promotion of carpools; however, implementation schedules are not firm and hence provide no assurance for claimed reductions. To help ensure that the State's reductions claimed for mass transportation improvements will be achieved, the Environmental Protection Agency is proposing four additional regulations: provision of exclusive bus/carpool lanes, limitation of on-street parking on those streets with exclusive bus lanes, limitations on the construction of additional parking facilities, and the establishment of a computerized bus/carpool service.

Although the implementation of stationary source controls, inspection/maintenance of light-duty gasoline-powered vehicles, improvements to public transportation, retrofit of certain light-duty gasoline vehicles, and the above four additional regulations will enable the carbon monoxide standard to be achieved in 1977, these measures alone will not be sufficient to meet the standard for photochemical oxidants by 1977.

An additional reduction of 11.5 tons/peak period of hydrocarbon emissions is required. To attain this reduction, EPA proposes a phased gasoline distribution limitation, by limiting gasoline distribution by mid-1975 to the base year level and by reducing the distribution by mid-1977 to 40.5 percent of the base year level.

The Clean Air Act of 1970 requires attainment of the national ambient air quality standard as expeditiously as practicable but in no case later than May 31, 1975, unless the necessary technology or other control methods are not reasonably available by that date. In the latter event, an extension of time for achieving the standards until no later than May 31, 1977, may be granted, but all reasonably available alternatives must be implemented by May 31, 1975, along with such measures during the pre-1977 interim period as are deemed to be reasonably available. In the Metropolitan Baltimore Intrastate Region, a number of reasonable strategies (inspection/maintenance, gasoline distribution limitation, vacuum spark advance disconnect for light-duty vehicles, volatile organic loading facilities, preferential bus treatment, on-street parking and new parking facility limitations, and a computerized bus/carpool service) will be operative in 1975. However, because of hardware unavailability and long lead times involved in the acquisition of mass transportation equipment and in the installation of advance retrofit devices, the total strategy cannot be completed until May 31, 1977. The gasoline distribution limitation strategy must, by its very nature, rely heavily on the other proposed strategies. The percentage reduction in 1977 from the gasoline limitation program is projected to be 59.5 percent of the base year levels of gasoline consumption.

The proposals described above are the only ones for which regulatory language has been included in this proposal. However, EPA will also consider other VMT reduction measures as part of this rulemaking proceeding, and they may be included in the final promulgation if they are found to be the most feasible methods for achieving the standards. In particular, EPA will explore the possibility of reducing VMT by the phased reduction of the number of public parking spaces in CBD's and other trip attraction centers by as much as 20 percent by mid-1975, establishment of a more sophisticated mass transit system, selective conversion of traffic lanes on roads to the exclusive use of buses and carpools, adoption of more restrictive on-street parking regulations, increased parking charges, and adoption of more stringent enforcement methods. Measures to promote the use of bicycles and to limit the use of motorcycles will also be considered. Comments on these and other VMT reduction measures are particularly solicited.

PROPOSED CONTROLS ON STATIONARY SOURCES

Although Maryland has either existing or proposed regulations to control stationary sources, its proposal to reduce hydrocarbon emissions through vapor recovery during service station and automobile tank refueling operations was not supported by proposed regulations which the State committed itself to adopt as required by 40 CFR 51.14(a)(ii). In the plan addendum of June 28, 1973, Maryland's intent to adopt such regulations was indicated. This submission is now being evaluated. To ensure the reduction of 1.8 tons/peak period claimed for this measure, EPA is proposing a regulation to require 90 percent recovery of hydrocarbon vapors during loading of service station storage tanks and during transfer of gasoline to automobiles. If the Maryland proposal of June 28, 1973, is satisfactory, the regulation proposed by EPA herein will be withdrawn.

Existing organic solvent regulations require that all present drycleaning installations emitting more than 200 pounds per day of photochemically reactive hydrocarbons shall reduce present emissions by at least 85 percent, and that the limit for new installations shall be 40 pounds per day. Although the full effect of the existing regulations through natural attrition would not be felt until 1987, the additional requirement that all solvent users must be fully controlled by 85 percent of uncontrolled emissions would result in a negligible reduction of 0.03 tons per peak period, or 0.14 percent of the reduction required to meet the primary ambient air quality standards by May 31, 1977. The administrator is aware of Maryland's ongoing program for the control of hydrocarbon emissions from dry-cleaning installations and is presently evaluating the proposed regulation which would accelerate the program by attaining full compliance by the proposed May 31, 1974 date. Consequently, no regulation is being proposed by EPA at this time on the assumption that Maryland is proceeding expeditiously to control this relatively small source category of hydrocarbon emissions.

The Environmental Protection Agency has also examined Maryland's regulations governing emissions of organic solvents resulting from degreasing operations and from evaporation from surface and architectural coatings. For decreasing operations, there are no specific constraints on nonreactive material that may be used, such as perchlorethylene or saturated hologenated hydrocarbons that are in use elsewhere. Comments are solicited on whether degreasing operations in the Metropolitan Baltimore Intrastate Region are a significant source of reactive hydrocarbon emissions for

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which a specific regulation should be promulgated.

Emissions of other solvents in the Metropolitan Baltimore Intrastate Region were also investigated. It has been determined that technology does exist to control more efficiently the emissions of a number of the smaller heating (15 to 200 lb/day category) and spraying operations (40 to 200 lb/day category) involving organic solvents. Their estimated total peak-period emission is 0.10 ton or 0.47 percent of the reduction required to meet the primary ambient air quality standards by May 31, 1977. Comments are solicited as to whether it is feasible or practicable to require additional controls on these sources, many of which are presumably located on premises of small firms. If these comments indicate that further controls are needed, then the Administrator proposes to promulgate regulations equivalent to those currently adopted by the County of Los Angeles Air Pollution Control District as Rule 66. Other minor relaxations from L.A. Rule 66 involve evaporative emissions from gallon (or smaller) containers of architectural coating compounds and from the allowable disposal limits of waste solvent materials. No data are presently available to the Administrator on the atmospheric burden that may be created by such evaporative emissions, which are presently believed to be very small.

Even if the Administrator should determine that Maryland's existing regulations for control of solvent emissions as discussed above need not be augmented at this time, they will be the subject of continuing examination and their rigorous enforcement will be monitored.

Proposed Controls on Mobile Sources

In the plan addendum of June 28, 1973, it is stated that legislative authorization funding measures, etc., are needed to implement Maryland's proposed inspection and maintenance program. The tentative implementation timetable proposed by Maryland shows the commencing of the 20-month program on January 1, 1975, following an assumed passage of legislation, and completion by September 1, 1976. Under the requirements of the Clean Air Act, the States must proceed as expeditiously as practicable to attain primary air quality standards. In an effort to ensure the earliest possible initiation of Maryland's inspection and maintenance program, the Administrator is proposing a regulation to require implementation of the system to begin by March 1, 1974, and actual commencement of the inspection program by August 1, 1975. The duration of this timetable is very close to that proposed by Maryland. The Maryland plan proposes an emission inspection program for all light- and heavy-duty gasoline-powered vehicles; a 12 percent hydrocarbon emission reduction and a 10 percent carbon monoxide emission reduction for all such vehicles is claimed through the use of a loaded-test inspection/maintenance program. These values are consistent with those presented in CFR Part 51, Appendix N. Both the Maryland and EPA proposals assume an initial 30 percent failure rate criterion. Comments are solicited on the desirability of establishing an initial 50 percent failure rate criterion, which calculations indicate would give an additional reduction of 0.1 ton of hydrocarbons per peak-period emission.

A full EPA review of the June 28, 1973, addendum is now in progress. This review will determine the degree of acceptability for both the establishment of the inspection and maintenance system itself and the subsequent inspection program. Comments are also solicited from the public and other interested parties on all aspects of the program. It is the Administrator's wish that the final promulgation incorporate as much of the Maryland-proposed program as can be found acceptable.

On June 15, 1973, and as subsequently amended on June 28, 1973, and on July 9, 1973, Maryland proposed retrofit of heavy-duty gasoline-powered vehicles with devices capable of reducing hydrocarbon and carbon monoxide emissions by 50 percent. EPA is unable to accept this proposal at this time because there has not been sufficient time for an adequate review of this proposal. Although a proposed implementation timetable has been included in Maryland's latest proposal, cooperative arrangements with jurisdictions proposing a heavy-duty retrofit program have not been indicated. EPA, however, encourages Maryland's intended efforts in this direction.

EPA proposes retrofit of pre-1968 light-duty vehicles with approved Vacuum Spark Advance Disconnect (VSAD) devices and of certain 1968–1975 light-duty vehicles with oxidizing catalyst devices. The VSAD device is expected to reduce hydrocarbon emissions by 20 percent per vehicle and carbon monoxide emissions by 9 percent per vehicle. The oxidizing catalyst device is expected to reduce both hydrocarbon and carbon monoxide emissions by 50 percent per vehicle. Only those cars of 1968–1975 model years which run on gasoline with a research octane number (RON) of 91 can be fitted with this device because of technical constraints. In addition, this gasoline must be unleaded. Exemptions will be allowed for all 1975 model year vehicles originally equipped with the oxidizing catalytic converter, or those vehicles which are certified to meet the original statutory Federal emission standards for 1975. National estimates indicate that approximately 20 percent of the 1968–1970 model year vehicles and 75 percent of the 1971–1975 model year vehicles would be retrofitted under this proposal.

Summary of Effects

The estimated combined effect of the State transportation control measures approved by EPA and Federally proposed regulation are presented in the following table.

Federally proposed regulations are intended to strengthen, supplement, and expand, not wholly replace, State transportation control measures approved by EPA.

Compilation of Control Strategy Effects for the Metropolitan Baltimore Intrastate Air Quality Control Region on May 31, 1977

	Carbon Monoxide		Hydrocarbons	
	Tons per Year	Percent of Total Reduction Required	Tons per Peak Period (6–9 am)	Percent of Total Reduction Required
Stationary Source Emissions Without Control Strategy	103,000		13.4	
Expected Reduction:				
a) Current Regulations (1)	−5,575	−4.4%	1.5	6.5%
b) Gasoline Handling Vapor Recovery (2)	0	0	1.8	8.1%
c) Other Stationary Source (1)	500	0.4%	0.5	2.4%
Rule Strengthening				
Stationary Source Emissions Remaining	108,075		9.6	
Mobile Emissions from Highway Light- and Heavy-Duty Vehicles without Control Strategy (Credit taken for FMVCP)	242,100		26.3	
Expected Reduction:				
a) Inspection and Maintenence (2)	15,500	12.2%	2.1	9.4%
b) Mass Transit Improvements (2)	20,400	16.0%	1.8	8.1%
c) VSAD Retrofit pre-1968 LDV (3)	1,400	1.1%	0.3	1.3%
d) LDV Catalytte Retrofit 1968–1975 (3)	33,000	25.9%	2.9	12.9%
e) Gasoline Distribution Limitation (3)	103,200	81.1%	11.5	51.3%
Mobile Emissions Remaining	68,600		7.7	
Total Emissions without Strategy	345,100		39.7	
Total Reduction	168,425	132%	22.4	100%
Total Emissions Remaining	176,675		17.3	
Total Reduction Required	127,300		22.4	

(1) Approved State strategy.
(2) State strategies modified by EPA.
(3) EPA proposed strategy.

Implementation Procedures

Implementation of the strategies provided for by the regulations proposed herein is the key to the success of the air quality improvement program for the Metropolitan Baltimore Intrastate Region. Therefore, the proposed regulations also provide for the development of any necessary administrative procedures; schedules of compliance by sources; and surveillance, monitoring, and enforcement activities.

In all cases where VMT reduction measures are being proposed by regulations, the State or city will be required to take steps to accomplish the intended result. If this is not done, penalties for violation of the Clean Air Act may be assessed. It is EPA's position that it may require States or cities to enforce regulations that are related to their position as owners of roads. As owners of roads, States and cities may be held directly responsible for the pollution caused by those roads and by the traffic which the roads make possible, and they may be required to take such steps as are necessary to ensure that the roads and the activities carried out on them cease to cause violations of air quality standards. Regulations have accordingly been drafted to impose enforcement responsibility on the States or cities only where the activity being regulated was, in the judgment of EPA, closely enough related to the government's position as owner of the roads to justify the imposition of responsibility under this theory.

Economic and Social Impact

The social and economic consequences of the majority of the measures included in the Maryland plan or proposed herein are considered reasonable. For example, the inspection and maintenance procedures will require expenses of approximately $10 annually for the average vehicle inspected. The implementation of the VSAD retrofit program of pre-1968 vehicles will require that individual motorists pay approximately $20 installation costs. Distributed costs of the various Maryland proposed mass transportation and fuel-handling improvement measures, as well as those supplemental strategies proposed by EPA providing incentives for the use of express buses and carpools and disincentives on the use of automobiles by individual motorist-commuters, are also considered reasonable. In addition, these measures are expected to benefit the public from the standpoint of improved traffic flow for commuters, general urban mobility, and a decrease in energy consumption.

On the other hand, while the collective benefits to be derived from the catalytic converter retrofit program are significant, the average price to the individual motorist is $135 per vehicle. However, the cost of this proposal could be ameliorated by the imposition of a state financed retrofit program which would spread the cost over the entire vehicle population. Such a program might be financed through a gasoline tax or vehicle registration fee.

The most stringent proposal would require in 1977 a gasoline sales reduction of 59.5 percent from base year levels. This would affect nearly every economic and social activity in the Metropolitan Baltimore Intrastate Region. It is not possible at this time to calculate the economic and social cost to the community of this proposal. However, it must be recognized that under the requirements of the Clean Air Act, the Administrator must help provide for attainment of air quality standards as expeditiously as practicable. It is for this reason that the Administrator solicits suggestions on all possible measures which will ease the burden of the more severe strategies considered. The Administrator recognizes that there are significant positive aspects to VMT reductions. These VMT reductions may well lessen the need for currently envisioned urban interstate highways. Many experts believe that the sprawling development patterns fostered by widespread automobile use are unduly wasteful of energy, land, and other resources, and have contributed to the decay of urban centers. Widespread use of other modes of transportation will be necessary if these adverse tendencies are to be corrected.

Greater use of mass transit and car pooling may well stimulate the switch to a 4-day week by major industries. This, in turn, may result in further reductions in VMT and/or total emissions, at least in the CBD. Gasoline limitation measures would stimulate the need for additional mass transit and/or car pooling, thus resulting in further reductions of the total emissions.

In summary, the Agency has responded to the order of the United States Court of Appeals for the District of Columbia Circuit and proposes a plan to attain and maintain air quality standards in the Metropolitan Baltimore Intrastate Region by May 31, 1977. In this proposed plan for attainment of standards by May 31, 1977, the Agency proposes to grant the maximum extension allowed by law. Even with this extension, the plan would result in social and economic consequences which must be considered severe. The public hearing scheduled on these proposals should focus not only on the reasonableness or unreasonableness of the proposed plan, but also on what steps can be taken to clean up the air and maintain air quality standards beyond 1977.

Mass Transportation

Improvements and expansion of the existing mass transportation facilities in the Baltimore Metropolitan area (the so-called Baltimore Metropolitan Area Transportation Study Area—BMATS) are integral to the proposed reduction in VMT obtained as a result of disincentives and restraints on the personal use of automobiles primarily within the BMATS area.

Since mid-1971, all transit functions in Baltimore City have been the responsibility of the Mass Transit Administration (MTA) of the Maryland Department of Transportation. The Baltimore Transit Company had been purchased in 1970 by the predecessor agency, the Metropolitan Transit Authority. MTA is responsible for planning, programming and implementing mass transit services in the Metropolitan Transit District, which is comprised of Baltimore City, Baltimore County, and Anne Arundel County. MTA has taken over four suburban transit companies. Thus, the entire metropolitan transit system is State owned and operated.

In addition to bus transit, MTA is planning and developing a regional rail rapid transit system in coordination with the Regional Planning Council. The Urban Mass Transportation Administration (UMTA) has recently granted $22.5 million to help finance construction of the first phase of the system. The local one-third of funds will come from the Maryland Department of Transportation.

There are few apparent legal or institutional obstacles to improved transit services, or even reduced transit fares at the State level. Local policy is one of support for public transit. There is a question of economic policy, however, related to the mandate of MTA to support all costs incurred for construction, acquisition, operation, and maintenance of transit facilities "as far as practicable" from the fare box and Federal funding grants. Presently no funds are available from Federal sources to subsidize operating losses; therefore, it would be necessary for the State to review policy related to operating losses caused by new services or reduced fares.

Present planning calls for many transit service improvements, including acquisition of at least 100 new buses in 1973. An application to UMTA to support this plan was submitted in January. The transit technical study (T9–5) is in the review stages, but it may be expected to recommend further service improvements.

Expanded mass transit facilities are essential to the success of any air pollution control strategy for the Metropolitan Baltimore area. The Administrator, therefore, encourages transit expansion in this area, and he will provide all possible support to efforts by Federal, State, local governmental, and private groups to expand the mass transit facilities.

Public Comments Solicited

Although the Administrator has concluded that the proposed plan is the best approach available to him at the present time for achieving compliance with the requirements of the Act, further analysis may demonstrate that more appropriate options are available. He therefore desires to obtain the comments and suggestions of the public on the problems of achieving the ambient air quality standards in the Metropolitan Baltimore Intrastate Region. Comments are particularly invited pertaining to measures that may be taken by Federal, State, or local authorities to support or supplement the proposed air pollution control measures to implement these measures, and to compare social and economic effects of alternative pollution control measures.

Public hearings will be held in Baltimore on September 5, 1973, at 10:00 a.m. in the Carroll Room, Baltimore Hilton Hotel, 101 West Fayette Street. Further notice of these hearings, including locations where EPA proposals can be inspected, will be published in the Baltimore area.

The Administrator's final promulgation of transportation controls for the Metropolitan Baltimore area will consider the comments and testimony he receives, as well as any additional approvable strategies submitted by the State before or at the hearing as part of the State plan. These influences, and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulga-

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tion, may lead the Administrator to adopt final regulations that differ in significant ways from this proposal.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106. All relevant comments received not later than September 4, 1973 will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the EPA Region III Office, and at locations to be announced in the Baltimore area. This notice of proposed rule making is issued under the authority of section 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1857 et seq.).

EPA STUDIES AND GUIDELINES

Further information on transportation control, land use, and motor vehicle emissions may be obtained from one or more of the following documents which the Environmental Protection Agency has published:

1. "Prediction of the Effects of Transportation Controls on Air Quality in Major Metropolitan Areas" and "Evaluating Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Areas," November 1972. Both of these documents are generally known as the "Six Cities Study."
2. "Transportation Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Areas," December 1972. This document is a summary of a study of 14 cities conducted with the view of recommending specific transportation control strategies. (Separate reports for each of the 14 cities are also available.) The documents listed in 1 and 2 above are available from the Air Pollution Technical Information Center, EPA, Research Triangle Park, North Carolina 27711.
3. "Control Strategies for In-Use Vehicles," November 1972. This report is available from EPA, Mobile Source Pollution Control Programs, 401 M Street, SW., Washington, D.C. 20460.
4. "Transportation Control Measures," *Federal Register* (38 FR 15194), June 8, 1973.
5. "Transportation Controls to Reduce Motor Vehicle Emissions in Baltimore, Maryland," APTD–1443 (December 1972), available from EPA, Office of Air and Water Programs, Research Triangle Park, North Carolina 27711.

(42 U.S.C. 1857 et seq.)

Dated: July 24, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter 1 of Title 40 of the Code of Federal Regulations by adding the following:

Subpart V—Maryland

§ 52.1085 Inspection and maintenance.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicle by identifying vehicles which need emission-control-related maintenance and requiring that maintenance be performed.

(2) "Precontrolled vehicles" means light-duty vehicles sold nationally (except California) prior to the 1968 model year and light-duty vehicles sold in California prior to the 1966 model year.

(3) "Controlled vehicles" means light-duty vehicles sold nationally (except California) in the 1968 model year and later and light-duty vehicles sold in California in the 1966 model year and later.

(4) "Loaded emissions test" means a sampling procedure for exhaust emissions which requires testing the engine under stress (i.e., loading) by use of a chassis dynamometer to simulate actual driving conditions. As a minimum requirement, the loaded emission test must include running the vehicle and measuring exhaust emissions at two speeds and loads other than idle.

(5) "Idle emission test" means a sampling procedure for exhaust emissions which requires operation of the engine in the idle mode only. At a minimum, the idle test must consist of the following procedures carried out on a fully warmed-up engine: a verification that the idle RPM is within manufacturer's specified limits and a measurement of the exhaust carbon monoxide and/or hydrocarbon concentrations during the period of time from 15 to 25 seconds after the engine was used to move the car or was run at 2000 to 2500 RPM with no load for 2 to 3 seconds.

(6) "Retrofit" means the addition or removal of an item of equipment, or a required adjustment, connection, or disconnection of an existing item of equipment, for the purpose of reducing emissions.

(7) "Idle adjustment" means a series of adjustments which include RPM, idle air/fuel ratio and basic timing.

(8) "Initial failure rate" means the percentage of vehicles rejected because of excessive emissions of a single pollutant during the first inspection cycle of an inspection/maintenance program. (If inspection is conducted for more than one pollutant, the total failure rate may be higher than the failure rates for each single pollutant.)

(b) This regulation is applicable within the geographical confines of the State of Maryland.

(c) The State of Maryland shall submit to the Administrator of EPA or his designee, no later than January 1, 1974, a detailed compliance schedule showing the steps that will be taken to establish and enforce an inspection and maintenance program pursuant to paragraph (d) of this section.

The compliance schedule shall include:

(1) The text of any necessary statutory proposals and regulations that are needed to carry out the inspection/maintenance system.

(2) A detailed timetable describing the steps that must be taken and when these steps will be taken to ensure the timely submittal of the needed legislation to the legislature and to ensure timely adoption of the regulations needed for paragraph (d) of this section.

(3) A detailed timetable describing the dates of ordering and of acquisition of necessary equipment.

(4) A signed statement by the chief executive or his designee identifying the sources and amounts of funding for the inspection/maintenance program and a timetable to ensure that proper funding levels are available. If funds cannot legally be obligated under existing statutory authority, the text of the needed legislation shall be submitted to the Administrator of the Environmental Protection Agency or his designee pursuant to paragraph (c)(1) of this section.

(d) The State of Maryland shall establish an inspection and maintenance program applicable to all light-duty gasoline-powered vehicles registered within its confines. No later than March 1, 1974, the State of Maryland shall submit to the Environmental Protection Agency legally adopted regulations establishing such a program. The regulations shall include:

(1) Provisions for the inspection of all gasoline-powered light-duty vehicles at periodic intervals of no more than one year by means of a loaded (dynamometer) test.

(2) Provisions for inspection failure criteria consistent with the emission reduction claimed in the plan for the strategy. These criteria shall include an initial failure rate of 30 percent (see definitions).

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. This shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts and knowledge to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(5) Delineation of the agency or agencies responsible for conducting, overseeing and enforcing the inspection and maintenance program.

(6) Provisions for beginning the first inspection cycle by August 1, 1975, and completing it by July 31, 1976.

(e) After July 31, 1976, the State of Maryland shall not register nor allow to operate on its streets or highways vehicles which fall within this regulation and have not complied with the applicable standards and procedures of paragraph (d) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) After July 31, 1976, no owner of a vehicle which is affected by this regulation shall operate or allow to be operated a vehicle which does not comply with the applicable standards and procedures of paragraph (d) of this section. This shall not apply to the initial registration of a new motor vehicle.

§ 52.1086 Bus/carpool computer matching system.

(a) Definitions:

(1) "Bus/carpool matching" means assembling lists of commuters sharing similar travel needs. The number of commuters on each list identifies potential bus/carpools.

(2) "Time-origin-destination (TOD) information" means information that identifies a commuter's work schedule, home and work location.

(3) All other terms used in this section which are defined in 40 CFR Part 51, Appendix N, are used herein with the meanings so defined.

(b) This section is applicable in the Metropolitan Baltimore Intrastate Air Quality Control Region (hereafter referred to as the Region).

(c) Beginning March 1, 1974, the State of Maryland shall establish a computer-aided bus/carpool matching system which is conveniently available to all employees in businesses having more than 10 employees within the Region who operate light-duty vehicles on streets or highways over which it has ownership or control. No later than December 1, 1973, the State shall submit legally adopted regulations to the EPA establishing such a system. The regulations shall include:

(1) A method of collecting information which will include the following as a minimum:

(i) Provisions for each affected employee to receive an application form with a cover letter describing the matching program.

(ii) Provisions on each application for applicant identification of time, origin, and destination, and the applicant's desire to drive only, ride only, or share driving.

(2) A computer method of matching information that will have provisions for locating each applicant's origin and destination within a grid system in the urban area and suburban region surrounding it and matching applicants with identical origin and destination grids and compatible work schedules.

(3) A method for providing continuing service such that the master list of all applicants is retained and available for use by new applicants; applications are currently available; and the master list is periodically updated to remove applicants who have moved from the area served.

(4) An agency or agencies responsible for operating, overseeing and maintaining the bus/carpool computer matching system.

(d) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act.

§ 52.1087 Management of parking supply.

(a) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land for use as a facility.

(2) "Modification" means any change to a parking facility which increases the vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the vehicle capacity of such facility.

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

(5) "Parking facility" (also called "facility") means any facility, building, structure, or lot, or portion thereof used primarily for temporary storage of motor vehicles.

(b) This regulation is applicable in the Metropolitan Baltimore Intrastate Air Quality Control Region.

(c) No person, after August 15, 1973, shall commence construction of any new parking facility or modification or enlargement of any existing parking facility until he has first received from the Administrator or from an agency approved by the Administrator a permit stating that construction, modification, or enlargement of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include, but not be limited to, a condition that before a permit may be issued the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the construction, modification, or enlargement of the facility.

(iii) The normal hours of operation of the facility and the enterprises and activities which it serves.

(iv) The number of people using or engaging in any enterprises or activities which the proposed facility will serve.

(v) The number of motor vehicles using the proposed facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of vehicle miles of travel within any area the air quality of which fails to meet applicable Federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement, or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of 40 CFR 51.4(b); and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. If notice of intent to participate is required, that fact shall be noted prominently in the required notice of hearing.

§ 52.1088 Limitation of public parking.

(a) The term "on-street parking" means leaving a vehicle on a street or sidewalk and also includes stopping for any purpose other than the momentary and immediate pickup or discharge of passengers. A prohibition of "on-street parking" under this section includes a prohibition against stopping for the purpose of effecting any delivery of goods.

(b) The following provisions apply to all areas within the City of Baltimore and the counties of Baltimore, Howard, and Anne Arundel, which are in the Metropolitan Baltimore Intrastate Air Quality Control Region.

(c) On-street parking limitations:

(1) Beginning January 1, 1974, the City of Baltimore and all municipalities in the counties described above shall prohibit on-street parking, Monday through Saturday, on all streets and highways over which they have ownership or control and which contain express bus/carpool lanes. The prohibition against "on-street parking" on any particular street or highway shall be only for the period during which the particular street or highway has a lane or lanes reserved for buses, carpools, or buses and carpools. The prohibition shall state that vehicles parked in violation of the prohibition shall be towed away, or the owner shall be subject to a fine of up to $100 per violation, or both, depending on the circumstances of the violation.

(2) Beginning January 1, 1974, the counties of Baltimore, Howard, and Anne Arundel shall prohibit on-street parking, Monday through Saturday, on all streets and highways over which they have ownership or control and which contain bus/carpool lanes. The prohibition against "on-street parking" on any particular street or highway shall be only for the period during which the particular street or highway has a lane or lanes reserved for buses, carpools, or buses and carpools. The prohibition shall state that vehicles parked in violation shall be towed away, or the owner shall be subject to a fine of up to $100 per violation, or both, depending on the circumstances of the violation.

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(3) Beginning on January 1, 1974, the State of Maryland shall prohibit on-street parking, Monday through Saturday, on streets and highways over which it has ownership or control and which contain express bus/carpool lanes. The prohibition against "on-street parking" on any particular street or highway shall be only for the period during which the particular street or highway has a lane or lanes reserved for buses, carpools, or buses and carpools. The prohibition shall state that vehicles parked in violation of the prohibition shall be towed away, or the owner shall be subject to a fine of up to $100 for violation, or both, depending on the circumstances of the violation.

(d) Failure to comply with any provision of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan, and subject to enforcement under section 113 of the Clean Air Act.

§ 52.1089 Preferential bus/carpool treatment.

(a) Definitions:

(1) "Carpool" means a vehicle containing three or more persons.

(2) "Bus/carpool lane" means a lane or a street or highway open only to buses (or buses and carpools), whether constructed specially for that purpose or converted from existing lanes.

(3) "CBD" is defined as the area bounded by Centre Street, Fallsway, Falls Avenue, Pratt Street, Greene Street, Franklin Street and Eutaw Street in Baltimore City.

(4) "Major street or highway" means any street or highway which meets the criteria given in paragraphs (b)(4)(ii) and (iii) of this section.

(b) The following provisions apply to all areas within the City of Baltimore and the counties of Baltimore, Howard, and Anne Arundel.

(1) The City of Baltimore and all municipalities in counties described above shall establish bus/carpool lanes on the major streets and highways over which they have ownership or control according to the schedule in paragraph (b)(4)(v) of this section.

(2) Baltimore, Howard, and Anne Arundel counties shall establish bus/carpool lanes on the major streets and highways over which they have ownership or control, according to the schedule in paragraph (b)(4)(v) of this section.

(3) The State of Maryland shall establish bus/carpool lanes on the major streets and highways over which it has ownership or control, according to the schedule in paragraph (b)(4)(v) of this section.

(4) Each of the governmental entities named in the previous three subparagraphs of this paragraph shall submit, no later than January 1, 1974, a detailed compliance schedule showing the steps which it will take to establish these bus/carpool lanes and to enforce the limitations on their use, with each schedule to include the following:

(i) Each street and highway which will have bus/carpool lanes must be identified with a schedule for the establishment of the lanes.

(ii) If a street or highway has four or more traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iii) If a street or highway has three lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iv) In unusual situations, a street or highway, or segment thereof, may be exempt from these requirements if an approval of the exemption is obtained from the Administrator. The application for exemption shall not be submitted and will not accepted after November 15, 1973. Special circumstances justifying the need for an exemption (such as inappropriateness of use by buses, designation of bicycle lanes instead, or desire to allow bus/carpool lanes to be entered briefly by other vehicles for the purpose of crossing a lane or making a right turn) must be given in detail with the application.

(v) Bus/carpool lanes must be prominently indicated by overhead signs at least once every mile, and at each intersection or entry ramp. Of the lane mileage for each of the governmental entities, 25 percent must be established and needed signs must be installed by March 1, 1974; 50 percent by June 1, 1974; and 75 percent by September 1, 1974; and 100 percent by December 1, 1974.

(vi) Bus/carpool lanes must be prominently indicated by distinctive painted lines pylons, or physical barriers.

(vii) Between 7:00 a.m. and 6:30 p.m., the right two lanes of each one-way street in the CBD having four or more lanes shall be bus/carpool lanes.

(viii) Between 7:00 a.m. and 6:30 p.m., the right lanes of each one-way street in the CBD having three lanes shall be a bus/carpool lane.

(ix) In unusual situations, the requirements of paragraph (b)(4)(iv) of this section shall apply.

(5) Buses shall have the right-of-way whenever changing lanes on streets and highways with bus lanes. This shall take effect as each lane is established and identified.

(6) Buses shall be permitted to make left turns whether or not the intersection is posted for "No Left Turn" (except when a one-way street would be entered from the wrong direction). This shall take effect January 1, 1974.

(7) None of the governmental entities named in paragraphs (b)(1), (b)(2) and (b)(3) of this section shall convert existing on-street parking spaces to traffic lanes unless the effect will be to increase the number of bus/carpool lanes on the affected street beyond the number otherwise required by paragraph (b) of this section or unless the effect will be to create a bicycle lane in place of the parking spaces. Exemptions from the requirements of this paragraph (b)(7) of this section may be sought by application in the manner and subject to the requirements provided for by paragraph (b)(4)(iv) of this section. Requests for exceptions pursuant to this subparagraph along streets or highways on which existing parking lanes will be automatically eliminated by the institution of parking limitations pursuant to § 52.1088 of this Chapter shall be submitted to the EPA no later than November 15, 1973. In all other cases, requests for exceptions must be made and approved before a parking lane can be converted to a traffic lane other than bicycle or bus/carpool lanes.

(8) A signed statement by the chief executive of each governmental entity or his designee shall be submitted to the EPA on January 1, 1974, to identify the sources and amount of funds for all projects.

(c) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A State of other governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1090 Control of evaporative losses from the filling of vehicular tanks.

(a) The term "gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Metropolitan Baltimore Intrastate Air Quality Control Region.

(c) A person shall not transfer gasoline to an automotive fuel tank from gasoline-dispensing systems unless the transfer is made through a fill nozzle designed to:

(1) Effect a vapor-tight fit between the fill nozzle and filler neck of the automotive fuel tank so as to prevent discharge of hydrocarbon vapors to the atmosphere.

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered.

(3) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section can consist of a vapor-tight vapor return line from the fill nozzle filler neck interface to the dispensing tank or to an adsorption, absorption, incineration, or refrigeration-condensation system or equivalent.

(e) Components of the systems required by § 52.1091(c) can be used for compliance with paragraph (c) of this section.

(f) If demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions

of paragraph (c) of this section as a result of fill neck configuration, location, or other design features, the provisions of this paragraph shall not apply to tanks on vehicles existing at the time of promulgation of this regulation.

(g) The State of Maryland shall divide all facilities subject to this section into two classes, each of which taken as a whole emit approximately equal amounts of hydrocarbon materials. The classes shall be known as Class I and Class II.

(h) Except as provided in paragraph (j) of this section, the owner or operator of a source included in Class I shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1974.

(2) Initiation of onsite construction or installation of emission control equipment or process change must begin not later than July 31, 1974.

(3) Onsite construction or installation of emission control equipment or process modification must be completed not later than March 31, 1975.

(4) Final compliance is to be achieved not later than May 31, 1975.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(i) The owner or operator of a source included in Class II shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1975.

(2) Initiation of onsite construction or installation of emission control equipment or process change must begin not later than July 31, 1975.

(3) Onsite construction or installation of emission control equipment or process modification must be completed not later than March 31, 1976.

(4) Final compliance is to be achieved not later than May 31, 1976.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(j) Paragraphs (h) and (i) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (c) of this section and which has certified such compliance with paragraph (c) of this section and which has certified such compliance to the Administrator by November 15, 1973. The Administrator may request whatever information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by November 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975, in the case of Class I sources, and May 31, 1976, in the case of Class II sources. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(k) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this Chapter.

§ 52.1091 Gasoline transfer vapor control.

(a) The term "gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Metropolitan Baltimore Intrastate Air Quality Control Region.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight vapor return line from the storage container to the delivery vessel and a device that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(2) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

(d) The provisions of paragraph (c) of this section shall not apply to the transfer made to storage tanks equipped with floating roofs or their equivalent.

(e) *Compliance schedule.* Except as provided in paragraph (f) of this section, the owner or operator of any source subject to this section shall comply with this section on or before January 31, 1974.

(1) Any owner or operator in compliance with this section on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this section.

(2) Any owner or operator who achieves compliance with this section after the effective date of this section shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(f) Any owner or operator of a source subject to paragraph (e) of this section may, not later than 120 days following the effective date of this section, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with the provisions specified in paragraph (e) of this section as expeditiously as practicable but no later than June 30, 1975. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to: submittal of final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(g) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

§ 52.1092 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbons and carbon monoxide from that vehicle.

(2) All other terms used in this section which are defined in 40 CFR Part 51, Appendix N, are used herein with the meanings so defined.

(b) This section is applicable in the Metropolitan Baltimore Intrastate Air Quality Control Region.

(c) The State of Maryland shall establish a retrofit program to ensure that on or before May 31, 1977, certain gasoline-powered light-duty motor vehicles of model years 1968 through 1975, which are or would be subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section, are equipped with an appropriate oxidizing catalyst retrofit device. No later than March 1, 1974, the

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State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on motor vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (c)(3) of this section are enforced.

(3) A provision that starting no later than May 31, 1976, the State of Maryland shall commence retrofitting oxidizing catalysts to those light-duty motor vehicles able to operate properly on unleaded 91 RON gasoline. The installation shall be completed by May 31, 1977.

(4) A method and proposed procedures for ensuring that those installing the retrofits have the training and ability to perform the known needed tasks satisfactorily and that they will have an adequate supply of retrofit components.

(d) After May 31, 1977, the State shall not register or allow to operate on public streets or highways any light-duty gasoline-powered vehicle which does not comply with the applicable standards, procedures, and regulations adopted pursuant to paragraph (c) of this section.

(e) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards, procedures and regulations implementing this section.

(f) The State of Maryland shall submit, no later than January 1, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section and the text of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1975.

(g) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if it fails to submit on time the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1093 Vacuum spark advance disconnect.

(a) For purposes of this section, "vacuum spark advance disconnect" means a device or system installed on the vehicle which prevents the ignition vacuum advance from operating either when the vehicle's transmission is in the lower gears or when the vehicle is traveling below a predetermined speed.

(b) This section is applicable in the Metropolitan Baltimore Intrastate Air Quality Control Region.

(c) On or before January 1, 1975, all gasoline-powered light-duty vehicles of model year prior to 1968 and subject under presently existing legal requirements to registration in the area described in paragraph (b) of this section shall be equipped with an appropriate vacuum spark advance disconnect device.

(d) The State of Maryland shall submit, no later than January 1, 1974, a detailed compliance schedule showing the steps it will take to implement and enforce this requirement. Such schedule shall include, as a minimum, the following:

(1) A date by which the State will evaluate and approve devices for use in this program. Such date shall be not later than March 1, 1974.

(2) A date by which installation of this equipment shall commence. Such date shall be no later than June 1, 1974.

(3) A date by which all vehicles subject to this section will be equipped with such devices. Such date shall be no later than January 1, 1975.

(4) Designation of any agency or agencies responsible for evaluating and approving such devices for use on vehicles subject to this section.

(5) Designation of an agency or agencies responsible for ensuring that the prohibitions of paragraph (e)(2) of this section enforced.

(6) Method and proposed procedures for ensuring that those persons installing the devices have the training and ability to perform the needed tasks satisfactorily and that an adequate supply of devices will be available.

(7) Provision (apart from the requirements of any program for periodic inspection and maintenance of vehicles generally) for emission testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After January 1, 1975, the following shall apply within the Metropolitan Baltimore Intrastate Air Quality Control Region:

(1) The State shall not register a vehicle subject to this paragraph which is not equipped in accordance with paragraph (c) of this section.

(2) No owner of a light-duty vehicle subject to this paragraph shall operate or allow the operation of any such vehicle that is not equipped in accordance with paragraph (c) of this section.

(f) The failure of any person to comply with any provision of this section shall render such person in violation of a requirement of an applicable implementation plan, and subject to enforcement action under section 113 of the Clean Air Act. As to compliance schedules, a State will be considered to have failed to comply with the requirements of this regulation if it fails to submit on a timely basis the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1094 Gasoline limitation.

(a) Definitions:

(1) "Base year" means the consecutive twelve month period commencing on July 1, 1972, and ending June 30, 1973.

(2) "Distributor" means any corporation, partnership, or sole proprietorship which transports or stores or causes the transportation or storage of gasoline between any refinery and any retail outlet.

(3) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the public or introduced into any vehicle.

(b) This section is applicable in the Metropolitan Baltimore Intrastate Air Quality Control Region to all distributors who transport gasoline to any retail outlet in this area, and to the owners of retail outlets in this area.

(c) Beginning July 1, 1974, the State of Maryland shall implement regulations limiting the total gallonage of gasoline delivered to retail outlets in the area described in paragraph (b) of this section to the amount delivered to such outlets during the base year. Beginning May 31, 1977, the State of Maryland shall implement regulations limiting the total gallonage delivered to retail outlets to that amount which, when combusted, will not result in the ambient air quality standard being exceeded. The State shall by January 1, 1977, submit to the Administrator regulations to accomplish this limitation and specifying the amount of limitation necessary.

(d) In order for the State to determine the amount of gasoline delivered during the base year and each year in which control is in effect, all distributors to which this section applies shall provide the State with a detailed accounting of the amount of gasoline delivered to each retail outlet in the areas described in paragraph (b) of this section during the base year, and the years during which control is in effect. For the year during which control is in effect, the owner of each retail outlet to which this paragraph applies shall provide the State with a detailed accounting of gasoline received from each distributor, the total amount of gasoline sold during the year, and the amount of gasoline on hand at the beginning and end of the year. The State may require any other reports it may deem necessary for the implementation of this section.

(e) The State of Maryland shall submit no later than January 1, 1974, a detailed compliance schedule showing steps it will take to establish and enforce the limitation program specified in paragraph (c) and (d) of this section including the text of needed statutory proposals and needed regulations which it will propose for adoption. Each schedule shall also include the following:

(1) A date by which the State shall adopt procedures to ensure that no more than the amount of gasoline specified in paragraph (c) of this section is delivered to retail outlets in the areas affected. Such date shall be no later than March 30, 1974.

(2) A date by which any report necessary for establishing such procedures shall be furnished to the State by the distributors. Such a date shall be no later than January 1, 1974.

(3) An agency responsible for implementation and monitoring of this program.

(f) Failure to comply with any provision of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under Section 113 of the Clean Air Act. A state will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

[FR Doc.73-15627 Filed 8-1-73;8:45 am]

[40 CFR Part 52]

MARYLAND; (PRINCE GEORGES AND MONTGOMERY COUNTIES) APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Notice of Proposed Rule Making

The transportation control plan submitted by the State of Maryland for attainment of the primary National Ambient Air Quality Standards for carbon monoxide (CO) and photochemical oxidants for the Maryland portion of the National Capital Interstate Region was disapproved in part on June 15, 1973, (38 FR 16558). This notice of proposed rulemaking sets forth regulations which in the Administrator's judgment could be implemented in addition to the approvable portions of the Maryland plan to attain and maintain the National standards for carbon monoxide and photochemical oxidants in the Maryland portion of the National Capital Interstate Region.

If revisions to the Maryland plan are submitted and determined to be approvable prior to Federal promulgation, these proposed regulations will be withdrawn. If revisions to the Maryland plan are submitted and determined to be approvable after Federal promulgation, then those Federal regulations will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain the carbon monoxide and photochemical oxidant standards in the Maryland portion of the National Capital Interstate Region by a Regional plan carried out by the State or its designated representative.

TRANSPORTATION CONTROL ALTERATIVES

Analysis of the air quality problems in the National Capital Interstate Region, which contains Prince George's and Montgomery Counties in Maryland, reveals that both photochemical oxidants and carbon monoxide exhibit unacceptably high levels in the region, with the former being the pacing pollutant.

Since a substantial proportion of the photochemical oxidant problem and almost all of the carbon monoxide problem are the result of automotive vehicle emissions, measures to reduce emissions from individual vehicles and measures to reduce vehicular travel can be effective in improving air quality. Since a significant percentage of the oxidant-producting hydrocarbon emissions stem from the vehicle-related sources associated with gasoline handling operations, measures to reduce these operational losses can also provide a measurable improvement in the regional air quality.

Reductions in emissions from vehicles can be obtained through inspection and maintenance programs, and from incorporation of various retrofit devices. Reductions in Vehicle Miles Traveled (VMT) can be achieved through various pricing and taxing schemes for road use, adoption of parking restrictions, and/or limitations of available number of parking spaces, restrictions on idling or cruising of fleet vehicle, selective control of goods movement, the establishment of vehicle-free zones, establishment of a four-day week, programs promoting the use of carpools or alternative modes of transportation and limitations on gasoline usage. It must be emphasized that, in order to be effective, each VMT control measure proposed or adopted for the Region by the State of Maryland must be reflected by identical or equivalent measures in each of the neighboring jurisdictions of Virginia, and the District of Columbia.

In effecting substantial improvements in air quality, improvements in and expansion of public transportation facilities are a necessary and effective complement facilitating use of this alternative to the private automobile. Clearly public transit improvements must be implemented in concert with the appropriate level of vehicle restraints, as determined by the regional characteristics of the private automobile use demand elasticity. Such improvements as greater coverage, increased frequency of service, improved reliability, increased comfort and convenience, a reasonable cost, and adequate personal security will further encourage the use of public transit alternatives to the private automobile.

SUMMARY

The Maryland plan, as amended by the June 15, 1973, June 22, 1973, and June 28, 1973, submissions in its demonstration of attainment of the photochemical oxidant and carbon monoxide air quality standards utilizes the following general measures. These are: the Federal Motor Vehicle Emission Control Program, a state-wide, state-run Motor Vehicle Inspection Program for all gasoline powered vehicles, improvements to public transportation, increased parking charges, bus/carpool locator, retrofit of heavy duty gasoline powered vehicles, restrictions on aircraft ground operations, and major stationary source restrictions. As aforementioned, it is EPA's intent to use the state submitted strategy to the greatest extent possible.

The Maryland plan reports that, in 1972, peak period hydrocarbon emissions were 30.1 tons (47.6 percent of the total Regional Peak emissions) and carbon monoxide emissions were 286,725 tons per year. Although these figures are only for Prince George's and Montgomery counties (i.e., the Maryland portion of the National Capital AQCR), they are reflected in the overall strategy developed by the Metropolitan Washington Council of Government (COG). The state of Maryland's corrected calculations indicate that hydrocarbon emissions in Maryland in the peak period must be reduced by 65 percent of the 1972 emissions to a level of 10.5 tons. Similarly, carbon monoxide emissions must be reduced by 55 percent of the 1972 levels to an annual level of 129,026 tons.

After including projected increases in vehicle miles of travel, the Federal Motor Vehicle Control Program will reduce hydrocabron peak period emissions by 15.1 tons or by approximately 50 percent relative to the 1972 base period. Similarly, the impact on carbon monoxide levels will be to reduce emissions in Maryland by 145,000 tons yearly or by 51 percent relative to the 1972 base period. These estimates are adjusted to reflect the effect of the 1975 interim motor vehicle emission standards announced on April 11, 1973.

Since the 21-day period for public comment on the additional submissions has not been completed, it is impossible for the Administrator to make a final decision on approval or disapproval of the strategies included in the Maryland plan at this time. This decision must take into consideration all comments received during this time. However, preliminary review by EPA indicates that certain strategies are likely to be approvable. Accordingly, the Agency is proposing only those items which, when added to the approvable measures, are necessary to attain the National Ambient Air Quality Standards.

If an apparently approvable strategy is determined not to be approvable, additional measures will be proposed.

The information contained in the additional submissions by the State appears to remedy many of the deficiencies on which the Administrator's June 15 decision was based.

The following is a summary of the actions EPA is proposing to take with respect to the Maryland Plan.

Federal Motor Vehicle Control Program—Reductions appear to be approvable based on projected vehicle populations and emission factors.

Motor Vehicle Inspection Program—The basic program appears to be approvable in concept but lack of legal authority delays timely implementation of the plan. Therefore, it does not appear to be approvable. The Administrator will propose the same program, but with an acceptable implementation schedule.

Improvements in Public Transit

(a) Maryland participation in the area wide addition of 750 buses to current fleet—appears to be approvable, contingent upon clarification of certain administrative details.

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(b) Exclusive Bus Lanes—appears to be approvable.

(c) System Improvements (i.e., shelters, fringe parking, improved scheduling) appears to be approvable.

Increased Terminal Charges

(a) Elimination of free off-street, employee parking in certain areas—does not appear to be approvable.

(b) Street enforcement of current on-street parking restrictions—appears to be approvable.

(c) $2.00 parking surcharge (or an equivalent measure)—appears to be approvable.

Bus Carpool Locator Program—appears to be approvable.

Restrictions on aircraft ground operations—partial reductions are allowable; appears to be partially approvable.

Increased Control of Stationary Source Emissions—not approvable at this time due to lack of adopted regulations.

Heavy Duty Restraints—does not appear to be approvable because of lack of documented technical feasibility.

Due to the fact that:

Full reductions claimed for aircraft emissions do not appear to be allowable;

The plan did not include adequate controls for heavy duty gasoline powered vehicles.

The portion of the plan dealing with elimination of free off-street employee parking does not appear to be approvable.

The controls over stationary sources cannot be approved at this time.

EPA is proposing the following measures:

Initiation of commercial-type parking rates or reduction of 12% the available spaces at any federal, state, or local facility which has 25 or more parking spaces and which is located in a high density employment area which is well serviced by public transit.

Retrofit by 1975 of all pre-1968 vehicles with a vacuum spark advance disconnect kit.

Retrofit of light duty 1971–1975 fleet vehicles (including federal government vehicles) and taxicabs with an oxidizing catalyst retrofit—beginning in mid-1976, to be completed by mid-1977.

Controls of emissions of hydrocarbons due to gasoline handling; both from the delivery truck to underground tank and from the pump to the vehicle. Implementation begins in 1974 and is fully completed by 1977.

Ban of heavy-duty-gasoline-powered vehicles (except emergency vehicles, mail trucks, etc.) from 6:00 a.m. to 9:30 a.m. beginning July 1, 1974.

Finally, since the $2.00 surcharge proposed by Maryland is integral to the success of this plan, EPA is proposing contingency strategies to be implemented if appropriate steps are not taken to implement the surcharge. These contingency measures are:

A ban on the construction, modification or enlargement of any parking facility without having first obtained a permit from the Administrator.

A phased 15 percent reduction in the number of off-street parking spaces.

The Administrator invites comments on these and any other measures which may be used to achieve the national ambient air quality standards for photochemical oxidants and carbon monoxide.

Two-Year Extensions to Achieve Standards

The Administrator proposes to give a two-year extension for the attainment of the standard in the State of Maryland. To attain the standards in 1975 would require stringent restraints on vehicle miles traveled which could not be considered to be "reasonably available" within the meaning of section 110(e) of the Clean Air Act, or the implementation of a widespread catalytic retrofit program which could not be implemented due to technological problems before 1977. Although some measures have not been proposed here which have appeared in some other proposals (such as gasoline limitations and a selective vehicle exclusion program involving colored tags) the reduction in vehicle miles traveled expected from measures contained herein appears to be substantial and adequate to fulfill the requirement that reasonably available alternative measures be employed before an extension is given for any strategy. The plan proposed herein, along with the apparently approvable measures submitted by the State of Maryland, apply the reasonably available alternative means of control at the earliest possible dates. Comment is invited on any measures which have not been considered and applied and which can be considered to be reasonably available.

Summary of Effects

The following table is a summary of the effect of the proposed strategies on the total reductions required.

COMPILATION OF CONTROL STRATEGY EFFECTS FOR THE NATIONAL CAPITAL INTERSTATE REGION ON MAY 31, 1977

	Carbon Monoxide		Hydrocarbons	
	Tons per peak period	Percent of total Reduction Required	Tons per peak period	Percent of total Reduction Required
Stationary Source Emissions Without Control Strategy	78	.....	11.3	.....
Expect Reduction From:				
(a) Dry Cleaning Vapor Recovery	0	0	1.1	8.7
(b) Gasoline Handling Vapor Recovery	0	0	5.0	39.4
(c) Other Stationary Source Rule Strengthening	0	0	0	.....
Stationary Emissions Remaining	78	.....	8.2	.....
Mobile Emissions from Highway Light and Heavy Duty Vehicles without Control Strategy	498	.....	19.3	.....
Expected Reductions From:				
(a) Inspection and Maintenance	28	31.6	1.5	11.8
(b) X-Kit Retrofit, pre-'68 Cars	3	1.0	0.4	3.2
(c) Catalytic Retrofit of Fleet LDV's	5	6.7	0.2	1.6
(d) Mass Transit Improvements	21	28	2.7	21.2
(e) HDV Peak Hour Delivery Ban	27	35	1.0	7.6
(f) Aircraft Model Program	11.0	11.6	0.8	6.1
Mobile Emissions Remaining	405	.....	12.7	.....
Total Emissions without strategy	576	.....	33.6	.....
Total Reductions	93	123.9	12.7	100.2
Total Emissions Remaining	483	.....	20.9	.....

Proposed Controls on Stationary Sources

One of the major sources of hydrocarbon emissions, which have been identified in the Maryland plan for the Maryland portion of the National Capital Interstate Region, is the gas handling losses which occur in the distribution system for gasoline fuel. The Maryland plan proposes control of these emissions.

The regulations proposed by the State of Maryland for control of hydrocarbon emissions at retail service stations or fleet-owned service stations requires installation of a vapor balance line or equally effective vapor discharge control system. This regulation requires controls to be installed on all stations with a monthly average throughput exceeding 35,000 gallons by May 31, 1975, and at all other stations by May 31, 1977. Vapor collecting systems which must be installed on vehicle fuel tank filling systems are to be installed concurrent with the vapor balance line connections specified above.

The regulations as proposed by the State of Maryland appear to be adequate to achieve the anticipated reduction in hydrocarbon emissions. However, the Administrator cannot approve these proposed regulations at this time, since 40 CFR part 51 requires that all regulations dealing with the control of stationary sources be adopted at the time of submittal of the plan. EPA is therefore proposing to promulgate similar regulations which will be rescinded upon submission of equivalent acceptable regulations as adopted by the State of Maryland.

Existing organic solvent regulations require that all present dry cleaning installations emitting more than 200 pounds per day of photochemically reactive hydrocarbons shall reduce present emissions by at least 85 percent, and that the limit for new installations shall be 40 pounds per day. In its plan the state has proposed a requirement that all dry cleaning establishments refrain from using any photochemically reactive organic solvents after May 31, 1974. This would result in a reduction of 0.03 tons per peak period, or 0.14 percent of the reduction required to meet the primary ambient air quality standards by May 31, 1977. The Administrator is aware of Maryland's on-going program for the control of hydrocarbon emissions from dry cleaning installations and is presently evaluating the proposed regulation which would accelerate the program by attaining full compliance by the proposed May 31, 1974 date.

The regulations as proposed by the State of Maryland appear to be adequate to achieve the anticipated reduction in hydrocarbon emissions. However, the Administrator cannot approve these proposed regulations at this time, since 40 CFR part 51 requires that all regulations dealing with the control of Stationary Sources be adopted at the time of submittal of the plan. EPA is therefore proposing to promulgate similar regulations which will be rescinded upon submission of equivalent acceptable regulations as adopted by the State of Maryland.

The Environmental Protection Agency has also examined Maryland's regulations governing emissions of organic solvents resulting from degreasing operations and from evaporation from surface and architectural coatings. For degreasing operations, there are no specific constraints on non-reactive material that may be used such as perchlorethylene or saturated halogenated hydrocarbons that are in use elsewhere. Comments are solicited on whether degreasing operations in the Maryland portion of the National Capital Interstate Region are a significant source of reactive hydrocarbon emissions for which a specific regulation should be promulgated.

Emissions of other solvents in the Maryland portion of the National Capital Interstate Region were also investigated. It has been determined that technology does exist to control more efficiently the emissions of a number of the smaller heating (15 to 200 lb per day category) and spraying operations (in the 40 to 200 lb per day category) involving organic solvents. Their estimated total peak period emissions is 0.10 tons or 0.47 percent of the reduction required to meet the primary ambient air quality standards by May 31, 1977. Comments are solicited as to whether it is feasible or practicable to require additional controls on these sources, many of which are presumably located on the premises of small sized firms. If these comments indicate that further controls are needed, then the Administrator proposes to promulgate regulations equivalent to those currently adopted by the County of Los Angeles Air Pollution Control District as Rule 66. L.A. Rule 66 contains minor exemptions involving evaporative emissions from gallon (or smaller) sized containers of architectural coating compounds, and from the allowable disposal limits of waste solvent materials. There are no data presently available to the Administrator on the atmospheric burden that may be created by such evaporative emissions though they are presently believed to be very small.

Proposed Controls on Mobile Sources (non-aircraft)

In the plan addendum of June 28, 1973, it is stated that legislative authorization funding measures, etc., are needed to implement Maryland's proposed inspection and maintenance program. The tentative implementation timetable proposed by Maryland shows the commencing of the 20-month program on January 1, 1975, following an assumed passage of legislation, and completion by September 1, 1976. Under the requirement of the Clean Air Act, the States must proceed as expeditiously as practicable to attain primary air quality standards. Because of the delay in getting legal authority, Maryland's program would not be implemented as expeditiously as possible. In an effort to ensure the earliest possible initiation of Maryland's program, the Administrator is proposing a regulation which will permit implementation of the system to begin on March 1, 1974, and permit actual commencement of the inspection program by August 1, 1975.

The Maryland plan proposes an emissions inspection program for all light and heavy duty gasoline powered vehicles with an initial failure rate of 30 percent. As recommended in Appendum N of 40 CFR, Part 51, a 12 percent hydrocarbon emission reduction and a 10 percent carbon monoxide emission reduction for all such vehicles is claimed through the use of a loaded test inspection/maintenance program. Comments are solicited on the desirability to establish an initial 50 percent failure rate criterion which calculations indicate would result in an additional reduction of 0.1 tons hydrocarbon peak period emission.

A full EPA review of the June 28, 1973, addendum is now in progress. This review will determine the degree of acceptability for both the establishment of the inspection and maintenance system itself and the subsequent inspection program. Comments are also solicited from the public and other interested parties on all aspects of the program. It is the Administrator's intent that the final promulgation incorporate as much of the Maryland proposed program as can be found acceptable.

Since the Clean Air Act requires consideration of all reasonably available alternatives, in order to attain the primary standard as expeditiously as practicable, EPA proposes retrofit of pre-1968 light duty vehicles with approved Vacuum Spark Advance Disconnect (VSAD) devices and 1971–1975 light duty fleet vehicles with oxidizing catalyst devices. The VSAD device is expected to reduce hydrocarbon emissions by 25 percent per vehicle and carbon monoxide emissions by 9 percent per vehicle. The oxidizing catalyst device is expected to reduce both hydrocarbon and carbon monoxide emissions by 50 percent per vehicle. Only those cars of 1971–1975 model years which run on gasoline with a R.O.N. of 91 can be fitted with this device because of technical constraints. In addition this gasoline must be unleaded. National estimates indicate that approximately 75 percent of the 1971–1975 model year vehicles would be retrofitted under this proposal. Since catalytic retrofit devices for light-duty vehicles are expected to be available by 1977, it is proposed to require installation of these devices on all 1971–1975 LDV fleet vehicles (e.g., taxis, GSA vehicles, rental cars, fleet delivery vehicles), capable of operating on 91 RON gasoline.

The regulation proposed by the Administrator will require that the above motor vehicles be equipped with catalytic retrofit devices by May 31, 1977, effecting a 50 percent hydrocarbon emission reduction for each vehicle. Exemptions will be allowed for all 1975 vehicles originally equipped with the oxidation catalytic converter or those vehicles which are certified to meet the original statutory emission standards in 1975. Based on inspection currently available to him, the Administrator estimates that fleet vehicles account for 6 percent of total mobile source emissions. On the basis that one-third of the fleet vehicles will be older than two years (pre 1976), and catalytic retrofits can reduce automotive emissions from each vehicle by 50 percent, it is apparent that this measure, when applied on a Region-wide basis, will result in a hydrocarbon emission reduction of 0.2 tons/peak period.

In the event that the measures proposed herein prove to be inadequate, the Administrator is required by law to apply additional reasonably available alternatives, including catalytic retrofit of other segments of 1968–1975 light duty vehicle population. Candidate segments include all light duty trucks, all GSA cars, or passenger vehicles of specified model years. The public is urged to present their comments on these or any other type of control measure that may help to achieve the National Ambient Air Quality Standards.

Proposed Reductions in VMT

According to data provided by the Metropolitan Washington Council of Governments, the proposed transportation package (including 750 additional buses, exclusive bus/carpool lanes, a carpool locater service, and parking restrictions) will result in a 12 percent reduction in 6–9 am VMT and a corresponding reduction in total trips.

The Maryland plan includes the following strategies under its transportation measures:

1. Participation with District of Columbia and Commonwealth of Virginia in an area wide improved transit system, including the addition of 750 buses to the current area fleet, the establishment of exclusive bus lanes, bus shelters, and fringe parking facilities.

2. Increased terminal costs including the elimination of free parking and the establishment of a $2.00 parking surcharge for long term commuter parking in all areas adequately served by mass transit.

3. Establishment of a computerized carpool locater service.

This portion of the plan is central to the Maryland plan for reduction of HC and CO emissions. Therefore, to avoid confusion and expedite comments, a discussion of the elements that make up this portion of the plan shall be included.

a. *Elimination of Free Parking*—The State of Maryland proposes to have EPA

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eliminate free parking for the federal government employees, and to study the feasibility for similar action by the state for employees of state and local government and private businesses. The plan also includes a program of strict enforcement of existing parking regulations.

These measures will be imposed in high density employment areas which are adequately served by mass transit. These areas will be more specifically described by the state within the next 10 months, upon completion of studies of the matter.

Additionally, Maryland proposes to enter into a reciprocal enforcement program for parking violations. Thus, enforcement of the existing parking regulations will be facilitated.

On the basis of the information submitted by Maryland in its plan, the Administrator feels that the portions of the Maryland plan dealing with enforcement of existing parking restrictions and the reciprocal enforcement of parking violations is approvable.

As pointed out in Maryland's plan, reduction of emissions due to work trips within the Maryland portion of the AQCR by Federal Government employees is integral to achieving air quality goals. Therefore, EPA feels it has the responsibility to aid Maryland in the control of these emissions. As a result, EPA will follow the suggestion made in the Maryland plan and propose a federal regulation which would effectively reduce emissions as a result of commuter trips by federal employees. This will be done by requiring federal facilities in high density areas served by mass transit to either eliminate free parking (by establishing commercial type rates) or to reduce the available parking spaces in these facilities by 12 percent.

Since the other jurisdictions in the AQCR has also proposed to eliminate free parking for employees of their government and the Maryland plan is unclear on this point, EPA is also proposing that the specific state and local governmental parking facilities eliminate free parking (or adopt an equivalent measure). Specifically the proposal calls for the elimination of free parking or the reduction of available space by 12 percent for all state and local government parking facilities which have 25 or more spaces and which are located in high density employment areas which are served by public transportation. Since the plan is regional in nature, this action is necessary to insure that the reductions achievable by this measure throughout the AQCR do in fact occur. The Administrator feels that the result of this proposal will be to induce employees to utilize alternate modes of transportation, such as buses and carpools and thereby reduce the VMT in the area. In should be noted that this proposal should result in a reduction of VMT over the entire area because it will reduce VMT of employees from all three jurisdictions in the National Capital Area.

The Friendship Heights Area, the Silver Spring Area, and the Rockville Area, along with other areas, in all likelihood would need to be included in any definition of "high density employment area which is served by mass transit" for this strategy to be effective.

b. *$2.00 Surcharge (or its equivalent)* The Maryland plan proposes to seek the imposition of a $2.00 per day surcharge (or an equivalent measure) on all long term parking facilities in employment areas which are served by mass transit. Identification of the areas where the surcharge is to be imposed should be made within the next 10 months, upon completion of studies of matter.

This proposal calls for the charge to be implemented and enforced by the local jurisdictions within the Maryland portion of the AQCR. The Administrator feels that, if implemented according to the schedule provided in the plan, this proposal is approvable.

It is well documented that no matter how well designed and operated a mass transit system is, unless there are disincentives to the use of the private automobile, mass transit will be ineffective. Therefore, Maryland's proposals for the surcharge is integral to the success of the plan.

The Administrator wants to make it clear that if for any reason this strategy is not emplemented according to schedule, he will institute equivalent measures. In order to avoid any delay in the implementation of such equivalent measures and to invite timely public comment, the Administrator is proposing contingency measures in the plan. These contingency measures will become effective if it becomes apparent that the surcharge will not be implemented. Specifically, a phased 15 percent reduction in existing off-street parking spaces would be imposed, as well as a ban on the construction, modification or enlargement of any parking facility without first obtaining a permit from the Administrator. Public comments are solicited on these contingency proposals.

c. *Mass Transit Improvements.* The development of an effective mass transit system is essential to the development of an effective tranportation control strategy. If this control plan is to be successful, a sufficient number of buses with convenient service and adequate schedules must be provided.

The Maryland plan proposes to participate in the area wide transit system increase of current fleet size by 750 buses and to improve service and convenience for commuters. Included in this proposal are provisions for installing bus shelters, providing additional public information and improved scheduling. In addition, Maryland plans to institute a number of exclusive bus lanes on major highway corridors. All of these measures are meant to provide the increased mass transit service which will be necessary if air quality standards are to be achieved.

Based on the information contained in the documents submitted by Maryland, the Administrator feels that the proposals for increased mass transit are approvable, on the condition that certain administrative details will be provided to him by the State. Specifically, the arrangements or agreements which will trigger the expansion of the fleet should be clarified, since it is necessary for EPA to determine what actions are necessary to bring about any additional purchases of buses. Also a clarification on the schedule showing the projected incremental increases in fleet size should be provided. In addition, the Maryland plan does not specifically indicate that Maryland will expend funds for the necessary purchase of new buses. Since Maryland is a signator of the WMATA compact, this commitment can be assumed. A direct declaration by Maryland should be made, though.

d. *Bus/Car Pool Locator System.* The Maryland plan recognizes the need for more efficient utilization of current automobile usage. Thus, the plan proposes a voluntary bus/car pool locator matching service. This system will attempt to assemble lists of commuters with similar work schedules and home, work locations, and will be phased in starting with pilot projects during 1973. Full operation of the system is scheduled for April 1974. The Administrator feels that this measure is approvable, and encourages residents of the National Capital area to take advantage of this service.

Along with the benefits accruing to this system in terms of a potential decrease of vehicle miles traveled, this system also has the advantages of fuel conservation and it will mitigate the impact of disincentives to private auto use (i.e., the surcharge and elimination of free employee parking).

e. *Heavy duty vehicle restraints.* In addition to the transportation measures described above, the Maryland plan addresses the problem of heavy duty gasoline powered vehicle emissions. The plan discusses emission control retrofit program for heavy duty gasoline powered vehicles. The discussion provided indicates the need to achieve a 50 percent reduction in emissions from such vehicles to meet the standards by 1977. Such reduction would be complimentary to the approvable heavy duty emission controls measures included in the District of Columbia plan and the concepts discussed in the Virginia plan.

The Maryland plan specifically proposes a heavy duty retrofit strategy to be implemented by 1977. Currently, EPA feels there are many uncertainties concerning the feasibility of implementing such a strategy by 1977. The only significant development and testing program currently on-going is being conducted by the state of New York. EPA feels this program has the potential to develop and provide information for the implementation of a heavy duty retrofit program by 1977. Accordingly, the Agency has approved this strategy for the New York plan.

While Maryland's heavy duty retrofit proposal appears to be basically approvable, EPA does not feel the plan provides adequate assurance that Maryland will develop a program of their own for the development and testing of such devices or indicate a commitment to establish an understanding to use information developed through New York's program.

Without this information, EPA does not feel this strategy is approvable at this time. Furthermore, even if this program was approvable, the Administrator believes emission reductions from heavy duty vehicles can be reduced at an earlier date through heavy duty vehicle delivery bans.

In light of this determination and in order to compliment similar measures in the District of Columbia and Virginia plans, the Administrator is proposing a delivery ban on heavy duty gasoline powered vehicles which will be effective during the peak traffic period (6:00 am–9:30 am). The ban will take effect July 1, 1974. The Administrator recognizes that the District of Columbia will impose this ban on January 1, 1974; however, in order to allow Maryland adequate time to adopt regulations and plans for implementation of this ban, the additional implementation time is warranted.

EPA encourages the State of Maryland to submit the required additional information on the heavy duty retrofit program. Such a program could eventually replace the proposed interim delivery ban.

Aircraft Emission Reduction

Aircraft emissions, as they affect ambient air quality, occur during approach, landing, taxi, idle, takeoff, and climb-out. Heaviest emissions occur during taxi and idle when aircraft engines are operated at greatly reduced power.

The Maryland Transportation Control Plan asserts that control of these emissions through modified ground operations at Dulles and Washington National Airports can result in a significant hydrocarbon, and carbon monoxide emission reduction in the National Capital Region. Maryland contends that a 50% reduction in hydrocarbon and carbon monoxide emissions can be achieved through the implementation of such ground controls at the two northern Virginia airports. Such a reduction would represent a 1.7 ton reduction in the area's hydrocarbon emissions and a 28 ton reduction in the area's carbon monoxide emission. Maryland assumes the required measures will be fully implemented by EPA and FAA during the next four years and takes full credit for the potential emissions reductions which they believe could result from these measures.

The assumed reduction in hydrocarbon emissions is necessary for the plan to demonstrate achievement of the oxidant standards; the claimed carbon monoxide reductions are not needed for attainment of the standard.

EPA has published an Advance Notice of Proposed Rulemaking for aircraft ground controls but has not yet proposed regulations for such controls. The Agency, however, is currently funding a demonstration project with FAA to determine if safety hazards would accompany modified ground operations. If the demonstration is successful, EPA will propose and promulgate regulations for the implementation of ground operations deemed free of safety hazards.

The Agency currently believes that certain ground and taxi operations included in the demonstration can be conservatively assumed to be safe and acceptable. EPA calculations indicate that the application of these measures could result in a 24 percent reduction in hydrocarbons at National Airport and a 30 percent reduction in hydrocarbons at Dulles Airport vice (50 percent reduction proposed by Virginia). In light of EPA's intention to work jointly with FAA to promulgate and implement ground operations deemed safe and acceptable prior to 1977, the Agency believes it is reasonable to allow Maryland to accept credit for emission reductions which will result from controlling the ground operations conservatively felt at this time to be safe and acceptable. The percent emissions reductions indicated above which would result from these measures would provide approximately a 0.8 tons reduction in hydrocarbons for the National Capital Region. Accordingly, the Agency will accept 0.8 tons of the claimed 1.7 tons reduction as being an approvable portion of the plan based on the expected implementation of ground operation regulations.

Economic and Social Impact

The social and economic consequences of the measures included in the Maryland plan or proposed herein are considered reasonable. For example, the inspection and maintenance procedures will require expenses of approximately $10 annually for the average vehicle inspected. The implementation of the VSAD retrofit program of pre-1968 vehicles will require that individual motorists pay approximately $20 installation costs. Though the price to the fleet vehicle owner for the catalytic retrofit is $135 per vehicle, this cost could gradually be reclaimed through slightly higher service or use fees for the fleet vehicles controlled. In addition, such expenditure can be deducted from income tax as a business expense, and therefore part of the cost will be absorbed by the government. Compensation for the expenditures associated with the modifications required by the gasoline handling regulations could similarly be gained through slight increase in the fees for station services or fuel prices. This also could be deducted as a business expense from the income tax. Distributed costs of the various mass transportation improvement measures, as well as the incentives for the use of express buses and carpools and disincentives on the use of automobiles by individual motorist-commuters, are also considered reasonable.

The measures providing transportation improvements are expected to benefit the public from the standpoint of improved traffic flow for commuters, general urban mobility, and energy consumption. The resulting VMT reductions may also have some impact on the sprawling development patterns fostered by widespread automobile use which are unduly wasteful of energy, land and other resources and have contributed to the decay of urban centers.

Public Comments Solicited

Although the Administrator has concluded that the proposed plan is the best approach available to him at the present time for achieving compliance with the requirements of the Act, further analysis may demonstrate that more appropriate options are available. He therefore desires to obtain the comments and suggestions of the public on the problems of achieving the ambient air quality standards in the Maryland portion of the National Capital Interstate Air Quality Control Region. Comments are particularly invited pertaining to measures that may be taken by Federal, State, or local authorities to support or supplement the proposed air pollution control strategy, to implement these measures, and to compare social and economic effects of alternative pollution control measures.

Public hearings will be held at the Holiday Inn, 8777 Georgia Ave., Silver Spring, Maryland on September 6, 1973, beginning at 9:00 a.m. Notice of the hearings on these regulations (including designation of locations for inspection and distribution of EPA proposals) is being published in the Maryland portion of the National Capital Interstate Air Quality Control Region.

The Administrator's final promulgation of transportation controls for the Maryland portion of the Natonal Capital Interstate Region will consider the comments and testimony he receives, as well as any additional approvable strategies submitted by the State as part of the State plan before or at the hearings. These influences, and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulations that differ in important ways from this proposal.

Submittal of Written Comments

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Mobile Source Enforcement Division, EPA, 401 M Street, SW., Washington, D.C. 20460. All relevant comments received on or before September 4, 1973 will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the office of Public Affairs, EPA, 401 M Street, SW., Washington, D.C. 20460. This notice of proposed rule making is issued under the authority of Section 110(c) and 301(a) of the Clean Air Act. (42 U.S.C. 1857 et seq.)

EPA Studies and Guidelines

Further information on transportation control, land use, and motor vehicle emissions may be obtained from one or more of the following documents which the Environmental Protection Agency has published:

a. "Prediction of the Effects of Transportation Controls on Air Quality in Ma-

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jor Metropolitan Areas" and "Evaluating Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Areas," November 1972. Both of these documents are generally known as the "Six Cities Study".

b. "Transportation Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Areas", December 1972. This document is a summary of a study of 14 cities conducted with the view of recommending specific transportation control strategies. (Separate reports for each of the 14 cities are also available.)

NOTE: The documents listed in a and b above are available from the Air Pollution Technical Information Center, EPA, Research Triangle Park, North Carolina 27711.

c. "Control Strategies for In-Use Vehicles", November 1972. This report is available from EPA, Mobile Source Pollution Control Programs, 401 M Street, SW., Washington, D.C. 20460.

d. "Transportation Control Measures", FEDERAL REGISTER (38 FR 15194) June 8, 1973.

e. "Aircraft and Aircraft Engines", FEDERAL REGISTER (37 FR 26488) December 12, 1972.

f. "Aircraft Emissions: Impact on Air Quality and Feasibility of Control." This report presents the available information on the present and predicted nature and extent of air pollution related to aircraft operations in the United States. In addition, it presents an investigation of the present and future technological feasibility of controlling such emissions. (42 U.S.C. 1857 et seq.)

Dated: July 24, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I of Title 40 of the Code of Federal Regulations by adding the following:

Subpart V—Maryland

§ 52.1095 Inspection and maintenance.

(a) Definitions:

(1) "Inspections and maintenance program" means a program to reduce emissions from in-use vehicles by identifying vehicles which need emission-control-related maintenance and requiring that maintenance be performed.

(2) "Precontrolled vehicles" means light duty vehicles sold nationally (except California) prior to the 1968 model year and light duty vehicles sold in California prior to the 1966 model year.

(3) "Controlled vehicles" means light duty vehicles sold nationally (except California) in the 1968 model year and later light duty vehicles sold in California in the 1966 model year and later.

(4) "Loaded emissions test" means a sampling procedure for exhaust emissions which requires testing the engine under stress (i.e., loading) by use of a chassis dynamometer to simulate actual driving conditions. As a minimum requirement, the loaded emission test must include running the vehicle and measuring exhaust emissions at two speeds and loads other than idle.

(5) "Idle emission test" means a sampling procedure for exhaust emission which requires operation of the engine in the idle mode only. At a minimum, the idle test must consist of the following procedures carried out on a fully warmed-up engine: A vertification that the idle RPM is within manufacturer's specified limits and a measurement of the exhaust carbon monoxide and/or hydrocarbon concentrations during the period of time from 15 to 25 seconds after the engine was used to move the car or was run at 2000 to 2500 RPM with no lead for 2 to 3 seconds.

(6) "Retrofit" means the addition or removal of an item of equipment, or a required adjustment, connection, or disconnection of an existing item of equipment, for the purpose of reducing emissions.

(7) "Idle adjustment" means a series of adjustments which include RPM, idle air/fuel ratio and basic timing.

(8) "Initial failure rate" means the percentage of vehicles rejected because of excessive emissions of a single pollutant during the first inspection cycle of an inspection/maintenance program. (If inspection is conducted for more than one pollutant, the total failure rate may be higher than the failure rates for each single pollutant.)

(b) This regulation is applicable within the Maryland portion of the National Capital Interstate Air Quality Control Region.

(c) The State of Maryland shall submit to the Administrator of EPA or his designee, no later than January 1, 1974, a detailed compliance schedule showing the steps that will be taken to establish and enforce an inspection and maintenance program pursuant to paragraph (d) of this section. The compliance schedule shall include:

(1) The text of any necessary statutory proposal and regulations that are needed to carry out the inspection/maintenance system.

(2) A detailed timetable describing the steps that must be taken and when these steps will be taken to ensure the timely submittal of the needed legislation to the legislature and to ensure timely adoption of the regulations needed for paragraph (d) of this section.

(3) A detailed timetable describing the dates of ordering and of acquisiton of necessary equipment.

(4) A signed statement by the chief executive or his designee identifying the sources and amounts of funding for the inspection/maintenance program and a timetable to ensure that proper funding levels are available. If funds cannot legally be obligated under existing statutory authority, the text of the needed legislation shall be submitted to the Administrator of the Environmental Protection Agency or his designee pursuant to paragraph (c)(1) of this section.

(d) The State of Maryland shall establish an inspection and maintenance program applicable to all light duty gasoline-powered vehicles registered within its confines. No later than March 1, 1974, the State of Maryland shall submit to the Environmental Protection Agency legally adopted regulations reestablishing such a program. The regulations shall include:

(1) Provisions for the inspection of all gasoline-powered light duty vehicles at periodic intervals of no more than one year by means of a loaded (dynamometer) test.

(2) Provisions for inspection failure criteria consistent with the emission reduction claimed in the plan for the strategy. These criteria shall include an initial failure rate of 30 percent (see definitions).

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. This shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts and knowledge to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(5) Delineation of the agency or agencies responsible for conducting, overseeing and enforcing the inspection and maintenance program.

(6) Provisions for beginning the first inspection cycle by August 1, 1975, and completing it by July 31, 1976.

(e) After July 31, 1976, the State of Maryland shall not register nor allow to operate on its streets or highways vehicles which fall within this regulation and have not complied with the applicable standards and procedures of paragraph (d) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) After July 31, 1976, no owner of a vehicle which is affected by this regulation shall operate or allow to be operated a vehicle which does not comply with the applicable standards and procedures of paragraph (d) of this section. This shall not apply to the initial registration of a new motor vehicle.

§ 52.1097 Vacuum Spark Advance Disconnect.

(a) For purposes of this section, "vacuum spark advance disconnect" means a device or system installed on the vehicle which prevents the ignition vacuum advance from operating either when the vehicle's transmission is in the lower gears or when the vehicle is traveling below a predetermined speed.

(b) This section is applicable in the State of Maryland portion of the National Capital Interstate Air Quality Control Region.

(c) On or before January 1, 1975, all gasoline-powered light duty vehicles of model year prior to 1968 and subject

under presently existing legal requirements to registration in the area described in paragraph (b) of this section shall be equipped with an appropriate vacuum spark advance disconnect device.

(d) The State of Maryland shall submit, no later than January 1, 1974, a detailed compliance schedule showing the steps it will take to implement and enforce this requirement. Such schedule shall include, as a minimum, the following:

(1) A date by which the State of Maryland will evaluate and approve devices for use in this program. Such date shall be no later than March 1, 1974.

(2) A date by which installation of this equipment shall commence. Such date shall be no later than June 1, 1974.

(3) A date by which all vehicles subject to this section will be equipped with such devices. Such date shall be no later than January 1, 1975.

(4) Designation of any agency or agencies responsible for evaluating and approving such devices for use on vehicles subject to this section.

(5) Designation of an agency or agencies responsible for ensuring that the prohibitions of paragraph (c)(2) of this section shall be enforced.

(6) Method and proposed procedures for ensuring that those persons installing the devices have the training and ability to perform the needed tasks satisfactorily and that an adequate supply of devices will be available.

(7) Provision (apart from the requirements of any program for periodic inspection and maintenance of vehicles generally) for emission testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After January 1, 1975, the following shall apply within the State of Maryland portion of the National Capital Interstate Air Quality Control Region.

(1) The State of Maryland shall not register a vehicle subject to this paragraph which is not equipped in accordance with paragraph (c) of this section.

(2) No owner of a light duty vehicle subject to this paragraph shall operate or allow the operation of any such vehicle that is not equipped in accordance with paragraph (c) of this section.

(f) The failure of any person to comply with any provision of this section shall render such person in violation of a requirement of an applicable implementation plan, and subject to enforcement action under section 113 of the Clean Air Act. As to compliance schedules, the State of Maryland will be considered to have failed to comply with the requirements of this regulation if it fails to submit on a timely basis the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1098 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbon and carbon monoxide from that vehicle.

(2) Fleet vehicle means any of 5 or more light duty vehicles operated by the same person(s), business, or governmental entity and used principally in connection with the same or related occupations or uses. This definition shall also include any taxicab (or other light duty gasoline-powered vehicle-for-hire) owned by any individual or business.

(3) Governmental entity means any agency of the executive branch of the Federal government, or a state or local department, agency, bureau, board, office, commission, district, or unit of any other type (excluding foreign embassies) which employs personnel paid wholly with public funds.

(4) All other items used in this section which are defined in 40 CFR Part 51, Appendix N, are used herein with the meanings so defined.

(b)(1) This Section is applicable in the State of Maryland portion of the National Capital Interstate Air Quality Control Region.

(2) Classes of Vehicles Covered:

(i) Light duty fleet vehicles of model year 1971 through 1975, not already equipped with catalyst, or certified to meet original 1975 statutory light duty vehicle emission standards.

(c) The State of Maryland shall establish a retrofit program to insure that on or before May 31, 1977, classes of gasoline-powered light duty vehicles as specified in (b)(2) of this section which are subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section and are used on the streets and highways of the State, are equipped with an appropriate oxidizing catalyst retrofit device. No later than March 1, 1974, the State of Maryland shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on motor vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (c)(3) of this section are enforced.

(3) A provision that starting no later than May 31, 1976, the State of Maryland shall commence retrofitting oxidizing catalysts to those light duty motor vehicles able to operate properly on unleaded 91 RON gasoline. The installation shall be completed by May 31, 1977.

(4) A method and proposed procedure for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and that they will have an adequate supply of retrofit components.

(d) After May 31, 1977, the State shall not register or allow to operate on public streets or highways and light duty gasoline-powered vehicles specified in paragraph (b)(2) of this section which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicles which does not comply with the applicable standards and procedures implementing this section.

(f) The State of Maryland shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, and the text of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1975.

(g) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. The State will be considered to have failed to comply with the requirements of this regulation if it fails to submit on time the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1101 Control of evaporative losses from the filling of vehicular tanks.

(a) The term "gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the State of Maryland portion of the National Capital Interstate Air Quality Control Region.

(c) A person shall not transfer gasoline to an automotive fuel tank from gasoline dispensing systems unless the transfer is made through a fill nozzle designed to:

(1) Effect a vapor-tight fit between the fill nozzle and filler neck of the automotive fuel tank so as to prevent discharge of hydrocarbon vapors to the atmosphere.

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered.

(3) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section can consist of a vapor-tight vapor return line from the fill nozzle filler neck interface to the dispensing tank or to an adsorption, absorption, incineration, or refrigeration-condensation system or equivalent.

(e) Components of the systems required by § 52.1100(c) can be used for compliance with paragraph (c) of this section.

(f) If demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of fill neck configuration, location, or other design features, the provisions of this paragraph shall not apply to

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tanks or vehicles existing at the time of promulgation of this regulation.

(g) The State of Maryland shall divide all facilities subject to this section into three classes, the first of which shall equal approximately 70 percent of hydrocarbon emissions from all gasoline stations, the second and third classes shall each equal approximately 15 percent of total hydrocarbon emissions from these sources. The classes shall be known as Class I, Class II, and Class III.

(h) Except as provided in paragraph (k) of this section, the owner or operator of a source included in Class I shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1974.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than July 31, 1947.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1975.

(4) Final compliance is to be achieved not later than May 31, 1976.

(5) Any owner or operator of stationary sources, subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(i) The owner or operator of a source included in the Class II shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of components parts to accomplish emission control or process modification not later than March 31, 1975.

(2) Initiation of on-site construction or installation of emissions control equipment or process change must begin not later than July 31, 1975.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1976.

(4) Final compliance is to be achieved not later than May 31, 1976.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(j) The owner or operator of a source included in Class III shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1975.

(2) Initiation of on-site construction or installation of emissions control equipment or process change must begin not later than July 31, 1976.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1977.

(4) Final compliance is to be achieved not later than May 31, 1977.

(5) Any owner or operator of stationary sources, subject to compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(k) Paragraph (h) and (i) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Administrator by December 31, 1973. The Administrator may request whatever information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by December 31, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975, in the case of Class I sources, and May 31, 1976, in the case of Class II sources. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(l) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

§ 52.1100 Gasoline transfer vapor control.

(a) The term "gasoline" means any petroleum distillate having a Reid vapor pressure of four (4) pounds or greater.

(b) This section is applicable in the State of Maryland portion of the National Capital Interstate Air Quality Control Region.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight vapor return line from the storage container to the delivery vessel and a device that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(2) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapor displaced from the delivery vessel during refilling.

(d) The provisions of this paragraph (c) of this section shall not apply to the following:

(1) Stationary containers having a capacity less than 550 gallons used exclusively for the fueling of implements of husbandry; provided, however, said containers are equipped with submerged fill pipes.

(2) Any container having a capacity less than 2,000 gallons installed prior to promulgation of this paragraph.

(3) Transfer made to storage tanks equipped with floating roofs or their equivalent.

(e) Compliance schedule: Except as provided in paragraph (f) of this section, the owner or operator of any source subject to this section shall comply with this section on or before January 31, 1974.

(1) Any owner or operator in compliance with this section on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this section.

(2) Any owner or operator who achieves compliance with this section after the effective date of this section shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(f) Any owner or operator of a source subject to paragraph (e) of this section may, not later than 120 days following the effective date of this section, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with the provisions specified in paragraph (e) of this section as expeditiously as practicable but no later than June 30, 1975. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to: submittal of final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of on-site construction or installation of emission control equipment or process modification; completion of on-site construction or installation of emission control equipment or process modification; and final compliance.

(g) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

§ 52.1103 Management of Parking Supply.

(a) This section shall apply only in the event that the Administrator finds that the State of Maryland fails to take one or more of the following steps to implement the $2.00 surcharge (or an equivalent measure):

(1) Complete study identifying locations where surcharge or equivalent measure shall apply and submit to the Admininistrator by May 30, 1974.

(2) Submit to the Administrator legally adopted regulations of the State of Maryland or other governmental entities to collect the surcharge or impose the equivalent measure by June 30, 1974.

(3) Institute the collection of the surcharge or impose the equivalent measures in those areas identified in the study by April 1, 1975.

(b) In the event the State of Maryland chooses to adopt any "equivalent measure" to this surcharge, the State of Maryland must submit to the Administrator by December 31, 1973, information demonstrating that such measure will in fact achieve the required result. Failure to demonstrate this fact adequately will cause the Administrator to determine that the State of Maryland is failing to implement the surcharge.

(c) In the event that the Administrator determines that the State of Maryland is failing to implement the $2.00 surcharge (or an equivalent measure) he shall make this determination public in the FEDERAL REGISTER, and this section shall then be immediately effective.

(b) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land to use as a parking facility.

(2) "Modification" means any change to a parking facility which increases the vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the vehicle capacity of such facility.

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

(5) "Parking facility" (also called "facility") means any facility, building, structure, or lot or portion thereof used primarily for temporary storage of motor vehicles.

(c) No person, after the effective date of this section, shall commence construction of any new parking facility or modification or enlargement of any existing parking facility until he has first received from the Administrator or from an agency approved by the Administrator a permit stating the construction, modification or enlargement of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include, but not be limited to, a requirement that before a permit may be issued, the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the construction, modification, or enlargement of the facility.

(iii) The normal hours of operation of the facility and the enterprises and activities which it serves.

(iv) The number of people using or engaging in any enterprises or activities which the facility will serve.

(v) The number of motor vehicles using the facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include, but shall not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of VMT within any area, the air quality of which fails to meet applicable Federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement or modification of a parking facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of 40 CFR Part 51.4(b); and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. Such a requirement, if imposed, shall be noted prominently in the required notice of hearing.

§ 52.1096 Reduction of employee parking.

(a) Definitions

(1) Governmental Entity—means a federal, state or local department, agency bureau, board, office, commission, district, or unit or any other type (excluding foreign embassies) which employs personnel paid wholly with public funds.

(2) Commercial Parking Rate—means the average rate charged by commercial parking facilities (excluding on-street parking meters) on a monthly basis within a 1 mile radius of a facility or installation covered by this section.

(3) Served by Public Transit—means that such transit is available during working hours within a reasonable walking distance of the employee's place of employment, even though such transit may not serve the area of the employee's residence.

(4) State Agency means State of Maryland, Bureau of Air Quality Control.

(b) This section shall be applicable in the State of Maryland portion of the National Capital Interstate Air Quality Control Region.

(c)(1) All facilities or installations owned, operated or leased by the federal government which control, operate or lease a parking facility containing 25 or more spaces, shall by January 1, 1974, report to the Administrator the number of parking spaces in each such facility as of October 15, 1973. This number shall not include residential (including barracks) parking spaces contained in or on the facility or installation.

(2) The chief administrative officer of all facilities or installations subject to paragraph (c)(1) of this section, shall by April 1, 1974, submit to the Administrator a detailed report specifying the level of public transit service to the facility and also the parking space utilization at the facilities or installations under his or her control at that time. This report shall include but is not limited to:

(i) All public transit lines which have stops within one-half mile of any such installation or facility.

(ii) The practicality of the operation of shuttle service from presently well serviced locations such as Friendship Heights, Silver Spring to the facility or installation during morning and afternoon peak hours.

(iii) A summary of the existing parking situation at the facility including:

(a) Average vehicle occupancy calculated from a visual survey of vehicles entering and leaving the facility over a full week's time.

(b) The percentage of vehicles with one, two, three and four occupants.

(c) The total number of vehicles using the facility daily.

Should the report state that the facility or installation is not presently served by public transit, this report shall be reexamined, updated, and submitted annually not later than April 1 of each successive year.

(d)(1) All facilities or installations owned, operated, or leased by state and local governments which control, operate or lease a parking facility containing 25 or more spaces, shall by January 1, 1974 report to the State Agency the number of parking spaces in each such facility as of October 15, 1973. This number shall not include residential parking spaces contained in or on the facility or installation or publicly owned commercial type parking facilities.

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(2) The chief administrative officer of all facilities or installations, subject to paragraph (d)(1) of this section, shall be April 1, 1974 submit to the State of Maryland, Bureau of Air Quality Control, a detailed report specifying whether the facilities or installations under his or her control are served by public transit at that time. This report shall include, but is not limited to:

(i) All public transit lines which have stops within one-half mile of any such installation or facility.

(ii) The practicality of the operation of shuttle service from presently well serviced location such as Friendship Heights, Silver Spring to the facility or installation during morning and afternoon peak hours.

(iii) A summary of the existing parking situation at the facility including:

(*a*) Average vehicle occupancy calculated from a visual survey of vehicles entering and leaving the facility over a full week's time.

(*b*) The percentage of vehicles with one, two, three and four occupants.

(c) The total number of vehicles using the facility daily. Should the report state that the facility or installation is not presently served by public transit, this report shall be reexamined, updated and submitted annually, not later than April 1 of each successive year.

(e) Each governmental entity subject to paragraphs (c)(1) and (d)(1) of this section, and which in the opinion of the Administrator of State Agency is served by public transit shall comply with either paragraphs (e)(1) or (2) of this section. This governmental entity shall either:

(1) Adopt a plan whereby a charge equivalent to commercial parking rates will be imposed for parking at any such parking facility owned, operated or leased by the governmental entity. In no case shall the charge be less than $20.00 per space per month. Any funds collected by any governmental entity under this subparagraph may be used for any legitimate governmental purpose, *Provided, however*, That no such funds shall be used to subsidize directly or indirectly employee parking; or

(2) Adopt a plan to reduce the number of parking spaces in each such facility from the number in existence on October 15, 1973, according to the following:

(i) By November 30, 1974, a reduction of 4 percent

(ii) By February 28, 1975, a reduction of 8 percent

(iii) by May 31, 1975, a reduction of 12 percent

(f)(1) Each entity of the Federal government subject to paragraph (e) of this section shall submit to the Administrator no later than June 30, 1974, a detailed compliance schedule showing steps it will take to achieve either the required reduction of spaces, or the initiation of commercial parking rates. In the case of a reduction of spaces, the schedule shall include provisions for marking those spaces to be eliminated in a manner obvious to members of the public (painting over, roping off, etc.). In the case of the initiation of commercial parking rates the schedule shall include:

(i) A date for the initial imposition of the charge. Such date shall be no later than January 1, 1975.

(ii) The amount to be charged per space per month.

(iii) Any exceptions to the charge (e.g., handicapped personnel, certain high level officials of the governmental entity), including documentation of the need and rationale for such exceptions.

(iv) Provisions for annual reevaluation of the amount charged per space per month based upon any changes in commercial parking rates.

(2) Each entity of a State or local government subject to paragraph (e) of this section shall submit to the State Agency no later than June 30, 1974, a detailed compliance schedule showing steps it will take to achieve either the required reduction of spaces or the initiation of commercial parking rates. In the case of a reduction of spaces, the schedule shall include provisions for marking those spaces to be eliminated in a manner obvious to members of the public (painting over, roping off, etc.). In the case of the initiation of commercial parking rates, the schedule shall include:

(i) A date for the initial imposition of the charge. Such date shall be no later than January 1, 1975.

(ii) The amount to be charged per space per month.

(iii) Any exceptions to the charge (e.g., handicapped personnel, certain high level officials of the governmental entity), including documentation of the need and rationale for such exceptions.

(iv) Provisions for annual reevaluation of the amount charged per space per month based upon any changes in commercial parking rates.

(g) Failure to submit any report or compliance schedule as required by this section shall render the person so failing to comply in violation of an applicable implementation plan and subject to enforcement action under § 113 of the Clean Air Act. Any governmental entity which either allows vehicles to be parked in excess of the number allowable, or which fails to collect commercial parking charges, shall likewise be in violation and subject to enforcement.

§ 52.1102 Elimination of drycleaning losses.

(a) Definition:

(1) A photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(i) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(ii) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(iii) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent;

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

(b) This section is applicable in the Maryland portion of the National Capital Interstate Air Quality Control Region.

(c) After May 31, 1974, no person shall cause, suffer, allow, or permit the use of any photochemically reactive organic solvent for the purpose of drycleaning of clothing and household items.

(d) The owner or operator of any premise subject to the requirements of this section shall within 30 days of the effective date of this regulation submit to the Administrator the following information:

(1) Location of premise.

(2) Source of supply and identifying name, number or purchase specification for all drycleaning solvents used.

(e) Any owner or operator who fails to fulfill any requirement of this section shall be in violation of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.

§ 52.1099 Peak hour delivery ban regulation.

(a) Definitions:

(1) *Peak Hours*—The hours 6:00 AM to 9:30 AM Monday through Saturday.

(2) *Delivery Ban*—A program to reduce emissions from in-use heavy duty gasoline powered vehicles employed to deliver goods within the specified peak hours.

(3) *Heavy Duty Gasoline Powered Vehicle*—Any motor vehicle either designated primarily for transportation of property and rated more than 6,000 pounds GVW and which is powered by a gasoline burning engine. This shall not include mail trucks, and emergency type vehicles such as fire trucks and police wagons.

(4) All other terms used in this section which are defined in 40 CFR Part 51, Appendix N are used therein with the meaning so defined.

(b) This regulation is applicable in the State of Maryland portion of the National Capital Interstate Air Quality Control Region.

(c) The State of Maryland counties of Prince Georges, Montgomery and all incorporated cities located within such county shall establish a peak hour, heavy duty gasoline powered vehicle use prohibition on streets and highways over which each entity has ownership and control. No later than February 1, 1974, each governmental entity shall submit to the Administrator a legally enforceable program which shall include:

(1) Provisions for initiation of the ban no later than June 30, 1974.

(2) The prohibition shall state that heavy duty gasoline powered vehicles making deliveries in violation of the prohibition shall either be towed away, or the owner and/or operator subject to a fine of up to $100, or both.

(d) The State of Maryland, counties and all incorporated cities within such counties subject to this section shall submit, no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce a peak hour delivery ban. The compliance schedule shall include the date by which the jurisdictions will recommend needed regulations to the appropriate body, and will identify the state, county, or city official responsible for enforcement.

(e) Failure to comply with any provisions of this regulation shall render such person in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. A state or other governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule.

§ 52.1104 Limitation of off-street parking.

(a) This section shall apply only in the event that the Administrator finds that the State of Maryland fails to take one or more of the following steps to implement the $2.00 surcharge (or an equivalent measure):

(1) Complete study identifying locations where surcharge or equivalent measure shall apply and submit to the Administrator by May 30, 1974.

(2) Submit to the Administrator legally adopted regulations of the State of Maryland or other governmental entities to collect the surcharge or impose the equivalent measure by June 30, 1974.

(3) Institute the collection of the surcharge or impose the equivalent measure in those areas identified in the study by April 1, 1975.

(b) In the event the State of Maryland chooses to adopt any "equivalent measure" to this surcharge, the State of Maryland must submit to the Administrator by December 31, 1973, information demonstrating that such measure will in fact achieve the required result. Failure to demonstrate this fact adequately will cause the Administrator to determine that the State of Maryland is failing to implement the surcharge.

(c) In the event that the Administrator determines that the State of Maryland is failing to implement the $2.00 surcharge (or an equivalent measure) he shall make this determination public in the Federal Register, and this section shall then be immediately effective.

(d) Definition:

(1) The term "off-street parking facility" means any land or building or portion of a building set aside for the purpose of storing a maximum capacity of 10 or more vehicles on a temporary basis.

(e) Each governmental entity, public agency, private corporation, partnership or sole proprietor owning or operating an off-street parking facility located within the State of Maryland portion of the National Capital Interstate Air Quality Control Region shall, within 30 days of the effective date of this regulation, report to the Administrator the number of parking spaces in each such facility under its ownership or control of the effective date of this regulation. The number used solely for the storage of vehicles of persons who reside within ¼ mile of the facility shall not be counted.

(f) Each such owner or operator of any off-street parking facility located within the area specified in paragraph (c) of this section shall reduce the number of affected parking spaces in each such facility from the number in existence as of the date this regulation becomes effective according to the following schedule:

(1) Within 90 days of the effective date—a 5 percent reduction;

(2) Within 120 days of the effective date—a 10 percent reduction;

(3) Within 180 days of the effective date—a 15 percent reduction.

(g) Each such owner or operator of an off-street parking facility subject to the requirements of this section shall submit to the Administrator, no later than 60 days after the effective date of this section, a detailed compliance schedule showing the steps it will take to achieve the required reduction in parking spaces. Such schedule shall provide for the marking in some manner obvious to the public (such as painting over, roping off, or the like) of the eliminated spaces on which parking is not permitted pursuant to this section.

(h) Failure to submit a compliance schedule as required by this section shall render the person or governmental entity so failing in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. Any owner or operator of an off-street parking facility who allows any vehicle to be parked on any parking space which has been eliminated pursuant to this section, or who fails to mark clearly those spaces which have been eliminated, shall likewise be in violation and subject to enforcement.

[FR Doc.73-15628 Filed 8-1-73;8:45 am]

[40 CFR Part 52]

VIRGINIA; APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Notice of Proposed Rule Making

The transportation control plan submitted by the Commonwealth of Virginia for attainment of the primary national ambient air quality standards for carbon monoxide (CO) and photochemical oxidants (Ox) for the Virginia portion of the National Capital Interstate Region was disapproved in part on June 15, 1973 (38 FR 16563). This notice of proposed rulemaking sets forth regulations which in the Administrator's judgment could be implemented in addition to the approvable portions of the Virginia plan to attain and maintain the national standards for carbon monoxide and photochemical oxidants in the Virginia portion of the National Capital Interstate Region.

If revisions to the Virginia plan are submitted and determined to be approvable prior to Federal promulgation, these proposed regulations will be withdrawn. If revisions to the Virginia plan are submitted and determined to be approvable after Federal promulgation, then those Federal regulations will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain the carbon monoxide and photochemical oxidant standards in the Virginia portion of the National Capital Interstate Region be a State plan carried out by the Commonwealth of Virginia or its designated representative.

Transportation Control Alternatives

Analysis of the air quality problems in the National Capital Interstate Region, which is partly located in the Commonwealth of Virginia, reveals that both photochemical oxidants and carbon monoxide exhibit unacceptably high levels in the region, with the former being the pacing pollutant.

Since a substantial proportion of the photochemical oxidant problem and almost all of the carbon monoxide problem are the result of automotive vehicle emissions, measures to reduce emissions from individual vehicles and measures to reduce vehicular travel can be effective in improving air quality. Since a significant percentage of the oxidant-producing hydrocarbon emissions stem from vehicle-related sources associated with gasoline handling operations, measures to reduce these operational losses can also provide a measurable improvement in the regional air quality.

Reductions in emissions from vehicles can be obtained through inspection and maintenance programs and from incorporation of various retrofit devices. Reductions in Vehicle Miles Traveled (VMT) can be achieved through various pricing and taxing schemes for road use, adoption of parking restrictions, including limitations of available number of parking spaces, restrictions on idling or cruising of fleet vehicles, selective control of goods movement, the establishment of vehicle-free zones, establishment of a four-day work week, programs promoting the use of carpools or alternative modes of transportation, and limitations on gasoline usage. It must be emphasized that, in order to be effective, each VMT control measure proposed or adopted by the Commonwealth of Virginia must be reflected by identical or equivalent measures in the neighboring jurisdictions of Maryland and the District of Columbia for their portions of the National Capital Interstate Region.

In effecting substantial improvements in air quality, improvements in and expansion of public transportation facilities are a necessary and effective com-

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plement facilitating use of this alternative to the private automobile. Clearly, public transit improvements must be implemented in concert with the appropriate level of vehicle restraints, as determined by the regional characteristics of the private automobile use demand elasticity. Such improvements as greater coverage, increased frequency of service, improved reliability, increased comfort and convenience, a reasonable cost, and adequate personal security will further encourage the use of public transit alternatives to the private automobile.

SUMMARY

The Virginia plan, as amended by the July 9, 1973, submission, in its demonstration of the attainment of the photochemical oxidant and carbon monoxide air quality standards, utilizes seven general measures. These are: the Federal Motor Vehicle Control Program, the Virginia Motor Vehicle Inspection and Maintenance Program for light duty vehicles, improvement in public transportation, increased terminal (or parking) costs, car pool locator service, restrictions on aircraft ground operations, and control of stationary source emissions. According to the Virginia plan, which utilizes data by the Metropolitan Washington Council of Governments for the entire National Capital Interstate Region, peak period hydrocarbon emissions were 63.3 tons for the region as a whole and peak period carbon monoxide emissions were 1133.5 tons in 1972. In order to demonstrate attainment of standards, the Council of Governments' calculations indicate that hydrocarbon emissions must be reduced by 67 percent of the 1972 emissions in the National Capital Interstate Region to a level of 20.9 tons/peak period, and that carbon monoxide emissions must be reduced by 55.6 percent of the 1972 emissions in the Region to a level of 501 tons/peak period.

Including projected increase in vehicle miles of travel, the Federal Motor Vehicle Control Program will reduce hydrocarbon peak period emissions by 47 percent to 33.6 tons and will reduce carbon monoxide peak period emissions by 49.0 percent to 576 tons/peak period by 1977. These estimates are adjusted to reflect the 1975 interim motor vehicle emission standards as announced on April 11, 1973.

Since the 21-day period for public comment on the additional submission has not been completed, it is impossible for the Administrator to make a final decision on approval or disapproval of the strategies included in the Virginia plan at this time. This decision must take into consideration all comments received during this time. However, preliminary review by EPA indicates that certain strategies are likely to be approvable. Accordingly, the Agency is proposing only those items which, when added to the approvable measures, are necessary to attain the National Ambient Air Quality Standards.

If an apparently approvable strategy is determined not to be approvable, additional measures will be proposed.

The information contained in the additional submissions by Virginia appears to remedy many of the deficiencies on which the Administrator's June 15 decision was based.

The following is a summary of the actions EPA is proposing to take with respect to the Virginia Plan:

Federal Motor Vehicle Control Program—Reductions appear to be approvable based on projected vehicle populations and emission factors.

Motor Vehicle Inspection Program—Appears to be approvable, based upon proposed regulation and supporting data.

Improvements in Public Transit—

(a) Virginia participation in the area wide addition of 750 buses to current fleet—appears to be approvable, contingent upon clarification of certain administrative details.

(b) Exclusive Bus Lanes—appears to be approvable.

(c) System Improvements (i.e., shelters, fringe parking, improved scheduling)—Appears to be approvable.

Increased Terminal Charges—

(a) Elimination of free off-street, employee parking in certain areas—does not appear to be approvable.

(b) Elimination of on-street long-term parking in certain areas—appears to be approvable.

(c) $2.00 parking surcharge (or an equivalent measure)—appears to be approvable.

Bus/Carpool Locator Program—Appears to be approvable.

Restrictions on Aircraft Ground Operations—Partial reductions are allowable; appears to be partially approvable.

Increased Control of Stationary Source Emissions—Not approvable at this time due to lack of adopted regulations.

Due to the fact that:

a. Full reductions claimed for aircraft emissions do not appear to be allowable,

b. The plan did not include controls over heavy duty gasoline powered vehicles,

c. The portion of the plan dealing with elimination of free off-street employee parking does not appear to be approvable, and

d. The controls over stationary sources cannot be approved at this time.

EPA is proposing the following measures:

a. Initiation of commercial-type parking rates or reduction by 12 percent the available spaces at any federal, state, or local government facility which has 25 or more parking spaces and which is located in a high density employment area which is well serviced by public transit.

b. Retrofit by 1975 of all pre-1968 vehicles with a vacuum spark advance disconnect kit.

c. Retrofit of light duty 1971–1975 fleet vehicles (including federal government vehicles) and taxicabs with an oxidizing catalyst retrofit—beginning in mid-1976, to be completed by mid-1977.

d. Controls of emissions of hydrocarbons due to gasoline handling; both from the delivery truck to underground tank and from the pump to the vehicle. Implementation begins in 1974 and is fully completed by 1977.

e. Ban of heavy-duty-gasoline-powered vehicles (except emergency vehicles, mail trucks, etc.) from 6:00 a.m. to 9:30 a.m. beginning July 1, 1974.

Finally, since the $2.00 surcharge proposed by Virginia is integral to the success of this plan, EPA is proposing contingency strategies to be implemented if appropriate steps are not taken to implement the surcharge. These contingency measures are:

a. A ban on the construction, modification or enlargement of any parking facility without having first obtained a permit from the Administrator.

b. A phased 15 percent reduction in the number of off-street parking spaces.

The Administrator invites comments on these and any other measures which may be used to achieve the national ambient air quality standards for photochemical oxidants and carbon monoxide.

TWO-YEAR EXTENSION TO ACHIEVE STANDARDS

The Administrator proposes to give a two-year extension for the attainment of the standard in the Commonwealth of Virginia. To attain the standards in 1975 would require stringent restraints on vehicle miles traveled which could not be considered to be "reasonably available," within the meaning of section 110 (c) of the Clean Air Act, or the implementation of a widespread catalytic retrofit program which could not be implemented due to technological problems before 1977. Although some measures have not been proposed here which have appeared in some other proposals, such as gasoline limitations and a selective vehicle exclusion program involving colored tags, the reduction in vehicle miles traveled expected from measures contained herein appears to be substantial and adequate to fulfill the requirement that reasonably available alternative measures be employed before an extension is given for any strategy. The plan proposed herein, along with the apparently approvable measures submitted by the Commonwealth of Virginia applies the reasonably available alternative means of control at the earliest possible dates. Comment is invited on any measures which have not been considered and applied and which can be considered to be reasonably available.

COMPILATION OF CONTROL STRATEGY EFFECTS FOR THE NATIONAL CAPITAL INTERSTATE REGION ON MAY 31, 1977

	Carbon Monoxide		Hydrocarbons	
	Tons per Peak Period	Percent of Total Reduction Required	Tons per Peak Period	Percent of Total Reduction Required
Stationary Source Emissions Without Control Strategy	78		14.3	
Expected Reductions From:				
(a) Dry Cleaning Vapor Recovery	0	0	1.1	8.7
(b) Gasoline Handling Vapor Recovery	0	0	5.0	39.4
(c) Other Statutory Source Rule Strengthening	0	0	0	
Stationary Source Emissions Remaining	78		8.2	
Mobile Emissions from Highway Light and Heavy Duty Vehicles without Control Strategy	498		19.3	
Expected Reductions From:				
(a) Inspection and Maintenance	26	34.6	1.5	11.8
(b) VSAD Retrofit, pre-'68 cars	3	4.0	0.4	3.2
(c) Catalytic Retrofit of Fleet LDV's	5	6.7	0.2	1.6
(d) Mass Transit Improvements	21	28	2.7	21.2
(e) HDV Peak Hour Delivery Ban	27	36	1.0	7.9
(f) Aircraft Model Program	9	12	0.8	6.4
Mobile Emissions Remaining	416		12.7	
Total Emissions without Strategy (FMVCP Included)	576		33.6	
Total Reductions	82	100.3	12.7	100.2
Total Emissions Remaining	494		20.9	

PROPOSED CONTROLS ON STATIONARY SOURCES

The major stationary sources of hydrocarbon emissions, which have been identified in the Virginia plan, are the gas handling losses which occur in the distribution system for gasoline fuel, and the emissions losses from dry cleaning establishments. Since present regulations are inadequate to effect any substantial control of the resultant emissions, from gasoline distribution, the Commonwealth of Virginia has proposed regulations and compliance schedules which would reduce gasoline handling losses by 90 percent.

The regulation proposed by the Commonwealth of Virginia for control of hydrocarbon evaporative emissions at retail service stations and fleet owned stations requires the installation of 90 percent effective vapor recovery devices at stations handling over 50,000 gallons per month by May 31, 1975, and at stations handling over 25,000 gallons per month by May 31, 1977.

It is estimated that installations of 90 percent effective vapor recovery devices on all these service stations throughout the region will result in a total reduction of hydrocarbon emissions of 5.0 tons/peak period (6–9 a.m.) by May 31, 1977.

The Commonwealth of Virginia proposed the following additional regulations for the control of hydrocarbon emissions from stationary sources in the Northern Virginia portion of the National Capital Interstate Region:

(a) *Effluent Oil Water Separators*, which recover more than 200 gallons per day of any petroleum product, are required to be equipped with vapor recovery devices which reduce the emissions of all hydrocarbon vapors and gasses into the atmosphere by at least 90 percent by weight.

(b) *Storage of Petroleum Products*, in any container of more than 40,000 gallons capacity is forbidden unless the container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is equipped with a floating roof or a vapor recovery system.

(c) *Organic Liquid Loading (Bulk Terminals)*, shall be accomplished in such a manner that all displaced vapor and air will be vented out to a vapor collection system.

(d) *Gasoline Loading (Submerged Fill)*, into any stationary tank with a capacity of 250 gallons or more is forbidden unless such tank is equipped with a vapor loss control device, or is a pressure tank as described in section (b).

Since photochemical reactive solvents are not used by any dry cleaning establishment in the Virginia portion of the National Capital Interstate Region, the hydrocarbon emission reduction by 1.1 tons per peak period is achievable without further specific action by Virginia.

The foregoing regulations as proposed by the Commonwealth of Virginia appear to be adequate to achieve the anticipated reduction in hydrocarbon emissions. However, the Administrator cannot approve these proposed regulations at this time, since 40 CFR Part 51 requires that all regulations dealing with the control of emissions from stationary sources be adopted at the time of submittal of the plan. EPA is therefore proposing to promulgate similar regulations which will be rescinded upon submission of equivalent regulations as adopted by the Commonwealth of Virginia.

PROPOSED CONTROLS ON MOBILE SOURCES (NON-AIRCRAFT)

The Commonwealth of Virginia, in its July 9, 1973 submission of additions and revisions to the implementation plan, proposes an idle mode emission inspection program with an initial failure rate of 30 percent in conjunction with its eixsting annual safety inspection program. The proposed timetable for legal authority (by July 1974), initiation of the inspection program (by January 1975) and completion of the first cycle (by June 1975) provides an enforceable measure for improving air quality by means of a 10 percent reduction in hydrocarbon emissions from light duty vehicles by mid-1975. Therefore, the Administrator feels that this portion of the Commonwealth of Virginia plan is approvable. Anticipated emissions reductions from the inspection/maintenance programs as proposed throughout the National Capital Interstate Region, are 1.5 tons per peak period for hydrocarbon and 26 tons per peak period for carbon monoxide.

In order to comply with the requirements of the Clean Air Act that primary standards be achieved as expeditiously as practicable, the Administrator proposes to promulgate a regulation requiring that on or before January 1, 1975, all pre-1968 light duty vehicles be retrofitted with a vacuum spark advance disconnect device which will reduce hydrocarbon emissions from such vehicles by 25 percent. If implemented throughout the National Capital Interstate Region, installation of these devices will result in a total reduction of hydrocarbon emissions of 0.4 tons per peak period and a total reduction of carbon monoxide emissions of 3 tons per peak period.

In order to attain the primary air quality standard by May 31, 1977, additional measures are required beyond those proposed by the Commonwealth of Virginia. Since catalytic retrofit devices for light duty vehicles are expected to be readily available by 1977, it is proposed to require installation of these devices on selected segments of the light duty vehicle population. These segments include all 1971–1975 LDV fleet vehicles (e.g., taxis, GSA vehicles, rental cars, fleet delivery vehicles), capable of operating on 91 RON gasoline.

The regulation proposed by the Administrator will require that the vehicles designated be equipped with catalytic retrofit devices by May 31, 1977, effecting a 50 percent hydrocarbon emission reduction for each vehicle. Exemptions will be allowed for all 1975 vehicles originally equipped with the oxidizing catalytic converter on those vehicles which are certified to meet the original statutory federal emission standards for 1975. Based on information currently available to him, the Administrator estimates that:

Fleet vehicles account for 6 percent of total mobile source emissions. On the basis that one-third of the fleet vehicles will be older than two years (pre-1976), and catalytic retrofits can reduce automotive emission from each vehicle by 50 percent, it is apparent that this measure, when applied on a Region-wide basis, will result in a hydrocarbon emission reduction of 0.2 tons/peak period.

In the event that the measures proposed herein prove to be inadequate, the Administrator is required by law to apply additional reasonably available alternatives, including catalytic retrofit of other segments of 1968–1975 light duty vehicle population. Canidate segments include all light duty trucks, or passenger vehicles of specified model years. The public is urged to comment on these or any other type of control measure that may help to achieve the National Ambient Air Quality Standards.

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PROPOSED REDUCTIONS IN VMT

According to computer printouts provided by the Metropolitan Washington Council of Governments, the Commonwealth of Virginia's transportation package (including participation in the area wide expansion of transit by 750 buses, exclusive bus carpool lanes, a carpool locator service, and extensive parking restrictions) will result in a 12 percent reduction in 6–9 a.m. VMT and a corresponding reduction in total trips.

The Virginia plan includes the following strategies under its transportation measures:

(1) Participation with D.C. and Maryland in an area wide improved transit system, including the addition of 750 buses to the current area fleet, the establishment of exclusive bus lanes, bus shelters, and fringe parking facilities.

(2) Increased terminal cost, including the elimination of free parking and the establishment of a $2.00 parking surcharge for long term commuter parking in all areas adequately served by mass transit.

(3) Establishment of a computerized carpool locator service.

This portion of the plan is central to the Virginia plan for reduction of HC and CO emissions. Therefore, to avoid confusion and expedite comments, a discussion of the elements that make up this portion of the plan shall be included.

a. Elimination of Free Parking—The Commonwealth of Virginia proposes to have EPA eliminate off-street parking for federal employees; once this has occurred, the plan proposes that other employers (state, local government and private businesses) will then begin a program to eliminate free parking for their employees. The plan also calls for a reduction of available on-street spaces which will be achieved by the elimination of street parking for commuters.

The elimination of on-street spaces will initialy be imposed in the Rosslyn and Crystal City areas of Arlington County and downtown Alexandria. Other high density employment areas will be analyzed for future restrictions as bus service expands. This program is scheduled for implementation in early 1975.

On the basis of the information submitted by Virginia, it is the Administrator's opinion that the portion of the Virginia plan dealing with elimination of on-street parking is approvable.

The reduction in off-street parking proposed by the plan is conceptually acceptable; however, there is not enough of a firm commitment indicated in the plan to permit approval of this element of the plan at this time. Therefore, EPA intends to propose those same strategies which Virginia had suggested in its plan, and thereby provide the firm commitment to implement Virginia's strategy.

As pointed out in Virginia's plan, reduction of emission due to work trips by Federal Government employees into, out of, and within Virginia is integral to achieving air quality goals. Therefore, EPA feels it has the responsibility to aid Virginia in the control of these emissions. As a result, EPA will follow Virginia's suggestion and propose a federal regulation which would effectively reduce emissions as a result of commuter trips by federal employees. This will be done by requiring Federal Facilities in high density areas served by mass transit to either eliminate free parking (by establishing commercial type rates) or to reduce the available parking spaces in these facilities by 12 percent.

Since the other jurisdictions in the AQCR have also proposed to eliminate free parking for employees of its government and Virginia's plan is unclear on this point, EPA is also proposing that State and local government parking facilities which have 25 or more spaces and which are located in high density employment areas which are served by public transit either eliminate free parking or reduce the available spaces by 12 percent. It is EPA's opinion that since this plan is regional in nature that this action is necessary to insure that the reductions achievable by this measure do, in fact, occur.

The Administrator feels that the result of this proposal will be to induce employees to utilize alternate modes of transportation, such as buses and carpools and thereby reduce the VMT in the area. It should be noted that this proposal should result in a reduction of VMT for the entire National Capital area because it will reduce VMT of employees from all three jurisdictions.

It is the Administrator's opinion that, at a minimum, the Rosslyn, Crystal City, Pentagon, and Downtown Alexandria areas, along with other areas would, in all likelihood, need to be included in any definition of "high density employment area which is serviced by mass transit" for this strategy to be effective.

b. $2.00 Surcharge (or its equivalent)

The Virginia plan proposes the imposition of a $2.00 per day surcharge (or an equivalent measure) on all long term parking facilities in employment areas which are adequately served by mass transit. Identification of the areas where the surcharge is to be imposed should be made by Virginia within the next 10 months upon completion of studies of the matter.

This proposal calls for the charge to be implemented and enforced by Arlington County or the Northern Virginia Transportation Commission (NVTC). The Administrator feels that if implemented, according to the schedule provided in the plan, this proposal is approvable.

It is well documented that no matter how well designed and operated a mass transit system is, unless there are disincentives to the use of the private automobile, mass transit shall be ineffective. Therefore, Virginia's proposals for the surcharge is integral to the success of the plan.

The Administrator wants to make it clear that if for any reason this strategy is not implemented according to schedule, he will institute equivalent measures. In order to avoid any delay in implementation of such equivalent measures and to invite timely public comment, the Administrator is proposing contingency measures in the plan which will become effective if it becomes apparent that the surcharge will not be implemented. Specifically, a phased 15% reduction in existing off-street parking spaces would be imposed, as well as ban on the construction, modification or enlargement of any parking facility without first obtaining a permit from the Administrator or a specified local Agency. Public comments are solicited on these contingency proposals.

c. Mass Transit Improvements

The development of an effective mass transit system is essential to the development of an effective transportation control strategy. If this control plan is to be successful, a sufficient number of buses with convenient service and adequate schedules must be provided. The improvement in the transit system is an area wide measure in which Virginia will participate with District of Columbia and State of Maryland.

The Virginia plan proposes that NVTC, which represents the local governments in Northern Virginia in public transportation matters, shall take all possible measures to assure that the area wide transit system's current fleet size is increased by 750 buses and that service and convenience for commuters is improved. Included in this proposal are provisions for installing bus shelters, providing expanded fringe parking, additional public information and improved scheduling. In addition, Virginia plans to institute a number of exclusive bus lanes on major highway corridors in the area. The local jurisdictions in conjunction with NVTC have allocated funds to provide subsidies to support a lowering and equalization of transit fares throughout Northern Virginia. All of these measures are meant to provide the increased mass transit service which will be necessary if air quality standards are to be achieved.

Based on the information contained in the documents submitted by Virginia, the Administrator believes that the proposals for increased mass transit are approvable, on the condition that certain administrative details are provided to him by the Commonwealth. Specifically, the arrangements or agreements which will trigger the expansion of the fleet should be clarified, since it is necessary for EPA to determine what actions are necessary to bring about any additional purchases of buses. Also a clarification on the schedule showing the projected incremental increases in fleet size should be provided.

d. Bus/Carpool Locator System

The Virginia plan recognizes the need for more efficient utilization of current automobile usage. Thus, the plan proposes a voluntary bus/carpool locator matching service. This system will attempt to assemble lists of commuters with similar work schedules and home, work locations, and will be phased in starting with a pilot project during 1973. Full operation of the system is scheduled for April 1974. The Administrator feels that this measure is approvable, and encourages residents of the National Capital area to take advantage of this service.

Along with the benefits accruing to this system in terms of a potential decrease of vehicle miles traveled, this system also has the advantages of fuel conservation and it will mitigate the impact of disincentives to private auto use (i.e., the surcharge and elimination of free employee parking).

e. Heavy Duty Vehicle Restraints

In addition to the transportation measures described above, the Virginia plan discusses the problem of heavy-duty gasoline-powered vehicle emissions. The plan does not propose any measures to control these emissions; however, the plan discusses the possibility of either a heavy-duty vehicle ban between 6–9 a.m. or an emissions control retrofit program for Heavy Duty Trucks. The discussions indicate the need to achieve a 50 percent reduction in emissions from such vehicles to meet the standards by 1977. Such a strategy would be complementary to the approvable heavy duty emission control measures included in the District of Columbia plan and the concepts discussed in the Maryland plan.

Since the Virginia plan does not actually propose any heavy duty truck measures, the Administrator must propose a regulation which will achieve the required reductions. Therefore, EPA is proposing a delivery ban on heavy duty gasoline-powered vehicles which will be effective during the peak traffic period (6:00 a.m.–9:30 a.m.). The ban will take effect July 1, 1974. The Administrator recognizes that the District of Columbia will impose this ban on January 1, 1974; however, in order to allow Virginia adequate time to adopt regulations and plan for implementation of this ban, the additional implementation time is warranted.

EPA has not proposed the heavy duty vehicle retrofit strategy discussed by the state of Virginia. Though a heavy duty retrofit strategy was proposed by the State of New York and approved by EPA, the uncertainties in its implementation date are such that EPA does not feel justified in proposing its establishment as a Federal Program. If the Commonwealth of Virginia wishes to propose a heavy duty strategy as a state program in a manner similar to New York's, then it may well be approved provided it is consistent with the New York Program.

It is recommended that if the Virginia Air Resources Board is considering for its plan a measure that requires the retrofit of heavy duty vehicles, it should actively work with the New York City Bureau of Motor Vehicle Pollution Control which has already made much progress in this area. For the approach to be approvable, Virginia must provide written commitments that appropriate arrangements will be made with the state of New York. This will provide a greater assurance that an acceptable device will be available in the Virginia portion of the National Capital Interstate Air Quality Control Region. However, even if Virginia were to adopt this strategy in conjunction with New York, reductions could not be achieved until 1977.

The Clean Air Act dictates that the Administrator must apply reasonably available interim strategies. The Administrator feels that reductions in emissions from this type of vehicle are possible through imposition of restraints in use of this type of vehicle.

AIRCRAFT EMISSION REDUCTIONS

Aircraft emissions, as they affect ambient air quality, occur during approach, landing, taxi, idle, takeoff, and climbout. Heaviest emissions occur during taxi and idle when aircraft engines are operated at greatly reduced power.

The Virginia Transportation Control Plan asserts that control of these emissions through modified ground operations at Dulles and Washington National Airports can result in a significant hydrocarbon, and carbon monoxide emission reduction in the National Capital Region. Virginia contends that a 50 percent reduction in hydrocarbon and carbon monoxide emissions can be achieved though the implementation of such ground controls at the two northern Virginia airports. Such a reduction would represent a 1.7 ton reduction in the area's hydrocarbon emissions and 28 ton reduction in the area's carbon monoxide emissions. Virginia assumes the required measures will be fully implemented by EPA and FAA during the next four years and takes full credit for the potential emissions reductions which they believe could result from these measures.

The assumed reduction in hydrocarbon emissions is necessary for the plan to demonstrate achievement of the oxidant standards; the claimed carbon monoxide reductions are not needed for attainment of the standards.

EPA has published an Advance Notice of Proposed Rulemaking for aircraft ground controls but has not yet proposed regulations for such controls. The Agency, however, is currently funding a demonstration project with FAA to determine if safety hazards would accompany modified ground operations. If the demonstration is successful, EPA will propose and promulgate regulations for the implementation of ground operations deemed free of safety hazards.

The Agency currently believes that certain ground and taxi operations included in the demonstration can be conservatively assumed to be safe and acceptable. EPA calculations indicate that the application of these measures could result in a 24 percent reduction in hydrocarbons at National Airport and a 30 percent reduction in hydrocarbons at Dulles Airport (vice 50 percent reduction proposed by Virginia). In light of EPA's intention to work jointly with FAA to promulgate and implement ground operations deemed safe and acceptable prior to 1977, the Agency believes it is reasonable to allow Virginia to accept credit for emission reductions which will result from controlling the ground operations conservatively felt at this time to be safe and acceptable. The percent emissions reductions indicated above which would result from these measures would provide approximately a 0.8 tons reduction in hydrocarbons for the National Capital Region. Accordingly, the Agency will accept 0.8 tons of the claimed 1.7 tons reduction as being an approvable portion of the plan based on the expected implementation of ground operation regulations.

ECONOMIC AND SOCIAL IMPACT

The social and economic consequences of the measures included in the Virginia plan or proposed herein are considered reasonable. For example, the inspection and maintenance procedures will require expenses of approximately $10 annually for the average vehicle inspected. The implementation of the VSAD retrofit program of pre-1968 vehicles will require that individual motorists pay approximately $20 installation costs. Though the price to the fleet vehicle owner for the catalytic retrofit is $135 per vehicle, this cost could gradually be reclaimed through slightly higher service or use fees for the fleet vehicles controlled. In addition, such expenditure can be deducted from income tax as a business expense, and therefore part of the cost will be absorbed by the government. Compensation for the expenditures associated with the modifications required by the gasoline handling regulations could similarly be gained through slight increase in the fees for station services or fuel prices. This also could be deducted as a business expense from the income tax. Distributed costs of the various mass transportation improvement measures, as well as the incentives for the use of express buses and carpools and disincentives on the use of automobiles by individual motorist-commuters, are also considered reasonable.

The measures providing transportation improvements are expected to benefit the public from the standpoint of improved traffic flow for commuters, general urban mobility, and energy consumption. The resulting VMT reductions may also have some impact on the sprawling development patterns fostered by widespread automobile use which are unduly wasteful of energy, land and other resources and have contributed to the decay of urban centers.

PUBLIC COMMENTS SOLICITED

Although the Administrator has concluded that the proposed plan is the best approach available to him at the present time for achieving compliance with the requirements of the Act, further analysis may demonstrate that more appropriate options are available. He therefore desires to obtain the comments and suggestions of the public on the problems of achieving the ambient air quality standards in the Virginia portion of the National Capital Interstate Air Quality Control Region. Comments are particularly invited pertaining to measures that may be taken by Federal, State, or local authorities to support or supplement the proposed air pollution control strategy, to implement these measures, and to compare social and economic effects of alternative pollution control measures.

Public hearings will be held at the Holiday Inn, Jefferson Plaza, 1489 Jefferson Davis Highway, Arlington, Virginia, on September 4, 1973, beginning at 9:00 a.m. Notice of the hearing on these regulations (including designation of locations for inspection and distribution of EPA proposals) is being published in the Virginia portion of the National Capital Interstate Air Quality Control Region.

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The Administrator's final promulgation of transportation controls for the Virginia portion of the National Capital Interstate Region will consider the comments and testimony he receives, as well as any additional approvable strategies submitted by the Commonwealth as part of the Commonwealth plan before or at the hearing. These influences, and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulations that differ in important ways from this proposal.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to EPA ATTN: Mobile Source Enforcement Division, 401 M Street, SW., Washington, D.C. 20460. All relevant comments received no later than September 4, 1973 will be considered. Receipt of comments will be acknowledged but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the Office of Public Affairs, EPA, 401 M Street, SW., Washington, D.C. 20460. This notice of proposed rulemaking is issued under the authority of section 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1857 et seq).

EPA STUDIES AND GUIDELINES

Further information on transportation control, land use, and motor vehicle emissions may be obtained from one or more of the following documents which the Environmental Protection Agency has published:

a. "Prediction of the Effects of Transportation Controls on Air Quality in Major Metropolitan Areas" and "Evaluating Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Areas." November 1972. Both of these documents are generally known as the "Six Cities Study."

b. "Transportation Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Areas," December 1972. This document is a summary of a study of 14 cities conducted with the view of recommending specific transportation control strategies. (Separate reports for each of the 14 cities are also available.)

NOTE: The documents listed in a and b above are available from the Air Pollution Technical Information Center, EPA, Research Triangle Park, North Carolina 27711.

c. "Control Strategies for In-Use Vehicles," November 1972. This report is available from EPA, Mobile Source Pollution Control Programs, 401 M Street, SW., Washington, D.C. 20460.

d. "Transportation Control Measures." FEDERAL REGISTER (38 FR 15194) June 8, 1973.

e. "Aircraft and Aircraft Engines," FEDERAL REGISTER (37 FR 26488) December 12, 1972.

f. "Aircraft Emissions: Impact on Air Quality and Feasibility of Control." This report presents the available information on the present and predicted nature and extent of air pollution related to aircraft operations in the United States. In addition, it presents an investigation of the present and future technological feasibility of controlling such emissions.

(42 U.S.C. 1857 et seq.)

Dated: July 24, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I of Title 40 of the Code of Federal Regulations by adding the following:

§ 52.2435 Reduction of employee parking.

(a) Definitions:

(1) Governmental Entity—means a federal, state or local department, agency bureau, board, office, commission, district, or unit or any other type (excluding foreign embassies) which employs personnel paid wholly with public funds.

(2) Commercial Parking Rate—means the average rate charged by commercial parking facilities (excluding on-street parking meters) on a monthly basis within a 1 mile radius of a facility or installation covered by this section.

(3) Served by Public Transit—means that such transit is available during working hours within a reasonable walking distance of the employee's place of employment, even though such transit may not serve the area of the employee's residence.

(4) State Agency means Commonwealth of Virginia, State Air Pollution Control Board.

(b) This section shall be applicable in the Commonwealth of Virginia portion of the National Capital Interstate Air Quality Control Region.

(c)(1) All facilities or installations owned, operated or leased by the federal government which control, operate or lease a parking facility containing 25 or more spaces, shall by January 1, 1974, report to the Administrator the number of parking spaces in each such facility as of October 15, 1973. This number shall not include residential (including barracks) parking spaces contained in or on the facility or installation.

(2) The chief administrative officer of all facilities or installations subject to paragraph (c)(1) of this section, shall by April 1, 1974, submit to the Administrator a detailed report specifying the level of public transit service to the facility and also the parking space utilization at the facilities or installations under his or her control at that time. This report shall include but is not limited to:

(i) All public transit lines which have stops within one-half mile of any such installation or facility.

(ii) The practicality of the operation of shuttle service from presently well serviced locations such as (Rosslyn, Crystal City) to the facility or installation during morning and afternoon peak hours.

(iii) A summary of the existing parking situation at the facility including:

(*a*) Average vehicle occupancy calculated from a visual survey of vehicles entering and leaving the facility over a full week's time.

(*b*) The percentage of vehicles with one, two, three and four occupants.

(*c*) The total number of vehicles using the facility daily.

Should the report state that the facility or installation is not presently served by public transit, this report shall be reexamined, updated, and submitted annually, not later than April 1 of each successive year.

(d)(1) All facilities or installations owned, operated, or leased by state and local governments which control, operate or lease a parking facility containing 25 or more spaces, shall by January 1, 1974, report to the State Agency the number of parking spaces in each such facility as of October 15, 1973. This number shall not include residential parking spaces contained in or on the facility or installation or publicly owned commercial type parking facilities.

(2) The chief administrative officer of all facilities or installations, subject to paragraph (d)(1) of this section, shall by April 1, 1974, submit to the Commonwealth of Virginia, State Air Pollution Control Board, a detailed report specifying whether the facilities or installations under his or her control are served by public transit at that time. This report shall include, but is not limited to:

(i) All public transit lines which have stops within one-half mile of any such installation or facility.

(ii) The practicality of the operation of shuttle service from presently well serviced locations such as Rosslyn, Crystal City to the facility or installation during morning and afternoon peak hours.

(iii) A summary of the existing parking situation at the facility including:

(*a*) average vehicle occupancy calculated from a visual survey of vehicles entering and leaving the facility over a full week's time.

(*b*) The percentage of vehicles with one, two, three and four occupants.

(*c*) The total number of vehicles using the facility daily.

Should the report state that the facility or installation is not presently served by public transit, this report shall be reexamined, updated and submitted annually, not later than April 1 of each successive year.

(e) Each governmental entity subject to paragraphs (c)(1) and (d)(1) of this section and which in the opinion of the Administrator or State Agency is served by public transit shall comply with either subparagraphs (1) or (2) of this paragraph. This governmental entity shall either:

(1) Adopt a plan whereby a charge equivalent to commercial parking rates will be imposed for parking at any such parking facility owned, operated or leased by the governmental entity. In no case shall the charge be less than $20.00 per space month. Any funds collected by any governmental entity under this subparagraph may be used for any legitimate governmental purpose, *provided, however,* That no such funds shall be used to subsidize directly or indirectly employee parkng; or

(2) Adopt a plan to reduce the number of parking spaces in each such facility from the number in existence on October 15, 1973, according to the following:

(i) By November 30, 1974, a reduction of 4 percent;

(ii) By February 28, 1975, a reduction of 8 percent;

(iii) By May 31, 1975, a reduction of 12 percent.

(f)(1) Each entity of the Federal government subject to paragraph (e) of this section shall submit to the Administrator no later than June 30, 1974, a detailed compliance schedule showing steps it will take to achieve either the required reduction of spaces, or the initiation of commercial parking rates. In the case of a reduction of spaces, the schedule shall include provisions for marking those spaces to be eliminated in a manner obvious to members of the public (painting over, roping off, etc.). In the case of the initiation of commercial parking rates the schedule shall include:

(i) A date for the initial imposition of the charge. Such date shall be no later than January 1, 1975.

(ii) The amount to be charged per space per month.

(ii) Any exceptions to the charge (e.g., handicapped personnel, certain high level officials of the governmental entity), including documentation of the need and rationale for such exceptions.

(iv) Provisions for annual reevaluation of the amount charged per space per month based upon any changes in commercial parking rates.

(2) Each entity of a State or local government subject to paragraph (e) of this section shall submit to the State Agency no later than June 30, 1974, a detailed compliance schedule showing steps it will take to achieve either the required reduction of spaces or the initiation of commercial parking rates.

In the case of a reduction of spaces, the schedule shall include provisions for marking those spaces to be eliminated in a manner obvious to members of the public (painting over, roping off, etc.). In the case of the initiation of commercial parking rates, the schedule shall include:

(i) A date for the initial imposition of the charge. Such date shall be no later than January 1, 1975.

(ii) The amount to be charged per space per month.

(iii) Any exceptions to the charge (e.g., handicapped personnel, certain high level officials of the governmental entity), including documentation of the need and rationale for such exceptions.

(iv) Provisions for annual reevaluation of the amount charged per space per month based upon any changes in commercial parking rates.

(g) Failure to submit any report or compliance schedule as required by this section shall render the person so failing to comply in violation of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. Any governmental entity which either allows vehicles to be parked in excess of the number allowable, or which fails to collect commercial parking charges shall likewise be in violation and subject to enforcement.

§ 52.2436 Vacuum spark advance disconnect.

(a) For purposes of this section, "vacuum spark advance disconnect" means a device or system installed on the vehicle which prevents the ignition vacuum advance from operating either when the vehicle's transmission is in the lower gears or when the vehicle is traveling below a predetermined speed.

(b) This section is applicable in the Commonwealth of Virginia portion of the National Capital Interstate Air Quality Control Region.

(c) On or before January 1, 1975, all gasoline-powered light duty vehicles of model year prior to 1968 and subject under presently existing legal requirements to registration in the area described in paragraph (b) of this section shall be equipped with an appropriate vacuum spark advance disconnect device.

(d) The Commonwealth of Virginia shall submit, no later than January 1, 1974, a detailed compliance schedule showing the steps it will take to implement and enforce this requirement. Such schedule shall include, as a minimum, the following:

(1) A date by which the Commonwealth of Virginia will evaluate and approve devices for use in this program. Such date shall be no later than March 1, 1974.

(2) A date by which installation of this equipment shall commence. Such date shall be no later than June 1, 1974.

(3) A date by which all vehicles subject to this section will be equipped with such devices. Such date shall be no later than January 1, 1975.

(4) Designation of any agency or agencies responsible for evaluating and approving such devices for use on vehicles subject to this section.

(5) Designation of an agency or agencies responsible for ensuring that the prohibitions of paragraph (e)(2) of this section shall be enforced.

(6) Method and proposed procedures for ensuring that those persons installing the devices have the training and ability to perform the needed tasks satisfactorily and that an adequate supply of devices will be available.

(7) Provision (apart from the requirements of any program for periodic inspection and maintenance of vehicles generally) for emission testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After January 1, 1975, the following shall apply within the Commonwealth of Virginia portion of the National Capital Interstate Air Quality Control Region.

(1) The Commonwealth of Virginia shall not register a vehicle subject to this paragraph which is not equipped in accordance with paragraph (c) of this section.

(2) No owner of a light duty vehicle subject to this paragraph shall operate or allow the operation of any such vehicle that is not equipped in accordance with paragraph (c) of this section.

(f) The failure of any person to comply with any provision of this section shall render such person in violation of a requirement of an applicable implementation plan, and subject to enforcement action under section 113 of the Clean Air Act. As to compliance schedules, the Commonwealth of Virginia will be considered to have failed to comply with the requirements of this regulation if it fails to submit on a timely basis the required compliance schedule, and or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2437 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbon and carbon monoxide from that vehicle.

(2) Fleet vehicle means any of 5 or more light duty vehicles operated by the same person(s), business, or governmental entity and used principally in connection with the same or related occupations or uses. This definition shall also include any taxicab (or other light duty gasoline-powered vehicle-for-hire) owned by any individual or business.

(3) Governmental entity means any agency of the executive branch of the Federal government, or a state or local department, agency, bureau, board, office, commission, district, or unit of any other type (excluding foreign embassies) which employs personnel paid wholly with public funds.

(4) All other items used in this section which are defined in 40 CFR Part 51, Appendix N, are used herein with the meanings so defined.

(b)(1) This section is applicable in the Commonwealth of Virginia portion of the National Capital Interstate Air Quality Control Region.

(2) Classes of Vehicles Covered.

(i) Light duty fleet vehicles of model year 1971 through 1975, not already equipped with catalysts, or certified to meet original 1975 statutory light duty vehicle emission standards.

(c) The Commonwealth of Virginia shall establish a retrofit program to insure that or before May 31, 1977, classes of gasoline-powered light duty vehicles as specified in paragraph (b)(2) of this section, which are subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section above and are used on the streets and highways, of the Commonwealth, are equipped with an appropriate oxidizing catalyst retrofit device. No later than March 1, 1974, the Commonwealth of Virginia shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on motor vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (c)(3) of this section are enforced.

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(3) A provision that starting no later than May 31, 1976, the Commonwealth of Virginia shall commence retrofitting oxidizing catalysts to those light duty motor vehicles able to operate properly on unleaded 91 RON gasoline. The installation shall be completed by May 31, 1977.

(4) A method and proposed procedure for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and that they will have an adequate supply of retrofit components.

(d) After May 31, 1977, the Commonwealth shall not register or allow to operate on public streets or highways any light duty gasoline-powered vehicle specified in paragraph (b)(2) of this section which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicles which does not comply with the applicable standards and procedures implementing this section.

(f) The Commonwealth of Virginia shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, and the text of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall include a date by which the Commonwealth shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1975.

(g) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. The Commonwealth will be considered to have failed to comply with the requirements of this regulation if it fails to submit on time the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2438 Control of evaporative losses from the filling of vehicular tanks.

(a) The term "gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Commonwealth of Virginia portion of the National Capital Interstate Air Quality Control Region.

(c) A person shall not transfer gasoline to an automotive fuel tank from gasoline dispensing systems unless the transfer is made through a fill nozzle designed to:

(1) Effect a vapor-tight fit between the fill nozzle and filler neck of the automotive fuel tank so as to prevent discharge of hydrocarbon vapors to the atmosphere.

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered.

(3) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section can consist of a vapor-tight vapor return line from the fill nozzle filler neck interface to the dispensing tank or to an adsorption, absorption, incineration, or refrigeration-condensation system or equivalent.

(e) Components of the systems required by § 52.2439 paragraph (c) can be used for compliance with paragraph (c) of this section.

(f) If demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of fill neck configuration, location, or other design features, the provisions of this paragraph shall not apply to tanks or vehicles existing at the time of promulgation of this regulation.

(g) The Commonwealth of Virginia shall divide all facilities subject to this section into three classes, the first of which shall equal approximately 70 percent of hydrocarbon emissions from all gasoline stations, the second and third classes shall each equal approximately 15 percent of total hydrocarbon emissions from these sources. The classes shall be known as Class I, Class II, and Class III.

(h) Except as provided in paragraph (k) of this section, the owner or operator of a source included in Class I shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1974.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than July 31, 1974.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1975.

(4) Final compliance is to be achieved not later than May 31, 1976.

(5) Any owner or operator of stationary sources, subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(i) The owner or operator of a source included in the Class II shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of components parts to accomplish emission control or process modification not later than March 31, 1975.

(2) Initiation of on-site construction or installation of emissions control equipment or process change must begin not later than July 31, 1975.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1976.

(4) Final compliance is to be achieved not later than May 31, 1976.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(j) The owner or operator of a source included in Class III shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1975.

(2) Initiation of on-site construction or installation of emissions control equipment or process change must begin not later than July 31, 1976.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1977.

(4) Final compliance is to be achieved not later than May 31, 1977.

(5) Any owner or operator of stationary sources, subject to compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(k) Paragraph (h) and (i) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Administrator by December 31, 1973. The Administrator may request whatever information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the Commonwealth and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by December 31, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975, in the case of Class I sources, and May 31, 1976, in the case of Class II sources. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(l) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

§ 52.2439 Gasoline transfer vapor control.

(a) The term "gasoline" means any petroleum distillate having a Reid vapor pressure of four (4) pounds or greater.

(b) This section is applicable in the Commonwealth of Virginia portion of the National Capital Interstate Air Quality Control Region.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight vapor return line from the storage container to the delivery vessel and a device that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(2) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapor displaced from the delivery vessel during refilling.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Stationary containers having a capacity less than 550 gallons used exclusively for the fueling of implements of husbandry; provided, however, said containers are equipped with submerged fill pipes.

(2) Any container having a capacity less than 2,000 gallons installed prior to promulgation of this paragraph.

(3) Transfer made to storage tanks equipped with floating roofs or their equivalent.

(e) Compliance schedule: Except as provided in paragraph (f) of this section, the owner or operator of any source subject to this section shall comply with this section on or before January 31, 1974.

(1) Any owner or operator in compliance with this section on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this section.

(2) Any owner or operator who achieves compliance with this section after the effective date of this section shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(f) Any owner or operator of a source subject to paragraph (e) of this section may, not later than 120 days following the effective date of this section, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with the provisions specified in paragraph (e) of this section as expeditiously as practicable but no later than June 30, 1975. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to: Submittal of final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of on-site construction or installation of emission control equipment or process modification; completion of on-site construction or installation of emission control equipment or process modification; and final compliance.

(g) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

§ 52.2440 Control of hydrocarbon emissions from effluent oil-water separators.

(a) This section is applicable in the Virginia Portion of the National Capital Interstate Air Quality Control Region.

(b) After December 30, 1973, a person shall not use any compartment of any vessel or device operated for the recovery of oil from effluent water which recovers 200 gallons a day or more of any petroleum products from any equipment which processes, refines, stores or handles hydrocarbons with a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions unless such compartment is equipped with one of the following vapor loss control devices, except when gauging or sampling is taking place:

(1) A solid cover with all openings sealed and totally enclosing the liquid contents of that compartment.

(2) A floating pontoon or double-deck type cover, equipped with closure seals to enclose any space between the cover's edge and compartment wall.

(3) A vapor recovery system, which reduces the emission of all hydrocarbon vapors and gases into the atmosphere by at least 90 percent by weight.

(4) Other equipment of an efficiency equal to or greater than 1, 2, or 3 if approved by the Administrator.

This section shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil if the water fraction of the oil-water effluent entering the separator contains less than 5 parts per million hydrogen sulfide, organic sulfides, or a combination thereof.

§ 52.2441 Peak hour delivery ban regulation.

(a) Definitions:

(1) *Peak Hours.* The hours 6:00 a.m. to 9:30 a.m. Monday through Saturday.

(2) *Delivery Ban.* A program to reduce emissions from in-use heavy duty gasoline powered vehicles employed to deliver goods within the specified peak hours.

(3) *Heavy Duty Gasoline Powered Vehicle.* Any motor vehicle either designated primarily for transportation of property and rated more than 6,000 pounds GVW and which is powered by a gasoline burning engine. This shall not include mail trucks, and emergency type vehicles such as fire trucks and police wagons.

(4) All other terms used in this section which are defined in 40 CFR Part 51, Appendix N are used herein with the meaning so defined.

(b) This regulation is applicable in the Commonwealth of Virginia portion of the National Capital Interstate Air Quality Control Region.

(c) The Commonwealth of Virginia counties of Arlington, Fairfax, and Loudoun and all incorporated cities located within such county shall establish a peak hour, heavy duty gasoline powered vehicle use prohibition on streets and highways over which each entity has ownership and control. No later than February 1, 1974, each governmental entity shall submit to the Administrator a legally enforceable program which shall include:

(1) provisions for initiation of the ban no later than June 30, 1974.

(2) the prohibition shall state that heavy duty gasoline powered vehicles making deliveries in violation of the prohibition shall either be towed away, or the owner and/or operator subject to a fine of up to $100, or both.

(d) The Commonwealth of Virginia, counties and all incorporated cities within such counties subject to this section shall submit, no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce a peak hour delivery ban. The compliance schedule shall include the date by which the jurisdictions will recommend needed regulations to the appropriate body, and will identify the state, county, or city official responsible for enforcement.

(e) Failure to comply with any provisions of this regulation shall render such person in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. A state or other governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule.

§ 52.2442 Limitation of off-street parking.

(a) This section shall apply only in the event that the Administrator finds that the Commonwealth of Virginia fails to take one or more of the following steps to implement the $2.00 surcharge (or an equivalent measure):

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(1) Complete study identifying locations where surcharge or equivalent measure shall apply and submit to the Administrator by May 30, 1974.

(2) Submit to the Administrator legally adopted regulations of the Commonwealth of Virginia or other governmental entities to collect the surcharge or impose the equivalent measure by June 30, 1974.

(3) Institute the collection of the surcharge or impose the equivalent measure in those areas identified in the study by April 1, 1975.

(b) In the event the Commonwealth of Virginia chooses to adopt any "equivalent measure" to this surcharge, the Commonwealth of Virginia must submit to the Administrator by December 31, 1973, information demonstrating that such measure will in fact achieve the required result. Failure to demonstrate this fact adequately will cause the Administrator to determine that the Commonwealth of Virginia is failing to implement the surcharge.

(c) In the event that the Administrator determines that the Commonwealth of Virginia is failing to implement the $2.00 surcharge (or an equivalent measure) he shall make this determination public in the FEDERAL REGISTER, and this section shall then be immediately effective.

(d) Definition:

(1) The term "off-street parking facility" means any land or building or portion of a building set aside for the purpose of storing a maximum capacity of 10 or more vehicles on a temporary basis.

(e) Each governmental entity, public agency, private corporation, partnership or sole proprietor owning or operating an off-street parking facility located within the Commonwealth of Virginia portion of the National Capital Interstate Air Quality Control Region shall, within 30 days of the effective date of this regulation, report to the Administrator the number of parking spaces in each such facility under its ownership or control of the effective date of this regulation. The number used solely for the storage of vehicles of persons who reside within ¼ mile of the facility shall not be counted.

(f) Each such owner or operator of any off-street parking facility located within the area specified in paragraph (c) of this section shall reduce the number of affected parking spaces in each such facility from the number in existence as of the date this regulation becomes effective according to the following schedule:

(1) Within 90 days of the effective date—a 5 percent reduction;

(2) Within 120 days of the effective date—a 10 percent reduction;

(3) Within 180 days of the effective date—a 15 percent reduction;

(g) Each such owner or operator of an off-street parking facility subject to the requirements of this section shall submit to the Administrator, no later than 60 days after the effective date of this section, a detailed compliance schedule showing the steps it will take to achieve the required reduction in parking spaces. Such schedule shall provide for the marking in some manner obvious to the public (such as painting over, roping off, or the like) of the eliminated spaces on which parking is not permitted pursuant to this section.

(h) Failure to submit a compliance schedule as required by this section shall render the person or governmental entity so failing in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. Any owner or operator of an off-street parking facility who allows any vehicle to be parked on any parking space which has been eliminated pursuant to this section, or who fails to mark clearly those spaces which have been eliminated, shall likewise be in violation and subject to enforcement.

§ 52.2443 Management of parking supply.

(a) This section shall apply only in the event that the Administrator finds that the Commonwealth of Virginia fails to take one or more of the following steps to implement the $2.00 surcharge (or an equivalent measure):

(1) Complete study identifying locations where surcharge or equivalent measure shall apply and submit to the Administrator by May 30, 1974.

(2) Submit to the Administrator legally adopted regulations of the Commonwealth of Virginia or other governmental entities to collect the surcharge or impose the equivalent measure by June 30, 1974.

(3) Institute the collection of the surcharge or impose the equivalent measures in those areas identified in the study by April 1, 1975.

(b) In the event the Commonwealth of Virginia chooses to adopt any "equivalent measure" to this surcharge, the Commonwealth of Virginia must submit to the Administrator by December 31, 1973, information demonstrating that such measure will in fact achieve the required result. Failure to demonstrate this fact adequately will cause the Administrator to determine that the Commonwealth of Virginia is failing to implement the surcharge.

(c) In the event that the Administrator determines that the Commonwealth of Virginia is failing to implement the $2.00 surcharge (or an equivalent measure) he shall make this determination public in the FEDERAL REGISTER, and this section shall then be immediately effective.

(d) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land to use as a parking facility.

(2) "Modification" means any change to a parking facility which increases the vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the vehicle capacity of such facility.

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

(5) "Parking facility" (also called "facility") means any facility, building, structure, or lot or portion thereof used primarily for temporary storage of motor vehicles.

(e) No person, after the effective date of this section, shall commence construction of any new parking facility or modification or enlargement of any existing parking facility until he has first received from the Administrator or from an agency approved by the Administrator a permit stating the construction, modification or enlargement of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards.

(f) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include, but not be limited to, a requirement that before a permit may be issued, the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the construction, modification, or enlargement of the facility.

(iii) The normal hours of operation of the facility and the enterprises and activities which it serves.

(iv) The number of people using or engaging in any enterprises or activities which the facility will serve.

(v) The number of motor vehicles using the facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include, but shall not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of VMT within any area, the air quality of which fails to meet applicable Federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement or modification of a parking facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type the notice shall conform to the requirements of 40 CFR Part 51.4(b); and the Agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. Such a requirement, if imposed, shall be noted prominently in the required notice of hearing.

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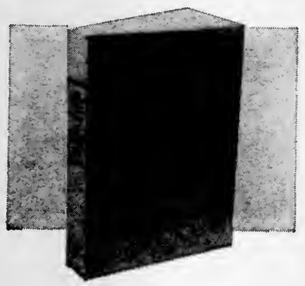
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MEMORANDUM OF JUNE 29, 1973

[Presidential Determination No. 73–16]

Waiver of Regional Ceiling on Military Assistance and Sales to Latin America

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, June 29, 1973.

In accordance with the recommendation in your memorandum of June 19, 1973 I hereby find pursuant to Section 33(c) of the Foreign Military Sales Act, as amended, that overriding requirements of the national security of the United States justify the waiver of the $100 million ceiling for Fiscal Year 1973 established by Section 33(a) of the Foreign Military Sales Act, as amended, on (a) the aggregate of the total amount of military assistance pursuant to the Foreign Asssitance Act of 1961, as amended, (b) cash and credit sales pursuant to the Foreign Military Sales Act, as amended, and (c) loans and sales in accordance with Section 7307 of Title 10, United States Code, excluding training, to Latin American countries.

You are directed on my behalf to report this finding to the Congress as required by law.

This finding shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.73–16141 Filed 8–1–73;3:34 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 116, 2nd Rev.]

PART 294—OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN CARRYING BULK RAW AND PROCESSED AGRICULTURAL COMMODITIES FROM THE UNITED STATES TO THE UNION OF SOVIET SOCIALIST REPUBLICS

Revision of Regulation

The following revised regulations have been adopted by the Maritime Subsidy Board to govern the operating-differential subsidy program with respect to bulk cargo vessels engaged in carrying export bulk raw and processed agricultural commodities from the United States to the Union of Soviet Socialist Republics. They supersede the regulations originally appearing in the FEDERAL REGISTER on October 21, 1972 (37 FR 22747), as corrected on October 27, 1972 (37 FR 22936), revised on November 16, 1972 (37 FR 24349) and amended on January 11, 1973 (38 FR 1277), March 29, 1973 (38 FR 8160), May 18, 1973 (38 FR 13016), June 7, 1973 (38 FR 14943), June 22, 1973 (38 FR 16354), and June 28, 1973 (38 FR 17005).

These regulations are issued pursuant to the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101–1294). The Secretary of Commerce is authorized under section 601(a) of the Act:

> • • • [T]o consider the application of any citizen of the United States for financial aid in the operation of a vessel or vessels, which are to be used in an essential service in the foreign commerce of the United States. . . .

The meaning of the term "essential service" is described in section 211 of the Act as including:

> The bulk cargo carrying services that should, for the promotion, development, expansion, and maintenance of the foreign commerce of the United States and for the national defense or other national requirements be provided by United States-flag vessels. . . .

The operating-differential subsidy provided for in these regulations is deemed appropriate in light of the national requirements for participation by United States vessels in the carriage of export bulk raw and processed agricultural commodities.

The authority for the operating-differential subsidy procedures covered by these regulations is set forth in section 603(b) of the Act which provides:

> . . . [T]he Secretary of Commerce may, with respect to any vessel in an essential bulk cargo carrying service as described in section 211(b), pay, in lieu of the operating-differential subsidy provided by this subsection (b), such sums as he shall determine to be necessary to make the cost of operating such vessel competitive with the cost of operating similar vessels under the registry of a foreign country.

This publication constitutes a complete revised version of the regulations affecting the carriage of bulk raw and processed agricultural commodities from the U.S. to the U.S.S.R. Most sections of the former regulations have been preserved intact although they have been renumbered. Significant changes and additions are noted below:

1. For fixtures made on or after July 1, 1973, for the carriage of raw and processed agricultural commodities, charter rates are determined according to the arrangements executed May 30, 1973 between the designated representatives of the United States and the Soviet Union. The monthly average voyage charter rate for the carriage of grain in the U.S. Gulf to Holland/Belgium trade will be used as an index number. This index number is multiplied by 1.5107 (which represents the ratio between the charter rates from the U.S. Gulf to Holland/Belgium and from the U.S. Gulf to the Black Sea in December, 1972 which were $6.09 and $9.20 respectively) to arrive at the charter rate for the carriage of raw and processed agricultural commodities from the U.S. Gulf to the Black Sea (Base Charter Rate). This Base Charter Rate is adjusted for carriage in other than the U.S. Gulf to Black Sea trade and for the carriage of barley (Adjusted Charter Rate).

2. The modification in method of rate determination for voyages fixed on or after July 1, 1973 has prompted a new formula for the abatement of subsidy. This new formula establishes a rate for each trade, above which abatement of subsidy would occur (Abatement Level). In the event charter rates in the particular trade are in excess of the Abatement Level, there will be an abatement of subsidy on such excess. An excess of $1 or less results in a subsidy abatement equal to 50 percent of that excess. Charter rates between $1 and $7 in excess of the Abatement Level result in an abatement equal to 75 percent of such excess. Excess over $7 results in abatement of subsidy by 90 percent of such excess.

3. For voyages commenced on or after August 1, 1973, the 3 and 5 year cost averages under § 294.7(b) shall be based upon the period ending at the close of the operator's fiscal year in 1972.

4. Section 294.11 has been added to require operators to notify the Maritime Administration when the subsidized voyage commences and again when the vessel has completed loading, together with information as to tonnage loaded, commodity loaded and destination.

Rulemaking involving the operating-differential subsidy program is exempt from the requirements of 60 Stat. 238, Section 4, as amended (5 U.S.C. § 553). Part 294 to Title 46, Chapter II, Code of Federal Regulations is revised to read as follows:

Sec.

294.1 Purpose.
294.2 Applications.
294.3 Definitions.
294.4 Subsidy contract.
294.5 Voyage approval procedures.
294.6 Sources of required data.
294.7 Determination of subsidy.
294.8 Leased vessels.
294.9 Charter rate determination and abatement of subsidy.
294.10 Payment of subsidy.
294.11 Preliminary voyage reporting requirements.
294.12 Final voyage reporting requirements.
294.13 Partial payment billing procedure.
294.14 Final payment billing procedure.
294.15 Renegotiation.
294.16 Effective date.

AUTHORITY: Section 204, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114).

§ 294.1 Purpose.

The regulations in this Part prescribe rules in accordance with Title VI of the Merchant Marine Act, 1936, as amended (Act), governnig the payment of operating-differential subsidy for United States-flag bulk cargo vessels engaged in carrying export bulk raw and processed agricultural commodities from ports in the United States (U.S.) to ports in the Union of Soviet Socialist Republics (U.S.S.R.) or other permissible ports of discharge, including the return voyage.

§ 294.2 Applications.

Applications for operating-differential subsidy contracts under this Part may be obtained from the Secretary, Maritime Subsidy Board (Board), Maritime Administration, Department of Commerce, Washington, D.C. 20230.

§ 294.3 Definitions.

(a) *Bulk cargo vessels.* All vessels meeting the criteria in sections 601 and 610 of the Act, whether dry-bulk, tanker or break-bulk by design, shall be bulk cargo vessels for purposes of this Part and, as such, eligible for participation in this operating-differential subsidy program.

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(b) *Foreign flag competition.* For purposes of establishing such sums as the Board determines are necessary to make the cost of operating U.S.-flag vessels competitive with the cost of operating similar vessels under the registry of a foreign country, the Board shall select a typical foreign-flag vessel which has actually participated in the carriage of export bulk raw and processed agricultural commodities from the U.S. to the U.S.S.R. In the event that it is not possible to obtain actual cost data for a selected typical vessel which has engaged in that trade the Board will establish such costs based upon the costs of a foreign-flag vessel which, in the opinion of the Board, has equivalent costs of operation.

(c) *Subsidized voyage.* (1) *Commencement.* A subsidized voyage shall commence at 0001 local time in the U.S. port of loading on the day the subsidized bulk cargo vessel:

(i) Is certified by the National Cargo Bureau, Inc., as being clean and ready to commence loading if it is at the port of loading at the time of such certification;

(ii) Arrives at the U.S. port of loading if the vessel has obtained such certification prior to its arrival at the port of loading; or

(iii) Commences loading if certification is subsequently obtained.

(2) *Termination.* A subsidized voyage shall terminate at 2400 local time on the day the subsidized bulk cargo vessel:

(i) Arrives at a U.S. port of call if it returns in ballast, provided that if the vessel returns to a U.S. port of call different from that at which it loaded cargo, the subsidized voyage shall terminate at the time the vessel would normally have returned to the port of loading, if that time is earlier;

(ii) Completes discharge of inbound cargo in a U.S. port if it has engaged in the carriage of bulk cargo in the U.S. import commerce and has not engaged in foreign-to-foreign commerce; or

(iii) Commences deviation from the general track of the normal ballast return voyage, if it engages in foreign-to-foreign commerce.

(3) *Limitation on subsidized voyage commencement and termination.* For vessels engaged in consecutive subsidized voyages, a subsidized voyage shall not commence and terminate on the same day.

(4) *Deviations to engage in U.S. import commerce.* A subsidized bulk cargo vessel shall be allowed (i) a maximum of three and one-half days steaming time and (ii) loading and unloading time, in excess of the normal total steaming time for the ballast return voyage, if the vessel engages in the carriage of bulk cargo in the U.S. import commerce. For the purpose of determining the permissible deviation under this paragraph, the total steaming time of the inbound voyage shall be compared to the normal steaming time required for the ballast return from the last port of discharge of the U.S. export cargo to the first port of discharge of the U.S. import cargo. This paragraph shall not apply to vessels which engage in foreign-to-foreign commerce during a subsidized voyage.

(5) *Idleness or delay.* The operator shall report promptly to the Board all facts and explanations thereof relating to periods of idleness or delay sustained on a subsidized voyage. The Board shall determine whether such idleness or delay could have been avoided through efficient and economical operation and whether subsidy shall be payable, in whole or in part, for such periods. If the delay was not caused by inefficient operation but it results in a reduction of operating costs, the Board shall determine the fair and reasonable amount of subsidy, if any, applicable to such period, taking into consideration the costs involved.

(6) *Ineligible voyages.* No voyages shall be eligible for subsidy during which the subsidized bulk cargo vessel carries:

(i) Cargo in the domestic commerce of the U.S.;

(ii) U.S. preference cargo, including that covered by 10 U.S.C. 2631, 46 U.S.C. 1241 and 15 U.S.C. 616a; or

(iii) Any other commercial cargo simultaneously with the export bulk raw and processed agricultural commodities being carried to the U.S.S.R., except equipment which may be needed to facilitate unloading of such agricultural commodities.

(7) *Subsidized voyage days.* For subsidy payment purposes subsidized voyage days are divided into two categories: Port days and sea days. Port days are those subsidized days (i) from commencement of a voyage to time of departure from the first loading port, (ii) from time of arrival to time of departure from any subsequent port or ports of call, and (iii) if the vessel is engaged in the bulk carriage of inbound cargo, from the time of arrival at the final discharge port until termination of the voyage. Port days are computed for the voyage on the basis of accumulated days and hours per voyage to the nearest full day. Sea days are those subsidized days within the voyage exclusive of port days and are computed for the voyage on the basis of accumulated days and hours per voyage to the nearest full day. Cumulatively port days and sea days may not exceed total approved voyage days.

§ 294.4 Subsidy contract.

(a) *Expiration.* Unless extended, contracts executed in accordance with the rules and regulations of this Part shall expire on December 31, 1973, except for purposes of renegotiations under this section and § 294.15 of this Part. Subsidized voyages in progress as of midnight of that date may continue to their termination as defined in § 294.3(c)(2) for purposes of the payment of operating-differential subsidy.

(b) *Renegotiation of contracts.* The operating-differential subsidy contract shall provide that amounts otherwise payable thereunder shall be subject to renegotiation under § 294.15 of this Part if the Board determines that the operator has earned excessive profits. In the determination of what constitutes excessive profits the Board shall consider the provisions of section 103 of the Renegotiation Act of 1951, as amended (50 U.S.C. App. 1213), and may take into consideration such other matters that the Board deems appropriate, including any other provision of said Renegotiation Act. The elimination of excessive profits shall be accomplished through the renegotiation of the operating-differential subsidy contract including withholding or recovering amounts paid or accrued with respect to any subsidized voyage. Payments received or accrued under other contracts between the operator and the Government shall not be taken into account for purposes of such renegotiation.

(c) *Subsidized voyage approval.* The operating-differential subsidy contract shall provide that each subsidized voyage must have the prior written approval of the Board. In acting upon a request for such approval, the Board will consider all pertinent facts, including the availability of appropriated funds, the most productive utilization of such funds, whether the charter rate is the maximum then obtainable, and the purposes and policies of the Act. The Board may impose such terms and conditions on its approval as it deems necessary. The Board shall not approve retroactively the subsidization of a voyage which has already commenced.

§ 294.5 Voyage approval procedures.

(a) *Requests.* All requests for the approval of a subsidized voyage must be in writing. Telegrams are acceptable. The request must contain the following data:

(i) Name of operator;

(ii) Operating-differential subsidy contract number;

(iii) Vessel name;

(iv) Charterer;

(v) Load and discharge ports;

(vi) Lay days;

(vii) Commodities and estimated tonnage;

(viii) Charter rate and terms;

(ix) Expected date of commencing the voyage;

(x) Estimated duration of voyage; including estimated number of days at sea and estimated number of days in port;

(xi) Similar data concerning U.S. import cargo if such carriage is contemplated; and

(xii) Any other data as may be deemed necessary by the Board.

(b) *Finality.* Approvals and denials of requests for subsidized voyages are final and not subject to review or appeal, except that approvals may be canceled if the operator has knowingly or negligently provided incorerct or misleading data or information to the Board. Commencement of an approved subsidized voyage shall constitute the acceptance by the operator of all terms and conditions expressed in the approval.

§ 294.6 Sources of required data.

(a) *U.S. costs.* The Board will establish the operating costs of the subsidized vessel based on statements, payrolls, invoices and other data, certified as correct by an officer of the operator, and any other sources the Board considers appropriate.

(b) *Foreign costs.* The Board will establish the operating costs of the typical foreign-flag vessel from data obtained from the Maritime Administration's foreign representatives and any other sources the Board considers appropriate.

§ 294.7 Determination of subsidy.

(a) *In general.* For purposes of this Part, the amount of operating-differential subsidy, as determined by the Board, shall not exceed the excess costs of U.S. wages of officers and crew; subsistence of officers and crew; maintenance and repairs; vessel insurance; stores, supplies and expendable equipment; fuel; and other vessel expenses over the estimated costs of the same items of expense of the typical foreign-flag vessel. An additional operating-differential subsidy amount, as determined by the Board, shall be paid for the fair and reasonable depreciation and interest costs directly attributable to the subsidized vessel, such amount not to exceed the excess of the same costs of operating a similar foreign-flag vessel. The operating-differential subsidy consisting of such excess costs will be determined as a per diem amount and shall be subject to the limitations imposed by §§ 294.(b), 294.8, 294.9 and 294.15.

(b) *U.S. costs.* The following items shall be used to establish operating costs for each subsidized vessel:

(1) *Wages of officers and crew.* Actual wage costs, including voyage payrolls, port relief crew payrolls, contributions to pension and welfare plans, social security and other taxes, and other employment costs directly attributable to the subsidized voyage;

(2) *Subsistence of officers and crew.* The net cost of food and other edibles consumed by officers and crew, including port relief crews, during the subsidized voyage, including sales taxes, government inspection fees and shipside delivery and loading costs incurred for services performed by other than the crew and reliew complements;

(3) *Maintenance and repairs.* The cost of maintenance and repairs attributable to the subsidized voyage shall be:

(i) The average cost per operating day of maintenance and repair expenses for the subsidized vessel, including costs of drydocking and special surveys, but excluding costs which are reimbursed by third parties (e.g., insurance underwriters) and costs ineligible for subsidy pursuant to Part 272 of this Chapter (except for the costs identified in § 272.11 (c)), for the five-year period preceding the current year for vessels that have been owned or leased by the operator, or a holding company, affiliate, subsidiary, or associate, for five years preceding the current year. For voyages commenced before August 1, 1973, costs previously submitted to and accepted by the Board in connection with an original application shall be utilized in determining the daily cost of maintenance and repair. For voyages commenced on and after August 1, 1973, cost data for the five-year period ending at the close of the operator's fiscal year in 1972 shall be utilized. For all voyages terminating in 1973, the cost data for the five-year period will be adjusted by the Board to January 1, 1973 by application of survey reports of the U.S. Salvage Association, Inc., and the U.S. Monthly Index Wages (Hourly Earnings in Manufacturing) published by the U.S. Bureau of Labor Statistics. Or,

(ii) The fair and reasonable cost per operating day of maintenance and repair expenses for the subsidized vessel as determined by the Board, for vessels that have not been under such ownership or lease for the five-year period;

(4) *Vessel Insurance.* Vessel insurance shall include the following costs:

(i) The fair and reasonable net insurance premium costs, after brokerage and owner's adjustments, including foreign stamp taxes, in effect for the subsidized voyage. In determining fair and reasonable costs, effect shall be given to the deductibles or franchise provisions included in the policies in effect during the three years preceding the current year (or such lesser period as the vessel has been in operation) for protection and indemnity insurance, and the five years preceding the current year (or such lesser period as the vessel has been in operation) for hull and machinery insurance, if the deductible or franchise provisions of current insurance policies differ from those in effect during such prior periods.

(ii) The fair and reasonable cost of claims for death, injury and illness of officers and crews absorbed by the operator under the deductible provision of protection and indemnity insurance policies attributable to the subsidized voyage as determined on the basis of the average cost per operating day for the subsidized vessel of such expenses paid during the three-year period preceding the current year (or such lesser period as the vessel has been in operation).

(iii) For purposes of the three-year and five-year prior period cost data referred to in paragraphs (i) and (ii) above, for voyages commenced prior to August 1, 1973 the data submitted to and accepted by the Board in connection with an original application shall be utilized; for voyages commenced on or after August 1, 1973 cost data for the three-year and five-year periods ending at the close of the operator's fiscal year in 1972 shall be utilized.

(5) *Stores, supplies and expendable equipment.* The cost of stores, supplies and expendable equipment attributable to the subsidized voyage shall be:

(i) The average cost per operating day of stores, supplies and expendable equipment expenses for the subsidized vessel for the three-year period preceding the current year, for vessels that have been owned or leased by the operator, or a holding company, affiliate, subsidiary, or associate, for three years preceding the current year. For voyages commenced before August 1, 1973, costs previously submitted to and accepted by the Board in connection with an original application shall be utilized in determining the daily cost of stores, supplies and expendable equipment. For voyages commenced on or after August 1, 1973, cost data for the three-year period ending at the close of the operator's fiscal year in 1972 shall be utilized. For all voyages terminating in 1973, the cost data for the three-year period will be adjusted by the Board to January 1, 1973, by application of the U.S. Wholesale Price Index of Total Manufacturers. Or,

(ii) The fair and reasonable cost per operating day of stores, supplies and expendable equipment expenses for the subsidized vessel as determined by the Board, for vessels that have not been under such ownership or lease for the three-year period.

(6) *Fuel.* The actual cost of fuel consumed at sea and in port during the subsidized voyage, including taxes and delivery costs, after taking into account bunkers on board upon commencement and termination of the subsidized voyage;

(7) *Other vessel expenses.* The actual cost of miscellaneous expenses directly attributable to the subsidized voyage and incident to the management and maintenance of the subsidized vessel. Items as exemplified in the partial list at § 282.764 of this Chapter will be utilized, as appropriate;

(8) *Vessel depreciation.* The depreciation expense of the subsidized vessel for the period of the subsidized voyage shall be the actual unsubsidized construction cost, reconstruction cost or purchase cost of the subsidized vessel depreciated on a straight-line basis over the economic life of the vessel actually used by the operator to depreciate such construction, reconstruction or purchase cost, after taking into account the actual residual value of the vessel used by the operator for financial accounting purposes; and

(9) *Interest expense attributable to vessel indebtedness.* The interest expense of the subsidized vessel for the period of the subsidized voyage shall be the interest expense directly attributable to indebtedness incurred in connection with the construction, reconstruction or purchase of the subsidized vessel as determined by analysis of the date and principal amount of the debt, the principal amortization schedule, the interest rate and the scheduled payments of principal and interest during the period of the subsidy contract.

(c) *Foreign costs.* The following items shall be used to establish operating costs of the typical foreign-flag vessel:

(1) *Actual cost items.* The following operating costs of the selected typical vessel shall be taken at current actual figures, and, if such data are not current,

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then they shall be adjusted to the current cost level by appropriate indices contained in the International Financial Statistics published by the International Monetary Fund or the Monthly Bulletin of Statistics published by the United Nations:

(i) Wages of officers and crew;
(ii) Subsistence of officers and crew;
(iii) Maintenance and repairs;
(iv) Vessel insurance;
(v) Stores, supplies and expendable equipment;
(vi) Fuel; and
(vii) Other vessel expenses.

(2) *Vessel depreciation.* Depreciation expense shall be based on the cost of constructing or reconstructing the U.S. subsidized vessel in a representative foreign shipbuilding center or purchasing the vessel at world market price, which cost shall be depreciated on a straight-line basis over the same economic life actually used by the operator for the subsidized vessel in order to determine the foreign depreciation of such construction, reconstruction or purchase cost, after taking into account the residual value of the vessel actually used by the operator for financial accounting purposes.

(3) *Interest expense attributable to vessel indebtedness.* Interest expense shall be determined by assuming the same interest rate, repayment term, and method of principal amortization as those that actually exist for the subsidized vessel, and by applying those terms to obtain the interest which would be payable if the original principal of the debt had been the same percentage of the foreign cost of construction, reconstruction or purchase as the original construction, reconstruction or purchase debt of the subsidized vessel was of its construction, reconstruction or purchase cost.

(d) *Review.* The Board shall review the costs of each voyage for which subsidy is being sought and shall disallow for subsidy any cost resulting from inefficient or uneconomical operation.

§ 294.8 Leased Vessels.

(a) *In general.* Section 601 of the Act provides that an applicant for operating-differential subsidy must own or lease the subsidized vessel. For purposes of this Part the term "leased vessels" includes only vessels leased under a bareboat charter party.

(b) *Calculation of vessel depreciation and interest expense attributable to vessel indebtedness.* (1) *In general.* For purposes of determining the U.S. cost of vessel depreciation and interest expense attributable to vessel indebtedness in paragraphs 7(b) (8) and (9) of § 294.7 for leased vessels, the appropriate data of the owner shall be used. In the event that the charterer cannot obtain such data from the owner, no subsidy will be paid in respect to those items.

(2) *Limitation.* In calculating the subsidy payable with respect to vessel depreciation and interest expense attributable to vessel indebtedness for leased vessel, U.S. costs for such items of expense in excess of the bareboat charter hire shall not be taken into account.

§ 294.9 Charter rate determination and abatement of subsidy.

(a) *Fixtures made before July 1, 1973*—(1) *Charter rate determination.* Under the terms agreed to in connection with the signing of the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding Certain Maritime Matters, October 14, 1972, fixtures made before July 1, 1973 for shipments of bulk raw and processed agricultural commodities from the U.S. to the U.S.S.R. were to be made on U.S.-flag vessels at the higher of:

(i) A rate for the cargo and route involved based upon the average of market charter rates for the years 1969, 1970 and 1971; or

(ii) The current market charter rate for the cargo and route involved (where such market charter rates did not exist, a rate would be determined by agreed adjustments to current market charter rates for the most comparable cargo and route) plus a rate premium of 10 percent of such rate.

(2) *Adjustments.* (i) In general. If calculated according to clause (i) above, the charter rate for carriage other than in the U.S. Gulf/Black Sea trade (Base Rate: $8.05) and for the carriage of barley was adjusted as follows:

Trade	*Adjustment to base rate (per long ton)*	
U.S. Gulf/Baltic	−$.30	Plus $1.00 per long ton, F.I.O.T. if scheduled date of arrival is between Nov. 1 and Apr. 30
U.S. Gulf/Soviet Pacific	+$2.00	
U.S.N.H./Black Sea	−$.50	
U.S.N.H./Baltic	−$.50	Plus $1.00 per long ton, F.I.O.T. if scheduled date of arrival Baltic is between Nov. 1 and Apr. 30
U.S. Pacific/Soviet Pacific	+$.50	

(ii) Barley. For the carriage of barley, an additional $.40 per long ton shall be added.

(3) *Abatement determination.* The operating-differential subsidy otherwise payable on voyages fixed before July 1, 1973 under this Part shall be subject to abatement on a voyage basis when fixtures are made and carriage occurs at the rate referred to in paragraph (a) (1) (ii). The abatement shall be comprised of two portions, one associated with the 10 percent rate premium and the second associated with the current market charter rate.

(i) To the extent that the charter rate exceeds the three-year average rate for the cargo and route involved as established under that Agreement and related letters, the amount of the rate premium abatement shall be equal to 100 percent of the revenue per ton attributable to the 10 percent rate premium. The commission attributable to the amount subject to abatement will be deducted from the abatement. For example, if the current market charter rate is $7.80 per ton, the minimum rate under the Agreement is 110 percent of $7.80 or $8.58 per ton. The amount subject to abatement in this case would be $.53 per ton, which is the amount by which the premium causes the charter rate to exceed the three-year average rate of $8.05 per ton. The abatement would be reduced by the amount of commission paid by the operator which is attributable to the $.53 per ton.

(ii) The amount of the current market charter rate abatement per ton shall be determined by multiplying the freight rate increments in the left hand column of the table below by the percentages in the right hand column. The commission attributable to the amount subject to abatement will be deducted from such abatement.

Charter rate increment	*Percentage*
For the first $.95 per ton that the rate in paragraph (a) (1) (ii), exclusive of the rate premium, exceeds the rate in paragraph (a) (1) (i), the percentage is	0
For the amount that such excess is between $.95 per ton and $1.95 per ton, the percentage is	50
For the amount that such excess is over $1.95 per ton, the percentage is	75

(4) *Example.* The provisions of this paragraph are illustrated by the following example:

A vessel is fixed for the carriage of U.S. export grain to the U.S.S.R. at a charter rate of $12.10 per ton, F.I.O.T. consisting of $11.00 representing the current market charter rate of $11.00 plus a rate premium of $1.10. The commission rate per the terms of the charter party is 3¾ percent of charter revenue. The average market charter rate for such cargo and route for the years 1969, 1970 and 1971 as established under the Agreement and related letters is $8.05 per ton.

Subsidy abatement is determined as follows:

	Per ton F.I.O.T.
Current market charter rate	$11.00
Add 10% premium	1.10
Fixture rate	$12.10
Less average of market charter rates for the years 1969, 1970 and 1971	8.05
Difference	$ 4.05
Abatement of subsidy per ton of cargo carried:	
Abatement attributable to the premium:	
Gross premium	$ 1.10
Less commissions at 3¾%	.04125
Net revenue	$ 1.05875
Abatement percentage	100%
Abatement per ton	$1.05875
Abatement attributable to the excess of the current market charter rate over the average of market charter rates for 1969, 1970 and 1971	*Per ton F.I.O.T.*
Excess of $.95 or less	$ .95
Less commissions at 3¾%	.035625
Net revenue	.914375
Abatement percentage	0%
Abatement per ton	0
Excess between $.95 and $1.95	$ 1.00
Less commissions at 3¾%	.0375
Net revenue	.9625
Abatement percentage	50%
Abatement per ton	.48125
Excess over $1.95	$ 1.00
Less commissions at 3¾%	.0375
Net revenue	.9625
Abatement percentage	75%
Abatement per ton	.721875
Total abatement of subsidy per ton of cargo carried	$2.261875

(b) *Fixtures made on or after July 1, 1973*—(1) *Charter rate determination.* Under the additional arrangements executed May 30, 1973, concerning the implementation of the Agreement Between the Government of the United States and the Government of the Union of Soviet Socialist Republics Regarding Certain Maritime Matters signed October 14, 1972, fixtures made on or after July 1, 1973, for the carriage of bulk raw and processed agricultural commodities from the U.S. to the U.S.S.R. will be made at a charter rate determined as follows:

(i) *Index number.* The monthly average voyage charter rate for the carriage of grain in the U.S. Gulf to Holland/Belgium trade as listed in the *Daily Freight Register*, published by U. K. Publications, Ltd., London, England on or about the fifth day of the month for the preceding month shall serve as an index number.

The index number for the month of May as published in the *Daily Freight Register* on June 4, 1973, shall be applicable for fixtures made during the period July 1 through July 9, 1973. Thereafter, the index number published every month shall be effective for fixtures made from the 10th day of that month to the 9th day of the following month. In the event that a monthly average voyage charter rate for the carriage of grain in the U.S. Gulf to Holland/Belgium trade is not published in a given month, the index number will remain unchanged until a new rate for that trade is published.

(ii) *Base Charter Rate.* A Base Charter Rate shall be established monthly for the U.S. Gulf/Black Sea trade by multiplying the index number by 1.5107.

(iii) *Adjusted Charter Rate.* (A) In general. For the carriage of bulk raw and processed agricultural commodities in other than the U.S. Gulf/Black Sea trade and for the carriage of barley, the Base Charter Rate shall be adjusted as follows:

Trade	*Adjustment to Base Charter Rate*	
U.S. Gulf/Baltic	−$.55	Plus $1.00 per long ton, F.I.O.T. if scheduled date of arrival is between Nov. 1 and Apr. 30
U.S. Gulf/Soviet Pacific	+$3.75	
U.S.N.H./Black Sea	−$.95	
U.S.N.H./Baltic	−$.95	Plus $1.00 per long ton, F.I.O.T. if scheduled date of arrival Baltic is between Nov. 1 and Apr. 30
U.S. Pacific/Soviet Pacific	+$.95	

(B) *Barley.* For the carriage of barley, the charter rates provided above will be increased by $.40 per long ton.

(2) *Abatement determination.* (i) In general. The operating-differential subsidy otherwise payable on fixtures made on or after July 1, 1973 under this Part shall be subject to abatement on a voyage basis.

(ii) *Abatement Level.* (A) In general. When the charter rate is the same as or less than the amounts shown in the table below, no abatement will occur.

Trade	*Abatement Level (per long ton)*	
U.S. Gulf/Black Sea	$9.00	
U.S. Gulf/Baltic	$8.70	Plus $1.00 if arrival is between Nov. 1 and Apr. 30
U.S. Gulf/Soviet Pacific	$11.00	
U.S.N.H./Black Sea	$8.50	
U.S.N.H./Baltic	$8.50	Plus $1.00 if arrival is between Nov. 1 and Apr. 30
U.S. Pacific/Soviet Pacific	$9.50	

(B) Barley—The Abatement Level for carriage of barley shall be at the amounts indicated above plus $.40 per long ton.

(iii) *Abatement.* To the extent that the charter rate exceeds the Abatement Level, the payment of subsidy will be abated as indicated below. The Commission payable under the charter party attributable to the amount subject to abatement will be deducted from the abatement.

Excess of charter rate above Abatement Level	*Percent of Abatement per long ton*
$1.00 or less	50%
$1.00 to $7.00	75%
Over $7.00	90%

(iv) *Example.* The provisions of this paragraph are illustrated by the following example.

A vessel is fixed for the carriage of U.S. export grain (non-barley from U.S. Gulf port to Black Sea port at a charter rate of $17.12 per ton, F.I.O.T. The Commission rate is 3¾ percent of the freight revenue.

Charter rate	$17.12
Abatement Level (U.S. Gulf/Black Sea)	9.00
Excess subject to abatement	$8.12
Excess of $1.00 or less	$1.00
Less commission (at 3¾%)	(.0375)
Net revenue	.9625
Abatement percentage	50%
Abatement amount	$.48125
Excess between $1.00 and $7.00	$6.00
Less commission (at 3¾%)	(.225)
Net revenue	5.775
Abatement percentage	75%
Abatement amount	$4.33125
Excess over $7.00	$1.12
Less commission (at 3¾%)	(.042)
Abatement percentage	90%
Net revenue	1.078
Abatement amount	$.97020
Total Abatement of subsidy per ton of cargo carried	$5.78270

§ 294.10 Payment of subsidy.

(a) *Tentative per diem subsidy*—(1) *In general.* A tentative per diem subsidy amount (rounded to the nearest dollar) for each subsidized vessel will be incorporated in the operating-differential subsidy contract for wages of officers and crew, subsistence of officers and crew, vessel insurance, fuel, other vessel expenses, vessel depreciation, interest expense attributable to vessel indebtedness, maintenance and repairs and stores, supplies and expendable equipment. Such tentative subsidy amounts for maintenance and repairs and stores, supplies and expendable equipment also will be stated as differential percentages (rounded to two decimal places).

(2) *Partial payment.* After termination of an approved voyage, the operator shall be paid the following subsidy which shall be abated by an amount determined pursuant to section 294.9 and subject to reductions in subsidy pursuant to paragraph (c) of § 294.13.

(i) Ninety percent of the algebraic sum of the tentative per diem subsidy amounts for wages of officers and crew, subsistence of officers and crew, vessel insurance, fuel, other vessel expenses, vessel depreciation and interest expense attributable to vessel indebtedness, less any negative per diem amounts for maintenance and repairs and stores, supplies and expendable equipment, for each approved voyage day, and

(ii) An amount determined by multiplying any positive differential percentages for maintenance and repairs or stores, supplies and expendable equipment by the costs incurred for such items by the operator in any of the United States or the Commonwealth of Puerto Rico subsequent to commencement of the approved voyage but not to exceed ninety percent of the tentative per diem amounts for such items for each approved voyage day.

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(b) *Final per diem subsidy*—(1) *In general.* As soon as practicable after termination of an approved voyage, and after verification of historical cost data and expenses attributable to the approved voyage, a final per diem subsidy amount (rounded to the nearest dollar) for the vessel will be incorporated in the operating-differential subsidy contract for wages of officers and crew, subsistence of officers and crew, vessel insurance, fuel, other vessel expenses, vessel depreciation, interest expense attributable to vessel indebtedness, maintenance and repairs and stores, supplies and expendable equipment. Such final subsidy amounts for maintenance and repairs and stores, supplies and expendable equipment also will be stated as differential percentages (rounded to two decimal places).

(2) *Final payment.* After final per diem amounts and differential percentages for the subsidized vessel on the approved voyage are incorporated in the operating-differential subsidy contract, the operator shall be paid subsidy as follows:

(i) The balance due of the algebraic sum of the final per diem subsidy amounts for wages of officers and crew, subsistence of officers and crew, vessel insurance, fuel, other vessel expenses, vessel depreciation and interest expense attributable to vessel indebtedness, less any negative per diem amounts for maintenance and repairs and stores, supplies and expendable equipment, for each approved voyage day, and

(ii) The balance due of an amount determined by multiplying any positive differential percentages for maintenance and repairs or stores, supplies and expendable equipment by the costs incurred for such items by the operator in any of the United States or the Commonwealth of Puerto Rico during the five-year period following commencement of the approved voyage but not to exceed the total final per diem subsidy amounts for such items for each approved voyage day. If the operator sells, transfers or otherwise disposes of its interest in the subsidized vessel within such five-year period, no outstanding accruals of such total per diem amounts shall be paid unless the Board executes a separate agreement governing such payments.

§ 294.11 Preliminary voyage reporting requirements.

(1) *Commencement of subsidized voyage.* The operator shall notify the Assistant Administrator for Maritime Aids, Maritime Administration, Washington, D.C. 20230 by telex or other appropriate means when the subsidized voyage commences, as defined in paragraph (c)(1) of § 294.3. A copy of that report shall be sent to the Region Director of the Region in which the operator is headquartered.

(2) *Departure from port of loading.* The operator shall notify the Assistant Administrator for Maritime Aids, Maritime Administration, Washington, D.C. 20230 by telex or other appropriate means upon departure from port of loading. Such notification shall specify quantity, commodity and charter rate of cargo carried and destination. A copy of that report shall be sent to the Region Director of the Region in which the operator is headquartered.

§ 294.12 Final voyage reporting requirements.

(a) *In general.* In order to determine compliance with the requirements of the operating-differential subsidy contract and this Part, a Final Voyage Report is required to be submitted to the Office of Subsidy Administration, Maritime Administration, Washington, D.C. 20230, after termination of each approved voyage but prior to or simultaneously with the first billing for the partial payment as specified in paragraph (a)(2) of § 294.10 and § 294.13.

(b) *Contents of report.* The report shall include the following items to the extent they are applicable to the approved voyage:

(1) *Name of vessel.*

(2) *Contract number.*

(3) *A copy of the Certificate of Readiness issued by the National Cargo Bureau.*

(4) *U.S. loading port(s)*: Following information by port:

(i) Date and time of arrival.

(ii) Date and time of commencement of loading.

(iii) Date and time of completion of loading.

(iv) Date and time of departure.

(v) Quantity, commodity and charter rate of cargo loaded.

(5) *Foreign discharge port(s)*: Following information by port:

(i) Date and time of arrival.

(ii) Date and time of commencement of discharge.

(iii) Date and time of completion of discharge.

(iv) Date and time of departure.

(v) Quantity and commodity discharged.

(6) *Bunkering port(s)*: (If other than loading or discharge port):

(i) Date and time of arrival.

(ii) Date and time of departure.

(7) *Foreign loading port (s)*: Following information by port, if applicable:

(i) Date and time arrival.

(ii) Date and time of commencement of loading.

(iii) Date and time of completion of loading.

(iv) Date and time of departure.

(v) Quantity, and commodity of cargo loaded by port(s) of destination.

(8) *U.S. discharge port(s): Following information regarding discharge of U.S. import cargo by port, if applicable:*

(i) Date and time of arrival.

(ii) Date and time of commencement of discharge.

(iii) Date and time of completion of discharge.

(iv) Quantity and commodity discharged.

(9) *U.S. port of arrival in ballast:*

(i) If port of arrival is the same as that at which vessel loaded outbound cargo: Date and time of arrival.

(ii) If port of arrival is different from that at which vessel loaded outbound cargo: Estimated date and time vessel would have arrived at U.S. port at which outbound cargo was loaded.

(10) *If the vessel engaged in the carriage of U.S. import cargo during the subsidized voyage:* Estimated number of days and hours that the steaming time of the inbound voyage exceeded the normal steaming time for a ballast return voyage from the last port of discharge of the U.S. export cargo to the first port of discharge of the U.S. import cargo.

(11) *If the vessel engaged in the carriage of foreign-to-foreign trade:* The date and hour that the vessel deviated from the general track of the normal ballast return voyage.

(12) *Number of subsidized days:*

(i) Days at sea.

(ii) Days in port.

(iii) Total subsidized days.

(13) *Delays.* The report must contain a detailed explanation of (i) any period of idleness or delay in excess of 2 days more than the normal operating time in port or (ii) any excessive delay at sea.

(c) *Submission.* The Final Voyage Report shall be submitted in duplicate and certified as correct by an official of the subsidized company.

(d) *Approval of voyage days.* After review, the operator will be notified by letter of the approved voyage days, in port and at sea, for use in preparing subsequent billings with respect to the subsidized voyage.

§ 294.13 Partial payment billing procedure.

(a) *In general.* Upon termination of an approved voyage a partial payment billing may be submitted for payment of an amount not to exceed 90 percent of the estimated operating-differential subsidy due in accordance with § 294.10(a)(2). The partial payment billing is to be prepared using the voyage days reported on the Final Voyage Report submitted pursuant to § 294.12 and the tentative per diem subsidy amounts and differential percentages incorporated in the operating-differential subsidy contract. If the Board has approved a different number of subsidized voyage days than reported on the Final Voyage Report, partial payment shall be based on the approved voyage days.

(b) *Partial payments of subsidy applicable to maintenance and repairs and stores, supplies and expendable equipment*—(1) *Negative differentials.* If the tentative per diem subsidy amounts incorporated in the contract for maintenance and repairs and/or stores, supplies and expendable equipment are negative, the partial payment will be reduced by 90 percent of the product of such negative per diem amount times the number of subsidized voyage days.

(2) *Positive differentials.* If the tentative per diem subsidy amounts incorporated in the contract for maintenance and repairs and/or stores, supplies and expendable equipment are positive, the partial payment will be limited to the lesser of (i) an amount determined by multiplying the differential percentage for such category of expense by the costs incurred for such items by the operator in any of the United States or the Commonwealth of Puerto Rico subsequent to commencement of the subsidized voyage or (ii) 90 percent of the tentative per diem amounts for such category of expense times the number of subsidized voyage days.

(c) *Reduction in subsidy payments.*

(1) *Reduction in subsidy payments due to deviations, idleness or delay.* In accordance with paragraph (c)(4) of § 294.3 a subsidized vessel is allowed a maximum of 3½ days steaming time in excess of the normal total steaming time for a ballast return voyage when engaging in the carriage of bulk cargo in U.S. import commerce. Any time in excess of the allowable 3½ days steaming time plus loading and unloading time will result in a reduction of subsidy. Similarly, any time that is disallowed by the Board as a result of periods of idleness or delay pursuant to paragraph (c)(5) of § 294.3 will result in a reduction in subsidy. The required reduction in subsidy will be accomplished on Schedule A of the billing format set out in § 294.13(e) by reducing the "total voyage days" by the excess deviation time or unallowable period of idleness or delay to determine the "subsidized voyage days."

(2) *Reduction in subsidy payments due to reduced operating costs during periods of idleness or delay.* Reductions in costs during periods of idleness or delay will result in a reduction in subsidy. For partial payment billing purposes, a reduction in the amount of subsidy payable shall be effected through a reduction in the tentative wage subsidy amount applicable to the periods of idleness or delay. The reduction of the subsidy shall be computed as follows:

(i) The tentative wage per diem subsidy amount incorporated into the operating-differential subsidy contract shall be divided by the number of crew shown in the manning scale incorporated into the operating-differential subsidy contract to determine the average tentative wage per man per diem subsidy amount.

(ii) A man-day reduction shall be computed by multiplying the number of crew reduced below the contractual manning scale (regardless of crew rating) by the number of days of such reduction. If there is more than one crew reduction, the separate man-day crew reductions shall be totaled to determine the total man-day crew reduction. For example, if, for the first four days of the idle or delay period, the crew was reduced by six members and for the next twenty days, the crew was further reduced by 18 more crew members for a total crew reduction of 24, the total man-day crew reduction for the period would be 504 (six crew members for four days equal 24 man-days; 18 crew members plus six crew members, a total of 24 crew members, for twenty days equal 480 man-days).

(iii) The reduced accrued tentative wage subsidy amount shall be derived by multiplying the average tentative wage per man per diem subsidy amount by the total man-day crew reduction.

(iv) Ninety percent of the reduced accrued tentative wage subsidy shall be deducted from the partial payment billing vouchers.

(d) *Reduction in subsidy payments applicable to abatements.* The total subsidy determined as above will be reduced by the amount of the abatement calculated pursuant to § 294.9.

(e) *Forms.* The partial payment billing is to be prepared on a public voucher, standard forms 1034 and 1034a which can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 and is to be submitted in five copies, made up of an original, (SF 1034), supported as set forth below, three supported copies and one unsupported copy (SF 1034a). The unsupported copy will be returned to the payee by the Treasury Department. The following schedules are to be used for computing the operating-differential subsidy due and as support of the public voucher. Each operator shall furnish its own required supply of these schedules.

SCHEDULE A

_____ (Company) MA/MSB _____

Calculation of Operating-Differential Subsidy Due for Operations in Connection with the Carriage of Bulk Agricultural Commodities from the United States to the Union of Soviet Socialist Republics

Vessel Name _____
Voyage Number _____
Voyage Dates: From _____ To _____

Total Voyage Days:			
Nonsubsidized Voyage Days:			
Deviation in Excess of 3½ Days			
Idle and Delay Periods			
Other (Describe)			
Subdidized Voyage Days			
Subsidy Payable:			
Tentative ( ) Final ( )	*Per Diem*	*Subsidized Voyage Days*	*Total Subsidy*
Wages	$		$
Subsistence			
Vessel Insurance			
Fuel:			
At Sea			
In Port			
Other Vessel Expenses			
Vessel Depreciation			
Interest Expense on Vessel Indebtedness			
1. Gross Subsidy before M&R and SS&E Subsidy and Deductions			$
2. Partial Payment—90% of Item 1			
Final Payment—100% of Item 1			
3. Add:			
a. Maintenance and Repairs Subsidy (Schedule A–1)			
b. Stores, Supplies and Expendable Equipment Subsidy (Schedule A–2)			
4. Subsidy Payable before Deductions			
5. Deductions:			
a. Abatement (Schedule A–3 or A–3a)	$		
b. Crew Reduction (Schedule A–4)			
Total Deductions			
6. Subsidy Payable after Deductions			
7. Less Subsidy Previously Paid for this Voyage			
8. Subsidy Payable this Voucher			$

(Show negative amounts in brackets)

SCHEDULE A–1

_____ (COMPANY)

Computation of Maintenance and Repairs Subsidy

Vessel _____ Voyage _____

		Total
I. M&R Subsidy Based on Expenses Paid:		
a. Total M&R Expenses (see note)		$
b. M&R Subsidy Percentage		%
c. M&R Subsidy (a × b)		$
II. M&R Subsidy Based on Per Diem Amount:		
a. M&R Per Diem Amount [1]		
b. Subsidized Voyage Days (Schedule A)		
c. M&R Subsidy (a × b)		
d. 90% of IIc		$
III. M&R Subsidy Payable:		
Partial—Limited to the lesser amount on Ic or IId		
Final—Limited to the lesser amount on Ic or IIc		[2] $

[1] Show negative per diem amounts in brackets.
[2] Enter on line 3a Schedule A.

NOTE: For purpose of supplemental partial payment or final payment of ODS on M&R expenses covering the five year period following the commencement of this voyage (§ 294.10(b)(2)(ii)) the cumulative M&R expenses should be shown on line Ia.

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SCHEDULE A-3a

(Company)

Computation of Abatement
For Fixtures Made on or After July 1, 1973

Vessel _____ Voyage _____
Voyage Commencement Date _____ Voyage Termination Date _____
Trade _____
Computation of Abatement Per Ton of Cargo Carried:
Charter rate _____
Abatement Level for Trade (§ 294.9(b)(2)(iii)) _____
Excess _____

Excess of $1.00 or less	$ _____
Less commissions at _____%	_____
Net revenue per ton	_____
Abatement percentage	50%
Abatement at 50%	_____
Excess between $1.00 and $7.00	$ _____
Less commissions at _____%	_____
Net revenue per ton	_____
Abatement percentage	75%
Abatement at 75%	_____
Excess over $7.00	$ _____
Less commissions at _____%	_____
Net revenue per ton	_____
Abatement percentage	90%
Abatement at 90%	_____
Total abatement per ton of cargo carried	(a) _____

Abatement of Subsidy:
Total tons of cargo carried _____
Abatement per ton of cargo carried [1] _____ (b) _____
Abatement of Subsidy _____ $ _____

[1] Enter on line 5a of Schedule A.

SCHEDULE A-4

(Company)

Reduction of Accrued Tentative Wage Subsidy Due to Crew Reduction

Vessel _____ Voyage _____
Port _____
Period of Crew Reduction: From _____ To _____
I. Man-Day Crew Reduction:

(1) Days Crew Reduced	(2) Number of Crew Reduced	(3) Man-Day Crew Reduction (col. (1)×(2))
	XXXXXXXXXXX	

II. Reduction of Accrued Tentative Wage Per Diem Subsidy:

a. Tentative Wage Per Diem Subsidy Amount (per ODS contract)	$ _____
b. Total Crew (per Manning Scale-O DS contract)	_____
c. Reduced Accrued Tentative Wage Per Diem Subsidy Amount (IIa÷IIb)	$ _____
d. Reduced Accrued Tentative Wage Subsidy (Ic×Ia)	$ _____
e. 90% of Reduced Accrued Tentative Wage Subsidy (90% of IId) (Enter on line 5b of Schedule A)	$ _____

SCHEDULE A-2

(Company)

Computation of Stores, Supplies and Expendable Equipment Subsidy

Vessel _____ Voyage _____

	Total
I. SS&E Subsidy Based on Expenses Paid:	
a. Total SS&E Expenses (see note)	$ _____
b. Less Subsidy Ineligible	_____%
c. SS&E Subsidy (a×b)	$ _____
II. SS&E Subsidy Based on Per Diem Amount:	
a. SS&E Per Diem Amount (Schedule A)	$ _____
b. Total Subsidized Voyage Days	_____
c. SS&E Subsidy (a×b)	$ _____
d. 90% of IIc	_____
III. SS&E Subsidy Payable:	
Partial—Limited to the lesser amount on Ic or IId	$ _____
Final—Limited to the lesser amount on Ic or IIc	[2] _____

[1] Show negative per diem amounts in brackets.
[2] Enter on line 5d Schedule A.

NOTE: For purpose of supplemental partial payment or final payment of OUS on SS&E expenses covering the first year of operation following the commencement of this voyage (§ 294.10(b)(2)(iii)) the cumulative SS&E expenses should be shown on line 1a.

SCHEDULE A-3

(Company)

Computation of Abatement For Fixtures Made Before July 1, 1973

Vessel _____ Voyage _____

Current market charter rate per ton	$ _____
Add 1c premium	_____
Effective rate	_____
Less average of market charter rates (for the last three years)	18.05
Difference	$ _____
Computation of Abatement per ton of Cargo Carried:	
Abatement Attributable to the Premium:	
Gross premium per ton	_____
Less commissions @ _____%	_____
Net premium per ton	_____
Abatement percentage	100%
Abatement at 100%	$ _____
Abatement attributable to the excess of the current market charter rate over the average of market charter rates for the last three years:	
Excess over $5.95 and $1.95	_____
Less commissions @ _____%	_____
Net revenue per ton	_____
Abatement percentage	0%
Abatement at 0%	$ 0
Excess between $5.95 and $1.95	_____
Less commissions @ _____%	_____
Net revenue per ton	_____
Abatement percentage	50%
Abatement at 50%	$ _____
Excess over $1.95	_____
Less commissions @ _____%	_____
Net revenue per ton	_____
Abatement percentage	75%
Abatement at 75%	$ _____
Total abatement per ton of cargo carried	(a) $ _____
Abatement of Subsidy:	
Total tons of cargo carried	_____
Abatement per ton of cargo carried	(b) $ _____
Abatement of Subsidy	[1] $ _____

[1] For U.S. Gulf Port to Soviet Black Sea Port
[2] Enter on line 5a of Schedule A

(f) *Operator's affidavit.* An operator's affidavit, substantially in the form shown below, is to be submitted with each billing.

AFFIDAVIT

State of _____,
City of _____,
County/Parish of _____,
I, _____ being duly sworn, depose and say, that I am _____ of _____ (herein referred to as the "Operator"), and as such am familiar with (a) the provisions of the Operating-Differential Subsidy Agreement, Contract No. _____ dated as of _____, to which the Operator is a party, and (b) the operation of the vessel(s) covered by said Agreement; and (c) the accounts, books, records and disbursements of the Operator relating to such operation.

Referring to the public voucher dated _____, covering (vessel name) _____, on a voyage which commenced _____ and terminated, _____, and attached, submitted by said Operator concurrently herewith for a payment on account in the sum of _____, under said Agreement, the Operator has fully complied with the terms and conditions of said Agreement and applicable orders, regulations, rulings and provisions of the Merchant Marine Act, 1936, as amended, and is entitled under the provisions of said Agreement and orders, regulations and rulings applicable thereto, to the amount of the payment on account requested; and further depose and say that the vessel named in the attached schedules was in authorized service for the voyage on which the payment on account is requested and has not included in the calculations of the amount of subsidy claimed in the attached voucher any costs of a character that the Maritime Administration, or Secretary of Commerce, acting by and through the Maritime Subsidy Board, or any predecessor or successor, had advised the Operator to be ineligible to be so included, or any costs collectible from insurance, or from any other source; and further depose and say that during the course of this voyage the vessel named did not carry (1) any cargo in the domestic commerce of the United States; or (2) any U.S. preference cargo, including that covered by 10 U.S.C. 2631, 46 U.S.C. 1241 and 15 U.S.C. 616a; or (3) any other commercial cargo simultaneously with the export bulk raw and processed agricultural commodities being carried to the U.S.S.R. except equipment which may be needed to facilitate unloading of such agricultural commodities.

Payment by the Maritime Administration of all or part of the amount claimed herein shall not be construed as approval as the correctness of the amount stated to have been due, nor a waiver of any right or remedy the Maritime Administration, or Secretary of Commerce, acting by and through the Maritime Subsidy Board, or any predecessor or successor, may have under the terms of said Agreement, or otherwise.

I further depose and say that this affidavit is made for and on behalf and at the direction of the Operator for the purpose of inducing the Maritime Administration to make a payment on account pursuant to the provisions of the aforesaid Operating-Differential Subsidy Agreement.

Subscribed and sworn to before me, a Notary Public, in and for the aforesaid County and State, this ____ day of _____, 19__. My commission expires _____

_____
Notary Public.

(g) *Submission of partial payment billing.* The partial payment billing is to be submitted to the Maritime Administration, Office of Budget and Accounts, Washington, D.C. 20230 for processing and payment.

(h) *Supplemental partial payment billing.* Supplemental partial payment billings for maintenance and repairs and store supplies and expendable equipment costs incurred by the operator in any of the United States or the Commonwealth of Puerto Rico subsequent to the preparation of the initial partial payment billing may be submitted not more frequently than once every 30 calendar days. Supplemental partial payment billings will be prepared and submitted in the same manner as the initial partial payment billing.

§ 294.14 Final payment billing procedure.

(a) *In general.* This section sets forth the procedures for the final payment billings and supplemental final payment billings by an operator. An operator may make final payment billings after the Maritime Administration completes audit of the operator's historical costs, subsidizable costs and revenues from the carriage of bulk raw and processed agricultural commodities from the U.S. to the U.S.S.R. This section provides rules for the conduct of the audit and specifies when an operator may make final payment or supplemental final payment

(b) *Audit*—(1) *In general.* Audit consists of verification by the Maritime Administration of the following four items in respect to each subsidized vessel:

(i) Historical costs;

(ii) Actual subsidizable costs incurred on the subsidized voyage;

(iii) Actual costs of maintenance and repairs (M&R) and stores, supplies and expendable equipment (SS&E) incurred in any of the United States or the Commonwealth of Puerto Rico after commencement of the subsidizable voyage; and

(iv) Revenues earned on the subsidized voyage for the carriage of bulk raw and processed agricultural commodities from the U.S. to the U.S.S.R.

(2) *Information necessary for audit.* In order to perform the audit, the operator must submit all documents relating to the items specified in subparagraph (1) of this paragraph. These documents include, but are not limited to:

(i) Historical costs:

(A) *M&R*—invoices (as directed by the Maritime Administration) of suppliers and repair yards in support of costs paid during the five-year period preceding the current year which were submitted to the Board for tentative subsidy per diem calculation purposes;

(B) *Protection and indemnity insurance deductible absorptions*—crew injury, illness and death claim records and files compiled in connection with costs absorbed and paid under protection and indemnity insurance policy during the three-year period preceding the current year or such lesser period as the vessel has been in operation, which were submitted to the Board for tentative subsidy per diem calculation purposes;

(C) Deductible provisions of protection and indemnity insurance policies in effect during the 3 years preceding the current year and deductible provisions of hull and machinery insurance policies in effect during the 5 years preceding the current year.

(D) *SS&E*—invoices (as directed by the Maritime Administration) of suppliers in support of costs paid during the three-year period preceding the current year which were submitted to the Board for tentative subsidy per diem calculation purposes.

(ii) Actual subsidizable costs incurred on the subsidized voyage:

(A) *Wages of officers and crew*—voyage and port payrolls including overtime supports, individual pay vouchers, computation of payroll taxes and the various payroll contributions payable under collective bargaining agreements for the period of the subsidized voyage;

(B) *Subsistence of officers and crew*—computation of subsistence inventories aboard vessel both at the commencement and the termination of the subsidized voyage, vendors' invoices and delivery receipts for subsistence stores purchased; vendors's invoices for loading of subsistence stores aboard vessel;

(C) *Vessel insurance*—protection and indemnity insurance and hull and machinery insurance policies in effect during the subsidized voyage and applicable premium invoices, general and particular average claim files;

(D) *Fuel*—computation of fuel inventories aboard vessel both at the commencement and the termination of the subsidized voyage, vendors' invoices and delivery receipts for fuel purchased, contracts for the purchase of fuel;

(E) *Other vessel expenses*—invoices and receipts applicable to subsidizable costs incurred during the subsidizable voyage;

(F) *Vessel depreciation*—computation of depreciation and supporting data on vessel cost capitalized;

(G) *Interest expense attributable to vessel indebtedness*—computation of interest expense together with supporting loan agreements evidencing debt principal, interest rates, amortization schedules, and other terms of the loan.

(iii) Actual costs of M&R and SS&E incurrred in any of the United States or the Commonwealth of Puerto Rico after the commencement of the subsidized voyage:

(A) *M&R*—invoices of domestic suppliers and repair yards for all such items charged to the subsidized vessel; and

(B) *SS&E*—invoices of domestic suppliers for all such items charged to the subsidized vessel including invoices for such items used to stock inventory immediately preceding the subsidized voyage.

(iv) Revenues earned on the subsidized voyage from the carriage of bulk raw and processed agricultural commodities from the U.S. to the U.S.S.R. for the purpose of determining abatement of subsidy as provided in § 294.9—all contracts of affreightment, charter parties, bills of lading and other documents re-

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lating to revenues earned from the carriage of bulk agricultural commodities, including cargo loaded and cargo discharged reports.

(3) *Time for submission of audit data.* Audit data shall be submitted as follows:

(i) Historical cost data shall be submitted as soon as possible after the commencement of a subsidized voyage.

(ii) All other data shall be submitted within one year from the termination of a subsidized voyage except as provided in paragraph (d) of this section.

(c) *Final payment procedures*—(1) *In general.* After the audit is completed, the Maritime Administration will determine final subsidy per diem amounts and differential percentages. When such amounts are incorporated into the operating-differential subsidy agreement (ODSA), the operator shall make a final payment billing pursuant to paragraph (c)(8).

(2) *Final payments of subsidy applicable to maintenance and repairs and stores, supplies and expendable equipment:*

(i) *Negative per diem subsidy amounts.* If the final per diem subsidy amount incorporated into the operating-differential subsidy contract for M&R or SS&E is negative, the final payment will be reduced by the product of such negative per diem subsidy amount multiplied by the number of subsidized voyage days.

(ii) *Positive per diem subsidy amounts and positive differential percentages.* If the final per diem subsidy amount or differential percentage incorporated into the subsidy contract for M&R or SS&E, is positive, the final payment will be limited to the lesser of:

(A) An amount determined by multiplying the differential percentage for such category of expense by the costs incurred by the subsidized operator for such items in any of the United States or the Commonwealth of Puerto Rico to the date of the final payment billing;

(B) An amount determined by multiplying the final per diem amount for such category of expense by the number of subsidized voyage days.

(3) *Reduction of final subsidy payments due to deviations, idleness or delays.* The reduction of subsidy required under § 294.13(c) because of deviations, idleness or delays during the subsidized voyage shall be made on final subsidy payment vouchers.

(4) *Reduction of final subsidy payments due to abatement of subsidy.* The total subsidy payment as determined under this Part shall be reduced by the amount of subsidy abatement calculated pursuant to § 294.9.

(5) *Forms for final payment billing.* Final payment billing shall be submitted to the appropriate Maritime Administration Region Finance Office in the forms described in § 294.13(e). Payment to the operator will be made by Maritime Administration, Washington, D.C.

(6) *Affidavit.* The affidavit set forth in § 294.13(f) shall be submitted with the final payment billing, and each supplemental final payment billing.

(7) *Finality of final payment billing.* Except as provided in paragraph (d) of this section (relating to supplemental final payment billings for M&R and SS&E) costs for all subsidizable items shall be final when billed and not subject to adjustment by the operator.

(8) *Maximum time for final payment billing.* Final payment billing shall be made not later than 30 days from the date final per diem amounts and differential percentages are incorporated into the ODSA.

(d) *Supplemental final payment billings*—(1) *In general.* Under paragraph (b)(2)(ii) of § 294.10, subsidy on M&R and SS&E is not paid until (i) the operator makes actual expenditures for such items in any of the United States or the Commonwealth of Puerto Rico within a 5-year period from the date that the subsidized voyage commenced and (ii) such expenditures are audited by the Maritime Administration. Within that 5-year period, billings may be made subject to the rules in this subsection.

(2) *Rules for supplemental billings.* Supplemental final payment billings may be made when the applicable per diem subsidy amount and differential percentage for M&R or SS&E is positive.

(3) *Frequency of supplemental billings.* Supplemental final payment billings may not be made more often than once each 30 days. Each billing shall include the cumulative costs of M&R or SS&E on which subsidy is payable to the date of such billing.

(4) *Submission of supplemental billings.* Supplemental final payment billings shall be submitted in the same manner as provided in paragraph (c) of this section.

§ 294.15 Renegotiation.

(a) *In general.* Paragraph (b) of § 294.4 of this Part provides that subsidy otherwise payable under the operating-differential subsidy contracts for the carriage of bulk raw and processed agricultural commodities from the U.S. to the U.S.S.R. shall be subject to renegotiation. This section provides rules for the filing of a statement of profit or loss on such carriage to provide the Board with a basis on which to review operating-differential subsidy contracts subject to renegotiation.

(b) *Requirement for filing.* Every operator receiving subsidy under a contract pursuant to this Part must file a statement with the Board when its total gross receipts from operation under this Part, including subsidy payments received or accrued and revenues earned from the carriage of U.S. import cargoes, are in excess of $1 million for any taxable year. In the event of a short taxable year, the $1 million minimum gross receipts shall be prorated on a daily basis. Only contracts of operators having receipts in excess of the minimum requirement for filing purposes may be subject to renegotiation under this section.

(c) *Filing statements.* Operators with contracts subject to renegotiation must file Maritime Administration Form MA–782 or an equivalent statement with the Secretary, Maritime Subsidy Board, Washington, D.C. 20230 (Secretary, MSB) within 120 days following the close of the operator's taxable year. Form MA–782 may be obtained from the Secretary, MSB.

(d) *Extension of filing date.* (1) *In general.* All requests for extension of time for filing the required statement must be made in writing to the Secretary, MSB prior to the date for filing. Extensions will be granted when the operator has been granted an extension for filing its Federal income tax return or upon presentation of other valid reason.

(2) *Length of extension.* Extensions will be granted for a reasonable length of time. Where an extension is sought because the due date for filing the Federal income tax return has been extended, a statement must be filed within 15 days from the date of filing the Federal income tax form.

(e) *Limitation on time for renegotiation.* If within one year from the date the statement is filed the Board does not commence renegotiation or inform the operator in writing that it intends to commence renegotiation, the operator is relieved from further liability for renegotiation under this Part.

(f) *Scope of renegotiation.* (1) *Voyages.* Renegotiation will not be conducted on a voyage-by-voyage basis but will be conducted on the basis of all voyages subsidized pursuant to this Part (renegotiable voyages) and terminated during the taxable year.

(2) *Consolidated renegotiations.* Neither filing of consolidated statements nor consolidated renegotiation will be permitted even though a consolidated Federal income tax return is filed. Thus, for example, if companies B and C, which are subsidiaries of company A, each have an operating-differential subsidy contract, B and C must file separately for renegotiation whether or not a consolidated tax return is filed.

(g) *Preparation of Form MA–782.* (1) *In general.* The purpose of Form MA–782 is to make allocations of revenues and expenses between operations subject to renegotiation under this Part (renegotiable operations) and all other operations (nonrenegotiable operations). When completed, the form will show the portion of net profit which is attributable to renegotiable operations and which may be reviewed as to reasonableness.

(2) *Applicability of standard Maritime Administration accounting.* Form MA–782 is based on the standard Maritime Administration accounting system prescribed in Part 282 of this Chapter and in Maritime Administration General Order 22. Operators which do not keep books according to this system are to submit a statement as similar to Form MA–782 as possible and attached thereto an explanation of the accounting system used and the basis for allocations between renegotiable operations and other operations.

(3) *Definition of voyage for purposes of renegotiation.* The definition of voyage is contained in § 294.3(c) of this Part. However, for the purpose of determining profits subject to renegotiation, the following additional expenses may be allocated entirely to the renegotiable operations:

(i) Vessel cleaning expenses and reasonable costs of storing and supplying the vessel incurred before a renegotiable voyage;

(ii) Operating expenses of the vessel on the ballast voyage from last port of call of lay-up to port of loading for a renegotiable voyage.

(iii) Operating expenses incurred on a route deviation to engage in U.S. import commerce, notwithstanding the limitation contained in 294.3(c)(4)(i) of this Part;

(iv) Voyage maintenance and repair expenses incurred after and as a result of a renegotiable voyage.

(4) *Method of allocation.* All allocations between renegotiable and nonrenegotiable operations are to be direct, except for the following:

(i) "Inactive vessel expenses." All inactive vessel expenses are to be allocated directly to nonrenegotiable operations, unless specifically approved by the Board for allocation to renegotiable operations.

(ii) "Net income or expense of terminal operations, cargo handling operations, tug and lighter operations and other shipping operations." These accounts are to be allocated between renegotiable and nonrenegotiable operations in the same proportion as the charges for such facilities and services attributable to the renegotiable operation bear to the total of the charges for such facilities and services.

(iii) "Agency fees, commissions and brokerage earned, administrative and general expenses, management commissions, advertising, taxes other than income taxes, bad debt expenses and amortization of deferred charges, debt discount and expense, organization and preoperating expense." These accounts are to be allocated between renegotiable and nonrenegotiable operations in the same proportion as the vessel operating and maintenance expense attributable to each operation bear to the total operations. Vessel operating and maintenance expense consists of those expenses proper for inclusion in Account 700—"Operating expenses; terminated voyages," excepting Account 760—"Charter hire," and in Account 800—"Inactive vessel expense," excepting Account 826—"Charter hire," as prescribed in Part 282 of this Chapter.

(iv) "Interest expense on vessel mortgages and depreciation expense on vessels." Interest expense on vessel mortgages and depreciation expense on vessels subject to the provisions of this section are to be charged to renegotiable operations in proportion to the ratio of the number of days such vessel operates on subsidized renegotiable voyages to the total number of days in the tax year for which the vessel was owned. Interest expense on vessel mortgages and depreciation expense on vessels not included in the operating-differential subsidy contract are to be charged directly to nonrenegotiable operations. Interest expense not attributable to vessel mortgages, and depreciation and amortization expense other than for vessels are to be allocated between renegotiable and nonrenegotiable operations on the basis of the vessel operating and maintenance expense formula prescribed in clause (iii) of this subparagraph.

(v) Any other reasonable method of allocation for the expenses included in this subparagraph may be utilized by the operator. If an alternate method of allocation is elected, an explanation of such method must be attached to the statement filed. The reasonableness of such alternate method of allocation will be subject to review by the Board.

(5) *Other income and deductions allocable to renegotiable service.* A schedule shall be attached detailing all other income, deductions, expenses and credits whether or not allocable in whole or in part to renegotiable operations in the amounts shown on the operator's Federal income tax return. An explanation of the method used for the allocations shall be included. These amounts shall be shown net of tax adjustments.

(6) *Non-Federal taxes.* Non-Federal taxes based on income shall be allocated directly to nonrenegotiable operations.

(7) *Net income in the case of a corporation.* This amount ordinarily will be that shown in the Federal income tax return before net operating loss deduction and special deductions. If the amount differs from that reported for tax purposes, a reconciling schedule and explanation shall be attached.

§ 294.16 Effective date.

The provisions of this Part shall be effective on July 31, 1973, and supersede regulations originally appearing on October 21, 1972 and thereafter amended.

NOTE: The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with 44 U.S.C., sections 3501–11.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: July 30, 1973.

By Order of the Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board,

JAMES S. DAWSON, Jr.,
Secretary, Maritime Subsidy Board, Maritime Administration.

[FR Doc.73-15886 Filed 8-2-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 1001—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Statements of Employment and Financial Interests

Section 1001.735–401 is being revised and thirteen new positions are added to the list of positions, the incumbents of which are required to submit statements of employment and financial interests in accordance with §§ 1001.735–402 through 1001.735–411.

Effective August 3, 1973, § 1001.735–401 is amended as set out below.

§ 1001.735–401 Employees required to submit statements.

(a) *Office of the Executive Director.* (1) The Executive Director.
(2) The Deputy Executive Director.
(3) The Assistant Executive Director.

(b) *Office of Labor-Management Relations.* (1) The Director.

(c) *The Office of the General Counsel.* (1) The General Counsel.
(2) The Deputy General Counsel.

(d) *Board of Appeals and Review.* (1) The Chairman.

(e) *Office of Administrative Law Judges.* (1) The Director.
(2) All employees in Administrative Law Judge positions.

(f) *Bureau of Management Services.* (1) The Director.
(2) The Deputy Director.
(3) The Director of Personnel and Labor Relations.
(4) The Chief, Office Services Division.
(5) The Assistant Chief, Office Services Division.
(6) The Chief, Budget and Finance Division.
(7) The Assistant Chief, Budget and Finance Division.

(g) *Bureau of Retirement, Insurance, and Occupational Health.* (1) The Director.
(2) The Deputy Director.
(3) The Assistant Director.
(4) The Assistant to the Director.
(5) The Chief, Legislative and Policy Division.
(6) The Chief Actuary, Office of the Actuary.
(7) Assistant to the Chief (Contracts and Instructions Specialists) GS–14 and GS–15, Legislative and Policy Division.
(8) Supervisory Accountant, GS–15, Systems and Audits.
(9) Systems Accountant, GS–14, Systems and Audits.
(10) Auditors (Financial Activities), GS–13, Systems and Audits.
(11) Occupational Health Program Manager.
(12) Regional Occupational Health Representative.

(h) *Bureau of Training.* (1) The Director.
(2) The Deputy Director.
(3) The Assistant Director for Training Operations.

(i) *Bureau of Personnel Management Evaluation.* (1) The Director.
(2) The Deputy Director.

(j) *Bureau of Manpower Information Systems.* (1) The Director.

(k) *Bureau of Intergovernmental Personnel Programs.* (1) The Director.
(2) The Deputy Director.
(3) Director for Grant Operations.
(4) Regional Chief.
(5) Assistant Regional Chief.
(6) Regional Chief, Grants Branch.
(7) Regional Chief, Merit Systems and Technical Assistance Branch.
(8) Intergovernmental Personnel Programs Specialist (GS–13).
(9) Grants Specialist, Office of Grant Operations.

(l) *Federal Executive Institute.* (1) The Director.

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(m) *Executive Seminar Center.* (1) The Director of each Center.

(n) *Regional Offices.* (1) The Director of each Region.

(E.O. 11222, 3 CFR 1964–65 Comp. p. 306; 5 CFR 735.101 et seq.)

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-15991 Filed 8-2-73;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Maximum Rates of Interest on Single and Multiple Maturity Time Deposits

Correction

In FR Doc. 73-15505 appearing at page 20247 in the issue of Monday, July 30, 1973, the section heading for § 329.6, should read "§ 329.6 *Maximum rates of interest payable on time and savings deposits by insured nonmember banks other than insured nonmember mutual savings banks.*"

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-NW-9-AD; Amdt. 39-1700]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 737 Series Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on July 20, 1973 and made effective immediately as to all known United States operators of all Boeing 737 airplanes delivered prior to November 1, 1972. Cracks have been detected in the wing front spar upper chord in four airplanes. These cracks were between two and twelve inches in length. These cracks severely impair the integrity of the wing and could lead to structural failure. Since this condition is likely to develop in other model 737 airplanes, the airworthiness directive was issued to require inspection and repair, as necessary, of the wing front spar upper chord.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately. These conditions still exist and the Airworthiness Directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations.

BOEING. Applies to all Boeing 737 airplanes delivered prior to November 1, 1972 certificated in all categories.

Compliance required as indicated:
To detect cracks in the wing front spar upper chord, accomplish the following:

(A) Within the next 100 hours time in service, unless already accomplished in accordance with Boeing Alert Service Bulletin 737–57–1081, dated July 19, 1973, inspect the wing front spar upper chord for cracks in accordance with that service bulletin.

(B) If cracks less than two inches long are found, repair prior to further flight in accordance with Boeing Alert Service Bulletin 737–57–1081, Paragraph 4.C. Reinspect daily, using eddy current or dye penetrant inspection methods. If crack growth is determined, or within 400 hours time in service following the first inspection in accordance with Paragraph (A), whichever occurs first, repair in accordance with Boeing Alert Service Bulletin 737–57–1081, Paragraph 5.

(C) If cracks of two inches length or greater are found, repair prior to further flight in accordance with Boeing Alert Service Bulletin 737–57–1081, Paragraph 5, or subsequent FAA approved revisions, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(D) Airplanes having cracks which require rework under this AD may be flown in accordance with FAR § 21.197 to a base where rework can be accomplished.

(E) Revisions to this AD concerning reinspection intervals and terminating action will be forthcoming.

The manufacturer's specifications and procedures identified and described in this Directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this Directive who have not already received these documents may obtain copies upon request to The Boeing Company, Box 3707, Seattle, Washington 98108. These documents may also be examined at FAA Northwest Region, Boeing Field International, Seattle, Washington 98108.

This amendment becomes effective on August 3, 1973, for all persons except those to whom it was made effective immediately by telegram dated July 20, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c); Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Seattle, Washington on July 27, 1973.

J. H. TANNER,
Acting Director
Northwest Region.

[FR Doc.73-15982 Filed 8-2-73;8:45 am]

[Airspace Docket No. 73-SO-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Owensboro, Ky., control zone and transition area.

The Owensboro control zone is described in § 71.171 (38 FR 351) and the Owensboro transition area is described in § 71.181 (38 FR 435). In each description, an extension is predicated on Owensboro VOR 181° radial. Since the VOR RWY 35 Instrument Approach Procedure has been revised to utilize the compass locator-outer marker in lieu of the Masonville RBN, and the altitude over the COMLO has been raised to 2,300 feet MSL, the control zone extension is no longer required. The transition area extension was designated to provide controlled airspace protection for IFR aircraft executing the VOR RWY 35 and NDB RWY 35 Instrument Approach Procedures. Since the VOR RWY 35 Instrument Approach Procedure has been revised and the NDB RWY 35 Instrument Approach Procedure has been cancelled, the transition area extension is no longer required. It is necessary to alter the descriptions to reflect these changes. Since these amendments are less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (38 FR 351), the Owensboro, Ky., control zone is amended as follows:

"• • • within 2.5 miles each side of Owensboro VOR 181 ° radial, extending from the 5-mile radius zone to the Masonville RBN (Lat. 37°39'35" N, Long. 87°10'17" W) • • •" is deleted from the description.

In § 71.181 (38 FR 435), the Owensboro, Ky., transition area is amended to read:

OWENSBORO, KY.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Owensboro-Daviess County Airport (Lat. 37°44'31" N, Long. 87°09'57" W).

(Sec. 307(a) Federal Aviation Act of 1958; 49 U.S.C. 1348(a); Sec. 6(c) Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 25, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-15984 Filed 8-2-73;8:45 am]

[Docket No. 13059; Amdt. No. 875]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by orginating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective September 13, 1973.*

Burbank, Calif.—Hollywood-Burbank Arpt., VOR Rwy 7, Amdt. 1
Carlsbad, N.M.—Cavern City Air Terminal, VOR Rwy 32L, Amdt. 2
Dickson, Tenn.—Dickson Municipal Arpt., VOR/DME Rwy 17, Orig.
Florence, S.C.—Florence Municipal Arpt., VOR–A (TAC), Amdt. 1
Lewiston, Id.—Lewiston-Nez Perce County Arpt., VOR Rwy 26, Amdt. 9
Lodi, Calif.—Linds Arpt., VOR Rwy 26, Amdt. 1
Melbourne, Fla.—Cape Kennedy Regional Arpt., VOR Rwy 9, Amdt. 11
Melbourne, Fla.—Cape Kennedy Regional Arpt., VOR Rwy 27, Amdt. 6
Olathe, Kan.—Johnson County Arpt., VOR Rwy 35, Amdt. 4
Rochelle, Ill.—Rochelle Municipal Arpt., VOR–A, Amdt. 1
Stratford, Texas—Stratford Field, VORTAC–A, Original
Sullivan, Ind.—Sullivan County Arpt., VOR/DME–A, Amdt. 2
Twin Falls, Id.—Twin Falls City-County Arpt., Joslin Field, VOR Rwy 25, Amdt. 13
Warsaw, Ind.—Warsaw Municipal Arpt., VOR Rwy 18, Amdt. 1
Warsaw, Ind.—Warsaw Municipal Arpt., VOR Rwy 36, Amdt. 1
Wisconsin Rapids, Wis.—Alexander Field South Wood County Arpt., VOR/DME–A, Amdt. 2

• • • *effective September 6, 1973.*

Green Bay, Wis.—Austin-Straubel Field, VOR Rwy 12, Amdt. 12
Green Bay, Wis.—Austin-Straubel Field, VOR/DME Rwy 36, Amdt. 4

• • • *effective August 30, 1973.*

Rochester, Minn.—Rochester Municipal Arpt., VOR Rwy 2, Amdt. 7
Rochester, Minn.—Rochester Municipal Arpt., VOR/DME Rwy 20, Amdt. 7

• • • *effective August 16, 1973.*

College Station, Tex.—Easterwood Field, VOR Rwy 10, Amdt. 10
College Station, Tex.—Easterwood Field, VOR Rwy 28, Amdt. 2

2. Section 97.25 is amended by orginating, amending, or canceling the following SDF–LOC–LDA SIAPs, *effective September 13, 1973.*

Melbourne, Fla.—Cape Kennedy Regional Arpt., LOC (BC) Rwy 27, Amdt. 1
Quincy, Ill.—Quincy Municipal Baldwin Field, LOC (BC) Rwy 21, Original, Canceled
Quincy, Ill.—Quincy Municipal Baldwin Field, LOC/DME (BC) Rwy 21, Orig.
Yakima, Wash.—Yakima Air Terminal, LOC/DME (BC) Rwy 9, Amdt. 4

• • • *effective September 6, 1973.*

Green Bay, Wis.—Austin-Straubel Field, LOC (BC) Rwy 24L, Amdt. 9

• • • *effective August 30, 1973.*

Rochester, Minn.—Rochester Municipal Arpt., LOC (BC) Rwy 13, Amdt. 6

• • • *effective August 16, 1973.*

College Station, Tex.—Easterwood Field, LOC (BC) Rwy 16, Amdt. 1

• • • *effective August 9, 1973.*

Provincetown, Mass.—Provincetown Muni. Arpt., SDF Rwy 7, Original

• • • *effective June 30, 1973.*

Springfield, Vt.—Springfield State-Hartness Arpt., LOC–A, Amdt. 1

3. Section 97.27 is amended by orginating, amending, or canceling the following NDB/ADF SIAPs, *effective September 13, 1973.*

Burbank, Calif.—Hollywood-Burbank Arpt., NDB Rwy 7, Original, Canceled
Cookeville, Tenn.—Putnam County Arpt., NDB Rwy 17, Orig.
French Lick, Ind.—French Lick Municipal Arpt., NDB Rwy 26, Amdt. 1
Grand Junction, Colo.—Walker Field, NDB Rwy 11, Amdt. 11
Melbourne, Fla.—Cape Kennedy Regional Arpt., NDB Rwy 9, Amdt. 6
Sullivan, Ind.—Sullivan County Arpt., NDB Rwy 36, Amdt. 1
Twin Falls, Id.—Twin Falls City-County Arpt., Joslin Field, NDB Rwy 25, Amdt. 1
Vincennes, Ind.—O'Neal Arpt., NDB–A, Amdt. 1
Wisconsin Rapids, Wis.—Alexander Field South Wood County Arpt., NDB Rwy 29, Amdt. 1
Wisconsin Rapids, Wis.—Alexander Field South Wood County Arpt., NDB Rwy 2, Amdt. 3

• • • *effective September 6, 1973.*

Green Bay, Wis.—Austin-Straubel Field, NDB Rwy 6R, Amdt. 10

• • • *effective August 30, 1973.*

Rochester, Minn.—Rochester Municipal Arpt., NDB Rwy 31, Amdt. 10

• • • *effective August 16, 1973.*

College Station, Tex.—Easterwood Field, NDB Rwy 34, Amdt. 1

• • • *effective August 9, 1973.*

Provincetown, Mass.—Provincetown Muni. Arpt., NDB–A, Amdt. 3

• • • *effective August 2, 1973.*

Oxford, Conn.—Waterbury-Oxford Arpt., NDB Rwy 18, Orig.

• • • *effective July 31, 1973.*

Hazleton, Pa.—Hazleton Municipal Arpt., NDB Rwy 28, Amdt. 11, Canceled

• • • *effective July 20, 1973.*

Oxford, Conn.—Waterbury-Oxford Arpt., NDB Rwy–18, Original, Canceled

• • • *effective June 30, 1973.*

Springfield, Vt.—Springfield State-Hartness Arpt., NDB–A, Amdt. 1

4. Section 97.29 is amended by orginating, amending, or canceling the following ILS SIAPs, *effective September 13, 1973.*

Burbank, Calif.—Hollywood-Burbank Arpt., ILS Rwy 7, Amdt. 26
Grand Junction, Colo.—Walker Field, ILS Rwy 11, Amdt. 5
Lewiston, Id.—Lewiston-Nez Perce County Arpt., ILS Rwy 26, Amdt. 1
Melbourne, Fla.—Cape Kennedy Regional Arpt., ILS Rwy 9, Amdt. 2
Tucson, Ariz.—Tucson Int'l Arpt., ILS Rwy 11L, Amdt. 3
Twin Falls, Id.—Twin Falls City-County Arpt., Joslin Field, ILS Rwy 25, Amdt. 1
Yakima, Wash.—Yakima Air Terminal, ILS Rwy 27, Amdt. 20

• • • *effective September 6, 1973.*

Green Bay, Wis.—Austin-Straubel Field, ILS Rwy 6R, Amdt. 11

• • • *effective August 30, 1973.*

Rochester, Minn.—Rochester Municipal Arpt., ILS Rwy 31, Amdt. 8

• • • *effective August 16, 1973.*

College Station, Tex.—Easterwood Field, ILS Rwy 34, Amdt. 1

• • • *effective August 9, 1973.*

Baltimore, Md.—Friendship Int'l Arpt., ILS Rwy 10, Amdt. 3

• • • *effective July 20, 1973.*

Oxford, Conn.—Waterbury-Oxford Arpt., ILS Rwy–36, Original, Canceled

5. Section 97.31 is amended by orginating, amending, or canceling the following Radar SIAPs, *effective September 13, 1973.*

Burbank, Calif.—Hollywood-Burbank Arpt., Radar–1, Amdt. 9

• • • *effective September 6, 1973.*

Green Bay, Wis.—Austin-Straubel Field, Radar–1, Original

• • • *effective August 30, 1973.*

Rochester, Minn.—Rochester Municipal Arpt., Radar–1, Original

Deletion. In Docket No. 12990, Amendment 873, to Part 97 of the Federal Aviation Regulations, published in the Federal Register dated Thursday, July 19, 1973, on page 19216 under Section 97.23 effective August 30, 1973, delete Dillon, Mont.—Dillon Arpt., VOR–A, Amdt. 5. VOR–A, Amdt. 4 remains in effect.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1435, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

Issued in Washington, D.C., on July 26, 1973.

JAMES M. VINES,
Chief, Aircraft Programs Division.

[FR Doc.73-15983 Filed 8-2-73;8:45 am]

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Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

PART 14—ADMINISTRATIVE INTERPRETATIONS, GENERAL POLICY STATEMENTS, AND ENFORCEMENT POLICY STATEMENTS [1]

Enforcement Policy Statement

The Federal Trade Commission has noted that, with increasing intensity, advertisers are making special efforts to reach foreign language-speaking consumers. As part of this special effort, advertisements, brochures and sales documents are being printed in foreign languages.

In recent years the Commission has issued various cease and desist orders which require affirmative disclosure in connection with certain kinds of representations and business activities. Generally, these disclosures are required to be "clear and conspicuous." Because questions have arisen as to the meaning and application of the phrase "clear and conspicuous" with respect to foreign language advertisements and sales materials, the Commission deems it appropriate to set forth the following enforcement policy statement:

§ 14.9 Cease and desist order requirements with respect to clear and conspicuous disclosure in foreign language advertising and sales materials.

(a) Where a cease and desist order requires "clear and conspicuous" disclosure of certain information, that disclosure must be in the same language as that principally used in the advertisements and sales materials involved.

(b) Any respondent who fails to comply with this requirement may be the subject of a civil penalty proceeding for violating the terms of a Commission cease-and-desist order.

(Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

By direction of the Commission dated July 24, 1973.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-16085 Filed 8-2-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 34-10304]

PART 241—INTERPRETATIVE RELEASE RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Application of Minimum Net Capital Requirements

In Securities Exchange Act Release No. 9633, of June 14, 1972 [37 FR 11970] the Commission announced the adoption of amendments to Rule 15c3-1 [17 CFR 240.15c3-1] which increased the minimum net capital requirements of certain brokers or dealers. The rule was amended to require that brokers or dealers who handle customer funds or securities or who engage in a general securities business maintain minimum net capital of not less than $25,000.[1] With respect to certain brokers or dealers who were registered with the Commission prior to August 13, 1971, the amended rule provided that those brokers or dealers would be permitted to maintain minimum net capital of not less than $5,000 until July 31, 1973, at which time they would be required to maintain minimum net capital of not less than $15,000.[2] On July 31, 1974, the minimum net capital requirements will be increased to not less than $25,000 for those brokers or dealers.

Rule 15c3-1 provides in paragraph (a)(3) that a minimum net capital requirement of not less than $5,000 shall continue to exist for registered brokers or dealers who limit their business activities to the prompt transmittal of customers' funds or securities, and where they do not otherwise hold funds or securities of or for customers, or do not otherwise carry accounts of customers.

Many brokers or dealers will be required to maintain increased minimum net capital of not less than $15,000 on July 31, 1973, and the Commission's Regional Offices and the National Association of Securities Dealers have been asked by certain brokers or dealers whether they are entitled to continue to maintain minimum net capital of not less than $5,000.

In adopting the amendments to Rule 15c3-1, it was the Commission's intention that the $5,000 minimum net capital requirement be available only to brokers or dealers who introduced all their transactions to another broker or dealer on a fully disclosed basis. The Commission in the adopting release emphasized the necessity of assuring that smaller firms have a secure position in the securities industry, and that entry into the industry be preserved to the greatest extent possible compatible with the public interest and the protection of investors. In that connection while establishing a $25,000 minimum requirement for most brokers or dealers who carry customer accounts, the $5,000 requirement was preserved for those who introduced their accounts on a fully disclosed basis. In order to make this provision viable, the Commission also amended Rule 17a-3(b) to permit all brokers or dealers, subject to their maintaining minimum net capital of not less than $25,000, to clear such transactions for introducing brokers or dealers.

In order to clarify the applicability of the $5,000 minimum requirement set forth in paragraph (a)(3) and to some extent the $2,500 minimum capital requirement of paragraph (a)(4), the Commission is setting forth its views below:

A. The $5,000 Minimum Net Capital Requirement—Paragraph (a)(3)

The $5,000 minimum requirement shall be available to those registered brokers or dealers who do not carry customer accounts.

In administering the net capital rule the $5,000 requirement has been held to be applicable if the broker or dealer engages only in one, or any combination, of the following activities:

(1) The broker or dealer introduces all of its transactions to another broker or dealer or bank as provided in Rule 17a-3(b). Such transactions are confirmed to customers by the clearing broker or dealer who is deemed to carry such customer's account. All checks in payment for such purchases are to be made payable to the clearing broker or dealer by the customer and if received by the introducing broker or dealer they are to be promptly transmitted to the clearing broker or dealer by noon the next business day. Also, deliveries of securities by customers are to be made directly to the clearing broker or dealer who confirms such transactions. Any payments received by the introducing broker or dealer from customers for the payment of securities purchased and any securities received from customers by the introducing broker or dealer in settlement of sales shall be transmitted promptly to the clearing broker or dealer;

(2) The broker or dealer promptly transmits subscriptions for securities (including but not limited to limited partnership interests or redeemable shares of registered investment companies) to the issuer, sponsor or distributor of such securities and delivers checks, drafts, notes or other evidences of indebtedness which shall be payable solely to the issuer, sponsor or distributor who in turn delivers the related security directly to the subscriber or who holds such security as custodian for such customer; or

(3) The broker or dealer promptly transmits customers' checks, drafts, notes or other evidences of indebtedness payable to an independent escrow agent in payment for customer purchases of securities (including best efforts underwriting or deposits for the purchase of condominium units) and where the escrow agent has agreed in writing to hold all such funds in escrow for the persons who have beneficial interests therein and to return such funds or delivers securities purchased directly to the customers who have the beneficial interest therein.

The Commission wishes to make clear that simply because a broker or dealer is entitled to an exemption from Rule 15c3-3 under paragraph (k)(2)(A) thereof, the broker or dealer is not automatically entitled to maintain minimum net capital of not less than $5,000 unless the activities of such broker or dealer are limited as described above. Finally, the $5,000 minimum net capital requirement of Rule 15c3-1 is not intended to preclude the broker or dealer from effecting an occasional transaction for his own account.

B. The $2,500 Minimum Net Capital Requirement—Paragraph (a)(4)

It should be made clear that the $2,500 minimum net capital requirement is a special provision applicable only to those brokers or dealers who limit their business solely as specified therein. A broker or dealer who expands his business in such a fashion as to engage in the sale of other types of investment contracts is not eligible for the $2,500 requirement. Moreover, if he engages in the sale of other types of investments he will not be eligible for the $5,000 minimum net capital requirement unless he limits his activities and the manner of conducting those activities as described in A. above. Finally, if the broker or dealer does not limit his business as set forth in paragraph (a)(4) nor will the broker or dealer be eligible for the $5,000 minimum requirement set forth in (a)(3).

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JULY 27, 1973.

[FR Doc.73-16020 Filed 8-2-73;8:45 am]

[1] Title changed.

[1] Brokers or dealers who registered with the Commission after August 13, 1971, are required to maintain a ratio of net capital to aggregated indebtedness of not less than 800 percentum (8 to 1) during the first year of their operations or a minimum net capital of not less than $25,000 whichever is greater.

[2] A broker or dealer must maintain not less than the appropriate minimum net capital *and* such net capital may not be less than 1/20th of his aggregate indebtedness, except during the first year of operations.

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY [1]

[T.D. 73-210]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Types of Forms To Be Accepted by Customs Officers

Pursuant to § 4.99 of the Customs Regulations, Customs officers are permitted to accept certain Customs forms printed by private parties or by foreign governments, provided the forms meet certain requirements, including size requirements. Requests have been received from the private sector for approval of reduced versions of Customs Form 7527-A, the United States Customs Inward Foreign Manifest. It appears that the use of reduction processes in trade documentation will be prevalent in the future, and that smaller forms are sufficient for Customs purposes, provided that they are legible and usable.

In view of the foregoing, it is advisable to amend the Customs Regulations to allow the importing public to use the described forms, and authorize Customs officers to accept them.

Accordingly, § 4.99, Customs Regulations, is amended to read as follows:

§ 4.99 Forms: Substitution.

Customs Forms 1300, 1301, 1303, and 1304 printed by private parties or foreign governments shall be accepted provided the forms so printed conform to the official Customs forms in size (except that such forms may be up to 14 inches in length), wording, arrangement, style, size of type, and paper specifications. Customs Forms 7527-A and 7527-B printed by private parties or foreign governments shall be accepted provided the forms so printed conform to the official Customs forms in size (except that the Customs Form 7527-A may be reduced in size to not less than 11" x 8½"), wording, arrangement, style, size of type, and paper specifications. Forms not complying with the requirements of this section are not acceptable without the specific approval of the Commissioner of Customs. If instructions are printed on the reverse of any of the official Customs forms, such instructions may be omitted (although such instructions must be followed).

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

Because this amendment merely relaxes a present requirement and requires no public initiative, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall be effective on August 3, 1973.

[SEAL] VERNON D. ACREE, *Commissioner of Customs.*

Approved: July 25, 1973.

EDWARD L. MORGAN, *Assistant Secretary of the Treasury.*

[FR Doc.73-16069; Filed 8-2-73;8:45 am]

[1] Effective August 1, 1973, the heading of 19 CFR Ch. I is changed from "Bureau of Customs, Department of Treasury" to read as set forth above.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Nitrites and/or Nitrates Combined With Spices in Curing Premixes

Correction

In FR Doc. 73-14945 appearing at page 19218 in the issue of Thursday, July 19, 1973, make the following changes:

1. In the sixth line of the second complete paragraph in the third column on page 19218, the word "nitrates" should read "nitrites".

2. In the first line of § 121.4002 on page 19219, the date "January 15, 1973", should read "January 19, 1974".

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Fluocinolone Acetonide Solution, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (15-298V) filed by Syntex Laboratories, Inc., Stanford Industrial Park, Palo Alto, CA 94304, proposing the safe and effective use of fluocinolone acetonide solution, veterinary, for the treatment of dogs and cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding a new section as follows:

§ 135a.52 Fluocinolone acetonide solution, veterinary.

(a) *Specifications.* The drug contains 0.01 percent fluocinolone acetonide in propylene glycol with citric acid.

(b) *Sponsor.* See code No. 036 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is indicated for the relief of pruritus and inflammation associated with otitis externa and certain superficial acute and chronic dermatoses in the dog. It is also indicated for the relief of pruritus and inflammation associated with acute otitis externa and certain superficial acute and chronic dermatoses in the cat.

(2) A small amount of solution is applied to the affected area 2 or 3 times daily.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective August 3, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 26, 1973.

C. D. VAN HOUWELING, *Director, Bureau of Veterinary Medicine.*

[FR Doc.73-16001 Filed 8-2-73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Promazine Hydrochloride

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (10-782V) filed by Wyeth Laboratories, Division of American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101 proposing revised labeling for the safe and effective use of promazine hydrochloride for the treatment of animals. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding a new section as follows:

§ 135b.60 Promazine hydrochloride injection, veterinary.

(a) *Chemical name.* 10-[3-(Dimethylamino) propyl] phenothiazine monohydrochloride

(b) *Specifications.* The products contains 50 milligrams of promazine hydrochloride in each milliliter of sterile aqueous solution.

(c) *Sponsor.* See code No. 040 in § 135.501(c) of this chapter.

(d) Conditions of use. (1) It is administered either intramuscularly or intravenously to horses at a dosage level of 0.2

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milligram to 0.5 milligram per pound of body weight and to dogs and cats at 1 milligram to 3 milligrams per pound of body weight every 4 to 6 hours as a tranquilizer or preanesthetic.

(2) It is not to be used in conjunction with organophosphates because their toxicity may be potentiated, nor with procaine hydrochloride as its activity may be increased.

(3) Not for use in horses intended for food.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective August 3, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 30, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-16000 Filed 8-2-73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Levamisole Phosphate

The Commissioner of Food and Drugs has evaluated a new animal drug application (49-553V) filed by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, proposing the safe and effective use of levamisole phosphate injection, veterinary for use as an anthelmintic in cattle. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding a new section as follows:

§ 135b.91 Levamisole phosphate injection, veterinary.

(a) *Specifications.* Each milliliter of levamisole phosphate injection veterinary contains levamisole phosphate equivalent to 182 milligrams of levamisole hydrochloride in sterile aqueous solution.

(b) *Sponsor.* See code No. 004 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is administered by subcutaneous injection to cattle as an anthelmintic against the following nematode infections: stomach worms (*Haemonchus, Trichostrongylus, Ostertagia*), intestinal worms (*Trichostrongylus, Cooperia, Nematodirus, Bunostomum, Oesophagostomum*) and lungworms (*Dictyocaulus*).

(2) It is administered subcutaneously in the mid-neck region at the rate of 2 milliliters per 100 pounds of body weight. Cattle maintained under conditions of constant helminth exposure may require retreatment within 2 to 4 weeks after the first treatment.

(3) Consult veterinarian before using in severely debilitated animals.

(4) Do not administer to cattle within 7 days of slaughter for food. Do not administer to dairy animals of breeding age.

Effective date. This order shall be effective August 3, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 26, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-15997 Filed 8-2-73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Triflupromazine Hydrochloride Injection, Veterinary, Triflupromazine Hydrochloride Tablets, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (11-482V) filed by E. R. Squibb & Sons, Georges Rd., New Brunswick, NJ 08902, proposing revised labeling for the safe and effective use of triflupromazine hydrochloride injection, veterinary for use in dogs, cats, and horses; and triflupromazine hydrochloride tablets, veterinary for use in dogs and cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135b and 135c (21 CFR Parts 135b and 135c) are amended as follows:

1. Part 135b is amended by adding the following new section:

§ 135b.95 Triflupromazine hydrochloride injection, veterinary.

(a) *Specifications.* Triflupromazine hydrochloride injection, veterinary contains 20 milligrams of triflupromazine hydrochloride in each milliliter of sterile aqueous solution.

(b) *Sponsor.* See code No. 035 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used in dogs, cats, and horses to relieve anxiety and to help control psychomotor overactivity as well as to increase the tolerance of animals to pain and pruritus. The drug is indicated in various office and clinical procedures which require the aid of a tranquilizer, antiemetic, or preanesthetic.

(2) The drug is administered to dogs either intravenously at a dosage level of 0.5 to 1 milligram per pound of body weight daily, or intramuscularly at a dosage level of 1 to 2 milligrams per pound of body weight daily. It is administered to cats intramuscularly at a dosage level of 2 to 4 milligrams per pound of body weight daily. It is administered to horses intravenously or intramuscularly at a dosage level of 10 to 15 milligrams per 100 pounds of body weight daily to a maximum dose of 100 milligrams.

(3) Not for use in horses intended for food.

(4) Do not use in conjunction with organophosphates and/or procaine hydrochloride, because phenothiazines may potentitate the toxicity of organophosphates and the activity of procaine hydrochloride.

(5) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

2. Part 135c is amended by adding the following new section:

§ 135c.112 Triflupromazine hydrochloride tablets, veterinary.

(a) *Specifications.* Each tablet contains either 10 milligrams or 25 milligrams of triflupromazine hydrochloride.

(b) *Sponsor.* See code No. 035 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used in dogs and cats to relieve anxiety and to help control psychomotor overactivity as well as to increase the tolerance of animals to pain and pruritus. The drug is indicated in various office and clinical procedures which require the aid of a tranquilizer, antiemetic, or preanesthetic.

(2) The drug is administered orally to dogs and cats at a dosage level of 1 to 2 milligrams per pound of body weight daily; an initial dosage at the 2-milligrams level is suggested followed by daily doses at the 1-milligram level. Frequently, the drug may be withdrawn after 4 to 5 days, with drug effect continuing after withdrawal.

(3) Do not use in conjunction with organophosphates and/or procaine hydrochloride, because phenothiazines may potentiate the toxicity of organophosphates and the activity of procaine hydrochloride.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall become effective August 3, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 30, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-15999 Filed 8-2-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Anthelin Tablets

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (7-226V) filed by Jensen-Salsbery Laboratories, Division of Richardson-Merrell Inc., Kansas City, MO 64141, proposing the safe and effective use of anthelin tablets, veterinary for the treatment of dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding a new section as follows:

§ 135c.116 Anthelin tablets, veterinary.

(a) *Specifications.* Anthelin tablets, veterinary contain anthelin as the active ingredient.

(b) *Sponsor.* See code No. 062 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used for the removal of tapeworms (*Taenia* and *Dipylidium spp.*) from dogs.

(2) The tablets are administered orally to dogs at a dosage level of 4.7 milligrams of anthelin per pound of body weight up to a maximum dosage of 211.5 milligrams of anthelin for dogs 45 pounds or over. Only milk is fed 24 hours prior to treatment. The dosage is repeated in one week if indicated.

(3) Do not administer to sick, feverish, weak or undernourished dogs. Depression, nausea, vomiting and colic are signs of overdosage. If vomiting is a problem, a light feeding within 1 hour after administering the drug is recommended. If no catharsis occurs within 3 hours an enema will facilitate passage of large masses of tapeworms. Dogs may be fed their normal ration 4 to 8 hours after medication.

Effective date. This order shall be effective August 3, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 26, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-15998 Filed 8-2-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Butonate Liquid Veterinary

Correction

In FR Doc. 73-14748 appearing on page 19219 in the issue of Thursday, July 19, 1973, make the following changes:

1. In the seventh line of the first paragraph, "note" should read "nate".

2. In § 135c.78(a), the chemical name "O,O-Dimethyl (2,2,2 - trichloro - 1 - n - butyryl - oxyethyl phosphonate" should read "O,O - Dimethyl (2,2,2 - trichloro - 1 - n - butyryl - oxyethyl) phosphonate".

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7283]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Income Tax Regulations; Amendments Relating to DISC's

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for Friday, January 5, 1973 (38 FR 883), amendments to the Income Tax regulations (26 CFR Part 1) under sections 246(b), 246(d), 246(e), 901(d), 922, 931(a), 931(d), and 1014(d) of the Internal Revenue Code of 1954 were proposed in order to provide certain technical rules relating to DISC's. After consideration of all such relevant matters as were presented by interested persons regarding the rules proposed, it was determined that only certain nonsubstantive, technical changes should be made. Subject to such changes, the amendments of the regulations as proposed are adopted by this document.

Where the amendments refer to regulations under section 997 of the Code, the reference is intended to refer to such regulations as finally adopted. This procedure is being followed because of the need for immediate guidance with respect to the provisions contained in this Treasury decision. Proposed regulations corresponding to such reference, which can be used for informational purposes, have been published with a notice of proposed rule making in the FEDERAL REGISTER for Friday, December 29, 1972 (37 FR 28754).

Adoption of amendments to the regulations. On Friday, January 5, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 883) in order to conform the Income Tax regulations (26 CFR Part 1) to section 246(b) of the Internal Revenue Code of 1954, section 246(d) of such Code (as added by section 502(a) of the Revenue Act of 1971 (85 Stat. 549)), to section 901(d) of such Code (as amended by section 502(b)(1) of such Revenue Act), to section 922 of such Code (as amended by section 502(c) of such Revenue Act), to section 931(a) of such Code (as amended by section 502(d) of such Revenue Act), to section 931(d) of such Code, to section 1014(d) of such Code (as added by section 502(f) of such Revenue Act), and to certain provisions of section 501 of such Revenue Act. After consideration of all such relevant matters as were presented by interested persons regarding the rules proposed, the following regulations are hereby adopted, effective for taxable years ending after December 31, 1971:

PARAGRAPH 1. Section 1.246 is amended by revising section 246(b)(1), by adding paragraphs (d) and (e) to section 246, and by amending the historical note. These amended and added provisions read as set forth below.

PAR. 2. Section 1.246-4 is added immediately after § 1.246-3. This added provision reads as set forth below.

PAR. 3. Section 1.301-1 is amended by redesignating paragraph (o) as paragraph (p) and by adding a new paragraph (o). This added provision reads as set forth below.

PAR. 4. Section 1.901-1 is amended by adding a paragraph (i). This added provision reads as set forth below.

PAR. 5. Section 1.902-3 is amended by adding a sentence at the end of paragraph (a)(1). This added provision reads as set forth below.

PAR. 6. Section 1.902-4 is amended by adding a sentence at the end of paragraph (a). This added provision reads as set forth below.

PAR. 7. Section 1.922 is amended by revising section 922 and by adding a historical note. These amended and added provisions read as set forth below.

PAR. 8. Section 1.922-1 is amended by adding a paragraph (c). This added provision reads as set forth below.

PAR. 9. Section 1.931 is amended by revising so much of section 931(a)(2) as follows section 931(a)(2)(A), by revising section 931(d), and by adding a historical note. These amended and added provisions read as set forth below.

PAR. 10. Section 1.931-1 is amended by adding a paragraph (j). This added provision reads as set forth below.

§ 1.931-1 Citizens of the United States and domestic corporations deriving income from sources within a certain possession of the United States.

PAR. 11. Section 1.1014 is amended by adding a subsection (d) and by revising the historical note. These amended and added provisions read as set forth below.

§ 1.1014 Statutory provisions; basis of property acquired from a decedent.

PAR. 12. Section 1.1014-1 is amended by revising paragraph (b). This amended provision reads as set forth below.

§ 1.1014-1 Basis of property acquired from a decedent.

* * * * *

PAR. 13. Section 1.1014-9 is added immediately after § 1.1014-8. This added provision reads as set forth below.

§ 1.1014-9 Special rule with respect to DISC stock.

(Section 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

Approved: July 27, 1973.

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 1.246 is amended by revising section 246(b)(1), by adding subsections (d) and (e) to section 246, and by amending the historical note. These amended and added provisions read as follows:

§ 1.246 Statutory provisions; rules applying to deductions for dividends received.

SEC. 246. *Rules applying to deductions for dividends received.* * * *

(b) *Limitation on aggregate amount of deductions.*—(1) *General rule.* Except as provided in paragraph (2), the aggregate amount of the deductions allowed by sections 243(a)(1), 244(a), and 245 shall not exceed 85 percent of the taxable income computed without regard to the deductions allowed by sections 172, 243(a)(1), 244(a), 245, and 247, and without regard to any capital loss carryback to the taxable year under section 1212(a)(1).

* * * * *

(d) *Dividends from a DISC or former DISC.* No deduction shall be allowed under section 243 in respect of a dividend from a corporation which is a DISC or former DISC (as defined in section 992(a)) to the extent such dividend is paid out of the corporations' accumulated DISC income or previously taxed

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income, or is a deemed distribution pursuant to section 995(b)(1).

(e) *Cross reference.* For special rule relating to mutual savings banks, etc., to which section 593 applies, see section 596.

[Sec. 246 as amended by sec. 18 and sec. 57(c)(2), Technical Amendments Act 1958 (72 Stat. 1614, 1646); sec. 214(b)(2), Rev. Act 1964 (78 Stat. 55); sec. 434(b) and sec. 512(f), Tax Reform Act 1969 (83 Stat. 625, 641); sec. 502(a), Rev. Act 1971 (85 Stat. 549)]

PAR. 2. Section 1.246–4 is added immediately after § 1.246–3. This added provision reads as follows:

§ 1.246–4 Dividends from a DISC or former DISC.

The deduction provided in section 243 (relating to dividends received by corporations) is not allowable with respect to any dividend (whether in the form of a deemed or actual distribution or an amount treated as a dividend pursuant to section 995(c)) from a corporation which is a DISC or former DISC (as defined in section 992(a) (1) or (3) as the case may be) to the extent such dividend is from the corporation's accumulated DISC income (as defined in section 996(f)(1)) or previously taxed income (as defined in section 996(f)(2)) or is a deemed distribution pursuant to section 995(b)(1) in a taxable year for which the corporation qualifies (or is treated) as a DISC. To the extent that a dividend is paid out of earnings and profits which are not made up of accumulated DISC income or previously taxed income, the corporate recipient is entitled to the deduction provided in section 243 in the same manner and to the same extent as a dividend from a domestic corporation which is not a DISC or former DISC.

PAR. 3. Section 1.301–1 is amended by redesignating paragraph (o) as paragraph (p) and by adding a new paragraph (o). This added provision reads as follows:

§ 1.301–1 Rules applicable with respect to distribution of money and other property.

* * * * *

(o) *Distributions of certain property by DISC's to corporate shareholders.* See § 1.997–1 for the rule that if a corporation which is a DISC or former DISC (as defined in section 992(a) (1) or (3) as the case may be) makes a distribution of property (other than money and other than the obligations of the DISC or former DISC) out of accumulated DISC income (as defined in section 996(f)(1)) or previously taxed income (as defined in section 996(f)(2)), such distribution of property shall be treated as if it were made to an individual and that the basis of the property distributed, in the hands of the recipient corporation, shall be determined as if such property were distributed to an individual.

* * * * *

PAR. 4. Section 1.901–1 is amended by adding a paragraph (i). This added provision reads as follows:

§ 1.901–1 Allowance of credit for taxes.

* * * * *

(i) *Dividends from a DISC treated as foreign.* For purposes of sections 901 through 906 and the regulations thereunder, any amount treated as a dividend from a corporation which is a DISC or former DISC (as defined in section 992(a)(1) or (3) as the case may be) will be treated as a dividend from a foreign corporation to the extent such dividend is treated under section 861(a)(2)(D) as income from sources without the United States.

PAR. 5. Section 1.902–3 is amended by adding a sentence at the end of paragraph (a)(1). This added provision reads as follows:

§ 1.902–3 Credit for domestic corporate shareholder of a foreign corporation (after amendment by Revenue Act of 1962).

(a) *Domestic shareholder owning stock in a first-tier corporation—(1) In general.* * * * For purposes of this section and § 1.902–5, a DISC or former DISC shall be treated as if it were a foreign corporation, but only with respect to dividends from the DISC or former DISC to the extent such dividends are treated under section 861(a)(2)(D) as income from sources without the United States.

* * * * *

PAR. 6. Section 1.902–4 is amended by adding a sentence at the end of paragraph (a). This added provision reads as follows:

§ 1.902–4 Definition of less developed country corporation for purposes of section 902.

(a) *In general.* * * * A DISC or former DISC shall not be treated as a less developed country corporation for purposes of section 902.

* * * * *

PAR. 7. Section 1.922 is amended by revising section 922 and by adding a historical note. These amended and added provisions read as follows:

§ 1.922 Statutory provisions; special deduction.

SEC. 922. *Special deduction.* In the case of a Western Hemisphere trade corporation there shall be allowed as a deduction in computing taxable income an amount computed as follows—

(1) First determine the taxable income of such corporation computed without regard to this section.

(2) Then multiply the amount determined under paragraph (1) by the fraction—

(A) The numerator of which is 14 percent, and

(B) The denominator of which is that percentage which equals the sum of the normal tax rate and the surtax rate for the taxable year prescribed by section 11.

No deduction shall be allowed under this section to a corporation for a taxable year for which it is a DISC or in which it owns at any time stock in a DISC or former DISC (as defined in section 992(a)).

(Sec. 922 as amended by sec. 502(c), Rev. Act 1971 (85 Stat. 550))

PAR. 8. Section 1.922–1 is amended by adding a paragraph (c). This added provision reads as follows:

§ 1.922–1 Special deduction of Western Hemisphere trade corporation.

* * * * *

(c) *Denial of deduction for a DISC or shareholder thereof.* The special deduction provided by section 922 is not allowed to a corporation for a taxable year (1) for which it qualifies (or is treated) as a DISC or (2) during which it owns directly or indirectly at any time stock in a corporation which, at such time, is (or is treated as) a DISC or former DISC. (See section 922(a) (1) and (3), respectively, for the definitions of the terms "DISC" and "former DISC".) For example, assume X corporation and Y corporation have the same taxable years. On the first day of its taxable year X owns and sells all of the stock in Y. Y on such day owns and sells all of the stock in Z corporation and Z qualifies as a DISC as of such day. Neither X nor Y will be eligible for the special deduction provided by section 922 for their taxable years. Z will likewise not be eligible for the special deduction for the taxable year for which it qualifies as a DISC.

PAR. 9. Section 1.931 is amended by revising so much of section 931(a)(2) as follows section 931(a)(2)(A), by revising section 931(d), and by adding a historical note. These amended and added provisions read as follows:

§ 1.931 Statutory provisions; income from sources within possessions of the United States.

SEC. 931. *Income from sources within possessions of the United States*—(a) *General rule.* * * *

(2) *Trade or business.* * * *

(B) In the case of such citizen, 50 percent or more of his gross income (computed without the benefit of this section) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States either on his own account or as an employee or agent of another.

This section shall not apply in the case of a corporation for a taxable year for which it is a DISC or in which it owns at any time stock in a DISC or former DISC (as defined in section 992(a)).

* * * * *

(d) *Deductions*—(1) *General rule.* Except as otherwise provided in this subsection and subsection (e), in the case of persons entitled to the benefits of this section the deductions shall be allowed only if and to the extent that they are connected with income from sources within the United States; and the proper apportionment and allocation of the deductions with respect to sources of income within and without the United States shall be determined as provided in part I, under regulations prescribed by the Secretary or his delegate.

(2) *Exceptions.* The following deductions shall be allowed whether or not they are connected with income from sources within the United States:

(A) The deduction, for losses not connected with the trade or business if incurred in transactions entered into for profit, allowed by section 165(c)(2), but only if the profit, if such transaction had resulted in a profit, would be taxable under this subtitle.

(B) The deduction, for losses of property not connected with the trade or business if arising from certain casualties or theft, allowed by section 165(c)(3), but only if the loss is of property within the United States.

(C) The deduction for charitable contributions and gifts allowed by section 170.

(3) *Deduction disallowed.* For disallowance of standard deduction, see section 142(b)(2).

* * * * *

[Sec. 931 as amended by sec. 107, Foreign Investors Tax Act 1966 (80 Stat. 1571); sec. 502(d), Rev. Act 1971 (85 Stat. 550)]

PAR. 10. Section 1.931–1 is amended by adding a paragraph (j). This added provision reads as follows:

§ 1.931–1 Citizens of the United States and domestic corporations deriving income from sources within a certain possession of the United States.

* * * * *

(j) *Nonapplication to a DISC or shareholder thereof.* Section 931 does not apply to a corporation for a taxable year (1) for which it qualifies (or is treated) as a DISC or (2) during which it owns directly or indirectly at any time stock in a corporation which, at such time, is (or is treated as) a DISC or former DISC. (See section 992(a) (1) and (3), respectively, for the definitions of the terms "DISC" and "former DISC".) For example, assume X corporation and Y corporation have the same taxable years. On the first day of its taxable year, X owns and sells all of the stock in Y. Y on such day owns and sells all of the stock in Z corporation, and Z qualifies as a DISC as of such day. Section 931 will not apply to X and Y for their taxable years. Section 931 will likewise not apply to Z for the taxable year for which it qualifies as a DISC.

PAR. 11. Section 1.1014 is amended by adding a subsection (d) and by revising the historical note. These amended and added provisions read as follows:

§ 1.1014 Statutory provisions; basis of property acquired from a decedent.

SEC. 1014. *Basis of property acquired from a decedent.* * * *

(d) *Special rule with respect to DISC stock.* If stock owned by a decedent in a DISC or former DISC (as defined in section 992(a)) acquires a new basis under subsection (a), such basis (determined before the application of this subsection) shall be reduced by the amount (if any) which would have been included in gross income under section 995(c) as a dividend if the decedent had lived and sold the stock at its fair market value on the estate tax valuation date. In computing the gain the decedent would have had if he had lived and sold the stock, his basis shall be determined without regard to the last sentence of section 996(e)(2) (relating to reductions of basis of DISC stock). For purposes of this subsection, the estate tax valuation date is the date of the decedent's death or, in the case of an election under section 2032, the applicable valuation date prescribed by that section.

(Sec. 1014 as amended by sec. 2, Act of February 11, 1958 (Public Law 85–320, 72 Stat. 5); sec. 502(f), Rev. Act 1971 (85 Stat. 550))

PAR. 12. Section 1.1014–1 is amended by revising paragraph (b). This amended provision reads as follows:

§ 1.1014–1 Basis of property acquired from a decedent.

* * * * *

(b) *Scope and application.* With certain limitations, the general rule described in paragraph (a) of this section is applicable to the classes of property described in paragraphs (a) and (b) of § 1.1014–2, including stock in a DISC or former DISC. In the case of stock in a DISC or former DISC, the provisions of this section and §§ 1.1014–2 through 1.1014–8 are applicable, except as provided in § 1.1014–9. Special basis rules with respect to the basis of certain other property acquired from a decedent are set forth in paragraph (c) of § 1.1014–2. These special rules concern certain stock or securities of a foreign personal holding company and the surviving spouse's one-half share of community property held with a decedent dying after October 21, 1942, and on or before December 31, 1947. In this section and §§ 1.1014–2 to 1.1014–6, inclusive, whenever the words "property acquired from a decedent" are used, they shall also mean "property passed from a decedent", and the phrase "person who acquired it from the decedent" shall include the "person to whom it passed from the decedent."

* * * * *

PAR. 13. Section 1.1014–9 is added immediately after § 1.1014–8. This added provision reads as follows:

§ 1.1014–9 Special rule with respect to DISC stock.

(a) *In general.* If property consisting of stock of a DISC or former DISC (as defined in section 992(a) (1) or (3) as the case may be) is considered to have been acquired from a decedent (within the meaning of paragraph (a) or (b) of § 1.1014–2), the uniform basis of such stock under section 1014, as determined pursuant to §§ 1.1014–1 through 1.1014–8 shall be reduced as provided in this section. Such uniform basis shall be reduced by the amount (hereinafter referred to in this section as the amount of reduction), if any, which the decedent would have included in his gross income under section 995(c) as a dividend if the decedent had lived and sold such stock at its fair market value on the estate tax valuation date. If the alternate valuation date for Federal estate tax purposes is elected under section 2032, in computing the gain which the decedent would have had if he had lived and sold the stock on the alternate valuation date, the decedent's basis shall be determined with reduction for any distributions with respect to the stock which may have been made, after the date of the decedent's death and on or before the alternate valuation date, from the DISC's previously taxed income (as defined in section 996(f)(2)). For this purpose, the last sentence of section 996(e)(2) (relating to reductions of basis of DISC stock) shall not apply. For purposes of this section, if the corporation is not a DISC or former DISC at the date of the decedent's death but is a DISC for a taxable year which begins after such date and on or before the alternate valuation date, the corporation will be considered to be a DISC or former DISC only if the alternate valuation date is elected. The provisions of this paragraph apply with respect to stock of a DISC or former DISC which is included in the gross estate of the decedent, including but not limited to property which—

(1) Is acquired from the decedent before his death, and the entire property is subsequently included in the decedent's gross estate for estate tax purposes, or

(2) Is acquired property described in paragraph (d) of § 1.1014–3.

(b) *Portion of property acquired from decedent before his death included in decedent's gross estate.*—(1) *In general.* In cases where, due to the operation of the estate tax, only a portion of property which consists of stock of a DISC or former DISC and which is acquired from a decedent before his death is included in the decedent's gross estate, the uniform basis of such stock under section 1014, as determined pursuant to § 1.1014–1 through § 1.1014–8, shall be reduced by an amount which bears the same ratio to the amount of reduction which would have been determined under paragraph (a) of this section if the entire property consisting of such stock were included in the decedent's gross estate as the value of such property included in the decedent's gross estate bears to the value of the entire property. (2) *Example.* The provisions of this paragraph may be illustrated by the following example: *Example.* The decedent creates a trust during his lifetime to pay the income to A for life, remainder to B or his estate. The trust instrument further provides that if the decedent should survive A, the income shall be paid to the decedent for life. The decedent predeceases A, so that, due to the operation of the estate tax, only the present value of the remainder interest is included in the decedent's gross estate. The trust consists of 100 shares of the stock of X corporation (which is a DISC at the time the shares are transferred to the trust and at the time of the decedent's death) with an adjusted basis immediately prior to the decedent's death of $10,000 (as determined under section 1015). At the time of the decedent's death the value of the stocks is $20,000, and the value of the remainder interest in the hands of B is $8,000. Applying the principles of paragraph (b)(3)(i) of § 1.1014–6, the uniform basis of the entire property following the decedent's death, prior to reduction pursuant to this paragraph, is $14,000. The amount of reduction which would have been determined under paragraph (a) of this section if the entire property consisting of such stock of X

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corporation were included in the decedent's gross estate is $5,000 The uniform basis of the entire property following the decedent's death, as reduced pursuant to this paragraph, is $12,000, computed as follows:

Uniform basis under section 1014(a), prior to reduction pursuant to this paragraph	$14,000
Less decrease in uniform basis (determined by the following formula)	2,000

Reduction in uniform basis (to be determined)	$8,000 (value of property included in gross estate)
$5,000 (amount of reduction if paragraph (a) applied)	$20,000 (value of entire property)

Uniform basis under section 1014(a) reduced pursuant to this paragraph	12,000

(c) *Estate tax valuation date.* For purposes of section 1014(d) and this section, the estate tax valuation date is the date of the decedent's death or, in the case of an election under section 2032, the applicable valuation date prescribed by that section.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). At the date of A's death, his DISC stock has a fair market value of $100. The estate does not elect the alternate valuation allowed by section 2032, and A's basis in such stock is $60 at the date of his death. The person who acquires such stock from the decedent will take as a basis for such stock its fair market value at A's death ($100), reduced by the amount which would have been included in A's gross income under section 995(c) as a dividend if A had sold stock on the date he died. Thus, if the amount that would have been treated as a dividend under section 995(c) were $30, such person will take a basis of $70 for such stock ($100, reduced by $30). If such person were immediately to sell the DISC stock so received for $100, $30 of the proceeds from the sale would be treated as a dividend by such person under section 995(c).

Example (2). Assume the same facts as in example (1) except that the estate elects the alternate valuation allowed by section 2032, the DISC stock has a fair market value of $140 on the alternate valuation date, the amount that would have been treated as a dividend under section 995(c) in the event of a sale on such date is $50 and the DISC has $20 of previously taxed income which accrued after the date of the decedent's death and before the alternate valuation date. The basis of the person who acquires such stock will be $90 determined as follows:

(1) Fair market value of DISC stock at alternate valuation date	$140
(2) Less: Amount which would have been treated as a dividend under section 995(c)	50
(3) Basis of person who acquires DISC stock	90

If a distribution of $20 attributable to such previously taxed income had been made by the DISC on or before the alternate valuation date (with the DISC stock having a fair market value of $120 after such distribution), the basis of the person who acquires such stock will be $70 determined as follows:

(1) Fair market value of DISC stock at alternate valuation date	$120
(2) Less: Amount which would have been treated as a dividend under section 995(c)	50
(3) Basis of person who acquires DISC stock	70

[FR Doc.73-16003 Filed 8-2-73;8:45 am]

[T.D. 7284]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Requirements for Reporting Certain Information on Forms W–3, W–2, 1096, 1099, and 1042S

Amendments to the Income Tax Regulations under sections 6041, 6052, 6071, and 6091 were first published as a notice of proposed rule making on January 31, 1967 (32 FR 1091). The purpose of those proposed amendments was to require the reporting of all forms of taxable compensation on Forms W–3 and W–2 rather than on a combination of Forms W–3, W–2, 1096, and 1099. This consolidation of compensation on Forms W–3 and W–2 was designed to augment the Service's increasing use of automatic data processing procedures for the utilization of information documents. Among the rules proposed in the notice was one requiring that all forms of compensation paid to, or for the benefit of, a particular employee, including group-term life insurance purchased for the employee, be reported on a single Form W–2. Another proposed rule required the reporting of commissions paid to full-time life insurance salesmen on Form W–2.

On Tuesday, November 21, 1972, a revised notice of proposed rulemaking was published in the Federal Register (37 FR 24757) withdrawing the prior 1967 notice of proposed rulemaking and setting forth revised requirements for reporting certain information on Forms W–3, W–2, 1096, 1099, and 1042S.

The revised notice of proposed rulemaking responded to the comments received following publication of the 1967 notice by allowing, in general, the reporting of information on multiple Forms W–2 at the election of the employer. The revised notice permits wages paid in the form of group-term life insurance to be reported on a separate Form W–2 or, in the case of a full-time life insurance salesman whose commissions are reported on Form 1099. The revised notice also permits a life insurance company to report all payments of commissions to full-time life insurance salesmen on Form W–2 or on Form 1099. With respect to any one company, however, one form or the other must be used exclusively. There is also a corresponding rule for group-term life insurance on the lives of full-time life insurance salesmen. If commissions are reported on Form W–2, Form W–2 must be used to report group-term life insurance. If commissions are reported on Form 1099, Form 1099 must also be used for group-term life insurance. Another change made by the revised notice is to specifically include as an amount reportable on Forms 1096 and 1099 contributions to a qualified retirement plan which are used to purchase life insurance protection and are taxable to plan participants by reason of section 72(m)(3)(B).

The amendments of the regulations as adopted by this document, however, do not reflect the proposed amendment to the Income Tax Regulations under section 6041 contained in the notice of proposed rule making dealing with the character of total distributions from qualified plans paid after December 31, 1969, which was published in the FEDERAL REGISTER of June 12, 1971 (36 FR 11442, 11450).

ADOPTION OF AMENDMENTS TO THE REGULATIONS

After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed in the revised notice of proposed rulemaking published in the FEDERAL REGISTER (37 FR 24757) on Tuesday, November 21, 1972, the amendments of the regulations as so proposed are hereby adopted without change.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: July 30, 1973.

JOHN H. HALL,
Deputy Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 1.1461–2 is amended by revising paragraph (c)(1) to read as follows:

§ 1.1461–2 Return of tax withheld.

* * * * *

(c) *Form 1042S*—(1) *Filing requirement.* Every withholding agent shall make on or before March 15 an annual information return on Form 1042S of all items of income specified in § 1.1441–2 paid during the previous calendar year to nonresident alien individuals, foreign partnerships, or foreign corporations if such items consist of—

(i) Amounts upon which tax was required to be withheld under chapter 3 of the Code,

(ii) Amounts upon which tax would have been required to be withheld under such chapter but for an exclusion from gross income applicable under any income tax convention to which the United States is a party,

(iii) Amounts upon which tax would have been required to be withheld under such chapter but for the provisions of any specific exemption from withholding applicable under the authority of any regulation under this title or any ruling or procedure of the Commissioner, or

(iv) Amounts in respect of which tax withheld under such chapter has, pursuant to such authority, been released or refunded to the payee by the withholding agent.

Notwithstanding subdivisions (i) through (iv) of this subparagraph, income paid to nonresident alien individuals, foreign partnerships, or foreign corporations and required to be shown on Form W–2, or in the case of income

paid prior to January 1, 1972, on Form 1001 (or on any special variation of Form 1001 referred to in paragraph (i) of § 1.1461–1, or the substitute thereof) is not required to be shown on Form 1042S. However, a return under this subparagraph is required on Form 1042S (rather than on Form W–2) in respect of amounts which otherwise would be required to be shown on Form W–2 solely by reason of § 1.6041–2 (relating to return of information as to payments to employees) or § 1.6052–1 (relating to information regarding payments of wages in the form of group-term life insurance). The original and duplicate copies of Form 1042S shall accompany Form 1042 and shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225.

* * * * *

PAR. 2. Section 1.6041–1 is amended by revising paragraphs (a) and (g) to read as follows:

§ 1.6041–1 Return of information as to payments of $600 or more.

(a) *General rule.* (1) Except as provided in § 1.6041–3, every person engaged in a trade or business shall make an information return for each calendar year with respect to payments made by him during the calendar year in the course of his trade or business to another person of fixed or determinable—

(i) Salaries, wages, commissions, fees, and other forms of compensation for services rendered aggregating $600 or more;

(ii) Interest, rents, royalties, annuities, pensions, and other gains, profits, and income aggregating $600 or more; or

(iii) Foreign items, as defined in § 1.6041–4, aggregating $600 or more.

The payments described in subdivisions (i), (ii), and (iii) of this subparagraph shall not include any payments with respect to which a statement is required by, or may be required under authority of, section 6042 (a) (relating to dividends), section 6043(a)(2) (relating to distributions in liquidation) section 6044(a) (relating to patronage dividends), section 6045 (relating to brokers' transactions with customers), or section 6049 (a)(1) and (2) (relating to interest). Thus, the term "interest", as used in subdivision (ii) of this subparagraph, includes all interest other than that coming within the definition of interest provided in § 1.6049–2. For example, a closely held corporation borrows money from one of its officers on a promissory note not in registered form the yearly interest on which is $300. It also pays royalties to such officer amounting to $400 a year. An information return is required under subdivision (ii) of this subparagraph with respect to the payments to such officer since the interest does not come within the definition of interest provided in § 1.6049–2 and the aggregate of the interest and royalty payments is in excess of $600.

(2) *Prescribed form.* The return required by subparagraph (1) of this paragraph shall be made on Forms 1096 and 1099 except that (i) the return with respect to distributions to beneficiaries of a trust or of an estate shall be made on Form 1041, and (ii) the return with respect to certain payments of compensation to an employee by his employer shall be made on Forms W–3 and W–2 under the provisions of § 1.6041–2 (relating to return of information as to payments to employees). See, however, § 1.6041–2(a)(2) for special election applicable to the reporting of commissions paid to full-time life insurance salesmen. Where Form 1099 is required to be filed under this section, a separate Form 1099 shall be furnished for each person to whom payments described in subdivision (i), (ii), or (iii) of subparagraph (1) of this paragraph are made. For time and place for filing Forms 1096 and 1099, see § 1.6041–6.

* * * * *

(g) *Payments made by the United States or a State.* Information returns on—

(1) Forms 1096 and 1099 and

(2) Forms W–3 and W–2 (when made under the provisions of § 1.6041–2)

of payments made by the United States or a State, or political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, shall be made by the officer or employee of the United States, or of such State, or political subdivision, or of the District of Columbia, or of such agency or instrumentality, as the case may be, having control of such payments or by the officer or employee appropriately designated to make such returns.

PAR. 3. Section 1.6041–2 is amended to read as follows:

§ 1.6041–2 Return of information as to payments to employees.

(a)(1) *In general.* Wages, as defined in section 3401, paid to an employee are required to be reported on Form W–2. See section 6011 and the Employment Tax Regulations thereunder. Except as otherwise provided in subparagraph (2) of this paragraph, all other payments of compensation, including the cash value of payments made in any medium other than cash, to an employee by his employer in the course of the trade or business of the employer must also be reported on Form W–2 if the total of such payments and the amount of the employee's wages (as defined in section 3401), if any, required to be reported on Form W–2 aggregates $600 or more in a calendar year. For example, if a payment of $700 was made to an employee and $400 thereof represents wages subject to withholding under section 3402 and the remaining $300 represents compensation not subject to withholding, such wages and compensation must both be reported on Form W–2. A separate Form W–2 shall be furnished for each employee for whom a return must be made. At the election of the employer, components of amounts required to be reported on Form W–2 pursuant to the provisions of this subparagraph may be reported on more than one Form W–2.

(2) *Certain payments by a life insurance company.* All payments of commissions by a life insurance company to its full-time life insurance salesmen (within the meaning of section 3121(d)(3)(B)) may, at the election of the payer, be reported on Forms 1096 and 1099 rather than on Forms W–3 and W–2. A separate Form 1099 shall be furnished for each employee for whom a return must be made. For contents and time and place for filing Forms 1096 and 1099, see § 1.6041–6.

(3) *Transmittal form.* The transmittal form for a return on Form W–2 made pursuant to the provisions of subparagraph (1) of this paragraph shall be Form W–3. In a case where an employer must file a Form W–3 under this paragraph and also under § 31.6011(a)–4 or § 31.6011(a)–5 of this chapter (Employment Tax Regulations), the Form W–3 filed under such § 31.6011(a)–4 or § 31.6011(a)–5 shall also be used as the transmittal form for a return on Form W–2 made pursuant to the provisions of this paragraph.

(4) *Time for filing*—(i) *General rule.* In a case where an employer must file Forms W–3 and W–2 under this paragraph and also under § 31.6011(a)–4 or § 31.6011(a)–5 of this chapter (Employment Tax Regulations), the time for filing such forms under this paragraph shall be the same as the time (including extensions thereof) for filing such forms under § 31.6011(a)–4 or § 31.6011(a)–5.

(ii) *Exception.* In a case where an employer is not required to file Forms W–3 and W–2 under § 31.6011(a)–4 or § 31.6011(a)–5 of this chapter (Employment Tax Regulations), the returns on Forms W–3 and W–2 required under this paragraph for any calendar year shall be filed on or before February 28 of the following year.

(iii) *Cross reference.* For extensions of time for filing returns, see section 6081 and the regulations thereunder.

(5) *Place for filing.* The returns on Forms W–3 and W–2 required under this paragraph shall be filed pursuant to the rules contained in § 31.6091–1 of this chapter (Employment Tax Regulations), relating to the place for filing certain returns.

(b) *Distributions under employees' trust or plan.* (1) Amounts which are—

(i) Distributed or made available to a beneficiary, and to which section 402 (relating to employees' trusts) or section 403 (relating to employee annuity plans) applies, or

(ii) Described in section 72(m)(3)(B), shall be reported on Forms 1096 and 1099 to the extent such amounts are includible in the gross income of such beneficiary if the amounts so includible aggregate $600 or more in any calendar year. In addition, every trust described in section 501(c)(17) which makes one or more payments (including separation and sick and accident benefits) totaling $600 or more in 1

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year to an individual must file an annual information return on Form 1096, accompanied by a statement on Form 1099, for each such individual. Payments made by an employer or a person other than the trustee of the trust should not be considered in determining whether the $600 minimum has been paid by the trustee. The provisions of this subparagraph shall not be applicable to payments of supplemental unemployment compensation benefits made after December 31, 1970, which are treated as if they were wages for purposes of section 3401(a). Such amounts are required to be reported on Forms W–3 and W–2. See paragraph (b)(14) of § 31.3401(a)–1 of this chapter (Employment Tax Regulations).

(2) Any amount with respect to which a statement is required by § 1.6047–1, relating to employee retirement plans covering owner-employees, shall not be included in amounts required to be reported under section 6041.

(c) *Special rule for calendar years before 1972.* For calendar years before 1972, the provisions of this section will be deemed to have been complied with if the returns for such years were filed in accordance with the provisions of this section in effect prior to [insert date on which final regulations under this section are published in the FEDERAL REGISTER] or with the instructions applicable to the appropriate forms.

PAR. 4. Section 1.6041–3 is amended by revising paragraph (a) to read as follows:

§ 1.6041–3 Payments for which no return of information is required under section 6041.

• • • • •

(a) Payments of income required to be reported on Forms 1042, 1042S, 1000, 1001 (including all special variations thereof), 1120–S, 941, W–3, and W–2 (however, see § 1.6041–2 with respect to Forms W–3 and W–2);

• • • • •

PAR. 5. Section 1.6041–6 is amended to read as follows:

§ 1.6041–6 Returns made on Forms 1096 and 1099 under section 6041; contents and time and place for filing.

Returns made under section 6041 on Forms 1096 and 1099 for any calendar year shall be filed on or before February 28 of the following year with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for such forms. The name and address of the person making the payment and the name and address of the recipient of the payment shall be stated on Form 1099. If the present address of the recipient is not available, the last known post office address must be given. See section 6109 and the regulations thereunder for rules requiring the inclusion of identifying numbers in Form 1099.

PAR. 6. Section 1.6052–1 is amended by revising paragraphs (a) and (b), by redesignating paragraphs (c) and (d) as paragraphs (d) and (e), and by inserting after paragraph (b) a new paragraph (c). These amended and added provisions read as follows:

§ 1.6052–1 Information returns regarding payment of wages in the form of group-term life insurance.

(a) *Requirement of reporting*—(1) *In general.* (i) Every employer, who during any calendar year provides any one of his employees remuneration for services in the form of group-term life insurance on the life of such employee any part of the cost of which is to be included in such employee's gross income as set forth in paragraph (a)(2) of § 1.79–1, shall make a separate return on Form W–2 with respect to each such employee for such year which includes the following information:

(*a*) Name, address, and identifying number of the employer;

(*b*) Name, address, and social security number of the employee; and

(*c*) Total amount includible in the employee's gross income by reason of the provisions of section 79(a), computed as if each employee reported his income on the basis of a calendar year (determined as if the employer making such return is the only employer paying the employee remuneration in the form of group-term life insurance on his life which is includible in his gross income under section 79(a)).

Returns on Form W–2 required to be filed pursuant to the provisions of this section shall be transmitted by Form W–3. In a case where, with respect to the same employee, an employer must make a return on Form W–2 under this section and also under § 31.6011(a)–4 or § 31.6011(a)–5 of this chapter (Employment Tax Regulations), or under § 1.6041–2 (relating to return of information as to payments to employees), such employer may make such returns on the same Form W–2 or on separate Forms W–2. In a case where an employer must file a Form W–3 under this section and also under § 31.6011(a)–4 or § 31.6011(a)–5 of this chapter (Employment Tax Regulations), the Form W–3 filed under such § 31.6011(a)–4 or § 31.6011(a)–5 shall also be used as the transmittal form for a return on Form W–2 made pursuant to the provisions of this section.

(ii) Notwithstanding subdivision (i) of this subparagraph, if a life insurance company has elected, as provided by § 1.6041–2(a)(2), to report all payments of commissions to its full-time life insurance salesmen on Forms 1096 and 1099 rather than on Forms W–3 and W–2, remuneration for services in the form of group-term life insurance on the lives of such salesmen shall be reported on Forms 1096 and 1099. Returns on Form 1099 required to be filed pursuant to the provisions of this section shall include the information prescribed by subdivision (i)(c) of this subparagraph and shall be transmitted by Form 1096. In a case where, with respect to the same full-time life insurance salesman, a life insurance company is required to make a return on Form 1099 under this section and also under § 1.6041–2(a)(2) (relating to return of information as to payments to employees), the life insurance company may make such returns on the same Form 1099 or on separate Forms 1099. See § 1.6041–6 for contents and time and place for filing Forms 1096 and 1099.

(2) *Definitions.* Terms used in subparagraph (1) of this paragraph which are defined in paragraph (b) of § 1.79–1 have the meaning ascribed to them in such paragraph (b).

(b) *Time and place for filing*—(1) *Time for filing*—(i) *General rule.* In a case where an employer must file Forms W–3 and W–2 under this section and also under § 31.6011(a)–4 or § 31.6011(a)–5 of this chapter (Employment Tax Regulations), the time for filing such forms under this section shall be the same as the time (including extensions thereof) for filing such forms under § 31.6011(a)–4 or § 31.6011(a)–5.

(ii) *Exception.* In a case where an employer is not required to file Forms W–3 and W–2 under § 31.6011(a)–4 or § 31.6011(a)–5 of this chapter (Employment Tax Regulations), returns on Forms W–3 and W–2 required under paragraph (a) of this section for any calendar year shall be filed on or before February 28 of the following year.

(iii) *Cross reference.* For extensions of time for filing returns, see section 6081 and the regulations thereunder.

(2) *Place for filing.* The returns on Forms W–3 and W–2 required under paragraph (a) of this section shall be filed pursuant to the rules contained in § 31.6091–1 of this chapter (Employment Tax Regulations), relating to the place for filing certain returns.

(c) *Special rule for calendar years before 1972.* For calendar years before 1972, the provisions of this section will be deemed to have been complied with if the returns for such years were filed in accordance with the provisions of this section in effect prior to (insert date on which final regulations under this section are published in the FEDERAL REGISTER) or with the instructions applicable to the appropriate forms.

• • • • •

PAR. 7. Section 1.6052–2 is amended by redesignating paragraph (d) as paragraph (e), by redesignating paragraph (e) as paragraph (f), by inserting after paragraph (c) a new paragraph (d), and by inserting after paragraph (f) a new paragraph (g). These amended and revised provisions read as follows:

§ 1.6052–2 Statements to be furnished employees with respect to wages paid in the form of group-term life insurance.

• • • • •

(d) *Special rule where Form W–2 or Form 1099 is used.* The provisions of this paragraph shall apply notwithstanding anything to the contrary in paragraph (b) or (c) of this section. The requirement of this section for the furnishing of a statement to an employee may be satisfied by furnishing to such employee the employee's copy of Form W–2 filed pursuant to § 1.6052–1 in respect of such employee, or, in the case of an election by a life insurance company pursuant to the provisions of § 1.6041–2(a)(2), by furnishing to the full-time life insurance salesman a copy of Form 1099 filed pursuant to § 1.6052–1(a)(1). In a case where the statement furnished by an employer to an employee for purposes of complying with this section is the employee's copy of a Form W–2, or in the case of certain full-time life insurance salesmen a copy of Form 1099, then the rules in § 31.6051–1 of this chapter (Employment Tax Regulations) shall apply with respect to the means and time (including extensions thereof) for furnishing such statements to the employee and making corrections on such form.

• • • • •

(g) *Special rule for calendar years before 1972.* For calendar years before 1972, the provisions of this section will be deemed to have been complied with if the statements for such years were furnished in accordance with the provisions of this section in effect prior to [insert date on which final regulations under this section are published in the FEDERAL REGISTER] or with the instructions applicable to the appropriate forms.

PAR. 8. Paragraph (c)(7) of § 1.6071–1 is amended to read as follows:

§ 1.6071–1 Time for filing returns and other documents.

• • • • •

(c) *Time for filing certain information returns.* • • •

(7) For provisions relating to the time for filing information returns by persons making certain payments, see paragraph (a)(4) of § 1.6041–2 and § 1.6041–6.

• • • • •

PAR. 9. Paragraph (b)(7) of § 1.6091–1 is amended to read as follows:

§ 1.6091–1 Place for filing returns or other documents.

• • • • •

(b) *Place for filing certain information returns.* • • •

(7) For the place for filing returns of information reporting certain payments, see paragraph (a)(5) of § 1.6041–2 and § 1.6041–6.

[FR Doc.73–16006 Filed 8–2–73;8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Designated 706 Agencies

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–12(a), 78 Stat. 265, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) hereby amends Title 29, Chapter XIV, § 1601.12(k) in accordance with requirements of § 1601.12(g)(1).

The amendment sets forth those state agencies which have been formally designated as 706 agencies as defined in § 1601.12(c) for the purpose of receiving charges deferred by the Commission pursuant to section 706(c) and (d) of Title VII and whose final findings and orders will be accorded substantial weight by the Commission as provided in § 1601.19b(e).

Publication of this list of agencies effectuates their formal designation as 706 Agencies. Additions to this list may be made by the Commission from time to time as amendments to this subsection published in the FEDERAL REGISTER.

Section 1601.12(k) is amended to read as follows:

• • • • • •

(k) The designated 706 Agencies are:

1. Alaska Commission for Human Rights
2. Colorado Civil Rights Commission
3. Connecticut Commission on Human Rights and Opportunities
4. Delaware Department of Labor
5. District of Columbia Office of Human Rights
6. Illinois Fair Employment Practices Commission
7. Indiana Civil Rights Commission
8. Michigan Civil Rights Commission
9. Minnesota Department of Human Rights
10. New Hampshire Commission for Human Rights
11. New Jersey Division on Civil Rights, Department of Law and Public Safety
12. Oregon Bureau of Labor
13. Pennsylvania Human Relations Commission
14. South Dakota Human Relations Commission
15. Utah Industrial Commission
16. West Virginia Human Rights Commission
17. Wyoming Fair Employment Practices Commission*

The following agencies which appeared on the list of proposed 706 agencies published in the FEDERAL REGISTER Vol. 38 No. 121 June 25, 1973 have been omitted from the list of formally designated 706 agencies pending the evaluation of comments received by the Commission pursuant to the requirements of § 1601.12(g)(1):

1. Arizona Civil Rights Commission
2. California Fair Employment Practices Commission
3. Massachusetts Commission Against Discrimination
4. New York State Division of Human Rights

(Sec. 713(a), 76 Stat. 265, 42 U.S.C. § 2000e–12(a)).

This amendment is effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. 27th day of July, 1973.

WILLIAM H. BROWN III,
Chairman.

PROVISIONAL 706 AGENCIES

Pursuant to § 1601.12(d)(1) as amended and published in the FEDERAL REGISTER Vol. 38, No. 121, June 25, 1973, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) has extended until July 1, 1974, designation of the agencies listed in Chart I below as Provisional 706 Agencies for the purposes of receiving referenced types of charges deferred by the Commission, pursuant to section 706 (c) and (d) of Title VII of the Civil Rights Act of 1964, as amended.

The designations reflected herein were officially adopted by the Commission on April 17, 1972, and extended June 25, 1973. The Commission may, from time to time, amend the designations listed herein by subsequent publications.

*Will not receive charges alleging violation of § 704(a) of the Civil Rights Act of 1964 [Retaliation Charges].

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I—Provisional 706 Agencies—Continued

	Provisional 706 Agency relationships			No Provisional 706 Agency relationship
A	B	C	D	E	F
State	State FEP law appears to provide enforceable sanctions against discrimination on account of race, color, religion, and national origin and charges alleging violations on these grounds will be deferred to the agency listed below	State FEP law also appears to bar sex discrimination	State FEP law appears to provide enforceable sanctions against discrimination by State or local governments, governmental agencies, and political subdivisions	State has failed to enact legislation with enforceable sanctions against any practices prohibited by Title VII	Comments
Nevada—Continued					complaints will be deferred to the Commission or Equal Rights Division which will transfer the complaints to appropriate State or local agencies.
New Mexico	Human Rights Commission.	X	X		
New York	Division of Human Rights.	X	X		
North Carolina.				X	
North Dakota.				See chart II.	
Ohio	Civil Rights Commission.	Dayton Human Relations Council (only those violations which occur within city limits).	X		
Oklahoma	Human Rights Commission.	X	X		
Puerto Rico	Department of Labor.	X	X		
Rhode Island	Commission for Human Rights.	X		X	
South Carolina				X	
Tennessee				X	
Texas				See chart II.	
Vermont				X	
Virginia					
Virgin Islands	Commissioner of Public Safety;	Department of Labor.			
Washington	Human Rights Commission.	X	X		
Wisconsin	Department of Industry, Labor and Human Relations.	X	X		

II—PROVISIONAL NOTICE AGENCIES

Pursuant to § 1601.12(d)(2) of Title 29 as amended in the FEDERAL REGISTER, Vol. 38, No. 121, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) has extended, until July 1, 1974, designation of the agencies and persons listed in Chart II below as Provisional Notice Agencies. With respect to the referenced types of charges, the Commission will (1) note receipt of said charge and serve notice upon the respondent or respondents, (2) schedule the charge for investigation, and (3) inform the agency or person indicated in this chart of the receipt of the charge.

The designations reflected herein were officially adopted by the Commission on April 17, 1972, and extended on June 25, 1973. The Commission may, from time to time, amend the designations listed herein by subsequent public notice.

II—PROVISIONAL NOTICE AGENCIES

State	State law prohibits discrimination on account of race, color, religion, and national origin, and charges alleging violations on these grounds will be forwarded to the agency listed below.	State law bars sex discrimination.	State has enacted a (sex) equal pay statute and agency (or title of person) listed below will be forwarded charges filed alleging violations on those grounds.	State PEP law appears to prohibit discrimination by State or local governments, government agencies, and political subdivisions.
A	B	C	D	E
Arkansas			Commissioner of Labor	
Arizona	Civil Rights Commission	X		X.
Georgia			Commissioner of Labor	
Kentucky			Commissioner of Labor	
Montana	Attorney General	X		X.
North Dakota			Commissioner of Agriculture and Labor.	
Ohio	Director of Industrial Relations.			
Vermont	Attorney General	X		

[FR Doc.73-15985 Filed 8-2-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 3-73-4R]

PART 127—SECURITY ZONES

New London Harbor, Connecticut

This amendment to the Coast Guard's Security Zone Regulations, establishes the waters of New London Harbor, Connecticut as a security zone. This security zone is established to prevent interference with the launching of the USS Glenard P. Lipscomb.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication because this security zone involves a military function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.305, to read as follows:

§ 127.305 New London Harbor, Connecticut.

The waters within the following boundary is a security zone: a line beginning at the western bank of New London Harbor at 41°20'32" North; thence northerly along that bank to 41°21'03" North; thence easterly along that meridian to the east bank; thence southerly along that bank to 41°20'32" North; thence westerly along that meridian to the beginning point.

(46 Stat. 220, as amended, § 1, 63 Stat. 503, § 6(b), 80 Stat. 937; 50 U.S.C. § 191, 14 U.S.C. § 91, 49 U.S.C. § 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR, 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date: This amendment is effective from 12:00 Noon Eastern Daylight Time on Saturday, 4 August 1973 to 2:00 P.M. Eastern Daylight Time on Saturday, 4 August 1973.

Dated: July 25, 1973.

B. F. ENGEL,
Vice Admiral, United States Coast Guard, Commander, Third Coast Guard District, Governors Island, New York.

[FR Doc.73-16049 Filed 8-2-73;8:45 am]

Title 36—Parks, Forests and Memorials

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Rocky Mountain National Park, Colorado; Fishing

A proposal was published at page 8749 of the FEDERAL REGISTER of April 6, 1973 to revise paragraph (a) of § 7.7 of Title 36 of the Code of Federal Regulations. The effect of the revision is to permit fishing in Black Canyon Creek and Bear Lake, which had previously been closed, and to establish restrictions on the methods of taking and the possession of fish in the Park.

Interested persons were given 30 days for submitting written comments, suggestions, or objections with respect to the proposed revision. Of ten comments received, seven contained minor objections to various parts of the proposed regulations. After consideration was given to all suggestions and objections the proposed regulations are adopted with the following change: Paragraph (a)(1) was amended to clarify the total possession limit of fish to be six (6) of any species.

This revision will become effective August 3, 1973 so as to be in effect during the main visitor use season.

(39 Stat. 535, 16 U.S.C. 3; 38 Stat. 800, 16 U.S.C. 195; 34 FR 13879; 38 FR 7478; 37 FR 6324)

Section 7.7 is revised as set forth below:

§ 7.7 Rocky Mountain National Park.

(a) Fishing. (1) Possession Limit. Possession limit shall mean the numbers, sizes, or species of fish that may be in the possession of a person regardless if fresh or preserved. All fish a person does not elect to keep, or which do not meet the possession requirements, shall be carefully and immediately returned to the waters from which they were taken. The total possession limit shall be six (6) fish of any species.

(i) The possession limit for cutthroat trout is four (4) fish, which must be 10 inches or longer. This provision has park-wide application except as provided in paragraph (a)(3) of this section.

(ii) The possession limit for brook trout, rainbow trout and brown trout is six (6) fish, with no minimum length requirement. This provision has park-wide application except as provided in paragraph (a)(3) of this section.

(2) Method of capture.

(i) Each person fishing in Park water shall use only one hand-held rod or line.

(ii) Only artificial lures or flies with one (single, double, or treble) hook with a common shank may be used in Park waters.

(iii) When in possession of any fishing equipment, and while immediately adjacent to or on waters of the park, no person shall possess any fish bait, such as, but not limited to worms, insects, minnows, fish eggs, other organic matter, or parts thereof.

(3) Special Management Area. The Colorado River above its intersection with the Park boundary (between Sections 25 and 36, T4N, R76W), to the confluence of Timber Creek is designated as a special management area. Brown trout, rainbow trout, and cutthroat trout caught in this section of river must be fourteen (14) inches in length to be retained in possession.

(4) Closed Waters. Bear Lake is closed to fishing during the period April 1 to October 31.

ROGER J. CONTOR,
Superintendent, Rocky Mountain National Park.

[FR Doc.73-16043 Filed 8-2-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

DISABILITY BENEFITS; HOUSEBOUND RATES

On page 16396 of the FEDERAL REGISTER of June 22, 1973, there was published a

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notice of proposed regulatory development to amend §§ 3.350 and 3.351 to provide a liberalization applicable to those who have a service-connected disability evaluated at 100 percent (or a nonservice-connected disability evaluated as permanent and total) pursuant to the "extra schedular" provisions of § 3.321 (b), title 38, Code of Federal Regulations. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These VA Regulations are effective July 25, 1973.

Approved: July 25, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

1. In § 3.350(i), the introductory portion preceding subparagraph (1) is amended to read as follows:

§ 3.350 Special monthly compensation ratings.

* * * * *

(i) *Total plus 60 percent, or housebound; 38 U.S.C. 314(s).*—The special monthly compensation at the rate of $554 provided by 38 U.S.C. 314(s) is payable where the veteran has a single service-connected disability rated as 100 percent without resort to individual unemployability and.

* * * * *

2. In § 3.351(d), the introductory portion preceding subparagraph (1) is amended to read as follows:

§ 3.351 Special monthly dependency and indemnity compensation, death compensation and pension ratings.

* * * * *

(d) *Permanent and total plus 60 percent, or housebound; 38 U.S.C. 521.*—The monthly rate of pension otherwise payable to a veteran who is entitled to pension under 38 U.S.C. 521 and who does not qualify for increased pension ($110) based on need of regular aid and attendance shall be increased by $44 if, in addition to having a single permanent disability rated as 100 percent without resort to individual unemployability, the veteran:

* * * * *

[FR Doc.73-15978 Filed 8-2-73;8:45 am]

PART 36—LOAN GUARANTY

Flood Insurance Requirements

On page 2709 of the FEDERAL REGISTER of January 29, 1973, there was published a notice of proposed rulemaking to amend § 36.4326 to specifically require flood insurance coverage on properties securing a loan guaranteed by the Veterans Administration in a special flood hazard area, as designated by the Secretary of Housing and Urban Development. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

As a result of the notice of proposed rule, four comments were received. In each instance the party commented favorably upon the idea of flood insurance, but three objected to making it mandatory. Two comments were about the effect of flood insurance in a specific area.

The flood insurance program has been available on a non-mandatory basis for only several years, and empirical knowledge is not sufficient to definitively assess the objections filed. Furthermore, designation of special flood hazard areas is within the jurisdiction of the Secretary of Housing and Urban Development and not the Administrator of Veterans Affairs. For these reasons and because of the necessity of providing a workable insurance program that will provide protection against flood disasters, the proposed regulation is hereby adopted without change and is set forth below.

Effective date. This VA Regulation is effective September 10, 1973.

Approved: July 25, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

§ 36.4326 Hazard insurance.

The holder shall require insurance policies to be procured and maintained in an amount sufficient to protect the security against the risks or hazards to which it may be subjected to the extent customary in the locality. Flood insurance will be considered customary in the locality if the security is located in a special flood hazard area, as designated by the Secretary of Housing and Urban Development. The amount of flood insurance required will be equal to the outstanding loan balance of the mortgage or the maximum limit of coverage authorized for the particular type of security, or a sum designated by the Administrator, whichever is less. An exception to the flood insurance requirement may be made if it is determined by the Administrator in an individual case that the security, although situated in a special flood hazard area designated by the Secretary of Housing and Urban Development, is clearly not subject to flood damage because of its particular location, elevation, or construction. All moneys received under such policies covering payment of insured losses shall be applied to restoration of the security or to the loan balance.

[FR Doc.73-15977 Filed 8-2-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 51—PREPARATION, ADOPTION AND SUBMISSION OF IMPLEMENTATION PLANS

Submission of State Reports and Emission Control Action Programs

On February 1, 1973 (38 FR 3083) the Administrator of the Environmental Protection Agency (EPA) proposed to amend two sections of the regulations for the preparation, adoption and submittal of state implementation plans (40 CFR Part 51, November 25, 1971, at 36 FR 22398). The amendments proposed to modify §§ 51.7, *Reports* and 51.16, *Prevention of air pollution emergency episodes.* Interested parties were provided an opportunity to comment on these amendments until March 5, 1973. No comments were received on the proposed regulatory changes to § 51.16, *Emergency episodes.* Eight separate comments were received on the amendments to § 51.7; seven from State and local agencies, the other from a utility company. In consideration of these and other comments, the proposed regulations have been modified.

All eight comments received on the reporting regulations were concerned with various aspects of the emission data requirements; three identified certain problems with the air quality data requirements and two discussed in general terms the needs for the required information. Three of the formal comments received from the State and local air pollution agencies indicated that the proposed report regulations were overly burdensome and indicated their concern for the resources necessary to fulfill the reporting requirements of § 51.7. It should be noted that EPA met with the State and Territorial Air Pollution Program Administrators (STAPPA) on several occasions throughout the development of the proposed regulations and in consideration of their comments significantly reduced the original reporting requirements to that level proposed in the FEDERAL REGISTER.

It is believed that the regulations set forth below require the minimum information which will allow the Agency to carry out its two basic surveillance responsibilities. These responsibilities include the need to determine whether a state implementation plan must be revised to assure the attainment and maintenance of the national standards in a timely fashion and the need to assure that individual sources achieve compliance with adopted control regulations which are part of the applicable plan.

There appears to be a misconception on the part of some agencies regarding the emission data requirements. The reporting regulations do not require a complete emission inventory with each semiannual report. Only data for major point sources which achieved compliance

with applicable regulations, new sources which began operation, sources which received approval to construct, and a listing of sources which ceased operation is required to be submitted.

In light of the comments received, a number of changes have been made to the proposed regulations. Specifically, these include:

(1) The number of sources for which emissions and plan enforcement data need be submitted has been reduced. The proposed regulations would have required states to report progress for any stationary sources causing emissions in excess of 100 tons per year of a pollutant in a region whose urban place population was equal to or greater than 1 million (1970); or for any stationary source causing emissions in excess of 25 tons per year of a pollutant in a region whose population was less than 1 million (1970). The proposed regulation also required emission information for each emission point or stack which emitted 25 tons per year of a criteria pollutant within a total facility which emitted more than 100 tons per year. Upon review of various comments which addressed these requirements, it has been determined that in general, data for only sources which emit greater than 100 tons per year need to be submitted to the EPA. Since sources which contribute 100 tons per year or more of a pollutant contribute such a significant portion of the total emissions in a Region, it is believed that monitoring the progress of these major sources in achieving compliance with applicable regulations will be a sufficient indicator of general progress of all sources within the Region. In cases where a single facility emits greater than 100 tons per year, the state must submit information on individual emissions points within that facility which emit 25 tons per year or greater of a criteria pollutant.

(2) The reporting requirements for sources listed in Appendix C of the November 25, 1971, SIP regulations (36 FR 22398) has been deleted based upon comments which indicated that Appendix C is overly broad in that it includes sources of minor significance and sources which are not emitters of criteria pollutants. As previously noted, States must provide information for all major sources which emit greater than 100 tons per year of a criteria pollutant whether listed in said Appendix C or not since these sources do contribute a significant part of the total emissions in a Region.

(3) The proposed regulations that required *all* non-regulatory revisions of the plan be submitted to the Agency with the semi-annual report has been modified. The regulations which are set forth below require States to submit only *substantive* non-regulatory revisions. Substantive revisions include, but are not limited to, changes in stack-test procedures for determining compliance with applicable regulations, modifications in projected manpower needs, and changes in responsibilities given to local agencies to carry out the implementation plan. It should be noted, however, that no modification has been made to the requirement that all *regulatory* revisions be submitted to the Agency within 60 days of their adoption.

(4) The requirement that general information on plan progress be submitted to the Agency has been deleted. States, however, are encouraged to submit any information which they believe shows that the plan is being implemented.

(5) The requirement for reporting all enforcement actions has been changed to limit reporting to those enforcement actions which result in civil or criminal penalties. This change will decrease the amount of effort required by the States to report while still providing EPA with the necessary information.

(6) A requirement has been added which will require States to submit emission data for those sources which were *approved for construction* during the reporting period. The proposed regulations required data from only sources which *began* operation. Upon further consideration, it has been determined that information pertaining to sources that have been granted approval to construct during the reporting period is necessary to allow the Agency to review the effectiveness of State's new source review procedures.

(7) A modification has been made to the regulation to require States to report the achievement of increments of progress for point sources under enforcement orders as well as compliance schedules. This modification expands the original reporting activity which dealt only with compliance schedules. The regulations set forth below will allow the Agency to monitor progress independent of the State's regulatory mechanisms or terminology.

(8) The requirement for submisson of enforcement orders with the semiannual report has been changed to require their submittal within 60 days of issuance. This change should not impose any additional reporting effort on the part of the states and in the Acting Administrator's judgment is necessary to satisfy EPA's responsibility to ensure enforcement of regulatory provisions of the SIP's.

A major area of concern in comments received was the use of the NEDS emission data format. Two States indicated concern over the specified data format since they have existing computer systems which are not compatible with NEDS, while another agency supported this orderly and uniform basis of providing the information. One State indicated concern with the NEDS format since emission information is already available on State computer forms. Other comments indicated that the instructions for completing the NEDS computer forms were either not received or that the instructions for completing the forms were not clear.

While the regulations specify the NEDS format for submitting emission data, there is a provision in the regulations which allows the Regional Administrator to approve an alternate data form. Further, to help resolve the basic problem of dual data systems, the Agency has been providing assistance to States to either manually convert the data to the NEDS system or to develop computer programs which would output the necessary information in the NEDS format for Agency usage. Similarly, assistance is available and has been provided to many States to convert data on State forms to NEDS data forms. Comprehensive data handling guidelines are also available from EPA to further assist States in data handling and reporting consistency. Every effort is being made to minimize the reporting burden to the State agencies but at the same time structure the report and information so an orderly flow of information will be provided to support the national analysis of SIP progress.

In regard to the nonreceipt of instructions for NEDS systems, specific instructions on completing the NEDS forms were provided to each State agency in September 1972 in a publication entitled "Guidelines for Compiling a Comprehensive Emission Inventory, Chapter 4, APTD–1135." While the NEDS instructions are quite extensive, technical assistance to States on special problems is available from Regional Office personnel.

Very few comments were received on the proposed air quality data reporting requirements. One comment related to the need of EPA for the detailed air quality measurements rather than data summaries. While one State suggested that summary air quality statistics should be adequate, one other agency stated in positive terms the acceptability of the reporting procedures.

It is the Acting Administrator's judgement that detailed data will allow the Agency to develop statistical trends and projections of ambient levels in relation to progress in achieving national standards. Also, a central national data handling system which can provide summary statistics to State and local agencies is a useful service to those agencies that do not have their own capability to do so. It is the intent of the Agency to make available through the Regional Offices summary statistics within 75 days of the receipt of the data by the Agency.

One comment was submitted by a utility company which indicated that the proposed requirements for States to report emission data semi-annually to the Agency would in turn require States to solicit emission data from the utility industry. The utility stated that the Federal Reports Act of 1942 obligates Federal agencies to coordinate data acquisition even if the data are to be collected by a third party. Since the regulations do not require States to establish procedures for data acquisition from sources nor do they require States to routinely obtain emission information for any sources, the utility's comment reflects a misunderstanding of the Agency's prescribed reporting requirements. The Agency however supports the use of the Federal Power Commission's Form 67 as an information source for general emission information for utilities, but also recognizes State agencies' needs for

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additional information such as enforcement or compliance information. EPA will continue to coordinate with the Federal Power Commission on the environmental information needs of the Agency.

The regulations which are included in this package for § 51.16 will delete the requirement for states to negotiate and submit to EPA the emergency emission control action programs for individual sources. This modification does not relieve States or source owners or operators of their respective obligations to require and to achieve control of emissions from such sources whenever and wherever such control is necessary to prevent an air pollution episode. Nor does this modification affect EPA's authority to initiate action under section 303 of the Act to prevent imminent and substantial endangerment to the health of persons.

The existence of individual emissions control actions programs for major sources tends to facilitate source owners' and operators' responses to abatement orders issued for the purpose of episode prevention. Many agencies will require such programs from sources as indicated by § 51.16(b) and Appendix L to Part 51. In dealing with sources for which such standby programs do not exist, the responsible State or local agency, or EPA in the event of Federal action under section 303, may have to provide more detailed abatement orders, but it is entirely feasible to do so, and where necessary, State and local agencies will be expected to do so. Accordingly, it is not anticipated that this modification of § 51.16(c) will have any significant effect on protection of persons against the occurrence of air pollution levels which could cause significant harm to health.

States are still encouraged to provide for the development of individual emission control action programs for major stationary sources in order to facilitate prevention of air pollution episodes. It is the Acting Administrator's judgment, however, that an absolute requirement for preparation and evaluation of such emission control action programs for all such stationary sources in all Priority I air quality control regions and to submit them to the Agency for review and approval would consume resources which at this time can be put to more productive use in preparation and evaluation of compliance schedules and transportation control strategies and in taking other steps necessary to ensure that adequate progress is made toward attainment of the national ambient air quality standards.

The regulations discussed above are effective upon publication in the FEDERAL REGISTER. The Agency finds that good cause exists for making these regulations effective upon publication since the process of preparing quarterly and semi-annual reports of progress is already underway in most State agencies. The three additional requirements which were not proposed on February 1, 1973, moderately expand sections of the proposed reporting requirements for which few, if any, comments were received.

(42 U.S.C. 1857g(a))

Dated: July 30, 1973.

ROBERT W. FRI,
Acting Administrator,
Environmental Protection Agency.

Part 51 of Title 40, Code of Federal Regulations is revised to read as follows:

§ 51.7 Reports.

(a) *Quarterly report on air quality data.* On a quarterly basis commencing with the end of the first quarterly period of October 1–December 31, 1972, the State agency shall report to the Administrator (through the appropriate Regional Office) information on air quality as specified in this paragraph.

(1) Quarterly reports shall include all air quality data gathered during the reporting period by the air quality surveillance network which is part of the applicable plan. The first report shall include all air quality data gathered subsequent to the air quality data which provided the basis for the development of the applicable plan.

(2) Quarterly reports shall be recorded and submitted in accordance with the procedures and data forms specified in the Storage and Retrieval of Aerometric Data (SAROAD) Users Manual, USEPA, OAP, APTD-0663. The data shall be submitted on paper forms, punched cards, or magnetic tape in the SAROAD format as specified in the following forms:

(i) SAROAD Site Identification Form for each new sampling site.

(ii) SAROAD Hourly Data Form for data with a sampling interval of less than 24 hours.

(iii) SAROAD Daily Data Form for data with a sampling interval of 24 hours or greater.

(iv) SAROAD Multiple-Parameter, Multiple-Station or Composite Data Forms may be used for reporting convenience.

(3) Quarterly reports shall be submitted within 45 days after the end of each reporting period. The quarterly periods are January 1–March 31, April 1–June 30, July 1–September 30 and October 1–December 31.

(b) *Semiannual report.* (1) For purposes of paragraph (a)(3) and paragraph (4)(i) and (ii) of this section, the term source shall have the following meaning: Any facility which emits a total of more than 100 tons per year of any one pollutant for which a national standard has been promulgated. For such facilities, emissions shall be reported as follows:

(i) Emissions of each such pollutant for the facility as a whole.

(ii) Emissions of each such pollutant from any individual emission point within the facility which emits more than 25 tons per year of any such pollutant.

(2) Submission of report: On a semi-annual basis commencing with the end of the first semiannual period of July 1–December 31, 1972, the State agency shall report to the Administrator (through the appropriate Regional Office) information as specified in this section.

(3) Source inventory data: (i) Emissions data and information related to emissions as identified by the NEDS point source coding forms shall be reported for each source which achieved compliance at any time within the reporting period with any regulation of an applicable plan. The first report shall include all sources which achieved compliance since the development of the applicable plan.

(ii) Emissions data and information related to emissions for criteria pollutants shall be reported for each new or modified source which:

(*a*) Received approval to construct during the reporting period.

(*b*) Began operation during the reporting period. The first report shall include all new or modified sources which began operation since the development of the applicable plan.

(iii) The identification of sources which ceased operations during the reporting period shall be reported. The first report shall identify all sources which ceased operation since the development of the applicable plan.

(iv) The data required by paragraphs (b)(3)(i), (ii) and (iii) of this section shall be recorded and submitted on the NEDS point source coding forms specified in the "Guide for Compiling a Comprehensive Emission Inventory," Revised (March 1973), USEPA, OAWP, ATPD-1135.

(4) Progress in plan enforcement: (i) For each source, achievement during the reporting period of any increment of progress of compliance schedules required by the applicable plan or by any enforcement order or other State action required to be submitted pursuant to paragraph (d) shall be reported.

(ii) For each source, any enforcement action taken during the reporting period and not submitted under paragraph (d) which results in civil or criminal penalties shall be reported.

(iii) For each category of area sources, an estimate of the percent of sources in compliance with any emission regulation of the applicable plan shall be reported.

(5) Revisions: All substantive revisions, during the reporting period of the applicable plan, other than revisions to rules and regulations or compliance schedules submitted in accordance with section 51.6(g) of this part shall be identified and described. Substantive revisions shall include but are not limited to changes in stack-test procedures for determining compliance with applicable regulations, modifications, in the projected total manpower needs to carry out the approved plan, all changes in responsibilities given to local agencies to carry out various portions of the plan.

(6) Submission of semi-annual report: Semi-annual reports shall be submitted within 45 days after the end of each reporting period. The semi-annual periods are January 1–June 30 and July 1–December 31.

(c) *Report format.* Where a State agency has an existing format for recording the information required by paragraphs (a) and (b) of this section that differs from the format specified in those paragraphs, the State agency must obtain approval of the format by the Administrator (through the appropriate Regional Office) prior to its submittal as part of the quarterly or semiannual report.

(d) *Report on enforcement orders and other state actions.* (1) Any enforcement orders, including any court order, and any state action which purports to modify the requirements of an applicable implementation plan shall be submitted to the Administrator within 60 days of its issuance or adoption by the State.

(2) A State enforcement order or other State action shall not revise the applicable implementation plan unless such order or action is submitted as a revision to such plan pursuant to § 51.6 and approved by the Administrator.

§ 51.16 [Amended]

In § 51.16, paragraph (c) is revoked and the first and second sentences of paragraph (f) are amended by deleting the words "paragraphs (c) and" and by inserting instead the word "paragraph."

[FR Doc.73-15972 Filed 8-2-73;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approvals and Disapprovals of Plan Revisions

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards in the States of Vermont and Massachusetts. This publication contains two approvals and one disapproval of proposed revisions to those plans.

Vermont, after notice and a public hearing, submitted a proposed revision to its implementation plan that would permit the Whitefield Paper Division of Georgia Pacific Corporation to burn for a limited time fuel oil with a sulfur content in excess of the 1.5 percent maximum allowed under Vermont Air Pollution Control Regulation 5–221. The revision would allow the burning of oil with an average of 2.25 percent sulfur (not to exceed 2.5 percent) from October 1, 1972 to July 1, 1973. This revision is approved for the reasons indicated below.

The Georgia Pacific Whitefield Division is located in Gilman, Vermont, which is in the Vermont Intrastate air quality control region, and is classified Priority II for SO_x. The primary ambient air quality standard for SO_x, however, was not attained at the time of classification. Therefore, a date for the attainment of the primary standard in that region was established as a part of Vermont's SO_x control strategy. That date is January 31, 1975. Because the revision does not relieve Georgia Pacific from its obligation to comply with the applicable Vermont emission limitation by January 31, 1975, there is no inconsistency with the approved control strategy for SO_x in the Vermont implementation plan. The revision is also consistent with the requirements of 40 CFR Part 51 that pertain to compliance schedules. Although it relieves Georgia Pacific from compliance for a limited period of time, the Administrator has determined that the proposed compliance date is the earliest practicable time by which Georgia Pacific could acquire the low sulfur fuel necessary for compliance.

Massachusetts, after notice and public hearings, submitted two proposed revisions to its implementation plan. One would allow two facilities of the Newton Public Schools to operate hand fired coal furnaces after June 1, 1972, the date upon which Massachusetts Regulation 5.3.1, prohibiting such operation, became effective. The revision would allow operation until June 1, 1973. This revision is also approved, for the reasons indicated below.

Both facilities are located in the Metropolitan Boston Intrastate air quality control region, which is classified Priority I for particulates. The attainment date in that region for the primary particulate standard is July 31, 1975. Because the revision does not relieve either facility from the obligation to comply with the applicable Massachusetts control measure by July 31, 1975, there is no inconsistency with the approved control strategy for particulates in the Massachusetts implementation plan.

The revision is also consistent with the requirements of 40 CFR Part 51 that pertain to compliance schedules. Although it delays the date by which the two facilities must comply, the Administrator has determined that the proposed compliance date is the earliest practicable time by which the heating systems could be closed down. After that date, the facilities involved must not be operated until they have been modified to avoid hand firing.

A second proposed revision would have permitted Peirce Brothers, Inc., in Waltham, Massachusetts, to burn a maximum 1.0 percent sulfur fuel from October 1, 1972 to October 1, 1973. Massachusetts Regulation 5.1.1 prohibits the burning in certain regions of fuel with a sulfur content in excess of 0.5 percent. Peirce Brothers is located in the Metropolitan Boston Intrastate air quality control region, which is classified Priority I for SO_x. The attainment date in that region for the primary SO_x standard is July 31, 1975.

The Administrator has determined that this revision fails to satisfy the requirement of 40 CFR 51.15(b)(1) that compliance be as "expeditious as practicable." Massachusetts' justifications for the revision, that economic hardship will be incurred otherwise and that it is necessary for the public good, are insufficient to show that compliance in accordance with Regulation 5.1.1 would be impracticable. It has been determined that a sufficient quantity of sulfur fuel is available to Peirce Brothers for achieving the 0.5 percent limitation by blending. Accordingly, this proposed revision is disapproved.

The Agency finds that good cause exists for making these actions effective immediately upon publication for the following reasons:

1. The implementation plan revisions were adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public hearings and comments, and further participation is unnecessary and impracticable.

2. Immediate effectiveness of the actions enables the sources involved to proceed with certainty in conducting their affairs and persons wishing to seek judicial review of the actions may do so without delay.

(42 U.S.C. 1857c-5)

ROBERT W. FRI,
Acting Administrator.

JULY 30, 1973.

Part 52 of Chapter 1, title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

1. Section 52.1125, is amended by adding a new paragraph (a) and by adding new lines to the table in paragraph (b), as follows:

§ 52.1125 Compliance schedules.

(a) The compliance schedules for source identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	State regulation involved	Date of adoption
Peirce Brothers, Inc.	Waltham, Mass.	5.1.1	1/9/73

(b) • • •

Source	Location	State regulation involved	Date of adoption	Effective date	Final compliance date
• • •	• • •	• • •	• • •	• • •	• • •
Newton Public Schools	Newton, Mass.	5.3.1	Dec. 7, 1972	Immediately	June 1, 1973
Administration Building	265 Washington Street.				
Claflin Hall, Newton Junior College.	Washington Park, Newton Hlve.				

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Subpart UU—Vermont

2. A new § 52.2376 is added, as follows:

§ 52.2376 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	State regulation involved	Date of adoption	Effective date	Final compliance date
Georgia Pacific Corp., Whitefield Paper Division.	Gilman, Vt.....	5-221	Jan. 5, 1973	Immediately..	July 1, 1973

[FR Doc.73-15973 Filed 8-2-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

PART 15-3—PROCUREMENT BY NEGOTIATION

Subpart 15-3.6—Small Purchases

Section 15-3.650, Oral Purchase Orders, is hereby added to Chapter 15, Title 41 of the Code of Federal Regulations.

Effective date. This regulation will be effective August 3, 1973.

Dated: July 30, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart 15-3.6—Small Purchases

Sec.
15-3.650 Oral Purchase Orders.
15-3.650-1 Policy.
15-3.651 Procedure.

AUTHORITY: 40 U.S.C. 486(c), 63 Stat. 377, as amended, sec. 205(c).

Subpart 15-3.6—Small Purchases

§ 15-3.650 Oral Purchase Orders.

§ 15-3.650-1 Policy.

Oral purchase orders are authorized under the following conditions:

(a) Items are supplies in vendor stock or services readily available.

(b) Neither the imprest fund method nor a blanket purchase agreement is available or appropriate.

(c) Total order will not exceed $250.00.

§ 15-3.651 Procedure.

(a) Upon receipt of a Procurement Request/Requisition (EPA Form 1900-8), the Contracting Officer will place an oral order with the appropriate vendor in accordance with EPA Order 1900.4.

(b) In addition to purchasing information for which specific blocks are provided on the EPA Form 1900-8, the Purchasing Agent will annotate on all copies of the Procurement Request the following:

(1) Oral Purchase Order Number
(2) Date of Order
(3) Vendor Name and Address
(4) F.O.B. Point
(5) Discount Terms
(6) Time for Delivery
(7) Pricing Data as Agreed to
(8) Federal Supply Schedule Contract Number, if applicable
(9) Name of Person Taking Order
(10) Contracting Officer's Name

(c) The vendor will be given the purchase order number and be instructed to include the number in the shipment destination address. The vendor will also be requested to invoice immediately upon shipment and to include the purchase order number on the invoice. The address for billing will also be provided the vendor. All invoices shall be forwarded by the vendor directly to the applicable Accounting Operations Office.

(d) The Contracting Officer will complete and sign the original Purchase Request/Requisition and distribute as follows:

(1) Original filed in the Procurement Office "Oral Order" open file.

(2) Copy sent to Accounting Operations Office for obligation of funds.

(3) Two copies sent to Receiving area for use as receiving report.

(4) Copy returned to the Originator.

(e) When the material is delivered, the receiving clerk shall certify receipt on one copy and forward it to the Accounting Operations Office for payment.

(f) In the event the vendor requires a written order, a copy of the requisition, properly annotated as a confirming order, will be furnished by the ordering office.

(g) Number and distribution of copies may be modified by ordering offices with prior concurrence of the Accounting Operations Office.

[FR Doc.73-15974 Filed 8-2-73;8:45 am]

PART 15-30—CONTRACT FINANCING

Subpart 15-30.1—Forms of Financing

Forms of Financing, Subpart 15-30.1, is hereby added to Chapter 15, Title 41 of the Code of Federal Regulations.

This section is a statement of agency internal procedures.

Effective date. This regulation will become effective August 3, 1973.

Dated: July 30, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart 15-30.1—Forms of Financing

Sec. 15-30.103 Advance payments authority.
Sec. 15-30.104-1 Letters of credit.

AUTHORITY: (40 U.S.C. 486(c), Sec. 205(c), 63 Stat. 377, as amended)

Subpart 15-30.1—Forms of Financing

§ 15-30.103 Advance payments—authority.

(a) In considering whether cash advances are appropriate in a particular situation, and to determine the requirements for implementing advances, the contracting officer should be guided by this EPPR, the FPR (Subparts 30.1 and 30.4), Department of the Treasury Circular 1075 and part VI of the Department of the Treasury Fiscal Requirements Manual.

(b) Cash advances by the EPA shall be limited to the minimum amounts needed by the contractor for the performance of the contract. The advances shall be timed in accord with the contractor's actual cash requirements.

(c) Department of the Treasury Circular 1075 (revised April 16, 1969) authorizes two methods for making cash advances: the letter of credit and the Treasury check. Normally, the method to be used will be chosen as follows (however, pending development and approval of the Agency's systems and procedures to deal with letters of credit, only the Treasury check method will be used):

(1) If the agency does not expect to have a continuing relationship with the contractor for at least one year, advances will be made by Treasury check.

(2) If the agency expects to have a continuing relationship with the contractor for at least one year involving total annual advances of less than $250,000, advances will be made by Treasury check.

(3) If the agency expects to have a continuing relationship with the contractor for at least one year involving total annual advances of $250,000 or more, advances will be made by use of a letter of credit.

(d) The EPA may request from the Department of Treasury specific approval of other methods of making advance payments, if they appear to be as advantageous to the Government as the Treasury check or letter of credit methods.

§ 15-30.104-1 Letters of credit.

(a) The letter of credit method provides EPA, the contractor and the Department of Treasury with a mechanism specially designed to enable the contractor to obtain cash from the Treasury promptly and with such frequency as may be necessary based upon the contractor's own determination of when and how much cash is actually needed for its disbursements.

(b) A letter of credit, which must be executed by an authorized certifying officer of the agency, gives the contractor the authority to draw directly on the Treasury, through its commercial bank (acting as its agent) and either a Federal Reserve Bank (acting as agent of the Treasury) or the Cash Division, Office of the Treasurer of the United States, subject to any monetary and other limits established by the program agency. Withdrawals must be made by authorized officials of the contractor's organization who have been designated by it and approved by the agency's certifying officer.

[FR Doc.73-15975 Filed 8-2-73;8:45 am]

PART 15-30—CONTRACT FINANCING

Subpart 15-30.4—Advance Payments

Subpart 15-30.4, Advance Payments, is hereby added to Chapter 15, Title 41, of the Code of Federal Regulations.

This section is a statement of agency internal procedures.

Effective Date. This regulation will become effective on August 3, 1973.

Dated: July 30, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart 15-30.4—Advance Payments

Sec.
15-30.403 Interests.
15-30.406 Responsibility—Delegation of authority.
15-30.410 Findings, determinations and authorization.
15-30.412-2 Contract provisions for advance payments.

AUTHORITY: The provisions of this subpart 15-30.4 issued under 40 U.S.C. 486(c), Sec. 205(c), 63 Stat. 377, as amended.

§ 15-30.403 Interest.

(a) Interest will be charged on all advance payments at the rate of six percent per annum on the unliquidated balance; provided, however, that advance payments may be approved without interest in connection with (1) nonprofit contracts with nonprofit educational or research institutions for experimental, research, and development work, (2) contracts solely for the management and operation of Government-owned plants, or (3) other classes of cases where specifically authorized by the Director, Contracts Management Division, AMAC.

(b) If the contract provides for interest-free advances to the contractor, it shall nonetheless provide that interest will be charged at the rate of six percent per annum on advances made or used for the purpose of making subadvances to the subcontractors; provided, however, that such contract may provide that interest will not be charged on subadvances in connection with subcontracts without fee or profit with nonprofit education or research institutions for experimental, research, or developmental work.

§ 15-30.406 Responsibility—delegation of authority.

(a) Requests to make advance payments shall be forwarded to the chief officer responsible for procurement at the contracting activity. Such requests shall include, at a minimum: (1) A proposed determinations and findings prepared in the format suggested in § 1-30.410, altered to meet the condition or circumstances of the procurement action, (2) the information required in § 1-30.411 and § 1-30.412, and (3) proposed contract provisions as set out in § 1-30.414-2. The chief officer responsible for procurement at the contracting activity shall sign all determinations and findings which authorize advance payments and will approve all contract provisions relating to advance payments. Prior to signing advance payment determinations and findings, the chief officer responsible for procurement at the contracting activity shall obtain the advice and concurrence of the Director, Financial Management, AMRF, or his designee. The Financial Management Division will make arrangements with the Treasury Department for all advance payments, including the establishment of Federal Reserve Letters of Credit, and will also make arrangements with other Government agencies when EPA use of their Federal Reserve Letters of Credit is expedient.

§ 15-30.410 Findings, determinations and authorizations.

41 U.S.C. 255 shall be cited as authority for advance payments.

§ 15-30.414-2 Contract provisions for advance payments.

The appropriate contract provisions suggested in § 1-30.414-2 shall be used to authorize advance payment. Proposed alterations of the contract provisions must be aproved by the chief officer responsible for procurement at the contracting activity prior to incorporation into an EPA contract.

[FR Doc.73-16045 Filed 8-2-73;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-57; Amdts. 172-20, 173-74, 178-26]

CLASSIFICATION AND PACKAGING OF CORROSIVE MATERIALS

The purpose of these amendments to the Hazardous Materials Regulations is to amend §§ 172.5, 173.119, 173.245, 173.245b, and 178.343-5 to specify certain shipping names and to add authorized packagings for the shipment of corrosive materials.

On February 12, 1973, the Hazardous Materials Regulations Board published a notice of proposed rulemaking, Docket No. HM-57; Notice No. 73-1 (38 FR 4270), which proposed these amendments. Interested persons were invited to give their views and many comments were received by the Board.

1. *Shipping descriptions.* Several commenters requested the inclusion of additional shipping names and packagings which were not the subject of Notice No. 73-1. Since these were not proposed to be added to the regulations, it would be more appropriate for the Board to handle these requests in a separate notice of proposed rule making to allow for adequate comment. The Board intends to publish such a notice.

2. *Drum size limitation for corrosive solids.* One commenter noted, in a petition for reconsideration in Docket HM-57, Amendment No. 173-61, that the 55-gallon capacity limitation for corrosive solids in § 173.245b(a)(4) was too restrictive in view of their experience in shipping drums of larger size. In view of the Board's previously stated position in packaging requirements for solids, (See 36 FR 11304 and 15762, 37 FR 5946) and on the basis of the reported satisfactory experience, the Board agrees with the commenter and has removed the size restriction in the subject paragraph.

3. *Inside PE container for corrosive liquids.* One commenter stated that § 173.245(a)(16), as proposed, should be changed to provide for a certain high density, non-DOT specification, 55-gallon capacity polyethylene inner container for shipping corrosive liquids, n.o.s. The commenter cites satisfactory experience with the use of such an inner container for materials previously not considered regulated. Such a change was not proposed in the notice. The Board, however, is considering a proposal to amend the inner container specifications. Meanwhile, it believes such packaging should be approved only under the terms of a special permit so that it can study the experience factor more closely. Since similar permits now exist, this commenter should petition the Board for a special permit so that the Board may add his experience to that being obtained under other permits.

4. *Corrosive material definition.* Several comments were made on the Board's proposal to adjust the corrosive material definition (§ 173.240) to coincide with certain proposals by the Commissioner of Food and Drugs (FDA) (37 FR 27635). The Board's proposals were mainly related to handling of test animals and detail on preparation of the test material. Before acting on this proposal, the Board is awaiting the outcome of the Food and Drug Administration's rule making. However, as stated in the preamble of Notice No. 73-1, the Board continues to believe that any changes it proposed will not materially alter the classification of materials severely corrosive (that cause destruction or irreversible alteration) to human skin. When the FDA rule making action is completed, the Board will then consider all the comments received on the definition in § 173.240 and the FDA decision.

5. *Test animals.* One commenter pointed out the difficulties in relating results of tests on rabbit skin to the results on human skin contact, particularly with respect to materials proven not corrosive to human skin although giving positive results under rabbit skin testing. This commenter went on to state that such a substance need not be labeled

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under the provisions of the Federal Hazardous Substances Act. The Board points out that this was one of the primary reasons for the adoption of § 173.240(b). This paragraph specifically alludes to human experience. There is a mechanism, established by the Board, whereby materials may be "declassified" by its action. It should be noted, however, that the Board, under the same provision, may "classify" a material because of human experience without being strictly limited to the quantitative rabbit skin test results. In conclusion on this matter, the Board chose rabbit skin testing for its criteria because it wanted to use recognized methods and not establish completely new criteria. To have established new criteria would have posed a different series of difficulties for manufacturers.

6. *Ethylene dichloride.* Based on a comment the Board has removed ethylene dichloride from the list (§ 172.5) of flammable liquids which are also corrosive. The Board will study this matter in more depth.

7. *Cargo tank density limitations.* Several comments were made objecting to the proposed lading density limitation of 10 pounds per gallon when transporting a corrosive material in a DOT specification MC 304 or MC 307 cargo tank. The regulation has been amended to remove the restriction for MC 307 cargo tanks since the weight of lading is adequately controlled by § 178.340–10(b)(1) wherein such a cargo tank has a maximum product load limitation established by regulation. This maximum product load must be marked in pounds on the metal certification plate attached to each MC 307 cargo tank. Also, the proposed regulation has been amended to remove the reference to a lading weight restriction for MC 304 based on the comments and reports of operation and experience received indicating that such a restriction is not justified.

8. *Tank car bottom outlets.* Objections were made to the "interim" authorization for bottom outlets on tank cars. The Board recognizes that this situation creates some serious difficulties with respect to program planning, cost allocations, leasing, long-term operations, forecasts, etc. It does, however, have comments on file questioning the safety of permitting bottom outlets on tank cars containing certain corrosive materials. While the Board has not completed its evaluation of the reported problems, it nevertheless believes that it would be misleading to provide for bottom outlets in § 173.245 without an appropriate warning that such authorization is provided temporarily pending a final decision. On the other hand, the Board does not consider it has progressed far enough in its evaluation to justify any curtailment of such cars in the services where they are used. Therefore, the Board is using an "interim" solution which it considers to be appropriate under these circumstances.

9. *Emergency discharge controls.* Several comments were received objecting to a requirement for heat actuated and remote control mechanisms in bottom outlet valves as proposed for MC 304, MC 310, MC 311, and MC 312 cargo tanks used in the transportation of corrosive liquids. The Board agrees that the requirement for a heat-actuated mechanism, in view of the nature of the lading, is not justifiable under conditions of transportation as known today. The Board, however, believes that the remote control mechanism is necessary to provide adequate safety in handling corrosive materials. The comments that objected to the need for the remote control shut-off argued that such a shut-off was unnecessary. But duplication with respect to control is known to exist in several plants handling these materials. The concern for an adequately safe operation in unloading the tank truck should be of the same order of importance as the plant handling of the material. It is of interest to note that the National Transportation Safety Board (NTSB) in its report NTSB–HAR–72–3, a truck-automobile collision involving spilled methyl bromide, observed that "substantial differences exist between methyl bromide hazard control measures exercised in manufacturing plants and those found in transportation in this accident." The NTSB concluded: "Inplant hazard control procedures should be considered by the regulators in developing future changes in transportation regulations." The Board (HMRB) believes such an analogy exists here. The requirement for a second station in the event of incident involving the discharge point station is consistent with safety engineering practices in use and is not overburdening when considering the plant safety procedures in use for handling corrosive materials. Therefore, the Board is requiring use of a remote station except when liquids contain solids in suspension in sufficient quantity that settling may form a layer of solid material that may interfere with sealing of the valve seat.

10. *"Grandfather" clause.* Several commenters pointed out the difficulty in handling materials which were in the distribution system before the effective date of these amendments. The Board considers these comments valid and has provided a limited "grandfather" clause. See Note 1 to § 173.240.

11. *Inside plastic receptacles for corrosive solids.* In Notice No. 71–17, the Board proposed to authorize plastic receptacles as inside packagings for shipment of corrosive solids covered by § 173.244(c). This type of packaging was inadvertently omitted from Amendment No. 173–61. This oversight has been corrected by amending § 173.244(c).

In view of the foregoing, 49 CFR Parts 172, 173, and 178 are amended as follows:

PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170–189 OF THIS SUBCHAPTER

In § 172.5 paragraph (a), the List of Hazardous Materials is amended as follows:

§ 172.5 List of hazardous materials.

(a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Crotonaldehyde	F.L.	173.118, 173.119(m)	F.L.	10 gallons.
Diethylamine	F.L.	173.118, 173.119(m)	F.L.	10 gallons.
Propylene oxide	F.L.	173.118, 173.119(m)	F.L.	10 gallons.
(Add)				
Caustic soda, dry, solid, flake, bead, or granular.	Cor.	173.244, 173.245b	Corrosive	100 pounds.
*Phosphoric acid, *liquid*, or Phosphoric acid solution.	Cor.	173.244, 173.245	Corrosive	10 gallons.
Sodium hydroxide, dry, solid, flake, bead, or granular. See Caustic soda.				

PART 173—SHIPPERS

A. In § 173.119, paragraph (m)(4) is amended; paragraphs (m)(9), (10), (11), (12), (13), (14), and (15) are added to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

• • • • • •

(m) • • •

(4) Specification 5, 5A, 5B, 5C, 5P, 17C (single-trip), or 17E (single-trip) (§§ 178.80, 178.81, 178.82, 178.83, 178.92, 178.115, 178.116 of this subchapter). Metal barrels or drums. Removable head packagings over 16 gallons capacity are not authorized. Authorized only for materials which will not react dangerously with the drum metal, or be decomposed by contact with it.

• • • • •

(9) Cylinders as prescribed for any compressed gas, except acetylene. All cylinder valves must be protected by one of the methods described in § 173.301(g)(1), (2), or (3). See § 173.34(e)(16).

(10) Specification MC 304: Tank motor vehicle meeting § 178.343–2(c) of this subchapter. If the cargo tank is constructed with bottom outlets, they must meet § 178.342–5(a) of this subchapter.

(11) Specification MC 307 (§§ 178.340, 178.342 of this subchapter). Tank motor vehicle meeting § 178.343–2(c) of this subchapter.

(12) Specification MC 310, MC 311, or MC 312 (§§ 178.340, 178.343 of this subchapter). Tank motor vehicles. If the cargo tank is constructed with bottom outlets, they must meet §§ 178.342–5(a) and 178.343–5 of this subchapter.

(13) Specification 103AW, 103A–ALW, 103ANW, 103BW, 103CW, 103EW, 111A100F2, 111A60ALW2, 111A60W2, 111A60W5 (§§ 179.200, 179.201 of this subchapter). Tank cars. All special requirements for tank cars according to flashpoint, vapor pressure, and viscosity in paragraphs (a) through (L) of this section apply.

(14) Specification 105A100W or 112–A200W (§§ 179.200, 179.201, 179.100, 179.101 of this subchapter). Tank cars. Authorized only for propylene oxide.

(15) Specification 103ALW, 103DW, 103W, 104W, 111A60ALW1, 111A60W1, 111A100W3, 111A100W6, 115A60W6, or AAR206W (§§ 179.200, 179.201, 179.220 of this subchapter). Tank cars. All special requirements for tank cars according to flashpoint, vapor pressure, and viscosity in paragraphs (a) through (L) of this section apply. (See Note 1.)

NOTE 1: Authorized only on an interim basis pending the Department's decision on use of bottom outlets for tank cars containing hazardous materials.

B. In § 173.240, foot note 1 is added to read as follows:

§ 173.240 Corrosive materials; definition.[1]

• • • • • •

C. In § 173.244, paragraph (c) is amended to read as follows:

§ 173.244 Exemptions for corrosive materials.

• • • • • •

(c) Corrosive solids, except those for which no exemptions are provided as indicated by the "No exemption" statement in § 172.5 of this subchapter in inside earthenware, glass, plastic, or paper receptacles of not more than 5 pounds capacity each or in inside metal, rigid fiber or composition cans or cartons, or rigid plastic receptacles, of not more than 10 pounds capacity each, overpacked in metal, wooden, or fiberboard outside containers not exceeding 25 pounds net weight each are, unless otherwise provided in this part, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 177 of this subchapter, except § 177.817.

D. In § 173.245, paragraph (a)(16) is amended; paragraph (b) and paragraphs (a)(28) through (32) are added to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) • • •

(16) Specification 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this subchapter). Cylindrical steel overpacks with inside spec. 2S, 2SL, or 2U (§§ 178.35, 178.35a 178.24 of this subchapter) polyethylene packaging.

• • • • •

(28) Cylinders as prescribed for any compressed gas, except acetylene. All cylinder valves must be protected by one of the methods described in § 173.301(g)(1), (2), or (3). See § 173.34(e)(16).

(29) Specification MC 304. Tank motor vehicle meeting § 178.343–2(c) of this subchapter.

(30) Specification MC 307 (§§ 178.340, 178.342 of this subchapter). Tank motor vehicle meeting § 178.343–2(c) of this subchapter.

(31) Specification MC 310, MC 311, or MC 312 (§§ 178.340, 178.343 of this subchapter). Tank motor vehicles. If cargo tank is constructed with bottom outlets, they must meet § 178.343–5 of this subchapter.

(32) Specification 103AW, 103A–ALW, 103ANW, 103BW, 103CW, 103EW, 111A100F2, 111A60ALW2, 111A60W2, 111A60W5, (§§ 179.200, 179.201 of this subchapter). Tank cars.

(33) Specification 103ALW, 103DW, 103W, 104W, 111A60ALW1, 111A60W1, 111A100W3, 111A100W6, 115A60W6, or AAR206W (§§ 179.200, 178.201, 179.220 of this subchapter). Tank cars. (See Note 1.)

NOTE 1: Authorized only on an interim basis pending the Department's decision on use of bottom outlets for tank cars containing hazardous materials.

(b) If a material classed as corrosive is corrosive to steel or aluminum according to § 173.240(a)(2) and is not corrosive to skin according to § 173.240(a)(1), it is not subject to any requirements of this subchapter for rail or highway when transported in a tank car tank or cargo tank constructed entirely of materials that will not react dangerously with or be decomposed by the commodity being transported.

E. In § 173.245a, the introductory text in paragraph (a) is amended and paragraph (b) is added to read as follows:

§ 173.245a Corrosive liquids, n.o.s. shipped in bulk.

(a) Corrosive liquids, n.o.s. which are listed in the following table, may not be shipped in bulk unless they are packaged as follows:

• • • • • •

(b) Corrosive liquids, n.o.s., except those listed in paragraph (a) of this section, when shipped in bulk, must be packaged as prescribed by § 173.245.

F. In § 173.245b, paragraph (a)(11) is deleted and paragraphs (a)(2), (4), (5), and (7) thru (10) are amended to read as follows:

§ 173.245b Corrosive solids not specifically provided for.

(a) • • •

(2) Fiberboard box with inside paper bags, not over 50 pounds total net capacity. When shipped by water, each box must include a moisture barrier.

• • • • • •

(4) Metal drum.

(5) Fiber drum not exceeding 550 pounds net weight and not over 55-gallon capacity. When shipped by water, each drum must include a moisture barrier.

• • • • • •

(7) Bag: Each bag filled to weight with product and closed as for shipment must be capable of withstanding four drops from a height of 4 feet onto a solid surface, one drop on each end and one drop on each face, without sifting or rupture. Authorized net weight not to exceed 110 pounds. When shipped by water, each bag must include a moisture barrier.

(8) Metal portable tank or closed bin of not over 660-gallon capacity and 7,000 pounds gross weight.

(9) Fiberglass or rubber tank or closed bin of not over 74-cubic-foot capacity.

(10) Metal sift-proof cargo tank or tank car, or hopper-type or pneumatic bulk vehicle.

(11) [Deleted]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Section 178.343–5 is amended to read as follows:

§ 178.343 Specification MC 312: cargo tanks.

§ 178.343–5 Outlets.

(a) Each outlet at or near the top of a tank, used for discharge of lading, must be equipped with a shutoff valve located as close as practical to the point of outlet from the tank. Each such outlet having its discharge end below the top liquid level in the tank must be equipped with an additional shutoff valve, blank flange, or sealing cap at the discharge end of the outlet.

(b) Except as provided in paragraphs (c) and (d), of this section; each bottom outlet must be equipped with a shutoff valve designed, installed, and protected as follows:

(1) Product piping must be protected to assure against the accidental escape of contents by a shear section located outboard of each valve seat and within four inches of the vessel.

(i) The shear section must be machined to abruptly reduce the wall thickness of the adjacent piping (or valve) material by at least 20 percent so that it will break under strain and leave the valve seat and its attachment to the vessel and the valve head intact without leakage of the lading.

(2) Each bottom outlet valve must be located inside the tank or immediately adjacent at the outlet point outside the tank.

(i) The valve seat must be located inside the tank or within the welded flange nozzle or coupling at the point of outlet from the tank.

[1] A corrosive material, not subject to the definition previously in effect in § 173.240, packaged before December 31, 1973, may be shipped and transported without being subject to any of the requirements in 49 CFR Parts 170 to 179 until December 31, 1974. As of January 1, 1975, these materials may not be shipped or transported unless they are in compliance with 49 CFR 170 to 179.

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(ii) Each bottom discharge valve must be equipped with a remote means to activate a valve closure manually from a point no less than 10 feet away.

(3) In addition, a blank flange, sealing cap, or shutoff valve is required at the discharge end of the outlet.

(c) A bottom opening for purposes other than lading discharge may be closed by a bolted blank flange at the tank shell. If any piping extends from such an opening, it must be fitted with a shutoff valve designed, installed, and protected as described in paragraph (b)(1) of this section. In addition a supplemental closure is required at the discharge end of this piping.

(d) Bottom outlet valves need not meet subparagraph (b)(2)(ii) of this section when the cargo tank is transporting a corrosive liquid containing solids in suspension in sufficient quantity that settling may form a layer of solid material that may interfere with sealing of the valve seat.

This amendment is effective December 31, 1973. However, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831-835, Title 18, U.S.C., sec. 9, Department of Transportation Act, 49 U.S.C. 1657, title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430, 1472(h), 1655(c).)

Issued in Washington, D.C. on July 27, 1973.

C. R. MELUGIN, JR.,
Board Member, for the Federal Aviation Administration.

ROBERT A. KAYE,
Board Member, for the Federal Highway Administration.

MAC E. ROGERS,
Board Member, for the Federal Railroad Administration.

[FR Doc.73-15914 Filed 8-2-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1084; Amdt. 3]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of July 1973.

Upon further consideration of Service Order No. 1084 (36 FR 22063; 37 FR 12726 and 28059), and good cause appearing therefor:

It is ordered, That:

§ 1033.1084 Service Order No. 1084 (Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10-17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17 (2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16077 Filed 8-2-73;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 722—COTTON

Subpart—Marketing Quota Regulations for the 1972 and Succeeding Crops of Extra Long Staple Cotton and Record-keeping Requirements for Extra Long Staple and Upland Cotton

1973 RATE OF PENALTY

The purpose of this amendment is to announce the rate of penalty applicable to excess extra long staple cotton produced in the 1973 crop year. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31), as amended (7 U.S.C. 1281 et seq.).

Under the Act, the penalty rate per pound on the farm marketing excess is equal to the higher of 50 percent of the parity price or 50 percent of the support price for extra long staple cotton as of June 15 of the calendar year in which the crop is produced.

Since the rate of penalty is simply a mathematical determination, it is hereby determined and found that the compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest, and this amendment shall become effective August 3, 1973.

The regulations for Marketing Quotas for the 1972 and Succeeding Crops of Extra Long Staple Cotton and Record-keeping Requirements for Extra Long Staple and Upland Cotton (37 FR 25029) are amended as follows:

1. Section 722.73 is amended by adding a new paragraph (c)(2) to read as follows:

§ 722.73 **Rate of penalty.**

* * * * * * *

(c) * * *

(2) 1973 ELS cotton penalty rate is 44.4 cents per pound.

(Secs. 346, 347, 373, 375, 63 Stat. 674, as amended, 63 Stat. 675, as amended, 52 Stat. 65, 66, as amended, 7 U.S.C. 1346, 1347, 1373, 1375)

Effective date: August 3, 1973.

Signed at Washington, D.C., on July 27, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-16030 Filed 8-2-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lime Regulation 7]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period August 5-11, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.107 **Lime Regulation 7.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes is poor, with f.o.b. prices last week ranging from $1.25 to $1.40 per 10 lb. pony, down about 25 cents from the previous week. Fresh shipments for the weeks ended July 28, 1973, and July 21, 1973, were 27,967 bushels and 28,899 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or befort the effective date hereof. Such committee was held on July 31, 1973.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period August 5, 1973 through August 11, 1973, is hereby fixed at 20,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 2, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-16184 Filed 8-2-73;8:45 am]

[Lemon Regulation 597]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period August 5-11, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.897 **Lemon Regulation 597.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulting from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues active, exceeding supplies on all sizes and grades. Average f.o.b. price was $5.69 per carton the week ended July 28, 1973, compared to $5.34 per carton the previous week. Track and rolling supplies at 152 cars were up 3 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 31, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 5, 1973 through August 11, 1973, is hereby fixed at 275,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 2, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-16183 Filed 8-2-73;8:45 am]

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[Peach Reg. 13]

PART 919—PEACH GROWN IN MESA, COUNTY, COLORADO

Limitation of Shipments, Preamble

This regulation requires that Colorado peaches shipped to points outside of Colorado grade at least U.S. No. 1, and be at least 2⅛ inches in diameter during the period August 4, through September 30, 1973.

On July 24, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 19832), regarding a proposed regulation to be made effective pursuant to the marketing agreement and Order No. 919 (7 CFR Part 919), regulating the handling of peaches grown in the county of Mesa in the State of Colorado. This notice allowed interested persons 7 days during which they could submit written data, views, or arguments pertaining to this proposed regulation. None were submitted. The proposed regulation was recommended by the Administrative Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This action reflects the Department's appraisal of the need for regulation, and of the crop and current and prospective market conditions. Shipments of peaches from the production area are expected to begin on or about August 4, 1973. The grade and size requirements provided herein are necessary to prevent the handling, on and after August 4, 1973, of any peaches which do not comply with such requirements, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while providing producers a fair return pursuant to the declared policy of the act.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Administrative Committee, and upon other available information, it is hereby found that the limitation of handling of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (38 FR 19832), and no objection to this regulation or such effective date was received; (2) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipments of the current crop of such peaches are expected to begin on or about the effective date hereof and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act.

§ 919.314 Peach Regulation 13.

(a) *Order.* During the period August 4, through September 30, 1973, no handler shall ship:

(1) Any peaches of any variety which do not grade at least U.S. No. 1;

(2) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (i) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter; and (ii) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(b) *Definitions.* As used herein, "peaches", "handler", "ship", and "variety" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1", "diameter", and "count", shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.1210–51.1223).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: July 31, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-16132 Filed 8-2-73;8:45 am]

[Prune Reg. 11]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Limitation of Shipments, Preamble

This regulation specifies the grade, size and container requirements on the handling of fresh Idaho-Oregon prunes during the period August 4, 1973, through August 31, 1974. Prunes would be required to grade at least U.S. No. 1, have a minimum size of 1¼ inches and the net weight of prunes in containers, other than the ½ bushel basket, would be either less than 20 pounds or more than 30 pounds.

Notice was published in the FEDERAL REGISTER on July 18, 1973 (38 FR 19129), that consideration was being given to proposals relative to limitations of shipments of fresh prunes recommended by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons until July 24, 1973, to submit written data, views, or arguments in connection with said proposals. None were received.

After consideration of all relevant matters presented, including that in the notice and other available information, it is hereby found that the regulation, as hereinafter set forth, is in accordance with said marketing agreement and order and will tend to effectuate the declared policy of the act.

It is expected that ample supplies of desirable grades and sizes of fresh prunes will be available to the fresh market. The grade and size requirements set forth in the regulation are designed to prevent the handling, on and after August 4, 1973, of Italian prunes of lower grades and smaller sizes than hereinafter specified so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while improving returns to producers and providing orderly marketing conditions in the interest of producers and consumers, pursuant to the declared policy of the act.

The requirement that fresh prunes be handled in containers holding either less than 20 pounds or 30 pounds or more of prunes, with the exception of the one-half bushel basket, is necessary to standardize the capacities of containers that can be used to ship fresh prunes grown in the production area and prevent deception and misrepresentation of the net weight of prunes commonly contained in such containers. An exception is made for the one-half bushel basket as that container is customarily packed on a volume basis rather than on the basis of weight.

Individual shipments of 1,000 pounds or less of fresh prunes are exempted from regulation in that such shipments are primarily more mature prunes sold locally to fruit stands to fill a consumer need for fruit for home canning, and they do not materially affect the demand in commercial channels. Shipments of Moyer Perfecto and Empress varieties would be exempt from the grade, size, and container requirements of this section as well as the assessment and inspection provisions of the order because such varieties are of a type that does not compete, in the fresh fruit markets, with the principal varieties of Italian prunes.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice was given of the proposed regulation, to become effective August 4, 1973, through publicity in the production area and by publication in the July 18, 1973, issue of the FEDERAL REGISTER; (2) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto; (3) this regulation was unanimously recommended by members of the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee in an open meeting at which all interested persons were afforded an opportunity to submit their views; and (4) shipments are expected to begin on or about August 4, 1973, and this regulation should, insofar as practicable, be applicable to all shipments of prunes in order to effectuate the declared policy of the act.

§ 925.312 Prune Regulation 11.

(a) *Order.* During the period August 4, 1973, through August 31, 1974, no handler shall handle any lot of Italian prunes except Moyer Perfecto and Empress varieties, unless such prunes meet the following applicable requirements, or are handled in accordance with (a) (3) of this section:

(1) *Minimum grade and size requirements.* Such prunes grade at least U.S. No. 1 and are a minimum size of 1¼ inches in diameter: *Provided,* That prunes which are affected by healed hail marks may be shipped if they otherwise grade at least U.S. No. 1.

(2) *Containers.* The net weight of prunes in any container, other than the one-half (½) bushel basket shall be either (1) less than 20 pounds, or (2) more than 30 pounds.

(3) Notwithstanding any other provision of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 1,000 pounds net weight may be handled without regard to the restrictions specified in this paragraph (a) of this section or in § 925.41 (Assessment) and § 925.55 (Inspection and Certification).

(4) The terms "U.S. No. 1", "diameter", and "hail marks" shall have the same meaning as when used in the United States Standards for Fresh Plums and Prunes (7 CFR 51.1520–51.1538); and terms used in the marketing agreement and order, shall when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 31, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-16131 Filed 8-2-73;8:45 am]

[Pear Regulation 3, Amendment 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Limitation of Shipments

This amended regulation, issued pursuant to the Marketing Agreement and Order 917 (7 CFR 917) requires all California Bartlett, Max-Red Bartlett, Red Bartlett, and Rosired Bartlett pears shipped in interstate commerce during the period July 5, 1973, through July 31, 1974, to grade at least U.S. Combination, with not less than 80 percent grading at least U.S. No. 1 grade. It also requires that such pears be not smaller than 165 size, except that not to exceed 5.263 percent may be smaller but not smaller than 180 size, and provides that containers of such pears shall be marked with the variety name or the words "unknown variety." The regulation is the same as that currently in effect in § 917.432 (Pear Regulation 3; 38 F.R. 17182). The action is necessary to assure that the pears shipped will be of suitable quality and size in the interest of consumers and producers. The proposed regulation was recommended by the Pear Commodity Committee established pursuant to the said amended marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Notice was published in the FEDERAL REGISTER issues of July 11 and 17, 1973 (38 FR 18467, 19047), that the Department was giving consideration to a proposal to amend § 917.432 (Pear Regulation 3, 38 FR 17182) effective pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California to extend the regulation through July 31, 1974. This notice allowed interested persons until July 23, 1973, to submit written data, views, or arguments for consideration relative to such proposed extension. No such comments were received in response to such notice. However, a letter from Placerville Fruit Growers Association dated July 6 was received after the initial regulation was issued. This letter requested that a regulation be issued which would permit shipment of pears meeting 75 percent U.S. No. 1 quality instead of limiting shipments to 80 percent U.S. No. 1 quality as recommended by the committee so as to accommodate shipment of pears affected by russeting from Eldorado County.

This request was carefully and fully considered along with the information contained in the aforesaid letter, the information submitted by the committee, and other available data bearing on the situation. The Bartlett pear crop in the Pacific Coast States is forecast at 521,000 tons compared with 438,000 tons last year. The carryin stocks of practically all canned fruits are at low levels. Carryin stocks of pears are about a third less than last year and fruit cocktail nearly 50 percent less. Hence, the demand in the processing outlet which normally takes in excess of 75 percent of the Bartlett pear crop is extremely favorable. Pears affected by russeting are objectionable to consumers in the fresh market, and growers generally dispose of pears so affected in processing outlets in which russeting is not objectionable. Ample supplies of pears meeting requirements set forth in the notice are available from this large crop. Therefore it is concluded that the amendment as specified in said notice is appropriate for the supply and market situation expected to prevail during the pear shipping season. Said amendment will tend to assure consumers of an adequate supply of acceptable quality pears and maintain grower returns at a level consistent with the public interest, and it is hereby found that the limitation of handling of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such pears are expected to continue on and after the expiration date of the existing regulation and such regulation should be applicable to all shipments made during the season in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this amendment with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (38 FR 18467, 19047); (3) the regulatory requirements are the same as those currently in effect; and (4) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. § 917.432 paragraph (a) is hereby amended to read as follows:

§ 917.432 Pear Regulation 3.

(a) *Order.* During the period July 5, 1973, through July 31, 1974, no handler shall ship:

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 31, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-16081 Filed 8-2-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS PURCHASES, AND OTHER OPERATIONS

[1973-Crop Distress Grain Loan Program Regs.]

PART 1473—DISTRESS LOANS

Subpart—1973-Crop Distress Grain Loan Program

This subpart issued by the Commodity Credit Corporation contains the terms and conditions under which recourse, distress loans will be made available on 1973-crop barley, corn, grain sorghum, oats, rye, and wheat stored on the ground.

The Commodity Credit Corporation has issued regulations making its regu-

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lar price support loan and purchase program available for the 1973 crops of barley, corn, grain sorghum, oats, rye, and wheat. The distress loan program set forth in this subpart is an adjunct to the regular price support loan and purchase program. The distress loan program, which will be put into effect in areas where storage is temporarily unavailable, is designed to assist producers in holding their grain until they can market it in usual channels or qualify for nonrecourse loans under the regular CCC price support loan and purchase program.

Since this is a temporary emergency program which must be made effective immediately, it is hereby found and determined that compliance with the notice of proposed rule making procedure is unnecessary, impracticable and contrary to the public interest. Therefore, this subpart is being issued without following such proposed rule making procedure and shall be effective upon filing with the Office of the Federal Register.

Sec.
1473.1 Administration.
1473.2 Availability of loans.
1473.3 Disbursement of loans.
1473.4 Eligible producer.
1473.5 Eligible grain.
1473.6 Storage.
1473.7 Determination of quantity.
1473.8 Liens.
1473.9 Fees and charges.
1473.10 Setoffs.
1473.11 Interest rate.
1473.12 Release of grain under loan.
1473.14 Losses in quantity or quality.
1473.15 Personal liability of the producer.
1473.16 Loan rates.
1473.17 Maturity of loans.
1473.18 Settlement.
1473.19 Foreclosure.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b and c.

§ 1473.1 Administration.

(a) *General statement.* This subpart contains the terms and conditions under which the Commodity Credit Corporation will make recourse distress loans (hereinafter called loans) on 1973-crop barley, corn, grain sorghum, oats, rye, and wheat piled on the ground or stored in temporary facilities. As used in this subpart, "CCC" means the Commodity Credit Corporation, and "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

(b) *Responsibility.* The Grain Division, ASCS will administer the regulations in this subpart under the general supervision and direction of the Deputy Administrator, Programs, ASCS, in accordance with program provisions and policy determined by the Board of Directors and the Executive Vice President, CCC. In the field, the regulations in this subpart will be administered by the State and County Agricultural Stabilization Committees (hereinafter called State and county committees), ASCS Commodity Offices and the ASCS Data Processing Center.

(c) *Documents.* Any member of the county committee, the county executive director, or other employee of the county ASCS office (hereinafter called county office) designated in writing by the county executive director to act in his behalf (such delegation to be filed in the county office) is authorized to approve documents under this program except where otherwise specified in the regulations in this subpart. He may also execute releases or otherwise obtain the release of record of chattel mortgages and security agreements made to CCC to secure loans upon payment in full of the loan involved. He may execute indemnity agreements on behalf of CCC where any county recording officer deems such indemnity agreement necessary to releasing a mortgage or security agreement of record.

(d) *Limitation of authority.* County executive directors, State and county committees, ASCS commodity offices, the ASCS Data Processing Center, and employees thereof, do not have authority to modify or waive any of the provisions of the regulations in this subpart.

(e) *State committee.* The State committee may take any action authorized or required by the regulations in this subpart to be taken by the county committee which has not been taken by such committee. The State committee may also (1) correct or require a county committee to correct any action taken by such county committee which is not in accordance with the regulations in this subpart, or (2) require a county committee to withhold taking any action which is not in accordance with the applicable regulations in this subart.

(f) *Executive Vice President, CCC.* No delegation herein to a State or county committee, an ASCS commodity office, or the Data Processing Center shall preclude the Executive Vice President, CCC or his designee, from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or county committee, an ASCS commodity office, or the ASCS Data Processing Center.

§ 1473.2 Availability of loans.

(a) *Areas.* In areas designated by the State committee, loans to eligible producers shall be available on 1973-crop barley, corn, grain sorghum, oats, rye, and wheat (hereinafter jointly called "grain") stored on or off the farm either (1) on the ground, or (2) in temporary facilities, except that, in areas where the State committee determines it is not feasible safely to store grain on the ground, it may authorize loans only on grain stored in temporary facilities. Producers may obtain at the county office information as to areas where loans are available.

(b) *Requesting loans.* Producers should make requests for loans at the county office which keeps the farm program records for the farm.

(c) *Period of availability.* Loans will be available in any area designated by the State committee beginning with the date the program for the area is announced by the State committee. The final date of availability of loans in any such area shall be 30 calendar days after the program is announced for the area, or 30 calendar days after the producer completes harvest of the grain tendered for loan, whichever is later. Whenever the final date of availability or the maturity date of the loan falls on a nonworkday for the county office, the applicable final date shall be extended to include the next workday.

(d) *Completion of applicable loan documents.* To obtain a loan, the producer must sign and deliver to the county office, not later than the final date of availability for loans, a Form CCC-677, "Farm Storage Note Chattel Mortgage and Security Agreement" and a "Supplemental Terms and Conditions to Farm Storage Note, Chattel Mortgage and Security Agreement".

§ 1473.3 Disbursement of loans.

Disbursement of loans will be made to producers by county offices by drafts drawn on CCC or by credit to the producer's account. The producer shall not present the loan documents for disbursement unless the grain covered by the mortgage is in existence and in good condition. If the grain was not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly by the producer.

§ 1473.4 Eligible producer.

(a) *Producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, State or political subdivision or agency thereof, or other legal entity (1) which produced the grain tendered for loan as landowner, landlord, tenant, sharecropper, and (2) which meets the other requirements for eligibility for loans contained in this subpart.

(b) *Producers of barley, corn, grain sorghum, and wheat.* To be eligible for a loan on barley, corn, grain sorghum, or wheat, producers must meet the compliance requirements set forth in the CCC 1973 crop barley, corn, grain sorghum, and wheat loan and purchase program supplements respectively (Part 1421 of this title).

(c) *Estates and trusts.* A receiver or trustee of an insolvent or bankrupt debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate of a ward or an incompetent person, and trustees of a trust estate shall be considered to represent the insolvent or bankrupt debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person or estate he represents. Loan documents executed by any such person will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(d) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for a loan only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable loan documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

(e) *Beneficial interest.* To be eligible for a loan, the beneficial interest in the grain must be in the producer tendering the grain as security for a loan and must always have been in him or in him and a former producer whom he succeeded before it was harvested, except that heirs who (1) succeed to the beneficial interest of a deceased producer, and (2) assume the decedent's obligation under a loan if a loan has already been obtained shall be eligible for loans as producers whether such succession occurs before or after harvest of the grain. A producer shall not be considered to have divested himself of the beneficial interest in the grain if he enters into a contract to sell, or gives an option to buy his grain if, under the contract or option, he retains control and risk of loss and title to the grain subject to such agreements, and retains control of its production.

(f) *Succession of interest.* To meet the requirements of succession to the beneficial interest of a former or deceased producer under paragraph (e) of this section, the rights, responsibilities and interests of the former producer with respect to the farming unit on which the grain was produced shall have been substantially assumed by the person claiming succession. Mere purchase or inheritance of a crop prior to harvest without acquisition of any additional interest in the farming unit on which the crop is produced does not constitute succession to such beneficial interest.

(g) *Joint loans.* Two or more eligible producers who have an interest in eligible grain which is the production from a farm and is stored in accordance with § 1473.5 may obtain a joint loan on such grain. Each producer who is a party to the joint loan will be jointly and severally responsible for the obligations set forth in the loan documents and the regulations in this subpart.

§ 1473.5 Eligible grain.

General. To be eligible for a loan, the grain tendered shall be stored identity preserved, except, that grain may be stored commingled outside at a warehouse; Provided, the producer furnishes weight tickets or other evidence of the quantity he contributed. Weight tickets on commingled grain must be certified by the warehouseman or other responsible persons as to the quantity and location. Storage must meet the requirements of § 1473.6 and the grain shall meet the eligibility requirements for the applicable commodity appearing in the following sections of Part 1421 of this chapter: Barley § 1421.51(a); Corn § 1421.91(a); Grain Sorghum § 1421.211(a); Oats § 1421.247(a); Rye § 1421.337(a); and Wheat § 1421.461(a).

§ 1473.6 Storage.

(a) *Temporary storage.* Temporary storage facilities shall be facilities which the county office determines to be suitable for the temporary storage of grain.

(b) *Ground storage.* Grain piled on the ground shall be protected from animals and shall be located on ground which will afford maximum protection from water drainage.

§ 1473.7 Determination of quantity.

The quantity of grain tendered for loan shall be estimated by the county office or weight tickets for commingled grain stored outside at a warehouse furnished by the producer. Measurements, threshing records, and other guides shall be used in making the estimate to the extent that they are practicable or available. Loans shall be made on the quantity of grain so determined. The quantity of grain delivered to CCC shall be determined by weight.

§ 1473.8 Liens.

If there are any liens or encumbrances on the grain, waivers that will fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan proceeds. Notwithstanding the foregoing provisions, in lieu of waiving his prior lien on grain tendered as security for a loan, a lienholder may execute a Lienholder's Subordination Agreement (Form CCC-864) with CCC in which he subordinates his security interest to the rights of CCC in the grain subject to the loan or such other quantity of the grain as is delivered in satisfaction of a loan. No additional liens or encumbrances shall be placed on the grain after the loan is approved.

§ 1473.9 Fees and charges.

(a) *Loan service fee.* A producer shall pay a loan service fee of $8 for each loan disbursed. The loan service fee is not refundable.

(b) *Delivery charge.* A delivery charge, in addition to the loan service fee, shall be paid by producers on the quantity of grain delivered to CCC. The rate is one-half cent per bushel for barley, corn, oats, rye, and wheat and 1 cent per hundredweight for grain sorghum. The delivery charge shall be paid at time of settlement.

§ 1473.10 Setoffs.

The proceeds of the loan shall be applied against any indebtedness of the producer to CCC or any other agency of the United States in accordance with the provisions of § 1421.15 of Part 1421 of this chapter.

§ 1473.11 Interest rate.

Loans shall bear interest at the same rates as those announced for regular nonrecourse loans in a separate notice published in the FEDERAL REGISTER, 38 FR 3614.

§ 1473.12 Release of grain under loan.

(a) *Obtaining release.* A producer shall not remove any collateral covered by a chattel mortgage until he has received prior written approval for such removal from the county committee on a form prescribed by CCC. A producer may at any time obtain release of all or part of the grain remaining under loan by paying to CCC the amount of the loan made with respect to the quantity of the grain released plus interest. When the proceeds of the sale of the grain are needed to repay a loan, the producer must request and obtain prior written approval of the county office on a form prescribed by CCC to remove a specified quantity of the grain from storage. Any such approval shall be subject to the terms and conditions set out in the applicable form, copies of which may be obtained by producers at the county office. Any such approval shall not constitute a release of CCC's security interest in the grain or release the producer from liability for any amounts due on his loan indebtedness if full payment of such amounts is not received by the county office.

(b) *Release of chattel mortgage.* The chattel mortgage shall not be released until the loan has been satisfied in full. After satisfaction of a loan, the county executive director shall release the chattel mortgage.

§ 1473.13 Insurance.

CCC does not require the producer to insure the grain placed under a loan; however, if the producer insures such grain and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the grain involved in the loss.

§ 1473.14 Losses in quantity or quality.

CCC will not assume losses in quantity or quality of the grain under loan resulting from any cause.

§ 1473.15 Personal liability of the producer.

The personal liability of the producer to CCC for fraud or other reasons stated in § 1421.17 of Part 1421 in connection with a loan shall be the same as the personal liability of the producer in connection with a farm-storage loan as prescribed in paragraphs (a), (c), (d), (e), and (f) of such § 1421.17, except that the loan settlement value referred to in such section shall be the settlement value as determined under § 1473.18.

§ 1473.16 Loan rates.

Loans will be made under this program at 75 percent of the basic county loan rate for the applicable commodity established for the county in which the grain is stored under the regular 1973-crop price support loan and purchase programs, 7 CFR Part 1421. Such rates appear in the following sections of Part 1421 of this chapter: Barley—§ 1421.75; Corn—§ 1421.116; Grain Sorghum—§ 1421.239; Oats—§ 1421.274; Rye—§ 1421.237; and Wheat—§ 1421.489.

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§ 1473.17 Maturity of loans.

Loans mature on demand, but not later than 90 days from the date the loan is disbursed.

§ 1473.18 Settlement.

Loans are recourse loans and the principal of a loan plus interest must be paid on or before maturity. Loans shall be satisfied in accordance with the provisions contained in this section.

(a) *Producer obtains nonrecourse loan.* A producer, on or before maturity of the loan, may, with approval of the county committee, place his commodity in eligible farm or warehouse storage and, if he and the commodity are eligible therefor, obtain a regular nonrecourse price support loan from CCC under the applicable loan and purchase regulations, 7 CFR 1421. When the nonrecourse loan is made, the principal on the loan made under this subpart plus accrued interest shall be paid in full either in cash or out of the proceeds of the nonrecourse loan.

(b) *Producer delivers commodity to CCC.* If, on maturity, repayment has not been made and the producer delivers the grain under loan to CCC, delivery of the grain to CCC shall be made in accordance with instructions issued by the county office. When the grain is delivered to CCC, credit shall be given to the producer for the quantity and quality of the grain actually delivered, at the market price at the time and place of delivery, as determined by CCC: *Provided, however,* That if such grain is sold by CCC in order to determine the market price, the settlement value shall not be less than such sales price. If the amount of such credit exceeds the amount due on the principal of the loan plus interest, the amount of the excess shall be paid to the producer by the county office. If the amount of such credit is less than the amount due on the principal of the loan plus accrued interest, the amount of the deficiency shall be paid by the producer to CCC. Any payment which would be due to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC or any other agency of the United States, may be set off against such deficiency.

(c) *Producer repays distress loan.* If the producer does not obtain a nonrecourse loan or deliver the grain to CCC, he must repay in cash the principal due on the loan plus accrued interest.

(d) *Handling payments and collections not exceeding $3.* In order to avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less which are due the producer will be paid only upon his request. Deficiencies of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1473.19 Foreclosure.

If the distress loan is not satisfied upon maturity, the regulations in § 1421.24 with respect to foreclosure shall apply.

Effective date: August 2, 1973.

Signed at Washington, D.C., on: July 27, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-16029 Filed 8-2-73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Transportation Control Measures; Correction

In the transportation control regulations proposed on July 2 and 3, 1973 for pre-construction review of parking facilities in the Los Angeles area of California, the Trenton and Philadelphia areas of New Jersey, and the Houston-Galveston, San Antonio, and Dallas-Fort Worth areas of Texas, a definition of "commenced" was inadvertently proposed which is at variance with the definition in 40 CFR 52.01, published in 37 FR 19807 (September 22, 1972). Wording consistent with other proposed regulations for parking facilities is given herein as the proposal for these three States.

In the aforementioned areas, and in the Minneapolis area of Minnesota, the proposed regulations specify that the requirement for pre-construction review will be effective upon promulgation (or, in the case of New Jersey, upon proposal). It is the Agency's intention that any such regulation be effective on August 15, 1973, regardless of the date of proposal or promulgation. Therefore, wording consistent with other proposed regulations is given herein as the proposal for these four States.

This notice of proposed rulemaking is issued under the authority of section 110 (c) and section 301(a) of the Clean Air Act. (42 U.S.C. 1857 et seq.)

Dated: July 31, 1973.

ROBERT W. FRI,
Acting Administrator.

SUBPART F—CALIFORNIA

1. The document proposing to revise Part 52 of Chapter I of Title 40 of the Code of Federal Regulations, published in the Federal Register on July 2, 1973, at 38 FR 17686, is corrected by changing § 52.244(a)(4) to read as follows:

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

2. The document proposing to revise Part 52 of Chapter I of Title 40 of the Code of Federal Regulations, published in the Federal Register on July 2, 1973, at 38 FR 17686, is corrected by changing the words "after the date of this regulation" to read "after August 15, 1973" in § 52.244(c).

SUBPART Y—MINNESOTA

3. The document proposing to revise Part 52 of Chapter I of Title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 2, 1973, at 38 FR 17702, is corrected by adding to § 52.1231(a) a new subparagraph (3) as follows:

(3) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

4. The document proposing to revise Part 52 of Chapter I of Title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 2, 1973, at 38 FR 17702, is corrected by changing the number "(3)" to the letter "(b)", the number "(i)" to the number "(1)", and the number "(ii)" to the number "(2)" in § 52.1231, and by changing the words "the promulgation date of this regulation" to "August 15, 1973" in both instances in which it appears in § 52.1231.

SUBPART FF—NEW JERSEY

5. The document proposing to revise Part 52 of Chapter I of Title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 3, 1973, at 38 FR 17790, is corrected by changing § 52.1590(a)(4) to read as follows:

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

6. The document proposing to revise Part 52 of Chapter I of Title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 3, 1973, at 38 FR 17790, is corrected by changing the words "after the date of this proposed regulation" to read "after August 15, 1973" in § 52.1590(c).

SUBPART SS—TEXAS

7. The document proposing to revise Part 52 of Chapter I of Title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 3, 1973, at 38 FR 17811, is corrected by changing § 52.2295(a)(4) to read as follows:

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

8. The document proposing to revise Part 52 of Chapter I of Title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 3, 1973, at 38 FR 17811, is corrected by changing the words "after the effective date of this section" to read "after August 15, 1973" in § 52.2295(c).

[FR Doc.73-16044 Filed 8-2-73;8:45 am]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Opportunity for Public Comment on Proposed Transportation and/or Land Use Control Strategies

On June 15, 1973, pursuant to section 110(a) of the Clean Air Act and 40 CFR Part 51, the Administrator announced his partial approvals and partial disapprovals of State transportation control plans for implementation of the national ambient air quality standards. This was published in the FEDERAL REGISTER on June 22, 1973 (38 FR 16550).

In accordance with the decision of the Court of Appeals for the District of Columbia Circuit in *Natural Resources Defense Council, Inc., et al. v. Environmental Protection Agency* (Civil Action No. 72-1522), the Administrator is required to promulgate a plan where a State plan is deficient, by August 15, 1973. If, prior to promulgation, a State has adopted and submitted a plan or revision which the Administrator determines to be in accordance with applicable requirements, the State plan will be approved in lieu of promulgation. (Section 110(c) of the Clean Air Act.)

In its order, the court stated that the Administrator shall permit the public to comment on the State transportation control strategies and on the request by the Governor of any State, pursuant to section 110(e) of the Clean Air Act, for an extension of the date for attainment of a primary ambient air quality standard.

This notice is issued to advise the public that revisions for the proposed implementation plans for the State of Colorado and for the District of Columbia have been received by the Environmental Protection Agency and that comments may be submitted on whether the proposed plans, as revised, should be approved or disapproved by the Administrator under section 110(a) of the Clean Air Act. Only comments received on or before August 24, 1973. Notice of opportunity to comment on State plans has been published previously on April 24, April 27, May 4, June 1, June 22, and July 18, 1973.

More detailed descriptions are set forth below.

DISTRICT OF COLUMBIA

A control strategy for the attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants in the National Capital Interstate Air Quality Control Region was submitted by the Mayor of the District of Columbia on April 20, 1973. The

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plan was approved in part on June 15, 1973. 38 FR 16550 (June 22, 1973). However, the absence of sufficient detail on regulatory, administrative, and enforcement aspects of some strategies, plus the unlikely availability of others, precluded full approval.

Supplemental information to correct the deficiencies was received on July 9, 1973, including a request for two-year extension of the date for attainment of the primary standards.

On July 16, 1973, the District of Columbia submitted additional supplemental information on enforcement procedures, administrative details, proposed regulations for various strategies, and designation of agencies to perform various functions, as well as cross references showing where other details may be found in the April 1973 submission. A copy of a Council of Governments study on Bus Priority Lanes for the Washington Metropolitan Area was included as an appendix, although apparently not as a commitment to the corridors recommended in the study, inasmuch as the D.C. material on July 9, 1973, designates the corridors selected by the District for bus lanes.

Copies of the supplemental information are available for inspection at Room 213, Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, at Room 329, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, and at the Bureau of Air and Water Quality Control, 25 K Street, N.E., Washington, D.C.

COLORADO

Control strategies for the attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants in the Metropolitan Denver Intrastate Air Quality Control Region were submitted by the Governor of Colorado on June 4, 1973, dated May 25, 1973, including a request for a two-year extension for attainment of the primary standards. The plan could not be approved on June 15, 1973, due to lack of sufficient time for public comment. 38 FR 16550 (June 22, 1973).

On July 16, 1973, the Governor of Colorado submitted a letter containing supplemental information confirming the intent of the State of Colorado to undertake certain control measures set forth in the plan submitted earlier, containing copies of certain existing legal authority, containing copies of proposed regulations, and setting forth other information.

Copies of the supplemental information are available for inspection at the Environmental Protection Agency, Office of Public Affairs, Region VIII, Lincoln Towers Building, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203, at Room 329, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, and at the Colorado Department of Health, 4210 East 11th Street, Denver, Colorado.

Dated: July 30, 1973.

ROBERT W. FRI,
Acting Administrator.

[FR Doc.73-15976 Filed 8-2-73;8:45 am]

[40 CFR Part 202]

NOISE ABATEMENT

Interstate Motor Carrier Noise Emission Standards

Correction

In FR Doc. 73-15500 appearing at page 20102 in the issue of Friday, July 27, 1973, in the second complete paragraph in the third column on page 20105, the date "July 27, 1973" in the second line, should read "September 10, 1973".

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1310]

[Docket No. 35867]

COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE AND WATER

Construction, Filing, and Posting of Tariffs

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 5th day of July 1973.

In this proceeding we propose to consider the revision of existing regulations which govern the construction, filing, and posting of tariffs of common carriers of property by motor vehicle and tariffs of common carriers of property by water which contain joint motor-water rates or provisions governing such rates. The present regulations are published in Tariff Circular MF No. 3 (49 CFR Part 1307, Subpart B). The proposed regulations will be published in proposed Tariff Circular No. MF 5 (49 CFR Part 1310) and are set forth below without explanation of each individual change. We believe the nature and purpose of each proposed change will be readily understood by those conversant with the present regulations.

Changes are proposed in almost all existing rules. Many changes are of a very substantial or important nature. A list of those which we consider to be the most substantial or important follows, but it should be understood that it may not include some change which for a particular reason a person or persons might view as substantial or important. Other than these, changes have not been listed.

LIST OF PROPOSED CHANGES OF A SUBSTANTIAL OR IMPORTANT NATURE

1. *Loose-leaf tariffs.* (a) Neither loose-leaf tariffs nor loose-leaf page amendments or supplements to such tariffs will be accepted for filing after January 1, 1979. See §§ 1310.4(a) and 1310.10(a). (Presently there is no prohibition.)

(b) Printing will be permitted on one side of the sheet or both sides. See § 1310.4(f). (Now a sheet may be printed on only one side.)

(c) Expansion of a page number will be restricted to whole numbers and single letter suffixes. When the sheet is printed on both sides, only the higher numbered of the pages printed thereon will be permitted to be expanded. See § 1310.10(d)(7). (Now fractions, decimals, and multiple-letter suffixes are not referred to specifically.)

(d) The number of sheets containing pages canceled from the tariff will be subject to a maximum of five times the number of sheets containing effective tariff matter. See § 1310.10(d)(9). (Now there is no restriction.)

(e) The filing of a blanket page will be permitted to transfer all provisions from or reflect the cancellation of five or more pages. See § 1310.10(d)(12). (Present regulations require issuance of individual pages.)

(f) The updated check sheet system (one or more pages always showing listing of all current pages comprising the tariff) method will be required. See §§ 1310.6(b) and 1310.10(d)(13). (Now either this method or the "correction number check-off" method is authorized.)

(g) Numbers of pages, except title pages, will be required to be shown in the upper corner opposite the binding edge corner. See § 1310.4(f)(4). (The present regulations require the showing of the page numbers in the upper left corner, but Special Permission 20899-M authorizes their showing in the upper right corner.)

2. *Bound tariffs.* (a) The filing of a supplement will be prohibited to a tariff that has been in effect for eight years. See § 1310.9(d). (Now there is no prohibition.)

(b) An updated list of items and units in effective supplements will be required in all regular supplements of eight or more pages. See § 1310.9(b). (There is no present requirement.)

(c) The supplemental requirements of incorporated Special Permission M-70560 are liberalized to permit original tariffs containing 501 to 800 pages to have in effect one additional supplement and to permit original tariffs containing 801 or more pages to have two additional supplements. The unlimited additional supplements are in lieu of one additional supplement of not to exceed four pages. See § 1310.9(d). (Rail carriers are authorized to maintain such additional supplements by Special Permission 71-906.)

(d) Carriers and agents will be permitted to file "periodical tariffs" not less frequently than once a year. These tariffs will be permitted to be supplemented without regard to any limitation as to the number of pages in the effective supplements. See § 1310.9(d)(3). (Motor carriers now have no authority to file such tariffs, but rail carriers do under rule 9(f) of supplement 8 to Tariff Circular 20.)

(e) The filing of a blanket supplement (a common supplement issued jointly to several tariffs of the same agent or carrier) to not less than five tariffs will be permitted. See § 1310.9(g). (Now special permission authority must be obtained before a blanket supplement may be filed.)

(f) Partial amendments will be permitted to numbered items containing many types of provisions (not rates or rules). See § 1310.10(c)(6). (Rail carriers are authorized by Special Permission 70-258 to partially amend numbered items in tariffs published by computer. This extends the coverage to motor carriers' tariffs regardless of whether or not they are published by computer.)

(g) Partial amendments will be permitted to rate tables and rate base number tables comprising more than two pages. See § 1310.10(c)(7). (There is no authority now for the publication of such partial amendments.)

(h) The use of items, with item numbers, will be required to the greatest extent possible. The use of index numbers and rule numbers for tariff provisions will be prohibited. See § 1310.4(h). (The present rules provide that the use of item numbers are permissive.) The trend in tariffs has been in this direction.

3. *Suspensions.* (a) The reproduction of portions of the suspension order itself in the suspension supplement will no longer be required. See § 1310.14(c).

(b) A notice of 10 days and an effective date will be required in connection with a statement of cancellation in a suspension notice of suspended matter reissued without change prior to the filing of the suspension notice. See § 1310.14(d).

(c) Tariff matter (providing changes) which violates an investigation and suspension order because it was enroute to the Commission at the time of the suspension will be permitted to be amended on ten days' notice to bring it into compliance. See § 1310.14(e). (Now special permission authority must be obtained to correct the defective matter or the publication is subject to rejection.)

(d) When a tariff, supplement, item, unit, or loose-leaf page which contains suspended matter is reissued, the proposed rules will require that the suspended matter be brought forward without change and that the superseded publication, item, or unit shall be canceled in its entirety. See § 1310.14(f). (Publishers now may use this method under authority of Special Permission M-89600. Otherwise, they must comply with the provisions of the third paragraph of rule 10(c) of Tariff Circular MF No. 3, which provides that the reissue shall cancel the tariff or supplement "except portions under suspension.") This is a benefit to all tariff users as well as publishers.

(e) If, after suspended matter has become effective and the matter held in force has been canceled or has expired, the Commission orders the suspended matter canceled, the carrier or agent will be permitted to restore the matter held in force (subject to whatever changes, if any, lawfully made in the interim, except for the cancellation) effective concurrently with the effectiveness of the cancellation of the matter ordered canceled and upon the same notice. See § 1310.14(k).

4. *Adoptions.* (a) The filing of a combined adoption notice and adoption supplement will be required by the new carrier when at least one tariff of the old carrier's (or its predecessor's) issue is adopted in whole or in part. See § 1310.25(f) and (g). (Now an individual adoption notice and a separate adoption supplement for each such tariff adopted is required.) This reduces the paperwork and has benefits for the tariff user.

(b) The filing of a supplement will be prohibited after one year from the effective date of the adoption to a tariff of the old carrier's (or predecessor's) issue which has been adopted in whole or in part. See § 1310.25(j). (There is no present prohibition.)

(c) The filing of adoption publications will no longer be required from receivers, trustees, or other officials appointed by a court. See § 1310.25(n).

(d) When an adoption is in part, the new carrier will be required to issue new powers of attorney or concurrences at the same time it issues the adoption publications. See § 1310.25(o)(2). (The present rules do not specifically provide for this situation.)

(e) When the adoption is in part, the new carrier will be required to amend the old carrier's tariff to announce the partial adoption thereof and to cancel therefrom rates and provisions which belong to the new carrier by virtue of the adoption. Two supplement numbers will be reserved for these purposes. See §§ 1310.25(f), (g)(2), and (s). (Now the old carrier must file the adoption supplement to its tariff and cancel rates and provisions owned by the new carrier.) This helps the new carrier to transfer adopted rates to its own tariffs.

5. *Concurrences or powers of attorney.* (a) The designation "F" will be substituted for "MFX" on the prescribed concurrence or power of attorney forms. See § 1310.27. This adopts the same letters as the rails use.

(b) Carriers will be permitted to withhold authority in their powers of attorney to publish any increases or general increases. See § 1310.27(b)(4). (The present rules contain no specific provision.) This makes specific a present interpretation.

(c) The restriction is removed which prohibits a carrier from issuing a tariff in which it is shown as an intermediate carrier, the same as applies to rail carriers. See § 1310.27(c).

(d) A carrier or agent to which a concurrence or power of attorney is issued will be permitted to notify the Commission that it no longer wishes to retain or exercise the authority and that the authority shall have no further force or effect. See § 1310.27(p)(7). (Now there is no rule covering this and agents and carriers must retain old effective instruments indefinitely until the issuing party revokes.)

6. When a receipted copy of a letter of transmittal is requested the carrier or agent will be required to furnish the envelope and either prepay or guarantee the postage by means other than sending ordinary postage stamps. See § 1310.1(c). (Now the Commission furnishes the envelope and pays the postage.)

7. The regulation which prohibits changes in rates or other provisions before they have been in effect for 30 days is omitted. See § 1310.1(g). (This is now the subject of a separate rulemaking—Ex Parte No. 294. Whatever conclusions are reached in that proceeding will be incorporated in the circular.)

8. This incorporates the present Special Permission No. 4054-M terms. A carrier will be permitted to dispense with or discontinue the posting of a tariff at a station if that tariff has not been used by the carrier or the public at that station for six months. See § 1310.2(f). (The words "a substantial period of time" in the permission is here changed to "six months".)

9. Commodity descriptions in connection with commodity rates or exception ratings will be required to be described either in the same words as the classification or as close thereto as possible. If the article appears under a generic heading in the classification, the rate or exceptions tariff will be required to show that exact heading and the commodity as subordinate to it. See §§ 1310.6(j), 1310.7(h), and 1310.17(c)(3). (Now there is no similar requirement.) This is intended to reform the present practice whereby the same commodity may be described in ways difficult or impossible to relate to the classification it displaces.

10. Motor carriers will be required to publish in the same manner as rail carriers provisions applicable on export or import traffic handled beyond by ocean carriers. See § 1310.7(m). (Rail carriers are governed by § 1300.67 [rule 67 of Tariff Circular No. 20]. There are no similar provisions for motor carriers. Ex Parte No. 261, in which this subject was previously considered, has been reopened, and whatever conclusions are reached in that proceeding will be incorporated in the circular.)

11. When the explanation of a reference mark or note is changed, the amending publication will be required to either republish all matter using the reference mark or note or publish in connection with the changed explanation a reference to the tariff matter using the mark or note. See § 1310.10(h). (Rail carriers must republish all matter using the reference mark or note unless the tariff is published by computer, in which case the use of the "reference" method is authorized by Special Permission 70-258. Regulations for motor carriers now do not adequately cover this.)

12. Changes are proposed to simplify the process of canceling tariffs, including eliminating authorizing an agent to cancel an individual carrier's tariff (now will require supplement to carrier's tariff) and, where a tariff is reissued, requiring the only cancellation notice to be in the new tariff. Generally, the changes reflect what has become the present practice. See § 1310.11.

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13. Regulations governing tariffs which define the carriers' authorized operations (scope tariffs) are added. See § 1310.19. (Now the filing of such a tariff is authorized, but there are no regulations governing its construction and its application.)

14. When a carrier is canceled from a participating carrier tariff and is later reinstated, a short form method will be permitted to reinstate for the account of the carrier rates and other provisions that were canceled by statement when the carrier was canceled. See § 1310.20 (e). (Now each individual provision is required to be republished.)

15. Each Class I and Class II motor carrier will be required to file an index of all effective and all published but not yet effective tariffs to which it is a party (including those published in its own name). An index will also be required from a Class III motor carrier if it participates in a rate tariff of an agent. See § 1310.24. (There are no present effective regulations requiring indexes from motor carriers. Rail carriers are required to file them. There was included such a requirement originally in the tariff circular, but was postponed from time to time and then postponed indefinitely. It is now proposed to establish a similar, but not identical, requirement.)

16. The term "special permission authority" will be changed to "special tariff authority," as being a more appropriate term. The notarization of applications for such authority will no longer be required. See § 1310.26.

17. The participating-carrier list in tariffs reproducing the DOT (formerly ICC) regulations governing packaging and transportation of dangerous articles will be permitted to be amended upon one day's notice, instead of five days now part of Special Permission 19511–M. This reduces the notice requirement to that which we allow such changes in the classification tariffs, also under a special permission order. See § 1310.28(d).

18. Motor carriers will be permitted on five days' notice to extend expiration dates and postpone the effective dates of comeback rates. See § 1310.28(f). (Rail carriers have had this authority under Special Permission 39797.)

19. Special Permission 72–1100 M, which authorizes the postponing or repostponing of tariff provisions on eight days' notice, is incorporated. However, its use will be prohibited in connection with general rate adjustments published by means of a conversion table. The latter restriction was incorporated into the corresponding permission given the railroads. See § 1310.28(h)(14).

20. The publication of substituted service provisions (rail for motor) will be permitted without special permission authority, but subject to the same restrictions. See § 1310.30.

In addition to those listed above, the provisions of the following general special permissions are incorporated which authorize upon less than 30 days' notice the following tariff actions (the permission numbers are shown in parentheses):

1. The filing of suspension notices in consolidated form (M–94300).

2. The postponement or further postponement of suspended matter (M–83800).

3. The cancellation of suspended matter (M–94200).

4. In connection with tariff publication to cover proposed issuance of operating authority, (a) the addition of the description of such authority, (b) the addition of the name of the carrier to the list of participants, (c) the addition of routing provisions, and (d) the amendment of the list of points served (27458–M).

5. The establishment of new routes for existing operating authority (27458–M).

6. Restoration of the listing of carriers as participants following published cancellation, so as to continue participation without interruption (67–142–M).

7. The amendment of the list of participating carriers in classifications to provide additions thereto and corrections and other changes therein (M–88800).

8. The changing or cancellation of expiration dates published in connection with temporary authorities (M–64500).

9. The establishment of rates and other emergency transportation operat- other provisions to cover emergency transportation operating authority (M–60160).

It appearing, that existing regulations which govern the construction, filing, and posting of tariffs of common carriers of property by motor vehicle and tariffs of certain common carriers of property by water are published in Subpart B of Part 1307 of Title 49 of the Code of Federal Regulations (Tariff Circular MF No. 3);

And it further appearing, that the regulations need revising for the purposes of, among other things, (1) updating; (2) clarifying; (3) incorporating the modifying provisions of general special permission authorities; (4) adding restrictions to eliminate or correct practices which have been the source of justifiable complaint; (5) canceling regulations no longer needed; and (6) accomplishing overall tariff simplification and improvement;

And good cause appearing therefor:

It is ordered, That a rulemaking proceeding be, and it is hereby instituted under the provisions of the Interstate Commerce Act and section 553 of the Administrative Procedure Act for the purpose of considering whether or not the facts and circumstances require or warrant the revision in the manner and form set forth in Appendix A attached hereto of the regulations referred to in the first appearing paragraph of this order.

It is further ordered, That all common carriers of property by motor vehicle, all common carriers of property by water that participate in joint motor-water rates, and their tariff publishing agents be, and they are hereby, made respondents in this proceeding.

It is further ordered, That any person intending to participate in these proceeding by submitting initial or reply statements, or otherwise, shall notify this Commission by filing with the Office of Proceedings, Interstate Commerce Commission, within 30 days from the date of publication of this order in the Federal Register the original and one copy of a statement of his intention to participate. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) the service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in these proceeding, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in these proceedings, (2) whether he genuinely wishes to participate by receiving or filing initial and/or reply statements, (3) if he so desires to participate as described in "(2)", whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be issued in these proceedings; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in these proceedings and upon whom copies of all statements must be filed; and that at the time of service of this service list the Commission will fix the time for filing and serving statements under the modified procedure;

It is further ordered, That any interested person subsequently submitting initial written statements of facts, views, and arguments should specify therein (1) whether he opposes or supports the general revision; (2) the specific rules which he opposes or supports; (3) the reasons for such opposition or support; and (4) recommendations for specific changes in the rules which he opposes.

It is further ordered, That while this proceeding does not currently appear to be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, statements filed by parties participating in these proceedings shall indicate the presence or absence of any effect of the recommendations made therein to this Commission on the quality of the human environment. Cf. *Implementation—National Environmental Policy Act, 1969*, 340 ICC 431 (1972).

And it is further ordered, That statutory notice of the institution of this proceeding be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

PART 1310—FREIGHT RATE TARIFFS AND CLASSIFICATIONS OF MOTOR COMMON CARRIERS

Sec.
1310.0 General provisions.
(a) General.
(b) Application of this Part 1310.
(c) Conformity required.
(d) Intrastate, liability and information-only provisions.
(e) Carrier liable for violations.
(f) Definition of terms used in this part.
1310.1 Filing tariffs (Rule 1).
(a) Where to file.
(b) Number of copies required.
(c) Letter of transmittal.
(d) Letters of authorization.
(e) Tariff publications not consecutively numbered.
(f) Concurrences and powers of attorney required.
(g) Period of notice required.
(h) Other filing requirements.
(i) Rejection of tariff publications.
(j) Rejection or suspension of revocation notice.
1310.2 Posting tariffs (Rule 2).
(a) Introduction to posting requirements.
(b) What tariffs must be posted at principal office.
(c) What tariffs must be posted at stations.
(d) Period of notice.
(e) Exception as to posting by Class III motor carriers.
(f) Exception as to posting at stations.
(g) Freight classifications and dangerous articles tariffs.
(h) Conditions: Non-posted tariffs.
1310.3 ICC Tariff numbers (Rule 3).
(a) Nonapplication of this section.
(b) ICC numbers to be printed on tariffs.
1310.4 Form, size, and printing (Rule 4).
(a) Form, size, durability, and method of printing.
(b) Size of type.
(c) Alterations.
(d) Margin.
(e) Bound tariffs: Pages and binding.
(f) Loose-leaf tariffs.
(g) Ruling of tables.
(h) Items and numbering systems.
1310.5 Title page (Rule 5).
(a) Title page required.
(b) ICC number and cancellation notice.
(c) Loose-leaf tariffs.
(d) Name and certificate number.
(e) Type of rates, modes of transportation, and territorial application—rate tariffs.
(f) Governing tariffs.
(g) Nomenclature for tariff.
(h) Reference to item containing list of governing tariffs.
(i) Tariffs issued under order or other authority.
(j) Issue and effective dates.
(k) Expiration dates.
(l) Name and title of issuing party and address.
1310.6 Contents of tariff (Rule 6).
(a) General requirements.
(b) Check sheets—loose-leaf tariffs only.
(c) Table of contents.
(d) Reference to tariffs naming rates on other commodities.
(e) List of participating carriers.
(f) Indexes of commodities, origins, and destinations.
(g) Statement of operating authority in rate tariffs.
(h) List of governing tariffs.
(i) Rules and other provisions which govern the tariff.
(j) Exceptions to classification classes, ratings, and rules.
(k) Explanatory statements.
(l) Statement of rates.
(m) Statement of routes.
(n) Explanation of reference marks, notes, and abbreviations.
1310.7 Statement of rates (Rule 7).
(a) Rates must be clear and explicit.
(b) Arbitraries.
(c) Percentage, fraction or multiple of class rates.
(d) Minimum quantities.
(e) Rates based on varying quantities.
(f) Mixed shipments.
(g) Generic terms.
(h) Commodity rates.
(i) Rates of a carrier must be in limited number of tariffs.
(j) Conflicting or duplicating rates prohibited.
(k) Through rate applies.
(l) Proportional rates.
(m) Export, import, coastwise, and intercoastal rates.
(n) Intermediate application of rates.
(o) "From" and "to" intermediate rules may apply in connection with same rate.
(p) Class rate from or to unnamed points.
1310.8 Routing (Rule 8).
(a) Routing to be specified.
(b) Routing guide.
(c) Emergency routing clause.
1310.9 Supplements (Rule 9).
(a) Amendment by supplement.
(b) Updated lists of items and units in effective supplements.
(c) Index and table of contents.
(d) Number of supplements and pages permitted.
(e) Additional supplement to comply with order of Commission.
(f) Bridge supplements.
(g) Blanket supplements.
1310.10 Amendments (Rule 10).
(a) How made.
(b) Participating carriers—how shown.
(c) Amendments to bound tariffs.
(d) Amendments to loose-leaf tariffs.
(e) Reinstatement of canceled or expired provisions must be by republication.
(f) Changes indicated.
(g) Reissued matter.
(h) Change in the explanation of reference marks and notes.
(i) Matter issued under order or other authority.
(j) Conversion supplements to provide general rate changes.
1310.11 Transfer or cancellation of provisions (Rule 11).
(a) Different situations.
(b) Procedures to follow.
1310.12 Expiration dates (Rule 12).
(a) Expiration dates may be shown.
(b) Expiration dates may be shown in separate item.
(c) Expired provisions.
1310.13 Sectional tariffs (Rule 13).
(a) May be filed—sections must be numbered.
(b) Alternative use of rates may be provided.
(c) Nonalternating section—position of sections—statements.
(d) Restrictions.
(e) Arrangement may not be changed.
1310.14 Suspended matter (Rule 14).
(a) Suspension orders and vacating orders.
(b) Supplement to loose-leaf tariff.
(c) Supplement announcing suspension—consolidated supplement.
(d) Suspended matter reissued before supplement announcing suspension is issued.
(e) Suspended matter republished before supplement announcing suspension is issued.
(f) Reissue of suspended matter.
(g) Postponement or further postponement of matter suspended.
(h) No change permitted—suspended matter and matter held in force.
(i) Suspended matter may be canceled.
(j) Vacation of order—suspended matter under postponement found justified.
(k) Suspended or postponed matter ordered canceled.
(l) Postponement of tariff matter published under an order which is stayed.
(m) Compliance with § 1310.9(d) (rule 9) not required.
(n) Reference to authority and to investigation and suspension docket number required.
(o) Court orders.
1310.15 Terminal and other services—Charges and allowances (Rule 15).
(a) Provisions must be filed.
(b) Method of publication.
(c) Joint rates include intermediate drayage or transfer.
(d) Pickup and delivery service.
1310.16 Distance rates (Rule 16).
(a) Distance rates may be filed—when they may be used.
(b) Statements on publications required.
(c) Application of rates must be clear.
(d) When a map is referred to.
(e) When a distance guide is referred to.
(f) Size of characters on maps.
1310.17 Classification, exceptions, rules, and dangerous articles tariffs; precedence of class rates (Rule 17).
(a) Classification.
(b) Precedence of rates.
(c) Exceptions tariffs.
(d) Rules tariffs.
(e) Dangerous articles tariffs.
(f) Participation in governing publications.
1310.18 Rate basis tariffs (Rule 18).
(a) Separate tariffs may be filed.
(b) Points and carriers to be listed.
(c) Rate groups or rate basis—arbitraries or differentials.
(d) General rules may not be included.
(e) Scope of operating authority.
1310.19 Tariffs listing carriers' operating authority (Rule 19).
(a) Separate tariffs may be filed.
(b) Reference to scope tariffs for one carrier.
(c) Agents' tariffs governed by more than one scope tariff.
(d) Scope provisions may be included in participating carrier tariffs.
1310.20 Participating carrier tariffs (Rule 20).
(a) Separate tariffs may be filed by agents.
(b) List of carriers.
(c) List of tariffs.
(d) Cancellation of participating carrier.
(e) Reinstatement of participating carrier.
(f) Adoptions.
(g) Participating carrier tariff may include statements of operating rights.
1310.21 Tariffs of joint agents (Rule 21).
(a) May be filed.
(b) Title pages and loose-leaf pages.
(c) Publications must be identical and filed under one cover.
(d) List of participating carriers.

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Sec.
1310.22 Seasonal motor-water rates (Rule 22).
(a) Tariffs may provide for restoration or discontinuance of service.
(b) Notation required on title page.
(c) When definite dates of service cannot be determined.
(d) When definite dates of service can be determined.
(e) Supplements announcing discontinuance of service.
(f) Tariffs may be reissued.
1310.23 Rates prescribed by Commission (Rule 23).
1310.24 Tariff indexes (Rule 24).
(a) Must be filed by most carriers—information required.
(b) Arrangement.
(c) Supplements or loose-leaf page amendments to tariffs listed in the index.
(d) Revisions, supplements, and loose-leaf pages.
(e) Notation on title page.
(f) Issued date but no effective date.
1310.25 Transfer of operations—Change in name and control (Rule 25).
(a) Different situations.
(b) Requirement for recording new ownership of effective tariffs, etc.
(c) If old carrier has no tariff provisions or other instruments.
(d) When only adoption notice is required.
(e) Form for adoption notice.
(f) When combined adoption notice and adoption supplement is required.
(g) Form for combined adoption notice and adoption supplement.
(h) Series of ICC numbers to use on adoption notices and new tariffs.
(i) Effective date on adoption publication.
(j) Adopted tariff may not be amended after one year.
(k) When name of old carrier need not be shown.
(l) Temporary control.
(m) Adoption publications to contain no other matter.
(n) Adoption publications not required from trustees, etc.
(o) Concurrences and powers of attorney.
(p) Tariffs issued by other carriers or by agents.
(q) Tariffs involved in part shall be amended.
(r) Junction point.
(s) New carrier may amend tariff adopted in part—reserved supplement numbers for new carrier's use.
(t) Subsequent supplements or loose-leaf pages.
(u) Former tariff must be described when canceled.
(v) Adoption notice not to be canceled.
(w) Adoption supplements to be noncounting.
(x) Carriers to which this section applies.
1310.26 Applications for special tariff authority (Rule 26).
(a) Commission has authority to grant special tariff authority.
(b) Special tariff authority will not be issued to modify formal orders.
(c) Filing of application by carrier—also joint agents' tariff.
(d) Where to send applications and number of copies required.
(e) Numbering and signing of applications.
(f) Form of application.
(g) Information application shall show.
(h) The authority must be used in its entirety.
(i) Confirmatory application.
(j) Authority to reject publication.
1310.27 Concurrences or powers of attorney—Transfer of agent (Rule 27).
(a) Different situations.
(b) Forms of powers of attorney.
(c) Forms of concurrences.
(d) Exact name of carrier must be shown what individual may sign instrument.
(e) Official or employee may not act as agent.
(f) Corporation as agent.
(g) Specifications for forms.
(h) Number of copies.
(i) Conflicting authority must be avoided.
(j) Alternate agent.
(k) Transfer of authority from one agent to another agent—death or disability of agent.
(l) Take-over publications.
(m) Supplements (or loose-leaf pages) to be shown in series of former agent.
(n) New agent must start new series.
(o) Cancellation of instruments.
(p) Revocation of instruments.
1310.28 Provisions which may be filed on less than 30 days' notice (Rule 28).
(a) Certain provisions in connection with new temporary or new permanent operating authority.
(b) New route for existing operating authority.
(c) Restore carrier participation.
(d) Amend participating carrier list in dangerous articles tariff.
(e) Amend participating carrier list in classification.
(f) Extend expiration dates or postpone effective date of comeback provisions.
(g) Change or cancel expiration dates in connection with temporary authorities.
(h) Postponement of tariffs or tariff matter.
(i) Tariffs covering emergency transportation operating authority.
1310.29 Commodity rates determined by the use of rate base numbers (Rule 29).
(a) May be filed.
(b) Reference to other tariffs for rate base numbers.
(c) Other requirements.
1310.30 Substituted service (rail for motor) (Rule 30).
(a) Tariffs may provide for substituted service.
(b) Required provisions.
(c) Participation of rail carrier.
(d) Substituted freight service directory.
(e) Different rates prohibited.
(f) Routing provisions not required.
1310.31 Transmission of publications to subscribers (Rule 30).

AUTHORITY: The provisions of this Part 1310 issued under secs. 204, 217, 49 Stat. 546, as amended, 560, as amended, sec. 210a, as amended, 52 Stat. 1238, as amended; 49 U.S.C. 304, 317, 310a.

§ 1310.0 General Provisions.

(a) *General.* (1) Every problem that might arise cannot be anticipated in regulations. It is intended by the Commission that the contents of each tariff be so published that the size of the printed characters, the proportion and distribution of blank space allowed on a page, the system used for indentation or setting off material, the breaking up of lengthy material into smaller units, and the like, are such as to permit prolonged reading, without straining of the eyes, by the average person, and to permit any one with reasonable technical transportation knowledge and experience to understand the application. The Commission expects the cooperation in this respect of all persons associated with the construction of tariffs, and reserves the right to require modification or reissue of a tariff which it considers as not affording the public this accommodation to which it is lawfully entitled.

(2) The Commission expects all carriers to observe strict compliance with its posting regulations, and to control and direct the practices of its publishing agents or representatives toward making possible such compliance without exception.

(3) Nothing in paragraph (a) (1) and (2) of this section shall be construed as being a relaxation of any of the regulations in this part.

(b) *Application of this Part 1310.* (1) Subject to the provisions of paragraph (b)(3) of this section, the regulations promulgated in this part shall govern the construction, publication, filing, posting, and keeping open for public inspection of:

(i) Any tariff filed under section 217 of the Act by a motor carrier or its agent; and

(ii) Any tariff filed under section 306 of the Act by a water carrier or its agent which contains any joint motor-water rate or any provision governing the application of such rate.

The regulations in this part shall also apply to any tariff filed under section 217 of the Act containing any joint rate or provision for the transportation of property over a motor carrier of property jointly with a common carrier of passengers by motor vehicle having authority from this Commission to transport property together with passengers in the same vehicle, or jointly with a carrier of property by air as authorized by the Federal Aviation Act of 1958.

(2) Carriers (other than motor common carriers of property) and freight forwarders whose rates are on file with the Interstate Commerce Commission may participate in tariffs subject to the regulations of this part which are exclusively distance guides (§ 1316.16 (rule 16)), or classifications or dangerous articles tariffs (§ 1310.17 (rule 17)) and also in participating carriers tariffs (§ 1310.20 (rule 20)) but only to the extent necessary to establish participation in such other tariffs.

(3) The regulations in this part do not apply to any tariff filed by a motor carrier, by a water carrier jointly with a motor carrier, or by its agent which contains joint rates applicable over joint intermodal routes as to which rail carrier transportation forms any segment of the joint route, or any provision governing the application of such rates and routes, unless such rates, routes and provisions form only a minor portion of the tariff material, and the carrier or agent notifies the Commission at time of filing, as part of the letter transmitting the tariff, that it is effecting compliance with the regulations in this part rather than another for the construction of the tariff. Such portions of the tariff as pertain to such intermodal transportation shall, however, comply with the regulations elsewhere governing the publication of rates, routes, and provisions which include rail carrier participation.

(4) For regulations for water common carrier tariffs not governed hereby, Part 1300 and §§ 1308.0 through 1308.11 of this chapter (Tariff Circular Nos. 20 and 22, or reissues thereof) should be referred to.

(c) *Conformity required.* (1) Except as otherwise authorized by special permission order, all tariffs must conform to the reglations in this part 1310 by (here will be shown a date of one year from the approved date of these regulations).

(2) For reasons it considers to be sufficient, the Commission may direct the reissue of any tariff, power of attorney, or concurrence at any time.

(d) *Intrastate, liability and information-only provisions.* A tariff may include provisions having intrastate application only, provided they are so indicated (see § 1310.6(n)(6) (rule 6)), and a tariff may be indicated as a joint filing with state regulatory bodies. Provisions indicated as "For Information Purposes Only" provisions which explain the plan of the tariff or the manner in which the tariff should be used, to assist the tariff user, may be included provided they are not contrary to the actual application of the tariff. Except as specifically authorized by this Commission, provisions pertaining to such as liability of the carrier for loss, damage or overcharge, and transportation not subject to economic regulation of this Commission, and advertising or promotional material, may not be included in the tariff.

(e) *Carrier liable for violations.* Carriers have a positive duty under the Act to file with this Commission and to post for public inspection all of its tariffs required by the Act. The Act places upon the Commission the obligation to issue regulations prescribing the manner in which tariffs shall be constructed, filed and posted. The law prescribes penalties against carriers for failure to comply with the Act and the regulations, and also for using any rate which is not one contained in its lawfully published, filed and applicable tariffs. The tender of a tariff and its receipt by the Commission does not relieve any carrier participating therein from liability for violation of the Act itself or of regulations issued under the authority of the Act.

(f) *Definition of terms used in this part.* (1) "Act" means the Interstate Commerce Act, as amended.

(2) "Agent" means a person or corporation duly authorized under this part by a carrier to publish rates and provisions for that carrier's account in tariffs published in the name of the agent.

(3) "Bound tariff" means a tariff consisting of a single sheet, or two or more sheets bound at left edge in pamphlet or book form.

(4) "Carrier" means a motor or water carrier.

(5) "Classification" means a publication containing a list of articles or commodities and the class ratings to which they are assigned for the purpose of applying class rates, together with governing rules and regulations.

(6) "Class I, II, and III motor carriers" are as defined in the Commission's Uniform System of Accounts for Motor Carriers, § 1240.5 of this title.

(7) "Class rate" means a rate which applies on any one or more of various articles according to the class rating to which they are assigned in a classification or tariff of exceptions thereto or in the class rate tariff. It does not include a so-called all-freight, all-commodity, etc. commodity rate which applies on commodities or articles by definition as to the maximum and/or minimum classification or exception class rating to which they are assigned but otherwise has none of the characteristics of a class rate. Nor does it include a so-called column-commodity or commodity-column rate which applies on commodities assigned a column number and are based on the particular rate-basis number applicable between points of origin and destination in class rate tariffs, but otherwise has none of the characteristics of a class rate. "Class tariffs" are those which contain class rates.

(8) "Commission" means the Interstate Commerce Commission.

(9) "Commodity rate" means a rate published to apply on a commodity or commodities which are specifically named or described in the tariff in which the rate is published or in a separate commodity list. "Commodity tariffs" are those which contain commodity rates.

(10) "Item" means a tariff provision of any kind bearing an "item number" designation.

(11) "Joint motor-rail rate" means a joint rate over a joint route consisting of at least one motor segment and one rail segment. It includes ones embracing more than one such segment, and in any sequence.

(12) "Joint motor-water-rail rate" means a joint rate over a joint route consisting of at least one motor segment, one water segment, and one rail segment. It includes ones embracing more than one such segment, and in any sequence.

(13) "Joint motor-water rate" means a joint rate over a joint route consisting of at least one motor segment and one water segment. It includes ones embracing more than one such segment, and in any sequence.

(14) "Joint rate" means a rate that applies over the lines or routes of two or more carriers and that is made by arrangement or agreement between such carriers evidenced by concurrence or power of attorney. "Joint tariffs" are those which contain joint rates.

(15) "Local rate" means a rate that applies over the lines or routes of one carrier only. "Local tariffs" are those which contain local rates.

(16) "Loose-leaf page amendment" means a publication consisting of a single sheet containing any amendment to a loose-leaf tariff.

(17) "Loose-leaf tariff" means a tariff (not a bound tariff) consisting of loose-leaf pages.

(18) "Motor carrier" means a common carrier of property by motor vehicle.

(19) "Original tariff" means the tariff as originally filed excluding supplements or other amendments thereto, if any.

(20) "Post" refers to the maintenance of a file of tariffs which the public may inspect.

(21) "Proportional rate" means a rate published to apply only on traffic originating beyond the point from which such rate applies, destined beyond the point to which such rate applies, or originating and destined beyond the points from and to which such rate applies. "Proportional tariffs" are those which contain proportional rates.

(22) "Rail carrier" means a common carrier of property by railroad.

(23) "Station" of a carrier means the terminal, office (other than principal office), or other facility maintained by or for such carrier.

(24) "Supplement" means a publication, indicated as a supplement, consisting of a single sheet, or two or more sheets bound at the left edge in pamphlet or book form containing any amendment to a tariff, including its cancellation.

(25) "Tariff" means a publication containing one or more rates, charges, classification ratings, rules, regulations, or other provisions, or any combination thereof, of one or more common carriers, together with its supplements or loose-leaf page amendments thereto, if any.

(26) "Tariff publication" means an original tariff, a supplement, or a loose-leaf page amendment.

(27) "Through rate" means the total rate from point of origin to destination. It may be a local rate, a joint rate, or combination of separately established rates.

(28) "Unit" means a tariff provision of any kind set apart by use of a number designation (other than item) or by employment of line or space separations, or because of its obvious independent completeness in itself.

(29) "Water carrier" means a common carrier of property by water subject to part III of the Act.

§ 1310.1 Filing tariffs (Rule 1).

(a) *Where to file.* Except as otherwise authorized, all tariff publications sent for filing should be addressed

Interstate Commerce Commission
Bureau of Traffic
Washington, D.C. 20423

and every package marked prominently with the word "Tariffs."

(b) *Number of copies required.* Unless additional copies are requested by the Commission, and except as otherwise provided in the regulations in this part, two copies of every tariff publication must be filed with the Commission. When a tariff publication is published and filed in the name of more than one agent, as a joint-agency issue, each such agent must file the required number of copies.

(c) *Letters of transmittal.* (1) All tariff publications filed with the Commission must be accompanied by a letter of transmittal listing them. The letter shall

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be prepared on durable paper approximately 8 by 10½ inches in size in substantially the following form:

(Name of carrier or agent in full)

(Street address or R.F.D. number)

(City, State, etc. and ZIP Code)

(Date)

Transmittal No.--------
Interstate Commerce Commission
Bureau of Traffic—Tariffs
Washington, D.C. 20423

The accompanying publication(s) which is (are) listed below (on the attached sheet(s)) (below and on the attached sheet(s)) is (are) sent to you for filing in compliance with the requirements of the Interstate Commerce Act.

Supplement
or Page No.
I.C.C. (MF-I.C.C.) No.

(Signature of person issuing publication or other authorized person)

(Title)

If because of the quantity and bulk of the material being transmitted, more than one package is used, one should include the original, and each of the others a copy, each indicating how many packages make up the whole. If a receipt from the Commission is desired, a duplicate marked "Receipt Requested" must be furnished, together with a self-addressed return envelope. The envelope must provide the postage needed, by, for example, the sender's postage meter, a stamp embossed as part of the envelope itself, or guarantee by the sender's U.S. Postal Service permit number. In no case must loose stamps or envelopes with stamps affixed be supplied. A separate letter of transmittal must accompany the filing by each agent in the case of a tariff publication issued jointly by two or more agents.

(2) A letter of transmittal accompanying a tariff publication filed in the carrier's name must be signed by the person issuing the tariff publication or by a person duly authorized by the carrier to perform this service evidenced by a letter of authorization (see paragraph (d) of this section).

(3) A letter of transmittal accompanying a tariff publication filed in the name of an individual as agent or alternate agent must be signed by that individual, and such authority may not be delegated.

(4) A letter of transmittal accompanying a tariff publication filed in the name of a corporation as agent must be signed by a duly authorized tariff-publishing officer. See § 1310.27(f) (rule 27).

(d) *Letters of authorization.* (1) A letter of transmittal of a carrier should be signed by the person shown on the title page of the tariff publication as the one issuing it. If it is not, then the signer must be specifically authorized to do so. The authorization must be prepared on durable paper approximately 8 by 10½ inches in size in the following form:

LETTER OF AUTHORIZATION

(Complete name of carrier)
Docket No. MC- --------

(Street address or R.F.D. number)

(City, state, etc. and ZIP Code)

(Date)

Interstate Commerce Commission
Bureau of Traffic—Tariffs
Washington, D.C. 20423

This is to certify that ----------
(Name of individual

(authorized to act)

is hereby authorized to sign letters of transmittal and transmit to the Commission thereunder for filing in compliance with the Interstate Commerce Act, as amended, tariffs, supplements, or loose-leaf page amendments issued in the name and MF-I.C.C. or I.C.C. series of the carrier named herein.

All such tariffs, supplements, and pages are to be considered the official filings of the carrier named herein when tendered for filing by the individual named in the first paragraph hereof.

(Name of carrier)
By ----------
(Signature)

(Title)

Verification:
The above statement was subscribed and sworn to before me this -------- day of ----------, 19----.

(Notary Public)

The authorizing letter must be signed by the owner, a partner or an officer, as the case may be, of the carrier. If such a letter does not accompany the publication or has not previously been filed, the publication may be returned to the sender.

(2) A letter of authorization may only be issued in favor of a single individual. It may not authorize two or more individuals, a firm, or a corporation to act. Only one such letter may be effective at any one time.

(3) A letter of authorization may not cancel a previous one. Cancellation shall be made by a separate notice prepared on durable paper approximately 8 by 10½ inches in size in the following form:

Cancellation of
LETTER OF AUTHORIZATION

(Complete name of carrier)
Docket No. MC----------

(Street address or R.F.D. number)

(City, state, etc. and ZIP Code)

(Date)

Interstate Commerce Commission
Bureau of Traffic—Tariffs
Washington, D.C. 20423

Effective ----------, 19----, the letter of authorization dated ----------, 19----, issued by the carrier named above in favor of ---------- is hereby
(Name of individual formerly authorized to act)
withdrawn and cancelled.

(Name of Carrier)
By ----------
(Signature)

(Title)

Copy to: ----------
(Name of representative)

(Street address or R.F.D. number)

(City, state, etc. and ZIP Code)

The effective date specified should take into account the necessary time enroute to the Commission. If the date shown is prior to that on which it is received, the Commission considers the prior authority canceled on the date received. Only publications received on and after that date, or the date shown on the notice (if later), are considered affected thereby. It must be signed by the owner, a partner, or an officer of the carrier. The representative whose authority is being canceled shall be furnished with a copy of the cancellation notice at the same time the notice is sent to the Commission.

(e) *Tariff publications not consecutively numbered.* An original tariff, a supplement, or an original or revised page tendered for filing which is out of the sequence required by the regulations of this part must be accompanied by a separate letter affirming that a publication bearing the skipped over number will be filed and when, which in no case may be a date after the published effective date of the publication not in sequence.

(f) *Concurrences and powers of attorney required.* Any participation by a carrier in a tariff publication other than its own issue must be supported by a power of attorney or concurrence, whichever is appropriate (see § 1310.27 (rule 27)). If it is not already on file with the Commission, it must accompany the publication being filed.

(g) *Period of notice required.* (1) The Act requires that all changes in rates or charges, or in rules or other provisions that affect rates, shall be filed with the Commission at least 30 days before the date upon which they are to become effective unless otherwise authorized by the Commission. Manifestly it is impossible for the Commission to check the items in tariffs to determine whether or not 30 days' notice has been given. Therefore, except as otherwise authorized by the Commission, 30 days' notice to the public and to the Commission must be given as to every tariff publication filed with the Commission, regardless of whether or not changes are effected thereby.

(2) Notice commences to run with the date the tariff publication is received by

the Commission in Washington, D.C. Thus, a publication received any time during one calendar day has on the next calendar day (whatever it may be) accounted for one day of the required thirty days, and then on the thirtieth day following the date on which it was received has accounted for the full thirty days. For example, a publication received on a March 1st date must have an effective date of March 31st or later; one received April 1st needs an effective date of May 1st or later.

(h) *Other filing requirements.* (1) A tariff publication received by the Commission will not be returned unless formally rejected (see paragraph (i) of this section), except under the following circumstances. If, before the filing is received by the Commission, the carrier or agent advises that it is withdrawing its tender for filing and requests that it be returned not accepted, the Commission will take such a request under consideration but compliance is not to be assumed. Verbal requests must be confirmed in writing promptly, and be signed by an authorized person. Purported filings which are absent one or more essentials (such as an I.C.C. number, or a title page) will be returned as not a bonafide tariff publication.

(2) No package containing any tariff publication will be accepted unless all charges applicable to the transmission thereof have been paid.

(3) A joint tariff publication filed by a carrier or a tariff publication filed by an agent will constitute filing for all carriers participants therein.

(4) All rates used in making combination through rates for interstate shipments, including rates between points in one state, must be filed with the Commission and posted for public inspection and they can be changed as to such traffic only in accordance with the provisions of the Act, and as amended.

(i) *Rejection of tariff publications.* Any tariff publication tendered for filing which.

(1) Fails to give lawful notice of changes in rates, charges, or other provisions which it proposes to establish;

(2) Fails to meet the requirements of the regulations in this part; or

(3) violates any order of the Commission or of a court is subject to rejection by the Commission. When a tariff publication is rejected, the Commission, acting through a designated administrative officer, will inform the carrier or agent who tendered it for filing, in writing, of the reasons for rejection. The several copies will ordinarily be returned. The Commission may at its discretion retain one or more copies for its own information use, but the tariff publication is nevertheless rejected any may not be applied.

(j) *Rejection or suspension of revocation notice.* A notice of the partial or complete revocation of a concurrence or power of attorney may be rejected in the same manner as a tariff publication where the effectiveness of such notice would require the establishment of rates or charges in violation of

(1) An order of the Commission;
(2) An order of a court; or
(3) The regulations in this part.

Any such notice of revocation which would require the establishment of rates or charges of doubtful lawfulness may be suspended.

§ 1310.2 Posting tariffs (Rule 2).

(a) *Introduction to posting requirements.* Under the Interstate Commerce Act, carriers are required to keep open to public inspection their tariffs naming rates and charges, in such form and manner as the Commission by regulation shall prescribe. The file of tariffs posted and maintained for public inspection shall be in a complete, accessible and usable form and shall be available for inspection during the ordinary business hours of the carrier. Employees of the carrier shall be required to give any desied information contained in such tariffs, to lend assistance to seekers of information therefrom, and to afford inquirers opportunity to examine any of such tariffs without requiring the inquirer to assign any reason for such desire. A carrier performing local pickup or delivery service for another carrier within the latter's bonafide terminal area and not named as a participant in its tariffs is not required to post such tariffs.

(b) *What tariffs must be posted at principal office.* Except as otherwise provided in paragraph (e) of this section, each motor or water carrier shall post at its principal office a complete set of all tariffs of its own issue and all tariffs to which it is a party except that a water carrier shall be required to post only such tariffs which contain any joint motor-water rate or provision governing the application of such rate. Only tariffs in effect or issued but not yet in effect are required to be posted hereunder.

(c) *What tariffs must be posted at stations.* Each motor or water carrier shall also post tariffs at each station (see § 1310.0 (f)(23)) at which it receives freight for transportation and at which it employs the person in charge of that station exclusively or jointly with another carrier. Except as otherwise provided in paragraphs (e) and (f) of this section, the tariffs that must be posted at such station are those of the carrier's own issue and those to which the carrier is a party which contain the following:

(1) Any effective, or published but not yet effective, rate published to apply for account of the carrier from or at such station, or any origin in that station's terminal area, except a water carrier need post only when a joint motor-water rate.

(2) Any effective, or published but not yet effective, provision governing the application of any such rate.

(d) *Period of notice.* Except as otherwise authorized, each tariff publication must be posted continuously from a date at least 30 days prior to the effective date. When the Commission permits or requires a different period of notice for filing, the tariff publication shall be posted at least that number of days before the effective date. The carrier shall at the time of posting stamp or write thereon such posting date.

(e) *Exception as to posting by Class III motor carriers.* A Class III motor carrier may at any location dispense with or discontinue the posting of a tariff (other than those specified in paragraph (g) of this section) in which the carrier participates solely as to joint-rate application, provided that the public file of its connecting carrier or carriers contains the tariff, and also subject to the provisions of paragraph (h) of this section.

(f) *Exception as to posting at stations.* A carrier may discontinue the posting of a posted tariff (other than those specified in paragraph (g) of this section) if for six months time no request has been made to inspect, and the carrier has not used, the tariff (including the prior issue if not in effect six months), but subject to the provisions of paragraph (h) of this section. If posting of a tariff is discontinued, the authority under this paragraph also extends to the reissues.

(g) *Freight classifications and dangerous articles tariffs.* When reference is made to this paragraph, the tariffs are those providing classifications of freight and those containing the U.S. Department of Transportation's regulations governing the acceptance and transportation of dangerous articles (hazardous materials).

(h) *Conditions: non-posted tariffs.* When a request is received at a station or principal office to post at that place a tariff the posting of which had been dispensed with or discontinued at that location under the provisions of paragraphs (e) or (f) of this section, the requested tariff, and all tariffs governing the application thereof, shall be posted at that station or principal office within 20 calendar days and posting of the tariff and its reissues shall be continued for at least six consecutive months. (After that time, the provisions of paragraphs (e) and (f) of this section may again be used.) Any carrier availing itself of the authority herein to dispense with or discontinue posting of a tariff at a location shall display continuously in a conspicuous place at that station or that principal office a notice printed in large type as follows:

With only such exceptions as have been specifically authorized by the Interstate Commerce Commission, all tariffs containing rates, and governing tariffs, effective or published but not yet effective, for the account of this carrier applying from or at this terminal area are on file in this office. The tariffs may be inspected during ordinary business hours by any person upon request and without assignment of any reason for such inspection. The employee on duty in this office will lend any assistance desired in securing information therefrom. [In the case of a principal office, omit the words "applying from or at this terminal area." In the case of a water carrier, insert the words "joint motor-water" immediately following the word "containing." In the case of a Class III carrier maintaining no tariff file at its principal office or at a station, this paragraph should be omitted from the notice posted at that location.]

If request is made for an effective tariff or tariffs naming rates or governing provisions for the account of this carrier applying

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from or at this terminal area which is not posted hereunder authorization of the Interstate Commerce Commission, the employee on duty here will arrange to have such tariff or tariffs posted within 20 days and thereafter maintain posting until authorized otherwise. [In the case of a principal office, omit the words "applying from or at this terminal area."]

[This paragraph to be used where the affected location is a station, not the principal office, but not as to a Class III motor carrier that does not maintain a complete file at any office.] In addition, a complete file of all this company's tariffs is maintained and kept available for public inspection at [here identify the location].

[A Class III carrier not posting a tariff under authority of paragraph (e) of this section shall add the following to the notice.] Any tariff naming joint-line rates not posted here under authorization of the Interstate Commerce Commission may be inspected at [here show name of connecting carrier and location of its file containing such tariff and reference to the complete file at its principal office if one is maintained there].

§ 1310.3 ICC tariff numbers (Rule 3).

(a) *Nonapplication of this section.* The regulations in this section shall not apply to emergency temporary authority tariffs (see § 1310.28(i) (rule 28)). See also § 1310.21 (rule 21) as to joint agents.

(b) *ICC numbers to be printed on tariffs.* (1) Each tariff shall be assigned an ICC number. The numbers shall run consecutively beginning with the next unused consecutive number in the issuing carrier's or agent's ICC series. If the last tariff filed was designated MF-I.C.C. No. 14 under the former regulations, the next tariff shall be designated ICC 15, followed by 16, 17 and so on. If a carrier or agent has not previously filed a tariff, the number series shall commence with ICC 1.

(2) Title pages of the original tariff (bound and loose-leaf) and supplements thereto, and any revised title page of a loose-leaf tariff shall show the ICC number in the upper right-hand corner (see § 1310.9(g) (rule 9)—blanket supplements). All other pages (original and revised) of a loose-leaf tariff shall show the number in the upper corner forming part of the binding edge. When the tariff is one published on both sides of the sheet, this would be the upper left-hand corner on one page and the upper right-hand corner for the next higher numbered page published on the reverse side.

(3) "MF-ICC" designations printed on existing effective tariffs need not be changed. Reissues of those tariffs shall bear only "ICC" designations, for example ICC 15—without intervening periods (e.g. I.C.C. 15), without the use of "No.", and without letter prefixes or suffixes on the number.

(4) Any tariff referring to another tariff must identify it by ICC (or MF-ICC) number.

(5) The number assigned to a tariff which has been rejected may not again be used. The rejected tariff may not be referred to in any subsequent tariff as having been cancelled, amended, or withdrawn, but the tariff which is published in its stead must bear the following notation:

Issued in lieu of [here identify the rejected tariff], rejected by the Commission.

§ 1310.4 Form, size, and printing (Rule 4).

(a) *Form, size, durability, and method of printing.* Except as otherwise provided in this part, all original tariffs and amendments thereto shall be of size not less than 8 by 11 inches and not more than 8½ by 11 inches, except that all supplements and loose-leaf page amendments shall be of the same size as the tariff they amend. They shall be in book, pamphlet, single-sheet, or loose-leaf form, be in the English language, and printed or prepared by other process on paper of good quality providing durable copies. Copies filed with the Commission and posted shall be clearly and permanently legible in every respect, free from blurring or distortion of content, and free from smudged or darkened background. Typewritten sheets, handwritten material, carbon copies, or proof sheets shall not be used for filing or posting. All copies filed and posted must be identical. (See § 1310.9(g) (rule 9) blanket supplements.) No tariff in loose-leaf form will be accepted for filing by this Commission after January 1, 1979. (See § 1310.10(a) (rule 10) as to loose-leaf page amendments after January 1, 1979.)

(b) *Size of type.* Except as otherwise provided in § 1310.16 (rule 16), the type used shall be of size not less than 8-point or its equivalent (if systems not employing the printer's point standards are used), but in no case may there be more than 9 lines of printed matter to the vertical inch and 16 printed characters to the horizontal inch, with fractional inches of material to be in proportion. Characters, words, and lines shall be spaced in an uncrowded manner to assure easy readability of the material. See § 1310.0(a).

(c) *Alterations.* Alteration before reproduction by such as crossing out or blotting out material is not permitted. No alteration, insertion, or erasure of material in copies after reproduction is permissible. (See § 1310.9(g) (rule 9) blanket supplements.)

(d) *Margin.* A margin of not less than five-eights of an inch with no printing thereon shall be allowed at the binding edge of tariff publication. (The "binding edge" of a loose-leaf tariff or amendment is its left long edge if printed on one side of the sheet only. If printed on both sides, it is the right long side for the higher numbered page printed on the reverse side.)

(e) *Bound tariffs: Pages and binding.* (1) Pages of an original bound tariff shall be consecutively numbered employing Arabic numerals. The title page shall not be numbered. The next page shall be numbered 1, the next page 2, and so on. Pages of supplements shall be similarly numbered, starting with 1 again. Any numbered page intentionally left blank should so state thereon.

(2) Any original bound tariff of two or more sheets and any supplement of two or more sheets shall be permanently bound. Stapling is acceptable, but use of plastic rings, fasteners which can be opened and closed, wire fasteners other than staples, brads, and other similar fasteners are not acceptable forms of binding and shall not be used.

(f) *Loose-leaf tariffs.* (1) The requirements of this paragraph shall not apply to title pages. See also § 1310.21 (rule 21) as to joint agents.

(2) Pages of a loose-leaf tariff may be printed on one side of the sheet or on both sides. Whichever general plan is used in the original tariff must be followed in all its amendments for the life of the tariff. Any numbered page intentionally left blank shall contain a statement to that effect.

(3) Pages of an original loose-leaf tariff shall be consecutively numbered employing Arabic numerals only. Fractional or decimal numbers, or letter prefixes or suffixes, may not be used. The first page following the title page shall be designated as "Original Page 1", the next page designated as "Original Page 2", and so on. Omit the words "No." and "Number".

(4) Each page shall show the page designation in the upper corner opposite the binding edge corner. When the tariff is one published on both sides of the sheet, this would be the upper right-hand corner on one page and the upper left-hand corner for the next higher numbered page published on the reverse side. See § 1310.10(d) (rule 10) as to cancellation of prior issues of the same page, and § 1310.3(b)(2) (rule 3) for placement of the ICC number.

(5) Each page shall show at the top, in the center, the complete name of the issuing carrier or agent, as officially recorded with the Commission. At the bottom, it shall show the issue date on the left side and the effective date on the right side. The date in each case shall show the name of the month spelled out, followed by the day and year by number. If the page contains matter effective upon a date other than the general effective date of the page, the notation "(Except as otherwise provided)" shall be shown in direct connection with the general effective date. Included in this category is matter reissued without change effective later than the general effective date of the new page, and therefore constituting an exception thereto. Except as to tariffs of joint agents (see § 1310.21 (rule 21)), each page shall show at the bottom, in the center, the name and title of the issuing party, and the complete street and mailing address of the carrier or agent, including the postal service ZIP Code number.

(g) *Ruling of tables.* When tables of rates, rate base numbers or charges, or numerals or letters for other purposes are used, the pages shall be vertically ruled in columns of sufficient width to accommodate the matter to be shown thereon (including reference marks) without crowding. At least one blank space or a ruled line shall appear after every sixth horizontal line, or less, of printed matter.

(h) *Items and numbering systems.* (1) The Commission believes that simplicity would be better served by a reduction in

the number of different categories of provisions, each with its own numbering system. Items, with item numbers, should be employed to the greatest extent possible. Rule numbers and index numbers may not be used for tariff provisions, except that tariffs in effect on the conformity date of the regulations in this part and containing such numbers may continue their use for the life of such tariffs. (Section numbers, class-rate table numbers, and note numbers, and numbers or letters within an item, may be used.) When arranging the contents, items should be relatively limited in size for convenience in handling amendments, but each essentially complete in itself. An original tariff should allow sufficient unused numbers within each numerical sequence used therein so that the use of other than whole numbers will be unnecessary when assigning numbers to future provisions. All numbering systems shall employ Arabic numerals.

(2) The numbers assigned to items shall be in numerical sequence in the original tariff, but need not be consecutive. For example, items may be numbered 5, 10, 15, etc. Only one series of item numbers may be used in a tariff. Except as authorized for suspension-notice items (see § 1310.14(c) (rule 14), alphabetical letters may not be used either alone or as part of an item number except as a suffix to designate amendments as provided in § 1310.10(c) (rule 10) and except as to classification tariffs. If two or more items relate one to the other in subject matter, or are considered subordinate in some way to a master item, it is permissible to use compound numbers. This is an initial number followed by a hyphen, then one of a new series of numbers—for example, item 400 and item 400–1, item 400–2, and so on. No decimal or fractional item numbers are permitted. If the whole initial numbers are used up, and new but unrelated matter must be inserted, a compound number may be introduced provided the initial number (for example, item 400 in the above illustration) has not already been used in a compound number series. This, however, should be used sparingly, and the tariff considered for early reissue.

(3) Sections of a sectional tariff must be numbered (see § 1310.13 (rule 13)). Class-rate tables may or may not be numbered, but if they are, the numbers must be in numerical sequence. Notes outside of items must be numbered in numerical sequence.

§ 1310.5 Title page (Rule 5).

(a) *Title page required.* Each original tariff shall have a title page, which shall contain the information required by paragraphs (b) through (l) of this section and in that sequence. It is the purpose of the title page to inform the tariff user. Hence it should identify the nature, purpose, and scope of the publication, but do so in brief, yet complete fashion. When any of these change, the title page must be amended at the same time. The essential elements follow, but others should be shown if they further the purpose. (See also § 1810.21 (rule 21) as to joint agents.)

(b) *ICC number and cancellation notice.* In the upper right-hand corner shall be shown the tariff's ICC number. Immediately thereunder shall be shown the ICC (MF-ICC) number of each tariff, if any, cancelled thereby, except that if the cancellations are numerous, the ICC (MF-ICC) numbers of the tariffs cancelled may be shown near the top of page 1, and a reference to that cancellation notice shown under the ICC number on the title page.

(c) *Loose-leaf tariffs.* The title page of an original loose-leaf tariff shall be printed on one side of the leaf only. The term "Original Title Page" must be shown in the upper left-hand corner.

(d) *Name and certificate number.* At the top, in the center, the complete name of the issuing carrier or agent, as officially recorded with the Commission, shall be shown: If a carrier, its name must be followed by its certificate number. Sub numbers of certificates need not be shown. On agency tariffs, when the agent is a corporation, the name of the corporation shall be shown, but, when the agent is an individual, the name of the association (if any) for whom the agent acts may also be shown. If this is done, the name of the agent shall be preceded by the name of the association.

(e) *Type of rates, modes of transportation, and territorial application—rate tariffs.* (1) A tariff naming rates shall show statements indicating the type of rates therein, the modes of transportation for which the rates are published to apply, and the territorial application of the rates.

(2) The following terms must be used where and to the extent they properly identify such rates: Local, joint, proportional, export, import, coastwise, intercoastal, distance, assembling, distribution, class, commodity, commodity-column (column-commodity), truckload, less-than-truckload, and any quantity. If the tariff does not name any rates specifically restricted to apply on export, import, coastwise, or intercoastal traffic, these terms should not be used.

(3) Each mode of transportation must be specifically identified, such as all-motor routes, motor-water routes, motor-rail routes, etc. It is not necessary to repeat the name of the same mode appearing twice in a combination. Motor-rail-motor need simply be motor-rail.

(4) The statement as to the territorial application shall provide a brief but reasonably complete description of the territory covered by the tariff, or it shall list the states from and to, or between, which the rates therein are published to apply.

(f) *Governing tariffs.* A classification or other type of governing tariff shall show under the carrier's or agent's name a brief description of the tariff and its contents.

(g) *Nomenclature for tariff.* If desired, a brief reference name (e.g. "Iron and Steel Tariff") by which the tariff can be readily identified may be shown next.

(h) *Reference to item containing list of governing tariffs.* A tariff governed by one or more other tariffs shall next refer to the item containing a list of the publications governing the tariff in the following manner:

For governing publications, see Item-------.

(i) *Tariffs issued under order or other authority.* If the entire tariff—

(1) Is issued to comply with a mandatory order requiring the specific action;

(2) Is issued under authority of a permissive order allowing notice of less than thirty days or departure from tariff-publishing regulations; or

(3) Is published under a regulation of this part permitting less than thirty days' notice and/or departure from an outstanding order;

a reference to such order or rule by number, and the number of days' notice (where less than thirty is authorized) shall be shown.

(j) *Issue and effective dates.* (1) The issue date shall be shown on the left side and the effective date opposite thereto on the right side. The date in each case shall show the name of the month spelled out, followed by the day and year by number.

(2) A tariff containing matter effective upon a date other than the general effective date of the tariff must show one of the following notations in direct connection with the general effective date. Included in this category is matter reissued without change from a prior tariff effective later than the general effective date of the tariff, and therefore constituting an exception thereto.

(3) The added notation for a bound tariff is

(except as otherwise provided in ------) or (for exceptions, see page 1).

The exceptions, whether referred to on the title page or on page 1, shall identify by number the provisions containing the exceptions. If the excepted provisions are not numbered, the page numbers on which they appear must be shown.

(4) The added notation for a loose-leaf tariff is

(except as otherwise provided).

(k) *Expiration dates.* An entire tariff that is to expire with a given date must show the following notation:

* This tariff, as amended, expires with [here show date of expiration], unless sooner canceled, changed, or extended.

(l) *Name and title of issuing party and address.* (1) Except as otherwise provided in § 1310.21 (rule 21), at the bottom, in the center, shall be shown the name and title of the issuing party, and the complete street and mailing address of the carrier or agent, including the postal service ZIP Code number.

(2) A tariff published in the name of a carrier must show the owner, a partner, or an otherwise authorized official or duly appointed traffic manager as the issuing party. Where the owner or a partner, no title is necessary.

(3) A tariff published in the name of an individual as agent or alternate agent must show that individual as the issuing party.

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(4) A tariff published in the name of a corporation as agent must show its duly authorized tariff publishing officer as the one issuing it. See § 1310.27 (rule 27).

§ 1310.6 Contents of tariff (Rule 6).

NOTE: See §§ 1310.14, 1310.22, 1310.24, 1310.25, 1310. 27, and 1310.28 (rules 14, 22, 24, 25, 27, and 28) for provisions which may be filed on less than 30 days' notice.

(a) *General requirements.* Tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with each carrier's operating authority. No provision may be published in tariff publications which results in restricting service to less than the carrier's full operating authority or which results in exceeding such authority. Tariff publications containing such provisions are subject to rejection or suspension for investigation. Original tariffs shall contain the provisions required by paragraphs (b) through (n) of this section in the order named.

(b) *Check sheets—loose-leaf tariffs only.* The first page shall be used to list in numerical order the numbers of the original loose-leaf pages comprising the tariff. (This page is to always show an updated listing of each page and supplement.) No other matter may be printed on either side of the sheet containing this list.

(c) *Table of contents.* Except where a tariff contains less than 15 numbered pages, and its title page or interior arrangement plainly discloses its contents, each tariff must provide a table of contents, arranged alphabetically by general headings, fully descriptive and indicative of the matter being identified. Each such heading shall show the item or page number where information on that subject is located.

(d) *Reference to tariffs naming rates on other commodities.* A user of a tariff naming general commodity rates should be aided in locating other possible sources of rates on a considered shipment. Therefore, a general commodity tariff or a combined class and commodity tariff shall contain reference to any other tariffs published in the name of the same carrier or agent in which rates on other commodities are published from any origin to any destination within the same territorial coverage over the same carriers. Each reference must briefly describe the tariff, the commodities therein, and the territorial application.

(e) *List of participating carriers.* (1) A list of participating carriers (complete names must be shown) arranged alphabetically shall be provided, with the city and state of the principal office, the lead docket number of its certificate series, and the form and number of the power of attorney or concurrence issued. This does not apply to tariffs of a carrier having application only for that carrier. The issuing carrier is not to be named a participating carrier in any case. The commonly accepted rules for alphabetizing shall be used, with the key part of the name shown first. In the case of trade names and partnerships, the names of the individual or partners are to follow, but away from the left margin. Where one carrier leases and operates another (section 210a(b) of the Act), the name of the lessor (which is to be followed by the lessee name) controls its position in the list. The name or part of the name controlling its alphabetical position should be in upper case characters if the tariff employs both upper and lower case.

(2) When reference to a concurrence is shown in an agent's tariff, the carrier to whom it has been given shall be indicated.

(f) *Indexes of commodities, origins, and destinations.*—(1) *Intent of Commission.* The tariff user must be provided with a quick, direct, and ready means to determine whether or not the tariff names a rate, rating or charge governing line-haul transportation as to any given traffic, and if so, where it may be found in the tariff. The Commission reserves the right to require reissue of any tariff which it believes does not afford the user adequate means for this purpose.

(2) *Indexes of commodities.* (i) Each tariff naming commodity rates and each rate tariff naming ratings or classes constituting exceptions to the classification shall contain an alphabetically arranged index of articles together with a reference to the number of each item (or page) where such article is shown. The index shall list each article on which the tariff shows a commodity rate or shows an exception rating or class.

(ii) When nouns are not sufficiently explicit, articles shall be indexed also under the names of descriptive adjectives. All of the entries relating to different kinds or species of the same commodity shall be grouped together. For example, "Paper, building; paper, printing; paper, wrapping."

(iii) When articles are grouped together in one list under a generic heading as authorized in § 1310.7(g)(3) (rule 7), such generic name shall be shown in the index and opposite thereto shall be shown reference to each item (or page) where the generic term is used. Each article in the generic list must be shown separately in its proper alphabetical order in the index together with reference to each item (or page) where such article is shown by name, but when such article appears only in a generic list, reference to the items (or pages) containing rates or ratings (classes) may be omitted provided reference is given to the generic name as it appears in the index.

(iv) Tariffs naming rates on "all freight" shall list the term in the index but need not list each article embraced in the term.

(v) The index may be omitted if

(*a*) All of the commodity rates to each destination in a general commodity tariff or a combined class and commodity tariff are arranged in alphabetical order by commodities; or

(*b*) The tariff names rates or exceptions on only "all freight."

(3) *Indexes of origins and destinations.* (i) Tariffs which name specific point to point rates shall provide an index of all points from which rates apply and a separate index of all points to which rates apply showing the states in which points are located. All generally recognized points (cities, towns, townships, and other named state locations that have a precise meaning territorially) of sufficient size located within the territorial coverage of the tariff shall be listed. The points shall be arranged alphabetically within each state and the states arranged alphabetically, or the points shall be arranged alphabetically througout the index. When all or substantially all the rates named in the tariff apply in both directions between the points shown therein, the points of origin and destination may be shown in one index. If there be not more than 12 points of origin or 12 points of destination, the names of such points may, if practicable, be shown in alphabetical order on the title page. In this event, the index of such points of origin or destination, or both, as the case may be, may be omitted.

(ii) When the traiff names rates for the account of more than one carrier, the index shall provide directly with such point the complete names of all carriers serving the point pursuant to the regular-route portion of their operating authorities from this Commission. The complete names of all carriers serving the point pursuant to the irregular-route portion of their operating authorities from this Commission shall also be shown to the greatest extent practicable. The name of a carrier serving the point pursuant to both types of authorities shall be shown only once. Omission of the showing of a carrier as serving a point does not in itself render inapplicable a rate named from or to such point. Carrier name abbreviations or code designations may be used provided they are explained in the tariff in which used. Where desirable the rate tariff may refer to a separate publication (not a rate tariff) for the name or names of carriers serving the points appearing in such rate tariff.

(iii) If a tariff names a rate from or to a state or county without specifying the points in such state or county, at the beginning of the appropriate index shall be shown a reference to the number of the item (or page) containing such rate.

(iv) If rates are shown in a tariff by rate bases or by named, numbered, or lettered territorial groups, the indexes shall show the basis or group to which each point is assigned. When reference is made to a separate publication as provided in § 1310.18 (rule 18) for lists of points in such groups, such points may be omitted from the indexes. In this event there shall be shown in the table of contents the number of the item (or page) giving reference to the separate publication and there shall be shown at the beginning of the index of points (if the tariff contains any such index) reference to the separate publication.

(v) If rates are published in items, the indexes of points shall show the numbers of items in which rates from or to such points appear. When rates are not published in items, the indexes shall show the numbers of the pages on which rates from or to such points will be found.

(vi) The index of origins or destinations may be omitted if

(*a*) Points of origin or of destination are shown in the rate or rate basis tables in groups arranged by states, the points being in alphabetical order in the groups and such groups also being in alphabetical order of states; or

(*b*) Points of origin or destination are shown in rate tables in continuous alphabetical order throughout the tariff: *provided,* That, when the tariff names rates for more than one carrier, information will be included showing the carrier or carriers serving the various points.

(vii) If points are arranged in commodity items in alphabetical order or in numerical sequence by index numbers and such commodity items are referred to in the index of commodities required by paragraph (f)(2) of this section, such item numbers may be omitted from the indexes of points.

(viii) When points are arranged in rate tables in alphabetical order and indexes of points of origin and destination are not included in the tariff, the table of contents shall refer to the pages on which the rate tables showing an alphabetical list of points are to be found. Also, when points are grouped in rate tables by states, the table of contents shall give reference to the pages on which rates from or to points in each state will be found.

(g) *Statement of operating authority in rate tariffs.* (1) Tariffs naming rates (for account of regular or irregular route motor carriers) must either define clearly the carriers' authorized operations, both as to commodities and territories, insofar as they are pertinent to the application of the rates and routes, or must contain reference to a separate governing publication (not a rate tariff) containing such provisions and on file with this Commission. Such governing publication must be one authorized by § 1310.19 (rule 19). Unless a separate tariff is referred to which has provisions restricting the application of rates and provisions to the extent of carriers' operating authorities, the application of the rate tariff shall be restricted by a provision published therein as follows:

Rates and provisions named in this tariff, or as amended, are limited in their application on interstate or foreign commerce to the extent of the operating rights set forth ["below" or "in items ——"]. Unless otherwise specifically provided, the provisions are to be interpreted in the same manner as the Commission interprets the certificate from which the following is quoted, with respect to such as implied authority, commercial zones, tacking (of separate authorities), and diversion routes.

If the tariff names joint intermodal rates, the wording may be modified so as to confine the restriction to apply only to the extent the rates apply over the motor carriers.

(2) The limitation statements, reproducing a carrier's operating authority, should not be used as a substitute for the required description of commodities or territories in connection with the application of rates.

(h) *List of governing tariffs.* (1) Except where the regulations in this part permit omission of reference to certain kinds of governing tariffs, each tariff governed in any way by others must provide a list of such tariffs, arranged in columnar form, the columns headed as follows:

Tariff No.
ICC (MF-ICC) No.
Title or Kind of Tariff
Issuing Agent or Carrier
Governs to the Extent Provided in Items

Each such governing tariff shall be separately listed, the information called for by the headings fully explained, and the table headed by a provision reading:

This tariff is governed, except as otherwise provided herein, by the following described tariffs, and by supplements or loose-leaf page amendments thereto or successive issues thereof:

If there are no separate items explaining or further qualifying the application of any such particular tariff, the last column should be omitted.

(2) Except as otherwise specifically authorized by the regulations in this part, a rate tariff may not refer to another rate tariff for governing provisions and may not contain provisions purporting to govern another rate tariff; nor may a governing tariff contain any rule which in effect would permit a rate tariff to be governed by another rate tariff. Except as otherwise specifically authorized by the regulations in this part, a tariff issued by an agent may not refer to a tariff issued by a carrier or a tariff issued by another agent as a governing tariff. A tariff issued by a carrier may not so refer to a tariff issued by another carrier. A carrier may not publish and file local rates to apply for another carrier, nor any joint rates in which it is not a party.

(i) *Rules and other provisions which govern the tariff.* (1) Unless a separate tariff is published for this purpose (see § 1310.17(d) (rule 17) and except as to those explanatory statements treated in paragraph (k) of this section, all of the rules or provisions stating conditions which in any way affect the rates named in the tariff shall be entered under this heading in a rate tariff. A rule affecting a particular item or rate must be specifically referred to in such item or in connection with such rate, except that provisions affecting more than one but not all of the rates in the tariff or applying to only a portion of the carriers for which the rates are published may be included in the explanatory statements authorized in paragraph (k) of this section.

(2) Each rule or similar provision must be given a brief, but descriptive, title.

(3) Except as otherwise specifically authorized in the regulations in this section, no tariff may include any rule or other provision which in any way or in any terms authorizes substituting a rate for any other rate or substituting a rate made up by means of a combination of rates, nor any rule to the effect that traffic of any nature will be "taken by special agreement," "taken at carrier's convenience," or other provisions of like import.

(4) Tariffs which contain rates for the transportation of dangerous articles (hazardous materials) shall also reproduce the regulations promulgated by the Department of Transportation governing the acceptance and transporation thereof, or must bear specific reference to a separate tariff which contains such regulations (see §§ 1310.17(d) and 1310.17 (e) (rule 17)).

(j) *Exceptions to classification classes, ratings, and rules.* (1) Exceptions made to classification classes or ratings, and rules, which apply only for the rates published in one tariff must be published in that tariff, and shall:

(i) Be published in a separate tariff section headed "Exceptions to the Governing Classification" or "Exceptions to the Governing Classification and Tariff of Exceptions Thereto" (see paragraph (j)(4) of this section for alternative plan).

(ii) Be arranged in the same order as they appear in the classification.

(iii) Be complete in itself (if a rule) by republication of the complete rule as amended by the exception, and identification of the rule in the classification (and in the tariff of exceptions, if any) and the part being changed. If, however, the exception is to make the rule not applicable, it need not be republished in full.

(iv) Describe the commodity (if a commodity exception) either in the same words, or as close thereto as possible, used in the classification, and use the generic heading (if any) appearing in the governing classification under which the article would otherwise fall.

(v) Indicate if classes or ratings have any-quantity, less-than-truckload, truckload, volume, or other clearly defined quantity application.

(vi) Provide in the rate tariff for the nonapplication of any exception in a separate tariff, if any, to the same class, rating, or rule, or to the same part of the same rule.

(2) Different classes or ratings on the same article, articles, commodity, or commodities based on different minimum quantities may be published provided the lowest charge resulting from any such class or rating applied in connection with its published minimum (or actual quantity shipped, if greater) is made applicable by publishing such classes or ratings in the same item and by providing in connection with such item a rule to the effect that the lowest charge obtainable under the different classes or ratings and minimums applicable thereto (or actual quantities, if greater) will be applied.

(3) Exceptions may not be alternated with exceptions in another tariff or with classes, ratings, or rules in the classification. A statement providing that the class, rating, or rate on any article will be that applying to another article is not permissible.

(4) Exceptions to classification rules (not classes or ratings) may be included in the same section containing the rules authorized by paragraph (i) of this section, in which event the heading for the combined section must contain reference to the inclusion of both kinds of provisions, and the heading for the exceptions

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section must refer to classes or ratings only.

(k) *Explanatory statements.* Tariffs shall contain such explanatory statements as may be necessary to remove all doubt as to the proper application of the rates and rules contained therein. When rates are published for account of any carrier under authority of a concurrence or of a limited power of attorney, and the rate application should accordingly be restricted there shall be included in this section of the tariff an explicit statement clearly indicating to what extent the published rates apply for account of such carrier. Only such specific statements as are required to indicate the application with respect to particular carriers should be included in this section. The name of the carrier must be shown in the caption or heading of the item. General rules relating to the application of the rates should be published under paragraph (i) of this section.

(l) *Statement of rates.* Rate tariffs shall show a statement of rates applicable for the transportation of the articles or class of articles on which rates are named therein, arranged as set forth in § 1310.7 (rule 7).

(m) *Statement of routes.* A clear and explicit statement of routes over which the published rates apply prepared in accordance with the provisions of § 1310.8 (rule 8) shall be shown.

(n) *Explanation of reference marks, notes, and abbreviations.* (1) The use of reference marks and note references should be held to a minimum for the convenience of the tariff user. Abbreviations should be confined to commonly used ones in business and commerce, and to carrier-name abbreviations and/or designations (but only if the carrier is repetitively referred to).

(2) If a reference mark, note reference, or abbreviation is not explained in the item or unit itself, or on the page on which it appears, then the explanation must be provided in a location assigned for that purpose at the end of the tariff. A separate unit for each category—reference marks, note references, and abbreviations—is required. The unit for reference marks explanation shall be a numbered item. If the explanation of a reference mark or note reference does not appear on the page where used, such page must refer to the page where the explanation is given.

(3) Carrier name abbreviations or code designations may be included as part of the List of Participating Carriers if one is published within the tariff, provided a statement to that effect is included under the Explanation of Abbreviations.

(4) State name abbreviations shall be explained unless they are abbreviations adopted by the U.S. Postal Service for official use.

The abbreviation Cwt. may not be used. The following commonly used abbreviations are acceptable without explanation and will have the meaning shown in connection therewith:

Abbreviation	*Explanation*
&	and
Ave	avenue
Blvd	boulevard
bldg	building
Bros	Brothers
¢	cents
Co	Company
Corp	Corporation
cu	cubic
$	dollars
E	East
etc	and so forth
e.g.	for example
Ft	Fort
ft	foot, feet
gal	gallon
i.e.	that is
in	inch
Inc	Incorporated
lb	pound
Ltd	Limited
Mfg	Manufacturing
Mt	Mount, Mountain
N	North
PO	Post Office
Rd	Road
S	South
St	Street
US	United States
wt	weight
W	West

(5) Carriers and agents should, to the greatest extent possible, avoid using the same reference mark or note reference for different purposes in a tariff. Otherwise, the explanation thereof must appear on the page where used. If used for different purposes on the same page, the explanation must appear in each item or unit where used. A reference mark or note reference may not be used for different purposes within the same item or unit.

(6) The following reference marks (symbols) shall be used in the exact form shown for the purpose indicated and shall not be used for any other purpose.

↓ or (R)	to denote reductions
↑ or (A)	to denote increases
▲ or (C)	to denote changes which result in neither increases nor reductions in charges
●	to denote no change in rate (see § 1310.10(f) (rule 10))
+	to denote intrastate application only
□	to denote reissued matter (see § 1310.10(g) (rule 10))

When alternative reference marks (symbols) are provided in this subparagraph, one should be used exclusively throughout the tariff, as amended. New or added matter on which the prescribed reference marks (symbols) in this subparagraph would not be appropriate shall be indicated as "New," "Addition," or "Add" or bear a reference mark of the carrier's or agent's choice properly explained.

(7) The mark □ or ( ) is an acceptable substitute for the □ if compilation is by typewriter and it has no means to construct the latter mark. If substituted, the use must be consistent throughout all supplements of the tariff and the other two forms may not be used for any purpose.

§ 1310.7 Statement of rates (Rule 7).

(a) *Rates must be clear and explicit.* (1) The Act intends tariffs to be for the information of and use by any and all members of the public, not just for professionals. The regulations in this section are intended to insure, to the greatest extent practicable, that tariffs are so constructed that not only are they readable from a physical standpoint, but that their terms and conditions are susceptible to ready understanding and application. To protect the interest of the general public in this respect, the Commission through its Bureau of Traffic may reject or require correction, of any tariff provision which in its judgment is not sufficiently clear, explicit, and self-explanatory for this purpose.

(2) All rates and governing provisions or restrictions shall be clearly and explicitly stated, together with the names or other proper designations of the places from, to, between, or within which they apply. Rates may only be stated in cents, in dollars, or in dollars and cents in lawful money of the United States. They shall be stated to apply per 100 pounds, per ton, or other standard United States or defined (in the tariff) unit, but, except as otherwise specifically provided in this paragraph, not unit of time nor per cubic foot or other space-occupied basis. Per trailer, per truck, per truck-mile, per container, per package, or other variable unit is permissible provided the measure of the service is fixed by defining the unit specifically, or in "maximum" terms, such as a stated maximum weight of contents permitted per truck or container of a certain maximum cubic capacity or measurement, or stated maximum dimensions or weight per individual package. Per-hour and other time-based units are permissible for terminal and other services under § 1310.15 (rule 15). Rates otherwise complying with this section may be subject to a minimum charge which employs a time factor, which, however, may not be less than a defined weekly period—such as a stated amount per defined vehicle per calendar week. Rates stated simply as "per ton" or "per net ton" and not defined shall apply per ton of 2,000 pounds and the term need not be defined in the tariff. If a different weight quantity is to apply, other terms must be used and defined, for example "per ton of 2,240 pounds." Rates must be stated as having any-quantity, less-than-truckload, truckload, volume, or other clearly defined quantity application.

(3) If the rates on a page, or in a table or column, are generally to apply per 100 pounds or other one unit, that fact may be stated in the caption or heading thereof with the addition of "except as noted" or other words of like import if exceptions are to be made. If for an entire tariff, this fact may be stated on the title page of the tariff. If done, the statement of unit of application need not be repeated each time in connection with each rate.

(4) The names or other proper designations of the places from, to, between, or within which the rates are published to apply must be shown. The rates may be stated as applying from, to, between, or within named states, counties, cities, towns, townships, or other named state locations that have a precise meaning territorially; or described areas provided the limits of such described areas are in geographical terms, such as named rivers or numbered highways, or by established political boundaries, such as state or county lines. Code letters and/or numbers may not be substituted for names of origins or destinations in items unnecessily. Subject to the provisions of paragraph (a)(5) of this section, rates may be published to apply from or to a plant site, construction site, etc. Rates may not be stated as applying to the commercial zone of a point, as defined by the Commission, unless the appropriate description referred to is published in the tariff or in a governing tariff.

(5) When rates are published to apply from or to a named plant site, construction site, or other site, the location of the site must be identified as specifically as possible. For example, the "plant site of John Doe Manufacturing Company, on U.S. Highway 10 approximately 23 miles east of A Town, Z State." The terms "near" or "near or at" should be avoided, unless they contribute still more specificity. Rates may not be published to apply from or to a named shipper or receiver (except for the purpose of identifying the site), or from or to a named site located within a city, town, or township unless the carrier's operating certificate is so restricted in the same words.

(6) Where it is necessary to carry over part of a rate item or table to a succeeding column or page, general captions to which the continued material is subordinate, and any explanation of column headings necessary for an understanding of such material must be repeated.

(7) All rates and provisions must be arranged in a simple and systematic manner. Complicated plans, including ones requiring multiple-step computing not authorized herein, may not be used. Ambiguous, conflicting, or indefinite terms, rules, or other provisions affecting or governing the application of rates are prohibited.

(8) Except as specifically authorized, a rate item or other rate unit may not refer to another rate item or other rate unit for commodity descriptions or other application, and a rate may not be stated as applying only in the absence of another rate, or as applying regardless of another rate named to apply.

(9) Joint rates having intermodal application only over motor and off shore water carriers, and rates restricted to apply only on shipments having a prior or subsequent movement by off shore water carriers may be stated in cents, in dollars, or in dollars and cents per cubic foot, provided it is clearly and explicitly stated how the determination is made.

(10) Tariffs should contain a rule governing what shall apply on returned undelivered shipments. In the absence of such a rule, the following shall govern. Any class or commodity rate published to apply over a named route or routes in one direction effective on the date of return is applicable on the undelivered shipment returned over the same route but in the reverse direction. However, if there is another rate specifically published to apply on the considered shipment being returned, over the same route, which results in a lower total charge, that rate shall apply in the absence of provisions to the contrary.

(b) *Arbitraries.* A tariff may provide rates from or to designated points by the addition of arbitraries to rates shown therein from or to named base points. Provision for this shall be shown either in a separate item in the same tariff, which must specifically name the base point and clearly and definitely state the manner in which such arbitraries shall be applied, or in a separate rate basis tariff as provided for in § 1310.18 (rule 18). Arbitraries, or any provision for addition or subtraction of any amounts, may not be published to construct rates to apply from or to the base point itself, or to differentiate between commodities, nor may any tariff provision be made, whether in the same tariff or in a governing tariff, for accrual of the charges to a certain carrier or carriers, or for division of the revenue between carriers.

(c) *Percentage, fraction or multiple of class rates.* Except as otherwise provided in this paragraph, for each classification or exception class rating governing class rates, the tariff naming the class rates must name a rate for that class rating. A statement that a class rate for a class rating shall be a percentage, fraction, or multiple of another rate is prohibited. However, the same rate tariff may provide a table which shows in one column the class rate and in succeeding columns the actual rates representing the various percentages, fractions, or multiples of such class rate. Class rates for certain class ratings may be omitted, provided there is a statement that in such cases the next higher class rating shall be used.

(d) *Minimum quantities.* When a rate per 100 pounds, per ton, or other weight or quantity unit stated as being a truckload (not "per truck", etc.—see paragraph (a)(2) of this section) rate or volume rate is published, a minimum quantity on which the rate is published to apply must be provided in that tariff, except as otherwise provided in paragraph (g) of this section authorizing separate lists tariffs or combined exceptions and lists tariffs. Where a rate or rating refers to a separate list elsewhere in the same tariff or in a different tariff, the minimum quantity or quantities (if any) applicable shall be stated in direct connection with the rate or rating, unless different minimum quantities apply to different commodities. In the latter case, the minimum quantities may be shown in the list.

(e) *Rates based on varying quantities.* Different rates based on different minimum quantities may be published, provided the lowest charge resulting from any such rate applied in connection with its published minimum (or actual quantity shipped, if greater) is made applicable by publishing such rates in the same item or in different columns on the same page and by providing in connection with such items or rate columns a rule to the effect that the lowest charge obtainable under the different rates and minimums applicable thereto (or actual quantities, if greater) will be applied.

(f) *Mixed shipments.* If two or more commodities are listed in connection with a rate or rating application, there must be a clear statement as to whether the rate or rating applies on straight shipments only, on a specific mixture of such articles only, or on straight or mixed shipments. If one or more of such commodities are to be subject to a rate or a minimum quantity or both, different from the others, how the minimum charge per mixed shipment is to be determined must be made clear. This is also required if two or more rates or ratings, based on different minimum quantities, are provided for the same commodity. Where different rates or ratings, or different minimum quantities are so provided, there must be a statement published to the effect that the deficit, if any, in the applicable minimum weight shall be rated at the lowest rate or rating used for any commodity in the shipment.

(g) *Generic terms.* (1) A tariff may provide for the transportation of an entire plant to a new location by publication of a point-to-point commodity rate published to apply on commodity descriptions employing generic terms. The rate may not be published to apply in both directions. The rate and related provisions must be indicated to expire with a specific date not later than six months from their effective date, which may be extended for an additional period totaling not more than 12 months (only) from the original date by republication. All provisions must terminate at that time. The tariff must specifically state that the rate covers a movement of a plant, name the classes of articles to be transported under the rate, and provide either that the rate does or does not include transportation of raw materials or finished or semifinished products, in substantially the following form:

> Rate covers the movement of a plant to a new location only and applies only on the articles that are actually a part of the equipment, furnishings, materials, and supplies of such plant. [Here state whether or not the rate includes raw materials or finished or semifinished articles of manufacture or stock]

to which should be added for inclusion or exclusion, for clarification purposes, classes of articles in connection with which there may be doubt as to whether or not the broad description covers or excludes. For example: Tools; machine parts, used; office furniture, equipment, machines, and supplies.

(2) Commodity rates may be published to apply on straight (a single commodity) or mixed (two or more commodities)

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shipments of "all freight" without naming the individual commodities embraced in such term. Only the term "all freight" is authorized. The rates may be restricted to not apply on one or more commodities provided such commodities are specifically described. To avoid conflicting or duplicating rates (which are prohibited by paragraph (j) of this section), a notation reading substantially as follows may be shown:

Rate does not apply on a straight shipment of a single commodity where there is published to apply on such shipment a specific commodity rate.

(3) Except as otherwise authorized in paragraph (g) (1) and (2) of this section, a commodity rate item may, by use of a generic term, provide rates on a number of articles without naming such articles, provided such commodity item contains reference to an item (not a rate item) in the tariff which contains a complete list of such articles, or contains reference to a separate tariff (not a rate tariff) containing such a list, or both. Example: "Packing house products, as described in item ___ or successive issues thereof," or "Packing house products, as described under heading 'Packing house products' in ICC (or MF-ICC) ___, supplements (or loose-leaf page amendments) thereto or successive issues thereof." The separate list must bear a commodity caption (for example "Chemicals, namely:") and the caption must be worded identically with the reference thereto. Reference may not be made to a separate list for only a portion of the commodities included in the list nor restricted to those which are subject to certain ratings. The commodities in each list must be alphabetically arranged.

(4) A separate tariff, not containing rates and not a classification (see paragraph (g)(5) of this section), may be filed by a carrier or an agent, showing lists of the commodities and minimum quantities, on which rates published by reference to generic terms will apply, and rate tariffs may be made subject thereto as provided above. The title page of such separate publication shall contain the following notations:

List of commodities upon which rates are provided in tariffs making reference hereto, and

This tariff may be used only in connection with tariffs making specific reference hereto by ICC (or MF-ICC) number.

Except as provided in § 1310.17(c)(4) (rule 17), pertaining to combined exceptions and lists tariffs, a separate publication issued for the purpose of publishing generic lists shall contain no information other than that authorized in this subparagraph. Except as to reference to a classification for commodity descriptions (see paragraph (g)(5) of this section), only one such publication may be in effect at any time in a carrier's or agent's file and it may list only generic terms which refer to 10 or more commodities. Otherwise the tariff of rates shall specify each commodity upon which the rates therein apply. A tariff of rates may not refer to another tariff of rates for lists of commodities.

(5) A rate tariff (only) may refer to a classification (see § 1310.17 (rule 17)) instead of, or in addition to, a separate list tariff for description of articles on which rates published by reference to generic terms will apply. The reference may be restricted to the descriptions in certain identified items under the generic heading referred to. A rate item may also refer to certain items in the classification for a more complete description of the commodity named instead of for purposes of a list of commodities. In this event, the commodity term used in the rate item must embrace the commodities in such classification items, and the use of the classification items must be necessary only for the descriptive details, governing conditions and requirements, or other material. The rate tariff must clearly indicate whether or not the reference to the classification items is intended to embrace any reference therein in turn to notes, qualifying conditions, and other matter published in conjunction with the classification items.

(h) *Commodity rates.* (1) Except as otherwise provided in paragraph (g) of this section, when commodity rates (including column commodity rates—see § 1310.29 (rule 29)) are established, the description must be specific and the rates thereon may not be applied to analogous articles. As far as possible uniform commodity descriptions should be used in all tariffs. If the carrier or agent anywhere maintains class rates governed by a classification, the article on which the commodity rate is published to apply shall be described either in the same words used in the classification or as close thereto as possible. If the article appears under a generic heading in the classification, the rate tariff must also show that exact heading and the commodity as subordinate to it.

(2) If a commodity rate (distance or otherwise) is published, such commodity rate, except as otherwise provided in these rules, is the applicable rate and the only rate that may be applied from and to the same points over the route or routes over which the commodity rate applies, even though a class rate (except as provided in this paragraph, paragraph (n) of this section, and § 1310.13 (rule 13)) may make a lower charge.

(3) When, because of differences in minimum weights, package requirements, mixed quantity provisions, or other conditions, the charges accruing under commodity rates result in higher charges than those accruing under the class rates published in other tariffs, provision may be made in a tariff containing commodity rates only, for the alternation of such rates with class rates published in not more than three other tariffs, provided that the commodity tariff contains specific reference to the class tariffs and shows in connection with each reference a complete description of the origin and destination territory shown in that tariff. The following notation must be shown in the commodity tariff under the application of rates:

If the charges accruing under the class rates published in the following tariffs, including supplements or loose-leaf page amendments thereto or successive issues thereof, from and to the same points via the same routes are lower than the charges accruing under the commodity rates published in this tariff, the lower charges resulting from such class rates will apply. [Here show ICC (or MF-ICC) numbers of the class tariffs and the required description of each.]

(4) If a commodity tariff contains only a few rates which result in higher charges than would accrue under the class rates, the reference to the class tariffs prescribed herein should be shown immediately in connection with such commodity rates or may be shown in a separate item shown under an appropriate heading and reference to such item shown immediately in connection with the commodity rates.

(5) Great care should be exercised in describing the territorial application of the class tariffs in order that users of the commodity tariff may determine without examining the class tariffs, which of such class tariffs is to be used in connection with any commodity rate. The alternative application of commodity rates in one tariff with class rates in another tariff may be resorted to only where there is real necessity therefor, and that wherever possible, the commodity rates should be revised so that they will not exceed the class rates between the same points.

(i) *Rates of a carrier must be in limited number of tariffs.* (1) It is the sense of the regulations in this paragraph that rates be so published that the user of a particular tariff may expect that as to the issuing carrier or as to a carrier named as a participant therein the tariff will contain all the issuing carrier's local rates and all joint rates via joint routes provided for therein, of a particular kind (class or commodity), on a considered commodity and shipment if within the scope of the tariff application and unless specifically restricted otherwise.

(2) Except as otherwise provided in this paragraph, a tariff naming any local class rate for a carrier must name all that carrier's local class rates published to apply within the scope of that tariff, and a tariff naming any local commodity rate for a carrier must name all that carrier's local commodity rates published to apply within the scope of that tariff.

(3) Except as otherwise provided in this paragraph, a tariff published in the name of a carrier containing any joint class rate or containing any joint commodity rate, or a tariff published in the name of an agent containing any joint class rate or containing any joint commodity rate for a carrier who participates therein under a power of attorney, must contain all of that carrier's joint class rates or must contain all of that carrier's joint commodity rates, as the case may be, published to apply within the scope of that tariff in connection with the carriers parties thereto, irrespective of differences, if any, as to the point of interchange between such carriers.

(4) When carriers participating under powers of attorney in joint-rate application with other carriers, but not with each other, in tariffs having the same scope, but published by different agents, wish to establish a joint rate with each other, such rate may be published in either agent's tariff.

(5) Distance or mileage rates, or commodity column rates (column commodity rates) may be published each in a separate tariff for that particular kind of rates only. Each of such tariffs must, in all other respects, comply with the requirements of this paragraph.

(6) Rates for a special type of service, such as for pool-truck distribution, or assembling or distribution rates under Section 408 of the Act, need not be included in the same tariff with rates for regular service or for other special type of service, but if not, the requirements of this paragraph must, in all other respects, be complied with as to each such tariff as to that particular service. Rates providing merely a lesser or greater degree of service on what essentially is the same traffic (for example, rates which do not include pickup or delivery service, or rates which apply only when transit service, included in the rate, is performed on the shipment) are not rates for a special type of service within the meaning of this subparagraph.

(7) If a carrier wishes as to a certain commodity or commodities to publish in a tariff some local commodity rates, or some joint commodity rates in connection with a certain carrier or carriers, which are encompassed within the scope of another tariff, the latter tariff must provide that it names no local rates for account of that carrier, or no joint rates for the account of that carrier in connection with the other carrier or carriers, as the case may be, as to that commodity or commodities, identifying clearly the commodity or commodities without use of undefined generic terms. The restriction published for this purpose in the tariff must be a general one, and may not be provided for by individual restrictions in rate items or in connection with specific rates.

(8) For the purpose of this paragraph, the "scope" of a tariff means the commodity and territorial coverage of a tariff. The publication of rates on a commodity or commodities, whether in straight or in specific mixture shipments (including rates on "all freight" and like terms), establishes the commodity coverage as being that commodity, commodities, or specific mixture of commodities, as the case may be. The publication of rates from an origin area or to a destination area establishes the origin territorial coverage or destination territorial coverage as one blanketing the area bounded by a line drawn through the outermost of such origins or such destinations and this includes all points within such boundaries whether or not a rate is published from or to such points.

(j) *Conflicting or duplicating rates prohibited.* The publication of class or commodity rates which duplicate or conflict with the rates published in the same or any other tariff over the same route is not permissible. Except as otherwise authorized in the regulations in this part, the publication of a statement in a tariff to the effect that the rates published therein take precedence over the rates published in some other tariff, or that the rates published in some other tariff take precedence over or alternate with the rates published therein, is prohibited. (See also paragraph (a)(8) of this section.)

(k) *Through rate applies.* When a carrier or carriers establish a local or joint rate for application over any route from origin to destination, such rate is the one that must be applied by such carrier or carriers over the authorized route, notwithstanding that it may be higher than the aggregate of intermediate rates over such route. No rule may be published which provides for the use of any such aggregate, if lower.

(l) *Proportional rates.* Tariffs containing proportional rates must clearly and definitely show the application thereof. If a proportional rate is intended for use on traffic destined to a restricted territory, such territory should be clearly defined. For example, a tariff naming a proportional rate to St. Louis, Missouri, intended for use on traffic destined to points in Kansas, shall state that the proportional rate applies only for the purpose of constructing rates on traffic destined to points in Kansas. If the application of a proportional rate is not restricted, such proportional rate will be usable in connection with any other applicable rates from or to the proportional rate point. A statement that proportional rates apply from (or to) points from (or to) which no through rates are published must not be used, as such a statement is not sufficiently definite to restrict the application of the rates and such proportional rates could not in any event be applied on traffic on which applicable through one factor rates are published. However, proportional rates may be published to apply only on traffic from or to (or from and to) points on the line or lines of a particular carrier or carriers. It is not permissible to include a provision in a tariff to the effect that proportional rates will be stated percentages of other rates.

(m) *Export, import, coastwise, and intercoastal rates.* (1) Export, import, coastwise, and intercoastal rates, when so designated, whether class or commodity, take precedence over rates (either class or commodity), not so designated, published to apply between the same points, over the same route, on export, import, coastwise, or intercoastal traffic, as the case may be, and tariffs containing such rates or governing tariffs must so provide, and must define such terms.

(2) Ocean carriers operating between ports of the United States and foreign countries are not subject to the terms of the Interstate Commerce Act or to the jurisdiction of the Commission. The inland carriers of property exported to or imported from a foreign country by water must file their rates to the ports and from the ports, and such rates must be the same for all, regardless of what ocean carrier may be designated by the shipper, except as otherwise provided by section 28 of the Merchant Marine Act.

(3) When rates are published to apply on traffic exported or imported by ocean carriers, but not on traffic destined to or originating at the port, the tariffs containing such rates shall specify by inclusion or exclusion the countries to or from which traffic subject to such rates shall move, regardless of whether such countries are, or are not, adjacent to the United States. Tariffs shall also specify whether or not property destined to or coming from the Republic of Cuba, the Commonwealth of Puerto Rico, Guam, Hawaii, or the Canal Zone is subject to such rates. In the absence of a statement in tariffs limiting the application of export or import rates, such rates will apply on traffic destined to or coming from them.

(4) As a matter of convenience to the public, said inland carriers may also publish as information in their tariffs, in connection with the inland rate as provided in this paragraph, the steamship charges to or from foreign destinations. When this is done, such steamship charges may be changed without notice, but the rates of inland carriers to (or from) ports are subject to all provisions of section 217 of the Act and of the Commission's rules with respect to notice and form of publication. Tariffs containing such steamship charges must not be concurred in by the ocean carriers.

(5) Shipments exported and imported by ocean carriers may be forwarded under through billing, but through bills of lading must clearly separate the liability of the inland carrier or carriers and of the ocean carrier, and must show the tariff rate of the inland carrier or carriers.

(n) *Intermediate application of rates.* (1) By means of the rule authorized in this paragraph, the application of published class and commodity rates may be extended to intermediate points. Such rule may be used only to provide application from or to, as the case may be, points situated on the regular-route portion of a carrier's operating authority from this Commission. Any such rule published in a tariff must show in connection with it that it is applicable only as to points on the regular routes of the carrier.

(2) If the rule is published, it must be accompanied by a statement as to whether or not, for purposes of application of the rule, locations within one mile of a highway which may be served under the implied authority of the carrier's certificate shall be considered intermediate if the corresponding location on the highway is intermediate. Also, if off-route points (if any) authorized to a carrier to be served in connection with its regular route authority shall be considered intermediate if the point on such highway to which it is nearest is intermediate.

(3) The wording of the rules shall not be varied. Tariffs may, however, by appropriate provision published in connection with any such rules, provide that it

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will apply only in connection with the rates or routes making reference thereto, or may provide for the nonapplication of any such rule to particular rates or routes.

(4) The rules applicable in connection with commodity rates shall read as follows:

COMMODITY RATES APPLICABLE FROM INTERMEDIATE POINTS

When any point of origin is not provided in this tariff with a commodity rate on a given article to a particular destination over a particular route, and such origin is between the considered destination and a point from which a commodity rate on the article is published herein over the same route to such destination, apply on such article the commodity rate from the next more-distant point from which a commodity rate is named thereon over the considered route through the intermediate point, except as provided in notes 1, 2, 3, and 4.

NOTE 1. When, by reason of branch or diverging routes, there are more than one more-distant points from which commodity rates on the article to be considered destination are named herein, apply the rate from the more-distant point which, on that article to the same destination over the same route, results in the lowest charge.

NOTE 2. If the intermediate point is located between two points from which commodity rates on the same article are published in this tariff to the same destination over the same route, apply that one of such rates which results in the higher charge. If, due to branch or diverging routes, there are two or more next more-distant points in the same direction, only that one of such points from which the lowest charge results will be considered in applying the provisions of this note.

NOTE 3. If the class rate on the same article to same destination over the same route from the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4. If there is in any other tariff a commodity rate (not made by use of an intermediate-point rule) published for account of the same carrier or carriers on the same article from the considered intermediate point, applicable to the same destination over the same route, the provisions of this rule will not be applied from such intermediate point.

COMMODITY RATES APPLICABLE TO INTERMEDIATE POINTS

When any point of destination is not provided in this tariff with a commodity rate on a given article from a particular origin over a particular route, and such destination is between the considered origin and a point to which a commodity rate on the article is published herein over the same route from such origin, apply on such article the commodity rate to the next more-distant point to which a commodity rate is named thereon over the considered route through the intermediate point, except as provided in notes 1, 2, 3, and 4.

NOTE 1. When, by reason of branch or diverging routes, there are more than one more-distant points to which commodity rates on the article from the considered origin are named herein, apply the rate to the more-distant point which, on that article from the same origin over the same route, results in the lowest charge.

NOTE 2. If the intermediate point is located between two points to which commodity rates on the same article are published in this tariff from the same origin over the same route, apply that one of such rates which results in the higher charge. If, due to branch or diverging routes, there are two or more next more-distant points in the same direction, only that one of such points to which the lowest charge results will be considered in applying the provisions of this note.

NOTE 3. If the class rate on the same article from the same origin over the same route to the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4. If there is in any other tariff a commodity rate (not made by use of an intermediate-point rule) published for account of the same carrier or carriers on the same article from the considered intermediate point, applicable from the same origin over the same route, the provisions of this rule will not be applied to such intermediate point.

(5) The rule applicable in connection with class rates shall read as follows:

CLASS RATES FROM AND TO INTERMEDIATE POINTS

From or to any point not named or referred to in this tariff which is intermediate to a point from or to which class rates are published herein through such unnamed point, the class rate published herein over the same route from or to the next more-distant point will be applied, except as provided in notes 1 and 2.

NOTE 1. When, by reason of branch or diverging routes, there are more than one more-distant points from or to which class rates are named herein, apply the rate published to apply over the same route from or to the more-distant point which results in the lowest charge.

NOTE 2. If the intermediate point is located between two points from or to which class rates are published to apply over the same route, apply the rate which results in the highest charge. When, by reason of branch or diverging routes, there are two or more next more-distant points in the same direction, only that one of such points from or to which the lowest charge results will be considered in applying the provisions of this note.

(6) Intermediate rules may not be published to apply on the same traffic on which unnamed points rules as set forth in paragraph (p) of this section have been published.

(o) *"From" and "to" intermediate rules may apply in connection with same rate.* When the rules providing application "from" and "to" intermediate points are both shown in connection with any class or commodity rate, they establish class or commodity rates from intermediate points of origin to intermediate points of destination on such classes or commodities. Unless otherwise provided in the tariff, intermediate application rules establish rates from or to intermediate points on the routes of carriers parties to the tariff without regard to the concurrence forms and numbers under authority of which carriers are shown as participating carriers.

(p) *Class rate from or to unnamed points.* (1) Where use of the class-rate intermediate rule is not permitted or will not suffice to cover all unnamed traffic generating or receiving points a carrier may serve, the rule authorized by this paragraph may be published as an alternative.

(2) Any tariff naming class rates may provide for the application of such rates from or to unnamed points by including the rule set forth in paragraph (p) (4) of this section. Before a tariff may include the rule, the tariff must provide, as a minimum, class rates for all points within the territorial coverage thereof which the carrier or carriers participating in the rule have authority to serve and which are shown as points on the official state maps issued by the particular state authorities or on commercial maps equivalent thereto. The maps must either be attached to the tariff and referred to for application, or be part of a governing tariff. The initial filing must be of current maps in use, and they should be replaced from time to time to maintain a reasonable currency.

(3) The rule may not be published to apply on class rates having a limited application, such as assembling and distribution rates, nor may it be published when intermediate rules have been published to apply on the same tariff.

(4) The rule shall read as follows:

CLASS RATES FROM OR TO UNNAMED POINTS

From any unnamed origin point located on a highway between two named points, apply the higher of the class rates provided from such named points.

To any unnamed destination point located on a highway between two named points, apply the higher of the class rates provided to such named points.

In each case, the named point must be the nearest named point on a highway (or highways) leading thereto from the unnamed point.

When, by reason of branch or diverging highways, there are two or more nearest named points equidistant from the unnamed point, the highest rated of the nearest named points will be used.

From or to unnamed points located on highways, but not located between named points, or from or to unnamed points not located on highways, apply the following:

When the distance between the unnamed point and the nearest named point is:	The rate from or to the unnamed point will be determined by adding the following arbitrary to the rate from or to the nearest named point.
Distance in miles (See Note)	Arbitraries in cents per 100 pounds
------ or less	----------
------ and over ------	----------

NOTE—In determining the distance, the actual distance over the shortest route over which a truck can operate shall be used. Distances shall be computed from or to the Post Office having the same name as the named point from or to which a rate is published (Use the main Post Office if it has more than one) from or to the actual place of loading or unloading. If the point named herein from or to which a rate is published has no Post Office by the same name, the distance shall be computed from or to the generally recognized business center of the community.

This rule does not authorize a carrier to handle shipments from or to points or via routes not within the scope of its operating authority.

If there is in any other tariff, a class rate published specifically to or from the unnamed point, for account of the same carrier or carriers, over the same route, this rule will not apply.

The definition of terms as used in this rule are as follows:

"Highway" means the roads, highways, streets, and ways in any state.

"Point" means a particular city, town, village, community, or other area which is treated as a unit for the application of rates.

"Unnamed" point is one from or to which class rates are not provided, other than by use of this rule. "Named" point is one from or to which class rates are provided in this tariff, other than by use of this rule.

§ 1310.8 Routing (Rule 8).

NOTE: See §§ 1310.22 and 1310.28 (rules 22 and 28) for provisions which may be filed on less than 30 days' notice.

(a) *Routing to be specified.* (1) Tariffs naming joint rates shall specify routes over which such rates apply or refer to a separate tariff or tariffs (see paragraph (b) of this section) for such provisions, or both. The routes must be stated in such a manner that they may be definitely ascertained. The names or other identifying abbreviations or numbers (abbreviations and numbers must be explained in the tariff in which used) of the carriers and the name of every point of interchange between such carriers must be shown. To the greatest extent practicable, the statement of the route should be complete, identifying each carrier and the point of interchange in proper order from origin to destination of the rate. Highway numbers need not be listed. Identification of the interchange point only as being any common point served by the carriers, or use of other indefinite provisions, is not permitted.

(2) Tariffs must provide that the joint rates therein apply only over the routes specifically shown.

(b) *Routing guide.* (1) A tariff (not a rate tariff) containing routes may be designated as a routing guide. When a tariff refers to a routing guide or guides for all of the routes over which the rates therein are published to apply, it must show the following notation:

The rates herein apply over the routes of the carriers parties to this tariff specified in ICC (or MF-ICC) ___, supplements (or loose-leaf page amendments) thereto or successive issues thereof.

(2) When a tariff refers to a routing guide or guides for routes in connection with some but not all of the rates in a tariff, or for routes for account of some but not all of the carriers parties to the tariff, an appropriate notation must be shown therein. When a rate tariff provides that certain rates published therein will not apply over all the routes shown in a routing guide to which the tariff is subject, the rate tariff shall show clearly what routes in the routing guide are not applicable, or are the only routes applicable, as the case may be, in connection with such rates. Such exceptions may not be published in the routing guide. Routing guides may not contain exceptions having a narrow application, such as by providing nonapplication or application in connection with certain identified commodity rates or rate items of certain tariffs.

(3) When a tariff which refers to a routing guide also shows routes, it shall show clearly whether the routes named therein are in addition to the routes shown in the routing guide or are the only routes over which the rates making reference to such routes will apply. No one rate may be made subject to more than one routing guide for account of any initial carrier except that interterritorial rates may be subject to one guide for each of such territories in which such a guide is published for that territory alone.

(4) A routing guide must be concurred in by all carriers over whose lines routes are provided therein.

(5) Routing guides shall show on their title pages the following notation:

The routes provided herein may be used only in connection with rates made subject thereto by specific ICC (or MF-ICC) reference to this guide in the tariff containing such rates. Its use in connection with any tariff is restricted to the carriers and to the application provided in such tariff.

(c) *Emergency routing clause.* The following provision may be incorporated into routing guides or under "Routing Instructions" in rate tariffs:

The rates named in [here rate tariffs shall show "this tariff" and routing guides shall show "tariffs made subject to this tariff"] will apply over the routes and through transfer points authorized herein except that when in the case of pronounced traffic congestion (not an embargo), detours or other similar emergency, or through carriers' error, carriers forward shipments by other transfer points of the same carriers or over the lines of other carriers parties to the tariff, the rate specified in [here rate tariffs shall show "this tariff" and routing guides shall show "tariffs making reference to this tariff"] (but not higher than the rate applicable over the actual route of movement) will be applied.

The words "or over the lines of other carriers parties to the tariff" may be omitted.

§ 1310.9 Supplements (Rule 9).

NOTE: See §§ 1310.14, 1310.22, 1310.24, 1310.25, 1310.27, and 1310.28 (rules 14, 22, 24, 25, 27, and 28) for provisions which may be filed on less than 30 days' notice.

(a) *Amendment by supplement.* (See paragraph (g) of this section—blanket supplements.)

(1) Apart from reissuing the tariff itself, the supplement is the vehicle for adding to, deleting, or changing provisions of a bound tariff. Paragraph (d) of this section provides the restrictions on the use of this means. (See § 1310.10 (rule 10) as to loose-leaf tariffs and § 1310.11 (rule 11) as to complete and partial cancellation of a tariff.)

(2) The first supplement to a tariff shall be desgnated as Supplement 1 either in the upper right-hand corner of the title page thus:

Supplement 1
to
ICC (or MF-ICC) ——

or in the center of the uppermost portion in connection with the carrier's or agent's own tariff number (not ICC number). Subsequent supplements shall be numbered consecutively in like manner. Whatever location is used for the first supplement must be also used for all subsequent supplements to the same tariff.

(3) Each supplement shall specify on its title page, immediately under the supplement and ICC (or MF-ICC) number (if the supplement designation is to appear in the upper right-hand corner) or immediately under the supplement and carrier's or agent's tariff number (if the supplement designation is to appear in the upper center portion) the publications which the supplement cancels. Cancellations must be specific. A statement that the supplement cancels conflicting portions of the tariff or prior supplements, or all provisions of a certain kind or application, may not be used.

(4) The numbers of the supplements in effect on the effective date of the supplement must be shown in the upper portion of the title page. Effective supplements of a special nature (suspension, postponement, adoption, general increase, etc.) should be indicated in the list as to their special nature and may be grouped separately.

(5) The matter contained in each supplement shall be arranged in the same general manner and order as the tariff which it amends. (See § 1310.25 (rule 25) for additional regulations governing adoption supplements.) When points in a tariff are given index numbers, the same index number must be assigned to the same point in all supplements to the tariff.

(b) *Updated lists of items and units in effective supplements.* Every supplement of eight or more pages issued to a bound tariff, except blanket supplements and general increase or reduction conversion table supplements, shall provide near the front of the supplement a cumulative list of all items and numbered units that have been added, canceled, or changed by supplement together with reference to the number of the supplement where each is last shown.

(c) *Index and table of contents.* A supplement of 5 or more pages must be properly indexed, and a supplement of 15 or more pages must also contain a table of contents. If the table of contents is published in a numbered item, see § 1310.10 (rule 10) *Amendments.* The table of contents or any index may be omitted if § 1310.6(c) or § 1310.6(f) (rule 6) does not require the tariff to contain a table of contents or such an index.

(d) *Number of supplements and pages permitted.* (1) A tariff is published to be used, and no tariff should be permitted to reach the maximum supplemental limits prescribed without a reissue already prepared to file with the Commission and distribute to users. Nor should a tariff be permitted to become so old or so much supplemented that little of the matter in the original tariff has application any longer, and copies are no longer obtainable. No tariff may be further supplemented that has been in effect for eight years, except to cancel, to announce a suspension, to announce an adoption, or

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to comply with an order of the Commission and then only for the initial compliance action required. (For exception as to adopted publications see § 1310.25 (j) (rule 25).)

(2) Except as otherwise authorized, the following is the maximum number of supplements to a tariff that may be in effect at any time and the maximum number of pages they may contain.

Number of pages in original tariff (inclusive)	Number of effective supplements permitted	Maximum number of pages effective supplements may contain
1 to 2	None	None.
3 to 4	1 (see note)	2 (see note).
5 to 8	1	4.
9 to 16	2	8.
17 to 80	2, plus 2 additional supplements of not to exceed 4 pages each.	Not to exceed 50 percent of the number of pages in the original tariff.
81 to 200	3, plus 2 additional supplements of not to exceed 4 pages each.	
201 to 500	4, plus 2 additional supplements of not to exceed 4 pages each.	
501 to 800	5, plus 1 additional supplement of not to exceed 4 pages.	
801 or more	6, plus 1 additional supplement of not to exceed 4 pages.	

(NOTE: The tariff of 3 or 4 pages, if supplemented hereunder, must be canceled within 180 days of the effective date of such supplement.)

(3) A tariff may provide that it will be reissued periodically, but not less frequently than once a year. Such tariff must carry on its title page the notation:

A reissue of this tariff will become effective not later than [here name date].

This notation may not be changed or eliminated by amendment. Supplements may be issued to such a tariff without limit as to the number of pages in effective supplements, but the regulations pertaining to the number of supplements in effect at any time must be complied with.

(e) *Additional supplement to comply with order of Commission.* When the Commission, in a formal case, orders the cancellation of tariff matter or the establishment of tariff matter, the supplemental limits may be exceeded to the extent necessary to initially comply therewith (but not continuing compliance as to a continuing order), but if exceeded the next regular supplement issued to the tariff must republish or otherwise dispose of the initial publication, observing the prescribed supplemental limits. If the initial publication would result in exceeding the supplemental limits, the supplement may not contain any other matter and the title page must refer to this section for authority to exceed such limits.

(f) *Bridge supplements.* When a bound tariff is issued and filed canceling a prior issue, it is sometimes found necessary to establish, cancel, or change matter in the prior issue effective before the new issue becomes effective replacing it. If the action is intended to affect only the matter in the prior issue, the supplement, which must be on lawful notice, is to be issued only to the prior issue. If it is to affect matter in both tariffs, a separate supplement may be issued to each, or a bridge supplement may be issued which is a supplement to both. To do so by one publication requires a clear separation to be made therein as to the separate actions. A separate and appropriate supplement number must be shown as to each ICC (or MF-ICC) number. A separate effective date must be established as to each, which in the case of the new issue must be the same as the general effective date of the tariff. The contents must be separated as to each tariff and clearly identified as to the tariff it amends, and the item or other unit as to each tariff that is being added, canceled, or changed. If a bridge supplement is issued, the supplement to the old tariff need not be within the requirements of paragraph (d) of this section. Only one bridge supplement may be in effect at any time.

(g) *Blanket supplements.* (1) Ordinarily amendment of a tariff should be effected by issuance of a supplement to that tariff alone. However, it sometimes happens that the same or similar addition, deletion, or change of provision is to be made simultaneously in a substantial number of different tariffs. If the matter is susceptible to handling in this fashion, a blanket supplement (a common supplement issued jointly to several tariffs of the same agent or carrier) may be issued and filed, subject to the provisions and regulations of this paragraph.

(2) A blanket supplement may not be issued to less than five tariffs.

(3) Such supplements shall show on their title page, in lieu of printed supplement and tariff number designations, in the upper right-hand corner the following wording and spaces for later insertion of numbers:

Supplement ------ to ICC (or MF-ICC) ------

Before filing with this Commission, each copy shall have inserted in ink or by other permanent means the appropriate supplement number and the ICC (or MF-ICC) number of the tariff it supplements. The number of copies ordinarily required for each tariff supplemented shall be filed.

(4) The listing of the effective supplements as to each tariff may be omitted.

(5) On page 1 or a subsequent page, the number of each supplement and the number of each tariff supplemented, as a minimum, shall be shown in columnar form, under a caption reading "List of Tariffs Supplemented Hereby." Any additional provisions (such as cancellation notices, items containing matter held in effect, etc.,) must be similarly shown.

(6) Supplements may not be filed in blanket form to loose-leaf tariffs except for the same purposes for which the filing of individual supplements to such tariffs are authorized. (See § 1310.10(d) (rule 10)—amendments to loose-leaf tariffs.)

(7) Supplements published in blanket form need not comply with the indexing requirements of paragraphs (b) and (c) of this section.

§ 1310.10 Amendments (Rule 10).

NOTE. See §§ 1310.14, 1310.22, 1310.24, 1310.25, 1310.27, and 1310.28 (rules 14, 22, 24, 25, 27, and 28) for provisions which may be filed on less than 30 days' notice.

(a) *How made.* Any change in, addition to, or cancellation from a tariff shall be known as an amendment. Amendment of a bound tariff shall be made by reissue of the tariff or by issue of a supplement as provided in § 1310.9 (rule 9). Amendment of a loose-leaf tariff shall be made by reissue of the tariff or by issue or reissue of a page or pages as provided in paragraph (d) of this section. A loose-leaf tariff may also be amended by issue of a supplement (prepared as specified in § 1310.9 (rule 9)), but only for the purposes referred to in paragraph (d) of this section. A loose-leaf tariff may not be amended after January 1, 1979, except (1) to cancel; (2) to reissue as a bound tariff; (3) to announce a suspension; (4) to announce an adoption; or (5) to comply with an order of the Commission and then only for the initial compliance action required.

(b) *Participating carriers—how shown.* (1) Paragraph (b) (2), (3), and (4) of this section will not apply to participating-carrier tariffs. For regulations governing participating carrier tariffs, see § 1310.20 (rule 20).

(2) If an original bound tariff specifically names participating carriers, each supplement thereto must contain either a complete list of the carriers participating in the tariff, as amended, and show that it cancels the prior list, or shall state that the list of participating carriers is "as shown in the tariff" to which may be added "except [here shown cumulative list of corrections in, additions to, or cancellations from the list in the original tariff]." Only one such cumulative list may be in effect at any one time. The participating-carrier list may be published in numbered item form, in which case paragraph (c) of this section governs. The names of the carriers shall be listed alphabetically as provided in § 1310.6(e) (rule 6). When the participation of a carrier is canceled, the carrier's complete name shall be shown, together with the word "Cancel" or other suitable provision, but without reference to the power of attorney or concurrence. Each addition and cancellation of a carrier must be carried forward as reissued matter and not dropped.

(3) The list of participating carriers published in a loose-leaf tariff may be amended only by republication of the page upon which it appears. Additions, cancellations, and changes shall be indicated as such. Cancellations shall be republished on successive reissues of the list and the page, indicating when cancellation was first made effective, until all provisions in the tariff referring specifically to said carrier have been removed from the effective pages, after which the cancellation listing may be omitted.

(4) When the participation of a carrier is canceled, the supplement (when a bound tariff) or the page or pages (when a loose-leaf tariff) must also provide for the cancellation of rates and other provisions for the account of such carrier unless the cancellation of the carrier is in connection with the publication of a complete adoption of the rate of such carrier by another. (See § 1310.25 (rule 25)—Transfer of Operations; Changes in Name and Control.) The cancellation of rates and other provisions must be accomplished by either amending the individual pages (when a loose-leaf tariff) or items or other provisions affected or by the publication of a blanket cancellation notice specifically indicating that all rates and other provisions in the tariff applying for the account of the carrier are canceled. Such blanket cancellation must be shown in direct connection with the list of participating carriers and be referred to in the cancellation of the carrier's name from the list. As to a bound tariff, the blanket cancellation must be carried forward as reissued matter in the usual manner when the suplement is reissued. As to a loose-leaf tariff, it must be carried forward on successive reissues of the page (with a statement as to when the cancellation first became effective) until all provisions referring to the carrier have been eliminated by reissue. If the blanket cancellation notice alternative is used, the items and other provisions affected must be promptly amended to remove the canceled application. If the cancellation of provisions (whether specifically canceled or canceled by notice) becomes effective, any subsequent restoration of the canceled provisions, for any reason, must be by republication of such provisions.

(c) *Amendments to bound tariffs.* (1) Except as otherwise specifically authorized, an item or numbered or unnumbered unit amended by a supplement must be published in that supplement in its entirety as amended.

(2) When any part of an item (see definition of "item" in § 1310.0 (f)) is amended, except as otherwise specifically authorized the new item shall be given the same number with a letter suffix and shall specifically cancel all uncanceled correspondingly numbered items in the same numbered series. The first revision shall use suffix A, the next B, and so on through Z, then starting over with AA, BB, and so on. For example: Item 40–A cancels Item 40; Item 40–B cancels Item 40–A and Item 40 (if Item 40 has not been previously canceled), and so on.

(3) Specific cancellation of items may be omitted if the original tariff contains the following rule:

As this tariff is supplemented, numbered items with letter suffixes cancel, except as otherwise specifically indicated, correspondingly numbered items in the original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequence starting with A. Example: Item 445–A cancels Item 445, and Item 365–B cancels Item 365–A in a prior supplement, which in turn canceled Item 365 (if Item 365 had not been canceled for some reason, Item 365–B would cancel it as well). If an Item provides a specific cancellation of a prior issue or issues, this rule is not applicable.

If this method of cancellation is used, it may not be discontinued during the life of the tariff. The item which, in whole or in part, was the subject of an order of suspension, and also the prior issue of that item containing matter held in force by reason of that suspension, are required to be canceled specifically if it is intended to cancel them (this prohibition does not apply to subsequent issues of such items in which suspended matter and matter held in force have been brought forward in an authorized manner—see § 1310.14 (rule 14)).

(4) When any part of a numbered unit (not an item—see definition of "unit" in § 1310.0(f)) is amended, except as otherwise specifically authorized the new unit shall be given the same number and shall specifically cancel all prior uncanceled units bearing that number. Cancellation shall be made by referring to the number of the unit and to the number of the page in the original tariff or in the supplement on which the unit to be canceled is shown. If in a supplement, the number of the supplement must also be referred to. When it is necessary to effect cancellation in more than one supplement, or in the original tariff and one or more supplements, appropriate references must be made to all. Numbered units may not be given suffix letters when amended.

(5) Tariffs should not publish unnumbered units unless necessary or desirable because of the character of the particular matter. Use of a number clearly indicates to the tariff user what matter in the original tariff or an uncanceled prior supplement has been superseded, no matter how the character and content may have been changed. Therefore, an unnumbered amended provision must, in addition to directing the cancellation of the prior issue of the provision (clearly indicating the matter to be canceled), also make specific reference to the page or pages of the original tariff or the prior uncanceled supplement on which the provision first appeared in the tariff. Except where partial amendments of units are authorized, an unnumbered unit, when amended, shall be republished in its entirety as amended.

(6) Indexes of commodities, origins, and destinations; and items containing only

Table of contents,
Lists of commodities,
Lists of points,
Statements of carriers' operating authorities,
Explanation of abbreviations,
Explanation of reference marks,
Package descriptions,
Notes, and explanations of notes,

may, subject to the following conditions, be amended in part without bringing forward the index, item, or unit in its entirety as amended. Only one partial amendment may be in effect at one time as to any index, item, or unit. Unless otherwise specifically authorized, each successive partial amendment must accumulate all changes as to a particular index, item, or unit and must cancel any prior partial amendment thereto. The purpose of a table of contents in a supplement is to list the contents of the same supplement, and location. Therefore, if the table of contents is published in item form, the number of partial amendments permitted is not limited. A unit may not be amended in part if it contains provisions required by a released-rate order. If an index of origins or destinations is amended in part and if index numbers are assigned to origins or destinations in the tariff, the following notation must be shown at the beginning of such indexes:

The index numbers of points in this supplement correspond with the index numbers of the same points shown on pages — to —, inclusive, of the tariff, with the following additions and exceptions.

Partial amendments shall be published in such a manner that it is clear what matter is being changed or canceled. For canceling or amending expiration dates in connection with publications covering temporary authorities, see § 1310.28(g) (rule 28).

(7) A table of rates, rate base numbers, or other figures comprising not more than two pages must be republished in its entirety if amended. Otherwise, the table may be amended in part, subject to the following. When amending a figure at the intersection of a headline point or other caption and a sideline point or other designation, either the entire vertical column of figures in which the change appears shall be reproduced, or the entire horizontal line of figures in which the change appears. Only one partial amendment of any table may be in effect at any time, and each amendment shall republish the prior changes, directing the cancellation of the prior showing.

(8) When any rate or provision expires or is canceled, in part or in its entirety, the expired or canceled matter should not be reproduced in the new item or unit effecting the cancellation except to the extent necessary to identify the subject matter. No rate or other figure that is no longer effective shall be reproduced.

(9) If an item or unit expires or is canceled, leaving no rates or provision in effect in that item or unit, the statement of the expiration or cancellation shall be treated as any other reissued matter in subsequent supplements.

(10) If all or any part of the matter in an item or unit is transferred to another tariff or to a different location in the same tariff, whether in the same or in a modified form, that item or unit shall be revised in the regular manner authorized in this paragraph to show the revised provision, or when no effective matter is continued therein, to indicate cancellation of such item or unit. In all cases, the item or unit must show where the transferred rates or provisions will thereafter be found. For example: "Item 10–A cancels Item 10; rates formerly appearing in Item 10, but not shown

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herein will be found in Item — (or in tariff ICC —)."

(d) *Amendments to loose-leaf tariffs.* (1) When any part of a page is amended, that page shall be reprinted, given the same number, designated as a revised page, and given a revision number. Revised page designations shall be shown in the same corner in which original page designations are required to be shown. Except as otherwise specifically authorized, the new page shall specifically cancel all uncanceled pages bearing that number. The first revision shall be numbered 1, the next 2, and so on in consecutive numerical sequence. For example: "First Revised Title Page cancels Original Title Page"; "Third Revised Page 4 cancels Second Revised Page 4 and First Revised Page 4" (If First Revised Page 4 has not been previously canceled); and so on. Items and numbered units must not be given suffix numbers (see paragraph (d)(6) of this section).

(2) Specific cancellations of pages, except the title page, may be omitted if the tariff contains the following rule:

METHOD OF CANCELING ORIGINAL AND REVISED PAGES, EXCEPT THE TITLE PAGE

When this tariff is amended by revised pages, the cancellation of prior pages, except the title page, will be effected by means of this rule. A revised page will not show a cancellation notice except when a cancellation notice is necessary because of suspension, rejection, or other reason. Revisions of each page will be published and filed in numerical sequence.

Except where a specific cancellation is shown on a new revised page, a revised page cancels any and all uncanceled revised or original pages, or uncanceled portions thereof, which bear the same page number. See Exception. For example: First Revised Page 10 will have the effect of canceling Original Page 10; 45th Revised Page 12 will have the effect of canceling 44th Revised Page 12; 13th Revised Page 4–A will have the effect of canceling 12th Revised Page 4–A and also 11th Revised Page 4–A if the cancellation of 12th takes place on or before its effective date.

EXCEPTION: When a specific cancellation on a prior revised page excepts a previously filed page wholly or in part, this rule does not have the effect of canceling such excepted previously filed page or portion thereof.

If this method of cancellation is used, it may not be discontinued during the life of the tariff. The page which, in whole or in part, was the original subject of an order of suspension, and also the prior issue of that page containing matter held in force by reason of that suspen- are required to be canceled specifically if it is intended to cancel them (this prohibition does not apply to subsequent issues of such pages on which suspended matter and matter held in force have been brought forward in an authorized manner—see § 1310.14 (rule 14)).

(3) Revised title pages shall be printed on one side of the sheet only, show the number of the revision in the upper left-hand corner, and show immediately under the effective date the following notation:

Original tariff effective [here show effective date of original tariff]

(4) When the tariff is one the pages of which are printed on both sides of the sheets and it is desired to amend only one page, the page published on the reverse side must also be reprinted, assigned the next consecutive revision number, and filed on lawful notice (see paragraph (d)(6) of this section). In direct connection with the revision number on the unchanged page shall appear the following statement, or a reference mark explained as follows:

Change in revision number only, without change in matter on body of the page.

This reference mark must be used for this purpose, and no other, for the life of the tariff.

(5) When a sheet containing an original page printed on one side with no tariff provisions printed on the reverse side is added to a tariff containing sheets printed on both sides, the blank page must show the notation "Intentionally left blank" or a notation reading as follows shown at the bottom of the printed page:

The reverse side of this sheet is intentionally left blank.

One or the other notations must be carried forward on future reissues of the sheet.

(6)(i) If tariff material is printed on both sides of a sheet and it is desired to withdraw all material from only one side and leave that side blank without being required to reprint that side each time the reverse side is amended, publication may be made as set forth in paragraph (d)(6)(ii) through (iv) of this section, provided a rule is published in the tariff clearly setting forth the method to be used, with an example.

(ii) At the time the matter on the page is withdrawn, both sides of the sheet shall be reissued in the normal manner and assigned the next consecutive revised-page numbers. Prior revisions of those pages shall be properly canceled. In the center portion of the page from which the matter is being withdrawn shall be shown the following notation:

Tariff provisions canceled. This page series discontinued.

(iii) The next reissue of the page containing effective tariff provisions shall then dispose of the revised-page designation by including a statement at the bottom reading

The reverse side of this sheet is intentionally left blank. The [here show revised page number of the page from which the material was withdrawn as it was last designated] is hereby canceled and page series discontinued until further notice.

Each subsequent reissue shall include a statement reading

The reverse side of this sheet is intentionally left blank.

If, in accordance with this procedure, the contents of a page have been canceled and the page series discontinued, and the subsequent reissue of the page on the reverse side has effectively canceled the page designation, and it is desired to reactivate the page series the following shall govern: The revision number shown in connection with the page number shall be the same as the revision number of the page on the reverse side. It shall not cancel any previous page, but shall publish a notation specifying that the unused intervening revision numbers of the page have not been used and will not be used, identifying what revision numbers these are.

(iv) If it is desired to use the page after the tariff provisions have been withdrawn, but before the page series has been specifically canceled and that side of the sheet left blank, amendment shall be accomplished in the normal manner (designating the page with the next consecutive revision number of that page series and making the proper cancellation).

(7) If it becomes necessary to add an additional page, such page (except when it follows the final page) shall be designated with the same number as an existing page together with a single letter suffix—for example, Original Page 4–A, Original Page 4–B, etc. If it is necessary, for example, to change matter on Original Page 4–A, the page shall be reprinted and such changed page shall be designated as First Revised Page 4–A, and, unless the tariff contains the automatic cancellation rule provided in paragraph (d)(2) of this section, shall show that it cancels Original Page 4–A. Only single letter suffixes are permitted for this purpose, and no other system or variation, such as use of multiple letter suffixes, decimal or fractional numbers, etc., is permitted. As to any page number designation, suffix letters (if used) shall start with A and proceed alphabetically as needed through Z. When a sheet is printed on both sides, only the number of the higher numbered of the pages printed thereon may be used for expansion by adding a letter suffix. For example, if the page on one side of the sheet is numbered 5 (regardless of whether an original or revised page) and the page on the reverse side is numbered 6, an added page may be designated as "Original Page 6–A," but may not be designated as "Original Page 5–A."

(8) If, after a loose-leaf tariff has been filed with the Commission, it is desired to file additional pages at the end of the tariff, the pages shall be numbered consecutively with the last page of the tariff, and shall be designated as original pages, without letter suffixes.

(9) The number of sheets containing thereon pages canceled from the tariff may not exceed five times the number of sheets containing effective tariff matter. Sheets containing only pages on which no tariff matter is printed except for notations such as "Intentionally left blank", or page numbers and other provisions necessary only to accommodate the format of the tariff, are not included in the count of sheets containing effective matter within the meaning of this rule.

(10) When the Commission, in a formal case, orders the cancellation of or the establishment of tariff matter, the page limit provided in paragraph (d)(9) of this section may be exceeded to the extent necessary to initially comply therewith (but not continuing compliance as to a continuing order).

(11) When a revised page is issued which omits rates, rules or other provisions previously published on the page which it cancels, the disposition of the omitted provisions must be indicated clearly. If the omitted provisions are published on a different page, the revised page shall make specific reference to the page on which they will be found. The page to which reference is so made shall contain the following notation in connection with such rates, rules, or other provisions:

"For [here insert rates, rules, provisions, etc. as appropriate] in effect prior to the effective date hereof, see page (or pages) [here identify page or pages from which transferred, whether changed or unchanged]."

If canceled or expired and not transferred to another page unchanged or in changed form, the page shall so indicate that fact, identifying the provision canceled or expired only to the extent necessary to show what is affected. No rate or other figure that is no longer effective shall be reproduced.

(12) If five or more pages of a tariff, the pages of which are printed on one side of the sheet only, are reissued at one time with the same effective date to cancel all provisions thereon or to transfer all provisions to other pages, the reissue and cancellation may be accomplished by means of a single printing, but showing the individual cancellations. In one column shall be listed the designation of each page (for example, "2nd Revised Page 16") under a column headed "Page." In a second column, headed "Cancels," and opposite each listing in turn shall be shown the designation of the page the new page cancels—for example, "1st Revised Page 16." In the upper left-hand or upper right-hand corner, where the page designation for that tariff would otherwise appear, the following wording and spaces for later insertion of words and numbers shall be shown:

——Revised Page——
cancels
——Page——

Before filing with this Commission, each copy (two copies for each different page) shall have inserted in ink or other permanent means the designation of the new page and the designation of the page which the new page cancels. The automatic cancellation provisions of paragraph (d)(2) of this section may not be used with this procedure. Each cancellation must be specific. Such pages may be filed only when all provisions on each page are canceled or transferred, and no other or new provisions are substituted thereon. Any such page, however, may be subsequently reissued individually in the regular manner to establish provisions thereon.

(13) Each time a page is revised or a new page or supplement is added, the page (check sheet) showing the updated listing of pages and supplements comprising the tariff shall be correspondingly revised by reissuance to show in numerical sequence by page numbers the effective original pages and effective revised pages, and the original pages and revised pages that have been filed but are not yet effective. The check sheet shall indicate by reference mark or other means which revision numbers shown thereon are different or are in addition to those shown on the next previous check sheet. Effective and to be effective supplements shall also be listed thereon. Pages or supplements which only contain matter under suspension or subsequent postponement and pages or supplements which contain matter held in effect by reason of suspension or subsequent postponement shall be included and an appropriate explanation made in each case. Cancellation of supplements when they have served their purpose (except supplements announcing an adoption of the tariff, which should not be canceled, and except supplements canceled by other supplements of like or similar character or content) shall be effected by reissuance of the check sheet and a notation to that effect made thereon. No other matter may be shown on either side of the sheet containing this updated list.

(14) The indexes of the tariff must be amended concurrently with changes in the contents of the tariff to show additions, cancellations, and changes as to points and commodities.

(15) Changes shall be indicated as required by paragraph (f) of this section. Reference marks or wording to indicate reissue without change need not be employed, but if they are, they shall be used once only, then omitted from subsequent reissues.

(16) If an item or unit expires or is withdrawn in its entirety and canceled, the statement of the expiration or cancellation shall be shown one time and then omitted from subsequent reissues of the page. The same item or unit may be used again for other provisions or for reinstatement of the same provisions.

(17) When a protective cover not a part of the official filing of the tariff is used, only such information should appear thereon as will remain constant and in use during the life of the tariff.

(18) Supplements shall not be issued to loose-leaf tariffs, except for the purposes authorized by the following:

(i) *Section 1310.10(j).* Conversion supplements to provide general rate changes (rule 10).

(ii) *Section 1310.11.* Transfer or cancellation of provisions (rule 11).

(iii) *Section 1310.14.* Suspended matter (rule 14).

(iv) *Section 1310.22.* Seasonal motorwater rates (rule 22).

(v) *Section 1310.25.* Transfer of operations—change in name and control (rule 25).

(vi) *Section 1310.27(1).* Take-over publications (transfer of agent) (rule 27).

(vii) *Section 1310.28(g).* Change or cancel expiration dates in connection with temporary authorities (rule 28).

(viii) *Section 1310.28(h).* Postponement of tariffs or tariff matter (rule 28).

(e) *Reinstatement of canceled or expired provisions must be by republication.* If provisions have been eliminated by cancellation or expiration, they may not be reinstated except by republication with a new effective date providing lawful notice. If in a supplement and if republication is made in an item bearing the same number as the old item, the next unused letter suffix in that numbered series must be assigned thereto.

(f) *Changes indicated.* (1) Tariff publications shall indicate changes made in existing rates, charges, classifications, rules, or other provisions by use of the following uniform reference marks in connection with each such change:

or (R)	to denote reductions
♦ or (A)	to denote increases
▲ or (C)	to denote changes which result in neither increases nor reductions in charges

(2) Explanations of such reference marks shall be provided (see § 1310.6(n) (rule 6)), in the publication in which used, and these marks shall not be used for any other purpose. The form of the reference marks and their explanations must be shown exactly as prescribed herein. The reference mark must be positioned in direct connection with the changed rate or other provision. The use of more than one reference mark in connection with the same provision to indicate more than one type of change is not permittd unless the character of the amendment is such that the provision cannot be treated to show the appropriate single reference mark in connection with each part proposing a certain kind of change.

(3) When a change of the same character is made in all or in substantially all rates in a tariff or supplement, or on a page thereof, that fact and the nature of such change may be indicated in distinctive type at the top of the title page of such issue, or at the top of each page, as the case may be, in the following manner: "All rates in this issue are increases"; or "All rates on this page are reductions"; or there may be added, when appropriate, "except as otherwise provided in connection with particular rates." When a tariff publication indicates a change, with exceptions, in the manner provided in this subparagraph, a bold-faced dot "●" shall be used to indicate a rate or other provision in which no change has been made, and the appropriate reference mark shall be used to indicate any other change not indicated by the general statement on the publication. A bold-faced dot may not be used to indicate "no change" under any other circumstances.

(4) When tariff matter, in connection with which a reference mark or wording as above has been used, is reissued with-

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out change, the mark or wording shall be omitted.

(g) *Reissued matter.* (1) Matter brought forward without change from one supplement into another within the same tariff must be designated as "Reissued" and must show the original effective date and the number of the supplement from which it is reissued; or it must conform to the requirements provided in paragraph (g)(2) of this section.

(2) The reissued matter shall be uniformly designated by a number within a square (or an authorized substitute—see § 1310.6(n) (rule 6)), the number corresponding to the number of the supplement from which the matter is reissued, and the explanation thereof must appear in the supplement in which the reference mark is used. The explanation must identify the matter as reissued in substantially the following manner:

□ (with number enclosed) Reissued from supplement bearing the number enclosed within the square. See item [here insert number of item referred to, explaining the methods of denoting reissued matter in supplements].

The rules section of the tariff shall contain an item (the number of which will be inserted in the explanation of the reference mark denoting matter reissued from a prior supplement) reading substantially as follows:

METHOD OF DENOTING REISSUED MATTER IN SUPPLEMENTS

Matter brought forward without change from a supplement being canceled into another supplement will either (1) be designated as reissued by a complete statement to that effect in direct connection with the reissued matter, indicating the number of the supplement in which the reissued matter first appeared in its currently effective form, or (2) by a reference mark [here show □, [ ] or ( ), whichever single type is adopted in the tariff] enclosing a number, the number being that of the supplement in which the reissued matter first appeared in its currently effective form. To determine its original effective date, consult the supplement in which the reissued matter first became effective.

(3) When the matter brought forward was first published in its currently effective form in one supplement and its effective date was modified by another supplement, the matter shall be indicated as "Reissued" together with a notation that refers to the number of the supplement in which the matter was first published, the final effective date of the matter, and the number of the supplement which established such final effective date—for example, "Reissued from Supplement 4, effective January 1, 19—, per Supplement 5." When such a notation is referred to by use of a reference mark, the reference mark must be one other than that prescribed in this paragraph for ordinary reissuances, and shall be explained on the same page as that on which the reissued matter appears.

(4) Republication of matter as "reissued" matter serves to establish a new effective date for the provisions, which shall be the general effective date of the supplement into which it is brought forward. The reference to a prior supplement serves to direct the tariff user to where the provision first appeared in its present form. Therefore, if the effective date shown for a provision in the prior supplement being canceled is a date later than the general effective date of the new supplement into which the provision is being reissued, the number-in-a-square reference mark may not be used, but instead the reference to the prior supplement and the later effective date shall be stated in full in direct connection with the reissued provision.

(h) *Change in the explanation of reference marks and notes.* A change in the explanation of a reference mark or note governing tariff provisions published elsewhere in the tariff or prior supplement should not require the tariff user to conduct a search for its use in order to determine the effect. Therefore, any change or cancellation of an explanation of a reference mark or a note, or in an item or other provisions such explanation refers to in turn, shall be accompanied by a republication at the same time of all tariff provisions in the tariff as amended which employ the use of the reference mark or note, or, in the alternative, the changed explanation (or tariff provision referred to in turn by such explanation) shall identify by item number or page (identifying the supplement if in a supplement) the effective tariff provisions which refer to the reference mark or note.

(i) *Matter issued under order or other authority.* If an entire supplement or a loose-leaf page or a provision

(1) Is issued to comply with a mandatory order requiring the specific action;

(2) Is issued under authority of a permissive order allowing notice of less than thirty days and/or departure from tariff-publishing regulations; or

(3) Is published under a regulation of this part permitting less than thirty days' notice and/or departure from an outstanding order;

a reference to such order or rule and the number of days' notice (where less than thirty is authorized) shall be shown on the title page if covering an entire supplement and in direct connection with the tariff provisions (together with the specific effective date) if not comprising an entire supplement. Outstanding orders departed from must be identified.

(j) *Conversion supplements to provide general rate changes.* (1) A conversion table type supplement may be filed to any bound or loose-leaf tariff having not less than 20 pages (excluding supplements) to provide a general change in the level of all or substantially all the rates or charges, or all or substantially all the rates or charges in a described category (less-than-truckload, truckload, etc.) named in the tariff. The supplement shall be in clear, explicit, and simple terms, and be free of conflict and ambiguity. A conversion type supplement may be filed by a carrier or agent to a tariff of less than 20 pages (excluding supplements) provided it is filed at the same time as such supplements are filed by it to other of its tariffs which have 20 or more pages and provided the change is part of the same general rate adjustment.

(2) The conversion supplements shall contain an application provision reading substantially as follows:

Except as provided in [here identify location of listing of items, notes, or provisions not subject to rate change in whole or in part, specifying what part] and in [specify whether supplements or loose-leaf pages] issued subsequent to this supplement, all rates and charges published in this tariff, as amended, or as may be amended in [specify whether supplements or loose-leaf pages] issued subsequent to this supplement, are hereby or will on their effective dates be [specify whether increased or reduced] as follows for the period this supplement is in effect:

Immediately following this statement, a clear and explicit application of each column of changes must be published. If the supplement does not contain exceptions to or any non-application or the rate changes, the reference in the statement to a listing of exceptions must be omitted. However, under no circumstances may the exception therein with respect to subsequent supplements or loose-leaf pages be omitted. If not all of the rates or charges in a tariff are being changed by the supplement, the statement must clearly and definitely state the exact category of rates or charges (any-quantity, less-than-truckload, truckload, volume, or less-volume rates, minimum charges, etc.) being changed and/or the exact items, sections, etc. of the tariff in which they are contained. Reference to categories of rates may employ only terms used in the tariff or determinable through its published definitions.

(3) If the supplement does not include all the tariff rates and charges to be changed, it must provide a percentage formula or other basis for converting rates and charges which are higher than those shown or otherwise not shown in the conversion table. If this is necessary, the supplement must provide a method of disposing of resulting fractions. When multiple-factor rates or charges made by use of arbitraries or other means are being changed, the method of computing such changes shall be provided.

(4) The base and the converted rates or charges must be in the same monetary unit (in cents, in dollars and cents, etc.) used in the tariff. If the tariff names rates or charges in more than one monetary unit (for example, some in cents, others in dollars and cents), the unit used must be the one employed in the greatest percentage of rates and charges to be changed, and a provision must be published stating how the change is to be applied in connection with the remainder—for example, if the conversion supplement is based on a monetary unit of "in cents," it shall contain the following rule:

Where the rate or charge is stated in dollars or dollars and cents per 100 pounds, per ton, per article, per piece, per package, per shipment, or per any other unit, first find the rate or charge which is equivalent in cents under column [here show column containing base rates] of the conversion table herein and then apply the changed rate or charge shown opposite thereto in columns [here show numbers of columns containing changed rates or charges] in item [here show number of item containing application of columns] herein.

(5) Each supplement may contain not more than 10 columns of rates or charges including the base rate or charge column. As to any base rate or charge, application of only one column of changed rate or charge is permitted.

(6) Each conversion type supplement shall contain no other matter, be indicated to expire with a specific date not beyond one year from its effective date, and, as to a bound tariff, be exempt from the terms of § 1310.9(d)(2) (rule 9). Each regular (not conversion type) supplement containing only republished class-rate tables and necessary related provisions forming a part of the same general rate adjustment and not made subject to a conversion table shall also be exempt from the terms of § 1310.9(d)(2) (rule 9). Such a regular supplement need not show an expiration date.

(7) As to a bound tariff, an exception item or note may be republished from the conversion supplement into a regular supplement in order to add, eliminate, or change provisions. As to a loose-leaf tariff, exceptions may be published in an item in the tariff proper to which the conversion supplement may refer, in which case the item may be republished in the regular manner in subsequent republications of the particular page. If the exceptions are published in the conversion supplement issued to a loose-leaf tariff, they may not be amended.

(8) The title page of the conversion supplement shall indicate, in the top margin, whether the changes are increases or are reductions. If the changes consist of some or both kinds, the notation must add "as indicated herein" and the different categories of changes must be indicated by use of the appropriate symbols for increase and reduction.

(9) All subsequent amendments (supplements or loose-leaf pages) to the tariff becoming effective during the effectiveness of the conversion supplement and naming rates or charges shall contain a notation indicating whether such amendments are or are not subject, as the case may be, to the provisions of the conversion supplement and/or an item, identifying such supplement and/or item.

(10) As to a tariff, only one conversion supplement may be in effect at any time. The duration of the application of published changes in a conversion supplement may not be extended by a like supplement providing the same increases or reductions. A conversion supplement may not be reissued with the same expiration date unless requested by the Commission.

(11) The provisions of this paragraph do not authorize the publication and filing of so-called master tariffs or connecting link supplements.

§ 1310.11 Transfer or cancellation of provisions (Rule 11).

(a) *Different situations.* Cancellation of a tariff, in whole or in part, involves one or more different situations each of which requires a different procedure to be followed in publishing. Below is summarized each of the several different kinds of situations, together with a reference in each instance to the paragraph giving the details of the procedure required to be followed.

(1) Cancellation of an entire tariff, as amended, with discontinuance of all provisions therein, no transfer of provisions to another tariff or tariffs—see paragraph (b)(1) of this section.

(2) Cancellation of an entire tariff, as amended, with transfer of all provisions not being discontinued to a new tariff (issued by the same carrier or agent) being issued concurrently—see paragraph (b)(2) of this section.

(3) Cancellation of an entire tariff, as amended, with transfer of all provisions not being discontinued to two or more tariffs (which may be new concurrent issues or already effective issues, or both) issued by the same carrier or agent—see paragraph (b)(3) of this section.

(4) Cancellation of an entire tariff, as amended, issued by a carrier with transfer of all provisions not being discontinued to one or more tariffs (which may be new concurrent issues or already effective issues, or both) issued by an agent—see paragraph (b)(4) of this section.

(5) Cancellation of a tariff, as amended, in part only, with discontinuance of the provisions canceled, no transfer of provisions to another tariff—see paragraph (b)(5) of this section.

(6) Cancellation of a tariff, as amended, in part only, transferring such of the provisions of that part which are not being discontinued to one or more other tariffs—see paragraph (b)(6) of this section.

(7) Cancellation of a tariff, as amended, to correct error of omission in failing to direct its cancellation in the new issue thereof—see paragraph (b)(7) of this section.

(8) Transfer of provisions from an agent's tariff to the tariff of a carrier. A carrier's tariff may not direct the cancellation of a tariff, either in whole or in part, of an agent. Transfer may only be effected by cancellation by the agent and publication by the carrier, each as to its own issue. A common effective date for both actions should be arranged to prevent conflict in rates or absence of any effective rates.

(b) *Procedures to follow.* (1) Issue a supplement "to" the tariff (bound or loose-leaf) to be canceled showing that it "cancels" the tariff. State what provisions, of what tariff, will thereafter apply.

(2) Show on title page of new tariff, or within, as provided in § 1310.5(b) (rule 5), that it "cancels" the prior issue. If the new issue does not contain all of the provisions superseding those formerly in the canceled tariff, the canceling tariff shall show where provisions not appearing therein will thereafter be found, or what rates thereafter will apply.

(3) Issue a supplement "to" the tariff (bound or loose-leaf) to be canceled, showing that it "cancels" the tariff. Refer to each other tariff in which the provisions thereafter will be found. If to more than one other tariff, identify in some manner what portion is being transferred to what tariff. If some portion is being discontinued, without transfer, state this fact, identifying the provisions to the greatest extent possible, and state what tariff will thereafter apply on the traffic or on the service. In each tariff to which a transfer is made (by reissue or amendment to an existing tariff), indicate in connection with the superseding provisions in each case, if newly published and not already effective, the tariff containing the provisions superseded, whether changed or not. The effective date of all actions must be the same.

(4) Follow same procedure set forth in paragraph (b)(3) of this section.

(5) Amend the tariff to be canceled in part in the regular manner (by supplement, by revised pages, or by reissue, as appropriate for the type of tariff under this part), making specific cancellations of provisions (except where tariff reissued). If a bound tariff, and the amount of tariff matter it would be necessary to publish to comply would require more than four complete pages (including the title page), or if a loose-leaf tariff, and the reissuance of more than one-fourth the effective pages would be required to comply, the cancellation may be effected by a statement for the purpose published in a special supplement issued to the tariff. The statement shall specifically identify the material canceled (numbers of the items, units, tables, sections, pages, etc.) and state what provisions in what tariffs will thereafter apply in the absence thereof. The supplement must be permitted to remain in effect for the life of the tariff, or in the case of loose-leaf tariffs until all the affected pages have been reissued (such reissued pages must refer to the supplement action). A supplement to a bound tariff may contain both cancellation in the regular manner and cancellation by statement. A supplement containing only matter necessary for the partial cancellation is exempt from supplemental limit provisions of this part. In bound tariffs, any reissue in a subsequent supplement of an item or unit affected by the statement form of cancellation shall specifically cancel the prior item or unit "as amended by" the canceling supplement.

(6) Proceed as set forth in paragraph (b)(5) of this section in amending the tariff to be canceled in part, and follow the procedure set forth in paragraph (b)(3) of this section to the extent it prescribes the method of referring to the

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tariffs to which the provisions are being transferred, and to the extent it prescribes the procedure in amending those tariffs to which transferred. The effective date of all actions must be the same.

(7) Issue a cancellation supplement to the tariff (bound or loose-leaf) which in error was not canceled by its reissue. Do not attempt to add the cancellation notice to the new issue.

§ 1310.12 Expiration dates (Rule 12).

NOTE: See § 1310.28 (rule 28) for provisions which may be filed on less than 30 days' notice.

(a) *Expiration dates may be shown.* Any tariff as amended, any supplement to a tariff, or any certain provisions thereof, may be indicated to expire "with" a given date. If to govern an entire tariff as amended, the provision must be on the title page and start with "This tariff, as amended * * *." The statement should not be repeated on the title pages of subsequent supplements. If an expiration date is to be added or one changed by supplement, the amending provision must be specific, for example: "Refer to the title page of tariff and ["add," "change," etc.]." Such amendments should be treated the same as other matter being reissued, if the supplement is reissued. If to govern an entire supplement, the expiration statement must be shown on the title page of the supplement, starting with "This supplement * * *." If to govern an item, the statement may be published within the item simply as "Expires with * * *." If a unit other than an item or if only a portion of an item, the statement must be clear as to what is subject to the expiration.

(b) *Expiration dates may be shown in separate item.* The reference mark (E) may be attached to a provision (the reference mark may be used only against items or parts of items, and may not be used for any other purpose) and explained "Subject to expiration date shown in item * * *" in which case the referred to item, reserved for this purpose only, shall identify the item affected, whether all or what provisions therein are subject thereto, and the "with" expiration date, so worded as to leave no doubt as to the proper application. After expiration, the reference therein (to an item or parts of an item) should be amended promptly to indicate "expired" and so maintained until the provisions affected have been amended to indicate the expiration.

(c) *Expired provisions.* Expired provisions part of a tariff should be reissued in accordance with § 1310.10(c)(9) (rule 10) to indicate the fact.

§ 1310.13 Sectional tariffs (Rule 13).

(a) *May be filed—sections must be numbered.* A tariff arranged in "sections" may be filed. Each section must be consecutively numbered, commencing with section No. 1, and each page (including the title page, if any) of the section shall show the section number in the upper center portion thereof, in a prominent manner.

(b) *Alternative use of rates may be provided.* (1) Rates may be alternated by publishing them in different sections of the same tariff. A section containing rates which alternate with rates in any other section of the same tariff shall be known as an alternating section. The first page of each section in a tariff containing alternating sections shall be the title page of that section, be reserved for provisions pertaining to application, and show, in addition to the section number, the application of rates published in the section. The title page of each alternating section must contain the following statement:

If the charge accruing under section ———, ———, or ——— of this tariff is lower than the charge accruing under this section on the same shipment over the same route, the charge accruing under section ———, ———, or ———, whichever is lower, will apply.

If the rates in the section alternate with rates in less than three other sections, the statement shall be modified to be compatible therewith.

(2) Unnecessary alternation of rates must be avoided by checking the rates in one section against those in other sections and omitting rates which clearly result in higher charges than those which result from the rates in the other sections. Alternating reference must not be given to another section unless that section actually contains rates which alternate.

(c) *Nonalternating section—position of sections—statements.* Each commodity tariff and each combined class and commodity tariff arranged in sections for alternative use shall contain a section naming specific commodity rates which do not alternate with rates in any other section. This section shall be known as the nonalternating section. When a tariff names commodity rates only, the nonalternating section shall be the first one naming rates. When a combined class and commodity tariff, only class rates shall be shown in the first section of sections naming rates, and the nonalternating section shall be the first one naming commodity rates. Such tariffs shall show, in the places indicated, the following statements: Under "Application of Rates" in the rules section of the tariff, show

The rates in section [here show number of nonalternating section] are specific commodity rates and do not alternate with rates in other sections of the tariff. See application of that section.

On the title page of the nonalternating section, show

When the rates are published in this section on the commodity transported from point of origin to destination, rates named in this section will apply regardless of rates between the same points, over the same routes, published in other sections.

On the title page of each other section containing commodity rates, preceding the statement prescribed in paragraph (b), show

When rates are published in section [here show number of nonalternating section], the rates named in this section on the same commodity from and to the same points, over the same route, will not apply.

Specific section numbers may be shown instead of "other sections" in the statements.

(d) *Restrictions.* A tariff arranged in sections for alternative use is subject to the following restrictions on alternations between sections in the same tariff:

(1) A class rate section may alternate with not more than one other class rate section.

(2) A tariff may contain not more than two alternating commodity rate sections, which may alternate with one another and may alternate with not more than two class rate sections.

(3) One section may not alternate with more than three other sections.

(4) Rates published in another tariff may not be reproduced for alternative purposes.

(5) Except as otherwise authorized in § 1310.7(e) (rule 7), a rate in one section may not alternate with a rate in the same section.

(6) Alternating sections may not be subdivided.

(e) *Arrangement may not be changed.* A bound tariff which, as originally filed, does not contain alternating sections may not be changed into one with alternating sections except by reissue, nor may a supplement issued thereto add an additional section to a tariff containing alternating sections. A loose-leaf tariff may be changed in the regular manner, by issuance of new and revised pages.

§ 1310.14 Suspended matter (Rule 14).

(a) *Suspension orders and vacating orders.* An order of suspension suspends the operation of the tariff provisions described therein and prohibits any change during the period of suspension in such provisions or in the matter held in effect by reason of the suspension. Regardless of whether or not a notice of suspension is filed and amendments made to published cancellations (if any) to carry out the purpose of the order, neither the matter described nor cancellations (published and on file at time of issuance of such order) prohibited by the order shall become effective. The use is permissive of any authority arising from a vacating order (unless otherwise provided in the order), but if used the tariff must be specifically amended to remove the published notice of suspension and other impediments in the tariff to the application of the provisions originally suspended.

(b) *Supplement to loose-leaf tariff.* A supplement may (or must, as the case may be as to each affected paragraph) be filed to a loose-leaf tariff to comply with the provisions of paragraph (c), (g), (i), (j), (k), or (l) of this section. Such a supplement may contain no other matter. As to paragraphs (i) and (k) of this section, the supplement may be filed only for the purposes specifically indicated therein.

(c) *Supplement announcing suspension—consolidated supplement.* (1) Upon receipt of an order suspending any tariff publication in part or in its entirety,

the carrier or agent in whose name the publication was filed shall immediately file a supplement containing a "Notice of Suspension." The title page of the supplement shall identify the investigation and suspension docket number, and shall bear an issue date, but not an effective date. The notice of suspension shall specifically indicate the publication or portion thereof that is suspended, the date with which the suspension ends, state that the matter under suspension may not be used during the period of suspension (and subsequent postponement, if any), and identify the provisions that will apply. If class rates in a tariff published in the name of the same carrier or agent will apply, the reference need only be to "class rates." If the class rates are published elsewhere, the tariff must be identified. If commodity rates will apply, the reference must be specific. Indefinite terms such as "presently applicable provisions" or "rates and charges in effect prior to suspension" may not be used. The notice shall also correct, where necessary, by statement (i) cancellation notices which have the effect of canceling the suspended matter or matter held in force by reason of the suspension and (ii) statements on title pages of supplements listing the numbers of the effective supplements to the tariff. The notice may include a provision postponing the effective date of the suspended matter beyond the suspension period until the date on which the suspension notice is canceled. A notice of suspension may not include any provision not relating to the suspension.

(2) As to bound tariffs (only) two or more notices of suspension may be published in a supplement confined to such a purpose, which shall be known as a consolidated suspension supplement. The title page shall bear an issue date, but not an effective date. Each notice must be designated as an item, which shall include all provisions required by paragraph (c)(1) of this section and may include any provision permitted thereby. The item numbers shall be in a separate series, differentiated from the regular tariff series by use of the prefix "S", starting with S–1, then S–2, S–3 and so on in consecutive numerical sequence. Not more than two such supplements may be in effect at one time in any tariff. Once such a supplement is filed to a tariff, this supplement and item form of publication must continue for the life of the tariff.

(3) When it is necessary to adjust an item in the consolidated supplement to conform with a corrected order of the Commission, the supplement shall be reissued and the item republished showing "(Corrected)" after the item number instead of showing a letter suffix. If matter in an item in a consolidated suspension supplement is changed and republished in another such supplement for any other reason (for example, to add a postponement notice), cancellation shall be by letter suffix as provided in § 1310.10(c) (rule 10) if a bound tariff or specific if a loose-leaf tariff. The cancellation shall provide an effective date and be filed on lawful notice.

(4) Otherwise, as long as the status of the tariff matter suspended does not change, or unless and until the manner of showing the fact of suspension and postponement is changed to that authorized in paragraph (f) of this section, the item must be maintained in a consolidated suspension supplement. If the matter is placed into effect by tariff publication or is canceled, then the item must be brought forward into the supplement effecting that change in the matter and the item canceled in the regular manner. If the period of suspension or the period of postponement expires, causing the matter to become effective the item should be canceled in the regular manner in the next regular supplement issued to the tariff. If, using the method authorized in paragraph (f) of this section, the suspended or postponed matter is brought forward in a regular supplement with appropriate notations as to suspension or postponement, then the item, no longer serving any purpose, must be concurrently canceled in the regular manner in the same supplement taking such action. If the announcement of suspension (with or without postponement) is in a single supplement (not in an item) authorized in paragraph (c)(1) of this section; such supplement must be canceled when it has served its purpose, and effective concurrently with the tariff matter (if any) which removes the need for it, by supplement if a bound tariff or by the reissued check sheet if a loose-leaf tariff. Cancellation of such a supplement or item should include a brief reference to the circumstance or reason causing its issuance. A single supplement containing a notice of suspension, or a suspension item, must not be canceled unless all the matter referred to therein is canceled, becomes effective, or is properly brought forward as explained in the regulations in this section.

(5) In the case of a resuspension of tariff matter, the notice of suspension or the item announcing suspension, as the case may be, shall be reissued, canceling the first, and the statements therein adapted to the new action taken by the Commission, including a reference to the facts of the first suspension. Subsequent handling of the matter shall proceed substantially as prescribed for suspension matters in this section.

(d) *Suspended matter reissued before supplement announcing suspension is issued.* If a bound tariff and if, prior to the filing of the supplement announcing suspension, a carrier or agent files a later supplement which contains as reissues the matter suspended in the previous supplement, the supplement announcing the suspension shall specifically by statement (not reissue) cancel from the later supplement such reissued matter. Such statement of cancellation must itself have an effective date, and such date must be the same as the date upon which the reissued matter is indicated to become effective, giving not less than 10 days' notice. As used in this paragraph, "reissued matter" means matter republished without change and designated or referenced as reissued matter in the manner required by § 1310.10 (g) (rule 10). Items or other tariff provisions which direct the cancellation of a previous showing of such matter do not constitute reissued matter which the suspension supplement may cancel, even though no actual change in the provision is made. Tardiness in filing any supplement announcing a suspension may result in the rejection of the later supplement which cancels the suspended matter.

(e) *Suspended matter republished before supplement announcing suspension is issued.* (1) If, prior to the filing of the supplement announcing suspension, a carrier or agent files a later publication which contains a republication (not a reissue as defined in paragraph (d) of this section), in the same or in changed form, of matter in the previous publication, which matter, however, is under suspension, the matter must again be republished to remove the violation of the investigation and suspension order. When a bound tariff, the republication shall be accomplished by supplement (it may not be included in the supplement announcing the suspension), and when a loose-leaf tariff, by loose-leaf page amendment. See paragraphs (f) and (g) of this section for procedure.

(2) Such publication may be filed on not less than 10 days' notice, but all the correcting provisions must become effective on or before the date the erroneously republished matter was originally indicated to become effective.

(f) *Reissue of suspended matter.* (1) When a tariff, supplement, loose-leaf page, item, or unit, part of which is under suspension is reissued and the suspended matter therein is to remain suspended, the publication, item, or unit shall be canceled in its entirety and the suspended matter brought forward without change into the new publication, item, or unit.

(2) The suspended matter which is brought forward shall clearly show that it is under suspension by publication of a notice in direct connection with such matter and in substantially the following form:

NOTICE OF SUSPENSION

This [here indicate whether item, rate, rule, etc.] is reissued from [here state whether tariff, supplement, or page and the number thereof] and is under suspension to and including [here show date appearing in suspension order] by order of the Interstate Commerce Commission dated [here show date of order] in I. & S. Docket No. [here show docket number]. It may not be applied on any shipment during the period of suspension [here add "and postponement" when the postponement notice is used]. Apply [here identify in the same manner as in the suspension notice the provisions that will apply].

(See paragraph (g) of this section for provisions pertaining to the postponement of suspended matter.)

(3) If matter held in force by the suspension is in the same tariff as the suspened matter, it may be brought forward without change into the new publication. If such matter is normally shown in the same location where the supended matter is shown, it must when bringing it

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forward be shown with the suspended matter in the new publication. If a publication, item, or unit containing matter held in force by reason of a suspension is canceled, and the matter therein is to be continued in force, such matter must be reissued without change. When such matter held in force is brought forward, it must be properly identified in every case.

(4) Matter originally suspended and later postponed may be carried forward in the same manner as suspended matter.

(5) If the matter held in force is brought forward into the new publication and is to be canceled or is to expire with the effectiveness of the suspended matter, publication in every case must be made in such a manner that in event the suspended matter becomes effective at the end of the period of suspension or postponement without additional publication, the matter held in force will be canceled or will expire by its own terms effective concurrently.

(6) Before the suspended matter may be brought forward for the first time under the provisions of this paragraph, a supplement announcing the suspension must be on file.

(7) Every tariff or supplement which contains suspended matter brought forward under the provisions of this paragraph must contain in the table of contents and opposite the words "Suspended Matter Herein" reference to such matter by number of the item, unit, page, or other designation where it appears. If the tariff or supplement does not contain a table of contents, the same information shall appear under the same subject near the front.

(g) *Postponement or further postponement of matter suspended.* (1) If it is desired that suspended matter not become effective at the end of the suspension period, and if the supplement announcing the suspension does not provide for postponement thereof, a postponement notice may be published and filed at any time during the suspension period. The postponement notice must be indicated to become effective not later than the date to which the matter is suspended (See paragraph (g)(3) of this section). It must provide that the postponed matter may not be applied on any shipment during the period of postponement. If the postponement notice is to appear in connection with the reissue of suspended matter authorized by paragraph (f) of this section, it must follow the first sentence in the "Notice of Suspension" required by paragraph (f)(2) of this section. The postponement notice may postpone the effectiveness of the matter to a date upon which such notice is canceled, or to a specific date.

(2) When it is postponed to a specific date and it is desired that the matter be further postponed, the postponement notice may be changed at any time during the period of suspension or postponement. The changed postponement notice must be indicated to become effective not later than the date to which the matter was previously postponed. The previous notice must be canceled.

(3) When a postponement or further postponement provision authorized by this paragraph (g) of this section is filed, as much notice as reasonably possible must be given, but in no case less than one day. When the matter held in force by the suspension is indicated to be canceled on or to expire with a date prior to the date to which the suspended matter is postponed, such cancellation or expiration must be concurrently extended on the same notice. A postponement notice may be canceled at any time upon 30 days' notice.

(h) *No change permitted-suspended matter and matter held in force.* A suspended rate, charge, classification, rule, or provision respecting practices may not be changed or withdrawn, except as otherwise specifically authorized; nor may any change be made in a rate, charge, classification, rule, or provision respecting practices which is continued in effect as a result of such suspension, except as otherwise specifically authorized.

(i) *Suspended matter may be canceled.* (1) After the notice of suspension required by paragraph (c) of this section has been filed, matter under suspension or suspended matter under postponement may be canceled upon not less than 10 days' notice. The cancellation shall be made effective on or prior to the date to which the matter has been suspended (or postponed), or on or before the date a final decision in the proceeding is reached by the Commisison, whichever is earlier.

(2) The carrier or agent shall concurrently with the filing of such cancellation notify all parties of record in the proceeding and the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, by first class mail or telegram of such cancellation. The notification shall refer to the docket number of the investigation and suspension proceeding, to the ICC (or MF-ICC) number of each tariff included in the suspension, and to the number of each supplement or loose-leaf page effecting the cancellation, and shall indicate the effective date thereof. The carrier or agent shall concurrently certify by first class mail to the Office of Proceedings that the notifications have been made. A signed copy of the certifying letter shall be attached to the letter of transmittal accompanying the copies of the tariff publication sent to the Bureau of Traffic for official filing.

(3) If the matter held in force is contained in the same tariff as the suspended or postponed matter and if it was specifically indicated to be canceled by the suspended or postponed matter, it must be brought forward without change concurrently and on the same notice into the supplement or onto the page canceling the suspended or postponed matter. If the matter held in force is still contained in a prior issue of the tariff containing the suspended matter, it may be brought forward without change concurrently and on the same notice into the canceling publication or into a new tariff.

(4) Suspended or postponed matter may not be canceled under the provisions of this paragraph

(i) When a particular carrier or agent cancels only a portion of the matter in tariffs issued in its name which is under suspension in a particular I. & S. docket;

(ii) Where cancellation of suspended matter by one carrier or agent would result in duplicating or conflicting provisions for account of any carrier if and when other suspended matter (which is also included in the same I. & S. docket) will become effective in tariffs of other agents or carriers; and

(iii) Where there is no matter (other than class rates) held in force to bring forward and the item, unit, or other provision providing for such cancellation contains the same provision (as that suspended) or a new or changed substitute provision. ("Docket" includes orders bearing sub numbers as well as the lead-number order.)

(5) The cancellation shall be accomplished by supplement (if a bound tariff) or by loose-leaf page amendment (if a loose-leaf tariff), except that if a loose-leaf tariff containing only the suspended matter is to be canceled, that cancellation shall be accomplished by supplement. Supplements and loose-leaf pages shall comply fully with the requirements of § 1310.10(c) or § 1310.10(d) (rule 10), respectively, and cancellation by notice, contrary to the provisions of such paragraphs, is not permitted except in a supplement canceling a tariff containing only the suspended matter. If a provision postponing the suspended matter is in effect, such provision shall be canceled concurrently and on the same notice by the supplement or, when the matter is canceled by a loose-leaf page amendment to a loose-leaf tariff, by the check sheet.

(6) No new matter may be published, nor the effective date of any matter advanced under the provisions of this paragraph.

(j) *Vacation of order—suspended matter under postponement found justified.* (1) When the Commission vacates an order of suspension, or when the effective date of suspended matter has been postponed beyond the term of the suspension order and the Commission finds the matter lawful or otherwise justified, unless otherwise directed the suspended or postponed matter may be made effective on not less than one day's notice. If this is done, the effectiveness shall be accomplished by supplement, if a bound tariff. As to loose-leaf tariffs, if the matter suspended or under postponement has not been brought forward on a new page with appropriate notations as permitted under paragraph (f) of this section, effectiveness shall be accomplished by supplement. If it has been brought forward to a new loose-leaf page (in the same tariff or in a reissue of the tariff) the effectiveness shall be accomplished by reissuance of the particular page or pages. If the order contains an effective date, the tariff action may not be indicated to become effective prior thereto.

(2) The supplement or the loose-leaf page shall identify the suspended or postponed matter and give effect thereto by statement, indicate the date upon which the matter will become effective, and cancel the postponement notice, if any.

(3) When a supplement containing a vacating notice is canceled, if a bound tariff the notice shall be brought forward as reissued matter, the same as any other tariff provision.

(4) Concurrently therewith and on the same notice, the matter held in force shall be canceled (the cancellation must be specific) provided it was originally indicated to be canceled by the suspended or postponed matter, or indicated to be canceled or to expire simultaneously with the effectiveness of the suspended or postponed matter.

(5) When the cancellation of a tariff is to be completed under the provisions of this paragraph, this must be accomplished by statement in a supplement to the new tariff if the new tariff had originally provided for the cancellation of the old tariff in its entirety. Otherwise, the cancellation of the old tariff shall be completed by statement in a supplement to that tariff.

(6) When an entire tariff which is under suspension (or subsequent postponement) is found lawful or otherwise justified, any changes or additions which in the interim have been lawfully made in the tariff held in force may be brought forward without change into the tariff found lawful or otherwise justified. If a new tariff superseding the tariff held in force has been filed during the period of suspension (or subsequent postponement) and the tariff originally held in force has been canceled, any changes or additions lawfully made in the new tariff which are not included in the tariff found lawful or otherwise justified may be brought forward without change into the latter tariff. In this event, concurrently and on the same notice, the new tariff shall be canceled by a supplement thereto. If the tariff found lawful or otherwise justified is a bound tariff, the reissued matter must be shown in the supplement which gives effect thereto. If a loose-leaf tariff, concurrently and on the same notice the reissued matter must be shown on one or more loose-leaf page amendments thereto. Supplements or pages filed under the provisions of this paragraph (j) may not contain any other matter.

(k) *Suspended or postponed matter ordered canceled.* (1) When the Commission orders suspended (or subsequently postponed) matter canceled, unless otherwise directed by the order, the cancellation may be accomplished on not less than one day's notice, by tariff amendment or reissue, effective not later than the final date of compliance stated in the order. The amendment shall be in full accord with § 1310.10(c), § 1310.10(d) (rule 10), or § 1310.11 (rule 11).

(2) If after the matter (that had been suspended) has become effective at the termination of the suspension period, or subsequent period of postponement (if any), the Commission issues an order requiring the respondent carrier or agent to cancel, and the matter that was held in force by reason of the suspension has been specifically canceled by the now effective formerly suspended provisions, or it had expired by its own terms in accordance with the manner of publication authorized in paragraph (f) of this section, such matter must be restored (subject to whatever changes, if any, lawfully made in the interim, except for the cancellation) effective concurrently with the effectiveness of the cancellation of the matter ordered canceled, and upon the same notice. Reinstatement may be accomplished only by republication of the canceled matter, unless otherwise authorized by this Commission.

(l) *Postponement of tariff matter published under an order which is stayed.* If a Commission order directs or authorizes, as the case may be, certain tariff action, and the effectiveness of the order or the compliance date therein specified is deferred or postponed specifically by order of the Commission, by operation of its regulations, or by a court of competent jurisdiction, the authority therein to require or permit certain action is also deferred or stayed. Therefore, if not already effective, the provisions published therein, if not otherwise authorized, must be postponed by the publishing carrier or agent. For this purpose, postponement may be published effective upon not less than one day's notice, referring to this rule for the authority therefor. The postponement must be to a date not earlier than that upon which it may otherwise lawfully be made effective or postpone indefinitely to such time as the postponement is specifically canceled. Postponement may be in the form of a statement, provided the application is clearly stated.

(m) *Compliance with § 1310.9(d) (rule 9) not required.* (1) When the Commission suspends an entire tariff, any tariffs which would have been canceled by the suspended tariff are continued in effect and will remain in force during the period of suspension or until lawfully canceled or reissued. Supplements to bound tariffs thus continued in effect containing additions to and changes in matter not sought to be changed by the suspended tariff may be filed without regard to the volume of supplemental matter which the effective supplements in the aggregate contain. If the volume permitted by § 1310.9(d) (rule 9) is exceeded and the Commission orders the cancellation of the suspended tariff, either the volume shall be brought within the requirements of § 1310.9(d) (rule 9) or the tariff reissued within 120 days.

(2) Supplements containing only the following kinds of provisions shall be considered exempt for the life of the tariff from the limitations of this part pertaining to the number of effective supplements and the volume of supplemental matter permitted to a tariff:

(i) Suspension notices, as provided by paragraph (c) of this section;

(ii) Provisions which have been republished to remove the violation of the suspension order caused by the republishing of matter under suspension, as provided by paragraph (e) of this section;

(iii) Notice of postponement of matter suspended, as provided by paragraphs (g) and (l) of this section;

(iv) Provisions for the cancellation of suspended matter, as provided by paragraphs (i) and (k) of this section; or

(v) Notice of vacation of suspension or postponement, as provided by paragraph (j) of this section.

(n) *Reference to authority and to investigation and suspension docket number required.* Reference to the investigation and suspension docket number and to this section or rule by number is required for any publication made hereunder. (See § 1310.5(i) (rule 5) as to tariffs, and § 1310.10(i) (rule 10) as to amendments.)

(o) *Court orders.* Restraining orders, injunctions, enjoinders, or other court orders having the effect of suspending the operation of tariff provisions must, to the greatest extent possible, be reflected in tariffs in the same manner as suspensions.

§ 1310.15 Terminal and other services—Charges and allowances (Rule 15).

(a) *Provisions must be filed.* (1) Each carrier or its agent shall identify and publish in clear and explicit terms and file with the Commission all rules governing, and, where charged, all rates and charges for: (i) Protective service (icing, refrigeration, heat), detention of vehicles, helper or extra labor furnished, storage, weighing, diversion, reconsignment, C.O.D. collection, transit, loading, unloadings, and all other terminal or extra services in addition to the line haul transportation; (ii) allowances or absorptions; (iii) and all other practices, privileges, or other considerations which in any way increase or decrease the amount to be paid on any shipment, or which increase or decrease the value of the service to the shipper. Tariffs authorizing such services, privileges, or practices, or providing rates or charges therefor, or authorizing allowances or absorptions must clearly show their application.

(2) Tariffs may not provide for the addition of any unspecified bridge tolls or ferry charges. They may provide for the addition of named bridge tolls or ferry charges on truckload or volume shipments only if the facilities are identified and the tariff shows clearly and explicitly when and under what circumstances the tolls or charges accrue on any given shipment. Tariffs may not provide for the addition of highway tolls or taxes assessed against the vehicle or the carrier. They may provide for the addition of the unspecified costs of federal, state, or local permits and fees only if the size or weight of the shipment, or the inherent nature of the commodity shipped, is such that the costs must necessarily be incurred, and if the tariff clearly indicates under what circumstances they will be incurred and that the separate amounts will be identified in any billing.

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(b) *Method of publication.* (1) All such services, practices, charges, privileges, allowances, and absorptions shall be provided for in one of the following three ways:

(i) By including in the line-haul rate tariff the rules governing the service, practice, charge, privilege, allowance, or absorption, and the charge, if any, for any such service, practice, or privilege;

(ii) By including in the line-haul rate tariff a specific reference by ICC (or MF-ICC) number to a separate tariff for the rules governing the service, practice, charge, privilege, allowance, or absorption, and the charge, if any, for any such service, practice, or privilege; or

(iii) By including in the line-haul rate tariff the rule set forth below:

Shipments made under the rates contained in this tariff are entitled also to terminal and transit services and privileges, and are subject to the charges, allowances, rules, and regulations legally applicable thereto, as provided in separately published, lawfully filed tariffs.

No toll or ferry charge, nor charges or fees for permits, or other charges not for a service performed by the carrier or for a privilege may be provided for in this manner.

(2) The tariffs referred to by paragraph (b)(1)(iii) of this section may include only provisions for services, practices, privileges, charges, allowances, and absorptions which have local application for the carrier for and on behalf of which the tariff is published.

(3) The use of "free," "without charge," and similar terms must be avoided unless the term is published to apply on transportation which is authorized to be performed free by the Interstate Commerce Act. Except where otherwise provided by orders of the Commission, the tariff may provide that the line-haul rate includes the performance of the particular service.

(4) A tariff may not provide for performance of a service at actual cost. The charge must be specific and readily obtainable from the tariff. However, a carrier may exclude a service from its transportation performance provisions and provide that it will, upon request, act as the shipper's or consignee's agent and undertake to procure such service from other parties, advance the actual charges to the other parties, and collect such charges from the shipper or consignee. However, if the carrier, under the same or another name, is otherwise in the business of performing such service, practice, or privilege, it may not procure its own service at actual cost.

(5) Agents may refer specifically to a tariff (not a tariff naming line-haul rates) published in the name of a member carrier or another agent covering services, charges, practices, privileges, allowances, or absorptions local to the carrier's own line.

(c) *Joint rates include intermediate drayage or transfer.* Joint through rates from points on the line of one carrier to points on the line of another carrier include drayage or other transfer services at intermediate transfer points, and no part of such charges may be added to the joint rates on shipments handled through and not stopped for special services at such intermediate transfer points. All tariffs containing joint rates shall contain the following provision:

The joint rates published herein include all charges for drayage or other transfer services at intermediate transfer points on shipments handled through and not stopped for special services at such intermediate transfer points.

(d) *Pickup and delivery service.* (1) All tariffs containing rates for the transportation of property shall specify whether such rates do or do not include pickup and delivery service within the limits of the points from, to, or between which the rates are named. If the rates therein do include such service, the following rule must be published in the rate tariff (not a governing tariff):

The rates named herein include pickup and delivery service at all places within the limits of the cities, towns, villages, or other points from, to, or between which the rates apply.

To this rule may be appended exceptions or reference to exceptions or qualifying provisions elsewhere in the tariff or in a governing tariff (not another rate tariff).

(2) If pickup and delivery service will be performed also in an area beyond or outside the limits of the cities, towns, villages, or other points, from, to, or between which the rates apply, such area shall be described in the tariffs.

(3) If there are to be limitations to, or exclusions from, the service of pickup or delivery, they must be specifically and clearly stated. Unless the tariff specifically provides otherwise, pickup service includes loading by the carrier onto the vehicle and delivery service includes unloading by the carrier from the vehicle. Conflicts must be avoided when establishing rates specifically excluding loading and unloading by the carrier and there are other rates which, being silent on the matter, apply regardless of who loads and unloads.

§ 1310.16 Distance rates (Rule 16).

(a) *Distance rates may be filed—when they may be used.* A carrier or agent may file tariffs containing distance or mileage (hereinafter referred to only as distance) class or commodity rates, or both. Except as otherwise provided in § 1310.13 (rule 13) pertaining to alternating sections in tariffs, (1) distance class rates may be used only when no through class rates (other than distance class rates) are published to apply from and to the same points over the same route and (2) distance commodity rates may be used only when no through commodity rates (other than distance commodity rates) are published to apply from and to the same points over the same route.

(b) *Statements on publications required.* (1) Each tariff that contains only distance class rates or only distance commodity rates which do not alternate with the rates in any other tariff shall show on the title page the appropriate following statement:

Distance class rates shown herein may be used only when no commodity rates or class rates (other than distance class rates) are published to apply from and to the same points over the same route.

or

Distance commodity rates shown herein may be used only when no commodity rates (other than distance commodity rates) are published to apply from and to the same points over the same route.

(2) Each tariff that contains only distance class and commodity rates which do not alternate with the rates in any other tariff and which do not alternate with each other shall show on the title page the following statement:

Distance class rates shown herein may be used only when no commodity rates or class rates (other than distance class rates) are published to apply from and to the same points over the same route, and distance commodity rates shown herein may be used only when no commodity rates (other than distance commodity rates) are published to apply from and to the same points over the same route.

If the rates alternate with each other, the statement may be used if appropriately modified.

(3) If distance rates without alternative application are published in a tariff which also contains rates other than distance rates, the appropriate statement prescribed by paragraph (b) (1) or (2) of this section shall be shown directly with such distance rates.

(c) *Application of rates must be clear.* The application of distance rates must be clearly and definitely shown. The rate table or unit shall provide a scale of distances ranging from the minimum distance to the maximum distance for which charges will be applied. A rate shall be provided for each such distance. Each state or area embraced by the application of the rate table or unit shall be listed. Such listing must be brief, but must be completely informative as to the territorial coverage. The distances to use for application of the rates shall be determined by providing in the rate tariff the distances between all locations from and to which the rates are published to apply, or by referring in the rate tariff to one or more maps attached thereto or to one or more distance guides. Provisions for the use of "actual" mileage may not be published.

(d) *When a map is referred to.* (1) Not more than three maps may be referred to, and each shall be attached to the publication in a manner that will enable a user to open each map without tearing it or undoing the fastening. Each map should be attached to an individual sheet. The map or maps must provide distances between locations in every state embraced in whole or in part by the rates. (If not more than three maps cannot completely cover the territorial application of the rates, maps may not be used to provide the distances.) Only maps each of which covers a single state are acceptable, except where not more than three states are commonly grouped and no adequate single-state maps are available from ordinary commercial or government sources. (State governments generally have available highway maps of their respective jurisdictions.)

(2) When maps are referred to, the rate tariff must include a rule specifying the manner in which the distances will be obtained from the maps. The rule must include a definite means for determing distances (not "actual" mileage) for ratemaking purposes between all locations within the territorial coverage of the rates, regardless of whether all such locations are or are not shown on the maps and regardless of whether actual distances are or are not shown between all locations shown thereon.

(3) When a map to a tariff supersedes another map to the same tariff (loose-leaf or bound), the new map shall be attached to and made a part of a supplement to a bound tariff or a loose-leaf page to a loose-leaf tariff which shall specifically cancel the old map and give effect to the new.

(e) *When a distance guide is referred to.* (1) Only distance guides officially on file with the Commission may be referred to. More than one may be referred to provided the rate tariff clearly specifies the circumstances under which each guide will apply. All carriers parties to distance rates referring to one or more distance guides must also be parties to each guide referred to. An agent may refer to a distance guide published in the name of another agent for the account of participating carriers also parties to the guide.

(2) Distance guides shall be constructed on the principle of distance tables or combinations of tables and maps, definitely and clearly indicating distances between the locations covered by the rates referring thereto. Tables must provide specific distances between a substantial number of the points and be shown as having precedence. Each guide must provide rules setting forth the application of the guide. The rules must include a definite means for determining distances (not "actual" mileage) for ratemaking purposes between all locations within the territorial coverage of the guide, regardless of whether all such locations are or are not shown in the guide and regardless of whether distances are or are not shown between all locations therein. If distances between certain points or areas are to be determined through a certain gateway or interchange point only, and not by use of the short-line distance as determined from the maps or by use of the tables, the affected origin and destination areas and the gateway or interchange point (limited to one only) in connection therewith must be identified. Distance guides may exceed the maximum size limitation imposed by § 1310.4(a) (rule 4) but may not exceed 14½ by 17½ inches in size.

(f) *Size of characters on maps.* All characters shown on maps (including maps forming part of a distance guide) need not be of the minimum size ordinarily required by § 1310.4(b) (rule 4) but must be of sufficient size and clarity that they can be read without use of magnification. The Commission may refuse or require correction of maps which in its judgment require improvement to be acceptable.

§ 1310.17 Classification, exceptions, rules, and dangerous articles tariffs; precedence of class rates (Rule 17).

NOTE: See § 1310.28 (rule 28) for provisions which may be filed on less than 30 days' notice.

(a) *Classification.* (1) A tariff (not a rate tariff) may be filed containing a classification of the articles or commodities upon which the rates named in tariffs making reference thereto will apply. The various articles or commodities shall be listed in the classification in an orderly manner, and the class or rating to which an article or a commodity is assigned shall be shown directly therewith. Such a tariff shall contain an alphabetically arranged index of all of the articles or commodities listed. Item numbers shown in connection with commodity descriptions shall be assigned, and the items treated, in the manner prescribed in § 1310.4(h) (rule 4), except that they may have portions subordinate thereto indicated as "sub" or "S" following by a number which shall start with the number one and progress in numerical sequence if two or more such parts. Any amendment must be by complete reissue of the item including all its parts. A statement providing that the class, rating, or rate on any article or commodity will be that applying on another article or commodity is not permissible.

(2) Different classes or ratings on the same article, articles, commodity, or commodities based on different minimum quantities may be published provided the alternation provisions of § 1310.6(j)(2) (rule 6) are complied with.

(3) Rules which have general application may be published in a classification tariff. All rules in a classification must precede the list of articles and must be separately indexed.

(4) A tariff published in the name of an agent may refer to a classification tariff published in the name of another agent.

(b) *Precedence of rates.* (1) Each classification shall provide that the establishment of a commodity rate removes the application of the class rate on the same article between the same points over the same route, except when and insofar as alternative use of class and commodity rates is specifically provided in the tariff containing such commodity rates, and except that import, export, coastwise, and intercoastal class rates will take precedence over commodity rates which are not published to apply specifically on import, export, coastwise, or intercoastal traffic. In connection with the application of such a rule, there shall be provided a clear statement showing as to volume, truckload, less-than-truckload, and any-quantity commodity rates what category of class rates the application of which is removed by each such category of commodity rates.

(2) In applying the rule required by paragraph (b)(1) of this section, a local commodity rate will take precedence, on traffic originating or destined beyond, over a proportional class rate between the same points over the same route whether higher or lower, but an import, export, coastwise, or intercoastal class rate will take precedence on import, export, coastwise, or intercoastal traffic, respectively, over a domestic commodity rate.

(c) *Exceptions tariffs.* (1) A separate tariff may be filed containing exceptions to classification classes, ratings, rules or conditions for application in connection with tariffs or rates referring thereto. Exceptions published therein shall not be restricted to a small number of points. One rate tariff may be governed for account of any one carrier by not more than one tariff of exceptions published either by a carrier or by an agent. Except as otherwise provided in subparagraph (4) of this paragraph, a tariff of exceptions may not contain any matter which is not in fact an exception to a rule, class, rating, or other condition published in the classification. Exceptions may not be alternated with classes, ratings, rules, or conditions in the classification. Any statement providing that the class, rating, or rate on any article will be that applying to another article is not permissible.

(2) Different classes or ratings on the same article, articles, commodity, or commodities based on different minimum quantities may be published provided the alternation provisions of § 1310.6(j)(2) (rule 6) are complied with.

(3) An exceptions tariff shall contain separate and complete alphabetical indexes of the rules and of the articles listed therein. The exceptions shall be arranged and constructed in the manner set forth for exceptions in rate tariffs in subdivisions (ii), (iii), (iv), and (v) of § 1310.6 (j)(1) (rule 6). The title page shall provide a statement reading substantially as follows:

This tariff applies only in connection with tariffs referring hereto by ICC number.

(4) Rules and provisions covered by § 1310.6(i) (rule 6) may be included in the same tariff with classification exceptions. Lists of commodities authorized in § 1310.7(g)(4) (rule 7) may also be included in an exceptions tariff, in which case the carrier or agent may not have any other tariff publishing commodity lists exclusively. Where classification exceptions are published in the same tariff with rules or commodity lists, the tariff shall be divided into sections. Classification exceptions shall be shown in the first section, rules and similar provisions in the second, and commodity lists in the last. Such a publication must contain a complete index.

(d) *Rules tariffs.* Governing rules and similar provisions may be published in a separate tariff filed in the name of an agent or a carrier. As to any one rate tariff published by a carrier as its own issue there may not be more than one governing rules tariff of its own issue and not more than one governing rules tariff of its agent's issue. As to any one rate tariff published by an agent there

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may not be more than one governing rules tariff, which must be the issue of that agent. A carrier may not publish in its own issue rules which cover the same service, practice, or privilege provided for its account in the tariff of its agent. Either the agent's tariff rule must indicate nonapplication for its account, or the carrier's tariff rule must be indicated as an exception to the rule of its agent and clearly identify what rule. Exceptions when taken must indicate it is to the complete rule, not merely a part, and an exception must be a complete rule in itself. For the purposes of this subparagraph, the following tariffs shall not be considered rules tariffs:

(1) Tariffs containing exclusively rules and charges applying to terminal and other services and other matters covered by § 1310.15 (rule 15);

(2) Classification tariffs authorized by paragraph (a) of this section;

(3) Classification exceptions tariffs authorized by paragraph (c) of this section, provided they do not contain rules or other provisions authorized to be included by § 1310.6(i) (rule 6);

(4) Rate basis books authorized by § 1310.18 (rule 18);

(5) Tariffs containing rules and regulations governing the acceptance and transportation of dangerous articles (hazardous materials);

(6) Substituted freight service directories authorized by § 1310.30 (rule 30); and

(7) Tariffs confined to providing basis numbers (by intersection of headline and sideline points) for determination of class rates or column commodity rates in other tariffs.

(e) *Dangerous articles tariffs.* A separate tariff may be filed reproducing the regulations promulgated by the Department of Transportation governing the acceptance and transportation of dangerous articles (hazardous materials). The tariff shall be properly indexed and include necessary provisions for the application of the regulations. It may contain no other matter. An agent may refer to such tariff published in the name of another agent.

(f) *Participation in governing publications.* All carriers parties to tariffs making reference to separate tariffs for classification classes or ratings, classification exceptions, rules, or other provisions affecting the rates or the services rendered, except such carriers as do indicate by restrictions in the referring tariffs that they will not apply the provisions of such referred to tariffs, shall also be participating carriers in such separate tariffs. The regulations in this paragraph do not require participation in local drayage tariffs or in tariffs containing provisions for terminal or special services local to the carrier in whose name the tariff is published. Rail and water carriers whose participation in the rate tariff is solely to provide substituted service at the motor carrier's option need not be parties to the tariffs governing the rate tariff except the governing tariff, if any, containing the provisions for such substitution. See § 1310.30 (rule 30).

§ 1310.18 Rate basis tariffs (Rule 18).

(a) *Separate tariffs may be filed.* Instead of showing in the rate tariff the rate groups or bases to be used in determining rates between points named therein and the carriers serving such points, a separate rate basis tariff may be filed to serve this purpose. If it is not desired to include both grouping and carrier service in the same tariff, one for each purpose may be filed. No tariff may be governed by more than two rate basis tariffs (not including points of service tariffs), one for points of origin and one for points of destination. A rate tariff may not refer to another rate tariff for a list of points assigned rate groups or rate bases or for a list of carriers serving points.

(b) *Points and carriers to be listed.* All generally recognized points (cities, towns, townships, and other named state locations that have a precise meaning territorially) of sufficient size located within the territorial coverage of the tariff shall be listed. The points shall be arranged alphabetically within each state and the states arranged alphabetically, or the points shall be arranged alphabetically throughout the tariff. There shall be shown in direct connection with each point the complete names of all carriers serving the point pursuant to the regular-route portion of their operating authorities from this Commission. The complete names of all carriers serving the point pursuant to the irregular-route portion of their operating authorities from this Commission shall also be shown to the greatest extent practicable. The name of a carrier serving the point pursuant to both types of authorites shall be shown only once. Omission of the showing of a carrier as serving a point does not in itself render inapplicable a rate named from or to such point. Carrier name abbreviations or code designations may be used provided they are explained in the tariff in which used.

(c) *Rate groups or rate bases—arbitraries or differentials.* The applicable rate group or rate basis, or arbitraries or differentials to be added to or deducted from the group or base rates, shall be shown directly with each point, except that reference may there be made to an item or unit showing such information. Exceptions to the rate group or rate basis shall not be made in rate basis tariffs unless such exceptions apply to or from a considerable number of points or on a considerable number of commodities. When the arbitraries or differentials are governed by classification or other provisions other than those governing the base or group rate, reference to such classification provisions or other provisions shall be made directly in connection with the arbitraries or differentials.

(d) *General rules may not be included.* Rules or other provisions governing the application of rates determined by the use of a rate tariff and a rate basis tariff or providing application of groups, bases, or rates at intermediate points may not be published in a rate basis tariff.

(e) *Scope of operating authority.* A rate basis tariff may include a section in which is reproduced the operating authorities of carriers in the manner set forth in § 1310.19 (rule 19).

§ 1310.19 Tariffs listing carriers' operating authority (Rule 19).

NOTE: See § 1310.28 (rule 28) for provisions which may be filed on less than 30 days' notice.

(a) *Separate tariffs may be filed.* (1) separate tariffs (not rate tariffs) may be filed by carriers or agents defining clearly the carriers' authorized operations, both as to commodities and territories, insofar as they are pertinent to the application of the rates in the tariffs referring thereto and of the routes over which such rates apply. For purposes of this section, such a separate tariff shall be known as a "scope" tariff. The application of the rate tariffs referring to the scope tariff shall be restricted by a provision published in the scope tariff as follows:

Rates and provisions for the account of carriers participating in tariffs governed by this tariff are limited in their application on interstate or foreign commerce to the extent of the carriers' operating rights set forth herein [If any tariff governed by the scope tariff refers to any other scope tariff, here show "and in" and identify the other scope tariff or tariffs by issuing carrier's or agent's name and ICC (or MF-ICC) number or refer to where such information is listed]. [If the scope tariff is issued in the name of a carrier, and all rates in tariffs referring thereto have local application only, the phrase "for the account of carriers participating" and the word "carriers'" shall not appear.] Unless otherwise specifically provided, the provisions are to be interpreted in the same manner as the Commission interprets the certificate from which the following is quoted, with respect to such as implied authority, commercial zones, tacking (of separate authorities), and diversion routes.

If the tariffs referring thereto names joint intermodal rates, the wording may be modified so as to confine the restriction to apply only to the extent the rates apply over the motor carriers.

(2) The limitation statements, reproducing a carrier's operating authority, should not be used as a substitute for the required description of commodities or territories in connection with the application of rates.

(b) *Reference to scope tariffs for one carrier.* A carrier publishing rates in a tariff of its own issue may refer to limiting scope of operating authority provisions in one other tariff only, which must be either of its own issue or an issue of its agent. A carrier publishing rates in a tariff of its agent's issue may refer to a separate tariff of that agent's issue, or refer therein to a tariff of another agent's issue in which the carrier is also a party, but not more than one separate issue may be referred to in any case. A carrier may not refer in its agent's issue to a tariff of its own issue or to one of another carrier. A carrier may not refer in its own issue to the issue of another carrier.

(c) *Agents' tariffs governed by more than one scope tariff.* A rate tariff filed

in the name of an agent may refer to more than one scope tariff. When this is done, the list of participating carriers in the rate tariff or in the participating carrier tariff governing the rate tariff shall identify the tariff in which each carrier's operating authority is published. Such identification or reference to such identification shall be shown directly with the carrier's name. Each scope tariff which governs a rate tariff must be specifically referred to by that rate tariff.

(d) *Scope provisions may be included in participating carrier tariffs.* Instead of filing a separate tariff, statements of carriers' operating authorities may be included in participating carrier tariffs or in rate basis tariffs, provided the operating authorities are shown in a separate section and the requirements of this section are otherwise complied with.

§ 1310.20 Participating carrier tariffs (Rule 20).

Note: See § 1310.28 (rule 28) for provisions which may be filed on less than 30 days' notice.

(a) *Separate tariffs may be filed by agents.* (1) An agent (not a carrier) or an agent jointly with not more than two other agents may file a tariff (not a rate tariff) listing the carriers participating in tariffs referring thereto provided there are at least ten participants and five governed tariffs. The title page must state it is applicable only as to tariffs which specifically refer to it.

(2) The tariff shall include rules and other provisions necessary to provide application thereof, but not rate restrictions, application of rates, or similar provisions which properly belong in rate tariffs or other tariffs. Exception: It may provide that the carriers participate in the governed tariffs only for local hauls or for joint hauls.

(b) *List of carriers.* (1) In the list of participating carriers, carrier numbers or abbreviations may be shown in connection with the names of the carriers.

(2) In connection with each participating carrier the participating carrier tariff and the governed tariffs in which it participates (by tariff number, not ICC or MF-ICC number) shall be shown. Exception: the participation of all carriers in the participating carrier tariff itself may be established by a statement, instead of listing the tariff number each time.

(3) In all cases reference shall be made to an item, unit, section, or page containing an explanation of such tariff numbers (see paragraph (c) of this section).

(c) *List of tariffs.* (1) A list of all tariffs, including those which contain their own list of participating carriers, published and filed in the name of the agent issuing the participating carrier tariff shall be shown, arranged in numerical sequence together with the ICC or MF-ICC number of each. The list must be correct and current at all times. The tariffs which contain their own list of participating carriers must be identified and described.

(2) Each tariff listed or referred to in the participating carrier tariff shall be described in a manner sufficient and indicative enough to enable the determination of the general application of the tariff without specifically reviewing such tariff.

(d) *Cancellation of participating carrier.* When a carrier is canceled from the list of participating carriers in a participating carrier tariff or is shown as eliminated from a tariff governed thereby, unless the cancellation is in connection with the publication of a complete adoption of the rates of such carrier by another (see paragraph (f) of this section and § 1310.25 (rule 25)—*Transfer of operations; changes in name and control*) reference must be made in connection with such cancellation to an item reading substantially as follows:

APPLIES ONLY WHEN REFERENCE IS MADE HERETO

When this tariff provides that a carrier's participation in this tariff or in one or more of the tariffs governed hereby is canceled, the provisions of the tariff or tariffs from which the carrier's participation is shown as canceled do not apply for the account of such canceled carrier after such cancellation becomes effective, notwithstanding some of the provisions of such tariffs may still be shown as applying for such canceled carrier, not having been specifically canceled by publication therein.

The canceled carrier's name together with the reference must be continued in the alphabetical list of participating carriers until the participating carrier tariff (whether bound or loose-leaf) is reissued or until all provisions referring to such carrier have been amended to omit the carrier, whichever occurs first. The cancellation provision in the participating carrier tariff should be carried forward into the reissue if the canceled carrier's name appears in any effective provisions in any tariffs governed by the participating carrier tariff at time of reissue.

(e) *Reinstatement of participating carrier.* When a carrier, which was canceled from the list of participating carriers in a participating carrier tariff or was shown as eliminated from a tariff governed thereby, is reinstated, reference must be made in connection with such reinstatement to an item reading substantially as follows:

APPLIES ONLY WHEN REFERENCE IS MADE HERETO

The participation of the carrier whose listing refers hereto was canceled and was (or will be) subsequently reinstated on the dates as indicated in the tariff. In the interim period the tariffs do not apply, but upon reinstatement all provisions not specifically eliminated by publication or republication again applied (or will apply) upon the effective date of the reinstatement.

The reference must continue to be shown with the reinstated carrier's name in the alphabetical list of participating carriers until the participating carrier tariff is reissued.

(f) *Adoptions.* (1) When one carrier adopts the rates, tariffs, etc. of another carrier in full or in part (see § 1310.25 (rule 25)), such adoption must be announced in the participating carrier tariff substantially as follows:

The carrier shown in Column 2 below, by its adoption notice referred to in Column 3 below, having taken over tariffs, powers of attorney, and other instruments of the carrier shown in Column 1 below, the carrier shown in Column 2 below is hereby substituted for the carrier shown in Column 1 below wherever it appears in this tariff and in tariffs governed hereby.

Column 1	Column 2	Column 3	
		Adoption Notice	
Old Carrier	New Carrier	ICC or MF-ICC No.	Effective Date

[Here list the adoption notices, and when adopted in part, the part adopted must be shown.]

(2) If the adoption is in full, the former (old) carrier must be canceled from the list of participating carriers. If the old carrier is adopted in part only and the agent continues to publish all or some of its remaining rates, it must not be canceled from the tariff. In either event the old carrier whether continued or canceled should bear reference to the announcement of the adoption. Such cancellation and reference to the adoption must be continued in the participating carrier tariff until such tariff is reissued, and the announcement of the adoption must be carried forward from one participating carrier tariff into the reissues thereof until the adopted carrier's name no longer appears in any item, rule, or other provision in any of the tariffs governed by the participating carrier tariff. No other information (except where the adoption is partial) may be shown in connection with the adopted carrier.

(g) *Participating carrier tariff may include statements of operating rights.* One tariff may combine participating carrier provisions authorized by this section and statements of carriers' operating authority provisions authorized by § 1310.19 (rule 19) provided they are shown in separate sections.

§ 1310.21 Tariffs of joint agents (Rule 21).

(a) *May be filed.* An agent for certain carriers may join with not more than two other agents for other carriers in the issuance of tariffs. This may be done without each of such agents having powers of attorney from all of the carriers parties to the tariff as required by § 1310.6(e) (rule 6), provided each carrier is shown as participating under authority issued to one of such agents. In such cases, each agent acts for the carriers that have given it powers of attorney or have given concurrences to the carriers issuing powers of attorney and for such lines only.

(b) *Title pages and loose-leaf pages.* The title page of each tariff and supplement, and each loose-leaf page shall bear the name of each agent joining therein, bear a separate ICC (or MF-ICC) number in the series of each agent, and show at the bottom the name and title of each issuing party and the complete street and mailing address of each agent, including the postal service ZIP Code number. The name of the agent actually issu-

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ing the publication shall be shown first followed by the words "jointly with" and then the names of the other agents joining therein. The pages (title or loose-leaf) shall be prepared in such a manner that it will be clear as to the agent for which each ICC (or MF-ICC) number and each address applies and for which agent each issuing officer (if different from the name of the agent) is acting. In all other respects, such pages (title or loose-leaf) shall be constructed in accordance with the regulations in this part.

(c) *Publications must be identical and filed under one cover.* Each of the agents shall file each and every tariff publication for and on behalf of the carriers for which it is agent, as if the publication were its individual publication on behalf of those carriers alone. The tariff filed by one agent is not a complete publication properly authorized by all carriers named therein. It is a complement of the tariff filed by each agent. Therefore, identical copies of each tariff and of each supplement or loose-leaf page thereto must be filed by each agent. As each agent will file the tariff for the carriers which it lawfully represents, the cross exchange of concurrences between all of the different carriers represented by each agent will not be necessary as to that tariff. In order to avoid complications, all copies of each publication shall be transmitted under one cover (see § 1310.1(c) (rule 1) as to letters of transmittals). A tariff filed by one agent shall not be amended to show an additional agent as participating in the issuance thereof except upon reissue of the tariff; nor shall a tariff issued by joint agents be converted into one issued by a lesser number of agents except by reissue. In either event, the old tariff shall be canceled only by a supplement issued thereto.

(d) *List of participating carriers.* Each tariff issued by two or three agents jointly shall show one complete alphabetical list of participating carriers indicating the carriers from which each of the agents has power of attorney, by showing in separate columns the form and number of the authority granted to each. The list shall also indicate the carriers that participate under concurrences to any of the carriers for which one of the agents acts, by showing in an additional column the form and number of such concurrences together with appropriate reference marks to indicate the carriers to whom the concurrences are given. If the same agents have jointly issued a participating carrier tariff, this information may be shown therein (see § 1310.20 (rule 20)).

§ 1310.22 Seasonal motor-water rates (Rule 22).

(a) *Tariffs may provide for restoration or discontinuance of service.* Tariffs containing joint motor-water rates applicable over routes upon which it is necessary to close navigation during a portion of each year shall provide for the restoration and discontinuance of service over such routes in the manner prescribed in paragraphs (b) through (f) of this section.

(b) *Notation required on title page.* The following notation shall appear on the title page of the tariff:

Transportation service in connection with [here insert name of water carrier or carriers named in the tariff] is subject to restoration and discontinuance as indicated on page ----.

(c) *When definite dates of service cannot be determined.* When definite dates for restoration and discontinuance of transportation service for each season of navigation cannot be determined, the following rule shall be published in the tariff under the heading of "Application of Rates":

Shipments will be accepted by carriers parties to this tariff during the period from [here show date approximately thirty days prior to the first sailing from port of transshipment] to [here insert date which will allow sufficient time for shipment to reach the port of transshipment prior to the last sailing] of each year, for transportation on the vessels of the [here insert name of water carrier or carriers named in the tariff]. Shipments will also be accepted from the latter date until the date announced by supplements to this tariff subject to the conditions that all freight left on hand at the port of transshipment after the closing of navigation for lack of space on vessels sailing after the arrival of such freight, and all freight reaching the port of transshipment after the last sailing of each season of navigation, will be forwarded over all-motor routes and be subject to the tariff rates applicable over such all-motor routes in effect on date of shipment from the point of origin of the shipment. In such cases shipping receipts and bills of lading shall bear notation to that effect. Supplements announcing the final date upon which shipments will be accepted for transportation under this tariff and effective supplements thereto will be filed with the Interstate Commerce Commission and posted at points where required not less than one day in advance of such date.

(d) *When definite dates of service can be determined.* When definite dates for restoration and discontinuance of transportation service for each season of navigation can be determined, the following rule shall be published in the tariff under the heading of "Application of Rates":

Shipments will be accepted by carriers parties to this tariff during the period from [here show date approximately thirty days prior to the first sailing from port of transshipment] to [here show date which will allow sufficient time for shipment to reach the port of transshipment prior to the last sailing] of each year, for transportation on the vessels of the [here insert name of water carrier or carriers named in the tariff]. Shipments will also be accepted from the latter date until [here insert final date upon which shipments will be accepted for transportation under the tariff and effective supplements thereto], subject to the condition that all freight left on hand at the port of transshipment after the closing of navigation for lack of space on vessels sailing after the arrival of such freight, and all freight reaching the port of transshipment after the last sailing of each season of navigation, will be forwarded over all-motor routes and be subject to the tariff rates applicable over such all-motor routes in effect on date of shipment from the point of origin of the shipment. In such cases shipping receipts and bills of lading shall bear notation to that effect. No supplement will be issued to this tariff announcing the date of discontinuance of transportation service.

(e) *Supplements announcing discontinuance of service.* Supplements announcing discontinuance of transportation service under paragraph (c) of this section may be filed to a bound or loose-leaf tariff on not less than one day's notice. Only one such supplement may be in effect at any time. Such supplement may not contain any other matter and may be issued without regard to the supplemental limits of this part.

(f) *Tariffs may be reissued.* Tariffs containing joint motor-water rates may be reissued or amended at any time in the regular manner, but tariffs containing the rule prescribed by paragraph (c) of this section which are made effective subsequent to the date of actual discontinuance of service shall contain a statement that "service was discontinued on ---------- as per supplement No. ---- to ICC (or MF-ICC No.) ------ (former tariff) and that a further supplement announcing discontinuance of service for that season will not be filed."

§ 1310.23 Rates prescribed by Commission (Rule 23).

Rates prescribed by the Commission in its decisions and orders in formal cases shall be promulgated by the carriers or agents to which such orders are issued in duly published, filed, and posted tariffs, loose-leaf pages, or supplements, and notice shall be furnished the Commission that its decision or order has been complied with. The notice shall refer to the docket number (when possible, the volume and page number of the report of the Interstate Commerce Commission, if printed, should also be shown) and shall identify the number of the item, page, supplement, and/or tariff where the complying rates are published. Unless otherwise specified in the decision or order in the case, the prescribed rates shall be made effective upon not less than 30 days' notice. The tariff publication shall refer to the order or decision in the manner required by the regulations in this part.

§ 1310.24 Tariff indexes (Rule 24).

(a) *Must be filed by most carriers—information required.* (1) Each motor carrier shall publish, file, and post as a tariff, under an ICC number and in its own name, a complete index of all effective and all published but not yet effective tariffs to which it is a party (including those published in its own name). A Class III carrier need not comply with this subparagraph if it does not participate in any rate tariff of an agent. A carrier participating in rate tariffs published in the name of an agent need not list the tariffs of that agent if the agent publishes a participating carrier tariff listing the carrier's participation in all such tariffs to which it is a party. In this event, the index shall state that the carrier participates in tariffs published in the name of the agent (identifying the agent) and shall refer to the agent's participating carrier tariff. Any general restriction (for example "Joint Rates only") affecting the carrier in connection with the agent's tariffs shall also be shown. If a carrier participates in any tariff of an agent not governed by a participating carrier tariff the index must list that tariff.

(2) The index shall show as to each tariff listed therein (i) the ICC (or MF-ICC) number; (ii) the carrier's or agent's tariff number, if any; (iii) the name of the carrier or agent in whose name the tariff is published; (iv) the type of tariff (such as classification, class rate, specific commodity rate, rules, etc.); (v) a description of the articles, if any, on which the tariff applies (such as general commodities, all-freight, iron or steel articles, etc.); and (vi) the actual or general territorial application, if any, of the provisions in the tariff applying for the account of the carrier in brief but reasonably complete form. Any general restriction in a tariff pertaining to the carrier (such as "joint rates only") shall be shown. In no case may the description of the application of referred to tariffs represent less than the actual application.

(b) *Arrangement.* The tariffs shall be listed under appropriate headings in the following order: specific commodity tariffs, general commodity tariffs, combined class and commodity tariffs, class tariffs, and governing tariffs. Specific commodity tariffs shall be entered alphabetically under the names of commodities or principal commodities. Tariffs applying to different kinds of the same commodity shall be grouped together—for example, "Lumber, hardwood," "lumber, yellow pine," etc. Governing tariffs shall be entered alphabetically by the type of governing tariff. In addition, all tariffs appearing within a group or grouped together under a specific heading shall be listed in an orderly manner.

(c) *Supplements or loose-leaf page amendments to tariffs listed in the index.* Supplements or loose-leaf page amendments to tariffs should not be referred to in indexes. Where supplements or loose-leaf pages have the effect of changing the application of the original tariff, the description of such tariff in the index shall be revised accordingly.

(d) *Revisions, supplements, and loose-leaf pages.* The information in the index must be maintained in a current condition, and amended concurrently with changes in tariffs. Each supplement shall bear on the title page the following notation:

Supplement (or supplements) [here show the number or the numbers of the supplements containing changes from the original index] contain all changes from original index which are in effect on the issue date hereof;

to which may be added

or which have been filed to become effective at a later date as shown herein.

Supplements (not loose-leaf page amendments) may be issued without regard to the volume limitations imposed on supplements by this part, but not more than three supplements may be in effect at any time.

(e) *Notation on title page.* Each index must bear on its title page the following notation:

This index contains a list of tariffs in effect on [here show date of issue of index];

to which may be added

or which have been filed to become effective at a later date as shown herein.

(f) *Issued date but no effective date.* The title page of each index and of each supplement or loose-leaf page amendment thereto shall bear an issue date but not an effective date. The date of issue shall not be one prior to the date filed with the Commission.

§ 1310.25 Transfer of operations—Change in name and control (Rule 25).

(a) *Different situations.* The construction and filing of tariff publications, powers of attorney, and concurrences when the name of a carrier is lawfully changed or the operating control of a carrier's properties is lawfully transferred to another party involve many different kinds of situations each of which requires different procedures to be followed. Below are summarized many kinds of situations together with a reference in each instance to the paragraph in this section containing the regulations governing that situation.

(1) For publications required to record new ownership of effective tariffs, etc.—see paragraph (b) of this section.

(2) When old carrier has no tariff provisions or other instruments or filings—see paragraph (c) of this section.

(3) When only adoption notice is required—see paragraph (d) of this section.

(4) For form of adoption notice—see paragraph (e) of this section.

(5) When combined adoption notice and adoption supplement is required—see paragraph (f) of this section.

(6) For form of combined adoption notice and adoption supplement—see paragraph (g) of this section.

(7) For series of ICC numbers to use on adoption notices and new tariffs—see paragraph (h) of this section.

(8) For effective date to show on adoption publication—see paragraph (i) of this section.

(9) For period after which adopted tariff may not be amended—see paragraph (j) of this section.

(10) When name of old carrier need not be shown in connection with series—see paragraph (k) of this section.

(11) When a carrier assumes temporary operating control of another carrier's properties—see paragraph (l) of this section.

(12) When receivers, trustees, etc. are involved—see paragraph (n) of this section.

(13) When concurrences or powers of attorney are involved—see paragraph (o) of this section.

(14) When tariffs issued by other carriers or by agents are involved—see paragraph (p) of this section.

(15) For provisions governing the amendment or cancellation of adopted tariffs—see paragraphs (q), (s), (t), and (u) of this section.

(16) For provisions governing the amending by the new carrier of a tariff adopted in part and the reservation of supplement numbers therefor—see paragraph (s) of this section.

(b) *Requirement for recording new ownerships of effective tariffs, etc.* When the name of a carrier is lawfully changed or the operating control of a carrier's properties is lawfully transferred in whole or in part to another party under authority of an order of the Commission (all hereinafter referred to as an adoption), an adoption notice is the vehicle required by this Commission for recording the new ownership of effective tariffs, tariff provisions, concurrences, powers of attorney, and other instruments and filings (see paragraph (n) of this section for exception as to receivers, etc.). An adoption supplement to a tariff is the vehicle required by this Commission to reflect the adoption notice insofar as it pertains to that tariff. The supplement also acts as a notification to the user that the ownership of the tariff has or tariff provisions therein have been transferred, and when and to what party. For purpose of this section, "old carrier" refers to the carrier whose operating authority is being transferred to a new name or another party in whole or in part, and "new carrier" refers to the new name or party to which the operating authority is being transferred in whole or in part.

(c) *If old carrier has no tariff provisions or other instruments.* If the old carrier has no tariffs, concurrences, or powers of attorney involved in the adoption, no adoption notice shall be filed. In this event, the new carrier shall immediately, but on lawful notice, provide published rates and provisions to cover the operating authorities involved in the transfer.

(d) *When only adoption notice is required.* When the old carrier has no effective tariffs of its own (or predecessor's) issue that are to be adopted but has one or more of the following categories of filings that are involved in the adoption, the new carrier shall file and post in its own name an individual adoption notice in the form of a tariff as set forth in paragraph (e) of this section.

(1) Tariffs of an agent in which old carrier participates.

(2) Tariffs of another carrier in which old carrier participates.

(3) Powers of attorney.

(4) Concurrences.

(5) Any other instruments filed with the Commission.

(e) *Form for adoption notice.* If the circumstances are as recited in paragraph (d) of this section, and the adoption is in whole, the adoption notice shall be prepared in substantially the following form (numbers and names used only for illustration purposes):

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ICC 45

JOHN DOE TRANSPORT, INC.

ADOPTION NOTICE

The above-named carrier hereby adopts, ratifies, and makes its own, in every respect, as if the same had been originally filed and posted by it, all tariffs, classifications, rules, notices, traffic agreements, statements of divisions, powers of attorney, concurrences, or other instruments or filings whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by, or heretofore adopted by

Richard Roe, doing business as
Roe's Trucking

prior to the effective date shown below.
Issued: [show date prepared.]
Effective: [show date.]

(Issued under authority of Rule 25 of Tariff Circular No. MF 5 and order in ICC Docket No. MC-FC-00000—Transfer)

Issued by
William P. Doe, Traffic Manager
1111 A Street
Any town, Your state 00000

When, in the same circumstances, the adoption is in part, the notice shall read the same except the statement "insofar as said instruments and filings apply" shall be added at the end of the notice followed by a statement of the operating authority transferred or a reference to the number or numbers of the page or pages of the adoption notice where this information is shown.

(f) *When combined adoption notice and adoption supplement is required.* Where the old carrier has even one effective tariff of its own (or predecessor's) issue that is involved in the adoption, regardless of whether the adoption is in whole or in part the new carrier must file and post in its own name a combination publication which shall serve as both the adoption notice and the adoption supplement or supplements (see paragraph (s) of this section as to the new carrier amending the old carrier's tariffs when the adoption is in part). The publication shall be prepared as set forth in paragraph (g) of this section. Two copies plus two additional copies for each tariff supplemented shall be filed.

(g) *Form for combined adoption notice and adoption supplement.* (1) If the circumstances are as recited in paragraph (f) of this section, and the adoption is in whole, the combined publication shall be prepared in substantially the following form (numbers and names for illustration only):

JOHN DOE TRANSPORT, INC.

Adoption Notice Tariff-------	ICC 45
Adoption Supplement 8 to----	MF-ICC 11 [1]
Adoption Supplement 7 to----	MF-ICC 27 [1]
Adoption Supplement 3 to----	ICC 4 [1]

[1] (Richard Roe, doing business as Roe's Trucking, series).

The above-named carrier hereby adopts, ratifies, and makes its own, in every respect, as if the same had been originally filed and posted by it, all tariffs, classifications, rules, notices, traffic agreements, statements of divisions, powers of attorney, concurrences, or other instruments or filings whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by, or heretofore adopted by

Richard Roe, doing business as Roe's Trucking

prior to the effective date shown below.
Effective with the effective date shown below, each tariff, or as amended, to which this is a supplement became the tariff of John Doe Transport, Inc. as stated in its adoption notice shown next above.
Issued: [show date prepared.]
Effective: [show date.]
(Issued under authority of Rule 25 of Tariff Circular No. MF 5 and order in ICC Docket No. MC-FC-00000-Transfer)

Issued by
William P. Doe, Traffic Manager
1111 A Street
Any town, your state 00000

When, in the same circumstances, the adoption is in part, the adoption notice shall read the same except (1) the statement "insofar as said instruments and filings apply" shall be added at the end of the first paragraph of the combined notice followed by a statement of the operating authority transferred or a reference to the number or numbers of the page or pages of the adoption publication where this information is shown and (ii) the statement "but only to the extent indicated" shall be added at the end of the second paragraph of the combined notice.

(2) Each adoption supplement shall be assigned the next unused supplement number to the particular tariff supplemented. If the tariff involved in an adoption is one that is adopted in part only, the old carrier shall reserve (and not use) the next two consecutive numbers for the sole use of the new carrier for adoption and cancellation purposes. The adoption supplement issued by the new carrier shall use the first of these numbers for the issuance by it of the partial-adoption supplement (and later the other for cancellation and transfer of the adopted provisions to other tariffs). See paragraph (s) of this section.

(h) *Series of ICC numbers to use on adoption notices and new tariffs.* Except as otherwise provided in this paragraph as to temporary operating control situations and appointments of receivers, etc., the ICC number assigned to an adoption notice shall be the next consecutive unused one in the ICC number series of the new carrier. If no previous tariffs have been filed, the adoption notice shall be numbered ICC 1. An adoption notice shall be assigned the next consecutive unused number in the ICC number series of the old carrier when the adoption is one where a party assumes temporary operating control of all the properties of a carrier pursuant to section 210a(b) of the Act or when the adoption is one where possession and operating control of a carrier is assumed by a court appointed receiver, trustee, executor, administrator, assignee, etc. (see paragraph (n) of this section). In this event and if the old carrier has not previously filed a tariff, the adoption notice shall be numbered ICC 1 in the old carrier's series. All subsequently filed tariffs shall continue to be published in the same series. In the event it is in the old carrier's series, the ICC designation shall be identified by naming the carrier followed by "Series."

(i) *Effective date on adoption publication.* An adoption notice or combined adoption notice and adoption supplement shall be filed and posted immediately and if possible on or before the effective date shown thereon. Copies shall be sent to each agent and carrier to which power of attorney or concurrence has been given by the old carrier. The effective date shall be the date (as shown in the body of the notice) on which the adoption occurs, except that if prior approval of such adoption by this Commission is required, the effective date shown shall not antedate that approval.

(j) *Adopted tariff may not be amended after one year.* The transfer of the old carrier's tariffs and tariff provisions is intended to be only a temporary expedient so that operations may be continued without interruption or commenced without delay. It is not intended to be a permanent solution or even one of other than short duration. The new carrier, after adopting a tariff in its entirety, has a duty to promptly establish rates and other provisions to cover in tariffs of its own issue and to cancel the adopted tariff. A tariff of the old carrier's (or predecessor's) issue which has been adopted, whether in whole or in part, may not be amended by any publication filed after one year's time from the effective date of the adoption except (1) to cancel; (2) to reissue; (3) to announce a suspension; (4) to announce another adoption; (5) to initially comply with an order of the Commission (but not continuing compliance as to a continuing order); or (6) to cancel rates or other provisions adopted by the new carrier. This paragraph does not apply where the adoption (1) is one to effect temporary operating control pursuant to section 210a(b) of the Act, (2) is to cover appointment of a receiver, trustee, etc. (see paragraph (n) of this section), or (3) is one where the old carrier reassumes control of the operation.

(k) *When name of old carrier need not be shown.* When a carrier adopts back tariffs which it had issued (and which had been adopted) there is no need to refer to those tariffs as being in its series as it would do if adopting issues of another carrier.

(l) *Temporary control.* (1) When the adoption is one where a party assumes temporary operating control of all or part of a carrier's properties pursuant to section 210a(b) of the Act, a new separate and distinct carrier is established. For example, if John Doe Transport, Inc. assumes temporary control of the properties of Richard Roe, doing business as Roe's Trucking, the name of the new carrier is as follows:

John Doe Transport, Inc.
Operator of
Richard Roe,
doing business as
Roe's Trucking

The exact name of the new carrier must be shown on or in all tariff publications, concurrences, powers of attorney, and other instruments filed by it or for its account.

(2) When permanent authority to take over the temporarily controlled operations is granted by the Commission, the new carrier shall file new adoption publi-

cations in the name specified in the permanent authority and otherwise comply with the provisions of this section. The name of the old carrier in the adoption publications must be that of the immediate predecessor ("operator of") carrier.

(3) If the temporary authority to assume operating control of the old carrier is not made permanent, the original carrier (whose operations had been temporarily controlled) must file adoption publications reassuming ownership of the rates, tariffs, etc. and otherwise comply with the provisions of this section. The effective date to be shown is the date on which the temporary authority expires or is vacated.

(m) *Adoption publications to contain no other matter.* No adoption notice or combined adoption notice and adoption supplement may contain any matter other than that authorized by the provisions of this section.

(n) *Adoption publications not required from trustees, etc.* When the appointment of a receiver, trustee, executor, administrator, or assignee is approved or directed by a court of law and such person assumes possession and operating control of a carrier's properties, the authority vested in such person or persons is accepted as notice of the change in control of both the properties and the filings with this Commission, and no adoption publications need be filed. However, if filed, the regulations of this section shall be complied with. When such possession and operating control are terminated, the party taking over the properties shall in turn comply with the regulations in this section.

(o) *Concurrences and powers of attorney.* (1) When the adoption is in whole, the new carrier takes over the effective concurrences and powers of attorney the old carrier has on file, and the authority given therein by the old carrier continues as authority given by the new carrier until replaced by new instruments or revoked or canceled. However, the new carrier has a positive duty to dispose of them promptly, and in any case must replace and cancel (or revoke) them within 120 days of the effective date of the adoption publications (see next following for exceptions). The instruments need not be replaced and canceled, or revoked, if they are taken over:

(i) By a court appointed receiver, trustee, or other court appointed officer;

(ii) In the case of temporary operating control of all a carrier's properties (under authority of section 210a(b) of the Act) being exercised; or

(iii) By the carrier that originally issued them following termination of temporary operating control by another.

When an instrument is canceled, the cancellation notice shall identify the name of the carrier having originally issued the instrument.

(2) When the adoption is in part, the authority given in an involved concurrence or power of attorney by the old carrier also serves to give authority by the new carrier until the new carrier issues new instruments (unless in the meantime the old carrier has canceled or revoked them). This is intended to continue the authority for only the shortest period of time necessary for the new carrier to execute and issue new instruments. Therefore, the new carrier must issue new instruments at the same time it issues the adoption publications (see next following sentence for exception). The new carrier shall not issue any instrument granting authority which will duplicate or conflict with the authority granted by any instrument previously issued by it.

(3) The number series of any new instrument shall be that of the new carrier, except that it shall be that of the old carrier where temporary operating control of all the properties of the old carrier (under authority of section 210a (b) of the Act) is being exercised or where control is exercised by a receiver, trustee, or other court appointed officer. The number of any instrument issued in the series of the old carrier shall be identified by naming that carrier followed by "Series."

(p) *Tariffs issued by other carriers or by agents.* (1) Where a tariff (not a participating carrier tariff) is an issue of another carrier or of an agent, has its own participating carrier list, and lists the old carrier being adopted in whole as a participant, such tariff must be amended on lawful notice to reflect the change. The old carrier's name shall be brought forward and shown as canceled. In direct connection with the cancellation shall be shown a reference to a statement in the tariff providing for the substitution of the new for the old. The latter statement referred to shall read substantially as follows:

[Here show name and trade name, if any, of the new carrier] by its adoption notice, ICC ------, which became effective on ----------, having taken over the tariffs, etc., of [here show name and trade name, if any, of the old carrier] [here show name and trade name, if any, of the new carrier] is hereby substituted for [here show name and trade name, if any, of the old carrier] wherever it appears in this tariff.

(2) In the same circumstances set forth in paragraph (p) (1) of this section, but where the adoption is in part only, each tariff involved in the adoption shall be amended to add to the list of participating carriers the name of the new carrier and to incorporate necessary changes. The old carrier's name may not be canceled from the list until such time that the tariff no longer contains provisions applicable for the account of that carrier. In direct connection with the name of the old carrier shall be shown a reference to a statement in the tariff providing for the substitution of the new for the old. The latter statement referred to shall read substantially as follows:

[Here show name and trade name, if any, of the new carrier] by its adoption notice ICC ------, having taken over tariffs, etc., of [here show name and trade name, if any, of the old carrier] insofar as they contain rates, charges, rules, or other provisions applying [here describe the operations transfered], [here show name and trade name, if any, of the new carrier] is hereby substituted for [here show name and trade name, if any, of the old carrier] wherever the latter appears in this tariff in connection with said points, routes, or territories.

(3) Where a participating carrier tariff lists the old carrier being adopted in whole or in part as a participant in a tariff involved in the adoption, the participating carrier tariff shall be amended to reflect the change in the manner set forth in § 1310.20 (rule 20).

(q) *Tariffs involved in part shall be amended.* Rates, rules, and other provisions applying locally between points on the transferred portion shall be transferred as quickly as possible to tariffs of the new carrier. Such rates, rules, and other provisions shall be canceled from the old carrier's tariffs on lawful notice and reference made to the new carrier's tariffs for provisions to apply thereafter. The new carrier shall file corresponding or different rates, rules, or other provisions on lawful notice to become effective upon the same date as the cancellation from the old carrier's tariff.

(r) *Junction point.* If, after the adoption, any point will be served both by the old carrier and by the new carrier, a statement shall be shown in connection with the name of that point reading substantially as follows:

This adoption notice does not have the effect of eliminating [here show name of point] as a point served by [here show name and trade name, if any, of the old carrier], but has the effect of establishing service at said point by [here show name and trade name, if any, of the new carrier].

(s) *New carrier may amend tariff adopted in part—reserved supplement numbers for new carrier's use.* If a tariff issued by the old carrier or its predecessor is adopted in part, in addition to filing the combined adoption notice and adoption supplement the new carrier may file another supplement to that tariff (bound or loose-leaf) for the purpose of canceling therefrom rates, routes, rules, or other provisions that belong to it by virtue of the adoption. Two unused supplement numbers to such a tariff shall be reserved for the new carriers' use. The first number shall be used as the "adoption supplement number" in connection with the listing of the tariff on the combined adoption notice and adoption supplement. The second shall be used on the cancellation supplement. The old carrier may not use the reserved numbers under any circumstances nor may it cancel the tariff provisions adopted by the new carrier. The old carrier may, however, cancel the entire tariff at any time. Both carriers should inform one another fully of their respective actions.

(t) *Subsequent supplements or loose-leaf pages.* A subsequent supplement or loose-leaf page amendment to an adopted tariff issued by the old carrier or its predecessor shall show in connection with the ICC (or MF-ICC) number the name of the carrier in whose ICC (or MF-ICC) number series the tariff was issued (see paragraph (k) of this section for exception). Each supplement or page shall be filed by the new carrier if the tariff was adopted in whole. If the tariff

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was adopted in part, except as otherwise provided in paragraph (s) of this section supplements or loose-leaf pages shall be filed by the old carrier. Subsequent supplements shall be numbered consecutively beginning with the number following that of the adoption supplement.

(u) *Former tariff must be described when canceled.* The new carrier, when canceling any tariff issued or adopted by the old carrier, shall identify such tariff in the cancellation notice by reference to its ICC (or MF-ICC) number and to the name of the carrier that issued it, and, when tariffs have been published by the old carrier in more than one series, by reference to the particular series in which the tariff was published.

(v) *Adoption notice not to be canceled.* Unless requested by this Commission, an adoption notice may not be canceled.

(w) *Adoption supplements to be noncounting.* Adoption supplements may be filed without regard to and shall be considered exempt from the limitations imposed by the regulations in this part pertaining to the volume of supplemental matter and the number of supplements permitted to a tariff.

(x) *Carriers to which this section applies.* The regulations in this section shall apply only to carriers filing tariffs under the regulations in this part and only when the adoption is one authorized by the Interstate Commerce Commission.

§ 1310.26 Applications for special tariff authority (Rule 26).

(a) *Commission has authority to grant special tariff authority.* The Commission has the authority to permit, in its discretion and for good cause shown, the filing of tariff provisions on less than 30 days' notice, and also to permit other departure from the regulations in this part. The Commission will exercise this authority only in cases where actual emergency and real merit are shown. Desire to meet the tariff provisions of a competing carrier that has given 30 days' notice will not of itself be regarded as good cause for permitting notice of less than 30 days. Clerical or typographical errors in tariffs constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the error together with a full statement of the attending circumstances and must be presented with reasonable promptness after issuance of the defective tariff, supplement, or loose-leaf page.

(b) *Special tariff authority will not be issued to modify formal orders.* When a formal order of the Commission requires publication on a stated number of days' notice, a request for special tariff authority to file on less notice is in effect a modification of the formal order. Any such request should be filed as a petition on the formal docket for modification of the order and not as an application for special tariff authority.

(c) *Filing of application by carrier—also joint agents' tariff.* A carrier may apply for authority to file tariff provisions on less than 30 days' notice or for waiver of the regulations in this part as to tariffs of its own issue, but not those of its tariff publishing agent. If an application requests authority to file provisions in a joint agents' tariff, it must state that it is filed for and on behalf of all carriers parties to the proposed change.

(d) *Where to send applications and number of copies required.* Two copies of each application tendered (including amendments thereto and exhibits made a part thereof) should be addressed

Interstate Commerce Commission
Bureau of Traffic
Washington, D.C. 20423

and every envelope marked prominently with the words "Special Tariff Authority Application." A check drawn to the order of the Interstate Commerce Commission in the amount of the required fee shall accompany each application.

(e) *Numbering and signing of applications.* Applications shall be consecutively numbered and shall be signed by a person authorized to sign a letter of transmittal for the carrier or agent. The signature need not be notarized, but the application must contain a certification as to the correctness of the statements therein and as to the authority of the person to sign it.

(f) *Form of application.* Applications shall be prepared on paper 8½ by 11 inches in size, and be in substantially the following form. Each application shall give all information required by this rule together with any other pertinent facts.

(Street address, or R.F.D. number)

(City, state, etc. and ZIP Code)

(Date)

Interstate Commerce Commission
Bureau of Traffic
Washington, D.C. 20423

Application No. ------- ---------,
(Name of carrier or agent).
by ----------, for and on behalf of all
(Name and title of person signing applications)
carriers parties to its tariff ICC (or MF-ICC) ----------,[1] does hereby petition the ICC or MF-ICC No.

Interstate Commerce Commission that it be permitted, under section 217 of the Interstate Commerce Act, and as amended, to put in force the following tariff provisions to become effective ____ days after the filing thereof with the Interstate Commerce Commission:

(Here show matter as directed by paragraph (g)(1) of this section.) Your petitioner further represents that the said [here state whether rates, charges, classification ratings, or other provisions] above mentioned will be published in [here show matter as directed by paragraph (g)(2) of this section].

1. [Here state matter as directed by paragraph (g)(3) of this section].
2. [Here state matter as directed by paragraph (g)(4) of this section].
3. [Here state fully matter as directed by paragraph (g)(5) of this section].

[1] If reference to tariff or tariffs does not exactly designate carrier involved, other methods of designating carriers should be employed.

4. [Here show justification as directed by paragraph (g)(6) of this section].

(Name of carrier or agent)
By ----------
(Signature of authorized person)

(Title)

I hereby certify that the information contained herein is to the best of my knowledge true and that I am authorized to sign and file this application.

By ----------
(Signature of authorized person)

(Date)

When the tariff involved is a local one or relief from any regulation in this part is requested, appropriate changes shall be made in the introductory paragraph of this form.

(g) *Information application shall show.* (1) The proposed tariff provisions shall be set forth clearly and completely. An accompanying exhibit may be used if identified by letter, such as "Exhibit A," and so referred to in the application. If the proposed provisions consist of rates, all points of origin and destination must be shown or definitely indicated. If the proposed provision is a rule, the exact wording must be given.

(2) The application shall show the ICC (or MF-ICC) numbers of the tariffs in which the proposed provisions will be published. If publication is to be made in supplements to tariffs already referred to, this fact shall be shown. It shall be clearly stated whether publication will be by republication of the affected matter or by statement. If waiver of any regulation in this part is required, the number of the affected section or part thereof must be identified and the reason for the waiver explained.

(3) When a request to file a new rate on less than 30 days' notice is involved, the method or formula that was used to construct the proposed rate shall be provided. When the matter to be shown is voluminous or for other reasons difficult of presentation, it may be included in an accompanying exhibit, properly identified and referred to in the application. Reference shall be made to the tariff and to the number of the supplement in which provisions to be superseded are published. If such provisions are published in items or numbered units, reference shall be made thereto by number. If they are not so published, the pages of the publication on which the provisions appear shall be shown. The extent to which and the manner in which cancellations will be made must be definitely indicated.

(4) The application shall state the names of carriers known to maintain competitive provisions between the same points or points related thereto, together with the ICC (or MF-ICC) numbers of the tariffs and the numbers of the supplements thereto containing such provisions.

(5) The application shall state whether such carriers have been advised

of the proposed provisions and whether they have been advised that it is proposed to file such provisions on less (or on not less) than 30 days' notice. If competitive carriers have expressed their views in regard to the proposed provisions, a brief statement of their views shall be given.

(6) The application shall state the special circumstances or unusual conditions which are relied upon as justifying the requested authority together with any related facts or circumstances which may aid the Commission in determining whether the requested authority is justified. If special tariff authority to give notice of less than 30 days is sought, the petitioner shall state why notice of not less than 30 days cannot be given.

(h) *The authority must be used in its entirety.* If the special tariff authority is used, it must be used in its entirety and in the manner set forth in the order of special tariff authority. If it is not desired to use all of the authority granted, and less or more extensive authority is desired, a new application complying with the provisions of this section in all respects and referring to the previous authority must be filed.

(i) *Confirmatory application.* When special tariff authority is requested by telegram because of an emergency which does not permit timely filing, the telegram must state all pertinent facts required in this section and include a statement that a written application and filing fee is being sent. An application (with the required fee) confirming the request must be transmitted on the same day. (The application and fee must be transmitted regardless of whether the request is granted or denied.)

(j) *Authority to reject publication.* The issuance and use of a special tariff authority does not restrict or remove the Commission's authority to reject a publication for reasons it deems sufficient in the circumstances.

§ 1310.27 Concurrences or powers of attorney—Transfer of agent (Rule 27).

(a) *Different situations.* The construction, filing, cancellation or revocation of powers of attorney or concurrences, and the construction and filing of publications when one agent takes over another involve many different kinds of situations each of which requires different procedures to be followed. Below are summarized many kinds of situations together with a reference in each instance to the paragraph in this section that contains the regulations governing that situation.

(1) To authorize an individual to act as agent—see paragraph (b) (1) and (2) of this section.

(2) To authorize a corporation to act as agent—see paragraph (b) (1) and (3) of this section.

(3) To limit the authority of a power of attorney—see paragraph (b) (4) and (5) of this section.

(4) To give concurrence in a particular tariff of a carrier—see paragraph (c) (1) and (2) of this section.

(5) To give general concurrence to a carrier—see paragraph (c) (1) and (3) of this section.

(6) When the principal agent dies or is disabled—see paragraphs (j), (k) (2), (3), and (l) of this section.

(7) When the alternate agent dies or is disabled—see paragraphs (k) (2), (3), and (l) of this section.

(8) When an agent takes over another agent or a corporation as agent changes its name—see paragraphs (k) (1), (3), and (l) of this section.

(9) To cancel a power of attorney or concurrence—see paragraph (o) of this section.

(10) To revoke a power of attorney or concurrence—see paragraph (p) of this section.

(b) *Forms of powers of attorney.* (1) The following forms shall be used by a carrier to give authority to an agent to publish and file tariffs, including supplements or loose-leaf pages thereto, in which such carrier participates. (Existing powers of attorney which are not otherwise objectionable need not be reissued solely to comply with the prescribed form). If common carriers by water governed by the regulations in this part desire to give powers of attorney to agents authorizing the publication of joint rates with motor carriers, the forms set forth in this paragraph may be altered by substituting for the words "common carrier of property by motor vehicle," the words, "common carrier of property by water," or appropriate words of similar import.

(2) The form to authorize an individual to act as agent shall read as follows:

POWER OF ATTORNEY

FAI No. -------
Cancels -------- No. --------

(Name of carrier)

(Street address or R.F.D. number)

(City, state, etc. and ZIP Code)

(Date)

Know all men by this instrument:
That, on the ____ day of ----------, 19____, ----------, a common carrier
(Name of carrier)
of property by motor vehicle does (do) hereby make and appoint ----------
(Name of principal agent)
attorney and agent to publish and file for such carrier freight tariffs, and supplements (or loose-leaf pages) thereto, as permitted or required of common carriers of property by motor vehicle under authority of the Interstate Commerce Act, and the regulations of the Interstate Commerce Commission issued pursuant thereto, and does (do) hereby ratify and confirm all that said attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said attorney and agent.

And, further, that ----------
(Name of carrier)
does (do) hereby make and appoint ----------
(Name of alternate agent)
alternate attorney and agent to do and perform the same acts and exercise the same authority herein granted to ---------- in the event and only
(Name of principal agent)
in the event of the death or disability of ----------.
(Name of principal agent)

(Name of carrier)
By ----------
(Signature of authorized person)

(Title)

Attest (If a corporation): ----------, Secretary
[Corporate Seal]
Duplicate mailed to ----------
(Agent)

(Street address or R.F.D. number)

(City, state, etc. and ZIP Code)

(Date)

(3) The form to authorize a corporation to act as agent shall read as follows:

POWER OF ATTORNEY

FA2 No. -------
Cancels -------- No. --------

(Name of carrier)

(Street address or R.F.D. number)

(City, state, etc. and ZIP Code)

(Date)

Know all men by this instrument:
That, on the ____ day of ----------, 19____, ----------, a common carrier
(Name of carrier)
of property by motor vehicle does (do) hereby make and appoint ---------- attorney and agent to publish and file for such carrier freight tariffs, and supplements (or loose-leaf pages) thereto, as permitted or required of common carriers of property by motor vehicle under authority of the Interstate Commerce Act, and the regulations of the Interstate Commerce Commission issued pursuant thereto, and does (do) hereby ratify and confirm all that said attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said attorney and agent.

(Name of carrier)

(Signature of authorized person)

(Title)

Attest (If a corporation): ----------, Secretary
[Corporate Seal]
Duplicate mailed to ----------
(Agent)

(Street address or R.F.D. number)

(City, state, etc. and ZIP Code)

(Date)

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(4) Powers of attorney, if executed without modification, confer unlimited authority to publish local rates for the carrier issuing the power of attorney and to publish joint rates for such carrier and such other carriers as shall have issued the necessary authority. If it is desired to limit the authority granted to the agent, the form may be modified by adding at the end of the first paragraph the statement:

This authority is restricted to the filing of the publications or types of publications set forth below

and by clearly and explicitly stating immediately thereafter the extent of the authority granted. Any limitation must be a general one and be specifically expressed in the instrument and must not depend on actions, circumstances, or managerial decisions not embodied therein or determinable therefrom and must not depend on future instructions or approvals. Limitations, if any, must be expressed in the instrument in such a manner that not only is it clear the authority the agent will have but also the authority it will not have if certain authority is withheld. For example, the instrument may limit the authority of an agent to publication of particular tariffs, to publication of rates from points on the carrier's lines only, to publication of rates to points on the carrier's lines only, to publication of either local or joint rates, or to publication of either class or commodity rates. The instrument may withhold authority to publish any increase in rates or charges, either local or joint, on a specified commodity or commodities, or it may withhold authority to publish general increases in rates provided the term "general increase" is defined therein. The instrument may not contain limitations that are not general ones—for example, publication of specifically named rates, origins, destinations, rules, etc.

(5) If it is desired to give to an agent authority for the publication of a classification, a classification exceptions tariff, or a rules tariff only, the form may be modified in either of two ways. Omit the words "freight tariffs" and substitute therefor the word or words, "classification," "classification exceptions tariffs" or "rules tariffs," or modify so as to authorize the publication of any or all of such tariffs, including rate tariffs. If it is desired to limit the authority granted to publication of a particular tariff or tariffs, this may be done by giving a sufficiently accurate description of the title page of each tariff to identify it and by showing the ICC (or MF-ICC) number, if known. If it is intended that the authority granted shall include reissues of specifically named tariffs, that fact should be made clear by adding in the appropriate location "and successive issues thereof."

(c) *Forms of concurrences.* (1) The following forms shall be used in giving to carriers subject to these regulations concurrences in tariffs (including supplements or loose-leaf pages thereto) which are issued and filed by such carriers or their agents and in which the carriers giving concurrences are participants. The carrier to whom concurrence is given may act as origin, intermediate, or destination carrier in joint rates and routes. A concurrence does not confer upon a carrier authority to publish local rates for another carrier. If two or more carriers execute powers of attorney authorizing an agent to publish joint rates for them, it will not be necessary for those carriers to exchange concurrences with each other as to the joint tariffs issued by that agent under that authority.

(2) Form FC1 shall be used in giving concurrence in a particular tariff that is issued and filed by another carrier. The original of form FC1 shall be forwarded to the carrier issuing the tariff and shall be transmitted by such carrier to the Commission with the tariff or the amendment adding the carrier. This form when not restricted will serve as continuing evidence of participation in the tariff described in the concurrence and in all supplements (or loose-leaf pages) thereto and successive issues thereof. If reference to successive issues be stricken out, a new concurrence will be required for each successive issue of the tariff. Except as provided in this subparagraph, this form shall not be qualified in any way but must evidence concurrence in all rates, rules, or other provisions contained in the tariff publication named therein. The form shall read as follows:

CONCURRENCE

FC1 No._____
Cancels_____No._____

_____
(Name of carrier)

_____
(Street address or R.F.D. number)

_____
(City, state, etc. and ZIP Code)

_____, 19____
(Date)

To the Interstate Commerce Commission,
Bureau of Traffic, Washington, D.C. 20423.

This is to certify that_____
(Name of carrier giving concurrence)

assents to and concurs in the publication and filing of the freight tariff described below, filed by_____
(Name of carrier to which concurrence is given)

together with supplements (or loose-leaf pages) thereto and successive issues thereof, and that such concurring carrier hereby makes itself a party thereto and bound thereby, insofar as such tariff applies from, to, via, or at points on its lines, until this authority either is revoked by formal and official notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given or is canceled.

(Here give an exact description of the title page of the tariff, including the name of the issuing carrier, the ICC (or MF-ICC) number, dates on which issued and effective, and the name and title of officer shown as issuing the tariff.)

_____
(Name of carrier)

By_____
Signature of authorized person)

_____
(Title)

Attest (if a corporation):

_____, Secretary

[Corporate Seal]

(3) If general concurrence is given by a carrier in tariffs (including supplements or loose-leaf pages thereto) issued by another carrier or its agent, naming rates or other provisions from, to, via, or at points on its lines, form FC2 shall be used. Form FC2 may be executed as shown, when it will authorize publication of rates or other provisions for the concurring carrier from, to, via, or at points served by such carrier. If it is desired to limit the authority granted to exclude publication of rates in connection with which the concurring carrier would act as either origin, intermediate, or destination line, the form may be modified to that extent by use of appropriate language to effect the modification authorized. When authority is given an agent to publish rates for a carrier participating under authority of a concurrence to another carrier for which such agent acts, care must be exercised that the rates published for the concurring carrier do not exceed the scope of the authority given. The form shall read as follows:

CONCURRENCE

FC2 No._____
Cancels_____No._____

_____
(Name of carrier)

_____
(Street address or R.F.D. number)

_____
(City, state, etc. and ZIP Code)

_____, 19____
(Date)

To the Interstate Commerce Commission
Bureau of Traffic, Washington, D.C. 20423

This is to certify that_____
(Name of carrier giving concurrence)

assents to and concurs in the publication and filing of any freight tariff or supplement (or loose-leaf page) thereto, which

_____
(Name of carrier to which concurren is given)

or such carrier's agent may publish and file, and in which the said_____
(Name of concurring carrier)

is shown as a participating carrier, and that such concurring carrier hereby makes itself a party thereto and bound thereby insofar as such tariff applies from, to, via, or at points on its lines, until this authority either is revoked by formal and official notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given or is canceled.

_____
(Name of carrier)

By_____
(Signature of authorized person)

_____
(Title)

Attest (if a corporation):

_____, Secretary

[Corporate Seal]

Duplicate mailed to_____
(Carrier to which concurrence is given)

_____
(Street address or R.F.D. number)

_____
(City, state, etc. and ZIP Code)

_____
(Date)

(d) *Exact name of carrier must be shown—what individual may sign instrument.* (1) In the blank spaces on each form for the name of the carrier, there shall be shown, if the carrier be an individual, the individual name followed by the trade name, if any. If the carrier be a partnership, the correct names of all partners must be given, followed by the trade name, if any. If the carrier be a corporation, the correct corporate name must be used. In all cases, the name of the carrier shall be identical with the name as it appears in its operating certificate issued by the Commission, or, in the event that such certificate shall not have been issued, the name of the carrier shall be identical with the name as it appears in the records of the Commission.

(2) The power of attorney or concurrence shall be signed by the owner, if the carrier is an individual and shall be signed by all of the partners individually, if a partnership. If the carrier is a corporation, the power of attorney shall be signed by the president or vice-president, attested by the secretary of the corporation, and the corporate seal shall be affixed. If the state in which incorporated does not require the corporation to have a seal, the affixing of a seal may be omitted.

(e) *Official or employee may not act as agent.* Unless specifically authorized by the Commission, an official or an employee of a corporation may not act as agent when such corporation acts as agent.

(f) *Corporation as agent.* A corporation, duly authorized and acting as an attorney and agent, shall issue tariffs in the name of the corporation as agent. At the bottom of the title page of each publication filed by the corporation as agent shall be shown the name and title of the official of the corporation who has been appointed by such corporation to issue tariffs and file them with the Commission. Before the first tariff publication may be filed showing such person as the issuing officer, such corporation shall forward to the Commission a certified minute of the meeting of the board of directors thereof showing the name and title of the official who has been appointed to handle all tariff matters with the Commission.

(g) *Specifications for forms.* Powers of attorney and concurrences shall be printed on paper of durable quality, approximately 8 by 10½ (but not in excess of 8½ by 11) inches in size. Each shall be given a form and serial number which shall run consecutively for each form of instrument. The form and serial numbers shall be shown on the upper right-hand corner and immediately thereunder shall be shown the form and number of the instrument, if any, which is canceled thereby. The term "freight tariff" as used in this section means not only rate tariffs but all other freight publications which in any way affect the value of the service or the measure of the charge. Each instrument shall show under the serial number of the date of issue. All instruments, except form FC1, shall show in the lower left-hand corner the name and address of the agent or carrier to which the duplicate is sent.

(h) *Number of copies.* All instruments must be prepared in triplicate. Except when there is specific instruction in individual paragraphs to send originals to an agent or carrier, the original of the instrument shall be filed with the Commission, the duplicate sent to the agent or carrier to which such authorization is directed, and the third copy retained by the issuing carrier.

(i) *Conflicting authority must be avoided.* Powers of attorney or concurrences may not contain authority to delegate to another the authority thereby conferred. Duplicating authority to two or more agents or carriers must be avoided if the use thereof would result in conflicting rates or other provisions.

(j) *Alternate agent.* When a power of attorney is issued to an individual to act as agent, such instrument shall name an alternate agent to act in the event of the death or disability of the principal agent. On or before the date of filing of the first tariff, supplement, or loose-leaf page by the alternate agent under the authority granted in the instrument, such alternate agent shall submit to the Commission a sworn statement setting forth the facts which justify such exercise of authority. (See paragraph (l) of this section for regulations governing take-over publications.) The term "disability" as used in the instrument means resignation, permanent transfer to other duties, or other permanent absence of the principal agent, and does not mean temporary absence of the principal caused by vacation, illness, or other similar causes. After an alternate agent has once exercised the authority granted by the instrument, the principal agent may not thereafter act under that instrument.

(k) *Transfer of authority from one agent to another agent—death or disability of agent.* (1) When an agent takes over another agent (including a change of name of a corporation acting as an agent), superseding the former agent as to all such agent's effective tariffs, the transfer shall be accomplished by each carrier executing a new power of attorney naming the new agent (and alternate when the new agent is an individual) thereafter to serve, and specifically canceling the previous power of attorney. (See paragraph (l) of this section for regulations governing take-over publications.)

(2) When a power of attorney has been issued to an individual and an alternate, and the death or disability of either the principal or alternate agent occurs, new powers of attorney canceling the previously effective powers of attorney and naming the agent (and alternate when the new agent is an individual) thereafter to serve shall be filed within 180 days from the date of death or disability. (See paragraph (l) of this section for regulations governing take-over publications.)

(3) The new powers of attorney filed pursuant to this paragraph shall bear no effective date. The originals thereof shall not be sent direct to the Commission, but shall be forwarded to the principal agent named therein. After all the necessary instruments shall have been secured, the principal agent shall file the originals with the Commission all at one time. Such powers of attorney will become effective upon the date they are received by the Commission, regardless of any other date which may have inadvertently been shown thereon.

(4) If, during the period the alternate agent is functioning in place of the former principal agent, new participating carriers are to be added to the tariffs the powers of attorney from such carriers must name the present alternate agent as principal agent together with a new alternate agent. When the permanent take over is made by a new agent (which may be the former alternate agent), such powers of attorney must be replaced by new ones meeting the requirements of this paragraph.

(5) If upon the death or disability of the principal agent it is found that the alternate agent named in the powers of attorney cannot or will not take over the tariffs, the carriers have a positive duty to seek a solution. If no take over by a new agent acting for the participants is arranged for within 90 days of the Commission being advised of the situation existing, the Commission will consider striking the tariffs from the files of the Commission. If the tariffs are stricken, the carriers will be free to publish their rates elsewhere.

(l) *Take-over publications.* (1) When a new agent is appointed for a reason set forth in paragraph (k) of this section, or when an alternate agent assumes the duties of the principal agent, the new agent, immediately upon receipt of necessary authority, or the alternate agent, upon death or disability of the principal, shall issue a supplement to each of the effective tariffs (bound or loose-leaf) issued by or which had been taken over by the agent superseded. The supplement shall bear on its title page no effective date, but shall contain a statement reading substantially as follows:

On and after [show here, in the case of a new agent, the date on which authorities are filed with this Commission; or in the case of an alternate agent, the date on which the principal ceased to act] this publication shall be considered as the issue of [show here name of new agent or the alternate acting as such].

In the case of a new agent and a bound tariff, such supplement shall also contain a list of participating carriers, giving reference to the new authorities. In the case of a new agent and a loose-leaf tariff, the supplement shall not name the participating carriers, but instead one or more loose-leaf pages, canceling the previous page or pages, shall be issued containing the new list of participating carriers. Such a page shall identify the new authorities and refer to the take-over supplement, shall show the date of the take-over as the effective date, and may be filed without notice.

(2) However, if the agent whose tariffs are being taken over maintains a par-

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ticipating carrier tariff, the take-over publications to the agent's other tariffs shall not list participants if the tariff that is being amended does not specifically list them. The take-over publication to the participating carrier tariff shall, however, provide a complete list of all participants therein and in tariffs governed thereby on the date of take-over.

(3) An agent has no authority to act for a carrier that has not issued a power of attorney in its favor. Therefore, only the names of participating carriers that have issued powers of attorney to the new agent may be shown in the take-over publication. Any updating, corrections, or deletions of the names of participating carriers must be made by the former agent (or alternate agent if authorized to act) and must become effective on lawful notice before the date of take-over.

(4) The take-over supplement must remain in effect for the life of the tariff, but the participating carrier list therein, if any, may be amended.

(5) An agent may not take over less than all of another agent's tariffs.

(6) When an agent that is superseded by a new agent or an alternate participates with another agent or agents in the issuance of a joint agency tariff, the issuing agent must arrange the issuance of a supplement announcing the change and amending the list of participating carriers to the extent necessary to correctly complement the change being effected in the tariffs issued by the superseded agent; and in the same manner.

(m) *Supplement (or loose-leaf pages) to be shown in series of former agent.* Supplements or loose-leaf pages, including ones publishing the take-over, filed by the new agent to tariffs issued by the former agent (or a predecessor thereof, if any (must show in connection with the ICC (or MF–ICC) numbers that they are in the series of the former agent (or predecessor).

(n) *New agent must start new series.* New tariffs issued by the new agent (not alternate agent) shall be in such agent's own ICC number series, and when canceling tariffs issued by the former agent shall indicate the series of the tariffs canceled. An alternate agent, after take over, shall continue to use the number series of the superseded agent and identify, in connection with the number, the series by name of such agent.

(o) *Cancellation of instruments.* A power of attorney may cancel another power of attorney (of the same or another form) if both the old and new are issued in favor of the same agent or if it is filed under circumstances set forth in paragraph (k) of this section. A concurrence may cancel another concurrence if both the old and new are issued in favor of the same carrier. In every case both the old and new instruments must be issued by the same carrier, except that the old may be one acquired from a bona-fide predecessor carrier. Under all other circumstances, powers of attorney and concurrences must be revoked as set forth in paragraph (p) of this section. If the instrument to be canceled contains more authority or is broader in scope than the new instrument, the new instrument must bear an effective date of at least 60 days after the date on which it is received by the Commission. Otherwise, no notice is required.

(p) *Revocation of instruments.* (1) A power of attorney or concurrence may be revoked upon not less than 60 days' notice to the Commission by filing a notice of revocation with the Commission, serving at the same time a copy thereof on the agent or carrier in whose favor such instrument was executed. Such notice shall not bear a separate serial number, but shall specify the form and number of the instrument to be revoked, name the agent (and alternate agent when form FA1 is being revoked) or carrier in whose favor the instrument was executed, and specify the date upon which revocation is to become effective. The effective date must not be less than 60 days subsequent to the date the notice is received by the Commission. The notice shall be executed on paper of good quality, approximately 8 by 10½ (but not in excess of 8½ by 11) inches in size.

(2) The revocation notice for a power of attorney shall read as follows:

REVOCATION NOTICE

(Name of carrier)

(Street address or R.F.D. number)

(City, state, etc. and ZIP Code)

---, 19--
(Date)

Know All Men By This Instrument:

Effective ---, 19--, power of attorney ----, No. ----, issued by ---
(Name of carrier)

in favor of ---
(Name of agent and ---
of alternate, if any)

is hereby canceled and revoked.

(Name of carrier)

By ---
(Signature of authorized person)

(Title)

Attest (if a corporation):

---, Secretary
[Corporate Seal]

Duplicate mailed to ---
(Name of Agent)

(Street address or R.F.D. number)

(City, state, etc. and ZIP Code)

(Date)

(3) The revocation notice for a concurrence shall read as follows:

REVOCATION NOTICE

(Name of carrier)

(Street address or R.F.D. number)

(City, state, etc. and ZIP Code)

(Date)

To the Interstate Commerce Commission, Bureau of Traffic, Washington, D.C. 20423.

Effective ---, 19----, concurrence form FC ---, No. ---, issued by ---
(Name of carrier)

in favor of ---
(Name of carrier to which issued)

is hereby canceled and revoked.

(Name of carrier)

By ---
(Signature of authorized person)

(Title)

Attest (if a corporation):

---, Secretary
[Corporate Seal]

Duplicate mailed to ---
(Name of carrier to which issued)

(Street address or R.F.D. number)

(City, state, etc. and ZIP Code)

(Date)

(4) When a power of attorney or concurrence is revoked, corresponding revision of the tariff or tariffs should be made effective upon statutory notice not later than the effective date stated in the notice of revocation. In the event of failure to so revise the applicable tariff or tariffs, the rates in such tariff or tariffs remain applicable until lawfully canceled.

(5) The provisions of paragraph (d) of this section will also apply to revocation notices.

(6) If the tariff or tariffs of a carrier are adopted, the new carrier has the duty to promptly either obtain new concurrences from the participants therein or to cancel the participation of such carriers before any changes are made effective in provisions affecting such carriers.

(7) A carrier holding a concurrence from another, or an agent holding a power of attorney from a carrier, that no longer wishes to retain or exercise such authority should notify the Commission in writing of this and state that the authority shall have no further force and effect. The files of the Commission shall be marked accordingly and the instrument considered as no longer effective. The notification shall be over the signature of the person authorized to issue the tariffs.

(8) A power of attorney or concurrence may not be revoked in part, nor may it be amended except by reissue.

§ 1310.28 Provisions which may be filed on less than 30 days' notice (Rule 28).

NOTE: See §§ 1310.14, 1310.22, 1310.24, 1310.25 and 1310.27 (rules 14, 22, 24, 25, and 27) for other provisions which may be filed on less than 30 days' notice.)

(a) *Certain provisions in connection with new temporary or new permanent operating authority.* (1) When operating authority is to be issued, the tariffs of the carrier or its agent may be amended on not less than five days' notice to add the description of such operating authority (see §§ 1310.6(g) and 1310.19 (rules 6 and 19)), to add the name of the carrier to the list of participants, to provide routing provisions in connection with such authority, and to amend the list of points served. If the authority to be issued is temporary only pursuant to section 210a(a) of the Act, the tariff provisions must be made subject to an expiration date which is not later than the date such authority is indicated to expire. If the authority is to be permanent, the effective date of the tariff provisions may not be earlier than the earliest date the certificate would be issued (the Commission will supply this information if necessary upon request).

(2) A carrier may not in its own tariff, provide rates and service for its own account beyond the authority it has been granted. Commodity rates and commodity rate tables in a tariff should properly be specific as to points, territory and commodities from, to and on which they apply. Hence addition in a carrier's own issue of a description of new operating authority should not, in itself, without any other amendment, serve to automatically extend the application of existing commodity rates to new points or territory, and the less-than-statutory authority provided in subparagraph (1) of this paragraph is not usable to so extend. This does not apply to class rates in effect, or to tariffs of agents already providing effective rates and other provisions which would cover the points, territory and commodity.

(b) *New route for existing operating authority.* A new joint route may be added upon not less than five days' notice to a rate tariff, or to its governing routing guide, if the carriers parties to the new route are participants in the rate tariff and have for not less than 30 days prior to filing of the new route held out in tariffs to serve their respective segments of the new proposed joint route. This authority may not be used to cancel any existing route, nor add a carrier or route to a particular rate, rule, item, or other provision which is limited to apply for a specifically named carrier or carriers.

(c) *Restore carrier participation.* Carriers and agents may file supplements or loose-leaf pages to their tariffs on not less than five days' notice to restore the listing of carriers as participants following published cancellation, so as to continue participation without interruption. The relisting must be indicated to become effective not later than the date upon which the cancellation is indicated to become effective. This authority may be used only when the cancellation notice was filed on not less than 30 days' notice.

(d) *Amend participating carrier list in dangerous articles tariff.* The list of participating carriers may be amended on not less than one day's notice to provide additions thereto and corrections and other changes therein in a tariff containing only rules and regulations governing the acceptance and transportation of dangerous articles (hazardous materials).

(e) *Amend participating carrier list in classification.* The list of participating carriers in classifications may be amended on not less than one day's notice to provide additions thereto and corrections and other changes therein.

(f) *Extend expiration dates or postpone effective date of comeback provisions.* Publications may be filed on less than 30 days' notice to extend the expiration date of existing provisions, or to postpone the effective date of comeback provisions (provisions paired with and published to supersede those indicated to expire with the preceding day) when the expiration date of the existing provisions is extended. As much notice as possible must be given, but in no case less than five days. No change may be made in the extended or postponed provisions. An expiration date may not be extended when such date is required by the terms of an order of the Commission or when only a portion of the provisions subject thereto is to be continued.

(g) *Change or cancel expiration dates in connection with temporary authorities.* (1) When the expiration date of a temporary operating authority is extended for a definite or an indefinite period of time for all or a portion of the authority, the carrier or its agent may file on not less than one day's notice

(i) Supplements or loose-leaf pages canceling or changing the expiration date attached to the rates and other provisions covering the operating authority to correspond with the action taken on the operating authority, provided the publication hereunder is made effective prior to the expiration of such rates and provisions; or

(ii) Tariff publications to republish without change the rates and other provisions which have expired and which cover the operating authority being continued.

(2) A supplement may be filed to a loose-leaf tariff to cancel or change the expiration date where because of the volume of publication necessary and insufficient time following notification publication cannot be made on loose-leaf pages in conformity with the regulations in this part.

(3) A supplement issued to a bound tariff for this purpose and containing no other matter shall be considered exempt from the provisions of this part limiting the number and the volume of supplements. A loose-leaf tariff which if further amended would result in violation of § 1310.10(d)(9) (rule 10) as to permissible number of canceled pages may be nevertheless amended but only to the extent necessary to effect the publication otherwise authorized under this paragraph.

(4) A supplement to a tariff (bound or loose-leaf) may direct the cancellation or amendment of an expiration date without republication of the tariff provisions. In the case of a numbered provision, the amendment shall be shown in an "Amendment to" the item or other numbered provision. If it is an item containing expiration dates only, however, it must be republished.

(h) *Postponement of tariffs or tariff matter.* (1) A carrier or its agent may postpone the effective date of a tariff, or matter in a tariff (other than "comeback provisions"—see paragraph (f) of this section), of its own issue, effective on not less than eight days' notice, subject to the provisions of paragraphs (h) (2) through (14) of this section.

(2) The effective date of the postponing provision may not be later than that of the provisions the effectiveness of which is sought to be postponed.

(3) Postponement may be effected

(i) By republication of the provisions,

(ii) By "amendment to" a numbered provision, or

(iii) By a "postponement notice" if an unnumbered provision, an entire tariff, a supplement, or two or more loose-leaf pages.

(4) When by amendment, the provision it amends shall be identified by number, including letter suffix, if any, together with its present location, and the effective dates specified; for example:

Amendment the effective date is hereby postponed from to ---------- to ----------. Item 100 (Sup. 50)

(5) When by postponement notice, and a rate or other provision only (not an entire tariff, supplement, or a group of more loose-leaf pages) is affected, the notice shall identify the provision, its present location, and specify the effective dates; for example:

The effective date of ----, on page ---- of ----, is hereby postponed from ---------- to ----------.

(6) When by postponement notice, and an entire staff, supplement, or a group of two or more loose-leaf pages is affected, the notice shall be worded as follows:

Refer to the title page of tariff (or title page of supplement ---- to tariff) and change the effective date, which now reads ---------- to read ----------.

or, in the case of loose-leaf pages:

Refer to ---- Revised Page ---- and ---- Revised Page ---- and change the effective dates thereon which now read ---------- to read ----------.

(7) When the postponement of the effective date hereunder does not suffice to automatically continue the presently effective provision for the interim period, care must be taken to also postpone the cancellation and the postponement authority in this paragraph may be used to effect this result.

(8) Where the matter to be postponed is published on a single page of a loose-leaf tariff, postponement may only be effected by republication of the page. Republication of the matter to be held in effect and of the matter being postponed may be published together, with appropriate effective and expiration dates to effect continuity.

(9) Each amendment to a numbered provision for purposes of postponing shall be published in its proper place by numerical sequence when published with other tariff provisions in the same supplement, and when the numbered provision is next republished the amend-

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ment shall be specifically canceled. In the interim, if and when the supplement (to a bound tariff) in which an amendment appears is canceled, such amendment must be carried forward as reissued matter in the regular manner.

(10) Each postponement-notice provision shall be published in the fore part of the publishing supplement and, unless specifically canceled in a later supplement in the case of a bound tariff, it must be carried forward as reissued matter in the regular manner. In bound tariffs, cancellation of the latest postponing notice provision affecting an unnumbered tariff provision may only be accomplished by the republication of the postponed provisions or as amended, and postponing provisions affecting an entire tariff or entire supplement must be carried forward as reissued provisions for the life of the tariff. In loose-leaf tariffs, the postponing supplement may be canceled by the check sheet or by a reissue of one of the affected pages.

(11) Only one postponement and one further postponement are authorized by this paragraph, and the total period of postponement may not extend beyond 90 days from the original effective date unless the proposed new or changed provision is to be canceled. In this event a further postponement for another 30 days may be published upon not less than eight days' notice provided such cancellation is published at the same time upon full statutory or other lawful notice. When effecting such cancellation in a bound tariff, the supplement which effects the postponement may also include the cancellation of the matter but in full accord with the regulations in this part. When loose-leaf pages, the postponing supplement may include the cancellation only if the circumstances are such that cancellation by supplement is authorized in the regulations in this part. Where an amendment or notice is used for further postponement, the wording of the amendment or notice must detail the fact of the prior postponement, including the original published effective date, and the last date to which it had been postponed. The new amendment or notice shall specifically cancel the prior amendment or notice, and where the prior amendment or notice is published in a special supplement containing no other matter the new supplement must cancel it.

(12) If any matter being postponed hereunder is the subject of a petition for suspension by another party, the publishing carrier or agent, as the case may be, must at once notify each petitioner by first class mail or by telegram of the fact of postponement and must by telegram advise this Commission's Suspension and Fourth Section Board of the postponement and therein confirm that the petitioner or petitioners have been so notified.

(13) Supplements issued to bound tariffs under the regulations in this paragraph and which contain no other matter shall be exempt from the limitations of this part pertaining to the number of effective supplements and the volume of supplemental matter permitted to a tariff.

(14) The authority of this paragraph may not be used to postpone the effective date of rates or other provisions comprising part or the whole of a general adjustment of rates and charges by the carrier or its agent published by means of a conversion table.

(i) *Tariffs covering emergency transportation operating authority.* (1) Subject to the provisions of this paragraph, a carrier (not an agent) may establish rates and other tariff provisions covering emergency movements authorized by this Commission under section 210a(a) of the Interstate Commerce Act, without further notice prior to acceptance of property for transportation other than (i) posting, where required, of an individual tariff (not a loose-leaf page) containing such rates and other provisions (such a tariff may refer to one or more agents' tariffs for governing provisions), or containing provisions other than rates and referring to one or more agents' tariffs for such rates and other provisions, and (ii) having three copies of the tariff with a letter of transmittal, filed with the Commission's Bureau of Operations' field office which has jurisdiction over the point at which the carrier is domiciled or such other field office as the Commission may designate in special circumstances.

(2) A supplement may be issued to a tariff filed under this paragraph only for the purpose of extending the expiration date of the tariff to the date with which the emergency temporary authority, or an extension thereof, expires. Such a supplement shall be subject to the posting and filing requirements provided for tariffs in subparagraph (1) of this paragraph.

(3) The publications must be issued in the name of the carrier and may contain only matter pertaining to the emergency temporary authority. The ICC number assigned to the publication shall show a "W" prefix in the following manner:

ICC W (here show number)

The first "W" series tariff issued shall be assigned the number one. Subsequent tariffs shall be numbered consecutively.

(4) Each tariff must show on the title page a specific expiration date which is not later than 45 days after the effective date of the tariff.

(5) Each tariff referred to by a "W" series tariff must be identified by its ICC (or MF-ICC) number. The carrier must certify in writing to the appropriate field office of this Commission that it is a participant in each such tariff.

(6) Should the provisions of a "W" series tariff not conform to the emergency temporary authority actually granted, another "W" series tariff may be filed hereunder to cancel the first "W" series tariff and bring the provisions into conformity with the grant.

(7) Except as otherwise provided in paragraph (i) (6) of this section, the provisions of this paragraph do not authorize the cancellation of any rate or other provision, and do not authorize the establishment of any rate or other provision that will conflict with or duplicate any other rate or other provision for account of the carrier.

§ 1310.29 Commodity rates determined by the use of rate base numbers (Rule 29).

(a) *May be filed.* Commodity rates may be published which depend for their application upon the use of rate base numbers published for determination of class rates in the same or other tariffs. A tariff naming such rates need not comply with § 1310.7(i) (rule 7). Column Commodity Rates shall be the term used in captions for and references to such rates.

(b) *Reference to other tariffs for rate base numbers.* (1) A publication published in the name of a carrier and containing such rates (either local or joint) may only refer to rate base numbers in tariffs of that carrier's own issue or, in the alternative, may refer to tariffs of one or more agents. If any agent's tariff is referred to, all carriers parties to such rates must be parties to the tariff referred to and the issuing carrier must at least be a party thereto for local application of the class rates therein.

(2) A publication published in the name of an agent and containing such rates may only refer to one or more tariffs of that agent's own issue, and carriers parties to the column commodity rates must be parties as well to each other tariff referred to.

(3) Reference to a tariff for such purposes permits use of any and all rate base numbers published therein necessary for application of the column commodity rates referring thereto, regardless of effect, if any, of scope of operating authority provisions of the carriers which otherwise would limit the application of the referred to tariff for such carriers.

(c) *Other requirements.* (1) The commodity or commodities must be clearly identified, and unexplained generic terms may not be used. The application of the rates, including the territorial application thereof, must be clear and explicit.

(2) Column commodity rates, of whatever kind, may not alternate with, supersede, or be superseded by any other kind of column commodity rates.

(3) Column commodity rates shall not be published or maintained which conflict with or duplicate the application of other commodity rates. To avoid this, tariffs naming column commodity rates may publish on the title page (if all rates are of this category) or in direct connection with the rates the following notation:

Column commodity rates shown herein may be used only when no commodity rates (other than column commodity rates) have been established to apply from and to the same points over the same route, except that column commodity rates will supersede and take precedence over distance or mileage commodity rates.

§ 1310.30 Substituted service (rail for motor) (Rule 30).

(a) *Tariffs may provide for substituted service.* Provisions for the substitution of rail carrier service for available motor carrier service may be published either

in the tariffs naming line-haul rates on shipments upon which the substituted service will be performed or in a governing substituted freight service directory to which specific reference must be made by ICC (or MF-ICC) number.

(b) *Required provisions.* The provisions shall provide as a minimum the following:

(1) The points between which the substitution will be performed;

(2) The name of the rail carrier which will perform the substitution; and

(3) That the shipper will have the option of directing that substituted service shall not be provided on any shipment.

(c) *Participation of rail carrier.* The rail carrier must be a party to the rate tariff in all cases and to the substituted freight service directory when one is used. The rail carrier's name and the form and number of the concurrence must in all cases be listed in the appropriate place. The rail carrier need not be listed as a participant in other governing tariffs. This paragraph does not apply where the motor carrier employs a rail service covered by rail ramp-to-ramp trailer or container on flat car service tariffs open for use by motor carriers, but for which substitution the rail carrier has not issued a concurrence or power of attorney.

(d) *Substituted freight service directory.* Only provisions for substituted service (not rates or charges) may be published in a substituted freight service directory, which must be indicated as applicable only where reference is made thereto in rate tariffs.

(e) *Different rates prohibited.* In no case may a rate be published to apply where substitution is performed and a different rate published to apply on the same shipment where substitution is not performed.

(f) *Routing provisions not required.* Routing provisions may not be published to apply over the lines of the motor carrier and the rail carrier in connection with the performance of substituted service.

§ 1310.31 Transmission of publications to subscribers (Rule 31).

(a) (1) Except as otherwise authorized in paragraphs (a) (2) and (4) of this section, copies of each new tariff, supplement, and loose-leaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact method or combination of methods of transmission used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail used must be stated).

(Signature of person transmitting publication(s))

(Date)

(2) If a new tariff or supplement is filed which in its entirety is published under an authority from the Commission to publish and file on notice of less than 10 days, and if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file on notice of less than 10 days, subparagraph (1) of this paragraph need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but such copies must be transmitted to subscribers thereto within 4 calendar days after the day the copies for official filing are transmitted to the Commission, and the letter of transmittal must contain the following certification:

I hereby certify that I will within 4 calendar days after today send copies of the publication(s) listed hereon to all subscribers thereto by (here show exact method or combination of methods of transmission to be used, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service, the exact class or combination of classes of mail to be used must be stated.

(Signature of person transmitting publication(s))

(Date)

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications announcing adoptions, and publications containing only rates or provisions covering emergency transportation authorized by this Commission pursuant to section 210a(a) of the Interstate Commerce Act.

(3) When copies of different publications are transmitted to the Commission at the same time, some of which have been transmitted to subscribers in compliance with paragraph (a) (1) of this section and some of which will be transmitted to subscribers in compliance with paragraph (a) (2) of this section, two letters of transmittal must accompany the copies to the Commission one complying with paragraph (a) (1) of this section and the other complying with paragraph (a) (2) of this section.

(4) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

(Signature of person transmitting publication(s))

(Date)

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) (1) or (2) of this section; or both, as the case may be, need be complied with.

(5) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(6) Carriers and agents shall furnish a copy of any of their tariffs to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

(7) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished copies of a particular tariff or tariffs and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto. A reasonable charge may be made for the subscription.

[FR Doc.73-15957 Filed 8-2-73;8:45 am]

DEPARTMENT OF THE TREASURY

U.S. Customs Service

[19 CFR Parts 4 and 6]

CONTAINERIZED OR PALLETIZED CARGO

Proposed Customs Regulations of Load and Count on Manifests

Notice is hereby given that under the authority of Revised Statute 251, as amended (19 U.S.C. 66), section 431, 46 Stat. 710, as amended (19 U.S.C. 1431), and section 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to amend §§ 4.7a, 4.63, and 6.6 of the Customs Regulations to permit use of qualifying words relating to load or count information on manifests for containerized or palletized cargo. The nature of the subject cargo is such that, for the most part, only the shipper has knowledge of the inner packages of the shipment within the container. However, the master of a vessel must prepare a manifest describing his vessel's cargo. Since he may lack sufficient information to do so, it has been decided to amend the Customs Regulations to allow individuals preparing manifests for cargo carried aboard vessels or aircraft to use certain qualifying words on manifests to indicate that they are not preparing the manifests on the basis of personal knowledge as to the cargo, but rather on the basis of information received from the shipper.

Accordingly, it is proposed to amend § 4.7a of the Customs Regulations by adding a new paragraph (c) to read as follows:

§ 4.7a Inward foreign manifest; information required; alternative forms.

• • • • • •

(c) United States Customs Inward Foreign Manifest. For shipments of con-

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tainerized or palletized cargo, Customs officers shall accept United States Customs Inward Foreign Manifest, Customs Form 7527–A, or Inward Foreign Manifest, Customs Form 7527–B, which indicate that the manifest has been prepared on the basis of information furnished by the shipper, although the use of words of qualification in no way limits the liability of a master to submit accurate manifests or in any way qualifies the oath taken by the master as to the accuracy of his manifest.

(1) If the inward manifest covers only containerized or palletized cargo, the following statement may be placed on the manifest:

The information appearing on the manifest relating to the quantity and description of the cargo is in each instance based on the shipper's load and count. I have no knowledge or information which would lead me to believe or to suspect that the information furnished by the shipper is incomplete, inaccurate, or false in any way.

(2) If the manifest covers conventional cargo and containerized or palletized cargo, or both, the use of the abbreviation "SLC" for "shipper's load and count," or an appropriate abbreviation if similar words are used, is approved provided the abbreviation is placed next to each containerized or palletized shipment on the manifest and the following statement is placed on the manifest:

The information appearing on this manifest relating to the quantity and description of cargo preceded by the abbreviation "SLC" is in each instance based on the shipper's load and count. I have no information which would lead me to believe or to suspect that the information furnished by the shipper is incomplete, inaccurate, or false in any way.

The statements specified in paragraph (c)(1) and (2) of this section shall be placed on the last page of the inward manifest. Words similar to "the shipper's load and count" may be substituted for those words in the statements, although vague expressions such as "said to contain" or "accepted as containing" are not acceptable. The use of an asterisk or other character instead of appropriate abbreviations, such as "SLC," is not acceptable.

It is also proposed to amend section 4.63 by adding a new paragraph (f) to read as follows:

§ 4.63 **Outward cargo declaration; shippers' export declarations.**

* * * * *

"(f) Customs officers shall accept an outward manifest covering containerized or palletized cargo which indicates by the use of appropriate words of qualification (see § 4.7a(c) of this part) that the manifest has been prepared on the basis of information furnished by the shipper.

It is also proposed to amend § 6.6 by adding a new paragraph (c) to read as follows:

§ 6.6 **Documents; form.**

* * * * *

(c) Customs officers shall accept an inward or outward air cargo manifest covering containerized or palletized cargo which indicates by the use of appropriate words of qualificaion (see § 4.7a(c) of this part) that the manifest has been prepared on the basis of information furnished by the shipper. However, the use of qualifying words in no way limits the liability to submit accurate manifests or in any way qualifies the declaration as to the accuracy of the manifest.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received in the Bureau on or before September 4, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)), at the Regulations Division, Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commission of Customs.

Approved: July 26, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73–16067 Filed 8–2–73;8:45 am]

[19 CFR Part 24]

CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Proposed Customs Regulations on Official Receipt of Payment of Duties at Time of Entry and Payment of a Customs Bill

Notice is hereby given that under the authority of Revised Statute 251, as amended (19 U.S.C. 66), and section 624 of the Tariff Act of 1930 (19 U.S.C. 1624), it is proposed to amend §§ 24.3(b) and (c) of the Customs Regulations (19 CFR 24.3(b), (c)), to provide that a special receipt will not normally be given by Customs for the payment of Customs duties made at the time of entry on a dutiable consumption entry or appraisement entry, or for the payment of a Customs bill. This is in conformity with standard commercial accounting practice. Furthermore, since most of the payments to Customs are made by check, a copy of the payer's entry or his Customs bill, together with his cancelled check, will serve as the official receipt of payment.

Since payment of Customs duties at time of entry, § 24.3(c), generally occurs before payment of a Customs bill, § 24.3 (b), the contents in the two paragraphs are reversed to present a more logical order.

Accordingly, it is proposed to amend paragraphs (b) and (c) of § 24.3 to read as follows:

§ 24.3 **Bills and accounts; receipts.**

* * * * *

(b) A receipt for the payment of Customs duties made at the time of entry on a dutiable consumption entry or an appraisement entry will not normally be provided a payer. If payment is made by check, a copy of the entry and the payer's cancelled check shall constitute evidence of such payment to Customs. Should the payer desire evidence of receipt, he shall submit with his entry either an additional copy of Customs Form 5101 or an additional copy of the entry. The additional copy shall then be marked paid by the appropriate Customs official and returned to the payer.

(c) A copy of a Customs bill validated as paid will not normally be provided a payer. If a bill is paid by check, the copy of the Customs bill identified as "Payer's Copy" and the payer's cancelled check shall constitute evidence of such payment to Customs. Should a payer desire evidence of receipt, both the "Bureau of Customs Copy" and "Payer's Copy" of the bill, and, in the case of payments by mail, a stamped, self-addressed envelope shall be submitted. The "Payer's Copy" of the bill shall then be marked paid by the appropriate Customs official and returned to the payer.

* * * * *

Consideration will be given to relevant data, views, or arguments pertaining to the proposed amendment which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before September 4, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)), at the Regulations Division, Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: July 25, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73–16068 Filed 8–2–73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Andersonville National Historic Site, Ga.

Correction

FR Doc. 73–15445 appearing at page 20071 in the issue of Friday, July 27, 1973, was inadvertently published in the Rules and Regulations Section of this issue. The document should have been published in the Proposed Rules Section with the headings reading as set forth above.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 56]

SHELL EGGS

Proposed Grading Standards

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes For Shell Eggs (7 CFR Part 56), under authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

Statement of Considerations. The shell egg standards for individual quality of eggs presently consider both the depth of the air cell and its movement as quality factors. When eggs are first laid, they do not have an air cell. However, as the egg cools, the contents contract, drawing air into the space between the outer and inner shell membranes to form an air cell. As the egg ages, there is a progressive loss of moisture and an increase in the size of the air cell. Thus, there is a correlation between air cell size and the age of the egg which is associated with quality. However, recent research indicates that there is no significant correlation between air cell movement and quality as determined by the Haugh Unit breakout test which is the most objective method of determining interior egg quality. Eggs with the same size air cells, whether fixed or moveable, do not differ significantly in quality when subjected to the breakout test. Accordingly, the Department proposes to delete all reference to air cell movement from the quality standards for individual eggs. Air cell size would remain a quality factor.

Some adjustments would be made in the consumer and procurement grade tolerances. Provision would be made for a small tolerance for Leakers and Loss eggs caused by meat or blood spots which cannot be detected in fresh, high-quality eggs by present grading techniques. The tolerance for Checks would be slightly increased (from 3 to 5 percent) in the Procurement grades and the standards would be reworded so that the terminology would be compatible between the Consumer and Procurement grades. The adjustments are minor, but will provide a more realistic basis for grading eggs, recognizing that tolerances must be in line with industry capabilities under the most efficient and advanced processing techniques.

A change is being proposed in the egg washing operations in plants using the USDA voluntary grading service. Official plants which utilize a water supply with an iron content in excess of 2 parts per million would be required to provide equipment which will reduce such supply to 2 parts per million or less. Eggs washed in water with excessive iron content are more susceptible to spoilage.

Recently, the Department established a grade standard for "Nest Run Eggs" (37 FR 22791) October 25, 1972. There has been some confusion as to the type of eggs that would qualify as "Nest Run." To clarify this matter, the proopsal includes a definition of "Nest Run Eggs." The nest run standard is designed to anticipate the grade yield of eggs which have not been washed, graded, or sized. Eggs which have been washed, graded, or sized are not eligible to be graded under this standard.

It is the Department's policy not to discriminate against anyone in the conduct of our shell egg services or the licensing of graders because of race, color, creed, sex, or national origin. So this may be clearly understood, the proposal includes a statement on nondiscrimination.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 4, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

1. In § 56.1, immediately following the definition for "National supervisor," a new definition for "Nest run eggs" would be inserted to read:

"*Nest run eggs*" means eggs which are packed as they come from the production facilities without having been washed, sized and/or candled for quality, with the exception that some Checks, Dirties, or other obvious undergrades may have been removed at the time of gathering.

2. In § 56.3, the present text would be designated paragraph (a) and a new paragraph (b) would be added to read:

§ 56.3 **Administration.**

* * * * *

(b) The conduct of all services and the licensing of graders under these regulations shall be accomplished without discrimination as to race, color, creed, sex, or national origin.

3. In § 56.42, paragraph (b)(10) would be amended to read:

§ 56.42 **Requirements for eggs packaged under Fresh Fancy quality grade mark or AA grade mark as shown in figures 4 and 5 of § 56.36.**

* * * * *

(b) Minimum requirements at packaging plant.

* * * * *

(10) Graders shall examine samples of packaged product in accordance with the provisions of § 56.4 or as determined by the National supervisor. A tolerance of 15 percent is permitted in eggs that are of B quality with respect to shell. Within the 15 percent tolerance, 5 percent in any combination may be C quality due to shell, or meat or blood spots and Checks. In addition, 0.30 percent may be Leakers and Loss (due to meat or blood spots) in any combination. No Dirties or Loss other than as specified are permitted.

4. In § 56.43, paragraph (e) would be amended to read:

§ 56.43 **Requirements for eggs packaged under the U.S. Grade mark as shown in figure 7 of § 56.36.**

* * * * *

(e) A tolerance of 5 percent is permitted in any combination for C quality with respect to shell, meat or blood spots, and Checks. In addition, 0.30 percent may be Leakers and Loss (due to meat or blood spots) in any combination. No Dirties of Loss other than as specified are permitted.

5. In § 56.76, paragraph (e)(8) would be amended to read:

§ 56.76 **Minimum facility and operating requirements for shell egg grading and packing plants.**

* * * * *

(e) *Shell egg cleaning operations.* * * *

(8) Only potable water may be used to wash eggs and each official plant shall submit certification to the National Office stating that their water supply is potable. An analysis of the iron content of the water supply, stated in parts per million, is also required and when the iron content exceeds 2 parts per million, equipment shall be provided to correct the excess iron content.

* * * * *

6. In § 56.201, the second sentence would be amended to read:

"The air cell must not exceed ⅛ inch in depth, may show unlimited movement, and may be free or bubbly."

7. In § 56.202, the second sentence would be amended to read:

"The air cell shall not exceed $\frac{3}{16}$ inch in depth, may show unlimited movement, and may be free or bubbly."

8. In § 56.204, the fourth sentence would be amended to read:

"The air cell may be over $\frac{3}{16}$ inch in depth, may show unlimited movement, and may be free or bubbly."

9. In § 56.209, paragraph (b) would be deleted and paragraphs (c) and (d) would be designated (b) and (c), respectively.

10. In § 56.216, paragraphs (b), (c), and (d) would be amended to read:

§ 56.216 **Grades.**

* * * * *

(b) *U.S. Grade AA.* (1) U.S. Consumer Grade AA (at origin) shall consist of eggs which are 85 percent AA quality. The maximum tolerance of 15 percent which may be below AA quality may consist of A or B quality in any combination, with not more than 5 percent C quality or Checks in any combination and not more than 0.30 percent Leakers or Loss (due to meat or blood spots) in any combination. No Dirties or Loss other than as specified are permitted. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.42.

(2) U.S. Consumer Grade AA (destination) shall consist of eggs which are 80 percent AA quality. The maximum tolerance of 20 percent which may be below AA quality may consist of A or B in any combination with not more than 5 percent C quality or Checks in any combination and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted. This grade is also applicable

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when the lot consists of eggs meeting the requirements set forth in § 56.42.

(c) U.S. Grade A:

(1) U.S. Consumer Grade A (at origin) shall consist of eggs which are 85 percent A quality or better. Within the maximum tolerance of 15 percent which may be below A quality, not more than 5 percent may be C quality or Checks in any combination, and not more than 0.30 percent Leakers or Loss (due to meat or blood spots) in any combination. No Dirties or Loss other than as specified are permitted. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.43.

(2) U.S. Consumer Grade A (destination) shall consist of eggs which are 80 percent A quality or better. Within the maximum tolerance of 20 percent which may be below A quality, not more than 5 percent may be C quality or Checks in any combination, and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.43.

(d) U.S. Grade B:

(1) U.S. Consumer Grade B (at origin) shall consist of eggs which are 85 percent B quality or better. Within the maximum tolerance of 15 percent which may be below B quality, not more than 10 percent may be Checks and not more than 0.30 percent Leakers or Loss (due to meat or blood spots) in any combination. No Dirties or Loss other than as specified are permitted.

(2) U.S. Consumer Grade B (destination) shall consist of eggs which are 80 percent B quality or better. Within the maximum tolerance of 20 percent which may be below B quality, not more than 10 percent may be Checks and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or bood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

* * * * *

11. In § 56.217, Table I would be amended by deleting the words "Not over 0.5" and "Leakers or Dirties" whenever they appear and adding footnotes [2] and [3] at the end of the table to read, respectively:

[2] For the U.S. Consumer grades (at origin), a tolerance of 0.30 percent Leakers or Loss (due to meat or blood spots) in any combination is permitted. No Dirties or other type Loss are permitted.

[3] For the U.S. Consumer grades (destination), a tolerance of 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination is permitted, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

12. In § 56.221, paragraphs (a) and (b) would be amended to read:

§ 56.221 Grades.

(a) U.S. Procurement Grade I:

(1) U.S. Procurement Grade I (at origin) shall consist of eggs which are 85 percent A quality or better. Within the maximum tolerance of 15 percent which may be below A quality, not more than 5 percent may be C quality or Checks in any combination and not more than 0.30 percent may be Dirties, Leakers, and Loss combined. Loss, other than meat or blood spots, shall not exceed 0.15 percent.

(2) U.S. Procurement Grade I (destination) shall consist of eggs which are 80 percent A quality or better. Within the maximum of 20 percent which may be below A quality, not more than 5 percent may be C quality or Checks, in any combination and not more than 0.50 percent may be Dirties, Leakers, and Loss combined. Loss, other than meat and blood spots shall not exceed 0.20 percent.

(b) U.S. Procurement Grade II:

(1) U.S. Procurement Grade II (at origin) shall consist of eggs which are 65 percent A quality or better. Within the maximum tolerance of 35 percent which may be below A quality, not more than 10 percent may be C quality or Checks in any combination, except that Checks may not exceed 5 percent and not more than 0.30 percent may be Dirties, Leakers, and Loss combined. Loss, other than meat and blood spots shall not exceed 0.15 percent.

(2) U.S. Procurement Grade II (destination) shall consist of eggs which are 60 percent A quality or better. Within the maximum tolerance of 40 percent which may be below A quality, not more than 10 percent may be C quality or Checks, in any combination, except that Checks may not exceed 5 percent and not more than 0.50 percent may be Dirties, Leakers, and Loss combined. Loss, other than meat and blood spots, shall not exceed 0.20 percent.

* * * * *

13. In § 56.222, Table I would be amended by deleting the words:

"Dirty," "Leaker," and "Loss" whenever they appear, deleting footnote 2 and adding new footnotes 2 and 3 to read, respectively:

[2] For U.S. Procurement Grades (at origin), a maximum of 5 percent Checks is permitted and not more than 0.30 percent may be Dirties, Leakers, and Loss combined. Loss other than meat and blood spots shall not exceed 0.15 percent.

[3] For U.S. Procurement Grades (destination), a maximum of 5 percent Checks is permitted and not more than 0.50 percent may be Dirties, Leakers, and Loss combined. Loss, other than meat and blood spots, shall not exceed 0.20 percent.

Done at Washington, D. C., this 30th day of July 1973.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.73-16031 Filed 8-2-73;8:45 am]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Change in List of Varietal Types

Notice is hereby given of a proposal, pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order", regulating the handling of raisins produced from grapes grown in California, to change the list of varietal types of raisins set forth in § 989.10 of the order by deleting "Alicante Bouschet", "Cardinal", "Carignane", "Italia", "Malaga", and "Zinfandel" from the list. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The changed list of varietal types would be set forth as a new § 989.110 in the Subpart—Administrative Rules and Regulations (7 CFR 989.101–989.176, 38 FR 10074, 13012, 14959).

Section 989.10 defines "varietal type" to mean raisins generally recognized as possessing characteristics differing from other raisins in a degree sufficient to make necessary or desirable separate identification and classification. In addition to listing the varietal types, that section also provides that the Raisin Administrative Committee may from time to time, subject to the approval of the Secretary, change this list of varietal types.

Cardinal, Italia and Malaga grapes are primarily marketed fresh as table grapes and only limited quantities are made into raisins. The Committee has concluded that it is not necessary to have separate identifications and classifications for raisins produced from these varieties of grapes because the raisins possess characteristics which are similar to Muscat (natural (sun-dried) Muscat or Layer Muscat) or Valencia (bleached Muscat) raisins. "Natural (sun-dried) Muscat", "Layer Muscat" and "Valencia" raisins are listed as varietal types in § 989.10. Hence, the Committee unanimously recommended that the list of varietal types of raisins be changed to delete "Cardinal", "Italia", and "Malaga" from the list and that raisins produced from these varieties of grapes be considered to be the applicable Muscat or Valencia raisins for purposes of regulation under the order.

Alicante Bouschet, Carignane and Zinfandel grapes are wine variety grapes. There have been only insignificant quantities of these grapes dried to raisins since they were included in the order as varietal types of raisins (in 1960). It is not likely that production of raisins from these grape varieties will be in quantities expected to be of any commercial significance. Therefore it is also proposed that these three varietal types be deleted from the list of varietal types of raisins in § 989.10.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 15, 1973. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to add a new § 989.110 to read as follows:

§ 989.110 Changed list of varietal types.

Pursuant to § 989.10, the list of varietal types of raisins contained in that section is changed to read: Natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, natural (sun-dried) or artificially dehydrated Zante Currant, Layer Muscat, Golden Seedless, Sulfur Bleached, Soda Dipped, Valencia and Monukka.

Dated: July 31, 1973.

CHARLES R. BRADER,
Acting Deputy Director,
Fruit and Vegetable Division.

[FR Doc.73-16082 Filed 8-2-73;8:45 am]

[7 CFR Part 993]

Modified Definition of Non-French Prunes

Notice is hereby given of a proposal to modify the definition of "non-French prunes" set forth in § 993.6 by adding "Moyer" to that definition. The definition, as so modified, would be set forth as a new § 993.109 in Subpart—Administrative Rules and Regulations (7 CFR 993.101–993.174).

The proposal was unanimously recommended by the Prune Administrative Committee pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Section 993.6 defines the term non-French prunes to mean prunes produced from varieties of plums listed in that definition. Section 993.6 also provides that this definition may be modified by the Committee with the approval of the Secretary.

Section 993.7 of the order defines "French prunes" to mean: (a) Prunes produced from plums of the following varieties of plums: French (Prune d'Agen, Petite Prune d'Agen), Coates (Cox, Double X, Saratoga); and (b) any other prunes which possess taste, flesh texture, and other characteristics similar to those of the prunes named in that section. Thus, any prunes which do not possess characteristics similar to French prunes would be considered non-French prunes.

Because prunes made from Moyer variety of plums do not possess characteristics similar to French prunes, the Committee recommended that "Moyer" be included in the definition of non-French prunes.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 15, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend the Subpart—Administrative Rules and Regulations (7 CFR 993.101–993.174) by the addition of a new § 993.109 reading as follows:

§ 993.109 Modified definition of non-French prunes.

The definition of non-French prunes set forth in § 993.6 is modified to read as follows:

"Non-French Prunes" means prunes commonly known as Imperial, Sugar, Robe de Sargent, Burton, Standard, Jefferson, Fellenberg, Italian, President, Giant, Hungarian (Gross), and Moyer, produced from such varieties of plums. This definition may be modified by the Committee with the approval of the Secretary.

Dated: July 31, 1973.

CHARLES R. BRADER,
Acting Deputy Director,
Fruit and Vegetable Division.

[FR Doc.73-16083 Filed 8-2-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket 73-19; Notice 1]

[49 CFR Part 581]

BUMPER STANDARD

Notice of Proposed Rulemaking

The purpose of this notice is to propose a bumper standard that will reduce the damage sustained by passenger cars in low speed crashes. The proposed standard issues under Title I of the Motor Vehicle Information and Cost Savings Act, Public Law 92–513, 15 U.S.C. 1901–1991, and represents the first exercise of the authority created by the Act to regulate aspects of bumper performance in addition to the safety aspects.

The proposed standard would require passenger cars manufactured after September 1, 1974, to meet a set of damage criteria after impacting a fixed barrier in accordance with a test procedure originally developed for Motor Vehicle Safety Standard No. 215 (49 CFR 571.215). It would further require passenger cars manufactured after September 1, 1975, to meet the same damage criteria after a series of impacts by the test pendulum used for Standard No. 215. The agency's expectation is that upon the date the pendulum tests go into effect, Standard No. 215 will have been wholly included within the new standard and can be removed from the list of safety standards.

The standards-writing authority created by the Cost Savings Act is patterned upon that of the National Traffic and Motor Vehicle Safety Act, P.L. 89–563, under which the safety standards are issued. The safety standard format that has been developed over the years appears equally suitable to property loss reduction standards. Standard No. 215, which will be fully in effect for most passenger cars after September 1, 1973, contains test procedures expressly designed to evaluate the basic strength and protective characteristics of bumpers. Barrier test procedures, in particular, have been widely used and are mentioned in the text of the Cost Savings Act as among those procedures expected to be used in the standard (section 2(6)). The agency has therefore tentatively decided to establish this bumper standard in a manner parallel to Standard No. 215.

As evidenced by the passage of the Cost Savings Act, the safety authority under which the protective criteria of Standard No. 215 were established was not considered sufficient to remedy the problem of low-speed collision damage. Standard No. 215's criteria protect the safety of the vehicle's operating systems, such as its lights, brakes, cooling system, and power train, but do not prevent damage to components that do not affect the vehicle's safety. A dent in the sheet metal of the fenders or in the bumpers, or a broken grille, would not constitute a failure of Standard No. 215. Such damage is far from immaterial to the car owner, however, who must face the choice of repair, which is likely to be expensive, or nonrepair, which diminishes the resale value of the car. After reviewing extensive testimony on the prevalence of costly damage in low speed accidents, the Congress concluded that it was necessary to regulate the economic effects of such accidents and not just their safety effects. To this end, the Act directs the Secretary of Transportation to promulgate bumper standards and provides in section 102(b)(1) that any such standard shall seek to obtain the maximum feasible reduction of costs to the public and to the consumer, taking into account:

(A) The cost of implementing the standard and the benefits attainable as the result of implementation of the standard;

(B) The effect of implementation of the standard on the cost of insurance and prospective legal fees and costs;

(C) Savings in terms of consumer time and inconvenience; and

(D) Considerations of health and safety, including emission standards.

The rulemaking process under the Act thus involves the balancing of many factors to determine what level of performance is economically most beneficial to the consumer. The goal is not simply to require the most protective bumpers that can be produced. It may be that such bumpers would be so expensive to produce or replace that their use would involve a net economic loss to the consumer. In arriving at a tentative set of damage criteria, the agency has attempted to strike a balance between cost and protective capabilities. It is NHTSA's hope that, in the comments to the proposed standard and in the public meeting announced below, further information will be provided concerning the damage criteria.

In approaching the choice of damage criteria, the agency has attempted to

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classify the types of damages that are of economic consequence to the consumer. One broad class of damage to operating systems is already included within Standard No. 215. The vehicle's lights, its hood, trunk and doors, and its fuel, cooling, exhaust, propulsion, suspension, steering, and braking systems are protected from damage under Standard No. 215's criteria. The agency's experience to date has been that these criteria provide an adequate measure of control and it is therefore proposing to incorporate them into the new standard without significant change.

The other broad class of damage consists of structural and surface anomalies that are produced when a part of the vehicle is stressed beyond its capacity to return to its original condition. Some types of damage within this class, such as internal deformation in the bumper itself, may not affect the appearance of the vehicle and are not likely to be regarded as "damage" by the consumer. The proposed criteria are therefore directed primarily toward those types of impact-related change in the vehicle that are likely to be visible and to detract from the appearance and market value of the vehicle.

Three criteria are proposed in addition to the criteria carried over from Standard No. 215. The first deals with the damage typified by the ornament that falls off in an accident, by the chrome trim strip that springs loose from the fender, and by the bumper bolt that shears off. This type of damage would be regulated by requiring the vehicle to experience no breakage or release of fasteners or joints as a result of the test impacts. The second deals with damage to covering materials, such as paint and polymeric coatings, that are bonded to the underlying surface. Chipping, flaking, and peeling of such bonded materials would be regulated by requiring the vehicle to experience no separation of bonded coverings as a result of impact. The third deals with geometric distortions in the vehicle's exterior surface—in the sheet metal, in the grille and other trim, and in the bumpers themselves, including displacement of the bumpers due to shortening of the bumper struts or mounting brackets. The proposed criteria would regulate such damage by prohibiting the occurrence of surface displacements or separations.

As proposed, the damage criteria apply to the face of the bumpers as well as to other portions of the vehicle's exterior surface. The pendulum test tends to impose highly concentrated forces on the surfaces contacted by the pendulum's impact ridge, so that the bumper faces would be particularly susceptible to dents and other surface displacements. The NHTSA requests that any comments regarding the applicability of the criteria to the bumper faces discuss: (a) The relative costs of achieving this level of bumper protection compared with lesser levels of protection, (b) the manner in which damage criteria applicable to the bumper system alone could be specified, (c) the historical cost of repairing bumper face damage, and (d) the cost to the consumer of unrepaired bumper face damage.

An additional criterion carried over from Standard No. 215 is the provision that the vehicle must not touch the pendulum during impact except on the pendulum's impact ridge. This criterion has been the basic means employed by Standard No. 215 to control the height and shape of the bumper for the purpose of reducing the tendency of cars to underride or override each other in collisions. This criterion has been the source of continuing controversy, but as yet the agency has not determined that it can be modified without sacrificing its basic goals. If changes are decided upon within the context of Standard No. 215, they will be reflected in the new standard.

The proposed standard would not have the broadest application permitted by the Act, in that it would not apply to multipurpose passenger vehicles. The agency has not concluded that there is good cause to exempt such vehicles indefinitely from the bumper standard, but it is not proposing to regulate them at this time. In view of the increasing popularity of this type, particularly as recreational vehicles, comments are invited as to the benefits to be gained from extending the standard to them.

Other considerations in the Act that are not directly incorporated in the proposed standard concern the bumper's ability to accommodate a trailer hitch and to accept a tow truck's towing device without damage. Each of these aspects of performance depend to some extent on the types of hitches and towing devices in current use. Comments are expressly requested on the characteristics of towing devices now in use and on the present and potential difficulties that may arise when they are attached to motor vehicles. Comments are also requested as to the considerations of bumper design that affect the attachment of trailer hitches. If rulemaking appears advisable upon review of such comments, it is likely that the effective date of the resulting rule would coincide with the effective date of the other bumper performance tests.

The effective dates proposed for the new standard follow the corresponding dates for the barrier and pendulum tests of Standard No. 215 by two years, with the exception of the corner impact tests, which would be effective September 1, 1975, under either standard. With respect to the barrier impact tests, most manufacturers have taken steps to meet the California and Maryland no-damage bumper tests in the 1974 models sold in those states. Introduction of similar improvements across the country by the start of the 1975 model year would appear practicable. The date for the pendulum tests may be the subject of more discussion than the barrier date, but at this point the agency considers September 1, 1975, to be reasonable.

In consideration of the foregoing, NHTSA is proposing a new bumper standard, to be designated as Part 581 of Title 49, Code of Federal Regulations. The proposed standard is set forth below.

In addition to soliciting written comments on the proposed standard, NHTSA is directed by section 102(e)(1) of the Act to give interested persons an opportunity for oral presentation of data, views, or arguments. Under the circumstances, the agency finds that a public meeting can provide an extremely useful means of discussing any controversial aspects of the rulemaking, and has therefore decided to hold a public meeting on the proposal on September 13, 1973. The administrative details of the meeting will be published shortly in a notice in the FEDERAL REGISTER.

In order to develop a comprehensive evaluation of the costs and benefits associated with the proposed bumper standard, the NHTSA requests the greatest practicable detail in the statements at the public meeting and in the docket comments. Of particular relevance is historical data on low speed (0–20 mph) crash experience during model years 1971 to 1973, as set forth below. A detailed list of questions relating to manufacturing costs is being prepared and is expected to be issued during the comment period.

(1) Frequency distribution of crashes according to impact speed

(2) Frequency distribution of crashes according to direction of impact

(3) Frequency distribution of crashes according to damage repair cost

(4) Type of damage and cost of repair following Standard No. 215 tests

(5) Equivalence between crash damage and repair costs obtained from controlled test and actual experience

(6) Rate of replacement or repair of bumpers by model year relative to each of the following: dents, damage to protective or decorative coating, deformation, and displacement of bumper

(7) Type of damage and cost of repair as a function of crash speed in actual crashes

(8) Changes in collision and property damage insurance rates ascribable to or expected from bumper standard requirements

(9) Reductions in the losses for which consumers are not compensated by insurance

(10) Effects that a reduction in the number of damage producing collisions will have upon public services and institutional activities such as police traffic services, court and legal processes, and traffic record systems

(11) Impacts on consumer factors related to convenience and time delays

(12) Effects on health and safety including emission standards, pedestrian injury severity, and struck vehicle occupant injury and property damage severity.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Section 102, Pub. L. 92–513, 86 Stat. 947, 15 U.S.C. 1912; delegation of authority at 38 FR 12147).

Comment closing date: September 14, 1973.

Proposed effective date: September 1, 1974.

Issued on July 30, 1973.

JAMES E. WILSON,
Associate Administrator,
Traffic Safety Programs.

PART 581—BUMPER STANDARD

S1. *Scope.* This standard establishes requirements for the impact resistance of vehicles in low speed front and rear collisions.

S2. *Purpose.* The purpose of this standard is to reduce physical damage to the front and rear ends of a passenger motor vehicle from low speed collisions.

S3. *Application.* This standard applies to passenger motor vehicles other than multipurpose passenger vehicles.

S4. *Definitions.* All terms defined in the Motor Vehicle Information and Cost Savings Act, P.L. 92–513, 15 U.S.C. 1901–1991, are used as defined therein.

S5. *Requirements.*

S5.1 *Vehicles manufactured on or after September 1, 1974.* Each vehicle manufactured on or after September 1, 1974, shall meet the damage criteria of S5.3.1 through S5.3.8 when it impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, while traveling longitudinally forward at 5 m.p.h. and while traveling longitudinally rearward at 5 m.p.h., under the conditions of S6.1 and S6.3.

S5.2 *Vehicles manufactured on or after September 1, 1975.* Each vehicle manufactured on or after September 1, 1975, shall meet the damage criteria of S5.3.1 through S5.3.9 when impacted by a pendulum-type test device in accordance with the procedures of S7.1 and S7.2 followed by impacts into a fixed collision barrier that is perpendicular to the line of travel of the vehicle, while traveling longitudinally forward at 5 m.p.h. and while traveling longitudinally rearward at 5 m.p.h., under the conditions of S6.

S5.3 *Damage criteria.*

S5.3.1 Each lamp or reflective device, except license plate lamps, shall be free of cracks and shall comply with the applicable visibility requirements of S4.3.1.1 of Standard No. 108 (§ 571.108). The aim of each headlamp shall be adjustable to within the beam aim inspection limits specified in Table 2 of SAE Recommended Practice J559b, July 1970, measured with a mechanical aimer conforming to the requirements of SAE Standard J602a, July 1970.

S5.3.2 The vehicle's hood, trunk, and doors shall operate in the normal manner.

S5.3.3 The vehicle's fuel and cooling systems shall have no leaks or constricted fluid passages and all sealing devices and caps shall operate in the normal manner.

S5.3.4 The vehicle's exhaust system shall have no leaks or constrictions and shall operate in the normal manner.

S5.3.5 The vehicle's propulsion, suspension, steering, and braking systems shall remain in adjustment and shall operate in the normal manner.

S5.3.6 The vehicle's exterior surfaces shall have no separations of paint, polymeric coatings, or other covering materials from the surface to which they are bonded.

S5.3.7 There shall be no breakage or release of fasteners or joints.

S5.3.8 The vehicle's exterior surfaces shall have no deviations from their original contours and no separations of surface material.

S5.3.9 The vehicle shall not touch the test device except on the impact ridge shown in Figures 1 and 2.

S6. *Conditions.* The vehicle shall meet the requirements of S5. under the following conditions.

S6.1 *General.*

S6.1.1 The vehicle is at unloaded vehicle weight.

S6.1.2 The front wheels are parallel to the vehicle's longitudinal centerline.

S6.1.3 Tires are inflated to the vehicle manufacturer's recommended pressure for the specified loading condition.

S6.1.4 Brakes are disengaged and the transmission is in neutral.

S6.1.5 Trailer hitches are removed from the vehicle.

S6.2 *Pendulum test conditions.* The following conditions apply to the pendulum test procedures of S7.1 and S7.2.

S6.2.1 The test device consists of a block with one side contoured, as specified in Figure 1 and Figurt 2 with the impact ridge made of A1S1 4130 steel hardened to 34 Rockwell "C".

S6.2.2 With plane A vertical, the impact line shown in Figures 1 and 2 is horizontal at the same height as the test device's center of percussion.

S6.2.3 The effective impacting mass of the test device is equal to the mass of the tested vehicle.

S6.2.4 When impacted by the test device, the vehicle is at rest on a level rigid concrete surface.

S6.3 *Barrier Test Condition.* At the onset of a barrier impact, the vehicle's engine is operating at idling speed in accordance with the manufacturer's specification. Vehicle systems that are not necessary to the movement of the vehicle are not operating during impact.

S7. *Test Procedures.*

S7.1 *Longitudinal impact test procedures.* Impact the vehicle's front surface and its rear surface three times each with the impact line at the height of 20 inches, and three times each with the impact line at any height between 20 inches and 16 inches, in accordance with the following procedures.

S7.1.1 For impacts at a height of 20 inches, place the test device shown in Figure 1 so that plane A is vertical and the impact line is horizontal at the specified height.

S7.1.2 For impacts at a height between 20 inches and 16 inches, place the test device shown in Figure 2 so that plane A is vertical and the impact line is horizontal at a height within the range.

S7.1.3 For each impact, position the test device so that the impact line is at least 2 inches apart in vertical direction from its position in any prior impact, unless the midpoint of the impact line with respect to the vehicle is to be more than 12 inches apart laterally from its position in any prior impact.

S7.1.4 For each impact, align the vehicle so that it touches but does not move the test device, with the vehicle's longitudinal centerline perpendicular to the plane that includes plane A of the test device and with the test device inboard of the vehicle corner test positions specified in S7.2.

S7.1.5 Move the test device away from the vehicle, then release it so that plane A remains vertical from release until the onset of rebound, and the arc described by any point on the impact line is constant, with a radius of not less than 11 feet, and lies in a plane parallel to the vertical plane through the vehicle's longitudinal centerline.

S7.1.6 Impact the vehicle at 5 mph.

S7.1.7 Perform the impacts at intervals of not less than 30 minutes.

S7.2 *Corner impact test procedure.* Impact a front corner and a rear corner of the vehicle once each with the impact line at a height of 20 inches and impact the other front corner and the other rear corner once each with the impact line at any height between 20 inches and 16 inches in accordance with the following procedure.

S7.2.1 For an impact at a height of 20 inches, place the test device shown in Figure 1 so that plane A is vertical and the impact line is horizontal at the specified height.

S7.2.2 For an impact at a height between 20 inches and 16 inches, place the test device shown in Figure 2 so that plane A is vertical and the impact line is horizontal at a height within the range.

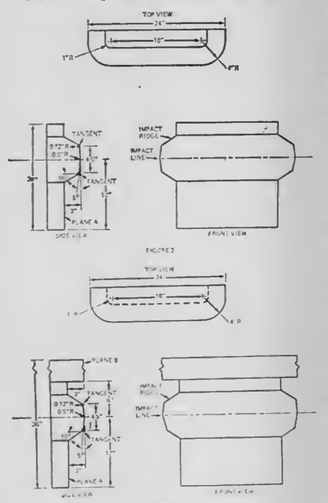
S7.2.3 Align the vehicle so that a vehicle corner touches, but does not move, the lateral center of the test device with plane A of the test device forming an angle of 60 degrees with a vertical longitudinal plane.

S7.2.4 Move the test device away from the vehicle, then release it so that plane A remains vertical from release until the onset of rebound, and the arc described by any point on the impact line is constant, with a radius of not less than 11 feet, and lies in a vertical plane

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at an angle of 30° to the vertical plane through the vehicle's longitudinal centerline.

S7.2.5 Impact each corner at 3 mph.



[FR Doc.73-16041 Filed 7-31-73;3:25 pm]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1100]

NONCOMPLYING OR DEFECTIVE CONSUMER PRODUCT

Commission Information

The Consumer Product Safety Commission proposes to establish a regulation providing guidelines for compliance with section 15(b) of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1221; 15 U.S.C. 2064(b)). Section 15(b) of the act deals with the responsibility of manufacturers, distributors, and retailers for informing the Commission of consumer products that fail to comply with an applicable consumer product safety rule or contain a defect which could create a substantial product hazard. Section 15(a) of the act defines "substantial product hazard."

The proposed regulation is also intended to apply to notification of a defect which could create a substantial product hazard in products subject to regulation under authority of the acts transferred to the Commission by section 30 of the Consumer Product Safety Act (15 U.S.C. 2079); namely, the Federal Hazardous Substances Act, the Poison Prevention Packaging Act of 1970, the Flammable Fabrics Act, and the Refrigerator Safety Act.

Section 15(a) and (b) of the act reads as follows:

SEC. 15. (a) For purposes of this section, the term "substantial product hazard" means—

(1) a failure to comply with an applicable consumer product safety rule which creates a substantial risk of injury to the public, or

(2) a product defect which (because of the pattern of defect, the number of defective products distributed in commerce, the severity of the risk, or otherwise) creates a substantial risk of injury to the public.

(b) Every manufacturer of a consumer product distributed in commerce, and every distributor and retailer of such product, who obtains information which reasonably supports the conclusion that such product—

(1) fails to comply with an applicable consumer product safety rule; or

(2) contains a defect which could create a substantial product hazard described in subsection (a)(2),

shall immediately inform the Commission of such failure to comply or of such defect, unless such manufacturer, distributor, or retailer has actual knowledge that the Commission has been adequately informed of such defect or failure to comply.

Notification under this proposed regulation of a failure to comply or of a possible product defect and data accompanying such notification will be made available to the public in accordance with the provisions of 5 U.S.C. 552 and section 6 of the Consumer Product Safety Act (15 U.S.C. 2055).

The Consumer Product Safety Commission's regulations will be codified in Title 16, Chapter II, of the Code of Federal Regulations. The regulation proposed herein will be a section in Part 1100 thereof.

Therefore, pursuant to provisions of the Consumer Product Safety Act (secs. 15 (a), (b) 27 (b), (e), 30, 86 Stat. 1221, 1228, 1211; 15 U.S.C. 2064 (a), (b), 2076 (b), (e), 2079), the Commission proposes to add the following section to 16 CFR Part 1100:

PART 1100—DEFINITIONS, INTERPRETATIONS, AND ADMINISTRATIVE PROCEDURES

§ 1100.25 Noncomplying or defective consumer products; informing the Commission pursuant to section 15(b) of the act.

(a) The definitions of terms set forth in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) shall apply to such terms as used in this section.

(b)(1) Pursuant to section 15(b) of the act (15 U.S.C. 2064(b)), every manufacturer of a consumer product distributed in commerce and every distributor and retailer of such product shall immediately inform the Director of the Bureau of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207, upon discovery of a consumer product which fails to comply with an applicable consumer product safety rule or upon discovery of a product containing a defect which creates or could create a substantial risk of injury to the public, unless such manufacturer, distributor, or retailer has actual knowledge that the Commission has been adequately informed of such defect or failure to comply.

(2) The initial notification of the Commission shall:

(i) Identify the product;

(ii) Give the name and address of the manufacturer, or if the manufacturer is unknown, the name and address of every distributor and/or retailer of such product known to the manufacturer, distributor, or retailer making the notification.

(iii) Specify the nature and extent of the defect or the failure to comply with an applicable consumer product safety rule;

(iv) Give the name and address of the person informing the Commission; and

(v) Furnish (to the extent such information is available) the data specified in paragraph (c) of this section.

(3) The initial notification of the Commission may be by any means but should be received by the Commission within 24 hours after discovery of such a defect or failure to comply with an applicable consumer product safety rule. If the initial notification is by means other than a written communication, it shall be confirmed in writing within 48 hours of the discovery of the defect or failure to comply and shall include the data (as available) specified in paragraph (c) of this section.

(c) Complete notification of the Commission shall be made in writing and shall include, but not be limited to, the following information:

(1) Name and address of the person informing the Commission.

(2) Identification of the product and the name and address of its manufacturer.

(3) Nature of the potential product hazard.

(4) Date the potential product hazard was discovered.

(5) How the potential product hazard was discovered (consumer complaint, quality control testing, etc.).

(6) Nature of potential injury associated with the potential product hazard.

(7) Whether injuries have occurred associated with the hazard or potential product hazard.

(8) Number of products which present a hazard or potential hazard and number of units of each such product involved.

(9) Number of units of each product in the hands of consumers.

(10) Specific dates when faulty units were manufactured and distributed.

(11) An accounting of when and where such products (and the number of units of each product) were distributed.

(12) Model numbers and serial numbers affected.

(13) Location on product where model number and serial number appear.

(14) List of names and addresses of every distributor, retailer, and purchaser, if known.

(15) What corrective action has been, is being, or will be taken by the manufacturer and how long it has or will take.

(16) What advice about the product has been, is being, or will be given to purchasers and how such advice was or will be given.

(17) Whether public notice of the defect or failure to comply has been or will be given (if already given, furnish copy to the Commission).

(18) Whether notice has been or will be mailed to each person who is a manufacturer, distributor, or retailer of such product and what effort has been or will be made to notify consumers directly where such consumers are known.

(19) What tests are conducted in factories to avoid the defect and/or to comply with an applicable consumer product safety rule.

(20) What engineering changes will be made to correct the defect and/or to comply with an applicable consumer product safety rule and the timetable for accomplishing the changes.

(21) What new quality controls will be initiated to avoid the defect and/or to comply with an applicable consumer product safety rule and the timetable for changes to be placed into effect.

(22) What, if any, data submitted is entitled to protection as proprietary data under the provisions of 5 U.S.C. 552 and of section 6 of the Consumer Product Safety Act (15 U.S.C. 2055). Unavailability of any portion of this information shall not delay submission of available data.

(d) Complete notification of the Commission by a manufacturer shall be deemed to have been given whenever the information outlined in paragraph (c) of this section and any additional information requested by the Commission during the course of its investigation have been furnished.

(e) Complete notification of the Commission by a distributor or retailer shall be deemed to have been given whenever the information specified in paragraph (c) of this section (as is available to the distributor or retailer) and any additional information requested by the Commission during the course of its investigation have been furnished.

(f) A final written report by a responsible official of the manufacturer shall be submitted to the Director of the Bureau of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207, when all of the information specified in paragraph (d) of this section has been furnished to the Commission and the reported potential product hazard has been corrected.

Interested persons are invited to submit on or before September 4, 1973, written comments regarding this proposal. Comments and any accompanying material or data should be submitted, preferably in sextuplicate, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments may be seen in the Office of the Secretary, seventh floor, Air Rights Building, 7315 Wisconsin Avenue, Bethesda, Md., during working hours Monday through Friday.

Dated July 30, 1973.

GEORGE A. SMITH,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.73-15988 Filed 8-2-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33-5410]

ISSUERS OF REGISTRATION STATEMENTS

Proposed Summary Requirement

The Commission is releasing for public comment a proposed new Rule 458 [17 CFR 230.458] to be adopted under section 19(a) of the Securities Act of 1933. The proposed rule would require any company filing a registration statement with the Securities and Exchange Commission other than on Form S-8 [17 CFR 239.16b] and S-12 [17 CFR 239.19] to provide in a letter but not as part of the registration statement a one-paragraph summary for the SEC News Digest as notice of the registration filing. The text of the proposed rule is as follows:

§ 230.458 Brief summary of registration statement.

(a) A letter, addressed to the Commission's Office of Public Information and containing the information described below, shall be delivered to the Commission at the same time that a registration statement on any form other than Form S-8 [17 CFR 239.16b] or S-12 [17 CFR 239.19] is filed with the Commission. Such letter shall contain a summary of the offering to which the registration statement relates, which summary shall include only the following items of information, where applicable, in the following order:

(1) The name and address of the issuer of the security;

(2) The full title of the security or securities and the amount being offered;

(3) The price of the security, or if the price is not known, the proposed maximum offering price as estimated for purposes of computing the registration fee;

(4) The name and address of the managing underwriter(s);

(5) In the case of a rights offering, the class of securities the holders of which will be entitled to subscribe, the subscription ratio, the actual or proposed record date, and the approximate subscription price;

(6) In the case of an exchange or tender offer, a brief description of the proposed exchange conforming to Section 230.135(a)(4) of this Chapter;

(7) A statement of the amount of the offering, if any, to be made by selling security holders;

(8) A brief indication of the primary business of the issuer.

(b) A letter, furnished in compliance with this section, shall be deemed not to be "filed" with the Commission and not to be a part of the registration statement. For purposes of Section 5 of the Act only, information furnished pursuant to this section and published in the News Digest of the Commission, shall be deemed not to constitute an offer when so published.

(c) Instruction: The information should be presented in a form similar to the examples which follow, as appropriate:

(1) *General.* ABC, INC., 3700 50th Avenue, Bladensburg, Md. 20710—$1,500,000 of convertible subordinated debentures and 150,000 shares of common stock, to be offered for sale in units, each consisting of a $250 debenture and 25 shares, and at $500 per unit through underwriters headed by Blank & Co., Inc., 1720 F St., NW., Washington, D.C. 20006. The company is a commercial printer, engaged in web offset lithography and book binding.

(2) *Secondary offering.* MNO COMPANY, 50 Detroit Avenue, Lakewood, Ohio 44107—72,000 shares of common stock, which may be offered for sale (or pledged) from time to time by certain shareholders at prices current at the time of sale ($38.25 per share maximum). MNO is an automotive parts manufacturer.

(3) *Exchange offer.* PQR, INC., 500 Second Ave., Cedar Rapids, Iowa 52401—168,000 shares of common stock. It is proposed to offer these shares in exchange for the outstanding common shares of Blank National Bank, Waterloo, Iowa at the rate of seven shares for each bank share. Also included in this statement are 160,000 shares of common stock, which may be issued in connection with future acquisitions of other businesses or properties. PQR is a bank holding company which controls four banks.

(4) *Rights offer.* VWX, INC., 1 Florida Ave., Tampa, Fla. 33602—409,249 shares of common stock. It is proposed to offer these shares for subscription by common stockholders of record June 15, at the rate of one share for each five shares held, and at $25 per share. Black & Co., Inc., 10 Chase Manhattan Plaza, New York, is principal underwriter. The company is a bank holding company with four banking subsidiaries.

(5) *Miscellaneous.* YZ ENTERPRISES, INC., 660 Wilshire Blvd., Los Angeles, Calif. 90057—732,812 shares of common stock. Of these shares, 276,719 were issued in connection with acquisitions made by the company; 15,000 are issuable upon exercise of options granted to Gray & Co.; 51,122 are reserved for issuance upon conversion of 5% convertible second mortgage bonds, due 1981; 119,700 were issued in private placements in 1969 and 270,271 are reserved for issuance upon conversion of outstanding 7% convertible subordinated guaranteed bonds, due 1990 of YZ International N.V., wholly-owned subsidiary of the company. The company operates 14 general hospitals.

(Sec. 19(a), 48 Stat. 85, Sec. 209, 48 Stat. 908, 15 U.S.C. 77s.)

All interested persons are invited to submit their views on the proposed rule, in writing, to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, to be received on or before August 22, 1973. All such communications will be available for

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public inspection and should refer to File No. S7-487.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JULY 24, 1973.

[FR Doc.73-16019 Filed 8-2-73;8:45 am]

[Release No. 34-10297]

INDEPENDENT PUBLIC ACCOUNTANTS

Permission To Perform Preliminary Audit Procedures

The Securities and Exchange Commission announced today a proposal to amend Rule 17a-5 [17 CFR 240.17a-5] and Form X-17A-5 to permit independent public accountants to perform audit procedures prior to the audit or balance sheet date of the broker or dealer. This proposal arises out of the submission by the New York Stock Exchange of a proposal to eliminate the surprise audit requirement for its members and discussions with the NYSE and the Committee on Stockbrokerage Auditing of the AICPA.

To date all the major exchanges with the exception of the NYSE and the American Stock Exchange have made the surprise audit requirement optional for their members. Over the past several years questions have been raised regarding the value of the surprise audit as a regulatory requirement when balanced against the desirability of annual calendar or fiscal year end financial statements, which a surprise audit would normally preclude. Additionally, it has been asserted that the size of many broker-dealers, the practice of commencing a securities count a few days prior to the audit date and the existence of sophisticated electronic data processing systems have as practical matter, in many instances, eliminated the element of surprise. Finally, a number of broker-dealers, who because they are public companies, are required to file reports annually on Form 10K under the Securities Exchange Act of 1934 as well as Form X-17A-5 with the Commission and must undergo two audits annually. It is against this background that the Commission has determined to propose certain amendments to Rule 17a-5 under the Securities Exchange Act of 1934 and to the Audit Requirements of Form X-17A-5 which will alleviate the need for duplicate costs and reporting and which we believe will lead to more effective audits and more uniform reporting of financial data by brokers and dealers.

In announcing these proposed amendments, the Commission has clarified in this release the responsibilities of accountants with respect to the reporting of material inadequacies.

SUMMARY OF THE PROPOSED CHANGES

The proposed amendment to Rule 17a-5 would require the independent public accountant to notify the Regional Office of the Commission for the region in which the broker-dealer has its primary place of business any time that preliminary audit work which requires the filing of Part III of Form X-17A-5 is commenced and that forty-five (45) days thereafter the member, broker or dealer shall file a Report of Preliminary Examination with the appropriate regional office as required by paragraph (a)(2) of Rule 17a-5.

The proposal further would amend the audit requirements of Form X-17A-5 to permit the independent public accountant at his option to perform preliminary audit procedures with respect to his audit engagement. The amendment would not preclude the independent public accountant from performing such procedures on a surprise basis where in his judgment it is appropriate or otherwise limit the accountant in the scope of his preliminary procedures. The amendment would require the independent public accountant if he performed any of the audit procedures prescribed in Items 2, 3, 4, or 6(c)-(g), excluding Item 6(e)(v) of the Audit Requirements, to perform all such procedures as of the same date. Those procedures which would be required to be performed as of the same date would include the securities count and comparison of that count with the underlying books and records; verification of those items in transfer or transit; balancing of all positions in securities, spot and future commodities; and, confirming in writing customer accounts, accounts with broker-dealers or others and details of fails, securities borrowed or loaned; and, bank loans. The scope of the audit procedures would not be changed from present requirements. The proposal also requires that if the independent public accountant chooses to perform preliminary to the audit date the procedures set forth above, those procedures shall be performed not more than 100 days prior to the audit date.

Form X-17A-5 would be amended to require the member, broker or dealer to file 45 days after the date of the preliminary work Part III of Form X-17A-5 with a report signed by the independent public accountant which (1) describes the scope of the examination, (2) states that the statistical information required to be reported is fairly presented, and (3) comments upon any material inadequacies found to exist in the accounting system, the internal accounting control and procedures for safeguarding securities and indicates any corrective action taken or proposed which comments shall be based upon the scope of his preliminary work.

Part III requires the respondent member, broker or dealer to report securities differences both with and without related money differences, commodity differences, unreconciled items reflecting differences between money balances on requests for confirmations, including customers' statements and the appropriate general ledger control account and money differences reported in response to confirmation requests. In addition, the member, broker or dealer would be required to report aged fails, transfers and stock dividend data.

MATERIAL INADEQUACIES

The Audit Requirements of Form X-17A-5 as well as the proposed amendments to the Form provide that the independent public accountant shall, based upon his audit, comment upon any material inadequacies found to exist in: (a) The accounting system, (b) the internal accounting control, and (c) the procedures for safeguarding securities.

The Commission has received inquiries as to what constitutes a material inadequacy reportable under the above audit requirements. The determination of what constitutes a material inadequacy of necessity involves the application of judgment to specific factual circumstances and therefore the term is not subject to any all-encompassing or self-limiting definition. In an effort to provide some guidance to both the securities industry and the independent public accountants who serve that industry, the Commission has set forth below some tentative views in this regard. Comments are invited on the statements in the following paragraphs.

A material inadequacy which should be reported includes any material weakness which has substantially contributed to or, if appropriate corrective action is not taken, could reasonably be expected to substantially contribute to (1) severe operational problems, (2) material losses or misstatement of the broker's or dealer's financial statements, or (3) violations of the Commission's recordkeeping and financial responsibility rules.

In this regard, it is the Commission's view that both the public interest and the broker-dealer community are not properly served if weaknesses are considered material only after such inadequacies have resulted in substantial financial loss. Accordingly, it is incumbent upon the independent public accountant to report those weaknesses which the exercise of prudent judgment indicates could reasonably be expected to result in a substantially adverse impact if appropriate corrective action is not promptly taken. Further, it is the independent public accountant's responsibility to satisfy himself that the action taken or proposed is appropriate under the circumstances and if not, to reflect that opinion in his report. At a minimum, a severe operational problem is one that inhibits a broker or dealer from promptly completing securities transactions or promptly discharging his responsibilities to customers, other brokers or dealers or creditors. The Commission believes that it will normally be a rare occurrence when a severe operational problem does not have the very real potential to ultimately manifest itself in the form of either material losses, misstatements of the broker's or dealer's financial statements or violations of the Commission's recordkeeping or financial responsibility rules.

The Commission's view that material inadequacies reportable under Form X-17A-5 include those weaknesses related to operational problems and violations of the Commission's recordkeeping and financial responsibility rules takes cognizance of the independence public account ant's technical expertise and his integral functions within the regulatory framework of the securities industry. Accordingly, the Commission is of the belief that weaknesses in the practices or procedures used by a broker or dealer in complying with the recordkeeping and financial responsibility rules, shall be reported by the independent public accountant, irrespective of the financial position of the broker or dealer.

STATUTORY BASIS

The Commission proposes to adopt these amendments under the Securities Exchange Act of 1934, particularly sections 15(c)(3), 17(a), 10(b) and 23(a) thereof.

The text of the proposed amendments to Rule 17a-5 and Form X-17A-5 thereunder shall be as follows:

Paragraph (a)(2) shall be amended by adding a new subdivision (iv) at the end thereof and shall read as follows:

§ 240.17a-5 Reports to be made by certain exchange members, brokers, and dealers.

(a) Filing reports: (1) This rule shall apply to every member of a national securities exchange who transacts a business in securities directly with or for other than members of a national securities exchange, every broker or dealer registered pursuant to section 15 of the Act.

(2) Every member, broker or dealer subject to this rule shall file reports of financial condition containing the information required by Form X-17A-5, as follows: (i) A report shall be filed as of a date within each calendar year, except that (A) the first such report of a member, broker or dealer (other than one succeeding to and continuing the business of another member, broker or dealer) shall be as of a date not less than 1 nor more than 5 months after the date on which such member, broker or dealer becomes subject to this rule (in the case of a registered broker or dealer shall be the date the registration becomes effective) and (B) a member, broker or dealer succeeding to and continuing the business of another member, broker or dealer need not file a report as of a date in the calendar year in which the succession occurs if the predecessor member, broker or dealer has filed a Form X-17A-5 report in compliance with this rule as of a date in such calendar year; (ii) such reports shall be filed not more than sixty (60) days after the date of the report of financial condition; (iii) reports for any 2 consecutive years shall not be as of dates within 4 months of each other; and, (iv) the independent public accountant shall on the date on which a preliminary audit examination commences, if the audit procedures performed are required to be reported in Part III of Form X-17A-5, notify in writing the Regional Office of the Commission for the region in which the member, broker or dealer has its principal place of business that such preliminary audit examination has commenced and shall file as required by paragraph (a)(2), of this section not later than 45 days thereafter, Part III of Form X-17A-5, Report on Preliminary Audit Examination.

The Audit Requirements of Form X-17A-5 shall be amended by inserting a new paragraph after the first full paragraph of those requirements as follows. The audit shall be made in accordance with generally accepted auditing standards and shall include a review of the accounting system, the internal accounting control and procedures for safeguarding securities including appropriate tests thereof for the period since the prior examination date. It shall include all procedures necessary under the circumstances to substantiate the assets and liabilities and securities and commodities positions as of the date of the response to the financial questionnaire and to permit the expression of an opinion by the independent public accountant as to the financial condition of the respondent at that date. Based upon such audit, the accountant shall comment upon any material inadequacies found to exist in the accounting system, the internal accounting control and procedures for safe guarding securities, and shall indicate any corrective action taken or proposed. These comments may be submitted in a supplementary certificate and filed pursuant to Rule 17a-5(b)(3).

The independent public accountant may perform audit procedures at any time which he may deem appropriate; however, if the procedures prescribed in Items 2, 3, 4 and 6 (c) through (g), excluding Item 6(e)(v), are performed at a date other than the audit date, then such aforementioned procedures shall be performed as of the same preliminary audit date which shall not be more than 100 days prior to the audit date.

Form X-17A-5 shall be amended by adding after Part II a new Part III which shall be entitled Report on Preliminary Audit Examination and shall read as follows:

PART III

REPORT ON PRELIMINARY AUDIT EXAMINATION

(a) The accountant shall submit a report which (1) describes the scope of the examination, (2) states that the statistical information in the Report of Preliminary Audit Examination fairly presents the result of the physical examination and comparison of securities and confirmation of accounts and balances with customers, brokers and others, and (3) based upon the scope of his preliminary examination, comments upon any material inadequacies found to exist in the accounting system, the internal accounting control and procedures for safeguardin gsecurities and indicates any corrective action taken or proposed.

(b) The following questions shall be answered by the respondent:

1. Securities (Note 2)	No. of Items	(Note 1) Market Value Long	(Note 1) Market Value Short	(Note 1) Money Balance Debit	(Note 1) Money Balance Credit
(a) Securities differences without differences in related money balances: (i) Long (ii) Short				(b) Securities differences: (i) Long and related money (ii) Short and related money	
2. Commodities (Note 3)	No. of Items	(Note 1) Market Value Long	(Note 1) Market Value Short	(Note 1) Debit Credit Debit	(Note 1) Debit Credit Credit
(a) Number and amount of unresolved reconciling money items: (i) Debit (ii) Credit (b) Number and market value of unresolved future contract differences after comparison and balancing with proprietary and customers' positions: (i) Long (ii) Short					
3. Money Balances	No. of Items	(Note 1) Market Value Long	(Note 1) Market Value Short	(Note 1) Money Balances Debit	(Note 1) Money Balances Credit

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(a) Unreconciled items reflecting difference between money balances on requests for confirmations, including customers' statements, and the appropriate general ledger control accounts:

(i) Debit.

(ii) Credit.

(b) Number and amount of money differences reported in response to confirmation requests:

(i) Debit

(ii) Credit

4. Aged Fails as of the date of the fail confirmations:

(a) Number of items, ledger debit balances and long security valuations of fails to deliver:

(i) 40 to 49 days old

(ii) 50 to 59 days old

(iii) 60 days or more

(b) Number of items, ledger credit balances and short security valuation of fails to receive over 30 days old.

(c) Number of items and market value of transfer positions over 40 days old which had not been confirmed in writing within such 40 day period by the transfer agent.

(d) Number of items and market value of stock dividends and similar distributions receivable outstanding more than 30 days after payable date.

Notes:

(1) The terms long and short as used in reporting securities and commodity differences shall reflect the differences on the securities or commodities records of the respondent. The terms debit and credit as used in reporting money differences shall reflect potential losses to the respondent or liability of the respondent to unknown parties, respectively.

(2) The amounts reported under securities, commodities and money balances shall be those items which have not been satisfactorily resolved as of the date of this report and with respect to security differences shall include, but not necessarily be limited to, the following:

(a) Securities count differences;

(b) Differences between the positions reflected in the requests for confirmation, including customers' accounts, and the securities record.

(c) Differences reported in response to requests for confirmation, except that immaterial differences reported in responses to confirmation of customers' accounts may be excluded;

(d) Differences between securities positions as reflected in the trading and investment accounts of the respondent and the securities record.

(e) Any securities positions which were reflected on the securities record at the preliminary examination date which were not susceptible to either count or confirmation (but shall not include dividend payable);

(3) Differences reported under commodities shall include commodities cleared on an exchange and commodities cleared through another member, broker or dealer.

Comments on the above proposal are invited and should be submitted to Ronald F. Hunt, Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. All comments should bear the file No. S7-489 and be received no later than September 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JULY 25, 1973.

[FR Doc.73-16021 Filed 8-2-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[24 CFR Part 135]

[Docket No. R-73-100]

EMPLOYMENT OPPORTUNITIES FOR BUSINESSES AND LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

Notice of Proposed Rulemaking

The purpose of this amended proposed rulemaking is to provide further opportunity for comment upon procedures to be established by the Secretary of Housing and Urban Development for carrying out his responsibilities to provide employment opportunities for businesses and lower income persons in connection with assisted projects, under section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u. Notice of a proposed amendment to Title 24 of the Code of Federal Regulations to include a new Part 76 entitled "Employment Opportunities for Businesses and Lower Income Persons Within the Project Locale" was published in the FEDERAL REGISTER on June 18, 1971 (36 FR 11744). A large number of comments has been received from interested parties and careful consideration was given to each. This amended proposed rulemaking embodies several major changes identified below and a number of minor changes identifiable by careful comparison of the June 18, 1971 proposal and the proposal published below.

The major changes are:

1. The part number has been changed to 135 to reflect the recodification of Title 24.

2. The definitions of eligible businesses have been modified for greater specificity.

3. Section 135.5(m) has been amended to exempt certain small contracts, subcontracts and projects.

4. Section 135.15(a)(3) now explains which officials make the determination that goals cannot be met within a section 3 covered project area.

5. Since the Project Area Map of § 135.15(b) is no longer deemed necessary, all references to it have been deleted.

6. Section 135.45 has been amended to clarify that the number of trainees or apprentices for an occupation shall in no event be less than the minima established by the Secretary of Labor.

7. Section 135.70 now contains a good faith effort provision paralleling that of Subpart C, as well as a clarification of the responsibilities for notifying concerns listed on the Department's registry of businesses which meet the definitions of § 135.5 (b) and (c).

8. Section 135.125 now contains a provision expressly revoking and superseding previous Departmental regulations, procedures, and circulars purporting to implement Section 3.

9. A new § 135.135 has been added pertaining to sanctions and penalties.

Because of these changes the Department deems it necessary to republish this regulation for further comment. Interested persons are invited to participate in the making of the proposed rule by submitting written data, views or statements with regard to the proposed regulation. Communications should be filed in triplicate, using the above docket number and title, with the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. All relevant material received on or before September 5, 1973 will be considered by the Secretary before taking action on the proposal. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

The proposed Part 135 reads as follows:

PART 135—EMPLOYMENT OPPORTUNITIES FOR BUSINESSES AND LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

Subpart A—General

Sec.
135.1 Purpose and scope of part.
135.5 Definitions.
135.10 Delegation to Assistant Secretary for Equal Opportunity.
135.15 Determination of the area of a section 3 covered project.
135.20 Assurance of compliance with regulations.
135.25 Bidding and negotiation requirements.
135.30 Other applicant and recipient obligations.
135.35 Effectuation of applicant obligations in direct and indirect relationships.

Subpart B—Utilization of Lower Income Area Residents as Trainees

135.40 General.
135.45 Establishing number of trainees.
135.50 Good faith effort.

Subpart C—Utilization of Lower Income Area Residents as Employees

135.55 General.
135.60 Good faith effort.

Subpart D—Utilization of Business Located in or Owned in Substantial Part by Persons Residing in the Area

135.65 General.
135.70 Development of an affirmative action plan.

Subpart E—Participation in Approved Programs

135.75 Participation as evidence of compliance with section 3 requirements.

Subpart F—Grievance and Compliance Review

135.80 Who may file grievance.
135.85 Content of grievance filings.
135.90 Form of grievance filings.
135.95 Place of filing.
135.100 Time of filing.

Sec.
135.105 Processing of grievance filings.
135.110 Hearings.
135.115 Compliance reviews and procedures.

Subpart G—Miscellaneous

135.120 Reporting and recordkeeping.
135.125 Implementing procedures and instructions.
135.130 Labor standards.
135.135 Sanctions.
135.140 Effective date.

AUTHORITY: Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Subpart A—General

§ 135.1 Purpose and scope of part.

(a) The regulations set forth in this part contain the procedures established by the Secretary of Housing and Urban Development for carrying out his responsibilities under section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u. That section requires that: In the administration by the Secretary of Housing and Urban Development of programs providing direct financial assistance in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development, the Secretary shall—

(1) Require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing in the area of such project; and

(2) Require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project.

(b) In the development of these regulations the Secretary has consulted with the Secretary of Labor and the Administrator of the Small Business Administration and mutual agreement has been reached with respect to the coordination of employment and training efforts and contracts awards under these regulations by the Department of Housing and Urban Development, the Department of Labor, and the Small Business Administration.

(c) The regulations as set forth in this part, particularly subparts C and D of this part, shall serve to define "to the greatest extent feasible" as that term is applied in section 3 of the Housing and Urban Development Act of 1968.

(d) The Secretary will issue such further regulations in connection with his responsibilities under section 3 of the Housing and Urban Development Act of 1968, as he finds appropriate and may, as needed, amplify any regulations issued pursuant to section 3, through guidelines, handbooks, circulars, or other means.

§ 135.5 Definitions.

As used in this part—

(a) "Applicant" means any entity seeking assistance for a section 3 covered project including, but not limited to mortgagors, developers, local public bodies, nonprofit or limited dividend sponsors, builders, or property managers.

(b) "Business concerns located within the section 3 covered project area" means those individuals or firms located within the relevant section 3 covered project area as determined pursuant to § 135.15, listed on the Department's registry of eligible business concerns, and which qualify as small under the small business size standards of the Small Business Administration.

(c) "Business concerns owned in substantial part by persons residing in the section 3 covered project area" means those business concerns which are 51 percent or more owned by persons residing within the relevant section 3 covered project as determined pursuant to § 135.15, owned by persons considered by the Small Business Administration to be socially or economically disadvantaged, listed on the Department's registry of eligible business concerns, and which qualify as small under the small business size standards of the Small Business Administration.

(d) "Contracting party" means any entity which contracts with a contractor for the performance of work in connection with a section 3 covered project.

(e) "Contractor" means any entity which performs work in connection with a section 3 covered project.

(f) "Department" means the Department of Housing and Urban Development.

(g) "Lower income resident of the area" means any individual who resides within the area of a section 3 covered project and whose family income does not exceed 90 percent of the median income in the Standard Metropolitan Statistical Area (or the county if not within an SMSA) in which the section 3 covered project is located.

(h) "Political jurisdiction" means a politically organized community with a governing body having general governmental powers.

(i) "Recipient" means any entity who received assistance for a section 3 covered project including, but not limited to, mortgagors, developers, local public bodies, nonprofit or limited dividend sponsors, builders or property managers.

(j) "Secretary" means the Secretary of Housing and Urban Development.

(k) "Section 3" means section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u.

(l) "Section 3 clause" means the contract provisions set forth in § 135.20(b).

(m) "Section 3 covered project" means any nonexempt project assisted by any program administered by the Secretary in which loans, grants, subsidies, or other financial assistance are provided in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development (except where the financial assistance available under such program is solely in the form of insurance or guaranty). Projects, contracts, and subcontracts, connected with programs administered by the Secretary under section 235 and 236 of the National Housing Act, as well as any Public Housing program and which do not exceed $500,000 in estimated cost are exempted from the requirements of this part, as is any subcontract of $50,000 or under on such projects or contracts in excess of $500,000.

(n) "Subcontractor" means any entity (other than a person who is an employee of the contractor) which has agreed or arranged with a contractor to undertake a portion of the contractor's obligation or the performance of work in connection with a section 3 covered project.

§ 135.10 Delegation to Assistant Secretary for Equal Opportunity.

Except as otherwise provided in this part, the functions of the Secretary referred to herein are delegated to the Assistant Secretary for Equal Opportunity.

§ 135.15 Determination of the area of a section 3 covered project.

(a) The area of a section 3 covered project shall be determined as follows:

(1) The boundaries of a section 3 covered project located:

(i) Within a geographic area designated as an urban renewal area pursuant to the provisions of title I of the Housing Act of 1949, 42 U.S.C. 1450; or

(ii) Within a geographic area designated as Model Cities areas or Metropolitan Development Plan areas pursuant to the provisions of title I of the Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3301, or

(iii) Within a geographic area designated as an Indian reservation (to include all territory within reservation boundaries including fee patented roads, waters, bridges and lands used for agency purposes), shall be coextensive with the boundaries of that geographic area.

(2) The boundaries of a section 3 covered project not located within a geographic area designated pursuant to title I of the Housing Act of 1949, or title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall be coextensive with the boundaries of the smallest political jurisdiction in which the project is located.

(3) To the extent that goals (established pursuant to Subparts B, C, and D of this part) cannot be met within a section 3 covered project area as determined pursuant to subparagraph (1) of this paragraph, the boundaries of the smallest political jurisdiction in which the section 3 covered project is located shall be designatel as the relevant section 3 covered project area. The determination to apply this subparagraph shall be made by the Assistant Secretary for Equal Opportunity or by the same official

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designated by the Assistant Secretary for Equal Opportunity to determine the section 3 covered project area pursuant to subparagraph (1) of this paragraph.

(b) The Department's Regional Administrator, Area Office Director, or FHA Insuring Office Director, as appropriate, shall determine the boundaries of each section 3 covered project.

§ 135.20 Assurance of compliance with regulations.

(a) Every contract or agreement for a grant, loan, subsidy, or other direct financial assistance in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development, entered into by the Department of Housing and Urban Development with respect to a section 3 covered project shall contain provisions requiring the applicant or recipient to carry out the provisions of section 3, the regulations set forth in this part, and any applicable rules and orders of the Department issued thereunder prior to approval of its application for assistance for a section 3 covered project.

(b) Every applicant, recipient, contracting party, contractor, and subcontractor shall incorporate, or cause to be incorporated, in all contracts for work in connection with a section 3 covered project, the following clause (referred to as a section 3 clause):

A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to busines concerns which are located in, or owned in substantial part by persons residing in the area of the project.

B. The parties to this contract will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR ____, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR ____. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR ____ and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR ____, and all applicable rules and orders of the Department issued thereunder prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR ____, 135.

§ 135.25 Bidding and negotiation requirements.

(a) Every applicant and recipient shall require prospective contractors for work in connection with section 3 covered projects to provide, prior to the signing of the contract, a preliminary statement of work force needs (skilled, semiskilled, unskilled labor and trainees by category) where known; where not known, such information shall be supplied prior to the signing of any contract between contractors and their subcontractors.

(b) When a bidding procedure is used to let the contract, the invitation or solicitation for bids shall advise prospective contractors of the requirements of these regulations. When the contract is let pursuant to negotiation or methods other than formal bidding procedures, prospective contractors shall be advised by the contracting party of the requirements of these regulations as part of the contract specifications.

§ 135.30 Other applicant and recipient obligations.

Every applicant and recipient shall assist and actively cooperate with the Secretary in obtaining the compliance of their contractors and subcontractors with the requirements of these regulations, including cooperation and assistance in distributing and collecting forms and information, and in notifying contracting parties and contractors of violations of these regulations, and shall refrain from entering into any contract with any contractor after notification by the Department that the contractor has been found in violation of these regulations pursuant to § 135.110(j).

§ 135.35 Effectuation of applicant obligations in direct and indirect relationships.

(a) Where the applicant for assistance under a section 3 covered project and the recipient of such assistance are not one and the same, the recipient shall be regarded as the successor in interest of the applicant and shall have the same obligations as the applicant with respect to compliance with these regulations. These obligations shall be incorporated, specifically or by reference in the loan or grant agreement or other contract or agreement through which the assistance is provided to the recipient.

(b) Where the applicant or recipient itself will perform all or part of the work in connection with a section 3 covered project within the meaning of these regulations, with either permanent or temporary staff by force account, it will provide the Department with all forms and assurances required of a contractor or subcontractor by these regulations prior to the execution of any loan or grant agreement or other contract or agreement through which assistance is provided.

(c) Where the applicant, recipient or contractor sells, leases, transfers or otherwise conveys land upon which work in connection with a section 3 covered project within the meaning of these regulations is to be performed (for example, under the Urban Renewal or Neighborhood Development program), it shall include in each contract or subcontract for work on such land a clause requiring the purchaser, lessee, or redeveloper to assume the same obligations as a contractor for work under section 3 of these regulations (including the incorporation of the Assurance of Compliance language specified in § 135.20).

(d) Each such purchaser, lessee, or redeveloper shall be relieved of such obligations upon satisfactory completion of all work to be performed under the terms of the redevelopment contract.

Subpart B—Utilization of Lower Income Area Residents as Trainees

§ 135.40 General.

Each applicant, recipient, contractor or subcontractor undertaking work in connection with a section 3 covered project shall fulfill his obligation to utilize lower income project area residents as trainees to the greatest extent feasible by:

(a) Utilizing the maximum number of persons in the various training categories in all phases of the work to be performed under the section 3 covered project; and

(b) Filling all vacant training positions with lower income project area residents except for those training positions which remain unfilled after a good faith effort has been made to fill them with eligible lower income project area residents.

§ 135.45 Establishing number of trainees.

(a) For the building construction occupations, the number of trainees or apprentices for each occupation shall be that number which can reasonably be utilized in each occupation on each phase of a section 3 covered project and in no event shall that number be less than the number of trainees or apprentices determined pursuant to regulations issued by the Secretary of Labor for each building construction occupation.

(b) For nonconstruction occupations or for any building construction occupations for which ratios are not determined pursuant to regulations of the Secretary of Labor, the number of trainees for each occupation shall be that number which can reasonably be utilized in each occupation on each phase of a section 3 covered project. The applicant, recipient, contractor, or subcontractor shall initially determine the maximum number of trainees for each occupation and submit that determination along with its justification to the Department.

§ 135.50 Good faith effort.

(a) Each applicant, recipient, contractor, or subcontractor seeking to establish that a good faith effort as required by § 135.40 has been made to fill all training positions with lower income area residents shall, as a minimum, set forth evidence acceptable to the Secretary that it has:

(1) Ascertained from the Department's Regional Administrator, Area Office Director, or FHA Insuring Office Director having jurisdiction over the section 3 covered project, the boundaries of the section 3 covered project area; and

(2) Attempted to recruit from the appropriate areas the necessary number of lower income residents through: Local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, or the U.S. Employment Service.

(3) Maintain a list of all lower income area residents who have applied either on their own or on referral from any source, and employ such persons, if otherwise eligible and if a trainee vacancy exists. If the contractor has no vacancies, the applicant, if otherwise eligible, shall be listed for the first available vacancy.

(b) Any applicant, recipient, contractor, or subcontractor which fills vacant § 135.45 apprentice or trainee positions in its organization immediately prior to undertaking work pursuant to a section 3 covered project shall set forth evidence acceptable to the Secretary that its actions were not an attempt to circumvent these regulations.

Subpart C—Utilization of Lower Income Area Residents as Employees

§ 135.55 General.

Each applicant, recipient, contractor or subcontractor undertaking work in connection with a section 3 covered project shall fulfill his obligation to utilize lower income project area residents as employees to the greatest extent feasible by:

(a) Identifying the number of positions in the various occupational categories including skilled, semiskilled, and unskilled labor, needed to perform each phase of the section 3 covered project;

(b) Identifying, of the positions identified in paragraph (a) of this section, the number of positions in the various occupational categories which are currently occupied by regular, permanent employees;

(c) Identifying, of the positions identified in paragraph (a) of this section, the number of positions in the various occupational categories which are not currently occupied by regular, permanent employees;

(d) Establishing, of the positions identified in paragraph (c) of this section, a goal which is consistent with the purpose of this subpart within each occupational category of the number of positions to be filled by lower income residents of the section 3 covered project area; and

(e) Making a good faith effort to fill all of the positions identified in paragraph (d) of this section with lower income project area residents.

§ 135.60 Good faith effort.

(a) Each applicant, recipient, contractor, or subcontractor seeking to establish that a good faith effort as required by paragraph (e) of § 135.55 has been made to fill all employment positions identified in paragraph (d) of § 135.55 with lower income project area residents shall, as a minimum, set forth evidence acceptable to the Secretary that it has:

(1) Ascertained from the Department's Regional Administrator, Area Office Director, or FHA Insuring Office Director having jurisdiction over the section 3 covered project the boundaries of the section 3 covered project area; and

(2) Attempted to recruit from the appropriate areas the necessary number of lower income residents through: Local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Project Area Committees (PAC) in urban renewal areas, Model Cities citizen advisory boards, Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, or the U.S. Employment Service.

(b) Any applicant, recipient, contractor, or subcontractor which fills vacant § 135.55(d) employment positions in its organization immediately prior to undertaking work pursuant to a section 3 covered contract shall set forth evidence acceptable to the Secretary that its actions were not an attempt to circumvent these regulations.

(c) When lower income resident workers apply, either on their own initiative or on referral from any source, the recipient, contractor, or subcontractor shall determine the qualifications of such persons and shall employ such persons if their qualifications are satisfactory and the contractor has openings. If the recipient, contractor, or subcontractor is unable to employ the workers, such persons shall be listed for the first available opening.

Subpart D—Utilization of Business Located in or Owned in Substantial Part by Persons Residing in the Area

§ 135.65 General.

Each applicant, recipient, contractor, or subcontractor undertaking work on a section 3 covered project shall assure that to the greatest extent feasible, contracts for work to be performed in connection with the project are awarded to business concerns located within the section 3 covered project area or business concerns owned in substantial part by persons residing in the section 3 covered area. The Department, in consultation with the Small Business Administration will establish for the section 3 covered project area a registry of business concerns which meet the definition contained in § 135.5(b) and (c) of these regulations. Each applicant, recipient, contractor, or subcontractor undertaking work in connection with a section 3 covered project shall fulfill his obligations to utilize business concerns located within or owned in substantial part by persons residing in the section 3 covered project area by developing and implementing an affirmative action plan.

§ 135.70 Development of an affirmative action plan.

In developing an affirmative action plan, each applicant, recipient, contractor, and subcontractor preparing to undertake work pursuant to a section 3 covered contract shall:

(a) Set forth the approximate number and dollar value of all contracts proposed to be awarded to all businesses within each category (type or profession) over the duration of the section 3 covered project in question.

(b) Analyze the information set forth in paragraph (a) of this section and the availability of eligible business concerns within the project area doing business in professions or occupations identified as needed in paragraph (a), of this section, and set forth a goal or target number and estimated dollar amount of contracts to be awarded to the eligible businesses and entrepreneurs within each category over the duration of the section 3 covered project.

(c) Outline the anticipated program to be used to achieve the goals for each business and/or professional category identified. This program should include but not be limited to the following actions:

(1) Insertion in the bid documents, if any, of the affirmative action plan of the applicant, recipient, contractor, or subcontractor letting the contract; and

(2) Identification within the bid document, if any, of the applicable section 3 project area.

(d) Indicate the anticipated process and steps which have been taken and/or will be taken to secure the cooperation of contractors, subcontractors, and unions in meeting the goals and carrying out the affirmative action plan developed pursuant to this subpart.

(e) Take steps to insure that the appropriate business concerns included in the Department's registry for the section 3 covered project area are notified of pending contractual opportunities either personally or through locally utilized media. All applicants, recipients, contractors and subcontractors which so notify concerns included in the Department's registry of available contracts and

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of opportunities to submit bids shall satisfy all requirements of this Part for notification of business concerns located within the section 3 covered project area and business concerns owned in substantial part by persons residing in the section 3 covered project area.

(f) Take steps to insure that contracts which are typically let on a negotiated rather than a bid basis in areas other than section 3 covered project areas, are also let on a negotiated basis, whenever feasible, when let in a section 3 covered project area.

(g) Where competitive bids are solicited, require the bidders to submit their utilization goals, and their affirmative action plans for accomplishing their goals, and in evaluating each bid, to determine its responsiveness, carefully evaluate the bidder's submission to determine whether the affirmative action plan proposed will accomplish the stated goals.

(h) Where advantageous, seek the assistance of local officials of the Department in preparing and implementing the affirmative action plan.

(i) In implementing its affirmative action plan, each applicant, recipient, contractor, or subcontractor shall make a good faith effort to achieve its goal or target number and estimated dollar amount of contracts to be awarded to the eligible businesses and entrepreneurs within each category over the duration of the section 3 covered project. Each applicant, recipient, contractor, or subcontractor seeking to establish that a good faith effort has been made to implement its affirmative action plan, as required by this paragraph, shall as a minimum, set forth evidence acceptable to the Secretary that it has implemented the steps required by paragraphs (c), (d), (e), (f), (g), and (h) of this section and has ascertained from the Department's Regional Administrator, Area Office Director, or FHA Office Director having jurisdiction over the section 3 covered project, the boundaries of the section 3 covered project area, if available, and attempted to recruit from the appropriate areas the necessary eligible business concerns through: Local advertising media, signs placed at the proposed site for the project; and community organizations and public or private institutions operating within or serving the project area such as Project Area Committees (PAC) in urban renewal areas, Model Cities citizen advisory boards, Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, or the U.S. Employment Service, as well as the Chamber of Commerce and any equivalent organizations in the section 3 covered project area.

Subpart E—Participation in Approved Programs

§ 135.75 Participation as evidence of compliance with section 3 requirements.

Any applicant, recipient, contractor, or subcontractor may fulfill his obligations under Subparts B, C, and D of this part, respectively, to utilize lower income project area residents as trainees or employees on section 3 covered projects, and to award contracts to business concerns located in, or owned in substantial part by residents of, section 3 covered project areas by presenting evidence satisfatory to the Secretary that he is a cooperating participant in a federally assisted or other public program approved by the Department of Housing and Urban Development which provides training, employment, and/or business opportunities to lower income persons and business concerns which meet the definition in § 135.5 (b) and (c). The Secretary shall, from time to time, make public a list of those training, employment, and/or business opportunity programs approved by the Department.

Subpart F—Grievance and Compliance Review

§ 135.80 Who may file grievance.

Any lower income resident of the project area, for himself or as a representative of persons similarly situated, seeking employment or training opportunities with an applicant, recipient, contractor, or subcontractor, or any business concern located in, or owned in substantial part by persons residing within a project area seeking contract opportunities from any applicant recipient, contractor, or subcontractor, for itself or as a representative of persons or firms similarly situated, may personally or by an authorized representative file a grievance alleging noncompliance with section 3, these regulations, or obligations undertaken pursuant thereto.

§ 135.85 Content of grievance filings.

(a) The grievance should include: (1) The name and address of the grievant, (2) the name and address of the grievant's business, if applicable, (3) the name and address of the applicant, recipient, contractor, or subcontractor (in this subpart called "respondent"), (4) a description of the acts or omissions giving rise to the grievance, and (5) the corrective action sought.

(b) Where a grievance contains incomplete information, the Secretary shall seek promptly the needed information from the grievant. In the event such information is not furnished to the Secretary within sixty (60) days of the date of such request, the grievance may be closed.

§ 135.90 Form of grievance filings.

Each grievance shall be in writing and signed.

§ 135.95 Place of filing.

A grievance may be filed by mailing it to the Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, Washington, D.C. 20410, or by presenting it at any Regional Office, Area Office, or FHA Insuring Office of the Department. Any employee of the Department receiving a grievance shall forward the same directly to the Assistant Secretary for Equal Opportunity.

§ 135.100 Time of filing.

A grievance must be filed not later than ninety (90) days from the date of the action (or omission) upon which the grievance is based, unless the time for filing is extended by the Secretary upon good cause shown.

§ 135.105 Processing of grievance filings.

(a) Upon receipt of a grievance a copy thereof shall be furnished the respondent by certified mail or through personal service.

(b) The Secretary shall conduct an investigation of each grievance filed, and shall give notice in writing to the grievant and the respondent as to whether he intends to resolve it.

(c) Notwithstanding paragraphs (a) and (b) of this section, where the allegations of a grievance on their face, or as amplified by the statements of the grievant, disclose that the grievance is not timely filed or otherwise fails to state a valid claim for relief under these regulations or any other authority within the jurisdiction of the Department, the Secretary may dismiss the grievance without further action. To the extent that Executive Order 11246 relating to Equal Opportunity in Employment applies to the subject matter of the grievance, the procedures required by applicable regulations implementing that order shall be followed.

(d) If the Secretary decides not to resolve a grievance, or to dismiss it under paragraph (c) of this section, he shall advise the grievant of the disposition of his grievance. Respondent shall also be notified in any case where he has been served with a copy of the grievance.

(e) Any party adversely affected by a determination under paragraph (b) or (c) of this section may, within 5 days of receipt of a notice of determination, request that the Secretary reconsider his action. Such requst for reconsideration will be granted only on the basis of additional material evidence not previously available to the party requesting reconsideration or for other good cause shown.

(f) If the Secretary decides to resolve a grievance, he shall endeavor to eliminate or correct the matters complained of in the grievance by informal methods of conference, conciliation, and persuasion.

(g) In conciliating a grievance, the Secretary shall attempt to achieve a just resolution of the grievance including (1) specific relief for the grievant, (2) affirmative actions by the respondent to relieve the effects of past violation and preclude the occurence of future violation, and (3) appropriate reporting requirements. Notice of a proposed disposition of a grievance and of the terms of a proposed settlement, if any, shall be given to the parties, or their representatives, by the Secretary, in writing. If satisfactory, the proposed settlement shall be signed by the grievant and the respondent or their representatives and approved by the Secretary. The Secretary may, from time to time, review compliance with the terms of any settlement

agreement and may, upon a finding of noncompliance, reopen the grievance or take such enforcement action as is provided for under the settlement agreement or as may otherwise be appropriate.

(h) Should a respondent fail or refuse to confer with the Secretary or fail or refuse to make a good faith effort to resolve the grievance, or should the Secretary find for any other reason that voluntary agreement is not likely to result, the Secretary may terminate his efforts to conciliate the dispute. In the latter event the parties shall be notified promptly, in writing, that such efforts have been unsuccessful.

(i) If the Department is unable to obtain voluntary compliance, the Secretary shall advise the grievant and the parties in writing of his proposed resolution of the grievance. Such resolution shall become final and binding on the parties, unless within 15 days after the receipt of notification, either party files with the Secretary a written request for a hearing on the matter.

§ 135.110 Hearings.

(a) Whenever a hearing is requested, reasonable notice shall be given by registered or certified mail, return receipt requested, to the parties. This notice shall advise the parties of the action proposed to be taken, the specific provision under which the proposed action is to be taken, and the matters of fact or law asserted as the basis for this action. In addition, it shall either (1) fix a date not less than 20 days after the date of such notice within which the parties may request of the Secretary that the matter be scheduled for hearing or (2) advise the parties that the matter in question has been set down for hearing at a stated time and place. The time and place so fixed shall be subject to change for cause. The requesting party may waive a hearing and in lieu thereof submit written information and argument for the record. The failure of the requesting party to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing and consent to the making of a decision on the basis of such information as is available.

(b) Hearings shall be held in or near the section 3 covered project area in question, or at such other location as will serve the convenience of parties and witnesses, at a time fixed by the Secretary. Hearings shall be held before the Secretary or, at his discretion, before a hearing examiner designated in accordance with 5 U.S.C. 3105 and 3344.

(c) In all proceedings under this section, the respondent and grievant, if any, shall have the right to be represented by counsel.

(d) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557, and in accordance with such rules of procedure issued by HUD as are proper relating to the conduct of the hearing, the issuance of notice except that provided in paragraph (a) of this section, the taking of testimony, exhibits, arguments, and briefs, requests for findings, and other related matters. HUD, the respondent, and the grievant, if any, shall be entitled to introduce all relevant evidence on the issues as stated in the notice of hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(e) Technical rules of evidence shall not apply to hearings conducted pursuant to this paragraph but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where deemed reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the Department of Housing and Urban Development, the respondent, and the grievant, if any, and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(f) If the hearing is held by a hearing examiner, he shall either render an initial decision, if so authorized, or certify the entire record, including his recommended findings and proposed decision to the Secretary for a final decision. A copy of such initial decision or certification shall be mailed to the respondent and the grievant, or their representative, by certified or registered mail, return, receipt requested. Where the initial decision is made by the hearing examiner, the respondent or grievant may within 30 days of the mailing of such notice of initial decision file with the Secretary exceptions to the initial decision, with reasons therefor. In the absence of exception, the Secretary may on his own motion, within 45 days after the initial decision, serve on the respondent and grievant, a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review, the Secretary shall review the initial decision and issue his own decision thereon including the reasons therefor. If no exception is taken or notice of review issued, the initial decision shall constitute the final decision of the Secretary.

(g) Whenever a record is certified to the Secretary for decision or he reviews the decision of a hearing examiner pursuant to paragraph (f) of this section, or whenever the Secretary conducts the hearing, the respondent and grievant shall be given reasonable opportunity to file briefs or other written statements of their contentions, and a copy of the final decision of the Secretary shall be given in writing to the respondent, and to the grievant by certified or registered mail, return receipt requested.

(h) Whenever a hearing is waived pursuant to paragraph (a) of this section, a decision shall be made by the Secretary on the record and a copy of such decision shall be given in writing to the respondent, and to the grievant, by certified or registered mail, return receipt requested.

(i) Each decision of a hearing examiner or the Secretary shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements of section 3 of the Housing and Urban Development Act of 1968 or the regulations which the respondent has not complied with.

(j) The final decision may contain such terms, conditions, and other provisions as are consistent with, and will effectuate the purposes of section 3 and these regulations. The decision may also include provisions designed to implement, maintain, and enforce sanctions set forth in § 135.135 until the respondent corrects its noncompliance and satisfies the Secretary that it will fully comply with section 3 and these regulations.

(k) The General Counsel shall represent the Department and shall receive copies of all notices, decisions and other documents which are forwarded to the parties.

(l) The applicant or recipient, if not a party, shall be invited to participate in the hearing and shall receive copies of all notices, decisions, and other documents which are forwarded to the parties.

§ 135.115 Compliance reviews and procedures.

In order to determine whether the responsibilities imposed upon him by section 3 and these regulations are being properly carried out, the Secretary shall periodically conduct section 3 compliance reviews of selected applicants, recipients, contractors, and subcontractors. A compliance review shall consist of a comprehensive analysis and evaluation of each aspect of the aforementioned section 3 policies, and conditions resulting therefrom. Where deficiencies are found to exist, reasonable efforts shall be made to secure compliance through the conciliation process set forth in § 135.105(g) Compliance reviews may be conducted prior to award of contracts in any case where the Secretary has reasonable grounds based on a substantial grievance, the Department's own investigation, or other substantial evidence, to believe that the applicant, recipient, contractor, or subcontractor or will be unable or unwilling to comply with section 3 and the provisions of this part.

Subpart G—Miscellaneous

§ 135.120 Reporting and recordkeeping.

In order to insure that the Secretary is kept informed of the progress being made by the applicant, recipient, contractor, and subcontractor in meeting their obligations under these regulations, each applicant, recipient, contractor, and subcontractor is required to:

(a) Maintain such records and accounts and furnish such information and reports as are required by the Secretary under these regulations or pursuant thereto and permit the Secretary access to books, records and premises for purposes of investigation in connection with

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a grievance or to ascertain compliance with these regulations or the rules and orders of the Department issued thereunder.

(b) Advise the Secretary within 15 days of the award of any contract under a section 3 covered project of the steps which have been and will be taken to comply with the requirements of Subparts B, C, and D of this part.

§ 135.125 Implementing procedures and instructions.

Assistant Secretaries of the Department administering programs subject to this regulation may issue such procedures and instructions as are necessary to implement the provisions of section 3 and this part. A copy of such procedures and instructions shall be forwarded to the Secretary for approval prior to issuance. All regulations, procedures, and circulars previously issued by the Department designed or purporting to implement the provisions to section 3, are revoked and superseded by this part. Handbook MC 3160.1 entitled Model Cities Resident Employment and Training Requirements, is superseded to the extent that Handbook MC 3160.1 applies to occupations related to housing and urban development including the fields of construction, design, architecture, mortgage banking, rehabilitation, maintenance, repair and housing management.

§ 135.130 Labor standards.

All labor standards applicable by statute, regulations, or other administrative issuance shall apply to section 3 covered projects.

§ 135.135 Sanctions and penalties.

Failure or refusal to comply and give satisfactory assurances of future compliance with the requirements of this part shall be proper basis for applying sanctions. Such sanctions as are specified by the grant or loan agreement or contract through which Federal assistance is provided, as well as such sanctions as are specified by the rules, regulations, or applicable policy of the Department of Housing and Urban Development governing the program under which Federal assistance to the project is provided, shall be applied in accordance with the relevant regulations. Any or all of the following actions may be taken, as appropriate: cancellation, termination, or suspension in whole or in part of the contract or agreement; a determination of ineligibility or debarment from any further assistance or contracts under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received, and referral to the Department of Justice for appropriate legal proceedings.

§ 135.140 Effective date.

This part shall become effective for all applications for assistance under section 3 covered projects which are made after such date within the meaning of the program in question. However, nothing in this part shall affect requirements already imposed on applicants, recipients and contractors, and subcontractors pursuant to section 3.

Dated: July 31, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.73-16142 Filed 8-2-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

STUDY GROUP 7 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 7 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on August 14, 1973, at the U.S. Naval Observatory, 34th Street and Massachusetts Avenue, NW., Washington, D.C. The meeting will begin at 9:30 a.m. in Room 300 of Building 52.

Study Group 7 deals with time-signal services. The agenda for the meeting will include the following matters:

a. Review of draft documents currently being developed as proposed U.S. contributions to the international meeting of Study Group 7 in 1974.

b. Consideration of possible U.S. positions on issues related to the international meeting of Study Group 7 in 1974.

Members of the general public will be admitted up to the limits of the capacity of the meeting room. Members of the general public who plan to attend the meeting are requested to so inform Mr. Hugh Fosque, Chairman of U.S. Study Group 7, prior to August 14, 1973; Mr. Fosque can be contacted at NASA Headquarters, telephone number (202) 755-2434.

Dated: July 27, 1973.

GORDON L. HUFFCUTT,
Chairman,
U.S. National Committee.

[FR Doc.73-16007 Filed 8-2-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

NATIONAL CAPITAL PARKS—WEST

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on September 4, 1972, the Department of the Interior, through the Superintendent, National Capital Parks—West, proposes to issue a concession permit to Capitol Cycles Corporation, authorizing it to provide concession facilities and services for the public on the Mall of National Capital Parks for a period of 5 years from January 1, 1974, through December 31, 1978.

The foregoing concessioner has performed its obligation under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before September 4, 1973.

Interested parties should contact the Superintendent, National Capital Parks—West, 1100 Ohio Drive, S.W., Washington, D.C. 20242, for information as to the requirements of the proposed permit.

Date July 6, 1973.

LUTHER C. BURNETT,
Superintendent,
National Capital Parks, West.

[FR Doc.73-16042 Filed 8-2-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 73-74]

GAY COAL COMPANY, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Gay Coal Company, Incorporated, has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 5 and Grays Gap No. 2 Mines, located at Anderson County, Tennessee.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the principal portion of the haul road from the mine opening to the main highway is maintained by the county and is an extra wide asphalt paved road. The remaining portion of the haul road is confined almost entirely to the top of the mountain and is substantially less hazardous than the steep winding portion of the county road which does not have berms or guardrails.

As an alternative method petitioner would like to maintain the road in its present condition. Petitioner states that the haul road is extra wide and loaded trucks are compelled by the traffic system to keep to the inside or ditch side of the road.

Petitioner contends that the installation of berms on the side of the road would interfere with drainage, particularly melting snow since the operator-maintained roads are at an elevation of 2,300 feet and higher. Petitioner further avers that application of the mandatory safety standard will result in a diminution of safety to the miners at the affected mines and that it has an excellent safety record concerning hauling operations due to its present system of road maintenance.

Persons interested in this petition may request a hearing on the petition or furnish comments by September 4, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JULY 18, 1973.

[FR Doc.73-16016 Filed 8-2-73;8:45 am]

[Docket No. M 73-77]

H & B MINING, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), H & B Mining, Incorporated, has filed a petition to modify the application of 30 CFR 77.1605(k) to its H & B Strip Mine located at Anderson County, Tennessee.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the principal portion of the haul road from the mine opening to the main highway is maintained by the county and is an extra wide asphalt paved road. The remaining portion of the haul road is confined almost entirely to the top of the mountain and is substantially less hazardous than the steep winding portion of the county road which does not have berms or guardrails.

As an alternative method petitioner would like to maintain the road in its present condition. Petitioner states that the haul road is extra wide and loaded trucks are compelled by the traffic system to keep to the inside or ditch side of the road.

Petitioner contends that the installation of berms on the side of the road

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would interfere with drainage, particularly melting snow since the operator-maintained roads are at an elevation of 2,300 feet and higher. Petitioner further avers that application of the mandatory safety standard will result in a diminution of safety to the miners at the affected mines and that it has an excellent safety record concerning hauling operations due to its present system of road maintenance.

Persons interested in this petition may request a hearing on the petition or furnish comments by September 4, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JULY 18, 1973.

[FR Doc.73-16014 Filed 8-2-73;8:45 am]

[Docket No. M 73-79]

LUEKINGS' COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Luekings' Coal Company, Incorporated, has filed a petition to modify the application of 30 CFR 77.1605 (k) to its No. 1 Strip Mine located at Harriman, Tennessee.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the principal portion of the haul road from the mine opening to the main highway is maintained by the county and is an extra wide asphalt paved road. The remaining portion of the haul road is confined almost entirely to the top of the mountain and is substantially less hazardous than the steep winding portion of the county road which does not have berms or guardrails.

As an alternative method petitioner would like to maintain the road in its present condition. Petitioner states that the haul road is extra wide and loaded trucks are compelled by the traffic system to keep to the inside or ditch side of the road.

Petitioner contends that the installation of berms on the side of the road would interfere with drainage, particularly melting snow since the operator-maintained roads are at an elevation of 2,300 feet and higher. Petitioner further avers that application of the mandatory safety standard will result in a diminution of safety to the miners at the affected mines and that it has an excellent safety record concerning hauling operations due to its present system of road maintenance.

Persons interested in this petition may request a hearing on the petition or furnish comments by September 4, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JULY 18, 1973.

[FR Doc.73-16011 Filed 8-2-73;8:45 am]

[Docket No. M 73-76]

MOUNTCO, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), Mountco Incorporated, has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 1 located at Anderson County, Tennessee.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the principal portion of the haul road from the mine opening to the main highway is maintained by the county and is an extra wide asphalt paved road. The remaining portion of the haul road is confined almost entirely to the top of the mountain and is substantially less hazardous than the steep winding portion of the county road which does not have berms or guardrails.

As an alternative method petitioner would like to maintain the road in its present condition. Petitioner states that the haul road is extra wide and loaded trucks are compelled by the traffic system to keep to the inside or ditch side of the road.

Petitioner contends that the installation of berms on the side of the road would interfere with drainage, particularly melting snow since the operator-maintained roads are at an elevation of 2,300 feet and higher. Petitioner further avers that application of the mandatory safety standard will result in a diminution of safety to the miners at the affected mines and that it has an excellent safety record concerning hauling operations due to its present system of road maintenance.

Persons interested in this petition may request a hearing on the petition or furnish comments by September 4, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JULY 18, 1973.

[FR Doc.73-16013 Filed 8-2-73;8:45 am]

[Docket No. M 73-38]

OLIVER SPRINGS MINING COMPANY, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. Section 861 (c) (1970), Oliver Springs Mining Company, Incorporated, has filed a petition to modify the application of 30 CFR 77.1605(k) to its Nos. 3, 5 and 6 Mines located at Anderson County, Tennessee.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the principal portion of the haul road from the mine opening to the main highway is maintained by the county and is an extra wide asphalt paved road. The remaining portion of the haul road is confined almost entirely to the top of the mountain and is substantially less hazardous than the steep winding portion of the county road which does not have berms or guardrails.

As an alternative method petitioner would like to maintain the road in its present condition. Petitioner states that the haul road is extra wide and loaded trucks are compelled by the traffic system to keep to the inside or ditch side of the road.

Petitioner contends that the installation of berms on the side of the road would interfere with drainage, particularly melting snow since the operator-maintained roads are at an elevation of 2,300 feet and higher. Petitioner further avers that application of the mandatory safety standard will result in a diminution of safety to the miners at the affected mines and that it has an excellent safety record concerning hauling operations due to its present system of road maintenance.

Persons interested in this petition may request a hearing on the petition or furnish comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JULY 18, 1973.

[FR Doc.73-16017 Filed 8-2-73;8:45 am]

[Docket No. M 73-78]

VOLUNTEER MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Volunteer Mining Corporation has filed a petition to modify the application of 30 CFR 77.1605(k) to its Volunteer No. 1 Mine, United States Bureau of Mines I.D. No. 40002550 located at Anderson County, Tennessee.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the principal portion of the haul road from the mine opening to the main highway is maintained by the county and is an extra wide asphalt paved road. The remaining portion of the haul road is confined almost entirely to the top of the mountain and is substantially less hazardous than the steep winding portion of the county road which does not have berms or guardrails.

As an alternative method petitioner would like to maintain the road in its present condition. Petitioner states that the haul road is extra wide and loaded trucks are compelled by the traffic system to keep to the inside or ditch side of the road.

Petitioner contends that the installation of berms on the side of the road would interfere with drainage, particularly melting snow since the operator-maintained roads are at an elevation of 2,300 feet and higher. Petitioner further avers that application of the mandatory safety standard will result in a diminution of safety to the miners at the affected mines and that it has an excellent safety record concerning hauling operations due to its present system of road maintenance.

Persons interested in this petition may request a hearing on the petition or furnish comments by September 4, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

JULY 18, 1973.

[FR Doc.73-16012 Filed 8-2-73;8:45 am]

[Docket No. M 73-75]

WALNUT MT., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), Walnut Mt., Incorporated, has filed a petition to modify the application of 30 CFR 77.1605(k) to its Walnut Mt. No. 1 Strip Mine located at Anderson County, Tennessee.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the principal portion of the haul road from the mine opening to the main highway is maintained by the county and is an extra wide asphalt paved road. The remaining portion of the haul road is confined almost entirely to the top of the mountain and is substantially less hazardous than the steep winding portion of the county road which does not have berms or guardrails.

As an alternative method petitioner would like to maintain the road in its present condition. Petitioner states that the haul road is extra wide and loaded trucks are compelled by the traffic system to keep to the inside or ditch side of the road.

Petitioner contends that the installation of berms on the side of the road would interfere with drainage, particularly melting snow since the operator-maintained roads are at an elevation of 2,300 feet and higher. Petitioner further avers that application of the mandatory safety standard will result in a diminution of safety to the miners at the affected mines and that it has an excellent safety record concerning hauling operations due to its present system of road maintenance.

Persons interested in this petition may request a hearing on the petition or furnish comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

JULY 18, 1973.

[FR Doc.73-16015 Filed 8-2-73;8:45 am]

Office of Oil and Gas

EMERGENCY ADVISORY COMMITTEE FOR NATURAL GAS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the following meeting:

Emergency Advisory Committee for Natural Gas, August 10, 1973, 9 a.m. in the Secretary's Conference Room (5160), Department of the Interior, Washington, D.C. The agenda will include reports on an assessment of the natural gas and propane supply situation for the coming 1973-1974 winter season.

This meeting is open to the public.

Dated: August 1, 1973.

DUKE R. LIGON,
Director.

[FR Doc.73-16128 Filed 8-2-73;8:45 am]

Office of the Secretary

[INT DES 73-49]

PROPOSED CONTINENTAL DIVIDE/KIT CARSON NATIONAL SCENIC TRAILS

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed authorization and designation of the Continental Divide and the Kit Carson National Scenic Trails as components of the national trails system and invites written comment September 17, 1973. Comments should be addressed to Regional Director, Mid-Continent Region, Bureau of Outdoor Recreation, Denver Federal Center, Building 41, P.O. Box 25387, Denver, Colorado 80225.

The environmental statement considers establishment of two continuous foot and horseback trails—the Continental Divide Trail extending approximately 3,100 miles generally along the Continental Divide from the Mexican border through the States of New Mexico, Colorado, Wyoming, Idaho and Montana to the Canadian border, and the Kit Carson Trail extending approximately 370 miles along the Sangre de Cristo, Sandia, and Manzano Mountains in north-central New Mexico from Cabresto Lake to a point near Abo State Monument.

Copies are available for inspection at the following locations:

Office of Communications, Office of the Secretary, Department of the Interior, Washington, D.C. 20240
Office of Information, Bureau of Outdoor Recreation, Room 4024, Department of the Interior, Washington, D.C. 20240. Telephone: (202) 343-5726
State Clearinghouses at the following addresses:
Department of Local Affairs, 1550 Lincoln Street, Room 208, Denver, Colorado 80203
Department of Planning and Economic Development, Capitol Station, Helena, Montana 59601
State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyoming 82001
Division of State Planning, State Capitol, Boise, Idaho 83702
State Planning Office, State Capitol, Santa Fe, New Mexico 87501
Regional Clearinghouse, North-Central New Mexico, Economic Development District, P.O. Box 4248, Santa Fe, New Mexico 87501
Regional Offices of the Bureau of Outdoor Recreation located at the following addresses:
Mid-Continent Regional Office, 603 Miller Court, Lakewood, Colorado 80215
Northwest Regional Office, 1000 2nd Avenue, Seattle, Washington 98104
South Central Regional Office, 5301 Central Avenue, N.E., Albuquerque, New Mexico 87108

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated: July 27, 1973.

NATHANIEL P. REED,
Assistant Secretary of the Interior.

[FR Doc.73-16079 Filed 8-2-73;8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

CERTAIN STOCKYARDS AND LIVESTOCK MARKETS

Notice of Approval and of Withdrawal of Approval

This notice lists certain additional livestock markets to the list of those heretofore approved under the regulations in 9 CFR Part 76. It has been determined that the inspection and handling of swine at such livestock markets are adequate to effectuate the purposes of the regulations. Certain livestock markets have been removed from the list of those heretofore approved under said regulations, because it has been determined that such livestock markets no longer qualify for approval under the regulations.

Pursuant to § 76.18 of the regulations in Part 76, as amended, Title 9, Code of Federal Regulations, containing restriction on the movement of swine because of hog cholera, under the Act of May 29, 1884, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134f), notice is hereby given that the following livestock markets are approved under said regulations as indicated below:

Livestock Markets Approved Under § 7618(b), Title 9, Code of Federal Regulations, To Handle Interstate Shipments of Any Class of Swine

ALABAMA	
Cullman Feeder Pig Association	Cullman
ARKANSAS	
Arkansas National Stockyards	Little Rock
Beebe Auction, Inc.	Beebe
Shantz Livestock Commission Company	North Little Rock
GEORGIA	
Tri County Feeder Pig Sale	Broxton
IDAHO	
Spencer Livestock Commission Company	Lewiston
Treasure Valley Livestock Auction	Caldwell
INDIANA	
Boone County Sale Barn	Lebanon
Evansville Stockyard Company	Evansville
Johnson County Sale Pavillion	Franklin
Knightstown Sale Barn	Knightstown
La Fountain Livestock Sale	La Fountain
Bill Manns	Rensselaer
Morton Sale Barn	Morton
Producers Marketing Association	Boonville
Producers Marketing Association	Columbia City
Producers Marketing Association	Seymour
IOWA	
Anthon Pig Company	Anthon
Mapleton Livestock Sales Company	Mapleton
Schleswig Transfer, Inc.	Schleswig
KENTUCKY	
Bourban Stockyards Company, Inc.	Louisville
MARYLAND	
Baltimore Livestock Exchange, Inc.	West Friendship
MASSACHUSETTS	
Farmers Live Animal Market Exchange, Inc.	Littleton
MINNESOTA	
Faribuilt Livestock Sale	Faribuilt
MISSISSIPPI	
Clarksdale Livestock Sale Company	Clarksdale
East Mississippi Farmer's Livestock Co.	Philadelphia
West Point Stockyards, Inc.	West Point
MISSOURI	
C & S Livestock Market	Rich Hill
Golden Valley Auction	Clinton
Kansas City Stockyards	Kansas City
The Lamar Cattle Auction	Lamar
McDonald County Livestock Market	Jane
Roberts Livestock Auction	Bolivar
St. Joseph Livestock Auction Center	South St. Joseph
NEBRASKA	
Union Stockyards Company	Omaha
NORTH CAROLINA	
Albemarle Cooperative Association, Inc.	Edenton
Union County Livestock Auction, Inc.	Monroe
NORTH DAKOTA	
Union Stockyards Company of Fargo	West Fargo
OHIO	
Cincinnati Union Stockyard Company	Cincinnati
Producers Livestock Association	Hillsboro
The Union Stockyards Company	Hillsboro
OKLAHOMA	
Ft. Smith Stockyard Company, Inc.	West Fort Smith
Oklahoma National Stockyards	Oklahoma City
SOUTH DAKOTA	
Sioux Falls Stock Yards Company	Sioux Falls
TEXAS	
Fort Worth Stockyards	Forth Worth
WISCONSIN	
Timm Orr Livestock Market	Waupaca
Wisconsin Feeder Pig Cooperative Livestock Market	Almena

The following livestock markets are *deleted* from the list specifically approved to handle interstate shipments of all classes of swine.

ARKANSAS	
Glover Livestock Commission Company	Pine Bluff
J & G Auction Company	Beebe
Magnolia Livestock Auction	Magnolia
Montgomery Livestock Auction	Searcy
Shantz & Rodman	North Little Rock
FLORIDA	
Bonifay State Livestock Market	Bonifay
GEORGIA	
Wayne County Stockyard	Jessup
ILLINOIS	
Oak Valley Feeder Pig Sales	Kampsville

INDIANA	
Loren Cates	Williamsburg
Indianapolis Stockyard Corporation	Indianapolis
Marvin Luellen	Mooreland
Smith Feeder Pig Market	Peru
Wabash Valley Order Buyers	Pierceton
Waitt Feeder Pig	Sheridan
IOWA	
C & R Feeder Pig Market	Albert City
Ray Fritz Stockyards	Washington
Mapleton Livestock Sales	Mapleton
West Grove Stockyards	Mapleton
Welchman Pig Company, Inc.	Des Moines
KENTUCKY	
Albany Stockyards	Albany
Greenville Livestock Market	Greenville
Hart County Livestock Market	Munfordville
MINNESOTA	
Dillavou Feeder Pig Market	Rose Creek
MISSOURI	
St. James Auction	St. James
NEBRASKA	
Norfolk Livestock Market	Norfolk
Ogallala Livestock Commission Company	Ogallala
Western Plains Livestock Market	Sidney
NEW MEXICO	
Portales Livestock Commission Company	Portales
NORTH DAKOTA	
Home Base Auction Market	Bowman
OHIO	
Interstate Farmers Livestock	Oxford
OKLAHOMA	
Joe Benefield Market	Jay
Grove Sale Company	Grove
TENNESSEE	
Garrett Feeder Pigs	College Grove
Gibson County Livestock Exchange	Trenton
Goff Feeder Pig Association	Quebeck
Maury County Feeder Pig Sale	Columbia
Mullins & Martin Feeder Pig Barn	Byrdstown
Northwest Tennessee Feeder Pig Assn.	Dyersburg
J. V. Odem Pig Barn	St. Joseph
S & R Feeder Pig Company	Spencer
Sudberry Feeder Pig Sales	Chapel Hill
Sweetwater Valley Feeder Pig Association	Sweetwater
Thompson Brothers Feeder Pig Barn	Sparta
J. S. Winstom Pig Barn	Shelbyville
WISCONSIN	
Equity Co-Op Livestock Sales Association	Ripon
Dan Orr Livestock Market	Waupaca

Livestock Markets Approved Under § 76.18(b), Title 9, Code of Federal Regulations, To Handle Interstate Shipments of Slaughter Swine Only.

ARKANSAS	
Glover Livestock Commission Company	Pine Bluff
Magnolia Livestock Auction	Magnolia
Montgomery Livestock Auction	Searcy
GEORGIA	
Wayne County Stockyard	Jesup
ILLINOIS	
Heinold Hog Market, Inc.	Atkinson
St. Louis National Stockyards Co.	National Stockyards
State Line Reload—NFO	Roscoe
INDIANA	
Attica Stockyards	Attica
Glen Carr	Parker
Jack Childs	Muncie
Evansville Union Stockyards Co., Inc.	Evansville
Heinold Hog Market	Chalmers
Heinold Market	Milroy
Heinold Market	North Manchester
Indianapolis Stockyards Corp.	Indianapolis
Pavy Stockyards	Pavy
IOWA	
Welchman Pig Company, Inc.	Des Moines
KENTUCKY	
Albany Stockyards	Albany
Greenville Livestock Market	Greenville
Hart County Livestock Market	Munfordville
MARYLAND	
Baltimore Livestock Exchange, Inc.	West Friendship
MINNESOTA	
Breckenridge Livestock	Breckenridge
MISSISSIPPI	
Prentiss Stockyards	Prentiss
S & A Livestock Inc.	Tupelo
Stockyard Beef Sale, Inc.	Tupelo
MISSOURI	
Edina Stockyards—NFO Buying Station	Edina
Kirksville Community Sale, Inc.	Kirksville
NFO Collection Point	Bethany
Nichols Stockyards	Bethany
St. Joseph Livestock Auction Center	South St. Joseph
Sedgewickville NFO Collection Point	Sedgewickville
Thompson Livestock Company	Glasgow
NEBRASKA	
York Packing Co., Inc.	York

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OKLAHOMA	
The Mauer-Neuer Hog Buying Station	Alva
Oklahoma National Stockyards	Oklahoma City
TENNESSEE	
John Buford Buying Station	Celina
VIRGINIA	
Narrows Livestock Market	Narrows
WEST VIRGINIA	
Alderson Livestock Market	Alderson
New River Livestock Market	Beckley
Pocohontas Producers Co-op Association	Marlinton
WISCONSIN	
Mondovi NFO Collection Point	Mondovi

Effective Date: August 3, 1973.

This action imposes certain restrictions necessary to prevent the spread of hog cholera and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. July 30, 1973.

E. E. SAULMON,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.73-16032 Filed 8-2-73;8:45 am]

Forest Service

ENVIRONMENTAL STATEMENTS

Publication of Guidelines on Forest Service Manual

Notice is hereby given of publication of Title 8400 an Environmental Statements in the newly established series 8000 (ENVIRONMENTAL PLANNING, PROTECTION, AND MANAGEMENT) of the Forest Service Manual. This title replaces Forest Service Emergency Directive No. 1, FSM 1940, which was published in the FEDERAL REGISTER on December 11, 1971. Comments will be welcomed on a continuing basis and revisions will be made as necessary.

Additional chapters and titles in 8000 are being developed and will be issued in the future.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JULY 25, 1973.

TITLE 8400—ENVIRONMENTAL STATEMENTS

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NEW YORK	
Buffalo Stockyards Company, Inc	Buffalo
NORTH CAROLINA	
Reaves Livestock Inc. Rowland	Rowland
OHIO	
Cisco Stockyard, Inc	St. Marys
Fitz Ranch Livestock	Greenville
Interstate Farmers Livestock Company	Oxford
Producer's Livestock Association	London
OKLAHOMA	
Ag Markets, Inc	Woodward
Green County Feeder Pig Market	Jay
VIRGINIA	
Narrows Livestock Auction Market	Narrows
Richmond Union Stockyards Company	Richmond
Southampton Peanut Company Buying Station	Branchville
WISCONSIN	
Milwaukee Stockyards	Milwaukee
NFO Collection Point	Independence
WYOMING	
Pierce Packing Company Buying Station	Powell

The following livestock markets are deleted from the list specifically approved to handle interstate shipments of slaughter swine only:

ILLINOIS	
Jamison Livestock Market	Tuscola
INDIANA	
Evansville Stockyard Company	Evansville
KANSAS	
McKinley-Winter Livestock Sale	Dodge City
Palmer Feed Lot	Independence
MINNESOTA	
Johnson Livestock	Windom
MISSISSIPPI	
Clarksdale Livestock Sales Company	Clarksdale
East Mississippi Farmers Livestock Co	Philadelphia
Mississippi Farmer's Livestock Co	Philadelphia
Stockyards, Inc	Tupelo
West Point Stockyards, Inc	West Point
MISSOURI	
NFO Collection Point	Lockwood
NORTH DAKOTA	
Wahpeton Livestock Company	Hankison
OHIO	
Paul D. Krill Market	Edgerton

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8401—Authority. The Forest Service is authorized and directed by the National Environmental Policy Act (NEPA) of 1969 (P.L. 91–190) to use all practical means and measures in a manner calculated to foster and promote the general welfare, create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social and economic and other requirements for present and future generations of Americans. The purposes of the act are to: (1) declare a national policy which will encourage productive and enjoyable harmony between man and his environment; (2) promote efforts which will prevent or eliminate damage to the environment and biosphere; (3) stimulate health and welfare of man; and (4) enrich the understanding of the ecological systems and natural resources important to the nation.

Section 102(2)(C) of the act requires environmental statements on proposed major Federal actions affecting the environment. The objective of this section is to build into a decision-making process an appropriate and careful consideration of the environmental aspects of proposed action and to assist agencies in implementing not only the letter, but the spirit of the act.

Additional authority, direction, and instructions are contained in:

1. Executive Order No. 11514.
2. Council on Environmental Quality (CEQ) Revised Guidelines for Statements on the Proposed Federal Action Affecting the Environment as published in the Federal Register, Vol. 36, No. 79, April 23, 1971, Part II.
3. Secretary's Memorandum No. 1695 and supplements.
4. Section 309 Clean Air Act Amendments of 1970.

8402—Purpose of Environmental Statements. The objective of an environmental statement is to provide a means for giving environmental quality careful and appropriate consideration in the planning and decision-making process. The environmental statement must be of sufficient detail to allow a responsible official to make an accurate decision regarding the environmental impacts to be expected from program implementation. This means environment quality must be objectively weighed with economic development and social well-being goals over both the short and the long run. The environmental statement process also provides a formalized procedure for informing and taking account of comments from other agencies, individuals, and groups having expertise or interest in the subject area under consideration.

The environmental statement should indicate what other interests and considerations of Federal policy might be found to justify those effects. The statement should also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects. In addition to other economic information available, benefit-cost information or other specific economic analysis should be included with the environmental statement. A sincere effort should be made to discover and discuss all major points of view in the draft environmental statement itself.

Also, it is a requirement that all environmental statements be submitted to the CEQ. While the council does not formally approve or disapprove the statements, they are an arm of the Executive Office of the President. As such, their comments on statements they choose to review must be fully recognized and considered as the voice of this office. The major purpose of Public Law 91–190 is to assure the Executive and the Congress that environmental quality is fully considered in all Federal activities affecting the environment.

8403—Policy. Forest Service policy is that the responsible official will not make a decision on a proposed action until the environmental impacts are assessed in detail. If the action requires an environmental statement, the entire process required by the NEPA must be completed prior to approval. Furthermore, the act requires that an environmental statement "accompany the proposal through the existing agency review processes." As early as possible and in all cases prior to agency decision concerning major action or recommendation or a favorable report on legislation that significantly affects the environment, the Forest Service will consult with other appropriate Federal, state, and local agencies and with the public. Alternative actions that will reduce adverse impacts or enhance positive effects will be thoroughly explored. Long- and short-range implications to man, to his physical and social surroundings, and to nature will be evaluated.

The analysis supporting an environmental statement should utilize a systematic, interdisciplinary approach integrating the natural and social sciences and the environmental design arts in planning and in decisionmaking. The analysis is described in detail in FSM 2130.

All existing policies will be periodically reviewed. If, at any time, a policy is found to be inconsistent with NEPA, the policy will be revised.

In order to more fully complement the act it is recommended that cooperative agreements with state agencies be amended to include the following clause:

> To comply with Public Law 91–190, the National Environmental Policy Act of 1969, the state and the Forest Service agree to direct their program activities covered by this agreement toward managing and enhancing the environment for the widest range of beneficial uses without its degradation or risk to health or safety or other undesirable consequences. The state further agrees to assist the Forest Service in the preparation of environmental statements as required by Section 102(2)(C) of Public Law 91–190 for all major actions taken under this agreement which might significantly affect the quality of the human environment or be controversial.

8404—Responsibility. Responsibility for preparing Forest Service environmental statements follows the delegations of authority specified in FSM 1230. The Regions, Areas, and Stations have designated environmental coordinators to help meet the requirements of the NEPA. Responsibility for the proposed action determines responsibility for the environmental statement. The procedure specified herein for forwarding statements to the CEQ does not alter these basic delegations of authority.

1. Responsible Official. Chief, Regional Foresters, Area Directors, Station Directors, Forest Supervisors, and District Rangers are responsible for determining the need for, and preparation of, environmental statements on specific Forest Service actions. Cooperators, such as states can be required to prepare analysis for statements, but the deciding Forest Service official is responsible for the environmental statement. The Washington Office will handle actions relating to legislation, appropriations, and proposed national programs.

2. Lead Agency. The "Lead Agency" is defined as the Federal agency having primary authority for committing the Federal Government to a course of action. The Forest Service will prepare an environmental statement when it is the lead agency. The WO can assist in resolving questions of lead agency designation by working through the USDA Coordinator of Environmental Quality Activities to get assistance from the CEQ. Where determination of lead agency cannot be resolved, then each agency claiming a lead role may have to require a statement adequate for its decision-making process. Where the authority of agencies is more-or-less equal and the

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consequences are major for each agency, statements may be jointly prepared.

The CEQ states that relevant factors in determining the proper agency to assume a lead role include:

a. Relative expertise with respect to the project's environmental effects.

b. Magnitude of respect involvement for evaluation of the entire project.

c. Time sequence in which the agencies become involved in the project. Especially critical is the preparation of the environmental statement before any of the participating agencies have taken major or irreversible action with respect to the project.

These factors and considerations indicate that where National Forest System lands are involved, the Forest Service should exert a strong role in the environmental statement process.

8411—ACTIONS REQUIRING ENVIRONMENTAL STATEMENTS. The NEPA requires that environmental statements be prepared and submitted with every recommendation or report on proposals for legislation and for other major Federal actions significantly affecting the quality of the environment. Such "significant effect" may include actions which may have both beneficial and detrimental effects even if, the agency believes that the effect will be more beneficial than detrimental.

Environmental statements are required for proposed actions having major environmental impacts or which are highly controversial.

"Major" actions and "significant" environmental effects are difficult to define precisely and uniformly because of the great variation in social, political, and ecological conditions. The official responsible for taking action must use good judgment in determining when formal environmental statements are appropriate and useful in the decisionmaking and public involvement processes. The following categories of criteria should be considered by officials in determining whether or not a statement is appropriate. In applying this criteria, all lands affected must be considered, including National Forest lands, other Federal lands, state lands, and private lands.

1. Degree of ecosystem disturbance; both onsite and offsite effects should be recognized. Offsite could involve effects on private land, such as triggering land development.

2. Irreversible effects on basic resources; short-term versus long-term commitments.

3. Cumulative effects of many small actions.

4. Chain reactions or secondary effects of interrelated activities.

5. National versus regional and local importance.

6. Uniqueness or rareness of resource.

7. Scope of anticipated public involvement and controversy anticipated.

The size of scope of an administrative action is a factor which may be considered in determining whether this action is a "major" action. Usually, it will be appropriate to aggregate a number of comparable smaller actions, and consider them together in a single program environmental statement.

8411.1—Legislation. Although the act is not specific, CEQ guidelines and Office of Management and Budget (OMB) instructions indicate that environmental statements are only needed for favorable reports relating to legislation. Section (2)(C) of the act applies to both (1) agency recommendation on their own proposals for legislation and (2) agency reports on legislation initiated elsewhere. In the latter case, only the agency which has primary responsibility for the subject involved will prepare an environmental statement.

8411.2—Service-Wide Policy, Regulations, and Procedures. An environmental statement will be prepared for new regulations, policies, and procedures which have major environmental effects.

8411.3—Plans, Programs, and Major Projects. Environmental statements will be prepared on major proposed plans, programs, and major projects directly undertaken by the Forest Service, or supported in whole or in part through land use permits, leases, contracts, grants, cooperative agreements, subsidies, technical assistance, or granting of rights.

In most cases, any activity that will significantly affect the following will require an environmental statement:

1. Formally classified areas, such as Wilderness Areas, Primitive Areas, Wild and Scenic Rivers, National Recreation Areas, Natural Areas, Scenic Areas, Historical Areas, Archeological Areas, Geological Areas, and National Trails. Also areas being considered or with significant potential for classification.

2. Large roadless areas and critical smaller roadless areas.

3. Adjacent National Parks and monuments, wildlife refuges, or similar State and locally designated areas.

4. Scenic attractions.

5. Municipal watersheds.

6. Shorelines.

7. Free-flowing streams.

8. Rare and endangered species—plants or animals.

9. Key wildlife or fish areas.

10. Wetlands and estuaries.

11. Air and water quality. (This should include not only quality in terms of legal standards, but aspects for which standards may not be set.)

8411.31—Environmental Statements on Pesticide Use. Environmental statements are normally required on programs or major projects involving use of pesticides. The use of pesticides should be considered from their effect on production needs, economic changes, and other associated environmental consequences.

8411.32—Environmental Statements on Land Use Plans, Developments, and Activities. A definitive list of activities requiring environmental statements cannot be specified because of the complexity of Forest Service programs. The list below is not all-inclusive, nor will all plans and actions within the activities require statements. The responsible official must consider the criteria in FSM 8411 of this chapter and use reasonable judgment. In many cases, program statements will be appropriate, assessing the environmental effects of a number of individual actions in a given geographical area.

The need for environmental statements should be considered for the activities given below:

1. Multiple Use Plans of Area, Unit, or Forest.

2. Timber Management Plan or Timber Sale Action Plans.

3. Other Resource Management Plans.

4. Rural area development feasibility studies and proposals.

5. Mining permits and certain prospecting permits. This applies to minerals owned by the United States. May also apply to certain aspects of removal of reserved minerals (that is operating plans of mineral operator).

a. Surface mining except for minor sand, gravel, and stone excavation, and minor mineral activities (mica, feldspar, etc.)

b. Deep mining.

c. Development of major oil and gas fields with appurtenant facilities.

6. Major public service developments (for example, winter sport sites, resorts, and marinas).

7. Programs involving the use of fertilizers and other chemicals.

8. Water resources development projects.

9. Channel change projects.

10. Continuing National Cooperative programs.

11. Cooperative state program plans.

12. Large-scale, on-the-ground research activities, such as drastic treatment of sizeable areas and major change in research programs.

13. Vegetative-type conversion involving substantial acreage.

14. Transportation construction programs.

15. Major highways and bridges if not included under item 14.

16. Prescribed burning program if not included under item 2.

17. Site preparation programs, such as roller chopping, rock raking, shearing, and cabling.

18. Rights-of-way permits for major transmission lines.

19. Major sewage treatment facilities.

20. Major acquisition or exchange.

21. Followup actions associated with natural disasters.

22. Issuance of certain grazing permits.

23. Off-road vehicle use plans.

8411.4—Application of Requirements to Existing Projects and Programs. To the maximum extent practicable, the environmental statement requirements should be applied to additional major actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the act on January 1, 1970. When it is not practicable to reassess the basic course of action, it is still important that additional incremental

major actions be shaped so as to minimize adverse environmental consequences. It is also important that account be taken of environmental consequences not fully evaluated at the outset of the project or program. The rationale leading to the original decision should be documented.

8412—ENVIRONMENTAL STATEMENT PREPARATION. An environmental statement is prepared in two stages. A draft environmental statement is the first formal statement for filing with the CEQ and for review and comment by other agencies and the public. A final environmental statement reflects the results of the draft review process and it is also filed with the CEQ.

The preparation of a draft environmental statement should follow an analysis of alternatives from a multiple-objective viewpoint. Preliminary consultation with other Federal, State, and local agencies and public involvement should start early in the analysis process. Public involvement will be through a variety of means, such as individual contacts, meetings, workshops, and advisory committees. The draft statement specifically focuses on the environmental aspects of the alternatives. This should be a useful document for review and comment by other agencies and the public. The statement should clearly describe the analysis process so reviewers may comment specifically. The comments received must then be considered and evaluated for preparation of the final environmental statement.

8412.1—Basis for Environmental Statements. Planning and analysis procedures will provide basic information for environmental statements. New planning and analysis procedures are under development. In the meantime, current procedures for analysis and coordination discussed in various sections of the Manual will provide some of the data necessary for environmental statements.

An environmental analysis and its documenting report is required as a basis for determining the need for an environmental statement. However, there are cases where the need for an environmental statement is apparent prior to the environmental analysis. When the environmental analysis does not indicate a significant environmental impact or controversy, the responsible official may decide that an environmental statement is not required. In these situations, the responsible official will make a written negative declaration setting forth his determination that there will be no significant impact upon the quality of the environment or controversy if the proposed action is undertaken.

When the responsible official decides an environmental statement will be prepared, an appropriate notice of this fact will be made. A list of statements under preparation will be maintained at appropriate Regions, Stations, Areas, and composite lists at the Washington Office. The composite list will be published twice annually (January and July) in the Federal Register.

Environmental statements will be documents complete enough to stand on their own. Analysis reports may be incorporated as supporting material to the environmental statement. Draft statements should indicate the underlying studies, reports, and other information obtained and considered by the agency in preparing the statement. The statement should describe how such documents may be obtained or examined. In some situations, analysis reports may be written in the same format as the environmental statement and used as the draft statement.

The complete environmental statement package will contain the following:

1. Letter of transmittal to CEQ (attached to each copy of environmental statement).

2. National Technical Information Service (NTIS), Department of Commerce, Summary Sheet (attached to each copy of environmental statement) and one completed Accession Notice, form NTIS 79.

3. Environmental Statement Summary Sheet (attached to each copy of environmental statement, plus two extra copies for distribution to OMB).

4. Environmental Statement (30 copies).

5. Federal Register Notice.

8412.2—Letter of Transmittal. Use the following sample for transmittal memo:

Subject: USDA (Draft/Final) Environmental Statement on (title of statement)

To: Honorable Russell E. Train, Chairman, Council on Environmental Quality

Through: T.C. Byerly, Coordinator of Environmental Quality Activities, USDA

Enclosed are ten copies of the (Draft/Final) environmental statement on (title) issued by U.S. Forest Service (title and name of official), (specifiy) Region. One copy is for submittal to NTIS.

The responsible official is Regional Forester Jay Craven, Eastern Region.

(Do not complete signature block)

Enclosures

Leave the signature block blank. The transmittal memorandums should clearly identify the responsible Forest Service official. A minimum of 30 copies of either draft or final statement and appended material shall be submitted to the Chief.

8412.3—National Technical Information Service (NTIS). As a public service, the NTIS will reproduce and offer for sale copies of all environmental statements. Costs will vary according to size of the environmental statement. The statements are also available in microfiche. Submit with each environmental statement a special NTIS cover sheet and Accession Notice, form NTIS 79, to facilitate their handling. The NTIS cover sheet page should follow the format as illustrated by the following sample. The report number will be assigned by Programs and Legislation Office and the date filed with CEQ inserted.

One copy of form NTIS–79 should be completed in accordance with sample and submitted along with environmental statement package. This will be returned to the Washington Office by NTIS after accession number is assigned.

SAMPLE

NTIS COVER SHEET

U.S. Department of Agriculture

FOREST SERVICE

I Report number
—USDA–FS–DES [1] (Adm) or (Leg) [2]

II Title
—USDA Draft Environmental Statement on Herbicide Control of Sagebrush in Montana

III Responsible official
—Regional Forester Steve Yurich

IV Date filed with CEQ
—[2]

V Prepared by
—U.S. Department of Agriculture
Forest Service—Northern Region
Federal Building
Missoula, Montana 59801

8412.4—Contents of an Environmental Statement. Forest Service environmental statements shall generally follow the outline below and will include information pertinent to each of the subject headings listed. The headings can be supplemented or re-arranged if a clearer presentation results. However, the Act requires that each of the main points be covered.

USDA FOREST SERVICE ENVIRONMENTAL STATEMENT

(Statement Title)

Prepared in accordance with Section 102(2)(C) of Public Law 91–190

SUMMARY SHEET

I—Draft ( ) Final ( )
II—Name of USDA Agency.
III—Administrative ( ) Legislative ( ).
IV—Brief description of action—indicating what states and counties are particularly affected.
V—Summary of environmental impact and adverse environmental effects.
VI—List of alternatives considered.
VII—(For DRAFT statements) List all Federal, state, and local agencies from which comments have been requested.
(For FINAL statements) List all Federal, state, and local agencies and other sources from which written comments have been received.
VIII—Date draft statement and final statement made available to CEQ and the public.
If it is a "Draft" environmental statement-leave blank; WO will insert date when it goes to CEQ.
If it is a final environmental statement and the draft has already been filed with CEQ, insert that data and leave date for "Final" blank.

[1] Use DES for draft—FES for final environmental statement.

[2] Assigned by Programs & Legislation Office—leave blank.

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USDA FOREST SERVICE ENVIRONMENTAL STATEMENT

(Statement Title)

Prepared in accordance with Section 102(2) (C) of Public Law 91-190

Type of Statement: (draft or final)
Date of Transmission to CEQ: (leave blank)
Type of Action: (administrative or legislative)
Responsible Official: (name, title, and address)

CONTENTS

I—Description.
II—Environmental impacts.
III—Favorable environmental effects.
IV—Adverse environmental effects which cannot be avoided.
V—Alternatives to the proposed action.
VI—Relationship between short-term uses of man's environment and the maintenance of long-term productivity.
VII—Irreversible and irretrievable commitment of resources.
VIII—Consultation with others.

The following comments are intended to further clarify the intent of the headings in the above environmental statement outline.

I—Description. The proposed action or alternative should be clearly described by including enough information and technical data to give readers a clear understanding of the nature of the proposed action. Where relevant, maps, photographs, and other materials may be used, but publication costs and difficulty should be considered. Give the relevant background information on the project including its purpose, the origin of the proposal, the social, economic, or environmental objectives, and the demand or relative urgency of need. If appropriate, describe the present environment, location, size, landownership, and status, physiography, ecosystems, climate, and other special features.

II—Environmental Impacts. Discuss both primary and secondary effects.

A. Identify, analyze, and discuss the full range of social, physical, and biological factors which change as a result of direct or indirect effects of the proposal. Both primary and secondary consequences should be considered in the analysis. For example, the implications, if any, of the action on population distribution or concentration should be objectively estimated and an assessment made of the probable effects of such changes in population patterns upon the resource bases, including land use, and public services of the area in question. Include, also, economic impacts on employment, unemployment, and other economic factors.

The distinction between primary and secondary impacts is important for insuring consideration of all alternatives. One way to describe the distinction is that project inputs generally cause primary impacts and project outputs generally cause secondary impacts. Primary impacts are generally easier to analyze and measure, while secondary impacts may require analyses by a number of agencies because they generally are not within any single agency area of responsibility or expertise. Secondary impacts may, in fact, be more important or more damaging than primary impacts.

The material in this section should be as objective as possible leaving the value judgments of good or bad for the succeeding sections.

B. Discuss any planned measures to minimize adverse environmental impacts of the proposal.

III—Favorable Environmental Effects. Discuss the beneficial aspects of the environmental changes or disturbances by placing some relative value on the impacts described in II above. The basis for such value judgments should be as explicit as possible. Discuss the effects not only with reference to the project areas but in relation to any applicable region or ecosystem. Clearly identify the target groups involved and assess the relative differences in values to each group. Favorable environmental effects may be described as any probable beneficial effects that result from the proposed action, such as (1) improved air and water quality, (2) improved land use patterns, (3) improved life systems, (4) improved social and economic conditions, and (5) other beneficial environmental effects as set out in Section 101(b) of the Act.

IV—Adverse Environmental Effects Which Cannot Be Avoided. Identify and discuss the nature and extent of probable adverse effects and explain why they cannot be avoided. Such adverse effects may include water, air, sound, or visual pollution; undesirable land use patterns; damage to life systems; threats to health; or other urban congestion consequences adverse to the environmental goals set out in Section 101(b) of the act.

V—Alternatives to the Proposed Action. The intent of this section is to assure that the responsible officer has studied the alternatives based upon a rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects. The alternatives should be described, and the analysis presented, including costs and impacts on the environment. The viable alternatives should not be foreclosed prematurely in the agency review and decision process. Creativity is required in recognizing and developing alternatives. The range of alternatives to be considered may involve other alternate means to reach the objectives of the proposed action including alternatives as to location, design, scale, sequence, timing, and combinations. All reasonable alternatives and their environmental impacts should be discussed, including those not within the authority of the agency. Examples of categories of alternatives that must be considered in connection with specific actions are as follows:

A. The alternative of taking no action.

B. Alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts.

C. Alternatives related to different designs or details of the proposed action which would present different environmental impacts.

In each case, the analysis of alternatives should be sufficiently detailed and rigorous to permit independent and comparative evaluation of the benefits, costs, and environmental risks of the proposed action and each alternative.

VI—Relationship between Local Short-term Uses of Man's Environment and the Maintenance and Enhancement of Long-term Productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

VII—Irreversible and Irretrievable Commitment of Resources. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

VIII—Consultation With Appropriate Federal Agencies and Review by State and Local Agencies Developing and Enforcing Environmental Standards. This section is optional but desirable for draft statements; it is required for final statements. In the draft environmental statement, list the agencies, groups, and individuals consulted in the preliminary consultation phases and summarize the comments received. Also, list the agencies and groups to whom the draft environmental statement will be sent.

In the final environmental statement, this section will include a discussion of reviews and comments on the draft environmental statement. Particular attention should be given to making meaningful reference to opposing views. Comments received from Federal, state, and local agencies, leading national organizations, and substantive comments from individuals which influence decisionmaking must be attached.

A list and summary of meetings and hearings held should be attached to the final statement.

8412.5—Federal Register Notice. Announcement of public availability of draft and final environmental statements will be published in the FEDERAL REGISTER. Units preparing environmental statements are requested to prepare FEDERAL REGISTER notices in final form announcing the availability to the public of the environmental statement. The FEDERAL REGISTER notice will be prepared and submitted along with the environmental statement to Programs and Legislation, Washington Office.

Instruction for preparing Federal Register document are in the Federal Register Handbook on Document Drafting, January 1966, issued by the Office of the Federal Register, GSA (FSM 1023). These instructions have been condensed below:

1. Format. Use plain bond paper, allowing 1½ inch left margin, and 1 inch right, top, and bottom margin; double space. For the signature element, type Deputy Chief, Forest Service, underscored, 5 lines below the last line of the notice, as shown in the sample. Type a line for the date. On the bottom left of the yellow copies, type the originator identifications: "USDA, Forest Service, Region, Division, author, typist's initials, and date."

2. *Number of Copies.* Original and two white tissue copies for submission to Federal Register Office, one yellow for Washington Office file, one yellow for the originating field unit.

3. *Submission.* Send original, two white tissues, and two yellow tissues (assembled in that order) to the Washington Office, Programs and Legislation. After signature by the Deputy Chief, and dated, yellow file copy will be returned to the field unit. The original and two white copies will be transmitted to the Federal Register Office for publication. Usually the notice is in print approximately 5 days after signature.

Sample Federal Register Notice

DEPARTMENT OF AGRICULTURE
Forest Service
COOPERATIVE 1972 GYPSY MOTH
SUPPRESSION AND REGULATORY PROGRAM
Notice of Availability of Draft (or Final)
Environmental Statement

(triple space)

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a (draft or final) environmental statement for (name of proposed action and Forest Service report number. See section 8412.3, NTIS for report number instructions).

The environmental statement concerns a proposed (brief description of proposed action).

This (draft or final) environmental statement was filed with CEQ on (leave blank).

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

(list other locations)

A limited number of single copies are available upon request to (resoponsible official, name, and address).

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

(THE FOLLOWING TWO PARAGRAPHS WILL BE USED FOR DRAFT STATEMENTS BUT WILL BE OMITTED FOR FINAL ENVIRONMENTAL STATEMENTS)

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisidiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to (responsible official name, and address). Comments must be received by (indicate specific date or number of days after filing with CEQ) in order to be considered in the preparation of the final environmental statement.

(Dateline leave blank) Deputy Chief, Forest Service

8413—CONSULTATION AND REVIEW PROCESS FOR FOREST SERVICE ENVIRONMENTAL STATEMENTS. The consultation and review process normally will involve 7 steps as follows:

1. Individual agency and public inputs and preliminary consultation leading to a development of a draft environmental statement.
2. Development of a draft statement.
3. Filing draft statement with CEQ.
4. Review of the draft statement by appropriate agencies and the public.
5. Preparation of final statement.
6. Filing final statement with CEQ.
7. Decision on proposed action.

The following flow chart shows the review points through which environmental statements must pass before a final decision is made. The chart also shows the minimum time required for review. However, responsible officials are encouraged to allow more time for review whenever possible.

8413.1—Preliminary Consultation and Advice. For Forest Service proposals, consultation with other appropriate agencies and the public should be obtained at the earliest possible time. Generally, this should be during the analysis phase and before the draft environmental statement is prepared. The approach can be varied to best fit the situation. This preliminary consultation should be documented, but early proposals and analyses should not be titled draft environmental statements.

8413.2—Draft Environmental Statement. The official review period for other agencies and the public begins when the draft environmental statement is transmitted to CEQ. Documents titled, "Draft Environmental Statement" should not be sent to other agencies and the public prior to transmission to CEQ.

After a draft environmental statement is issued, additional information may occasionally become available which could significantly influence the comments on the statement. In such cases, a supplement to the draft may be issued and given the same circulation as the draft environmental statement, with an appropriate extension in the time allowed for the submission of comments.

8413.21—Forest Service Processing. All draft environmental statements will be processed through the line officers, environmental quality coordinators, and Deputy Chiefs for transmission through the Department environmental coordinator to CEQ. The Deputy Chief for Programs and Legislation will handle the Washington Office processing and coordination. He will:

1. Forward required copies of the draft environmental statement through the Department's environmental quality coordinator, to CEQ.

2. Notify the responsible official that he may send the draft statement to appropriate agencies and groups for comment.

3. Send two copies of the summary sheet to OMB.

8413.22—Reviews Outside the Forest Service. After notification that the draft environmental statement has been officially transmitted to CEQ, the responsible official should distribute copies to, and solicit comments from, appropriate Federal, state, and local agencies and the public. State and local agencies should be contacted directly and through clearing houses as described in OMB Circular No. A-95 and FSM 1565.

Guidelines for determination of appropriate Federal agencies are found in section 8422. Regions, Stations, and Area supplements should identify Regional, state, and local agencies with jurisdiction, expertise, or interest in the proposed action and should establish review procedures with these agencies.

Draft environmental statements must also be submitted to the Environmental Protection Agency (EPA) for review and comment by the Administrator in accordance with Section 309 of the Clean Air Act, as amended. This review must be made whenever a Federal action is related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, radiation criteria and standards, or other provisions of the authority of the EPA is involved, but all statements should be submitted

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for their review and comment unless they specifically ask that the statement not be sent to them. For Regional actions, statements may be sent to the appropriate Regional Administrator for EPA.

The draft environmental statement can be the basis for news releases, discussion, public meetings, or hearings. The public must be informed about actions having an impact on the environment, and public comments and suggestions will be encouraged.

8413.3—Final Environmental Statement. A final environmental statement is prepared by the "Lead Agency" after careful consideration of comments received from other Federal, state, and local agencies and the public on a Forest Service draft statement. The statement should set forth major contentions and opinions even if the responsible agency finds no merit in them whatsoever. The rejection of comments or problems raised in the review process should be explained. Oral consultation with other agencies should also be documented, and copies of all substantive written comments must be attached to the final statement.

Copies of final environmental statements should be sent to those agencies, organizations, and individuals who submitted substantive comments. If appropriate, copies may also be sent to other agencies, groups, or individuals.

The final environmental statement is processed in the same manner as the draft statement.

For environmental statements concerning recommendations or reports on legislative proposals, the final text and comments should be available to the Congress and to the public. When scheduling of congressional hearing does not allow adequate time for completing the final text, a draft environmental statement may be furnished to the Congress and to the public pending transmittal of the final text and comments.

8413.4—Time Periods for Review Process. As soon as possible after being notified that the draft environmental statement has been filed with CEQ, the responsible official must make available and distribute copies of the statement for review and comment to other Federal, state, and local agencies with expertise and regulating authority in environmental matters. A time limit for comment of not less than 30 days must be permitted, except that a period of 45 days shall be allowed the EPA. Longer periods may be specified or extensions may be granted by the responsible official. The draft statement is available to the public and sufficient copies must be produced to meet anticipated demand. Copies of the Statement will be available to the public at the Washington Office, the office of the responsible official, and Forest, Region, Area, Station offices, and other locations as appropriate. If hearings are scheduled for a proposed administrative action requiring an environmental statement, the draft environmental statement should be made available to the public at least 15 days prior to the time of the relevant hearings.

No decision or administrative action should be taken sooner than 90 days after a draft environmental statement has been filed with the CEQ and circulated for comment. Neither should decisions be made or administrative action be taken sooner than 30 days after the final environmental statement is filed with CEQ and made available to the public. This 30 day period and the 90 day period may run concurrently to the extent that they overlap.

In rare cases, emergency circumstances, overriding considerations of expense to the Government or impaired program effectiveness, may make it necessary to take an action with significant environmental impact without observing the time provisions. Before taking such proposed action, the Forest Service will consult with CEQ. These consultations will be handled by the Washington Office. Written explanation and justification for the action is required by CEQ.

8413.5—Execution, Monitoring, and Evaluating. The decision reached following completion of the environmental statement process should be publicly announced through appropriate means. Programs and Legislation (P&L), WO, should be informed as to the decision reached on the proposed action.

Major Federal programs and projects which may significantly affect the environment must be carefully monitored during the life of the action to ensure that environmental safeguards are executed according to plan.

In some cases, it may be desirable to describe the planned monitoring program in the environmental statement.

As a part of general and functional inspections (FSM 1440) at all organizational levels, inspectors will review the results of plans to protect and enhance the environment. Such a review would compare actual results with planned results and would provide feedback to planners and decisionmakers.

CHAPTER 8420—REVIEW OF OTHER AGENCIES ENVIRONMENTAL STATEMENTS

CONTENTS

8421 Review Responsibility
8422 Review Coordination
8423 Distribution of Comments

8420—FOREST SERVICE REVIEW AND COMMENT ON OTHER AGENCY STATEMENTS. The Forest Service will review and comment on proposals for legislation or other major actions initiated by other agencies as requested and/or determined appropriate to do so because of jurisdiction by law or special expertise with respect to the environmental impact involved.

In those cases where another agency's proposal will involve National Forest System land, the Forest Service is obligated to participate in the review of the proposed Federal action because of jurisdiction by law, and by special expertise. Such proposals, unless fully recognized early in the planning stages could result in major Forest Service replanning of the total area involved. The proposed action will require analysis of environmental effects and the effects on social and economic values.

The Forest Service will respond to other agency statements where it has special expertise or legal jurisdiction even though no National Forest System lands are involved.

In some instances, the review time alloted by the "lead agency" may be insufficient because of the absence of key personnel or other unforeseen circumstances. In such cases, a letter should be written to the responsible official requesting additional time for review. When appropriate, WO Programs and Legislation should be advised of a request by copy of the letter.

When commenting on draft environmental statements from other agencies, the Forest Service will in their letter of transmittal to the requesting agency clearly identify the project by name and number if both are available.

8421—Review Responsibility

1. Legislative or Other Major Policy, Regulations, and National Actions. Unless otherwise assigned by the Chief, review and comment on legislative or other major policy regulations, or national program proposals will be made in the Washington Office.

2. Other Major Federal Actions. The responsible official in whose decision-making subject area or jurisdiction the proposal is located will review and prepare comments. To simplify procedures and instructions to other agencies, Regional Foresters will receive all other agency statements. However, where appropriate, statements should also be directed to the Northern Area Director. The Regional Forester and Area Director in the case of the Eastern Region will arrange coordination and forward the statement to other Forest Service officials, as appropriate.

3. Cooperative Interagency USDA Programs. Where the Forest Service has functional assignments from the Secretary of Agriculture in water and related land resource development programs, it provides input to the environmental statement.

a. Small Watersheds, Flood Prevention Programs, and Type IV River Basin Studies. The SCS, with inputs from the Forest Service at the field level, prepares a working paper of an environmental statement to accompany the draft work plan. It is forwarded to the Washington Office of the Forest Service and SCS. These working papers are labeled "Preliminary Draft" by the SCS. Views and recommendations of other Federal or state agencies that have jurisdiction by law or special expertise may also be included.

These working papers are handled in the same way as comments on the draft work plan. Incorporating comments received from the Washington Offices, the SCS at field level, with FS inputs, revises the work plan and prepares and processes a draft environmental statement. Copies of this draft statement will also be furnished by the Washington Office of the SCS to the Chief's Office (FS) for review and further comment as required. Copies will also be furnished to the Regional Foresters and Directors concerned.

For the cooperative watershed program, the responsible Federal official under the National Environmental Policy Act (NEPA) is the Administrator, SCS, for plans, revisions, or supplements requiring approval by congressional committee; or the State Conservationist for plan which can be approved administratively. For plans which were approved prior to January 1, 1970, the State Conservationist will prepare the environmental statement if one is deemed necessary.

b. River Basin Planning. Environmental statements will be prepared for Framework Studies or Assessments and Regional or River Basin Plans. Environmental statements will also be prepared for Type I and Type II Studies which have not been transmitted by the Water Resources Council (WRC) to tht President.

If the WRC coordinating committee makes the study, the WRC council chairman is designated as the Federal official responsible for preparation and review of the environmental statement. If the River Basin Commission makes the study, the commission chairman is designated as the Federal official responsible for preparation and review of the environmental statement. However, working papers for environmental statements will be prepared during the conduct of such studies by the interagency and coordinating committees. These papers will accompany the proposed study reports under established review procedures.

The Chairman of the WRC or the River Basin Commission shall transmit the draft environmental statement to CEQ at the time a proposed study report is referred to interested Federal, state, and local agencies. A copy of this draft will accompany the study report furnished by the Washington Office of the SCS to the Chief's Office (FS) for review and comment.

Based on comments received from interested agencies, the Council or Commission Chairman revises the draft statement. The final environmental statement, accompanied by all comments received on the draft, is transmitted to CEQ at the time WRC transmits recommendations to the President.

8422—Review Coordination. Agencies requesting review and comment on environmental statements are expected to coordinate review directly with the Forest Service. At the field level, contacts for consultation and environmental statement review are expected to be directly between the responsible official and the lead agency.

Exhibits 1 and 2 show the Federal agencies with jurisdiction by law or special expertise to comment on various types of environmental impacts. However, a more specific and detailed identification of expertise available in other agencies is needed and will be developed by the Washington Office. In particular, expertise in the Social Sciences available to the Forest Service must be identified and arrangements for it use developed.

Regions, Stations, and Areas should also systematically identify expertise available to them in development and review of environmental statements.

AIR

Air Quality and Air Pollution Control

Department of Agriculture—
Forest Service (effects on vegetation).
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Air Pollution Control Office.
Department of the Interior—
Bureau of Mines (fossil and gaseous fuel combustion).
Bureau of Sport Fisheries and Wildlife (wildlife).
Department of Transportation—
Assistant Secretary for Systems Development and Technology (auto emissions).
Coast Guard (vessel emissions).
Federal Aviation Administration (aircraft emissions).

Weather Modification

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Defense—
Department of the Air Force.
Department of the Interior—
Bureau of Reclamation.

ENERGY

Environmental Aspects of Electric Energy Generation and Transmission

Atomic Energy Commission (nuclear power).
Environmental Protection Agency—
Water Quality Office.
Air Pollution Control Office.
Department of Agriculture—
Rural Electrification Administration (rural areas).
Department of Defense—
Army Corps of Engineers (hydro-facilities).
Federal Power Commision (hydro-facilities and transmission lines).
Department of Housing and Urban Development (urban areas).
Department of the Interior—(facilities on Government lands).

Natural Gas Energy Development, Transmission and Generation

Federal Power Commission (natural gas production, transmission and supply).
Department of the Interior—
Geological Survey.
Bureau of Mines.

HAZARDOUS SUBSTANCES

Toxic Materials

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency.
Department of Agriculture—
Agricultural Research Service.
Consumer and Marketing Service.
Department of Defense.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.

Pesticides

Department of Agriculture—
Agricultural Research Service (biological controls, food and fiber production).
Consumer and Marketing Service.
Forest Service.
Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Environmental Protection Agency—
Office of Pesticides.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).
Bureau of Land Management.
Department of Health, Education, and Welfare (Health aspects).

Herbicides

Department of Agriculture—
Agricultural Research Service.
Forest Service.
Environmental Protection Agency—
Office of Pesticides.
Department of Health, Education, and Welfare (Health aspects).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Reclamation.

Transportation and Handling of Hazardous Materials

Department of Commerce—
Maritime Administration.
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Defense—
Armed Services Explosive Safety Board.
Army Corps of Engineers (navigable waterways).
Department of Health, Education, and Welfare—
Office of the Surgeon General (Health aspects).
Department of Transportation—
Federal Highway Administration Bureau of Motor Carrier Safety.
Coast Guard.
Federal Railroad Administration.
Federal Aviation Administration.
Assistant Secretary for Systems Development and Technology.
Office of Hazardous Materials.
Office of Pipeline Safety.
Environmental Protection Agency (hazardous substances).
Atomic Energy Commission (radioactive substances).

LAND USE AND MANAGEMENT

Coastal Areas: Wetlands, Estuaries, Waterfowl Refuges, and Beaches

Department of Agriculture—
Forest Service.
Department of Commerce—
National Marine Fisheries Service (impact on marine life).
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Transportation—
Coast Guard (bridges, navigation).
Department of Defense—
Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
National Park Service.
U.S. Geological Survey (coastal geology).
Bureau of Outdoor Recreation (beaches).
Department of Agriculture—
Soil Conservation Service (soil stability, hydrology).
Environmental Protection Agency—
Water Quality Office.

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Historic and Archeological Sites
Department of the Interior—
National Park Service.
Advisory Council on Historic Preservation.
Department of Housing and Urban Development (urban areas).

Flood Plains and Watersheds
Department of Agriculture—
Agricultural Stabilization and Research Service.
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Reclamation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Measurement.
U.S. Geological Survey.
Department of Housing and Urban Development (urban areas).
Department of Defense—
Army Corps of Engineers.

Mineral Land Reclamation
Appalachian Regional Commission.
Department of Agriculture—
Forest Service.
Department of the Interior—
Bureau of Mines.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.
Tennessee Valley Authority.

Parks, Forests, and Outdoor Recreation
Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Land Management.
National Park Service.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Defense—
Army Corps of Engineers.
Department of Housing and Urban Development (urban areas).

Soil and Plant Life, Sedimentation, Erosion and Hydrologic Conditions
Department of Agriculture—
Soil Conservation Service.
Agricultural Research Service.
Forest Service.
Department of Defense—
Army Corps of Engineers (dredging, aquatic plants).
Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of the Interior—
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Geological Survey.
Bureau of Reclamation.

NOISE

Noise Control and Abatement
Department of Health, Education, and Welfare (Health aspects).
Department of Commerce—
National Bureau of Standards.
Department of Transportation—
Assistant Secretary for Systems Development and Technology.
Federal Aviation Administration (Office of Noise Abatement).
Environmental Protection Agency (Office of Noise).
Department of Housing and Urban Development (urban land use aspects, building materials standards).

PHYSIOLOGICAL HEALTH AND HUMAN WELL BEING

Chemical Contamination of Food Products
Department of Agriculture—
Consumer and Marketing Service.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons).

Food Additives and Food Sanitation
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons, e.g., pesticide residues).
Department of Agriculture—
Consumer Marketing Service (meat and poultry products).

Microbiological Contamination
Department of Health, Education, and Welfare (Health aspects).

Radiation and Radiological Health
Department of Commerce—
National Bureau of Standards.
Atomic Energy Commission.
Environmental Protection Agency—
Office of Radiation.
Department of the Interior—
Bureau of Mines (uranium mines).

Sanitation and Waste Systems
Department of Health, Education, and Welfare—(Health aspects).
Department of Defense—
Army Corps of Engineers.
Environmental Protection Agency—
Solid Waste Office.
Water Quality Office.
Department of Transportation—
U.S. Coast Guard (ship sanitation).
Department of the Interior—
Bureau of Mines (mineral waste and recycling, mine acid wastes, urban solid wastes).
Bureau of Land Management (solid wastes on public lands).
Office of Saline Water (demineralization of liquid wastes).

Shellfish Sanitation
Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Water Quality.

TRANSPORTATION

Air Quality
Environmental Protection Agency—
Air Pollution Control Office.
Department of Transportation—
Federal Aviation Administration.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (meteorological conditions).

Water Quality
Environmental Protection Agency—
Office of Water Quality.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and ocean monitoring).
Department of Defense—
Army Corps of Engineers.
Department of Transportation—
Coast Guard.

URBAN

Congestion in Urban Areas, Housing and Building Displacement
Department of Transportation—
Federal Highway Administration.
Federal Highway Administration.
Office of Economic Opportunity.
Department of Housing and Urban Development.
Department of the Interior—
Bureau of Outdoor Recreation.

Environmental Effects With Special Impact in Low-Income Neighborhoods
Department of the Interior—
National Park Service.
Office of Economic Opportunity.
Department of Housing and Urban Development (urban areas).
Department of Commerce (economic development areas).
Economic Development Administration.
Department of Transportation—
Urban Mass Transportation Administration.

Rodent Control
Department of Health, Education, and Welfare (Health aspects).
Department of Housing and Urban Development (urban areas).

Urban Planning
Department of Transportation—
Federal Highway Administration.
Department of Housing and Urban Development.
Environmental Protection Agency.
Department of the Interior—
Geological Survey.
Bureau of Outdoor Recreation.
Department of Commerce—
Economic Development Administration.

WATER

Water Quality and Water Pollution Control
Department of Agriculture—
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Reclamation.
Bureau of Land Management.
Bureau of Sports Fisheries and Wildlife.
Bureau of Outdoor Recreation.
Geological Survey.
Office of Saline Water.
Environmental Protection Agency—
Water Quality Office.
Department of Health, Education, and Welfare (Health aspects).
Department of Defense—
Army Corps of Engineers.
Department of the Navy (ship pollution control).
Department of Transportation—
Coast Guard (oil spills, ship sanitation).
Department of Commerce—
National Oceanic and Atmospheric Administration.

Marine Pollution
Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Transportation—
Coast Guard.
Department of Defense—
Army Corps of Engineers.
Office of Oceanographer of the Navy.

River and Canal Regulation and Stream Channelization
Department of Agriculture—
Soil Conservation Service.
Department of Defense—
Army Corps of Engineers.
Department of the Interior—
Bureau of Reclamation.
Geological Survey.
Bureau of Sport Fisheries and Wildlife.
Department of Transportation—
Coast Guard.

WILDLIFE
Environmental Protection Agency.
Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Outdoor Recreation.

FEDERAL AGENCY OFFICES FOR RECEIVING AND COORDINATING COMMENTS UPON ENVIRONMENTAL IMPACT STATEMENTS

ADVISORY COUNCIL ON HISTORIC PRESERVATION
Robert Garvey, Executive Director, Suite 618, 801 19th Street NW., Washington, DC 20006, 343–8607.

DEPARTMENT OF AGRICULTURE
Dr. T. C. Byerly, Office of the Secretary, Washington, D.C., 20250, 388–7803.

APPALACHIAN REGIONAL COMMISSION
Orville H. Lerch, Alternate Federal Co-Chairman, 1666 Connecticut Avenue NW., Washington, DC 20235, 967–4103.

DEPARTMENT OF THE ARMY (CORPS OF ENGINEERS)
Col. J. B. Newman, Executive Director of Civil Works, Office of the Chief of Engineers, Washington, D.C. 20314, 693–7168.

ATOMIC ENERGY COMMISSION
For nonregulatory matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, 973–5391.
For regulatory matters: Christopher L. Henderson, Assistant Director for Regulation, Washington, D.C. 20545, 973–7531.

DEPARTMENT OF COMMERCE
Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C. 20230, 967–4335.

DEPARTMENT OF DEFENSE
Dr. Louis M. Rousselot, Assistant Secretary for Defense (Health and Environment), Room 3E172, The Pentagon, Washington, DC 20301, 697–2111.

DELAWARE RIVER BASIN COMMISSION
W. Brinton Whitall, Secretary, Post Office Box 360, Trenton, NJ 08603, 609–883–9500.

ENVIRONMENTAL PROTECTION AGENCY
Charles Fabrikant, Director of Impact Statements Office, 1626 K Street NW., Washington, DC 20460, 632–7719.

FEDERAL POWER COMMISSION
Frederick H. Warren, Commission's Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, 386–6084.

GENERAL SERVICES ADMINISTRATION
Rod Kreger, Deputy Administrator, General Services Administration–AD, Washington, D.C. 20405, 343–6077.
Alternate contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration–ADF, 343–4161.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE
Roger O. Egeberg, Assistant Secretary for Health and Science Affairs, HEW North Building, Washington, D.C. 20202, 963–4254.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT [1]
Charles Orlebeke, Deputy Under Secretary, 451 Seventh Street SW., Washington, DC 20410, 755–6960.
Alternate contact: George Wright, Office of the Deputy Under Secretary, 755–8192.
James J. Barry, Regional Administrator I, Attention: Environmental Clearance Officer, Room 405, John F. Kennedy Federal Building, Boston, MA 02203, 617–223–4066.
S. William Green, Regional Administrator II, Attention: Environmental Clearance Officer, 26 Federal Plaza, New York, NY 10007, 212–264–8068.
Warren P. Phelan, Regional Administrator III, Attention: Environmental Clearance Officer, Curtis Building, Sixth and Walnut Street, Philadelphia, PA 19106, 215–597–2560.
Edward H. Baxter, Regional Administrator IV, Attention: Environmental Clearance Officer, Peachtree-Seventh Building, Atlanta, GA 30323, 404–526–5585.
George Vavoulis, Regional Administrator V, Attention: Environmental Clearance Officer, 360 North Michigan Avenue, Chicago, IL 60601, 312–353–5680.

DEPARTMENT OF THE INTERIOR
Jack O. Horton, Deputy Assistant Secretary for Programs, Washington, D.C. 20240, 343–6181.

NATIONAL CAPITAL PLANNING COMMISSION
Charles H. Conrad, Executive Director, Washington, D.C. 20576, 382–1163.

OFFICE OF ECONOMIC OPPORTUNITY
Frank Carlucci, Director, 1200 19th Street, NW., Washington, DC 20506, 254–6000.

SUSQUEHANNA RIVER BASIN COMMISSION
Alan J. Summerville, Water Resources Coordinator, Department of Environmental Resources, 105 South Office Building, Harrisburg, PA. 17120, 717–787–2315.

TENNESSEE VALLEY AUTHORITY
Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, TN 37401, 615–755–2002.

DEPARTMENT OF TRANSPORTATION
Herbert F. DeSimone, Assistant Secretary for Environment and Urban Systems, Washington, D.C. 20590, 426–4563.

DEPARTMENT OF TREASURY
Richard E. Slitor, Assistant Director, Office of Tax Analysis, Washington, D.C. 20220, 964–2797.

DEPARTMENT OF STATE
Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs, Washington, D.C. 20520, 632–7964.

[1] Contact the Deputy Under Secretary with regard to environmental impacts of legislation, policy statements, program regulations and procedures, and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

Richard L. Morgan, Regional Administrator VI, Attention: Environmental Clearance Officer, Federal Office Building, 819 Taylor Street, Fort Worth, TX 76102, 817–334–2867.
Harry T. Morley, Jr., Regional Administrator VII, Attention: Environmental Clearance Officer, 911 Walnut Street, Kansas City, MO 64106, 816–374–2661.
Robert C. Rosenheim, Regional Administrator VIII, Attention: Environmental Clearance Officer, Samsonite Building, 1051 South Broadway, Denver, CO 80209, 303–837–4061.
Robert H. Baida, Regional Administrator IX, Attention: Environmental Clearance Officer, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, CA 94102, 415–556–4752.
Oscar P. Pederson, Regional Administrator X, Attention: Environmental Clearance Officer, Room 226, Arcade Plaza Building, Seattle, WA 98101, 206–583–5415.

EXHIBIT 2

FEDERAL AGENCY OFFICES FOR RECEIVING AND COORDINATING COMMENTS ON ENVIRONMENTAL IMPACT STATEMENTS

ADVISORY COUNCIL ON HISTORIC PRESERVATION
Robert Garvey, Executive Director,
Suite 618
801 19th Street N.W.
Washington, D.C. 20006, 343–8607

DEPARTMENT OF AGRICULTURE
Dr. T. C. Byerly, Office of the Secretary
Washington, D.C. 447–7803

APPALACHIAN REGIONAL COMMISSION
Orville H. Lerch, Alternate Federal Co-Chairman
1666 Connecticut Avenue, N.W.
Washington, D.C. 20235, 967–4103

DEPARTMENT OF THE ARMY (CORPS OF ENGINEERS)
Col. William L. Barnes, Executive Director of Civil Works, Office of the Chief of Engineers
Washington, D.C. 20314, 693–7168

ATOMIC ENERGY COMMISSION
For nonregulatory matters: Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 973–5391

For regulatory matters: A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing
Washington, D.C. 20545, 973–7373

DEPARTMENT OF COMMERCE
Dr. Sydney R. Galler, Assistant Secretary for Environmental Affairs
Washington, D.C. 20230, 967–4335

DEPARTMENT OF DEFENSE
Dr. Richard S. Wilbur, Assistant Secretary for Defense (Health & Environment)
Room 3E172, The Pentagon
Washington, D.C. 20301, 697–2111

DELAWARE RIVER BASIN COMMISSION
Robert L. Mann, Head, Environmental Unit, Box 360
Trenton, N.J. 08603, 609–883–9500

ENVIRONMENTAL PROTECTION AGENCY
Sheldon Meyers, Director
Office of Federal Activities
401 M Street S.W.
Washington, D.C. 20460, 755–0920

FEDERAL POWER COMMISSION
Richard F. Hill, Advisor on Environmental Quality
441 G Street, N.W.
Washington, D.C. 20426, 386–6084

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GENERAL SERVICES ADMINISTRATION
Rod Kreger, Deputy Administrator, GSA–AD
Washington, D.C. 20405, 343–6077
Alternate contact: Aaron Woloshin, Director
Office of Environmental Affairs, GSA–ADF
343–4161

DEPT. OF HEALTH, EDUCATION, AND WELFARE
Dr. Merlin K. Duval, Assistant Secretary
for Health & Scientific Affairs
HEW North Bldg.
Washington, D.C. 20202, 963–4254

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Environmental statements for proposed legislation, policy issuances and guidance documents, program regulations and procedures, and other policy issues should be sent to:

Samuel C. Jackson
Assistant Secretary for Community Planning & Management
Department of Housing and Urban Development
ATTN: Richard H. Broun, Environmental Clearance Officer
Washington, D.C. 20410, 755–6193

Environmental statements for project actions should be sent to the HUD Regional Administrator in whose region the project is to be located. A list of the regional administrators and the HUD Regional Offices follows:

Region I
James J. Barry
Regional Administrator
Rm 800 John F. Kennedy
Federal Building
Boston, Massachusetts 02203
Tel. (617) 223–4066

Attn: Environmental Clearance Officer

Region II
S. William Green
Regional Administrator
26 Federal Plaza
New York, New York 10007
Tel. (212) 264–8068

Attn: Environmental Clearance Officer

Region III
Theodore R. Robb
Regional Administrator
Curtis Building
6th and Walnut Streets
Philadelphia, Pennsylvania 19106
Tel. (215) 597–2560

Attn: Environmental Clearance Officer

Region IV
Edward H. Baxter
Regional Administrator
Peachtree-Seventh Building
50 Seventh Street, N.E.
Atlanta, Georgia 30323
Tel. (404) 526–5585

Attn: Environmental Clearance Officer

Region V
George Vavoulis
Regional Administrator
300 South Wacker Drive
Chicago, Illinois 60606
Tel. (312) 353–5680

Attn: Environmental Clearance Officer

Region VI
Richard L. Morgan
Regional Administrator
Federal Building
819 Taylor Street
Forth Worth, Texas 76102
Tel. (817) 334–2867

Attn: Environmental Clearance Officer

Region VII
Elmer E. Smith
Regional Administrator
Rm 300 Federal Office Building
911 Walnut Street
Kansas City, Missouri 64106
Tel. (816) 374–2661

Attn: Environmental Clearance Officer

Region VIII
Robert C. Rosenheim
Regional Administrator
Federal Building
1961 Stout Street
Denver, Colorado 80202
Tel. (303) 837–4881

Attn: Environmental Clearance Officer

Region IX
Robert H. Baida
Regional Administrator
450 Golden Gate Avenue
Post Office Box 36003
San Francisco, California 94102
Tel. (415) 556–4752

Attn: Environmental Clearance Officer

Region X
Oscar P. Peterson
Regional Administrator
Arcade Plaza Building
1312 Second Avenue
Seattle, Washington 98101
Tel. (206) 442–5415

Attn: Environmental Clearance Officer

DEPARTMENT OF THE INTERIOR
John W. Larson, Assistant Secretary
Program Policy, ATTN: Office of Environmental Project Review
18th & C Sts. N.W.
Washington, D.C. 20240, 343–6181

NATIONAL CAPITAL PLANNING COMMISSION
Charles H. Conrad, Executive Director
1325 G Street N.W.
Washington, D.C. 20576, 382–1163

OFFICE OF ECONOMIC OPPORTUNITY
Arthur J. Reid, Director
Intergovernmental Relations Division
Office of Program Review
1200 19th St. N.W.
Washington, D.C. 20506, 254–5880

SUSQUEHANA RIVER BASIN COMMISSION
Norman Kapko, Dept. of Environmental Resources
P.O. Box 1467
Harrisburg, Pa., 17120, 717–787–2315

TENNESSEE VALLEY AUTHORITY
Dr. Francis Gartrell, Director of Environmental Research & Development
720 Edney Bldg.,
Chattanooga, Tenn., 37401, 615–755–2002

DEPARTMENT OF TRANSPORTATION
John E. Hirten, Assistant Secretary for Environment & Urban Systems
7th & D Streets, S.W.
Washington, D.C. 20590, 426–4563

DEPARTMENT OF THE TREASURY
Richard E. Slitor, Assistant Director
Office of Tax Analysis
15th & Pennsylvania Avenue
Washington, D.C. 20220, 964–2797

DEPARTMENT OF STATE
Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs
Washington, D.C. 20520, 632–7964

8423—Distribution of Comments. Two copies of the comments are furnished the agency that made the request. In addition, 11 copies are sent to the Deputy Chief (P&L) in the Washington Office. Ten of these copies are furnished CEQ.

Refer public requests for copies of the comments to the office which prepared the environmental statement.

[FR Doc.73–15814 Filed 8–2–73;8:45 am]

Soil Conservation Service

BURNT CREEK RC&D MEASURE FOR FLOOD PREVENTION, BURLEIGH COUNTY, NORTH DAKOTA

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, Department of Agriculture has prepared a final environmental statement for the Burnt Creek RC&D Measure Plan, Burleigh County, North Dakota, USDA–SCS–ES–RD–(ADM)–73–20–(F).

The environmental statement concerns a plan for reducing floodwater damage in the lower Burnt Creek Watershed. About 0.7 mile of floodway with dikes and about 2.0 miles of dikes alone will be constructed. The project plan further provides that five acres of woody habitat will be dedicated to wildlife for the life of the project and streambanks along the present Burnt Creek channel will be protected from clearing.

The final environmental statement was transmitted to CEQ on July 23, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Soil Conservation Service, Washington Office, South Agriculture Building, Room 5105A, 12th Street and Independence Avenue S.W., Washington, D.C. 20250.

USDA, Soil Conservation Service, Federal Building, Rosser Avenue and Third Street, Post Office Box 1458, Bismarck, North Dakota 58501.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please order by name and number of statement. The estimated cost is $4.25.

Copies of the environmental statement have been sent to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Dated: July 27, 1973.

EARL E. FENTON,
Acting Deputy Administrator for Field Services, Soil Conservation Service.

(Catalog of Federal Domestic Assistance Program No. 10.901 and 10.904, National Archives Reference Services.)

[FR Doc.73–16018 Filed 8–2–73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–375]

OPERATING-DIFFERENTIAL SUBSIDY FOR CARRIAGE OF BULK CARGO PRINCIPALLY BETWEEN THE U.S. AND U.S.S.R.

Notice of Multiple Applications

Notice is hereby given that the corporations listed in Appendix A have filed applications for extension of operating-differential subsidy contracts to carry bulk cargoes to expire on December 31, 1973 (unless extended only for subsidized voyages in progress on that date). The bulk cargo carrving vessels proposed to be subsidized and a description of each of such vessels are also presented in Appendix A.

Said applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

These vessels are to engage in the carriage of export bulk, raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the United States to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk, raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk, raw and processed agricultural commodities subsidy program, including terms, conditions, and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on October 21, 1972 (37 FR 22747).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vesssel named will engage in the trades described on a full-time basis through December 31, 1973 (with extension to termination of approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

The Board has previously found during fiscal year 1973, that section 605(c) was no bar to the grant of operating-differential subsidy to each of the applicants listed in Appendix A.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before August 8, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event requests for hearing and petitions regarding the relevant section 605(c) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled commencing at 10 a.m., August 9, 1973, and continuing on succeeding business days if required, in Room 4896, Department of Commerce Building, 14th and E Streets, NW, Washington, D.C. 20235. The purpose of the hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon. Evidence concerning each application will be heard in the order in which applicants are listed in Appendix A.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficent interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: August 1, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

APPENDIX A

Name of Applicant	Vessel Names	Type of Ship
Sea Tankers, Inc.	Overseas Evelyn	Tanker
	Overseas Rose	"
Albany River Transport, Inc.	SS Albany	General Carrier
James River Transport, Inc.	SS James	General Carrier
Mohawk Shipping Co., Inc.	SS Mohawk	General Carrier
Rio Grande Transport, Inc.	SS Yellowstone	Bulk Carrier
Meadowbrook Transport, Inc.	SS Missouri	Bulk Carrier
Ogden Sea Transport, Inc.	SS Columbia	Bulk Carrier
	ST Ogden Yukon	Tanker
Odgen Merrimac Transport, Inc.	SS Merrimac	Bulk Carrier
Platte Transport, Inc.	SS Platte	Bulk Carrier
Empire Transport, Inc.	SS Potomac	Bulk Carrier
Ogden Sacramento Transport, Inc.	SS Sacramento	Bulk Carrier
Connecticut Transport, Inc.	ST Connecticut	Tanker
Wabash Transport, Inc.	ST Ogden Wabash	Tanker
Willamette Transport, Inc.	ST Ogden Willamette	Tanker

[FR Doc.73–16150 Filed 8–2–73;8:45 am]

National Bureau of Standards

PAINTS, VARNISHES AND RELATED PRODUCTS

Withdrawal of Voluntary Product Standard

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Simplified Practice Recommendation R 144–60, "Paints, Varnishes, and Related Products." This action is taken in furtherance of the Department's announced intention, as set forth in the public notice appearing in the Federal Register of January 15, 1973 (38 FR 1524), to withdraw this standard.

The effective date for the withdrawal of this standard will be October 2, 1973. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce Procedures.

Date: July 30, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73–16034 Filed 8–2–73;8:45 am]

DIAZOTYPE AND BLUEPRINT PAPER

Withdrawal of Voluntary Product Standard

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Simplified Practice Recommendation SPR 260–57, "Diazotype and Blueprint Paper."

This action is taken in furtherance of the Department's announced intention, as set forth in the public notice appearing in the Federal Register of May 18, 1973 (38 FR 13044), to withdraw this standard.

The effective date for the withdrawal of this standard will be Oct. 2, 1973. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce Procedures.

Date: July 30, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73–16035 Filed 8–2–73;8:45 am]

VOLUNTARY PRODUCT STANDARDS

Notice of Withdrawal

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 F.R. 8349 dated May 28, 1970), notice is hereby given of the withdrawal of the seven standards identified below:

CS 231A–60, "Aircraft Hangar Doors Manually-Operated Horizontal Sliding Type (Steel Frame)"

CS 231B–61, "Aircraft Hangar Doors of the Individually Power-Operated Horizontal Sliding Type (Steel Frame)"

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CS 231C-63, "Aircraft Hangar Doors of the Partial Group Power-Operated Horizontal Sliding Type (Steel Frame)"
CS 231D-63, "Aircraft Hangar Doors of the Full Group Power-Operated Horizontal Sliding Type (Steel Frame)"
CS 231E-63, "Aircraft Hangar Doors of the Power-Operated Unbraced-Canopy Type (Steel Frame)"
SPR 258-56, "One-Pound Eastern Flat Margarine Carton"
SPR 261-58, "One-Pound Elgin-Style Butter Carton Sizes"

This action is taken in furtherance of the Department's announced intention, as set forth in the public notice appearing in the FEDERAL REGISTER of March 3, 1972 (37 FR 4459), to withdraw these seven standards.

The effective date for the withdrawal of these standards will be October 2, 1973. This withdrawal action terminates the authority to refer to these standards as voluntary standards developed under the Department of Commerce Procedures.

Date: July 30, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-16036 Filed 8-2-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

STATEMENT OF ORGANIZATION AND FUNCTIONS

Office of Administration and Management

1R90 *Mission.* The Office of Administration and Management will provide administrative and management services to OS/HD offices. It will develop and recommend to the Assistant Secretary, policy, systems procedures, plans, organizational changes and management improvement strategies and assist with the implementation of approved strategies throughout HD. Will serve as the focal point for ASHD budget activities including consolidating, analyzing and presenting budget estimates; develop budget policies and procedures; and serves as liaison with the Assistant Secretary, Comptroller on matters related to budget, audit and accounting. Will be responsible for financial activities including the review of expenditure plans submitted by program offices and develops expenditure reports and special analysis as requested by the Assistant Secretary and program directors.

Will develop, coordinate and implement grant policy and procedures consistent with DHEW and OMB requirements. Will be responsible for grants administration including the development of procedures and requirements for processing grant applications prior to approval. Serves as liaison with OS Contract Office on matters related to procurement policies, procedures and requirements. Provides technical assistance and support to program offices in implementing, interpreting OSHD contract review procedures and requirements. Will be responsible for management analysis including management and organizational statistics, manpower utilization, methods and cost analysis, management systems and standards. Will provide leadership in the development of a unified data management system for ASHD program offices. Will serve as a focal point for special studies initiated by the Assistant Secretary, Department, OMB, and Congress. Will provide administrative support services including procurement, space management, travel requests and reimbursements claims and other general administrative duties. Will serve as the primary liaison with the OS Personnel Office.

1R90.1 *Organization.* The Office of Administration and Management consists of the following organizational elements which report to the Director: 1. Budget and Financial Management Division, 2. Grants and Contract Management Division, and 3. Administrative and Management Services Division.

1R91 *Functions.* A. *Office of the Director.* The Director of the Administration and Management unit is responsible for coordinating all of the elements of the Office of Administration and Management. The Director reports directly to the Assistant Secretary for Human Development. The Division Directors of the various organizational elements of Administration and Management report directly to him. He is responsible for all grants, budget, finance, and administrative management services for all of the offices in the Office of Human Development.

B. *Budget and Financial Management Division.* The Budget and Financial Management Division will be responsible for the consolidation, preparation, and presentation of ASHD's budget estimates. Will provide staff assistance and technical support to program offices in formulating budget estimates. Will analyze and make recommendations on budget requirements to the Assistant Secretary and program directors. Will develop, implement, and maintain a system for financial management and expenditure controls within OSHD. Serves as liaison with the OSC on matters related to budget planning and accounting. Will coordinate OSP planning with HD Planning and Analysis Staff. Prepares financial analysis and special reports at the request of the Secretary and program offices. Serves as the primary liaison with the Regional Comptroller on matters relating to HD budget.

C. *Grants and Contract Management Division.* The Grants and Contract Management Division will serve as the focal point for planning, implementing and interpreting HD's, DHEW's, and OMB's grants and contract regulations, policies and procedures. Will provide staff support and assistance to HD program offices in grant and contract review activities. Will provide assistance with grant processing for all headquarters grant awards and serve as primary liaison with OS Contract Office, DHEW Audit Agency and the Office of Grants Administration Policy on matters related to grants and contract activities.

D. *Administrative and Management Services Division.* The Administrative and Management Services Division will be responsible for planning and directing the administrative and management support activities of HD headquarters offices. Will provide technical and staff assistance in management analysis, manpower utilization and information systems development. Will serve as the focal point for DHEW and OMB initiated studies. Will be responsible for personnel liaison services, space management and planning, travel services, supplies and equipment, purchase and procurement activities and other general administrative duties. Will serve as primary liaison with OS Personnel operations and OS Office of Administrative Services.

Dated: July 27, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-16027 Filed 8-2-73;8:45 am]

STERILIZATION GUIDELINES

Departmental Policy

Notice is hereby given that the Secretary has approved and issued the attached Guidelines for Sterilization Procedures Under HEW Supported Programs. The policies stated in the Guidelines will be implemented through regulations to be issued, after notice of proposed rule making, by the affected agencies within the Department.

Interested persons are invited to submit written comments, suggestions or objections regarding the attached Guidelines to the Assistant Secretary for Health, Attention: Deputy Assistant Secretary for Population Affairs, Room 4069, 330 Independence Avenue, SW., Washington, D.C. 20201. Comments received in response to this notice will be considered in the preparation of proposed regulations and final regulations to be hereafter issued implementing the policies stated herein. All relevant material received before the issuance of such proposed regulations will be considered.

Dated: July 23, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Dated: July 23, 1973.

To: Assistant Secretary for Health Commissioner, SSA; Administrator, SRS.
From: Frank Carlucci, for The Secretary.
Subject: Regulations for Sterilization Procedures under the HEW Supported Programs.

I have approved the attached General Guidelines Limiting Federal Financial Assistance for Sterilization of Minors and Other Legally Incompetent Individuals for all programs administered by this Department. Accordingly, you should prepare appropriate proposed regulations to implement these guidelines in each program that you administer which involves possible Federal financial assistance for sterilization of minors or other legally incompetent individuals. Your proposed regulations should be submitted to me for my review and approval by August 20, 1973. The Assistant Secretary for Health is assigned the coordination of this task.

Pending the effective date of the final regulation in any program to which the Guidelines apply, Federal financial participation should be withheld from any sterilization procedure performed on an individual who is under the age of 21 or who is himself legally incapable of consenting to the sterilization.

GENERAL GUIDELINES LIMITING FEDERAL FINANCIAL ASSISTANCE FOR STERILIZATION OF MINORS AND OTHER LEGALLY INCOMPETENT INDIVIDUALS

1. These guidelines are applicable to programs or projects supported in whole or in part by Federal financial assistance administered by the Department of Health, Education, and Welfare.

2. No HEW Agency shall provide Federal financial assistance to any program or project for the performance of a sterilization on any individual who is under the age of twenty-one or who is legally incapable of consenting to the sterilization for himself or herself unless a Review Committee (as described in paragraph 4 of these guidelines) has reviewed and approved the sterilization.

3. In addition to the procedure described in paragraph 2, if the individual involved is legally incapable of consenting, the proposed sterilization approved by the Review Committee shall not be performed until it has been determined by a court of competent jurisdiction to be in the best interest of the patient.

4. The Review Committee referred to in paragraph 2 shall be composed of not less than five members selected by responsible authorities of the program or project. The members shall be so selected that the Committee will be competent to deal with the medical, legal, social, and ethical issues involved in sterilization. No member may be an officer, employee or other representative of the program or project under which the procedure is proposed, nor may he or she be otherwise involved in the proposed procedure. Both sexes shall be represented on the Committee, and at least one member shall be a representative of the interests of the population served by the program or project.

5. The duties of the Review Committee shall be:

a. to review appropriate medical, social, and psychological information concerning the patient, including the age of the patient, alternative family planning methods, and the adequacy of consent;

b. to interview concerned individuals as well as others who in its judgment will contribute pertinent information;

c. to determine the sufficiency of any consent and whether the proposed sterilization procedure is in the best interest of the patient; and

d. to maintain records of its determinations, the reasons therefor, and supporting documentation. Such records shall be transmitted to and maintained by the program or project as part of the permanent record of the patient. The records shall be available for examination by the Secretary or his delegate to determine compliance with these guidelines.

6. Whenever the Committee determines that a sterilization on an individual described in paragraph 3 is appropriate, the program or project shall arrange to obtain the required court determination.

7. The program or project shall report to the Secretary or his delegate, at least annually, the number and nature of the sterilizations subject to the procedures set forth in paragraphs 2 and 3, the number of Committee disapprovals of such sterilizations, the number and nature of conditional Committee approvals, and such other relevant information regarding such procedures as the Secretary may request.

8. These guidelines are by way of limitation and are not intended to require any recipient to provide or arrange for the provision of sterilization.

[FR Doc.73-16051 Filed 8-2-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-159N]

TEMPORARY PONTOON BRIDGE OVER COLORADO RIVER NEAR CIBOLA, ARIZONA

Approval of Location and Plans and Operation Regulations

The First Marine Division, U.S. Marine Corps, Camp Pendleton, California, has applied for a permit to construct a temporary pontoon bridge across the Colorado River near Cibola, Arizona, immediately downstream of a site known as Taylors Ferry at mile 304.2.

The purpose of this project is to train armed forces personnel in the rapid construction and removal of a military floating bridge. The exercises will involve repetitions of construction and removal of the bridge on a weekly basis. Construction and removal operations will be conducted from 6 August 1973 through 19 September 1973. These operations will commence each Monday or Tuesday, and be completed by Friday of each week. The bridge will completely obstruct the waterway for no more than 36 hours during the period Tuesday through Thursday of each week. The bridge can be opened for the passage of emergency vessels upon notice of not less than 30 minutes.

These bridge construction training exercises are essential to the military readiness of the Seventh Engineering Battalion and the First Bridge Company of the U.S. Marine Corps to conduct their mission in support of the national defense. This time period selected has been determined to be the most suitable time for the conduct of the exercises. The personnel of the military units involved will camp and base their operations upon adjacent land under the supervision and control of the Bureau of Land Management, Department of the Interior. The selected site has been utilized for similar exercises in 1967, 1968, and 1969. Both the Bureau of Land Management and the Marine Corps prepared environmental impact analyses which generally indicate that the proposed exercises and bridge construction project will not have any significant or long-range impact on the environment.

The proposed bridge project is a military function exempted from the public participation provisions of the Administrative Procedure Act (5 U.S.C. 551-559). Notice and opportunity for public participation thereon have therefore been omitted.

Pursuant to the provisions of the General Bridge Act of 1946 (33 U.S.C. 525) the location and plans of the proposed pontoon bridge are hereby approved (Permit No. 77-73) subject to the following conditions:

1. No deviation from the approved plans may be made either before or after each recurring construction of the structure unless modification of said plans has been previously submitted to and received approval of the Commandant. However, the location of the structure, positioning of the kedge anchors, suspension cable and other component parts may vary within the immediate vicinity without further approval.

2. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with as determined by the operation regulations herein following and the present navigable depths are not impaired. The waterway shall be promptly cleared of all obstructions upon completion of the exercise on or before 20 September 1973.

3. Issuance of this approval of location and plans does not relieve the Marine Corps of the obligation or responsibility for compliance with the provision of any other law or regulation as may be under the jurisdiction of the Bureau of Land Management or any other federal, state or local authority having cognizance of any aspect of the location, maintenance or operation of the bridge and its approaches.

4. Excepting for a 36 hour period which may occur any time from Tuesday through Thursday each week, a clear channel through the bridge shall be maintained with a minimum horizontal clearance normal to the channel of 30 feet.

5. Navigation lights as prescribed or approved by the Commander, Eleventh Coast Guard District, shall be installed and maintained in accordance with 33 CFR 68.

Pursuant to the provisions of 33 U.S.C. 499, Regulations for Drawbridges, * * *, the pontoon bridge shall be operated as follows:

1. From 6 August 1973 through 19 September 1973, Monday through Friday, the bridge shall open within 30 minutes for the passage of emergency vessels and provide a clear channel of a minimum horizontal clearance normal to the channel of 30 feet.

2. The bridge may be closed to the passage of navigation for 36 hours any time during the period Tuesday through Thursday each week.

3. The bridge shall be removed from the waterway on Saturday and Sunday each week except that pontoon sections may be moored along the banks of the waterway so as to not unreasonably protrude into the channel.

4. The Marine Corps shall publish notices weekly in local newspapers and post notices in marinas located in the general vicinity of the pontoon bridge stating the general manner of its operations. The notices shall contain sufficient information to be meaningful to vessel operators.

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(Sec. 5, 28 Stat. 362, as amended, Sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 165J (g)(2); 49 CFR 1.46(c)(5).)

Effective Date: July 31, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-16050 Filed 8-2-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 40-438, 50-439]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Draft Environmental Statement

The Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed June 21, 1973, for authorization to construct and operate two generating units utilizing pressurized water nuclear reactors. The application was tendered on May 14, 1973. Following a preliminary review for completeness, it was accepted on June 14, 1973 for docketing.

The proposed nuclear facility, designated by the applicant as the Bellefonte Nuclear Plant, Units 1 and 2, is located at the Bellefonte site in Jackson County, Alabama, approximately six miles northeast of Scottsboro, Alabama. Each unit is designed for initial operation at a core power level of 3413 megawatts (thermal), and a gross electrical output of 1329 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 4, 1973. The request should be filed in connection with Docket Nos. 50-438-A and 50-439-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, AL 35768.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, a Draft Environmental Statement (in lieu of an environmental report) since TVA like other Federal agencies is subject to the requirements of Section 102 of the National Environmental Policy Act of 1969. The Statement (report) has been made available for public inspection at the aforementioned locations. The Statement, which discusses environmental considerations related to the proposed construction of the Bellefonte Nuclear Plant, Units 1 and 2, is also being made available at the Alabama Development Office, State Office Building, Montgomery, Alabama 36104 and Top of Alabama Regional Council of Governments, P.O. Box 308, City Hall 6th Floor, Huntsville, Alabama 35801.

After TVA's Statement has been analyzed by the Commission's Director of Regulation or his designee, an AEC Draft Environmental Statement will be prepared in accordance with the Commission's procedures in Appendix D to 10 CFR Part 50. Upon preparation of the AEC Statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of its availability requesting comments from interested persons. The summary notice will also state that comments of Federal agencies and State and local officials on the AEC Statement will be made available when received.

Dated at Bethesda, Maryland, this 23rd day of July 1973.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Pressurized Water Reactors, Branch No. 4, Directorate of Licensing.

[FR Doc 73-15782 Filed 8-2-73;8:45 am]

[Docket Nos. 50-438 and 50-439]

TENNESSEE VALLEY AUTHORITY

Notice of Hearing on Application for Construction Permits

In the matter of Tennessee Valley Authority, Bellefonte Nuclear Plant, Units 1 and 2.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Tennessee Valley Authority (the applicant), for construction permits for two pressurized water nuclear reactors designated as the Bellefonte Nuclear Plant, Units 1 and 2 (the facilities), each of which is designed for initial operation at approximately 3,413 thermal megawatts with a gross electrical output of approximately 1,329 megawatts. The proposed facilities are to be located at the Bellefonte site in Jackson County, Alabama, approximately six miles northeast of Scottsboro, Alabama. The hearing will be held in the vicinity of the site of the proposed facilities.

The Board will be designated by the Atomic Energy Commission (Commission) or the Chairman of the Atomic Safety and Licensing Board Panel. Notice as to its membership will be published in the FEDERAL REGISTER.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR § 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permits should be issued to the applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held at such time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR § 2.751a. Notice of the special prehearing conference will be published in the FEDERAL REGISTER.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference, after discovery has been completed, or within such other time as may be appropriate, at a time and place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR § 2.752.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102 (2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits dated June 19, 1973, and amendments thereto, and TVA's Draft Environmental Statement, which was submitted in lieu of an environmental report, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents will also be made available at the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Alabama for inspection by members of the public. As they become available, a copy of the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statements on environmental considerations, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, other relevant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation and the Commission's final detailed statement on environmental considerations, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than September 4, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR § 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., not later than September 4, 1973.

A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR § 2.714(a)(1)–(4) and § 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705, must be filed by the applicant not later than August 23, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Robert H. Marquis, Esquire, 629 New Sprankle Building, Knoxville, Tennessee 37919, attorney for the applicant.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, pursuant to 10 CFR § 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

UNITED STATES ATOMIC ENERGY COMMISSION,
GORDON M. GRANT,
Acting Secretary of the Commission.

Dated at Germantown, Maryland, July 30, 1973.

[FR Doc.73-16048 Filed 8-2-73;8:45 am]

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CIVIL AERONAUTICS BOARD

[Docket No. 25517]

AERONAUTS INTERNATIONAL TRAVEL CLUB, ET AL.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on September 18, 1973, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Henry M. Whitehouse.

Dated at Washington, D.C., July 30, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-16078 Filed 8-2-73;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Friday, August 3, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.73-15992 Filed 8-2-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN NICARAGUA

Entry or Withdrawal From Warehouse for Consumption

On September 5, 1972, the United States Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Nicaragua concerning exports of cotton textiles and cotton textile products from Nicaragua to the United States over a five-year period beginning August 1, 1972. Among the provisions of the agreement are those establishing an aggregate limit for the 64 categories and within the aggregate limit specific limits on Categories 9/10, 15/16, 22/23, and 26/27 (other than duck) for the agreement year beginning August 1, 1973.

There is published below a letter of July 27, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 9/10, 15/16, 22/23, and 26/27 (other than duck) produced or manufactured in Nicaragua which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning August 1, 1973, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

Commissioner of Customs
Department of the Treasury
Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the Bilateral Cotton Textile Agreement of September 6, 1972, between the Governments of the United States and Nicaragua, and in accordance with Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning August 1, 1973 and extending through July 31, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9/10, 15/16, 22/23, and 26/27 (other than duck), produced or manufactured in Nicaragua, in excess of the following twelve-month levels of restraint:

Category	*Twelve-Month Levels of Restraint*
9/10	1,050,000 square yards
15/16	1,050,000 square yards
22/23	1,050,000 square yards
26/27 (other than duck)[1]	2,100,000 square yards

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 9/10, 15/16, 22/23, and 26/27 (other than duck), produced or manufactured in Nicaragua and which have been exported prior to August 1, 1973, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period August 1, 1972 through July 31, 1973. In the event that the levels of restraint established for the twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 5, 1972 between the Governments of the United States and Nicaragua which provide, in part, that within the aggregate limit, the limitations on Categories 9/10, 15/16, 22/23, and 26/27 (other than duck) may be exceeded by not more than five (5) percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above will be made to you by further letter.

A detailed description of the categories in terms of TSUSA numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Nicaragua and with respect to imports of cotton textiles and cotton textile products from Nicaragua have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-16136 Filed 8-2-73;8:45 am]

[1] In Categories 26/27 all T.S.U.S.A. Nos. except:
320.—01 through 04, 06, 08
321.—01 through 04, 06, 08
322.—01 through 04, 06, 08
326.—01 through 04, 06, 08
327.—01 through 04, 06, 08
328.—01 through 04, 06, 08

CONSUMER PRODUCT SAFETY COMMISSION

PRODUCT SAFETY ADVISORY COUNCIL

Submission of Applications for Membership

The Consumer Product Safety Commission was established by the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1207-33; 15 U.S.C. 2051-81). The Commission is charged with protecting the public against unreasonable risks of injury associated with consumer products; assisting consumers in evaluating the comparative safety of consumer products; developing uniform safety standards for consumer products; and promoting research and investigation into the causes and prevention of product-related deaths, illnesses, and injuries.

To assist the Commission in these tasks, section 28 of the act (86 Stat. 1230; 15 U.S.C. 2077) provides that the Commission shall establish a Product Safety Advisory Council. Section 28(a) prescribes that the Council shall be constituted as follows:

(1) Five members shall be selected from governmental agencies including Federal, State, and local governments;

(2) Five members shall be selected from consumer product industries including at least one representative of small business; and

(3) Five members shall be selected from among consumer organizations, community organizations, and recognized consumer leaders.

The Council shall meet not less than four times a year to advise the Consumer Product Safety Commission. The Council may also propose consumer product safety rules for the Commission's consideration.

The purpose of this notice is to insure that the Commission is aware of the best possible candidates to serve on the Council. Accordingly, anyone in one of the above-described categories of membership who is interested in serving on the Council may inform the Commission of his or her desire to serve by forwarding an application in the following format. Persons wishing to nominate another individual to serve on the Council should also use this format and should include a statement that the person nominated has agreed to serve on the Council if asked.

APPLICATION FORMAT

1. Name.
2. Address.
3. Birthdate.
4. Description of present employment.
5. Description of any extracurricular activities related to product safety.
6. Discussion of how you learned of the Product Safety Advisory Council.
7. Interest questions:
   a. Why are you interested in serving on the Council?
   b. What contribution can you make to the Council?
   c. What would be your availability to attend meetings and provide written comments to material provided by the Consumer Product Safety Commission? Frequency?
8. Representation questions:
   a. Will you represent an organization or group?
   b. Name and size of the group.
   c. How were you selected to represent the group?
   d. Previous experience in representing the group.
   e. How will you determine the group's position on issues relating to product safety?
   f. How will those positions be related to the Consumer Product Safety Commission?
   g. How will the Consumer Product Safety Commission's policies be related to the group?
9. Experience and expertise questions (answer questions applying to the group to be represented):
   a. Government:
   (i) Are you involved in product safety activities at Federal, State, or local levels? If so, give a brief description.
   (ii) Have you had experience with Federal regulatory activities? If so, describe.
   (iii) Have you worked in any capacity with citizens groups? If so, explain.
   b. Industry:
   (i) What industry do you represent?
   (ii) Describe your position.
   (iii) If your present or past experience is related to product safety, voluntary standard setting, testing, or corporate public relations, give a description.
   c. Consumer:
   (i) What consumer or community group do you represent?
   (ii) Are a majority of the people you represent above or below the level of $5,000 in annual family income, based on a family of four persons?

Applications should be submitted on or before September 17, 1973, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Dated: July 30, 1973.

GEORGE A. SMITH,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.73-15989 Filed 8-2-73;8:45 am]

STANDARD FOR THE FLAMMABILITY OF MATTRESSES

Notice of Approval of Alternate Sampling Plan for Mattress Pads

The Secretary of Commerce, in the FEDERAL REGISTER of June 7, 1972 (37 FR 11362), published the Flammability Standard for Mattresses (DOC FF 4-72) pursuant to provisions of the Flammable Fabrics Act.

Effective May 14, 1973, section 30(b) of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1231; 15 U.S.C. 2079(b)) transferred all functions under the Flammable Fabrics Act to the Consumer Product Safety Commission.

Subsequently, the Consumer Product Safety Commission amended and reissued the standard (as the Standard for the Flammability of Mattresses (FF 4-72)) in the FEDERAL REGISTER of June 8, 1973 (38 FR 15095), effective June 7, 1973. As a result of a judicially imposed temporary stay, the standard as amended became effective June 22, 1973.

The standard contains a sampling plan for the selection and testing of mattresses and mattress pads. A provision (.4(b)(1)) of the standard allows alternate sampling plans to be used provided they are approved by the Consumer Product Safety Commission. Such plans must provide at least the equivalent level of fire safety to the consumer as that provided by the standard's sampling plan.

The alternate sampling plan for mattress pads set forth below was submitted for approval in accordance with .4(b)(1) of the standard. It has been reviewed and determined to offer an equivalent level of fire safety to the consumer and to meet all technical requirements of the standard. It has operating characteristics such that the probability of unit acceptance at any percentage defective does not exceed the corresponding probability of unit acceptance of the basic sampling plan in the region of the operating characteristic curve that lies between 5 and 95 percent acceptance probability. The Commission hereby approves the plan.

Use of this alternate sampling plan, which may be cited as Alternate Sampling Plan No. 2 to FF 4-72, is restricted to mattress pads. The plan, however, is not restricted to the party submitting it but may be used by any mattress pad manufacturer.

Records of the use of this plan shall be maintained by the manufacturer in accordance with regulations established by the Consumer Product Safety Commission (see proposed 16 CFR 302.20 in the FEDERAL REGISTER of June 11, 1973 (38 FR 15373)).

All provisions of the Standard for the Flammability of Mattresses (FF 4-72, as amended) are applicable under this alternate sampling plan except as specified below.

Dated: July 30, 1973.

GEORGE A. SMITH,
Acting Secretary, Consumer Product Safety Commission.

ALTERNATE SAMPLING PLAN NUMBER 2 TO FF 4-72 MATTRESS PADS

The following substitutes for .4(b) *Specimen and sampling* of FF 4-72:

.4 *Test procedure.*

* * * * * *

(b) *Specimen and sampling.*—(1) *General.*—(i) The test criterion of .3(b) of FF 4-72 shall be used in conjunction with this Alternate Sampling Plan No. 2 (ASP No. 2). The use of this ASP No. 2 is restricted to mattress pads, but it may be used by any mattress pad manufacturer. ASP No. 2 may be used in conjunction with ASP No. 4 to FF 4-72 if desired (ASP No. 4 was published in the FEDERAL REGISTER of June 19, 1973; 38 FR 15990). When ASP No. 4 is so used, the provisions of this ASP No. 2 shall apply with respect to production testing of mattress pads. Use of this ASP No. 2 in conjunction with any other sampling plan is permitted only if the latter (A) is an approved sampling plan and (B) contains explicit provisions for such use.

(ii) It is permissible to employ differing sampling plans with respect to differing mattress pad types and/or production units; however, any sampling plan employed with respect to a specific production unit shall be so employed in its entirety.

(iii) For purposes of this ASP No. 2, "initial production quantity" means a quantity of mattress pads equalling or exceeding one-sixtieth of the quantity anticipated to be contained in the production unit to be accepted upon successful completion of the sampling requirements. Not withstanding the provisions of .1(j) of FF 4-72 and those of .4(b)(2)(i) *Basic sampling plan* of this ASP No. 2, mattress pads contained in an initial production quantity shall be deemed to be included in the production unit represented by that initial production quantity if (A) the initial production quantity is manufactured during the 30-day period preceding the nominal date of initiation of the production unit, (B) final assembly of mattress pads in the initial production quantity is accomplished on the machine or machines used in final assembly of mattress pads

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in the production unit, and (C) no mattress pads of the type contained in the production unit are produced on said machines during the period between manufacture of the initial production quantity and the nominal date of initiation of the production unit. Alternatively, mattress pads contained in an initial production quantity shall be deemed to be included in the production unit represented by that initial production quantity if the initial production quantity is manufactured during the 30-day period preceding the nominal date of initiation of the production unit and the manufacturer stipulates that all mattress pads of prototypes represented in the production unit and manufactured between the initial production quantity and the nominal date of initiation of the production unit shall be deemed to be rejected if the production unit is rejected. Each prototype to be included in the production unit shall be represented in the initial production quantity.

(2) *Mattress pad sampling.*—The basic mattress pad sampling plan is made up of two parts: Prototype qualification (.4(b)(2)(i)(A)) and production testing (.4(b)(2)(i)(B)). In addition, a batch sampling plan (.4(b)(2)(ii)) is given that may be used for small production quantities, when shipping requirements prohibit the use of the basic plan or for other reasons at the discretion of the manufacturer.

(i) *Basic sampling plan.*—A production unit in the basic sampling plan shall consist of not more than 250 mattress pads of a mattress pad type in normal sampling (.4(b)(2)(i)(B)(*1*)) nor more than 500 mattress pads of a mattress pad type in reduced sampling (.4(b)(2)(i)(B)(2)) or the quantity produced in 1½ consecutive calendar months, whichever is smaller in either case. This production unit size may be increased to the quantity produced in 1½ consecutive calendar months or less: *Provided*, That it is either documented that each of the materials contributing to the cigarette ignition characteristics of all mattress pads in the production unit and the preceding or the following production unit came from a single manufacturing lot of such material, or 50 consecutive production units (at least 20,000 mattress pads) have all been accepted in production testing as set forth in .4(b)(2)(i)(B).

(A) *Prototype qualification.*—(*1*) For prototype qualification, the term "manufacturer" shall mean (*i*) with respect to a company having one manufacturing facility, that company; (*ii*) with respect to a company having two or more manufacturing facilities, either that company or one or more of its manufacturing facilities as it elects; or (*iii*) with respect to a company that is part of a group of companies that have elected to share in a prototype design, either that group of companies or a portion of that group or (*i*) or (*ii*) above, as that company elects.

(2) Each "manufacturer" shall select enough of each mattress pad prototype from preproduction or current production to provide six surfaces for test (three mattress pads if both sides can be tested or six mattress pads if only one side can be tested). Test each of the six surfaces according to .4(d) *Testing* of FF 4–72. If all the cigarette test locations on all six surfaces satisfy the test criterion of .3(b) of FF 4–72, accept the mattress pad prototype. If one or more of the cigarette test locations on the six surfaces fail the test criterion of .3(b), reject the mattress pad prototype.

(3) If it has been elected to include more than one company and/or more than one manufacturing facility in the term "manufacturer" for purposes of prototype qualification, each such company and each such manufacturing facility shall select enough additional prototype mattress pads from its own preproduction or current production to provide two surfaces for test. Test each of the two surfaces according to .4(d) of FF 4–72. If all the cigarette test locations on both surfaces satisfy the test criterion of .3(b) of FF 4–72, accept the mattress pad prototype for that company or manufacturing facility. If one or more of the cigarette test locations on the two surfaces fail the test criterion of .3(b), reject the mattress pad prototype for that company or manufacturing facility.

(4) Mattress pad prototype qualification may be repeated after the manufacturer has taken action to improve the resistance of the mattress pad prototype to ignition by cigarettes through mattress pad design, production, or materials selection. When mattress pad prototype qualification is repeated as a result of prototype rejection by the "manufacturer," such qualification shall be conducted as if it were an original qualification. When the mattress pad prototype qualification is repeated as a result of prototype rejection under the provisions of the preceding (3) or as a result of production unit rejection, such qualification shall be performed as if the producer of the failing mattress pad were a company having one manufacturing facility.

(5) Each mattress pad prototype must be accepted in prototype qualification prior to shipping any mattress pads to customers and prior to producing significant quantities of mattress pads. If the "manufacturer" is one manufacturing facility, the first production unit manufactured immediately after successful prototype qualification or the production unit from which the mattress pads were selected for the successful prototype qualification (not to exceed 500 mattress pads in either case) may be accepted and shipped to customers without further testing if all mattress pads in the production unit are the same as the prototype except for size.

(B) *Production testing.*—For production testing, the term "manufacturer" shall mean each manufacturing facility. Random selection for production testing shall be accomplished by use of random number tables or equivalent means as determined by the Consumer Product Safety Commission. If it is desired to use only mattress pads of a specified size (for example, twin) for testing, the drawing may be repeated until sufficient mattress pads of that size have been selected. A production unit, except for the first production unit following successful prototype qualification as specified in .4(b)(2)(i)(A), is either accepted or rejected according to the following plan:

(*1*) *Normal sampling.*—(*i*) From the initial production quantity, randomly select enough mattress pads to provide eight surfaces for test (four mattress pads if both sides can be tested or eight mattress pads if only one side can be tested). Test each of the eight surfaces according to .4(d) of FF 4–72. If all the cigarette test locations on all surfaces meet the test criterion of .3(b) of FF 4–72, accept the production unit. If two or more individual cigarette test locations fail the test criterion of .3(b), reject the production unit. If only one individual cigarette test location fails the test criterion of .3(b), select enough additional mattress pads from the initial production quantity to provide 16 additional surfaces for test. Test each of the 16 additional surfaces according to .4(d). If all the cigarette test locations on the 16 additional surfaces meet the test criterion of .3(b), accept the production unit. If one or more of the individual cigarette test locations on the 16 additional surfaces fail the test criterion of .3(b), reject the production unit.

(*ii*) Production unit rejection shall include all mattress pads in the particular production unit under test. Such rejection also results in the loss of prototype qualification (.4(b)(2)(i)(A)) for all prototypes included in the production unit under test.

(2) *Reduced sampling.*—(*i*) The level of sampling required for mattress pad production acceptance may be reduced provided that the preceding 15 consecutive production units of mattress pads (at least 500 mattress pads) have all been accepted using the normal sampling plan of this ASP No. 2 (.4(b)(2)(i)(B)(*1*)) or that of FF 4–72. The production quantity for reduced sampling under this ASP No. 2 shall consist of one production unit as defined in .4(b)(2)(i).

(*ii*) From the initial production quantity, randomly select enough mattress pads to provide eight surfaces for test. Test each of the eight surfaces according to .4(d) of FF 4–72. If all the cigarette test locations on all surfaces meet the test criterion of .3(b) of FF 4–72, accept the production unit. If two or more individual cigarette test locations fail the test criterion of .3(b), reject the production unit. If only one individual cigarette test location fails the test criterion of .3(b), accept the production unit.

(*iii*) Production unit rejection shall include all mattress pads in the particular production unit under test. Such rejection also results in the loss of prototype qualification (.4(b)(2)(i)(A)) for all prototypes included in the production unit under test. Testing after requalification shall be according to the normal sampling plan (.4(b)(2)(i)(B)(*1*)).

(ii) *Batch sampling plan.*—For the batch sampling plan, the term "manufacturer" shall mean each manufacturing facility. A production unit in the batch sampling plan shall consist of not more than 250 mattress pads or the quantity produced in one period of 30 consecutive calendar days, whichever is smaller.

(A) *Batch unit qualification and acceptance.*—(*1*) Select enough mattress pads from the initial production of the production unit to provide four surfaces for test (two mattress pads if both sides can be tested or four mattress pads if only one side can be tested). Test each of the four surfaces according to .4(d) of FF 4–72. If all the cigarette test locations on the four surfaces meet the test criterion of .3(b) of FF 4–72, accept the production unit. If one or more of the cigarette test locations on the four surfaces fail the test criterion of .3(b), reject the production unit.

(2) After rejection, production unit qualification and acceptance under this batch sampling plan may be repeated after the resistance of the mattress pad to ignition by cigarettes is improved by the manufacturer taking corrective action in mattress pad design, production, or materials selection.

(3) Acceptance of any production unit under this batch sampling plan shall not have any effect on prototype qualification (.4(b)(2)(i)(A)) or production unit acceptance of any other production unit.

(3) *Disposition of rejected units.*—Rejected production units shall not be retested, offered for sale, sold, or promoted for use as mattress pads as defined in .1(a) of FF 4–72 except after reworking to improve the resistance to ignition by cigarettes and subsequent retesting in accordance with procedures set forth in the basic sampling plan (.4(b)(2)(i)).

(4) *Records.*—Records of all production unit sizes, test results, and the disposition of rejected production units shall be maintained by the manufacturer, in accordance with regulations established by the Consumer Product Safety Commission (see proposed 16 CFR 302.20 in the FEDERAL REGISTER of June 11, 1973; 38 FR 15373).

(5) *Preparation of mattress pad samples.*—The mattress pad surface shall be divided laterally into two sections (see figure 1 of FF 4–72); one section for the bare mattress pad tests and the other for the two-sheet tests.

(6) *Sheet selection.*—The sheets shall be white, 100-percent combed cotton percale, not treated with a chemical finish which imparts a characteristic such as permanent press or flame resistance, and shall have 170–200 threads per square inch and a fabric weight of 115±14 grams per square meter (3.4±0.4 ounces per square yard), or shall be of another type approved by the Consumer Product Safety Commission. Size of sheet shall be appropriate for the mattress pad being tested.

(7) *Sheet preparation.*—The sheet shall be laundered once before use (in an automatic home washer using the hot water setting and longest normal cycle with the manufacturer's recommended quantity of a commercial detergent) and dried in an automatic home tumble dryer. The sheet shall be cut across the width into two equal parts after washing.

(8) *Cigarettes.*—Unopened packages of cigarettes shall be selected for each series of tests.

(9) *Compliance marketing sampling plans.*—(i) Sampling plans for use in market testing of items covered by the standard (FF 4–72) may be issued by the Consumer Product Safety Commission. Such plans shall define noncompliance of a production unit to exist only when it is shown, with a high level of statistical confidence, that those production units represented by tested items which fail such plans will in fact fail the standard (FF 4–72).

(ii) Production units found to be noncomplying under these provisions shall be deemed not to conform to the Standard (FF 4–72).

(iii) The Consumer Product Safety Commission will publish such plans in the FEDERAL REGISTER for public comment prior to their promulgation.

(10) *Postponement of production testing.*—Temporary suspension of production testing may be granted on a case-by-case basis by the Consumer Product Safety Commission in those instances where an individual manufacturer proves, under rules prescribed by the Commission, that he cannot acquire access to either in-house or independent testing facilities for production testing. In the event of such a suspension, the manufacturer would still be obligated to produce a mattress pad that meets all other requirements of the standard (FF 4–72).

[FR Doc.73-15990 Filed 8-2-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[DOCKET NO. 19657; FCC 73R-273]

COSMOPOLITAN BROADCASTING CORP.

Memorandum Opinion and Order Modifying Issues

In re application of Cosmopolitan Broadcasting Corporation, Newark, New Jersey, for renewal of main, auxiliary & SCA license for WHBI(FM).

1. The Commission designated the application of Cosmopolitan Broadcasting Corporation (Cosmopolitan) for hearing by Order and Notice of Apparent Liability, FCC 72–1137, released December 19, 1972, on numerous issues, including inquiries into alleged violations of Commission rules 1.615 and 73.282. Presently before the Review Board is a petition to enlarge issues, filed April 2, 1973, by the Commission's Broadcast Bureau requesting addition of Rule 1.514 and misrepresentation issues and inclusion of additional matters under the existing rule 73.282 (logging rule) issue.[1]

2. The Bureau concedes that its petition to enlarge issues is late filed; however, the Bureau argues that good cause exists for accepting its pleading. Furthermore, the Bureau asserts that the substance of the requested issues raises serious public interest questions, citing *The Edgefield-Saluda Radio Company*, 5 FCC 2d 148, 8 RR 2d 611 (1966). Petitioner explains that the matters relied on to support the instant petition only came to its attention recently while it was preparing requests for admissions of facts and responses to interrogatories; also, because of other work commitments, counsel was unable to devote substantial time to this case until recently. Moreover, the Bureau asserts that the questions raised herein, *i.e.*, misrepresentations to the Commission and numerous logging violations, are of a disqualifying nature and so substantial as to require consideration under the Board's holding in *Edgefield-Saluda*.

3. In support of its requests for rule 1.514 and misrepresentation issues, the Bureau relies upon essentially the same set of facts. The Bureau explains that the Commission specified a rule 1.615 issue[2] against Cosmopolitan, in part, because of its apparent failure to advise the Commission that one William A Masi was given a five percent stock interest in the applicant corporation in a management contract dated June 27, 1962. Although the contract was executed in 1962, and Masi actually acquired the stock on December 22, 1964, the first ownership report (FCC Form 323) advising the Commission of Masi's stock ownership was dated February 25, 1966, the Bureau continues. In preparing requests for admissions of fact, petitioner recites, it checked approximately 14 applications including modifications, renewals, assignments, and amendments filed by Cosmopolitan from the time it filed for a construction permit in 1959 until it filed for renewal in 1966, and in none of these applications did Cosmopolitan divulge the existence of the 1962 management contract or the 1964 transfer of the stock to Masi. In fact, the Bureau alleges, Cosmopolitan affirmatively represented in at least five of these applications that there were no contracts affecting ownership and no ownership changes, and that, in one of them, an application filed April 3, 1964 for assignment of a 50 percent stock interest to Donald Lewis, Cosmopolitan's principal stockholder, the applicant affirmatively represented that Lewis would be the sole stockholder.[3]

[1] Also before the Review Board are following related pleadings: (a) opposition, filed April 16, 1973, by Cosmopolitan; (b) erratum to (a), filed April 17, 1973, by Cosmopolitan; and (c) Broadcast Bureau's reply, filed April 26, 1973.

[2] Designated issue (1) seeks: "To determine whether applicant failed timely to file ownership reports to the Commission in violation of § 1.615 of the Commission's Rules."

[3] The Bureau asks the Board to take official notice of these five applications.

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These circumstances, the Bureau argues, raise a substantial question as to whether Cosmopolitan misrepresented facts concerning Masi's interest in applications filed with the Commission and whether Cosmopolitan's failure to report the Masi interest in ownership reports also constituted misrepresentation of facts. Furthermore, in light of Cosmopolitan's failure to disclose this interest in the applications indicated above, the Bureau argues that issue (1) should be expanded to encompass rule 1.514 violations. In support of its request to expand issue (e),[4] the Bureau alleges that Cosmopolitan has violated other subsections of rule 73.282 in addition to its failure to properly identify the political affiliation of certain candidates which prompted the Commission to designate the issue. The Bureau contends that Cosmopolitan: (1) failed to log at least seventeen political announcements in violation of § 73.282 (a)(4)(ii); (2) failed to identify the persons who paid for some thirty political announcements in violation of rule 73.282(a)(2); (3) failed to identify by program type as required by rule 73.282 (a)(ii) nine political announcements; and (4) failed to properly make corrections in program logs in accordance with rule 73.282(d)(1).[5]

4. In opposition, Cosmopolitan asserts that the Bureau's petition was filed more than three months late, and that the Bureau has shown no good cause for its untimeliness. Cosmopolitan maintains that the requested rule 1.514 and misrepresentation issues center around its alleged failure to report Masi's minority interest in ownership reports. Since the the Commission has already designated a rule 1.615 issue because of Cosmopolitan's alleged failure to report this same interest in ownership reports. Since the Bureau's instant request for an issue is obviously connected with the designated issue and the facts relied upon by the Bureau could have been determined without detailed study, Cosmopolitan maintains that the Bureau's excuse that its counsel was too busy to devote a substantial amount of time to this case until recently is specious. With respect to rule 73.282, the Commission has already designated an issue, Cosmopolitan points out, to explore alleged logging violations in connection with political announcements carried on Station WHBI during the 1968 and 1970 general election campaigns. The Bureau's request for additional issues, Cosmopolitan submits, involves logging rule violations allegedly committed during the same 1970 campaign and improper log changes made during the same period; there is no excuse, therefore, why the Bureau could not have ascertained the facts it relies upon to support the instant request prior to the expiration of time for filing a timely petition to enlarge, Cosmopolitan maintains. Furthermore, the Bureau's interpretation of *Edgefield-Saluda*, Cosmopolitan argues, would allow consideration of any untimely pleadings whenever facts are recited which indicate that the Commission's rules may have been violated. *Edgefield-Saluda*, according to Cosmopolitan's interpretation, only applies when the alleged violations are so serious in nature as to require the disqualification of the applicant if they are proved. Cosmopolitan argues that it had no intention of concealing Masi's interest, as is evidenced by the fact that it amended its Ownership Report (FCC Form 323) dated February 25, 1966, to reflect his interest, and that absent allegations of intent, such violations cannot be disqualifying. Furthermore, Cosmopolitan argues, the effect of logging violations on its qualifications to be a Commission licensee is already encompassed within the scope of the rule 73.282 issue designated by the Commission.

5. The Review Board is of the view that the Bureau has not shown good cause for the untimely filing of its petition to enlarge. The applications and program logs relied upon by the Bureau to support its allegations were available prior to the designation of this proceeding for hearing and no showing has been made that with due diligence the facts relied upon to support the instant requests could not have been discovered earlier, particularly since they relate primarily to subject matters already in issue. See *RKO General, Inc. (WNAC–TV)*, FCC 73R–249, released July 6, 1973. Moreover, with respect to the requested rule 1.514 and misrepresentation issues, we do not believe the Bureau's allegations meet the test set forth in the *Edgefield-Saluda* case. As the applicant indicates, the Bureau has not alleged any motivation on Cosmopolitan's part to conceal Masi's stock interest and we do not agree that, standing alone, failure to report the creation or transfer of a 5 percent stock interest in the applicant corporation raises substantial public interest questions in the circumstances of this case. In other words, the alleged omissions are not sufficient to overcome the inherent procedural infirmities, absent a showing that the 5 percent transfer resulted in a transfer of control of the station.[6] *Gross Broadcasting Company (KJOG–TV)*, FCC 73–684, released July 6, 1973; *A. V. Bamford*, FCC 73R–259, released July 16, 1973; *Vogel-Ellington Corporation*, FCC 73R–258, released July 17, 1973. In reaching our conclusion, we have also considered the facts that there are already numerous issues inquiring into Cosmopolitan's character qualifications, and that Cosmopolitan's apparent failure to report Masi's interest in ownership reports is already the subject of a rule 1.615 issue in this proceeding. We, accordingly, believe that the addition of two more issues inquiring into the same subject matter would serve no useful purpose. Finally, with specific reference to the Bureau's contentions regarding misrepresentation, we note that, if the 1962 management contract did not effectuate a transfer of control to Masi, the contract would not have to be reported under Section II of Form 301. *Sumiton Broadcasting Co., Inc., supra*. Accordingly, these requested issues will be denied.

6. However, we do believe that a serious question is raised with respect to the alleged logging rule violations. In this regard, the Bureau has satisfied the test set forth in *Edgefield-Saluda:* the allegations raise serious public interest questions, and are supported by substantial documentation and are not rebutted. Moreover, on the merits, the numerous additional violations alleged are, contrary to Cosmopolitan's assertion, not encompassed within the designated rule 73.282 issue. The Commission places great importance on the maintenance of accurate program logs. Failure to accurately maintain logs has led to forfeiture, short term renewals and denial of renewal licenses. See *KOKA Broadcasting Co., Inc.*, FCC 71–232, 21 RR 2d 981 (1971); and *Continental Broadcasting, Inc.*, 15 FCC 2d 120, 14 RR 2d 813 (1968), reconsideration denied 17 FCC 2d 485, 16 RR 2d 30 (1969), affirmed 142 U.S. App. D.C. 20, 439 F. 2d 580, 20 RR 2d 2126, cert. denied 402 U.S. 904 (1971). In light of the foregoing, we will modify the existing false logging issue to encompass the matters raised herein.

7. *Accordingly, it is ordered*, That the petition to enlarge issues, filed April 2, 1973, by the Broadcast Bureau, is granted to the extent indicated herein and IS DENIED in all other respects, and

8. *It is further ordered*, That issue (e) specified in the designation order is modified to read as follows:

(e) To determine whether the applicant failed to make entries in the program logs of WHBI properly identifying the political affiliations of certain candidates for public office, failed to log the broadcast of political announcements, failed to identify in the station's program logs the person(s) who paid for political announcements, failed to make program log entries identifying programs by type, and failed to properly explain and sign corrections to program logs in violation of § 73.282 of the Commission's rules.

Adopted: July 24, 1973.

Released: July 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16038 Filed 8-2-73;8:45 am]

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[4] Issue (e) seeks: "To determine whether the applicant failed to make entries in the program logs of WHBI properly identifying the political affiliation of certain candidates for public office in violation of § 73.282 of the Commission's rules."

[5] Petitioner explains that it only had time to review Cosmopolitan's program logs for the period of October 1, 1970 through November 3, 1970. The Bureau notes, however, that the Bill of Particulars cites the Station's program logs for other periods, as well, in support of the designated issues.

[6] We note that the Bureau, in paragraph 5 and note 1 of its petition, refers to the facts that the 1963 management contract provides, by its own terms that the 5 percent transfer of stock to Masi would require prior Commission approval and that such approval was never sought. However, the Bureau does not elaborate on the potentially significant questions of whether the creation of a 5 percent stock interest in Masi resulted at that time in a transfer of negative control of the applicant corporation from either of the two equal 50 percent owners or whether Masi's interest combined with the management contract resulted in his acquisition of "swing" control of the corporation. We have in the past expressed concern with an applicant's obligation pursuant to Section II of Form 301 to report contracts or understandings relating to control of the station. *Cf. Sumiton Broadcasting Co., Inc.*, 15 FCC 2d 400, 14 RR 2d 1000 (1968). However, the Bureau has not requested the addition of an unauthorized transfer of control issue, and, absent additional facts, the allegations now before the Board are insufficient to raise a substantial question warranting evidentiary inquiry into this matter.

[7] Board member Berkemeyer dissenting statement in which Board member Pincock joins, filed as part of original document.

[Docket No. 19788; FCC 73–751]

RADIO MILTON, INC.

Order Designating Application for Hearing on Stated Issues and Notice of Apparent Liability

In re application of Radio Milton, Inc., Milton, Florida for renewal of license of Station WSRA.

1. Now before the Commission are the captioned application and its inquiry into the operation of Station WSRA.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to be or to remain a licensee of the captioned station. In view of these questions, the Commission is unable to find that a grant of the renewal application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

3. Accordingly, *It Is Ordered*, That the application Is Designated For Hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent Order, upon the following issues:

(a) To determine whether the licensee made misrepresentations to the Commission or was lacking in candor with respect to its capitalization, the dates upon which certain stock transactions occurred in regard to the licensee's holding company (West Florida Broadcasting Co., Inc.), the figures provided as to income and expenses by the licensee's holding company in connection with the application (BALH–1349) to assign the license of Station WONF(FM) (now WBOP-FM), the circumstances and explanations surrounding the claim that Station WONF (FM) was not creating interference to Station WXBM–FM;

(b) To determine whether the licensee employed discriminatory employment practices in violation of § 73.125 of the Commission's rules;

(c) To determine whether the licensee falsified its operating logs in violation of §§ 73.111(a) and 73.113(a)(3) of the Commission's rules;

(d) To determine whether the licensee violated §§ 1.613(c), 1.615(a) and 1.615(c) by failing to seasonably file information, or changes in information, required to be filed by those sections;

(e) To determine whether the license for the station or any rights thereunder were transferred, assigned, or disposed of without a finding by the Commission that the public interest, convenience and necessity would be served thereby, in violation of section 310(b) of the Communications Act of 1934, as amended;

(f) To determine whether the licensee, at all times, has exercised control or supervision of the operation of Station WSRA in a manner consistent with the responsibilities of a licensee;

(g) To determine, in light of the evidence adduced under the preceding issues, whether the licensee possesses the requisite qualifications to be or to remain a licensee of the Commission, and whether a grant of the application would serve the public interest, convenience and necessity.

4. *It Is Further Ordered*, That if it is determined that the hearing record does not warrant an order denying the captioned application, it shall also be determined whether the applicant has repeatedly or willfully violated section 310(b) of the Communications Act and §§ 1.615(a)(3), 1.615(c), and 73.125 of the Commission's rules[1] and, if so, whether an Order of Forfeiture pursuant to Section 503(b) of the Communications Act in the amount of $10,000 or some lesser amount should be issued for violations that occurred within one year of the issuance of the Bill of Particulars.

5. *It is Further Ordered*, That this document constitutes a Notice of Apparent Liability for forfeiture for violations of those sections of the Act of the Commission's Rules set out in the preceding paragraph. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we *stress* that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course to be made on the facts of each case.

6. *It Is Further Ordered*, That the Chief of the Broadcast Bureau is directed to serve upon the applicant, within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issues (a) through (f), inclusive.

7. *It Is Further Ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through (f), inclusive and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain a licensee of the Commission and that a grant of the application would serve the public interest, convenience and necessity.

8. *It Is Further Ordered*, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It Is Further Ordered*, That the applicant, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

10. *It Is Further Ordered*, That the Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Radio Milton, Inc.

Adopted: July 11, 1973.

Released: July 26, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16039 Filed 8-2-73;8:45 am]

[1] See Bill of Particulars for specific dates and details of each violation.

[1] Chairman Burch absent.

FEDERAL MARITIME COMMISSION

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS AND NEW ORLEANS COLD STORAGE & WAREHOUSE, CO., LTD

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Cyrus C. Guidry
Port Counsel
Board of Commissioners of the Port of New Orleans
P.O. Box 60046
New Orleans, Louisiana 70160

Agreement No. T–1792–2, between the Board of Commissioners of the Port of New Orleans (Port) and the New Orleans Cold Storage & Warehouse Co., Ltd. (Company), modifies the basic agreement which provides for the Lease of the Nashville Avenue Wharf at New Orleans, Louisiana for handling and storing refrigerated cargo. The purpose of the modification is to delete from the leased premises 1.53 acres of unimproved land. The land rental under the original lease will be diminished in proportion to the area deleted. The Company will have the right, upon 120 days' advance written notice, to again lease this same area.

By order of the Federal Maritime Commission.

Dated: July 27, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–15970 Filed 8–2–73;8:45 am]

HANSA LINE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 13, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Hansa Line
Fassio Line
Fabre Line
Mediterranean Marine Lines, Inc.
Sea-Land Service, Inc.

Notice of Agreement Filed by:

Richard W. Kurrus, Esq.
Kurrus and Jacobi
2000 K Street, N.W.
Washington, D.C. 20006

Agreement No. 9972–2 is an application by the above signatories to the Mediterranean Discussion Agreement for a six month extension of the period of approval from its present expiration date of September 29, 1973 to March 29, 1974.

By Order of the Federal Maritime Commission.

Dated: July 27, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–15968 Filed 8–2–73;8:45 am]

HELLENIC MEDITERRANEAN LINES & FRENCH LINE INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 on or before August 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed for Approval by:

Mr. A. Verrueren, Secretary
French Line, Inc.
555 Fifth Avenue
New York, New York 10017

Agreement No. 10009 between Hellenic Mediterranean Lines and French Line, Incorporated provides for the appointment by Hellenic Mediterranean Lines of French Line, Incorporated as its exclusive agent to conduct throughout the Western Hemisphere the business of the sale of passenger transportation on the vessels of Hellenic Mediterranean Lines on cruises out of Western Hemisphere ports and in its Mediterranean services. Western Hemisphere is defined in the Agreement as meaning North, Central and South America, the Island of Bermuda, the Caribbean Area, the Bahamas, and the State of Hawaii. Among other things, the Agreement sets out the duties of French Line, Incorporated including consultation with Hellenic Mediterranean Lines concerning voyage and cruise itineraries of the Aquarius and the scheduling of her voyages and cruises. While providing for earlier termination, the term of the Agreement is until October, 1973 for the Mediterranean services of the vessels Aquarius, Appolonia and various car ferries services, and until March 1974 for cruises from ports in the Western Hemisphere.

By Order of the Federal Maritime Commission.

Dated: July 26, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–15969 Filed 8–2–73;8:45 am]

PARTNERSHIP SEA CRUISES

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

PARTNERSHIP SEA CRUISES
KJOPMANNSGT. 52
7000 TRONDHEIM, NORWAY

Dated: July 27, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–15971 Filed 8–2–73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI60–828, etc.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Notice of Applications, Abandonment of Service and Petitions To Amend [1]

JULY 23, 1973.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and Date Filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
CI60–828..... C 7–9–73	Exton Corporation..... P.O. Box 2180 Houston, Texas 77001	Natural Gas Pipeline Company of America, Camrick Field, Beaver County, Oklahoma	[2] 25.809.....	14.65
CI67–1702..... D 7–11–73	The California Company, a Division of Chevron Oil Company. 1111 Tulane Avenue New Orleans, Louisiana 70112	Transcontinental Gas Pipe Line Corporation. Block 107, Field, Ship Shoal Area, Gulf of Mexico	uneconomic	
CI68–1145..... C 7–13–73	Continental Oil Company..... P.O. Box 2197 Houston, Texas 77001	El Paso Natural Gas Company..... Blanco Field, San Juan County, New Mexico	[2] 22.0..... [2] 28.0.....	15.025
CI69–542..... B 7–3–73 [3]	Amerada Hess Corporation..... P.O. Box 2040 Tulsa, Oklahoma 74102	United Gas Pipe Line Company..... Atchafalaya Bay Area, St. Mary and Terrebonne Parishes, Louisiana	depleted	
CI71–665..... D 7–9–73	King Resources Company..... 100 Security Life Building Denver, Colorado 80202	Northern Natural Gas Company..... Gomez (Ellenburger) Field, Pecos County, Texas	(4)	
CI71–718..... C 7–12–73	Perry R. Bass (Operator), *et al.*..... 12th Floor Fort Worth National Bank Building Fort Worth, Texas 76102	Northern Natural Gas Company..... Block 16 Field, Ward County, Texas	[2] 22.0.....	14.65

Filing code: A—Initial Service;
B—Abandonment;
C—Amendment to add acreage;
D—Amendment to delete acreage.
E—Total Succession.
F—Partial Succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and Date Filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
CI73–907..... (G–13416) F 6–29–73	Post & Brown Well Service, Inc. (succ. to Skelly Oil Company) Box 31 Stafford, Kansas 67578	Northern Natural Gas Company..... McKinney Field, Meade County, Kansas,	17.0.....	14.65
CI73–909..... (C164–187) F 5–29–73	Post & Brown Well Service, Inc. (succ. to Skelly Oil Company)	Kansas-Nebraska Natural Gas Co., Inc. Bradshaw Field, Hamilton County, Kansas	[3] 13.5.....	14.65
CI73–910..... (CI61–1581) F 5–31–73	Nathan D. McRae and Nathan R. McRae (succ. to Sun Oil Company) P. O. Box 709 Hebbronville, Texas 78361	Tennessee Gas Pipeline Company, a Division of Tenneco Inc. Fedfernales Field, Starr County, Texas	10.0.....	14.7
CI73–941 (G–5392) B 6–18–73	Wera Oil Corporation..... 668 Main Street Hingham, Massachusetts 02043	Consolidated Gas Supply Corporation Acreage in Wirt County, West Virginia	uneconomic...	
CI73–942 (CI67–1684) B 6–18–73	Wera Oil Corporation.....	Consolidated Gas Supply Corporation Lee District, Calhoun County, West Virginia	uneconomic...	
CI73–943 (G–6442) B 6–18–73	Wera Oil Corporation.....	Consolidated Gas Supply Corporation Acreage in Wirt County, West Virginia	uneconomic...	
CI74–10 (CI–72–162) B 7–5–73	Edwin L. Cox..... 3500 First National Bank Building Dallas, Texas 75202	Cities Service Gas Company..... Sterling Area, Comanche County, Oklahoma	depleted.....	
CI74–11 (G–7394) F 7–2–73	Vernon E. Faulconer, Operator (succ. to American Petrofina Company of Texas, *et al.*) P. O. Box 961 Kilgore, Texas 75662	United Gas Pipe Line Company..... Bethany Field, Panola County, Texas	[3] 25.0.....	14.7
CI74–21 (G–11081) F 6–28–73	W. L. Estis (succ. to H. L. Hawkins, *et al.*) P. O. Drawer 160 New Iberia, Louisiana 70560	Texas Gas Transmission Corporation South Bell City Field, Calcasieu Parish, Louisiana	18.750.....	15.025
CI74–22 A 7–13–73	Exxon Corporation..... P. O. Box 2180 Houston, Texas 77001	Columbia Gas Transmission Corporation Eugene Island Block 314 Field offshore Louisiana	[4] 50.0.....	15.025
CI74–23 (G–3631) B 7–13–73	Cities Service Oil Company..... P. O. Box 300 Tulsa, Oklahoma 74102	Arkansas Louisiana Gas Company.. Rodessa Field Area, Marion County, Texas	depleted.....	
CI 74–25..... A 7–13–73	SuburDan Propane Gas Corporation. Whippany, New Jersey 07981	Northern Natural Gas Company..... Mayer Ranch Area, Sutton County, Texas	[4] 35.0..... [4] 31.0	14.65
CI74–26..... A 7–12–73	Forest Oil Corporation..... 1600 Security Life Building Denver, Colorado 80202	Transcontinental Gas Pipe Line Corporation Block 99 Field, Eugene Island Area, offshore Louisiana	[3] 25.0.....	15.025
CI74–27..... (G–17746) B 7–11–73	Plaid Oil Company..... 2600 First National Bank Building Dallas, Texas 75202	Southern Natural Gas Company.... Cranfield Field, Adams and Franklin Counties, Mississippi	depleted.....	

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Docket No. and Date Filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
CI74-28..... A 7-12-73	Amoco Production Company..... P. O. Box 591 Tulsa, Oklahoma 74102	Mountain Fuel Supply Company... Middle Baxter Area, Sweetwater County, Wyoming	[9] 22.80.....	15.025

[1] Subject to downward Btu adjustment.
[2] Rate for gas delivered from wells completed prior to June 1, 1970.
[3] Rate for gas delivered from wells completed on or after June 1, 1970.
[4] Subject to upward and downward Btu adjustment.
[5] This is an amendment to a pending application.
[6] The acreage is being abandoned to permit it to be included in a drilling unit for an additional well to be drilled in the Gomez Field. This acreage is nonproductive at this time.
[7] Applicant agrees to accept a certificate conditioned in accordance with Opinion No. 598.
[8] Rate for sales from all acreage except 320 acre tract expressly described in May 4, 1973, amendment.
[9] Rate for sales from 320 acre tract described in May 4, 1973, amendment.
[10] Applicant is willing to accept a certificate at an initial rate of 23.75 cents per Mcf, subject to upward and downward Btu adjustment; however, the contract price is 40.0 cents per Mcf.

[FR Doc.73-15740 Filed 8-2-73;8:45 am]

[Docket Nos. RP72-118 and RP73-14]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Approving Rate Settlement

JULY 24, 1973.

On May 10, 1973, the Presiding Administrative Law Judge certified to the Commission for approval a proposed revised settlement agreement together with the record relating thereto. If approved, the revised settlement agreement would resolve all issues in the above-entitled proceedings. The proposed settlement rates would result in a reduction of approximately $8.3 million in Michigan Wisconsin's presently effective rates.

The proceeding in Docket No. RP72-118 involves a general rate increase application filed by Michigan Wisconsin on April 28, 1972, requesting an increase in rates for jurisdictional natural gas sales and services of $29.9 million annually, based on sales for the 12-month period ending January 31, 1972, as adjusted. By Commission order issued May 31, 1972, the proposed increased rates were suspended for the maximum statutory period of 5 months, following which the increased rates became effective subject to refund on November 1, 1972.

A proposed settlement in Docket No. RP72-118 was originally certified to the Commission by the Presiding Administrative Law Judge on December 7, 1972. On April 10, 1973, the Commission remanded the settlement to the Presiding Judge for failure of the settlement to incorporate a cost classification in accordance with the unmodified Atlantic Seaboard formula. The Commission also directed that certain coal option payments totalling $575,000 be eliminated from the cost of service. Upon remand, additional discussions were held among the parties to the proceeding and agreement was reached on a revised settlement proposal fully consistent with the Commission's directives. This revised settlement agreement was received in the record by the Presiding Administrative Law Judge on May 8, 1973, together with the comments of interested parties with respect thereto. The revised settlement was certified to the Commission by the Presiding Judge on May 10, 1973. Notice of the certification was issued on June 12, 1973. No additional comments have been received pursuant to the notice.

The proceeding in Docket No. RP73-14 involves a filing made by Michigan Wisconsin on March 16, 1973, for authorization to track increases totalling approximately $4 million in the cost of purchased gas and to recover approximately $518,000 representing the rate effect of advance payments made by Michigan Wisconsin to gas producers. The above increases, which are requested to be made effective on May 1, 1973, relate to costs incurred by Michigan Wisconsin subsequent to the general rate filing in Docket No. RP72-118. All parties agreed during the remanded settlement discussions that the above costs and related increase in rates should be incorporated in the proposed settlement in Docket No. RP72-118, thereby obviating the need for separate action in Docket No. RP73-14. On April 19, 1973, Michigan Wisconsin filed a motion for deferral of action on the tracking increases in Docket No. RP73-14 pending submission and Commission disposition of the present revised settlement agreement. The principal provisions of the revised settlement proposal may be summarized as follows:

(1) Articles I and III provide that Michigan Wisconsin will refund to its customers the difference between the rates presently in effect and the rates reflecting the settlement cost of service, and to be refundable on the basis of Michigan Wisconsin's historical revenue pattern, upon which the presently effective rates are designed. The rates upon which refunds are to be based are set forth in Appendix B of the proposed revised stipulation and agreement. There are two sets of rates. The rates applicable to the period November 1, 1972, through April 30, 1973, exclude the tracking increases related to purchased gas cost and advance payments filed in Docket No. RP73-14. The rates applicable to the period from May 1, 1973, until the redesigned settlement rates take effect on the first day of the second month following approval of the settlement include the subject RP73-14 tracking increases. The prospective settlement rates are set forth in Appendix C of the revised stipulation and agreement.

(2) Article II provides for inclusion of the costs and related rate effect of the tracking increases in Docket No. RP73-14 in both the Appendix B and Appendix C rates, as discussed above.

(3) Articles, IV, V, VI, and VII provide for changes in Michigan Wisconsin's rates to reflect changes in advance payments (Articles IV and V), safety program expenditures (Articles IV and VI), and federal income taxes (Article VII). Changes related to advance payments and safety program expenditures shall be made only if they amount to a mill or more per Mcf and may be made only (1) when Michigan Wisconsin makes a filing pursuant to its tariff PGA clause or (2) if no rate adjustment has been filed for a six-month period. The adjustments to rates for both advance payments and safety expenditures shall be applied solely to the commodity component of Michigan Wisconsin's rates.

(4) Article VIII provides that Michigan Wisconsin will modify its tariff provision relating to annual overrun penalties to allow a distributor to take 1/365th of its annual entitlement as annual overrun, without penalty, with the provision that the distributor's annual entitlement for the succeeding year shall be reduced by a volume equal to such overrun.

(5) Article IX provides that since Michigan Wisconsin's application to amend the certificate issued in Docket No. CP72-175 to provide increased contract demand service was approved, Michigan Wisconsin will credit its unrecovered purchased gas amount with $105,427. This accounting recognizes the increased revenues realized by Michigan Wisconsin as a result of the approved certificate amendent.

(6) Articles X and XI provide that the settlement agreement will terminate on the date the settlement rates are superseded by rates made effective pursuant to Sections 4 or 5 of the Natural Gas Act. Michigan Wisconsin is obligated not to file increased rates which will become effective prior to November 1, 1973, except for authorized tracking increases.

The settlement rates are based on a jurisdictional cost of service of $443,305,201, as shown in Appendix A of the settlement agreement. This cost of service is $575,000 less than the cost of service included in the earlier remanded settlement agreement, resulting from elimination of the previously discussed coal option payments. The settlement cost of service includes a return on net investment rate base of 8.75 percent yielding a return on equity of 11.46 percent. The settlement cost of service, capitalization, and return components are set forth in Appendix A hereto. The settlement rates as set forth in Appendix C of the agreement reflect the classification of costs and resulting development of rates strictly in accordance with the unmodified Atlantic Seaboard formula. We find the cost of service, classification of costs, design of rates, and rate of return, all as incorporated in the proposed settlement, to be reasonable and in the public interest, and they are therefore approved.

Those parties who have commented on the proposed settlement either support or do not oppose it. No party opposes the settlement. Based on our review of the settlement agreement, the entire record relating thereto, and the comments of the parties, we find that the settlement agreement represents a reasonable resolution of the issues in these proceedings in the public interest and that accordingly it should be approved and adopted.

The Commission finds.

The settlement of this proceeding on the basis of the revised stipulation and agreement certified herein by the Presiding Judge on May 10, 1973, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and should be approved as hereinafter ordered.

The Commission orders.

(A) The revised Stipulation and Agreement certified by the Presiding Judge on May 10, 1973, is incorporated by reference and made a part hereof, and is approved and adopted.

(B) Within 30 days from the date of this order, Michigan Wisconsin shall file with the Commission revised tariff sheets in conformity with the terms of the revised Stipulation and Agreement as herein approved.

(C) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, Michigan Wisconsin, or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against Michigan Wisconsin or any other person or party.

(D) Nothing contained in this order shall relieve Michigan Wisconsin of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Commissioner Brooke concurring in the rate design aspects incorporated herein reflects only his approval of what the participating parties agreed to as constituting an essential ingredient of the total settlement package.

APPENDIX A

SETTLEMENT COST OF SERVICE

Operating expenses	$279,603,918
Depreciation	40,728,778
Taxes	
Federal income	35,708,396
State income	2,901,301
Other	14,484,639
Return @ 8.75%	71,923,149
Other operating revenues	(1,469,980)
	$443,880,201
Less: Coal option payments	575,000
Total	$443,305,201

CAPITALIZATION

	Amount (000's omitted)	Percent	Cost/Equity Allowance	Weighted Cost
Debt	$449,035	60.85	7.20	4.38%
Deferred income taxes	7,659	1.04		
Equity	281,184	38.11	11.46	4.37
	$737,878	100.00		8.75%

[FR Doc.73-15736 Filed 8-2-73;8:45 am]

[Docket Nos. RP71-16, RP71-56, RP72-3, RP72-52]

MIDWESTERN GAS TRANSMISSION CO.

Order Accepting Settlement Agreement and Reserving Issue for Hearing

JULY 24, 1973.

On September 30, 1970, Midwestern Gas Transmission Company (Midwestern) filed with the Commission proposed changes in its FPC Gas Tariff, reflecting a proposed increase in rates on both its Northern and Southern Systems. The proposed effective date was November 15, 1970. By order issued November 13, 1970, we accepted one set of alternate revised sheets for filing and suspended their effectiveness for five months or until April 15, 1971. Midwestern stated that the proposed rates would result in increased annual revenues of $2,605,509 from the Northern System and $19,187,113 for the Southern System, of which $15,052,559 reflected increased purchased gas costs from its Southern System supplier, Tennessee Gas Pipeline Company. These figures were based on a test year ending May 31, 1970, as adjusted.

On December 1, 1970, Midwestern filed revised tariff sheets to its FPC Gas Tariff to track an increase in the cost of gas from its Northern System supplier, Trans-Canada Pipe Lines Limited (Trans-Canada). By order issued December 22, 1970, we accepted this tracking increase for filing, with an effective date of January 1, 1971, subject to refund. On March 16, 1971, Midwestern filed a stipulation and agreement with respect to its Northern System together with tariff sheets which provided for a $1.3 million settlement increase which reflected only the above mentioned increase in purchased gas costs from Trans-Canada.

Between January 10, 1971 and November 14, 1971, various tracking increases relating to the Southern System were allowed to go into effect in Dockets Nos. RP71-16, RP71-56, RP72-3, and RP72-52.

On September 17, 1971, Midwestern filed a proposed settlement agreement as to its Southern System which reduced the proposed increase in Docket No. RP71-16 to $12.55 million. Midwestern requested that tariff sheets filed on November 8, 1971 reflecting this agreement become effective the first day of the calendar month following the date on which the Commission's order approving the agreement was to become final and unappealable.

By separate orders of January 10, 1973, the Commission remanded the proposed agreements (for the Northern and Southern systems respectively) to the Presiding Administrative Law Judge so that a record could be established from which the Commission could determine whether the proposed rates under the agreements are just and reasonable. The Presiding Administrative Law Judge was directed to then certify the complete record to the Commission for its decision.

Pursuant to the January 10 orders, the Presiding Administrative Law Judge issued an order on January 19, calling for a conference to convene on February 9 and at that time dates for reception of evidence were fixed. These were later extended from time to time to accommodate a series of settlement conferences.

On May 24, 1973, a conference was convened before the Presiding Administrative Law Judge and there was then reported and placed in the record a new and revised Settlement Agreement (Agreement) covering both Northern and Southern Systems. This Agreement with supporting data and other materials was certified to the Commission on May 30, 1973, by the Judge. The Agreement states that it supersedes the earlier settlement agreements filed in this proceeding, and further states that it reflects an agreement supported by Midwestern, the Commission's Staff and other parties resulting from conferences in March and April, 1973.

The key provisions of the proposed settlement agreement are as follows:

(1) Rates will be reduced below those now in effect subject to refund by approximately $1.26 million for the Northern System and $6.67 million for the Southern System based on the test year ended February 28, 1971. Refunds will be on an "as billed" basis for the period beginning April 15, 1971, to the effective date of Midwestern's revised tariff sheets.

(2) Tariff sheets, which we will designate Third Revised Volume No. 1 of Midwestern's FPC Gas Tariff, are proposed to be filed within ten days after the issuance of the Commission's order approving the agreement, and are proposed to become effective on the first day of the calendar month following the date upon which the Commission's order making the Agreement effective becomes final and nonappealable.

(3) A provision for flow through of certain gas supplier refunds and interest from Tennessee to Southern System customers is included.

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(4) An increase in book depreciation and amortization rates, from 3.50 percent to 4.53 percent on the Northern System, and from 3.50 percent to 4.08 percent on the Southern System, is provided. The Agreement, however, reserves for hearing and decision the issue of whether the depreciation and amortization rates are just and reasonable and provides for refund of any amounts not found to be just and reasonable.

(5) Midwestern's tariff will include a purchased gas adjustment (PGA) clause for both the Southern System and the Northern System. Waiver of § 154.38(d)(4)(iv) of the Commission's regulations is required so that the PGA for the Southern System can provide for rate changes to reflect those of its pipeline supplier semi-annually, with appropriate deferred accounting of unrenewed gas units, rather than on the effective date of such pipeline supplier rate changes.

The placing of the agreement on the record for certification of the Commission was noticed on June 1, 1973, with comments, and protests due on or before June 12, 1973. Comments in support of the Agreement were filed by Montana-Dakota Utilities Company, Peoples Gas Light and Coke Company, Peoples Natural Gas Division of Northern Natural Gas Company, North Central Public Service Company, Northern Indiana Public Service Company, Central Illinois Light Company, Great Plains Natural Gas Company, Michigan Wisconsin Pipe Line Company, and Northern States Power Company.

The Commission Staff filed comments on June 12, 1973, indicating that they had no objection to the Agreement.

Our review of the proposed Agreement, including the settlement cost of service [1] and the capitalization and rate of return,[2] indicates that the proposed Agreement provides a reasonable and appropriate resolution of the issues herein and that the public interest will be served by our approval of the settlement. We note that, although nowhere mentioned in the Agreement, the proposed prospective rate design meets the minimal rate design requirements of settlement agreements as expressed in our order of April 10, 1973, in Michigan Wisconsin Pipe Line Company, Docket No. RP72-118. As to the requested waiver, we find that in light of the problems concerning PGA adjustments which might arise among many of Midwestern's Southern System customers who have several pipeline suppliers, such waiver should be granted. We shall therefore accept the proposed Agreement, grant the requested waiver, and set the reserved issue concerning increased book depreciation and amortization rates for hearing.

The Commission finds,

(1) Approval, as hereafter ordered, of the settlement in these proceedings on the basis of the Agreement certified May 30, 1973, is just and reasonable in the public interest in carrying out the provisions of the Natural Gas Act and should be made effective.

[1] Appendix A.
[2] Appendix B.

(2) The requested waiver of § 154.38(d)(4)(iv) of the Commission's regulations should be granted.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Midwestern's Gas Tariff, as proposed to be amended in this docket, on the issues of the proposed changes in book depreciation and amortization rates.

The Commission orders.

(A) Midwestern's proposed Settlement Agreement is accepted and the tariff sheets included therein shall become effective as hereinafter provided while that part of the settlement rates related to increased book depreciation and amortization rates shall become effective, upon Midwestern's filing new tariff sheets, subject to refund pending the outcome of a hearing to be hereinafter ordered.

(B) Midwestern shall file within ten days of the issuance of this order new tariff sheets reflecting the terms of the Agreement, to become effective on the first day of the calendar month following the date upon which this order becomes final and nonappealable.

(C) The requested waiver of the Commission's regulations is granted to permit Midwestern to file for PGA rate increases on a semi-annual basis only.

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held, commencing with a prehearing conference on October 9, 1973, at 10:00 a.m., e.d.t. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Midwestern's FPC Gas Tariff, as proposed to be amended herein as relating to the proposed increases in book depreciation and amortization rates.

(E) At the prehearing conference on October 9, 1973, Midwestern's prepared testimony shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice.

(F) On or before September 24, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before October 16, 1973. Any rebuttal evidence by Midwestern shall be served on or before October 29, 1973. The public hearing herein ordered shall convene on October 25, 1973, at 10:00 a.m., e.d.t.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(H) The Intervenors previously granted intervention in these dockets shall be permitted intervention in this proceeding which shall be a continuation of Docket No. RP71-16.

(I) The proceedings in Docket Nos. RP71-56, RP72-3 and RP72-52 are hereby terminated.

(J) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such act.

(K) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[3]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[3] Commissioner Brooke concurring in the rate design aspects incorporated herein reflects only his approval of what the participating parties agreed to as constituting an essential ingredient of the total settlement package.

APPENDIX A

DOCKET NOS. RP71-16, RP71-56, RP72-3, AND RP72-52 MIDWESTERN GAS TRANSMISSION COMPANY COST OF SERVICE—NORTHERN SYSTEM TEST PERIOD

Particulars	Per docket No. RP71-16 Filing	Settlement Adjustments	Settlement
OPERATING EXPENSES:			
Other gas supply expenses	$33,167,225	$(52,868)	$33,114,357
Transmission expenses	2,762,885	(47,483)	2,715,402
Administrative and general expenses	983,658	(59,044)	924,614
Total operating expenses	$36,913,768	$(159,395)	$36,754,373
DEPRECIATION	2,318,906	547,096	2,866,002
TAXES			
Federal income	2,585,581	(499,003)	2,086,578
State income	176,751	(93,288)	83,463
Other	1,810,712	(150,692)	1,660,020
RETURN	4,875,658	(906,627)	3,969,031
OTHER OPERATING REVENUES	(20,342)		(20,342)
TOTAL COST OF SERVICE	$48,661,034	$(1,261,909)	$47,399,125
TOTAL REVENUES			$47,391,389
REVENUE-Excess, (Deficiency)			$(7,736)

MIDWESTERN GAS TRANSMISSION COMPANY COST OF SERVICE—SOUTHERN SYSTEM TEST PERIOD

Particulars	Per Docket No. RP71-16 Filing	Settlement Adjustments	Increased Cost of Gas RP71-56, RP72-3	Settlement
OPERATING EXPENSES:				
Other gas supply expenses	$72,002,518	$(4,360,997)	$3,885,243	$71,576,764
Underground storage expenses	571,344	(13,817)	2,668	560,195
Transmission expenses	3,772,300	(65,563)	32,893	3,739,630
Administrative and general expenses	1,026,897	(66,753)		960,144
Total operating expenses	$77,423,059	$(4,507,130)	$3,920,804	$76,836,733
DEPRECIATION AND AMORTIZATION	2,664,330	(132,688)		2,531,642
TAXES				
Federal income	3,417,544	(1,065,626)		2,351,918
State income	237,191	(143,114)		94,077
Other	651,472	(72,247)		579,225
RETURN	4,742,579	(755,179)		3,987,400
OTHER OPERATING REVENUES	(25,836)			(25,836)
TOTAL COST OF SERVICE	$89,110,339	$(6,675,984)	$3920,804	$86,355,159
TOTAL REVENUES				$86,379,023
REVENUE—Excess, (Deficiency)				$23,864

APPENDIX B

MIDWESTERN GAS TRANSMISSION COMPANY
DOCKET NOS. RP17-16, RP71-56, RP72-3 AND RP72-52

CAPITALIZATION

May 30, 1970

Class of Capital	Amount of Capital	Percent of Capital	Cost of Capital	Weighted Factor
Long-Term Debt	$52,200,000	54.07%	6.66%	3.60%
Perferred Stock	8,400,000	8.70	5.59	0.49
Common Equity	35,936,790	37.23	11.17	4.16
	$96,536,790	100.00%		8.25%

[FR Doc.73-15735 Filed 8-2-73;8:45 am]

[Docket Nos. RI74-9, *et al.*]

PHILLIPS PETROLEUM CO. ET AL.

Order Providing for Hearing On and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund [1]

JULY 25, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearing regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

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APPENDIX A

DOCKETS NOS. RI74-9, ET AL.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI74-9	Phillips Petroleum Co	485	7	El Paso Natural Gas Company (Lusk Plant, Lea Co., New Mexico) (Permian Basin)	$3,788	6-25-73		12-26-73	[1] 27.0	[1] 27.2	RI73-259
		502	1	El Paso Natural Gas Company (Fullerton Plant, Andrews Co, Texas) (Permian Basin)	2,628	6-25-73		12-26-73	[1] 27.0	[1] 31.0	
		504	1	El Paso Natural Gas Company (Ector Plant, Ector Co, Texas) (Permian Basin)	(3)	6-25-73		12-26-73	[1] 27.0	[1] 31.0	
		506	1	El Paso Natural Gas Company (Turnstill Plant, Reeves Co, Texas) (Permian Basin)	8,400	6-25-73		12-26-73	[1] 27.0	[1] 31.0	
RI71-10	Getty Oil Company	160	4	Natural Gas Pipeline Company of America (Crittendon Fld, Loving & Winkler Cos, Texas) (Permian Basin)	40,152	6-25-73		9-19-73	17.5656	18.5694	RI71-125
RI74-11	Champlin Petroleum Company	130	3	El Paso Natural Gas Company (Jones Ranch Unit, Eddy Co, New Mexico) (Permian Basin)	168	6-25-73		1-7-74	30.0	30.35	RI73-166
RI74-12	Hondo Oil & Gas Company	5	5	Transwestern Pipeline Company (Bell Lake Fld, Lea Co., New Mexico) (Permian Basin)	470	6-28-73		2-1-74	21.1015	24.036	RI71-506
RI74-13	Atlantic Richfield Company	609	4	Natural Gas Pipeline Company of America (Crittendon Fld, Winkler and Loving Cos, Texas) (Permian Basin)	37,139	6-28-73		9-2-73	17.5656	18.5694	RI69-457
RI73-117	Sun Oil Company	151	12	El Paso Natural Gas Company (Brown-Bassett Fld, Terrell Co, Texas) (Permian Basin)	(2,258)	6-25-73		Accepted [8]	16.5333	16.2913	RI73-117
RI74-14	Texaco Inc	323	[5] 5	Northern Natural Gas Company (Caprito (Ellenberger) Fld, Winkler Co., Texas) (Permian Basin).		6-25-73	7-26-73	Accepted [7]	17.0492		RI69-706
			[6] 6			6-25-73	7-26-73	Accepted [7]	17.0492		RI69-706
			[6] 7			6-25-73		12-26-73	17.0492	30.0	RI69-706

* Unless otherwise stated, the pressure base is 14.65 psia.
[1] Subject to Btu adjustment.
[2] No current sales.
[3] Rate reduction due to processing charge adjustment.
[4] Deletes nonproductive formations below the base of the Delaware Formation.
[5] Contract covering production from below the base of the Delaware Formation that was deleted by Supp. No. 5.
[6] Applicable only to production covered by Supp. No. 6.
[7] Accepted to be effective as of the date shown in the "Effective Date" column.
[8] Accepted subject to refund in Docket No. RI73-117 as of 1-1-73.

The proposed increases of Getty Oil Company and Atlantic Richfield Company do not exceed the rate limit for a one day suspension, and they are, therefore, suspended for one day from the 60 day notice period or the contractual effective date, whichever is later.

The rate reduction of Sun Oil Company is accepted subject to the existing suspension proceeding.

The remaining proposed increases exceed the rate limit for a one day suspension and are suspended for five months from the expiration of the 30 day statutory notice period or the contractual effective date, whichever is later.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, Section 2.56).

Nothing contained in this order shall relieve the respondents of any responsibility imposed by the Economic Stabilization Act of 1970, (Pub. L. 91-379, 84 Stat. 799, as amended by Pub. L. 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73-15898 Filed 8-2-73;8:45 am]

[Docket No. E-7769]

DELMARVA POWER AND LIGHT CO.

Extension of Time

JULY 26, 1973.

On July 13, 1973, Interveners, through Counsel for the Cities, Cooperatives and St. Michael's Utility Commission, filed a motion for an extension of time within which to file testimony as fixed by order issued March 2, 1973. The motion states that no party had any objection to the request.

Upon consideration, notice is hereby given that the date is extended to and including August 20, 1973, within which interveners shall submit their evidence.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16053 Filed 8-2-73;8:45 am]

[Docket No. CI73-592]

HERMAN GEO. KAISER

Order Granting Interventions and Fixing Date for Hearing

JULY 25, 1973.

The above-named Applicant has filed an application pursuant to Section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's general policy statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter Section 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On March 21, 1973, Herman Geo. Kaiser (Kaiser) filed an application in Docket No. CI73-592 for certification of a sale of natural gas to Panhandle Eastern Pipe Line Company (Panhandle) from the Okley "A" No. 1 well, Chaney Dell Field, Major County, Oklahoma (Hugoton-Anadarko Area).

Kaiser's contract with Panhandle, dated June 1, 1972, has a term of twenty (20) years, and provides for an initial rate of 32.0 cents per Mcf at 14.65 psia with 0.25 cent per Mcf escalations every year starting on September 1, 1977. The price is subject to upward and downward Btu adjustments, and the contract further provides for reimbursement to the seller of 75.0 percent of any new or additional taxes.

Kaiser asserts that the contract with Panhandle contains no indefinite pricing clause other than the Btu price adjustment clause and the clause to reflect changes in state production taxes. However, Section 8.3 of the tendered contract contains an FPC Area Rate Clause which is prohibited in contracts submitted for certification under § 2.75 (18 C.F.R. 2.75). Since Kaiser has not waived any rights under this clause or submitted a filing stating that the clause will not be operative if a certificate is issued under § 2.75, we shall require such a filing before a certificate is issued.

Kaiser states that the Okley "A" No. 1 well was commenced after April 6, 1972, and that certification is sought only for production from this well.

Deliveries were commenced under Kaiser's small producer certificate on August 7, 1972. (See Docket No. CS71-179) and are continuing under that authorization. Kaiser seeks certification for the sale, retroactive to the date of initial delivery, because of the uncertain status of the small producer exemption. *Texaco Inc., et al.* v. *F.P.C.*, — U.S. App. D.C. —, 474 F.2d — (1972).

Notice of Kaiser's application was issued on March 21, 1973, and the notice was published in the FEDERAL REGISTER on March 28, 1973. (38 Fed. Reg. 8093). Timely petitions or petitions to intervene were due on or before April 13, 1973. Timely petitions to intervene were filed by the following parties:

Associated Gas Distributors
American Public Gas Association
Panhandle Eastern Pipe Line Company.

Having reviewed the petitions to intervene, we find that all of the above-mentioned petitioners have sufficient interest in this proceeding to warrant intervention.

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating this sale, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, *supra*. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought,[5] bearing in mind that with respect to proceedings under § 2.75 of our Regulations, we have heretofore stated:

We will, absent a showing of special circumstances, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order. (Order 455, paragraph 63, page 21.)

We do not, therefore, open this hearing to the presentation of cost data, other than that incorporated from the Belco, *et al. proceedings* as hereinafter ordered, unless, in the judgment of the Presiding Administrative Law Judge, a showing of special circumstances is made.

We also direct the attention of the parties to our recent statement in Opinion No. 639, Area Rates for the Appalachian and Illinois Basin Areas, Docket No. R-371, opinion issued December 13, 1972, wherein we stated:

We have been admonished not to rely on cost alone, but also to consider producer rate levels in the context of "non-cost" factors of supply and demand, capital formation, and probable industry response to any given level of rates. *Austral Oil, et al.* v. *F.P.C.*, 428 F. 2d 407 (CA5, 1970). Applications under § 2.75 will be so considered * * *.

No intervenor has questioned Panhandle's need for the additional supplies of natural gas that will be available to it as a result of this purchase. However, we are unable to determine Panhandle's actual need for additional natural gas supplies since it has failed to submit the certification required by § 2.75h (18 C.F.R. 2.75h). Accordingly, we will require Panhandle to present evidence concerning its natural gas supply situation and whether a comparable supply of natural gas is available to Panhandle at any rate lower than the rate sought in this application.

We have just rendered a decision in the first proceedings under § 2.75 in which a full evidentiary record was made.[6] We think it appropriate in these circumstances to incorporate by reference the record developed in that proceeding into these consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 15, and 16 thereof, The Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 C.F.R., Chapter I) a public hearing shall be held concerning the issues presented by the application herein commencing September 18, 1973, at 10:00 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(C) Applicant and all intervenors supporting the applications shall file their direct testimony and evidence on or before August 24, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(D) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before September 17, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(E) All rebuttal testimony and evidence shall be served on or before September 18, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(F) The record in the *Belco* case, Docket Nos. CI73-293, *et al.*, is incorporated by reference into the subject consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

(G) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* that the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Administrative Law Judge's decision shall be rendered on or before October 31, 1973.

(I) All parties shall submit briefs on exceptions to the Commission on or before November 12, 1973.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB.
Secretary.

[Docket No. E-8319]

INTERSTATE POWER CO.

Notice of Application

JULY 27, 1973.

Take notice that on July 16, 1973, Interstate Power Company (Applicant) filed an application with this Commission seeking authorization to enter into a Secured Guaranty Agreement with the Trustee of Pollution Control Revenue

[1] 15 U.S.C. § 717, *et seq.* (1970).
[2] 18 C.F.R. § 2.75.
[3] *Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas*, Docket No. R-441, ____ F.P.C. ____ (issued August 3, 1972), appeal pending *sub. nom. John E. Moss, et al.* v. *F.P.C.*, No. 72-1837 (D.C. Cir.).

[4] *Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates*, Opinion No. 659, *Belco Petroleum Corporation, Agent, et al.*, Docket Nos. CI73-293, *et al.*, — F.P.C. —, — (issued May 30, 1973, slip op. at para. 21, p. 5).
[5] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, Opinion No. 659, *supra*.
[6] Opinion No. 659, *supra*.

[1] Chairman Nassikas concurring in part, filed a separate statement, filed as part of the original document.

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Bonds to be issued by the City of Dubuque, Iowa, in the amount of $4,850,000, which bonds, taking into account market conditions, will be sold by the City as soon as possible after obtaining approval of this Guaranty.

Applicant is incorporated under the laws of the State of Delaware, with its principal business office in Dubuque, Iowa, and is engaged principally in the electric utility business in northern and northeastern Iowa, in southern Minnesota and a few small communities in Illinois.

The bonds of the City will be sold to finance the acquisition from the Applicant of a leasehold interest in and the construction of pollution abatement equipment at Applicant's Steam Electric Generating Power Station in Dubuque, Iowa, installation of which is expected to be completed in 1974. Said equipment will be subleased by the City to the Applicant and payments under said sublease will be sufficient to pay principal, premium if any, and interest due on said bonds. The bonds will not be issued by the Applicant. The rate of interest will be negotiated at a private sale of the bonds between the City and the underwriters.

The authorization sought is for Applicant to issue an independent Secured Guaranty to the Trustee and holders of the bonds of payment of principal, premium if any, and interest on said bonds. No payments will be required under the Secured Guaranty if all payments are made pursuant to the sublease.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16055 Filed 8-2-73;8:45 am]

[Docket No. RP73-103]

McCULLOCH INTERSTATE GAS CORP.

Extension of Time

JULY 26, 1973.

On July 24, 1973, Staff Counsel filed a motion to extend the procedural dates fixed by order dated May 31, 1973, in the above-designated matter. A notice of extension of time was issued on June 20, 1973, for McCulloch Interstate Gas Corporation to file monthly detail supporting Schedules A through M and Statement P. The motion states that there is no opposition to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of evidence by Staff, October 5, 1973.
Prehearing Conference, October 16, 1973 (10:00 a.m., EDT).
Service of evidence by Interveners, October 26, 1973.
Service of Company Rebuttal, November 5, 1973.
Hearing, November 13, 1973 (10:00 a.m., EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16056 Filed 8-2-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE

Notice of Meeting and Agenda

Agenda for a meeting of the Task Force—Administrative of the Technical Advisory Committee on Fuels, to be held at the Federal Power Commission Offices, 825 North Capitol St., NE., Washington, D.C. 20426 Aug. 7, 1973, 9:30 a.m., e.d.s.t., Room 5200

1. Meeting called to order.
2. Objective and purposes of meeting.
A. Approval of minutes of meeting June 26, 1973.
B. Review of draft reports submitted by task forces.
C. Outline draft report of TAC on Fuels.
D. Other business.
E. Date for next full committee meeting.
F. Date for next Task Force—Administrative meeting.
3. Adjournment.

NOTE: This will be a meeting of the Task Force—Administrative for the purpose of preparing draft report of TAC on Fuels. It is anticipated the meeting will require the better part of the day. Committee members who desire to contribute to the preparation of the report are invited to attend.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc73-16065 Filed 8-2-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE

Notice of Meeting and Agenda

Agenda for a ninth meeting of the Technical Advisory Committee on Research and Development, to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE, Washington, D.C., 8:30 a.m., September 12, 13, and 14, 1973, Room 5200.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and Purposes of Meeting.

September 12

A. Approval of minutes of June 14 meeting.
B. Report of Task Force on Environmental Research (8:30 a.m.–12:30 p.m.)
C. Report of Task Force on Energy Systems Research (1:00 p.m.–5:00 p.m.)

September 13

D. Report of Task Force on Energy Conversion Research (8:30 a.m.–12:30 p.m.)
E. Report of Task Force on Energy Distribution Research (1:00 p.m.–5:00 p.m.)

September 14

F. Report of Task Force on Energy Sources Research (8:30 a.m.–12:30 p.m.)
G. Meeting among TAC Chairman and Five Task Force Chairmen (1:00 p.m.–5:00 p.m.)
H. Other business.
I. Dates of future meetings.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16066 Filed 8-2-73;8:45 am]

[Docket No. E-7690]

NEPOOL POWER POOL AGREEMENT

Further Extension of Time and Postponement of Prehearing Conference and Hearing

JULY 27, 1973.

On July 24, 1973, the New England Power Pool Executive Committee filed a motion for a further extension of time for filing testimony and exhibits as required by the notice issued June 1, 1973. The motion states that counsel for each of the interveners including the Rhode Island Consumers Council have no objection to the requested extension.

Upon consideration, notice is hereby given that the time for filing testimony by Nepool is postponed to and including August 31, 1973. The other procedural dates are further modified as follows:

Service of testimony by Staff, September 21, 1973.
Service of Rebuttal testimony, October 12, 1973.
Prehearing Conference, October 24, 1973 (10:00 a.m., EDT).
Cross-Examination on all evidence, October 31, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16057 Filed 8-2-73;8:45 am]

[Docket No. RP73-22]

NORTHERN NATURAL GAS CO.

Order Granting Petition for Declaratory Order and Vacating Prior Order

Issued JULY 24, 1973.

On August 25, 1972, Northern Natural Gas Company (Northern) filed a Petition for a Declaratory Order (Petition) to terminate a controversy between Northern and Michigan Power Company (Michigan Power) regarding the proper application of the gas overrun penalty provisions of Northern's FPC Gas Tariff and the proper interpretation of an

earlier Commission Order issued December 19, 1969, purporting to authorize Northern to waive the imposition of a $22,598 penalty for Michigan Power's unauthorized takes of overrun gas.

In our opinion a discussion of the background of this proceeding will be helpful to an understanding of disposition of Northern's Petition and the pleadings relating thereto. By letter dated October 13, 1969, Michigan Power requested the Commission to authorize Northern to waive the penalty provision of Section 8.2 of Northern's Contract Demand Rate Schedule contained in Northern's FPC Gas Tariff, Second Revised Volume No. 1 for unauthorized overrun volumes taken by Michigan Power during the period July 15–17, 1969. In its letter, Michigan Power alleged that the overrun was due to an inadvertent failure on its part to curtail certain of its deliveries from Northern and that waiver of the overrun penalty provision was therefore justified. The penalty for the overrun was $22,598.

Section 8 of Northern's Contract Demand Rate Schedule deals with penalties for unauthorized takes in excess of Contract Demand volumes. The only subsection providing for any waiver of the penalty provisions is subsection 8.2—*Waiver of Penalties Under Conditions of Force Majeure*, which states in part: "Northern shall not have the right to waive the penalty for unauthorized overrun volumes under any circumstances, except where unauthorized overrun volumes were taken because of a force majeure gas operating situation of the Gas Utility."

By letter dated November 3, 1969,[1] in reply to Michigan Power's request for waiver of § 8.2 Northern stated: "that the facts herein do not present a case of force majeure and that the tariff does not empower Northern to grant a waiver." Northern further stated that the restrictions were written into Northern's tariff at the request of its jurisdictional customers to discourage the taking of unauthorized overrun volumes. Therefore, Northern stated it would not be appropriate for the Commission to require Northern to waive Section 8.2.

On December 19, 1969, the Commission issued a letter order[2] which stated that since there was

> no adverse effect to either Northern or Northern's customers, as a result of the inadvertent overrun by Michigan Power . . . (and) (l)n view of the peculiar circumstances, the requested waiver appears to be appropriate. Northern is hereby authorized to waive Section 8.2 of the Contract Demand rate schedule contained in its FPC Gas Tariff, Second Revised Volume No. 1 and to waive the penalty payment of $22,598 for unauthorized overrun volumes taken by Michigan Power during the period July 15–17, 1969.

By letter dated January 26, 1970,[3] Northern informed Michigan Power that it had "decided not to exercise the waiver authority granted by the Commission order of December 19, 1969, • • •" and requested Michigan Power to pay the $22,598 overrun penalty. By letter dated February 13, 1970,[4] Michigan Power responded by claiming that the December 19, 1969, letter order *required* Northern to waive the overrun penalty.

On August 25, 1972, Northern filed its Petition which requested, in effect, confirmation of its interpretation of Section 8.2 of its Contract Demand Rate Schedule and the letter order issued December 19, 1969, that Northern is not *required* to waive the penalties but was only authorized to do so within its discretion. Northern also argues that to grant the waiver to Michigan Power would be a discriminatory act as to Northern's other customers contrary to Section 4(b) and 4(d) of the Natural Gas Act and would set a precedent of waivers of overrun penalties which would have "drastic" consequences to Northern's system operations during "the present natural gas shortage". Northern submits that its tariff requires Northern to collect overrun penalties absent showing of a *force majeure* and that

> • • • (w)hile the Commission has the power *prospectively* to require a natural gas company to change its tariff sheets, it may not retroactively require a change in a natural gas company's practices which are required under its tariff.

On September 15, 1972, the Northern Distributor Group (NDG) filed comments supporting Northern's refusal to waive the penalty charge. On September 22, 1972, Michigan Power filed comments which included a motion to dismiss or, alternatively, to deny the petition for a declaratory order alleging that Northern was *required* to waive the penalty and that its Petition, was therefore, a collateral attack on the December 19, 1969, order which seeks to avoid the time constraints for a petition for rehearing. Alternatively, Michigan Power argues that because Northern waited for two and one-half years to file its Petition, it "is guilty of laches and does not come before the Commission with clean hands". On October 3, 1972, Michigan Power filed a response to the comments of the NDG alleging that NDG's charges of undue preference against Michigan Power were irrelevant and unsupported and that Northern's Petition was moot because the December 19, 1969, order required waiver of the overrun penalty.

On October 10, 1972, Northern filed an answer to Michigan Power's pleadings, arguing that Michigan Power's position was indefensible because the Commission cannot under Section 5 or any other portion of the Natural Gas Act retroactively change the overrun penalties of Northern's tariff, but can only make such change prospectively. Moreover, Northern alleges that "Section 5 of the Natural Gas Act makes a hearing a condition precedent to the ability of the Commission to order a change in a pipeline tariff provision". Northern also argues that its Petition is not a collateral attack on the December 19, 1969, order but instead a filing in furtherance of such order. Northern also denied that it was guilty of laches or that it came to the Commission without "clean hands".

On February 5, 1973, notice of the filing of the Petition was issued. Petitions to intervene were filed by the parties listed in Appendix B. Minnesota Natural Gas Company and the petitioners listed in Appendix B, with the exception of Michigan Power and Northern States Power Company (Wisconsin) and (Michigan), support Northern's Petition for a declaratory order. Five of the petitions to intervene also request a hearing on Northern's Petition (see Appendix B). On February 22, 1973, Michigan Power filed an answer to the petitions to intervene which incorporates by reference its arguments in Michigan Power's pleading filed October 3, 1972, in this proceeding. On February 26, 1973, Northern filed its answer to the petitions to intervene which also requested a formal hearing on the matter.

Our review of the letter order of December 19, 1969, (Appendix A) and the various pleadings associated with Northern's Petition indicates that the letter order incorrectly authorized Northern to waive Michigan Power's overrun penalty. Northern's tariff permits overrun penalties to be waived only in the case of a *force majeure*. All of the pleadings clearly indicate that the overrun penalty was incurred by an inadvertent failure by Michigan Power to curtail certain of its deliveries from Northern and not by a *force majeure*. Therefore, to permit a waiver of the penalty in this instance would require a change in Northern's tariff. However, Section 5 of the Natural Gas Act provides for a change to be made prospectively and after a hearing. Clearly, the December 19, 1969, letter order met neither of these requirements. Therefore, we find that Northern's refusal to waive the overrun penalty of $22,598 was reasonable and appropriate and that no purpose would be served by a full evidentiary hearing in this proceeding.

The Commission finds:

It is reasonable and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that the relief requested in Northern's Petition for a Declaratory Order be granted as hereinafter ordered and conditioned.

The Commission orders:

(1) Michigan Power's motion to reject is hereby denied.

(2) The requests for hearing are hereby denied.

(3) Northern's Petition for a Declaratory Order filed August 25, 1972, is hereby granted to the extent it requests approval of Northern's refusal to waive the overrun penalty of $22,598 for unauthorized overrun volumes taken by Michigan Power during the period of July 15–17, 1969.

[1] Filed November 6, 1969.
[2] See Appendix A.
[3] Appendix H to Northern's Petition.
[4] Appendix I to Northern's Petition.

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(4) The letter order in Appendix A issued December 19, 1969, which purported to authorize waiver of the above-mentioned overrun penalty is vacated.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

NORTHERN NATURAL GAS COMPANY,
2223 Dodge Street,
Omaha, Nebraska 68102.
Attention: Gordon Severa, Group Vice President.

GENTLEMEN: Michigan Power Company has petitioned this Commission to authorize Northern Natural Gas Company to waive the penalty provisions of Section 8.2 of your Contract Demand rate schedule contained in FPC Gas Tariff, Second Revised Volume No. 1. Michigan Power has requested this waiver in order that Northern may waive the penalty payment of $22,598 for unauthorized overrun volumes inadvertently taken during the period July 15–17, 1969.

Upon analysis of Michigan Power's and Northern's statements, the Commission finds there was no adverse effect to either Northern or Northern's customers, as a result of the inadvertent overrrun by Michigan Power. It is also the understanding of this Commission that Section 8.2 was not intended by Northern to inflict economic punishment for understandable human failure. Therefore, in light of the peculiar circumstances, the requested waiver would be appropriate and Northern is hereby authorized to waive Section 8.2 of your Contract Demand rate schedule contained in FPC Gas Tariff, Second Revised Volume No. 1 and to further waive the penalty payment of $22,598 for unauthorized overrun volumes taken by Michigan Power during the period July 15–17, 1969.

By direction of the Commission.

APPENDIX B

PARTIES FILING PETITIONS TO INTERVENE

Central Telephone & Utilities Corporation
Iowa Electric Light & Power Company [1]
Iowa-Illinois Gas & Electric Company
Iowa Power and Light Company
Iowa Public Service Company
Lake Superior District Power Company [1]
Michigan Power Company
Minneapolis Gas Company [1]
Nebraska Natural Gas Company [1]
Metropolitan Utilities District of Omaha [1]
Northern States Power Company (Wisconsin) and (Michigan)

[FR Doc.73-16058 Filed 8-2-73;8:45 am]

[Docket No. RP72-98]

TEXAS EASTERN TRANSMISSION CORP.

Extension of Time and Postponement of Hearing

JULY 26, 1973.

The hearing date fixed by the order issued June 28, 1973, in the above-designated matter is in conflict with the schedule of Administrative Law Judge Ellis.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Evidence by Texas Eastern, September 12, 1973.
Evidence by Commission Staff and Interveners, October 1, 1973.
Rebuttal Evidence, October 17, 1973.
Hearing, October 30, 1973 (10:00 a.m., EDT).

MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-16059 Filed 8-2-73;8:45 am]

[Docket No. RP72-98]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in Rates and Charges

JULY 26, 1973.

Take notice that on July 13, 1973, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing revisions to Third Revised Volume No. 1 of its FPC Gas Tariff, to wit:

Second Revised Sheet No. 13
Second Revised Sheet No. 13A
Second Revised Sheet No. 13B
Second Revised Sheet No. 13C
Second Revised Sheet No. 13D

Texas Eastern asserts that these revisions are made pursuant to the Purchased Gas Adjustment Clause contained in § 23.5 of its FPC Gas Tariff. This provision was approved, Texas Eastern states, by Commission order on August 9, 1972 in Docket No. RP72-98. The proposed changes result from increase in gas cost to Texas Eastern by one of its suppliers, Texas Gas Transmission Corporation (Texas Gas).

Texas Eastern also requests waiver of the notice provisions of the Commission's rules and regulations so that the proposed rates may become effective August 1, 1973, the date that Texas Gas' requested increase would become effective.

Any person desiring to be heard or to protest should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Commission's rules of practice and procedure. All such petitions or protests should be filed on or before August 6, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-16060 Filed 8-2-73;8:45 am]

(Docket No. CI73-749)

WESTERN OIL PRODUCERS, INC.

Further Extension of Time and Postponement of Hearing

JULY 26, 1973.

On July 25, 1973, Western Oil Producers, Inc. requested a further extension of the procedural dates as set by notice issued July 11, 1973, in the above-designated matter. The request states that neither Staff Counsel nor El Paso Natural Gas Company objects to the motion.

Upon consideration, notice is hereby given that the procedural dates are postponed as follows:

Service of testimony and exhibits, August 2, 1973.
Hearing, August 9, 1973 (10:00 a.m., EDT).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-16061 Filed 8-2-73;8:45 am]

[Docket No. E-8318]

CENTRAL LOUISIANA ELECTRIC CO.

Amendment to Agreement

JULY 27, 1973.

Take notice that on July 16, 1973, Central Louisiana Electric Company (CLEC) tendered for filing supplements to CLEC Rate Schedule FPC No. 30 containing the following:

(1) Revised Page 2 to original Exhibit A to Rate Schedule FPC No. 30;
(2) Revised Page 4 to original Exhibit A to Rate Schedule FPC No. 30.

The changes are requested to become effective on August 16, 1973.

CLEC claims that the changes result from a request by Southwest Louisana Electric Membership Corporation to acquire all company-owned substation facilities at certain delivery points. The supplements tendered by CLEC represent changes in the Delivery Voltage at those points.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-16052 Filed 8-2-73;8:45 am]

FEDERAL RESERVE SYSTEM

REDWOOD BANCORP.

Order Approving Acquisition of Montgomery Street Mortgage Corp. and West Coast Security Insurance Agency, Inc.

Redwood Bancorp, San Rafael, California, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under § 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire indirectly, through its wholly owned subsidiary, Redwood National Mortgage Company, the assets of Montgomery Street Mortgage Corporation ("MSMC") and to acquire directly the voting shares of West Coast Security Insurance Agency, Inc. ("West Coast"). Both MSMC and West Coast are headquartered in San Francisco, California, where they operate as subsidiaries of TUP., Inc., San Francisco, California. Notice of the application affording opportunity for interested persons to submit comments and views has expired and all received have been considered.

The operation by a bank holding company of a mortgage company and the sale of certain insurance coverage are activities that the Board has previously determined to be closely related to banking (12 CFR 225.4(a) (1) and (9)). A bank holding company may acquire companies engaged in these activities in accordance with the procedures the Board has established pursuant to § 4(c)(8) of the Act.

Applicant is a recently formed bank holding company whose principal subsidiary, Redwood Bank (deposits of $54.9 million),[1] is the 48th largest bank in California and the 5th largest of 10 banks in Marin County, where it holds 7.6 per cent of area deposits. Applicant also controls Redwood National Mortgage Company, formed *de novo* by Applicant, and has received the Board's approval to acquire National Mortgage Company.[2] National Mortgage Company engages in a mortgage banking business in Utah, Arizona, and Idaho.

Redwood Bank originates construction loans and originates and services mortgage loans for its own account and for the account of others. During 1972, Redwood Bank originated a total volume approximating $12 million in mortgage loans within the Greater San Francisco Bay Area.[3] Redwood Bank services for others a mortgage portfolio of approximately $66 million.

MSMC is a mortgage banking firm engaged in the origination and servicing of mortgage loans for institutional investors. It has a mortgage servicing portfolio of approximately $34 million.[4] Although headquartered in San Francisco, MSMC has not originated a mortgage loan in this area for approximately two years. Of the $3.0 million in mortgage loans originated by MSMC in 1972, $2.7 million in originations were derived from its Reno, Nevada office, and $0.3 million came from the Sacramento County area. In the Reno, Nevada market, MSMC ranks as the twentieth largest mortgage lender with a market share of 1.2 per cent. Redwood Bank neither originates nor services mortgage or construction loans in the Reno area; it originated $0.5 million in such loans in Sacramento County in 1972. Based on the facts of record, it appears that neither Applicant nor Company have a significant market share in either mortgage originations or mortgage servicing in any relevant area. Thus, consummation of the proposed acquisition would have no adverse effect on existing competition. Applicant's limited capital resources inhibit its potential as a competitor to MSMC in the Reno mortgage markets, while the resources of MSMC limit its ability to expand in the San Francisco area. The Board therefore concludes that consummation of the proposed acquisition would have no adverse effects on mortgage lending in any of the local markets.

It is anticipated that MSMC's affiliation with Applicant will enable MSMC to compete more effectively with the larger mortgage banking firms in the Reno area. Moreover, the use of MSMC's computer facilities and the expertise of its personnel in computerized maintenance of mortgage accounts should enable each institution to effect economies sufficient to operate their combined mortgage banking activities at a profit. In addition, the computer programs developed by MSMC would allow Applicant to provide more efficient service to its own customers. On balance, the Board concludes that the public benefit factors the Board is required to consider under section 4(c)(8) outweigh any possible adverse effects that might result from the proposed acquisition.

In addition to its mortgage loan and servicing activity, MSMC holds a parcel of unimproved real estate for future development. Real estate investment or development are not activities that the Board has determined to be so closely related to banking as to be a proper incident thereto. The Board has received a commitment from Applicant that it will dispose of this parcel of real estate promptly upon approval of this proposal, but in any event, no later than two years from the date of this Order.

West Coast engages in the sale of life, disability and hazard insurance related to the mortgages originated or serviced by MSMC. The life and disability policies insure the life and health of the mortgagor. In all such cases, total benefits payable are limited to the then outstanding principal balance of the loans. The hazard insurance policies ensure the real estate securing the mortgage loans. The mortgagees are designated beneficiaries of such policies. West Coast also, from time to time, sells such insurance to mortgage borrowers of Redwood Bank. These activities appear to be closely related to banking or managing or controlling banks. However, West Coast also engages in the renewal of insurance policies originally sold by it on mortgages originated by MSMC, although the servicing rights on such mortgages have now been transferred to others. The renewal of such insurance policies is not considered to be directly related to an extension of credit or to the provision of other financial services. However, such renewals are made as a matter of convenience to the mortgagors and, in the case of West Coast, the premium income derived from such sales apparently would not constitute a significant portion of the aggregate insurance premium income of Applicant derived from insurance sold pursuant to § 225.4(a)(9)(ii) of Regulation Y.[5] It therefore appears that the making of such renewals is permissible under § 225.4(a)(9)(ii)(c).

Due to the limited nature of West Coast's insurance activities, it does not appear that its acquisition by Applicant would have an significant effect on either existing or potential competition. Rather, consummation of Applicant's proposed acquisition of West Coast would insure continuity of its services to West Coast and its mortgagors.

Based on the record herein, the application is approved on the condition that MSMC promptly dispose of its real estate holding, and in any event, no later than two years from the date of this Order.

The transaction shall not be consummated later than three months after the effective date of this Order, unless such period is extended for good cause by the Board. This approval is subject further to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[6] effective July 24, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-16008 Filed 8-2-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

CHRISTOPHER COAL CO. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20279, Christopher Coal Company, Osage No. 3 Mine, USBM ID No. 46 01455 0, Osage, West Virginia.
Section ID No. 001–0 (Main West).
Section ID No. 002–0 (13 South).
Section ID No. 007–0 (3B).
Section ID No. 008–0 (10 North).
Section ID No. 012–0 (2B).
Section ID No. 014–0 (1 West).
Section ID No. 017–0 (19A).
Section ID No. 018–0 (1C).
Section ID No. 019–0 (11 North Straight).
(2) ICP Docket No. 20615, Consolidation Coal Company, Matthews No. 1 Mine, USBM

[1] Parties requesting a hearing.

[1] Deposit data as of June, 1972.
[2] See Board Order dated January 18, 1973.
[3] The Greater San Francisco Bay Area is comprised of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties.
[4] Data as of December 31, 1972.
[5] The gross commission income on such policies in 1972 amounted to $849.55 or less than 5 per cent of such commission income during this period.
[6] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan and Bucher. Absent and not voting: Governors Brimmer and Holland.

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ID No. 40 00520 0, Middlesboro, Kentucky.
Section ID No. 001 (Right off 1 West off 1 North).
Section ID No. 002 (Left off 1 West off 1 North).
Section ID No. 005 (Left off 1 East off 1 North).
Section ID No. 004 (Left off 1 East off 2 North).
Section ID No. 003 (Right off 1 East off 2 North).
(3) ICP Docket No. 20801, Wolf Creek Collieries Company, Inc., No. 3 Mine, USBM ID No. 15 02061 0, Lovely, Kentucky.
Section ID No. 001.
Section ID No. 006.
Section ID No. 007.
Section ID No. 008.

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before August 20, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW, Washington, D. C. 20006.

GEORGE A. HORNBECK,
Chairman.
Interim Compliance Panel.

JULY 31, 1973.

[FR Doc.73–15994 Filed 8–2–73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

DI-AN CONTROLS, INC.

Order Suspending Trading

JULY 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Di-An Controls, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. e.d.t. July 26, 1973 through midnight e.d.t. August 4, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73–15966 Filed 8–2–73;8:45 am]

[File No. 500–1]

LYNTEX CORP.

Order Suspending Trading

JULY 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.25 par value, and all other securities of Lyntex Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. (e.d.t.) July 26, 1973 through midnight e.d.t. August 4, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73–15965 Filed 8–2–73;8:45 am]

[File No. 500–1]

WAIN RESOURCES, INC.

Order Suspending Trading

JULY 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $2 par value, and all other securities of Wain Resources, Inc. being traded otherwise than on a national securities exchange be summarily suspended, this est and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily susspended, this order to be effective for the period from 2:30 p.m. (e.d.t.) July 26, 1973 through midnight e.d.t. August 4, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73–15964 Filed 8–2–73;8:45 am]

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, 86 Stat. 770, the Securities and Exchange Commission, announces the following public advisory committee meetings.

The Commission's Advisory Committee on a Model Compliance Program for Broker-Dealers, established on October 25, 1972 (Securities Exchange Act Release No. 9835), will hold meetings on August 15–16, 1973 at the office of the National Association of Securities Dealers, Inc., 1735 K Street, NW., Washington, D.C. The meetings will commence at 9:00 a.m., local time.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by this Committee's work the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the market place is to be warranted and sustained. The Commission's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers, but to inform broker-dealers as to the existing requirements and how they may comply with them.

The Committee's scheduled meetings will be for the purpose of reviewing drafts and proposals concerning the Committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

These meetings are open to the public. Any interested person may attend and appear before or file statements with the Advisory Committee—which statements, if in written form, may be filed before or after the meeting or, if oral, at the time and in the manner and extent permitted by the Advisory Committee.

[SEAL] RONALD F. HUNT,
Secretary.

JULY 27, 1973.

[FR Doc.73–16022 Filed 8–2–73;8:45 am]

[File No. 500–1]

JEROME MACKEYS JUDO, INC.

Order Suspending Trading

JULY 27, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Jerome Mackey's Judo, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 29, 1973 through August 7, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–16023 Filed 8–2–73;8:45 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 27, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10¢ par value, of Continental Vending Machine Corporation, and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 29, 1973 through August 7, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–16024 Filed 8–2–73;8:45 am]

[File No. 500.1]

PACER CORP.

Order Suspending Trading

JULY 30, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Pacer Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It Is Ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 31, 1973 through August 9, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–16025 Filed 8–2–73;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

Publication of Excepts

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore these materials are set forth in full as follows:

REGISTRANTS PROCESSING MANUAL

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APPENDIX 2

CURRENT TEMPORARY INSTRUCTIONS CHECK LIST

1. The following list sets forth all current Temporary Instructions as of July 1, 1973. Those Temporary Instructions marked with an asterisk are multiple-numbered Temporary Instructions, issued in sufficient quantity so that a copy may be filed under each number.

Temporary Instructions Number	Date Issued or Amended	Termination Date
Appendix 1–5	(5–15–73)	Upon Depletion of SSS Form 110
601–1	(6–29–73)	Upon Completion of the required actions
608–2	(4–6–73)	When included in a Revision to Chapter 608, RPM
613–1	(12–4–72)	Upon Receipt of Revised Chapter 613, RMP
613–2	(12–19–72)	Upon Publication of Revisions to RPM changing References from SSS Form 2 and 110 to SSS Form 7
613–4	(2–27–73)	Upon Publication of Revised Chapter 613, RPM and Revised Procedural Directives for SSS Form 1, 3 and 101
621–3*	(6–15–73)	Until Amended or Rescinded
622–3	(6–29–73)	Upon Revision of Chapters 622 and 619
623–1	(6–15–73)	(8–1–73)
628–7	(12–29–72)	Upon Receipt of New Chapter 628
631–9*	(5–15–73)	Upon Receipt of Revised Chapters 631, 632 & 660, RPM
631–10*	(6–15–73)	Upon Amendment or Recission
631–11	(6–1–73)	(9–1–73)
631–12	(6–29–73)	(9–1–73)
632–15*	(5–15–73)	Upon Receipt of Revised Chapters 631, 632 & 660, RPM
642–1	(4–2–73)	Upon Receipt of Revised Chapter 642, RPM
660–10*	(5–15–73)	Upon Receipt of Revised Chapters 631, 632 & 660, RPM
670–4	(12–6–72)	When Procedural Directives have been Revised to Reflect instructions

2. All Temporary Instructions not appearing in the above list have been terminated or rescinded.

Amendments to Chapter 611—Duty and Responsibility to Register, effective August 1, 1973

SEC. 611.2 *Persons Not Required to be Registered.* Paragraphs 9 and 10 are revised to read as follows:

(9) Members of the reserve components of the Armed Forces, the Coast Guard, and the Public Health Service, while on active duty, provided that such active duty in the Public Health Service that commenced after June 30, 1967, is performed by members of the Reserve of the Public Health Service while assigned to staff any of the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or while assigned to the Coast Guard, the Bureau of Prisons of the Department of Justice, the Environmental Protection Agency, or the National Oceanic and Atmospheric Administration.

(10) Any person who is separated from the Armed Forces after having served on active duty, other than active duty for training, or who has served as a commissioned officer in the National Oceanic and Atmospheric Administration of the Public Health Service for not less than 24 months.

SEC. 611.5 *Voluntary registration.*

Any male person who entered the Armed Forces before being required to be registered in accord with the provisions of paragraph 1 of section 611.1 and who is separated from active duty after having served on active duty, other than active duty for training, may present himself for and submit to registration.

SEC. 611.6 *Registration other than by appearance before a registrar.*

The Director may authorize the registration of persons without their appearing before the officials specified in section 611.1 and chapters 613 and 655.

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CHAPTER 642 (Revised August 1, 1973)

Violators

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CHAPTER 642

VIOLATORS

SEC. 642.1 *Violation of the military selective service act (MSSA).*

The Military Selective Service Act imposes the duty on all male citizens as well as certain non-citizen residents, who are between the ages of 18 and 26, to present themselves for registration with the Selective Service System. Requirements imposed under the MSSA upon selective service registrants include the duty to furnish necessary information to local boards, the duty to report for and submit to armed forces examinations, and the duty to report for and submit to induction or alternate service. All persons are prohibited from knowingly making or being a party to the making of false statements bearing upon classification or service under the MSSA, or transferring, delivering, preparing, or possessing false Selective Service Certificates. Further, all persons are prohibited from knowingly hindering or interfering with the administration of the Selective Service System, or conspiring to do so, or counseling or aiding others to violate the MSSA. A registrant or a non-registrant who fails to perform one or more of this duties under the MSSA or hinders or interferes with the administration of the MSSA is referred to as a *violator*. Conviction for any such violation is punishable by imprisonment for not more than five years or a fine of not more than $10,000 or by both such fine and imprisonment.

SEC. 642.2. *Reporting of violations by the local board and state director.*

1. *By the Local Board:*

a. Whenever a local board has reason to believe that a person has violated the Military Selective Service Act, the local board will, within 10 days after learning of the violation, prepare a Report of Violation (SSS Form 301). The report, to be signed by the Local Board Chairman, will be addressed to the appropriate United States Attorney and submitted along with the registrant's file folder to the Selective Service Regional Counsel for prosecutive review and disposition.

b. The original and three copies of SSS Form 301 shall be included in the Registrant File Folder or Cover Sheet (SSS Form 101) and forwarded to the Regional Counsel. An information copy of the SSS Form 301 shall also be sent to the State Director by the local board. The above actions shall be recorded on page two of the file folder or page eight of the Classification Questionnaire (SSS Form 100). When a file folder has not been established, all documentation concerning the alleged violation shall be forwarded with the SSS Form 301. A file folder shall not be prepared for a person who has not registered.

c. Whenever the local board has reason to believe that a registrant has violated the law, no modifications, alterations or corrections shall be made to any document or record in his file. If a document is missing from the folder or is improperly marked or stamped, a notation of this fact will be made and submitted at the time the file folder is forwarded to the Regional Counsel. It is then the responsibility of the Regional Counsel to consult with the United States Attorney and to determine with him whether prosecutive action should be dismissed in light of the deficiency.

d. Whenever a local board, except as stated in paragraphs a, b and c above, has reason to believe that any person or persons have hindered or interfered with the administration of the Military Selective Service Act or violated the rules or regulations pursuant to that Act, or have attempted to do so in any manner, the Chairman of the local board, one of the members, or a compensated employee, in the Chairman's absence, shall immediately advise the State Director of the circumstances by telephone or by letter. The State Director will cause an investigation to be conducted.

2. *By the State Director:*

a. Whenever the State Director has reason to believe that a violation of the Military Selective Service Act has been committed by a registrant, the State Director will immediately conduct an investigaiton of the circumstances involved in the suspected violation. In the case of a registrant classified in Class 1-O, 1-OM or 1-W, the investigation will be conducted in accordance with paragraph 2 of Section 660.11. Upon completion of his investigation, the State Director shall submit the following items to the Regional Counsel for prosecutive review and disposition:

(1) A report of his investigation.

(2) His recommendations as to the appropriate action to be taken,

(3) An SSS Form 301 addressed to the appropriate United States Attorney, and

(4) The registrant's file folder.

b. Whenever the State Director has reason to believe that any person or persons have hindered or interfered with administration of the Military Selective Service Act or violated the rules or regulations pursuant to that Act, or have attempted to do so in any manner, he shall immediately contact the appropriate Regional Counsel for guidance. A report of any investigation which is conducted into the matter shall be forwarded to the Regional Counsel for appropriate action. All actions of this nature must first be coordinated by the Regional Counsel with the General Counsel, National Headquarters, before a formal referral of such violation is made to the United States Attorney.

SEC. 642.3. *Action by the Regional Counsel.*

1. Upon receiving an SSS Form 301 and file folder, if established, the Regional Counsel will review the matter for procedural and substantive error. If the Regional Counsel determines that prosecutive action is warranted, he will:

a. Refer the violation to the appropriate United States Attorney with any comments and recommendations he feels necessary.

b. Notify the registrant by letter (see Attachment 642-2) that his case has been referred to the United States Attorney for prosecution.

c. Place a copy of the referral to the United States Attorney and a copy of the letter of notification to the registrant in the registrant's file, and,

d. Forward the file to the State Director for the State in which the Federal District having jurisdiction over the case is located. This State Director shall retain custody of the file until the final disposition of the case is reached.

e. The State Director in whose State the registrant's local board of record is located will be provided with a copy of the Regional Counsel's referral to the United States Attorney, a copy of the Regional Counsel's notification to the registrant, and the location of the file if the file is sent to another State Director for custody as provided in "d" above. The file of a violator whose prosecution is pending will not be returned to the local board.

2. If the Regional Counsel does not report the violation to the United States Attorney for prosecution, he will return the documentation to the State Director with a letter outlining the action to be taken. The State Director will return the file folder to the local board along with the Regional Counsel's letter. However, should the State Director take exception to the action to be taken which is outlined in the Regional Counsel's letter, and he is unable to reach agreement with the Regional Counsel after discussion of the matter, the State Director may refer the matter to National Headquarters, Attn: General Counsel, for final disposition.

SEC. 642.4 *Local board action subsequent to reporting a violation.*

1. The local board shall take no action with reference to the classification or status of a registrant who has been reported as a violator, or establish a new reporting date for induction or alternate service for such a registrant, without having first obtained the approval of the United States Attorney. The local board will request the State Director to obtain such approval through the Regional Counsel.

2. Whenever a local board receives new information concerning a violator after his case has been referred to the United States Attorney by the Regional Counsel, the local board shall submit the new information to the State Director. The State Director shall immediately notify the office of the Regional Counsel by telephone and shall send one copy of the new information to the Regional Counsel and one copy to the United States Attorney. The original of the new information shall be placed in the registrant's file. The new information may include but is not limited to matters:

a. Which have been requested by the United States Attorney.

b. Which may be of assistance in locating the violator or,

c. Which may assist a United States Attorney in his determination of whether the prosecution is warranted.

SEC. 642.5. *United States Attorney to advise of prosecutive disposition.*

When referring a violation for prosecution, the Regional Counsel shall request the United States Attorney to advise him promptly by letter of the United States Attorney's disposition of the reported case. Should the

Regional Counsel disagree with a United States Attorney's decision not to prosecute, he should advise the General Counsel, National Headquarters, but only after conferring with the United States Attorney in an effort to resolve the disagreement. In either event, the Regional Counsel shall notify the State Director by mail of the prosecutive disposition or status. The State Director shall place the document in the registrant's file. When the State Director having jurisdiction over the registrant's local board is informed by the Regional Counsel that an indictment or information has been filed against a registrant, the State Director shall advise the local board. The State Director having custody of the registrant's file shall retain it until advised of the disposition of the case by the Regional Counsel.

SEC. 642.6. *Criminal actions.*

1. A criminal action is a legal action initiated by the government against an individual for an alleged violation of the law.

2. Files of registrants who have been reported as violators will be duplicated only with the specific authorization of the Regional Counsel.

3. The Regional Counsel will make arrangements with the State Director's office having custody of the registrant's file to duplicate the entire file and transmit it to the requesting United States Attorney. Care should be taken to copy all information contained in the file, except that whenever the registrant's file contains voluminous supporting papers, the United States Attorney, in consultation with the State Director, shall determine which documents are to be duplicated.

4. If the United States Attorney requests a copy of the file for the registrant's attorney, or if an attorney submits a signed request from the registrant that the attorney be furnished a copy of his file, the State Director having custody of the registrant's file will have a copy prepared and furnished to the designated attorney in accordance with Section 608.3(a)(1) and 608.3(e) of the RPM.

5. The general policy of the Selective Service System is to retain custody of the original file and to furnish a duplicate to the United States Attorney. Where time is a factor and the Regional Counsel authorizes the release of an original file to the United States Attorney, the Regional Counsel will be responsible for maintaining a constant follow-up. At the earliest possible date, the original file will be retrieved by the Regional Counsel and forwarded to the proper State Director who will prepare a duplicate if requested, for the United States Attorney.

SEC. 642.7 *Civil actions.*

1. A civil action is a legal action initiated by an individual against the government in an attempt to restrain the government from infringing upon what the individual believes are to be his rights.

a. If a summons in a civil action is served on a local board member or employee, if the issuance of a temporary restraining order is imminent, or if a local board member or employee is requested in any manner to appear in court, the Regional Counsel and the State Director shall immediately be notified by telephone. A copy of the summons served and complaint filed, and the name and selective service number of the registrant involved will be promptly furnished to the Regional Counsel. The Regional Counsel shall be responsible for keeping the State Director advised of the developments in the case.

b. In the event of a civil action, the registrant will continue to be processed in the normal manner until the local board is officially notified either by the Court, or the Regional Counsel through the State Director, that the Court has taken action as indicated in paragraph 2 below.

c. A copy of the complaint shall be filed in the registrant's file folder.

2. *Injunctions or Temporary Restraining Orders Granted*

a. When an injunction or temporary restraining order is actually granted, the United States Attorney or the registrant's attorney will usually deliver a copy of the order to the local board. Upon receiving a copy of any court order the local board must immediately notify the State Director by telephone, and furnish one copy of the order to the State Director and one copy to the appropriate Regional Counsel. The State Director will immediately consult with the Regional Counsel for appropriate advice and/or action.

b. The State Director and the local board will take no action to cancel or postpone an induction order or order for alternate service, but will stop processing the registrant immediately. The appropriate entry on the Registration Questionnaire (SSS Form 100) or Registrant File Folder (SSS Form 101) will be: "Processing restrained by order of the court in Civil No. ——, until (date)". If a delivery list containing the registrant's name has been prepared, a similar entry will be made on the list. Further processing of the case will then be held in abeyance until the expiration date of the court order. The local board may then set a new induction reporting date by issuance of a Notice of Rescheduled Reporting Date (SSS Form 253), or alternate service reporting date by Amendment to Order to Report for Alternate Service (SSS Form 153A), or resume processing of the registrant in the normal manner, after coordinating with the Regional Counsel through the State Director. In no event will a new Order to Report for Induction (SSS Form 252) or Order to Report for Alternate Service (SSS Form 153) be issued, except as directed by a court.

c. If a registrant's scheduled induction date comes during the period when the local board is under a court-ordered restraint, the registrant will not be reported as a violator, but actions will be taken in accordance with paragraph 2b of this section. If, after the expiration date of the court order, the local board sets a new date to report under the original order, and the registrant fails to report on the new date, he should then be reported as a violator in accordance with Section 642.2.

3. *Injunctions or Temporary Restraining Orders Denied.*

When a registrant's request for an injunction or restraining order is denied, he may appeal to a higher court. This action does not require an interruption of the normal local board processing of the registrant, unless a "stay order" is granted by the court. Such a "stay order" has the same effect as granting an injunction, and when advised of such an order, the local board will immediately advise the Regional Counsel and the State Director by telephone in accordance with Section 642.8, stop all processing and make the appropriate entries on the SSS Form 100 or on SSS Form 101, and on the Delivery List (See Section 642.8). The local board should arrange for a copy of either the denial order or the "stay order", if one is granted, to be placed in the registrant's file. One copy shall be forwarded to the State Director, and one copy to the appropriate Regional Counsel.

SEC. 642.8 *Subpenas served on local board or appeal board employees or members.*

A local board member or employee who is served with a subpena should immediately advise the Regional Counsel and the State Director by telephone. The Regional Counsel will be the sole point of contact with the United States Attorney and will advise the local board and the State Director what action is required.

SEC. 642.9 *Failure to register and late registration.*

1. A person subject to the provisions of the Military Selective Service Act is required to register within a period of 60 days beginning 30 days prior to the eighteenth anniversary of the date of his birth. An alien who, upon entering the United States, incurs the obligation to register, must register within six months of his date of entry. Any person who did not register during the prescribed period but who was required to be registered, is in violation of the Act and his subsequent compliance with the law does not absolve the initial violation. If a local board learns of any person who did not register during the prescribed period, and who does not register after an attempt is made by the local board to obtain compliance, the local board shall report him on SSS Form 301.

2. When a late registration occurs, the registrar shall prepare, date and sign a statement on a Report of Information (SSS Form 119), or a letter, setting forth the demeanor, attitude, and any statements of the registrant, or any other matter coming to the attention of the registrar regarding the reason for the late registration. The registrar's statement shall be typed in paragraph 5 of SSS Form 301 if a report of the violation is made.

3. Whenever the local board or the State Director learns that a person has failed to comply with the registration requirements, an effort shall be made to obtain compliance. If compliance is obtained, a finding and determination as to the circumstances of each late registration which takes place later than 60 days after the eighteenth anniversary of the registrant's date of birth or later than seven months from the date on which be entered the United States in the case of an alien who enters after attaining the age of 18, will be made by the local board, in a meeting with a quorm present. The determination will be that:

(1) There was deliberate intent not to register timely; or

(2) There was no deliberate intent not to register timely; or

(3) The registrant was unable to register on time due to circumstances beyond his control: for example, the registrant was hospitalized or institutionalized.

4. Although a registrant may be asked by mail (See Attachment 642-4) or in person why he was late in compliance, under no circumstances shall the registrant be *required* to make a statement, if he objects, concerning reasons for his failure to register in a timely manner.

5. A report of each of these three types of late registrations for the previous month will be transmitted by the local board to reach the State Headquarters by the 15th of the month. The State Headquarters will forward the reports of all its local boards so as to reach National Headquarters, Attention: General Counsel, not later than the last day of the month. See Attachment 642-5 for the format to be used for the monthly report. The report will be prepared in an original and two copies. The local board will retain a copy and send the original and one copy to the State Director. The State Director will retain the copy and send the originals of all local board reports to the General Counsel at one time. The General Counsel will advise the State Director of the actions to be taken in those cases where it is determined that a registrant is to be processed as a violator.

6. The State Director bears the responsibility for advising Local Board Chairmen if the local board is in doubt as to what determination to make in a late registration

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Selective Service Act as you were previously advised.

If you are a Selective Service registrant, any subsequent processing which you may undergo, including reopening of your classification aid reclassification if appropriate, will be accomplished in the same manner afforded other registrants.

Authorized Signature

SAMPLE LETTER REQUESTING REASONS FOR LATE REGISTRATION

(Local Board Stamp)

Date Prepared

TO: ----------

SSN: ----------

Dear ----------

Selective Service records indicate that your registration under the Selective Service law took place after the designated period had elapsed. It therefore appears that you may be in violation of the law.

You are entitled to present any information to your local board which will explain the reason for your late registration, but you are not required to do so. If you wish to, you may write the information below, and return this letter to your Local Board in the enclosed pre-addressed envelope. Any information you furnish will be considered by the local board in determining whether you should be reported as a violator and will become part of your confidential Selective Service file.

Authorized Signature

Reasons for Late Registration:

Signature of Registrant

(SAMPLE FORMAT TO BE USED TO REPORT LATE REGISTRANTS)

(Local Board Stamp)

Date Prepared

THRU: State Director
Selective Service System
Street Address
City, State

TO: Director
Selective Service System
1724 F Street, N.W.
Washington, D.C. 20435
Attention: General Counsel

The following listed **late registrants are** reported in accordance with **Section 642.9** of the RPM. Alien registrants to whom the seven-month provision applies are indicated by an asterisk preceding **their name.**

Name	SSN	Date of Birth	Date of Registration	Determination of Local Board (Code 1, 2 or 3)**

1. Deliberate intent not to register in a timely fashion.
2. No deliberate intent not to register in a timely fashion.
3. Circumstances beyond control of the registrant.

Chairman of Local Board

TEMPORARY INSTRUCTION NO. 622-3
ISSUED: June 29, 1973
SUBJECT: Medical Specialty Students
(References: Section 1604.1(b), 1622.18 (a), SSR)

1. Effective immediately, any student pursuing a full-time course of study leading to a professional degree as a doctor of medicine, doctor of osteopathy, dentist, optometrist, podiatrist, or veterinarian, or licensure as a registered nurse, is specifically ineligible for Class 1-H by board action.

2. Any medical specialty student who is now in Class 1-H will have his classification reopened and be considered for Class 2-M.

3. Section 619.3 of the **Registrants Processing Manual** provides for the retention of files of students undergoing professional training for qualification as medical specialists, who have liability extended to age 35. If evidence is received that a student whose file is being retained beyond age 26 has terminated such course of study, other than by graduation, his file will be certified for destruction at that time.

This Temporary Instruction will terminate upon the revision of Chapters 622 and 619.

case, and seeks the State Director's advice before arriving at a judgment. In those doubtful cases, the file folders of the late registrants will be forwarded to the State Director as an exception to Section 642.2 for an expression by the State Director to the Local Board Chairman.

SEC. 642.10 *Fictitious registration.*

Whenever the local board has its mailings returned because of an apparently fictitious name or address, or whenever it has any other reason to believe that a registrant is fictitious, it shall, after reasonable efforts to determine the facts, report the responsible person as a violator in accordance with Section 642.2.

SEC. 642.11 *Abandoned, mutilated, altered, forged or counterfeit registration or classification documents.*

Whenever the local board gains possession of an abandoned or mutilated SSS Form 2, 7, or 110 which appears to have been caused by a deliberate act, or has knowledge of wrongful possession, altering, forging, or counterfeiting of such documents, it shall report the incident as a violation in accordance with Section 642.2.

SEC. 642.12 *Notification to a registrant who is no longer alleged to be a violator.*

A registrant who has been advised by the Regional Counsel that his case was referred to the United States Attorney for prosecution in accordance with Section 642.3, and whose case is finally disposed of without his being convicted, shall be notified of the disposition by letter from the local board upon the return of the report for this purpose is Attachment 642.3 of this chapter. Before notifying the registrant, the local board will file that:

(1) That the file contains a copy of the letter from the Regional Counsel to the State Director informing the latter as to the disposition of the case.

If both (1) and (2) above are not contained in the file, the local board shall immediately request them from the State Director and the registrant will not be notified by letter of the disposition of his case until both are in hand. Registrants who were not prosecuted shall be advised of the disposition of their case.

Addresses and Areas of Jurisdiction of Regional Counsel Offices

Regional Counsel
Region III Service Center
Selective Service System
Post Office Box 4130
Philadelphia, Pennsylvania 19144
FTS 8-215-438-7208
Alabama, Canal Zone, Connecticut, Delaware, D.C., Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York City, New York State, North Carolina, Ohio, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Virgin Islands, West Virginia

Regional Counsel
Region VIII Service Center
Selective Service System
Englewood Plaza
Englewood, Colorado 80110
FTS 8-303-234-2253
Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, Texas, Wisconsin, Wyoming

Regional Counsel
Region IX Service Center
Selective Service System
GSA Federal Center, Bldg 2-G
620 Central Avenue
Alameda, California 94501
FTS 8-415-273-7597
Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Washington

SAMPLE LETTER REGARDING NOTIFICATION OF REFERRAL OF VIOLATOR'S CASE TO THE UNITED STATES ATTORNEY FOR PROSECUTION

Date prepared

TO: ----------

SSN: ----------

Dear ----------

This will inform you that you are considered to be in violation of the Military Selective Service Act because of ----------

Your file therefore, has been submitted to the United States Attorney for the ---------- District of ---------- for a prosecutive determination.

(Regional Counsel)

SAMPLE LETTER REGARDING NOTIFICATION OF CHANGE IN STATUS OF AN ALLEGED VIOLATOR

(Local Board Stamp)

Date Prepared

TO: ----------

SSN: ----------

Dear ----------

This will inform you that you are no longer considered to be in violation of the Military

TEMPORARY INSTRUCTION APPENDIX 1–6

ISSUED: July 23, 1973

SUBJECT: Inductions and Medical Determinations (SSS Form 205); Report of Manpower Inventory (SSS Form 116) (JUL 73)

1. *SSS FORM 205:*

The requirement for the preparation and submission of the monthly report, Inductions and Medical Determinations (SSS Form 205), is suspended, until further notice, following submission of the report for the month of June 1973. Local boards will retain the procedural directive and facsimile dated July 1972 in Appendix 1 of the Registrants Processing Manual. Existing stocks of the form will be retained.

2. *SSS FORM 116:*

A supply of the new Report of Manpower Inventory (SSS Form 116) (JUL 73), will reach the field by early August, and is to be used beginning with the July 1973 report which will be submitted promptly upon receipt of the forms. The state consolidated reports are to reach National Headquarters by August 31, 1973.

This Temporary Instruction will remain in effect until amended or rescinded.

BYRON V. PEPITONE,
Director.

JULY 26, 1973.

[FR Doc.73-15962 Filed 8-2-73;8:45 am]

TARIFF COMMISSION

[AA1921-128]

PAPERMAKING MACHINERY AND PARTS THEREOF FROM SWEDEN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on July 24, 1973, that papermaking machinery and parts thereof from Sweden are being, or are likely to be, sold at less than fair value, the United States Tariff Commission on July 27, 1973, instituted investigation No. AA1921-128 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, NW, Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Tuesday, September 18, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Thursday, September 13, 1973.

Issued: July 30, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-15979 Filed 8-2-73;8:45 am]

[337-L-62]

CERTAIN HYDRAULIC TAPPETS

Extension of Time for Filing Written Views

On June 19, 1973, the United States Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by Johnson Products, Inc., of Muskegon, Michigan, alleging unfair methods of competition and unfair acts in the importation and sale of certain hydraulic tappets (38 FR 16002). Interested parties were given until July 27, 1973, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business on September 27, 1973.

Issued: July 30, 1973.

By order of the Commission:

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-15980 Filed 8-2-73;8:45 am]

[TEA-F-54]

STANDARD CELLULOSE AND NOVELTY CO., INC.

Notice of Investigation Regarding Petition for Determination

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of Standard Cellulose and Novelty Co., Inc., Ozone Park, New York, the United States Tariff Commission, on July 27, 1973, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with artificial plastic Christmas trees, garlands and wreaths (of the types provided for in item 772.97 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed by August 13, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW, Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 30, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-15981 Filed 8-2-73;8:45 am]

VETERANS ADMINISTRATION

702-BED REPLACEMENT HOSPITAL, BRONX, NEW YORK

Notice of Availability of Draft Environmental Impact Statement

Notice is hereby given that a document entitled "Draft Environmental Statement for a 702-Bed Replacement Hospital, Bronx, New York," dated June 8, 1973, has been prepared as required by the National Environmental Policy Act of 1969. This project will provide for the replacement of an 1150-bed medical facility with a new 702-bed hospital. Three existing buildings will be retained and the rest demolished after construction of the new building. The new hospital will be contained within the existing 29.8 acre site located at 130 West Kingsbridge Road. The draft statement discusses the environmental impact of the project. The document is being placed for public examination in the Veterans Administration office in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office:

Mr. Arthur W. Farmer, Assistant Chief Medical Director for Administration and Facilities (13), Room 600, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

Single copies of the draft statement may be obtained on request to the above office.

Dated: July 30, 1973.

By direction of the Administrator,

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-16084 Filed 8-2-73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates were issued to variety-departments stores and provide for an allowance not to exceed the

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proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Duckwall Stores Co.: No. 36, Wray, CO, 5–20–74; No. 55, Topeka, KS, 6–2–74.

Fantles, Inc., 100 South Main Avenue, Sioux Falls, SD; 6–11–73 to 6–5–74.

Forum 5 & 10, Inc., 1621 Jefferson Avenue, St. Louis, MO; 5–25–73 to 4–12–74

Freight Salvage, Inc., 808 Broadway, Highland, IL; 6–6–74.

Goldblatt Bros., Inc., 5–31–73, except as otherwise indicated: 14 Country Fair Shopping Center, Champaign, IL; 333 South State Street, Chicago, IL; 3311 West 26th Street, Chicago, IL (5–21–74).

W. T. Grant Co., 5544 Norwood Avenue, Jacksonville, FL; 5–18–74.

Haffner's 5¢ to $1.00 Stores, No. 23, Sandusky, MI; 5–24–74.

Hart-Albin Co., Broadway at Second Avenue, Billings, MT; 5–20–74.

Harvey's Inc.: 3838 Broadway, Gary, IN, 6–8–74; 152 West Lincolnway, Valparaiso, IN, 6–17–74.

S. S. Kresge Co.: No. 4164, Birmingham, AL, 6–19–74; No. 791, Clearwater, FL, 5–21–73 to 5–9–74; No. 303, Arlington, Heights, IL, 6–5–74; No. 4600, Chicago, IL, 6–2–74; No. 4227, Des Plaines, IL, 5–22–74; No. 4595, Olney, IL, 5–23–74; No. 4436, Peru, IL, 6–14–74; No. 4148, Hammond, IN, 5–24–74; No. 4152, Mishawaka, IN, 6–7–74; No. 4434, Clinton, IA, 5–31–74; No. 4485, Mason City, IA, 5–31–74; 109 East Second Street, Muscatine, IA, 6–8–74; No. 3037, Brooklyn Center, MN, 6–14–74; No. 3045, New Hope, MN, 6–14–74; No. 279, St. Paul, MN, 6–8–74; No. 4304, Florissant, MO, 5–21–74; No. 689, Grandview, MO, 6–19–74; No. 585, Lincoln, NE, 6–16–74; No. 4130, Omaha, NE, 6–17–74; No. 4233, Youngstown, OH, 6–12–74; No. 4234, Spartanburg, SC, 6–15–74; No. 4141, West Columbia, SC, 6–13–74.

Kuhn's Variety Store, Waldron Street and Public Square, Corinth, MS; 6–3–74.

La-Veen's Department Store, Inc., 4030 Lake Michigan Drive NW, Grand Rapids, MI; 5–25–74.

Leonhard's, Inc., 3200 Dauphine Street, New Orleans, LA; 5–31–74.

Lofton's, Brookhaven, MS; 6–16–74.

Morgan and Lindsey: No. 3006, Mansfield, LA, 5–5–74; No. 3089, New Orleans, LA, 5–20–74; No. 3036, Pascagoula, MS, 5–26–74.

G. C. Murphy Co.: No. 296, Decatur, AL, 6–1–74; No. 297, Gadsden, AL, 6–1–74; No. 306, Huntsville, AL, 6–1–74; No. 405, Portland, IN, 4–27–74; No. 200, Maysville, KY, 6–14–74; No. 26, Marion, OH, 6–15–74; No. 336, Van Wert, OH, 6–14–74.

Raylass Department Store, 5–30–74: 406 Elm Street, Lumberton, NC; 607 Market Street, Chattanooga, TN.

Royal's, Inc., Immokalee, FL; 5–21–73 to 5–8–74.

Spurgeon's: 218 North Tremont, Kewanee, IL, 6–4–74; 116 West Main Street, Washington, IA, 6–2–74.

Sterling Stores Co., University and Markham Streets, Little Rock, AR; 6–1–74.

Tomlinson Stores, Inc.: 146 East Carolina Avenue, Hartsville, SC, 5–31–74; 107 West Main Street, Kingstree, SC, 6–14–74; 326 North Main Street, Marion, SC, 6–14–74.

T. G. & Y. Stores Co., 5–31–74, except as otherwise indicated: No. 191, Flagstaff, AZ; No. 190, Scottsdale, AZ; No. 581, Chino, CA; No. 658, Simi Valley, CA; No. 500, Yucaipa, CA; No. 736, Kissimmee, FL (6–14–74); No. 713, Pine Castle, FL (6–14–74);

No. 305, Kansas City, KS (6–11–74); No. 96, Topeka, KS (5–27–74); No. 476, Independence, MO; No. 129, Kansas City, MO (6–5–74); No. 477, Sikeston, MO (6–18–74); No. 415, Oklahoma City, OK (5–29–74); No. 417, Oklahoma City, OK (6–14–74); No. 449, Oklahoma City, OK (6–11–74); No. 310, Bellaire, TX (6–14–74)

Wood's 5 & 10c Stores, Inc., Lewis Smith Shopping Center, Whiteville, NC; 5–29–73 to 5–27–74.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

G. A. S., Inc., variety-department store; 112 Peoria Street, Washington, IL; salesclerk, stock clerk, cashier clerk; 24 to 43 percent; 5–28–74.

M. E. Moses Co., variety-department stores, for the occupations of salesclerk, checker-cashier, stock clerk, 22 to 30 percent: No. 28, Dallas, TX, 5–22–74; No. 39, Dallas, TX, 5–23–74.

Sterling Jewelry & Distributing Co., variety-department stores, for the occupations of stock clerk, sacker, salesclerk, runner, 7 to 27 percent, 6–11–74: 106 Mercantile Continental Building, Dallas, TX; 802 Milam Street, Houston, TX.

T. G. & Y. Stores Co., variety-department store; No. 1101, Baxley, GA; salesclerk, stock clerk; 19 to 30 percent; 5–13–74.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before September 4, 1973.

Signed at Washington, D.C. this 26th day of July 1973.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.73-15996 Filed 8-2-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 311]

ASSIGNMENT OF HEARINGS

JULY 31, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 121499 Sub 6, William Hayes Lines, Inc., now assigned September 17, 1973, (1 week), will be held in Room 310, Peachtree 7th Building, 50 7th Street, Atlanta, Georgia.

MC 121600 Sub 1, Averitt Express, Inc., now assigned September 10, 1973, at Nashville, Tenn., is cancelled and the application is dismissed.

MC 115841 Sub 438, Colonial Refrigerated Transportation, Inc., now being assigned continued hearing October 9, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138213, Redl Lease Co., now assigned September 10, 1973, at St. Louis, Mo., will be held at the Sheraton-Jefferson Hotel, 415 North 12th Street.

FD 27436, National Railroad Passenger Corporation (Amtrak)—Discontinuance of Trains Nos. 30 & 31, 530 & 531—Between New York, New York/Washington, D.C., and Kansas City, Missouri (National Limited), now being assigned hearings September 4, 1973 (3 days), at Indianapolis, Ind., September 7, 1973 (1 day) at Effingham, Ill., September 10, 1973 (1 day), at St. Louis, Mo., September 11, 1973 (1 day), at Jefferson City, Mo., September 12, 1973 (1 day), at Kansas City, Mo., September 14, 1973 (1 day), at Columbus, Ohio, September 17, 1973 (1 day), at Pittsburgh, Pa., September 18, 1973 (1 day), at Huntingdon, Pa., September 19, 1973, (1 day), at Harrisburg, Pa., September 20, 1973 (1 day), at Philadelphia, Pa., September 21, 1973 (1 day), at New York, N.Y., and September 24, 1973 (1 day), at Washington, D.C., in hearing rooms to be later designated.

MC 107515 Sub 820, Refrigerated Transport Co., Inc., now assigned September 12, 1973, at St. Louis, Mo., will be held at the Sheraton-Jefferson Hotel, 415 North 12th Street.

MC 127042 Sub 102, Hagen, Inc., now assigned September 17, 1973, at St. Louis, Mo., will be held at the Sheraton-Jefferson Hotel, 415 North 12th Street.

FD 27437, National Railroad Passenger Corporation (Amtrak)—Discontinuance of Trains Nos. 52 & 53 Between Chicago and St. Petersburg/Miami, Florida (The Floridian), now being assigned September 4, 1973 (3 days), at Chicago, Ill., September 7, 1973 (1 day), at Indianapolis, Ind., September 10, 1973, (1 day), at Louisville, Ky., September 11, 1973 (1 day), at Nashville, Tenn., September 13, 1973 (1 day), at Birmingham, Ala., September 14, 1973 (1 day), at Montgomery, Ala., September 17, 1973 (1 day), at Thomasville, Ga., September 18, 1973, (1 day), at Waycross, Ga., September 19, 1973, (1 day), at Jacksonville, Fla., in hearing rooms to be later designated.

MC 87720 Sub 131, Bass Transportation Co., Inc., now assigned September 19, 1973, at St. Louis, Mo., will be held at the Sheraton-Jefferson Hotel, 415 North 12th Street.

MC 127669 Sub 5, Cherry Hill Transit, now being assigned hearing September 24, 1973 (1 week), at Trenton, N.J., in a hearing room to be later designated.

MC 72442 Sub 39, Akers Motor Lines, Inc., now being assigned hearing September 24, 1973, (1 week), at Harrisburg, Pa., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16070 Filed 8-2-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 31, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before August 20, 1973.

FSA No. 42722—*Oats and Screenings from and to Points in Southwestern and Southern Territories.* Filed by Southwestern Freight Bureau, Agent, (No. B–424), for interested rail carriers. Rates on oats and screenings, in carloads, as described in the application, from various points in southwestern and western trunk-line territories, to points in southwestern and western trunk-line territories; also Natchez, Miss., and Memphis, Tenn.

Grounds for relief—Motor-truck competition and rate relationship.

Tariffs—Supplement 121 to Southwestern Freight Bureau, Agent, tariff 180–L, I.C.C. No. 4901, and 8 other schedules named in the application. Rates are published to become effective on September 3, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16071 Filed 8-2-73;8:45 am]

[Ex Parte 270, Ex Parte 270 (Sub-No. 2), Ex Parte 271]

INVESTIGATION OF RAILROAD FREIGHT RATE STRUCTURE, FREIGHT SERVICE; NET INVESTMENT—RAILROAD RATE BASE AND RATE OF RETURN

Notice of Solicitation of Comments

The Interstate Commerce Commission hereby notifies all interested carriers, shippers, and other persons that its Special Projects Counsel, now under contract to this Commission, has by a Circular Letter of July 27, 1973, invited their views and comments on a list of "Proposed Commodity Groups." The 110 groups were selected by counsel for further study and investigation. Counsel particularly solicited comments by August 15, 1973, with respect to the following aspects of the proposed groups of commodities:

(1) Has any significant commodity group been omitted? If so, advise us of the composition of any additional suggested group and your reasons for its inclusion.

(2) Should any commodity group either be omitted as a separate group or combined with another group?

(3) As to any specific commodity group, does the listing of the STCC code numbers reflect a reasonable grouping of individual articles for the purposes of this study? If not, please recommend specific additions or deletions of code numbers.

Requests for copies of the list and inquiries pertaining to the groups should be addressed to:

Leonard S. Goodman
Special Projects Counsel to the Interstate Commerce Commission
Suite 200
1030—15th Street, N.W.
Washington, D.C. 20005

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16076 Filed 8-2-73;8:45 am]

[Notice No. 327]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 23, 1973. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74576. By order of July 24, 1973 the Motor Carrier Board approved the transfer to Shirar Feed Co., Flora, Ind., of Permits Nos. MC–88182 and MC–88182 (Sub-No. 1) issued May 12, 1943, and November 5, 1964, respectively, to Ora F. Shirar, Flora, Ind., authorizing the transportation, as a contract carrier, of: Fertilizer, from Chicago, Ill., to points in Indiana, and return; animal and poultry feed from Burlington, Wis., to points in Indiana, and return; poultry, eggs, livestock, grain, and agricultural commodities, from Indiana points to Chicago, Ill., and return; animal and poultry feed, from Burlington, Wis., to points in Illinois, Indiana (except White and Carroll Counties), and Ohio; burlap and cotton bags, insecticides, and poultry and livestock remedies, from Burlington, Wis., to points in Illinois, Indian, Ohio and the lower peninsula of Michigan; and commodities used in the manufacture of animal and poultry feed, insecticides, and poultry and livestock remedies, from points in Illinois, Indiana, and Ohio to Burlington, Wis. Mr. Robert W. Loser, attorney at law, 1009 Chamber of Commerce Building, Indianapolis, Indiana 46204.

No. MC–FC–74602. By order of July 26, 1973 the Motor Carrier Board approved the transfer to Roderick G. Dahlhammer, York, Pa., of Certificate of Registration No. MC–121327 (Sub-No. 1) issued March 10, 1965, to Robert J. Krouse, Delta, Pa., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 76066, dated December 18, 1950, issued by the Public Utility Commission of Pennsylvania. Fred E. Kilgore, 139 East Market Street, York, Pa. 17401, attorney for applicants.

No. MC–FC–74607. By order of July 24, 1973 the Motor Carrier Board approved the transfer to Richard M. Baar, D/B/A Dick Baar Trucking, Dickinson, N. Dak. 58601 of Permit No. MC–129332 issued October 16, 1968, to Rachel Fridley, D/B/A Fridley Trucking, Dickinson, N. Dak. 58601, authorizing the transportation of malt beverages, orange juice, distilled water, sweeping compound, glassware, and advertising material, used in restaurants and bars, from Minneapolis-St. Paul and Shakopee, Minn., and Milwaukee, Sheboygan, and LaCrosse, Wis., to Dickinson, N. Dak., for the account of Johnston, Inc., of Dickinson, N. Dak.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16075 Filed 8-2-73;8:45 am]

[Notice No. 103]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 30, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that

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there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the Federal Register, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D. C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 64932 (Sub-No. 516 TA) (CORRECTION) filed July 5, 1973, published in the FEDERAL REGISTER issue of July 24, 1973, and republished as corrected this issue. Applicant: ROGERS CARTAGE CO. 10735 S. Cicero Avenue Oak Lawn, Ill. 60453 Applicant's representative: Carl L. Steiner 39 South LaSalle Street Chicago, Ill. 60603 Note: The purpose of this partial republication is to show that applicant correct name is ROGERS CARTAGE CO., in lieu of RELIANCE AGE CO., which was published in error in the Federal Register. The rest of the application remains the same.

No. MC 108207 (Sub-No. 370 TA) (CORRECTION) filed June 31, 1973, published in the FEDERAL REGISTER issue of July 26, 1973, and republished as corrected this issue. Applicant: FROZEN FOOD EXPRESS 318 Cadiz St. P.O. Box 5888 Dallas, Tex. 75222 Applicant's representative: J. B. Ham (Same address as above) Note: The purpose of this partial republication is to correct the MC number to No. MC 108207 (Sub-No. 370 TA) in lieu of No. MC 10827 (Sub-No. 370 TA) which was published in the Federal Register in error. The rest of the application remains the same.

No. MC 136343 (Sub-No. 15 TA) (CORRECTION) filed June 7, 1973, published in the FEDERAL REGISTER issue of July 12, 1973, as No. MC 134776 (Sub-No. 22 TA) and republished as corrected this issue. Applicant: MILTON TRANSPORTATION, INC. RD 1, P.O. Box 207 Milton, Pa. 17847 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Note: The purpose of this republication is to show that applicant now seeks to operate as a *common carrier*, in lieu of a contract carrier, which was published in error. Also applicant is now asigned No. MC 136343 (Sub-No. 15 TA) in lieu of No. MC 134766 (Sub-No. 22 TA) which was published in error. The rest of the application remains the same.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16072 Filed 8-2-73;8:45 am]

[Notice No. 325]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 31, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74640. By application filed July 25, 1973, HENRY H. R. COE, JR., AND MARTHA S. COE, doing business as CODY BUS LINE, P.O. Box 885, Cody, WY 82414, seeks temporary authority to lease the operating rights of JOHN WAGNER AND MAYBELLE WAGNER, doing business as CODY BUS LINE, 1436 Sheridan Ave., Cody, WY 82414, under section 210a(b). The transfer to HENRY H. R. COE, JR., AND MARTHA S. COE, doing business as CODY BUS LINE, of the operating rights of JOHN WAGNER AND MAYBELLE WAGNER, doing business as CODY BUS LINE, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16073 Filed 8-2-73;8:45 am]

[Notice No. 326]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 31, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74635. By application filed July 25, 1973, BARRE GRANITE TRANSFER, INC., Box 487, Barre, VT 05641, seeks temporary authority to lease the operating rights of LAWRENCE ANDREW LaFOUNTAIN (LEON FRIEDMAN, ADMINISTRATOR), doing business as BARRE GRANITE, RFD #2, Barre, VT 05641, under section 210a(b). The transfer to BARRE GRANITE TRANSFER, INC., of the operating rights of LAWRENCE ANDREW LaFOUNTAIN (LEON FRIEDMAN, ADMINISTRATOR), doing business as BARRE GRANITE, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16074 Filed 8-2-73;8:45 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order No. 33]

DIRECTOR, NATIONAL ENERGY OFFICE

Delegation of Authority

Pursuant to the authority vested in me by Executive Order No. 11695, it is hereby ordered as follows:

1. The authority with respect to petroleum products under section 203(a)(3) of the Economic Stabilization Act of 1970, as added by section 2(b) of the Economic Stabilization Act Amendments of 1973 is delegated to the Director of the National Energy Office established by Executive Order 11712, including, without limitation, the power and duty to make the determinations and take the actions required or permitted by the Act and the power to redelegate any of the authority thereunder.

2. Nothing herein shall be deemed to delegate any authority with respect to the stabilization of prices under section 203(a)(1) of the Act.

3. Cost of Living Council Order No. 27 is hereby rescinded.

4. This Order shall be effective immediately.

Dated: July 30, 1973.

GEORGE P. SHULTZ,
Chairman, Cost of Living Council.

[FR Doc.73-16180 Filed 8-2-73;11:27 am]

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FRIDAY, AUGUST 3, 1973
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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

■

CAPITAL EXPENDITURES

Proposed Limitation on Federal Participation

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[42 CFR Parts 51, 81]

CAPITAL EXPENDITURES

Proposed Limitation on Federal Participation

Notice is hereby given that the Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue a new Part 81 of Title 42, Code of Federal Regulations, entitled "Limitation on Federal Participation for Capital Expenditures", and to amend Part 51, Subpart A, of Title 42, Code of Federal Regulations, entitled "Grants to States for Comprehensive Health Planning".

The purpose of the proposed Part 81 is to implement the provisions of section 1122 of the Social Security Act, as added by section 221(a) of the Social Security Amendments of 1972 (86 Stat. 1386–89; 42 U.S.C. 1320a–1). The purpose of section 1122 is to assure that Federal funds appropriated under titles V, XVIII, and XIX of the Social Security Act are not used to support unnecessary capital expenditures made by or on behalf of health care facilities of health maintenance organizations which are reimbursed under any of such titles. Under section 1122, the Secretary of Health, Education, and Welfare is directed to make an agreement with any State which is able and willing to do so under which a designated planning agency will submit to the Secretary findings and recommendations relating to whether capital expenditures proposed by or on behalf of health care facilities and health maintenance organizations in the State are consistent with the standards, criteria, or plans developed pursuant to the Public Health Service Act or the Mental Retardation Facilities and Community Mental Health Centers Act of 1963. Where the designated planning agency finds that a proposed capital expenditure is not in conformity with such standards, criteria, or plans, or where timely notice of such an expenditure has not been provided to such agency, the Secretary is required, subject to certain exceptions set forth in the statute, to exclude from the Federal payments made under titles, V, XVIII, and XIX to the facility or organization expenses related to such capital expenditure.

The proposed new Part 81 sets forth requirements governing the agreements to be entered into pursuant to section 1122, including those relating to the agency to be named as the designated planning agency, criteria and procedures for review of proposed capital expenditures by the designated agency and other appropriate agencies in the State, and submission of findings and recommendations to the Secretary; and procedures for review of such findings and recommendations by the Secretary. Regulations relating to payment by the Secretary to States for the reasonable cost of performing the review functions (pursuant to section 1122(c)) and to the computation by the Secretary of the amounts to be excluded from reimbursement under titles V, XVIII, and XIX, are in preparation and will be published separately.

The proposed amendment to Subpart A of Part 51 would require that State plans for comprehensive health planning make provision for assisting health care facilities and health maintenance organizations to develop programs for capital expenditures in accordance with criteria to be established by the Secretary after consultation with the States, and sets forth criteria to be considered for such purpose.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed new 42 CFR Part 81 and the proposed amendment to Part 51, Subpart A, to the Comprehensive Health Planning Service, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20852, on or before September 4, 1973. Comments will be available for public inspection at Room 7–43, Parklawn Building, between the hours of 8:30 a.m. and 5 p.m., Monday through Friday.

It is therefore proposed to issue a new Part 81 of Title 42, and to amend Part 51, Subpart A, of Title 42, as set forth below.

Dated: July 18, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: July 23, 1973.

FRANK CARLUCCI,
Acting Secretary.

PART 81—LIMITATION ON FEDERAL PARTICIPATION FOR CAPITAL EXPENDITURES

1. Title 42, CFR, is amended by the addition of a new Part 81, to read as follows:

Sec.
81.101 Applicability.
81.102 Definition.
81.103 Expenditures covered.
81.104 Agreement; general.
81.105 Agreement; designated agency.
81.106 Agreement; procedures for agency review.
81.107 Agreement; criteria for agency review.
81.108 Determination by the Secretary.
81.109 Continuing effect of determinations.

AUTHORITY: Sec. 1122, Social Security Act; 42 U.S.C. 1320a–1.

§ 81.101 Applicability.

The provisions of this part are applicable to agreements entered into by the Secretary with the various States pursuant to section 1122 of the Social Security Act (42 U.S.C. Chap. 7), and to determinations made by the Secretary thereunder, for the purpose of assuring that Federal funds appropriated under titles V, XVIII, and XIX of the Social Security Act are not used to support unnecessary capital expenditures made by or on behalf of health care facilities or health maintenance organizations which are reimbursed under any of such titles and that, to the extent possible, reimbursement under such titles shall support planning activities with respect to health services and facilities in the various States.

§ 81.102 Definitions.

(a) "Act" means the Social Security Act, as amended (42 U.S.C. Chap. 7).

(b) "State" means any of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(c) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(d) "Person" means an individual, a trust or estate, a partnership, or a corporation (including associations, joint-stock companies, and insurance companies).

(e) "Health care facility" includes hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, home health agencies, and providers of outpatient physical therapy services (including speech pathology services) as defined in section 1861(e), (f), (g), (j), (o), and (p), respectively, of the Act (except that such term shall not apply with respect to outpatient physical therapy services performed by a physical therapist in his office or in a patient's home); kidney disease treatment centers, including freestanding hemodialysis units; intermediate care facilities as defined in section 1905(c) of the Act; and organized ambulatory health care facilities such as health centers, family planning clinics, and facilities providing surgical treatment to patients not requiring hospitalization (surgicenters), which are not part of a hospital but which are organized and operated to provide medical care to outpatients.

(f) "Health maintenance organization" means a public or private organization, organized under the laws of any State, which

(1) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage;

(2) Is compensated (except for copayments) for the provision of the basic health care services listed in subparagraph (1) of this paragraph to enrolled participants solely on a predetermined periodic rate basis; and

(3) Provides physicians' services primarily (i) directly through physicians who are either employees or partners of such organization, or (ii) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

§ 81.103 Expenditures covered.

Any capital expenditure proposed by or on behalf of any health care facility or health maintenance organization, the obligation for which is incurred by or on behalf of a health care facility or health maintenance organization after December 31, 1972, is subject to this part: *Provided, that,* In the case of a health care facility providing health care services as of December 18, 1970, which on such date is committed to a formal plan of expansion or replacement, this part shall not apply with respect to such expenditures as may be made or such obligations as may be incurred for capital items included in such plan where preliminary expenditures toward the plan of expansion or replacement (including payments for studies, surveys, designs, plans, working drawings, specifications, and site acquisition, essential to the acquisition, improvement, expansion, or replacement of the health care facility or equipment concerned) of $100,000 or more, had been made during the three-year period ended December 17, 1970.

(a)(1) For purposes of this part, a "capital expenditure" is an expenditure, including a force account expenditure (i.e., an expenditure for an internal work force employed by the facility), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance and which (i) exceeds $100,000, or (ii) changes the bed capacity of the facility with respect to which such expenditure is made, or (iii) substantially changes the services of the facility with respect to which such expenditure is made.

(2)(i) For purposes of paragraph (a)(1)(i) of this section, the cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of the plant and equipment with respect to which such expenditure is made shall be included in determining whether such expenditure exceeds $100,000.

(ii) For purposes of paragraph (a)(1)(i) of this section, where the estimated cost of a proposed project, including cost escalation factors appropriate to the area in which the project is located, is, within 60 days of the date on which the obligation for such expenditure is incurred, certified by a licensed architect or engineer to be less than $100,000, such expenditure shall be deemed not to exceed $100,000 regardless of the actual cost of such project: *Provided, that,* In any such case where the actual cost of the project exceeds $100,000, the health care facility or health maintenance organization on whose behalf such expenditure is made shall provide written notification of such cost to the designated planning agency not more than 30 days after the date on which such expenditure is incurred. Such notification shall include a copy of the certified estimate.

(iii) For purposes of paragraph (a)(1)(ii) of this section, the term "bed capacity" means licensed capacity under applicable State or local law, or, if there is no such law, the number of beds in a given facility as of January 1, 1973, as determined by the designated planning agency.

(iv) For purposes of paragraph (a)(1)(iii) of this section, a capital expenditure which "substantially changes the services" of a facility means a capital expenditure which results in the addition of a clinically related (i.e., diagnostic, curative, or rehabilitative) service not previously provided in the facility or the termination of such a service which had previously been provided in the facility.

(v) Any change in a proposed capital expenditure which itself meets the criteria set forth in this paragraph, shall, for purposes of this part, be deemed a capital expenditure.

(b) Where a person obtains, under lease or comparable arrangement, or through donation, any facility or part thereof, or equipment for a facility, the expenditure for which would have been considered a capital expenditure and subject to exclusion from reimbursement under titles V, XVIII, and XIX of the Act pursuant to this part if the person had acquired it by purchase, such acquisition shall be deemed a capital expenditure by or on behalf of such facility and the Secretary shall, subject to section 1122(d) of the Act:

(1) In the case of a donation which is carried by such person as a capital asset, or in computing such person's rental expense, in determining the Federal payments to be made under such titles V, XVIII, and XIX with respect to services furnished in such facility, deduct the amount which in his judgment is a reasonable equivalent of the amount that would have been excluded if the person had acquired such facility or equipment by purchase. The amount to be excluded pursuant to this subparagraph shall be based upon.

(i) The fair market value, as determined by the Secretary, in the case of real property; and

(ii) The Estimated Useful Lives of Depreciable Assets as set forth in the American Hospital Association Chart of Accounts for Hospitals, or comparable table for the computation of equipment values acceptable to the Secretary, in the case of equipment.

(2) In computing such person's return on equity capital, deduct any amount deposited under the terms of the lease or comparable arrangement.

(c) Obligation: An obligation for a capital expenditure shall be deemed to have been incurred by or on behalf of a health care facility or health maintenance organization

(1) When an enforceable contract is entered into by such facility or organization or by a person proposing such capital expenditure on behalf of such facility or organization for the construction, acquisition, lease or financing of a capital asset; or

(2) Upon the formal internal commitment of funds by such facility or organization for a force account expenditure which constitutes a capital expenditure; or

(3) In the case of donated property, the date on which the gift is completed in accordance with applicable State Law.

§ 81.104 Agreement; general.

The Secretary, after consultation with the Governor (or other chief executive officer) and with appropriate public officials, shall make an Agreement with any State which is able and willing to enter into such an agreement under which a designated planning agency (which shall be an agency described in § 81.105) will submit to the Secretary, together with such supporting materials as the Secretary may require, the following:

(a) With respect to each capital expenditure proposed by or on behalf of a health care facility or health maintenance organization in such State, the findings of such designated planning agency as to whether

(1) The designated planning agency or any other agency described in § 81.105 had been given notice of such proposed capital expenditure (in accordance with such procedure or in such detail as may be required pursuant to § 81.106) at least 60 days prior to obligation for such expenditure; and

(2) Such expenditure is or is not consistent with the standards, criteria, or plans developed pursuant to the Public Health Service Act (or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963) to meet the need for adequate health care facilities in the area covered by the plan or plans so developed.

(i) In reaching such findings, the designated planning agency shall consult with, and take into consideration the findings and recommendations of, the other agencies described in § 81.105.

(ii) Where the designated planning agency finds that such expenditure is not consistent with such standards, criteria, or plans, it shall submit to the Secretary the findings and recommendations of all such other agencies with which it has consulted.

(b) With respect to each proposed capital expenditure which is found by the designated planning agency to be not consistent with the standards, criteria, or plans described in paragraph (a) of this section, its recommendation as to whether the Secretary should either

(1) Exclude, in determining the Federal payments to be made under titles V, XVIII, and XIX of the Act with respect to services furnished in the health care facility or health maintenance organization for which such capital expenditure is made, any amount which is attributable to a depreciation, interest on borrowed funds, a return on equity capital (in the case of proprietary facilities), or other expenses related to such capital expenditure (in accordance with section 1122(d)(1) of the Act; or

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(2) Not exclude such expenses, on the ground that such facility or organization has demonstrated proof of capability to provide comprehensive health care services efficiently, effectively, and economically, and that such an exclusion would discourage the operation or expansion of such facility or organization, or of any facility of such organization.

(c) With respect to each proposed capital expenditure which is found by any other agency described in § 81.105 of this part to be not consistent with the standards, criteria, or plans described in paragraph (a) of this section within the field of responsibilities of such other agency, the findings and recommendations of such other agency.

(d) With respect to each proposed capital expenditure as to which the designated planning agency reaches a finding contrary to that reached by the local area planning agency described in § 81.105(a)(3), a statement of the reasons for such a contrary finding.

§ 81.105 Agreement; designated agency.

(a) The designated planning agency designated in the Agreement shall be one of the following:

(1) The State agency designated or established pursuant to section 314(a) of the Public Health Service Act as the sole agency for administering or supervising the administration of the State's health planning functions under the plan developed pursuant to such section 314(a).

(2) The State agency designated pursuant to section 604(a) of the Public Health Service Act as the sole agency for the administration of the State plan developed pursuant to Title VI of the Public Health Service Act.

(3) The public or nonprofit private agency or organization responsible for the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) of the Public Health Service Act covering the area in which the health care facility or health maintenance organization proposing such capital expenditure is or is proposed to be located or, if there is no such agency covering such area, such other public or nonprofit private agency or organization which is found by the State agency referred to in paragraph (a)(1) of this section and by the Secretary to be performing similar functions.

(b) The designated planning agency shall have a governing body or advisory board at least half of whose members represent consumer interests.

§ 81.106 Agreement: procedures for agency review.

(a) The Agreement shall provide for the following notification and review procedures:

(1) The designated planning agency shall establish and maintain procedures under which timely written notice of the intention to make a capital expenditure subject to this part is required to be given (i) to the designated planning agency, in which case such agency shall distribute copies of such notice to those other agencies described in § 81.105 whose respective fields of responsibility cover the proposed expenditure, or (ii) simultaneously to the designated planning agency and to those other agencies described in § 81.105 whose respective fields of responsibility cover the proposed expenditure. Such notice shall set forth the date on which the obligation is expected to be incurred, and must be received by the designated planning agency not less than 60 days prior to such date.

(2) Such notice shall be submitted in such form and manner and shall contain such information as may be required by the designated planning agency to meet the needs of all the agencies whose respective fields of responsibility cover the proposed expenditure. The designated planning agency shall promptly publicize its receipt of such notice through local newspapers and public information channels.

(3) If the notice under this paragraph is found by the designated planning agency to be incomplete, such agency shall notify the person proposing the capital expenditure within 15 days of its receipt of such incomplete notice, advising such person of the additional information required. Where such timely notification of incompleteness is provided, the period within which the agency is required to notify the person proposing such expenditure that such expenditure is not approved, as required by section 1122(d)(1)(B)(i) of the Act and paragraph (a)(4) of this section, shall run from the date of receipt by the agency of a notice containing such additional information.

(4) Except as provided in paragraph (a)(3) of this section, or unless the person proposing the capital expenditure agrees to a longer period, the designated planning agency shall, prior to the date set out in the written notice of intention submitted pursuant to paragraph (a)(1) of this section as the expected date for the obligation of the proposed expenditure (but subject to the provisions of paragraph (a)(3) of this section in no event later than 90 days after the receipt of such notice), provide written notification to the person proposing such capital expenditure (i) that such capital expenditure has been determined by such agency to be in conformity with the standards, criteria and plans described in § 81.104(a)(2), or (ii) that such agency has elected not to review the proposed capital expenditure (which election shall constitute a determination by such agency and plans); or (iii) that such agency after having consulted with, and taken into consideration the findings and recommendations of, the other agencies described in § 81.105 (to the extent that such proposed capital expenditure is within the respective fields of responsibility of such other agencies), has determined that the proposed capital expenditure would not be in conformity with the standards, criteria, or plans described in § 81.104(a)(2). The notification described in paragraph (a)(4)(iii) of this section shall be accompanied by a statement of the designated planning agency's proposed recommendation to the Secretary and the reasons therefor, a summary of the findings and recommendations of the other agencies with which such agency has consulted pursuant to paragraph (a)(4)(iii) of this section and shall provide an opportunity for a fair hearing with respect to the findings and recommendations of the designated planning agency at the request of the person proposing such capital expenditure.

(5) Copies of the findings and recommendations of the designated planning agency shall also be sent to the other agencies consulted, and shall be publicized through local newspapers and public information channels.

(b) Any person proposing a capital expenditure may withdraw his previously filed notice of proposed capital expenditure, without prejudice, by filing simultaneous written notification of such withdrawal with those agencies to which he gave notification pursuant to paragraph (a)(1) of this section, at any time prior to his receipt of notice pursuant to paragraph (a)(2)(i), (ii), or (iii) of this section.

(c) In addition to any other hearing which may be provided by an agency described in § 81.105 in connection with the review of a proposed capital expenditure under this part, the Agreement shall provide that the designated planning agency will grant to a person proposing a capital expenditure an opportunity for a fair hearing with respect to the findings and recommendations of the designated planning agency, and will establish and maintain procedures for such appeal. Such procedures shall include the following:

(1) The request for a hearing must be made in writing, to the designated planning agency, within 30 days after the date on which the person proposing the capital expenditure receives notice of an adverse finding or recommendation of the designated planning agency.

(2) The hearing shall be held as promptly as practicable consistent with the provision of adequate notice to the person requesting the hearing in accordance with the applicable requirements of State law, and shall be conducted by such agency or person, other than the designated planning agency, as the Governor (or other chief executive officer of the State) may designate for that purpose.

(i) The hearing shall be open to the public and shall be publicized through local newspapers and public information channels.

(ii) The person proposing the capital expenditure, the other agencies described in § 81.105, and other interested parties, including representatives of consumers of health services, shall be permitted to give testimony and present arguments at the hearing.

(iii) The record of the proceedings shall be transcribed and copies of the transcription, together with copies of all documents received in evidence, shall be available to the public for inspection and copying: *Provided*, That any person who requests copies of such material may be required to bear the costs thereof.

(3) As soon as practicable, but not more than 45 days after the conclusion of a hearing, the hearing officer shall notify the person who requested the hearing, the designated planning agency, the other agencies described in § 81.105 who participated in the hearing, and other interested parties at the discretion of the hearing officer, of his decision and the reasons therefor. Such decision shall be publicized through local newspapers and public information channels.

(4) Any decision of a hearing officer, arrived at in accordance with this paragraph, shall, to the extent that it reverses or revises the findings or recommendations of the designated planning agency, constitute the findings and recommendations of the designated planning agency: *Provided*, That where judicial review of such decision is obtained, the final decision of the reviewing court, to the extent that it modifies the findings and recommendations of the designated planning agency, shall to such extent constitute the findings and recommendations of the designated planning agency.

§ 81.107 Agreement; criteria for agency review.

The Agreement shall set forth the criteria under which the designated planning agency and the other agencies described in § 81.105 shall evaluate proposals for capital expenditures for purposes of this part to determine their conformance with the applicable standards, criteria and plans referred to in § 81.104(a)(2). Such criteria, to the extent provided for under such standards, criteria, or plans, shall include the following:

(a) Whether the proposed project is needed or projected as necessary to meet the needs in the community in terms of health services required: *Provided*, That projects for highly specialized services (such as open-heart surgery, renal transplantation, or radiation therapy) which will draw from patient population outside the community in which the project is situated will receive appropriate consideration;

(b) Whether the proposed project can be adequately staffed and operated when completed;

(c) Whether the proposed capital expenditure is economically feasible and can be accommodated in the patient charge structure of the health care facility or health maintenance organization without unreasonable increases; and

(d) Whether the project will foster cost containment through improved efficiency and productivity, including promotion of cost-effective factors such as ambulatory care, preventive health care services, home health care, and design and construction economies.

§ 81.108 Determination by the Secretary.

(a) Except as provided in paragraph (b) of this section, if the Secretary determines that (1) the designated planning agency has not been given timely notice of intention to make a capital expenditure in accordance with § 81.106, or (2) that the designated planning agency has, in accordance with the requirements of section 1122 of the Act and this part, submitted to the Secretary its finding that such expenditure is not consistent with the standards, criteria, or plans described in § 81.104(a)(2) then, for such period as he deems necessary to effectuate the purpose of section 1122 of the Act, he shall, in determining the Federal payments to be made under titles V, XVII, and XIX of the Act to such health care facility or health maintenance organization, exclude expenses related to such capital expenditure.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the Secretary, after submitting the matters involved to the National Advisory Health Council on Comprehensive Health Planning Programs (established pursuant to section 316 of the Public Health Service Act, 42 U.S.C. 247a) and after taking into consideration the recommendations of the designated planning agency and the other agencies described in § 81.105 with respect to such expenditure, determines that an exclusion of expenses related to any capital expenditure of any health care facility or health maintenance organization would discourage the operation or expansion of such facility or organization, or of any facility of such organization, which has demonstrated to his satisfaction proof of capability to provide comprehensive health care services efficiently, effectively, and economically, or would otherwise be inconsistent with the effective organization and delivery of health services or the effective administration of titles V, XVIII, or XIX of the Act, he shall include such expenses in Federal payments under such titles.

(c) Upon making a determination under this section the Secretary will promptly notify the person proposing such capital expenditure, the designated planning agency, and the other agencies described in § 81.105 with which the designated planning agency has consulted, of such determination and the basis for such determination.

(d) Any person dissatisfied with a determination by the Secretary under section 1122 of the Act or this part with respect to a particular capital expenditure may, within six months following the date of such determination, request the Secretary to reconsider such determination.

(1) Such request for reconsideration shall be in writing, addressed to the Secretary of Health, Education, and Welfare or to any officer or employee of the Department of Health, Education, and Welfare to whom the Secretary has delegated responsibility to receive such requests, and shall set forth the grounds based upon the record of the proceedings and any issues of law, upon which such reconsideration is requested.

(2) Reconsideration will be based upon the record of the proceedings, which shall consist of the findings, recommendations and supporting materials submitted to the Secretary by the designated planning agency (including the findings and recommendations of other agencies) which relate to the findings and recommendations involved, the record of the hearing provided by the designated planning agency, if any, and of any judicial proceedings, the materials submitted in connection with such request, and such comments as the Secretary may request from the designated planning agency.

(3) Notice of any reconsidered determination under this paragraph shall be sent to the designated planning agency and the person requesting such reconsideration.

(4) A determination by the Secretary is, under section 1122 of the Act, not subject to administrative or judicial review.

§ 81.109 Continuing effect of determinations.

(a) Except in the case of a long-term construction plan of the type described in paragraph (b) of this action, where the designated planning agency has found that a proposed capital expenditure is in conformity with the standards, criteria, and plans described in § 81.104(a)(2), the obligation for such capital expenditure shall be incurred not less than one year following the date of such finding, or such shorter period as may be required by applicable State law: *Provided*, That in the absence of any State law to the contrary, the Secretary may, pursuant to a showing of good cause by the person proposing such expenditure, extend the period during which such obligation must be incurred for up to an additional six months. If no such obligation is incurred within such period, the designated planning agency's approval shall, for purposes of this part, be deemed to be terminated upon the expiration of such period.

(b) In the case of any capital construction plan proposed by or on behalf of a health care facility or health maintenance organization under which a series of obligations for capital expenditures for discrete components of the plan is to be incurred over a period longer than one year, the designated planning agency may review and approve or disapprove, for purposes of this part, those of such capital expenditures which it estimates will be incurred within three years following the date of such approval or disapproval.

(c)(1) In any case in which the Secretary has determined pursuant to a finding by the designated planning agency that a proposed capital expenditure is not in conformity with the standards, criteria, or plans described in § 81.104(a)(2), that expenses related to such capital expenditure shall not be included in determining Federal payments under titles V, XVIII, and XIX of the Act the health care facility or health maintenance organization to whom such payments are made shall be entitled, upon its request to the designated planning agency in such form and manner and supported by such information as such agency may require, to a reconsideration by the designated planning agency of such finding:

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(i) Whenever there is a substantial change in existing or proposed health facilities or services, of the type proposed, in the area served by such facility or organization;

(ii) Upon a substantial change in the need for facilities or services, of the type proposed, in the area served by such facility or organization, as reflected in the standards, criteria or plans referred to in § 81.104(a)(2); or

(iii) At any time following the expiration of three years from the date of the finding of the designated planning agency or of its last reconsideration of such finding pursuant to this paragraph, whichever is later.

(2)(i) If, upon reconsideration of its finding pursuant to this paragraph, and after consulting with and taking into consideration the findings and recommendations of the other agencies described in § 81.105, the designated planning agency finds that the facilities or services provided by such capital expenditure are in conformity with the standards, criteria, and plans described in § 81.104(a)(2) it shall promptly so notify the Secretary and the person submitting such request.

(ii) If the designated planning agency, upon such reconsideration, reaffirms its previous finding, the procedure set forth in § 81.106 following an initial determination shall be followed.

(3) Upon notification by a designated planning agency of a revised finding in accordance with paragraph (c)(2) of this section, the Secretary will include, in determining future payments under titles V, XVIII, and XIX of the Act, expenses related to such capital expenditure. Such expenses will be included for periods following the date of such notification only, and amounts previously excluded shall not be taken into account in determining Federal payments under titles V, XVIII, and XIX of the Act.

2. Paragraph (l) of 42 CFR 51.4 is amended to read as follows:

§ 51.4 State program requirements.

* * * * *

(l) *Program for capital expenditures.* (1) The State program must incorporate by reference a written program providing for assisting, through consultation, provision of information, and advice, each health care facility and health maintenance organization in the State to develop a program for capital expenditures for replacement, modernization, and expansion in accordance with criteria which will meet the needs of the State for health care facilities, equipment and services without duplication and otherwise in the most efficient and economical manner. Such criteria will be established by the Secretary after consultation with the State, and will be based on the following considerations:

(i) Whether a proposed project is needed or projected as necessary to meet the needs in the community in terms of health services required: *Provided*, That projects for highly specialized services which will draw from patient population outside the community will receive appropriate consideration;

(ii) Whether a proposed project can be adequately staffed and operated when completed;

(iii) Whether a proposed capital expenditure is economically feasible and can be accommodated in the patient charge structure of the health care facility or health maintenance organization without unreasonable increases; and

(iv) Whether a project will foster cost containment through improved efficiency and productivity, including promotion of cost-effective factors such as ambulatory care, preventive health care services, home health care, and design and construction economies.

(2) The State agency furnishing such assistance shall periodically review such capital expenditure program of each health care facility or health maintenance organization in the State and recommend appropriate modification thereof.

(3) The assistance and review required under this paragraph may be provided either by the State comprehensive health planning agency itself, or, under such State agency's control and supervision, by a local public or private nonprofit agency, or by another State agency qualified and authorized to provide such assistance and designated in the State program as the agency with the primary responsibility therefor.

(4) For purposes of this section, the term "health care facility" includes hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, home health agencies, and providers of outpatient physical therapy services (including speech pathology services) as defined in section 1861(e), (f), (g), (j), (o) and (p), respectively, of the Social Security Act (except that such term shall not apply with respect to outpatient physical therapy services performed by a physical therapist in his office or in a patient's home); kidney disease treatment centers, including freestanding hemodialysis units; intermediate care facilities as defined in section 1905(c) of the Social Security Act; and organized ambulatory health care facilities such as health centers, family planning clinics, and facilities providing surgical treatment to patients not requiring hospitalization (surgicenters), which are not part of a hospital but which are organized and operated to provide medical care to outpatients.

(5) For purposes of this section, the term "health maintenance organization" means a public or private organization, organized under the laws of any State which

(i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services; usual physician's services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage;

(ii) Is compensated (except for copayments) for the provision of the basic health care services listed in subsection (i) of this subparagraph to enrolled participants solely on a predetermined periodic rate basis; and

(iii) Provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(Sec. 314(a), Public Health Service Act; 42 U.S.C. 246(a)).

[FR Doc.73-15674 Filed 8-2-73;8:45 am]

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FRIDAY, AUGUST 3, 1973
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PART III



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION AND INDEX TO GENERAL WAGE DETERMINATION DECISIONS AS OF JULY 6, 1973

Area Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions

General wage determination decisions. General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes these procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

New general wage determination decisions. New General Wage Determination Decision No. AQ–2003 for the State of Massachusetts.

Modification to general wage determination decisions. Modifications to General Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Alabama:	
AP–1106	June 22, 1973
Arizona:	
AP–260	Jan. 19, 1973
AP–297	Apr. 27, 1973
AP–901	May 11, 1973
AP–1,005; AP–1006	July 20, 1973
California:	
AP–1002; AP–1003	July 13, 1973
Colorado:	
AP–911	June 22, 1973
Delaware:	
AQ–2002	July 27, 1973
Illinois:	
AP–897	June 8, 1973
AP–1017	June 1, 1973
Maryland:	
AP–856	June 22, 1973
Massachusetts:	
AP–811; AP–812; AP–814; AP–815; AP–816	May 11, 1973
Michigan:	
AP–77	Dec. 22, 1972
Montana:	
AP–914	June 29, 1973
New Jersey:	
AP–836	May 25, 1973
New York:	
AP–451	Nov. 25, 1972
AP–452	Dec. 15, 1972
AP–453	Dec. 22, 1972
AP–469	Feb. 9, 1973
AP–807; AP–808	May 11, 1973
AP–844	June 8, 1973
AP–859; AP–860	July 6, 1973
Pennsylvania:	
AP–404	July 28, 1972
AP–488	Mar. 9, 1973
AP–817; AP–818; AP–819; AP–820; AP–821	May 18, 1973
AQ–2000	July 13, 1973
Texas:	
AP–396	Jan. 26, 1973
AP–721; AP–722; AP–724; AP–728; AP–729	Apr. 27, 1973

Supersedeas decisions to general wage determination decisions. Supersedeas Decisions to General Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decision being superseded):

Alabama:	
AM–8589(AQ–4002)	Mar. 17, 1972
Arkansas:	
AM–8589(AQ–4002)	Mar. 17, 1972
California:	
AP–280(AQ–1007) AP–281 (AQ–1008)	Mar. 30, 1973
Florida:	
AM–8589(AQ–4002)	Mar. 17, 1972
Iowa:	
AM–2449(AQ–12); AM–2451(AQ–13); AM–2457 (AQ–14); AM–2459(AQ–11)	Aug. 25, 1971
AP–527(AQ–17); AP–528 (AQ–16); AP–530(AQ–15)	May 4, 1972
Kentucky:	
AM–8589(AQ–4002)	Mar. 17, 1972
Louisiana:	
AM–8589(AQ–4002)	Mar. 17, 1972
Mississippi:	
AM–8589(AQ–4002)	Mar. 17, 1972
Missouri:	
AM–8589(AQ–4002)	Mar. 17, 1972
Tennessee:	
AM–8589(AQ–4002)	Mar. 17, 1972
Texas:	
AM–8589(AQ–4002)	Mar. 17, 1972
AP–723(AQ–10)	Apr. 27, 1973

Signed at Washington, D.C., this 27th day of July 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage & Hour Division.

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NEW DECISION

STATE: Massachusetts
DECISION NO.: AQ-2,003
DESCRIPTION OF WORK: Residential construction consisting of single family houses and garden type apartments up to and including 4 stories.

COUNTY: Middlesex
DATE: Date of publication

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pension	Vacation	App. Tr.	Others
Laborers:						
Ashland, Belmont, Bedford, Concord, Framingham, Hollister, Lexington, Lincoln, Maynard, Natick, Newton, Sherborn, Sudbury, Waltham, Watertown, Wayland, Weston, Hudson, Stow	7.35	.45	.50		.01	
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Stoneham, Winchester, Woburn	7.35	.45	.55		.01	
Remainder of County	7.50	.45	.55		.01	
Painters:						
Arlington, Belmont, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Winchester, Woburn:						
Bruch, tapers	7.61	.32	.30		.04	
Spray, sandblasting	8.61	.32	.30		.04	
Steel	7.61+a	.32	.30		.04	
Ayer, Fort Devens, Shirley:						
Bruch	7.83	.50	.25		.02	
Spray, sandblasting	8.83	.50	.25		.02	
Structural steel	8.455	.50	.25		.02	
Acton, Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Wilmington:						
Bruch	7.27	.33	.20			
Spray	8.02	.33	.20			
Concord, Lexington, Lincoln, Newton, Watertown, Waltham, Weston:						
Bruch	7.00	.35	.25			
Spray, sandblasting	7.95	.35	.25			
Steel	7.25	.35	.25			
Natick, Sherborn, Wayland:						
Bruch	7.00	.35	.25			
Spray	7.95	.35	.25			
Structural steel	7.25	.35	.25			
Boxboro, Fayville, Glenscondale, Hudson, Marlboro, Maynard, Stow:						
Bruch	4.35					
Spray	5.30					
Steel	4.60					
Ashland, Framingham, Hollister, Hopkinton, Sudbury:						
Bruch	4.55	.15				
Spray	5.50	.15				
Steel	4.80	.15				
Reading, Wilmington:						
Bruch	4.10	.15				
Spray	5.10	.15				
Steel	4.40	.15				

COUNTY: Middlesex
DATE: Date of publication

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pension	Vacation	App. Tr.	Others
Bricklayers and stone masons:						
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville	8.45	.50	.50		.04	
Ashland, Framingham, Hollister, Hopkington, Hudson, Marlboro, Maynard, Natick, Sherborn, Stow	8.45	.50	.50		.04	
Bedford, Billerica, Boxford, Carlisle, Chelmsford, Dracut, Lowell, Tewksbury, Tyngsboro, Westford, Wilmington	8.45	.50	.50			
Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Watertown, Woburn, Weston, Winchester, Acton, Ashby, Ayer, Boxboro, Dunstable, Fort Devens, Groton, Littleton, Pepperell, Shirley, Townsend	8.45	.50	.50		.04	
North Reading, Reading, Wakefield	8.60	.45	.40			
Carpenters and soft floor layers:	8.56	.39	.50		.04	
Ashland, Framingham, Hudson, Hopkington, Marlboro, Maynard, Hollister, Sherborn, Stow	8.25	.50	.70			
Remainder of County	8.50	.50	.30		.07	
Cement masons:	8.45	.50	.50		.02	
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Wakefield, Stoneham, Wilmington, Winchester, Woburn	8.90	.35	.20		.04	
Acton, Bedford, Burlington, Tyngsboro, Westford, Lowell	8.60	.55	.30		.04	
Reading, North Reading	8.05	.385	.50			
Remainder of County	8.45	.50	.50			
Electricians:						
Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, Wilmington	8.52	.25	15%+.20		.02	
Ashby, Ayer, Groton, Pepperell, Shirley, Townsend	8.30	.45	15%+.25		.02	
Ashland, Hopkington, Marlboro, Stow	9.33	5%	15%+.10		.01	
North Reading	9.02	.25	15%+.05		.02	
Remainder of County	9.10	.35			.05	
Ironworkers:	8.29	.45	1.05		.03	
Ayer, Marlboro, Fort Devens	8.29	.45	1.05		.05	
Remainder of County	8.80	.40	.40			
Laborers:						
Asphalt rakers, pneumatic-gas-elec. tool op., diamond bend & carside core drilling machines, stone rakers & spreaders, wagon drill	7.05	.40	.40		.05	
Blasters & powdermen	7.53	.40	.40		.05	
Plasterers tenders; Mason tenders	7.05	.40	.40		.05	

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AQ-2,003 P. 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Plasterers:						
Arlington, Cambridge, Everett, Malden, Medford, Somerville, Stoneham, Wakefield, Winchester, Woburn	7.75	.45	1.00		.02	
Bedford, Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Lowell, Tewksbury, Tyngsboro, Westford, Wilmington	8.60	.55				
Concord, Lexington, Lincoln, Waltham, Weston	8.45	.50	.50		.04	
Reading, North Reading	8.05	.385	.30			
Plumbers:						
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Woburn, Newton, Reading, Stoneham, Wakefield, Watertown, Winchester, Somerville	9.35	.50	.60		.03	
Ashland, Belmont, Concord, Framingham, Holliston, Hopkington, Lexington, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Waverly, Wayland, Weston	8.675	.53	.55		.025	
Acton, Bedford, Boxboro, Burlington, Billerica, Carlisle, Chelmsford, Dracut, Lowell, Hudson, Littleton, Tewksbury, Westford, Wilmington	8.59	.40	.40		.02	
Ashby, Ayer, Fort Devens, Groton, Shirley, Townsend	8.50	.30	.40		.02	
Roofers	8.00	.30	.20			
Sheet metal workers	8.73	.46	.45		.02	
Steamfitters:						
Arlington, Cambridge, Everett, Malden, Melrose, Medford, Newton, Reading, Stoneham, Wakefield, Watertown, Winchester, Woburn, Somerville	9.26	.51	.65		.05	
Ashland, Belmont, Concord, Framingham, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Waverly, Wayland, Weston	8.675	.53	.55		.025	
Remainder of County	8.59	.40	.40		.02	
Tile setters	8.20	.20	.25			
Tile setters' helpers	6.50	.20	.10			

FOOTNOTE:
a. Employer pays $5.00 per day extra above brush rate.

AQ-2,003 P. 4

MASS-1-PEO-1-2-3-c (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Shovels, cranes, truck cranes, dragline, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

AQ-2,003 P. 5

MASS-1-PEO-1-2-3-c (2-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-prisometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

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MASS-1-TD-1 -A 1 of 1

TRUCK DRIVERS

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	C
Two axle equipment	$3.97	.24	.35	a+b	
Three axle equipment	4.02	.24	.35	a+b	
Four and five axle equipment	4.12	.24	.35	a+b	
Low bed trailer	4.22	.24	.35	a+b	
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b	
Helpers on low beds	3.97	.24	.35	a+b	

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

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MODIFICATIONS P. 1

DECISION #AP-1,106 - Mod. #1
(38 FR 16000 - June 22, 1973)
Mobile County, Alabama

Change:
Building Construction:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Plumbers and Steamfitters	$8.25	.30	.35	e	.02	
Sheet Metal Workers	7.29	.40	.40	d	.01	

DECISION #AP-260 - Mod. #4
(38 FR 2027 - January 19, 1973)
~~Pima County, Arizona~~

Change:
Plumbers; Steamfitters:
FREE ZONE 0-15 miles
The "Free Zone" (Zone I shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the City limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow, and Holbrook will be included as Free Zones. Any work contracted for outside of these zones will be determined from the Phoenix and Tucson basing points.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
	$8.10	.50	1.07	1.00	.10	
Zone II (15-30 miles)	8.40	.50	1.07	1.00	.10	
Zone III (30-45 miles)	8.75	.50	.107	1.00	.10	
Zone IV (Over 45 miles)	9.85	.50	1.07	1.00	.10	

MODIFICATIONS P. 2

DECISION #AP-297 - Mod. #3
(38 FR 10557 - April 27, 1973)
Coconino County, Arizona

Change:
Plumbers; Steamfitters:
FREE ZONE 0-15 miles
The "Free Zone" (Zone I shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the state base point. In addition, all areas within the City limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow, and Holbrook will be included as Free Zones. Any work contracted for outside of these zones will be determined from the Phoenix and Tucson basing points.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
	$8.10	.50	1.07	1.00	.10	
Zone II (15-30 miles)	8.40	.50	1.07	1.00	.10	
Zone III (30-45 miles)	8.75	.50	1.07	1.00	.10	
Zone IV (Over 45 miles)	9.85	.50	1.07	1.00	.10	

MODIFICATIONS P. 3

DECISION #AP-901 - Mod. #3
(38 FR 12526 - May 11, 1973)
Cochise, Pima and Santa Cruz Counties, Arizona

Change:
Plumbers; Steamfitters:
FREE ZONE 0-15 miles
The "Free Zone" (Zone I shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the City limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow and Holbrook will be included as Free Zones. Any work contracted for outside of these zones will be determined from the Phoenix and Tucson basing points.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
	$8.10	.50	1.07	1.00	.10	
Zone II (15-30 miles)	8.40	.50	1.07	1.00	.10	
Zone III (30-45 miles)	8.75	.50	1.07	1.00	.10	
Zone IV (Over 45 miles)	9.85	.50	1.07	1.00	.10	

MODIFICATIONS P.4

DECISION #AQ-1,005 - Mod. #1
(38 FR 19617 - July 20, 1973)
Maricopa (Phoenix-Glendale-Mesa-Scottsdale, Tempe, Luke AFB and Williams AFB) County, Arizona

Change:
Plumbers; Steamfitters:
FREE ZONE 0-15 miles
The "Free Zone" (Zone I shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the City limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow and Holbrook will be included as Free Zones. Any work contracted for outside of these Zones will be determined from the Phoenix and Tucson basing points.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
	$8.10	.50	1.07	1.00	.10	
Zone II (15-30 miles)	8.40	.50	1.07	1.00	.10	
Zone III (30-45 miles)	8.75	.50	1.07	1.00	.10	
Zone IV (Over 45 miles)	9.85	.50	1.07	1.00	.10	
Plumbers: (Phoenix Area) Refrigeration; Air conditioning; Plumbing service; Lawn sprinkler; Utility; Swimming pool mechanics	6.00	.50			.02	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AO-1,006 - Mod. #1 (38 FR 19623 - July 20, 1973) Greenlee, Maricopa and Mohave Counties, Arizona						
Change: Plumbers; Steamfitters: FREE ZONE 0-15 miles The "Free Zone" (Zone I shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the City limits of Pheonix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow, and Holbrook will be included as Free Zones. Any work contracted for outside of these Zones will be determined from the Phoenix and Tucson basing points.	$8.10	.50	1.07	1.00	.10	
Zone II (15-30 miles)	8.40	.50	1.07	1.00	.10	
Zone III (30-45 miles)	8.75	.50	1.07	1.00	.10	
Zone IV (Over 45 miles)	9.85	.50	1.07	1.00	.10	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AO-1,002 - Mod. #1 (38 FR 18832 - July 13, 1973) San Diego County, California						
Change:						
Brick, Block & Stonemasons' tenders	$6.21	.35	.65	.40		
Carpenters:						
Carpenters	7.51	.56	.85	.50	.02	
Piledrivermen	7.64	.56	.85	.50	.02	
Millwrights; Pneumatic nailer; Hardwood floorlayers	7.76	.56	.85	.50	.02	
Glaziers	9.05	.35	.30			
Marble Masons; Terrazzo Workers; Tile Setters	7.26	.40	.65	.60		
Parking Lot Striping Work and/or Highway Markers:						
Traffic delineating device applicator	6.27	.20	.20	b		
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	5.88	.20	.20	b		
Helper (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator, striper)	5.38	.20	.20	b		
Plaster Tender	7.45	.35	.65	.40		

FOOTNOTE:

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation for one year's service, $.20 per hour after one year but less than five years' service, $.30 per hour after five years but less than ten years' service, $.40 per hour after ten years' service.

DECISION #AO-1,002 Cont'd.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack	$5.48	.40	1.00	.50		
CUTTING TORCH OPERATOR (demolition); Scaler	5.53	.40	1.00	.50		
GUINEA CHASER	5.56	.40	1.00	.50		
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (sewer and drainage lines); Landscape Gardener and Nursery Man	5.58	.40	1.00	.50		
LABORER (packing rod steel and pans); Tank scaler and cleaner	5.605	.40	1.00	.50		
DRILLER'S HELPER (Caisson) incl. bellowers; Boring machine	5.61	.40	1.00	.50		
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadmen)	5.63	.40	1.00	.50		
CESSPOOL DIGGER AND INSTALLER	5.66	.40	1.00	.50		
CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making of joints, scaling, caulking, diapering, and incl. rubber gasket joints; Pointing and any and all other services	5.67	.40	1.00	.50		
ASPHALT RAKER, IRONER, SPREADER; Buggy-mobile man; Cement dumper (on 1 yd. or larger mixers and handling bulk cement); Concrete saw man (excl. tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pump; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	5.69	.40	1.00	.50		

DECISION #AO-1,002 Cont'd.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS: (cont'd)						
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	$5.74	.40	1.00	.50		
DRILLERS, all others where drilling is for use of explosives	5.77	.40	1.00	.50		
PIPELAYER, METALLIC OR NON-METALLIC (Incl. water sewage, solid, gas, air); Welding in connection with laborers' work	5.79	.40	1.00	.50		
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	5.82	.40	1.00	.50		
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	5.84	.40	1.00	.50		
STEEL HEADERBOARD MAN	5.905	.40	1.00	.50		
DRILLERS - (all power drills, incl. jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (Nozzleman)	5.93	.40	1.00	.50		
POWDERMAN, BLASTERS	5.965	.40	1.00	.50		
HEAD ROCK SLINGER	6.00	.40	1.00	.50		

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MODIFICATIONS P.9

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AO-1,003 - Mod. #1 (38 FR 18839 - July 13, 1973) San Diego County, California						
Change:						
Brick, Block & Stonemasons' tenders	$6.21	.35	.65	.40		
Carpenters:						
Carpenters	7.51	.56	.85	.50	.02	
Piledrivermen	7.64	.56	.85	.50	.02	
Millwrights; Pneumatic nailer; Hardwood floorlayers	7.76	.56	.85	.50	.02	
Glaziers	9.05	.35	.30			
Marble Masons; Terrazzo Workers; Tile Setters	7.26	.40	.65	.60		
Parking Lot Striping Work and/or Highway Markers:						
Traffic delineating device applicator	6.27	.20	.20	b		
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	5.88	.20	.20	b		
Helper (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator, striper)	5.38	.20	.20	b		
Plaster Tender	7.45	.35	.65	.40		

FOOTNOTE:
b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation for one year's service, $.20 per hour after one year but less than five years' service, $.30 per hour after five years but less than ten years' service, $.40 per hour after ten years' service.

MODIFICATIONS P. 10

DECISION #AO-1,003 Cont'd.

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack	$5.48	.40	1.00	.50		
CUTTING TORCH OPERATOR (demolition); Scaler	5.53	.40	1.00	.50		
GUINEA CHASER	5.56	.40	1.00	.50		
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (sewer and drainage lines); Landscape Gardener and Nursery Man	5.58	.40	1.00	.50		
LABORER (packing rod steel and pans); Tank scaler and cleaner	5.605	.40	1.00	.50		
DRILLER'S HELPER (Caisson) incl. bellowers; Boring machine	5.61	.40	1.00	.50		
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadman)	5.63	.40	1.00	.50		
CESSPOOL DIGGER AND INSTALLER	5.66	.40	1.00	.50		
CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making of joints, sealing, caulking, diapering, and incl. rubber gasket joints; Pointing and any and all other services	5.67	.40	1.00	.50		
ASPHALT RAKER, IRONER, SPREADER; Buggy-mobile man; Cement dumper (on 1 yd. or larger mixers and handling bulk cement); Concrete saw man (excl. tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pump; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	5.69	.40	1.00	.50		

MODIFICATIONS P.11

DECISION #AO-1,003 Cont'd.

LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	$5.74	.40	1.00	.50	
DRILLERS, all others where drilling is for use of explosives	5.77	.40	1.00	.50	
PIPELAYER, METALLIC OR NON-METALLIC (incl. water sewage, solid, gas, air); Welding in connection with laborers' work	5.79	.40	1.00	.50	
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	5.82	.40	1.00	.50	
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	5.84	.40	1.00	.50	
STEEL HEADERBOARD MAN	5.905	.40	1.00	.50	
DRILLERS - (all power drills, incl. jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (Nozzleman)	5.93	.40	1.00	.50	
POWDERMAN, BLASTERS	5.965	.40	1.00	.50	
HEAD ROCK SLINGER	6.00	.40	1.00	.50	

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-911 - Mod. #2 (38 FR 16604 - June 22, 1973) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, Larimer, Summit and Weld Counties, Colorado						
Change:						
Building Construction						
Carpenters:						
Adams, Arapahoe, Boulder, Denver, Douglas, Elbert, Jefferson Cos.						
Area (A) Denver Metropolitan Area including Lousiville, Golden, Boulder and Longmont basing points						
Zone I (0 to 20 miles)	$7.465	.45	.45	.30	.03	
Zone II (20 to 50 miles)	8.29	.45	.45	.30	.03	
Zone III (50 miles and over)	9.11	.45	.45	.30	.03	
Weld County						
Area (B) Denver Northeastern Area of Colorado Greeley basing point						
Zone I (0 to 20 miles)	7.42	.45	.45	.30	.03	
Zone II (20 to 50 miles)	8.22	.45	.45	.30	.03	
Zone III (50 miles and over)	9.03	.45	.45	.30	.03	
Larimer County (S.E. portion within Loveland basing point, Zone I)	7.465	.45	.45	.30	.03	
Remainder of Larimer County	6.87	.45	.45	.30	.03	
Electricians (Remaining Counties)	8.38	.54	1%+.16		2/10%	
Cable splicers (Remaining Cos.)	8.63	.54	1%+.16		2/10%	
Millwrights	7.24	.45	.40	.40	.04	

MODIFICATION P. 13

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Decision #AO-2,002 - Mod. #1 (38 FR 20160 - July 27, 1973) Statewide Delaware						
OMIT: Truck Drivers Building, Heavy and Highway Construction for all counties as orginally issued.						
ADD: Truck Drivers - Building Construction						
Dumps (single axle), dumpsters, escort & pilot vehicles, flatbody material trucks (straight job), fork lifts, form trucks, greasers, material checkers & receivers, panel trucks, pickups, rubber-tired (towing or pushing vehicles), tiremen and truck mechanic helpers, truck helpers	$5.46	.3675	.35	d		
A-frame, agitator or mixers, asphalt distributor, dispatcher, low boys, semi-trailers, tandems and batch trucks, truck mechanic second class	5.61	.3675	.35	d		
Euclid type or similar off-highway equipment (where not self-loaded), off-highway tandem back-dump, specialized earth moving equipment, truck mechanic first class, twin engine equipment & double-hitched equipment (where not self loaded)	5.71	.3675	.35	d		
Truck Drivers - Heavy & Highway Construction:						
Dump trucks (single axle), dumpsters, escort & pilot vehicles, flatbody material trucks (straight jobs), greasers, material checkers & receivers, panel trucks, pickups, rubber-tired (towing or pushing flatbody vehicles), tiremen & truck mechanic helpers, truck helpers	4.61	.3675	.35	d		
A-frame, agitator or mixers, asphalt distributors, dispatcher, low boys, semi-trailers, tandems & batch trucks, truck mechanics second class	4.76	.3675	.35	d		

MODIFICATIONS P.14

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Euclid type or similar off-highway equipment (where not self-loaded), specialized earth moving equipment, truck mechanics first class, twin engine equipment & double-hitched equipment (where not self-loaded)	$4.86	.3675	.35	d		

Footnote:
d. A through F, provided that the employee worked the schedule work day preceding and following the holiday.

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-697 - Mod. #1 (38 FR 15279 - June 8, 1973) St. Clair County, Illinois						
CHANGE: Under Painters Schedule: Hazardous Work (Bridges, TV & Radio Towers, High Line Towers, Water Towers, Smoke Stacks & Grain Elevators Spraying Air-Less with Fan 24" or over	$9.55	.25	.15			
DECISION #AP-1017 - Mod. #1 (38 FR 14578 - June 1, 1973) Clay, Crawford, Edwards, Effingham, Fayette, Hamilton, Jasper, Marion, Lawerence, Richland, Wabash, Wayne & White Counties						
OMIT: Under Carpenters & Piledrivermen: Portion of Dist. #7 under Jurisdiction of Local #347-Mattoon including Effingham Co. & west of Hwy. #130 in Jasper Co. incl. Newton Carpenters & Piledrivermen	$6.85	.25	.20		.02	
CHANGE: Under Carpenters & Piledrivermen: District #7	$7.20	.30	.30		.02	
Cement Masons: Marion Co., (Salem & Centralia) So. Portion of Jefferson Co; No. ½ of Hamilton Co., S.E. portion of Wayne County	$7.30	.15				
Crawford, Clay, Edwards, Fayette, Effingham, Jasper, Lawerence, Richland, Wabash, White & the Remainder of Hamilton, Jefferson, Wayne & Marion Counties	$7.45					

MODIFICATIONS P. 16

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Decision #AP-855 - Mod. #2 (38 FR 13612 - June 22, 1973) Baltimore City and Baltimore County, Maryland						
CHANGE:						
Bricklayers	$8.75	.40	.50		.07	
Cement masons	8.62	.25	.30			
Electricians	8.50	.50	1¼+.20		½%	
Lathers	8.59		.35		.01	
Marble setters	8.75	.40	.50		.07	
Plasterers	8.30	.35	.30			
Sheet metal workers	8.17	.55	.50		.05	
Sprinkler fitters: Excluding Baltimore City	9.05	.30	.50		.05	
Stone masons	8.75	.40	.50		.07	
Tile and Terrazzo Workers	6.99	.40	.40		.04	

XUM 38 FR 21010-21011 8-3-73

MODIFICATIONS P.17

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-811 - Mod. #4 (38 FR 12539 - May 11, 1973) Barnstable County, Massachusetts						
Change:						
Asbestos workers:						
Remainder of County	$8.955	.55	.50		.01	
Electricians:						
Electrical contracts under $12,000.00	7.25	.25	1%+.25		a	
Electrical contracts over $12,000.00	8.63	.25	1%+.25		a	
DECISION #AP-812 - Mod. #3 (38 FR 12542 - May 11, 1973) Essex County, Massachusetts						
Change:						
Asbestos workers	$8.955	.55	.50		.01	
Electricians:						
Andover, Lawrence, Methuen, & North Andover	9.02	.25	1%+.10		.02	
Painters:						
Essex, Gloucester, Manchester, & Rockport						
Brush	6.20	.30				
Spray	6.65	.30				
Roller	6.50	.30				
DECISION #AP-814 - Mod. #5 (38 FR 12550 - May 11, 1973) Middlesex County, Massachusetts						
Change:						
Asbestos workers	$8.955	.55	.50		.01	
Electricians:						
Bedford	9.09	.25	1%+.20		.02	
DECISION #AP-815 - Mod. #4 (38 FR 12554 - May 11, 1973) Suffolk County, Massachusetts						
Change:						
Asbestos workers	$8.955	.55	.50		.01	

MODIFICATIONS P.18

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-816 - Mod. #4 (38 FR 12558 - May 11, 1973) Worcester County, Massachusetts						
Change:						
Electricians:						
Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	$9.33	5%	1%+.24		.01	
Pipefitters	9.75	.35	.25		.025	
Plumbers; Steamfitters:						
Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	9.225	.65	.45			
DECISION #AP-77 - Mod. #2 (37 FR 28374 - December 22, 1972) Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Gratiot, Hillsdale, Huron, Ingham, Ionia, Jackson, Kalamazoo, Kent, Lapeer, Lenawee, Livingston, Midland, Montcalm, Muskegon Ottawa, Saginaw, Sanilac, Shiwassee, St. Clair, St. Joseph, Tuscola and Van Buren Counties, Michigan						
Change:						
Truck Drivers:						
Lapeer, Lenawee, Livingston and St. Clair counties						
Trucks less than 8 cu. yds.	$7.11	a	b		.15	
Trucks over 8 cu. yds.	7.21	a	b		.15	
Euclid type equipment, double bottoms and low-boys used for hauling heavy equipment	7.36	a	b		.15	
Remainder of Counties						
Trucks less than 8 cu. yds.	7.01	a	b		.15	
Trucks over 8 cu. yds.	7.11	a	b		.15	
Euclide type equipment, double bottoms and low-boys used for hauling heavy equipment	7.26	a	b		.15	

Footnotes:

a. $15.00 per week, per employee
b. 413.00 per week, per employee

DECISION #AP-914 - Mod #2 (38 FR 17396 - June 29, 1973) Statewide, Montana

MODIFICATIONS P. 19

MONT-1-TD-1-2-3-h (1-2)

Change:

Truck Drivers	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	C
COMBINATION Truck; Concrete Mixer and Transit Mixer:						
To and incl. 4 cu. yds.	$6.30	.475	.325			
Over 4 cu. yds. to and incl. 6 cu. yds.	6.38	.475	.325			
Over 6 cu. yds. to and incl. 8 cu. yds.	6.46	.475	.325			
Over 8 cu. yds. to and incl. 10 cu. yds.	6.54	.475	.325			
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER AND HELPER	6.23	.475	.325			
DRY BATCH TRUCKS:						
3 Batch or under	6.05	.475	.325			
Over 3 Batch to and incl. 5 Batch	6.18	.475	.325			
Over 5 Batch to and incl. 10 Batch	6.34	.475	.325			
Over 10 Batch to and incl. 15 Batch	6.50	.475	.325			
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment						
DUMPMAN, GRAVEL SPREADER BOX: Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters and Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	6.05	.475	.325			
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:						
7 cu. yds. or less	6.05	.475	.325			
Over 7 cu. yds. to and incl. 10 cu. yds.	6.18	.475	.325			
Over 10 cu. yds. to and incl. 15 cu. yds.	6.34	.475	.325			
Over 15 cu. yds. to and incl. 20 cu. yds.	6.48	.475	.325			
Over 20 cu. yds. to and incl. 25 cu. yds.	6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. to and incl. 35 cu. yds.	6.66	.475	.325			
Over 35 cu. yds. to and incl. 40 cu. yds.	6.72	.475	.325			
Over 40 cu. yds. to and incl. 45 cu. yds.	6.78	.475	.325			
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
DUMPSTERS	6.18	.475	.325			

DECISION #AP-914 (Cont'd) MODIFICATIONS P. 20

MONT-1-TD-1-2-3-h (2-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:						
To and incl. 25 cu. yds.	$6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
SERVICEMEN	6.79	.475	.325			
POWDER TRUCK DRIVER (bulk unloader type)	6.23	.475	.325			
FLAT TRUCKS:						
To and incl. 3 Tons	6.05	.475	.325			
Over 3 tons Factory rating	6.40	.475	.325			
FUEL TRUCK; SERVICE TIREMEN	6.52	.475	.325			
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	6.40	.475	.325			
LUMBER CARRIERS, LIFT TRUCKS; Power broom	6.14	.475	.325			
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:						
2,500 gals. and under	6.05	.475	.325			
Over 2,500 gals. to and incl. 4,500 gals.	6.34	.475	.325			
Over 4,500 gals. to and incl. 6,000 gals.	6.54	.475	.325			
Over 6,000 gals. to and incl. 8,000 gals.	6.60	.475	.325			
Over 8,000 gals. to and incl. 10,000 gals.	6.68	.475	.325			
Over 10,000 gals. - additional $.08 per hour each additional 2,000 gals. increment						
WINCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, GROUTCRETE, AND COMBINATION MULCHING, SEEDING AND FERTILIZING	6.30	.475	.325			
TRUCK MECHANIC	6.79	.475	.325			

XUM 38 FR 21012 08-03-73

MODIFICATIONS P. 22

DECISION #AM-651 - Mod. #1
(37 FR 2099 - November 25, 1972)
Saratoga County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.	Other
Omit:					
Power Equipment Operators:					
Building Construction					
Heavy and Highway Construction					.02
Add:					
Power Equipment Operators:					
Building Construction					
Heavy and Highway Construction					

MODIFICATIONS P. 21

DECISION #AM-836 - Mod. #1
(38 FR 13951 - May 25, 1973)
Camden & Gloucester Counties, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.	Other
Changes:					
Building, Heavy & Highway Construction:					
Carpenters, Insulators & soft floor layers	$9.37	.30	6%		.02
Ironworkers:					
Structural, ornamental & reinforcing	9.08	.43	1.07		
Laborers, Building:					
Laborers	6.65	.35	.30		
Brick tenders, mortar mixers, scaffold builders (brick), hod carriers (brick), power tool operator (brick), pot tender (gunnite) and mortar mixer (gunnite)	6.80	.35	.30		
Burners, mud buggy operators	6.925	.35	.30		
Laborers' tenders & plasterers' tenders	7.20	.35	.30		
Jackhammer op., concrete vibrator & barco tamper operator	7.05	.35	.30		

AP-451 MODIFICATIONS P. 24 N.Y. 73-HFO-2-3-H

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENT: H&W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Automatic line grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.15	.70	.40	a	.10
Backhoe (tractor mounted, rubber-tired), bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, Cherry picker-5 tons & under, compressors (4 or less) exceeding 2,600 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 C.Y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Holman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self-propelled, remarl machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.85	.70	.40	a	.10
Compressors (4 not to exceed 2,600 C.F.M. combined capacity), or 3 or less with more than 2,600 C.F.M., but not to exceed 2,600 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pump, welding machines					

AP-451 MODIFICATIONS P. 23 N.Y. 73-HFO-1-C

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Oilers	7.41	.70	.40	a	.10
Firemen and heavy duty greasers, all boilers and steam generators	7.46	.70	.40	a	.10
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, belt-crete power pac (beltcrete system), electric submersible pump 4" and over	7.55	.70	.40	a	.10
Dinkey locomotives, Easter Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power broom and sweepers	7.72	.70	.40	a	.10
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or load hoists, post hole diggers, trenchers, core and well drillers (one drum), conewagle and similar type machines, elevators, A-B frame winches, power heisting(single drum)	7.99	.70	.40	a	.10
LeTourneau graders or scrapers, trenching machines, push cart	8.105	.70	.40	a	.10
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hoists, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocranes, model CMI Vibratamp or similar machines, Murphy type diesel generator-beltcrete system, side boss, hydro hammer, tractor mounted drill (quarry master) euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plants, derrick whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), bucking machine	8.26	.70	.40	a	.10

PAID HOLIDAYS:
A-New Years Day; B-Memorial Day; C-Independence Day
D-Labor Day; E-Thanksgiving Days F- Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

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MODIFICATIONS P. 25

N.Y. 23-PEO-2-3- H 2 of 2

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.35	.70	.40	a	.10
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	6.70	.70	.40	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

MODIFICATIONS P. 26

DECISION #AP-452 - Mod. #3
(37 FR 26782 - December 15, 1972)
Albany County, New York

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Omit:						
Power Equipment Operators: Building, Heavy and Highway-Construction, City of Albany and Building Construction Remainder of County .						
Heavy and Highway Construction Remainder of County						
Add:						
Power Equipment Operators: Building, Heavy and Highway-Construction, City of Albany and Building Construction Remainder of County						
Heavy and Highway Construction Remainder of County						

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Building, Heavy and Highway Construction City of Albany and Building Construction, Remainder of County

MODIFICATIONS P.27

N.Y. 3-PEO-1- G

Power Equipment Operators:	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C
Oilers	7.41	.70	.40	a	.10	
Firemen and heavy duty greasers, all boilers and steam generators	7.46	.70	.40	a	.10	
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, belterete power pac (belterete system), electric submersible pump 4" and over	7.55	.70	.40	a	.10	
Dinkey locomotives, Barber Greene loaders, Loaders and conveyers, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers	7.72	.70	.40	a	.10	
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, trenchers, core and well drillers (one drum), econemobile and similar type machines, elevators, A-L frame winches, power hoisting(single drum)	7.99	.70	.40	a	.10	
LeTourneau graders or scrapers, trenching machines, push cart	8.105	.70	.40	a	.10	
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydracrane, model CMI Vibrotamp or similar machines, Murphy type diesel generator-belterete system, side booms, hydro hammer, tractor mounted drill (quarry master) euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and ever), mucking machine	8.26	.70	.40	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

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MODIFICATIONS P. 28

N.Y. 23-PEO-2-3- H 2 of 2

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.35	.70	.40	a	.10
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	6.70	.70	.40	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

XUM 38 FR 21016 8-3-73

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MODIFICATIONS P. 29

N.Y. 23-PEO-2-3- H

Heavy and Highway Contruction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. T.
POWER EQUIPMENT OPERATORS: Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.15	.70	.40	a	.1
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Koiman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.85	.70	.40	a	
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M., compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

DECISION #AP-453 - Mod. #2
(37 FR 28380 - December 22, 1972)
Monroe County, New York

Omit:
Power Equipment Operators:
Building Construction

Excavating for Site Preparation and Water Lines

Heavy and Highway Construction

Add:
Power Equipment Operators:
Building Construction

Excavating for Site Preparation and Water Lines

Heavy and Highway Construction

MODIFICATIONS P.30

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other

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MODIFICATIONS P. 31 N.Y. 12-PEO-1- R 1 of 2

BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OT
CRANES:						
121 ft. and under	$8.75	.40+.30	.40	a	.10	
121 - 151 ft.	9.00	.40+.30	.40	a	.10	
151 - 201 ft.	9.25	.40+.30	.40	a	.10	
201 - 251 ft.	9.50	.40+.30	.40	a	.10	
251 - 301 ft.	10.00	.40+.30	.40	a	.10	
301 - 351 ft.	10.50	.40+.30	.40	a	.10	
351 - 401 ft.	11.00	.40+.30	.40	a	.10	
401 - 451 ft.	11.50	.40+.30	.40	a	.10	
Air tugger, backhoe, clamshell, dragline, shovel & similar machines over three-eighths (3/8 cu. yd. capacity (factory rating), big generator plant, bridge crane (all types), cableway, caisson auger & similar type machine, climbing and/or tower crane (all kinds & all types), derrick, dredge, forklift (with factory rating of fifteen (15) ft. or more of lift), hoist (on steel erection), mucking machine, ross carrier (and similar types), three drum hoist (when all drums are in use)	8.75	.40+.30	.40	a	.10	
"A" Frame truck, back filling machines, barber green & similar type loader, belt crete & similar type machine, bituminous spreading machine, bulldozer, carry-all type scraper, compressors: four (4) not to exceed 2000 c.f.m. combined capacity; or three (3) or less with more than 1200 c.f.m., but to exceed 2000 c.f.m., concrete mixer, concrete pump, core drill, crane-hoe-shovel (3/8 yd. capacity or less); (factory rating), dinky locomotive (all types), elevating type grader, elevator, fine grade machine (all kinds), front end loader, forklift (with factory rating of less than fifteen (15) ft. of lift), high pressure boiler (over 15 lbs. pressure) hoist (1 or 2 drums), maintenance engineer, motor grader, post hole digger, sheepsfoot roller, side boom, stone crusher, submersible electric pump, when used in lieu of well point system, tandem roller, tournamull, tower mobile and similar kinds, trenching machine, vibratory type roller and similar equipment of all kinds, welder, well drill, well point system	8.57	.40+.30	.40	a	.10	

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MODIFICATIONS P.32 N. Y. 12-PEO-1- R 2 of 2

BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	O
Any combinatinn (not to exceed three (3) pieces of equipment), pumns, welding machines or mechanical convevors (over 12 feet in length), belt crete generator, compressors - 3 or less not to exceed 1200 c.f.m. combined capacity, fireman, longitudinal float, mechanical heater, roller (fill and grade), rubber tired tractor	7.475	.40+.30	.40	a	.10	
Oilers	7.475	.40+.30	.40	a	.10	

Paid Holidays:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:

a. Holidays: A through F (providing employee works the working day either immediately preceding a hnliday or on the scheduled work day immediately following the holiday.

XUM 38 FR 21018 21019

AP-453 MODIFICATIONS P. 33

NEW YORK-13-PEO-2-J 1 of 2

EXCAVATING FOR SITE PREPARATION SEWER AND WATER LINES	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS						
Automatic fine grader, backhoe (except tractor mounted, rubber tired), black-top plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker-over 5 ton capacity, crane cranes and derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 c.y. and over), hoist, two or three drum, pile driver, power grader with elevating loader attachment, quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	8.25	.35	.65	a	.10	
Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, black-top plant (non-automated), boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker-5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and over), hoist, one drum, Kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance engineer, maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer power grader, pump crete, ready mix concrete plant, road widener, roller (all above sub-grade), side boom, tractor scraper, tractor with dozer and/or pusher, trencher, winch, mechanical slurry machine, power broom	8.05	.35	.65	a	.10	
Compressors: 4 not to exceed 2,000 c.f.m. combined capacity; or 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressors (any size but subject to other provisions for compressors), dust collectors, generators,						

AP-453 MODIFICATIONS P. 34

NEW YORK-13-PEO-2-J 2 of 2

EXCAVATING FOR SITE PREPARATION SEWER AND WATER LINES	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
pumps, welding machines (four of any type or combination), concrete pavement spreaders and finishers, conveyor, drill, core, drill, well electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine fork lift, gunite machine, hammers-hydraulic-self propelled, locomotive, post hole digger and post driver, roller, (grader and fill), tractor with towed accessories, vibrator compactor, vibro tamp, well point, pumps, regardless of motive power, no more than 4 in number not to exceed 20" in total capacity, submersible electric pumps when used in lieu of well points	7.75	.35	.65	a	.10	
Compressor (any size, but subject to other provisions for compressors, dust collectors, generators, welding machines (three or less of any type or combination) concrete mixer (16S or under), concrete saw-self propelled, fireman, form tamper, mulching machine, oiler, power broom, power heaterman, revinius widener, steam cleaner, tractor, pumps regardless of motive power, no more than 3 in number not to exceed 12" in total capacity	7.15	.35	.65	a	.10	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, provided employee works the working day before and the working day after the holiday.

AP-453 MODIFICATIONS P. 35

N.Y. 23-PEO-2-3- H

Heavy and Highway Contruction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.15	.70	.40	a	.10
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, black-top plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.85	.70	.40	a	.10
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

AP-453 MODIFICATIONS P. 36

N.Y. 23-PEO-2-3- H 2 of 2

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.35	.70	.40	a	.10
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	6.70	.70	.40	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

XUM 37 3 9CA 54183V

MODIFICATIONS P. 37

DECISION #AP-469 - Mod. #3
(37 FR 4109 - February 9, 1973)
Broome County, New York

Omit:
Power Equipment Operators:
Heavy and Highway Construction

Add:
Power Equipment Operators:
Heavy and Highway Construction

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other

AP-469 MODIFICATIONS P. 38
N.Y. 23-PEO-2-3- H 2 of 2

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.35	.70	.40	a	.10
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine; oiler, power broom, power heaterman, revinius widener, steam cleaner, tractor	6.70	.70	.40	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

AP-469 MODIFICATIONS P. 39
N.Y. 23-PEO-2-3- H

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENT			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.15	.70	.40	a	.10
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Koleman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.85	.70	.40	a	.1
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

MODIFICATIONS P. 40

DECISION #AP-807 - Mod. #2
(38 FR 12582 - May 11, 1973)
Jefferson County, New York

Omit:
Power Equipment Operators:
Heavy and Highway Construction

Add:
Power Equipment Operators:
Heavy and Highway Construction

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other

XUM 37 3 OCA 5418 3V

Heavy and Highway Contruction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	
POWER EQUIPMENT OPERATORS: Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.05	.90	.40	a	.10	
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, black-top plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.75	.90	.40	a	.10	
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines						

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	O
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.25	.90	.40	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom, power heaterman, revinius widener, steam cleaner, tractor	6.60	.90	.40	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

DECISION #AP-808 - Mod.#2
(38 FR 12587 - May 11, 1973)
Onondaga County, New York

Omit:
Power Equipment Operators:
Heavy and Highway Construction

Add:
Power Equipment Operators:
Heavy and Highway Construction

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other

Heavy and Highway Contruction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.05	.90	.40	a	.10
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, black-top plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.75	.90	.40	a	.10
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

XUM 38 FR 21024 21025

AP-808

MODIFICATIONS P. 45 N.Y. 4-PEO-2-3-L 2 of 2

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	O
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.25	.90	.40	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine; oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	6.60	.90	.40	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

MODIFICATIONS P. 46

DECISION #AP-844 - Mod. #2
(38 FR 15341 - June 8, 1973)
Oneida County, New York

Omit:
Power Equipment Operators:
Heavy and Highway Construction

Add:
Power Equipment Operators:
Heavy and Highway Construction

Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other

NOTICES

AP-844

MODIFICATIONS P. 47 N.Y. 4-PEO-2-3-L 1 of

Heavy and Highway Contruction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.05	.90	.40	a	.10
Backhoe (tractor mounted, rubber-tired bituminous spreader & mixer, black-top plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.75	.90	.40	a	.10
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

AP-844

MODIFICATIONS P. 48 N.Y. 4-PEO-2-3-L 2 of 2

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.25	.90	.40	a	.10
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine; oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	6.60	.90	.40	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

NOTICES

XUM 37 3 9CA 6411834

MODIFICATIONS P. 49

DECISION # AP-859 - Mod. #1
(38 FR 18156 - July 6, 1973)
Schenectady County, New York

Omit:
Power Equipment Operators:
Building, Heavy and Highway Construction in the City of Schenectady and Building Construction in Remainder of County

Heavy and Highway Construction:
Remainder of County

Add:
Power Equipment Operators:
Building, Heavy and Highway Construction in the City of Schenectady and Building Construction in Remainder of County

Heavy and Highway Construction:
Remainder of County

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others

AP-859
MODIFICATIONS P. 50
N.Y. 3-PEO-1- G

Building, Heavy and Highway Construction in the City of Schenectady and Building Construction in the Remainder of County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Oilers	7.41	.70	.40	a	.10
Firemen and heavy duty greasers, all boilers and steam generators	7.46	.70	.40	a	.10
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, morter mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temperary light plants, concrete pump, belterete power pac (belterete system), electric submersible pump 4" and over	7.55	.70	.40	a	.10
Dinkey locomotives, Barber Greene loaders, Loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers	7.72	.70	.40	a	.10
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or lod hoists, post hole diggers,					
travexators, core and well drillers (one drum), concmobile and similar type machines, elevators, A-L frame winches, power hoisting(single drum)	7.99	.70	.40	a	.10
LeTourneau graders or scrapers, trenching machines, push cart	8.105	.70	.40	a	.10
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters,two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar machines, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master) euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plant, derrick, whirlies, tower cranes, cableways,hydraulic cranes, power hoisting (2 drum and over), mucking machine	8.26	.70	.40	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

REMAINDER OF COUNTY AP-859
MODIFICATIONS P.51 N.Y. 23-PEO-2-3- H

Heavy and Highway Contruction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENT			
		H&W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.15	.70	.40	a	.10
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Koleon plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.85	.70	.40	a	.10
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

REMAINDER OF COUNTY AP-859
MODIFICATIONS P. 52 N.Y. 23-PEO-2-3- H 2 of 2

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.35	.70	.40	a	.10
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, fireman, form tamper, mulching machine; oiler, power broom power bosterman, revinius widener, steam cleaner, tractor	6.70	.70	.40	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

38 FR 21028 AUG 3 1973
MUM

MODIFICATIONS P. 53

DECISION # AP-860 - Mod. #1
(38 FR 18160 - July 6, 1973)
Rensselaer County, New York

Omit:
Power Equipment Operators:
City of Troy, Building, Heavy and Highway Construction, Remainder of County, Building Construction

Heavy and Highway Construction:
Remainder of County

Add:
Power Equipment Operators:
City of Troy, Building, Heavy and Highway Construction, Remainder of County, Building Construction

Heavy and Highway Construction:
Remainder of County

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others

AP-860

City of Troy, Building, Heavy and Highway Construction, Remainder of County, Building Construction

MODIFICATIONS P. 54

N.Y. 3-PEO-1- G

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Oilers	7.41	.70	.40	a	.10
Firemen and heavy duty greasers, all boilers and steam generators	7.46	.70	.40	a	.10
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temperary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over	7.55	.70	.40	a	.10
Dinkey locomotives, Barber Greene loaders, Loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers	7.72	.70	.40	a	.10
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, trenchers, core and well drillers (one drum), econombile and similar type machines, elevators, A-L frame winches, power hoisting(single drum)	7.99	.70	.40	a	.10
LeTourneau graders or scrapers, trenching machines, push cart	8.105	.70	.40	a	.10
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMS Vibrotamp or similar machines, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master) euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine	8.26	.70	.40	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

AP-860

Remainder of County

MODIFICATIONS P. 55

N.Y. 23-PEO-2-3- H

Heavy and Highway Contruction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS:					
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.15	.70	.40	a	.10
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.85	.70	.40	a	.10
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

AP-860

Remainder of County

MODIFICATIONS P. 56

N.Y. 23-PEO-2-3- H

2 of 2

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.35	.70	.40	a	.10
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, fireman, form tamper, mulching machine; oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	6.70	.70	.40	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

38 FR 21030 AUG 3 1973
XUM

MODIFICATIONS P. 57

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
DECISION #AP-404 - Mod. #6 (37 FR 15279 - July 28, 1972) Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania						
Change:						
Carpenters	$8.77	1.23	.55		.07	
Millwrights	9.27	1.23	.55		.07	
Plasterers	8.52	.53			.01	
Laborers: (Schedule Attached)						
DECISION #AP-488 - Mod. # 2 (38 FR 6620 - March 9, 1973) Lackawanna County, Pennsylvania						
Change: Decision number Issued in 38 FR 19825 - July 13, 1973 to read AP-488						

DECISION NO. AP-404 (CONT'D)

MODIFICATIONS P. 58

PA-51-LAB - W

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all reinforced steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shoveling & tamping of asphalt, spading & concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of Laborers	$6.71	.44	.20			
Mason tender, power buggies, burners on demolition	6.81	.44	.20			
Wagon drill operator (single)	6.86	.44	.20			
Powdermen, wagon drill operator (multiple)	7.01	.44	.20			
Circular Caissons Excavation: Caisson groundmen	7.01	.44	.20			
Caisson bottom man	7.11	.44	.20			
Underpinning Excavation: Laborers, working at depth of 8 feet or under	7.01	.44	.20			
Yard workers	6.65	.44	.20			

MODIFICATIONS P. 59

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
DECISION #AP-817 - Mod. #3 (38 FR 13279 - May 18, 1973) Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania						
Change:						
Carpenters	$9.22	1.23	.55	a	.07	
Laborers: (Schedule Attached)						

DECISION NO. AP-817 CONT'D)

MODIFICATIONS P. 60

PA-51-LAB-2-1- H

HEAVY & HIGHWAY CONSTRUCTION LABORER	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Powdermen, Multiple wagon drill op.	$6.95	.45	.20			
Finished surface asphalt rakers, op., pipelayers, caulkers, conduct and duct layers	6.75	.45	.20			
Other pneumatic tool ops., Laborers stripping concrete forms, carrying or handling lumber, steel & steel mesh and other concrete materials, form pinners, tool room men, Mortar mixers, Concrete pitmen & spaders, Grade men, Asphalt shovelers, Men working in sheeting, Men working in shoring, Men working in lagging, Laborers assisting in the setting of cut stone, granite or artificial stone, hod carriers, Scaffold builders	6.65	.45	.20			
Wagon drill operators	6.80	.45	.20			
YARD WORKERS: Laborers, Scale mixermen, Burnermen Dustmen. Feeders	6.55	.45	.20			
FREE AIR TUNNELS: Miners, Miners bore driver, Blasters, Drillers, Pneumatic Shield operators, Welders & Burners	7.20	.45	.20			
Miners' helpers, Form setters	8.05	.45	.20			
Trackmen, Brakemen, Groutmen, Bottom shaft men, All others in free air tunnels	6.90	.45	.20			
Circular caisson excavation bottom men	7.05	.45	.20			
Underpinning excavation bottom men	6.95	.45	.20			
All other laborers on construction work, with the exception of workers in compressed air	6.65	.45	.20			

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MODIFICATIONS P. 61

DECISION #AP- 819 - Mod. #3
(38FR 13203 - May 18, 1973)
Luzerne County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Changes:						
Bricklayers:						
Hazleton, Berwick and Freeland	$7.35	.30	.50			
Laborers: (Hazleton)						
Mason tenders including scaffold builders	6.20	.25	.25			
Pneumatic, electrical & mechanical tool operators, 2" pumps - non metallic pipelaying and making joint clay, terra, ironstone, vitrified concrete, handling of burning torches, asphalt or other hot materials, cement finishers and blasters helpers, power buggies, walk along hoist	5.90	.25	.25			
Plasterer tenders, blasters, and wagon drill operators	6.05	.25	.25			
Laborers	5.80	.25	.25			
Marble setters:						
Remainder of County	8.32					

DECISION #AP-819 - Mod. #3
(38 FR 13285 - May 18, 1973)
Montgomery County, Pennsylvania

Changes:						
Carpenters	$8.77	1.23	.55		.07	
Glaziers:						
Pottstown, Lower Pottsgrove, Upper Pottsgrove, Limrick, Lower Frederick, Upper Salford, Sounderton, Greenland, Upper Hanover, New Hanover, Douglas, Marlboro Twps.	7.32	.25	.10		.01	
Millwrights	9.27	1.23	.55		.07	
Plasterers	8.52	.53			.01	
Laborers:						
(Schedule Attached)						

DECISION #AP-820 - Mod. #3
(38 FR 13289 - May 18, 1973)
Philadelphia County, Pennsylvania

Changes:						
Carpenters	8.77	1.23	.55		.07	
Millwrights	9.27	1.23	.55		.07	
Plasterers	8.52	.53			.01	
Laborers:						
(Schedule Attached)						

MODIFICATIONS P. 62

DECISION NOS. AP-819 - AP-820 (CONT'D)

PA-51-LAB - W

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all reinforced steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shoveling & tamping of asphalt, spading & concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of Laborers	$6.71	.44	.20			
Mason tender, power buggies, burners on demolition	6.81	.44	.20			
Wagon drill operator (single)	6.86	.44	.20			
Powdermen, wagon drill operator (multiple)	7.01	.44	.20			
Circular Caissons Excavation:						
Caisson groundmen	7.01	.44	.20			
Caisson bottom man	7.11	.44	.20			
Underpinning Excavation:						
Laborers, working at depth of 8 feet or under	7.01	.44	.20			
Yard workers	6.65	.44	.20			

MODIFICATIONS P. 63

DECISION #AP-821 - Mod. #3
(38 FR 13292 - May 18, 1973)
Delaware County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Changes:						
Carpenters	$8.77	1.23	.55		.07	
Millwrights	9.27	1.23	.55		.07	
Laborers:						
(Schedule Attached)						

DECISION #AQ-2,000 - Mod. #1
(38 FR 18852 - July 13, 1973)
Berks County, Pennsylvania

Changes:
Decision number pages 2-3 and 4 to read AQ-2,000

DECISION NO. AP-821 (CONT'D)

MODIFICATIONS P. 64

PA-51-LAB - W

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all reinforced steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shoveling & tamping of asphalt, spading & concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of Laborers	$6.71	.44	.20			
Mason tender, power buggies, burners on demolition	6.81	.44	.20			
Wagon drill operator (single)	6.86	.44	.20			
Powdermen, wagon drill operator (multiple)	7.01	.44	.20			
Circular Caissons Excavation:						
Caisson groundmen	7.01	.44	.20			
Caisson bottom man	7.11	.44	.20			
Underpinning Excavation:						
Laborers, working at depth of 8 feet or under	7.01	.44	.20			
Yard workers	6.65	.44	.20			

XUM 37 3 9CA 69118 3V

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-396 - Mod. #2 (38 FR 2646 - January 26, 1973) Cameron, Hidalgo, Starr & Willacy Counties, Texas						
Change: Building Construction: Asbestos workers	$6.905	.35	.295			
DECISION #AP-721 - Mod. #5 (38 FR 10585 - April 27, 1973) Bexar County, Texas						
Change: Building Construction: Electricians: Electricians	7.58	.25	1%		1/2%	
Cable splicers	7.83	.25	1%		1/2%	
DECISION #AP-722 - Mod. #2 (38 FR 10588 - April 27, 1973) Harris County, Texas						
Change: Building Construction: Ironworkers: Structural; Ornamental; Reinforcing	7.145	.40	.50		.075	
Soft floor layers	6.62	.25	.10		.05	
DECISION #AP-724 - Mod. #2 (38 FR 10594 - April 27, 1973) Galveston County, Texas						
Change: Building Construction: Ironworkers: Structural; Ornamental; Reinforcing	7.145	.40	.50		.075	
Soft floor layers	6.62	.25	.10		.05	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-728 - Mod. #5 (38 FR 10606 - April 27, 1973) Nueces County, Texas						
Change: Building Construction: Asbestos workers	$6.905	.35	.295			
DECISION #AP-729 - Mod. #3 (38 FR 10609 - April 27, 1973) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties, Texas						
Change: Building Construction: Asbestos workers	7.56	.30	.51		.025	
Carpenters: Carpenters: Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.39	.30	.30		.02	
Power saw operators: Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.515	.30	.30		.02	
Painters: Grayson, Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.: Brush	7.155	.30	.20		.04	
All wall covering work; paper, fabric, sheeting, flexwood, etc.	7.405	.30	.20		.04	
Ames tool operators	7.28	.30	.20		.04	
Structural steel, stage work, bosun chair, spray gun, sandblasting & window jacks, fire escapes	7.53	.30	.20		.04	
Soft floor layers	7.11	.25	.20		.03	

SUPERSEDEAS DECISION

STATES: ALABAMA, ARKANSAS, FLORIDA (WEST OF THE AUCILLA RIVER), KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, TEXAS AND TENNESSEE

DECISION NUMBER: AQ-4002 DATE: Date of Publication

Supersedes Decision No. AM-0589 dated March 17, 1972 in 37 FR 5654

DESCRIPTION OF WORK: Dredging along the Gulf Coast Area including the Mississippi River and its Tributaries from it's mouth to the mouth of the Ohio River.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Electricians	$2.80					
Carpenters	2.96					
Dozer operators	2.80					
Derrick operators	2.50					
HYDRAULIC DREDGING:						
Chief cook	2.40					
Second cook	2.12					
Cook helper	2.00					
Janitor (Cabin boy)	2.00					
Dredges under 16 inches:						
Leverman	2.95					
1st assistant engineer	2.70					
2nd assistant engineer	2.00					
3rd assistant engineer	2.00					
Welder	2.10					
Dredge tender operator	1.94					
Deckhand	1.70					
Handyman	1.90					
Laboror	1.70					
Oiler	1.80					
Dredges 16 inches and over:						
Leverman	3.06					
1st assistant engineer	3.00					
2nd assistant engineer	2.80					
Dredge tender op. 250 hp & over	2.60					
Dredge tender op. under 250 hp	2.34					
Oiler	2.10					
Fireman	2.26					
Machinist	2.86					
Welder	2.80					
Welders helper	2.10					
Deckhands	1.80					
Laborers	1.70					
Handyman	2.26					
Truck drivers	2.10					
BUCKET DREDGING:						
Cooks	2.00					
Operators	2.50					
Deckhands	1.60					
Oilers	1.60					

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SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DATE: Date of Publication

DECISION NUMBER: AQ-1,007
Supersedes Decision No. AR-280 dated March 30, 1971 in 38 FR 8361.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$9.97	.68	.72		.045	
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
Imperial County	8.25	.62	.80		.05	
Inyo, Kern, and Mono Counties	7.80	.40	.40	.30	.05	
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd. incl. Long Beach); Orange County	8.30	.65	.70		.07	
Los Angeles County (except cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd. incl. Long Beach)	8.53	.65	.70		.07	
Riverside and San Bernardino Counties	7.37	.65	.70		.07	
Santa Barbara and San Luis Obispo Cos.	8.29	.65	.45			
Ventura County	7.60	.50	1.00		.01	
BRICK TENDERS:						
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, and San Bernardino Counties	6.00	.55	1.10	.30		
Santa Barbara County	5.725	.55	1.10	.575		
San Luis Obispo County	5.90	.55	1.10	.30		
CARPENTERS:						
Carpenters	7.05	.74	.95	.70	.01	
Saw filers	7.13	.74	.95	.70	.01	
Table power saw operators	7.15	.74	.95	.70	.01	
Shinglers; Piledriverman, bridge or dock carpenters; Derrick bargemen; Rock slinger	7.18	.74	.95	.70	.01	
Hardwood floor layers; Millwrights	7.25	.74	.95	.70	.01	
Head rock slinger	7.28	.74	.95	.70	.01	
Pneumatic nailer	7.30	.74	.95	.70	.01	

AQ-1,007 P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CEMENT MASONS:						
Cement Masons	$6.16	.90	.95	.70	.012½	
Cement floating and finishing operators	6.28	.90	.95	.70	.012½	
DRYWALL INSTALLERS	8.60	.61	.75	.50	.04	
ELECTRICIANS:						
Imperial County						
Electricians	8.55	.50	1%+.80			
Cable splicers	8.83	.50	1%+.80			
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)						
Electricians; Technicians	9.95	.70	1%+.90		.10	
Cable splicers	10.945	.70	1%+.90		.10	
Kern County (Remainder of County)						
Electricians; Technicians	7.95	.70	1%+.90		.10	
Cable splicers	8.745	.70	1%+.90		.10	
Los Angeles County						
Electricians	9.54	.40	1%+.75		.02	
Cable splicers	9.84	.40	1%+.75		.02	
Tunnel:						
Electricians	10.57	.40	1%+.75		.02	
Cable splicers	10.87	.40	1%+.75		.02	
Orange County						
Electricians	8.90	.45	1%+.75		.02	
Cable splicers	9.31	.83	1%+.75		.02	
Riverside County						
Electricians	8.42	.60	1%+.40		.02	
Cable splicers	8.72	.60	1%+.40		.02	
Inyo, Mono, and San Bernardino Counties						
Electricians	8.47	.40	1%+.75		.02	
Cable splicers	8.77	.40	1%+.75		.02	
Tunnel:						
Electricians	9.32	.40	1%+.75		.02	
Cable splicers	9.62	.40	1%+.75		.02	
San Luis Obispo County						
Electricians	8.48	.60	1%		.01	
Cable splicers	9.33	.60	1%		.01	
Santa Barbara County (Vandenberg AFB):						
Electricians	9.60	.65	1%+.85		.03	
Cable splicers	10.60	.65	1%+.85		.03	
Remainder of County						
Electricians	8.35	.65	1%+.85		.03	
Cable splicers	9.35	.65	1%+.85		.03	
Ventura County						
Electricians	8.83	.60	1%+.45			
Cable splicers	9.72	.60	1%+.45			
ELEVATOR CONSTRUCTORS						
Imperial, Inyo, Kern, (South of Tehachapi Range), Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties						
Elevator Constructors	9.21	.195	.20	2%+a		
Elevator Constructors' Helpers	70%JR	.195	.20	2%+a		
Elevator Constructors' Helpers (Prob.)	50%JR					

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ELEVATOR CONSTRUCTORS: (cont'd)						
Kern County (North of Tehachapi Range)						
Elevator Constructors	$9.48	.345	.23	2%+a	.015	
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a	.015	
Elevator Constructors' Helpers (Prob.)	50%JR					
GLAZIERS:						
Imperial County	9.05	.35	.30			
Inyo, Kern, Mono Counties	7.25	.35	.55	.61	.05	
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Counties	8.27	.50	.60		.04	
IRONWORKERS:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.75	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	
IRRIGATION AND LAWN SPRINKLERS:						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Cos.	6.75	10%	16%	13%	1%	
LATHERS:						
Imperial County	7.00	.24			.01	
Inyo, and Kern Counties	6.88	.45	.85	.55		
Los Angeles County (except city of Lancaster)						
Metal furring	7.12	.39	.50		.03	
Nail on (Area I)*	6.985	.29	.35		.045	
Nail on (Area II; III; IV)**	7.12	.39	.50		.03	
Orange County	8.29	.53	.65	.50	.03	
Riverside County	7.375	.24	.105	.53	.01	
San Bernardino County	8.61	.245	.60		.015	
San Luis Obispo and Santa Barbara Cos.	8.47	.24	.35			
Ventura County	6.11	.30	.50	.60	.01	
LINE CONSTRUCTION:						
Imperial County						
Groundmen	6.84	.50	1%+.80			
Linemen	8.55	.50	1%+.80			
Cable splicers	8.83	.50	1%+.80			
Kern (China Lake Naval Ordnance Test Station and Edwards AFB)						
Groundmen	7.96	.70	1%+.90		.10	
Linemen	9.95	.70	1%+.90		.10	
Cable splicers	10.045	.70	1%+.90		.10	
Kern County (Remainder of County)						
Groundmen	5.96	.70	1%+.90			
Linemen	8.95	.70	1%+.90			
Cable splicers	8.745	.70	1%+.90			
Los Angeles County						
Groundmen	6.74		1%			
Linemen	8.98		1%			
Cable splicers	9.28		1%			
Orange County						
Groundmen, 1st year	7.25	.25	1%+.45			
Groundmen, 2nd year	7.68	.25	1%+.45			
Linemen	8.90	.25	1%+.45			
Cable splicers	9.31	.25	1%+.45			

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION: (cont'd)						
Riverside County						
Groundmen	$6.33	.60	1%+.40		.02	
Linemen; Line equipment operators	8.43	.60	1%+.40		.02	
Cable splicers	8.73	.60	1%+.40		.02	
Inyo, Mono, San Bernardino Counties						
Groundmen	6.36	.40	1%+.75		.02	
Linemen	8.48	.40	1%+.75		.02	
Cable splicers	8.78	.40	1%+.75		.02	
San Luis Obispo County						
Linemen	8.98	.60	1%		.01	
Cable splicers	9.88	.60	1%		.01	
Santa Barbara County (Vandenberg AFB):						
Groundmen	6.95	.35	1%+.45		.03	
Linemen	8.85	.35	1%+.45		.03	
Cable splicers	9.10	.35	1%+.45		.03	
Santa Barbara County (Remainder of Co.)						
Linemen	7.60	.35	1%+.45		.03	
Cable splicers	7.85	.35	1%+.45		.03	
Ventura County						
Groundmen	7.65	.60	1%+.45			
Linemen	8.83	.60	1%+.45			
Cable splicers	9.72	.60	1%+.45			
MARBLE SETTERS:						
Inyo and Mono Counties	8.23	.74	.51	.53		
Imperial County	7.26	.40	.65	.60		
Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, Ventura Counties	8.16	.65	.55			
MARBLE SETTERS' HELPERS:						
Imperial County	5.69	.20	.45	.60		
PAINTERS:						
Imperial, Orange, Riverside, Los Angeles, (Pomona Area), San Bernardino (excluding western portion)						
Brush; Paint burners	7.43	.49	.39	.60	.03	
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	7.93	.49	.39	.60	.03	
Brush (swing stage); Spray	7.68	.49	.39	.60	.03	
Steeplejack	8.83	.49	.39	.60	.03	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PAINTERS: (cont'd)						
Inyo, Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), Mono, San Bernardino west of a line north in Trona including China Lake Area; Johannesburg, Feron, South including the Wrightwood Area)						
Brush	7.90	.305	.40	.30		
Structural steel and bridge; Paint burner; Taper	8.02	.305	.40	.30		
Brush swing stage (13 stories or less) Paperhangers; Sandblasters; Spray	8.15	.305	.40	.30		
Brush swing stage (over 13 stories)	8.27	.305	.40	.30		
Structural steel and bridge, swing	8.30	.305	.40	.30		
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray	8.40	.305	.40	.30		
Steeplejack	9.15	.305	.40	.30		
Kern County (Remainder of County)						
Brush	7.57	.35	.36		.01	
Swing stage (brush-roller)	7.72	.35	.36		.01	
Taping joint sheet rock	7.77	.35	.36		.01	
Paperhangers; Spray; Sandblasters	7.82	.35	.36		.01	
Swing stage and sandblasters	7.97	.35	.36		.01	
San Luis Obispo, Santa Barbara and Ventura Counties						
Brush	7.66	.35	.35		.02	
Iron and steel; Paperhangers; Paste machine operator; Sandblaster; Taper	7.91	.35	.35		.02	
Spraymen	8.16	.35	.35		.02	
Steeplejack	8.66	.35	.35		.02	
Parking Lot Striping Work and/or Highway Markers:						
Inyo and Mono Counties						
Striper	7.37	.35	.20	b		
Striper helper	6.37	.35	.20	b		
Traffic delineating device applicator; Sandblaster	6.27	.35	.20	b		
Traffic delineating device applicator helper	5.77	.35	.20	b		
Remaining Counties						
Traffic delineating device applicator	6.27	.20	.20	b		
Traffic surface protective coating applicator; Wheel stop installers; Traffic surface sandblaster; Striper	5.88	.20	.20	b		
Helper (traffic surface sandblaster, wheel stop installer, and traffic surface protective coating applicator; Striper)	5.38	.20	.20	b		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PLASTERERS:						
Imperial County	$8.15	.45	.75		.06	
Inyo, Kern and Mono Counties	7.32	.45	.50	.60	.01	
Los Angeles and Orange Counties	7.495	.53	1.25	.50	.07	
Riverside and San Bernardino Counties	10.175					
San Luis Obispo County	8.70				.01	
Santa Barbara County	8.69	.40	.75		.01	
Ventura County	8.625	.55	.50	.50	.02	
Imperial, Inyo, Mono, Riverside, and San Bernardino Counties	7.93	.55	1.10	.30		
Kern County	6.50	.55	1.10	.30		
Los Angeles and Orange Counties	7.175	.55	1.55	.60		
San Luis Obispo County	6.50	.55	1.10	.30		
Santa Barbara County (except Santa Maria)	6.9375	.35	.60	1.00		
Ventura County	6.975	.55	1.35	1.00		
PLUMBERS; Steamfitters:						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties	8.62	10%	16%	13%	1%	
Inyo, Kern (except east of Los Angeles Aqueduct), and Mono Counties	7.17	.60	1.53	1.00	.10	
ROOFERS:						
Imperial County	6.64	.40	.25	1.00		
Inyo, Kern and Mono Counties	6.80	.30	.30			
Riverside and San Bernardino Counties	6.80	.55	.40	.50		
Los Angeles, Orange, and Ventura Counties	7.74	.35	.50		.025	
San Luis Obispo and Santa Barbara Cos.	7.76	.36	.205		.0025	
SHEET METAL WORKERS:						
Imperial County	8.53	.69	1.15			
Inyo, Kern, Los Angeles (North of line between Gorman and Big Pines), and Mono Counties	8.47	.69	1.05			
Los Angeles County (remaining portion)	6.27	.39	.40		.025	
Orange County	9.52	.69	1.20			
Riverside and San Bernardino Counties	6.65	.39	.40		.03	
San Luis Obispo, Santa Barbara, and Ventura Counties	9.32	.69	1.05			
SOFT FLOOR LAYERS:						
Imperial County	7.85	.45	.30	.60	.05	
Inyo (incl. Inyo-Kern Naval Reservation), Kern (east of the Los Angeles Aqueduct)						
Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Counties	8.14	.37	.28	.44	.02	
Kern County (remaining portion)	8.05	.37	.15	.44		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
SPRINKLER FITTERS:						
Imperial, Inyo, Kern, Mono, Orange, (except Santa Ana), Riverside, San Bernardino (except Ontario), San Luis Obispo, Santa Barbara, and Ventura (except Santa Paula, Point Mugu, and Port Hueneme)	$11.30	.30	.50		.05	
Los Angeles (Los Angeles City and area within 25 miles; and Pomona), Orange (Santa Ana), San Bernardino (Ontairo), and Ventura (Santa Paula, Point Mugu, and Port Hueneme	11.04	.44	.50		.06	
TERRAZZO WORKERS:						
Imperial County	7.26	.40	.65	.60		
Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Cos.	7.02	.25	.40	.60		
TILE SETTERS:						
Imperial County	7.26	.40	.65	.60		
Inyo, Kern and Mono counties	7.30	.40		.30		
Los Angeles, Orange, and Ventura Cns.	7.75	.145	.35		.02	
Riverside and San Bernardino Counties	7.35	.60	.55		.025	
San Luis Obispo and Santa Barbara Cos.	8.29	.65	.45			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holidays Fund plus $.10 per hour to Vacation for 1 year's service, $.20 per hour after 1 year but less than 5 years' service, $.30 per hour after 5 years but less than 10 years' service, $.40 per hour after 10 years' service.

* Area I - That portion of Los Angeles County including the Cities of Burbanks, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibou Beach, Redondo Beach, San Fernando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** Area II; III; and IV:

Area II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east of San Bernardino County line, then south along the San Bernardino County line.

Area III - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrence Boulevard, west to Pacific Ocean, including Santa Catalina Island.

Area IV - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County line, south along County line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean including San Clemente Island.

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MIX

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, timbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hoseman (walls, slab, floors and decks); Mixer-truck chute man (Walls, slabs decks, floors foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$5.645	.65	1.35	.35		
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	5.695	.65	1.35	.35		
GUINEA CHASER	5.825	.65	1.35	.35		
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways, and similar type heavy construction; Landscape gardener and nursery man	5.745	.65	1.35	.35		
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	5.77	.65	1.35	.35		
UNDERGROUND (INCL. CAISSON BELLOWERS)	5.775	.65	1.35	.35		
CHUCKTENDER; Septic tank digger and installer	5.795	.65	1.35	.35		
CESSPOOL DIGGER AND INSTALLER	5.825	.65	1.35	.35		
CONCRETE CURER-IMPERVIOUS MEMBRANE AND FORM OILER: Riprap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	5.835	.65	1.35	.35		
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING	5.935	.65	1.35	.35		

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LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, taller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	$5.855	.65	1.35	.35		
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; concrete saw man, cutting, scoring old or new concrete; Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	5.955	.65	1.35	.35		
ROCK SLINGER	5.905	.65	1.35	.35		
DRILLER, JACKHAMMER - 2 - 1/2 DRILL STEEL OR LONGER	6.035	.65	1.35	.35		
CONCRETE VIBRATOR OPERATOR, 70 lbs. and OVER	6.055	.65	1.35	.35		
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	6.155	.65	1.35	.35		
GAS AND OIL PIPELINE WRAPPER - (6" and Over; Kettlemen, potmen and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials	5.985	.65	1.35	.35		
GRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	6.155	.65	1.35	.35		
BLASTER POWDERMAN	6.295	.65	1.35	.35		
STEEL HEADERBOARD MAN AND GUIDELINE SETTER	6.07	.65	1.35	.35		

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LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
SANDBLASTER (Nozzleman)	$6.095	.65	1.35	.35		
DRILLER (Core-Diamond-Wagon)	6.295	.65	1.35	.35		
HEAD ROCK SLINGER	6.165	.65	1.35	.35		
GUNNITE LABORERS: NOZZLEMEN AND RODMEN	7.22	.65	1.35	.35		
GUNMEN	6.72	.65	1.35	.35		
REBOUNDMEN	5.76	.65	1.35	.35		

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LABORERS (Tunnel and Tunnel-Shaft Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
BATCH PLANT LABORERS; Bull gang mucker, trackman; Concrete crew, incl. rodders and spreaders; Dumpman; Dumpman (outside); Swamper (brakeman and switchman on tunnel work); Tunnel materials handling man; Tool man	$6.88	.65	1.35	.35		
CABLE TENDER, Chucktender; Nipper; Steel form raiser and setter's helper; Vibratorman, jackhammer, pneumatic tools (except driller)	6.98	.65	1.35	.35		
BLASTER, Driller, Powderman; Chemical grout jetman; Cherry pickerman; Grout gunman; Grout mixerman; Grout pumpman; Jackleg miner; Jumbo man; Kemper and other pneumatic Concrete placer operator; Miner tunnel (hand or machine); Powderman (primer house); Primer man; Shotcrete man; Steel form raiser and setter; Timberman; Retimberman (wood or steel); Tunnel concrete finisher	7.13	.65	1.35	.35		
SHAFT, Raise miner; Diamond driller	7.38	.65	1.35	.35		

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP I BRAKEMAN; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman	$7.28	.75	1.50	.30	.02	
GROUP II CONCRETE MIXER, Skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portal units - over 5 units, .10¢ per hour for each additional unit up to nine units.; Hydrostatic pump; Oiler crusher (asphalt or concrete plant); Plant operator, generator, pump or compressor Skiploader - wheel type up to 3/4 yd. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler	7.52	.75	1.50	.30	.02	
GROUP III A-FRAME or Winch Truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); Stationary pipe wrapping and cleaning machine	7.76	.75	1.50	.30	.02	
GROUP IV ASPHALT PLANT FIREMAN; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-areo stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)	7.87	.75	1.50	.30	.02	

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POWER EQUIPMENT OPERATORS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP V ASPHALT PLANT ENGINEER; Concrete batch plant operator - (oiler or journeyman-trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary - Johnson-Bidwell or similar); Pavement breaker (truck mounted, oiler) road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine, up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin-Western or similar type); Skiploader operator (crawler and wheel type over 3/4 yd. and up to and including 1½ yds.); Tractor operator - Bulldozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types.)	$8.06	.75	1.50	.30	.02	

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POWER EQUIPMENT OPERATORS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP VI ASPHALT OR CONCRETE SPREADER (tamping or finishing); Asphalt paving machine (Barber Green or similar type-2 screedman required); BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Concrete pump (truck mounted)(oiler required); Concrete mixer operator-paving; Crane operator (up to & incl. 25 tons capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Grade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtbord and similar types); Lift mobile operator; Loader operator (Athey, Euclid, Sierra and Similar type; Material hoist; Mucking machine (¼ yd.-rubber-tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excl. caisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Athey, Wagon, & similar types with any and all attachments over 25 yds. & up to & incl. 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type; Skiploader (crawler and wheel type over 1½ yds., up to and incl. 6½ yds.); Surface heaters & planer; Rubber-tired earth moving equipment, multiple engine, (up to & incl. 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 flywheel h.p. and over or similar)(Bulldozer, tamper, scraper, & push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 ton); Shovel, backhoe, dragline, clamshell (over 3/4 yds. & up to 5 cu. yds. M.R.C.	$8.16	.75	1.50	.30	.02	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP VII CRANE - Over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Rubber-tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar (over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6½ yds.); Tower crane repairman; Shovel, backhoe, dragline, clamshell (over 5 cu. yds.); M.R.C.; Woods mixer and similar pugmill equipment; Heavy duty repairman - welder combination	$8.26	.75	1.50	.30	.02	
GROUP VIII AUTO GRADER OPERATOR; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, guy derricks or similar types (capable of hoisting 100 tons or more); Mass excavator; Mechanical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull) (.50¢ per hour additional to base rate); Tandem equipment operator (2 units only); Tandem tractor operator (Quad 9 or similar type); Tunnel mole boring machine operator	8.40	.75	1.50	.30	.02	
GROUP IX CANAL LINER; Canal trimmer; Helicopter pilot; Highline cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)	8.50	.75	1.50	.30	.02	

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
WAREHOUSEMAN and Teamster	$6.27	.65	.65	.75		
DRIVERS OF VEHICLES or Combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load	6.35	.65	.65	.75		
TRUCK MOUNTED power broom	6.41	.65	.65	.75		
DRIVERS OF VEHICLE or combination of vehicles of 3 axles; Water truck, 2 axles	6.50	.65	.65	.75		
BOOTMAN; Cement distributor; Fuel truck; Driver of road oil spreader truck	6.53	.65	.65	.75		
TRANSIT-MIX, Under 3 yds.; Dumpcrete, less than 6½ yds.	6.59	.65	.65	.75		
WATER TRUCK, 3 or more axles; Truck repairman helper	6.60	.65	.65	.75		
TRUCK CRASHER AND FIREMEN $.05 per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline and utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline and utility work, where a composite crew is used	6.68	.65	.65	.75		
TRANSIT-MIX, 3 yds. or more; Dumpcrete, 6½ yds. and over	6.73	.65	.65	.75		
DRIVERS OR VEHICLES or combination of vehicles of 4 or more axles	6.75	.65	.65	.75		
A-FRAME OR SWEDISH CRANE, or similar type of equipment; Fork lift; Ross carrier (Hwy)	7.05	.65	.65	.75		
ALL OFF-HIGHWAY EQUIPMENT WITHIN TEAMSTERS JURISDICTION (Off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman	7.30	.65	.65	.75		
TRUCK REPAIRMAN- Welder	7.40	.65	.65	.75		

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POWER EQUIPMENT OPERATORS (DREDGING)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
HYDRAULIC SUCTION DREDGES						
LEVERMAN	$8.20	.75	1.20	.30	.015	
WATCH ENGINEER; Welder	7.71	.75	1.20	.30	.015	
DECKMATE	7.31	.75	1.20	.30	.015	
WINCH MAN (stern winch or dredge)	7.25	.75	1.20	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler; Levechand	6.79	.75	1.20	.30	.015	
(CIAM SHELL DREDGES)						
LEVERMAN	8.20	.75	1.20	.30	.015	
WATCH ENGINEER	7.71	.75	1.20	.30	.015	
DECKMATE	7.31	.75	1.20	.30	.015	
BARGEMATE	7.25	.75	1.20	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler	6.79	.75	1.20	.30	.015	

NOTICES

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DATE: Date of Publication

DECISION NUMBER: AQ-1,008

Supersedes Decision No. AP-281 dated March 30, 1973, in 38 FR 8371.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$9.97	.68	.72		.045	
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
Imperial County	8.25	.62	.80		.05	
Kern County	7.80	.40	.40	.30	.05	
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd. incl. Long Beach); Orange County	8.30	.65	.70		.07	
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd. incl. Long Beach)	8.53	.65	.70		.07	
Riverside and San Bernardino Counties	7.37	.65	.70		.07	
Santa Barbara and San Luis Obispo Cos.	8.29	.65	.45			
Ventura County	7.60	.50	1.00		.01	
BRICK TENDERS:						
Imperial, Kern, Los Angeles, Orange, Riverside and San Bernardino Counties	6.00	.55	1.10	.30		
Santa Barbara County	5.725	.55	1.10	.575		
San Luis Obispo County	5.90	.55	1.10	.30		
CARPENTERS						
Carpenters	7.05	.74	.95	.70	.01	
Saw filers	7.13	.74	.95	.70	.01	
Table power saw operators	7.15	.74	.95	.70	.01	
Shinglers; Piledrivermen, bridge or dock carpenters; Derrick bargemen; Rock slinger	7.18	.74	.95	.70	.01	
Hardwood floor layers; Millwrights	7.25	.74	.95	.70	.01	
Head rock slinger	7.28	.74	.95	.70	.01	
Pneumatic nailer	7.30	.74	.95	.70	.01	
CEMENT MASONS:						
Cement masons	6.16	.90	.95	.70	.0325	
Cement floating and finishing operators	6.28	.90	.95	.70	.0325	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DRYWALL INSTALLERS	$8.60	.61	.75	.50	.04	
ELECTRICIANS:						
Imperial County						
Electricians	8.55	.50	1%+.80			
Cable splicers	8.83	.50	1%+.80			
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)						
Electricians; Technicians	9.95	.70	1%+.90		.10	
Cable splicers	10.945	.70	1%+.90		.10	
Kern County (Remainder of County)						
Electricians; Technicians.	7.95	.70	1%+.90		.10	
Cable splicers	8.745	.70	1%+.90		.10	
Los Angeles County						
Electricians	9.54	.40	1%+.75		.02	
Cable splicers	9.84	.40	1%+.75		.02	
Orange County						
Electricians	8.90	.45	1%+.75		.02	
Cable splicers	9.31	.45	1%+.75		.02	
Riverside County						
Electricians	8.42	.60	1%+.40		.02	
Cable splicers	8.72	.60	1%+.40		.02	
San Bernardino County						
Electricians	8.47	.40	1%+.75		.02	
Cable splicers	8.77	.40	1%+.75		.02	
San Luis Obispo County						
Electricians	8.48	.60	1%		.01	
Cable splicers	9.33	.60	1%		.01	
Santa Barbara County (Vandenberg AFB):						
Electricians	9.60	.65	1%+.85		.03	
Cable splicers	10.60	.65	1%+.85		.03	
Remainder of County:						
Electricians	8.35	.65	1%+.85		.03	
Cable splicers	9.35	.65	1%+.85		.03	
Ventura County						
Electricians	8.83	.60	1%+.45			
Cable splicers	9.72	.60	1%+.45			
ELEVATOR CONSTRUCTORS						
Imperial, Kern (South of Tehachapi Range), Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties:						
Elevator Constructors	9.21	.195	.20	2%+a		
Elevator Constructors' Helpers	70%JR	.195	.20	2%+a		
Elevator Constructors' Helpers (Prob.)	50%JR					

NOTICES

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ELEVATOR CONSTRUCTORS: (cont'd)						
Kern County (North of Tehachapi Range)						
Elevator Constructors	$9.48	.345	.23	2%+a	.015	
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a	.015	
Elevator Constructors' Helpers (Prob.)	50%JR					
GLAZIERS:						
Imperial County	9.05	.35	.30			
Kern County	7.25	.35	.55	.61	.05	
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Counties	8.27	.50	.60		.04	
IRONWORKERS:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.75	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	
IRRIGATION AND LAWN SPRINKLERS:						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.	6.75	10%	16%	13%	1%	
LATHERS:						
Imperial County	7.00	.24			.01	
Kern County	6.88	.45	.85	.55		
Los Angeles County (except city of Lancaster)						
Metal furring	7.12	.39	.50		.03	
Nail on (Area I)*	6.985	.29	.35		.045	
Nail on (Area II; III; IV)**	7.12	.39	.50		.03	
Orange County	8.29	.55	.65	.50	.03	
Riverside County	7.375	.24	.105	.53	.01	
San Bernardino County	8.61	.245	.60		.015	
San Luis Obispo and Santa Barbara Cos.	8.47	.24	.35			
Ventura County	6.11	.30	.50	.60	.01	
PAINTERS:						
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding western portion)						
Brush; Paint burners	7.43	.49	.39	.60	.03	
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	7.93	.49	.39	.60	.03	
Brush (swing stage); Spray	7.68	.49	.39	.60	.03	
Steeplejack	8.83	.49	.39	.60	.03	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PAINTERS: (cont'd)						
Kern (Lancaster, Mohave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), San Bernardino (west of a line north in Trona including China Lake area, Johannesburg, Boron, South including the Wrightwood area)						
Brush	$7.90	.305	.40	.30		
Structural steel and bridge; Paint burner; Taper	8.02	.305	.40	.30		
Brush swing stage (13 stories or less); Paperhangers; Sandblasters; Spray	8.15	.305	.40	.30		
Brush swing stage (over 13 stories)	8.27	.305	.40	.30		
Structural steel and bridge, swing	8.30	.305	.40	.30		
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray	8.40	.305	.40	.30		
Steeplejack	9.15	.305	.40	.30		
Kern County (Remainder of County)						
Brush	7.57	.35	.36		.01	
Swing stage (brush-roller)	7.72	.35	.36		.01	
Taping joint sheet rock	7.77	.35	.36		.01	
Paperhangers; Spray; Sandblasters	7.82	.35	.36		.01	
Swing stage and sandblasters	7.97	.35	.36		.01	
San Luis Obispo, Santa Barbara and Ventura Counties						
Brush	7.66	.35	.35		.02	
Iron and steel; Paperhangers; Paste machine operator; Sandblaster; Taper	7.91	.35	.35		.02	
Spraymen	8.16	.35	.35		.02	
Steeplejack	8.66	.35	.35		.02	
PLASTERERS:						
Imperial County	8.15	.45	.75		.06	
Kern County	7.32	.45	.50	.60	.01	
Los Angeles and Orange Counties	7.495	.53	1.25	.50	.07	
Riverside and San Bernardino Counties	10.175					
San Luis Obispo County	8.70				.01	
Santa Barbara County	8.69	.40	.75		.01	
Ventura County	8.625	.55	.50	.50	.02	
PLASTERERS' TENDERS:						
Imperial, Riverside, and San Bernardino Counties	7.93	.55	1.10	.30		
Kern County	6.50	.55	1.10	.30		
Los Angeles and Orange Counties	7.175	.55	1.55	.60		
San Luis Obispo County	6.50	.55	1.10	.30		
Santa Barbara County(except Santa Maria)	6.9375	.35	.60	1.00		
Ventura County	6.975	.55	1.35	1.00		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PLUMBERS; Steamfitters:						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.	$8.62	10%	15%	13%	1%	
Kern, (except east of Los Angeles Aqueduct)	7.17	.60	1.53	1.00	.10	
Kern County (East of Los Angeles Aqueduct)	9.17	.60	1.53	1.00	.10	
ROOFERS:						
Imperial County	6.64	.40	.25	1.00		
Kern County	6.80	.30	.30			
Los Angeles, Orange and Ventura Cos.	7.74	.35	.50		.025	
Riverside and San Bernardino Counties	6.80	.55	.40	.50		
San Luis Obispo and Santa Barbara Cos.	7.76	.36	.205		.0025	
SHEET METAL WORKERS:						
Imperial County	8.53	.69	1.15			
Kern, Los Angeles (north of line between Gorman and Big Pines)	8.47	.69	1.05			
Los Angeles County (remaining portion)	6.27	.39	.40		.025	
Orange County	9.52	.69	1.20			
Riverside and San Bernardino County	6.65	.39	.40		.03	
San Luis Obispo, Santa Barbara and Ventura Counties	9.32	.69	1.05			
SOFT FLOOR LAYERS:						
Imperial County	7.85	.45	.30	.60	.05	
(Kern Naval Reservation), Kern (east of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Counties	8.14	.37	.28	.44	.02	
Kern County (remaining portion)	8.05	.37	.15	.44		
TILE SETTERS:						
Imperial County	7.26	.40	.65	.60		
Kern County	7.30	.40		.30		
Los Angeles, Orange, and Ventura Cos.	7.75	.145	.35		.02	
Riverside, and San Bernardino Counties	7.35	.60	.55		.025	
San Luis Obispo and Santa Barbara Cos.	8.29	.65	.45			

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

* AREA 1 - That portion of Los Angeles County including the Cities of Burbank, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibou Beach, Rendondo Beach, San Frenando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** AREAS 11; III; and IV:

AREA II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east to San Bernardino County line, then south along the San Bernardino County line.

AREA III - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrence Boulevard, west to Pacific Ocean, including Santa Catalina Island.

AREA IV - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County line, south along County line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean, including San Clemente Island.

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AO-1,008 P. 7

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hoseman (walls, slab, floors and decks); Mixer-truck chute man (Walls, slabs decks, floors foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$5.645	.65	1.35	.35		
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	5.695	.65	1.35	.35		
GUINEA CHASER	5.825	.65	1.35	.35		
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways, and similar type heavy construction; Landscape gardener and nursery man	5.745	.65	1.35	.35		
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	5.77	.65	1.35	.35		
UNDERGROUND (INCL. CAISSON BELLOWERS)	5.775	.65	1.35	.35		
CHUCKTENDER; Septic tank digger and installer	5.795	.65	1.35	.35		
CESSPOOL DIGGER AND INSTALLER	5.825	.65	1.35	.35		
CONCRETE CURER-IMPERVIOUS MEMBRANE AND FORM OILER: Riprap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	5.835	.65	1.35	.35		
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING	5.935	.65	1.35	.35		

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LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	$5.855	.65	1.35	.35		
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; concrete saw man, cutting, scoring old or new concrete; Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not seperately classified herein; Tampers, barko wacker and similar type	5.955	.65	1.35	.35		
ROCK SLINGER	5.905	.65	1.35	.35		
DRILLER, JACKHAMMER - 2 - 1/2 DRILL STEEL OR LONGER	6.035	.65	1.35	.35		
~~CONCRETE VIBRATOR OPERATOR, 70 lbs.~~ and OVER	6.055	.65	1.35	.35		
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	6.155	.65	1.35	.35		
GAS AND OIL PIPELINE WRAPPER - (6" and Over; Kettlemen, potmen and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials	5.985	.65	1.35	.35		
GRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	6.155	.65	1.35	.35		
BLASTER POWDERMAN	6.295	.65	1.35	.35		
STEEL HEADERBOARD MAN AND GUIDELINE SETTER	6.07	.65	1.35	.35		

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LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
SANDBLASTER (Nozzleman)	$6.095	.65	1.35	.35		
DRILLER (Core-Diamond-Wagon)	6.295	.65	1.35	.35		
HEAD ROCK SLINGER	6.165	.65	1.35	.35		
GUNNITE LABORERS: NOZZLEMEN AND RODMEN	7.22	.65	1.35	.35		
GUNMEN	6.72	.65	1.35	.35		
REBOUNDMEN	5.76	.65	1.35	.35		

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
(Tunnel and Tunnel-Shaft Construction)						
BATCH PLANT LABORERS; Bull gang mucker, trackman; Concrete crew, incl. rodders and spreaders; Dumpman; Dumpman (outside); Swamper (brakeman and switchman on tunnel work); Tunnel materials handling man; Tool man	$6.88	.65	1.35	.35		
CABLE TENDER, Chucktender; Nipper; Steel form raiser and setter's helper; Vibratorman, jackhammer, pneumatic tools (except driller)	6.98	.65	1.35	.35		
BLASTER, Driller, Powderman; Chemical grout jetman; Cherry pickerman; Grout gunman; Grout mixerman; Grout pumpman; Jackleg miner; Jumbo man; Kemper and other pneumatic Concrete placer operator; Miner tunnel (hand or machine); Powderman (primer house); Primer man; Shotcrete man; Steel form raiser and setter; Timberman; Retimberman (wood or steel); Tunnel concrete finisher	7.13	.65	1.35	.35		
SHAFT, Raise miner; Diamond driller	7.38	.65	1.35	.35		

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP I BRAKEMAN; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman	$7.28	.75	1.50	.30	.02
GROUP II CONCRETE MIXER, Skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portal units - over 5 units, .10¢ per hour for each additional unit up to nine units.; Hydrostatic pump; Oiler crusher (asphalt or concrete plant); Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler	7.52	.75	1.50	.30	.02
GROUP III A-FRAME or Winch Truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford-Ferguson (with dragtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Rosa carrier (jobsite); Stationary pipe wrapping and cleaning machine	7.76	.75	1.50	.30	.02
GROUP IV ASPHALT PLANT FIREMAN; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-areo stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)	7.87	.75	1.50	.30	.02

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POWER EQUIPMENT OPERATORS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP V ASPHALT PLANT ENGINEER; Concrete batch plant operator - (oiler or journeyman-trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary - Johnson-Bidwell or similar); Pavement breaker (truck mounted, oiler) road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine, up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin-Western or similar type); Skiploader operator (crawler and wheel type over 3/4 yd. and up to and including 1½ yds.); Tractor operator - Bulldozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types.)	$8.06	.75	1.50	.30	.02

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POWER EQUIPMENT OPERATORS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP VI ASPHALT OR CONCRETE SPREADER (tamping or finishing); Asphalt paving machine (Barber Green or similar type-2 screed-man required); BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Concrete pump (truck mounted)(oiler required); Concrete mixer operator-paving; Crane operator (up to & incl. 25 tons capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Grade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtbord and similar types); Lift mobile operator; Loader operator (Athey, Euclid, Sierra and Similar type Material hoist; Mucking machine (¼ yd.-rubber-tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excl. caisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Athey, Wagon, & similar types with any and all attachments over 25 yds. & up to & incl. 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type; Skiploader (crawler and wheel type over 1½ yds., up to and incl. 6½ yds.); Surface heaters & planer; Rubber-tired earth moving equipment, multiple engine, (up to & incl. 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 flywheel h.p. and over or similar)(Bulldozer, tamper, scraper, & push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 ton); Shovel, backhoe, draglind, clamshell (over 3/4 yds. & up to 5 cu. yds. M.R.C.	$8.16	.75	1.50	.30	.02

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP VII CRANE - Over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Rubber-tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar (over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6½ yds.); Tower crane repairman; Shovel, backhoe, dragline, clamshell (over 5 cu. yds.; M.R.C.; Woods mixer and similar pugmill equipment; Heavy duty repairman - welder combination	$8.26	.75	1.50	.30	.02
GROUP VIII AUTO GRADER OPERATOR; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, guy derricks or similar types (capable of hoisting 100 tons or more); Mass excavator; Mechanical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull) (.50¢ per hour additional to base rate); Tandem equipment operator (2 units only); Tandem tractor operator (Quad 9 or similar type); Tunnel mole boring machine operator	8.40	.75	1.50	.30	.02
GROUP IX CANAL LINER; Canal trimmer; Helicopter pilot; Highline cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)	8.50	.75	1.50	.30	.02

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
WAREHOUSEMAN and Teamster	$6.27	.65	.65	.75		
DRIVERS OF VEHICLES or Combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load	6.35	.65	.65	.75		
TRUCK MOUNTED power broom	6.41	.65	.65	.75		
DRIVERS OF VEHICLE or combination of vehicles of 3 axles; Water truck, 2 axles	6.50	.65	.65	.75		
BOOTMAN; Cement distributor; Fuel truck; Driver of road oil spreader truck	6.53	.65	.65	.75		
TRANSIT-MIX, Under 3 yds.; Dumpcrete, less than 6½ yds.	6.59	.65	.65	.75		
WATER TRUCK, 3 or more axles; Truck repairman helper	6.60	.65	.65	.75		
TRUCK CREASER AND TIREMEN (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline and utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline and utility work, where a composite crew is used	6.68	.65	.65	.75		
TRANSIT-MIX, 3 yds. or more; Dumpcrete, 6½ yds. and over	6.73	.65	.65	.75		
DRIVERS OR VEHICLES or combination of vehicles of 4 or more axles	6.75	.65	.65	.75		
A-FRAME OR SWEDISH CRANE, or similar type of equipment; Fork lift; Ross carrier (Hwy)	7.05	.65	.65	.75		
ALL OFF-HIGHWAY EQUIPMENT WITHIN TEAMSTERS JURISDICTION (Off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman	7.30	.65	.65	.75		
TRUCK REPAIRMAN- Welder	7.40	.65	.65	.75		

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POWER EQUIPMENT OPERATORS (DREDGING)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
HYDRAULIC SUCTION DREDGES						
LEVERMAN	$8.20	.75	1.20	.30	.015	
WATCH ENGINEER; Welder	7.71	.75	1.20	.30	.015	
DECKMATE	7.31	.75	1.20	.30	.015	
WINCH MAN (stern winch or dredge)	7.25	.75	1.20	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler; Levechand	6.79	.75	1.20	.30	.015	
(CLAM SHELL DREDGES)						
LEVERMAN	8.20	.75	1.20	.30	.015	
WATCH ENGINEER	7.71	.75	1.20	.30	.015	
DECKMATE	7.31	.75	1.20	.30	.015	
BARGEMATE	7.25	.75	1.20	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler	6.79	.75	1.20	.30	.015	

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Woodbury (City of Sioux City & abutting municipalities)

DECISION NO.: AQ-11 DATE: Date of Publication

Supersedes Decision No. AM-2,459, dated August 25, 1971, in 36 FR 16833.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

97-IOWA-WOO-1 o (1-2)

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.78				.03	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS-STONEMASONS	7.265		.20		.01	
CARPENTERS:						
Carpenters; Piledrivermen	7.00	.30	.25		.01	
Millwrights	7.30	.30	.25		.01	
CEMENT MASONS	7.02					
ELECTRICIANS	7.70	.25	1%		1%	
ELEVATOR CONSTRUCTORS	6.43	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.95					
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.055	.30			.01	
LABORERS:						
Common laborers	5.09	.30	.20			
Mortar mixer; Plasterers' mixers; Air tool operators; Mechanical tampers; Concrete saw; Cunite nozzle; Chain saw; Wrecking torch; Sand pot & blasting	5.19	.30	.20			
LATHERS	6.50				.01	
MARBLE SETTERS	7.265		.20		.01	
PAINTERS:						
Brush	6.10	.30	.20			
Spray	6.60	.30	.20			
All swing work	6.60	.30	.20			
All work higher than 40 ft. - scaffolds, jacks, ladders, etc.	6.60	.30	.20			
Pressure roller, sandblasting	6.60	.30	.20			
Structural steel over 25 ft.	6.60	.30	.20			
PLASTERERS	6.80					
PLUMBERS-STEAMFITTERS	7.47	.30	.40		.10	
ROOFERS:						
Roofers	5.90					
Kettlemen	5.74					
SHEET METAL WORKERS	7.25	.35	.25			
SPRINKLER FITTERS	8.75	.30	.50		.05	
TERRAZZO WORKERS	7.265		.20		.01	
TILE SETTERS	6.40					
TRUCK DRIVERS	4.95					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

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BUILDING CONSTRUCTION:

FOOTNOTES:

a - Employer contributes 4% of basic hourly rate for over 5 years; service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six paid holidays: A through F.

PAID HOLIDAYS:

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASSIFICATION 1 Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman)	$6.635	.30	.30		.01	
CLASSIFICATION 2 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Ecomobile; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	6.535	.30	.30		.01	
CLASSIFICATION 3 Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 cfm); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Fireman (Boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tamper; Air and electric tuggers (other than above); Ditching machine under 5"	5.935	.30	.30		.01	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASSIFICATION 4 Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators	$5.735	.30	.30		.01	

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$5.91	.25				
CEMENT MASONS	5.65					
LABORERS: Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air tracs, wagon drills and similar drills	5.50	.30	.10			
Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work	5.25	.30	.10			
Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers	5.00	.30	.10			
Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers	4.85	.30	.10			
Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common labor; Redmen; Tending to carpenters; Hoe asphalt labor; Stringman on paving work	4.75	.30	.10			

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator	$6.40	.30	.30		.01	
Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator	6.25	.30	.30		.01	
Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.	6.00	.30	.30		.01	

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Yr.	Other
POWER EQUIPMENT OPERATORS (CONT'D):						
Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator	$5.80	.30	.30		.01	
Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck	5.60	.30	.30		.01	
Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller	5.30	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers, not otherwise specified; Warehouseman; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles	4.65	.25				
Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	4.75	.25				

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Clinton (City of Clinton & abutting municipalities)

DECISION NO.: AQ-12 DATE: Date of Publication

Supersedes Decision No. AN-2,449, dated August 25, 1971, in 36 FR 16799.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

23-IOWA-CLI-1 L

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Yr.	Others
ASBESTOS WORKERS	$8.05	.25	.25		.10	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS - STONEMASONS	7.40		.20			
CARPENTERS:						
Carpenters; Soft floor layers	6.55	.30	.20			
Piledrivermen	6.95	.30	.20			
Millwrights	7.55	6%	6%		2%	
CEMENT MASONS	6.90		.20			
ELECTRICIANS:						
Electricians	7.90	.25	1%+.35		.03	
Cable splicers	8.15	.25	1%+.35		.03	
GLAZIERS	6.8548	.35	.50			
IRONWORKERS	8.30	.40	.375		.05	
LABORERS:						
Common laborers	5.62	.30	.15			
Operator on air or power tools; mortar mixer man; any work thirty-five feet high or over; cement dumper, puddlers or vibrator man and men working with concrete pump hose; ditch work eight feet below ground level; any man working with creosote materials	5.87	.30	.15			
Cutting torch burner; caisson and cofferdam workers	5.92	.30	.15			
Bricklayer tenders	5.77	.30	.15			
PAINTERS:						
Brush	6.67	.25	.30		.08	
Spray; Structural steel	6.92	.25	.30		.08	
PLASTERERS	7.40		.20			
PLUMBERS - STEAMFITTERS	7.78	.40	.35		.10	
ROOFERS	8.40		.20			
SHEET METAL WORKERS	7.33	.17			.01	
SPRINKLER FITTERS	8.75	.30	.50		.05	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Yr.	Others
POWER EQUIPMENT OPERATORS						
All steel hoists and/or steel erection equipment	$8.40	.30	.50		.08	
Cranes, Shovels; Clamshells; Draglines; Backhoes; Derricks; Cableways; Dual drum pavers; Concrete spreaders (behind 2 pavers); Asphalt spreaders; Asphalt mixer plant engineers; Dipper dredge op.; Dipper dredge cranemen; Dual purpose trucks (boom or winch) levermen or engine men (hydraulic dredge); Mechanics; Paving mixers (16-E to 34-E) paving mixers with tower attached (2 operators required); Pile drivers; Boom tractors; Stationary, portable or floating mixing plants; Trenching machines; Building hoists (2 drums); Hot paint wrapping machines; Cleaning and priming machines; End loaders (1/2 cu. yd. or over); On basement excavating work); Backfillers (throw bucket); Locomotive engineers	7.98	.30	.50		.08	
Athey; Barber greene; Euclid or haise loaders; Asphalt pugmills; Fireman & driers; Concrete pumps; Concrete spreaders (behind 1 paver); Bulldozers; Endloaders (other than mentioned above); Fork lifts; Elevating graders; Group equipment greasers; LeTourneaupull & similar machines; Power blades; Power subgraders (on forms & similar machines); Push cats; Tractors pulling elevating graders or power blades; Tractors with power attachments; Rollers on asphalt or blacktop; Single drum hoists; Jaeger mix place machines; Pipe bending machines; Welding machines (3 or 4); Fuller Kenyon cement pumps or similar machines; Automatic cement & gravel batch plants (1 stop set-up)	7.81	.30	.50		.08	

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Yr.	Others
Asphalt boosters; Firemen & pump op. at asphalt plants; Compressors (500 cu. ft. & over); Concrete finishing machines; Form graders with rollers on earth; Mixers (3 bag to 16-E); Power operating bull floats; Tractors without power attachments; Dope pots (agitating motor); Dope chop machines; Distributors (back-end); Flexplanes; Boat op.; Hydro-hammers; Power winch on paving work; Self-propelled earth rollers or compactors (other than paving work); Pump op. (more than 1 well point pump); Portable crusher operator	$6.92	.30	.50		.08	
Air compressors (under 500 cu. ft.); Drivers on truck cranes; Conveyors; Light plants; Mixers (1 or 2 bag); Power batching machines (cement auger or conveyor); Boilers engineer or firemen; Water pumps; Welding machines; Mechanical brooms; Automatic cement & gravel batch plants (2 or 3 stop set-up); Small rubber-tired tractors	6.51	.30	.50		.08	
Oilers; Mechanics helpers; Water pumps (pumping water to paver); Mechanical heaters (other than steam boiler)	6.00	.30	.50		.08	

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Yr.	Others
CARPENTERS & PILEDRIVERMEN	$5.91	.25				
CEMENT MASONS	5.65					
LABORERS:						
Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air track, wagon drills and similar drills	5.50	.30	.10			
Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Pavers, not mechanical; Bull-float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work	5.25	.30	.10			
Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Strusser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers	5.00	.30	.10			
Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room man and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers	4.85	.30	.10			
Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpman and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common labor; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	4.75	.30	.10			

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Yr.	Others
Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator	$6.40	.30	.30		.01	
Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd, struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 10,000 pounds and over; Central mix plant operator, concrete, under 5 cu, yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator	6.25	.30	.30		.01	
Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (PKM and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.	6.00	.30	.30		.01	

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Yr.	Others
Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator	$5.00	.30	.30		.01	
Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck	5.60	.30	.30		.01	
Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller	5.30	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles	4.65	.25				
Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	4.75	.25				

21060 NOTICES
21061 NOTICES
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SUPERSEDEAS DECISION

STATE: Iowa
COUNTY: Dubuque (City of Dubuque & abutting municipalities)
DECISION NO.: AQ-13
DATE: Date of Publication
Supersedeas Decision No. AN-2,451, dated August 25, 1971, in 36 FR 16806.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

AQ-13 P. 2 — 31-IOWA-DUB-1 — o — (2-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.05	.25	.25		.10	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS - STONEMASONS	6.92	.31				
CARPENTERS:						
Carpenters	6.70		.37			
Piledrivermen	7.10		.37			
Millwrights	7.20		.37			
CEMENT MASONS	6.75					
ELECTRICIANS	7.45	.25	1%		1%	
ELEVATOR CONSTRUCTORS	6.54	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR					
GLAZIERS	6.8548	.35	.50			
IRONWORKERS (SE Portion)	8.30	.40	.375		.05	
IRONWORKERS (Remainder of County)	7.80					
LABORERS:						
Common laborers; Gas distributors	5.32	.30				
All air operated tools; Bricklayers' helpers & tenders; Caisson workers; Carpenters helpers; Handling & cleaning of all steel floor pans & wall forms; Mortar mixers; Plasterers' helpers & tenders; Tile setters (4"-6"-8")	5.42	.30				
Tile Setters (10" & up)	5.57	.30				
LATHERS	6.75					
MARBLE SETTERS; TERRAZZO WORKERS; TILE SETTERS	6.67	.31				
PLASTERERS	6.75					
PLUMBERS - STEAMFITTERS	7.84	.34	.30		.04	
ROOFERS	6.55					
SHEET METAL WORKERS	7.33	.17			.005	
SPRINKLER FITTERS	8.75	.30	.50		.05	
TRUCK DRIVERS:						
Single axle	5.24	9.50p/w				
Tandem axle; Tractor trailers; Winches	5.39	9.50p/w				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTE:
a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AQ-13 P. 3 — 5-IOWA-PEO-1 — g — (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
CLASSIFICATION 1 Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen)	$7.20	.30	.30		.01	
CLASSIFICATION 2 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	7.10	.30	.30		.01	
CLASSIFICATION 3 Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35h.p.) with or without attachments; Air compressors (over 125 cfm); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"	6.50	.30	.30		.01	

AQ-13 P. 4 — 5-IOWA-PEO-1 — g — (2-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
CLASSIFICATION 4 Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators	$6.30	.30	.30		.01	

XUM 38 FR 21062

AO-13 P. 5 (1 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$5.91	.25				
CEMENT MASONS	5.65					
LABORERS:						
Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air track, wagon drills and similar drills	5.80	.30	.10			
Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Hull-float, hand operated; Scalers; Timberman; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work	5.25	.30	.10			
Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Gunite nozzleman; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers	5.00	.30	.10			
Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, campers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room man and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers	4.85	.30	.10			
Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpman and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common labor; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	4.75	.30	.10			

AO-13 P. 6 (2 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator	$6.40	.30	.30		.01	
Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders: Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Side-boom tractor; Chain or cable drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machine, slip form paving operator	6.25	.30	.30		.01	
Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (PEH and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.	6.00	.30	.30		.01	

AO-13 P. 7 (3 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator	$5.80	.30	.30		.01	
Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group process helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck	5.60	.30	.30		.01	
Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller	5.30	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers, not otherwise specified; Watchousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles	4.65	.25				
Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem servicing trucks, Korking and similar dumpsters, track trucks, euclids, bug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	4.75	.25				

XUM 38 FR 21064

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Story (City of Ames & abutting municipalities)

DECISION NO.: AQ-14 DATE: Date of Publication

Supersedeas Decision No. AR-2,457, dated August 25, 1971, in 36 FR 16826.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

85-IOWA-STO-1 L (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.95	.425	.25			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	7.50	.20				
CARPENTERS:						
Carpenters; Piledrivermen	7.20		.15			
Millwrights	7.45		.15			
CEMENT MASONS	7.435				1%	
ELECTRICIANS	8.50	.25	1%			
ELEVATOR CONSTRUCTORS	7.265	.185	.20	2%a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.795		.25	2 weeks		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	6.975	.26	.50		.02	
LABORERS:						
Common laborers	5.485	.30	.05			
Mortar, plaster, & grout mixers; Jackhammer; Paving breaker; Rock drill; Vibrator operator; Motor buggy operators while pouring concrete	5.635	.30	.05			
Plasterers' tenders	5.685	.30	.05			
Concrete saw man	5.735	.30	.05			
Sandblaster	5.635	.30	.05			
Digging of or work within a shaft entering into natural underground cavities or caverns & work within the said shaft or caverns	5.985	.30	.05			
LATHERS	7.10					
PAINTERS:						
Brush; Roller; Drywall finisher	7.20				.03	
Paperhangers	7.45				.03	
Spray; Structural steel; Sandblasting	7.70				.03	
PLASTERERS	7.62					
PLUMBERS; Steamfitters	7.89	.30	.20		.10	
ROOFERS	7.265					
SHEET METAL WORKERS	7.875	.25	.20		.05	
SOFT FLOOR LAYERS	6.75	.25	.20		.04	
SPRINKLER FITTERS	8.75	.30	.50		.05	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

AQ-14 P. 2

85-IOWA-STO-1 L (2-7)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others

FOOTNOTE:

a. Employer contributes 4% of the basic hourly rate for 5 years of service and 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AQ-14 P. 3

3-IOWA-PEO-1 k (1-2)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
CLASSIFICATION 1 Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch trucks (used for erection of structural steel and moving and setting of heavy machinery); 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman)	$7.20	.30	.30		.01	
CLASSIFICATION 2 1 and 2 drum hoist; Air and electric tuggers (on power plants or setting steel or grating); Economobile; Plant mixers; Farm type tractors (with loaders, backhoe attachments, etc.); Scrapers (tournapull, etc.); End loaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck crane & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	7.10	.30	.30		.01	
CLASSIFICATION 3 Tractors (under 35 hp) with or without attachments; End loaders (under 35 hp) with or without attachments; Air compressors (over 125 cfm); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tamper; Air and electric tuggers (other than above); Ditching machine under 8"	6.50	.30	.30		.01	

AQ-14 P. 4

3-IOWA-PEO-1 k (2-2)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
CLASSIFICATION 4 Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators	$6.30	.30	.30		.01	

MUM 38 FR 21066 8-3-73

AQ-14 P. 5 (1 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Appr. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$5.91	.25				
CEMENT MASONS	5.65					
LABORERS:						
Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a boatin chair, swinging scaffold, life belt, tag line, or block and tackle; Drill operators of air track, wagon drills and similar drills	5.50	.30	.10			
Tree climber; Form setters; Bakers; Box tenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work	5.25	.30	.10			
Power buggyman; Concrete and paving sawman; Form liner, expansion joint erector; Screed man; Curbing and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or strecherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers	5.00	.30	.10			
Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers	4.85	.30	.10			
Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common labor; Bedrun; Tending to carpenters; Hot Asphalt labor; Stringman on paving work	4.75	.30	.10			

AQ-14 P. 6 (2 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Appr. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator	$6.40	.30	.30		.01	
Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DJ 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader Operator; Group equipment greaser; Automatic subgrade machine, slip form paving operator	6.25	.30	.30		.01	
Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DJ 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.	6.00	.30	.30		.01	

AQ-14 P. 7 (3 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Appr. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
Self-propelled roller operator, other than high type Asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator	$5.80	.30	.30		.01	
Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck	5.60	.30	.30		.01	
Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller	5.30	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles	4.65	.25				
Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on; tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressor and welding machines, including those pulled by separate units	4.75	.25				

XUM 38 FR 21068 8-3-73

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Polk (City of Des Moines & abutting municipalities)

DECISION NO.: AQ-15 DATE: Date of Publication

Supersedes Decision No. AP-530, dated May 4, 1973, in 38 FR 11275.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

AQ-15 P. 2

77-IOWA-POL-1 o (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.95	.425	.25		.02	
BOILERMAKERS	8.25	.30	1.09			
BRICKLAYERS; STONEMASONS	7.975	.325				
CARPENTERS:						
Carpenters	7.75	.30	.25		.04	
Millwrights; Piledrivermen	7.50	.30	.25		.04	
CEMENT MASONS	7.63					
ELECTRICIANS	8.50	.25	1%		1%	
ELEVATOR CONSTRUCTORS	7.265	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.795		.25	2 weeks		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	6.975	.26	.30		.02	
LABORERS:						
General laborers	6.185	.275	.275			
Mortar mixers; motor buggies, when pouring concrete; power tool ops. (air tools, concrete vibrator, gunnite nozzlemen, electric drills & hammers)	6.285	.275	.275			
Plasterers' tenders	6.31	.275	.275			
Powdermen	6.335	.275	.275			
Air tool, power tampers & other similar self-powered tools weighing 50 lbs. & over	6.385	.275	.275			
All tunnel work	6.435	.275	.275			
Paving breakers weighing 50 lbs. and over	6.485	.275	.275			
LATHERS	7.10					
PAINTERS:						
Brush, roller, drywall finisher	7.20				.03	
Paperhangers	7.45				.03	
Spray; structural steel; sandblasting	7.70				.03	
Stack; tower work over 100'	8.30				.03	
PLASTERERS	7.62					
PLUMBERS; STEAMFITTERS	7.89	.30	.20		.10	
ROOFERS	7.265					

77-IOWA-POL-1 o (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
SHEET METAL WORKERS	$7.675	.25	.20		.05	
SPRINKLER FITTERS	8.75	.30	.50		.05	
TRUCK DRIVERS	5.91					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTE:
a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

NOTICES

AQ-15 P. 3

3-IOWA-PEO-1 k (1-2)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CLASSIFICATION 1 Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch trucks (used for erection of structural steel and moving and setting of heavy machinery); 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman)	$7.20	.30	.30		.01	
CLASSIFICATION 2 1 and 2 drum hoist; Air and electric tuggers (on power plants or setting steel or grating); Economobile; Plant mixers; Farm type tractors (with loaders, backhoe attachments, etc.); Scrapers (tourapull, etc.); End loaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck crane & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	7.10	.30	.30		.01	
CLASSIFICATION 3 Tractors (under 35 hp) with or without attachments; End loaders (under 35 hp) with or without attachments; Air compressors (over 125 cfm); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tamper; Air and electric tuggers (other than above); Ditching machine under 8"	6.50	.30	.30		.01	

AQ-15 P. 4

3-IOWA-PEO-1 k (2-2)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CLASSIFICATION 4 Oilers, Mechanical Heaters; Truck Crane Drivers; Permanent elevators	$6.30	.30	.30		.01	

NOTICES

XUM

AQ-15 P. 5 (1 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$5.90	.25				
CEMENT MASONS	5.65					
LABORERS:						
Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air track, wagon drills and similar drills	5.50	.30	.10			
Tree climber; Form setters; Bakers; Bootenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timberman; Underpinning and shoring; Caissons over 12'; Grade checkers and cutting torches on demolition work	5.25	.30	.10			
Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers	5.00	.30	.10			
Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers	4.85	.30	.10			
Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common Labor; Toolmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	4.75	.30	.10			

AQ-15 P. 6 (2 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator	6.40	.30	.30		.01	
Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or ripper; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 190,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator	6.25	.30	.30		.01	
Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.	6.00	.30	.30		.01	

AQ-15 P. 7 (3 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator	$5.80	.30	.30		.01	
Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck	5.60	.30	.30		.01	
Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller	5.30	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers, not otherwise specified, Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump crates and scoopmobiles	4.65	.25				
Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	4.75	.25				

XUM 38 FR 21072 8-3-73

SUPERSEDAS DECISION

STATE: Iowa

COUNTY: Des Moines (City of Burlington & adjoining municipalities and Burlington Ordnance Plant)

DATE: Date of Publication

DECISION NOS.: AQ-16

Supersedes Decision No. AQ-528, dated May 4, 1973, in FR 11768.

DESCRIPTION OF WORK: Building Construction, (residential single family houses and garden type apartments up to and including 4 stories), heavy and highway construction.

29-IOMA-BMO-1 f (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.05	.25	.25		.10
BOILERMAKERS	8.25	.30	1.00		.02
BRICKLAYERS-STONEMASONS	7.35		.20		
CARPENTERS:					
Carpenters & soft floor layers	6.35	.35	.30		.01
Millwrights	7.00	.35	.30		.01
Piledrivermen	6.85	.35	.30		.01
CEMENT MASONS	7.15				
ELECTRICIANS	7.90	.28	1%		1%
GLAZIERS	6.8548	.35	.50		
IRONWORKERS:					
Ornamental; Reinforcing; Structural	7.25	.40	.30		
LABORERS:					
Common laborers; Signal man; Wrecking, deck hand	5.44	.30			
Plasterers tender; Mortar Mixer; Mason tenders; Stone & marble setter tender; Drill op.; Jackhammer man; Air tamper; Air spade (electric or pneumatic); Spraying equipment & pneumatic concrete equipment tools; Excavation work over 6' deep below ground level or basement level	5.59	.30			
Tile layers (sewers)	5.69	.30			
Gunniting & sandblasting	5.79	.30			
Tunnel & sewer mucker & miner over 6' deep; Caisson worker & drill op. in tunnel & caisson; Powderman	5.89	.30			
PAINTERS:					
Brush	5.50				
Rollers	5.60				
Sign	6.00				
Spray; Structural steel; Swing stage	6.50				
PLASTERERS	6.80				

AQ-16 P. 4 82-IOMA-PEO-1,2,3 e (2-2)

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asphalt boosters; Firemen & pump op. at asphalt plants; Compressors (300 cu. ft. & over); Concrete finishing machines; Form graders with rollers on earth; Mixers (3 bag to 16-E); Power operating bull floats; Tractors without power attachments; Dope pots (agitating motor); Dope chop machines; Distributors (backend); Flexplanes; Boat op.; Hydrohammers; Power winch on paving work; Self-propelled earth rollers or compactors (other than paving work); Pump op. (more than 1 well point pump); Portable crusher operator	$6.92	.30	.50		.08	
Air compressors (under 500 cu. ft.); Drivers on truck cranes; Conveyors; Light plants; Mixers (1 or 2 bag); Power batching machines; Cement auger or conveyor; Boilers engineers; Water pumps; Welding machines; Mechanical brooms; Automatic cement & gravel batch plants (2 or 3 stop set-up); Small rubber-tired tractors	6.51	.30	.50		.08	
Oilers, Mechanics helpers; Water pumps (pumping water to paver); Mechanical heaters (other than steam boiler)	6.00	.30	.50		.08	

AQ-16 P. 3 82-IOMA-PEO-1,2,3 e (1-2)

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
All steel hoists and/or steel erection equipment	$8.40	.30	.50		.08	
Cranes, Shovels; Clamshells; DragLines; Backhoes; Derricks; Cableways; Dual drum pavers; Concrete spreaders (behind 2 pavers); Asphalt spreaders; Asphalt mixer plant engineers; Dipper dredge op.; Dipper dredge cranemen; Dual purpose trucks (boom or winch) Leverman or engine men (hydraulic dredge); Mechanics; Paving mixers (16-E to 34-E) paving mixers with tower attached (2 operators required); Pile drivers; Boom tractors; Stationary, portable or floating mixing plants; Trenching machines; Building hoists (2 drums); Hot paint wrapping machines; Cleaning and priming machines; End loaders (1/2 cu. yd. or over); On basement excavating work); Backfillers (throw bucket); Locomotive engineers	7.98	.30	.50		.08	
Athey; Rather greene; Euclid or haise loaders; Asphalt pugmills; Firemen & oilers; Concrete pumps; Concrete spreaders (behind 1 paver); Bulldozers; Endloaders (other than mentioned above); Fork lifts; Elevating graders; Group 1 & similar machines; Power buggies; Power subgraders (on forms & similar machines); Push cats; Tractors pulling elevating graders or power blades; Tractors with power attachments; Rollers on asphalt or blacktop; Single drum hoists; Jaeger mix place machines; Pipe bending machines; Welding machines (3 or 4); Fuller Kenyon cement pumps or similar machines; Automatic cement & gravel batch plants (1 stop set-up)	7.81	.30	.50		.08	

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AQ-16 P. 5 (1 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$5.91	.75				
CEMENT MASONS	5.65					
LABORERS:						
Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air track, wagon drills and similar drills	5.50	.30	.10			
Tree climber; Form setters; Bakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; hull float, hand operated; Scalers; Timberman; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work	5.25	.30	.10			
Power buggyman; Concrete and paving workers; Pure lines, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers	5.00	.30	.10			
Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers	4.85	.30	.10			
Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; water boy; Common labor; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	4.75	.30	.10			

AQ-16 P. 6 (2 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator	$6.40	.30	.30		.01	
Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or motor; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mixplant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator	6.25	.30	.30		.01	
Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.	6.00	.30	.30		.01	

AQ-16 P. 7 (3 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator	$5.80	.30	.30		.01	
Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck	5.60	.30	.30		.01	
Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller	5.30	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles	4.65	.25				
Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom druss, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	4.75	.25				

XUM 37 3 9CA 64183V

SUPERSEDEAS DECISION

STATE: Iowa
COUNTY: Black Hawk (City of Waterloo & abutting municipalities)
DECISION NO.: AQ-17
DATE: Date of Publication
Supersedes Decision No. AP-527, dated May 4, 1973, in 38 FR 11264.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

7-IOWA-BHA-1 o (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.05	.25	.25		.10	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; STONEMASONS	7.19	.25	.37			
CARPENTERS:						
Carpenters; Piledrivermen	6.57	.31	.35		.01	
Millwrights	6.92	.31	.35		.01	
CEMENT MASONS	6.25	.31	.45			
ELECTRICIANS:						
Electricians	7.45	.20	1%		1%	
Cable splicers	7.90	.20	1%		1%	
ELEVATOR CONSTRUCTORS	6.54	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR					
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.80					
LABORERS:						
Common laborers; Carpenters' helpers; Moving; Wrecking & demolition	5.36	.31				
Mason tenders; Hod carriers; Machine and air tool operators	5.46	.31				
Powderman	5.61	.31				
LATHERS	6.54	.25				
PAINTERS:						
Brush, roller	5.10					
Tapers	5.20					
Spray	5.60					
PLASTERERS	6.74	.25				
PLUMBERS; STEAMFITTERS	7.95				.08	
ROOFERS	6.22					
SHEET METAL WORKERS	7.10	.35	.10			
SOFT FLOOR LAYERS	6.57	.31	.35		.01	
SPRINKLER FITTERS	8.75	.30	.50		.05	
TRUCK DRIVERS:						
Up to 6 tons	5.14	.25	.30			
Helpers	4.97	.25	.30			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

AQ-17 P. 2

7-IOWA-BHA-1 o (2-2)

BUILDING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Others

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six paid Holidays: A through F

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AQ-17 P. 3

5-IOWA-PEO-1 g (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
CLASSIFICATION 1						
Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen)	$7.20	.30	.30		.01	
CLASSIFICATION 2						
1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulidozers; Push cat; Truck cranes & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	7.10	.30	.30		.01	
CLASSIFICATION 3						
Tractors (under 35 h.p.) with or withqut attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 cfm); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Cunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"	6.50	.30	.30		.01	

AQ-17 P. 4

5-IOWA-PEO-1 k (2-2)

BUILDING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS					
CLASSIFICATION 4					
Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators	$6.30	.30	.30		.01

XUM 38 FR 21078 3 AUG 73

AO-17 P. 5 (1 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$5.91	.25				
CEMENT MASONS	5.65					
LABORERS:						
Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air track, wagon drills and similar drills	5.50	.20	.10			
Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull-float, hand operated; Scalers; Timberman; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work	5.25	.30	.10			
Power buggyman; Concrete and paving laborer; Pre-liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers	5.00	.30	.10			
Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers	4.85	.30	.10			
Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common Labor; Mixer; Tending to carpenters; Hot asphalt labor; Stringman on paving work	4.75	.30	.10			

AO-17 P. 6 (2 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator	$6.40	.30	.30		.01	
Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter;						
Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator	6.25	.30	.30		.01	
Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pused; Subgrade stab. (PAH and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 2/3 cu. yd.	6.00	.30	.30		.01	

AO-17 P. 7 (3 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator	$5.80	.30	.30		.01	
Boiler operator, single; Apprentice engineer or oil or mechanics' helper or grease helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck	5.60	.30	.30		.01	
Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller	5.30	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles	4.65	.25				
Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	4.75	.25				

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SUPERSEDEAS DECISION

STATE: Texas COUNTY: Travis
DECISION NO.: AQ-10 DATE: Date of Publication
Supersedes Decision No. AP-723, dated April 27, 1973, in 38 FR 10591.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

18 - Texas - 1 s (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.66	.30	.30		.03	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS - STONEMASONS	6.95	.35	.20		.03	
CARPENTERS:						
Carpenters	6.725	.33	.30		.02	
Millwrights	6.975	.33	.30		.02	
CEMENT MASONS	6.07	.25				
ELECTRICIANS:						
Electricians	7.50		1%		1%	
Cable splicers	7.50		1%		1%	
ELEVATOR CONSTRUCTORS	6.57	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.65					
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.765	.40	.50		.12	
LABORERS:						
General laborer and pier hole man Mason tender; Pipelayer (concrete & clay); Cement finisher tender; scaffold builder; gunnite & cement work mixer & power tool operator	3.905	.275	.10		.02	
Plaster tender; Hod carrier; Mortar mixer; Lather tender; Water or damp proofers	4.055	.275	.10		.02	
Gunnite over 1½" thick; Nozzlemen; Machine operator; Powderman & blaster	4.23	.275	.10		.02	
LATHERS	4.305	.275	.10		.02	
MARBLE SETTERS	7.075	.20			.01	
MARBLE SETTERS' HELPERS	6.50					
PAINTERS:	4.02					
Painters, brush	5.75					
Taping & floating of sheetrock	5.75					
Paperhangers	6.00					
Spray	6.25					
Steam cleaning, sand blast & other powered equipment	6.25					
Chipper, burner, torch	6.00					
Skeleton steelwork erected	6.00					
Swinging scaffold, boatswain chair, window jack or scaffolding (above 2nd floor) 25c per hour above all base rates						

AQ-10 P. 2

18 - Texas - 1 s (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS	$7.05	.25			.01	
PLUMBERS	7.25		.15		.03	
ROOFERS:						
Roofers	5.23				.01	
Kettleman	5.08				.01	
SHEET METAL WORKERS	7.35	.30	.30		.05	
SOFT FLOOR LAYERS	6.62	.25	.10		.05	
SPRINKLER FITTERS	8.35	.30	.50		.05	
STEAMFITTERS	7.25		.15		.03	
TERRAZZO WORKERS	6.50					
TERRAZZO WORKERS' HELPERS:						
Terrazzo helpers	4.92					
Floor machine operators	4.22					
Base machine operators	4.37					
TILE SETTERS	6.50					
TILE SETTERS' HELPERS	4.02					
TRUCK DRIVERS	1.60					
TRUCK DRIVER & WINCH	1.60					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AQ-10 P. 3

18 - Texas HEO - 1 t

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
Backfiller; Backhoe; Blade grader - self-propelled; Bull clam; Bulldozer and all types of cat tractors; Cableway; Clamshell operator; Crane - power operated, all types; Derricks-power operated, all types; Draglines; Elevating grader - self-propelled; Euclid operator; Foundation boring machine; Gradall; Heavy duty mechanic; High lifts and loader, over 1/3 cu. yd. capacity; Hoist - motor driven, two drums or more; Locomotive; Mixer, 14 cu. ft. or over; Mixmobile; Paving mixer - all types; Pumpcrete machine; Push cat operator; Rock crusher operated on job; Scoopmobile; Scraper; Shovel - power operated; Trenching machine - all types; Two 125 cu. ft. compressors; Welding machines - 6 to 12; Winch truck; Well points, including installations	$7.075		.30			
Air compressor, anytime there are two or more attachments operating on a 125 cu. ft. air compressor, or less, a light equipment operator shall be employed, any compressor over 125 cu. ft. shall have a light equipment operator; Blade grader - towed; Flex plane; Fork lift, 1500 lbs. capacity or less; Hoist, single drum; Pump 2½ inches or larger; Pneumatic roller; Mixer - less than 14 cu. ft.; Pulsometer; Truck crane driver & oiler combination man; Form grader, gasoline or diesel driven welding machine, 3 to 6; High-lifts & loaders, 1/3 cu. yd. or less	6.205		.30			
Fireman	5.23		.30			
Oiler	5.13		.30			

AQ-10 P. 4

18 - Texas - 3 t (1 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.30					
Asphalt Raker	2.85					
Batching Plant Scaleman	3.50					
Carpenter	3.45					
Carpenter Helper	2.25					
Concrete Finisher (Structures)	3.15					
Concrete Finisher Helper (Structures)	2.50					
Electrician	5.75					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.00					
Form Setter (Structures)	3.50					
Form Setter Helper (Structures)	2.30					
Laborer, Common	2.00					
Laborer, Utility Man	2.25					
Mechanic	3.50					
Mechanic Helper	2.40					
Oiler	2.25					
Serviceman	2.85					
Pipelayer	3.15					
Powderman	3.25					
Powderman Helper	2.00					
Reinforcing Steel Setter (Paving)	2.75					
Reinforcing Steel Setter (Structures)	3.55					
Reinforcing Steel Setter Helper	2.75					
Power Equipment Operators:						
Asphalt Distributor	3.00					
Asphalt Paving Machine	3.05					
Bulldozer, 150 HP and Less	3.00					
Bulldozer, over 150 HP	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.50					
Crusher or Screening Plant Operator	3.00					
Elevating Grader	3.00					
Foundation Drill Operator (Crawler Mounted)	2.85					
Foundation Drill Operator (Truck Mounted)	4.35					

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AO-10 P. 5

13 - Texas - 3 1 (2 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Appr. Tr.	Others
Power Equipment Operators (Cont'd):						
Front End Loader (2½ CY and Less)	$3.00					
Front End Loader (Over 2½ CY)	3.50					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.25					
Roller, Steel Wheel (Plant-Mix Pavements)	2.95					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50					
Roller, Pneumatic (Self-Propelled)	2.25					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) over 150 HP	2.75					
Tractor (Pneumatic) 80 HP and Less	2.20					
Tractor (Pneumatic) over 80 HP	2.55					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.75					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.25					
Tandem Axle or Semitrailer hauler	2.50					

13 - Texas - LC h

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Appr. Tr.	Others
Linemen	$7.33	.28	1%		1/2%	
Ground mechanics	6.19	.28	1%		1/2%	
Groundmen	5.30	.28	1%		1/2%	
Groundmen (1st 6 mos.)	4.21	.28	1%		1/2%	

[FR Doc.73-15827 Filed 8-2-73;8:45 am]

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF JULY 6, 1973

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and county. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction
(D)—Dredging Construction
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification

Signed at Washington, D.C., this 27th day of July 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage & Hour Division.

ALABAMA

STATEWIDE
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1 - 37 FR 24506 - 11/17/72
AUTAUGA COUNTY
Decision #AP-119 (Hw)
37 FR 16733 - 8/18/72
Mod. #1 - 37 FR 24507 - 11/17/72
(D) - See Statewide
BALDWIN COUNTY
Decision #AM-554 (R)
36 FR 16363 - 8/20/71
Decision #AP-118 (Hw)
37 FR 18836 - 9/15/72
Mod. #1 - 37 FR 24507 - 11/17/72
(D) - See Statewide
BARBOUR COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BIBB COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BLOUNT COUNTY
Decision #AM-448 (R)
36 FR 16359 - 8-20-71
(D) - See Statewide
(Hw) - See Autauga County
BULLOCK COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BUTLER COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CALHOUN COUNTY
Decision #AP-117 (Hw)
37 FR 16732 - 8/18/72
Mod. #1 - 37 FR 24507 - 11/17/72
(D)-See Statewide
CHAMBERS COUNTY
(D)-See Statewide
(Hw)-See Autauga County
CHEROKEE COUNTY
(D)-See Statewide
(Hw)- See Autauga County
CHILTON COUNTY
(D)-See Statewide
(Hw)-See Autauga County
CHOCTAW COUNTY
(D)-See Statewide
(Hw)-See Autauga County

ALABAMA (Cont'd)

CLARKE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CLAY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CLEBURNE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COFFEE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COLBERT COUNTY
Decision #AP-116 (Hw)
37 FR 18835 - 9/15/72
Mod. #1 - 37 FR 24507 - 11/17/72
(D) - See Statewide
CONECUH COUNTY
(D) - See Statewide
(Hw) - See Autauga County
(R) - See Baldwin County
COOSA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COVINGTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CRENSHAW COUNTY
(D) - See Statewide
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CULLMAN COUNTY
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DALE COUNTY
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DALLAS COUNTY
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DE KALB COUNTY
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ELMORE COUNTY
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ESCAMBIA COUNTY
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(Hw) - See Autauga County

ALABAMA (Cont'd)

ETOWAH COUNTY
(D) - See Statewide
(Hw) - See Calhoun County
FAYETTE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
FRANKLIN COUNTY
(D) - See Statewide
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GENEVA COUNTY
(D) - See Statewide
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GREENE COUNTY
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HALE COUNTY
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HENRY COUNTY
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HOUSTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
JACKSON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
JEFFERSON COUNTY
Decision #AP-1105 (B,Hw)
38 FR 16597 - 6/22/73
(D) - See Statewide
(Hw) - See Autauga County
LAMAR COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LAUDERDALE COUNTY
(D) - See Statewide

ALABAMA (cont'd)

LIMESTONE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LOWNDES COUNTY
(D) - See Statewide
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MACON COUNTY
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MADISON COUNTY
(D) - See
(Hw) - See Colbert County
MARENGO COUNTY
(D) - See Statewide
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MARION COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MARSHALL COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MOBILE COUNTY
Decision #AP-1106 (B, Hw)
38 FR 16600 - 6/22/73
(D) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MONTGOMERY COUNTY
Decision #AP-184 (B)
38 FR 11244 - 5/4/73
Mod. # 1 - 38 FR 13103 - 5/18/73
(D) - See Statewide
(Hw) - See Baldwin County
MORGAN COUNTY
(D) - See Statewide
(Hw) - See Colbert County
PERRY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
PICKENS COUNTY
(D) - See Statewide
(Hw) - See Autauga County

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ALABAMA (Cont'd)

PIKE COUNTY
(D)-See Statewide
(Hw)-See Autauga County
RANDOLPH COUNTY
(D)-See Statewide
(Hw)-See Autauga County
RUSSELL COUNTY
(D)-See Statewide
(Hw)-See Autauga County
SAINT CLAIR COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
(R)-See Blount County
SHELBY COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
(R)-See Blount County
SUMTER COUNTY
(D)-See Statewide
(Hw)-See Autauga County
TALLADEGA COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
(R)-See Blount County
TALLAPOOSA COUNTY
(D)-See Statewide
(Hw)-See Autauga County
TUSCALOOSA COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
WALKER COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
WASHINGTON COUNTY
(D)-See Statewide
(Hw)-See Autauga County
(R) - See Baldwin County
WILCOX COUNTY
(D) - See Statewide
(Hw) - See Autauga County
WINSTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALASKA

STATEWIDE
Decision #AP-902 (B, Hw, H, D)
38 FR 13127 - 5/18/73
Decision #AP-903 (R)
38 FR 13133 - 5/18/73

ARIZONA

STATEWIDE
Decision #AP-258 (H,Hw)
38 FR 1440 - 1/12/73
Mod. #1 - 38 FR 9918 - 4/30/73
Mod. #2 - 38 FR 12505 - 5/11/73
Mod. #3 - 38 FR 13103 - 5/18/73
Mod. #4 - 38 FR 15785 - 6/15/73
APACHE COUNTY
(H,Hw) - See Statewide
COCHISE COUNTY
(H,Hw) - See Statewide
Decision #AP-901
38 FR 12526 - 5/11/73
Mod. #1 - 38 FR 13911 - 5/25/73
Mod. #2 - 38 FR 15785 - 6/15/73
COCONINO COUNTY
Decision #AP-297 (B)
38 FR 10557 - 4/27/73
Mod. #1 - 38 FR 12506 - 5/11/73
Mod. #2 - 38 FR 13911 - 5/25/73
(H,Hw) - See Statewide
GILA COUNTY
(H,Hw) - See Statewide
GRAHAM COUNTY
(H,Hw) - See Statewide
GREENLEE COUNTY
Decision #AP-903 (R)
38 FR 15798 - 6/15/73
MARICOPA COUNTY
(H,Hw) - See Statewide
(B) - See Greenlee County
Decision #AP-259 (R)
38 FR 2022 - 1/19/73
Mod. #1 - 38 FR 9918 - 4/20/73
Mod. #2 - 38 FR 12505 - 5/11/73
Mod. #3 - 38 FR 13104 - 5/18/73
MOHAVE COUNTY
(H,Hw) - See Statewide
NAVAJO COUNTY
(H,Hw) - See Statewide
PIMA COUNTY
(H,Hw) - See Statewide
(B) - See Cochise County
Decision #AP-260 (R)
38 FR 2027 - 1/19/73
Mod. #1 - 38 FR 9918 - 4/20/73
Mod. #2 - 38 FR 13911 - 5/25/73
Mod. #3 - 38 FR 15785 - 6/15/73
PINAL COUNTY
(H,Hw) - See Statewide
SANTA CRUZ COUNTY
(H,Hw) - See Statewide
(B) - See Cochise County

ARIZONA (Cont'd)

YAVAPAI COUNTY
(H,Hw) - See Statewide
YUMA COUNTY
(H,Hw) - See Statewide

ARKANSAS (Cont'd)

STATEWIDE
Decision #AP-701 (Hw)
38 FR 4087 - 2/9/73
Decision #AP-1107 (D)
38 FR 17358 - 6/29/73
ARKANSAS COUNTY
(Hw) - See Statewide
(D) - See Statewide
Decision #AM-8588 (F)
37 FR 5654 - 3/17/72
Mod. #1 - 37 FR 8601 - 4/28/72
Mod. #2 - 38 FR 24506 - 11/17/72
ASHLEY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
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BENTON COUNTY
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BOONE COUNTY
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CARROLL COUNTY
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CHICOT COUNTY
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ARKANSAS (cont'd)

CLARK COUNTY
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CLAY COUNTY
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CLEBURNE COUNTY
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CLEVELAND COUNTY
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COLUMBIA COUNTY
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CRAIGHEAD COUNTY
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DALLAS COUNTY
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DESHA COUNTY
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ARKANSAS (Cont'd)

DREW COUNTY
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FAULKNER COUNTY
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FULTON COUNTY
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GARLAND COUNTY
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GRANT COUNTY
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GREENE COUNTY
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HEMPSTEAD COUNTY
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HOT SPRING COUNTY
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HOWARD COUNTY
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INDEPENDENCE COUNTY
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IZARD COUNTY
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ARKANSAS (Cont'd)

JACKSON COUNTY
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JEFFERSON COUNTY
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JOHNSON COUNTY
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LAFAYETTE COUNTY
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LAWRENCE COUNTY
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(F) - See Arkansas County
LEE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LENOKE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

XUM 37 3 GCA 6411 83 V

ARKANSAS (Cont'd)

MILLER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(Hw) - See Arkansas County
(D) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas county
POINSETT COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

POPE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PRAIRIE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(Hw) - See Statewide
(D) - See Statewide
Decision #AP-734 (B)
38 FR 13919 - 5/25/73
Mod. # 1 - 38 FR 15706 - 6/8/73
Mod. # 2 - 38 FR 15785 - 6/15/73
Mod. # 3 - 38 FR 17327 - 6/29/73
Mod. # 4 - 38 FR 18107 - 7/6/73
Decision #AP-356 (R)
37 FR 23489 - 11/3/72
RANDOLPH COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(Hw) - See Statewide
(D) - See Statewide
SEVIER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

SHARP COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
STONE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
UNION COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
Decision #AP-703 (B)
38 FR 4623 - 2/16/73
Mod. #1 - 38 FR 4632 - 2/23/73
Mod. #2 - 38 FR 17327 - 6/29/73
Mod. #3 - 38 FR 18107 - 7/6/73
VAN BUREN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #AP-287 (B,H,Hw,D)
38 FR 8874 - 4/6/73
Mod. #1 - 38 FR 10572 - 4/27/73
Mod. #2 - 38 FR 13105 - 5/18/73
Mod. #3 - 38 FR 13912 - 5/25/73
Mod. #4 - 38 FR 15786 - 6/15/73
Mod. #5 - 38 FR 16578 - 6/22/73
Decision #AP-905 (R)
38 FR 13139 - 5/18/73
Mod. #1 - 38 FR 14507 - 6/1/73
Mod. #2 - 38 FR 15786 - 6/15/73
Mod. #3 - 38 FR 16579 - 6/22/73
ALPINE COUNTY
(B,H,Hw,D) - See Alameda County
AMADOR COUNTY
(B,H,Hw,H) - See Alameda County
(R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALVARAS COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
DELNORTE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ELDORADO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
FRESNO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County

CALIFORNIA (Cont'd)

GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
IMPERIAL COUNTY
Decision #AP-280 (B,H,Hw,D)
38 FR 8361 - 3/30/73
Mod. #1 - 38 FR 12508 - 5/11/73
Mod. #2 - 38 FR 13105 - 5/18/73
Mod. #3 - 38 FR 14506 - 6/1/73
Mod. #4 - 38 FR 16578 - 6/22/73
Decision #AP-281 (R)
38 FR 8371 - 3/30/71
Mod. #1 - 38 FR 12509 - 5/11/73
Mod. #2 - 38 FR 13105 - 5/18/73
Mod. #3 - 38 FR 14506 - 6/1/73
Mod. #4 - 38 FR 16578 - 6/22/73
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County

CALIFORNIA (Cont'd)

MARIPOSA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NAPA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NEVADA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ORANGE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
PLACER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SACRAMENTO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BERNARDINO COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SAN DIEGO COUNTY
Decision #AP-255 (B,H,Hw,D)
37 FR 28808 - 12/29/72
Mod. #1 - 38 FR 4076 - 2/9/73
Mod. #2 - 38 FR 12506 - 5/11/73
Mod. #3 - 38 FR 16574 - 6/22/73

CALIFORNIA (Cont'd)

SAN DIEGO COUNTY (Cont'd)
Decision #AP-256 (R)
37 FR 28814 - 12/29/72
Mod. #1 - 38 FR 4076 - 2/9/73
Mod. #2 - 38 FR 12507 - 5/11/73
Mod. #3 - 38 FR 16576 - 6/22/73
SAN FRANCISCO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN JOAQUIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D) - See Imperial County
SAN MATEO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA BARBARA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SANTA CLARA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA CRUZ COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SHASTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SIERRA COUNTY
(B,H,Hw,D) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SONOMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TEHAMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County

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CALIFORNIA (Cont'd)

TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
VENTURA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County

COLORADO (Cont'd)

STATEWIDE
Decision #AP-299 (Hw)
38 FR 11252 - 5/4/73
Mod. #1 - 38 FR 13113 - 5/18/73
Mod. # 2- 38 FR 18110 - 7/6/73
ADAMS COUNTY
(Hw) - See Statewide
Decision #AP-911 (B,H,Hw)
38 FR 16604 - 6/22/73
Decision #AM-6,723 (R)
37 FR 7921 - 4-21-72
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B-H-Hw) - See Adams County
(R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams Co.
(R) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

CLEAR CREEK
(B,H,Hw) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B-H-Hw) - See Adams County
(R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams County
(R) - See Adams County
EAGLE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

ELBERT COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams County
(R) - See Adams County
EL PASO COUNTY
(Hw) - See Statewide
Decision #AP-918 (B,H,Hw)
38 FR 18133 - 7/6/73
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
Decision #AP-904 (B)
38 FR 13159 - 5/11/73
Mod. #1 - 38 FR 18111 - 7/6/73
(Hw) - See Statewide
GILPIN COUNTY
(B,H,Hw) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
GRAND COUNTY
(Hw) - See Statewide
GUNNISON COUNTY
(B) - See Garfield County
(Hw) - See Statewide
HINSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

JACKSON COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(B-H-Hw) - See Adams County
(R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(Hw) - See Statewide
LAPLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H,Hw) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B) - See Garfield County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B) - See Garfield County
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
OTERO COUNTY
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

PARK COUNTY
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B) - See Garfield County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
Decision #AP-296 (B)
38 FR 10567 - 4/27/73
Mod. #1 - 38 FR 13107 - 5/18/73
Mod. #2 - 38 FR 15206 - 6/8/73
Mod. #3 - 38 FR 18108 - 7/6/73
RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICH COUNTYSEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H,HW) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams County
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #AP-848 (B,H,Hw)
38 FR 17359 - 6/29/73
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
HARTFORD COUNTY
Decision #AP-849 (B,H,Hw)
38 FR 17363 - 6/29/73
LITCHFIELD COUNTY
Decision #AP-850 (B,H,Hw)
38 FR 17367 - 6/29/73
MIDDLESEX COUNTY
Decision #AP-851 (B,H,Hw)
38 FR 17371 - 6/29/73
(D) - See Fairfield County
NEW HAVEN COUNTY
Decision #AP-852 (B,H,Hw)
38 FR 17375 - 6/29/73
(D) - See Fairfield County
NEW LONDON COUNTY
Decision #AP-853 (B,H,Hw)
38 FR 17379 - 6/29/73
(D) - See Fairfield County
TOLLAND COUNTY
Decision #AP-854 (B,H,Hw)
38 FR 17383 - 6/29/73
WINDHAM COUNTY
Decision #AP-855 (B,H,Hw)
38 FR 17386 - 6/29/73

DELAWARE

STATEWIDE
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
Decision #AP-804 (B,H,Hw)
38 FR 11262 - 5/4/73
Mod. #1 - 38 FR 13113 - 5/18/73
Mod. #2 - 38 FR 13915 - 5/25/73
Mod. #3 - 38 FR 14510 - 6/1/73
Mod. #4 - 38 FR 17327 - 6/29/73
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide
SUSSEX COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide

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FLORIDA

ALACHUA COUNTY
Decision #AP-195 (R)
38 FR 1527 - 6/8/73
Decision #AP-176
38 FR 11258 - 5/4/73
BAKER COUNTY
Decision #AP-177 (R)
38 FR 11259 - 5/4/73
BAY COUNTY
Decision #AP-196 (B)
38 FR 15229 - 6/8/73
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1-37 FR 24506 - 11/17/72
BRADFORD COUNTY
None
BREVARD COUNTY (Cape Kennedy Kennedy Space Flight Center & Patrick AFB only)
Decision #AP-197 (B)
38 FR 15231 - 6/8/73
Decision #AM-8590 (D)
37 FR 5655 - 3/17/72
Mod. #1-37 FR 24506 - 11/17/72
BROWARD COUNTY
(D) - See Brevard County
CALHOUN COUNTY
None
CHARLOTTE COUNTY
(D) - See Brevard County
CITRUS COUNTY
(D) - See Brevard County
CLAY COUNTY
(R) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
COLUMBIA COUNTY
None
DADE COUNTY
Decision #AP-198 (B)
38 FR 15233 - 6/8/73
(D) - See Brevard County
DESOTO COUNTY
None
DIXIE COUNTY
(D) - See Brevard County
(R) - See Alachua County

FLORIDA (cont'd)

DUVAL COUNTY
Decision #AP-199 (B)
38 FR 15235 - 6/8/73
Mod. #1 - 38 FR 18114 - 7/6/73
(D) - See Brevard County
(R) - See Baker County
ESCAMBIA COUNTY
Decision #AP-1100 (B)
38 FR 15237 - 6/8/73
Mod. #1 - 38 FR 16579 - 6/22/73
Mod. #2 - 38 FR 18114 - 7/6/73
Decision #AP-178 (R)
38 FR 11259 - 5/4/73
(D) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
FRANKLIN COUNTY
(D) - See Bay County
GADSDEN COUNTY
Decision #AP-179 (R)
38 FR 11260 - 5/4/73
GILCHRIST COUNTY
(R) - See Alachua County
GLADES COUNTY
None
GULF COUNTY
(D) - See Bay County
HAMILTON COUNTY
None
HARDEE COUNTY
None
HENDRY COUNTY
None
HERNANDO COUNTY
(D)-See Brevard County
HIGHHLANDS COUNTY
None
HILLSBOROUGH COUNTY
Decision #AP-1101 (B)
38 FR 15239 - 6/8/73
(D) - See Brevard County
HOLMES COUNTY
None
INDIAN RIVER COUNTY
(D) - See Brevard County
JACKSON COUNTY
None
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County

FLORIDA (cont'd)

LAFAYETTE COUNTY
(R) - See Alachua County
LAKE COUNTY
Decision #AP-181 (R)
38 FR 11261 - 5/4/73
LEE COUNTY
(D) - See Brevard County
LEION COUNTY
Decision #AP-1102 (B)
38 FR 15241 - 6/8/73
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(R) - See Alachua County
LIBERTY COUNTY
None
MADISON COUNTY
(R) - See Gadsden County
MANATEE COUNTY
(D) - See Brevard County
MARION COUNTY
(R) - See Alachua County
MARTIN COUNTY
(D) - See Brevard County
MONROE COUNTY
(D) - See Brevard County
NASSAU COUNTY
(D) - See Brevard County
(R) - See Baker County
OKALOOSA COUNTY
(B) - See Excambia County
(D) - See Bay County
Decision #AP-180 (R)
38 FR 11260 - 5/4/73
OKEECHOBEE COUNTY
None
ORANGE COUNTY
Decision #AP-1103 (B)
38 FR 15243 - 6/8/73
(R) - See Lake County
OSCEOLA COUNTY
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
PASCO COUNTY
(D) - See Brevard County
PINNELLAS COUNTY
Decision #AP-1104 (B)
38 FR 15245 - 6/8/73
Decision #AP-182 (R)
38 FR 11261 - 5/4/73
(D) - See Brevard County

FLORIDA (cont'd)

POLK COUNTY
None
PUTNAM COUNTY
(R) - See Baker County
ST. JOHNS COUNTY
(D) - See Brevard County
(R) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
SANTA ROSA COUNTY
(B) - See Escambia County;
(D) - See Bay County
(R) - See Okaloosa County
SARASOTA COUNTY
(D) - See Brevard County
SEMINOLE COUNTY
(R) - See Lake County
SUMTER COUNTY
None
SUWANNEE COUNTY
(R) - See Baker County
TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
UNION COUNTY
(R) - See Alachua County
VOLUSIA COUNTY (Cape Kennedy-Kennedy Space Flight Center & Patrick Air Force Base only)
(B,H,Hw) - See Brevard County
(D) - See Brevard County
WAKULLA COUNTY
(D) - See Bay County
WALTON COUNTY
(B) - See Escambia County
(D) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
None

GEORGIA

APPLING COUNTY
Decision #AM-473 (Hw)
36 FR 16421 - 8/20/71
ATKINSON COUNTY
(Hw) - See Appling County
BACON COUNTY
(Hw) - See Appling County
BAKER COUNTY
(Hw) - See Appling County
BALDWIN COUNTY
Decision #AM-472 (Hw)
36 FR 16420 - 8/20/71
BANKS COUNTY
Decision AM-471 (Hw)
36 FR 16419 - 8/20/71

BARROW COUNTY
(Hw) - See Banks County
BARTOW COUNTY
(Hw) - See Banks County
BEN HILL COUNTY
(Hw) - See Appling County
BERRIEN COUNTY
(Hw) - See Appling County
BIBB COUNTY
(Hw) - See Baldwin County
BLECKLEY COUNTY
(Hw) - See Appling County
BRANTLEY COUNTY
(Hw) - See Appling County

GEORGIA (Cont'd)

BROOKS COUNTY
(Hw) - See Appling County
BRYAN COUNTY
Decision #AM-475 (Hw)
36 FR 16424 - 8/20/71
Decision #AP-847 (D)
38 FR 15797 - 6/15/73
BULLOCH COUNTY
(Hw) - See Appling County
BURKE COUNTY
(Hw) - See Baldwin County
BUTTS COUNTY
(Hw) - See Baldwin County
CALHOUN COUNTY
(Hw) - See Appling County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Appling County
CANDLER COUNTY
(Hw) - See Appling County
CARROLL COUNTY
(Hw) - See Baldwin County
CATOOSA COUNTY
(Hw) - See Banks County
CHARLTON COUNTY
(Hw) - See Appling County
CHATHAM COUNTY
Decision #AP-148 (B, H, Hw)
38 FR 1457 - 1/12/73
Mod. #1 - 38 FR 4621 - 2/16/73
Mod. #2 - 38 FR 8869 - 4/6/73
Mod. #3 - 38 FR 13115 - 5/18/73
Mod. #4 - 38 FR 13115 - 5/18/73

GEORGIA (Cont'd)

CHATHAM COUNTY
Decision #AP-151 (R)
38 FR 4088 - 2/9/73
(D) - See Bryan County
CHATTAHOOCHEE COUNTY
(Hw) - See Baldwin County
CHATTOOGA COUNTY
(Hw) - See Banks County
CHEROKEE COUNTY
(Hw) - See Banks County
CLARKE COUNTY
(Hw) - See Baldwin County
CLAY COUNTY
(Hw) - See Appling County
CLAYTON COUNTY
Decision #AM-474 (Hw)
36 FR 16423 - 8-20-71
CLINCH COUNTY
(Hw) - See Appling County
COBB COUNTY
(B,H,Hw) - See Fulton County
(R) - See Fulton County
COFFEE COUNTY
(Hw) - See Appling County
COLQUITT COUNTY
(Hw) - See Appling County
COLUMBIA COUNTY
(Hw) - See Baldwin County
COOK COUNTY
(Hw) - See Appling County
COWETA COUNTY
(Hw) - See Baldwin County
CRAWFORD COUNTY
(Hw) - See Baldwin County
CRISP COUNTY
(Hw) - See Baldwin County
DADE COUNTY
(Hw) - See Banks County
DAWSON COUNTY
(Hw) - See Banks County
DECATUR COUNTY
(Hw) - See Appling County
DeKALB COUNTY
(B,H,Hw) - See Fulton County
(R) - See Fulton County

GEORGIA (Cont'd)

DODGE COUNTY
(Hw) - See Appling County
DOOLY COUNTY
(Hw) - See Baldwin County
DOUGHERTY COUNTY
(Hw) - See Appling County
DOUGLAS COUNTY
(Hw) - See Banks County
EARLY COUNTY
(Hw) - See Appling County
ECHOLS COUNTY
(Hw) - See Appling County
EFFINGHAM COUNTY
(Hw) - See Appling County
ELBERT COUNTY
(Hw) - See Banks County
EMANUEL COUNTY
(Hw) - See Baldwin County
EVANS COUNTY
(Hw) - See Appling County
FANNIN COUNTY
(Hw) - See Banks County
FAYETTE COUNTY
(Hw) - See Baldwin County
FLOYD COUNTY
(Hw) - See Banks County
FORSYTH COUNTY
(Hw) - See Banks County
FRANKLIN COUNTY
(Hw) - See Banks County
FULTON COUNTY
Decision #AP-149 (B, H, Hw)
38 FR 1453 - 1/12/73
Mod. #1 - 38 FR 4621 - 2/16/73
Mod. #2 - 38 FR 6521 -3/9/73
Mod. #3 - 38 FR 8869 - 4/6/73
Mod. #4 - 38 FR 13115 - 5/18/73
Mod. #5 - 38 FR 16579 - 6/22/73
Decision #AP-150 (R)
38 FR 3254 - 2/2/73
Mod. #1 - 38 FR 5088 - 2/23/73
GILMER COUNTY
(Hw) - See Banks County
GLASCOCK COUNTY
(Hw) - See Baldwin County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Appling County
GORDON COUNTY
(Hw) - See Banks County
GRADY COUNTY
(Hw) - See Appling County
GREENE COUNTY
(Hw) - See Appling County

MICROFILMED BY UNIVERSITY MICROFILMS, INC.

GEORGIA (Cont'd)

GWINNETT COUNTY
(Hw) - See Banks County
HABERSHAM COUNTY
(Hw) - See Banks County
HALL COUNTY
(Hw) - See Banks County
HANCOCK COUNTY
(Hw) - See Baldwin County
HARALSON COUNTY
(Hw) - See Banks County
HARRIS COUNTY
(Hw) - See Baldwin County
HART COUNTY
(Hw) - See Banks County
HEARD COUNTY
(Hw) - See Baldwin County
HENRY COUNTY
(Hw) - See Clayton County
HOUSTON COUNTY
(Hw) - See Baldwin County
IRWIN COUNTY
(Hw) - See Appling County
JACKSON COUNTY
(Hw) - See Banks County
JASPER COUNTY
(Hw) - See Baldwin County
JEFF DAVIS COUNTY
(Hw) - See Appling County
JEFFERSON COUNTY
(Hw) - See Baldwin County
JENKINS COUNTY
(Hw) - See Baldwin County
JOHNSON COUNTY
(Hw) - See Baldwin County
JONES COUNTY
(Hw) - See Baldwin County
LAMAR COUNTY
(Hw) - See Baldwin County
LANIER COUNTY
(Hw) - See Appling County
LAURENS COUNTY
(Hw) - See Appling County
LEE COUNTY
(Hw) - See Appling County
LIBERTY COUNTY
(D) - See Bryan County
(Hw) - See Bryan County
LINCOLN COUNTY
(Hw) - See Baldwin County

GEORGIA (Cont'd)

LONG COUNTY
(Hw) - See Appling County
LOWNDES COUNTY
(Hw) - See Appling County
LUMPKIN COUNTY
(Hw) - See Banks County
McDUFFIE COUNTY
(Hw) - See Baldwin County
McINTOSH COUNTY
(H) - See Bryan County
(Hw) - See Appling County
MACON COUNTY
(Hw) - See Baldwin County
MADISON COUNTY
(Hw) - See Banks County
MARION COUNTY
(Hw) - See Baldwin County
MERIWETHER COUNTY
(Hw) - See Baldwin County
MILLER COUNTY
(Hw) - See Appling County
MITCHELL COUNTY
(Hw) - See Appling County
MONROE COUNTY
(Hw) - See Baldwin County
MONTGOMERY COUNTY
(Hw) - See Appling County
MORGAN COUNTY
(Hw) - See Baldwin County
MURRAY COUNTY
(Hw) - See Banks County
MUSCOGEE COUNTY
(Hw) - See Baldwin County
NEWTON COUNTY
(Hw) - See Baldwin County
OCONEE COUNTY
(Hw) - See Baldwin County
OGLETHORPE COUNTY
(Hw) - See Baldwin County
PAULDING COUNTY
(Hw) - See Banks County
PEACH COUNTY
(Hw) - See Baldwin County
PICKENS COUNTY
(Hw) - See Banks County
PIERCE COUNTY
(Hw) - See Appling County
PIKE COUNTY
(Hw) - See Baldwin County

GEORGIA (Cont'd)

POLK COUNTY
(Hw) - See Banks County
PULASKI COUNTY
(Hw) - See Baldwin County
PUTNAM COUNTY
(Hw) - See Baldwin County
QUITMAN COUNTY
(Hw) - See Appling County
RABIN COUNTY
(Hw) - See Banks County
RANDOLPH COUNTY
(Hw) - See Appling County
RICHMOND COUNTY
(Hw) - See Baldwin County
ROCKDALE COUNTY
(Hw) - See Baldwin County
SCHLEY COUNTY
(Hw) - See Baldwin County
SCREVEN COUNTY
(Hw) - See Baldwin County
SEMINOLE COUNTY
(Hw) - See Appling County
SPALDING COUNTY
(Hw) - See Baldwin County
STEPHENS COUNTY
(Hw) - See Banks County
STEWART COUNTY
(Hw) - See Baldwin County
SUMTER COUNTY
(Hw) - See Baldwin County
TALBOT COUNTY
(Hw) - See Baldwin County
TALIAFERRO COUNTY
(Hw) - See Baldwin County
TATTNALL COUNTY
(Hw) - See Appling County
TAYLOR COUNTY
(Hw) - See Baldwin County
TELFAIR COUNTY
(Hw) - See Appling County
TERRELL COUNTY
(Hw) - See Appling County
THOMAS COUNTY
(Hw) - See Appling County
TIFT COUNTY
(Hw) - See Appling County
TOOMBS COUNTY
(Hw) - See Appling County

GEORGIA (Cont'd)

TOWNS COUNTY
(Hw) - See Banks County
TREUTLEN COUNTY
(Hw) - See Appling County
TROUP COUNTY
(Hw) - See Baldwin County
TURNER COUNTY
(Hw) - See Appling County
TWIGGS COUNTY
(Hw) - See Baldwin County
UNION COUNTY
(Hw) - See Banks County
UPSON COUNTY
(Hw) - See Baldwin County
WALKER COUNTY
(Hw) - See Banks County
WALTON COUNTY
(Hw) - See Baldwin County
WARE COUNTY
Decision #AP-155 (R)
38 FR 4073 - 2/9/73
Mod. #1 - 38 FR 5088 - 2/23/73
Decision #AP-160 (R)
38 FR 5083 - 2/23/73
Mod. #1 - 38 FR 10573 4/27/73
(Hw) - See Appling County
WARREN COUNTY
(Hw) - See Baldwin County
WASHINGTON COUNTY
(Hw) - See Baldwin COunty
WAYNE COUNTY
(Hw) - See Appling County
WEBSTER COUNTY
(Hw) - See Baldwin County
WHEELER COUNTY
(Hw) - See Appling County
WHITE COUNTY
(Hw) - See Banks County
WHITFIELD COUNTY
(Hw) - See Banks County
WILCOX COUNTY
(Hw) - See Baldwin County
WILKES COUNTY
(Hw) - See Baldwin County
WILKINSON COUNTY
(Hw) - See Baldwin County
WORTH COUNTY
(Hw) - See Appling County

HAWAII

STATEWIDE
Decision #AP-292 (R)
38 FR 9409 - 4/13/73
Decision #AP-291 (B,Hw,H)
38 FR 9404 - 4/13/73
HAWAII COUNTY
(B-H-Hw) - See Statewide
(R) - See Statewide
HONOLULU COUNTY
(B-H-Hw) - See Statewide
(R) - See Statewide
KAUAI COUNTY
(B-H-Hw) - See Statewide
(R)-See Statewide
MAUI COUNTY
(B-H-Hw) - See Statewide
(R)-See Statewide

IDAHO

Ada County
Decision #AP-274 (B,H,Hw)
38 FR 7717 - 3/23/73
Mod. #1 - 38 FR 9919 - 4/20/73
Mod. #2 - 38 FR 11212 - 5/4/73
Decision #AP-275 (R)
38 FR 7723 - 3/23/73
Mod. #1 - 38 FR 11212 - 5/4/73
ADAMS COUNTY
(B,H,Hw) - See Ada County
BANNOCK COUNTY
Decision #AP-276 (B,H,Hw)
38 FR 7727 - 3/23/73
Mod. #1 - 38 FR 9920 - 4/20/73
Mod. #2 - 38 FR 11212 - 5/4/73
BEAR LAKE COUNTY
(B,H,Hw) - See Bannock County
BENEWAH COUNTY
Decision #AP-273 (B,H,Hw)
38 FR 7707 - 3/23/73
Mod. #1 - 38 FR 17327 - 6/27/73
BINGHAM COUNTY
(B,H,Hw) - See Bannock County
BLAINE COUNTY
(B,H,Hw) - See Ada County
BOISE COUNTY
(B,H,Hw) - See Ada County
BONNER COUNTY
(B,H,Hw) - See Benewah County
BONNEVILLE COUNTY
(B,H,Hw) - See Bannock County
BOUNDARY COUNTY
(B,H,Hw) - See Benewah County
BUTTE COUNTY
(B,H,Hw) - See Ada County
CAMAS COUNTY
(B,H,Hw) - See Ada County
CANYON COUNTY
(B,H,Hw) - See Ada County
CARIBOU COUNTY
(B,H,Hw) - See Bannock County
CASSIA COUNTY
(B,H,Hw) - See Ada County
CLARK COUNTY
(B,H,Hw) - See Bannock County
CLEARWATER COUNTY
(B,H,Hw) - See Benewah County
CUSTER COUNTY
(B, H, Hw) - See Ada County
ELMORE COUNTY
(B,H,Hw) - See Ada County
FRANKLIN COUNTY
(B,H,Hw) - See Bannock County

IDAHO (cont'd)

FREMONT COUNTY
(B,H,Hw,) - See Bannock County
GEM COUNTY
(B,H,Hw) - See Ada County
GOODLING COUNTY
(B,H,Hw) - See Ada County
IDAHO COUNTY
(B,H,Hw) - See Benewah County
JEFFERSON COUNTY
(B,H,Hw) - See Bannock County
JEROME COUNTY
(B,H,Hw) - See Ada County
KOOTENAI COUNTY
(B,H,Hw) - See Benewah County
LATAH COUNTY
(B,H,Hw) - See Benewah County
LEMHI COUNTY
(B,H,Hw) - See Ada County
LEWIS COUNTY
(B,H,Hw) - See Benewah County
LINCOLN COUNTY
(B,H,Hw) - See Ada County
MADISON COUNTY
(B,H,Hw) - See Bannock County
MINIDOKA COUNTY
(B,H,Hw) - See Ada County
NEZ PERCE COUNTY
(B,H,Hw) - See Benewah County
ONEIDA COUNTY
(B,H,Hw) - See Bannock County
OWYHEE COUNTY
(B,H,Hw) - See Ada County
PAYETTE COUNTY
(B,H,Hw) - See Ada County
POWER COUNTY
(B,H,Hw) - See Bannock County
SHOSHONE COUNTY
(B,H,Hw) - See Benewah County
TETON COUNTY
(B,H,Hw) - See Bannock County
TWIN FALLS COUNTY
(B,H,Hw) - See Ada County
VALLEY COUNTY
(B,H,Hw) - See Ada County
WASHINGTON COUNTY
(B,H,Hw) - See Ada County

ILLINOIS

ADAMS COUNTY
Decision #AP-1016 (Hw)(H)
38 FR 14573 - 6/1/73
ALEXANDER COUNTY
Decision #AP-1019 (H)(Hw)
38 FR 14589 - 6/1/73
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
BOND COUNTY
Decision #AP-1018 (Hw)(H)
38 FR 14583 - 6/1/73
BOONE COUNTY
Decision #AP-1012 (H)(Hw)
38 FR 14542 - 6/1/73
BROWN COUNTY
(H)(Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #AP-1013 (Hw)(H)
38 FR 14552 - 6/1/73
Mod. #1 - 38 FR 17330 - 6/27/73
CALHOUN COUNTY
(H)(Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H)(Hw) - See Bureau County
CASS COUNTY
(H)(Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #AP-689 (B)(H)(Hw)
38 FR 15247 - 6/8/73
Decision #AP-1015 (H)(Hw)
38 FR 14569 - 6/1/73
CHRISTIAN COUNTY
(H)(Hw) - See Adams County
CLARK COUNTY
(H) (Hw) - See Champaign County
CLAY COUNTY
Decision #AP-1017 (H)(Hw)
38 FR 14578 - 6/1/73
CLINTON COUNTY
(H)(Hw) - See Bond County
COLES COUNTY
(H)(Hw) - See Champaign County
COOK COUNTY
Decision #AP-690 (B)(H)(Hw)
38 FR 15250 - 6/8/73

XUM 38 FR 21094-21095 8-3-73

ILLINOIS

COOK COUNTY
Decision #AP-1003 (R)
38 FR 15302 - 6/8/73
Decision #AP-4 (D)
37 FR 14570 - 7/21/72
CRAWFORD COUNTY
(H)(Hw) - See Clay County
CUMBERLAND COUNTY
(H)(Hw) - See Champaign County
DEKALB COUNTY
(H)(Hw) - See Boone County
DEWITT COUNTY
(H)(Hw) - See Champaign County
DOUGLAS COUNTY
(H) (Hw) - See Champaign County
DU PAGE COUNTY
Decision #AP-691 (B)(H)
38 FR 15256 - 6/8/73
Decision #AP-1004 (R)
38 FR 15305 - 6/8/73
(H) (Hw) - See Boone County
EDGAR COUNTY
(H)(Hw) - See Champaign County
EDWARDS COUNTY
(H)(Hw) - See Clay County
EFFINGHAM COUNTY
(H)(Hw) - See Clay County
FAYETTE COUNTY
(H)(Hw) - See Clay County
FORD COUNTY
None
FRANKLIN COUNTY
(H)(Hw) - See Alexander County
FULTON COUNTY
Decision #AP-104 (H,Hw)
38 FR 14563 - 6/1/73
GALLATIN COUNTY
(H)(Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H)(Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
None
HAMILTON COUNTY
(H)(Hw) - See Clay County
HANCOCK COUNTY
(H)(Hw) - See Fulton County
HARDIN COUNTY
(H)(Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(H)(Hw) - See Fulton County

ILLINOIS (Cont'd)

HENRY COUNTY
(H)(Hw) - See Bureau County
IROQUOIS COUNTY
None
JACKSON COUNTY
(H)(Hw) - See Alexander County
(D) - See Alexander
JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander
JO DAVIESS COUNTY
(H)(Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
Decision #AP-692 (B) (H)
38 FR 15260 - 6/8/73
Decision #AP-1005 (R)
38 FR 15309 - 6/8/73
(H,Hw) - See Boone County
KANKAKEE COUNTY
None
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
Decision #AP-693 (B) (H)
38 FR 15263 - 6/8/73
Decision #AP-1006 - (R)
38 FR 15263 - 6/18/73
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
None
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
None
LOGAN COUNTY
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(Hw) - See Boone County
McHENRY COUNTY
(H,Hw) - See Boone County
McLEAN COUNTY
None

ILLINOIS (Cont'd)

MACON COUNTY
(Hw) - See Champaign
MACOUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #AP-694 (B,H)
38 FR 15266 - 6/18/73
Decision #AP-1007 (R)
38 FR 15315 - 6/8/73
(H,Hw) - See Bond County
MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
None
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #AP-695 (B,H,D)
38 FR 15270 - 6/8/73
Decision #AP-1008 (R)
38 FR 15319 - 6/8/73
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(H,Hw) - See Champaign County
PIKE COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County

ILLINOIS (Cont'd)

PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
None
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #AP-696 (B,H)
38 FR 17276 - 6/8/73
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
Decision #AP-697 (B,H)
38 FR 15279 - 6/8/73
Decision #AP-1009 (R)
38 FR 15324 - 6/8/73
(H,Hw) - See Bond County
(D) - See Alexander County
SALINE COUNTY
(Hw) - See Alexander County
SANGAMON COUNTY
Decision #AP-1010 (B,H)
38 FR 15284 - 6/8/73
Decision #AP-1010 (R)
38 FR 15203 - 6/18/73
(H,Hw) - See Adams County
SCHUYLER COUNTY
(Hw) - See Adams County
SCOTT COUNTY
(Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(Hw) - See Champaign County
STARK COUNTY
(Hw) - See Fulton County
STEPHENSON COUNTY
(Hw) - See Bureau County
TAZEWELL COUNTY
(B)(R) - See Peoria County
(Hw) - See Fulton County
UNION COUNTY
(Hw, D) - See Alexander County
VERMILLION COUNTY
Decision #AP-699 (B,H)
38 FR 15287 - 6/18/73
(Hw) - See Champaign County
WABASH COUNTY
(Hw) - See Clay County

ILLINOIS (Cont'd)

WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITESIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
Decision #AP-1001 (B) - (H)
38 FR 15294 - 6/8/73
Decision #AP-1011 (R)
38 FR 15329 - 6/8/73
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #AP-1000 (B,H)
38 FR 15291 - 6/8/73
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
Decision #AP-1002 - 6/8/73
38 FR 15298 - 6/8/73
(H,Hw) - See Bureau County
WOODFORD COUNTY
None

INDIANA

ADAMS COUNTY
Decision #AP-662 (H)(Hw)
38 FR 13214 - 5/18/73
Mod. #1 - 38 FR 17332 - 6/29/73
ALLEN COUNTY
Decision #AP-648 (B)
38 FR 13165 - 5/18/73
Decision #AM-371 (R)
36 FR 15390 - 8/13/71
(H)(Hw) - See Adams County
BARTHOLOMEW COUNTY
Deicsion #AP-649 (B)
38 FR 13168 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
Decision #AP-666 (H)(Hw)
38 FR 13237 - 5/18/73
Mod. #1 - 38 FR 17333 - 6/29/73
BENTON COUNTY
Decision #AP-650 (B)
38 FR 13171 - 5/18/73
Decision #AP-663 (H)(Hw)
37 FR 13221 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
Mod. #2 - 38 FR 17332 - 6/29/73
BLACKFORD COUNTY
Decision #AP-664 (H)(Hw)
38 FR 13227 - 5/18/73
Mod. #1 - 38 FR 17332 - 6/29/73
BOONE COUNTY
Decision #AM-668 (R)
38 FR 13247 - 5/18/73
Decision #AP-665 (Hw)(H)
38 FR 13232 - 5/18/73
Mod. #1 - 38 FR 17332 - 6/29/73
BROWN COUNTY
(H)(Hw) - See Bartholomew County
CARROLL COUNTY
(H)(Hw) - See Benton County
CASS COUNTY
(H)(Hw) - See Benton County
CLARK COUNTY
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
(H)(Hw) - See Bartholomew County
CLAY COUNTY
(H)(Hw) - See Boone County
CLINTON COUNTY
(H)(Hw) - See Benton County

INDIANA (cont'd)

CRAWFORD COUNTY
Decision #AP-667 (H,Hw)
38 FR 13244 - 5/18/73
Mod. #1 - 38 FR 17333 - 6/29/73
(D) - See Clark County
DAVIESS COUNTY
(H,HW) - See Boone County
DEARBORN COUNTY
Decision #AP-651 (B)
38 FR 13174 - 6/18/73
(D) - See Clark County
(H,Hw) - See Bartholomew County
DECATUR COUNTY
(H,Hw) - See Bartholomew County
DEKALB COUNTY
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #AP-652 (B)
38 FR 13177 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
(H,Hw) - See Blackford County
DUBOIS COUNTY
(H,Hw) - See Crawford County
ELKHART COUNTY
(H,Hw) - See Adams County
FAYETTE COUNTY
(H,Hw) - See Blackford County
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
FOUNTAIN COUNTY
(H,Hw) - See Boone County
FRANKLIN COUNTY
(H,Hw) - See Bartholomew County
FULTON COUNTY
(H,Hw) - See Benton County
GIBSON COUNTY
(H,Hw) - See Crawford County

INDIANA (Cont'd)

GRANT COUNTY
Decision #AP-653 (B)
38 FR 13180 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
(H,Hw) - See Blackford County
GREENE COUNTY
(H,Hw) - See Boone County
HAMILTON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
HENDRICKS COUNTY
(H,Hw,) - See Boone County
(R) - See Boone County
HENRY COUNTY
(H,Hw) - See Blackford County
HOWARD COUNTY
(H,Hw) - See Benton County
HUNTINGTON COUNTY
(H,Hw) - See Adams County
JACKSON COUNTY
(H,Hw) - See Bartholomew County
JASPER COUNTY
(H,Hw) - See Benton County
JAY COUNTY
(H,Hw) - See Blackford County
JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
JENNINGS COUNTY
(H,Hw) - See Bartholomew County
JOHNSON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
KNOX COUNTY
(H,Hw) - See Boone County
KOSCIUSKO COUNTY
(H,Hw) - See Adams County

XUM 38 FR 21096 1973

INDIANA (Cont'd)

LAGRANGE COUNTY
(H,Hw) - See Adams County
LAKE COUNTY
Decision #AP-654 (H,H,Hw)
38 FR 13183 - 5/18/73
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
LAPORTE COUNTY
Decision #AP-655 (B,H,Hw)
38 FR 13188 - 5/18/73
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Bartholomew County
MADISON COUNTY
(H,hw) - See Blackford County
MARION COUNTY
Decision #AP-656 (B)
38 FR 13193 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
(R) - See Boone County
(H,Hw) - See Blackford County
MARSHALL COUNTY
(H,Hw) - See Adams County
MARTIN COUNTY
(H,Hw) - See Bartholomew County
MIAMI COUNTY
(H,Hw) - See Benton County
MONROE COUNTY
Decision #AP-657 (D)
38 FR 13196 - 5/18/73
(H,Hw) - See Bartholomew County
MONTGOMERY COUNTY
(H,Hw) - See Boone County
MORGAN COUNTY
(R) - See Boone County
(H,Hw) - See Boone County
NEWTON COUNTY
(H,Hw) - See Benton County
NOBLE COUNTY
(H,Hw) - See Adams County

INDIANA (Cont'd)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
ORANGE COUNTY
(H,Hw) - See Bartholomew County
OWEN COUNTY
(H,Hw) - See Boone County
PARKE COUNTY
(H,Hw) - See Boone County
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PIKE COUNTY
(H,Hw) - See Crawford County
PORTER COUNTY
Decision #AP-658 (B,H,Hw)
38 FR 13199 - 5/18/73
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PULASKI COUNTY
(H,Hw) - See Benton County
PUTNAM COUNTY
(H,Hw) - See Boone County
RANDOLPH COUNTY
(H,Hw) - See Blackford County
RIPLEY COUNTY
(H,Hw) - See Bartholomew County
RUSH COUNTY
(H,Hw) - See Blackford County
SAINT JOSEPH COUNTY
Decision #AP-659 (B,H,Hw)
38 FR 13203 - 5/18/73
SCOTT COUNTY
(H,Hw) - See Bartholomew County
SHELBY COUNTY
(R) - See Boone County
(H,Hw) - See Blackford County
SPENCER COUNTY
(D) - See Clark County
(H,Hw) See Crawford County

INDIANA (Cont'd)

STARKE COUNTY
(H,Hw) - See Adams County
STEUBEN COUNTY
(H,Hw) - See Adams County
SULLIVAN COUNTY
(H,Hw) - See Boone County
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
TIPPECANOE COUNTY
(B,H,Hw) - See Benton County
TIPTON COUNTY
(H,Hw) - See Benton County
UNION COUNTY
(H,Hw) - See Blackford County
VANDERBURGH COUNTY
Decision #AP-660 (B)
38 FR 13208 - 5/18/73
(D) - See Clark County
(H,Hw) - See Crawford County
VERMILLION COUNTY
(H,Hw) - See Boone County
VIGO COUNTY
Decision #AP-661 (B)
38 FR 13211 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
Mod. #2 - 38 FR 17332 - 6/29/73
(H,Hw) - See Boone County
WABASH COUNTY
(H,Hw) - See Benton County
WARREN COUNTY
(H,Hw) - See Boone County
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
WASHINGTON COUNTY
(H,Hw) - See Bartholomew County
WAYNE COUNTY
(H,Hw) - See Blackford County
WELLS COUNTY
(H,Hw) - See Adams County
WHITE COUNTY
(H,Hw) - See Benton County
WHITLEY COUNTY
(H,Hw) - See Adams County

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPONOOSE COUNTY
None
AUDUBON COUNTY
None
BENTON COUNTY
None
BLACK HAWK COUNTY
Decision #AP-527 (B,H,Hw) (City of Waterloo & abutting Municipalities
38 FR 11264 - 5/4/73
Mod. #1 - 38 FR 17333 - 6/29/73
Mod. #2 - 38 FR 18115 - 7/6/73
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #AM-6,712 (H-Hw)
37 FR 7429 - 4-14-72
CASS COUNTY
(H-Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #AM-2,448 (B-H-Hw)
36 FR 16796 - 8-25-71
Mod. #1-36 FR 18985 - 9-24-71
Mod. #2-37 FR 4465 - 3-3-72
Mod. #3-38 FR 16579 - 6/22/73
Mod. #4-38 FR 18115 - 7/6/73
CHEROKEE COUNTY
None
CHICHASAW COUNTY
None
CLARKE COUNTY
None

IOWA (Cont'd)

CLAY COUNTY
(H-Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (CLINTON CITY)
Decision #AM-2,449 (B-H-Hw)
36 FR 16799 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
Mod. #2-38 FR 16581 - 6/22/73
CRAWFORD COUNTY
(H-Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
None
DECATUR COUNTY
None
DELEWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #AP-528 (B,H,Hw)
38 FR 11268 - 5/4/73
Mod. #1 - 38 FR 17333 - 6/29/73
DICKINSON COUNTY
None
DUBUQUE COUNTY (Dubuque City)
Decision #AM-2,451 (B-H-Hw)
36 FR 16806 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
Mod. #2-37 FR 17900 - 9-1-72
Mod. #3-38 FR 16582 - 6/22/73
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
None
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None
HOWARD COUNTY
(H-Hw) - See Carroll County
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
None
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
None
JOHNSON COUNTY (Iowa City)
Decision #AM-2,452 (B-H-Hw)
36 FR 16809 - 8-25-71
Mod. #1-37 FR 640 - 1-14-72
Mod. #2-38 FR 17334 - 6/29/73
Mod. #3 - 38 FR 18115 - 7/6/73
JONES COUNTY
None
KEOKUK COUNTY
None
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY (City of Cedar Rapids and Abutting Municipalities)
Decision #AP-529 (B,H,Hw)
38 FR 11271 - 5/4/73
Mod. #1-38 FR 17333 - 6/29/73
Mod. #2 38 FR 18115 - 7/6/73
LINN COUNTY (Except City of Cedar Rapids and Abutting Municipalities)
Decision #AP-526 (B,Hw)
38 FR 18149 - 7/6/73

IOWA (Cont'd)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
None
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
None
MITCHELL COUNTY
None
MONONA COUNTY
(H-Hw) - See Carroll County
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H-Hw) - See Carroll County
OSCEOLA COUNTY
(H-Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY (City of Des Moines and Abutting Municipalities)
Decision #AP-530 (B,H,Hw)
38 FR 11275 - 5/4/73
Mod. #1 - 38 FR 17334 - 6/29/73
POLK COUNTY (Except City of Des Moines and Abutting Municipalities)
Decision #AP-215 (H-Hw)
37 FR 16266 - 8-11-72

IOWA (Cont'd)

POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City limits)
Decision #AM-2,455 (B-H-Hw)
36 FR 16820 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
POWESHIEK COUNTY
None
RINGGOLD COUNTY
(H-Hw) - See Carroll County
SAC COUNTY
None
SCOTT COUNTY
Decision #AM-2,456 (B-H-Hw)
36 FR 16823 - 8-25-71
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (AMES)
Decision #AM-2,457 (B-H-Hw)
36 FR 16826 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
Mod. #2-37 FR 5154 - 3-10-72
Mod. #3-37 FR 9595 - 5-12-72
Mod. #4-38 FR 17336 - 6/29/73
TAMA COUNTY
None
TAYLOR COUNTY
(H-Hw) - See Carroll County
UNION COUNTY
None
VAN BUREN COUNTY
(H-Hw) - See Carroll County
WAPELLO COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
None
WEBSTER COUNTY (FORT DODGE)
Decision #AM-2,458 (B,H,Hw)
36 FR 16830 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
Mod. #2-37 FR 1117 - 6/2/72
Mod. #3-38 FR 15787 - 6/15/73
Mod. [illegible] FR 17337 - 6/29/73
Mod. #5 38 FR 18115 - 7/6/73

XUM 38 FR 21098 1973

IOWA (Cont'd)

WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None
WOODBURY COUNTY (SIOUX CITY)
Decision #AM-2,459 (B-H-Hw)
36 FR 16833 - 8-25-71
Mod. #1-37 FR 641 - 1-14-72
Mod. #2-38 FR 17337 - 6/29/73
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #AP-519 (Hw)
38 FR 7732 - 3/23/73
ANDERSON COUNTY
(Hw) - See Allen County
ATCHISON COUNTY
(Hw) - See Allen County
BARBER COUNTY
Decision #AP-521 (Hw)
38 FR 7734 - 3/23/73
BARTON COUNTY
(Hw) - See Barber County
BOURBON COUNTY
(Hw) - See Allen County
BROWN COUNTY
(Hw) - See Allen County
BUTLER COUNTY
(Hw) - See Allen County
CHASE COUNTY
(Hw) - See Allen County
CHAUTAUAUA COUNTY
(Hw) - See Allen County
CHEROKEE COUNTY
(Hw) - See Allen County
CHEYENNE COUNTY
(Hw) - See Barber County
CLARK COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

CLAY COUNTY
(Hw) - See Allen County
CLOUD COUNTY
(Hw) - See Allen County
COFFEY COUNTY
(Hw) - See Allen County
COMANCHE COUNTY
(Hw) - See Barber County
COWLEY COUNTY
(Hw) - See Allen County
CRAWFORD COUNTY
(Hw) - See Allen County
DECATUR COUNTY
(Hw) - See Barber County
DICKINSON COUNTY
(Hw) - See Allen County
DONIPHAN COUNTY
(Hw) - See Allen County
DOUGLAS COUNTY
Decision #AP-503 (Hw)
37 FR 17349 - 8-25-72
Mod. #1-37 FR 20389 - 9-29-72
Mod. #2-38 FR 6523 - 3/9/73
Mod. #3-38 FR 9389 - 4/13/73

KANSAS (Cont'd)

EDWARDS COUNTY
(Hw) - See Barber County
ELK COUNTY
(Hw) - See Allen County
ELLIS COUNTY
(Hw) - See Barber County
ELLSWORTH COUNTY
(Hw) - See Barber County
FINNEY COUNTY
(Hw) - See Barber County
FORD COUNTY
(Hw) - See Barber County
FRANKLIN COUNTY
(Hw) - See Allen County
GEARY COUNTY
(Hw) - See Allen County
GOVE COUNTY
(Hw) - See Barber County
GRAHAM COUNTY
(Hw) - See Barber County
GRANT COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

GRAY COUNTY
(Hw) - See Barber County
GREELEY COUNTY
(Hw) - See Barber County
GREENWOOD COUNTY
(Hw) - See Allen County
HAMILTON COUNTY
(Hw) - See Barber County
HARPER COUNTY
(Hw) - See Allen County
HARVEY COUNTY
(Hw) - See Allen County
HASKELL COUNTY
(Hw) - See Barber County
HODGEMAN COUNTY
(Hw) - See Barber County
JACKSON COUNTY
(Hw) - See Allen County
JEFFERSON COUNTY
(Hw)- See Douglas County
JEWELL COUNTY
(Hw) - See Barber County
JOHNSON COUNTY
Decision #AP-531 (B,H,Hw)
38 FR 13929 - 5/25/73
Mod. #1 - 38 FR 15210 - 6/8/73
Mod. #2 - 38 FR 16584 - 6/22/73
Mod. #3 - 38 FR 18117 - 7/6/73
Decision #AP-516 (R)
37 FR 26206 - 12/8/72
Mod. #1 - 38 FR 1435 - 1/12/73
Mod. #2 - 38 FR 4078 - 2/9/73
Mod. #3 - 38 FR 12511 - 5/11/73
Mod. #4 - 38 FR 15210 - 6/8/73
KEARNY COUNTY
(Hw) - See Barber County
KINGMAN COUNTY
(Hw) - See Allen County
KIOWA COUNTY
(Hw) - See Barber County
LABETTE COUNTY
(Hw) - See Allen County
LANE COUNTY
(Hw) - See Barber County
LEAVENWORTH COUNTY
Decision #AM-6,708 (B)
37 FR 7031 - 4/7/72
Mod. #1-37 FR 18833 - 9/15/72
Mod. #2-37 FR 20388 - 9/29/72
Mod. #3-38 FR 6522 - 3/9/73
Mod. #4-38 FR 17340 - 6/29/73
(Hw) - See Douglas County
LINCOLN COUNTY
(Hw) - See Barber County
LINN COUNTY
(Hw) - See Allen County

KANSAS (Cont'd)

LOGAN COUNTY
(Hw) - See Barber County
LYON COUNTY
(Hw) - See Allen County
McPHERSON COUNTY
(Hw) See Allen County
MARION COUNTY
(Hw) - See Allen County
MARSHALL COUNTY
(Hw) - See Allen County
MEADE COUNTY
(Hw) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw) - See Barber County
MONTGOMERY COUNTY
(Hw) - See Allen County
MORRIS COUNTY
(Hw) - See Allen County
MORTON COUNTY
(Hw) - See Barber County
NEMAHA COUNTY
(Hw) - See Allen County
NEOSHO COUNTY
(Hw) - See Allen County
NESS COUNTY
(Hw)- See Barber County
NORTON COUNTY
(Hw) - See Barber County
OSAGE COUNTY
(Hw) - See Allen County
OSBORNE COUNTY
(Hw) - See Barber County
OTTAWA COUNTY
(Hw) - See Allen County
PAWNEE COUNTY
(Hw) See Barber County
PHILLIPS COUNTY
(Hw) - See Barber County
POTTAWATOMIE COUNTY
(Hw) - See Allen County
PRATT COUNTY
(Hw) - See Barber County
RAWLINS COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

RENO COUNTY
(Hw) - See Allen County
REPUBLIC COUNTY
(Hw) - See Allen County
RICE COUNTY
(Hw) - See Barber County
RILEY COUNTY
(Hw) - See Allen County
ROOKS COUNTY
(Hw) - See Barber County
RUSH COUNTY
(Hw) - See Barber County
RUSSELL COUNTY
(Hw) - See Barber County
SALINE COUNTY
(Hw) - See Allen County
SCOTT COUNTY
(Hw) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16673 - 6/22/73
Decision #AP-532 (B)
38 FR 13922 - 5/25/73
Decision #AP-520 (Hw)
38 FR 7733 - 3/23/73
SEWARD COUNTY
(Hw) - See Barber County
SHAWNEE COUNTY
Decision #AM-6,717 (B)
37 FR 7458-4/14/72
Mod.#1-37 FR 18833-9/15/72
Mod.#2-37 FR 20388-9/29/72
Mod.#3-38 FR 4077 - 2/9/73
Mod. #4-38 FR 6523 - 3/9/73
(Hw) - See Douglas County
Decision #AP-501 (R)
37 FR 16312-8/11/72
Mod.#1-37 FR 18834-9/15/72
Mod.#2-37 FR 20388-9/29/72
Mod.#3-38 FR 4077 - 2/9/73
Mod. #4-38 FR 6523 - 3/9/73

KANSAS (Cont'd)

SHERIDAN COUNTY
(Hw) - See Barber County
SHERMAN COUNTY
(Hw) - See Barber County
SMITH COUNTY
(Hw) - See Barber County
STAFFORD COUNTY
(Hw) - See Barber County
STANTON COUNTY
(Hw) - See Barber County
STEVENS COUNTY
(Hw) - See Barber County
SUMNER COUNTY
(Hw) - See Allen County
THOMAS COUNTY
(Hw) - See Barber County
TREGO COUNTY
(Hw) - See Barber County
WABAUNSEE COUNTY
(Hw) - See Allen County
WALLACE COUNTY
(Hw) - See Barber County
WASHINGTON COUNTY
(Hw) - See Allen County
WICHITA COUNTY
(Hw) - See Barber County
WILSON COUNTY
(Hw) - See Allen County
WOODSON COUNTY
(Hw) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw) - See Johnson County
(R) - See Johnson County

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KENTUCKY

ADAIR COUNTY
Decision #AP-143 (H, Hw)
38 FR 2033 - 1/19/73
Mod. #1-38 FR 14511 - 6/1/73
ALLEN COUNTY
Decision #AP-145 (H, Hw)
38 FR 2040 - 1/19/73
Mod. #1-38 FR 14513 - 6/1/73
ANDERSON COUNTY
Decision #AP-146 (H, Hw)
38 FR 2044 - 1/19/73
Mod. #1-38 FR 14514 - 6/1/73
BALLARD COUNTY
Decision #AM-8,589 (D)
37 FR 5654-3/17/72
Mod. #1-37 FR 24506 11/17/72
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #AM-487 (R)
36 FR 16459 - 8/20/71
BELL COUNTY
(H,Hw) - See Adair County
BOONE COUNTY
~~Decision #AP-168 (B)~~
38 FR 6513 3/9/73
Decision #AP-141 (H,Hw)
37 FR 25690 - 12/1/72
Mod. #1-37 FR 26778 - 12/15/72
Mod. #2-38 FR 2008 - 1/19/73
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
BOURBON COUNTY
(Hw, H) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #AP-170 (B)
38 FR 7735 - 3/23/73
Mod. #1-38 FR 12512 - 5/11/73
(H,Hw) - See Anderson County
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
Decision #AP-144 (H, Hw)
38 FR 2037 - 1/19/73
Mod. #1-38 FR 14512 - 6/1/73

KENTUCKY (Cont'd)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H, Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
~~(H,Hw) - See Adair County~~
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County
FAYETTE COUNTY
Decision #AP-194 (B)
38 FR 13926 - 5/25/73
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
(H,Hw) - See Breathitt County
FRANKLIN COUNTY
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREEN COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County

KENTUCKY (Cont'd)

HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
HARDIN COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
~~JEFFERSON COUNTY~~
Decision #AP-171 (B,H,Hw)
38 FR 7738 - 3/23/73
Mod. #1-38 FR 13916 - 5/25/73
(D) - See Boone County
(R) - See Breckinridge County

KENTUCKY (Cont'd)

JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
JOHNSON COUNTY
Decision #AP-147 (H, Hw)
38 FR 2048 - 1/19/73
Mod. #1-38 FR 14515 - 6/1/73
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Breathitt County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson COunty
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Johnson County
LEE COUNTY
(H,Hw) - See Adair County
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Breathitt County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair County
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCRACKEN COUNTY
Decision #AP-188 (B)
38 FR 9935 - 4/20/73
Mod. #1-38 FR 13916 - 5/25/73
Mod. #2-38 FR 18117 - 7/6/73
(D) - See Boone County
(H,Hw) - See Allen County
McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGAFFIN COUNTY
(H,Hw) - See Breathitt County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Breathitt County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County
NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Breathitt County
PIKE COUNTY
(H,Hw) - See Breathitt County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County

KENTUCKY (Cont'd)

RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Adair County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AP-189 (B,H,Hw)
38 FR 13248 - 5/18/73
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

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LOUISIANA

STATEWIDE
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1-37 FR 24506 - 11/17/72
ACADIA PARISH
(D) - See Statewide
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Decision #AP-735 (B)
38 FR 14594 - 6/1/73
Mod. #1-38 FR 16584 - 6/22/73
Mod. #2-38 FR 17341 - 6/29/73
Mod. #3-38 FR 18118 - 7/6/73
ALLEN PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
ASCENSION PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
ASSUMPTION PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
AVOYELLES PARISH
(D) - See Statewide
(F) - See Acadia Parish
BEAUREGARD PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
BIENVILLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
BOSSIER PARISH
(D) - See Statewide
(F) - See Acadia Parish
Decision #AP-397 (B)
38 FR 2602 - 1/26/73
Mod. #1 - 38 FR 4078 - 2/9/73
Mod. #2 - 38 FR 5089 - 2/23/73
Mod. #3 - 38 FR 9393 - 4/13/73
Mod. #4 - 38 FR 13116 - 5/18/73
Mod. #5 - 38 FR 14516 - 6/1/73
Mod. #6 - 38 FR 17341 - 6/29/73
Decision #AP-398 (R)
38 FR 2604 - 1/26/73
Mod. #1 - 38 FR 4078 - 2/9/73
Mod. #2 - 38 FR 5089 - 2/23/73
Mod. #3 - 38 FR 9393 - 4/13/73
Mod. #4 - 38 FR 13116 - 5/18/73
Mod. #5 - 38 FR 14516 - 6/1/73
Mod. #6 - 38 FR 17341 - 6/29/73
CADDO PARISH
(D) - See Statewide
(B,R) - See Bossier Parish
CALCASIEU PARISH
(D) - See Statewide
(B) - See Acadia Parish
(F) - See Acadia Pariah

LOUISIANA (Cont'd)

CALCASIEU PARISH (cont'd)
Decision #AP-366 (R)
37 FR 26245 - 12/8/72
Mod. #1 - 37 FR 28352 - 12/22/72
Mod. #2 - 37 FR 28800 - 12/29/72
Mod. #3 - 38 FR 936 - 1/5/73
Mod. #4 - 38 FR 17341 - 6/29/73
CALDWELL PARISH
(D)-See Statewide
(F)-See Acadia Parish
CAMERON PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
CATAHOULA PARISH
(D) - See Statewide
(F) - See Acadia Parish
CLAIBORNE PARISH
(D) - See Statewide
(F) - See Acadia Parish
CONCORDIA PARISH
(D) - See Statewide
(F) - See Acadia Parish
DE SOTO PARISH
(D) - See Statewide
(F) - See Acadia Parish
EAST BATON ROUGE PARISH
(D) - See Statewide
(B) - See Acadia Parish
EAST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
EAST FELICIANA PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
EVANGELINE PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
FRANKLIN PARISH
(D) - See Statewide
(F) - See Acadia Parish

LOUISIANA (Cont'd)

GRANT PARISH
(D) - See Statewide
(F) - See Acadia Parish
IBERIA PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
IBERVILLE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
JACKSON PARISH
(D)-See Statewide
(F)-See Acadia Parish
JEFFERSON PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
JEFFERSON DAVIS PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
LAFAYETTE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
LAFOURCHE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
LA SALLE PARISH
(D)-See Statewide
(F)-See Acadia Parish
LINCOLN PARISH
(D)-See Statewide
(F)-See Acadia Parish
LIVINGSTON PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
MADISON PARISH
(D)-See Statewide
(F)-See Acadia Parish
MOREHOUSE PARISH
(D)-See Statewide
(F)-See Acadia Parish
NATCHITOCHES PARISH
(D)-See Statewide
(F)-See Acadia Parish
ORLEANS PARISH
(D) - See Statewide
(B) - See Acadia Parish

LOUISIANA (Cont'd)

OUACHITA PARISH
(D)-See Statewide
Decision #AP-317 (R)
37 FR 17305-8/25/72
PLAQUEMINES PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
POINT COUPEE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
RAPIDES PARISH
(D)-See Statewide
Decision #AP-736 (B)
38 FR 14609 - 6/1/73
Mod. #1-38 FR 15788 - 6/15/73
Mod. #2-38 FR 17341 - 6/29/73
RED RIVER PARISH
(D)-See Statewide
(F)-See Acadia Parish
RICHLAND PARISH
(D)-See Statewide
(F)-See Acadia Parish
SABINE PARISH
(D)-See Statewide
(F)-See Acadia Parish
ST. BERNARD PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. CHARLES PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. HELENA PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. JAMES PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. JOHN THE BAPTIST PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. LANDRY PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. MARTIN PARISH
(D)-See Statewide
(B,F) - See Acadia Parish

LOUISIANA (Cont'd)

ST. MARY PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. TAMMANY PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
TANGIPAHOA PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
TENSAS PARISH
(D)-See Statewide
(F)-See Acadia Parish
TERREBONNE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
UNION PARISH
(D)-See Statewide
(F)-See Acadia Parish
VERMILION PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
VERNON PARISH
(D)-See Statewide
(F)-See Acadia Parish
WASHINGTON PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
WEBSTER PARISH
(D)-See Statewide
(F)-See Acadia Parish
WEST BATON ROUGE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
WEST CARROLL PARISH
(D)-See Statewide
(F)-See Acadia Parish
WEST FELICIANA PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
WINN PARISH
(D)-See Statewide
(F)-See Acadia Parish

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
None
ANNE ARUNDEL COUNTY
Decision #AP-844 (D)
38 FR 15797 - 6/15/73
Decision #AP-842 (B,H,Hw)
38 FR 14503 - 6/1/73
Mod. #1 - 38 FR 15789 - 6/15/73
Mod. #2 - 38 FR 16585 - 6/22/73
BALTIMORE CITY & BALTIMORE COUNTY
Decision #AP-856 (B,H,Hw)
38 FR 16612 - 6/22/73
Decision #AM-I,846 (R)
36 FR 16249 - 8/20/71
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
CALVERT COUNTY
(D)-See Anne Arundel County
CAROLINE COUNTY
None
CARROLL COUNTY
None
CECIL COUNTY
(R)-See Baltimore County
CHARLES COUNTY
(D)-See Anne Arundel County
DORCHESTER COUNTY
(D)-See Anne Arundel County
FREDERICK COUNTY
None
GARRETT COUNTY
None
HARFORD COUNTY
(R)-See Baltimore County
(D)-See Anne Arundel County
HOWARD COUNTY
(R)-See Baltimore County
KENT COUNTY
(D)-See Anne Arundel County

MARYLAND (cont'd)

MONTGOMERY COUNTY
Decision #AP-858 (B)
38 FR 17390 - 6/29/73
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
PRINCE GEORGES COUNTY
(B)-See Montgomery County
(R)-See Montgomery County
(D)-See Anne Arundel County
QUEEN ANNES COUNTY
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D) - See Anne Arundel County
SOMERSET COUNTY
(D)-See Anne Arundel County
TALBOT COUNTY
(D)-See Anne Arundel County
WASHINGTON COUNTY
None
WICOMICO COUNTY
(D)-See Anne Arundel County
WORCESTER COUNTY
(D)-See Baltimore County

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MASSACHUSETTS

BARNSTABLE COUNTY
Decision #AP-811 - (B,H,Hw, & Marine)
38 FR 12539 - 5/11/73
Mod. #1-38 FR 14516 - 6/1/73
Mod. #2-38 FR 17342 - 6/29/73
Mod. #3-38 FR 18118 - 7/6/73
Decision #AP-803 - (D)
38 FR 10580 - 4/27/73
BERKSHIRE COUNTY
None
BRISTOL COUNTY
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #AP-812 (B,H,Hw & Marine)
38 FR 12542 - 5/11/73
Mod. #1-38 FR 17344 - 6/29/73
Mod. #2-38 FR 18119 - 7/6/73
(D) - See Barnstable County
FRANKLIN COUNTY
None
HAMPDEN COUNTY
Decision #AP-813 (B,H,Hw)
38 FR 12546 - 5/11/73
Mod. #1 - 38 FR 15211 - 6/8/73
Mod. #2 - 38 FR 18119 - 7/6/73
Decision #AP-470 (R)
38 FR 4617 - 2/16/73
Mod. #1 - 38 FR 6523 - 3/9/73
Mod. #2 - 38 FR 9394 - 4/13/73

MASSACHUSETTS (cont'd)

HAMPSHIRE COUNTY
None
MIDDLESEX COUNTY
Decision #AP-814 (B,H,Hw & Marine)
38 FR 12550 - 5/11/73
Mod. #1 - 38 FR 14516 - 6/1/73
Mod. #2 - 38 FR 17346 - 6/29/73
Mod. #3 - 38 FR 18122 - 7/6/73
(d) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County
NORFOLK COUNTY
(D) - See Barnstable County
PLYMOUTH COUNTY
(D) - See Barnstable County
SUFFOLK COUNTY
Decision #AP-815 (B,H,Hw, Marine & D)
38 FR 12554 - 5/11/73
Mod. #1 - 38 FR 17348 - 6/29/73
Mod. #2 - 38 FR 18122 - 7/6/73
WORCESTER COUNTY
Decision #AP-816 (B,H,Hw)
38 FR 12558 - 5/11/73
Mod. #1 - 38 FR 14516 - 6/1/73
Mod. #2 - 38 FR 17350 - 6/29/73
Mod. #3 - 38 FR 18123 - 7/6/73

MICHIGAN

ALCONA COUNTY
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
Decision #AP-79 (Highway, Bridge, Airport & Sewer Cons, excl. of Bldgs.)
37 FR 28377 - 12/22/72
Mod. #1 - 38 FR 936 - 1/5/73
Mod. #2 - 38 FR 4629 - 2/16/73
ALGER COUNTY
(Hw) (D) - See Alcona County
ALLEGAN COUNTY
Decision #AP-80 (B,H)
37 FR 28822 - 12/29/72
Mod. #1 - 38 FR 5089 - 2/23/73
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
Decision #AP-77 (Highway, Bridge, Airport & Sewer Cons, excl. of Bldgs.)
37 FR 28374 - 12/22/72
Mod. #1 - 38 FR 4629 - 2/16/73
(D) - See Alcona County
ALPENA COUNTY
Decision #AP-81 (B,H)
37 FR 28825 - 12/29/72
Mod. #1 - 38 FR 5089 - 2/23/73
(Hw,D) - See Alcona County
ANTRIM COUNTY
(Hw,D) - See Alcona County
ARENAC COUNTY
(Hw,D) - See Alcona County
BARAGA COUNTY
Decision #AP-82 (B,H)
37 FR 28850 - 12/29/72
Mod. #1 - 38 FR 5090 - 2/23/73
(Hw,D) - See Alcona County
BARRY COUNTY
(Hw) - See Allegan County
BAY COUNTY
(D) - See Alcona County
(Hw) - See Allegan County

MICHIGAN (Cont'd)

BENZIE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
BERRIEN COUNTY
Decision # AP-83 (B,H)
37 FR 28828 - 12/12/72
Mod. #1 - 38 FR 5090 - 2/23/73
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw) - See Allegan County
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw) - See Allegan County
CALHOUN COUNTY
Decision #AP-84 (B,H)
37 FR 28831 - 12/29/72
Mod. #1 - 38 FR 5090 - 2/23/73
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw) - See Allegan County
CASS COUNTY
(Hw) - See Allegan County
(R) - See Branch County
CHARLEVOIX COUNTY
Decision #AP-85 (B,H)
37 FR 28834 - 12/29/72
Mod. #1 - 38 FR 5091 - 2/23/73
(Hw,D) - See Alcona County
CHEBOYGAN COUNTY
(Hw,D) - See Alcona County
CHIPPEWA COUNTY
Decision #AP-86 (B,H)
37 FR 28837 - 12/29/72
Mod. #1 - 38 FR 5091 - 2/23/73
(Hw,D) - See Alcona County
CLARE COUNTY
(Hw) - See Alcona County
CLINTON COUNTY
(Hw) - See Allegan County

MICHIGAN (cont'd)

CRAWFORD COUNTY
(Hw) - See Alcona County
DELTA COUNTY
(Hw, D) - See Alcona County
DICKINSON COUNTY
(Hw) - See Alcona County
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(Hw) - See Allegan County
EMMET COUNTY
Decision #AP-87 (B, H)
37 FR 28839 - 12/29/72
Mod. #1 - 38 FR 5091 - 2/23/73
(Hw, D) - See Alcona County
GENESEE COUNTY
Decision #AP-88 (B, H)
37 FR 28870 - 12/29/72
Mod. #1 - 38 FR 5092 - 2/23/73
Decision AP-76 (Highway, Bridge, Airpost & Sewer Cons, excl. of Bldgs.)
37 FR 28372 - 12/22/72
Mod. #1 - 38 FR 4628 - 2/16/73
GLADWIN COUNTY
(Hw) - See Alcona County
GOGEBIC COUNTY
Decision #AP-89 (B, H)
37 FR 28844 - 12/29/72
Mod. #1 - 38 FR 5092 - 2/23/73
(Hw, D) - See Alcona County
GRAND TRAVERSE COUNTY
Decision #AP-90 (B,H)
37 FR 28873 - 12/29/72
Mod. #1 - 38 FR 5092 - 2/23/73
(Hw, D) - See Alcona County
GRATIOT COUNTY
(Hw) - See Allegan County
HILLSDALE COUNTY
(Hw) - See Allegan County
HOUGHTON COUNTY
(B, H) - See Baraga County
(Hw, D) - See Alcona County
HURON COUNTY
Decision #AP-91 (B, H)
37 FR 28879 - 12/29/72
Mod. #1 - 38 FR 5093 - 2/23/73
(D) - See Alcona County
(Hw) - See Allegan County
INGHAM COUNTY
Decision #AP-92 (B, H)
37 FR 28844 - 12/29/72
Mod. #1 - 38 FR 5093 - 2/23/73
(Hw) - See Allegan County
(R) - See Eaton County

MICHIGAN (cont'd)

IONIA COUNTY
(Hw) - See Allegan County
IOSCO COUNTY
(D & Hw) - See Alcona County
IRON COUNTY
(Hw) - See Alcona Aounty
ISABELLA COUNTY
(Hw) - See Alcona County
JACKSON COUNTY
(Hw) - See Allegan County
KALAMAZOO COUNTY
Decision #AP-93 (B, H)
37 FR 28847 - 12-29-72
Mod. #1 - 38 FR 5093 - 2-23-73
(Hw) - See Allegan County
(R) - See Branch County
KALKASKA COUNTY
(Hw) - See Alcona County
KENT COUNTY
Decision #AP-23 (B,H)
37 FR 20443 - 9-29-72
Mod. #1 - 37 FR 22704 - 10-20-72
Decision #AM-402 (R)
36 FR 15895 - 8-18-71
KEWEENAW COUNTY
(B,H) - See Baraga County
(Hw) - See Alcona County
LAKE COUNTY
(Hw) - See Alcona County
LAPEER COUNTY
(Hw) - See Allegan County
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw) - See Alcona County
LENAWEE COUNTY
(Hw) - See Allegan County
LIVINGSTON COUNTY
(Hw) - See Allegan County
LUCE COUNTY
(Hw,D) - See Alcona County
MACKINAC COUNTY
(B,H) - See Chippewa County
(Hw) - See Alcona County
MACOMB COUNTY
Decision #AP-600 (B,H)
37 FR 28866 - 12-29-72
Mod. #1 - 38 FR 5096 - 2-23-73
(D) - See Alcona County
(Hw) - See Genessee County
Decision # AP-601 (R)
37 FR 28797 - 12-29-72
Mod. #1 - 38 FR 5096 - 2-23-73

MICHIGAN (cont'd)

MANISTEE COUNTY
(Hw, D) - See Alcona County
MARQUETTE COUNTY
Decision #AP-94 (B, H)
37 FR 28852 - 12/29/72
Mod. #1 - 38 FR 5094 - 2/23/73
(Hw, D) - See Alcona County
MASON COUNTY
Decision #AP-95 (B, H)
37 FR 28854 - 12/29/72
Mod. #1 - 38 FR 5094 - 2/23/73
(Hw, D) - See Alcona County
MECOSTA COUNTY
(Hw) - See Alcona County
MENOMINEE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
MIDLAND COUNTY
(Hw) - See Allegan County
MISSAUKEE COUNTY
(Hw) - See Alcona County
MONROE COUNTY
(D) - See Alcona County
(Hw) - See Genessee County
MONTCALM COUNTY
(Hw) - See Allegan County
(R) - See Kent County
MONTMORENCY COUNTY
(Hw) - See Alcona County
MUSKEGON COUNTY
Decision #AP-97 (B, H)
37 FR 28857 - 12/29/72
Mod. #1 - 38 FR 5094 - 2/23/73
Decision #AM-403 (R)
36 FR 15896 - 8/18/71
(D) - See Alcona County
(Hw) - See Allegan County
NEWAYGO COUNTY
(Hw) - See Alcona County
OAKLAND COUNTY
(B, H, R) - See Macomb County
(D) - See Alcona County
(Hw) - See Genessee County
OCEANA COUNTY
(B, H, R) - See Muskegon County
(D) - See Alcona County
(Hw) - See Allegan County
OGEMAW COUNTY
(Hw) - See Alcona County
ONTONAGON COUNTY
(B, H) - See Baraga County
(Hw, D) - See Alcona County
OSCEOLA COUNTY
(Hw) - See Alcona County

MICHIGAN (cont'd)

OSCODA COUNTY
(Hw) - See Alcona County
OTSEGO COUNTY
(Hw) - See Alcona County
OTTAWA COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
(R) - See Allegan County
PRESQUE ISLE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
ROSCOMMON COUNTY
(Hw) - See Alcona County
SAGINAW COUNTY
Decision #AP-96 (B,H)
37 FR 28876 - 12/29/72
Mod. #1 - 38 FR 5095 - 2/23/73
(Hw) - See Allegan County
SAINT CLAIR COUNTY
Decision #AP-98 (B, H)
37 FR 28860 - 12/29/72
Mod. #1 - 38 FR 5095 - 2/23/73
(D) - See Alcona County
(Hw) - See Allegan County
SAINT JOSEPH COUNTY
(Hw) - See Allegan County
(R) - See Branch County
SANILAC COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
SHIAWASSEE COUNTY
(Hw) - See Allegan County
TUSCOLA COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
VAN BUREN COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
WASHTENAW COUNTY
Decision #AP-99 (B, H)
37 FR 28863 - 12/29/72
Mod. #1 - 38 FR 5095 - 2/23/73
(Hw) - See Genesee County
WAYNE COUNTY
(B, H, R) - See Macomb County
(D) - See Alcona County
(Hw) - See Genesee County
WEXFORD COUNTY
(Hw) - See Alcona County

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MINNESOTA

AITKIN COUNTY
None
ANOKA COUNTY
Decision #AP-638 (H)
38 FR 6540 - 3/9/73
Mod. #1 - 38 FR 11213 - 5/4/73
Decision #AP-642 (H,Hw)
38 FR 6556 - 3/9/73
Mod. #1 - 38 FR 11225 - 5/4/73
Decision #AP-644 (R)
38 FR 6562 - 3/9/73
Mod. #1 - 38 FR 11227 - 5-4-73
BECKER COUNTY
Decision #AP-49 (Hw)
37 FR 25097 - 11/25/72
BELTRAMI COUNTY
None
BENTON COUNTY
None
BIG STONE COUNTY
Decision #AP-50 (Hw)
37 FR 25098 - 11/25/72
BLUE EARTH COUNTY
None
BROWN COUNTY
None
CARLTON COUNTY
None
CARVER COUNTY
Decision #AP-639 (B)
38 FR 6544 - 3/9/73
Mod. #1 - 38 FR 11216 - 5/4/73
Decision #AP-645 (R)
38 FR 6566 - 3/9/73
Mod. #1 - 38 FR 11230 - 5/4/73
(H,Hw) - See Anoka County

MINNESOTA (cont'd)

CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
None
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
None
COOK COUNTY
Decision #AP-643 (H,Hw)
38 FR 6559 - 3/9/73
Mod. #1 - 38 FR 11226 - 5/4/73
Decision #AP-4 - (D)
37 FR 14670 - 7/21/72
COTTONWOOD COUNTY
None
CROW WING COUNTY
None
DAKOTA COUNTY
Decision #AP-640 (B)
38 FR 6548 - 3/9/73
Mod. #1 - 38 FR 11219 - 5/4/73
Decision #AP-646 (R)
38 FR 6570 - 3/9/73
Mod. #1 - 38 FR 11233 - 5/4/73
(H,Hw) - See Anoka County

MINNESOTTA (Cont'd)

DODGE COUNTY
None
DOUGLAS COUNTY
(Hw) - See Big Stone County
FAIRBAULT COUNTY
None
FILLMORE COUNTY
None
FREEBORN COUNTY
None
GOODHUE COUNTY
None
GRANT COUNTY
(Hw) - See Big Stone County
HENNEPIN COUNTY
(B, R) - See Carver County
(H, Hw) - See Anoka County
HOUSTON COUNTY
None
HUBBARD COUNTY
(Hw) - See Becker County
ISANTI COUNTY
None
ITASKA COUNTY
None
JACKSON COUNTY
None
KANABEC COUNTY
None
KANDIYOHI COUNTY
(Hw) - See Big Stone County
KITTSON COUNTY
None
KOOCHICHING COUNTY
None
LAC QUI PARLE COUNTY
(Hw) - See Big Stone County
LAKE COUNTY
(H)(Hw)-See Cook County
(D)-See Cook County
LAKE OF THE WOODS COUNTY
None
LE SUEUR COUNTY
None
LINCOLN COUNTY
None

MINNESOTA (cont'd)

LYON COUNTY
None
MCLEOD COUNTY
None
MAHNOMEN COUNTY
None
MARSHALL COUNTY
None
MARTIN COUNTY
None
MEEKER COUNTY
None
MILLE LACS COUNTY
None
MORRISON COUNTY
None
MOWER COUNTY
None
MURRAY COUNTY
None
NICOLLET COUNTY
None
NOBLES COUNTY
None
NORMAN COUNTY
None
OLMSTEAD COUNTY
None
OTTER TAIL COUNTY
(Hw) - See Becker County
PENNINGTON COUNTY
None
PINE COUNTY
None
PIPESTONE COUNTY
None
POLK COUNTY
None
POPE COUNTY
(Hw) - See Big Stone County
RAMSEY COUNTY
(R, B) - See Dakota County
(H, Hw) - See Anoka County

MINNESOTA (Cont'd)

RED LAKE COUNTY
None
REDWOOD COUNTY
None
RENVILLE COUNTY
None
RICE COUNTY
None
ROCK COUNTY
None
ROSEAU COUNTY
None
SAINT LOUIS COUNTY
(D)-See Cook County
(H)(Hw)-See Cook County
CITY OF DULUTH
Decision #AP-641 (B)
38 FR 6552 - 3/9/73
Mod. #1-38 FR 11222 - 5/4/73
Mod. #2-38 FR 13916 - 5/25/73
Mod. #3-38 FR 14516 - 6/1/73
Mod. #4-38 FR 15790 - 6/15/73
Decision #AP-647 (R)
38 FR 6574 - 3/9/73
Mod. #1-38 FR 11236 - 5/4/73
Mod. #2-38 FR 13916 - 5/25/73
Mod. #3-38 FR 14516 - 6/1/73
Mod. #4-38 FR 15790 - 6/15/73
SCOTT COUNTY
(H)(Hw)-See Anoka County
(B) - See Carver County
SHERBURNE COUNTY
None
SIBLEY COUNTY
None

MINNESOTA (cont'd)

STEARNS COUNTY
None
STEELE COUNTY
None
STEVENS COUNTY
(Hw) - See Big Stone County
SWIFT COUNTY
(Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(Hw) - See Big Stone County
WABASHA COUNTY
None
WADENA COUNTY
(Hw) - See Becker County
WASECA COUNTY
None
WASHINGTON COUNTY
(b) - See Dakota County
(H, Hw) - See Anoka County
WATONWAN COUNTY
None
WILKIN COUNTY
(Hw) - See Becker County
WINONA COUNTY
None
WRIGHT COUNTY
None
YELLOW MEDICINE COUNTY
None

MISSISSIPPI

STATEWIDE
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1-37 FR 24506 - 11/17/72
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
ADAMS COUNTY
Decision #AP-166 (Hw)
38 FR 6582 - 3/9/73
(D) - See Statewide
(F) - See Statewide
ALCORN COUNTY
Decision #AP-162 (Hw)
38 FR 6578 - 3/9/73
(D) - See Statewide
(F) - See Statewide
AMITE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
ATTALA COUNTY
Decision #AP-165 (Hw)
38 FR 6581 - 3/9/73
Mod. #1 - 38 FR 16586 - 6/22/73
(D) - See Statewide
(F) - See Statewide
BENTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
BOLIVAR COUNTY
Decision #AP-163 (Hw)
38 FR 6579 - 3/9/73
(D) - See Statewide
(F) - See Statewide
CALHOUN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
CARROLL COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
CHICKASAW COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
CHOCTAW COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County

MISSISSIPPI (cont'd)

CLAIBORNE COUNTY
Decision #AP-164 (Hw)
38 FR 6580 - 3/9/73
(D) - See Statewide
(F) - See Statewide
CLARKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
CLAY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
COAHOMA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
COPIAH COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
COVINGTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
DE SOTO COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
FORREST COUNTY
Decision #AM-8264 (R)
37 FR 13017 - 6/30/72
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
FRANKLIN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
GEORGE COUNTY
Decision #AP-167 (Hw)
38 FR 6583 - 3/9/73
(D) - See Statewide
(F) - See Statewide
(R) - See Harrison County
GREENE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County

XUM 38 FR 21083

MISSISSIPPI (cont'd)

GRENADA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
HANCOCK COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See George County
(R) - See Harrison County
HARRISON COUNTY
Decision #AP-159 (B,H,Water & Sewer)
38 FR 4638 - 2/16/73
Mod. #1 - 38 FR 7196 - 3/16/73
Mod. #2 - 38 FR 16586 - 6/22/73
Decision #AP-174 (R)
38 FR 10584 - 4/27/73
(D,F) - See Statewide
(Hw) - See George County
Decision #AP-498 (R)
36 FR 16473 - 8/20/71
(D,F) - See Statewide
(Hw) - See Claiborne
HINDS COUNTY
Decision #AP-158 (B, H,)
38 FR 4636 - 2/16/73
Mod. #1 - 38 FR 7169 - 3/16/73
HOLMES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
HUMPHREYS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
ISSAQUENA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
ITAWAMBA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
JACKSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See George County
(R) - See Harrison County
JASPER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
JEFFERSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County

MISSISSIPPI (cont'd)

JEFFERSON DAVIS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
JONES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
(R) - See Forest County
KEMPER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
LAFAYETTE COUNTY
(D) - See Statewide
(R) - See Statewide
(Hw) - See Alcorn County
LAMAR COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LAUDERDALE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
LAWRENCE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LEAKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
LEE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
LEFLORE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
LINCOLN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LOWNDES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
MADISON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County

MISSISSIPPI (Cont'd)

MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
MARSHALL COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
MONROE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
MONTGOMERY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
NESHOBA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
NEWTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
NOXUBEE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
OKTIBBEHA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
PANOLA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
PEARL RIVER COUNTY
(B, H) - See Harrison County
(D) - See Statewide
(F) - See Statewide
(Hw) - See Statewide
(R) - See Harrison County
PERRY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
PIKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County

MISSISSIPPI (Cont'd)

PONTOTOC COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
PRENTISS COUNTY
(D) - See Statewide
(F) - See Statewise
(Hw) - See Alcorn County
QUITMAN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
RANKIN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
SCOTT COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
SHARKEY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
SIMPSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
SMITH COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
STONE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Georgia County
(R) - See Harrison County
SUNFLOWER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
TALLAHATCHIE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County

MISSISSIPPI (Cont'd)

TATE COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
TIPPAH COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
TISHOMINGO COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
TUNICA COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
UNION COUNTY
(D,F,)-See Statewide
(Hw)-See Alcorn County
WALTHALL COUNTY
(D,F)-See Statewide
(Hw)-See Adams County
WARREN COUNTY
(D,F)-See Statewide
(Hw)-See Claiborne County
WASHINGTON COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
WAYNE COUNTY
(D,F)-See Statewide
(Hw)-See Adams
WEBSTER COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
WILKINSON COUNTY
(D,F)-See Statewide
(Hw)-See Adams County
WINSTON COUNTY
(D,F)-See Statewide
(Hw)-See Attalo County
YALOBUSHA COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
YAZOO COUNTY
(D,F)-See Statewide
(Hw)-See Claiborne County
(R)-See Hinds County

MISSOURI

ADAIR COUNTY
None
ANDREW COUNTY
None
ATCHISON COUNTY
None
AUDRAIN COUNTY
None
BARRY COUNTY
None
BARTON COUNTY
Decision #AP-509 (H-Hw)
37 FR 21783 - 10/13/72
BATES COUNTY
None
BENTON COUNTY
None
BOLLINGER COUNTY
None
BOONE COUNTY
None
BUCHANAN COUNTY
None
BUTLER COUNTY
None
CALDWELL COUNTY
None
CALLAWAY COUNTY
None
CAMDEN COUNTY
None
CAPE GIRARDEAU COUNTY
Decision #AP-602 (D)
38 FR 1433-1/12/73
CARROLL COUNTY
None
CARTER COUNTY
None

MISSOURI (Cont'd)

CASS COUNTY
Decision #AP-531 (B,H,Hw)
38 FR 13929 (5/25/73)
Mod. #1 - 38 FR 15210 - 6/8/73
Mod. #2 - 38 FR 16584 - 6/22/73
Mod. #3 - 38 FR 18117 - 7/6/73
Decision #AP-516 (R)
37 FR 26206 - 12/8/72
Mod. #1 - 38 FR 1435 - 1/12/73
Mod. #2- 38 FR 4078 - 2/2/73
Mod. #3 - 38 FR 12511 - 5/11/73
Mod. #4 - 38 FR 15210 - 6/8/73
CEDAR COUNTY
None
CHARITON COUNTY
None
CHRISTIAN COUNTY
None
CLARK COUNTY
None
CLAY COUNTY
(B,H,Hw) - See Cass County
(R) - See Cass County
CLINTON COUNTY
None
COLE COUNTY
None
COOPER COUNTY
None
CRAWFORD COUNTY
None
DADE COUNTY
None
DALLAS COUNTY
None
DAVIESS COUNTY
None
DE KALB COUNTY
None
DENT COUNTY
None
DOUGLAS COUNTY
None
DUNKLIN COUNTY
None
FRANKLIN COUNTY
None
GASCONADE COUNTY
None
GENTRY COUNTY
None
GREENE COUNTY
None
GRUNDY COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None

MISSOURI (Cont'd)

HICKORY COUNTY
None
HOLT COUNTY
Decision #AP-506 (H-Hw)
37 FR 21774 - 10/13/72
HOWARD COUNTY
None
HOWELL COUNTY
None
IRON COUNTY
None
JACKSON COUNTY
(B-H-Hw) - See Cass County
(R) - See Cass County
JASPER COUNTY
None
JEFFERSON COUNTY
(D)-See Cape Girardeau County
JOHNSON COUNTY
None
KNOX COUNTY
None
LACLEDE COUNTY
(H-Hw) - See Barton County
LAFAYETTE COUNTY
None
LAWRENCE COUNTY
(H-Hw) - See Barton County
LEWIS COUNTY
None
LINCOLN COUNTY
None
LINN COUNTY
Decision #AP-508 (H-Hw)
37 FR 21779 - 10/13/72
Mod. #1-37 FR 23057 - 10/27/72
LIVINGSTON COUNTY
None
MC DONALD COUNTY
None
MACON COUNTY
None
MADISON COUNTY
None
MARIES COUNTY
None
MARION COUNTY
None
MERCER COUNTY
None
MILLER COUNTY
None

XUM 38 FR 21110-21111

MISSOURI (Cont'd)

MISSISSIPPI COUNTY
(D)-See Cape Girardeau County
MONITEAU COUNTY
None
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MORGAN COUNTY
None
NEW MADRID COUNTY
None
NEWTON COUNTY
None
NODAWAY COUNTY
None
OREGON COUNTY
None
OSAGE COUNTY
None
OZARK COUNTY
None
PEMISCOT COUNTY
None
PERRY COUNTY
(D)-See Cape Girardeau County
PETTIS COUNTY
(H-Hw) - See Linn County
PHELPS COUNTY
None
PIKE COUNTY
None
PLATTE COUNTY
(B-H-Hw) - See Cass County
(R) - See Cass County
POLK COUNTY
None
PULASKI COUNTY
None
PUTNAM COUNTY
None
RALLS COUNTY
None
RANDOLPH COUNTY
None
RAY COUNTY
(B, H, Hw, R) - See Cass County
REYNOLDS COUNTY
None
RIPLEY COUNTY
None

MISSOURI (Cont'd)

ST. CHARLES COUNTY
Decision #AP-534 (B,H,Hw)
38 FR 18141 - 7/6/73
Decision #AP-504 (R)
37 FR 17881 - 9/1/72
Mod. #1-38 FR 4078-2/9/73
Mod. #2 - 38 FR 6524 - 3/9/73
Mod. #3 - 38 FR 13917 - 5/25/73
Mod. #4 - 38 FR 18124 - 7/6/73
(D)-See Cape Girardeau County
ST. CLAIR COUNTY
None
ST. FRANCOIS COUNTY
None
ST. LOUIS COUNTY
(B-H-Hw-R) - See St. Charles County
(D) - See Cape Girardeau County
ST. LOUIS CITY
(B-H-Hw-R) - See St. Charles County
STE. GENEVIEVE COUNTY
(D)-See Cape Girardeau County
SALINE COUNTY
None
SCHUYLER COUNTY
None
SCOTLAND COUNTY
None
SCOTT COUNTY
Decision #AP-507 (H-Hw)
37 FR 21776 - 10/13/72
Mod. #1-37 FR 25109 - 11/25/72
(D)-See Cape Girardeau County
SHANNON COUNTY
None
SHELBY COUNTY
None
STODDARD COUNTY
None
STONE COUNTY
None
SULLIVAN COUNTY
None
TANEY COUNTY
None

MISSOURI (cont'd)

TEXAS COUNTY
None
VERNON COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
None
WEBSTER COUNTY
None
WORTH COUNTY
None
WRIGHT COUNTY
None

MONTANA

STATEWIDE
Decision #AP-914 (H,Hw)
38 FR 17396 - 6/29/73
BEAVERHEAD COUNTY
Decision #AP-916 (B)
38 FR 17407 - 6/29/73
(H,Hw) - See Statewide
BIG HORN COUNTY
Decision #AP-917 (B)
38 FR 17415 - 6/29/73
(H,Hw) - See Statewide
BLAINE COUNTY
Decision #AP-910 (B)
38 FR 16615 - 6/22/73
(H,Hw) - See Statewide
BROADWATER COUNTY
(H,Hw) - See Statewide
CARBON COUNTY
(H,Hw) - See Statewide
CARTER COUNTY
(H,Hw) - See Statewide
CASCADE COUNTY
(B) - See Blaine County
(H,Hw) - See Statewide
CHATEAU COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
CUSTER COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
DANIELS COUNTY
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
DEERLODGE COUNTY
(B) - See Beaverhead County
(H,Hw) - See Statewide
FALLON COUNTY
(H,Hw) - See Statewide
FERGUS COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
FLATHEAD COUNTY
(H,Hw) - See Statewide
Decision #AP-913 (B)
38 FR 17392 - 6/29/73

MONTANA (Cont'd)

GALLATIN COUNTY
(B) - See Beaverhead County
(H,Hw) - See Statewide
GARFIELD COUNTY
(H,Hw) - See Blaine County
GLACIER COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
GOLDEN VALLEY COUNTY
(H,Hw) - See Statewide
GRANITE COUNTY
(H,Hw)- See Statewide
HILL COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
JEFFERSON COUNTY
(H,Hw) - See Statewide
JUDITH BASIN COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
LAKE COUNTY
(H,Hw) - See Statewide
(B) - See Flathead County
LEWIS & CLARK COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
LIBERTY COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
LINCOLN COUNTY
(H,Hw) - See Statewide
(B) - See Flathead County
MC CONE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MEAGHER COUNTY
(H,Hw) - See Statewide
MINERAL COUNTY
(H,Hw) - See Statewide
MISSOULA COUNTY
(H,Hw) - See Statewide
(B) - See Flathead County
MUSSELSHELL COUNTY
(H,Hw) - See Beaverhead County
PARK COUNTY
(H,Hw) - See Statewide
PETROLEUM COUNTY
(H,Hw) - See Statewide
PHILLIPS COUNTY
(H,Hw) - See Statewide

MONTANA (Cont'd)

PONDERA COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
POWDER RIVER COUNTY
(H,Hw) - See Statewide
POWELL COUNTY
(H,Hw) - See Statewide
PRAIRIE COUNTY
(H,Hw) - See Statewide
RAVALLI COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
ROOSEVELT COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
ROSEBUD COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
SANDERS COUNTY
(H,Hw) - See Statewide
SHERIDAN COUNTY
(H,Hw) - See Blaine County
SILVERBOW COUNTY
(B) - See Beaverhead County
Decision #AP-915 (R)
38 FR 17403 - 6/29/73
(H,Hw) - See Statewide
STILLWATER COUNTY
(H,Hw) - See Statewide
SWEETGRASS COUNTY
(H,Hw) - See Statewide
TETON COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
TOOLE COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
TREASURE COUNTY
(H,Hw) - See Statewide
VALLEY COUNTY
(B) - See Blaine County
(Hw, H) - See Statewide
WHEATLAND COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
WIBAUX COUNTY
(H,Hw) - See Statewide
YELLOW STONE COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County

NEBRASKA

ADAMS COUNTY
Decision #AP-525 (Hw)
38 FR 9413 - 4/13/73
Mod. #1 - 38 FR 13116 - 5/18/73
Mod. #2 - 38 FR 13917 - 5/25/73
Mod. #3 - 38 FR 18126 - 7/6/73
ANTELOPE COUNTY
(Hw) - See Adams County
ARTHUR COUNTY
(Hw) - See Adams County
BANNER COUNTY
(Hw) - See Adams County
BLAINE COUNTY
(Hw) - See Adams County
BOONE COUNTY
(Hw) - See Adams County
BOX BUTTE COUNTY
(Hw) - See Adams County
BOYD COUNTY
(Hw) - See Adams County
BROWN COUNTY
(Hw) - See Adams County
BUFFALO COUNTY
(Hw) - See Adams County
BURT COUNTY
(Hw) - See Adams County
BUTLER COUNTY
(Hw) - See Adams County
CASS COUNTY
(Hw) - See Adams County
CEDAR COUNTY
(Hw) - See Adams County
CHASE COUNTY
(Hw) - See Adams County
CHERRY COUNTY
(Hw) - See Adams County
CHEYENNE COUNTY
(Hw) - See Adams County
CLAY COUNTY
(Hw) - See Adams County
COLFAX COUNTY
(Hw) - See Adams County
CUMING COUNTY
(Hw) - See Adams County
CUSTER COUNTY
(Hw) - See Adams County
DAKOTA COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

DAWES COUNTY
(Hw) - See Adams County
DAWSON COUNTY
(Hw) - See Adams County
DEUEL COUNTY
(Hw) - See Adams County
DIXON COUNTY
(Hw) - See Adams County
DODGE COUNTY
(Hw) - See Adams County
DOUGLAS COUNTY
Decision #AP-526 (B,H,Hw)
38 FR 9937 - 4/20/73
Mod. #1 - 38 FR 11240 - 5/4/73
Mod. #2 - 38 FR 13116 - 5/18/73
Mod. #3 - 38 FR 13917 - 5/25/73
Mod. #4 - 38 FR 14534 - 6/1/73
Mod. #5 - 38 FR 16586 - 6/22/73
Decision #AP-524 (R)
38 FR 8861 - 4/6/73
Mod. #1 - 38 FR 11240 - 5/4/73
Mod. #2 - 38 FR 13116 - 5/18/73
Mod. #3 - 38 FR 16588 - 6/22/73
DUNDY COUNTY
(Hw) - See Adams County
FILLMORE COUNTY
(Hw) - See Adams County
FRANKLIN COUNTY
(Hw) - See Adams County
FRONTIER COUNTY
(Hw) - See Adams County
FURNAS COUNTY
(Hw) - See Adams County
GAGE COUNTY
(Hw) - See Adams County
GARDEN COUNTY
(Hw) - See Adams County
GARFIELD COUNTY
(Hw) - See Adams County
GOSPER COUNTY
(Hw) - See Adams County
GRANT COUNTY
(Hw) - See Adams County

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NEBRASKA (Cont'd)

GREELEY COUNTY
(Hw) - See Adams County
HALL COUNTY
(Hw) - See Adams County
HAMILTON COUNTY
(Hw) - See Adams County
HARLAN COUNTY
(Hw) - See Adams County
HAYES COUNTY
(Hw) - See Adams County
HITCHCOCK COUNTY
(Hw) - See Adams County
HOLT COUNTY
(Hw) - See Adams County
HOOKER COUNTY
(Hw) - See Adams County
HOWARD COUNTY
(Hw) - See Adams County
JEFFERSON COUNTY
(Hw) - See Adams County
JOHNSON COUNTY
(Hw) - See Adams County
KEARNEY COUNTY
(Hw) - See Adams County
KEITH COUNTY
(Hw) - See Adams County
KEYAPAHA COUNTY
(Hw) - See Adams County
KIMBALL COUNTY
(Hw) - See Adams County
KNOX COUNTY
(Hw) - See Adams County
LANCASTER COUNTY
Decision #AP-522 (B)
38 FR 8391 - 3/30/73
Mod. #1 - 38 FR 14534 - 6/1/73
Mod. #2 - 38 FR 16588 - 6/22/73
Decision #AM-6,140 (R)
36 FR 21736 - 11/12/71
LINCOLN COUNTY
(Hw) - See Admas County
LOGAN COUNTY
(Hw) - See Adams County
LOUP COUNTY
(Hw) - See Adams County
MC PHERSON COUNTY
(Hw) - See Admas County
MADISON COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

MERRICK COUNTY
(Hw) - See Adams County
MORRILL COUNTY
(Hw) - See Adams County
NANCE COUNTY
(Hw) - See Adams County
NEMAHA COUNTY
(Hw) - See Adams County
NUCKOLLS COUNTY
(Hw) - See Adams County
OTOE COUNTY
(Hw) - See Adams County
PAWNEE COUNTY
(Hw) - See Adams County
PERKINS COUNTY
(Hw) - See Adams County
PHELPS COUNTY
(Hw) - See Adams County
PIERCE COUNTY
(Hw) - See Adams County
PLATTE COUNTY
(Hw) - See Adams County
POLK COUNTY
(Hw) - See Adams County
RED WILLOW COUNTY
(Hw) - See Adams County
RICHARDSON COUNTY
(Hw) - See Adams County
ROCK COUNTY
(Hw) - See Adams County
SALINE COUNTY
(Hw) - See Adams County
SARPY COUNTY
(B-H-Hw) - See Douglas County
SAUNDERS COUNTY
(Hw) - See Adams County
SCOTTS BLUFF COUNTY
(Hw) - See Adams County
SEWARD COUNTY
(Hw) - See Adams County
SHERIDAN COUNTY
(Hw) - See Adams County
SHERMAN COUNTY
(Hw) - See Adams County
SIOUX COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

STANTON COUNTY
(Hw) - See Adams County
THAYER COUNTY
(Hw) - See Adams County
THOMAS COUNTY
(Hw) - See Adams County.
THURSTON COUNTY
(Hw) - See Adams County
VALLEY COUNTY
(Hw) - See Adams County
WASHINGTON COUNTY
(Hw) - See Adams County
WAYNE COUNTY
(Hw) - See Adams County
WEBSTER COUNTY
(Hw) - See Adams County
WHEELER COUNTY
(Hw) - See Adams County
YORK COUNTY
(Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #AP-264 (H,Hw)
38 FR 6584 - 3/9/73
Mod. #1 - 38 FR 15212 - 6/8/73
Mod. #2- 38 FR 17351 - 6/29/73
CHURCHILL COUNTY
(H,Hw) - See Statewide
Decision #AP-907 (B)
38 FR 13941 - 5/25/73
Mod. #1 - 38 FR 15220 - 6/8/73
Mod. #2 - 38 FR 17352 - 6/29/73
CLARK COUNTY
Decision #AP-290 (R) (Excluding the Nevada Test Site)
38 FR 8914 - 4/6/73
Mod. #1 - 38 FR 17352 - 6/29/73
Decision #AP-266 (B) Excluding the Nevada Test Site)
38 FR 8395 - 3/30/73
Mod. #1 - 38 FR 17351 - 6/29/73
(H,Hw) - See Statewide
Decision #AP-912 (B,H,Hw) (Nevada Test Site including the Tonopah Test Range
38 FR 17421 - 6/29/73
DOUGLAS COUNTY
(H,Hw) - See Statewide
(B) - See Churchill County
ELKO COUNTY
(H,Hw) - See Statewide
(B) - See Churchill County
ESMERALDA COUNTY
(H,Hw) - See Statewide
EUREKA COUNTY
(H,Hw) - See Statewide

NEVADA (Cont'd)

HUMBOLDT COUNTY
(H-Hw) - See Statewide
LANDER COUNTY
(H-Hw) - See Statewide
LINCOLN COUNTY
(B) - See Clark County (AP-266)
(H-Hw) - See Statewide
LYON COUNTY
(H-Hw) - See Statewide
(B) - See Churchill County
MINERAL COUNTY
(H-Hw) - See Statewide
(B) - See Churchill County
NYE COUNTY
(B) - See Clark County (#AP-266)
(B,H,Hw) - See Clark County (#AP-282)
(H-Hw) - See Statewide
ORMSBY COUNTY
(B) - See Churchill County
(H,Hw) - See Statewide
PERSHING COUNTY
(H-Hw) - See Statewide
STOREY COUNTY
(H-Hw) - See Statewide
WASHAE COUNTY
Decision #AP-269 (R)
38 FR 7190 - 3/16/73
Mod. #1 - 38 FR 15216 - 6/8/73
Mod. #2 - 38 FR 17351 - 6/29/73
(H,Hw) - See Statewide
(B) - See Churchill County
WHITE PINE COUNTY
(H-Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #AP-420 (B)
38 FR 7689 - 3/23/73
Mod. #1 - 38 FR 12513 - 5/11/73
Mod. #2 - 38 FR 16589 - 6/22/73
Decision #AP-498 (R)
38 FR 8853 - 4/6/73
Mod. #1 - 38 FR 12513 - 5/11/73
Mod. #2 - 38 FR 16590 - 6/22/73
MERRIMACK COUNTY
None
ROCKINGHAM COUNTY
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
Decision #AP-806 (B)
38 FR 12503 - 5/11/73
Mod. #1 - 38 FR 16591 - 6/22/73
STRAFFORD COUNTY
None
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #AP-809 (B,H,Hw)
38 FR 12561 - 5/11/73
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
BERGEN COUNTY
Decision #AP-810 (B,H,Hw)
38 FR 12567 - 5/11/73
(D) - See Atlantic County
BURLINGTON COUNTY
Decision #AP-829 (B,H,Hw)
38 FR 13272 - 5/18/73
(D) - See Atlantic County
CAMDEN COUNTY
Decision #AP-836 (B,H,Hw)
38 FR 13951 - 5/25/73
(D) - See Atlantic County
CAPE MAY COUNTY
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
Decision #AP-837 (B,H,Hw)
38 FR 13957 - 5/25/73
(D) - See Atlantic County
ESSEX COUNTY
Decision #AP-826 (B,H,Hw)
38 FR 13252 - 5/18/73
GLOUCESTER COUNTY
(B,H,Hw) - See Camden County
(D) - See Atlantic County
HUDSON COUNTY
Decision #AP-828 (B,H,Hw)
38 FR 13265 - 5/18/73
Mod. #1 - 38 FR 18126 - 7/6/73
(D) - See Atlantic County
HUNTERDON COUNTY
None
MERCER COUNTY
Decision #AP-827 (B,H,Hw)
38 FR 13258 - 5/18/73
(D)-See Atlantic County

NEW JERSEY (Cont'd)

MIDDLESEX COUNTY
Decision #AP-838 (B,H,Hw)
38 FR 13963 - 5/25/73
(D) - See Atlantic County
MONMOUTH COUNTY
Decision #AP-839 (B,H,Hw)
38 FR 13971 - 5/25/73
(D) - See Atlantic County
MORRIS COUNTY
Decision #AP-840 (B,H,Hw)
38 FR 13978 - 5/25/73
(D) - See Atlantic County
OCEAN COUNTY
Decision #AP-841 (B,H,Hw)
38 FR 13985 - 5/25/73
(D) - See Atlantic County
PASSAIC COUNTY
Decision #AM-1,718 (B,H,Hw)
36 FR 14885 - 8/11/71
Mod. #1-36 FR 20080 - 10/15/71
Mod. #2-37 FR 971 - 1/21/72
Mod. #3 - 37 FR 5662 - 3/17/72
Mod. #4 - 37 FR 6137 - 3/24/72
(D) - See Atlentic County

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NEW JERSEY (Cont'd)

SALEM COUNTY
(D) - See Atlantic County
SOMERSET COUNTY
Decision #AM-1,719 (B,H,Hw)
36 FR 14892 - 8/11/71
Mod. #1-36 FR 19285 - 10/1/71
Mod. #2-36 FR 20080 - 10/15/71
Mod. #3-37 FR 972 - 1/21/72
Mod. #4-37 FR 6137 - 3/24/72
(D) - See Atlantic County
SUSSEX COUNTY
None
UNION COUNTY
Decision #AP-846 (B,H,Hw)
38 FR 15333 - 6/8/73
(D) - See Atlantic County
WARREN COUNTY
None

NEW MEXICO

STATEWIDE
Decision #AP-737 (Streets, Highways, Utilities and Light Engineering Construction)
38 FR 18148 - 7/6/73
Decision #AP-740 (Building & Heavy Engineering Construction
38 FR 18148 - 7/6/73
BERNALILLO COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CATRON COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CHAVES COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
COLFAX COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CURRY COUNTY
(B,HE,S,Hw,U,LE) - See Statewide

NEW MEXICO (Cont'd)

DE BACA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
DONA ANA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
Decision #AP-340 (R)
37 FR 19869-9/22/72
EDDY COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
GRANT COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
GUADALUPE COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
HARDING COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
HIDALGO COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
LEA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
LINCOLN COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
LOS ALAMOS COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
LUNA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
McKINLEY COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
MORAY COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
OTERO COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
QUAY COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
RIO ARRIBA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
ROOSEVELT COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SANDOVAL COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SAN JUAN COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SAN MIGUEL COUNTY
(B,HE,S,Hw,U,LE)-See Statewide

NEW MEXICO (Cont'd)

SANTA FE COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SIERRA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SOCORRO COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
TAOS COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
TORRANCE COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
UNION COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
VALENCIA COUNTY
(B,HE,S,Hw,U,LL) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #AP-452 (H,B,Hw)
37 FR 26782 - 12/15/72
Mod. #1 - 38 FR 9397 - 4/13/73
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #AP-487 (B,H,Hw)
38 FR 6608 - 3/9/73
Mod. #1 - 38 FR 8872 - 4/6/73
Mod. #2 - 38 FR 12514 - 5/11/73
Decision #AP-400 (R)
37 FR 13913 - 7/14/72
Mod. #1 - 37 FR 23510 - 11/3/72
Mod. #2 - 38 FR 5097 - 2/23/73
Mod. #3 - 38 FR 12514 - 5/11/73
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
BROOME COUNTY
Decision #AP-469 (B,H,Hw)
Mod. #1 - 38 FR 9397 - 4/13/73
Mod. #2 - 38 FR 18126 - 7/6/73
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
CHAUTAUGUA COUNTY
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None

NEW YORK (Cont'd)

CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None
DUTCHESS COUNTY
Decision #AM-1,724 (B,H,Hw)
36 FR 14921 - 8/11/71,
Mod. #1-36 FR 19650 - 10/8/71
Mod. #2-37 FR 973 - 1/21/72
Mod. #3-37 FR 7029 - 4/7/72
(D) - See Bronx County
ERIE COUNTY
Decision #AP-800 (B,H,Hw)
38 FR 8404 - 3/30/73
Mod. #1 - 38 FR 9397 - 4/13/73
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESSE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #AP-807 (B,H,Hw)
38 FR 12582 - 5/11/73
(D) - See Cayuga County

NEW YORK (Cont'd)

KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None
MONROE COUNTY
Decision #AP-453 (B,H,Hw)
37 FR 28380-12/22/72
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #AM-1,728 (B,H,Hw)
Mod. #1-36 FR 18988 - 9/24/71
Mod. #2-37 FR 973 - 1/21/72
Mod. #3-37 FR 1434 - 1/28/72
Mod. #4-37 FR 4021 - 2/25/72
Mod. #5-37 FR 6612 - 3/31/72
Mod. #6-37 FR 13018 - 6/30/72
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #AM-1,729 (B,H,Hw)
36 FR 14950 - 8/11/71
Mod. #1-36 FR 19651 - 10/8/71
Mod. #2-36 FR 20462 - 10/22/71
Mod. #3-37 FR 973 - 1/21/72
Mod. #4-37 FR 6612 - 3/31/72
(D) - See Cayuga County
ONEIDA COUNTY
Decision #AM-1,730 (B,H,Hw)
36 FR 14955 - 8/11/71
Mod. #1-36 FR 19651 - 10/8/71
Mod. #2-36 FR 20839 - 10/29/71
Mod. #3-37 FR 973 - 1/21/72
Mod. #4-37 FR 1434 - 1/28/72
Mod. #5-37 FR 6612 - 3/31/72

NEW YORK (Cont'd)

ONEIDA COUNTY
Decision #AP-844 (B,H,Hw) (Cont'd)
38 FR 15341 - 6/8/73
ONONDAGA COUNTY
Decision #AP-808 (B,H,Hw)
38 FR 12587 - 5/11/73
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #AP-845 (B,H,Hw)
38 FR 15347 - 6/8/73
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGA COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R,D) - See Bronx County
RENSSELAER COUNTY
Decision #AP-860 (B,H,Hw)
38 FR 18160 - 7/6/73
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Albany County

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NEW YORK (cont'd)

ST LAWRENCE COUNTY
(D)-See Cayuga County
SARATOGA COUNTY
Decision #AP-451 (B,H,Hw)
37 FR 25099 - 11/25/72
SCHENECTADY COUNTY
Decision #AP-859 (B,H,Hw)
38 FR 18156 - 7/6/73
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #AP-486 (B,H,Hw)
38 FR 6516 - 3/9/73
SUFFOLK COUNTY
Decision #AM-1735 (B,H,Hw)
36 FR 14890 - 8/11/71
Mod. #1 - 36 FR 18988 - 9/24/71
Mod. #2 - 37 FR 4021 - 2/2 /72
Mod. #3 - 37 FR 22706 - 10/20/72
Mod. #4 - 37 FR 23973 - 11/10/72
(D)-See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None
TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #AM-1,736 (B,H,Hw)
36 FR 14985 - 8/11/71
Mod. #1-36 FR 19652 - 8/11/71
Mod. #2-36 FR 20463 - 10/22/71
Mod. #3-37 FR 974 - 1/21/72
Mod. #4-37 FR 6613 - 3/31/72
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #AM-1847 (Hw)
36 FR 16474 - 8/20/71
Decision #AP-156 (Sewer & Water)
38 FR 4618 - 2/16/73
ALAMANCE COUNTY
(Sewer & Water, Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Wager, Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water,Hw) - See Statewide
AVERY COUNTY
(Sewer & Water,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AP-847 (D)
38 FR 15797 - 6/15/73
(Sewer & Water,Hw) - See Statewide
BERTIE COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
BUNCOMBE COUNTY
(Sewer & Water,Hw) - See Statewide
BURKE COUNTY
(Sewer & Water,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water,Hw) - See Statewide
CAMDEN COUNTY
(Sewer & Water,Hw) - See Statewide
CARTERET COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water,Hw) - See Statewide
CATAWBA COUNTY
(Sewer & Water,Hw) - See Statewide
CHATHAM COUNTY
(Sewer & Water,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

CHEROKEE COUNTY
(Sewer & Water,Hw) - See Statewide
CHOWAN COUNTY
(Sewer & Water) - See Statewide
(D) - See Beaufort County
(Hw) - See Statewide
CLAY COUNTY
(Sewer & Water,Hw) - See Statewide
CLEVELAND COUNTY
(Sewer & Water,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water,Hw) - See Statewide
CRAVEN COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
(Sewer & Water,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
DARE COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water,Hw) - See Statewide
DURHAM COUNTY
(Sewer & Water,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water,Hw) - See Statewide
FORSYTH COUNTY
(Sewer & Water,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water,Hw) - See Statewide
GASTON COUNTY
(Sewer & Water,Hw) - See Statewide
GATES COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water,Hw) - See Statewide
GREENE COUNTY
(Sewer & Water,Hw) - See Statewide
GUILFORD COUNTY
(Sewer & Water,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

HALIFAX COUNTY
(Sewer & Water,Hw) - See Statewide
HARNETT COUNTY
(Sewer & Water,Hw) - See Statewide
HAYWOOD COUNTY
(Sewer & Water,Hw) - See Statewide
HENDERSON COUNTY
(Sewer & Water,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
HOKE COUNTY
(Sewer & Water,Hw) - See Statewide
HYDE COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water,Hw) - See Statewide
JACKSON COUNTY
(Sewer & Water,Hw) - See Statewide
JOHNSTON COUNTY
(Sewer & Water,Hw) - See Statewide
JONES COUNTY
(Sewer & Water,Hw) - See Statewide
LEE COUNTY
(Sewer & Water,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water,Hw) - See Statewide
LINCOLN COUNTY
(Sewer & Water,Hw) - See Statewide
MCDOWELL COUNTY
(Sewer & Water,Hw) - See Statewide
MACON COUNTY
(Sewer & Water,Hw) - See Statewide
MADISON COUNTY
(Sewer & Water,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water,Hw) - See Statewide
MECKLENBURG COUNTY
Decision #AP-161 (B)
38 FR 5753 - 3/2/73
Mod. #1 - 38 FR 7166 - 3/16/73
(Sewer & Water,Hw) - See Statewide
MITCHELL COUNTY
(Sewer & Water,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water,Hw) - See Statewide
MOORE COUNTY
(Sewer & Water,Hw) - See Statewide
NASH COUNTY
(Sewer & Water,Hw) - See Statewide

NORTH CAROLINA (CONT'D)

NEW HANOVER COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water,Hw) - See Statewide
ONSLOW COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
ORANGE COUNTY
(Sewer & Water,Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
PASQUOTANK COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
PENDER COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
PERQUIMANS COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
PERSON COUNTY
(Sewer & Water,Hw) - See Statewide
PITT COUNTY
(Sewer & Water,Hw) - See Statewide)
POLK COUNTY
(Sewer & Water,Hw) - See Statewide
RANDOLPH COUNTY
(Sewer & Water,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water,Hw) - See Statewide
ROWAN COUNTY
(Sewer & Water,Hw) - See Statewide
RUTHERFORD COUNTY
(Sewer & Water,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water,Hw) - See Statewide
SCOTLAND COUNTY
(Sewer & Water,Hw) - See Statewide
STANLEY COUNTY
(Sewer & Water,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

STOKES COUNTY
(Sewer & Water,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water,Hw) - See Statewide
SWAIN COUNTY
(Sewer & Water,Hw) - See Statewide
TRANSYLVANIA COUNTY
(Sewer & Water,Hw) - See Statewide
TYRRELL COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
UNION COUNTY
(Sewer & Water,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water,Hw) - See Statewide
WAKE COUNTY
(Sewer & Water,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
WATAUGA COUNTY
(Sewer & Water,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water,Hw) - See Statewide
WILKS COUNTY
(Sewer & Water,Hw) - See Statewide
WILSON COUNTY
(Sewer & Water,Hw) - See Statewide
YADKIN COUNTY
(Sewer & Water,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #AP-267 (Hw)
38 FR 6612 - 3/9/73
Mod. #1 - 38 FR 9398 - 4/13/73
Mod. #2 - 38 FR 11241 - 5/4/73
Mod. #3 - 38 FR 17353 - 6/29/73
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
(Hw) - See Statewide
Decision #AP-268 (B)
38 FR 6615 - 3/9/73
Mod. #1 - 38 FR 9398 - 4/13/73
Mod. #2 - 38 FR 15791 - 6/15/73
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LAMOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide

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NORTH DAKOTA (Cont'd)

RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

ADAMS COUNTY
Decision #AP-602 (D)
38 FR 1433-1/12/73
ALLEN COUNTY
None
ASHLAND COUNTY
None
ASHTABULA COUNTY
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
ATHENS COUNTY
(D) - See Adams County
AUGLAIZE COUNTY
None
BELMONT COUNTY
None
BROWN COUNTY
(D) - See Adams County
BUTLER COUNTY
Decision #AP-669 (B)(H,Hw)
38 FR 13991 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Decision #AP-683 (R)
38 FR 14049 - 5/25/73
CARROLL COUNTY
None
CHAMPAIGN COUNTY
None
CLARK COUNTY
Decision #AP-670 (B,H,Hw)
38 FR 13996 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
CLERMONT COUNTY
Decision #AM-685 (R)
38 FR 14050 - 5/25/73
(D) - See Adams County
CLINTON COUNTY
None
COLUMBIANA COUNTY
None
COSHOCTON COUNTY
None
CRAWFORD COUNTY
None
CUYAHOGA COUNTY
Decision #AP-671 (B,H,Hw)
38 FR 14000 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Decision #AP-686 (R)
38 FR 14050 - 5/25/73
Mod. #1 - 38 FR 14537 - 6/1/73

OHIO (Cont'd)

DARKE COUNTY
None
DEFIANCE COUNTY
None
DELAWARE COUNTY
Decision #AM-420 (H)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
ERIE COUNTY
(D) - See Ashtabula County
FAIRFIELD COUNTY
(R) - See Delaware County
FAYETTE COUNTY
None
FRANKLIN COUNTY
Decision #AP-672 (B,H,Hw)
38 FR 14004 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
(R) - See Delaware County
FULTON COUNTY
None
GALLIA COUNTY
(D)-See Adams County
GEAUGA COUNTY
None
GREENE COUNTY
Decision #AP-673 (B,H,Hw)
38 FR 14008 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Decision #AM-422 (R)
36 FR 15965 - 8/18/71
Mod. #1-37 FR 8619 - 4/28/72
GUERNSEY COUNTY
None
HAMILTON COUNTY
Decision #AP-674 (B,H,Hw)
38 FR 14012 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
(D)-See Adams County
(R) - See Clermont County
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None

OHIO (Cont'd)

HIGHLAND COUNTY
None
HOCKING COUNTY
None
HOLMES COUNTY
None
HURON COUNTY
None
JACKSON COUNTY
None
JEFFERSON COUNTY
None
KNOX COUNTY
None
LAKE COUNTY
(D) - See Ashtabula County
LAWRENCE COUNTY
(D)-See Adams County
LICKING COUNTY
Decision #AP-675 (B,H,Hw)
38 FR 14017 - 5/25/73
Mod. #1-38 FR 14536 - 6/1/73
(R) - See Delaware County
LOGAN COUNTY
None
LORAIN COUNTY
(D) - See Ashtabula County
LUCAS COUNTY
Decision #AP-676 - (B,H,Hw)
38 FR 14021 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
(D) - See Ashtabula County
MADISON COUNTY
(R) - See Delaware County
MAHONING COUNTY
Decision #AP-687 (R)
38 FR 13903 - 5/25/73
Decision #AP-677 (B,H,Hw)
38 FR 14026 - 5/25/73
MARION COUNTY
None
MEDINA COUNTY
None
MEIGS COUNTY
(D)-See Adams County
MERCER COUNTY
None

NOTICES

OHIO (Cont'd)

MIAMI COUNTY
(R) - See Greene County
MONROE COUNTY
(D)-See Adams County
MONTGOMERY COUNTY
(B)(H)(Hw) - See Greene County
(R) - See Greene County
MORGAN COUNTY
None
MORROW COUNTY
None
MUSKINGUM COUNTY
Decision #AP-678 (B,H,Hw)
38 FR 14029 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
NOBLE COUNTY
None
OTTAWA COUNTY
(D) - See Ashtabula County
PAULDING COUNTY
None
PERRY COUNTY
None
PICKAWAY COUNTY
(B)(H)(Hw) - See Franklin County
(R) - See Delaware County
PIKE COUNTY
None
PORTAGE COUNTY
Decision #AP-679 (B,H,Hw)
38 FR 14033 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
PREBLE COUNTY
(R) - See Greene County
PUTNAM COUNTY
None

OHIO (Cont'd)

RICHLAND COUNTY
None
ROSS COUNTY
None
SANDUSKY COUNTY
(D) - See Ashtabula County
SCIOTO COUNTY
(D)-See Adams County
SENECA COUNTY
None
SHELBY COUNTY
None
STARKE COUNTY
Decision #AP-680 (B,H,Hw)
38 FR 14038 - 5/25/73
Mod. #1-38 FR 14536 - 6/1/73
SUMMITT COUNTY
Decision #AP-681 (B,H,Hw)
38 FR 14042 - 5/25/73
Mod. #1-38 FR 14536 - 6/1/73
TRUMBULL COUNTY
Decision #AP-688 (R)
38 FR 13905 - 5/25/73
Decision #AP-682 (B,H,Hw)
38 FR 14047 - 5/25/73
Mod. #1 - 38 FR 15792 - 6/15/73
TUSCARAWAS COUNTY
None
UNION COUNTY
None
VAN WERT COUNTY
None
VINTON COUNTY
None
WARREN COUNTY
(R) - See Butler County
WASHINGTON COUNTY
(D)-See Adams County
WAYNE COUNTY
None
WILLIAMS COUNTY
None
WOOD COUNTY
None
WYANDOT COUNTY
None

OKLAHOMA

ADAIR COUNTY
Decision #AM-3603 (Hw)
36 FR 16761 - 8/25/71
ALFALFA COUNTY
DEcision #AM-3608 (Hw)
36 FR 16766 - 8/25/71
ATOKA COUNTY
Decision #AM-3604 (Hw)
36 FR 16763 - 8/25/71
BEAVER COUNTY
(Hw)-See Alfalfa County
BECKHAM COUNTY
DECISION #AM-3606 (Hw)
36 FR 16764 - 8/25/71
BLAINE COUNTY
(Hw)-See Beckham County
BRYAN COUNTY
(Hw)-See Atoka County
Decision #AP-341 (H)
37 FR 19870 - 9/22/72
CADDO COUNTY
Decision #AM- 3609 (hw)
36 FR 16767 - 8/25/71
CANADIAN COUNTY
Decision #AM-3607 (Hw)
36 FR 16765 - 8/25/71
(B) - See Oklahoma County
(R)-See Oklahoma County
CARTER COUNTY
(Hw)-See Caddo County
CHEROKEE COUNTY
(Hw)-See Adair County
CHOCTAW COUNTY
(hw)-See Atoka County
CIMARRON COUNTY
(Hw)-See Alfalfa County
CLEVELAND COUNTY
Decision #AM-3605 (Hw)
36 FR 16762 - 8/25/71
(R)-See Oklahoma County
(B) - See Oklahoma County
COAL COUNTY
(Hw)-See Cleveland County
COMANCHE COUNTY
(Hw)-See Caddo County
Decision #AP-741 (R)
COTTON COUNTY
(Hw)-See Caddo County
CRAIG COUNTY
Decision #AM-3610 (Hw)
36 FR 16768 - 8/25/72
CREEK COUNTY
(Hw)-See Canadian County
CUSTER COUNTY
(Hw)-See Beckham County

OKLAHOMA (cont'd)

DELAWARE COUNTY
(Hw) - See Craig County
DEWEY COUNTY
(Hw)-See Beckham County
ELLIS COUNTY
(Hw)-See Alfalfa County
GARFIELD COUNTY
(Hw)-See Canadian County
GARVIN COUNTY
(Hw)-See Cleveland County
GRADY COUNTY
(Hw)-See Caddo County
GRANT COUNTY
(Hw)-See Canadian County
GREER COUNTY
(Hw)-See Beckham County
HARMON COUNTY
(Hw)-See Beckham County
HARPER COUNTY
(Hw)-See Alfalfa County
HASKELL COUNTY
(Hw)-See Adair County
HUGHES COUNTY
(Hw)-See Cleveland County
JACKSON COUNTY
(Hw)-See Beckham County
JEFFERSON COUNTY
(Hw)-See Caddo County
JOHNSTON COUNTY
(Hw)-See Cleveland County
KAY COUNTY
(Hw)-See Canadian County
KINGFISHER COUNTY
(Hw)-See Canadian County
KIOWA COUNTY
(Hw)-See Beckham County
LATIMER COUNTY
(Hw)-See Atoka County
LEFLORE COUNTY
(Hw)-See Atoka County
LINCOLN COUNTY
(Hw)-See Canadian County)
(R)-See Oklahoma County
(B) - See Oklahoma County
LOGAN COUNTY
(Hw)-See Canadian County
LOVE COUNTY
(hw)-See Caddo County
MCCLAIN COUNTY
(Hw)-See Cleveland County
MCCURTAIN COUNTY
(Hw)-See Atoka County

NOTICES

XUM 38 FR 21120 3 AUG 73

OKLAHOMA (cont'd)

MCINTOSH COUNTY
(Hw)-See Adair County
MAJOR COUNTY
(Hw)-See Alfalfa County
MARSHALL COUNTY
(Hw)-See Atoka County
MAYES COUNTY
(Hw)- See Craig County
MURRAY COUNTY
(Hw)-See Cleveland County
MUSKOGEE COUNTY
(hw)-See Adair County
NOBLE COUNTY
(hw)-See Canadian County
NOWATA COUNTY
(Hw)-See Craig County
OKFUSKEE COUNTY
(hw)-See Cleveland County
OKLAHOMA COUNTY
Decision #AP-731 (B)
38 FR 12592 - 5/11/73
Mod. #1 - 38 FR 15792 - 6/15/73
Decision #AM-3612 (Hw)
36 FR 16770 - 8/25/71
Mod. #1 - 37 FR 1435 - 1/28/72
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1-37 FR 28799-12/29/72
Mod. #2-38 FR 4078-2/9/73
OKMULGEE COUNTY
(Hw)-See Adair County
OSAGE COUNTY
(Hw) - See Craig County
(R) - See Tulsa County
OTTAWA COUNTY
(Hw) - See Craig County
PAWNEE COUNTY
(Hw) - See Craig County
PAYNE COUNTY
(Hw) - See Canadian County
PITTSBURG COUNTY
(Hw) - See Adair County

OKLAHOMA (Cont'd)

PONTOTOC COUNTY
(Hw) - See Cleveland County
POTTAWATOMIE COUNTY
(Hw) - See Cleveland County
(R) - See Oklahoma County
(B) - See Oklahoma County
PUSHMATAHA COUNTY
(Hw) - See Atoka County
ROGER MILLS COUNTY
(Hw) - See Beckham County
ROGERS COUNTY
(Hw) - See Craig County
SEMINOLE COUNTY
(Hw) - See Cleveland County
SEQUOYAH COUNTY
(Hw) - See Adair County
STEPHENS COUNTY
(Hw) - See Caddo County
TEXAS COUNTY
(Hw) - See Alfalfa County
TILLMAN COUNTY
(Hw) - See Beckham County
TULSA COUNTY
Decision #AP-364 (B)
37 FR 26249 - 12/8/72
Mod. #1-37 FR 28356-12/22/72
Mod. #2-38 FR 2010-1/19/73
Mod. #3-38 FR 13116 - 5/18/73
Decision #AM-3611 (Hw)
36 FR 16769 - 8/25/71
Mod. #1-37 FR 1435 - 1/28/72
Decision #AP-320 (R)
37 FR 17899 - 9/1/72
Mod. #1 - 38 FR 5099 - 2/23/73
WAGONER COUNTY
(Hw) - See Adair County
WASHINGTON COUNTY
(Hw) - See Craig County
WASHITA COUNTY
(Hw) - See Beckham County
WOODS COUNTY
(Hw) - See Alfalfa County
WOODWARD COUNTY
(Hw) - See Alfalfa County

OREGON

STATEWIDE
Decision #AP-284 (B,H,Hw,D)
38 FR 8920 - 4/6/73
Mod. #1 - 38 FR 11241 - 5/4/73
Mod. #2- 38 FR 17353 - 6/29/73
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B-H-Hw-D) - See Statewide
DOUGLAS COUNTY
(B-H-Hw-D) - See Statewide
GILLIAM COUNTY
(B-H-Hw-D) - See Statewide
GRANT COUNTY
(B-H-Hw-D) - See Statewide
HARNEY COUNTY
(B-H-Hw-D) - See Statewide
HOOD COUNTY
(B-H-Hw-D) - See Statewide
JACKSON COUNTY
(B-H-Hw-D) - See Statewide
JEFFERSON COUNTY
(B-H-Hw-D) - See Statewide
JOSEPHINE COUNTY
(B-H-Hw-D) - See Statewide
KLAMATH COUNTY
(B-H-Hw-D) - See Statewide
LAKE COUNTY
(B-H-Hw-D) - See Statewide
LANE COUNTY
(B-H-Hw-D) - See Statewide
LINCOLN COUNTY
(B-H-Hw-D) - See Statewide
LINN COUNTY
(B-H-Hw-D) - See Statewide

OREGON (cont'd)

MALHEUR COUNTY
(B-H-Hw-D) - See Statewide
MARION COUNTY
(B-H-Hw-D) - See Statewide
MORROW COUNTY
(B-H-Hw-D) - See Statewide
MULTNOMAH COUNTY
Decision #AP-277 (R)
38 FR 7692 - 3/23/73
Mod. #1 - 38 FR 8872 - 4/6/73
Mod. #2 - 38 FR 11241 - 5/4/73
Mod. #3 - 38 FR 16593 - 6/22/73
(B-H-Hw-D) - See Statewide
POLK COUNTY
(B-H-Hw-D) - See Statewide
SHERMAN COUNTY
(B-H-Hw-D) - See Statewide
TILLAMOOK COUNTY
(B-H-Hw-D) - See Statewide
UMATILLA COUNTY
(B-H-Hw-D) - See Statewide
UNION COUNTY
(B-H-Hw-D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #AP-489 (H,Hw)
38 fR 6622 - 3/9/73
ALLEGHENY COUNTY
Decision #AP-495 (B,H,Hw)
38 FR 7771 - 3/23/73
Mod. #1 38 FR 10578 - 4/27/73
Mod. #2 - 38 FR 13117 - 5/18/73
Mod. #3 - 38 FR 15794 - 6/15/73
ARMSTRONG COUNTY
Decision #AP-831 (H,Hw)
38 FR 14055 - 5/25/73
Mod. #1 - 38 FR 15793 - 6/15/73
BEAVER COUNTY
Decision #AP-467 (H,Hw)
38 FR 2618 - 1/26/73
Mod. #1 - 38 FR 7172 - 3/16/73
Mod. #2 - 38 FR 9399 - 4/13/73
Mod. #3 - 38 FR 10578 - 4/27/73
Mod. #4 - 38 FR 12515 - 5/11/73
Mod. #5 - 38 FR 15793 - 6/15/73
BEDFORD COUNTY
Decision #AP-832 (H,Hw)
38 FR 14058 - 5/25/73
BERKS COUNTY
Decision #AP-429 (B,H,Hw)
37 FR 21255 - 10/6/72
Mod. #1 - 38 FR 1436 - 1/12/73
Mod. #2 - 38 FR 2012 - 1/19/73
Mod. #3 - 38 FR 4079 - 2/9/73
Mod. #4 - 38 FR 5101 - 2/23/73
Mod. #5 - 38 FR 15792 - 6/15/73
BLAIR COUNTY
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #AP-404 (R)
37 fR 15229 - 7/28/72
Mod. #1 - 38 FR 2012 - 1/19/73
Mod. #2 - 38 FR 4630 - 2/16/73
Mod. #3 - 38 FR 6526 - 3/9/73
Mod. #4 - 38 FR 15224 - 6/8/73
Decision #AP-817 (H,Hw)
38 FR 13279 - 5/18/73
BUTLER COUNTY
Decision #AP-830 (H,Hw)
38 FR 14053 - 5/25/73
Mod. #1 - 38 FR 15793 - 6/15/73
CAMBRIA COUNTY
(H,Hw) - See Butler County
CAMERON COUNTY
(H,Hw) - See Bedford County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
DEcision #AP-466 (H,Hw)
38 FR 2615 - 1/26/73
Mod. #1 - 38 FR 7172 - 3/16/73

PENNSYLVANIA (Cont'd)

CENTRE COUNTY
Decision #AP-466 (H,Hw) (Cont'd)
Mod. #2 - 38 FR 9399 - 4/13/73
Mod. #3 - 38 FR 10578 - 4/27/73
Mod. #4 - 38 FR 12515 - 5/11/73
Mod. #5 - 38 FR 15793 - 6/15/73
CHESTER COUNTY
(H,Hw) - See Bucks County
CLARION COUNTY
(H,Hw) - See Bedford County
CLEARFIELD COUNTY
(H,Hw) - See Centre County
CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #AP-825 (B)
38 FR 13301 - 5/18/73
(Hw) - See Adams County
DAUPHIN COUNTY
Decision #AP-824 (B)
38 FR 13299 - 5/18/73
(Hw) - See Adams County
DELAWARE COUNTY
Decision #AP-821 (B,H,Hw)
38 FR 13292 - 5/18/73
Mod. #1 - 38 FR 15225 - 6/8/73
(R,H,Hw) - See Bucks County
ELK COUNTY
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #AP-834 (H,Hw)
38 FR 14060 - 5/25/73
Mod. #1 - 38 FR 15794 - 6/15/73
FAYETTE COUNTY
(H,Hw) - See Butler County
FOREST COUNTY
(H,Hw) - See Bedford County
FRANKLIN COUNTY
Decision #AP-843 (B,H,Hw)
38 FR 15352 - 6/8/73
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
(H,Hw) - See Centre County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County

PENNSYLVANIA (Cont'd)

INDIANA COUNTY
(H,Hw) - See Armstrong County
JEFFERSON COUNTY
(H,Hw) - See Centre County
JUNIATA COUNTY
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #AP-488 (B)
38 FR 6620 - 3/9/73
LANCASTER COUNTY
(Hw) - See Adams County
LAWRENCE COUNTY
Decision #AP-822 (B,H,Hw)
38 FR 13295 - 5/18/73
Mod. #1 - 38 FR 14537 - 6/1/73
Mod. #2 - 38 FR 15225 - 6/8/73
Mod. #3 - 38 FR 15794 - 6/15/73
LEBANON COUNTY
(Hw) - See Adams County
LEHIGH COUNTY
Decision #AP-835 (B)
38 FR 14066 - 5/25/73
Mod. #1 - 38 FR 18128 - 7/6/73
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #AP-818 (B)
38 FR 13283 - 5/18/73
Mod. #1 - 38 FR 18127 - 7/6/73
(H,Hw) - See Adams County
LYCOMING COUNTY
(Hw) - See Adams County
MC KEAN COUNTY
(Hw) - See Adams County
MERCER COUNTY
Decision #AP-479 (B,H,Hw)
38 FR 5765 - 3/2/73
Mod. #1 - 38 FR 7172 - 3/16/73
Mod. #2 - 38 FR 8872 - 4/6/73
Mod. #3 - 38 FR 13117 - 5/18/73
Mod. #4 - 38 FR 15794 - 6/15/73
MIFFLIN COUNTY
(H,Hw) - See Adams County
MONROE COUNTY
(Hw, H) - See Adams County
MONTGOMERY COUNTY
Decision #AP-819 (B)
38 FR 13286 - 5/18/73
Mod. #1 - 38 FR 15225 - 6/8/73
(H,Hw) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #AP-490 (B)
38 FR 6624 - 3/9/73
Mod. #1 - 38 FR 9399 - 4/13/73
Mod. #2 - 38 FR 10578 - 4/27/73

PENNSYLVANIA (Cont'd)

NORTHAMPTON COUNTY (Cont'd)
Decision #AP-490 (B)
38 FR 6624 - 3/9/73
Mod. #3 - 38 FR 14537 - 6/1/73
Mod. #4 - 38 FR 18127 - 7/6/73
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
(Hw) - See Adams County
PERRY COUNTY
(Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #AP-820 (B)
38 FR 13289 - 5/18/73
Mod. #1 - 38 FR 15225 - 6/8/73
Decision #AP-803 (D)
38 FR 10580 - 4/27/72
(H,Hw) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
(H,Hw) - See Adams County
SUSQUEHANNA COUNTY
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
(H,Hw) - See Armstrong County
WARREN COUNTY
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
Decision #AP-481 (B,H,Hw)
38 FR 7757 - 3/23/73
Mod. #1 - 38 FR 10578 - 4/27/73
Mod. #2 - 38 FR 12518 - 5/11/73
Mod. #3 - 38 FR 13117 - 5/18/73
Mod. #4 - 38 FR 15794 - 6/15/73
WAYNE COUNTY
(H,Hw) - See Adams County
WESTMORELAND COUNTY
Decision #AP-482 (B,H,Hw)
38 FR 7764 - 3/23/73
Mod. #1 - 38 FR 10578 - 4/27/73
Mod. #2 - 38 FR 12518 - 5/11/73
Mod. #3 - 38 FR 13117 - 6/15/73
Mod. #4 - 38 FR 15794 - 6/15/73
WYCOMING COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

XUM 38 FR 21122-21123 8-3-73

PUERTO RICO

PUERTO RICO
Decision #AP-412 (B, H, Hw)
37 FR 16778 - 8/18/72

RHODE ISLAND

STATEWIDE
Decision #AP-803 (D)
38 FR 10580 - 4/23/73
BRISTOL COUNTY
(D) - See Statewide
Decision #AP-483 (B,H,Hw,Marine)
38 FR 7778 - 3/23/73
Mod. #1-38 FR 9921 - 4/20/73
Mod. #2-38 FR 12518 - 5/11/73
KENT COUNTY
(B,H,Hw,Marine) - See Bristol Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #AP-484 (B,H,Hw, Marine)
38 FR 7199 - 3/16/73
Mod. #1-38 FR 9922 - 4/20/73
Mod. #2-38 FR 12518 - 5/11/73
(D) - See Statewide
PROVIDENCE COUNTY
Decision #AP-496 (R)
38 FR 8862 - 4/6/73
Mod. #1-38 FR 12519 - 5/11/73
(B,H,Hw,Marine) - See Bristol Cty.
(D) - See Statewide
WASHINGTON COUNTY
Decision #AP-497 (R)
38 FR 8864 - 4/6/73
Mod. #1-38 FR 12519 - 5/11/73
Decision #AP-485 (B,H,Hw,Marine)
38 FR 6626 - 3/9/73
Mod. #1 - 38 FR 9922 - 4/20/73
Mod. #2 - 38 FR 12519 - 5/11/73
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #AM-1867 (Hw)
36 FR 16475 - 8/20/71
Decision #AP-157 (Sewer & Water)
38 FR 4619 - 2/16/73
ABBEVILLE COUNTY
(Sewer & Water,Hw) - See Statewide
AIKEN COUNTY
(Sewer & Water,Hw) - See Statewide
ALLENDALE COUNTY
(Sewer & Water,Hw) - See Statewide
ANDERSON COUNTY
(Sewer & Water,Hw) - See Statewide
BAMBERG COUNTY
(Sewer & Water,Hw) - See Statewide
BARNWELL COUNTY
(Sewer & Water,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AP-847 (D)
38 FR 15797 - 6/15/73
(Sewer & Water,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
Decision #AP-114 (R)
37 FR 15794 - 8/4/72
CALHOUN COUNTY
(Sewer & Water,Hw) - See Statewide
CHARLESTON COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
(R) - See Berkeley county
CHEROKEE COUNTY
(Sewer & Water,Hw) - See Statewide
CHESTER COUNTY
(Sewer & Water,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water,Hw) - See Statewide
CLARENDON COUNTY
(Sewer & Water,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
DARLINGTON COUNTY
(Sewer & Water,Hw) - See Statewide
DILLON COUNTY
(Sewer & Water,Hw) - See Statewide
DORECHESTER COUNTY
(Sewer & Water,Hw) - See Statewide
EDGEFIELD COUNTY
(Hw) - See Statewide
FAIRFIELD COUNTY
(Sewer & Water,Hw) - See Statewide
FLORENCE COUNTY
(Sewer & Water,Hw) - See Statewide

SOUTH CAROLINA (Cont'd)

GEORGETOWN COUNTY
(D) - See Beaufort
(Sewer & Water,Hw) - See Statewide
GREENVILLE COUNTY
(Sewer & Water,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water,Hw) - See Statewide
LANCASTER COUNTY
(Sewer & Water,Hw) - See Statewide
LAURENS COUNTY
(Sewer & Water,Hw) - See Statewide
LEE COUNTY
(Sewer & Water,Hw) - See statewide
LEXINGTON COUNTY
(Sewer & Water,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water,Hw) - See Statewide
MARION COUNTY
(Sewer & Water,Hw) - See Statewide
MARLBORO COUNTY
(Sewer & Water,Hw) - See Statewide
NEWBERRY COUNTY
(Sewer & Water,Hw) - See Statewide
OCONEE COUNTY
(Sewer & Water,Hw) - See Statewide
ORANGEBURG COUNTY
(Sewer & Water,Hw) - See Statewide
PICKENS COUNTY
(Sewer & Water,Hw) - See Statewide
RICHLAND COUNTY
(Sewer & Water,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water,Hw) - See Statewide
SPARTANBURG COUNTY
(Sewer & Water,Hw) - See Statewide
SUMTER COUNTY
(Sewer & Water,Hw) - See Statewide
UNION COUNTY
(Sewer & Water,Hw) - See Statewide
WILLIAMSBURG COUNTY
(Sewer & Water,Hw) - See Statewide
YORK COUNTY
(Sewer & Water,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #AP-908 (Hw)
38 FR 15807 - 6/15/73
AURORA COUNTY
(Hw) - See Statewide
BEADLE COUNTY
(Hw) - See Statewide
BENNETT COUNTY
(Hw) - See Statewide
BON HOMME COUNTY
(Hw) - See Statewide
BROOKINGS COUNTY
(Hw) - See Statewide
BROWN COUNTY
(Hw) - See Statewide
BRULE COUNTY
(Hw) - See Statewide
BUFFALO COUNTY
(Hw) - See Statewide
BUTTE COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CHARLES COUNTY
(Hw) - See Statewide
CLARK COUNTY
(Hw) - See Statewide
CODINGTON COUNTY
(Hw) - See Statewide
CORSON COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DAVISON COUNTY
(Hw) - See Statewide
DAY COUNTY
(Hw) - See Statewide
DEUEL COUNTY
(Hw) - See Statewide
DEWEY COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

EDMUNDS COUNTY
(Hw) - See Statewide
FALL RIVER COUNTY
(Hw) - See Statewide
FAULK COUNTY
(Hw) - See Statewide
GRANT COUNTY
(Hw) - See Statewide
GREGORY COUNTY
(Hw) - See Statewide
HAAKON COUNTY
(Hw) - See Statewide
HAMLIN COUNTY
(Hw) - See Statewide
HAND COUNTY
(Hw) - See Statewide
HANSON COUNTY
(Hw) - See Statewide
HARDING COUNTY
(Hw) - See Statewide
HUGHES COUNTY
(Hw) - See Statewide
HUTCHINSON COUNTY
(Hw) - See Statewide
HYDE COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JERAULD COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
KINGSBURY COUNTY
(Hw) - See Statewide
LAKE COUNTY
(Hw) - See Statewide
LAWRENCE COUNTY
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LYMAN COUNTY
(Hw) - See Statewide
MC COOK COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MC PHERSON COUNTY
(Hw) - See Statewide
MARSHALL COUNTY
(Hw) - See Statewide
MEADE COUNTY
Decision #AP-262 (B)
38 FR 4641 - 2/16/73
Mod. #1-38 FR 9401 - 4/13/73
MELLETTE COUNTY
(Hw) - See Statewide
MINER COUNTY
(Hw) - See Statewide
MINNEHAHA COUNTY
Decision #AM-6141 (R)
36 FR 21736 - 11/12/71
Decision #AP-253 (B)
37 FR 25147 - 11/25/72
(Hw) - See Statewide
MOODY COUNTY
(Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(Hw) - See Statewide
PERKINS COUNTY
(Hw) - See Statewide
POTTER COUNTY
(Hw) - See Statewide
ROBERTS COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

SANBORN COUNTY
(Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SPINK COUNTY
(Hw) - See Statewide
STANLEY COUNTY
(Hw) - See Statewide
SULLY COUNTY
(Hw) - See Statewide
TODD COUNTY
(Hw) - See Statewide
TRIPP COUNTY
(Hw) - See Statewide
TURNER COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
WALWORTH COUNTY
(Hw) - See Statewide
WASHABOUGH COUNTY
(Hw) - See Statewide
YANKTON COUNTY
(Hw) - See Statewide
ZIEBACH COUNTY
(Hw) - See Statewide

MICROFILMED BY UNIVERSITY MICROFILMS, INC.

TENNESSEE (Cont'd)

GRELNE COUNTY
(F)-See Statewide
(Hw)-See Statewide
GRUNDY COUNTY
(F)-See Statewide
(Hw)-See Statewide
HAMBLEN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMILTON COUNTY
Decision #AP-191 (B,H)
38 FR 14070 - 5/25/73
Mod. #1 - 38 FR 17353 - 6/29/73
(F) - See Statewide
(Hw) - See Statewide
HANCOCK COUNTY
(F)-See Statewide
(Hw)-See Statewide
HARDEMAN COUNTY
(D)-See Carroll County
(Hw)-See Statewide
(F)-See Statewide
HARDIN COUNTY
(F)-See Statewide
(Hw)-See Statewide
HAWKINS COUNTY
(F)-See Statewide
(Hw)-See Statewide
HAYWOOD COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
HENDERSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
HENRY COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
HICKMAN COUNTY
(F)-See Statewide
(Hw)-See Statewide
HOUSTON COUNTY
(F)-See Statewide
(Hw)-See Statewide
HUMPHREYS COUNTY
(F)-See Statewide
(Hw)-See Statewide
JACKSON COUNTY
(F)-See Statewide
(Hw)-See Statewide

TENNESSEE (Cont'd)

JEFFERSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
JOHNSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
KNOX COUNTY
Decision #AP-192 (B)
38 FR 14073 - 5/25/73
Mod. #1 - 38 FR 17353 - 6/29/73
(F)-See Statewide
(Hw)-See Statewide
LAKE COUNTY
(F)-See Statewide
(Hw)-See Statewide
LAUDERDALE COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
LAWRENCE COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
LEWIS COUNTY
(F)-See Statewide
(Hw)-See Statewide
LINCOLN COUNTY
(F)-See Statewide
(Hw)-See Statewide
LOUDON COUNTY
(F)-See Statewide
(Hw)-See Statewide
MC MINN COUNTY
(F)-See Statewide
(Hw)-See Statewide
MC NAIRY COUNTY
(F)-See Statewide
(Hw)-See Statewide
MACON COUNTY
(F)-See Statewide
(Hw)-See Statewide
MADISON COUNTY
(D)-See Carroll county
(F)-See Statewide
(Hw)-See Statewide
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Statewide
MARSHALL COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County

TENNESSEE

STATEWIDE
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Decision #AM-504 (Hw)
36 FR 16493 - 8/20/71
Mod. #1-37 FR 246 - 1/7/72
Mod. #2-38 FR 939-1/5/73
ANDERSON COUNTY
Decision #AP-190 (B)
38 FR 14068 - 5/25/73 -
Mod. #1 - 38 FR 16595 - 6/22/73
Mod. #2 - 38 FR 18128 - 7/6/73
(F) - See Statewide
(Hw) - See Statewide
BEDFORD COUNTY
(F) - See Statewide
(Hw) - See Statewide
BENTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Statewide
(Hw) - See Statewide
BRADLEY COUNTY
(F)-See Statewide
(Hw)-See Statewide
CAMPBELL COUNTY
(F)-See Statewide
(Hw)-See Statewide
CANNON COUNTY
(F)-See Statewide
(Hw)-See Statewide
CARROLL COUNTY
Decision #AM-8389 (D)
37 FR 5654 - 3/17/72
Mod. #1 - 37 FR 24506 - 11/17/72
(F)-See Statewide
(Hw)-See Statewide
CARTER COUNTY
Decision #AP-104 (B)
37 FR 13915 - 7/14/72
(F)-See Statewide
(Hw)-See Statewide
CHEATHAM COUNTY
(F)-See Statewide
(Hw)-See Statewide
CHESTER COUNTY
(F)-See Statewide
(Hw)-See Statewide
CLAIBORNE COUNTY
(F)-See Statewide
(Hw)-See Statewide
CLAY COUNTY
(F)-See Statewide
(Hw)-See Statewide

TENNESSEE (Cont'd)

COCKE COUNTY
(F)-See Statewide
(Hw)-See Statewide
COFFEE COUNTY
(F)-See Statewide
(Hw)-See Statewide
CROCKETT COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
CUMBERLAND COUNTY
(F) - See Statewide
(Hw) - See Statewide
DAVIDSON COUNTY
Decision #AP-169 (B)
38 FR 7782 - 3/23/73
Decision #AM-505 (R)
36 FR 16494 - 8/20/72
Mod. #1-37 FR 21714 - 10/13/72
(F) - See Statewide
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Statewide
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Statewide
(Hw) - See Statewide
DICKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
DYER COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FAYETTE COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FENTRESS COUNTY
(F) - See Statewide
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Statewide
(Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
GILES COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRAINGER COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (Cont'd)

TIPTON COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
TROUSDALE COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
UNICOI COUNTY
(F)-See Statewide
(Hw)-See Statewide
UNION COUNTY
(F)-See Statewide
(Hw)-See Statewide
VAN BUREN COUNTY
(F)-See Statewide
(Hw)-See Statewide
WARREN COUNTY
(F)-See Statewide
(Hw)-See Statewide
WASHINGTON COUNTY
Decision #AP-100 (B)
37 FR 13419 - 7/7/72
Mod. #1 - 37 FR 17316 - 8/25/72
Mod. #2 - 37 FR 22708 - 10/20/72
Decision #AP-136 (R)
37 FR 22702 - 10/20/72
(F)-See Statewide
(Hw)-See Statewide
WAYNE COUNTY
(F)-See Statewide
(Hw)-See Statewide
WEAKLEY COUNTY
(D)-See Carroll County
(F)-See Statewide
WHITE COUNTY
(F) - See Statewide
(Hw) - See Statewide
WILLIAMSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
WILSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County

TENNESSEE (Cont'd)

MAURY COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
MEIGS COUNTY
(F)-See Statewide
(Hw)-See Statewide
MONROE COUNTY
(F)-See Statewide
(Hw)-See Statewide
MONTGOMERY COUNTY
(F)-See Statewide
(Hw)-See Statewide
MOORE COUNTY
(F)-See Statewide
(Hw)-See Statewide
MORGAN COUNTY
(F)-See Statewide
(Hw)-See Statewide
OBION COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
OVERTON COUNTY
(F)-See Statewide
(Hw)-See Statewide
PERRY COUNTY
(F)-See Statewide
(Hw)-See Statewide
PICKETT COUNTY
(F)-See Statewide
(Hw)-See Statewide
POLK COUNTY
(F)-See Statewide
(Hw)-See Statewide
PUTNAM COUNTY
(F)-See Statewide
(Hw)-See Statewide
RHEA COUNTY
(F)-See Statewide
(Hw)-See Statewide
ROANE COUNTY
(B)-See Anderson County
(F)-See Statewide
(Hw)-See Statewide

TENNESSEE (Cont'd)

ROBERTSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
RUTHERFORD COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
SCOTT COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEQUATCHIE COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEVIER COUNTY
(F) - See Statewide
(Hw) - See Statewide
SHELBY COUNTY
Decision #AP-193 (B,H,Utility)
38 FR 14075 - 5/25/73
Mod. #1 - 38 FR 18128 - 7/6/73
Decision #AP-152 (R)
38 FR 4176 - 2/9/73
(D) - See Carroll County
(Hw) - See Statewide
SMITH COUNTY
(F) - See Statewide
(Hw) - See Statewide
STEWART COUNTY
(F) - See Statewide
(Hw) - See Statewide
SULLIVAN COUNTY
Decision #AM-8623 (B)
37 FR 12013 - 6/16/72
Mod. # - 37 FR 23065 - 10/27/72
Decision #AP-137 (R)
37 FR 23051 - 10/27/72
(F) - See Statewide
(Hw) - See Statewide
SUMNER COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County

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TEXAS

ANDERSON COUNTY
Decision #AP-717 (Streets, Highways, Runways & Incidental Cons.
38 FR 9952 - 4/20/73
ANDREWS COUNTY
Decision #AP-707 (Streets, Highways, Runways, & Incidental Cons.
38 FR 9942 - 4/20/73
ANGELINA COUNTY
(S,Hw,R,I) - See Anderson County
ARANSAS COUNTY
Decision #AP-711 (Streets, Highways, Runways & Incidental Cons.
38 FR 9946 - 4/20/73
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1 - 37 FR 24506 - 11/17/72
ARCHER COUNTY
Decision #AP-705 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9940 - 4/20/73
ARMSTRONG COUNTY
Decision #AP-725 (B)
38 FR 10596 - 4/27/73
Mod. #1 - 38 FR 15795 - 6/15/73
Mod. #2 - 38 FR 18129 - 7/6/73
(S,Hw,R,I) - See Archer County
Decision #AP-346 (R)
37 FR 20497 - 9/29/72
Mod. #1 - 38 FR 4080 - 2/9/73
Mod. #2 - 38 FR 17354 - 6/29/73
Mod. #3 - 38 FR 18129 - 7/6/73
ATASCOSA COUNTY
Decision #AP-709 (Streets, Highways, Runways, Water, Sewer, & Incidental Construction)
38 FR 9944 - 4/20/73
AUSTIN COUNTY
Decision #AP-712 (Streets, Highways, Runways, Water, Sewer & Incidental Construction)
38 FR 9947 - 4/20/73
BAILEY COUNTY
Decision #AP-706 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9941 - 4/20/73
Decision #AP-352 (R)
37 FR 21786 - 10/13/72
BANDERA COUNTY
(S,Hw,R,W,S,I) - See Atascosa County
BASTROP COUNTY
(S,Hw,R,W,S,I) - See Austin County
Decision #AM-7705 (R)
36 FR 22117 - 11/19/71
BAYLOR COUNTY
(S,Hw,R,I) - See Archer County
BEE COUNTY
(S,Hw,R,I) - See Aransas County

TEXAS (Cont'd)

BELL COUNTY
Decision #AP-713 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9948 - 4/20/73
BEXAR COUNTY
Decision #AP-721 (B)
38 FR 10585 - 4/27/73
Mod. #1 - 38 FR 14539 - 6/1/73
Mod. #2 - 38 FR 16595 - 6/22/73
(S,Hw,R,I,W,S) - See Atascosa County
Decision #AM-3,554 (R)
36 FR 16771 - 8/25/71
Mod. #1 - 37 FR 3118 - 2/11/72
BLANCO COUNTY
(S,Hw,R,I,W,S) - See Austin County
(R) - See Bastrop County
BORDEN COUNTY
(S,Hw,R,I) - See Bailey County
BOSQUE COUNTY
(S,Hw,R,I) - See Bell County
BOWIE COUNTY
Decision #AP-716 (Streets, Highways, Runways, & Incidental Cons.)
38 FR 9951 - 4/20/73
BRAZORIA COUNTY
Decision #AP-719 (Streets, Highways, Runways, Water, Sewer, & Incidental Construction)
38 FR 9954 - 4/20/73
Decision #AM-7,488 (R)
36 FR 21737 - 11/12/71
Mod. #1 - 37 FR 10695 - 5/26/72
(D) - See Aransas County
BRAZOS COUNTY
Decision #AP-718 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9953 - 4/20/73
BREWSTER COUNTY
Decision #AP-708 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9943 - 4/20/73
BRISCOE COUNTY
(S,Hw,R,I) - See Archer County
BROOKS COUNTY
Decision #AP-710 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9945 - 4/20/73
BROWN COUNTY
(S,Hw,R,I) - See Andrews County
BURLESON COUNTY
(S,Hw,R,I,W,S) - See Brazos County
BURNETT COUNTY
(S,Hw,R,I,W,S) - See Austin County

TEXAS (Cont'd)

CALDWELL COUNTY
(S,Hw,R,I,W,S) - See Austin County
(R) - See Bastrop County
CALHOUN COUNTY
(S,Hw,R,I) - See Aransas County
(D) - See Aransas County
CALLAHAN COUNTY
(S,Hw,R,I) - See Andrews County
CAMERON COUNTY
Decision #AP-396 (B)
38 FR 2646 - 1/26/73
Mod. #1 - 38 FR 16595 - 6/22/73
(D) - See Aransas County
(S,Hw,R,I) - See Brooks County
Decision #AP-369 (R)
37 FR 26775 - 12/15/72
CAMP COUNTY
(S,Hw,R,I) - See Bowie County
CARSON COUNTY
(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
(R) - See Armstrong County
CASS COUNTY
(S,Hw,R,I) - See Bowie County
CASTRO COUNTY
(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
(R) - See Armstrong County
CHAMBERS COUNTY
Decision #AP-720 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9955 - 4/20/73
(D) - See Aransas County
CHEROKEE COUNTY
(S, Hw, R, I) - See Anderson County
CHILDRESS COUNTY
(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
(R) - See Armstrong County
CLAY COUNTY
(S,Hw,R,I) - See Archer County
COCHRAN COUNTY
(S,Hw,R,I) - See Bailey County
(R) - See Bailey County

TEXAS (Cont'd)

COKE COUNTY
(S,Hw,R,I) - See Andrews County
COLEMAN COUNTY
(S,Hw,R,I) - See Andrews County
COLLIN COUNTY
Decision #AP-729 (B-excluding Dallas-Rort Worth Regional Airport)
38 FR 10609 - 4/27/73
Mod. #1 - 38 FR 18129 - 7/6/73
Decision #AP-715 (Streets,Highways, Runways, Water,Sewer, & Incidental Cons.) (excl. the Dallas-Fort Worth Regional Airport)
38 FR 9950 - 4/20/73
Mod. #1 - 38 FR 13918 - 5/25/73
Mod. #2 - 38 FR 18129 - 7/6/73
Decision #AM-7,487 (R)
36 FR 21736 - 11/12/71
COLLINGSWORTH COUNTY
(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
(R) - See Armstrong County
COLORADO COUNTY
(S,Hw,R,W,S,I) - See Austin County
COMAL COUNTY
(S,Hw,R,W,S,I) - See Atascosa County
COMANCHE COUNTY
(S,Hw,R,I) - See Andrews County
CONCHO COUNTY
(S,Hw,R,I) - See Andrews County
COOKE COUNTY
Decision #AP-714 (Streets,Highways, Runways, & Incidental Construction) (excl. the Dallas-Fort Worth Regional Airport)
38 FR 9949 - 4/20/73
CORYELL COUNTY
(S,Hw,R,I) - See Bell County
COTTLE COUNTY
(S,Hw,R,I) - See Bailey County
CRANE COUNTY
(S,Hw,R,I) - See Andrews County
Decision #AP-347 (R)
37 FR 20499 - 9/29/72
CROCKETT COUNTY
(S,Hw,R,I) - See Andrews County

TEXAS (Cont'd)

CROSBY COUNTY
(R) (S,Hw,R,I) - See Bailey County
CULBERSON COUNTY
(S,Hw,R,I) - See Brewster County
DALLAM COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
DALLAS COUNTY
(B&R) (S,Hw,R,I,W&S) - See Collin County
DAWSON COUNTY
(S,Hw,R,I) - See Bailey County
DEAF SMITH COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,I) - See Archer County
DELTA COUNTY
(S,Hw,R,I) - See Bowie County
DENTON COUNTY
(R) (B) - See Collin County
(S,Hw,R,I) - See Cooke County
DE WITT COUNTY
(S,Hw,R,I) - See Aransas County
DICKENS COUNTY
(S,Hw,R,I) - See Bailey County
DIMMIT COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
DONLEY COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,I) - See Archer County
DUVAL COUNTY
(S,Hw,R,I) - See Brooks County
EASTLAND COUNTY
(S,Hw,R,I)- See Andrews County
ECTOR COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County

TEXAS (Cont'd)

EDWARDS COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
ELLIS COUNTY
(B&R) (S,Hw,R,I,W,S) - See Collin County
EL PASO COUNTY
Decision #AP-727 (B)
38 FR 10603 - 4/27/73
Mod. #1 - 38 FR 13126 - 5/18/73
Mod. #2 - 38 FR 16595 - 6/22/73
(S,Hw,R,I) - See Brewster County
ERATH COUNTY
(S,Hw,R,I) - See Andrews County
FALLS COUNTY
(S,Hw,R,I) - See Bell County
FANNIN COUNTY
(S,Hw,R,I) - See Bowie County
FAYETTE COUNTY
(S,Hw,R,I,W,S) - See Austin County
(R) - See Bastrop County
FISHER COUNTY
(S,Hw,R,I) - See Bailey County
FLOYD COUNTY
(r) (S,Hw,R,I) - See Bailey County
FOARD COUNTY
(S,Hw,R,I) - See Bailey County
FORT BEND COUNTY
(R) (S,Hw,R,I,W,S) - See Brazoria County
FRANKLIN COUNTY
(S,Hw,R,I) - See Bowie County
FREESTONE COUNTY
(S,Hw,R,I) - See Bell County
FRIO COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
GAINES COUNTY
(S,Hw,R,I) - See Bailey County

TEXAS (Cont'd)

GALVESTON COUNTY
Decision #AP-724 (B)
38 FR 10594 - 4/27/73
Mod. #1 - 38 FR 14540 - 6/1/73
(S,Hw,R,I,W,S) - See Brazoria County
Decision #AP-348 (R)
37 FR 20501 - 9/29/72
(D) - See Aransas County
GARZA COUNTY
(R) (S,Hw,R,I) - See Bailey County
GILLESPIE COUNTY
(S,Hw,R,I,W,S) - See Austin County
GLASSOCK COUNTY
(S,Hw,R,I) - See Andrews County
GOLIAD COUNTY
(S,Hw,R,I) - See Aransas County
GONZALES COUNTY
(S,Hw,R,I,W,S) - See Austin County
GRAY COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,I) - See Archer County
GRAYSON COUNTY
(B)(S,Hw,R,I,W,S) - See Collin County
GREGG COUNTY
(S,Hw,R,I) - See Bowie County
GRIMES COUNTY
(S,Hw,R,I) - See Brazos County
GUADALUPE COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
HALE COUNTY
(R)(S,Hw,R,I) - See Bailey County
HALL COUNTY
(S,Hw,R,I) - See Archer County
HAMILTON COUNTY
(S,Hw,R,I) - See Bell County
HANSFORD COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County

TEXAS (Cont'd)

HARDEMAN COUNTY
(S,Hw,R,I) - See Archer County
HARDIN COUNTY
(S,Hw,R,I) - See Chambers County
HARRIS COUNTY
Decision #AP-722 (B)
38 FR 10588 - 4/27/73
Mod. #1 - 38 FR 14540 - 6/1/73
(R)(S,Hw,R,I,W,S) - See Brazoria County
(D) - See Aransas County
HARRISON COUNTY
(S,Hw,R,I) - See Bowie County
HARTLEY COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
HASKELL COUNTY
(S,Hw,R,I) - See Bailey County
HAYS COUNTY
(S,Hw,R,I,W,S) - See Austin County
(R) - See Bastrop County
HEMPHILL COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,I) See Archer county
HENDERSON COUNTY
(S,Hw,R,I) - See Anderson County
HIDALGO COUNTY
(R)(B) - See Cameron County
(S,Hw,R,I) - See Brooks County
HILL COUNTY
(S,Hw,R,I) - See Bell County
HOCKLEY COUNTY
(R)(S,Hw,R,I) - See Bailey County
HOOD COUNTY
(B) - See Collin County
(S,Hw,R,I) - See Cooke County
Decision #AP-301 (R)
37 FR 15232 - 7/28/72
Mod. #1-37 FR 20395 - 9/29/72

XUM 37 3 GCA 64-183 V

TEXAS (Cont'd)

HOPKINS COUNTY
(S,Hw,R,I) - See Bowie County
HOUSTON COUNTY
(S,Hw,R,I) - See Anderson County
HOWARD COUNTY
(S,Hw,R,I) - See Andrews County
HUDSPETH COUNTY
(S,Hw,R,I) - See Brewster County
HUNT COUNTY
(R)(B) - See Collin County
(S,Hw,R,I) - See Bowie County
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
IRION COUNTY
(S,Hw,R,I) - See Andrews County
JACK COUNTY
(S,Hw,R,I,W,S) - See Cooke County
JACKSON COUNTY
(D) (S,Hw,R,I) - See Aransas County
JASPER COUNTY
(S,Hw,R,I) - See Anderson County
JEFF DAVIS COUNTY
(S,Hw,R,I) - See Brewster County
JEFFERSON COUNTY
Decision #AP-738 (B)
38 FR 18164 - 7/6/73
(S,Hw,R,I) - See Chambers County
Decision #AP-739 (R)
38 FR 18167 - 7/6/73
(D) - See Aransas County
JIM HOGG COUNTY
(S,Hw,R,I) - See Brooks County
JIM WELLS COUNTY
(S,Hw,R,I) - See Aransas County
JOHNSON COUNTY
(B) - See Collin County
(S,Hw,R,I) - See Cooke County
(R) - See Hood County

TEXAS (Cont'd)

JONES COUNTY
(S,Hw,R,I) - See Bailey County
KARNES COUNTY
(S,Hw,R,I) - See Aransas County
KAUFMAN COUNTY
(R)(B) - See Collin County
(S,Hw,R,I) - See Bowie County
KENDALL COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
KENEDY COUNTY
(S,Hw,R,I) - See Brooks County
(D) - See Aransas County
KENT COUNTY
(S,Hw,R,I) - See Bailey County
KERR COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
KIMBLE COUNTY
(S,Hw,R,I) - See Andrews County
KING COUNTY
(S,Hw,R,I) - See Bailey County
KINNEY COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
KLEBERG COUNTY
(D) (S,Hw,R,I) - See Aransas County
KNOX COUNTY
(S,Hw,R,I) - See Bailey County
LAMAR COUNTY
(S,Hw,R,I) - See Bowie County
LAMB COUNTY
(R) (S,Hw,R,I) - See Bailey County
LAMPASAS COUNTY
(S,Hw,R,I) - See Bell County
LA SALLE COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
LAVACA COUNTY
(S,Hw,R,I) - See Aransas County

TEXAS (Cont'd)

LEE COUNTY
(S,Hw,R,I,W,S) - See Austin County
(R) - See Bastrop County
LEON COUNTY
(S,Hw,R,I) - See Brazos County
LIBERTY COUNTY
(S,Hw,R,I) - See Chambers County
LIMESTONE COUNTY
(S,Hw,R,I) - See Bell County
LIPSCOMB COUNTY
(S,Hw,R,I) - See Archer County
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(S,Hw,R,I) - See Aransas County
LLANO COUNTY
(S,Hw,R,I,W,S) - See Austin County
LOVING COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County
LUBBOCK COUNTY
Decision #AP-726 (B)
38 FR 10600 - 4/27/73
Mod. #1 - 38 FR 13126 - 5/18/73
Mod. #2 - 38 FR 13918 - 5/25/73
Mod. #3 - 38 FR 16595 - 6/22/73
(R)(S,Hw,R,I) - See Bailey County
LYNN COUNTY
(R)(S,Hw,R,I) - See Bailey County
MCCULLOCH COUNTY
(S,Hw,R,I) - See Andrews County
MCLENNAN COUNTY
(S,Hw,R,I) - See Bell County
MCMULLEN COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
MADISON COUNTY
(S,Hw,R,I) - See Brazos County
MARION COUNTY
(S,Hw,R,I) - See Bowie County
MARTIN COUNTY
(S,Hw,R,I) - See Andrews County

TEXAS (Cont'd)

MASON COUNTY
(S,Hw,R,I,W,S) - See Austin County
MATAGORDA COUNTY
(R,S,Hw,R,I,W,S) - See Brazoria County
(D) - See Arnasas County
MAVERICK COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
MEDINA COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
MENARD COUNTY
(S,Hw,R,I) - See Andrews County
MIDLAND COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County
MILAM COUNTY
(S,Hw,R,I) - See Brazos County
MILLS COUNTY
(S,Hw,R,I) - See Andrews County
MITCHELL COUNTY
(S,Hw,R,I) - See Andrews County
MONTAGUE COUNTY
(S,Hw,R,I) - See Archer County
MONTGOMERY COUNTY
(R,S,Hw,R,I,W,S) - See Brazoria County
MOORE COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,I) - See Archer County
MORRIS COUNTY
(S,Hw,R,I) - See Bowie County
MOTLEY COUNTY
(S,Hw,R,I) - See Bailey County
NACOGDOCHES COUNTY
(S,Hw,R,I) - See Anderson County
NAVARRO COUNTY
(S,Hw,R,I) - See Bell County
NEWTON COUNTY
(S,Hw,R,I) - See Anderson County
NOLAN COUNTY
(S,Hw,R,I) - See Andrews County

TEXAS (Cont'd)

NUECES COUNTY
Decision #AP-726 (B)
38 FR 10600 - 4/27/73
Mod. #1 - 38 FR 13126 - 5/18/73
Mod. #2 - 38 FR 13918 - 5/25/73
Mod. #3 - 38 FR 15795 - 6/15/73
Mod. #4 - 38 FR 17354 - 6/29/73
(D)(S,Hw,R,I) - See Aransas County
OCHILTREE COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
OLDHAM COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
ORANGE COUNTY
(R)(B) - See Jefferson County
(S,Hw,R,I) - See Chambers County
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(S,Hw,R,I) - See Cooke County
(R) - See Hood County
PANOLA COUNTY
(S,Hw,R,I) - See Anderson County
PARKER COUNTY
(B) - See Collin County
(S,Hw,R,I) - See Cooke County
(R) - See Hood County
PARMER COUNTY
(S,Hw,R,I) - See Archer County
PECOS COUNTY
(S,Hw,R,I) - See Brewster County
(R) - See Crane County
POLK COUNTY
(S,Hw,R,I) - See Anderson County
POTTER COUNTY
(S,Hw,R,I) - See Archer County
(B) (R) - See Armstrong County

TEXAS (Cont'd)

PRESIDIO COUNTY
(S,Hw,R,I) - See Brewster County
RAINS COUNTY
(S,Hw,R,I) - See Bowie County
RANDALL COUNTY
(S,Hw,R,I) - See Archer County
(B) (R) - See Armstrong County
REAGAN COUNTY
(S,Hw,R,I) - See Andrews County
REAL COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
RED RIVER COUNTY
(S,Hw,R,I) - See Bowie County
REEVES COUNTY
(S,Hw,R,I) - See Brewster County
(R) - See Crane County
REFUGIO COUNTY
(D) (S,Hw,R,I) - See Aransas County
ROBERTS COUNTY
(S,Hw,R,I) - See Archer County
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(S,Hw,R,I) - See Brazos county
ROCKWALL COUNTY
(S,Hw,R,I,W,S) (B) (R) - See Collin County
RUNNELS COUNTY
(S,Hw,R,I) - See Andrews County
RUSK COUNTY
(S,Hw,R,I) - See Bowie County
SABINE COUNTY
(S,Hw,R,I) - See Anderson County
SAN AUGUSTINE COUNTY
(S,Hw,R,I) - See Anderson County
SAN JACINTO COUNTY
(S,Hw,R,I) - See Anderson County
SAN PATRICIO COUNTY
(S,Hw,R,I) (D) - See Aransas County
SAN SABA COUNTY
(S,Hw,R,I) - See Andrews County
SCHLEICHER COUNTY
(S,Hw,R,I) - See Andrews County

TEXAS (Cont'd)

SCURRY COUNTY
(S,Hw,R,I) - See Bailey County
SHACKELFORD COUNTY
(S,Hw,R,I) - See Bailey County
SHELBY COUNTY
(S,Hw,R,I) - See Anderson county
SHERMAN COUNTY
(S,Hw,R,I) - See Archer County
(B)(R) - See Armstrong County
SMITH COUNTY
(S,Hw,R,I) - See Bowie County
SOMERVELL COUNTY
(S,Hw,R,I) - See Cooke County
STARR COUNTY
(S,Hw,R,I) - See Brooks County
(B) (R) - See Cameron County
STEPHENS COUNTY
(S,Hw,R,I) - See Bailey County
STERLING COUNTY
(S,Hw,R,I) - See Andrews County
STONEWALL COUNTY
(S,Hw,R,I) - See Bailey County
SUTTON COUNTY
(S,Hw,R,I) - See Andrews County
SWISHER COUNTY
(S,Hw,R,I) - See Archer County
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(S,Hw,R,I) - See Cooke County
Decision #AN-11423 (R)
37 FR 11617 - 6/9/72
Mod. #1 - 37 FR 20394 - 9/29/72
TAYLOR COUNTY
(S,Hw,R,I) - See Andrews County
TERRELL COUNTY
(S,Hw,R,I) - See Brewster County
TERRY COUNTY
(S,Hw,R,I) - See Bailey County
(R) - See Bailey County
THROCKMORTON COUNTY
(S,Hw,R,I) - See Bailey County
TITUS COUNTY
(S,Hw,R,I) - See Bowie County
TOM GREEN COUNTY
(S,Hw,R,I) - See Andrews County

TEXAS (Cont'd)

TRAVIS COUNTY
Decision #AP-723 (B)
38 FR 10591 - 4/27/73
Mod. #1 - 38 FR 13126 - 5/18/73
Mod. #2 - 38 FR 15795 - 6/15/73
Mod. #3 - 38 FR 16595 - 6/22/73
Mod. #4 - 38 FR 17354 - 6/29/73
(R) - See Bastrop County
(S,Hw,R,I,W,S) - See Austin County
TRINITY COUNTY
(S,Hw,R,I) - See Anderson County
TYLER COUNTY
(S,Hw,R,I) - See Anderson County
UPSHUR COUNTY
(S,Hw,R,I) - See Bowie County
UPTON COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County
UVALDE COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
VAL VERDE COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
VAN ZANDT COUNTY
(S,Hw,R,I) - See Bowie County
VICTORIA COUNTY
(S,Hw,R,I) - See Aransas County
(D) - See Aransas County
WALKER COUNTY
(S,Hw,R,I) - See Brazos County
(R) - See Brazoria County
WALLER COUNTY
(S,Hw,R,I,W,S) - See Brazoria County
WARD COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County
WASHINGTON COUNTY
(S,Hw,R,I) - See Brazos County
WEBB COUNTY
(S,Hw,R,I) - See Brooks County
WHARTON COUNTY
(S,Hw,R,I,W,S) - See Brazoria County

XUM 38 FR 21130 38 FR 21131

TEXAS (Cont'd)

WHEELER COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
WICHITA COUNTY
(S,Hw,R,I) - See Archer County
WILBARGER COUNTY
(S,Hw,R,I) - See Archer County
WILLACY COUNTY
(R)(B) - See Cameron County
(S,Hw,R,I) - See Brooks County
(D) - See Aransas County
WILLIAMSON COUNTY
(S,Hw,R,I,W,S) - See Austin County
(R) - See Bastrop County
WILSON COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
WINKLER COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(S,Hw,R,I) - See Cooke County
(R) - See Hood County
WOOD COUNTY
(S,Hw,R,I) - See Bowie County
YOAKUM COUNTY
~~(S,Hw,R,I)(R) - See Bailey County~~
YOUNG COUNTY
(S,Hw,R,I) - See Bailey County
ZAPATA COUNTY
(S,Hw,R,I) - See Brooks County
ZAVALA COUNTY
(S,Hw,R,I,W,S) - See Atascosa County

UTAH

STATEWIDE
Decision #AP-254 (B-H-Hw)
37 FR 26255 - 12/8/72
Mod. #1-38 FR 939-1/5/73
Mod. #2-38 FR 5763 - 3/2/73
Mod. #3-38 FR 11242 - 5/4/73
BEAVER COUNTY
(B, H, Hw) - See Statewide
BOX ELDER COUNTY
(B, H, Hw) - See Statewide
CACHE COUNTY
(B, H, Hw) - See Statewide
CARBON COUNTY
(B, H, Hw) - See Statewide
DAGGETT COUNTY
(B, H, Hw) - See Statewide
DAVIS COUNTY
(B, H, Hw) - See Statewide
DUCHESNE COUNTY
(B, H, Hw) - See Statewide
EMERY COUNTY
(B, H, Hw) - See Statewide
GARFIELD COUNTY
(B, H, Hw) - See Statewide
GRAND COUNTY
(B, H, Hw) - See Statewide
IRON COUNTY
(B, H, Hw) - See Statewide
JUAB COUNTY
(B, H, Hw) - See Statewide
KANE COUNTY
(B, H, Hw) - See Statewide
MILLARD COUNTY
(B, H, Hw) - See Statewide

UTAH (Cont'd)

MORGAN COUNTY
(B, H, Hw) - See Statewide
PIUTE COUNTY
(B, H, Hw) - See Statewide
RICH COUNTY
(B, H, Hw) - See Statewide
SALT LAKE COUNTY
(B, H, Hw) - See Statewide
SAN JUAN COUNTY
(B, H, Hw) - See Statewide
SANPETE COUNTY
(B, H, Hw) - See Statewide
SEVIER COUNTY
(B, H, Hw) - See Statewide
SUMMIT COUNTY
(B, H, Hw) - See Statewide
TOOELE COUNTY
(B, H, Hw) - See Statewide
UNITAH COUNTY
(B, H, Hw) - See Statewide
UTAH COUNTY
(B, H, Hw) - See Statewide
WASATCH COUNTY
(B, H, Hw) - See Statewide
WASHINGTON COUNTY
(B, H, Hw) - See Statewide
WAYNE COUNTY
(B, H, Hw) - See Statewide
WEBER COUNTY
(B, H, Hw) - See Statewide

VERMONT

STATEWIDE (Except Rutland Co.)
Decision #AP-857 (Hw)
38 FR 16623 - 6/22/73
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide

VERMONT (Cont'd)

LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Decision #AP-847 (D)
38 FR 15797 - 6/15/73
ALBERMARLE COUNTY
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
ALEXANDRIA CITY
Decision #AP-858 (B)
38 FR 17390 - 6/29/73
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
(D) - See Accomack County
ALLEGHENY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
AMELIA COUNTY
Decision #AM-1871 (Hw)
36 FR 16339 - 8/20/71
AMHERST COUNTY
Decision #AM-1870 (Hw)
36 FR 16338 - 8/20/71
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
Decision #AM-9320 (R)
37 FR 10267 - 5/19/72
(Hw) - See Allegheny County
BATH COUNTY
(Hw) - See Allegheny County
BEDFORD COUNTY
Decision #AM-1869 (Hw)
36 FR 16337 8/20/71
Mod. #1 - 36 FR 18274 - 9/10/71
BLAND COUNTY
Decision #AM-1868 (Hw)
36 FR 16336 - 8/20/71

VIRGINIA (Cont'd)

BOTECOURT COUNTY
(Hw) - See Bedford County
BRISTOL COUNTY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Allegheny County
CAMPBELL COUNTY
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AM-1873 (Hw)
36 FR 16341 - 8/20/71
Mod. #1 - 37 FR 15238 - 7/28/72
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTESVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #AP-833 (B)
38 FR 14078 - 5/25/73
Mod. #1 - 38 FR 17355 - 6/29/73
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
(Hw) - See Allegheny County
CLIFTON FORGE CITY
(Hw) - See Allegheny County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Allegheny County
CRAIG COUNTY
(Hw) - See Bedford County

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VIRGINIA (cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKERSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
(R) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
(R) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Accomack County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County

VIRGINIA (cont'd)

FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bland County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GREENE COUNTY
(Hw) - See Albemarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Alleghany County
HENRICO COUNTY
Decision #AP-499 (B)
38 FR 8410 - 3/30/73
Mod. #1-38 FR 11243 - 5/4/73
Mod. #2-38 FR 15795 - 6/15/73
Mod. #3-38 FR 17355 - 6/29/73
(Hw) - See Amelia County

VIRGINIA (cont'd)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
JAMES CITY COUNTY
Decision #AP-407 (R)
37 FR 15235 - 7/28/72
(Hw) - See Accomack County
(D) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albemarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County

VIRGINIA (cont'd)

MADISON COUNTY
(Hw) - See Albemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County
MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(Hw) - See Chesapeake City
(D) - See Accomack County
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NORTON CITY
(Hw) - See Bland County

VIRGINIA (cont'd)

NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albermarle County
PAGE COUNTY
(Hw) - See Allegheny County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG COUNTY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albermarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
(Hw) - See Bedford County
RAPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Allegheny County

VIRGINIA (Cont'd)

ROCKINGHAM COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County
SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #AM-9321 (R)
37 FR 10266 - 5/19/72
(Hw) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Alleghany County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County

VIRGINIA (Cont'd)

WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County.
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
(R) - See James City County
(Hw) - See Accomack County
(D) - See Accomack County

WASHINGTON

STATEWIDE
Decision #AP-283 (B,H,Hw,D)
38 FR 8920 - 4/6/73
Mod. #1 - 38 FR 9922 - 4/20/73
Mod. #2 - 38 FR 11243 - 5/4/73
Mod. #3 - 38 FR 13127 - 5/18/73
Mod. #4 - 38 FR 15795 - 6/15/73
Mod. #5 - 38 FR 17355 - 6/29/73
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw,D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
ISLAND COUNTY
Decision #AP-906 (R)
38 FR 13907 - 5/25/73
Mod. #1 - 38 FR 15225 - 6/8/73
(B,H,Hw,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide

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WASHINGTON (Cont'd)

KING COUNTY
(R) - See Island County
(B,H,Hw,D)-See Statewide
KITSAP COUNTY
(B,H,Hw,D)-See Statewide
KITTITAS COUNTY
(B,H,Hw,D)-See Statewide
KLICKITAT COUNTY
(B,H,Hw,D)-See Statewide
LEWIS COUNTY
(B,H,Hw,D)-See Statewide
LINCOLN COUNTY
(B,H,Hw,D)-See Statewide
MASON COUNTY
(B,H,Hw,D)-See Statewide
OKANOGAN COUNTY
(B,H,Hw,D)-See Statewide
PACIFIC COUNTY
(B,H,Hw,D)-See Statewide
PEND OREILLE COUNTY
(B,H,Hw,D)-See Statewide
PIERCE COUNTY
(R) - See Island County
(B,H,Hw,D)-See Statewide
SAN JUAN COUNTY
(B,H,Hw,D)-See Statewide
SKAGIT COUNTY
(B,H,Hw,D)-See Statewide
SKAMANIA COUNTY
(B,H,Hw,D)-See Statewide
SNOHOMISH COUNTY
(R) - See Island County
(B,H,Hw,D)-See Statewide
SPOKANE COUNTY
(B,H,Hw,D)-See Statewide
STEVENS COUNTY
(B,H,Hw,D)-See Statewide
THURSTON COUNTY
(B,H,Hw,D)-See Statewide
WAHKIAKUM COUNTY
(B,H,Hw,D)-See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D)-See Statewide
WHATCOM COUNTY
(B,H,Hw,D)-See Statewide
WHITMAN COUNTY
(B,H,Hw,D)-See Statewide
YAKIMA COUNTY
(B,H,Hw,D)-See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #AP-823 (B,Hw,Sewer & Water)
38 FR 13304 - 5/18/73
Mod. #1 - 38 FR 15796 - 6/15/73
Mod. #2 - 38 FR 16595 - 6/22/73
Mod. #3 - 38 FR 17357 - 6/29/73
Mod. #4 - 38 FR 18129 - 7/6/73
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
Decision #AP-847 (D)
38 FR 15797 - 6/15/73

WEST VIRGINIA

STATEWIDE
Decision #AP-801 (H,Hw)
38 FR 9415 - 4/13/73
BARBOUR COUNTY
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BRAXTON COUNTY
(H,Hw) - See Statewide
BROOKE COUNTY
(H,Hw) - See Statewide
CABELL COUNTY
Decision #AP-403 (B)
37 FR 14661 - 7/21/72
Mod. #1-37 FR 16722 - 8/18/72
Mod. #2-37 FR 21720 - 10/13/72
Mod. #3 - 38 FR 15226 - 6/8/73
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
(H,Hw) - See Statewide
CALHOUN COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
GILMER COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREENBRIER COUNTY
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

HAMPSHIRE COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
HARDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
Decision #AP-402 (B)
37 FR 14659 - 7/21/72
Mod. #1 - 37 FR 20401 - 9/29/72
Mod. #2 - 37 FR 21720 - 10/13/72
Mod. #3 - 38 FR 4082 - 2/9/73
Mod. #4 - 38 FR 15226 - 6/8/73
Decision #AP-405 (R)
37 FR 15236 - 7/28/72
Mod. #1 - 37 FR 20401 - 9/29/72
Mod. #2 - 37 FR 21720 - 10/13/72
Mod. #3 - 38 FR 4082 - 2/9/73
Mod. #4 - 38 FR 15226 - 6/8/73

WEST VIRGINIA (Cont'd)

LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(H,Hw) - See Statewide
MC DOWELL COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MASON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MINERAL COUNTY
(H,Hw) - See Statewide
MINGO COUNTY
(H,Hw) - See Statewide
MONOGALIA COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NICHOLAS COUNTY
(H,Hw) - See Statewide
OHIO COUNTY
(H,Hw) - See Statewide
PENDLETON COUNTY
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
PRESTON COUNTY
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

PUTNAM COUNTY
(H,Hw) - See Statewide
RALEIGH COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
ROANE COUNTY
(H,Hw) - See Statewide
SUMMERS COUNTY
(H,Hw) - See Statewide
TAYLOR COUNTY
(H,Hw) - See Statewide
TUCKER COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WEBSTER COUNTY
(H,Hw) - See Statewide
WETZEL COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(H,Hw) - See Statewide

WISCONSIN

ADAMS COUNTY
Decision #AP-72 (Hw)
37 FR 26273 - 12/8/72
Mod. #1-38 FR 2019 - 1/9/73
Mod. #2-38 FR 12524 - 5/11/73
ASHLAND COUNTY
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
Decision #AP-70 (Hw)
37 FR 26269 - 12/8/72
Mod. #1-38 FR 2018 - 1/19/73
Mod. #2-38 FR 12523 - 5/11/73
BARRON COUNTY
Decision #AP-71 (Hw)
37 FR 26271 - 12/8/72
Mod. #1-38 FR 2018-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
BAYFIELD COUNTY
(D) - See Ashland County
(Hw) - See Ashland County
BROWN COUNTY
Decision #AP-53 (B)(H)(Hw)
37 FR 25643 - 12/1/72
Mod. #1-37 FR 28357-12/22/72
Mod. #2-38 FR 2015-1/19/73
Mod. #3-38 FR 5111-2/23/72
Mod. #4-38 FR 12520 - 5/11/73
(D) - See Ashland County
BUFFALO COUNTY
(Hw) - See Barron County
BURNETT COUNTY
(Hw) - See Ashland County
CALUMET COUNTY
Decision #AP-74 (Hw)
37 FR 26277 - 12/8/72
Mod. #1-38 FR 2019-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
CHIPPEWA COUNTY
(Hw) - See Barron County
CLARK COUNTY
(Hw) - See Barron County
COLUMBIA COUNTY
Decision #AP-73 (Hw)
37 FR 26275 - 12/8/72
Mod. #1-38 FR 2019-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
CRAWFORD COUNTY
(Hw) - See Columbia County
DANE COUNTY
Decision #AP-54 (B)(H)(Hw)
37 FR 25647 - 12/1/72
Mod. #1-37 FR 28357-12/22/72
Mod. #2-38 FR 2015-1/19/73
Mod. #3-38 FR 5111-2/23/73
Mod. #4-38 FR 12521 - 5/11/73

WISCONSIN (Cont'd)

DANE COUNTY (cont'd)
Decision #AP-65 (R)
37 FR 25606 - 12/1/72
Mod. #1 - 38 FR 28358 - 12/22/72
Mod. #2 - 38 FR 2018 - 1/19/73
Mod. #3 - 38 FR 5112 - 2/23/73
DODGE COUNTY
(Hw) - See Columbia County
DOOR COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
DOUGLAS COUNTY
(D) - See Ashland County
(Hw) - See Ashland County
DUNN COUNTY
(Hw) - See Barron County
EAU CLAIRE COUNTY
Decision #AP-55 (B)(H)(Hw)
37 FR 25650 - 12/1/72
Mod. #1-38 FR 2016-1/19/73
Mod. #2-38 FR 5111-2/23/73
Mod. #3-38 FR 12521 - 5/11/73
FLORENCE COUNTY
(Hw) - See Calumet County
FOND DU LAC COUNTY
Decision #AP-75 (Hw)
37 FR 26279 - 12/8/72
Mod. #1-38 FR 2019-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
FOREST COUNTY
(Hw) - See Ashland County
GRANT COUNTY
(Hw) - See Columbia County
GREEN COUNTY
(Hw) - See Columbia County
GREEN LAKE COUNTY
(Hw) - See Adams County
IOWA COUNTY
(Hw) - See Columbia County
IRON COUNTY
(D) - See Ashland County
(Hw) - See Ashland County
JACKSON COUNTY
(Hw) - See Columbia County
JEFFERSON COUNTY
(Hw) - See Columbia County
JUNEAU COUNTY
Decision #AP-56 (B)(H)(Hw)
37 FR 25654 - 12/1/72
Mod. #1-37 FR 28357-12/22/72
Mod. #2-38 FR 2016-1/19/73
Mod. #3-38 FR 5111-2/23/73
Mod. #4-38 FR 12521 - 5/11/73

XUM 37 3 SCA 6941883V

WISCONSIN (Cont'd)

KENOSHA COUNTY
Decision #AP-57 (B,H,Hw)
37 FR 25658 - 12/1/72
Mod. #1-37 FR 28357 - 12/22/72
Mod. #2-38 FR 2016 - 1/19/73
Mod. #3-38 FR 12521 - 5/11/73
KEWAUNEE COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
LA CROSSE COUNTY
Decision #AP-58 (B,H,Hw)
37 FR 25662 - 12/1/72
Mod. #1-37 FR 28357 - 12/22/72
Mod. #2-38 FR 2016 - 1/19/73
Mod. #3-38 FR 5112 - 2/23/73
Mod. #4-38 FR 12521 - 5/11/73
Decision #AP-66 (R)
37 FR 25609 - 12/1/72
Mod. #1 - 37 FR 28358 - 12/22/72
Mod. #2 - 38 FR 2018 - 1/19/73
Mod. #3 - 38 FR 5112 - 2/23/73
Mod. #4 - 38 FR 12523 - 5/11/73
LAFAYETTE COUNTY
(Hw) - See Columbia County
LANGLADE COUNTY
(Hw) - See Adams County
LINCOLN COUNTY
(Hw) - See Adams County
MANITOWOC COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
MARATHON COUNTY
Decision #AP-59 (B)(H)(Hw)
37 FR 25606 - 12/1/72
Mod. #1-38 FR 2017-1/19/73
Mod. #2-38 FR 5111-2/23/73
Mod. #3-38 FR 12522 - 5/11/73
MARINETTE COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
MARQUETTE COUNTY
(Hw) - See Adams County
MENOMINEE COUNTY
(Hw) - See Adams County
MILWAUKEE COUNTY
Decision #AP-60 (B)(H)(Hw)
37 FR 25669 - 12/1/72
Mod. #1-37 FR 28357-12/22/72
Mod. #2-38 FR 2017-1/19/73
Mod. #3-38 FR 5111-2/23/73
Mod. #4-38 FR 12522 - 5/11/73
(D) - See Ashland County
Decision #AP-67 (R)
37 FR 25612 - 12/1/72
Mod. #1 - 37 FR 28358 - 12/22/72
Mod. #2 - 38 FR 5112 - 2/23/73

WISCONSIN (Cont'd)

MONROE COUNTY
(Hw) - See Columbia County
OCONTO COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
ONEIDA COUNTY
(Hw) - See Ashland County
OUTAGAMIE COUNTY
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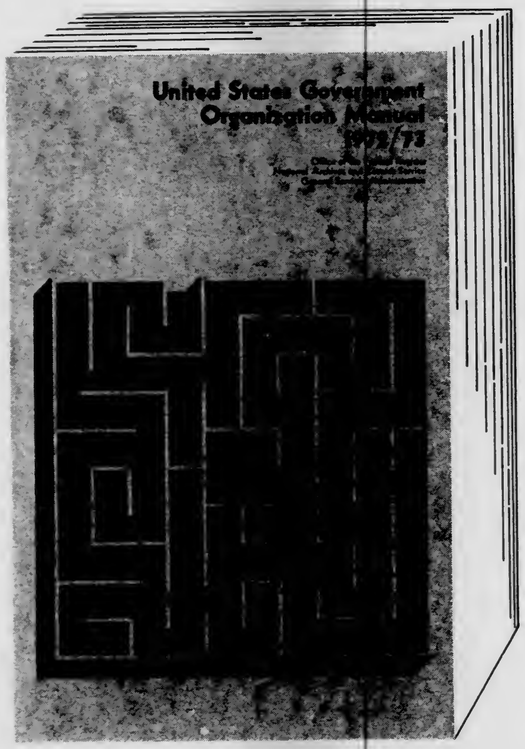
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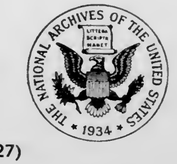
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER H—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

PART 870—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

This revision deletes requirements to request authorization for and report deferment quotas; adds "consortium arrangement" and "cross-town agreements" to terms explained (§ 870.2(i) and (k)); revises definition for "full-time student" (§ 870.2(n)); redefines restrictions on establishing AFROTC units at educational institutions (§ 870.10(c)); adds provisions for descriptive titles for officers-in-charge of AFROTC activities at educational institutions as well as for the activities (§ 870.10(d)); adds restrictions on CSP enrollments (§ 870.12 (a)); adds provisions and procedures for granting academic credit, course substitutions, and requirements for drill standards (§ 870.12(c)); revises verbiage on exceptions regarding concurrent enrollment (§ 870.26); adds members of the NOAA to those who may not be AFROTC members and provides that Air Force members may compete for AFROTC scholarships under certain conditions (§ 870.28); adds IM-missile launch officer to category I (§ 870.32(a)); revises induction delay criteria (§ 870.44); deletes requirements for the annual DD Form 44 submission and revises procedures for notifying boards of deferments and transfers (§ 870.50); permits citizenship exceptions for certain aliens, precludes membership for those claiming conscientious objector status but permits special student status, and permits attendance at field training if enlistment age will be reached before entry into the POC (§ 870.82, rules 4, 6, and 8 and notes 5, 7, and 8); delegates waiver authority to AFROTC and makes other revisions (§ 870.84); allows some GMC credit for cadets with less than 180 days of active duty/active duty for training (§ 870.86, line 6 and note 5); and generally updates verbiage, format, and terminology throughout the part.

Part 870, Subchapter H of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.
870.0 Purpose.

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870.2 Definitions.
870.4 AFROTC officer procurement.
870.6 AFROTC mission and objectives.
870.8 AFROTC organization.
870.10 Establishment and continuation of AFROTC units at educational institutions.
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870.14 Responsibilities of the Commander, AU.
870.16 Major Command functions.
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Subpart B—AFROTC Membership and Retention

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870.22 Other membership requirements.
870.24 Conditional membership.
870.26 Concurrent enrollment in Aerospace Studies.
870.28 Who may not be AFROTC members.
870.30 Investigative requirements.
870.32 Contract cadets.
870.34 In-phase admission to the POC.
870.36 Completed cadet status.
870.38 Alien students.

Subpart C—Selective Service Deferment of AFROTC Members and Designated Applicants

870.40 Military colleges participating in the AFROTC program.
870.42 Deferment selection criteria.
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870.46 Length of deferment.
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870.64 Disenrollment of member from the AFROTC program.
870.66 Discharge from the United States Air Force Reserve.
870.68 Notifying ARPC of disenrollments.

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870.70 Readmission.

Subpart G—Appointment and Assignment of Graduates

870.72 Appointment of graduates.
870.74 Extended active duty for AFROTC graduates.
870.76 Distinguished graduates.
870.78 Release of AFROTC graduates for appointment in another service.
870.80 Air Force appointment of ROTC graduates from another service.

Subpart H—Tables

870.82 Eligibility requirements for admission to membership in AFROTC.
870.84 Individuals who require a waiver and waiver granting authority.
870.86 Credit for previous education, training, and military experience.

AUTHORITY: 10 U.S.C. 8012; 10 U.S.C. Chapter 103; Military Selective Service Act of 1967, section 6 (50 U.S.C. App. 456), except as otherwise noted.

§ 870.0 Purpose.

(a) This part explains the organization, administration, and operation of the Senior Reserve Officers' Training Corps. It applies to major commands. AFROTC (Maxwell Air Force Base, Alabama), ARPC, and AFROTC detachments.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

Subpart A—Background and Organization

§ 870.2 Definitions.

(a) *Academic year (AY).* Consists of two semesters, three quarters, or the equivalent combination of trimesters or other terms.

(b) *Aerospace Studies (AS).* The official designation of the Air Force Reserve Officers' Training Corps (AFROTC) program of instruction.

(c) *AFROTC detachment.* An Air Force organization manned by active duty Air Force personnel assigned to AFROTC, with duty station at a civilian educational institution. The AFROTC detachment is an integral academic subdivision of the educational institution and, with concurrence of the institution, has the academic title "Department of Aerospace Studies." The AFROTC detachment conducts all AFROTC activities at the institution as stipulated in the joint contract between the host institution and the Air Force.

(d) *AFROTC graduate.* A contract cadet who has successfully completed the academic and military requirements of the AFROTC Professional Officer Course (POC), including prescribed field training, and has been awarded at least a bachelor's degree.

(e) *Alien student.* A Foreign National eligible to participate in the AFROTC program under the provisions of this part and 10 U.S.C. 2103(b).

(f) *Cadet.* The term cadet as used in this part is synonymous with member.

(g) *Completed cadet.* A contract cadet who has successfully completed the academic and military requirements of the program of advanced training, including field training, and Flight Instruction Program if applicable, but has not been commissioned.

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(h) *Conditional cadet.* A contract cadet who has been advised by the Professor of Aerospace Studies (PAS) either upon initial enrollment or during the program that he has been placed on a probationary status to correct a deficiency (academic or otherwise) within a specified period of time to preclude disenrollment from the program. A conditional cadet is a member of the AFROTC program.

(i) *Consortium arrangement.* An agreement between an AFROTC host institution and a nonhost institution which exists for the mutual benefit of the schools, and which permits cross enrollment of students. AFROTC, as a department of the host institution, shares as a beneficiary of the larger agreement and can participate as any other department of the host institution by enrolling students from the consortium nonhost schools. The consortium agreement may be a written agreement. Students at the nonhost institution may enroll in the AFROTC program under this type of arrangement provided:

(1) The nonhost institution is an accredited baccalaureate degree granting or 2-year nonbaccalaureate degree granting institution.

(2) Nonhost institutions agree to grant appropriate academic credit applicable toward graduation for the successful completion of courses offered by the Department of Aerospace Studies.

(j) *Contract cadet.* An AFROTC cadet who has executed AF Form 1056, "Air Force Reserve Officers' Training Corps Category Agreement," enlisted in the United States Air Force Reserve (USAFR) (Obligated Reserve Section (ORS)) under the provisions of 10 U.S.C. 2104 or 2107, and is a member of the POC and/or the College Scholarship Program (CSP).

(k) *Cross-town agreement.* An agreement among a host institution, an accredited baccalaureate degree granting or 2-year nonbaccalaureate degree granting nonhost institution, AFROTC, and Air University (AU), permitting students from the nonhost institution to enroll in the AFROTC program conducted by the host institution.

(l) *Designated applicant.* An individual who has applied in writing and has been tentatively accepted by the Professor of Aerospace Studies (PAS) as a candidate for entry in the POC.

(m) *Enrollment.* Admission of a student into an Aerospace Studies course for academic credit, which in itself entitles individuals to neither AFROTC membership nor subsistance allowance.

(n) *Full-time student.* An individual enrolled in other than correspondence courses who is taking at least the minimum credit hours specified in the institutional catalog for designation as a full-time student. If the institution does not specify a minimum criterion, a student enrolled in at least the minimum number of credit hours prescribed by the Professor of Aerospace Studies.

(o) *Member.* A student who meets and completes the applicable eligibility requirements of § 870.82 and is admitted to the General Military Course (GMC) or POC. Members must maintain retention standards prescribed by the Commandant, AFROTC.

(p) *Officer type training programs.* Any training received in any U.S. Armed Force, Coast Guard, or Merchant Marine program, completion of which may result in a tender of appointment as a commissioned officer (includes service academy preparatory schools).

(q) *Probation (academic).* Scholastic probation, warning, suspension, or any other terminology utilized by an institution to indicate that a student is academically deficient.

(r) *Professor of Aerospace Studies (PAS).* The senior Air Force commissioned officer assigned to command an AFROTC detachment.

(s) *Pursuing student.* A designated applicant for POC membership who is temporarily ineligible for enlistment. He is not a member of the POC or the CSP.

(t) *Special student.* A nonmember student who is enrolled in AFROTC courses and/or corps training.

§ 870.4 AFROTC officer procurement.

AFROTC is a major active duty officer procurement program of the Air Force. It is conducted jointly with the cooperating educational institutions, as outlined in this part. AFROTC will continue to operate as the officer training program conducted at colleges and universities during a national emergency or war.

§ 870.6 AFROTC mission and objectives.

(a) The AFROTC mission is to commission, through a college campus program, second lieutenants in response to Air Force active duty requirements.

NOTE: AFROTC is also responsible for conducting an Air Force Junior ROTC (AFJROTC) program at selected secondary schools nationwide under Air Force Regulation (AFR) 45-39, "Air Force Junior Reserve Officers' Training Corps."

(b) The AFROTC objectives are to:

(1) Identify, motivate, and select qualified students to complete the Air Force ROTC program.

(2) Provide college-level education that will qualify cadets for commissioning in the U.S. Air Force.

(3) Strengthen each cadet's sense of personal integrity, honor, and individual responsibility; enchance his knowledge of how the U.S. Air Force serves the national interest; increase his understanding of officer professionalism in the U.S. Air Force; and develop his potential as a leader and manager.

§ 870.8 AFROTC organization.

The Department of the Air Force establishes policies and develops plans for the conduct of the AFROTC program. AFROTC is organized as a subordinate unit of Air University (AU) and consists of a central staff and detachments. An AFROTC detachment is established or disestablished only by direction of the Secretary of the Air Force.

§ 870.10 Establishment and continuation of AFROTC units at educational institutions.

(a) *Establishment of AFROTC units.* To receive consideration for establishment of an AFROTC unit, an educational institution must:

(1) Apply in writing to the Commandant, AFROTC, Maxwell Air Force Base, Alabama 36112.

(2) Be fully accredited by the appropriate regional or national authority.

(3) Agree to provide adequate physical facilities.

(4) Certify that it does not discriminate with respect to admission or subsequent treatment of students on the basis of race, creed, or national origin.

(5) Be capable of producing a sufficient number of officers to justify Department of Defense resources invested, considering (among other factors) the number of students enrolled who are prospective officer candiates and the proportion of each entering academic class that normally receives degrees from the institution.

(b) *AF Form 1268.* AF Form 1268, "Application and Agreement for the Establishment of a Senior Air Force Reserve Officers' Training Corps Unit," must be signed after establishment has been approved by the Secretary of the Air Force.

(c) *Establishment restrictions.* AF ROTC units will not be established or maintained at an educational institution unless:

(1) The senior commissioned officer of the AFROTC unit is given the academic rank of professor, including appropriate prerogatives and prerequisites (except tenure) associated with the position of a professor as head of a department or program at the institution. (Other AF ROTC officers will be evaluated by the host institution for appropriate academic rank using procedures comparable to those used for their civilian faculty colleagues.)

(2) The institution fulfills the terms of its agreement with the Secretary of the Air Force.

(3) The institution adopts as part of its curriculum a 4-year course of military instruction or a 2-year course of advanced military instruction, or both, which the Secretary of the Air Force prescribes and conducts. Student enrollment shall be elective or compulsory as provided by state law or the institution.

(d) *Descriptive titles.*—(1) As an alternative to the title of professor for the senior commissioned officer of the AFROTC unit, the most complimentary title is the officer's military title. Other titles, such as Visiting Professor, are acceptable provided the prerogatives and perquisites of professional rank (excluding tenure) accompany the position, and the title is not demeaning or indicative of some lessor status.

(2) As a descriptive term for the ROTC educational activity on campus, the word "Program" is acceptable instead of "Department" provided no extracurricular connotation is involved. The term "Program," in this sense, would be applied to AFROTC in the same manner as other academic programs within the institution.

(e) *Institutional standing committees on ROTC.* The Air Force will cooperate with institutional standing committees on ROTC to develop a program of instruction consistent with the goals of both parties, but cannot accept changes inconsistent with the law or Department of Defense policies.

(f) *Disestablishment of AFROTC units.* The annual officer production or projected production from each AFROTC unit should be adequate to justify the investment.

(1) A unit will be considered substandard when its officer production based on the past two years and the production potential for the current and next projected year is below:

(i) Fifteen officers per year where an institution prescribes a 4-year or combination 4- and 2-year program.

(ii) Ten officers per year where the institution prescribes a 2-year program.

(2) Air University will forward recommendations to HQ USAF by December 15 of each year to:

(i) Place substandard units in probationary status for a 1-year school period or recommend for disestablishment. (AFROTC should work closely with any institution whose AFROTC production falls below the standard for any year to seek measures which will make the AFROTC unit fully productive. These efforts should be substantiated in writing.)

(ii) Release from probation units which meet or exceed the minimum production standard.

(iii) Disestablish units which do not meet production standards by the end of the 1-year probationary period. Units will be phased out with sufficient time to permit enrolled AFROTC students to complete the program or offer the students a practical alternative for obtaining commissions.

§ 870.12 The training program.

The training program includes two phases—the institutional phase and field training phase. Successful completion of academic and military requirements in both phases is a prerequisite for appointment as an officer in the U.S. Air Force.

(a) *The institutional phase.* This phase consists of GMC (AS 100 and AS 200), the POC (AS 300 and AS 400), and Corps Training (AS 100 through AS 400). Corps Training is an integral and mandatory portion of each Aerospace Studies year. The GMC and POC are each normally two academic years in length (four semesters, six quarters, or an equivalent number of trimesters or terms). Completion of the GMC, its equivalent or the 6-week field training session is a statutory prerequisite for, but does not guarantee, entrance into the POC.

(1) The 4-year program consists of the GMC, POC, Corps Training, and a 4-week field training session.

(2) The 2-year program consists of the 6-week field training, the POC, and the last two years of Corps Training.

(3) The College Scholarship Program (CSP) provides educational financial assistance (including tuition, fees, laboratory expenses, books, and a monthly subsistence allowance) for selected undergraduate or graduate cadets. Candidates for entry into, the 2- and 4-year programs, and members of the 4-year program, are eligible to compete for scholarships provided they have the requisite number of academic years remaining. Not more than 20 percent of the persons appointed as CSP cadets may be in the 2-year program. At least 50 percent of the CSP cadets enrolled in public institutions must qualify for in-state tuition rates. Scholarship recipients will be centrally selected by AU/AFROTC, Maxwell Air Force Base, Alabama 36112.

(b) *The field training phase.* The 6- and 4-week field training phases are conducted at Air Force bases as prescribed by current Air Force policy. Two-year program applicants must successfully complete the 6-week field training session prior to admission to the POC. This prerequisite is a statutory requirement, but does not guarantee membership in the 2-year program. Cadets in the 4-year program normally attend the 4-week field training session after successful completion of AS 200.

(c) *Curriculum and course support materials.* (1) *Curriculum.* The Commander, AU, develops and maintains the AFROTC education program according to the mission, objectives, and policies prescribed by the Chief of Staff, United States Air Force.

(2) *Academic credit.* AFROTC courses will be reviewed for credit on the same basis as other courses at the institution. Maximum credit should be granted. If credit is questioned, the institution should recommend changes which would make the courses credit worthy, but denial of degree credit would not in itself, necessarily mean withdrawal of the unit. Regardless of the amount of credit granted, AFROTC grades should appear on student's transcripts.

(3) *Course substitution.* Guest lecturers may provide specific hours of instruction in areas where they are academically qualified, provided the institution approves of the practice. Institutionally taught courses, or courses taught jointly by both civilian and military faculties, may be used when these courses satisfy the objectives of the AFROTC curriculum and exist or can be developed by the institution. These provisions shall not be used as a device to reduce the required minimum military contact hours of the AFROTC curriculum.

(4) *Drill.* Standards of performance in military drill are prescribed by Air University. The PAS determines the specific amount of drill needed to obtain the prescribed standards.

§ 870.14 Responsibilities of the Commander, AU.

(a) During any period of full-scale mobilization, the Commander, AU conducts an accelerated AFROTC program as directed by HQ USAF.

(b) The Commander, AU insures that all applicants enlisted as POC or CSP members, and all AFROTC graduates appointed as commissioned officers, meet Air Force personnel procurement standards.

§ 870.16 Major Command functions.

(a) Provide designated applicants for membership in the AFROTC program with:

(1) Subsistence, quarters, and necessary medical care while they are processing at Air Force installations. (Service charges for subsistence and quarters provided will be kept to a minimum.)

(2) On-base transportation to and from examining centers and medical facilities. (Off-base transportation may be provided to the nearest commercial transportation facility.)

(b) Provide for the administration of medical examinations and the Air Force Officer Qualifying Test (AFOQT) to designated finalists competing in the 4-year College Scholarship Program. (The provisions of paragraph (a) of this section apply.)

(c) Insure that adequate personnel and facilities are available to process AFROTC applicants so that a favorable and professional impression of the base and the military will be conveyed.

(d) Provide base facilities, personnel, and airlift in support of the AFROTC base visit and orientation program.

§ 870.18 Administrative services and supplies.

(a) *Uniforms.* The Commandant, AFROTC, prescribes the uniform, uniform devices, and manner of wear of the uniform by students, designated applicants, and cadets. Uniforms will be worn for drill and at other times prescribed by the PAS.

(b) *Monetary allowances.* Policies governing subsistence allowance and commutation in lieu of uniforms are prescribed by the Commandant, AFROTC, consistent with Air Force directives.

Subpart B—AFROTC Membership and Retention

§ 870.20 Basic membership requirements.

Title 10 U.S.C., chapter 103, requires that, at institutions hosting ROTC detachments, membership in the GMC will be elective or compulsory as provided by state law or the authorities of the institutions concerned. Except where GMC membership is compulsory, as many qualified students may be enrolled in the GMC of each AFROTC detachment as are necessary to meet production quotas established by HQ USAF. Entry into the POC is not subject to institutional jurisdiction, but is limited by production goals set by HQ USAF for the graduating class in which cadets will be appointed. Each cadet or applicant desiring membership in the POC must apply and compete with other cadets and applicants for membership in the POC. HQ USAF establishes AFROTC eligibility requirements. For students meeting these requirements,

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the Commandant, AFROTC, prescribes admission and retention standards.

(a) *GMC membership.* An eligible student accepted by the PAS becomes a member on the first day he attends Aerospace Studies classes. He remains a member until he completes the GMC unless he is disenrolled sooner, except GMC members tentatively accepted as designated applicants for the POC who will remain members until they are disenrolled from the GMC or fail to be selected for the POC. The PAS will counsel each GMC cadet that acceptance for GMC training is not a guarantee of later admission into the CSP or POC.

NOTE: An individual accepted for membership, who because of accreditation of a portion of the GMC by virtue of equivalent training is excused from attending classes and corps training, is considered a cadet effective the date his application is accepted by the PAS.

(b) *POC membership.* An eligible student accepted by the PAS becomes a member on the date he is fully qualified under current Air Force and AFROTC directives, enlists or reenlists in the USAFR (ORS) according to Part 888d of this chapter and enrolls in courses of the POC. He remains a member until he is disenrolled from membership or is commissioned.

(c) *Designated applicant.* Once accepted as a designated applicant by the PAS, the individual remains a designated applicant until he is enrolled as a contract cadet, or is advised by the PAS that he has been released from further consideration. Normally designated applicant status will not exceed a 12-month period (Subpart C tells how to notify a Selective Service Board of an individual's designated applicant status). At the time of admission to membership in the POC, a designated applicant must have two academic years remaining at an institution hosting the AFROTC program (§ 870.82 note 2). A designated applicant who has completed the GMC, its equivalent, or the 6-week field training prior to enrollment in pursuing status and is thereafter to be accepted as a contract cadet, will meet this requirement if he had two academic years remaining at the time of enrollment in pursuing status. A designated applicant who is on academic probation or not in good academic standing at the institution normally will not be admitted to membership in the POC. Upon favorable recommendation from the Commandant, AFROTC, AU may grant a waiver (§ 870.84).

(d) *Nonmembers.* Pursuing and special students may be enrolled for academic credit although they are not members of the program. Nonmembers are not entitled to subsistence, a uniform allowance, or a uniform. If otherwise authorized, while in nonmember enrollment status, a special student may purchase a uniform at his own expense and wear it as authorized by the PAS. A pursuing student may be loaned a uniform at the discretion of the PAS and with concurrence of the institution. Section 870.22 (h) applies to wearing of the uniform by special and pursuing students. Equipment will not be purchased for the benefit of enrolled nonmembers. Special and pursuing students must acknowledge in writing understanding of their status in the AFROTC program.

§ 870.22 Other membership requirements.

For selection or retention in the AFROTC program, a student must meet and maintain the following standards as well as the requirements in § 870.82.

(a) *Moral character.* Good moral character is a prerequisite for membership and continuance in the AFROTC program. For purpose of membership in the GMC, admission to the institution is presumptive evidence of good character.

(b) *Military or civil offenses.* AFROTC is exempt from the requirement for the police record check required for enlistment in the United States Air Force Reserve. The Commandant, AFROTC, will establish procedures for verification of other than minor traffic violations which, together with the investigative actions inherent in the National Agency Check (NAC) or Background Investigation (BI), will insure proper review of involvements of each contract cadet. A student who has been convicted by a court-martial or civilian court for any offense will not be accepted for CSP/POC membership without a waiver (§ 870.84).

(c) *Medical qualification.* As provided in AFM 160–1, "Medical Examinations and Medical Standards," except for GMC cadets (§ 870.82).

(d) *Academic requirements.* For CSP and POC membership, a student must meet and maintain minimum requirements for good academic standing in the institution (§ 870.84 contains waiver authority).

(e) *Enrollment.* A member must maintain full-time enrollment in an AFROTC host institution or an institution having an approved agreement with an institution hosting AFROTC. Enrollment with less than the normal number of credit hours can be approved by the Commandant, AFROTC (§ 870.84). Undergraduate students will not be denied the opportunity to enroll in AFROTC solely because of their major course of study.

(f) *Elimination from service academies or other officer training programs.* Students who attended officer commissioning programs must be granted a waiver before entering AFROTC (§ 870.84). Applicants may be enrolled in nonmembership (pursuing or special student) status pending waiver determinations. Pending waiver evaluation, 2-year program designated applicants may attend 6-week field training if recommended for further officer training on their DD Form 785, "Record of Disenrollment from Officer Candidate Type Training."

(g) *Ineligibility for reenlistment.* A former serviceman whose DD Form 214, "Armed Forces of the United States Report of Transfer or Discharge," for his last period of service contains entries which render him ineligible to enlist in the Regular Air Force (Part 888 of this chapter) is not eligible for membership in the POC or CSP.

(h) *Loyalty requirements.* No U.S. citizen may be accepted as a member of AFROTC or wear the AFROTC uniform if he fails to fulfill the following:

(1) *For GMC, CSP, and POC.* Be administered and sign the Oath of Allegiance. The student must be administered and sign the following certificate, which becomes part of his record (he may, because of conscientious scruples, substitute "affirm" for "swear"):

> I do solemnly swear or (affirm) that I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservations or purpose of evasion.

(2) *For CSP and POC.* Complete and submit the DD Form 98, "Armed Forces Security Questionnaire."

(i) The student must file the DD Form 98 in advance of scheduled membership or attendance at 6-week field training, whichever occurs earlier.

(ii) If an applicant for POC or CSP fails or refuses, after instruction, to fill out DD Form 98 in its entirety, the PAS will deny him membership as a contract cadet. Also, if he makes entries on this form which provide reason to believe that his enrollment is not clearly consistent with the interests of national security, or if he qualifies an entry by a remark other than "none" or "none to my knowledge" in the remarks section, he will be denied membership or appointment until a full and complete investigation discloses that his membership or appointment is not prejudicial to the national interest.

(i) *Illegal or improper use of drugs.* Prior to enlistment for entry into the CSP or POC each applicant will execute AF Form 2061, "Drug Abuse Certificate (Appointment/Officer Training Applicants Only)." AF Form 2031, "Drug Abuse Circumstances," will be accomplished if applicant fails to certify to no prior drug abuse on AF Form 2061. The PAS will discuss these forms with the applicant and specifically explain the meaning of the terms used.

(j) *Assignment restrictions.* The PAS will counsel each POC and CSP applicant regarding the possibility that future duty with the Air Force may involve being associated with nuclear weapons systems. Applicants whose convictions will not allow them to accept such assignments or to accept worldwide assignment, including combat duty, will be identified, if possible, and denied membership.

§ 870.24 Conditional membership.

The Commandant, AFROTC, prescribes procedures which will allow the PAS to place a student in conditional membership either upon initial enrollment in the POC or during his tenure as a POC or CSP cadet when full membership is not possible. This conditional status is designed to permit correction of deficiencies (academic or otherwise)

within a specified period of time to preclude disenrollment from the program. Each conditional cadet will acknowledge in writing his understanding of the restrictions and requirements of conditional cadet status. Normally, this status is authorized only when the circumstances dictating conditional status will be removed in one academic term (semester, trimester, quarter, term). An individual who is on academic probation or not in good standing in the institution normally will not be designated as a conditional member for initial enrollment in contract cadet status; however, upon favorable recommendation from AFROTC, AU may grant a waiver in appropriate cases (§ 870.84, line 5).

§ 870.26 Concurrent enrollment in Aerospace Studies.

(a) *General Military Course (GMC).* The PAS may concurrently enroll a cadet in two GMC courses for a period not to exceed one academic year provided he obtains the same number of classroom and corps training hours as other GMC cadets at the same institution.

(b) *Professional Officer Course (POC).*—(1) The PAS may authorize concurrent enrollment provided the cadet's tenure will not be reduced to less than two years, for cadets who:

(i) During portions of the program, are absent from campus because of institutional, State Department, industry, or other approved programs;

(ii) Are enrolled in an AFROTC (officer-taught) POC course and a civilian-taught course approved under an alternate curriculum arrangement.

(2) The Commandant, AFROTC, may authorize concurrent enrollment as specified in § 870.84.

§ 870.28 Who may not be AFROTC members.

(a) Commissioned officers (present or former) of any component of the Army, Navy, Air Force, Marine Corps, Coast Guard, or Merchant Marine.

(b) Officers of the Public Health Service.

(c) Members of the National Oceanic and Atmospheric Administration (NOAA).

(d) Members on active duty in any military service. (Air Force enlisted members with a minimum of one year of active duty are eligible to compete for AFROTC scholarships.)

(e) Conscientious objectors.

§ 870.30 Investigative requirements.

The Commandant, AFROTC, will establish procedures to insure that all contract cadets meet the following investigative requirements:

(a) An NAC will be requested during the first academic term of membership as a contract cadet. NACs will not be requested on cadets who have previous investigations which are current as defined in AFR 205–32, "USAF Personnel Security Program," nor will NACs be requested on cadets who are required to have a BI under the provisions of paragraph (b) of this section.

(b) A BI must be completed and a favorable decision rendered before any designated applicant or CSP designee of the GMC may be enlisted if he has:

(1) Traveled or resided in one or more communist or communist-oriented countries listed in AFR 205–32, attachment 6, for more than 30 consecutive days, not under the auspices of the U.S. Government.

(2) A spouse, parent, brother, sister, or offspring currently residing in any country listed in AFR 205–32, attachment 6.

(3) Made entries or deletions on DD Form 98 or DD Form 398, "Statement of Personal History," indicating that enlistment may not be clearly consistent with the interests of national security. (AFR 205–32, attachment 4.)

NOTE: The PAS may permit 2-year program designated applicants to atend 6-week field training pending completion of a BI.

§ 870.32 Contract cadets.

The Commandant, AFROTC, will establish procedures for classifying contract cadets according to Air Force requirements, qualifications of the individuals, and the cadets' desire.

(a) *Classification of contract cadets.*—(1) *Category I.* Cadets who qualify and volunteer for flying training or missile launch officer duty.

(i) *IP-Pilot Candidate.* A candidate may not be classified IP if he has ever been eliminated from a military pilot training course or the Flight Instruction Program of the Army, Navy, or Air Force.

(ii) *IN-Navigator Candidate.* A candidate may not be classified IN if he has ever been eliminated from a military navigator-type training course.

(iii) *IM-Missile Duty Candidate.* A cadet not in category IP or IN who volunteers to be assigned to missile launch officer duty upon entry on active duty.

(2) *Category II.* Cadets not in Category I who are enrolled in a college program leading to at least a bachelor's degree with an academic major in specified scientific or engineering curriculums.

(3) *Category III.* Cadets not in Category I who are enrolled in a college program leading to at least a bachelor's degree with an academic major in other than those scientific or engineering curriculums specified in Category II.

(b) *AF Form 1056, "Air Force Reserve Officers' Training Corps Category Assignment."* Each contract cadet will be required to sign four copies of an AF Form 1056 which becomes effective upon the member's enlistment in the USAFR (ORS). The PAS will be certain that each cadet fully understands the terms of the category agreement. Disposition of the copies is as follows:

(1) Two copies are retained by the PAS and later forwarded to the Air Force Personnel Center (ARPC), through AFROTC as an attachment to the individual's application for appointment. Upon appointment, one copy is placed in the officer's Master Personnel Record (MPerR) and one in his Unit Personnel Record Group (UPRGp). If the cadet is disenrolled from AFROTC for any reason before commissioning, these copies may be used as supporting documents to the disenrollment investigation, if conducted, or retained for a specified period.

(2) One copy is furnished the member.

(3) The remaining copy is filed in the individual's AFROTC Cadet Record.

(c) *Acceptance of educational delay.* Cadets granted educational delays according to Part 875 of this chapter must, if they have not already done so, sign an AF Form 1056 specifying a date of separation (DOS).

§ 870.34 In-phase admission to the POC.

Admission to the POC is normally phased so that completion of the POC will not occur before completion of the requirements for a bachelor's degree. The Commandant, AFROTC, may prescribe exceptions to this policy (§ 870.82, note 2).

§ 870.36 Completed cadet status.

Completed cadet status is authorized for contract cadets who will complete bachelor's degree requirements within 12 months after completion of the AFROTC program. Students who have completed the AFROTC program and have been awarded a bachelor's degree or who will require completed status in excess of 12 months will not be retained in completed status without appropriate waiver (§ 870.84 gives waiver authority).

§ 870.38 Alien students.

(a) *Who may participate in AFROTC.* Aliens as defined in paragraph (a)(1) through (a)(3) of this section, are authorized to participate in the GMC and POC provided they are enrolled full time at a school hosting an AFROTC program or having cross-town agreement or consortium arrangement.

(1) Immigrants, regardless of their country of origin, who have been lawfully admitted for permanent residence in the United States and have in their possession Immigration Form I–151, "Alien Registration Receipt Card."

(2) Refugees still in a parole, conditional entry, or indefinite voluntary departure status, regardless of their country of orgin, and:

(i) They have in their possession Immigration Form I–94, "Arrival-Departure Record," bearing an Immigration and Naturalization Service stamp reading, "Refugee—Conditional Entry"; or

(ii) They are Cuban nationals who have in their possession Immigration Form I–94 endorsed by the Immigration and Naturalization Service to reflect either that they have been paroled into the United States for an indefinite period or have been granted "voluntary departure" for an indefinite period; or.

(iii) The Immigration and Naturalization Service has confirmed in writing that the alien is a refugee.

NOTE: A refugee is classified as an immigrant once he has been accepted for permanent residence and is issued an Immigration Form I–151.

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(3) Nonimmigrant aliens, from countries shown on the list of countries approved by the Department of State whose citizens are eligible, may participate in the Senior ROTC program. An individual in this status has acknowledged that he does not intend to apply for U.S. citizenship. (The Commandant, AFROTC, will be furnished and retain custody of the list of countries approved by the Department of State. This list will be distributed on a "need-to-know" basis only.) The individual must:

(i) Have in his possession Immigration Form I-94.

(ii) Present to the Commandant, AFROTC, certification that his government has no objection to his receiving AFROTC training, or have in his possession Immigration Form I-94 stamped "paroled indefinitely" or "indefinite voluntary departure."

(b) *Enrollment limitations.*—(1) HQ USAF may limit alien enrollments of other than nonimmigrant aliens.

(2) Active recruiting of nonimmigrant alien students for the AFROTC program is prohibited.

(3) Alien students are eligible for enrollment in both the 2- and 4-year programs, and may be extended the advantages of membership thereof, except that they:

(i) May not receive a Selective Service deferment.

(ii) Will not be enlisted in the United States Air Force Reserve.

(iii) Will not be administered the Oath of Allegiance.

(iv) Are ineligible for bonetary assistance under the CSP.

(v) Will not be paid subsistence allowance prescribed by 37 U.S.C. 209(a).

(vi) Are ineligible for U.S. Air Force commissioning through the AFROTC program while still in alien status. (The Commandant, AFROTC, will establish procedures to insure that each alien student understands and has acknowledged that his participation in and completion of AFROTC will not result in his appointment as a Regular or Reserve officer of the United States Air Force.)

(4) Alien students will not be charged against the AFROTC enrollment limitations prescribed by HQ USAF.

(c) *Entitlements.* Alien students participating in AFROTC are entitled to:

(1) Wear the uniform. Institutions may be provided commutation funds at the rates prescribed by Part 874 of this chapter in lieu of issue-in-kind uniforms. The student must return uniform items to the institution when he completes or withdraws from the program.

(2) The same subsistence-in-kind and transportation-in-kind furnished other enrollees as prescribed by 10 U.S.C. 2110 (c).

(3) The same subsistence, transportation, medical attention, uniform clothing, and equipment furnished other enrollees while participating in field training (10 U.S.C. 2109(b)).

(4) Pay at the rate prescribed for cadets at the U.S. Air Force Academy (37 U.S.C. 209(c)), when participating in field training.

(d) *Attendance at field training.*—(1) Immigrants participating in the 4-year program will be permitted to attend 4-week field training only if they are admitted to membership.

(2) Immigrants who apply for entry into the 2-year program will be permitted to attend 6-week field training provided it can be reasonably assumed that they will qualify for membership prior to completion of the POC.

(3) Nonimmigrant aliens may attend either 4- or 6-week field training as normally scheduled.

(e) *Eligibility for membership.* Immigrants who become naturalized citizens of the United States may compete for GMC, POC, or CSP membership in the same manner as any other applicant and may request accreditation of successfully completed course work and corps training while in alien student status, in accordance with § 870.84, line 7. They are not authorized retroactive subsistence pay for any period of participation in the POC before attaining membership.

Subpart C—Selective Service Deferment of AFROTC Members and Designated Applicants

§ 870.40 Military colleges participating in the AFROTC program.

A member of an officer procurement program at a military college is not required to register under the Military Selective Service Act of 1967. In addition, he is relieved from liability for training and service and, therefore, need not execute AF Form 1041, "Deferment Agreement." The curriculum of the military college the student attends must be approved by the Secretary of Defense, Virginia Military Institute, The Citadel, and Norwich University, approved and designated as military colleges by the Secretary of Defense, participate in the AFROTC program. Membership in the AFROTC program at these institutions serves as the basis for ID classification.

§ 870.42 Deferment selection criteria.

The PAS at other than military colleges (§ 870.40) selects individuals for a deferment as follows:

(a) All members who have registered with Selective Service, have not completed their Military Service Obligation, and who are admitted to the:

(1) GMC as nonscholarship cadets will be given a deferment at the time of enrollment in their first Aerospace Studies Course, if they so elect, or any time thereafter at the cadets' request so long as they remain members of the GMC.

(2) POC under 10 U.S.C. 2104 or the CSP under 10 U.S.C. 2107 will be given a deferment or have it continued if one is in force at the time the AFROTC Category Agreement becomes effective.

(b) All other male members who are of draft are and who are:

(1) Scholarship cadets or nonscholarship POC cadets will be given a deferment at the time they register with Selective Service.

(2) Nonscholarship GMC cadets will be given a deferment at the time they register with Selective Service, if they so elect, or any time thereafter at the cadets' requests as long as they remain members of the GMC.

(c) Pursuing students may be deferred.

(d) GMC cadets who are members of a Reserve or National Guard unit need not be deferred, but will be reported according to § 870.56.

§ 870.44 Delay of induction.

(a) Designated applicants and 4-year CSP designees may not be deferred; however, their Selective Service boards may be requested to delay their induction pending enrollment as follows:

(1) *Designated applicants.* A letter may be sent once the individual is selected by the PAS as a designated applicant, but not earlier than the beginning of the spring term prior to the individual's scheduled enrollment in the POC.

(2) *Four-year CSP designees.* The PAS may notify the Selective Service board once it is determined that the individual requires a letter to permit his enrollment.

(b) If the designated applicant or CSP designee withdraws from consideration, the PAS must notify the board accordingly by letter.

(c) If the individual's board fails to honor the letter, the PAS may report the facts to AFROTC, who will in turn contact the Air Force Military Personnel Center if additional action is required.

§ 870.46 Length of deferment.

An individual's deferment normally remains in effect until he successfully completes the AFROTC program and accepts a commission. If he is disenrolled from AFROTC membership, his deferment will immediately be terminated unless he is recommended for involuntary call to extended active duty (EAD) in his enlisted grade.

§ 870.48 Actions required for deferment.

(a) The PAS (or his designated representative) will explain the following to the member:

(1) His military service obligation.

(2) The contractual obligation he assumes by signing the Deferment Agreement. Specifically, he agrees to accept an appointment, if offered, as a commissioned officer in the Air Force, and if:

(i) His services are required at the time of his appointment, he will serve on active duty for a minimum of two years and remain a member of a Regular or Reserve component until the sixth anniversary of his commission. (Note: The 6-year requirement applies notwithstanding the fact that the individual may have fulfilled the military service obligation specified in 10 U.S.C. 651.) Also, the active duty service commitment indicated in his AF Form 1056 takes precedence over the 2-year minimum prescribed by the Military Selective Service Act of 1967.

(ii) His services are not needed on active duty when he is appointed, he will serve on active duty for training for a period of three to six months and remain a member of a Reserve component until the eighth anniversary of his commission.

(3) That if his ID classification is changed by his local Selective Service board, he must immediately:

(i) Notify the PAS.

(ii) Submit a written appeal of his classification to his local Selective Service board.

(b) The member certifies that he:

(1) Agrees to the provisions of the Deferment Agreement by signing the AF Form 1041.

(2) Understands that signing the AF Form 1041 does not relieve him of his obligation of keeping his local Selective Service board informed of his status.

§ 870.50 Notifying Board of deferments and transfers.

(a) After the individual has completed and signed the AF Form 1041, the PAS will notify the local Selective Service Board when the individual:

(1) Enrolls in the GMC.

(2) Enrolls in the POC in pursuing student status.

(3) Is enlisted in the USAFR (ORS).

(4) Is gained through transfer.

(b) If the individual's board fails to honor the DD Form 44, "Record of Military Status of Registrant", the PAS will report the facts to AFROTC who will contact the Air Force Military Personnel Center if additional action is required.

§ 870.52 Notifying Board of change of deferment status.

If there is a change in an individual's deferment status:

(a) The PAS is responsible for notifying the Selective Service System of changes of deferment status of all individuals who are disenrolled from membership for reasons other than commissioning.

(b) ARPC is responsible for advising Selective Service boards as follows:

(1) AFROTC graduates. A revised DD Form 44 will be forwarded to the AFROTC graduate's local Selective Service board immediately after appointment as a Reserve officer, indicating the date the registrant was commissioned.

(2) Former AFROTC contract cadets awaiting orders to involuntary extended active duty in their enlisted grade. Individuals will be retained in a deferred status until ordered to EAD in their enlisted grade. A DD Form 44 will be prepared and forwarded as prescribed by Air Force Manual (AFM) 35-3, "Air Reserve Forces Personnel Administration," chapter 14, section E, for other members of the Air Reserve Forces who are serving in a draft deferred status (obligors who have not served on active duty other than for training for at least one year). If the individual is discharged from the Reserves before his EAD date for medical reasons, a copy of the SF 88, "Report of Medical Examination," serving as the basis for the medical disqualification, will be attached to the DD Form 44.

(3) Members disenrolled from AF ROTC and approved for discharge. A revised DD Form 44 will be forwarded to the individual's local Selective Service board immediately after discharge, indicating the effective date the registrant was discharged. For a nonprior service cadet, the statement, "Individual is eligible for service under appropriate Selective Service directives. He has no prior active military service.", will be included.

§ 870.54 Transfer procedures.

On transfer of a member to another institution and enrollment into the AF ROTC, the gaining PAS will prepare a revised DD Form 44, entering the member's new unit and location and forward it to the local Selective Service board with which the member is registered, requesting that the previously submitted form be rescinded.

Subpart D—Special Procedures

§ 870.56 Participation and assignment in the Reserve establishment or National Guard.

(a) Members of the GMC who are not members of the CSP may participate in any element of the Reserve establishment or National Guard. At the end of each calendar year the PAS furnishes the reservist's unit of assignment a statement that his participation in the AFROTC program has been satisfactory or unsatisfactory.

(b) If a member of the Reserve ceases to participate or is disenrolled from GMC membership, the PAS will notify the GMC cadet's unit of assignment.

§ 870.58 Credit for previous education, training, and experience.

(a) A cadet may be credited with a portion or portions of the GMC or POC as shown in § 870.86.

(b) Credit may not be granted for ROTC training received at any institution that did not have a commissioned officer of the military forces (active or retired) assigned by orders of a military department as a professor of military science, professor of naval science, or professor of aerospace studies.

§ 870.60 Enlistment of a reservist of another service.

For a reservist of another armed service, the PAS will:

(a) Request the individual's Reserve unit of assignment to grant a conditional release as a prerequisite to enlistment in the United States Air Force Reserve (USAFR) and admission to membership in the CSP/POC.

(b) Upon receipt of the conditional release, enlist the individual under Part 888d of this chapter, assign him to ARPC (OSR) (AFROTC), and attach him to the AFROTC detachment concerned.

(c) Forward the cadet's records to ARPC.

(d) Notify the releasing service that the individual is enlisted.

§ 870.62 Transfer of ROTC cadets.

(a) Interservice transfer between Army ROTC and Air Force ROTC is authorized under the Statement of Joint ROTC Policies.

(b) Transfer of AFROTC cadets between detachments is authorized. When a contract cadet transfers to another detachment, the PAS of the losing detachment will publish a Reserve Order confirming the transfer and provide a copy to ARPC.

(c) There is no formal agreement between the Air Force and the Navy regarding transfer of contract cadets; each such case will be submitted to AFROTC for individual evaluation.

Subpart E—Disenrollment and Discharge

§ 870.64 Disenrollment of member from the AFROTC program.

(a) The Commandant, AFROTC, may disenroll a cadet from the GMC (with the concurrence of institutional authorities if required), disenroll a POC cadet from membership, or withdraw a cadet from the CSP for any of the following reasons:

(1) Inability, without discredit, to continue regular enrollment in the institution.

(2) Failure to remain medically qualified for commissioning.

(3) Failure to maintain acceptable retention standards under prescribed competitive criteria.

(4) Individual's request for release for justifiable reasons.

(5) Inaptitude, indifference to training, breach or anticipatory breach of the terms of the category agreement, disciplinary reasons, or reasons involving undersirable traits of character.

(b) The Commandant, AFROTC, may delegate to the PAS the authority to disenroll cadets and/or withdraw them from the CSP.

(c) When the PAS initiates a disenrollment action on a contract cadet for any of the reasons in paragraph (a)(3) through (a)(5) of this section, he appoints a commissioned officer (on active duty) to investigate the case and submit a written report. When the investigation is conducted because the student may be found to be in violation of his category agreement, at least one university official (an administrator or faculty member appointed by the institution) will be permitted to observe the investigation or consult in the review if the university desires.

(EXCEPTIONS: (1) In disenrollment actions taken under paragraph (a)(3) of this section, where failure to maintain academic retention standards is documented and the individual is on academic/scholastic probation for consecutive academic terms, or when the individual is forced to leave school because of academic suspension, the appointment of an investigating officer and a written report are not required; (2) Appointment of an investigating officer and a written report are not required when HQ USAF, AU, or the Commandant, AFROTC, has reviewed a cadet's records and directed disenrollment.)

§ 870.66 Discharge from the United States Air Force Reserve.

When a cadet is disenrolled from the CSP/POC, he will be discharged from the USAFR (OSR) unless he is a member reported for involuntary call to extended active duty under Part 888d of this chapter.

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§ 870.68 Notifying ARPC of disenrollments.

A roster of cadets and disenrolled cadets qualified for discharge under Part 888d of this chapter is submitted by the Commandant, AFROTC, to ARPC at least once a week. The Commandant, AFROTC, determines if disenrollment was the result of indifference to training, disciplinary reasons, breach or anticipatory breach of the terms of the category agreement, or declining to accept a commission. The names of such individuals will be reported to ARPC for involuntary order to active duty, as prescribed in Part 888d of this chapter.

Subpart F—Readmission

§ 870.70 Readmission.

The Commandant, AFROTC, prescribes policy and procedures for readmitting individuals for program completion and commissioning in the U.S. Air Force. This readmission is restricted to persons who have been disenrolled for the reasons stated in § 870.64(a)(1) through (4). A cadet disenrolled for any of the reasons in § 870.64(a)(5), is ineligible to reenroll if any Air Force officer procurement program or be appointed in any Air Force component unless waiver is authorized (§ 870.84).

Subpart G—Appointment and Assignment of Graduates

§ 870.72 Appointment of graduates.

Membership in the program in itself does not constitute a right to a commission in any Air Force component. The Commandant, AFROTC, shall appoint as a second lieutenant a contract cadet who has successfully completed the military and academic requirements of the program once he has received a bachelor's degree or an authorized institutional official certifies he has qualified for a degree which will be conferred at a later date, provided the cadet is otherwise qualified and is not to be released to another service under § 870.78.

(a) The date of rank of May and June appointees in any year will be the same as the graduates of the United States Air Force Academy.

(b) The Commandant, AFROTC, may not commission in the Reserve of the Air Force without a waiver from HQ USAF, a former Service Academy cadet (including Coast Guard and Merchant Marine) prior to the commissioning date of his Service Academy exclassmates (§ 870.84).

(c) If a student becomes involved with civil authorities, and criminal charges (except minor traffic violations) are filed or pending against him, he will not be commissioned until final disposition of the case is made. If criminal charges are not expected to be disposed of within 120 days after the cadet's scheduled commissioning date, a complete case file will be forwarded to the Air Force Military Personnel Center for waiver determination.

(d) Each POC cadet must recertify the AF Form 2061 as prescribed in AFR 30–19, "Improper or Illegal Use of Drugs," before appointment.

§ 870.74 Extended active duty for AFROTC graduates.

A contract cadet receiving an Air Force commission will normally enter active duty within one year of his graduation, unless a delay is approved under AFR 45–31, "Delay in Active Duty for AFROTC Graduates". A graduate must serve the period specified in the agreement (AF Form 1056) under which he was originally appointed, even though he may later be reappointed (such as a commissioned officer in the Medical Corps, Nurse Corps, Medical Service Corps, or Biomedical Sciences Corps). AFR 45–48, "Air Force Reserve Officers' Training Corps (AFROTC)," is the authority for ordering AFROTC graduates to initial active duty. AFR 45–26, "Voluntary Entry on Extended Active Duty (EAD) of Commissioned Officers of the Armed Forces," authorizes higher temporary grades in which certain officers may be entitled to enter active duty.

§ 870.76 Distinguished graduates.

The Commandant, AFROTC may designate up to 20 percent of the best qualified AFROTC graduates as Distinguished Graduates (DGs) during each fiscal year provided the quality of the student body is sufficiently high. To insure that only the highest quality students in the entire program are designated as DGs, the percentage of graduates from each school may vary. However, the total number of graduates designated during any fiscal year may not be more than 20 percent of the combined total number of graduates of that year.

§ 870.78 Release of AFROTC graduates for appointment in another service.

An AFROTC graduate who meets eligibility requirements listed in this section may be released from the Air Force to accept an appointment as a commissioned officer in the Army or the Marine Corps. The Navy does not offer direct appointments to ROTC graduates of another service.

(a) *Eligibility.* In addition to meeting normal eligibility requirements for an Air Force commission, a cadet must either have served one year on active duty in the service in which he desires an appointment, or his parent must be an active or retired member of that service (or have died while an active or retired member). Except in unusual cases, the Marine Corps will approve only applications from distinguished cadets or distinguished graduates who have reached their 20th birthday, but not their 25th birthday as of July 1 of the calendar year in which they are to be appointed.

(b) *Application procedures.*—(1) Applications will be submitted to the PAS and include:

(i) Reason for requesting selected service.

(ii) Reasonable proof that applicant meets eligibility requirements.

(iii) College transcripts.

(iv) Full length photograph of the applicant, in uniform without a cap.

(v) Results of physical examination (SFs 88 and 93).

(2) The Commandant, AFROTC, may grant a conditional release to eligible applicants. The release and the applications are forwarded to the Department of the Army, The Adjutant General or to the Commandant of the Marine Corps, as appropriate.

§ 870.80 Air Force appointment of ROTC graduates from another service.

An ROTC graduate of another service may be appointed as a commissioned officer in the Air Force, provided he meets eligibility requirements listed in this section and is granted a conditional release from his parent service. Approved applicants will be ordered to active military service with the Air Force as Reserve of the Air Force officers and will be required to serve at least four years of active service before becoming eligible for separation or release from active duty. Applicants for flying training will be required to serve five years of active service after award of aeronautical rating.

(a) *Eligibility.* An applicant must meet minimum AFROTC eligibility requirements for an Air Force commission as outlined in Part 881 of this chapter and this part. Applicant must either have served one year on active duty in the Air Force or his parent must be an active or retired member of the Air Force (or have died while an active or retired member).

(b) *Application procedures.* A cadet who desires appointment in the Air Force must apply, using regulations of his parent service. However, the following will be required by the Air Force before commissioning and entry on active duty:

(1) Reasonable proof that applicant has served one year on active duty in the Air Force or that his parent is or has been a career active duty member of the Air Force. If applicant has prior active military service in the Air Force, a copy of DD Form 214 is required.

(2) An AF Form 24, "Application for Appointment as Reserves of the Air Force or USAF Without Component," in duplicate.

(3) A SF 88 and 93, in duplicate. Flying training applicants must be administered a flight physical by an Air Force Flight Surgeon or Flight Medical Officer (class I for pilots—class IA for navigators).

(4) The results of the Air Force Officer Qualifying Test (any Air Force recruiter will schedule testing).

(5) A DD Form 398, "Statement of Personal History," in duplicate.

(6) A DD Form 98, in duplicate.

(7) Transcript of college work, as evidence of the applicant's educational level.

(8) Evidence of favorable completion of a BI or NAC, date completed, and location filed.

(9) Men applicants who have not attained their 26th birthday and who have had no prior military status, must submit statement required by Part 881 of this chapter.

(10) An applicant who is not a citizen of the United States by birth must submit statement required by Part 881 of this chapter.

(11) Recommendation of the Professor of Military or Naval Science.

(12) An Active Duty Service Commitment Statement of Understanding, dated and signed by the applicant.

(13) An AF Form 2061 and, if required, AF Form 2031.

Subpart H—Tables

§ 870.82 Eligibility requirements for admission to membership in AFROTC.

Rule	An individual must	If he desires to participate in: GMC (AS 100 AS 200)	FT	POC (Notes 1 & 2) (AS 300 AS 400)	CSP (N Notes 1 & 3)
1	be a full time student	X		X	X
2	be of good moral character and be medically qualified under AFM 160-1, "Medical Exams and Medical Standards"	(note 4)	X	X	X
3	execute the Oath of Allegiance	X	X	X	X
4	be a U.S. citizen	X	X (note 5)	X	X
5	enlist in the USAFR (note 6)			X	X
6	not be a conscientious objector	X (note 7)	X	X (note 7)	X
7	have attained age of 14	X			
8	have attained age of 17 if male and 18 if female		X (note 8)	X (note 9)	X (note 10)
9	sign Deferment Agreement (Military colleges and women excepted)	(note 11)	X	X	X
10	execute Armed Forces Security Questionnaire		X	X	X
11	execute AFROTC Category Agreement, with parental consent if under 21 years of age		X	X	X
12	be enrolled in the 4-year program	X			
13	successfully complete any general survey or screening test prescribed for his category		X (note 12)	X (note 12)	X (note 12)
14	meet the two academic years remaining requirement at time of enrollment			X	
15	be in good academic standing and not be on academic probation		X	X	X
16	successfully complete or receive credit for the GMC or successfully complete 6-week FT			X	
17	execute USAF Drug Abuse Certificate (note 13)		X	X	X

NOTES: 1. A Former member of a service academy (including Coast Guard and Merchant Marine Academies) is ineligible unless a waiver has been granted by AFMPC. He may be enrolled as a pursuing student and be deferred subject to the restriction of § 870.84, line 2.

2. Undergraduate students having less than two academic years remaining before graduation and graduate students may be selected for the POC if they have two academic years remaining on campus. However:

(a) Approval of AFMPC must be obtained before selection of students who will not complete advanced degree requirements within 12 months after commissioning.

(b) Applicants must sign a statement acknowledging that the needs of the Air Force are paramount and no guarantee of assignment in or related to any academic discipline can be given.

(c) Applicants who will be studying law upon commissioning must sign a statement of understanding that completion of legal licensing requirements in no way constitutes a guarantee of assignment to judge advocate duties.

3. Cadets in the 2- and 4-year program are eligible for membership in the CSP. Cadets initially becoming scholarship recipients at the AS 300 level must have completed the GMC, have received GMC credit under § 870.86, or have completed the 6-week field training. Cadets initially becoming scholarship recipients at the AS 200 level must be capable of completing the GMC before entry into the POC. Students enrolled in law school are prohibited from the CSP by the Defense Appropriation Act.

4. For GMC cadets, enrollment in the institution is considered as evidence of good moral character. Medical qualification is determined by authorities of the institution for GMC cadets.

5. See § 870.38(d) for exceptions.

6. If already a member of any Reserve component of any military department, including the USAFR, he must be discharged and reenlist in the USAFR or transfer to the USAFR.

7. An individual who claims to be a conscientious objector will be denied membership, but he may participate as a special student.

8. Individuals may attend field training if they will attain the age of enlistment before entry into the POC.

9. Must be able to complete all requirements for appointment by age 26½ if he is a Category IP or IN and by age 30, if Category IM, II, or III. The Commandant, AFROTC, may waive the maximum age restriction for outstanding and deserving cadets, provided the Category IP or IN cadet is commissioned and entered into flying training by age 27½; he may also waive the maximum age restriction for Category IM, II, or III cadets who were scheduled for commissioning by age 30 but because of unusual circumstances were not appointed. Commissioning must occur before a cadet attains the age of 32.

10. Must be able to complete all Aerospace Studies courses, prescribed field training, and degree requirements and not have reached his 25th birthday by June 30 of the calendar year in which he is eligible for appointment. (This requirement is statutory and cannot be waived.)

11. Provisions for deferments for GMC members are stated in § 870.42.

12. Applicants for the POC or CSP will be administered the AFOQT and their scores will be evaluated as part of the selection process. Categories IP and IN applicants must attain qualifying scores as prescribed by AFR 51–4, "Application Procedures for Undergraduate Pilot Training (UPT) and Undergraduate Navigator Training (UNT)."

13. If applicant fails to certify to no prior drug abuse on AF Form 2061, AF Form 2031 will be accomplished as outlined in AFR 30–19. Eligibility for enlistment is given in AFR 30–19.

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§ 870.84 Individuals who require a waiver and waiver granting authority.

	A: If an individual requires a waiver for retention in or admittance to the AFROTC program, and is	B: then a waiver must be obtained prior to commissioning or prior to entry into the program, and waiver authority is		
		AFMPC	AU	AFROTC
1	a POC/CSP cadet or applicant who was a former service academy cadet and who will complete commissioning requirements before his ex-academy classmates	X		
2	any applicant for membership who was previously eliminated from an officer-type training program because of military inaptitude, indifference to training, major honor violations, undesirable traits of character, disciplinary reasons, or who resigned in the face of impending charges. (He will not be enrolled or granted a Selective Service deferment until waiver is approved.)	X (note 1)	X (note 2)	
3	a POC/CSP applicant who has previously attended a service academy (including the Coast Guard and Merchant Marine Academies)	X		
4	a POC/CSP applicant who attended but did not complete a service academy preparatory school or who has been a member of any officer program except a service academy		X	(note 3)
5	a POC/CSP applicant who is on academic probation or not in good academic standing		X (note 4)	X (note 5)
6	A POC applicant who requires more than one academic term in pursuing status to become eligible for membership.			X
7	an individual who, to qualify for membership, requires accreditation of successfully completed Aerospace Studies course work and training while in special or alien student status.			X
8	a POC cadet who will require completed cadet status in excess of 12 months or who will require retention in completed status after award of baccalaureate degree.			X
9	a cadet who had two academic years remaining when admitted to the POC but who, by virtue of superior performance or unusual circumstances, is eligible for earlier graduation and commissioning. (This includes concurrent enrollment required by school disestablishment action.)			X
10	a cadet who requires relief from normal retention standards (academic or disciplinary). (PAS may waive less than full-time student status for nonscholarship GMC cadets, and for POC members for the last academic term provided the cadet is enrolled in at least one course in addition to Aerospace Studies, or during the last academic term a cadet is in completed status.)			X (note 6)
11	a category IB/IX POC cadet or applicant who would exceed age 26½ at time of commissioning (may be waived if individual can be commissioned and entered into flying training by age 27½); a category IM/II/III POC cadet who would exceed age 30 at time of commissioning (may be waived to age 32 if the cadet was scheduled for commissioning but because of unusual circumstances was not appointed)			X
12	A POC/CSP applicant or cadet who has been convicted by a court-martial or a civil court for any offense other than that which is minor		X (note 7)	X (note 7)
13	A POC/CSP applicant or cadet who had had minor civil or military convictions which would not be prejudicial to his performance of duty as an Air Force officer and which do not indicate unacceptable traits of character			X
14	a POC/CSP applicant or cadet who has committed an offense resulting in less than a conviction			X (note 8)
15	in a condition which requires a waiver for reason other than enumerated in lines 1 through 14 above	X		

NOTES: 1. Former service academy cadets only.

2. AU will determine eligibility in all cases not involving former service academy cadets.

3. AFROTC may approve the readmission of certain former AFROTC cadets (§ 870.70).

4. To activate a scholarship a student must be in good academic standing or, if not in good academic standing, have both a cumulative grade point average and preceding term grade point average of at least 2.0 on the scale A is equal to 4.0.

5. AFROTC may prescribe procedures for attendance at the 6-week field training and enrollment in pursuing status.

6. A cadet may not be retained in scholarship status for more than one academic term during which he is not in good academic standing unless he has a cumulative and a term grade point average of at least 2.0 on the scale A is equal to 4.0.

7. AU may approve or disapprove; AFROTC may disapprove only.

8. Involvements which do not result in a conviction (such as deferred prosecution or nonjudicial punishment under the UCMJ) may indicate unacceptable traits of character or be prejudicial to an applicant or member's performance of duty as an Air Force officer. The Commandant, AFROTC, has authority to evaluate the circumstances of such involvements and grant or deny a waiver.

§ 870.86 Credit for previous education, training and military experience.

Line	A: If the applicant has successfully completed	B: then the PAS may credit	C: and additionally, the Commandant, AFROTC, may credit
1	a U.S. Armed Forces, Coast Guard, or Merchant Marine Academy preparatory school, or portions of the first two years at a U.S. Armed Forces, Coast Guard, or Merchant Marine Academy (note 1)	up to, but not exceeding an equivalent portion of the GMC	
2	the basic course or portions of the basic course while a member of Army, Navy, or Air Force ROTC		
3	at least two years of junior level (high school) ROTC, or equivalent training in the Civil Air Patrol	one academic term (semester, trimester, or quarter) of the GMC	
4	three years of junior level (high school) ROTC or equivalent training in the Civil Air Patrol (note 2)	one year of the GMC (note 3)	
5	four years of junior level ROTC (high school) at a military school or academy	the GMC or a portion of it (note 4)	
6	more than 60 days of active duty or active duty for training in any U.S. military department	the GMC or portion of it as prescribed by the Commandant, AFROTC (note 5)	(note 6)
7	portions of the last two years at a U.S. Armed Forces, Coast Guard, or Merchant Marine Academy	portions of the POC on a term-for-term/academic year basis (2d classman=AS 300) not to exceed one year	one additional term of the POC if the ex-academy cadet was disenrolled from the academy after successful completion of the first half of his senior year (note 1)
8	portions of the last two years of advanced training and/or field training of the Army	portions of the POC on a term-for term/academic year basis not to exceed one year and field training	one additional term of the POC if the former ROTC cadet was disenrolled from Senior ROTC after successful completion of at least one academic term of the last year (note 7)

Notes: 1. Refer to § 870.84 to determine required waiver action.

2. CAP cadets who earned the Carl A. Spaatz Award may be credited with 75 percent of the GMC.

3. Students presenting evidence of successful completion of a junior ROTC program are entitled to one year's credit in the GMC upon their request.

4. Rather than waive the entire GMC, consider requiring the cadet to complete at least one quarter or semester to give a basis on which to evaluate him for entrance into the POC.

5. The entire GMC will not be waived for cadets with less than 180 days of active duty or active duty for training.

6. The Commandant, AFROTC, may establish requirements and procedures for accrediting 4-week field training on the basis of previous military training and experience.

7. An additional term or terms may be credited by AU.

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-15803 Filed 8-3-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14-1—GENERAL

PART 14-12—LABOR

Identical Bid Reports; Deviations From Listing of Employment Openings

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Part 14-1 and Part 14-12 of Chapter 14 of Title 41 of the Code of Federal Regulations, are hereby amended.

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rule-making process. However, the amendments herein are minor and entirely administrative in nature. Therefore, the public rulemaking process is waived and these changes will become effective on August 10, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JULY 30, 1973.

1. Part 14-1 of the Interior procurement regulations is amended by adding the following to the table of contents:

Subpart 14-1.16—Reports of Identical Bids

Sec.
14-1.1603 Reporting requirements.

2. Part 14-12 of the Interior procurement regulations is amended by adding the following to the table of contents:

Subpart 14-12.11—Listing of Employment Openings

Sec.
14-12.1102 List of employment openings.
14-12.1102-3 Deviations.

(AUTHORITY: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

2. Part 14-1 of the Interior Procurement Regulations is amended by adding the following § 14-1.1603 to Subpart 14-1.16.

Subpart 14-1.16—Reports of Identical Bids

§ 14-1.1603 Reporting requirements.

Reports on identical bids required by § 1-1.1603 of this title shall be submitted by the heads of bureaus and offices directly to the Attorney General in accord with § 1-1.1603-3 of this title. A copy of the transmittal letter and a copy of the abstract of bids shall be furnished to the Assistant Director for Procurement Policy, Office of Survey and Review.

3. Part 14-12 of the Interior Procurement Regulations is amended by adding the following to Subpart 14-12.11.

Subpart 14-12.11—Listing of Employment Openings

§ 14-12.1102 Listing of employment openings.

§ 14-12.1102-3 Deviations.

Any request to deviate from the requirements of Subpart 1-12.11 of this title shall be approved by the Director of Survey and Review before the request is sent to the Department of Labor.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

[FR Doc.73-16099 Filed 8-3-73;8:45 am]

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

PART 15-16—PROCUREMENT FORMS

Subpart 15-16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction and Architect-Engineer Contracts)

On January 10, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 1219-1223) stating that the Environmental Protection Agency proposed an amendment to 41 CFR 15-16.553, to add General Provisions to be used in Cost Reimbursement Contracts with Educational and other Nonprofit Institutions. Interested parties were invited to submit written data, views, or comments within 30 days after publication. Written comments were received, and after due consideration of the views presented, the regulation was revised and adopted as set forth below.

The purpose of this amendment is to illustrate EPA Form 1900-28, General Provisions for Use in Cost Reimbursement Contracts with Educational and Other Nonprofit Institutions.

Effective date. This amendment shall become effective on or before September 1, 1973.

Dated: August 1, 1973.

ROBERT W. FRI,
Acting Administrator.

A new Subpart 15-16.5, Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other than Construction and Architect-Engineer Contracts), consisting of § 15-16.553-4, is added to 40 CFR Part 15-16 to read as follows:

§ 15-16.553-4 General provisions.

GENERAL PROVISIONS

FOR USE IN COST REIMBURSEMENT CONTRACTS WITH EDUCATIONAL AND OTHER NONPROFIT INSTITUTIONS

The following listed clauses (1-39), previously published in the FEDERAL REGISTER, dated September 20, 1972, will be included:

1. Definitions
2. Disputes
3. Changes
4. Printing
5. Stop Work Order (Not applicable to contracts with Educational Institutions)

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6. Inspection.
7. Subcontracts
8. Competition in Subcontracting
9. Overtime
10. Foreign Travel
11. Services of Consultants
12. Insurance
13. Litigation and Claims
14. Notice to the Government of Delays
15. Limitation on Withholding of Payments
16. Interest (Not applicable to contracts with Educational Institutions)
17. Payment of Interest of Contractor's Claims
18. Audit and Records
19. Examination of Records by Comptroller General
20. Price Reduction for Defective Cost or Pricing Data
21. Subcontractor Cost and Pricing Data
22. Pricing of Adjustments
23. Assignment of Claims
24. Utilization of Small Business Concerns
25. Utilization of Labor Surplus Area Concerns
26. Utilization of Minority Business Enterprises.
27. Equal Opportunity
28. Listing of Employment Openings
29. Walsh-Healey Public Contracts Act
30. Contract Work Hours and Safety Standards Act—Overtime Compensation
31. Convict Labor
32. Buy American Act
33. Officials not to Benefit
34. Covenant Against Contingent Fees
35. Gratuities
36. Authorization and Consent
37. Rights in Data
38. Data Requirements
39. Notice and Assistance Regarding Patent and Copyright Infringement

In addition to the above, the following clauses will be included for use in cost reimbursement contracts with educational and other nonprofit institutions:

40. TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

(a) The performance of work under this contract may be terminated, in whole or from time to time in part, by the Government whenever for any reason the Contracting Officer shall determine that such termination is in the best interest of the Government. Termination of work hereunder shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated and the date upon which such termination becomes effective.

(b) After receipt of the Notice of Termination the Contractor shall cancel his outstanding commitments hereunder covering the procurement of materials, supplies, equipment, and miscellaneous items. In addition, the Contractor shall exercise all reasonable diligence to accomplish the cancellation or diversion of his outstanding commitments covering personal services and extending beyond the date of such termination to the extent that they relate to the performance of any work terminated by the notice. With respect to such canceled commitments the Contractor agrees to (1) settle all outstanding liabilities and all claims arising out of such cancellation of commitments, with the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final for all purposes of this clause, and (2) assign to the Government, in the manner, at the time, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts.

(c) The Contractor shall submit his termination claim to the Contracting Officer promptly after receipt of a Notice of Termination, but in no event later than one year from the effective date thereof, unless one or more extensions in writing are granted by the Contracting Officer upon written request of the Contractor within such one-year period or authorized extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Any determination of costs under paragraph (c) shall be governed by the contract cost principles and procedures in Subpart 1–15.3 of the Federal Procurement Regulations (41 CFR 1–15.3) in effect on the date of this contract, except that if the Contractor is not an educational institution any costs claimed, agreed to, or determined pursuant to paragraphs (c) or (e) hereof shall be in accordance with Subpart 1–15.2 of the Federal Procurement Regulations (41 CFR 1–15.2) in effect on the date of this contract.

(e) Subject to the provisions of paragraph (c) above, and subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the termination under this clause, which amount or amounts may include any reasonable cancellation charges thereby incurred by the Contractor and any reasonable loss upon outstanding commitments for personal services which he is unable to cancel; *Provided, however,* That in connection with any outstanding commitments for personal services which the Contractor is unable to cancel, the Contractor shall have exercised reasonable diligence to divert such commitments to his other activities and operations. Any such agreement shall be embodied in an amendment to this contract and the Contractor shall be paid the agreed amount.

(f) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments against costs incurred by the Contractor in connection with the terminated portion of this contract, whenever, in the opinion of the Contracting Officer, the aggregate of such payments is within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand; *Provided,* That if such excess is not so paid upon demand, interest thereon shall be payable by the Contractor to the Government at the rate of 6 percent per annum, beginning 30 days from the date of such demand.

(g) The Contractor agrees to transfer title to the Government and deliver in the manner, at the times, and to the extent, if any, directed by the Contracting Officer, such information and items which, if the contract had been completed, would have been required to be furnished to the Government, including:

(1) Completed or partially completed plans, drawings, and information; and

(2) Materials or equipment produced or in process or acquired in connection with the performance of the work terminated by the notice.

Other than the above, any termination inventory resulting from the termination of the contract may, with the written approval of the Contracting Officer, be sold or acquired by the Contractor under the conditions prescribed by and at a price or prices approved by the Contracting Officer. The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of work covered by this contract or paid in such other manner as the Contracting Officer may direct. Pending final disposition of property arising from the termination, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

(h) Any disputes as to questions of fact which may arise hereunder shall be subject to the "Disputes" clause of this contract.

41. GOVERNMENT PROPERTY

(a) *Government-Furnished Property.* The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use will be delivered to the Contractor at the times stated in the Schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay, if any, occasioned the Contractor and shall equitably adjust the estimated cost, fixed fee, or delivery or performance dates, or all of them, and any other contractual provisions affected by any such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes." In the event that Government-furnished property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, upon receipt thereof notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return such property at the Government's expense or otherwise dispose of the property or (ii) effect repairs or modifications. Upon completion of (i) or (ii) above, the Contracting Officer upon written request of the Contractor shall equitably adjust the contract price, or delivery or performance dates, or all of them, and any other contractual provision effected by the return or disposition, or the repair or modification in accordance with the procedures provided for in the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a

condition not suitable for its intended use.

(b) *Changes in Government-Furnished Property.* (1) By notice in writing, the Contracting Officer may (i) decrease the property furnished or to be furnished by the Government under this contract, and/or (ii) substitute other Government-owned property for property to be furnished by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to paragraph (1) above, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the Schedule to make available for the performance of this contract, the Contracting Officer, upon the written request of the Contractor (or, if the substitution of property causes a decrease in the cost of performance, on his own initiative), shall equitably adjust such contractual provisions as may be affected by the decrease, substitution or withdrawal, in accordance with the procedures provided for in the "Changes" clause of this contract.

(c) *Title.* Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under the contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance on this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government in whole or in part, whichever first occurs. All Government-furnished property, together with all property acquired by the Contractor, title to which vests in the Government under this paragraph, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(The following paragraph shall be substituted for (c) above when the contract is with an educational institution.)

(c) *Title.* Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor with the prior approval of the Contracting Officer shall be vested in the Contractor without further obligation to the Government except as provided below, unless it is determined by the Contracting Officer that such vesting is not in furtherance of the objectives of the Government or unless their is not proper authority to vest title in the Contractor. Such title shall be vested in the Contractor upon acquisition of the property or as soon as feasible thereafter provided that:

(i) The Contractor shall not under any Government contract, or subcontract thereunder, charge for any depreciation, amortization, or use of such property.

(ii) At any time prior to twelve (12) months after completion or termination of the contract, the Contracting Officer reserves the right to require the Contractor to transfer title to property costing $1,000 or more per unit to the Government or to a third party named by the Contracting Officer.

(iii) The Contractor shall, within 30 days after completion of the contract, furnish the Contracting Officer a list of all property where title is vested in the Contractor. If no such property has vested, the report shall so state.

All Government furnished property, together with all property title to which vests in the Government under this clause, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government Property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reasons of affixation to any realty.

(d) *Property Administration.* The Contractor agrees to maintain and administer a property control system in accordance with EPA publication "Guide for Control of Government Property by Contractors," in effect as of the date of this contract, supplied by the Government. While the Contractor is responsible for the Government Property (Government furnished and Contractor acquired), the Government will maintain the official accountability records. For Government furnished property and Contractor acquired property to which the Government takes title.

(e) *Use of Government Property.* The Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(f) *Maintenance of Government Property.* The Contractor shall maintain and administer, in accordance with sound business practice, a program for the maintenance, repair, protection, and preservation of Government property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection and disposition of Government property.

(g) *Risk of Loss.* (1) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) which results from willful misconduct or lack of good faith on the part of any one of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of—

(A) all or substantially all of the Contractor's business; or

(B) all or substantially all of the Contractor's operations at any one plant or separate location, in which this contract is being performed; or

(C) a separate and complete major industrial operation in connection with the performance of this contract;

(ii) which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in subparagraph (i) above—

(A) to maintain and administer, in accordance with sound industrial practice, the program for utilization, maintenance, repair, protection and preservation of Government property as required by paragraph (f) hereof, or to take all reasonable steps to comply with any appropriate written direction of the Contracting Officer under paragraph (f) hereof; or

(B) to establish, maintain and administer, in accordance with (d) above, a system for control of Government property;

(iii) for which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule;

(iv) which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement.

(2) If more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception. The Contractor shall obtain the approval of the Contracting Officer prior to transferring any Goverment property to a subcontractor. If the Contractor transfers Government property to the possession and control of a subcontractor, the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to the property as set forth above. However, the Contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the property while in the latter's possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, provides for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(3) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provisions of this contract.

(4) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order and furnish to the Contracting Officer a statement of—

(i) the lost, destroyed and damaged Government property;

(ii) the time and origin of the loss, destruction or damage;

(iii) all known interests in commingled property of which the Government property is a part; and

(iv) the insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovations of the damaged Government property or take such other action, as the Contracting Officer directs.

(5) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, he shall use the proceeds to repair, renovate or replace the Government property involved, or shall credit such proceeds against the cost of the

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work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction, or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where the subcontractor has not been relieved from liability for any loss or destruction of or damage to Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

(h) *Access.* The Contractor agrees to make available to the Contracting Officer, at all reasonable times, at the office of the Contractor, all its property records under this contract, and the Government shall at all reasonable times have access to the premises where any of the Government property is located.

(i) *Final Accounting and Disposition of Government Property.* Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit to the Contracting Officer in a form acceptable to him, inventory schedules covering all items of the Government property not consumed in the performance of this contract, or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government property as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct. The foregoing provisions shall apply to scrap from Government property; provided, however, that the Contracting Officer may authorize or direct the Contractor to omit from such inventory schedules any scrap consisting of faulty castings or forgings, or cutting and processing waste, such as chips, cuttings, borings, turnings, short ends, circles, trimmings, clippings, and remnants, and to dispose of such scrap in accordance with the Contractor's normal practice and account therefor as a part of general overhead or other reimbursable cost in accordance with the Contractor's established accounting procedures.

(j) *Restoration of Contractor's Premises and Abandonment.* Unless otherwise provided herein, the Government:

(i) May abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease; and

(ii) has no obligation to the Contractor with regard to restoration or rehabilitation of the Contractor's premises, neither in case of abandonment (paragraph (j)(i) above), disposition on completion of need or of the contract (paragraph (i) above), nor otherwise, except for restoration or rehabilitation costs caused by removal of Government property pursuant to paragraph (b) above.

(k) *Communications.* All communications issued pursuant to this clause shall be in writing.

42. Principal Investigators

Where principal investigators have been identified in this contract, it has been determined that such named investigators are necessary for the successful performance of this contract; and the Contractor agrees to assign such persons to the performance of the work under this contract, and shall not reassign or remove any of them without the consent of the Contracting Officer. Whenever, for any reason, one or more of the aforementioned investigators is unavailable for assignment for work under the contract, the Contractor shall immediately notify the Contracting Officer to that effect and shall, subject to the approval of the Contracting Officer without formal modification to the contract, replace such investigators with investigators of substantially equal ability and qualifications.

43. Allowable Cost and Payment

(a) For the performance of this contract, the Government shall pay to the Contractor the cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with:

(1) Subpart 1–15.3 of the Federal Procurement Regulations as in effect on the date of this contract except that if the Contractor is not an educational institution the allowable costs shall be determined by Subpart 1–15.2 of FPR; and

(2) The terms of this contract.

(b) Once each month (or more frequent intervals, if approved by the Contracting Officer), the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(c) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of (e) below, make payment thereon as approved by the Contracting Officer.

(d) (The following paragraph is not applicable to contracts with educational institutions).

Payment of the fixed fee, if any, shall be made to the Contractor as specified in the Schedule: Provided, however, that after payment of eight-five percent (85%) of the fixed fee set forth in the Schedule, further payment on account of the fixed fee shall be withheld until a reserve of either fifteen percent (15%) of the total fixed fee, or fifteen thousand dollars ($15,000.00), whichever is less, shall have been set aside.

(e) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(f) A "completion invoice" or "completion voucher" shall be submitted upon the physical completion of all performance provisions and when all cost applicable to the contract have been incurred.

The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion. Upon the completion of the final audit and the receipt of a "final invoice" or "final voucher," the Government shall promptly pay to the Contractor any balance of allowable costs, and any part of the fixed fee, if any, which has been withheld pursuant to (d) above or otherwise not paid to the Contractor.

(g) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(1) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(2) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(A) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor:

(B) Claims, together with reasonable expense incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract; provided, that such claims are not known to the Contractor on the date of execution of the release; and provided further, that the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(C) Claims for reimbursement of costs (other than expenses of the Contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

(h) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

44. Limitation of Cost

(a) It is estimated that the total cost to the Government, for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. If, at any time, the Contractor has reason to believe that the cost which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost set forth in the Schedule, or if, at any time, the Contractor has reason to believe that the total cost to the Government for the performance of his contract will be greater or substantially less than the then estimated cost hereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) Except as required by other provisions of this contract specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination Clause) or otherwise to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. No notice, communication or representation in any other form or from any person other than the Contracting Officer shall affect the estimated cost of this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the estimated cost set forth in the Schedule, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of the estimated cost prior to such increase shall be allowable to the same extent as if such costs had been incurred after the increase unless the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(c) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the estimated cost set forth in the Schedule in the absence of a statement in the change order, or other contract modification, increasing the estimated cost.

(d) In the event this contract is terminated or the estimated cost not increased the Government and the Contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of costs incurred by each.

45. Negotiated Overhead Rates

(a) The following provisions shall be applicable to Educational Institutions when post determined rates are used:

(1) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost and Payment" the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified in the Contract Schedule Article entitled "Negotiated Overhead Rates."

(2) The Contractor, as soon as possible but not later than ninety (90) days after the expiration of his fiscal year, or such other period as may be specified in the contract, shall submit to the Cost Review and Policy Branch of the Contracts Management Division, with one copy each to the cognizant audit activity and the cognizant negotiating agency delegated in Attachment "A" of Office of Management and Budget Circular A–88, a proposed final overhead rate or rates for that period based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the Contractor and the Government shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(3) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with paragraph (a)(1) of the clause of this contract entitled "Allowable Cost and Payment."

(4) The results of each negotiation shall be set forth in a modification to this contract, which shall specify (1) the agreed final rates; (2) the bases to which the rates apply; and (3) the periods for which the rates apply. The incorporation of the negotiated final overhead rates by contract modification shall not change any monetary ceiling, contract obligation, or specific cost allowance or disallowance provided for in the contract.

(5) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the Contract Schedule or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over and under payment, and to apply either retroactively or prospectively: (1) provisional rates may, at the request of either party, be revised by mutual agreement; and (2) billing rates may be adjusted at any time by the Contracting Officer. Any such revision of negotiated provisional rates provided in the contract shall be set forth in a modification to this contract.

(6) Any failure by the parties to agree on any final rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

(7) Nothing in this clause shall preclude the parties from negotiating final overhead rates applicable to this contract for any period, for the purpose of contract close out, provided that (1) the negotiated amount of overhead costs applicable hereto does not exceed $200,000.00 for any one fiscal year; (2) there is agreement between the Government and the Contractor that there will be no adjustment against other Government contracts for over or under recovery under this contract disclosed through a subsequent, regular final overhead rate negotiation or determination; and (3) this contract is appropriately modified to reflect the finality of this negotiation and the fact that other contracts shall not be affected by any over or under recovery resulting therefrom.

(b) The following provisions shall be applicable to Educational Institutions when predetermined rates are used:

(1) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost and Payment" the allowable indirect costs under this contract shall be obtained by applying predetermined overhead rates for the applicable periods, to the bases agreed upon by the parties, as specified in the Contract Schedule Article entitled "Negotiated Overhead Rates."

(2) The Contractor, as soon as possible but not later than ninety (90) days after the expiration of his fiscal year, or such other periods as may be specified in the contract, shall submit to the Cost Review and Policy Branch of the Contracts Management Division, with one copy each to the cognizant audit activity and the cognizant negotiating agency delegated in Attachment "A" of Office of Management and Budget Circular A–88, a proposed predetermined overhead rate or rates, based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation of predetermined overhead rates by the Contractor and the Government shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(3) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with paragraph (a)(1) of the clause of this contract entitled "Allowable Cost and Payment."

(4) The results of each negotiation shall be set forth in a modification to this contract, which shall specify (1) the agreed predetermined overhead rates; (2) the bases to which the rates apply; and (3) the periods for which the rates apply.

(5) Pending establishment of predetermined overhead rates for the initial period of contract performance or for any fiscal year or different period agreed to by the parties, the Contractor shall be reimbursed either at (1) the rates fixed for the previous fiscal year or other period; or (2) billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that fiscal year or other periods are established.

(6) Any failure by the parties to agree on any predetermined overhead rate or rates under this clause shall not be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract. If for any fiscal year or other period of contract performance the parties fail to agree to a predetermined overhead rate or rates, it is agreed that the allowable indirect costs under this contract shall be obtained by applying negotiated final overhead rates in accordance with the terms of the "Negotiated Overhead Rates—Postdetermined" clause set forth in paragraph (a) of this "Negotiated Overhead Rate Clause."

(c) The following provisions shall be applicable to Educational Institutions when fixed rates subject to carry forward adjustments are used:

(1) Notwithstanding the provisions of the clause of this contract entitled, "Allowable Cost and Payment," the allowable indirect costs under this contract shall be obtained by applying negotiated fixed overhead rates for the applicable periods to bases agreed upon by the parties, as specified in the Contract Schedule Article entitled "Negotiated Overhead Rates." A negotiated fixed rate(s) is based on an estimate of the costs which will be incurred during the period for which the rate(s) applies. When the application of the negotiated fixed rate(s) against the actual base(s) during a given fiscal period produces an amount greater or less than the indirect costs determined for such period, such greater or lesser amounts will be carried forward to a subsequent period.

(2) The Contractor, as soon as possible but not later than ninety (90) days after the expiration of his fiscal year, or such other periods as may be specified in the contract, shall submit to the Cost Review and Policy Branch of the Contracts Management Division, with one copy each to the cognizant audit activity and the cognizant negotiating agency delegated in Attachment "A" of Office of Management and Budget Circular A–88, a proposed fixed overhead rate or rates based on the Contractor's actual cost experience during the fiscal year, including adjustments, if any, for amounts carried forward, together with supporting cost data. When the application of the negotiated fixed rate(s) against the actual base(s) for a given fiscal period produces an amount greater or less than the actual indirect costs determined for that period, such greater or lesser amounts will be carried forward and reflected in the negotiated fixed rate(s) of a subsequent period. Negotiation of the fixed overhead rate(s) by the Contractor and the Government shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(3) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with paragraph (a)(1) of the clause of this contract entitled "Allowable Cost and Payment."

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(4) The results of each negotiation shall be set forth in a modification to this contract, which shall specify (1) the agreed fixed overhead rates; (2) the bases to which the rates apply; and (3) the periods for which the rates apply.

(5) Pending establishment of fixed overhead rates for the initial period of contract performance or for any fiscal year or different period agreed to by the parties, the Contractor shall be reimbursed either at (1) the rates fixed for the previous fiscal year or other period; or (2) billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that fiscal year or other periods are established.

(6) Any failure by the parties to agree on any fixed overhead rate or rates or to the amount of any carry forward adjustment under this clause shall not be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract. If for any fiscal year or other period of contract performance the parties fail to agree to a fixed overhead rate or rates, it is agreed that the allowable indirect costs under this contract shall be obtained by applying negotiated final overhead rates in accordance with the terms of the "Negotiated Overhead Rates—Postdetermined" clause set forth in paragraph (a) of this "Negotiated Overhead Rate Clause."

(d) The following provisions shall be applicable to nonprofit institutions when post determined rates are used:

(1) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost and Payment" the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified in the Contract Schedule Article entitled "Negotiated Overhead Rates."

(2) The Contractor, as soon as possible but not later than ninety (90) days after the expiration of his fiscal year, or such other period as may be specified in the contract, shall submit to the Cost Review and Policy Branch of the Contracts Management Division, with a copy to the cognizant audit activity, a proposed final overhead rate or rates for that period based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotation of final overhead rates by the Contractor and the Cost Review and Policy Branch shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(3) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with paragraph (a) (1) of the clause of this contract entitled "Allowable Cost and Payment."

(4) The results of each negotiation shall be set forth in a modification to this contract, which shall specify (1) the agreed final rates; (2) the bases to which the rates apply; and (3) the periods for which the rates apply. The incorporation of the negotiated final overhead rates by contract modification shall not change any monetary ceiling, contract obligation, or specific cost allowance or disallowance provided for in the contract.

(5) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the Contract Schedule or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over and under payment, and to apply either retroactively or prospectively: (1) provisional rates may, at the request of either party, be revised by mutual agreement; and (2) billing rates may be adjusted at any time by the Contracting Officer. Any such revision of negotiated provisional rates provided in the contract shall be set forth in a modification to this contract.

(6) Any failure by the parties to agree on any final rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

(7) Nothing in this clause shall preclude the parties from negotiating final overhead rates applicable to this contract for any period, for the purpose of contract closeout, provided that (1) the negotiated amount of overhead costs applicable hereto does not exceed $200,000.00 for any one fiscal year; (2) there is agreement between the Government and the Contractor that there will be no adjustment against other Government contracts for over or under recovery under this contract disclosed through a subsequent, regular final overhead rate negotiation or determination; and (3) this contract is appropriately modified to reflect the finality of this negotiation and the fact that other contracts shall not be affected by any over or under recovery resulting therefrom.

37. RIGHTS IN DATA

Paragraph (f) of clause no. 37 is deleted in its entirety and the following is substituted therefor:

(f) Publications. (1) The contractor shall submit to the Contracting Officer or his designee at least 30 (thirty) days prior to publication, a copy of each publication and other dissemination of information (other than publicity) that contains information resulting directly or indirectly from a contract supported activity.

(2) Any publication or other dissemination of information shall acknowledge Federal contract assistance by including the following:

This project has been funded at least in part with Federal funds from the Environmental Protection Agency under contract number ---------. The content of this publication does not necessarily reflect the views or policies of the U.S. Environmental Protection Agency; nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.

(40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended)

[FR Doc.73-16134 Filed 8-3-73;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

PART 17a—RULES FOR PROCEEDINGS UNDER TITLE VI, CIVIL RIGHTS ACT OF 1964

Transfer of Regulations

On July 21, 1972, there was published in the FEDERAL REGISTER (37 FR 14609–14614), pursuant to section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1) and Part 17 of this title, a notice and text of a proposal (1) to revise the regulations appearing in Part 17a of Title 43 of the Code of Federal Regulations for purposes of effecting clarifications and adapting the regulations to proposed amendments to Part 17 of this title, published December 9, 1971 (36 FR 23491–23494), pursuant to recommendations of an interagency committee for uniform Title VI regulations to effectuate the provisions of Title VI of the Civil Rights Act of 1964, and (2) to redesignate the revised regulations and incorporate them into the Department Hearings and Appeals Procedures contained in 43 CFR Part 4, as Subpart I thereof. The notice stated that Part 17a would thus be vacated.

Interested persons were given 30 days within which to participate in the rule making through the submission of written comments, suggestions or objections. No comments, suggestions or objections were received.

The amendments to Part 17 of this title, as proposed in the FEDERAL REGISTER publication of December 9, 1971, referred to above, to be consistent with the uniform amendments being adopted by Federal agencies, have now been published in the FEDERAL REGISTER as final rule making (38 FR 17975–17978, July 5, 1973). Certain additional amendments to conform to the uniform agency amendments, as well as other minor technical corrections, were included in this final rule making publication.

In view of the foregoing, the proposed revised regulations are adopted, without change other than correction of the obsolete term hearing examiner to administrative law judge (38 FR 10939–10940, May 3, 1973). The revised regulations are set forth below, and Part 17a of this title is vacated.

Effective date. These regulations shall be effective as of July 5, 1973, the effective date of the adoption by this Department of the uniform agency amendments referred to above.

Dated: July 30, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

1. Subpart I of 43 CFR Part 4 is added to read as set forth below.

Subpart I—Special Procedural Rules Applicable to Practice and Procedure for Hearings, Decisions, and Administrative Review Under Part 17 of this Title—Nondiscrimination in Federally-Assisted Programs of the Department of the Interior—Effectuation of Title VI of the Civil Rights Act of 1964

GENERAL

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4.802 Definitions.
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DESIGNATION AND RESPONSIBILITIES OF ADMINISTRATIVE LAW JUDGE

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PREHEARING

4.833 Prehearing conferences.

HEARING

4.834 Purpose.
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POSTHEARING PROCEDURES

4.842 Proposed findings of fact and conclusions of law.
4.843 Record for decision.
4.844 Notification of right to file exceptions.
4.845 Final review by Secretary.

AUTHORITY: The provisions of this Subpart I issued under 43 CFR 17.8 and 5 U.S.C. 301.

[CROSS REFERENCE: See Subpart A for the organization, authority and jurisdiction of the Office of Hearings and Appeals, including its Hearings Division. To the extent they are not inconsistent with these special rules, the general rules applicable to all types of proceedings before the Hearings Division and the several Appeals Boards of the Office of Hearings and Appeals, contained in Subpart B of this part, are applicable also to proceedings under these regulations.]

Subpart I—Special Procedural Rules Applicable To Practice and Procedure for Hearings, Decisions, and Administrative Review Under Part 17 of This Title—Nondiscrimination in Federally-Assisted Programs of the Department of the Interior—Effectuation of Title IV of the Civil Rights Act of 1964

GENERAL

§ 4.800 Scope and construction of rules.

(a) The rules of procedure in this Subpart I supplement Part 17 of this title and are applicable to the practice and procedure for hearings, decisions, and administrative review conducted by the Department of the Interior, pursuant to title VI of the Civil Rights Act of 1964 (section 602, 42 U.S.C. 2000d–1) and Part 17 of this title, concerning nondiscrimination in Federally-assisted programs in connection with which Federal financial assistance is extended under laws administered in whole or in part by the Department of the Interior.

(b) These regulations shall be liberally construed to secure the just, prompt, and inexpensive determination of all proceedings consistent with adequate consideration of the issues involved and full protection of the rights of all interested parties including the Government.

§ 4.801 Suspension of rules.

Upon notice to all parties, the responsible Department official or the administrative law judge, with respect to matters pending before him, may modify or waive any rule in this part upon his determination that no party will be unduly prejudiced and the ends of justice will thereby be served.

§ 4.802 Definitions.

(a) The definitions set forth in § 17.12 of this title apply also to this subpart.

(b) "Director" means the Director, Office for Equal Opportunity, Department of the Interior.

(c) "Administrative law judge" means an administrative law judge designated by the Office of Hearings and Appeals, Office of the Secretary, in accordance with 5 U.S.C. secs. 3105 and 3344.

(d) "Notice" means a notice of hearing in a proceeding instituted under Part 17 of this title and these regulations.

(e) "Party" means a recipient or applicant; the Director; and any person or organization participating in a proceeding pursuant to § 4.808.

4.803 Computation of time.

Except as otherwise provided by law, in computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act or event, and includes the last day of the period, unless it is a Saturday, Sunday, or Federal legal holiday, or other nonbusiness day, in which event it includes the next following day which is not a Saturday, Sunday, Federal legal holiday, or other nonbusiness day. When the period of time prescribed or allowed is 7 days or less, intermediate Saturdays, Sundays, Federal legal holidays and other nonbusiness days shall be excluded in the computation.

§ 4.804 Extensions of time.

A request for extension of time should be made to the designated administrative law judge or other appropriate Departmental official with respect to matters pending before him. Such request shall be served on all parties and set forth the reasons for the request. Extensions may be granted upon a showing of good cause by the applicant. Answers to such requests are permitted if made promptly.

§ 4.805 Reduction of time to file documents.

For good cause, the responsible Departmental official or the administrative law judge, with respect to matters pending before him, may reduce any time limit prescribed by the rules in this part, except as provided by law or in Part 17 of this title.

DESIGNATION AND RESPONSIBILITIES OF ADMINISTRATIVE LAW JUDGE

§ 4.806 Designation.

Hearings shall be held before an administrative law judge designated by the Office of Hearings and Appeals.

§ 4.807 Authority and responsibilities.

The administrative law judge shall have all powers necessary to preside over the parties and the proceedings, conduct the hearing, and make decisions in accordance with 5 U.S.C. secs. 554–557. His powers shall include, but not be limited to, the power to:

(a) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(b) Require parties to state their position with respect to the various issues in the proceedings.

(c) Establish rules for media coverage of the proceedings.

(d) Rule on motions and other procedural items in matters before him.

(e) Regulate the course of the hearing, the conduct of counsel, parties, witnesses, and other participants.

(f) Administer oaths, call witnesses on his own motion, examine witnesses, and direct witnesses to testify.

(g) Receive, rule on, exclude, or limit evidence.

(h) Fix time limits for submission of written documents in matters before him.

(i) Take any action authorized by these regulations, by 5 U.S.C. sec. 556, or by other pertinent law.

APPEARANCE AND PRACTICE

§ 4.808 Participation by a party.

Subject to the provisions contained in Part 1 of this subtitle, a party may appear in person, by representative, or by counsel, and participate fully in any proceeding held pursuant to Part 17 of this title and these regulations. A State agency or any instrumentality thereof, a political subdivision of the State or instrumentality thereof, or a corporation may appear by any of its officers or employees duly authorized to appear on its behalf.

§ 4.809 Determination of parties.

(a) The affected applicant or recipient to whom a notice of hearing or a notice of an opportunity for hearing has been mailed in accordance with Part 17 of this title and § 4.815, and the Director, are the initial parties to the proceeding.

(b) Other persons or organizations shall have the right to participate as parties if the final decision could directly and adversely affect them or the class they represent, and if they may contribute materially to the disposition of the proceedings.

(c) An person or organization wishing to participate as a party under this section shall submit a petition to the administrative law judge within 15 days after the notice has been served. The petition should be filed with the administrative law judge and served on the affected applicant or recipient, on the Di-

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rector, and on any other person or organization who has been made a party at the time of filing. Such petition shall concisely state: (1) Petitioner's interest in the proceeding, (2) how his participation as a party will contribute materially to the disposition of the proceeding, (3) who will appear for petitioner, (4) the issues on which petitioner wishes to participate, and (5) whether petitioner intends to present witnesses.

(d) The administrative law judge shall promptly ascertain whether there are objections to the petition. He shall then determine whether petitioners have the requisite interest to be a party in the proceedings, as defined in paragraphs (a) and (b) of this section, and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interests, the administrative law judge may request all such petitioners to designate a single representative, or he may recognize one or more of such petitioners to represent all such petitioners. The administrative law judge shall give each such petitioner written notice of the decision on his petition. If the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The administrative law judge shall give written notice to each party of each petition granted.

(e) Persons or organizations whose petition for party participation is denied may appeal the decision to the Director, Office of Hearings and Appeals, within 7 days of receipt of denial. The Director, Office of Hearings and Appeals, will make the final decision for the Department to grant or deny the petition.

§ 4.810 Complainants not parties.

A person submitting a complaint pursuant to § 17.6 of this title is not a party to the proceedings governed by Part 17 of this title and these regulations, but may petition, after proceedings are initiated, to become an amicus curiae. In any event a complainant shall be advised of the time and place of the hearing.

§ 4.811 Determination and participation of amici.

(a) Any interested person or organization wishing to participate as amicus curiae in the proceeding shall file a petition before the commencement of the hearing. Such petition shall concisely state the petitioner's interest in the hearing and who will represent petitioner.

(b) The administrative law judge will grant the petition if he finds that the petitioner has an interest in the proceedings and may contribute materially to the disposition of the proceedings. The administrative law judge shall give the petitioner written notice of the decision on his petition.

(c) An amicus curiae is not a party and may not introduce evidence at a hearing but may only participate as provided in paragraph (d) of this section.

(d) An amicus curiae may submit a written statement of position to the administrative law judge at any time prior to the beginning of a hearing, and shall serve a copy on each party. He may also file a brief or written statement on each occasion a decision is to be made or a prior decision is subject to review. His brief or written statement shall be filed and served on each party within the time limits applicable to the party whose position he deems himself to support; or if he does not deem himself to support the position of any party, within the longest time limit applicable to any party at that particular stage of the proceedings.

(e) When all parties have completed their initial examination of a witness, any amicus curiae may request the administrative law judge to propound specific questions to the witness. The administrative law judge, in his discretion, may grant any such request if he believes the proposed additional testimony may assist materially in elucidating factual matters at issue between the parties and will not expand the issues.

FORM AND FILING OF DOCUMENTS

§ 4.812 Form.

Documents filed pursuant to a proceeding herein shall show the docket description and title of the proceeding, the party or amicus submitting the document, the dates signed, and the title, if any, and address of the signatory. The original will be signed in ink by the party representing the party or amicus. Copies need not be signed, but the name of the person signing the original shall be reproduced.

§ 4.813 Filing and service.

(a) All documents submitted in a proceeding shall be served on all parties. The original and two copies of each document shall be submitted for filing. Filings shall be made with the administrative law judge or other appropriate Departmental official before whom the proceeding is pending. With respect to exhibits and transcripts of testimony, only originals need be filed.

(b) Service upon a party or amicus shall be made by delivering one copy of each document requiring service in person or by certified mail, return receipt requested, properly addressed with postage prepaid, to the party or amicus or his attorney, or designated representative. Filing will be made in person or by certified mail, return receipt requested, to the administrative law judge or other appropriate Departmental official before whom the proceeding is pending.

(c) The date of filing or of service shall be the day when the matter is deposited in the U.S. mail or is delivered in person.

§ 4.814 Certificate of service.

The original of every document filed and required to be served upon parties shall be endorsed with a certificate of service signed by the party or amicus curiae making service or by his attorney or representative, stating that such service has been made, the date of service, and the manner of service.

PROCEDURES

§ 4.815 How proceedings are commenced.

Proceedings are commenced by the Director by mailing to an applicant or recipient a notice of alleged noncompliance with the Act and the regulations thereunder. The notice shall include either a notice of hearing fixing a date therefor or a notice of an opportunity for a hearing as provided in § 17.8 of this title. The notice shall advise the applicant or recipient of the action proposed to be taken, the specific provisions of Part 17 of this title under which the proposed action is to be taken, and the matters of fact or law asserted as the basis of the action.

§ 4.816 Notice of hearing and response thereto.

A notice of hearing shall fix a date not less than 30 days from the date of service of the notice of a hearing on matters alleged in the notice. If the applicant recipient does not desire a hearing, he should so state in writing, in which case the applicant or recipient shall have the right to further participate in the proceeding. Failure to appear at the time set for a hearing, without good cause, shall be deemed a waiver of the right to a hearing under section 602 of the Act and the regulations thereunder and consent to the making of a decision on such information as is available which may be presented for the record.

§ 4.817 Notice of opportunity to request a hearing and response thereto.

A notice of opportunity to request a hearing shall set a date not less than 20 days from service of said notice within which the applicant or recipient may file a request for a hearing, or may waive a hearing and submit written information and argument for the record, in which case, the applicant or recipient shall have the right to further participate in the proceeding. When the applicant or recipient elects to file a request for a hearing, a time shall be set for the hearing at a date not less than 20 days from the date applicant or recipient is notified of the date set for the hearing. Failure of the applicant or recipient to request a hearing or to appear at the date set shall be deemed a waiver of the right to a hearing, under section 602 of the Act and the regulations thereunder and consent to the making of a decision on such information as is available which may be presented for the record.

§ 4.818 Answer.

In any case covered by § 4.816 or § 4.817, the applicant or recipient shall file an answer. Said answer shall admit or deny each allegation of the notice, unless the applicant or recipient is without knowledge, in which case the answer shall so state, and the statement will be considered a denial. Failure to file an answer shall be deemed an admission of all allegations of fact in the notice. Allegations of fact in tht notice not denied or controverted by answer shall be deemed admitted. Matters alleged in the answer as affirmative defenses shall be separately stated and numbered. The answer under § 4.816 shall be filed within 20 days from the date of service of the notice of hearing. The answer under § 4.817 shall be filed within 20 days of service of the notice of opportunity to request a hearing.

§ 4.819 Amendment of notice or answer.

The Director may amend the notice of hearing or opportunity for hearing once as a matter of course before an answer is filed, and each respondent may amend his answer once as a matter of course not later than 10 days before the date fixed for hearing but in no event later than 20 days from the date of service of his original answer. Other amendments of the notice or of the answer to the notice shall be made only by leave of the administrative law judge. An amended notice shall be answered within 10 days of its service, or within the time for filing an answer to the original notice, whichever period is longer.

§ 4.820 Consolidated or joint hearings.

As provided in § 17.8(e) of this title, the Secretary may provide for proceedings in the Department to be joined or consolidated for hearing with proceedings in other Federal departments or agencies, by agreement with such other departments or agencies. All parties to any proceedings consolidated subsequently to service of the notice of hearing or opportunity for hearing shall be promptly served with notice of such consolidation.

§ 4.821 Motions.

Motions and petitions shall state the relief sought, the basis for relief and the authority relied upon. If made before or after the hearing itself, these matters shall be in writing. If made at the hearing, they may be stated orally; but the administrative law judge may require that they be reduced to writing and filed and served on all parties. Within 8 days after a written motion or petition is served, any party may file a response to a motion or petition. An immediate oral response may be made to an oral motion. Oral argument on motions will be at the discretion of the administrative law judge.

§ 4.822 Disposition of motions.

The administrative law judge may not grant a written motion or petition prior to expiration of the time for filing responses thereto, but may overrule or deny such motion or petition without awaiting response: *Provided, however,* That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions or petitions. Oral motions and petitions may be ruled on immediately.

§ 4.823 Interlocutory appeals.

Except as provided in § 4.809(e), a ruling of the administrative law judge may not be appealed to the Director, Office of Hearings and Appeals, prior to consideration of the entire proceeding by the administrative law judge unless permission is first obtained from the Director, Office of Hearings and Appeals, and the administrative law judge has certified the interlocutory ruling on the record or abused his discretion in refusing a request to so certify. Permission will not be granted except upon a showing that the ruling complained of involves a controlling question of law and that an immediate appeal therefrom may materially advance the final decision. An interlocutory appeal shall not operate to suspend the hearing unless otherwise ordered by the Director, Office of Hearings and Appeals. If an appeal is allowed, any party may file a brief within such period as the Director, Office of Hearings and Appeals, directs. Upon affirmance, reversal, or modification of the administrative law judge's interlocutory ruling or order, by the Director, Office of Hearings and Appeals, the case will be remanded promptly to the administrative law judge for further proceedings.

§ 4.824 Exhibits.

Proposed exhibits shall be exchanged at the prehearing conference, or otherwise prior to the hearing, if the administrative law judge so directs. Proposed exhibits not so exchanged in accordance with the administrative law judge's order may be denied admission as evidence. The authenticity of all exhibits submitted prior to the hearing, under direction of the administrative law judge, will be deemed admitted unless written objection thereto is filed and served on all parties, or unless good cause is shown for failure to file such written objection.

§ 4.825 Admissions as to facts and documents.

Not later than 15 days prior to the date of the hearing any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in, and exhibited with, the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within a period of 10 days, the party to whom the request is directed serves upon the requesting party a statement either (a) denying specifically the matters as to which an admission is requested, or (b) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

§ 4.826 Discovery.

(a) *Methods.* Parties may obtain discovery as provided in these rules by depositions, written interrogatories, production of documents, or other items; or by permission to enter property, for inspection and other purposes.

(b) *Scope.* Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the hearing.

(c) *Protective orders.* Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the administrative law judge may make any order which justice requires to limit or condition discovery in order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.

(d) *Sequence and timing.* Methods of discovery may be used in any sequence. The fact that a party is conducting discovery shall not operate to delay any other party's discovery.

(e) *Time limit.* Discovery by all parties will be completed within such time as the administrative law judge directs, from the date the notice of hearing is served on the applicant or recipient.

§ 4.827 Depositions.

(a) A party may take the testimony of any person, including a party, by deposition upon oral examination. This may be done by stipulation or by notice, as set forth in paragraph (b) of this section. On motion of any party or other person upon whom the notice is served, the administrative law judge may for cause shown enlarge or shorten the time for the deposition, change the place of the deposition, limit the scope of the deposition or quash the notice. Depositions of persons other than parties or their representatives shall be upon consent of the deponent.

(b)(1) The party will give reasonable notice in writing to every other party of the time and place for taking depositions, the name and address of each person to be examined, if known, or a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The notice to a deponent may be accompanied by a request for the production of documents and tangible things at the taking of the deposition.

(3) A party may name as the deponent a corporation, partnership, association, or governmental agency and may designate a particular person within the organization whose testimony is desired and the matters on which examination is requested. If no particular person is named, the organization shall designate one or more agents to testify on its behalf, and may set forth the matters on which each will testify. The persons so designated shall testify as to matters known or reasonably available to the organization.

(c) Examination and cross-examination of witnesses may proceed as permitted at the hearing. The witness shall be placed under oath by a disinterested person qualified to administer oaths by the laws of the United States or of the place where the examination is held, and the testimony taken by such person shall be recorded verbatim.

(d) During the taking of a deposition a party or deponent may request suspension of the deposition on grounds of bad faith in the conduct of the examination, annoyance, embarrassment, oppression of a deponent or party or improper questions propounded. The deposition will then be adjourned. However, the objecting party or deponent must immediately move the administrative law judge for a ruling on his objections to the deposi-

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tion conduct or proceedings. The administrative law judge may then limit the scope or manner of the taking of the deposition.

(e) The officer shall certify the deposition and promptly file it with the administrative law judge. Documents or true copies of documents and other items produced for inspection during the examination of the witness shall, upon the request of a party, be marked for identification and annexed to the deposition.

(f) The party taking the deposition shall give prompt notice of its filing to all other parties.

§ 4.828 Use of depositions at hearing.

(a) Any part or all of a deposition so far as admissible under § 4.835 applied as though the witness were then present and testifying, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof as follows:

(1) Any deposition may be used for contradiction or impeachment of the deponent as a witness.

(2) The deposition of a party, or of an agent designated to testify on behalf of a party, may be used by an adverse party for any purpose.

(3) The deposition of any witness may be used for any purpose if the party offering the deposition has been unable to procure the attendance of the witness because he is dead; or if the witness is at a greater distance than 100 miles from the place of hearing, or is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or if the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or, upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

(b) If only part of a deposition is offered in evidence, the remainder becomes subject to introduction by any party.

(c) Objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

§ 4.829 Interrogatories to parties.

(a) Any party may serve upon any other party written interrogatories after the notice of hearing has been filed. If the party served is a corporation, partnership, association, or governmental agency, an agent shall furnish such information as is available to the party.

(b) Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney or other representative making them. Answers and objections shall be made within 30 days after the service of the interrogatories. The party submitting the interrogatories may move for an order under § 4.831 with respect to any objection to or other failure to answer an interrogatory.

(c) Interrogatories shall relate to any matter not privileged which is relevant to the subject matter of the hearing.

§ 4.830 Production of documents and things and entry upon land for inspection and other purposes.

(a) After the notice of hearing has been filed, any party may serve on any other party a request to produce and/or permit the party, or someone acting on his behalf, to inspect and copy any designated documents, phonorecords, and other data compilations from which information can be obtained and which are in the possession, custody, or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(b) After the notice of hearing has been filed, any party may serve on any other party a request to permit entry upon designated property in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object.

(c) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time, place, and manner of making the inspection and performing the related acts.

(d) The party upon whom the request is served shall respond within 15 days after the service of the request. The response shall state, with respect to each item, that inspection and related activities will be permitted as requested, unless there are objections in which case the reasons for each objection shall be stated. The party submitting the request may move for an order under § 4.831 with respect to any objection to or other failure to respond.

§ 4.831 Sanctions.

(a) A party, upon reasonable notice to other parties and all persons affected thereby, may move for an order as follows:

(1) If a deponent fails to answer a question propounded or submitted under § 4.827(c), or a corporation or other entity fails to make a designation under § 4.827(b)(3), or a party fails to answer an interrogatory submitted under § 4.829, or if a party, under § 4.830 fails to respond that inspection will be permitted or fails to permit inspection, the discovering party may move for an order compelling an answer, a designation, or inspection.

(2) An evasive or incomplete answer is to be treated as a failure to answer.

(b) If a party or an agent designated to testify fails to obey an order to permit discovery, the administrative law judge may make such orders as are just, including:

(1) That the matters regarding which the order was made or any other designated facts shall be established in accordance with the claim of the party obtaining the order;

(2) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence.

(c) If a party or an agent designated to testify falls after proper service (1) to appear for his deposition, (2) to serve answers or objections to interrogatories submitted under § 4.829 or (3) to serve a written response to a request for inspection, submitted under § 4.830, the administrative law judge on motion may make such orders as are just, including those authorized under subparagraphs (1) and (2) of paragraph (b) of this section.

§ 4.832 Ex parte communications.

(a) Written or oral communications involving any substantive or procedural issue in a matter subject to these proceedings, directed to the administrative law judge, the Director, or the Director, Office of Hearings and Appeals, shall be deemed ex parte communications and are not to be considered part of any record or the basis for any official decision, unless the communication is made by motion pursuant to these rules.

(b) The administrative law judge shall not consult any person, or party, on any fact in issue or on the merits of the matter before him unless upon notice and opportunity for all parties to participate.

(c) No employee or agent of the Federal Government engaged in the investigation and prosecution of a proceeding governed by these rules shall participate or advise in the rendering of any recommended or final decision, except as witness or counsel in the proceeding.

PREHEARING

§ 4.833 Prehearing conferences.

(a) Within 15 days after the answer has been filed, the administrative law judge will establish a prehearing conference date for all parties including persons or organizations whose petition requesting party status has not been ruled upon. Written notice of the prehearing conference shall be sent by the administrative law judge.

(b) At the prehearing conference the following matters, among others, shall be considered: (1) Simplification and delineation of the issues to be heard; (2) stipulations; (3) limitation of number of witnesses; and exchange of witness lists; (4) procedure applicable to the proceeding; (5) offers of settlement; and (6) scheduling of the dates for exchange of exhibits. Additional prehearing conferences may be scheduled at the discretion of the administrative law judge, upon his own motion or the motion of a party.

HEARING

§ 4.834 Purpose.

(a) The hearing is directed primarily to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. A hearing will be held only in cases where issues of fact must be resolved in order to determine whether the applicant or recipient has failed to comply with one or more applicable requirements of title VI of the Civil Rights Act of 1964 (sec. 602, 42 U.S.C. 2000d–1) and Part 17 of this title. However, this shall not prevent the parties from entering into a stipulation of the facts.

(b) If all facts are stipulated, the proceedings shall go to conclusion in accordance with Part 17 of this title and the rules in this subpart.

(c) In any case where it appears from the answer of the applicant or recipient to the notice of hearing or notice of opportunity to request a hearing, from his failure timely to answer, or from his admissions or stipulations in the record that there are no matters of material fact in dispute, the administrative law judge may enter an order so finding, vacating the hearing date if one has been set, and fixing the time for the submission of evidence by the Government for the record. Thereafter, the proceedings shall go to conclusion in accordance with Part 17 of this title and the rules in this subpart. An appeal from such order may be allowed in accordance with the rules for interlocutory appeal in § 4.823.

§ 4.835 Evidence.

Formal rules of evidence will not apply to the proceeding. Irrelevant, immaterial, unreliable, and unduly repetitious evidence will be excluded from the record of a hearing. Hearsay evidence shall not be inadmissible as such.

§ 4.836 Official notice.

Whenever a party offers a public document, or part thereof, in evidence, and such document, or part thereof, has been shown by the offeror to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered for official notice as a public document item by specifying the document or relevant part thereof. Official notice may also be taken of other matters, at the discretion of the administrative law judge.

§ 4.837 Testimony.

Testimony shall be given under oath by witnesses at the hearing. A witness shall be available for cross-examination, and, at the discretion of the administrative law judge, may be cross-examined without regard to the scope of direct examination as to any matter which is material to the proceeding.

§ 4.838 Objections.

Objections to evidence shall be timely, and the party making them shall briefly state the ground relied upon.

§ 4.839 Exceptions.

Exceptions to rulings of the administrative law judge are unnecessary. It is sufficient that a party, at the time the ruling of the administrative law judge is sought, makes known the action which he desires the administrative law judge to take, or his objection to an action taken, and his ground therefor.

§ 4.840 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the administrative law judge excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony. If the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 4.841 Official transcript.

An official reporter will be designated for all hearings. The official transcripts of testimony and argument taken, together with any exhibits, briefs, or memoranda of law filed therewith, shall be filed with the administrative law judge. Transcripts may be obtained by the parties and the public from the official reporter at rates not to exceed the applicable rates fixed by the contract with the reporter. Upon notice to all parties, the administrative law judge may authorize such corrections to the transcript as are necessary to accurately reflect the testimony.

POSTHEARING PROCEDURES

§ 4.842 Proposed findings of fact and conclusions of law.

Within 30 days after the close of the hearing each party may file, or the administrative law judge may request, proposed findings of fact and conclusions of law together with supporting briefs. Such proposals and briefs shall be served on all parties and amici. Reply briefs may be submitted within 15 days after receipt of the initial proposals and briefs. Reply briefs should be filed and served on all parties and amici.

§ 4.843 Record for decision.

The administrative law judge will make his decision upon the basis of the record before him. The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, shall constitute the record for decision and may be inspected and copied.

§ 4.844 Notification of right to file exceptions.

The provisions of § 17.9 of this title govern the making of decisions by administrative law judges, the Director, Office of Hearings and Appeals, and the Secretary. An administrative law judge shall, in any initial decision made by him, specifically inform the applicant or recipient of his right under § 17.9 of this title to file exceptions with the Director, Office of Hearings and Appeals. In instances in which the record is certified to the Director, Office of Hearings and Appeals, or he reviews the decision of an administrative law judge, he shall give the applicant or recipient a notice of certification or notice of review which specifically informs the applicant or recipient that, within a stated period, which shall not be less than 30 days after service of the notice, he may file briefs or other written statements of his contentions.

§ 4.845 Final review by Secretary.

Paragraph (f) of § 17.9 of this title requires that any final decision of an administrative law judge or of the Director, Office of Hearings and Appeals, which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under Part 17 of this title or the Act, shall be transmitted to the Secretary. The applicant or recipient shall have 20 days following service upon him of such notice to submit to the Secretary exceptions to the decision and supporting briefs or memoranda suggesting remission or mitigation of the sanctions proposed. The Director shall have 10 days after the filing of the exceptions and briefs in which to reply.

2. Part 17a of Title 43 of the Code of Federal Regulations is vacated and reserved.

[FR Doc.73–16009 Filed 8–3–73;8:45 am]

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5372]

[Oregon 8920]

OREGON

Withdrawal for Natural Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved for scientific, educational, and research purposes:

WILLAMETTE MERIDIAN

LITTLE SINK NATURAL AREA

T. 8 S., R. 6 W.,
sec. 33, W½NW¼.

The area described aggregates 80 acres in Polk County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the land under lease, license, easement or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 30, 1973.

[FR Doc.73–16089 Filed 8–3–73;8:45 am]

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[Public Land Order 5373]

[Idaho 07510]

IDAHO

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

BOISE NATIONAL FOREST

BOISE MERIDIAN

Sage Hen Reservoir Recreation Area

T. 11 N., R. 2 E.,
sec. 2, lots 1 thru 4;
sec. 3, lot 1.
T. 12 N., R. 2 E.,
sec. 34, SE¼NE¼, E½SE¼;
sec. 35, N½N½, E½E½SE¼NE¼, W½NE¼SW¼NE¼, NW¼SW¼NE¼, N½SE¼NW¼, N½SW¼NW¼, W½SE¼SW¼NW¼, SW¼SW¼NW¼, E½NE¼SE¼, E½W½NE¼SE¼, W½E½NW¼SW¼, W½NW¼SW¼, SE¼SE¼, E½SW¼SE¼, E½W½SW¼SE¼, W½SW¼SW¼SE¼, E½SE¼SE¼SW¼, SW¼SE¼SE¼SW¼, S½SW¼SE¼SW¼, SE¼SE¼SW¼SW¼, W½E½SW¼SW¼, W½SW¼SW¼;
sec. 36, NW¼NW¼, SW¼NW¼, NW¼SW¼.

The areas described aggregate 728.59 acres in Gem and Valley Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 30, 1973.

[FR Doc.73-16090 Filed 8-3-73;8:45 am]

[Public Land Order 5374]

[New Mexico 16184]

NEW MEXICO

Partial Revocation of Executive Orders 6143, 6276, and 6583

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Executive Orders No. 6143 of May 23, 1933, No. 6276 of September 8, 1933, and No. 6583 of February 3, 1934, withdrawing lands in New Mexico to aid the State of New Mexico in making exchange selections, as provided for by the Act of June 15, 1926, 44 Stat. 746-748, are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 S., R. 3 W.,
sec. 7, SE¼;
sec. 8, SW¼, N½SE¼;
sec. 9, SW¼;
sec. 17, N½NW¼.
T. 21 S., R. 6 W.,
sec. 24, N½;
sec. 26, NE¼SE¼.
T. 17 S., R. 7 W.,
sec. 6.
T. 19 S., R. 7 W.,
sec. 31, NE¼, NE¼NW¼.
T. 19 S., R. 8 W.,
sec. 21, NE¼, NE¼NW¼, S½NW¼;
sec. 22, SW¼NW¼.
T. 20 S., R. 8 W.,
sec. 8.
T. 20 S., R. 10 W.,
sec. 17, NE¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.
T. 20 S., R. 11 W.,
sec. 11, E½, E½NW¼, SW¼;
sec. 14;
sec. 15, SE¼.
T. 26 S., R. 10 W.,
sec. 28, E½SW¼;
sec. 30, lots 3 and 4;
sec. 31, lots 1 thru 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
sec. 32, SE¼;
sec. 33, NW¼, W½SW¼, SE¼;
sec. 34, S½.
T. 27 S., R. 10 W.,
sec. 15, S½SW¼;
sec. 22, N½NW¼.
T. 28 S., R. 10 W.,
sec. 4, NW¼SE¼, S½SE¼;
sec. 9, E½;
sec. 21, E½;
sec. 30, lots 3, 4, E½SW¼, SE¼;
sec. 33, E½.
T. 19 S., R. 11 W.,
sec. 23, N½S½;
sec. 24, S½NE¼, N½SW¼, NW¼SE¼.
T. 24 S., R. 11 W.,
sec. 18, S½SE¼;
sec. 19, lots 1 thru 4, E½W½;
sec. 21, W½NW¼;
sec. 27, SW¼;
sec. 28, E½;
sec. 30, NE¼;
sec. 31, lots 3, 4, E½SW¼;
sec. 34, W½.
T. 25 S., R. 11 W.,
sec. 19, NE¼SW¼, N½SE¼, SE¼SE¼;
sec. 30, lot 1, N½NE¼, SW¼NE¼, NE¼NW¼, W½SE¼.
T. 26 S., R. 11 W.,
sec. 3, S½SW¼;
sec. 4, S½S½;
sec. 5, S½SE¼;
sec. 7, lot 4, N½NE¼, SE¼NW¼, E½SW¼, SW¼SE¼;
sec. 8, NW¼NW¼, SE¼;
sec. 9, S½;
sec. 10, NE¼, S½;
sec. 11, S½;
sec. 12, S½;
sec. 17, NE¼, SW¼, SW¼SE¼;
sec. 18, lots 1, 4, E½, E½SW¼;
sec. 19, lots 1, 2, NE¼, E½NW¼;
sec. 20, E½NW¼;
sec. 21, E½;
sec. 22, N½;
sec. 23, W½;
sec. 26, W½;
sec. 27, SW¼, S½SE¼;
sec. 28, SW¼;
sec. 29, N½NW¼, SE¼NW¼, E½SW¼;
sec. 33, E½W½;
sec. 34, E½;
sec. 35, NW¼NE¼, S½NE¼, NW¼.
T. 27 S., R. 11 W.,
sec. 1, NE¼;
sec. 13, S½;
sec. 24, N½;
sec. 28, N½SW¼;
sec. 29, SW¼NE¼, S½NW¼, NE¼SE¼;
sec. 30, lot 2, NW¼NE¼, S½NE¼, SE¼NW¼.
T. 24 S., R. 12 W.,
sec. 15, E½SE¼;
sec. 19, lots 1, 2, NE¼, E½NW¼;
sec. 20, N½;
sec. 22, NE¼NE¼.
T. 25 S., R. 13 W.,
sec. 15, S½S½;
sec. 22, N½N½;
sec. 33, S½;
sec. 34, S½;
sec. 35, S½.
T. 26 S., R. 13 W.,
sec. 6, lots 1, 2, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
sec. 7, W½E½, E½W½;
sec. 11, E½;
sec. 14, NE¼, S½;
sec. 15, S½;
sec. 17, S½;
sec. 18, W½NE¼, E½W½, SE¼;
sec. 19, NE¼NE¼;
sec. 20, NW¼NW¼;
sec. 23, E½NE¼, SE¼;
sec. 24, E½SW¼;
sec. 25, W½NE¼, W½;
sec. 26, NW¼NE¼, E½NW¼, NE¼SW¼;
sec. 28, S½S½;
sec. 30, S½SE¼;
sec. 31, lots 1 thru 4, N½NE¼, E½W½;
sec. 34, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
sec. 35, N½NE¼, SW¼NE¼, N½SW¼, SW¼SW¼, NW¼SE¼.
T. 27 S., R. 13 W.,
sec. 1, lot 2, SW¼NE¼, W½SE¼;
sec. 3, lots 2, 3, SW¼NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, NW¼SE¼;
sec. 4, S½S½;
sec. 5, S½S½;
sec. 6, lots 3 thru 7, SE¼NW¼, E½SW¼, SE¼;
sec. 7;
sec. 8, N½N½;
sec. 9, N½N½;
sec. 10, N½NW¼;
sec. 12, E½NW¼, W½SW¼;
sec. 13, NW¼;
sec. 15, N½;
sec. 19, lots 1 thru 4;
sec. 22, W½W½;
sec. 34, N½N½;
sec. 35, N½N½.
T. 27 S., R. 14 W.,
sec. 4, NW¼SE¼;
sec. 8, SE¼;
sec. 9, NE¼NE¼, S½NE¼, E½W½, SE¼;
sec. 10, SE¼;
sec. 11, S½;
sec. 13, E½, N½NW¼;
sec. 14, N½, NE¼SE¼;
sec. 15, N½N½;
sec. 24, E½;
sec. 25;
sec. 26, SE¼;
sec. 35, N½N½.

The areas described aggregate approximately 29,215.66 acres of land in Dona Ana, Grant, Luna and Sierra Counties, of which 1,600 acres are privately owned.

The topography consists of broad nearly level to gently sloping semi-desert plains from which rise relatively narrow, but steep and rugged mountain ridges, isolated peaks and ranges of hills. The elevation ranges between 3,500 to 5,500 feet. Soils are shallow to moderately deep sandy loams. Vegetation is of the southwestern desert shrub type, of which the most common are creosote bush, mesquite, cacti, black grama, tobosa and dropseed grasses.

2. At 10 a.m. on September 4, 1973, the public lands described in paragraph 1 of this order shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on September 4, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands shall be open to location for nonmetalliferous minerals at 10 a.m. on September 4, 1973. They have been and continue to be open to applications and offers under the mineral leasing laws and to locations under the United States mining laws for metalliferous minerals.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 30, 1973.

[FR Doc.73-16091 Filed 8-3-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19735; FCC 73-803]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Lyon, Kans.

In the matter of Amendment of § 73.202(b), Table of assignments, FM broadcast stations. (Lyons, Kansas)

1. On May 9, 1973, the Commission issued a notice of proposed rule making (FCC 73-489, 38 F.R. 13386) in the above-entitled matter, proposing the substitution of Channel 291 for Channel 288A at Lyons, Kansas. The proceeding was instituted on the basis of a petition filed by Rice County Broadcasting Co., Inc., licensee of Station KLOQ(FM), Lyons, Kansas. Station KLOQ is presently operating on Channel 288A which is the sole assignment in Lyons. Interested parties were invited to comment on the proposal on or before June 22, 1973, and could reply to such comments on or before July 3, 1973. There were no oppositions to the proposal. Supporting comments were filed by petitioner.

2. Lyons, population 4,355, is the seat of Rice County, population 12,320.[1] There are no standard broadcast stations in Rice County.

3. Petitioner points out that it desires to switch from a Class A to a Class C assignment so that it may increase the power and antenna height of its station (KLOQ) to enlarge its present service area. It maintains that the increased coverage is necessary for competitive position in the market, and if the switch is made, it immediately intends to increase power to 25 Kw and tower height to 500 feet. It contends that based on the FCC method of prediction of service, this increase in facilities would bring a first FM service to 193 people and a second to 23,374. Preclusion areas occur in the co-channel and five of the six pertinent adjacent channels as a result of the assignment of Channel 291 to Lyons. However, most of the communities located within these areas either have or can be assigned FM broadcast channels. In supporting comments, petitioner states that through a number of carefully planned steps over a period of years as the audience responds to this new medium, he intends to build Station KLOQ to 100 Kw circular polarization with a tall tower.

4. The Commission would ordinarily assign a Class A channel to a community the size of Lyons, but under the above circumstances the proposal to substitute Channel 291 for Channel 288A at Lyons, has public interest value and is worthy of adoption, in our view, because it is a reasonable means to provide a first and second FM service to 193 and 23,374 persons, respectively. Since Channel 291 can be assigned to Lyons and used at the present site without any other changes in the Table and in full conformity with all spacing requirements, we believe it should be granted.

5. The authority for the action taken herein is contained in Sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended.

6. Accordingly, *It is ordered*, That effective September 7, 1973, the Table of FM Assignments (§ 73.202(b) of the rules) is amended with respect to the city listed below as follows:

City	Channel No.
Lyons, Kansas	291

7. *It is further ordered*, That effective September 7, 1973, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Rice County Broadcasting Co., Inc., for Station KLOQ(FM), Lyons, Kansas, is modified to specify operation on Channel 291 in lieu of Channel 288A subject to the following conditions.

(a) The licensee shall inform the Commission in writing by no later than September 27, 1973, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by September 7, 1973, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KLOQ(FM) on Channel 291 at Lyons, Kansas.

(c) The licensee may continue to operate on Channel 288A under its outstanding authorization until it is ready to operate on the new frequency. Ten days prior to commencing operation on Channel 291, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(d) The licensee shall not commence operation on Channel 291 until the Commission specifically authorizes it to do so.

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

By the Commission.

Adopted: July 26, 1973.

Released: July 31, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16138 Filed 8-3-73;8:45 am]

PART 87—AVIATION SERVICES

General Operator Requirements; Miscellaneous Amendment

In the matter of editorial amendment of Part 87 of the Federal Communications Commission's rules and regulations.

1. The Commission, by Memorandum Opinion and Order adopted December 8, 1971, granted a petition for reconsideration filed by the Aerospace and Flight Test Radio Coordinating Council to exempt certain aircraft stations from the requirement that operators hold a third class license or higher. Section 87.133 was thereby amended to limit the third class operator requirement to stations utilizing frequencies below 30 MHz not exclusively allocated to the aeronautical mobile service, or stations utilizing frequencies above 30 MHz not allocated exclusively to aeronautical mobile services and which are assigned for international use. This limitation was imposed to comply with Article 23 of the Radio Regulations of the International Telecommunication Union (ITU). Since Article 23 of the ITU Radio Regulations apply only to aircraft stations, it was the Commission's intention to require a third class or higher operator permit to aircraft stations operating in the frequency bands specified above. Section 87.133 is therefore editorially amended to eliminate any possible misinterpretation of the third class operator or higher requirement as applying to other classes of stations other than aircraft stations.

2. This amendment is editorial in nature, and hence the prior notice, and effective date provisions of 5 U.S.C. 553 are not applicable. Authority for the promulgation of this amendment is contained in Section 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commissions rules.

3. Accordingly, *It is ordered*, effective August 10, 1973. That Part 87 of the rules and regulations is amended as set forth below.

Adapted: July 30, 1973.

Released: July 31, 1973.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] JOHN M. TOREBT,
Executive Director.

Section 87.133 is amended as follows:

§ 87.133 General operator requirements.

Except as provided for in §§ 87.134, 87.139 or as limited on the face of the

[1] Population figures cited are from the 1970 U.S. Census.

[2] Commissioner H. Rex Lee absent.

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operator license or permit, all stations in the Aviation Services shall be operated by persons holding any class of commercial radio operator license or permit issued by the Commission: *Provided*, That, only a person holding a third class or higher operator permit shall operate aircraft stations (a) utilizing frequencies below 30 MHz not exclusively allocated to the aeronautical mobile service, or (b) utilizing frequencies above 30 MHz not allocated exclusively to aeronautical mobile services and which are assigned for international use. The licensed operator of a land or aeronautical public service station using telephony may permit other persons to transmit or to communicate under his direct supervision and responsibility over the facilities of the station in accordance with the terms of the station license.

[FR Doc.73-16140 Filed 8-3-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1132; Amdt. 1]

PART 1033—CAR SERVICE

Distribution of Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 31st day of July 1973.

Upon further consideration of Service Order No. 1132 (38 FR 9668), and good cause appearing therefor:

It is ordered, That:

Section 1033.1132 Service Order No. 1132 (Distribution of freight cars) be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 15, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16149 Filed 8-3-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Interior

Correction

In FR Doc. 73-13249 appearing on page 17179 in the issue of Friday, June 29, 1973, the effective date in the second paragraph reading "June 20, 1973" should read "June 29, 1973".

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Secretary to the Special Assistant to the Deputy Under Secretary for Field Operations is excepted under Schedule C.

Effective August 6, 1973, § 213.3384(a) (52) is added as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.*

* * * * *

(52) One Secretary to the Special Assistant to the Deputy Under Secretary for Field Operations.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-16258 Filed 8-3-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL FREEZE REGULATIONS

Low Wage Employees

Correction

In FR Doc. 73-15883 appearing at page 20461 in the issue for Wednesday, August 1, 1973, make the following changes: In the sixth line of the first paragraph, "section 207(d)" should read "section 203(d)"; and in the second line of § 130.36(b), "section 207(d)" should read "section 203(d)".

PART 150—COST OF LIVING COUNCIL PHASE IV REGULATIONS

Phase IV Questions and Answers No. 5

These "Questions and Answers", which are issued by the Cost of Living Council, are designed to provide immediate guidance in understanding and applying the new regulations governing Stage A of Phase IV for food. To achieve the broadest publication, these are hereby added to Appendix B of Part 150. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

Issued in Washington, D.C., on August 1, 1973.

JAMES W. MCLANE,
Deputy Director, Cost of Living Council.

Appendix B of Part 150 is amended by adding the following:

PHASE IV
QUESTIONS & ANSWERS

NO. 5

1. Q. A food processor has a freeze price of $1.50 and a freeze costs of $1.00 for a food product. During the freeze market conditions drove the food processor's price down and he sold his product to Firm A for $1.40. The food processor's current cost is $1.15 because of a 15¢ rise in raw agricultural costs. Due to a change in market conditions, the processor can now sell its same product for $1.60. May the food processor sell at this increased price? How much of an "allowable cost increase" may its processor certify on his invoice to Firm A?

A. The food processor has an "allowable cost increase" of $.15, i.e., $1.15 (current cost) minus $1.00 (freeze cost) = $.15. The processor could legally charge $1.65 for his product (his freeze price plus his allowable cost increase) and certify his full $.15 "allowable cost increase." However, because the market limits his price to $1.60, the processor can only certify $.10 of the allowable cost increase. The difference between the actual price charged during the freeze ($1.40) and the freeze price ($1.50) is not an allowable cost increase and may not be certified to Firm A as such. If the processor's current cost continues at $1.15, the processor may later raise his price to $1.65 to reflect the remaining allowable cost increase which has not yet been used to justify a price increase.

2. Q. A firm buys oats and barley from a farmer. He mixes them together, bags the mixture and sells it as mixed feed grain for animals. Is this a "food" product subject to the Stage A regulations?

A. Yes. Since the mixed oats and barley are for animal ingestion, the product falls within the definition of "food" under Phase IV, Stage A regulations, and because the product is processed, i.e., mixed, it is not exempt as a raw agricultural product under § 140.31.

3. Q. How may a restaurant distribute certified cost increases on food items it purchases in its menu prices?

A. In general the restaurant should pass-through the "allowable cost increases" on a basis proportional to the amount of the food item in the individual menu item. However, if such a proportional process is not feasible in light of customary business practices for cost allocation and repricing, the restaurant may increase prices in its customary fashion so long as the total price increase does not exceed the total allowable cost increase. Further, the menu item to which an "allowable cost increase" is added must contain some portion of the food item that had a certified cost increase. For example, certified "allowable cost increases" on a head of lettuce may be distributed to a ham sandwich containing lettuce according to customary business practices, but may not be reflected in the price of a cup of coffee.

4. Q. What is the procedure for certifying constantly rising raw agricultural costs (i.e., $8.10 per week) under the Stage A food regulations?

A. "Allowable cost increases" may be calculated at the end of a firm's customary repricing period. These increases must be indicated on the invoice on a cumulative basis. Example:

Customary repricing period is each week:	
Freeze Price of Processor	$0.70
Freeze Price of Retailer	1.00
Week No. 1: Allowable Cost Increase=$.10	
Processor's Price	$0.80
Retailer's Price	1.10
Week No. 2: Additional Allowable Cost Increase=$.10	
Processor's Price	$0.90
Retailer's Price	1.20
Week No. 3: Additional Allowable Cost Increase=$.10	
Processor's Price	$1.00
Retailer's Price	1.30
INVOICES (Processor to Retailer)	
Week No. 1:	
Price	$0.80
Allowable Cost Increase	.10
Week No. 2:	
Price	$0.90
Allowable Cost Increase	.20
Week No. 3:	
Price	$1.00
Allowable Cost Increase	.30
In the case of a cost decrease:	
Week No. 4: Cost Decrease—$.17	
Processor's Price	$0.83
Retailer's Price	1.13
INVOICE (processor to Retailer)	
Price	$0.83
Allowable Cost Increase	.13

5. Q. A flour miller has a "freeze cost" for flour of $7.00/cwt. (cost of wheat during June 1-3). His freeze price is $6.00/cwt. of flour. How may this processor adjust his price on flour pursuant to the new Stage A food regulations?

A. Since the freeze cost for flour exceeds the freeze price, the miller may now charge a price in excess of the freeze price pursuant to the new § 140.93(d) on a dollar-for-dollar basis to the extent that he incurred increases in raw agricultural product costs between January 10, 1973, and the freeze base period with respect to the flour which are not otherwise reflected in the freeze price. For example, if the miller can document that he incurred a 50 cents/cwt. of flour increase in raw agricultural product cost between January 10, 1973, and the freeze base period not otherwise reflected in his freeze price, he may begin charging $6.50/cwt. of flour after 4:00 p.m., e.s.t., July 18, 1973. However, in no case may the adjusted price be permitted to exceed the freeze cost through application of 6 CFR 140.93(d).

In addition to raising prices above the freeze price as indicated above, the miller may also raise prices pursuant to 6 CFR 140.93(b) to reflect "allowable cost increases" since June 8. In the above example, the freeze cost for the flour (i.e., the cost of the wheat) was $7.00/cwt. If his current cost of wheat is $7.61/cwt. of flour, the miller's "allowable cost increase" is 61 cents/cwt. of flour. The maximum price the miller may now charge for flour is $7.11/cwt. of flour, calculated by adding to the freeze price of $6.00/cwt. (1) the 50 cent price increase allowed under 6 CFR 140.93(d) and (2) the 61 cent price increase attributable to allowable cost increases incurred since the freeze base period.

6. Q. A firm which processes raw agricultural products customarily conducts hedging operations in terms of the processed products it makes. For example, a soybean crusher hedges bean cost against soybean meal and oil futures. May the net losses or gains from those hedging operations be reflected as raw agricultural product costs?

A. Yes. Question No. 5 of Q&A Sheet No. 2 fully applies to this situation. Gains or losses incurred by a food firm in its customary practice of hedging raw agricultural costs against processed product price are considered to be raw agricultural product costs in Phase IV, Stage A. Comprehensive records must be kept to show evidence of an actual cash position and the records must be made available upon request to economic stabilization personnel of the Internal Revenue Service.

[FR Doc.73-16109 Filed 8-1-73;12:39 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 442, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 27-August 2, 1973. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 442 (38 FR 19958). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to given preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 908.742 (Valencia Orange Regulation 442 (38 FR 19958) are hereby amended to read as follows:

§ 908.742 Valencia Orange Regulation 442.

* * * * *

(b)(1) * * *

(ii) District 2: 500,000 cartons.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 1, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 73-16186 Filed 8-3-73;8:45 am]

[Pear Reg. 12]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Regulation by Grades and Sizes

This regulation prescribes the grade and size requirements for the Beurre D'Anjou, Beurre Bosc, Winter Nelis, and Doyenne du Comice varieties of winter pears shipped from Oregon, Washington, and California, during the period August 6, 1973, through June 30, 1974.

On July 27, 1973, notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 20092) regarding a proposed regulation to be made effective pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), which regulate the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. The proposed regulation was recommended by the Control Committee established pursuant to said marketing

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agreement and order. This section program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice allowed interested persons to submit, through July 30, 1973, written data, views, or arguments pertaining to the proposed regulation. None were submitted.

This section reflects the Department's appraisal of the winter pear crop and the current and prospective market conditions. Seasonal shipments of fresh winter pears are expected to begin on or about August 6, 1973. The grade and size requirements hereinafter provided are designed to prevent the handling, on and after August 6, 1973, of any Beurre D'Anjou, Beurre Bosc, Doyenne du Comice, or Winter Nelis varieties of winter pears of lower grades and smaller sizes than hereinafter specified so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while improving returns to the producers pursuant to the declared policy of the act.

In addition to the basic grade and size requirements specified for Beurre D'Anjou, Beurre Bosc, and Doyenne du Comice pears, the regulation permits the handling of such pears bearing limited damage from skin punctures, however, this reduction in market desirability would be offset by the requirement that any pears thus affected be of a specified higher grade and larger size. Likewise, Beurre D'Anjou pears, grown in the Wenatchee District, which fail to meet U.S. No. 2 grade requirements only because of specified types of damage are required to be considerably larger than the basic minimum size with at least half of each pear showing no such damage. The provisions that any handler may ship size 180 Beurre D'Anjou pears of at least U.S. No. 1 grade in an amount not exceeding 2 percent of his total seasonal Beurre D'Anjou shipments that are U.S. No. 1 grade, or better, would permit the marketing of pears of a desirable quality which offsets the smaller size.

The requirement that the core temperature of Beurre D'Anjou pears grown in the Oregon and Washington Districts and shipped prior to October 15, 1973, must have been lowered to the specified temperature (35° F.) is designed to assure proper ripening of such pears.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Control Committee, and other available information, it is hereby found and determined that the regulation hereinafter set forth is in accordance with the provisions of said marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the varieties hereinafter specified are expected to begin on or about the effective date hereof and this section should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (38 FR 20092), and no objection to this section or such effective date was received; and (3) compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time thereof.

§ 927.312 Pear Regulation 12.

Order. (a) During the period August 6, 1973, through June 30, 1974, no handler shall ship any of the following varieties of pears which do not meet the requirements hereinafter specified:

(1) Beurre D'Anjou pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2 except that any handler may ship a quantity of Beurre D'Anjou pears that are not smaller than 180 size and not less than U.S. No. 1 grade which quantity shall not exceed 2 percent of the total U.S. No. 1 or better grades of such variety shipped by the handler, during the aforesaid period: *Provided,* That pears of such variety which bear unhealed skin punctures not exceeding $\frac{1}{8}$ of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size: *Provided further,* That pears of such variety grown in the Wenatchee District which fail to meet the requirements of U.S. No. 2 grade only because of serious, but not very serious, damage caused by frost injury, healed hail marks, russeting, or limbrubs, may be shipped if they are of a size not smaller than 135 size and they are not so seriously misshapen as to preclude the cutting of at least one good half;

(2) Beurre D'Anjou pears shipped from the Medford, Hood River-White Salmon-Underwood, Wenatchee, and Yakima Districts prior to October 15, 1973, shall have an appropriate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to 35° Fahrenheit or less;

(3) Beurre Bosc pears shall grade at least U.S. No. 1 and shall be of a size not smaller than 195 size: *Provided,* That pears of such variety which grade at least U.S. No. 2 may be shipped if they are of a size not smaller than 180 size: *Provided further,* That pears of such variety which bear unhealed skin punctures not exceeding $\frac{1}{8}$ of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size;

(4) Doyenne du Comice pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2: *Provided,* That pears of such variety which bear unhealed skin punctures not exceeding $\frac{1}{8}$ of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size; and

(5) Winter Nelis pears shall be of a size not smaller than 195 size and shall grade at least U.S. No. 2.

(b) During the aforesaid period, each handler may ship on any one conveyance up to, but not to exceed, 200 standard western pear boxes of any variety of pears, or an equivalent quantity of pears in other containers computed by weight to the nearest 5 pounds, without regard to the inspection requirements of § 927.60 (a), under the following conditions:

(1) Each handler desiring to make shipment of pears pursuant to this paragraph (b) (1) shall first apply to the committee, on forms furnished by the committee, for permission to make such shipments. At the time of any such shipment the handler shall report to the committee, on forms supplied by the committee, the car or truck number and the destination of the shipment.

(2) On the basis of such individual reports the committee shall require spot check inspectors of such shipments.

(c) When used herein, "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and Other Similar Varieties (7 CFR 51.1300–51.1323); "135 size," "165 size," "130 size," and "195 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack as specified in said United States Standards, 135, 165, 180, or 195 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); "very serious damage" shall mean any injury or defect which very seriously affects the appearance or the edible or shipping quality of the pears; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 2, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.73–16185 Filed 8–3–73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Nonimmigrant Documentary Waivers

Correction

In FR Doc. 73–14442 appearing on page 18868 in the issue of Monday, July 16, 1973, in § 212.1 (e) (1), in the 25th and 26th lines the word "Vietnam" should read "Viet-Nam".

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS: EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

[Docket No. 73–522]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

This amendment excludes portions of Hamilton and Tipton Counties in Indiana from the areas quarantine because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantine areas contained in said Part 76 apply to the excluded areas. No areas in Indiana remain under quarantine.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e) (1) relating to the State of Indiana is deleted.

(Sec. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 F.R. 28464, 28477.)

Effective date. The foregoing amendment shall become effective July 31, 1973.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 31st day of July, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73–16129 Filed 8–3–73;8:45 am]

CHAPTER II—PACKERS AND STOCKYARDS ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 203—STATEMENT OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Advertising Allowances and Other Merchandising Payments and Services

On April 12, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 9238) regarding the proposed issuance of a statement of general policy with respect to advertising payments and services provided by meat packers. Interested persons were given an opportunity to submit written data, views, and arguments concerning the proposed statement by no later than July 1, 1973.

One comment received agreed with the general requirement that a packer take reasonable precautions to see that services for which he is paying are actually performed and that he is not overpaying for them. It opposed the suggestion (found in the footnote to Example 1, paragraph 6) that "allowances that have little or no relationship to cost or approximate cost of the service provided by the retailer may be considered to be in violation of section 202 of the Act." The comment submits that an allowance or payment based upon the value of such service is not an unfair trade practice.

In determining the need for this statement of policy with respect to advertising allowances, consideration was given to the use of cost or value of services provided. Investigations of such matters disclosed discriminatory practices when actual cost was not used. Therefore, the Packers and Stockyards Administration must consider that an allowance that has little or no relationship to cost or approximate cost of the service provided by the retailer may be in violation of section 202 of the Act.

After consideration of all views, comments, and arguments received and all other relevant information, the following statement with respect to advertising allowances and other merchandising payments and services made by meat packers subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), has been formulated and adopted by the Packers and Stockyards Administration for the guidance of packers and other persons and is issued as § 203.14 of Part 203, Chapter II, Title 9, Code of Federal Regulations, to read as follows:

§ 203.14 Statement with respect to advertising allowances and other merchandising payments and services.

(a) The Packers and Stockyards Administration has received complaints during the past several years concerning payments made to customers or retailers by packers subject to the Packers and Stockyards Act, purportedly for advertising allowances and other promotional services. Investigations were conducted of these complaints, some of which disclosed apparent violations of the provisions of the Packers and Stockyards Act. It was found in some cases that there was no relationship between the payment made and the cost of furnishing the services. The investigations further disclosed that the terms of the contract were not always complied with in that the payments received by customers were not used for the purposes specified.

(b) (1) In view of the importance of this problem in the industry, it was determined that a policy statement should be issued to provide guidelines for the industry in order to assist firms in complying with the provisions of the Packers and Stockyards Act. This statement applies to any meat packer subject to the Packers and Stockyards Act, when such packer either directly or through an intermediary pays for or furnishes services to a customer who competes with any other customer in the resale of the packer's products of like grade and quality.

(2) The following statement of general policy has been developed after extensive consultations with members of the trade and represents the views of the Packers and Stockyards Administration with respect to the use of advertising allowances and other promotional services in connection with the sale of the packer's products.

THE GUIDELINES

1. *Who is a customer?* (a) A "customer" is a person who buys for resale directly from the packer, or through the packer's agent or broker; and in addition, a customer is any buyer of the packer's product for resale who purchases from or through a wholesaler or other intermediate reseller.

(NOTE: In determining whether a packer has fulfilled his obligations toward his customers, the Packers and Stockyards Administration will recognize that there may be some exceptions to this general definition of "customer." For example, the purchaser of distress merchandise would not be considered a "customer" simply on the basis of such purchase. Similarly, a retailer who purchases solely from other retailers, or one who makes only sporadic purchases, or one who does not regularly sell the packer's product or who is a type of retail outlet not usually selling such products will not be considered a "customer" of the packer unless the packer has been put on notice that such retailer is selling his product.)

(b) "Competing customers" are all businesses that compete in the resale of the packer's products of like grade and quality at the same functional level of distribution, regardless of whether they purchase direct from the packer or through some intermediary.

Example: A packer sells directly to some independent retailers, sells to the headquarters of chains and of retailer-owned cooperatives, and also sells to wholesalers. The direct-buying independent retailers, the headquarters of chains and of retailer-owned cooperatives, and the wholesalers' independent retailer customers are customers of the packer. Individual retail outlets which are part of the chains or members of the retailer-owned cooperatives are not customers of the packer.

2. *Definition of services.* "Services" are any kind of advertising or promotion of a packer's product, including but not limited to, cooperative advertising, handbills, window and floor displays, demonstrators and demonstrations.

3. *Need for a plan.* If a packer makes payments or furnishes services, he should do so under a plan that meets several requirements. If there are many competing customers to be considered, or if the plan is at all complex, the packer would be well advised

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to put his plan in writing. Briefly, the requirements are:

(a) The payments or services under the plan should be available on proportionally equal terms to all competing customers.

(b) The packer should take action designed to inform all of his competing customers of the existence of and essential features of the promotion plan in ample time for them to take full advantage of it.

(c) If the basic plan is not functionally available to (i.e., suitable for and usable by) some customers competing in the resale of the packer's products of like grade and quality with those being furnished payments or services, alternatives that are functionally available should be offered to such customers.

(d) In informing customers of the details of a plan, the packer should provide them sufficient information to give a clear understanding of the exact terms of the offer, including all alternatives and the conditions upon which payment will be made or services furnished.

(e) The packer should take reasonable precautions to see that the services are actually performed and that he is not overpaying for them.

4. *Proportionally equal terms.* The payments or services under the plan should be made available to all competing customers on proportionally equal terms. This means that payments or services should be proportionalized on some basis that is fair to all customers who compete in the resale of the packer's products. No single way to proportionalize is prescribed, and any method that treats competing customers on proportionally equal terms may be used. Generally, this can best be done by basing the payments made or the services furnished on the dollar volume or on the quantity of goods purchased during a specified period. Other methods which are fair to all competing customers are also acceptable.

Example 1: A packer may properly offer to pay a specified part (say 50 percent) of the cost of local advertising up to an amount equal to a set percentage (such as 5 percent) of the dollar volume of purchases during a specified time.

Example 2: A packer may properly place in reserve for each customer a specified amount of money for each unit purchased and use it to reimburse those customers for the actual cost of their advertising of the packer's product.

Example 3: A packer should not select one or a few customers to receive special allowances (e.g., 5 percent of purchases) to promote his product while making allowances available on some lesser basis (e.g., 2 percent of purchases) to customers who compete with them.

Example 4: A packer's plan should not provide an allowance on a basis that has rates graduated with the amount of goods purchased, as for instance, 1 percent of the first $1,000 purchases per month, 2 percent on second $1,000 per month, and 3 percent on all over that.

Example 5: A packer should not identify or feature one or a few customers in his own advertising without making the same service available on proportionally equal terms to customers competing with the customer or customers.

Example 6: A packer should not offer to pay a straight line rate for advertising if such payment results in a discrimination between competing customers; e.g., the offer of $1 per line for advertising in a newspaper that charges competing customers different amounts for the same advertising space.

(The straight line rate for advertising is an acceptable method for allocation of advertising funds, if the packer offers an alternative to retailers that pays more than the lowest newspaper rate which enables small retailers to obtain the same percentage of the cost of advertising as large retailers. Example: A packer's straight line rate of payment of $1 per line is based on 50 percent of the newspaper's lowest contract rate of $2 per line. The packer should offer to pay 50 percent of the newspaper advertising cost of the smaller retailers who established by invoice or otherwise that they paid more than the lowest contract rate of $2 per line for advertising.)

Example 7: A packer should not refuse to participate in the cost of ads that feature prices other than the packer's suggested prices. (See Item 6.)

5. *Packer's duty to inform.* The packer should take reasonable action, in good faith, to inform all his competing customers of the availability of his promotional program. Such notification should include all the relevant details of the offer in time to enable customers to make an informed judgment whether to participate. In the alternative, such notification should include a summary of the essential features and a specific source to contact for further details on a specific promotion. Where such one-step notification is impracticable, the packer may, in lieu thereof, maintain a continuing program of first notifying all competing customers of the types of promotions offered by the packer and a specific source for the customer to contact in order to receive full and timely notice of all relevant details of the packer's promotions. Such notice should also inform all competing customers that the packer offers advertising allowances and/or other promotional assistance that are usable in a practical business sense by all retailers regardless of size. When a customer indicates his desire to be put on the notification list, the packer should keep that customer advised of all promotions available in his area as long as the customer so desires. The packer may make the required notification by any means he chooses; but in order to show later that he gave notice to a certain customer, he is in a better position to do so if it was given in writing or a record was prepared at the time of notification showing date, person notified, and contents of notification.

If more direct methods of notification are impracticable, a packer may employ one or more of the following methods, the sufficiency of which will depend upon the complexity of his own distribution system. Different packers may find that different notification methods are most effective for them.

(a) The packer may enter into contracts with his wholesalers, distributors or other third parties which conform to the requirements of Item 10, infra.

(b) The packer may place appropriate announcements on product containers or inside thereof with conspicuous notice of such enclosure on the outside.

(c) The packer may publish notice of the availability and essential features of a promotional plan in a publication of general distribution in the trade.

Example 1: A packer has a plan for the retail promotion of his products in Philadelphia. Some of his retailing customers purchase directly, and he offers the plan to them. Some other Philadelphia retailers purchase his products through wholesalers. The packer may use the wholesalers to reach the retailing customers who buy through them, either by having the wholesalers notify those retailers in accordance with Item 10 or by using the wholesalers' customer lists for direct notification by the packer.

Example 2: A packer has a plan for the retail promotion of his products in Kansas City. Some of his retailing customers purchase directly and he offers the plan to them. Others purchase his products through wholesalers. The packer may satisfy his notification obligations to them by undertaking, in good faith, one or more of the following measures:

(a) Placing on a shipping container or a product package in time to enable them to participate in the program a conspicuous notice of the availability and essential features of his proposals, identifying a specific source for further particulars and details. In lieu of identifying a source for further particulars, brochures describing the details of the offer may be included in the shipping containers. If it is impracticable to include the essential features of the proposal on or in the shipping container, the packer may substitute in the notice, as stated above, a summary of the types of promotions offered (e.g., allowances for advertising in newspapers, handbills, or envelope stuffers; allowances for radio or television advertising; short term display allowances, etc.) and a statement that such promotions are usable in a practical business sense by all retailers regardless of size.

(b) Including the materials within the product container, if a promotional plan simply consists of providing retailers with display materials.

(c) Advising customers from accurate and reasonably complete mailing lists.

(d) Placing an announcement of the availability and essential features of promotional programs, and identifying a specific source for further particulars and details, at reasonable intervals in publications which have general and widespread distribution in the trade and which are recognized in the trade as means by which packers announce the availability of such programs.

Example 3: A packer has a wholesaler-oriented plan directed to wholesalers distributing his products to retailing customers. He should notify all the competing wholesalers distributing his products of the availability of this plan, but the packer is not required to notify retailing customers.

Example 4: A packer who sells on a direct basis to some retailers in an area, and to other retailers in the area through wholesalers, has a plan for the promotion of his products at the retail level. If the packer directly notifies not only all competing direct purchasing retailers but also all competing retailers purchasing through the wholesalers as to the availability, terms and conditions of the plan, the packer is not required to notify his wholesalers.

Example 5: A packer regularly engages in promotional programs and the competing customers include large direct purchasing retailers and smaller customers who purchase through wholesalers. The packer may encourage, but not coerce, the retailer purchasing through a wholesaler to designate a wholesaler as his agent for receiving notice of, collecting, and using promotional allowances for him. If a wholesaler or other intermediary by written agreement with a retailer is actually authorized to collect promotional payments from suppliers, the packer may assume that notice of and payment under a promotional plan to such wholesaler or intermediary constitutes notice and payment to the retailer.

(A packer should not rely on a written agreement authorizing an intermediary to receive notice of and/or payment under a promotional plan for a retailer if the packer knows, or should know, that the retailer was coerced into signing the agreement. In addition, a packer should assume that an intermediary is not authorized to receive notice of and/or payment under a promotional plan for a retailer unless there is a written authorization signed by such retailer.)

6. *Availability to all competing customers.* The plan should be such that all types of competing customers may participate. It should not be tailored to favor or discriminate against a particular customer or class of customers but should, in its terms, be usable in a practical business sense by all competing customers. This may require offering all such customers more than one way to participate in the plan or offering alternative terms and conditions to customers for whom the basic plan is not usable and suitable. The packer should not, either expressly or by the way the plan operates, eliminate some competing customers, although he may offer alternative plans designed for different customer classes. If he offers alternative plans, all of the plans offered should provide the same proportionate equality and the packer should inform competing customers of the various alternative plans.

With respect to promotional plans offered to retailers, the packer should insure that his plans or alternatives do not bar any competing retailer customers from participation whether they purchase directly from him or through a wholesaler or other intermediary.

When a packer, in good faith, offers a basic plan, including alternatives, which is reasonably fair and nondiscriminatory and refrains from taking any steps which would prevent any customer, or class of customers, from participating in his program, he shall be deemed to have satisfied his obligation to make his plan functionally available to all customers, and the failure of any customer or customers to participate in the program shall not be deemed to place the packer in violation of the provisions of the Packers and Stockyards Act.

Example 1: A packer offers a plan of short term store displays[1] of varying sizes, including some which are suitable for each of his competing customers and at the same time are small enough so that each customer may make use of the promotion in a practical business sense. The plan also calls for uniform, reasonable certification of performance by the retailer. Because they are reluctant to process a reasonable amount of paperwork, some small retailers do not participate. This fact is not deemed to place a packer in violation of Item 6 and he is under no obligation to provide additional alternatives.

Example 2: A packer offers a plan for cooperative advertising on radio, television, or in newspapers of general circulation.[2] Because the purchases of some of his customers are too small, this offer is not "functionally available" to them. The packer should offer them alternative(s) on proportionally equal terms that are usable by them and suitable for their business.

7. *Need to understand terms.* In informing customers of the details of a plan, the packer should provide them sufficient information to give a clear understanding of the exact terms of the offer, including all alternatives, and the conditions upon which payment will be made or services furnished.

8. *Checking customer's use of payments.* The packer should take reasonable precautions to see that services he is paying for are furnished and also that he is not overpaying for them. Moreover, the customer should expend the allowance solely for the purpose for which it was given. If the packer knows or should know that what he pays or furnishes is not being properly used by some customers, the improper payments or services should be discontinued.

A packer who, in good faith, takes reasonable and prudent measures to verify the performance of his competing customers will be deemed to have satisfied his obligations under the Act. Also, a packer who, in good faith, concludes a promotional agreement with wholesalers or other intermediaries and who otherwise conforms to the standards of Item 10 shall be deemed to have satisfied this obligation. If a packer has taken such steps, the fact that a particular customer has retained an allowance in excess of the cost, or approximate cost if the actual cost is not known, of services performed by him shall not alone be deemed to place a packer in violation of the Act.

(When customers may have different but closely related costs in furnishing services that are difficult to determine, such as the cost for distributing coupons from a bulletin board or using a window banner, the packer may furnish to each customer the same payment if it has a reasonable relationship to the cost of providing the service or is not grossly in excess thereof.)

9. *Competing customers.* The packer is required to provide in his plan only for those customers who compete with each other in the resale of the packer's products of like grade and quality. Therefore a packer should make available to all competing wholesalers any plan providing promotional payments or services to wholesalers, and similarly should make available to all competing retailers any plan providing promotional payments or services to retailers. With these requirements met, a packer can limit the area of his promotion. However, this section is not intended to deal with the question of a packer's liability for use of an area promotion where the effect may be to injure the packer's competition.

10. *Wholesaler or third party performance of packer's obligations.* (a) A packer may, in good faith, enter into written agreements with intermediaries, such as wholesalers, distributors or other third parties, including promoters of tripartite promotional plans, which provide that such intermediaries will perform all or part of the packer's obligations under this part. However, the interposition of intermediaries between the packer and his customers does not relieve the packer of his ultimate responsibility of compliance with the provisions of the Packers and Stockyards Act. The packer, in order to demonstrate his good faith effort to discharge his obligations under this part, should include in any such agreement provisions that the intermediary will:

(1) Give notice to the packer's customers in conformity with the standards set forth in items 5 and 7; supra.

(2) Check customer performance in conformity with the standards set forth in Item 8; supra.

(3) Implement the plan in a manner which will insure its functional availability to the packer's customers in conformity with the standards set forth in item 6, supra. (This must be done whether the plan is one devised by the packer himself or by the intermediary for use by the packer's customers.); and

(4) Provide certification in writing and at reasonable intervals that the packer's customers have been and are being treated in conformity with the agreement.

(b) A packer who negotiates such agreements with his wholesalers, distributors or third party promoters will be considered by the Administration to have justified his "good faith" obligations under this section only if he accompanies such agreements with the following supplementary measures: At regular intervals the packer takes affirmative steps to verify that his customers are receiving the proportionally equal treatment to which they are entitled by making spot checks designed to reach a representative cross section of his customers. Whenever such spot checks indicate that the agreements are not being implemented in such a way that his customers are receiving such proportionally equal treatment, the packer takes immediate steps to expand or to supplement such agreements in a manner reasonably designed to eliminate the repetition or continuation of any such discriminations in the future.

(c) Intermediaries, subject to the Packers and Stockyards Act, administering promotional assistance programs on behalf of a

[1] Allowances that have little or no relationship to cost or approximate cost of the service provided by the retailer may be considered to be in violation of section 202 of the Act, such as an allowance of $1 per case of goods purchased if the retailer furnishes a display or provides specific shelf space, or a promotional allowance of 10 percent of purchases during a specific period of time if the retailer places an ad of at least 3 column inches in a newspaper. In addition, a customer, subject to the Act, that induces such allowances may be proceded against under section 202 of the Act. Also, the purchase of display or shelf space, whether directly or by means of so-called allowances, may be considered an "unfair practice" in violation of section 202 of the Act.

[2] In order to avoid the tailoring of promotional programs that discriminate against particular customers or class of customers, the packer in offering to pay allowances for newspaper advertising should offer to pay the same percentage of the cost of newspaper advertising for all competing customers in a newspaper of the customer's choice, or at least in those newspapers that meet the requirements for second class mail privileges. Examples of promotional plans that may discriminate against small retailers are: (1) a plan that offers to pay 75 percent of the cost of advertising in daily newspapers, which are the regular advertising media of the packer's large or chain store customers, and only 50 percent of the cost of advertising in other newspapers that may be used by small retail customers; and (2) a plan that pays allowances for advertising in daily newspapers, which are the regular advertising media of the packer's large or chain store customers, but does not pay allowances for advertising in semi-weekly, weekly, or other newspapers that may be desirable to small retail customers, who are offered, as an alternative to advertising in daily newspapers, services such as envelope stuffers, handbills, window banners, etc. (See item 4.)

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packer may be in violation of the provisions of the Packers and Stockyards Act if they have agreed to perform the packer's obligations under the Act with respect to a program which they have represented to be usable and suitable for all the packer's competing customers if it should later develop that the program was not offered to all or, if offered, was not usable or suitable, or was otherwise administered in a discriminatory manner.

11. *Customer's liability.* A customer, subject to the Packers and Stockyards Act, who knows, or should know, that he is receiving payments or services which are not available on proportionally equal terms to his competitors engaged in the resale of the same packer's products may be in violation of the provisions of the Act. Also, customers (subject to the Packers and Stockyards Act) that make unauthorized deductions from purchase invoices for alleged advertising or other promotional allowances may be proceeded against under the provisions of the Act.

Example 1: A customer subject to the Act should not induce or receive an allowance in excess of that offered in the packer's advertising plan by billing the packer at "vendor rates" or for any other amount in excess of that authorized in the packer's promotion program.

12. *Meeting competition.* A packer charged with discrimination under the provisions of the Packers and Stockyards Act may defend his actions by showing that the payments were made or the services were furnished in good faith to meet equally high payments made by a competing packer to the particular customer, or to meet equivalent services furnished by a competing packer to the particular customer. This defense, however, is subject to important limitations. For instance, it is insufficient to defend solely on the basis that competition in a particular market is very keen, requiring that special allowances be given to some customers if a packer is "to be competitive."

13. *Cost justification.* It is no defense to a charge of unlawful discrimination in the payment of an allowance or the furnishing of a service for a packer to show that such payment or service could be justified through savings in the cost of manufacture, sale, or delivery.

The foregoing are guidelines which set forth the general views of the Packers and Stockyards Administration regarding advertising allowances and other merchandising payments and services. In a particular situation in which the Administrator believes that the Act has been violated in connection with such activities, a complaint may be issued instituting a formal administrative proceeding under the Act. In such a proceeding, the Administrative Law Judge or the Judicial Officer of the Department will determine, after opportunity for full hearing, whether the packer has in fact violated the Packers and Stockyards Act and should be ordered to cease and desist from continuing such violation.

The foregoing statement of general policy shall become effective on Aug. 6, 1973.

(Sec. 202(a), 42 Stat. 161, as amended, 7 U.S.C. 192; sec. 402, 42 Stat. 168, as amended, 7 U.S.C. 222; sec. 407(a), 42 Stat. 169, as amended, 7 U.S.C. 228(a); sec. 6(g), 38 Stat. 721, 15 U.S.C. 46(g).)

Done at Washington, D.C., this 1st day of August 1973.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.73-16171 Filed 8-3-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 40—LICENSING OF SOURCE MATERIAL

General License To Export Depleted Uranium

By letters dated May 9, 1972, May 4, 1973, and May 10, 1973, the General Electric Co., of San Jose, CA, filed with the Atomic Energy Commission a petition for rule making (PRM 40–17) to amend § 40.23(e)(1) of the Commission's regulation 10 CFR part 40 to authorize the export under general license of uranium which is used as shielding and constitutes part of packaging for the transportation of radioactive materials.

Uranium fabricated as shielding and contained in radiographic exposure or teletherapy devices, in quantities not to exceed 500 pounds per device, may be exported under the present provisions of the general license AEC–GRO–SME, issued in § 40.23(e)(1), from the United States to any foreign country or destination except Southern Rhodesia, Cuba, or countries or destinations listed in § 40.90, schedule A of 10 CFR Part 40.

The Commission has given careful consideration to the petition and has amended § 40.23(e)(1) to authorize the export of depleted uranium, when fabricated as shielding and contained in X-ray units, thermoelectric generators, and packaging for the transportation of radioactive materials, in quantities not to exceed 1000 kilograms per shipment, from the United States to any foreign country or destination, except Southern Rhodesia, Cuba, or countries or destinations listed in § 40.90, schedule A of 10 CFR Part 40. In amending § 40.23(e)(1), the Commission has included X-ray units and radioactive thermoelectric generators as well as packaging for the transportation of radioactive materials.

The term "packaging" means one or more receptacles and wrappers and their contents excluding fissile material and other radioactive material, but including radiation shielding and other supplementary equipment.

As amended, the general license in § 40.23(e)(1) applies only to depleted uranium when fabricated as shielding and contained in radiographic exposure or teletherapy devices, X-ray units, radioactive thermoelectric generators, or packaging for the transportation of radioactive materials. Any person who desires to export natural uranium contained in such products should apply for a specific license pursuant to § 40.33 of 10 CFR Part 40.

A general license is effective without the filing of an application with the Commission or the issuance of a licensing document to a particular person. Thus, it will not be necessary for the Commission to issue a specific license for the export of X-ray units, radioactive thermoelectric generators, or packaging, including shipping containers, falling within the scope of the general license issued in § 40.23(e)(1). The Commission has determined that such exports will not be inimical to the interests of the United States.

Because the amendments involve the foreign affairs functions of the United States, notice of proposed rule making and public procedure thereon are not required by section 553 of title 5 of the United States Code, and the amendments may be made effective without the customary 30-day notice.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 40, is published as a document subject to codification to be effective on Aug. 6, 1973.

In 10 CFR Part 40, § 40.23(e)(1) is amended to read as follows:

§ 40.23 General licenses to export.

* * * * *

(e)(1) A general license, designated AEC–GRO–SME, is hereby issued authorizing the export of depleted uranium, when fabricated as shielding and contained in radiographic exposure or teletherapy devices, X-ray units, radioactive thermoelectric generators, or packaging for the transportation of radioactive materials, in quantities not to exceed 1000 kilograms per shipment, from the United States to any foreign country or destination, except Southern Rhodesia, Cuba, or countries or destinations listed in § 40.90.

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply sec. 64, 68 Stat. 933; 42 U.S.C. 2094)

Dated at Germantown, Maryland this 31st day of July 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-16095 Filed 8-3-73;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 12, Amdt. 5]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Affiliates as Affecting State Development Companies

On May 25, 1973, there was published in the FEDERAL REGISTER (38 FR 13751) a notice that the Small Business Administration proposed to amend the definition of affiliates as affecting State development companies authorized to receive loans under sections 501 and 502 of the Small Business Investment Act of 1958, as amended.

Interested parties were given 25 days to submit written statements of facts, opinions, and arguments concerning the proposal.

On the basis of all information available, it has been determined to adopt the proposal, with language clarifying that the exception of State development companies applies only to State development companies qualifying under the Small Business Investment Act of 1958 and the regulations issued pursuant thereto.

Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising § 121.3–2(a) to read as follows:

§ 121.3–2 Definition of terms used in this part.

(a) Affiliates: Concerns, other than investment companies licensed or State Development companies qualifying under the Small Business Investment Act of 1958 and the regulations issued pursuant thereto, or investment companies registered under the Investment Company Act of 1940, are affiliates of each other when either directly or indirectly (1) one concern controls or has the power to control the other, or (2) a third party or parties controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management, and contractual relationships: *Provided, however,* that restraints imposed on a franchisee by its franchise agreement shall not be considered in determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchisee, if the franchisee has the right to profit from his effort, comensurate with ownership, and bears the risk of loss or failure. Where a concern is a subcontractor pursuant to section 8(a)(2) of the Small Business Act and, in connection therewith, is the subject of a divestiture agreement approved by SBA for the benefit of socially or economically disadvantaged individuals, the receipts, employment, and other factors of the concern attributable to the section 8(a)(2) subcontract shall not be included in determining the size of either concern during the term of such divestiture agreement. Other contracts and business of such subcontractor may also be excluded in determining the size if, in the judgment of SBA, substantial beneficiaries of such other contracts and business will be the socially or economically disadvantaged individuals in question.

* * * * *

Effective Date. This amendment shall become effective August 6, 1973.

Dated: July 25, 1973.

(Catalog of Federal Domestic Assistance Program No. 59.013, State and Local Development Company Loans.)

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-16087 Filed 8-3-73;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[13th Gen. Rev. Export Regs., Amdt. 69]

PART 377—SHORT SUPPLY CONTROLS

Exports of Soybeans

Section 377.3 of 15 CFR Part 377 is amended to read as set forth below.

Effective date: August 1, 1973.

RAUER H. MEYER,
Director, Office of Export Control.

The FEDERAL REGISTER issuance of July 3, 1973, announced the licensing system adopted by the Department of Commerce for exports of soybeans prior to September 1, 1973.

The purpose of this announcement is to announce the licensing policy for soybeans to be exported in September 1973. Validated licenses will be granted for 100 percent of the unfilled balance in the case of applications to export soybeans in respect of unfilled or partially filled orders calling for export of soybeans during the month of September 1973, which were accepted by an exporter on or before June 13, 1973. Such licenses, however, will be granted only if such orders were previously reported by such exporter as being scheduled for export shipment in September 1973, pursuant to the reporting requirements of § 376.3 of the Export Control regulations.

Under the policy previously announced on July 3, 1973, validated licenses for 50 percent of the unfilled balance were granted against orders accepted on or before June 13, 1973, which called for export prior to September 1, 1973. In no case could the unlicensed portion of such an order be eligible for licensing under the new policy hereby announced.

Accordingly, paragraph (b) of § 377.3 is amended by revising subparagraphs (1), (2), (3), and (4) to read as follows:

§ 377.3 Agricultural commodities.

* * * * *

(b) *Licensing System for Exports of Soybeans, Soybean Oil-cake and Meal, Cottonseed, and Cottonseed Oil-cake and Meal*—(1) *Licensing for exports of soybeans prior to September 1, 1973, soybean oil-cake and meal, cottonseed, and cottonseed oil-cake and meal*—(i) *Submission of application with supporting documentation.* All exporters who previously reported anticipated exports of soybeans (Schedule B No. 221.4000) for export prior to September 1, 1973, cottonseed (Schedule B No. 221.6000) for export prior to August 1, 1973, or soybean oil-cake and meal (Schedule B No. 081.3030) or cottonseed oil-cake and meal (Schedule B No. 081.3020) for export prior to October 1, 1973, and who wish to be considered for the issuance of a validated license for any export of such commodities, must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation: (*a*) Photocopy or certified copy of the contract of sale for export to a foreign buyer, accepted by the applicant on or before June 13; (*b*) a sworn affidavit by the applicant as to the amount previously exported against such contract, if any; (*c*) a sworn affidavit by the applicant that the applicant is the exporter and that the contract to sell to the foreign firm is not offset in whole or in part by a similar contract to purchase the same grain from a foreign firm, whether that contract was entered into by the applicant or the applicant's supplier (If the contract to sell is offset by such a similar contract by a foreign firm, it will not be licensed. If it is offset in part, only that portion not offset will be available for license.); and (*d*) with the first application for export of soybeans or for export of soybean oil-cake and meal under this paragraph, the applicant will submit Form DIB–636P, Contract Detail Supporting Anticipated 1972–1973 Crop Year Exports as Reported June 13, 1973.[1] The application shall be submitted on Forms FC–419 and FC–420.[1] The above-mentioned documentation will serve in lieu of the Form FC–842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of this chapter.

(ii) *Issuance of licenses.* The Office of Export Control will verify the authenticity of each application and supporting documentation and will issue a validated export license against each verified contract submitted under the terms of subdivision (i) of this subparagraph, for the following percentages of the unfilled balance of each contract:

Soybeans	50%
Cottonseed	100%
Soybean oil-cake and meal	40%
Cottonseed oil-cake and meal	100%

(2) *Licensing for exports of soybeans in September 1973*—(i) *Submission of application with supporting documentation.* All exporters who previously reported anticipated exports of soybeans (Schedule B No. 221.4000) for export in September 1973, and who wish to be considered for the issuance of a validated license for any export of such commodity, must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation: (*a*) Photocopy or certified copy of the contract of sale for export to a foreign buyer, accepted by the applicant on or before June 13; (*b*) a sworn affidavit by the applicant as to the amount previously ex-

[1] Forms FC–419, FC–420, and DIB–636P are available from the Office of Export Control (Attention: 547), U.S. Department of Commerce, Washington, D.C. 20230, or the nearest Department of Commerce District Office.

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ported against such contract, if any; (c) a sworn affidavit by the applicant that the applicant is the exporter and that the contract to sell to the foreign firm is not offset in whole or in part by a similar contract to purchase the same grain from a foreign firm, whether that contract was entered into by the applicant or the applicant's supplier (If the contract to sell is offset by such a similar contract by a foreign firm, it will not be licensed. If it is offset in part, only that portion not offset will be available for license); and (d) with the first application for export of soybeans under paragraphs (b) (1) or (2) of this section, the applicant will submit Form DIB–636P, Contract Detail Supporting Anticipated 1972–1973 Crop Year Exports as Reported June 13, 1973.[1] The application shall be submitted on Forms FC–419 and FC–420.[1] The above-mentioned documentation will serve in lieu of the Form FC–842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 2375.2 of this chapter.

(ii) *Issuance of licenses.* The Office of Export Control will verify the authenticity of each application and supporting documentation and will issue a validated export license for 100 percent of the unfilled balance against each verified contract submitted under the terms of paragraph (b)(2)(i) of this section. In no case will the unlicensed portion of any export order for soybeans accepted on or before June 13, 1973, be eligible for licensing under this subdivision if—(*a*) such unlicensed portion was on or before July 31, 1973, reported pursuant to § 376.3 of this chapter as scheduled for shipment prior to September 1, 1973; or (*b*) in violation of such section, such unlicensed portion was on or before July 31, 1973, unreported.

(3) *Special terms.* Each license issued under this paragraph will only be valid for shipment against the particular contract applicable. All licenses issued for export of soybeans shall expire on September 15, 1973; except however, that those issued for export of soybeans in September 1973, pursuant to paragraph (b)(2) of this section shall expire on October 15, 1973; all those issued for export of cottonseed shall expire on August 15, 1973; and all those issued for export of soybean oil-cake and meal and cottonseed oil-cake and meal shall expire on October 15, 1973. Any cancellation of a contract automatically revokes the license that was issued against it. Accordingly, exporters shall not export under a license before obtaining from the foreign buyer written confirmation that he will accept delivery under the contract of the quantity licensed for export. Any export without such confirmation would be in violation of the regulations. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(4) *Reduction of shipping tolerance allowance.* Section 386.7(b)(1) of this chapter states, in part, that a shipping tolerance of 10 percent is allowed on the unshipped balance specified on a validated license for shipments of any commodities licensed in units of bushels or short tons. For licenses issued under the procedures set forth above, this shipping tolerance allowance is reduced to 5 percent for cottonseed and soybeans, and to 2½ percent for cottonseed oil-cake and meal and soybean oil-cake and meal.

* * * * *

[FR Doc.73–16282 Filed 8–3–73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Liquid Feed Supplements

In the FEDERAL REGISTER of December 19, 1972 (37 FR 27634) the Commissioner of Food and Drugs proposed a new § 135.112 *Liquid feed supplements; new animal drug requirements.* This proposed new section would require, (1) that all drugs labeled for use in liquid feed supplements be the subject of approved new animal drug applications pursuant to section 512(b) of the Federal Food, Drug, and Cosmetic Act, (2) that all liquid animal feed supplements bearing or containing a new animal drug be the subject of an approved application pursuant to section 512(m) of the act, and (3) that certain drug products bear in their labeling a statement that the product is not for use in liquid feed supplements, unless the product is the subject of an approved new animal drug application providing for such use.

This action was based on data which demonstrate the instability of certain animal drugs when incorporated into liquid feed supplements and the consequent need for safety and efficacy data for this dosage form under conditions of use.

Four responses were received to the proposal, one from an industry trade association and three from animal drug and medicated feed manufacturers.

Three of the four responses concurred with the Commissioner that the stability of drugs in liquid feed formulations may differ from their stability in dry feeds or in drinking water. It was pointed out, and the Commissioner agrees, that not all formulations of the named drugs are unstable under every condition and the final order is revised to reflect this fact.

Three of the respondents took exception to the requirement that a new animal drug application is required for each premix intended for use in the manufacture of liquid feed supplements. It was suggested that the order merely require the submission of stability data to supplement the information currently on file regarding the use of these drugs in dry feeds. This suggestion is rejected. A liquid animal feed supplement differs considerably from a dry feed or dry feed supplement. Data show that, unlike dry feeds, small variations in some of the components of liquid feed supplement formulations have a marked effect on the stability of added drugs which would be expected to have a corresponding effect on the safety and efficacy of such drugs. For this reason the Commissioner concludes that each premix intended for use in manufacturing medicated liquid feed supplements must be the subject of an approved application pursuant to section 512(b) of the act.

Two respondents expressed the view that certain medicated liquid feed supplements should be exempt from the requirements of an application pursuant to section 512(m) of the act where the dry counterparts of such supplements are currently not subject to this requirement. The Commissioner concludes that the manufacture of liquid feed supplements is inherently more difficult to control and that available data demonstrate the need for such products to be subject to all the requirements of section 512(m) of the act to ensure their safety and effectiveness.

Each of the respondents took issue with the proposed requirement that certain drug products bear in their labeling a statement that the product is not for use in liquid feed supplements. It was asserted that such a statement would constitute negative labeling and as such would be contrary to the intent of the act which directs all labeling towards the safe and effective administration of a drug for its intended use; 21 CFR 1.106(a)(1) was cited in support of this contention. The Commissioner disagrees. The use of so called "negative" labeling is not new. Section 1.106(a)(1) does not limit the Commissioner's authority in requiring labeling which is necessary to assure the safe and effective use of a drug, nor is it intended that all products not intended for use in liquid feeds be so labeled. The labeling statement required by this order will apply only to certain drugs labeled for use in dry feeds and/or drinking water.

One firm stated that the labeling requirement of the proposed regulation discriminates in favor of those drugs which were not named and for which the additional labeling is not required. The Commissioner concludes that the three drugs named in the proposal for which restrictive labeling applies constitute the major portion of the medicated liquid feed supplement market and thus represent the greatest potential for misuse. In addition, data are available which clearly demonstrate that these drugs are unstable when added to certain liquid feed supplements. Should data of a similar nature become available on other products, those products will also be made subject to this labeling requirement.

The view was expressed that the 60 day period provided for revising the labeling of products was inadequate, and that the labeling requirement should not apply to products which have already entered channels of distribution. The Commissioner agrees and the regulation has been revised to require that each article which is the subject of this new section shall bear labeling in compliance

with this section when introduced into interstate commerce after Nov. 5, 1973. Label revisions may be made by overprinting or placing stickers on labels of products prior to their introduction into interstate commerce, provided that use of such over-printing or stickers does not obliterate other mandatory labeling.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–351, 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135 is amended in Subpart B by adding thereto the following new section:

§ 135.112 Liquid feed supplements; new animal drug requirements.

(a) Information available to the Commissioner of Food and Drugs shows that certain drugs are unstable when added to some liquid feed supplements. The demonstrated instability of these drugs gives rise to the question of the stability of other drugs when added to liquid feed supplements, except where specific approval has been granted for such use. Therefore, the labeling of a drug to provide for its use in a liquid feed supplement causes the drug to be a new animal drug for such use for which an approved new animal drug application is required pursuant to section 512(b) of the Federal Food, Drug, and Cosmetic Act.

(b) The addition of a drug to a liquid feed supplement causes such supplement to become an animal feed bearing or containing a new animal drug for which an approved application is required pursuant to section 512(m) of the act.

(c) Each drug product intended for oral administration to animals which contains any of the drugs listed in paragraph (d) of this section and which bears labeling for its use in animal feed and/or drinking water shall also include in such labeling the following statement: "FOR USE IN _____ ONLY. NOT FOR USE IN LIQUID FEED SUPPLEMENTS," the blank being filled in with the words "DRY FEEDS", "DRINKING WATER", "DRY FEEDS AND DRINKING WATER" as applicable, unless such drug product is the subject of an approved new animal drug application providing for its use in liquid feed supplements.

(d) The labeling provisions of paragraph (c) of this section apply to all forms of bacitracin, oxytetracycline, and chlortetracycline.

(e) For any drug which is the subject of an approved new animal drug application, the labeling provisions of paragraph (c) of this section may be implemented without prior approval as provided for in § 135.13a (d) and (e).

Effective date. This order shall become effective Nov. 5, 1973.

(Sec. 512, 82 Stat. 343–351; 21 U.S.C. 360b)

Dated: July 30, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–16104 Filed 8–3–73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Zeranol

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (38–233V) filed by Commercial Solvents Corp., 1331 South First St., Terre Haute, IN 47808, proposing revised specifications and labeling for the safe and effective use of zeranol as set forth below in order to: (1) Delete the claim for improved feed conversion for suckling beef calves; (2) add the word "weight" in reference to rate of gain for feedlot lambs, beef cattle, and suckling beef calves; (3) make an editorial change regarding the preslaughter withdrawal period for feedlot lambs, beef cattle, and suckling beef calves; and (4) revise the melting point specifications for the drug. The supplemental applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by revising paragraph (b)(1) and the table in § 135b.12 (f) as follows:

§ 135b.12 Zeranol.

* * * * *

(b) *Specifications.* (1) Melting point range 181°–185° C.

* * * * *

(f) *Conditions of use.* It is used as follows:

	Amount	Limitations	Indications for use
1. * * *	* * *	For feedlot lambs; for subcutaneous ear implantations; do not implant animals within 40 days of slaughter.	For increased rate of weight gain and improved feed conversion.
2. * * *	* * *	For beef cattle (including weaned beef calves, growing beef cattle, feedlot steers, and feedlot heifers); for subcutaneous ear implantation; do not implant animals within 65 days of slaughter.	Do.
3. Zeranol	Three 12 milligram implants per dose.	For suckling beef calves; for subcutaneous ear implantation; do not implant animals within 65 days of slaughter.	For increased rate of weight gain.

Effective date. This shall be effective on August 6, 1973.

(Sec. 412(1), 82 Stat. 347; 21 U.S.C. 360(1))

Dated: July 30, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.73–16002 Filed 8–3–73;8:45 am]

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-184]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
. . .	. . .	. . .	. . .	. . .	. . .	. . .
[illegible]	San Luis Obispo	San Luis Obispo, City of	---	[illegible]	[illegible]	Aug. 3, 1973, Emergency
[illegible]	Colfax	Manchester, City of	---	[illegible]	[illegible]	Do.
[illegible]	[illegible]	Tullahoma, City of	---	[illegible]	[illegible]	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 27, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-16037 Filed 8-3-73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

ACCOUNTING INTERPRETATIONS FOR RURAL ELECTRIC BORROWERS

Issuance of Two Accounting Interpretations

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue two new supplements to REA Bulletin 181-3, Accounting Interpretations for Rural Electric Borrowers.

Persons interested in the provisions of the two new supplements may submit written data, views, or comments to the Director, Accounting and Auditing Division, Room 4307, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, on or before Sept. 5, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Accounting and Auditing Division, during regular business hours.

ACCOUNTING INTERPRETATION NO. 113

ACCOUNTING FOR TERMINAL FACILITIES

I. *General.* Borrowers are sometimes required to construct terminal facilities in the transmission line of another utility to receive power from their power supplier. The document executed between the borrower and the utility is normally referred to as the "License Agreement." The licensee agreement may stipulate that certain items of the terminal facilities are to be transferred to and become the property of the utility upon completion of the construction.

II. *Questions and Answers.* 1. *Question.* How are the construction costs accounted for?

Answer. All construction costs are charged to a work order. Upon completion of the construction and accumulation of all costs, the costs of the facilities which become the property of the utility with whom the license agreement is executed are transferred to Account 186, Miscellaneous Deferred Debits. The costs for the plant which the borrower retains title to is transferred to the appropriate plant account.

2. *Question.* What is the disposition of the amount transferred to Account 186, Miscellaneous Deferred Debits?

Answer. The amount is amortized to Account 557, Other Expenses, over the estimated "Service Life" of the plant. If the related contract or contracts for this power supply are terminated, the unamortized balance is transferred to Account 557.

ACCOUNTING INTERPRETATION NO. 617

ACCOUNTING FOR CONTRIBUTIONS MADE TO THE BREEDER REACTOR CORPORATION (BRC)

I. *General.* The Utility Contribution Agreement, executed by the borrower with the Breeder Reactor Corporation, obligates the borrower to contribute an amount equal to .025 mills per kWh for total kWh sold to consumers for the 1970 calendar year. The amount is to be paid to BRC in ten equal installments. Each installment is to be paid on or before December 31 of the years 1972 through 1981, subject to the conditions described in paragraph No. 5 of the agreement. Any past due installments shall bear interest at the rate of six percent per annum from the date payment of such installments become due.

II. *Questions and Answers.* 1. *Question.* Should the entire amount stipulated in the agreement be recorded in the general ledger upon execution of the agreement?

Answer. Yes. The amount should be recorded by debiting Account 188, Research and Development Expenditures, and crediting Account 224.14, Other Long-Term Debt—Miscellaneous. The amount recorded in Account 188 should be amortized over the ten-year period to Account 930, Miscellaneous General Expenses. The annual payment to BRC is charged to Account 224.14, Other Long-Term Debt—Miscellaneous.

2. *Question.* What account is charged for the interest on late payments?

Answer. Account 431, Other Interest Expense.

Dated: July 31, 1973.

DAVID A. HAMIL,
Administrator.

[FR Doc.73-16168 Filed 8-3-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-GL-32]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations so as to alter the control zone at Battle Creek, Michigan.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before September 5, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The Battle Creek Combined Station/Tower hours of operation are planned to be reduced from 24 hour operations to 16 hour operations in the fall of 1973. The Battle Creek control zone is designated as continuous. Weather reporting, which is required for the control zone, is provided by the CS/T and therefore will only be available during the CS/T hours of operation.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation regulations as hereinafter set forth:

In § 71.171 (37 FR 2056), the following control zone is amended to read:

BATTLE CREEK, MICH.

Within a 5 mile radius of Kellogg Field (latitude 42°18'31"N., longitude 85°14'57" W.) within 2 miles each side of the Battle Creek VORTAC 050°, 117° and 215° radials extending from the 5 mile radius zone to 8 miles NE, SE and SW of the VORTAC; and within 2 miles each side of the Kellogg Field ILS localizer SW course extending from the 5 mile radius zone to 5 miles SW of the approach end of runway 4. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Illinois on July 13, 1973.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.73-16097 Filed 8-3-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-CE-18]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the

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Federal Aviation regulations so as to alter the transition area at Cape Girardeau, Missouri.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before September 5, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Cape Girardeau, Missouri, an ILS has been installed on Runway 10 at the Cape Girardeau Municipal Airport. Accordingly, it is necessary to alter the Cape Girardeau transition area to adequately protect aircraft utilizing the new ILS approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation regulations as hereinafter set forth:

In § 71.181 (38 FR 435) the following transition area is amended to read:

CAPE GIRARDEAU, MISSOURI

That airspace extending upward from 700 feet above the surface within a 10 mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30"N, longitude 89°34'10"W) within 4½ miles east and 9½ miles west of the Cape Girardeau VOR 194 radial, extending from the 10 mile radius area to 18½ miles south of the VOR; and within 4½ miles north and 9½ miles south of the Cape Girardeau VOR 279° radial, extending from the 10 mile radius area to 18½ miles west of the VOR, excluding the portion which overlies the Sikeston, Missouri transition area; and that airspace extending from 1,200 feet above the surface within 4.5 miles north and 9.5 miles south of the Cape Girardeau ILS localizer west course, extending from the LOM to 18.5 miles west of the LOM.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri on July 17, 1973.

JOHN R. WALLS,
Acting Director, Central Region.

[FR Doc.73-16098 Filed 8-3-73;8:45 am]

Office of Pipeline Safety

[49 CFR Parts 192 and 195]

[Notice 73-1A; Docket No. OPS-23]

BENDING LIMITATIONS

Extension of Comment Period

On May 31, 1973, the Department of Transportation issued an advance notice of proposed rule making, Notice 73-1, Docket OPS-23 (38 FR 14969, June 7, 1973) proposing an amendment to Part 192 and Part 195 which would provide more realistic pipe bending limitations and to make the standards in this regard for gas and liquid pipelines consistent insofar as practicable.

The date for return of comments was set as August 6, 1973. Since the Pipeline Contractors Association, American Petroleum Institute (API) and the Independent Natural Gas Association of America (INGAA) on behalf of their respective memberships have asked for an extension of time to adequately prepare and submit comments, and since these organizations represent a large segment of operators and contractors who would be affected by a rule change in this area, the date for submission of comments on Notice 73-1 is extended to August 30, 1973.

This notice is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672), sections 831-835 of Title 18, United States Code, section 6(e)(4) of the Department of Transportation Act (49 U.S.C. 1655(e)(4)), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on August 1, 1973.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.73-16135 Filed 8-3-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-405]

RELIABILITY OF ELECTRIC AND GAS SERVICE

Order Updating Nationwide Investigation

AUGUST 1, 1973.

In our notice of investigation and proposed rulemaking with respect to developing emergency plans which was issued in this docket on November 4, 1970, we sought with regard to the natural gas industry to elicit information so as to enable us to assess the adequacy and reliability of the gas supply and deliverability to meet consumer demand for the oncoming winter season and four winters following. Evidence of anticipated curtailment of necessary service has impelled the Commission to take continuing affirmative steps in the public interest to obtain reliable factual information regarding the sources of available gas and the facilities existing and planned to deliver such gas to meet consumer demands and to determine the terms and conditions of a rule or rules necessary to avoid or minimize the consequences of any emergencies that may develop. On September 12, 1972, the Commission issued an order updating its investigation. Amendments of the Commission's regulations proposed in this docket are still under Commission consideration.

Pursuant to this action and in the implementation thereof the Commission directed all of the large gas producers whose individual jurisdictional sales of natural gas totalled in excess of 10 million Mcf annually to respond thereto on forms designed to elicit the information necessary for Commission consideration. The responses were designed to cover separately the time frames set forth in the notice and in the updated order.

The responses received pursuant to said orders have been particularly useful to the Commission in enabling it to assess problems which have arisen as a result of shortages in the gas supply and to take steps designed to meet them.

To enable the Commission to have a better understanding of the problems prevailing in the industry, data almost identical in form to that previously supplied should be submitted for evaluation and appropriate action. For the purpose of this continued investigation the current data should relate also to two time periods, one as of December 31, 1972, and the other as of June 30, 1973. After receipt and analysis of such information, the sources thereof may be subject to audit by the Commission's staff.

Because of steps required to be taken by the Commission pursuant to Congressional subpoena duces tecum issued June 21, 1973, our treatment of information submitted pursuant to this order cannot be accorded the confidentiality heretofore authorized and honored by the Commission. The Commission's orders issued November 4, 1970, and September 12, 1972, providing for the nationwide investigations of reserves of natural gas directed that the reserves data submitted pursuant thereto would be held in a confidential status in accordance with the provisions of section 8(b) of the Natural Gas Act, 15 U.S.C. 717g(b), and the Freedom of Information Act, 5 U.S.C. 552(b)(4) and (9).

The Chairman of the Senate Judiciary Committee's Subcommittee on Antitrust and Monopoly requested disclosure to the Subcommittee and the Federal Trade Commission of such data, and our efforts to comply with such requests as fully as possible without violating the conditions of confidentiality under which the reserves data had been obtained were unavailing. Instead, the Chairman of the Subcommittee acting on behalf of the Subcommittee, issued a subpoena duces tecum directing the Commission's Chairman to appear before the Subcommittee on June 26, 1973, and to produce all data in the Commission's possession, custody or control or of any member or employee thereof referring or relating to the Commission's order dated September 12, 1972, including all workpapers and composites resulting from the material received in connection with that order.

In order to avoid placing the Commission's Chairman in jeopardy of contempt of Congress by refusing to disclose the data protected by our order of September 12, 1972, by order issued June 22, 1972, the Chairman was authorized to deliver, under protest, the data described in the subpoena. The Subcommittee has not decided whether to maintain the confidential status of the subpoenaed data, whether to publicly disclose such data, or whether to disclose such data to the Federal Trade Commission. Inasmuch as the protection heretofore provided for proprietary data can no longer be assured, we are unable to represent to the respondents that the data submitted will not be made public.

We have heretofore recognized that data such as that sought by this order is confidential and propriety in nature, the public disclosure of which could result in irreparable injury to the owner and to the public. We will not, therefore, require filing of the data herein sought until any producer who opposes the filing of data without an assurance of confidentiality has been afforded an opportunity for hearing on this issue.

It is ordered, That:

1. The investigation initiated by further notice issued on November 4, 1970, in Docket No. R-405 be further updated, and the natural gas companies listed in Appendix A are requested to file responses to the questionnaires set forth in Appendix B; that such responses may be submitted in hand to Mr. Leon H. Friedlander at Room 7312L, 825 North Capitol Street, NE., Washington, D.C. 20426, in a sealed envelope plainly marked "Responses to Order issued August 1, 1973, Docket No. R-405" on or before August 22, 1973. Any questions regarding said forms should be directed to Mr. Friedlander, who may be reached by telephone at 202-386-5735.

2. For the purposes of this investigation any responses submitted in compliance herewith shall be made available for inspection or copying by the public; individual company information received as a result of this continued investigation will not be maintained in confidential status. The Commission cannot, in the light of Congressional demands as above set forth, assure confidential status for the data to be submitted pursuant to this order. See "Order of Modification to Authorize Compliance With Congressional Subpoena Duces Tecum" issued June 22, 1973, in this docket. It should be noted that all responses will be made at the Federal Power Commission Offices in Washington, D.C.

3. After receipt and analysis of the information requested pursuant to paragraph 1. hereof, the data upon which the responses were predicated shall be made available for audit by the Commission's staff in the offices of the producers.

4. If voluntary response to the data request herein made is not sufficient for Commission assessment of gas supply and deliverability, appropriate proceedings may be instituted, after notice, to consider whether the reporting and disclosure of uncommitted reserve data by producers should be compelled.

5. The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX A-1

Amerada Hess Corporation
American Petrofina Company of Texas
Amoco Production Company
Anadarko Production Company
Ashland Oil and Refining Company
Atlantic-Richfield Company
Austral Oil Company, Inc.
Aztec Oil and Gas Company
Bass Enterprises Production Company
Perry R. Bass
Belco Petroleum Corporation
Beta Development Company
Cabot Corporation
California Company, A Division of Chevron Oil Company
Champlin Petroleum Company
Chevron Oil Company, Western Division
Cities Service Oil Company
Clinton Oil Company
Coastal States Gas Producing Company
Colorado Oil and Gas Corporation
Coltexo Corporation
Columbia Gas Development Corporation
Continental Oil Company
Edwin L. Cox
Diamond Shamrock Corporation
Dorchester Gas Production Company
Exchange Oil and Gas Company
Exxon Corporation
Forest Oil Corporation
General American Oil Company of Texas
Getty Oil Company
Gulf Oil Corporation
Helmerick & Payne, Inc.
J. M. Huber Corporation
Hassie Hunt Trust
Hunt Oil Company
Imperial American Resources Fund, Inc.
The Jupiter Corporation
Kerr-McGee Corporation
King Resources Company
Lone Star Producing Company
Louisiana Land and Exploration Company
LVO Corporation
McCulloch Gas Processing Corporation
Mapco Production Company
Marathon Oil Company
Mobil Oil Corporation
Monsanto Company
Murphy Oil Corporation
Natural Gas and Oil Corporation, A Division of River Corporation
North East Blanco Development Corporation
Northern Natural Gas Producing Company
Ocean Drilling & Exploration Company
Petroleum Inc.
Phillips Petroleum Company
Pioneer Production Corporation
Placid Oil Company
Pennzoil Company
Pennzoil Producing Company
Pubco Petroleum Corporation
The Rodman Corporation
Shell Oil and Gas Company
Signal Oil and Gas Company
Signal Petroleum Successor of Lake Washington Inc. and U.S. Oil of Louisiana Inc.
Skelly Oil Company
Sohio Petroleum Company
The South Coast Corporation
Southern Natural Gas, Jr. Venture
Southern Union Gathering Company
Southern Union Production Company
Stephens Production Company
Suburban Propane Gas Corporation
Sun Oil Company
The Superior Oil Company
Tenneco Oil Company
Tennessee Gas Supply Company
Terra Resources Inc.
Texaco Inc.
Texas Gas Exploration Corporation
Texas Oil and Gas Corporation
Texas Pacific Oil Company, Inc.
Transocean Oil, Inc.
Union Oil Company of California
Union Texas Petroleum, A Division of Allied Chemical
Warren Petroleum Company, A Division of Gulf Oil Corporation

APPENDIX B-1

Q. A. Will you please state your name, the name of your company and your position with the company?

Q. B. Are you authorized by your company to furnish the information requested in the following interrogaories?

Q. C. If not, will you please state the name or names of the official or officials of your company who have such information?

Q. D. Do you understand that the designated Commission employee will combine the information obtained from you with information obtained from others and file a composite report in the public files in Docket No. R-405?

CERTIFICATION

I certify that the information hereon is correct to the best of my knowledge.

APPENDIX B-2

Q. E. Will you please state the net working interest volumes, including associated royalty interest volumes, of proved recoverable reserves of non-associated natural gas in MMcf, at 14.73 psia and 60 degrees Fahrenheit, that your company had available for sale as of December 31, 1972, for the areas hereinafter designated? (For the purpose of questions E-J, the term "proved reserves" is used as defined by the Committee on Natural Gas Reserves of the American Gas Association and such definition is set forth on Appendix B-8 of this letter. The volumes held "available for sale" in questions E-J are those which are not covered by gas purchase contracts and are not reserved for direct industrial contracts, not company use-warranty gas or not company use-fuel and feedstock.)

What are the volumes in:

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1. Alaska?
2. Northern Arkansas? [1]
3. Southern Arkansas?
4. California?
5. Offshore California? [2]
   a. Federal
   b. State
6. Colorado?
7. Illinois ?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?
13. Offshore Louisiana? [2]
    a. Federal
    b. State
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?
19. Southeast New Mexico?
20. New York?
21. North Dakota?
22. Ohio?
23. Oklahoma Panhandle area? [3]
24. Oklahoma Anadarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 5?
28. Texas Railroad District No. 10?
29. Texas Railroad District Nos. 8, 8A, 7B and 7C?
30. Texas Railroad District Nos. 5 and 6?
31. Texas Railroad District Nos. 1, 2, 3 and 4?
32. Offshore Texas? [2]
    a Federal
    b. State
33. Utah?
34. Virginia?
35. West Virginia?
36. Wyoming?
37. Miscellaneous areas? [4]
38. What is the total of the volumes furnished in response to questions 1–37?

APPENDIX B–3

Q. F. Will you please state the net working interest volumes, including royalty interest volumes, of proved recoverable reserves of associated and dissolved natural gas in MMcf, at 14.73 psia, and 60 degrees Fahrenheit, that your company had available for sale as of December 31, 1972, for the areas hereinafter designated?

What are the volumes in:

1. Alaska?
2. Northern Arkansas? [1]
3. Southern Arkansas?
4. California?
5. Offshore California? [2]
   a. Federal
   b. State
6. Colorado?
7. Illinois?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?
13. Offshore Louisiana? [2]
    a. Federal
    b. State
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?
19. Southeast New Mexico?
20. New York?
21. North Dakota?
22. Ohio?
23. Oklahoma Panhandle area? [3]
24. Oklahoma Anadarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 9.
28. Texas Railroad District No. 10?
29. Texas Railroad District Nos. 8, 8A, 7B and 7C?
30. Texas Railroad District Nos. 5 and 6?
31. Texas Railroad District Nos. 1, 2, 3 and 4?
32. Offshore Texas? [2]
    a. Federal
    b. State
33. Utah?
34. Virginia?
35. West Virginia?
36. Wyoming?
37. Miscellaneous areas? [4]
38. What is the total of the volumes furnished in response to questions 1–37?

APPENDIX B–4

Q. G. Will you please state the *total* net working interest volumes, including royalty interest volumes, of proved recoverable reserves of non-associated and of associated and dissolved natural gas in MMcf, at 14.73 psia and 60 degrees Fahrenheit, that your company had available for sale as of December 31, 1972, for the areas hereinafter designated?

What are the volumes in:

1. Alaska?
2. Northern Arkansas? [1]
3. Southern Arkansas?
4. California?
5. Offshore California? [2]
   a. Federal
   b. State
6. Colorado?
7. Illinois?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?
13. Offshore Louisiana? [2]
    a. Federal
    b. State
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?
19. Southeast New Mexico?
20. New York?
21. North Dakota?
22. Ohio?
23. Oklahoma Panhandle area? [3]
24. Oklahoma Anadarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 9?
28. Texas Railroad District No. 10?
29. Texas Railroad District Nos. 8, 8A, 7B and 7C?
30. Texas Railroad District Nos. 5 and 6?
31. Texas Railroad District Nos. 1, 2, 3 and 4?
32. Offshore Texas? [2]
    a. Federal
    b. State
33. Utah?
34. Virginia?
35. West Virginia?
36. Wyoming?
37. Miscellaneous areas? [4]
38. What is the total of the volumes furnished in response to questions 1–37?

APPENDIX B–5

Q. H. Will you please state the net working interest volumes, including royalty interest volumes, of proved recoverable reserves of non-associated natural gas in Mcf, at 14.73 psia and 60 degrees Fahrenheit, that your company had available for sale as of June 30, 1973, for the areas hereinafter designated?

What are the volumes in:

1. Alaska?
2. Northern Arkansas? [1]
3. Southern Arkansas?
4. California?
5. Offshore California? [2]
   a. Federal
   b. State
6. Colorado?
7. Illinois?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?
13. Offshore Louisiana? [2]
    a. Federal
    b. State
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?
19. Southeast New Mexico?
20. New York?
21. North Dakota?
22. Ohio?

[1] For the purpose of questions 2 and 3, Arkansas is divided between North and South by base line separating townships North and South.

[2] For the purpose of this question, the offshore area shall be measured from the coastline seaward.

[3] For the purpose of questions 23–25, Oklahoma is divided between Eastern and Western Oklahoma by the central Oklahoma Indian Meridian separating Ranges E and W. Western Oklahoma is further divided between Hugoton and Anadarko by the Panhandle Meridian separating Ranges E and W.

[4] For the purpose of this question, the Miscellaneous areas shall include Alabama, Arizona, Florida, Iowa, Maryland, Minnesota, Missouri, South Dakota, Tennessee and Washington.

23. Oklahoma Panhandle area? [3]
24. Oklahoma Anardarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 9?
28. Texas Railroad District No. 10?
29. Texas Railroad District Nos. 8, 8A, 7B and 7C?
30. Texas Railroad District Nos. 5 and 6?
31. Texas Railroad District Nos. 1, 2, 3 and 4?
32. Offshore Texas? [2]
    a. Federal
    b. State.
33. Utah?
34. Virginia?
35. West Virginia?
36. Wyoming?
37. Miscellaneous areas? [4]
38. What is the total of the volumes furnished in response to questions 1–37?

APPENDIX B–6

Q. I. Will you please state the net working interest volumes, including royalty interest volumes, or proved recoverable reserves of associated and dissolved natural gas in MMcf, at 14.73 psia and 60 degree Fahrenheit, that your company had available for sale as of June 30, 1973, for the areas hereinafter designated?

What are the volumes in:

1. Alaska?
2. Northern Arkansas? [1]
3. Southern Arkansas?
4. California?
5. Offshore California? [2]
6. Colorado?
7. Illinois?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?

[1] For the purpose of questions 2 and 3, Arkansas is divided between North and South by base line separating townships North and South.

[2] For the purpose of this question, the offshore area shall be measured from the coastline seaward.

[3] For the purpose of questions 23–25, Oklahoma is divided between Eastern and Western Oklahoma by the central Oklahoma Indian Meridian separating Ranges E and W. Western Oklahoma is further divided between Hugoton and Anadarko by the Panhandle Meridian separating Ranges E and W.

[4] For the purpose of this question, the Miscellaneous areas shall include Alabama, Arizona, Florida, Iowa, Maryland, Minnesota, Missouri, South Dakota, Tennessee and Washington.

13. Offshore Louisiana? [2]
    a. Federal
    b. State
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?
19. Southeast New Mexico?
20. New York?
21. North Dakota?
22. Ohio?
23. Oklahoma Panhandle area? [3]
24. Oklahoma Anadarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 9?
28. Texas Railroad District No. 10?
29. Texas Railroad District Nos. 8, 8A, 7B and 7C?
30. Texas Railroad District Nos. 5 and 6?
31. Texas Railroad District Nos. 1, 2, 3 and 4?
32. Offshore Texas? [2]
    a. Federal
    b. State
33. Utah?
34. Virginia?
35. West Virginia?
36. Wyoming?
37. Miscellaneous areas? [4]
38. What is the total of the volumes furnished in response to questions 1–37?

APPENDIX B–7

Q. J. Will you please state the *total* net working interest volumes, including royalty interest volumes, of proved recoverable reserves of non-associated and of associated and dissolved natural gas in MMcf, at 14.73 psia and 60 degrees Fahrenheit, that your company had available for sale as of June 30, 1973. for the areas hereinafter designated?

What are the volumes in:

1. Alaska?
2. Northern Arkansas? [1]
3. Southern Arkansas?
4. California?

[1] For the purpose of questions 2 and 3, Arkansas is divided between North and South by baseline separating townships North and South.

[2] For the purpose of this question, the offshore area shall be measured from the coastline seaward.

[3] For the purpose of questions 23–25, Oklahoma is divided between Eastern and Western Oklahoma by the central Oklahoma Indian Meridian separating Ranges E and W. Western Oklahoma is further divided between Hugoton and Anadarko by the Panhandle Meridian separating Ranges E and W.

[4] For the purpose of this question, the Miscellaneous areas shall include Alabama, Arizona, Florida, Iowa, Maryland, Minnesota, Missouri, South Dakota, Tennessee and Washington.

5. Offshore California? [2]
   a. Federal.
   b. State
6. Colorado?
7. Illinois?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?
13. Offshore Louisiana? [2]
    a. Federal
    b. State
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?
19. Southeast New Mexico?
20. New York?
21. North Dakota
22. Ohio?
23. Oklahoma Panhandle area? [3]
24. Oklahoma Anadarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 9?
28. Texas Railroad District No. 10?
29. Texas Railroad District Nos. 8, 8A, 7B and 7C?
30. Texas Railroad District Nos. 5 and 6?
31. Texas Railroad District Nos. 1, 2, 3 and 4?
32. Offshore Texas? [2]
    a. Federal
    b. State
33. Utah?
34. Virginia?
35. West Virginia?
36. Wyoming?
37. Miscellaneous areas? [4]
38. What is the total of the volumes furnished in response to questions 1–37?

[1] For the purpose of questions 2 and 3, Arkansas is divided between North and South by baseline separating townships North and South.

[2] For the purpose of this question, the offshore area shall be measured from the coastline seaward.

[3] For the purpose of questions 23–25, Oklahoma is divided between Eastern and Western Oklahoma by the central Oklahoma Indian Meridian separating Ranges E and W. Western Oklahoma is further divided between Hugeton and Anadarko by the Panhandle Meridian separating Ranges E and W.

[4] For the purpose of this question, the Miscellaneous areas shall include Alabama, Arizona, Florida, Iowa, Maryland, Minnesota, Missouri, South Dakota, Tennessee and Washington.

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APPENDIX B-8

PROVED NATURAL GAS RESERVES AVAILABLE FOR SALE [1]

(MMCF at 14.73 psia, 60° F.)

State	Volumes as of 12-31-72			Volumes as of 6-30-73		
	Non-Associated	Associated-Dissolved	Total	Non-Associated	Associated-Dissolved	Total
Alaska						
Arkansas [2]						
Northern						
Southern						
California						
Offshore Calif [3]						
a. Federal						
b. State						
Colorado						
Illinois						
Indiana						
Kansas						
Kentucky						
Louisiana						
North						
South						
Offshore [3]						
a. Federal						
b. State						
Michigan						
Mississippi						
Montana						
Nebraska						
New Mexico:						
Northwest						
Southwest						
New York						
North Dakota						
Ohio						
Oklahoma:						
Panhandle						
Anadarko						
Eastern						
Pennsylvania						
Texas:						
RR Dist. No. 9						
RR Dist. No. 10						
RR Dist. Nos. 8, 8A, 7B, 7C						
RR Dist. Nos. 5, 6						
RR Dist. Nos. 1, 2, 3, 4						
Offshore [3]						
a. Federal						
b. State						
Utah						
Virginia						
West Virginia						
Wyoming						
Miscellaneous [3]						
Total						

FOOTNOTES:

1 *Proved Reserves* are, using the definition of the Committee on Natural Gas Reserves of the American Gas Association, as follows:

"The current estimated quantity of natural gas which analysis of geologic and engineering data demonstrate with reasonable certainty to be recoverable in the future from known oil and gas reservoirs under existing economic and operating conditions. Reservoirs are considered proved that have demonstrated the ability to produce by either actual production or conclusive formation test.

"The area of a reservoir considered proved is that portion delineated by drilling and defined by gas-oil, gas-water, or oil-water contracts or limited by structural deformation or lenticularity of the reservoir. In the absence of fluid contacts, the lowest known structural occurrence of hydrocarbons controls the proved limits of the reservoir. The proved area of a reservoir may also include the adjoining portions not delineated by drilling but which can be evaluated as economically productive on the basis of geological and engineering data available at the time the estimate is made. Therefore, the reserves reported by the Committee include total proved reserves which may be in either the drilled or the undrilled portions of the field or reservoir."

[FR Doc.73-16238 Filed 8-3-73;8:45 am]

NATIONAL MEDIATION BOARD

[29 CFR Parts 1201, 1203, 1207]

ADMINISTRATIVE FEES

Notice of Proposed Rulemaking

Pursuant to the authority contained in 44 Stat. 577, as amended, (45 U.S.C. 151–163), notice is hereby given that the National Mediation Board proposes to amend Part 1201 of its rules (13 F.R. 8740) by the addition of new §§ 1201.7–1201.9; to amend Part 1203 of its rules (13 FR 8740) by the addition of new § 1203.4; and, to revise Part 1207 of its rules (36 FR 12451) to conform new definitional language and administrative fee requirements to all boards of adjustment established pursuant to section 3 of the Railway Labor Act. These proposed amendments and revisions are set forth herein.

These proposals provide for the assessment of administrative fees for the appointment of neutrals under section 3 of the Railway Labor Act and describe the definitional language and requirements for payment and collection of said administrative fees prior to the appointment of neutrals by the National Mediation Board.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments and revisions to the National Mediation Board, Washington, DC 20572, on or before September 5, 1973.

It is the intent of the National Mediation Board to publish these rules on or about October 1, 1973, after evaluation of comments, suggestions or objections, and to make the rules effective thirty (30) days thereafter.

ROWLAND K. QUINN, Jr.,
Executive Secretary.

PART 1201—DEFINITIONS

§ 1201.7 Special board.

The term "special board" shall mean any board of adjustment created or established under section 3, Second of the Railway Labor Act.

§ 1201.8 Grievance cases.

The term "grievance case" means any dispute between an employee or group of employees and a carrier or carriers growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules or working conditions. This term shall also include unresolved matters with respect to the establishment and jurisdiction of special boards.

§ 1201.9 Party.

The term "party" when used in connection with grievance cases submitted to the National Railroad Adjustment Board means either the petitioner or the respondent. When used in connection with grievance cases involving a Special Board, the term "party" means the carrier and the representative of the employees involved.

PART 1203—APPLICATIONS FOR SERVICE

§ 1203.4 Appointment of neutrals.

(a) *Request for appointment.* Requests for the services of the National Mediation Board under section 3, First of the Railway Labor Act to appoint a referee to any division of the National Railroad Adjustment Board may be made through the Staff Director-Grievances. A request under Section 3, Second to appoint a neutral member(s) to a special board may be made on NMB Form 5 (revised). Such referees and neutral member(s) shall hereinafter be referred to as "neutrals". Requests for the appointment of neutrals shall be filed with the Staff Director-Grievances of the National Mediation Board.

(b) *Format of request.* (1) Requests for the appointment of neutrals and all correspondence connected therewith should be submitted in duplicate. The request must define and list the specific grievance case(s) to be heard and name the carrier and labor organization involved.

(2) If a request is made pursuant to Section 3, Second, a copy of the agreement, if any, establishing or proposing the establishment of the special board should be included in addition to the other information required.

(c) *Administrative fee.* (1) An administrative fee of $25.00 from each party for each grievance case to be heard shall be due and payable at the time a request for the appointment of a neutral is made. (Request for a neutral to dispose of a procedural issue will be considered one case.)

(2) Upon receipt of a request for the appointment of a neutral, where appropriate fees have not been paid, the Staff Director-Grievances shall notify all parties by registered mail return receipt, that they have thirty (30) calendar days from the receipt of notification to pay the required administrative fee.

(d) *Failure to pay administrative fee.* (1) If neither party pays the administrative fee, no neutral will be appointed.

(2) If only one party has paid the administrative fee, after notification considered in paragraph (c) of this section, a neutral will be appointed and directed that the hearings will proceed ex parte and a decision will be rendered on the relevant evidence in the ex parte submission.

(e) *Certification of grievance cases.* The Staff Director-Grievances must certify the number of grievance cases and the collection of appropriate administrative fees before the National Mediation Board will appoint a neutral. Only those grievance cases so certified shall be heard by the neutral appointed.

(f) *Addition and withdrawal of grievance cases.* (1) After the appointment of a neutral, grievance cases may be added only if appropirate administrative fees have been paid and the request has been approved by the National Mediation Board.

(2) Cases may be withdrawn, however, no refunds will be made by the Government.

(g) *Designation of special boards.* Effective November 1, 1973, all new boards of adjustment established pursuant to Section 3, Second of the Railway Labor Act will be designated special boards (S.B.) and will be numbered serially commencing with No. 1, in the order of their docketing by the National Mediation Board (e.g., S.B.–1). Cross-referencing to prior existing Public Law Boards and Special Boards of Adjustment will be made where appropriate.

(h) *Filing of agreement.* The original agreement creating the special board shall be filed with the Staff Director-Grievances National Mediation Board at the time it is executed by the parties.

(i) *Filing of awards.* Two copies of all awards made by a special board together with the record of proceedings upon which the awards are based, shall be forwarded by the neutral who is a member of the special board to the Staff Director-Grievances, National Mediation Board, for filing, safekeeping and handling under the provisions of section 3, First (q) of the Railway Labor Act.

(j) *Effective date for administrative fee.* The $25.00 administrative fee will become effective for grievance cases assigned to neutrals after November 1, 1973. Grievance cases assigned to neutrals before November 1, 1973, and not resolved by October 31, 1974, will be subject to the administrative fee as if the cases were assigned to the neutral after November 1, 1973. No hearings will be held subsequent to October 31, 1974, on cases assigned to a neutral before November 1, 1973, until appropriate administrative fees have been paid to the National Mediation Board and certification to that effect is forwarded by the National Mediation Board to all concerned.

PART 1207—SPECIAL BOARDS ESTABLISHED PURSUANT TO PUBLIC LAW 89–456

Sec.
1207.1 Establishment of such special boards.
1207.2 Requests for Mediation Board action.
1207.3 Compensation of neutrals.
1207.4 Designation as Special Boards, filing of agreements, and disposition of records.

AUTHORITY: Railway Labor Act, as amended (45 U.S.C. 151–163).

§ 1207.1 Establishment of special boards of adjustment.

Public Law 89–456 (80 Stat. 208) governs procedures to be followed by carriers and representatives of employees in the establishment and functioning of certain special boards of adjustment, hereinafter referred to as "special boards". Public Law 89–456 requires action by the National Mediation Board in the following circumstances:

(a) *Designation of party member of such special Board.* Public Law 89–456 provides that within thirty (30) days from the date a written request is made by an employee representative upon a carrier, or by a carrier upon an employee representative, for the establishment of a special board, an agreement establishing such a board shall be made. If, however, one party fails to designate a member of the board, the party making the request may ask the National Mediation Board to designate a member on behalf of the other party. Upon receipt of such request, the National Mediation Board will notify the party which failed to designate a partisan member for the establishment of a special board of the receipt of the request. The National Mediation Board will then designate a representative on behalf of the party upon whom the request was made. This representative will be an individual associated in interest with the party he is to represent. The designee, together with the member appointed by the party requesting the establishment of the special board, shall constitute the board.

(b) *Appointment of a procedural neutral to determine matters concerning the establishment and/or jurisdiction of such special board.* (1) When the members of a special board constituted in accordance with paragraph (a) of this section, for the purpose of resolving questions concerning the establishment of the board and/or its jurisdiction, are unable to resolve these matters, then and in that event, either party may ten (10) days thereafter request the National Mediation Board to appoint a neutral to determine these procedural issues.

(2) Upon receipt of this request, the National Mediation Board will notify the other party to the special board. Upon receipt from the Staff Director-Grievances of the necessary certification as described in § 1203.4(e) of this chapter, the National Mediation Board will designate a neutral to sit with the special board and resolve the procedural issue(s) in dispute. When the neutral has determined the procedural issue(s) in dispute, he shall cease to be a member of the special board.

(c) *Appointment of neutral to sit with such special boards and dispose of grievance cases.* When the members of a special board constituted by agreement of the parties, or by the appointment of a party member by the National Mediation Board as described in paragraph (a) of this section, are unable within ten (10) days after their failure to agree upon an award to agree upon the selection of a neutral, either member of the special board may request the National Mediation Board to appoint such neutral. Upon receipt from the Staff Director-Grievances of the necessary certification described in § 1203.4(e) of this chapter, the National Mediation Board will promptly make such appointment.

(d) *Docketing of special board agreements.* The National Mediation Board will docket agreements establishing special boards, when such agreements meet the requirements of coverage as specified in Section 3 of the Railway Labor Act. Docketing procedures for special boards are described in § 1203.4(g). No neutral will be appointed under paragraph (c) of this section until the agreement establishing the special board has been docketed by the National Mediation Board.

§ 1207.2 Requests for National Mediation Board action.

(a) Requests for the National Mediation Board to appoint neutrals or party representatives should be made on NMB Form 5. A request for the appointment of a neutral made under paragraphs (b) or (c) of § 1207.1 shall:

(1) Show the authority for the request;

(2) Define and list the proposed grievance cases to be heard; and

(3) Otherwise comply with § 1203.4 of this chapter.

(b) Those authorized to sign request on behalf of parties:

(1) The "representative of any craft or class of employees of a carrier", making request for National Mediation Board action, shall be either the General Chairman, Grand Lodge Officer (or corresponding officer of equivalent rank), or the Chief Executive of the representative involved. A request signed by a General Chairman or Grand Lodge Officer (or corresponding officer of equivalent rank) shall bear the approval of the Chief Executive of the employee representative.

(2) The "carrier representative" making such a request for the National Mediation Board's action shall be the highest carrier officer designated to handle matters arising under the Railway Labor Act.

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§ 1207.3 Compensation of neutrals.

(a) *Neutrals appointed by the National Mediation Board.* (1) All neutrals appointed by the National Mediation Board under the provisions of § 1207.1 (b) and (c) will be compensated by the National Mediation Board in accordance with legislative authority. Certificates of appointment will be issued by the National Mediation Board in each instance.

(2) In no event will the Board issue a certificate of appointment and compensate a neutral unless the requirements of § 1203.4 of this chapter have been met.

(b) *Neutrals selected by the parties.* (1) In cases where the party members of a special board mutually agree upon a neutral to be a member of the board, the party members will jointly so notify the National Mediation Board Staff Director-Grievances. Upon receipt from the Staff Director-Grievances of the necessary certification as described in § 1203.4 (e) the National Mediation Board will issue a certificate of appointment to the neutral and arrange to compensate him as under paragraph (a) of this section.

(2) The same procedure will apply in cases where carrier and employee representatives are unable to agree upon the establishment and jurisdiction of a special board, and mutually agree upon a procedural neutral to sit with them as a member and determine such issues.

§ 1207.4 Designation as special boards, filing of agreements, and disposition of records.

(a) *Designation as special boards.* All special boards of adjustment created under Public Law 89–456 will be designated special boards and will be docketed in accordance with § 1203.4 (g) of this chapter.

(b) *Filing of agreements and disposition of records.* Filing of agreements and disposition of records for special boards created under Public Law 89–456 will be in accordance with § 1203.4 (h) and (i) of this chapter.

[FR Doc.73–15657 Filed 8–3–73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

DEPENDENCY AND INDEMNITY COMPENSATION

Supplemental Security Income

The Administrator of Veterans' Affairs proposes regulatory changes relating to computation of income in determining entitlement to benefits under programs administered by the Veterans Administration.

Public Law 92–603 (86 Stat. 1329), the Social Security Amendments of 1972, provides a new Federal program of Supplemental security income effective January 1, 1974. This program replaces as of that date, State-administered programs of aid to aged, blind and disabled under titles I, X, XIV and XVI of the Social Security Act except in Puerto Rico, Virgin Islands and Guam. Benefits under these State-administered programs were considered as charitable donations and as such excluded from computation of income. The proposed changes extend the exclusions to the new supplemental security income benefit. To effect this change it is proposed to amend Part 3, Title 38, Code of Federal Regulations, as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (232H), Veterans Administration, Central Office, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before September 5, 1973 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address of the above room number.

The proposed changes would be effective January 1, 1974.

1. In § 3.261(a), subparagraph (17) is amended to read as follows:

§ 3.261 Character of income; exclusions and estates.

* * * * *

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; protected (veterans, widows and children)	Pension; Public Law 86–211 (veterans, widows and children)	See
(a) *Income:*					§ 3.262(f).
(17) Social security benefits:					
Old age and survivors, and disability insurance.	Included	Included	Included	Included	
Charitable programs	Excluded	Excluded	do	Excluded	
Lump sum death payments	Included	do	do	do	
Supplemental security income	Excluded	Excluded	do	do	

2. In § 3.262, paragraph (f) is amended to read as follows:

§ 3.262 Evaluation of income.

* * * * *

(f) *Social security benefits.* Old age and survivor's insurance and disability insurance under title II of the Social Security Act will be considered income as a retirement benefit under the rules contained in paragraph (e) of this section. Benefits received under noncontributory programs, such as old age assistance, aid to dependent children, and supplemental security income are subject to the rules contained in paragraph (d) of this section applicable to charitable donations. The lumpsum death payment under title II of the Social Security Act will be considered as income except in claims for dependency and indemnity compensation and for pension under Public Law 86–211 (72 Stat. 432).

* * * * *

Approved: July 31, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc 73–16137 Filed 8–3–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 416]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

National Program Policies

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that amendments to the regulations set forth in tentative form are proposed by the Acting Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments add a new Part 416, comprising the policies and procedures for payment of supplemental income to aged, blind, or disabled individuals under title XVI of the Social Security Act, as amended by section 301 of the Social Security Amendments of 1972 (P.L. 92–603), enacted October 30, 1972. These amendments to title XVI of the Social Security Act are effective January 1, 1974.

The proposed new Part 416 is designed to embrace all substantive rules and other provisions having general applicability and legal effect, that are necessary to the implementation of the statute, or relevant to an understanding of the policies affecting payments under it. In this regard, it will comprehend the full range of rules required to be published, or serving to give direction and guidance to the public; and contemplates the grouping of related provisions into appropriate subparts of Part 416 designated by letters of the alphabet. Initial publication of Part 416 is limited in content, however, to Subparts T and U pertaining to provisions for State Supplementation and State Medicaid agreements respectively.

Proposed Subpart T would establish the conditions under which the Secretary of Health, Education, and Welfare would enter into an agreement with a State to make optional supplementary payments to persons eligible (or eligible but for income) for benefits under title XVI of the Act. Proposed regulations implementing the mandatory State supplementation provisions contained in P.L. 93–66 will be published at a later date.

Proposed Subpart U (Medicaid Eligibility Determinations) sets forth the conditions under which the Secretary of Health, Education, and Welfare will enter into an agreement with a State to determine eligibility for medical assistance in the case of aged, blind, or disabled individuals under such State's plan approval under title XIX of the Social Security Act.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before September 5, 1973.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendment is to be issued under the authority contained in sections 1102, 1601, 1616, 1631, and 1634, 49 Stat. 647, as amended, 86 Stat. 1465, 1474, 1475, 1478; 42 U.S.C. 1302, 1381 et seq.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: July 20, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved: August 2, 1973.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Chapter III of Title 20 of the Code of Federal Regulations is amended by adding a new Part 416 to read as follows:

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974.....)

Subparts A—S [reserved]

Subpart T—State Supplementation Provisions; Agreements; Payments

Sec.
416.2001 State supplementation agreements; general.
416.2003 Essentials of the State supplementation agreements.
416.2005 State funds advanced for supplementary payments.
416.2010 Limitation of fiscal liability of States.
416.2012 Non-Federal share of expenditures; defined.
416.2014 Adjusted payment level.
416.2051 State supplementary payments; general.
416.2052 Federal administration of State supplementary payments.
416.2054 Establishing eligibility.
416.2058 Limitations on eligibility.
416.2060 Amount of State supplementary payments.
416.2064 Overpayments and underpayments.
416.2065 Waiver of State supplementary payments.

Subpart U—Medicaid Eligibility Determinations

416.2101 Authority to perform State Medicaid functions.
416.2104 Renewal, termination, or modification of agreement.
416.2107 Effect of agreement on existing Federal-State responsibilities.
416.2111 Conditions for agreement to determine eligibility for medical assistance.
416.2112 Limitations as to individuals covered by agreement to determine eligibility for medical assistance.
416.2116 Terms of agreement; functions performed by the Secretary.
416.2118 State requests for studies and evaluations.
416.2119 Functions performed by the State.

AUTHORITY: secs. 1102, 1601, 1616, 1631, 1634, 49 Stat. 647, as amended, 86 Stat. 1465, 1474, 1475, 1478; 42 U.S.C. 1302, 1381, et seq.

Subparts A—S [reserved]

Subpart T—State Supplementation Provisions; Agreements; Payments

§ 416.2001 State supplementation agreements; general.

Any State (or political subdivision) may, at its option, provide a payment in supplementation of the Federal supplemental security income benefit to aged, blind, or disabled individuals and/or couples. The State may, subject to the provisions of § 416.2003 enter into an agreement with the Secretary of Health, Education, and Welfare (hereinafter referred to as the Secretary) under which the Secretary will administer the State supplementary payments on behalf of a State (or political subdivision). Under such an agreement between the Secretary and a State, specific Federal and State responsibilities for administration and fiscal responsibilities of the State supplement will be stipulated. The regulations in effect for the supplemental security income program shall be applicable in the Federal administration of a State supplementary payment program by the Secretary except as provided in this subpart. Those rules regarding eligibility and payment will be sufficiently uniform to allow the Secretary to administer both the basic Federal benefit and the State supplementary payment efficiently and effectively.

§ 416.2003 Essentials of the State supplementation agreements.

(a) *Payments.* Any agreement between the Secretary and a State made pursuant to § 416.2001 must provide that the State supplementary payments are made to all individuals and/or couples who are:

(1) Receiving (or at the option of the State would, but for the amount of their income, be eligible to receive) supplemental security income benefits under title XVI of the Social Security Act, and

(2) Within the variations and categories (as defined in § 416.2052(c)) for which the State (or political subdivision) wishes to provide a supplementary payment, and

(3) Residing, subject to the provisions of paragraph (f) of this section, in such State (or political subdivision thereof).

(b) *Payment level.* The level of State supplementary payments may vary for each category the State elects to include in its Federally administered supplement. These categorical variations of payment levels must be specified in the agreement between the Secretary and the State.

(1) *Geographical variations.* A State may elect to include two different geographical variations. A third may be elected if adequate justification, e.g., substantial differences in living costs, can be demonstrated. All such variations must be readily identifiable by county or ZIP code or other readily identifiable factor (§ 416.2060).

(2) *Living arrangements.* In addition, a State may elect no more than five variations in recognition of the different needs which result from various living arrangements. Types of living arrangements for which variations shall be allowed include:

(i) Living alone,

(ii) Living with an incligible spouse,

(iii) Personal care facility,

(iv) Domiciliary or congregate care facility.

(c) *Relationship to actual cost differences.* Under the agreement, variations in State supplementary payment levels will be permitted for each living arrangement the State elects. These differences must be based on rational distinctions between both the types of living arrangements and the costs of those arrangements.

(d) *Earned and unearned income.* No less than the amounts of earned or unearned income which were excluded in determining eligibility for or amount of a title XVI supplemental security income benefit must be excludable by a State in the Federal-State agreement for purposes of determining eligibility for or amount of the State supplementary payment.

(e) *Additional income exclusions.* Any State (or political subdivisions thereof) may, at its option, specify in the agreement amounts of earned or unearned income in addition to the amounts it is required to exclude under paragraph (d) of this section in determining an individual's eligibility for State supplementary payments.

(f) *Residency requirement.* A State or political subdivision may impose, as a condition of eligibility, a residency requirement which excludes from eligibility for State supplementary payment any individual who has resided in such State (or political subdivision thereof) for less than a minimum period prescribed by the State. Any such residency requirement will be specified in the agreement.

(g) *Lien and relative responsibility.* A State which elects Federal administration of its supplementary payments may place a lien upon property of an individual as a consequence of the receipt of such payments or may require that a relative of the individual contribute to

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a reasonable extent to the support of the individual, providing it is stated in the agreement that:

(1) The Secretary has determined that the specific State laws and their enforcement are consistent with the supplemental security income program purpose of providing unencumbered cash payments to recipients; and

(2) The Federal Government is not involved in the administration of such laws and will not vary the State supplementary payment amount it makes to comply with such laws; and

(3) Neither the basic Federal benefit nor any part of the State supplementary payment financed by Federal funds will be subject to the liens or encumbrances of such laws.

(h) *Audit and verification.* The agreement between a State and the Secretary will specify the dollar amount(s) of the adjusted payment level(s), as defined in § 416.2014. The non-Federal share of expenditures for calendar year 1972 as defined in § 416.2012 will also be stated in the agreement. These amounts, if not known at the time the agreement is entered into, may be provisionally agreed upon and subsequently verified by Department of Health, Education, and Welfare audits.

(i) *Administrative costs.* The agreement between the State and the Secretary shall specify that all administrative costs incurred by the Secretary will be paid by the Federal Government.

(j) *Agreement period.* The agreement period for a State which, prior to January 1, 1974, elects Federal administration of its supplement will extend from January 1, 1974, through June 30, 1974. The agreement will be automatically renewed for a period of 1 year unless either the State or the Secretary gives written notice not to renew, at least 120 days before the beginning of the new period. For a State to elect Federal administration after January 1, 1974, it must notify the Secretary of its intent to enter into an agreement, at least 120 days before the first day of the month for which it wishes Federal administration to begin, and complete such agreement at least 30 days before such day. Such a State's initial agreement period will run until the following June 30 at which time its agreement will be automatically renewed for 1 year unless it has given written notice not to renew at least 120 days before the end of that period.

(k) *Modification or termination.* The agreement may be modified or terminated by either party. A 120-day prior notice must be given by the initiating party for such modifications or terminations. Modifications must be agreed to by both parties.

§ 416.2005 State funds advanced for supplementary payments.

(a) *Advance payment and adjustment.* Any State which has entered into an agreement with the Secretary which provides for Federal administration of such State's supplementation program shall pay to the Secretary an amount equal to the Secretary's estimate of State supplementary payments for any month which shall be made by the Secretary on behalf of such State. In order for the Secretary to make State supplementary payments as provided by the agreement, the necessary amount of State funds must be on deposit with the Secretary prior to the month for which the supplementary payments are to be made on behalf of such State. The amount of State funds paid to the Secretary for State supplementary payments will be adjusted as necessary to maintain the balance with State supplementary payments paid out by the Secretary on behalf of the State.

(b) *Accounting of State funds.* (1) The Secretary shall provide an accounting of State funds received and paid as State supplementary payments within 3 calendar months following:

(i) The close of each fiscal year to which the agreement applies; or

(ii) The termination of such agreement if the agreement is terminated other than at the close of the fiscal year.

(2) Adjustment will be made because of State funds due and payable or amounts of State funds recovered for calendar months for which the agreement was in effect. No interest shall be charged or payable by the Secretary or the State with respect to the adjustment and accounting of State supplementary funds.

(c) *State audit.* Any State entering into an agreement with the Secretary which provides for Federal administration of the State's supplementary payments may audit the payments made by the Secretary on behalf of such State. State audit of supplementary payments made by the Secretary, in accordance with the agreement, is limited to no more than one such audit in each fiscal year provided in the agreement, and shall be made at State expense. Resolution of audit findings shall be made in accordance with the provisions of the State's agreement with the Secretary. In addition, the State and the Secretary may further agree to provide for interim quality assurance procedures compatible with efficient administration where justified by circumstances.

§ 416.2010 Limitation of fiscal liability of States.

(a) *Fiscal limits.* The amount payable to the Secretary by a State for the amount of the supplementary payments made on its behalf for any fiscal year pursuant to the State's agreement with the Secretary as described in § 416.2001 shall not exceed the total amount of the State's calendar year 1972 non-Federal share of expenditures as aid or assistance under the State plan(s) approved under titles I, X, XIV, or XVI of the Social Security Act (hereinafter referred to as the Act), as set forth in § 416.2012.

(b) *Less than full fiscal year period.* Should the agreement cover less than a full fiscal year, the limitation on the amount of the State's fiscal liability protection is the same as described in paragraph (a) of this section. The only exception is the fiscal liability protection for States for January through June of 1974 which will be determined by dividing the calendar year 1972 non-Federal share of expenditures as described in § 416.2012 by one-half.

(c) *State fiscal projection.* Except as provided in paragraph (e) of this section, the provisions of paragraphs (a) and (b) of this section shall apply only to that portion of the State supplementary payments made by the Secretary on behalf of a State under an agreement for any month which do not exceed, in the case of any individual, the difference between:

(1) The adjusted payment level as defined in § 416.2014 under the appropriate approved State plan(s) as in effect for January 1972, and

(2) The benefits paid for such month under title XVI plus any income not excluded under the provisions of section 1612 of the Act.

(d) *Unprotected payments.* Except as provided in paragraph (e) of this section, the portion of the State supplementary payment which is, in the case of any individual, in excess of this difference between the State's January 1972 adjusted payment level and the Federal benefit (plus income counted under Federal eligibility rules) will be made entirely at State expense.

(e) *Credits and debits.* For purposes of determining the extent of protected payments where State supplementary payments are paid at varying levels, to the extent that payments above the adjusted payment level do not exceed the difference by which variations in payment levels (variant payment levels) are established below the adjusted payment level, payments count toward the amount of a State's fiscal liability protection. This provision is explained as follows:

(1) The variant payment levels must be both above and below the adjusted payment level. The variant payment level is the sum of the Federal benefit plus income counted under Federal eligibility rules plus the State supplementary payment.

(2) In each case where the variant payment level is below the adjusted payment level, a credit will be given to the extent of the difference between the adjusted payment level and the variant payment level. While countable income affects the amount of the State's supplementary payment, it has no effect on the amount of credit given. Cumulative credit will be given for the number of cases in each variation below the adjusted payment level. The credit given to each case within such a variation is always the same because it is not adjusted to reflect payments that are reduced due to income.

(3) In each case where the variant payment level is above the adjusted payment level and a State supplementary payment is made which equals either the full or partial difference between the variant payment level and the adjusted payment level, a debit will be given to the extent of such difference. A cumulative debit amount will be given for such cases in each variation that exceeds the adjusted payment level.

(4) Neither a credit nor a debit is applicable to those cases where a State's variant payment level is equal to the adjusted payment level.

(5) For those States which apply additional income exclusions as explained in § 416.2003(e), the computation of credits and debits will be made as if supplementary payments had been made without regard to such additional income exclusions.

(6) For purposes of paragraph (e)(4) of this section, credits may be applied to debits at any time within a fiscal year. The amount that would count toward a State's fiscal liability protection once the non-Federal share of 1972 expenditures has been met will be determined by the extent to which total credits within each category of supplementation equal total debits within each category of supplementation in a fiscal year. The amount by which total debits exceed total credits will be borne entirely at State expense.

(f) *Payment variations.* States which supplement and whose adjusted payment level exceeds $130 in the case of eligible individuals and $195 in the case of eligible couples ($140 and $210 respectively effective July 1, 1974) will be afforded the limitation on fiscal liability protection when the amounts of such State supplemental payments vary by aged, blind, or disabled individuals or couples and by geographic locales or living arrangements as described in § 416.2003, provided that such payments are made to each individual or eligible couple within a particular category subject to the residency requirement that a State may opt to impose. The limitation on fiscal liability provision will not apply to any State supplementary payments which are made to individuals or couples within any category for which the January 1972 adjusted payment level was less than, or equal to, the supplemental security income benefit level.

(g) *Fiscal limit not applicable.* The provisions of paragraph (a) of this section shall not apply to the amount of any State supplementary payment which results from the application of additional income exclusions specified by the State in its agreement with the Secretary (see § 416.2003(e)). In addition, the provisions of paragraph (a) of this section shall not apply with respect to supplementary payments to any individual or couple who is both:

(1) Not required to be included in the agreement administered by the Secretary (see § 416.2003(a)(1)), and

(2) Would have been ineligible (for reasons other than income) for payments under the appropriate approved State plan as in effect for January 1972.

§ 416.2012 Non-Federal share of expenditures; defined.

The term "non-Federal" share of expenditures as aid or assistance for quarters in the calendar year 1972 under the plans of a State approved under titles I, X, XIV, or XVI of the Act means the difference between:

(a) The total matchable expenditures as aid or assistance for such plans (excluding expenditures authorized under section 1119 of the Act as in effect prior to October 30, 1972, for repairing the home of an individual who was receiving aid or assistance under one of the appropriate approved State plans); and

(b) The total of the amounts determined under sections 3, 1003, 1118, 1403, and 1603 of the Act and under section 9 of the Act of April 19, 1950, for such State with respect to such expenditures in such quarters.

§ 416.2014 Adjusted payment level.

(a) *Adjusted payment level; defined.* "Adjusted payment level" means the amount of the money payment under the appropriate State plan(s) approved under titles I, X, XIV, or XVI of the Social Security Act to individuals within a category who had no other income (excluding eligible recipients who received no payments) for the month of January 1972; plus (at State option) an amount no greater than the sum of a payment level modification (as described in paragraph (d) of this section) and (at State option) the bonus value of food stamps in the State for January 1972 (as described in paragraph (e) of this section).

(1) *Amount of money payment.* The amount of the money payment will be determined by computing the average of the cash payments made for basic needs and special needs, (but excluding cases involving only personal needs payments to recipients residing in medical facilities, and payments that included an amount for the needs of an "essential person") to individuals who were not living in the household of another, whose support and maintenance was not contributed to by another, and who had no other income. In addition, States may include domiciliary care payments to individuals with no other income (within each category).

(2) *No other income.* Cases in which income which was totally disregarded by a State in determining the amount of the money payment will be considered cases in which there was "no other income." For these purposes, in-kind or imputed income will be treated the same as cash income.

(b) *Adjusted payment levels for couples.* With respect to couples, the adjusted payment level will be determined by multiplying the sum of the average money payment to individuals in the appropriate category (as defined in § 416.2052(c)) and the payment level modification for that category by the ratio of the payment standard for a couple to the payment standard for an individual in that category, and then adding the bonus value of food stamps to the result. In no case, however, can the ratio of the payment standards be smaller than 1.5 or greater than 2.0; actual ratios less than 1.5 shall be raised to 1.5; actual ratios in excess of 2.0 shall be lowered to 2.0.

(c) *Payment standard.* "Payment standard" (PS) means the amount specified as the "payment standard" in the approved State plan as in effect for January 1972 under titles I, X, XIV, or XVI of the Act.

(d) *Payment level modification.* "Payment level modification (PLM) with respect to any State plan means the amount by which a State which paid less than 100 percent of its standard of need could have increased its January 1972 money payments for basic needs to persons with no other income by reducing the need standard and raising the maximum amount payable so that the increased payments equal 100 percent of the new standard without increasing the non-Federal share of expenditures under titles I, X, XIV, and XVI of the Act for calendar year 1972.

(1) *Maximum amount payable.* The "maximum amount payable" (M) means the amount specified as the largest amount payable for basic needs in the approved State plan as in effect for January 1972 under title I, X, XIV, or XVI of the Act.

(2) *Computing the payment level modification.* The payment level modification shall be determined by computing a Reduced Payment Standard (RS) and subtracting the maximum amount payable (PLM = RS − M).

(i) The Reduced Payment Standard shall be computed (within a category) by use of the following formula:

$$RS = \frac{TP + TCI}{TR}$$

(TP = Total Payments for January 1972 for basic needs,
TCI = Total Countable Incomes of recipients for January 1972, and
TR = Total Number of Recipients for January 1972.)

(ii) For a State entitled to a payment level modification and for which State total countable incomes of recipients for January 1972 cannot be determined, TCI may be estimated using the following formula:

$$TCI = TN - TP\ (PS).$$
$$M$$

TN = PS × TR = Total Needs for January 1972.)

(e) *Bonus value of food stamps.* (1) The term "bonus value of food stamps in a State for January 1972" means (with respect to any individual) the difference between:

(i) The face value of the coupon allotment which would have been provided to such individual under the Food Stamp Act of 1964 (7 U.S.C. 2011 ff.) for January 1972, and

(ii) The charge which such individual would have paid for such coupon allotment.

(2) *Income schedules.* The total face value of such coupon allotment and the cost thereof for January 1972 shall be determined in accordance with the schedules prescribed by the Secretary of Agriculture. Such schedules for 48 States and the District of Columbia are those published in the FEDERAL REGISTER on January 26, 1972 (37 FR 1180). Such schedules for Alaska and Hawaii are those published in the FEDERAL REGISTER on March 3, 1972 (37 FR 4456-58). The schedule as applicable to a household of one shall be used with respect to an individual, and the schedule as applicable

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to a household of two shall be used with respect to a couple.

(3) *Determining bonus value.* In determining the charge such individual (or couple) would have paid for such coupon allotment, the individual's (or couple's) monthly net income will be considered to equal the State's January 1972 adjusted payment level as set forth in § 416.2014, including the results of any payment level modification as described in § 416.2014(d), but excluding the bonus value of food stamps.

§ 416.2051 State supplementary payments; general.

(a) *Payments excluded from income.* Any payments made by a State (or one of its political subdivisions) to a recipient of supplemental security income benefits (or to an individual who would be eligible for such benefits except for income), will be excluded from income when determining the amount of those benefits, if the payments are made:

(1) In supplementation of the Federal supplemental security income benefits; i.e., as a complement to the Federal benefit amount, thereby increasing the amount of income available to the recipient to meet his needs; and

(2) Regularly, on a periodic recurring, or routine basis of at least once a quarter; or made to a specific group or class of individuals in similar circumstances or situations (such as burnouts, utility turnoffs, evictions); and

(3) In cash, which may be actual currency or any negotiable instrument, convertible into cash upon demand; and

(4) In an amount based on the need or income of an individual or couple.

(b) *Administration.* If the State elects to provide assistance and the payments meet the criteria of paragraph (a) of this section, it has the option of administering the payment itself, or entering into an agreement with the Secretary to administer the payment in its behalf. If the State chooses to administer the payment itself, it may establish its own criteria for determining eligibility requirements as well as the amounts.

(c) *Federal administration.* If the State elects Federal administration, it will have to agree to those eligibility rules and payment amounts pursuant to the agreement entered into between the State and the Secretary and which the Secretary finds necessary to achieve efficient and effective administration of both the supplemental security income benefit and the State supplementary payment. However, the State will be able to establish certain variations in its payment amounts, within limits prescribed by the Secretary.

§ 416.2052 Federal administration of State supplementary payments.

(a) *Secretary paying supplementary payments.* As specified in § 416.2001, a State may choose to have the Secretary administer its supplementary payments. If it so chooses, it will enter into an agreement whereby the Secretary will pay a supplementary payment on the State's behalf to all individuals or couples eligible to receive (or at the State's option those who would but for their income be eligible to receive) a Federal benefit within those categories (aged, blind, or disabled) for which the State elects to make a supplementary payment, subject to those limitations on eligibility found in § 416.2058.

(b) *Recipients.* For purposes of the State supplementary payment:

(1) The terms "eligible individual" and "eligible couple" (i.e., eligible individual and eligible spouse) are the same as for the supplemental security income benefit as described in section 1614 of the Act.

(2) The terms "aged, blind, and disabled" are the same as for the supplemental security income benefit as described in section 1614 of the Act.

(c) *Nine categories possible.* A State may elect Federal administration of its supplementary payments for up to nine categories, depending on the assistance titles in effect in that State in January 1972 (i.e., titles I, X, XIV, or XVI). It can have no more than two categories (one for individuals and one for couples) for each title in effect for January 1972:

(1) Since a State with a title XVI had just the one title in effect, it can supplement only to two categories, the individual (aged, blind, or disabled), the couple (both of whom are aged, blind, or disabled).

(2) Other States could supplement up to nine categories, depending on the plans they had in effect. Six of these categories would be for:

(i) Aged Individual,
(ii) Aged Couple,
(iii) Blind Individual,
(iv) Blind Couple,
(v) Disabled Individual,
(vi) Disabled Couple

(3) In addition to those enumerated in paragraph (c)(2) of this section, there are three additional couple categories for which a State may elect to provide a Federally administered supplement. These categories are created when one individual in the couple is:

(1) Aged and the other blind, or
(2) Aged and the other disabled, or
(3) Blind and the other disabled.

(d) *Residency.* No Federally administered payments can be made to individuals or couples who do not meet the State (or political subdivision's) minimum residency requirements as specified in the Federal-State agreement (§ 416.2003). These residency requirements pertain only to the supplemental payment; they do not affect the eligibility for and receipt of the Federal supplemental security benefit amount for which the individual or couple is eligible.

§ 416.2054 Establishing eligibility.

(a) *Applications.* The supplemental security income application form will serve as the application form for any Federally administered State supplementary payment (except as specified under § 416.2065). In order to apply for such a State supplementary payment, an applicant must first file for a supplemental security income benefit. Recipients of assistance under a State plan for December 1973 who are transferred to the Federal payment system during the conversion period do not have to file an application. The conversion will be based on established State records; however, a supplemental application or statement will be required where it is necessary to gather additional information that is not on the State records or where there is a significant difference between the State records and those of the Social Security Administration.

(b) *Evidentiary requirements.* The evidentiary requirements and developmental procedures of the supplemental security income program will be utilized (in the same manner and to the same extent) for the purposes of a Federally administered State supplementary payments program.

(c) *Determination.* As under the Federal supplemental security income program, eligibility for and the amount of the State supplementary payment will be determined on a calendar quarter basis, except for the quarter of application. If an application is filed in the second or third month of a calendar quarter, eligibility and payment amount will be determined and payment will be made for the remaining month or months of that calendar quarter. An applicant cannot be eligible for a Federally administered State supplementary payment for any month prior to the month in which his application is filed for the Federal supplemental security income benefit.

(d) *Categories; aged, blind, disabled.* An applicant will be deemed to have filed for the State supplementary payment amount provided for the category under which his application for a Federal supplemental security income benefit is filed. As in the Federal supplemental security income program, an individual who establishes eligibility as a blind or disabled individual, and continually remains on the rolls, will continue to be considered blind or disabled after he attains age 65. An individual who is over age 65 at the time of his initial application will be eligible only for the State supplementary payment provided for the aged category.

(e) *Changes of category.* In States where the supplementary payment provided for the aged category is higher than the State supplement for the blind or disabled category, the States shall permit blind or disabled recipients to reapply for the State supplementary payment on the basis of age.

§ 416.2058 Limitations on eligibility.

Notwithstanding any other provision of this subpart, the eligibility of an individual (or couple) for State supplementary payments administered by the Federal Government in accordance with this subpart shall be limited as follows:

(a) *Inmate of public institution.* No person shall be eligible for a State supplementary payment with respect to any month if, throughout such month, he is an inmate of a public institution.

(b) *Supported by title XIX funds.* No person who is, throughout any month, in a medical facility receiving payments with respect to such person under a State plan approved under title XIX at a level exceeding 50 percent of the cost of such person's care, or in a medical facility which is not certified under the State's title XIX program, shall be eligible for a State supplementary payment for that month.

(c) *Ineligible persons.* No person who is ineligible for a Federal benefit under sections 1611(e)(1), (2), (3), and (f) of the Act (failure to file; refuses treatment for drug addiction or alcoholism; outside the United States) or section 1615 of the Act (refuses vocational rehabilitation) or other reasons (other than the amount of income) shall be eligible for a State supplementary payment under the provisions of this subpart.

§ 416.2060 Amount of State supplementary payments.

(a) *Maximum amount.* There is no restriction on the amount of a State supplementary payment that the Federal Government will administer on behalf of a State. The amount of such State supplementary payment will be specified in the State's agreement with the Secretary. (See § 416.2003.)

(b) *Minimum amount.* The Federal Government will not administer State supplementary payments in amounts less than $1 per month, i.e., $3 per quarter. Hence, supplementary payment amounts of less than $1 will be raised to a dollar.

(c) *Variations in payment amounts.* The amounts of State supplementary payments made to eligible individuals and couples may vary subject to the provisions of § 416.2003(b)–(e).

(d) *Effect of countable income on payment amounts.* "Countable income" of an eligible individual or eligible couple is determined in the same manner as such income is determined under the title XVI supplemental security income program. Countable income will affect the amount of the State supplementary payments as follows:

(1) Countable income will first be deducted from the Federal benefit amount payable to an eligible individual or eligible couple.

(2) If countable income is equal to or less than the amount of the Federal benefit rate, the full amount of the State supplementary payment as specified in the Federal agreement will be made.

(3) If countable income exceeds the amount of the Federal benefit rate, the State supplementary payment will be reduced by the amount of such excess.

(4) No State supplementary payment will be made where countable income is equal to or exceeds the sum of the Federal benefit rate and the State supplementary payment rate.

(e) *Effect of additional income exclusions on payment amounts.* A State has the option of excluding types and amounts of earned or unearned income in addition to the amounts it is required to exclude under § 416.2003(d) in determining a person's eligibility for State supplementary payments. Such additional income exclusions affect the amount of the State supplementary payments as follows:

(1) Countable income (as determined under the Federal eligibility rules) will first be deducted from the Federal benefit amount payable to an eligible individual or eligible couple.

(2) Such countable income is then reduced by the amount of the additional income exclusion specified by the State.

(3) If the remaining countable income is equal to or less than the amount of the Federal benefit, the full amount of the State supplementary payment will be made.

(4) If the remaining countable income exceeds the amount of the Federal benefit, the State supplementary payment will be reduced by the amount of such excess. (See § 416.2010(g) for the effect of additional income exclusions on a State's fiscal liability protection.)

(f) *Payment procedures.* A Federally administered State supplementary payment will be made on a monthly basis and will be included in the same check as a Federal benefit that is payable. A State supplementary payment shall be for the same month as the Federal benefit.

§ 416.2064 Overpayments and underpayments.

(a) *Overpayments.* Upon determination that an overpayment has been made, adjustments will be made against future State supplementary payments for which the person is entitled. Recoupment procedures in effect for recovery of supplemental security income benefit overpayments shall also apply to the recovery of State supplementary overpaid amounts. If the overpaid person's entitlement to the State supplementary payments is terminated prior to recoupment of the overpaid State supplementary payment amount the person's record will be annotated (specifying the amount of the overpayment) to permit recoupment if the person becomes reentitled to State supplementary payments. If the overpaid person dies prior to recoupment of the overpaid amount the State will be notified so that recoupment may be made from the person's estate.

(b) *Underpayments.* Upon determination that an underpayment of State supplementary payments is due and payable, the underpaid amount shall be paid to the underpaid claimant directly, or his representative, as may be specified in the agreement. If the underpaid person dies before receiving the underpaid amount of State supplementary payment the underpaid amount shall be paid to the claimant's eligible spouse. If the deceased claimant has no eligible spouse, no payment of the underpaid amount shall be made.

§ 416.2065 Waiver of State supplementary payments.

(a) *Waiver request in writing.* Any individual who is eligible to receive State supplementary payments or who would be eligible to receive such State supplementary payments may waive his right to receive such payments if the person makes a written request for waiver of State supplementary payments.

(b) *Revocation of waiver.* Any individual who has waived State supplementary payments may revoke such waiver at any time by making a written request to any social security office. The revocation will be effective the month in which it is filed. The date such request is received in a social security office or the postmarked date, if the written request was mailed, will be the filing date, whichever is earlier.

Subpart U—Medicaid Eligibility Determinations

§ 416.2101 Authority to perform State Medicaid functions.

(a) *Section 1634 of the Act.* Pursuant to section 1634 of the Act, the Secretary may, should a State so desire, enter into an agreement with that State to determine the eligibility for medical assistance on behalf of such State in the case of aged, blind, and disabled individuals under such State's medical assistance plan approved for Federal financial participation under title XIX of the Act.

(b) *Data exchange.* Pursuant to authority under the Intergovernmental Cooperation Act (42 U.S.C. 4222), the Secretary will enter into an agreement with a State, if the State so desires, to provide information obtained through the administration of the title XVI program and other additional assistance or support related to the administration of the State's medical assistance programs where administratively feasible and subject to such limitations as may be necessary for the efficient and effective administration of the title XVI program.

§ 416.2104 Renewal, termination, or modification of agreement.

(a) *Terms of agreement.* An agreement between the Secretary and a State described in § 416.2101 remains in effect for the term specified in the agreement and shall be automatically renewed for a period of 1 year except that the Secretary or the State may terminate the agreement by written notice at least 120 days in advance of the proposed termination date.

(b) *Modification or termination of agreement.* The Secretary or the State may modify or terminate the agreement at any time by mutual consent.

§ 416.2107 Effect of agreement on existing Federal-State responsibilities.

The terms and conditions for approval of a State's medical assistance plan under title XIX of the Act and the State's responsibility under such plan remain unchanged except to the extent otherwise specifically provided for in the agreement. Thus, a State will continue to be responsible for any aspects of medical assistance eligibility determinations and other functions not specifically undertaken to be performed by the Secretary pursuant to the agreement. Functions permitted or required by title XIX

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of the Act that shall remain as State responsibilities include, but are not limited to:

(a) Issuance of emergency authorizations for medical service pending processing of applications;

(b) Outstationing of medical assistance eligibility workers at providers of medical services to receive Medicaid applications;

(c) Establishment, administration, and operation of the cost-sharing systems (including spend-down computations) for medical assistance recipients;

(d) Issuance, control, and termination of medical assistance identification cards and other notices to individuals within the purview of the agreement;

(e) Determination of retroactive eligibility for medical assistance.

§ 116.2111 Conditions for agreement to determine eligibility for medical assistance.

As a condition for having the Secretary agree to determine or redetermine eligibility for medical assistance under a State's approved plan, the plan must specify that:

(a) Such eligibility is to be determined using the criteria established under title XVI of the Act to determine eligibility for benefits as a disabled, blind, or aged individual; and

(b) Such Medicaid eligibility is provided to all individuals of a particular category (i.e., aged, blind, or disabled) eligible for benefits under title XVI of the Act.

§ 116.2112 Limitations as to individuals covered by agreement to determine eligibility for medical assistance.

Determinations of Medicaid eligibility pursuant to an agreement are limited to individuals who have been determined to be eligible individuals under title XVI of the Act or who are receiving a State supplementary payment which is federally administered, or both (see § 416.2003 and § 416.2052 in connection with federally administered State supplementary payments).

§ 116.2116 Terms of agreement; functions performed by the Secretary.

Under the agreement the Secretary may perform the following:

(a) *Determinations and redeterminations.* (1) Make determinations of eligibility for medical assistance pursuant to the agreement on behalf of a State so requesting;

(2) Make redeterminations of eligibility for medical assistance as frequently and to the same extent that redeterminations of eligibility for benefits are made under the title XVI program or as frequently and to the same extent as may be mutually agreed upon.

(b) *Notification to States.* Notify the State in a manner mutually agreed upon concerning:

(1) Individuals determined or redetermined to be eligible to receive a benefit under title XVI or a federally administered State supplementary payment, or both;

(2) Changes in status of individuals covered under the agreement;

(3) Individuals determined or redetermined to be ineligible to receive a benefit under title XVI or a federally administered State supplementary payment, or both.

(c) *Quality reviews and program integrity reviews.* Apply the same procedures established for the performance of quality assurance reviews and program integrity reviews for the title XVI program to determinations made under the agreement and to notify the State of findings that affect the status of individuals covered under the agreement.

(d) *Other items of mutual concern.* Other matters of mutual concern relevant to the purpose of the agreement or related functions may, in the Secretary's discretion, be incorporated into its terms.

§ 116.2118 State requests for studies, evaluations, and other information or assistance.

(a) *Studies and evaluations.* The Secretary may, in a separate agreement, agree to conduct such studies and evaluations as the State may request, provided that:

(1) The costs of such studies and evaluations shall be borne by the State, and

(2) The Secretary determines that any such study or evaluation requested by the State is consistent with effective and efficient administration of the title XVI program and does not interfere with the administration of that program.

(b) *Information sharing.* The Secretary may provide the State with information obtained upon an application for title XVI benefits which may be relevant to medical assistance eligibility determinations in a manner mutually agreed upon.

(c) *Coordination with title XVI program.* The Secretary may provide such other assistance with respect to coordination between the State medical assistance programs and the title XVI program, such as the gathering of additional information required by a State to make eligibility determinations for medical assistance, the referral of applicants under the title XVI program to the appropriate State agency, and the placement of State medical assistance workers in offices of the Social Security Administration, as may be administratively feasible and subject to such limitations as may be necessary for the efficient and effective administration of the title XVI program.

§ 116.2119 Functions performed by the State.

(a) *Agreements for Federal determination of eligibility for medical assistance.* The State shall make a timely payment to the Secretary as specified in the agreement of an amount equal to one-half of the administrative costs incurred in carrying out the agreement. In determining such administrative costs only the costs that are necessitated by the agreement and that are additional to the Secretary's costs incurred in administering the title XVI program shall be included.

(b) *Agreements for data exchange.* The State shall make a timely payment to the Secretary, as specified in the agreement of the identifiable costs incurred in carrying out the agreement. Only those costs, necessitated by the agreement that are additional to the Secretary's costs incurred in administering the title XVI program shall be included.

(c) *Notification to Secretary of events affecting eligibility.* The State shall notify the Secretary of all necessary information received concerning the occurrence of events affecting the eligibility status of individuals within the purview of the agreement.

[FR Doc.73-16236 Filed 8-3-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

COASTAL ENGINEERING RESEARCH BOARD

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given of a meeting of the consultants to the Coastal Engineering Research Board on August 7-8, 1973.

This meeting will be held at the Casa Sirena Motor Hotel, Channel Islands Harbor, Oxnard, California, from 0900 hours to 1600 hours on 7 August 1973 and at the Point Mugu Naval Air Station from 0830 to 1145 on 8 August.

The August 7 session will be devoted to technical discussions of prototype experimental groin research, radioisotopic sand tracer studies, inner continental shelf studies, and wave measurements.

The 8 August session will be a field inspection of a prototype experimental groin on the grounds of the Point Mugu Naval Air Station.

The sessions will be open to the public subject to the following limitations:

1. Seating capacity of the meeting room limits public attendance to not more than 20 people. Advance notice of intent to attend is requested in order to assure adequate and appropriate arrangements.

2. Written statements may be submitted prior to, or up to 30 days following the meeting, but oral participation by the public is precluded because of the time schedule.

3. Each person planning to attend the field inspection trip at Mount Mugu must: furnish his own transportation, leave his vehicle outside the Point Mugu Naval Air Station, enter by Gate 5 at Arnold Road, and comply with Point Mugu Naval Air Station restrictions.

Inquiries may be addressed to Colonel James L. Trayers, Commander and Director, U.S. Army Coastal Engineering Research Center, Kingman Building, Fort Belvoir, Virginia 22060; telephone 202-325-7000.

For the Adjutant General.

JULY 27, 1973.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.73-16088 Filed 8-3-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[INT FES 73-40]

BANDELIER NATIONAL MONUMENT, N.M.

Proposed Wilderness Classification; Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for proposed Wilderness Classification for Bandelier National Monument, New Mexico.

The final environmental statement considers the designation of 21,110 acres of Bandelier National Monument as wilderness.

Copies are available from or for inspection at the following locations:

Southwest Regional Office
National Park Service
Old Santa Fe Trail
P.O. Box 728
Santa Fe, New Mexico 87501

Office of the Superintendent
Bandelier National Monument
Los Alamos, New Mexico 87544

Dated: July 26, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-16102 Filed 8-3-73;8:45 am]

[INT DES 73-47]

OLYMPIC NATIONAL PARK, WASH.

Master Plan; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a Master Plan for Olympic National Park, Washington.

The statement considers the management and use of Olympic National Park.

Written comments on the environmental statement are invited and will be accepted on or before October 5, 1973. Comments should be addressed to the Regional Director, Pacific Northwest Region, or the Superintendent, Olympic National Park at the addresses given below.

Copies are available from or for inspection at the following locations:

Pacific Northwest Region
National Park Service
523 Fourth and Pike Building
Seattle, Washington 98101

Superintendent
Olympic National Park
600 E. Park Avenue
Port Angeles, Washington 98362

Dated: July 26, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-16101 Filed 8-3-73;8:45 am]

[INT DES 73-48]

OLYMPIC NATIONAL PARK, WASHINGTON

Wilderness Proposal; Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed wilderness designation for Olympic National Park, Washington, and invites written comment to be submitted on or before October 5, 1973. Written comments should be addressed to the Regional Director, Pacific Northwest Region, or the Superintendent, Olympic National Park at the addresses given below.

The draft environmental statement considers the designation of 834,890 acres in Olympic National Park as wilderness.

Copies are available from or for inspection at the following locations:

Pacific Northwest Region
National Park Service
523 Fourth and Pike Building
Seattle, Washington 98101

Superintendent
Olympic National Park
600 E. Park Avenue
Port Angeles, Washington 98362

Dated: July 26, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-16100 Filed 8-3-73;8:45 am]

[INT FES 73-41]

THEODORE ROOSEVELT NATIONAL MEMORIAL PARK, N. DAK.

Proposed Wilderness Classification; Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the

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Department of the Interior has prepared a final environmental statement for proposed wilderness classification for Theodore Roosevelt National Memorial Park, North Dakota.

The final environmental statement considers the designation of 28,335 acres of Theodore Roosevelt National Memorial Park as Wilderness.

Copies are available from or for inspection at the following locations:

Midwest Regional Office
National Park Service
1709 Jackson Street
Omaha, Nebraska 68102

Theodore Roosevelt National Memorial Park
Medora
North Dakota 58645

Dated: July 26, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-16103 Filed 8-3-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

ALPINE LAKES AREA

Recommended Land Use Plan; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a Recommended Land Use Plan for the Alpine Lakes Area in the State of Washington.

The environmental statement concerns a proposed plan for the management of lands including wilderness in the Alpine Lakes Area on portions of the Snoqualmie and Wenatchee National Forests in the State of Washington. USDA-FS-DES (Adm.) 73-91.

This draft environmental statement was filed with CEQ July 30, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97204
Snoqualmie National Forest
1601 Second Avenue Building
Seattle, Washington 98101
Wenatchee National Forest
3 S. Wenatchee Avenue
Wenatchee, Washington 98801

A limited number of single copies are available upon request to Regional Forester, T. A. Schlapfer, Pacific Northwest Region, 319 SW. Pine Street, Portland, Oregon 97204.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to T. A. Schlapfer, Pacific Northwest Region, 319 SW. Pine Street, Portland, Oregon 97204. Comments must be received by November 20, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JULY 31, 1973.

[FR Doc.73-16170 Filed 8-3-73;8:45 am]

RED RIVER GORGE PLANNING UNIT

Multiple Use Plan; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Multiple Use Plan for the Red River Gorge Planning Unit, Forest Service report number USDA-FS-DES (Adm.) 73-92.

The environmental statement concerns a proposed long-range multiple use plan for the Red River Gorge Planning Unit on the Stanton Ranger District of the Daniel Boone National Forest.

This draft environmental statement was filed with CEQ on July 30, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Southern Region
1720 Peachtree Road, NW.
Atlanta, Georgia 30309

USDA, Forest Service
Daniel Boone National Forest
27 Carol Road
Winchester, Kentucky 40391

USDA, Forest Service
Stanton Ranger District
Highway No. 15
Stanton, Kentucky 40380

A limited number of single copies are available upon request to John E. Alcock, Forest Supervisor, Daniel Boone National Forest, 27 Carol Road, Winchester, Kentucky 40391.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to John E. Alcock, Forest Supervisor, Daniel Boone National Forest, 27 Carol Road, Winchester, Kentucky 40391. Comments must be received by September 15, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JULY 31, 1973.

[FR Doc.73-16169 Filed 8-3-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

PROVIDENCE HOSPITAL-RCR CENTER ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

Correction

In FR Doc. 73-14343 appearing at page 18699 in the issue of Friday, July 13, 1973, in the entry for Docket No. 73-00574-33-46040, in the fifth line the reference to "Model SM" should read "Model EM".

Maritime Administration

[Docket No. S-373]

MOORE-McCORMACK BULK TRANSPORT, INC.

Application for Operating-Differential Subsidy

Notice is hereby given that Moore-McCormack Bulk Transport, Inc., a wholly owned subsidiary of Moore and McCormack Co., Inc., has filed an application for operating-differential subsidy on three (3) proposed new tankers of approximately 38,300 deadweight tons each to be operated in worldwide tanker trades in the foreign commerce of the United States.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States registry for the worldwide carriage of liquid and dry bulk cargoes moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before August 16, 1973, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: August 1, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.73-16166 Filed 8-3-73;8:45 am]

[Docket No. S-374]

OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO BETWEEN THE U.S. AND U.S.S.R.

Notice of Multiple Applications

Notice is hereby given that applications have been filed under the Merchant Marine Act of 1936, as amended, for extension of operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on December 31, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the applicants listed in Appendix A and/or related persons or firms, employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for each such applicant if its application for operating-differential subsidy is granted.

Said applicants have requested written permission involving the domestic, intercoastal or coastwise services likewise described in Appendix A.

Said applicants have previously been granted written permission with respect to such services in fiscal year 1973.

Interested parties may inspect these applications in the Office of The Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on August 10, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Further, each petition shall identify the applicant or applicants against which the intervention is lodged.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled commencing at 10 a.m., August 13, 1973 and continuing on succeeding business days if required, in Room 4896, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations. Evidence concerning each application will be heard in the order in which applicants are listed in Appendix A.

Dated: August 1, 1973.

By Order of the Maritime Administration.

JAMES S. DAWSON, JR.,
Secretary.

APPENDIX A

I. Name of Applicant: Academy Tankers, Inc. (Academy)

Description of Domestic Service and Vessels: The applicant, Academy, owns and operates the vessels listed hereafter, which vessels have operated in the domestic, intercoastal and/or coastwise service, and Academy's parent, Petrolane, Inc. also owns the Arthur Levy Boat Service which comprises a number of corporations owning or leasing vessels operating in domestic commerce serving offshore oil drilling rigs. Academy has requested written permission to continue its domestic operations as well as those of its various sister corporations:

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Written permission is now required by the applicant, Academy, notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessels carried domestic commerce of the United States on that voyage.

II. Name of Applicants:

Willamette Transport, Inc. (Willamette)
Wabash Transport, Inc. (Wabash)
Connecticut Transport, Inc. (Connecticut)
Albany River Transport, Inc. (Albany River)
Empire Transport, Inc. (Empire)
Meadowbrook Transport, Inc. (Meadowbrook)
Ogden Merrimac Transport, Inc. (Ogden Merrimac)
Platte Transport, Inc. (Platte)
Rio Grande Transport, Inc. (Rio Grande)
Mohawk Shipping Co., Inc. (Mohawk)
Ogden Sacramento Trans., Inc. (Ogden Sacramento)
Ogden Sea Transport, Inc. (Ogden Sea)
James River Transport, Inc. (James River)

Description of Domestic Service and Vessels: Willamette, Wabash, Connecticut, Albany River, Empire, Meadowbrook, Ogden Merrimac, Platte, Rio Grande, Mohawk, Ogden Sacramento, Ogden Sea and James River, all affiliates of one another and of the other owning companies listed hereafter, have each requested written permission to continue employment in the domestic intercoastal and/or coastwise service for the below listed vessels owned by each or their affiliates.

Ship	*Owning Company*
ALBANY	Albany River
CONNECTICUT	Connecticut
JAMES	James River
MISSOURI	Meadowbrook
MOHAWK	Mohawk
OGDEN WABASH	Wabash
OGDEN WILLAMETTE	Willamette
OGDEN YUKON	Ogden Sea
YELLOWSTONE	Rio Grande

Written permission is now required by the applicants notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

III. Name of Applicant: Sea Tankers, Inc. (Sea Tankers)

Description of Domestic Service and Vessels: The applicant, Sea Tankers, is a subsidiary of Overseas Shipholding Group, Inc. (Shipholding), whose subsidiaries have engaged in domestic coastwise, intercoastal and non-contiguous petroleum trades with tanker vessels, and the applicant has requested written permission for it and its related companies to continue such operations. The following tanker vessels are owned by the applicant and related companies, all subsidiaries of Shipholding:

Ship	*Owner*
OVERSEAS ALASKA	Intercontinental Bulktank Corporation
OVERSEAS ALICE	Intercontinental Bulktank Corporation
OVERSEAS ALEUTIAN	Ocean Transportation Company, Inc.
OVERSEAS ULLA	Ocean Transportation Company, Inc.
OVERSEAS ARTIC	Overseas Bulktank Corporation
OVERSEAS VALDEZ	Overseas Bulktank Corporation
OVERSEAS JOYCE	Overseas Oil Carriers, Inc.

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OVERSEAS ANCHORAGE	Globe Seaways, Inc.
OVERSEAS VIVIAN	Ocean Tankships Corporation
OVERSEAS ROSE (ALPHA RESERVE).	Sea Tankers
BETA RESERVE	Sea Tankers
OVERSEAS EVELYN (GAMMA RESERVE).	Sea Tankers

Written permission is now required by the applicant, Sea Tankers, notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

[FR Doc.73-16165 Filed 8-3-73;8:45 am]

[Docket No. S-376]

OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO BETWEEN THE U.S. AND U.S.S.R.

Notice of Multiple Applications

Notice is hereby given that the corporations listed in Appendix A have filed applications for extension of operating-differential subsidy contracts to carry bulk cargoes to expire, unless extended, on December 31, 1973 except for subsidized voyages in progress on that date. The bulk cargo carrying vessels proposed to be subsidized and a description of each of such vessels are also presented in Appendix A.

Said applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

These vessels are to engage in the carriage of export bulk, raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the United States to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk, raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk, raw and processed agricultural commodities subsidy program, including terms, conditions, and restrictions upon both the subsidized operators and vessels, appear in the regulation published in the FEDERAL REGISTER on October 21, 1972 (37 FR 22747).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vessel named will engage in the trades described on a full-time basis through December 31, 1973 (with extension to termination of approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

The Board has previously found during fiscal year 1973, that section 605(c) was no bar to the grant of operating-differential subsidy to each of the applicants listed in Appendix A.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before August 10, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event requests for hearing and petitions regarding the relevant section 605(c) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled commencing at 10 a.m., August 13, 1973, and continuing on succeeding business days if required, in Room 4896, Department of Commerce Building, 14th and E Streets, N.W., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon. Evidence concerning each application will be heard in the order in which applicants are listed in Appendix A.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: August 2, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

APPENDIX A

Name of Applicant	Vessel Names	Type of Ship
American Rice	SS American Rice	Bulk carrier
Chas. Kurz & Co., Inc.	SS Julesburg	Tanker
	SS Tullahoma	"
	SS Sandy Lake	"
	SS Birch Coulie	"
	SS Fort Fetterman	"
	SS Gaines Mill	"
	SS Mill Spring	"
	SS Northfield	"
Penn Tanker Company.	Penn Champion	Tanker
	Penn Challenger	"

[FR Doc.73-16206 Filed 8-3-73;8:45 am]

[Docket No. S-377]

OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO BETWEEN U.S. AND U.S.S.R. AND OTHER FOREIGN TRADE

Notice of Multiple Applications

Notice is hereby given that applications have been filed under the Merchant Marine Act of 1936, as amended, for extension of operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire unless extended, on December 31, 1973 (except for subsidized voyages in progress on that date). Inasmuch as the Applicants listed in Appendix A and/or related persons or firms, employ ships in the domestic, intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for each such applicant if its application for extension of operating-differential subsidy is granted.

Said Applicants have requested permission involving the domestic, intercoastal or coastwise services described in Appendix A.

Said Applicants have previously been granted written permission with respect to such services in fiscal year 1973.

Interested parties may inspect these applications in the Office of The Secretary, Maritime Administration, Department of Commerce Building, Fourteenth & E Streets, NW., Washington, D. C. 20230.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on August 10, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

In no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 A.M., August 13, 1973 in Room 4896 Department of Commerce Building, Fourteenth & E Streets, NW., Washington, D. C. 20230. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

Dated: August 2, 1973.

By order of the Maritime Administration.

JAMES S. DAWSON, JR.
Secretary.

APPENDIX A

I. *Name of applicant.* Chas. Kurz & Co., Inc. (Kurz)

Description of domestic service and vessels. On January 6, 1972, a related company of Kurz, Margate Shipping Co. (Margate), was granted written permission for Margate's affiliates to own and operate a total of 31 U.S. flag vessels to transport liquid bulk cargoes within or between the following coastal areas with free interchange of the vessels among these various domestic trades. The following list shows the maximum number of vessels to be employed in each Domestic Trade at any one time:

U.S. Gulf/Atlantic Coastwise	17 vessels
U.S. Gulf/Atlantic, Puerto Rico	2 vessels
U.S. Atlantic/Gulf Intercoastal (including Alaska and Hawaii)	5 vessels
Pacific Coast-Alaska and Hawaii	10 vessels

The following U.S. flag tankers are owned, managed or operated by affiliates of Kurz:

Chancellorville	Catawba Ford
Perryville	Keytanker
Shenandoah	Keystoner
Fort Fetterman	Keytrader
Julesburg	Ticonderoga
Naeco	Valley Forge
Bennington	Golden Gate
Cherry Valley	Edgar M. Queeny
Gaines Mill	P. C. Spencer
Mill Spring	J. E. Dyer
Northfield	Sinclair Texas
Tullahoma	David E. Day
Meadowbrook	Mobile Gas
Sandy Lake	Mobile Power
Monmouth	Mobile Fuel
Spirit of Liberty	

Written permission is now required by the applicant (Kurz) notwithstanding the previous grant to a related company (Margate) or the fact that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

II. *Name of applicants.* Sea Transport Corporation (Sea Trans.), and Eagle Terminal Tankers, Inc. (Eagle).

Description of domestic service and vessels. The applicants, Sea Trans. and Eagle, affiliates of one another and of the owning company listed hereafter, have each requested written permission for the continuance of domestic, intercoastal and coastwise service for the following vessels owned by each of the affiliates:

Ship	*Owner*
Eagle Charter	Eagle
Eagle Leader	Eagle
Eagle Courier	Eagle
Eagle Transporter	Eagle
Eagle Traveler	Sea Trans.
Eagle Voyager	Sea Trans.
Nashbulk	Nashbulk, Inc.

Written permission is now required by the applicants (Sea Trans. and Eagle) notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

III. *Name of Applicant.* Penn Tanker Company (Penntanker).

Description of domestic service and vessels. The applicant, Penntanker, has engaged in the domestic intercoastal and coastwise service with the tankers Penn Challenger and Penn Champion and may operate in the future in various domestic trades commercially, under charter to the Military Sealift Command or others, and has requested written permission for Penntankers and its affiliates to engage in the domestic trades as well as the right to move a vessel from one domestic trade to another, and/or from a foreign trade(s) to a domestic trade(s).

Written permission is now required by the applicant, Penntanker, notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

IV. *Name of applicant.* American Rice Steamship Co. (Rice).

Description of domestic service and vessels. Freighters, Inc., parent company of the Applicant, owns and operates the SS American Wheat, which vessel has from time to time tramped in the United States coastwise trade, particularly in the carriage of bulk sugar from the State of Hawaii to the United States Gulf. Written permission is required by Rice for its parent company to continue domestic coastwise service for that vessel.

V. Name of Applicant: *Atlantic Richfield Company.*

Description of domestic service and vessels. Applicant owns, operates and charters vessels engaged in domestic, intercoastal and and coastwise services and has requested written permission for it and related companies to continue operations in the domestic service. The following wholly owned subsidiaries own vessels, chartered to Applicant, which engage in domestic, intercoastal and coastwise services; namely, Philadelphia Tankers, Inc. and Tankers Leasing Corporation.

U.S. flag vessels owned, chartered to and operated by Applicant are listed below:

Arco Prudhoe Bay	Atlantic Navigator
Arco Sag River	Atlantic Prestige
Atlantic Endeavor	Atlantic Trader
Atlantic Enterprise	David E. Day
Atlantic Communicator	Sinclair Texas
Atlantic Heritage	Chancellorsville
	Texan

Written permission is now required by the Applicant, Atlantic Richfield Company, notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessels carried domestic commerce of the United States on that voyage.

[FR Doc.73-16205 Filed 8-3-73;8:45 am]

National Oceanic and Atmospheric Administration

[Docket No. Sub-B-50]

PAN-ALASKA FISHERIES, INC.

Change of Hearing Date and Location

Whereas, on July 12, 1973, there was published at 38 FR 18571 a supplementary notice of hearing in the above-entitled matter to be held in Washington, D.C., on August 13, 1973;

Whereas such notice of hearing provided that any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, as proscribed in 50 CFR Part 257 at least 10 days prior to the date set for hearing;

Whereas several persons have filed petitions for leave to intervene and/or have expressed in writing their interests in this matter (such persons hereinafter referred to as putative intervenors);

Whereas these putative intervenors have expressed the desire to have a hearing in this matter at a location other than in Washington, D.C.; and

Whereas the undersigned Administrative Law Judge assigned to hear and adjudicate the application herein has taken the foregoing matters under advisement and has concluded that the establishment of a different hearing date and hearing location would facilitate a determination of this matter and be in the interest of the public:

It is accordingly hereby ordered, That the hearing in this matter originally scheduled for August 13, 1973, in Washington, D.C., be, and it hereby is, rescheduled to be held commencing August 21, 1973, in Seattle, Washington, and continue until completion. The exact time and location of the hearing will be given to all parties by written notification at least 10 days in advance of said hearing.

ERNEST G. BARNES,
Administrative Law Judge.

AUGUST 2, 1973.

[FR Doc.73-16194 Filed 8-3-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[CAP 5C0028, ET AL.]

COSMETIC, TOILETRY, AND FRAGRANCE ASSOCIATION, INC.

Notice of Filing of Petitions Regarding Color Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that the following petitions have been filed by Cosmetic, Toiletry and Fragrance Association, Inc. (formerly the Toiletry Goods Association, Inc.), c/o Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, VA 22406, proposing the issuance of color additive regulations (21 CFR Part 8) to provide for the safe use and certification of the color additives specified below:

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Cap No.	Color additives	Uses
5C0058....	D&C Red No. 8.....	In drugs and cosmetics.
	D&C Red No. 9.....	
5C0059....	D&C Red No. 10.....	Do.
	D&C Red No. 11.....	
	D&C Red No. 12.....	
	D&C Red No. 13.....	
5C0062....	D&C Red No. 31.....	In externally applied drugs and cosmetics.
5C0040....	D&C Red No. 6.....	In drugs and cosmetics.
	D&C Red No. 7.....	
5C0041....	D&C Orange No. 5....	Do.
6C0042....	D&C Orange No. 10...	Do.
	D&C Orange No. 11...	
6C0043....	D&C Red No. 21.....	Do.
	D&C Red No. 22.....	
6C0044....	D&C Red No. 27.....	In drugs and cosmetics.
	D&C Red No. 28.....	
7C0055....	Ext. D&C Green No. 1.	In coloring drug and cosmetic products for external applications.
8C0057....	D&C Brown No. 1....	In externally-applied cosmetics.
9C0089....	D&C Red No. 36.....	In drugs and cosmetics.
9C0090....	D&C Orange No. 17...	Do.
9C0091....	D&C Red No. 19.....	Do.
	D&C Red No. 37.....	
9C0095....	FD&C Blue No. 1....	In externally-applied drugs and cosmetics, including lipsticks.
9C0096....	FD&C Red No. 3.....	Do.

Dated: July 25, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-16107 Filed 8-3-73;8:45 am]

[CAP 8C0070, ET AL.]

COSMETIC, TOILETRY AND FRAGRANCE ASSOCIATION, INC.

Notice of Filing of Petitions Regarding Color Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that the following petitions have been filed by Cosmetic, Toiletry and Fragrance Association, Inc. (formerly The Toilet Gods Association, Inc.), c/o Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, VA 22046, proposing the issuance of color additive regulations (21 CFR Part 8) to provide for the safe use and exemption from certification of the color additives specified below:

Cap No.	Color additives	Uses
8C0070....	Azulene.....	In externally-applied cosmetics.
8C0071....	Aluminum stearate, calcium stearate, magnesium stearate, lithium stearate, zinc stearate.	In externally-applied cosmetics, including those for use in the area of the eye; and, with the exception of lithium stearate, in lipsticks.
8C0075....	Ultramarine blue.....	In externally-applied cosmetics, including those for use in the area of the eye.
	Ultramarine green....	
	Ultramarine violet....	
	Ultramarine red.....	
	Ultramarine pink.....	
8C0079....	Chromium oxide green and chromium hydroxide green.	Do.
8C0080....	Graphite.....	Do.
8C0082....	Ferric ferrocyanide....	In externally-applied cosmetics, including those for use in the area of the eye.
8C0074....	Natural pearl essence.	In externally-applied cosmetics, including lipsticks and those for use in the area of the eye.
8C0076....	Mica.....	Do.
8C0078....	Bentonite.....	Do.
	Kaolin.....	
	Magnesium aluminum silicate (Veegum).	
8C0081....	Manganese violet.....	Do.
8C0083....	Bronze powder.....	Do.
9C0086....	Iron oxides.....	Do.
9C0094....	Calcium silicate.....	In externally-applied cosmetics including those for use in the area of the eye.

Dated: July 25, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-16106 Filed 8-3-73;8:45 am]

[CAP 7C0056, ET AL.]

PROCTER AND GAMBLE CO.

Notice of Filing of Petitions Regarding Color Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that the following petitions have been filed by The Procter and Gamble Co., Toilet Goods Division, 6000 Center Hill Road, Cincinnati, OH 45224, proposing the issuance of color additive regulations (21 CFR Part 8) to provide for the safe use and certification of the color additives specified below:

Cap No.	Color additives	Uses
7C0056....	Ext. D&C Yellow No. 1.	For use in coloring drug and cosmetic products for external applications.
7C0059....	D&C Red No. 33.....	Do.
9C0088....	D&C Green No. 8.....	Do.

Dated: July 25, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-16108 Filed 8-3-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[Docket No. D-73-244]

DEPUTY ASSISTANT SECRETARY FOR HOUSING MANAGEMENT ET AL.

Designation as Acting Assistant Secretary for Housing Management

SECTION A. *Designation.* The officials appointed to, or designated to serve as Acting during a vacancy in, the following positions are hereby designated to serve as Acting Assistant Secretary for Housing Management during the absence of the Assistant Secretary for Housing Management with all the powers, functions, and duties delegated or assigned to the Assistant Secretary for Housing Management: *Provided,* That no official is authorized to serve as Acting Assistant Secretary for Housing Management unless all other officials whose appointed, or designated Acting, position titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Secretary for Housing Management.
2. Executive Assistant to the Assistant Secretary for Housing Management.
3. Director, Office of Housing Programs.
4. Director, Office of Property Disposition.
5. Director, Office of Administrative and Program Services.

SEC. B. *Authorization.* Each head of an organizational unit of Housing Management is authorized to designate an employee under his jurisdiction to serve as Acting during the absence of the head of the unit.

SEC. C. *Supersedure.* This designation supersedes the designation of Acting Assistant Secretary for Housing Management published at 37 FR 7536, April 15, 1972.

(Secretary's delegation of authority to designate Acting officials, 36 FR 5004, March 17, 1971)

Effective date. This designation to serve as Acting Assistant Secretary for Housing Management is effective as of April 12, 1973.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.73-16111 Filed 8-3-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-335]

FLORIDA POWER AND LIGHT CO.

Notice of Evidentiary Hearing

On January 9, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 1139) a notice of hearing pursuant to 10 CFR Part 50, Appendix D, section B, to consider environmental issues relating to Construction Permit No. CPPR-74 issued on July 1, 1970, to Florida Power and Light Company authorizing the construction of St. Lucie Nuclear Power Plant, Unit 1 (formerly Hutchinson Island Nuclear Power Plant).

The matter having come before this Atomic Safety and Licensing Board at a prehearing conference held on June 5, 1973, and counsel for the parties having been present and participating in said conference, it was agreed that the evidentiary hearing in this proceeding would commence in Ft. Pierce, Florida on August 28, 1973.

The notice of hearing directed that the Licensing Board will, without conducting a de novo evaluation of the application, determine whether the environmental review conducted by the Commission's Regulatory Staff pursuant to Appendix D of 10 CFR Part 50 has been adequate. The Board will also in accordance with section A.11 of Appendix D to 10 CFR Part 50—(a) determine whether the requirements of section 102 (2)(c) and (D) of the National Environmental Policy Act of 1969, and Appendix D to 10 CFR Part 50 of the Commission's Regulations have been complied with in this proceeding; (b) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view toward determining the appropriate action to be taken; and (c) determine, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, whether the construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

It is hereby ordered, That the initial session of the evidentiary hearing in this proceeding shall convene at 1 p.m. local time on August 28, 1973, at the County Commissioners' Hearing Room No. 203, County Courthouse, 2nd Street, Ft. Pierce, Florida 33450.

The public is invited to attend the hearing. Any person who has requested the opportunity to make a limited appearance will be afforded an opportunity to state his views or to file a written statement on the first day of the hearing or at such other times as the Licensing Board may for good cause designate.

The following agenda will in general be followed:

1. Disposition of preliminary matters raised by the Atomic Safety and Licensing Board;
2. Opening statements of the parties;
3. Statements by persons permitted to make limited appearances;
4. Disposition of preliminary motions of the parties and related matters;
5. Introduction of testimony; and
6. Questioning of witnesses by parties and by members of the Licensing Board.
7. Closing matters.

It is so ordered.

Issued at Washington, D.C., this 1st day of August 1973.

The Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc.73-16094 Filed 8-3-73;8:45 am]

[Docket No. 50-346]

TOLEDO EDISON CO. AND THE CLEVELAND ELECTRIC ILLUMINATING CO.

Notice for Evidentiary Session

In the Matter of Toledo Edison Co. and The Cleveland Electric Illuminating Co. (Davis-Besse Nuclear Power Station).

By agreement of the parties, approved by the Board, the Evidentiary Session in this proceeding will continue commencing on August 6, 1973, at 11 a.m., local time in Room 2069 of the Anthony Celebrezzi Building, at 1230 E. 9th Street, Cleveland, Ohio 44199.

It is so ordered.

Issued at Washington, D.C., this 31st day of July, 1973.

The Atomic Safety and Licensing Board.

JOHN B. FARMAKIDES,
Chairman.

[FR Doc.73-16093 Filed 8-3-73;8:45 am]

[Docket Nos. 50-424, 50-425, 50-426, 50-427]

GEORGIA POWER CO.

Availability of AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed Vogtle Nuclear Plant, Units 1, 2, 3 & 4, to be constructed by Georgia Power Company in Burke County, Georgia is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Burke County Library, Fourth Street, Waynesboro, Georgia 30830. The Draft Statement is also being made available at the Georgia State Clearinghouse, 270 Washington Street, SE. Atlanta, Georgia 30334. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Applicant's Environmental Report, as supplemented, submitted by Georgia Power Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on April 27, 1973 FR 10495.

Pursuant to 10 CFR Part 50, Appendix D, interested persons may, on or before September 17, 1973 submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). When comments thereon by Federal, State, and local officials are received by the Commission, such comments will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Burke County Library, Fourth Street, Waynesboro, Georgia 30830. Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 30th day of July 1973.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2 Directorate of Licensing.

[FR Doc.73-15922 Filed 8-3-73;8:45 am]

[Dockets Nos. 50-270, 50-287]

DUKE POWER CO.

Order Extending Completion Dates

Duke Power Company is the holder of Provisional Construction Permits Nos. CPPR-34 and CPPR-35 issued by the Commission on November 6, 1967, for the construction of the Oconee Nuclear Station, Units 2 and 3, two 2568 megawatt (thermal) pressurized water nuclear reactors presently under construction at the Company's site in Oconee County, South Carolina, approximately eight miles northeast of Seneca, South Carolina.

On July 3, 1973, the Company requested an extension of the completion dates because construction of Units 2 and 3 have been delayed due to (i) diversion of construction forces from Units 2 and 3 to Unit 1 to solve problems occasioned by the lateness of Unit 1, (ii) delay in delivery of major reactor coolant components, and (iii) modifications required to the reactor vessel internals for Unit 2. The Director of Regulation having determined that this action involves no significant hazards consideration, and good cause having been shown, the bases for which are set forth in a memorandum dated July 30, 1973, from R. C. DeYoung to A. Giambusso:

It is hereby ordered, That the latest completion date for CPPR-34 (Unit 2) is extended from September 1, 1973 to October 1, 1973, and the lastest completion date for CPPR-35 (Unit 3) is extended from August 1, 1973 to June 30, 1974.

Date of Issuance: July 30, 1973.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-16092 Filed 8-3-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24694]

MIAMI-LOS ANGELES COMPETITIVE NONSTOP CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on September 26, 1973, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Con-

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necticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., July 31 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-16143 Filed 8-3-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

COLORADO STATE ADVISORY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 707) notice is hereby given that the Colorado State Advisory Committee to the U.S. Commission on Civil Rights will meet in a closed session at 9:00 A.M., Monday, August 6, 1973, in Room 216, Ross Building, 1726 Champa Street, Denver, Colorado 80202.

The agenda will consist of discussions leading to recommendations on proposed revisions to the first draft of the Colorado Prison preliminary report.

I have determined that this meeting would fall within exemption (5) of 5 U.S.C. 522(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on August 1, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc 73-16284 Filed 8-3-73;8:45 am]

NEW MEXICO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Mexico State Advisory Committee to this Commission will convene at 6:00 p.m. on August 6, 1973, at the Four Seasons, 2500 Carlisle Boulevard, North East, Albuquerque, New Mexico 87110.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 209, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting shall be to review plans for the Navajo Indian Hearing to be held in Window Rock, Arizona in September 1973, in which the New Mexico Committee will participate.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., August 1, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-16285 Filed 8-3-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS OF PERFORMANCE FOR NEW SOURCES

Advance Notice of Public Review Procedures

Advance notice is hereby given concerning notices of proposed rule making to be published by the Environmental Protection Agency ("EPA") with respect to effluent limitations guidelines, standards of performance, and pretreatment standards for new sources pursuant to sections 304(b) 306 and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1314, 1316 and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500) ("the Act"). The purpose of this notice is to facilitate public comment upon the regulations to be promulgated under sections 304(b), 306 and 307(c), both before and after the publication of the notices of proposed rule making. In addition, this notice will explain EPA's overall plans for development of effluent limitations guidelines and standards of performance for new sources and the approach which is being taken by the Agency in discharging the duties placed upon the Administrator under sections 304(b), 306 and 307(c) of the Act.

EPA believes that the exposure of the technical basis and reasoning underlying regulations to be established pursuant to sections 304(b), 306 and 307(c) is essential to the promulgation of sound effluent limitations guidelines and standards of performance for new sources. At the same time, because of the deadlines for action imposed upon the Administrator under the Act, both EPA and the public will be pressed to analyze and resolve highly complex and important issues in a relatively short time. In order both to develop sound regulations and meet the time schedules set by the Act, EPA intends to identify as many issues and elicit points of criticism at the earliest possible time. To resolve such issues often will require further staff work and management decision-making within EPA and may necessitate substantial redrafting of regulations and support documents. Therefore, extensive external review cannot be postponed until internal EPA review of initial recommendations for effluent limitations guidelines and standards of performance has been completed, but must proceed concurrently with EPA's own internal review and decision-making if the Act's deadlines are to be met.

EPA has already begun this process by seeking comments upon draft technical reports from persons and organizations known to be interested in particular source categories. These reports (which are discussed further below) contain tentative recommended effluent limitations guidelines and standards of performance. This notice seeks to supplement this already initiated external review and facilitate further review and public comment in late August and early September, when notices of proposed rule making will be published in the FEDERAL REGISTER. The notice is divided into three parts. First, the basic legal authority for regulations concerning effluent limitations guidelines and standards of performance for new sources will be set forth. Second, EPA's general methodology will be described. Third, the means by which EPA has to date, and will in the future, seek the widest possible public scrutiny of the technical and legal basis for the regulations to be established will be explained.

1. *Legal authorities* — (a) *Existing point sources.* Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available (the 1977 requirement) and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives (the 1963 requirement).

(b) *New sources.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, (38 FR 1624) a list of source categories for which standards of performance for new sources will initially be established. Section 306(a)(2) defines "new source" as "any source, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance under this section which will be applicable to such source * * *."

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for a category of new sources at the same time that standards of performance for that category are promulgated pursuant to section 306. EPA presently plans to include in proposed and promulgated regulations establishing standards of performance for new sources, provisions which will require application of pretreatment standards which are consistent with EPA's proposed pretreatment standards for existing sources. The basis for the latter standards is set forth in the FEDERAL REGISTER of July 19, 1973 (38 FR 19236) under 40 CFR Part 128. The provisions and rationale of Part 128 are equally applicable to sources which would constitute "new sources", under section 306 if they were to discharge pollutants directly to navigable waters, except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards to be promulgated under section 307(c) apply to new sources, the regulations establishing standards of performance for new sources will amend § 128.133 to require application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

2. *EPA's methodology*—(a) *Overall approach.* The technical studies discussed below and the development of regulations for effluent limitations guidelines and standards of performance are undertaken in the following manner. The point source category is first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis includes a determination of whether differences in raw material used, product produced, manufacturing process employed, age and size of plants, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment are then identified. This includes an analysis of (1) the source, flow and volume of water used in the process employed and the sources of waste and waste waters in the plant; and (2) the constituents of waste waters. The constituents of the waste waters which should be subject to effluent limitations guidelines and standards of performance are then identified.

Next, the control and treatment technologies existing within each segment are identified. This includes an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which exists or is capable of being designed for each segment. It also includes an identification of the effluent level resulting from the application of each of the treatment and control technologies, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants. The problems, limitations and reliability of each treatment and control technology are also identified. In addition, any non-water quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation is examined. Finally, the energy requirements of each control and treatment technology are determined, as well as the cost of the application of such technologies.

This information is then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available", "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors are considered including the total cost of the application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes and non-water quality environmental impact (including energy requirements).

The data on which the above analysis was performed included EPA permit applications, EPA sampling and inspections, industry submissions and consultant reports, including the reports discussed below.

(b) *Technical studies.* Studies of some thirty point source categories for which regulations will initially be promulgated were instituted by EPA as soon as possible after passage of the Federal Water Pollution Control Act Amendments of 1972 (October 18, 1972). These studies constitute in-depth analyses of the technological feasibility and economic costs of reducing or eliminating discharges of pollutants. The studies, along with other information obtained by EPA in the course of internal and external review of the resulting reports or otherwise available to EPA, will serve as a foundation for the regulations to be issued under sections 304(b) and 306 of the Act.

To have attempted to amass within the Agency in a very short period of time the large number of technical personnel with experience in the many diverse point source categories to be covered would have been impractical. Therefore, the overall data base and initial analysis has been obtained through contracts with qualified technical consultants. These consultants were instructed to perform in-depth studies of each point source category, under the supervision and with the assistance of EPA, in accordance with the methodology described above The resulting draft reports include initial tentative recommendations with respect to the effluent limitations guidelines and standards of performance for the particular point source category concerned. The draft reports and recommendations are then subjected to extensive internal and external review. The contractors are assisting in the initial collection and collation of the data base. The responsibility for establishing effluent limitations guidelines and standards of performance for new sources, of course, remains with EPA.

For each of the point source categories covered by the technical studies, EPA is also conducting supplementary studies of the economic impact which could result from application of alternative control and treatment technologies. These studies add to the economic analyses already undertaken as part of the technical studies, which center upon the investment and operating costs associated with various alternative control and treatment technologies, by estimating the broader economic effects which might result from the required application of various technologies. The economic impact studies will investigate effects of alternative approaches in terms of product price increases, effects upon employment and the continued viability of affected plants, effects upon foreign trade and other competitive effects. These reports may be obtained in the same manner as the EPA draft reports, as discussed in section 3(c) below.

Contractors' technical studies of the following point source categories have been completed:

1. Pulp, Paper and Paperboard Mills
2. Builders Paper and Board Mills
3. Meat Product and Rendering Processing
4. Dairy Product Processing
5. Grain Mills
6. Canned and Preserved Fruits and Vegetables Processing
7. Canned and Preserved Seafood Processing
8. Beet Sugar Processing
9. Cane Sugar Processing
10. Textile Mills
11. Cement Manufacturing
12. Feedlots
13. Electroplating
14. Organic Chemicals Manufacturing
15. Inorganic Chemicals Manufacturing
16. Plastics and Synthetic Materials Manufacturing
17. Soap and Detergent Manufacturing
18. Fertilizer Manufacturing
19. Petroleum Refining
20. Iron and Steel Manufacturing
21. Nonferrous Metals Manufacturing
22. Phosphate Manufacturing
23. Steam Electric Powerplants
24. Ferroalloy Manufacturing
25. Leather Tanning and Finishing
26. Glass Manufacturing
27. Insulation Fiberglass Manufacturing
28. Timber Products Processing
29. Beet Sugar Processing Industry
30. Insulation Fiberglass Industry

3. *Public participation in the development of regulations*—(a) *Review of the draft contractors' reports.* The completed contractors' reports are presently undergoing intensive analysis within

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EPA and are also receiving extensive external review and comment. This process of internal and external review is being carried on simultaneously in order to make the most of the time available under the Act. Once the contractors' draft reports are received by EPA, they are immediately distributed to a list of external reviewers for critical analysis. The persons or institutions listed below have been sent the draft reports. They have been asked to comment within 30 days so there will be time for their comments to be taken into account by EPA when preparing proposed rule making documents.

STATES

Alabama Water Improvement Commission
State Office Building
Montgomery, Alabama 36104
State of Alaska
Department of Environmental Conservation
Pouch O
Juneau, Alaska 99801
Commission of Arizona State Department of Health
4019 N. 33rd Avenue
Phoenix, Arizona 95017

Department of Pollution Control and Ecology
1100 Harrington Avenue
Little Rock, Arkansas 72202

California State Water Resources Control Board
Sacramento, California 95814

Water Pollution Control Division
Colorado Department of Health
4210 E 11th Avenue
Denver, Colorado 80220

Division of Water Compliance and Hazardous Substances
Department of Environmental Protection
State Office Building
Hartford, Connecticut 06115

Department of Natural Resources and Environmental Control
Capitol Complex
Tatnall Building
Dover, Delaware 19901

Department of Pollution Control
2562 Executive Center Circle East
Tallahassee, Florida 32301

Environmental Protection Division
Department of Natural Resources
47 Trinity Avenue, S.W.
Atlanta, Georgia 30334

Assistant Director for Environmental Health
Hawaii State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801

Indiana Stream Pollution Control Board
1330 West Michigan Street
Indianapolis, Indiana 46206
State of Idaho
Department of Environmental and Community Services
State House
Boise, Idaho 83720

Water Quality Management Division
Department of Environmental Quality
Lucos State Office Building
Des Moines, Iowa 50319

Division of Environmental Health
Kansas State Department of Health
535 Kansas Avenue
Topeka, Kansas 66603

Kentucky Water Pollution Control Commission
275 East Main Street
Frankfort, Kentucky 40601

Louisiana Stream Control Commission
P.O. Drawer FC
University Station
Baton Rouge, Louisiana 70803

Environmental Health Division
Louisiana State Board of Health
New Orleans, Louisiana

Department of Environmental Protection
State House
Augusta, Maine 04430

Water Resources Administration
Tower State Office Building
D2 Water Resources
Annapolis, Maryland 21401

Division of Water Pollution Control
State Office Building
100 Cambridge Street
Boston, Massachusetts 02202

Michigan Water Resources Commission
Steven T. Mason Building
Lansing, Michigan 45916

Minnesota Pollution Control Agency
State Board of Health Building
717 Delaware Street, SE
Minneapolis, Minnesota 55440

Mississippi Air and Water Pollution Control Commission
P.O. Box 827
Jackson, Mississippi 39205

Missouri Clean Water Commission
P.O. Box 154
Jefferson City, Missouri 65101

Division of Environmental Sanitation
State Department of Health
Cogswell Building
Helena, Montana 59601

Department of Environmental Control
1420 P Street
Lincoln, Nebraska 60509

Nevada Commission of Environmental Protection
201 South Fall Street
Carson City, Nevada 89701

New Hampshire Water Supply and Pollution Control Commission
Prescott Park
105 Loudon Road
Concord, New Hampshire 03301

Department of Environmental Protection
P.O. Box 1390
Trenton, New Jersey 08625

New Mexico Environment Improvement Agency
P.O. Box 2348
Santa Fe, New Mexico 87501
Industrial Waste Bureau
New York State Department of Environmental Conservation
50 Wolf Road
Albany, New York 12201

Office of Air and Water Resources
Department of Natural and Economic Resources
P.O. Box 27687
Raleigh, North Carolina 27611

Environmental Health and Engineering Services
Department of Health
State Capitol
Bismarck, North Dakota 58501

Ohio Environmental Protection Agency
Columbus, Ohio 43216

Department of Pollution Control
2241 N.W. 40th Street
Oklahoma City, Oklahoma 73112

Oregon Department of Environmental Quality
1234 S.W. Morrison
Portland, Oregon 97205

Bureau of Sanitary Engineering
Department of Environmental Resources
P.O. Box 2351
Harrisburg, Pennsylvania 17120

Division of Water Pollution Control
Rhode Island Department of Health
State Office Building
Providence, Rhode Island 02903

South Carolina Pollution Control Authority
P.O. Box 11628
Columbia, South Carolina 29311

Division of Sanitary Engineers and Environmental Protection
State Department of Health
State Capitol
Pierre, South Dakota 57501

Division of Water Quality Control
Department of Public Health
621 Cordell Hull Building
Nashville, Tennessee 37219

Texas Water Control Board
P.O. Box 13246
Capitol Station
Austin, Texas 78711

Bureau of Environmental Health
Division of Health
44 Medical Drive
Salt Lake City, Utah 84113

Vermont Agency of Environmental Conservation
Montpelier, Vermont 05602

Virginia State Water Control Board
1010 State Office Building
Richmond, Virginia 23219

Washington Department of Ecology
P.O. Box 829
Olympia, Washington 98504

West Virginia Division of Water Resources
Department of Natural Resources
1201 Greenbriar Street
Charleston, West Virginia 25311

Division of Environmental Protection
Wisconsin Department of Natural Resources
P.O. Box 450
Madison, Wisconsin 53701

Sanitary Engineering Services
Division of Health and Medical Services
Department of Health and Social Services
State Office Building
Cheyenne, Wyoming 82001

TERRITORIES

Environmental Quality Commission
Government of Samoa
Pago-Pago, Tutuila
American Samoa 96920
Water Pollution Control Program
Government of Guam
P.O. Box 2816
Agana, Guam 96910
Environmental Quality Board
P.O. Box 11785
San Juan, Puerto Rico 00910
Office of High Commission
Division of Environmental Health
Trust Territory of the Pacific Islands
Saipsan, Mariana Island 92950

RIVER BASIN COMMISSIONS

Delaware River Basin Commission
25 State Police Drive
West Trenton, New Jersey 08628
New England Interstate Water Pollution Control Commission
607 Boylston Street
Boston, Massachusetts 02116
Ohio River Valley Sanitation Commission
414 Walnut Street
Cincinnati, Ohio 45202

The reports have also been transmitted to the following agencies or organizations:

AGENCIES AND OFFICES OF/OR RELATED TO THE FEDERAL GOVERNMENT

Department of Agriculture
Atomic Energy Commission
Department of Commerce
Department of Defense
Federal Power Commission
Department of Health, Education, and Welfare
Department of Housing and Urban Development
Department of the Interior
Office of the Energy Advisor
Department of the Treasury
National Industrial Pollution Control Council
U.S. Department of Commerce
Water Resources Council
Tennessee Valley Authority

PUBLIC INTEREST GROUPS

The American Society of Civil Engineers
The American Society of Mechanical Engineers
Businessmen for the Public Interest
Conservation Division
National Wildlife Federation
The Conservation Foundation
Environmental Defense Fund, Inc.
Hudson River
Sloop Restoration, Inc.
Natural Resources Defense Council
Water Pollution Control Federation

INDUSTRY TRADE ASSOCIATIONS OR COMPANIES

The Aluminum Association
Aluminum Smelting and Recycling Institute
American Corn Millers Federation
American Electroplaters' Society
American-Florida Sugar Cane League
American Frozen Food Institute
American Hardboard Association
American Iron and Steel Institute
American Livestock Feeders Association
American Meat Institute
American Mining Congress
American National Cattleman's Association
American Paper Institute
American Petroleum Institute
American Plywood Association
American Public Power Association
American Shrimp Canners Association
American Wood Preservers Association
American Wood Preservers Institute
American Textile Manufacturers Institute
A.S.G. Industries, Inc.
Atomic Industrial Forum, Inc.
Beet Sugar Development Foundation
Carpet and Rug Institute
Catfish Farmers of America
Chesapeake Bay Seafood Industries Association, Inc.
Chlorine Institute
Copper and Brass Fabricators Council
Corn Refiners Association, Inc.
Dairy Industry Committee
Dimmitt Agricultural Industry
Edison Electric Institute
Environmental Pollution Control Program
Glass Container, Inc.
The Ferroalloy Association
The Fertilizer Institute
Ford Motor Company
Glass Division
Glass Containers Manufacturers Institute
Hawaiian Sugar Planters Association
Hardwood Plywood Manufacturing Association
Institute of American Poultry Industries
International Institute of Synthetic Rubber Producers
Libbey-Owens-Ford Co.
Manufacturing Chemists Association
Metal Finishers Suppliers Association
Miller's National Federation
National Association of Electric Companies
National Association of Metal Finishers
National Broiler Council
National Canners Association
National Council of the Paper Industry for Air and Stream Improvement, Inc.
National Independent Meat Packers Association
National Fisheries Association
National Forest Products Association
National Milk Producers Federation
National Pork Producers Association
National Renders Association, Inc.
National Rural Electric Cooperative Association
Northern Textile Association
National Soft Wheat Millers Association
Portland Cement Association
P.P.G. Industries, Inc.
Protein Cereal Products Institute
Puerto Rico Land Administration
Rice Millers Association
Rubber Manufacturing Association
Technical Association of the Pulp and Paper Industry
Soap and Detergent Association
Synthetic Organic Chemical Manufacturers Association
Tanner's Council of America, Inc.
Tennessee Valley Public Power Association
Tuna Research Foundation, Inc.
Technical Association of the Pulp and Paper Industry
United States Beet Sugar Association
United States Cane Sugar Refiner's Association
Western States Meat Packers Association
Western Wood Preserver Association

(b) *Public availability of draft technical reports.* The draft reports are voluminous and rapid reproduction in large quantities is difficult to accomplish. In order to maximize the usefulness of early external review of the reports, the reports must be transmitted to interested persons immediately upon receipt by EPA. Printing of substantial quantities of the reports would consume two to three weeks and, under applicable federal regulations, no more than approximately 160 copies of the reports may be provided through outside printing contracts. The 160 copies of the report supplied by the contractors have already been largely exhausted in transmissions to the organizations listed above, and for internal review purposes within EPA. However, a copy of every report is available in each of EPA's regional offices, which are listed in the Appendix to this notice, and a complete set of the reports is also available in EPA's Washington offices (Office of Public Affairs, Environmental Protection Agency, Room W-227, Waterside Mall, Washington, D.C. 20460). The Washington Office will also maintain a complete set of comments received from the public upon draft reports and upon the notices of proposed rule making which will subsequently be published. The draft reports, revised EPA reports which are described below, and all public comments, will be available for inspection and copying during regular business hours. Under EPA's information regulations (40 CFR, Part 2), a fee may be required for making copies.

In addition to review of the EPA copies of the reports, interested persons may in many instances obtain a copy of a draft report by contacting an organization listed above with which they have an affiliation or by seeking to review a copy in the possession of the appropriate State agency.

(c) *Public availability of EPA draft reports.* Upon conclusion of internal and external review of the initial draft reports and their tentative recommendations, an EPA draft report will be prepared in support of proposed regulations to be issued in the FEDERAL REGISTER. The EPA draft report will be published simultaneously with the notice of proposed rule making. The EPA draft report may be different from the contractors' reports, particularly as to the assessment of practicability or availability of technology, and the conclusions reached with respect to effluent limitations guidelines and standards of performance for new sources.

However, EPA does not anticipate that the EPA report will be markedly different in terms of the fundamental data base for the regulations. In most cases, major issues or objections to the approach taken or the conclusions reached in the EPA draft report will have already been raised by the contractors' draft report. Criticisms of the adequacy of the data base and the analytical methods employed should therefore be expressed now rather than after the notice of proposed rule making.

Nevertheless, EPA does not regard the contractors' draft report as an official EPA document and additional comments will, of course, be solicited once the EPA draft report and the associated proposed regulations are published (A final EPA report will also be prepared and published in support of the final regulations promulgated under sections 301, 304(b), 306 and 307(c)). The EPA draft report will be sent to the list of reviewers set forth earlier in this notice. In addition, EPA is establishing a mailing list of other persons wishing to obtain a copy of the EPA draft report. Any person wishing to be included on the list should so request as soon as possible, but no later than August 20, 1973. The request should be addressed to the "EPA Information Center, Attention: Mr. Philip B. Wisman, Environmental Protection Agency, Room W-327, Waterside Mall, Washington, D.C. 20460", and should indicate which specific reports the person or organization is interested in receiving. EPA will transmit a copy of the EPA draft report to those on the mailing list, as soon as the report is available. Copies of the EPA draft reports will otherwise be transmitted, upon request to EPA, at the address just quoted, as soon as possible. The economic studies referred to in section 2(b) above will be made available upon request in the same manner as the EPA draft reports.

EPA desires to make copies of all reports available to interested parties wishing to comment as soon as possible. EPA therefore requests the cooperation of the

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public who are interested in, but not directly affected by, the proposed regulations in awaiting the final EPA report to be published after the final regulation is printed in the FEDERAL REGISTER, rather than requesting copies of the EPA draft reports.

(d) *Solicitation of public comments.* By seeking comments upon the initial draft reports which have already been prepared, and the initial recommended guidelines and standards which those reports contain, much of the analysis and comment which would ordinarily occur after notices of proposed rule making are published is taking place now. In this way the resolution of many issues can be accomplished even before notices of proposed rule making are published. These issues will be identified and their resolution explained in the notices of proposed rule making. Issues which remain unresolved will be highlighted in the notices. In addition, EPA hopes to enable all interested parties to be sufficiently familiar with the complex technical details underlying the proposed effluent limitations and standards so that they can respond to notices of proposed rule making in a relatively short time. In order to meet the deadlines imposed by the Act, the present plan is that the notices of proposed rule making will request formal, public comments within 21 days of publication of the notices in the FEDERAL REGISTER. Those persons who have indicated their desire to be included on the mailing list described above will receive copies of EPA's draft report supporting the proposed regulations in the FEDERAL REGISTER. As noted, these reports will reflect EPA's judgment as to the proper regulations; however, they will be based in large part upon the initial draft reports (which will have been available in most cases since early July 1973) and any comments received thereon.

EPA will consider all comments received up to the time indicated in the notices of proposed rule making. In addition, to the extent time allows, early comments upon the initial draft reports will be considered when developing proposed rule making regulations.

(e) *Conclusion.* In summary, EPA is, by this notice, seeking to encourage as wide ranging and thorough public review prior to proposal and promulgation of effluent limitations guidelines and standards of performance as is possible within the time allowed. The following specific steps may be taken by interested persons:

1. Submit comments upon initial draft reports and economic studies. To facilitate rapid transmission of comments to the persons concerned within EPA, and also have a copy which is immediately available for public review, EPA requests that comments be submitted in triplicate. All comments received before or after publication of the notice of proposed rule making, as well as all technical and economic reports, will be available for inspection and copying at the Office of Public Affairs, Room 227, West Tower, Waterside Mall, during regular business hours (8:00 a.m.–4:30 p.m.).

2. Request inclusion on a mailing list for the EPA draft reports and economic studies which will be published about the same time as notices of proposed rule making in the FEDERAL REGISTER. Requests to be included on the mailing list should be received by August 20, 1973 and should indicate which specific reports are requested.

3. Comment upon the notices of proposed rule making and the associated draft EPA technical and economic reports. All comments received within 21 days after publication of the notices in the FEDERAL REGISTER will be considered.

4. All public comments, requests to be included on the mailing list for reports and other requests for reports may be addressed to "EPA Information Center, Attention: Mr. Philip B. Wisman, Environmental Protection Agency, Room W-327, Waterside Mall, Washington, D.C. 20460."

In conclusion, it should be emphasized that EPA seeks comments upon its overall approach and legal interpretation of its responsibilities under sections 304(b), 306 and 307(c) of the Act, as well as upon the technical aspects of the initial draft reports, and the EPA reports to be issued. However, it should be also emphasized that the early expression of comments is essential if EPA is to be able to make whatever adjustments and responses which may be necessary in time to satisfy its responsibilities under the Act. In the event comments are in the nature of criticisms as to the adequacy of data which is available or which may be relied upon by the Agency, comments should identify any additional data which may be available and should indicate how such data is pertinent to the development of regulations under sections 301, 304(b), 306 and 307(c) of the Act. In the event comments address the approach taken to establishing an effluent limitation guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken, or result reached, and why and how this fits with the detailed requirements of sections 304(b), 306 and 307(c) of the Act.

Dated: July 31, 1973.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

APPENDIX

Director, Office of Public Affairs
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Director of Public Affairs
Region I
Environmental Protection Agency
Room 2303
John F. Kennedy Federal Building
Boston, Massachusetts 02203

Director of Public Affairs
Region II
Environmental Protection Agency
Room 847
26 Federal Plaza
New York, New York 10007

Director of Public Affairs
Region III
Environmental Protection Agency
Curtis Bldg., 6th and Walnut Streets
Philadelphia, Pennsylvania 19106

Director of Public Affairs
Region IV
Environmental Protection Agency
Suite 300
1421 Peachtree Street, N.E.
Atlanta, Georgia 30309

Director of Public Affairs
Region V
Environmental Protection Agency
1 N. Wacker Drive
Chicago, Illinois 60606

Director of Public Affairs
Region VI
Environmental Protection Agency
1600 Patterson Street
Dallas, Texas 75201

Director of Public Affairs
Region VII
Environmental Protection Agency
1735 Baltimore Street
Kansas City, Missouri 64108

Director of Public Affairs
Region VIII
Environmental Protection Agency
Lincoln Tower, Room 916
1860 Lincoln Street
Denver, Colorado 80203

Director of Public Affairs
Region IX
Environmental Protection Agency
100 California Street
San Francisco, California 94102

Director of Public Affairs
Region X
Environmental Protection Agency
1200 6th Avenue
Seattle, Washington 98101

[FR Doc.73-16133 Filed 8-3-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 659]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 30, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) Within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

APPENDIX

APPLICATION ACCEPTED FOR FILING:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20070–C2–P–74 Dakota Radio Paging, Inc. (KQK777) C.P. to add additional facilities to operate on 152.06 MHz at a new location described as Loc. #2: Water Tower 2 miles SSW of Sioux Falls, (Lincoln) S. Dakota.

20071–C2–P–74 Miami Valley Radiotelephone (KLF577) C.P. for additional facilities to operate on 35.22 MHz located at 2400 Lehman Road, Cincinnati, Ohio, described as Loc. #2.

20072–C2–P–74 Raleigh Radio Paging Service, Inc. (KIY409) C.P. to replace transmitter operating on 35.22 MHz at 5 West Hargett Street, Wake, North Carolina.

20073–C2–P–74 Radio Telephone Service, Inc. (New) C.P. for a new 2-way station to operate on 152.21 MHz located at 2210 Boardwalk, Atlantic City, New Jersey.

20074–C2–P–74 Coosa Valley Telephone Company (New) C.P. for a new 2-way station to operate on 152.510 MHz located at: 0.8 mile NW of intersection of U.S. Hwy 78 & U.S. Hwy 231 in Pell City, Alabama.

20075–C2–P–(7)–74 South Central Bell Telephone Company (KIB532) C.P. to replace transmitter operating on 152.81 MHz; additional facilities to operate on 152.51, 152.66, & 152.72 MHz; change antenna system and relocate all base facilities to Sharps Ridge, Memorial Park, Knoxville, Tennessee; also establish test facilities to operate on 157.77, 157.89, 157.92, 157.95, 157.98, 158.07 to be located at 312 North Broadway, Knoxville, Tennessee.

20076–C2–P–(4)–74 Airsignal International, Inc. (New) C.P. for a new 2-way station to operate on 454.075 454.150 454.200 and 454.325 located at: SE corner of I-40 & North Avalon, West Memphis, Arkansas.

20077–C2–(4)–74 Kwik Kall Communications Co. (New) C.P. for a new 2-way station to operate on 454.075 454.200 454.275 and 454.350 located at: 5321 First Place, N.E., Washington, D.C.

20078–C2–P–74 Elyria Telephone Company (KQK581) C.P. to replace transmitter to operate on 152.66 MHz located at 124–126 Middle Avenue, Elyria, Ohio.

20079–C2–P–74 Radiocall, Inc. (New) C.P. for a new 1-way signaling station to operate on 152.24 MHz, Base, to be located at Loc. #1: 1.3 miles S.W. of Maui County Farm, Kula, Hawaii and 454.025 MHz, Control, to be located at Loc. #2: 1977 Kaohu Street, Wailuku, Hawaii.

Renewals of Licenses expiring July 1, 1973.
TERM: July 1, 1973 to July 1, 1978

LICENSEE	*Call Sign*
Florida Telephone Corporation	KIJ360
Georgia State Tel. Co	KIY351
Same	KIY791
Headwaters Tel. Co	KSD681
Kalama Telephone Co	KOP330
Lake Dallas Tel. Co	KLB495
Mid-Rivers Tel. Coop., Inc	KOH282
Pioneer Tel. Assoc., Inc	KAL877

MAJOR AMENDMENT

6465–C2–P–73 (KSV965) General Communications Service, Inc., Tucson, Arizona. Amend to add additional location on 35.22 MHz on Blackjack Mountain, Marietta, Georgia. All other particulars are to remain the same as reported on PN #639 dated March 12, 1973.

RURAL RADIO SERVICE

60020–C6–P–74 Cameron Telephone Company (New) C.P. for a new rural subscriber station to operate on 157.95 MHz located at approximately 22 miles Southeast of Cameron, Louisiana, Gulf of Mexico.

POINT-TO-POINT MICROWAVE RADIO SERVICE

124–C1–P–74 American Television Relay, Inc. (KPV76) White Tank Mountain, 10.5 Miles NNW of Perryville, Arizona. Lat. 33 34 10 N.—Long. 112 33 33 W. C.P. to add freqs. 6212.0H 6271.4H 6330.7H 6390.0H MHz via power split toward Casa Grande, Ariz. on azimuth 135°46'. (INFORMATIVE: Applicant proposes to provide Arizona Cable TV, Inc. in Casa Grande/Eloy, Arizona with television signals KTLA, KHJ, KCOP & KHV of Los Angeles, California.)

131–C1–P–74 Southern Bell Telephone & Telegraph Company (KJL24) 2.5 Miles South of Gordon, Georgia. Lat. 32 50 52 N.—Long. 83 20 22 W. C.P. to add freqs. 6123.1V MHz toward Round Oak, Ga. on azimuth 318°14'; freq. 6152.8V MHz toward Nickelsville, Ga. on azimuth 126°26'.

132–C1–P–74 Same (KJG94) Rockdale, Approx. 3 Miles SE of Conyers, Georgia. Lat. 33 37 42 N.—Long. 83 58 47 W. C.P. to add freq. 6197.2V MHz toward Jackson, Ga. on azimuth 172°26'.

133–C1–P–73 Same (KJG93) 1.4 miles ENE of Jackson, Georgia. Lat. 33 17 53 N.—Long. 83 55 39 W. C.P. to change alarm center location and add freq. 5945.2H MHz toward Rockdale, Ga. on azimuth 352°28'; freq. 6123.1V MHz toward Round Oak, Ga. on azimuth 126°01'.

134–C1–P–74 Same (KJG92) .25 Mile South of Round Oak, Georgia. Lat. 33 06 19 N.—Long. 83 36 47 W. C.P. to add freq. 6404.8V MHz toward Jackson, Ga. on azimuth 306°11'; freq. 6404.8V MHz toward Gordon, Ga. on azimuth 138°05'.

135–C1–P–74 Same (KJL23) 4.2 Miles SE of Nickelsville, Georgia. Lat. 32 39 15 N.—Long. 83 01 48 W. C.P. to add freq. 6375.2V MHz toward Gordon, Ga. on azimuth 306°36'.

136–C1–P–74 Same (KJG27) 212 McLean Street, Laurinburg, North Carolina. Lat. 34 46 25 N.—Long. 79 27 55 W. C.P. to add freq. 3810H MHz toward Maxton, N.C. on azimuth 105 20'.

137–C1–P–74 Same (KIR23) On Hwy. #71, 1.1 Miles NE of Maxton, North Carolina. Lat. 34 44 44 N.—Long 79 20 30 W. C.P. to change polarizations on freqs. 3770 4090 MHz from H to V toward Smiths, N.C.; add freq. 3850V MHz toward Smiths, N.C.; add freq. 4090H MHz toward Laurinburg, N.C. on azimuth 285°25'.

138–C1–P–74 Same (KIR24) 2.4 Miles NE of Smiths, North Carolina. Lat. 34 41 03 N.—Long. 78 51 07 W. C.P. to add freq. 3810H MHz toward Council, N.C. on azimuth 131°-92'; change polarization on freqs. 3730 3810 3890 MHz from H to V toward Maxton, N.C.; add freq. 4050V MHz toward Maxton, N.C. on azimuth 278°46'.

139–C1–P–74 Same (KIR25) On Highway #211, 1.8 Miles West of Council, North Carolina. Lat. 34 25 39 N.—Long. 78 30 08 W. C.P. to change polarizations on freqs. 3770 4090 4170 MHz from H to V toward Bishop, N.C.; add freq. 3850V MHz toward Bishop, N.C. on azimuth 121°52'; add freq. 4090H MHz toward Smiths, N.C. on azimuth 311°40'.

140–C1–P–74 Southern Bell Telephone and Telegraph Company. (KIR26) 3.3 Miles NW of Bishop, North Carolina. Lat. 34 13 23 N.—Long. 78 06 27 W. C.P. to change polarizations on freqs. 3730 3810 3890 MHz from H to V toward Council, N.C.; add freqs. 4050V toward Council, N.S. on azimuth 42°8' and 3810H toward Wilmington, N.C. on azimuth 15°1'.

141–C1–R–74 Same. (KIR27). 102 North Fourth Street, Wilmington, North Carolina. Lat. 34 14 13 N.—Long. 77 56 42 W. C.P. to add freq. 4090H toward Bishop, N.C. on azimuth 15°1'.

142–C1–P–74 Navajo Communications Company, Inc. (WCZ45). Cottonwood Junction, 6.5 Miles SW of Chinle, Arizona. Application for Renewal of Radio Station for Term: August 31, 1973 to August 31, 1974.

143–C1–R–74 Same. (WCZ44). Chinle, Arizona. Application for Renewal of Radio Station for Term: August 31, 1973 to August 31, 1974.

144–C1–R–74 Same. (WCZ50). Graveyard Junction, 0.6 Mile West of Tuba City, Arizona. Application for Renewal of Radio Station for Term: August 31, 1973 to August 31, 1974.

145–C1–R–74 Same. (WCZ47). Defiance Summit, 8.5 Miles West of Window Rock, Arizona. Application for Renewal of Radio Station for Term: August 30, 1973 to August 30, 1974.

146–C1–R–74 Same. (WCZ38), Kayenta, Arizona. Application for Renewal of Radio Station for Term: August 31, 1973 to August 31, 1974.

147–C1–R–74 Same. (WCZ39). Black Mesa, 8.1 Miles SW of Kayenta, Arizona. Application for Renewal of Radio Station for Term: August 31, 1973 to August 31, 1974.

148–C1–R–74 Same. (WCZ41). Peabody Coal Mine, 12.5 Miles NW of Forest Lake, Arizona. Application for Renewal of Radio Station for Term: August 31, 1973 to August 31, 1974.

149–C1–R–74 Same. (WCZ49). Shonto. Arizona. Application for Renewal of Radio Station for Term: August 31, 1973 to August 31, 1974.

150–C1–R–74 Same. (WCZ42). Navajo National Monument, 9.0 Miles SW of Shonto, Arizona. Application for Renewal of Radio Station for Term: August 31, 1973 to August 31, 1974.

151–C1–R–74 Same. (WCZ43). Preston Mesa, 15 Miles NW of Tuba City, Arizona. Application for Renewal of Radio Station for Term: August 31, 1973 to August 31, 1974.

152–C1–R–74 Navajo Communications Company, Inc. (WCZ46). Ganado Mesa, 5 Miles NW of Ganado, Arizona. Application for Renewal of Radio Station for Term: August 31, 1973 to August 31, 1974.

153–C1–P–74 Eastern Microwave, Inc. (KEA29), C.P. to change Frequency 6167.6V MHz to 5960.0H MHz toward Blue Hill (KEA66) and Carthage, Pennsylvania. Station location Turin Mt., New York Lat. 43 38 58 N. –Long. 75 29 00 W.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

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154-C1-P-74 Same. (WQR41). C.P. to add frequency 11305V MHz toward Scranton, Pennsylvania. (Informative: Applicant proposes to provide the television signal WPHL-TV of Philadelphia, Pa. to Verto Corporation in Scranton, Pa.).

250-C1-ML-74 The Ohio Bell Telephone Company. (KQM37). Mod. of C.P. to change from vertical to horizontal polarization on frequencies 11115 and 10875 toward KQM38 at Warren, Ohio.

251-C1-ML-74 Same. (KQM38). Mod. of C.P. to change from vertical to horizonal polarization on frequencies 11325 and 11565 toward Station KQM37, at Shalersville, Ohio.

252-C1-P-74 General Telephone Company of the Northwest, Inc. (New) 11.5 Miles SW of Wenatchee, Washington. Lat. 47 16 31 N. -Long. 120 25 38 W. C.P. for a new station on frequencies: 6034.2V toward Wymer, Washington on azimuth 48° 57'; 11445.0H 11665.0H toward Wenatchee, Washington on azimuth 18° 51'; 6078.6H toward Chelan Butte, Washington on azimuth 66° 46'.

253-C1-P-74 Same. (New). 100 S. Chelan Avenue, Wenatchee, Washington. Lat. 47 25 20 N. -Long. 120 18 43 W. C.P. for a new station on frequencies: 10915.0H 11135.0H toward Mission Peak, Washington on azimuth 18° 51'.

254-C1-P-74 Same. (KTF80). 2.9 Miles SW of Chelan, Washington. C.P. for additional facilities on frequencies: 6330.7H toward Mission Peak, Washington on azimuth 66° 46'; 2110.8H toward Mansfield, Washington on azimuth 29° 63'; and 2126.8H toward Harmony Heights, Washington on azimuth 36° 72'.

255-C1-P-74 Same. (New). Main Street adjacent to City Park, Mansfield, Wash. Lat. 47 48 45 N. -Long. 119 38 16 W. C.P. for a new station on frequency: 2160.8H toward Chelan Butte, Washington on azimuth 29° 63'.

256-C1-P-74 Same. (New). 15 First, SW, Brewster, Washington. Lat. 48 05 52 N. -Long. 119 46 46 W. C.P. for a new station on frequency: 2176.8H toward Harmony Heights Passive, Washington on azimuth 3° 86'.

257-C1-P-74 The Mountain States Telephone and Telegraph Company. 120 4th Street, N.W., Albuquerque, New Mexico. Lat. 35 05 06 N.—Long. 106 39 03 W. C.P. to change antenna system. (KLC49).

258-C1-P-74 Same. (KLD48). 12 Miles NW of Jemez. Lat. 35 41 43 N.—Long. 106 51 29 W. C.P. to add frequencies: 10955V and 10715H MHz toward new points of communication at San Ysidro, New Mexico, on azimuth 16° 6'.

260-C1-P-74 Wyoming Microwave Corporation. (KPS63). C.P. to add frequencies 6234.3V, 6323.3V, 6382.6V and 6412.2H MHz (via power split) toward Lovell, Wyoming on azimuth 57 degrees 36 minutes. Station location Cedar Mountain, Wyoming, (Lat. 44 29 46 N.—Long. 109 09 16 W.). (Informative: Applicant proposes to provide the television signals KSL, KUED, KCPX, and KUTV of Salt Lake City, Utah to Lovell Cable TV Company in Lovell, Wyoming).

261-C1-R-74 Indiana Bell Telephone Company. (KYS50). In any temporary fixed location within the territory of the grantee. Application for Renewal of Radio Station for Term: September 12, 1973 to September 12, 1974.

Major Amendments

3778-C1-P-72 United Video, Inc. (New) Change azimuth from 90 degrees 07 minutes to 88 degrees 00 minutes toward Bloomingdale, Ga.

3779-C1-P-72 Same Change location to west side of Ga. Hwy. 17, 0.9 mile north of U.S. Hwy 80 intersection. Lat. 32 degrees 09 minutes 30 seconds N. and Long. 81 degrees 20 minutes 59 seconds W. Change azimuth from 131 degrees 41 minutes to 131 degrees 52 minutes toward WJCL; from 114 degrees 28 minutes to 115 degrees 50 minutes toward WSAV; and from 110 degrees 36 minutes to 112 degrees 22 minutes toward WTOC.

3780-C1-P-72 Same Change azimuth from 171 degrees 22 minutes to 168 degrees 43 minutes toward Jesup, Ga.

3781-C1-P-72 Same Change azimuth from 24 degrees 12 minutes to 23 degrees 41 minutes toward Jesup.

3785-C1-P-72 Same Change location to south side of U.S. Hwy. 341, 3.8 miles NW of Jesup, Ga. Lat. 31 degrees 38 minutes 16 seconds N. and Long. 81 degrees 57 minutes 23 seconds W. Change azimuth from 351 degrees 24 minutes to 348 degrees 45 minutes toward Tison; and from 204 degrees 13 minutes to 203 degrees 46 minutes toward Owen.

5199-C1-P-66 United Video, Inc. (New) 2.5 Miles East of Gridley, Illinois (Lat. 40 45 12 N.—Long. 88 49' 57 W.): Application amended (a) to relocate station to foregoing coordinates and (b) to change frequencies to 10775V MHz and 11015V MHz toward Bloomington, Illinois, on azimuth 204 degrees 18 minutes.

6402-C1-P-70 Southern Pacific Communications Company (New) Amended to change coordinates of station to Lat. 38 23 10 N.—Long. 90 09 02 W. (All other particulars same as reported in Public Notice dated March 15, 1971).

CORRECTIONS

8399-C1-TC-73 Olympic Telephone Company. (WHB45). Change File No. 8530-C1-TC-73 to 8399-C1-TC-73. (All other particulars same as reported in Public Notice No. 651, dated June 4, 1973).

The following File Number will be changed from 1973 to 1974.

09-C1-P-74 thru 18-C1-P-74
20-C1-P-74 thru 33-C1-P-74
39-C1-P-74
40-C1-P-74
41-C1-MP-74
43-C1-MP-74 thru 46-C1-P-74

(All other particulars remain same as reported in Public Notice No. 658, dated July 23, 1973).

[FR Doc.73-16040 Filed 8-3-73;8:45 am]

[Docket No. 19684; FCC 73-811]

ITT WORLD COMMUNICATIONS INC.

Telex and Message Telegraph Services to Guam; Memorandum Opinion and Order Amending and Adding Issues

In the matter of ITT World Communications Inc. Petition under section 201(a) of the Communications Act of 1934 for connection with RCA Global Communications, Inc. (38 FR 14436) to enable ITT World Communications Inc. to provide telex and message telegraph services to Guam.

1. The Commission is considering, on its own motion, pursuant to sections 201 (a) and 3(i) of the Communications Act of 1934, an amendment to the issues set for hearing in this matter in the Commission's Memorandum Opinion and Order of February 20, 1973 (FCC 73-144).

BACKGROUND

2. This proceeding was instituted by Memorandum Opinion and Order of February 20, 1973 (FCC 73-144) on petition of ITT World Communications Inc. (ITTWC), requesting that the Commission, pursuant to section 201(a) of the Communications Act of 1934, direct RCAGC to cooperate with ITTWC in establishing an electrical interconnection between RCAGC's telegraph message and telex systems on Guam and ITTWC's telegraph message and telex systems, establishing through routes and charges applicable thereto and the division of such charges, and establishing and providing facilities and regulations for operating such through routes.[1]

3. Subsequently RCAGC filed on March 19, 1973, a motion to clarify and enlarge the hearing issues to specifically include whether ITTWC had any right under the International Formula prescribed by the Commission pursuant to Section 222 of the Communications Act of 1934[2] to unrouted Guam-bound message telegraph traffic originating in the Western Union Telegraph Company (WU) domestic network, whether there should be an amendment to the Formula, and the financial effect on RCAGC in the event of any redistribution of traffic under the Formula. RCAGC represented that it received no quota under the Formula for Guam-bound traffic since it did not operate facilities to that point until 1952. It is to be noted, however, that all unrouted Guam-bound message telegraph traffic has been distributed to RCAGC because it alone has been authorized to serve Guam.[3] If a present right to unrouted traffic were successfully established by ITTWC and interconnection were ordered at a point outside of the United States Mainland, RCAGC expects that ITTWC would receive the total unrouted message telegraph traffic presently handled by RCAGC.[4]

4. In our Order of May 29, 1973, we denied the RCAGC motion for enlargement,[5] finding that ITTWC's petition for interconnection and subsequent associated pleadings (including those of WUI) were directed solely at gaining direct access to Guam for exclusive telex subscribers and control over telegraph messages specifically routed via ITTWC (or WUI) facilities and contained nothing to indicate that there was any intent to claim rights to unrouted traffic under the Formula, or to request an amendment to the Formula. Accordingly, we concluded that there was "no reason to include in the instant proceeding any issue addressing the necessity or desirability of effecting a change in the current distribution of Guam-bound message telegraph traffic pursuant to the International Formula as an incident to interconnection." We provided, however, that if ITTWC (and/or WUI) informed the Commission within 15 days of the release of the order it intended to seek a redistribution of unrouted traffic under the Formula were interconnection ordered, we would take appropriate steps to consider such issue in conjunction with Docket No. 19660, In the Matter of International Record Carriers' Scope of Operations in the Continental United States, Including Possible Revisions of the Formula Prescribed under Section 222 of the Communications Act.

5. On June 13, 1973, ITTWC timely filed notice of its intention to seek a redistribution of Guam-bound unrouted message traffic in the event the requested interconnection is ordered. At the conclusion of its filing ITTWC added the following:

> Being unaware of any basis for such action, we assume that the normal administration of the Formula will not be stayed respecting the initial determination and recognition of any carrier's Guam quota rights.

6. Responding to such language, RCAGC filed on June 28, 1973, a motion for clarification requesting that in the event interconnection is ordered herein, the Commission "make it explicit that the present existing distribution of unrouted message telegrams will not be affected by any action except after completion of the necessary proceedings in Docket 19660." RCAGC asserts that if ITTWC were free to effect the distribution of unrouted traffic through other means (e.g., by virtue of the independent operation of the terms of the Formula), the Commission's Order of May 29, 1973 does not adequately protect the rights of RCAGC in the interconnection proceeding.

7. ITTWC filed an opposition to the RCAGC motion on July 11, 1973. It argues that the question raised by RCAGC is purely academic in the absence of the establishment of a Guam telegraph interconnection on a normal correspondancy basis, an assertion by ITTWC of quota rights prior to disposition of Docket 19660, and the recognition of such rights by the "Formula's administrative apparatus." It also asserts that RCAGC's effort to stay the "normal administration of the Formula" while ITTWC's Guam quota rights are studied (presumably within Docket 19660) is inconsistent with RCAGC's position in Docket No. 19660 that the existing Formula is not unjust, unreasonable or inequitable. Finally, it argues that adoption of the RCAGC view would constitute an unprecedented and discriminatory suspension of ITTWC's rights under the Formula pending final disposition of Docket 19660.

DISCUSSION

8. Upon review of ITTWC's June 13, 1973 filing and its recent pleading in opposition to RCAGC's motion for clarification, it appears that, contrary to the impression derived from earlier pleadings in this matter, ITTWC intends to apply under the existing International Formula for a share of unrouted Guam-bound message telegraph traffic if an interconnection with RCAGC is ordered in this proceeding (in addition to its clearly stated desire to handle telex and routed message telegraph traffic via such interconnection). ITTWC appears to believe it is entitled to such traffic under the Formula as presently written and that it need not wait for the conclusion of Docket No. 19660 to accomplish a redistribution of Guam traffic, as we originally contemplated.

9. When the question as to ITTWC's precise position with respect to unrouted traffic was raised initially by RCAGC in its March 12, 1973 motion for clarification and enlargement of the issues, ITTWC in its opposition referred to the remoteness of Formula considerations to this proceeding and the frivolity of Formula revision outside the pending Docket No. 19660. It left open the question of whether it would seek, as a consequence of an affirmative decision in this proceeding, a redistribution of traffic under the International Formula as it presently exists. In its June 13 filing, however, ITTWC's concluding remark suggested that a change in the current distribution of unrouted Guam-bound message traffic may be sought as an incident to interconnection, pursuant to the "normal administration of the Formula," pending conclusion of the broader policy concerns in Docket No. 19660.

10. When the question as to ITTWC's intentions with respect to unrouted traffic was raised a second time in RCAGC's June 29, 1973 motion for clarification, ITTWC again argued the irrelevancy of the redistribution issue in this proceeding. It also expanded on its concern that the normal administration of the Formula and the recognition of quota rights by the Formula's administrative apparatus not be stayed pending Docket No. 19660, thus intimating further, but without detail, that a change in the current distribution of Guam traffic would be sought as an incident to interconnection other than in the context of Docket No. 19660.

11. We disagree with the position taken by ITTWC that a change in the current distribution of unrouted Guam-bound message traffic as an incident to interconnection would have no relevant impact on RCAGC (on the theory that the hearing herein relates only to the Guam half of the interconnected circuit and not the Mainland half). It is clear that should ITTWC be entitled as a matter of law to such unrouted traffic under the present Formula, the effect on RCAGC, which has heretofore handled 100% of unrouted Guam message traffic, would be relevant to a resolution of the financial issues set for hearing in the Commission's Order of February 20, 1973.

12. Accordingly, we find it appropriate to add to this proceeding the issue of whether ITTWC, in the event interconnection is ordered, would be entitled to quota rights under the existing International Formula. If ITTWC is entitled to such rights, we would then consider projected financial and other effects of the consequent redistribution of traffic on RCAGC. The quota rights question appears to be one of law; therefore, it should be addressed in the form of written briefs submitted to the Commission for its determination. The hearing need not be deferred pending the resolution of this issue since it is likely that testimony offered in response to the issues originally set for hearing in the Com-

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[1] The hearing order encompassed the following issues:

"(1) Whether it is necessary or desirable in the public interest to require RCAGC to interconnect its telegraph message and telex facilities with facilities of ITTWC for the provision of service to and from Guam.

(a) The effects, financial and other, on ITTWC and RCAGC telex and message services, and the public, were no interconnection to be established; and

(b) the manner in which ITTWC customers are able to send or receive messages to and from Guam in the absence of interconnection.

(2) The points at which interconnection, if any, should be established, and the financial and other effects on the ITTWC and RCAGC telex and message services and the public.

(a) The through routes and charges to be established; and

(b) the facilities and regulations appropriate to the operation of such routes.

(c) The charges and the classifications, regulations and practices affecting such charges; and

(d) the appropriate division of such charges."

[2] Merger of Western Union Telegraph Company and Postal Telegraph Company, Separate Report of the Commission on the Formula, 10 FCC 2d 184 (1943). The Formula, which has been amended subsequent to its inception in 1943, governs the distribution among international telegraph carriers of message traffic filed with the Western Union Telegraph Company. It sets out a quota system for the distribution to the international carriers of unrouted outbound messages which, added to messages specifically routed via such carrier, gives each such amount of gross international tolls to a geographical subarea as is proportionate to its share of total industry tolls to such areas in a base period.

[3] The only companies operating on Guam during the base period were Commercial Pacific Cable Company, now defunct, and Globe Wireless, now absorbed into ITTWC. Globe Wireless was acquired in 1960 by AC&R, a subsidiary of International Telephone and Telegraph Corporation. According to RCAGC, it could theoretically be argued that ITTWC has succeeded to the quota of Globe Wireless, even though in the 32 years since the base period it has never applied for it.

[4] ITTWC opposed RCAGC's motion for enlargement, arguing that formula considerations would have no effect on the amount of revenue derived by RCAGC from its operations on Guam and thus were remote from the central issues in the subject proceeding, and consideration of a revision of the Formula would be frivolous in light of the pending Commission Inquiry, *In the Matter of International Record Carriers' Scope of Operations in the Continental United States, Including Possible Revisions of the Formula Prescribed under Section 222 of the Communications Act* (Docket No. 19660).

[5] At the same time the Commission granted a motion of Western Union International, Inc., amending the issues in the instant proceeding to include WUI wherever mention is made of ITTWC.

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mission's February 20, 1973 Order will produce sufficient traffic and revenue data to enable consideration of the effect of any possible redistribution of traffic should the Commission find in favor of ITTWC. If necessary, however, appropriate steps may be taken to incorporate additional oral testimony into the hearing record.

CONCLUSION

13. In light of ITTWC's recent intimations that it may seek a redistribution of unrouted Guam-bound message traffic as an incident to interconnection prior to the conclusion of Docket No. 19660 and the clear relevancy of such a possibility to the instant proceeding, we are compelled to amend the issues identified for Commission inquiry in this proceeding in the February 20, 1973 Order.[6]

14. Accordingly, *it is ordered*, That:

(A) The second issue of the Commission's inquiry in Docket No. 19684, initiated by Memorandum Opinion and Order released February 20, 1973 (amended by Memorandum Opinion and Order released May 29, 1973, to include WUI wherever mention is made of ITTWC) shall be amended to read as follows:

(2) The points at which interconnection, if any, should be established and the financial and other effects, including the redistribution of unrouted Guam-bound message telegraph traffic pursuant to the International Formula, on the ITTWC, WUI and RCAGC telex and message services and the public * * *

(B) A third issue shall be added to the inquiry in Docket No. 19684, as follows:

(3) The rights of RCAGC, ITTWC and WUI to unrouted Guam-bound message telegraph traffic under the existing International Formula.

(C) The third issue referenced in (B) above shall be addressed by the parties in the form of written briefs submitted to the Commission within 15 days of the release of this Order. Such briefs shall be personally served by each party on the other parties herein, and a certificate to such effect shall be filed with the Commission. Replies may be filed by any party within 5 days thereafter. A determination may be made by the Commission independently of the scheduled hearing in this matter. The hearing shall continue as scheduled, and the Administrative Law Judge shall defer the closing of the record until further order of the Commission.

By the Commission.

Adopted: July 27, 1973.

Released: July 31, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16139 Filed 8-3-73;8:45 am]

[6] In light of this conclusion, there is no apparent need to consider on its merits and dispose of RCAGC's pending Motion for Clarification filed June 28, 1973.

[7] Commissioner Johnson concurring in the result; Commissioner H. Rex Lee absent.

FEDERAL DEPOSIT INSURANCE CORPORATION

LOANS TO CORPORATION EXAMINERS BY NATIONAL BANKS, DISTRICT BANKS AND STATE MEMBER BANKS OF FEDERAL RESERVE SYSTEM

Policy Statement

Any officer, director or employee of a bank the deposits of which are insured by this Corporation is prohibited from making a loan to any governmental examiner "who examines or has authority to examine" such bank (18 U.S.C. 212). A governmental bank examiner, in turn, is prohibited from "accept[ing] a loan from any bank, corporation, association or organization examined by him or from any person connected therewith" (18 U.S.C. 213). Section 10(b) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1820(b)), provides in pertinent part:

> The Board of Directors shall appoint examiners who shall have power, on behalf of the Corporation, to examine any insured State nonmember bank (except a District bank), any State nonmember bank making application to become an insured bank, and any closed insured bank, whenever in the judgment of the Board of Directors an examination of the bank is necessary. In addition to the examinations provided for in the preceding sentence, such examiners shall have like power to make a special examination of any State member bank and any national bank or District bank, whenever in the judgment of the Board of Directors such special examination is necessary to determine the condition of any such bank for insurance purposes. In making examinations of insured banks, examiners appointed by the Corporation shall have power on behalf of the Corporation to make such examinations of the affairs of all affiliates of such banks as shall be necessary to disclose fully the relations between such banks and their affiliates and the effect of such relations upon such banks. Each examiner shall have power to make a thorough examination of all of the affairs of the bank and its affiliates, and shall make a full and detailed report of the condition of the bank of the Corporation.

The Corporation has rarely exercised its power under section 10(b) to make a special examination of a national bank, a State bank operating under the laws of the District of Columbia ("District Bank"), or a State bank which is a member of the Federal Reserve System ("State member bank"), which are regularly examined by examiners appointed by the Comptroller of the Currency and the Board of Governors of the Federal Reserve System, respectively. Nevertheless, the second sentence of section 10(b) might be interpreted as conferring on all FDIC examiners general authority to examine any national bank, District bank or State member bank, thereby precluding a loan to an FDIC examiner from any such bank.

In the Corporation's opinion, attribution of such general authority to FDIC examiners would be an overly broad construction of section 10(b). Literally read, that provision empowers Corporation examiners to make a special examination of a national bank, District bank or State member bank only "whenever in the judgment of the [Corporation's] Board of Directors such special examination is necessary to determine the condition of [the] bank for insurance purposes." The Corporation interprets this provision as requiring a specific judgmental determination by the Board of Directors as a precondition for a special examination of a national bank, District bank or State member bank by Corporation examiners. It would thus seem wholly anomalous, as well as contrary to the clear meaning of section 10(b), to conclude that a Corporation examiner could, without express prior authorization by the Board of Directors, conduct a special examination of a national bank, District bank or State member bank which is not affiliated with an insured State nonmember bank which he does examine. Although express authorization presently exists with respect to examinations of State nonmember insured banks, which are regularly examined by the Corporation, no such authorization has been generally granted with respect to national banks, District banks or State member banks—nor does the Corporation foresee any circumstances under which such a general authorization would be granted in the future with respect to such banks.

On the contrary, any special examination of a national bank, District bank or State member bank hereafter conducted by Corporation examiners will be undertaken only pursuant to specific authorization by the Board of Directors. In order to avoid any possibility that a Corporation examiner might be assigned to examine a national bank, District bank or State member bank from which he has a loan outstanding, Corporation examiners will be required to report to the Corporation the name of any such bank from which they have credit outstanding. Furthermore, the specific authorization for special examination of a national bank, District bank or State member bank will be predicated upon actual notice to the particular bank at the time the special examination begins to the effect that the bank shall thereafter make no loans to the examiners specifically designated in the notice to conduct the special examination. Absent such specific notice, any such bank may assume that Corporation examiners do not have authority from the Corporation's Board of Directors to examine the bank.

In addition, as noted above, a Corporation examiner is prohibited from accepting a loan from, among others, "any person connected [with]" any bank actually examined by him (18 U.S.C. 213). Since this prohibition could be construed to apply to a Corporation examiner's acceptance of a loan from a national bank, District bank or State member bank which is affiliated with an insured State nonmember bank examined by him, no loan to a Corporation examiner should be made by a national bank, District bank or State member bank which is affiliated in a holding company system or otherwise with an insured State nonmember bank and no such loan should be accepted by a Corporation examiner. In the event a national bank, District bank or State member bank making a loan to a Corporation examiner becomes affiliated with an insured State nonmember bank subsequent to the making of the loan, the loan should be promptly removed and other suitable arrangements made. Prior to removal of the loan, the examiner in question will not be permitted to examine an insured State nonmember bank affiliated under a holding company system or otherwise with a national bank, District bank or State member bank which has made a loan to him.[1]

Dated at Washington, D.C., this 31st day of July, 1973.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.73-16096 Filed 8-3-73;8:45 am]

[1] The above procedures, of course, are merely designed to permit borrowing by an FDIC examiner from a national bank, District bank or State member bank in a bona fide transaction under circumstances where there is no likelihood of contravention of the congressional purpose underlying the criminal statutes discussed herein (18 U.S.C. 212 and 213). Those statutes are designed "to proscribe certain financial transactions which could lead to a bank examiner carrying out his duties with less than total, unbiased objectivity." United States v. Bristol, 473 F. 2d 439, 442 (5th Cir. 1973). As in the Bristol case, it may be expected that courts will have little difficulty in penetrating a subterfuge which attempts to camouflage criminal conduct that does violate the clear intent of those statutes.

FEDERAL POWER COMMISSION

[Docket No. CI74-45]

ANADARKO PRODUCTION CO.

Notice of Application

JULY 30, 1973.

Take notice that on July 23, 1973, Anadarko Production Company (Applicant), P.O. Box 9317, Fort Worth, Texas 76107, filed in Docket No. CI74-45 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from the No. 1 Light "D" Well, Stevens County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 1,000 Mcf of natural gas per day for one year from the first day of the month following the date of initial delivery at 45.0 cents per Mcf, subject to Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16116 Filed 8-3-73;8:45 am]

[Docket No. E-8324]

BLACKSTONE VALLEY ELECTRIC CO.

Amendment to Agreement

JULY 30, 1973.

Take notice that Blackstone Valley Electric Company (Blackstone), on July 13, 1973, tendered for filing a supplement to its Rate Schedule FPC No. 6. Blackstone states that the supplement constitutes an amendment to an agreement of November 18, 1974 between Blackstone and Pascoag Fire District. (Pascoag)

According to Blackstone, the amendment was necessary to remove a restrictive clause of the agreement. The clause provided that Pascoag needed to secure Blackstone's approval before selling energy to any manufacturing concern in Harrisville Fire District whose requirements exceed 10 KW. Blackstone claims that the amendment has no effect upon service or charges; therefore, no estimate can be made regarding sales, services, or revenues.

Blackstone requests waiver of the notice requirements of the Commission's rules and regulations so that the amendment would become effective as of June 18, 1973. Blackstone claims that neither party would be adversely affected by such a waiver.

Any person desiring to be heard or to protest should file a petition to intervene or protest with the Federal Power Commission 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Commission's rules of practice and procedure. All such petitions or protests should be filed on or before August 9, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16118 Filed 8-3-73;8:45 am]

[Docket No. E-8317]

MONTAUP ELECTRIC CO.

Notice of Agreement

JULY 27, 1973.

Take notice that on July 16, 1973, Montaup Electric Company (Montaup) tendered for filing a letter agreement between Montaup and New Bedford Gas and Edison Light Company (New Bedford). The agreement provides for the use of Montaup's Bell Rock Road Switching Station by New Bedford.

According to Montaup, New Bedford is installing a substation adajacent to the Bell Rock Road Station and will obtain its 115 KV supply by connecting to the Bell Rock Road facilities. Montaup estimates the total cost of construction at $380,700 of which New Bedfords share will be $176,310. Montaup states the station will be completed by August 15, 1973 and therefore requests that be the effective date of this application.

Any person desiring to be heard or to protest should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Commission's rules of practice and procedure. All such petitions or protests should be filed on or before August 9, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16114 Filed 8-3-73;8:45 am]

[Docket No. E-8322]

MONTAUP ELECTRIC CO.

Amendment to Agreement

JULY 30, 1973.

Take notice that on July 16, 1973, Montaup Electric Company (Montaup) ten-

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dered for filing a supplement to its FPC Rate Schedule No. 1. According to Montaup, the rate schedule above represents a contract among Montaup, Fall River Electric Light Company, Brockton Edison Company, and Blackstone Valley Electric Company, the latter three companies being the owners of Montaup.

Montaup states that the sole purpose for the amendment is to reflect the fact that the other three parties to the contract are retiring from service all of their generating capacity. Montaup asserts that there are no rate changes involved in the amendment and requests an effective date of August 16, 1973.

Any person desiring to be heard or to protest should file a petition to intervene or protest with the Federal Power Commission 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Commission's rules of practice and procedure. All such petitions or protests should be filed on or before **August 9,** 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16117 Filed 8-3-73;8:45 am]

[Docket No. CP71-308, as Amended]

PENNZOIL PIPELINE CO.

Notice of Filing

JULY 27, 1973.

Take notice that on July 17, 1973, Pennzoil Pipeline Company (Pennzoil) tendered for filing a statement showing emergency purchases of natural gas by United Gas Pipe Line Company from Pennzoil during the period July 1, 1972 to June 30, 1973, and First Revised Sheet No. 11 to its FPC Gas Tariff canceling Rate Schedule X-3. Pennzoil states that service under the aforementioned rate schedule was discontinued at 7 a.m., June 30, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16115 Filed 8-3-73;8:45 am]

[Docket No. E-8321]

SOUTHERN CALIFORNIA EDISON CO.

Initial Rate Schedule

JULY 27, 1973.

Take notice that on July 16, 1973, Southern California Edison Company (SCEC) tendered for filing as an initial rate schedule a letter of agreement with Portland General Electric Company (Portland) dated May 30, 1973. SCEC states that the agreement provides that if Portland's available resources are or are expected to be insufficient to meet its short term system demands and spinning reserve requirements, SCEC will supply firm capacity and associated energy in the amounts requested, if available, delivered at the Oregon-California border over the facilities of the Pacific Intertie. The company further states that no new facilities are to be installed nor existing facilities modified in order to supply the service to be furnished under the proposed rate schedule. SCEC submits that no estimate of future sales and revenue can be made because such sales will be dependent upon availability of hydroelectric power in the Pacific Northwest. An effective date thirty days after filing date is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16112 Filed 8-3-73;8:45 am]

TRANSCONTINENTAL GAS PIPELINE CORP.

Proposed Rates and Charges

JULY 30, 1973.

Take notice that on July 16, 1973, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing Second Revised Sheet No. 346, First Revised Sheet No. 347, and First Revised Sheet No. 348, (constituting part of Rate Schedule X-46) to its FPC Gas Tariff, Original Volume No. 2.

Transco states that these sheets are part of an exchange agreement between United Gas Pipe Line Company (United) and Transco. The proposed rates are necessary, Transco asserts, to effectuate amendments to that exchange agreement that were approved by Commission order of July 5, 1973, in Docket No. CP67-286.

Transco also requests waiver of the notice requirements of the Commission's rules and regulations. Since the exchange agreement has been in effect since its approval on July 5, 1973, that is the requested effective date of the proposed rates.

Any person desiring to be heard or to protest should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, in accordance with Commission's rules of practice and procedure. All such petitions or protests should be filed on or before August 9, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16119 Filed 8-3-73;8:45 am]

[Docket No. CP73-187]

UNITED GAS PIPE LINE CO.

Revision to Tariff

JULY 27, 1973.

Take notice that on July 13, 1973, United Gas Pipe Line Company (United) tendered for filing as a part of its FPC Gas Tariff, Original Volume No. 2, the following:

Revised Sheets

Fourth Revised Sheet No. 176
Fourth Revised Sheet No. 179
Fourth Revised Sheet No. 180
Original Sheet No. 180-A

Superseded Sheets

Third Revised Sheet No. 176
Third Revised Sheet No. 179
Third Revised Sheet No. 180

United states that the purpose of this filing is to reflect an exchange agreement with Mid Louisiana Gas Company. An effective date of August 16, 1973, is proposed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16113 Filed 8-3-73;8:45 am]

[Docket No. CI74-49]

CITIES SERVICE OIL CO.

Notice of Application

JULY 30, 1973.

Take notice that on July 23, 1973, Cities Service Oil Company (Applicant), P.O. Box 300, Tulsa, Oklahoma 74102, filed in Docket No. CI74-49 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from the State No. 1 Well, South Carlsbad Field, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas on July 22, 1973, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale until May 1, 1975, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell all the gas it can produce, estimated to be approximately 3,000 Mcf per day, at 52.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Deliveries are estimated to be approximately 90,000 Mcf per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16126 Filed 8-3-73;8:45 am]

[Docket No. E-8323]

FLORIDA POWER AND LIGHT CO.

Notice of Agreement and Proposed Changes in Rates and Charges

JULY 27, 1973.

Take notice that on July 16, 1973, Florida Power and Light Company (Florida) tendered for filing a letter agreement dated April 16, 1973, between Florida and the city of Homestead providing for electrical service under the currently effective Rate Schedule WH. Also tendered was an application to substitute Florida FPC Electric Tariff Original Volume No. 1 and the accompanying Rate Schedule SR for the currently effective Rate Schedule WH under the tendered agreement. An effective date of September 1, 1973 is requested for implementing the new rate schedule, while a September 16, 1973 effective date is requested for the entire agreement.

Florida states that the proposed agreement will supersede the contract between Florida and the city of Homestead and currently on file with the Commission as Florida Rate Schedule FPC No. 9. The new agreement, according to Florida, contains authorization for it to seek to unilaterally change the applicable rates as it does in this application. Florida notes that the requested rates would be subject to refund in accordance with Commission order of March 29, 1973 in Docket No. E-8008.

Any person desiring to be heard or to protest should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Commission's rules of practice and procedure. All such petitions or protests should be filed on or before August 14, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16125 Filed 8-3-73;8:45 am]

MID LOUISIANA GAS CO.

Notice of Exchange Agreement Amendment

JULY 30, 1973.

Take notice that on July 16, 1973, Mid Louisiana Gas Company (Mid Louisiana) tendered for filing the following tariff sheets as a part of First Revised Volume No. 2 of its FPC Gas Tariff:

	Superseding
Second Revised Sheet No. 27	First Revised Sheet No. 27
Second Revised Sheets No. 30 through 34	First Revised Sheets No. 30 through 34
Original Sheet No. 34a	

Mid Louisiana states that the proposed tariff sheets are for the purpose of incorporating into Rate Schedule X-3 an amendment of the exchange agreement between Mid Louisiana and United Gas Pipe Line Company (United) dated November 27, 1972. The Company submits that by Order issued July 2, 1973, in Docket No. CP73-187, the Commission granted a Certificate of Public Convenience and Necessity authorizing the amendment to the exchange agreement. The Company further states that no change in rate level to its customers is proposed by these tariff sheets. An effective date of August 16, 1973, is proposed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16124 Filed 8-3-73;8:45 am]

[Docket No. CI74-44]

MOBIL OIL CORP.

Notice of Application

JULY 30, 1973.

Take notice that on July 23, 1973, Mobil Oil Corporation (Applicant), Three Greenway Plaza East, Suite 800, Houston, Texas 77046, filed in Docket No. CI74-44 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company from the Vacuum (Morrow) Field, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced sale of gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's Gen-

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eral Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 2,500 Mcf of gas per day at 50.0 cents per Mcf at 14 65 psia, subject to upward and downward Btu adjustment. Deliveries are estimated to be 75,000 Mcf per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein. If the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16127 Filed 8-3-73; 8:45 am]

[Docket No. CP61-79]

TEXAS GAS TRANSMISSION CORP.

Notice to Revision to Tariff

JULY 30, 1973.

Take notice that on July 16, 1973, Texas Gas Transmission Corporation (Texas Gas) tendered for filing Fifth Revised Sheet No. 317 and Original Sheet No. 317-A to its FPC Gas Tariff, Original Volume No. 2. Texas Gas states that this filing is made to reflect authorization for the operation of a certain existing delivery point for use in the exchange of natural gas with United Gas Pipe Line Company, pursuant to Commission order issued July 5, 1973, in Docket No. CP61-79. Waiver of § 154.22 of the Commission's regulations is requested to permit an effective date of July 5, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16121 Filed 8-3-73;8:45 am]

[Docket No. E-8316]

UNION ELECTRIC CO.

Notice of Service Agreement

JULY 30, 1973.

Take notice that Union Electric Company (Union) on July 16, 1973, tendered for filing a service agreement between Union and the city of Hannibal, Missouri (Hannibal). The agreement would provide estimated revenues from jurisdictional sales of $1,137,224 for the 12 month period ending May 31, 1974.

Union states that the new agreement, which provides for Union to provide the total energy requirements of Hannibal, supersedes Union FPC Rate Schedule No. 71. Union claims that the new agreement is necessary because the recent flooding of the Mississippi River caused extensive damage to Hannibal's power plant, forcing it to seek alternative sources of power.

The rate to be assessed, according to Union, is the same as is presently on file with the Commission in Union's FPC Electric Rate Schedule W-2. The only deviation would occur if Hannibal decides to install peaking capacity, such deviation to result in a reduction of Hannibal's monthly bills.

Because of the inoperative conditions of Hannibal's plant, service under the agreement began on June 1, 1973. Accordingly Union seeks waiver of the notice requirement of the Commission's rules and regulations so that June 1, 1973 might be the effective date of the agreement.

Any person desiring to be heard or to protest should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Commission's rules of practice and procedure. All such petitions or protests should be filed on or before August 9, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16122 Filed 8-3-73;8:45 am]

[Docket Nos. CP61-79, CP67-286]

UNITED GAS PIPE LINE CO.

Notice of Revision to Tariff

JULY 30, 1973.

Take notice that on July 13, 1973, United Gas Pipe Line Company (United) tendered for filing as a part of its FPC Gas Tariff, Original Volume No. 3, the following:

Revised Sheets	*Superseded Sheets*
Fourth Revised Sheet No. 68.	Third Revised Sheet No. 68.
Fifth Revised Sheet No. 70.	Fourth Revised Sheet No. 70.

United states that this filing is made to reflect authorization for an additional delivery point in the amended exchange agreement between United and Texas Gas Transmission Corporation, pursuant to Commission orders issued July 5, 1973, in Docket Nos. CP61-79, Amended and CP67-286, Amended. Waiver of § 154.22 to the Commission's regulations is requested to permit an effective date of July 5, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16120 Filed 8-3-73;8:45 am]

[Docket Nos. CP61-79, CP67-286]

UNITED GAS PIPE LINE CO.

Notice of Revision to Tariff

JULY 30, 1973.

Take notice that on July 13, 1973, United Gas Pipe Line Company (United) tendered for filing as a part of its FPC Gas Tariff, Original Volume No. 2, the following:

Revised Sheets	*Superseded Sheets*
Second Revised Sheet No. 171.	First Revised Sheet No. 171.
First Revised Sheet No. 172.	Original Sheet No. 172.
Second Revised Sheet No. 173.	First Revised Sheet No. 173.

United states that this filing is made to reflect authorization for an additional delivery point in the amended exchange agreement between United and Transcontinental Gas Pipe Line Corporation, pursuant to Commission orders issued July 5, 1973, in Docket Nos. CP61-79, Amended and CP67-286, Amended. Waiver of § 154.22 of the Commission's regulations is requested to permit an effective date of July 5, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16123 Filed 8-3-73;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA BANCORPORATION

Order Approving Acquisition of Bank

Alabama Bancorporation, Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to The American National Bank of Huntsville, Huntsville, Alabama ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act.

Applicant controls five banks with total deposits of $972.6 million, representing 14.3 per cent of the total deposits of commercial banks in Alabama.[1] Acquisition of Bank (deposits of $22.7 million) would not significantly increase the concentration of banking resources in Alabama.

Bank is the smallest of six banks serving Madison County (the relevant market) where it holds a market share of approximately 7.5 percent. Applicant presently has no banking subsidiaries in this market, and its closest subsidiary draws only a small percentage of any type of account from Madison County. Consequently, approval of this application would not eliminate any substantial existing competition between Bank and Applicant's banking subsidiaries. The relevant banking market appears attractive for de novo entry; however, Applicant's acquisition of Bank is comparable to, and would have the same economic effect as, a de novo entry by Applicant.[2] Consequently, approval of this application would not have a substantially adverse effect on future competition between Applicant and Bank.

Applicant's nonbanking subsidiary, Engel Mortgage Company ("Engel"), has an office in Huntsville. Engel's mortage loans are primarily on one-to-four family houses. However, in both 1971 and 1972 Bank made no permanent mortgage loans on one-to-four family homes so that acquisition of Bank by Applicant would not eliminate any actual competition in this product line. Though consumation of the transaction would possibly eliminate some future competition between Bank and Engel, there are many alternative sources of mortage credit in the market. Consequently, approval of the application would not have substantially adverse effects on competition in mortgage banking. On the basis of the facts of record, the Board concludes that competitive considerations are consistent with approval of the application.

The financial condition and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are satisfactory, particularly in light of Applicant's commitment to increase the capital of Bank. This factor provides added weight to the banking factors involved in the Board's consideration of the application. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta, pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 27, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-16152 Filed 8-3-73;8:45 am]

[1] All banking data are as of December 31, 1972, except where otherwise noted, and represent bank holding company formations and acquisitions approved by the Board through May 31, 1973.

[2] See Mr. Justice Marshall's suggestion that "the practical difference between entry by acquisition and entry de novo may be marginal in the case of a dominant entrant" in his concurring opinion in United States v. Falstaff Brewing Corp., 41 LW 4352, fn 14. (1973)

FIRST ALABAMA BANCSHARES, INC.

Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Selma National Bank, Selma, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 23, 1973.

Board of Governors of the Federal Reserve System, July 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16154 Filed 8-3-73;8:45 am]

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Banks

Barnett Banks of Florida, Inc., Jacksonville, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of Delray Beach National Bank, Delray Beach, Florida ("Delray Beach Bank"), and 51 per cent or more of the voting shares of Fidelity Bank of West Delray Beach, Delray Beach, Florida ("Fidelity Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 41 banks with total deposits of $1.3 billion, representing approximately 7 per cent of the total de-

[3] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governor Daane.

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posits of commercial banks in the State, and is the second largest banking organization in Florida. (All banking data are as of December 31, 1972, and reflect holdin company acquisitions approved through June 30, 1973, including four new acquisitions since January 1, 1973.) The acquisitions of Delray Beach Bank (deposits of $45 million) and Fidelity Bank (deposits of $1.0 million as of March 28, 1973) would increase Applicant's share of the total State deposits by .21 per cent, and it would remain the second largest banking organization in Florida.

Both Fidelity Bank and Delray Beach Bank are located in the West Palm Beach banking market (the relevant market) where they, combined, control 3.9 per cent of market deposits. Applicant presently operates two banks in the West Palm Beach area; these banks are, respectively, the 17th and 24th largest of the 27 area banks. Applicant's present share of deposits in the West Palm Beach area is but 3.3 per cent. Thus, consummation of the proposal will not place Applicant in a dominant position in the area nor have any adverse effect on competing area banks.

Applicant's present banking subsidiaries in the West Palm Beach area are 15 miles north of Delray Beach and attract a negligible amount of deposits and loans from the service area of either Delray Beach Bank or Fidelity Bank. Thus there would be no significant elimination of competition between Applicant's subsidiaries and the banks to be acquired. Nor would consummation of the proposal eliminate present or future competition between Fidelity Bank and Delray Beach Bank since both banks are under common management and control. On this basis, the Board finds that competitive considerations are consistent with approval of the application.

Applicant has recently injected capital into certain of its subsidiary banks and has completed a public stock offering to increase its own equity capital. In addition, Applicant has committed itself to improve the capital position at Delray Beach Bank through an injection of equity capital and a conversion of capital debt to equity capital. In light of these actions, the Board finds the financial condition and managerial resources of Applicant, its subsidiaries and the banks to be acquired as satisfactory; and prospects for each are favorable.

There is no evidence that the 27 banks in the market are failing to meet the banking needs of the community, and Applicant does not intend any immediate change in services offered by the proposed subsidiaries. These new subsidiaries, however, will be able to draw on the expertise and resources of the holding company in areas of investments and lending, and this should improve their competitive position. Accordingly, considerations relating to convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that consummation of the proposed acquisitions would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transactions shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective July 26, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc 73-16159 Filed 8-3-73;8:45 am]

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Commerce Bank of Independence, National Association, Independence, Missouri ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Missouri and largest of 110 such organizations in the Kansas City banking market (approximated by the old Kansas City SMSA, less that portion of Cass County south of Harrisonville), controls 25 banks with aggregate deposits of $1,024 million, which represent 8.15 per cent of total deposits in commercial banks in Missouri and 15.79 per cent of all such deposits in the Kansas City banking market.[1] Consummation of the proposed acquisition would not immediately increase Applicant's shares of commercial bank deposits either in Missouri or in the Kansas City market. Applicant's nearest present subsidiary, Commerce Bank of Blue Hills, is located thirteen miles away, outside of Bank's proposed service area. Within that service area, Bank will face competition from twelve other banks, including one subsidiary of the seventh largest banking organization in the Kansas City market. Accordingly, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

During the course of its consideration of this application, the Board has received adverse comments from an Independence, Missouri bank, which contends that affiliation of Applicant with Bank would offend Missouri's statute prohibiting branch banking. The facts of record indicate that Bank will be a separate corporation, with its own capital stock and a loan limit based on such capital stock; that Bank will be managed by its own officers; that Bank's board of directors will be generally independent from that of Applicant's lead bank (Commerce Bank of Kansas City); that no employees of Applicant's lead bank will perform services for customers of Bank or perform management or supervisory functions with respect to Bank; and that Applicant will acquire Bank by purchase with cash from Applicant's own cash assets. The Board has repeatedly stated that a State's restrictive branch banking laws are not automatically applicable to bank holding company operations, and the Board, in this case, has found, based upon the above and other facts of record, that Bank will not be operated in such manner that it and any banking subsidiary of Applicant could be characterized as being engaged in unitary operations. The Board concludes, therefore, that Bank will not constitute a branch office of any banking subsidiary of Applicant.

The financial and managerial resources of Applicant, its present subsidiary banks, and Bank are satisfactory and prospects are considered favorable. Considerations relating to the convenience and needs of the community are consistent with approval. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after that date, and (c) Commerce Bank of Independence, National Association, shall be opened for business not later than six months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective July 26, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-16162 Filed 8-3-73;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governors Daane and Holland.

[1] Banking data are as of June 30, 1972, adjusted to reflect holding company acquisitions and formations approved through June 29, 1973.

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan and Bucher. Absent and not voting: Chairman Burns and Governors Daane and Holland.

FIRST FLORIDA BANCORPORATION

Order Approving Acquisition of Southside Bank of St. Petersburg

First Florida Bancorporation, Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of The Southside Bank of St. Petersburg, St. Petersburg, Florida ("Southside Bank"). The name of Applicant was changed to United First Florida Banks, Inc., Tampa, Florida, upon consummation on June 29, 1973, of the merger approved by the Board on February 16, 1973, under section 3(a)(5) of the Bank Holding Company Act between First Florida Bancorporation and United Bancshares of Florida, Inc., Miami, Florida.[1]

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 35 banks with aggregate deposits of $1.2 billion, representing 6.2 percent of total deposits of commercial banks in Florida and is the fourth largest banking organization in the State. (All banking data are as of December 31, 1972, and reflect acquisitions and formations approved by the Board through June 15, 1973.) The acquisition of Southside Bank ($4 million deposits) would increase Applicant's share of Florida deposits by less than one-tenth of one percentage point, and it would remain the fourth largest State banking organization.

Southside Bank is located in St. Petersburg in the South Pinellas County banking market. In terms of deposits, it ranks as the twenty-second largest of 28 market banks and holds approximately 0.22 per cent of total deposits for that area. Twelve bank holding companies are represented in the market and hold deposits ranging from 18 per cent to 3 per cent of total market deposits.

Applicant is presently represented in the South Pinellas County banking market by two subsidiary banks that hold $33 million and $5 million, respectively, in area deposits, representing approximately 3 per cent of total market deposits. However, Southside Bank receives less than 4 per cent of IPC demand and savings deposits and less than 5 per cent of its commercial and installment loans from the service areas of these subsidiaries. Applicant's nearest subsidiary bank is located approximately nine miles from Southside Bank. No meaningful competition exists between these, or any of Applicant's present subsidiary banking offices and Southside Bank, and it appears unlikely that significant future competition would develop between them in view of the presence of intervening banks and State laws restricting branching. Competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of Applicant, its subsidiaries, and Southside Bank are satisfactory in light of Applicant's commitment to increase capital in its subsidiary banks and banking factors are consistent with approval of the application. Although there is no evidence in the record to indicate that the banking needs of the area are currently not being satisfied by existing financial institutions, Applicant proposes to make trust and international services available to Southside Bank's customers on a referral basis. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the transaction is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective July 26, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-16161 Filed 8-3-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Dallas County State Bank, Carrollton, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 23, 1973.

Board of Governors of the Federal Reserve System, July 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16155 Filed 8-3-73;8:45 am]

[1] 1973 Bulletin 183:

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governors Daane and Holland.

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Citizens National Bank in Abilene, Abilene, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 23, 1973.

Board of Governors of the Federal Reserve System, July 23, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16156 Filed 8-3-73;8:45 am]

FIRST & MERCHANTS CORP.

Proposed Acquisition of Equitable Leasing Corporation

First & Merchants Corporation, Richmond, Virginia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Equitable Leasing Corporation, Asheville, North Carolina. Notices of the application were published between May 29 and June 1, 1973, inclusive, in newspapers of general circulation in the following locations: Birmingham, Alabama; Denver, Colorado; Clearwater, Florida; Atlanta, Georgia; Asheville, Charlotte, Greensboro, and Winston-Salem, North Carolina; Columbia and Greenville, South Carolina; and Dallas, Texas.

Applicant states that the proposed subsidiary would engage in the following activities: leasing of personal property and equipment on a full-payout basis, or acting as agent, broker, or advisor in leasing of such property. Such actvities have been specified by the Board in § 225.4(a) of regulation Y as generally permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the per-

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son requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 19, 1973.

Board of Governors of the Federal Reserve System, August 25, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-16157 Filed 8-3-73;8:45 am]

FIRST & MERCHANTS CORP.

Order Approving Acquisition of Bank

First & Merchants Corporation, Richmond, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of First & Merchants National Bank of Tidewater, Chesapeake, Virginia ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set for in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls three banks with aggregate deposits of $1.0 billion, and is the third largest banking organization in the State of Virginia. Bank is a proposed new bank (projected deposits of approximately $70 million) that will acquire substantially all of the assets and liabilities of the fourteen Tidewater area branches of First & Merchants National Bank, Richmond, Virginia. (All banking data are as of December 31, 1972.)

The proposal constitutes a corporate reorganization and represents no expansion of corporate interests.[1] Consummation of the proposed transaction, therefore, would not eliminate either existing or potential competition.

The financial and managerial resources and future prospects of Applicant are satisfactory. Bank, which at the outset will depend on those members of management of Applicant who are familiar with the Tidewater area, appears to have satisfactory management. The financial resources of Bank appear adequate. The initial capitalization of Bank is $1 million, but upon acquisition of the fourteen branches, capital will be increased to $6.5 million. The future prospects of Bank also are good. There is evidence that the market is somewhat underbanked at present and so factors relating to the convenience and needs of the community lend some weight in favor of approval of the application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after that date, and (c) First & Merchants National Bank of Tidewater, Chesapeake, Virginia, shall be opened for business not later than six months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[2] effective July 27, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-16151 Filed 8-3-73;8:45 am]

FIRST & MERCHANTS CORP.

Order Approving Acquisition of Bank

First & Merchants Corporation, Richmond, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by merger to Mountain Trust Bank, Roanoke, Virginia ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and finds that:

Applicant controls three subsidiary banks with aggregate deposits of $1.0 billion, is the third largest banking organization in Virginia, and holds 9.4 per cent of all commercial bank deposits in the State. (All banking data are as of December 31, 1972.) Bank is the third largest of seven banks operating in the Roanoke market, operates nine offices, and holds deposits of approximately $80 million, or approximately 14 per cent of the commercial bank deposits in the Roanoke SMSA, the relevant market.

The Roanoke SMSA is expanding and is expected to show favorable growth even though the population of the city proper has been declining in recent years. Bank is headquartered in the downtown area. The banking alternatives in the SMSA now include banking offices of five of Virginia's top twelve banking organizations. Dominion Bankshares' lead bank, First National Exchange Bank, controls nearly 47 per cent of the market, up from about 43 per cent a year ago. Colonial American Bank is the second largest bank and controls nearly 20 per cent of market deposits.

Applicant has no banking offices in the Roanoke market. The nearest office of any banking subsidiary of Applicant to Bank is in the city of Bedford, approximately 28 miles east of Bank. There is no present competition between any of Applicant's banking subsidiaries and Bank and little likelihood that future competition would develop in view of the fact that the Bedford market is effectively separated from the Roanoke market by the Blue Ridge Mountains, and Applicant's banking subsidiaries are precluded from branching into the Roanoke market by Virginia's restrictive branching laws.

The United States Department of Justice has commented that, in its opinion, the proposed acquisition would have significantly adverse competitive effects. In the Department's view, this acquisition would eliminate existing competition between Applicant's mortgage company subsidiaries and Bank in mortgage lending and mortgage banking, remove potential competition of Applicant as a likely de novo entrant into the Roanoke banking market, further entrench the existing concentrated market structure in Roanoke, and adversely affect the development of a more competitive banking structure in Virginia by removing one of the few remaining large independent banks capable of anchoring the formation of an additional bank holding company either as a lead bank or as a significant member thereof.

For the reasons hereinafter stated, the Board does not believe that consummation of the proposal would have significant adverse effects on competition. To the contrary, the Board believes that the proposed acquisition may possibly have salutary effects on competition in the Roanoke market by strengthening Banks' managerial and financial resources enabling it to compete more effectively with the dominant bank in the market which has recently made significant gains in market share.

Applicant does compete directly with Bank in the first mortgage market through Applicant's subsidiary, First Mortgage Corporation, Richmond, Virginia ("FMC"), which has a branch in Roanoke. However, the combined market share f first mortgage loans for FMC and Bank in the Roanoke market is believed to be approximately 5 per cent. The Board does not regard as significant possible elimination of competition between FMC and Bank in this product line.

It is possible that Applicant might enter the Roanoke market through the formation of a new bank, if the application were not approved. Nevertheless, the Board is inclined to discount the significance of any possible adverse effect on potential competition in any relevant area for the reasons hereinafter stated. First, the complexion of banking competition in the Roanoke market has been affected by recent developments. Two bank holding companies have received permission to enter that market de novo, potentially increasing the number of bank competitors to eight. The new subsidiary bank of one of these holding companies, First Virginia Bankshares Corp., has already commenced operations. As a result both of new entry and additional branching by existing banks in the market, the population per banking office in the Roanoke market is now below the Statewide average.

Second, Bank does not have the potential, in the Board's judgment, to be the lead bank in developing a new regional bank holding company. Its management depth appears to be too thin for such an undertaking, and its financial resources are already strained to capacity. For example, Bank's loan-to-deposit ratio, at approximately 80 per cent, is well above average, and its loan portfolio is aggressively committed in the area of construction lending. Moreover, Bank has virtually no correspondent business and is therefore an unlikely organizer of a new holding company. The Board finds it difficult to conclude that continuation of Bank as an independent bank would significantly improve the chances for formation of a new bank holding company within the near future, and believes that there is not adequate probability of such a development to justify denial of Bank's opportunity to affiliate with an existing holding company.

Furthermore, in view of the significant increase in the market share of the largest bank in the market during the past year, the Board believes that the immediate entry of a strong competitor such as Applicant may possibly assist, rather than hinder, the deconcentration of banking resources in the market at this time.

Consummation of the proposed acquisition should therefore have no significant adverse effects on existing or potential competition in any relevant area, and competitive factors are viewed by the Board as being consistent with approval of the application.[1]

The financial and managerial resources and future prospects of Bank and of Applicant and its present subsidiary banks are regarded as satisfactory. An improvement in Bank's capital position might be desirable in view of its aggressive posture as a lender, and the Board views favorably the undertaking of Applicant to invest additional capital in Bank upon its acquisition by Applicant. Considerations relating to managerial and financial resources lend some weight in favor of approval of the application. There is no evidence that the major banking needs of the Roanoke SMSA are not being adequately served at present. Considerations relating to the convenience and needs of the community to be served are viewed as being consistent with approval.

On the basis of the record,[2] the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 26, 1973:

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-16160 Filed 8-3-73;8:45 am]

FIRST PENNSYLVANIA CORP.

Order Approving Acquisition of Continental Finance Corporation of America

First Pennsylvania Corporation, Philadelphia, Pennsylvania, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to acquire all of the voting shares of Continental Finance Corporation of America, Aurora, Colorado ("CFCA"). CFCA through various of its subsidiaries engages in the activities of (1) operating industrial banks, in the manner authorized by Colorado law, that receive time and savings deposits and make loans to individuals and (2) making consumer finance loans and purchasing installment sales finance contracts. Its subsidiaries also engage in the sale of credit life and credit accident and health insurance, physical damage insurance, and casualty insurance in connection with their extensions of credit. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), (2), and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published 38 FR 6318. The time for filing comments and views has expired, and none have been received. The Board has considered the application in the light of the public interest factors set forth in section 4(c)(8) of the Act.

Applicant controls the second largest bank in Pennsylvania with total deposits of $2.6 billion, representing 7.9 per cent of the total commercial bank deposits in that State (as of June 30, 1972). Applicant's nonbanking subsidiaries engage in mortgage banking, investment and management services for a real estate investment trust and others, personal property and equipment leasing, data processing services, holding real estate, and consumer finance activities.

CFCA and its subsidiaries have total assets of $13.5 million (as of August 31, 1972). With regard to its finance company activities, CFCA presently operates through wholly-owned subsidiaries, 10 offices located in Denver, Colorado, and Los Angeles County, California. The industrial bank subsidiaries of CFCA are operated on the premises of, and in conjunction with, those consumer finance offices located in Denver. The proposed acquisition would have no adverse effect on existing competition since Applicant's subsidiaries neither serve nor maintain offices in any geographic market served by subsidiaries of CFCA. Applicant would not appear to be a likely de novo entrant into CFCA's market areas; and, in any event, CFCA has only a very small share of the business in the Denver market area and the Los Angeles metropolitan market area. The Board concludes that the proposed acquisition would have no adverse effects upon future competition. Further, there is no evidence in the record to suggest that the acquisition of CFCA by Applicant would have adverse effects on credit made available to independent finance companies by Applicant's subsidiary bank.

There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, or unsound banking practices. Approval of the application, by permitting CFCA to gain access to Applicant's financial resources, should

[1] Bank will be able to expand in an area approximated by the Tidewater area banking market, whereas First & Merchants National Bank could not expand. Appropriate regulatory approval will be needed for each new branch.

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns and Governor Daane.

[1] In the Board's judgment, this application presents a different set of factors, as discussed in the text, than those that led the Board to deny the application of Virginia National Bankshares, Inc., Norfolk, Virginia, for approval to become a bank holding company through the acquisition of the Colonial-American National Bank of Roanoke. (1972 Federal Reserve Bulletin 494.) The attractiveness of Roanoke to de novo entry was relatively greater at the time of that application than at present, and Colonial-American had prime capability of being the lead bank in its own bank holding company system, should it choose to form one, from the standpoint of its managerial and financial resources and significant correspondent business. Furthermore, the combined market share of first mortgage loans for Virginia National Bank's mortgage banking subsidiary, Mortgage Investment Corporation, and Colonial-American in the Roanoke market appeared to be considerably larger, at approximately 10 per cent, than that of FMC and Bank.

[2] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond. Concurring statement of Governor Daane filed as part of the original document and available upon request.

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

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enhance CFCA's competitive effectiveness an enable it to expand the range of services it offers. On the basis of the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable.

The proposed transaction is expected to be consummated by means of an exchange by Applicant of its shares for all of the shares of CFCA. For the past few years, Applicant has engaged in a vigorous expansion program through the acquisition of many consumer finance companies throughout the United States. These acquisitions have been effected either by Applicant directly or by one of Applicant's consumer finance subsidiaries. Two of Applicant's consumer finance subsidiaries, Investors Loan Corporation ("Investors") and Industrial Finance and Thrift Corporation ("Industrial Finance"), were acquired by Applicant in 1970; and, under the provisions of section 4(a)(2) of the Act, Applicant may not retain ownership of these companies beyond December 31, 1980, without Board approval. Applicant has not yet filed applications to retain shares of these companies, nor has the Board, in its consideration of the instant proposal, passed on the desirability of permitting retention beyond 1980. Under these circumstances, the Board believes that it would be in the public interest to approve the acquisition of CFCA on the condition that Applicant maintain the assets of CFCA separate and apart from those of either Investors or Industrial Finance, and, upon consummation of these acquisitions, operate CFCA as a separate business entity. This condition may be lifted at such time as the Board has an opportunity to make a determination on any application subsequently filed to retain the shares of Investors or Industrial Finance.

Accordingly, this application is hereby approved on the condition that Applicant maintain the assets of CFCA and its subsidiaries separate and apart from those of Investors and Industrial Finance and operate the company sought to be acquired as a separate business entity. The transaction shall not be consummated later than three months after the effective date of this order, unless such period is extended for good cause by the Board. This determination is further subject to the conditions set forth in § 225.4(c) of regulation Y and the Board's authority to require such modification or termination of the activities of the holding company or any of its subsidiaries as the Board finds necessary to ensure compliance with the conditions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

By order of the Board of Governors,[1] effective July 26, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-16164 Filed 8-3-73;8:45 am]

HATHDEL INC.

Formation of Bank Holding Company

Hathdel Inc., New Bedford, Massachuchetts, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 97.7 per cent of the voting shares of The Illinois National Bank & Trust Co. of Rockford, Rockford, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a nonoperating Delaware corporation, was organized as a subsidiary of Berkshire Hathaway Inc. ("Berkshire"), New Bedford, Massachusetts (a Massachusetts corporation), a bank holding company which presently owns 97.7 per cent of the outstanding voting shares of Bank. The proposal involves Applicant's acquisition of all the assets (including shares of Bank) of and assumption of the liabilities of Berkshire through the merger of the latter into the former under the charter of the former. The proposed transaction is merely a corporate reorganization whereby an existing one-bank holding company will change its state of incorporation from Massachusetts to Delaware; the location, nature and scope of Applicant's banking and nonbanking activities will be identical to that of the predecessor corporation.

Bank ($136.1 million in deposits) operates its only office in Rockford. It controls approximately 22 per cent of the deposits in commercial banks in Winnebago County (which approximates the relevant market) and approximately 0.3 per cent of the total desposits held by all commercial banks in Illinois, making it the largest bank in the county and 28th largest in the State.[2] Since the proposal to acquire Bank involves a corporate reorganization representing no expansion of the holding company system, the Board concludes that consummation of the proposal will not have any adverse competitive effects.

The financial and managerial resources and future prospects of Bank and of Applicant are regarded as satisfactory and are consistent with approval of the application. Consummation of the transaction would have no immediate effect on the convenience and needs of the community to be served; considerations relating to convenience and needs are consistent with approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be consistent with the public interest and that the application should be approved.

The merger of Berkshire into Applicant involves the acquisition by the latter of the nonbanking activities of the former, some of which are grandfathered under section 4(a)(2) of the Act. The Board regards Applicant as a successor to Berkshire within the meaning of section 2(e) of the Act and believes that Hathdel may engage in the nonbanking activities so transferred to the same extent as Berkshire is entitled to engage in these activities at the present time. Berkshire has filed an irrevocable declaration, pursuant to section 4(c)(12) of the Act and § 225.4(d) of Regulation Y, that it will cease to be a bank holding company by December 31, 1980. As a successor, Applicant is subject to this commitment of its predecessor, and the application is approved on the condition that Applicant, at the time of consummation of the proposal, file an irrevocable declaration to the same effect as that filed by Berkshire.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors.,[3] effective July 26, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-16163 Filed 8-3-73;8:45 am]

UNION PLANTERS CORP.

Acquisition of Bank

Union Planters Corporation, Memphis, Tennessee, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Tennessee National Bancshares, Inc., Maryville, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 23, 1973.

Board of Governors of the Federal Reserve System, July 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16153 Filed 8-3-73;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell, and Governors Brimmer, Sheehan and Bucher. Absent and not voting: Chairman Burns and Governors Daane and Holland.

[2] All banking data are as of December 31, 1972.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan and Bucher. Absent and not voting: Governors Daane and Holland.

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR E-118]

SEDANS, STATION WAGONS, AND TRUCKS

Reduction of Fuel Consumption

1. *Purpose.* This bulletin solicits the cooperation of Federal agencies in reducing motor vehicle fuel consumption through the acquisition of sedans, station wagons, and trucks which provide the greatest fuel economy while fulfilling the intended use.

2. *Expiration date.* This bulletin expires June 30, 1974, unless sooner rescinded.

3. *General.* In furtherance of the Government-wide program for conservation of energy, immediate consideration should be concentrated on the procurement of motor vehicles equipped with engines and accessories to achieve reduced gasoline consumption. The acquisition of such vehicles will accrue to the Government the cost-avoidance of higher overall operating costs and the long-range benefits of fuel economy.

4. *Suggested action.* a. Agencies should give careful consideration to requisitioning those vehicles which provide minimum performance characteristics and accessories essential for their intended use. For example, based on the vehicle definitions contained in Interim Federal Standard No. 00122, a type I, class A, subcompact vehicle may serve messenger-type functions effectively or be appropriate when projected utilization involves two occupants including the operator or equivalent loading. In such instances, this type of vehicle should be procured in lieu of a larger vehicle. Similarly, careful planning of vehicle use should be undertaken to maximize procurement of compact-type vehicles, type I, class B, in lieu of intermediate vehicles (type II), and the use of intermediate vehicles in lieu of regular vehicles, type III.

b. Power absorbing accessories and weight-adding equipment such as power brakes and steering, air conditioning, higher horsepower engines, and other similar items listed in Table VIII of Interim Federal Standard No. 00122M should be acquired only when deemed absolutely essential to operating requirements.

c. The principles outlined above should be applied in requisitioning light and heavy trucks under Interim Federal Standards No. 00307, 00292, and Interim Federal Specifications KKK-T-00720, -00701 and -00706.

d. Law enforcement vehicles are not included among those covered in this bulletin.

5. *Assistance.* The General Services Administration will assist agencies in the acquisition of vehicles. Information on specifications and their interpretation may be obtained from the Automotive Standards Division (FMA), telephone 703-557-7525. Inquiries pertaining to procurement matters should be directed to the Automotive Branch (FPNM), telephone 703-557-8300. The mailing address for both organizational elements is General Services Administration ((FMA) or (FPNM)), Washington, DC 20406.

ARTHUR F. SAMPSON,
Administrator of General Services.

AUG 1, 1973.

[FR Doc.73-16283 Filed 8-3-73;8:45 am]

Public Buildings Service

[Wildlife Order 109; D-Mass-6380]

FORT DEVENS; HARVARD, MASS.

Transfer of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, Boston, Massachusetts, Regional Office, dated July 19, 1973, the property, comprised of approximately 662 acres of land and one building and identified as a portion of Fort Devens, Harvard, Massachusetts, has been transferred to the Department of the Interior.

2. The above described property was conveyed for wildlife conservation purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667c), as amended, by Public Law 92-432.

Date: July 31, 1973.

LARRY F. ROUSH,
Acting Commissioner,
Public Buildings Service.

[FR Doc.73-16167 Filed 8-3-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY ADVISORY COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that meetings of the Food Industry Advisory Committee, created by section 7(b) of Executive Order 11695, will be held on August 13 and August 14, 1973 at 9:00 A.M., at O'Hare Plaza, 5725 East River Road, Chicago, Ill.

Since the meetings will consider sensitive policy issues and possible governmental actions in connection therewith, I have determined that the meetings would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meetings to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on August 3, 1973.

HENRY H. PERRITT, JR.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-16323 Filed 8-3-73;10:52 am]

SMALL BUSINESS ADMINISTRATION

[License No. 09/14-5086]

LA RAZA INVESTMENT CORP.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that La Raza Investment Corporation (licensee), 132 South Central Avenue, Phoenix, Arizona 85004, a small business investment company licensed under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act), has filed an application for exemption from the provisions of 13 CFR 107.1004 (1973).

Licensee proposes to provide $14,800 of financing to James Lucero, d/b/a Lucero Reprographics, 98 South Swadley Street, Lakewood, Colorado 80228, which financing will be evidenced by 10-year subordinated debentures bearing interest at the rate of 8.5 percent and having warrants attached to purchase approximately 25 percent of the small business concern's stock. Licensee's proposed financing represents the amount of additional injection required as a condition for a $40,000 loan to be made by a local bank.

The proposed financing comes within the purview of 13 CFR 107.1004 (1973) by virtue of the fact that Mr. James Lucero, the owner of the small business concern to be financed, is the brother of Mr. Edward R. Lucero, a director of the licensee and an officer of Colorado Economic Development Association which owns more than 10 percent of licensee's stock. However, neither of the Lucero brothers is a stockholder of the licensee.

Notice is hereby given that any person may, not later than Aug. 21, 1973, submit comments to SBA on the proposed transaction. Any such comments should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Notice is further given that any time after said date, SBA may dispose of the application on the basis of the information set forth therein and other relevant data.

Dated: July 26, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.73-16010 Filed 8-3-73;8:45 am]

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[Delegation of Authority 30, Region IV, Amdt. 6]

REGIONAL COUNCIL ET AL.

Delegation of Loan Closing Authority

Delegation of Authority No. 30 (Region IV) (37 FR 17603) as amended (38 FR 1159), (38 FR 3553), (38 FR 7290), (38 FR 13404), (38 FR 15399) is hereby further amended as follows:

PART VI—LEGAL SERVICES

SECTION B. *Loan closing authority.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

(a) Regional Counsel.
(b) Regional Attorneys.
(c) District Director.
(d) District Counsel.
(e) District Attorneys.
(f) Branch Manager, Gulfport, Mississippi, Branch Office.
(g) Branch Counsel, Gulport, Mississippi, Branch Office.
(h) Loan Closing Assistant, as assigned.

. . . . . .

3. To close approved EDA loans as authorized:

(a) Regional Counsel.
(b) Regional Attorneys.
(c) District Director.
(d) District Counsel.
(e) District Attorneys.
(f) Branch Manager, Gulfport, Mississippi, Branch Office.
(g) Branch Counsel, Gulfport, Mississippi, Branch Office.
(h) Loan Closing Assistant, as assigned.

. . . . . .

Effective date: July 12, 1973.

WILEY S. MESSICK,
Regional Director,
Region IV.

[FR Doc.73-16086 Filed 8-3-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 312]

ASSIGNMENT OF HEARINGS

AUGUST 1, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 111424 Sub 4, Shippers Truck Service, Inc., now being assigned hearing October 1, 1973 (1 week), at New York, New York, in a hearing room to be later designated.

MC-FC-73611, Bianchi Transportation Company, Inc., Old Bridge, New Jersey, Transferee and Bianchi Truck Line, Inc., Klemmer Kaltelssen, Trustee, Old Bridge New Jersey, Transferor, now being assigned further hearing August 24, 1973 (1 day) at New York, N.Y., in a hearing room to be later desig.

MC 138504, Hatfield Recon Center, Inc., now being assigned hearing October 1, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 127834 Sub 87, Cherokee Hauling & Rigging, Inc., now being assigned hearing October 2, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138517, Metropolitan Trucking, Inc., now being assigned hearing October 2, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11840, Consolidated Freightway Corporation of Del.—Purchase—Harris Motor Express, Inc., now being assigned October 3, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8100, Western Express, Inc.—Investigation and Revocation of Certificate—, now being assigned hearing October 3, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114004 Sub 124, Chandler Trailer Convoy, Inc., now being assigned hearing October 10, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 97310 Subs 11 and 12, Bell Transfer Company, Inc., now assigned August 13, 1973, at Birmingham, Ala., will be held at the Admiral Benbow Inn, 260 West Oxmoor Road, instead of Department of Labor Conference Room, 2nd Floor, 908 South 20th Street.

MCC-8041, Garrett Freight Lines, Inc., Et Al-V-Puget Sound Truck Lines, Inc., now being assigned hearing October 15, 1973 (2 days), at Olympia, Washington., in a hearing room to be later designated.

No. 35843, Maritime Administration, United States Department of Commerce V. Seaboard Coast Line Railroad Co., et al., now being assigned for Pre-Hearing Conference September 19, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138097 Sub 2, Percy Kagel, Dba Kagel Trucking, now being assigned hearing October 10, 1973 (3 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 114789 Sub 41, Nationwide Carriers, Inc., now being assigned hearing October 9, 1973 (1 day), at St. Paul, Minn., in a hearing room to be later designated.

MC 108119 Sub 37, E. L. Murphy Trucking Company, now being assigned hearing October 15, 1973 (1 week), at St. Paul, Minn., in a hearing room to be later designated.

No. 35832, Aluminum Company of America Devenport, Rock Island & Northwestern Railway, now being assigned Pre-hearing Conference September 24, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 62690 Sub 3, Carey F. Weathers Transfer & Storage Co., now being assigned hearing October 10, 1973 (3 days), at Atlanta, Ga., in a hearing room to be later designated.

MC 127418 Sub 7, Trop-Arctic Refrigerated Service Inc., now being assigned hearing October 15, 1973 (1 week), at Atlanta, Ga., in a hearing room to be later designated.

MC 92633 Sub 22, Zirbel Transport, Inc., now being assigned hearing October 29, 1973 (1 week), at Portland, Oreg., in a hearing room to be later designated.

MC-2202 (Sub 435), Roadway Express, Inc., now being assigned hearing October 15, 1973, (3 days), at Lansing, Mich., in a hearing room to be later designated.

MC 263 Sub 205, Garrett Freightlines, Inc., now being assigned hearing October 29, 1973 (2 weeks), at Denver, Colo., in a hearing room to be later designated.

MC 128648 Sub 3, Trans-United, Inc., now being assigned hearing September 24, 1973 (1 day), at Chicago, Illinois, in a hearing room to be later designated.

MC-C-8048, Forlow Travel Bureau, Inc., -V- Mrs. Leland (Romine) Hostetler and Mrs. Hugh (Orpha) Easterday, dba Wana-Go Club, et al, now being assigned hearing September 25, 1973, (1 day), at Chicago, Illinois, in a hearing room to be later designated.

MC 111375 Sub 67, Pirkle Refrigerated Freight Lines, Inc., now being assigned hearing September 26, 1973, (3 days), at Chicago, Illinois, in a hearing room to be later designated.

MC 118959 Sub 100, Jerry Lipps, Inc., now being assigned continued hearing October 1, 1973 (1 week), at Chicago, Illinois, in hearing room to be later designated.

MC 82063 Sub 43, Klipsch Hauling Co., MC 106400 Sub 92, Kaw Transport Company, MC 107496 Sub 873, Ruan Transport Corp., MC 111401 Sub 376, Groendyke Transport, Inc., MC 115331 Sub 336, Truck Transport, Inc., now being assigned hearing September 17, 1973 (1 week), at Kansas City, Mo., in a hearing room to be later designated.

No. 35831, Container Interchange Contracts-Petition for Investigation, & No. 35835, American Export Lines, Inc., et al V. The Alabama Great Southern Railroad Company, et al., now being assigned for Pre-Hearing Conference September 19, 1973, at the Offices of the Interstate Commerce Commission, Washington D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16144 Filed 8-3-73;8:45 am]

[Ex Parte 241; Rule 19, 5th Rev. Exemption 43]

BURLINGTON NORTHERN INC., ET AL.

Exemption Under Mandatory Car Service Rules

To: Burlington Northern Inc., Chicago and North Western Transportation Company, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Chicago, Rock Island and Pacific Railroad Company, Illinois Central Gulf Railroad Company, Missouri Pacific Railroad Company, Norfolk and Western Railway Company, Soo Line Railroad Company, Union Pacific Railroad Company.

It appearing, that there is a massive harvest of wheat in progress in the states of Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wyoming; that present supplies of plain boxcars owned by the railroads serving these states are inadequate to move the newly harvested grain to terminal elevators for safe storage; that use of available plain boxcars owned by other carriers for movements of this grain will substantially augment the car supplies of the railroads named herein.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the railroads named herein, and their short line connections, are hereby authorized to use and to accept from shippers shipments of grain originating at stations located in Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wyoming, when loaded into plain 40-ft. narrow-door boxcars of various ownerships without regard to the requirements of Car Service Rule 2.

Exception. This exemption shall not apply to plain boxcars subject to Association of American Railroads' Car Relocation Directive No. 44.

Effective 11:59 p.m., July 31, 1973.
Expires 11:59 p.m., August 15, 1973.

Issued at Washington, D.C., July 30, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-16147 Filed 8-3-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 1, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42723—*Class and Commodity Rates Between Points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent, (No. 673), for interested rail carriers. Rates on clinker, cement and paper, newsprint, in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff—Supplement 28 to Texas-Louisiana Freight Bureau, Agent, tariff 87-J, I.C.C. No. 1159. Rates are published to become effective on August 30. 1973.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42724—*Class and Commodity Rates Between Points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent, (No. 672), for interested rail carriers. Rates on clinker, cement and paper, newsprint, in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 28 to Texas-Louisiana Freight Bureau, Agent, tariff 87-J, I.C.C. No. 1159. Rates are published to become effective on August 30, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16145 Filed 8-3-73;8:45 am]

[Notice 328]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 27, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74476. By order of July 26, 1973 the Motor Carrier Board approved the transfer to Ernest Raymond Frame and Raymond Frame, A Partnership, doing business as E. Frame and Son, 1518 Fenton Hills Road, Fenton, Mo. 63026, of the operating rights in Permit No. MC-127262 issued August 4, 1966, to Ernest Raymond Frame, 1518 Fenton Hills Road, Fenton, Mo. 63026, authorizing the transportation of scrap iron and scrap metal, except those because of size or weight, require the use of special equipment, in shipper-owned trailers, from points in Illinois and Missouri, to St. Louis, Mo. The operations authorized herein are limited to transportation service to be performed under a contract with Lefton Iron and Metal Co.

No. MC-FC-74548. By order of July 26, 1973 the Motor Carrier Board approved the transfer to R. E. R. Trucking Co., Inc., Totowa, N.J., of Permit No. MC-128425 Sub-No. 1, issued September 15, 1967, to Alan William Transfer Co., Inc., Bergenfield, N.J., authorizing the transportation of polyurethane and vinyl foam from Moonachie, N.J., to points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts and Rhode Island; and vinyl foam from Lawrence, Mass., to Moonachie, N.J. Edward F. Bowes, Bowes & Millner, 744 Broad Street, Newark, N.J. 07102, Attorney for Applicants.

No. MC-FC-74561. By order of July 26, 1973, the Motor Carrier Board approved the transfer to John N. Apgar, Sr. (Irving L. Apgar, John N. Apgar, Jr., and the First National Bank of Central Jersey, Executors and Trustees), Sterling E. Apgar (Morris Ruter, Trustee), and Dorothy Anderson, a partnership, doing business as Apgar Bros., Bound Brook, N.J., of the operating rights in Permit No. MC-33322 issued May 21, 1969, to John N. Apgar, Sr., Sterling E. Apgar, and Dorothy E. Anderson, a partnership, doing business as Apgar Bros., Bound Brook, N.J., authorizing the transportation of numerous specified commodities, including machinery, building and contractors' material, supplies, and equipment, tile, pumps, railroad ties, magnesia products, pipe, compressed gases, in cylinders, and chemicals, between and from and to, named points in New Jersey, Pennsylvania, New York, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, and the District of Columbia. Herbert Alan Dubin, 1819 H Street, N.W., Washington, D.C. 20036 Attorney for applicants.

No. MC-FC-74589. By order of July 26, 1973 the Motor Carrier Board approved the transfer to C. J. R. Cartage Corp., Melvindale, Mich., of Certificates Nos. MC-39167 and MC-39167 Subs 2, 3, 6, 9, and 10, issued July 26, 1943, January 2, 1962, May 27, 1970, October 14, 1966, May 13, 1970, and April 21, 1972, respectively to Charles J. Rogers Transportation Company, Melvindale Mich., authorizing the transportation of iron and steel and various specified commodities, from, to and between specified points in Michigan, Kentucky, Ohio, Indiana, Arkansas, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee and Wisconsin. Eugene C. Ewald, Matheson, Bieneman, Veale & Parr, Suite 1700, One Woodward Avenue, Detroit, Mich. 48226, Attorney for Applicants.

No. MC-FC-74608. By order of July 26, 1973 the Motor Carrier Board approved the transfer to Anderson Brothers, Inc., Edgeley, N. Dak., of Certificate No. MC-2252 issued June 6, 1941, to Charles Anderson, doing business as Anderson Truck Line, Edgeley, N. Dak., authorizing the transportation of: Household goods and general commodities, with the usual exceptions, between Minneapolis, St. Paul, Newport, and South St. Paul, Minn., on the one hand, and, on the other, Streeter, Gackle, Litchville, Hastings, and Kathryn, and points in La Moure, and Ransom Counties, N. Dak.; and livestock between Edgeley, N. Dak., and points in North Dakota within 50 miles of Edgeley, on the one hand, and, on the other, Minneapolis, St. Paul, Newport, and South St. Paul, Minn.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16148 Filed 8-3-73;8:45 am]

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[I.C.C. Order 108; Rev. S.O. 994]

CERTAIN RAILROADS OPERATING IN CANADA

Rerouting or Diversion of Traffic

In the opinion of R.D. Pfahler, Agent, certain railroads operating in Canada are unable to transport traffic over their lines because of a strike of certain of their employees.

It is ordered, That:

(a) Certain railroads operating in Canada, being unable to transport traffic over their lines because of a strike of certain of their employees, these carriers and their connections are hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroads desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 6:00 a.m., July 26, 1973.

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 2, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 26, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-16146 Filed 8-3-73;8:45 am]

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MONDAY, AUGUST 6, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 150

PART II

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

PUGET SOUND VESSEL TRAFFIC SYSTEM

Notice of Proposed Rulemaking

V 38-150
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DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 160]

[CGD–73–158 PH]

PUGET SOUND VESSEL TRAFFIC SYSTEM

Notice of Proposed Rulemaking

This notice proposes regulations for the vessel traffic system that the Coast Guard is operating in Puget Sound, Washington, and adjacent waters. The proposal would require vessels that are required by the Bridge-to-Bridge Radiotelephone regulations (33 CFR 26) to be equipped with a radiotelephone to comply with the system's rules for communications, for movement, reporting and for transiting Rosario Strait. The proposal would also require all vessels, including small craft, to comply with the system's navigation rules when operating in its traffic separation scheme.

These proposed regulations would be added to the Code of Federal Regulations as a new part 160 to a new Subchapter P of Chapter I of Title 33. The new Subchapter P would be entitled "Vessel Traffic Services and Systems" and would contain regulations implementing Title I of the Ports and Waterways Safety Act of 1972 (Public Law 92–340, 86 Stat. 424).

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments regarding the proposal to the Commandant (G–CMC), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting comments should include his name and address and organization, if any, identify the notice number (CGD73–158) and give reasons for any recommended change in proposal. Copies of all written comments received will be available for examination both in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. and at the Office of the Commander, Thirteenth Coast Guard District in Seattle, Washington.

All comments received on or before September 17, 1973, will be fully considered before final action is taken on this proposal.

The Coast Guard will hold a public hearing on this proposal on August 30, 1973 at 9:00 a.m. in the Orcas Room, Seattle Center, Seattle, Washington. All interested persons are invited to be present or to be represented at this public hearing. All persons will be given an opportunity to express their views on the proposed regulations and to suggest any changes that may be considered desirable. Oral statements will be heard, but for completeness and accuracy of the record, all facts and arguments should also be presented in writing at the hearing.

On July 10, 1972, the President signed into law the "Ports and Waterways Safety Act of 1972" (Public Law 92–340 86 Stat. 424). The purpose of title I of this act is "to prevent damage to, or the destruction or loss of any vessel, bridge, or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and to protect the navigable waters and the resources therein from environmental harm resulting from vessel or structure damage, destruction, or loss." The authority to implement the provisions of title I of this Act except in the St. Lawrence Seaway has been delegated to the Commandant of the Coast Guard who may:

(1) Establish, operate, and maintain vessel traffic services and systems for ports, harbors, and other waters subject to congested vessel traffic;

(2) Require vessels which operate in an area of a vessel traffic service or system to utilize or comply with that service or system, including the carrying or installation of electronic or other devices necessary for the use of the service or system;

(3) Control vessel traffic in areas which he determines to be especially hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances by—

(i) Specifying time of entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(ii) Establishing vessel traffic routing schemes;

(iii) Establishing vessel size and speed limitations and vessel operating conditions; and

(iv) Restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics and capabilities which he considers necessary for safe operation under the circumstances; • • •

(6) Establish procedures, measures, and standards for the handling, loading, discharge, storage, stowage, and movement, including the emergency removal, control and disposition, of explosives or other dangerous articles or substances • • • on structures subject to this title • • •.

At the present time the Coast Guard is operating voluntary vessel traffic systems in the Puget Sound area, in the port area of San Francisco, and on the Ohio River at Louisville, Kentucky during periods of high water 15 or more feet above flood stage. Also, vessel traffic systems are currently being developed for the Houston/Galveston area, the lower Mississippi River from Baton Rouge to the Head of Passes, and the New York area. Regulations to require vessels to comply with these vessel traffic systems will be developed. This notice proposes regulations for the Puget Sound area. The determination of the need for vessel traffic systems in other ports and waterways is the subject of a separate study presently being conducted.

The Coast Guard established the Puget Sound vessel traffic system because that area is subject to congested vessel traffic and hazardous weather conditions. More than 140 vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act other than ferry vessels, transit the Puget Sound area each day. There are seven ferry routes on which ferry vessels operate on daily established schedules. Weather conditions in Puget Sound often make these vessels transits hazardous. Reduced visibility caused by precipitation occurs 225 days out of the year. Heavy fog is present 50 days out of the year making visibility one quarter mile or less, and winds of 30 m.p.h. or more can be expected during any month. Strong tidal current prevail over much of the area.

Puget Sound also supports a valuable fishery and a habitat for an abundance of wildlife. The unpolluted beaches and clean waters of Puget Sound are situated in an area of rare natural beauty. These are valuable assets and are vulnerable to pollution. With congested vessel traffic and poor weather conditions, there exists an ever present threat of collisions, groundings, and ensuing oil pollution. The vessel traffic system in Puget Sound reduces the probability of such occurrences.

The voluntary vessel traffic system was put into operation in Puget Sound in September, 1972. Its development was based on an extensive Coast Guard-industry study. Comments and suggestions from interested parties were welcome, and many of the ideas were included in the voluntary system. The success of the voluntary system has been demonstrated by the fact that 98 percent of the commercial freighters and tankers and 40 percent of the towing vessels operating in Puget Sound during the last ten months have participated.

The regulations in this proposal would make participation in the Puget Sound vessel traffic system mandatory. They would apply to vessels in the navigable waters of the United States east of the line of demarcation for the Puget Sound area. This area would include the eastern end of the Strait of Juan de Fuca, Rosario Strait, Bellingham Bay, Padilla Bay, Admiralty Inlet, Puget Sound, Possession Sound, Elliot Bay, Hood Canal, Commencement Bay and the Narrows West of Tacoma. In the proposed regulations this area is defined as the "VTS area."

It is emphasized that the regulations in this proposal incorporate many of the features of the voluntary system. The Coast Guard VHF–FM radiocommunications capability already established in the system would be used, and those vessels subject to the Bridge-to-Bridge Radiotelephone Act, when in the VTS area, would be required to report their movements to a vessel traffic center in accordance with stated rules. These reporting rules are patterned after the reporting procedures used in the voluntary system. Also the proposal would incorporate most of the existing traffic separation scheme which consists of several pairs of one-way traffic lanes 1,000 yards wide separated by a 500 yard wide separation zone. Each pair of traffic lanes is connected at each end by a precautionary area that is circular in most cases. In Rosario Strait, however, the scheme consists only of one traffic lane connected at each end by a precautionary area. The traffic separation scheme extends from Tacoma northward through the east end of the Strait of Juan de Fuca and Rosario Strait to the area off Lummi Bay. The existing traffic separation scheme is marked by buoys and indicated on the current charts for Puget Sound.

Under the proposal all vessels operating in the traffic separation scheme would be required to proceed in the same directions that vessels now follow under the voluntary system. The proposal would not impose any restrictions on the direction of vessel movement in the waters outside the traffic separation scheme.

The proposal, in addition to implementing the procedures of the voluntary system, also provides rules for crossing, joining, and leaving the traffic separation scheme. The proposal further provides for mandatory use of the Bridge-to-Bridge Radiotelephone frequency by vessels entering or navigating in Rosario Strait, rules for the operation of ferry vessels and vessels with low power or awkward handling characteristics, and rules for emergencies, failure of equipment, and authorization to deviate from the regulations. It is important to note that the proposal includes a rule allowing control by the vessel traffic center of the time of entry, movement in, or departure from the system when necessary to prevent damage to, or loss of, any vessel.

It is anticipated that many of the rules in this proposal would be used in vessel traffic systems that are under consideration, or will be under consideration, in other ports and waterways to solve navigation problems that are similar to those in the Puget Sound area. It is recognized, too, that each other vessel traffic system will probably have navigation problems that could require the use of rules not contained in this proposal to solve those problems.

Various interested parties have been consulted in developing the voluntary vessel traffic system that is currently in operation. Interested parties consulted include Foss Launch and Tug Company, Canadian Pacific Ferries, Northwest Towboat Association, Puget Sound Pilots, Puget Sound Gillnetters Association, National Federation of Fishermen, Weyerhauser Company, Port of Olympia, Williams & Diamond and Company, American Mail Line, Ltd., Seattle Chamber of Commerce, Port of Seattle, Washington States Ferries, Alaska Maine Highways System, Commandant, 13th Naval District, American Tug Boat Company, District Engineer (U.S. Army, Seattle District, Corps of Engineers), Chevron Shipping Company, Military Sealift Command (Seattle), Puget Sound Freight Lines, States Steamship, and Sea-Land Services, Inc.

The proposed rules are designed to cope with vessel congestion, reduced visibility, adverse weather, and navigation hazards not only by requiring vessels to comply with these rules but also by providing the vessels in the system with timely, pertinent information needed for safe navigation. By providing navigation information each vessel could be made aware of the surrounding vessel traffic and developing vessel congestion and could adjust its speed and course accordingly to avoid a collision or grounding. The existing VHF–FM radiocommunications system would be the primary means of providing this information.

The communications system of the vessel traffic system has been designed to allow both transmission and reception of information in the VTS Area with a high degree of reliability. The vessel traffic center (VTC) in Seattle would operate with few exceptions in the same manner that it has operated under the voluntary system. Channel 13 is now in use for vessel traffic system communications and the VTC maintains a continuous guard on Channel 16. Remote transceivers are linked to the VTC. All transmissions from the VTC or from vessels in the system would be recorded in the VTC. The recording equipment has the capability to provide instant playback to the VTC personnel of messages received. Based on reports from vessels, the Coast Guard personnel in the VTC would manually plot the progress of each vessel in the system. Accuracy of position and speed would be dependent on reports received. Vessels would be informed of other vessels that could be encountered along their intended routes. Vessels would also be advised of abnormal conditions along their routes including reported defects in aids to navigation, reduced visibility, adverse weather, concentrations of fishing vessels or pleasure craft that would affect navigation, and concentrations of floating logs. Also, vessels would be advised of vessels along their routes which had experienced difficulties in navigation or which were carrying cargoes of particular hazard. If vessel reports indicated a danger of a potential collision situation, the VTC would coordinate traffic flow to eliminate the hazard of collision by specifying times of vessel movement. Unlike the voluntary system, however, the VTC could, under the proposal, require vessels to comply with VTC directions issued to coordinate movement of vessel traffic.

In order to assist the user of the system to operate in compliance with the proposed rules, the Coast Guard will prepare a manual to describe the Puget Sound Vessel Traffic System and suggested procedures to follow to facilitate compliance with system's rules. The manual would be updated and reissued as necessary. It will be available from the Coast Guard.

The proposed rules for the Puget Sound Vessel Traffic System are presented in six subparts. Subpart A, General, gives the definitions and explanatory rules necessary for understanding and using the system. Subpart B, Communications Rules, establishes the basic provisions for communication procedures, equipment, and use of equipment when in the VTS area. Subpart C, Vessel Movement Reporting Rules, contains the requirements for vessel movement reporting. Subpart D, Traffic Separation Scheme Rules, sets forth requirements for the navigation of vessels operating in, crossing, joining, or leaving the traffic separation scheme. Subpart E contains rules that must be followed, in addition to the other rules in this proposal, when transiting Rosario Strait. Subpart F, Description and Geographic Coordinates, presents a description of the geographic areas comprising the vessel traffic system and identifies precisely the coordinates by which these areas are defined.

An explanation of the rules in the proposal follows:

The term "master or person in charge," as defined in § 160.3(h), appears only in §§ 160.20 and 160.70 of this part. The term is intended to apply only to persons named in section 5 of the Bridge-to-Bridge Radiotelephone Act, who are required by that Act to maintain a listening watch on the designated frequency, Channel 13. The applicability of §§ 160.20 and 160.70 to persons is limited because these two rules are intended to apply only to those persons aboard a vessel who must monitor channel 13 under the Bridge-to-Bridge Radiotelephone Act.

Section 160.7 authorizes the VTC to specify times of vessel entry, movement in, or departure from the vessel VTS Area when it is necessary to prevent damage, destruction or loss of any vessel. It is expected that the need to exercise this authority will occur infrequently. The Coast Guard anticipates that VTC control that is exercised will occur primarily in harbor areas and in and around Rosario Strait. Section 160.7 also prohibits any person from operating a vessel contrary to a direction of the VTC issued under this authority.

Section 160.9(a) provides that the District Commander may authorize a deviation from any regulation in this part. It is intended that authorizations issued under this section would be issued for an extended but definite duration. These authorizations would be kept on file at the Office of the District Commander and would be available for public inspection. The VTC would advise vessels in the VTS area of the presence of vessels operating under an authorization to deviate when that information was necessary for safe navigation.

Section 160.9(b) provides that the VTC may authorize a deviation from any regulation in this part but only for a voyage or part of a voyage. These authorizations would accommodate unusual circumstances in vessel operation that could not be foreseen in advance. For example, a VTC authorization to deviate from § 160.52(a) for the period of time that a vessel could not navigate in the direction of traffic in a traffic lane because of strong currents or excessive draft.

Section 160.13 delegates the authority to the District Commander to make temporary amendments in the description of the traffic separation scheme (TSS) to provide for temporary precautionary areas necessary for the safe passage of vessels. For example, the TSS in the area off Foulweather Bluff could

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be amended at certain times during the fishing season to provide for a temporary precautionary area to ensure safe passage of vessels and to protect fishing gear of fishing vessels. When this temporary precautionary area was in effect it could be necessary to remove temporarily one or more buoys from the area in order to accommodate the requirements of seasonal fishing. Notification of temporary amendments to the TSS would be published in the FEDERAL REGISTER and in the notice to Mariners.

Section 160.20 requires the operator of each vessel in the VTS area to monitor continuously a frequency designated in the Puget Sound VTS Operating Manual. This rule is essential for effective communications between the VTC and vessels required to have a radiotelephone while in the VTS area. The rule is also essential to ensure that these vessels can respond quickly to a call initiated by the VTC. The VTC would maintain an effective and continuous watch on each frequency designated in order to respond promptly to any call from a vessel. Because reception over a given frequency is blanked out while a vessel is transmitting on that same frequency, § 160.20 also provides that the designated frequency need not be monitored when the vessel is transmitting on that frequency.

Since vessels subject to the Bridge-to-Bridge Radio-telephone Act were already equipped to communicate on Channel 13 when the Puget Sound voluntary vessel traffic system was established, this channel was selected for use in the system. The Coast Guard contemplates continued use of Channel 13 as the designated frequency for the Puget Sound vessel traffic system until such time as it is found that congestion on this channel results in a degradation of either bridge-to-bridge communications or communications between vessels and the VTC. Should either occur, it may be necessary to employ a frequency or frequencies specifically designated for VTS operations. Until such time as there is more than one frequency designated for communications between vessels and the VTC, there will be only one sector, which will comprise the whole VTS Area. With respect to possible frequency congestion, it should be understood that an extension of the present VTS from Port Angeles to Cape Flattery, for participation on a voluntary basis, is under active consideration at this time. The Coast Guard is aware that establishment of a similar system in the adjoining Canadian waters is under development by the Canadian government. These actions may have impact on the use rate experienced on Channel 13.

Section 160.22 requires that the radiotelephone equipment that is used to transmit reports required by the proposed rules and to receive information from the VTC and other vessels must be capable of operation from the navigational bridge or principal control station of the vessel. Communications sent and received over this equipment bear on the safety of navigation and are initiated by, or intended for the urgent attention of, the person on the navigation bridge or principal control station who is directing the movements of the vessel.

Section 160.24 requires reports to be made in the English language. The purpose of this rule is to insure that the reports required by this part and navigating information transmitted by the VTC and by vessels in the VTS area would be understood by all users of the system.

Section 160.25 requires the use of Pacific Standard time or Pacific Daylight Time, as appropriate, and the use of the 24-hour clock system. The purpose of the rule is to insure that all persons receiving transmissions would be keeping the same time and expressing it in the same terms. Accurate and uniform time used in reports of positions and movements of vessels are essential to the success of the Puget Sound vessel traffic system.

Section 160.28 requires that at least one hour before entering the VTS area, or getting underway from a berth or anchorage in the VTS area, each vessel described in § 160.1(c) of Subpart A would be required to file an initial report with the VTC. This report would provide the VTC with pertinent facts concerning the vessel and its voyage during transit of the VTS area. This report also would inform the VTC of any condition, such as fire or defective electrical or mechanical equipment, that could affect its navigation, and would notify the VTC of any explosives or specified dangerous cargo carried. This information is necessary so that the VTC could keep vessels apprised of hazardous conditions and the positions of nearby vessels.

Section 160.30 requires a follow-up report to be made shortly before the vessel commences to operate in the VTS area. The report would provide VTC with updated information including any corrections to the initial report and the speed at which the vessel intended to proceed in the VTS area. This information would alert the VTC that the vessel was just about to commence operating in the VTS area.

Section 160.31 requires a final report to be made advising the VTC that the vessel has arrived at its destination or has departed from the VTS area. The VTC could then terminate its plot of this vessel.

The purpose of § 160.33 is to exempt vessels from required reports while in the VTS area far from a place where repairs could be made. This rule does not allow repairs to radiotelephone equipment necessary to make the required reports to be unreasonably delayed.

Section 160.34 requires that any deviation from the rules caused by emergency or radio failure be reported to the VTC as soon as practicable. It is recognized that an emergency or a radiotelephone failure could require deferring a report to the VTC.

The purpose of § 160.35 is to require that a report of vessel defects be made to the VTC as soon as possible so that the VTC could advise other vessels along the vessel's intended track of the need for caution. Defective machinery or electrical equipment that affects the safe navigation of a vessel could create a situation in which that vessel would constitute a hazard to other vessels navigating in the system. Similarly, a tow that is not under complete control of the towing vessel, due to wind, current or other reason, could create a situation which could be a hazard to other vessels.

Section 160.36 provides for limited reporting requirements for most ferry vessels. There are approximately 530 ferry vessel crossings per day in the VTS area. These vessels operate on published schedules, and for the most part, on routes which cross the TSS. Characteristics of these ferry vessels are well known to the VTC, and it would be unnecessary to transmit repeatedly the information listed in the initial report and follow-up report. Communications reports, if required of ferry vessels, would, due to the large number of sailings tend to overload the frequency required to be monitored.

Section 160.38 proposes a list of hazardous circumstances to be reported. The purpose of this report is to provide information necessary for the safe navigation of vessels in the VTS area. The hazards include occasional large concentrations of recreational craft, and of fishing vessels during the fishing season. These concentrations could block the passage of larger vessels creating a hazardous circumstance.

Section 160.42 contains the proposed vessel movement reporting rules. It applies to those vessels subject to the Bridge-to-Bridge Radiotelephone Act. These reports are required to provide information concerning vessel position and intentions to the VTC for use in apprising other vessels in the system.

Section 160.52 sets forth the requirements for the direction of traffic in the TSS. When in traffic lanes, vessels would be required to proceed in a direction that would keep the separation zone on the port side. When in most of the precautionary areas, vessels would be required to proceed in a counterclockwise direction, keeping the center of the precautionary area on the port side. It is intended that vessels transiting a precautionary area would govern their movements with special caution taking into account the presence of other vessels in the precautionary area.

The TSS is designed for the safe movement of vessels along identified lanes. Thus § 160.54 would prohibit vessels from anchoring in the TSS. As a practical matter it is recognized that under conditions of imminent danger or peril, it could be necessary to anchor for the safety of the vessel. Allowance is made under section 160.15 for anchoring in the TSS during an emergency. It is intended that when it is necessary for a vessel to anchor during emergency, it would do so whenever possible, as far away from the separation zone as possible or in the separation zone.

Section 160.56 sets forth the rules

under which vessels could join, leave or cross the TSS. The preferred points of joining, leaving or crossing the TSS are at the precautionary areas. Because precautionary areas are in some cases separated by considerable distances, provision is made in the rule for vessels to join, leave or cross at points other than at the precautionary areas. Vessels subject to the Bridge-to-Bridge Radiotelephone Act would be required to give the VTC advance notification upon entering the TSS at other than a precautionary area. Vessels crossing the TSS would have to do so on a course as nearly perpendicular to the traffic lane as practicable. The procedure for vessels joining or leaving a traffic lane, would depend upon whether a right turn or a left turn was involved. In the right turn situation, vessels would proceed from a traffic lane to adjacent water outside the TSS, or vice-versa. Vessels joining or leaving a traffic lane in the right turn situation would be required to steer to converge on or diverge from the direction of traffic flow in the traffic lane at as small an angle as practicable. In the left turn situation the vessel would be required to cross the separation zone and the opposing traffic lane. In this situation the vessel would be required to steer courses to converge on or diverge from the direction of traffic flow of the traffic lane being joined or left at as small an angle as practicable, but would be required to cross the opposing traffic lane on a course that was as near perpendicular to the separation zone as practicable.

The purpose of § 160.58 is to prevent the situation in which a large vessel in the TSS would have to take evasive action to avoid a small vessel. It is recognized that a small vessel is relatively maneuverable and that if a large vessel were required to take evasive action to avoid a small vessel ensuing maneuvers in the TSS could create hazardous situations that the TSS has been established to prevent. The Coast Guard anticipates that the rule will find most of its application to situations in which a small vessel would cross a traffic lane by crossing ahead of a large vessel already navigating in the TSS. Though the rule does not apply to larger vessels that also may cross a traffic lane by crossing ahead of another vessel navigating in the TSS, the larger vessel in most cases already must provide advance notification of entry in the TSS as required by § 160.56(a). It is anticipated that information gained by this advance notification could be used to avoid hazardous crossing situations involving two large vessels if necessary by controlling the time of vessel movement under § 160.7. However, the Coast Guard recognizes that prevention of hazardous crossing situations in the TSS may also necessitate making the § 160.58 requirement apply to all vessels. Comments are specifically requested concerning whether the requirement in § 160.58 should apply to all vessels rather than just to small vessels.

Subpart E proposes specific rules for application in Rosario Strait to solve specific navigation problems in that area. Rosario Strait is a deep and narrow body of water with hard bottom in which the few submerged dangers are well marked. Strong currents are experienced in this reach. Visibility is frequently reduced in rain or fog. Vessels proceeding along the reach experience crossing traffic in the vicinity of the passes between islands bordering the Strait. There is room in this reach sufficient to provide for only one traffic lane, in which large vessels usually will be able to proceed at the same time only if they proceed in the same direction.

The Bridge-to-Bridge Radiotelephone regulations at 33 CFR 26.04(b) provide that each person required to maintain a listening watch under the Bridge-to-Bridge Radiotelephone regulations "shall when necessary transmit and confirm, on the designated frequency, the intentions of his vessel and any other information necessary for the safe navigation of vessels." Section 160.70, in effect, specifies the conditions under which these transmissions are necessary when in or approaching Rosario Strait.

Section 160.72 requires that a report be made to the VTC 15 minutes prior to entering Rosario Strait so that the VTC can coordinate the entry of vessels into this Strait. The rule is intended to provide the information to the VTC necessary to prevent encounters between vessels in this reach.

The purpose of § 160.74 is to ensure that the VTC is aware of all vessels in Rosario Strait and to ensure that the vessel's radio, any radar and other electrical and mechanical equipment that affects navigation is operating.

The traffic separation scheme described by geographic coordinates in Subpart F contains certain changes from the existing traffic separation scheme which are the result of experience in operating the vessel traffic system on a voluntary basis. The configuration of these lanes was developed through cooperative effort between the Coast Guard and the local marine community. This traffic separation scheme was overprinted on the charts for Puget Sound. After a period of actual use, users of the vessel traffic system have recommended that several changes be made in the positions of buoys and the layout of the traffic lanes and separation zones, in order to make the TSS compatible with the needs of the vessels that operate in the VTS area. The Coast Guard agrees with these changes recommended in the traffic separation scheme and is in the process of making them. The traffic separation scheme as altered will be used in the voluntary vessel traffic system, and this proposal incorporates the changes in the description of the traffic separation scheme in subpart F. These changes are:

(a) Relocate the center of precautionary area "TC" approximately 2,700 yards northeast of its present position to latitude 47°19'30" N., longitude 122°-27'12" W. The present center of this precautionary area is located in an area of heavy tidal currents and most towing vessels experience difficulties in entering and leaving the present precautionary area in the proper manner. Pilots navigating large vessels have also experienced difficulties in making this turn. Relocating the center of the precautionary area should eliminate this problem.

(b) Relocate the center of precautionary area "SF" approximately 1,200 yards northeast of its present position to latitude 47°39'42" N., longitude 122°27'48" W. This new position is the preferred position for all vessels entering and leaving Elliott Bay and the Port of Seattle. This change will then allow the mariner to make the necessary course change when abeam of West Point. This precautionary area will be redesignated "SH".

(c) Relocate the center of precautionary area "SD" approximately 2,800 yards south to latitude 47°53'10" N., longitude 122°27'48" W. The present position of this precautionary area causes all northbound traffic to swing east, away from the preferred and most used navigation marks, and toward the shallow flats just south of Indian Point, Whidbey Island, and Scatchet Head. This maneuvering has been of some concern among the Puget Sound pilots navigating large vessels. The new position places the traffic lanes and turn several hundred yards southwest of the flats, considerably improving the general navigation picture in this area. This precautionary area will be redesignated "SF".

(d) Two new buoys will be placed designated as buoy "SE" and buoy "SD" realigning the traffic lanes and separation zone off Skunk Bay. "SE" will be located at latitude 47°57'21" N., longitude 122°30'16" W., and "SD" will be located at latitude 47°57'21" N., longitude 122°34'12" W. The realigning of the traffic lanes will reduce the angle of turn required by vessels navigating the area.

(e) Relocate the center of precautionary area "SC" northwesterly approximately 5,000 yards to latitude 48°01'06" N., longitude 122°37'54"W. The buoy marking the center of this precautionary area, in its present position, has been a serious problem to the gill-netter fleet this past season. In its present position, it is directly in the "driftline" the fishing vessels use while netting in this area. The season is only eight weeks, and the state of Washington severely restricts the areas and times that are open to fishing. This area is one of those open; therefore it is heavily fished. The new position of the buoy marking the center of precautionary area "SC" will remove it to the north of the normal gill net fisheries driftline; it will retain its purpose as a departing or entering point for the Hood Canal, and will allow a

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closer preferred course between Foul Weather Bluff and Double Bluff.

(f) With addition of the additional buoys, buoy "SE" will be redesignated "SG".

(g) Relocate the center of precautionary area "CA" located in the northern end of Rosario Strait, southward approximately 5 miles to latitude 48°45'19" N., longitude 122°46'26" W. and reduce the radius of the precautionary area from 3,000 yards to 2,500 yards. This precautionary area is presently used, only marginally, by large vessels going into or out of Cherry Point. All traffic to Vancouver and other Canadian ports now exit the traffic lanes south of the present position. Vessels going to and from the oil dock at Ferndale also enter and exit the lanes south of the present area. This buoy in its present position also interfered with the gill-netters operating in this area. The relocation of the area will eliminate the situations outlined above, and still could be utilized by vessels going to and returning from Cherry Point. With respect to the reduction in size of the area, all other precautionary areas in the system are either 2,500 yards radius or 1,250 yards radius.

With the repositioning of precautionary area "CB", the buoy "CA" marking a turn in this traffic will be removed, as the turn has now been eliminated.

Although application of the proposed regulations will have a potential beneficial effect upon the environment, their promulgation is not considered a "major Federal action" within the meaning of the National Environmental Policy Act of 1969, because the regulation will make mandatory, as to certain classes of vessels, procedures heretofore voluntarily observed.

In consideration of the foregoing, the Coast Guard proposes to amend Chapter I of Title 33 of the Code of Federal Regulations by adding Subchapter P consisting at this time of Part 160 to follow reserved Part 159 to read as follows:

SUBCHAPTER P—VESSEL TRAFFIC SERVICES AND SYSTEMS

PART 160—PUGET SOUND VESSEL TRAFFIC SYSTEM

Subpart A—General

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AUTHORITY: Sec. 104, Pub. L. 92-340, 86 Stat. 424; 37 FR 21943, 49 CFR 146(o)(4).

Subpart A—General

§ 160.1 Purpose and applicability.

(a) This part prescribes rules for the operation of vessels in the Puget Sound vessel traffic system area (VTS Area) to prevent collisions and groundings and to protect the navigable waters of the VTS Area from environmental harm.

(b) Subparts A, E, and F of this part apply to all vessels.

(c) Subparts B, C, and D of this part apply only to—

(1) Each vessel of 300 or more gross tons that is propelled by machinery;

(2) Each vessel of 100 or more gross tons that is carrying one or more passengers for hire;

(3) Each commercial vessel of 26 feet or over in length engaged in the towing of another vessel astern, alongside, or by pushing ahead; and

(4) Each dredge or floating plant.

§ 160.3 Definitions.

As used in this part—

(a) "Vessel traffic center" (VTC) means the shore based facility that operates a vessel traffic system;

(b) "Vessel traffic system area" (VTS Area) means an area subject to regulations for a vessel traffic system;

(c) "Traffic separation scheme" (TSS) means the network of traffic lanes, separation zones, and precautionary areas in a VTS Area;

(d) "Traffic lane" means an area of the TSS in which all vessels ordinarily proceed in the same direction;

(e) "Separation zone" means an area of the TSS which is located between two traffic lanes to keep vessels proceeding in opposite directions a safe distance apart;

(f) "Precautionary area" means an area of the TSS at the entrance of one or more traffic lanes where vessel traffic converges from two or more directions;

(g) "Operator" with respect to vessels means any person who uses, causes to use, or authorizes the use of a vessel for the purpose of navigation;

(h) "Master or person in charge of a vessel" includes the person designated by the master or person in charge to pilot or direct the movement of the vessel;

(i) "Person" includes an individual, firm, corporation, association, and a partnership;

(j) "Reporting point" means a geographical position in the TSS where a vessel is required to make a report to the VTC; and

(k) "ETA" means estimated time of arrival.

§ 160.5 Law and regulations not affected.

Nothing in this part is intended to relieve any person from complying with—

(a) The Navigation Rules for Harbors, Rivers and Inland Waters Generally (33 U.S.C. 151–232);

(b) Part 26 of this chapter (Vessel Bridge-to-Bridge Radiotelephone Regulations);

(c) Part 80 of this chapter (Pilot Rules for Inland Waters);

(d) 33 CFR 206.93 (Puget Sound gill net fishing rule); or

(e) Any other laws or regulations.

§ 160.7 Control of vessels by the VTC.

When necessary to prevent damage to, or destruction or loss of, any vessel in the VTS Area during conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances, the VTC may direct time of vessel entry in, time of movement through, or time of departure from the VTS Area, including the TSS. No person may operate a vessel contrary to any VTC direction issued under this section.

§ 160.9 Authorization for deviation from these regulations.

(a) The Commander, Thirteenth Coast Guard District, may authorize a deviation from any regulation in this part if application for the proposed authorization is submitted in writing to the District Commander at least 30 days before the operations under the proposed authorization are to begin, unless a shorter time is authorized by the District Commander. The application must state the reasons for needing the authorization and provide a comprehensive explanation of the proposed operations under the authorization.

(b) The VTC may, upon request, authorize a deviation from any regulation in this part for a voyage or part of a voyage on which a vessel is embarked or about to embark.

§ 160.11 Penalty.

Public Law 92–340 prescribes civil and criminal penalties for violations of the regulations in this part. The maximum civil penalty is $10,000. The criminal penalty for a willful violation is a fine of not less than $5,000 nor more than $50,000 and/or imprisonment for not more than 5 years.

§ 160.13 Temporary precautionary areas.

The Commander, Thirteenth Coast Guard District, may amend the description of the TSS in Subpart F of this part to establish temporary precautionary areas to provide for seasonal activities such as fishing that affect the safe passage of vessels in the TSS. The regulations establishing temporary precautionary areas are published in the FEDERAL REGISTER and in the Notice to Mariners.

§ 160.15 Emergencies.

In an emergency, any person may deviate from any regulation in this part to the extent necessary to avoid endangering persons, property, or the environment.

Subpart B—Communication Rules

§ 160.18 Applicability.

This subpart applies to the vessels described in § 160.1(c).

§ 160.20 Radio listening watch.

The master or person in charge of a vessel in the VTS Area shall continuously monitor the radio frequency designated in the Puget Sound VTS Operating Manual for the sector in which the vessel is operating, except when transmitting on that frequency.

§ 160.22 Radiotelephone equipment.

The radiotelephone equipment that is used to meet the requirements of this part must be capable of operation on the navigational bridge of the vessel, or in the case of a dredge, at its main control station.

§ 160.24 English language.

Each report required by this part must be made in the English language.

§ 160.26 Time.

Each report required by this part must specify time—

(a) In Pacific Standard Time or Pacific Daylight Time, whichever time system is in effect in the VTS Area; and

(b) Using the 24-hour clock system.

§ 160.28 Initial report.

At least one hour before a vessel enters or begins to navigate in the VTS Area, unless a shorter period is allowed by the VTC, the operator of the vessel shall report the following information to the VTC:

(a) The name of the vessel.

(b) The position of the vessel.

(c) The estimated time of entering or beginning to navigate in the VTS Area.

(d) Point of entry in the VTS Area.

(e) Destination in the VTS Area.

(f) ETA of the vessel at its destination.

(g) Any condition on the vessel, such as fire or defective mechanical or electrical equipment, that may affect its navigation in the VTS Area.

(h) Whether or not any dangerous cargo listed in § 124.14 of this part is on board the vessel.

§ 160.30 Follow-up report.

At least 15 minutes, but not more than 30 minutes, before a vessel enters or begins to navigate in the VTS Area, the operator of the vessel shall report the following information to the VTC:

(a) Name, type, length and draft of vessel.

(b) Any revisions to the initial report in § 160.28.

(c) The speed at which the vessel will proceed.

(d) Any tow not under complete control of the towing vessel.

(e) If the vessel intends to enter the TSS, the ETA and point of entry in the TSS.

§ 160.31 Final report.

When a vessel anchors in, moors at a berth in, or departs from the VTS area, the operator of the vessel shall report the place of anchoring, mooring, or departing to the VTC.

§ 160.33 Radio failure.

Whenever a vessel's radiotelephone equipment fails—

(a) Compliance with §§ 160.30, 160.38 and 160.40 is not required; and

(b) Compliance with §§ 160.28 and 160.31 is not required unless the report can be made by telephone.

§ 160.34 Report of emergency or radio failure.

Whenever a person deviates from a requirement of this part because of emergency or radio failure, he shall report the deviation to the VTC as soon as practicable.

§ 160.35 Report of impairment to the operation of the vessel.

The operator of any vessel in the VTS Area shall report to the VTC as soon as possible—

(a) Any condition on the vessel, such as fire or defective mechanical or electrical equipment, that affects its navigation; and

(b) Any tow not under complete control of the towing vessel.

§ 160.36 Ferry vessels.

(a) A ferry vessel that is operated in the VTS Area on a schedule and route that crosses the TSS, both of which have been furnished the VTC, need not comply with §§ 160.28, 160.30, and 160.42.

(b) Between sunset and sunrise and during fog, mist, falling snow, or heavy rain, the operator of each ferry vessel shall report the following information to the VTC at least five minutes before the vessel enters the TSS at any place other than Rosario Strait:

(1) The name of the vessel.

(2) Direction the vessel will proceed when crossing the TSS.

(3) The point of entering the TSS.

(4) The estimated time in the TSS.

§ 160.38 Report of hazardous circumstances.

Each operator of a vessel in the VTS Area should report by radiotelephone to the VTC any hazardous circumstances whenever observed including the following:

(a) Concentrations of fishing vessels.

(b) Reduced visibility or other adverse weather conditions.

(c) Concentrations of floating logs or other obstructions.

(d) Any defect in an aid to navigation.

(e) Any defect observed on another vessel that may affect the navigation of that vessel in the VTS Area.

Subpart C—Vessel Movement Reporting Rules

§ 160.40 Applicability.

This Subpart applies to the vessels described in § 160.1(c).

§ 160.42 Movement Reports.

(a) Whenever a vessel passes a reporting point, the operator of the vessel shall report the following information to the VTC by radiotelephone:

(1) The name of the vessel.

(2) The reporting point.

(3) The time of passing the reporting point.

(4) ETA at the the next reporting point.

(5) The next reporting point.

(6) If the vessel is at a point of entry in the TSS, any change in speed of the vessel from the speed reported in § 160.30 (c).

(7) If the vessel is at a point of departure from the TSS, the course, and destination or intentions of the vessel.

(b) Whenever the ETA of a vessel at a reporting point changes by more than 10 minutes, the operator of the vessel shall report a revised ETA to the VTC by radiotelephone.

Subpart D—Traffic Separation Scheme Rules

§ 160.48 Applicability.

This Subpart applies to all vessels.

§ 160.50 Conformance with the Traffic Separation Scheme (TSS).

The operator of each vessel in the TSS shall comply with TSS rules in §§ 160.50–160.58 and 160.74, except as allowed by § 160.15.

§ 160.52 Direction of traffic.

(a) A vessel in a traffic lane shall keep the separation zone to port.

(b) In a precautionary area, except the Port Angeles precautionary area or any temporary precautionary area, a vessel shall proceed in a counterclockwise direction and keep the center of the precautionary area to port.

§ 160.54 Anchoring in the TSS.

A vessel may not anchor in the TSS.

§ 160.56 Joining, leaving, and crossing the TSS.

(a) A vessel described in § 160.1(c) may not join, cross, or leave a traffic lane except at a precautionary area unless advance notification has been given the VTC of the point at which the vessel will join, cross, or leave the traffic lane.

(b) A vessel crossing the TSS at a traffic lane shall, to the extent practicable,

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maintain a course that is approximately perpendicular to the direction of the flow of traffic in the traffic lane.

(c) A vessel joining or leaving a traffic lane without crossing a separation zone shall steer a course to converge on or diverge from the direction of traffic flow in the traffic lane at as small an angle as practicable.

(d) A vessel joining or leaving a traffic lane in a direction that requires crossing a separation zone and another traffic lane shall steer courses to converge on or diverge from the direction of traffic flow in the traffic lane being joined or left at as small an angle as practicable, but shall cross the other traffic lane on a course that is as near perpendicular to the separation zone as practicable.

§ 160.58 Small vessel navigation rule.

A vessel not described in § 160.1(c) when in the TSS, may not hamper the safe passage of vessels named in § 160.1 (c) that are navigating in the TSS.

Subpart E—Rosario Strait Rules

§ 160.68 Applicability.

This subpart applies to the vessels described in § 160.1(c).

§ 160.70 Communications in Rosario Strait.

Before a vessel meets, overtakes or crosses ahead of any vessel in Rosario Strait the master or person in charge shall transmit the intentions of his vessel to the master or person in charge of the other vessel on the frequency designated under the Bridge-to-Bridge Radiotelephone Act for the purpose of arranging safe passage.

§ 160.72 Report before entering Rosario Strait.

At least 15 minutes before a vessel enters the TSS at Rosario Strait, unless a shorter period is authorized by the VTC, the operator of the vessel shall report the vessel's ETA at, and point of entry in, Rosario Strait to the VTC by radiotelephone.

§ 160.74 Entering Rosario Strait.

A vessel may not enter Rosario Strait unless—

(a) The report in § 160.72 has been made;

(b) The radio equipment on the vessel that is used to transmit the reports required by this part is operating;

(c) The radar on a vessel so equipped is operating and manned during periods of visibility of 2 miles or less; and

(d) The vessel is free of any conditions, such as fire or defective mechanical or electrical equipment, that may affect its navigation.

Subpart F—Description and Geographic Coordinates

§ 160.78 Applicability.

This Subpart applies to all vessels.

§ 160.80 VTS Area.

The VTS Area consists of the area enclosed by the line described in § 82.120 of this chapter (which is the line dividing the high seas from inland waters between Angeles Point, Washington, and Point Roberts Light); thence easterly and northerly along the shoreline to the international boundary between Canada and the United States; thence easterly along the international boundary to the shoreline; thence along the shoreline of the United States to the point of beginning.

§ 160.83 Separation zones.

(a) The area of each separation zone is based on a centerline that extends from one point to another, or through several points, described in paragraph (d) of this section.

(b) Each separation zone consists of the area within two parallel boundaries 250 yards on each side of the centerline. These boundaries extend to and intersect with the boundary line of a precautionary area.

(c) No part of any separation zone is contained in a precautionary area.

(d) The latitude and longitude describing the centerline of the separation zone are:

(1) Between precautionary area "S" and "SA".

(i)	48°12′24″ N.	123°06′30″ W.
(ii)	48°11′33″ N.	122°51′30″ W.

(2) Between precautionary area "R" and "RA".

(i)	48°16′24″ N.	123°06′30″ W.
(ii)	48°19′06″ N.	123°00′09″ W.

(3) Between precautionary area "RA" and "SA".

(i)	48°18′39″ N.	122°57′27″ W.
(ii)	48°12′27″ N.	122°50′48″ W.

(4) Between precautionary area "RA" and "RB".

(i)	48°30′24″ N.	122°56′54″ W.
(ii)	48°24′12″ N.	122°48′00″ W.
(iii)	48°25′24″ N.	122°46′24″ W.

(5) Between precautionary area "RB" and "SA".

(i)	48°25′11″ N.	122°44′36″ W.
(ii)	48°24′06″ N.	122°44′12″ W.
(iii)	48°12′39″ N.	122°49′12″ W.

(6) Between precautionary area "SA" and "SC".

(i)	48°10′48″ N.	122°48′06″ W.
(ii)	48°07′42″ N.	122°39′48″ W.
(iii)	48°01′42″ N.	122°38′06″ W.

(7) Between precautionary area "SC" and "SF".

(i)	48°00′36″ N.	122°37′24″ W.
(ii)	47°57′21″ N.	122°34′12″ W.
(iii)	47°55′24″ N.	122°30′16″ W.
(iv)	47°53′42″ N.	122°28′18″ W.

(8) Between precautionary area "SF" and "SH".

(i)	47°52′33″ N.	122°27′36″ W.
(ii)	47°44′36″ N.	122°25′42″ W.
(iii)	47°40′18″ N.	122°27′30″ W.

(9) Between precautionary area "SH" and "T".

(i)	47°39′06″ N.	122°27′36″ W.
(ii)	47°34′54″ N.	122°26′48″ W.

(10) Between precautionary area "T" and "TC".

(i)	47°33′42″ N.	122°26′36″ W.
(ii)	47°26′54″ N.	122°24′12″ W.
(iii)	47°23′06″ N.	122°21′06″ W.
(iv)	47°19′54″ N.	122°26′36″ W.

(11) Between precautionary area "CA" and "C".

(i)	48°44′12″ N.	122°45′36″ W.
(ii)	48°41′33″ N.	122°43′36″ W.

§ 160.85 Traffic lanes.

(a) Except as provided in paragraph (b) of this section, each traffic lane consist of the area within two parallel boundaries that are 1000 yards apart and that extend to and intersect with the boundary of a precautionary area. One of these parallel boundaries is parallel to and 250 yards from the centerline of a separation zone.

(b) No part of any traffic lane is contained in a precautionary area.

(c) Rosario Strait is the traffic lane consisting of the area enclosed by a line beginning at latitude 48°26′48″ N., longitude 122°43′24″ W.; thence northerly to latitude 48°36′06″ N., longitude 122°45′00″ W.; thence northeasterly to latitude 48°39′18″ N., longitude 122°42′42″ W.; thence westerly and northwesterly along the boundary of precautionary area "C" to latitude 48°39′36″ N., longitude 122°44′00″ W.; thence southerly to latitude 48°38′24″ N., longitude 122°44′06″ W.; thence southwesterly to latitude 48°36′06″ N., longitude 122°45′42″ W.; thence southerly to latitude 48°29′42″ N., longitude 122°44′42″ W.; thence southwesterly to latitude 48°27′36″ N., longitude 122°45′30″ W.; thence northeasterly and southeasterly along the boundary of precautionary area "RB" to the point of beginning.

§ 160.87 Precautionary areas.

The precautionary areas consist of:

(a) *Port Angeles precautionary area.* An area enclosed by a line beginning on the shoreline at New Dungeness Spit at latitude 48°11′00″ N., longitude 123°06′30″ W.; thence due north to latitude 48°17′12″ N., longitude 123°27′36″ W.; thence due south to the shorelines; thence along the shoreline to the point of beginning.

(b) *Precautionary area "RA".* A circular area of 2,500 yards radius centered at latitude 48°19′45″ N., longitude 122°58′36″ W.;

(c) *Precautionary area "RB".* A circular area of 2,500 yards radius centered at latitude 48°26′24″ N., longitude 122°45′12″ W.;

(d) *Precautionary area "C".* A circular area of 2,500 yards radius centered at latitude 48°40′33″ N., longitude 122°42′42″ W.;

(e) *Precautionary area "CA".* A circular area of 2,500 yards radius centered at latitude 48°45′19″ N., longitude 122°46′26″ W.;

(f) *Precautionary area "SA".* A circular area of 2,500 yards radius centered at latitude 48°11′28″ N., longitude 122°49′43″ W.;

(g) *Precautionary area "SC".* A circular area of 1,250 yards radius centered at latitude 48°01′06″ N., longitude 122°37′54″ W.;

(h) *Precautionary area "SF".* A circular area of 1,250 yards radius centered at latitude 47°53′10″ N., longitude 122°27′48″ W.;

(i) *Precautionary area "SH".* A circular area of 1,250 yards radius centered at latitude 47°39′42″ N., longitude 122°27′48″ W.;

(j) *Precautionary area "T".* A circular area of 1,250 yards radius centered at latitude 47°34′18″ N., longitude 122°26′48″ W.;

(k) *Precautionary area "TC".* A circular area of 1,250 yards radius centered at latitude 47°19′30″ N., longitude 122°27′12″ W.

§ 160.89 Reporting points.

(a) Buoy "R" at latitude 48°16′24″ N., longitude 123°06′30″ W.

(b) Buoy "S" at latitude 48°12′24″ N., longitude 123°06′30″ W.

(c) Buoy "SA" at latitude 48°11′28″ N., longitude 122°49′43″ W.

(d) Buoy "RB" at latitude 48°26′24″ N., longitude 122°45′12″ W.

(e) Buoy "C" at latitude 48°40′33″ N., longitude 122°42′42″ W.

(f) Buoy "SC" at latitude 48°01′06″ N., longitude 122°37′54″ W.

(g) Buoy "SH" at latitude 47°39′42″ N., longitude 122°27′48″ W.

(h) Buoy "TB" at latitude 47°23′06″ N., longitude 122°21′06″ W.

(i) The boundary of the TSS.

(Sec. 104, Public Law 92-340, 86 Stat. 424; 37 FR 21943, 49 CFR 1.46(o)(4))

Dated: July 31, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.73-16046 Filed 8-3-73;8:45 am]

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[Revised as of January 1, 1973]

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federal register

August 7, 1973—Pages 21237–21380

TUESDAY, AUGUST 7, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 151

Pages 21237–21380

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Title 3—The President

EXECUTIVE ORDER 11735

Assignment of Functions Under Section 311 of the Federal Water Pollution Control Act, as Amended

By virtue of the authority vested in me by section 311 of the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92–500; 86 Stat. 816 at 862; 33 U.S.C. 1321), hereinafter referred to as the act, by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. *Administrator of the Environmental Protection Agency.* The Administrator of the Environmental Protection Agency is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the following:

(1) the authority of the President under subsections (b)(3) and (b)(4) of section 311 of the act relating to the determination of those quantities of oil and hazardous substances the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States and those which will not be harmful;

(2) the authority of the President under subsection (c)(2)(G) of section 311 of the act, relating to identification of dispersants and other chemicals to be used;

(3) the authority of the President under subsection (e) of section 311 of the act, relating to determinations of imminent and substantial threat because of actual or threatened discharges of oil or hazardous substances from non-transportation-related onshore and offshore facilities, and relating to securing relief necessary to abate such actual or threatened discharges through court action; and

(4) the authority of the President under subsection (j)(1)(C) of section 311 of the act, relating to the establishment of procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from non-transportation-related onshore and offshore facilities, and to contain such discharges.

SEC. 2. *Secretary of Department in which the Coast Guard is Operating.* The Secretary of the Department in which the Coast Guard is operating is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the following:

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(1) the authority of the President under subsection (e) of section 311 of the act, relating to determinations of imminent and substantial threat because of actual or threatened discharges of oil or hazardous substances from transportation-related onshore and offshore facilities, and relating to securing relief necessary to abate such actual or threatened discharges through court action;

(2) the authority of the President under subsection (j)(1)(C) of section 311 of the act, relating to the establishment of procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and transportation-related onshore and offshore facilities, and to contain such discharges;

(3) the authority of the President under subsection (j)(1)(D) of section 311 of the act, relating to the inspection of vessels carrying cargoes of oil and hazardous substances and the inspection of such cargoes;

(4) the authority to administer the revolving fund established pursuant to subsection (k) of section 311 of the act; and

(5) the authority under subsection (m) of section 311 of the act, relating to the boarding and inspection of vessels, the arrest of persons violating section 311, and the execution of warrants or other process pursuant to that section.

SEC. 3. *Federal Maritime Commission.* The Federal Maritime Commission is designated and empowered to exercise, without the approval, ratification, or other action of the President, the following:

(1) the authority of the President under subsection (p)(1) of section 311 of the act, relating to the issuance of regulations governing evidence of financial responsibility for vessels to meet liability to the United States; and

(2) the authority under subsection (p)(2) of section 311 of the act, relating to the administration of subsection (p).

SEC. 4. *Council on Environmental Quality.* The Council on Environmental Quality is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority under subsection (c)(2) of section 311 of the act, providing for the preparation, publication, revision or amendment of a National Contingency Plan for the removal of oil and hazardous substance discharges (hereinafter referred to as the National Contingency Plan).

SEC. 5. *Other Assignments.*

(a) The head of each Federal department and agency having responsibilities under the National Contingency Plan (36 FR 16215), as now or hereafter amended, is designated and empowered to exercise, without the approval, ratification, or other action of the President, in accordance with that plan, the authority under subsection (c)(1) of section 311 of the act, relating to the removal of oil and hazardous substances discharged into or upon the navigable waters of the United

States, adjoining shorelines, or into or upon the waters of the contiguous zone.

(b) The Administrator of the Environmental Protection Agency and the Secretary of the Department in which the Coast Guard is operating, respectively, in and for the waters and areas for which each has responsibility for providing or furnishing on-scene-coordinators under the National Contingency Plan, are designated and empowered to exercise, without approval, ratification, or other action of the President, the following:

(1) the authority under subsection (c)(2)(C) of section 311 of the act, relating to the determination of major ports for establishment of emergency task forces;

(2) the authority under subsection (d) of section 311 of the act, relating to the coordination and direction of the removal or elimination of threats of pollution hazards from discharges, or imminent discharges, of oil or hazardous substances, and the removal and destruction of vessels;

(3) the authority of the President under subsection (j)(1)(A) of section 311 of the act, relating to the establishment of methods and procedures for the removal of discharged oil and hazardous substances; and

(4) the authority of the President under subsection (j)(1)(B) of section 311 of the act, relating to the establishment of criteria for the development and implementation of local and regional oil and hazardous substance removal contingency plans.

(c) The Administrator of the Environmental Protection Agency and the Secretary of the Department in which the Coast Guard is operating are designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority of the President under section 311(j)(2) with respect to assessing and compromising civil penalties in connection with enforcement of the respective regulations issued by each pursuant to this order.

SEC. 6. *Consultation.* Authorities and functions delegated or assigned by this order shall be exercised subject to consultation with the Secretaries of departments and the heads of agencies with operating or regulatory responsibilities which may be significantly affected.

SEC. 7. *Agency to Receive Notices of Discharges of Oil or Hazardous Substances.* The Coast Guard is hereby designated the "appropriate agency" for the purpose of receiving the notice of discharge of oil or

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hazardous substances required by subsection (b)(5) of section 311 of the act. The Commandant of the Coast Guard shall issue regulations implementing this designation.

SEC. 8. Without derogating from any action heretofore taken thereunder, Executive Order No. 11548 of July 20, 1970, is hereby superseded.



THE WHITE HOUSE,
August 3, 1973.

[FR Doc.73-16405 Filed 8-3-73;5:06 pm]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-71, Amdt. 8]

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

Post-tour Reporting

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on August 1, 1973.

By SPR-70,[1] the Board adopted amendment No. 7 to Part 378 to authorize certificated route air carriers and, subject to conditions, foreign route air carriers, to perform inclusive tour charters.

Amendment No. 7 contains certain inadvertent technical errors. This amendment corrects these errors.

This regulation is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR § 385.19 and shall become effective on August 22, 1973, the effective date of SPR-70. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50 and 385.54).

Accordingly, the Board hereby amends Part 378 of the Special Regulations (14 CFR Part 378) effective August 22, 1973, as follows:

Amend paragraphs (a) and (b) of § 378.20 to read as follows:

§ 378.20 Post-tour reporting.

(a) Within 30 days after termination of a tour or series of tours, the direct air carrier and tour operator or foreign tour operator shall jointly file with the Board (Supplementray Services Division, Bureau of Operating Rights) a post-tour report: *Provided*, That in the case of a series of tours which exceeds six months between commencement of the first tour and departure of the last tour, the direct air carrier and tour operator or foreign tour operator shall file a joint interim report within 30 days after the expiration of six months from commencement of the first tour, covering tours terminated during such six months. The post-tour and interim report shall indicate whether or not the tours authorized hereunder were, in fact, performed. To the extent that the operations differed from those described in the prospectus filed under § 378.10, such differences shall be fully detailed including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviation. The report shall be in the form attached hereto as Appendix B.[2]

(b) The direct air carrier shall promptly notify the Board regarding any tours covered by a prospectus filed under § 378.10 that are later canceled.

* * * * *

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] RICHARD LITTELL,
General Counsel.

[FR Doc.73-16234 Filed 8-6-73;8:45 am]

[1] 38 FR 19680, July 23, 1973.

[2] Filed as part of SPR-62 (37 FR 22851).

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER E—POISON PREVENTION PACKAGING ACT OF 1970 REGULATIONS

PART 1700—POISON PREVENTION PACKAGING

Effective May 14, 1973, section 30(a) of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1231; 15 U.S.C. 2079(a)), among other things, transferred from the Secretary of Health, Education, and Welfare to the Consumer Product Safety Commission functions under the Poison Prevention Packaging Act of 1970.

Before May 14, 1973, the Commisisoner of Food and Drugs, under delegated authority, promulgated regulations under the Poison Prevention Packaging Act of 1970 which appear in the Code of Federal Regulations as 21 CFR Part 295. The purpose of this document is to revise and transfer those regulations.

Accordingly, pursuant to section 30(a) of the Consumer Product Safety Act, the Consumer Product Safety Commission hereby (1) deletes Part 295 from Title 21, Chapter I, and (2) revises and reissues the regulations under the Poison Prevention Packaging Act of 1970 as Part 1700 of Title 16, Chapter II, as set forth below. This action also establishes Chapter II of Title 16 to which Chapter other regulations of the Consumer Product Safety Commission will be added.

Any provisions of 21 CFR Part 295 having delayed effective dates as of the date of publication of this document shall have the same delayed effective date in 16 CFR Part 1700, and these are noted. In some instances, effective dates that were delayed but also recently preceded the date of this publication have been noted for informational purposes.

The material is revised to update the names, titles, etc., and to add for convenience certain definitions and provisions of the Poison Prevention Packaging Act of 1970. Since no new requirements are added by this revision, notice and public procedure are not prerequisites to this issuance.

Part 1700 of Title 16, Chapter II, Subchapter E, reads as follows:

Sec.
1700.1 Definitions.
1700.2 Authority.
1700.3 Establishment of standards for special packaging.
1700.4 Effective date of standards.
1700.14 Substances requiring special packaging.
1700.15 Poison prevention packaging standards.
1700.20 Testing procedure for special packaging.

AUTHORITY: Secs. 1-9, 84 Stat. 1670-74; 15 U.S.C. 1471-76, unless otherwise noted.

§ 1700.1 Definitions.

(a) As used in this part:

(1) "Act" means the Poison Prevention Packaging Act of 1970 (Public Law 91-601, 84 Stat. 1670-74; 15 U.S.C. 1471-75), enacted December 30, 1970.

(2) "Commission" means the Consumer Product Safety Commission established by section 4 of the Consumer Product Safety Act (86 Stat. 1210; 15 U.S.C. 2053).

(b) Except for the definition of "Secretary," which is obsolete, the definitions given in section 2 of the act are applicable to this part and are repeated herein for convenience as follows:

(1) [Reserved]

(2) "Household substance" means any substance which is customarily produced or distributed for sale for consumption or use, or customarily stored, by individuals in or about the household and which is:

(i) A hazardous substance as that term is defined in section 2(f) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f));

(ii) An economic poison as that term is defined in section 2(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135(a));

(iii) A food, drug, or cosmetic as those terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321); or

(iv) A substance intended for use as fuel when stored in a portable container and used in the heating, cooking, or refrigeration system of a house.

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(3) "Package" means the immediate container or wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household and, for purposes of section 4(a)(2) of the act, also means any outer container or wrapping used in the retail display of any such substance to consumers. "Package" does not include:

(i) Any shipping container or wrapping used solely for the transportation of any household substance in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof; or

(ii) Any shipping container or outer wrapping used by retailers to ship or deliver any household substance to consumers unless it is the only such container or wrapping.

(4) "Special packaging" means packaging that is designed or constructed to be significantly difficult for children under 5 years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

(5) "Labeling" means all labels and other written, printed, or graphic matter upon any household substance or its package, or accompanying such substance.

§ 1700.2 Authority.

Authority under the Poison Prevention Packaging Act of 1970 is vested in the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2079(a)).

§ 1700.3 Establishment of standards for special packaging.

(a) Pursuant to section 3 of the act, the Commission, after consultation with the technical advisory committee provided for by section 6 of the act, may establish by regulation standards for the special packaging of any household substance if the Commission finds:

(1) That the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting sucsh substance; and

(2) That the special packaging to be required by such standard is technically feasible, practicable, and appropriate for such substance.

(b) In establishing such a standard, the Commission shall consider:

(1) The reasonableness of such standard;

(2) Available scientific, medical, and engineering data concerning special packaging and concerning childhood accidental ingestions, illness, and injury caused by household substances;

(3) The manufacturing practices of industries affected by the act; and

(4) The nature and use of the household substance.

(c) In the process of establishing such a standard, the Commission shall publish its findings and reasons therefor and shall cite the sections of the act that authorize its action.

(d) In establishing such standards, the Commission shall not prescribe specific packaging designs, product content, package quantity, or labeling except for labeling under section 4(a)(2) of the act. Regarding a household substance for which special packaging is required by regulation, the Commission can prohibit the packaging of such substance in a package which the Commission determines is unnecessarily attractive to children.

(e) Promulgations pursuant to section 3 of the act shall be in accordance with section 5 of the act as to procedure.

§ 1700.4 Effective date of standards.

(a) The FR document promulgating a regulation establishing a child protection packaging standard shall indicate the standard's effective date. Section 9 of the act specifies that the effective date shall not be sooner than 180 days or later than 1 year from the date the standard is promulgated in the FEDERAL REGISTER unless the Commission, for good cause found, determines that an earlier effective date is in the public interest and publishes in the FEDERAL REGISTER the reason for such finding, in which case such earlier effective date shall apply.

(b) Upon becoming effective, a child protection packaging standard shall apply only to household substances packaged on and after its effective date.

§ 1700.14 Substances requiring special packaging.

(a) *Substances.* The Commission has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

(1) *Aspirin.* Any aspirin-containing preparation for human use in a dosage form intended for oral administration shall be packaged in accordance with the provisions of § 1700.15(a), (b), and (c), except the following:

(i) Effervescent tablets containing aspirin, other than those intended for pediatric use, provided the dry tablet contains less than 10 percent of aspirin, the tablet has an oral LD–50 in rats of greater than 5 grams per kilogram of body weight, and the tablet placed in water releases at least 85 milliliters of carbon dioxide per grain of aspirin in the dry tablet when measured stoichiometrically at standard conditions (0° C. 760 mm. hg.).

(ii) Unflavored aspirin-containing preparations in powder form (other than those intended for pediatric use) that are packaged in unit doses providing not more than 10 grains of aspirin per unit dose and that contain no other substance subject to the provisions of this section.

(2) *Furniture polish.* Nonemulsion type liquid furniture polishes containing 10 percent or more of mineral seal oil and/or other petroleum distillates and having a viscosity of less than 100 Saybolt universal seconds at 100° F., other than those packaged in pressurized spray containers, shall be packaged in accordance with the provisions of § 1700.15(a), (b), and (d).

(3) *Methyl salicylate.* Liquid preparations containing more than 5 percent by weight of methyl salicylate, other than those packaged in pressurized spray containers, shall be packaged in accordance with the provisions of § 1700.15(a), (b), and (c).

(4) *Controlled drugs.* Any preparation for human use that consists in whole or in part of any substance subject to control under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.) and that is in a dosage form intended for oral administration shall be packaged in accordance with the provisions of § 1700.15(a), (b), and (c).

(5) *Sodium and/or potassium hydroxide.* Household substances in dry forms such as granules, powder, and flakes, containing 10 percent or more by weight of free or chemically unneutralized sodium and/or potassium hydroxide, and all other household substances containing 2 percent or more by weight of free or chemically unneutralized sodium and/or potassium hydroxide, shall be packaged in accordance with the provisions of § 1700.15 (a) and (b).

NOTE: This subparagraph was originally promulgated October 13, 1972 (37 FR 21633), as 21 CFR 295.2(a)(5) with an effective date of April 11, 1973, except as the subparagraph applies to paste-type oven cleaners requiring a brush applicator and substances in pressurized spray containers, for which the effective date is July 10, 1973.

(6) *Turpentine.* Household substances in liquid form containing 10 percent or more by weight of turpentine shall be packaged in accordance with the provisions of § 1700.15 (a) and (b).

NOTE: This subparagraph was originally promulgated October 13, 1972 (37 FR 21635), as 21 CFR 295.2(a)(6) with an effective date of April 11, 1973. An order was published April 26, 1973 (38 FR 10267), extending the effective date of this subparagraph to July 1, 1973, for those packagers who ordered adequate stocks of special packaging well in advance of April 11, 1973, and who will immediately begin to use special packaging complying with this subparagraph when it is delivered to them.

(7) *Kindling and/or illuminating preparations.* Prepackaged liquid kindling and/or illuminating preparations, such as cigarette lighter fuel, charcoal lighter fuel, camping equipment fuel, torch fuel, and fuel for decorative or functional lanterns, which contain 10 percent or more by weight of petroleum distillates and have a viscosity of less than 100 Saybolt universal seconds at 100° F., shall be packaged in accordance with the provisions of § 1700.15(a) and (b).

NOTE: This subparagraph was originally promulgated January 30, 1973 (38 FR 2757), as 21 CFR 295.2(a)(7) and was corrected February 8, 1973 (38 FR 3598). As corrected, the effective date of this subparagraph was established as October 29, 1973, except as the subparagraph applies to cigarette lighter fuel packaged with a spout-type dispensing closure, for which the effective date is January 30, 1974.

(8) *Methyl alcohol (methanol).* Household substances in liquid form containing 4 percent or more by weight of methyl alcohol (methanol), other than those packaged in pressurized spray containers, shall be packaged in accordance with the provisions of § 1700.15(a) and (b).

NOTE: This subparagraph was originally promulgated October 13, 1972 (37 FR 21632), as 21 CFR 295.2(a)(8) with an effective date of April 11, 1973. An order was published April 26, 1973 (38 FR 10267), extending the effective date of this subparagraph to July 1, 1973, for those packagers who ordered adequate stocks of special packaging well in advance of April 11, 1973, and who will immediately begin to use special packaging complying with this subparagraph when it is delivered to them.

(9) *Sulfuric acid.* Household substances containing 10 percent or more by weight of sulfuric acid, except such substances in wet-cell storage batteries, shall be packaged in accordance with the provisions of § 1700.15 (a) and (b).

NOTE: This subparagraph was originally promulgated February 15, 1973 (38 FR 4512), as 21 CFR 295.2(a)(9) and shall become effective August 14, 1973.

(10) *Prescription drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug, except sublingual dosage forms of nitroglycerin, shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c).

NOTE: This subparagraph was originally promulgated April 16, 1973 (38 FR 9431), as 21 CFR 295.2(a)(10) and shall become effective April 16, 1974.

(b) *Sample packages.* (1) The manufacturer or packer of any of the substances listed under paragraph (a) of this section as substances requiring special packaging shall provide the Commission with a sample of each type of special packaging, as well as the labeling for each size product that will be packaged in special packaging and the labeling for any noncomplying package. Sample packages and labeling should be sent to the Consumer Product Safety Commission, Attention: Bureau of Compliance, 5401 Westbard Avenue, Washington, D.C. 20207.

(2) Sample packages should be submitted without contents when such contents are unnecessary for demonstrating the effectiveness of the packaging.

(3) Any sample packages containing drugs listed under paragraph (a) of this section shall be sent by registered mail.

(4) As used in subparagraph (1) of this paragraph, the term "manufacturer or packer" does not include pharmacists and other individuals who dispense, at the retail or user level, drugs listed under paragraph (a) of this section as requiring special packaging.

(c) *Applicability.* Special packaging standards for drugs listed under paragraph (a) of this section shall be in addition to any packaging requirements of the Federal Food, Drug, and Cosmetic Act or regulations promulgated thereunder or of any official compendia recognized by that act.

(Secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474)

§ 1700.15 Poison prevention packaging standards.

To protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, the Commission has determined that packaging designed and constructed to meet the following standards shall be regarded as "special packaging" within the meaning of section 2(4) of the act. Specific application of these standards to substances requiring special packaging is in accordance with § 1700.14.

(a) *General requirements.* The special packaging must continue to function with the effectiveness specifications set forth in paragraph (b) of this section when in actual contact with the substance contained therein. This requirement may be satisfied by appropriate scientific evaluation of the compatibility of the substance with the special packaging to determine that the chemical and physical characteristics of the substance will not compromise or interfere with the proper functioning of the special packaging. The special packaging must also continue to function with the effectiveness specifications set forth in paragraph (b) of this section for the number of openings and closings customary for its size and contents. This requirement may be satisfied by appropriate technical evaluation based on physical wear and stress factors, force required for activation, and other such relevant factors which establish that, for the duration of normal use, the effectiveness specifications of the packaging would not be expected to lessen.

(b) *Effectiveness specifications.* Special packaging, tested by the method described in § 1700.20, shall meet the following specifications:

(1) Child-resistant effectiveness of not less than 85 percent without a demonstration and not less than 80 percent after a demonstration of the proper means of opening such special packaging. In the case of unit packaging, child-resistant effectiveness of not less than 80 percent.

(2) Adult-use effectiveness of not less than 90 percent.

(c) *Reuse of special packaging.* Special packaging for substances subject to the provisions of this paragraph shall not be reused.

(d) *Restricted flow.* Special packaging subject to the provisions of this paragraph shall be special packaging from which the flow of liquid is so restricted that not more than 2 milliliters of the contents can be obtained when the inverted, opened container is shaken or squeezed once or when the container is otherwise activated once.

(Secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474)

§ 1700.20 Testing procedure for special packaging.

(a) The protocol for testing "special packaging" as defined in section 2(4) of the act shall be as follows:

(1) Use 200 children between the ages of 42 and 51 months inclusive, evenly distributed by age and sex, to test the ability of the special packaging to resist opening by children. The even age distribution shall be determined by having 20 children (plus or minus 10 percent) whose nearest age is 42 months, 20 whose nearest age is 43 months, 20 at 44 months, etc., up to and including 20 at 51 months of age. There should be no more than a 10 percent preponderance of either sex in each age group. The children selected should be healthy and normal and should have no obvious or overt physical or mental handicap.

(2) The children shall be divided into groups of two each. The testing shall be done in a location that is familiar to the children; for example, their customary nursery school or regular kindergarten. No child shall test more than two special packages, and each package shall be of a different type. For each test, the paired children shall receive the same special packaging simultaneously. When more than one special packaging is being tested, they shall be presented to the paired children in random order, and this order shall be recorded. The special packaging, each test unit of which, if appropriate, has previously been opened and properly resecured by the tester, shall be given to each of the two children with a request for them to open it. (In the case of unit packaging, it shall be presented exposed so that the individual units are immediately available to the child.) Each child shall be allowed up to 5 minutes to open the special packaging. For those children unable to open the special packaging after the first 5 minutes, a single visual demonstration, without verbal explanation, shall be given by the demonstrator. A second 5 minutes shall then be allowed for opening the special packaging. (In the case of unit packaging, a single visual demonstration, without verbal explanation, will be provided at the end of the first 5 minutes only for those test subjects who have not opened at least one unit package, and a second 5 minutes allowed for all subjects.) If a child fails to use his teeth to open the special packaging during the first 5 minutes, the demonstrator shall instruct him, before the start of the second 5-minute period, that he is permitted to use his teeth if he wishes.

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(3) Records shall be kept on the number of children who were and were not able to open the special packaging, with and without demonstration. (In the case of unit packaging, records shall be kept on the number of individual units opened or gained access to by each child.) The percent of child-resistant effectiveness shall be the number of children tested, less the test failures, divided by two. A test failure shall be any child who opens the special packaging or gains access to its contents. In the case of unit packaging, however, a test failure shall be any child who opens or gains access to the number of individual units which constitute the amount that may produce serious personal injury or serious illness, or a child who opens or gains access to more than 8 individual units, whichever number is lower, during the full 10 minutes of testing. The determination of the amount of a substance that may produce serious personal injury or serious illness shall be based on a 25-pound child. Manufacturers or packagers intending to use unit packaging for a substance requiring special packaging are requested to submit such toxicological data to the Commission.

(4) One hundred adults, age 18 to 45 years inclusive, with no overt physical or mental handicaps, and 70 percent of whom are female, shall comprise the test panel for normal adults. The adults shall be tested individually, rather than in groups of two or more. The adults shall receive only such printed instructions on how to open and properly resecure the special packaging as will appear on the package as it is delivered to the consumer. Five minutes shall be allowed to complete the opening and, if appropriate, the resecuring process.

(5) Records shall be kept on the number of adults unable to open and the number of the other adults tested who fail to properly resecure the special packaging. The number of adults who successfully open the special packaging and then properly resecure the special packaging (if resecuring is appropriate) is the percent of adult-use effectiveness of the special packaging. In the case of unit packaging, the percent of adult-use effectiveness shall be the number of adults who successfully open a single package.

(b) The standards published as regulations issued for the purpose of designating particular substances as being subject to the requirements for special packaging under the act will stipulate the percent of child-resistant effectiveness and adult-use effectiveness required for each and, where appropriate, will include any other conditions deemed necessary and provided for in the act.

(c) It is recommended that manufacturers of special packaging, or producers of substances subject to regulations issued pursuant to the act, submit to the Commission summaries of data resulting from tests conducted in accordance with this protocol.

Dated: July 31, 1973.

GEORGE A. SMITH,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.73-16223 Filed 8-6-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. SIPA-5]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249a—FORMS, SECURITIES INVESTOR PROTECTION ACT OF 1970

Completion of Open Contractual Commitments

The Securities and Exchange Commission today announced that it has adopted section S6d-1 [17 CFR 240.206d-1] and the forms thereunder the Securities Investor Protection Act of 1970 (SIPC Act), effective immediately. The section and forms were published for comment on December 21, 1972, in Securities Investor Protection Act Release No. 2. (38 FR 1127).[1] The Commission has considered the comments received in response to that release and now adopts that section and the forms thereunder as set forth below. The changes in the section and forms are mainly clarifying in nature, with some exceptions noted below.

Rule S6d-1. Section 6(d)(1) of the SIPC Act provides for the completion by a SIPC Act trustee of those "open contractual commitments" of the debtor in which a customer had an interest. Section S6d-1 places certain limitations on what open contractual commitments of a SIPC Act debtor shall be eligible for completion. The section provides that it is not in the public interest for the trustee of a SIPC Act debtor to complete open contractual commitments of the debtor consisting of fails to receive and fails to deliver as defined in the section open on the filing date[2] unless such fails were promptly bought-in or sold-out by the other broker-dealer[3] and certain reports made to the trustee in accordance with the provisions of the section.

The section does not affect the rights and responsibilities of the trustee regarding the completion of those open contractual commitments under section 6(d) of the SIPC Act which are not described in paragraph (a) of the section.

As the legislative history of the SIPC Act indicates, Congress provided the Commission broad rulemaking authority to determine how open contractual commitments should be handled to best serve the public interest.[4] The operation and interpretation of section 6(d)(1) has presented a great deal of difficulty, not only in determining conditions under which specific types of open contractual commitments may be completed by the trustee but also in determining what constitutes an open contractual commitment for purposes of the section. Moreover, a number of fraudulent open contractual commitments have been presented to trustees. As experience has been acquired in liquidating firms under the SIPC Act, a better assessment of how to deal with specific types of commitments can be made. Because the open contractual commitments to which the rule addresses itself, i.e. fails to receive and fails to deliver, constitute the vast majority of all commitments falling within the ambit of section 6(d)(1) of the SIPC Act, the Commission felt clarification in that area first would prove most beneficial. The Commission recognizes that certain problems have not been dealt with. In particular the section does not address itself to transactions which are cleared through a clearing organization which interposes itself as principal between brokers in the settlement of securities transactions. Also, certain types of commitments, for example underwriting commitments or when issued trades, are not dealt with by the section.[5] These and other problems require further investigation and the Commission intends to continue to study such problems with a view toward a further exercise of its rulemaking power under Subsections 6(d)(1) and 6(d)(2) of the SIPC Act if that appears to be appropriate.

In the overview, the purpose of the section is to complete only those fails to receive and fails to deliver described in paragraph (a) of the section which:

(i) Arose from a current transaction in which the other broker was acting as an agent for a customer or the other dealer was acting for a customer in certain narrowly defined principal transactions;

(ii) Are not stale as of the filing date;

(iii) Are bought-in, sold-out, or closed

[1] On January 24, 1973, in Securities Investor Protection Act Release No. 3, the Commission extended the comment period on the proposal to February 24, 1973.

[2] Filing date is defined in section 5(b)(4)(B) of the SIPC Act.

[3] Or, at the option of the trustee, completed by the delivery of securities against receipt of payment or the receipt of securities against the payment of funds.

[4] "Experience may show that there are certain types of customer transactions which should not be completed, and certain types of noncustomer transactions which should be completed. The Commission is therefore given rule-making authority to prohibit or direct completion of these types of transactions." H.R. Rep. 91-1613, 91st Cong. 2d Sess. (1970), p. 9.

[5] Such transactions would be dealt with as provided under the statutory procedures of section 6(d) of the SIPC Act.

by delivery of funds and securities, promptly in accordance with the provisions of the section; and

(iv) Are reported promptly to the trustee and supported by appropriate documentation.

To be current, a failed to receive or failed to deliver as defined in paragraph (a) must have a settlement date not more than 30 calendar days prior to or 5 business days subsequent to the filing date and have a related trade date not more than five business days prior to such settlement date. In this section the Commission intends to close off stale transactions from receiving recognition, other than as a possible claim against the debtor's estate. Discouraging open fails has been an objective of the Commission in numerous other sections recently promulgated by it, and section S6d-1 further implements that concept. Transactions which are executed on a "when issued" basis would not be within the ambit of the section and would be left to existing statutory procedures.

The net money difference payable to the other broker or dealer in regard to the buy-in or sell-out of transactions is limited to $20,000 with regard to open contractual commitments for any separate customer account.[6] At present, section 6(d) contains no specific limitation on the amount which the trustee shall expend upon the completion of open contractual commitments. The Commission and SIPC have been concerned that without the $20,000 limitation in the section, the fund administered by SIPC derived from assessments upon broker-dealer members with a one billion dollar back-up by the United States Treasury, could be seriously eroded by the need for monies to complete open contractual commitments. It is doubtful that Congress intended that another broker-dealer should receive unlimited protection in regard to transactions for his customers when it provided that customers of the debtor were to receive from SIPC advances not more than $50,000 with regard to unsatisfied claims for securities and cash, and not in excess of $20,000 for claims for cash as distinct from securities. Accordingly, the section sets a $20,000 limitation on the net money difference payable to a broker-dealer as the result of the buy-in or sell-out of open contractual commitments for any separate customer account.

The net money difference resulting from the buy-in or sell-out of open contractual commitments would be paid by the trustee to another broker-dealer with respect to any separate customer account only if that broker-dealer properly disposed of all qualified open contractual commitments with respect to such separate customer account and filed the required reports in accordance with the time limitations of the section.

In determining whether a particular commitment should be completed, the term customer is limited to a person who is not (1) a broker-dealer, (2) a person who has a relationship to the debtor or the other broker-dealer of the types set forth in section 6(f)(1)(C) of the Act,[7] or (3) a person who has a claim for property which property was part of the capital of such other broker-dealer or was subordinated to the claims of the creditors of such other broker-dealer.

Only transactions in which a customer had an interest are eligible to be completed. A customer is deemed to have an interest if a broker was acting as agent for the customer or if a dealer, who is not a market maker in the security in question, held a firm customer's order to buy or sell and prior to executing such order with the customer, and in connection therewith, purchased or sold the same or a lesser number of shares from the debtor.

In determining whether a customer had an interest in the transaction out of which an open contractual commitment arose, a broker-dealer who maintains his records on a specific identification basis is required to prove to the satisfaction of the trustee and with appropriate supporting documentation that a customer in fact had such an interest and that such interest was not sold prior to the filing date to the same broker or dealer.

Where a broker or dealer maintains his records on other than a specific identification basis he must allocate the fails to receive and fails to deliver between customer and firm positions in a manner consistent with that used prior to the filing date to allocate such fails for purposes of Rule 15c3-3 under the Securities Exchange Act of 1934, and present the trustee with appropriate supporting documentation.

In the event that a broker or dealer did not fall within either of these categories, the allocation could be on any basis which the trustee found to be fair and equitable.

Procedurally, open contractual commitments would be (i) completed at the option of the trustee by the delivery of funds against receipt of securities or the delivery of securities against receipt of funds within thirty days after settlement date unless previously bought-in or sold-out by the other broker or dealer within or promptly upon the expiration of a period of thirty days after settlement date.

Where a commitment was not completed by either of the above methods the commitment could be disposed of by any method which the trustee in his discretion felt would most benefit the estate of the debtor.[8]

Despite any payment of a net money difference made by the trustee or the transmittal by the trustee of cash or securities to a broker-dealer in completion of an open contractual commitment, the trustee would be entitled to recover such money and securities from the other broker-dealer or to obtain damages or other remedies in the context of a court proceeding if the court should find that a transaction was not entered into by the debtor, the other broker-dealer or his customer in the ordinary course of business or was entered into by any of the parties for the purpose of creating a commitment in contemplation of a possible SIPC Act liquidation proceeding.

Irrespective of the various prescribed conditions and procedures of the section, upon application from SIPC or the trustee or upon its own motion, and in order to avoid a substantial detrimental impact upon the financial condition of one or more broker-dealers the Commission may, upon finding that it is in the public interest, order completion of any open commitment.

The forms. Promptly upon the publication of notice by the trustee, pursuant to section 6(e) of the Act, of the initiation of the liquidation of the debtor, each broker-dealer who has open contractual commitments of the type described in paragraph (a) of the rule is required to report the existence of such commitments to the trustee on Forms S6(d)A-1[9] and S6(d)A-2.[10]

Upon the expiration of 45 days after filing date[11] each broker-dealer filing Forms S6(d)A-1 and 2 is required to file Form S6(d)B listing those commitments which have been bought-in or sold-out and Forms S6(d)C-1[12] and S6(d)C-2[13] reconciling all open contractual commitments.

Commission action: Pursuant to authority in section 23(a) of the Securities Exchange Act of 1934 and section 6(d) of the Securities Investor Protection Act of 1970, the Securities and Exchange Commission hereby adopts a new Subpart B under Part 240 and a new § 240.206d-1 thereunder, as well as a new Part 249a and new §§ 249a.6d-1, 249a.-6d-2, 249a.6d-3, 249a.6d-3a, 249.6d-3b, 249a.6d-4a1 and 249a.6d-4a2, under Chapter II of Title 17 of the Code of Federal Regulations reading as follows:

§ 240.206d-1 Completion of open contractual commitments.

(a) *Definitions.* For the purpose of this section, adopted pursuant to subsection

[6] Separate customer account is defined in the SIPC Act and in the Series 100 Rules thereunder.

[7] Section 6(f)(1)(C) provides that no advance of funds shall be made by SIPC to the trustee "to pay or otherwise satisfy, directly or indirectly, any claims of any customer who is a general partner, officer, or director of the debtor, the beneficial owner of 5 per centum or more of any class of equity security of the debtor (other than a non-convertible stock having fixed preferential dividend and liquidation rights) or limited partner with a participation of 5 per centum or more in the net assets or net profits of the debtor * * *."

[8] Because funds or securities in the single and separate fund may be used to complete open contractual commitments, the trustee would be benefitting mainly public customers of the debtor.

[9] For fails to deliver.

[10] For fails to receive.

[11] If by the 45th day notice pursuant to section 6(e) has not yet been published then as soon thereafter as practicable.

[12] For fails to deliver.

[13] For fails to receive.

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6(d) of the Securities Investor Protection Act of 1970 (hereinafter referred to as "the Act"):

(1) The term "failed to receive" shall mean a contractual commitment of the debtor made in the ordinary course of business, to pay to another broker or dealer the contract price in cash upon receipt from such broker or dealer of securities purchased, provided that the respective obligations of the parties remained outstanding until the close of business on the filing date as defined in section 5(b)(4)(B) of the Act (hereinafter referred to as the "filing date").

(2) The term "failed to deliver" shall mean a contractual commitment of the debtor, made in the ordinary course of business, to deliver securities to another broker or dealer against receipt from such broker or dealer of the contract price in cash, provided that the respective obligations of the parties remained outstanding until the close of business on the filing date.

(3) The term "open contractual commitment" shall mean a failed to receive or a failed to deliver which had a settlement date prior to the filing date and the respective obligations of the parties remained outstanding on the filing date or had a settlement date which occurs on or within five business days subsequent to the filing date: *Provided, however,* That the term open contractual commitment shall not include any contractual commitment for which the security which is the subject of the trade had not been issued by the issuer as of the trade date.

(4) The term "customer" shall mean a person (other than a broker or dealer) in whose behalf a broker or dealer has executed a transaction out of which arose an open contractual commitment with the debtor, but shall not include any person to the extent that such person at the filing date (i) had a claim for property which by contract, agreement or understanding, or by operation of law, was a part of the capital of the broker or dealer who executed such transaction or was subordinated to the claims of creditors of such broker or dealer, or (ii) had a relationship with the debtor which is specified in section 6(f)(1)(C) of the Act, or had a corresponding relationship with such other broker or dealer.

(b) It is hereby determined to be "in the public interest," within the meaning of section 6(d)(2) of the Act, for a trustee to complete such open contractual commitments as are specified in paragraph (c) below in accordance with the procedures prescribed in this section, irrespective of whether a customer did or did not have an interest therein; and, except as otherwise provided in paragraphs (h) and (i), it is also hereby determined to be "not in the public interest," within the meaning of section 6(d)(1) of the Act, for a trustee to complete such open contractual commitments as are described in paragraph (a)(3), other than those specified in paragraph (c).

(c) An open contractual commitment shall be completed if:

(1) The open contractual commitment:

(i) Arises from a transaction in which a customer (as defined in this rule) of the other broker or dealer had an interest. For purposes of this rule a customer is deemed to have an interest in a transaction if (A) the other broker was acting as agent for the customer or (B) the other dealer was not a market maker in the security involved, to the extent such other dealer held a firm order from the customer and in connection therewith: In the case of a buy order, prior to executing such customer's order purchased as principal the same number of shares or purchased shares to accumulate the number of shares necessary to complete the order; or in the case of a sell order, prior to executing such customer's order sold the same number of shares or a portion thereof; and

(ii) (A) Had a settlement date on or within 30 calendar days prior to the filing date and the respective obligations of the parties remained outstanding on the filing date or had a settlement date which occurs on or within five business days subsequent to the filing date; and

(B) Had a trade date on or within five business days prior to such settlement date; and

(2) the other broker or dealer can establish to the satisfaction of the trustee through appropriate documentation that:

(i) In the case of a broker or dealer who maintains his records on a specific identification basis:

(A) The open contractual commitment arose out of a transaction in which his customer had such an interest, and

(B) In the case of a failed to deliver of the debtor, as of the filing date such broker's or dealer's customer's interest had not been sold to such broker or dealer; or

(ii) In the case of a broker or dealer who maintains his records other than on a specific identification basis, that he has determined that a customer had such an interest in a manner consistent with that used by such broker or dealer prior to the filing date to allocate fails to receive and fails to deliver in computing the special reserve bank account requirement pursuant to the provisions of Rule 15c3-3 under the Securities Exchange Act of 1934; or

(iii) In the case of a broker or dealer not described in paragraph (c)(2)(i) or (ii) of this section that he has made the determination in a manner which the trustee finds to be fair and equitable.

(d)(1) The completion of an open contractual commitment meeting the requirements of paragraph (c) of this section shall be effected only:

(i) By the buy-in or sell-out of the commitment by the other broker or dealer in accordance with the usual trade practices initiated by the other broker or dealer within or promptly upon the expiration of a period of 30 calendar days after settlement date; or

(ii) At the option of the trustee by the delivery of securities against receipt of the contract price or payment of the contract price against the receipt of securities at any time within thirty calendar days after settlement date unless the commitment previously has been bought-in or sold-out in accordance with paragraph (d)(i)(ii) of this section; or

(iii) In the event of the refusal of the other broker or dealer to accept completion of an open contractual commitment in accordance with paragraph (d)(1)(ii) of this section, or the failure of the other broker or dealer to promptly buy-in or sell-out a commitment in accordance with paragraph (d)(1)(i) of this section, or in the event of the failure of the other broker or dealer to provide the trustee with appropriate documentation as required by this section, by delivery of securities against receipt of the contract price or payment of the contract price against receipt of securities, or the buy-in or sell-out of the commitment or cancellation of the commitment or otherwise, as may be appropriate, as the trustee in his discretion believes will most benefit the estate of the debtor.

(2) In the event of a close-out of an open contractual commitment pursuant to paragraph (d)(1)(i) of this section, the money difference resulting from such close-out shall be payable by the other broker or dealer to the trustee or by the trustee to the other broker or dealer, whichever would be entitled to receive such difference under the usual trade practices: *Provided, however,* (i) That prior to the payment of any such money difference by the trustee to such other broker or dealer with respect to transactions executed by such other broker or dealer for any separate customer account, all open contractual commitments with respect to such account which meet the requirements of paragraph (c) of this section must have been completed by the delivery of securities against receipt of the contract price, or by payment of the contract price against receipt of the securities in conformity with paragraph (d)(1)(ii) of this section, or by buy-in or sell-out in conformity with paragraph (d)(1)(i) of this section, and (ii) that the net amount so payable by the trustee to the other broker or dealer shall not exceed $20,000 with respect to any separate customer account.

(e)(1) As soon as practicable after publication pursuant to Section 6(e) of the Act of notice of the commencement of proceedings, a broker or dealer who has executed transactions out of which arose open contractual commitments with the debtor shall furnish to the trustee such information with respect to all open contractual commitments meeting the requirements of paragraph (c) of this section (including any of such commitments which have been bought-in or sold-out by the broker or dealer), as called for by Forms S6(d)A–1 and S6(d)A–2 (17 CFR 249a.6d–1, 249a.6d–2 of this chapter) including appropriate supporting documentation.

(2) Promptly upon the expiration of 45 calendar days after the filing date, or if by the expiration of such 45-day period notice pursuant to section 6(e) of the Act of the commencement of proceedings has not been published, then as soon as practicable after publication of such notice, a broker or dealer who had executed transactions in securities out of which arose open contractual commitments with the debtor shall furnish to the trustee such information with respect to the buy-in, sell-out or other status of open contractual commitments meeting the requirements of paragraph (c) of this section as called for by Forms S6(d)B, S6(d)C–1 and S6(d)C–2 (17 CFR 249a.6d–3, 249a.6d–4a1, and 249a.6d–4a2) including appropriate supporting documentation, and schedules.

(f)(1) Nothing stated in this section shall be construed to prejudice the right of a broker or dealer to any claim against the debtor's estate, or the right of the trustee to make any claim against a broker or dealer, with respect to a commitment of the debtor which was outstanding on the filing date, but (i) which is not described in paragraph (a)(3) of this section, or (ii) which, although described in paragraph (a)(3) of this section, does not meet the requirements specified in paragraph (c) of this section or was not completed in accordance with paragraph (d) of this section or was not reported to the trustee in conformity with paragraph (e) of this section or was not supported by appropriate documentation.

(2) Nothing stated in this section shall be construed to prejudice the right of a broker or dealer to a claim against the debtor's estate for the amount by which the money difference due the broker or dealer upon a buy-in or sell-out may exceed the amount paid by the trustee to such broker or dealer.

(g) Notwithstanding the fact that an open contractual commitment described in paragraph (a)(3) of this section meets the requirements of paragraph (c) of this section and the other requirements of this section, a Court shall not be precluded from canceling such commitment, awarding damages, or granting such other remedy as it shall deem fair and equitable if, on application of the trustee or the Securities Investor Protection Corporation ("SIPC"), it determines that such commitment was not entered into in the ordinary course of business or was entered into by the debtor, or the broker or dealer or his customer, for the purposes of creating a commitment in contemplation of a liquidation proceeding under the Act. Such a determination shall be made after notice and opportunity for hearing by the debtor, such broker or dealer, or such customer, and may be made before or after the delivery of securities or payment of the contract price or before or after any buy-in or sell-out of the open contractual commitment, or otherwise.

(h) Upon application to the Commission by SIPC or the trustee or upon its own motion, the Commission may, after notice and opportunity for hearing by interested persons find it to be in the public interest, in order to prevent a substantial detrimental impact upon the financial condition of one or more brokers or dealers, for the trustee to complete an open contractual commitment, irrespective of whether it is described in paragraph (a)(3) of this section or meets the requirements of paragraph (c) of this section or has been reported in conformity with paragraph (e) of this section, or is supported by appropriate documentation.

(i) Nothing contained in this section shall be construed as affecting in any way the power of the trustee (1) to complete, in such manner as may be approved by the Court, an open contractual commitment of the debtor not described in paragraph (a)(3) of this section the completion of which, apart from this section, is authorized or required by section 6(d) of the Act, or (2) to complete an open contractual commitment of the debtor, regardless of whether it is described in paragraph (a)(3) of this section or meets the requirements of paragraph (c) of this section or has been reported to the trustee in conformity with paragraph (e) of this section, to the extent that such commitment is completed with property which constituted specifically identifiable property on the filing date of the customer of the debtor for whose account the commitment was made, or was paid or delivered by or for the account of such customer to the debtor or trustee after the filing date.

Sec.

249a.1–249a.5 [Reserved]
249a.6d–1 Form S6(d)A–1 for notification of open contractual commitments at filing dates consisting of fails to deliver and unsettled trades.
249a.6d–2 Form S6(d)A–2 for notification of open contractual commitments at filing dates consisting of fails to receive and unsettled trades.
249a.6d–3 Form S6(d)B for summary of closeouts of open contractual commitments in accordance with § 240.206(d)(1)(i).
249a.6d–3a Schedule 1 to be attached to Form S6(d)B (17 CFR 249a.6d–3).
249a.6d–3b Schedule 2 to be attached to Form S6(d)B (17 CFR 249a.6d–3).

AUTHORITY: Sec. 6(d), 84 Stat. 1646, 15 U.S.C. 78FFF(d).

§§ 249a.1–249a.5 [Reserved]

§ 249a.6d–1 Form S6(d)A–1 for notification of open contractual commitments at filing date consisting of fails to deliver and unsettled trades.

This form shall be filed as required by § 240.206d–1(e) of this chapter, as soon as practical after publication of notice of commencement of a proceeding under section 5 of the Securities Investor Protection Act of 1970 in which a trustee is appointed, with such trustee by a broker-dealer who has executed transactions in securities with the debtor in such proceeding, out of which arose a failed to deliver or unsettled trade as defined in § 240.206d–1(a) of this chapter.

§ 249a.6d–2 Form S6(d)A–2 for notification of open contractual commitments at filing date consisting of fails to receive and unsettled trades.

This form shall be filed as required by § 240.206d–1(e) of this chapter, as soon as practical after publication of notice of commencement of a preceeding under section 5 of the Securities Investor Protection Act of 1970 in which a trustee is appointed, with such trustee by a broker-dealer who has executed transactions in securities with the debtor in such proceeding, out of which arose a fail to receive or unsettled trade as defined in § 240.206d–1(a) of this chapter.

§ 249a.6d–3 Form S6(d)B for summary of close-outs of open contractual commitments in accordance with § 240.206(d)(1)(i).

This form shall be filed as required by § 240.206d–1(e)(2) of this chapter, promptly upon expiration of 45 days after the filing date as defined in section 5(b)(4) of the Securities Investor Protection Act of 1970 (SIPC Act), or if by that time notice of commencement of proceedings under section 5 of SIPC Act in which a trustee is appointed has not been published then as soon as practical after such publication of notice, with such trustee by a broker-dealer who has executed transactions in securities with the debtor in such proceedings, in which shall be furnished to the trustee information with respect to his close out of open contractual commitments meeting the requirements of paragraph (c) of § 204.206d–1 of this chapter.

§ 249a.6d–3a Schedule 1 to be attached to Form S6(d)B (17 CFR 249a.6d–3).

§ 249a.6d–3b Schedule 2 to be attached to Form S6(d)B (17 CFR 249a.6d–3).

§ 249a.6d–4a1 Form S6(d)c–1 for report of status of fails previously reported on Form S6(d)A–1 (§ 249a.6d–1).

This form shall be filed as required by § 240.206d–1(e)(2) of this chapter, promptly upon expiration of 45 days after the filing date as defined in section 5(b)(4) of the Securities Investor Protection Act of 1970 (SIPC Act), or if by that time notice of commencement of proceedings under section 5 of the SIPC Act in which a trustee is appointed has not been published then as soon as practiced after such publication of notice, with such trustee by a broker-dealer who has executed transactions in securities with the debtor in such proceedings, in which shall be furnished to the trustee information with respect to the reconcilments which were or should have been reported on form s6(d)A–1.

§ 249a.6d–4a2 Form S6(d)C–2 for report of status of fails previously reported on form S6(d)A–2 (§ 249.6d–2).

This form shall be filed as required by § 240.206d–1(e)(2) of this chapter, promptly upon expiration of 45 days after

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the filing date as defined in section 5(b)(4) of the Securities Investor Protection Act of 1970 (SIPC Act), or if by that time notice of commencement of proceedings under section 5 of SIPC Act in which a trustee is appointed has not been published then as soon as practical after such publication of notice, with such trustee by a broker-dealer who has executed transactions in securities with the debtor in such proceedings, in which shall be furnished to the trustee information with respect to the reconcilments which were or should have been reported on form S6(d)A–2.

Incorporation by reference approved by the Director of the Office of the Federal Register on August 6, 1973.

Copies of all forms described above have been filed with the Office of the Federal Register, and copies thereof may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549.

Since December 31, 1972, twenty-two firms have been placed in SIPC liquidation. The difficulties experienced in these liquidations evidence an urgent need for guidance in completing open contractual commitments and for standard forms for reporting such commitments to the trustee. Accordingly, the Commission finds that there is good cause and that it is necessary in the public interest and for the protection of investors that the foregoing rule become effective immediately. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934 and the Securities Investor Protection Act of 1970 and particularly Sections 6(d) (1) and (2) of the Securities Investor Protection Act of 1970 and Section 23(a) of the Securities Exchange Act of 1934, hereby adopts Rule S6(d)(1) and the Forms thereunder as set forth below effective immediately. Accordingly, pursuant to section 4(c) of the Administrative Procedure Act, 5 U.S.C. 553(d), it hereby declares such amendments effective July 25, 1973.

(Sec. 23(a), 48 Stat. 901, Sec. 8, 49 Stat. 1379, Sec. 10, 78 Stat. 580, 15 U.S.C. 78w; Sec. 6, 84 Stat. 1646, 15 U.S.C. 78 FFF.)

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JULY 25, 1973.

[FR Doc.73-16080 Filed 8-6-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS, CORRECTION

In FR Doc. 73–6370, appearing on page 8595 in the issue of Wednesday, April 4, 1973, in § 121.2526(b)(2) under *"List of substances"*, the item reading "Acrylamide copolymerized with ethylene and vinyl chloride * * *" is corrected to read "Acrylamide copolymerized with ethylene and vinyl chloride in such a manner that the finished copolymers have a minimum weight average molecular weight of 30,000 and contain not more than 3.5 weight percent of total polymer units derived from acrylamide, and in such a manner that the acrylamide portion may or may not be subsequently partially hydrolyzed."

Dated: July 31, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16179 Filed 8-6-73;8:45 am]

SUBCHAPTER C—DRUGS

Recodification, Technical Changes, and Updating of Chloramphenicol Monographs

A notice was published in the FEDERAL REGISTER of September 19, 1972 (37 FR 19149), proposing to recodify the chloramphenicol monographs. Interested persons were afforded sixty days to submit written comments on the proposal. Comments were received from an industry trade association and two manufacturers. Comments from one manufacturer and the trade association were concerned with the amendment which added to the general labeling section a new paragraph § 148.3(d) regarding veterinary prescription labeling. The comments were that this regulation would have the effect of placing into prescription status all veterinary antibiotic drugs packaged for dispensing. The Commissioner of Food and Drugs has considered these comments and concludes that a revision is desirable to clarify the applicability of § 148.3(d) to prescription veterinary antibiotic drugs.

Comment from an antibiotic drug manufacturer objected to the recodification in general and requested justification since the proposed action would require revision of certain printed material and would involve a realignment of past records and files. The Commissioner finds that chloramphenicol monographs, as well as a number of other antibiotic monographs covered in separate documents, are in need of significant changes in text and format. Although such amendments will require changes in filing and record keeping for both industry and FDA, those affected have generally viewed such recodification and updating as substantially clarifying the antibiotic regulations.

One comment also requested clarification of the intent with respect to the monographs for bulk chloramphenicol which were revised to read "sterile chloramphenicol" and retained in Part 141d and 146d while an identical bulk monograph was included in the newly established Part 151c. The monographs providing for antibiotic drugs that were reviewed by the National Academy of Sciences—National Research Council (NAS–NRC), Drug Efficacy Study Group, will not be rewritten or transferred until conclusions concerning the efficacy of these drugs are final. To avoid delay in the recodification of chloramphenicol, the bulk drug monographs will be retained in Parts 141d and 146d for reference purposes until all the chloramphenicol monographs can be revised and transferred. After all the chloramphenicol monographs are transferred, the bulk monographs in Parts 141d and 146d will be revoked. An identical bulk monograph was included in Part 151c to provide reference for the monographs that were transferred so that additional amendments to these sections will not be necessary when the remaining original sections are revoked. The monograph heading was re-titled "Sterile chloramphenicol" in accordance with the definition of parenterals contained in the United States Pharmacopeia XVIII and to differentiate between the sterile drug and the proposed nonsterile drug monograph included in Part 151c.

An objection was made to the revocation of one particular monograph on the basis that approval of a new animal drug application is pending for that product. The Commissioner notes that there are no drugs currently being marketed under this monograph, and concludes that revocation of such monograph is proper at this time. A new monograph, based on an approved new drug or new animal drug application, will be established when appropriate.

One manufacturer objected to the addition of the test for crystallinity to certain monographs. The requirement for a crystallinity test is not new to this proposal. The Commissioner concludes that a crystallinity test is an appropriate certification requirement for products described as crystalline.

One comment suggested changes for the blending and extraction procedures used in the potency assay of chloramphenicol ointment. The Commission finds that the suggestions do not offer signficant improvements in the proposed methods. In the experience of the Food and Drug Administration, the proposed official method gives satisfactory results for all chloramphenicol ointments, regardless of the manufacturer. The regulations do provide for the use of alternate assay methods under § 141.1a (published in the FEDERAL REGISTER of April 15, 1972 (37 FR 7497)) and we have no objections to the use of alternate methods in accordance with that regulation provided the results obtained are equivalent.

One comment asked for clarification regarding the assay procedures in § 141d.303(a) since the procedure included in the proposal differs from the procedure included in an order published in the FEDERAL REGISTER on October 28, 1972 (37 FR 23105). The Commissioner finds that the following order amends the October 28, 1972 order as it pertains to § 141d.303(a). Thus, the procedure described below in § 141d.303(a) supercedes the procedure in that paragraph appearing in the October 28, 1972 Order.

The Commissioner notes that pursuant to the provisions of the October 28, 1972 Order, the sterility requirements for the antibiotic ointments described herein are not in effect until October 28, 1973. However, §§ 141d.303 and 141d.313 have been updated in this order to include the sterility test methods specified in the October 28, 1972 order.

An objection was made to the proposed lowering of the upper potency limit from 130 percent to 120 percent for chloramphenicol ophthalmic solution (§ 151c.15). After re-evaluating the information on which the proposal was based, the Commissioner concludes that there is justification for allowing the upper potency limit to remain at 130 percent of the number of milligrams of chloramphenicol that it is represented to contain. The order has been revised accordingly.

One manufacturer objected that the heading or title of the proposal was misleading since the proposal involved more than a "recodification" of the chloramphenicol monographs. The Commissioner recognizes that while the primary purpose of the proposal is recodification of the chloramphenicol monographs, there is considerable updating of the regulation involved and a number of technical and editorial changes, some of which are substantive. Since this proposal was published, it has been the policy of the Food and Drug Administration to title such proposed amendments and orders as "Recodification, technical changes, and updating".

After consideration of all comments received the Commissioner concludes that the antibiotic drug regulations should be amended, as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n), 59 Stat. 463, as amended, 82 Stat. 350–351; 21 U.S.C. 357, 360b(n)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 135a, 135c, 141b, 141d, 141e, 146d, 148 and 148n are amended as follows:

PART 135a—NEW ANIMAL DRUGS FOR OPTHALMIC AND TOPICAL USE

§§ 135a.3 and 135a.9 [Amended]

1. § 135a.3 *Chloramphenicol-prednisolone-tetracaine-squalane suspension* is amended by revising the first sentence of paragraph (a) to read as follows: "The suspension conforms to the certification requirements of § 151c.16 of this chapter."

2. § 135a.9 *Chloramphenicol ophthalmic solution, veterinary* is amended by revising the first sentence of paragraph (a) to read as follows: "The solution conforms to the certification requirements of § 151c.18 of this chapter."

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

§ 135c.63 [Amended]

3. Part 135c is amended in § 135c.63 *Chloramphenicol capsules, veterinary* by revising paragraph (a) to read as follows: "Chloramphenicol capsules, veterinary contain 50, 100, 250, and 500 milligrams of chloramphenicol and conform to the certification requirements of § 151c.12 of this chapter."

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN-(OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

§ 141b.126 [Amended]

4. Part 141b is amended in § 141b.126 *Streptomycin-erythromycin ointment* by revising paragraph (b)(3) to read as follows: *"Toxicity.* Proceed as directed in § 141.5 of this chapter."

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL - CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

5. Part 141d is amended:

a. In § 141d.301 by changing the heading, revising paragraphs (a) through (i), and by adding a new paragraph (j), to read as follows:

§ 141d.301 Sterile chloramphenicol.

(a) *Potency.* Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(1) *Microbiological turbidimetric assay.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighted portion of the sample in sufficient ethyl alcohol to give a solution containing 10,000 micrograms of chloramphenicol per milliliter (estimated). Add sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a concentration of 1,000 micrograms of chloramphenicol per milliliter (estimated). Further dilute an aliquot with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(2) *Spectrophotometric method.* Dissolve approximately 50 milligrams each of the sample and working standard in 100 milliliters of distilled water. Warm if necessary to hasten dissolution. Transfer 10 milliliters into a 250-milliliter volumetric flask and fill to volume with distilled water. Using a suitable spectrophotometer equipped with a 1-centimeter cell and distilled water as the blank, determine the absorbance of each solution at 278 nonometers. Calculate the potency of chloramphenicol as follows:

$$\text{Potency of sample in micrograms per milligram} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram}}{\text{Absorbance of standard} \times \text{weight of sample in milligrams}}$$

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use 50 milligrams in lieu of 300 milligrams.

(c) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 5 milligrams of chloramphenicol per milliliter. Apply sufficient heat to dissolve the chloramphenicol.

(d) *Safety.* Proceed as directed in § 141.5 of this chapter. Apply sufficient heat to dissolve the chloramphenicol.

(e) *Histamine.* Proceed as directed in § 141.7 of this chapter. Apply sufficient heat to dissolve the chloramphenicol.

(f) *pH.* Proceed as directed in § 141.503 of this chapter, using a saturated aqueous solution.

(g) *Specific rotation.* Accurately weigh approximately 1.25 grams of the sample in a 25-milliliter glass-stoppered volumetric flask and dissolve in about 15 milliliters of absolute alcohol, warming if necessary. Dilute the solution to 25 milliliters with absolute alcohol and mix thoroughly. Proceed as directed in § 141.520 of this chapter, using a 2.0 decimeter polarimeter tube.

(h) *Melting range.* Proceed as directed in § 141.515 of this chapter.

(i) *Absorptivity.* Proceed as directed in paragraph (a)(2) of this section except calculate the percent relative absorptivity as follows:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram}}{\text{Absorbance of standard} \times \text{weight of sample in milligrams} \times 10}$$

(j) *Crystallinity.* Proceed as directed in § 141.504(a) of this Chapter.

b. By revising § 141d.303 to read as follows:

§ 141d.303 Chloramphenicol ointment.

(a) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows:

(1) *If the ointment is water miscible.* Place an accurately weighed representative portion of the sample into a high-speed glass blender jar containing 1.0 milliliter polysorbate 80 and sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(2) *If the ointment is not water miscible.* Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of petroleum ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 1 percent potassium phosphate buffer, pH

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6.0 (solution 1), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20 to 25-milliliter quantities of solution 1. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 1. Remove an aliquot and further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated). The potency of chloramphenicol ointment is satisfactory if it contains not less than 90 percent and not more than 130 percent of the number of milligrams of chloramphenicol that it is represented to contain.

(b) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(3) of that section. However, if the ointment is not soluble in isopropyl myristate proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(e)(2), except use 100 milligrams in lieu of 300 milligrams of solids.

c. By revising § 141d.304 to read as follows:

§ 141d.304 Chloramphenicol ophthalmic.

(a) *Potency.* Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(1) *Microbiological turbidimetric assay.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an accurately measured representative aliquot of the sample with sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a convenient concentration. Further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(2) *Spectrophotometric assay.* Reconstitute the sample as directed in the labeling and dilute a 1.0-milliliter aliquot in sufficient distilled water to give a solution containing 20 micrograms of chloramphenicol per milliliter. Dissolve an accurately weighed portion of the working standard in sufficient distilled water to give a solution containing 20 micrograms per milliliter. Using a suitable spectrophotometer and distilled water as the blank, determine the absorbance of the sample and standard solutions at 278 nanometers. Calculate the potency of the sample as follows:

$$\text{Milligrams of chloramphenicol per milliliter} = \frac{\text{Absorbance of sample} \times \text{labeled potency per milliliter in milligrams}}{\text{Absorbance of standard}}$$

The potency of chloramphenicol ophthalmic is satisfactory if it contains not less than 90 percent and not more than 130 percent of the number of milligrams that it is represented to contain.

(b) *Sterility.* Use entire contents, and proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except if it contains a corticoid use 0.5 milliliter of the suspension prepared according to label directions and proceed as directed in paragraph (e)(2) of that section.

(c) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in the labeling.

d. By revising § 141d.308 to read as follows:

§ 141d.308 Chloramphenicol otic; chloramphenicol topical.

(a) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative aliquot of the sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a convenient concentration. Further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated). Its potency is satisfactory if it contains not less than 90 percent and not more than 130 percent of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(c) *pH.* Proceed as directed in § 141.503 of this chapter, using the sample diluted with an equal volume of distilled water.

e. By revising paragraphs (a)(1), the last sentence of paragraph (a)(2), and paragraph (b) in § 141d.313 to read as follows:

§ 141d.313 Chloramphenicol-polymyxin ointment.

(a) * * *

(1) *Chloramphenicol content.* Proceed as directed in § 141d.303. Its chloramphenicol content is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams per gram that it is represented to contain.

(2) *Polymyxin content.* * * * Its content of polymyxin is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of units per gram that it is represented to contain.

(b) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(3) of that section. However, if the ointment is not soluble in isopropyl myristate proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use 100 milligrams in lieu of 300 milligrams of solids.

f. By revoking and reserving §§ 141d.302, 141d.305, 141d.306, 141d.307, 141d.309, 141d.310, 141d.311, 141d.312, 141d.314, 141d.315, 141d.317, 141d.318, 141d.319, and 141d.320 as follows:

§§ 141d.302, 141d.305 141d.306, 141d.307, 141d.309, 141d.310, 141d.311, 141d.312, 141d.314, 141d.315, 141d.317, 141d.318, 141d.319, and 141d.320 [Reserved]

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

6. Part 141e is amended in § 141e.416 *Bacitracin methylene disalicylate* by revising paragraph (b) to read as follows:

§ 141e.416 Bacitracin methylene disalicylate.

* * * * *

(b) *Toxicity.* Proceed as directed in § 141.5 of this chapter.

* * * * *

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

7. Part 146d is amended:

a. In § 146d.301 by changing the heading and revising paragraphs (b), (c), and (d) to read as follows:

§ 146d.301 Sterile chloramphenicol.

* * * * *

(b) *Packaging.* It shall be packaged in accordance with the requirements of § 148.2 of this chapter.

(c) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(d) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(1) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, pH, specific rotation, melting range, absorptivity, and crystallinity.

(2) Samples required:

(i) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(ii) For sterility testing: 20 packages, each containing approximately 50 milligrams.

b. By revoking and reserving §§ 146d.302, 146d.305, 146d.306, 146d.307, 146d.309, 146d.310, 146d.311, 146d.312, 146d.314, 146d.315, 146d.317, 146d.318, 146d.319, and 146d.320 as follows:

§§ 146d.302, 146d.305, 146d.306, 146d.307, 146d.309, 146d.310, 146d.311, 146d.312, 146d.314, 146d.315, 146d.317, 146d.318, 146d.319 and 146d.320 [Reserved]

PART 148—ANTIBIOTIC DRUGS; PACKAGING AND LABELING REQUIREMENTS

8. Part 148 is amended in § 148.3 by adding a new paragraph (d) to read as follows:

§ 148.3 Labeling requirements.

* * * * *

(d) If an antibiotic drug is subject to section 512(n) of the act:

(1) It shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter and each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity in lieu of the statement "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" (as provided in § 1.106(c)(2)(i) of this chapter) unless such statement is required by regulations issued under section 512(i) of the act.

(2) Its labeling shall bear any additional information required for the drug by specific regulations.

(3) Each package shall bear on its outside wrapper or container and the immediate container an expiration date prescribed for the drug as provided in paragraph (a)(3) of this section with the exception provided in paragraph (c) of this section.

(4) If it is intended for udder instillation in cattle, it shall be exempt from the requirements of § 1.106(c)(2)(v) of this chapter.

PART 148n—OXYTETRACYCLINE

9. Part 148n is amended in § 148n.3 *Calcium oxytetracycline* by revising paragraph (b)(2) to read as follows:

§ 148n.3 Calcium oxytetracycline.

* * * * *

(b)(2) *Toxicity.* Proceed as directed in § 141.5 of this chapter.

* * * * *

10. The following new Part 151c is added to this chapter:

PART 151c—CHLORAMPHENICOL

Sec.

151c.1 Sterile chloramphenicol.
151c.2 Chloramphenicol.
151c.3 Chloramphenicol palmitate.
151c.4 Sterile chloramphenicol sodium succinate.
151c.5—151c.10 [Reserved]
151c.11 Chloramphenicol capsules.
151c.12 Chloramphenicol capsules, veterinary.
151c.13 Chloramphenicol injection.
151c.14 Fibrinolysin and desoxyribonuclease, combined (bovine) with chloramphenicol ointment.
151c.15 Chloramphenicol ophthalmic solution.
151c.16 Chloramphenicol - prednisolone-tetracaine-squalane topicol suspension, veterinary.
151c.17 Chloramphenicol palmitate oral suspension.
151c.18 Chloramphenicol ophthalmic solution, veterinary.

AUTHORITY: The provisions of this Part 151c issued under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n)), 59 Stat. 463, as amended, 82 Stat. 350–351; 21 U.S.C. 357, 360b(n) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

§ 151c.1 Sterile chloramphenicol.

(a) *Requirements for certification—*

(1) *Standards of identity, strength, quality, and purity.* Sterile chloramphenicol is a white to grayish-white or yellowish-white powder, occurring as needles or elongated plates. It is neutral, slightly soluble in water, but freely soluble in alcohol. It has the chemical formula (D-(—)-*threo*-1-*p*-nitrophenyl-2-dichloracetamido-1,3-propanediol. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms per milligram.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(iv) It contains no histamine nor histamine-like substances.

(vi) Its pH in a saturated aqueous solution is not less than 4.5 nor more than 7.5.

(vii) Its specific rotation in absolute ethyl alcohol at 20° C. is $+20°\pm1.5°$, and at 25° C. is $+18.5°\pm1.5°$.

(viii) Its melting range is $151°\pm2°$ C.

(ix) Its absorptivity at 278 nanometers is ±3 percent of that of the chloramphenicol working standard similarly treated.

(x) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, pH, specific rotation, melting range, absorptivity, and crystallinity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 50 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient ethyl alcohol to give a solution containing 10,000 micrograms of chloramphenicol per milliliter (estimated). Add sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a concentration of 1,000 micrograms of chloramphenicol per milliliter (estimated). Further dilute an aliquot with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(ii) *Spectrophotometric method.* Dissolve approximately 50 milligrams each of the sample and working standard in 100 milliliters of distilled water. Warm if necessary to hasten dissolution. Transfer 10 milliliters into a 250-milliliter volumetric flask and fill to volume with distilled water. Using a suitable spectrophotometer equipped with a 1-centimeter cell and distilled water as the blank, determine the absorbance of each solution at 278 nanometers. Calculate the potency of chloramphenicol as follows:

$$\text{Potency of sample in micrograms per milligram} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram}}{\text{Absorbance of standard} \times \text{weight of sample in milligrams}}$$

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use 50 milligrams in lieu of 300 milligrams.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 5 milligrams of chloramphenicol per milliliter. Apply sufficient heat to dissolve the chloramphenicol.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter. Apply sufficient heat to dissolve the chloramphenicol.

(5) *Histamine.* Proceed as directed in § 141.7 of this chapter. Apply sufficient heat to dissolve the chloramphenicol.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using a saturated aqueous solution.

(7) *Specific rotation.* Accurately weigh approximately 1.25 grams of the sample in a 25-milliliter glass-stoppered volumetric flask and dissolve in about 15 milliliters of absolute alcohol, warming if necessary. Dilute the solution to 25 milliliters with absolute alcohol and mix thoroughly. Proceed as directed in § 141.520 of this chapter, using a 2.0 decimeter polarimeter tube.

(8) *Melting range.* Proceed as directed in § 141.515 of this chapter.

(9) *Absorptivity.* Proceed as directed in subparagraph (1)(ii) of this paragraph except calculate the percent relative absorptivity as follows:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram}}{\text{Absorbance of standard} \times \text{weight of sample in milligrams} \times 10}$$

(10) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 151c.2 Chloramphenicol.

(a) *Requirements for certification—*

(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol is a white or grayish-white or yellowish-white powder, occurring as needles or leongated plates. It is neutral, slightly soluble in water, but freely soluble in alcohol. It has the chemical formula D-

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(—)-*threo*-1-*p*-nitrophenyl-2-dichloroacetamido-1,3-propanediol. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms per milligram.

(ii) It passes the safety test.

(iii) Its pH in a saturated aqueous solution is not less than 4.5 nor more than 7.5.

(iv) Its specific rotation in absolute ethyl alcohol at 20° C. is +20°±1.5°, and at 25° C. is +18.5°±1.5°.

(v) Its melting range is 151°±2° C.

(vi) Its absorptivity at 278 nanometers is ±3 percent of that of the chloramphenicol working standard similarly treated.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, pH, specific rotation, melting range, absorptivity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient ethyl alcohol to give a solution containing 10,000 micrograms of chloramphenicol per milliliter (estimated). Add sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a concentration of 1,000 micrograms of chloramphenicol per milliliter (estimated). Further dilute an aliquot with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(ii) *Spectrophotometric method.* Dissolve approximately 50 milligrams each of the sample and working standard in 100 milliliters of distilled water. Warm if necessary to hasten dissolution. Transfer 10 milliliters into a 250-milliliter volumetric flask and fill to volume with distilled water. Using a suitable spectrophotometer equipped with a 1-centimeter cell and distilled water as the blank, determine the absorbance of each solution at 278 nanometers. Calculate the potency of chloramphenicol as follows:

$$\text{Potency of sample in micrograms per milligram} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram}}{\text{Absorbance of standard} \times \text{weight of sample in milligrams}}$$

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using a saturated aqueous solution.

(4) *Specific rotation.* Accurately weigh aproximately 1.25 grams of the sample into a 25-milliliter glass-stoppered volumetric flask and dissolve in about 15 milliliters of absolute alcohol, warming if necessary. Dilute the solution to 25 milliliters with absolute alcohol and mix thoroughly. Proceed as directed in § 141.520 of this chapter, using a 2.0-decimeter polarimeter tube.

(5) *Melting range.* Proceed as directed in § 141.515 of this chapter.

(6) *Absorptivity.* Proceed as directed in subparagraph (1)(ii) of this paragraph, except calculate the percent relative absorptivity as follows:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram}}{\text{Absorbance of standard} \times \text{weight of sample in milligrams} \times 10}$$

(7) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 151c.3 Chloramphenicol palmitate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol palmitate is the white to grayish-white, tasteless palmitic acid ester of chloramphenicol. It is so purified and dried that:

(i) It contains not less than 555 micrograms nor more than 595 micrograms of chloramphenicol per milligram.

(ii) It passes the safety test.

(iii) Its melting range is 91°±4° C.

(iv) Its specific rotation in absolute ethyl alcohol at 25° C. is +23°±2°.

(v) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, melting range, specific rotation, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Dissolve approximately 90 milligrams of the sample and 50 milligrams of the chloramphenicol working standard in separate 100-milliliter volumetric flasks with absolute ethyl alcohol. Fill to volume with absolute ethyl alcohol. Transfer 10.0 milliliters of each solution into separate 250-milliliter volumetric flasks and fill to volume with absolute ethyl alcohol. Using a suitable spectrophotometer equipped with a 1.0-centimeter cell and absolute ethyl alcohol as a blank, determine the absorbance of the sample at 271 nanometers and that of the chloramphenicol working standard at 276 nanometers. Calculate the potency of the chloramphenicol palmitate as follows:

$$\text{Potency of sample in micrograms per milligram} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram}}{\text{Absorbance of standard} \times \text{weight of sample in milligrams}}$$

(2) *Safety.* Proceed as directed in § 141.5 of this chapter. Apply sufficient heat to dissolve the chloramphenicol.

(3) *Melting range.* Proceed as directed in § 141.515 of this chapter.

(4) *Specific rotation.* Accurately weigh approximately 1.25 grams of sample in a 25-milliliter, glass-stoppered volumetric flask and dissolve in about 15 milliliters of absolute alcohol, warming if necessary to effect solution. Bring the solution to 25° C. Dilute the solution to 25 milliliters with absolute alcohol and mix thoroughly. Proceed as directed in § 141.520 of this chapter, using a 2.0-decimeter polarimeter tube.

(5) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 151c.4 Sterile chloramphenicol sodium succinate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol sodium succinate is the light-yellow, water-soluble, ethanol-soluble sodium salt of the 3-monosuccinate ester of chloramphenicol. It is so purified and dried that:

(i) Its potency is not less than 650 and not more than 765 micrograms per milligram. If it is packaged for dispensing, its potency when reconstituted as directed in the labeling is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of chloramphenicol per milliliter that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) It contains no histamine nor histamine-like substances.

(vi) Its moisture content is not more than 5.0 percent.

(vii) Its pH in an aqueous solution containing 250 milligrams of chloramphenicol per milliliter is not less than 6.4 and not more than 7.0.

(viii) Its specific rotation in an aqueous solution containing 50 milligrams per

milliliter at 25° C. is +6.5°±1.5°.

(ix) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterilty, pyrogens, safety, histamine, moisture, pH, specific rotation, and crystallinity.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(2) For sterility testing: 20 packages, each containing approximately 500 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 8 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Working standard.* Dissolve an accurately weighed portion of the chloramphenicol working standard in sufficient distilled water to give a solution containing 20 micrograms per milliliter. Using a suitable spectrophotometer and distilled water as the blank, determine the absorbance of this solution in a 1-centimeter cell at a wavelength of 278 nanometers.

(ii) *Procedure.* Dissolve an accurately weighed portion of the sample to be tested in sufficient distilled water to give a solution containing 30 micrograms of the sample per milliliter (estimated); and also if it is packaged for dispensing, reconstitute as directed in the labeling. Remove an accurately measured representative portion from each container and further dilute this portion with sufficient distilled water to give a concentration of 20 micrograms of chloramphenicol per milliliter (estimated). Using a suitable spectrophotometer and distilled water as the blank, determine the absorbance of this solution in a 1-centimeter cell at a wavelength of 276 nanometers. Calculate the micrograms per milligram of the dry powder as follows:

$$\text{Micrograms of chloramphenicol per milligram} = \frac{\text{Absorbance of sample at 276 nanometers} \times \text{micrograms of standard per milliliter} \times \text{potency of chloramphenicol working standard in micrograms per milligram}}{\text{Absorbance of standard at 278 nanometers} \times \text{micrograms of sample per milliliter}}$$

Calculate the milligrams per milliliter of the reconstituted solution in the dispensing container as follows:

$$\text{Milligrams per milliliter of the reconstituted vial} = \frac{\text{Absorbance of sample at 276 nanometers} \times \text{micrograms of standard per milliliter} \times \text{labeled content of reconstituted vial in milligrams per milliliter}}{\text{Absorbance of standard at 278 nanometers} \times 20}$$

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 5 milligrams of chloramphenicol per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Histamine.* Proceed as directed in § 141.7 of this chapter.

(6) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(7) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 250 milligrams of chloramphenicol per milliliter.

(8) *Specific rotation.* Dilute the sample with sufficient distilled water to give a solution containing approximately 50 milligrams per milliliter. Proceed as directed in § 141.520 of this chapter, using a 1.0-decimeter polarimeter tube.

(9) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 151c.11 Chloramphenicol capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol capsules are composed of chloramphenicol with or without one or more suitable and harmless diluents and lubricants. Each capsule contains 50, 100, or 250 milligrams of chloramphenicol. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of chloramphenicol that it is represented to contain. The chloramphenicol used conforms to the standards prescribed by § 151c.2(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The chloramphenicol used in making the batch for potency, safety, pH, specific rotation, melting range, absorptivity, and crystallinity.

(*b*) The batch for potency.

(ii) Samples required:

(*a*) The chloramphenicol used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay; potency.* Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(1) *Microbiological turbidimetric assay.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed, glass blender jar containing 100 milliliters of 95 percent ethyl alcohol. Blend for 2 minutes. Then add 400 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), and blend again for 2 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(2) *Spectrophotometric assay*—(i) *Preparation of working standard solution.* Dissolve approximately 50 milligrams of the working standard in 100 milliliters of distilled water. Warm if necessary to hasten dissolution. Transfer 10 milliliters into a 250-milliliter volumetric flask and fill to volume with distilled water.

(ii) *Procedure.* Place the contents of 10 capsules into a 250-milliliter volumetric flask. Add 50 milliliters of pure methyl alcohol to the flask and shake for at least 1 minute. Fill to volume with distilled water and mix thoroughly. Withdraw an aliquot and dilute with sufficient distilled water to give a concentration of 20 micrograms per milliliter. Using a suitable spectrophotometer equipped with a 1.0-centimeter cell and distilled water as the blank, determine the absorbance of the working standard and sample solutions at 278 nanometers. Calculate the potency as follows:

$$\text{Milligrams per capsule} = \frac{\text{Absorbance of sample} \times \text{labeled potency per capsule in milligrams}}{\text{Absorbance of standard}}$$

§ 151c.12 Chloramphenicol capsules, veterinary.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol capsules, veterinary are composed of chloramphenicol with or without one or more suitable diluents and lubricants. Each capsule contains 50, 100, 250, or 500 milligrams of chloramphenicol. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of chloramphenicol that it is represented to

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contain. The chloramphenicol used conforms to the standards prescribed by § 151c.2(a)(1).

(2) *Labeling.* In addition to the labeling requirements of §§ 148.3 and 135c.63 of this chapter, its label and labeling shall bear the statement, "Warning: Not for use in animals which are raised for food production."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The chloramphenicol used in making the batch for potency, safety, pH, specific rotation, melting range, absorptivity, and crystallinity.

(*b*) The batch for potency.

(ii) Samples required:

(*a*) The chloramphenicol used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay; potency.* Proceed as directed in § 151c.11(b).

§ 151c.13 Chloramphenicol injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol injection is chloramphenicol, with or without one more suitable and harmless buffer substances, dissolved in one or more suitable and harmless solvents. Each milliliter contains 250 milligrams of chloramphenicol. Its potency is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of chloramphenicol that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine nor histamine-like substances. Its pH is not less than 4.7 and not more than 5.0. The chloramphenicol used conforms to the standards prescribed by § 151c.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The chloramphenicol used in making the batch for potency, pH, specific rotation, melting range, absorptivity, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, histamine, and pH.

(ii) Samples required:

(*a*) The chloramphenicol used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of eight immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative aliquot of the sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a convenient concentration. Further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except add the contents of each container directly to the dry filter, thus eliminating the preliminary solubilization step.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 5 milligrams per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Histamine.* Proceed as directed in § 141.7 of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using the undiluted drug.

§ 151c.14 Fibrinolysin and desoxyribonuclease, combined (bovine) with chloramphenicol ointment.

(a) *Requirements for cedtification—*(1) *Standards of identify, strength, quality, and purity.* Fibrinolysin and desoxyribonuclease, combined (bovine) with chloramphenicol ointment is fibrinolysin, desoxyribonuclease, and chloramphenicol in a suitable and harmless ointment base. It contains a suitable and harmless preservative. Each gram contains 1 unit of fibrinolysin, 666 units of desoxyribonuclease, and 10 milligrams of chloramphenicol. Its chloramphenicol content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of chloramphenicol that it is represented to contain. The chloramphenicol used conforms to the standards prescribed by § 151c.2(a)(1), except safety. In addition to the requirements prescribed by this paragraph, the drug satisfies the requirements designated therefor by the Division of Biologics Standards, National Institutes of Health, Department of Health, Education, and Welfare.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The chloramphenicol used in making the batch for potency, pH, specific rotation, melting range, absorptivity, and crystallinity.

(*b*) The batch for potency.

(ii) Samples required:

(*a*) The chloramphenicol used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 5 containers if it is packaged in immediate containers of tin or glass, and a minimum of 20 immediate containers if it is packaged in immediate containers other than tin or glass.

(b) *Tests and methods of assay; potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a high-speed glass blender jar containing 1 milliliter polysorbate 80 and sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

§ 151c.15 Chloramphenicol ophthalmic solution.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Chloramphenical apthalmic solution contains in each milliliter 5 milligrams of chloramphenicol with or without one or more suitable and harmless preservatives, buffer substances, and surfactants in an aqueous solution. Its potency is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of chloramphenicol that it is represented to contain. It is sterile. Its pH is not less than 3 nor more than 6; however, if the solution is buffered, its pH is not less than 7.0 nor more than 7.5. The chloramphenicol used conforms to the standards prescribed by § 151c.2(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The chloramphenicol used in making the batch for potency, safety, pH, specific rotation, melting range, absorptivity, and crystallinity.

(*b*) The batch for potency, sterility, and pH.

(ii) Samples required:

(*a*) The chloramphenicol used in making the batch: 10 containers, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of five immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filing operation.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative aliquot of the sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute and aliquot of the stock solution with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated). Dilute a 1-milliliter aliquot of the sample in sufficient distilled water to make a solution containing 20 milligrams of chloramphenicol per milliliter. Dissolve an accurately weighed portion of the working standard in sufficient distilled water to give a solution containing 20 milligrams per milliliter. Warm if necessary to hasten solution of the working standard. Cool. Using a suitable spectrophotometer and distilled water as the blank, determine the absorbance of the sample and standard solutions at 278 nanometers. Calculate the potency of the sample as follows:

$$\text{Milligrams of chloramphenicol per milliliter} = \frac{\text{Absorbance of sample} \times \text{labeled potency per milliliter in milligrams}}{\text{Absorbance of standard}}$$

(b) The batch for potency and moisture.

(ii) Samples required:

(*a*) The chloramphenicol used in making the batch: 10 containers, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Transfer an accurately measured portion of the sample into a separatory funnel containing 50 milliliters of petroleum ether. Shake the separatory funnel vigorously to bring about complete mixing of the sample and the petroleum ether. Add 20 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), and shake well. Remove the buffer layer and repeat the extraction with three additional 20-milliliter portions of solution 1. Combine the extractives and dilute to an appropriate volume with solution 1. Further dilute in solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter, using 1 or 2 milliliters of the suspension.

§ 151c.17 Chloramphenicol palmitate oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol palmitate oral suspension is chloramphenicol palmitate and one or more suitable and harmless buffer substances, suspending agents, preservatives, colorings, and flavorings suspended in a suitable and harmless vehicle. Each milliliter contains 31.25 milligrams of chloramphenicol. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of chloramphenicol that it is represented to contain. It is sterile. Its pH is not less than 4.5 nor more than 7.0. Its content of polymorph A crystals does not exceed 10 percent. The chloramphenicol palmitate used conforms to the standards prescribed by § 151c.3(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The chloramphenicol used in making the batch for potency, safety, melting range, specific rotation, and crystallinity.

(*b*) The batch for potency, pH, and content of polymorph A crystals.

(ii) Samples required:

(*a*) The chloramphenicol palmitate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Preparation of chloramphenicol working standard solution.* Dissolve approximately 50 milligrams of the chloramphenicol working standards, accurately weighed, in a 100-milliliter volumetric flask with absolute ethyl alcohol. Fill to volume with absolute ethyl alcohol. Transfer 10.0 milliliters into a 250-milliliter volumetric flask and fill to volume with absolute ethyl alcohol.

(ii) *Procedure.* Transfer an accurately measured amount of the suspension, equivalent to about 125 milligrams of chloramphenicol, to a separatory funnel. Add 10 milliliters of water and then extract completely with 25-milliliter portions of chloroform, allowing the layers to separate and filtering each successive chloroform extract through a pledget of cotton into a 250-milliliter volumetric flask, then add chloroform to volume, and mix. Pipette 4 milliliters of the clear chloroform solution into a 100-milliliter volumetric flask, dilute with ethyl alcohol to volume, and mix. Using a suitable spectrophotometer equipped with a 1.0-centimeter cell and a blank composed of 1.0 milliliter of chloroform, U.S.P. diluted to 25 milliliters with absolute ethyl alcohol, determine the absorbance of the chloroform working standard solution at 276 nanometers and that of the sample solution at 271 nanometers. Calculate the potency of the sample as follows:

$$\text{Milligrams of chloramphenicol per milliliter} = \frac{\text{Absorbance of sample} \times \text{labeled potency per milliliter in milligrams}}{\text{Absorbance of standard}}$$

(2) *pH.* Proceed as directed in § 141.503 of this chapter, using the undiluted sample.

(3) *Content of polymorph A crystals—*(i) *Preparation of standards—*(a) *Standard containing 20 percent of polymorph A.* Prepare a thoroughly mixed, dry powder composed by weight of 1 part of polymorph A crystals of chloramphenicol palmitate and 4 parts of nonpolymorph A crystals of chloramphenicol palmitate.

(*b*) *Standard containing 10 percent of polymorph A.* Prepare a thoroughly mixed, dry powder composed by weight of 1 part of polymorph A crystals of chloramphenicol palmitate and 9 parts of nonpolymorph A crystals of chloramphenicol palmitate.

(ii) *Preparation of sample.* Place 20 milliliters of thoroughly mixed oral suspension into a 50-milliliter centrifuge tube. Add 20 milliliters of water and mix. Centrifuge for 10 to 15 minutes at a speed not less than 18,000 revolutions per minute. Decant the supernatant liquid. Wash the residue as follows: Add 2 milliliters of water to the residue, mix to make paste, add 18 milliliters of water, and mix thoroughly. Centrifuge, decant

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the supernatant liquid, and wash the residue two more times. Remove the washed residue from the centrifuge tube and dry it at least 14 hours in a vacuum desiccator at room temperature.

(iii) *Procedure.* Weigh 150 to 200 milligrams of liquid petrolatum into an agate mortar and add about 100 milligrams of standard or sample. Mix with a small spatula and then mull thoroughly with a pestle until a uniform consistency is obtained. Adjust a suitable infrared spectrophotometer so that 100 percent transmittance is recorded over the range of 11.0 to 13.0 microns. Use two rock salt plates as an absorption cell. Place a small drop of the mull in the center of one of the plates. Gently put the other plate on the mull and slowly squeeze the plates together to spread the mull uniformly. Clamp the two plates firmly together in a metal cell holder. Examine the assembled cell by holding it up to the light. It should appear smooth and free of any air bubbles and when placed in the instrument it should give a percent transmittance of 20 to 30 percent at 12.3 microns. Place the cell in the infrared spectrophotometer and record the absorption spectrum from 11.0 to 13.0 microns.

(iv) *Treatment of spectra—(a) Standard containing 20 percent of polymorph A.* Determine by inspection of the recorded spectrum the exact wavelengths of minimum absorption at approximately 11.3 and 12.65 microns. Also determine by inspection the exact wavelengths of maximum absorption at approximately 11.65 and 11.86 microns. In the following subdivision, references to these four nominal wavelengths are to the exact wavelengths observed on the particular instrument being used.

(*b*) *Standard containing 10 percent of polymorph A.* Draw a straight baseline between the minima occurring at 11.3 and 12.65 microns. Draw straight lines at 11.65 and 11.86 microns intersecting both the recorded spectrum and the baseline. Obtain the corrected absorbances at 11.65 and 11.86 microns and calculate the absorbance ratios as follows:

$$\text{Absorbance ratio} = \frac{{}^{S}11.65 - {}^{B}11.65}{{}^{S}11.86 - {}^{B}11.86}$$

where:

$^{S}11.65$ = Absorbance value of recorded spectrum at 11.65 microns;

$^{B}11.65$ = Absorbance value at point of intersection of the 11.65-micron line with the baseline;

$^{S}11.86$ = Absorbance value of recorded spectrum at 11.86 microns;

$^{B}11.86$ = Absorbance value at point of intersection of the 11.86-micron line with the baseline.

(c) *Sample.* Proceed as described in subdivision (iv) (*b*) of this subparagraph.

(v) *Calculation.* The absorbance ratio of the sample must be greater than the absorbance ratio of the standard containing 10 percent of polymorph A.

§ 151c.18 Chloramphenicol opthalmic solution, veterinary.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Chloramphenicol ophthalmic solution contains in each milliliter 5 milligrams of chloramphenicol with or without one or more suitable and harmless preservatives and surfactants in an aqueous solution. Its potency is not less than 90 percent and not more than 130 percent of the number of milligrams of chloramphenicol that it is represented to contain. It is sterile. Its pH is not less than 3 nor more than 6. The chloramphenicol used conforms to the standards prescribed by § 151c.2(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of §§ 148.3 and 135a.9 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The chloramphenicol used in making the batch for potency, safety, pH, specific rotation, melting range, absorptivity, and crystallinity.

(*b*) The batch for potency, sterility, and pH.

(ii) Samples required:

(*a*) The chloramphenicol used in making the batch: 10 containers, each containing not less than 300 milligrams.

(*b*) The batch:

(1) For all tests except sterility: A minimum of five immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—(1) Potency.* Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(ii) *Spectrophotometric assay.* Dilute a 1-milliliter aliquot of the sample in sufficient distilled water to make a solution containing 20 milligrams of chloramphenicol per milliliter. Dissolve an accurately weighed portion of the working standard in sufficient distilled water to give a solution containing 20 milligrams per milliliter. Warm if necessary to hasten solution of the working standard. Cool. Using a suitable spectrophotometer and distilled water as the blank, determine the absorbance of the sample and standard solutions at 278 nanometers. Calculate the potency of the sample as follows:

$$\text{Milligrams of chloramphenicol per milliliter} = \frac{\text{Absorbance of sample} \times \text{labeled potency per milliliter in milligrams}}{\text{Absorbance of standard}}$$

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using the undiluted solution.

Effective date. This order shall become effective September 6, 1973.

(Secs. 507, 512(n), 59 Stat. 463, as amended, 82 Stat. 350–351; 21 U.S.C. 357, 360b(n))

Dated: July 30, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16105 Filed 8-6-73;8:45 am]

SUBCHAPTER F—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FOOD, DRUG, AND COSMETIC ACT

PART 278—REGULATIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968

Subpart C—Performance Standards for Electronic Products

MICROWAVE OVENS

On April 9, 1973, the Commissioner of Food and Drugs published in the FEDERAL REGISTER (38 FR 9027) a notice of proposed rulemaking to amend the performance standard for microwave ovens (21 CFR 278.212) by adding performance requirements to improve the reliability of safety inter-lock systems.

As defined in § 278.212(b)(1); "microwave ovens are limited to those manufactured for use in homes, restaurants, food vending or service establishments, on interstate carriers, and in similar facilities."

Prior to publication as a proposed rule, these amendments were reviewed by the Technical Electronic Product Radiation Safety Standards Committee, a statutory committee which by law must be consulted prior to the promulgation or amendment of electronic product standards established under the Act. In addition, more than 60 representatives of manufacturers, radiation control and public health agencies, consumer groups, and others were invited to submit written comments on the proposed amendments and to discuss them in a meeting held January 9, 1973. The proposed amendments were based on these reviews and discussions as well as on research and testing carried out by the Bureau of Radiological Health.

Interested persons were given 30 days in which to file written comments regarding this proposal. No requests for extension of the review period were received.

Nine comments on the proposal were received. Eight comments generally supported all or part of the proposal and four of these anticipated that the proposed controls would result in improved reliability of ovens. None of the comments expressed significant opposition to the proposal. However, five comments suggested some changes or additions or alternative means of achieving radiation safety. Actions taken in response to comments are summarized as follows:

1. A suggestion to require the primary safety interlock to be monitored and to remove the emission limitation on the secondary interlock was not accepted, because the suggested change would result in equal or greater radiation safety to the user only in limited situations and would provide less radiation protection in all other situations.

2. A suggestion to change the test conditions of the standard to include measuring the emission of microwave radiation from the door at discrete door travel positions was not accepted on the basis that more general requirements, which provide equivalent radiation protection to the user, already are in effect.

3. One suggestion to have the power density emission limits of the microwave ovens lowered was not accepted on the basis that that present requirements were developed to keep the emissions at levels which would lead to individual exposures well below levels known to cause biological damage.

4. A suggestion to have microwave ovens bear a warning sign to alert pacemaker wearers was not accepted because the Bureau believes that a recommendation for generalized use of warning signs related to microwave oven installations would be impractical and ineffectual. Further, it would tend to focus attention on a single source of possible electromagnetic interference and would fail to warn the pacemaker wearer of other important sources of interference that could not be effectually delimited by signs. It would, in effect, label all types of microwave ovens as incompatible regardless of the quality inherent in some makes and models of the product.

5. One commentor stated it is not feasible to require interlock protect circuits to sense microwave radiation emission in excess of 5.0 mW/cm^2 and suggested that the language expressing the functions of the safety interlocks be clarified. This suggestion was not accepted because the monitor system is not expected to sense emission from the microwave oven, but only failure of the safety interlocks.

For uniformity and clarity of terminology throughout § 278.212, including this amendment, the following changes have also been made. The words "prevent microwave radiation emission' have been substituted for "not allow leakage" in two places in the first sentence of paragraph (c)(2)(v). The words "radiation emission" or "emission" have been substituted for the word "leakage" where it appears in paragraphs (b)(3) and (c)(2)(iii), (iv) and (3)(ii).

The Commissioner of Food and Drugs has determined that the amendment to § 278.212 is necessary for the protection of the public health and safety.

Therefore, pursuant to the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179; 42 U.S.C. 263f) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 278.212 is amended by revising paragraphs (b)(3) and (c)(2) and (3) to read as follows:

§ 278.212 Microwave ovens.

* * * * *

(b) * * *

(3) "Door" means the movable barrier which prevents access to the cavity during operation and whose function is to prevent emission of microwave energy from the passage or opening which provides access to the cavity.

* * * * *

(c) * * *

(2) *Door and safety interlocks.* (i) Microwave ovens shall have a minimum of two operative safety interlocks one of which must be concealed. A concealed safety interlock on a fully assembled microwave over must not be operable by (*a*) any part of the body, or (*b*) a rod 3 millimeters or greater in diameter and with a useful length of 10 centimeters. A magnetically operated interlock is considered to be concealed only if a test magnet, held in place on the oven by gravity or its own attraction, cannot operate the safety interlock. The test magnet shall have a pull at zero air gap of at least 4.5 kilograms and a pull at 1 centimeter air gap of at least 450 grams when the face of the magnet which is toward the interlock switch when the magnet is in the test position is pulling against one of the large faces of a mild steel armature having dimensions of 80 millimeters by 50 millimeters by 8 millimeters.

(ii) Failure of any single mechanical or electrical component of the microwave oven shall not cause all safety interlocks to be inoperative.

(iii) Service adjustments or service procedures on the microwave oven shall not cause the safety interlocks to become inoperative or the microwave radiation emission to exceed the power density limits of this section as a result of such service adjustments or procedures.

(iv) Insertion of an object into the oven cavity through any opening while the door is closed shall not cause microwave radiation emission from the oven to exceed the applicable power density limits specified in this section.

(v) One (the primary) required safety interlock shall prevent microwave radiation emission in excess of the requirement of paragraph (c)(1) of this section; the other (secondary) required safety interlock shall prevent microwave radiation emission in excess of 5 milliwatts per square centimeter at any point 5 centimeters or more from the external surface of the oven. The two required safety interlocks shall be designated as primary or secondary in the service instructions for the oven.

(vi) A means of monitoring one or both of the required safety interlocks shall be provided which shall cause the oven to become inoperable and remain so until repaired if the required safety interlock(s) should fail to perform required functions as specified in this section. Interlock failures shall not disrupt the monitoring function.

(3) *Measurements and test conditions.* (i) Compliance with the power density limits in this paragraph shall be determined by measurements of microwave power density made with an instrument system which (*a*) reaches 90 percent of its steady-state reading within 3 seconds when the system is subjected to a stepped input signal and which (*b*) has a radiation detector with an effective aperture of 25 square centimeters or less as measured in a plane wave, said aperture having no dimension exceeding 10 centimeters. This aperture shall be determined at the fundamental frequency of the oven being tested for compliance. The instrument system shall be capable of measuring the power density limits of this section with an accuracy of plus 25 percent and minus 20 percent (plus or minus 1 decibel).

(ii) Microwave ovens shall be in compliance with the power density limits if the maximum reading obtained at the location of greatest microwave radiation emission does not exceed the limits specified in this paragraph when the emission is measured through at least one stirrer cycle. Pursuant to § 278.203, manufacturers may request alternative test procedures if, as a result of the stirrer characteristics of a microwave oven, such oven is not susceptible to testing by the procedures described in this subdivision.

(iii) Measurements shall be made with the microwave oven operating at its maximum output and containing a load of 275±15 milliliters of tap water initially at 20°±5° centigrade placed within the cavity at the center of the load-carrying surface provided by the manufacturer. The water container shall be a low form 600-milliliter beaker having an inside

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diameter of approximately 8.5 centimeters and made of an electrically nonconductive material such as glass or plastic.

(iv) Measurements shall be made with the door fully closed as well as with the door fixed in any other position which allows the oven to operate.

* * * * *

Effective date. This order shall become effective August 7, 1974.

(Sec. 358, 82 Stat. 1177-1179; 42 U.S.C. 263f)

Dated: July 31, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16178 Filed 8-6-73;8:45 am]

PART 295—REGULATIONS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970

Revision and Transfer of Regulations

Appearing on page -- in this issue of the FEDERAL REGISTER is a document deleting 21 CFR Part 295 and revising and reissuing the material, for reasons given, as Part 1700 of Title 16, Chapter II, Subchapter E.

Dated: July 31, 1973.

GEORGE A. SMITH,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.73-16224 Filed 8-6-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-185]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Illinois	Madison	Unincorporated areas.				Aug. 6, 1973. Emergency.
New Hampshire.	Grafton	Hanover, Town of.				Do.
New Mexico	Rio Arriba	Gallup, City of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 30, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-16110 Filed 8-6-73;8:45 am]

Title 36—Parks, Forests and Memorials

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Guadalupe Mountains National Park, Texas; Cave Entry and Exploration

A proposal was published at page 1122 of the FEDERAL REGISTER of January 9, 1973, to establish a § 7.93 within Part 7, Special Regulations, Areas of the National Park System, to deal with Guadalupe Mountains National Park. The effect of this section is to establish restrictions on entry and exploration of all cave formations now known or to be found within the park.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed section. No comments, suggestions or objections have been received pursuant to publication of the proposal, and the proposed section is hereby adopted without change and set forth below. This section shall take effect September 6, 1973.

(39 Stat. 535; 16 U.S.C. 3; 80 Stat. 920)

The section reads as follows:

§ 7.93 Guadalupe Mountains National Park.

(a) *Cave entry*—(1) *Closed areas.* No person shall enter any cave or passageway of any cave without a written permit from the Superintendent.

(2) *Permits.* The Superintendent may issue written permits for cave entry to persons engaged in scientific investigations, and educational investigations. The Superintendent shall approve issuance of a permit: *Provided,*

(i) That the investigation planned will have demonstrable value to the National Park Service in its management or understanding of park resources, and

(ii) That the permit applicant is adequately equipped and experienced so as to assure the protection and preservation of park resources, and personal safety.

(iii) Solo exploration or investigation is not permitted in any cave or passageway of any cave within the park.

FRANK J. KOWSKI,
Director, Southwest Region.

[FR Doc.73-16182 Filed 8-6-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER D—ORGANIZATION AND ADMINISTRATION

PART 226—POSTAL DATA CENTERS

Administrative Office

Correction

In FR Doc. 73-15750 appearing at page 20402 for the issue of Tuesday, July 31, 1973, make the following changes:

1. In the second line of the authority citation in the first column of page 20414, the number which reads "224" should read "226."

2. In the second column of page 20414, under § 226.3, the paragraphs beginning with "(vi)" and continuing to the third column to § 226.4 should be transferred to follow paragraph (e)(1)(vi) of § 226.4.

Title 40—Protection of Environment

CHAPTER V—COUNCIL ON ENVIRONMENTAL QUALITY

PART 1500—PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS: GUIDELINES

Correction

In FR Doc. 73-15783 appearing at page 20550 of the issue for Wednesday, August 1, 1973, on page 20557 the effective date at the end of the first paragraph, which now reads "January 28, 1973", should read "January 28, 1974".

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18179; FCC 73-806]

PART 73—RADIO BROADCAST SERVICES

Commercial Television Stations and CATV Systems

First report and order. In the matter of amendment of Part 73 of the Commission's rules with respect to the availability of television programs produced by non-network suppliers to commercial television stations and CATV systems, Docket No. 18179.

1. On May 10, 1968, the Commission released a notice of proposed rulemaking (FCC 68-511, 33 FR 7158) proposing a new rule concerning the geographical exclusivity that would be permitted in programming contracts between television station licensees and non-network program suppliers. The proceeding was begun because of complaints of the non-availability of syndicated programs (due to exclusivity arrangements) made by independent UHF stations and because of a resolution on that subject by the Committee for the Full Development of All Channel Broadcasting. The rule, as proposed, reads as follows:

Section 73.659 *Territorial exclusivity agreements in non-network program arrangements.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a non-network program supplier which prevents or hinders another television broadcast station located in a different community from broadcasting the program purchased by the former station. As used in this section, the term "community" is defined as the community specified in the instrument of authorization as the location of the station.

2. Several extensions of time were granted in response to a request by the NAB and several other requests by the law firm of Phillips, Nizer, Benjamin, Krim & Ballon representing eight program suppliers; the initial comments were due on February 10, 1969, and the reply comments on March 10, 1969. Comments and reply comments were filed by the following parties:

American Broadcasting Companies, Inc.
All-Channel Television Society (ACTS)
Appalachian Broadcasting Corporation (WCYB-TV)
Columbia Broadcasting System, Inc.
Continental Urban Television Corporation (KGSC(TV))
Covington & Burling (on behalf of 18 television stations)
Fletcher, Heald, Rowell, Kenehan & Hildreth (on behalf of 9 television stations)
General Electric Broadcasting Company, Inc.
Golden West Broadcasters (KTLA(TV))
Greensboro News Company (WFMY-TV)
Gross Telecasting, Inc. (WJIM-TV)
The Hearst Corporation (WBAL-TV)
Herald Corporation (KETV(TV))
Kaiser Broadcasting Corporation
KFIZ Broadcasting Company (KFIZ-TV)
KLOC Broadcasting Company, Inc. (KLOC (TV))
McClatchy Newspapers (KOVR(TV) and KMJ-TV)
Meredith Broadcasting Company
Multimedia, Inc. (WFBC-TV, WBIR-TV, and WMAZ-TV)
National Association of Broadcasters
National Broadcasting Company, Inc.
Northwest Publications, Inc. (WDSM-TV)
Palmer Broadcasting Company (WHO-TV)
WOC Broadcasting Company (WOC-TV)
Pappas Electronics, Inc. (KMPH(TV))
Pierson, Ball & Dowd (on behalf of 13 television stations)
Phillips, Nizer, Benjamin, Krim & Ballon (on behalf of 8 program suppliers)
Sangre de Cristo Broadcasting Corporation (KOAA-TV)
Storer Broadcasting Company
Summit Radio Corporation (WAKR-TV)
Tribune Publishing Company (KTNT-TV)
Triangle Broadcasting Corporation (WSJS-TV)
U.S. Communications Corporation
WGAL Television, Inc. (WGAL-TV and WTEV-TV)
WGN Continental Broadcasting Company
WLVA, Incorporated (WLVA-TV)
WPIX, Inc. (WPIX-TV)

Reply comments were filed by Summit, Kaiser, McClatchy, KLOC and U.S. Communications. Although labeled reply comments, Mid-Continent Television Corporation (WKTO-TV); Iowa Broadcasting Company (KWIG-TV), TVue Associates, Inc. (KVVV-TV); Toledo Telecasting Corporation (WKDS-TV); and Southwestern Ohio Television, Inc. (WSWO-TV) filed comments in the nature of initial comments. Screen Gems filed a statement controverting certain factual statements made in the comments by KLOC. By a reply comment of July 19, 1972, Channel 3, Inc., licensee of KVDO-TV, Salem, Oregon, also commented on this phase of the proceeding. Pappas filed a supplement to comments in opposition on September 19, 1972, and United Television Company of New Hampshire, Inc. (WMUR(TV)) filed a motion to supplement the record on October 10, 1972.

3. On January 18, 1971, the Commission released a further notice of proposed rulemaking (FCC 71-42, 36 FR 935) which enlarged the proceeding to also consider time exclusivity and to consider the matter as applies to cable television systems. A second further notice (FCC 72-306, April 11, 1972, 37 FR 7531) set the final dates for comments and reply comments on time exclusivity matters as June 19, 1972 and July 19, 1972, respectively. It also deleted the cable television aspects from this proceeding. The program availability question as it applies to cable television was included in this proceeding because of the Commission's rule requiring cable systems with over 3,500 subscribers to originate programs. It was deleted because of the program availability rules that were adopted by the Cable Television Report and Order issued February 3, 1972, 36 F.C.C. 2d 141. The cable rules adopted in that Report and Order represent our resolution of the problem until a body of experience has been gathered in the cable area concerning program availability. In this First Report and Order, we shall deal with the question of geographical exclusivity for television stations and shall defer action on the time exclusivity aspect of the proceeding because of the severability of the two aspects of exclusivity.

4. The comments generally fall into three general areas, viz: (1) Outright support of the proposed rule; (2) outright opposition to the rule; and (3) opposition to any rule, but should the Commission find a rule to be necessary the geographical exclusivity should extend some distance beyond the same community (as proposed in the rule) such as to a specific mileage, or within the market area, or to a certain signal intensity contour (e.g. Grade A contour).

5. While specific comments will be set forth where appropriate, the comments will generally be summarized on a topical basis. Comments directly supporting the rule were filed by Summit (WAKR-TV); KLOC Broadcasting (KLOC-TV); KFIZ Broadcasting (KFIZ); Continental Urban (KGSC-TV and Pappas (KMPH (TV)). Reply comments supporting the rule were filed by Iowa Broadcasting (KWIG-TV); Southwestern Ohio (WSWO-TV); Mid-Continent Television (WKTO-TV); Toledo Telecasting (WDKS-TV); and TVue Associates (KVVV-TV). KGSC-TV, while directly supporting the proposed rule, states that if the Commission finds the proposed rule to be too strict, geographical exclusivity should be limited to 35 miles between the main post offices of the communities. ABC, General Electric and Sangre de Christo (KOAA-TV) support the philosophy of the rule because it would permit more free competition in bargaining for programming and would minimize abuses as to exclusivity provisions. However, KOAA-TV believes that the "same community" limitation may be too restrictive, and that the rule should permit exclusivity against all stations in cities with which a station has the right to identify.

6. Comments in direct opposition were filed by Meredith, Gross, U.S. Communications, and CBS relying mainly on the great reservoir of programs and the impracticality of any general rule. NAB, NBC, Kaiser, Pierson, Ball & Dowd (on behalf of 13 stations), and Covington & Burling (on behalf of 16 commercial and

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2 educational stations) oppose any rule on the theory that any violations can be reached by complaint based on antitrust law and policy. ACTS opposes any general rule, stating that the Commission should issue a policy statement outlining its concern over excessive geographical exclusivity when it reaches into another television market (especially a smaller one) and that any abuses could then be handled on a complaint basis.

7. Pierson, Ball & Dowd urge that any general rule would be unworkable, but state that if one must be adopted minimum exclusivity should be permitted through Grade A contour, if substantial overlap does not exist; if it does exist, then exclusivity should be permitted within a 75 mile radius of a station. Hearst (WBAL) and WPIX do not object to a geographical exclusivity rule, but state that a same community exclusivity rule is too stringent. Hearst says that a rule should permit exclusivity within the metropolitan area of the station; WPIX urges that exclusivity be permitted against stations whose transmitters are located within the station's Grade B contour. Herald (KETV(TV)), WGN (WGN–TV), Golden West (KTLA–TV), Palmer (WHO–TV) and WOC (WOC–TV), Appalachian (WCYB–TV), Triangle (WSJS–TV), Greensboro (WFMY–TV), WGAL (WGAL–TV and WTEV–TV), WLVA (WLVA–TV), Multimedia (WFBC–TV, WBIR–TV, and WMAZ–TV), Storer, the law firm of Fletcher, Heald, Rowell, Kenehan & Hildreth (on behalf of 9 television stations) and the law firm of Phillips, Nizer, Benjamin, Krim & Ballon (on behalf of 8 program suppliers) oppose the adoption of a geographical exclusivity rule, but set forth various alternatives if the Commission finds that adoption of a rule is necessary. The following alternatives were set forth: Herald and WGN—against stations whose transmitters are located in a station's predicted Grade B contour; Golden West, Palmer, WOC, Tribune, McClatchy, Northwest Publications, Appalachian, Triangle and Gross—against stations whose predicted Grade A contour would invade a station's predicted Grade A contour; Greensboro, WGAL, WTEV, and WLVA—against stations serving substantially the same market; Multimedia, the law firm of Fletcher, Heald, Rowell, Kenehan & Hildreth and the law firm of Phillips, Nizer, Benjamin, Krim & Ballon—against stations whose transmitters are located in the predicted Grade A contour of a station; and Storer—the Area of Dominant Influence (ADI) as shown in the ARB ratings.

8. The comments supporting the proposed rule rest on the theory that negotiations will be opened and there will be more free competition for the bargaining for non-network programming. ABC, GE, Summit, Sangre de Cristo, and KFIZ state that the pattern of present program distribution would not change greatly, but that programs could be negotiated for and excessive geographic exclusivity abuses would be minimized. They also point out that geographical exclusivity is a problem only where there is overlap of service areas and in these cases the bargaining for programming is most vigorous. The most critical areas are in the overshadowed markets. The "overshadowed" problem is most extensively presented by Summit, the licensee of WAKR–TV, Akron, which is located slightly less than 30 miles from Cleveland. Summit also stresses the point of its objective to serve as an Akron station and does not object to the same programs being shown in Cleveland. Summit, Continental Urban, Iowa, Toledo, Mid-Continent, TVue Associates, Southwestern Ohio and KFIZ urge that the Commission support the "separate community" theory underlying its Table of Assignments by not permitting geographical exclusivity in non-network program contracts of stations located in one community (usually a larger market) that have the effect of barring even negotiation for a program by a station in another community, especially a smaller community. They point out that, under existing conditions, all that is available for bargaining are the "leftover" programs. KLOC–TV, Modesto, KGSC–TV, San Jose, WMUR(TV), Manchester, New Hampshire, and WAKR–TV set forth several examples of their frustrations in negotiation attempts to secure programming from non-network sources due to geographic exclusivity provisions in contracts by stations located in Stockton, San Francisco, Boston and Cleveland, respectively.

9. The opponents of the proposed rule contend that there has been no showing of a need for the rule, and even if need had been shown, any general rule would be unworkable and impractical because of the unique situations present in every market and contract situation. Some of the various factors present in each contractual situation are the location of the communities, the power and antenna height, geographical terrain, and the presence or absence of other markets. These parties urge the thesis that exclusivity will never be excessive, because exclusivity is an element of the cost in the contract price—a station will buy no more than is needed and a supplier will sell no more since it wants to sell to as many stations as reasonably possible. As set forth in paragraph 6, Kaiser, NAB, NBC, Pierson, Ball & Dowd, and Covington & Burling stress that any abuses in non-network contracts can be clearly reached by existing antitrust laws and policies and that these should be handled on a case-by-case complaint basis.

10. Many of the opponents of the rule urge that the adoption for non-network programs of the rule applicable to network programs [1] is completely inappropriate, because there is simply no analogy between the two situations and types of distribution. It is said that without any understandings with stations, the networks are not going to affiliate with stations close together and having considerable duplication of coverage. This is true, we are told, because they must keep network television a reasonably efficient medium for advertisers, so that it will be competitive with other media, and thus must avoid wasteful duplication. By contrast, it is said, in the case of non-network programs the suppliers have no motive but to sell to as many stations as possible, which they will be free to do if stations are precluded from securing reasonable exclusivity. Thus there is "built-in exclusivity" in one case but not the other. It is said that exclusivity agreements serve the same purpose as the network system, and are necessary if the analogy is to be valid. It is urged that independent stations—already under some handicaps in competing with network-affiliated stations and their popular programs—should not be additionally handicapped by not being able to obtain the degree of exclusivity which the latter obtain for their network programs. Existing independents, it is urged, should not be penalized for the benefit of "small-market" stations.

11. Other differences are also noted and advanced as reason for different treatment. It is said that network affiliates risk only their time in a network program, and are usually reasonably well compensated for it regardless of whatever duplication by other affiliates may occur; whereas stations procuring non-network programming risk not only time but the large amount of money they must put up to buy the program, a risk which entitles them to reasonable exclusivity with respect to what they have bought. It is asserted that program success is no certainty, so that there is a real risk involved. Moreover, it is pointed out that with network programs the advertising support involved is furnished by and through the network; with non-network programs the station itself must make the effort to sell the time and run the risk of not doing so.

12. The parties contend that without this geographic exclusivity, there will be substantial duplication of programming rather than diversity which is the programming objective stated on numerous occasions by the Commission. This, they state, will in turn act as a deterrent to the creation of new programs. It is also maintained that stations need geographical exclusivity to give certainty to their operations after purchasing a program so that another station will not, during the term of the contract, dilute their audience. These parties contend that exclusivity is sorely needed by the independent stations (especially UHF) to develop and retain shares of an audience within their respective service areas. Kaiser states that a station needs both geographic exclusivity and time exclusivity—geographic, to prevent dilution of audience, and time, to recoup high costs of programming by reasonably resting programs during the contract period. This position is strongly supported by U.S. Communications and others. A number of the parties maintain that there is no shortage of available non-network program materials. Meredith avers that the proposed rule is illegal because it enters into the normal business practices of the industry and would abrogate legal rights of copyright holders and licensees.

13. Most of the comments stress the market concept that governs television broadcasting, i.e., programs are bought to serve a market from which advertising revenues are secured to defray those costs. In the comments that oppose the rule but also set forth an alternative to the same community standard of the proposed rule, the alternatives presented are their respective concepts of the best definition of the television market (which are set forth in paragraph 7, supra). Northwest Publications, Appalachian, Triangle, Gross, Greensboro, WGAL, WTEV and WLVA stress that excusivity should be given against all stations serving substantially the same market and they set forth the specific cities applicable to their respective market situations. Storer contends that the problem is not one of exclusivity, but of price—that is, smaller, near-by stations are simply not willing to pay the price necessary to secure a particular program. Pierson, Ball & Dowd, Kaiser, WPIX and Phillips, Nizer, Benjamin, Krim & Ballon also point out the problem of duplication that would be presented in situations in which stations use the same or a nearby transmitter site. For example it is stated that Los Angeles stations use Mt. Wilson as their transmitter site, as does the station licensed to serve Fontana (about 60 miles from Los Angeles). Because of this, the Fontana station places at least a Grade A signal into Los Angeles. It is argued that it would be unfair and unrealistic to preclude Los Angeles stations from bargaining for exclusivity over the Fontana station which clearly is in substantial competition with the Los Angeles stations and serves a substantial part of the same audience. Similar situations are pointed out with regard to Philadelphia-Burlington, N.J., and New York City-Linden, N.J.

14. The reply comments of Summit state that the case-by-case approach is not practical and that the alternatives (e.g. Grade A, etc.) will not help the Akron situation. While exclusivity may well help a Cleveland UHF station, it contends it will result in the Akron station's demise. Summit, while recognizing that adoption of the proposed rule is not a "cure-all", believes it would promote bargaining competition for programs. Summit also believes that with the rule, programs may be able to be sold in both Cleveland and Akron at reasonable prices. The reply comments of McClatchy and of Screen Gems (a program supplier) deny statements of KLOC–TV at Modesto that McClatchy and the program suppliers acted in concert to deny programs to KLOC–TV. U.S. Communications, in reply comments, reiterates that it considers KGSC–TV at San Jose to be a competitor of its San Francisco station because of service contours and advertising sales.[2] KGSC–TV submitted a letter from U.S. Communications to a program supplier in which it stated that it would require exclusivity against KGSC–TV and would not consider any program owned by KGSC–TV.

15. Most of the opposition comments rule out the Commission alternatives set forth in the Notice, e.g., percentage of overlap, percentage of duplicated circulation, etc., as being either impractical or unworkable. Kaiser and NBC pointed out that the sliding scales exemplified by percentage of overlap and duplicated circulation are too cumbersome and nearly impossible to administer in the marketplace. Covington & Burling state that the specific mileage and contour standards do not necessarily reflect a television market.

16. Information submitted concerning exclusivity provisions in existing contracts indicates about every type of geographic provision ranging from same-city exclusivity through exclusivity against stations located in the Grade B contour. It appears that the most common exclusivity given is against stations located in the Grade A contour. (As to time provisions, which we are not here directly considering, it appears that feature films have 5 to 7 years exclusivity, and series not more than two years or a specific number of runs. Specials quite often have only a one-year or one-showing time exclusivity. Usually the film or series contract terminates on the expiration of the contract, but in some cases, the contract terminates upon a specific number of showings of the film or series. In most cases, the contracts were not assignable.)

17. The alternative urged most strenuously is the ad hoc concept based on complaints, that would rely on antitrust principles as well as other law, rules and policies. An administrative agency, with certain limitations, may proceed either by a general rule or on the case-by-case method. See SEC v. Chenery Corp., 332 U.S. 194 (1947). The most apparent advantage of the use of the ad hoc method in situations is that the particular facts of the case may be more fully explored and the specifically needed remedy in the situation may be adopted. Thus, it gives an edge of flexibility not available under a general rule. However, such proceedings are usually very time consuming. We believe the benefit of a simple self-executing rule is more applicable to the situation here where time is such a significant factor. By the time the ad hoc proceeding would be completed, the term of the non-network contract might well have expired.

18. As mentioned previously, several of the parties, even though opposing any rule, suggested the alternative of limiting territorial exclusivity in syndicated program contracts as against stations in "the market" or against stations located within a particular signal contour or within the Area of Dominant Influence (ADI). Use of the foregoing standards would create uncertainty in negotiations because of factual disputes concerning the location of the boundaries and because such boundaries would be changing. To avoid these complications we are rejecting these proposed standards.[3]

19. It would appear that one reasonable standard would be the specified zone of a television broadcast station, which is defined as the area extending 35 air miles from the Commission's specific reference point in a given community. The purpose of the specified zone concept is to govern carriage of television signals on a cable system as set forth in the Commission's rules. (It has no direct connection to the provisions of § 76.151 which prescribe exclusivity that cable systems must give to non-network syndicated programming which provisions are not based on mileage standards.) Although the 35-mile specified zone has proved a useful standard for cable we are of the view that it would not serve to solve the problems presented to us in this voluminous record as to overshadowed markets. Accordingly, we seek a standard more nearly tailored to the uniqueness of the overshadowed market problem.

20. In addition to rejecting the approaches mentioned in the immediately preceding paragraphs, we regard various other proposals, e.g., permitting exclusivity within a 75-mile radius of a station, as thwarting the objectives of this proceeding, i.e., opening up contract negotiations for syndicated programming. On the other hand, we believe that our proposed rule that would provide exclusivity only as against stations in the same community as unduly restrictive. The standard adopted today, which will operate prospectively,[4] is that geographical exclusivity will be permitted in non-network contracts only against stations licensed to the same community or to a community whose reference point contained in § 76.53 of the rules is located

[1] Section 73.658(b) of the Commission's rules.

[2] U.S. Communications no longer is operating the San Francisco UHF station.

[3] An additional drawback to using ADI as a standard is that some cities, e.g., Akron, Ohio, do not appear in an ADI.

[4] Contracts, arrangements, or understandings that are complete under the practices of the industry prior to August 7, 1973 (publication of this Report and Order in the FEDERAL REGISTER) will not be disturbed. Extensions or renewals of such agreements are not permitted because they would in effect be new agreements without competitive bidding. However, such agreements that were based on the broadcaster's advancing "seed money" for the production of a specific program or series that specify two time periods—a tryout period and a period thereafter for general exhibiting—may be extended or renewed as contemplated in the basic agreement.

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within 25 miles of the said reference point of the station entering into the contract. Such a rule will give administrative certainty with regard to programming and economic judgments of stations seeking to purchase programs that are being shown on other stations.

21. The Commission has developed a Table of Assignments for television with the objective of providing a complete television service for the nation based on the priorities set forth in the Sixth Report and Order, 1 R.R. (Volume 3) 91:601 at 91:620 (1962). We believe adoption of the gographical exclusivity rule using a 25-mile standard will assist in the implementation of that nationwide television service. Such a rule will allow the numerous stations more than 25 miles from a TV community to attempt to secure many programs not now available because of exclusivity provisions in contracts.[4] By having a specific mileage criterion, excess geographic exclusivity cannot be secured by contract.

22. The 25-mile standard gives the degree of specificity required and gives stations in the major cities a protected area of approximately 1,900 square miles in any given contract. The Commission believes that this reasonable standard strikes an equitable and readily understandable standard for the use of negotiating non-network contracts. The twenty-five mile standard between reference points will permit geographical exclusivity against adjacent communities and other nearby communities. We hope that this rule will assist the development of a national television service that is envisioned in the Communications Act and the Commission's rules and policies by the institution of new program distribution techniques. It is further hoped that the competitive bargaining will be based on vigorous competition and that a larger audience will be able to view good non-network programs. This hope recognizes the fact that programs will not necessarily be sold to all stations participating in the bidding competition.

23. The arguments of the opponents of the proposed rule have merit. This is especially true of the need for reasonable exclusivity to protect a station and give incentive to program suppliers to create and develop new programs. We believe the 25-mile standard meets that criterion. Most of the opposition comments rest on the theory that exclusivity is needed throughout the market area. The Commission believes that overshadowed stations some distance from a large community (although located in the same television market) must be permitted to attempt to secure programs contracted to major market stations so that, based on competition, those overshadowed stations have a chance to develop. With regard to possible duplication, it is believed that the parties (competing stations and the program suppliers) will adequately protect their respective interests as to excessive duplication by negotiations. The adopted rule may well promote program diversification to many "fringe area" station audiences.

24. The parties contend that the network rule analogy relied on in the Notice is not a proper support for a non-network programming rule (paras. 10–11, supra). It is recognized that the creation and distribution patterns of network and non-network programming are different. However, since we have abandoned our proposed "different community" standard, we need not discuss this subject in detail. Suffice it to say that the rule we adopt recognizes the degree of station commitment involved in obtaining non-network programming to the extent it is appropriate; and, like the network rule, which allows fringe area stations to seek affiliations, permits stations in overshadowed markets to negotiate for non-network programming.

25. Some parties urge that exclusivity should run against any station in a community that is a part of a generally recognized hyphenated market. Because the geographic separations of communities in such hyphenated markets may vary from small to quite significant distances, we do not believe that for hyphenated market situations there should be any departure from the 25-mile rule adopted herein.

26. One of the parties raised the point that the proposed rule is illegal. Such a contention is not valid. The Commission is charged with the duty under the Communications Act (sections 303(g) and 307(b)) of regulating broadcasting in the public interest. Ability to secure programing is a very important factor for a station to be able to render the proper service to a community in the public interest. It is the Commission's duty to create conditions favorable to the development of broadcast stations to operate in the public interest. When possible antitrust or anti-competitive forces in the marketplace render it difficult, if not nearly impossible to operate, it has the duty to act. That is the purpose of this rule enacted under out statutory mandate.

27. In view of the foregoing, and pursuant to authority contained in sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That effective September 7, 1973, § 73.658 of the Commission's rules and regulations is amended as set forth below.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: July 26, 1973.

Released: August 3, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[5]
VINCENT J. MULLINS,
Acting Secretary.

Part 73 of the Commission's rules is amended as follows:

1. Section 73.658 is amended by changing the headnote and by adding new paragraph (m) to read as follows:

§ 73.658 Affiliation agreements and network program practices; territorial exclusivity in non-network program arrangements.

* * * * *

(m) *Territorial exclusivity in non-network arrangements.* No television station shall enter into any contract, arrangement or understanding, express or implied, with a non-network program producer, distributor, or supplier, or other person which prevents or hinders another television station located in a community over 25 miles away, as determined by the reference points contained in § 76.53 of this chapter, from broadcasting any program purchased by the former station from such non-network program producer, distributor, supplier, or other person. As used in this subsection, the term "community" is defined as the community specified in the instrument of authorization as the location of the station.

NOTE: Contracts, arrangements, or understandings that are complete under the practices of the industry prior to August 7, 1973, will not be disturbed. Extensions or renewals of such agreements are not permitted because they would in effect be new agreements without competitive bidding. However, such agreements that were based on the broadcaster's advancing "seed money" for the production of a specific program or series that specify two time periods—a tryout period and a period thereafter for general exhibition—may be extended or renewed as contemplated in the basic agreement.

[FR Doc.73-16188 Filed 8-6-73;8:45 am]

Title 7—Agriculture

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

PART 859—TEXAS CANE SUGAR PRODUCING AREA

Farm Proportionate Shares Not Required for 1974-Crop Sugarcane

The Sugar Act requires the Secretary of Agriculture to determine whether the production of sugar from any crop of sugarcane in the Texas Cane Sugar Producing Area will, in the absence of proportionate shares (farm acreage allotments) be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory. The sugarcane producing area in the lower Rio Grande Valley of Texas has an annual quota of not more than 100,000 short tons of sugar, raw value.

Such determination may be made only after due notice and opportunity for an informal public hearing. A public hearing was held in Washington, DC, on May 18, 1973.

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, the following determination is hereby issued.

§ 859.8 Proportionate shares for the 1974 crop of sugarcane not required.

It is determined for the 1974 crop of sugarcane in the Texas Cane Sugar Area that, in the absence of proportionate shares, the production of sugar from such crop will not be greater than the quantity needed to enable the area to meet its quota for 1975, the calendar year during which the larger part of the sugar from such crop normally will be marketed, and provide a normal carryover inventory. Consequently, proportionate shares will not be in effect in the Texas Cane Sugar Producing Area for the 1974 crop.

(Sections 202, 301, 302, 403, 61 Stat. 924, as amended, 929, as amended, 930, as amended, 932; 7 U.S.C. 1112, 1131, 1132, 1153)

STATEMENT OF BASES AND CONSIDERATIONS

Requirements of the Act. Section 302 of the Sugar Act of 1948, as amended (7 U.S.C. 1132), provides, in part, that the Secretary shall determine for each crop year whether the production of sugar from any crop of sugarcane will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

Public hearing. In accordance with the provisions of the Act, an informal public hearing was held in Washington, DC, on May 18, 1973. Interested persons were invited to submit views and recommendations on the need for establishing proportionate shares for the 1974 crop of Texas sugarcane.

Written statements were submitted by representatives of the Rio Grande Valley Sugar Growers, Inc. They recommended that proportionate shares not be established for the 1974 crop of Texas sugarcane. They pointed out that only 24,500 acres of the area's initial allocation of 25,700 acres were planted to the 1973 crop of sugarcane; and that due to these underplantings coupled with the expectation that yields will be somewhat lower than originally anticipated, the current estimate of 1973-crop production is only 90,000 tons of raw sugar. The representatives further indicated that about 500 acres of 1973 crop sugarcane will be used as seed to replant a number of poor stands and to plant enough additional acreage to bring the 1974 crop up to a total of 27,500 acres. They expect this target of 27,500 acres of sugarcane to be sufficient to produce the area's quota of not more than 100,000 short tons of sugar, raw value, and provide a 12–13 percent carryover, plus enough seed to establish an orderly crop rotation plan of 25 percent per year.

Determination. This determination provides that proportionate shares will not be established for farms in the Texas Cane Sugar Producing Area for the 1974 crop of sugarcane.

A thorough review of all pertinent information indicates that the production of sugar from the 1974 crop of sugarcane will not, in the asbence of proportionate shares, be greater than the quantity needed to enable the Texas Cane Sugar Area to meet its quota and provide a normal carryover inventory.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

Effective date: August 7, 1973.

Signed at Washington, DC on: August 2, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-16279 Filed 8-6-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Papaya Reg. 3, Amdt. 2]

PART 928—PAPAYAS GROWN IN HAWAII

Limitation of Shipments

This amendment to Papaya Regulation 3, as amended (37 FR 28410; 38 FR 2959) requires that all papayas handled grade at least Hawaii No. 1 grade. Such fruit when handled to destinations within the production area must weight at least 14 ounces while papayas grading Hawaii Fancy must weigh not less than 16 ounces. The current regulation, in regards to handling within the production area, permits Hawaii No. 2 grade fruit which must weigh not less than 12 ounces. Ample supplies of papaya of the Hawaii No. 1 and higher grades are available to supply the market. The proposal was recommended by the Papaya Administrative Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The 1973 crop of Hawaiian papayas is estimated at 33 million pounds, 31 percent larger than last year's record crop of 25.1 million pounds. Fresh shipments are expected to account for 88 percent of the total produced and will approximate 29 million pounds. Slightly less than half of the fresh shipments are for local consumption with most of the remainder shipped to the mainland.

The committee estimates that production in the last six months of this year will total 17.8 million pounds, 12 percent greater than the January-June period of this year and 34 percent more than July-December last year.

Findings. (1) Pursuant to the marketing agreement and Order No. 928 (7 CFR Part 928), regulating the handling of papaya grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Papaya Administrative Committee, and upon other available information, it is hereby found that the limitation of shipments of papaya, as hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Papaya Administrative Committee reflects current appraisal of the 1973 Hawaiian papaya crop and the current and prospective market conditions for such fruit. Shipments of Hawaiian papayas are now in progress and current regulations permit handling of Hawaiian No. 2 grade papayas within the production area. The amendment will provide fruit of a more desirable quality to the Hawaiian consumer without materially reducing the total supply available, while standardizing the quality of all papayas offered for consumption throughout the United States.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A telephone meeting was held by the Papaya Administrative Committee, after giving due notice hereof, to consider the need for increasing the quality of papayas being handled within the State of Hawaii and the recommendation and supporting information where promptly submitted to the Department after such meeting was held.

Shipments of the current crop of such papayas are currently underway; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the regulatory provisions of this amendment are identical with the aforesaid recommendation of the committee, information concerning such provisions and effective time has been disseminated among handlers of such papayas; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee

[4] In just New York and Chicago, there are approximately 20 UHF channel assignments within 75 miles of those cities, a number of which are idle.

[5] Commissioners Burch, Chairman; Johnson, Reid, and Wiley concurring in the result; Commissioner H. Rex Lee absent.

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meeting was held on July 20, 1973.

Order. During the period August 8, 1973 through September 9 Subparagraph (a)(1) of § 928.303 is revised to read as follows:

§ 928.303 **Papaya Regulation 3.**

(a) • • •

(1) To any destination within the production area unless said papayas grade at least Hawaii No. 1 and are of a size which individually weigh not less than 14 ounces: *Provided,* That papayas may be shipped if they grade Hawaii Fancy and are of a size which individually weigh not less than 16 ounces.

• • • • •

Dated: August 3, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-16406 Filed 8-6-73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Parts 301, 311]

MANUFACTURE & IMPORT OF CONTROLLED SUBSTANCES

Extension of Time for Filing Comments

On July 6, 1973, the Drug Enforcement Administration published a notice of proposed rule making in the FEDERAL REGISTER (38 FR 18032) regarding application procedures for the registration and reregistration of bulk manufacturers and importers of schedule I and II substances. At the request of an interested party the time for filing comments and objections has been extended.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Drug Enforcement Administration, Department of Justice, Room 611, 1405 I Street, NW., Washington, D.C., 20537, and must be received no later than August 30, 1973.

Dated: July 30, 1973.

JOHN R. BARTELS, Jr.,
Acting Administrator, Drug Enforcement Administration.

[FR Doc.73-16208 Filed 8-6-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 931]

FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Proposed Handling Limitations

This notice proposes to extend the regulatory requirements of Bartlett Pear Regulation 8 from September 2, 1973, to August 31, 1974. Such extension is designed to provide consumers with an ample supply of acceptable quality pears. Bartlett Pear Regulation 8 requires that pears in several commonly used containers grade U.S. No. 1 grade and be 180 size, although U.S. No. 2 grade pears may be handled if at least 150 size. Bartlett pears in the western lug shall grade at least U.S. No. 2, and have a minimum size of 2¼ inches. Pears in 14 to 15 pound, net weight, containers shall grade at least U.S. No. 2 and have a minimum size of 2⅛ inches.

Notice is hereby given that the Department is considering the following proposal of the Northwest Fresh Bartlett Pear Marketing Committee, established under the marketing agreement and Order No. 931 (7 CFR Part 931), regulating the handling of Bartlett Pears grown in Oregon and Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal would extend the grade, size, pack and container limitations, in Bartlett Pear Regulation 8, for the period September 3, 1973, through August 31, 1974.

The recommendation of the Northwest Fresh Bartlett Pear Marketing Committee reflects its appraisal of the need for continued regulation on and after September 3, 1973, based on current and prospective market conditions. The Washington-Oregon Bartlett pear crop is estimated at 191,000 tons, compared with last season's production of 150,000 tons. Total fresh shipments are expected to total 54,112 tons. This proposed amendment to Bartlett Pear Regulation 8 is designed to prevent the handling on and after September 3, 1973, of lower quality and smaller size Bartlett pears and provide orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

The proposal is as follows:

Amend paragraph (a) of Bartlett Pear Regulation 8 (38 FR 20234) to read as follows:

§ 931.308 **Bartlett Pear Regulation 8.**

(a) *Order.* During the period August 1, 1973, through August 31, 1974, no handler shall handle any lot of Bartlett pears unless such pears meet the following applicable requirements, or are handled in accordance with subparagraphs (4) or (5) of this paragraph:

• • • • •

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112–A, Administration Building, Washington, D.C. 20250, not later than August 16, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 2, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-16277 Filed 8-6-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

LABELING OF NONSTANDARDIZED BAKERY PRODUCTS FORTIFIED WITH VITAMINS AND IRON

Notice of Termination of Proposed Rule Making

A proposed statement of policy concerning labeling of nonstandardized bakery products fortified with vitamins and iron was published in the FEDERAL REGISTER of January 20, 1971 (36 FR 928).

Subsequently, an order published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6951), adding § 1.17 to Part 1 of Title 21, established comprehensive rules governing nutrition labeling of foods.

Section 1.17 applies to foods including nonstandardized bakery products, and its publication renders this proposed statement of policy unnecessary and obsolete.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701(a), 52 Stat. 1047–1048, as amended, 1055; 21 U.S.C. 341, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is hereby given that the above identified proposal in the matter of labeling of nonstandardized bakery products fortified with vitamins and iron is terminated.

Dated: July 27, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16171 Filed 8-6-73;8:45 am]

Social Security Administration

[20 CFR Part 422]

ORGANIZATION AND PROCEDURES

Issuance of Social Security Numbers

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form are proposed by the Acting Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments implement, for the most part, section 137 of the Social Security Amendments of 1972 (P.L. 92–603) which (1) directs the Secretary to take affirmative measures to assign social security numbers to aliens at the time of their lawful admission to

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the United States for permanent residence or under other authority of law permitting them to engage in employment in the United States, to other aliens at such time as their status is so changed as to make it lawful for them to engage in employment, and to members of other groups or categories of individuals, and (2) directs the Secretary to require applicants for social security numbers to furnish evidence to establish their age, citizenship, or alien status, and true identity, and to furnish evidence to enable the Secretary to determine whether a social security number has previously been assigned to the individual and, if so, the number already assigned. The proposed amendments to the regulations also reflect the new procedures for issuance of social security numbers from the Central Office of the Social Security Administration. These measures are designed to enable the Secretary to more effectively carry out his responsibilities of establishing and maintaining records of earnings for individuals.

The proposed amendments to the regulations also provide for the issuance of social security numbers for a nonwork purpose to aliens who are legally in the United States but without authority to engage in employment. They also provide in § 422.107(d) that the Social Security Administration will furnish to the Immigration and Naturalization Service, under specified conditions, certain information obtained in connection with an application for a social security number by an alien, or in connection with the issuance of the number. For example, it is proposed that the Immigration and Naturalization Service will be notified where an alien applicant refuses to comply with a request for information, or where earnings are reported by an employer for an alien who has been issued a number for a nonwork purpose. This proposal is a change from the present policy of furnishing information about aliens to the Immigration and Naturalization Service only in response to specific requests.

Additional regulations are being developed for measures to be taken in connection with issuance of social security numbers to welfare program beneficiaries, and for a definition of the term "benefits under any program financed in whole or in part from Federal funds" as a basis for enumeration policies with respect to persons who are applicants for or recipients of such benefits.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before September 6, 1973.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments to the regulations are to be issued under the authority contained in sections 205 and 1102, 53 Stat. 1368, as amended, and 49 Stat. 647, as amended; 42 U.S.C. 405 and 1302.

(Catalog of Federal Domestic Assistance Program Nos. 13.800–13.806, Social Security)

Dated: June 26, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved: July, 31, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart B of Regulation No. 22 is amended as set forth below.

1. Section 422.103 is revised to read as follows:

§ 422.103 Social security numbers for employees and self-employed persons.

(a) *General.* The Social Security Administration maintains a record of the earnings reported for each individual. (When an individual obtains a social security number card, a social security earnings record is set up.) The individual's name, together with the number on the card, identifies the record so that the wages or self-employment income reported for or by the individual can be properly posted to such individual's record. Additional procedures concerning social security numbers may be found in Internal Revenue Service, Department of the Treasury regulation 26 CFR 31.-6011(b)–2.

(b) *Applying for a number.* Every individual required to have a social security number may apply for one by filing Treasury Department Form SS–5, "Application for Social Security Number," at any local social security office, or, if the individual is in the Philippines, at the Veterans' Administration Regional Office, Manila, Philippines. Form SS–5 may be obtained at:

(1) Any local social security office;

(2) The Social Security Administration, Baltimore, Maryland 21235;

(3) Offices of District Directors of Internal Revenue;

(4) U.S. Postal Service offices (except the main office in cities having a social security office);

(5) U.S. Employment Service offices in cities which do not have a social security office; and

(6) The Veterans' Administration Regional Office, Manila, Philippines.

Upon request, the social security office will distribute a quantity of application forms SS–5 to labor unions, employers, or other representative organizations.

(c) *Assignment procedure.* Social security numbers are assigned by the Central Office of the Social Security Administration in Baltimore, Maryland. Upon receipt of a completed form SS–5, the local social security office, or the Veterans' Administration Regional Office, Manila, Philippines, will require the applicant to furnish evidence, as necessary, to assist the Social Security Administration in establishing his or her age, citizenship, alien status, true identity, and previously assigned social security number(s), if any. (See § 422.107 for evidence requirements.) Upon satisfactory establishment of the pertinent items, the social security office or Veterans' Administration Regional Office forwards the application to the Social Security Administration Central Office for checking against the Administration's files. If the applicant requests a social security number card immediately, a temporary unnumbered card (form OAAN–5028) will be issued. If the investigation does not disclose a previously assigned number, the Central Office assigns a number and forwards to the applicant Form OA–702, "Social Security Number Card." If the investigation discloses a previously assigned number, a duplicate social security number card is issued to the applicant. For issuance of social security numbers to aliens and other groups or categories, see § 422.104.

(d) *Replacement of lost or damaged social security number card.* In case of loss of or damage to the social security number card, a duplicate card bearing the same number will be issued. If the individual has the "stub" portion of the card or the damaged card in legible condition, any local social security office or the Veterans' Administration Regional Office, Manila, Philippines will issue the duplicate card. In all other instances the individual should submit a properly completed application for a social security number (form SS–5).

2. Section 422.104 is added to read as follows:

§ 422.104 Assignment of social security numbers to groups and categories of persons.

In carrying out its responsibilities of establishing and maintaining a record of earnings reported for each individual, the Social Security Administration, to the maximum extent practicable, shall assign social security numbers to members of groups and categories as follows:

(a) To aliens at the time of their lawful admission to the United States either for permanent residence or under other authority of law permitting them to engage in employment in the United States;

(b) Upon request, to aliens who are legally in the United States but not under authority of law permitting them to engage in employment, but only for a nonwork purpose (see § 422.107(d)(1) and (2));

(c) To other aliens already in the United States at such time as their status is so changed as to make it lawful for them to engage in employment in the United States;

(d) To any individual who is an applicant for or recipient of benefits under any program financed in whole or in part from Federal funds, e.g., an applicant for or recipient of periodic benefits or other financial assistance to persons in need provided by "grants to States" programs under the Social Security Act, including any child on whose behalf such benefits are claimed by another person; and

(e) To any other individual when it appears that he could have been but was not assigned a social security number under paragraph (a), (b), (c), or (d) of this section, but only after satisfactory establishment of the identity of the individual, the fact that the individual does not have a previously assigned number, and the fact that the individual is not an alien who is prohibited from engaging in employment.

3. Section 422.105 is added to read as follows (present §§ 422.105 and 422.110 are renumbered §§ 422.110 and 422.112 respectively):

§ 422.105 Obtaining applications from immigrants and certain nonimmigrant classes.

As a part of the visa process, United States consular offices throughout the world obtain applications for social security numbers from immigrants entering the United States for permanent residence, from fiances of U.S. citizens and children of these fiances. The consular office also verifies the age, identity, and alien status of these individuals. The Immigration and Naturalization Service performs a similar function with respect to aliens who are already in the United States. When an alien's status changes so as to make it lawful for such person to engage in employment, the Immigration and Naturalization Service obtains from such person an application for a social security number. After verification of the age, identity, and alien status of the individual, the consular office or the Immigration and Naturalization Service, as applicable, forwards the application to the Central Office of the Social Security Administration. If investigation does not disclose a previously assigned number, the Central Office assigns a number and forwards a social security number card to the applicant at the United States address given on the application.

4. Section 422.107 is added to read as follows:

§ 422.107 Evidence requirements.

Applicants for social security numbers are required to submit such evidence as may be necessary to establish their age, citizenship, or alien status, and true identity. An applicant is also required to submit evidence to assist the Administration in determining the existence and identity of any previously assigned number(s). In the case of a noncitizen, evidence is also required to establish whether the applicant, because of his alien status, is prohibited from engaging in employment in the United States. A social security number will not be assigned unless all of the evidence requirements are met. (For verification of age, identity, and alien status of immigrants and certain nonimmigrant classes entering the United States, see § 422.105.)

(a) *Evidence of age.* Upon request, all applicants for a social security number are required to submit evidence of age to support the date of birth alleged. Examples of the types of evidence which may be submitted are birth or baptismal certificates, school and church records, census records, insurance policies, marriage records, employment records, and passports.

(b) *Evidence of identity.* Upon request, all applicants for a social security number are required to submit corroborative evidence of their identity. Corroborative evidence of identity may consist of a driver's license, a voter registration card, a birth certificate, a passport, or other similar document serving to identify the individual. It is preferable that the document contain the applicant's signature for comparison with his signature on the application for a social security number.

(c) *Evidence of U.S. citizenship.* Generally, an allegation of U.S. citizenship by birth will be supported by the evidence of age and identity described in paragraphs (a) and (b) of this section. Upon request, however, additional evidence must be supplied. Where an applicant indicates that he is foreign born and that he is a U.S. citizen, he is required to present documentary evidence of U.S. citizenship. Any of the following is acceptable evidence of U.S. citizenship:

(1) Certificate of naturalization;

(2) Certificate of citizenship;

(3) U.S. passport;

(4) U.S. citizen identification card (INS form I–179 or I–197); or

(5) Consular report of birth (State Department form FS–240). If such required evidence is not available, and U.S. district court records do not confirm the allegation of U.S. citizenship, the Immigration and Naturalization Service will be contacted. If the Service has no record of the applicant's citizenship, a social security number will not be assigned until satisfactory evidence of U.S. citizenship is furnished.

(d) *Evidence of alien status*—(1) *Citizen of country other than Canada or Mexico.* Where the applicant is a foreign citizen (of a country other than Canada or Mexico), such applicant is required to have an Alien Registration Receipt Card (I–151) or an Arrival-Departure Record (I–94) and will be asked to produce such document. If the applicant fails to do so, a social security number will not be issued and the Immigration and Naturalization Service will be notified of these circumstances. If the applicant produces an Alien Registration Receipt Card, or produces an Arrival-Departure Record which contains an authorization to work, a social security number card will be issued. However, if the Arrival-Departure Record does not contain authorization to work and the social security number is for a work purpose, it will not be issued and the Immigration and Naturalization Service will be notified of the circumstances. If the applicant requests the number for a nonwork purpose, e.g., an Internal Revenue Service purpose, the number will be issued and the record will be annotated. In the latter case, if earnings are later reported to the Administration, the Immigration and Naturalization Service will be notified of such report.

(2) *Mexican or Canadian citizen.* If a Canadian or Mexican citizen has an Alien Registration Receipt Card or an Arrival-Departure Record, the rules in paragraph (d)(1) of this section apply. If a Canadian or Mexican citizen is legally in the United States with a border crossing card, a border visitor's permit (or, in the case of a Canadian citizen, without documentation), but does not have an Alien Registration Receipt Card or an Arrival-Departure Record, and wishes a social security number for a nonwork purpose, e.g., an Internal Revenue Service purpose, the Administration will assign a number to the applicant and issue a number card, except that the record will be annotated and, in addition, the Immigration and Naturalization Service will be notified if earnings are reported to the earnings record.

(3) *Failure to submit evidence.* In any case where an alien applicant refuses to comply with a request for evidence of citizenship or other information or where he or she furnished invalid or expired Immigration and Naturalization Service documents, the Administration will immediately notify the Immigration and Naturalization Service. If the applicant does not comply with a request for needed evidence or other information within a reasonable time, the Administration will again attempt to contact him. If there is still no response, the Immigration and Naturalization Service will be notified.

(4) *Notice to alien applicant.* An alien who applies for a social security number will be advised that information obtained by the Social Security Administration in connection with his application for, and issuance of, a social security number might be transmitted to the Immigration and Naturalization Service.

5. Section 422.108 is added to read as follows:

§ 422.108 Criminal penalties.

A person may be subject to criminal penalties for furnishing false information in connection with earnings records or for wrongful use or misrepresentation in connection with social security numbers, pursuant to section 208 of the Social Security Act and sections of Title 18 of the United States Code (42 U.S.C. 408; 18 U.S.C. 1001 and 1546).

6. Renumbered § 422.110 (former § 422.105) is revised to read as follows:

§ 422.110 Individual's request for change in record.

Form OAAN–7003, "Request for Change in Social Security Records," should be completed by any person who wishes to change the name or other personal identifying information previously

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submitted. This form may be obtained from any local social security office or from one of the sources noted in § 422.103(b). The completed request for change in records may be submitted to any office of the Social Security Administration, or, if the individual is in the Philippines, to the Veterans' Administration Regional Office, Manila, Philippines. If the request is for a change in name, a new social security number card will be issued to the person making the request bearing the same number previously assigned.

7. Present § 422.110 is renumbered § 422.112 as follows:

§ 422.112 Employer identification numbers.

* * * * *

[FR Doc.73-16172 Filed 8-6-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71, 75]

[Airspace Docket No. 72-SW-74]

JET ROUTE AND REPORTING POINT

Proposed Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would designate the United States portion of a jet route from Humble, Tex., via Houston, Tex., to Tampico, Mex., and a reporting point at the intersection of this route with Houston Oceanic CTA/FIR boundary.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before September 6, 1973, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside the domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting State, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of a route outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854. At the request of the Department of Defense, a minimum enroute altitude of flight level 290 is proposed for this route.

The route proposed herein would be shorter than overland routes between Houston and Tampico and would have an alignment identical to that presently used by several air carrier flights when Warning Area W-228B is not being used by the Navy for its established purpose.

The airspace actions proposed in this docket would:

a. Designate the Kan, Tex., reporting point at Lat. 26°00'00" N., Long. 69°35'26" W. (intersection of the Houston, Tex., 198°T (190°M) radial and the Houston Oceanic CTA/FIR boundary.)

b. Designate J-177 to extend from Humble, Tex., via Houston, Tex., to Tampico, Mex., excluding the portion south of Lat. 26°00'00" N.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510, Executive Order 10854, 24 FR 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 31, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-16176 Filed 8-6-73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Docket No. 24415; EDR-225A]

PUBLICATION OF TARIFFS FOR SERVICES NOT ACTUALLY PROVIDED TO THE PUBLIC

Notice of Proposed Rulemaking

AUGUST 1, 1973.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendment of Part 221 of the Economic Regulations (14 CFR Part 221) to require that tariffs on file with the Board with respect to fares, rules, classifications, practices or services for passenger service correspond with the services actually scheduled in the particular market. The principal features of the proposed rule are set forth in the attached Explanatory Statement, and the amendment is proposed under the authority of sections 204, 403, and 404 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 (as amended by 74 Stat. 445) and 760; 49 U.S.C. 1324, 1373 and 1374.

Interested persons may participate in the proposed rulemaking through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matters received on or before September 7, 1973, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C. upon receipt thereof.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

By Advance Notice of Proposed Rule Making, EDR-225, issued on April 14, 1972, the Board announced that it had under consideration the adoption of new or amended regulations which would be directed to the elimination of the practice on the part of some air carriers of maintaining tariffs representing services which were not actually provided by the carrier. (Hereafter for convenience, such tariffs will be referred to as "dormant tariffs.") The principal impetus for initiating this rule making was an action on the part of Eastern Air Lines, Inc. and Pan American World Airways, Inc. whereby the carriers ceased to offer service at the third-class fare in the Miami-San Juan market and offered in lieu thereof a newly-instituted second-class service at the previously dormant tariff rate for second-class service. Through this approach, an increase was effected in the lowest basic fare in the market without the necessity for any tariff filing and concomitantly without such increase being subject to review and possible suspension by the Board.

In the Advance Notice, the Board concluded that continuance of this practice was incompatible with the intent and purpose of the Act and the Board's responsibilities thereunder. We then suggested three possible amendments to the regulations which we believed might be effective in preventing recurrence of such a problem. Those alternatives were: (1) An amendment to the regulations absolutely prohibiting the elimination of a class of service in a market, or the institution of such service, except upon the cancellation or amendment of the appropriate tariff, or the filing of a new tariff; (2) an amendment which would subject a carrier's general schedule filings effectuating changes in services offered to the public to suspension and/or investigation by the Board; or (3) either of the above alternatives or some other restriction upon a carrier's discretion to make changes in classes of service offered in a market by general schedule filings, but only in cases where the changes have substantial impact upon the public or upon air transportation in the affected market.

Comments have been filed in response to the Advance Notice by Braniff Airways, Inc. (Braniff), Continental Air Lines, Inc. (Continental), Delta Air Lines, Inc. (Delta), Eastern Air Lines, Inc. (Eastern), Northwest Airlines, Inc. (Northwest), Southern Airways, Inc. (Southern), Trans World Airlines, Inc. (TWA), the Commonwealth of Puerto Rico (Commonwealth), the American Society of Travel Agents, Inc. (ASTA), and the General Services Administration (GSA). GSA, the Commonwealth and ASTA all support the principle that the Board should be in a position to prevent an air carrier from simply designating a class of service into or out of existence without any notice to the public or without responsibility to public complaint, but do not offer specific suggestions as to the means for effecting such regulation.[1] Two of the air carriers, Eastern and Northwest, are absolutely opposed to any action on the part of the Board aimed at eliminating the practice of maintaining dormant tariffs. They argue that the alternatives suggested in the Advance Notice are beyond the Board's statutory authority; that the public is not harmed by the existence of dormant tariffs; and that, indeed, in some instances dormant tariffs are necessary for purposes of constructing other fares. Therefore, they urge that the Board dismiss the proceeding.

The remaining air carriers appear to agree that a problem exists and generally do not oppose some regulation on the part of the Board in this area, but they oppose the alternatives set forth in the Advance Notice, and most propose alternatives which they consider more acceptable.

Braniff, in its comments, has suggested that the Board simply amend Part 221 to provide that tariffs shall not contain matter pertaining to services which the issuing carrier does not provide. Continental has suggested instead that the Board adopt a regulation requiring that dormant tariffs be canceled after a reasonable period of dormacy. It suggests a period of one year as appropriate.

Delta has urged that any regulation of dormant tariffs be applied, as suggested in the third alternative of the Advance Notice, only in markets where service changes would have substantial impact. It specifically urges that off-peak services be excepted from any new rule relating to unused tariffs.

Southern would have the Board deal with each specific problem of dormancy on a case-by-case basis rather than adopt any regulation which would have overall applicability. No regulation is suggested, however, for implementing such an ad hoc approach. In the event that the Board intends to adopt a regulation having overall application, Southern urges that it follow its third alternative limiting application to situations involving substantial impact. Southern would limit the definition of "substantial" to situations wherein the elimination by a carrier of a class of service or fare would leave the market entirely without the service (*i.e.*, elimination of a fare class by only one carrier in a multicarrier market would not be prohibited). The carrier would also limit the scope of any such regulation to only the usual daytime service classes—first, coach, thrift, economy, standard and the like.

TWA has urged that any regulation adopted by the Board to deal with dormant tariffs be strictly circumscribed to deal specifically with the factual pattern illustrated by the Miami-San Juan fare-class change. It would limit the rule not only to major markets but also to only those markets having a three-class fare structure. To accomplish this end, TWA suggests that the rule provide that where a carrier operates a three-tier service, the carrier's configuration tariff must reflect not only each class of service, but also each major market in which the lowest class fare is offered. Thus, reasons TWA, elimination of the lowest class of service in one of those markets would require an amendment to the carrier's configuration tariff which would assure the opportunity for complaint and review with possible suspension by the Board.

We find unpersuasive the arguments urging that any additional regulation by the Board in this area is both unwarranted and beyond the scope of the Board's statutory authority. The basic premise for these arguments appears to be that: (1) The Board already has adequate authority to deal with this problem through an adequacy-of-service proceeding, and (2) any attempt at further regulation in this area would run afoul of section 401(e)(4) of the Act prohibiting certificate restrictions on the right of a carrier to add or change schedules. These arguments wholly misconstrue the impact of the Advance Notice. It is not the Board's intent in this proceeding to question the propriety of any carrier's schedules nor to attempt in any way the regulation of those schedules. The matter which concerns us here and to which we address our proposed regulations is that there be an accurate correspondence between the services specified in a carrier's tariff and the services actually provided to the public. The Federal Aviation Act of 1958, and particularly section 403, clearly empowers us to adopt regulations designed to assure truth in tariff filings, and to exclude the specification in tariffs of rates and fares, etc., for which no service is provided. This clearly comports with the statutory intent that the carrier's tariffs shall be the official representations to the public and the Board of services and fares available to the public. Moreover, as in the factual situation which prompted this rule making, the maintenance of such dormant tariffs can be used to effect a fare increase which is completely insulated from review by the Board. This is clearly contrary to the requirements of the Act that fare changes be made only upon 30 days' notice and subject to complaint and to possible suspension by the Board.

Accordingly, we find unpersuasive the carrier arguments regarding lack of need or authority for the adoption of new regulations to deal with dormant tariffs. We propose, therefore, to adopt a regulation along the lines of alternative one in the advance notice requiring that tariffs be maintained in conformance with services offered. We therefore propose to add to Part 221 of the Economic Regulations two new sections which will (1) forbid the adding or dropping of a class of service in a market without corresponding amendment of the underlying tariff pursuant to which such service is offered, and (2) forbid the maintenance of tariffs for which no service is offered. The principle which these two regulations embody, that tariffs should not be maintained for service which is not in fact provided, is in our view a clearly logical corollary of the mandate of section 403 of the Act that tariffs must be maintained for all services offered. Moreover, the essence of the proposed regulations, simply that tariffs shall be truthful and accurate in their representations as to services offered and at what price, is so clearly consistent with, and indeed required by considerations of the public interest and the letter and spirit of the Act that the Board's power and duty to act in this regard is manifestly clear.

We take note that Delta urges that any proposed rules include a specific exception for off-peak fare service. In support, Delta states that the ability to provide off-peak schedules depends to a significant extent upon the first-class/day-coach schedules and equipment rotation pattern in effect at any particular time

[1] ASTA has also urged that the Board provide for increased notice to the public and to travel agents for all fare changes, but appeared to recognize that such was beyond the scope of the Advance Notice. To the extent that the ASTA comment is intended as a petition to include such issues in this rule making proceeding, we will deny the request as unduly broadening the intent and scope of this proceeding.

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and that the schedules upon which the latter service is provided are periodically revised. As a result, the carrier states that off-peak fare service is occasionally eliminated for a period of time, and it asserts that the public and travel agents have come to expect an ebb and flow in off-peak fare services.

We are not persuaded that the burden of filing tariff changes to conform to changes in off-peak fare service warrants the exception urged by Delta. Delta has made no showing of undue burden in its comment, and the comments as a whole do not indicate that there is any particular problem necessitating an exception for off-peak fare service. On the present record we shall not, therefore, propose an exception for off-peak service or other services which may be susceptible to temporary interruption for operational reasons.[2] Nevertheless, the Board will be receptive to specific suggestions raised in comments on the proposed rule directed to exceptions which would be consistent with the purposes of the regulation and which are demonstrated to be needed to alleviate undue burden.

Under the proposed rules, the maintenance of a tariff which is or has become dormant will be inconsistent with the regulations and the issuing or participating air carrier will have the duty to promptly cancel such tariff. In the event of the air carrier's failure to so cancel pursuant to § 221.4(a) of the regulations to reject or order canceled such a tariff. However, to avoid the uncertainty which could arise, were a dormant tariff activated by the institution of service without refiling the tariff, with the accompanying potential for later rejection of the dormant tariff by the Board, the proposed rule has been drafted to provide that such rejection by the Board must occur within thirty days after the institution of service pursuant to a dormant tariff. In effect, provision of service pursuant to a dormant tariff for a period of more than thirty days will cure the dormancy.

We are not disposed to limit the prohibitions against maintenance of dormant tariffs to the particular factual pattern which prompted this rule making proceeding. Whatever their nature, dormant tariffs involve misrepresentations to the public as to the availability of services which in fact are not provided, in addition to the occasional outright abuse which, as here, develops from their existence. Moreover, except for those used for fare construction purposes for which we have already provided, we know of no need which dormant tariffs serve in terms of carriers' operational flexibility, given the rather long period of non-use which we propose to permit before declaring a given tariff dormant.

Finally we expect the carriers to put forth a good faith effort at removing existing instances or dormancy when discovered.

It is therefore proposed to amend Part 221 of the Economic Regulations (14 CFR Part 221) as follows:

1. Amend the Table of Contents by adding new § 221.8 and § 221.9.

* * * * *

221.8 Conformance between tariffs and services operated.
221.9 Dormant tariffs prohibited.

2. Add new § 221.8 and § 221.9 as follows:

§ 221.8 Conformance between tariffs and services operated.

The initiation or termination of a class of service offered in a particular market, where such change would be inconsistent with the terms of the existing tariff for that market, shall not occur except upon a contemporaneous effective amendment of the existing tariff to reflect such changed service pattern.

§ 221.9 Dormant tariffs prohibited.

(a) Tariff publications shall not contain rates, fares, or charges, or their become dormant, except that tariffs which are intended solely for use in constructing other rates or fares, when clearly designated on the face of the tariff as having such sole purpose, shall not be prohibited by this section. For purposes of this section tariff matter shall be considered as dormant when the issuing or participating carrier provides no regularly scheduled service pursuant to the given rate, fare or charge.

(b) It shall be the duty of every air carrier to promptly cancel any of its filed tariffs upon such tariff's becoming dormant. In the event such a tariff is not canceled by the air carrier, the Board may reject the tariff or require the cancellation thereof: *Provided, however,* That if, after a tariff has become dormant, new service is offered pursuant to such tariff, the power of the Board to reject or require cancellation shall terminate upon the conclusion of the thirtieth (30th) day following such institution of service.

[FR Doc.73-16235 Filed 8-6-73;8:45 am]

[2] We are of the view, however, that tariffs which are used solely for construction purposes do not create a problem of dormancy so long as these tariffs are clearly labeled as to their intended purpose. The proposed rule is drafted accordingly.

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 406]

COST ACCOUNTING PERIOD

Proposed Cost Accounting Standard

Notice is hereby given of a proposed cost accounting standard on the selection of cost accounting periods which the Cost Accounting Standards Board is considering for promulgation to implement further the requirements of section 719 of the Defense Production Act of 1950, as amended, Public Law 91-379, 50 U.S.C. App. 2168. When promulgated, the standard will be used by all relevant Federal agencies and national defense contractors and subcontractors.

The proposed standard, if adopted, will be one of a series of cost accounting standards which the Board is promulgating "to achieve uniformity and consistency in the cost-accounting principles followed by defense contractors and subcontractors under Federal contracts." (See section 719(g) of the Defense Production Act of 1950, as amended.) It is anticipated that any contractor receiving an award of a contract on or after the effective date of this standard will be required to follow it as of the date of such award.

The Cost Accounting Standards Board solicits comments on the proposed cost accounting standard from any interested person on any matter which will assist the Board in its consideration of the proposal.

Interested persons should submit written data, views, and arguments concerning the proposed cost accounting standard to the Cost Accounting Standards Board, 441 G Street, NW., Washington, D.C. 20548.

To be given consideration by the Board in its determination relative to final promulgation of the cost accounting standard covered by this notice, written submissions must be made to arrive no later than Friday, October 5, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Board's office during regular business hours.

PART 406—COST ACCOUNTING STANDARD—COST ACCOUNTING PERIOD

Sec.
406.10 General applicability.
406.30 Definitions.
406.40 Fundamental requirement.
406.50 Techniques for application.
406.60 Illustrations.
406.70 Exemptions.
406.80 Effective date.

AUTHORITY: Sec. 719 of the Defense Production Act of 1950, as amended, Public Law 91-379, 50 U.S.C. App. 2168.

§ 406.10 General applicability.

This standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof and by all relevant Federal agencies in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of $100,000 other than contracts or subcontracts where the price negotiated is based on: (a) Established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

§ 406.20 Purpose.

The purpose of this Cost Accounting Standard is to provide criteria for the selection of the time periods to be used for contract cost accumulation and allocation. This Standard should enhance objectivity, consistency, and verifiability; reduce the effects of variations in the flow of costs within a year; and promote uniformity and comparability in contract cost measurements.

§ 406.30 Definitions.

(a) The following definitions which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section.

(1) *Allocate.* To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Cost objective.* A function, organizational subdivision, contract or other work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capitalized projects, etc.

(3) *Fiscal year.* The accounting period for which annual financial statements are regularly prepared, generally a period of 12 months, 52 weeks, or 53 weeks.

(4) *Indirect cost pools.* Groupings of incurred costs identified with two or more cost objectives but not identified specifically with any final cost objective.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable. None.

§ 406.40 Fundamental requirement.

(a) A contractor shall use his fiscal year for contract cost accumulation and allocation purposes, except that:

(1) Costs of a function which exists only for a portion of a fiscal year may be allocated on a directly measured representation of activity or output to cost objectives of that same portion of the fiscal year;

(2) A fixed annual period other than the fiscal year may be used where it is mutually agreed that its use will assist in allocating costs to cost objectives on a causal or beneficial basis; and

(3) A transitional period other than a year may be used in connection with a change of fiscal year.

(b) Each contractor shall follow consistent practices from one fiscal year to the next in his selection of the fiscal year in which individual types of expenses and individual types of adjustments to expenses, including prior-period adjustments, are accumulated and allocated.

(c) The time period used for accumulating costs in an indirect cost pool shall be the same as the time period used for establishing its base.

§ 406.50 Techniques for application.

(a) With respect to the allocation of the costs of an indirect function which exists for only a part of the fiscal year, it is permissible to use a period corresponding to the period of existence of the function within a fiscal year where the cost is (1) material in amount, (2) accumulated in a separate pool, and (3) allocated based on an appropriate direct measure of the activity or output of the function during the same period. This Standard, however, does not require that a short period must be used.

(b) The practices to be followed consistently in accordance with the provisions of § 406.40(b) shall include appropriate techniques (such as deferrals, accruals, and other adjustments) to be used in identifying the time periods among which individual types of costs and expenses and individual types of adjustments to costs and expenses are distributed. If an expense, such as taxes, insurance or employee leave, is identified with a fixed, recurring period which is different from the contractor's fiscal year, the Standard does not require a change in that period. Rather, such expenses shall be distributed to fiscal years in accordance with the contractor's established practices for handling accruals, deferrals and other adjustments.

(c) For the purpose of expediting the settlement or closing of contracts which are terminated or completed prior to the end of a fiscal year, overhead rates other than those finally determined or negotiated may be used for that fiscal year based on a combination of actual and estimated cost data, including prior year data, for a full fiscal year.

(d) Pursuant to the provisions of § 406.40(a)(2), a contractor may, upon mutual agreement with the Government, use as his cost accounting period a fixed annual period which is other than his fiscal year, where the use of such a period is an established practice and is consistently used for managing and controlling the business, and where appropriate accruals, deferrals or other adjustments are made with respect to such annual periods. In such cases, the term "fiscal year" as used in this Standard shall be deemed to mean the agreed-upon fixed annual period.

§ 406.60 Illustrations.

(a) A contractor allocates general and administrative expenses (G&A) on the basis of total cost input. In a proposal for a covered negotiated fixed-price contract, he estimates the allocable G&A based solely on the estimated amount of the G&A pool and the amount of the total cost input base estimated to be incurred during the eight months in which performance is scheduled to be commenced and completed. Such a proposal would be in violation of the requirements of this Standard that the calculation of the amounts of both the indirect cost pools and the allocation bases be based on the contractor's fiscal year.

(b) A contractor whose fiscal year is the calendar year installs a computer service center to begin operations on May 1. The operating expense related to the new service center is expected to be material in amount, will be accumulated in a separate indirect cost pool, and will be allocated to the benefiting cost objectives on the basis of measured usage (adjusted for the scheduling priority, if any, requested). The total operating expenses of the eight-month period may be allocated to the work of that same eight-month period.

(c) A contractor's established fiscal year had been the calendar year. For valid reasons not related to contract costing, his fiscal year is changed to the 12 month period ending May 31. For financial reporting purposes he has a five-month transitional "fiscal year." The change in his fiscal year ending date is a change in accounting practices. An adjustment of the contract price may therefore be required in accordance with the contract clause set out at § 331.5 of this title.

(d) Financial reports to stockholders are made on a calendar year basis for the entire contractor corporation. However, the contractor does all internal financial planning, budgeting, and internal reporting on a "model year" basis. The contracting parties agree to negotiate overhead rates on the "model year" basis, and they agree on an acceptable technique for prorating fiscal year assignments of corporate home office expenses to model years. This agreement is an appropriate application of the Standard.

(e) Financial accounts and contract cost records are generally maintained on the basis of a fiscal year which ends November 30 each year. However, employee vacation allowances are regularly managed on the basis of a "vacation year" which ends September 30 each year. Vacation expenses are estimated uniformly during each "vacation year." Adjustments are made each October to adjust the accrued liability to actual, and the estimating rates are modified to the extent deemed appropriate. This use of a separate annual period on vacation allowance conforms to the provisions of the Standard.

§ 406.70 Exemptions.

None for this Standard.

§ 406.80 Effective date.

(a) The effective date of this Standard is [reserved].

(b) This Standard shall be followed by each contractor as of the beginning of his fiscal year next beginning after receipt of a contract to which this Standard is applicable, but in no event earlier than (Date).

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.73-16175 Filed 8-6-73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-48]

STUDY GROUP 6 OF U.S. NATIONAL COMMITTEE FOR INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 6 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on August 20, 1973, at 9:00 a.m. in Room 1107, Radio Building, Department of Commerce Laboratories, Boulder, Colorado.

Study Group 6 deals with matters relating to the propagation of radio waves through the ionosphere. The meeting on August 20 will consider new draft texts in the following areas which are proposed as U.S. contributions to the international meeting of Study Group 6 in 1974:

a. Ionospheric effects on satellite communications;

b. Communication parameters in ionospheric propagation;

c. Nonlinear effects in the ionosphere induced by radio waves.

Members of the general public who desire to attend the meeting on August 20 will be admitted up to the limits of the capacity of the meeting room.

Dated: July 31, 1973.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.73-16189 Filed 8-6-73;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 73-13]

JOHN GARDNER, d/b/a QUALITY MEDICAL PHARMACY, ET AL

Notice of Hearing

Notice is hereby given that on May 3, 1973, the Drug Enforcement Administration (formerly the Bureau of Narcotics and Dangerous Drugs), Department of Justice, issued to Quality Professional Pharmacy, Los Angeles, California; Quality Medical Pharmacy, Los Angeles, California; and Fleet Pharmacy, Inc., Los Angeles, California; Orders to Show Cause as to why the Bureau of Narcotics and Dangerous Drugs registration No.'s AB2078978, AQ 5330042, and AF0318659 respectively, issued to them pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked. Also, on May 2, 1973, a Notice of Termination was issued to Manchester-Community Hospital Pharmacy, Los Angeles, California; terminating their registration No. AM5080281.

A written request for a hearing having been filed with the Administrator of the Drug Enforcement Administration, Notice is hereby given that a hearing on the aforementioned matters will be held commencing at 10 a.m. on August 7, 1973, in Room 8549, 300 N. Los Angeles Street, Los Angeles, California, 90012.

Dated: JULY 31, 1973.

JOHN R. BARTELS, Jr.,
Acting Administrator, Drug Enforcement Administration.

[FR Doc.73-16207 Filed 8-6-73;8:45 am]

Law Enforcement Assistance Administration

PASADENA POLICE HELIPORT

Draft Environmental Impact Statement

Notice is hereby given that on July 18, 1973, the Law Enforcement Assistance Administration issued the Draft Environmental Impact Statement, Pasadena Police Heliport. Copies of this statement are available and may be obtained from the LEAA Region IX Office.

U.S. Department of Justice
Law Enforcement Assistance Administration
1860 El Camino Real, 4th Floor
Burlingame, California 94010

DONALD E. SANTARELLI,
Administrator.

[FR Doc.73-16190 Filed 8-6-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

List of Additions, Deletions and Corrections

By notice in the FEDERAL REGISTER of February 28, 1973, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 6, (pp. 6084-6086), April 10 (pp. 9095-9097), May 1 (pp. 10745-10748), June 5 (pp. 14770-14777), and July 3 (pp. 17744-17749). Further notice is given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been demolished and removed from the National Register:

California

Los Angeles County
San Fernando
San Fernando Mission
15151 San Fernando Mission Boulevard
Sacramento County
Sacramento
Alhambra Theatre
1101 Alhambra Boulevard

Oregon

Deschutes County
Bend
Pilot Butte Inn
1121 Wall Street

Tennessee

Hamilton County
Chattanooga
Chattanooga Union Station
W. 9th and Broad streets

The following are corrections to previous listings in the FEDERAL REGISTER:

Iowa

Lee County
Fort Madison
Old Fort Madison Site
315-335 Avenue H

Massachusetts

Middlesex County
Acton
Faulkner Homestead
High Street
Acton
Isaac Davis Trail (Acton Trail)
From Acton, along Hayward Street, Musket Drive, Main Street, Strawberry Hill Road, Barrett's Mill Road, and Barnes Hill Road to Concord

Minnesota

St. Louis County
Hibbing vicinity
**Hull-Rust-Mahoning Open Pit Iron Mine*
Third Avenue East

New Hampshire

Merrimack County
Concord
Pierce, Franklin, Manse
18 Penacook Street

Texas

Harrison County
Marshall
Old Pierce House (Magnolia Hall)
303 N. Columbus Street

Virginia

Lexington (independent city)
Alexander-Withrow House
N corner of Main and Washington streets

The following properties were omitted from previous FEDERAL REGISTERS:

Virginia

Bath County
Warm Springs vicinity
Warm Springs Bath Houses
NE of Warm Springs off Rte. 220

Gloucester County
Gloucester vicinity
Little England
E of Gloucester on W end of Rte. 672

Lexington (independent city)
** Washington and Lee University Historic District*

The following properties have been added to the National Register since July 3:

Alabama

Colbert County
Tuscumbia
Colbert County Courthouse Square Historic District

Mobile County
Mobile
Protestant Children's Home
911 Dauphin Street
Walker County
Jasper
Bankhead House
1400 7th Avenue

Alaska

Southeastern District
Skagway vicinity
Pleasant Camp
Haines Hwy. on Canadian/Alaska border

Arkansas

Phillips County
Helena
Allin House
515 Columbia Street
Helena
Moore-Hornor House
323 Beech Street

Helena
Tappan, James C., House
717 Poplar Street
Pike County
Murfreesboro vicinity
Crater of Diamonds State Park
S of Murfreesboro on the Little Missouri River
Pulaski County
Little Rock
Fowler, Absalom, House
502 E. 7th Street

California

Alameda County
Hayward
Meek Mansion and Carriage House
240 Hampton Road
Oakland
Cohen, Alfred H., House
1440 29th Avenue
Calaveras County
Murphys
Murphys Grammar School
Jones Street

Los Angeles County
South Pasadena
Adobe Flores
1804 Foothill Street
Whittier
Pio Pico Casa
6003 Pioneer Boulevard
San Francisco County
San Francisco
Haas-Lilienthal House
2007 Franklin Street
Santa Cruz County
Felton
Felton Covered Bridge
Covered Bridge Road
Shasta County
Whiskeytown
Tower House District
Whiskeytown National Recreation Area

Delaware

Kent County
Clayton vicinity
Jones, Enoch, House
SW of Clayton, off Del. 300

Little Creek
Old Stone Tavern
Main Street

Little Heaven
Reed, Jehu, House
U.S. 113 and Del. 18

New Castle County
Claymont
Darley House
Darley Road and Philadelphia Pike

Marshallton
Greenbank Historic Area
Off Del. 41, N of Del. 2

Middletown vicinity
Nozontown
S of Middletown off Del. 896

Newark
Old College Historic District (Delaware College)
Main and College streets

Odessa vicinity
Williams House (Woodlawn)
1.2 miles NW of Odessa on Marl Pit Road

Wilmington vicinity
Lobdell Estate (Minquadale Home)
Off U.S. 13
Sussex County
Delmar
Highball Signal
City Park, near Penn-Central Railroad
Georgetown
Sussex County Courthouse and the Circle
The Circle
Lewes vicinity
Pagan Creek Dike
W of Lewes on Pagan Creek near New Road
Milton
Hazzard House
327 Union Street
Milton
Ponder, Governor James, House
416 Federal Street
Woodland
Cannon's (Woodland) Ferry
Across the Nanticoke River

District of Columbia

Washington
Forrest-Marbury House
3350 M Street, N.W.
Georgetown University Astronomical Observatory
37th and O Streets, N.W.
Owens, Isaac, House (Gannt-Williams House)
2806 N Street, N.W.
Washington Navy Yard Historic District
Bounded by Isaac Hull Avenue, M and 9th streets and the Anacostia River

Florida

Alachua County
Gainesville
Matheson House
528 Southeast 1st Avenue
Windsor vicinity
Neilson House
N of Windsor off S.R. 325
Brevard County
Titusville vicinity
Launch Complex 39
Kennedy Space Center

Clay County
Hibernia vicinity
St. Margaret's Episcopal Church
Old Church Road
Franklin County
St. Teresa vicinity
Yent Mound
E of St. Teresa off U.S. 98 at Alligator Harbor
Gadsden County
Chattahoochee
U.S. Arsenal Officers Quarters
U.S. 90
Monroe County
Key West
Porter, Dr. Joseph Y., House
429 Caroline Street
Nassau County
Fernandina Beach
Bailey House
NE corner of 7th and Ash streets
Fernandina Beach
Fairbanks House
227 S. 7th Street

Fernandina Beach
The Tabby House (C. W. Lewis House)
NW corner of 7th and Ash streets

Palm Beach County

Canal Point vicinity
Big Mound City
About 10 miles E of Canal Point

West Palm Beach
Seaboard Coast Line Railroad Passenger Station
Tamarind Avenue and Datura Street

Georgia

Cobb County

Kennesaw
General, The
Big Shanty Museum, Cherokee Street

Mableton vicinity
Johnston's Line
SE of Mableton off U.S. 78 at the Chattahoochee River

Fulton County

Atlanta
Texas, The
Cyclorama Building, Grant Park

Liberty County
Riceboro vicinity
LeConte-Woodmanston Site
SW of Riceboro off Barrington Road
Meriwether County
Alvaton vicinity
White Oak Creek Covered Bridge
3 miles SE of Alvaton on Covered Bridge Road
Muscogee County
Columbus
Illges House
1428 2nd Avenue
Spalding County
Williamson vicinity
Old Gaissert Homeplace (Mary Brook Farm)
NE of Williamson on Ga. 362

Hawaii

Hawaii County
Kailua-Kona
Hulihee Palace
Alii Drive
Mahukona
Lapakahi Complex
0.5 mile S of Mahukona

Honolulu County
Honolulu
Falls of Clyde
Pier 5, Honolulu Harbor
Honolulu
Kapuaiwa Building
426 Queen Street
Honolulu
Merchant Street Historic District
Honolulu
St. Andrew's Cathedral
Beretania Street (Queen Emma Square)
Honolulu

V 38 - 151 AUG 7 73 XUM

Washington Place
Beretania and Miller Streets
Haleiwa vicinity
Kupopolo Heiau
S of Waimea Bay on Kamehameha Hwy.

Idaho

Bannock County
Pocatello
Pocatello Carnegie Library
105 S. Garfield Avenue

Bonner County
Sandpoint
Sandpoint Burlington Northern Railway Station
Cedar Street at Sand Creek
Bonneville County
Idaho Falls
Eagle Rock Street Historic District
353, 357, 361, and 375 Eagle Rock Street
Latah County
Moscow
Moscow Post Office and Courthouse
Washington and 3rd streets

Illinois

Bureau County
Princeton
Lovejoy, Owen, Homestead
Peru Street (U.S. 6)
Fayette County
Vandalia
Little Brick House
621 St. Clair
Gallatin County
Equality vicinity
Saline Springs
3.5 miles SE of Equality
Jefferson County
Mt. Vernon
Appellate Court
14th and Main streets
Jo Daviess County
Galena
Washburne, Elihe Benjamin, House
908 3rd Street
White County
Carmi
Ratcliff Inn
214 E. Main Street

Indiana

Allen County
Fort Wayne
Fort Wayne City Hall
309 E. Berry Street
Clark County
Borden
Borden Institute
West Street
Jeffersonville
Howard Home
1101 E. Market Street

Franklin County
Metamora
Whitewater Canal Historic District
From Laurel Feeder Dam to Brookville

Jasper County
Rensselaer vicinity
St. Joseph's Indian Normal School
St. Joseph's College campus off U.S. 231

Jefferson County
Madison
Jefferson County Jail
Corner of Main and Walnut streets

Knox County
Vincennes
Territorial Capitol of Former Indiana Territory
Bounded by Harrison, First, Scott, and Park streets

Marion County
Indianapolis
Christ Church Cathedral
131 Monument Circle
Indianapolis
Schmidt, John W., House
1410 N. Delaware Street

St. Joseph County
South Bend
Tippecanoe Place (Studebaker House)
620 W. Washington Avenue

Iowa

Black Hawk County
Waterloo
Russell, Rensselaer, House
520 W. Third Street
Henry County
Mount Pleasant
Harlan-Lincoln House
101 W. Broad
Johnson County
Iowa City
Congregational Church of Iowa City
30 N. Clinton Street
Keokuk County
What Cheer
What Cheer Opera House, Inc.
201 Barnes Street
Page County
Clarinda
Hepburn, Colonel William Peters, House
321 W. Lincoln
Washington County
Washington
Blair House
E. Washington Street and S. 2nd Avenue

Kansas

Marion County
Peabody
Old Peabody Library
E. Division and Walnut Street

Kentucky

Boyd County
Ashland
First Presbyterian Church
1600 Winchester Avenue
Fayette County
Lexington
Kennedy House
216 N. Limestone Street
Logan County
Russellville
Forst, William, House
SE Corner of 4th and Winter Streets
McCracken County
Paducah
Market House
S. 2nd Street between Broadway and Kentucky Avenue
Madison County
Richmond
Old Central University
University Drive
Ohio County
Hartford
Hartford Seminary
224 E. Center Street
Scott County
Georgetown vicinity
Buford-Duke House
SE of Georgetown off U.S. 75
Warren County
Bowling Green vicinity
Ironwood
N of Bowling Green on Old Richardsville Road

Louisiana

East Baton Rouge Parish
Baton Rouge
Powder Magazine
State Capitol Drive
East Feliciana Parish
Clinton
East Feliciana Parish Courthouse
Bounded by St. Helena, Woodville, Liberty, and Bank streets
Iberia Parish
Delcambre vicinity
Jefferson, Joseph, House (Bob Acres Plantation)
N of Delcambre at Jefferson Island
Orleans Parish
New Orleans
Bank of Louisiana
334 Royal Street

Maine

Cumberland County
South Portland
Portland Breakwater Light
NE end of Portland Breakwater, Portland Harbor
Hancock County
Ellsworth vicinity
Stanwood Homestead (Birdsacre Sanctuary)
1 mile S of Ellsworth on Me. 3
Oxford County
Paris Hill
Paris Hill Historic District
Penobscot County
Bangor
Godfrey-Kellogg House
212 Kenduskeag Avenue
East Corinth vicinity
Skinner Settlement, Corinth Village
3.5 miles W of East Corinth on Kenduskeag-Exeter Mills Road
Orono
Colburn, William, House
91 Bennoch Road
Waldo County
Liberty
Old Post Office
Main Street (Rte. 173)
York County
South Berwick
Jewett, Sarah Orne, House
Junction of Me. 4 and 236

Maryland

Allegany County
Cumberland
Western Maryland Railway Station
Canal Street
Lonaconing
Lonaconing Furnace
Behind the Central Elementary School, on E. Main Street
Anne Arundel County
Deale vicinity
Sudley
N of Deale off Md. 468 on Old Sudley Road
Owensville
Christ Church
Owensville Road (Md. 255)
Baltimore (independent city)
Battle Monument
Center of Calvert Street between Fayette and Lexington streets
Emerson Bromo-Seltzer Tower
312–318 W. Lombard Street
Engine House #6
416 N. Gay Street
First Presbyterian Church and Manse
200–210 W. Madison Street
Howard Street Tunnel
Beneath Howard Street from Mt. Royal Station to Camden Station
Mount Royal Station
1400 Cathedral Street
Poole and Hunt Company Buildings
3500 Clipper Road
Calvert County
Barstow vicinity
Willow Glenn
NW of Barstow off Md. 507
Garrett County
Westernport vicinity
Meyer Site
SW of Westernport on the north branch of the Potomac River

Massachusetts

Bristol County
Fall River
Academy Building
S. Main Street
Essex County
Marblehead
Gerry, Elbridge, House
44 Washington Street
Marblehead
St. Michael's Church
26 Pleasant Street
Peabody
Peabody Institute Library
Main Street
Middlesex County
Newton
Jackson Homestead
527 Washington Street
Norfolk County
Quincy
Quincy Granite Railway Incline
Mullin Avenue
Plymouth County
Cohasset vicinity
Cushing Homestead
W of Cohasset on Mass. 128
Middleboro vicinity
Wapanucket Site
SW of Middleboro off Mass. 25
Suffolk County
Boston
Arlington Street Church
Corner of Arlington and Boylston streets

Michigan

Antrim County
Holtz Site
Central Antrim County
Baraga County
Sand Point Site
Northern Baraga County
Jackson County
Clark-Stringham Site
Southern quarter of Jackson County
Midland County
Oxbow Archeological District
Eastern Midland County

Minnesota

Cass County
Pillager vicinity
Hole-in-the-Day II Cabin Site
N of Pillager on the NE corner of Hole-in-the-Day Lake
Cottonwood County
Mountain Lake vicinity
Mountain Lake Site
Goodhue County
Old Frontenac
Old Frontenac Historic District
Red Wing
Minnesota State Training School
E. 7th Street
Hubbard County
Park Rapids vicinity
Shell River Prehistoric Village and Mound District
15 miles SE of Park Rapids near the confluence of the Shell and Crow Wing rivers
Marshall County
Newfolden vicinity
Old Mill
About 9 miles W of Newfolden on the Middle River in Old Mill State Park

Morrison County
Belle Prairie
Ayer Mission Site
0.5 mile N of Belle Prairie off U.S. 371
Nicollet County
New Ulm vicinity
Harkin, Alexander, Store
About 10 miles W of New Ulm on County Road 21
Otter Tail County
Battle Lake vicinity
Morrison Mounds
On the south bank of the Otter Tail River
Renville County
Morton vicinity
Birch Coulee
1.5 miles N of Morton off U.S. 71 in Birch Coulee State Park

Mississippi

Coahoma County
Yazoo Pass Levee
At Miss. 1 near Moon Lake

Grenada County
Grenada vicinity
Confederate Earthworks
E of Grenada off Miss. 8 near Grenada Reservoir

Hinds County
Jackson
Millsaps-Buie House
628 N. State Street

Humphreys County
Belzoni vicinity
Jaketown Site
3 miles N of Belzoni on Miss. 7

Leflore County
Greenwood vicinity
Fort Pemberton Site
2 miles SW of Greenwood off U.S. 49E

Monroe County
Amory vicinity
Inzer Site
3 miles W of Amory off U.S. 278

Montana

Deer Lodge County
Anaconda
Hearst Free Library
Main and 4th streets
Lake County
St. Ignatius
St. Ignatius Mission
Off U.S. 93

Nebraska

Polk County
Stromsburg vicinity
Morrill, Charles H., Homestead
0.5 mile SE of Stromsburg on U.S. 81

New Hampshire

Grafton County
Bethlehem vicinity
Felsengarten
SW of Bethlehem off Lewis Hill Road

Hillsborough County
Manchester
Stark, General John, House
2000 Elm Street

Rockingham County
Exeter
Front Street Historic District
Hampton Falls
Weare, Governor Meshech, House
Exeter Road (N.H. 88)
New Castle
Fort Constitution (Fort William and Mary Site)
Walbach Street (off N.H. B1)
Portsmouth
Wentworth, Governor John, House
346 Pleasant Street
Sullivan County
Newport
Sullivan County Courthouse (Grange Hall)
Court Square

New Jersey

Bergen County
Rutherford
Williams, William Carlos, House
9 Ridge Road
Burlington County
Mount Holly vicinity
Peachfield
N of Mount Holly on Burr Road
Camden County
Cherry Hill
Coles, Samuel House
1743 Old Cuthbert Road
Essex County
Newark
Newark Orphan Asylum
High and Bleecker streets
Middlesex County
New Brunswick
Queen's Campus, Rutgers University
Bounded by College Avenue, George, Hamilton and Somerset streets
Morris County
Dover vicinity
Friends Meetinghouse
S of Dover at Quaker Avenue and Quaker Church Road, off N.J. 10
Parsippany
Bowers-Livingston-Osborn House
25 Parsippany Road
Pompton Plains
Berry, Martin, House
581 N.J. 23
Union County
Plainfield
Drake, Nathaniel, House
602 W. Front Street

New Mexico

Valencia County
Albuquerque vicinity
Pueblo of Laguna
About 45 miles W of Albuquerque off U.S. 66

New York

Albany County
Cohoes
Olmstead Street Historic District
Green Island
Green Island Car Shops
James and Tibbits streets and the Delaware and Hudson Railroad tracks
Allegany County
Alfred
Steinheim, Allen, Museum
Alfred University campus
Broome County
Binghamton
Phelps Mansion
191 Court Street
Chautauqua County
Chautauqua
Chautauqua Institution Historic District
Essex County
Essex vicinity
Church of the Nazarene
W of Essex on N.Y. 22
Genesee County
Batavia
Batavia Club
Corner Main and Bank streets
Batavia
Genesee County Courthouse
Main and Ellicott streets
New York County
New York
Church of the Trnasfiguration and Rectory
1 E. 29th Street
New York
John Street Methodist Church
44 John Street
Niagara County
Lockport
Lowertown Historic District
Lockport
Moore, Benjamin C., Mill (Lockport City Hall, Holly Water Works)
Pine Street on the Erie Canal
Orange County
New Windsor vicinity
Haskell House
W of New Windsor off N.Y. 32
Rensselaer County
Troy
Church of the Holy Cross

V 38-151 AUG 7 73 XUM

136 8th Street
Warren County
Lake George
Old Warren County Courthouse Complex
Corner of Canada and Amherst streets
Westchester County
Ossining County
Site of Old Croton Dam; New Croton Dam
About 10 miles N of Ossining on N.Y. 129

North Carolina

Burke County
Morganton vicinity
Magnolia Place
S of Morganton on U.S. 64
Caswell County
Prospect Hill
Warren House and Warren's Store
On N.C. 86
Yanceyville
Caswell County Courthouse
Courthouse Square
Cherokee County
Andrews vicinity
Andrews Mound
W of Andrews
Craven County
New Bern
Barter Clock
323 Pollock Street
New Bern
Mace, Ulysses S., House
518 Broad Street
New Bern
New Bern Historic District
New Bern
New Bern Municipal Building
Pollock and Craven Street
New Bern
York-Gordon House
213 Hancock Street
Halifax County
Airlie
Oakland
On N.C. 4
Halifax
Davie, William R., House
Norman Street
Iredell County
Elmwood vicinity
Farmville Plantation
SE of Elmwood off U.S. 70 on S.R. 2362
Martin County
Hamilton vicinity
Fort Branch Site
SE of Hamilton on S.R. 1416
Swain County
Bryson City vicinity
Governor's Island (Kituhwa)
3.5 miles E of Bryson City off U.S. 19
Wake County
Raleigh
Peace College Main Building
Peace Street at N end of Wilmington Street
Raleigh vicinity
Jones, Crabtree, House
N of Raleigh on Old Wake Forest Road

Ohio

Clark County
Springfield vicinity
Newlove Works
E of Springfield
Cuyahoga County
Brecksville
Brecksville Town Hall
Public Square
Cleveland
Merwin, George, House
3028 Prospect Avenue
Cleveland
Rockefeller Building
614 Superior Avenue
Cleveland
Trinity Cathedral
Euclid Avenue and E. 22nd Street
Cleveland
Wade Memorial Chapel
12316 Euclid Avenue (Lakeview Cemetery)

Erie County
Kelleys Island
Inscription Rock
On Water Street off Ohio 575

Fayette County
Washington Court House
Fayette County Courthouse
Main and Columbus streets

Franklin County
Columbus
Smith, Benjamin, House
181 E. Broad Street

Columbus
Toledo & Ohio Central Railroad Station
379 W. Broad Street

Worthington
Worthington Manufacturing Company Boarding House
25 Fox Lane

Hamilton County
Cincinnati
Cary Cottage
7000 Hamilton Avenue

Newtown
Odd Fellows' Cemetery Mound
In Flagstone Cemetery on Roundbottom Road

Highland County
Marshall vicinity
Rocky Fort Park Group
2 miles NW of Marshall at Rocky Fort Lake

Hocking County
Laurelville vicinity
Ross, Edith, Mound
0.75 mile N of Laurelville

Knox County
Fredericktown vicinity
Braddock Mound and Works
0.45 mile E of Fredericktown

Mount Vernon
Knox County Courthouse
High Street

Licking County
Homer
Dixon Mound
On the north fork of the Licking River
Newark
Home Building Association Bank
6 W. Main Street

Logan County
Bellefontaine
Logan County Courthouse
Public Square

Montgomery County
Dayton vicinity
Lichliter Mound and Village Site
1.5 miles W of Dayton at intersection of Little Richmond Road and Olive Road

Trotwood vicinity
Wolf Creek Mound
1.5 miles W of Trotwood off Seybold Road

Ross County
Chillicothe vicinity
Metzger, Charles, Mound
10.4 miles NW of Chillicothe

Scioto County
Portsmouth
Kinney, Aaron, House
Waller Street
Portsmouth vicinity
Feurt Mounds and Village Site
4 miles N of Portsmouth

Wyandot County
Upper Sandusky
Wyandot County Courthouse and Jail
Courthouse Square

Oklahoma

Lincoln County
Stroud vicinity
Keokuk, Moses, House
About 6 miles W of Stroud

Wagoner County
Coweta vicinity
Koweta Mission Site
1 mile S of Coweta

Pennsylvania

Allegheny County
Braddock
Carnegie Free Library of Braddock
419 Library Street

Berks County
Yellow House vicinity
Fisher, Henry, House
About 1.25 miles N of Yellow House on Pa. 662

Cambria County
Johnstown
Johnstown Inclined Railway
Johns Street and Edgehill Drive

Chester County
Chadds Ford vicinity
Brinton, Edward, House
NW of Chadds Ford on Pa. 100
Mont Clare vicinity
Rapps Bridge
W of Mont Clare off Pa. 724 on Mowere Road
Phoenixville vicinity
Martin-Little House
S of Phoenixville off Pa. 113 on Church Road
Clinton County
Lock Haven
Water Street District
Dauphin County
Middletown
St. Peter's Kierch
31 W. High Street
Delaware County
Chester (Upland)
Old Main
21st Street and Upland Avenue
Fayette County
Brier Hill
Brier Hill
On U.S. 40
Perryopolis
Searight's Fulling Mill
Cemetery Road
Lancaster County
Letort vicinity
Conestoga Town (36 LA 52)
1.25 miles S of Letort
Mount Joy
Central Hotel/A. Bube's Brewery
102 N. Market Street
Washington vicinity
Strickler Site (36 LA 3)
About 1 mile S of Washington Off Pa. 441
Montgomery County
Bryn Mawr
Bryn Mawr (Harriton)
500 Harriton Road
Harmonville vicinity
Corson, Alan W., Homestead
NE of Harmonville at 5130 Butler Pike
Schwenksville vicinity
Englehardt, John, Homestead
W of Schwenksville off Pa. 73 on Keyser Road
Schwenksville vicinity
Grubb, Conrad, Homestead
NW of Schwenksville off Pa. 73 on Perkiomenville Road
Schwenksville vicinity
Long Meadow Farm
NW of Schwenksville on Pa. 73
Northampton County
Bethlehem
Grist Miller's House
459 Old York Road
Philadelphia County
Philadelphia

Fidelity Mutual Life Insurance Company Building
Fairmount and Pennsylvania avenues
Philadelphia
Old Fellow's Hall
800 N. 3rd Street, N.W.

Sullivan County
Hillsgrove vicinity
Hillsgrove Covered Bridge
3 miles E of Hillsgrove off Pa. 87

Rhode Island

Newport County
Jamestown
Conanicut Battery
W of Beaver Tail Road

Newport
Mawdsley, Captain John, House
228 Spring Street

Providence County
Johnston
Clemence-Irons House
38 George Waterman Road

Washington County
North Kingstown
Old Narragansett Church
60 Church Lane, Wickford

South Carolina

Charleston County
Charleston
Dock Street Theatre (Planters' Hotel)
135 Church Street

Edisto Island vicinity
Peter's Point Plantation
SW of Edisto Island off S.C. 174 on County Road 764

Sullivan's Island
U.S. Coast Guard Historic District

Richland County
Columbia
Columbia City Hall
Main and Laurel Streets

Columbia
Union Station
401 S. Main Street

South Dakota

Meade County
Sturgis vicinity
Bear Butte

Tennessee

Cannon County
Readyville
Readyville Mill
On U.S. 70S

Cocke County
Parrotsville vicinity
Swaggerty Blockhouse
E of Parrottsville on U.S. 411

Hawkins County
Rogersville vicinity
Amis House
E of Rogersville on the Burem Pike

Maury County
Columbia vicinity
Cherry Glen
SW of Columbia off U.S. 43

Perry County
Linden vicinity
Cedar Creek Furnace
9 miles SW of Linden on Furnace Creek

Robertson County
Cedar Hill
St. Michael's Catholic Church
4 miles W of Tenn. 49

Rutherford County
Readyville
Ready, Charles, House (The Corners)
On U.S. 70S

Smith County
Dixon Springs vicinity
Dixona
NW of Dixon Springs on Tenn. 25

Unicoi County
Erwin vicinity
Clarksville Iron Furnace
SW of Erwin off Tenn. 107 in Cherokee National Forest

Washington County
Johnson City vicinity
Dungan's Mill and Stone House
NE of Johnson City on Watauga Road

Jonesboro vicinity
DeVault Tavern
W of Jonesboro on Leesburg Road (Rte. 6)
White County
Sparta vicinity
Lincoln, Jesse, House
W of Sparta on Tenn. 26

Texas

Briscoe County
Silverton vicinity
Mayfield Dugout (41 BI 52)
7 miles WNW of Silverton

Galveston County
Galveston
St. Mary's Cathedral
2011 Church Avenue

Presidio County
Presidio vicinity
Fort Leaton (41PS 18)
4 miles E of Presidio on FM 170

Travis County
Austin
Porter, William Sidney (O. Henry), House
409 E. 5th Street

Vermont

Addison County
Ripton
Ripton Community House
On Vt. 125
Franklin County
Swanton vicinity
Swanton Covered Railroad Bridge
S of Swanton across the Missisquoi River
Washington County
Barre
Barre City Hall and Opera House
12 N. Main Street
Windham County
Bartonsville
Bartonsville Covered Bridge
Across the Williams River at South end of Bartonsville
Grafton vicinity
Kidder Covered Bridge
0.3 mile SE of Grafton across the south branch of Saxtons River
Windsor County
Windsor vicinity
Best's Covered Bridge
About 8 miles W of Windsor off Vt. 44

Virginia

Accomack County
Chincoteague vicinity
Assateague Lighthouse
S of Chincoteague at southern end of Assateague Island
Alexandria (independent city)
Bank of Alexandria
125 N. Fairfax Street
Bedford County
Forest vicinity
Woodbourne
NE of Forest off Va. 609
Cumberland County
Hamilton vicinity
Clifton
1.1 miles NE of intersection of Va. 690 and 605
Fairfax County
Fort Belvoir
Belvoir Site
SE of intersection of 23rd Street and Belvoir Road
Fauquier County
Delaplane vicinity
Oak Hill
2.2 miles SE of Delaplane off U.S. 17 (I–66)
Isle of Wight County
Smithfield
Smithfield Historic District
James City County
Toano vicinity
Hickory Neck Church
N of Toano on U.S. 60
Loudoun County
Middleburg vicinity
Farmer's Delight
About 3 miles N of Middleburg off Rte. 745
Louisa County
Trevillans vicinity
Grassdale
W of Trevillans off U.S. 15
Page County
Luray
Page County Courthouse
116 S. Court Street
Prince William County
Occoquan
Rockledge
Telegraph Road
Richmond (independent city)
Mason's Hall
1807 E. Franklin Street
Rockbridge County
Brownsburg
Brownsburg Historic District
Shenandoah County
Woodstock
Shenandoah County Courthouse
W. Court and S. Main streets
Spotsylvania County
Fredericksburg vicinity
Fall Hill
NW of Fredericksburg off Va. 639
Virginia Beach (independent city)
Keeling House
3157 Adam Keeling Road

Washington

Chelan County
Cashmere vicinity
Burbank Homestead Waterwheel
SE of Cashmere off U.S. 2/97 on the Lower Monitor Road
Wenatchee
Wells House
1300 5th Street
King County
Redmond
Clise, James W., House
6046 Lake Sammamish Parkway, N.E.
Seattle
Fire Station #18
5427 Russell Avenue, N.W.
Seattle
Old Public Safety Building
4th Avenue, Terrace, 5th Avenue, and Yesler Way
Okanogan County
Bridgeport vicinity
Sites of Fort Okanogan
N of Bridgeport between the Columbia and the Okanogan rivers
San Juan County
Shaw Island
Little Red Schoolhouse
Corner of Hoffman Cove and Neck Point Cove Road
Snohomish County
Stanwood
Pearson, D. O., House
Pearson and Market streets

West Virginia

Hancock County
New Manchester
Old Courthouse

V 38-151 AUG 7 73 XUM

High and Elm streets
Hardy County
Moorefield vicinity
Mill Island
S of Moorefield
Moorefield vicinity
The Willows
S of Moorefield
Old Fields vicinity
Willow Wall
S of Old Fields
Jefferson County
Charles Town
Jefferson County Courthouse
Corner of N. George and E. Washington streets
Charles Town vicinity
Richwood Hall
About 4 miles W of Charles Town off W. Va. 51
Charles Town vicinity
Washington, Charles, House (Happy Retreat)
S of Charles Town off W. Va. 9
Charles Town vicinity
Worthington, Robert, House (Piedmont)
About 2 miles W of Charles Town off W. Va. 51
Monongalia County
Pentress vicinity
Brown's Hill-Mason and Dixon Survey Terminal Point
2.25 miles NE or Pentress, W. Va. 39
Preston County
Aurora vicinity
Red Horse Tavern; Old Stone House
1 mile E of Aurora on U.S. 50
Tyler County
Sistersville
Durham, E. A., House
110 Chelsea Street

Wyoming

Bighorn County
Hyattville vicinity
Medicine Lodge Creek Site
NE of Hyattville
Carbon County
Encampment vicinity
Grand Encampment Mining Region: The Boston-Wyoming Smelter Site
E of Encampment on Encampment River
Encampment vicinity
Grand Encampment Mining Region: The Ferris-Haggarty Mine Site
W of Encampment
Hot Springs County
Grass Creek vicinity
Legend Rock Petroglyph Site
S of Grass Creek
Park County
Powell
Shoshone Project Headquarters Office Building
305 E. 1st Street

ROBERT M. UTLEY,
Director, Office of Archeology and Historic Preservation.

[FR Doc.73-15919 Filed 8-6-73;8:45 am]

Office of the Secretary

AREA DIRECTORS, ET AL.

Delegation of Authority

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant to the Secretary for Indian Affairs in Amendment 2 to Secretarial Order 2950.

Section 3.1 of 10 BIAM was published on page 813 of the January 4, 1973, FEDERAL REGISTER (38 FR 813). It is being amended to give the Project Officer of the Joint Use Administrative Office similar authorities to those given to Area Directors.

As amended, 10 BIAM 3.1 reads as follows:

3.1 *Authorities from the Commissioner.* The authorities of the Secretary of the Interior delegated to the Commisisoner in Secretarial Order 2508 (10 BIAM 2.1), 25 CFR, 43 CFR 2.6, and 43 CFR 417.5 are hereby redelegated to the Area Directors; the Director of Southeastern Agencies; and the Project Officer, Joint Use Administrative Office.

This redelegation also includes future authorities of the Secretary of the Interior to the Commissioner which:

A. Do not by their own terms disallow exercise by officials below the Commissioner;

B. Are not within the generally applicable exceptions in section 3.3 below; or

C. Are not expressly excluded, by additional provisions to this Chapter, from being exercised by officials below the Commissioner.

MARVIN L. FRANKLIN,
Assistant to the Secretary of the Interior.

[FR Doc.73-16191 Filed 8-6-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NATIONAL MEAT AND POULTRY INSPECTION ADVISORY COMMITTEE

Notice of Reestablishment

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, notice is hereby given that the Secretary of Agriculture has reestablished the National Meat and Poultry Inspection Advisory Committee. Reestablishment of this Committee is in the public interest in connection with the duties imposed on the Department by law.

The purpose of this Committee is to provide advice to the Department of Agriculture on the broad range of its activities concerning State and Federal programs with respect to meat and poultry inspection and related matters within the scope of the Wholesome Meat Act and the Wholesome Poultry Products Act. Membership on this Committee consists of individuals who are responsible for or engaged in State meat and poultry inspection systems.

Dated: August 2, 1973.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary for Administration.

[FR Doc.73-16278 Filed 8-6-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business

COLLEGE OF PHYSICIANS & SURGEONS OF COLUMBIA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00517-33-46040. Applicant: College of Physicians and Surgeons of Columbia University, Department of Pathology—15th floor, 630 West 168th Street, New York, N.Y. 10032. Article: electron microscope, model Elmiskop IA. Manufacturer: Siemens, West Germany. Intended Use of Article: The article is intended to be used for studies of human brain biopsies, experimental animals (BALB mice), tissue culture cells (Hamster cells), viruses (including Harvery virus, and Picronavirus), human fibroblasts, HeLa cells, Vero, L, KB, H Ep 2, and MDBK and myoblast cell lines. Ultrastructural changes in cells organelles and membranes associated with exposure to Murine Sarcoma Virus and the effects of carcinoidal agents will be investigated. A separate study will examine effects of cytochalasin D (CD) on various cell lines with particular attention to aggregations of microfilaments and effects of CD on fibrillogenesis in cell cultures of human fibroblasts. A separate study will also be made of murine sarcoma virus examining ultrastructurally for cell changes and tracing the development of the viruses at cell surfaces. Effects of altered polyamine concentrations on virus development and tumor transformation is also to be studied using aminoguanidine, a diamine oxidase inhibitor. In addition the article is to be used for training of selected residents involved in research projects.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3.5 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corporation. The Model EMU-4C has a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 20, 1973 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-16216 Filed 8-6-73;8:45 am]

STANFORD UNIVERSITY HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00523-33-46500. Applicant: Stanford University Hospital, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Ultramicrotome, model LKB 8800 A. Manufacturer: LKB Produkter AB, Sweden. Intended Use of Article: The article is intended to be used in the processing and cutting of myriad types of tissues for various members of the faculty. The article will also be used for analyzing all routine renal biopsies for the hospital.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of July 20, 1973 that cutting speeds in the excess of 4mm/sec. are pertinent to the applicant's research studies.

We therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director Special Import Programs Division.

[FR Doc.73-16213 Filed 8-6-73;8:45 am]

SUPERIOR AUDIO REHABILITATION CORP.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 30 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00521-99-03400. Applicant: Superior Audio Rehabilitation Corp., 823 Belknap Street, Superior, Wisconsin 54880. Article: Auditory Training Unit consisting of one each; Selective Auditory Filter Amplifier, Friction Indicator, Set of Ten Vibrators, Selector and Intensity Indicator. Manufacturer: Institute for Experimental Phonetics and Speech Pathology, Yugoslavia. Intended use of article: The article is intended to be used for intensive group and individual training in the language and communication classes for the deaf and hard of hearing children (kindergarten through ninth grade).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The article provides a variety of modalities for selective amplification in the 80 to 120 decibel range and filtering with visual and tactile outputs. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated July 20, 1973 that the capabilities described above are pertinent to the applicant's use in interactive individual and group teaching of language and communication to hard of hearing children. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-16214 Filed 8-6-73;8:45 am]

TULANE UNIVERSITY, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before August 27, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00017-33-46040. Applicant: Tulane University, Delta Regional Primate Reseach Center, Covington, Louisiana 70433. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended Use of Article: The article will be used to examine neoplastic and other pathological tissues of nonhuman primates for evidence of viruses that can be correlated with the disease. Particular emphasis will be placed on the recognition of viral particles in tumor tissues

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arising spontaneously or by experimental induction in nonhuman primates. Viral particles as small as 20 nm in diameter lying within the ultrastructure of infected cells will be examined. In addition quantitative ultrastructural determinations of the effects of environmental insults on presynaptic and post synaptic dense material or specializations, types of synaptic vesicles and on differentiation of various types of synapses will be performed. Subtle alterations in cytoplasmic and pre- and postsynaptic membrane structure and relationships, synaptic clefts, and glia/neuron relationships will be under investigation. The objectives pursued in the course of these investigations are: (1) Recognition and description of viral pathogens for diagnosis of clinical disease, (2) determination of viral etiology in naturally occurring and experimentally induced neoplastic diseases, (3) a better understanding of tumor induction by viruses and viral replication or latency in infected primates, (4) to determine the effects of ionizing irradiation on growth of the brain and ultrastructural maturation of the cerebral cortex in the squirrel monkey, (5) to determine the effects of postnatal malnutrition on the ultrastructural maturation of brain and on learning, neurochemistry and general growth of the brain in infant squirrel monkeys, and (6) to evaluate the effects of chronic radiation on aging changes including ultrastructural alterations in the brain of the rat and rhesus monkey.

The article will also be used in a Freshman neuroscience (neuroanatomy) course in which electron micrographs of brain tissues from normal and experimental subjects will be employed in lectures and other instructional programs to provide instruction in principles of neuroscience as applied to the practice of medicine. Application received by Commissioner of Customs: July 9, 1973.

Docket Number: 74–00018–01–11000. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Connecticut 06520. Article: Gas Chromatograph-Mass Spectrometer, Model MAT–111 and accessories. Manufacturer: Varian MAT GmbH, West Germany. Intended Use of Article: The article will be used for the separation and structure identification of the endogenous metabolites in blood and urine from patients with metabolic diseases and also from control subjects. The main emphasis will be placed on the analysis of organic acids and amino acids. However, fatty acids, sterols, steroids and sugars will also be analyzed. Application received by Commissioner of Customs: July 11, 1973.

Docket Number: 74–00019–33–46500. Applicant: New York State Institute for Basic Research in Mental Retardation, 1050 Forest Hill Road, Staten Island, New York 10314. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended Use of Article: The article will be used to examine through serial sectioning, the nuclear and cytoplasmic ultrastructural characteristics of human blast-like cells derived from short term leucocyte cultures with the objective of screening large populations of individuals as well as cells, which have been exposed to different in vivo or in vitro environmental conditions with the hope of delineating striking and/or subtle differences between various individuals or groups of individuals and perhaps, further defining mentally retarded populations. The article will also be used for training research scientists as well as assistants in specimen preparation for electron microscopy and to make available demonstrations for students and professionals touring the laboratory. Application received by Commissioner of Customs: July 5, 1973.

Docket Number: 74–00021–37–46040. Applicant: Children's Hospital of Philadelphia, Department of Pathology, 18th and Bainbridge Streets, Philadelphia, Pennsylvania 19146. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended Use of Article: The article will be used in the following research and clinical diagnostic projects:

(1) Research into the role of bilirubin in the pathogenesis of intrahepatic cholestasis, as investigated through the manganese-bilirubin model, with studies on bile composition;

(2) Research into the effect of Novobiocin on bile flow rate, and the pathogenesis of such effects, with studies of bile composition;

(3) Research into the evolution of the pathologic lesions of childhood inherited renal disease, particularly cystinosis, in order to elucidate the mechanisms of tissue injury in this disease;

(4) Study of renal biopsy material for the purposes of diagnosis, prognostication, and evaluation of therapeutic approaches in childhood renal disease;

(5) Examination of tumors for the purpose of diagnosis classification, and evaluation of therapy; and

(6) Examination of various other tissues removed in the course of surgical and/or autopsy procedures for diagnosis of conditions in which this procedure is of established value (e.g., primary myopathies, storage disorders, etc.)

The article will also be used in the following educational projects:

(1) Ongoing training of pathology and pediatric trainees and medical students on electives in pediatric pathology in the use and application of electron microscopy in research and human disease;

(2) Preparation of electron micrographs of normal and pathologic material for use in conferences for the instruction of practicing physicians; and

(3) Preparation of electron micrographs of normal and pathologic material for use in the instruction of medical students in pediatrics and in sophomore pathology.

Application received by Commissioner of Customs: July 11, 1973.

Docket Number: 74–00022–01–07500. Applicant: University of Florida, Department of Materials Science and Engineering, Gainesville, Florida 32611. Article: LKB Batch Microcalorimeter, Model 10700–2. Manufacturer: LKB Produkter AB, Sweden. Intended Use of Article: The article is intended to be used for teaching and research in the general area of surface reactions between liquids and various solid substrates. In particular, it will be used to determine the heats of reaction between polyelectrolytes and phosphate slimes and to measure the energy evolved when collagen-like polypeptides interact with powdered glasses. Application received by Commissioner of Customs: July 11, 1973.

Docket Number: 74–00023–33–90000. Applicant: University of Iowa Hospitals & Clinics, Newton Road, Iowa City, Iowa 52242. Article: EMI Scanner system. Manufacturer: EMI Limited, United Kingdom. Intended Use of Article: The article will be used to evaluate a diagnostic technique based on studying differential absorption coefficients of tissue densities within the skull. Application received by Commissioner of Customs: July 11, 1973.

Docket Number: 74–00024–33–46040. Applicant: University of Virginia School of Medicine, Department of Neurological Surgery, Charlottesville, Virginia 22901. Article: Electron Microscope, Model HU–12A and accessories. Manufacturer: Hitachi, Ltd., Japan. Intended Use of Article: The article will be used for an ultrastructural analysis of central nervous system tissue. The following problems will be under investigation:

1. Examination of the ultrastructure of normal and abnormal synaptic types in the visual cortex of the rat and tree shrew, especially the investigation of the lower laminae of visual cortex after laminar lesions have been made on the surface of the cortex. In this study the degenerating boutons will be examined at different survival times in the attempt to determine if there is a selective loss of certain types of synapses on particular areas of the neuron or its processes with the hope of correlating the behavioral changes induced by this lesion with the morphological changes seen with the electron microscope.

2. Examination of the morphology of normal and abnormal synaptic complexes. This involves determining whether the synapses fall into symmetrical or asymmetrical categories as determined by differences in the synaptic cleft and vesicle size and shape. The capability for a high degree of tilt at high resolution is also of high priority for examining the region of the synaptic cleft and more importantly the postsynaptic density. In addition, this analysis will include serial section composites of normal and abnormal neurons, processes and synaptic complexes in different laminae under investigation.

Application received by Commissioner of Customs: July 5, 1973.

Docket Number: 74–00025–33–46040. Applicant: Louisiana State University and A & M College, School of Veterinary Medicine, Baton Rouge, LA 70803. Article: Electron Microscope, Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended Use of Article: The foreign article will be used for research and educational programs related to the professional curriculum at the applicant institution. This consists of faculty research and curriculum objectives which are divided into three phases, i.e., Phase I, basic sciences, (normal biochemistry, ultrastructure, microstructure, gross structure and normal functions of the various cells, tissues and organs of the body); Phase II, preclinical sciences, (abnormal structure and function) and Phase III, clinical sciences, (involving complexities related to diagnosis of various animal diseases). In Phase I (nine courses) the article will be used to strengthen didactic methodology in meeting instructional objectives and students achievement criteria, in Phase II (4 courses) the article will be used to define the ultrastructure of animal viruses as well as to associate viral ultrastructure with cytopathic changes occuring in invaded animal cells and in Phase III (2 courses) the article will be used as a tool for teaching diagnostic pathology. Application received by Commissioner of Customs: July 5, 1973.

Docket Number: 74–00026–33–46040. Applicant: Bridgewater State College, Bridgewater, Mass. 02324. Article: Electron Microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended Use of Article: The article will be used in, or in conjunction with, several biology courses for the training of college freshmen, sophomores, juniors and seniors in the techniques of electron microscopy and the operation of the electron microscope. Application received by Commissioner of Customs: July 11, 1973.

Docket Number: 74–00027–33–46040. Applicant: Leo Goodwin Institute for Cancer Research, 3301 College Avenue, Fort Lauderdale, Florida 33314. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended Use of Article: The article is intended to be used in a number of programs concerned with the nature of malignant disease. These include investigations of viral and chemically induced tumors; the immune response in experimental cancers; the search for viruses in human and animal tumors; development of new chemotherapeutic drugs and the biochemical changes in malignant transformations.

The article will also be used in graduate courses leading to the Ph.D. degree in microbiology. Pre-doctoral as well as domestic and international post-doctoral students are to be trained in virology, immunology, biochemistry and cytology which includes instruction in basic principles of electron microscopy as well as related techniques in photography. After appropriate training, selected students will be permitted to operate the article independently in the conduct of their own thesis research. Application received by Commissioner of Customs: July 9, 1973.

Docket Number: 74–00029–33–46040. Applicant: The University of Iowa, Department of Anatomy, Iowa City, Iowa 52242. Article: Electron Microscope, Model EM 201 and accessories. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended Use of Article: The article will be used for research in (1) collateral nerve sprouting (2) fine structure of interneurons and synapses (3) electron-microscopic and EM radio autographic studies of the synthesis and release of hormones produced in the hypothalmus and (4) ultrastructural study of electron-dense particles in the cholinergic synaptic vesicles. The article will also be used in teaching courses in electron microscopy to graduate students and faculty members. Application received by Commissioner of Customs: July 9, 1973.

A. H. STUART,
Director, Special Import Programs Division,

[FR Doc.73–16219 Filed 8–6–73;8:45 am]

UNIVERSITY OF OREGON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73–00520–33–09300. Applicant: University of Oregon, Department of Chemistry, Eugene, Oreg. 94703. Article: Microcell for T-Jump, gold electrodes. Manufacture: Messanlagen Studiengesellschaft m.b.H., West Germany. Intended Use of Article: The article is intended to be used in a scholarly research study of conformation changes in model biological macromolecules. The article will also be used by graduate and undergraduate students in the pursuit of their respective research projects.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

A. H. STUART,
Director Special Import Programs Division.

[FR Doc.73–16215 Filed 8–6–73;8:45 am]

UNIVERSITY OF MICHIGAN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73–00513–33–46040. Applicant: The University of Michigan, Department of Environmental and Industrial Health, 109 South Observatory, Ann Arbor, Mich. 48104. Article: Electron microscope, model Corinth 275. Manufacturer: AEI Scientific Apparatus, Ltd., United Kingdom. Intended Use of Article: The article is intended to be used for research purposes to examine ultrathin sections and freeze etch replicas of biological materials. Specifically, the article will be used to elucidate the structural differences of epidermal desmosomes in normal epidermis and in chemically induced basal cell carcinoma (BCC) (epidermis) of rats as a model system. This study is part of an overall research program to determine the structural and biochemical characteristics of epidermal cancer and to further our knowledge of the epidermal differentiation process. A second research for which the article is intended to be used deals with the general area of subcellular responses to environmental stress. The response of interest in this study is the formation of the autophagic vacuoles (AV), an intracellular organelle which has some enzymatic properties of lysosomes and consists of a series of wholed myclin-like membranes inside of which are trapped components of the cell such as mitochondria, peroxisomes, endoplasmic reticulum, glycogen, etc. In addition the article is to be used for educational purposes in the following courses:

Environmental and Industrial Health (EIH) 536,
Introductory Biochemistry—Biochem 416,
Elements of Environmental Biology EIH 507,
Microbial Elology EIH 576,
Fund. of Instrumental Methods of Chemical Analysis, and
Thesis Research EIH 995.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corporation. The Model EMU–4C electron microscope is a relatively complex

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instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated July 20, 1973 that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-16217 Filed 8-6-73;8:45 am]

WEST VIRGINIA UNIVERSITY SCHOOL OF MEDICINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00475-33-46500. Applicant: W.V.U. School of Medicine, Department of Anesthesiology, Morgantown, W. Va. 26506. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended Use of Article: The article is intended to be used in carrying out experiments on the normal, physiological structure of cells and tissues in regard to the transport and ingestion of macromolecules. In addition, variations in the structure of cells and tissues under experimental pathological conditions will be studied. Special projects include: (1) The passage of protein tracers into skeletal muscle cells during pathological conditions induced by degeneration; (2) immunocytochemical localization of autonomic nervous system proteins; and (3) autoradiographic localization of anesthetic agents at the level of the electron microscope. Studies will be conducted to determine the effect of anesthetic agents on lung cytology and to study the damage of lung tissue resulting from pulmonary edema. The article will also be used for graduate level teaching in various courses depending on students point of origin.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an instrument that allows systematic solution of sectioning problems as an aid in teaching standard techniques in microtomy at the graduate student level. The foreign article provides a knife-edge viewing system consisting of a rotatable microscope and light source, which is equipped with scales for measuring the true angle at the knife edge to an accuracy of one degree, thereby facilitating precise knife angle settings. The article also provides a mobile dual light system which can be positioned in a manner that contributes to accurate adjustment of block face and knife edge alignment, and a wide range of cutting speeds (0.1 to 20 millimeters/second (mm/sec)) which facilitates sectioning in situations involving a large variety of specimens and embedding materials. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B can be provided with a spot illuminator which provides a means for visual inspection of the knife edge and selection of that portion of the edge that is free from defects.

Knife edge angle can be roughly estimated during this inspection. Cutting speeds of the MT-2B range from 0.09 to 3.2 mm/sec. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 22, 1973 that the Sorvall Model MT-2B does not have the capability for accurately measuring the true knife edge angle. HEW further advises that the features of the article which allow systematic variation of sectioning parameters such as the knife edge angle measurement and the dual illumination system are pertinent to the applicant's educational purposes. HEW cites as a precedent its prior recommendation relating to Dockets No. 72-00026-33-46500 and 73-00317-33-46500 which conform in certain particulars to the captioned application.

For the foregoing reasons, we find that the Sorval Model MT-2B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-16218 Filed 8-6-73;8:45 am]

Maritime Administration

[Docket No. S-378]

PACIFIC FAR EAST LINE, INC. AND WATERMAN STEAMSHIP CORP.

Notice of Application

Notice is hereby given of the applications of Pacific Far East Line, Inc., as owner and of Waterman Steamship Corp. as charterer for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended (the Act), to subcharter the SS AMERICA BEAR, to be renamed SS JOHN PENN to load a full cargo of bulk barytes at Castle Island, Alaska, for Arnold and Clark Chemical Co. during the period August 5-15, 1973, for discharge at Houston, Tex.

Interested parties may inspect this application in the Office of the Secretary, Maritime Administration, Department of Commerce Building, Fourteenth & E Streets, NW, Washington, D.C. 20230.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in this application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on August 9, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for August 10, 1973, in Room 4896 Department of Commerce Building, Fourteenth & E Streets, NW, Washington, D.C. 20230. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

By Order of the Maritime Administration.

Dated: August 3, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-16287 Filed 8-6-73;8:45 am]

National Bureau of Standards

COMMERCIAL STANDARDS

Notice of Intent to Withdraw

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw two Commercial Standards CS 125-47, "Prefabricated Homes" and CS 233-63, "Laminated Hardwood Block Flooring." It has been tentatively determined that these standards are no longer technically adequate and revision would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of these standards should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington,, D.C. 20234, on or before September 6, 1973. The effective date of withdrawal, if appropriate, will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of the withdrawal.

Dated: July 31, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-16187 Filed 8-6-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[CAP 4C0108]

COMBE INC.

Notice of Filing of Petition for Color Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 4C0108) has been filed by Combe Inc., 240 Westchester Ave., White Plains, NY 10604, proposing issuance of a color additive regulation (21 CFR Part 8) to provide for suitable and safe use of bismuth citrate as a color additive in cosmetics that are hair colors.

The Environmental Impact Analysis Report (EIAR) and other relevant material have been reviewed, and it has been determined that the proposed use will not have a significant environmental impact. Copies of the EIAR are available in the Office of the Assistant Commissioner for Public Affairs, Rm. 15B-42, or the Office of the Hearing Clerk, Rm. 6-88, 5600 Fishers Lane, Rockville, MD 20852.

Dated: July 26, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-16181 Filed 8-6-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

MARYLAND

Notice of Proposed Action Plan

The Maryland Department of Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Maryland Department of Transportation
   Headquarters Building
   Friendship International Airport
   Room—Division of Public Affairs
2. State Highway Administration
   Bureau of Highway Information
   Room 307
   300 West Preston Street
   Baltimore, Maryland 21201
3. State Highway Administration District Offices:
   District #1—
   William K. Lee III
   West Road (off Booth Street)
   Salisbury, Maryland 21801
   District #2—
   James M. Wright
   Old American Legion Building
   Morgnec Road
   Maryland Route 291
   Chestertown, Maryland 21620
   District #3—
   M. S. Caltrider
   9300 Kenilworth Avenue
   Greenbelt, Maryland 20770
   District #4—
   Harry J. Pistel, Jr.
   Joppa and Falls Road
   Baltimore Beltway—Exit 23
   Brooklandville, Maryland 21022
   District #5—
   Allen W. Tate
   Patuxent River Administration Building
   Maryland Route 231
   Prince Frederick, Maryland 20678
   District #6—
   John D. Bushby
   1221 Braddock Road
   Maryland Route 49
   La Vale, Maryland 21502
   District #7—
   Thomas G. Mohler
   4 Locust Street
   Frederick, Maryland 21701
4. Maryland Division Office—FHWA
   31 Hopkins Plaza
   Baltimore, Maryland 21201
5. FHWA Regional Office—Region 3
   31 Hopkins Plaza
   Baltimore, Maryland 21201
   (Room 1615)
6. U.S. Department of Transportation
   Federal Highway Administration
   Environmental Development Division
   Nassif Building—Room 3246
   400 7th Street, S.W.
   Washington, D.C. 20590

Comments from intereted groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before September 1, 1973.

Issued on July 31, 1973.

RALPH BARTELSNEYER,
Deputy Federal Highway Administrator.

[FR Doc.73-16212 Filed 8-6-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-315, 50-316]

INDIANA AND MICHIGAN ELECTRIC CO.

Notice of Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the proposed Donald C. Cook Nuclear Plant, Units 1 and 2, currently under construction by the Indiana and Michigan Electric Company, in Berrien County, Michigan, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the St. Joseph Public Library, 500 Market Street, St. Joseph, Michigan 49085. The Final Environmental Statement is also being made available at the Office of Planning Coordination, Executive Office of the Governor, Lewis Cass Building, Lansing, Michigan 48913.

The notice of availability of the Draft Environmental Statement for the Donald C. Cook Nuclear Plant, Units 1 and 2, and requests for comments from interested persons was published in the FEDERAL REGISTER on December 21, 1972 (37 FR 28204). The comments received from Federal, State, local officials and interested members of the public have been included as appendices to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 2d day of August 1973.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Directorate of Licensing.

[FR Doc.73-16329 Filed 8-6-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS ACRS SUBCOMMITTEE ON RANCHO SECO NUCLEAR GENERATING STATION, UNIT ONE

Notice of Meeting

AUGUST 3, 1973.

In accordance with the purposes of section 29 and 182 b. of the Atomic En-

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ergy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Subcommittee on Rancho Seco Nuclear Generating Station, Unit One, will hold a meeting on August 22, 1973, in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to review the application of the Sacramento Municipal Utility District a license to operate Unit One which is located in Sacramento County, about 25 miles southeast of Sacramento, California.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

WEDNESDAY, AUGUST 22, 1973, 9:30 A.M.—3:30 P.M.

Review of the application for an operating license (presentations by the AEC Regulatory Staff and the Sacramento Municipal Utility District and its consultants, and discussions with these groups).

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, prior to the executive session at the end of the day, the Subcommittee may hold a closed session with the Regulatory Staff and Applicant to discuss privileged information relating to plant security and nuclear fuel design, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92–463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss certain documents which are privileged, and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and to protect the free interchange of interval views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than August 15, 1973 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the application for an operating license and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and the Sacramento City County Library, 1930 T Street, Sacramento, California 95814.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:00 p.m., and 3:00 p.m. on the day of the meeting, August 22, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted can be obtained by a prepaid telephone call on August 20, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301–973–5651) between 8:30 a.m. and 5:15 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come-first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and within approximately nine days at the Sacramento City County Library, 1930 T Street, Sacramento, California 95814. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 on or after October 22, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Acting Advisory,
Committee Management Officer.

[FR Doc.73-16408 Filed 8-6-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22908; Order 73-7-147]

AMERICAN AIRLINES, INC. ET AL.

Order of Investigation and Interim Approval of a Capacity Reduction Agreement Relating to Four Transcontinental Markets

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of July 1973.

In the period October 1971–April 1973, nonstop passenger capacity offered by American, TWA and United (hereafter the "agreement carriers" or "applicant") was limited by a Board-approved capacity agreement in four markets: New York/Newark-Los Angeles; New York/Newark-San Francisco; Baltimore/Washington-Los Angeles; and Chicago-San Francisco (hereafter the "agreement markets").[1] In February 1973 the agreement carriers requested Board approval of discussions looking toward extension of their capacity agreement in the agreement markets. By Order 73–4–98, the Board authorized those discussions.

The discussions were held, and on May 24 a new agreement (hereafter "the agreement") was submitted to the Board. In basic outline the agreement is much the same as the previous one. As in the case of the agreement's predecessor, each of the three agreement carriers is allotted a level of capacity that it ordinarily may not exceed in the agreement markets. Allotments are on a city-pair market basis (Baltimore/Washington and New York/Newark each being treated as one city) and maximum capacity varies by season of the year. (See Appendix A)[2]

Nineteen parties filed comments in respect to the agreement.[3] The Virginia and Washington, D.C. parties support the agreement without qualification. The Port Authority of New York and New Jersey also asks that the agreement be approved. The Chicago and Maryland parties oppose the agreement, as do the Department of Justice, DOT, the Postmaster General, and, in general, all commenting carriers other than the applicants. The Air Line Pilots Association seeks an immediate hearing.

For reasons we shall discuss below, the Board has determined to (1) hold a hearing on the agreement; and (2) approve the agreement on an interim basis, for six months or until the conclusion of the hearing proceeding, whichever is first.

I. At the outset, the Board rejects the argument that the agreement must be disapproved—without a hearing—because of its antitrust implications. The Act, of course, favors "competition to the extent necessary to assure the development of" an economically sound air transportation system (49 U.S.C. 1302 (d)). Accenting the pro-competition as-

[1] See Orders 71–8–91 and 72–11–6. The original agreement expired in September 1972, but was extended by Order 72–11–6.

[2] Filed as part of the original document.

[3] The three applicants (American, TWA, and United), Braniff, Continental, Delta, Northwest, the National Air Carrier Association, the Air Line Pilots Association, the Environmental Defense Fund, the City of Chicago, the Fairfax County Economic Development Authority, the Maryland Department of Transportation, the Metropolitan Washington Board of Trade, the Port Authority of New York and New Jersey, the State Corporation Commission of Virginia, the Department of Justice, the Department of Transportation ("DOT"), and the Postmaster General. The Environmental Defense Fund's comments are in the form of a Petition for the preparation and circulation of an environmental impact statement.

pect of this mandate, the agreement's opponents say that if the agreement carriers want to continue reduced capacity in the agreement markets, they are compelled to rely exclusively upon unilateral restraint.

Under the Act, the Board is not permitted to take such a dogmatic approach. Our statute recognizes that free competition is not a categorical imperative. In fashioning the Act Congress determined that the air transportation industry could not operate successfully if left wholly subject to the forces of the open market place. The Board was therefore given extensive regulatory powers and told to consider "competition to the extent necessary" as one, but only one, of several policy objectives. Being granted the right to confer antitrust immunity, the Board was clearly empowered to approve agreements which would otherwise violate the antitrust laws. By the same token, the Board was enjoined to give weight to pro-competitive considerations in its decisions. Put another way, when (as here) an agreement is challenged as contrary to the antitrust principles, the Board is called upon to judge whether pro-competition objections are outweighed by a serious transportation need, or by the need to secure important public benefits. See Local Cartage Agreement Case, 15 C.A.B. 850, 852–53 (1952).

In the past, the Board has been reluctant to authorize capacity or schedule limitation agreements. Where the Board believed that individual carriers could control schedules or capacity by unilateral action, the Board regarded this course as preferable and could not conclude that a serious transportation need outweighed the anti-competitive effects of multilateral agreements. But where individual carriers could not solve capacity or schedule problems unilaterally, the Board has authorized discussions and resulting agreements of a limited nature.

When this agreement's predecessor was presented, its sponsors noted developments which, they believed, justified a more permissive policy towards capacity agreements. The Board, however, concluded that the agreement was of such short duration and scope that it constituted only a "limited departure" from the "normal" policy. Because of this, the Board did not feel required to institute a proceeding that would provide for a full scale reexamination of past policy.

However, the time is now ripe for such a proceeding. The Board has embarked upon a comprehensive program to encourage and develop an economically sound air transportation system which can assure high quality service to the consumer at the lowest reasonable fares. During most of the last 15 years, the airline industry's financial results have been generally disappointing, with cyclical periods of large losses, investor disenchantment, and fare increases. Recognizing the interdependence of rate and route matters, the Board hopes to create a milieu in which responsible airline management can stabilize economic conditions, avoid wasteful practices, and pass along to rate payers the benefits of new technology. The question is whether our policy towards capacity reduction agreements should be reevaluated to determine whether such agreements can or should play a part in the Board's overall program.

A keystone of our current approach is a new ratemaking policy designed to promote low-cost air transportation. In the Domestic Passenger-Fare Investigation (DPFI), Phase 6B, the Board determined that it would not allow airlines to charge the public for excess capacity, and would henceforth establish fares on a basis that disregards the costs of those wasteful practices. Obviously, for this Board policy to succeed, carriers must have an opportunity to hold the line against the operation of wasteful overcapacity so that they can bring their actual costs into line with those which the Board will recognize for ratemaking purposes.

In some regulated industries, the regulatory agency can enforce its ratemaking proscriptions against wasteful overcapacity through its control over capacity additions. For example, some agencies are empowered to license all new capacity and can withhold approval for excessive plant additions; other agencies can refuse to permit new financing which would be used to underwrite uneconomic plant additions. Because the Board lacks these powers, it is forced to rely upon fare policy and voluntary carrier efforts to curb excess capacity. The present carrier agreement represents one form of such a voluntary effort and, its sponsors contend, is necessary to help them conform their route operations to the Board's new ratemaking standards.

In the long run, the Board believes that individual carriers can tailor their aircraft purchases so that schedules can be operated at economic load factors. This view, which underlies the Board's past attitude towards capacity controls, has led the Board to approve capacity agreements only for very temporary periods. According to the agreement carriers, however, inhibitions to unilateral actions may persist for the moderate near term. The carriers have already acquired large fleets of aircraft whose capacity exceeds the available traffic needs. In the latter part of the 1960's, when future traffic was almost universally overestimated, the carriers ordered many new aircraft, particularly widebodied types which offer so many seats that their schedules cannot easily be fine-tuned to traffic demands. Concurrently, the passenger traffic (on which the carriers depended to fill their new planes) failed to grow as expected. According to the agreement carriers, the carriers' introduction of the excess new aircraft on highly competitive routes (such as the agreement markets) can hinder any one carrier's ability to reduce excess capacity by unilateral action.

Earlier we noted that—when the Board approved the present agreement's predecessor—it was dealing with a "limited" agreement which did not compel the Board to reexamine past policy, particularly without a hearing. In addition, the Board was faced with vigorous contentions that the predecessor agreement would harm nonparties. Although the Board was unconvinced by these assertions, its predictions about the future operations of the agreement were necessarily somewhat conjectural at that time. As actual experience with the agreement accumulated, however, it began to become evident that no such disastrous consequences as had been predicted by the objectors had in fact come to pass. In addition, it appeared that the agreement, at least on the short-term basis approved to date, has also had a favorable financial impact on the agreement carriers without having a demonstrably unfavorable adverse effect on non-agreement carriers or on service to the traveling public.

In addition to these factors, since the issuance of Board orders in respect to the previous capacity agreement, it has become increasingly apparent that all practicable steps must be taken to conserve the nation's energy resources. It appears that capacity limitation agreements such as the one here at issue can effect significant fuel savings.

Accordingly, in Order 73–4–98, the Board authorized discussions looking towards an agreement like the one filed. Nonetheless, as discussed above, Board approval of the agreement for its proposed two-year term would constitute an important step. Moreover, the Board wishes to make this agreement a vehicle for a thorough policy reevaluation. For these reasons, the Board has decided that the agreement should be fully examined in an evidentiary hearing.

Accordingly we are setting down for hearing the question of whether the agreement is adverse to the public interest or in violation of the Federal Aviation Act of 1958. As specified in the subsequent pages of this order, the issues at the hearing shall include all those raised by the Board, the objecting parties, and the agreement's sponsors, as well as a searching analysis of the agreement's environmental impact.

II. Having decided to hold a hearing on the agreement, the Board must face the question whether to allow the three carriers to continue an agreed-upon reduction of capacity on a provisional basis. This is not a case where interim approval will allow the parties to change their operations radically and thus to put a new policy into effect before its propriety has been determined. On the contrary, since late 1971 the three carriers have reduced their capacity in the agreement markets pursuant to the Board's approval of this agreement's predecessor. The sole function of interim approval would be to enable the carriers to maintain the legal status quo pending further Board action.

The Board has considered whether action other than interim approval would be preferable. One possibility is to take

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no action at all and to trust that the carriers, acting unilaterally, could not only avoid the reinstitution of wasteful capacity, but actually achieve the higher load factors contemplated by the new agreement. But, as noted later, this appears unlikely, at least during the months immediately ahead. Indeed, one of the applicants has already begun to add capacity in the agreement markets. In May 1973 (the month following the end of the previous agreement), United increased the capacity it operated in the agreement markets by an average of 16 percent over the previous month.[4] (See Appendix B.)[5] A refusal by the Board to approve the agreement for an interim period could thus have at least some appreciable deleterious effects on the nation's fuel conservation program, on the environment, and on the finances of the agreement carriers.

Another alternative would be for the Board to attempt to revive the predecessor agreement, now expired, and approve its extension to govern the interim period. We recognize, of course, that the new agreement differs in some respects from its predecessor. But the differences are not great, and a Board order requiring the carriers to duplicate the prior agreement would require further discussion among the carriers, might possibly prevent agreement among the carriers, and, in any event, would delay implementation of the agreement.

In sum, for reasons touched upon above, and as will be more fully discussed below, the facts presently available to the Board indicate that a refusal by the Board to permit the agreement to be implemented may have a net detrimental effect on the public interest. We are not persuaded that short-term interim approval—and maintenance of the legal status quo—will have any serious injurious effects. But even assuming for the sake of argument that such effects could occur, we believe it probable that they will be considerably less significant, and more easily remedied by subsequent Board action, if necessary, than the adverse effects that might result from Board inaction on, or disapproval of, the agreement at this time.[6]

The Board will limit its interim approval of the agreement to a six-month period in order to enable the Board to re-evaluate the agreement in the light of the additional information then available.

III. Our decision to grant interim approval is justified by available information indicating, at least provisionally, that the agreement can achieve important public benefits in the months ahead in two areas—improved financial results for the agreement carriers and fuel savings.

A. It appears that the previous agreement led to substantial cost savings by the agreement carriers (see Appendix C)[7] and commensurate profit increases. In respect to the proposed agreement, the extent of the cost savings that may be achieved during the period of our interim approval depends on several possible assumptions.

One assumption is that, if interim approval is denied, the carriers would not restrain capacity unilaterally in the agreement markets and, consequently, would drift back into the excessive capacity in pre-agreement days. If that occurred, the carriers' load factors would sink from the 60 percent level contemplated by the agreement to the 42 percent level which prevailed before this agreement's predecessor came into effect. As detailed in Appendix E,[7] that would result in additional monthly costs of about $7 million. Even if load factors in the agreement markets fell to only 53 percent—the agreement carriers' domestic systemwide average—the additional monthly costs would approximate $2 million.

An alternate assumption would be that the agreement carriers would exercise unilateral restraint and would not permit their load factors in the agreement markets to fall below the levels already achieved,[8] or might even raise those levels somewhat. Nevertheless, it is not likely that during the interim period they could raise their load factors in these markets from the achieved average level of 54 percent to the 60 percent level contemplated by the new agreement. Even assuming that the carriers could in this space of time achieve one-third of the contemplated gain in agreement market load factors (e.g., by freezing present capacity in the face of normal traffic growth), their monthly costs would still exceed those achievable under the agreement by $1 million.[9]

The above assumptions frame the range of possible cost savings attributable to the agreement during the period of our interim approval. Thus pending examination of these assumptions at the hearings, the Board believes that it is reasonable to assume at this time that the agreement will produce costs savings of at least $1 million a month and possibly substantially more.

Thus available information shows that the agreement will materially help in the improvement of the finances of the agreement carriers specifically and thus of the air transportation system generally.[10] None of the three carriers is financially on the ropes. They are, however, emerging from a period of dismal operating results. This agreement's predecessor appears to have been a significant factor in the carriers' recovery. Although some parties argue that the agreement carriers have clear sailing ahead, the most recent information suggests continued cause for concern. Indeed, one of the three carriers is now predicting resumed losses. Rather than attempt to determine in the abstract what significance should be attached to this announcement, or to the other two carriers' complaints that their profits are "softening," the Board believes the matter should be evaluated in the context of the full scale evidentiary hearing. Meanwhile, the Board can continue the legal status quo in the agreement markets.

In the Domestic Passenger Fare Investigation, Phase 8, the Board decided to set a reasonable rate of return on investment of 12 percent (up from an earlier target of about 10½ percent). The Board believes that interim approval is especially appropriate because, by either ratemaking standard, none of the three carriers has earned a reasonable return on investment since 1967 (and in that year only United did):

RATE OF RETURN, 1967–1972

	1967	1968	1969	[1] 1970	[1] 1971	[1] 1972
American	8.77	6.66	7.06	0.34	3.39	3.38
TWA	7.16	6.09	6.07	−2.98	2.84	5.86
United	10.39	6.04	6.71	0.61	2.42	6.30

[1] On system operating investment.

The year 1973 will not bring a change in this pattern. Based on the most current information available to the Board, including the three carriers' reported 1973 earnings to date and current passenger yields, the agreement carriers will not attain a fair return on investment.[12]

B. Fuel savings can be another important advantage resulting from the agreement. The President, noting America's "serious energy problem," made fuel conservation a national priority. In fact, the President stated that "• • • I have directed the Secretary of Transportation to work with the Nation's airlines, the Civil Aeronautics Board, and the Federal Aviation Administration to reduce flight speeds and, where possible, the frequency of commercial airline flights." (See the President's Energy and Natural Resources message of June 29, 1973, 9 Presidential Documents: Richard Nixon, 1973 at 867, 872.)

Consequently, there can be no argument that actions that will economize the nation's fuel resources must be considered a public benefit. In this respect it is the Board's provisional estimate that implementation of the agreement will, on the average, result in fuel savings of between 1 million and 5 million gallons a month.[13]

It is no answer to say, as some of the agreement's opponents do, that fuel savings can be derived from other actions. The carriers should seek through all possible means to conserve as much fuel as possible. At the hearings, the parties will be expected to explore the risk that fuel shortages can disrupt flight operations. And they should attempt to determine whether schedule reductions, reductions in cruising speed, and other steps, taken together or separately, will be ample to avoid the possibility of such operational disruptions—or to ease fuel shortages in other areas of the economy. Meanwhile, the Board believes that it can conclude provisionally that fuel savings of the magnitude promised by the agreement are of real public benefit.

IV. A number of opposing parties acknowledge that the above benefits will indeed flow from the implementation of the agreement. They and the other parties opposing approval nonetheless argue against approval on the grounds that the problems the agreement would engender outweigh those benefits, and that there are alternative means of achieving the benefits the agreement would provide. Final resolution of these arguments will best be made in the course of the hearing proceeding. However, presently available facts persuade us, for purposes of interim action on the agreement, that any detrimental effects of the agreement likely to occur during the period of interim approval will be outweighed by the agreement's benefits during such period, and that the alternative actions various parties put forward as substitutes for Board approval of the agreement would not provide the benefits that will result from interim approval of the agreement.

To begin, we turn to contentions related to the agreement's alleged effects on service.

A. The City of Chicago is the only party to complain in terms about the extent of the passenger capacity reduction that would stem from the agreement. Chicago argues that: (1) Under previous Board orders, 65-percent load factors were an indication of a need for new service rather than appropriate goals; and (2) the target load-factors of the agreement are inconsistent with the Board's 55-percent load-factor standards.

The agreement carriers originally sought to achieve an agreement that provided for 65-percent load factors. As submitted to the Board, however, the agreement will result in load factors in the agreement markets of about 60 percent initially, and 63 percent by summer 1974.[14] In the past, the Board has considered load factors in the 65-percent range as one evidentiary factor in deciding whether new service was needed. The Board, however, is in the process of re-evaluating its criteria as to what load factors indicate a need for new service. Further, the issue of appropriate load-factor goals for agreement markets will be considered at the hearing. In the meantime, we have not been shown that 60 percent load factors will result in inadequate service for travelers in the Chicago-San Francisco market.[15] While we believe that also holds true with respect to the 63 percent load factors forecast for the summer months of 1974, that need not be resolved here in view of the limited period of our approval.

In regard to the variance between the agreement's load factor goals and the Board's load-factor standard, that standard is intended as an average for all markets. In order for that overall standard to be attained, it is evident that some markets will have to have higher load factors, some lower. The Board's decision in the Domestic Passenger-Fare Investigation, Phase 6B, made this plain. In this same connection, we note that in arriving at the 55-percent load-factor standard, the Board's computation took into account an adjusted load factor for the Chicago-San Francisco market of 65 percent. (Order 71-4-54, App. C.)

B. The City of Baltimore opposes the agreement on the ground it has resulted in insufficient service to Friendship Airport vis-a-vis service at Dulles International. (The agreement treats Baltimore and Washington, D.C. as one point.) The applicants and several Washington, D.C. and Virginia parties disagree.

On the facts before us we are unwilling to order the agreement carriers to add capacity at that airport. The ratio of Dulles versus Friendship flights in the the Baltimore/Washington-Los Angeles market (the only agreement market involving Baltimore/Washington) does not appear out of line with comparable ratios in other markets, and the level of service in the Baltimore/Washington-Los Angeles market appears satisfactory. For example, the percentage of flights operated at 95-percent load factors generally has been lower in the Baltimore/Washington-Los Angeles market than any of the other three agreement markets.[16] However, we agree that the hearing we have ordered should deal with the question of whether the agreement ought to be conditioned with respect to minimum levels of service at Friendship.[17]

C. DOT argues that if the Board approves the agreement, it should condition its approval to require lower fares in the agreement markets. In a similar vein, the city of Chicago also states that approval of the agreement should result in lower fares in the Chicago-San Francisco market. We are putting into issue in the hearing the question of whether the agreement should affect fares. But we cannot conclude at this juncture that requiring such fare reductions would be warranted. One problem is that lower fares in the agreement markets might have ripple effects throughout the air transportation system, perhaps unduly affecting non-agreement carriers. Further, as previously stated the near-term profits of any of the agreement carriers are unlikely to reach, much less exceed, the Phase 8 rate of return.[18] Finally, the Board has explained that the fact that load factors in the agreement markets will be higher than average domestic load factors is not inconsistent with the Board's passenger fare policies. (See n. 9 and pp. 9-10, supra.)

D. The Postmaster General urges that we condition approval of the agreement on the retention by the agreement carriers of a number of existing flights that are considered important for the carriage of mail. As the agreement carriers point out, only one of the flights will be directly affected by the agreement. We are cognizant of our responsibilities under sections 412 and 102(a) of the Act, insofar as they relate to the needs of the Postal Service. However we cannot conclude that the possibility that the implementation of the agreement will affect one flight of interest to the Postal Service warrants action in an interim order of approval.

V. The agreement does lessen capacity competition, and we consider that the agreement's impact on competition is an important factor in public interest and accordingly must be weighed in the Board's evaluation of whether the agreement meets the standards of section 412 of the Act. In evaluating the weight to

[4] According to reports filed by the agreement carriers, United's capacity increases continued into June (even taking account of seasonal changes.)

[5] Filed as part of the original document.

[6] The Board will at all times be in a position to modify the agreement, or terminate it, if conditions so warrant.

[7] Filed as part of the original document.

[8] The agreement carriers' average load factors in the agreement markets for the year ended June 30, 1973, were 54.1 percent.

[9] See Appendix E. These estimates are predicated on the assumptions that (a) the agreement carriers will not increase their capacity in other markets to any substantial extent—or, at least, more than they would do so in any event (see p. 12, infra); and (b) that the equipment mix in the agreement markets, with or without the agreement, will be approximately the same as during the course of the prior agreement (see Appendix D which is filed as part of the original document).

[10] In 1972, American, TWA, and United operated 52 percent of revenue passenger miles flown by the trunkline industry domestically.

[11] Excludes most nontransport investment and nontransport profits or losses. 1967–1969 rate of return figures are not available on this basis.

[12] It is the Board's expectation that, as a result of the agreement, the carriers will earn in excess of the Board established 12 percent reasonable rate of return in the agreement markets. However it has been generally believed that in order for carriers to be able to earn a reasonable rate of return, carrier profits in some markets have to be considerably above that level in order to offset below-par profits or losses in other markets.

[13] See Appendix F which is filed as part of the original document. The variables which determine fuel savings are essentially the same as those which determine cost savings. For the Board's tentative conclusions on these points, see page 6 supra. Fuel savings are also discussed on page 15 infra.

[14] See Appendix A.

[15] For the period November 1972–May 1973 (the period for which figures are available) relatively few flights in the agreement markets operated with all seats filled. See Appendix H. While load factors will be higher under the interim agreement, we do not expect that the percentage of such flights will increase substantially. We note that passengers in the agreement markets generally have had fewer complaints about the service they received than passengers traveling on the agreement carriers in other markets. See Appendix G. It should also be noted that the agreement permits the carriers to add extra sections and use larger aircraft on an ad hoc basis where demand so warrants. See Appendix A.

[16] See Appendix H which is filed as part of the original document. See also Appendix G for a tabulation of passenger complaint figures in the Baltimore/Washington-Los Angeles market.

[17] The Port Authority of New York and New Jersey, while favoring approval of the agreement, exresses concern about operations to and from Newark, and asks for reporting conditions in this respect. As we shall discuss below, the Board has determined to adopt in large part the Port Authority's proposed conditions.

[18] See p. 7 supra.

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be given to this factor, however, we believe that the following matters are appropriate for consideration.

First, competition in the form of excess capacity is an expensive and wasteful form of competition in the air transportation industry. Further, excess capacity generally is of marginal or no utility to the traveling public.

Second, as a result of its form, the agreement affects maximum capacity levels, but over the period of our interim approval it should not lessen the incentive of each carrier member to gain traffic at the expense of its fellow agreement members. For this reason it is our judgment that interim approval of the agreement will have minimal impact on the agreement carriers' concern for providing service that is attractive to the public.[19]

Third, noncapacity forms of competition between the agreement carriers appear to have continued unabated. There has been no showing, in other words, that the prior agreement led the carriers to settle down into a comfortable status quo. For example, since the Board first approved the prior agreement, the following have occurred: (a) United began offering travel group charter service at prices that have enabled travelers to travel in several of the agreement markets at prices far below scheduled fares. (b) TWA began offering low fare ninety-day advance-purchase transportation in the three transcontinental agreement markets. (American and United both opposed TWA's tariff filing.) American, but not United, followed suit. (c) American first, and subsequently TWA, began offering one-stop night coach service in several of the agreement markets. (Both United and TWA opposed American's night coach tariff filing. American opposed TWA's.)

We have no reason to believe that interim approval of the agreement now before us will have a different competitive impact than did approval of the prior agreement.

VI. Various parties argue that the agreement will permit the agreement carriers to add capacity in non-agreement markets, to the detriment of competing carriers in those markets. Those parties also point out that the use of capacity freed by the agreement would to a large extent nullify the intended benefits of the agreement. We have not been shown that the past capacity agreements had any causative effect on the capacity offered by the agreement carriers in other markets. Any large scale shifting of capacity would require our reconsideration of our interim approval of the agreement, and we have retained jurisdiction over the agreement with this matter, among others, in mind.[20]

Several parties have asked that our approval of the agreement be conditioned upon the acceptance by the applicants of reporting requirements by which the applicants would account for the use made of capacity freed by the agreement. However, no party has proposed how such a reporting requirement should be fashioned, and the applicants argue that there is no practicable way to provide that kind of accounting. It would appear that a reporting condition concerning freed capacity could be useful to an evaluation of the merits of the agreement, even if the data thereby produced were not necessarily definitive. The Board does not now have sufficient information, however, to be able to formulate a requirement of that nature that would be both effective and within the ability of the applicants to meet without incurring excessive added costs. Accordingly, the Board will be receptive to petitions for reconsideration that put forth suggested freed-capacity reporting conditions.

VII. The Justice Department and Department of Transportation argue that load factors can be best increased by permitting greater price competition between carriers, by the formulation of a cost-based fare structure, and by the establishment of higher load factor standards and a concomitant decrease in the fare level.

The Justice Department recognizes, in respect to its price competition argument, that the question whether the Board should permit greater price competition among carriers, and, if so, the appropriate extent of that competition, is squarely an issue in Phase 9 of the Domestic Passenger Fare Investigation and will be decided in that proceeding on the basis of the record therein.

In respect to the claim that the Board should increase load factors through the use of load factor standards for ratemaking purposes and by revision of the current fare structure, those also are issues pending in the Fare Investigation.

Further, even assuming, arguendo, that DOT's fare proposals would be a viable alternative course of action in respect to increasing load factors in the agreement markets to the level that will obtain under the agreement, the agreement would still be far more effective during the immediate future in reducing fuel consumption than would Board fare action. Fuel use is a function of aircraft use. The agreement can lead to reduced aircraft use. A fare reduction, on the other hand, would increase load factors in large part by attracting more traffic. Aircraft use might decline very little and, in fact, might even increase, depending upon elasticity of demand.

VIII. Other objections do not preclude interim approval. To be sure, DOT argues that the agreement would violate the ongoing price freeze. However the agreement does not go into effect until the freeze ends (even assuming the agreement would otherwise be in violation of the price freeze). Indeed, the Cost of Living Council has proposed regulations for the post-freeze period that would exempt air carriers from Phase IV controls. (38 FR 19464, 19472 (July 20, 1973).)

The Air Line Pilots Association expresses concern about the effect of the agreement on employees. ALPA seeks a hearing on the agreement, however, not disapproval; and a hearing will be held. Insofar as interim approval is concerned, it would appear that the effect of the agreement on employees for the relatively short period our interim approval will be in effect will be very limited. We thus conclude that the impact of the agreement on employees, together with the other adverse effects of the agreement, will not outweigh the beneficial aspects of the agreement during the period of our interim approval.

IX. The Environmental Defense Fund and DOT argue that Board action on the agreement would amount to "major" Federal action "significantly affecting the quality of the human environment" within the meaning of section 102 of the National Environmental Policy Act ("NEPA"). The Board agrees that Board action on the agreement might well fall within that standard. That, in turn, raises difficult questions. Plainly a full environmental impact statement (or perhaps, a negative statement) would be useful in considering even interim action on the agreement. On the other hand, as we shall discuss below, on the basis of the limited data now available it appears that the effect of the agreement on the environment will be almost wholly beneficial.[21] It is by no means clear that NEPA's requirement for an environmental impact statement applies in such a case.[22] More importantly, available facts show that any delay by the Board in acting on the agreement in order to prepare, circulate and finalize an environmental impact statement could itself have a detrimental impact on the environment.

Because of this, and because the introductory language of section 102 recognizes that agencies may find themselves in circumstances in which all the usual requirements of section 102 of NEPA cannot be met, we have determined to issue this interim order of approval without awaiting the completion of an environmental impact statement. However the procedures set forth in § 399.110 of the Board's Policy Statement ("Implementation of the National Environmental Policy Act of 1969") will be followed in the hearing proceeding we are ordering. Moreover, because of the likelihood that final Board action in this proceeding would have a significant impact on the quality of the human environment, we are directing the Director, Bureau of Operating Rights, to have prepared a draft environmental impact statement for consideration at the hearing. The draft statement will be circulated for the consideration and comment of the parties, other environmentally concerned Federal agencies, and other interested persons, at least 15 days prior to the hearing date.

In respect to the probable impact of the agreement on the environment, we have already discussed the fuel savings that could result from implementation of the agreement. As indicated in the proposed guidelines recently issued by the Council on Environmental Quality [23] fuel savings can be deemed to be beneficial to the quality of the human environment.

Secondly, the agreement could result in a decrease in aircraft operations on the part of the three agreement carriers. That, in turn, can have a salutary impact on noise pollution (see Appendix I)[24] and can decrease the generation by the agreement carriers' aircraft of air pollutants in and around the agreement market airports. (Id.)

Thirdly, while it is not clear that approval of the agreement will necessarily lessen airport congestion and the air pollution and noise that results therefrom, it is reasonably clear that disapproval of the agreement might well add to airport congestion.[25]

We are not aware of any significant adverse secondary effects that would accrue from Board approval of the agreement on an interim basis, although this matter will undoubtedly be dealt with in the impact statement to come out of the hearing process. In markets of such great traveling distance, the Board believes it is unlikely that implementation of the agreement will result in a significant increase in persons traveling by surface vehicle. But even if that would be the case, and an increase in the quantity of pollutants would thereby occur, the increase would appear to be de minimis.[26]

We know of no alternative action that would achieve the same level of environmental benefits that will result from the agreement during the period of our interm approval.[27] However, we do note that the agreement before us has not been drafted to provide maximum environmental benefits. For example, the agreement might result in greater environmental benefits if it provided for the operation of less capacity than does the present order, and, perhaps, if the "standard seating configurations" used in the agreement were varied.[28] However, these matters, which raise highly complex issues of fact and judgment, are more appropriately left to the hearing.

X. In accordance with the comments of the Port Authority of New York and New Jersey and the City of Chicago, the agreement carriers will be required to continue the reports they submitted pursuant to our prior capacity orders, with the following changes: (1) Figures for monthly totals [29] should be broken out by airport, in the case of Baltimore/Washington and New York/Newark and, in respect to the Chicago-San Francisco market in terms of flights to and from San Francisco International, on the one hand, and Oakland and San Jose, on the other; and (2) the carriers' 95-percent reports [30] should list the flight number of each flight that departed with 95 percent or more of its seats filled.

XI. The Board has accumulated considerable data on the workings of capacity limitation agreements in the agreement markets as a result of the agreement that was in effect from October 1971 to April 1973. However, factual gaps remain, particularly in the environmental area. It is the Board's hope that those gaps will be filled by the evidence adduced at the hearing we are ordering.

Recognizing that the present agreement is of limited duration, the Board intends to make every effort to see that the evidentiary hearing is concluded speedily. Nonetheless, Board inaction on the agreement, pending conclusion of the hearing, would not be neutral. Rather, as explained, it would appear that such inaction could have a net detrimental impact on the air transportation system, on the nation's fuel conservation program, and on the environment. Accordingly, we are approving the agreement on an interim basis.[31] We emphasize, however, that should circumstances upon which our interim approval is based change, or if additional facts come to light that call into question the predicates for our action, we shall be in a position to take whatever action in respect to the agreement may be appropriate. In the meantime, the reports filed by the carriers pursuant to Board-imposed reporting conditions, other periodic reports submitted to the Board, and the additional information which will become available in the hearing proceeding, will enable the Board and its staff to monitor the effects of the agreement closely.

XII. The evidentiary hearing the Board is here ordering is of major scope and considerable complexity. Nonetheless, we will instruct the Board's staff and the Administrative Law Judge assigned to the case that we expect it to be commenced and processed as a matter of the highest priority and with the utmost expedition consistent with a fair opportunity for all interested persons to be heard. We furthermore expect the cooperation of all parties, particularly the applicants, in seeing that every stage of the case is thus expedited. If necessary, the time demands of other Board proceedings will have to give way to the urgency of this one. Our goal will be to have all the essential evidence submitted prior to the time our six-month interim approval expires. The Board is making no present commitment to extend its interim approval of the agreement beyond this six-month period. If it is necessary for the applicants to seek extension of this interim approval, the Board will expect parties to file briefs based on the record compiled as of that date. Whether or not the Board will extend its approval, if necessary, will depend not only upon the data then available but also upon how forthcoming the parties have been with their evidence and arguments.

Accordingly, it is ordered, That:

1. The joint application of American Airlines, Inc., Trans World Airlines, Inc., and United Airlines, Inc., for approval of an agreement be and it hereby is set for hearing before an Administrative Law Judge of the Board, at a time and place to be hereafter designated.

2. The issues at the hearing shall include (but not be limited to) the following:

(a) The effect of the agreement on the traveling and shipping public and the Postal Service.

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[19] DOT argues that the agreement lessens the incentive of each agreement carrier to compete for passengers since, with capacity fixed, gains in passengers means more flights filled, which in turn means that prospective passengers will turn back to the other two carriers. We do not agree with DOT's reasoning. An airline's share of the traffic may be appreciably greater or less than its share of the capacity operated in the markets. Further, the available evidence shows that agreement carriers work hard to gain traffic in the agreement markets. Finally, even assuming that DOT's reasoning would be valid in the case of a two-year agreement, we are here approving the agreement for a lesser, interim period.

[20] See also Order 73-4-98, at 5. Complaining carriers will, of course, have the opportunity to present evidence at the hearing and cross-examine witnesses in respect to the use made by the agreement carriers of capacity freed by the agreement. The hearing is also the place to take evidence on the suggestion that freed capacity cannot be effectively traced. There has been some claim that the agreement carriers will be in a position to compete unfairly as a result of the financial gains resulting from the agreement. That argument appears unsound on a number of counts. Unfair competition is not a function of profitability, and in any event other carriers are more profitable than the agreement carriers. Further, the Board will be in a position to deal with such matters as they arise.

[21] DOT suggests that the agreement could possibly have a detrimental impact on the environment if it were to cause a substantial increase in one-stop and multi-stop operations in the agreement markets. However, there has been no showing that the agreement is likely to have that effect.

[22] See, *e.g.*, Howard v. E.P.A., 4 E.R.C. 1371 (W.D. Va., Sept. 1972). Compare Council on Environmental Quality Guidelines, section 5(c), 36 FR 7724 (1971).

[23] 38 FR 10856 (May 2, 1973).

[24] Filed as part of the original document.

[25] O'Hare, Los Angeles International, Kennedy, and San Francisco International airports are among the busiest in the country. By airport congestion, we refer to congestion caused by too many aircraft. We are unaware of any facts indicating that the agreement will have a perceptible impact on passenger congestion or surface vehicle congestion at or near the airports.

[26] See also Office of Emergency Planning Study entitled, "The Potential for Energy Conservation" (October, 1972) at page 11 and Appendix C.

[27] See, in this regard, p. 13, supra.

[28] See Appendix J.

[29] See Appendix to Order 72-4-63.

[30] See Order 72-11-6, at p. 6, Ordering Paragraph 1(b).

[31] The Board will deny Continental's request to withhold approval until after that carrier completes negotiations looking towards capacity limitation agreements in the Chicago-Los Angeles and Chicago-Denver markets. The Board has no reason for assuming that the three transcontinental carriers will not act in good faith towards Continental and other carriers if the transcontinental agreement is approved. The Board's retained power to further condition or withdraw its approval of the transcontinental agreement is a sufficient safeguard in this respect.

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(b) The effect of the agreement on the health of the nation's air transportation system.

(c) The effect of the agreement on competition between carriers generally, and between the applicants in the agreement markets, specifically.

(d) Whether the agreement will reduce aviation fuel consumption, and the importance of any such reductions.

(e) If approval of the agreement would achieve public interest benefits, whether such benefits could be better achieved through practicable alternative means.

(f) Whether the load-factor goals of the agreement are appropriate, and, if not, what the load factor goals should be. Whether such goals should vary on a city-pair, or airport-pair, basis. To what extent should load-factor goals be left to the discretion of the agreement carriers.

(g) Whether the Board should condition the agreement in respect to schedule spread.[32] Could such condition be imposed without also allowing the carriers to agree among themselves as to schedules. Should the Board condition the agreement in respect to the allocation of flights between airports at multi-airport points (Friendship/Dulles and Kennedy/Newark).[33]

(h) Should there be *ad hoc* fare adjustments in the agreement markets to reflect the economic impact of the agreement.

(i) If the agreement should be approved, what conditions, if any, should be imposed on the agreement carriers.

(j) What would be the effect of the agreement on airline employees. What impact would that have on the public interest. Should labor protective conditions be imposed.

(k) What would be the environmental impact of the various possible Board actions in respect to the agreement.

3. Pending final Board action upon conclusion of the aforesaid hearing, or until March 15, 1974, whichever occurs first, the joint application be and it hereby is approved subject to the following conditions:

(a) Within 15 days after the end of each calendar month each applicant shall submit to the Docket Section three copies of a report in the form required by Order 72-4-63, stating for each total market affected by the agreement (including satellite airports in each market)[34] and for each flight flown therein (including extra sections), by flight number, departure time and aircraft type, the revenue passengers carried, number of seats flown, and load factor for each day of the week and for the month; and as an attachment to that report, each applicant shall report the number of times an aircraft being operated in any of the four markets departed with 95 percent or more of its seats filled.[35]

(b) A copy of such reports shall be served upon each airport operator in the cities which are the subject of the report.

4. Pursuant to section 412 of the Federal Aviation Act, 49 U.S.C. 1382, the Board shall retain continuing jurisdiction over this agreement and may modify or amend its interim approval of, or disapprove, the agreement at any time, or take whatever other action may be deemed appropriate.

5. Any comments or requests filed by any person with the Board pertaining to Agreement CAB 23703 shall be served on the carrier parties, the subject cities and airport operators, the Departments of Justice and Transportation, and the Postal Service, and replies thereto shall be filed within 10 days thereafter, and shall be similarly served.

6. The motions of American, TWA, and the State Corporation Commission of Virginia for permission to file otherwise unauthorized documents be and they hereby are granted.

7. This proceeding shall be conducted in accordance with the standards established in 14 CFR 399.110; provided, the Director, Bureau of Operating Rights, shall have a draft environmental impact statement prepared and circulated at least 15 days prior to the date of the hearing to be held pursuant to paragraph 1, supra.

8. To the extent not granted, the requests herein be and they hereby are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,[36] *Secretary.*

[FR Doc.73-16232 Filed 8-6-73;8:45 am]

[Docket No. 23719; Order 73-8-3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of August 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 3 of the International Air Transport Association (IATA). The Agreement, which was adopted by mail vote, has been assigned the above-designated C.A.B. agreement number.

By Agreement C.A.B. 23619, the IATA member carriers proposed to increase normal first-class and economy fares within the area comprised of Asia/Australia/Australasia. This agreement was approved by Order 73-4-93 of April 24, 1973, insofar as it applied between foreign points and was not therefore directly applicable in air transportation. Action on that portion of the agreement involving the U.S. points Guam and American Samoa was deferred for simultaneous disposition with the overall trans-Pacific fare agreement. Subsequently, the Board disapproved the proposed increases in North/Central Pacific normal fares between all U.S. points and the Far East including those to/from Guam.[1]

The agreement now before the Board proposes somewhat lesser increases in normal fares between Guam and Tokyo/Osaka. Since the fares would remain at a level above that of present fares, the Board will herein disapprove the agreement for the reasons outlined in Order 73-7-54.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, finds that the following resolutions, incorporated in Agreement C.A.B. 23719 as indicated, are adverse to the public interest and in violation of the Act:

Agreement C.A.B. 23719	*IATA Resolution*
R-1	300(Mail 405)053
R-2	300(Mail 405)063

Accordingly, it is ordered, That:

Agreement C.A.B. 23719, R-1 and R-2, be and hereby is disapproved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-16233 Filed 8-6-73;8:45 am]

[Docket No. 25682, etc.; Order 73-8-1]

WESTERN AIR LINES, INC.

Order Rejecting Tariff Regarding Compensation for Failure to Provide Advertised Features of First-Class Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of August 1973.

By tariff revision[1] marked to become effective August 15, 1973, Western Air Lines, Inc. (Western) proposes a rule which provides that a first-class passenger will receive the following compensation when the carrier fails to provide one of its advertised special first-class services:

Scheduled, enroute flight time of the passenger's first-class flight	*Amount of Compensation*
Under one hour	$ 5.00
One or two hours	10.00
Two to three hours	15.00
Over three hours	25.00

In support of the proposal, Western states that its system first-class load factor was only 37 percent for the year 1972, allegedly due principally to its lack of wide-bodied equipment which have proven especially attractive to first-class passengfiers on those competitive routes with a high proportion of first-class traffic. Western plans to institute a special promotional campaign describing the deluxe quality of its first-class service on all of its DC-10 (which went into service June 16, 1973), B-707, B-720, and B-727 flights. The carrier alleges that, since it is placing special emphasis on its first-class service features, the passenger has legitimate reason to expect some redress should these special services not be provided as the passenger had been led to anticipate. Western alleges that its proposal is closely analogous to the existing tariff rules providing compensation for denied boarding since in both situations the carrier has failed to provide the expected services, and in both situations a measure of redress is provided.

Northwest Airlines, Inc. (Northwest), Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United) have filed complaints against the proposal requesting its rejection, or suspension and investigation. The carriers allege, inter alia, that the tariff should be rejected since it does not comply with § 221.38(e) of the Board's Economic Regulations, which specify that indefinite terms or language shall not be used. They state that at no place in the tariff rule are the so-called first-class features described and that the passenger is therefore unable to determine his entitlement under the rule.

These carriers further allege that the rule is not cost related,[2] but rather is related to the duration of the flight. The compensation therefore reflects an uneven treatment among first-class passengers, since failure to provide the same amenity will result in payment of $5.00 if the flight is under one hour and $25.00 if the flight is over three hours. The rule is also alleged to discriminate against second- and third-class passengers inasmuch as they may be subjected to inadvertent loss-of-service amenities without any recourse to compensation.

In answer to the complaints, Western alleges that its proposal is a legitimate effort to "catch up" with the rest of the industry in the first-class travel market by promising customer satisfaction in the strongest possible terms. It asserts that the amount of compensation proposed seeks only to parallel the degree of inconvenience to which a passenger may have been subjected, and that lack of a given amenity will tend to be magnified on a long journey.

The Board concludes that the proposed rule does not meet the criteria established by § 221.38(e) of the Board's Economic Regulations which requires that tariffs be clear and explicit, and accordingly the tariff will be rejected. The rule fails to define with any degree of detail the "special, first-class service features" to which it relates, other than to state that those features are as described in Western's advertising and other promotional material. There is no single, stable outside reference as to the first-class features covered, and indeed the content of the carrier's advertising can and very likely will vary from time to time.[3]

Aside from the proposal's technical deficiency, we have difficulty with the fact that the compensation tendered appears to have no discernible relationship to the cost of the particular amenity the carrier fails to furnish. We recognize that value of service considerations may be a valid factor in a proposal such as this. However, we believe it most important to protect against the possibility that the provision of first-class service might have the ultimate effect of burdening second- and third-class passengers. Stated differently, we have serious reservations about any proposal which would have the net result of lowering the first-class fare level.

Finally, we are unable to agree with Western that the proposed rule is closely analogous to the existing denied boarding compensation rule. Denied boarding compensation is tied to a very specific and readily identifiable occurrence—failure to accommodate the passenger on a flight for which he has a reservation. Moreover, the amount of compensation bears a reasonable relationship to that which the passenger has not been furnished—the dollar value of the air transportation. On the other hand, we perceive no such visible relationship in the case of Western's proposal.

Accordingly, it is ordered, That:

1. Seventh revised page 17 of Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 142 is hereby rejected;

2. The complaints in Dockets 25682, 25683, 25685, and 25689 are dismissed as moot; and

3. Copies of this order will be filed in the aforesaid tariff and served upon Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-16231 Filed 8-6-73;8:45 am]

FEDERAL MARITIME COMMISSION

[Independence Ocean Freight Forwarder License No. 1155]

CONSOLIDATED EXPRESS, INC.

Order of Revocation

By letter of July 17, 1973, the Federal Maritime Commission received notification that Consolidated Express, Inc., G.P.O. Box 2080, San Juan, Puerto Rico 00936 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 1155 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04 (f) (dated 5/1/72);

It is ordered, that Independent Ocean Freight Forwarder License No. 1155 be returned to the Commission for cancellation.

It is further ordered, that the Independent Ocean Freight Forwarder License of Consolidated Express, Inc. be and is hereby revoked effective July 17, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Consolidated Express, Inc.

WM. JARRELL SMITH, JR., *Deputy Managing Director.*

[FR Doc.73-16225 Filed 8-6-73;8:45 am]

[Independent Ocean Freight Forwarder License No. 901]

WM. R. NEAL, INC.

Order of Revocation

On July 9, 1973, the Federal Maritime Commission received notification that Wm. R. Neal, Inc., 128 Dearborn Street, Buffalo, N.Y. 14207 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 901 for revocation, effective August 1, 1973.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04 (f) (dated 5/1/72);

It is ordered, that Independent Ocean Freight Forwarder License No. 901 be returned to the Commission for cancellation.

It is further ordered, that the Independent Ocean Freight Forwarder License of Wm. R. Neal, Inc. be and is hereby revoked effective August 1, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, that a copy of this Order be published in the FEDERAL

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[32] See Order 73-4-98.

[33] Id.

[34] For purposes of compiling monthly total figures, New York, N.Y., Newark, N.J., Baltimore, Md., and Washington, D.C., shall each be considered separate points. Similarly, in respect to the Chicago-San Francisco market, San Francisco, on the one hand, and San Jose and Oakland, on the other, shall be considered separate points for purposes of compiling total monthly figures.

[35] For the purpose of the 95-percent reports, the applicants shall take into account both revenue and positive space non-revenue passengers. Such reports shall include flight numbers.

[36] Concurring statement of Minetti, member and concurring and dissenting statement of Murphy, member filed as part of the original document.

[1] Order 73-7-54, July 12, 1973.

[1] Revision to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 142.

[2] For example, the failure to serve a free glass of champagne during a three-hour flight—a service worth something less than $1.50—would entitle the pasesnger to $25.00.

[3] Moreover, in the case of a passenger using multi-stop and/or connecting service, it is unclear whether scheduled enroute flight time means the flight time of the segment on which the deficiency occurs; the total flight time for all segments of the flight on which the passenger is aboard; or the total flight time of two or more flights used.

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REGISTER and served upon Wm. R. Neal, Inc.

WM. JARREL SMITH, JR.,
Deputy Managing Director.

[FR Doc.73-18226 Filed 8-6-73;8:45 am]

FEDERAL POWER COMMISSION

ALGONQUIN GAS TRANSMISSION CO.

Notice of Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

JULY 30, 1973.

Take notice that Algonquin Gas Transmission Co. (Algonquin Gas), on July 24, 1973, tendered for filing Substitute Second Revised Sheet No. 3–A to its FPC Gas Tariff, Original Volume No. 1.

Algonquin Gas states that this sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in section 22 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1, as approved by the Commission Order Approving Settlement Agreement in Docket Nos. RP70–30, RP71–92, and RP72–110, issued September 7, 1972. The rate adjustment, amounting to a reduction of 0.02¢ per Mcf in Algonquin Gas' sales rates, is being filed to reflect amortization of the balance in Account 186, according to the company's statement.

The proposed effective date of the revised tariff sheet is September 1, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16260 Filed 6-8-73;8:45 am]

[Docket No. CP73-322]

CROWN ZELLERBACH CORP.

Notice of Amendment to Application

AUGUST 1, 1973.

Take notice that on July 9, 1973, Crown Zellerbach Corporation (Applicant), One Bush Street, San Francisco, California 94119, filed in Docket No. CP73-322 an amendment to its application filed June 1, 1973, in said docket pursuant to section 7(c) of the Natural Gas Act providing for the continued operation of Applicant's existing facilities for the transportation of gas from various points in Mississippi to Applicant's pulp mill in Bogalusa, Louisiana, all as more fully set forth in the application, as amended, which is on file with the Commission and open to public inspection.

Applicant amends its application by deleting therefrom the request for certification of its 0.10195005 interest in a hydrocarbon recovery unit at Pistol Ridge, Mississippi, operated by Sun Oil Company and the three compressor units used to gather small volumes of gas from three gas fields adjacent to Applicant's pipeline system. Applicant submits that these facilities are not subject to the Commission's jurisdiction. Applicant further amends its application by stating that it is not offering facilities used for the production and gathering of natural gas for certification in the instant proceeding.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene need not file again.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16248 Filed 8-6-73;8:45 am]

[Docket No. CI72-845]

EMERALD PETROLEUM CORP. ET AL

Notice of Petition To Amend

JULY 31, 1973.

Take notice that on July 24, 1973, Emerald Petroleum Corporation (Petitioner), P.O. Box 15325, Lafayette, Louisiana 70501, filed in Docket No. CI72-845 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the continued sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation (Transco) from the Southwest Lake Boeuf Field, Lafourche Parish, Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by the order issued August 1, 1972, in said docket to sell approximately 2,000 Mcf of gas per day at 35.0 cents per Mcf at 15.025 psia for one year ending August 10, 1973, pursuant to § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Petitioner now proposes to continue said sale for an additional year to Transco at an increased rate of 50.0 cents per Mcf at 15.025 psia within the contemplation of Section 2.70.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16253 Filed 8-6-73;8:45 am]

[Docket No. CI74-42]

GAS MARKETING, INC.

Notice of Application

JULY 30, 1973.

Take notice that on July 20, 1973, Gas Marketing, Inc. (Applicant), P. O. Box 748, Salina, Kansas 67401, filed in Docket No. CI74-42 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company from acreage in Stafford County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 30,000 Mcf of gas per month for one year at 42.5 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Initial downward Btu adjustment is expected to be 2.5 cents per Mcf.

It appears reasonable and consistent with the public intrest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH. F. PLUMB,
Secretary.

[FR Doc.73-16262 Filed 6-8-73;8:45 am]

[Docket No. CI74-46]

GLENWOOD, INC.

Notice of Application

JULY 30, 1973.

Take notice that on July 23, 1973, Glenwood, Inc. (Applicant), 1011 Hamilton Building, Wichita Falls, Texas 76301, filed in Docket No. CI74-46 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from the Colburn No. 1 Well, Steward County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 750 Mcf of gas per day for two years at 50.0 cents per Mcf at 14.65 psia, subject to Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1973, file with the Federal Power Commission, Washington D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16263 Filed 6-8-73; 8:45am]

[Docket No. CP66-110]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Petition To Intervene and for Interconnection of Facilities and Allocation of Gas

JULY 31, 1973.

Take notice that on July 23, 1973, Michigan Power Company (Petitioner), P. O. Box 43, Three Rivers, Michigan 49093, filed in Docket No. CP66–110 a petition to intervene, pursuant to section 15(a) of the Natural Gas Act and § 1.8 of the Commission's rules of practice and procedure (18 CFR 1.8), in opposition to the grant of the petition to amend certificate filed by Great Lakes Gas Transmission Company (Great Lakes) on May 23, 1973, in said docket, all as more fully set forth in the petition to intervene which is filed with the Commission and open to public inspection.

Great Lakes was authorized by the order of June 20, 1967, in said docket (37 FPC 1070), among other things, to sell up to 57,000 Mcf of gas per day to Michigan Consolidated Gas Company (Michigan Consolidated) for resale in six communities in Michigan, including Manistique, Newberry and St. Ignace. After Michigan Consolidated failed to initiate service to Manistique, Great Lakes was ordered in Opinion No. 640, issued December 13, 1972, in Docket No. CP72–68 to sell gas to Petitioner for resale in Manistique. On May 23, 1973, Great Lakes filed a petition to amend the order of June 20, 1967, in Docket No. CP66–110 so as to delete authorization for the construction of delivery facilities necessary for Michigan Consolidated to sell gas to Newberry and St. Ignace after being advised that Michigan Consolidated does not intend to require Great Lakes to install such delivery facilities. In the alternative to amendment of the order issuing certificate, Great Lakes requests a declaratory order clarifying its obligations under the certificate issued in Docket No. CP66–110.

Petitioner requests that it be permitted to intervene in opposition to the granting of the amendment in Great Lakes' application and be treated as a party in any proceeding therein. Petitioner proposes that an order be issued deleting Great Lakes' authority to sell gas to Michigan Consolidated for resale in St. Ignace and Newberry and directing Great Lakes to connect its facilities with those of Petitioner and to sell and deliver to Petitioner fourth year peak day requirements of 1,318 Mcf of gas for resale in St. Ignace and 2,649 Mcf of gas for resale in Newberry. Estimated fourth year annual requirements for St. Ignace and Newberry are 159,033 and 412,437 Mcf of gas, respectively. To facilitate said resale Petitioner states that it intends to construct and operate a distribution system in the two towns at a total cost of $1,693,300 which will be financed from available funds. Petitioner states that St. Ignace and Newberry support Petitioner's efforts to supply gas therein.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16259 Filed 8-6-73;8:45 am]

[Docket No. CI74-43]

UNION TEXAS PETROLEUM, AND ALLIED CHEMICAL CORP.

Notice of Application

JULY 31, 1973.

Take notice that on July 16, 1973, Union Texas Petroleum, a Division of Allied Chemical Corporation (Applicant), Post Office Box 2120, Houston, Texas 77001, filed in Docket No. CI74–43 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipeline Company from the Chaney Dell processing plant, Major County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 30,000 Mcf of gas per month for

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a term of 36 months from the first day of the month in which deliveries are commenced at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16254 Filed 8-6-73;8:45 am]

[Docket No. CI74-53]

LOUIS H. HARING, JR.

Notice of Application

JULY 31, 1973.

Take notice that on July 25, 1973, Louis H. Haring, Jr. (Applicant), 742 Milam Building, San Antonio, Texas 78205, filed in Docket No. CI74-53 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corporation from acreage in San Patricio County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of gas on July 19, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell up to 1,000 Mcf of gas per day at 45.0 cents per Mcf at 14.65 psia, subject to downward Btu adjustment. Deliveries are estimated at 30,000 Mcf of gas per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16251 Filed 8-6-73;8:45 am]

[Docket No. RP73-82]

PACIFIC GAS TRANSMISSION CO.

Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

AUGUST 1, 1973.

On July 25, 1973, Pacific Gas Transmission Co. filed a motion for a further extension of all of the procedural dates fixed by notice issued June 28, 1973, in the above-designated matter. The motion states that Staff Counsel and Counsel for the California Public Utilities Commission and People of the State of California are not opposed to the motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of testimony and exhibits by Pacific Gas Transmission Co., September 24, 1973.
Service of testimony and exhibits by Staff, October 15, 1973.
Prehearing Conference, October 23, 1973 (10 am, e.d.t.).
Service of testimony and exhibits by interveners, October 29, 1973.
Service of rebuttal evidence by Pacific Gas Transmission Co., November 13, 1973.
Cross-examination, November 26, 1973 (10 am, e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16264 Filed 6-8-73;8:45 am]

[Docket Nos. CI73-723, CI73-724, CI73-732]

PETROLEUM CORP. OF DELAWARE, ET AL.

Extension of Time and Postponement of Hearing

JULY 30, 1973.

On July 27, 1973, Florida Gas Transmission Co. and Florida Gas Exploration Co. requested an extension of the procedural dates as fixed by order issued July 16, 1973, in the above-designated matter. The request states that neither applicants nor staff counsel have any objection to the request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are postponed as follows:

Testimony and exhibits by applicants Hearing, August 13, 1973, August 27, 1973, (10 am, e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16268 Filed 8-6-73;8:45 am]

[Docket No. CI73-869]

PHILLIPS PETROLEUM CO.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

JULY 31, 1973.

On June 8, 1973, Phillips Petroleum Company (Phillips) filed an application in Docket No. CI73-869 for a limited term certificate of public convenience and necessity with pregranted abandonment authority, pursuant to § 157.23 of the Commission's regulations under the Natural Gas Act and § 2.70 of the Commission's General Policy and Interpretations under the Natural Gas Act, for the sale of gas to El Paso Natural Gas Company (El Paso) from the Drag B-2 well in Eddy County, New Mexico (Permian Basin).

Specifically, Phillips proposes to sell approximately 46,000 Mcf per month to El Paso for one year pursuant to a letter agreement dated March 23, 1973. The proposed rate is 52.0 cents per Mcf, subject to upward and downward Btu adjustment.

Phillips commenced a 60 day emergency sale pursuant to § 157.29 of the Commission's regulations under the Natural Gas Act from the subject well on May 31, 1973.

A timely petition to intervene in support of the application was filed by El Paso on June 25, 1973.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers, nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

The Commission finds.

(1) The intervention of El Paso in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders.

(A) El Paso is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *And provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on September 6, 1973, at 10 a.m. e.d.t. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(C) On or before August 23, 1973, Phillips and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16252 Filed 8-6-73;8:45 am]

[Docket No. E-7669, etc.]

PUBLIC SERVICE CO. OF INDIANA, INC. ET AL

Order Instituting an Investigation on Complaint, Accepting for Filing and Suspending Proposed Rate Changes in Agreement, Consolidating Proceedings, Prescribing Hearing Procedures, and Permitting Intervention

JULY 31, 1973.

On August 2, 1971, Public Service Company of Indiana, Inc. (PSI) tendered for filing a superseding Kentucky-Indiana Pool Planning and Operating Agreement dated July 9, 1971, (KIP Agreement) on behalf of and between PSI, Indianapolic Power and Light Company (IPL), Kentucky Utilities Company (KU) and East Kentucky Rural Electric Cooperative Corporation (EK). Subsequently, PSI submitted the Kentucky-Indiana Pool Facilities Agreement No. 2 (Facilities Agreement) to supplement the above KIP Agreement. Certificates of concurrence to the KIP filings were submitted by IPL and KU. All related KIP filings were assigned a filing date of October 1, 1971, upon completion of the filings. The proposed effective date was September 1, 1971.

PSI, IPL and KU are interconnected and operated under a 1968 KIP pooling agreement which provides for coordinated planning and operation and equalization of reserves. The new Agreement effects revisions in the existing KIP Pool by reason of the addition of a new member, EK. Since EK allegedly peaks diversely with respect to the existing three members, the instant agreement embodies changes and additions designed to take advantage of such seasonal diversity.

Public notice of the proposed filing was issued on December 28, 1971, which set January 25, 1972, as the date by which petitions or protests should be filed. On January 25, 1972, the Electric and Water Plant Board of the City of Frankfort, Kentucky (Frankfort) filed a protest and petition to intervene, a motion to reject the rate schedule filing, or, in the alternative to suspend the operation of the rate schedule for five months to order a hearing, and for other appropriate relief. On January 25, 1972, the City of Paris, Kentucky, (Paris) filed a conditional petition to intervene in the event the matter is set for hearing.

Frankfort asserts two reasons for rejecting the KIP Agreement filing: (1) It imposes conditions which prevent or tend to prevent East Kentucky from entering into joint transmission or generation arrangements with Frankfort and (2) it appears to violate Kentucky law by restricting the use of the transmission facilities of KIP members. On March 1, 1972, the four utilities answered Frankfort's petition to intervene denying Frankfort's allegations concerning anticompetitive behavior.

The proposed superseding KIP Agreement and related filings in Docket No. E-7669 became effective by operation of law on November 1, 1971, or such later date as was authorized by the Cost of Living Counsel under Executive Order 11615.

On February 18, 1972, the four parties filed a motion to strike certain antitrust and/or anticompetitive allegations contained in Frankfort's petition to intervene, which pertain to the Interconnection Agreement between PSI, Southern Indiana Gas and Electric Company, Indiana Statewide Rural Electric Cooperative, Inc., and the United States of America, acting by and through the Administrators of the Rural Electrification Administration. In the alternative, the movants request that the Commission issue an order that such allegations will not be considered and determined in this docket, or, in the alternative, to treat such allegations as a complaint under section 306 of the Federal Power Act and consolidate with Docket No. E-7647. On March 2, 1973, Frankfort answered this motion and requested it be denied. Frankfort asserts that PSI has presented no justification for removing these issues to Docket No. E-7647. On March 31, 1972, the utilities replied to Frankfort's answer.

The issues raised by the above pleadings cannot be decided summarily but rather require development in an evidentiary proceeding. Accordingly, we shall deny Frankfort's January 25, 1972, motion to reject and treat the matters raised by Frankfort and Paris as a complaint under section 306 of the Federal Power Act so that they can have the opportunity to present evidence in support of their assertions. Accordingly, the above mentioned petitions to intervene and the answer of the utilities will be treated as a complaint and answer thereto, respectively, and a public hearing will be held. Since none of the parties or petitioners in this proceeding except PSI are parties to Docket No. E-7647, we will deny the four parties February 18, 1972, request for consolidation.

At the hearing established herein Frankfort and Paris shall have the burden of proving that the four utilities have engaged in anti-competitive conduct, that such acts and practices are continuing or are likely to continue, and to what extent the Commission has jurisdiction to remedy such acts and practices.

On December 11, 1972, PSI tendered for filing Amendment No. 1 to the KIP Agreement in Docket No. E-7669 on behalf of and between the four parties to the KIP Agreement. The proposed Amendment was designated as Docket No. E-7937. IPL and KU filed certificates of concurrence.

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In support of its filing, in Docket No. E–7937, PSI states that it has redesignated the units from which Unit Power Sales may be made in order to improve the reliability of Unit Power Transactions and that it will have no effect upon the present schedule of the quantity of unit power to be exchanged among the parties. Further, PSI states that no changes in the existing demand and energy charges are proposed.

Public notice of PSI's proposal in Docket No. E–7937 was issued on January 22, 1973, which required petitions to intervene and protests be filed by February 2, 1973. On February 6, 1973, a petition to intervene and a request to file out of time was filed by Frankfort. Since Frankfort's petition to intervene raises issues of law and fact which may be similar to those in Docket No. E–7669, we will, consistent with our actions above, treat Frankfort's petition as a complaint under Section 306 of the Act, consolidate Docket No. E–7937 with Docket No. E–7996, and hold public hearings.

The proposal filed in Docket No. E–7937 became effective by operation of law on January 22, 1973, thirty days after the completion of the filing by receipt of KU's certificate of concurrence.

On February 28, 1973, KU tendered for filing proposed changes in Service Schedule B of the KIP Agreement on behalf of and between PSI, KU, IPL, and EK. The proposal is designated Docket No. E–8053. The proposal provides for an increase in the demand charge for unit power for the 1973 unit year. The four utilities requested an effective date of April 1, 1973. On March 30, 1973, the Commission's Secretary notified KU that the filing was deficient and informed KU that a filing date would not be assigned this docket until it has been cured. On July 2, 1973, KU cured the deficiency and requested an effective date of August 2, 1973, or in the alternative April 1, 1973, as originally requested.

Public notice of Docket No. E–8053 was issued March 12, 1973, with protests or petitions to intervene due on or before March 23, 1973. On March 23, 1973, Frankfort filed a protest and petition to intervene, request for hearing, and request for consolidation of this docket with the proceedings in Docket Nos. E–7669 and E–7937. Frankfort incorporates by reference in its petitions to intervene in this docket its petition to intervene dated January 25, 1972, in Docket No. E–7669.

Review of the rate filing and the pleadings in Docket No. E–8053 indicate that issues are raised which require development in an evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we shall suspend the proposed charges for one day and order a public hearing. Moreover, since all three dockets involve the KIP Agreement and may involve similar issues of fact and law, we will consolidate the proceedings in Docket No. E–8053 with Docket Nos. E–7669 and E–7937.

The Commission finds.

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in the KIP Agreement, Service Schedule B, as proposed to be amended in Docket No. E–8053 and that the proposed changes be suspended as hereinafter provided.

(2) It is necessary and appropriate in the proper exercise of the Commission's responsibilities under the Federal Power Act that the issues raised by Frankfort and Paris in their petitions filed in Docket No. E–7669 and the issues raised by Frankfort in its petition filed in Docket No. E–7937 be investigated as a complaint pursuant to section 306 of the Federal Power Act to determine the merits of the assertions contained therein and to provide such relief, if any, which is within this Commission's authority to grant.

(3) The disposition of the proceedings in Docket Nos. E–7669, E–7937, and E–8053 should be expedited in accordance with the procedure set forth below.

(4) The participation of Frankfort in Docket No. E–8053 may be in the public interest.

The Commission orders.

(A) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held commencing with a prehearing conference on November 27, 1973, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in the KIP Agreement, Service Schedule B as proposed to be revised in Docket No. E–8053.

(B) Pending hearing and a final decision in Docket No. E–8053, the proposed changes in Service Schedule B of the KIP Agreement originally tendered on February 23, 1973, and with an official filing date of July 2, 1973, are hereby accepted for filing, suspended, and the use thereof deferred until August 2, 1973.

(C) Pursuant to the authority of the Federal Power Act, particularly section 306 thereof and the Commission's rules of practice and procedure, an investigation is hereby instituted to determine through an evidentiary hearing the issues raised by the complaints of Frankfort and Paris in Docket No. E–7669 and the issues raised by Frankfort's complaint in Docket No. E–7937 and, if necessary, to prescribe such relief as is appropriate within the Commission's authority under the Federal Power Act.

(D) Since Docket Nos. E–7669, E–7937 and E–8053 involve the KIP Agreement and may involve similar issues of law and fact, we shall consolidate these proceedings.

(E) Frankfort and Paris shall file with the Commission and serve on all parties to the proceedings in Docket No. E–7669 and Frankfort shall also file with the Commission and serve on all parties to the proceedings in Docket No. E–7937, direct testimony and exhibits in support of their allegations on or before October 9, 1973.

(F) With respect to Docket Nos. E–7669 and E–7937 the dates for service of evidence are as follows: on or before October 23, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of PSI, IPL, KU, and EK shall be served on or before November 6, 1973. Any rebuttal evidence by Frankfort in Docket Nos. E–7669 and E–7937 and Paris in Docket No. E–7669 shall be served on or before November 20, 1973.

(G) With respect to Docket No. E–8053 the dates for service of evidence are as follows: on or before October 23, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of Frankfort shall be served on or before November 6, 1973. Any rebuttal evidence by the four utilities shall be served on or before November 20, 1973.

(H) Cross-examination on the evidence submitted shall commence on December 4, 1973, at 10 a.m.

(I) At the prehearing conference on November 27, 1973, all prepared testimony in the three dockets together with KU's entire rate filing in Docket No. E–8053 shall be admitted to the record subject to appropriate motions, if any, by parties to the proceedings. All parties will be expected to come to this conference prepared to effectuate the provisions of the Commission's Rules of Practice.

(J) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(K) The above-named petitioner in Docket No. E–8053 is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in the petition to intervene: *And Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it, might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(L) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91–379, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(M) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.73–16255 Filed 8–6–73;8:45 am]

[Docket No. E–8242]

PUBLIC SERVICE CO. OF OKLAHOMA

Order Accepting for Filing and Suspending Proposed Rate Increases and Permitting Interventions

JULY 30, 1973.

Public Service Co. of Oklahoma (PSCO) on May 30, 1973, tendered for filing proposed changes in its FPC Rate Schedule Nos. 163, 168–171, 173, 176–179, 182, and 189 [1] with a proposed effective date of August 1, 1973. PSCO asserts that the increased rates are occasioned by: (1) A need to equalize charges to similarly situated customers; (2) a desire to simplify rate schedules; (3) a necessity to more adequately cover the cost of service of the company; and finally (4) an attempt to increase revenue to assure necessary expansion for future needs and attract capital. The proposed charges would increase revenues from jurisdictional sales by approximately $505,862, based on a test year of calendar year 1971.

Notice was given of the filing on June 19, 1973, specifying that protests and/or petitions to intervene be filed on or before July 12, 1973. A timely petition to intervene was filed by the Oklahoma Consumer Protection Agency, a private organization, on June 1, 1973. In addition, petitions to intervene, protest and motion to reject were filed by six customers of PSCO on July 12, 1973.[2]

In support of their motion to reject, Cities claim that the proposed filing violates the Mobile-Sierra [3] doctrine; or that the effective date of the rates be postponed until their lawfulness is determined.

Cities also complain that the increase in rates to certain wholesale customers while retaining rates of other customers constitutes discrimination under section 205 of the Federal Power Act and requests an investigation of them under section 206 of the Act; the prohibited capacity charge adjustment of PSCO's proposed rate schedule violates section 205 of the Federal Power Act; and the tax clause and fuel clause of the proposed rate schedule should be rejected on the basis of previous Commission holdings, in particular New England Power Co., Opinion No. 633 (October 30, 1972).

Intervenors also maintain that the proposed rate schedules restrict the ability of the petitioners to seek alternative sources of power and therefore are discriminatory.

The proposed rate schedules will purportedly prevent petitioners from effectively competing with PSCO for industrial customers and therefore are discriminatory. The proposed rate schedules are based on "stale" data and are therefore unrepresentative and prohibited under the Federal Power Act, and therefore should be rejected, the rate of return is excessive, the proposed 80 percent ratchet may be unfair and unjust, the method of allocation of cost of service is questionable, and the proposed rates are inflationary and violate current Phase III guidelines.

Finally, petitioners recommend a suspension of the rates for the full five-month period if the application is not rejected.

With regard to the contention of the applicability of the Mobile-Sierra doctrine to the proposed changes in terms and conditions we agree.

Our review of the applicable contracts indicates that PSCO does not have the contractual authority to unilaterally file changes in terms and conditions of the contract during the life of the contract. Therefore, since the contract presently bars a change in the terms and conditions the filing is not appropriate under section 205. We will, however, institute a proceeding under section 206 as to the justness and reasonableness of the proposed changes in terms and conditions to be conducted in conjunction with the section 205 proceeding ordered herein.

Concerning the City of Pawhuska and the Anadarko Public Works Authority, who have not intervened in this proceeding, our reading of their respective contracts with PSCO leads us to conclude that the company in these two instances is contractually prohibited not only from unilaterally altering the terms and conditions but also from unilaterally changing the rates in the contracts as well. Accordingly, the section 206 proceeding will consider both the terms and conditions and the rates to be charged in these two instances.

As to the possible anti-competitive issues raised by petitioners, by order issued May 31, 1973, in Indiana and Michigan Electric Company, Docket No. E–7740 we set minimum standards for those who would raise anti-competitive issues. These standards are that the petition to intervene must clearly specify (1) the facts relied upon, (2) the anti-competitive practices challenged, (3) the requested relief which is within this Commission's authority to direct. Our review of the petition to intervene indicates that it fails to specify the relief it seeks from this Commission which is within our authority to grant. Accordingly, we shall limit petitioners' participation in this proceeding to matters other than the alleged anti-competitive activities. This action is without prejudice to petitioners' right to file an appropriate amended petition which set forth the relief for the alleged anti-competitive conduct that is within this Commission's authority to grant.

The other questions raised by the petition for intervention have either been resolved by action taken herein or require development at an evidentiary hearing and cannot be dealt with summarily.

Our review of the application indicates that the rates and charges included therein have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. In addition, our review of the filing and the complaints raised by the protest and petition to intervene discussed above indicates issues that may require development in an evidentiary hearing. Accordingly, we will suspend the effectiveness of the proposed rates for the full five-month statutory period.

In order that we may have a complete record, in light of our caveat in Duke Power Company, Opinion No. 642 (December 18, 1972), we are going to direct PSCO to file within 60 days of this order an updated cost of service study for the twelve-month period ending June 30, 1973 (including statements A through O as required by regulation § 35.13).

The Commission finds.

(1) Participation by the petitioners for intervention in this proceeding may be in the public interest.

(2) The proposed increased rates and charges may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful under section 205 of the Federal Power Act and accordingly shall be suspended as hereinafter ordered.

(3) The motion to reject the filing should be denied for the reasons stated above.

(4) Good cause exists to institute a proceeding under section 206 with respect to the terms and conditions proposed to be changed in the instant filing and with respect to the rates charged the City of Pawhuska and the Anadarko Public Works Authority.

The Commission orders:

(A) PSCO's proposed rate increase is accepted for filing under section 205 of

[1] City of Mannford (FPC #163), City of Altus (FPC #168), City of Frederick (FPC #169), City of Cordell (FPC #170), City of Kaw City (FPC #171), Anadarko Public Works Authority (FPC #173), City of Pawhuska (FPC #176), Verdigris Valley Electric Cooperative, Inc. (FPC #177), Indian Electric Cooperative, Inc. (FPC #178), Red River Valley Rural Electric Association (FPC #179), Kiwash Electric Cooperative, Inc. (FPC #182), and City of Marlow (FPC #185).

[2] The cities of Frederick, Cordell, Altus, and Mannford, Oklahoma and by the Verdigris Valley Electric Cooperative, Inc. and the Indian Electric Cooperative. (Cities).

[3] United Gas Pipe Line Co. v. Mobile Service Corp., 350 U.S. 332 (1956); F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348 (1956).

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the Federal Power Act and an investigation under section 206 is initiated as to the proposed changes in terms and conditions of the contracts between PSCO and its customers herein and with respect to the rates charged the City of Pawhuska and the Anadarko Public Works Authority. Pending a hearing and decision, thereon, the proposed rates are hereby suspended and the use thereof deferred until January 1, 1974, or until such time as they are made effective in the manner provided in the Federal Power Act. Increased rates and charges collected after January 1, 1974, and found by the Commission in this proceeding to be unjustified, shall be refunded according to the Commission's regulations.

(B) The petitioners for intervention are hereby permitted in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene and specifically limited to matters other than alleged anti-competitive activities: *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) Petitioners' motion to reject the filing is hereby denied.

(D) On or before October 1, 1973, PSCO shall file an updated cost of service study for the twelve-month period ended June 30, 1973, including statements A through O as required by § 35.13 of the Commission's regulations.

(E) Pursuant to the authority of the Federal Power Act, particularly section 205(d) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 C.F.R., Chapter I) a public hearing shall be held, commencing with a prehearing conference on January 8, 1974, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in PSCO's rate increase filing.

(F) At the prehearing conference on January 8, 1974, PSCO's prepared testimony together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceedings. All parties will be expected to come to this conference prepared to effectuate the provisions of the Commission's rules of practice and procedure.

(G) On or before November 27, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony of intervenors shall be served on or before December 13, 1973. Any rebuttal evidence by PSCO shall be served on or before January 3, 1974. Cross-examination of the evidence will commence on January 15, 1974.

(H) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(I) Any future change in rates resulting from application of the tax adjustment clause of PSCO's FPC Electric Tariff should be accompanied by appropriate data and computations showing the basis for change in rates.

(J) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16287 Filed 6-8-73;8:45 am]

[Docket No. CI74-50]

R. M. MORAN, ET AL.

Notice of Application

JULY 31, 1973.

Take notice that on June 25, 1973, R. M. Moran, et al. (Applicants), P.O. Box 1919, Hobbs, New Mexico 88240, filed in Docket No. CI74-50 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas in interstate commerce to Skelly Oil Company from the Drinkard Field, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they make percentage sales of casinghead gas to Skelly Oil Company which resells the gas to El Paso Natural Gas Company (El Paso), that the producing well has been reclassified from an oil well to a gas well by the New Mexico Oil Conservation Commission, and that Applicants intend to sell their gas to El Paso under an existing contract.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1973, filed with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determing the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16250 Filed 8-6-73;8:45 am]

[Docket No. CI73-870]

RYDER SCOTT MANAGEMENT CO., INC., ET AL.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

JULY 31, 1973.

On June 8, 1973, Ryder Scott Management Co., Inc. (Ryder) filed an application in Docket No. CI73-870 for a limited term certificate of public convenience and necessity with pregranted abandonment authority, pursuant to § 157.23, as amended, of the Commission's regulations under the Natural Gas Act, for the sale of gas to Natural Gas Pipeline Company of America (Natural) from acreage in Wise County, Texas.

Specifically, Ryder proposes to sell approximately 60,000 Mcf per month to Northern for one year pursuant to a letter agreement dated March 27, 1973. The proposed rate of 50.0¢, subject to upward and downward Btu adjustment from a 1,000 Btu base, exceeds the applicable area ceiling rate for wellhead deliveries of 22.5¢.

Ryder commenced a 60 day emergency sale to Natural on May 25, 1973, pursuant to § 157.29 of the Commission's regulations under the Natural Gas Act.

Ryder, in its application has requested that the intermediate decision be omitted, that oral hearing be waived and that the application be heard under the shortened procedure afforded by § 1.32 of the Commission's rules of practice and procedure.

A petition to intervene in support of the application was filed by Natural Gas Pipeline Company of America (Natural) on July 2, 1973.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers, nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and

expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

The Commission finds.

(1) The intervention of Natural in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders.

(A) Applicant's request that the intermediate decision be omitted, that oral hearing be waived and that the Application be heard under the shortened procedure afforded by § 1.32 of the Commission's rules of practice and procedure is not in the public interest and is hereby denied.

(B) Natural is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *And Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on August 29, 1973, at 10 am (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(D) On or before August 15, 1973, Ryder and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16266 Filed 6-8-73;8:45 am]

[Docket No. CP74-22]

TENNESSEE GAS PIPELINE CO., AND TENNECO INC.

Notice of Application

JULY 30, 1973.

Take notice that on July 23, 1973, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), P. O. Box 2511, Houston, Texas 77001, filed in Docket No. CP74-22 an application pursuant to section 7 of the Natural Gas Act and § 157.7 (g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, during the remainder of 1973 and the operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3,000,000 and the cost for any single project will not exceed $500,000. These costs will be financed from general funds and/or from revolving credit borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16261 Filed 6-8-73;8:45 am]

[Docket No. RP73-113]

TENNESSEE GAS PIPELINE CO., AND TENNECO INC.

Order Accepting for Filing, and Suspending, Proposed Increased Rates and Establishing Hearing Procedures

AUGUST 1, 1973.

Tennessee Gas Pipeline Company, a Division of Tennco Inc. (Tennessee) on June 15, 1973, filed revised tariff sheets to its FPC Gas Tariff, Ninth Revised Volume No. 1 and Sixth Revised Volume No. 2.[1] The proposed effective date is August 1, 1973.

According to Tennessee, the proposed rates would increase revenues from jurisdictional sales by $150,194,754 based on a test year ended February 28, 1973, adjusted for changes known and measurable through November 30, 1973. Tennessee's filing also reflects cancellation of Tennessee's Rate Schedule TWS, under which they state they no longer render service.

Tennessee states that the increased rates are required to reflect a proposed book depreciation and amortization rate of 5.75 percent, substantial additional advance payments to obtain additional natural gas supplies, a rate of return of 9.25 percent, increases in cost of material, supplies and wages, and increases in property, franchise, payroll and state income taxes.

Tennessee has included $18,694,743 million of non-certificated facilities in its rate base. Tennessee has likewise included certain other gathering facilities costs of $14,877,790, some of which is in excess of the dollar limitation in its 1973 budget certificate in Docket CP73-129. Tennessee has requested an increase in the expenditure limitation, and this application is pending before the Commission. Therefore, Tennessee requests waiver of § 154.63(e)(2)(ii) of the Commission's regulations to permit inclusion of such costs. In the event these facilities are not certificated and placed in service prior to January 1, 1974, Tennessee shall file revised tariff sheets adjusting its rates to reflect elimination of non-certificated facilities and shall also file supplemental cost and revenue data which reflects the elimination of these non-

[1] See appendix A, attached.

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certificated facilities from its section 4(e) application in these proceedings.

Numerous petitions to intervene have been filed. (See Appendix B below) The proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. We will therefore suspend the filing for the full statutory period and establish hearing procedures.

The Commission finds.

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Tennessee's FPC Gas Tariff, as proposed to be amended in this docket, and that the tendered tariff sheets be accepted for filing and suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(4) Participation of the above-named petitioners for intervention (See Appendix B below) in this proceeding may be in the public interest.

(5) Because the petitioners who did not timely file may be affected by the rates proposed herein and because their participation will not delay this proceeding, good cause exists to permit the late filings and to permit their participation in future proceedings in this docket.

(6) Waiver of § 154.63(e)(2)(ii) of the Commission's regulations subject to the conditions herein specified may be in the public interest.

(7) Good cause exists to permit Tennessee to cancel its existing Rate Schedule TWS.

The Commission orders.

(A) The above-named petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interest specifically set forth in their respective petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) Tennessee's tendered tariff sheets are accepted for filing subject to the conditions stated in this order.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations Under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held, commencing with a prehearing conference on January 24, 1974 at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classification, and services contained in Tennessee's FPC Gas Tariff, as proposed to be amended herein.

(D) At the prehearing conference on January 24, 1974, Tennessee's prepared testimony (Statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice and procedure.

(E) On or before December 14, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before January 4, 1974. Any rebuttal evidence by Tennessee shall be served on or before January 14, 1974. The public hearing herein ordered shall convene on January 29, 1974, at 10:00 a.m., e.s.t.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(G) Pending hearing and a decision thereon Tennessee's tariff sheets are suspended for five months and the use thereof deferred until January 1, 1974, or until such further time as they are made effective in the manner provided in the Natural Gas Act provided that Tennessee must file appropriate substitute rates to reflect only facilities which have been in certified and in service on or before January 1, 1974.

(H) Waiver of § 154.63(e)(2)(ii) of the Commission's regulations is hereby granted to Tennessee.

(I) Tennessee's Rate Schedule TWS is hereby cancelled.

(J) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

TENNESSEE GAS PIPELINE COMPANY, A DIVISION OF TENNECO, INC.

DOCKET NO. RP73-113

Proposed Revised Tariff Sheets to FPC Gas Tariff, Ninth Revised Volume No. 1
First Revised Sheet No. 35
Second Revised Sheet Nos. 50, 52, 53 and 58
Fourth Revised Sheet Nos. 54 and 59
Sixth Revised Sheet Nos. 14, 20, 28, 30, 33, 41, 46, 56 and 57

Proposed Revised Tariff Sheets to FPC Gas Tariff, Sixth Revised Volume No. 2
First Revised Sheet Nos. 53, 54, 77, 78 and 141

Fourth Revised Sheet Nos. 11, 12, 27, 28, 44 and 45.

APPENDIX B

I. TIMELY PETITIONS TO INTERVENE

1. Alabama-Tennessee Natural Gas Company
2. Aluminum Company of America
3. The Berkshire Gas Company et al.
4. Brooklyn Union Gas Company
5. Central Hudson Gas & Electric Corporation
6. Chattanooga Gas Company
7. Columbia Gas Transmission Corporation
8. Columbia Gas of Ohio, Inc.
9. City of Columbus, Ohio
10. Consolidated Edison Company of New York, Inc.
11. Consolidated Gas Supply Corporation
12. Dayton Power and Light Company
13. East Tennessee Natural Gas Company
14. Elizabethtown Gas Company
15. Equitable Gas Company
16. Iroquois Gas Corporation, et al.
17. Knoxville Utilities Board, et al.
18. New York State Electric & Gas Corporation
19. Northern Illinois Gas Company
20. Northern Indiana Public Service Company
21. North Penn Gas Company
22. Orange and Rockland Utilities, Inc.
23. The Peoples Gas Light and Coke Company
24. Pennsylvania Gas and Water Company
25. Public Service Electric and Gas Company
26. Rochester Gas and Electric Corporation
27. General Services Administration
28. Texas Gas Transmission Corporation
29. Trunkline Gas Company
30. Western Kentucky Company

II. UNTIMELY PETITIONS TO INTERVENE

1. Tennessee Natural Gas Line, Inc.
2. Washington Gas Light Company

III. NOTICES OF INTERVENTION

1. Public Service Commission of the State of New York
2. Public Service Commission of West Virginia
3. New Hampshire Public Utilities Commission

[FR Doc.73-16256 Filed 8-6-73;8:45 am]

[Docket No. CP74-21]

UNITED GAS PIPE LINE CO.

Notice of Application

JULY 31, 1973.

Take notice that on July 23, 1973, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP74-21 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon service to Co-op Gas Company, Inc. (Co-op), near Arp, Smith County, Texas, and to abandon by removal and salvage certain measuring facilities used to serve Co-op, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The service to be abandoned was authorized by the order of August 1, 1952, in G-2019 (11 FPC 1162). Said order authorizes Applicant to sell gas to Co-op for resale to fifteen consumers. Applicant was requested in a letter dated July 15, 1973, by Co-op that gas service to it should be terminated as of July 31, 1973, as all consumers previously served would have butane service available as of that date. Applicant also proposes to abandon by removal and salvage the measuring facilities used to serve Co-op at a cost of $375.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16257 Filed 8-6-73;8:45 am]

[Project No. 1979]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Application for New License for Constructed Project

AUGUST 1, 1973.

Public notice is hereby given that application for new license was filed on March 29, 1971, under the Federal Power Act (16 U.S.C. 791a–825r) by Wisconsin Public Service corporation (Correspondence to: Mr. C. A. McKenna, Secretary, Wisconsin Public Service Corporation, 700 North Adams Street, P.O. Box 700, Green Bay Wisconsin 54305) for its constructed Alexander Project No. 1979, located in Lincoln County, Wisconsin, near the City of Merrill, on the Wisconsin River. The project affects navigable waters of the United States.

The existing Alexander Project includes a dam, which consists of a concrete section in the northeast end 148 feet long, a tainter gate section 338 feet long with eleven 26 foot steel gates and an 8 foot trash sluiceway, and a power house section 95 feet long, housing three vertical water wheels. There are three vertical turbo generators each having a capacity of 1400 kw at .8 power factor. A concrete retaining wall and an earth dyke extend upstream from the power house on the westerly side. The reservoir has an area of approximately 803 acres.

The project occupies 3.59 acres of land of the United States in lot 7, sec. 4, and lot 4, sec. 5, T. 31 N., R. 6 E., 4th principal meridian, Wisconsin. The land is more commonly known as Rock Island.

According to the application: (1) The estimated net investment is $276,304, (2) the estimated fair value is $1,193,947, (3) the estimated severance damages in the event of takeover are $130,000, and (4) the annual taxes paid to local governmental bodies are about $15,000.

Applicant states that public recreational activities within the project boundaries include: boating, bathing, hiking, water sports, and hunting.

Any person desiring to be heard or to make protest with reference to said application should on or before October 8, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16249 Filed 8-6-73;8:45 am]

[Docket No. CP74-19]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

JULY 27, 1973.

Take notice that on July 20, 1973, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP74-19 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the relocation of a meter and regulating station and for permission and approval to abandon by sale to Southern Connecticut Gas Company (Southern Connecticut) certain pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to relocate a meter and regulator station used as a delivery point for gas service to Southern Connecticut from New Haven to North Haven, Connecticut.

The total cost of the proposed relocation is $240,682 which will be financed from funds on hand.

Applicant also proposes to abandon by sale to Southern Connecticut at the depreciated book value as of June 30, 1973, ($242,314.23) approximately 54 feet of 10-inch pipeline and approximately 38,412 feet of 12-inch pipeline all located in New Haven County, Connecticut. The purpose of the proposed abandonment is to enable Southern Connecticut to provide better gas service to its customers in the area contiguous to such facilities through improved system integration. Applicant asserts that the proposed abandonment by sale will also result in eliminating the need to construct a 1.2 mile 16-inch pipeline loop between North Haven and New Haven, Connecticut, at a cost, estimated in 1969, to be $463,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16242 Filed 8-6-73;8:45 am]

V 38 151 AUG 7 73 XUM

[Docket No. RP74-4]

CITIES SERVICE GAS CO.

Notice of Proposed Changes in Rates and Charges

JULY 30, 1973.

Take notice that on July 23, 1973, Cities Service Gas Company (Cities Service) tendered for filing the following revisions to its FPC Gas Tariff, Second Revised Volume No. 1:

Sixth Revised Sheet PGA-1
First Revised Sheet No. 37D
Original Sheet Nos. 37H, 37I, 37J, 37K, 37L, 37M, and 37N

The increase in revenues from jurisdictional sales will be $20,990,103 based on a twelve-month test period ending March 31, 1973. An effective date of August 23, 1973 is requested.

Cities Service claims that the additional revenues from the proposed rate increases are essential to offset a revenue deficiency of that amount that occurred during the test period. The revisions to its gas tariff are explained by Cities Service as follows:

Sixth Revised Sheet PGA-1 would replace the currently effective rates of Fifth Revised Sheet PGA-1;

First Revised Sheet No. 37D provides for a change in the base cost of purchased gas in Cities Service Purchased Gas Cost Rate Adjustment Provision (PGA);

Original Sheet Nos. 37H-37N reflects the inclusion of a coal gasification rate adjustment provision and an advance payment rate adjustment provision.

In seeking approval of its application, Cities Service requests waiver of several of the Commission's rules and regulations. First, Cities Service states that it realizes that coal gasification and advance payments rate adjustment provisions are precluded by section 154.38(d)(3) of the Commission's regulations, but asserts that the need to augment its gas supplies (as it asserts these provisions would do) should constitute good cause for waiver of this section. If these provisions are not waived and Original Sheet Nos. 37H-37H are rejected, Cities Service requests that the rest of its application still be accepted for filing.

Second, Cities Service requests waiver of section 154.63 (e)(2)(ii) so that certificates of public convenience and necessity may be issued for selected facilities. Application is pending for certification of these facilities in Docket Nos. CP74-6 and CP74-10, according to Cities Service, and their minor nature and the need to have them completed before the winter of 1973-74 should constitute good cause for waiver of the designated provisions.

Third, Cities Service requests waiver of the provisions of Commission Order No. 441 which excluded advance payments for lease acquisition under agreements executed after November 10, 1971. Advance payments for lease acquisition by Cities Service to Woods Petroleum Company were derived from an agreement dated December 15, 1971, but Cities Service states that the actual agreement was negotiated prior to November 10, 1971, and thus should be removed from the requirements of Order No. 441.

Finally, Cities Service asks that it be exempted from the extensive filing requirements of Commission Order No. 488 (July 17, 1973). Their application had already been compiled and bound when Order No. 488 was issued, according to Cities Service, and the company claims that it would be unfair to force them to submit a new filing at this date. Cities Service only requests waiver to allow them extra time to supplement the application to bring it within the perameter of Order No. 488.

In addition, Cities Service requests authorization to charge nonrecoverable advance payments to Monsanto to FPC Account 186 and amortize it over a five-year period to FPC Account 813, as of the effective date of the proposed rates.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16241 Filed 8-6-73;8:45 am]

[Project No. 2016]

CITY OF TACOMA, WASHINGTON

Notice of Application for Approval of Exhibit R

AUGUST 1, 1973

Public notice is hereby given that application was filed on July 6, 1971, under the Federal Power Act (16 U.S.C. 791a-825r) by the City of Tacoma, Washington (Correspondence to: City of Tacoma, Department of Public Utilities, P.O. Box 1107, Tacoma, Washington 98411, attention: Mr. A. J. Benedetti, Director of Utilities) for approval of Exhibit R for constructed Project No. 2016, known as the Cowlitz Project, located on the Cowlitz River, in Lewis County, Washington, in the vicinity of Centralia and Chehalis, Washington.

The Exhibit R (recreational use plan) was filed in compliance with Articles 39 and 51 contained in an order issued on November 17, 1964, which further amended the project's license.

The project has two reservoirs, Mayfield Lake formed by Mayfield Dam and Davisson Lake formed by Mossyrock Dam. Applicant is presently developing Mossyrock Park on Davisson Lake which will include picnicking, camping, boating, swimming, and sanitary facilities. Applicant has a visitor's center near Mossyrock Dam and a vista overlook point near Mayfield Dam. Visitors are welcome at the salmon and trout hatcheries, both located downstream from Mayfield Dam. Boat launching facilities are provided near both hatcheries.

Additional recreation facilities are currently provided by the State of Washington, Lewis County, and certain private concerns on land leased from the Applicant at Mayfield Lake.

Future facilities planned by the Applicant include an additional park at both reservoirs and boat camps at Davisson Lake, with and without automobile access.

Applicant has estimated that the total acreage needed for public recreation will be 844 acres by 1985 and an additional 516 acres by the year 2015. Such acreage can be found within the existing project boundary.

Any person desiring to be heard or to make reference to said application should on or before September 11, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16245 Filed 8-6-73;8:45 am]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Changes in FPC Gas Tariff

JULY 27, 1973.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on July 24, 1973, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1. The proposed changes are an amendment of Consolidated's PGA filing previously submitted on June 15, 1973, which as amended would increase revenues from jurisdictional sales and service by approximately $4.1 million based on the 12 month period ending April 30, 1973.

Consolidated states that the amendment is due to a rate increase filed by Texas Eastern Transmission Corporation (Texas Eastern), a major pipeline supplier of Consoliated, on June 13, 1973, for effectiveness August 1, 1973. Consolidated further states that it did not receive notice until July 19, 1973, and accordingly was unable to include this change in its June 15, 1973 filing. An effective date of August 1, 1973, is requested.

Copies of the filing were served upon Consolidated's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16243 Filed 8-6-73;8:45 am]

[Docket No. E-7803]

CONSUMERS POWER CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

JULY 30, 1973.

On July 26, 1973, Staff Counsel requested an extension of time in which to file its testimony and for an equivalent extension of the other procedural dates as set by the order issued July 25, 1973. The request states that no party objects to the extension.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of direct case by Staff, August 17, 1973.
Service of Interveners' direct case, August 31, 1973.
Prehearing Conference, September 20, 1973 (10 a.m., e.d.t.).
Service of rebuttal by Consumers, October 5, 1973.
Cross-examination, October 29, 1973 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16271 Filed 8-6-73;8:45 am]

[Docket No. CP74-20]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 27, 1973.

Take notice that on July 20, 1973, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-20 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of tap facilities and the sale and delivery of gas to Pioneer Natural Gas Company (Pioneer) and Arizona Public Service Company (APS) for resale to right-of-way grantors on Applicant's Southern Division System, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the E. A. Bass Tap in Parmer County, Texas, the Kenneth Thomas Tap in Lamb County, Texas, and the Irene Arnold Tap in Maricopa County, Arizona, for sale and delivery of gas to Pioneer and APS for resale to three of Applicant's right-of-way grantors for residential and irrigation uses. Estimated peak day and annual natural gas requirements during the third year of operation are 7.8 Mcf and 694 Mcf. Applicant proposes to render said service according to the appropriate rate schedules contained in its FPC Gas Tariff, Original Volume No. 1. The total estimated cost of the proposed facilities is $3,215 which will be financed from working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16240 Filed 8-6-73;8:45 am]

[Docket Nos. CI73-593 and CI73-656]

GETTY OIL CO. AND CITIES SERVICE GAS RESOURCES CO.

Notice of Amendment to Application

JULY 30, 1973.

Take notice that on July 23, 1973, Getty Oil Company (Applicant), P. O. Box 1404, Houston, Texas 77001, filed in Docket No. CI73-593 an amendment to its application pending in said docket to withdraw its request for a certificate of public convenience and necessity under § 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) and to request that a certificate be issued at the prevailing area ceiling rate without pregranted abandonment authorization, all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

In its application filed March 6, 1973, pursuant to section 7(c) of the Natural Gas Act, Applicant requests that the Commission issue a certificate of public convenience and necessity within the contemplation of § 2.75 of the Commission's General Policy and Interpretations authorizing the sale for resale and delivery of natural gas in interstate commerce to Cities Service Gas Company from the Locke (Brown Dolomite) Field, Roberts County, Texas, for 20 years at an initial rate of 40.0 cents per Mcf at 14.65 psia plus periodic escalations. By order of July 6, 1973, the subject application was consolidated for hearing with the application filed by Cities Service Gas Resources Company in Docket No. CI73-656.

Applicant now requests that it be authorized to sell gas at the area ceiling rate without pre-granted abandonment authorization, that Docket No. CI73-593 be severed from the consolidated proceeding, that the Commission set aside its order of July 6, 1973, insofar as said order provides for a formal hearing on the subject application, and that the proceeding in Docket No. CI73-593 be terminated except for issuance of a certificate as requested in the instant amendment. Applicant states the reserves available for the proposed sale are too little to justify the expenditures for participation in a contested, adversary proceeding on the certificate application.

Any person desiring to be heard or to make any protest with reference to said application, as amended, should on or before August 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16272 Filed 8-6-73;8:45 am]

V 38-151 AUG 7 73 XUM

[Docket No. E-8282]

GULF STATES UTILITIES CO.

Order Authorizing Issuance of First Mortgage Bonds, Granting Intervention, and Consolidating Proceedings

JULY 27, 1973.

Gulf States Utilities Co. (Applicant) a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana, filed an application on June 15, 1973, seeking an order pursuant to section 204 of the Federal Power Act authorizing it to issue and sell at competitive bidding $50,000,000 principal amount of First Mortgage Bonds, series due 2003.

The Applicant proposes to issue the Bonds under its Indenture of Mortgage to Manufacturers Hanover Trust Company dated September 1, 1926, as supplemented and proposed to be further supplemented by a Thirty-First Supplemental Indenture, to be dated as the first day of the month in which the New Bonds are to be issued.

Applicant proposes to sell its New Bonds at competitive bidding in compliance with the Commission's requirements of § 34.1(a) of the regulations under the Federal Power Act.

Applicant's public invitation for bids will provide that each bid for the proposed Bonds must be for the purchase of all the Bonds and may be made by a single bidder or a group of bidders. All bids shall be presented to the company at Manufacturers Hanover Trust Company, The Federal Room, Fourth Floor, 40 Wall Street, New York, New York 10015, before 11:00 a.m. New York Time on August 8, 1973 (or such later time as may be designated by the Company according to the procedures set forth in their public invitation). Each bid must be accompanied by a certified or official bank check or checks in the aggregate amount of $1,500,000.

In addition, each bid must be on the form of bid furnished by the Company and signed by the bidder or bidders and shall specify (1) the interest rate of the Bonds, which shall be a multiple of ⅛ of 1 percent; and (2) the price (expressed as a percentage of the principal amount) exclusive of the accrued interest to be paid to the Company for the Bonds, which will not be less than 99 percent and not more than 102½ percent of the principal amount of the Bonds, and that accrued interest on the Bonds from the first day of the month in which the bonds are issued to the date of payment therefor and delivery thereof will be paid to the company by the purchaser or purchasers.

The Applicant states that the proceeds from the sale of the New Bonds will be used by the Company to refund and payoff a portion of its commercial paper and short-term bank loans expected to be outstanding as of the date of the issuance. The Applicant estimates that on the date the securities are expected to be sold, there will be outstanding approximately $65,000,000 principal amount of commercial paper and short-term loans. The aforesaid commercial paper and short-term bank loans constitute an issuance of securities previously authorized by the Commission (Docket No. E-7805).

Written notice of the application has been given to the Texas Railroad Commission, the Louisiana Public Service Commission and to the Governor of each of those States. Notice has also been given by publication in the FEDERAL REGISTER on July 10, 1973 (38 FR 18429) stating that any person desiring to be heard or to make any protest with reference to the application should on or before July 16, 1973, file a petition or protest with the Federal Power Commission, Washington, D.C. 20426.

On July 13, 1973, the Cities of Lafayette and Plaquemine, Louisiana, (Cities) filed a Protest and Petition to Intervene in the proceeding, stating inter alia:

> In Docket E-7805 the Company represented that the purpose of the short-term authorization there was to obtain money and that "the proceeds from the notes will be added to the general funds of the Company to be used, among other things, to provide part of the interim funds for construction expenditures." Thus the refinancing proposed by Gulf States in the instant application will act to free $50,000,000 to use for purposes which the Cities have previously contended may be illegal and anticompetitive in nature and violative of the objectives of the Federal Power Act, particularly Section 202, 204, 205 and 206 * * *.
>
> Cities further state:
>
> The application filed by Gulf States herein if approved will place $50,000,000 into the company's hands without any indication as to the lawfulness of its use. This is clearly inconsistent with the recent Supreme Court decision in Gulf States Utilities v. F.P.C. — U.S. — 36 L.Ed. 2d 635 (1973), where the Court held at page 642 that under Section 204 the Commission is impowered "to authorize the issue of a security * * * only 'if it finds that such issue * * * is for some lawful object within the corporate purposes of the Applicant and compatible with the public interest.'" (emphasis in original). The Court concluded that this review must include consideration of the anticompetitive aspects of the proposed security issue.
>
> As the Supreme Court stated in its decision in Gulf States Utilities, the Commission's duty of inquiry under Section 204 does not end where it finds that the object of a proposed security issue is lawful. "For, in addition, the object must be 'compatible with the public interest.'" Gulf States Utilities, supra at page 642. Thus, even if the Commission should determine that the specific purpose of the instant security issue, as stated in the application filed by Gulf States, (i.e., the refunding and refinancing of outstanding short-term debt) is lawful, the Commission must also satisfy itself that the funds which will accrue in the hands of Gulf States as a result of the refinancing will be used for a purpose which is "compatible with the public interest."

The Cities therefore, oppose the authorization sought by Gulf States and request that the Application be set for hearing in accordance with the provisions of section 204 of the Federal Power Act or in the alternative; if Cities requested hearing, prior to Commission action, on the authorization as denied, the Cities request that this proceeding be consolidated with a previous Commission proceeding (Docket No. E-7676) for hearing purposes, and provision be made for subsequent action to rescind or condition any authorization granted if it is determined after hearing that the funds are to be used for anticompetitive or otherwise unlawful purposes.

As further support, the Cities incorporate by reference the protest and petitions and interventions filed by the Cities in Docket Nos. E-7567, E-7663, E-7696, E-7682, and E-7805 in addition to all pleadings previously filed by them in Docket No. E-7676.

On July 19, 1973, Applicant filed "Answer of Gulf States Utilities Company to Protest and Petition to Intervene." Applicant's Answer to Cities Petition to Intervene denies all incorporated allegations of Cities that Applicant has over a period of years in the past combined or conspired in restraint of trade; to expand or maintain monopoly; to obtain captive markets or allocate same; or destroy the Cities Pool Agreement and compress competition. Applicant further states:

> The lawful object of the proposed financing to refinance authorized short-term borrowings is evident from Applicant's application. Refinancing is implicit within the original Commission authorization for short-term notes. It is not only "compatible with" but essential to the public interest that the financial integrity of Applicant be preserved so that reliable electric service can be maintained at reasonable costs. Basis for such finding is evident in the application filed and in other voluminous records and reports on file with the Commission concerning Applicant, its business and finances.

Applicant in its Answer requests the Commission to deny the Petition to Intervene and without hearing, issue its order approving its application for the issuance of securities.

The Commission in reaching its determination with regard to this application must consider the filing in the light of other previous proceedings. Applicant has previously filed applications for authorization of various types of security issues in Docket Nos. E-7567, E-7682, E-7663, and E-7805. Protests and petitions to intervene alleging antitrust violations were filed in each of those dockets by the Cities of Lafayette and Plaquemine, Louisiana.

Docket No. E-7567 was appealed to the United States Circuit Court of Appeals for the District of Columbia, and on October 12, 1971, the Court of Appeals issued a decision, City of Lafayette, Louisiana v. SEC 454 F.2d 921, wherein it remanded to the Commission for further proceedings not inconsistent therewith, an order issued by the Commission stating in part that:

> The alleged violations which Petitioners attempt to raise in this proceeding are irrelevant to requested authorization of securities. There is no relief that the Commission can order in authorizing the issuance of bonds for refinancing purposes that would have any effect on the interest on the Petitioners, or solve any of the problems outlined by them.

On May 30, 1972, the Supreme Court granted a writ of certiorari to Gulf States Utilities to review the Court of Appeals decision.

Prior to the Supreme Court grant of a writ of certiorari, Applicant filed three additional securities application with the Commission pursuant to section 204 (Docket Nos. E-7663, E-7682, and E-7805). The Commission in following the guidelines of the Court of Appeals decision approved the securities issuances in the above dockets but severed the antitrust allegations into a separate complaint proceeding under section 306 of the Federal Power Act (Docket No. E-7676). Pursuant to the grant of certiorari the Commission by order issued in Docket No. E-7676 on June 1, 1972 stated all further proceedings in the docket before the Commission until the Supreme Court entered a final decision on the appeal of the City of Lafayette Case.

The Commission in its order of December 29, 1972, in Docket No. E-7805 quoted a previous order issued by them on November 4, 1971 in Docket No. E-7663, stating that:

> The Commission in reviewing Cities contentions as set forth in their petition has done so in the light of its overall responsibilities under the Federal Power Act. The Commission is aware of its responsibilities with regard to interconnection and coordination of the facilities, for purposes throughout the United States with the greatest possible economy and with regard to proper utilization and conservation of natural resources. Further, the Commission is aware of its responsibilities to enhance optimum interconnection and interchange of electric energy as well as other activities in furtherance of electric energy capabilities. All of the Commission's responsibilities being directed toward safe-guarding cost rates and reliability.
>
> At the same time, the Commission realizes that security issues to provide funds for utility construction and financing programs must be decided in a time frame much more limited than that contemplated for consideration of the alleged anticompetitive activities.
>
> With an awareness of its responsibilities, the Commission, however, is unable to determine the merits of the Cities contention and the Commission's authority to grant relief sought without further proceedings and the benefit of a hearing in which evidence is presented and legal authority is cited to grant the relief sought.

The Commission by using the above language made it clear that it did not intend to pre-judge the merits of anticompetitive allegations without a full and complete hearing, and at the same time, the Commission made it clear that it did not intend to jeopardize adequate electrical service to consumers of Gulf States Utilities Company by placing undue restrictions on Gulf States' ability to finance electric facilities required to provide adequate service.

This Commission cannot allow consumers served by utilities under its jurisdiction to suffer inadequate service by precipitous Commission action. The consideration of public interest must necessarily take into account a myriad of factors including anticompetitive allegations. The Commission cannot however, allow a utility to stop efficient operations pending its determination of the validity of the merits of such allegations. Until a complete evidentiary record has been developed in this Docket and other related dockets the Commission cannot assign weight to unproved anticompetitive allegations by the Cities or unproved defenses by the Company when the result of doing so would occasion the loss or reduction of a vital service to the consuming public. To do so would only encourage a private interest to the subversion to the public interest.

The Commission in reaching this conclusion feels it is in complete compliance with the Supreme Court's ruling in Gulf States Utilities Company v. F.P.C. — U.S.—36 L.Ed 2nd 635 (1937), where at page 642 the Court said:

> In making its determination under Section 204(a) the Commission is given broad powers of inquiry and enforcement. By Section 204(b) it may hold hearings on the application, may grant the application "in whole or conditions as it may find necessary or appropriate." After opportunity for hearing and for good cause shown, it may supplement, modify, or condition any previous order "as it may find necessary or appropriate." * * * The court went on further to say at page 646: Our conclusion that, as a general rule, the Commission must consider anticompetitive consequences of the security issue under Section 204 does not mean that the Commission must hold a hearing on objections on every case. Neither does it mean that every allegation must be fully investigated regardless of its facial merit, or that consideration of the allegations may not, in appropriate circumstances, be deferred, or that a major portion of the securities issue may not forthwith be authorized and only the remainder withheld for further study.

The Commission agrees with Intervenors to the extent that, "even if the Commission should determine that the specific purpose of the instant security issue, as stated in the application filed by Gulf States, (i.e., the refunding and refinancing of outstanding short-term debt) is lawful, the Commission must also satisfy itself that the funds which will accrue in the hands of Gulf States as a result of the refinancing will be used for a purpose which is compatible with the public interest."

The Commission cannot allow the private interest of either the Applicant or the Cities to override the consideration we must necessarily give to the public now being provided adequate electric service.

Inasmuch as the issues presented by the Cities in this proceeding involve the same subject matter as those presently being considered in Docket No. E-7676, the Commission feels that it is appropriate to consider the petitions to intervene filed in this Docket as complaints under Section 306 of the Federal Power Act and to consolidate those complaints with the complaints previously filed in Docket No. E-7676.

Since the $50,000,000 aggregate principal amount of Bonds proposed to be issued by Applicant will be used to refinance short-term borrowings authorized by the Commission in Docket No. E-7805, the Commission feels it appropriate to reduce the previously granted dollar authority in Docket E-7805 by $50,000,000.

The Commission finds:

(1) The Applicant, a corporation, is a public utility within the meaning of Section 204 of the Federal Power Act subject to the jurisdiction of this Commission as heretofore determined and set forth in the Commission's order issued November 27, 1957, in the matter of Gulf States Utilities Co., Docket No. E-6785 (18 FPC 701).

(2) The proposed issuance and sale of First Mortgage Bonds as described above will constitute an issuance of securities within the purview of section 204 of the Act.

(3) Applicant is not organized and operating in a State under the laws of which the securities issue here involved is regulated by a state commission within the meaning of section 204(f) of the Act; and the proposed issuance of securities is, therefore, not exempt by virtue of that section from the requirements of section 204 of the Act.

(4) The proposed issuance and sale of bonds of common Stock is hereinafter authorized, will be for a lawful object, within the corporate purposes of Applicant and compatible with the public interest, which is appropriate for and consistent with the proper performance by Applicant of service as a public utility and which will not impair its ability to perform in that service, and is reasonably necessary and appropriate for such purposes.

(5) Intervention by the above mentioned Petitioners may be in the public interest for purposes of Commission consideration of their petition.

(6) Matters of certain activities alleged in the filed protest and petition to intervene by the Cities of Lafayette and Plaquemine, Louisiana, raise issues which should be heard in the proceeding separate from this docket.

(7) The protest and petitions to intervene filed in this docket by the Cities of Lafayette and Plaquemine, Louisiana should be considered as a complaint filed under section 306 of the Federal Power Act.

(8) The protest and petitions to intervene filed in this docket by Lafayette and Plaquemine, Louisiana raise issues similar to those being considered in Docket No. E-7676, a complaint proceeding now before the Commission, and it is therefore appropriate that the complaints filed in this Docket should be consolidated with Docket No. E-7676 for purposes of hearing and decision.

(9) The period of public notice given in this matter is reasonable.

The Commission orders.

(A) The above-mentioned petitioners are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission. Provided, however, The admission of the aforementioned petitioners shall not be construed as recognition by the Commission that the petitioners might be aggrieved because of any order or orders of the Commission entered in this proceeding.

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(B) The proposed issuance and sale of First Mortgage Bonds upon the terms and conditions and for the purposes specified in the application as described above, is hereby authorized subject to the provisions of this order.

(C) The proposed issuance and sale of Bonds at competitive bidding shall not be consummated until:

(i) Applicant shall have amended its application pursuant to the requirements of § 34.2(g) of the Commission's Regulations under the Federal Power Act relating to compliance with competitive bidding requirements, and § 34.2(h) of those Regulations relating to affiliation, and shall have either filed such amendments, or shall have mailed them and advised the Commission by telephone and telegraph, as contemplated in § 34.9 of the regulations.

(ii) The Commission, by further order shall have approved the price to be received by Applicant for the proposed issuance of Bonds and the interest rate thereof.

(D) The foregoing authorization is without prejudice to the authority of this Commission or any other regulatory body with respect to rates, service, accounts, valuation, estimates, or determination of cause or any other matter whatsoever now pending or which may come before this Commission.

(E) Nothing in this order shall be construed to imply any guarantee or obligation on the part of the United States in respect to any security to which this order relates.

(F) Pursuant to the authority of the Federal Power Act, particulary §§202, 306, and 307 thereof in the Commission's rules of practice and procedure, an investigation is hereby instituted to determine the justification of the Protest and Petitions to Intervene by the Cities of Lafayette and Plaquemine, Louisiana and, if necessary, to prescribe such relief as is appropriate within the boundaries of the Federal Power Act.

(G) All further proceedings in this docket shall be consolidated with the Complaint proceeding previously instituted in Docket No. E–7676.

(H) Inasmuch as Louisiana Power and Light Co. and Central Louisiana Electric Co. as well as Gulf States Utilities Co. were named as parties in Docket No. E–7676, with which this proceeeding will be consolidated, a copy of the Cities complaint shall be served on Louisiana Power and Light Co. and Central Louisiana Electric Co. and their response thereto shall be filed with the Commission within 15 days from the date of issuance of this order.

(I) The Commission's order issued December 29, 1972 in Docket No. E–7805, authorizing the issuance of $125,000,000 aggregate amount of short-term borrowing is hereby amended to reduce the total aggregate amount outstanding at any one time to $75,000,000. The reduction of $50,000,000 in this Docket represents the face value of the Bonds authorized to be issued by this order. All other terms and conditions of the Commission's order issued in Docket No. E–7805 on December 29, 1972, shall remain in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73–16274 Filed 8–6–73;8:45 am]

[Docket No. CP74–23]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

JULY 31, 1973.

Take notice that on July 23, 1973, Kansas-Nebraska Natural Gas Co., Inc. (Kansas-Nebraska), Hastings, Nebraska 68901, filed in Docket No. CP74–23 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of certain pipeline, compressor and storage facilities in central Kansas, the construction and operation of certain pipeline and compression facilities, the establishment of a new redelivery point for the exchange of gas with Cities Service Gas Co. (Cities Service), and the continuation of gas service to certain customers for resale in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Kansas-Nebraska proposes to operate in interstate commerce the Adolph Storage facilities near Pawnee Rock, Kansas, including its 1,000 horsepower injection-withdrawal compressor, the Pawnee Rock Compressor Station with 1,275 compression horsepower and gas sweetening and dehydration facilities, the Otis Station with 960 horsepower of compression, approximately 105 miles of 2-inch to 12-inch pipeline, two town border stations, and metering and appurtenant facilities by which Kansas-Nebraska makes both direct sales and sales for resale to its customers. It is stated that heretofore these facilities were used only in intrastate commerce. Kansas-Nebraska further proposes to sell in interstate commerce for resale and to deliver natural gas, heretofore sold and delivered in intrastate commerce, to Central Kansas Power Co., Inc., at Toulon, Kansas, to Producers Gas Equities, Inc., at points in Ellis, Ness, and Rush Counties, Kansas, to Greeley Gas Company at Alexander, Bazine, McCraken and Ness City, Kansas, and to the City of Albert, Kansas. Kansas-Nebraska states that it intends to make such sales according to its FPC Gas Tariff, Second Revised Volume No. 1 for Zone 1 customers.

Kansas-Nebraska also proposes to construct and operate approximately 600 feet of 6-inch interconnecting pipeline in Edwards County, Kansas, to facilitate the proposed new redelivery point and a 500 horsepower compressor station to be located in Rooks County, Kansas.

Kansas-Nebraska was authorized by order of July 22, 1970, as amended in Docket No. CP70–239 (44 FPC 149), among other things, to exchange gas with Cities Service. Kansas-Nebraska now proposes to establish a new redelivery point for said exchange in the vicinity of its gathering system and Cities pipeline in Edward County, Kansas. It is stated that Cities will construct and operate the facilities at a site provided by Kansas-Nebraska.

The estimated cost of the proposed new facilities is $180,000 which will be financed from working capital and interim bank loans.

The stated purpose of these proposals is to conserve gas reserves in central Kansas by making quantities available to Kansas-Nebraska's interstate system at times when the deliverable capacity of the area producing fields exceeds the area needs while assuring central Kansas customers of future reliable service by the addition of an interconnecting point south of the area between Kansas-Nebraska's Pawnee Rock Unruh gathering system and Cities Service's transmission line.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matters finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16276 Filed 8–6–73;8:45 am]

[Docket Nos. CI74–37, CI74–38, CI74–39]

KOPPERS CO., INC., ET AL.

Notice of Applications Pursuant to Section 2.75 of the Commission's General Policy and Interpretations and for Declaratory Orders

JULY 27, 1973.

Take notice that on July 16, 1973, Koppers Company, Inc. (Koppers), 1500 Koppers Building, Pittsburgh, Pennsylvania 15219, in Docket No. CI74–37, St. Regis Paper Company (St. Regis), 916 Pacific Avenue, Takoma, Washington 98401, in Docket No. CI74–38, and Escuhbia Oil Company (Escuhbia), Scott Plaza, Philadelphia, Pennsylvania 19113, in Docket No. CI74–39, filed applications pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for certificates of public convenience and necessity authorizing sales for resale and deliveries of natural gas in interstate commerce to Southern Natural Gas Company (Southern) from the Big Escambia Creek Field, Escambia County, Alabama. In addition, Applicants request declaratory orders that the transportation and sale of condensate and light liquid products to Southern, together with Applicants' facilities for such operations, are not subject to the Commission's jurisdiction under the Natural Gas Act. Applicants proposals and requests are more fully set forth in the applications which are on file with the Commission and open to public inspection.

Koppers in Docket No. CI74–37 proposes under the optional gas pricing procedure to sell all the gas it can deliver, estimated initially at 275 Mcf per day, from its acreage in the Big Escambia Field, Escambia County, Alabama to Southern at an initial rate of 55.0 cents per million Btu at 14.65 psia, pursuant to a contract dated December 1, 1972. Said contract provides for a 1.0-cent per million Btu price escalation every two years after initial deliveries, for tax reimbursement to the seller for ⅞ of any new or additional taxes and for a term of twenty years from the end of the month upon which deliveries commence. Koppers estimates monthly deliveries of gas at 7,250 Mcf.

St. Regis in Docket No. CI74–38 proposes to sell all the gas it can deliver, estimated initially at 275 Mcf per day, from its acreage in the Big Escambia Creek Field to Southern at an initial rate of 55.0 cents per million Btu at 14.65 psia, pursuant to a contract dated December 1, 1972. Said contract provides for a 1.0-cent per million Btu price escalation every two years after initial deliveries, for tax reimbursement to the seller for ⅞ of any new or additional taxes and for a term of twenty years from the end of the month upon which deliveries commence. St. Regis estimates monthly deliveries of gas at 7,250 Mcf.

Escuhbia in Docket No. CI74–39 proposes to sell all the gas it can deliver, estimated initially at 650 Mcf per day, from its acreage in the Big Escambia Creek Field to Southern at an initial rate of 55.0 cents per million Btu at 14.65 psia, pursuant to a contract dated December 1, 1972. Said contract provides for a 1.0-cent per million Btu price escalation every two years after initial deliveries, for tax reimbursement to the seller for ⅞ of any new or additional taxes and for a term of twenty years from the end of the month of initial deliveries. Escuhbia estimates monthly deliveries of gas at 17,700 Mcf.

Applicants state that the gas offered for certification pursuant to the contracts with Southern has not been previously sold in the interstate market nor have any applications been previously filed with the Commission for certification of the sales of such gas.

Applicants assert that the instant sales at the proposed initial rates with escalations are of critical importance in assisting Southern to meet its requirements for gas on its system as Southern is confronted with increasing shortages of natural gas supplies. Applicants further assert that the proposed rates are competitive with offers from other potential buyers, including those in the intrastate market and is lower than prices for base load and peak-shaving liquefied natural gas and synthetic gas. In addition, it is stated that the Applicants will incur substantial costs in removing sulfur from the gas prior to delivery to Southern.

Applicants also request that the Commission issue declaratory orders disclaiming jurisdiction over the transportation and sale of condensate and light liquid products to Southern (on an optional basis) and the facilities necessary therefor. Applicants state that they will construct a gas treating plant to remove sulfur, carbon dioxide, and liquid hydrocarbons from the gas proposed to be sold to Southern in the instant applications. After stabilization, the condensate and light liquid products will be removed and stored for subsequent delivery to Southern. Applicants are advised that upon delivery, Southern will transport both commodities to a Maximum Utilization Plant to be constructed in Escambia County where it will be converted into methane and subsequently sold in interstate commerce through Southern's system.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If petitions for leave to intervene are timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[Filed Doc.73–16244 Filed 8–6–73;8:45 am]

[Docket Nos. E–8251, E–8169]

NEW ENGLAND POWER CO.

Order Accepting for Filing and Suspending Proposed Electric Rate Schedule Supplement, Permitting Interventions, Consolidating Prior Docket, Providing for Hearing, and Establishing Procedures

JULY 30, 1973.

On June 1, 1973, New England Power Service Co. (NEPCO) tendered for filing a proposed rate schedule supplement, constituting an amendment to the Contract for Primary Service for Resale between NEPCO and each of thirty-three named customers presently served under rate R–6.[1] NEPCO requests that the proposed increased rates be permitted to become effective on August 1, 1973.

Notice of NEPCO's proposed rate schedule supplement was issued on June 15, 1973, providing for protests or petitions to intervene to be filed on or before July 13, 1973. Petitions to intervene were filed on June 15, 1973, by the Rhode Island Consumer's Council, and on July 13, 1973, by the Commonwealth of Massachusetts through its Attorney General, and by the NEPCO Customer Rate Committee and twenty-seven other parties.[2] NEPCO states that the proposed rate, R–7, will increase the Demand Charge from $2.96/KW/Mo. to $3.18/KW/Mo. and the Energy Charge from 6.9 mills per KWh to 7.3 mills per KWh, and that such changes will increase NEPCO's annual revenues by approximately $12,500,000 based on a calendar 1972 test year. According to NEPCO, this filing is necessary to increase revenues to continue to raise the debt capital required for construction of generation and transmission facilities necessary to meet projected increased customer demand, while at the same time providing a fair rate of return to shareholders.

Our review of NEPCO's proposed rate schedule supplement indicates that there are issues raised in the pleadings that may require development in an evidentiary hearing. Accordingly, the proposed

[1] See Appendix A
[2] See Appendix B

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rate schedule supplement will be accepted for filing and suspended for a period of five months and set for hearing.

An April 30, 1973, NEPCO filed an amendment to its Contract for Primary Service for Resale with Narragansett Electric Co., at Docket No. E–8169. Intervenors in that case requested that the Commission consolidate that case with NEPCO's newly filed proposed rate schedule, Docket No. E–8251. At the time of our order in Docket No. E–8169, June 29, 1973, we stated that the Commission had insufficient opportunity to review the filing in Docket No. E–8251 and therefore denied the request for consolidation as premature. Our review of that filing indicates that there may be raised issues of law and fact common to both filings and that consolidation of Docket Nos. E–8169 and E–8251 is appropriate. Consistent with this action, we will amend our order of June 29, 1973, to provide procedural dates reflecting our action herein.

The Commission finds.

(1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act, that the Commission enter upon a hearing concerning the lawfulness of NEPCO's proposed general rate schedule supplement, and that such rate schedule supplement be suspended as hereinafter provided.

(2) The proposed increased rate and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

(3) The prior order of the Commission issued in Docket No. E–8169 should be amended as hereinafter ordered.

(4) Good cause exists to consolidate the proceedings at Docket Nos. E–8251 and E–8169.

(5) Good cause exists to grant the petitions to intervene mentioned above.

The Commission orders.

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205, 206, 301, 308, and 309 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of NEPCO's proposed rate schedule herein, commencing with a prehearing conference to be held on December 18, 1973.

(B) Pending such hearing and decision thereon, NEPCO's proposed rate schedule (R–7) to its Contract for Primary Service for Resale with the thirty-three customers is hereby accepted for filing, suspended for five months, and the use thereof deferred until January 1, 1974, or until such time as they are made effective in the manner in the Federal Power Act.

(C) At the prehearing conference on December 18, 1973, all evidence shall be admitted into the record, and procedures adopted for an orderly and expeditious hearing.

(D) On or before November 20, 1973, the Commission's Staff shall serve its prepared testimony and exhibits if any. The prepared testimony and exhibits of intervenors, if any, shall be served on or before November 29, 1973. Any rebuttal evidence by NEPCO shall be served on or before December 13, 1973. Cross-examination of the evidence filed shall commence at 10:00 A.M. on December 19, 1973, in a hearing room of the Federal Power Commission.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the Federal Power Act, the Commission rules and regulations, and the terms of this order.

(F) The above named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: Provided, however, That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and Provided, further, That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Docket Nos. E–8251 and E–8169 are hereby consolidated and the procedural dates previously established in Docket No. E–8169 are amended to coincide with the dates set forth above.

(H) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91–379, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

NEW ENGLAND POWER COMPANY

Designations Rate R–7

Sixth Revised Sheet No. 11 to Exhibit B (Superseding Fifth Revised Sheet No. 11)
Seventh Revised Sheet No. 12 to Exhibit B (Superseding Sixth Revised Sheet No. 12)
Original Sheet No. 12A to Exhibit B

The above designations apply to the following rate schedules:

Customer	*Rate Schedule*
The Narragansett Electric Company	161
Massachusetts Electric Company	162
Granite State Electric Company	163
Green Mountain Power Corporation	164
Manchester Electric Company	165
Town of Groveland	166
Town of Littleton (New Hampshire)	167
Town of Georgetown	169
Town of Mansfield	170
Town of Middleton	171
Town of Sterling	172
Town of Hull	173
Town of Merrimac	174
Town of Littleton (Massachusetts)	175
Town of Groton	176
Town of Boylston	177
Town of Paxton	178
Town of Danvers	179
Town of Templeton	180
Town of Marblehead	181
Town of Ashburnham	182
Town of Princeton	183
Town of Hingham	184
Town of North Attleborough	185
City of Peabody	186
Town of Holden	187
Town of West Boylston	188
Town of Ipswich	189
Department of the Army	199
New Hampshire Electric Cooperative, Inc	200
Town of Hudson	202
Town of Shrewsbury	207
Town of Wakefield	258

APPENDIX B

PARTIES JOINING IN A FILING TO PROTEST, PETITION TO INTERVENE, MOVE FOR SUSPENSION, AND RENEW A MOTION TO CONSOLIDATE, FILED JULY 13, 1973

NEPCO Customer, Rate Committee, The Electrical Departments and Plants of the following Massachusetts Towns and Cities:

Ashburnham	Marblehead
Boylston	Merrimac
Danvers	Middleton
Georgetown	North Attleboro
Groton	Paxton
Hingham	Peabody
Holden	Princeton
Hudson	Shrewsbury
Hull	Sterling
Ipswich	Templeton
Littelton	Wakefield
Mansfield	West Boylston

Littleton, New Hampshire,
The Manchester Electric Company, and
The New Hampshire Electric Cooperative.

[FR Doc.73–16270 Filed 8–6–73;8:45 am]

[Docket No. E–8252]

NORTHERN STATES POWER CO.

Order Accepting for Filing and Suspending Proposed Electric Rate Increase and Permitting Interventions

JULY 30, 1973.

Northern States Power Co. (NSP) tendered for filing on June 1, 1973, First Revised Schedule A to NSP's contracts with sixteen total requirements wholesale customers.[1] NSP asserts that the resulting rate increase of nearly 30% is necessary to bring the rate of return on total requirements wholesale business into line with the rate of return on overall electric business. The revenues resulting from the requested increase, NSP states, would be approximately $1,400,610, based on a calendar 1972 test-year basis with a projected rate of return of 7.80 percent on the affected business. An effective date of August 1, 1973, is requested.

The notice of the proposed changes, published in the FEDERAL REGISTER on June 21, 1973, provided that the closing date for petitions to intervene, protests, and comment would be July 12, 1973. On July 9, 1973, the City of Anoka, Minnesota filed a motion requesting an extension of the period for intervention and/or protest and on July 13, 1973, fifteen of the sixteen affected customers, including the City of Anoka, filed a protest, motion to reject, and petition to intervene (Cities).[2] Cities allege the following defects in NSP's application:

The inclusion of the addition of pollution control facilities in NSP's rate base, as well as the inclusion of working capital, depreciation, and income taxes relating thereto is claimed to be improper. In addition, Cities state that NSP's computation of working capital requirements for its fuel stock inventory by using December, 1972 replacement costs rather than the original cost of such inventory does not conform to the Commission's regulations. It is also maintained that NSP's inclusion of out-of-period wage increases without regard for increased revenues is in violation of the Commission's guidelines in Union Electric Co., Opinion No. 609 (January 24, 1972).

Cities submit that the inclusion by NSP of pension cost increases is improper; and that NSP's proposed rate compensates it for past inflation. Cities also allege that the revision in rate design, fuel adjustment clause, power factor provision, billing determinant provision and the continuation of the sole supplier provisions of its contracts are unjustified and anti-competitive in their effects on Cities.

Cities request that the Commission reject NSP's application or, in the alternative, suspend the proposed rates and allow Cities to intervene in the proceedings.

As to the anti-competitive issues raised above, by order issued May 31, 1973, in Indiana and Michigan Electric Co., Docket No. E–7740, we set standards for those who would raise anti-competitive issues. These standards are that the petition to intervene must clearly specify (1) the facts relied upon, (2) the anti-competitive practices challenged, and (3) the requested relief which is within this Commission's authority to direct. (mimeo p. 3). Our review of Cities' petition to intervene indicates that it fails to specify the relief sought which is within this Commission's authority to grant. Accordingly, we shall limit Cities' participation in this proceeding to matters other than the alleged anti-competitive activities. This action is without prejudice to Cities' right to file an appropriate amended petition which sets forth the relief for the alleged anti-competitive conduct that is within this Commission's authority to grant.

With respect to the other allegations by Cities, these involve matters that cannot be dealt with summarily but rather require development at an evidentiary hearing.

Our review of the application indicates that the rates and charges requested have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. We will suspend the effectiveness of the proposed rates for sixty days and provide for hearing.

The Commission finds.

(1) Participation by petitioners for intervention in this proceeding may be in the public interest.

(2) The proposed increased rates and charges may be unjust, unreasonable, unduly discriminatory, preferential, otherwise unlawful under Section 205 and accordingly shall be suspended as hereinafter ordered.

The Commission orders.

(A) NSP's application is accepted for filing under Section 205 of the Federal Power Act. Pending a hearing and decision thereon, the requested rates and charges are hereby suspended for sixty days and the use thereof deferred until October 1, 1973, or until such time as they are made effective in the manner prescribed by the Federal Power Act.

(B) Increased rates and charges collected after October 1, 1973, and found by the Commission in this proceeding to be unjustified shall be refunded according to the Commission's rules and regulations.

(C) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: Provided, however, That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, except that Cities' participation is limited to matters other than alleged anti-competitive activities, and Provided, further, That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) Pursuant to the authority of the Federal Power Act, particularly § 205 thereof, the Commission's rules of practice and procedure, and the Regulations Under the Federal Power Act (18 CFR, Chapter 1), a public hearing shall be held, commencing with a prehearing conference on December 18, 1973, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in NSP's rate increase filing.

(E) At the prehearing conference on December 18, 1973, NSP's prepared testimony together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceedings. All parties will be expected to come to this conference prepared to effectuate the provisions of § 1.18 of the Commission's rules of practice.

(F) On or before November 6, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before November 20, 1973. Any rebuttal evidence by NSP shall be served on or before December 4, 1973. Cross-examination of the evidence shall commence on December 19, 1973.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing initiated by this order, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the Commission's rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX

NORTHERN STATES POWER COMPANY (MINNESOTA)

Filed: June 1, 1973

Designations	Descriptions	Other party
Supplement No. 1 to Rate Schedule FPC No. 338	First Revised Schedule A	City of Anoka
Supplement No. 1 to Rate Schedule FPC No. 378	First Revised Schedule A	City of Arlington
Supplement No. 1 to Rate Schedule FPC No. 324	First Revised Schedule A	Village of Brownton
Supplement No. 1 to Rate Schedule FPC No. 369	First Revised Schedule A	Village of Buffalo
Supplement No. 2 to Rate Schedule FPC No. 323	First Revised Schedule A	City of Chaska
Supplement No. 2 to Rate Schedule FPC No. 355	First Revised Schedule A	City of Granite Falls
Supplement No. 1 to Rate Schedule No. 335	First Revised Schedule A	Home Light & Power Company
Supplement No. 1 to Rate Schedule FPC No. 318	First Revised Schedule A	Village of Kasota
Supplement No. 1 to Rate Schedule FPC No. 379	First Revised Schedule A	Village of Kasson
Supplement No. 1 to Rate Schedule FPC No. 361	First Revised Schedule A	City of Lake City
Supplement No. 1 to Rate Schedule FPC No. 371	First Revised Schedule A	Village of North St. Paul
Supplement No. 1 to Rate Schedule FPC No. 325	First Revised Schedule A	City of St. Peter
Supplement No. 1 to Rate Schedule FPC No. 368	First Revised Schedule A	City of Shakopee
Supplement No. 1 to Rate Schedule FPC No. 366	First Revised Schedule A	Town of Valley Springs
Supplement No. 1 to Rate Schedule FPC No. 380	First Revised Schedule A	Town of Waseca
Supplement No. 1 to Rate Schedule FPC No. 364	First Revised Schedule A	City of Winthrop

[FR Doc.73–16269 Filed 8–6–73;8:45 am]

[1] See Appendix.

[2] Only Home Light and Power Company did not join in the petition.

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[Docket No. CI74–41]

PETROLEUM, INC.

Notice of Application

JULY 27, 1973.

Take notice that on July 20, 1973, Petroleum, Inc. (Applicant), 300 West Douglas, Wichita, Kansas 67202, filed in Docket No. CI74–41 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company from acreage in the Mocane-Laverne Field, Harper County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 17,500 Mcf of gas per month for two years at 45.0 cents per Mcf at 14.65 psia the first year and 46.0 cents per Mcf at 14.65 psia the second year, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petititon to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–16239 Filed 8–6–73;8:45 am]

[Docket No. RP72–98]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Motion for Approval of Second Revised Stipulation and Agreement

AUGUST 1, 1973.

Take notice that on July 25, 1973, Texas Eastern Transmission Corporation (Texas Eastern) filed a motion for approval of a Second Revised Stipulation and Agreement providing for a proposed settlement of the issues in the above-entitled proceedings.

Copies of the motion and the Second Revised Stipulation and Agreement were served on all parties to the proceeding, Texas Eastern's jurisdictional customers and interested state regulatory commissions.

Any person desiring to do so may file comments in writing with the Commission concerning the proposed settlement. Such comments should be filed on or before August 17, 1973. The motion and the Second Revised Stipulation and Agreement are on file with the Commission and available for public inpsection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16247 Filed 8–6–73;8:45 am]

[Docket No. CI74–51]

TEXACO INC.

Notice of Application

JULY 31, 1973.

Take notice that on July 25, 1973, Texaco Inc. (Applicant), P.O. Box 3109, Midland, Texas 79701, filed in Docket No. CI74–51 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company from the Vacuum (Morrow) Field, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas on July 18, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell up to 10,000 Mcf of gas per day at 50.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Upward Btu adjustment is estimated at 7.6 cents per Mcf. Deliveries are estimated at 102,000 Mcf of gas per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16275 Filed 8–6–73;8:45 am]

[Docket No. RP72–99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Denying Motion for Reconsideration, Permitting Intervention, Fixing Date of Hearing, Specifying Procedures, and Suspending Proposed Revised Tariff Sheets

JULY 30, 1973.

This proceeding arises out of Transcontinental Gas Pipe Line Corp. (Transco) filing on May 17, 1971, of tariff changes pursuant to Order No. 431 in order to effectuate a gas curtailment policy in the event of a gas shortage. By order of November 15, 1971, in Docket No. RP71–118, the Commission approved an interim curtailment plan effective for the period November 16, 1971, through November 15, 1972, and provided that Transco file a permanent curtailment plan which it filed on January 17, 1972, in this Docket. The Commission suspended this filing and provided for a hearing. However, after discussions between Transco, its customers and the staff, an interim settlement agreement to cover the period November 16, 1972, through November 15, 1973, was arrived at which interim settlement agreement was approved by this Commission by order of November 15, 1972. On May 1, 1973, Transco filed a motion requesting a one-year extension of its interim curtailment plan which motion was denied by order of the Commission issued May 23, 1973. The Commission's May 23, 1973, order also ordered Transco to file an appropriate curtailment plan on or before July 1, 1973. On June 29, 1973, Transco submitted for filing in conformance with the Commission's May 23, 1973, order revised tariff sheets[1] to its presently effective FPC Gas Tariff First Revised Volume No. 1 constituting its permanent curtailment plan. The Commission issued a notice of filing of Transco's proposed curtailment plan on July 11, 1973, (38 FR 19253). On July 6, 1973, Transco filed a renewal of its motion for a one-year extension of its interim curtailment plan.

We shall construe Transco's July 6, 1973, refiling of its motion as a petition for reconsideration and deny same. Review of the curtailmen provisions contained in Transco's current interim curtailment plan currently in effect shows that they do not conform to the standards for priorities of deliveries during periods of curtailment as enunciated by Order Nos. 467, 467–A and 467–B. Consistent with our order of April 11, 1973, in Docket No. RP72–64, Texas Gas Transmission Corporation, we cannot grant a motion to extend Transco's present interim plan for an additional year when such plan deviates from our announced policy on curtailment priorities. Accordingly, Transco's motion for a one-year extension of its interim curtailment plan, constituting a motion for reconsideration, should be denied.

In addition to the parties already granted intervention in this Docket, petitions to intervene in this proceeding have been received from: General Motors Corp., The Brick Institute of America, Owens-Corning Fiberglas Corp., Ball Corp., and Brick Association of North Carolina.

In summary, Transco's proposed permanent curtailment plan embodies the end-use priorities established by the Commission in Order No. 467–B as modified in Opinion No. 647–A issued May 30, 1973, in United Gas Pipe Line Company, Docket Nos. RP71–29 and RP71–120. The proposed tariff sheets utilize the definitions of service proposed by the Commission in Docket No. R–474.

Transco's proposed curtailment plan, however, deviates from Order No. 467–B in the following respects:

(1) Transco requests that its direct interruptible customers be completely curtailed prior to any other curtailment on its system.

(2) Customers which obtain more than the system average gas supply will pay $.25 per Mcf for such over supply of gas and customers which receive less than the system average gas supply will obtain a credit of $.25 per Mcf for such under supply.

Additionally, certain other changes have been made. The definition of gas supply deficiency has been broadened to include any occurrence which adversely affects the supply of gas into Transco's main line including gathering system outages, the possibility of husbanding, and the failure of producers and other suppliers to deliver for any reason. Concomitantly, the definition of force majeure has been narrowed to eliminate gas supply related outages from that definition. Transco, however, still proposes to make demand charge adjustments for gas supply deficiency curtailments and assess these charges to its customers through a deferred accounting and tracking procedure.

Since Transco's proposed curtailment procedures contain, inter alia, the procedures set forth in our Statement of Policy, Order No. 467–B, issued March 2, 1973, in Docket No. R–469, we are of the view that intervenors opposing the proposed 467–B procedures should be required to submit testimony and exhibits in support of any deviations therefrom in Transco's proposed curtailment plan, as well as in support of their objections to other tariff provisions contained in Transco's filing of June 29, 1973. Transco, on the other hand, should submit evidence supporting its revised tariff provisions other than those relating to priority of service during curtailed deliveries.

The Commission finds.

(1) The proposed changes to Transco's FPC Gas Tariff have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed revised tariff sheets filed by Transco and that such tariff sheets be suspended and the use thereof be deferred as herein provided.

(3) The participation in the above-named petitioners may be in the public interest.

The Commission orders.

(A) Pursuant to the authority of the Natural Gas Act, particularly §§ 4, 5, and 15 thereof, the Commission's rules of practice and procedure and the regulations of the Natural Gas Act (18 CFR Chapter I) a public hearing shall be held commencing August 27, 1973, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol St., Washington, D.C. 20426, concerning the lawfulness of the curtailment provisions contained in Transco's FPC Gas Tariff as proposed to be revised herein. The hearing shall begin with admission into the record of Transco's direct case, subject to appropriate motions, followed by cross examination of Transco's witnesses.

(B) Pending hearing and decision on the issues raised by Transco's filing in Docket No. RP72–99, the proposed tariff sheets filed by Transco, and identified in footnote 1, are hereby suspended and the use thereof is deferred until November 16, 1973, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) On or before August 13, 1973, Transco shall prepare and file with the Commission and serve on the Commission Staff and all parties to this proceeding its direct testimony and exhibits in support of the proposed tariff sheets submitted on June 29, 1973.

(D) Testimony in opposition to Transco's curtailment procedures shall be filed on or before August 13, 1973.

(E) The above-named petitioners are hereby permitted to become intervenors in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in said petitions for leave to intervene; and, *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(F) Transco's renewal of its motion for a one-year extension of its interim curtailment plan, constituting a motion for reconsideration, and filed on July 6, 1973, is hereby denied.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see delegation of authority 18 CFR 3.5 paragraph (d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73–16273 Filed 8–6–73;8:45 am]

[1] First Revised Sheet No. 136, Second Revised Sheet No. 138, Second Revised Sheet No. 139, Second Revised Sheet No. 140, Second Revised Sheet No. 141, Second Revised Sheet No. 142, First Revised Sheet No. 143, First Revised Sheet No. 144.

FEDERAL RESERVE SYSTEM

BANKAMERICA CORPORATION

Order Denying Acquisition of GAC Finance, Inc.

BankAmerica Corporation, San Francisco, California, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under sections 4 (c) (8) and (13) of the Act and § 225.4 (b)(2) of the Board's Regulation Y, to acquire voting shares of GAC Finance, Inc., Allentown, Pennsylvania. GAC Finance, Inc. through its subsidiaries engages in the activities of making direct loans to consumers; purchasing sales finance paper; financing inventory of distributors of and dealers in various consumer durable goods through agreements with manufacturers in the case of distributors and with distributors in the case of dealers; servicing manufacturer-funded receivables arising from inventory financing by certain manufacturers of consumer durable goods; rediscount financing for non-affiliated consumer sales finance companies; and sale to its

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direct consumer borrowers of credit life and credit health and accident insurance and of insurance coverage against damage to personal property securing extensions of credit made by the subsidiary to its direct consumer borrowers. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 6103). The time for filing comments and views has expired, and the Board has considered all comments received, including those of the Department of Justice, in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

On the basis of the record, the application is denied for the reasons set forth in the Board's Statement, which will be released at a later date.

By order of the Board of Governors,[1] effective July 27, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-16198 Filed 8-6-73;8:45 am]

CITIZENS COMMERCIAL CORPORATION

Formation of Bank Holding Company

Citizens Commercial Corporation, Flint, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares of the successor by merger to Citizens Commercial & Savings Bank, Flint, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 13, 1973.

Board of Governors of the Federal Reserve System, July 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16195 Filed 8-6-73;8:45 am]

COMMERCE BANCSHARES, INC.

Proposed Retention of Commerce Mortgage Company

Commerce Bancshares, Inc., Kansas City, Missouri, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of Commerce Mortgage Company, Kansas City, Missouri which were previously held under authority of section 4(c)(5) of the Act. Notice of the application was published on May 10, 1973 in the Kansas City Star, a newspaper circulated in Kansas City, Jackson County, Missouri; on April 18, 1973 in the Columbia Missourian, a newspaper circulated in Columbia, Boone County, Missouri; and on April 9, 1973 in the St. Louis Globe-Democrats, a newspaper circulated in St. Louis, Missouri.

Applicant states that the subsidiary would continue to engage in the activities previously engaged in pursuant to section 4(c)(5) of the Bank Holding Company Act: Making, purchasing, or otherwise obtaining loans for itself and as agent for others, taking or receiving evidences of indebtedness therefor, and obtaining as security for the payment thereof mortgages, trust deeds, pledges or security creating documents upon real estate, improved or unimproved, as well as servicing mortgage loans for itself and for others, including foreclosure in event of default. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissable for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 26, 1973.

Board of Governors of the Federal Reserve System, July 30, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16197 Filed 8-6-73;8:45 am]

MULTIBANK FINANCIAL CORP.

Acquisition of Bank

Multibank Financial Corp., Boston, Massachusetts, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Northampton National Bank, Northampton, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 26, 1973.

Board of Govenors of the Federal Reserve System, July 30, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16196 Filed 8-6-73;8:45 am]

SECURITY PACIFIC CORP.

Proposed Acquisition of Midwestern Financial Corp.

Security Pacific Corporation, Los Angeles, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Midwestern Financial Corporation, Denver, Colorado. Notice of the application was published as follows:

Date	Newspaper	State/City
May 30, 1973	Anchorage Times	Anchorage, Alaska
May 30, 1973	Republic Gazette	Phoenix, Arizona
May 30, 1973	The Daily Reporter	Tucson, Arizona
May 28, 1973	Anaheim Bulletin	Anaheim, California
May 30, 1973	Downey Southeast News and Downey Champion	Downey, California
May 31, 1973	El Monte Herald	El Monte, California
May 31, 1973	Van Nuys News and Valley Green Sheet	Encino & Mission Hills, California
May 31, 1973	Hawthorne Press Tribune	Hawthorne California
May 30, 1973	Long Beach Independent	Long Beach, California
May 30, 1973	The Inter-City Express	Oakland, California
May 30, 1973	Press-Courier	Oxnard, California
May 30, 1973	The Recorder	San Francisco, California
May 30, 1973	Contra Costa Times	Walnut Creek, California
May 30, 1973	Star Sentinel	Aurora, Colorado
May 30, 1973	Colorado Springs Gazette Telegraph	Colorado Springs, Colorado
May 31, 1973	Daily Journal	Denver, Colorado
May 31, 1973	The Lakewood Sentinel	Lakewood Colorado
May 29, 1973	Fulton County Daily Report	Atlanta, Georgia
May 30, 1973	The Hawaii Times	Honolulu, Hawaii
May 31, 1973	Evergreen Park Courier	Evergreen Park, Illinois
May 30, 1973	The Johnson County Scout	Missiou, Kansas
May 30, 1973	Albuquerque Journal	Albuquerque, New Mexico.
May 30, 1973	Houston Post	Houston, Texas
May 29, 1973	Seattle Times	Seattle, Washington
May 30, 1973	Chronicle Review	Spokane, Washington
May 30, 1973	News Tribune	Tacoma, Washington

[1] Voting for this action: Chairman Burns and Governors Brimmer, Bucher, and Holland. Voting against this action: Governors Mitchell, Daane, and Sheehan.

Applicant states that the proposed subsidiary would sell or spin off certain subsidiaries and will only engage in the activities of mortgage banking. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 23, 1973.

Board of Governors of the Federal Reserve System, July 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16192 Filed 8-6-73;8:45 am]

SOUTH MIDLAND FINANCIAL CORP.

Formation of Bank Holding Company

South Midland Financial Corp., Milwaukee, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of approximately 99 per cent of the voting shares of South Midland Bank, Milwaukee, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Federal Reserve Bank, to be received not later than August 26 1973.

Board of Governors of the Federal Reserve System, July 30, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16193 Filed 8-6-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-188]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in rulemaking proceedings before the Internal Revenue Service, Department of the Treasury.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Internal Revenue Service, Department of the Treasury, in rulemaking proceedings concerning the adoption of proposed rule 1.167(l)-1, regarding "Property of Certain Public Utilities Proposed Depreciation Allowance."

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

AUGUST 1, 1973.

[FR Doc.73-16222 Filed 8-6-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

I. D. PRECISION COMPONENTS CORP.

Order Suspending Trading

JULY 31, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of I. D. Precision Components Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.d.t.) on July 31, 1973 and continuing through August 9, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16199 Filed 8-6-73;8:45 am]

[70-5368]

MIDDLE SOUTH UTILITIES, INC.

Notice of Proposed Issue and Sale of Short-Term Promissory Notes to Banks for Borrowings Under a Revolving Credit Agreement

JULY 31, 1973.

Notice is hereby given that Middle South Utilities, Inc., 280 Park Avenue New York, New York 10017 ("Middle South"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Middle South proposes, under a $135,000,000 revolving credit agreement dated as of July 1, 1973, to initially issue and sell its unsecured promissory notes, in an aggregate amount not to exceed $30,000,000 outstanding at any one time, to a group of 7 commercial banks headed by Manufacturers Hanover Trust Company of New York ("MHTC"). Middle South proposes to (a) apply $10,000,000 of the proceeds of the initial borrowing to purchase an additional 435,000 shares of common stock without nominal or par value of Mississippi Power & Light Company, its electric utility subsidiary, for an aggregate of $10,005,000 in cash (such purchase is a subject of a pending application-declaration filed by Mississippi Power & Light Company and Middle South, File No. 70-5371) and (b) use the balance of the proceeds of the borrowing, $20,000,000, to pay off a similar principal amount of short-term notes held by MHTC and Chase Manhattan Bank, in the amounts of $10,000,000 each. Such borrowings were under an interim arrangement, pending the development of the present credit agreement, and were used to purchase common stock of Arkansas Power & Light Company, an electric utility subsidiary of Middle South (Holding Company Act Rel. No. 17958, dated May 10, 1973).

Under the terms of the revolving credit agreement, Middle South may borrow and reborrow until June 30, 1975, up to an aggregate of $135,000,000 outstanding at any one time. The names of the banks participating in the agreement and their respective commitments are as follows:

Bank	Commitment
Manufacturers Hanover Trust Company, New York	$55,000,000
First National City Bank, New York	25,000,000
Bank of America National Trust & Savings Association, Los Angeles	15,000,000

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Bank	Commitment
Continental Illinois National Bank and Trust Company of Chicago	10,000,000
Irving Trust Company, New York	10,000,000
Northern Trust Company Bank, Chicago	10,000,000
The First National Bank of Chicago	10,000,000
	135,000,000

Each borrowing and each payment by Middle South will be made pro rata among the lending banks according to their original commitment. The credit agreement additionally provides that loans thereunder will be evidenced by unsecured promissory notes payable 90 days from the date of issuance thereof, but in no event later than June 30, 1975; will bear interest on the unpaid principal amount thereof from the date thereof at a rate per annum equal to MHTC's prime rate, defined as the commercial loan rate of MHTC from time to time in effect on borrowings having a 90-day maturity, until and including June 30, 1974, and thereafter at a rate per annum equal to ¼ of 1 percent above MHTC's prime rate, as defined. The notes will be prepayable at any time on two business days notice in whole or in part without premium. The effective cost of borrowing to Middle South under the credit agreement after the full $135,000,000 has been borrowed, assuming compensating balances of approximately 15 percent to be maintained with each of the banking institutions, and assuming a MHTC prime rate of 8½ percent, as defined, would be 10.4 percent per annum.

In connection with the line of credit, Middle South has agreed to pay the banks a commitment fee for the period from and including July 1, 1973 to June 30, 1975, (or earlier date of termination of the commitments), computed at the rate of ½ of 1 percent per annum on the average daily unused portion of the commitments in effect during the period for which payment is made. Such commitment fee will be payable to each bank quarterly on the last day of each March, June, September and December, commencing September 30, 1973, and on the date on which Middle South shall terminate its commitments.

Middle South intends to pay the principal of its proposed notes out of the proceeds of the sale of additional shares of its common stock. It is stated that repayments so made from the proceeds of the sale of common stock shall reduce borrowings authorized by this Commission by the amount of such repayments.

Middle South states it intends to utilize the balance of the bank loan agreement to make capital contributions to Louisiana Power & Light Company and Arkansas Power & Light Company, its wholly-owned electric utility subsidiaries, aggregating $55,000,000 during the last quarter of 1973, and $50,000,000 during the first and second quarter of 1974. Middle South states the aggregate borrowings under the proposed line of credit will total $135,000,000 at the close of the second quarter of 1974. All such additional borrowings and reborrowings under the credit agreement will be subject to subsequent filings and approval by this Commission.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. No special or separate expenses are anticipated in connection with the various transactions referred to herein.

Notice is further given that any interested person may, not later than August 24, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16202 Filed 8-6-73;8:45 am]

[811-1488]

MOODY'S CAPITAL FUND, INC.

Notice of Proposal to Terminate Registration

JULY 31, 1973.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Moody's Capital Fund, Inc., 100 Church Street, New York, New York 10007 ("Fund"), a corporation organized under the laws of the State of Maryland, and registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

Fund was organized in Maryland on March 28, 1967; it filed a notification of registration on Form N-8A on April 5, 1967 and a registration statement on Form N-8B-1 on April 11, 1967.

At a Special Meeting of Stockholders of the Fund, held on February 26, 1972, the holders of a majority of Fund's outstanding voting securities approved (1) a Plan of Reorganization ("Plan") providing for the acquisition by Smith, Barney Equity Fund, Inc. ("Equity", also an investment company registered under the Act) of substantially all of the assets of the Fund in exchange for shares of Equity common stock; (2) the Articles of Exchange ("Articles") necessary to effectuate the Plan; (3) the distribution of Equity common stock to the Fund's shareholders; and (4) the dissolution of the Fund.

Pursuant to the foregoing action by shareholders of the Fund, substantially all of the assets of the Fund were acquired by Equity as of February 26, 1972; the Equity common stock was distributed to Fund shareholders on February 28, 1972; and the Fund was dissolved on April 28, 1972 by filing Articles of Dissolution with the Maryland Department of Assessments and Taxation.

Counsel represents that while the Fund has been formally dissolved, its directors, acting as trustees for the dissolved corporation, are still in the process of winding up the company's financial affairs. This process will be completed upon the final liquidation of the Fund's remaining assets, which include the settlement proceeds of certain litigation in which the Fund had been involved. Counsel to the Fund further represents that all but approximately $1,400 of the Fund's current assets, which amount to $432,585.43, are being held in interest-bearing accounts at the Chase Manhattan Bank, with the balance deposited in a checking account at the Irving Trust Company.

Counsel further represents that upon the resolution by the Internal Revenue Service of the proper treatment of these assets under the federal income tax laws, such assets will be distributed to shareholders of record of the Fund as of the close of business on February 25, 1972.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 27, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16204 Filed 8-6-73;8:45 am]

[812-3419]

PUTNAM INVESTORS FUND, INC.

Notice of Filing of Application for Order Exempting Proposed Transactions

JULY 31, 1973.

Notice is hereby given that the Putnam Investors Fund, Inc., 265 Franklin Street, Boston, Massachusetts 02110 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to Section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act and from Rule 22c-1 under the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all of the assets of Southern Mill Supply Company, Inc. ("Southern").

Southern is a personal holding company all of whose outstanding stock is owned of record and beneficially by only one person. It is exempt from registration under the Act under the provisions of section 3(c)(1) of the Act.

On January 15, 1973, Applicant and Southern entered into an Agreement and Plan of Reorganization ("Agreement") whereby substantially all of the cash and securities owned by Southern, with a value of approximately $256,502 as of February 23, 1973, are to be transferred to Applicant in exchange for shares of Applicant's capital stock. Pursuant to the Agreement, the number of shares of Applicant to be issued to Southern is to be determined by dividing the aggregate market value of the assets of Southern to be transferred to Applicant by the net asset value per share of Applicant.

The application states that as a condition to the consummation of the transaction by the Applicant at least 60 percent of the value of the assets of Southern being transferred to the Applicant at the valuation time shall consist of securities which the Applicant wishes to acquire and hold for investment in its portfolio.

Pursuant to the Agreement, the value of the assets of Southern to be transferred and the net asset value of the shares of Applicant to be issued in exchange therefor, will be determined as of the close of business on the first full business day prior to the actual issue of said shares. The Agreement also requires that in determining the number of shares of Applicant to be delivered to Southern, the aggregate market value of the assets of Southern shall be reduced by an amount, if any, determined by application of a formula designed to compensate Applicant for any increased tax liability which may result by reason of its acquisition of the assets of southern. If the valuation under the Agreement had taken place on February 23, 1973, when the net asset value of Applicant's stock was $10.29 per share, Southern would have received 24,927 shares of Applicant's stock.

When received, Southern will distribute Applicant's shares to its shareholder and will dissolve. The stockholder of Southern has represented to Applicant that his present intention is to hold the shares of Applicant received in the transaction for at least 12 months after the close of the transaction.

Applicant represents that there is no affiliation or relationship between Applicant or its officers and directors and Southern or its officers and directors. The application also states that the proposed transaction is a result of arms-length negotiations.

Section 22(d) of the Act, in pertinent part, prohibits a registered investment company from selling any redeemable security issued by it to any person except to or through a principal underwriter for distribution or at a current public offering price as described in the prospectus. The public offering price of Applicant's shares is net asset value plus varying sales charges depending upon the amount purchased and owned.

Section 22(c) of the Act and Rule 22c-1 thereunder, taken together, provide, in pertinent part, that a registered investment company may not issue its redeemable securities except at a price based on the current net asset value of such security computed as of the close of trading on the New York Stock Exchange next following receipt of the order to purchase the security. Because the valuation date will precede the closing date by one business day in the proposed transaction, the provisions of section 22(c) and Rule 22c-1 may be deemed to be contravened.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

NOTICE IS FURTHER GIVEN that any interested person may, not later than August 24, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16201 Filed 8-6-73;8:45 am]

[812-3418]

PUTNAM INVESTORS FUND, INC.

Notice of Filing of Application for Order Exempting Proposed Transactions

JULY 31, 1973.

Notice is hereby given that the Putnam Investors Fund, Inc., 265 Franklin Street, Boston, Massachusetts 02110, ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act and from Rule 22c-1 under the Act a transaction in which Applicant's redeemable securities will be

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issued at a price other than the current public offering price in exchange for substantially all of the assets of Refractory Service, Inc. ("Refractory").

Refractory is a personal holding company all of whose outstanding stock is owned of record and beneficially by only one person. It is exempt from registration under the Act under the provisions of section 3(c)(1) of the Act.

On January 15, 1973, Applicant and Refractory entered into an Agreement and Plan of Reorganization ("Agreement") whereby substantially all of the cash and securities owned by Refractory, with a value of approximately $364,438 as of February 23, 1973, are to be transferred to Applicant in exchange for shares of Applicant's capital stock. Pursuant to the Agreement, the number of shares of Applicant to be issued to Refractory is to be determined by dividing the aggregate market value of the assets of Refractory to be transferred to Applicant by the net asset value per share of Applicant.

The application states that as a condition to the consummation of the transaction by the Applicant at least 60 percent of the value of the assets of Refractory being transferred to the Applicant at the valuation time shall consist of securities which the Applicant wishes to acquire and hold for investment in its portfolio.

Pursuant to the Agreement, the value of the assets of Refractory to be transferred and the net asset value of the shares of Applicant to be issued in exchange therefor, will be determined as of the close of business on the first full business day prior to the actual issue of said shares. The Agreement also requires that in determining the number of shares of Applicant to be delivered to Refractory, the aggregate market value of the assets of Refractory shall be reduced by an amount, if any, determined by application of a formula designed to compensate Applicant for any increased tax liability which may result by reason of its acquisition of the assets of Refractory. If the valuation under the Agreement had taken place on February 23, 1973, when the net asset value of Applicant's stock was $10.29 per share, Refractory would have received 35,417 shares of Applicant's stock.

When received Refractory will distribute Applicant's shares to its shareholder and will dissolve. The sole stockholder of Refractory has represented to Applicant that his present intention is to hold the shares of Applicant received in the transaction for at least 12 months after the close of the transaction.

Applicant represents that there is no affiliation or relationship between Applicant or its officers and directors and Refractory or its officers and directors. The application also states that the proposed transaction is a result of arms-length negotiations.

Section 22(d) of the Act, in pertinent part, prohibits a registered investment company from selling any redeemable security issued by it to any person except to or through a principal underwriter for distribution or at a current public offering price as described in the prospectus. The public offering price of Applicant's shares is net asset value plus varying sales charges depending upon the amount purchased and owned.

Section 22(c) of the Act and Rule 22c-1 thereunder, taken together, provide, in pertinent part, that a registered investment company may not issue its redeemable securities except at a price based on the current net asset value of such security computed as of the close of trading on the New York Stock Exchange next following receipt of the order to purchase the security. Because the valuation date will precede the closing date by one business day in the proposed transaction, the provisions of section 22(c) and Rule 22c-1 may be deemed to be contravened.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 24, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16203 Filed 8-6-73;8:45 am]

[File No. 500-1]

SYNER DATA, INC.

Order Suspending Trading

JULY 31, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Syner Data, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.d.t.) on July 31, 1973 and continuing through August 9, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16200 Filed 8-6-73;8:45 am]

TARIFF COMMISSION

[AA1921-127]

ELEMENTAL SULPHUR FROM CANADA

Rescheduling of Hearing Date

Notice is hereby given that the hearing in Investigation No. AA1921-127, scheduled to be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D.C., beginning at 10 a.m., e.d.t., on September 5, 1973, has been rescheduled for 10 a.m., e.d.t., on September 25, 1973. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., no later than noon, Thursday, September 20, 1973.

Written submissions, Interested parties may submit written statements of information and views, in lieu of their appearance at the public hearing, or they may supplement their oral testimony by written statements of any desired length. In order to be assured of consideration, all written statements should be submitted at the earliest practicable date, but not later than the close of business on October 9, 1973.

The hearing is being held in connection with a Commission investigation under the provisions of section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established by reason of the importation of elemental sulphur from Canada which the Assistant Secretary of the Treasury has determined are being, or are likely to be, sold at less than fair value. Notice of the investigation was published in the

FEDERAL REGISTER of July 31, 1973 (38 FR 20381).

Issued: August 2, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-16237 Filed 8-6-73;8:45 am]

COLLECTION OF F.O.B. AND C.I.F. DATA ON IMPORTS

Notice of Amendment of General Statistical Headnote of the Tariff Schedules of the United States Annotated (TSUSA)

Pursuant to section 484(e) of the Tariff Act of 1930 (19 U.S.C. 1484(e)), general statistical headnote 1 of the TSUSA is hereby amended, effective with respect to imported articles entered, or withdrawn from warehouse, for consumption on or after October 1, 1973, as hereinafter provided.

The primary purpose of amendments to the headnote provisions is to provide for the collection and reporting of additional information on all imported merchandise, as follows:

(1) Its purchase price (i.e., its actual transaction value) adjusted, when necessary, to obtain its so-called f.o.b. value at the port of exportation (or the equivalent thereof for merchandise not acquired by purchase).

(2) In the case of merchandise not acquired in an arm's-length transaction, the equivalent of the arm's-length value therefor to be derived, to the extent practicable, from customs values, as generally determined under section 402 and 402a, Tariff Act of 1930, as amended.

(3) Separately, the aggregated costs incurred in bringing the merchandise from the port of exportation in the country of exportation to the first port of entry in the United States.

The responsibility for obtaining and providing the data required by the statistical annotations of the TSUSA rests with the person making entry or withdrawal of articles imported into the customs territory of the United States. Entries or withdrawals not complying with statistical requirements will be cause for rejection by customs officers.

In the following, the new provisions of the headnote are underscored, and changes in the format are obvious and are, therefore, not included.

General statistical headnotes: 1. *Statistical requirements for imported articles.* (a) Persons making customs entry or withdrawal of articles imported into the customs territory of the United States shall complete the entry or withdrawal forms, as provided herein and in regulations issued pursuant to law, to provide for statistical purposes information as follows:

(i) The number of the Customs district and of the port where the articles are being entered for consumption or warehouse, as shown in Statistical Annex A of these schedules;

(ii) The name and flag of the vessel or the name of the airline, or in the case of shipment by other than vessel or air, the means of transportation by which the articles first arrived in the United States;

(iii) The foreign port of lading;

(iv) The United States port of unlading for vessel and air shipments;

(v) The date of importation;

(vi) The country of origin of the articles expressed in terms of the designation therefor in Statistical Annex B of these schedules;

(vii) The country of exportation expressed in terms of the designation therefor in Statistical Annex B of these schedules;

(viii) The date of exportation;

(ix) A description of the articles in sufficient detail to permit the classification thereof under the proper statistical reporting number in these schedules;

(x) The statistical reporting number under which the articles are classifiable;

(xi) Gross weight in pounds for the articles covered by each reporting number when imported in vessels or aircraft;

(xii) The net quantity in the units specified herein for the classification involved;

(xiii) The U.S. dollar value in accordance with the definition of section 402 or 402a of the Tariff Act of 1930, as amended, for all merchandise including that free of duty or dutiable at specific rates;

(xiv) The purchase price (i.e., the actual transaction value), in U.S. dollars, of imported merchandise plus, when not included in such price, all charges, costs, and expenses incurred in placing such merchandise alongside the carrier at the port of exportation in the country of exportation (or, in the case of merchandise not acquired by purchase, e.g., acquired on consignment, lease, or as gifts, the equivalent of such price, charges, costs, and expenses);

(xv) In addition to the value required under subparagraph (xiv), if the merchandise was not acquired in an arm's-length transaction, the equivalent of the arm's-length value therefor, in U.S. dollars, plus, when not included in such value, all charges, costs, and expenses incurred in placing such merchandise alongside the carrier at the port of exportation in the country of exportation;

(xvi) The aggregate cost (not including U.S. import duty, if any), in U.S. dollars, of freight, insurance, and all other charges, costs, and expenses (each of which charges, costs, and expenses shall be separately itemized on or attached to the related invoice) incurred in bringing the merchandise from alongside the carrier at the port of exportation in the country of exportation and placing it alongside the carrier at the first U.S. port of entry (in the case of overland shipments originating in Canada or Mexico, such cost, if any, shall not be reported); and

(xvii) Such other information with respect to the imported articles as is provided for elsewhere in these schedules.

(b) *For the purpose of paragraph (a), the following definitions shall govern.* (i) The country of exportation shall be the country of origin, except when the merchandise while located in a third country is the subject of a new purchase in which event the third country shall be regarded and reported as the country of exportation, and the date of exportation from the third country shall be regarded and reported as the date of exportation.

(ii) The value of imported merchandise contemplated by subparagraph (xv) shall be, to the extent practicable, a value derived from the value of such merchandise as generally determined under section 402 or 402a of the Tariff Act, as the case may be.

(iii) An arm's-length transaction shall be a transaction between a buyer and seller independent of each other, i.e., persons who are not related in any respect specified in section 402(g)(2) of the Tariff Act of 1930, as amended.

Issued: August 3, 1973.

For the Committee.

A. F. PARKS,
Chairman.

[FR Doc.73-16349 Filed 8-6-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

RHODE ISLAND DEVELOPMENTAL PLAN

Submission and Availability for Public Comment; Correction

In FR Doc. 73-15490, published at page 20130 of the issue dated Friday, July 27, 1973, a correction is made by revising the last sentence in the second paragraph of item 1 to read as follows:

The State of Rhode Island desires to assume enforcement responsibility for the issues and standards covered by 29 CFR Part 1910, Subparts D through S and 29 CFR Part 1926, Subparts C through V.

Signed at Washington, D.C., this 2d day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-16221 Filed 8-6-73;8:45 am]

[S-72-7; V-73-15]

UNITED STATES STEEL CORP. AND ALLIED CHEMICAL CORP.

Effective Date of Orders Regarding Variances; Corrections

1. In FR Doc. 73-14829 appearing at page 19296 in the issue of Thursday, July 19, 1973, the effective date of the order granted to United States Steel Corporation is corrected by changing "August 18, 1973" to "July 19, 1973."

2. In FR Doc. 73-15043 appearing at pages 19720-19721 in the issue of Monday, July 23, 1973, the effective date of the interim order granted to Allied Chemical Corporation is corrected by changing "August 22, 1973" to "July 23, 1973."

Signed at Washington, D.C., this 2d day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-16220 Filed 8-6-73;8:45 am]

COMMITTEE FOR IMPLEMENTATION FOR TEXTILE AGREEMENTS

COTTON, WOOL, MAN-MADE FIBER TEXTILES AND TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

JULY 30, 1973.

On October 3, 1972, there was published in the FEDERAL REGISTER (37 FR 20745), a letter dated September 27, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textiles and textile products produced or manufactured in the Republic of China and exported from the Republic of China for which the Republic of China had not issued a visa. One of the visa require-

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ments is that each visa include the signature of an official authorized to issue visas. The Government of the Republic of China has requested that Mr. C. S. Pan be authorized to issue visas replacing Mr. P. Y. Liu. Textile shipments having visas signed by either of the previously named officials and which have been exported from the Republic of China to the United States prior to October 1, 1973, will not be denied entry.

Accordingly, there is published below a letter of July 30, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that Mr. C. S. Pan be authorized to issue visas for textile shipments exported from the Republic of China to the United States; and further directing that textile shipments exported from the Republic of China to the United States prior to October 1, 1973 which have visas signed by either Mr. Pan or Mr. Liu shall not be denied entry. A facsimile of Mr. Pan's signature is published as an enclosure to that letter.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JULY 30, 1973.

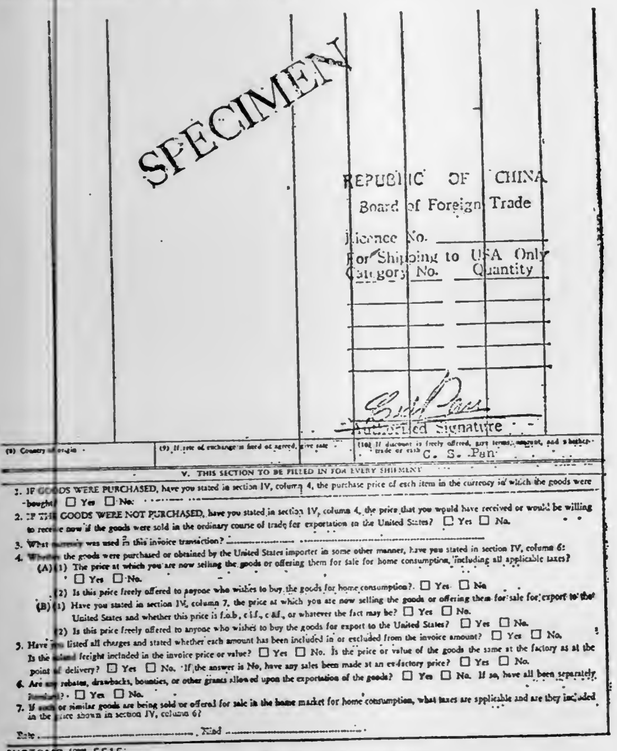
DEAR MR. COMMISSIONER: This directive amends but does not cancel, the directive of September 27, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1–64; wool textile products in Categories 101–126, 128, and 131–132; and man-made fiber textile products in Categories 200–243 produced or manufactured in the Republic of China for which the Republic of China had not issued a visa. One of the visa requirements is that the visa include the signature of an official authorized to issue visas.

Under the provisions of the bilateral Cotton Textile Agreement and the bilateral Wool and Man-Made Fiber Agreement, both of December 30, 1971, between the Governments of the United States and the Republic of China, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, the directive of September 27, 1972 is amended to authorize Mr. C. S. Pan to issue visas replacing Mr. P. Y. Liu. The signatures of both Mr. Pan and Mr. Liu will be recognized as valid for shipments exported prior to October 1, 1973. A facsimile of Mr. Pan's signature is enclosed.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool, and man-made fiber textiles and textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.



[FR Doc.73-16327 Filed 8-6-73;8:45 am]

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

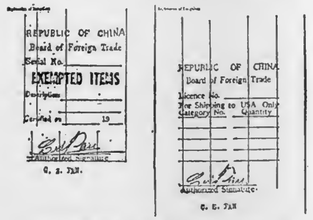
Entry or Withdrawal From Warehouse for Consumption

JULY 30, 1973.

On April 24, 1973, there was published in the FEDERAL REGISTER (38 FR 10132) a letter dated April 19, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs announcing an administrative mechanism to certify for exemption from the levels of restraint established by the Bilateral Wool and Man-Made Fiber Textile Agreement of December 31, 1971, between the Governments of the United States and the Republic of China, specific wool and man-made fiber textile products comprising Annex C of that agreement. To qualify for exemption each shipment must be accompanied by a visa for exempt items and the visa agreed to by the Governments of the United States and the Republic of China on August 16, 1972 (See 37 FR 20745). Each visa must also include, among other specifications, the signature of an official authorized to issue such visas. The Government of the Republic of China has requested that Mr. C. S. Pan be authorized to issue the visas, replacing Mr. P. Y. Liu. Exempt textile shipments having visas signed by either of the previously named officials and which have been exported from the Republic of China to the United States prior to October 1, 1973 will not be denied entry.

Accordingly, there is published below a letter of July 30, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that Mr. C. S. Pan be authorized to issue visas for exempt wool and man-made fiber textile shipments exported from the Republic of China to the United States; and further directing that such shipments exported from the Republic of China to the United States prior to October 1, 1973 which have visas signed by either Mr. Pan or Mr. Liu shall not be denied entry. A facsimile of Mr. Pan's signature on each of the required visas is published as an enclosure to that letter.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.



COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JULY 30, 1973.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on April 19, 1973 by the Chairman of the Committee for the Implementation of Textile Agreements which established an export visa requirement for the entry into the United States for consumption and withdrawal from warehouse for consumption of certain wool and man-made fiber textile products, produced or manufactured in the Republic of China which are exempt from the levels of restraint of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971 between the Governments of the United States and the Republic of China.

Under the provisions of the aforementioned agreement and in accordance with the procedures of Executive Order 11651 of March 3, 1972, the directive of April 19, 1973 is hereby amended to authorize Mr. C. S. Pan to issue visas, replacing Mr. P. Y. Liu. The signature of both Mr. Pan and Mr. Liu will be recognized as valid for such shipments exported prior to October 1, 1973. A facsimile of Mr. Pan's signature on each of the required visas is enclosed.

The actions taken with respect to the Government of the Republic of China and with respect to imports of wool and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-16328 Filed 8-6-73;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1973

Addition to Procurement List 1973

Notice of proposed addition to the Initial Procurement List, August 26, 1971 (36 FR 16982), was published in the FEDERAL REGISTER on December 14, 1972 (37 FR 26628).

Pursuant to the above notice the following commodity is added to Procurement List 1973, March 12, 1973 (38 FR 6742).

COMMODITY	Price
Class 6350:	
Catheter, External (IB) 6530 864635 temp	$0.14 Each

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-16211 Filed 8-6-73;8:45 am]

PROCUREMENT LIST 1973

Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92–28; 85 Stat. 79, of the proposed additions of the following commodities and service to Procurement List 1973, March 12, 1973 (38 FR 6742).

COMMODITIES

Class 6532:
Smock, man's, reversible:
6532–115–8766
6532–115–8767
6532–115–8768
Smock, man's, dental:
6532–004–6820

Class 6532—Continued
6532–004–6821
6532–004–6822
6532–004–6823
6532–004–6824
6532–004–6825
6532–004–6826
Class 7210:
Pillowcase:
7210–081–1380
Class 8415:
Apron, food serving:
8415–105–5939

SERVICE

Industrial Class 7399:
Microfilm stripping
Defense Logistics Service Center
Battle Creek, Michigan

Comments and views regarding these proposed additions may be filed with the Committee not later than September 16, 1973. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-16209 Filed 8-6-73;8:45 am]

PROCUREMENT LIST 1973

Deletions From Procurement List 1973

Notice of proposed deletion from Procurement List 1973, March 12, 1973 (38 FR 6742), was published in the FEDERAL REGISTER on May 2, 1973 (38 FR 10834).

Pursuant to the above notice the following commodities are deleted from Procurement List 1973, March 12, 1973 (38 FR 6742).

COMMODITIES

Class 7920:
Broom, Upright:
7920–292–2368
7920–292–2369
7920–292–4370
Brush, Sanitary:
7920–141–5450

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-16210 Filed 8-6-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10 a.m., Wednesday, August 15, 1973, at 2025 M Street, N.W., Washington, D.C.

The agenda will consist of discussions leading to recommendations on specific

V 38 151 AUG 7 73 XUM

Phase II and Phase III wage cases in the food area, and future wage policy.

Since the above stated meeting will consist of discussions of future food wage policy and Phase II and III cases for decision, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552 (b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on August 3, 1973.

HENRY H. PERRITT, JR.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-16325 Filed 8-3-73;10:52 am]

LABOR-MANAGEMENT ADVISORY COMMITTEE

Determination To Close Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that a meeting of the Labor-Management Advisory Committee created by section 8 of Executive Order 11695 will be held on August 14, 1973.

The purpose of the meeting is to discuss policy matters relating to the timing and substance of Phase IV.

Pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting of the Labor-Management Advisory Committee will consist of exchanges of opinions, that the discussions, if written, would fall within exemption (5) of 5 U.S.C. 552 (b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on August 3, 1973.

HENRY H. PERRITT, JR.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-16324 Filed 8-3-73;10:52 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 313]

ASSIGNMENT OF HEARINGS

AUGUST 2, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-34156 Sub 5, Niedert Motor Service, Inc., now being assigned hearing October 1, 1973 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 125996 Sub 33, Road Runner Trucking, Inc., now being assigned hearing October 10, 1973 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 71035 Sub 1, W. T. Gibson Transportation, Inc., now being assigned hearing October 12, 1973 (1 day), at Kansas City, Mo., in a hearing room to be later designated.

MC-C-8091, Interstate Motor Freight System, A Corporation—Investigation and Revocation of Certificates—now being assigned hearing October 15, 1973, at Kansas City, Mo., in a hearing room to be later designated.

MC 35628 (Sub 343), Interstate Motor Freight System, now being assigned hearing October 15, 1973 (1 week), at Kansas City, Mo., in a hearing room to be later designated.

MC 127042 Sub 103, Hagen, Inc., now being assigned continued hearing October 11, 1973 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 138544, Indianoaks Transportation Co., now being assigned hearing October 10, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 138479, C & C Cartage, Inc., now being assigned hearing October 9, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC-F-11602, Denver-Midwest Motor Freight, Inc.—Purchase—Streator Transfer & Storage Company, and MC 127602 Sub 12, Denver-Midwest Motor Freight, Inc., now being assigned hearing October 15, 1973 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 114211 Sub 187, Warren Transport, Inc., MC 123048 Sub 222, Diamond Transportation System, Inc.-Extenston-Wallboard, MC 124174 Sub 92, Momsen Trucking Co., Extension-Wallboard, now assigned August 6, 1973, at Washington, D.C., is postponed indefinitely.

MC-C-8101, Belknap Van & Storage of San Antonio, Inc., Belknap Warehouse Corporation, Burnham Van Service, Inc., and U.S. Van Lines, Inc.—Investigation of Operations—now being assigned hearing October 23, 1973, (1 day), at Dallas, Tex., in a hearing room to be lated designated.

MC 83835 Sub 99, Wales Transportation, Inc., now being assigned hearing October 24, 1973, (1 day), at Dallas, Texas, in a hearing room to be later designated.

FF-C-52, Darrell J. Sekin & Company, Inc., and Regional International Services, Inc.—Investigation of Operations, now being assigned hearing October 25, 1973 (2 days), at Dallas, Texas, in a hearing room to be later designated.

MC 115841 Sub 440, Colonial Refrigerated Transportation, Inc., now being assigned hearing October 29, 1973 (1 week), at Dallas, Texas, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16228 Filed 8-6-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 2, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before August 22, 1973.

FSA No. 42725—Soybean Flour or Grits to Gulf Ports, Pensacola, Florida to Corpus Christi, Texas for Export. Filed by Southwestern Freight Bureau, Agent, (No. B-426), for interested rail carriers. Rates on soybean flour or grits, in bags or in packages, in carloads, as described in the application, from Arkansas, Colorado, Iowa, Kansas, Missouri (including East St. Louis, Ill.), Nebraska, Oklahoma, Texas and Wyoming, to Gulf Ports Pensacola, Florida to Corpus Christi, Texas, for export.

Grounds for relief—Motor competition and rate relationship.

Tariffs—Supplement 53 to Texas-Louisiana Freight Bureau, Agent, tariff 61-I, I.C.C. No. 1137, and 8 other schedules named in the application. Rates are published to become effective on September 10, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16230 Filed 8-6-73;8:45 am]

[Notice No. 329]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 27, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matter relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74202. By order of July 30, 1973, the Motor Carrier Board approved the transfer to Ebb Van Lines, Inc., Garden City Park, N.Y., of the operating rights in Certificate No. MC-74674 issued July 23, 1970, to Robert Case, doing business as Ebb Vans, Queens Villiage, N.Y., authorizing the transportation of household goods as defined in Practices of Motor Common Carriers of Household Goods, between New York, N.Y., on the one hand, and, on the other, points in New York, Connecticut, New Jersey, and Pennsylvania. Ira Wallace, 212-29 Jamaica Avenue, Queens Village, N.Y. 110.40. Attorney for applicants.

No. MC-FC-74580. By order of July 31, 1973, the Motor Carrier Board approved the transfer to Security Storage Company, Inc., Goldsboro, N.C., of Certificate of Registration No. MC-97817 (Sub No. 1) issued to Harry J. Kane, dba Coastal Plains Distributing Company, Kinston, N.C., authorizing the transportation of: Groceries, canned goods, and paper products, between specified points solely within the State of North Carolina. Vaughan S. Winborne, Attorney, 1108 Capitol Club Bldg., Raleigh, N.C. 27601.

No. MC-FC-74590. By order of July 30, 1973, Motor Carrier Board approved the transfer to Priority Freight Systems, Inc. Charlotte, N.C., of the operating rights in Certificate No. MC-3810 issued February 12, 1964, to Bison Fast Freight, Inc., Charlotte, N.C., authorizing the transportation of general commodities, with exceptions, radially, between Augusta and Savannah, Ga., and points in North Carolina and South Carolina, on the one hand, and, on the other, Parkersburg and Charleston, W. Va., and roofing, builders supplies, and hardware, rock, granite, rock and granite memorial products, cotton yarn, fabric, empty spools, bottling machinery, beer and wine, and bottle caps, from specified points in South Carolina, Ohio and Illinois, to specified points in North Carolina, South Carolina, West Virginia, Indiana, Illinois, and Ohio, varying with the particular commodity involved. John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215 Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16229 Filed 8-6-73;8:45 am]

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federal register

TUESDAY, AUGUST 7, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 151

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

GENERAL, STATE AND LOCAL ASSISTANCE GRANTS

Proposed Policy Requirements

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 30, 35]

GENERAL, STATE AND LOCAL ASSISTANCE GRANTS

Proposed Policy Requirements

Notice is hereby given that the Environmental Protection Agency proposes to amend general grant regulations (40 CFR Part 30) and the State and local assistance grant regulations (40 CFR Part 35) to more fully implement the grants policy requirements of Office of Management and Budget Circular No. A–102, Attachment A through O.

Interested parties are encouraged to submit written comments, views, or data concerning the proposed regulations to the Director, Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460. All such submissions received within 30 days of the date of publication will be considered prior to the promulgation of final EPA general or supplemental regulations.

Any Environmental Protection Agency grants awarded after publication of the proposed regulation, but prior to promulgation of final regulations, may be subject to a special grant condition incorporating these regulations by reference.

ROBERT W. FRI,
Acting Administrator.

JULY 24, 1973.

A. Pursuant to the authorities cited in 40 CFR 30.101, Part 30 is amended as follows:

§ 30.301–1 [Amended]

Change first sentence to read:

"An application for an EPA grant shall be submitted upon such form as the Director, Grants Administration Division shall prescribe."

* * * * *

§ 30.304 [Amended]

Change section title to read: "Responsible grantee."

§ 30.304–1 [Amended]

Change sentence to read:

"The policy and procedures established by this section shall be followed to determine, prior and subsequent to award of any grant, whether a grantee will qualify as responsible."

§ 30.304–2 [Amended]

Change last sentence to read:

* * * * *

"A responsible grantee is one which is found to meet, and will maintain for the life of the grant, the minimum standards set forth in § 30.304–3 and such additional standards as may be prescribed and promulgated for a specific purpose.

§ 30.304–3 Substitute the following:

In order to qualify as responsible, a grantee must meet and maintain for the life of the grant the following standards as they relate to a particular grant:

(a) Has adequate financial resources for performance, or has the ability to obtain such resources as required;

(b) Has the necessary experience, organization, technical qualifications, and facilities, or has the ability to obtain them (including proposed subagreements);

(c) Is able to comply with the proposed or required completion schedule for the project;

(d) Has a satisfactory record of integrity, judgment, and performance, including, in particular, any prior performance upon grants and contracts from the Federal Government;

(e) Has an adequate financial management system which provides an efficient and effective accountability and control of all property, funds, and assets. Standards applicable to State and local grantees are further defined in OMB Circular A–102, Attachment G. (Appendix D)

(f) Maintains an internal audit procedure which as a minimum reviews, at least once every two years, the fiscal integrity of financial transactions and reports, compliance with laws, regulations, and administrative requirements and provides for the resolution of audit findings and recommendations in a timely manner. Standards applicable to State and local grantees are further defined in OMB Circular A–102, Attachment G. (Appendix D)

(g) Maintains a standard of procurement which as a minimum provides for a code of conduct for the grantee's procurement agents, which protects the interests and rights of potential contractors and grant sponsors; and which results in procurement actions by the grantee which provide required goods or services in a timely and cost effective manner. Standards applicable to State and local grantees are further defined in OMB Circular A–102, Attachment O. (Appendix D)

(h) Maintains a property management system which provides adequate administrative procedures for the acquisition, maintenance, and/or the disposition of real, personal, nonexpendable personal, expendable personal, and excess properties. Standards applicable to State and local grantees are further defined in OMB Circular A–102, Attachment N. (Appendix D)

(i) Conforms with the Equal Opportunity requirements of these regulations;

(j) Is otherwise qualified and eligible to receive a grant award under applicable laws and regulations.

Acceptable "ability to obtain" financial resources, experience, organization, technical qualifications, skills, and facilities (see paragraphs (a) and (b) of this section) generally shall comprise a firm commitment or arrangement to obtain financial resources, experience, organization, technical qualifications, skills or facilities.

§ 30.304–4 [Amended]

Change first sentence to read:

"No grant shall be awarded to any applicant unless after adequate and appropriate evaluation a determination has first been made that the applicant is responsible within the meaning of §§ 30.304–2 and 30.304–3. Any applicant who is not determined to be responsible shall be notified in writing of such finding and of the basis therefor.

* * * * *

§ 30.602–1 [Amended]

Substitute the following for § 30.602–1:

EPA may withhold grant funds under the following circumstances:

(a) If a grantee has failed to comply with the program objectives, the grant award conditions, or reporting requirements set forth in the grant agreement, provided that such withholding will not exceed the minimum amount required to correct the grant deficiency and further that such withholding shall not exceed ten percent of the grant award amount, or

(b) If the grantee is indebted to the United States and collection of the indebtedness will not impair accomplishment of the objectives of any grant program sponsored by the United States.

Under such conditions, EPA may, upon reasonable notice (pursuant to Appendix A, General Grant Conditions numbers 4 and 5) inform the grantee that payments will not be made for costs incurred after a specified date until the conditions are corrected or the indebtedness to the United States is liquidated.

§ 30.603 [Amended]

Substitute the following for § 30.603 *Grant Related Income:*

Except as otherwise provided herein all program/project income earned (including, but not limited to, taxes, permit fees, license fees, special assessments, levies, fines, etc.) during the grant budget period shall be retained by the grantee and in accordance with the terms of the grant agreement, shall be added to funds committed to the program/project by EPA and the grantee and be used to further support eligible program/project objectives. Where funds cannot be used to further support eligible program/project objectives such funds shall be deducted from the total program/project costs for the purpose of determining the net costs on which the EPA share of cost will be based. In no case will EPA be entitled to a credit in excess of the total amount of the EPA share established in the grant agreement. Reasonable expense incurred by the grantee for the administration of program/project income shall be an allowable cost under the grant. For the purpose of this regulation, grant related income means gross income earned by the grant supported program/project.

§ 30.603–1 Proceeds from sale of real or personal property.

Income derived from the sale of real or personal property, either provided by EPA, or purchased in whole, or in part with EPA funds (see § 30.800–3) during the period of EPA support until final settlement (see § 30.802) shall be credited to the EPA grant payment in a proportion equal to the ratio of the EPA grant to total project costs. In the case of grant awards to State and local governments, however, the specific provisions governing the ownership, use, and distribution of property purchased in whole or in part with Federal funds shall be in accordance with the provisions of OMB Circular No. A–102, Attachment N. (Appendix D)

§ 30.603–2 Royalties received from copyrights and patents.

Royalties received from copyrights and patents during the grant period shall be handled as grant related income, except however, after termination or completion of the grant, the EPA share of royalties in excess of $200 received annually, unless otherwise specified in the grant agreement, shall be returned to EPA in the same proportion as the ratio of the EPA grant was to the total project cost.

§ 30.603–3 Interest earned on grant funds.

The State and any agency or instrumentality of a State shall not be held accountable for interest earned on grant funds, pending their disbursement for program/project purposes. All other grantees, including units of local government, shall be required to return to EPA interest earned on advances of grant funds.

§ 30.603–4 Income exceptions.

Fines and penalties levied as a result of court action due to program/project violations and which will become a part of court funds will not be considered program income.

§ 30.603–5 Receipt and expenditure of revenues.

EPA grantees shall be required to record the receipt and expenditure of all project revenues as part of grant project transactions.

§ 30.800–2 [Amended]

Add the following at the end of this section:

* * * * *

In the case of grant awards to State and local governments, the specific provisions governing the ownership, use, and distribution of property purchased in whole or in part with Federal funds shall be in accordance with the provisions of OMB Circular No. A–102, Attachment N. (Appendix D)

§ 30.800–3 [Amended]

Substitute the following for § 30.800–3:

Upon written approval by the Grants Officer prior to final accounting (see § 30.801), materials (a) may be sold by the grantee and the (1) proceeds of sale or (2) fair market value at the time of sale, whichever is greater, shall be paid to the United States in the proportion which EPA assistance bears to the actual allowable project cost, or (b) may be disposed of in any other manner by the grantee upon payment to the United States of such proportion of the fair market value at time of final accounting. In the case of grant awards to State and local governments, however, the specific provisions governing the ownership, use, and distribution of property purchased in whole or in part with Federal funds shall be in accordance with the provisions of OMB Circular No. A–102, Attachment N. (Appendix D)

Add the following new section:

§ 30.1000–20 In-kind contribution.

The value of a noncash contribution provided by (a) the grantee, (b) other public agencies and institutions, and (c) private organizations and individuals. An in-kind contribution may consist of charges for real property and equipment, and value of goods and services directly benefiting and specifically identifiable to the grant program.

Appendix A [Amended]

Section 2. Audits and records. Substitute the following:

* * * * *

2. Audits and records:

(a) The grantee shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly (1) the amount, receipt and disposition by the grantee of all assistance received for the project, including both Federal assistance and any matching share or cost sharing, and (2) the total costs of the project, including all direct and indirect costs of whatever nature incurred for the performance of the project for which the EPA grant has been awarded. In addition, contractors of grantees shall also maintain books, documents, papers, and records which are pertinent to a specific EPA grant award. The foregoing constitute "records" for the purposes of this article.

(b) The grantee's facilities, or such facilities of contractors of grantees as may be engaged in the performance of the project for which the EPA grant has been awarded, and their records shall be subject at all reasonable times to inspection and audit by the Grants Officer, the Comptroller General of the United States, or any authorized representative, until completion of the project for which the EPA grant was awarded.

(c) The grantee and contractors of grantees shall preserve and make their records available to the Grants Officer, the Comptroller General of the United States, or any authorized representative (1) until expiration of 3 years from the date of the submission of the final expenditure report or, for grants which are awarded annually, from the date of the submission of the annual expenditure report, and (2) for such longer period, if any, as is required by applicable statute or lawful requirement, or by (i) or (ii) below.

(i) If this grant is terminated completely or partially, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final termination settlement.

(ii) Records which relate to (a) appeals under the "Disputes" clause of this grant, (b) litigation or the settlement of claims arising out of the performance of the project for which this grant was awarded, or (c) costs and expenses of the project as to which exception has been taken by the Grants Officer or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) Unless otherwise required by law, EPA will not place restrictions on grantees which will limit public access to grantee records except when records must remain confidential to prevent a clearly unwarranted invasion of personal privacy; or where specifically required by Executive Order or statute to be kept secret (e.g. Trade Secrets and Confidential Financial Information).

Substitute the following section:

§ 35.935–3 Bonding and insurance.

On contracts for the building and erection of treatment works (Step 3) exceeding $100,000, each bidder must furnish a bid guarantee equivalent to five percent of the bid price. In addition the contractor awarded either a design/construct contract or a construction contract for Step 3 must furnish performance and payment bonds, each of which shall be in an amount not less than 100 percent of the contract price. Construction contracts less than $100,000 shall be subject to State and local requirements relating to bid guarantees, performance and payment bonds. All contracts shall be subject to State and local requirements relating to construction insurance (e.g., fire and extended coverage, workmen's compensation, public liability and property damage, and "all risk" builders risk).

APPENDIX D

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A—102

ATTACHMENT G:

UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS-IN-AID TO STATE AND LOCAL GOVERNMENTS

Standards for Grantee Financial Management Systems 1. This Attachment prescribes standards for financial management systems of grant-supported activities of State and local governments. Federal grantor agencies shall not impose additional standards on grantees unless specifically provided for in other Attachments to this Circular. However, grantor agencies are encouraged to make suggestions and assist the grantees in establishing or improving financial management systems when such assistance is needed or requested.

2. Grantee financial management systems shall provide for:

a. Accurate, current, and complete disclosure of the financial results of each grant program in accordance with Federal reporting requirements. When a Federal grantor agency requires reporting on an accrual basis and the grantee's accounting records are not kept on that basis, the grantee should develop such information through an analysis of the documentation on hand or on the basis of best estimates.

b. Records which identify adequately the source and application of funds for grant-supported activities. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

c. Effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

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d. Comparison of actual with budgeted amounts for each grant. Also, relation of financial information with performance or productivity data, including the production of unit cost information whenever appropriate and required by the grantor agency.

e. Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal Government. When advances are made by a letter-of-credit method, the grantee shall make drawdowns from the U.S. Treasury through his commercial bank as close as possible to the time of making the disbursements.

f. Procedures for determining the allowability and allocability of costs in accordance with the provisions of Office of Management and Budget Circular No. A-87.

g. Accounting records which are supported by source documentation.

h. Audits to be made by the grantee or at his direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations and administrative requirements. The grantee will schedule such audits with reasonable frequency, usually annually, but not less frequently than once every two years, considering the nature, size, and complexity of the activity.

i. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

3. Grantees shall require subgrantees (recipients of grants which are passed through by the grantee) to adopt all of the standards in paragraph 2 above.

ATTACHMENT N:

UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS-IN-AID TO STATE AND LOCAL GOVERNMENTS

PROPERTY MANAGEMENT STANDARDS:

1. This Attachment prescribes uniform standards governing the utilization and disposition of property furnished by the Federal Government or acquired in whole or in part with Federal funds by State and local governments. Federal grantor agencies shall require State and local governments to observe these standards under grants from the Federal Government and shall not impose additional requirements unless specifically required by Federal law. The grantees shall be authorized to use their own property management standards and procedures as long as the provisions of this Attachment are included.

2. The following definitions apply for the purpose of this Attachment:

a. *Real property.*—Real property means land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

b. *Personal property.*—Personal property means property of any kind except real property. It may be tangible—having physical existence, or intangible—having no physical existence, such as patents, inventions, and copyrights.

c. *Nonexpendable personal property.*—Nonexpendable personal property means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. A grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined above.

d. *Expendable personal property.*—Expendable personal property refers to all tangible personal property other than nonexpendable property.

e. *Excess property.*—Excess property means property under the control of any Federal agency which, as determined by the head thereof, is no longer required for its needs.

3. Each Federal grantor agency shall prescribe requirements for grantees concerning the use of real property funded partly or wholly by the Federal Government. Unless otherwise provided by statute, such requirements, as a minimum, shall contain the following:

a. The grantee shall use the real property for the authorized purpose of the original grant as long as needed.

b. The grantee shall obtain approval by the grantor agency for the use of the real property in other projects when the grantee determines that the property is no longer needed for the original grant purposes. Use in other projects shall be limited to those under other Federal grant programs, or programs that have purposes consistent with those authorized for support by the grantor.

c. When the real property is no longer needed as provided in a. and b., above, the grantee shall return all real property furnished or purchased wholly with Federal grant funds to the control of the Federal grantor agency. In the case of property purchased in part with Federal grant funds, the grantee may be permitted to take title to the Federal interest therein upon compensating the Federal Government for its fair share of the property. The Federal share of the property shall be the amount computed by applying the percentage of the Federal participation in the total cost of the grant program for which the property was acquired to the current fair market value of the property.

4. Standards and procedures governing ownership, use, and disposition of nonexpendable personal property furnished by the Federal Government or acquired with Federal funds are set forth below:

a. *Nonexpendable personal property acquired with Federal funds.* When nonexpendable personal property is acquired by a grantee wholly or in part with Federal funds, title will not be taken by the Federal Government except as provided in paragraph 4a (4), but shall be vested in the grantee subject to the following restrictions on use and disposition of the property:

(1) The grantee shall retain the property acquired with Federal funds in the grant program as long as there is a need for the property to accomplish the purpose of the grant program whether or not the program continues to be supported by Federal funds. When there is no longer a need for the property to accomplish the purpose of the grant program, the grantee shall use the property in connection with other Federal grants it has received in the following order of priority:

(a) Other grants of the same Federal grantor agency needing the property.

(b) Grants of other Federal agencies needing the property.

(2) When the grantee no longer has need for the property in any of its Federal grant programs, the property may be used for its own official activities in accordance with the following standards:

(a) *Nonexpendable property with an acquisition cost of less than $500 and used four years or more.*—The grantee may use the property for its own official activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(b) *All other nonexpendable property.*—The grantee may retain the property for its own use provided that a fair compensation is made to the original grantor agency for the latter's share of the property. The amount of compensation shall be computed by applying the percentage of Federal participation in the grant program to the current fair market value of the property.

(3) If the grantee has no need for the property, disposition of the property shall be made as follows:

(a) *Nonexpendable property with an acquisition cost of $1,000 or less.*—Except for that property which meets the criteria of (2)(a) above, the grantee shall sell the property and reimburse the Federal grantor agency an amount which is computed in accordance with (iii) below.

(b) *Nonexpendable property with an acquisition cost of over $1,000.*—The grantee shall request disposition instructions from the grantor agency. The Federal agency shall determine whether the property can be used to meet the agency's requirement. If no requirement exists within that agency, the availability of the property shall be reported to the General Services Administration (GSA) by the Federal agency to determine whether a requirement for the property exists in other Federal agencies. The Federal grantor agency shall issue instructions to the grantee within 120 days and the following procedures shall govern:

(i) If the grantee is instructed to ship the property elsewhere, the grantee shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the grantee's participation in the grant program to the current fair market value of the property, plus any shipping or interim storage costs incurred.

(ii) If the grantee is instructed to otherwise dispose of the property, he shall be reimbursed by the Federal grantor agency for such costs incurred in its disposition.

(iii) If disposition instructions are not issued within 120 days after reporting, the grantee shall sell the property and reimburse the Federal grantor agency an amount which is computed by applying the percentage of Federal participation in the grant program to the sales proceeds. Further, the grantee shall be permitted to retain $100 or 10 percent of the proceeds, whichever is greater, for the grantee's selling and handling expenses.

(4) Where the grantor agency determines that property with an acquisition cost of $1,000 or more and financed solely with Federal funds is unique, difficult, or costly to replace, it may reserve title to such property, subject to the following provisions:

(a) The property shall be appropriately identified in the grant agreement or otherwise made known to the grantee.

(b) The grantor agency shall issue disposition instructions within 120 days after the completion of the need for the property under the Federal grant for which it was acquired. If the grantor agency fails to issue disposition instructions within 120 days, the grantee shall apply the standards of 4a(1), 4a(2)(b), and 4a(3)(b).

b. *Federally-owned nonexpendable personal property.*—Unless statutory authority to transfer title has been granted to an agency, title to Federal-owned property (property to which the Federal Government retains title including excess property made available by the Federal grantor agencies to grantees) remains vested by law in the Federal Government. Upon termination of the grant or need for the property, such property shall be reported to the grantor agency for further agency utilization or, if appropriate, for reporting to the General Services Administration for other Federal agency utilization. Appropriate disposition instructions will be issued to the grantee after completion of Federal agency review.

5. The grantees' property management standards for nonexpendable personal property shall also include the following procedural requirements:

a. Property records shall be maintained accurately and provide for: a description of the property; manufacturer's serial number or other identification number; acquisition date and cost; source of the property; percentage of Federal funds used in the purchase of property; location, use, and condition of the property; and ultimate disposition data including sales price or the method used to determine current fair market value if the grantee reimburses the grantor agency for its share.

b. A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years to verify the existence, current utilization, and continued need for the property.

c. A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft to the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented.

d. Adequate maintenance procedures shall be implemented to keep the property in good condition.

e. Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

6. When the total inventory value of any unused expendable personal property exceeds $500 at the expiration of need for any Federal grant purposes, the grantee may retain the property or sell the property as long as he compensates the Federal Government for its share in the cost. The amount of compensation shall be computed in accordance with 4a(2)(b).

7. Specific standards for control of intangible property are provided as follows:

a. If any program produces patents, patent rights, processes, or inventions, in the course of work aided by a Federal grant, such fact shall be promptly and fully reported to the grantor agency. The grantor agency shall determine whether protection on such invention or discovery shall be sought and how the rights in the invention or discovery—including rights under any patent issued thereon—shall be disposed of and administered in order to protect the public interest consistent with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and Statement of Government Patent Policy as printed in 36 FR 16889).

b. Where the grant results in a book or other copyrightable material, the author or grantee is free to copyright the work, but the Federal grantor agency reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes.

ATTACHMENT O: UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS-IN-AID TO STATE AND LOCAL GOVERNMENTS

PROCUREMENT STANDARDS

1. This attachment provides standards for use by the State and local governments in establishing procedures for the procurement of supplies, equipment, construction, and other services with Federal grant funds. These standards are furnished to insure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive orders. No additional requirements shall be imposed by the Federal agencies upon the grantees unless specifically required by Federal law or Executive orders.

2. The Standards contained in this Attachment do not relieve the grantee of the contractual responsibilities arising under its contracts. The grantee is the responsible authority, without recourse to the grantor agency regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of a grant. This includes but is not limited to: disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

3. Grantees may use their own procurement regulations which reflect applicable State and local law, rules and regulations provided that procurements made with Federal grant funds adhere to the standards set forth as follows:

a. The grantee shall maintain a code or standards of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending Federal grant funds. Grantee's officers, employees or agents, shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible by State or local law, rules or regulations, such standard shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the grantee officers, employees, or agents, or by contractors or their agents.

b. All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The grantee should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

c. The grantee shall establish procurement procedures which provide for, as a minimum, the following procedural requirements:

(1) Proposed procurement actions shall be reviewed by grantee officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an anlysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(2) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used the specific features of the named brand which must be met by offerors should be clearly specified.

(3) Positive efforts shall be made by the grantees to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing Federal grant funds.

(4) The type of procuring instruments used (i.e., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.), shall be appropriate for the particular procurement and for promoting the best interest of the grand program involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(5) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (6) below is necessary to accomplish sound procurement. However, procurements of $2,500 or less need not be so advertised unless otherwise required by State or local law or regulations. Where such advertised bids are obtained the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the grantee, price and other factors considered. (Factors such as discounts, transportation costs, taxes may be considered in determining the lowest bid.) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the grantee. Any or all bids may be rejected when it is in the grantee's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations.

(6) Procurements may be negotiated if it is impracticable and unfeasible to use formal advertising. Generally, procurements may be negotiated by the grantee if:

(a) The public exigency will not permit the delay incident to advertising;

(b) The material or service to be procured is available from only one person or firm; (All contemplated sole source procurements where the aggregate expenditure is expected to exceed $5,000 shall be referred to the grantor agency for prior approval.)

(c) The aggregate amount involved does not exceed $2,500;

(d) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institutions;

(e) The material or services are to be procured and used outside the limits of the United States and its possessions;

(f) No acceptable bids have been received after formal advertising;

(g) The purchases are for highly perishable materials or medical supplies, for material or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture;

(h) Otherwise authorized by law, rules, or regulations.

Notwithstanding the existence of circumstances justifying negotiation, competition shall be obtained to the maximum extent practicable.

(7) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

(8) Procurement records or files for purchases in amounts in excess of $2,500 shall provide at least the following pertinent information: justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiated.

(9) A system for contract administration shall be maintained to assure contractor conformance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely followup of all purchases.

4. The grantee shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts and subgrants:

a. Contracts shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contracts terms, and provide for such sanctions and penalties as may be appropriate.

b. All contracts, amounts for which are in excess of $2,500, shall contain suitable provi-

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sions for termination by the grantee including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

c. In all contracts for construction or facility improvement awarded in excess of $100,000, grantees shall observe the bonding requirements provided in Attachment B to this Circular.

d. All contracts and subgrants in excess of $10,000 shall include provisions for compliance with Executive Order No. 11246, entitled, "Equal Employment Opportunity," as supplemented in Department of Labor Regulations (41 CFR, Part 60). Each contractor or subgrantee shall be required to have an affirmative action plan which declares that it does not discriminate on the basis of race, color, religion, creed, national origin, sex, and age and which specifies goals and target dates to assure the implementation of that plan. The grantee shall establish procedures to assure compliance with this requirement by contractors or subgrantees and to assure that suspected or reported violations are promptly investigated.

e. All contracts and subgrants for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This Act provides that each contractor or subgrantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The grantee shall report all suspected or reported violations to the grantor agency.

f. When required by the Federal grant program legislation, all construction contracts awarded by grantees and subgrantees in excess of $2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a–7) and as supplemented by Department of Labor regulations (29 CFR, Part 5). Under this Act contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less often than once a week. The grantee shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The grantee shall report all suspected or reported violations to the grantor agency.

g. Where applicable, all contracts awarded by grantees and subgrantees in excess of $2,000 for construction contracts and in excess of $2,500 for other contracts which involve the employment of mechanics or laborers shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction, safety, and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

h. Contracts or agreements, the principal purpose of which is to create, develop, or improve products, processes or methods; or for exploration into fields which directly concern public health, safety, or welfare; or contracts in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Federal grantor agency and the grantee. The contractor shall be advised as to the source of additional information regarding these matters.

i. All negotiated contracts (except those of $2,500 or less) awarded by grantees shall include a provision to the effect that the grantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purpose of making audit, examination, excerpts, and transcriptions.

j. Each contract of an amount in excess of $2,500 awarded by a grantee or subgrantee shall provide that the recipient will comply with applicable regulations and standards of the Cost of Living Council in establishing wages and prices. The provision shall advise the recipient that submission of a bid or offer or the submittal of an invoice or voucher for property, goods, or services furnished under a contract or agreement with the grantee shall constitute a certification by him that amounts to be paid do not exceed maximum allowable levels authorized by the Cost of Living Council regulations or standards. Violations shall be reported to the grantor agency and the local Internal Revenue Service field office.

k. Contracts and subgrants of amounts in excess of $100,000 shall contain a provision which requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. Violations shall be reported to the grantor agency and the Regional Office of the Environmental Protection Agency.

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PART III

ENVIRONMENTAL PROTECTION AGENCY

■

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Light Duty Trucks and Diesel-Powered Vehicles

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Light Duty Diesel Regulations for 1975 and 1976 Model Year Vehicles

On October 4, 1972 (37 FR 20914) EPA proposed that light duty diesel-powered vehicles meet the statutory standards for 1975 and 1976 model year light duty gasoline-fueled vehicles. The proposal also contained modifications to the existing analytical and measurement portions of the 1975 model year constant volume sampler (CVS) test procedures for gasoline-fueled vehicles to allow diesel-powered vehicles to be tested on that procedure for prototype certification purposes. Comments on that proposal have been received and analyzed and the final regulations are promulgated as set forth below.

One change to the regulations from the proposal was a revision of the format from that proposed in order to conform to the recodification of the motor vehicle regulations published in the FEDERAL REGISTER on November 15, 1972 (37 FR 24250). Subpart B, Emission Regulations for New Diesel Light Duty Vehicles, has been added and contains all the general provisions, standards, and test procedures applicable to diesel-powered light duty vehicles.

Other changes to the regulations reflect the adoption of comments to the proposal. These changes were to correct errors in the proposal, to make the testing procedure as similar as possible to that for gasoline-fueled vehicles, and to improve instrumentation techniques.

Part 85 of Chapter 1, Title 40 of the Code of Federal Regulations as applicable to 1975 and later model year diesel-powered light duty vehicles is amended below and is effective on Sept. 6, 1973.

Dated: July 27, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart B—Emission Regulations for New Diesel Light Duty Vehicles

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AUTHORITY: Sec. 202(b) and 206 of the Clean Air Act, as amended (42 U.S.C. 1857f–1(b) and 1857f–5).

Subpart B—Emission Regulations for New Diesel Light Duty Vehicles

§ 85.101 General applicability.

The provisions of this subpart are applicable to new diesel light duty motor vehicles.

§ 85.102 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act:

(1) "Act" means Part A of title II of the Clean Air Act, 42 U.S.C. 1857 f–1 through f–7, as amended by Public Law 91–604.

(2) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(3) "Model year" means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year: *Provided,* That if the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

(4) "Gross vehicle weight" means the manufacturer's gross weight rating for the individual vehicle.

(5) "Light duty vehicle" means any motor vehicle either designed primarily for transportation of property and rated at 6,000 pounds GVW or less or designed primarily for transportation of persons and having a capacity of 12 persons or less.

(6) "Vehicle curb weight" means the actual or the manufacturer's estimated weight of the vehicle in operational status with all standard equipment, and weight of fuel at nominal tank capacity, and the weight of optional equipment computed in accordance with § 85.175–5(g).

(7) "Loaded vehicle weight" means the vehicle curb weight of a light duty vehicle plus 300 pounds.

(8) "System" includes any motor vehicle engine modification which controls or causes the reduction of substances emitted from motor vehicles.

(9) "Engine family" means the basic classification unit of a manufacturer's product line used for the purpose of test fleet selection and determined in accordance with § 85.175–5(a).

(10) "Engine-system combination" means an engine family-exhaust emission control system-fuel evaporative emission control system (where applicable) combination.

(11) "Fuel system" means the combination of fuel tank, fuel pump, fuel lines, and carburetor, or fuel injection components, and includes all fuel system vents and fuel evaporative emission control systems.

(12) "Exhaust emissions" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

(13) "Tank fuel volume" means the volume of fuel in the fuel tank, prescribed to be 40 percent of nominal tank capacity rounded to the nearest whole U.S. gallon.

(14) Zero (0) miles means that point after initial engine starting (not to exceed 10 miles of vehicle operation or 1 hour of engine operation) at which normal assembly line operations and adjustments are completed.

(15) "Calibrating gas" means a gas of known concentration which is used to establish the response curve of an analyzer.

(16) "Span gas" means a gas of known concentration which is used routinely to set the output level of an analyzer.

(17) "Oxides of nitrogen" means the sum of the nitric oxide and nitrogen dioxide contained in a gas sample as if the nitric oxide were in the form of nitrogen dioxide.

(18) "Useful life" means a period of use of 5 years or 50,000 miles, whichever first occurs.

(19) "Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed on a periodic basis to prevent part failure or vehicle malfunction.

(20) "Unscheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed to correct a part failure or vehicle malfunction.

§ 85.103 Abbreviations.

The abbreviations used in this subpart have the following meanings in both capital and lowercase:

Accel.—Acceleration.
ASTM—American Society for Testing and Materials.
C.—Centigrade.
C.f.h.—Cubic feet per hour.
CO_2—Carbon dioxide.
CO—Carbon monoxide.

Conc.—Concentration.
C.f.m.—Cubic feet per minute.
Cu. in.—Cubic inch(es).
Decel.—Deceleration.
F.—Fahrenheit.
Gal.—U.S. gallon(s).
Gm.—Gram(s).
GVW—Gross Vehicle Weight.
HC—Hydrocarbon(s).
Hg—Mercury.
Hi.—High.
HP.—Horsepower.
ID—Internal diameter.
Lb.—Pound(s).
Lb.-ft.—Pound-feet.
Min.—Minute(s).
Ml.—Milliliter(s).
M.p.h.—Miles per hour.
Mm.—Millimeter(s).
Mv.—Millivolt(s).
N_2—Nitrogen.
NO—Nitric oxide.
NO_2—Nitrogen dioxide.
NO_x—Oxides of nitrogen.
No.—Number.
P.p.m.—Parts per million by volume.
P.s.i.—Pounds per square inch.
P.s.i.g.—Pounds per square inch gauge.
R—Rankine.
R.p.m.—Revolutions per minute.
S.A.E.—Society of Automotive Engineers.
Sec.—Second(s).
Sp.—Speed.
SS—Stainless steel.
V.—Volts.
Vs.—Versus.
WOT.—Wide open throttle.
Wt.—Weight.
'—Feet.
''—Inches.
°—Degrees.
%—Percent.

§ 85.104 General standards; increase in emissions; unsafe conditions.

(a) (1) Every new motor vehicle manufactured for sale, sold, offered for sale, introduced or delivered for introduction into commerce, or imported into the United States for sale or resale which is subject to any of the standards prescribed in this subpart shall be covered by a certificate of conformity issued pursuant to sections 85.175–2 through 85.175–4 and 85.175–29 through 85.175–34 of this subpart.

(b) (1) Any system installed on or incorporated in a new motor vehicle to enable such vehicle to conform to standards imposed by this subpart:

(i) Shall not in its operation or function cause the emission into the ambient air of any noxious or toxic substance that would not be emitted in the operation of such vehicle without such system, except as specifically permitted by regulation; and

(ii) Shall not in its operation, function, or malfunction result in any unsafe condition endangering the motor vehicle, its occupants, or persons or property in close proximity to the vehicle.

(2) Every manufacturer of new motor vehicles subject to any of the standards imposed by this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicles in accordance with good engineering practice to ascertain that such test vehicles will meet the requirements of this section for the useful life of the vehicle.

§ 85.105 Hearings on certification.

(a) (1) After granting a request for a hearing under § 85.175–30, the Administrator will designate a Presiding Officer for the hearing.

(2) The General Counsel will represent the Environmental Protection Agency in any hearing under this section.

(3) If a time and place for the hearing have not been fixed by the Administrator under § 85.175–30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(b) (1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under § 85.175–30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification, including the application for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

(2) The appeal file will be available for inspection by the applicant at the office of the Presiding Officer.

(c) An applicant may appear in person, or may be represented by counsel or by any other duly authorized representative.

(d) (1) The Presiding Officer upon the request of any party, or in his discretion, may arrange for a prehearing conference at a time and place specified by him to consider the following:

(i) Simplification of the issues;

(ii) Stipulations, admissions of fact, and the introduction of documents;

(iii) Limitation of the number of expert witnesses;

(iv) Possibility of agreement disposing of all or any of the issues in dispute;

(v) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(2) The results of the conference shall be reduced to writing by the Presiding Officer and made part of the record.

(e) (1) Hearings shall be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to the exclusion by the Presiding Officer of irrelevant, immaterial, and repetitious evidence.

(2) Witnesses will not be required to testify under oath. However, the Presiding Officer shall call to the attention of witnesses that their statements may be subject to the provisions of title 18 U.S.C. 1001 which imposes penalties for knowingly making false statements or representations, or using false documents in any matter within the jurisdiction of any department or agency of the United States.

(3) Any witness may be examined or cross-examined by the Presiding Officer, the parties, or their representatives.

(4) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(5) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Presiding Officer of their authenticity, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(6) Oral argument may be permitted in the discretion of the Presiding Officer and shall be reported as part of the record unless otherwise ordered by him.

(f) (1) The Presiding Officer shall make an initial decision which shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the record. The findings, conclusions, and written decision shall be provided to the parties and made a part of the record. The initial decision shall become the decision of the Administrator without further proceedings unless there is an appeal to the Administrator or motion for review by the Administrator within 20 days of the date the initial decision was filed.

(2) On appeal from or review of the initial decision the Administrator shall have all the powers which he would have in making the initial decision including the discretion to require or allow briefs, oral argument, the taking of additional evidence or the remanding to the Presiding Officer for additional proceedings. The decision by the Administrator shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the appeal or considered in the review.

§ 85.106 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new motor vehicle subject to any of the standards prescribed in this subpart shall establish and maintain the following adequately organized and indexed records:

(1) Identification and description of all vehicles for which testing is required under this subpart.

(2) A description of all emission control systems which are installed on or incorporated in each vehicle.

(3) A description of the procedures used to test such vehicles.

(4) Test data on each emission data vehicle which will show its emissions at 0 and 4,000 miles.

(5) Test data on each durability vehicle which will show the performance of the systems installed on or incorporated in the vehicle during extended mileage as well as a record of all pertinent maintenance performed on the vehicle.

(b) The manufacturer of any new motor vehicle subject to any of the standards prescribed in this subpart shall submit to the Administrator at the time of issuance by the manufacturer copies of all instructions or explanations regarding the use, repair, adjustment, maintenance, or testing of such vehicle relevant to the control of crankcase, exhaust, or evaporative emissions, issued by the manufacturer for use by other

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manufacturers, assembly plants, distributors, dealers, and ultimate purchasers: *Provided*, That any material not translated into the English language need not be submitted unless specifically requested by the Administrator.

(c) The manufacturer of any new motor vehicle subject to any of the standards prescribed in this subpart shall permit officers or employees duly designated by the Administrator, upon presenting appropriate credentials and a written notice to the manufacturer:

(1) To enter, at reasonable times, any premises used during the certification procedures for purposes of monitoring tests and mileage accumulation procedures, observing maintenance procedures, and verifying correlation or calibration of test equipment, or

(2) To inspect, at reasonable times, records, files, and papers compiled by such manufacturer in accordance with paragraph (a) of this section.

A separate notice shall be given for each such inspection, but a separate notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

§ 85.175–1 Standards for exhaust emissions.

(a) (1) (i) Exhaust emissions from 1975 model year vehicles shall not exceed:

(*a*) *Hydrocarbons*. 0.41 grams per vehicle mile.

(*b*) *Carbon monoxide*. 3.4 grams per vehicle mile.

(*c*) *Oxides of nitrogen*. 3.1 grams per vehicle mile.

(ii) For those manufacturers who have been granted a suspension of the standards specified in paragraph (a) (1) (i), the following standards for exhaust emissions from 1975 model year vehicles shall apply:

(*a*) *Hydrocarbons*. 1.5 grams per vehicle mile.

(*b*) *Carbon monoxide*. 15 grams per vehicle mile, except that the standard shall be 9.0 grams per vehicle mile for vehicles to be sold or offered for sale in the State of California.

(*c*) *Oxides of nitrogen*. 3.1 grams per vehicle mile.

(b) The standards set forth in paragraph (a) of this section refer to the exhaust emitted over a driving schedule as set forth in § 85.175–9 through § 85.175–23 and measured and calculated in accordance with those procedures.

§ 85.175–2 Application for certification.

(a) An application for a certificate of conformity to the regulations applicable to any new motor vehicle shall be made to the Administrator by the manufacturer, and shall be kept current and accurate by amendment.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(1) Identification and description of the vehicles covered by the application and a description of their emission control systems.

(2) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the vehicles for which certification is requested.

(3) A description of the test equipment and fuel proposed to be used.

(4) A description of the proposed mileage accumulation procedure for durability testing.

(5) A statement of recommended maintenance and procedures necessary to assure that the vehicles covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(6) At the option of the manufacturer, the proposed composition of the emission data and durability data test fleet.

§ 85.175–3 Approval of procedure and equipment; test fleet selections.

Based upon the information provided in the application for certification, and any other information the Administrator may require, the Administrator will approve or disapprove in whole or in part the mileage accumulation procedure and equipment and fuel proposed by the manufacturer, and notify him in writing of such determination. Where any part of a proposal is disapproved, such notification will specify the reasons for disapproval. The Administrator will select a test fleet in accordance with § 85.175–5.

§ 85.175–4 Required data.

The manufacturer shall perform the tests required by the applicable test procedures, and submit to the Administrator the following information:

(a) Durability data on such vehicles tested in accordance with the applicable test procedures of this subpart, and in such numbers as therein specified, which will show the performance of the systems installed on or incorporated in the vehicle for extended mileage, as well as a record of all pertinent maintenance performed on the test vehicles.

(b) Emission data on such vehicles tested in accordance with the applicable emission test procedures of this subpart and in such numbers as therein specified, which will show their emissions after 0 miles and 4,000 miles of operation.

(c) A description of tests performed to ascertain compliance with the general standards in § 85.175–1 and the data derived from such tests.

(d) A statement that the test vehicles with respect to which data are submitted have been tested in accordance with the applicable test procedures, that they meet the requirement of such tests, and that, on the basis of such tests, they conform to the requirements of the regulations in this subpart. If such statements cannot be made with respect to any vehicle tested, the vehicle shall be identified, and all pertinent test data relating thereto shall be supplied.

§ 85.175–5 Test vehicles.

(a) (1) The vehicles covered by the application for certification will be divided into groupings of vehicles whose engines are expected to have similar emission characteristics. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following respects:

(i) The cylinder bore center to center dimensions.

(ii) The dimension from the centerline of the crankshaft to the centerline of the camshaft.

(iii) The dimension from the centerline of the crankshaft to the top of the cylinder block head face.

(iv) The cylinder block configuration (air-cooled or water-cooled; L–6, 90° V–8, etc.).

(v) The location of intake and exhaust valves and the valve sizes (within a ⅛-inch range on the valve head diameter).

(vi) The method of air aspiration.

(vii) The combustion cycle.

(3) Engines identical in all the respects listed in subparagraph (2) of this paragraph may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine:

(i) The bore and stroke.

(ii) The surface to volume ratio of the nominally dimensioned cylinder at the top dead center position.

(iii) The intake manifold induction port size and configuration.

(iv) The exhaust manifold port size and configuration.

(v) The intake and exhaust valve sizes.

(vi) The fuel system.

(vii) The camshaft timing and ignition timing characteristics.

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in subparagraphs (2) and (3) of this paragraph, the Administrator will establish families for those engines based upon the features most related to their emission characteristics.

(b) Emission data vehicles:

(1) Vehicles will be chosen to be operated and tested for emission data based upon the engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(2) Vehicles of each engine family will be divided into engine displacement-exhaust emission control system-combinations. A projected sales volume will be established for each combination for the model year for which certification is sought. One vehicle of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of vehicles of that engine family is represented, or until a maximum of four vehicles is selected. If any single combination represents over 70 percent, then two vehicles of that combination may be selected. The vehicle selected for each combination will be specified by the Administrator as to transmission type, fuel system, and inertia weight class.

(3) The Administrator may select a maximum of four additional vehicles within each engine family based upon features indicating that they may have the highest emission levels of the vehicles in that engine family. In selecting these vehicles, the Administrator will consider such features as the emission control system combination, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, compression ratio, inertia weight class, transmission options and axle ratios.

(4) If the vehicles selected in accordance with subparagraphs (2) and (3) of this paragraph do not represent each engine-system combination, then one vehicle of each engine-system combination not represented will be selected by the Administrator. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with the control system combination in the engine family and will be designated by the Administrator as to transmission type, fuel system, and inertia weight class.

(c) Durability data vehicles:

(1) A durability data vehicle will be selected by the Administrator to represent each engine-system combination. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with that control system combination in that engine family and will be designated by the Administrator as to transmission type, fuel system and inertia weight class.

(2) A manufacturer may elect to operate and test additional vehicles to represent any engine-system combination. The additional vehicles must be of the same engine displacement, transmission type, fuel system and inertia weight class as the vehicle selected for that engine-system combination in accordance with the provisions of subparagraph (1) of this paragraph. Notice of an intent to operate and test additional vehicles shall be given to the Administrator not later than 30 days following notification of the test fleet selection.

(d) For purposes of testing under § 85.175–7(g) the Administrator may require additional emission data vehicles and durability data vehicles identical in all material respects to vehicles selected in accordance with paragraphs (b) and (c) of this section: *Provided*, That the number of vehicles selected shall not increase the size of either the emission data fleet or the durability data fleet by more than 20 percent or one vehicle, whichever is greater.

(e) Any manufacturer whose projected sales of new motor vehicles subject to this subpart for the 1975 model year is less than 2,000 vehicles may request a reduction in the number of test vehicles determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this procedure.

(f) In lieu of testing an emission data or durability data vehicle selected under paragraph (b) or (c) of this section and submitting data therefore, a manufacturer may, with the prior written approval of the Administrator, submit data on a similar vehicle for which certification has previously been obtained.

(g) (1) Where it is expected that more than 33 percent of an engine family will be equipped with an optional item, the full estimated weight of that item shall be included, if required by the Administrator, in the curb weight computation for each vehicle available with that option in the engine family. Where it is expected that 33 percent or less of the vehicles in an engine family will be equipped with an item of optional equipment, no weight for that item will be added in computing curb weight. In the case of mutually exclusive options, only the weight of the heavier option will be added in computing curb weight. Optional equipment weighing less than 3 pounds per item need not be considered.

(2) Where it is expected that more than 33 percent of an engine family will be equipped with an item of optional equipment that can reasonably be expected to influence emissions, then such items of optional equipment shall actually be installed, unless specifically excluded by the Administrator, on all emission data and durability data vehicles in the engine family on which the option is intended to be offered in production. Optional equipment that can reasonably be expected to influence emissions are the air conditioner, power steering, power brakes, and other items determined by the Administrator.

(3) Optional equipment that can reasonably be expected to influence emissions which is utilized on 33 percent or less of the vehicle in the engine family shall not be installed on any vehicle in the engine family unless specifically required under this section.

§ 85.175–6 Maintenance.

(a) (1) Scheduled maintenance on the engine, emission control system, and fuel system of durability vehicles shall be performed only under the following provisions and shall be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle.

(i) One major engine tuneup to manufacturer's specifications may be performed no more frequently than every 12,500 miles provided that no tuneup may be performed after 45,000 miles of scheduled driving.

rated horsepower per cubic inch of displacement) major engine tuneups may be performed at 12,000, 24,000, and 36,000 miles (±250 miles) of scheduled driving. Other maintenance intervals may be used if approved in advance by the Administrator. A major engine tuneup shall be restricted to the following:

(*a*) Adjust low idle speed.

(*b*) Adjust valve lash if required.

(*c*) Adjust injector timing.

(*d*) Adjust governor.

(*e*) Clean and service injector tips.

(*f*) Adjust drive belt tension on engine accessories.

(*g*) Check engine bolt torque and tighten as required.

(ii) Injectors may be changed if a persistent misfire is detected.

(iii) Normal vehicle lubrication services (engine and transmission oil change and oil filter, fuel filter, and air filter servicing) will be allowed at manufacturer's recommended intervals.

(iv) Readjustment of the engine idle settings may be performed only if there is a problem of stalling at stops.

(v) Engine idle speed may be adjusted at the 5,000-mile test point.

(vi) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability vehicles shall be performed only with the advance approval of the Administrator.

(2) Where the Administrator agrees under § 85.175–7 to a mileage accumulation of less than 50,000 miles for durability testing, he may modify the requirement of this paragraph.

(b) Adjustment of engine idle speed may be performed once before the 4,000 mile test point on emission data vehicles. Any other engine emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on emission data vehicles shall be performed only with the advance approval of the Administrator.

(c) Repair to vehicle components of the durability or emission data vehicle, other than the engine, emission control system, or fuel system, shall be performed only as a result of part failure or vehicle system malfunction or with the advanced approval of the Administrator.

(d) Complete emission tests (see §§ 85.175–9 to 85.175–23) shall be run, unless waived by the Administrator, before and after any vehicle maintenance which may reasonably be expected to affect emissions. These test data shall be supplied to the Administrator immediately after the tests, along with a complete record of all pertinent maintenance, including an engineering report of any malfunction diagnosis and the corrective action taken. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 85.175–4.

(e) If the Administrator determines that compenent failure or repairs performed have resulted in a substantial change to the engine-system combination, the vehicle shall not be used as a durability or emission data vehicle.

(f) The use of instruments, tools, or emission tests to identify malfunctioning, maladjusted, or defective engine components is not allowed unless specifically authorized by the Administrator.

§ 85.175–7 Mileage accumulation and emission measurements.

The procedure for mileage accumulation will be the Durability Driving Schedule as specified in Appendix IV to this

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part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate mileage at a measured curb weight which is within 100 pounds of the estimated curb weight. If the loaded vehicle weight is within 100 pounds of being included in the next higher inertia weight class as specified in § 85.175–13(d), the manufacturer may elect to conduct the respective emission data vehicle test at the inertia weight corresponding to the higher loaded vehicle weight.

(a) Emission data vehicles: Each emission data vehicle shall be driven 4,000 miles with all emission control systems installed and operating. Emission tests shall be conducted at zero miles and 4,000 miles.

(b) Durability data vehicles: Each durability data vehicle shall be driven with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objectives of this procedure. Complete emission tests (see § 85.175–10 through § 85.175–23) shall be made at the following mileage points: 0, 5,000, 10,000, 15,000, 20,000, 25,000, 30,000, 35,000, 40,000, 45,000, and 50,000.

(c) All tests required by this subpart to be conducted after 5,000 miles of driving for durability vehicles and 4,000 miles for emission data vehicles must be conducted at any accumulated mileage within 250 miles of each of those test points.

(d)(1) The results of each emission test shall be supplied to the Administrator immediately after the test. The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 24 hours (or delivered within three working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 85.175–4. Where the Administrator conducts a test on a durability vehicle at a prescribed test point, the results of each test will be used in the calculation of the deterioration factor.

(d)(2) The results of all emission test results shall be recorded and reported to the Administrator using three significant figures. These numbers shall be rounded in accordance with the "Rounding-Off Method" specified in ASTM E 29–67.

(e) Whenever the manufacturer proposes to operate and test a vehicle which may be used for emission or durability data, he shall provide the zero mile test data to the Administrator and make the vehicle available for such testing under § 85.175–29 as the Administrator may require before beginning to accumulate mileage on the vehicle. Failure to comply with this requirement will invalidate all test data submitted for this vehicle.

(f) Once a manufacturer begins to operate an emission data or durability data vehicle, as indicated by compliance with paragraph (e) of this section, he shall continue to run the vehicle to 4,000 miles or 50,000 miles, respectively, and the data from the vehicle will be used in the calculations under § 85.175–28. Discontinuation of a vehicle shall be allowed only with the written consent of the Administrator.

(g)(1) The Administrator may elect to operate and test any test vehicle during all or any part of the mileage accumulation and testing procedure. In such cases, the manufacturer shall provide the vehicle(s) to the Administrator with all information necessary to conduct this testing.

(2) The test procedures (§§ 85.175–9 to 85.175–23) will be followed by the Administrator. The Administrator will test the vehicles at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(3) The data developed by the Administrator for the engine system combination shall be combined with any applicable data supplied by the manufacturer on other vehicles of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer the Administrator's data shall be used in the determination of deterioration factors.

(h) Emission testing of any type with respect to any certification vehicle other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

§ 85.175–8 Special test procedures.

The Administrator may, on the basis of a written application therefor by a manufacturer, prescribe test procedures, other than those set forth in this subpart, for any motor vehicle which he determines is not susceptible to satisfactory testing by the procedures set forth herein.

§ 85.175–9 Test procedures.

The procedures described in this and subsequent sections will be the test program to determine the conformity of diesel light duty vehicles with the standards set forth in § 85.175–1.

(a) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are diluted with air and sampled continuously for analysis of diesel exhaust hydrocarbon and subsequent analysis of other specific components by prescribed techniques. The test applies to vehicles equipped with catalytic or direct flame afterburners, other control systems or to uncontrolled vehicles and engines. All test phases are conducted with an ambient temperature range between 68° and 86° F.

(b) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip in an urban area of 7.5 miles. The test consists of engine startups and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix I to this part. Using a constant volume (variable dilution) sampler, a proportional part of the diluted exhaust gas is analyzed continuously for hydrocarbons and an additional proportional part of the diluted exhaust gas is collected in a bag for subsequent analysis of the other components.

(c) Except for component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Component malfunction or failure shall be repaired in accordance with § 85.175–6.

§ 85.175–10 Diesel fuel specifications.

(a) The diesel fuels employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The fuels may contain nonmetallic additives as follows: Cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, and dispersant.

(b) Fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing. The grade of fuel recommended by the engine manufacturer, commercially designated as "Type 1–D" or "Type 2–D", shall be used.

Item	ASTM test method No.	Type 1–D	Type 2–D
Cetane	D 613	48–54	42–50
Distillation range	D 86		
IBP, °F		330–390	340–400
10-percent point, °F		370–430	400–460
50-percent point, °F		410–480	470–540
90-percent point, °F		460–520	550–610
EP, °F		500–560	580–660
Gravity, °API	D 287	40–44	33–37
Total Sulfur, percent	D 129 or D 2622	0.05–0.20	0.2–0.5
Hydrocarbon composition	D 1319		
Aromatics, percent		8–15	27 (Min.)
Paraffins, Naphthenes, Olefins		Remainder.	Remainder.
Flashpoint, °F. (minutes)	D 93	120	130
Viscosity, Centistokes	D 445	1.6–2.0	2.0–3.2

(c) Fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of fuel recommended by the engine manufacturer, commercially designated as "Type 1–D" or "Type 2–D", shall be used.

Item	ASTM test method No.	Type 1–D	Type 2–D
Cetane	D 613	48–54	42–55
Distillation range	D 86		
IBP, ° F		330–390	340–410
10-percent point, ° F		370–430	400–470
50-percent point, ° F		410–480	470–540
90-percent point, ° F		460–520	550–610
EP, ° F		500–560	580–660
Gravity, ° API	D 287	40–44	33–40
Total Sulfur, percent	D 129 or D 2622	0.05–0.20	0.2–0.5
Flash point, ° F. (minute)	D 93	120	130
Viscosity, Centistokes	D 445	1.6–2.0	2.0–3.2

(d) Other Petroleum Distillation Fuel Specifications:

(i) Other petroleum distillate fuels may be used for testing and service accumulation provided they are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraphs (b) and (c) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications was provided prior to the start of testing.

(e) The specification range of the fuels to be used under paragraphs (b), (c), and (d) of this section shall be reported in accordance with § 85.175–2(b)(3).

§ 85.175–11 Vehicle preconditioning.

Vehicles to be tested for compliance with the exhaust emission standards of this part shall be preconditioned as follows:

(a) The fuel tank of the test vehicle shall be drained and charged with the specified test fuel, § 85.175–10(b), to the prescribed "tank fuel volume," defined in § 85.102. The vehicle manufacturer shall provide additional fittings and adapters, as required to accommodate a fuel drain at the lowest point possible in the tank as installed on the vehicle. Test fuel, when charged to the tank shall be at ambient temperature, § 85.175–9(a).

(b) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the applicable requirements and procedures of §§ 85.175–12 to 85.175–17 except that the engine need not be cold when starting the run on the dynamometer and only a single trip of 7.5 miles shall be run. The test vehicle may be used to set dynamometer horsepower, if necessary.

(c) The engine and cooling fan shall be stopped upon completion of the dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand for a period of not less than 12 hours prior to the dynamometer test.

§ 85.175–12 Dynamometer driving schedule.

(a) The dynamometer driving schedule to be followed consists of a nonrepetitive series of idle, acceleration, cruise, and deceleration modes of various time sequences and rates. The driving schedule is defined by a smooth transition through the speed vs. time relationships listed in Appendix I to this part. The time sequence begins upon starting the vehicle according to the startup procedure described in § 85.175–17.

(b) The speed tolerance at any given time on the dynamometer driving schedule prescribed in Appendix I to this part or as printed on a driver's aid chart approved by the Administrator is defined by upper and lower limits. The upper limit is 2 m.p.h. higher than the highest point on the trace within 1 second of the given time. The lower limit is 2 m.p.h. lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as occur when shifting manual transmission vehicles) are acceptable provided they occur for less than 2 seconds on any one occasion. Speeds lower than those prescribed are acceptable provided the vehicle is operated at maximum available power during such occurrences. Further, speed deviations from those prescribed due to stalling are acceptable provided the provisions of § 85.175–17(d) are adhered to.

§ 85.175–13 Dynamometer procedure.

(a) The dynamometer run consists of two tests, a "cold" start test after a minimum 12 hour soak and a "hot" start test with a 10 minute soak between the two tests. Engine startup, operation over the driving schedule, and engine shutdown make a complete cold start test. Engine startup and operation over the first 505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with air to a constant volume and a portion is sampled continuously during each test. Diesel hydrocarbons are analyzed continuously, with manual or electronic integration, during each test. The composite (flow integrated) samples collected in bags are analyzed for carbon monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of dilution air is analyzed for hydrocarbon, carbon monoxide and oxides of nitrogen.

(b) During dynamometer operation, a fixed speed cooling fan shall be positioned so as to direct cooling air to the vehicle in an appropriate manner with the engine compartment cover open. The fan capacity shall normally not exceed 5,300 c.f.m. If, however, the manufacturer can show that during field operation the vehicle received additional cooling, the fan capacity may be increased or additional fans used if approved in advance by the Administrator. In the case of vehicles with front engine compartments, the fan(s) shall be squarely positioned between 8 and 12 inches in front of the cooling air inlets (grill). In the case of vehicles with rear engine compartments (or if special designs make the above impractical), the cooling fan(s) shall be placed in a position to provide sufficient air to maintain engine cooling.

(c) The vehicle shall be nearly level when tested in order to prevent abnormal fuel distribution.

(d) Flywheels, electrical or other means of simulating inertia shall be used. If the equivalent inertia specified in the following table is not available on the dynamometer being used, the next higher equivalent inertia (not to exceed 250 lbs.) available shall be used.

Loaded vehicle weight, pounds	Equivalent inertia weight, pounds	Road load power at 50 m.p.h. horsepower
Up to 1,125	1,000	5.9
1,126 to 1,375	1,000	6.5
1,376 to 1,625	1,500	7.1
1,626 to 1,875	1,750	7.7
1,876 to 2,125	2,000	8.3
2,126 to 2,375	2,250	8.8
2,376 to 2,625	2,500	9.4
2,626 to 2,875	2,750	9.9
2,876 to 3,250	3,000	10.3
3,251 to 3,750	3,500	11.2
3,751 to 4,250	4,000	12.0
4,251 to 4,750	4,500	12.7
4,751 to 5,250	5,000	13.4
5,251 to 5,750	5,500	13.9
5,751 to above	5,500	14.4

(e) Power absorption unit adjustment:

(1) The power absorption unit shall be adjusted to reproduce road load power at 50 m.p.h. true speed. The indicated road load power setting shall take into account the dynamometer friction. The relationship between road load (absorbed) power and indicated road load power for a particular dynamometer shall be determined by the procedure outlined in Appendix II to this part or other suitable means.

(2) The road load power listed in the table above shall be used or the vehicle manufacturer may determine the road load power by the following procedure and request its use:

(i) Measuring the fuel flow rate of a representative vehicle of the same equivalent inertia weight class, when operated on a level road under balanced wind conditions at a true speed of 50 m.p.h., and

(ii) Noting the dynamometer indicated road load horsepower setting required to reproduce that fuel flow rate when the same vehicle is operated on the dynamometer at a true speed of 50 m.p.h. The tests on the road and on the dynamometer shall be performed with the same vehicle ambient absolute pressure (usually barometric), i.e. within ±5 mm. Hg.

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(iii) The road load power shall be determined according to the procedure outlined in Appendix II to this part and adjusted according to the following if applicable.

(3) Where it is expected that more than 33 percent of the vehicles in an engine family will be equipped with air-conditioning, the road load power listed above or as determined in subparagraph (2) of this paragraph shall be increased by 10 percent for testing all test vehicles representing such engine family.

(f) The vehicle speed (m.p.h.) as measured from the dynamometer rolls shall be used for all conditions. A speed vs. time recording, as evidence of dynamometer test validity, shall be supplied on request of the Administrator.

(g) Practice runs over the prescribed driving schedule may be performed to find the minimum accelerator pedal action to maintain the proper speed-time relationship.

NOTE: When using two-roll dynamometers a truer speed-time trace may be obtained by minimizing the rocking of the vehicle in the rolls. The rocking of the vehicle changes the tire rolling radius on each roll. The rocking may be minimized by restraining the vehicle horizontally (or nearly so) by using a cable and winch.

(h) The drive wheel tires may be inflated up to 45 p.s.i.g. in order to prevent tire damage. The drive wheel tire pressure shall be reported with the test results.

(i) If the dynamometer has not been operated during the 2-hour period immediately preceding the test it shall be warmed up for 15 minutes by operating it at 30 m.p.h. using a nontest vehicle.

(j) Changes to dynamometer horsepower settings, if required, shall be made prior to the beginning of the exhaust emission measurement test phase. If a vehicle is needed to make this adjustment a nontest vehicle shall be used.

§ 85.175–14 Three-speed manual transmissions.

(a) All test conditions except as noted shall be run in highest gear.

(b) Cars equipped with free wheeling or overdrive units shall be tested with this unit (free wheeling or overdrive) locked out of operation.

(c) Idle shall be run with transmission in gear and with clutch disengaged (except first idle; see § 85.175–17).

(d) The vehicle shall be driven with minimum accelerator pedal movement to maintain the desired speed.

(e) Acceleration modes shall be driven smoothly with the shift speeds as recommended by the manufacturer. If the manufacturer does not recommend shift speeds, the vehicle shall be shifted from first to second gear at 15 m.p.h. and from second to third gear at 25 m.p.h. The operator shall release the accelerator pedal during the shift, and accomplish the shift with minimum time. If the vehicle cannot accelerate at the specified rates, the vehicle shall be accelerated at maximum available power until the vehicle speed reaches the speed at which it should be at that time during the test.

(f) The deceleration modes shall be run with clutch engaged and without shifting gears from the previous mode, using brakes or accelerator pedal as necessary to maintain the desired speed. For those modes which decelerate to zero, the clutch shall be depressed when the speed drops below 15 m.p.h. when engine roughness is evident, or when engine stalling is imminent.

(g) Downshifting is allowed at the beginning of or during a power mode if recommended by the manufacturer or if the engine obviously is lugging.

§ 85.175–15 Four-speed and five-speed manual transmissions.

(a) Use the same procedure as for three-speed manual transmissions for shifting from first to second gear and from second to third gear. If the manufacturer does not recommend shift speeds, the vehicle shall be shifted from third to fourth gear at 40 m.p.h. Fifth gear may be used at the manufacturer's option.

(b) If transmission ratio in first gear exceeds 3:1, follow the procedure for three- or four-speed manual transmission vehicles as if the first gear did not exist.

§ 85.175–16 Automatic transmissions.

(a) All test conditions shall be run with the transmission in "Drive" (highest gear). Automatic stick-shift transmissions may be shifted as manual transmissions at the option of the manufacturer.

(b) Idle modes shall be run with the transmission in "Drive" and the wheels braked (except first idle; see § 85.175–17).

(c) The vehicle shall be driven with minimum accelerator pedal movement to maintain the desired speed.

(d) Acceleration modes shall be driven smoothly allowing the transmission to shift automatically through the normal sequence of gears. If the vehicle cannot accelerate at the specified rates, the vehicle shall be accelerated at maximum available power until the vehicle speed reaches the speed at which it should be at that time during the driving schedule.

(e) The deceleration modes shall be run in gear using brakes or accelerator pedal as necessary to maintain the desired speed.

§ 85.175–17 Engine starting and restarting.

(a) The engine shall be started according to the manufacturer's recommended starting procedures. The initial 20-second idle period shall begin when the engine starts. The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheels from turning.

(b) If the vehicle does not start after 10 seconds of cranking, cranking shall cease and the reason for failure to start shall be determined. The revolution counter on the constant volume sampler and the hydrocarbon integrator (see § 85.175–21 *Dynamometer test runs*) shall be turned off and the sample solenoid valves placed in the "dump" position during this diagnostic period. In addition, either the positive displacement pump should be turned off or the exhaust tube disconnected from the tailpipe during the diagnostic period. If failure to start is an operational error, the vehicle shall be rescheduled for testing from a cold start. If failure to start is caused by vehicle malfunction, corrective action of less than 30 minutes duration may be taken and the test continued. The sampling system shall be reactivated at the same time cranking is started. When the engine starts, the driving schedule timing sequence shall begin. If failure to start is caused by vehicle malfunction and the vehicle cannot be started, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

(c) If the engine "false starts", the operator shall repeat the recommended starting procedure.

(d) Stalling:

(1) If the engine stalls during an idle period, the engine shall be restarted immediately and the test continued. If the engine cannot be started soon enough to allow the vehicle to follow the next acceleration as prescribed, the driving schedule indicator shall be stopped. When the vehicle restarts the driving schedule indicator shall be reactivated.

(2) If the engine stalls during some operating mode other than idle, the driving schedule indicator shall be stopped, the vehicle restarted, accelerated to the speed required at that point in the driving schedule and the test continued.

(3) If the vehicle will not restart within 1 minute, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

§ 85.175–18 Sampling and analytical system (exhaust emissions).

(a) *Schematic drawings.* The following figures (Fig. B 175–1, B 175–2, and B 175–3) are schematic drawings of the exhaust gas sampling and analytical systems which will be used for testing under the regulations in this part. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) *Component description (exhaust gas sampling system).* The following components will be used in the exhaust gas sampling system for testing under the regulations in this part. See Figure B 175–1. Other types of constant volume samplers may be used if shown to yield equivalent results, and if approved in advance by the Administrator.

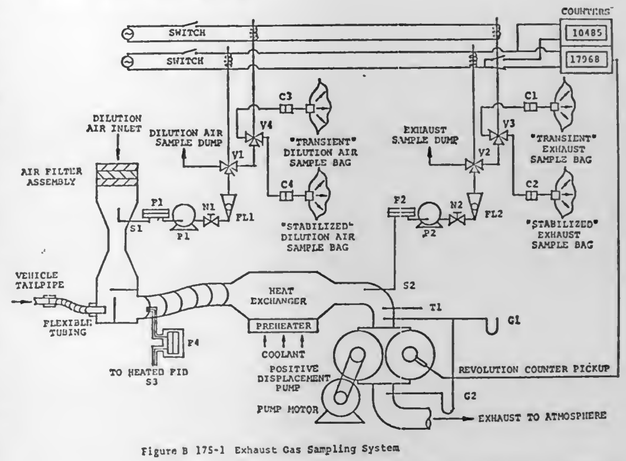


Figure B 175-1 Exhaust Gas Sampling System

(1) A dilution air filter assembly consisting of a particulate (paper) filter to remove solid matter from the dilution air and thus increase the life of the charcoal filter; a charcoal filter to reduce and stabilize the background hydrocarbon level; and a second particulate filter to remove charcoal particles from the air stream. The filters shall be of sufficient capacity and the duct which carries the dilution air to the point where the exhaust gas is added shall be of sufficient size so that the pressure at the mixing point is less than 1 inch of water pressure below ambient when the constant volume sampler is operating at its maximum flow rate.

(2) A leak-tight conector and tube to the vehicle tailpipe. The flexible tubing shall be sized and connected in such a manner that the static pressure variations in the vehicle tailpipe(s) remain within ±5 inches of water of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). Sampling systems capable of tolerances to ±1 inch of water will be used by the Administration upon written request by the manufacturer.

(3) A heating system to preheat the heat exchanger to within ±10° F. of its operating temperature before the test begins.

(4) A heat exchanger capable of limiting the gas mixture temperature variation during the entire test to ±10° F. as measured at a point immediately ahead of the positive displacement pump.

(5) A positive displacement pump to pump dilute exhaust mixture. The pump capacity (300 to 350 c.f.m. is sufficient for testing most vehicles) shall be large enough to virtually eliminate water condensation in the system. See Appendix III to this part for one flow calibration technique. Other suitable calibration techniques may be used if approved in advance by the Administrator.

(6) Temperature sensor (T1) with an accuracy of ±2° F. to allow continuous recording of the temperature of the dilute exhaust mixture entering the positive displacement pump. (See § 85.175–19(k)).

(7) Gage (G1) with an accuracy of ±3 mm. Hg to measure the pressure depression of the dilute exhaust mixture entering the positive displacement pump, relative to atmospheric pressure.

(8) Gage (G2) with an accuracy of ±3 mm. Hg to measure the pressure increase across the positive displacement pump.

(9) Sample probes (S1, S2, and S3) pointed upstream to collect samples from the dilution air stream and the dilute exhaust mixture. Additional sample probes may be used, for example, to obtain continuous concentration traces of the dilute exhaust stream. In such case the sample flow rate, in standard cubic feet per test phase, must be added to the calculated dilute exhaust volume. The position of the sample probes in Figure B 175–1 is pictorial only. The heated sample line (S3) between the sampling point and the analyzer shall be as short as possible.

(10) Filters (F1 and F2) to remove particulate matter from dilution air and dilute exhaust samples.

(11) Pumps (P1 and P2) to pump the dilution air and dilute exhaust into their respective sample collection bags.

(12) Flow control valves (N1 and N2) to regulate flows to sample collecton bags, at constant flow rates. The minimum sample flow rate shall be 10 c.f.h.

(13) Flowmeters (FL1 and FL2) to insure, by visual observation, that constant flow rates are maintained throughout the test.

(14) Three-way solenoid valves (V1, V2, V3, and V4) to direct sample streams to either their respective bags or overboard.

(15) Quick-connect, leak-tight fittings (C1, C2, C3, and C4) with automatic shut-off on bag side to attach sample bags to sample system.

(16) Sample collection bags for dilution air and exhaust samples of sufficient capacity so as not to impede sample flow.

(17) Revolution counters to count the revolutions of the positive displacement pump while each test phase is in progress and samples are being collected.

(c) *Component description (exhaust gas batch analytical system).* The following components will be used in the exhaust gas batch analytical system for testing under the regulations in this part. The analytical system provides for the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared (NDIR) analysis and the determination of oxides of nitrogen concentrations by chemiluminescence (CL) analysis in dilute exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Figure B 175–2.

(1) Quick-connect, leak-tight fitting (C5) to attach sample bags to analytical system.

(2) Filter (F3) to remove any residual particulate matter from the collected sample.

(3) Pump (P3) to transfer samples from the sample bags to the analyzers.

(4) Selector valves (V5, V6, V7, V8, and V9) for directing samples, span gases or zeroing gases to the analyzers.

(5) Flow control valves (N3, N4, N5, N6, N7, N8, N9, N10, N11, and N12) to regulate the gas flow rates.

(6) Flowmeters (FL3, FL4, and FL5) to indicate gas flow rates.

(7) Manifold (M1) to collect the expelled gases from the analyzers.

(8) Pump (P4) to transfer expelled gases from the collection manifold to a vent external to the test room (optional).

(9) Analyzers to determine carbon monoxide, carbon dioxide, and oxides of nitrogen concentrations.

(10) An oxides of nitrogen converter to convert any NO_2 present in the samples to NO before analysis.

(11) Selector valves (V10 and V11) to allow the sample, span, calibrating or zeroing gases to bypass the converter.

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(12) Water trap (T1) to partially remove water and a valve (V12) to allow the trap to be drained.

(13) Sample conditioning columns to remove remainder of water (WR1 and WR2 containing indicating calcium sulfate or indicating silica gel), and carbon dioxide (CDR1 and CDR2 containing ascarite) from the CO analysis stream.

NOTE: If CO instruments which are essentially free of CO_2 and water vapor interference are used, the use of the water trap (T1) and these conditioning columns is unnecessary and the trap and columns may be deleted. See § 85.175–19(m) and § 85.175–23(c). A CO instrument will be considered to be essentially free of CO_2 and water vapor interference if its response to a mixture of 3 percent CO_2 and 3 percent water vapor in N_2 produces 3 p.p.m. or less equivalent CO response.

(14) Selector valves (V13 and V14) to permit switching from exhausted absorbing columns to fresh columns.

(15) Water bubbler (W1) to allow saturation of the CO_2 span gas to check efficiency of absorbing columns.

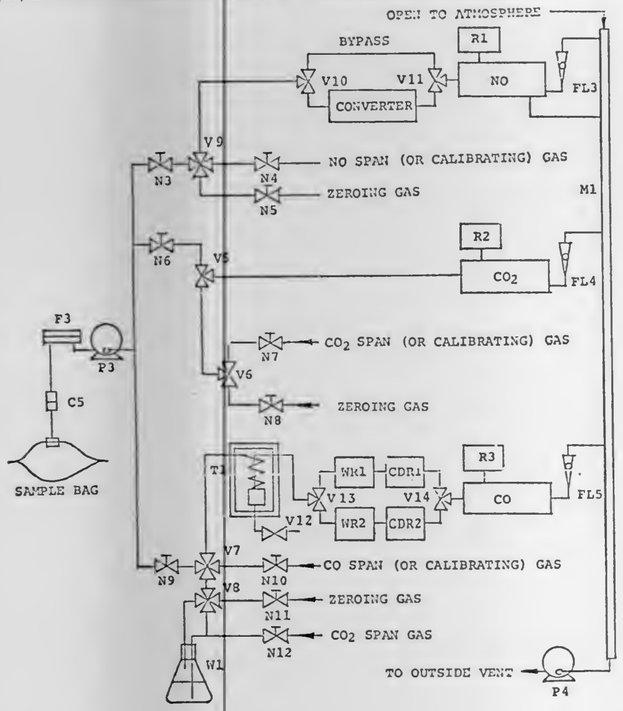


Figure B 175-2 Exhaust Gas Batch Analytical System

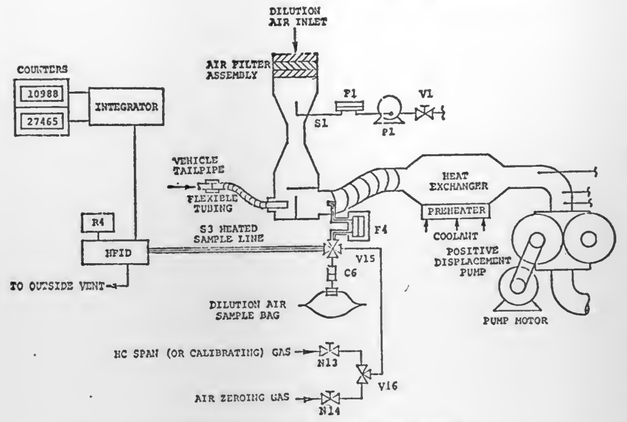


Figure B 175-3 Diesel Hydrocarbon Continuous Analysis System

(16) Recorders (R1, R2, and R3) or digital printers to provide permanent records of calibration, spanning and sample measurements; or in those facilities where computerized data acquisition systems are incorporated, the computer facility printout may be used.

(d) *Component description (exhaust gas continuous analytical system).* The following components will be used in the exhaust gas continuous analytical system for testing under the regulations in this part. This analytical system provides for the continuous determination of exhaust hydrocarbon concentration by heated flame ionization detector (HFID) analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Figure B175–3.

(1) Heated continuous sampling line (S3).

(2) Heated filter (F4) to remove particulate matter from heated hydrocarbon sample.

(3) Selector valves (V15, and V16) for directing the continuous dilute exhaust sample, dilution air bag sample, span or zeroing gases to the analyzers.

(4) Quick-connect, leak-tight fitting (C6) to attach dilution air sample bag to analytical system.

(5) Heated hydrocarbon analyzer (HFID) complete with heated pump, filter, and flow control system. The response time of this instrument shall be less than 1 second for 90 percent of full scale response. Sample transport time from sampling point to inlet of instrument shall be less than 4 seconds.

(6) Chart recorder (R4), chart recorder (R4) and analog integrator with two readouts, or chart recorder (R4) and on-line digital computer for manual or electronic integration of analyzer output signal during the three operating phases of the test.

(7) Flow control valves (N13 and N14) to regulate the gas flow rates.

§ 85.175–19 Information to be recorded.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) System or device tested (brief description).

(c) Date and time of day for each part of the test schedule.

(d) Instrument operator.

(e) Driver or operator.

(f) Vehicle: Make—Vehicle identification number—Model year—Transmission type—Odometer reading—Engin displacement—Engine family—Idle r.p.m.—Inertia loading—Estimated curb weight—Actual road load HP at 50 m.p.h. and drive wheel tire pressure.

(g) Dynamometer serial number and indicated road load power absorption at 50 m.p.h.

(h) All pertinent instrument information such as tuning—gain—serial numbers—detector numbers—range. As an alternative, a reference to a vehicle test cell number may be used with the advance approval of the Administrator, provided test cell calibration records show the pertinent instrument information.

(i) Recorder charts: Identify zero, span, exhaust gas, and dilution air sample traces.

(j) Test cell barometric pressure, ambient temperature and humidity.

(k) Pressure of the mixture of exhaust and dilution air entering the postive displacement pump, the pressure increase across the pump, and the temperature set point of the temperature control system. The sample temperature at the inlet to the pump may be measured if desired, to verify that the temperature variations are within ±5° F. of the set point.

(l) The number of revolutions of the positive displacement pump accumulated while the test is in progress and exhaust flow samples are being collected.

(m) The humidity of the dilution air (necessary only if trap T1 and conditioning columns WR1, WR2, CD1, and CD2 are used for CO measurements). See § 85.175–18(c) (13).

(n) Temperature set point of the heated sample line and heated hydrocarbon detector temperature control system.

§ 85.175–20 Analytical system calibration and sample handling.

(a) Calibrate the analytical assembly at least once every 30 days. Use the same flow rate as when analyzing samples.

(1) Adjust analyzers to optimize performance. Operate heated hydrocarbon analyzer, sampling line, and filter at 375°±10° F.

(2) Zero the hydrocarbon analyzer with zero grade air and the carbon monoxide, carbon dioxide, and oxides of nitrogen analyzers with zero grade nitrogen. The allowable zero gas impurity concentrations should not exceed 1 p.p.m. equivalent carbon response, 1 p.p.m. carbon monoxide, 300 p.p.m. (0.03 mole percent) carbon dioxide, and 0.1 p.p.m. nitric oxide.

(3) Set the CO and CO_2 analyzer gains to give the desired ranges. Select the desired attenuation scale of the HC analyzer, set the sample capillary flow rate by adjusting the back pressure regulator, and adjust the electronic gain control, if provided, to give the desired range. Select the desired scale of the NO_x analyzer and adjust the phototube high voltage supply or amplifier gain to give the desired range.

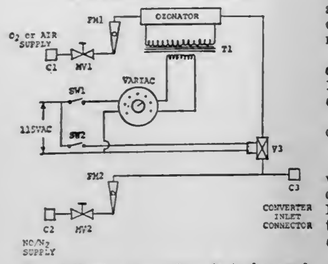
(4) Calibrate the HC analyzer with propane (air diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. Calibrate the CO analyzer with carbon monoxide (nitrogen diluent) gases and the CO_2 analyzer with carbon dioxide (nitrogen diluent) gases having nominal concentrations equal to 10, 25, 40, 50, 60, 70, 85, and 100 percent of full scale. Calibrate the NO_x analyzer with nitric oxide (nitrogen diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. The actual concentrations should be known to with ±2 percent of the true values.

(5) Compare values obtained on the CO and CO_2 analyzers with previous calibration curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgment in selecting curves for data reduction.

(6) NO_x converter efficiency determination. The apparatus described and illustrated in Figure B 175–7 is to be used to determine the conversion efficiency of devices that convert NO_x to NO.

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FIG. B 175–7—NO_x CONVERTER EFFICIENCY DETECTOR



The following procedure is to be used for determining the values to be used in Equation (A).

(i) Attach the NO/N_2 supply (150–250 p.p.m.) at C2, the O_2 supply at C1 and the analyzer inlet connection to the efficiency detector at C3. If lower concentrations of NO are used, air may be used in place of O_2 to facilitate better control of the NO_x generated during step (iv).

(ii) With the efficiency detector variac off, place the NO_x converter in bypass mode and close valve V3. Open valve MV2 until sufficient flow and stable readings are obtained at the analyzer. Zero and span the analyzer output to indicate the value of the NO concentration being used. Record this concentration.

(iii) Open valve V3 (on/off flow control solenoid valve for O_2) and adjust valve MV1 (O_2 supply metering valve) to blend enough O_2 to lower the NO concentration (ii) about 10 percent. Record this concentration.

(iv) Turn on the ozonator and increase its supply voltage until the NO concentration of (iii) is reduced to about 20 percent of (ii). NO_2 is now being formed from the NO+N_2 reaction. There must always be at least 10 percent unreacted NO at this point. Record this concentration.

(v) When a stable reading has been obtained from (iv), place the NO_x converter in the convert mode. The analyzer will now indicate the total NO_x concentration. Record this concentration.

(vi) Turn off the ozonator and allow the analyzer reading to stabilize. The mixture NO+O_2 is still passing through the converter. This reading is the total NO_x concentration of the dilute NO span gas used at step (iii). Record this concentration.

(vii) Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO_2.

Calculate the efficiency of the NO_x converter by substituting the concentrations obtained during the test into Equation (A).

EQUATION A

$$\%\text{Eff.} = \frac{(v)-(iv)}{(vi)-(iv)} \times 100\%$$

The efficiency of the converter should be greater than 90 percent. Adjustment of the converter temperature may be needed to maximize the efficiency. Efficiency checks should be made on each analyzer range using an NO span gas concentration appropriate to the instrument range.

(7) Check the efficiency of the sample conditioning system, if used (see § 85.-175–18(c)(13)), by the following procedure:

(i) Zero and span the CO instrument on its most sensitive scale.

(ii) Recheck zero.

(iii) Bubble CO_2 span gas through water and then through the sample conditioning system into the CO instrument. If the CO instrument shows no response to the wet CO_2, the columns are in good condition.

(iv) If the CO instrument responds to wet CO_2, replace columns as necessary to bring response back to zero.

(v) The conditioning system efficiency should be checked daily.

(b) HC, CO, CO_2, and NO_x measurement: Allow HC analyzer sample line and filter to heat to set point (375°±10° F.), and allow a minimum of 20 minutes warmup for the HC analyzer electronics and 2 hours for the CO, CO_2 and NO_x analyzers. (Power is normally left on infrared and chemiluminescence analyzers; but when not in use, the chopper motors of the infrared analyzers are turned off and the phototube high voltage supply of the chemiluminescence analyzer is placed in the standby position.) The following sequence of operations should be performed in conjunction with each series of measurements:

(1) Zero the analyzers. Obtain a stable zero on each amplifier meter and recorder. Recheck after tests.

(2) Introduce span gases and set the CO and CO_2 analyzer gains, the HC analyzer sample capillary flow rate and electronic gain control, if provided, and the NO_x analyzer high voltage supply or amplifier gain to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equal to approximately 80 percent of full scale. If gain has shifted significantly on the CO or CO_2 analyzers, check tuning. If necessary, check calibration. Recheck after test. Show actual concentrations on chart.

(3) Check zeros; repeat the procedure in subparagraphs (1) and (2) of this paragraph if required.

(4) Check flow rates and pressures.

(5) Continuously record (and integrate electronically, if desired) dilute hydrocarbon emission levels during test.

(6) Measure CO, CO_2, and NO_x concentrations of samples. Care should be exercised to prevent moisture from condensing in the sample collection bag.

(7) Check zero and span points.

(c) For the purposes of this section, the term "zero grade air" includes artificial "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18 and 21 mole percent.

§ 85.175–21 Dynamometer test runs.

(a) The vehicle shall be allowed to stand with the engine turned off for a period of not less than 12 hours before the cold start exhaust emission test. The vehicle shall be stored prior to the emission tests in such a manner that precipitation (e.g. rain or dew) does not occur on the vehicle. The complete dynamometer test consists of a cold start drive of 7.5 miles and simulates a hot start drive of 7.5 miles. The vehicle is allowed to stand on the dynamometer during the 10-minute time period between the cold and hot start tests. The cold start test is divided into two periods. The first period, representing the cold start "transient" phase, terminates at the end of the deceleration which is scheduled to occur at 505 seconds of the driving schedule. The second period, representing the "stabilized" phase, consists of the remainder of the driving schedule including engine shutdown. The hot start test similarly consists of two periods. The first period, representing the hot start "transient" phase, terminates at the same point in the driving schedule as the first phase of the cold start test. The second period of the hot start test, "stabilized" phase is assumed to be identical to the second period of the cold start test. Therefore, the hot start test terminates after the first period (505 seconds) is run.

(b) The following steps shall be taken for each test:

(1) Place drive wheels of vehicle on dynamometer without starting engine.

(2) Open the vehicle engine compartment cover and start the cooling fan.

(3) With the sample solenoid valves in the "dump" position connect evacuated sample collection bags to the two dilute exhaust sample connectors and to the two dilution air sample line connectors.

(4) Start the positive displacement pump, the sample pumps, the temperature recorder, and the heated hydrocarbon analysis recorder. (The constant volume sampler heat exchanger, the hydrocarbon analyzer continuous sample line and filter should be preheated to their respective operating temperatures before the test begins.)

(5) Adjust the sample flow rates to the desired flow rate (minimum of 10 c.f.h.). Set the hydrocarbon integrator counters and pump revolution counters to zero.

(6) Attach the flexible exhaust tube to the vehicle tailpipe(s).

(7) Simultaneously start the revolution counter for the positive displacement pump, position the sample solenoid valves to direct the sample flows into the "transient" exhaust sample bag and the "transient" dilution air sample bag, turn on the hydrocarbon analyzer system integrator and mark recorder chart, and start cranking engine.

(8) Fifteen seconds after the engine starts, place the transmission in gear.

(9) Twenty seconds after the engine starts, begin the initial vehicle acceleration of the driving schedule.

(10) Operate the vehicle according to the dynamometer driving schedule.

(11) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously switch the sample flows from the "transient" bags to the "stabilized" bags, switch off revolution counter No. 1 and hydrocarbon integrator No. 1, mark hydrocarbon recorder chart and start counter No. 2 and hydrocarbon integrator No. 2. As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the "transient" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 85.175–20.

(12) Turn the engine off 2 seconds after the end of the last deceleration (at 1,369 seconds).

(13) Five seconds after the engine stops running, simultaneously turn off revolution counter No. 2 and hydrocarbon integrator No. 2, mark hydrocarbon recorder chart and position the sample solenoid valves to the "dump" position. As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the "stabilized" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 85.175–20.

(14) Immediately after the end of the sample period disconnect the exhaust tube from the tailpipe(s), turn off the cooling fan and close the engine compartment cover.

(15) Turn off the positive displacement pump.

(16) Repeat the steps in subparagraphs (2) through (10) of this paragraph for the hot start test except only one evacuated sample bag is required for sampling exhaust gas and one for dilution air. The step in subparagraph (7) of this paragraph shall begin between 9 and 11 minutes after the end of the sample period for the cold start test.

(17) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously turn off the No. 1 revolution counter and hydrocarbon integrator No. 1, mark hydrocarbon recorder chart and position the sample solenoid valve to the "dump" position. (Engine shutdown is not part of the hot start sample period.)

(18) As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the hot start "transient" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 85.175–20.

(19) Disconnect the exhaust tube from the vehicle tailpipe(s) and remove vehicle from dynamometer.

(20) The positive displacement pump may be turned off, if desired.

§ 85.175–22 Chart reading.

(a) Determine the HC, CO, CO_2, and NO_x concentrations of the dilution air and the CO, CO_2, and NO_x concentration of the dilute exhaust sample bags from the instrument deflection, computer printout, or recordings making use of appropriate calibration charts.

(b) Record integrated HC results, or manually integrate continuous chart. This chart provides a permanent record and can be graphically integrated if verification of the results of electronic integration is required.

(c) Determine the average dilute exhaust mixture temperatures from the temperature recorder trace if a recorder is used.

§ 85.175–23 Calculations (exhaust emissions).

The final reported test results shall be computed by use of the following formulae:

(a) For light duty vehicles:

$$Y_{wm} = (0.43\ Y_{ct} + 0.57\ Y_{ht} + Y_s)/7.5$$

Where:
Y_{wm} = Weighted mass emissions of each pollutant, i.e. HC, CO, or NO_x, in grams per vehicle mile.
Y_{ct} = Mass emissions as calculated from the "transient" phase of the cold start test, in grams per test phase.
Y_{ht} = Mass emissions as calculated from the "transient" phase of the hot start test, in grams per test phase.
Y_s = Mass emissions as calculated from the "stabilized" phase of the cold start test, in grams per test phase.

(b) The mass of each pollutant for each phase of both the cold start test and the hot start test is determined from the following:

(1) Hydrocarbon Mass:

$$HC_{mass} = V_{mix} \times \text{Density}_{HC} \times \frac{HC_{conc}}{1{,}000{,}000}$$

(2) Oxides of nitrogen Mass:

$$NO_{x_{mass}} = V_{mix} \times \text{Density}_{NO_2} \times \frac{NO_{x_{conc}}}{1{,}000{,}000} \times K_H$$

(3) Carbon monoxide Mass:

$$CO_{mass} = V_{mix} \times \text{Density}_{CO} \times \frac{CO_{conc}}{1{,}000{,}000}$$

(c) Meaning of symbols:

HC_{mass} = Hydrocarbon emissions, in grams per test phase.

Density_{HC} = Density of hydrocarbons in the exhaust gas, assuming an average carbon to hydrogen ratio of 1:1.85, in grams per cubic foot at 68° F. and 760 mm. hg. pressure (16.33 gm./cu. ft.).

HC_{conc} = Hydrocarbon concentration of the dilute exhaust sample corrected for background, in p.p.m. carbon equivalent, i.e. equivalent propane×3.

$$HC_{conc} = HC_s - HC_d(1-1/\overline{DF})$$

Where:
HC_s = Average hydrocarbon concentrations of the dilute exhaust sample as calculated from the integrated HC traces, in p.p.m. carbon equivalent.
HC_d = Hydrocarbon concentration of the dilution air as measured in p.p.m. carbon equivalent.

$NO_{x_{mass}}$ = Oxides of nitrogen emissions, in grams per test phase.

Density_{NO_2} = Density of oxides of nitrogen in the exhaust gas, assuming they are in the form of nitrogen dioxide, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (54.16 gm./cu. ft.).

$NO_{x_{conc}}$ = Oxides of nitrogen concentration of the dilute exhaust sample corrected for background, in p.p.m.

$$NO_{x_{conc}} = NO_{x_s} - NO_{x_d}(1-1/DF)$$

Where:
NO_{x_s} = Oxides of nitrogen concentration of the dilute exhaust sample as measured, in p.p.m.
NO_{x_d} = Oxides of nitrogen concentration of the dilution air as measured, in p.p.m.

CO_{mass} = Carbon monoxide emissions, in grams per test phase.
Density_{CO} = Density of carbon monoxide in grams per cubic foot at 68° F. and 760 mm. Hg pressure (32.97 gm./cu. ft.).
CO_{conc} = Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor and CO_2 extraction, in p.p.m.

$$Co_{conc} = CO_s - CO_d\ (1-1/DF)$$

Where:
CO_s = Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in p.p.m. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.

$$CO_s = (1-0.01925\ CO_{sm} - 0.000323\ R)\ CO_{sm}$$

Where:
CO_{sm} = Carbon monoxide concentration of the dilute exhaust sample as measured in p.p.m.
CO_{2s} = Carbon dioxide concentration of the dilute exhaust sample, in mole percent.
R = Relative humidity of the dilution air, in percent.
CO_d = Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in p.p.m.

$$CO_d = (1-0.000323\ R)\ CO_{dm}$$

Where:
CO_{dm} = Carbon monoxide concentration of the dilution air sample as measured, in p.p.m.

NOTE: If a CO instrument free of CO_2 and water vapor interference is used (§ 85.175–18(c)(13)) and the water trap and conditioning columns are not, CO_{sm} can be substituted directly for CO_s and CO_{dm} can be substituted directly for CO_d.

$$DF = \frac{13.4}{CO_{2s} + (HC_s + CO_s) \times 10^{-4}}$$

V_{mix} = Total dilute exhaust volume in cubic feet per test phase corrected to standard conditions (528° R and 760 mm. Hg).

$$V_{mix} = V_0 \times N \frac{(P_B - P_1)\ (528°\ R)}{(760\ \text{mm. Hg})(T_p)}.$$

Where:
V_0 = Volume of gas pumped by the positive displacement pump, in cubic feet per revolution. This volume is dependent on the pressure differential across the positive displacement pump.
N = Number of revolutions of the positive displacement pump during the test phase while samples are being collected.
P_B = Barometric pressure in mm. Hg.
P_1 = Pressure depression below atmospheric measured at the inlet to the positive displacement pump.
T_p = Average temperature of dilute exhaust entering positive displacement pump during test while samples are being collected, in degrees Rankine.
K_H = Humidity correction factor.

$$K_H = \frac{1}{1-0.0047\ (H-75)}$$

NOTE: The constant 0.0047 will be updated to reflect any data which becomes available on Light-Duty diesel engine tests.

Where:
H = Abolute humidity in grains of water per pound of dry air.

$$H = \frac{(43.478)\ R_s \times P_d}{P_B - (P_d \times R_s/100)}$$

R_s = Relative humidity of the ambient air, in percent.
P_d = Saturated vapor pressure, in mm. Hg at the ambient dry bulb temperature.

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(d) Example calculation of mass emissions values:

(1) For the "transient" phase of the cold start test assume V_0=0.29344 cu. ft. per revolution; N=10,485; R=48.0 percent; R_a=48.2 percent; P_B=762 mm. Hg; P_d=22.225 mm. Hg; P_1=70 mm. Hg; T_p=570° R; HC_e=105.8 p.p.m. carbon equivalent; NO_{xe}=11.2 p.p.m.; CO_{em}=306.6 p.p.m.; CO_{2e}=1.43 percent; HC_d=12.1 p.p.m.; NO_{xd}=0.8 p.p.m.; CO_{dm}=15.3 p.p.m. Then:

$$V_{m,t}=\frac{(0.29341)\ (10,485)\ (762-70)\ (528)}{(760)\ (570)}=2595.0 \text{ cu. ft. per test phase.}$$

$$H=\frac{(43.478)\ (48.2)\ (22.225)}{762-(22.225\times 18.2\ 100)}$$

$$K_H=\frac{1}{1-0.0047(62-75)}=0.9424.$$

$$CO_e=(1-0.01925(1.43)-0.000323(48))306.0=293.4 \text{ p.p.m.}$$

$$CO_d=(1-0.0323(48))15.3=15.1 \text{ p.p.m.}$$

$$DF=\frac{13.4}{1.43+(105.8+293.4)\times 10^{-4}}=9.116.$$

$HC_{conc}=105.8-12.1(1-1/9.116)=95.03.$
$HC_{mass}=(2595)(16.33)(95.03\ 1,000,000)=1.027$ grams per test phase.
$NO_{x_{conc}}=11.2-0.8(1-1/9.116)=10.49.$
$NO_{x_{mass}}=(2595)(54.16)(10.49\ 1,000,000)(0.9424)=1.389$ grams per test phase.
$CO_{conc}=293.4-15.1(1-1/9.116)=280.$
$CO_{mass}=(2595)(32.97)(280\ 1,000,000)=23.96$ grams per test phase.

(2) For the "stabilized" portion of the cold start test assume that similar calculations resulted in HC_{mass}=0.62 grams per test phase; NO_{xmass}=1.27 grams per test phase; and CO_{mass}=5.98 grams per test phase.

(3) For the "transient" portion of the hot start test assume that similar calculations resulted in HC_{mass}=0.51 grams per test phase; NO_{xmass}=1.38 grams per test phase; and CO_{mass}=5.01 grams per test phase.

(4) For a 1975 light-duty vehicle:

$HC_{vm}=((0.43)(4.027)+(0.57)(0.51)+0.62)7.5=0.352$ grams per vehicle mile.
$NO_{xvm}=((0.43)(1.389)+(0.57)(1.38)+1.27)\ 7.5=0.354$ grams per vehicle mile.
$CO_{vm}=((0.43)(23.96)+(0.57)(5.01)+5.98)7.5=2.55$ grams per vehicle mile.

§§ 85.175–24—85.175–27 [Reserved]

§ 85.175–28 Compliance with emission standards.

(a) The exhaust emission standards in § 85.175–1 apply to the emissions of vehicles for their useful life.

(b) Since it is expected that emission control efficiency will change with mileage accumulation on the vehicle, the emission level of a vehicle which has accumulated 50,000 miles will be used as the basis for determining compliance with the standards.

(c) The procedure for determining compliance of a new light duty motor vehicle with exhaust emission standards is as follows:

(1) Separate emission deterioration factors shall be determined from the emissions results of the durability data vehicles for each engine-system combination. A separate factor shall be established for exhaust HC, exhaust CO, and exhaust NO_x.

(i) The applicable results to be used in determining the deterioration factors for each combination shall be:

(*a*) All valid emission data from the tests required under § 85.175–7(b), except the zero mile tests. This shall include the official test results as determined in § 85.175–29 for all tests conducted on all durability vehicles of the combination selected under § 85.175–5(c) (including all vehicles elected to be operated by the manufacturer under § 85.175–5(c)(3)).

(*b*) All emission data from the tests conducted before and after the maintenance provided in § 85.175–6(a)(1)(i).

(*c*) All emission data from tests required by maintenance approved under § 85.175–6(a)(1)(vi) in those cases where the Administrator conditioned his approval for the performance of such maintenance on the inclusion of such data in the deterioration factor calculation.

(ii) All applicable results shall be plotted as a function of the mileage on the system, rounded to the nearest mile, and the best fit straight lines, fitted by the method of least squares, shall be drawn through these data points. The interpolated 5,000 and 50,000 mile points on this line must be within the standards provided in § 85.175–1 or the data will not be acceptable for use in calculation of a deterioration factor.

(iii) An exhaust emission deterioration factor shall be calculated for each combination as follows:

$$\text{factor}=\frac{\text{exhaust emissions interpolated to 50,000 miles}}{\text{exhaust emissions interpolated to 5,000 miles.}}$$

These interpolated values shall be carried out to a minimum of four decimal points to the right before dividing one by the other to determine the deterioration factor. The results shall be rounded to three places to the right of the decimal point in accordance with ASTM E 29–67.

(2) The exhaust emission test results for each emission data vehicle shall be multiplied by the appropriate deterioration factor: *Provided*, That if a deterioration factor as compared in subparagraph (1)(iii) of this paragraph is less than one, that deterioration factor shall be one for the purposes of this subparagraph.

(3) The emissions to compare with the standard shall be the adjusted emissions of paragraph (c)(2) for each emission data vehicle.

Before any emission value is compared to the standard, it shall be rounded, in accordance with ASTM E 29–67, to two significant figures. The rounded emission values shall not exceed the standard.

(4) Every test vehicle of an engine family must comply with all applicable standards, as determined in paragraph (c)(3), before any vehicle of that family may be certified.

§ 85.175–29 Testing by the Administrator.

(a) The Administrator may require that any one or more of the test vehicles be submitted to him, at such place or places as he may designate, for the purpose of conducting emissions tests. The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(b)(1) Whenever the Administrator conducts a test on a test vehicle, the results of that test shall comprise the official data for the vehicle at that prescribed test point and the manufacturer's data for that prescribed test point shall not be used in determining compliance with emission standards.

(2) Whenever the Administrator does not conduct a test on a test vehicle at a test point, the manufacturer's test data will be accepted as the official data for that test point: *Provided*, That if the Administrator makes a determination based on testing under paragraph (a) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer.

(3)(i) The emission data vehicle presented to the Administrator for testing shall be calibrated within the production tolerances applicable to the manufacturer's specifications to be shown on the vehicle label (see § 85.175–35(a)(4)(iv)) as specified in the application for certification. If the Administrator determines that a vehicle is not within such tolerances, the vehicle shall be adjusted, at the facility designated by the Administrator, prior to the test and an engineering report shall be submitted to the Administrator describing the corrective action taken. Based on the engineering report, the Administrator will determine if the vehicle shall be used as an emission data vehicle.

(ii) If the Administrator determines that the test data developed under paragraph (b)(3)(i) would cause an emission data vehicle to fail due to excessive 4,000 mile emissions or by application of the appropriate deterioration factor, then the following procedure shall be observed:

(*a*) The manufacturer may request a retest. Before the retest, the vehicle may be readjusted to manufacturer's specifications, if these adjustments were made

incorrectly prior to the first test, and parts may be replaced in accordance with § 85.175–6. All work on the vehicle shall be done at such location and under such conditions as the Administrator may prescribe.

(*b*) The vehicle will be retested by the Administrator and the results of this test shall comprise the official data for that prescribed test point.

(4) If sufficient durability data are not available, at the time of any emission test conducted under paragraph (a) of this section, to enable the Administrator to determine whether an emission data vehicle would fail, the manufacturer may request a retest in accordance with the provisions of paragraph (c)(3)(i)(*a*) and (*b*) of this paragraph. If the manufacturer does not promptly make such request, he shall be deemed to have waived the right to a retest. A request for retest must be made before the manufacturer removes the vehicle from the test premises.

§ 85.175–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer and data derived from any additional testing conducted pursuant to § 85.175–29, the Administrator determines that a test vehicle(s) conforms to the regulations of this subpart, he will issue a certificate of conformity with respect to such vehicle(s).

(2) Such certificate will be issued for such period not more than 1 year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act and this subpart.

(b)(1) The Administrator will determine whether a vehicle covered by the application complies with applicable standards by observing the following relationships:

(i) A test vehicle selected under § 85.175–5(b)(2) or (4) shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system-evaporative emission control system combination.

(ii) A test vehicle selected under § 85.175–5(b)(3) shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system-transmission type-fuel system combination.

(iii) A test vehicle selected under § 85.175–5(c)(1) shall represent all vehicles of the same engine-system combination.

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles belonging to an engine family all of which comply with applicable standards.

(3) If, after a review of the test reports and data submitted by the manufacturer and data derived from any additional testing conducted pursuant to § 85.175–29, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determination, and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.105 with respect to such issue.

(4) The manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test vehicle(s) determined not in compliance with applicable standards:

(i) Request a hearing under § 85.105, or

(ii) Delete from the application for certification the vehicles represented by the failing test vehicle. (Vehicles so deleted may be included in a later request for certification under § 85.175–32.) The Administrator will then select in place of each failing vehicle an alternate vehicle chosen in accordance with selection criteria employed in selecting the vehicle that failed, or

(iii) Modify the test vehicle and demonstrate by testing that it meets applicable standards. Another vehicle which is in all material respects the same as the first vehicle, as modified, shall then be operated and tested in accordance with applicable test procedures.

(5) If the manufacturer does not request a hearing or present the required data under subparagraph (4) of this paragraph, the Administrator will deny certification.

§ 85.175–31 Separate certification.

Where possible a manufacturer should include in a single application for certification all vehicles for which certification is required. A manufacturer may, however, choose to apply separately for certification of part of his product line. The selection of test vehicles and the computation of test results will be determined separately for each application.

§ 85.175–32 Addition of a vehicle after certification.

(a) If a manufacturer proposes to add to his product line a vehicle of the same engine-system combination as vehicles previously certified but which was not described in the application for certification when the test vehicle(s) representing other vehicles of that combination was certified, he shall notify the Administrator. Such notification shall be in advance of the addition unless the manufacturer elects to follow the procedure described in § 85.175–34. This notification shall include a full description of the vehicle to be added.

(b) The Administrator may require the manufacturer to perform such tests on the test vehicle(s) representing the vehicle to be added which would have been required if the vehicle had been included in the original application for certification.

(c) If, after a review of the test reports and data submitted by the manufacturer, and data derived from any testing conducted under § 85.175–29, the Administrator determines that the test vehicle(s) meets all applicable standards, the appropriate certificate will be amended accordingly. If the Administrator determines that the test vehicle(s) does not meet applicable standards, he will proceed under § 85.175–30(b).

§ 85.175–33 Changes to a vehicle covered by certification.

(a) The manufacturer shall notify the Administrator of any change in production vehicles in respect to any of the parameters listed in § 85.175–5(a)(3) or § 85.175–5(b)(3), giving a full description of the change. Such notification shall be in advance of the change unless the manufacturer elects to follow the procedure described in § 85.175–34.

(b) Based upon the description of the change, and data derived from such testing as the Administrator may require or conduct, the Administrator will determine whether the vehicle, as modified, would still be covered by the certificate of conformity then in effect.

(c) If the Administrator determines that the outstanding certificate would cover the modified vehicles, he will notify the manufacturer in writing. Except as provided in § 85.175–34, the change may not be put into effect prior to the manufacturer's receiving this notification. If the Administrator determines that the modified vehicles would not be covered by the certificate then in effect, then the modified vehicles shall be treated as additions to the product line subject to § 85.175–32.

§ 85.175–34 Alternative procedure for notification of additions and changes.

(a) A manufacturer may, in lieu of notifying the Administrator in advance of an addition of a vehicle under § 85.175–32 or a change in a vehicle under § 85.175–33, notify him concurrently with the making of the change if the manufacturer believes the addition or change will not require any testing under the appropriate section. Upon notification to the Administrator, the manufacturer may proceed to put the addition or change into effect.

(b) The manufacturer may continue to produce vehicles as described in the notification to the Administrator for a maximum of 30 days, unless the Administrator grants an extension in writing. This period may be shortened by a notification in accordance with paragraph (c) of this section.

(c) If the Administrator determines, based upon a description of the addition or change, that no test data will be required, he will notify the manufacturer in writing of the acceptability of the addition or change. If the Administrator determines that test data will be required, he will notify the manufacturer to rescind the change within 5 days of receipt of the notification. The Administrator will then proceed as in § 85.175–32 (b)

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and (c), or § 85.175–33 (b) and (c) as appropriate.

(d) Election to produce vehicles under this section will be deemed to be a consent to recall all vehicles which the Administrator determines under § 85.175–32(c) do not meet applicable standards, and to cause such nonconformity to be remedied at no expense to the owner.

§ 85.175–35 Labeling.

(a)(1) The manufacturer of any light duty motor vehicle subject to the standards prescribed in § 85.175–1 shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles available for sale to the public and covered by a certificate of conformity under § 85.175–30(a).

(2) A plastic or metal label shall be welded, riveted, or otherwise permanently attached in a readily visible position in the engine compartment.

(3) The label shall be affixed by the vehicle manufacturer, who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any equipment which is easily detached from such vehicle.

(4) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(i) The label heading: Vehicle Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Engine displacement (in cubic inches) and engine family identification;

(iv) Engine tuneup specifications and adjustments, as recommended by the manufacturer, including idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g. idle CO, idle air-fuel ratio, idle speed drop). These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air-conditioner), if any should be in operation;

(v) The statement: "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1975 Model Year New Motor Vehicles."

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle conforms to any applicable State emission standards for new motor vehicles or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle.

§ 85.175–36 Submission of vehicle identification numbers.

(a) The manufacturer of any light duty motor vehicle covered by a certificate of conformity under § 85.175–30(a) shall, not later than 60 days after its manufacture, submit to the Administrator the vehicle identification number of such vehicle: *Provided*, That this requirement shall not apply with respect to any vehicle manufactured within any State, as defined in section 302(d) of the Act.

(b) The requirements of this section may be waived with respect to any manufacturer who provides information satisfactory to the Administrator which will enable the Administrator to identify those vehicles which are covered by a certificate of conformity.

§ 85.175–37 Production vehicles.

(a) Any manufacturer obtaining certification under this subpart shall supply to the Administrator, upon his request, a reasonable number of production vehicles selected by the Administrator which are representative of the engines, emission control systems, fuel systems, and transmissions offered and typical of production models available for sale under the certificate. These vehicles shall be supplied for testing at such time and place and for such reasonable periods as the Administrator may require.

(b) Any manufacturer obtaining certification under this subpart shall notify the Administrator, on a quarterly basis, of the number of vehicles of each engine family - engine displacement - exhaust emission control system-fuel system-transmission type-inertia weight class combination produced for sale in the United States during the preceding quarter. A manufacturer may elect to provide this information every 60 days instead of quarterly, to combine it with the notification required under § 85.175–36.

(c) All light duty vehicles covered by a certificate of conformity under § 85.175–30(a) shall be adjusted by the manufacturer to the ignition timing specification detailed in § 85.175–35(a)(4)(iv).

§ 85.175–38 Maintenance instructions.

(a) The manufacturer shall furnish or cause to be furnished to the ultimate purchaser of each new motor vehicle subject to the standards prescribed in § 85.175–1, written instructions for the maintenance and use of the vehicle by the ultimate purchaser as may be reasonable and necessary to assure the proper functioning of emission control systems.

(1) Such instructions shall be provided for those vehicle and engine components listed in Appendix VI to this part (and for any other components) to the extent that maintenance of these components is necessary to assure the proper functioning of emission control systems.

(2) Such instructions shall be in clear, and to the extent practicable, nontechnical language.

(b) The maintenance instructions required by this section shall contain a general description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions.

§ 85.175–39 Submission of maintenance instructions.

(a) The manufacturer shall provide to the Administrator, no later than the time of the submission required by § 85.175–4, a copy of the maintenance instructions which the manufacturer proposes to supply to the ultimate purchaser in accordance with § 85.175–38(a). The Administrator will review such instructions to determine whether they are reasonable and necessary to assure the proper functioning of the vehicle's emission control systems. The Administrator will notify the manufacturer of his determination whether such instructions are reasonable and necessary to assure the proper functioning of the emission control systems.

(b) Any revision to the maintenance instructions which will affect emissions shall be supplied to the Administrator at least 30 days before being supplied to the ultimate purchaser unless the Administrator consents to a lesser period of time.

§ 85.176–1 Emission standards for 1976 model year vehicles.

With the exception of the nitrogen oxides exhaust emission standard, the standards and test procedures set forth in § 85.175 remain applicable for the 1976 model year. Exhaust emissions from 1976 model year vehicles shall not exceed:

(a) *Hydrocarbons.* 0.41 gram per vehicle mile.

(b) *Carbon monoxide.* 3.4 grams per vehicle mile.

(c) Oxides of nitrogen 0.40 grams per vehicle mile.

[FR Doc.73–15820 Filed 8–6–73;8:45 am]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Emissions Standards for Light Duty Trucks

Regulations to establish emission standards for light duty trucks beginning with the 1975 model year were proposed by the Environmental Protection Agency on March 14, 1973 (38 FR 6906). This action was in response to the U.S. Court of Appeals decision regarding 1975 model year light duty vehicle emission standards, issued February 10, 1973, in which the Court ordered EPA to remove light duty trucks from the light duty vehicle category (International Harvester Co. v. Ruckelshaus, D.C. Cir. No. 72–1517, Feb. 10, 1973). The Notice of Proposed Rulemaking proposed new definitions for "light duty vehicle" and "light duty truck", and a range of possible emission levels to be prescribed for 1975 light duty trucks. The definitions of light duty vehicle and light duty truck were revised on April 11, 1973 in the Administrator's suspension decision by incorporating multipurpose vehicles into the light duty truck class. Comments received in response to the published proposal and the Administrator's modification of the light duty truck definition have led to revisions in the regulations promulgated below.

Much comment was received regarding the proposed definition of light duty vehicles and light duty trucks. Concern was expressed that, though multipurpose vehicles were to be considered light duty trucks in accordance with the Administrator's decision, only those available with special features enabling off-road operation and use were specifically included in EPA's revised light duty truck definition. Some confusion resulted as to the classification of multipurpose vehicles with both passenger and cargo carrying capacity, but without off-road capability.

To eliminate confusion, the proposed definitions have been revised so that all passenger car derivatives will be considered light duty vehicles and all truck derivatives under 6000 pounds GVW will be considered light duty trucks. Truck derivatives are designed similarly to other light duty trucks (i.e., pickup and panel trucks), and differ importantly only in that they are intended to carry passengers as well as cargo. Because, in actual use, other light duty trucks are frequently employed in a manner similar to passenger vehicles, EPA does not consider that difference significant enough to justify including truck derivatives equipped to carry passengers in the light duty vehicle category.

Passenger car derivatives are designed and used in the same manner as other light duty vehicles and will remain in the light duty vehicle class.

Question was raised in the comments as to the effect these proposed regulations will have on the status of special purpose vehicles—e.g., vehicles of 6000 pounds GVW or more which are used as ambulances, hearses, and flower cars. To the extent that such vehicles are passenger car derivatives, they will continue to be considered as light duty vehicles. To the extent that such special purpose vehicles are truck derivatives (e.g., motor homes), they will be subject to the light duty truck or heavy duty engine standards, depending whether the vehicle's GVW is below or above 6000 pounds.

As a result of the April 11 suspension decision, off-road utility vehicles—e.g., vehicles equipped with four wheel drive—will be included in the light duty truck category beginning in 1975. Through the 1974 model year, a 15% allowance on the light duty vehicle standards was permitted for off-road vehicles. This allowance was terminated with the promulgation of the 1975 light duty vehicle emission standards, in June of 1971. Certification test data indicate that emission test results from off-road utility vehicles and other vehicles in the same engine family are approximately equal. Therefore there is no technological basis for reversing the decision of 2 years ago under which the 15 percent allowance for off-road utility vehicles will be discontinued beginning with the 1975 model year.

Analysis of certification test results for 1973 model year light duty trucks (converted to equivalent values using the 1975 Federal Test Procedure) indicates that approximately 32, or 50 percent, of the light duty trucks tested were capable of achieving exhaust emissions levels of 2.0 grams per mile for hydrocarbons and 20 grams per mile for carbon monoxide. These levels were supported generally by comments of light duty truck manufacturers on the proposal, wherein they recommended standards ranging from 1.7 to 2.5 grams per mile for hydrocarbons and from 20 to 25 grams per mile for carbon monoxide.

Based upon the certification test data and the comments of manufacturers, it is the Administrator's judgment that the improvements in emission control necessary for achievement of the emission standards for hydrocarbons and carbon monoxide can be accomplished in time for certification in the 1975 model year. There is no evidence to suggest that any manufacturer would be required to utilize catalytic control devices to meet these standards.

The 3.1 grams per mile standard for oxides of nitrogen and the 2.0 grams per test standard for evaporative hydrocarbons prescribed below were applicable to light duty trucks beginning in model year 1973, since these trucks fell under the general classification of light duty vehicles. Certification test results for 1973 demonstrate the achievability of these standards by light duty trucks. No manufacturer expressed any reservations about continuing to meet the oxides of nitrogen standard while complying with hydrocarbon and carbon monoxide standards more stringent than the 1973–74 standards.

Subpart A of Part 85, Title 40 of the Code of Federal Regulations as applicable to 1975 and later model year light duty vehicles is amended below and is effective on September 6, 1973.

Subpart C of Part 85, Title 40 of the Code of Federal Regulations as applicable to 1975 and later model year light duty trucks is added below and is effective on September 6, 1973.

Dated: July 27, 1973.

ROBERT W. FRI,
Acting Administrator.

1. Subpart A of Part 85, Title 40 of the Code of Federal Regulations as applicable to 1975 and later model year light duty vehicles is amended as follows:

§ 85.002 Definitions.

(a) • • •

(5) "Light duty vehicle" means a passenger car or passenger car derivative capable of seating 12 passengers or less.

• • • • • •

2. Subpart C of Part 85, Title 40 of the Code of Federal Regulations as applicable to 1975 and later model year light duty trucks is added as follows:

Subpart C—Emission Regulations for New Gasoline-Fueled Light Duty Trucks

Sec.
85.201 General applicability.
85.202 Definitions.
85.203 Abbreviations.
85.204 General standards: increase in emissions; unsafe conditions.
85.205 Hearings on certification.
85.206 Maintenance of records; submittal of information; right of entry.
85.275–1 Emission standards for 1975 model year light duty trucks.
85.275–2 Application for certification.
85.275–3 Approval of procedure and equipment; test fleet selections.
85.275–4 Required data.
85.275–5 Test vehicles.
85.275–6 Maintenance.
85.275–7 Mileage accumulation and emission measurements.
85.275–8 Special test procedures.
85.275–9 Test procedures.
85.275–10 Gasoline specifications.
85.275–11 Vehicle and engine preparation (fuel evaporative emissions).
85.275–12 Vehicle preconditioning (fuel evaporative emissions).
85.275–13 Evaporative emission collection procedure.
85.275–14 Dynamometer driving schedule.
85.275–15 Dynamometer procedure.
85.275–16 Three-speed manual transmissions.
85.275–17 Four-speed and five-speed manual transmissions.
85.275–18 Automatic transmissions.
85.275–19 Engine starting and restarting.
85.275–20 Sampling and analytical system (exhaust emissions).
85.275–21 Sampling and analytical system (fuel evaporating emissions).
85.275–22 Information to be recorded.
85.275–23 Analytical system calibration and sample handling.
85.275–24 Dynamometer test runs.
85.275–25 Chart reading.
85.275–26 Calculations (exhaust emissions).
85.275–27 Calculations (fuel evaporative emissions).
85.275–28 Compliance with emission standards.
85.275–29 Testing by the Administrator.
85.275–30 Certification.
85.275–31 Separate certification.
85.275–32 Addition of a vehicle after certification.
85.275–33 Changes to a vehicle covered by certification.
85.275–34 Alternative procedure for notification of additions and changes.
85.275–35 Labeling.
85.275–36 Submission of vehicle identification numbers.
85.275–37 Production vehicles.
85.275–38 Maintenance instructions.
85.275–39 Submission of maintenance instructions.

AUTHORITY: The provisions of this Part 85 issued under sections 202, 206, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f–1, 1857f–5, and 1857g(a)).

Subpart C—Emission Regulations for New Gasoline-Fueled Light Duty Trucks

§ 85.201 General applicability.

The provisions of this subpart are applicable to new gasoline-fueled light duty trucks.

§ 85.202 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act:

(1) "Act" means Part A of title II of the Clean Air Act, 42 U.S.C. 1857 f–1 through f–7, as amended by Public Law 91–604.

(2) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(3) "Model year" means the manufacturer's annual production period (as determined by the Administrator) which

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includes January 1 of such calendar year: *Provided*, That if the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

(4) "Gross vehicle weight" means the manufacturer's gross weight rating for the individual vehicle.

(5) "Light duty truck" means any motor vehicle, rated at 6,000 pounds GVW or less, which is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.

(6) "Vehicle curb weight" means the actual or the manufacturer's estimated weight of the vehicle in operational status with all standard equipment, and weight of fuel at nominal tank capacity, and the weight of optional equipment computed in accordance with § 85.275–5(g).

(7) "Loaded vehicle weight" means the vehicle curb weight of a light duty vehicle plus 300 pounds.

(8) "System" includes any motor vehicle engine modification which controls or causes the reduction of substances emitted from motor vehicles.

(9) "Engine family" means the basic classification unit of a manufacturer's product line used for the purpose of test fleet selection and determined in accordance with § 85.275–5(a).

(10) "Engine-system combination" means an engine family-exhaust emission control system-fuel evaporative emission control system (where applicable) combination.

(11) "Fuel system" means the combination of fuel tank, fuel pump, fuel lines, and carburetor, or fuel injection components, and includes all fuel system vents and fuel evaporative emission control systems.

(12) "Crankcase emissions" means airborne substances emitted to the atmosphere from any portion of the engine crankcase ventilation or lubrication systems.

(13) "Exhaust emissions" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

(14) "Fuel evaporative emissions" means vaporized fuel emitted into the atmosphere from the fuel system of a motor vehicle.

(15) "Hot soak loss" means fuel evaporative emissions during the 1-hour hot soak period which begins immediately after the engine is turned off.

(16) "Diurnal breathing loss" means fuel evaporative emissions as a result of the daily range in temperature to which the fuel system is exposed.

(17) "Running loss" means fuel evaporative emissions resulting from an average trip in an urban area or the simulation of such a trip.

(18) "Tank fuel volume" means the volume of fuel in the fuel tank, prescribed to be 40 percent of nominal tank capacity rounded to the nearest whole U.S. gallon.

(19) "Zero (0) miles" means that point after initial engine starting (not to exceed 10 miles of vehicle operation, or one hour of engine operation) at which normal assembly line operations and adjustments are completed.

(20) "Calibrating gas" means a gas of known concentration which is used to establish the response curve of an analyzer.

(21) "Span gas" means a gas of known concentration which is used routinely to set the output level of an analyzer.

(22) "Oxides of nitrogen" means the sum of the nitric oxide and nitrogen dioxide contained in a gas sample as if the nitric oxide were in the form of nitrogen dioxide.

(23) "Useful life" means a period of use of 5 years or 50,000 miles, whichever first occurs.

(24) "Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed on a periodic basis to prevent part failure or vehicle malfunction.

(25) "Unscheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed to correct a part failure or vehicle malfunction.

§ 85.203 Abbreviations.

The abbreviations used in this subpart have the following meanings in both capital and lowercase:

Accel.—Acceleration.
ASTM—American Society for Testing and Materials.
C.—Centigrade.
C.f.h.—Cubic feet per hour.
CO_2—Carbon dioxide.
CO—Carbon monoxide.
Conc.—Concentration.
C.f.m.—Cubic feet per minute.
Cu. in.—Cubic inch(es).
Decel.—Deceleration.
EP—End point.
Evap.—Evaporated.
F.—Fahrenheit.
Gal.—U.S. gallon(s).
Gm.—Gram(s).
GVW—Gross Vehicle Weight.
HC—Hydrocarbon(s).
Hg—Mercury.
Hi.—High.
HP.—Horsepower.
IBP—Initial boiling point.
ID—Internal diameter.
Lb.—Pound(s).
Lb.-ft.—Pound-feet.
Min.—Minute(s).
Ml.—Milliliter(s).
M.p.h.—Miles per hour.
Mm.—Millimeter(s).
Mv.—Millivolt(s).
N_2—Nitrogen.
NO—Nitric oxide.
NO_2—Nitrogen dioxide.
NO_x—Oxides of nitrogen.
No.—Number.
Pb—Lead.
P.p.m.—Parts per million by volume.
P.s.i.—Pounds per square inch.
P.s.i.g.—Pounds per square inch gauge.
R—Rankine.
R.p.m.—Revolutions per minute.
RVP—Reid vapor pressure.
S.A.E.—Society of Automotive Engineers.
Sec.—Second(s).
Sp.—Speed.
SS—Stainless steel.
TEL—Tetraethyl lead.
TML—Tetramethyl lead.
V.—Volts.
Vs.—Versus.
WOT.—Wide open throttle.
Wt.—Weight.
'—Feet.
"—Inches.
°—Degrees.
%—Percent.

§ 85.204 General standards: increase in emissions; unsafe conditions.

(a)(1) Every new motor vehicle manufactured for sale, sold, offered for sale, introduced or delivered for introduction into commerce, or imported into the United States for sale or resale which is subject to any of the standards prescribed in this subpart shall be covered by a certificate of conformity issued pursuant to sections 85.275–2 through 85.275–4 and 85.275–29 through 85.275–34 of this subpart.

(b) (1) Any system installed on or incorporated in a new motor vehicle to enable such vehicle to conform to standards imposed by this subpart;

(i) shall not in its operation or function cause the emission into the ambient air of any noxious or toxic substance that would not be emitted in the operation of such vehicle without such system, except as specifically permitted by regulation; and

(ii) Shall not in its operation, function, or malfunction result in any unsafe condition endangering the motor vehicle, its occupants, or persons or property in close proximity to the vehicle.

(2) Every manufacturer of new motor vehicles subject to any of the standards imposed by this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicles in accordance with good engineering practice to ascertain that such test vehicles will meet the requirements of this section for the useful life of the vehicle.

§ 85.205 Hearings on certification.

(a) (1) After granting a request for a hearing under § 85.275–30, the Administrator will designate a Presiding Officer for the hearing.

(2) The General Counsel will represent the Environmental Protection Agency in any hearing under this section.

(3) If a time and place for the hearing have not been fixed by the Administrator under § 85.275–30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(b) (1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under § 85.275–30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification, including the application for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

(2) The appeal file will be available for inspection by the applicant at the office of the Presiding Officer.

(c) An applicant may appear in person, or may be represented by counsel or by any other duly authorized representative.

(d) (1) The Presiding Officer upon the request of any party, or in his discretion, may arrange for a prehearing conference at a time and place specified by him to consider the following:

(i) Simplification of the issues;

(ii) Stipulations, admissions of fact, and the introduction of documents;

(iii) Limitation of the number of expert witnesses;

(iv) Possibility of agreement disposing of all or any of the issues in dispute;

(v) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(2) The results of the conference shall be reduced to writing by the Presiding Officer and made part of the record.

(e) (1) Hearings shall be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to the exclusion by the Presiding Officer of irrelevant, immaterial and repetitious evidence.

(2) Witnesses will not be required to testify under oath. However, the Presiding Officer shall call to the attention of witnesses that their statements may be subject to the provisions of title 18 U.S.C. 1001 which imposes penalties for knowingly making false statements or representations, or using false documents in any matter within the jurisdiction of any department or agency of the United States.

(3) Any witness may be examined or cross-examined by the Presiding Officer, the parties, or their representatives.

(4) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(5) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Presiding Officer of their authenticity, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(6) Oral argument may be permitted in the discretion of the Presiding Officer and shall be reported as part of the record unless otherwise ordered by him.

(f) (1) The Presiding Officer shall make an initial decision which shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the record. The findings, conclusions, and written decision shall be provided to the parties and made a part of the record. The initial decision shall become the decision of the Administrator without further proceedings unless there is an appeal to the Administrator or motion for review by the Administrator within 20 days of the date the initial decision was filed.

(2) On appeal from or review of the initial decision the Administrator shall have all the powers which he would have in making the initial decision including the discretion to require or allow briefs, oral argument, the taking of additional evidence or the remanding to the Presiding Officer for additional proceedings. The decision by the Administrator shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the appeal or considered in the review.

§ 85.206 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new motor vehicle subject to any of the standards prescribed in this subpart shall establish and maintain the following adequately organized and indexed records:

(1) Identification and description of all vehicles for which testing is required under this subpart.

(2) A description of all emission control systems which are installed on or incorporated in each vehicle.

(3) A description of the procedures used to test such vehicles.

(4) Test data on each emission data vehicle which will show its emissions at 0 and 4,000 miles.

(5) Test data on each durability vehicle which will show the performance of the systems installed on or incorporated in the vehicle during extended mileage as well as a record of all pertinent maintenance performed on the vehicle.

(b) The manufacturer of any new motor vehicle subject to any of the standards prescribed in this subpart shall submit to the Administrator at the time of issuance by the manufacturer copies of all instructions or explanations regarding the use, repair, adjustment, maintenance, or testing of such vehicle relevant to the control of crankcase, exhaust, or evaporative emissions, issued by the manufacturer for use by other manufacturers, assembly plants, distributors, dealers, and ultimate purchasers: *Provided*, That any material not translated into the English language need not be submitted unless specifically requested by the Administrator.

(c) The manufacturer of any new motor vehicle subject to any of the standards prescribed in this subpart shall permit officers or employees duly designated by the Administrator, upon presenting appropriate credentials and a written notice to the manufacturer:

(1) To enter, at reasonable times, any premises used during the certification procedures for purposes of monitoring tests and mileage accumulation procedures, observing maintenance procedures, and verifying correlation or calibration of test equipment, or

(2) To inspect, at reasonable times, records, files, and papers compiled by such manufacturer in accordance with paragraph (a) of this section.

A separate notice shall be given for each such inspection, but a separate notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

§ 85.275–1 Emission standards for 1975 model year light duty trucks.

(a)(1) Exhaust emissions from 1975 model year light duty trucks shall not exceed:

(i) *Hydrocarbons*. 2.0 gram per vehicle mile.

(ii) *Carbon monoxide*. 20 grams per vehicle mile.

(iii) *Oxides of nitrogen*. 3.1 grams per vehicle mile.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in § 85.275–9 through § 85.275–27 and measured and calculated in accordance with those procedures.

(b)(1) Fuel evaporative emissions shall not exceed:

(i) *Hydrocarbons*—2 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in § 85.275–9 through § 85.275–27 and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any new motor vehicle subject to this subpart.

§ 85.275–2 Application for certification.

(a) An application for a certificate of conformity to the regulations applicable to any new motor vehicle shall be made to the Administrator by the manufacturer and shall be kept current and accurate by amendment.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(1) Identification and description of the vehicles covered by the application and a description of their emission control systems.

(2) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the vehicles for which certification is requested.

(3) A description of the test equipment and fuel proposed to be used.

(4) A description of the proposed mileage accumulation procedure for durability testing.

(5) A statement of recommended maintenance and procedures necessary to assure that the vehicles covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(6) At the option of the manufacturer, the proposed composition of the emission data and durability data test fleet.

§ 85.275–3 Approval of procedure and equipment; test fleet selections.

Based upon the information provided in the application for certification, and any other information the Administrator

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may require, the Administrator will approve or disapprove in whole or in part the mileage accumulation procedure and equipment and fuel proposed by the manufacturer, and notify him in writing of such determination. Where any part of a proposal is disapproved, such notification will specify the reasons for disapproval. The Administrator will select a test fleet in accordance with § 85.275–5.

§ 85.275–4 Required data.

The manufacturer shall perform the tests required by the applicable test procedures, and submit to the Administrator the following information:

(a) Durability data on such vehicles tested in accordance with the applicable test procedures of this subpart, and in such numbers as therein specified, which will show the performance of the systems installed on or incorporated in the vehicle for extended mileage, as well as a record of all pertinent maintenance performed on the test vehicles.

(b) Emission data on such vehicles tested in accordance with the applicable emission test procedures of this subpart and in such numbers as therein specified, which will show their emissions after zero miles and 4,000 miles of operation.

(c) A description of tests performed to ascertain compliance with the general standards in § 85.275–1 and the data derived from such tests.

(d) A statement that the test vehicles with respect to which data are submitted have been tested in accordance with the applicable test procedures, that they meet the requirement of such tests, and that, on the basis of such tests, they conform to the requirements of the regulations in this subpart. If such statements cannot be made with respect to any vehicle tested, the vehicle shall be identified, and all pertinent test data relating thereto shall be supplied.

§ 85.275–5 Test vehicles.

(a) (1) The vehicles covered by the application for certification will be divided into groupings of vehicles whose engines are expected to have similar emission characteristics. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following respects:

(i) The cylinder bore center to center dimensions.

(ii) The dimension from the centerline of the crankshaft to the centerline of the camshaft.

(iii) The dimension from the centerline of the crankshaft to the top of the cylinder block head face.

(iv) The cylinder block configuration (air-cooled or water-cooled; L–6, 90° V–8, etc.).

(v) The location of intake and exhaust valves and the valve sizes (within a ⅛-inch range on the valve head diameter).

(vi) The method of air aspiration.

(vii) The combustion cycle.

(3) Engines identical in all the respects listed in subparagraph (2) of this paragraph may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine:

(i) The bore and stroke.

(ii) The surface to volume ratio of the nominally dimensioned cylinder at the top dead center position.

(iii) The intake manifold induction port size and configuration.

(iv) The exhaust manifold port size and configuration.

(v) The intake and exhaust valve sizes.

(vi) The fuel system.

(vii) The camshaft timing and ignition timing characteristics.

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in subparagraphs (2) and (3) of this paragraph, the Administrator will establish families for those engines based upon the features most related to their emission characteristics.

(b) Emission data vehicles:

(1) Vehicles will be chosen to be operated and tested for emission data based upon the engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(2) Vehicles of each engine family will be divided into engine displacement-exhaust emission control system-evaporative emission control system combinations. A projected sales volume will be established for each combination for the 1974 model year. One vehicle of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of vehicles of that engine family is represented, or until a maximum of four vehicles is selected. If any single combination represents over 70 percent, then two vehicles of that combination will be selected. The vehicle selected for each combination will be specified by the Administrator as to transmission type, fuel system and inertia weight class.

(3) The Administrator may select a maximum of four additional vehicles within each engine family based upon features indicating that they may have the highest emission levels of the vehicles in that engine family. In selecting these vehicles, the Administrator will consider such features as the emission control system combination, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, compression ratio, inertia weight class, transmission options and axle ratios.

(4) If the vehicles selected in accordance with subparagraphs (2) and (3) of this paragraph do not represent each engine-system combination, then one vehicle of each engine-system combination not represented will be selected by the Administrator. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with the control system combination in the engine family and will be designated by the Administrator as to transmission type, fuel system, and inertia weight class.

(c) Durability data vehicles:

(1) A durability data vehicle will be selected by the Administrator to represent each engine-system combination. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with that control-system combination in that engine family and will be designated by the Administrator as to transmission type, fuel system, and inertia weight class.

(2) A manufacturer may elect to operate and test additional vehicles to represent any engine-system combination. The additional vehicles must be of the same engine displacement, transmission type, fuel system, and inertia weight class as the vehicle selected for that engine-system combination in accordance with the provisions of subparagraph (1) of this paragraph. Notice of an intent to operate and test additional vehicles shall be given to the Administrator not later than 30 days following notification of the test fleet selection.

(d) For purposes of testing under § 85.275–7(g), the Administrator may require additional emission data vehicles and durability data vehicles identical in all material respects to vehicles selected in accordance with paragraphs (b) and (c) of this section: *Provided*, That the number of vehicles selected shall not increase the size of either the emission data fleet or the durability data fleet by more than 20 percent or one vehicle, whichever is greater.

(e) Any manufacturer whose projected sales of new motor vehicles subject to this subpart for the 1975 model year is less than 2,000 vehicles may request a reduction in the number of test vehicles determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this procedure.

(f) In lieu of testing an emission data or durability data vehicle selected under paragraph (b) or (c) of this section, and submitting data therefor, a manufacturer may, with the prior written approval of the Administrator, submit data on a similar vehicle for which certification has previously been obtained.

(g) (1) Where it is expected that more than 33 percent of an engine family will be equipped with an optional item, the full estimated weight of that item shall be included, if required by the Administrator, in the curb weight computation for each vehicle available with that option in the engine family. Where it is expected that 33 percent or less of the vehicles in an engine family will be equipped with an item of optional equipment, no weight for that item will be added in computing curb weight. In the case of mutually exclusive options, only the weight of the heavier option will be added in computing curb weight. Optional equipment weighing less than 3 pounds per item need not be considered.

(2) Where it is expected that more than 33 percent of an engine family may be equipped with an item of optional equipment that can reasonably be expected to influence emissions, then such items of optional equipment shall actually be installed, unless specifically excluded by the Administrator, on all emission data and durability vehicles in the engine family on which the option is intended to be offered in production. Optional equipment that can reasonably be expected to influence emissions are the air conditioner, power steering, power brakes, and other items determined by the Administrator.

(3) Optional equipment that can reasonably be expected to influence emissions which is utilized on 33 percent or less of the vehicles in the engine family shall not be installed on any vehicle in that engine family unless specifically required under this section.

§ 85.275–6 Maintenance.

(a) (1) Scheduled maintenance on the engine, emission control system, and fuel system of durability vehicles shall be scheduled for performance during durability testing at the same mileage intervals that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle. Such maintenance shall be performed, except as provided in paragraph (a) (5) (iii) of this section, only under the following provisions:

(i) Scheduled major engine tuneups to manufacturer's specifications may be performed no more frequently than every 12,500 miles of scheduled driving, provided that no tuneup may be performed after 45,000 miles of scheduled driving. A scheduled major engine tuneup shall be restricted to paragraph (a) (1) (i) (*a*) through (*k*) of this section and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by customer service personnel. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(*a*) Ignition system.

(*b*) Cold starting enrichment system (includes fast idle speed setting).

(*c*) Curb idle speed and air/fuel mixture.

(*d*) Drive belt tension on engine accessories.

(*e*) Valve lash.

(*f*) Inlet air and exhaust gas control valves.

(*g*) Engine bolt torque.

(*h*) Spark plugs.

(*i*) Fuel filter and air filter.

(*j*) Crankcase emission control system.

(*k*) Fuel evaporative emission control system.

(ii) Change of engine and transmission oil, and change or service of oil filter will be allowed at the same mileage intervals that will be specified in the manufacturer's maintenance instructions.

(iii) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to during scheduled major engine tuneups, once during the first 5,000 miles of vehicle operation.

(2) Unscheduled maintenance on the engine, emission control system, and fuel system of durability vehicles may be performed, except as provided in paragraph (a) (5) (i) of this section, only under the following provisions:

(i) Any persistently misfiring spark plug may be replaced, in addition to replacement at scheduled major engine tuneup points.

(ii) Readjustment of the engine cold starting enrichment system may be performed if there is a problem of stalling or if there is visible black smoke.

(iii) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (a) (1) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 R.p.m. or more, or if there is a problem of stalling.

(iv) The idle mixture may be reset, other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(3) An exhaust gas recirculation (EGR) system may be serviced during durability testing only under one of the following provisions:

(i) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneups if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance at each of those mileage points. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(ii) Manufacturers may service the EGR system as unscheduled maintenance a maximum of three times during the 50,000 miles if failure of the EGR system activates an audible and/or visual signal approved by the Administrator which alerts the vehicle operator to the need for EGR system maintenance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(iii) Manufacturers may service the EGR system a maximum of three times during the 50,000 miles either at a scheduled major engine tuneup point or as unscheduled maintenance, if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance. The signal may be activated either by EGR system failure (unscheduled maintenance) or need for scheduled periodic maintenance. If maintenance is performed, the signal for scheduled periodic maintenance shall be reset. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(iv) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneup(s) if failure to perform EGR system maintenance is not likely, as determined by the Administrator, to result in an improvement in vehicle performance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(4) The catalytic converter may be serviced once during 50,000 miles if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for maintenance. The signal may be activated either by component failure or need for maintenance at a scheduled point.

(5) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability vehicles shall be performed only with the advance approval of the Administrator.

(i) In the case of unscheduled maintenance, such approval will be given if the Administrator:

(*a*) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the vehicle unrepresentative of vehicles in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement; and

(*b*) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfire, vehicle stall, overheating, fluid leakage, loss of oil pressure, or charge indicator warning.

(ii) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (a) (5) (i) (*a*).

(iii) Requests for authorization of scheduled maintenance of emission control-related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on vehicles in use.

(6) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the vehicle unrepresentative of vehicles in use, the vehicle shall not be used as a durability vehicle.

(7) Where the Administrator agrees under § 85.275–7 to a mileage accumulation of less than 50,000 miles for durability testing, he may modify the requirements of this paragraph.

(b) Adjustment of engine idle speed on emission data vehicles may be performed once before the 4,000 mile test point. Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on emission data vehicles shall be performed only with the advance approval of the Administrator.

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(c) Repairs to vehicle components of the durability or emission data vehicle, other than the engine, emission control system, or fuel system, shall be performed only as a result of part failure, vehicle system malfunction, or with the advance approval of the Administrator.

(d) Complete emission tests (see §§ 85.275–10 through 85.275–27) are required, unless waived by the Administrator, before and after any vehicle maintenance which may reasonably be expected to affect emissions. These test data shall be air posted to the Administrator within 24 hours (or delivered within 3 working days), after the tests, along with a complete record of all pertinent maintenance, including a preliminary engineering report of any malfunction diagnosis and the corrective action taken. A complete engineering report shall be delivered or air posted to the Administrator within 10 working days after the tests. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 85.275–4.

(e) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or vehicle malfunction (e.g., misfire, stall, black smoke), or an activation of an audible and/or visual signal, prior to the performance of any maintenance to which such overt indication or signal is relevant under the provisions of this section.

(f) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and

(1) Are used in conjunction with scheduled maintenance on such components,

(2) Are used subsequent to the identification of a vehicle or engine malfunction, as provided in paragraph (a)(5)(i) of this section for durability vehicles or paragraph (b) of this section for emission data vehicles, or

(3) Unless specifically authorized by the Administrator.

§ 85.275–7 Mileage accumulation and emission standards.

The procedure for mileage accumulation will be the Durability Driving Schedule as specified in Appendix IV to this part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate mileage at a measured curb weight which is within 100 pounds of the estimated curb weight. If the loaded vehicle weight is within 100 pounds of being included in the next higher inertia weight class as specified in § 85.275–15(d), the manufacturer may elect to conduct the respective emission tests at the inertia weight corresponding to the higher loaded vehicle weight.

(a) Emission data vehicles: Each emission data vehicle shall be driven 4,000 miles with all emission control systems installed and operating. Emission tests shall be conducted at zero miles and 4,000 miles.

(b) Durability data vehicles: Each durability vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objectives of this procedure. Complete emission tests (see §§ 85.275–10 through 85.275–27) shall be made at the following mileage points: 0, 5,000, 10,000, 15,000, 20,000, 25,000, 30,000, 35,000, 40,000, 45,000, and 50,000.

(c) All tests required by this subpart to be conducted after every 5,000 miles of driving for durability vehicles and 4,000 miles for emission data vehicles must be conducted at any accumulated mileage within 250 miles of each of those test points.

(d) (1) The results of each emission test shall be supplied to the Administrator immediately after the test. The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 24 hours (or delivered within three working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 85.275–4. Where the Administrator conducts a test on a durability vehicle at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(2) The results of all emission tests shall be recorded and reported to the Administrator using three significant figures. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E 29–67.

(e) Whenever the manufacturer proposes to operate and test a vehicle which may be used for emission or durability data, he shall provide the zero mile test data to the Administrator and make the vehicle available for such testing under § 85.275–29 as the Administrator may require before beginning to accumulate mileage on the vehicle. Failure to comply with this requirement will invalidate all test data submitted for this vehicle.

(f) Once a manufacturer begins to operate an emission data or durability data vehicle, as indicated by compliance with paragraph (e) of this section, he shall continue to run the vehicle to 4,000 miles or 50,000 miles, respectively, and the data from the vehicle will be used in the calculation under § 85.275–28. Discontinuation of a vehicle shall be allowed only with the written consent of the Administrator.

(g) (1) The Administrator may elect to operate and test any test vehicle during all or any part of the mileage accumulation and testing procedure. In such cases, the manufacturer shall provide the vehicle(s) to the Administrator with all information necessary to conduct this testing.

(2) The test procedures in §§ 85.275–9 through 85.275–27 will be followed by the Administrator. The Administrator will test the vehicles at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(3) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other vehicles of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(h) Emission testing of any type with respect to any certification vehicle other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

§ 85.275–8 Special test procedures.

The Administrator may, on the basis of a written application therefor by a manufacturer, prescribe test procedures, other than those set forth in this subpart, for any motor vehicle which he determines is not susceptible to satisfactory testing by the procedures set forth herein.

§ 85.275–9 Test procedures.

The procedures described in this and subsequent sections will be the test program to determine the conformity of vehicles with the standards set forth in § 85.275–1.

(a) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are diluted with air and sampled continuously for subsequent analysis of specific components by prescribed analytical techniques. The fuel evaporative emissions are collected for subsequent weighing during both vehicle parking and operating events. The test applies to vehicles equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems or to uncontrolled vehicles and engines.

(b) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip in an urban area of 7.5 miles. The test consists of engine startups and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix I to this part. A proportional part of the diluted exhaust emissions is collected continuously, for subsequent analysis, using a constant volume (variable dilution) sampler.

(c) The fuel evaporative emission test is designed to determine fuel hydrocarbon evaporative emissions to the atmosphere as a consequence of urban driving, and diurnal temperature fluctuations during parking. It is associated with a series of events representative of a motor vehicle's operation, which result in fuel vapor losses directly from the fuel tank and carburetor. Activated carbon traps are employed in collecting the vaporized fuel. The test procedure is specifically aimed at collecting and weighing:

(1) Diurnal breathing losses from the fuel tank and other parts of the fuel system when the fuel tank is subjected to a temperature increase representative of the diurnal range;

(2) Running losses from the fuel tank and carburetor resulting from a simulated trip on a chassis dynamometer; and

(3) Hot soak losses from the fuel tank and carburetor which result when the vehicle is parked and the hot engine is turned off.

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 85.275–6.

§ 85.275–10 Gasoline specifications.

(a) Fuel having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used in exhaust and evaporative emission testing. The lead content and octane rating of the fuel shall be in the range recommended by the vehicle or engine manufacturer.

Item	ASTM designation	Specifications
Distillation range	D 86	
IBP, ° F		75–95
10 percent point, ° F		120–135
50 percent point, ° F		200–230
90 percent point, ° F		300–325
EP, ° F (max.)		415
Sulfur, wt. percent, max.	D 1266	0.10
Phosphorous, theory		0.0
RVP,[1] lb	D 323	8.7–9.2
Hydrocarbon composition	D 1319	
Olefins, percent, max.		10
Aromatics, percent, max.		35
Saturates		Remainde

[1] For testing which is unrelated to fuel evaporative emission control, the specified range is 8.0–9.2.

(b) Fuels representative of commercial fuels which will generally be available through retail outlets shall be used in mileage accumulation. For unleaded fuel, the minimum lead content shall be 0.02 gram per U.S. gallon. The octane rating of the fuel used shall be in the range recommended by the manufacturer. The Reid vapor pressure of the fuel used shall be characteristic of the motor fuel during the season during which the mileage accumulation takes place.

(c) The specification range of the fuels to be used under paragraph (b) of this section shall be reported in accordance with § 85.275–2(b)(3).

§ 85.275–11 Vehicle and engine preparation (fuel evaporative emissions).

(a) (1) Apply approximate leak-proof fittings to all fuel system external vents to permit collection of effluent vapors from these vents during the course of the prescribed tests. Since the prescribed test requires the temporary plugging of the inlet pipe to the air cleaner, it will be necessary to install a probe for collecting the normal effluents from this source. Where antisurge/vent filler caps are employed on the fuel tank, plug off the normal vent if it does not conveniently lend itself to the collection of vapors which emanate from it, and introduce a separate vent, with appropriate fitting, on the cap. Where the fuel tank vent line terminus is inaccessible, sever the line at a convenient point near the fuel tank and install the collection system in a closed circuit assembly with the severed ends. All fittings shall terminate in 5/16-inch ID tube sections for ready connection to the collection systems and shall be designed for minimum dead space.

(2) The design and installation of the necessary fittings shall not disturb the normal function of the fuel system components or the normal pressure relationships in the system.

(b) (1) Inspect the fuel system carefully to insure the absence of any leaks to the atmosphere of either liquid or vapor which might affect the accuracy of the test or the performance of the control system. Corrective action, if required, shall be performed in accordance with § 85.275–6 and be reported with the test results under § 85.275–4.

(2) Care should be exercised, in the application of any pressure tests, neither to purge nor load the evaporative emission control system.

(c) Prepare fuel tank for recording the temperature of the prescribed test fuel at its approximate midvolume.

(d) Provide additional fittings and adapters, as required, to accommodate a fuel drain at the lowest point possible in the tank as installed on the vehicle.

§ 85.275–12 Vehicle preconditioning (fuel evaporative emissions).

Vehicles to be tested for compliance with the fuel evaporative emissions standard of this subpart shall be preconditioned as follows:

(a) The test vehicle shall be operated under the conditions prescribed for mileage accumulation, § 85.275–7, for 1 hour immediately prior to the operations prescribed below.

(b) The fuel tank shall be drained and specified test fuel (§ 85.275–10(a)) added. The evaporative emission control system or device shall not be abnormally purged or loaded as a result of draining or fueling the tank.

(c) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the applicable requirements and procedures of § 85.275–14 through § 85.275–19 except that the engine need not be cold when started. The test vehicle may be used to set dynamometer horsepower, if necessary. During this operation the ambient temperature shall be between 68° F. and 86° F.

(d) The engine and cooling fan shall be stopped upon completion of the dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand at an ambient temperature between 76° F. and 86° F. for a period of not less than 1 hour prior to the soak period prescribed in § 85.275–13(a)(1).

§ 85.275–13 Evaporative emission collection procedure.

The standard test procedure consists of three parts described below which shall be performed in sequence and without any interruption in the test conditions prescribed.

(a) *Diurnal breathing loss test.* (1) The test vehicle shall be allowed to "soak" in an area where the ambient temperature is maintained between 60° F. and 86° F. for a period of not less than 10 hours. (The vehicle preparation requirements of § 85.275–11 may be performed during this period.) It shall then be transferred to a soak area where the ambient temperature is maintained between 76° F. and 86° F. Upon admittance to the 76° F.–86° F. soak area, the prescribed fuel tank thermocouple shall be connected to the recorder and the fuel and ambient temperatures recorded at a chart speed of approximately 12 inches per hour (or equivalent record).

(2) The fuel tank of the prepared test vehicle, preconditioned according to § 85.275–12, shall be drained and recharged with the specified test fuel, § 85.275–10(a), to the prescribed "tank fuel volume," defined in § 85.202. The temperature of the fuel following the charge to the tank shall be 60° F.±2° F. Care should be exercised against abnormal loading of the evaporative emission control system or device as a result of fueling the tank.

(3) Immediately following the fuel charge to the tank, the exhaust pipe(s) and inlet pipe to the air cleaner shall be plugged and the prescribed vapor collection systems installed on all fuel system external vents. Multiple vents may be connected to a single collection trap provided that, where there is more than one external vent on a fuel system distinguishing between carburetor and tank vapors, separate collection systems shall be employed to trap the vapors from the separate sources. Every precaution shall be taken to minimize the lengths of the collection tubing employed and to avoid sharp bends across the entire system.

(4) Artificial means shall be employed to heat the fuel in the tank to 84° F.±2 F. The prescribed temperature of the fuel shall be achieved over a period of 60 minutes ±10 minutes at a constant rate of change of temperature with respect to time. After a minimum of 1 hour, following admittance to the 76° F.–86° F. soak area, the vehicle shall be moved onto the dynamometer stand for the subsequent part of the test. The fuel tank thermocouple may be temporarily disconnected

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to permit moving the test vehicle. Plugs shall be removed from the exhaust pipe(s) and inlet pipe to the air cleaner.

(b) *Running loss test.* (1) The vehicle shall be placed on the dynamometer and the fuel tank thermocouple reconnected. The fuel temperature and the ambient air temperature shall be recorded at a chart speed of approximately 12 inches per hour (or equivalent record).

(2) Where an external vent is located such that any "running loss" emissions would be inducted into the engine, the vapor loss measurement system shall be temporarily disconnected from that vent and clamped. Vapor losses from this vent need not be measured during this part of the test.

(3) The vehicle shall be operated on the dynamometer according to the requirements and procedures of §§ 85.275–14 through 85.275–24. The engine and fan shall be turned off upon completion of the dynamometer run and the exhaust and air cleaner inlet pipes shall be replugged.

(4) Vapor losses need not be measured during the 10-minute soak or 505-second "hot" start test. Any vapor loss collection system used during the cold start shall be temporarily disconnected and clamped. At the end of the hot start test, the vapor collection systems shall be reconnected for the following phase.

(c) *Hot soak test.* Upon completion of the dynamometer run, the test vehicle shall be permitted to soak with hood down for a period of 1 hour at an ambient temperature between 76° F. and 86° F. This operation completes the test. The traps are disconnected and weighed according to § 85.275–21.

§ 85.275–14 Dynamometer driving schedule.

(a) The dynamometer driving schedule to be followed consists of a nonrepetitive series of idle, acceleration, cruise, and deceleration modes of various time sequences and rates. The driving schedule is defined by a smooth transition through the speed vs. time relationships listed in Appendix I. The time sequence begins upon starting the vehicle according to the startup procedure described in § 85.275–19.

(b) The speed tolerance at any given time on the dynamometer driving schedule prescribed in Appendix I or as printed on a driver's aid chart approved by the Administrator is defined by upper and lower limits. The upper limit is 2 m.p.h. higher than the highest point on the trace within 1 second of the given time. The lower limit is 2 m.p.h. lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as occur when shifting manual transmission vehicles) are acceptable provided they occur for less than 2 seconds on any one occasion. Speeds lower than those prescribed are acceptable provided the vehicle is operated at maximum available power during such occurrences. Further, speed deviations from those prescribed due to stalling are acceptable provided the provisions of § 85.275–19(f) are adhered to.

§ 85.275–15 Dynamometer procedure.

(a) The dynamometer run consists of two tests, a "cold" start test after a minimum 12-hour soak according to the provisions of §§ 85.275–12 and 85.275–13 and a "hot" start test with a 10-minute soak between the two tests. Engine startup, operation over the driving schedule, and engine shutdown make a complete cold start test. Engine startup and operation over the first 505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with air to a constant volume and a portion is sampled continuously during each test. The composite samples collected in bags are analyzed for hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed for hydrocarbon, carbon monoxide, and oxides of nitrogen.

(b) During dynamometer operation, a fixed speed cooling fan shall be positioned so as to direct cooling air to the vehicle in an appropriate manner with the engine compartment cover open. The fan capacity shall normally not exceed 5,300 c.f.m. If, however, the manufacturer can show that during field operation the vehicle receives additional cooling, the fan capacity may be increased or additional fans used if approved in advance by the Administrator. In the case of vehicles with front engine compartments, the fan(s) shall be squarely positioned between 8 and 12 inches in front of the cooling air inlets (grill). In the case of vehicles with rear engine compartments (or if special designs make the above impractical), the cooling fan(s) shall be placed in a position to provide sufficient air to maintain engine cooling.

(c) The vehicle shall be nearly level when tested in order to prevent abnormal fuel distribution.

(d) Flywheels, electrical or other means of simulating inertia as shown in the following table shall be used. If the equivalent inertia specified is not available on the dynamometer being used, the next higher equivalent inertia (not to exceed 250 lbs.) available shall be used.

Loaded vehicle weight, pounds	Equivalent inertia weight, pounds	Road load power @ 50 m.p.h., horsepower
Up to 1,125	1,000	5.9
1,126 to 1,375	1,000	6.5
1,376 to 1,625	1,500	7.1
1,626 to 1,875	1,750	7.7
1,876 to 2,125	2,000	8.4
2,126 to 2,375	2,250	8.3
2,376 to 2,625	2,500	9.8
2,626 to 2,875	2,750	9.4
2,876 to 3,250	3,000	10.9
3,251 to 3,750	3,500	11.3
3,751 to 4,250	4,000	12.2
4,251 to 4,750	4,500	12.9
4,751 to 5,250	5,000	13.7
5,251 to 5,750	5,500	13.4
5,751 to above	5,500	14.9

(e) Power absorption unit adjustment.

(1) The power absorption unit shall be adjusted to reproduce road load power at 50 m.p.h. true speed. The indicated road load power setting shall take into account the dynamometer friction. The relationship between road load (absorbed) power and indicated road load power for a particular dynamometer shall be determined by the procedure outlined in Appendix II or other suitable means.

(2) The road load power listed in the table above shall be used or the vehicle manufacturer may determine the road load power by the following procedure and request its use:

(i) Measuring the absolute manifold pressure of a representative vehicle, of the same equivalent inertia weight class, when operated on a level road under balanced wind conditions at a true speed of 50 m.p.h., and

(ii) Noting the dynamometer indicated road load horsepower setting required to reproduce that manifold pressure when the same vehicle is operated on the dynamometer at a true speed of 50 m.p.h. The tests on the road and on the dynamometer shall be performed with the same vehicle ambient absolute pressure (usually barometric), i.e. within ±5 mm. Hg.

(iii) The road load power shall be determined according to the procedure outlined in Appendix II and adjusted according to the following if applicable.

(3) Where it is expected that more than 33 percent of the vehicles in an engine family will be equipped with air conditioning, the road load power listed above or as determined in paragraph (e)(2) of this section shall be increased by 10 percent for testing all test vehicles representing such engine family if those vehicles are intended to be offered with air conditioning in production.

(f) The vehicle speed (m.p.h.) as measured from the dynamometer rolls shall be used for all conditions. A speed vs. time recording, as evidence of dynamometer test validity, shall be supplied on request of the Administrator.

(g) Practice runs over the prescribed driving schedule may be performed at test points, provided an emission sample is not taken, for the purpose of finding the minimum throttle action to maintain the proper speed-time relationship, or to permit sampling system adjustments to comply with § 85.275–20(b)(2).

NOTE: When using two-roll dynamometers a truer speed-time trace may be obtained by minimizing the rocking of the vehicle in the rolls. The rocking of the vehicle changes the tire rolling radius on each roll. The rocking may be minimized by restraining the vehicle horizontally (or nearly so) by using a cable and winch.

(h) The drive wheel tires may be inflated up to 45 p.s.i.g. in order to prevent tire damage. The drive wheel tire pressure shall be reported with the test results.

(i) If the dynamometer has not been operated during the 2-hour period immediately preceding the test it shall be warmed up for 15 minutes by operating it at 30 m.p.h. using a nontest vehicle.

(j) Changes to dynamometer horsepower settings, if required, shall be made within 1 hour of the exhaust emission measurement test phase. The test vehicle shall not be used to make this adjustment.

§ 85.275–16 Three-speed manual transmissions.

(a) All test conditions except as noted shall be run in highest gear.

(b) Cars equipped with free wheeling or overdrive units shall be tested with this unit (free wheeling or overdrive) locked out of operation.

(c) Idle shall be run with transmission in gear and with clutch disengaged (except first idle; see § 85.275–19).

(d) The vehicle shall be driven with minimum throttle movement to maintain the desired speed.

(e) Acceleration modes shall be driven smoothly with the shift speeds as recommended by the manufacturer. If the manufacturer does not recommend shift speeds, the vehicle shall be shifted from first to second gear at 15 m.p.h. and from second to third gear at 25 m.p.h. The operator shall release the accelerator pedal during the shift, and accomplish the shift with minimum closed throttle time. If the vehicle cannot accelerate at the specified rates, the vehicle shall be accelerated at WOT until the vehicle speed reaches the speed at which it should be at that time during the test.

(f) The deceleration modes shall be run with clutch engaged and without shifting gears from the previous mode, using brakes or throttle as necessary to maintain the desired speed. For those modes which decelerate to zero, the clutch shall be depressed when the speed drops below 15 m.p.h., when engine roughness is evident, or when engine stalling is imminent.

(g) Downshifting is allowed at the beginning of or during a power mode if recommended by the manufacturer or if the engine obviously is lugging.

§ 85.275–17 Four-speed and five-speed manual transmissions.

(a) Use the same procedure as for three-speed manual transmissions for shifting from first to second gear and from second to third gear. If the manufacturer does not recommend shift speeds, the vehicle shall be shifted from third to fourth gear at 40 m.p.h. Fifth gear may be used at the manufacturer's option.

(b) If transmission ratio in first gear exceeds 5:1, follow the procedure for three- or four-speed manual transmission vehicles as if the first gear did not exist.

§ 85.275–18 Automatic transmissions.

(a) All test conditions shall be run with the transmission in "Drive" (highest gear). Automatic stick-shift transmissions may be shifted as manual transmissions at the option of the manufacturer.

(b) Idle modes shall be run with the transmission in "Drive" and the wheels braked (except first idle; see § 85.275–19).

(c) The vehicle shall be driven with minimum throttle movement to maintain the desired speed.

(d) Acceleration modes shall be driven smoothly allowing the transmission to shift automatically through the normal sequence of gears. If the vehicle cannot accelerate at the specified rates, the vehicle shall be accelerated at WOT until the vehicle speed reaches the speed at which it should be at that time during the driving schedule.

(e) The deceleration modes shall be run in gear using brakes or throttle as necessary to maintain the desired speed.

§ 85.275–19 Engine starting and restarting.

(a) The engine shall be started according to the manufacturer's recommended starting procedures. The initial 20-second-idle period shall begin when the engine starts.

(b) Choke operation:

(b)(1) Vehicles equipped with automatic chokes shall be operated according to the instructions which will be included in the manufacturer's operating instructions or owner's manual including choke setting and "kick-down" from cold fast idle. The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheels from turning.

(2) Vehicles equipped with manual chokes shall be operated according to the manufacturer's operating instructions or owners manual.

(c) The operator may use the choke, throttle, etc. where necessary to keep the engine running.

(d) If the manufacturer's operating or owner's manual does not specify a warm engine starting procedure, the engine (automatic and manual choke engines) shall be started by depressing the acceleration pedal about half way and cranking the engine until it starts.

(e) If the vehicle does not start after 10 seconds of cranking, cranking shall cease and the reason for failure to start determined. The revolution counter on the constant volume sampler (see § 85.275–24, Dynamometer test runs) shall be turned off and the sample solenoid valves placed in the "dump" position during this diagnostic period. In addition, either the positive displacement pump should be turned off or the exhaust tube disconnected from the tailpipe during the diagnostic period. If failure to start is an operational error, the vehicle shall be rescheduled for testing from a cold start. If failure to start is caused by vehicle malfunction, corrective action of less than 30 minutes duration may be taken and the test continued. The sampling system shall be reactivated at the same time cranking is started. When the engine starts, the driving schedule timing sequence shall begin. If failure to start is caused by vehicle malfunction and the vehicle cannot be started, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

(f) Stalling:

(1) If the engine stalls during an idle period, the engine shall be restarted immediately and the test continued. If the engine cannot be started soon enough to allow the vehicle to follow the next acceleration as prescribed, the driving schedule indicator shall be stopped. When the vehicle restarts the driving schedule indicator shall be reactivated.

(2) If the engine stalls during some operating mode other than idle, the driving schedule indicator shall be stopped, the vehicle restarted, accelerated to the speed required at that point in the driving schedule and the test continued.

(3) If the vehicle will not restart within 1 minute, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

§ 85.275–20 Sampling and analytical system (exhaust emissions).

(a) *Schematic drawings.* The following figures (Figs. C75–1 and C75–2) are schematic drawings of the exhaust gas sampling and analytical systems which will be used for testing under the regulations in this part. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) Component description (exhaust gas sampling system). The following components will be used in the exhaust gas sampling system for testing under the regulations in this subpart. See figure C75–1. Other types of constant volume samplers may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(1) A dilution air filter assembly consisting of a particulate (paper) filter to remove solid matter from the dilution air and thus increase the life of the charcoal filter; a charcoal filter to reduce and stabilize the background hydrocarbon level; and a second particulate filter to remove charcoal particles from the air stream. The filters shall be of sufficient capacity and the duct which carries the dilution air to the point where the exhaust gas is added shall be of sufficient size so that the pressure at the mixing point is less than 1 inch of water pressure below ambient when the constant volume sampler is operating at its maximum flow rate.

(2) A leak-tight connector and tube to the vehicle tailpipe. The tubing shall be sized and connected in such a manner that the static pressure variations in the vehicle tailpipe(s) remain within ±5 inches of water of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). Sampling systems capable of tolerances to ±1 inch of water will be used by the Administrator upon written request by the manufacturer.

(3) A heating system to preheat the heat exchanger to within ±10° F. of its operating temperature before the test begins.

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(4) A heat exchanger capable of limiting the gas mixture temperature variation during the entire test to ±10° F. as measured at a point immediately ahead of the positive displacement pump.

(5) A positive displacement pump to pump the dilute exhaust mixture. The pump capacity (300 to 360 c.f.m. is sufficient for testing most vehicles) shall be large enough to virtually eliminate water condensation in the system. See Appendix III for one flow calibration technique. Other suitable calibration techniques may be used if approved in advance by the Administrator.

(6) Temperature sensor (T1) with an accuracy of ±2° F. to allow continuous recording of the temperature of the dilute exhaust mixture entering the positive displacement pump. (See § 85.275–22(1).)

(7) Gauge (G1) with an accuracy of ±3 mm. Hg to measure the pressure depression of the dilute exhaust mixture entering the positive displacement pump, relative to atmospheric pressure.

(8) Gauge (G2) with an accuracy of ±3 mm. Hg to measure the pressure increase across the positive displacement pump.

(9) Sample probes (S1 and S2) pointed upstream to collect samples from the dilution airstream and the dilute exhaust mixture.

(10) Filters (F1 and F2) to remove particulate matter from dilution air and dilute exhaust samples.

(11) Pumps (P1 and P2) to pump the dilution air and dilute exhaust into their respective sample collection bags.

(12) Flow control valves (N1 and N2) to regulate flows to sample collection bags, at constant flow rates. The minimum sample flow rate shall be 10 c.f.h.

(13) Flowmeters (FL1 and FL2) to insure, by visual observation, that constant flow rates are maintained throughout the test.

(14) Three-way solenoid valves (V1, V2, V3, and V4) to direct sample streams to either their respective bags or overboard.

(15) Quick-connect, leak-tight fittings (C1, C2, C3, and C4) with automatic shutoff on bag side to attach sample bags to sample system.

(16) Sample collection bags for dilution air and exhaust samples of sufficient capacity so as not to impede sample flow.

(17) Revolution counters to count the revolutions of the positive displacement pump while each test phase is in progress and samples are being collected.

(c) *Component description (exhaust gas analytical system).* The following components will be used in the exhaust gas analytical system for testing under the regulations in this part. The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector (FID) analysis, the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared (NDIR) analysis and the determination of oxides of nitrogen concentrations by chemiluminescence (CL) analysis in dilute exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. See Appendix V. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Figure C75–2.

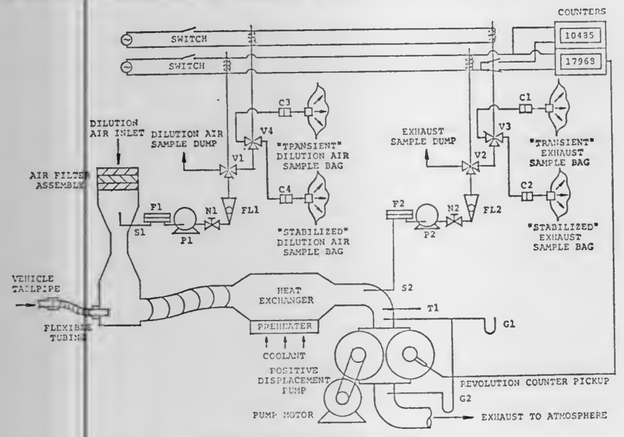


Figure C75–1—Exhaust Gas Sampling System

(1) Quick-connect leak-tight fitting (C5) to attach sample bags to analytical system.

(2) Filter (F3) to remove any residual particulate matter from the collected sample.

(3) Pump (P3) to transfer samples from the sample bags to the analyzers.

(4) Selector valves (V5, V6, V7, V8, and V14) for directing samples, span gases or zeroing gases to the analyzers.

(5) Flow control valves (N3, N4, N5, N6, N7, N8, N9, N10, N11, N12, and N13) to regulate the gas flow rates.

(6) Flowmeters (FL3, FL4, and FL5) to indicate gas flow rates.

(7) Manifold (M1) to collect the expelled gases from the analyzers.

(8) Pump (P4) to transfer expelled gases from the collection manifold to a vent external to the test room (optional).

(9) Analyzers to determine hydrocarbon, carbon monoxide, carbon dioxide and oxides of nitrogen concentrations.

(10) An oxide of nitrogen converter to convert any NO_2 present in the samples to NO before analysis.

(11) Selector valves (V9 and V10) to allow the sample, span, calibrating or zeroing gases to bypass the converter.

(12) Water trap (T1) to partially remove water and a valve (V11) to allow the trap to be drained.

(13) Sample conditioning columns to remove remainder of water (WR1 and WR2 containing indicating $CaSO_4$, or indicating silica gel) and carbon dioxide (CDR1 and CDR2 containing ascarite) from the CO analysis stream.

(14) Selector valves (V12 and V13) to permit switching from exhausted absorbing columns to fresh columns.

(15) Water bubbler (W1) to allow saturation of the CO_2 span gas to check efficiency of absorbing columns.

(16) Recorders (R1, R2, R3, and R4) or digital printers to provide permanent records of calibration, spanning and sample measurements; or in those facilities where computerized data acquisition systems are incorporated, the computer facility printout may be used.

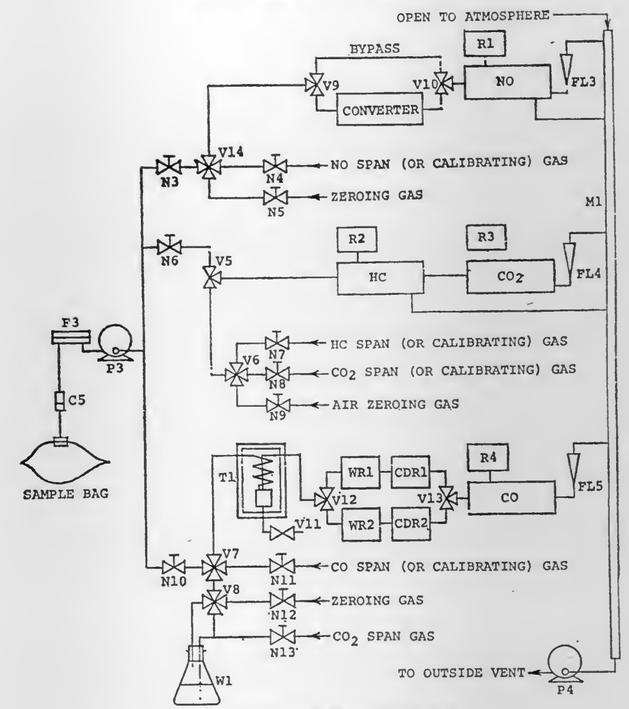


FIGURE C75–2.—Exhaust gas analytical system

§ 85.275–21 Sampling and analytical system (fuel evaporative emissions)

(a) *Schematic drawing.* (1) The following figures (Figures C75–3, C75–4 and C75–5) are flow diagrams of typical evaporative loss collection applications.

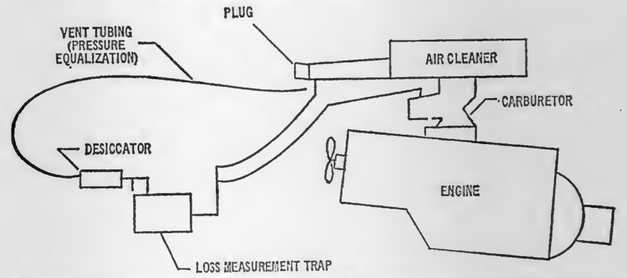


FIGURE C75–3.—Typical carburetor evaporative loss collection arrangement (schematic).

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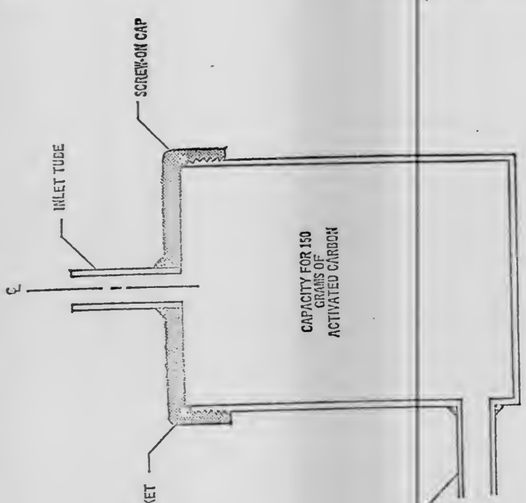


FIGURE C75-6.—Typical activated carbon trap (schematic).

(i) Canister—300±25 ml. cylindrical container having a length to diameter ratio of 1.4±0.1. An inlet tube, 5/16 inch ID and 1 inch long is sealed into the top of the canister, at its geometric center. A similar outlet tube is sealed into the wall ¼ inch from the bottom of the canister. The canister is designed to withstand an air pressure of 2 p.s.i. when sealed, without evidence of leaking when immersed in water for 30 seconds.

(ii) Activated carbon—meeting the following specifications:

Surface area, min. (N, BET method).[1]	1,000 square meters per gram.
Adsorption capacity min. (carbon tetrachloride)	60 percent, by weight.
Volatile material including adsorbed water vapor.	None.
Screen analysis size:	Percent
Less than 1.4 mm.	0
1.7–2.4 mm.	90–100
More than 3.0 mm.	0

[1] Brunauer, Emmett & Teller: Journal of the American Chemical Society, Vol. 60, p. 309, 1938.

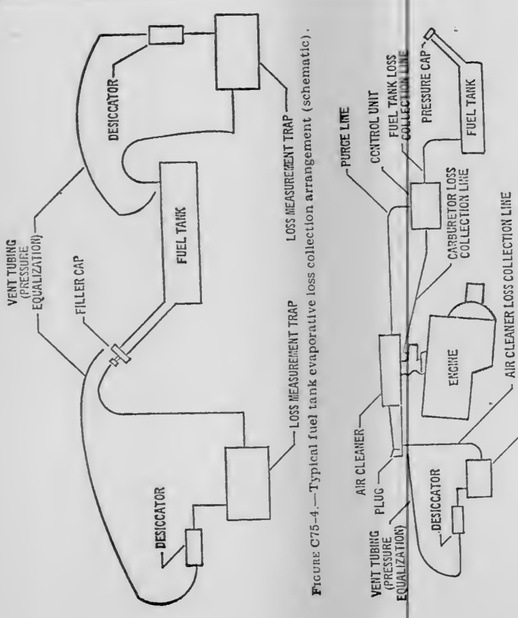


FIGURE C75-4.—Typical fuel tank evaporative loss collection arrangement (schematic).

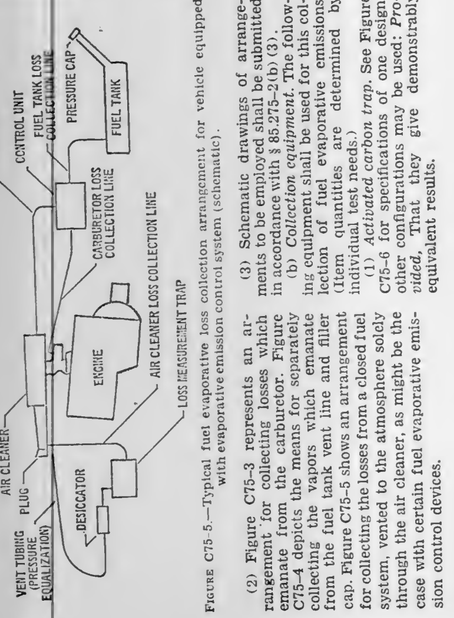


FIGURE C75-5.—Typical fuel evaporative loss collection arrangement for vehicle equipped with evaporative emission control system (schematic).

(2) Figure C75-3 represents an arrangement for collecting losses which emanate from the carburetor. Figure C75-4 depicts the means for separately collecting the vapors which emanate from the fuel tank vent line and filler cap. Figure C75-5 shows an arrangement for collecting the losses from a closed fuel system, vented to the atmosphere solely through the air cleaner, as might be the case with certain fuel evaporative emission control devices.

(3) Schematic drawings of arrangements to be employed shall be submitted in accordance with § 85.275-2(b)(3).

(b) *Collection equipment.* The following equipment shall be used for this collection of fuel evaporative emissions. (Item quantities are determined by individual test needs.)

(1) *Activated carbon trap.* See Figure C75-6 for specifications of one design; other configurations may be used: *Provided*, That they give demonstrably equivalent results.

The activated carbon trap is prepared for the test by attaching clamped sections of vinyl tubing to the inlet and outlet tubes of the canister. The canister is then filled with 150±10 gm. hot activated carbon which had previously been oven-dried for 3 hours at 300° F. Loss of carbon through the inlet and outlet tubes is prevented through the use of wire screens of 0.7 mm. mesh or wads of loosely packed glass wool. The canister is closed immediately after filling and the carbon is allowed to cool while the trap is vented through a drying tube via the unclamped outlet arm.

(iii) The trap is sealed and weighed after cooling and the weight, to the nearest 0.1 gram, is inscribed on the canister body. Within 12 hours of the scheduled test, the weight of the trap is checked and if it has changed by more than 0.5 gm., it is redried to constant weight. This redrying operation is performed by passing dry nitrogen, heated to 275° F., through the trap, via the inlet tube, at a rate of 1 liter per minute until checks made at 30-minute intervals do not vary by more than 0.1 percent of the gross weight. The trap and its contents are allowed to cool to room temperature, while vented through a drying tube via the outlet arm, before use.

(2) *Auxiliary collection equipment.* (i) Drying tube—transparent, tubular body ¾ inch ID, 6 inches long, with serrated tips and removable caps.

(ii) Desiccant—indicating variety, 8 mesh. The drying tube is attached to the outlet tube of the collection traps to prevent ambient moisture from entering the trap. It is prepared by filling the empty drying tube with fresh desiccant using loose wad of glass wool to hold the desiccant in place. The desiccant is renewed when three-quarters spent, as indicated by color change.

(iii) Collection tubing—stainless steel or aluminum, 5/16 inch ID, for connecting the collection traps to the fuel system vents.

(iv) Polyvinyl chloride (vinyl) tubing—flexible tubing, 5/16 inch ID, for sealing butt-to-butt joints.

(v) Laboratory tubing—air tight flexible tubing 5/16 inch ID, attached to the outlet end of the drying tubes to equalize collection system pressure.

(vi) Clamps—hosecock, openside, for pinching off flexible tubing.

(c) *Weighing equipment.* The balance and weights used shall be capable of determining the net weight of the activated carbon trap within an accuracy of ±75 mg.

(d) *Temperature measuring equipment.* (1) Temperature recorder—multichannel, variable speed, potentiometric, or substantially equivalent, recorder with a temperature range of 50° F. to 100° F. and capable of either simultaneous or sequential recording of the ambient air and fuel temperatures within an accuracy of ±1° F.

(2) Fuel tank thermocouples—iron-constantan (type J) construction.

(3) Other types of temperature sensing systems may be provided by the manufacturer if they record the information specified in subparagraph (1) of this paragraph with the required accuracy and if they are self-contained. Type J thermocouples are required for compatibility with recording instruments used in Federal certification facilities.

(e) *Assembly and use of the activated carbon vapor collection system.* (1) The prepared activated carbon trap, dried to constant weight, cooled to the ambient temperature and sealed with clamped sections of vinyl tubing is carefully weighed to the nearest 20 milligrams and the weight recorded as the "tare weight."

(2) A drying tube is attached to the outlet tube and the clamp released, but not removed. A length of flexible tubing, for pressure equalization, is connected to the other end of the drying tube.

(3) The inlet tube of the adsorption trap and external vent(s) of the fuel system will be connected by minimal lengths of stainless steel or aluminum tubing and short sections of vinyl tubing. Butt-to-butt joints shall be made wherever possible and precautions taken against sharp bends in the connection lines, including any manifold systems employed to connect multiple vents to a single trap.

(4) The clamp on the inlet tube of the trap shall be released but not removed. Care shall be exercised to prevent heating the vapor collection trap by radiant or conductive heat from the engine.

(5) Upon completion of the collection sequence, the vinyl tubing sections on each arm of the collection trap shall be clamped tight and the collection system dismantled.

(6) The sealed vapor collection trap shall be weighed carefully to the nearest 20 milligrams. This constitutes the "gross weight," which is appropriately recorded. The difference between the "gross weight" and "tare weight" represents the "net weight" for purposes of calculating the fuel vapor losses.

§ 85.275-22 Information to be recorded.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) System or device tested (brief description).

(c) Date and time of day for each part of the test schedule.

(d) Instrument operator.

(e) Driver or operator.

(f) Vehicle: Make—Vehicle identification number—Model year—Transmission type—Odometer reading—Engine displacement—Engine family—Idle r.p.m.—Fuel system—(fuel injection, nominal fuel tank capacity, fuel tank location, number of carburetors, number of carburetor barrels)—Inertia loading—Estimated curb weight recorded at 0 miles—Actual road load horsepower at 50 m.p.h. and drive wheel tire pressure.

(g) Dynamometer serial number and indicated road load power absorption at 50 m.p.h.

(h) All pertinent instrument information such as tuning—gain—serial number—detector number—range. As an alternative, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided test cell calibration records show the pertinent instrument information.

(i) Recorder charts: Identify zero, span, exhaust gas, and dilution air sample traces.

(j) Test cell barometric pressure, ambient temperature, and humidity.

(k) Fuel temperatures, as prescribed.

(l) Pressure of the mixture of exhaust and dilution air entering the positive displacement pump, the pressure increase across the pump, and the temperature set point of the temperature control system. The sample temperature at the inlet to the pump may be measured, if desired, to verify that the temperature variations are within 5° F. of the set point.

(m) The number of revolutions of the positive displacement pump accumulated while the test is in progress and exhaust flow samples are being collected.

(n) The humidity of the dilution air.

§ 85.275-23 Analytical system calibration and sample handling.

(a) Calibrate the analytical assembly at least once every 30 days. Use the same flow rate as when analyzing samples.

(1) Adjust analyzers to optimize performance.

(2) Zero the hydrocarbon analyzer with zero grade air and the carbon monoxide, carbon dioxide, and oxides of nitrogen analyzers with zero grade nitrogen. The allowable zero gas impurity concentrations should not exceed 1 p.p.m. equivalent carbon response, 1 p.p.m. carbon monoxide, 300 p.p.m. (0.03 mole percent) carbon dioxide, and 0.1 p.p.m. nitric oxide.

(3) Set the CO and CO_2 analyzer gains to give the desired range. Select the desired attenuation scale of the HC analyzer, set the capillary flow rate by adjusting the back pressure regulator, and adjust the electronic gain control, if provided, to give the desired range. Select the desired scale of the NO_x analyzer and adjust the phototube high voltage supply or amplifier gain to give the desired range.

(4) Calibrate the HC analyzer with propane (air diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. Calibrate the CO analyzer with carbon monoxide (nitrogen diluent) gases and the CO_2 analyzer with carbon dioxide (nitrogen diluent) gases having nominal concentrations equal to 10, 25, 40, 50, 60, 70, 85, and 100 percent of full scale. Calibrate the NO_x analyzer with nitric oxide (nitrogen diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. The actual concentrations should be known to within ±2 percent of the true values.

(5) Compare values obtained on the CO and CO_2 analyzers with previous cali-

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bration curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgment in selecting curves for data reduction.

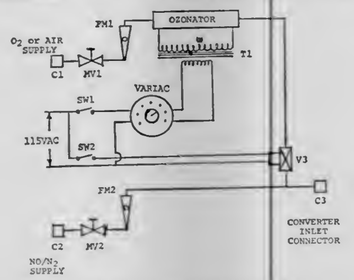


FIGURE A 75–7—NO_x Converter Efficiency Detector

The following procedure is to be used for determining the values to be used in Equation (A).

(i) Attach the NO/N_2 supply (150–250 ppm) at C2, the O_2 supply at C1 and the analyzer inlet connection to the efficiency detector at C3. If lower concentrations of NO are used, air may be used in place of O_2 to facilitate better control of the NO_2 generated during step (iv).

(ii) With the efficiency detector variac off, place the NO_x converter in bypass mode and close valve V3. Open valve MV2 until sufficient flow and stable readings are obtained at the analyzer. Zero and span the analyzer output to indicate the value of the NO concentration being used. Record this concentration.

(iii) Open valve V3 (on/off flow control solenoid valve for O_2) and adjust valve MV1 (O_2 supply metering valve) to blend enough O_2 to lower the NO concentration (ii) about 10 percent. Record this concentration.

(iv) Turn on the ozonator and increase its supply voltage until the NO concentration of (iii) is reduced to about 20 percent of (ii). NO_2 is now being formed from the NO+O_2 reaction. There must always be at least 10 percent unreacted NO at this point. Record this concentration.

(v) When a stable reading has been obtained from (iv), place the NO_x converter in the convert mode. The analyzer will now indicate the total NO_x concentration. Record this concentration.

(vi) Turn off the ozonator and allow the analyzer reading to stabilize. The mixture NO+O_2 is still passing through the converter. This reading is the total NO_x concentration of the dilute NO span gas used at step (iii). Record this concentration.

(vii) Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO_2.

Calculate the efficiency of the NO_x converter by substituting the concentrations obtained during the test into Equation (A).

$$\% \text{ Eff.} = \frac{(vi)-(iv)}{(v)-(iv)} \times 100\%$$

The efficiency of the converter should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Efficiency checks should be made on each analyzer range using an NO span gas concentration appropriate to the instrument range.

(7) Check the efficiency of the sample conditioning system by the following procedure:

(i) Zero and span the CO instrument on its most sensitive scale.

(ii) Recheck zero.

(iii) Bubble CO_2 span gas through water and then through the sample conditioning system into the CO instrument. If the CO instrument shows no response to the wet CO_2 the columns are in good condition.

(iv) If the CO instrument responds to wet CO_2, replace columns as necessary to bring response back to zero.

(v) The conditioning system efficiency should be checked daily.

(b) HC, CO, CO_2, and NO_x measurements: Allow a minimum of 20 minutes warmup for the HC analyzer and 2 hours for the CO, CO_2, and NO_x analyzers. (Power is normally left on infrared and chemiluminescence analyzers; but when not in use, the chopper motors of the infrared analyzers are turned off and the phototube high voltage supply of the chemiluminescence analyzer is placed in the standby position.) The following sequence of operations should be performed in conjunction with each series of measurements:

(1) Zero the analyzers. Obtain a stable zero on each amplifier meter and recorder. Recheck after tests.

(2) Introduce span gases and set the CO and CO_2 analyzer gains, the HC analyzer sample capillary flow rate and the NO_x analyzer high voltage supply or amplifier gain to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equal to approximately 80 percent of full scale. If gain has shifted significantly on the CO or CO_2 analyzers, check tuning. If necessary, check calibration. Recheck after test. Show actual concentrations on chart.

(3) Check zeroes; repeat the procedure in subparagraphs (1) and (2) of this paragraph if required.

(4) Check flow rates and pressures.

(5) Measure HC, CO, CO_2, and NO_x concentrations of samples. Care should be exercised to prevent moisture from condensing in the sample collection bag.

(6) Check zero and span points.

(c) For the purposes of this section, the term "zero grade air" includes artificial "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18 and 21 mole percent.

§ 85.275–24 Dynamometer test runs.

(a) The vehicle shall be allowed to stand with the engine turned off for a period of not less than 12 hours before the cold start exhaust emission test, at an ambient temperature as specified in §§ 85.275–12 and 85.275–13. The vehicle shall be stored prior to the emission tests in such a manner that precipitation (e.g. rain or dew) does not occur on the vehicle. The complete dynamometer test consists of a cold start drive of 7.5 miles and simulates a hot start drive of 7.5 miles. The vehicle is allowed to stand on the dynamometer during the 10-minute time period between the cold and hot start tests. The cold start test is divided into two periods. The first period, representing the cold start "transient" phase, terminates at the end of the deceleration which is scheduled to occur at 505 seconds of the driving schedule. The second period, consists of the remainder of the driving schedule including engine shutdown. The hot start test similarly consists of two periods. The first period, representing the hot start "transient" phase, terminates at the same point in the driving schedule as the first phase of the cold start test. The second period of the hot start test, "stabilized" phase, is assumed to be identical to the second period of the cold start test. Therefore, the hot start test terminates after the first period (505 seconds) is run. During the tests the ambient temperature shall be between 68° F. and 86° F.

(b) The following steps shall be taken for each test:

(1) Place drive wheels of vehicle on dynamometer without starting engine.

(2) Open the vehicle engine compartment cover and start the cooling fan.

(3) With the sample solenoid valves in the "dump" position connect evacuated sample collection bags to the two dilute exhaust sample connectors and to the two dilution air sample line connectors.

(4) Start the positive displacement pump (if not already on), the sample pumps, and the temperature recorder. (The heat exchanger of the constant volume sampler should be preheated to its operating temperature before the test begins.)

(5) Adjust the sample flow rates to the desired flow rate (minimum of 10 c.f.h.) and set the revolution counters to zero.

(6) Attach the flexible exhaust tube to the vehicle tailpipe(s).

(7) Simultaneously start the revolution counter for the positive displacement pump, position the sample solenoid valves to direct the sample flow into the "transient" exhaust sample bag and the "transient" dilution air sample bag, and start cranking the engine.

(8) Fifteen seconds after the engine starts, place the transmission in gear.

(9) Twenty seconds after the engine starts, begin the initial vehicle acceleration of the driving schedule.

(10) Operate the vehicle according to the dynamometer driving schedule (§85.275–14).

(11) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously switch the sample flows from the "transient" bags to the "stabilized" bags, switch off revolution counter No. 1 and start counter No. 2. As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the "transient" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 85.275–23.

(12) Turn the engine off 2 seconds after the end of the last deceleration (at 1,369 seconds).

(13) Five seconds after the engine stops running, simultaneously turn off revolution counter No. 2 and position the sample solenoid valves to the "dump" position. As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the "stabilized" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 85.275–23.

(14) Immediately after the end of the sample period turn off the cooling fan and close the engine compartment cover.

(15) Immediately after the end of the sample period, disconnect the exhaust tube from the tailpipe(s), turn off the cooling fan and close the engine compartment cover.

(16) Turn off the positive displacement pump.

(17) Repeat the steps in subparagraphs (2) through (10) of this paragraph for the hot start test except only one evacuated sample bag is required for sampling exhaust gas and one for dilution air. The step in subparagraph (7) of this paragraph shall begin between 9 and 11 minutes after the end of the sample period for the cold start test.

(18) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously turn off the No. 1 revolution counter and position the sample solenoid valve to the "dump" position. (Engine shutdown is not part of the hot start test sample period.)

(19) As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the hot start "transient" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 85.275–23.

(20) Disconnect the exhaust tube from the vehicle tailpipe(s) and remove vehicle from dynamometer.

(21) The positive displacement pump may be turned off, if desired.

§ 85.275–25 Chart reading.

(a) Determine the HC, CO, CO_2 and NO_x concentrations of the dilution air and dilute exhaust sample bags from the instrument deflections or recordings making use of appropriate calibration charts.

(b) Determine the average dilute exhaust mixture temperatures from the temperature recorder trace if a recorder is used.

§ 85.275–26 Calculations (exhaust emissions).

The final reported test results shall be computed by use of the following formulae:

(a) For light duty trucks:

$$Y_{wm} = (0.43\,Y_{st} + 0.57\,Y_{ht} + Y_s)/7.5$$

where:

Y_{wm} = Weighted mass emissions of each pollutant, i.e. HC, CO, or NO_x, in grams per vehicle mile.

Y_{st} = Mass emissions as calculated from the "transient" phase of the cold start test, in grams per test phase.

Y_{ht} = Mass emissions as calculated from the "transient" phase of the hot start test, in grams per test phase.

Y_s = Mass emissions as calculated from the "stabilized" phase of the cold start test, in grams per test phase.

(b) The mass of each pollutant for each phase of both the cold start test and the hot start test is determined from the following:

(1) Hydrocarbon Mass:

$$HC_{mass} = V_{mix} \times \text{Density}_{HC} \times \frac{HC_{conc}}{1{,}000{,}000}$$

(2) Oxides of nitrogen Mass:

$$NO_{x_{mass}} = V_{mix} \times \text{Density}_{NO_x} \times \frac{NO_{x_{conc}}}{1{,}000{,}000} \times K_H$$

(3) Carbon monoxide Mass:

$$CO_{mass} = V_{mix} \times \text{Density}_{CO} \times \frac{CO_{conc}}{1{,}000{,}000}$$

(c) Meaning of symbols:

HC_{mass} = Hydrocarbon emissions, in grams per test phase.

Density_{HC} = Density of hydrocarbons in the exhaust gas, assuming an average carbon to hydrogen ratio of 1:1.85, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (16.33 gm./cu. ft).

HC_{conc} = Hydrocarbon concentration of the dilute exhaust sample corrected for background, in p.p.m. carbon equivalent, i.e. equivalent propane × 3.

$$HC_{conc} = HC_e - HC_d(1-1/DF)$$

where:

HC_e = Hydrocarbon concentrations of the dilute exhaust sample as measured, in p.p.m. carbon equivalent.

HC_d = Hydrocarbon concentration of the dilution air as measured in p.p.m. carbon equivalent.

$NO_{x_{mass}}$ = Oxides of nitrogen emissions, in grams per test phase.

Density_{NO_x} = Density of oxides of nitrogen in the exhaust gas, assuming they are in the form of nitrogen dioxide, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (54.16 gm./cu. ft.).

$NO_{x_{conc}}$ = Oxides of nitrogen concentration of the dilute exhaust sample corrected for background, in p.p.m.

$$NO_{x_{conc}} = NO_{x_e} - NO_{x_d}(1-1/DF)$$

where:

NO_{x_e} = Oxides of nitrogen concentration of the dilute exhaust sample as measured, in p.p.m.

NO_{x_d} = Oxides of nitrogen concentration of the dilution air as measured, in p.p.m.

CO_{mass} = Carbon monoxide emissions, in grams per test phase.

Density_{CO} = Density of carbon monoxide in grams per cubic foot at 68° F. and 760 mm. Hg pressure (32.97 gm./cu. ft.).

CO_{conc} = Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor and CO_2 extraction, in p.p.m.

$$CO_{conc} = CO_e - CO_d(1-1/DF)$$

where:

CO_e = Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in p.p.m. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.

$$CO_e = (1-0.01925CO_{ie}-0.000323R)\,CO_{em}$$

where:

CO_{em} = Carbon monoxide concentration of the dilute exhaust sample as measured in p.p.m.

CO_{ie} = Carbon dioxide concentration of the dilute exhaust sample, in mole percent.

R = Relative humidity of the dilution air, in percent.

CO_d = Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in p.p.m.

$$CO_d = (1-0.000323R)\,CO_{dm}$$

where:

CO_{dm} = Carbon monoxide concentration of the dilution air sample as measured, in p.p.m.

$$DF = \frac{13.4}{CO_{ie}+(HC_e+CO_e)\times 10^{-4}}$$

V_{mix} = Total dilute exhaust volume in cubic feet per test phase corrected to standard conditions (528°R and 760 mm. Hg).

$$V_{mix} = V_e \times N \frac{(P_B - P_i)\,(528°R)}{(760\text{ mm. Hg})\,(T_p)}$$

where:

V_e = Volume of gas pumped by the positive displacement pump, in cubic feet per revolution. This volume is dependent on the pressure differential across the positive displacement pump.

N = Number of revolutions of the positive displacement pump during the test phase while samples are being collected.

P_B = Barometric pressure in mm. Hg.

P_i = Pressure depression below atmosphere measured at the inlet to the positive displacement pump.

T_p = Average temperature of dilute exhaust entering positive displacement pump during test while samples are being collected, in degrees Rankine.

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K_H=Humidity correction factor.

$$K_H=\frac{1}{1-0.0047\,(H-75)}$$

where:

H=Absolute humidity in grains of water per pound of dry air.

$$H=\frac{(43.478)\,R_a\times P_d}{P_B-(P_d\times R_a/100)}$$

R_a=Relative humidity of the ambient air, in percent.

P_d=Saturated vapor pressure, in mm. Hg at the ambient dry bulb temperature.

$$V_{mix}=\frac{(0.29344)\,(10{,}485)\,(762-70)\,(528)}{(760)\,(570)}=2595.0 \text{ cu. ft. per test phase.}$$

$$H=\frac{(43.478)\,(48.2)\,(22.225)}{762-(22.225\times 48.2/100)}$$

$$K_H=\frac{1}{1-0.0047\,(62-75)}=0.9424.$$

$CO_c=(1-0.01925\,(1.43)-0.000323\,(48))\,306.0=293.4$ p.p.m.

$CO_d=(1-0.000323\,(48))\,15.3=15.1$ p.p.m.

$$DF=\frac{13.4}{1.43+(105.8+293.4)\times 10^{-4}}=9.116.$$

$HC_{conc}=105.8-12.1\,(1-1/9.116)=95.03.$

$HC_{mass}=(2595)\,(16.33)\,(95.03/1{,}000{,}000)=4.027$ grams per test phase.

$NO_{x_{conc}}=11.2-0.8\,(1-1/9.116)=10.49.$

$NO_{x_{mass}}=(2595)\,(54.16)\,(10.49/1{,}000{,}000)\,(0.9424)=1.389$ grams per test phase.

$CO_{conc}=293.4-15.1\,(1-1/9.116)=280.$

$CO_{mass}=(2595)\,(32.97)\,(280/1{,}000{,}000)=23.96$ grams per test phase.

(2) For the "stabilized" portion of the cold start test assume that similar calculations resulted in HC_{mass}=0.62 grams per test phase; $NO^t_{x_{mass}}$=1.38 grams per test phase; and CO_{mass}=5.98 grams per test phase.

(3) For the "transient" portion of the hot start test assume that similar calculations resulted in HC_{mass}=0.51 grams per test phase; $NO^t_{x_{mass}}$=1.38 grams per test phase; and CO_{mass}=5.01 grams per test phase.

(4) For a 1975 light duty truck:

$HC_{w_m}=((0.43)\,(4.027)+(0.57)\,(0.51)+0.62)/7.5=0.352$ gram per vehicle mile.

$NO_{x_{w_m}}=((0.43)\,(1.389)+(0.57)\,(1.38)+1.27)/7.5=0.354$ gram per vehicle mile.

$CO_{w_m}=((0.43)\,(23.96)+(0.57)\,(5.01)+5.98)/7.5=2.55$ grams per vehicle mile.

§ 85.275–27 Calculations (fuel evaporative emissions).

The net weights of the individual collection traps employed in § 85.275–13 shall be added together to determine compliance with the fuel evaporative emission standard.

§ 85.275–28 Compliance with emission standards.

(a) The exhaust and fuel evaporative emission standards in § 85.275–1 apply to the emissions of vehicles for their useful life.

(b) Since emission control efficiency decreases with mileage accumulated on the vehicle, the emission level of a vehicle which has accumulated 50,000 miles will be used as the basis for determining compliance with the standards.

(c) The procedure for determining compliance of a new light duty truck with exhaust and fuel evaporative emission standards is as follows:

(1) Separate emission deterioration factors shall be determined from the emission results of the durability vehicle for each engine-system combination. A separate factor shall be established for exhaust HC, exhaust CO, exhaust NO_x, and fuel evaporative HC.

(i) The applicable results to be used in determining the deterioration factors for each combination shall be:

$$\text{factor}=\frac{\text{exhaust emissions interpolated to 50,000 miles}}{\text{exhaust emissions interpolated to 4,000 miles}}$$

(d) Example calculation of mass emission values:

(1) For the "transient" phase of the cold start test assume V_s=0.29344 cu. ft. per revolution; N=10,485; R=48.0%; R_a=48.2%; P_B=762 mm. Hg; P_d=22.225 mm. Hg; P_t=70 mm. Hg; T_p=570°R; HC_c=105.8 p.p.m. carbon equivalent; NO_{x_c}=11.2 p.p.m.; CO_m=306.6 p.p.m.; CO_{t_c}=1.43%; HC_d=12.1 p.p.m.; NO_{x_d}=0.8 p.p.m.; CO_{d_m}=15.3 p.p.m. Then:

(a) All valid emission data from the tests required under § 85.275–7(b), except the zero mile tests. This shall include the official test results, as determined in § 85.275–29, for all tests conducted on all durability vehicles of the combination selected under § 85.275–5(c) (including all vehicles elected to be operated by the manufacturer under § 85.275–5(c)(3)).

(b) All emission data from the tests conducted before and after the scheduled maintenance provided in §§ 85.275–6(a)(1)(i), (1)(iii), (3), (4), and (5)(iii).

(c) All emission data from tests required by maintenance approved under § 85.275–6(a)(1)(ix), in those cases where the Administrator conditioned his approval for the performance of such maintenance on the inclusion of such data in the deterioration factor calculation.

(ii) All applicable results shall be plotted as a function of the mileage on the system, rounded to the nearest mile, and the best fit straight lines, fitted by the method of least squares, shall be drawn through all these data points. The interpolated 4,000- and 50,000-mile points on this line must be within the standards provided in § 85.275–1 or the data will not be acceptable for use in calculation of a deterioration factor, unless no applicable data point exceeded the standard.

(iii) An exhaust emission deterioration factor shall be calculated for each combination as follows:

These interpolated values shall be carried out to a minimum of four places to the right of the decimal point before dividing one by the other to determine the deterioration factor. The results shall be rounded to three places to the right of the decimal point in accordance with ASTM E 29–67.

(iv) An evaporative emission deterioration factor shall be calculated for each combination by subtracting the evaporative emissions interpolated to 4,000 miles from the evaporative emissions interpolated to 50,000 miles. These interpolated values shall be carried out, in accordance with ASTM E 29–67, to a minimum of three decimal places to the right of the decimal point before subtracting one from the other to determine the deterioration factor.

(2)(i) The exhaust emission test results for each emission data vehicle shall be multiplied by the appropriate deterioration factor: *Provided,* That if a deterioration factor as computed in paragraph (c)(1)(iii) is less than one, that deterioration factor shall be one for the purposes of this paragraph.

(ii) The evaporative emission test results for each combination shall be adjusted by addition of the appropriate deterioration factor: *Provided,* That if a deterioration factor as computed in paragraph (3)(1)(iv) is less than zero, that deterioration factor shall be zero for the purposes of this paragraph.

(3) The emissions to compare with the standard shall be the adjusted emissions of paragraph (c)(2)(i) and (ii) for each emission data vehicle. Before any emission value is compared with the standard, it shall be rounded, in accordance with ASTM E 29–67, to two significant figures. The rounded emission values may not exceed the standard.

(4) Every test vehicle of an engine family must comply with all applicable standards, as determined in paragraph (c)(3), before any vehicle in that family may be certified.

§ 85.275–29 Testing by the Administrator.

(a) The Administrator may require that any one or more of the test vehicles be submitted to him, at such place or places as he may designate, for the purpose of conducting emissions tests. The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(b)(1) Whenever the Administrator conducts a test on a test vehicle, the results of that test, unless subsequently invalidated by the Administrator, shall comprise the official data for the vehicle at that prescribed test point and the manufacturer's data for that prescribed test point shall not be used in determining compliance with emission standards.

(2) Whenever the Administrator does not conduct a test on a test vehicle at a test point, the manufacturer's test data will be accepted as the official data for that test point: *Provided,* That if the Administrator makes a determination based on testing under paragraph (a) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer.

(3)(i) The emission data vehicle presented to the Administrator for testing shall be calibrated within the production tolerances applicable to the manufacturer's specifications to be shown on the vehicle label (see § 85.275–35(a)(4)(iv)) as specified in the application for certification. If the Administrator determines that a vehicle is not within such tolerances, the vehicle shall be adjusted at the facility designated by the Administrator prior to the test and an engineering report shall be submitted to the Administrator describing the corrective action taken. Based on the engineering report, the Administrator will determine if the vehicle shall be used as an emission data vehicle.

(ii) If the Administrator determines that the test data developed under paragraph (b)(3)(i) would cause the emission data vehicle to fail due to excessive 4,000 mile emissions or by application of the appropriate deterioration factor, then the following procedure shall be observed:

(*a*) The manufacturer may request a retest. Before the retest, the vehicle may be readjusted to manufacturer's specifications, if these adjustments were made incorrectly prior to the first test, and other maintenance or repairs may be performed in accordance with § 85.275–6. All work on the vehicle shall be done at such location and under such conditions as the Administrator may prescribe.

(*b*) The vehicle will be retested by the Administrator and the results of this test shall comprise the official data for the emission data vehicle.

(4) If sufficient durability data are not available at the time of any emission test conducted under paragraph (a) of this section, to enable the Administrator to determine whether an emission data vehicle would fail, the manufacturer may request a retest in accordance with the provisions of paragraphs (c)(3)(i) (*a*) and (*b*) of this paragraph. If the manufacturer does not promptly make such request, he shall be deemed to have waived the right to a retest. A request for retest must be made before the manufacturer removes the vehicle from the test premises.

§ 85.275–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer and data derived from any additional testing conducted pursuant to § 85.275–29, the Administrator determines that a test vehicle(s) conforms to the regulations of this subpart, he will issue a certificate of conformity with respect to such vehicle(s).

(2) Such certificate will be issued for such period not more than 1 model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act and this subpart.

(b)(1) The Administrator will determine whether a vehicle covered by the application complies with applicable standards by observing the following relationships:

(i) A test vehicle selected under § 85.275–5(b)(2) or (4), shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system-evaporative emission control system combination.

(ii) A test vehicle selected under § 85.275–5(b)(3) shall represent all vehicles the same in the same engine family of the same engine displacement-exhaust emission control system-transmission type-fuel system combination.

(iii) A test vehicle selected under § 85.275–5(c)(1), shall represent all vehicles of the same engine-system combination.

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles belonging to an engine family all of which comply with applicable standards.

(3) If, after a review of the test reports and data submitted by the manufacturer and data derived from any additional testing conducted pursuant to § 85.275–29, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determination, and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.205 with respect to such issue.

(4) The manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test vehicle(s) determined not in compliance with applicable standards:

(i) Request a hearing under § 85.205, or

(ii) Delete from the application for certification the vehicles represented by the failing test vehicle. (Vehicles so deleted may be included in a later request for certification under § 85.275–32.) The Administrator will then select in place of each failing vehicle an alternate vehicle chosen in accordance with selection criteria employed in selecting the vehicle that failed, or

(iii) Modify the test vehicle and demonstrate by testing that it meets applicable standards. Another vehicle which is in all material respects the same as the first vehicle, as modified, shall then be operated and tested in accordance with applicable test procedures.

(5) If the manufacturer does not request a hearing or present the required data under subparagraph (4) of this paragraph, the Administrator will deny certification.

§ 85.275–31 Separate certification.

Where possible a manufacturer should include in a single application for certification all vehicles for which certification is required. A manufacturer may, however, choose to apply separately for certification of part of his product line. The selection of test vehicles and the computation of test results will be determined separately for each application.

§ 85.275–32 Addition of a vehicle after certification.

(a) If a manufacturer proposes to add to his product line a vehicle of the same engine-system combination as vehicles previously certified but which was not described in the application for certification when the test vehicle(s) representing other vehicles of that combination was certified, he shall notify the Administrator. Such notification shall be in advance of the addition unless the manufacturer elects to follow the procedure described in § 85.275–34. This notification shall include a full description of the vehicle to be added.

(b) The Administrator may require the manufacturer to perform such tests on the test vehicle(s) representing the vehicle to be added which would have been required if the vehicle had been included in the original application for certification.

(c) If, after a review of the test reports and data submitted by the manufacturer, and data derived from any testing conducted under § 85.275–29, the Administrator determines that the test vehicle(s) meets all applicable standards, the appropriate certificate will be amended accordingly. If the Administrator determines that the test vehicle(s) does not meet applicable standards, he will proceed under § 85.275–30(b).

§ 85.275–33 Changes to a vehicle covered by certification.

(a) The manufacturer shall notify the Administrator of any change in production vehicles in respect to any of the parameters listed in § 85.275–5(a)(3) or § 85.275–5(b)(3), giving a full description of the change. Such notification shall be in advance of the change unless the manufacturer elects to follow the procedure described in § 85.275–34.

(b) Based upon the description of the change, and data derived from such testing as the Administrator many require or conduct, the Administrator will determine whether the vehicle, as modified, would still be covered by the certificate of conformity then in effect.

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(c) If the Administrator determines that the outstanding certificate would cover the modified vehicles, he will notify the manufacturer in writing. Except as provided in § 85.275–34 the change may not be put into effect prior to the manufacturer's receiving this notification. If the Administrator determines that the modified vehicles would not be covered by the certificate then in effect, then the modified vehicles shall be treated as additions to the product line subject to § 85.275–32.

§ 85.275–34 Alternative procedure for notification of additions and changes.

(a) A manufacturer may, in lieu of notifying the Administrator in advance of an addition of a vehicle under § 85.275–32 or a change in a vehicle under § 85.275–33, notify him concurrently with the making of the change if the manufacturer believes the addition or change will not require any testing under the appropriate section. Upon notification to the Administrator, the manufacturer may proceed to put the addition or change into effect.

(b) The manufacturer may continue to produce vehicles as described in the notification to the Administrator for a maximum of 30 days, unless the Administrator grants an extension in writing. This period may be shortened by a notification in accordance with paragraph (c) of this section.

(c) If the Administrator determines, based upon a description of the addition or change, that no test data will be required, he will notify the manufacturer in writing of the acceptability of the addition or change. If the Administrator determines that test data will be required, he will notify the manufacturer to rescind the change within 5 days of receipt of the notification. The Administrator will then proceed as in § 85.275–32 (b) and (c), or § 85.275–33 (b) and (c) as appropriate.

(d) Election to produce vehicles under this section will be deemed to be a consent to recall all vehicles which the Administrator determined under § 85.275–32(c) do not meet applicable standards, and to cause such nonconformity to be remedied at no expense to the owner.

§ 85.275–35 Labeling.

(a) (1) The manufacturer of any light duty truck subject to the standards prescribed in § 85.275–1 shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles available for sale to the public and covered by a certificate of conformity under § 85.275–30(a).

(2) A plastic or metal label shall be welded, riveted, or otherwise permanently attached in a readily visible position in the engine compartment.

(3) The label shall be affixed by the vehicle manufacturer, who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any equipment which is easily detached from such vehicle.

(4) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(i) The label heading: Vehicle Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Engine displacement (in cubic inches) and engine family identification;

(iv) Engine tuneup specifications and adjustments, as recommended by the manufacturer, including idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g. idle CO, idle air-fuel ratio, idle speed drop). These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air-conditioner), if any, should be in operation;

(v) The statement: "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1975 Model Year New Motor Vehicles."

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle or engine conforms to any applicable State emission standards for new motor vehicles or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle.

§ 85.275–36 Submission of vehicle identification numbers.

(a) The manufacturer of any light duty truck covered by a certificate of conformity under § 85.275–30(a) shall, not later than 60 days after its manufacture, submit to the Administrator the vehicle identification number of such vehicle: *Provided*, That this requirement shall not apply with respect to any vehicle manufactured within any State, as defined in section 302(d) of the Act.

(b) The requirements of this section may be waived with respect to any manufacturer who provides information satisfactory to the Administrator which will enable the Administrator to identify those vehicles which are covered by a certificate of conformity.

§ 85.275–37 Production vehicles.

(a) Any manufacturer obtaining certification under this subpart shall supply to the Administrator, upon his request, a reasonable number of production vehicles selected by the Administrator which are representative of the engines, emission control systems, fuel systems, and transmissions offered and typical of production models available for sale under the certificate. These vehicles shall be supplied for testing at such time and place and for such reasonable periods as the Administrator may require.

(b) Any manufacturer obtaining certification under this subpart shall notify the Administrator, on a quarterly basis, of the number of vehicles of each engine family-engine displacement-exhaust emission control system-fuel system-transmission type-inertia weight class combination produced for sale in the United States during the preceding quarter. A manufacturer may elect to provide this information every 60 days instead or quarterly, to combine it with the notification required under § 85.275–36.

(c) All light duty trucks covered by a certificate of conformity under § 85.275–30(a) shall be adjusted by the manufacturer to the ignition timing specification detailed in § 85.275–35(a)(4)(iv).

§ 85.275–38 Maintenance instructions.

(a) The manufacturer shall furnish or cause to be furnished to the ultimate purchaser of each new motor vehicle subject to the standards prescribed in § 85.275–1, written instructions for the maintenance and use of the vehicle by the ultimate purchaser as may be reasonable and necessary to assure the proper functioning of emission control systems.

(1) Such instructions shall be provided for those vehicle and engine components listed in Appendix VI to this part (and for any other components) to the extent that maintenance of these components is necessary to assure the proper functioning of emission control systems.

(2) Such instructions shall be in clear, and to the extent practicable, nontechnical language.

(b) The maintenance instructions required by this section shall contain a general description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions.

(3) Such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 85.275–6(a) and shall explain the conditions under which EGR system and catalytic converter maintenance is to be performed (e.g., what type of warning device is being employed and whether the device is activated by component maintenance).

§ 85.275–39 Submission of maintenance instructions.

(a) The manufacturer shall provide to the Administrator, no later than the time of the submission required by § 85.275–4, a copy of the maintenance instructions which the manufacturer proposes to supply to the ultimate purchaser in accordance with § 85.275–38(a). The Administrator will review such instructions to determine whether they are reasonable and necessary to assure the proper functioning of the vehicle's emission control systems. The Administrator will notify the manufacturer of his determination whether such instructions are reasonable and necessary to assure the proper functioning of the emission control systems.

(b) Any revision to the maintenance instructions which will affect emissions shall be supplied to the Administrator at least 30 days before being supplied to the ultimate purchaser unless the Administrator consents to a lesser period of time.

§ 85.276–1 Emission standards for 1976 model year light duty trucks.

The standards and test procedures set forth in § 85.275 remain applicable for the 1976 model year.

[FR Doc.73–15821 Filed 8–6–73;8:45 am]

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federal register

WEDNESDAY, AUGUST 8, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 152

Pages 21381–21479



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S. 1413..... Pub. Law 93–76
Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, appropriation increase (July 30, 1973; 87 Stat. 176)

The President vetoed S. 504, Emergency Medical Services Systems Act of 1973. Message dated Aug 1, 1973; Weekly Compilation of Presidential Documents, Vol. 9, No. 31.

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EXECUTIVE ORDER 11736

Amending Executive Order No. 11708, Placing Certain Positions in Levels IV and V of the Executive Schedule

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, Executive Order No. 11708, dated March 23, 1973, as amended, is further amended as follows:

1. Section 1 of that order, placing certain positions in level IV of the Executive Schedule, is amended—

(a) by deleting "(2) Administrator, National Institutes of Health, Department of Health, Education, and Welfare" and inserting in lieu thereof "(2) Director, National Institutes of Health, Department of Health, Education, and Welfare";

(b) by deleting "(4) Special Assistant to the Secretary (Congressional Relations), Treasury Department" and inserting in lieu thereof "(4) Assistant to the Secretary for Legislative Affairs, Treasury Department";

(c) by deleting "(14) Assistant to the Secretary for Policy Development, Department of Commerce" and inserting in lieu thereof "(14) Deputy Under Secretary, Department of Transportation"; and

(d) by adding at the end thereof:

"(16) Special Prosecutor, Department of Justice.

"(17) Associate Attorney General, Department of Justice.

"(18) Commissioner General of the International Exposition on the Environment, Department of Commerce."

2. Section 2 of that order, placing certain positions in level V of the Executive Schedule, is amended by adding at the end thereof "(8) Associate Administrator for Federal Management Policy, General Services Administration."

Richard Nixon

THE WHITE HOUSE,
August 6, 1973.

[FR Doc.73–16498 Filed 8–7–73;10:00 am]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 916—NECTARINES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

This document authorizes expenses of $402,405 of Nectarine Administrative Committee, under Marketing Order No. 916, for the 1973–74 fiscal period and fixes a rate of assessment of $0.05 per lug of nectarines handled in such period to be paid to the committee by each first handler as his pro rata share of expenses.

On June 21, 1972 notice of proposed rulemaking was published in the FEDERAL REGISTER (37 FR 12242) regarding proposed expenses and the proposed rate of assessment for the period March 1, 1972, through February 28, 1973, pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916) regulating the handling of nectarines grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

1. Section 916.212 is added to read as follows:

§ 916.212 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee during the period March 1, 1973, through February 28, 1974, will amount to $402,405.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 916.41, is fixed at $0.05 per No. 22D standard lug box of nectarines, or equivalent quantity of nectarines in other containers or in bulk.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of nectarines grown in California are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable nectarines handled during the aforesaid period; and (3) such period began on March 1, 1973, and said rate of assessment will automatically apply to all such nectarines beginning with such date.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: August 3, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-16404 Filed 8-7-73;8:45 am]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

This document authorizes expenses of $688,811 of the Control Committee, under Marketing Order No. 917, for the 1973–74 fiscal period. It also fixes the rates of assessment under subject program as follows: $.01 per box of pears; $.07 per crate of plums; and $0.0375 per lug of peaches. Such assessments are to be paid to the committee by each handler as his pro rata share of expenses.

On June 26, 1973, notice of rulemaking was published in the FEDERAL REGISTER (38 FR 16781) regarding proposed expenses and the related rates of assessment for the fiscal period beginning March 1, 1973, and ending February 28, 1974, pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

1. Section 917.211 is added to read as follows:

§ 917.211 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1973, through February 28, 1974, will amount to $688,811.

(b) *Rate of assessment.* The rates of assessment for such fiscal period payable by each handler in accordance with § 917.37 are fixed at:

(1) One cent ($0.01) per standard-western pear box of pears, or its equivalent in other containers or in bulk;

(2) Seven cents ($0.07) per standard four-basket crate of plums, or its equivalent in other containers or in bulk;

(3) Three and seventy five hundredths cents ($0.0375) per Los Angeles lug of peaches, or its equivalent in other containers or in bulk.

Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of pears, plums, and peaches are currently underway; (2) the relevant provisions of said amended marketing agreement and this part require that the rates of assessment fixed for a particular season be applicable to all fresh pears, plums, and peaches from the beginning of such fiscal period; and (3) the fiscal period began March 1, 1973, and the rates of assessment herein fixed will automatically apply to all pears, plums, and peaches beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C 601–674.)

Dated: August 3, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-16402 Filed 8-7-73;8:45 am]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Expenses and Rate of Assessment

This document authorizes expenses of $55,215 of the Industry Committee, under Marketing Order No. 926, for the 1973–74 season and fixes the rate of assessment at $0.055 per standard package or equivalent quantity of Tokay grapes, handled during such period, to be paid to the committee by each first handler as his pro rata share of such expenses.

On July 17, 1973, notice of proposed rule making was published in the FED-

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ERAL REGISTER (38 FR 19047) regarding proposed expenses and the related rate of assessment for the period April 1, 1973, through March 31, 1974, pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order) it is hereby found and determined that:

1. Section 926.213 is added to read as follows:

§ 926.213 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee during the period April 1, 1973, through March 31, 1974, will amount to $55,215.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 926.46, is fixed at five and one-half cents ($0.055) per standard package or equivalent quantity of grapes.

(c) *Terms.* Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) assessable shipments of Tokay grapes will begin on or about August 11, 1973; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular season shall be applicable to all assessable Tokay grapes from the beginning of the season; and (3) the season began on April 1, 1973, and the rate of assessment herein fixed will automatically apply to all assessable grapes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: August 3, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–16401 Filed 8–7–73;8:45 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Raisins Acquired Under Weight Dockage System

Notice was published in the July 19, 1973, issue of the FEDERAL REGISTER (38 FR 19224), regarding a proposal to establish additional rules and regulations applicable to natural Thompson Seedless raisins acquired by handlers under a weight dockage system. Such additional rules and regulations would be established pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order". The order regulates the handling of raisins produced from grapes grown in California and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal was unanimously recommended by the Raisin Administrative Committe (hereinafter referred to as the "Committee") pursuant to § 989.58(a) of the order. This section provides that a handler may acquire natural condition raisins which exceed a tolerance established for maturity under a weight dockage system established pursuant to rules and regulations recommended by the Committee and approved by the Secretary. The proposal would establish: The basis upon which free and reserve percentages would be applicable to acquisition by handlers of lots of natural Thompson Seedless raisins under a weight dockage system; the extent to which such lots may be set aside as reserve raisins; the basis for levying program assessments on such lots acquired as free tonnage by handler; and the basis upon which payments would be made by the Committee to handlers for services performed on such lots held as reserve raisins.

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received.

At present, § 989.201 (7 CFR 989.201–989.229; 37 FR 17723) contains, among other things, a weight dockage system (including a dockage table) and identification requirements relative to raisins acquired pursuant to a weight dockage system. It was proposed that these requirements be deleted from § 989.201 and included, with minor changes, in a new § 989.210 so that all rules and regulations regarding acquisition of raisins under a weight dockage system would be contained in one section.

The weight dockage system currently contained in § 989.201 is applicable to "natural condition Thompson Seedless raisins" (i.e., the varietal types of natural Thompson Seedless, Golden Seedless, Sulfur Bleached, and Soda Dipped raisins). The proposed dockage system will be applicable only to raisins of the natural Thompson Seedless varietal type.

The creditable weight of a lot of raisins containing immature raisins in excess of the permitted levels means that portion of the lot which would meet the applicable minimum grade and condition standards when the excess quantity of immature raisins have been removed from the lot. The creditable weight is determined by multiplying the net weight of the lot of raisins by a dockage factor. The dockage factor reflects the quantity of raisins in the total lot which be within the permitted level for substandard raisins. The Committee concluded that the creditable weight of such lot of raisins acquired under a weight dockage system is an appropriate basis for application of program requirements regarding free and reserve percentages, reserve tonnage set aside, assessments and service payments.

Paragraph A3 of § 989.201 regarding moisture requirements for Thompson Seedless raisins contains a reference to § 989.202. An action published in the FEDERAL REGISTER (38 FR 13476) on May 22, 1973, deleted § 989.202. This deletion obviates the need for paragraph A3 of § 989.201, because such moisture requirements are also contained in paragraph A3 of § 989.97 Exhibit B. Hence, in addition to removing provisions regarding the weight dockage system, it was proposed that paragraph A3 also be deleted from the revised § 989.201.

After consideration of all relevent matter presented, including that in the notice, the information and recomendation of the Committee, and other available information, the amendment of Subpart—Supplementary Orders Regulating Handling (7 CFR 989.201—989.229; 38 FR 13476, 20236) as hereinafter set forht is approved.

Therefore, said subpart is amended as follows:

1. Section 989.201 is revised to read as follows:

§ 989.201 Changes in minimum grade and condition standards for natural condition raisins.

Pursuant to § 989.58(b), the following changes are hereby issued relative to paragraph A2 of § 989.97 Exhibit B: *Minimum grade and condition standards for natural condition raisins:*

A. Thompson Seedless raisins.

* * * * *

2.a. Shall have a normal characteristic color, flavor, and odor of properly prepared raisins.

b. Shall contain not more than 8 percent, by weight, of substandard raisins (raisins that show development less than that characteristic of raisins prepared from fairly well-matured grapes).

2. A new § 989.210 is added, reading as follows:

§ 989.210 Handling of natural Thompson Seedless raisins acquired pursuant to a weight dockage system.

(a) *General.* Subject to prior agreement between handler and tendered, a handler may acquire as standard raisins any lot of natural Thompson Seedless raisins containing more than 8 percent, by weight, of substandard raisins under a weight dockage system. The creditable weight of such lot acquired shall be that obtained by multiplying the net weight of the raisins in the lot by the applicable dockage factor from the dockage table prescribed in paragraph (g) of this section.

(b) *Free and reserve tonnage percentages.* Whenever free and reserve percentages are designated for natural Thompson Seedless raisins for a crop year, such percentages shall be applicable to the creditable weight of any lot of such raisins acquired by a handler pursuant to a weight dockage system.

(c) *Reserve tonnage.* A handler may hold as reserve tonnage raisins any lot, or portion thereof, of natural Thompson Seedless raisins acquired pursuant to a weight dockage system: *Provided,* That only the creditable weight of such lot, or portion thereof, may be applied by the Committee against the handler's reserve tonnage obligation.

(d) *Assessments.* Assessments on any lot of natural Thompson Seedless raisins acquired by a handler pursuant to a weight dockage system shall be applicable to the free tonnage portion of the creditable weight of such lot.

(e) *Payments for services on reserve tonnage.* Payment to a handler for services performed by him with respect to reserve tonnage natural Thompson Seedless raisins acquired pursuant to a weight dockage system shall be made on the basis of the creditable weight of such lot and at the applicable rate specified for such services in § 989.401 of Subpart—Schedule of Payments.

(f) *Identification.* Any lot of natural Thompson Seedless raisins acquired by a handler pursuant to a weight dockage system shall be so identified by the inspection service by affixing to one container on each pallet, or to each bin, in such lot, a prenumbered PAC control card (to be furnished by the Committee) which shall remain affixed to the container or bin until the raisins are processed or disposed of as natural condition raisins. The control card shall only be removed by, or under the supervision of, an inspector of the inspection service or authorized Committee personnel.

(g) *Dockage table.*

% Substandard	Dockage Factor
8.0 or less	No dockage
8.1–8.5	.995
8.6–9.0	.990
9.1–9.5	.985
9.6–10.0	.980
10.1–10.5	.975
10.6–11.0	.970
11.1–11.5	.965
11.6–12.0	.960
12.1–12.5	.955
12.6–13.0	.950
13.1–13.5	.945
13.6–14.0	.940
14.1–14.5	.935
14.6–15.0	.930
15.1–15.5	.925
15.6–16.0	.920
16.1–16.5	.915
16.6–17.0	.910
17.1–17.5	.905
17.6–18.0	.900
18.1–18.5	.895
18.6–19.0	.890
19.1–19.5	.885
19.6–20.0	.880
20.1–20.5	.875
20.6–21.0	.870
21.1–21.5	.865
21.6–22.0	.860

NOTE: Percentages in excess of 22 percent shall be expressed in the same increments as the foregoing, and the dockage factor for each such increment shall be .005 less than the dockage factor for the preceding increment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 3, 1973, to become effective September 15, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–16403 Filed 8–7–73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 73–1071]

PART 523—MEMBERS OF BANKS

Liquidity Requirements

AUGUST 1, 1973.

The Federal Home Loan Bank Board considers it desirable to amend § 523.11 of the Regulations for the Federal Home Loan Bank System (12 CFR 523.11) for the purposes of reducing the overall liquidity requirement of each Federal Home Loan Bank member from 6½ percent of its liquidity base and of reducing each member's short-term liquidity requirement from 2½ percent to 1½ percent of such base. Accordingly, the Federal Home Loan Bank Board hereby amends said § 523.11 by revising paragraph (a) thereof, to read as follows, effective August 8, 1973:

§ 523.11 Liquidity requirements.

(a) *General.* For each calendar month, each member, other than a mutual savings bank as to which there is in effect the election provided for in paragraph (e) of this section, shall maintain an average daily balance of liquid assets in an amount not less than 5½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section. For each calendar month, each member, other than a mutual savings bank or an insurance company, shall maintain an average daily balance of short-term liquid assets in an amount not less than 1½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section.

* * * * *

Since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since the Board determines that in view of current economic conditions such amendment should become effective so that both the reduced overall liquidity requirement of 5½ percent and the reduced short-term liquidity requirement of ½ percent shall apply beginning with the month of August, 1973, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, the Board hereby finds that the provision regarding the publication of such amendment for the minimum 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof shall not apply to the above amendment; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

(Sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–48, Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON,
Secretary.

[FR Doc. 73–16399 Filed 8–7–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73–SO–53; Amdt. 39–1699]

PART 39—AIRWORTHINESS DIRECTIVES

Pitts Model S–2A Series Airplanes

There have been cracks of the alternate air box flapper doors on the Pitts S–2A airplanes that could result in substantial power loss. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require the installation of a stiffener on the alternate air box flapper door on S–2A airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure

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hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator 31 FR 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PITTS: Applies to S-2A airplanes; Serial Numbers 2001 through 2059 certificated in all categories.

Compliance required as indicated.

To prevent the possibility of a power loss due to the failure of the induction air box flapper door, accomplish the following:

(a) Within the next 50 hours time in service after the effective date of this airworthiness directive, unless already accomplished, install stiffener, Pitts Part Number 2-7112-16, to the induction air box flapper door assembly, Pitts Part Number 2-7112-7, in accordance with Pitts Service Letter No. 2. Access to the induction air box flapper door assembly may be gained by removing the lower engine cowl.

(b) Until the modification specified in paragraph (a) above has been accomplished, visually check the induction air box flapper assembly, Pitts Part Number 2-7112-7, for cracks in the welded areas upon the accumulation of 50 hours time in service or within 5 hours time in service, whichever is later, and thereafter at intervals not to exceed 5 hours time in service from the last check. The checks required by this AD may be performed by the pilot.

If the flapper door in the area of the weld is found to be cracked, removed the flapper door assembly from the alternate air box, and add stiffener, Pitts Part Number 2-7112-16 in accordance with Pitts Service Letter No. 2, before further flight.

(c) The installation of the stiffener, Pitts Part Number 2-7112-16, in accordance with Pitts Service Letter No. 2, will eliminate the necessity for the repetitive inspections required in paragraph (b).

Pitts Service Letter No. 2, dated June 26, 1973, pertains to this subject.

This amendment becomes effective August 13, 1973.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423 sec. 6(c); Department of Transportation Act; 49 U.S.C. 1655(c)).

Issued in East Point Ga. on July 26, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-16313 Filed 8-7-73;8:45 am]

[Airspace Docket No. 73-EA-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 15524 of the FEDERAL REGISTER for June 13, 1973, the Federal Aviation Administration published proposed regulations which would alter the Baltimore, Md., Control Zone (38 FR 356) and Transition Area (38 FR 444).

Interested persons were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t. October 11, 1973.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c); Department of Transportation Act, 49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 24, 1973.

L. J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.171 of part 71 of the Federal Aviation Regulations by deleting the description of the Baltimore, Md., control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center 39°10'26" N., 76°40'12" W., of Friendship International Airport, Baltimore, Md.; within a 5.5-mile radius of the center of the airport, extending clockwise from a 200° bearing to a 304° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 304° bearing to a 125° bearing from the airport; within 3.5 miles each side of the Friendship International Airport ILS localizer west course, extending from the 5-mile radius to 9 miles west of the localizer; within 3.5 miles each side of the centerline of Friendship International Airport runway 10, extended to 8.5 miles east of the end of the runway; within 2 miles each side of the Friendship International Airport ILS localizer southeast course, extending from the localizer to 4.5 miles southeast of the localizer; within 2 miles each side of the Baltimore VORTAC 314° radial, extending from the VORTAC to 10.5 miles northwest of the VORTAC.

2. Amend § 71.181 of part 71 of the Federal Aviation Regulations by deleting the description of the Baltimore, Md., transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 ft above the surface within a 9-mile radius of the center, 39°10'26" N., 76°40'12" W., of Friendship International Airport, Baltimore, Md.; within a 15-mile radius arc of the Baltimore VORTAC extending clockwise from the Baltimore VORTAC 230° radial to the 342° radial; within 3.5 miles each side of the centerline of Friendship International Airport runway 10, extended to 8.5 miles each of the end of the runway; within 4.5 miles north and 6.5 miles south of the Friendship International Airport ILS localizer west course, extending from the OM to 11.5 miles west of the OM; within an 8.5-mile radius of the center 39°19'45" N., 76°25'00" W., of Martin Marietta Airport, Baltimore, Md., within an 18-mile radius of the center of Martin Marietta Airport, extending clockwise from a 241° bearing to a 335° bearing from the airport; within a 12.5-mile radius of the center of Martin Marietta Airport, extending clockwise from a 335° bearing to a 013° bearing from the airport; within an 11-mile radius of the center of Martin Marietta Airport, extending clockwise from a 013° bearing to a 027° bearing from the airport; within a 9-mile radius of the center of Martin Marietta Airport, extending clockwise from a 027° bearing to a 053° bearing from the airport; within 3.5 miles each side of the 132° bearing from the Martin RBN 39°18'15" N., 76°22'45" W., extending from the 8.5-mile radius area to 11.5 miles southeast of the RBN; within a 6.5-mile radius of the center 39°05'04" N., 76°45'37" W., of Tipton AAF, Fort Meade, Md., and within 3 miles each side of the 091° bearing from the Fort Meade, Md. RBN, 39°05'04" N., 76°45'37" W., extending from the 6.5-mile radius area to 8.5 miles east of the RBN.

[FR Doc.73-16322 Filed 8-7-73;8:45 am]

[Airspace Docket No. 73-EA-69]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Jamestown, N.Y., Control Zone (38 FR 389).

Changes in the hours of weather observation and reporting services required to support the control zone designation require a revision of the times of control zone designation.

Since the amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective August 8, 1973, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Jamestown, N.Y. control zone by deleting the last sentence and by substituting the following in lieu thereof:

This control zone is effective 0900 to 2000 hours Sunday through Friday, Saturdays 1000 to 2000 hours, local time.

(Sec. 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 24, 1973.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.73-16318 Filed 8-7-73;8:45 am]

[Airspace Docket No. 73-GL-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to amend the Lafayette, Indiana, control zone.

The Lafayette, Indiana FSS will be decommissioned on September 1, 1973. A new part-time control tower will be commissioned in August 1973. The communication and weather reporting service required for the Lafayette control zone will be transferred from the FSS to the tower. As the tower will not operate continuously, the control zone will have to be changed to conform to the tower hours of operation. As the control zone will be less restrictive than at present, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective on publication in the FEDERAL REGISTER, as hereinafter set forth:

In § 71.171 (38 FR 351), the following control zone is amended to read:

LAFAYETTE, IND.

Within a 5 mile radius of Purdue University Airport (latitude 40°24'45"N., longitude 86°56'06"W.). This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655 (c)).

Issued in Des Plaines, Illinois, on July 19, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.73-16317 Filed 8-7-73;8:45 am]

[Airspace Docket No. 73-EA-70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Morristown, N.J., Control Zone (38 FR 403).

Beginning September 2, 1973, the control tower at Morristown Municipal Airport, Morristown, N.J., will be operated from 0630 to 2230 hours, local time, daily. Accordingly, the Morristown, N.J. control zone, predicated upon the operations of the control tower, must be amended so as to coincide with the new hours of control tower operation.

Since this amendment is minor in nature and imposes no burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT September 2, 1973, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the last sentence in the description of the Morristown, N.J. control zone and by substituting the following in lieu thereof:

This control zone is effective from 0630 to 2230 hours, local time, daily.

(Sec. 407(a) of the Federal Aviation Act of 1958; 72 Stat. 1348; sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 26, 1973.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.73-16321 Filed 8-7-73;8:45 am]

[Airspace Docket No. 73-CE-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 15082 of the FEDERAL REGISTER dated June 8, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Forest City, Iowa.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 11, 1973.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c); Department of Transportation Act 49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on July 20, 1973.

JOHN R. WALLS,
Acting Director, Central Region.

In § 71.181 (38 FR 435), the following transition area is added:

FOREST CITY, IOWA

That airspace extending upward from 700 ft. above the surface within a 5-mile radius of the Forest City Municipal Airport (lat. 43°14'00" N., long. 93°38'00" W.); and that airspace extending 1,200 ft. above the surface within a 35-mile radius of the Mason City VORTAC, from the 266° radial clockwise to the 316° radial, excluding that portion which overlies the Mason City and V120 transition areas.

[FR Doc.73-16315 Filed 8-7-73;8:45 am]

[Airspace Docket No. 73-GL-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 14865 of the FEDERAL REGISTER dated June 6, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Jefferson, Ohio.

Interested persons were given until July 6, 1973 to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective October 11, 1973.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c); Department of Transportation Act 49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on July 18, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is amended to read:

JEFFERSON, OHIO

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Ashtabula County Airport, Ashtabula, Ohio (lat. 41°46'40" N., long. 80°41'45" W.) and within 3.5 miles each side of the Jefferson VORTAC 243° radial extending from the 8-mile radius area to 11.5 miles southwest of the VORTAC.

[FR Doc.73-16316 Filed 8-7-73;8:45 am]

[Airspace Docket No. 73-CE-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 14694 of the FEDERAL REGISTER dated June 4, 1973, the Federal Aviation Administration published a Notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at North Platte, Nebraska.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 11, 1973.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348; Sec. 6(c); Department of Transportation Act 49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on July 20, 1973.

JOHN R. WALLS,
Acting Director, Central Region.

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In § 71.181 (38 FR 435), the following transition area is amended to read:

NORTH PLATTE, NEBR.

That airspace extending upward from 700 ft above the surface within a 10-mile radius of Lee Bird Field (lat. 41°07'42" N., long. 101°41'47" W.); and within 2 miles each side of the North Platte VOR 209° radial, extending from the 10-mile-radius area to 8 miles southwest of the VOR; and within 5 miles each side of the 301° bearing from Lee Bird Field, extending from the 10-mile-radius area to 11.5 miles northwest of the airport, and that airspace extending upward from 1,200 ft above the surface within a 25-mile radius of the North Platte VOR.

[FR Doc.73-16314 Filed 8-7-73;8:45 am]

[Airspace Docket No. 73-EA-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

On page 15524 of the FEDERAL REGISTER for June 13, 1973, the Federal Aviation Administration published a proposed rule which would alter the Princeton, N.J., Transition Area (38 FR 562).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT October 11, 1973.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 23, 1973.

L. J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.181 of part 71 of the Federal Aviation Regulations by deleting the description of the Princeton, N.J. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°23'54" N., 74°39'31" W., of Princeton Airport, Princeton, N.J.; within a 6-mile radius of the center of the airport, extending clockwise from a 074° bearing to a 120° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 191° bearing to a 225° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 225° bearing to a 268° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 268° bearing to a 310° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from 310° bearing to a 357° bearing from the airport; and within 3.5 miles each side of the Solberg, N.J. VOR 161° radial, extending from the 5-mile radius area to the VOR, excluding the portions which coincide with the Readington, N.J., New York, N.Y., and North Philadelphia, Pa. transition areas.

[FR Doc.73-16320 Filed 8-7-73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-814]

PART 239—REPORTING DATA PERTAINING TO FREIGHT LOSS AND DAMAGE CLAIMS BY CERTAIN AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

By ER-725, adopted March 15, 1972, the Board enacted a new Part 239, establishing a system for the reporting of freight loss and damage claims by certain air carriers and foreign route air carriers. The system was designed to enable the Board and any other governmental agencies, as well as interested members of the public, to be informed of current trends and problems relating to air freight loss and damage, and also to provide data which would be available to the Board in taking such future remedial action as would be appropriate.

Subsequently, various certificated route air carriers, through Air Transport Association (ATA), filed a petition for rule making to amend the part, to modify certain definitions and classifications. The Flying Tiger Line Inc. filed an answer to the petition.

Thereafter, by EDR-234, dated September 29, 1972, the Board proposed to amend Part 239: 1) to redefine the terms "shortage," "delay," and "pilferage"; 2) to define a new reporting category, "Theft or other shortage," in lieu of "theft"; and 3) to reclassify the columnar headings in Schedule A by including under the heading "shortage" the subheadings "robbery," "pilferage," and "theft or other shortage," and by deleting the heading "theft" presently contained in Schedule A. EDR-234 also proposed to modify Schedule B, so as to reflect the redefinitions, by changing the title of the Schedule and modifying its principal classification and subclassifications.

Comments have been submitted with respect to EDR-234 by the ATA, on behalf of 22 of its members[1] and a nonmember, Airlift International; and additional comments were filed by Trans World Airlines, Inc. (TWA).

[1] Alaska Airlines, Inc.; Allegheny Airlines, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Eastern Airlines, Inc.; Frontier Airlines, Inc.; Hawaiian Airlines, Inc.; Hughes Airwest; National Airlines, Inc.; North Central Airlines, Inc.; Northwest Airlines, Inc.; Ozark Air Lines, Inc.; Pan American World Airways, Inc.; Piedmont Aviation, Inc.; Southern Airways, Inc.; Texas International Airlines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Western Air Lines, Inc.; and Wien Consolidated Airlines, Inc.

Upon full consideration of the relevant matter contained in the comments and other data, we have decided to adopt the amendments substantially as proposed, but with certain modifications. Except as modified herein, the tentative findings set forth in the Explanatory Statement to the proposed rule are incorporated by reference and made final.

The following are the most significant modifications to the amendment, as it was proposed: (1) The separate reporting of data with respect to "theft" and "other shortage," instead of combining them under one category "theft or other shortage," as proposed; (2) all claims based upon delay shall be reported under the category "delay," whereas EDR-234 proposed to require that, where a claim involves both delay and physical damage, it should be reported under whichever category ("damage" or "delay") contributes most to the settlement of the claim; and (3) the inclusion of a new column in Schedule B which will provide the month of shipment of the cargo with respect to which claim is reported. These and other matters will be discussed below.

DEFINITION OF "OTHER SHORTAGE"

As pointed out above, EDR-234 proposed to redefine the term "shortage" so as to encompass all failure to deliver, and to employ the following subclassifications of such term: (1) "Robbery"; (2) "pilferage"; and (3) "theft or other shortage." The ATA comment objects to combining "theft" with "other shortage," urging that the Board should specifically provide a reporting subclassification for shortages which probably result from non-criminal causes and retain the present separate reporting of "shortage" items. Otherwise, it is maintained, the date reported under the proposed category of "theft or other shortage" could lead to unwarranted inferences as to the extent of thefts within the airline industry. TWA concurs in this position.

We have determined to adopt the above-described suggestion. One of the principal purposes of the reporting requirements is to determine the extent and nature of loss from criminal activities, so that the Board and other interested parties may be better advised with respect to what corrective measures, if any, should be taken. We therefore shall require that, in Schedule A, "theft" shall be reported separately from those "shortages" which result from non-criminal causes, by providing separate columns for "theft" and "other shortage," the latter term to be defined as "the disappearance of cargo for reasons other than pilferage, robbery, or theft.[2]" Since every reported shortage would be entered under one of the four proposed subclassifications (each of which is defined), there is no need to define the term "shortage," which definition will therefore be deleted.

[2] These same columnar headings shall also be used in revised Schedule B, attached hereto.

DEFINITION OF "THEFT"

"Theft" is defined in Part 239 as "all known stealing, without use of force or threat of force, of any whole shipping unit or units of freight (not necessarily a complete shipment)." The proposed definition "theft or other shortage" in EDR-234 was, in part, intended to satisfy the objection of the ATA carriers to the present definition of that term, namely, that "all known stealing" would require the "culprit" to be apprehended, tried and convicted before the applicable claims-paid data could be classified as theft.[3] The ATA comment also objected to the revised definition proposed in EDR-234, and requested that the Board define "theft" as "the disappearance of any whole unit of air cargo (not necessarily a complete shipment) or units from the custody of airlines' terminal or station when it is known that freight was in their custody." For the reasons stated above, we have now decided to provide a separate classification for "theft," which entails a separate definition of the term. However, we will not retain the existing definition, in view of ATA's comments, nor will we adopt ATA's suggested definition, which is so broad as to include a disappearance brought about by non-criminal means. Instead, we are adopting a definition which will cover any disappearance where the "probable cause was stealing." Although this definition cannot be applied with complete precision, we believe that on balance it is preferable to the present definition in Part 239, and that it will produce more reliable statistics than those already received.

DEFINITION OF "PILFERAGE"

EDR-234 proposed to define "pilferage" as "the known loss of a partial air freight shipment through observable damage to the shipping container." Although the comments do not object to this proposed definition, we shall modify it to remedy a technical defect. Taken literally, the above definition would not include as pilferage those instances where the shipping container was broken into, but not damaged, in the course of criminal action. Therefore, we shall now define this term as "the known loss of all or part of the contents of a shipment (but not the entire shipping container) under circumstances indicating that the probable cause was stealing, without use of force or threat of force against a person or persons, and where the shipping container was broken into, when it is known that such freight was in the carrier's custody." [4]

DEFINITION OF "DELAY"

EDR-234 proposed to redefine "delay" so as to exclude "deterioration or physical damage to the property," and a proposed not thereto would have pointed out that claims involving both delay and physical damage would be reported under whichever category ("damage" or "delay") contributed most to the settlement of the claim. The ATA comment objects to this proposal and maintains that any claim payment made as a result of delay should be reported under that category, regardless of whether the lack of timely movement caused deterioration or other forms of physical damage. As reflected in this amendment, we have determined to accept ATA's suggestion.

MISCELLANEOUS TECHNICAL AMENDMENTS

1. We are deleting column (21), entitled "revenue," from Schedule A. The effectiveness of § 239.6(k), which set forth the requirement to report data under column (21) of existing Schedule A, has been stayed by ER-746, adopted June 26, 1972, for the reasons set forth therein, and the deletion will thus make this change permanent.[5]

2. We are also adding a column (column (7)) to Schedule B, Analysis of Shortage, to require a two-digit code (01–12) to be used in reporting month of shipment of air cargo reported to be lost or damaged. This new item will assist in establishing patterns and trends over periods of time in the analysis and evaluation of air cargo loss data. The month of shipment is readily available on the air waybill and supporting documents now used by the industry to derive the other data currently required to be reported on this schedule.

NOTE ON ADP FORMAT

In the preamble to ER-771 (amendment No. 2 to Part 239) the Board announced, with respect to the submission of Form 239 data which have been prepared on automatic data processing (ADP) equipment, that it had no objection to the carriers' submission of freight-claim data in an ADP format so long as the carriers use the same columnar headings and the same order of arrangements in the ADP data as those set forth in the prescribed Form 239. After reviewing the attempts of a few carriers to "computer-generate" these schedules, our staff has found that it has not been possible to duplicate adequately the formats of the schedules of the part. Furthermore, the computer-generated schedules received to date have proved difficult to file and are generally inferior to the hard copy. Therefore, we are revoking the option for ADP-generated formats and we shall henceforth require that all respondents report directly on the schedules prescribed by Form 239. Since, in most cases, the number of entries on these schedules is relatively few, we believe that their required use, although it entails a manual typing of the reported data, will not impose a substantial burden on any carrier.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 239 (14 CFR Part 239) effective October 1, 1973, as follows:

1. Amend the table of contents of Part 239 to read in part as follows:

239.7 Schedule B—Analysis of shortage.

2. Amend § 239.1 by deleting the definition of "Shortage," and by otherwise modifying the section to read in part as follows:

§ 239.1 Definitions.

As used in this part, unless the context otherwise requires—

* * * * * * *

"Delay" means the lack of timely movement which results in monetary loss to the shipper. It includes, but is not limited to, consequential or special damages and/or physical deterioration or damage to the goods which results from delay.

* * * * * * *

"Other" means * * *

"Other shortage" is the disappearance of cargo for reasons other than pilferage, robbery or theft, as herein defined.

"Pilferage" is the known loss of all or part of the contents of a shipment (but not the entire shipping container) under circumstances indicating that the probable cause was stealing, without use of force or threat of force against a person or persons, and where the shipping container was broken into, when it is known that such freight was in the carrier's custody.

"Robbery" means all stealing, including hijacking, with use of force or threat of force against a person or persons.

"Theft" is the disappearance, without use of force or threat of force against a person or persons, of any whole shipping unit or units of cargo (not necessarily a complete shipment) under circumstances indicating that the probable cause was stealing, when it is known that such freight was in the carrier's custody.

* * * * * * *

3. Amend the table in § 239.2(b) to read in part as follows:

[3] EDR-234, p. 6.

[4] In view of our redefinitions of "theft" and "pilferage," we are also amending the definition of "robbery" so as to refer to the use of force, or threat of force, "against a person or persons."

[5] We shall make other minor changes in Schedule A. The Schedule A form supplied to the carriers listed all 52 commodity codes and descriptions and requires 6 pages for this schedule. It has been found that many carriers report claims for only a small percentage of the commodity codes and descriptions preprinted in columns 1 and 2. Accordingly, we shall remove these preprinted codes and descriptions from the form so that, instead, the carriers will insert only their reportable codes and descriptions as prescribed in Appendix A to Regulation ER-725 (enactment of the Part). This change will decrease considerably the number of sheets of Schedule A submitted to the Board and relieve the Board's Data Processing Division of the need of handling unnecessary paper in processing the data required for the Board's published reports on airfreight loss and damage claims.

Also, present column (18) entitled "Actual Shipper Loss" will become column (20) on Schedule A as revised herein.

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§ 239.2 Applicability of part and CAB Form 239 filing requirements.

• • • • • •

(b) • • •

Filing frequency

• • • • •

(3) Schedule B—Analysis of shortage Quarterly.

• • • • •

4. Amend § 239.6 by revising paragraph (i), (j), (l) and by reserving paragraph (k) to read as follows:

§ 239.6 Schedule A—Report of freight loss and damage claims paid.

• • • • •

(i) Columns (18) and (19)—For each line listed in column (3), show in column (18) the total number of claims paid reported in columns (4), (6), (8), (10), (12), (14) and (16), and in column (19) show the total whole-dollar amounts reported in columns (5), (7), (9), (11), (13), (15), and (17).

(j) Column (20)—For each commodity reported in column (2), show the whole-dollar amounts of the actual losses incurred by the shipper.

(k) [Reserved]

(l) Following the last entry made on this schedule, show the grand totals for each of columns (4) through (20). Also, immediately below the grand totals, insert data for the two lines reading: "Claims presented to direct air carrier by forwarder(s)" and "Claims presented by other than forwarders." The second of these two lines will apply only to a report of a direct air carrier. Complete columns (4) through (20) for each of these lines, as applicable.

5. Revise the title and paragraphs (c) through (e) of § 239.7, and add a new paragraph (f). As amended, § 239.7 will read in part as follows:

§ 239.7 Schedule B—Analysis of shortage.

• • • • •

(c) Columns (1) and (2)—List individually by commodity each claim payment during the reporting period in the amount of $100 or more as the result of shortage. Use the commodity code numbers provided in Appendix A, but the commodity descriptions inserted should be the actual descriptions shown on the airbill or airwaybill.

(d) Columns (3), (4), (5) and (6)—For each claim reported in column (2), show the dollar amounts borne by the reporting carrier which are attributable to "Pilferage," "Robbery," "Theft," and "Other Shortage," repectively.

(e) Column (7)—Identify the airport where the shortage occurred using the three-letter airport codes shown in the Official Airline Guide. If the airport is not known, allocate claim amount in same proportion as used to allocate to other airports involved in the transportation of the shipment. For example, if Los Angeles and Philadelphia alone were involved, a single commodity entry would show 50 percent of the claim against each—

$---------- LAX. $---------- PHL.

(f) Column (8)—Show by means of a two-digit code (01–12) the month of shipment of the air cargo covered by the report.

6. Amend Schedules A and B of CAB Form 239 in the form attached to this amendment.[1]

(Secs. 204(a), 402 and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 766; 49 U.S.C. 1324, 1372 and 1377.)

By the Civil Aeronautics Board.

Adopted: July 23, 1973.

Effective: October 1, 1973.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

NOTE: The reporting requirements herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[FR Doc.73-16377 Filed 8-7-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2416]

PART 13—PROHIBITED TRADE PRACTICES

Armco Steel Corp.; Correction

In FR Doc. 73-15537, appearing at page 20229 for the issue of Monday, July 30, 1973, the following order to cease and desist should be inserted after the order in Docket No. C-2415:

I. *It is ordered,* That respondent Armco Steel Corporation ("Armco"), a corporation, shall not permit on its board of directors any person who is at the same time a director of Aluminum Company of America.

II. *It is further ordered,* That respondent Armco shall obtain from each Armco director an annual statement showing the name, location, and business of each other corporation having capital, surplus and undivided profits in excess of $1,000,000 of which such Armco director is also a director.

III. *It is further ordered,* That respondent Armco notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in the corporation which may affect compliance obligations arising out of this Order.

IV. *It is further ordered,* That respondent Armco shall within 30 days after service upon it of this Order file with the Commission a report, in writing, setting forth the manner and form in which it intends to comply with this order.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-16311 Filed 8-7-73;8:45 am]

[1] Filed as part of the original document.

PART 13—PROHIBITED TRADE PRACTICES

[Docket C-2418]

Kennecott Copper Corp.; Correction

In FR Doc. 73-15533 appearing at page 20229 for the issue of Monday, July 30, 1973, the following order to cease and desist should be inserted after the order in Docket No. C-2417:

I. *It is ordered,* That respondent Kennecott Copper Corporation (Kennecott), a corporation, shall not permit on its board of directors any person who is at the same time a director of Aluminum Company of America.

II. *It is further ordered,* That respondent Kennecott shall obtain from each Kennecott director an annual statement showing the name, location, and business of each other corporation having capital, surplus and undivided profits in excess of $1,000,000 of which such Kennecott director is also a director.

III. *It is further ordered,* That respondent Kennecott notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in the corporation which may affect compliance obligations arising out of this Order.

IV. *It is further ordered,* That respondent Kennecott shall within 30 days after service upon it of this Order file with the Commission a report, in writing, setting forth the manner and form in which it intends to comply with this order.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-16312 Filed 8-7-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE; DEPARTMENT OF THE TREASURY

[T.D. 73-212]

PART 133—TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

Countries Party to Universal Copyright Convention

JULY 31, 1973.

Paragraph (c) of § 133.31 of the Customs Regulations (19 CFR 133.31(c)), lists the countries which are party to the Universal Copyright Convention. The Universal Copyright Convention is a multilateral international treaty to which the United States is party. Under the treaty each country grants to each member country copyright rights which are identical to the rights it grants its own citizens. The Register of Copyrights, Copyright Office, Library of Congress, has advised the Commissioner of Customs that, on October 10, 1970, Fiji, on January 23, 1971, Hungary, on March 12, 1968, Mauritius, on May 8, 1972, Morocco, and on May 27, 1973, Union of Soviet Socialist Republics, became parties to the Universal Copyright Convention.

Accordingly, paragraph (c) of section 133.31, Customs Regulations, is amended by the insertion of "Fiji," "Hungary," "Mauritius," "Morocco," and "Union of Soviet Socialist Republics," in the appropriate alphabetical sequence in the list of nations who are party to the Universal Copyright Convention.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 17 U.S.C. 9, 109, 19 U.S.C. 66, 1624)

Because this amendment merely sets forth the names of countries which have become members of the Universal Copyright Convention, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date, under the provisions of 5 U.S.C. 553.

Effective date. This amendment is effective on August 8, 1973.

[SEAL] VERNON D. ACREE, *Commissioner of Customs.*

Approved: July 31, 1973.

EDWARD L. MORGAN, *Assistant Secretary of the Treasury.*

[FR Doc.73-16396 Filed 8-7-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 3—STATEMENTS OF GENERAL POLICY AND INTERPRETATIONS

PART 128—HUMAN FOODS; CURRENT FOOD MANUFACTURING PRACTICE (SANITATION) IN MANUFACTURE, PROCESSING, PACKING OR HOLDING

PART 135—NEW ANIMAL DRUGS

Polychlorinated Biphenyls (PCB's); Contamination of Animal Feeds, Foods, and Food-Packaging Materials; Correction

In FR Doc. 73-13549 appearing on page 18096 in FEDERAL REGISTER of July 6, 1973 the following corrections are made:

(1) On page 18096, the effective date of "30 days" in paragraph 1c, should be changed to read "60 days".

(2) On page 18101, the date of "August 6, 1973" appearing in § 3.93(b)(2), should be changed to read "September 4, 1973".

(3) On page 18102, the word "persistant" appearing in the 18th line of § 135.113(a) should be changed to read "persistent".

(Secs. 402(a), 406, 409, 701, 52 Stat. 1046 as amended, 1049, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948, 72 Stat. 1785–1788 as amended; 21 U.S.C. 342(a), 346, 348, 371)

Dated: August 1, 1973.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.73-16339 Filed 8-7-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 150g—MINOCYCLINE HYDROCHLORIDE

Sterile Minocycline Hydrochloride

The Commissioner has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, with respect to approval of the antibiotic drug sterile minocycline hydrochloride.

He concludes that data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141 and 150g (21 CFR 141 and 150g) are amended as follows:

1. Part 141 is amended:

a. In § 141.7(c) by alphabetically inserting a new item in the table, as follows:

§ 141.7 Histamine test.

• • • • • •

(c) • • •

Antibiotic	Diluent (diluent number as listed in § 141.3(b))	Concentration of test solution (milligrams of activity per milliliter)	Volume of test solution to be injected (milliliters per kilogram of body weight)
• • •	• • •	• • •	• • •
Minocycline hydrochloride.	4	5.0	0.6
• • •	• • •	• • •	• • •

b. In § 141.502 by adding a new paragraph (d)(4) and revising (e)(3)(i) and (ii), as follows:

§ 141.502 Moisture determination.

• • • • • •

(d) • • •

(4) *Hygroscopic powders.* Weigh the immediate container. Using a suitable dry hypodermic needle and syringe, inject 3 milliliters of anhydrous methanol into the container and shake to dissolve the contents. Using the same syringe, remove the withdrawable contents and transfer into the titration vessel. Rinse the syringe and needle by drawing in an additional 3 milliliters of anhydrous methanol. Add the rinsings to the titration vessel. Titrate the solution immediately, proceeding as directed in paragraph (e)(3) of this section. Determine the Karl Fisher equivalent (in milliliters), if any, of the anhydrous methanol by titrating a blank of the same total volume used in preparing the sample and rinsing the syringe and needle. Dry the immediate container and its closure for three hours at 100° C., cool to room temperature in a desiccator, and weigh. Determine the weight of sample tested by subtracting the weight obtained from the original weight of the immediate container.

(e) • • •

(3) • • •

(i) If titration procedure 1 is used:

$$\text{Percent moisture in weighed samples} = \frac{V_T \times \epsilon \times 100}{W_s},$$

$$\text{Percent moisture in aerosols} = \frac{V_T \times \epsilon}{\text{Milliliters of sample} \times 10},$$

$$\text{Percent moisture in hygroscopic powders} = \frac{(V_T - V_t) \times \epsilon \times 100}{W_s},$$

(ii) If titration procedure 2 is used:

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Percent moisture in weighed samples

$$=\frac{(V_T-V_m f)\times e\times 100}{W_s},$$

Percent moisture in aerosols

$$=\frac{(V_T-V_m f)\times e}{\text{Milliliters of sample}\times 10},$$

Percent moisture in hygroscopic powders

$$=\frac{(V_T-V_m f-V_s)\times e\times 100}{W_s},$$

where:
V_T = Milliliters of Karl Fischer reagent used;
V_m = Milliliters of methanol solution used;
f = Milliliters of Karl Fischer reagent equivalent to each milliliter of methanol solution determined as directed in paragraph (e)(2) of this section;
V_s = Karl Fischer equivalent (in milliliters) of the methanol used as a sample solvent;
e = Water equivalence of the Karl Fischer reagent determined as directed in paragraph (e)(1) of this section.

• • • • •

2. Part 150 is amended by adding the following new section:

§ 150g.12 Sterile minocycline hydrochloride.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Sterile minocycline hydrochloride is a lyophilized powder of minocycline hydrochloride. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of minocycline that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine nor histamine-like substance. Its moisture content is not more than 3.0 percent. Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.0 and not more than 3.5. The minocycline hydrochloride used conforms to the standards prescribed by § 150g.1 (a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification: samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The minocycline hydrochloride used in making the batch for potency, moisture, pH, minocycline content, identity, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, histamine, moisture, and pH.

(ii) Samples required:

(*a*) The minocycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove the withdrawable contents from each container represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, withdraw an accurately measured representative portion from each container. Dilute the sample thus obtained with sufficient 0.1*N* hydrochloric acid to give a stock solution of convenient concentration not less than 150 micrograms of minocycline per milliliter (estimated). Further dilute the stock solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of minocycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this chapter, using a solution containing 5 milligrams per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Histamine.* Proceed as directed in § 141.7 of this chapter.

(6) *Moisture.* Proceed as directed in § 141.502 of this chapter, using the sample preparation described in paragraph (d)(4) of that section.

(7) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams of minocycline per milliliter.

Since the conditions prerequisite to providing for certification of subject antibiotic have been complied with and since the matter is noncontroversial, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective on August 8, 1973.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 31, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-16158 Filed 8-7-73;8:45 am]

PART 144—ANTIBIOTIC DRUGS; EXEMPTION FROM LABELING AND CERTIFICATION REQUIREMENTS

Nithiazide; Revocation

Based on the notice of withdrawal of approval of new animal drug applications (Docket No. FDC-D-630) appearing elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs concludes that the antibiotic regulation should be amended to revoke provisions for the use of Nithiazide in animal feeds if it is intended for use solely as an aid in stimulating growth in chickens and turkeys and as an aid in the prevention of outbreak of histomoniasis (blackhead) in chickens and turkeys and hexamitiasis in turkeys.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463, as amended, 82 Stat. 343-351; 21 U.S.C. 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), Part 144 is amended, by revoking paragraph (b)(36) in § 144.26 *Animal feeds bearing or containing new animal drugs subject to the provisions of section 512(n) of the act.*

Any person who will be adversely affected by the foregoing order may at any time on or before September 7, 1973 file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order specify with particularity the provisions of the order deemed objectionable and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date: This order shall become effective August 8, 1973.

(Secs. 507, 512, 59 Stat. 463 as amended, 82 Stat. 343-351; 21 U.S.C. 357, 360b).

Dated: August 1, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16341 Filed 8-7-73;8:45 am]

Title 22—Foreign Relations

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[A.I.D. Reg. 14]

PART 214—ADVISORY COMMITTEE MANAGEMENT

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) and Executive Order No. 11686 (October 7, 1972), the Administrator, Agency for International Development, has issued a new regulation which prescribes administrative guidelines and management controls for A.I.D. advisory committees.

The regulation prescribes procedures for the establishment, termination and renewal, operation and administration of advisory committees. It also assigns responsibilities to Agency officers with respect to the foregoing matters and sets forth procedures for administrative review of denials for public access to committee records and other complaints of alleged non-compliance with law or regulations relating to A.I.D. advisory committees.

The regulation was issued by the Administrator on July 19, 1973, to be effective as of July 20, 1973, and is published herewith.

Dated: July 31, 1973.

JAMES F. CAMPBELL,
Assistant Administrator for Program & Management Services.

Part 214 of Chapter II of Title 22 is added, to read as set forth below:

Subpart A—General

Sec.
214.1 Purpose.
214.2 Definition of advisory committee.
214.3 A.I.D. Advisory Committee Management Officer.

Subpart B—Establishment of Advisory Committees

214.11 Establishment and chartering requirements.
214.12 Responsibilities within A.I.D.
214.13 Charter revisions.

Subpart C—Termination and Renewal of Advisory Committees

214.21 Termination and renewal provisions.
214.22 Responsibilities within A.I.D.

Subpart D—Operation of Advisory Committees

214.31 A.I.D. advisory committee Representatives.
214.32 Calling of advisory committee meetings.
214.33 Notice of meetings.
214.34 Public participation.
214.35 Minutes of meetings.
214.36 Records of advisory committees.
214.37 Public access to committee records.
214.38 Annual report.
214.39 Submission of reports to the Library of Congress.

Subpart E—Administration of Advisory Committees

214.41 Support services.
214.42 Uniform pay guidelines.
214.43 Agency records.
214.44 Annual review and reports.

Subpart F—Administrative Remedies

214.51 Administrative review of denial for public access to records.
214.52 Administrative review of other alleged non-compliance.

AUTHORITY: Sec. 621 of the Foreign Assistance Act of 1961; as amended (22 U.S.C. 2381); sec. 8(a) of the Federal Advisory Committee Act, P.L. 92-463; and Executive Order 11686.

Subpart A—General

§ 214.1 Purpose.

The regulations in this part prescribe administrative guidelines and management controls for A.I.D. advisory committees. Federal Advisory Committees are governed by the provisions of the Federal Advisory Committee Act, P.L. 92-463 (effective January 5, 1973, hereinafter referred to as the Act); Executive Order No. 11686 (October 7, 1972) entitled "Committee Management;" OMB Circular A-63 (draft of December 30, 1972); and the related OMB Department of Justice Memorandum (draft of January 10, 1973).

§ 214.2 Definition of advisory committee.

(a) The term "advisory committee" is defined in section 3(2) of the Act and paragraph 4 of the draft OMB Justice Memorandum.

(b) In general, this definition includes any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or sub-groups thereof, which is formed or utilized by the Agency for obtaining advice or recommendations, and which is not composed wholly of full-time Federal employees.

§ 214.3 A.I.D. Advisory Committee Management Officer.

The Advisory Committee Management Officer is responsible to the Administrator for the establishment of uniform administrative guidelines and management controls which must be consistent with directives of the Director of the OMB under sections 7 and 10 of the Act.

Subpart B—Establishment of Advisory Committees

§ 214.11 Establishment and chartering requirements.

Provisions governing the establishment and chartering of Advisory Committees are contained in section 9 of the Act and paragraph 8 of the draft OMB-Justice Memorandum. In summary, these requirements include the following:

(a) Where establishment of an Advisory Committee is not specifically authorized by statute or by the President, the need for a new A.I.D. advisory committee is determined by the A.I.D. Administrator, in accordance with the guidelines set forth in section 5(b) of the Act, as a matter for formal record, after consultation with the OMB Committee Management Secretariat.

(b) Each advisory committee established or used by A.I.D. is required to file a charter with the A.I.D. Administrator, the House Foreign Affairs Committee, and the Senate Foreign Relations Committee, before meeting or taking any action.

(c) Advisory committee charters shall include the following information:

(1) Committee's official title;

(2) Committee's objectives and scope of activity;

(3) Period of time necessary for the committee to carry out its purposes;

(4) Agency official to whom the committee reports;

(5) Agency responsible for providing necessary support for the committee;

(6) Description of duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;

(7) Estimated annual operating costs in dollars and man-years for the committee;

(8) Estimated number and frequency of committee meetings;

(9) Committee's termination date; and

(10) Date the charter is filed.

(d) A copy of the charter is required to be sent to the Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, Washington, D.C. 20540.

§ 214.12 Responsibilities within A.I.D.

(a) The A.I.D. Office or Bureau seeking establishment of a new A.I.D. advisory committee:

(1) Justifies the need for the advisory committee to the satisfaction of the A.I.D. Advisory Committee Management Officer, the A.I.D. Administrator, and the OMB Secretariat.

(2) Prepares, clears with the Advisory Committee Management Officer and the General Counsel, and submits to the Administrator all documentation necessary to establish or use the advisory committee.

(b) The Advisory Committee Management Officer with assistance as appropriate from the General Counsel and the Office of Legislative Affairs:

(1) Appraises the need for the proposed advisory committee;

(2) Assures that the requirements of the Act and OMB guidelines have been followed;

(3) If satisfied with (1) and (2), clears the proposal for submission to the Administrator;

(4) Maintains the agency file of approved charters and formal determinations;

(5) Publishes approved charters in the Agency's internal directives system;

(6) Reviews proposed committee membership for conflict of interest;

(7) Assures publication of the Administrator's formal determinations in the FEDERAL REGISTER; and

(8) Transmits approved advisory committee charters to the House Foreign Affairs Committee, the Senate Foreign Relations Committee, and the Library of Congress.

§ 214.13 Charter revision.

(a) Sponsoring A.I.D. Bureaus and Offices initiate revisions to advisory committee charters, as necessary, to reflect current information regarding scope, membership, duties, etc.

(b) Charter revision requires clearances by the advisory committee, the A.I.D. Advisory Committee Management Officer and the General Counsel; approval by the A.I.D. Administrator, and notification of the change to the FEDERAL REGISTER, Congressional committees, and the Library of Congress.

Subpart C—Termination and Renewal of Advisory Committees

§ 214.21 Termination and renewal provisions.

Provisions governing the termination and renewal of advisory committees are contained in section 14 of the Act and paragraph 9 of the draft OMB-Justice Memorandum. As related to A.I.D.-established non-statutory committees, these provisions mean that:

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(a) Each such committee which was in existence on January 5, 1973, shall terminate by January 5, 1975, unless it is renewed by the A.I.D. Administrator prior to the latter date.

(b) Each such committee established after January 5, 1973, shall terminate not later than two years after its establishment, unless it is renewed by the A.I.D. Administrator prior to its termination date.

(c) Renewal requires advance approval of the Administrator in accordance with the criteria set forth in section 5(c) of the Act; publication of a notice of the renewal; and the filing of a new advisory committee charter with the appropriate House and Senate Committees and to the Library of Congress.

§ 214.21 Responsibilities within A.I.D.

Responsibilities within A.I.D. for the renewal of advisory committees are as follows:

(a) The Office or Bureau through which the advisory committee reports: prepares, clears with the Advisory Committee Management Officer and the General Counsel, and submits to the Administrator all documentation necessary for committee renewal.

(b) The Office of General Counsel assists in the preparation of charters; reviews and clears the proposal for conformity with the Act and other requirements; and assures publication of the Administrator's determination of renewal in the FEDERAL REGISTER.

(c) The Office of Legislative Affairs transmits approved advisory committee charters to the House and Senate Committees and to the Library of Congress.

Subpart D—Operation of Advisory Committees

§ 214.31 A.I.D. Advisory Committee Representative.

(a) For each advisory committee used by A.I.D., the Administrator designates an A.I.D. employee to serve as the A.I.D. Advisory Committee Representative.

(b) The designated A.I.D. employee performs functions required by section 10 of the Act and assigned herein. Such functions include:

(1) Calling, or giving advance approval to, advisory committee meetings;

(2) Approving an agenda for each meeting;

(3) Making recommendations on proposals to close meetings, or parts of meetings, to the public; and clearing such recommendation with the Advisory Committee Management Officer and the General Counsel for decisions by the Administrator;

(4) Assuring that advance notices of each meeting (whether open or closed) are published in the FEDERAL REGISTER, provided through other means such as press releases and direct mail, and provided to the Advisory Committee Management Officer.

(5) Assuring that open meetings are accessible to the public;

(6) As specified by the Administrator, chairing or attending each meeting;

(7) Determining the number of committee members necessary to be present at any meeting for the transaction of committee business;

(8) Adjourning any meeting, whenever he determines adjournment to be in the public interest;

(9) Assuring that minutes are kept of each advisory committee meeting and, to the extent practicable, of the meetings of formal and informal sub-groups, and that such minutes are certified for accuracy by the chairman or presiding officer of the committee; and

(10) Assuring that, subject to section 552 of Title 5 U.S.C., the documents of the advisory committee are made available for public inspection and copying.

§ 214.32 Calling of advisory committee meetings.

(a) No advisory committee is to hold any meetings except at the call, or with the advance approval, of the designated A.I.D. Advisory Committee Representative.

(b) Each advisory committee meeting is conducted in accordance with an agenda approved by the designated A.I.D. Advisory Committee Representative.

(1) The agenda lists the matters to be considered at the meeting and indicates whether any part of the meeting is concerned with matters which may be exempt from public disclosure under section 552(b) of title 5 U.S.C.

(2) Copies of the agenda are distributed to members of the committee prior to the date of the meeting and are included in the official records of the Advisory Committee.

§ 214.33 Notice of meetings.

(a) Notice of each advisory committee meeting (whether the meeting is open or closed) shall be published in the FEDERAL REGISTER at least seven (7) days before the date of the meeting, and should also be provided through other means such as newspaper advertisements, press releases, and direct mail.

(1) Exceptions to the requirement for public notice are granted only for reasons of national security as determined by the Director, OMB and are requested and justified by the Administrator, A.I.D. at least thirty (30) days prior to the meeting.

(2) Exceptions to the seven (7) day advance publication requirement are granted in emergency situations or when such notice is otherwise impracticable as determined by the Administrator, A.I.D.

(3) Requests for exceptions under paragraph (a) (1) and (2) of this section are prepared by the Advisory Committee Representative and are cleared by the Advisory Committee Management Officer and the General Counsel prior to submission to the Administrator.

(b) Notices include the name of the advisory committee; the time of the meeting; the purposes of the meeting; the extent to which the public will be permitted to attend or participate in the meeting; the place of the meeting if open to the public; and instructions for gaining access to open meetings which are held in a "secured" building.

(c) Notices are prepared by the A.I.D. Advisory Committee Representative and, where intended for the FEDERAL REGISTER, are sent to the Office of General Counsel at least two weeks before the scheduled meeting date.

(d) Copies of all public notices are provided to the Advisory Committee Management Officer.

§ 214.34 Public participation.

(a) Each advisory committee meeting is to be open to the public except where:

(1) The Director, OMB, has determined that public notice of a meeting would be inconsistent with national security; or

(2) The Administrator, A.I.D. has formally determined that the meeting, or a part of the meeting, is concerned with matters listed in section 552(b) of title 5 U.S.C. and should therefore, be closed to the public.

(b) Advisory committee requests to close all or part of a meeting or a series of meetings are to include the reasons for proposed closure, citing specific exceptions involved under section 552(b) of the Freedom of Information Act. Such requests are submitted by the A.I.D. Advisory Committee Representative, through the Advisory Committee Management Officer and the General Counsel, to the Administrator at least thirty (30) days before the scheduled date of the meeting.

(c) The Administrator's determination is to be in writing and is to contain a brief statement of the reasons for closing the meeting (or portion thereof).

(d) When all or part of an advisory committee meeting is closed (1) members of the advisory committee (committee staff or attending A.I.D. employees) are not to disclose the matters discussed except to other members of the advisory committee, the staff of the committee, or agency employees; and (2) the advisory committee is to include in its annual report (section 214.38) a summary of its activities and such related matters which are informative to the public consistent with the policy of section 552(b) of Title 5 U.S.C.

(e) To facilitate public participation in advisory committee meetings which are to be open or partially open to the public:

(1) Meetings are to be held at a reasonable time and at a place that is accessible to members of the public.

(2) The size of the meeting room is members of the public who might be expected to be large enough to accommodate the advisory committee, its staff, and those to attend.

(3) Any member of the public is permitted to file a written statement with the committee, before or after the meeting.

(4) Interested persons may be permitted to present oral statements at the meeting in accordance with procedures established by the committee, and to the extent time available for the meeting permits.

(5) Other participation by members of the public is not permitted, except in accordance with procedures established by the committee.

§ 214.35 Minutes of meetings.

(a) Minutes are to be kept of each meeting of each advisory committee and its formal and informal sub-groups.

(b) The chairman or presiding officer designates a member or other person to keep the minutes.

(c) The minutes are to include:

(1) The time and place of the meeting;

(2) A list of members, staff, and A.I.D. employees attending;

(3) A complete summary of matters discussed and conclusions reached;

(4) Copies of all reports received, issued, or approved;

(5) The extent to which the meeting was open to the public; and

(6) The extent of public participation, including a list of those who presented oral or written statements and an estimate of the number of those who attended the meeting.

(d) The chairman or presiding officer of the advisory committee is to certify to the accuracy of the minutes. The certification is to indicate that "the minutes are an accurate and complete summary of the matters discussed and conclusions reached at the meeting held on (date(s))."

§ 214.36 Records of advisory committees.

(a) The A.I.D. Advisory Committee Representative is to maintain the records of the advisory committee in a location known to the A.I.D. Advisory Committee Management Officer.

(b) Such records are to include the reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, and other documents which were made available to, or prepared for or by, the advisory committee.

(c) Advisory committee records are maintained and disposed of according to procedures prescribed in the Agency's Records Maintenance Handbook.

§ 214.37 Public access to committee records.

(a) Records maintained in accordance with § 214.36 are subject to the Freedom of Information Act 5 U.S.C. section 552 et seq. and, thus, are available for public inspection and copying except where access is denied under paragraph (b) of this section.

(b) Access to advisory committee records may be denied only where:

(1) Such records relate directly to a meeting which was closed for reasons of national security; or

(2) Such records relate to a meeting or to the part of a meeting which was closed to the public; or

(3) A document is subject to the exemptions listed in 5 U.S.C. 552(b); or

(4) Such records relate to the non-advisory functions of a group which is "utilized" as an advisory committee but was not established for that purpose.

(c) Procedures for requesting access to advisory committee records are the same as those established for Agency records under section 212.33 of AID Regulation 12 (22 CFR Part 212). They are implemented subject to the general oversight of the Advisory Committee Management Officer on behalf of the Agency.

(d) Procedures for denial of access to advisory committee records are the same as those established for Agency records under section 212.34 of AID Regulation 12; except that use of exemption (5) of 5 U.S.C. 552(b) as the basis for denial requires a formal determination by the A.I.D. Administrator that the denial is essential to protect the free exchange of internal views and to avoid undue interference with agency or advisory committee operation. Implementation of these procedures also are subject to the general oversight of the Advisory Committee Management Officer.

§ 214.38 Annual report.

Each advisory committee is required to prepare an annual report describing its membership, functions, and operations.

§ 214.39 Submission of reports to the Library of Congress.

(a) Each advisory committee is to file with the Library of Congress eight copies of each of its annual and any other formal reports, except where the reports falls within an exemption listed in 5 U.S.C. 552(b) or relates to a meeting which was closed for reasons of national security.

(b) The A.I.D. Advisory Committee Representative provides copies of required committee reports to the Office of Legislative Affairs for transmittal to the Library of Congress; and sends a copy to the A.I.D. Advisory Committee Management Officer for inclusion in the Agency's central file on advisory committees.

(c) As appropriate, the A.I.D. Advisory Committee Representative may also send copies of background papers and other advisory committee documents to Office of Legislative Affairs for transmittal to the Library of Congress.

Subpart E—Administration of Advisory Committees

§ 214.41 Support services.

(a) A.I.D. provides support services for advisory committees which are established by or report to the Agency, unless the establishing authority provides otherwise.

(b) Within A.I.D., support services are provided by and charged to the allotment of the A.I.D. office or bureau through which the advisory committee reports, and are coordinated by the designated A.I.D. Advisory Committee Representative.

(c) Support services include staff, quarters, supplies, and funds.

§ 214.42 Uniform pay guidelines.

(a) A.I.D. will follow OMB/CSC guidelines in establishing rates of pay for advisory committee members, staffs, and consultants, when such guidelines are published.

(b) Pending publication of such guidelines, A.I.D. policy regarding compensation for advisory committee members is as follows:

(1) Advisory committee members who are not employed by the U.S. Government ordinarily serve without compensation. However, they may be reimbursed for travel and related expenses of invitational travel under the provisions of A.I.D. travel regulations.

(2) If committee members are appointed as A.I.D. consultants or experts, their compensation shall be fixed in accordance with CSC guidelines and regulations.

(3) Expenses of committee members are charged to the allotments of the A.I.D. office or bureau through which the advisory committee reports.

§ 214.43 Agency records.

(a) The A.I.D. Advisory Committee Management Officer maintains the Agency's official central files on the nature, functions, and operations of each A.I.D. advisory committee. Central files contain the following information with respect to each A.I.D. advisory committee:

(1) Original copy of Advisory Committee Charter filed with the Administrator;

(2) Official records copy of formal determinations by the A.I.D. Administrator with respect to the establishment, renewal, operation, and termination of the committee;

(3) Annual reports of committee activity;

(4) Designations of Advisory Committee Representatives;

(5) Location of official files of the Advisory Committee.

(b) Each A.I.D. Advisory Committee Representative maintains individual advisory committee files at a location known to the A.I.D. Advisory Committee Management Officer. These files contain the following information:

(1) Copies of documents establishing, renewing, and terminating the committee;

(2) Copies of committee charters filed with the A.I.D. Administrator;

(3) Fiscal records which fully disclose the disposition of any funds made available to the committee;

(4) Advisory committee records described above in § 214.36(b) (i.e., the reports, transcripts, minutes, appendices, and other documents which were made available to, or prepared for or by, the committee).

(c) The A.I.D. Advisory Committee Management Officer, the A.I.D. Auditor General, the OMB Secretariat, and the Comptroller General shall have access to these records.

(d) Personnel documentation required by CSC and Agency regulations shall be maintained in the official personnel records of the Office of Personnel and Manpower.

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§ 214.44 Annual review and reports.

(a) A.I.D. provides information for an annual OMB review and report to Congress as required by OMB Circular A-63. Agency annual reports are due on February 1 of each year; include only those advisory committees established by or which report to A.I.D.; and are submitted in quadruplicate on a form prescribed by the OMB Secretariat.

(b) Within A.I.D., the Advisory Committee Management Officer collects required information from the A.I.D. Advisory Committee Representatives; appraises advisory committee activities for the Administrator; and prepares the Agency's annual report to OMB for the Administrator's signature.

Subpart F—Administrative Remedies

§ 214.51 Administrative review of denial for public access to records.

Any person whose request for access to an advisory committee document is denied may seek administrative review in accordance with section 212.34(c) of A.I.D. Regulation 12, 22 CFR 212.34(c).

§ 214.52 Administrative review of other alleged non-compliance.

With regard to other alleged non-compliance with the Act, OMB Circular A-63, or this regulation, the following procedures are to be used:

(a) Advisory committee members or other aggrieved individuals or organizations must file a written complaint which contains specific information regarding the alleged non-compliance.

(b) The written complaint must be addressed to the Administrator or Deputy Administrator, Agency for International Development, 21st and Virginia Avenue, NW., Washington, D.C. 20523.

(c) The complaint must be filed within thirty (30) days after the date of the alleged non-compliance.

(d) The complaint will be considered by the Administrator or Deputy Administrator with the advice and assistance of the General Counsel and the A.I.D. Advisory Committee Management Officer.

(e) Written notice of the disposition of the complaint shall be provided to the complainant within thirty (30) days of the date the complaint was received by the Agency.

Effective date. This regulation is effective July 20, 1973.

Dated: July 19, 1973.

JOHN A. HANNAH,
Administrator.

[FR Doc.73-16370 Filed 8-7-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-188]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Nevada	Clark	North Las Vegas, City of.				August 8, 1973. Emergency.
Ohio	Franklin	Upper Arlington, City of.				Do. Emerg.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 1, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-16227 Filed 8-7-73;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER F—ENROLLMENT

PART 43h—PREPARATION OF A ROLL OF ALASKA NATIVES

Eligibility, Appeals, Deadline for Amending Enrollment Applications

The general authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. section 301, and sections 463 and 465 of the Revised Statutes (25 U.S.C. sections 2 and 9).

Part 43h, Subchapter F, Chapter I of Title 25 of the Code of Federal Regulations is amended by the addition of paragraph (d) to § 43h.7, the revision of § 43h.8, and the addition of § 43h.14.

The addition of paragraph (d) to § 43h.7 is necessary to provide for the mailing of notices of decisions of the Coordinator of the Alaska Native Enrollment Coordinating Office by registered or first class mail which is neither certified or registered in those instances where certified mail service, return receipt requested, is not available to an addressee.

The time for filing an appeal under § 43.8 has been changed from 45 to 30 days. This change is necessary in order to assure there will be sufficient time to decide all appeals in time to complete the roll of Alaska Natives by the deadline of December 18, 1973, imposed by the Act of December 18, 1971, 85 Stat. 688.

Section 43h.8 has also been revised to provide for service of notices of appeal on applicants, regions and villages by registered or first class mail which is neither certified nor registered where such service cannot be made by certified mail, return receipt requested. The revision also spells out how proof of service shall be made with the Regional Solicitor in light of the fact that certified or registered mail, return reciept requested, cannot be used in some instances. Section 43h.8 has also been revised to provide that applicants, regions and villages served with notices of appeal shall have 15 days from the date of publication of this regulation in the FEDERAL REGISTER or 15 days from date of service, whichever is later, to file with the Regional Solicitor their written views on the appeal. Previously § 43h.8 did not make specific provision for an applicant, region or village to respond to a served notice of appeal.

The new § 43h.14 sets August 15, 1973, as the deadline for making amendments to enrollment applications or filing amended applications. Such deadline is required in order to enable the processing of all applications, including amendments thereto, to be completed by the statutory deadline of December 18, 1973.

The revisions with respect to the use of registered and first class mail which is neither certified or registered and the consequent changes in the manner in which proof of service shall be made are compelled because of the unavailability of certified mail service in some instances. The 30-day appeal period, the 15-day period provided applicants, regions and villages to respond to notices of appeals with which they are served and the August 15, 1973, deadline set for amendments to enrollment applications constitute, in each case, the maximum allowable time which can be granted and still permit the timely completion of the roll of Alaska Natives under the Act of December 18, 1971, *supra*. In view of the foregoing, and because advance notice and public procedure are not possible under the existing time constraints which also require that the effective date of the regulations not be deferred, good cause exists and is so found that advance notice and public procedure and the 30-day deferred effective date or any other deferred effective date otherwise required by 5 U.S.C. section 553 (b) and (d) should be dispensed with under the exceptions provided in subsections (b) (B) and (d)(3) of 5 U.S.C. section 553. Therefore this amendment and revision shall become effective upon publication in the Federal Register.

Section 43h.7 is amended by the addition of the following paragraph:

§ 43h.7 Determination of eligibility.

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(d) In those instances where certified mail service is not available but registered mail service is available, as for example, mail sent to a foreign address, registered mail, return receipt requested, will be used to send the notices required by this section. If neither certified nor registered mail service is available, as for example, where no post office serves the addressee, notices will be sent by first class mail without certification or registration.

Section 43h.8 is revised to read as follows:

§ 43h.8 Appeals.

(a) Appeals by individuals from adverse decisions must be in writing and filed with the Coordinating Office not later than 30 days after the date of receipt by certified or registered mail, return receipt requested, of the notice of the adverse decision or not later than 37 days after the date of mailing of such notice where certified or registered mail service to the individual is not available or where any notice is returned to the Coordinator in accordance with postal regulations. Appeals by regions and villages from the Coordinator's decisions must be in writing and filed with the Coordinating Office not later than 30 days after receipt of the notice sent by certified or registered mail, return receipt requested, or not later than 37 days after the date of mailing of such notice where certified or registered mail service is not available or where any notice is returned to the Coordinator in accordance with postal regulations. No appeal of a region or village of a decision made by the Coordinator before June 28, 1973, will be allowed unless a protest has been filed within the 30-day period provided by § 43h.6(g).

(b) Each appeal from a decision on an application for enrollment shall be by petition, which shall state the bases and reasons for the appeal, and which shall include or be accompanied by all arguments, briefs, records, or other evidence which the appellant urges as grounds for reversal. No additional presentation will be allowed except upon a showing satisfactory to the Regional Solicitor.

(c) A copy of each appeal petition and its supporting documents filed by an applicant shall be served upon the region and village whose names appear on the decision appealed from. A copy of each appeal petition and its supporting documents filed by a region shall be served upon the applicant for enrollment and upon the village whose name appears on the decision appealed from. A copy of each appeal petition and the supporting documents filed by a village shall be served upon the applicant for enrollment and upon the region whose name appears on the decision appealed from.

(d) Service shall be made at the time of filing the appeal with the Coordinating Office by delivering a copy of the appeal petition and supporting documents either in person or by certified or registered mail, return receipt requested. If certified or registered mail service to an addressee is not available service may be made on that addressee by sending to that addressee a copy of the appeal petition and supporting documents by first class mail which is neither certified nor registered. Service will be considered to have been made at the time: (1) Of acknowledgement; (2) of personal service; (3) of delivery by certified or registered mail, return receipt requested; (4) seven (7) days after the date of mailing by first class mail which is neither certified nor registered; or (5) seven (7) days after the date of mailing by certified or registered mail, return receipt requested, which is returned by the Postal Service undelivered. Within 15 days of filing the appeal petition with the Coordinating Office, proof of service must be furnished to the Regional Solicitor. This proof may be made by informing the Regional Solicitor in writing of the names of the parties served, whether service was made personally or by certified, registered, or first class mail which was neither certified nor registered, and the address, if mailed, to which copies of the appeal petition and supporting documents were sent. A party served with a copy of an appeal petition and supporting documents shall have until August 23, 1973 or 15 days from the date of service, whichever is later, in which to file written views on the appeal with the Regional Solicitor. Failure to serve copies of the appeal petition and its supporting documents or to file proof of service within the time allowed will subject the appeal to summary dismissal.

(e) Upon receipt of an appeal petition, the Coordinator will forward the petition, with all records pertaining thereto, to the Regional Solicitor. Determination on appeals will be made by the Regional Solicitor on behalf of

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the Secretary and shall be final. The applicant and the appropriate village and region shall be notified in writing of the determination of the Regional Solicitor.

Section 43h.14 is added to Part 43h and it reads as follows:

§ 43h.14 Deadlines for amending enrollment applications.

Amendments to enrollment applications, or amended applications, will not be considered originally or on appeal unless filed (received by the Enrollment Office) on or before August 15, 1973. All such amendments or amended applications received subsequent to August 15, 1973, will be returned to the applicant without action.

KENT FRIZZELL,
Secretary of the Interior.

AUGUST 3, 1973.

[FR Doc.73-16380 Filed 8-7-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 531-73]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

SUBPART G-1—OFFICE OF WATERGATE SPECIAL PROSECUTION FORCE

Clarification of Authority of Special Prosecutor

The purpose of this order is to clarify the Special Prosecutor's authority with respect to matters generally assigned to his responsibility. See Department of Justice Order Nos. 517-73, 518-73, 525-73.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, § 0.38 of Subpart G-1 of Part 0 of Chapter I of Title 28, Code of Federal Regulations is amended to read as follows:

§ 0.38 Specific functions.

The Special Prosecutor is assigned and delegated the following specific functions with respect to matters specified in this Subpart:

(a) Pursuant to 28 U.S.C. 515(a), to conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings, which United States attorneys are authorized by law to conduct, and to designate attorneys to conduct such legal proceedings.

(b) To approve or disapprove the production or disclosure of information or files relating to matters within his cognizance in response to a subpoena, order, or other demand of a court or other authority. (See Part 16(B) of this chapter.)

(c) To apply for and to exercise the authority vested in the Attorney General under 18 U.S.C. 6005 relating to immunity of witnesses in Congressional proceedings.

The listing of these specific functions is for the purpose of illustrating the authority entrusted to the Special Prosecutor and is not intended to limit in any manner his authority to carry out his functions and responsibilities.

Dated July 31, 1973.

ELLIOT RICHARDSON,
Attorney General.

[FR Doc.73-16372 Filed 8-7-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

Taylor Creek, Fla.

Pursuant to the provisions of Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.170d is hereby prescribed establishing and governing the operation of a lock across the entrance to Taylor Creek, Okeechobee, Florida.

Since this regulation is local in nature and the U.S. Army Engineer District, Jacksonville, has provided notice and opportunity for local participation in this rule making, the Secretary of the Army has found that notice of proposed rule making and public procedures thereto are unnecessary and that good cause exists for making this regulation effective on September 7, 1973, as follows:

§ 207.170d Taylor Creek, navigation lock (S-193) across the entrance to Taylor Creek at Lake Okeechobee, Okeechobee, Fla.; use, administration and navigation.

(a) The owner of or agency controlling the lock shall not be required to operate the navigation lock except from 5:30 a.m. to 8:00 p.m. daily. During the above hours the lock shall be opened upon demand for the passage of vessels.

(b) The owner of the lock shall place signs, of such size and description as may be designated by the District Engineer, U.S. Army Engineer District, Jacksonville, Florida at each side of this lock indicating the nature of the regulations of this section.

[Regs., July 17, 1973, 1522-01 (Taylor Creek, Fla.) DAEN-CWO-N] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.73-16371 Filed 8-7-73;8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 221—TIMBER

Requirements in Use of National Forest Timber

Correction

In FR Doc.73-15676 appearing at 20326 in the issue of Tuesday, July 31, 1973, in the second line of the seventh paragraph, the word "proper" should read "proposed".

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 115]

LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION

This amendment of the Federal Procurement Regulations adds a new Subpart 1-18.7, Labor Standards for Contracts Involving Construction. Essentially, new Subpart 1-18.7 includes all the material formerly in Subpart 1-12.4 and new and expanded coverage of labor standards under Federal construction contracts. This change consolidates this material with other materials in Part 1-18 specifically dealing with the procurement of construction. New material included in the new Subpart 1-18.7 relates to wage and fringe benefits determinations issued by the Department of Labor for inclusion in contracts involving construction, to the administration and enforcement of labor standards for such contracts, and to revised and new contract clauses regarding apprentice and trainee employment requirements. The sections on apprentices and trainees have been revised to incorporate material which will promote the full realization of training opportunities on construction programs. In addition, the amendment makes miscellaneous related editorial changes in Part 1-12 and adds a new Subpart 1-12.12 to reference the Williams-Steiger Occupational Safety and Health Act of 1970.

PART 1-12—LABOR

The table of contents for Part 1-12 is amended to delete the entries for Subpart 1-12.4, to provide that Subpart 1-12.4 is reserved, and to add new entries for Subpart 1-12.12, as follows:

Subpart 1-12.4—[Reserved]

Subpart 1-12.12—Williams-Steiger Occupational Safety and Health Act of 1970

1-12.1201 Basic statute.
1-12.1202 Regulations and rulings on applicability or interpretation.

Subpart 1-12.4 is revised to delete the caption and the text of the subpart and to provide that the subpart is reserved.

Subpart 1-12.4—[Reserved]

Subpart 1-12.12 is added, as follows:

Subpart 1-12.12—Williams-Steiger Occupational Safety and Health Act of 1970

§ 1-12.1201 Basic statute.

The Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 651-678) provides for the establishment and enforcement of occupational safety and health standards; for the training of employers, employees, and others in the field of occupational safety and health; for the participation of the States; and for recordkeeping. The Act applies to all employees unless otherwise exempted

who are employed in a business that affects interstate commerce.

§ 1-12.1202 Regulations and rulings on applicability of interpretation.

Regulations relating generally to occupational safety and health standards appear in 29 CFR Part 1910. Those relating particularly to construction appear in 29 CFR 1926, and solicitations for offers in the construction field should reference the Occupational Safety and Health Standards as set forth therein. Contractors or contractor employees who inquire concerning the applicability or interpretation of the Williams-Steiger Act or standards and regulations issued thereunder should be advised that these matters fall within the jurisdiction of the Department of Labor and should be given the address of the appropriate regional or area office of the Occupational Safety and Health Administration of the Department of Labor.

PART 1-16—PROCUREMENT FORMS

Subpart 1-16.4—Forms for Advertised Construction Contracts

Section 1-16.401 is amended, as follows:

§ 1-16.401 Forms prescribed.

• • • • •

(b) Standard Form 19-A, April 1965 edition, Labor Standards Provisions—Applicable to Contracts in Excess of $2,000. Pending the publication of a new edition of the form, the provisions of Standard Form 19-A are deleted and the clauses prescribed by § 1-18.703-1 are substituted therefor.

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PART 1-18—PROCUREMENT OF CONSTRUCTION

The table of contents for Part 1-18 is amended to add new entries, as follows:

Subpart 1-18.7—Labor Standards for Contracts Involving Construction

Sec.
1-18.700 Scope of subpart.
1-18.701 Applicability.
1-18.701-1 Construction contracts.
1-18.701-2 Supply, service, maintenance, or other contracts involving construction.
1-18.702 Statutory and regulatory requirements.
1-18.702-1 Davis-Bacon Act.
1-18.702-2 Copeland Act.
1-18.702-3 Contract Work Hours and Safety Standards Act.
1-18.702-4 Department of Labor regulations.
1-18.703 Contract clauses.
1-18.703-1 Clauses for general use.
1-18.703-2 Contracts with a State or political subdivision.
1-18.703-3 Overseas contracts.
1-18.704 Wage determinations.
1-18.704-1 General.
1-18.704-2 Types of wage determinations.
1-18.704-3 Procedure for requesting determinations.
1-18.704-4 Rates to be included in solicitations.
1-18.704-5 Wage determinations in solicitations and awards.
1-18.704-6 Formal advertising without a wage determination.
1-18.704-7 Modifications of wage determinations.
1-18.704-8 Wage determinations appeals.
1-18.705 Administration and enforcement.
1-18.705-1 Policy.
1-18.705-2 Wages, fringe benefits, and overtime.
1-18.705-3 Additional classifications.
1-18.705-4 Apprentices and trainees.
1-18.705-5 Subcontracts.
1-18.705-6 Payrolls and statements.
1-18.705-7 Posting wage determinations.
1-18.705-8 Investigations.
1-18.705-9 Suspensions and deductions of contract payments.
1-18.705-10 Reports.
1-18.705-11 Contract terminations.
1-18.705-12 Cooperation with the Department of Labor.
1-18.705-13 Review of recommendations for an appropriate adjustment in liquidated damages under the Contract Work Hours and Safety Standards Act.
1-18.706 Disposition of disputes arising out of construction contracts labor standards enforcement.

Subpart 1-18.7 is added which reads as follows:

Subpart 1-18.7—Labor Standards for Contracts Involving Construction

§ 1-18.700 Scope of subpart.

This subpart sets forth the labor standards applicable to construction contracts, including policies, procedures, and contract clauses, and indicates the statutory basis for these standards.

§ 1-18.701 Applicability.

The requirements of this Subpart 1-18.7 apply to contracts for construction and, under some circumstances, to other types of contracts involving construction.

§ 1-18.701-1 Construction contracts.

(a) A contract is for construction if it is solely or predominantly for construction as defined in § 1-18.101-1.

(1) These requirements are applicable only if the construction work is, or reasonably can be foreseen to be, performed at a particular site so that wage rates can be determined for the locality.

(2) These requirements do not apply to contracts solely for dismantling, demolition, or removal of improvements, though certain of the statutes mentioned herein may apply to such contracts.

(3) These requirements do not apply to contracts requiring construction work which is so closely related to research, experiment, and development that it cannot be performed separately or which is itself the subject of research, experiment, or development.

(4) These requirements apply to manufacture or fabrication of materials and components on the site by a construction contractor or subcontractor under a contract otherwise subject to these requirements but do not apply to other manufacturing or furnishing of equipment, components, or other materials.

(5) These requirements do not apply to employees of railroads operating under collective bargaining agreements that are subject to the provisions of the Railway Labor Act.

(b) Under contracts for construction as described in § 1-18.701-1(a), the requirements of this subpart apply only to work performed by mechanics and laborers at the site of the work.

(1) "Mechanics and laborers" are construed to include at least those workers whose duties are manual or physical in nature as distinguished from mental or managerial whether employed by a prime contractor or by a subcontractor of any tier. The term includes any workers who work with tools or equipment or perform the work of a trade, apprentices and trainees, and, in the case of contracts subject to the Contract Work Hours and Safety Standards Act, watchmen and guards. The term does not apply to employees whose duties are nonmanual in nature, such as office workers, superintendents, technical engineers, or scientific workers, but it does apply to cooks, storekeepers, and working foremen who devote more than 20 percent of their time during a workweek to mechanic or laborer duties.

(2) The "site of the work" is limited to the physical place or places where the construction called for in the contract will remain when work on it has been completed and to other adjacent or nearby property used by the contractor or subcontractor in such construction which can reasonably be said to be included in the "site" because of proximity. For example, if a small office building is being erected, the "site of the work" will normally include no more than the building itself and its grounds and other land or structures "down the block" or "across the street" which the contractor or subcontractor uses in the course of his performance on the particular contract. In the case of larger contracts such as for a large building, an airport, or a dam, the "site of the work" is necessarily more extensive and includes the whole area in which the contract construction activity will take place. Fabrication plants, "mobile factories," batch plants, borrow pits, job headquarters, and tool yards are part of the "site of the work" provided they are dedicated exclusively or nearly so to performance on the contract and are so located in proximity to the actual construction location that it would be reasonable to include them. Once the limits of "site of the work" have been determined, the Secretary's wage rate decision is applicable only to those mechanics and laborers employed by a contract or subcontractor within such limits (that is, upon the "site of the work"), including drivers who temporarily leave the "site" to transport materials and equipment used in the course of contract operations.

§ 1-18.701-2 Supply, service, maintenance, or other contracts involving construction.

(a) The requirements of this Subpart 1-18.7 do not ordinarily apply to supply, service, maintenance, research and development, or other nonconstruction contracts. However, contracts predomi-

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nantly for nonconstruction work may also involve construction work. Construction items under such contracts are not exempted from the requirements of this subpart simply because the work is to be performed under a contract which also requires, for example, the furnishing of supplies. On the other hand, where construction work is to be performed in support of other work such as manufacturing and furnishing of supplies, the circumstances may be such that the construction work may be so merged with nonconstruction activity or may be so fragmented in terms of the locations or time spans in which it is to be performed that it cannot be segregated as a separate contractual requirement for construction, alteration, or repair of a public building or public work. Generally, the requirements apply to, and the appropriate clauses in § 1–18.703–1 must be included in, a prime contract if:

(1) The contract contains specific requirements for substantial amounts of construction work, or it is ascertainable at the contract date that a substantial amount of construction work will be necessary for the performance of the contract. The word "substantial" relates to the type and quantity of construction work to be performed and not merely to the total value of construction work as compared to the total value of the contract; and

(2) Such construction work is physically or functionally separate from and, as a practical matter, is capable of being performed on a segregated basis from the other work required by the contract.

(b) The standard clauses provide that they will be applicable to the contract work only to the extent that such work is subject to the labor standards statutes involved. Under contracts requiring substantial amounts of segregable construction work, only such segregable construction will be covered.

(1) For example, the requirements do not apply to installation, maintenance, and alteration work incidental to furnishing supplies under a supply contract; however, if a substantial and segregable amount of construction, alteration, or repair work at the site is required, such as for installation of heavy generators and large refrigerator systems or for plant modification or rearrangement, the labor standards for construction contracts apply to the construction work at the site.

(2) Contracts for maintenance or service are not ordinarily subject to the requirements of this subpart. Maintenance includes the routine, recurring type of work necessary to keep a facility in such condition that it may be continuously used at an established capacity and efficiency for its intended purpose. However, if such maintenance or service contracts call for substantial and segregable items of construction, alteration, or repair, the labor standards provisions for construction contracts will be applicable to those items. All contracts in excess of $2,000 for painting of any public building or public work, whether performed in connection with the original construction or as regular maintenance, are subject to the labor standards provisions for construction contracts.

§ 1–18.702 Statutory and regulatory requirements.

§ 1–18.702–1 Davis-Bacon Act.

The Davis-Bacon Act (Act of March 3, 1931, as amended (40 U.S.C. 276a–276a–7)), provides that certain contracts over $2,000 entered into by any executive agency for construction, alteration, or repair (including painting and decorating) of public buildings or public works within the United States shall contain a provision (see § 1–18.703–1(a)) to the effect that no laborer or mechanic employed directly upon the site of the work contemplated by the contract shall receive less than the prevailing rates of wages as determined by the Secretary of Labor. The term "wages" as used in the Davis-Bacon Act includes the basic hourly rate of pay, the rate of contribution irrevocably made by an employer pursuant to a fund, plan, or program, and the rate of costs to the employer which may be reasonably anticipated in providing certain bona fide fringe benefits.

§ 1–18.702–2 Copeland Act.

The Copeland ("Anti-kickback") Act (18 U.S.C. 874 and 40 U.S.C. 276c) makes it unlawful to induce, by force or otherwise, any person employed in the construction, prosecution, completion, or repair of public buildings, public works, or buildings, or works including those financed in whole or in part by loans or grants from the United States, to give up any part of the compensation to which he is entitled under his contract of employment. In accordance with regulations of the Secretary of Labor issued pursuant to the Copeland Act, certain contracts entered into by any executive agency shall contain a provision (see § 1–18.703–1(e)) to the effect that the contractors and any subcontractor shall comply with the regulations of the Secretary of Labor under the Act.

§ 1–18.702–3 Contract Work Hours and Safety Standards Act.

In accordance with the requirements of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), certain contracts entered into by any executive agency must contain a clause (see § 1–18.703–1(b)) to the effect that no laborer or mechanic doing any part of the work contemplated by the contract shall be required or permitted to work more than 8 hours in any one calendar day or 40 hours in any workweek unless such laborer or mechanic is compensated at not less than one and one-half times his basic rate of pay for all hours worked in excess of 8 hours in any one calendar day or 40 hours in any workweek. The workmen will be paid according to the calculation which represents the greater number of overtime hours.

§ 1–18.702–4 Department of Labor regulations.

Pursuant to the statutes referred to in this § 1–18.702 and Reorganization Plan No. 14 of 1950 (3 CFR, 1949–53 Comp., p. 1007), the Secretary of Labor has issued regulations in Parts 1, 3, 5, 5a, and 7 of Title 29, Subtitle A, Code of Federal Regulations, providing for the administration and enforcement of those statutes in construction contracts. The Secretary's regulations cover the following wage determination procedures: Duties of contractors on Government-financed public buildings; labor standards for construction contracts; standards for ratios of apprentices and trainees to journeymen; and wage determination review procedures.

§ 1–18.703 Contract clauses.

§ 1–18.703–1 Clauses for general use.

Except as provided in § 1–18.703–2, every construction contract in excess of $2,000 (or of such other amount as may be specifically indicated) for work within the United States shall include the following clauses:

(a) *Davis-Bacon Act (40 U.S.C. 276a–276a–7).*

DAVIS-BACON ACT (40 U.S.C. 276a–276a–7)

(a) All mechanics and laborers, including apprentices and trainees, employed or working directly upon the site of the work shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the Copeland Regulations, 29 CFR Part 3), the full amounts due at time of payment computed at wage rates not less than the aggregate of the basic hourly rates and the rates of payments, contributions, or costs for any fringe benefits contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the Contractor or subcontractor and such laborers and mechanics. A copy of such wage determination decision shall be kept posted by the Contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(b) The Contractor may discharge his obligation under this clause to workers in any classification for which the wage determination decision contains:

(1) Only a basic hourly rate of pay, by making payment at not less than such basic hourly rate, except as otherwise provided in the Copeland Regulations (29 CFR Part 3); or

(2) Both a basic hourly rate of pay and fringe benefits payments, by making payment in cash, by irrevocably making contributions pursuant to a fund, plan, or program for, and/or by assuming an enforceable commitment to bear the cost of, bona fide fringe benefits contemplated by the Davis-Bacon Act, or by any combination thereof. Contributions made, or costs assumed, on other than a weekly basis shall be considered as having been constructively made or assumed during a weekly period to the extent that they apply to such period. Where a fringe benefit is expressed in a wage determination in any manner other than as an hourly rate and the Contractor pays a cash equivalent or provides an alternative fringe benefit, he shall furnish information with his payrolls showing how he determined that the cost incurred to make the cash payment or to provide the alternative fringe benefit is equal to the cost of the wage determination fringe benefit. In any case where the Contractor provides a fringe benefit different from any contained in the wage determination, he shall similarly show how he arrived at the hourly rate shown therefor. In the event of disagreement between or among the interested parties as to an equivalent of any fringe benefit, the Contracting Officer shall submit the question, together with his recommendation, to the Secretary of Labor for final determination.

(c) The assumption of an enforceable commitment to bear the cost of fringe benefits, or the provision of any fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or in the wage determination forming a part of the contract, may be considered as payment of wages only with the approval of the Secretary of Labor pursuant to a written request by the Contractor. The Secretary of Labor may require the Contractor to set aside assets, in a separate account, to meet his obligations under any unfunded plan or program.

(d) The Contracting Officer shall require that any class of laborers or mechanics, including apprentices and trainees, which is not listed in the wage determination decision and which is to be employed under the contract shall be classified or reclassified conformably to the wage determination decision, and shall report the action taken to the Secretary of Labor. If the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers or mechanics to be used, the Contracting Officer shall submit the question, together with his recommendation, to the Secretary of Labor for final determination. Apprentices and trainees may be added under this clause only where they are employed pursuant to an apprenticeship or trainee program meeting the requirements of the Apprentices and Trainees clause below.

(e) In the event it is found by the Contracting Officer that any laborer or mechanic, including apprentices and trainees, employed by the Contractor or any subcontractor directly on the site of the work covered by this contract has been or is being paid at a rate of wages less than the rate of wages required by paragraph (a) of this clause, the Contracting Officer may (1) by written notice to the Government Prime Contractor terminate his right to proceed with the work, or such part of the work as to which there has been a failure to pay said required wages, and (2) prosecute the work to completion by contract or otherwise, whereupon such Contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

(f) Paragraphs (a) through (e) of the clause shall apply to this contract to the extent that it is (1) a prime contract with the Government subject to the Davis-Bacon Act, or (2) a subcontract also subject to the Davis-Bacon Act under such prime contract.

(b) *Contract Work Hours and Safety Standards Act—Overtime Compensation (40 U.S.C. 327–333).*

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION (40 U.S.C. 327–333)

This contract is subject to the Contract Work Hours and Safety Standards Act and to the applicable rules, regulations, and interpretations of the Secretary of Labor.

(a) The Contractor shall not require or permit any laborer or mechanic, including apprentices, trainees, watchmen, and guards, in any workweek in which he is employed on any work under this contract to work in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek on work subject to the provisions of the Contract Work Hours and Safety Standards Act unless such laborer or mechanic, including apprentices, trainees, watchmen, and guards, receives compensation at a rate not less than one and one-third times his basic rate of pay for all such hours worked in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek, whichever is the greater number of overtime hours. The "basic rate of pay," as used in this clause, shall be the amount paid per hour, exclusive of the Contractor's contribution or cost for fringe benefits, and any cash payment made in lieu of providing fringe benefits, or the basic hourly rate contained in the wake determination, whichever is greater.

(b) In the event of any violation of the provisions of paragraph (a), the Contractor shall be liable to any affected employee for any amounts due, and to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including an apprentice, trainee, watchman, or guard, employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of 8 hours or in excess of the standard workweek of 40 hours without payment of the overtime wages required by paragraph (a).

(c) *Apprentices and trainees.*

APPRENTICES AND TRAINEES

(a) Apprentices shall be permitted to work as such only when they are registered, individually, under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or if no such recognized agency exists in a State, under a program registered with the aforesaid Bureau of Apprenticeship and Training. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the Contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate who is not a trainee as defined in paragraph (b) of this clause, and who is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The Contractor shall furnish to the Contracting Officer written evidence of the registration of his program and apprentices, as well as of the appropriate ratios allowed and the wage rates required to be paid thereunder for the area of construction, prior to using any apprentices in the contract work. The term "apprentice" means (1) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau, or (2) a person in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training, or a State Apprenticeship Council (where appropriate) to be eligible for probationary employment as an apprentice.

(b) Trainees shall be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training. The term "trainee" means a person receiving on-the-job training in a construction occupation under a program which is approved (but not necessarily sponsored) by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and which is reviewed from time to time by the Manpower Administration to insure that the training meets adequate standards.

(c) In connection with contracts in excess of $10,000 the Contractor agrees as follows:

(1) The Contractor shall make a diligent effort to hire for performance of work under this contract a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the contract the applicable ratio as set forth in paragraph (c)(7) of his clause.

(2) The Contractor shall insure that 25 percent of such apprentices or trainees in each occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (i) the availability of training opportunities for first year apprentices, (ii) the hazardous nature of the work for beginning workers, and (iii) excessive unemployment of apprentices in their second and subsequent years of training.

(3) The Contractor shall, during the performance of the contract, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of paragraphs (c)(1) and (c)(2) of this clause.

(4) The Contractor shall maintain records of employment on this contract by trade of the number of apprentices and trainees, apprentices and trainees in first year of training, and of journeymen, and the wages paid and the hours of work of such apprentices, trainees, and journeymen. In addition, the Contractor who claims compliance based on the criterion set forth in paragraph (c)(6)(ii) of this clause shall maintain such records of employment on all his construction work in the same labor market area, both public and private, during the performance of this contract. In each of the above cases the Contractor shall make such records available for inspection upon request of the Department of Labor or the Contracting Officer.

(5) The Contractor shall supply one copy of each of the written notices required in accordance with paragraph (c)(6)(iii) of this clause at the request of the Contracting Officer. The Contractor also agrees to supply at 3-month intervals during the performance of the contract and after completion of contract performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees, other apprentices and trainees, and journeymen. One copy of the statement will be sent to the Contracting Officer and one copy to the Secretary of Labor.

(6) The Contractor will be deemed to have made a "diligent effort as required by paragraph (c)(1) if during the performance of this contract, he accomplishes at least one of the following three objectives: (i) The Contractor employs under this contract a number of apprentices and trainees by craft, at least equal to the ratios established in accordance with paragraph (c)(7) of this clause, or (ii) the Contractor employs, on all his construction work, both public and private, in the same labor market area, an average number of apprentices and trainees by craft at least equal to the ratios established in accordance with paragraph (c)(7) of this clause, or (iii) the Contractor (A) if covered by a collective bargaining agreement, before commencement of any work on the project,

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has given written notice to all joint apprenticeship committees, the local U.S. Employment Security Office, local chapter of the Urban League, Workers Defense League, or other local organizations concerned with minority employment, and the Bureau of Apprenticeship and Training Representative, U.S. Department of Labor, for the locality of the work; (B) if not covered by a collective bargaining agreement, has given written notice to all of the groups stated above, except joint apprenticeship committees, and will in addition notify all non-joint apprenticeship sponsors in the labor market area; (C) has employed all qualified applicants referred to him through normal channels (such as the Employment Service, the Joint Apprenticeship Committees, and, where applicable, minority organizations and apprentice outreach programs who have been delegated this function) at least up to the number of such apprentices and trainees required by paragraph (c)(7) of this clause. The notice, as referred to herein, will include at least the Contractor's name and address, the agency designation, the contract number, job site address, value of the contract, expected starting and completion dates, the estimated average number of employees in each occupation to be employed over the duration of the contract work, and a statement of his willingness to employ a number of apprentices and trainees at least equal to the ratios established in accordance with paragraph (c)(7) of this clause.

(7) The Contractor recognizes that the Secretary of Labor has determined that the applicable ratios of apprentices and trainees to journeymen in any occupation for the purpose of this clause shall be as follows: (i) In any occupation the applicable ratio of apprentices and trainees to journeymen shall be equal to the predominant ratio for the occupation in the area where the construction is being undertaken, set forth in collective bargaining agreements, or other employment agreements, and available through the Bureau of Apprenticeship and Training Representative, U.S. Department of Labor, for the applicable area; (ii) for any occupation for which no ratio is found, the ratio of apprentices and trainees to journeymen shall be determined by the Contractor in accordance with the recommendations set forth in the Standards of the National Joint Apprentice Committee for the occupation, which are on file at offices of the U.S. Department of Labor's Bureau of Apprenticeship and Training; and (iii) for any occupation for which no such recommendations are found, the ratio of apprentices and trainees to journeymen shall be at least one apprentice or trainee for every five journeymen.

(d) *Payrolls and basic records.*

PAYROLLS AND BASIC RECORDS

(a) The Contractor shall maintain payrolls and basic records relating thereto during the course of the work and shall preserve them for a period of 3 years thereafter for all laborers and mechanics, including apprentices, trainees, watchmen, and guards working at the site of the work. Such records shall contain the name and address of each such employee, his correct classification, rate of pay (including rates of contributions for, or costs assumed to provide, fringe benefits), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Contractor has obtained approval from the Secretary of Labor as provided in paragraph (c) of the clause entitled "Davis-Bacon Act," he shall maintain records which show the commitment, its approval, written communication of the plan or program to the laborers or mechanics affected, and the costs anticipated or incurred under the plan or program.

(b) The Contractor shall submit weekly a copy of all payrolls to the Contracting Officer. The Government Prime Contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The copy shall be accompanied by a statement signed by the Contractor indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic, including apprentices and trainees, conform with the work he performed. Submission of the "Weekly Statement of Compliance" required under this contract and the Copeland Regulations of the Secretary of Labor (29 CFR Part 3) shall satisfy the requirement for submission of the above statement. The Contractor shall submit also a copy of any approval by the Secretary of Labor with respect to fringe benefits which is required by paragraph (c) of the clause entitled "Davis-Bacon Act."

(c) The Contractor shall make the records required under this clause available for inspection by authorized representatives of the Contracting Officer and the Department of Labor, and shall permit such representatives to interview employees during working hours on the job.

(e) *Compliance with Copeland Regulations.*

COMPLIANCE WITH COPELAND REGULATIONS

The Contractor shall comply with the Copeland Regulations of the Secretary of Labor (29 CFR Part 3) which are incorporated herein by reference.

(f) *Withholding of funds.*

WITHHOLDING OF FUNDS

(a) The Contracting Officer may withhold or cause to be withheld from the Government Prime Contractor so much of the accrued payments or advances as may be considered necessary (1) to pay laborers and mechanics, including apprentices, trainees, watchmen, and guards employed by the Contractor or any subcontractor on the work the full amount of wages required by the contract, and (2) to satisfy any liability of any Contractor and subcontractor for liquidated damages under paragraph (b) of the clause entitled "Contract Work Hours and Safety Standards Act—Overtime Compensation."

(b) If any Contractor or subcontractor fails to pay any laborer, mechanic, apprentice, trainee, watchman, or guard employed or working on the site of the work, all or part of the wages required by the contract, the Contracting Officer may, after written notice to the Government Prime Contractor, take such action as may be necessary to cause suspension of any further payments or advances until such violations have ceased.

(g) *Subcontracts.*

SUBCONTRACTS

The Contractor agrees to insert the clauses hereof entitled "Davis-Bacon Act," "Contract Work Hours and Safety Standards Act—Overtime Compensation," "Apprentices and Trainees," "Payrolls and Basic Records," "Compliance with Copeland Regulations," "Withholding of Funds," "Subcontracts," and "Contract Termination—Debarment" in all subcontracts. The term "Contractor" as used in such clauses in any subcontract shall be deemed to refer to the subcontractor except in the phrase "Government Prime Contractor."

(h) *Contract termination—debarment.*

CONTRACT TERMINATION—DEBARMENT

A breach of the clauses hereof entitled "Davis-Bacon Act," "Contract Work Hours and Safety Standards Act—Overtime Compensation," "Apprentices and Trainees," "Payrolls and Basic Records," "Compliance with Copeland Regulations," "Withholding of Funds," "Subcontracts," and "Contract Termination—Debarment" may be grounds for termination of the contract, and for debarment as provided in 29 CFR 5.6.

(i) *Disputes concerning labor standards.*

DISPUTES CONCERNING LABOR STANDARDS

Disputes arising out of the labor standards provisions of this contract shall be subject to the Disputes clause except to the extent such disputes involve the meaning of classifications or wage rates contained in the wage determination decision of the Secretary of Labor or the applicability of the labor provisions of the contract which questions shall be referred to the Secretary of Labor in accordance with the procedures of the Department of Labor.

§ 1–18.703–2 Contracts with a State or political subdivision.

In the case of construction contracts with a State or political subdivision thereof, the contract clauses required by § 1–18.703–1 shall be inserted therein but shall be prefaced by the following provision:

The Contractor agrees to comply with the requirements of the Contract Work Hours and Safety Standards Act, and to insert the following clauses in all subcontracts hereunder with private persons or firms.

§ 1–18.703–3 Overseas contracts.

Every construction contract in excess of $2,000 for work outside the United States, but which is nevertheless subject to the Contract Work Hours and Safety Standards Act as set forth in § 1–12.302(d), shall include the clause in § 1–12.303. Standard Form 19–A should not be used in such contracts (see § 1–16.402).

§ 1–18.704 Wage determinations.

§ 1–18.704–1 General.

Wage determinations reflecting the prevailing wages, including fringe benefits, for laborers and mechanics in a particular area are issued by the Department of Labor. See 29 CFR Part 1 for Department of Labor regulations dealing with questions relating to determination procedures.

§ 1–18.704–2 Types of wage determinations.

(a) A general or area wage determination is published in the FEDERAL REGISTER for use by all Government agencies and provides wage rates for all contracts for the types of construction designated in the determination which may be awarded within a given geographical area. These general or area wage determinations contain no expiration date and shall be modified and the modifications published in the FEDERAL REGISTER on a timely basis to keep them current.

(b) A project area or installation (54A) determination is issued for use by the requesting Federal agency and provides wage rates for all contracts for work described in the determination which may be awarded at an installation or within a given geographical area (usually a county) during the life of the determination. This type of determination is used only when no general wage determination has been issued, and may be requested for installations or areas where continuing construction activity is anticipated. These wage determinations are effective for 120 calendar days from the date of initial issue and are void for incorporation into contracts awarded after that period unless extended as provided in 29 CFR 5.4.

(c) An individual determination (sometimes referred to as "a project determination") is provided upon request for use in a contract to be performed at an installation, or in an area, not covered by either of the above types of determination. These individual wage determinations are effective for 120 calendar days from the date of initial issue and are void for incorporation into contracts awarded after that period unless extended as provided in 29 CFR 5.4.

§ 1–18.704–3 Procedure for requesting determinations.

(a) *Requests for project area or individual wage determinations.* Requests shall be submitted on completed Standard Form 308, Request for Determination and Response to Request, to the Regional Administrator of the Employment Standards Administration, Department of Labor, who has jurisdiction within the geographic area where the applicable project will be performed. Only those classifications shall be checked on the form which will be needed in the performance of the work. Needed classifications that are not on the form may be added. The agency shall not list classifications which can be fitted into classifications on the form, or classifications which are not generally recognized in the area or in the construction industry. Requests shall:

(1) Include a sufficiently detailed description of the work to indicate the type of construction involved; i.e., building, heavy, highway, or other type;

(2) Include the location of the project, giving the distance in miles and the direction from the nearest point of reference;

(3) Include the agency's evaluation of whether the project is a building, heavy, highway, or other type of construction project;

(4) Be accompanied by any available pertinent wage payment information unless the wage patterns in the area are clearly established; and

(5) Include a complete statement of the incidence of use of the last previously issued installation determination, the total dollar amount of the contracts awarded thereunder, and an estimate of the use of any new determination during its 120-day life. This should include a brief description of the planned projects (i.e., commercial, residential, heavy, or highway), the estimated cost of each project, and the kinds of laborers and mechanics likely to be employed.

The addresses of the various Regional Administrators of the Employment Standards Administration are set forth below:

BOSTON REGION

For the States of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 1612C, John F. Kennedy Federal Building, Government Center, Boston, MA 02203 (Telephone: 617–223–2035).

NEW YORK REGION

For the States of New York and New Jersey and for Puerto Rico and the Virgin Islands:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, 1515 Broadway, New York, NY 10036 (Telephone: 212–971–5451).

PHILADELPHIA REGION

For the States of Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 704C, 1317 Filbert Street, Philadelphia, PA 19107 (Telephone: 215–597–9633).

ATLANTA REGION

For the States of Florida, Georgia, North Carolina, South Carolina, Tennessee, Alabama, Kentucky, and Mississippi:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 331, 1371 Peachtree Street NE, Atlanta, GA 30309 (Telephone: 404–526–5801).

CHICAGO REGION

For the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, U.S. Courthouse and Federal Office Building, Room 742, 219 South Dearborn Street, Chicago, IL 60604 (Telephone: 312–353–7280).

DALLAS REGION

For the States of Texas, New Mexico, Oklahoma, Arkansas, and Louisiana:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 13F12, 1100 Commerce Street, Dallas, TX 75202 (Telephone: 214–749–2037).

KANSAS CITY REGION

For the States of Missouri, Kansas, Nebraska, and Iowa:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 2000, Federal Office Building, 911 Walnut Street, Kansas City, MO 64102 (Telephone: 816–374–5384).

DENVER REGION

For the States of Colorado, North Dakota, South Dakota, Utah, Wyoming, and Montana:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 246, 232 New Customhouse, 721 19th Street, Denver, CO 80202 (Telephone: 303–837–4613).

SAN FRANCISCO REGION

For the States of California, Nevada, Arizona, and Hawaii, and for Guam, and various Pacific Islands:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, 450 Golden Gate Avenue, Room 10431, San Francisco, CA 94102 (Telephone: 415–556–1318).

SEATTLE REGION

For the States of Washington, Oregon, Idaho, and Alaska:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, 2008 Smith Tower, 506 Second Avenue, Seattle, WA 98104 (Telephone: 206–442–1536).

(b) *Requests for general wage determinations.* A contracting agency may submit a request to the Administrator, Wage and Hour Division, Department of Labor, for issuance of a general (area) wage determination for use on individual contracts for a particular type of construction in a particular area whenever (1) the wage patterns for the particular type of construction are well settled in that area, and (2) the agency anticipates a large volume of the particular type of construction in the area. The request shall include the information set forth in paragraph (a) of this section. The Administrator will issue such a determination pursuant to such a request or at his own discretion.

(c) *Time of submission of requests.* Requests for wage determinations ordinarily should be submitted to the Department of Labor at least 30 calendar days before they are required for use in advertising for bids or for entering into negotiations of the contract for which the determinations are sought.

(d) *Limitations.* Each project area and individual wage determination is effective for 120 calendar days from the date of the determination, and is applicable only to contract awards made within that period. Accordingly, if it appears that a wage determination will expire before a contract can be awarded, a new determination should be requested at a date which will permit its receipt and issuance to prospective bidders by amendment of the invitation for bids before the date set for bid opening. In individual cases, upon a written finding by the head of the agency that due to unavoidable circumstances a wage determination expired after bid opening but before award, the Administrator, Wage and Hour Division, Department of Labor, may extend the period of effectiveness of the wage determination whenever he finds it necessary and proper in the public interest to prevent injustice or undue hardship or to avoid serious impairment in the conduct of Government business. General wage determinations normally will be published in the FEDERAL REGISTER on Fridays and will contain no expiration date (see § 1–18.704–2(a)).

(e) *Modification.* On any negotiated procurement a modification of a project area or individual wage determination by an appropriate Department of Labor official shall be made part of the proposed contract if received prior to the award of the contract. However, in procurements involving formal advertising or small business restricted advertising, any modification received by the contracting agency concerned less than 10 calendar days before the opening of bids shall be disregarded unless it is determined that such modifications reasonably can be furnished to bidders by means of an amendment of the invitation for bids in time to be considered in the preparation of their bids. Modifications received by an agency should

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be time-date stamped to show the date of receipt by the agency. A modification of a general wage determination shall be incorporated in a negotiated contract if published in the FEDERAL REGISTER prior to completion of negotiation; if published in the FEDERAL REGISTER less than 10 calendar days before the opening of bids on an advertised procurement, the modification shall not be effective unless the agency finds that there is a reasonable time in which to notify bidders of the modification.

§ 1–18.704–4 Rates to be included in solicitations.

In solicitations for work in an area covered by either a general area wage determination, or a project area or installation (54A) determination, containing more than one schedule (i.e., building construction, heavy, and highway construction) there shall be included only the rate schedule or individual rates applicable to the particular type of construction involved. In cases requiring the utilization of more than one schedule, the item of work to which each schedule is applicable shall be defined.

§ 1–18.704–5 Wage determinations in solicitations and awards.

(a) *Formally advertised procurements.* (1) Whenever it appears before bid opening that a wage determination may expire before award, or a determination actually does expire before bid opening, a new determination shall be requested. The scheduled bid opening date shall be postponed, if necessary, to allow a reasonable time to (i) obtain the determination, (ii) modify the invitation for bids to reflect the new determination, and (iii) permit bidders to amend their bids. Even if the new determination does not change the wage rates, and hence would not warrant amended bids, the solicitation must nevertheless be modified to include the number and date of the new determination.

(2) After bids have been opened in a formally advertised procurement, if a wage determination may expire before award, the agency head or his designee may, upon finding that an extension is in the public interest to prevent injustice, undue hardship, or serious impairment of the conduct of Government business, submit a written request for an extension of the expiration date to the Administrator, Wage and our Division, Department of Labor, who may extend the period of effectiveness of the determination. If an extension is not requested, or if an extension is requested and denied, a new wage determination shall be requested. If the new determination changes the wage rates, the invitation for bids shall be changed and the procurement readvertised using the new wage rates.

(b) *Negotiated procurements.* Whenever (1) it appears that a wage determination will expire before award is made, or (2) the determination actually does so expire, a new wage determination shall be requested. If the new determination makes a change in the wage rates, the wage rate information specified in the new determination shall be furnished to (1) all prospective offerors to whom a solicitation has been sent if the closing date for receipt of proposals has not yet occurred, or (2) to all prospective offerors who have submitted proposals if the closing date is past. All prospective offerors to whom such information has been furnished shall be given a reasonable opportunity to amend their proposals. The contracting officer need not delay opening and reviewing proposals or discussing them with the respective offerors while a new determination is being sought and offerors are preparing amended proposals. Offerors should be requested to extend the period for acceptance of any proposal if that period expires or may expire while the contracting officer is waiting for a new wage determination.

(c) *Receipt of new determination before expiration of original determination.* When a new determination has been requested and received before award, but an award is made before the expiration date of the original determination, the new determination must be treated as a superseding decision in accordance with § 1–18.704–7, except that the expiration of the new determination shall be controlled by the date thereon and not by the date on the determination which it replaces.

§ 1–18.704–6 Formal advertising without a wage determination.

In the event a solicitation is to be issued before the wage determination is obtained a notice shall be included in the invitation for bids that the schedule of minimum wage rates to be paid under the contract will be issued as an amendment to the specifications. Under no circumstances may bids be opened until a reasonable time after the wage determination has been furnished to all bidders.

§ 1–18.704–7 Modifications of wage determinations.

(a) During the life of any wage determination, it may be modified (1) by the "letter of inadvertence," which is used to correct a clerical error in a wage determination, (2) a "notice of modification," which specifies a change in a wage determination, or (3) a "superseding decision," which is a reissuance of a wage determination with changes incorporated. All modifications (including superseding decisions) expire on the same day as the original determination. Since the need for inclusion of a modification in a solicitation is determined by the time of receipt in the agency concerned, all modifications shall be time-date stamped immediately upon receipt by the agency concerned. The need for inclusion of a modification of a general wage determination is determined by the publication date in the FEDERAL REGISTER.

(b) A modification which affects wage rates included in a solicitation, and which was received by the agency concerned earlier than 10 calendar days before bid opening, or a modification published in the FEDERAL REGISTER within 10 days before bid opening, in formally advertised procurements or award in negotiated procurements shall be processed upon receipt by the contracting officer as follows (note distinction between agency and contracting officer):

(1) *Formally advertised procurements.* If the modification reaches the contracting officer before bid opening, he shall issue an amendment to the invitation for bids and, if necessary, extend the date of bid opening.

(2) *Negotiated procurements.* If the modification reaches the contracting officer before award, he shall notify the appropriate offerors and allow them sufficient time to adjust their offers accordingly.

(c) A modification which affects wage rates included in a solicitation, and which was received by the agency concerned later than 10 days before the bid opening in formally advertised procurements or published in the FEDERAL REGISTER later than 10 days before award in negotiated procurements, must be included in the solicitation only where such action will not delay bid opening or otherwise create excessive administrative burdens and may otherwise be disregarded. A modification which accordingly is not included in the solicitation shall not be included in advertised contracts after bid opening or in negotiated contracts after award.

§ 1–18.704–8 Wage determinations appeals.

The Secretary of Labor has established a Wage Appeals Board, one of whose powers is to decide appeals concerning questions of law and fact arising from decisions of the Associate Administrator, Division of Wage Determinations, with regard to wage determinations issued under the Davis-Bacon Act and related minimum wage statutes. Each contracting agency, in accordance with procedures established by it, may file a petition for review of, or for intervention, in any matter which it appears may appropriately be brought before the Board in accordance with procedures established for the Wage Appeals Board in 29 CFR Part 7.

§ 1–18.705 Administration and enforcement.

§ 1–18.705–1 Policy.

(a) *General.* To comply with the Government policy of insuring full and impartial enforcement of the labor standards laws in the administration of construction contracts, agencies shall maintain a continuing effective enforcement program which shall include:

(1) Insuring that contractors and subcontractors are informed, prior to commencement of work, of their obligations under the labor standards provisions of their contracts;

(2) Adequate payroll and on-the-site inspections and employee interviews to determine compliance, and prompt initiation of corrective action when required;

(3) Prompt investigation and disposition of complaints; and

(4) Prompt submission of all reports required by this subpart.

(b) *Responsibility.* The contracting officer shall ascertain that the contractor is fully informed of the labor standards provisions of the contract and of his and any subcontractor's responsibilities thereunder. Unless it is clear that the contractor is otherwise fully informed, the contractor shall be so informed either by a preconstruction letter or a preconstruction conference promptly after award of the contract. Whenever the clauses under § 1–18.703–1 are applicable, the action prescribed by this § 1–18.705 shall be taken or required in accordance with procedures prescribed by each agency. Whenever the clauses under §§ 1–18.703–2 and 1–18.703–3 are applicable, the action prescribed by this § 1–18.705 shall be taken or required, in accordance with procedures prescribed by each respective agency, to the extent pertinent to the applicable clauses.

§ 1–18.705–2 Wages, fringe benefits, and overtime.

(a) In computing wages paid to a laborer or mechanic, including apprentices and trainees, the contractor may include any of the following items:

(1) Amounts paid in cash to the laborer or mechanic, or deducted from such payment in accordance with 29 CFR Part 3;

(2) Contributions, except those required by Federal, State, or local law, which the contractor makes irrevocably to a trustee or a third party pursuant to any fund, plan, or program to provide for medical or hospital care, pensions, compensation for injuries or illness resulting from occupational activity, unemployment benefits, life insurance, disability and sickness insurance, accident insurance, vacation and holiday pay, defraying costs of apprenticeship, or any other fringe benefit but contributions or payments for fringe benefits are allowed only for the specific fringe benefits contained in the applicable wage determination decision involved; and

(3) Other contributions or anticipated costs to the extent such contributions or anticipated costs have been expressly approved by the Secretary of Labor.

(b) Where the wage determination decision specifies fringe benefits payments, the contractor may satisfy his obligation under the clause entitled Davis-Bacon Act by providing wages consisting of any combination of contributions or costs as specified in (a), above, provided that the total cost of such combination is not less than the total of the basic hourly rate and fringe benefits payments prescribed in the wage determination decision for the classification of laborer or mechanic concerned. Wages provided by the contractor, or fringe benefits payments required by the wage determination decision, may include items which are not stated as exact cash amounts. In such cases, the interested parties shall determine the cash equivalent of the cost of such items when necessary to determine whether the wages provided by the contractor satisfy the requirements of the wage determination. In the event the interested parties are unable to agree on the cash equivalent, the contracting officer, in accordance with paragraph (b) of the clause entitled Davis-Bacon Act, shall submit the question for determination to the Department of Labor, in accordance with agency procedures. The submission shall include a comparison of the payments, contributions, or costs contained in the wage determination decision with those made or proposed by the contractor as equivalent thereto, together with the comments and recommendations of the contracting officer.

(c) For purposes of computing required overtime payments, the basic rate of pay specified in the wage determination, or that actually paid by the contractor if higher, shall be used. The basic rate does not include any amount paid as fringe benefits, and overtime is not required to be paid on the contractor's contributions, costs, or payment of cash equivalent for fringe benefits. In no event may overtime be computed on a rate lower than the basic rate specified in the wage determination.

§ 1–18.705–3 Additional classifications.

(a) *Requirements.* Whenever any laborer or mechanic is to be employed in a classification not listed in the wage determination applicable to the contract, the contractor shall submit to the contracting officer a statement of the proposed additional classification and minimum wage rate, including fringe benefits payments, if any. Upon approval, the additional classification and rate shall be posted with the wage determination.

(b) *Approval.* Upon receipt of the request for authorization, the contracting officer shall review it to determine whether it meets the following criteria:

(1) The classification is an appropriate one which cannot be fitted into a classification contained in the applicable wage determination; and

(2) The proposed wage rate, including any fringe benefits, conforms to the wage determination contained in the contract.

If the above criteria are met and no interested party objects to the proposed classification, the contracting officer or his representative shall approve the proposal and submit an information copy to the Department of Labor. If the criteria are not met or the interested parties cannot agree on the proposal, the contracting officer or his representative shall submit the proposal, together with available pertinent information, and his recommendation to the Department of Labor for final determination. Upon approval, the contracting officer shall notify the contractor and instruct him to post the approved rate and classification in accordance with § 1–18.705–7.

§ 1–18.705–4 Apprentices and trainees.

(a) As provided in paragraph (a) of the clause set forth in § 1–18.703–1(c), the contractor or subcontractor is required to furnish written evidence of registration of his program and apprentices and trainees, as well as of the ratios allowed and the wage rates required to be paid thereunder for the area of construction before using any apprentices and trainees on the contract work.

(b) All contractors planning to use apprentices and trainees on a construction project are required to obtain written evidence of registration of such employees in a program registered under the State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, Department of Labor. If no such agency exists within a State, an apprentice or trainee must be enrolled under a program registered with the Bureau of Apprenticeship and Training, Department of Labor. The contractor will then submit to the contracting officer this evidence of registration, together with evidence of the established apprenticeship-journeyman ratios and wage rates in the project area, which will be the basis for establishing such ratios and rates for the project. These data will be maintained by the contracting officer with payroll records.

(c) Exemptions from any requirement of the clause entitled "Apprentices and Trainees" may be granted when such action is necessary and proper in the public interest, or to prevent injustice, or undue hardship. A request for a variation, tolerance, or exemption may be made in writing by any interested person to the Secretary of Labor, Washington, DC 20210. Enforcement activities, including the investigation of complaints of violations, to insure compliance with the requirements of the clause entitled "Apprentices and Trainees" shall be the primary duty of the agency awarding the contract or providing the Federal assistance. The Department of Labor will coordinate its efforts with the various agencies.

§ 1–18.705–5 Subcontracts.

The contracting officer shall obtain a list of all subcontracts, together with a description of the work to be performed thereunder. This list will be useful in obtaining compliance with the requirements for submission of payrolls by the contractor and subcontractors.

§ 1–18.705–6 Payrolls and statements.

(a) *Submission.* Within 7 calendar days after the regular payment date of the payroll week covered, the contractor is required to submit, or cause to be submitted for himself and his subcontractors (1) copies of weekly payrolls in compliance with the clause set forth in § 1–18.703–1(d), and (2) weekly statements of compliance as required by the Copeland Regulations (29 CFR Part 3) incorporated in the contract by the clause set forth in § 1–18.703–1(e) (see 29 CFR 3.3 for form of weekly statement of compliance).

(b) *Examination.* The executive agency concerned shall make such examination of the payrolls and statements as may be necessary to insure compliance with contract, statutory, and regulatory requirements. Particular attention should be given to the correctness of classifications and disproportionate employment of laborers, helpers, apprentices, or trainees to journeymen.

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(c) *Preservation.* Unless specifically excepted by the Department of Labor, payrolls and statements shall be preserved by the executive agency concerned for a period of 3 years from the date of completion of the contract and shall be produced at the request of the Secretary of Labor at any time during such period.

§ 1–18.705–7 Posting wage determinations.

The contracting officer shall ascertain that a copy of the wage determination is kept posted at the site of the work in a prominent place where it can be easily seen by the workers.

§ 1–18.705–8 Investigations.

(a) *Regular investigations.* The executive agency concerned shall make such investigations as may be necessary to insure compliance with contract, statutory, and regulatory requirements as follows:

(1) Contracts of 6 months or less duration shall be investigated before final payment is made, if feasible.

(2) Contracts of more than 6 months duration shall be investigated with such frequency as may be necessary to insure compliance. The investigations shall include interviews of employees on a sampling basis.

(b) *Special investigations.* Special investigations in detail shall be made when required by complaints or other evidence of violations. Complaints of violations shall be given priority.

(c) *Confidential nature of statements.* When oral or written statements are taken from employees during regular or special investigations they shall be treated as confidential and shall not be disclosed to the employer without the written consent of the employee.

§ 1–18.705–9 Suspensions and deductions of contract payments.

When wage underpayments are found, the contractor shall be requested to make, or cause to be made, restitution to the employees and/or to plans, funds, or programs for any type of fringe benefits required by the applicable wage determination. If the contractor or subcontractor fails or refuses to pay all or any part of the wages due the employees, the contracting officer shall withhold from payments due the contractor an amount equal to the estimated underpayments, as well as any estimated liquidated damages due under the Contract Work Hours and Safety Standards Act. If wage underpayments continue, or the failure or refusal to make restitution appears continuing or willful, or if the contractor fails or refuses to comply with any other contract, statutory, or regulatory requirements, the contracting officer may suspend all contract payments to the contractor until the violations have ceased. If restitution has not been made prior to final payment under the contract, the contracting officer shall submit with the contractor's payment voucher or vouchers a Standard Form 1093, Schedule of Withholdings Under the Davis-Bacon Act, and a statement of the amounts to be withheld for underpayment of wages and liquidated damages pursuant to the Contract Work Hours and Safety Standards Act. These amounts shall be deducted from payments under the contract and shall be disposed of in accordance with agency procedures. Timely action to withhold for underpayments is encouraged by the General Accounting Office.

§ 1–18.705–10 Reports.

(a) *Semiannual reports.* Each agency shall furnish to the Department of Labor by July 31 and January 31 of each calendar year semiannual reports on compliance with and enforcement of the labor standards provisions of the Davis-Bacon Act and its related acts and the Contract Work Hours and Safety Standards Act covering the periods of January 1 through June 30 and July 1 through December 31, respectively. Such reports shall be prepared in the manner prescribed in Department of Labor circular memoranda.

(b) *Reports of violations.* (1) No report need be made when the underpayments (i) total less than $500, (ii) are nonwillful, (iii) restitution has been effected, and (iv) future compliance has been assured, except where the investigation was expressly requested by the Department of Labor. In the latter case, the investigating agency shall submit a factual summary report in accordance with 29 CFR 5.7(a)(1).

(2) For all other such underpayments the agency shall furnish to the Department of Labor, as soon as practicable, a detailed enforcement report. Such reports shall be prepared in accordance with 29 CFR 5.7(a)(2).

(3) Where there is substantial evidence that violations are willful and in breach of the provisions of section 1001 of Title 18, United States Code, or other criminal statute, the matter shall be forwarded to the Attorney General of the United States for prosecution and the Secretary of Labor shall be informed of such action.

§ 1–18.705–11 Contract terminations.

Whenever a contract is terminated for violation of the labor standards provisions, a report shall be submitted by the agency concerned to the Secretary of Labor and the Comptroller General. The report shall include the name and address of the terminated contractor or subcontractor, the name and address of the contractor or subcontractor who is to complete the work, the amount and number of the latter's contract, and a description of the work thereunder.

§ 1–18.705–12 Cooperation with the Department of Labor.

The contracting agency concerned shall cooperate with representatives of the Department of Labor in the inspection of records, interviews with workers, and all other aspects of investigations undertaken by the Department of Labor. When requested, the contracting agencies shall furnish to the Secretary of Labor any available information with respect to contractors, subcontractors, their contracts, and the nature of the contract work.

§ 1–18.705–13 Review of recommendations for an appropriate adjustment in liquidated damages under the Contract Work Hours and Safety Standards Act.

Whenever the head of an agency finds that a sum of liquidated damages administratively determined to be due under section 104(a) of the Contract Work Hours and Safety Standards Act is incorrect or that the contractor or subcontractor violated inadvertently the povisions of the Contract Work Hours and Safety Standards Act notwithstanding the exercise of due care upon the part of the contractor or subcontractor involved, he may (a) make an appropriate adjustment in, or release the contractor or subcontractor of liability for, such liquidated damages where the amount of the damages is $100 or less, or (b) make recommendations for adjustment or relief to the Secretary of Labor where the amount of the damages is in excess of $100, as provided in 29 CFR 5.8.

§ 1–18.706 Disposition of disputes arising out of construction contract labor standards enforcement.

The areas of possible differences of opinion between contracting officers and contractors in construction contract labor standards enforcement include misclassification of workers, hours of work, wage rates and payment, withholding practices, and the applicability of the labor standards provisions under varying circumstances. For the most part, these are settled administratively by the agency concerned. If necessary, such differences may be settled with assistance from the Department of Labor, without reference to the Disputes clause of the construction contract. Those disagreements which cannot be settled administratively by the agency shall be subject to the Disputes clause, except for disputes involving the meaning of classifications, wage rates contained in the wage determination of the Secretary of Labor, or the applicability of contract labor provisions. These matters shall be referred to the Secretary of Labor for an opinion, in accordance with 29 CFR 5.12, with sufficient supporting data to explain both sides of the dispute. No final decision on these matters shall be made by the contracting officer pursuant to the Disputes clause. The opinion obtained shall be made a part of the contract file and shall be applied (a) in the investigation of the case, and (b) in the computation of wage underpayments. The contractor will be furnished a copy of the opinion with advice that if aggrieved therewith he may appeal to the Wage Appeals Board of the Department of Labor in accordance with 29 CFR Part 7.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effect on other issuances. This regulation cancels FPR Temporary Regulation 25.

Effective date. This regulation is effective August 31, 1973, but may be observed earlier.

Dated: August 1, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73–16281 Filed 8–7–73;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS) DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Standards for Payment for Skilled Nursing Home Care

Section 246(b) of P.L. 92–603, Social Security Amendments of 1972, provides that the Secretary of Health, Education, and Welfare will exercise waiver authority with respect to application of the Life Safety Code of the National Fire Protection Association to skilled nursing facilities. The statutory provision was effective July 1, 1973. In order to clarify the procedures to be used pending the issuance of overall regulations on the standards for participation of skilled nursing homes in the Medicaid program, the current regulations are being amended to implement section 246(b) effective August 1, 1973. Under this provision, State survey agencies, as part of the State responsibility for administration of the program, will make recommendations to the Secretary for waivers relating to fire safety standards for individual facilities.

This amendment puts into effect one of the provisions included in the notice of proposed rulemaking for the Medicaid and Medicare programs published on July 12, 1973 (see proposed 20 CFR 405.1134(a), 38 FR 18628). The major difference from existing Medicaid regulations is the making of final determinations on waivers by the Secretary rather than the State agency. Since the amendment carries out an already effective statutory provision, notice of proposed rulemaking and public procedure thereon are dispensed with.

Accordingly, § 249.33, Part 249, is amended as set forth below.

1. Paragraph (a)(1)(vii) is revised to read as follows:

§ 249.33 Standards for payment for skilled nursing home care.

(a) State plan requirements. • • •

(1) • • •

(vii) Meet such provisions of the Life Safety Code of the National Fire Protection Association (21st Edition, 1967) as are applicable to nursing homes; except that, in consideration of a recommendation by the State survey agency, the Secretary may waive, for such periods as deemed appropriate, specific provisions of such Code which, if rigidly applied, would result in unreasonable hardship upon a skilled nursing facility, but only if such waiver will not adversely affect the health and safety of the patients; and except that the provisions of such Code shall not apply in any State if the Secretary finds, in accordance with applicable provisions of section 1861 of the Social Security Act, that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects patients in skilled nursing facilities. Where waivers permit the participation of an existing facility of two or more stories which is not of at least 2-hour fire resistive construction, blind, nonambulatory, or physically handicapped patients are not housed above the street level floor unless the facility is of 1-hour protected noncombustible construction (as defined in National Fire Protection Association Standard No. 220), fully sprinklered 1-hour protected ordinary construction, or fully sprinklered 1-hour protected woodframe construction. Nonflammable medical gas systems, such as oxygen and nitrous oxide., installed in the facility comply with applicable provisions of National Fire Protection Association Standard No. 56B (Standard for the Use of Inhalation Therapy) 1968 and National Fire Protection Association Standard No. 56F (Nonflammable Medical Gas Systems) 1970.

• • • • • •

2. Paragraph (c)(2) is revised to read as follows:

(c) *Conditions under which the single State agencies may waive certain requirements.* • • •

(2) The single State agency may waive the application to a skilled nursing home of one or more specific provisions of 20 CFR 405.1125(1), 405.1134, (other than paragraph (a)) 405.1135, or 405.1136 if it finds on the basis of documented evidence derived from a survey that:

• • • • • •

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.714 (Medical Assistance Program.))

Effective date: August 1, 1973.

Dated: July 24, 1973.

JAMES S. DWIGHT, JR.,
Administrtor, Social and Rehabilitation Service.

Approved: August 6, 1973.

FRANK CARLUCCI
Acting Secretary.

[FR Doc.73–16523 Filed 8–7–73;10:40 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1–75]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Miscellaneous Amendments

The purpose of this amendment to Part 1 is to delete from the delegation to the Deputy Under Secretary in 49 CFR 1.54(d) the authority to redelegate the function delegated therein as redundant of the general authority to redelegate at 49 CFR 1.52(b)(1), and to revise entirely paragraph (c) of the delegations to the Assistant Secretary for Administration (49 CFR 1.60(c)).

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective August 8, 1973, Part 1 of Title 49 of the Code of Federal Regulations is amended as follows:

1. Paragraph (d) of § 1.54 is revised to read as follows:

§ 1.54 Delegations to Deputy Under Secretary.

• • • • • •

(d) Request apportionment or reapportionment of funds by the Office of Management and Budget, provided that no request for apportionment or reapportionment which anticipates the need for a supplemental appropriation shall be submitted to the Office of Management and Budget without appropriate certification by the Secretary.

• • • • • •

2. Paragraph (c) of § 1.60 is revised to read as follows:

§ 1.60 Delegations to Assistant Secretary for Administration.

• • • • • •

(c) *Finance.* (1) Administer the financial and fiscal affairs of the Office of the Secretary (other than those for which the Deputy Under Secretary is responsible), in accordance with 31 U.S.C. 66a.

(2) Designate to the Treasury Department certifying officers and designated agents for the Office of the Secretary and imprest fund cashiers for the Departmental headquarters.

(3) In accordance with 31 U.S.C. 82a–1, grant or recommend relief from accountability for losses or deficiencies of disbursing officers, cashiers, or other accountable officers as follows:

(i) Grant relief for losses or deficiencies of less than $150 for which charges or exceptions have not been raised by the General Accounting Office.

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(ii) Recommend relief by the Comptroller General for all other loss or deficiencies.

(4) Settle and pay claims by employees of the Office of the Secretary for personal property losses, as provided by 31 U.S.C. 241(b).

(5) Consider, ascertain, adjust, determine, and settle, for an amount not exceeding $25,000, any tort claim referred to, or arising from the activities of, the Office of the Secretary. Request, through the General Counsel, the approval of the Attorney General for any such award compromise, or settlement in excess of $25,000 (28 U.S.C. 2672).

(6) Waive, in whole or in part, claims resulting from erroneous overpayment of pay to an employee of the Office of the Secretary, as provided by 4 CFR Parts 91, 92 and 93. This authority may be redelegated only to the Director of Management Systems.

(7) Compromise, suspend collection action on, or terminate claims of the United States not exceeding $20,000 which are referred to, or arise out of the activities of, the Office of the Secretary.

(8) Determine the existence and amount of indebtedness and the method of collecting repayments from employees of the Office of the Secretary and collect repayment accordingly, as provided by 5 U.S.C. 5514. This authority may be redelegated only to the Chief, Accounting Operations Center.

(9) Sign Budget Execution reports required by OMB Circular A-34, for the Office of the Secretary.

This action is taken under the authority of section 9(e) of the Department of Transportation Act (49 U.S.C. 1657 (e)).

Issued in Washington, D.C., on July 31, 1973.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.73-16309 Filed 8-7-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1033—CAR SERVICE

[S.O. 1146]

New York Dock Railway

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 2d day of August 1973.

It appearing, that the Bush Terminal Railroad Company, in Finance Docket No. 25896, was authorized to abandon its entire line of railroad; that the Bush Terminal Railroad Company ceased railroad operations on December 15, 1971; that the New York Dock Railway has agreed to operate the trackage abandoned by the Bush Terminal Railroad Company; that the Commission is of the opinion that there is need for railroad service to industries located on this trackage; that operations over this trackage by the New York Dock Railway are necessary to restore railroad service to these industries in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1146 Service Order No. 1146.

(a) *New York Dock Railway authorized to operate over trackage abandoned by Bush Terminal Railroad Company.* The New York Dock Railway be, and it is hereby authorized to operate over trackage abandoned by the Bush Terminal Railroad Company.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Effective date.* This order shall become effective at 11:59 p.m., August 2, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17 (2). Interprets or applies Secs. 1(10-17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16384 Filed 8-7-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Certain National Wildlife Refuges in Nevada

The following regulations are issued and are effective August 8, 1973. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Nevada.

General conditions: Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Northeast Irving Street, Portland, Oregon 97208.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Desert National Wildlife Range, 1500 North Decatur Boulevard, Las Vegas, Nevada 89108.

Special Condition: Desert bighorn sheep only.

Charles Sheldon Antelope Range, Nevada, (Headquarters: P.O. Box 111, Lakeview, Oregon 97630).

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 30, 1973.

[FR Doc.73-16293 Filed 8-7-73;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Oregon

The following regulations are issued and are effective August 8, 1973. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Oregon.

General conditions: Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 3737, Portland, Oregon 97208.

§ 32.32 Special regulations; big game; for individual wildlife areas.

Big game animals may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651).

Hart Mountain National Antelope Refuge, P.O. Box 111, Lakeview, Oregon 97630.

Deer may be hunted on the following refuge areas:

Malheur National Wildlife Refuge, P.O. Box 113, Burns, Oregon 97220.

Special Conditions: 1. That portion of the refuge in the Blitzen Valley west of Highway 205 from Diamond Lane south will be open to deer hunting in accordance with regular State season.

2. The special archery area (bow and arrow only) will be opened for hunting from August 25 through September 3, 1973.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oregon 97330.

Special Conditions: 1. All hunters are required to obtain a refuge permit and check in and out of the refuge daily.

2. The use of rifles is prohibited.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1973.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 30, 1973.

[FR Doc.73-16294 Filed 8-7-73;8:45 am]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge

The following special regulation is issued and is effective August 8, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from August 31 through November 4 and November 19 through December 31, 1973, only on the area designated by signs as open to hunting. This open area, comprising 31,542 acres, is delineated on a map available at the refuge headquarters, Upham, North Dakota, and from the office of the Area Manager, Bureau of Sport Fisheries and Wildlife, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer with bow and arrow, subject to the following conditions:

Hunting is by foot only. Vehicles are to remain on established refuge roads only.

All hunters must exhibit their hunting licenses, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, North Dakota.

AUGUST 1, 1973.

[FR Doc.73-16292 Filed 8-7-73;8:45 am]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective August 8, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Crab Orchard National Wildlife Refuge, Illinois, is permitted from sunrise August 1, 1973, to sunset November 15, 1973, only on the area designated by signs as open to hunting. This open area, comprising 9,380 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1973.

DARRELL D. UPTEGRAFT,
Acting Project Manager, Crab Orchard National Wildlife Refuge, P.O. Box J, Carterville, Illinois

JULY 31, 1973.

[FR Doc.73-16301 Filed 8-7-73;8:45 am]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 3000, 3200]

GEOTHERMAL RESOURCES

Leasing on Public, Acquired, and Withdrawn Lands; Correction and Extension of Comment Period

The purpose of this notice is to correct the inadvertent omission of § 3230.1–5 from the proposed geothermal regulations published in the FEDERAL REGISTER on July 23, 1973 (38 FR 19748). Section 3230.1–5 sets forth evidence requirements for qualifying to convert claimed geothermal rights to geothermal leases. In addition, this notice clarifies the proposed regulations by correcting several lesser errors.

The time for submission of written comments, suggestions, or objections, with respect to 43 CFR, Parts 3000 and 3200, proposed July 23, 1973, and § 3230.1–5 appearing below, to the Geothermal Coordinator, Department of the Interior, Washington, D.C. 20240, is hereby extended from August 22, 1973 to September 5, 1973.

1. A new § 3230.1–5 is added to Subpart 3230 of the proposed regulations to read:

§ 3230.1–5 Evidence required to qualify for grant of rights to conversion to geothermal leases, or to applications for geothermal leases.

(a) Any person claiming rights to conversion to a geothermal lease must show to the reasonable satisfaction of the authorized officer that substantial expenditures for the exploration, development or production of geothermal steam were made by the applicant who is seeking the conversion on the lands for which a lease is sought or on adjoining, adjacent or nearby lands, including both Federal and non-Federal lands. The substantial expenditures must have been made prior to December 24, 1970, and either by the applicant seeking conversion or by his predecessors in interest.

(b) For purposes of these regulations, an application for a lease or a permit, filed pursuant to applicable mineral leasing acts, pending on September 7, 1965, which subsequently ripened into a lease or permit, and which remains outstanding or has either terminated, expired or been canceled or relinquished, retains the right to conversion to an application for a geothermal lease. Applications for a lease or permit, filed pursuant to applicable mineral leasing acts, pending on September 7, 1965, which were subsequently withdrawn, retain the right to conversion to an application for a geothermal lease. Leases or permits issued pursuant to the applicable mineral leasing acts and outstanding on September 7, 1965, which were subsequently terminated, expired, or were canceled or relinquished, retain the right to conversion to a geothermal lease.

2. Section 3203.3 is corrected to read:

§ 3203.3 Consolidation of leases.

Two or more contiguous leases issued to the same lessee may be consolidated if the total combined acreage does not exceed 2,560 acres, except where a larger acreage is caused by an irregular subdivision or subdivisions as stated in 3203.2.

§ 3241.1–1 [Corrected]

3. Section 3241.1–1 is corrected by deleting "is less than 1,280 acres occasioned by" from paragraph (a)(1).

4. Section 3241.2–2 is corrected to read:

§ 3241.2–2 Number of copies required.

Three copies of all instruments of assignment or transfer, and a single copy of any additional information required by § 3202 of these regulations relating to citizenship or qualifications of corporations and associations, including partnerships, must be filed in the proper BLM Office.

5. Section 3243.4–1 is corrected by: Adding the letter "s" to corporation in paragraph (a); relettering paragraphs (c) and (d) as (b) and (c) respectively.

Dated: August 3, 1973.

W. W. LYONS,
Deputy Under Secretary of the Interior.

[FR Doc.73–16335 Filed 8–7–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 44]

PROCEDURES FOR DETERMINING NET WEIGHT OF FOOD PRODUCTS

Notice of Intent To Implement Proposed Procedures

Notice is hereby given that the Procedures for Determining Net Weight of Food Products, published in the FEDERAL REGISTER as a notice of proposed rulemaking on Saturday, December 18, 1971 (36 FR 24069) will not be promulgated as a final rulemaking pending resolution of the procedures with other affected government agencies.

In the interim, the Agricultural Marketing Service (AMS) will utilize the principles involved in the proposed net weight procedures by specifying individual weight requirements as well as average requirements in its procurement programs for food products.

During the comment period for the proposal, USDA consulted with representatives of the National Bureau of Standards, the Federal Food and Drug Administration, the Federal Trade Commission, the Office of Consumer Affairs, Canadian Weights and Measures officials and industry representatives.

It is evident that all concerned would benefit from adoption of one uniform procedure. The National Bureau of Standards, which furnishes guidance to State Weights and Measures authorities, is in the process of preparing a revision of their present procedure contained in Handbook 67. The first section of this revision will cover food; sections for other products will be added later. The revision, which will be similar in principle to the above mentioned Notice of Proposed Rule Making, will be keyed to a procedure where the sample average must meet the declared label weight and where there may be no unreasonable shortage in any one container. The amount of shortage to be considered unreasonable will be specified, together with sampling plans to be used on small lots as well as normal size lots. Double sampling plans will also be provided as a means of reducing workload when weights clearly meet requirements.

After the National Bureau of Standards procedure is revised, USDA's AMS plans to utilize applicable portions in its mandatory egg products inspection as well as its voluntary inspection and grading services for all commodities. Comments received from interested parties during the original Notice of Proposed Rule Making comment period have been furnished to National Bureau of Standards, by AMS so that they may be considered.

AMS will also consider these comments and intends to invite additional comments prior to actual adoption of a National Bureau of Standards revised procedure.

JOHN C. BLUM,
Acting Administrator.

AUGUST 2, 1973.

[FR Doc.73–16326 Filed 8–7–73;8:45 am]

Farmers Home Administration

[7 CFR Part 1826]

LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

Farmer Loans

Notice is hereby given that the Farmers Home Administration has under consideration amending Subchapter B, Loans and Grants Primarily for Real Estate Purposes, by adding a new Part 1826, "Farmer Loans." This new Part 1826 implements the guaranteed Farmer Loan Programs authorized by Subtitles A, B, and C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921, et seq.), as amended by Public Law 92–419, "The Rural Development Act of 1972." This new part sets out the policies and procedures for guaranteeing loans made by private lenders to farmers under the above mentioned Subtitles A, B, and C.

The purpose of guaranteeing loans is to (a) enable use of private funds, rather than Government funds, in making loans, and (b) reduce Government administrative costs by having private lenders make and service the loans.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250. Comments will be received through August 31, 1973. All written submissions made pursuant to this notice will be made available for public inspections at the Office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m.–4:45 p.m.).

As proposed, the addition will read as follows:

PART 1826—FARMER LOANS

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1826.121 Forms and forms distribution.
1826.122 Access to records of lenders and holders.
1826.123 Review of decisions.

AUTHORITY: 7 U.S.C. 1989; delegation of authority by Sec. of Agri. (7 CFR 2.23); delegation of authority by Asst. Sec. for Rural Development (7 CFR 2.70).

§ 1826.1 Introductory statement.

This Part 1826 (which is a Handbook of regulations for guaranteed Farmer Loans and is hereinafter called the "Handbook") and related forms of the Farmers Home Administration (FHA) are applicable to lenders, borrowers, and other parties involved in making, guaranteeing, and servicing Farmer Loans as defined herein. Copies of this Handbook and related FHA forms and any amendments or revisions thereof may be obtained from any FHA County Office or FHA State Office.

(a) *Responsibilities of borrowers, lenders, holders, and FHA.* The loan and guarantee transactions impose significant responsibilities on all parties concerned, but they also confer significant benefits on such parties and their communities.

(1) Borrowers become obligated to repay their loans and to perform other duties specified in the promissory notes, security instruments, and other loan documents.

(2) Approved lenders become accountable for making and servicing (and approved subsequent holders for servicing) loans in a manner that will properly protect the interests of the borrowers and those of FHA as guarantor, as well as the interests of the approved lenders and approved holders.

(3) FHA is responsible for seeing that its loan guarantee authority is used to achieve the purposes of the law and the implementing regulations contained in this handbook and related forms. FHA performs these functions under delegated authority from the Secretary of Agriculture and Assistant Secretary for Rural Development. (7 CFR 2.23, 7 CFR 2.70).

(b) *Full faith and credit of U.S.A.* Contracts of Guarantee executed on such loans shall, subject to and in accordance with the contract provisions, constitute obligations supported by the full faith and credit of the United States and incontestible except for fraud or misrepresentation of which the approved lender or approved holder had actual knowledge at the time it became such lender or holder.

(c) *Insured loans.* Any applicant that is eligible for an FHA guaranteed loan, but cannot find an approved lender who is willing to make the loan with an FHA guarantee, may apply for an FHA insured loan.

§ 1826.2 Definitions.

The following definitions are applicable to the terms used in this Handbook and related forms:

(a) *Act.* The Consolidated Farm and Rural Development Act. (7 U.S.C., 1921, et seq.)

(b) *Borrower.* All parties liable for the loan or any part thereof.

(c) *Family farm.* A family farm is a tract(s) (1) that is recognized as a farm rather than a rural residence, (2) that will provide substantial income which, together with any other income, will adequately support the family, pay operating expenses and debts, and (3) for which the operator and his immediate family provide the management and major portion of the labor, except during seasonal peakload periods.

(d) *Farmer loans.* Farm Ownership (FO), Soil and Water (SW), and Recreation (RL) loans authorized in Subtitle A of the Act; Operating (OL) loans au-

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thorized in Subtitle B of the Act; and Emergency (EM) loans authorized in Subtitle C of the Act.

(e) *FHA.* The United States of America acting through the Farmers Home Administration, an Agency of the United States Department of Agriculture. References to the National Office, Finance Office, State Office, County Office, State Director, District Supervisor, County Supervisor, or other FHA office or official should be read as prefaced by "FHA." Unless otherwise specifically provided in this Handbook, "FHA" means the County Supervisor or Acting County Supervisor serving the county involved.

(f) *Finance Office.* The office which maintains the FHA financial records. It is located at 1520 Market Street, St. Louis, Missouri 63103. (Phone 314–622–4400)

(g) *Guaranteed loan.* A loan originated by an approved lender and held and serviced by a registered holder under an FHA stated percentage loss Contract of Guarantee. References to "FHA guarantees," "loan guarantees," and similar terminology apply to such guaranteed loans. The term "loan" or "note" also includes the related security instruments. The term "note" also includes "assumption agreement" and related security instruments, where appropriate.

(h) *Handbook.* This Handbook.

(i) *Hazard insurance.* Includes fire, windstorm, lightning, hail, explosion, riot, civil commotion, aircraft, vehicles, smoke, builder's risk, public liability, property damage, flood, workmen's compensation, or any similar insurance that is available and needed to protect the security or that is required by law.

(j) *Holder.* See Lender.

(k) *Lender, holder, or registered holder.* The term lender refers to the party who makes the loan. The lender becomes the holder if it retains the loan. The term holder also refers to a party who acquires the loan from the original lender or a subsequent holder.

(l) The terms lender and holder refer only to parties approved by FHA to make and service or to subsequently acquire and service loans guaranteed by FHA.

(2) The lender will become the registered holder of a particular loan when the Contract of Guarantee is executed. A subsequent holder will become the registered holder of a particular loan when it has acquired the loan and the Finance Office receives from the County Supervisor a copy of the notice of sale executed by the seller-holder on Form FHA 471–7, "Notice and Acknowledgment of Sale of Insured or Guaranteed Loan," and when the Finance Office executes the Acknowledgment of Notice of Sale on the bottom of that form. The registered holder will hereinafter be referred to as the holder, unless the term "registered holder" is used.

(l) *Rural youth.* A person who has not reached the age of 21 and who does not reside in a city or town which has a population in excess of 10,000 inhabitants.

(m) *Servicing loans.* See "Loan Servicing" in § 1826.46.

(n) *State.* Any of the fifty States, Puerto Rico, or the Virgin Islands.

(o) *Transfer and assumption terms.* In relation to transfer and assumption cases, where appropriate, "liquidation" and "loan" shall be construed to mean "transfer and assmuption," "promissory note" shall be construed to mean "assumption agreement," and "borrower" shall be construed to mean "transferee."

§ 1826.3 Lender or holder.

(a) *Eligibile lender or holder.* A lender or holder may be any Federal or State chartered bank, savings and loan association, cooperative or private lending agency, or other lender or holder approved by FHA to make and service or to subsequently acquire and service FHA guaranteed loans.

(b) *Request by lender or holder for approval.* Any party desiring to become an approved lender or holder to make and service or subsequently acquire and service guaranteed loans will request approval of eligibility and area(s) of operations on Form FHA 449–18, "Lenders or Holders Request for Approval." Before any such request can be approved, FHA must determine that the lender is an established lender in the field of financing involved, has a reputation for honest and fair dealing with borrowers, appears to be financially able to make and service such loans, and will maintain an office suitably located and staffed with personnel qualified to perform such functions.

(c) *Supervised lenders and holders.* If FHA finds that the requestor is a Federal or State chartered bank, federal land bank, production credit association, savings and loan association, building and loan association, insurance company, credit union, or mortgage loan company that is subject to examination and supervision by an agency of the United States or of the State in which the loan will be made and the security property is or is to be located, the requestor will be approved if it also meets the requirements of paragraphs (e) and (f) of this section. FHA may require the requestor to furnish information showing that it falls within one of the categories described in the preceding sentence.

(d) *Nonsupervised lenders and holders.* Parties requesting approval that do not meet the requirements of paragraph (c) of this section, will be required to submit the following:

(1) Copy of any license or other evidence of authority required by the State as a prerequisite to engaging in the proposed lending activity.

(2) Information on lending operations, including period of time, if any, in lending business, range and volume of lending activities, current financal statement, and such documentation as requested by FHA to substantiate the representations made in the request for approval.

(e) *Loan making and servicing capabilities of lender or holder.* FHA will not approve any lender or holder to make and service or acquire and service loans in any area unless FHA determines that such lender or holder (either directly or through its authorized branch or agent) will be able to properly handle the loan making, closing, and servicing functions.

(f) *Loan making and servicing office.* FHA will not approve any lender or holder to make and service or acquire and service loans in any area unless it determines that such lender or holder maintains and intends to continue to maintain a local office (either its own main or branch office or that of an authorized agent) in or near enough to the county in which the borrower resides and the security property is or will be located, so that the lender or holder (or its authorized branch or agent if it acts through a branch or agent) will be able to properly make (including, but not limited to, checking on and approving any acquisition, construction, repair, or development with loan funds) and/or service the loan.

(1) If the lender or holder advises FHA at the time of submitting Form FHA 449–18 that it plans to make and/or service the loan through a branch office or agent, and the State Director approves that arrangement, he will show the name and address of the branch office or agent on the bottom of the back side of the conformed copy of the Form FHA 449–18 sent to the Finance Office.

(2) If the lender or holder later advises FHA on Form FHA 449–9, "Request for Conditional Commitment to Guarantee Loan," that it plans initially to make and/or service the loan through a local branch office or agent, and if the State Director approves that arrangement, he will send a conformed copy of Form FHA 449–9 to the Finance Office to inform the Finance Office to that effect.

(3) If at a subsequent date the holder plans to service the loan through a local branch office or agent, or a different local branch office or agent, it will advise FHA to that effect by letter, giving the name and address of the branch office or agent. If the State Director approves the arrangement, he will send a conformed copy of the letter to the Finance Office to inform the Finance Office to that effect.

(4) Any such local office or agency arrangement is subject to approval or rejection by FHA. The lender or holder will furnish FHA any information requested by FHA about the branch office or agent to assist FHA in determining whether to approve the arrangement.

(g) *Approval or rejection of request.* The party requesting approval will mail or deliver the original and one executed or conformed copy of the request to FHA. FHA will make such investigations as the County Supervisor or State Director deems necessary and the State Director will notify the requestor in writing whether its request is approved or rejected. This notification will be made on a conformed copy of Form FHA 449–18.

(1) If the request is rejected, the reasons for rejection will be given on the conformed copy of Form FHA 449–18. If the requestor can meet FHA's objections, it may resubmit the request.

(2) If the request is approved, either on initial consideration or reconsideration, the State Director will send a conformed copy of Form FHA 449–18 to the

Finance Office to show the approval. Upon receipt of the copy, the Finance Office will place the lender on the list of Approved Farmer Loan Lenders and Holders for the area or areas involved.

(h) *Termination of approval of lender or holder.* If a lender or holder has not made (or does not hold as registered holder) any guaranteed Farmer Loan or loans within a period of two years after approval or within any subsequent two-year period, or fails or refuses to comply with any requirements in this Handbook, such lender or holder may be dropped from the approved list. The lender or holder will be notified in writing if such action is taken.

(i) *List of approved lenders.* Applicants for guaranteed loans may obtain a list of approved lenders for any area from the County or State Office serving that area.

§§ 1826.4—1826.9 [Reserved]

§ 1826.10 Application and loan processing.

(a) *Applicant may contact FHA or lender.* If any applicant contacts FHA and it thinks that the applicant may qualify for a guaranteed loan, it will furnish the applicant a list of all approved lenders for the county or counties involved and suggest that the applicant contact the approved lender of his choice. Regardless of whether the applicant first contacts FHA or goes directly to an approved lender, if the lender is interested in making a guaranteed loan to the applicant and believes that the applicant will qualify for such a loan, the lender will assist the applicant in preparing an "Application for Guaranteed Loan (Farmer Programs)" on Form FHA 449–6.

(b) *Preparation of loan docket.* If after reviewing the completed application (Form FHA 449–6), the lender is still interested in making a guaranteed loan to the applicant and still believes that the applicant can qualify for such a loan, the lender, with the assistance of the applicant, may prepare a loan docket and proceed with loan processing.

(c) *Loan making.* The responsibility for making (including closing) guaranteed loans rests with the lender. The loan should not be closed until all or part of the loan funds are needed for use by the borrower. The loan will be considered closed when all loan and security instruments have been executed and the mortgage or financing statement, or both, is/are filed for record.

§ 1826.11 Other available financing.

FHA will not guarantee a loan if it determines that the needed financing is available from other sources without the guarantee. Loans that would be made by the lender under its normal loan policies (without a Contract of Guarantee) will not be guaranteed. Loans will not be participated in or insured by FHA if they can be guaranteed and if it would be to the financial advantage of FHA to guarantee them. Except for loans *made* by agencies of the Farm Credit Administration or by State agencies with rural rehabilitation funds, loans made, guaranteed, or insured by any Federal or State agency will not be guaranteed. Ordinarily, loans will not be guaranteed to refinance debts owed to the lender that are repayable on terms the borrower can reasonably be expected to meet. Therefore, a lender should consult FHA before an application for loan guarantee is prepared if the lender desires to use a guaranteed loan to refinance debts owed to it, or to have a previously existing loan guaranteed without being refinanced.

§ 1826.12 Points, discounts, charges, penalties.

FHA will not guarantee a loan if the borrower is required to pay any points, finder's fee, loan origination fee, loan discount fee, advance interest, unearned interest, compound interest, interest on earned interest, service charges, bonus, commission, expense, prepayment penalty, or similar fees or charges, or anything of value for the purpose of obtaining the loan. However, this limitation does not prohibit the borrower from paying expenses which are his responsibility and are incident to consummation of the loan (as distinguished from payments to obtain the loan), such as fees or charges for legal, architectural, appraisal, and other technical services, hazard insurance premiums, and the borrower's share of Social Security taxes for any labor hired by the borrower in connection with making planned improvements. If the borrower cannot pay such expenses and taxes out of his own funds, they may be paid from funds included in the loan for that purpose. Late payment charges can only be made in monthly installment cases. They must be agreed to in writing by the borrower, must be collected from the borrower, cannot be deducted from regular installment payments, and are not covered by the Contract of Guarantee. Late charges cannot be made on any amount paid within 15 days after its due date.

§ 1826.13 Interest rate to borrower.

The rate of interest which the lender may charge the borrower on any type of Farmer Loan may vary from time to time. The National Office will notify County Offices, State Offices, and the Finance Office in writing of (a) the interest rates in effect for such loans when this loan guarantee program becomes effective, and (b) subsequent changes therein. The lender may ascertain the rate for each type of loan by telephoning any FHA office. Interest will be charged only on the actual amount of loan funds borrowed and for the actual time the money is outstanding. Discount or add on interest is not permitted. The interest rate initially established for each loan will remain constant during the existence of the FHA guarantee. Interest on future advances made by the holder to protect the security may be charged at the rate specified in the security instruments.

§ 1826.14 Security requirements.

The lender is responsible for seeing that proper and adequate security is obtained and maintained in existence and of record to protect the interests of the lender or holder and FHA.

(a) *Lien priorities.* Ordinarily, the security will be a first lien. However, a junior lien may be taken with FHA's written consent. When a junior lien is taken, the lender, among other things, should make sure that:

(1) The prior mortgages or other liens do not contain provisions for future advances, summary forfeiture or cancellation or other provisions that may jeopardize the lender's security position or the borrower's ability to pay the loan.

(2) Such provisions of the prior mortgages or other liens, if they exist, are satisfactorily limited, modified, waived, or subordinated.

(b) *Third party liens (laborers, mechanics, ,etc.).* Among other things in obtaining the required security, the lender is responsible for ascertaining that appropriate releases from laborers, materialmen, contractors, subcontractors suppliers of machinery and equipment and other parties involved, are obtained to assure that there will be no lien or other claims by any such parties against the borrower or the security property.

(c) *All liens must secure entire loan.* All collateral of any nature securing a loan guaranteed by FHA must secure the entire loan. The lender cannot take separate collateral to secure only that portion of the loan or loss not covered by the FHA guarantee.

§ 1826.15 Security instruments and financing statements.

(a) *Mortgages and security agreements.* FHA forms of real estate mortgages (including deeds of trust and deeds to secure debt), and security agreements (including chattel mortgages in Louisiana and Puerto Rico) are required.

(b) *Financing statements.* Commercial financing statement forms that comply with State laws and regulations may be used. They must be adapted to meet FHA requirements by inserting provisions:

(1) Covering the "proceeds and products" of the collateral described, and

(2) That "disposition of the collateral is not authorized hereby."

§ 1826.16 Appraisal of property.

Property that will serve as security for the loan must be appraised by a qualified appraiser who is experienced in appraising the kind of property involved. Appraisals will be made by appraisers employed by, or whose services are contracted for on a fee basis by, the lender.

(a) *Qualifications of appraisers.* The lender will be responsible for determining that its employed or contract fee appraisers have the necessary qualifications and experience. If the lender has any questions in this regard, it should check with FHA before having an appraisal made.

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(b) *Appraisal fees or charges.* The lender must determine that the fees or charges are reasonable.

(c) *Appraisal reports.* Appraisal reports will be made on forms approved by the lender.

§§ 1826.17—1826.20 [Reserved]

§ 1826.21 Guarantee of loans.

FHA may guarantee Farmer Loans made by approved lenders to eligible applicants for authorized purposes in accordance with the provisions of this handbook.

§ 1826.22 Guarantee limits.

FHA's liability under each Contract of Guarantee will be the *lesser* of 90 percent of the loss on the borrower's obligations covered in the Contract of Guarantee, or 90 percent of the principal amount advanced to the borrower under the guaranteed loan promissory note or assumed under an assumption agreement.

§ 1826.23 Request for Conditional Commitment to Guarantee Loan.

Submission to FHA of Form FHA 449-9, "Request for Conditional Commitment to Guarantee Loan" and enclosures therewith will constitute the lender's request for issuance of Form FHA 449-14, "Conditional Commitment for Guarantee."

(a) *FHA evaluation.* If FHA finds from the material submitted and any other information it deems necessary, that the applicant appears to be eligible; loan funds are to be used for authorized purposes only; the amount of the loan, interest rate, repayment period and schedule, insurance requirements, plan of operations, and any late payment charges on monthly installments appear to be satisfactory; the proposed security appears to be adequate; the proposed loan appears to be sound; the lender plans to service the loan properly; and all other pertinent requirements likely can and will be met, FHA will present the matter to the FHA County Committee. If FHA cannot make the findings mentioned in the preceding sentence, it will promptly inform the lender in writing of the reasons. If the lender can satisfy FHA's objections, the lender may resubmit the matter to FHA for reconsideration.

(b) *County Committee certification.* After the case has been presented to the County Committee, FHA will notify the lender as to the action taken by the County Committee. If the County Committee rejects the application, FHA will inform the lender of the reasons for the rejection. If the lender then furnishes FHA satisfactory evidence to show that the County Committee's objections have been met, FHA will resubmit the case to the County Committee. If the County Committee's original certification or recertification is favorable, FHA will issue a conditional commitment to guarantee the loan.

§ 1826.24 Conditional commitment to guarantee loan.

The conditional commitment to guarantee the loan will be made on Form FHA 449-14, "Conditional Commitment for Guarantee." The purpose of the form is to advise the lender that the material submitted by the lender to FHA is approved subject to the conditions and requirements set forth in the form, and that FHA will issue a Contract of Guarantee if all such conditions and requirements and others set forth in this Handbook prerequisite to issuance of the Contract of Guarantee, are met. FHA will forward the original executed conditional commitment to the lender, and a conformed copy to the Finance Office.

§ 1826.25 Review of conditional commitment requirements.

On receipt of the Conditional Commitment for Guarantee, the lender should review the matter (and discuss it with the applicant if necessary) to determine whether the conditions and requirements are acceptable. If the conditions and requirements are not acceptable to the applicant or lender, the lender should inform FHA of recommended revisions and the reasons therefor for further consideration.

§ 1826.26 Conditions precedent to issuance of Contract of Guarantee.

The Contract of Guarantee will not be issued until:

(a) *Lender's request and advice.* The lender submits Form FHA 449-21, "Request for Contract of Guarantee," to FHA advising that:

(1) No changes have been made in the loan conditions and requirements since the request was made for issuance of a conditional commitment to guarantee the loan except those, if any, that have been approved in the interim period by FHA in writing.

(2) The loan has been properly closed, and the required security has been or will be obtained.

(3) The borrower has clear title to security property acquired with loan funds or previously owned, subject only to the instruments securing the loan to be guaranteed and any other exceptions approved in writing by FHA.

(4) Collateral held by the lender is considered adequate security for the loan to be guaranteed, and the security instruments are all properly filed or recorded, as appropriate and legally permissible.

(5) Proper hazard and any other required insurance is in effect.

(6) Truth in Lending requirements have been met.

(7) All Equal Opportunity and Nondiscrimination requirements have been met or will be met at the appropriate time.

(b) *FHA investigation.* FHA makes any independent investigation it considers necessary. However, the making of any such investigation will not relieve the lender of any responsibility.

(c) *FHA findings.* FHA finds (on the basis of the lender's advice and such independent investigation it may make) that everything is in order.

§ 1826.27 Issuance of Contract of Guarantee.

(a) *Execution of contract.* If FHA finds everything to be in order, it will execute the Contract of Guarantee which will set forth (specifically or by reference) the terms and conditions of the guarantee. The original Contract of Guarantee will be forwarded to the lender. Conformed copies of the Contract of Guarantee and Promissory Note will be forwarded by FHA to the Finance Office.

(b) *Execution of contract before acquisition or construction.* Ordinarily, execution of the Contract of Guarantee will not be delayed until after all construction, major repairs, acquisition of property, or land development with loan funds has been completed. However, the lender will be responsible for seeing that property listed in the Request for Conditional Commitment to Guarantee Loan is acquired and that construction repairs, and land development are completed promptly and in accordance with plans and specifications approved by FHA. The lender will also see that FHA is notified so that it can make inspections at various stages of construction if FHA has advised the lender that it desires to do so in the particular case.

(c) *Refusal to execute contract.* If FHA determines that it cannot execute the Contract of Guarantee, it will promptly inform the lender in writing of the reasons. If the lender satisfies FHA's objections, the lender may resubmit the matter to FHA for further consideration.

§§ 1826.28—1826.29 [Reserved]

§ 1826.30 Void or voidable contract.

The Contract of Guarantee will be void if it or the guaranteed loan was obtained by fraud or material misrepresentation of which the original lender or registered holder had actual knowledge at the time it became such lender or holder. If any interest subsidy payments have been made to the holder by FHA under a void contract, the holder is required to repay the amount thereof to FHA. The Contract of Guarantee will be voidable, at the option of FHA, if the holder fails to remit to FHA any guarantee fee within the time such remittance is required by this handbook. The method of exercising such option shall be written notice from FHA to the holder or any branch or agent thereof. If the option is exercised, the Contract of Guarantee will become void on the date the notice is mailed or delivered to any such party. If any interest subsidy payments have been made to the holder by FHA under a voidable contract after it became void, the holder is required to repay the amount thereof to FHA.

§ 1826.31 Unenforceable contract.

(a) *Contract unenforceable.* The Contract of Guarantee will be unenforceable:

(1) By or on behalf of any party who is not the original lender of a subsequent registered holder.

(2) As to any loss occurring or caused by events occurring while the loan was not held by the original lender or a subsequent registered holder.

(3) If loan funds are used for purposes other than those shown in Form FHA 449-9 and Form FHA 449-21 on the basis of which FHA issued the Contract of Guarantee, without FHA's written approval.

(4) If the borrower does not have or obtain title marketable in fact to the security property.

(5) If any note or security instrument is invalid or unenforceable.

(6) If the security instruments do not secure the entire loan or advances.

(7) If the lender does not obtain liens with the priorities specified by the lender in Form FHA 449-9 and Form FHA 449-21 submitted to FHA and as agreed to by FHA, or fails to properly record or file lien or notice instruments to obtain or maintain such lien priorities of record during the existence of the FHA guarantee.

(8) If at any time the holder fails to maintain an office (either its main or branch office or that of an agent) near enough to the security properly location so that, in the judgment of FHA, the servicing functions can be properly and efficiently discharged.

(9) If the holder does not comply with the loan making, construction or other development, servicing, and liquidation requirements in this Handbook. This relates to the provisions of this Handbook at the time of execution of the Contract of Guarantee and to any future provisions of this Handbook not inconsistent with the provisions of said contract or the provisions of this Handbook at that time.

(b) *FHA may pay partial loss under unenforceable contract.* However, if FHA determines that only part of any loss was caused by failure of the holder to comply with paragraph (a) (3) through (9) of this section, FHA will honor the Contract of Guarantee as to the part of such loss which FHA determines to be in excess of that portion of the loss caused by such noncompliance.

§§ 1826.32—1826.34 [Reserved]

§ 1826.35 Guarantee fee payable by holder.

(a) *Payable by holder—fixed rate on principal balance.* A loan guarantee fee will be paid to FHA by the holder. The guarantee fee will not be charged to, collected from, or otherwise passed on to the borrower. The fee will be a fixed percentage rate per annum on the principal balance outstanding at the end of each 6 month period on the guaranteed loan promissory note or assumption agreement.

(b) *Percentage rate of fee.* The percentage rate of the fee will be established by the National Office from time to time. However, the percentage rate of the fee will be stipulated in each Contract of Guarantee and will remain constant during the existence of that Contract of Guarantee. The National Office will notify County Supervisors, State Directors, and the Finance Office in writing of (1) the initial guarantee fee percentage rate established, and (2) subsequent changes therein. Lenders or holders can ascertain the guarantee fee rate in effect at any particular time by telephoning FHA.

(c) *Semiannual payments—date credited.* Guarantee fee payments will be made semiannually for the 6 month periods ending March 31 and September 30 (except that the first and last payments will be for shorter periods unless the loan is guaranteed and paid off on March 31 or September 30). Payments will be credited as of the end of the 6 month period. The guarantee fee will accrue from the date of the Contract of Guarantee.

§ 1826.36 Holders Guarantee Fee Report.

Form FHA 449-19, "Holders Guarantee Fee Report (Semi-annual Report)" showing amounts owed for such preceding 6 months (or shorter) period must be sent to the Finance Office so that it will be received by that office not later than April 15 for the period ending March 31 and October 15 for the period ending September 30.

§ 1826.37 Payment of guarantee fee.

On the basis of information contained in the Holders Guarantee Fee Report, the holder will calculate the amount of the loan guarantee fee for the 6 month (or shorter) period involved, and will remit the amount to the Finance Office along with each Holders Guarantee Fee Report, except as hereinafter provided in interest subsidy cases. The check will be made payable to the Farmers Home Administration. If a semiannual interest subsidy payment is owed by FHA to the holder in an amount equal to or in excess of the semiannual guarantee fee, such remittance checks will not be required. In that event, the guarantee fee will be collected by FHA by deduction of the amount thereof from the interest subsidy payment.

§§ 1826.38—1826.40 [Reserved]

§ 1826.41 Interest subsidy payments.

Interest subsidy rates, if any, on guaranteed loans will be established by FHA from time to time. The subsidy rate fixed in accordance with the Conditional Commitment for Guarantee and set forth in the Contract of Guarantee will remain constant during the period for which the interest subsidy is payable. Lenders or holders can ascertain the subsidy rate in effect at any particular time by calling any FHA office. Interest subsidy payments will be made by U.S. Treasury checks. The subsidy payments will be made semiannually for periods ending March 31 and September 30. Therefore, payments for the first and last guarantee periods usually will cover part of a 6 month period. The holder's account will be credited as of the ending date of the 6 month period immediately preceding the subsidy payment. The interest subsidy payments will be based on the same outstanding principal balance as the guarantee fee payable by the holder. Within 10 days after receipt of a proper Holders Guarantee Fee Report (and fee payment if the fee is not to be collected by deduction from an interest subsidy payment), the Finance Office will send to the holder a Treasury check for the amount of the interest subsidy payment owed for the preceding 6 month period. The amount that would otherwise be paid will be reduced by the amount of any guarantee fee collected by deduction from the total semiannual interest subsidy. Interest subsidy payments will not be made after a transfer to and assumption by an "ineligible transferee."

§ 1826.42 Termination of Contract of Guarantee.

In addition to the right of FHA to terminate the Contract of Guarantee under § 1826.30 for failure to remit guarantee fee payments within the time allowed, the Contract of Guarantee may also be terminated by full repayment of the loan, or by written notice from the holder to the Finance Office that the contract will terminate 30 days after the date of the notice; provided that:

(a) *Notice and enclosures.* The notice is mailed promptly and is accompanied by the guarantee fee payment to the end of that 30 day period, a Holders Guarantee Fee Report for the interim period, and the Contract of Guarantee for cancellation.

(b) *Fees are current.* All previous guarantee fees have been paid.

§§ 1826.43—1826.45 [Reserved]

§ 1826.46 Loan servicing.

The holder is responsible for loan servicing. The term "servicing" as used in this Handbook includes all actions that are necessary after loan closing to collect the indebtedness and to protect the security and security rights. This involves, but is not limited to, obtaining and maintaining compliance with the provisions of the loan end security instruments, any supplementary agreements, and this handbook. The term "servicing" also includes transfer and assumption and liquidation, except in those instances in which more specific terminology is used with respect to those matters. The servicing functions involved in transfers and assumptions and liquidations are set forth under those headings in this Part 1826. Among the holder's more significant servicing functions are those involved in seeing that:

(a) *Purchase of property.* Any property to be acquired with loan funds is acquired as planned and liens are obtained thereon with priorities which the lender advised FHA the lender's security instruments would have. See also § 1826.51 (a).

(b) *Construction or development.* Any buildings or other improvements or major land development to be provided with loan funds are properly completed within a reasonable time, free of any mechanics, materialmen's, or other liens that would affect the lien priority which the lender advised FHA that the lender's security instruments would have. See also § 1826.51(b).

(c) *Collection of indebtedness.* Indebtedness is collected as it falls due (from the borrower, third party convert-

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ers, or other parties liable), and transfer and assumption or liquidation action, if approved, is taken as provided for under those respective headings in this Part 1826.

(d) *Hazard insurance.* Adequate hazard insurance (as available and needed for the type of property and operation involved) is obtained and kept effective on the insurable security property, with loss payable clause in favor of the lender as mortgagee or secured party.

(e) *Taxes.* Taxes and any assessments or ground rents against or affecting the security property are paid.

(f) *Litigation.* The loan and security are protected in foreclosure, bankruptcy, receivership, insolvency, condemnation, or other litigative or third party actions.

(g) *Loss payments and compensation awards.* Any insurance loss payments, condemnation awards, or similar proceeds are applied on the guaranteed loan in accordance with lien priorities on which the guarantee was based; or to rebuilding or otherwise acquiring needed replacement security property of at least equal security value with the written approval of FHA and any other interested parties.

(h) *Security property proceeds.* All proceeds from the disposition of security property are applied in accordance with the lien priorities on which the guarantee was based, except that:

(1) Proceeds from the disposition of basic security may be used for replacement of property of similar nature, equal value, and equal lien priority when the holder determines that such use is necessary for success of the enterprise. Basic security means all real property, fixtures, foundation herds, machinery, and equipment serving as security for the guaranteed loan.

(2) Proceeds from the disposition of non-basic security property may be used for purposes which the holder determines are necessary for the borrower's operations and family living expenses.

(i) *Future advances.* No future advances for purposes other than protection or preservation of the security or security property are made without FHA's written approval. Such advances for such protection or preservation include, but are not limited to, advances for taxes, annual assessments, ground rents, and hazard insurance premiums affecting the security property.

(j) *Personal liability.* The borrower (any party liable) is not released from personal liability for all or any part of the guaranteed loan (except in transfer and assumption cases in which the full amount of the indebtednesss is assumed).

(k) *Alteration of instruments.* No provisions of the loan or security instruments are altered without FHA's written approval.

§§ 1826.47–1826.50 [Reserved]

§ 1826.51 Certificate of Acquisition or Construction.

The following certifications are required on Form FHA 449–11, "Certificate of Acquisition or Construction." See also §§ 1826.26 (a) and 1826.46 (a) and (b).

(a) *Acquisition of property.* Each time a substantial amount of property is acquired with loan funds after loan closing, the lender will furnish a certificate to FHA describing the property acquired and stating that it is property that was planned to be acquired with loan funds as shown in the Request for Conditional Commitment to Guarantee loan. The certificate must be signed by the borrower and lender.

(b) *Construction and development.* All buildings and major repairs to buildings must be constructed or performed under contract by a party other than the borrower and members of his immediate family. As soon as construction or substantial repair of buildings or major land development involving use of loan funds has been completed, the lender will furnish to FHA a certificate stating that the construction, repair, or land development has been completed in accordance with the plans and specifications submitted to FHA in connection with the Request for Conditional Commitment to Guarantee Loan. The certificate must be signed by the borrower and lender, and also by the contractor when the work is required to be performed under contract.

§§ 1826.52—1826.55 [Reserved]

§ 1826.56 Equal opportunity and nondiscrimination.

One of the conditions for approval of a lender or subsequent holder is that it agrees not to discriminate between applicants in making, acquiring, or servicing of guaranteed loans because of race, color, religion, sex, age, or national origin. This agreement is contained in Form FHA 449–18, "Lenders or Holders Request for Approval." The following equal opportunity and nondiscrimination forms and requirements are applicable to certain cases involving construction as indicated. (For more detailed information see 7 CFR Part 15, and 41 CFR Part 60)

(a) *Compliance reports.* No prospective contractor or subcontractor will be eligible for a contract or subcontract financed with a guaranteed loan until he has filed all of the compliance reports required of him under any previous contracts.

(b) *Equal Opportunity Agreement.* The lender is responsible for seeing that, before loan closing, each applicant whose loan involves a construction contract of more than $10,000 executes Form FHA 400–1, "Equal Opportunity Agreement."

(c) *Contract or subcontract in excess of $10,000.* If the contract or a subcontract exceeds $10,000, the lender is responsible for seeing that:

(1) The contractor or subcontractor submits Form FHA 400–6, "Compliance Statement," before or as a part of the bid or negotiation.

(2) An Equal Opportunity Clause is part of each contract and subcontract. This clause is incorporated in Form FHA 424–6, "Construction Contract," which may serve as a guide.

(3) With notification of the contract award, the contractor receives:

(i) Form FHA 400–3, "Notice to Contractors and Applicants" signed by the lender, with an attached Equal Employment Opportunity Poster. Posters in Spanish will be provided and displayed where a significant portion of the population is Spanish speaking.

(ii) Form AD–425, "Contractor's Affirmative Action Plan for Equal Employment Opportunity Under Executive Order 11246 and Executive Order 11375," if the contractor or subcontractor is subject to the requirements of paragraph (e) of this section.

(d) *100 or more employees and contract or subcontract exceeds $10,000.* If the contractor or subcontractor has 100 or more employees and the contract or subcontract is for $10,000 or more, the lender will be responsible for seeing that:

(1) In addition to meeting the requirements of paragraph (c) of this section, each such contractor or subcontractor files Standard Form 100, "Employer Information Report EEO–1" with the Joint Reporting Committee within 30 days of the contract or subcontract award unless this report has already been submitted within the last 12 months.

(2) An annual report is filed on or before March 31 as long as the contractor or subcontractor holds a contract equal to $10,000 or more which is financed with a guaranteed loan. Failure to file timely complete, and accurate reports constitutes noncompliance with the Equal Opportunity Clause. Report forms are distributed by the Joint Reporting Committee and any questions on this form should be addressed by the contractor or subcontractor to the Joint Reporting Committee, 1800 G Street, NW, Washington, D.C. 20006.

(e) *50 or more employees and contract or subcontract exceeds $50,000.* If the contract or subcontract is $50,000 or more and the contractor or subcontractor has 50 or more employees, the lender will be responsible for seeing that, in addition to the requirements of paragraph (c) of this section, each such contractor or subcontractor is informed that he must develop a written affirmative action compliance program for each of his establishments and put it on file in each of his personnel offices within 120 days of the commencement of the contract or subcontract. Form AD–425 provides guidelines for the contractor or subcontractor in developing such a program.

(f) *Compliance reviews.* The lender will be responsible for seeing that compliance reviews are made during construction inspections to determine whether the required posters are displayed, the facilities are not segregated, and there is no evidence of discrimination in employment. Findings will be shown on Form FHA 424–12, "Inspection Report," which will be signed by the lender. If there is any evidence of noncompliance, the lender will try to achieve voluntary compliance. If the lender fails, he will report all the facts to FHA.

(g) *Employee complaints.* Any employee of or applicant for employment with such contractors or subcontractors may file a written complaint of discrimination with FHA.

(1) A written complaint of alleged discrimination must be signed by the complainant and should include the following information:

(i) The name and address (including telephone number, if any) of the complainant.

(ii) The name and address of the person committing the alleged discrimination.

(iii) A description of the acts considered to be discriminatory.

(iv) Any other pertinent information that will assist in the investigation and resolution of the complaint.

(2) Such complaint must be filed not lated than 180 days from the date of the alleged discrimination, unless the time for filing is extended by FHA for good cause shown.

(h) *FHA responsibilities.* In addition to the foregoing requirements of this section and the lender's advice in the Request for Contract of Guarantee that "All Equal Opportunity and Nondiscrimination requirements have been met or will be met at the appropriate time," FHA will make such periodic checks as it deems necessary to assure that all equal opportunity and nondiscrimination requirements are met in each loan case.

§§ 1826.57–1826.59 [Reserved]

§ 1826.60 Transfer and assumption—general.

The transfer of security property by the borrower and assumption of guaranteed loan indebtedness by the transferee will be handled as provided for herein. In transfer and assumption cases, preference will be given to applicants who, after the transfer and assumption are made, will meet the eligibility requirements for the type of loan involved. If the transferee will make any cash down payment in connection with the transfer and assumption, or if any security property is to be sold before the transfer and assumption, the amount of such cash down payment or sale proceeds should be credited on the transferor's guaranteed loan debt before the transfer and assumption are closed. A County Committee certification will not be required. The original borrower may be released from personal liability since the entire indebtedness is being assumed. As stated in § 1826.2, where appropriate in this handbook, "liquidation" and "loan" shall be construed to mean "transfer and assumption," "promissory note" shall be construed to mean "assumption agreement," and "borrower" shall be construed to mean "transferee."

§ 1826.61 Eligible transferee—full assumption.

An "eligible transferee" is a person who meets the eligibility requirements for the type of loan involved.

(a) *Determination by holder.* The holder must furnish FHA a statement showing the holder's determinations that:

(1) The transferee is eligible for the type of loan involved.

(2) The transferee has acquired all of the property securing the guaranteed loan balance.

(3) The transferee could not acquire the security property without the guaranteed loan credit.

(4) The market value of the transferred security property is equal to or more than the amount assumed.

(5) The existing security and lien priorities have been maintained or improved.

(6) The transferee appears to have the ability and desire to pay the amount assumed.

(7) Proper hazard insurance is in effect.

(8) Any applicable Truth in Lending requirements have been met.

(9) The transaction has been properly closed and coveyance instruments recorded, if recordable.

(b) *Assumption agreement.* The assumption will be made on Form FHA 449–8, "Assumption Agreement for Guaranteed Loans (Same terms)," if the promissory note repayment schedule remains in effect. If the schedule is changed, Form FHA 449–7, "Assumption Agreement for Guaranteed Loan (New Terms)" will be used.

(c) *Contract of Guarantee.* The existing Contract of Guarantee will continue in effect, so a new Contract of Guarantee will not be issued.

(d) *Payment schedule.* The promissory note repayment schedule cannot be changed by the Assumption Agreement unless the change is approved in writing by FHA, and by the original borrower if he is not released from personal liability.

(e) *Finance Office.* As soon as the transfer and assumption have been completed, the holder will send two conformed copies of the executed Assumption Agreement to FHA along with the statement of determinations required in paragraph (a) of this section. The County Supervisor will forward one copy of the Assumption Agreement to the Finance Office for loan identification and future accounting purposes. That copy will be accompanied by FHA's written approval under paragraph (d) of this section if the repayment schedule is changed.

§ 1826.62 Ineligible transferee—full assumption.

An "ineligible transferee" is a person who does *not* meet the eligibility requirements for the type of loan involved.

(a) *Assumption agreement.* The assumption will be made on Form FHA 449–7, "Assumption Agreement for Guaranteed Loans (New Terms)."

(b) *Transfer and assumption docket.* The holder will prepare and submit a transfer and assumption docket to FHA containing:

(1) The holder's determinations required by § 1826.61(a) (2), (5), (6), (7), (8), and (9).

(2) The holder's determinations that:

(i) The transferee is *not* eligible for the type of loan involved.

(ii) The proposed transfer and assumption appear to be the best method for most adequately protecting the financial interests of the holder and FHA.

(iii) The market value of the security property to be transferred is equal to or more than the unpaid balance on the guaranteed loan, or that the financial situation of the transferee is such that any difference could be readily collected.

(3) The holder's statement as to the term of the assumption and the interest rate to the transferee.

(c) *Term and interest rate.* The term of the assumption cannot exceed 5 years unless FHA makes a written determination that a longer period is necessary to protect the financial interest of FHA as guarantor. Even if that determination is made, the term cannot exceed 10 years. The interest rate may be any legal rate agreed to by the holder and the transferee.

(d) *Interest subsidy.* FHA will *not* pay any interest subsidy to the holder in these cases in which the debt is assumed by an ineligible transferee.

(e) *Payment Schedule.* Since the promissory note repayment schedule will be changed in the Assumption Agreement, the original borrower will have to approve the change in writing if he is not to be released from personal liability.

(f) *Contract of Guarantee.* The existing Contract of Guarantee will continue in effect, so a new Contract of Guarantee will not be issued.

(g) *Approval by FHA.* If FHA finds that the docket is complete and concurs in the holder's determinations, it will issue a letter of tentative approval and send it and the docket to the holder. If the assumption term exceeds 5 years, the letter will contain FHA's determination as to whether the term is necessary to protect the FHA's financial interests as guarantor. If FHA determines that it cannot approve the proposed transaction, it will inform the holder in writing of the reasons and return the holder's docket. If the holder satisfies FHA's objections, it may resubmit the docket to FHA for reconsideration.

(h) *Closing transfer and assumption.* Upon receipt of FHA's approval letter, the holder will proceed with closing the transfer and assumption transaction, including, but not limited to, obtaining execution and delivery of the conveyance instruments and the assumption agreement, compliance with any Truth in Lending requirements, and recordation of said conveyance instruments, if recordable.

(i) *Conformed copies.* As soon as the transfer and assumption transaction has been closed, the holder will furnish two conformed copies of the executed assumption agreement to FHA. FHA will forward one copy to the Finance Office.

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(j) *Not substitute for graduation.* This procedure for transfer to and assumption by an ineligible transferee will not be used as a substitute for requiring the transferor to graduate to credit not backed by a Contract of Guarantee if he is able to do so in accordance with the provisions of the security instruments.

§§ 1826.63—1826.65 [Reserved]

§ 1826.66 Liquidation.

If either the holder or FHA concludes that liquidation of a guaranteed loan account is necessary because of one or more defaults or third party actions that the borrower cannot or will not cure or eliminate within a reasonable period of time, it will notify the other party and the matter will be handled as follows:

(a) *Holder's proposed method of liquidation.* Along with the holder's notification to FHA or within 10 days after the holder receives a notification from FHA, the holder will advise FHA of its proposed method of liquidation and will provide FHA with all available information concerning:

(1) The borrower's assets, including claims, contracts, accounts receivable and other contingent assets not serving as security for the loan.

(2) Its estimated value of all of the borrower's assets, including security and nonsecurity property.

(3) The holder's proposed method of making the maximum collection possible on the entire indebtedness, including that covered by the FHA guarantee and that not so covered.

(b) *FHA's response to liquidation proposal.* Within 30 days after receipt of such notification from the holder, FHA will inform the holder:

(1) Whether FHA concurs in the holder's proposed method of liquidation.

(2) Which loss settlement option provided in paragraph (f) of this section FHA has selected. To assist FHA in selecting the loss settlement option, the lender and holder will, upon request, provide FHA such information, and such legal and other instruments and documents (or copies thereof or access thereto), as the lender and holder have with respect to the guaranteed loan transaction.

(c) *Acceleration.* If FHA does not select loss settlement the option in paragraph (f)(2) of this section, "Accept assignment of loan," the holder will proceed as expeditiously as possible with acceleration of the indebtedness, including giving any notices and taking any other actions required by the security instruments or law. A copy of the acceleration notice or other acceleration document will be sent to FHA. If FHA selects the option in paragraph (f)(2) of this section, the indebtedness will not be accelerated.

(d) *Determination of values.* If FHA selects loss settlement the option in paragraph (f)(1) of this section, "Pay loss before liquidation," or loss settlement the option in paragraph (f)(2) of this section, "Accept assignment of loan," within 15 days after FHA has advised the holder of such selection, or preferably while the acceleration proceedings are in process, the holder and FHA will appraise and endeavor to agree on the market value of the security property and any additional amounts that can be readily collected from the borrower (additional debt payment ability). The term "market value" as used in this handbook means the amount for which the property would sell for its highest and best use at voluntary sale. If FHA selects loss settlement the option in paragraph (f)(3) of this section, "Accept title to property from registered holder," or loss settlement option (f)(4) of this section, "Pay loss after liquidation," the determination of values will be made at the time specified in the applicable paragraph.

(1) If the holder and FHA cannot agree on the value of the security property and any additional debt payment ability of the borrower within 15 days after their appraisals are required to be made, they shall within the next 15 day period or earlier if possible, select a disinterested appraiser who will determine such values. The appraiser will make the appraisal report to the holder and FHA.

(2) The appraiser's valuations will be used in calculating the loss if FHA agrees that they are correct. Within 10 days after FHA receives a copy of the appraiser's report, it will notify the holder in writing whether it agrees with the appraiser's valuations.

(3) The fee of such appraiser will be shared equally by FHA and the holder.

(e) *Determination of loss.* The amount of the loss to be paid by FHA will be initially calculated by the holder on Form FHA 449-20, "Report of Loss."

(1) Within 15 days after the determination of values as provided for in paragraph (d) of this section, the holder will execute the original Report of Loss and present it and one conformed copy to FHA for approval. At the same time, the holder will furnish to FHA the original and one conformed copy of Form FHA 449-19, "Holders Guarantee Fee Report (Semi-annual Report)," bringing the last semiannual report up to date.

(2) If FHA has any question regarding the amounts set forth in the Report of Loss, it will investigate the matter. The holder will make its records available to, and otherwise assist FHA in making this investigation. If FHA finds any discrepancies, it will contact the holder and get the necessary corrections made as soon as possible. When FHA finds the Report of Loss to be proper in all respects, it will be "Tentatively Approved" in the space provided on the form for that purpose.

(3) After the Report of Loss has been tentatively approved, FHA will send the original Report of Loss and the original interim Holders Guarantee Fee Report to the Finance Office for issuance of a Treasury check in payment of the amount owed by FHA to the holder. The Finance Office will analyze these reports to see whether the amount claimed is correct. In analyzing the Report of Loss, the Finance Office will assume that the amounts shown in the following Sections of that form are correct:

(i) Section II, "Prior Lien Amounts Owed to Settlement Date."

(ii) Section IV, "Market Value of Security Property."

(iii) Section VII A 2, "Funds in escrow account."

(iv) Section VII A 3, "Net income from security property."

(v) Section VII A 4, "Borrower's debt payment ability."

(vi) Section VIII, "Allowances to Holder for Liquidation Costs."

(4) Notwithstanding any provision in paragraph (f) of this section, if the Finance Office finds the amount claimed by the holder to be incorrect, the Treasury check will be for the amount the Finance Offices finds to be correct. The Finance Office will send an explanation of any changes in amounts along with the Treasury check.

(f) *Loss settlement options (Payment of loss before or after liquidation, acceptance of assignment of loan, acceptance of title to property.)* FHA will have the option to settle its obligation under the Contract of Guarantee in any of the following ways. The foregoing paragraphs (a) through (e) of this section will apply regardless of which option is selected.

(1) *Pay loss before liquidation.* If FHA elects to pay the loss covered by the Contract of Guarantee before the liquidation action is taken by the holder or a third party, upon receipt of the Report of Loss from the holder, the Finance Office will promptly have a U.S. Treasury loss payment check issued and mailed to the holder. The check will be for the amount set forth in Section IX of the Report of Loss (Section IX consists of an adjusted sum arrived at by making certain deductions from and additions to the 90 percent Basic Loss guarantee payment owed by FHA to the holder for losses on the promissory note and future advances. The deductions are for the guarantee fee owed by the holder to FHA, cash in holder's possession in the escrow account or net income from the security property, and any amount that the holder can readily collect from the borrower in excess of the value of the security. The deductions are totalled in Section VII B of the Report of Loss. The additions are for any interest subsidy payments totalled in Section VII E and any allowances for liquidation costs totalled in Section VIII C, which are self-explanatory.) If the liquidation is being conducted by the holder and it subsequently decides:

(i) Not to liquidate, it will refund to FHA any amount paid to it by FHA for liquidation costs.

(ii) To employ a different method of liquidation for which the cost is less than the amount paid to it by FHA for liquidation costs, it will refund the difference to FHA.

(2) *Accept assignment of loan.* If FHA elects to take an assignment of the loan, the amount of the Treasury check will be calculated on the Report of Loss. It will be for the "Market Value of Security Property" total shown in Section IV C, less the "Prior Lien Amounts" total shown in Section II D (if that sum is less than the "Guaranteed Loan Items" total shown in Section I E), plus the amount of the "Percentage of Basic Loss Guaranteed" shown in Section VI, less the amount of the "Guarantee fee owed by holder" shown in Section VII A 1, plus the amount of any "Interest subsidy" shown in Section VII D 1.

(i) Upon receipt of the Report of Loss, the Finance Office will send the Treasury check to FHA for delivery to the holder when the holder furnishes the following items in the form required by FHA:

(A) Promissory Note endorsed payable to the order of the United States of America.

(B) Security instruments with any required assignments thereof (filed or recorded, if required).

(C) Assignment of any escrow agreement and any funds in the escrow account, and any claims for future advances already made.

(D) Evidence of title and ownership.

(E) Any other instruments required by FHA to perfect its ownership of the guaranteed loan and related rights.

(ii) Any net rental or other income that has been received by the holder from the security property (Section VII A 3 of Report of Loss) should be applied on the guaranteed loan debt before FHA accepts an assignment of the loan. The holder's right to funds in the escrow account (Section VII A 2 of Report of Loss) and the account itself will be assigned to FHA.

(3) *Accept title to property from registered holder.* If FHA elects to wait and accept a conveyance of the former security property from the holder after the holder has acquired title to it by voluntary conveyance in lieu of foreclosure or by purchase at foreclosure or other forced sale:

(i) A determination of value of the former security property will be made within 30 days after title (record title, if conveyance can be filed or recorded) is vested in the holder, except that if a period of redemption exists, this action, at FHA's option, may be delayed until the applicable period of redemption has expired. The Report of Loss will be prepared on the same basis as if the borrower still owned the property. The Settlement Date in the Report of Loss will be approximately 30 days after FHA receives the Report of Loss.

(ii) The Treasury check will be calculated on the Report of Loss. It will be for the "Market Value of Security Property" total shown in Section IV C, less the "Prior Lien Amounts" total shown in Section II D (if the sum is less than the "Guaranteed Loan Items" total shown in Section I E), plus the amount of the "Total Loss Payable to Holder" shown in Section IX (explained in paragraph (f)(1) of this section).

(iii) In Section IV C of the Report of Loss, the total market value of the security property will be the appraised value as determined under paragraph (d) of this section.

(iv) The Finance Office will send the Treasury check to the FHA for delivery to the holder when the holder furnishes the following items in the form required by FHA:

(A) General Warranty Deed covering the acquired real property (FHA may also require a policy of owner's title insurance if it is unwilling to rely on the grantor's warranty, the cost to be shared equally by FHA and the holder).

(B) Bill of Sale or other required conveyance containing a general warranty of title to any acquired personal property (and any fixtures not covered by a warranty deed).

(C) Possession of all conveyed property.

(D) Any other instruments required by FHA to perfect its ownership and possession of the conveyed property.

(4) *Pay loss after liquidation.* FHA may decide to wait and pay the loss covered by the Contract of Guarantee after liquidation by the holder or a third party, regardless of who acquires the security property in the liquidation proceedings. If FHA chooses this loss settlement option, it may elect to pay the loss before or after any applicable redemption period. In any event, under this option, FHA will not take title to said property.

(i) The provisions of paragraph (f)(3)(i) of this section with respect to Determination of Values, Report of Loss, and Settlement Date are applicable here.

(ii) The Treasury loss payment check will be calculated on the Report of Loss, and will be in the *sum* of the "(Adjusted Basic Loss)" shown in Section VII F of that form if liquidation was by a third party, or the amount of the "Total Loss Payable to Holder" shown in Section IX, if liquidation was by the holder.

(iii) The "Market Value of Security Property" total shown in Section IV C of the Report of Loss, will be the appraised value as determined under paragraph (d) of this section or the acquisition price at a forced sale, whichever amount is more.

(iv) The Finance Office will send the loss payment check direct to the holder.

(g) *Maximum amount of loss payment to holder.* Notwithstanding any other provisions of this Handbook, the amount payable by FHA to the holder for loss sustained on the loan and future advances cannot exceed 90% of the loan principal advanced by the lender to the borrower under the guaranteed loan promissory note or assumed by the assuming parties under an assumption agreement in a transfer and assumption case.

(h) *Application of FHA loss payment.* The amount of the loss payment by FHA will be applied by the holder on the guaranteed loan debt.

(i) *Graduation of borrowers.* One of the defaults that may occur involves failure or refusal of the borrower to graduate to credit not backed by a Contract of Guarantee, after FHA determines that he is in a position to graduate under the provisions of the security instruments. Every 5 years after issuance of the Contract of Guarantee, the holder will furnish to FHA a report on the borrower's financial situation. FHA will use the report in determining whether the borrower is able to graduate to credit without a Contract of Guarantee. If FHA so determines on the basis of the holder's report and any other information, or if such a determination is made by FHA at any other time, it will notify the holder in writing to that effect, explaining the basis of the determination. If the lender disagrees, it will notify FHA in writing of the reasons for its disagreement, and FHA will reconsider the matter. If the holder does not disagree with FHA's initial determination, or if FHA does not change its mind on reconsideration, FHA will request the borrower to obtain the credit without the FHA guarantee. If the borrower fails or refuses to do so, FHA will notify the holder and it will proceed with liquidation as in the case of any other substantial default.

§§ 1826.67—1826.70 [Reserved]

§ 1826.71 FO eligibility requirements.

To be eligible for an FO (Farm Ownership) loan each applicant must:

(a) *Citizen.* Be a citizen of the United States.

(b) *Legal capacity.* Possess legal capacity to incur the obligations of the loan.

(c) *Experience or training.* Be an individual who has:

(1) Farming experience or farm training sufficient to assure reasonable prospects of success in the proposed farming operation, and

(2) Other training or experience when nonfarm enterprises are involved to assure success with such proposed operation. A nonfarm enterprise is any business conducted by an eligible farmer to supplement his farm income.

(d) *Character, ability, industry.* Possess the character, ability, and industry necessary to carry out the proposed operation and be a person who will honestly endeavor to carry out the undertakings and obligations required of him in connection with the loan.

(e) *Other available financing.* Be unable with his own resources, or be unable to obtain sufficient credit elsewhere without a guaranteed loan, to finance his actual needs at rates and terms he could reasonably expect to fulfill, taking into consideration prevailing private and cooperative rates and terms in the community in or near which he resides for loans for similar purposes and periods of time.

(f) *Owner-operator, production.* After the loan is made, be the owner-operator of a family farm which will produce a substantial portion or all of his total income.

§ 1826.72 Preference between FO applicants.

Preference will be given:

(a) *Veterans.* First to applications on hand from veterans over applications of nonveterans on file with the lender at the same time. A veteran is a person who

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has been discharged or released from the active forces of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard under conditions other than dishonorable, and served on active duty in any such forces:

(1) During the period of April 6, 1917, through March 31, 1921;

(2) During the period December 7, 1941, through January 31, 1955; or

(3) For a period of 180 days or more, any part of which occurred after January 31, 1955.

(b) *Other applicants.* Second to applications from persons who are:

(1) Married or have dependent families.

(2) Owners of livestock and farm machinery and equipment necessary to successfully carry on farming operations.

(3) Able to make downpayments.

§ 1826.73 FO loan purposes.

Subject to the prohibitions in § 1826.74 and the loan limitations and special provisions in § 1826.75, FO loans that are consistent with environmental requirements for the area may be made to:

(a) *Purchase or enlargement.* Purchase or enlarge a farm, including any land for recreation or other nonfarm enterprise which is not, or as enlarged will not be, larger than a family farm.

(b) *Improvements.* Construct or improve buildings and facilities on the applicant's farm, including:

(1) Construction of essential but modest farm dwelling and service buildings, including fish farming facilities, structures and hatcheries, and facilities and structures for nonfarm enterprise uses, such as docks, shooting blinds, refreshment or marketing stands, processing or assembly plant, sales building, repair shops, lodging facilities, trailer parks, picnic areas, target ranges, tennis courts, shuffleboard courts, golf driving ranges, campsites, and modest rental housing.

(2) Improvement, alteration, repair, replacement, relocation, or purchase and moving of such essential dwellings and service buildings, facilities and structures.

(3) Purchase and/or installation of domestic water and sewage disposal systems and other equipment or facilities necessary to the effective operation of a farm (including any nonfarm enterprises), provided the items upon installation become part of the real estate or customarily pass with the farm when it is sold.

(c) *Land and water development.* Provide land and water development, acquisition of water supplies, rights, use and conservation essential to the operation of the farm, and any nonfarm enterprise facilities. This includes fencing, land clearing, forestry purposes, establishment and improvement of permanent hay or pasture, drainage and irrigation facilities, basic application of lime and fertilizer, fish ponds, and trails and lakes. Also, loan funds may be used to pay that part of the cost of facilities, improvements and practices which is to be earned by participation in agricultural cost sharing or Great Plains programs, but only when such costs cannot be covered by purchase orders or assignments to material suppliers or constructors.

(d) *Refinancing of debts.* (1) When an applicant's request includes the use of guaranteed loan funds for the refinancing of debts, the lender must determine before a guaranteed loan can be made that the applicant's present creditors will not give him rates and terms on the existing debts that he reasonably could be expected to meet without an FHA guarantee, and that he cannot provide the needed funds from his own resources.

(2) Section 1826.11 sets forth certain conditions and limitations with respect to the use of a guaranteed loan to refinance debts owed to the lender or owed to, or insured or guaranteed by, parties other than FHA. Debts owed to FHA also may be refinanced with a guaranteed loan in justifiable cases. However, an FHA loan held by an insured or guaranteed lender will not be refinanced with a guaranteed loan unless the rate on the proposed guaranteed loan (borrower's rate plus any interest subsidy) will not exceed the total existing interest rate to the insured or guaranteed lender.

(e) *Expenses and Social Security Taxes.* Pay expenses incident to obtaining plans and making the loan, such as fees for legal, architectural, appraisal and other technical services, which are required to be paid by the borrower and which he cannot pay from other funds. Loan funds also may be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with making the planned building improvements.

(f) *Nonfarm enterprises.* Finance a nonfarm enterprise as hereinbefore provided for in this section, but only when it will provide an additional source of necessary supplemental income.

§ 1826.74 Prohibited FO loan purposes.

An FO loan will not be guaranteed to:

(a) *Personal property.* Purchase items not considered to be a part of the farm, such as farm machinery and equipment, appliances, livestock, construction and maintenance tools, automobiles, trucks, boats, and nonfarm enterprise equipment that would not be considered real estate.

(b) *Land retirement area.* Acquire land or develop a farm which is in an area designated for retirement from agriculture by Federal, State or local agencies.

(c) *Refinancing.* Refinance any debts owed to, or insured or guaranteed by, the lender without prior written consent of FHA. Also see § 1826.11.

(d) *Pay debts not approved.* Pay debts incurred for purposes other than those upon which the Conditional Commitment for Guarantee was based.

§ 1826.75 FO loan limitations and special provisions.

For an FO loan to be guaranteed:

(a) *Indebtedness limitation.* The FO loan plus any other indebtedness against the farm or other security, or both, must not exceed $100,000 or the market value of such security, whichever is less, or the amount certified by the County Committee. This includes all principal and past-due interest indebtedness on existing and proposed security.

(b) *Noncontiguous tracts.* If the farm contains two or more noncontiguous tracts, they must be so located that the farming operation and any nonfarm enterprise can be efficiently conducted, considering the distance and adequacy of rights-of-way or public roads between the tracts.

(c) *Dwellings and other essential buildings.* Buildings adequate for the planned operation of the farm, including any nonfarm enterprise, must be available. In nearly all cases the necessary buildings will be located on the applicant's farm. However, if the applicant owns suitable buildings which are not considered a part of his farm and ordinarily would not pass with the farm in a change of ownership, duplicate buildings on the farm need not be required if adequate security can be obtained. Likewise, duplicate buildings on the farm need not be required if the applicant has a long-term lease on adequate buildings near enough to properly operate the farm and if adequate security can be obtained. The same rule may be applied if the applicant has assurance of long-term occupancy of such buildings he expects to inherit. Mobile homes will not be considered adequate dwellings for FO farms.

(d) *Land and facility development.* Adequate development to place the farm and any nonfarm enterprise in condition for successful operation will be provided at the outset in connection with each loan. In planning farm development, consideration should be given to obtaining recommendations from the Forest Service, Soil Conservation Service, Extention Service, and State of substate planning agencies or local planning groups. In planning such development with the applicant, the lender will encourage him to use any cost-sharing assistance that may be available.

(e) *Performing development.* The lender and borrower will be responsible for proper construction and land development with the amount of funds loaned for that purpose. In this connection, see §§ 1826.3(e), 1826.14(b), and 1826.46(a). This includes, but is not limited to:

(1) Compliance with applicable laws, ordinances, codes, and regulations.

(2) Adequacy of plans, specifications, and estimates.

(3) Sufficiency, quality, and rights to adequate water supply.

(4) Method of construction or development.

(5) Awarding, execution, and provisions of construction or development contracts, and bonding of contractors where necessary.

(6) Seeing that all equal opportunity and nondiscrimination requirements are met. See §§ 1826.26(a)(7) and 1826.56.

(7) Seeing that construction or development is performed expeditiously and properly, including inspection of sites and construction or development in various stages of completion to determine that the work and material conform with the plans and specifications and any other requirements.

(8) Limiting periodic or partial payments for construction or development to a reasonable percentage of the actual value of work and material in place.

(9) Making final payment only after final inspection has been made and the construction or development has been found proper in all respects.

(10) Obtaining appropriate releases from laborers, materialmen, contractors, subcontractors, or other parties involved, to assure that there will be no lien or other claims by any such parties against the borrower or the security property.

(f) *Liens junior to the lender's FO lien.* A loan will not be approved if a lien junior to the FO lien likely will be taken simultaneously with or immediately subsequent to the closing of the loan to secure any debt the borrower may have at the time of loan closing or any indebtedness he may incur in connection with the FO loan, such as for a portion of the purchase price of the farm or money borrowed from others for payments on debts against the farm, unless the total debt against the security would be within the $100,000 debt limit or the market value of the security, whichever is less.

§ 1826.76 FO rates and terms.

(a) *Interest rate to borrower.* See § 1826.13.

(b) *Loan term.* Each loan will be scheduled for repayment over a period not to exceed 40 years from the date of the note or such shorter period as may be necessary to assure that the loan will be adequately secured, taking into account the probable depreciation of the security.

(c) *Reamortization.* If the borrower pays 25% or more of the loan balance before it is due, from the sale of part of the security with the approval of the holder or with funds derived from other sources, the holder may agree to a reamortization of the balance owed, provided the repayment period does not exceed the remaining portion of the original loan terms and the remaining security is adequate for the balance owed.

§§ 1826.77–1826.80 [Reserved]

§ 1826.81 SW eligibility requirements.

To be eligible for an SW (Soil and Water) loan the applicant must:

(a) *Tenant, owner, partner, corporation; farm.* Be a farm tenant or farm owner, member of a partnership that owns and operates a farm, or a domestic corporation engaged in farming. Be unable with his own resources, or be unable to obtain sufficient credit elsewhere without a guaranteed loan, to finance his actual needs at rates and terms he could reasonably expect to fulfill, taking into consideration prevailing private and cooperative rates and terms in the community in or near which he resides for loans for similar purposes and periods of time. If the applicant has an undivided interest in the land to be improved, the applicant and his co-owners, individually or jointly, must be unable to provide the necessary improvements with their own resources or obtain the necessary credit elsewhere without an FHA guarantee.

(1) The term "farm" includes the total acreage of one or more tracts of land which is owned or operated by the applicant as a single unit.

(2) The farm must be of such size and productive capacity to produce agricultural commodities for sale in sufficient quantities that the farm will be recognized in the community as a farm rather than a rural residence.

(3) The farm must be one that will provide farm income which together with any income from other sources will pay operating expenses, including maintenance of land, buildings, and other structures, pay debts, have a reasonable reserve for unforseen emergencies, and, if an individual or partnership, enables the family to have a reasonable standard of living.

(b) *Corporation—stockholders unable to provide financing.* If a corporation, the corporation and the principal stockholders as defined in § 1826.112(f) must be unable to provide necessary improvements with its and their own resources or obtain the necessary credit elsewhere without an FHA guarantee.

(c) *Corporation—private domestic.* If a corporation, be organized as a private domestic corporation under appropriate State laws.

(d) *Character, industry, and ability.* Possess the character, industry, and ability to carry out the proposed operations and will honestly endeavor to carry out the undertakings and obligations required in connection with the SW loan.

(e) *Training and experience.* Have training or farm experience necessary to give reasonable assurance of success in farming whenever the soundness of the loan depends on the farming operation.

(f) *Legal Capacity.* Possess legal capacity to incur the obligations of the loan.

(g) *Lease of tenant.*

If a tenant, have a satisfactory written lease for a sufficient period of time and under terms that will enable him to obtain reasonable returns on the improvements made with the SW loan. In addition, the lease or separate agreement should provide for compensating the tenant for any unexhausted value of the improvements upon termination of the lease, unless a loan is being processed as authorized in § 1826.85(d) with respect to loans on leasehold interests in farms.

§ 1826.82 Preference between SW applicants.

The veterans preference provisions of § 1826.72(a) are applicable to SW loans to individuals.

§ 1826.83 SW loan purposes.

SW loans may be made for the following purposes, and must be consistent with environmental requirements for the area.

(a) *Material, supplies, equipment, services.* Paying the cash costs for materials, supplies, equipment, and services related to land and water development, use, and conservation, such as:

(1) Terraces, dikes, reservoirs, ponds, tanks, cisterns, wells, pipelines, pumping and irrigation equipment, ditches and canals for irrigation and drainage, waterways, and erosion control structures.

(2) Drainage of land which is part of an operating farm unit.

(3) Land clearing.

(4) Sodding, subsoiling, land leveling, liming, and fencing.

(5) Fertilizer and seed used in connection with a soil conservation practice, or the establishment or improvement of permanent pasture.

(6) Forestation for sustained yield and tree planting for erosion control or shelter-belt purposes.

(7) Gasoline, oil, and equipment rental or hire.

(8) Expense incident to obtaining plans and making the loan, such as fees for legal, engineering, and other technical services which are required to be paid by the borrower and which he cannot pay from other funds. Loan funds also may be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with making any planned improvements.

(9) Purchase or repair of special-purpose equipment such as terracing, land leveling, and ditching equipment, provided:

(i) Such equipment is needed for, and will facilitate the completion or maintenance of, the planned improvement, and

(ii) The cost of the equipment plus the other costs related to the improvement will not be more than if performed by contract or other methods.

(b) *Water source.* Acquiring a source of water to be used on land the applicant owns or is acquiring, including:

(1) Purchase of water stock or membership in an incorporated water users association.

(2) Acquisition of a water right through appropriation, agreement, permit, or decree.

(3) Acquisition of a water supply or right, and the land on which it is presently being used, when the water supply or right cannot be purchased without the land, provided:

(i) The value of the land without the water supply or right is only an incidental part of the total price, and

(ii) The water supply and right will be transferred to, and used more effectively on, other land owned by the applicant.

(c) *Site for water or drainage facilities.* Purchase of land or an interest therein for sites or rights-of-way upon which a water or drainage facility will be located.

(d) *Stock, membership, assessments.* Purchase of stock or membership in, or payment of assessments to, an incorporated association or organized group service which will help such association or group service to finance facilities and

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improvements for which loan funds may be used.

(e) *Cost sharing programs.* Paying that part of the cost of facilities, improvements, and practices which is to be earned by participation in agricultural cost sharing or Great Plains programs only when such costs cannot be covered by purchase orders or assignments to material suppliers or contractors. If loan funds are advanced and the portion of the payment for which the funds were advanced likely will exceed $500, the applicant will assign the payment to the lender.

(f) *Water supply and distribution.* To provide water supply for dwellings and farm buildings, including such facilities as wells, pumps, farmstead distribution systems, and home plumbing.

§ 1826.84 Prohibited SW loan purposes.

An SW loan will not be guaranteed:

(a) *Items not directly related to main purpose.* For items that are not directly related to land and water development, use, and conservation, such as annual operating expenses, power plants, or power transmission lines other than service drops or lines, or buildings other than those to protect pumping installations.

(b) *Recreation.* For recreational purposes.

(c) *Preexisting debts.* To pay debts incurred prior to the closing of the SW loan except fees for legal, engineering, and other technical services.

§ 1826.85 SW loan limitations and special provisions.

(a) *Indebtedness limitation.* An SW loan will not be guaranteed if:

(1) The borrower's unpaid principal indebtedness plus any past-due interest against the security and the amount of the loan will exceed $100,000. If only nonreal estate items will serve as security, in addition to the limitation above, the borrower's unpaid principal indebtedness plus any past-due interest against the nonreal estate security and plus the amount of the loan will exceed $25,000.

(2) The amount of the loan and the unpaid principal balance plus any past-due interest on other secured debts against the farm will exceed the market value of the farm and, when applicable, the market value of any other security, as determined by the lender, or the loan exceeds the amount certified by the County Committee.

(3) A lien junior to the FHA lien likely will be taken simultaneously with or immediately subsequent to the closing of the loan to secure any debt the borrower may have at the time of the loan closing or any indebtedness he may incur in connection with the SW loan, unless such a lien is within the $100,000 debt limit or the market value of the security, whichever is less.

(b) *Land development.* To the extent practicable, recommendations from the Forest Service, Extension Service, and the Soil Conservation Service should be obtained. In planning land development with the applicant, the lender will encourage him to use any available cost-sharing assistance.

(c) *Performing development.* The provisions of § 1826.75(e) are applicable to performing development in SW loan cases.

(d) *Loans on leasehold interests in farms.* A loan may be secured by a mortgage on a leasehold that has a negotiable value that is mortgageable, if otherwise proper, where the lessor owns the fee simple title marketable in fact and neither the leasehold nor the fee title is subject to a prior lien. If in any case involving a prior lien the lender concludes that a sound loan can be made upon a leasehold, he will submit complete information to FHA for review and special authorization prior to approval of the loan.

(1) With respect to achieving the purpose of the loan, obtaining adequate security, and being able to service the loan and enforce the security, the lender as holder of a mortgage upon a lease or leasehold interest must be in a position substantially as good as if it held a second mortgage on a fee simple title. This includes besides lessors' consent to the SW mortgage on the leasehold interest of the lessor, such matters as:

(i) Reasonable security of tenure. The borrower's interest will not be subject to summary forfeiture or cancellation.

(ii) The rights to foreclose the SW mortgage and sell without restrictions that would adversely affect the salability or market value of the security.

(iii) The right of the holder to bid at foreclosure sale or to accept a voluntary conveyance of the security in lieu of foreclosure.

(iv) The right of the holder, after acquiring the leasehold through foreclosure or voluntary conveyance in lieu of foreclosure, or in event of abandonment by the borrower, to occupy the property or sublet it, and to sell for cash or credit.

(v) The right of the borrower, in the event of default or inability to continue with the lease and the SW loan, to transfer the leasehold, subject to the SW mortgage, to a transferee who will assume the SW debt.

(vi) Advance notice to the holder of lessor's intention to cancel, terminate, or foreclose upon the lease. Such advance notice will afford sufficient time to permit the holder to ascertain the amount of deliquencies, the total amount of the lessor's and any other prior interest, the market value of the leasehold interest and, if litigation is involved, to refer the case with a report of the facts to its attorney and permit him to take appropriate action.

(vii) Express provisions covering the question of payment by the holder of unpaid rentals or other charges accrued at the time it acquires possession of the property or title to the leasehold, and those which become due during the holder's occupancy or ownership, pending further servicing or liquidation.

(viii) Any necessary provisions to assure fair compensation to the lessee for any part of the premises taken by condemnation.

(ix) Any other provisions necessary to meet the requirements of this paragraph.

(2) In any State in which real estate or chattel mortgages or security agreements may be taken on leasehold interests and recorded so as to protect the mortgagee or secured party, the holder will see that the security instruments or financing statements are properly filed or recorded.

§ 1826.86 SW rates and terms.

The rates and terms for SW loans are the same as for FO loans set forth in § 1826.76.

§ 1826.87—1826.90 [Reserved]

§ 1826.91 RL eligibility requirements.

To be eligible for an RL (Recreation) loan, the applicant must:

(a) *Farmer.* Be an individual regularly engaged in farming at the time he applies for the initial loan.

(b) *Recreation manager or operator.* Be the manager and operator of the recreation enterprise after the loan is made.

(c) *Other available financing.* Be unable with his own resources, or be unable to obtain sufficient credit elsewhere without a guaranteed loan, to finance his actual needs at reasonable rates and terms he could reasonably expect to fulfill, taking into consideration prevailing private and cooperative rates and terms in the community in or near which he resides for loans for similar purposes and periods of time.

(d) *Citizen.* Be a citizen of the United States of America.

(e) *Legal capacity.* Possess legal capacity to incur the obligations of the loan.

(f) *Character, ability, industry.* Possess the character, ability, and industry to carry out the proposed operation and honestly endeavor to carry out the undertakings and obligations required of him in connection with the loan.

(g) *Training or experience.* Have the training or experience necessary to give reasonable assurance of success in the proposed operation.

(h) *Tenant's lease.* If he is a tenant, have a satisfactory written lease for a sufficient period of time and under terms that will enable him to obtain reasonable returns on the improvements made with the Recreation loan. In addition, the lease or a separate agreement must provide for compensating the tenant for any unexhausted value of the improvements upon termination of the lease, unless the loan is to be secured by a leasehold. For additional provisions with respect to loans on leaseholds, see § 1826.95(f).

§ 1826.92 Preference between RL applicants.

The veterans preference provisions of § 1826.72(a) are applicable to RL loans.

§ 1826.93 RL loan purposes.

Subject to the prohibitions in § 1826.94 and the loan limitations and special provisions in § 1826.95, RL loans that are consistent with environmental requirements for that area may be made to:

(a) *Personal property and services.* Purchase materials, supplies, animals, fish and birds, and pay for services required in the establishment of outdoor recreation facilities.

(b) *Real property.* Acquire necessary land, easements, and rights-of-way for outdoor recreation uses.

(c) *Land and water development.* Develop land and water resources for outdoor recreation uses.

(d) *Buildings and facilities.* Construct or improve modest and essential buildings and facilities for outdoor recreation uses.

(e) *Refinance debts.* Refinance secured and unsecured debts.

(f) *Equipment, fixtures, facilities.* Purchase and install equipment, fixtures, and other facilities necessary to the efficient operation of the recreation enterprise.

(g) *Operating expenses.* Pay operating expenses necessary to efficient operation of the recreation enterprise, such as labor, fuel, electricity, water, sewer charge, advertising, feed, seed, fertilizer, and hazard insurance premiums, which the borrower cannot pay from his own funds or obtain from other sources at reasonable rates and terms within his ability to pay.

(h) *Fees for services, Social Security taxes.* Pay essential expenses incident to obtaining plans and making the loan, such as fees for legal, architectural, and other technical services which the borrower cannot pay from other funds. Loan funds also may be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with making planned building improvements or installation of equipment and facilities for the recreation enterprise.

§ 1826.94 Prohibited RL loan purposes.

A recreation loan will not be guaranteed if:

(a) *Dwelling and farm service buildings.* The funds will be used to construct farm service buildings or a dwelling for personal occupancy.

(b) *FO debt.* The borrower is indebted for a Farm Ownership loan and his total farming operation has not or will not be converted to recreational enterprises.

§ 1826.95 RL loan limitations and special provisions.

(a) *Indebtedness limitation.* The RL loan plus any other indebtedness against the farm or other security, or both, must not exceed $100,000 or the market value of such security, whichever is less, or the amount certified by the County Committee. This includes all principal and past-due interest indebtedness on existing and proposed security.

(b) *Junior liens.* If a lien junior to the lender's RL lien likely will be taken simultaneously with or immediately subsequent to the closing of the RL loan to secure any debts the borrower may have at the time of the loan closing or any indebtedness he may incur in connection with the RL loan, such a lien must also come within the $100,000 debt limit or the market value of the security, whichever is less.

(c) *Operating expenses.* When a Recreation loan includes funds for the payment of operating expenses, the borrower will be required to pay the operating expenses as expeditiously as feasible, usually within the first year or two but in no case in more than 5 years.

(d) *Land, buildings, and facilities.* Adequate land, buildings, and facilities will be developed to place the recreation enterprise in condition for successful operation at the outset for each loan. To the extent feasible, recommendations from the Forest Service, Extension Service, Soil Conservation Service, Agricultural Stabilization and Conservation Service, and State Planning and Development agencies should be obtained. In planning such development with the applicant, the lender will encourage him to use any cost-sharing assistance that is available.

(e) *Performing development.* See § 1826.75(e).

(f) *Loans on leasehold interests.* The provisions of § 1826.85(d) with respect to SW loans on leasehold interests in farms are equally applicable to RL loans on leaseholds.

§ 1826.96 RL rates and terms.

(a) *Interest rate to borrower.* See § 1826.13.

(b) *Loan term.* Each employee will be scheduled for repayment over a period not to exceed 40 years from the date of the note or such shorter period as may be necessary to assure that the loan will be adequately secured, taking into account the probable depreciation of the security. However, a loan not secured by real estate or a leasehold will be scheduled for payment over a period not to exceed 20 years from the date of the note.

(c) *Reamortization.* See § 1826.76(f).

§§ 1826.97–1826.100 [Reserved]

§ 1826.101 OL eligibility requirements.

To be eligible for an OL (Operating) loan each applicant must meet the requirements of § 1826.71 except that:

(a) *Farm operator.* After the loan is made, the applicant may only be the "operator," rather than the "owner-operator" of the farm, and

(b) *Rural youth.* Loans may be made to rural youths as defined in § 1826.2 even though they have not reached their majority under State law, provided:

(1) At least one of their parents or guardian and their project advisor recommends the loan.

(2) They are participating in activities of 4–H, Future Farmers of America, Future Homemakers of America, or similar organizations.

§ 1826.102 Preference between OL applicants.

The veterans preference provisions of § 1826.72(a) are applicable to OL loans.

§ 1826.103 OL loan purposes.

Subject to the prohibitations set forth in § 1826.104, the loan limitations and special provisions in § 1826.105 and the limitation on youth loans in paragraph (p) of this section, OL loans may be made for:

(a) *Farm personal property.* Purchase of livestock, poultry, other farm animals, fish, bees, and farm machinery and equipment including forestry enterprise equipment.

(b) *Nonfarm or recreation personal property.* Purchase of nonfarm or recreational enterprise animals, birds, fish, machinery and equipment, facilities, furnishings, inventories, and supplies; and purchase of any essential franchises, contracts, or privileges.

(c) *Undivided interests.* Purchase of undivided interests in the items included in paragraphs (a) and (b) of this section which would be operated under a joint arrangement.

(d) *Supplies, repairs, rental, operating expenses.* Purchase of feed, seed, fertilizer, insecticides, and other supplies, including inventory; the repair or rental of machinery and equipment; and payment of other operating expenses.

(e) *Cash rent and grazing fees.* Payment of equitable cash rent or cash charges for use of essential buildings, pasture, hay, crop or other land, and cost of grazing permits for the crop year being financed, provided:

(1) The applicant is obligated under a written lease or other formal agreement to pay such rent or charges before income will be available from the operation.

(2) Not more than one year's cash rent or cash charges will be paid with loan funds in any one lease year.

(3) The terms of the rental agreement provide the applicant with reasonably satisfactory tenure.

(f) *Property taxes or assessments.* Payment of current year's personal and real property taxes and water or drainage charges or assessments.

(g) *Social Security taxes.* Payment of Social Security taxes in connection with hired labor.

(h) *Insurance premiums.* Payment of real estate and personal property hazard insurance premiums.

(i) *Membership or stock.* Acquisition of memberships and/or stock in farm or nonfarm purchasing, marketing, and service-type cooperative organizations, exclusive of membership in organizations which will acquire, lease, or improve property not otherwise under the control of the members.

(j) *Home equipment and furnishings.* Purchase of essential home equipment and furnishings.

(k) *Refinancing.* Refinancing secured and unsecured debts, provided the amount loaned for such purposes does not exceed the market value of the property involved that will be security for the loan. If a debt owed to the lender is being considered for refinancing, see § 1826.11.

(l) *Milk base.* Purchase of milk base or quota with or without cows.

(m) *Grazing license or permit.* Purchase of grazing license or permit rights of private parties which can be validly sold and transferred or waived separate

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from any land lease or other interest in land with or without livestock.

(n) *Real estate improvements.* Real estate improvements or repairs not exceeding $2,500.

(o) *Pollution abatement and control.* Acquisition of equipment and materials for, and development of measures for, pollution abatement and control.

(p) *Rural youths.* Loans to rural youths may be made only for the purpose of initiating, developing and carrying on a farm or nonfarm project in connection with the rural youth's participation in activities of 4–H, Future Farmers of America, Future Homemarkers of America, and similar organizations.

(q) *Living expenses.* Meeting essential family living expenses.

(r) *Appraisal fees and loan closing expenses.* Appraisal fees and expenses incident to loan closing.

§ 1826.104 Prohibited OL loan purposes.

FHA will not guarantee loans for:

(a) *Automobiles.* Purchase of passenger automobiles or the refinancing of debts incurred for such purchase.

(b) *Land purchase, lease payments, refinancing.* Purchase of land or other real estate, or entering into or making payments required under any lease-purchase agreement, or the making of payments on or refinancing of any indebtedness secured by a lien on real estate other than the payment of taxes and water or drainage charges or assessments as authorized in § 1826.103(f). However, this requirement does not prohibit the refinancing of a debt secured by a lien on both real estate and personal property items described in § 1826.103 (a) and (b) to the extent of the applicant's equity in such personal property.

(c) *Income and Social Security taxes.* Payment of Federal or State income taxes or Social Security taxes on the borrower's family income.

(d) *Stock or membership.* Purchase of memberships or stock in production cooperatives.

(e) *Debts not previously approved.* Payment of debts incurred for purposes other than those upon which the Conditional Commitment for Guarantee was based.

§ 1826.105 OL loan limitations and special provisions.

(a) *Maximum amount of loan.* FHA cannot guarantee an OL loan if the principal of the loan plus the principal balance on existing guaranteed, direct, and insured OL loans would exceed $50,000 or the amount certified by the County Committee.

(b) *Joint farming, recreation, and nonfarm operations.*

(1) A joint loan may be made to two eligible applicants living together or living separately and operating jointly not larger than the equivalent of one family farming, recreation, or nonfarm operation.

(2) Separate loans may be made to eligible applicants who are jointly engaged in such an operation, provided not more than three individuals are interested in the operation, and the operation provides the equivalent of not larger than one family operation for each individual.

§ 1826.106 OL rates and terms.

(a) Interest rate to borrower. See § 1826.13.

(b) *Loan term.* The final maturity of the loan cannot exceed 7 years from the date of the promissory note.

(c) *Renewal.* The loan may be renewed if the holder determines that the renewal will assist in the orderly collection of the loan. However, no renewal shall be for a period longer than the original loan term or 5 years, whichever is less. Moreover, no initial renewal nor any combination of such initial and subsequent renewals shall extend the repayment period beyond 5 years from the initial renewal date or the original final maturity date, whichever is earlier.

(d) *Reamortization.* See § 1826.76(c).

§§ 1826.107–1826.110 [Reserved]

§ 1826.111 EM area designations and authorizations.

The County Supervisor will give written notice to approved lenders in his service area as to when the disaster occurred, and when and for what period of time:

(a) *Designated area.* A county or area has been designated for taking applications for particular types of EM loans.

(b) *Isolated production losses—nondesignated area.* Applications may be taken in a county which has not been designated for EM loans, but in which EM loans have been authorized by the State Director because severe production losses have been suffered by not more than 25 farmers who will need EM loans. In a county in which the State Director has determined that such isolated production losses have occurred, lenders will check with the County Supervisor to ascertain that each application comes within the 25 limit.

§ 1826.112 EM eligibility requirements.

To be eligible for an EM (Emergency) loan, an applicant must:

(a) *Citizen.* Be a citizen of the United States, if an individual. If a partnership, the individual partners must be citizens of the United States. If a corporation, the corporation must be incorporated under the laws of the United States or of a State, and must be authorized to carry on farming operations in the State in which the EM operation is to be conducted.

(b) *Established farmer or rancher.* Be an established farmer or rancher with a reasonably good past record of operations, whether owner-operator or tenant, who manages his farming or ranching operations. An applicant who does not devote full time to his farming or ranching operations may be considered as the manager of his farming or ranching operations if he visits his farm or ranch at frequent intervals often enough to exercise control and see that the operations are being carried on properly.

(c) *Production losses or property damages.* Have suffered production losses or property damage directly related to the unusual and adverse weather conditions which resulted in the major disaster(s) designation by the President, or the natural disaster(s) designation by the Secretary, or the authorization of the State Director because of an isolated production loss. Also, it must be established that all losses or damages upon which eligibility for the loan is based were caused during the time period established for the occurrence of the disaster.

(1) *Production losses.* The production losses must have been of a severe nature. This means that they must have been substantially greater than would be expected from normal fluctuations in yields. In making this required determination about production losses, consideration will be given to the applicant's total farming operations. He will be required to furnish information on Form FHA 441–22, "Statement of Production Losses and Certification," showing the production in each of his crop and livestock enterprises during the year of the disaster and the 2 preceding crop years, and an explanation about how and when the natural disaster caused his production losses. If the production was not normal for any of the 3 years, then the applicant must also furnish such information for his most recent normal year. An applicant meets this eligibility requirement only if his production losses which are *not compensated for by insurance or otherwise*, are the equivalent of 10 percent or more of the dollar value of normal production for his total farming or ranching enterprises. Eligibility established under this subparagraph would only entitle an applicant to an EM loan sufficient to produce a new crop.

(i) To establish eligibility, the lender must convert the applicant's total production after the disaster to gross income adding thereto any insurance or other compensation which may be claimed for these losses, and also calculate his gross income from total production for his most recent normal year. The disaster year figure must be subtracted from the normal year figure to calculate the "loss value" in dollars. The "loss value" will then be calculated as a percentage of the total normal production gross income. This percentage must equal or exceed 10 percent for eligibility. The calculations will be recorded in the lender's loan docket. The gross income will be calculated by using the prevailing market prices for crops in effect at the time of the disaster for each particular commodity as evidenced by the State Crop Reporting Service reports. Lists of prices will be prepared by the State Director and distributed to affected County Supervisors. Approved lenders can obtain such lists from FHA.

(ii) When the applicant has a livestock operation and his losses are to feedcrops, pasture, or grazing, his eligibility will be established by the cost of feed necessarily purchased or grazing rented to replace that which was lost due to the disaster. The cost of the additional feed purchased or grazing rented must be 10 percent or more of his normal production year gross income from his total operation.

(iii) Where an applicant was unable to plant a substantial portion of his normal crops because of a "qualifying disaster," his production for that portion of his unplanted crops will be shown as zero on Form FHA 441–22 if a substitute or different crop could not be planted. If a substitute or different crop is planted, the acreage and production of that crop will be shown.

(2) Damages or losses not compensated for by insurance or otherwise to farm or ranch dwellings and service buildings, land and water resources, farming or ranching supplies or equipment, or livestock essential to normal farm or ranch operations would qualify an applicant for a loan sufficient only to repair, replace or restore such property. These damages or losses would not qualify the applicant for an EM loan to be used for crop production.

(3) Where an applicant has had disaster damage to feed crops and elects to sell his livestock rather than purchase feed to replace that which he would have produced except for the natural disaster, he cannot claim as loss the difference between the sale price and an estimate of what the sale price would have been if the livestock had been fed for the normal period. This is because the earlier sale was based on a judgment decision and differs from an applicant who could not plant crops because of the natural disaster. The latter had no opportunity for a judgment decision about planting.

(4) Production losses which have occurred to crops or grazing before actual production for the year can be determined will be estimated and shown on Form FHA 441–22 as follows:

(i) For grazing, the number of acres and the estimated percentage of loss will be shown in the appropriate spaces.

(ii) Estimates of damage to other feed crops and cash crops will be shown in units of production.

(5) The lender will make such efforts as are reasonably necessary to check the accuracy of such estimates.

(d) *Legal capacity.* Possess legal capacity to contract for the loan.

(e) *Character, ability, industry.* Be of good character and possess the ability, industry, and experience necessary to carry out the proposed farming or ranching operations and to assure a reasonable prospect for success with the assistance of the loan, and will honestly endeavor to carry out the undertakings and obligations required of him in connection with the loan.

(f) *Other available financing.* Be unable with his own resources, or be unable to obtain sufficient credit elsewhere without a guaranteed loan, to finance his actual needs at rates and terms he could reasonably expect to fulfill, taking into consideration prevailing private and cooperative rates and terms in the community in or near which he resides for loans for similar purposes and periods of time. The applicant's equity in real estate, chattels, and other assets should be considered in determining his ability to obtain credit from private and cooperative sources. This must be documented in the lender's case file.

(1) In no case will an EM loan be made to an applicant who is able to obtain the credit he needs elsewhere, without an FHA guarantee, on terms he can reasonably be expected to pay.

(2) For partnerships or corporations, the principal partners or principal stockholders, either individually or collectively must be unable to finance the farming or ranching operations either with their own resources or with credit obtained by them from other sources without an FHA guarantee. Any partner or stockholder owning as much as 20 percent interest in a partnership or a corporation's stock, or a smaller percentage if owned in equal amounts, will be considered as a principal partner or stockholder.

(3) EM loans will not be made to applicants having large net worths or large equities in real estate. chattels, or other property, in relation to the amounts they need to borrow, regardless of their ability to obtain credit from other sources. Such applicants are considered to have options in the use of their resources that would enable them to operate without FHA guarantee assistance.

§ 1826.114 EM loan purposes.

Purposes for which EM loans may be made to fish farmers and oyster planters are set forth in § 1826.116(c) and § 1826.116(d)(3), respectively. Subject to the prohibitions in § 1826.115 and the loan limitations and special provisions in § 1826.116, other EM loans may be guaranteed if made to eligible farmers or ranchers for such of the following purposes as are essential to their farming or ranching operations:

(a) *Supplies, repairs, operating and processing expenses.* Purchase of feed, seed, fertilizer, insecticides, and farm supplies; payment of equipment repair costs, other essential farm operating expenses, and expenses for processing by the applicant of agricultural products produced by him.

(b) *Farm machinery.* Purchase of farm machinery when necessary to replace that destroyed, damaged, or lost through foreclosure or repossession by a prior creditor as the result of the qualifying disaster. Replacement items purchased with loan funds must be reasonably comparable in size and service, but not necessarily identical, to that being replaced.

(c) *Livestock.* Purchase of livestock as follows:

(1) Breeding livestock to replace those lost, destroyed, or disposed of as a result of the qualifying disaster. In such cases, the circumstances surrounding the loss or disposition of the livestock to be replaced will be documented carefully.

(2) Feeder or stocker livestock, provided it has been the applicant's normal practice to have a feeder or stocker enterprise, and the applicant produces more than half of the feed or more than half of the livestock required for the enterprise.

(g) *Unsound loan.* An applicant who meets all of the above criteria should still be denied a guaranteed EM loan if, in the judgment of the lender, he cannot be expected to recover from his losses as a result of the disaster and return to his normal sources of credit within a reasonable period.

§ 1826.113 Subsequent EM loans.

A subsequent loan is one that is made to a borrower who is indebted for an EM loan balance. Subsequent EM loans may be made within the limitations, policies, and authorities contained in this section without regard to the termination date for making initial loans. A subsequent EM loan may be guaranteed when:

(a) *Other available financing.* The applicant is unable to provide the necessary funds or to obtain credit from other sources under the conditions set forth in paragraph (f) of § 1826.112, and his inability to do so has resulted from the disaster which caused the need for the initial loan.

(b) *Ability to pay all EM loans.* There is reasonable assurance that the subsequent loan will be repaid and the balances owed on previous EM loans will be repaid or substantially reduced within a reasonable period.

(c) *Protection of existing EM loans.* The subsequent loan is necessary to protect outstanding EM loans by arranging for the orderly repayment or liquidation thereof. In determining whether a subsequent EM loan is necessary to protect existing EM loans, consideration will be given to the following questions:

(1) Will the lender lose control of future farm or ranch income that ordinarily would be available for payment on the EM loan balance if the subsequent EM loan is not made?

(2) Will the lender's security position be weakened if the subsequent EM loan is not made?

(3) Will the lender take a financial loss if the borrower is forced out of farming or ranching because he could not get credit without a guaranteed subsequent loan?

(3) To establish small feeder or stocker livestock enterprises, or to provide for small increases in the size of such enterprises already established, provided the applicant has the ability to care for livestock properly, it is determined that the establishment or increase in the size of the livestock enterprise is the most feasible method of marketing the feed or crops produced on the farm, the applicant will produce a majority of the feed required for the enterprise, and the enterprise is necessary to develop sound farming operations. It is not the intent of this authorization to assist applicants in making major conversions to livestock operations. Justification for the new enterprise will be documented fully in the loan docket.

(d) *Cash rent.* Payment of customary and equitable cash rent, subject to the following:

(1) When the cash rent, including cash charges as privilege rent, is for the use

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of farm buildings, pasture, hayland, cropland for the production of feed crops or grazing land, and all of the following conditions are met:

(i) The applicant is obligated under a written lease, or other formal agreement, to pay such rent or charges in advance of the time income will be available from the farming operations to make such payment. For grazing fees in invoice showing the number of livestock to be grazed, the grazing period, the cost per head, and the total cost may be used in lieu of a written lease. However, when relatively small amounts are involved, an invoice will not be required if the applicant's explanation of a satisfactory grazing agreement is recorded in the loan docket.

(ii) Arrangements cannot be made for the rent or charges to fall due when income will be available from the farming operations to make such payment.

(iii) Not more than one year's cash rent or cash charges will be paid with loan funds in any one lease year, except that if a loan is approved near the end of the current lease year funds for payment of such rent or charges for the succeeding lease year may be included in the loan.

(iv) The terms of the rental agreement provide the applicant with reasonably satisfactory tenure.

(v) The feed crops to be produced and any rented pasture or grazing land will be used by the applicant in feeding his stocker, feeder, or productive livestock.

(2) When the cash rent is for the use of land to produce cash crops, and all of the following conditions are met:

(i) The applicant operates not larger than a family farm.

(ii) The applicant's farming operations do not consist primarily of producing vegetable, or other such specialized crops.

(iii) The requirements under paragraphs (d)(1)(i), (ii), (iii), and (iv) of this section are met.

(e) *Taxes, assessments, insurance premiums.* Payment of not more than one year's taxes and insurance premiums on real or personal property owned by the borrower, not more than one year's premium for hazard insurance, Social Security taxes in connection with hired labor only, and water or drainage charges or assessments for not more than one year.

(f) *Unsecured bills.* Payment of current unsecured bills incurred for authorized EM loan purposes in connection with the production of livestock, livestock products, and crops which have not been disposed of, lost, or destroyed, and old unsecured bills incurred for authorized EM loan purposes in connection with the production of livestock, livestock products, or crops which have been disposed of, lost or destroyed.

(1) For this purpose, an unsecured bill is a bill for which the creditor did not receive a lien on any property at the time it was incurred and has not received such a lien since that time. EM loans will not be made for the payment of unsecured bills or notes which can be paid from the sale of livestock, livestock products, or crops to be marketed within a few weeks following the approval of the loan, or cannot be scheduled for payment from the year's income when it normally would be received.

(2) Generally, the amount being advanced for the payment of old unsecured bills should not exceed 5 percent of the total loan.

(g) *Interest on secured debts.* Payment of not more than a year's interest calculated at a rate not to exceed that which is reasonable and customary for the area, but not to exceed 8 percent per annum, that is due or about to become due on debts secured by liens of other creditors on essential livestock, farm equipment, and farm real estate.

(h) *Depreciation.* Payment of an amount equal to the depreciation in any one year not exceeding 15 percent of the market value of essential farm machinery and equipment under prior lien to another creditor or 15 percent of the amount owed to such creditor, whichever is less.

(i) *Replacement and repair of improvements.* The replacement or repair of essential buildings, silos, storage facilities for feed or water, fences, drainage systems, irrigation facilities, wells, and stock ponds damaged or destroyed by natural disasters. In addition, new wells may be financed, *not* on a replacement basis, where necessary to provide water for domestic use and for livestock where the normal source has been damaged or destroyed by a natural disaster.

(j) *Land leveling, debris clearance.* The releveling of land and the clearing of debris made necessary as a direct result of the qualifying disaster.

(k) *Pastures, plants, trees, perennial crops.* The restoration of permanent pastures and the purchase of trees, rootstock, and plants for reestablishing commercial orchards or berry and other perennial crops, when necessary as a direct result of the qualifying disaster.

(l) *Bills for emergency repairs.* The payment of bills incurred for emergency repairs and improvements to farm real estate, necessary as a direct result of the qualifying disaster, provided:

(1) It is determined that the expenditures were essential to preservation of the property or continuation of the applicant's normal farming or livestock operations, and had to be made before an EM loan could be obtained.

(2) The loan for such purposes is approved within a reasonable period following designation of the area. A reasonable period for this purpose generally will not exceed a few weeks.

(m) *Living expenses.* Meeting essential family living expenses.

(n) *Home equipment and furnishings.* Replacement or repair of essential home equipment and furnishings.

(o) *Loan closing expenses.* Expenses incident to loan closing.

§ 1826.115 Prohibited EM loan purposes.

EM loans will not be guaranteed:

(a) *Unsecured bills, interest on secured debts, depreciation.* For purposes authorized in paragraphs (f), (g), and (h) of § 1826.114 unless essential operating expenses are provided for with loan funds and then only where there is reasonable payment prospects for the total amount of credit required for the crop year, and adequate security for the EM loan.

(b) *Refinancing.* To refinance debts, either secured or unsecured, except the payment of bills as authorized in paragraphs (f) and (l) of § 1826.114, without the specific written approval of FHA. Any such written approval will be subject to the conditions, limitations, and requirements of 7 CFR 1832.19.

(c) *Income and Social Security taxes.* To pay Federal or State income taxes, or social security taxes payable by borrowers on their own family income.

(d) *Automobiles.* To purchase passenger automobiles.

(e) *Become established or reestablished in farming.* To enable an applicant to become established or reestablished in farming or ranching.

(f) *Expand operations.* To enable an applicant to expand his farming or ranching operations substantially in excess of the size of his operations during the year just prior to the loan application. However, this does not prohibit expansion within the size of family farming operations where additional equipment will not be required and livestock purchases will not exceed those authorized by paragraph (c) of § 1826.114.

(g) *Major adjustments in operations.* To enable an applicant to make major adjustments in his farming or ranching operations. This is not intended, however, to prohibit minor changes such as the shifting or addition of minor crop or livestock enterprises, including the establishment of small acreages of permanent pastures, provided:

(1) The new crop is proven for the area, the applicant has the knowledge and ability to produce the crop, the purchase of additional equipment will not be required and the new enterprise will not result in a substantial expansion of the total crop acreages or the total operating expenses.

(2) The new livestock enterprise meets the requirements of paragraph (c)(3) of § 1826.114.

(h) *Commercial feed lot operations.* To finance commercial feed lot operations.

(i) *Applicant must produce more than ½ of livestock or feed.* To finance livestock or ranching enterprises where the applicant does not produce more than half of the livestock or more than half of the feed required for his enterprise.

(j) *Landlord furnish.* To a landlord to furnish his tenant operators, whether share, cash, or standing rent is paid by these tenants. However, with FHA's written approval, loans may, under justified circumstances, be made to operating landlords or tenants to furnish their sharecroppers.

(k) *Unproven farming operations.* To finance unproven types of farming operations in the area.

(l) *Processing or selling agricultural products.* To finance an applicant's enterprises involving the buying, processing for market, or selling of agricultural products produced by others. However, EM loans may be made to finance such an applicant's farming operations if he agrees in writing to maintain separate records on his farming operations, and assigns to the lender the income to be received from his farming.

(m) *Estates, trusts, partnerships, corporations.* To the following types of applicants:

(1) An estate or a trust.

(2) A corporation owned primarily by an estate, trust, other corporations, or partnerships.

(3) A partnership composed primarily of an estate, trust, corporations, or other partnerships.

(n) *Bankrupts.* To an applicant operating under the jurisdiction of a bankruptcy court.

(o) *National Flood Insurance.* To flood and mudslide victims to repair or replace farm dwellings or service buildings and the contents thereof, damaged or destroyed after 12–31–73, in areas where "National Flood Insurance" was available but not obtained.

§ 1826.116 EM loan limitations and special provisions.

(a) *Federal crop insurance.* Recipients of Emergency loans will be required to carry Federal Crop Insurance during the period their Emergency loans made for crop production purposes are guaranteed, if such insurance is available.

(b) *Orchard rehabilitation.* Emergency (EM) loans may be guaranteed for orchard rehabilitation subject to the requirements of § 1826.111 to § 1826.117, both inclusive, except as modified and supplemented herein. "Orchard rehabilitation" means the renovation or reestablishment of orchards made necessary because of major damage resulting from the natural disaster for which the area was designated.

(1) *Eligibility.* Orchard rehabilitation loans will be made only to otherwise eligible applicants who are owner-operators.

(2) *Loan purposes.* Orchard rehabilitation loans will not be made for the purposes authorized by paragraphs (b), (c), (d), (1), and (n) of § 1826.114. Also, paragraph (f) of § 1826.114 is modified to provide for payment of only those unsecured bills incurred during the crop year for which the loan is made for annual recurring expenses in connection with the production of livestock, livestock products, and crops yet to be sold and from which the advances can be repaid. In addition, paragraph (m) of § 1826.114 is modified to provide that advances will not be made for family living expenses to an applicant for an orchard rehabilitation loan unless his full time will be required for his orchard operations.

(3) *Type of fruits or nuts:* EM loans may be made to enable eligible orchardists to rehabilitate their damaged or destroyed orchards for producing the same type of fruit or nuts, or for producing a different type of fruit or nuts suitable for the area, if the applicant has had adequate experience to assure reasonable prospects for success with that type of fruit or nuts.

(c) *Fish farming.* To be an "established farmer" as that term is used in § 1826.112(b), the applicant must be conducting his own established farming operations consisting in whole or in part of the production of fish for income under controlled conditions in lakes, ponds, streams, or reservoirs.

(1) *Eligibility.* In addition to the requirements in § 1826.112, the applicant must have a record of successful fish farming operations in the past, and have satisfactory plans for marketing his fish farming products.

(2) *Loan purposes.* EM loan purposes to finance fish farming operations include only the following:

(i) Purchase of fish for restocking ponds, lakes, streams, or reservoirs under controlled conditions, and for essential operating expenses in continuing an applicant's normal fish farming operations.

(ii) Purposes authorized by paragraphs (e), (m), and (o) of § 1826.114.

(d) *Oyster Planters.* Emergency (EM) loans may be made to established oyster planters to enable them to continue their normal oyster planting operations, including annual operating costs as well as expenses of rehabilitating oyster farming operations when necessary.

(1) *Definitions.* (i) "Oyster planting" means renovating oyster seed beds and planting, caring for, cultivating, and harvesting planted oysters on the applicant's owned or leased oyster ground. Other types of oyster operations, such as contract planting and gathering wild oysters, are not "oyster planting" operations for this purpose.

(ii) "Oyster planter" means one who performs or actively manages oyster planting functions described in paragraph (d)(1)(i) of this section as his own operation on owned or leased oyster ground. An operator who performs any or all of these functions other than his own oyster planting operations, or is self-employed or employed by others in any type of oyster operations or marine life operations other than oyster planting operations as described in paragraph (d)(1)(i) of this section, is not an oyster planter for this purpose. However, these activities on a limited basis would not disqualify an applicant who conducts such oyster planting operations.

(iii) "Oyster ground" means ground under water on which oyster planting operations are conducted.

(iv) "Rehabilitating oyster planting operations" means restoring such operations to a normal pattern. Generally a period of three years is required for planted oysters to reach the harvesting state. It is the normal pattern for operators to plant one-third of their oyster ground each year in order to have a crop for sale each year. When all of an applicant's planted oysters are destroyed by a natural disaster, the rehabilitation to a normal pattern generally consists of replanting one-third of the applicant's oyster ground during the first year, one-third during the second year, and one-third during the third year. The operations then will have been restored to a normal pattern and subsequent replantings each year will be normal and will not be considered as being made for rehabilitation purposes. It is recognized that there may be variations of the normal pattern of oyster planting operations in some areas. The making of loans will always be adapted to the proven normal pattern of the area.

(2) *Eligibility.* § 1826.112 is supplemented by the addition of the following:

(i) The applicant must furnish satisfactory evidence from other reliable sources, such as banks and other lenders, buyers, and lessors, of a good record of oyster planting operations in the past.

(ii) The applicant must agree in writing to abide by any Federal and State laws, or regulations applicable to oyster planting operations in his area.

(3) *Loan purposes.* EM loans to eligible oyster planters may be made for the following purposes:

(i) Purchase of seed oysters and oyster planting supplies; the repair of oyster planting machinery or equipment; purchase of replacement oyster planting machinery and equipment and other essential operating expenses, including funds for oyster seed bed renovation.

(ii) Family living expenses for applicants who devote a major portion of their time to their oyster planting operations when funds are not available from other sources for this purpose.

(iii) Payment of not more than a year's interest calculated at a rate not to exceed that which is reasonable and customary for the area, that is due or about to become due on debts secured by liens of other creditors on equipment and real estate essential to the applicant's oyster planting operations.

(iv) Payment of not more than one year's customary and equitable cash rent or cash charges for the use of grounds leased for oyster planting operations, provided other arrangements cannot be made for the payment of rent and the applicant holds a written lease.

(v) Payment of not more than one year's taxes on personal property and real estate, payment of not more than one year's premiums for insurance on personal property and real estate, and payment of Social taxes in connection with hired labor only.

(vi) Expenses incident to loan closing.

(4) *Loan period.* Section 1826.115 is supplemented to prohibit making an EM loan to finance an applicant's oyster planting, rehabilitation, or other needs for a period longer than one crop year at a time. This is not intended, however, to prohibit subsequent loans in succeeding years on a crop year basis. This prohibition deals only with loan making and not with scheduling loans for repayment.

(5) *Repayment period.* EM loans for authorized purposes in connection with the rehabilitation of oyster planting operations, including annual operating expenses during the rehabilitation period, will be scheduled for repayment

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over the shortest period consistent with the applicant's estimated repayment ability from all sources, but not longer than three years from the date of the loan. When an EM loan is made to meet the cost of renovating and replanting oyster beds and the cost is higher than the cost of normal replantings because of a natural disaster, an amount representing the abnormal portion of the cost may be considered as a capital purpose and scheduled for repayment over a period of not more than 7 years.

§ 1826.117 EM rates and terms.

(a) *Interest rate to borrower.* See § 1826.13.

(b) *Loan term.* The final maturity of the loan will not be later than 7 years from the date of the note for loans for other than real estate purposes and not more than 20 years for loans for real estate purposes.

(c) *Renewal.* A loan for operating type purposes is subject to the renewal provisions of § 1826.106. A loan made for real estate type purposes may be renewed if the holder determines that the renewal will assist in the orderly collection of the loan, provided that no such renewal or combination or renewals can extend the repayment period beyond 20 years from the date of the original loan promissory note.

(d) *Reamortization.* If the borrower pays 25 percent or more of the loan balance before it is due, from the sale of part of the real estate security with the approval of the lender or with funds derived from other non-security sources, the lender may agree to a reamortization of the balance owed, provided the repayment period does not exceed the remaining portion of the original loan term and the remaining security is adequate for the balance owed.

(e) *Maximum amount of loan.* FHA cannot guarantee an EM loan if the principal amount of the loan would exceed the amount certified by the County Committee.

§§ 1826.118–1826.120 [Reserved]

§ 1826.121 Forms and forms distribution.

(a) *FHA forms.* The following chart lists the applicable FHA forms, number to be prepared, signatures required, and manner of distribution. These forms may be obtained from FHA.

FHA Form Number	Name of Form	Total Number	Signed By*	Distribution*
400-1	Equal Opportunity Agreement	3	B–0	O–L, C–B, C–FHA
400-3	Notice to Contractors and Applicants	4	L–0	O–Con, C–B, C–L, C–FHA
400-6	Compliance Statement	4	L&Con 3–0	O–L, C–Con, C–B, C–FHA
424-12	Inspection Report	3	L–0	O–L, C–FHA, C–Con
441-22	Statement of Production Losses and Certification	2	B–0	O–L, C–FHA
449-6	Application for Guaranteed Loan (Farmer Programs)	2	B–0	O–L, C–FHA
449-7	Assumption Agreement for Guaranteed Loans (New Terms)	4	B–0	O–L, C–B, C–FHA, C–FC
449-8	Assumption Agreement for Guaranteed Loans (Same Terms)	4	B–0	O–L, C–B, C–FHA, C–FC
449-9	Request for Conditional Commitment to Guarantee Loan	2	L–0	O–FHA, C–L
449-11	Certificate of Acquisition or Construction	4	B&L&Con–0	O–FHA, C–L, C–B, C–Con
449-12	Security Agreement**	3	B–0	O–L, C–B, C–FHA
449-13	Denial Letter	2	FHA–0	O–L, C–FHA
449-14	Conditional Commitment for Guarantee	4	FHA–0	O–L, C–FC, C–FHA
449-15	Promissory Note	4	B–0	O–L, C–FHA, C–B, C–FC
449-16	Mortgage (Deed of Trust)	3	B–0	O–L, C–B, C–FHA
449-17	Contract of Guarantee	3	FHA–0	O–L, C–FHA, C–FC
449-18	Lenders or Holders Request for Approval	4	L–0	O–FHA, C–L, C–FC, C–FHA
449-19	Holders Guarantee Fee Report (Semi-annual Report)	3	L–0	O–FC, C–L, C–FHA
449-20	Report of Loss	3	L–0	O–FC, C–L, C–FHA
449-21	Request for Contract of Guarantee	2	L–0	O–FHA, C–L
471-7	Notice and Acknowledgment of Sale of Insured or Guaranteed Loan	4	L–0	O–FC, C–FC, C–L, C–FHA

"0"—Original; "C"—Copy
"Lender" includes "Holder"
**Chattel Mortgage in L.A. and P.R.

*Signatures and Distribution
"L"—Lender; "B"—Borrower; "FC"—Finance Office "FHA"—Authorized FHA Official; "Con"—Contractor

(b) *Other forms and information.* Another form that may be obtained from FHA (although it is not an FHA form) is Form AD–425, "Contractor's Affirmative Action Plan for Equal Employment Opportunity Under Executive Order 11246 and Executive Order 11375." Any needed forms not furnished by FHA will be provided by the lender, holder, or applicant. They may obtain information and copies of other FHA forms that may be helpful in various aspects of loan making, construction and development, and servicing.

(c) *Racial code.* Some FHA forms, such as Form FHA 449–6, Form FHA 449–7, and Form FHA 449–8 contain space for coding the race of the applicant for the loan or assumption. In that code "W" means "White," "N/B" means "Negro(Black)," "S" means "Spanish American," "AI" means "American Indian," and "O" means any other race. The lender is responsible for completing this code on all forms on which it appears, in accordance with his best judgment as to the race involved.

§ 1828.122 Access to records of lenders and holders.

The lender and holder will permit representatives of FHA (or of other agencies of the U.S. Department of Agriculture authorized by that Department) to inspect and make copies of any of the records of the lender or holder pertaining to FHA guaranteed loans. Such inspection and copying may be made during regular office hours of the lender or holder.

§ 1826.123 Review of decisions.

(a) *Decisions of State Directors.* If a State Director rejects any party's request for approval as a lender or holder or for approval to serve any area or terminates the previously approved status of any lender or holder, such lender or holder may request the Administrator of FHA to review the State Director's decision. His address is: Administrator, Farmers Home Administration, United States Department of Agriculture, Washington, D.C. 20250.

(1) The request for review must be in writing and must be accompanied by supporting information and documentation. A copy of the request and supporting material must be sent by the requesting party to the State Director at the same time such party forwards the original to the Administrator.

(2) Upon receipt of the copy of this material, the State Director will furnish a full report on the matter to the Administrator.

(3) The Administrator will act on the request as expeditiously as possible under all the circumstances, and will notify the requestor and the State Director in writing of his decision and the reason therefor.

(b) *Decisions of County Supervisors.* If a County Supervisor rejects a request from an approved lender for issuance of a Conditional Commitment for Guarantee or a Contract of Guarantee, or determines that a previously issued Contract of Guarantee is void or voidable or unenforceable, in a particular case, such lender (or holder) may request the State Director to review the County Supervisor's decision.

(1) The matter will be handled in the same manner as in paragraph (a) of this section, except that the County Supervisor and State Director, rather than the State Director and Administrator, will be involved.

(2) If the requesting party is not satisfied with the State Director's decision, such party may follow the procedure in paragraph (a) of this section in obtaining the Administrator's review of the State Director's decision.

Dated: August 2, 1973.

FRANK B. ELLIOTT,
Acting Administrator,
Farmers Home Administration.

[FR Doc.73–16280 Filed 8–7–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73–EA–60]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Philipsburg, Pa., control zone (38 FR 411, 3506) and transition area (38 FR 555, 3506, 8643).

A review of the requirements of the Philipsburg terminal airspace establishes a need to alter the control zone and transition area to conform to the Terminal Instrument Procedures (TERPS) criteria.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before September 7, 1973 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Philipsburg, Pennsylvania, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Philipsburg, Pa. control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center 40° 53'00'' N., 78°05'15'' W., of Mid-State Airport, Philipsburg, Pa., extending clockwise from a 248° bearing to a 031° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 031° bearing to a 098° bearing from the airport; within a 5-mile radius of the center of the airport, extending clockwise from a 098° bearing to a 187° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 187° bearing to a 248° bearing from the airport; and within 4 miles each side of a 327° bearing from a point 40°53'09'' N., 78°05'06'' W., extending from said point to a point 8.5 miles northwest.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Philipsburg, Pa. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°53'00'' N., 78°05'15'' W., of Mid-State Airport, Philipsburg, Pa., extending clockwise from a 261° bearing to a 012° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 012° bearing to a 098° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 098° bearing to a 183° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 183° bearing to a 261° bearing from the airport; within 3.5 miles each side of the Philipsburg VORTAC 067° radial, extending from the VORTAC to 11.5 miles northeast of the VORTAC; within 4 miles each side of the 327° bearing from a point 40°53'09'' N., 78°05'06'' W., extending from said point to a point 8.5 miles northwest; within 2.5 miles each side of the Philipsburg VORTAC 330° radial, extending from the VORTAC to 6 miles northwest of the VORTAC; and within 3.5 miles each side of the Philipsburg VORTAC 301° radial, extending from the VORTAC to 11.5 miles northwest of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 19, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73–16319 Filed 8–7–73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

CERTAIN INERT INGREDIENTS IN PESTICIDE FORMULATIONS

Proposed Exemptions from Requirement of Tolerance

Correction

In FR Doc. 73–15050 appering at page 19840 in the issue of Tuesday, July 24, 1973, in the second column on page 19841, the fourth entry from the bottom of the table should read as follows:

2,4,7,9-Tetramethyl-5-decyne-4,7-diol.	Not more than 2.5% of pesticide formulation.	Surfactants, related adjuvants of surfactants.

FEDERAL HOME LOAN BANK BOARD

[No. 73–1084]

[12 CFR Part 545]

FEDERAL SAVINGS AND LOAN SYSTEM

Give-Aways; Extension of Comment Period

AUGUST 2, 1973.

By Resolution No. 73–863, dated June 27, 1973, the Federal Home Loan Bank Board proposed to amend paragraph (a) of § 545.5 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.5(a)) by adding a new alternative provision under which that section could become applicable to Federal savings and loan associations. The proposed amendment would not change the actual give-away prohibitions set forth in paragraph (b) of said § 545.5. Notice of such proposed rulemaking was published in the FEDERAL REGISTER on July 3, 1973 (38 FR 17738–9), and interested persons were invited to submit written data, views, and arguments to the Board by July 27, 1973.

From the comments received thus far, it appears that there is some confusion as to the substantive effects of this proposal in the event that it is adopted by the Board. If the proposal is adopted, the most important effect of proposed paragraph (a)(2) of § 545.5 will be that a Federal association will be prohibited by § 545.5(b) from conditioning the distribution of give-aways on a recipient's possessing, opening, or adding to a savings account, or maintaining a minimum balance therein only if it is located in a State which by regulation applies an equivalent prohibition to its domestic thrift institutions and commercial banks. Federal associations located in States having less restrictive give-away prohibitions would not be subject to §545.5(b). For example, the New York regulation (General Regulations of the New York Banking Board, Part 9) which prohibits give-aways by domestic thrift institutions and commercial banks contains an exception permitting such institutions to distribute give-aways in connection with the opening of branch offices. As New York's prohibition is less restrictive than the prohibition set forth in paragraph (b) of § 545.5, Federal associations located in New York will not be subject to a give-away prohibition even if the proposal is adopted by the Board.

At present, only Federal associations located in California are subject to the give-away prohibition of § 545.5(b) because only California has adopted the particular type of statutory and regulatory give-away prohibitions which are necessary under existing § 545.5(a) to "trigger" § 545.5(b). If the proposal is adopted, the California situation will not be changed. Also, proposed § 545.5(a)(2) would cause the give-away prohibition of § 545.5(b) to be "triggered" as to Federal associations located in any State which adopts an equivalent regulatory prohibition for domestic thrift institutions and commercial banks. The Board is unaware that any State has done so as yet.

Because of the confusion concerning the effect of the proposed amendment to paragraph (a) of § 545.5, the Board hereby provides an additional comment period on this proposal, until August 24, 1973.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON,
Secretary.

[FR Doc.73–16398 Filed 8–7–73;8:45 am]

V 38-152 AUG 8 73 XUM

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

BANK HOLDING COMPANIES

Nonbanking Activities

The Board of Governors has considered the comments received on its proposal (37 FR 26534) to permit bank holding companies, under the authority of section 4(c)(8) of the Bank Holding Company Act, to engage in real and personal property leasing under substantially the same conditions and has made certain modifications of such proposal, which are set forth hereinafter. Due to the number and complexity of the issues involved in the proposal, the Board believes it in the public interest to gather more information about the proposal at a hearing. Accordingly, the Board has directed that a hearing be held before available members of the Board in Room 1202 of its building at 20th Street and Constitution Avenue, NW., Washington, D.C., on September 12, 1973, at 10 a.m.

The proposed amendment, as modified, reads as follows:

§ 225.4 Nonbanking Activities.

(a) Activities closely related to banking or managing or controlling banks. * * * The following activities have been determined by the Board to be so closely related to banking or managing or controlling banks as to be a proper incident thereto:

* * * * * *

(6) Leasing real and personal property or acting as agent, broker or adviser in leasing such property provided:

(i) The lease is to serve as the functional equivalent of an extension of credit to the lessee of the property;

(ii) The property to be leased is acquired specifically for the leasing transaction under consideration or was acquired specifically for an earlier leasing transaction;

(iii) The lease is on a nonoperating basis;

(iv) At the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions[1]) will yield a return from (*a*) rentals, (*b*) estimated tax benefits (investment tax credit, net economic gain from tax deferral from accelerated depreciation, and other tax benefits with a substantially similar effect), and (*c*) the estimated residual value of the property at the expiration of the initial term of the lease, which in no case shall exceed 10 percent of the acquisition cost of the property to the lessor, that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease;[2]

(v) The maximum lease term during which the lessor must recover the lessor's full investment in the property plus the estimated cost of financing the property shall be 40 years;

(vi) At the expiration of the lease (including any renewals or extensions with the same lessee), all interest in the property shall be either liquidated or re-leased on a nonoperating basis as soon as practicable but in no event later than two years from the expiration of the lease,*** however, in no case shall the lessor retain any interest in the property beyond 50 years after its acquisition of the property.

* * * * * *

In connection with the hearing, the Board notes that BankAmerica Corporation, San Francisco, California, has requested an opportunity for a hearing with regard to the effect the proposal would have upon the Board's existing personal property leasing regulation (§ 225.4(a) (6) of Regulation Y). Other interested persons are invited to participate by presenting their views on issues raised by the pending proposal. Interested persons need not participate in the hearing through oral presentation in order to have their views considered. All views previously expressed in writing on the pending proposal are under consideration by the Board and are available for inspection and copying in Room 1020 of the Board's building.

Persons interested in participating in the hearing by presenting material orally should inform the Secretary of the Board in writing not later than August 24, 1973. Each person admitted as a party to the proceeding will be given up to 30 minutes to present his views.

Anyone wishing to submit written comments on the revised proposal or issues raised at the hearing may do so at any time before the close of business October 3, 1973.

By order of the Board of Governors, July 26, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-16305 Filed 8-7-73;8:45 am]

[1] The Board understands that some Federal, State and local governmental entities may not enter into a lease for a period in excess of 1 year. Such an impediment does not prohibit a company authorized under § 225.4(a) from entering into a lease with such governmental entities if the company reasonably anticipates that such governmental entities will renew the lease annually until such time as the company is fully compensated for its investment in the leased property plus its costs of financing the property. Further, a company authorized under § 225.4(a) may also engage in a so-called "bridge" lease financing of personal property, but not real property, where the lease is short term pending completion of long term financing, by the same or another lender.

[2] The estimate by the lessor of the total cost of financing the property over the term of the lease should reflect, among other factors, the term of the lease, the modes of financing available to the lessor, the credit rating of the lessor and/or the lessee, if a factor in the financing, and prevailing rates in the money and capital markets.

***In the event of a default on a lease agreement prior to the expiration of the lease term, the lessor shall either re-lease such property, subject to all the conditions of this subsection 6, or liquidate such property as soon as practicable but in no event later than two years from the date of default on a lease agreement.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1107]

[Ex Parte No. 298]

RAILROAD RATE ADJUSTMENT ACT OF 1973

Requirements and Procedures; Correction

AUGUST 1, 1973.

On July 30, 1973, the Commission entered its order herein prescribing certain requirements and procedures to become effective on August 1, 1973. On sheet 4 of that order, the heading of § 1107.1(b) (2) should read as follows:

for the third and fourth quarters of 1973 and each quarter of 1974—

A copy of this notice will be filed with the Director, Office of the Federal Register, for publication therein.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16388 Filed 8-7-73;8:45 am]

[49 CFR Part 1201]

[No. 32153 (Sub-No. 5)]

UNIFORM SYSTEMS OF ACCOUNTS

Accumulated Depreciation on Improvements to Leased Property

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 25th day of July 1973.

This proceeding is being instituted on our own motion to consider a revision to the Uniform System of Accounts for Railroad Companies. The proposed revision relates to accounting for depreciation accumulated on improvements made by the lessee to leased property where such improvements are properly includible in asset account 732, "Improvements on Leased Property."

Under the present regulations account 785, "Accrued Depreciation; Leased Property", includes accumulated depreciation on both leased property and improvements on leased property. This account is classified as a liability on the balance sheet. However, only the accrued depreciation on leased property represents the lessee's liability to the lessor.

The intent of this proposal then is to reclassify accrued depreciation on improvements to leased property from the liability side of the balance sheet to the asset side by creating account 733, "Accrued Depreciation; Improvements on Leased Property", as a valuation account for account. 732 Account 785 would then include only the lessee's unsettled liability to the lessor and be renamed "Accrued Liability; Leased property".

It is intended that the proposed revisions to the accounting rules would become effective immediately upon adoption by the Commission and would be reflected in the annual reports for the year ending December 31, 1973.

Upon consideration of the above described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of section 20 of the Interstate Commerce Act and pursuant to section 553 of the Administrative Procedure Act with a view to adopting the proposed regulations set forth in this Notice, and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

It is further ordered, That all railroads subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested parties may participate in this proceeding by submitting for consideration written statements of fact, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any interested person wishing to submit statements of facts, views or arguments shall file 6 copies of such representations with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, by September 17, 1973.

It is further ordered, That written material or suggestions submitted shall be made available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C., during regular business hours.

And it is further ordered, That statutory notice of the institution of this proceeding be given to all respondents and to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by posting a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

I. LIST OF GENERAL BALANCE SHEET ACCOUNTS [AMENDED]

1. Add line item 733 as follows:

733 Accrued depreciation; improvements on leased property.

2. Line item "785 Accrued depreciation; leased property" is changed to:

785 Accrued liability; leased property.

II. INSTRUCTIONS FOR DEPRECIATION ACCOUNTS

1. Paragraph (a) of instruction 5–4 is amended to read:

5–4 Leased property—depreciation. (a) The carrier shall include in operating expenses charges for depreciation on road property and equipment used but not owned, the rent for which is includible in rent for leased roads and equipment, and shall maintain the same records of service lives, salvage values, etc., as provided for owned road property and equipment. The excess of the total compensation paid over the amount chargeable for depreciation shall be included in the rent account. If settlement between the carrier and the lessor is not currently made, the amount of the depreciation accrued during the period of the lease shall be credited by the carrier to account 785, "Accrued liability; leased property." The necessary adjustments of the difference between the balance thus accrued in that account and the actual amount of settlement shall be made appropriately through account 519, "Miscellaneous income," or 551, Miscellaneous income charges," at the time settlement for depreciation on the property is made with the lessor.

* * * * * *

III. GENERAL BALANCE SHEET ACCOUNTS

1. Add new account 733 as follows:

733 Accrued Depreciation; Improvements on Leased Property.

(a) This account shall be credited with amounts concurrently charged to operating expenses or other authorized accounts for depreciation accrued on improvements to leased property, the cost of which is included in account 732, "Improvements on leased property."

(b) The service value of each unit of property retired (and also of each minor item, less than a unit, retired and not replaced) for which this depreciation reserve has been established shall be charged to this account.

(c) Instructions for depreciation accounts, rates of depreciation, and records to be maintained as contained in instruction 5 for owned property shall also apply to improvements on leased property.

2. The present title and text of account 785, "Accrued Depreciation; Leased Property," is cancelled and the following title and text substituted therefor:

785 Accrued Liability; Leased Property.

(a) This account shall be credited with amounts concurrently charged to operating expenses or other accounts to cover the estimated accrued liability on leased road and equipment when settlement between the accounting carrier and the lessor is not made currently. Amounts recorded herein shall include unsettled rent, based on depreciation or other factors, and liability for property retired.

(b) This account shall be divided to show the liability to (1) affiliated companies (See Definition 4), and (2) others.

3. Account 799 "Form of General Balance Sheet Statement" is amended as follows:

Add 733 as follows:

733 Accrued depreciation—Improvements on leased property.

Change line item "785. Accrued depreciation—Leased property" to read:

785 Accrued liability—Leased property.

[FR Doc.73-16382 Filed 8-7-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Skilled Nursing Facilities

Change in preamble statement and in text of proposed regulation, FR Doc. 73–14106 filed 7–11–73; 8:45 a.m., published in the FEDERAL REGISTER of July 12, 1973 (38 FR 18620).

1. With reference to applicable rules during the period prior to the date the proposed regulations are published in final in the FEDERAL REGISTER, the following sentence is added to the penultimate paragraph of the preamble statement to read as follows:

"Section 405.1134, paragraph (a) of this document, including the first sentence thereof which is required by P.L. 92–603, will be effective August 1, 1973."

2. Section 405.1134, paragraph (a). The second sentence is revised to read as follows:

"Where waiver permits the participation of an existing facility of two or more stories which is not of at least 2-hour fire resistive construction, blind, nonambulatory, or physically handicapped patients are not housed above the street level floor unless the facility is of 1-hour protected noncombustible construction (as defined in National Fire Protection Association Standard No. 220), fully sprinklered 1-hour protected ordinary construction, or fully sprinklered 1-hour protected woodframe construction."

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: July 30, 1973.

ARTHUR E. HESS, *Acting Commissioner of Social Security.*

Approved: August 6, 1973.

FRANK CARLUCCI, *Acting Secretary of Health, Education and Welfare.*

[FR Doc.73-16522 Filed 8-7-73;10:40 am]

V 38 152 AUG 8 73 XUM

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Allen, Curtis L., 505 Pillans Street, Mobile, Alabama, convicted on October 12, 1959, in United States District Court, Mobile, Alabama.

Boyd, Kenneth Lee, 3705 E. 68th Avenue, Anchorage, Alaska, convicted on March 26, 1971, in the United States District Court for Western District of Washington, Seattle, Washington.

Campbell, Jerone N., 14249 Ardmore Avenue, Detroit, Michigan, convicted on December 18, 1969, in Recorder's Court of the City of Detroit, Michigan.

Fehrs, William Virgil, 910 East 60th, Tacoma, Washington, convicted on October 30, 1964, in Superior Court for State of Washington in Pierce County, Tacoma, Washington.

Fleming, James R., 432 Howland Avenue, Pontiac, Michigan, convicted on June 17, 1947, in Oakland County Circuit Court, Oakland County, Michigan.

Gregory, James Richard, 3133 Roberts Avenue, Culver City, California, convicted on October 29, 1959 and December 11, 1959 in Superior Court of State of California in and for the County of Los Angeles.

Hillard, Cleophus, 1360 Vetter Street, Mobile, Alabama, convicted on October 15, 1956, in Court of Hustings, Virginia (Portsmouth).

Knight, Henry C., Sr., 16621—37th Avenue South, Seattle, Washington, convicted on November 9, 1934, in Superior Court of the State of Washington for the County of King.

Litwin, Theodore J., 32644 Oakview Drive, Warren, Michigan, convicted on November 7, 1933, in Circuit Court for County of Macomb, Mt. Clemens, Michigan.

Long, James Buren, P.O. Box 297, Rogersville, Alabama, convicted on March 31, 1958, in Federal Court, Northern District of Alabama, and on February 26, 1965, in Lauderdale County Circuit Court, Florence, Alabama.

Magill, James R., 752 Oak Boulevard, Ephrata, Pennsylvania, convicted on November 16, 1970, in Luzerne County Court.

Midkiff, Rural, Route 3, Ferrum, Virginia, convicted on January 4, 1949, in United States District Court, Roanoke, Virginia.

Shipley, LeRoy, 2330 Wallace Avenue, Terre Haute, Indiana, convicted on December 1, 1953, in Parke County Circuit Court, Parke County, Indiana.

Vanderver, James O., 792 Blaine, Pontiac, Michigan, convicted on June 4, 1956, and February 6, 1961, by the Oakland County Circuit Court, Pontiac, Michigan, and on May 19, 1961, by the Washtenaw County Circuit Court, Ann Arbor, Michigan.

Wells, Arthur H., Jr., 2307 Celeste Drive, Memphis, Tennessee, convicted on August 29, 1957, in 12th Circuit District Court of the State of Mississippi, on January 4, 1961, in 4th Judicial District Court in the State of Iowa, and on March 19, 1965, in United States District Court of Miami, Florida.

Signed at Washington, D.C. this 31st day of July, 1973.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73-16397 Filed 8-7-73;8:45 am]

Office of the Secretary

[Treasury Dept. Order No. 208; Rev. 2]

DIRECTOR, OFFICE OF ADMINISTRATIVE PROGRAMS ET AL.

Delegation of Procurement Authority

1. Pursuant to the authority vested in the Secretary of the Treasury by Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, 393), as amended (41 U.S.C. Chap. 4) and by the Reorganization Plan No. 26 of 1950, and pursuant to the authority vested in me as Assistant Secretary for Administration by Treasury Department Order No. 190, Revision 9, 38 FR 17517, authority is hereby delegated to the following officials of the Department of the Treasury to use the provisions of Title III of the Federal Property and Administrative Services Act of 1949, as amended, when procuring property and services, except as precluded by section 307 of the Act:

Director, Office of Administrative Programs
Office of the Secretary of the Treasury
Commissioner of Accounts
Director, Bureau of Alcohol, Tobacco and Firearms
Comptroller of the Currency
Director, Consolidated Federal Law Enforcement Training Center
Commissioner of Customs
Director, Bureau of Engraving and Printing
Commissioner of Internal Revenue
Director of the Mint
Commissioner of the Public Debt
Treasurer of the United States
National Director, U.S. Savings Bonds Division
Director, U.S. Secret Service.

2. This authority shall be exercised in accordance with the applicable limitations and requirements of the Act, particularly sections 304 and 307; the Federal Procurement Regulations, 41 CFR Ch. 1; the applicable portions of the Federal Property Management Regulations, 41 CFR Ch. 101; as well as regulations issued by the Department of the Treasury which implement and supplement the Federal Procurement Regulations and the Federal Property Management Regulations, including but not limited to 41 CFR Ch. 10 and Administrative Circular No. 153 Revised.

3. To the extent permitted by the Act, the authority herein delegated to the above-named officials may be redelegated by them by letter or bureau delegation order to any subordinate officer or employee who, by virtue of experience, specialized training and knowledge of applicable laws and regulation, is qualified to act as contracting officer for the United States; provided however, that only the above-named officials shall be deemed to be the "chief officers responsible for procurement" as defined in Section 307(b) of the Act; officials authorized to serve as contracting officers shall be so designated by the issuance of Treasury Form 4014, Certificate of Appointment as Contracting Officer for the United States of America.

4. Treasury Department Order No. 208 (Revision 1), dated July 17, 1972 is hereby rescinded.

Dated: August 2, 1973.

WARREN F. BRECHT,
Assistant Secretary for Administration.

[FR Doc.73-16395 Filed 8-7-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Colorado State Multiple Use Advisory Board will hold its annual meeting August 22-23-24, 1973, at the Sleepy Cat Inn, on State Highway 13, Southeast of Meeker, Colorado. The agenda for the meeting will include a tour of the Piceance area, discussion of management problems, proposed reprecincting of grazing districts and planning for the work of the Board.

The meeting will be open to the public. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The acting Advisory Board Chairman is Dale R. Andrus. Written statements may be submitted at the meeting or mailed to Mr. Andrus, % State Director, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. Further information concerning this meeting may be obtained from G. C. Hinton, Public Affairs Officer, Bureau of Land Management State Office, Denver, Colorado at (303) 837-4481. Minutes of the meeting will be available for public inspection 30 days after the meeting at the office of the State Director, Bureau of Land Management, Colorado State Bank Building, Denver, Colorado.

CHARLES W. LUSCHER,
Acting State Director.

[FR Doc.73-16310 Filed 8-7-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 73-67]

STEVENSON COAL CO.

Petition for Modification of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), the Stevenson Coal Company has filed a petition to modify the application of 30 CFR 75.501 to its Mine No. 1 located at Jackson County, Alabama.

30 CFR 75.501 reads as follows:

§ 75.501 *Permissible electric face equipment; coal seams above water table.* On and after March 30, 1974, all electric face equipment, other than equipment referred to in paragraph (b) of § 75.500, which is taken into and used inby the last open crosscut of any coal mine which is operated entirely in coal seams located above the water table and which has not been classified under any provision of law as a gassy mine prior to March 30, 1970, and in which one or more openings were made prior to December 30, 1969, shall be permissible.

Petitioner requests modification of the mandatory safety standard as it applies to a mine opened prior to December 30, 1969, which was closed and recently reopened by petitioner. Petitioner contends that had the equipment been at the mine before December 30, 1969, even though the mine was closed, the equipment could be used after the mine was reopened.

As an alternative method petitioner requests that it be allowed to use nonpermissible electric face equipment including one shortwall mining machine and one conventional loader and other non-permissible equipment including three battery-powered, rubber-tired tractors and one hand-held coal drill. Petitioner states that the mine is located above the water table and has no history of being classified as gassy or of methane being detected.

Petitioner contends that the alternative method will provide no less than the same measure of protection afforded the miners in the affected area by application of the mandatory standard. Petitioner contends that the use of non-permissible equipment would only be dangerous in mines below the water table and those having a history of being classified as gassy or containing evidence of methane.

Persons interested in this petition may request a hearing on the petition or furnish comments by September 7, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of Hearings and Appeals.

JULY 27, 1973.

[FR Doc.73-16302 Filed 8-7-73;8:45 am]

[Docket No. M 74-1]

SHEMCO, INC.

Petition for Modification of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Shemco, Incorporated has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 1, at Oliver Springs, Tennessee.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the addition of berms or guardrails would make it impossible to maintain proper drainage and would hamper snow removal. The road would ice over during winter months and the grader now used for maintenance could no longer be used. Petitioner also states that additional man-hours and equipment would be needed for road maintenance which would result in an increased accident potential during snow and ice conditions. The installation of guardrails would not be effective because they would have to be built on fill material.

As an alternative method petitioner wishes to continue maintaining its roads by its currently existing methods. Petitioner states that by using its current methods of maintenance, its roads, are as safe as possible.

Petitioner contends that the application of the mandatory standard will result in a diminution of safety to miners in the affected area. Petitioner contends that berms and guardrails would create a drainage hazard by creating improper drainage which would cause washouts and hazardous conditions in wet weather. The road is too narrow to build berms, therefore, solid rock would have to be blasted, resulting in a highwall which would be a new hazard.

Persons interested in this petition may request a hearing on the petition or furnish comments by September 7, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the Petition are available for inspection at that address.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

JULY 24, 1973.

[FR Doc.73-16295 Filed 8-7-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

WAGNER COLLEGE, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, by August 28, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

DOCKET NUMBER: 74-00030-33-46070. APPLICANT: Wagner College, Staten Island, New York 10301. ARTICLE: Scanning Electron Microscope, Model HHS-2R. MANUFACTURER: Hitachi Perkin-Elmer, Japan. INTENDED USE OF ARTICLE: The article will be used to perform linescan topographic analysis on thirteen families of the Order Eubacteriales, class Schizomycetes at specific time intervals which will give information and data relative to shape, size, surface undulations, projections, pitting and contours. It is planned to catalog valuable information relative to a rapid means for identification of bacteria, evidence unavailable at the present time. The article will also be used in the course Bacteriology 188, Scanning

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Electron Microscopy and for training of medical laboratory scientists and research scientists in the techniques theory and uses of scanning electron microscopy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: July 15, 1973.

DOCKET NUMBER: 74-00031-33-46040. APPLICANT: Texas Southern University, 3201 Wheeler Street, Houston, Texas 77004. ARTICLE: Electron Microscope, Model Elmiskop IA. MANUFACTURER: Siemens AG, West Germany. INTENDED USE OF ARTICLE: The article will be used to examine the fine structure of cells of the endocrine organs, spleens, lymphnodes and bone marrow of certain vertebrate species; study of the mechanism of infection in insect tissues such as cells of the gut, fat bodies, caecum, salivary glands and epidermis; study viral replication, biosynthesis and transformation in mammalian cell cultures; and to study the ultrastructure of normal and abnormal cells in general. In addition, the article will be used for high resolution studies of several different types of insect viruses. The article will be used in the course Electron Microscopic Anatomy which involves teaching students the theories of fixation, dehydration and embedding tissues for microscopy as well as actual experience in the use of the electron microscope. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS, July 13, 1973.

DOCKET NUMBER: 74-00032-33-46040. APPLICANT: University of Florida, College of Medicine, M-268 Medical Science Building, Box 218, J.H.M. Health Center, Gainesville, Florida 32610. ARTICLE: Electron Microscope, Model Elmiskop 101. MANUFACTURER: Siemens AG, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used in the study of biological materials principally tissue specimens from a variety of mammalian organs. The experiments conducted involve, for the most part, alteration of the physiological state of the testicular vascular bed, blockage of the efferent duct systems and the introduction of tracer materials to determine the integrity of the epithelial components after treatment with specific drugs. The article will also be used for teaching purposes in the courses MED 605, Research Methods in Anatomy; MED 678, Advanced Microscopic Anatomy; and MED 632, Techniques in Electron Microscopy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: July 13, 1973.

DOCKET NUMBER: 74-00033-33-02100. APPLICANT: Medical College of Virginia, Department of Anesthesiology, 1200 E. Broad Street, Richmond, Va. 23298. ARTICLE: Acupuncture anesthesia apparatus with galvonometer. MANUFACTURER: Nihon Riko Medical Engineering Co., Ltd., Japan. INTENDED USE OF ARTICLE: The article will be used to evaluate the use of electroacupuncture (stimulation of acupuncture points by electricity) for the possible treatment of chronic pain and induction of anesthesia in man. The article will also be used to demonstrate the use of electroacupuncture to medical students, nurses, residents, physicians, etc. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: July 16, 1973.

DOCKET NUMBER: 74-00034-33-90000. APPPLICANT: The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44106. ARTICLE: EMI brain scanning instrument and accessories. MANUFACTURER: EMI Limited, United Kingdom. INTENDED USE OF ARTICLE: The article is a revolutionary new development for medical diagnosis of diseases and abnormalities of the brain. The research application of the article will consist of determining which abnormalities of the brain are best visualized by the use of the article and to compare accuracy of this form of diagnosis against other diagnostic methods. Considerable attention will be given to research to enhance visualization of various processes in the brain following infusion of various chemical substances into the patient's vascular system. It is also planned to investigate the possibilities of diagnosis of disease of other organs in *in vitro* studies within the unit, such as liver, kidney, lung and heart to assist in determining the feasibility of using this method of scanning for detection of diseases in organs other than the brain. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: July 18, 1973.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-16376 Filed 8-7-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the establishment by the Secretary, DHEW, on July 16, 1973, of five public advisory committees as follows:

1. *Designation.* Panel on Review of Miscellaneous External Drug Products.

Purpose. The panel will (1) review and evaluate available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed miscellaneous external nonprescription-drug products for human use and the adequacy of their labeling; (2) advise the Commissioner of Food and Drugs on the promulgation of monographs establishing conditions under which these over-the-counter drug products are generally recognized as safe and effective and not misbranded; and (3) serve as a forum for exchange of views regarding the prescription and nonprescription status of these various active ingredients and combinations thereof.

2. *Designation.* Panel on Review of Miscellaneous Internal Drug Products.

Purpose. The panel will (1) review and evaluate available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed miscellaneous internal nonprescription-drug products for human use and the adequacy of their labeling; (2) advise the Commissioner of Food and Drugs on the promulgation of monographs establishing conditions under which these over-the-counter drug products are generally recognized as safe and effective and not misbranded; and (3) serve as a forum for the exchange of views regarding the prescription and nonprescription status of these various active ingredients and combinations thereof.

3. *Designation.* Panel on Review of Vitamin, Mineral, and Hematinic Drug Products.

Purpose. The panel will (1) review and evaluate available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription-drug products for human use containing vitamin, mineral, and hematinic agents and the adequacy of their labeling; (2) advise the Commissioner of Food and Drugs on the promulgation of monographs establishing conditions under which these over-the-counter drug products are generally recognized as safe and effective and not misbranded; and (3) serve as a forum for the exchange of views regarding the prescription and nonprescription status of these various active ingredients and combinations thereof.

4. *Designation.* Panel on Review of Antiperspirant Drug Products.

Purpose. The panel will (1) review and evaluate available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription-drug products for human use for antiperspirant application and the adequacy of their labeling; (2) advise the Commissioner of Food and Drugs on the promulgation of monographs establishing conditions under which these over-the-counter drug products are generally recognized as safe and effective and not misbranded; and (3) serve as a forum for the exchange of views regarding the prescription and nonprescription status of these various active ingredients and combinations thereof.

5. *Designation.* Panel on Review of Oral Cavity Drug Products.

Purpose. The panel will (1) review and evaluate available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription-drug products for human use containing oral cavity agents and the adequacy of their labeling; (2) advise the Commissioner of Food and Drugs on the promulgation of monographs establishing conditions under which these over-the-counter drug products are generally recognized as safe and effective and not misbranded; and (3) serve as a forum for the exchange of views regarding the prescription and nonprescription status of these various active ingredients and combinations thereof.

Authority for these committees will expire July 16, 1975, unless the Secretary formally determines that continuance is in the public interest.

Dated: July 27, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16381 Filed 8-7-73;8:45 am]

MANUFACTURERS AND DISTRIBUTORS

Prescription Drugs for Human Use Affected by Drug Efficacy Study Implementation; Amendment

A notice was published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623) informing manufacturers and distributors of prescription drugs for human use of the future schedule for implementation of the drug efficacy study. That notice listed certain drugs, together with the justification of their medical need, which may remain on the market pending completion of scientific studies to determine effectiveness, and providing for future additions to or deletions from that list. Certain additions were made to that list in the FEDERAL REGISTER of July 11, 1973 (38 FR 18477), as corrected on July 25, 1973 (38 FR 19920).

In the FEDERAL REGISTER of September 19, 1970 (35 FR 14666), the Food and Drug Administration published its conclusions, pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group concerning certain poorly absorbed sulfonamides (phthalylsulfathiazole, succinylsulfathiazole, and phthalylsulfacetamide), stating that the drugs were regarded as possibly effective or lacking substantial evidence of effectiveness for their various indications for gastrointestinal use. No data were submitted in support of the effectiveness of the drugs and on December 5, 1972 (37 FR 25864) the Commissioner published an order withdrawing approval of the new drug applications.

Subsequent to publication of the December 5 order, the Food and Drug Administration received numerous communications from physicians, including eminent gastroenterologists, objecting to removal of the drugs from the market, asserting that there is a definable population who have an intolerance to salicylazosulfapyridine, the drug that is classified as effective as adjunctive therapy in the management of ulcerative colitis. Therefore, an alternative therapy is needed. Salicylazosulfapyridine has recently been found to be absorbed to a greater degree than previously believed. The Commissioner finds that there is sufficient medical justification for permitting the orally administered forms of the poorly absorbed sulfonamide drugs to remain available provided that additional clinical studies are conducted to determine their effectiveness, and by order published elsewhere in this issue of the FEDERAL REGISTER, he is rescinding those parts of the order of December 5, 1972 pertaining to such forms of the drugs.

Accordingly, a new section is hereby added to paragraph 3 of the aforesaid notice of December 14, 1972, as amended on July 11, 1973, to read as follows:

XIV

POORLY ABSORBED SULFONAMIDES FOR ORAL USE

Sulfasuxidine Tablets (succinylsulfathiazole).
Cremothalidine Suspension (phthalylsulfathiazole).
Sulfathalidine Tablets (phthalylsulfathiazole).
Thalamyd Tablets (phthalylsulfacetamide).

A FEDERAL REGISTER announcement published September 9, 1970 (35 FR 14666) (DESI 5803) stated that these drugs were regarded as lacking substantial evidence of effectiveness for ileitis and possibly effective for their other labeled gastrointestinal indications. One of those indications is ulcerative colitis. Salicylazosulfapyridine is the drug which both the National Academy of Sciences-National Research Council, Drug Efficacy Study Group and the Food and Drug Administration classified as effective as adjunctive therapy in the management of ulcerative colitis (June 23, 1970; 35 FR 10239). However, there is believed to be a definable population having an intollerance to salicylazosulfapyridine, and it has recently been found that that drug is absorbed to a greater degree than previously believed. It is therefore appropriate that alternative therapy be available. Accordingly, the above orally administered drugs may remain on the market labeled as less than effective (possibly effective) drugs provided the sponsors conduct clinical studies to determine their effectiveness. The indications for which the drugs may be labeled are (depending upon which indication(s) is to be studied):

a. In the treatment of ulcerative colitis
b. For diverticulitis
c. In the preoperative preparation and postoperative management of patients undergoing bowel surgery

Labeling guidelines are as follows:

GUIDELINE LABELING FOR POORLY ABSORBED SULFONAMIDES

DESCRIPTION

(To be supplied by sponsor.)

ACTIONS

(To be supplied by sponsor.)

INDICATIONS (OR INDICATION)

(Depending on that which sponsor wishes to claim and upon which they will do clinical trials).

INDICATIONS

Based on a review of this drug by the National Academy of Sciences-National Research Council and/or other information, FDA has classified the indication (or indications) as follows:

Possibly effective as adjunctive therapy:
a. in the treatment of ulcerative colitis
b. for diverticulitis
c. In the preoperative preparation and postoperative management of patients undergoing bowel surgery.

Final classification of this less-than-effective indication(s) requires further investigation.

CONTRAINDICATIONS

(Name of drug) is contraindicated in patients with intestinal and urinary obstruction and in those with a hypersensitivity to sulfonamides. It should not be used in infants under age 2 years or in nursing mothers because sulfonamides pass the placenta and are excreted in the milk. Patients with porphyria should not receive sulfonamides, as these drugs have been reported to precipitate an acute attack.

WARNING: USE IN PREGNANCY

The safe use of sulfonamides in pregnancy has not been established. The benefit to risk ratio must be carefully evaluated when (name of drug) is given during pregnancy especially at term since kernicterus may be produced in the newborn.

The teratogenicity potential of most sulfonamides has not been thoroughly investigated in either animals or humans. However, a significant increase in the incidence of cleft palate and other bony abnormalities of offspring has been observed when certain sulfonamides of the short-, intermediate- and long-acting types were given to pregnant rats and mice at high oral doses (7 to 25 times the human therapeutic dose).

OTHER WARNINGS

Only after critical appraisal should (name of drug) be used in patients with hepatic or renal damage, or blood dyscrasias.

Deaths associated with the administration of sulfonamides have been reported from hypersensitivity reaction, agranulocytosis, aplastic anemia, and other blood dyscrasias.

The presence of clinical signs such as sore throat, fever, pallor, purpura, or jaundice may be early indications of serious blood disorders.

Complete blood counts should be done frequently in patients receiving sulfonamides.

Urinalysis with careful microscopic examinations should be obtained frequently in patients receiving sulfonamides.

PRECAUTIONS

Sulfonamides should be given with caution to patients with severe allergy or bronchial asthma.

Adequate fluid intake must be maintained in order to prevent crystalluria and stone formation.

In the presence of extensive ulceration of the colon, absorption of (name of drug) is increased.

In glucose-6-phosphate dehyrogenase deficient individuals, hemolytic anemia may occur. This reaction is frequently dose-related.

If toxicity or hypersensitivity reactions occur, the drug should be discontinued immediately.

ADVERSE REACTIONS

Blood dyscrasias. Agranulocytosis, aplastic anemia, thrombocytopenia, leukopenia, hemolytic anemia, purpura, hypoprothrombinemia, and methemoglobinemia.

Allergic reactions. Erythema multiforme (Stevens-Johnson Syndrome), generalized

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skin eruptions, epidermal necrolysis, urticaria, serum sickness, pruritus, exfoliative dermatitis, anaphylactoid reactions, periorbital edema, conjunctival and scleral injection, photosensitization, arthralgia, chills, drug fever, allergic myocarditis, polyarteritis nodosa and L. E. phenomena.

Gastrointestinal reactions. Nausea, emesis, abdominal pains, hepatitis, diarrhea, anorexia, pancreatitis, and stomatitis.

C.N.S. reactions. Headache, peripheral neuritis, mental depression, convulsions, ataxia, hallucinations, tinnitus, vertigo, insomnia and drowsiness.

Renal reactions. Crystalluria, hematuria, proteinuria, toxic nephrosis with oliguria and anuria.

The sulfonamides bear certain chemical similarities to some goitrogens, diuretics (acetazolamide and the thiazides), and oral hypoglycemic agents. Goiter production, diuresis, and hypoglycemia have occurred rarely in patients receiving sulfonamides. Cross-sensitivity may exist with these agents.

Rats appear to be especially susceptible to the goitrogenic effects of sulfonamides, and long-term administration has produced thyroid malignancies in the species.

OVERDOSAGE

(To be supplied by sponsor.)

DOSAGE AND ADMINISTRATION

(To be supplied by sponsor.)

Every manufacturer or distributor of one of the products listed above, or of an identical, related, or similar product who intends to conduct studies to determine effectiveness is required to communicate with the Division of Anti-Infective Drug Products (BD–140), Office of Scientific Evaluation, Bureau of Drugs on or before October 9, 1973, to discuss and agree to undertake the studies necessary to justify continued marketing of the product.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052–1053, as amended; 21 U.S.C. 355, 371), and the Administrative Procedure Act (5 U.S.C. 553, 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc 73–16337 Filed 8–7–73;8:45 am]

[DESI 5803; Docket No. FDC–D–379; NDA 4–687 etc.]

POORLY ABSORBED SULFONAMIDES FOR ORAL AND RECTAL USE

Rescission of Portions of Order Withdrawing Approval of New Drug Applications

In an order published in the FEDERAL REGISTER of December 5, 1972 (37 FR 25864) approval of the following new drug applications was withdrawn:

NDA No.	Drug	NDA Holder
4-687	That portion of the NDA pertaining to Sulfasuxidine Tablets and Powder containing succinylsulfathiazole.	Merck, Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486.
5-803	Cremothalidine suspension and Sulfathalidine Tablets containing phthalylsulfathiazole.	Merck, Sharp & Dohme.
6-593	Thalamyd Tablets (phthalylsulfacetamide) and Phthalylsulfacetamide Sodium Powder.	Schering Corp., 60 Orange St., Bloomfield, NJ 07003.

The basis for that action was the lack of any submission providing substantial evidence to support indications for gastrointestinal use for which the drugs had been initially classified as possibly effective (35 FR 14666, September 19, 1970). Subsequent to the order of December 5, 1972 the Food and Drug Administration received numerous communications from physicians, including eminent gastroenterologists, objecting to removal of the drugs from the market, asserting that there is a definable population who have an intolerance to salicylazosulfapyridine, the drug that is effective as adjunctive therapy in the management of ulcerative colitis. Therefore, an alternative therapy is needed. Salicylazosulfapyridine has recently been found to be absorbed to a greater degree than previously believed. The Commissioner finds that there is sufficient medical justification for permitting continued availability of orally administered phthalylsulfacetamide, phthalylsulfathiazole, and succinylsulfathiazole pending completion of clinical studies to demonstrate their effectiveness. The FEDERAL REGISTER of December 14, 1972 (37 FR 26623) listed various drugs and the conditions under which they may remain on the market on the basis of medical need, pending completion of clinical studies. The aforesaid drugs for oral administration are, by order published elsewhere in this issue of the FEDERAL REGISTER, being added to that list.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(f), 52 Stat. 1053, as amended; 21 U.S.C. 355(f)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs rescinds the order of December 5, 1972 insofar as it pertains to Sulfasuxidine (succinylsulfathiazole) Tablets (NDA 4–687), Cremothalidine Suspension and Sulfathalidine Tablets containing phthalylsulfathiazole (NDA 5–803), and Thalamyd (phthalylsulfacetamide) Tablets (NDA 6–593). The order is not rescinded with respect to Sulfasuxidine Powder (NDA 4–687) and Phthalylsulfacetamide Sodium Powder (NDA 6–593).

Dated: August 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–16338 Filed 8–7–73;8:45 am]

[Docket No. FDC–D–630; NADA Nos. 11–036V and 11–385V]

MERCK SHARP & DOHME RESEARCH LABS.

Nithiazide; Withdrawal of Approval of New Animal Drug Applications

In the FEDERAL REGISTER of June 5, 1973 (38 FR 14782), the Commissioner of Food and Drugs published a notice proposing to withdraw approval of new animal drug application (NADA) No. 11–036V for 16.7 percent Hepzide (Nithiazide) Soluble Powder and NADA No. 11–385V for Hepzide (Nithiazide) 30 percent Medicated Premix; marketed by Merck Sharp and Dohme Research Laboratories, Division of Merck and Co., Inc., Rahway, NJ 07065.

Neither Merck and Co., Inc. nor any other interested persons have filed a written appearance in response to the above cited notice. This is construed as an election by said persons not to avail themselves of the opportunity for a hearing.

Accordingly, based on the grounds set forth in said notice of opportunity for a hearing, the Commissioner concludes that approval of said new animal drug applications should be withdrawn.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 11–036V and NADA No. 11–385V, including all amendments and supplements thereto, is hereby withdrawn effective August 20, 1973.

Dated: August 1, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–16342 Filed 8–7–73;8:45 am]

X-RAY BAGGAGE INSPECTION SYSTEMS

Notice to State Radiation Control Agencies of Radiation Safety Recommendations

The Bureau of Radiological Health, Food and Drug Administration, Department of Health, Education, and Welfare, under the authority conferred by the Public Health Service Act (42 U.S.C. 241 and 243), advises and promotes cooperation among states on matters relating to

the protection of the public health against radiation hazards. The Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b et seq.), an amendment to the Public Health Service Act, further provides for the establishment of an electronic product radiation control program designed to protect the public health and safety.

The Food and Drug Administration on April 27, 1973, issued, to State radiation control agencies, recommendations (guidelines) on radiation safety aspects in the design and use of x-ray systems for routine inspection of hand carried (carry-on) luggage in airline terminals.

These recommendations are conceptual in nature and minor variations providing equivalent radiation protection may be appropriate to meet the needs of individual radiation control programs.

The recommendations were developed following consultation with the Federal Aviation Administration (Department of Transportation), the National Bureau of Standards (Department of Commerce), the Occupational Safety and Health Administration (Department of Labor), the Executive Committee of the Conference of Radiation Control Program Directors, and manufacturers. The Federal Aviation Administration (FAA), in addition to specifying certain image quality features for x-ray luggage inspection systems and certain requirements on their use, has stated in a directive to its Regional Directors, that "the airline should obtain or require that the manufacturer obtain the permission or license from the State in which the device will be used."

There are presently no Federal standards or regulations specifically directed to the overall radiation safety aspects of these systems. Federal and State agencies have become increasingly concerned with the need for effective and uniform controls on x-ray baggage inspection systems which will assure adequate radiation protection for operators as well as the general public. The manufacture of several of these x-ray systems will be subject to a radiation safety performance standard which is under development and will be published in the FEDERAL REGISTER as a notice of proposed rule making.

During development of the guidelines, representatives of the Bureau of Radiological Health visited six manufacturers of x-ray baggage systems to obtain background information on these systems planned for commercial distribution. Guidelines proposed for the State radiation control agencies were discussed with the manufacturers during these visits. The manufacturers agreed that the proposed guidelines are practical, do not unnecessarily restrict functional objectives of the equipment, and would be desirable to provide uniform evaluation and control among the states.

Concurrently, a survey of all State radiation control agencies was conducted by the Food and Drug Administration to assess the extent of involvement of the states in evaluation of these devices. Over one-half of the State programs reported that they had been contacted by airlines, manufacturers, and industrial agents regarding the need for registration of x-ray baggage systems and radiation safety requirements. Eight states indicated that they had issued special requirements for such systems. Several indicated that their industrial radiography requirements would be applied to the x-ray baggage inspection systems. The states indicated that guidance from the Bureau of Radiological Health would be useful in conducting evaluations and granting approval for use of these x-ray devices.

Because of rapid developments in the design of x-ray systems for the inspection of baggage at airline terminals, proliferation in applications, and requests for guidance from State radiation control programs, it is the opinion of the Food and Drug Administration that radiation safety considerations for this equipment should be outlined in a manner useful for establishing uniform and effective controls.

The Commissioner concludes that the recommendations issued to the State radiation control agencies on April 27, 1973, as set forth below, should help to provide radiation protection for operators, passengers, and others involved in the use of x-ray baggage inspection systems. Therefore, the Commissioner urges that these guidelines be used as a basis for a uniform policy by states granting approval for such equipment.

RECOMMENDATIONS TO STATE RADIATION CONTROL AGENCIES

These recommendations are applicable to x-ray systems used in airline terminals for routine inspection of carry-on baggage.

1. It shall not be possible to insert any part of the body into the primary beam.
2. Radiation exposure shall not exceed 0.5 mR in any one hour at a distance of five centimeters from any point on the external surface of the system when operated under "worst case" conditions.
3. The control panel shall be equipped with a key lock. It shall not be possible to remove the key in the "on" position.
4. Doors and access panels which prevent entry to an area where the exposure may exceed 0.5 mR in one hour shall be interlocked.
5. Means shall be provided to indicate to the operator when x-rays are being produced.
6. A deadman switch shall be provided on the exposure controls. The location of the switch will be such that the operator has a clear view of the x-ray system.

RATIONALE AND EXPLANATION OF RECOMMENDATIONS

RECOMMENDATION 1.

The most significant hazard associated with these systems is human exposure to the primary beam of radiation. Generally, operators are not well trained in the hazards of radiation and may not apply diligent caution to prevent exposure of personnel. To minimize exposure, this recommendation is intended to necessitate engineered safeguards to prevent, during routine operations, direct beam exposure of any part of the body, including extremities.

RECOMMENDATION 2.

In the absence of conclusive data regarding the effects of low level irradiation, the underlying philosophy of radiation protection is to maintain radiation exposure of personnel as low as practicable. The guideline of 0.5 mR in any one hour at 5 centimeters from the external surface of the device has been developed for other electronic products used in areas accessible to the public. Due to the nature of operation, it is anticipated that the actual exposure to any individual will be considerably less than that generally considered acceptable by national and international standards-setting organizations.

It is intended that test measurements be made under conditions which maximize radiation levels at accessible areas. In those situations where ports are provided to transport objects into or out of the system, the external surface should be considered as the imaginary plane across the opening.

RECOMMENDATION 3.

Since this equipment is used in public areas and could be hazardous when operated without supervision, it is essential that provisions be provided to secure the system to prevent unauthorized use. It is intended that the key lock feature will provide this security.

Likewise, it is important that the system is capable of benig turned off at any time. It is thus recommended that the key be captured in the "on" position to prevent someone inadvertently carrying off, or otherwise losing, the key when the system is energized.

RECOMMENDATION 4.

Doors and access panels are frequently provided as a means of preventing access to areas where excessive radiation levels may be present. Recommendations for interlocking is provided to insure that x-radiation production is automatically terminated when access to the source of radiation is possible. This prevents risk of unnecessary radiation exposure when protective features are removed or opened.

RECOMMENDATION 5.

An "X-RAY ON" indicator is recommendcd to clearly indicate the status of x-ray production and potential for exposure.

RECOMMENDATION 6.

The deadman switch feature is recommended to insure operator control of the system at all times when x-rays are being produced. It is also recommended that the device be located in a position such that the operator can maintain surveillance of the system and have the means available to immediately terminate x-radiation production in emergency situations.

Those interested persons who wish to submit comments or suggestion in con-

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nection with the recommendations listed above should send them to Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, on or before September 7, 1973. The comments will be considered during further development of the recommendations for use by states in evaluation of x-ray baggage inspection systems.

Dated: August 1, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–16340 Filed 8–7–73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. STN 50–447]

GENERAL ELECTRIC CO.

Receipt of Standard Safety Analysis Report

General Electric Company, in response to a policy statement of the Atomic Energy Commission (the Commission) entitled "Methods for Achieving Standardization of Nuclear Power Plants," issued March 5, 1973, has filed with the Commission a seven-volume document entitled "General Electric Standard Safety Analysis Report" (GESSAR), which was docketed July 30, 1973. GESSAR describes and analyzes a standard BWR–6 boiling water nuclear reactor with a Mark III containment system, designed for initial operation at approximately 3579 megawatts (thermal), with a net electrical output of approximately 1220 megawatts. GESSAR was tendered on May 2, 1973. Following a preliminary review for completeness, it was accepted on July 20, 1973 for docketing.

When its review of GESSAR is complete, the Commission's Regulatory staff will prepare and publish a Safety Evaluation Report documenting the results of the review. This report will be made available to the public. In addition, GESSAR will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for its review. Copies of the ACRS report will also be made available to the public. A notice relating to the availability of these documents will be published in the FEDERAL REGISTER.

In accordance with the Commission's policy statement on standardization, the GESSAR design can be referenced as a standardized design in other facility applications when the Regulatory staff's review of GESSAR is substantially complete and when the staff has determined that all site and facility interfaces have been identified, and when the standardized design envelope has been defined. However, such applicants for specific reactors must supply the information required by § 50.34 of 10 CFR Part 50, which should be supplemented by the guidance described in the Commission's "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants."

A copy of GESSAR is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545.

Dated at Bethesda this 31st day of July 1973.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Deputy Director for Reactor Projects Directorate of Licensing.

[FR Doc.73–16333 Filed 8–7–73;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a guide in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guide is in Division 5, "Materials and Plant Protection." Regulatory Guide 5.10, "Selection and Use of Pressure-Sensitive Seals on Containers for Onsite Storage of Special Nuclear Materials," provides criteria for selecting, affixing, and testing pressure-sensitive seals used for tamper-safing in connection with onsite storage of SNM.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other Division 5 Regulatory Guides currently being developed include the following:

Nuclear Material Control Systems and Procedures for Conversion Facilities
Conduct of Nuclear Material Inventories
Training and Equipping of Guards and Watchman
Safe Secure Vehicles
Quality Assurance Program for Materials Accounting Measurements at a Chemical Reprocessing Plant
Calibration Techniques for Nuclear Calorimetry
Mass and Scales Calibration
Standard Methods for Chemical, Mass Spectrometric, Spectrochemical, Nuclear and Radiochemical Analyses of Plutonium Nitrate and Plutonium Metal
Armed Escort Duties and Responsibilities
General Use of Locks in the Protection and Control of Facilities and Special Nuclear Materials
Nondestructive Assay of SNM Scrap and Waste Inventory Components
Nondestructive Assay of SNM Residue in Process Equipment
Nondestructive Assay of Fissile Content of Low Enriched Uranium Fuel Rods

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland this 30th day of July 1973.

For the U.S. Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73–16332 Filed 8–7–73;8:45 am]

[Docket No. 50–244–OL]

ROCHESTER GAS & ELECTRIC CORP.

Hearing On Conversion of Provisional Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the National Environmental Policy Act of 1969 (NEPA), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and Part 2, "Rules of Practice", notice is hereby given that, subject to conditions set forth in Memoranda and Orders of June 8, 1973 and August 2, 1973, a hearing will be held concerning the R. E. Ginna Nuclear Power Plant Unit No. 1 (the facility) of the Applicant, the Rochester Gas & Electric Corporation. The hearing to consider the issuance of a full-term operating license for the facility will be held at a time and place to be set in the future by the Atomic Safety and Licensing Board (Board) named herein, to begin in the vicinity of the facility located on Lake Ontario, Wayne County, New York. Construction of the facility was authorized by Construction Permit No. CPPR–19, issued by the Atomic Energy Commission on April 25, 1966. The facility is presently being operated in accordance with Provisional Operating License No. DPR–18 issued by the Commission on September 19, 1969. The instant facility is subject to the provisions of Section A of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities.

The Board, designated by the Chairman of the Atomic Safety and Licensing Board Panel, will consist of Edward Luton, Esq., Chairman, Dr. Franklin C. Daiber, and Dr. Emmeth A. Luebke. Dr. A. Dixon Callihan has been designated as a technically qualified alternate, and Thomas W. Reilly, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

A "Notice of Consideration of Conversion of Provisional Operating License to Full-Term Operating License; Notice of Opportunity for Hearing Pursuant to 10 CFR Part 50, Appendix D" was published in the FEDERAL REGISTER on December 8, 1972 (37 FR 26144). The notice provided that, within 30 days from the date of publication, any person whose interest may be affected by the proceeding could file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, "Rules of Practice". Petitions for leave to intervene were thereafter filed by various petitioners, including (1) the State of New York; (2) Mr. Michael Slade; (3) the Rochester Committee for Scientific Information and (4) the Monroe County Conservation Council. As set out in the Memoranda and Orders referred to above, a public hearing will be held. Petitioners, Mr. Michael Slade, and the Rochester Committee for Scientific Information will be admitted as parties to the proceeding. The State of New York will participate in accordance with 10 CFR § 2.715(c).

A prehearing conference or conferences will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's "Rules of Practice". The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Board.

For further details pertinent to the matters under consideration, see the licensee's application for conversion of Provisional Operating License No. DPR–18 to a full-term operating license dated August 15, 1972, the licensee's Environmental Report dated August 15, 1972, and the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D, issued on April 11, 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Lyons Public Library, 67 Canal Street, Lyons, New York 14489. As they become available, the following documents also will be available at the above locations: (1) the Safety Evaluation prepared by the Directorate of Licensing; (2) the Commission's final detailed statement on environmental considerations; (3) the report of the Advisory Committee on Reactor Safeguards on the application for a full-term facility operating license; (4) the proposed full-term operating license and (5) the proposed technical specifications, which will be attached to the proposed full-term facility operating license.

Copies of items (1), (2), (3), and (4) may be obtained when they become available by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's "Rules of Practice". Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be determined by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, by September 7, 1973. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705 of the Commission's Rules of Practice, must be filed by the parties to this proceeding (other than the Regulatory Staff) not later than August 28, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, ATTENTION: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Pending further order of the Hearing Board designated for this proceeding, parties are required to file, pursuant to the provisions of 10 CFR § 2.708 of the Commission's Rules of Practice, an original and twenty (20) conformed copies of each such paper with the Commission.

It is so ordered.

Dated at Washington, D.C., this 2d day of August 1973.

The Atomic Safety and Licensing Board, designated to rule on petitions for leave to intervene.

JAMES R. YORE,
Chairman.

[FR Doc.73–16330 Filed 8–7–73;8:45 am]

SAFETY ANALYSIS REPORTS FOR NUCLEAR POWER PLANTS

Proposed Standard Format and Content for HTGR's

The Atomic Energy Commission's regulations (§ 50.34 of 10 CFR Part 50) require that each application for a construction permit for a nuclear reactor facility include, among other things, a preliminary safety analysis report and that each application for a license to operate such a facility include a final safety analysis report.

To aid applicants in the preparation of safety analysis reports for high-temperature-gas-cooled-reactors (HTGR's), the Commission's Regulatory staff has prepared a proposed "HTGR Edition of the Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants." The new document, which has been issued for comment, identifies the principal information that is needed by the Regulatory staff in evaluating applications for construction permits and operating licenses for HTGR's and describes a format for presenting this information. Use of the HTGR Edition will help to assure that information provided is complete, will assist the Regulatory staff and others in locating information, and will aid in shortening the time needed for review.

The specific information identified and the detailed subdivisions of the HTGR Edition reflect the differences between HTGR's and light-water-cooled-reactors, but retain the material from the "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants—Revision 1," issued in October, 1972 that is generally applicable to both types.

All interested persons who desire to submit comments or suggestions should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by October 31, 1973. Copies of the proposed HTGR edition of the standard format are available from the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Maryland, this 31st day of July 1973.

For the U.S. Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73–16334 Filed 8–7–73;8:45 am]

[Docket Nos. 50–445, 50–446]

TEXAS UTILITIES GENERATING CO. ET AL.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Availability of Applicants' Environmental Report, etc.

The Texas Utilities Generating Company, Dallas Power and Light Company, Texas Electric Service Company, and Texas Power and Light Company (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed an application, which was docketed July 20, 1973, for authorization to construct and operate two generating units utilizing pressurized water reactors. The application was tendered on June 5, 1973. Following a preliminary review for completeness, it was accepted on July 18, 1973, for docketing.

The proposed nuclear facilities, designated by the applicants as the Comanche Peak Steam Electric Station, Units 1 and 2, are located on the applicants' site in Somervell County, Texas, approximately 4½ miles north of Glen Rose, Texas, and approximately 40 miles southwest of Fort Worth in North Central Texas. Each reactor is designed for initial operation at approximately 3411 megawatts (thermal), with a net electrical output of approximately 1159 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such

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views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 30, 1973. The request should be filed in connection with Docket Nos. 50–445–A and 50–446–A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Somervell County Public Library, On the Square, P.O. Box 417, Glen Rose, Texas, 76043.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated June 5, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Comanche Peak Steam Electric Station, Units 1 and 2 is also being made available at the North Central Texas Council of Governments, P.O. Box 5888, Arlington, Texas 76011.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 24th day of July, 1973.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Pressurized Water Reactors, Branch No. 1, Directorate of Licensing.

[FR Doc.73-15673 Filed 7-31-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 25193, 24873]

CENTURY 2000, INC., ET AL.

Postponement of Hearing

By letter of July 30, 1973, the Bureau of Enforcement has requested an indefinite postponement of the hearing now set for August 21, 1973, in the above-entitled case. Concurrently the Bureau filed a motion to dismiss the proceeding[1] and the request to postpone was made to avoid inconvenience to the parties pending the Board's ruling on that motion.

[1] That motion states, inter alia, that the Federal Aviation Administration refused to renew Century's authority when it expired on June 17, 1973, and that Century is no longer in operation.

Delta states informally that it has no objection to the Bureau's request for postponement, and it appears that the interests of all parties would be best served by disposing of that request without further delay.

Accordingly, notice is given that the hearing in the above-entitled proceeding, which is now scheduled for August 21, 1973 (38 FR 17871, July 5, 1973), is hereby postponed indefinitely.

Dated at Washington, D.C., August 2, 1973.

[SEAL] THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc.73-16378 Filed 8-7-73;8:45 am]

[Dockets Nos. 24068, 24823]

VIKING INTERNATIONAL AIR FREIGHT, INC. ET AL.

Notice of Hearing

Viking International Airfreight, Inc., and Eugene Pikousky; Virginia Air Cargo Co., Inc., and Wilson Trucking Corp.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in this proceeding is assigned to be held on August 29, 1973, at 10:00 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on July 9, 1973, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 2, 1973.

WILLIAM H. DAPPER,
Administrative Law Judge.

[FR Doc.73-16379 Filed 8-7-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

MICHIGAN

Request for State Program Approval for Control of Discharges of Pollutants to Navigable Waters

On October 18, 1972, Congress passed new legislation in the form of the Federal Water Pollution Control Act Amendments of 1972. This legislation established the National Pollutant Discharge Elimination System (NPDES) permit program under which the Administrator of the Environmental Protection Agency may issue permits to municipal, industrial, and agricultural entities to control the discharge of pollutants into navigable waters.

Section 402(b) of the Act (33 USC 1251) provides that the Governor of a State desiring to administer the NPDES program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the U.S. Environmental Protection Agency (EPA) a full and complete description of the program it intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless he determines that 1) adequate authority does not exist to issue permits which comply with all pertinent requirements of the Act, or 2) that adequate authority does not exist to abate violations of the permit (including civil and criminal penalties), or 3) that the State program description does not insure that the Administrator, the public, any other affected State, and other affected agencies are given notice of each application and are given the opportunity, for a public hearing before acting on each such application. The complete description of the State program elements necessary for approval of the State program was published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR 124), beginning at page 28390.

The State of Michigan has submitted a full and complete Request for State Program Approval and proposes that the Michigan Water Resources Commission, Stevens T. Mason Building, Lansing, Michigan 48913 (Ralph W. Purdy, Executive Secretary 517/373-3560) operate the NPDES permit program for discharges into the navigable waters within the jurisdiction of the State in accordance with the Act.

Francis T. Mayo, Regional Administrator of EPA–Region V, has scheduled a public hearing to consider this request and enable all interested parties to present their views on the State's submission. The hearing will be held at the Sheraton-Cadillac Hotel, Washington Boulevard and Michigan Avenue, in Detroit, Michigan 48231, on September 6, 1973, at 10 a.m. A 3-member hearing panel will preside over the hearing. The panel will consist of the Administrator of EPA or his representative, who will serve as the Presiding Officer, the Executive Secretary of the Michigan Water Resources Commission or his representative, and the Regional Administrator of EPA–Region V or his representative. Oral statements will be heard and considered, but, for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so there will be time for all interested parties to be heard. Persons are encouraged to bring extra copies of their written statements for the use of the hearing panel and other interested persons.

The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program submitted. The hearing record will be left open for a period of 5 days following the hearing to allow any person to submit additional written

statements or to present views or evidence tending to rebut testimony presented during the hearing.

Any interested person may comment upon the State submission by writing to the EPA—Region V Office (1 North Wacker Drive, Chicago, Illinois 60606). Such comments will be made available to the public for inspection and copying and shall be considered by the Regional Administrator in making his recommendations to the Administrator.

The State's submission, related documents, and all comments received are on file and may be inspected and copied (@ 20¢/page) at the EPA—Region V office in Chicago.

Copies of this notice are available upon request from the Enforcement Division of EPA—Region V (312/353-5252).

Please bring the foregoing to the attention of persons you know would be interested in this matter.

Dated: August 2, 1973.

ALAN G. KIRK, II,
Acting Assistant Administrator for Enforcement and General Counsel.

[FR Doc.73-16286 Filed 8-7-73;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 1128]

AERO SPECIAL DELIVERY SERVICE, INC.

Order of Revocation

By letter dated July 23, 1973, the Federal Maritime Commission received notification that Aero Special Delivery Service, Inc., 242 Steuart Street, San Francisco, California 94105 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 1128 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 5/1/72);

It is ordered, that Independent Ocean Freight Forwarder License No. 1128 be returned to the Commission for cancellation.

It is further ordered, that the Independent Ocean Freight Forwarder License of Aero Special Delivery Service, Inc. be and is hereby revoked effective July 23, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Aero Special Delivery Service, Inc.

WM. JARREL SMITH, JR.
Deputy Managing Director.

[FR Doc.73-16344 Filed 8-7-73;8:45 am]

ENCINAL TERMINALS AND CRESCENT WHARF AND WAREHOUSE CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 28, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward D. Ransom, Esq.
Lillick, McHose, Wheat, Adams & Charles
311 California Street
San Francisco, California 94104

Agreement No. T-2827, between Encinal Terminals (Encinal) and Crescent Wharf and Warehouse Co. (Crescent), provides for the lease to Crescent of certain marine terminal property in Alameda, California, to be used for the docking of vessels, receipt, handling, storage and delivery of waterborne cargo. Charges for land rentals, dockage, wharfage, wharf demurrage and storage, and freight transfer charges appear in Encinal's tariff and are to be collected by Crescent. Revenues from such charges, in addition to other incidental land rentals, will constitute Encinal's compensation. Encinal will receive an annual minimum rental of $500,000 and if rental revenues during the year exceed $800,000, Crescent will pay Encinal $800,000 plus 50 percent of such excess. Crescent will perform all terminal operating services and retain all revenues therefrom.

By order of the Federal Maritime Commission.

Dated: August 3, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-16345 Filed 8-7-73;8:45 am]

[Independent Ocean Freight Forwarder License 538]

MOHEGAN INTERNATIONAL CORPORATION OF LOUISIANA

Order of Revocation

On July 18, 1973, the Federal Maritime Commission received notification that Mohegan International Corporation of Louisiana, Sanlin Building, New Orleans, La. 70130 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 538 for revocation, effective August 19, 1973. Operations conducted under License No. 538 will be merged with the Mohegan International Corporation (New York, N.Y.) FMC License No. 269, and those offices operated under FMC License No. 538 at New Orleans, La., and Houston, Texas, will be conducted as branch offices of FMC Licensee No. 269.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.04(f) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 538 be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Mohegan International Corporation of Louisiana be and is hereby revoked effective August 19, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Mohegan International Corporation of Louisiana.

WILLIAM JARREL SMITH, JR.
Deputy Managing Director.

[FR Doc.73-16343 Filed 8-7-73;8:45 am]

SPAIN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 20, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to consitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter)

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and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esq.
Billig, Sher & Jones, P. C.
Suite 300
1126 Sixteenth Street, NW.
Washington, D.C. 20036.

Agreement No. 9615-7, among the member lines of the above-named conference, modifies and extends the conference's self-policing procedures and provides for the appointment of an "Enforcement Authority" to carry out the specified procedures.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: August 3, 1973.

[FR Doc.73-16346 Filed 8-7-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-8124, et al.]

SALES OF NATURAL GAS

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JULY 26, 1973.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

	Docket No. and date filed	Applicant	Purchaser field and location	Price per Mcf	Pressure base
E	G-8124 7-16-73	T. Jack Foster Trust "A" (succ. to T. Jack Foster, et al.) P.O. Box 4100 Foster City, California 94404	El Paso Natural Gas Company..... San Juan Basin Field, San Juan and Rio Arriba Counties, New Mexico	11.0	15.025
D	G-17378 7-20-73	Texaco Inc. P.O. Box 3109 Midland, Texas 79701	Transwestern Pipeline Company.... Buler Field, Ochiltree County, Texas	nonproductive	
C F	C166-945 (C171-394) 7-13-73	Sun Oil Company (succ. to Anchor Production Company) P.O. Box 2880 Dallas, Texas, 75221	Panhandle Eastern Pipe Line Company N.W. Avard Field, Woods County, Oklahoma	18.448 [1]	14.65
	C167-248 7-16-73 [2]	Beacon Gasoline Company P.O. Box 396 Minden, Louisiana 71055	Walker Creek Field, Columbia County, Arkansas		
C	C173-175 7-16-73 [3]	Amoco Production Company P.O. Box 591 Tulsa, Oklahoma 74102	El Paso Natural Gas Company..... Basin Dakota Field, Rio Arriba County, New Mexico	24.0 [4]	15.025
F	C174-29 (CS71-1064) 7-12-73	Aikins & Owen (Operator), *et al.* (succ. to Salmon Corporation) 4328 East Kellog Wichita, Kansas 67218	Tennessee Gas Pipeline Company, a Division of Tenneco Inc. Deckers Prairie Field, Harris County, Texas	16.66225 [5]	14.65
F	C174-30 (C168-741) 7-12-73	Aikins & Owen (Operator), *et al.* (succ. to Salmon Corporation)	Tennessee Gas Pipeline Company, a Division of Tenneco Inc. Deckers Prairie Field, Harris and Montgomery Counties, Texas	15.0563 [5]	14.65
F	C174-31 (C161-176) 7-12-73	Aikins & Owen (Operator, *et al.* (succ. to Salmon Corporation)	Tennessee Gas Pipeline Company, a Division of Tenneco Inc. Deckers Prairie Field Montgomery County, Texas	15.0563 [5]	14.65
F	C174-35 (C167-797) (C167-1088) 7-11-73	Aikins & Owen (Operator), *et al.* (succ. to Salmon Corporation)	Tennessee Gas Pipeline Company, a Division of Tenneco Inc. Carmichael Field, Jackson County, Texas	16.3946 [5]	14.65

[1] Including Btu adjustment.
[2] Applicant proposes to gather and transport gas for W. H. Hunt
[3] This is an amendment to a pending application.
[4] Subject to upward and downward Btu adjustment.
[5] Subject to downward Btu adjustment.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.73-16265 Filed 8-7-73;8:45 am]

[Docket Nos. E-8250 E-8071 E-8142]

ARKANSAS POWER AND LIGHT CO.

Order Accepting and Suspending Proposed Tariff Sheets

JULY 31, 1973.

On June 1, 1973, Arkansas Power and Light Company (APLC) tendered for filing proposed changes in its Rate Schedule U3—Resale Service to Municipally Owned and Privately Owned Electrical Distribution Systems [1] and its proposed changes would increase APLC's revenues from sales and service by $1,969,462 for the twelve month period ending July 31, 1972. The proposed effective date is August 1, 1973. (FPC Rate Designations are shown in Appendix A)

APLC states that no facilities will be installed or modified except to accommodate additional capacity and/or to provide points of delivery for customers' load growth in the future. Furthermore, APLC states that the Company does not propose to apply the 1.3 percent monthly additional facilities charge provided for in the new rate schedules to any presently installed transmission and distribution facilities. Finally, APLC states that the rate of return from service to the municipally owned and privately owned systems is 3.74 percent and from service to rural electric cooperatives the rate of return is a negative .15 percent.

The Company states that the proposed rates will enable the Company to improve its rate of return, which it believes is vital to attract the necessary amount of capital in order to provide adequate service to its present and future customers.

Notice of filing was issued on June 15, 1973, with protests and petitions to intervene due on or before June 28, 1973. A Protest, Motion to Reject, and Petitions to Intervene of Publicly Owned Wholesale Customers [1] (Customers) was timely filed June 28, 1973. In support of its motion to reject, Customers first allege that APLC's participates in anti-competitive activity and that the proposed rate increase would "squeeze" Customers out of competition with respect to sales to industrial customers.

By order issued May 31, 1973, in Indiana and Michigan Electric Company Docket No. E-7740 we set minimum standards for those who would raise anti-competitive issues. These standards are that the petition to intervene must clearly specify 1) the facts relied upon, 2) the anti-competitive practices challenged, and 3) the requested relief which is within this Commission's authority to direct. Our review of Customers' petition to reject or intervene indicates that it fails to specify the relief which is within this Commission's authority to direct. Accordingly, we shall limit Customers' participation in this proceeding to matters other than the alleged anti-competitive activities. This action is without prejudice to Customers' right to file an appropriate amended petition which sets forth relief for the alleged anti-competitive conduct that is within this Commission's authority to direct.

Customers also allege several other grounds in support of its motion to reject. Firstly, Customers argue that by filing a split test year ending July 31, 1973, APLC has effectively understated its revenues. Secondly, Customers argue that certain factors utilized by APLC in construction of its cost of service are questionable; e.g., the utilization of a single peak allocation for its basis demand allocation. Thirdly, Customers argue that allowance of the nuclear adjustment clause would put the nuclear plant in its rate base while continuing to book interest during construction, since it does not anticipate putting the nuclear plant into operation prior to Spring, 1974. Fourthly, the Customers argue that the introduction of an embedded debt cost adjustment provision and a tax adjustment clause should be rejected as not meeting the justification for escalation factors set for in Commission's Opinion 633, New England Power Company (Docket No. E-7541) and if not rejected, should not be allowed to operate automatically. Fifthly, the Customers state that allowance of APLC's "additional facilities charge" would allow APLC to recover twice for all future line extension-recovery once by the "additional facilities charge" and secondly, recovery would be had in the increase cost of service.

In the event that the filing is not rejected, Customers urge the Commission to suspend the proposed rate schedule changes for the full five month statutory period provided for in section 205 (e) of the Federal Power Act, set the matter for hearing and request permission to intervene in these proceedings. Customers' motion to reject raises substantive issues which cannot be summarily decided and require an evidentiary hearing which we have set forth herein.

On review of APLC's June 1, 1973, filing at Docket No. E-8250 and Customers' motion to reject or in the alternative suspend the filing indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, preferential or unduly discriminatory or otherwise unlawful and may require a full evidentiary hearing.

On March 8, 1973, APLC tendered for filing in Docket No. E-8071, an initial Power Service Agreement between the City Water and Light Plant of the City of Jonesboro, Arkansas (Jonesboro) and APLC to become effective June 1, 1973.

APLC described the Agreement as lasting for a term of at least seven years, beginning on or about June 1, 1973, and providing for an initial block of at least 5,000 KW during the term of the Agreement. Jonesboro is not now served by APLC and there is no interconnection between their respective systems. APLC states that the city electrical system has need of additional firm capacity and energy to supplement its own generation and other sources of firm power supply in order to adequately supply the city's customers. APLC further states that the rates and charges provided for in the Agreement were arrived at through negotiations with Jonesboro, and they are designed to produce a return approximately equal to the Company's overall rate of return.

The Agreement provides that the demand charge shall be increased by one cent ($.01) per KW of Contract Demand for each full one tenth of one percent (0.1 percent) increase in the Company's embedded cost of long-term debt above the 5.87 percent existing as of July 31, 1972. Furthermore, the energy charge will be increased or decreased to reflect the nearest one-thousandth (.001) mill per kilowatt-hour, the change in the cost of fuel utilized in Company-owned generating stations.

APLC's filing in Docket No. E-8071 was noticed on March 22, 1973 with motions of protest or intervention due on or before April 12, 1973. No motions to protest or intervene were received.

APLC's March 8, 1973, filing at Docket No. E-8071 became effective June 1, 1973. Our review indicates that the rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Therefore, we shall institute an investigation under section 206 of the Federal Power Act to determine the justness and reasonableness of those rates.

We note that in a related case in Docket No. E-8142, the Commission in an order issued July 3, 1973, instituted an investigation under section 206 of the Federal Power Act with respect to an embedded debt cost adjustment provision contained in the Power Coordination, Interchange and Transmission Agreement dated April 20, 1972 between APLC and Arkansas Electric Cooperative Corporation. Since the adjustment clause and Docket No. E-8142 is identical to the provision in Docket No. E-8250 and Docket No. E-8071, common issues of law and fact are raised. We will accordingly order consolidation of these dockets. Consistent with this action, we will amend our order of July 3, 1973, in Docket No. E-8142 to provide dates for service of evidence and hearing consistent with our action herein.

The Commission finds:

(1) It is necesssary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in APLC's Rate Schedules as proposed in Docket No. E-8250 filed May 31, 1973.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing under section 206 of the Federal Power Act to determine the justness and reasonableness of the Initial Power Service Agreement in Docket No. E-8071 filed March 8, 1973.

(3) The disposition of this proceeding should be expedited in accordance with the procedures set below.

(4) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered in Docket No. E-8250 the placing of the rate and charges applied for in this proceeding into effect, subject to refund with interest, while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(5) Good cause exists for consolidation of Docket Nos. E-8250, E-8142, and E-8071.

(6) Consistent with our action consolidating Docket Nos. E-8250, E-8071 and E-8142, the procedural dates set forth in our July 3, 1973, order in the latter docket should be amended as hereinafter ordered.

(7) The petition to intervene of Customers should be granted as hereinafter ordered.

(8) The petition to reject in Docket No. E-8250 should be denied.

The Commission orders:

(A) The above enumerated rate schedules in Docket No. E-8250 filed May 31, 1973, are accepted for filing and their effectiveness is suspended until January 1, 1974.

(B) APLC is required in Docket No. E-8250 and in E-8071 to file within 60 days

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] Benton Municipal Light and Water Works, Water and Light Commission of Hope, City of North Little Rock, Arkansas, City of Osceola, Arkansas, City of Prescott, Arkansas, City of West Memphis, Arkansas, Citizens Light & Power.

[2] Conway Corporation, Farmers Electric Cooperative Corporation, Mississippi County Electric Cooperative, Inc., North Arkansas Electric Cooperative.

[1] Conway Corporation, Benton Municipal Light & Water Works, Hope Water & Light Commission, City of North Little Rock, Arkansas, City of Osceola, Arkansas, City of Prescott, Arkansas, City of West Memphis, Arkansas, Farmers Electric Cooperative Corporation, Mississippi County Electric Cooperative, Inc.

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of the issuance of this order an updated cost of service for the twelve month test period ending June 30, 1973 (in accordance with regulations 35.13 and 35.12 respectively).

(C) APLC's March 8, 1973 filing at Docket No. E–8071 constituting an initial Power Service Agreement with Jonesboro is hereby accepted for filing to become effective June 1, 1973 as requested.

(D) An investigation into the justness and reasonableness of the initial Power Service Agreement with Jonesboro at Docket No. E–8071 is hereby instituted under section 206 of the Federal Power Act.

(E) Docket Nos. E–8250, E–8142 and E–8071 are hereby consolidated and set for hearing in accordance with the schedule established in ordering paragraph (F) hereof.

(F) Pursuant to the authority of the Federal Power Act, including sections 205, 206, 308, and 309 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held commencing with a pre-hearing conference on February 5, 1974, at 10:00 A.M., e.d.t. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20424, concerning the lawfulness of the rate increase and adjustment clauses set forth above.

(G) On or before January 4, 1974, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before January 15, 1974. Any rebuttal evidence by APLC shall be served on or before January 29, 1974. Cross-examination on the evidence filed will commence on February 12, 1974.

(H) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose (see Delegation of Authority, 13 CFR 3.5 (d)), shall preside at the hearing in this proceeding, and shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(I) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, that the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, except Customer's participation is limited to matters other than the alleged anti-competitive activities, and *Provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(J) Customer's motion to reject in Docket No. E–8250 is denied.

(K) Nothing contained in this order shall relieve the Applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Gas 91–370, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(L) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

DESIGNATIONS AND DESCRIPTIONS—ARKANSAS POWER AND LIGHT

Dated:

Filed: June 1, 1973

Effective:

FPC Designation	Customer	Description
Supplement No. 5 to Rate Schedule FPC No. 45 (Supersedes Supplement No. 2 to Rate Schedule FPC No. 45)	Farmers Electric Cooperative Corporation	Rate Schedule 1i1
Supplement No. 1 to Supplement No. 5 to Rate Schedule FPC No. 45	"	Service Regulation
Supplement No. 2 to Rate Schedule FPC No. 49	North Little Rock	Rate Schedule U3
Supplement No. 1 to Supplement No. 2 to Rate Schedule FPC No. 49	"	Service Regulation
Supplement No. 1 to Rate Schedule FPC No. 50	Hope	Rate Schedule U3
Supplement No. 1 to Supplement No. 1 to Rate Schedule FPC No. 50	"	Service Regulation
Supplement No. 1 to Rate Schedule FPC No. 51	Citizens Light & Power Company	Rate Schedule U3
Supplement No. 3 to Rate Schedule FPC No. 55	West Memphis	Rate Schedule U3
Supplement No. 1 to Supplement No. 3 to Rate Schedule FPC No. 55	"	Service Regulation
Supplement No. 1 to Rate Schedule FPC No. 56	Prescott	Rate Schedule U3
Supplement No. 1 to Supplement No. 1 to Rate Schedule FPC No. 56	"	Service Regulation
Supplement No. 3 to Rate Schedule FPC No. 57	Conway Corporation	Rate Schedule
Supplement No. 1 to Supplement No. 3 to Rate Schedule FPC No. 57	"	Service Regulation
Supplement No. 2 to Rate Schedule FPC No. 60	Benton	Rate Schedule
Supplement No. 1 to Rate Schedule FPC No. 62	North Arkansas Electric Corporation	Rate Schedule B1
Supplement No. 4 to Rate Schedule FPC No. 63 (Supersedes Supplement No. 1 to Rate Schedule FPC No. 63)	Osceola	Rate Schedule U3
Supplement No. 1 to Supplement No. 4 to Rate Schedule FPC No. 63	"	Service Regulation
Supplement No. 4 to Rate Schedule FPC No. 65	Mississippi County Electric Cooperative, Inc.	Rate Schedule B1
Supplement No. 1 to Supplement No. 4 to Rate Schedule FPC No. 65		Service Regulation

[FR Doc.73–16246 Filed 8–7–73;8:45 am]

FEDERAL RESERVE SYSTEM

CONNECTICUT BANCFEDERATION, INC.

Formation of Bank Holding Company

The Connecticut BancFederation, Inc., New Britain, Connecticut, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of more than 80 per cent of the voting shares of the following three banks: 1) The Guaranty Bank & Trust Company, Hartford, Connecticut; 2) New Britain Bank and Trust Company, New Britain, Connecticut; 3) The Terryville Trust Company, Terryville, Connecticut. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 24, 1973.

Board of Governors of the Federal Reserve System, July 31, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73–16307 Filed 8–7–73;8:45 am]

DEPOSIT GUARANTY CORP.

Acquisition of Bridges Loan & Investment Company, Inc.

Deposit Guaranty Corp., Jackson, Mississippi, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all the voting shares of Bridges Loan & Investment Company, Inc., Jackson, Mississippi, a company engaged in the activities of making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company, and of servicing loans and other extensions of credit for any person. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4 (a)(1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, was duly published (37 FR 26060). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a one-bank holding company controlling Deposit Guaranty Bank ("Bank"), Jackson, Mississippi. Bank holds $540 million in deposits and is the largest commercial bank in the State.[1]

[1] Banking data are as of June 30, 1972.

With 27 offices, Bank holds close to 14 per cent of total deposits in commercial banks in the State. Bank operates in each of eight communities in Mississippi. During 1972 Applicant attempted to establish a subsidiary *de novo* to engage in mortgage banking in the Jackson area, but those efforts failed, and that subsidiary remains inactive. Bank does, however, engage in mortgage lending for its own account at all of its offices; its principal real estate lending activities are conducted in the Jackson area.

Bridges Loan & Investment Company ("Bridges") operates offices in New Orleans, Shreveport, and Lafayette, Louisiana, and in Gulfport and Jackson in Mississippi. Although Bridges is headquartered in Jackson, it appears that its major activity is conducted outside the Jackson area and that the company's share of activity in the Jackson area has been declining in recent years. On the basis of mortgages serviced, Bridges ranks (as of June 30, 1971) as the 117th largest mortgage company in the United States and the second largest mortgage company headquartered in Mississippi. For its fiscal year ending May 31, 1972, Bridges shows a servicing volume of $210 million, and mortgage originations during that year of $53 million.

Although Applicant's subsidiary bank engages to some extent in the same line of activity as Bridges, the record indicates that there is no significant competition between the two institutions. Of the four areas in Mississippi where Bank has offices and Bridges offers its services, namely, the Jackson area (Hinds, Rankin, and Madison Counties), the Greenville area (Washington County), the Natchez area (Adams County), and the McComb area (Pike County), it appears that, only in the Jackson area, do Bank and Bridges engage in real estate lending to a meaningful extent.

In the Jackson market, in the category of 1–4 family mortgage loans, Bank originated (during 1971) 65 loans with a value of $1.9 million, representing 2 per cent of dollar value of the 1–4 family loans made in the Jackson area. During the same period, Bridges made 610 loans with a value of $12.3 million, representing about 13 per cent of the dollar value of such loans in the market. As a result of consummation of the proposal herein, Applicant would control 15 per cent of all 1–4 family mortgages in the market, making Applicant the largest lender in this category in the Jackson market. While these statistics appear to indicate that there is some competition between the two institutions in the category of 1–4 family mortgage loans, the record shows that Bank makes conventional loans of relatively short term and only to established customers of Bank, not to the general public, whereas Bridges offers FHA and VA mortgage loans to the general public. It appears, therefore, that no meaningful present competition would be eliminated between the two institutions in the 1–4 family mortgage market.

The Board further notes that Applicant has attempted unsuccessfully to enter the Jackson area through the *de novo* establishment of a mortgage subsidiary; there are at present four mortgage companies in the area each of a size comparable to Bridges; there are a large number of mortgage lenders in the area (25—of which six are banks, nine are mortgage companies, and ten are savings and loans associations); the Jackson market is attractive for entry by other firms of major capability. The Jackson area has enjoyed good population and economic growth in the past. The population increased at a 7.4 per cent rate (240,000 to 258,000) from 1965 to 1970, while during the same period the per capita income rose 40 per cent ($2,282 to $3,209). On the record herein, it appears that upon consummation of the proposal. Applicant's market share would not be so great as to preclude the development of competition through the entry of other mortgage lenders into the area nor would Applicant dominate the market.

Applicant's subsidiary bank and Bridges also make loans on commercial property and construction loans in the Jackson area. In the former category during 1971, Bank made 37 loans with a value of some $2 million, and Bridges made four loans with a value of $1.5 million. Applicant would control less than 7 percent of the loans on commercial property in the Jackson area as a result of its acquisition of Bridges. With respect to construction loans during 1971, Bank originated 263 loans with a value of under $14 million, and Bridges made 136 loans with a value of about $2 million. In neither category (loans on commercial property or construction loans) does it appear that Bridges is an aggressive competitor, nor that Bridges' acquisition by Applicant would have a significantly adverse effect on competition in either product line in the Jackson market; moreover, since the Board considers the geographic market for these types of loans to be larger than the banking market, the acquisition would not result in an undue concentration of resources.

In the course of its consideration of the application, the Board has considered comments by the Department of Justice to the effect that consummation of the proposal would eliminate existing and potential competition by "combining a bank with almost half of the commercial bank deposits in Jackson with the largest independent mortgage company in the same geographic area. . . ." However, in the Board's judgment, consummation of the proposal is not likely to eliminate any significant present or potential competition; Applicant will be one of a number of viable and aggressive real estate lenders now competing in the Jackson area. Moreover, as a result of the vigorous growth in the Jackson area and the prospects for continued growth, four of the largest mortgage companies in the country, including the first, sixth, twenty-first, and twenty-fifth largest mortgage servicing firms in the United States, have opened offices in Jackson, and there is evidence that additional firms expect to enter the Jackson area, which facts suggest that the combination of Bank and Bridges would not affect adversely, to any significant degree, competition in the field of mortgage lending in any relevant area.

The Board further notes that Bridges is in need of additional capital to continue its operation, and Applicant has indicated that it would provide an additional $1,000,000 of equity capital to the Company, and also help the company arrange additional lines of credit. Such action by Applicant should strengthen the financial position of Bridges, thereby enabling it to continue the present scope of its mortgage lending activities and to remain an effective or strengthened competitor in its market and further the economic development of the Jackson area. In addition, Bridges would be able to expand its construction lending and to engage in making conventional residential loans, each of which requires additional capital which is now unavailable to Bridges. Bridges' ability to expand into new lines of real estate lending and to continue the present mortgage loan activities should provide additional benefits to the communities served by Bridges. Without financial assistance from Applicant, Bridges would, it is stated, be required to close at least two of its five offices and curtail its lending activities. Increased economic activity in the State of Mississippi, which is a State with low per family income, and in the relevant communities affected by the proposal is regarded by the Board as being in the public interest and serving the convenience and needs of the communities involved. The aforestated public benefits lend weight for approval of the application and tend to offset any adverse effect on competition that may result from consummation of the proposal herein.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.[2] The transaction shall be consummated not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Fed-

[2] Dissenting Statement of Governors Brimmer, Bucher, and Holland filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

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eral Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective July 30, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-16306 Filed 8-7-73;8:45 am]

FIDELITY AMERICAN BANKSHARES, INC.

Acquisition of Bank

Fidelity American Bankshares, Inc., Lynchberg, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent or more of the voting shares (less directors' qualifying shares) of Fidelity National Bank, Roanoke County, Virginia, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secertary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 27, 1973.

Board of Governors of the Federal Reserve System, July 31, 1973.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73-16308 Filed 8-7-73;8:45 am]

PANNATIONAL GROUP, INC.

Acquisition of Bank

PanNational Group, Inc., El Paso, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares less directors' qualifying shares, of the successor by merger to the Citizens National Bank of Austin, Austin, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant,[1] the thirteenth largest bank holding company in Texas, controls two banks with total deposits of $294 million,[2] representing less than one per cent of total commercial bank deposits in the State. Bank is the sixth largest of 14 commercial banks in the Austin banking market controlling deposits of approximately $40.3 million or 3.6 per cent of the deposits of commercial banks in this market. (All banking data are as of December 31, 1972.)

At the present time, Applicant is not represented in the Austin area. Applicant's subsidiary banks are located in the El Paso market, approximately 600 miles west of Austin. No competition exists between Bank and any of the Applicant's subsidiary banks and, in view of the distance separating these banks and Texas law prohibiting branching, it appears unlikely that significant competition would develop in the foreseeable future. Moreover, acquisition of Bank by Applicant should have a pro-competitive effect on the Austin banking market in which the four largest banks each hold more than $180 million of deposits and, in the aggregate, control approximately 85 percent of the deposits of the 14 commercial banks in that market. Applicant's entry into the Austin market through acquisition of Bank may result in Bank improving its competitive position *vis a vis* these largest banks in that market and thereby reduce the high concentration of banking resources in the Austin market.

Financial and managerial resources of Applicant, its subsidiary banks, and bank are satisfactory and future prospects appear favorable. Prospects for economic growth in Applicant's home market appear good, as do the prospects in the Austin area. Although the record fails to indicate that the banking needs of residents of the Austin area are going unserved, affiliation of Bank with Applicant could provide Bank's customers with some services not now being offered by Bank and therefore convenience and needs considerations appear consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 24, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-16304 Filed 8-7-73;8:45 am]

PANNATIONAL GROUP, INC.

Order Approving Acquisition of Bank

PanNational Group, Inc., El Paso, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares less directors' qualifying shares, of the successor by merger to the Citizens National Bank of Austin, Austin, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant,[1] the thirteenth largest bank holding company in Texas, controls two banks with total deposits of $294 million,[2] representing less than one per cent of total commercial bank deposits in the State. Bank is the sixth largest of 14 commercial banks in the Austin banking market controlling deposits of approximately $40.3 million or 3.6 per cent of the deposits of commercial banks in this market. (All banking data are as of December 31, 1972.)

At the present time, Applicant is not represented in the Austin area. Applicant's subsidiary banks are located in the El Paso market, approximately 600 miles west of Austin. No competition exists between Bank and any of the Applicant's subsidiary banks and, in view of the distance separating these banks and Texas law prohibiting branching, it appears unlikely that significant competition would develop in the foreseeable future. Moreover, acquisition of Bank by Applicant should have a pro-competitive effect on the Austin banking market in which the four largest banks each hold more than $180 million of deposits and, in the aggregate, control approximately 85 percent of the deposits of the 14 commercial banks in that market. Applicant's entry into the Austin market through acquisition of Bank may result in Bank improving its competitive position *vis a vis* these largest banks in that market and thereby reduce the high concentration of banking resources in the Austin market.

Financial and managerial resources of Applicant, its subsidiary banks, and bank are satisfactory and future prospects appear favorable. Prospects for economic growth in Applicant's home market appear good, as do the prospects in the Austin area. Although the record fails to indicate that the banking needs of residents of the Austin area are going unserved, affiliation of Bank with Applicant could provide Bank's customers with some services not now being offered by Bank and therefore convenience and needs considerations appear consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not

[1] In connection with Applicant's application to become a bank holding company, approved by the Board on February 29, 1972, Applicant was required to divest its 28.4 per cent interest in Charles Bassett Center, Inc. (a nonbank subsidiary engaged in shopping center developments) and its 12 per cent interest in Darbyshire Steel Company, Inc. (acquired through loan forclosure in 1972). Applicant has advised the Board that the required divesture will take place by February 1974.

[2] In addition to the present application, Applicant has also filed applications to acquire two other banks. Consummation of all three proposals will mean that Applicant will control $352 million in deposits and will rank thirteenth in the State.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Sheehan. Voting against this action: Governors Brimmer, Bucher, and Holland.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, and Bucher. Absent and not voting: Governors Brimmer and Holland.

[1] In connection with Applicant's application to become a bank holding company, approved by the Board on February 29, 1972, Applicant was required to divest its 28.4 per cent interest in Charles Bassett Center, Inc. (a nonbank subsidiary engaged in shopping center developments) and its 12 per cent interest in Darbyshire Steel Company, Inc. (acquired through loan foreclosure in 1972). Applicant has advised the Board that the required divesture will take place by February 1974.

[2] In addition to the present application, Applicant has also filed applications to acquire two other banks. Consummation of all three proposals will mean that Applicant will control $352 million in deposits and will rank thirteenth in the State.

market. (All banking data are as of December 31, 1972.)

At the present time, Applicant is not represented in the Austin area. Applicant's subsidiary banks are located in the El Paso market, approximately 600 miles west of Austin. No competition exists between Bank and any of the Applicant's subsidiary banks and, in view of the distance separating these banks and Texas law prohibiting branching, it appears unlikely that significant competition would develop in the foreseeable future. Moreover, acquisition of Bank by Applicant should have a procompetitive effect on the Austin banking market in which the four largest banks each hold more than $180 million of deposits and, in the aggregate, control approximately 85 per cent of the deposits of the 14 commercial banks in that market. Applicant's entry into the Austin market through acquisition of Bank may result in Bank improving its competitive position *vis a vis* these largest banks in that market and thereby reduce the high concentration of banking resources in the Austin market.

Financial and managerial resources of Applicant, its subsidiary banks, and Bank are satisfactory and future prospects appear favorable. Prospects for economic growth in Applicant's home market appear good, as do the prospects in the Austin area. Although the record fails to indicate that the banking needs of residents of the Austin area are going unserved, affiliation of Bank with Applicant could provide Bank's customers with some services not now being offered by Bank and therefore convenience and needs considerations appear consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before August 23, 1973 this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 24, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-16375 Filed 8-7-73;8:45 am]

PATAGONIA CORP.

Order Approving Acquisition of Western American Insurance Agency

Patagonia Corporation, Tucson, Arizona, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y (12 CFR 225.4(b)(2)), to acquire Western American Insurance Agency, Phoenix, Arizona ("Agency") and thereby to engage in insurance agency activities. Certain insurance agency activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(9)).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been duly published (38 FR 3013).[1] The time for filing comments and views has expired, and the Board has considered all comments received in light of the public interest factors set forth in section 4(c)(8) of the Act.[2]

Applicant, the fourth largest banking organization in Arizona, controls one bank with aggregate deposits of $207 million representing 4 percent of the total deposits of commercial banks in Arizona. (All banking data are as of December 31, 1972.) Applicant has nonbanking subsidiaries which are engaged principally in consumer finance activities, leasing of personal property and equipment, and operating a savings and loan association. Applicant has recently received Board approval to acquire Western American Mortgage Company, Phoenix, Arizona ("Mortgage Company").

Applicant proposed to acquire Agency, which has been operated by Mortgage Company's former controlling shareholder in conjunction with Mortgage Company's activities. Agency had gross insurance premiums of $640 thousand and gross commission income of $170 thousand for the year ending March 31, 1972. Approximately $400 thousand of the insurance premiums resulted from the sale of declining coverage term life insurance policies where the coverage was equal to the outstanding balance of a mortgage held or serviced by Mortgage Company, and the sale of homeowners insurance policies and fire and casualty policies where the primary coverage of the policies protects collateral which formed the basis for an extension of credit by Mortgage Company or secures a mortgage serviced by Mortgage Company. Thus, approximately 60 percent of Agency's gross insurance premiums and gross commission income appears to be directly related to an extension of credit by Mortgage Company or directly related to the provision of other financial services by Mortgage Company. While some of the remaining insurance sales of Agency are made to employees of Mortgage Company and customers or former customers of Mortgage Company, the bulk of the remaining insurance premiums appear to be the result of the acquisition of several smaller insurance agencies by Agency.

Based on its past operations, Agency's activities would not appear to be permissible activities for a bank holding company subsidiary under § 225.4(a)(9) of regulation Y in that a substantial portion of Agency's business is not directly related to an extension of credit or the provision of other financial services by the mortgage company with which Agency was affiliated. However, Applicant states that Agency no longer actively solicits general insurance business and will reduce the scope of such Agency activities in the future if the application is approved. In order to assure that Agency is not operated as a general insurance agency, approval of the proposed acquisition is conditioned upon reduction of that portion of the Agency's premium income which is not directly related to an extension of credit by Mortgage Company or directly related to the provision of other financial services by Mortgage Company to less than 5 per cent of the premium income of Agency attributable to directly related coverage[3] within two years from the effective date of this Order.

Although Applicant engages in certain insurance agency activities through a number of its existing subsidiaries, approval of the proposed acquisition would not eliminate any significant existing competition between Applicant's subsidiaries and Agency because of the limited nature of the respective insurance activities. For example, Applicant's subsidiaries sell only a nominal amount of insurance for the protection of real property. Nor does it appear that affiliation of Agency with Applicant would adversely effect the numerous existing competitors in the Tucson and Phoenix areas where Mortgage Company and Agency are engaged in business.

It is anticipated that the provision of insurance by Agency will provide a convenient alternative source of insurance agency services for customers of Mortgage Company. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests,

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, and Bucher. Absent and not voting: Governors Brimmer and Holland.

[1] The published notice of this application included notice of a related application to acquire Western American Mortgage Company, Phoenix, Arizona. When the National Association of Insurance Agents, Inc. and related parties objected to the proposed acquisition of Agency and requested a hearing thereon, Applicant requested separate consideration by the Board of the two applications. Subsequently, the Board approved the acquisition of the mortgage company effective June 29, 1973.

[2] The National Association of Insurance Agents and related parties filed a petition on February 22, 1973, objecting to approval of this application and requesting a hearing be held upon the application. On March 6, 1973, the Board directed that a hearing be held on this application, among others. The Administrative Law Judge designated to conduct the proceeding upon the application scheduled a hearing. Subsequently, the objectors to the application and the Applicant reached agreement among themselves whereby the objections to the application were withdrawn and whereby Applicant agreed to be bound by the final outcome of other specified applications to engage in insurance agency activities. On June 22, 1973, the Administrative Law Judge dismissed the application from the docket and referred the application back to the Board.

[3] This condition does not apply to premium income which is permissible under § 225.4(a)(9)(1).

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unsound banking practices or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved conditioned upon the reduction of Agency's premium income which is not directly related to an extension of credit by Mortgage Company or directly related to the provision of other financial services by Mortgage Company to less than 5 per cent of the premium income of Agency attributable to the directly related coverage within two years from the effective date of this Order.

The transaction shall not be consummated later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco. This determination is also subject to the conditions set forth in § 225.4(c) of regulation Y (12 CFR 225.4(c)) and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective July 30, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-16373 Filed 8-7-73;8:45 am]

TENNESSEE VALLEY BANCORP, INC.

Order Approving Acquisition of Kimbrough-Kavanaugh and Associates, Inc.

Tennessee Valley Bancorp, Inc., Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's regulation Y, to acquire 90 per cent or more of the voting shares of Kimbrough-Kavanaugh and Associates, Inc., Nashville, Tennessee ("Company"), a company that engages in the activities of mortgage banking, including mortgage origination and servicing, sale of insurance directly related to such mortgages subject to prescribed limitations imposed by Tennessee law; appraisals of real estate for Company and its subsidiaries, and construction lending. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1), (3) and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 16112). The time for filing comments and views has expired, and none has been timely received.

Applicant controls three banks with aggregate deposits of $664 million, representing 0.4 per cent of the total deposits in commercial banks in Tennessee. Applicant's lead bank, Commerce Union Bank, Nashville, Tennessee ("Commerce Bank"), with deposits of $608 million is the third largest bank in the Nashville banking market.[1] Commerce Bank is engaged in the origination and servicing of permanent loans on one-to-four family residences and loans on income producing properties. It also makes construction loans. In its most recent fiscal year, Commerce Bank originated 1.6 per cent of all mortgages placed on one-to-four family residences in Davidson County and 2.9 per cent of all mortgages on income-producing properties in that area. The dollar volume of its construction loans totalled $17.3 million in the same period. Applicant does not presently own directly or indirectly any nonbanking subsidiaries.

Company's main office is in Nashville, Tennessee. It also owns Kimbrough-Kavanaugh and Associates, Inc., of Kentucky, Louisville, Kentucky. Applicant proposes that the Nashville office would continue to engage in construction lending; mortgage originating and servicing (residential, commercial and multifamily); in the sale of insurance related to mortgage lending activities; and would also appraise real estate for Applicant and its subsidiaries. The operations of the Louisville, Kentucky, office would continue to be primarily involved in originating and servicing loans on income properties, both commercial and multifamily residential. Applicant also proposes that Company retain shares in Kenneth Smith & Associates, Nashville, Tennessee, which performs data processing services for Company and its subsidiary offices. Applicant further states that Company's (including its subsidiaries) equity interests in real estate which are not utilized as offices in its mortgage banking activities and property management services related thereto will be liquidated or discontinued, respectively, prior to consummation of the acquisition, provided the Board approves the application. Applicant also proposes that Company will continue the sale of property insurance and mortgage insurance for mortgage loans that it arranges or service upon request of customers. The Company will not act as an agent for either type of insurance but will place such insurance with unaffiliated agencies on a commission basis. Applicant assures the Board that all such insurance activities will be conducted in accordance with a determination by the Tennessee Commissioner of Insurance regarding their permissibility under a recently enacted amendment to Section 56-721 of the Tennessee Code Annotated.

Company is one of 16 mortgage companies with offices in Davidson County. It makes no construction loans and originated but 1 percent of all mortgages placed on one-to-four family residence in Davidson County in 1972. Thus, consummation of the proposed acquisition would not eliminate any significant competition between Commerce Bank and Company in either of these product lines. Company is also engaged in the origination of mortgages on income-producing properties. However, only 48 percent of its loans in fiscal 1972 on income-producing properties were made on property situated in Davidson County. Similarly, only 49 percent of those loans originated by Commerce Bank in 1972 were on properties in Davidson County. It appears that lenders located in the County do not confine their mortgage originations on income-producing property to the County itself but that they compete with many potential suppliers located outside the County. In view of the regional scope of the market for loans on income-producing property and the large number of existing competitors for such loans, the Board concludes that consummation of the proposal would not substantially lessen competition in loans originated on income-producing property in Davidson County nor adversely affect competition within the regional market for such loans.

Based on the foregoing and other considerations in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable, and the application is hereby approved subject to the following conditions: (1) divestiture prior to consummation of the acquisition of Company's (including its subsidiaries) equity interests in all real estate not utilized in its mortgage banking activities, and discontinuance of property management services in connection with such interests; and (2) discontinuance of insurance activities by Company which are determined by the Tennessee Commissioner of Insurance to be impermissible under State law. The acquisition shall not be consummated later than three months after the effective date of this Order, unless such period is extended by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority. This determination is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective July 30, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-16374 Filed 8-7-73;8:45 am]

[4] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher and Holland. Absent and not voting: Governors Daane and Brimmer.

[1] All banking data are as of December 31, 1972, unless otherwise noted.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher and Holland. Absent and not voting: Governors Daane and Brimmer.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

WESTMORELAND COAL CO. AND YOUGHIOGHENY AND OHIO COAL CO.

Applications for Renewal Permits; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20264, WESTMORELAND COAL COMPANY,
Wentz No. 1 Mine, USBM ID No. 44 00302 0,
Stonega, Virginia,
Section ID No. 007 (No. 13 Right off 3 East),
Section ID No. 010 (No. 4 Main North Headings),
Section ID No. 012 (No. 2 Main East Headings),
Section ID No. 014 (No. 4 Main West Headings),
Section ID No. 015 (No. 4 East),
Section ID No. 016 (No. 1 Right off 4 North),
Section ID No. 017 (5 North "B" Portal).

(2) ICP Docket No. 20268, WESTMORELAND COAL COMPANY,
Bullitt No. 1 Mine, USBM ID No. 44 00304 0
Appalachia, Virginia,
Section ID No. 001 (Main South Headings),
Section ID No. 002 (1 North),
Section ID No. 003 (No. 7 Left off Main South),
Section ID No. 005 (Main West Headings),
Section ID No. 006 (No. 9 Left off Main South Headings),
Section ID No. 008 (No. 1 Right off No. 1 North),
Section ID No. 009 (No. 1 North—1 Left).

(3) ICP Docket No. 20585, THE YOUGHIOGHENY AND OHIO COAL COMPANY,
Allison Mine, USBM ID No. 33 01070 0
Beallsville, Ohio,
Section ID No. 002 (North Returns),
Section ID No. 004 (Main East),
Section ID No. 012 (4 East),
Section ID No. 014 (5 East),
Section ID No. 015 (2 North),
Section ID No. 016 (3 North off 4 West),
Section ID No. 017 (3 North off Main East Left Side),
Section ID No. 018 (3 North off Main East Right Side),
Section ID No. 019 (3 West off 2 North).

(4) ICP Docket No. 20586, THE YOUGHIOGHENY AND OHIO COAL COMPANY,
Nelms No. 1 Mine, USBM ID No. 33 00967 0,
Cadiz, Ohio,
Section ID No. 018 (No. 18 East off No. 6 North),
Section ID No. 020 (No. 5 South off No. 15 West),
Section ID No. 021 (No. 7 North off No. 15 East),
Section ID No. 022 (No. 16 West off No. 6 North),
Section ID No. 024 (No. 11 East off No. 7 South),
Section ID No. 025 (No. 7 North Pillars off Main East).

(5) ICP Docket No. 20587, THE YOUGHIOGHENY AND OHIO COAL COMPANY,
Nelms No. 2 Mine, USBM ID No. 33 00968 0,
Hopedale, Ohio,
Section ID No. 013 (No. 4 South Pillars),
Section ID No. 015 (No. 2 West off No. 5 South),
Section ID No. 017 (No. 3 West off No. 5 South),
Section ID No. 018 (Main East),
Section ID No. 020 (No. 1 East off No. 5 South),
Section ID No. 022 (Right Side Main East),
Section ID No. 023 (No. 1 South off No. 1 East),
Section ID No. 024 (No. 4 West off No. 5 South).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before August 23, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

AUGUST 3, 1973.

[FR Doc.73-16350 Filed 8-7-73;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Notice of Meeting

AUGUST 3, 1973.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a two day meeting on August 20th and 21st at Boulder, Colorado. The meeting will be open to the public. The Monday (Aug. 20) session will convene at 9:00 a.m. in room 620 of the NOAA Environmental Research Laboratories' facility, Research Building 3, in the complex at the corner of Arapahoe and 30th Street in Boulder; the Tuesday (Aug. 21) session will convene at 9:00 a.m. in the Main Seminar Room of the National Center for Atmospheric Research (NCAR), located at the end of Table Mesa Drive.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry science, and other appropriate areas, was established by Congress by Public Law 92-125, on August 16, 1971. Its duties are to: (1) Undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

The agenda for this meeting includes a general discussion of Federal reorganization in marine and atmospheric affairs, a presentation of ERL's programs in atmospheric science and a presentation of selected activities at NCAR.

The public will be admitted on a first come, first served basis. Questions from the public will be permitted during specific periods announced by the Chairman. Persons wishing to make formal statements must notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussion. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director. Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. Telephone: 967-3343.

DR. DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.73-16407 Filed 8-7-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-58]

MENTORIS CO.

Notice of Intent To Grant Exclusive Patent License

Notice is hereby given of intent to grant to The Mentoris Company, Sacramento, California, a limited, exclusive, revocable license to practice the invention described in U.S. Patent No. 3,740,725 for "Automated Attendance Accounting System," issued on June 19, 1973 to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years, will provide for payment of royalties to the U.S. Government and will contain other appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR § 1245.2, as revised April 1, 1972. NASA will grant the exclusive license unless, on or before September 7, 1973, the Chairman, Inventions and Contributions Board, NASA, Washington, DC 20546, receives in writing any of the following, together with supporting documentation: (i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (ii) an application for a nonexclusive license under such invention, in accordance with § 1245.206(b), in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then

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recommend to the Administrator whether to grant the exclusive license.

Dated: August 2, 1973.

R. TENNEY JOHNSON,
General Counsel.

[FR Doc.73-16348 Filed 8-7-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

AUGUST 2, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Accurate Calculator Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities be summarily suspended, this order to be effective for the period from August 3, 1973, through August 6, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16366 Filed 8-7-73;8:45 am]

[File No. 500-1]

AMERICA'S BEAUTIFUL CITIES

Order Suspending Trading

AUGUST 1, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1. par value, and all other securities of America's Beautiful Cities being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11 a.m., e.d.t., on August 1, 1973, and continuing through August 10, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16354 Filed 8-7-73;8:45 am]

[File No. 500-1]

AVTEK CORP.

Order Suspending Trading

AUGUST 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.04 par value, and all other securities of Avtek Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:45 a.m., e.d.t., August 2, 1973, through midnight (e.d.t.) August 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16367 Filed 8-7-73;8:45 am]

[File No. 500-1]

AZTEC PRODUCTS, INC.

Order Suspending Trading

AUGUST 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.05 par value, and all other securities of Aztec Products, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 2, 1973, through August 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16358 Filed 8-7-73;8:45 am]

[File No. 500-1]

BBI, INC.

Order Suspending Trading

AUGUST 1, 1973.

The common stock, $0.10 par value, of BBI, Inc. being traded on the American Stock Exchange and the PBW Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 2, 1973, through August 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16369 Filed 8-7-73;8:45 am]

[File No. 500-1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

AUGUST 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units and all other securities of Beneficial Laboratories, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 2, 1973, through August 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16359 Filed 8-7-73;8:45 am]

[File No. 500-1]

CODITRON CORP.

Order Suspending Trading

AUGUST 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Coditron Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 2, 1973, through midnight (e.d.t.) August 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16368 Filed 8-7-73;8:45 am]

[File No. 500-1]

FEDERAL HYDRONICS, INC.

Order Suspending Trading

AUGUST 1, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Federal Hydronics, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11 a.m., e.d.t., on August 1, 1973, and continuing through August 10, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16356 Filed 8-7-73;8:45 am]

[70-5375]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey City proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $50,000,000 principal amount of First Mortgage Bonds, percent Series due 2003. The interest rate (which will be a multiple of ⅛ of 1 percent) and the price (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof plus accrued interest from October 1, 1973 to the date of delivery) will be determined by competitive bidding. The bonds will be issued under Indenture, dated as of March 1, 1946, of Jersey Central to First National City Bank, successor to First National City Trust Company (formerly City Bank Farmers Trust Company), Trustee, as heretofore supplemented and amended by a Supplemental Indenture to be dated as of October 1, 1973, and which includes, with certain exceptions, a prohibition until October 1, 1978 against refunding the issue with proceeds of funds borrowed at a lower effective interest cost.

The entire proceeds, excluding premium and accrued interest, realized from the sale of the new bonds ($50,000,000) will be applied to the payment of all or a portion of Jersey Central's short-term bank loans of which approximately $46,800,000 is outstanding. The proceeds of the bank loans which are thus to be prepaid have been or will be used for construction purposes or to reimburse Jersey Central's treasury for expenditures therefrom for construction purposes. Premium relating from the sale of the First Mortgage Bonds will be used for financing the business of Jersey Central, including the payment of expenses in effecting the sale of the bonds. The estimated cost of Jersey Central's 1973 construction program is approximately $205,000,000.

The fees and expenses to be paid by Jersey Central in connection with the issue and sale of bonds are estimated to total $140,000, including legal fees of $28,000. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed issue and sale of bonds by Jersey Central and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 29, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16362 Filed 8-7-73;8:45 am]

[31-738]

KEKAHA SUGAR COMPANY, LTD. ET AL.

Notice for Application for Exemption

Notice is hereby given that Kekaha Sugar Company, Limited ("Kekaha"), Oahu Sugar Company, Limited ("Oahu"), Pioneer Mill Company, Limited ("Pioneer"), Puna Sugar Company, Limited ("Puna"), and The Lihue Plantation Company, Limited ("Lihue"), 700 Bishop Street, Honolulu, Hawaii 96813, have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 2(a)(3)(A) of the Act as applicable. All interested persons are referred to the application, which is summarized below, for a complete statement.

The five companies are wholly-owned subsidiaries of Amfac, Inc., a Hawaii Corporation, and are primarily engaged in the business of planting, cultivating, growing and harvesting sugar cane and processing the same to produce raw sugar and molasses. As a necessary incident to their factory operations, each company owns facilities which it operates to generate electric energy. The companies have come to sell their surplus energy to local public utilities.

None of the electric energy is sold at retail nor is any sold interstate. None of the companies has any plan for additional electric generating capacity.

The number of kilowatt hours of electric energy sold and revenue from water and electric power sales as a percentage of total revenue of each company for the year ended December 31, 1971 are as follows:

Company	KWH Sold	Water and Electric Power Sales	
Kekaha	10,799,000	$120,000	1.27
Oahu	927,000	40,000	0.2
Pioneer	2,129,000	108,000	1.0
Puna	50,170,000	339,000	4.6
Lihue	16,722,000	213,000	1.4

In the absence of an exemption, Kekaha, Oahu, Pioneer, Puna, and Lihue would become "electric utility companies" within the definition contained in section 2(a)(3) of the Act. This would make a "holding company" of Amfac which controls these companies. It is asserted that the companies are and will continue to be primarily engaged in the sugar business and will sell only a small amount of excess electrical energy. Accordingly, the companies believe that it is not necessary in the public interest, or for the protection of investors or consumers that it be considered an electric utility company for the purpose of the Act.

Notice is further given that any interested person may, not later than August 28, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and

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proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16291 Filed 8-7-73;8:45 am]

[70-5371]

MIDDLE SOUTH UTILITIES, INC., AND MISSISSIPPI POWER AND LIGHT CO.

Proposed Issue and Sale of First Mortgage Bonds

AUGUST 2, 1973.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 280 Park Avenue, New York, N.Y. 10017, a registered holding company, and Mississippi Power & Light Company ("Mississippi"), P.O. Box 1640, Jackson, MI 39205, its electric utility subsidiary, have filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10 and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $20,000,000 principal amount of its First Mortgage Bonds, —— percent Series due September 1, 2003 ("Bonds"). The annual interest rate on the Bonds (which will be a multiple of ⅛ of 1%) and the price, exclusive of accrued interest, to be paid to Mississippi (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The Bonds will be issued under Mississippi's Mortgage and Deed of Trust dated as of September 1, 1944 to Irving Trust Company and Frederick G. Herbst (D. W. May, successor), as Trustees, as heretofore supplemented and as to be further supplemented by a Fourteenth Supplemental Indenture to be dated as of September 1, 1973, which includes a prohibition until September 1, 1978, against refunding the Bonds, directly or indirectly, with the proceeds of funds borrowed at a lower effective interest cost.

Prior to the issuance and sale by Mississippi of the Bonds, Mississippi proposes to issue and sell to Middle South, and Middle South proposes to acquire from Mississippi, 435,000 presently authorized but unissued shares of Mississippi's common stock without par value ("Common Stock") at its present stated value of $23 per share, aggregating $10,005,000. Middle South proposes to obtain the funds to effectuate the acquisition of the Common Stock through borrowings from commercial banks.[1]

Mississippi proposes to utilize the net proceeds from the issuance and sale of the Bonds and Common Stock to retire short-term debt outstanding, to finance its construction program (estimated at $99,346,000 for 1973) and for other corporate purposes.

Fees and expenses incident to the proposed transactions are estimated at $80,000, including counsel fees of $24,800 and accountants' fees of $7,500. The fees of counsel for the successful bidders are estimated at $10,000, to be paid by the successful bidders.

The filing states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 24, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16352 Filed 8-7-73;8:45 am]

[70-5376]

OHIO EDISON CO.

Proposed Issue and Sale of Bonds

AUGUST 2, 1973.

Notice is hereby given, that Ohio Edison Company ("Ohio Edison"), 47 North Main St., Akron, OH 44308, a registered holding company and a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $75,000,000 principal amount of First Mortgage Bonds — percent Series of 1973 due 2003. The interest rate of the bonds (which will be a multiple of ⅛ of 1 percent and the price, exclusive of accrued interest, to be paid to Ohio Edison (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by competitive bidding. The bonds will be issued under Ohio Edison's Indenture dated as of August 1, 1930, to Bankers Trust Company, Trustee, as heretofore amended and supplemented and as to be further amended and supplemented by a Twenty-second Supplemental Indenture to be dated as of the first day of the calendar month in which the bonds are issued, and which includes, with certain exceptions, a prohibition until 5 years after the issuance of the bonds against refunding the issue with proceeds of funds borrowed at a lower effective interest cost.

The proceeds from the sale of the new bonds will be used for the acquisition of property, the construction, completion, extension, renewal, or improvement of Ohio Edison's facilities or for the improvement of its service, or for repayment of unsecured short-term debt, incurred by Ohio Edison estimated to be outstanding at the time of issue in the amount of $23,000,000, or for the reimbursement of its treasury for expenditures made for such purposes.

Ohio Edison requests authority for the authentication and issuance to the Trustee in accordance with the sinking fund provisions on or about November 1, 1973, upon the basis of property additions under Article V of the Mortgage, of an aggregate of $533,000 principal amount of its First Mortgage Bonds, 3¼ percent series of 1955 due 1985; in addition to the $7,973,000 principal amount authorized in File No. 70-5300, (Holding Company Act Release No. 17896) and to withdraw cash which will be used for general corporate purposes.

It is stated that the issuance of the new bonds and the sinking fund bonds is subject to the jurisdiction of the Public Utilities Commission of Ohio and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be paid in connection with the sinking fund bonds are estimated at $600. The fees and expenses in connection with the new bonds are to be filed by amendment.

Notice is further given that any interested person may, not later than August 29, 1973, request in writing a hearing to be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16363 Filed 8-7-73;8:45 am]

[812-3449]

OPPENHEIMER A.I.M. FUND, INC.

Filing of Application

AUGUST 2, 1973.

Notice is hereby given that Oppenheimer A.I.M. Fund, Inc. ("Applicant"), One New York Plaza, New York, N.Y. 10004, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as a diversified open-end management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in its prospectus in exchange for substantially all of the assets of Berman Beacon Corporation ("BBC"), a New York corporation. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

BBC is an investment company all of whose outstanding stock is owned of record by only three persons and beneficially by only four persons and which is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an Agreement between Applicant and BBC, substantially all the cash and securities owned by BBC, with a market value of approximately $600,000 on February 28, 1973, will be transferred to Applicant in exchange for shares of Applicant's stock. Applicant is not assuming any of the liabilities of BBC. The number of shares of Applicant's stock to be issued to BBC is to be determined by dividing the aggregate market value of the assets of BBC to be transferred to Applicant by the net asset value per share of Applicant (subject to certain adjustments set forth in the Agreement) both to be determined as of the valuation date. When received by BBC, the shares of Applicant are to be distributed to BBC shareholders and BBC will be dissolved. Applicant states that it has presently no intention of selling any securities it will acquire from BBC.

Applicant states that it has been advised by the management of BBC that the holders of common stock of BBC have no present intention of redeeming or otherwise transferring their legal or beneficial interest in the shares of Applicant to be received by them upon the liquidation of BBC following the transfer of the assets of BBC to the Applicant, other than a transfer of the legal interest in those shares of Applicant to be received to the Alfred Berman Trust ("Trust") which will be established by the BBC shareholders. It is proposed that the Trust in turn will transfer those shares of Applicant to Oppenheimer and Company ("Oppenheimer"), the parent of Applicant's investment adviser, and will become a limited partner of Oppenheimer. The application further states that Oppenheimer represents that it has no present intention to redeem or otherwise transfer the interest of the shares of Applicant to be delivered to it by the Trust.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter for such company shall sell any redeemable security to the public except at a current public offering price described in the prospectus.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant offers its shares to the public, pursuant to its prospectus, for cash at a price equal to the net asset value per share plus varying sales charges dependent upon the quantity of shares purchased, the maximum sales charge being 8.5 precent of the offering price. In support of its application, Applicant alleges that the proposed transaction will enable it to obtain portfolio securities without payment of brokerage commissions and also will increase the size of Applicant which, in the opinion of the Applicant, will tend to reduce the per share expenses of Applicant. Applicant also states that no affiliation presently exists between BBC or its officers, directors or stockholders and Applicant, its officers or directors, and that the Agreement was negotiated at arms length by the two companies.

Notice is further given that any interested person may, not later than August 27, 1973, at 5:30 p.m., submit to the Commission, in writing, a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commisison upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in the matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16361 Filed 8-7-73;8:45 am]

[Release No. 34-10312; File No. S7-490]

OPTION TRADING BY SPECIALISTS, MARKET MAKERS, FLOOR TRADERS, AND BLOCK POSITIONERS

Commission Review and Request for Comments

The Commission announced that it has under review and is requesting public

[1] Middle South has filed with this Commission a declaration, File No. 70-5366, in which it is proposed that Middle South borrow up to $30,000,000 from a group of commercial banks, under terms of a $135,000,000 revolving credit agreement dated as of July 1, 1973.

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comment on the question of whether specialists, market makers, floor traders and block positioners should be permitted to trade or otherwise have an interest in options (puts and calls) in any securities in which they are registered, make a market, or trade for their own accounts on exchanges, either from on or off the floor in the over-the-counter market.

In 1935 all the national securities exchanges adopted, at the Commission's request, a rule which provided that no specialist or odd-lot dealer, and no firm of which such specialist or odd-lot dealer is a participant, and no partner of such firm, shall acquire, hold or grant, directly or indirectly, any interest in a put, call, straddle, or option in any security in which such specialist, or odd-lot dealer is registered.[1] All the national securities exchanges also prohibited any other member while on the floor from initiating the purchase or sale on the exchange, for any account in which he or his firm or any participant therein is interested, of any stock in which he, his firm or any participant holds or has granted an option.

These rules came about because of abuses in the use of the option device in the operations of manipulative "pools" during the late 1920's and early 1930's.[2] It was the general consensus of the commentators at the time of the passage of the Securities Exchange Act of 1934 that the "option" enable "manipulators of every sort" "to carry on large-scale operations with a minimum of financial risk."[3] Although such abuses were not limited to pool operations, the granting of an option to pools or their confederates was fund to be at the very heart of most of these manipulative operations. The specialist's services in particular were considered invaluable to the pool managers.[4]

Because of the actual and potential abuses, the original drafts of the Securities Exchange Act would have outlawed the purchase or sale of options through an exchange or in connection with exchange-traded securities. Apparently, however, Congress decided that it was virtually impossible for it to distinguish between a "good" and a "bad" option, and, rather than prohibiting all such options, gave the Commission broad power to regulate their trading under sections 9(b) and (c) of the Securities Exchange Act of 1934.[5] The Commission has not used this rule making authority until quite recently.[6] Self-regulation, including the above exchange rules, was relied on instead; and the Commission believes that, partly as a result of such action by the exchanges, pool-type activities have been substantially curtailed.

Several firms, presently doing business on other exchanges as specialists or market makers have applied for memberships on the new Chicago Board Options Exchange (CBOE) to operate as market makers, board brokers or floor brokers.[7] Some of these other exchanges have therefore been considering changes in their rules to permit such firms to act (and continue to act) on their exchanges as specialists, market makers or floor traders in the same securities that underly options in which such firms would act as dealers on the CBOE, and perhaps elsewhere.[8] The Commission's Division of Market Regulation has asked those exchanges not to change their rules to permit such activities until such time as the Commission completes its own review of this matter.

In its review the Commission will also consider the role of option trading and its relation to the developing of a central market system for listed securities.[9]

At the time of the hearings on the Securities Exchange Act, there was little discussion of possible regulation of transactions in options relating to over-the-counter securities. However, with the recent advent of NASDAQ (the National Association of Securities Dealers, Inc.'s automated quotation system), which for the first time enables broadcasting of quoted prices of over-the-counter securities on a real time basis, manipulation similar to those encountered on the exchanges prior to 1934 may be possible. The Commission, therefore, is interested in determining whether or not over-the-counter market makers in listed and in unlisted securities should likewise be restricted in their dealings in options relating to the same securities in which they make markets.[10]

Accordingly, the Commission invites comments on the questions of whether and to what extent, the various participants in the exchange and over-the-counter markets whose activities may effect the pricing mechanism of securities traded therein should be permitted to have an interest in options in the same securities. Commentators should address themselves to the following considerations, among others:

1. The possibility that such dealing might create for a participant a conflict of interest which would likely impair the maintenance of fair and orderly markets in the underlying securities where the participant is (a) a specialist, (b) an odd-lot dealer, (c) a floor trader, (d) a market maker in listed securities on an exchange and/or a third market maker, (e) a market in the over-the-counter securities, or (f) a block positioner in listed and unlisted securities;

2. The relevance and significance of changed market conditions, since the passage of the Securities Exchange Act, including changes that have taken place in the structure of exchange and over-the-counter markets (such as the relative "institutionalization" of the markets);

3. The future development of a central market system;

4. The significance of the differences, if any, among various categories of members on regional and primary exchanges, including differences with respect to their abilities to affect the pricing mechanism of a given security, and the nature of their respective contributions to the markets;

5. The adequacy of present or potential regulatory controls to prevent misuse of options in the even present restrictions were relaxed.

All interested persons are invited to submit their views and comments on the foregoing issues. Written statements of views and comments should be addressed to Ronald F. Hunt, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before September 29, 1973. Reference should be made to file number S7-490. All such communications will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

AUGUST 1, 1973.

[FR Doc.73-16351 Filed 8-7-73;8:45 am]

[1] This rule was one of the sixteen rules adopted by all the national securities exchanges in 1935, at the request of the Commission (which also formulated the rules), to eliminate some of the undesirable consequences flowing from dealer activities on the national securities exchanges. See, U.S. Securities and Exchange Commission, Report on the Feasibility and Advisability of the Complete Segregation of the Functions of Dealer and Broker (1936), pp. 60–64, 170.

[2] H.R. Rep. No. 1383, 73d Cong., 2d Sess. (1934), pp. 10–11; see also S. Rep. No. 792, 73d Cong., 2d Sess. (1934), p. 9. For the Senate committee's findings on the extent and use of options in manipulations, see Stock Exchange Practices, Report of Comm. on Banking & Currency, S. Rep. No. 1455, 73d Cong., 2d Sess. (1934), p. 47.

[3] Stock Exchange Practices, Report of Comm. on Banking & Currency, S. Rep. No. 1455, 73d Cong., 2d Sess. (1934) p. 45.

[4] Ibid., p. 47.

[5] Stock Exchange Practice Hearings before Senate Comm. on Banking & Currency, 73d Cong., 2d Sess. (1934), Pt. 15, p. 6515. The House Committee's Report on the Securities Exchange Act, in explaining these subsections, stated "As it is not always easy to trace and prove manipulative activity, it is necessary to rid the market of devices which commonly accompany or cloak these activities." H. Rep. No. 1383, 73d Cong., 2d Sess. (1934), p. 11. See supra n. 2 and 4.

[6] See Release No. 34–9930 (January 9, 1973) proposing Rule 9b–1 and Release No. 34–9994 (February 8, 1973) proposing Rule 9b–2, both under the Securities Exchange Act of 1934.

[7] The two basic functions of a specialist are divided on the CBOE between the board broker (agent) and the market maker (dealer).

[8] Some other exchanges have been considering the establishment of trading markets in options.

[9] See Securities and Exchange Commission, Policy Statement on the Structure of a Central Market System (March 29, 1973), and Statement on the Future Structure of the Securities Markets (February 2, 1972). See also Release No. 34–9950 (January 16, 1973), at pp. 109–129, which discusses, in terms of the needs of both the present and future market structure, the growing similarity between the regulatory problems relating to floor dealings of specialists and floor traders on the one hand and those of "off-floor" trading of securities professionals and block positioners on the other.

[10] See Report of Special Study of Securities Markets of the Securities and Exchange Commission which discusses some of the problems concerning trading in options relating to over-the-counter securities prior to the NASDAQ system. H.R. Doc. No. 95, 88th Cong., 1st Sess. (1963) Pt. 2, pp. 563–567, 676.

[File No. 500–1]

ORECRAFT, INC.

Order Suspending Trading

AUGUST 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.04 par value, and all other securities of Orecraft, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 3, 1973 through August 12, 1973.

By the Commission.

RONALD F. HUNT, *Secretary.*

[FR Doc.73-16364 Filed 8-7-73;8:45 am]

[File No. 500–1]

PARAGON SECURITIES CO.

Order Suspending Trading

AUGUST 1, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Paragon Securities Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended; this order to be effective for the period from August 2, 1973 through August 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16289 Filed 8-7-73;8:45 am]

[File No. 500–1]

SEGGOS INDUSTRIES, INC.

Order Suspending Trading

JULY 31, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Seggos Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:45 a.m., edt, on July 31, 1973 and continuing through August 9, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16288 Filed 8-7-73;8:45 am]

[File No. 500–1]

ROYAL PROPERTIES, INC.

Order Suspending Trading

JULY 31, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $5 par value and all other securities of Royal Properties Incorporated, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 1, 1973 through August 10, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16290 Filed 8-7-73;8:45 am]

[File No. 500–1]

PLAYERS GROUP COMPANIES, INC.

Order Suspending Trading

AUGUST 1, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Players Group Companies, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:00 a.m. (EDT) on August 1, 1973 and continuing through August 10, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16355 Filed 8-7-73;8:45 am]

[File No. 500–1]

TEXTURED PRODUCTS, INC.

Order Suspending Trading

AUGUST 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value and all other securities of Textured Products, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 3, 1973 through August 12, 1973.

By the Commission.

RONALD F. HUNT, *Secretary.*

[FR Doc.73-16365 Filed 8-7-73;8:45 am]

[File No. 500–1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

AUGUST 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 2, 1973 through August 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16357 Filed 8-7-73;8:45 am]

[File No. 500–1]

U.S. FINANCIAL INC.

Order Suspending Trading

AUGUST 2, 1973.

The common stock, $2.50 par value, of U.S. Financial Incorporated being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

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It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 2, 1973 through August 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16360 Filed 8-7-73;8:45 am]

[70-5373]

UTAH POWER & LIGHT CO.

Proposed Issue and Sale of Common Stock at Competitive Bidding

AUGUST 2, 1973.

Notice is hereby given that Utah Power & Light Company ("Utah"), 1407 West North Temple St., P.O. Box 899, Salt Lake City, UT 84110, an electric utility company and a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Utah proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 800,000 shares of its authorized but unissued common stock, par value $12.80 per share. Utah proposes to use the estimated $30,000,000 in proceeds from the sale of the common stock to pay a portion of its outstanding short-term promissory notes (said notes aggregating approximately $35,000,000 as of September 18, 1973), the proceeds of which are being used for the company's construction program, estimated at $103,000,000 for 1973 and $64,000,000 in 1974.

The declaration states that the Wyoming Public Service Commission and the Idaho Public Utilities Commission have jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are to be supplied by amendment.

Notice is further given that any interested person may, not later than August 28, 1973, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16353 Filed 8-7-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0005]

FRANKLIN CORP.

Approval of Application

Pursuant to the provisions of § 107.701 of the Small Business Administration (SBA) rules and regulations (13 C.F.R. Part 107.701 (1973)), a notice of filing of an application for transfer of control of The Franklin Corporation, License No. 02/02-0005, One Rockefeller Plaza, Suite 2614, New York, New York 10020, was published in the FEDERAL REGISTER on May 25, 1973 (38 FR 13787).

Interested persons were given an opportunity to send their comments to SBA on the proposed transfer of control.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of the Franklin Corporation, subject to any other Federal or State approval which may be necessary.

Dated: August 1, 1973.

JAMES THOMAS PHELAN, *Deputy Associate Administrator, for Investment.*

[FR Doc.73-16303 Filed 8-7-73;8:45 am]

[Declaration of Disaster Loan Area 1007]

IOWA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the months of June and July 1973, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Iowa;

Whereas, the Small Business Administration has investigated and has received reports of other investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Carroll, Dallas, Greene, Guthrie and Polk Counties, Iowa, and adjacent affected areas, suffered damage or destruction resulting from flooding caused by severe storms, heavy rain and flooding occurring June 30 through July 9, 1973. Applications will be processed under the provisions of Public Law 93-24.

OFFICE

Small Business Administration, District Office, 210 Walnut Street, Des Moines, Iowa 50309.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 25, 1973.

Dated: July 27, 1973.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.73-16298 Filed 8-7-73;8:45 am]

[Declaration of Disaster Loan Area 1008]

MICHIGAN

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1973, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Michigan;

Whereas, the Small Business Administration has investigated and received reports of investigations in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Wayne and Monroe Counties in the State of Michigan, and adjacent affected areas, suffered damage or destruction resulting from flooding occurring June 17 and 18, 1973. Applications will be processed under the provisions of Public Law 93-24.

OFFICE

Small Business Administration, District Office, 1249 Washington Boulevard, Detroit, Michigan 48226.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to 1973.

Dated July 30, 1973.

ANTHONY G. CHASE, *Acting Administrator.*

[FR Doc.73-16299 Filed 8-7-73;8:45 am]

[Declaration of Disaster Loan Area 1009]

OHIO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1973, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Ohio;

Whereas, the Small Business Administration has investigated and has received reports of other investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Franklin and Crawford Counties, Ohio, and adjacent affected areas, suffered damage or destruction resulting from severe storms and flooding occuring June 19 to 26, 1973. Applications will be processed under the provisions of Public Law 93-24.

OFFICE

Small Business Administration, District Office, 34 North High Street, Columbus, Ohio 43215.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 28, 1973.

Dated: July 31, 1973.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.73-16300 Filed 8-7-73;8:45 am]

[Notice of Disaster Loan Area 995; Amdt. 4]

OKLAHOMA

Amendment To Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Oklahoma as a major disaster area following severe storms and flooding beginning on or about April 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood and tornado victims in the following additional counties: Mayes and Le Flore. (See 38 FR 16813, 38 FR 18415, 38 FR 19295 and 38 FR 19939).

The purpose of this amendment is only for Mayes County for the period April 1, 1973 to May 7, 1973, and Mayes and Le Flore Counties for the period May 24, 1973 to May 27, 1973. Applications will be processed under the provisions of Public Law 92-385 where damages occurred prior to April 20, 1973. Applications will be processed under the provisions of Public Law 93-24 where damages occurred April 20, 1973, and thereafter.

Applications may be filed at the:

Small Business Administration, District Office, 30 North Hudson, Oklahoma City, Oklahoma 73102.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than September 18, 1973.

Dated: July 26, 1973.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.73-16296 Filed 8-7-73;8:45 am]

[Notice of Disaster Loan Area 1003; Amendment]

TEXAS

Amendment To Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Texas as a major disaster area following severe storms and flooding beginning on or about June 11, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties: Newton and Matagorda. (See 38 FR 19878)

Applications may be filed at the:

Small Business Administration, District Office, Niels Esperson Building, Room 1210, 808 Travis Street, Houston, Texas 77002.

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under this announcement must be filed not later than September 24, 1973.

Dated: July 27, 1973.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.73-16297 Filed 8-7-73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Allen Mallory, food store; Stuart, IA; 5-31-74.

Badt's Pharmacy, Inc., drug store; 248 North Paw Paw Street, Coloma, MI; 5-25-74.

Bayfield Shur-Valu Market, food store; Bayfield, CO; 5-23-73 to 5-16-74.

A. J. Bayless Markets, Inc., food stores: Nos. 62 and 63, Globe, AZ, 5-31-74; No. 65, Safford, AZ, 6-15-73 to 5-31-74; No. 59, Scottsdale, AZ, 6-15-73 to 5-31-74.

Berg & Frost, Inc., drug store; 1009 West 12th Street, Emporia, KS; 6-11-74.

Blank's Pharmacy, drug store; Three South Fort Thomas Avenue, Fort Thomas, KY; 6-19-74.

C. H. Block & Co., Inc., agriculture; Tunica, MS; 6-15-74.

Bonson's Shop Rite, food store; Eagle River, WI; 5-30-74.

Brooks Griffin, agriculture; Elaine, AR; 5-30-74.

Browdy's Fine Foods, food store; 2807 Cahaba Road, Birmingham, AL; 6-11-74.

C & S Hardware, hardware stores, 5-23-74: Nos. 1 and 2, Dallas, TX.

Carson City Hospital, hospital; Elm at Third, Carson City, MI; 6-17-74.

Cary Plantation, agriculture; Cary, MS, 6-4-74.

Cash & Carry Grocery, food store; 100 Russell Street, Portland, TN; 6-12-74.

Colonial Store, restaurant; No. 3, Wichita, KS; 5-31-74.

Dad 'N' Lad, apparel store; 490 Harrison Avenue, Panama City, FL; 5-22-74.

The Dairy Basket, Inc., food store; 9159 South Cicero Avenue, Oak Lawn, IL; 6-14-74.

Dillon Companies, Inc., food stores, 6-8-74: No. 44, Junction City, KS; No. 43, Lawrence, KS.

Elgin West Pharmacy, drug store; 575 North McLean Boulevard, Elgin, IL; 6-5-74.

Elgin West Pharmacy, drug store; 575 North McLean Boulevard, Elgin, IL; 6-5-74.

Erv's Sav-Rite, food store; 1567 East Stratford Avenue, Salt Lake City, UT; 6-14-74.

Evanna Plantation, Inc., agriculture; Cary, MS; 6-4-74.

Fisher Brothers, agriculture; 846 Oak Avenue, Muskegon MI; 6-15-74.

Food Fair, Inc., food store; North Highway 27, Somerset, KY; 5-26-74.

Fort Thomas Pharmacy, Inc., drug store; 26 North Fort Thomas Avenue, Fort Thomas, KY; 6-15-74.

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Golob Super Market, food store; Arma, KS; 6–14–74.

Grebe's Bakeries, Inc., food stores, 6–14–74: 5933 West Libson Avenue, Milwaukee, WI; 2204 10th Avenue, South Milwaukee, WI; 5132 West Lincoln Avenue, West Allis, WI.

H & L, Inc., food store; 6704 Main Street, Caseville, MI; 6–12–74.

H. E. B. Food Store, food stores, 6–16–74: No. 110, Georgetown, TX; No. 109, Marble Falls, TX.

Handy Andy, Inc., food store, No. 175, Austin, TX; 6–6–74.

J. H. Hill & Sons, agriculture; Indianola, MS; 6–11–74.

Hornbeak Grocery, food store; 115 North Main Street, Ridgely, TN; 6–6–74.

International House of Pancakes, restaurant; 4555 South Noland Road, Independence, MO; 5–14–74.

Jackson County Hospital & Nursing Home, hospital; Scottsboro, AL; 6–14–74.

Jemison Super Saver, food store, Jemison, AL; 6–30–74.

Kopper Kettle Restaurant, restaurants, 6–14–74, except as otherwise indicated: I–80 and 25 Highway, Menlo, IA (5–31–74); I–80 and minden Inter-Change, Minden, IA; I–29 and U.S. Highway 30, Missouri Valley, IA; I–80 and U.S. Highway 81, York, NE.

L & K Food Market, food store; Highway 75 at Wortham Street, Willis, TX; 5–31–74.

Lenger Super Market, Inc., food store; 18 West Burton Street, Grand Rapids, MI; 6–11–74.

Lynn Garrett Drug Co., drug store; 2401 Lebanon Road, Nashville, TN; 6–17–74.

May's Drug Store, drug stores, 6–13–74: No. 186, Bloomington, IL; No. 185, Crystal Lake, IL; No. 182, Freeport, IL; No. 200, McHenry, IL; No. 187, Mundelein, IL; Nos. 188 and 196, Rockford, IL; No. 173, Round Lake, IL; No. 199, Woodstock, IL; No. 180, Beloit, WI.

McDonald's Hamburgers, restaurants, 5–31–74, except as otherwise indicated: 901 Minnesota, Kansas City, KS (5–26–74); 7550 State Avenue, Kansas City, KS (5–26–74); 618 East Santa Fe, Olathe, KS (5–26–74); 9783 A St. Charles Rock Road, St. Louis, MO (6–9–74); 1360 East Avenue, Akron, OH; 409 East Exchange Street, Akron, OH; 1720 West Exchange Street, Akron, OH; 2021 East Market Street, Akron, OH; 1045 East Tallmadge Avenue, Akron, OH; 946 East Waterloo Road, Akron, OH; 425 West Hopocan Avenue, Barberton, OH; 1195 Wooster Road, West, Barberton, OH; 1787 State Road, Cuyahoga Falls, OH; 1280 South Water Street, Kent, OH; 2114 Sunset Boulevard, Steubenville, OH.

McKey Grocery & Market, food store; Centreville, MS; 2–23–74.

Methodist Memorial Homes, Inc., nursing home, 1320 11th Avenue, Holdrege, NE; 6–19–74.

Midlothian Pharmacy, drug store; 4047 West 147th Street, Midlothian, IL; 6–5–74.

Miller's Foodtown, food store; 38 East Center, Moab, UT; 5–7–73 to 3–31–74.

Mother of Mercy Nursing Home, nursing home; Albany, MN; 6–17–74.

Newman Pharmacy, drug store; 3458 West 11th Street, Chicago, IL; 6–5–74.

Pearl Plantation, agriculture; Cary, MS; 6–4–74.

Pence-Humboldt, Inc., food store; Highway 169 North, Humboldt, KS; 6–19–74.

Piggly Wiggly, food stores: Morgan Plaza Shopping Center, Hartselle, AL, 5–20–74; South Market Street, Moulton, AL, 6–15–74; 226 North Waukesha Street, Bonifay, FL, 5–24–74; Cotton Street, Graceville, FL, 5–24–74; NE. West Lafayette Street, Marianna, FL, 5–24–74; 105 Mulberry Street, Durant, MS, 5–21–74; 600 Mulberry Street, Durant, MS, 5–21–74; 16th Street, Laurel, MS, 5–27–74; No. 5, West Florence, SC, 6–6–74; 701 West Ennis Avenue, Ennis, TX, 6–11–74.

Pullman Pharmacy, drug store; 11254 South Michigan Avenue, Chicago, IL, 6–5–74.

Ralph's Jack and Jill, food store; 208 North Walnut, Peabody, KS; 6–8–73 to 5–31–74.

Red Star Pharmacy, drug store; 9200 South Commercial Avenue, Chicago, IL; 6–5–74.

Richard Clothing Co., apparel store; 328 South Washington Street, Marion, IN; 6–7–74.

Richard W. Bishop, agriculture; 8995 Peterson Road, Whitehall, MI; 5–21–74.

Riverside Certified Super Market, Inc., food store; 54 East 138th Street, Riverdale, IL; 5–20–74.

Rivin's IGA, food store; Wagner, SD; 5–26–74.

Robie's Food Center, Inc., food store; 700 Willow Street, Franklin, LA; 5–26–74.

Russel Lee Sall, agriculture; 12227 68th Avenue, Allendale, MI; 6–5–74.

Ryke's Bakery, food store; 1788 Terrace Street, Muskegon, MI; 6–10–74.

St. Michael's Hospital, hospital; Tyndall, SD; 5–23–73 to 5–15–74.

Santa Fe Lamplighter, Inc., restaurant; 2405 Cerrillos Road, Santa Fe, NM; 6–14–74.

Shroat Market, food store; 216 South D Street, Marion, IN; 5–25–74.

Stein Greenfield, Inc., garden centers: 3725 108th Street, Greenfield, WI, 5–31–74; 14845 West Capitol Drive, Milwaukee, WI, 5–31–74; 5400 South Seventh Street, Milwaukee, WI, 6–1–73 to 5–30–74.

Sutton's Food City, food store; 2050 North Topeka, Topeka, KS; 3–19–74.

Sutton's Food Mart, food store; 1313 West 21st Street, Topeka, KS; 5–30–73 to 4–1–74.

Thigpen Hardware Co., hardware store; 107–11 South Harvey Avenue, Picayune, MS; 6–15–74.

Van Solkema Farms, Inc., agriculture; 8513 Marlow Avenue, Byron Center, MI; 5–27–74.

Vann Brothers, agriculture; Trenton, SC; 6–4–74.

Vic's Farm Market, food store; 2429 Monroe Street, La Porte, IN; 5–31–74.

Walt Boe's Super Markets, Inc., food store; 57 North Broadway, Pelican Rapids, MN; 6–9–74.

Whittaker, Inc., food store; 7930 North MacArthur, Oklahoma City, OK; 6–2–74.

Willie's Super Market, food store; 2422 Second Avenue, North, Birmingham, AL; 5–26–74.

Willis Nursery Co., agriculture; Ottawa, KS; 6–14–74.

J.W. Yonce & Sons, agriculture; Johnston, SC; 6–11–74.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Bill Crook's Food Town, food store; Nashville, TN; bagger, stock clerk; 10 to 11 percent; 6–3–74.

Chets Town and Country, food store; Willmar, MN; carry out, stock clerk; 19 to 23 percent; 6–10–74.

Edward & Anthony Pharmacy, food store; 6510 O'Donnell Street, Baltimore, MD; sales-clerk, delivery clerk; 15 to 33 percent; 5–31–74.

Garden Valley Motel, motel; 2860 South Circle Drive, Colorado Springs, CO; general restaurant worker, salesclerk, housekeeper; 5 to 20 percent; 5–29–74.

Jacques Petite of Eastland Mall, restaurant; G–4218 East Court Street, Flint, MI; general restaurant worker; 49 to 77 percent; 5–1–74.

King's Food Host, USA, restaurant; 1505 Lincoln Avenue, Loveland, CO; general restaurant worker; 10 to 25 percent; 5–21–74.

Minyard Food Stores, Inc., food store; 550 East Wheatland, Duncanville, TX; package clerk, salesclerk; 11 to 16 percent; 6–11–74.

Piggy Wiggly, food store; No. 18, Columbus, GA; bagger, carry out, stock clerk, janitorial; 10 to 13 percent; 5–20–74.

Thiesen's Dairy Queen, restaurant; 609 Lafayette, St. Louis, MO; general restaurant worker; 31 to 63 percent; 5–31–74.

Windsor Care Center, nursing home; 2305 Crescent Drive, Cedar Falls, IA; nurse's aide, kitchen helper, housekeeper, office clerk; 6 to 17 percent; 5–30–74.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before September 7, 1973.

Signed at Washington, D.C. this 1st day of August 1973.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.73–16417 Filed 8–7–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 314]

ASSIGNMENT OF HEARINGS

AUGUST 3, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No amendments will be entertained after the date of this publication.

No. 35782, Board of Trade of the City of Chicago-V-Burlington Northern, Inc., Et Al, now assigned hearing October 1, 1973, at Chicago, Ill., is cancelled.

MC–119631 Sub 20, Deloma Trucking Company, now assigned August 29, 1973, at Washington, D.C., is cancelled and transferred to Modified Procedure.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–16385 Filed 8–7–73;8:45 am]

[Ex Parte No. 295]

CLASS I RAILROADS

Increased Freight Rates and Charges, 1973, Nationwide

AUGUST 3, 1973.

It appearing that on June 29, 1973, substantially all of the Class I railroads and numerous other carriers filed schedules of increased rates and charges under authority of section 6 of the Interstate Commerce Act and the Commission's Special Permission Order No. 73–4700, of June 11, 1973, as amended, said tariff schedules having been filed subject to possible investigation and suspension and bearing an effective date of July 29, 1973, postponed by tariff supplement until August 13, 1973, in accordance with price stabilization requirements, as follows:

TARIFF OF INCREASED RATES AND CHARGES, X–295, issued jointly by Western Trunk Line Committee, Agent, its I.C.C. No. A–4885, and other designated agents: Tariff X–295 and Supplements Nos. 1, 2, 3, 4, and 5 thereto:

It further appearing, that by petition and verified statements dated April 20, 1973, as amended May 9, 1973, the above carriers requested the issuance of orders granting relief from outstanding orders entered by the Commission, relief from section 4 of the Act, and all other relief necessary to permit the proposed general increases to become effective, subject to the condition that refund be made in the event that any increases (including interim increases) resulting from the application of the tariff exceeded the increases subsequently approved or prescribed by the Commission.

It further appearing, that interested parties were permitted to file replies to the railroads' petition on or before May 21, 1973, and that protests [1] and requests for suspension of the tariff schedules, as well as replies thereto, were subsequently filed on or before July 17 and July 20, 1973, respectively;

It further appearing, that the proposed increases are not applicable to commodities transported for recycling purposes;

It further appearing, that insofar as increases are hereinafter authorized, pending investigation, said increases will not have a significant adverse effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969;

It further appearing, that rate increases for commodities or services provided by a public utility are exempt from the Cost of Living Council's proposed Phase IV regulations (6 C.F.R. § 150.56; 38 F.R. 19472, July 20, 1973), but that economic stabilization considerations and guidelines have been taken into account herein, and that the increases, to the extent authorized, are in the aggregate cost-justified and do not reflect future inflationary expectations, will not increase rate of return on capital, and are the minimum required to assure continued, adequate and safe service or to provide for necessary expansion to meet future requirements, recognizing in this regard expected and obtainable productivity gains which, however, are not in the aggregate of sufficient magnitude to offset the carriers' demonstrated needs for additional revenues to meet increased operating expenses;

And it further appearing, that the Commission having considered the evidence and arguments of the parties as set forth in verified statements, replies, and protests, there is reason to believe from preliminary review that the schedules as filed would, if permitted to become effective, result in rates and charges which would be unjust and unreasonable and otherwise unlawful under the Interstate Commerce Act, therefore:

It is ordered, That the operation of the following schedules be, and it is hereby, suspended, and that the use thereof in interstate and foreign commerce be deferred to and including March 12, 1974, unless otherwise ordered by the Commission:

TARIFF OF INCREASED RATES AND CHARGES, X–295, issued jointly by Western Trunk Line Committee, Agent, its I.C.C. No. A–4885, and other designated agents: Tariff X–295 and Supplements Nos. 1, 2, 3, 4, and 5 thereto:

It is further ordered, That the carriers which are parties to this proceeding, be, and they are hereby, authorized to establish upon not less than 15 days' notice to the Commission and the public by filing and posting in the manner prescribed in the Interstate Commerce Act, an increase in rates and charges not to exceed 3 percent (except for disposition of fractions) subject to maximums no higher than specified in the suspended tariff of increased rates and charges, X–295, or in connecting link supplements proposed to be made subject to said tariff, X–295, and in no event to produce greater revenue in connection with any rate or charge on any particular commodity or service than proposed in X–295, and subject further to a refund provision the same as set forth in the aforesaid tariff of increased rates and charges, X–295, but providing for six (6) percent interest;

It is further ordered, That the rate increases herein authorized, pending investigation, shall be subject to the following limitations and holddowns:

(1) *Grain and grain products.* As in tariff X–295, grain rate increase tables shall progress in one-half cent increments.

(2) *Meats and packinghouse products.* On meats and packinghouse products, the rates may not be increased prior to September 12, 1973.

(3) *Petrolcum and coal coke.* On petroleum and coal coke and petroleum, coal or coke briquettes, the rate increase shall not exceed the increase on bituminous coal.

(4) *Salt cake.* On salt cake (sodium sulfate), the rate increase on movements to Southern Territory shall not exceed the increase on caustic soda within Southern Territory.

(5) *Fresh and processed fruits and vegetables.* On fresh and processed fruits and vegetables, including dry edible beans, potatoes and onions, the rate increase shall not exceed 6 cents per hundred pounds.

(6) *Walnuts, shelled or unshelled.* The rate increase on walnuts shall not exceed 6 cents per hundred pounds.

(7) *Foodstuffs, canned or preserved.* On foodstuffs, canned or preserved, the rate increase shall not exceed 6 cents per hundred pounds.

It is further ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of all the rates, charges, and regulations which were contained in the suspended schedules, as aforesaid, as well as the schedules herein authorized to be filed, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant, all the said schedules to be subject to refund provision;

It is further ordered, That no oral hearing is contemplated and a report upon investigation will be issued upon the record as made, including for this purpose protests as well as replies and verified statements, except that, the railroads having filed a brief herein on July 20, 1973, other parties should be afforded a similar opportunity and accordingly any party to these proceedings (other than the carriers) may file a brief on or before August 24, 1973. Such filing is not required, and no new evidence shall be included therein;

It is further ordered, That in making effective any increases in rates and charges herein authorized, the carriers parties to this proceeding be, and they are hereby, required to maintain and preserve all existing port relationships (including those involving Great Lakes and Pacific Coast ports) duly established by order of the Commission or recognized customs of the trade, and to observe the prohibitions of the Interstate Commerce Act with regard to unjust discrimination and undue and unreasonable preference and prejudice;

It is further ordered, That copies of any tariff filed hereunder shall be transmitted by first-class mail to all parties at the same time as the official filing at the Commission;

And it is further ordered, That all outstanding orders of the Commission be, and they are hereby, modified to permit the increases authorized herein to become effective.

[1] Including a late-filed protest of the Colorado Meat Dealers Association which has been accepted for filing pursuant to its petition for leave to file and a supplementary protest of the American Meat Institute.

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[Fourth Section Order No. 20434]

It appearing, that carriers parties to the proceeding applied for relief from the provisions of section 4 of the Act necessary to establish the rates and charges originally sought; that the increases in rates and charges authorized herein cannot be published and made effective without producing in some instances rates or charges that yield greater compensation in the aggregate for the transportation of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, or greater compensation as a through rate or charge than the aggregate-of-intermediate rates or charges subject to the Act, in contravention of section 4 thereof; that the increased cost of railroad operation necessitates the increases in rates and charges involved in this proceeding which cannot be made effective without fourth-section relief; that application of the increased charges to or from more distant points will not result in the establishment of rates to or from more distant points that are not reasonably compensatory; that no protestant adequately opposed issuance of the fourth-section relief sought on the ground that it would be adversely affected by the fourth-section departures that may be created by the increased rates; and that a special case has been presented in which the Commission may authorize relief from the provisions of section 4:

It is ordered, That carriers subject to the Interstate Commerce Act and parties to said proceeding be, and they are hereby, authorized to establish and maintain the increased rates and charges described herein without observing the provisions of section 4 of the Act;

It is further ordered, That parties to said proceeding be, and they are hereby, authorized to establish and maintain rates and charges permitted to become effective in this order without observing the long-and-short haul provisions of section 4 of the Act in cases arising out of the failure to apply the full increases in rates and charges over interstate routes between points in a single State, in turn caused by the failure of the State authorities to authorize the full increases permitted in this proceeding;

And it is further ordered, That in those instances in which rates in contravention of section 4 are established under authority contained herein, the schedule containing such rates shall make reference to this order in the manner required by rule 28 of Tariff Circular No. 20.

AMENDMENT TO SPECIAL PERMISSION NO. 73-4700, AS AMENDED, AUTHORIZING CERTAIN DEPARTURES FROM THE COMMISSION'S PUBLISHED TARIFF REGULATIONS

It is ordered, That Special Permission No. 73-4700, as amended, be, and it is hereby, amended to permit the establishment of the increases in freight rates and charges authorized by the Commission in this order, subject to the terms, conditions and limitations provided therein.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16394 Filed 8-7-73;8:45 am]

[No. MC 34778]

COCHRAN TERMINAL AND TRANSPORTATION CO.

Filing of Petition for Modification, Clarification, and Amendment of Certificate

JULY 17, 1973.

Petitioner: COCHRAN TERMINAL AND TRANSPORTATION CO. Bloomfield, N.J. Petitioner's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Petitioner holds a certificate in No. MC-34778 authorizing it to perform service in interstate or foreign commerce, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in New York, N.Y. By the instant petition, petitioner requests that an order be entered (a) to amend its certificate to read: Between points in the New York, N.Y. commercial zone, as described by the Commission in the report in *New York, N.Y., Commercial Zone*, 1 M.C.C. 665, or (2) the Commission issue an appropriate order that the petitioner be empowered and permitted to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y., commercial zone as defined by the Commission.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and fifteen copies of such data, views, or arguments shall be filed with the Commission on or before October 8, 1973. A copy of each representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of The Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16390 Filed 8-7-73;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 3, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issued of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Applicant: McLAUGHLIN DRAYING CO. P.O. Box 1797 Sacramento, Calif. 95808 Applicant's representative: Raymond A. Greene, Jr. 100 Pine Street, Suite 2550 San Francisco, Calif. 94111 Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except as hereinafter provided: Part I: (1) Between all points and places in the San Francisco Territory as described in Part II. (2) Between all points and places on or within 20 miles of the following routes: (a) Interstate Highway 80 between Roseville and San Francisco, inclusive; (b) State Highway 21 between its intersection with Interstate Highway 80 and its intersection with Interstate Highway 680; inclusive; (c) Interstate Highway 680 between its intersection with Interstate Highway 80 and its intersection with State Highway 17, inclusive; (d) State Highway 24 between Oakland and its intersection with Interstate Highway 680, inclusive; (e) Interstate Highway 580 between Oakland and its intersection with Interstate Highway 205, inclusive; (f) Interstate Highway 205 between its intersection with Interstate Highway 580 and U.S. Highway 50, inclusive; (g) U.S. Highway 50 between its intersection with Interstate Highway 205 and Sacramento, inclusive; (h) State Highway 4 between its intersection with Interstate Highway 80 and Stockton, inclusive. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service. Part II: SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. EXCEPT THAT applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A. (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxies; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Cement. (8) Logs. (9) Commodities of unusual or extraordinary value. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16389 Filed 8-7-73;8:45 am]

[Notice 28]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 3, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4 (c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-2245 (Deviation No. 5), THE O. K. TRUCKING COMPANY, 3000 East Crescentville Road, Cincinnati, Ohio 45241, filed July 25, 1973. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Columbus, Ohio, via Interstate Highway 70, to Indianapolis, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Columbus, Ohio, over Interstate Highway 71 to Cincinnati, Ohio, thence over U.S. Highway 50 to Versailles, Ind., thence over U.S. Highway 421 to Indianapolis, Ind., and return over the same routes.

No. MC-30605 (Deviation No. 23), THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Wichita, Kansas 67201, filed July 25, 1973. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highways 66 and 75, 9 miles south and west of Tulsa, Oklahoma, over U.S. Highway 75 to its junction with Indian Nation Turnpike, thence over Indian Nation Turnpike to its junction with U.S. Highway 69, thence over U.S. Highway 69 to its junction with U.S. Highway 75, thence over U.S. Highway 69 and 75 to Dallas, Texas, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Tulsa, Okla., over U.S. Highway 66 to Oklahoma City, Okla., serving all intermediate points, (2) from Oklahoma City, Okla., over U.S. Highway 77 via Norman, Purcell, Pauls Valley, Davis, Springer, and Ardmore, Okla., to Marietta, Okla., serving all intermediate points, (3) from Marietta, Okla., over U.S. Highway 77 (Interstate Highways 35 and 35E) to Dallas, Tex., serving no intermediate points, but serving the junction of U.S. Highways 77 and 377 (Interstate Highways 35 and 35E) for the purpose of joinder only, and (4) from junction U.S. Highway 77 (Interstate Highways 35 and 35E) and U.S. Highway 377 over U.S. Highway 377 to Fort Worth, Tex., serving no intermediate points, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 73-16388 Filed 8-7-73;8:45 am]

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[Notice No. 330]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 28, 1973.

Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74350. By order of August 1, 1973, the Motor Carrier Board approved the transfer to Victor L. Lange, doing business as Lange Truck Lines, Pleasanton, Texas, of the operating rights in Certificate No. MC-26051 and Certificate of Registration No. MC 26051 (Sub-No. 4) issued June 22, 1970 to Boerne Truck Lines, Inc., San Antonio, Texas, authorizing the transportation of general commodities, with exceptions, between Boerne and San Antonio, Tex. and evidencing a right to engage in transportation in interstate commerce as described in Common Carrier Motor Carrier Permanent Certificate of Convenience and Necessity No. 2650 issued by the Railroad Commission of Texas. Wallace H. Nations, 904 Lavaca St., Austin, Texas 78767 Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16393 Filed 8-7-73;8:45 am]

[Notice 61]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 3, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 128868 (Sub-No. 3) (REPUBLICATION) filed December 5, 1972, published in the FR issue of January 26, 1973, and republished this issue.

Applicant: TEXAS CONSTRUCTION SERVICE COMPANY OF AUSTIN, a Corporation, Route No. 2, Box 78-A, Round Rock, TX 78664 Applicant's representative: Joe T. Lanham 1102 Perry-Brooks Building Austin, TX 78701 An Order of the Commission, Operating Rights Board, dated July 11, 1973, and served July 27, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *lime*, in bulk, in tank or hopper type vehicles, (1) from the plant site of McDonough Bros., Inc., at or near San Antonio, Tex., to points in Louisiana, New Mexico, and Oklahoma; (2) from the plant site of United States Gypsum Company at or near New Braunfels, Tex., to points in Louisiana, New Mexico, and Oklahoma; (3) from the plant site of Austin White Lime Company, at or near McNeil, Tex., to points in Oklahoma; (4) from the plant site of Round Rock Lime Company, at or near Blum, Tex., to points in Louisiana, New Mexico, and Oklahoma; and (5) from the plant site of Chemical Lime, Inc., at or near Clifton, Tex., to points in Louisiana, New Mexico, and Oklahoma; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128870 (Sub-No. 2) (REPUBLICATION) filed December 5, 1972, published in the FR issue of January 26, 1973, and republished this issue.

Applicant: NATIONAL MATERIALS CORPORATION P.O. Box 187 New Braunfels, TX 78130 Applicant's representative: Joe T. Lanham 1102 Perry-Brooks Building Austin, TX 78701 An Order of the Commission, Operating Rights Board, dated July 11, 1973, and served July 27, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *lime*, in bulk, in tank or hopper type vehicles, (1) from the plant site of McDonough Bros., Inc., at or near San Antonio, Tex., to points in Louisiana, New Mexico, and Oklahoma; (2) from the plant site of United States Gypsum Company, at or near New Braunfels, Tex., to points in Oklahoma; (3) from the plant site of Austin White Lime Company, at or near McNeil, Tex., to points in Louisiana, New Mexico, and Oklahoma; (4) from the plant site of Round Rock Lime Company, at or near Blum, Tex., to points in Louisiana, New Mexico, and Oklahoma; and (5) from the plant site of Chemical Lime, Inc., at or near Clifton, Tex., to points in Louisiana, New Mexico, and Oklahoma; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136664 (Sub-No. 1) (REPUBLICATION) filed January 29, 1973, published in the FR issue of March 15, 1973, and republished this issue. Applicant: NORTH AMERICA MOVERS OF N. C. INC. 16 Piney Park Road Asheville, N.C. 28806 Applicant's representative: Howard E. Frazier (same address as applicant) An Order of the Commission, Operating Rights Board, dated July 6, 1973, and served July 23, 1973 finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of *telephone equipment, materials, and supplies*, between Asheville, N. C., on the one hand, and, on the other, points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, Polk, Swain, and Transylvania Counties, N.C., under a continuing contract or contracts with Western Electric Company, Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able to properly perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate permit should be issued. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICES OF FILING PETITIONS

No. MC 18259 (Sub-No. 2) (NOTICE OF FILING OF PETITION TO MODIFY PERMIT) filed July 17, 1973. Petitioner: JACKSON DISTRIBUTION CORP. 348 W. Fayette Street Syracuse, N.Y. 13202 Petitioner's representative: Norman M. Pinsky 345 South Warran Street Syracuse N.Y. 13202 Petition presently holds a motor *contract carrier* permit in No. MC-18259 (Sub-No. 2) issued November 25, 1970, authorizing transportation, over irregular routes, of *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment materials, and supplies* used in the conduct of such business, from Syracuse, N.Y., to points in St. Lawrence, Franklin, Steuben, Schulyer, Chemung, Tioga, Broome, Chenango, Delaware, Otsego, Schoharie, Montgomery, Fulton, Herkimer and Schenectady Counties, N.Y., and points in Bradford and Susquehanna Counties, Pa., under a continuing contract or contracts with the following shipper: Sugardale Foods, Inc., Canton, Ohio, Hygrade Food Products Corporation, Detroit, Mich., Geo A. Hormel & Company, Austin, Minn., Armour and Company, Chicago, Ill., Escro Storage & Cartage, Inc., Buffalo, N.Y., Missouri Beef Packers, Inc., Rock Port, Mo., Spencer Packing Co., Spencer, Iowa, Wilson & Company, Syracuse, N.Y., John Morrell & Co., Otumway, Iowa, American Beef Packers, Oakland, Iowa, The Rath Packing Company, Waterloo, Iowa. Dubuque Packing Company, Dubuque, Iowa, South Chicago, Packing Co., Chicago, Ill., The Frank Tea & Spice Co., Cincinnati, Ohio, and Chelsea Milling Co., Chelsea, Mich. By the instant petition, petitioner seeks to: (a) delete The Frank Tea & Spice Co. and Chelsea Milling Co. as contracting shippers, and (b) add Loblaw Stores, Inc. as an additional contracting shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 114115 (Sub-No. 22) (NOTICE OF FILING OF PETITION TO MODIFY A COMMODITY DESCRIPTION) filed July 19, 1973. Petitioner: TRUCKWAY SERVICE, INC. 1099 Oakwood Blvd. Detroit, Mich. 48217 Petitioner's representative: James R. Stiverson 50 West Broad Street Columbus, Ohio 43215 Petitioner presently holds a motor *contract carrier* permit in No. MC-114115 (Sub-No. 22) issued June 22, 1971, authorizing transportation, over irregular routes, of *salt*, from the facilities of the Morton Salt Company, Division of Morton International, Inc., at Milo, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia and the District of Columbia, restricted to a transportation service to be performed under a continuing contract or contracts with Morton Salt Company, Division of Morton International, Inc., of Chicago, Ill. By the instant petition, petitioner seeks to modify its commodity description to include *salt products* in the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 126528 (NOTICE OF FILING OF PETITION TO MODIFY PERMIT BY ADDING AN ADDITIONAL ORIGIN AND SHIPPER) filed July 23, 1973. Petitioner: BULK HAULERS, INC. P.O. Box 407 Airport Road Nashua, N.H. 03060 Petitioner's representative: T. J. O'Laughlin, Jr. (Same address as petitioner) Petitioner presently holds a motor *contract carrier* permit in No. MC 126528 issued May 10, 1965, authorizing transportation, by motor vehicle, over irregular routes, of *pig iron*, in dump vehicles, from the plant site of the United States Steel Corporation located at Nashua, N.H., to points in Connecticut, Maine, Massachusetts, Rhode Island, and Vermont, under a continuing contract with the United States Steel Corporation. By the instant petition, petitioner seeks to: (a) include as a point of origin the "plant site of The Hanna Furnace Corporation", and (b) add The Hanna Furnace Corporation at Nashua, N.H. as an additional contracting shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC-FC-74342. Authority sought by transferee, 160 W. Master St., Inc., 160 W. Master Street, Philadelphia, Pa. 19122, formerly Hilda Pflaumer, 1735 N. 10th St., Philadelphia, Pa. 19122, for purchase of the operating rights of transferor, Trip Transport, Inc., 3301 South Galloway Street, Philadelphia, Pa. 19148. Applicant's representative: James H. Sweeney, 850 Charles St. Gloucester City, N.J. 08030. Operating rights in Certificate No. MC-42087 sought to be transferred: various specified commodities, from, to, or between points in New Jersey, Maryland, Pennsylvania, Delaware, and New York.

The subject application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing at a time and place to be fixed, for the purpose of determining, among other things, whether transferee is the real party in interest and if so, whether it is fit, willing, and able properly to perform operations under the rights sought to be acquired; and whether the application otherwise conforms with the Rules and Regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce (49 C.F.R. 1132). Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses to be presented, and the estimated time required for the presentation of evidence. The Bureau of Enforcement has been directed to participate as a party in the proceeding for the purpose of presenting evidence and otherwise developing the record.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-11945. Authority sought for purchase by G & H TRANSPORTATION, INC., 1501 Chapin Rd., Montebello, CA 90640, of the operating rights of B. W. HODGE TRANSPORTATION, INC., and for acquisition by JERRY GOODWILL, both of Montebello, CA 90640, of control of such rights through the purchase. Applicants' attorney: Donald Murchison, 9454 Wilshire Blvd., Beverly Hills, CA 90212. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-99936 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. Vendee is authorized to operate as a common carrier in California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11946. Authority sought for control by RYDER SYSTEM, INC., 2701 So. Bayshore Drive, Miami, FL 33133 of (1) MERCHANTS DELIVERY CO., and (2) MERCHANTS CONTRACT DELIVERIES, INC., both of 1212 E. 19th St., Kansas City, MO 61408, and for acquisition by JAMES A. RYDER, RALPH B. RYDER, ROLAND N. REEDY, JAR CORPORATION, JAMES A. RYDER CORPORATION, AND RIDR, INC., all of 2701 So. Bayshore Drive, Miami, FL 33133, of control of MERCHANTS DELIVERY CO., AND MERCHANTS CONTRACT DELIVERIES, INC., through the acquisition by RYDER SYSTEM, INC. Applicants' attorney and representative: Francis W. McInerny, Suite 502, Solar Bldg., 1000 16th St., N.W., Washington, DC 20036, and Roderick C. Dickinson, 2701 So. Bayshore Drive, Miami, FL

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33133. Operating rights sought to be controlled: (1) *General commodities*, excepting among others classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in a described area of eastern Nebraska, Kansas, Oklahoma and western Missouri, between points in a described area of eastern Kansas and western Missouri, with restrictions; (2) *general commodities*, excepting among others, dangerous explosives, livestock, household goods and commodities in bulk, as a common carrier over irregular routes, from Kansas City, Mo., to points and places in Leavenworth, Johnson, and Wyandotte Counties, Kans.; *such merchandise as is dealt in by retail department stores*, from points and places in Leavenworth, Johnson, and Wyandotte Counties, Kans., to Kansas City, Mo., between Kansas City, Mo., on the one hand, and, on the other, Kansas City, Kans., and points and places in that part of Kansas within ten miles of Kansas City, Mo., and Kansas City, Kans.; *such merchandise as is dealt in by retail department and mail order stores*, from Kansas City, Mo., to points in a described area of Kansas, from Kansas City, Mo., to points in a described area of Kansas; *such merchandise* as is dealt in by retail department and mail order stores, when being returned to such stores for repair or renovation, or in exchange or part payment for new merchandise, from points in a described area of Kansas to Kansas City, Mo. RYDER SYSTEM, INC., holds no authority from this Commission. However, it is affiliated with (1) COMPLETE AUTO TRANSIT, INC., 18544 W. Eight Mile Rd., Southfield, MI 48075, and (2) M. & G. CONVOY, INC., P. O. Box 104, Buffalo, NY 14210, (1) which is authorized to operate as a *contract carrier* in all of the States in the United States (except Alaska and Hawaii), and (2) which is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11947. Authority sought for purchase by INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville, S.W., Grand Rapids, MI 49502, of the operating rights of J. P. GALVIN, INC., 10 Maxwell Rd., Milton, MA 02186, and for acquisition by FUQUA INDUSTRIES, INC., 3800 First National Bank Tower, Atlanta, GA 30303, of control of such rights through the purchase Applicants' attorneys: Leonard D. Verdier, Jr., 900 Old Kent Bldg., Grand Rapids, MI 49502, and Harold G. Danner, 10 Industrial Park Road, Hingham, MA 02043. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-120454 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, Pennsylvania, Minnesota, Wisconsin, Iowa, Missouri, Illinois, Michigan, Kentucky, West Virginia, Maryland, New York, New Jersey, Massachusetts, Colorado, Nebraska, Wyoming, Kansas, Delaware, Connecticut, North Dakota, South Dakota, Arkansas, Oklahoma, Texas, Tennessee, Louisiana, Maine, New Hampshire, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: MC-35628 (Sub-No. 351), is a matter directly related.

NOTICE

GEORGIA-PACIFIC CORPORATION, 900 S.W. Fifth Avenue, Portland, Oregon 97204, represented by Messers. McNair, Konduros, Corley, Singletary and Dibble, Box J-1965, Jefferson Square, Columbia, South Carolina 29201, hereby give notice that on the 13th day of July, 1973, it filed with the Interstate Commerce Commission at Washington, D.C., an application under the provisions of Section 5(2) of the Interstate Commerce Act for authority and approval to acquire all of the stock of California Western Railroad which operates approximately 40 miles of lines extending from Willits to Fort Bragg all of which is in the State of California. This application has been assigned Finance Docket No. 27442. In the opinion of the applicant, no significant affect on the quality of the human environment will result from the acquisition of said railroad. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act, 1969*, 304 I.C.C. 431 (1972), any protest may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), Supra Part (b)(1)-(5), 340 I.C.C. 431, 461. The proceeding will be handled without holding public hearings unless protests are received which contain information indicating a need for such hearings. Any protest submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

GEORGIA-PACIFIC CORPORATION

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.73-16391 Filed 8-7-73;8:45 am]

[Notice 104]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 2, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application for temporary authority under section 210a (a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commision, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 293 TA) filed July 19, 1973 Applicant: YOUNGER BROTHERS, INC. P.O. Box 14048 (4904 Griggs Road) Houston, Tex. 77021 Applicant's representative: Wray E. Hughes (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Silicon tetrachloride*, in bulk, in tank vehicles, from points in Maricopa County, Ariz., to Sistersville, W. Va., for 180 days. SUPPORTING SHIPPER: Motorola Inc., P.O. Box 20921, Phoenix, Ariz. 85036. SEND PROTESTS TO: John F. Mensing, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 8610 Federal Bldg., 515 Rusk Avenue, Houston, Tex. 77002.

No. MC 3252 (Sub-No. 86 TA) filed July 13, 1973 Applicant: MERRILL TRANSPORT CO. 1037 Forest Avenue Portland, Maine 04103 Applicant's representative: Francis E. Barrett, Jr. 10 Industrial Park Road Hingham, Mass. 02043 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel* requiring specialized equipment or handling, from Bennington, Vt., to Windsor, Conn., for 180 days. SUPPORTING SHIPPER: Bennington Iron Works, Inc., Harmon Road, Box 798, Bennington, Vt. 05201. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 307, 76 Pearl Street, P.O. Box 167 PSS, Portland, Maine 04112.

No. MC 7921 (Sub-No. 1 TA) filed July 23, 1973 Applicant: HARRY MEEKER OVERBAUGH 119 Grandview Avenue Catskill, N.Y. 12414 Applicant's representative: Alfred C. Purello 451 State St. Albany, N.Y. 12203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Live wild animals* which are usually found in zoos, circuses and other exhibitions, including rare birds, semi-domesticated animals, fish and reptiles, between the town of Catskill, N.Y., on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii), Alaska, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), Hawaii, restricted to the handling of traffic originating at or destined to out of state points, for 180 days. SUPPORTING SHIPPERS: Catskill Game Farm, Catskill, N.Y. 12414; San Diego Zoological Garden, San Diego, Calif. 92112; Cheyenne Mt. Zoological Park, Colorado Springs, Colo. 80901; Busch Gardens, Tampa, Fla. 33612; Hogle Zoological Garden, Salt Lake City, Utah 84110; and Baltimore Zoo, Baltimore, Md. 21217. SEND PROTESTS TO: Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 26396 (Sub-No. 84 TA) filed July 17, 1973 Applicant: POPELKA TRUCKING CO. doing business as THE WAGGONERS P.O. Box 990 201 W. Park Livingston, Mont. 59047 Applicant's representative: Dave Kemp (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems, pipes, pumps, sprinkler systems and accessories*, from Carthage, Mo. and York, Nebr., to points in Montana, for 180 days. SUPPORTING SHIPPER: D & L Irrigation, Hoffman Route, Livingston, Mont. 59047. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. 64932 (Sub-No. 518 TA) filed July 13, 1973 Applicant: ROGERS CARTAGE COMPANY, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453 Applicant's representative: William F. Farrell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *Liquid chemicals*, in bulk, from South Bend, Ind., to points in Ohio, Illinois, Michigan and Wisconsin and (B) *Acid waste*, in bulk, from Clinton, Ind., to Toledo, Ohio, for 90 days. SUPPORTING SHIPPER: Mr. R. J. Persyn, Traffic Manager, Inland Chemical Corporation, 1810 Magnavox Way, Fort Wayne, Ind. 46804. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Building, 219 So. Dearborn, Rm. 1086, Chicago, Ill. 60604.

No. MC 106127 (Sub-No. 9 TA) filed July 19, 1973 Applicant: PETROLEUM TANK LINES, INC. Mlg: Box 570 Office Route 7 Great Barrington, Mass. 01257 Applicant's representative: David M. Marshall 135 State Street Springfield, Mass. 01103 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from Sheffield, Mass., to Albany and New York, N.Y. and the Commercial Zone of the City of New York and Hartford, Conn.; (2) from Great Barrington, Mass., to Providence, R.I.; Portland, Maine; Bennington, Vt.; New York, N.Y. and the Commercial Zone of the City of New York; and (3) from New Marlboro, Mass., to Bennington, Vt.; Waterbury and Torrington, Conn.; Albany, Lake George and New York, N.Y. and the Commercial Zone of the City of New York and New Freedom, Pa., for 180 days. SUPPORTING SHIPPERS: Berkshire Engineering Corporation, P.O. Box 537, Great Barrington, Mass. 01230; Kor-Van-Co, Inc., Route 7, Sheffield, Mass. 01257; and Berkshire Millwork Corporation, Sheffield Road (Route 7), Great Barrington, Mass. 01230. SEND PROTESTS TO: District Supervisor Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, 338 Federal Building & U.S. Courthouse, 436 Dwight Street, Springfield, Mass. 01103.

No. MC 106278 (Sub-No. 33 TA) filed July 13, 1973. Applicant: E. B. LAW AND SON, INC., P.O. Box 1381, 300 So. Archuleta Rd., Las Cruces, N. Mex. 88001. Applicant's representative: Donald T. Law, P.O. Drawer 1360, Las Cruces, N. Mex. 88001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, from points in New Mexico, to points in Arizona, for 180 days. SUPPORTING SHIPPERS: Ranchers Exploration and Development Corp., Post Office Box 880, Miami, Ariz. 85539, and Inspiration Consolidated Copper Company, Inspiration, Ariz. 85537. SEND PROTESTS TO: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Building, 517 Gold Ave., SW, Albuquerque, N. Mex. 87101.

No. MC 107012 (Sub-No. 183 TA) filed July 17, 1973. Applicant: NORTH AMERICAN VAN LINES, P.O. Box 988, Lincoln Highway, East & Meyer Road, Ft. Wayne, Ind. Applicant's representative: Michael Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and carpet padding*, from Glasgow, Va., to Minneapolis, Minn., for 180 days. SUPPORTING SHIPPER: Prestige Carpet Company, 2611 East Franklin Ave., Minneapolis, Minn. SEND PROTESTS TO: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne St., Ft. Wayne, Ind. 46802.

No. MC 107295 (Sub-No. 652 TA) filed July 16, 1973 Applicant: PRE-FAB TRANSIT CO. 100 South Main Street P.O. Box 146 Farmer City, Ill. 61842 Applicant's representative: Dale L. Cox (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel*, from points in Lauderdale County, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee and Virginia, for 180 days. SUPPORTING SHIPPER: Roger C. Henderson, President, Henderson Steel Corporation, P.O. Box 3368, Meridian, Miss. 39301. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Bureau of Operations Interstate Commerce Commission, Leland Office Bldg., 527 East Capitol Ave. Room 414, Springfield, Ill. 62701.

No. MC 107882 (Sub-No. 31 TA) filed July 13, 1973 Applicant: ARMORED MOTOR SERVICE CORPORATION 160 Ewingville Road Trenton, N.J. 08638 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bonds*, between any point in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: General Services Administration, Contracts and Negotiations Branch, Federal Supply Service, Bldg. 4 Crystal Mall, Washington, D.C. 20406. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 114301 (Sub-No. 78 TA) (CORRECTION) filed June 14, 1973, published in the FEDERAL REGISTER issue of June 28, 1973, and republished as corrected this issue. Applicant: DELAWARE EXPRESS CO. a Corporation P.O. Box 97 Elkton, Md. 21921 Applicant's representative: Chester A. Zyblut 1522 K St., N.W. Washington, D.C. 20005 Note: The purpose of this partial republication is to show that the applicant now wants Maine as the destination states in lieu of Maryland, which was published in error. The rest of the application remains the same.

No. MC 114457 (Sub-No. 156 TA) filed July 20, 1973 Applicant: DART TRANSIT COMPANY 780 North Prior Avenue St. Paul, Minn. 55104 Applicant's representative: Michael P. Zell (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters; boilers, householeating; hot water storage tanks; and garbage disposals;* (restricted against the transportation of commodities which because of size or weight, require the use of special equipment), from Kankakee, Ill., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin and Wyoming, for 180 days. SUPPORTING SHIPPER: A. O. Smith Corporation, P.O. Box 584, Milwaukee, Wis. 53201. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg., 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 114632 (Sub-No. 59 TA) filed July 24, 1973 Applicant: APPLE LINES, INC. P.O. Box 507 225 S. Van Epps Madison, S. Dak. 57042 Applicant's representative: Val M. Higgins 1000 First National Bank Bldg. Minneapolis, Minn. 55402 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat*

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products, meat by-products, dairy products and articles distributed by packing houses, from Wagner, S. Dak., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma and Wisconsin; and (2) *meat products and meat by-products*, from points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma and Wisconsin, to Wagner, S. Dak., for 180 days. SUPPORTING SHIPPER: Yankton Sioux Industries, Samuel Rubenstein, General Traffic Manager, 301 North Fifth Street, Minneapolis, Minn. 55403. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Buiding, Pierre, S. Dak. 57501.

No. MC 115904 (Sub-No. 31 TA) filed July 17, 1973 Applicant: LOUIS GROVER 1710 W. Broadway Idaho Falls, Idaho 83401 Applicant's representative: Irene Warr 430 Judge Building Salt Lake City, Utah 84111 Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Gypsum products* (except in bulk), from Sigurd, Utah, to points in Colorado, for 180 days. Note: Applicant does not intend to tack authority or to interline with any other carrier. SUPPORTING SHIPPER: United States Gypsum Co., 525 South Virgil Ave., Los Angeles, Calif. 90020. SEND PROTESTS TO: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC–115955 (Sub-No. 25 TA) filed July 20, 1973 Applicant: SCARI'S DELIVERY SERVICE, INC. Arnold Ave., & Skeets Rd., and P.O. Box 2627 Wilmington, Del. 19805 Applicant's representative: Francis P. Desmond 115 E. 5th St. Chester, Pa. 19103 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, in shipments having a prior or subsequent movement via Railroad Trailer on flat car service, between Alexandria, Va., on the one hand, and, on the other, points in Cecil, Harford and Baltimore Counties, Md., and points in Delaware, for 180 days. SUPPORTING SHIPPER: Piggy Back Shippers Assn., of Florida, Inc. P.O. Box 1390 Hialeah, Fla. 33011. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC-116063 (Sub-No. 129 TA) filed July 20, 1973. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC. 2929 W. 5th Street, P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, stains, and varnishes*, in bulk, in tank vehicles, from Garland, Tex., to points in Nebraska, for 180 days. SUPPORTING SHIPPER: K. W. Karpy, Traffic Coordinator, The Sherwin-Williams Company, 101 Prospect Avenue, N.W., Cleveland, Ohio 44115. SEND PROTESTS TO: H. C. Morrison, Sr. District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building 819 Taylor Street Fort Worth, Tex. 76102.

No. MC–119702 (Sub-No. 39 TA) filed July 16, 1973 Applicant: STAHLY CARTAGE CO. P.O. Box 486 130A Hillsboro, Edwardsville, Ill. 62025 Applicant's representative: Robert D. Higgins (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed and feed supplements*, in bulk, in tank vehicles, from the plant site of Land O'Lakes, Inc., at or near Dubuque, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. SUPPORTING SHIPPER: John C. Wyman, Transportation Manager, Land O'Lakes, Inc. 2827–8th Avenue So., Fort Dodge, Iowa 50501. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Leland Office Building, 527 Capitol Avenue Room 414 Springfield, Ill. 62701.

No. MC 121698 (Sub-No. 13 TA) filed July 20, 1973 Applicant: MICHAUD TRUCKING, INCORPORATED 133 Birch Street Kingsford, Mich. 49801 Applicant's representative: Earl Michaud (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, namely beer, malt, and ale; and related advertisement materials, with empty containers on return*, from Columbus, Ohio, to points in Houghton County, Mich., for 180 days. SUPPORTING SHIPPER: Peterlin Brothers, Inc., Calumet, Mich. 49913. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 126672 (Sub-No. 2 TA) filed July 16, 1973 Applicant: SICOTTE TRANSPORTS LTD. 11175 Parkway Boulevard, Montreal, Quebec, Canada. Applicant's representative: J. P. Vermette, 250 Napoleon-Provost Repentigny, Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk in tank vehicles and in bags, from the Ports of Entry on the International Boundary Line between the United States and in Canada located at or near Derby Linem Vt., Highgate Springs, Vt., Champlain, N.Y., Trout River, N.Y., Rooseveltown, N.Y., Ogdenburg, N.Y., Alexandria Bay, N.Y., Niagara Falls, N.Y., and Jackman, Me., to points in New Hampshire, Vermont, New York and Maine. Restricted to traffic in foreign commerce originating in Province of Quebec for the account of Wyandotte Cement Inc., for 180 days. SUPPORTING SHIPPERS: Wyandotte Cement Inc., P.O. Box 794, Plattsburgh, New York 12901. SEND PROTEST TO: District Supervisor Norman T. Fowlkes, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, Vermont 95602.

No. MC 127818 (Sub-No. 2 TA) filed July 17, 1973 Applicant: FREEDMAN CONTRACT HAULING CORP. 736 West Clinton Street Ithaca, N.Y. 14850 Applicant's representative: Norman M. Pinsky, 345 So. Warren Street Syracuse, N.Y. 13202 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap* and *waste products and materials* under continuing contracts with Wallace Steel Corp. of Ithaca, N.Y. (2) *iron and steel articles* under continuing contracts with Triangle Steel Corporation, Ithaca, N.Y., between Ithaca, N.Y. on the one hand, and, on the other, points in New York, Pa., Mass., Conn., R.I., New Hampshire, Vermont, New Jersey, Maryland, Delaware, D.C., Va., North Carolina, W. Va., Indiana, Ohio, Michigan and Maine, for 180 days. SUPPORTING SHIPPERS: Triangle Steel Corp., 726 W. Clinton Street, Ithaca, N.Y. 14850, Wallace Steel Corp., 726 W. Clinton Street, Ithaca, N.Y. 14850. SEND PROTESTS TO: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 104, 301 Erie Blvd., West Syracuse, N.Y. 13202.

No. MC 129410 (Sub-No. 3 TA) filed July 23, 1973 Applicant: ROBERT BONCOSKY, INC. 4811 Tile Line Road Crystal Lake, Ill. 60014 Applicant's representative: Irving Stillerman 29 South LaSalle Street Chicago, Ill. 60603 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk) in shipper owned trailers, from the plant and warehouse facilities of Dean Foods Company at or near Janesville, Wis., to the plant and warehouse facilities of Dean Foods Company at or near Rochester, Ind., for 180 days. SUPPORTING SHIPPER: Mr. John B. Pettigrew, Fleet Manager, Dean Foods Company, 3600 River Road, Franklin, Park, Ill. 60131. SEND PROTESTS TO: District Supervisor William J. Gray, Jr., Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 129516 (Sub-No. 19 TA) filed July 17, 1973 Applicant: PATTONS, INC. 2300 Canyon Road Ellensburg, Wash. 98926 Applicant's representative: James T. Johnson 1610 IBM Building Seattle, Wash. 98101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or bottled fruit juices* and *fruit drinks*, from Fullerton, Calif., to points of entry on the U.S.-Canada International Boundary line in Idaho, Montana and North Dakota, restricted to shipments moving to or from points in Alberta, Saskatchewan and Manitoba, Canada, for 180 days. SUPPORTING SHIPPER: Scott National Company Limited, Procurement Manager, P.O. Box 4340, Station C, Calgary, Alberta, Canada. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S. W. Pine St., Portland, Oreg. 97204.

No. MC 134142 (Sub-No. 3 TA) filed July 23, 1973 Applicant: BROWN REFRIGERATED EXPRESS, INC. P.O. Box 603 Ft. Scott, Kans. 66701 Applicant's representative: Daniel B. Johnson Perpetual Building Washington, D.C. 20004 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail grocery stores in vehicles equipped with mechanical refrigeration (except foodstuffs and commodities in bulk) when being transported at the same time and in the same vehicle with dairy products, (1) From Tulsa, Okla., to Tempe, Ariz.; National City, Santa Fe Springs, Richmond and Sacramento, Calif.; Clackamas, Oreg.; Bellevue and Spokane, Wash.; Butte, Mont.; Denver, Colo.; and Salt Lake City, Utah. (2) From Tulsa, Okla., to Carthage, Mo. with and without dairy products and with and without agricultural commodities, the transportation of which is not otherwise subject to economic regulation. (3) From Carthage, Mo., to the destination points in (1) above. Restricted to a service to be performed under a continuing contract with Safeway Stores, Incorporated, Oakland, Calif. SUPPORTING SHIPPER: Safeway Stores, Incorporated, 5725 East 14th St., Oakland, Calif. 94660. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 134323 (Sub-No. 55 TA) filed July 24, 1973 Applicant: JAY LINES, INC. 720 No. Grand Street Mlg: P.O. Box 4146 (Box zip 79105) Amarillo, Tex. 79107 Applicant's representative: Gailyn L. Larsen P.O. Box 81849 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Kingsville, Ohio, to Effingham, Ill. and Edison, N.J., for 180 days. SUPPORTING SHIPPER: Robert C. McArthur, General Traffic Manager, Fedders Corporation, Edison, N.J. 08817. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134477 (Sub-No. 34 TA) filed July 16, 1973. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas Fischbach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing-houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Connecticut, Iowa, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, Missouri, New York, Ohio, Pennsylvania, Rhode Island, Texas and Wisconsin, restricted to traffic originating at the above origins, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Bldg., Amarillo, Tex. 79101. SEND PROTESTS TO: District Supervisor A. N. Spath, Bureau of Operations, Interstate Commerce Commission, 448 Federal Bldg., 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 135660 (Sub-No. 7 TA) filed July 20, 1973. Applicant: BROWNSBERGER ENTERPRISES, INC., R.F.D. #1, Box 243, Butler, Mo. 64730. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, plastic molding, valves, fittings, compounds, joint sealers, bonding cement, thinner, vinyl and accessories* used in the installation of such products, from Linn Creek, Mo., to points in California, Oregon, Arizona and Washington, for 180 days. SUPPORTING SHIPPER: Central Missouri Pipe Company, P.O. Box 75, Linn Creek, Mo. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 136987 (Sub-No. 6 TA) filed July 13, 1973 Applicant: REMINGTON FREIGHT LINES INC. 604 N. Main Street Remington, Ind. 47977 Applicant's representative: Floyd Legler (same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds; pot scourers*, steel or plastic with or without soap; and *steel wool*, from London, Ohio, to Bristol, Pa.; Salem, Va.; St. Louis, Mo.; Chicago, Ill. Commercial Zone; New York, N.Y. Commercial Zone; and Boston, Mass. Commercial Zone, for 180 days. SUPPORTING SHIPPER: Purex Corporation, Ltd. 6901 McKissock Avenue, St. Louis, Mo. 63147. SEND PROTESTS TO: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne, Fort Wayne, Ind. 46802.

No. MC 138789 (Sub-No. 1 TA), filed July 23, 1973. Applicant: U & R EXPRESS, INC., P.O. Box 2369, White City, Oreg. 97501. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from Osburn, Idaho, to Missoula, Mont., for 180 days. SUPPORTING SHIPPER: Evans Products Company, 1121 S.W. Salmon St., Portland, Oreg. 97205. SEND PROTESTS TO: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine St., Portland, Oreg. 97204.

No. MC 138895 (Sub-No. 1 TA) filed July 17, 1973 Applicant: ROBERT NEUBAUER Rural Route 2 Chadwick, Ill. 61014 Applicant's representative: Robert T. Lawley 300 Reisch Building, 4 West Old State Capitol Plaza Springfield, Ill. 62701 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds*, from Rock Falls, Ill., to points in Cedar, Clinton, Dubuque, Jackson, Jones, Linn, Muscatine and Scott Counties, Iowa, for the account of DeKalb Feeds, Inc., for 180 days. SUPPORTING SHIPPER: Mr. Bernard J. Heimann, Plant Manager, DeKalb Feeds, Inc., P.O. Box 11, Rock Falls, Ill. 61071. SEND PROTESTS TO: Richard O. Chandler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 138901 (Sub-No. 1 TA) filed July 23, 1973 Applicant: LARRY McSWEENEY Solida Road South Point, Ohio 45680 Applicant's representative: John M. Friedman 2930 Putnam Ave. Hurricane, W. Va. 25526 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and nonferrous pipe and/or conduit*, from the facilities of Jones & Laughlin Steel Corp., Cincinnati, Ohio, to Leach, Ky.; Huntington, W. Va. and points in the Huntington, W. Va. terminal area; Charleston, W. Va. and points in the Charleston, W. Va. commercial zone as defined by the Commission, and Alloy, W. Va., for 180 days. SUPPORTING SHIPPER: Jones & Laughlin Steel Corp., Cincinnati, Ohio, Att.: Roger W. Phillips, Sales Manager, 11501 Reading Road, Cincinnati, Ohio 45241. SEND PROTESTS TO: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

Motor Carriers of Passengers

No. MC 115300 (Sub-No. 1 TA) filed July 17, 1973. Applicant: CHARLES SIMMONS, SR. doing business as HILTON HEAD TRUCK LINE P.O. Box 1026 Hilton Head Island, S.C. 29928 Applicant's representative: J. Thomas Mikell P.O. Box 1107 Beaufort, S.C. 29902 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, baggage and express freight* in packages not to exceed 150 pounds each in weight and charter service between Savannah, Ga.; Levy, S.C.; Hardeeville, S.C.; Bluffton, S.C.; Pritchardville, S.C. and Hilton Head Island, S.C., for 180

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days. SUPPORTING SHIPPERS: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main St., Columbia, S.C. 29201.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16386 Filed 8-7-73;8:45 am]

[Notice 105]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 3, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 C.F.R. 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4963 (Sub-No. 42 TA) filed July 23, 1973 Applicant: ALLEGHANY CORPORATION doing business as JONES MOTOR Bridge St. & Schuylkill Rd. Spring City, Pa. 19475 Applicant's representative: Roland Rice Suite 618, Perpetual Bldg. Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets*, wooden, *parts* thereof and *counter tops*, with or without vinyl covering or plastic, and *sinks*, set up or knock down, from Fenwick, Moorefield and Paw Paw, W. Va. and Berryville, Orange and Winchester, Va., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts, New York, New Jersey, Delaware, Pennsylvania, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Iowa, Michigan, Ohio and Missouri, for 180 days. SUPPORTING SHIPPER: Boise Cascade Corporation, P.O. Box 7747, Boise, Idaho 83707. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 60189 (Sub-No. 1 TA) filed July 23, 1973 Applicant: CHAMBERS MOVING & STORAGE CO. 301 South 4th Avenue Phoenix, Ariz. 85004 Applicant's representative: E. P. (Jack) Breedlove (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Interstate Commerce Commission, between points in Arizona and points in Kern, Los Angeles, Orange, Riverside, San Diego, San Bernardino, San Luis Obispo, Santa Barbara, Ventura, and Imperial Counties, Calif., for 180 days. SUPPORTING SHIPPERS: (1) Ramada Inns, Inc., Phoenix, Ariz. and (2) Holly Development Company, Scottsdale, Ariz. SEND PROTESTS TO: District Supervisor Baylor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 94578 (Sub-No. 2 TA) filed July 25, 1973 Applicant: CHARLES J. METTLER AND ROSEMARY J. METTLER, doing business as METTLER TRUCKING 4110 Milton Ave. East Tacoma, Wash. 98424 Applicant's representative: William H. Grady 1215 Norton Building Seattle, Wash. 98104 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors and door cores*, from Lacey, Wash., to Portland, Beaverton and Medford, Oreg. and Sacramento, Calif. and (2) *particle board*, from Medford, Oreg., to Lacey, Wash., for 180 days. SUPPORTING SHIPPER: Nu-Dor, Inc., P.O. Box 3532, Lacey, Wash. 98503. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC 95376 (Sub-No. 7 TA) filed July 23, 1973 Applicant: MCVEY TRUCKING, INC. R.R. #1 Oakwood, Ill. 61858 Applicant's representative: Mr. Clyde Meachum 41 ON the Mall Danville, Ill. 61832 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expeller chips and unground blood meal* (commonly referred to as "meal scraps"), the authority requested would not involve the use of tank vehicles, from Anderson, Ind., to Danville, Ill., for 180 days. SUPPORTING SHIPPERS: Mr. Wil. Lavery, General Manager, Shur-Gain Feed Division of Wiliam Davies, Co., Inc., 628 East Fairchild Street, Danville, Ill. 61832. SEND PROTESTS TO: District Supervisor R. G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg. 219 S. Dearborn St., Room 1086, Chicago, Illinois 60604.

No. MC 109637 (Sub-No. 392 TA) filed July 23, 1973 Applicant: SOUTHERN TANK LINES, INC. 10 West Baltimore Avenue Lansdowne, Pa. 19050 Applicant's representative: John Nelson (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *#2 Fuel Oil*, in bulk, in tank vehicles, (1) from Frankfort, Ky., to Lawrenceburg, Ind.; Schenley, Pa.; and Tullahoma, Tenn.; (2) from Chattanooga, Tenn., to Frankfort, Ky.; Lawrenceburg, Ind.; Schenley, Pa.; and Louisville, Ky.; (3) Tullahoma, Tenn., to Lawrenceburg, Ind.; Schenley, Pa.; Frankfort, Ky.; and Louisville Ky.; (4) from Lawrenceburg, Ind., to Frankfort, Ky.; Tullahoma, Tenn.; Schenely, Pa.; and Louisville Ky.; and (5) from Hooven, Ohio, to Schenley, Pa., for 180 days. SUPPORTING SHIPPER: Schenley Distillers, Inc., 36 East Fourth Street, Cincinnati, Ohio 45202. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, William J. Green, Jr. Federal Bldg., 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 111812 (Sub-No. 497 TA) filed July 25, 1973 Applicant: MIDWEST COAST TRANSPORT, INC. 900 W. Delaware P.O. Box 1233 Sioux Falls, S. Dak. 57101 Applicant's representative: Ralph H. Jinks (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and distilled mineral spirits*, from Hammondsport, N.Y., to Rapid City, S. Dak., for 180 days. SUPPORTING SHIPPER: Western Wholesale Liquor, P.O. Box 1271, 401 Seventh Street, Rapid City, S. Dak. 57701, W. E. Bettels, Executive Vice President. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 112893 (Sub-No. 48 TA) filed July 25, 1973 Applicant: BULK TRANSPORT COMPANY Mlg: P.O. Box 186 Pleasant Prairie, Wis. 53158 and Off: I-94 & Century Highway C Bristol, Wis. 53104 Applicant's representative: Fred H. Figge (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Green Bay, Madison, Milwaukee and Two Rivers, Wis., to Walcott, Iowa, for 180 days. SUPPORTING SHIPPER: Oak Creek Service, Inc., 9600 20th Street, Oak Creek, Wis. 53154 (C. F. Newburg, President). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 113974 (Sub-No. 48 TA) filed July 23, 1973 Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO. 211 Washington Avenue Dravosburg, Pa. 15034 Applicant's representative: F. R. Hiller (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel roof deck, flooring, bridge deck and accessories*, from Carnegie, Pa., to points in Michigan, North of I-94, for 180 days. SUPPORTING SHIPPER: Reeves Bowman, Division of Cyclops Corp., 137 Iron Avenue, Dover, Ohio 44622. SEND PROTESTS TO: District Supervisor John J. England, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 114121 (Sub-No. 2 TA) filed July 25, 1973 Applicant: SUPERIOR CARTAGE OF WASHINGTON, INC. 150 South Horton Street Seattle, Wash. 98134 Applicant's representative: Earnest D. Salm 8179 Havasu Circle Buena Park, Calif. 90621 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in freight forwarder service, which have had an immediate prior transportation service in interstate commerce by Superior Fast Freight, (1) from Seattle to Everett, Wash., over Interstate Highway 5, with service at all intermediate points, and at off-route points located within the Seattle and Everett Commercial Zones, and those located within 5 miles of Interstate Highway 5; (2) between Seattle and Tacoma, Wash. over Interstate Highway 5, with service at all intermediate points, and at all off-route points located within the Seattle and Tacoma Commercial Zones and those located within 5 miles of Interstate Highway 5, for 180 days. RESTRICTION: Restricted against service between points located south of the Seattle Commercial Zone, on the one hand, and, on the other, points located north of the Seattle Commercial Zone. SUPPORTING SHIPPER: Superior Fast Freight, 611 North Mission Road, Los Angeles, Calif. 90033. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash.

No. MC 119774 (Sub-No. 70 TA) filed July 23, 1973 Applicant: EAGLE TRUCKING COMPANY P.O. Box 471 301 East Main Street Kilgore, Tex. 75662 Applicant's representative: Bernard H. English 6270 Firth Road Fort Worth, Tex. 76116 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe fittings, pipe connections, and pipe couplings*, (other than those commodities as described in *Mercer Extension—Oil Field Commodities* 74 MCC 459), from Lone Star, Tex., to points in Indiana, Kentucky, Michigan, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. RESTRICTION: Restricted to traffic originating at Lone Star, Tex. and further restricted to traffic destined to the named states. SUPPORTING SHIPPER: Lone Star Steel Company, P.O. Box 35088, Dallas, Tex. 75235. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 119774 (Sub-No. 71 TA) filed July 24, 1973 Applicant: EAGLE TRUCKING COMPANY P.O. Box 471 301 E. Main Street Kilgore, Tex. 75662 Applicant's representative: Bernard H. English 6270 Firth Road Fort Worth, Tex. 76116 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum wire and cable products*, from Alcoa Conductor Products Company, Division of Aluminum Company of America plantsite at Scottsville, Tex., to points in Florida, for 180 days. RESTRICTION: Restricted to traffic originating at the plantsite and storage facilities of Alcoa Conductor Products at Scottsville, Tex. SUPPORTING SHIPPER: Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, Pa. 15219. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 120325 (Sub-No. 2 TA) filed July 25, 1973 Applicant: FRAMES, MORRISON & RYAN, INC. 1233 Wright's Lane West Chester, Pa. 19380 Applicant's representative: Francis P. Desmond 115 E. 5th St. Chester, Pa. 19013 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities in bulk, explosives A and B and items requiring special equipment), between Uwchlan Township, Chester County, Pa., on the one hand, and, on the other, Philadelphia, Pa., for 180 days. SUPPORTING SHIPPER: National Foam System, Inc., 150 Gordon Drive, Lionville, Pa. 19353. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 124221 (Sub-No. 40 TA) filed July 17, 1973 Applicant: HOWARD BAER P.O. Box 27, Rt. 98W. Morton, Ill. 61550 Applicant's representative: Robert W. Loser, Attorney 1009 Chamber of Commerce Bldg. Indianapolis, Ind. 46204 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and imitation dairy products (Melerin), in vehicles equipped with mechanical refrigeration; (2) *cottage cheese, yogurt, ice cream, ice cream products, sherbets, water ices, and water ice products*, in containers, in vehicles equipped with mechanical refrigeration, from the plant site and storage facilities of The Kroger Co., at Indianapolis, Ind., to points in Georgia (except points in Atlanta, Georgia and its Commerical Zone); and (3) *refused, rejected and outdated merchandise*, from points in Georgia to the original shipping plant and storage facilities at Indianapolis, Ind. RESTRICTIONS: Operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with The Kroger Co., Cincinnati, Ohio. Also restricted to shipments originating at the plant site and storage facilities of The Kroger Co., at Indianapolis, Indiana, and destined to stores of The Kroger Co., Super-X Drug Stores, a wholly-owned subsidiary of The Kroger Co., and storage facilities in the state of Georgia; or, from the sites of The Kroger Co. stores, Super-X Drug Stores, and storage facilities in Georgia destined to The Kroger Co., plant and storage facilities at Indianapolis, Indiana. Note: The purpose of this application is to enable the applicant to give a complete service from the site and storage facilities of The Kroger Co. at Indianapolis, Indiana to points in the state of Georgia, in addition to those in Atlanta, Georgia and its Commercial Zone, which is a part of applicant's authority under docket number MC-124221 (Sub-No. 35). The return portion of this application is to insure The Kroger Co. the return of not only empty shipping containers and devices, but in addition thereto, refused, rejected, and outdated merchandise, for 180 days. SUPPORTING SHIPPERS: Albert E. Rauch, Traffic Manager, Kroger Brands Division, The Kroger Company, 1240 State Avenue, Cincinnati, Ohio 45204. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 125518 (Sub-No. 3 TA) filed July 5, 1973 Applicant: CLETUS RUHLMAN doing business as RUHLMAN TRUCKING COMPANY 265 South Riverside Drive New Miami, Ohio 45011 Applicant's representative: Norbert B. Flick Executive Building Cincinnati, Ohio 45202 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, other than construction or road building, in bulk, in dump trucks, from Middletown and Hamilton, Ohio, to Dunkirk, Gas City, Marion and Winchester, Ind., for 180 days. SUPPORTING SHIPPER: The Calumite Company, P.O. Box 157, Lower Ferry Road, Trenton, N.J. 08628. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Bldg., 550 Main Street, Cincinnati, Ohio 45202.

No. MC 127042 (Sub-No. 121 TA) filed July 18, 1973 Applicant: HAGEN, INC. 4120 Floyd Blvd. P.O. Box 98 Leeds Station Sioux City, Iowa 51108 Applicant's representative: Joseph W. Harvey (same address as above) Authority sought to operate as a *common carrier*, by motor

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vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Indiana, California, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Oregon, Utah, South Dakota, Washington, Wisconsin and Wyoming, for 180 days. RESTRICTION: Restricted to traffic originating at the named origin. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., N. L. Cummins, V. Pres.—Physical Distribution, 630 Amarillo Bldg., Amarillo, Tex. 79101. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Bldg., Omaha, Nebr. 68102.

No. MC 127042 (Sub-No. 122 TA) filed July 18, 1973 Applicant: HAGEN, INC. 4120 Floyd Blvd. P.O. Box 98-Leeds Station Sioux City, Iowa 51108 Applicant's representative: Joseph W. Harvey (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sealants, coatings, adhesives, tape, sound, deadener, undercoating, condensation preventative and control coatings, caulking and sealing compounds, glue, and paint*, in vehicles equipped with mechanical refrigeration, from Kankakee, Illinois, to points in California, Colorado, Idaho, Kansas, and Nebraska, for 180 days. SUPPORTING SHIPPERS: Mortell Company, Kankakee, Illinois 60901. SEND PROTESTS TO: District Supervisor Carroll Russell, 711 Federal Office Bldg., Omaha, Nebr. 68102.

No. MC 128383 (Sub-No. 36 TA) filed July 25, 1973 Applicant: PINTO TRUCKING SERVICE, INC. 1414 Calcon Hook Rd. Sharon Hill, Pa. 19079 Applicant's representative: James W. Patterson 123 S. Broad St. Philadelphia, Pa. 19109 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except commodities in bulk, commodities the transportation of which requires special equipment and household goods, as defined by the Commission), Between John F. Kennedy International Airport, New York, N.Y.; and Philadelphia International Airport, Philadelphia, Pa.; on the one hand, and, on the other, Douglas Municipal Airport, Charlotte, N.C.; Hartsfield International Airport, Atlanta, Ga.; and Miami International Airport, Miami, Fla. Restricted to the transportation of traffic having a prior or subsequent movement by air, or to traffic moving in substituted motor-for-air-service, for 180 days. SUPPORTING SHIPPERS: Avianca Airlines, 16 E. 48th St., New York, N.Y. 10017, Aeromexico, Cargo Bldg. 84, JFK Airport, Jamaica, N.Y. 11430, Bor-Air Freight Co., Inc., 351 W. 38th St., New York, N.Y. 10018, Finnair, 10 E. 40th St., New York City, N.Y. 10016, Air France, 1350 Avenue of the Americas, New York, N.Y. 10019, Iberia Air Lines, 97—77 Queens Blvd., Rego Park, N.Y. 11374, Five Star Air Freight Corporation, 3rd & Governor Printz Blvd., Lester, Pa. 19113, A.B.C. Air Freight, 265 West 14th St., New York City, N.Y. 10011, SEND PROTESTS TO: Peter R. Guman, District Supervisor, Federal Bldg., Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 135871 (Sub-No. 17 TA) filed July 25, 1973 Applicant: H.G.M. TRANSPORT COMPANY 1079 West Side Avenue Jersey City, N.J. 07306 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores, and *supplies and equipment* used in the conduct of such business, for the account of Schottenstein's, between Jersey City, N.J. and New York, N.Y., on the one hand, and, on the other, Columbus, Ohio, for 180 days. SUPPORTING SHIPPER: Schottenstein Stores Corporation, 3251 Westerville Road, Columbus, Ohio 43224. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 136989 (Sub-No. 4 TA) filed July 24, 1973 Applicant: R. F. BOX doing Business as BOX TRUCKING 1401 Dartmouth Dr. NE Albuquerque, N. Mex. 87106 Applicant's representative: Edwin E. Piper, Jr. 1115 Simms Building Albuquerque, N. Mex. 87101 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering* (except carpeting and rugs), from the plantsite of GAF Corporation at or near Allentown (Whitehall Township), Pa., to points in Idaho, Montana, and Colorado (except Montezuma, La Plata, Archuleta, Conejos, Costilla, and Las Animas Counties, Colo.), for the account of GAF Corporation, for 180 days. SUPPORTING SHIPPER: GAF Corporation, General Traffic Department, South Bound Brook, N.J. 08880 SEND PROTESTS TO: William R. Murdoch, District Superivsor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Ave., SW, Albuquerque, N. Mex. 87101.

No. MC 138618 (Sub-No. 2 TA) filed July 25, 1973 Applicant: FRANKLIN LUMBER COMPANY, INC. 2667 N. Jackson P.O. Box 416, Russellville, Ala. 35653 Applicant's representative: D. H. Markstein 512 Massey Building Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transpoting: *Lumber*, re-sawn at the plantsite of applicant in Russellville, Ala., from Jasper, Double Springs, and Russellville, Ala., to points in Florida, Tennessee, Kentucky, Ohio, Indiana, Michigan, Illinois, Georgia, Wisconsin, Missouri, Iowa, Mississippi, Minnesota, New York and Pennsylvania, under a continuing contract with TMA Forest Products, Division of Tennessee River Pulp and Paper Company, Jasper, Ala., for 180 days. SUPPORTING SHIPPER: TMA Forest Products, Division of Tennessee River Pulp & Paper Company, Post Office Box 1425, Jasper, Ala. 35501. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commision, Room 814—2121 Building, Birmingham, Ala. 35203.

No. MC 138923 filed July 20, 1973 Applicant: RONALD SCHAMBERGER, INC. 160 South 1100 West Salt Lake City, Utah 84104 Applicant's representative: Denis R. Morrill 455 South Third East Salt Lake City, Utah 84111 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* from the plant site of Interstate Brick Company southwest of Salt Lake City, Utah, to Los Angeles, Calif., and its commercial zone, San Francisco, Calif., and its commercial zone, and Sacramento, Calif., and its commercial zone, for 180 days. SUPPORTING SHIPPERS: Interstate Brick Division of Entrada Industries, Inc., 9210 South 5200 West, West Jordan, Utah, (Darro H. Glissmeyer, Sales Manager). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, 5239 Federal Building, Bureau of Operations, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 138924 TA filed July 23, 1973 Applicant: A. SAM & SONS PRODUCE COMPANY, INC. West Lake Road Dunkirk, N.Y. 14048 Applicant's representative: Virgil H. Smith 1587 Phoenix Boulevard Suite 12 Atlanta, Ga. 30349 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are used by growers of Horticultural products: (a) between points in Alabama, Georgia, Illinois, New Jersey, Maryland, Ohio, Michigan, Minnesota, Pennsylvania, Texas, and Oklahoma City, Okla.; (b) between points listed in paragraph (a) above, on the one hand, and points in the United States on and East of U.S. Highway 85, on the other hand; (c) from Charleston and Travelers Rest, S.C.; Florence, Ky.; Troup, Tex.; and Leominster, Mass., on the one hand, to points in the United States on and East of U.S. Highway 85, on the other hand; and (d) from Rochester, N.Y., to points in the United States on and East of U.S. Highway 85; and (2) *commodities*, the transportation of which is partially exempt under Provisions of Section 203(b)(6) of the Interstate Commerce Act, if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with commodities listed in (1)(a), (b), (c) and (d), above, for 180 days. SUPPORTING SHIPPERS: Geo. J. Ball, Inc., P.O. Box 335, West Chicago, Ill. 60185 and Joseph Harris Company, Inc., Morton Farm, Rochester, N.Y. 14624. SEND PROTESTS TO: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron St., Buffalo, N.Y. 14202.

Motor Carriers of Passengers

No. MC 119843 (Sub-No 7 TA) filed July 24, 1973 Applicant: ROESCH LINES, INC. 844 E. Ninth Street P.O. Box 229 San Bernardino, Calif. 92402 Applicant's representative: Donald Murchison 9454 Wilshire Blvd., Suite 400 Beverly Hills, Calif. 90212 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round-trip charter operations from San Bernardino and/or Sun City, California, to Nevada, Arizona, Utah, Colorado, South Dakota, Wyoming, Montana, Idaho, Washington, Oregon and return over the same routes, for 180 days. SUPPORTING SHIPPERS: Hemet Chapter #51 of the American Association of Retired Persons, Inc., Hemet, Calif. 92343, Young Men's Christian Association, Uptown Family Branch, 808 East 21st St., San Bernardino, Calif. 92404. Young Men's Christian Association, Downtown Branch, Fifth and F Streets, San Bernardino, Calif. 92410. Fontana Chapter 555, American Association of Retired Persons, P.O. Box 1095 Fontana, Calif. 92335. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Bldg., 300 North Los Angels St., Los Angeles, California 90012.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.73-16387 Filed 8-7-73;8:45 am]

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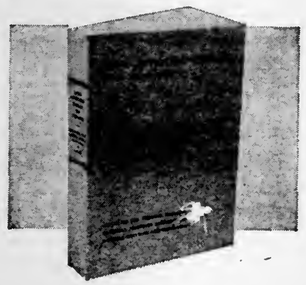
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WASHINGTON, D.C.

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 12—Banks and Banking

CHAPTER IV—EXPORT-IMPORT BANK OF THE UNITED STATES

PROCEDURES, EXTENSIONS OF CREDIT, DISCLOSURE OF INFORMATION, POLICIES

Parts 401 and 402 have been revised and updated in order to insure that they are consistent with current procedures and policies of Export-Import Bank of the United States. Parts 401 and 402 as they appear below replace the corresponding parts which appear in Chapter IV of Title 12 of the Code of Federal Regulations. Part 404 is hereby being issued by the Export-Import Bank of the United States in order to clarify and protect the right of the public to information from the Bank.

1. Part 401 is revised to read as follows:

PART 401—PROCEDURES

Sec.
401.1 Purpose, organization and programs
401.2 How to apply
401.3 Principal, agents, certifications and covenants

AUTHORITY: Sec. 2, 59 Stat. 526, as amended; 12 U.S.C. 635.

§ 401.1 Purpose, organization and programs.

(a) *Purpose.* The purpose of the Export-Import Bank is to aid in financing and to facilitate the export sales of United States goods and services.

(b) *Organization and funding.* The Export-Import Bank is an independent corporate agency, founded by Executive Order in 1934, and currently operating under authority of the Export-Import Bank Act of 1945, as amended. One billion dollars in capital stock is held by the U.S. Treasury, to which the Bank pays dividends annually. The Bank does not use appropriated funds from the Congress. It derives its funds primarily from selling debentures in the private market and secondarily from short term borrowings from the U.S. Treasury.

(1) *Offices.* The Bank's headquarters are located at 811 Vermont Avenue, NW., Washington, D.C. 20571. A branch office is maintained in the U.S. Embassy in Vienna and in the U.S. Consulate in Hong Kong.

(2) *Board of Directors.* The Board of Directors of the Export-Import Bank consists of the President of the Bank who serves as Chairman and Chief Executive Officer, the First Vice President of the Bank who serves as Vice Chairman, and three additional Directors. All five members are appointed by the President of the United States, by and with the consent of the Senate. Of the five members, no more than three may be members of any one political party. A majority of the Board constitutes a quorum. The Board of Directors adopts, and from time to time amends, such bylaws as are necessary for the proper management of the Bank, and in such bylaws, designates the vice presidents and other officers and prescribes their duties.

(3) *Advisory Committee.* An Advisory Committee of nine members, broadly representative of production, commerce, finance, agriculture and labor, meets with the Bank one or more times a year, on the call of the President of the Bank, to advise with the Bank on its program. Members are appointed by the Board of Directors on the recommendation of the President of the Bank.

(c) *Programs.* (1) *Direct loans and participation financing.* Direct Loans are dollar credits extended by Eximbank directly to borrowers outside of the United States for purchases of U.S. goods and services. Disbursements under the loan agreement are made in the United States to the suppliers of the goods and services, and the loans plus interest must be repaid in dollars by the borrowers.

Participation financing is the combining of Eximbank's direct lending with loans provided by private sources of funds. If required by the private lender, Eximbank may extend its Financial Guarantee to assure repayment of that portion of the total financing. Eximbank also is prepared, when necessary, to finance through its direct lending the later maturities of the total credit, allowing the private lender to obtain repayment of its loan in a shorter period of time.

(2) *Guarantees for U.S. financial institutions.* Eximbank will extend its Financial Guarantee to cover loans made by U.S. financial institutions to the purchasers in other countries of U.S. goods and services. The buyer may be either a government or private entity. Eximbank's Financial Guarantee will unconditionally guarantee repayment by a borrower of up to 100 percent of the outstanding principal due on such loans plus interest at a rate satisfactory to Eximbank.

(3) *Guarantees for non-U.S. financial institutions.* Eximbank will extend its Financial Guarantee to cover loans made by financial institutions located outside of the United States for exports of U.S. goods and services. Eximbank will unconditionally guarantee repayment by a borrower of up to 100 percent of the principal amount of the loan plus interest at a rate satisfactory to Eximbank. In the event of default, Eximbank payments will be made in the same currencies which the borrower has agreed to repay the lender.

(4) *Local cost financing.* Eximbank is prepared to assist exporters in obtaining local cost financing when it has been clearly demonstrated as necessary to support sales abroad of U.S. goods and services. As a form of such assistance, Eximbank is prepared to use its Financial Guarantee to cover loans made by non-U.S. financial institutions for the financing of local cost in cases in which the Bank is participating through a Direct Loan, a Financial Guarantee or a combination thereof, in financing the procurement of U.S. goods and services.

For transactions in the developing countries, there must be a clear indication that local cost support is essential to achieve an important contract or purchase arrangement and mobilization of the required funds does not appear feasible in the absence of Eximbank assistance. For transactions in the developed countries, there must be a clear indication that local cost support is necessary to counter non-U.S. competition offering publicly assisted local cost financing. Normally, Eximbank will guarantee local cost financing up to an amount equal to 15 percent of the value of the capital goods and services exported from the United States in the related transaction.

(5) *Preliminary commitments.* Eximbank is prepared to provide Preliminary Commitments outlining the terms and conditions of the financial assistance it would extend to purchasers of United States exports of goods and services. The Preliminary Commitment is issued without charge and in no way obligates the inquirer. The program can be used advantageously by U.S. exporters in their marketing efforts as well as in meeting tender requirements. A Preliminary Commitment can be helpful to buyers in planning new purchases and in making presentations to their governments. A financial institution may find a Preliminary Commitment useful when helping both seller and buyer to arrange total financing packages.

(6) *Cooperative Financing Facility.* Under the Cooperative Financing Facility, Eximbank arranges the cooperation of financial institutions abroad to extend loans at their own risk to purchasers of U.S. exports. Eximbank in turn lends these institutions half the funds and the cooperating financial institutions provide the other half from their own resources. If a cooperating institution is in a lesser developed country and wishes to borrow its half of the financing, Eximbank can assist by guaranteeing repayment to another lender of these funds.

(7) *Relending Facility.* A Relending Facility is a line of credit extended by Eximbank directly to a non-U.S. finan-

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cial institution to use for "relending" for export loans to small and medium-sized private buyers of U.S. goods and services. Each Relending Facility will include a specific list of eligible product lines, designed either to penetrate a new market or to salvage a declining U.S. share in a particular market. No other products will be financed under this Facility.

(8) *Medium-term discount program.* Eximbank will lend to commercial banks and Edge Act and "Agreement" corporations, up to 100 percent of their eligible medium-term export debt obligations arising from current U.S. exports. Eximbank will also purchase on a case-by-case basis eligible export debt obligations, satisfactory to Eximbank, with full and unconditional recourse on the commercial bank.

In order to obtain a Discount Loan, a bank must have applied for and received from Eximbank an advance commitment to obtain such loan. This advance commitment will be valid for the full term of the obligation, thereby assuring the bank of liquidity, if needed. Application must be made before shipment of the products or services. Discount Loans may be prepaid at any time without penalty.

(9) *Short-term discount program.* Eximbank will make advance commitments for Discount Loans of up to 100 percent of the principal amount or discounted value of eligible export debt obligations having an original maturity of 364 days or shorter arising from the financing of current U.S. exports of goods and services. Eximbank will make Short-Term Discount Loans based on its advance commitment, which must be applied for before shipment of the products or services. The interest "spread" varies from 1 to 2 percent per annum depending upon the amount and term of the obligation. Packaging of certain obligations is permitted in order to expedite handling.

(10) *Commercial bank exporter guarantees.* Eximbank will guarantee repayment of export debt obligations acquired by U.S. banking institutions from U.S. exporters. The Eximbank guarantee covers part of the commercial credit risks and all of the political risks.

(11) *Credit insurance for exporters.* The Foreign Credit Insurance Association (FCIA), a group of some fifty of the principal U.S. maritime, casualty and property insurance companies, in cooperation with Eximbank, offers broad based protection for U.S. exporters' export receivables. Coverage is available for both commercial and political risk which could result in the default of payment from a foreign buyer. To meet the needs of all exporters, large and small, several types of policies are now being offered by FCIA.

(12) *Lease guarantee program.* Eximbank is prepared to extend to either a U.S. or a non-U.S. lessor a guarantee of payment by a lessee for the lease of U.S. equipment outside of the United States on either a non-payout or a full payout basis. The lease transaction must result in an export of the U.S. equipment. Two types of guarantees are available to the lessor: political risk coverage, or comprehensive risks coverage, including both political and commercial risks.

(13) *Engineering, planning and feasibility studies.* Eximbank will finance engineering, planning and feasibility studies by U.S. firms for their non-U.S. clients on large capital projects. If the contractor funds his study, Eximbank will provide a Commercial Bank Exporter Guarantee enabling the contractor to sell without recourse his debt obligation to a commercial bank. If Eximbank's assistance is to be given the client, it would be in the form of Participation Financing, consisting of a Direct Loan and a Financial Guarantee of a loan extended by a U.S. or a non-U.S. bank. By assisting U.S. engineering firms to obtain studies sponsored by clients outside of the U.S., it is anticipated that there will be larger purchases of U.S. equipment and services when the project is constructed.

(14) *Equipment political risk guarantee.* Eximbank will provide political risk guarantee coverage on U.S. equipment used by U.S. contractors in their performance on contracts abroad. The policy will reimburse the owner for 75 percent of the depreciated equipment value at the time of loss, should a loss occur without compensation.

(15) *Export finance counseling service.* Eximbank provides a Counseling Service for exporters, banks and financial institutions seeking financing for U.S. exports. The service provides information on the availability of financing services and resources, within the U.S. and abroad, and information on each of the pertinent Eximbank programs which could be of assistance to exporters who find it necessary to offer deferred payment terms on their export sales.

(16) *Credit information service for U.S. commercial bankers.* Eximbank will make available to commercial bankers credit information or financial information on a specific country or individual company abroad, to assist U.S. banks in meeting the problem of investigation.

(17) *Professional training in international finance for U.S. commercial bankers.* Eximbank offers a six-month program of professional training for representatives of U.S. commercial banks that are involved in or might become involved in export trade financing. Trainees work in Washington and are, in fact, employees of the Federal Government during this period.

(18) *Orientation program for business and industry.* Eximbank conducts day-long saturation sessions in all phases of Eximbank export financing programs for representatives of various businesses and industries engaged in export trade. The selection of the trainees is the prerogative of the customer company.

(19) *Commercial bank export symposia.* Export symposia are meetings arranged by commercial banks in their own communities. A bank sponsoring one of these Export Symposia extends invitations to its business account customers to send representatives to the meeting. Eximbank officials explain the various ways in which financing of U.S. exports can be arranged, with emphasis upon the part that private financial institutions will play, as well as the types and extent of Eximbank export financing programs.

(20) *Overseas business promotion and liaison.* Eximbank has established an office to develop and coordinate the Bank's cooperation with specific trade promotion events outside the United States. This office provides comprehensive information on export financing to prospective U.S. participants in these trade promotion events; arranges Bank staff assistance for U.S. exhibitions, trade missions and other trade promotion events abroad; and coordinates special financing procedures set up to support important trade promotions.

§ 401.2 How to apply.

Applications for the Bank's financial assistance should be submitted in the form of a letter, including sufficient information to enable the Bank to appraise the technical, economic and financial aspects of the proposed transaction.

§ 401.3 Principals, agents, certifications and covenants.

(a) *Principals.* Applications for credits must be signed by the principals involved. In the case of a corporation or similar entity, a duly authorized officer of the entity shall sign on its behalf. In the case of a government, a duly accredited representative of the government shall sign on its behalf. In the case of a United States exporter seeking financing of the sale of goods to a foreign buyer on credit terms, the exporter shall constitute the principal.

(b) *Agents.* The Bank prefers to deal with principals, especially in negotiations leading up to the granting of a loan, but the applicant has the right to engage attorneys, engineers or other qualified persons to advise and aid in preparing material required by the Bank in connection with a loan application or with the operation of a loan which has been granted.

(c) *Certification.* (1) Every person, including any foreign government or an agency thereof, individual, partnership, corporation or association, in whose favor the Bank authorizes the extension of financial assistance within the purview of the Export-Import Bank Act of 1945, as amended, shall, as a condition precedent to the utilization of such financial assistance, represent and certify to the Bank in such form and at such time or times as may be prescribed by the Bank that:

(i) Such person has not paid or agreed to pay to any person including any individual, partnership, corporation or association, except its regular full-time individual employees or staff members to the extent of their regular remuneration, any commission, fee or compensation in connection with obtaining such financial assistance, except such amounts as are included in the certificate, such certificate to set forth the name and address of each such person or persons, together with the description of the services rendered, accompanied by the verification of the recipient or beneficiary of an agreement to pay named in the certificate required hereunder.

(ii) No agent or attorney of such person who was previously an officer or employee of the Bank participated personally and substantially as an officer or employee of the Bank (through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise) in connection with the extension of such financial assistance while so employed by the Bank.

(2) Upon a determination by the Board of Directors that any commission, fee or other compensation paid or agreed to be paid in connection with the obtaining of such financial assistance and disclosed in the certification required under this subsection is unreasonable, the person in whose favor the extension of financial assistance has been authorized shall as a condition precedent to the utilization of such assistance, effect an adjustment satisfactory to the Bank in such commission, fee or other compensation.

(3) Every person including any foreign government or agency thereof, individual, partnership, corporation or association, in whose favor the Bank authorizes the extension of financial assistance within the purview of the Export-Import Bank Act of 1945, as amended, shall, as a condition precedent to each advance:

(i) If such person is the supplier of the equipment, materials or services with respect to which the advance has been requested, certify that, other than as disclosed to the Bank, no payments, allowances or charges in connection with the sale of, or obtaining the contract to sell, such equipment, materials or services have been paid or granted or agreed to be paid or granted by such person to any other person, except such person's regular full-time individual employees or staff members to the extent of their regular remuneration.

(ii) If such person is not the supplier of the equipment, materials or services with respect to which the advance has been requested.

(a) Certify that such person has paid or agreed to pay for the equipment, materials or services with respect to which the advance has been requested, no more and no less than the amounts which such person has certified to the Bank as the purchase price and all payments, allowances and charges connected therewith.

(b) Furnish the Bank with a certificate of the supplier of the equipment, materials or services, with respect to which the advance has been requested, addressed to the Bank and setting forth that such supplier has not, other than as disclosed to the Bank, paid or granted or agreed to pay or grant to such person or any other person, except such supplier's regular full-time individual employees to the extent of their regular remuneration, any payments, allowances or charges in connection with the sale of, or obtaining the contract to sell, such equipment, materials or services.

(d) *Covenants.* (1) Every person, including any foreign government or an agency thereof, individual, partnership, corporation or association, in whose favor the Bank authorizes the extension of financial assistance within the purview of the Export-Import Bank Act of 1945, as amended, shall, as a condition precedent to the utilization of such financial assistance, covenant and agree with the Bank in such form as may be prescribed by the Bank that:

(i) Such person will not employ any person to appear personally before the Bank as agent or attorney in connection with such financial assistance within one year after that person's employment by the Bank has ceased if such financial assistance was under that person's official responsibility as an officer or employee of the Bank at any time within a period of one year prior to the termination of such responsibility.

(ii) Such person has not paid or agreed to pay to any person including any individual partnership, corporation or association except its regular full-time individual employees or staff members to the extent of their regular remuneration, any fee, commission or compensation in connection with obtaining such financial assistance, except for reasonable compensation, satisfactory to the Bank for bona fide professional, technical or other comparable services incident to presenting the merits of the application and operation of the credit and such person will certify to the Bank any such amounts, such certificates to set forth the name and address of each such person together with a description of the services rendered, accompanied by the verification of the recipient or beneficiary of an agreement to pay named in the certificate required hereunder.

(2) Upon a determination by the Board of Directors that any commission, fee or other compensation paid or agreed to be paid in connection with the obtaining of such financial assistance and disclosed in the certification or covenants required under this sub-section is unreasonable, the person in whose favor the extension of financial assistance has been authorized shall, as a condition precedent to the utilization of such assistance, effect an adjustment satisfactory to the Bank in such commission, fee or other compensation.

(e) *Remedies and penalties.* (1) The certificates, representations and covenants provided for in this part are deemed to be material to and an inducement for the extension by the Bank of such financial assistance and falsifications in any such representation on certificate or the breach of any such covenant shall entitle the Bank to cancel any commitment for the extension of financial assistance to such person or such additional remedies as may be provided in the credit agreement.

(2) The remedies of the Bank provided for in this section and in the contract shall be in addition to any liability or penalty provided by law including those provided for in 18 U.S.C. 1001.[1]

2. Part 402 is revised to read as follows:

PART 402—EXTENSION OF CREDIT

Sec.
402.1 Basic principles.
402.2 Cash Payment, maturities, interest rates and participation.
402.3 Marine transportation and insurance.

AUTHORITY: Sec. 2, 59 Stat. 526, as amended; 12 U.S.C. 635.

§ 402.1 Basic principles.

The Export-Import Bank is guided in its operations by the following basic principles:

(a) The basic purpose of the Bank is to aid in financing and to facilitate exports and imports and the exchange of commodities between the United States or any of its Territories or insular possessions and any foreign country or the agencies or nationals thereof. To accomplish this purpose, the Bank extends loans, guarantees or other forms of financial assistance. This foreign trade may be assisted, for example, by financing specific exports of United States products or by financing exports of equipment, materials and services required for specific developments abroad. Foreign trade may also be promoted through financing to build up the economy, increase employment and raise income levels in foreign countries, which thereby afford better markets for American products or become better suppliers of imports required by the United States. Imports can usually be financed through normal commercial channels; but in exceptional cases where private financing is not available the Bank may assist in their financing.

(b) The Bank generally makes loans only for specific purposes. A corollary of this principle is that disbursements under a commitment by the Bank are made only upon receipt of satisfactory evidence that the purposes of the loan have been or are being carried out.

(c) As a general rule, the Bank makes only loans which offer reasonable assurance of repayment. This assurance usually involves not only the creditworthiness of the borrower but also the ability of the borrower to obtain the necessary dollar exchange to service the loan.

(d) As a general rule, the Bank extends credit only to finance purchases of

[1] Section 18 U.S.C. 1001 provides: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both" (June 25, 1948, ch. 645, sec. 1, 62 Stat. 749).

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materials and equipment produced or manufactured in the United States together with technical services of American firms and individuals, as distinguished from expenditures for goods and services in the borrowing country or for purchases in third countries.

(e) The Bank supplements and encourages the utilization of private capital in export and import trade. Financial assistance is not extended by the Bank for any purpose if capital for the same purpose is believed to be obtainable from private sources on reasonable terms.

(f) The Bank is prepared to consider proposals for the purchase of portions of its portfolio by commercial banks or other private investors.

§ 402.2 Cash payment, maturities, interest rates and participation.

(a) *Cash payment.* The Bank ordinarily requires a foreign purchaser to make a cash payment of not less than 10 percent of the invoice value on or prior to the time of delivery of the goods. In its direct lending program, the cash payment must be made either prior to or pari passu with disbursements by Eximbank.

(b) *Maturities.* The maturities of credits granted by the Export-Import Bank are arranged in accordance with the circumstances in each case. Generally speaking they are commensurate with those customarily extended in international trade for similar goods or projects. Principal amounts are generally repayable in equal semiannual installments.

(c) *Interest rates.* The Bank normally charges interest on its loans at a rate of 6 percent per annum. However, such rate of interest is subject to change upon review of the Bank with the approval of the National Advisory Council on International Monetary and Financial Policies. Interest is computed on the outstanding principal balance and is usually payable semiannually.

(d) *Participation.* The exporter may be required to participate in the financing if in the Bank's judgment the circumstances warrant such participation.

§ 402.3 Marine transportation and insurance.

(a) *Marine transportation.* Public Resolution No. 17, Seventy-Third Congress, requires that exports of agricultural or other products fostered by loans made by any instrumentality of the United States Government shall be carried exclusively in vessels of United States registry unless a waiver is granted by the United States Maritime Administration. When appropriate the Bank is prepared to finance United States inland freight and ocean freight on vessels of United States registry under the relative credit.

(b) *Insurance.* When the Bank determines that shipments of exports financed through its credits must be covered by marine insurance, the insurance contracts shall be satisfactory to the Bank and shall provide that payments for loss or damage will be made in United States dollars in the United States. When such insurance contracts are placed in the United States market with United States companies the Bank is prepared to finance the premiums under the relative credit.

3. Part 404 is added to read as follows:

PART 404—DISCLOSURE OF INFORMATION

Public Law 89-487, 80 Stat. 250, approved July 4, 1966 (popularly known as the Freedom of Information Act or Public Information Act), substantially revised 5 U.S.C. 552, formerly section 3 of the Administrative Procedure Act, 60 Stat. 237, 5 U.S.C. 1002 (1964 Ed.), to clarify and protect the right of the public to obtain information from Federal agencies. To clarify and protect the right of the public to information from the Export-Import Bank of the United States pursuant to Public Law 90-23, 5 U.S.C. 552, which subsequently codified and repealed Public Law 89-487, Part 404 of Chapter IV of Title 12 of the Code of Federal Regulations is issued as follows:

Sec.

404.1 Purpose and policy.
404.2 Scope.
404.3 Information and records available to the public and exempt from disclosure.
404.4 Public access to information and records.
404.5 Administrative appeal of refusal to disclose.
404.6 Fees.
404.7 Appearances and testimony by Eximbank officers and employees.

AUTHORITY: 5 U.S.C. 552 and 12 U.S.C. 635.

§ 404.1 Purpose and policy.

(a) This part establishes policy and procedures governing public access to information contained in the files, documents, and records of the Export-Import Bank of the United States (Eximbank). In keeping with the spirit as well as the letter of Public Law 90-23, which codified and repealed Public Law 89-487, amending 5 U.S.C. 552, formerly section 30 of the Administrative Procedure Act, 60 Stat. 237, 5 U.S.C. 1002 (1964 Ed), it reflects Eximbank policy that disclosure is the general rule rather than the exception. It is in addition a recognition that this policy in favor of disclosure extends in many instances to information technically exempt from disclosure under the law where such disclosure would not adversely affect some legitimate public or private interest intended to be protected by law, would not otherwise violate law or other authority, and would not impose an unreasonable burden upon Eximbank.

(b) This part is also a recognition that the soundness of many Eximbank programs, e.g. loans, guarantees and insurance, depends in large measure upon the reliability of commercial, technical, financial and business information relating to the affairs of applicants for Eximbank assistance. Since the release of such information would jeopardize the credit and competitive business position of an applicant it is essential that applicants be assured that the information is considered to be submitted to Eximbank in confidence and will not be disclosed to the public. Thus applicants will be encouraged to make complete disclosure of material bearing upon an application and Eximbank decisions on whether financial or other assistance should be approved will be made with greater assurance that the interests of the United States will be protected.

§ 404.2 Scope.

(a) This part applies to all files, documents, records, and information obtained or produced by officers and employees of Eximbank in the course of their official duties as well as all files, documents, records and other information in the custody or control of any Eximbank officer or employee. It does not purport to describe or set forth every Eximbank file, document, record, or item of information which may or may not be disclosed or to incorporate every exemption from disclosure provided by law. Material described is illustrative rather than exclusive.

(b) Moreover, this part deals with the availability of information to the public, including parties involved in litigation affecting Eximbank. It does not apply to the disclosure of information to persons, organizations or institutions participating in Eximbank programs or activities, or to other activities in the executive and legislative branches of the Federal Government.

§ 404.3 Information and records available to the public and exempt from disclosure.

(a) *General.* (1) All Eximbank information and records in existence which are not exempt by law are available for public inspection and copying in, or through, facilities described in § 404.4. In addition, certain materials technically qualifying for exemption from disclosure are to be made available where disclosure would not adversely affect some legitimate public or private interest, would not otherwise violate law or other authority, and would not impose an unreasonable burden on Eximbank. Reasonable requests for material not in existence may also be honored where their compilation will not unduly interfere with Eximbank activities, programs and operations.

(2) Specific examples of information routinely available in Eximbank facilities are listed in § 404.0. Examples of information and other material, available and exempt, in which there should be general interest are discussed in succeeding paragraphs of this section.

(b) *Information and records relating to Eximbank programs.* (1) Although Eximbank programs typically involve the consideration of material constituting in large part trade secrets, commercial or financial information, information submitted in confidence, or information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, the following kinds of information are nevertheless available to the public:

(i) Names of recipients of loans, guarantees, insurance and other assistance.

(ii) The kind and amount of assistance.

(iii) The purpose of the approved assistance in general terms.

(iv) The extent of outside participation, if any.

(v) Statistical data on Eximbank programs.

(2) Information which is not available to the public includes:

(i) Information other than statistical on declined, withdrawn, or canceled applications for assistance.

(ii) Financial or other confidential information about applicants or borrowers obtained from any source.

(iii) Individual case files relating to such activities as loans, guarantees and insurance.

(iv) Internal Eximbank communications showing, for example, recommendations on applications for assistance.

(v) Information concerning losses, delinquencies and defaults in individual cases.

(vi) Names of participating lending institutions without their consent.

(vii) Information regarding the character of applicants, borrowers, or other persons.

(viii) Examination, audit, investigation and litigation reports.

(c) *Minutes of the Meetings of the Board of Directors.* These are available for inspection and copying in the office of the Secretary of Eximbank as provided in § 404.4.

(d) *Personnel and similar files.* The names, position titles, and duty stations of Eximbank employees are public information but their home addresses are not so considered. The disclosure of private or personal information contained in other files, for example, in the files relating to members of Eximbank's Advisory Board and to applicants for Eximbank assistance would normally amount to a clearly unwarranted invasion of privacy and thus would be considered exempt.

(e) *Eximbank staff directives and other instructions to staff.* All directives are considered public information except those relating to audits and investigations, internal financial management and fiscal operations, and portions of directives containing confidential standards and instructions, as, for example, instructions concerning negotiations or bargaining in connection with the disposition and liquidation of loans and loan collateral held by Eximbank.

(f) *Litigation materials.* Copies of pleadings, motions, orders, transcripts of testimony, and documentary evidence introduced in pending or closed litigation are available once such items are a matter of public record.

(g) *Internal communications.* Interagency or intraagency communications not routinely available to a party to litigation with Eximbank are exempt from disclosure. These would include, among other things, drafts, memoranda between officials or agencies, opinions and interpretations prepared by Eximbank attorneys and other staff members or consultants for use of Eximbank, research studies performed internally or under contract for internal management purposes, and internal management reports.

§ 404.4 Public access to information and records.

(a) *Facilities.* Eximbank facilities are available to the public during normal business hours for requesting, inspecting and copying information and records. Reproduction machines will also be available in or, through, such facilities. A public affairs office is located in Room 1231; 811 Vermont Ave. NW., Washington, D.C. 20571.

(b) *Materials available in public affairs office.* (1) For the convenience of the public certain Eximbank materials will be maintained and readily available in the public information office. These will include:

(i) All Eximbank directives and manuals not exempt from disclosure.

(ii) Eximbank Rules and Regulations (including Interpretations).

(iii) Index of Eximbank materials, including lists of directives, forms and reports.

(2) The public affairs will, in addition to the above, have normally available, among other things:

(i) Pamphlets describing Eximbank programs.

(ii) Press releases.

(iii) Names of recipients of Eximbank support and related information not exempt from disclosure.

(iv) Eximbank's Annual Report to the President and the Congress.

(v) Routine statistical reports on Eximbank activities.

(vi) Minutes of Meetings of the Board of Directors.

(vii) Blank Eximbank forms.

(c) *Other materials.* Requests for information, records, and other materials not readily available at the public information office areas may be requested through such facility. Requests will be referred to the proper Eximbank office and the person making the request will be notified of the availability of the material and any charges involved. If the material requested is the exclusive concern of another agency, the request will be referred to that agency. If the material is of concern to more than one agency, the request will be referred to the agency whose interest is paramount for a decision to disclose or withhold the material.

(d) *Forms for requesting information.* (1) EIB Form 73-5, "Request for Eximbank Forms, Documents, Records and Other Information", is used for processing requests. Any person desiring information or records may be asked to complete Part I of the form identifying the material requested and the copies, if any, desired. If requests are received by mail or telephone, Part I will be completed by Eximbank.

(2) EIB Form 73-6, "Answer to Request", is a form letter or notice which will advise the requester of the availability of the material, any charges involved, or the referral of the request to another office of agency.

(3) EIB Form 73-7, "Invoice", will be used to record transactions involving charges and a copy thereof will be served as a receipt to the purchaser.

§ 404.5 Administrative appeal of refusal to disclose.

(a) *Who may appeal.* Any person whose request for information or records has been denied shall be entitled to submit a written appeal to Eximbank.

(b) *Form of appeal.* While no particular form is prescribed, the letter or other written statement utilized for such purpose shall contain a description of the information or records requested, the name and place of employment of the Eximbank official or employee who denied the request, the reason, if any, given for the denial, and such other pertinent facts and statements as the appellant may deem appropriate. Eximbank may request additional details where the information submitted is insufficient to support a decision.

(c) *Where to appeal.* Appeals shall be addressed to the Export-Import Bank of the United States, Attention: Vice President-Administration, 811 Vermont Ave., Washington, D.C. 20571.

(d) *Eximbank decision.* Final Eximbank decision on appeals from refusals to disclose information or records shall be made by the Executive Vice President. He shall promptly review each appeal and provide appellant and other interested parties, if any, with a written notification of the decision. If the decision upholds the refusal to disclose, the notification shall contain a statement sufficiently explaining the reasons for the refusal.

§ 404.6 Fees.

(a) *Basis.* Factors taken into account in establishing fees for reproducing copies of documents, records search, and compilation of materials include reproduction cost, average salary of employees involved, and overhead cost.

(b) *Method of payment.* Remittances shall be in the form of cash or cashier's check, money order or other guaranteed remittance made payable to the Export-Import Bank of the United States. Payment shall normally be due at the time the service is rendered. However, where extensive record searches or compilations are involved the person requesting the service shall pay whatever fee is estimated by Eximbank to be appropriate before any search or compilation is undertaken. Fees paid in advance shall be held in suspense pending completion of the search or compilation and adjusted when final charges have been determined.

(c) *Prices.* (1) For documents available in the public information office, the charge for reproduction may be 50 cents per page.

(2) For requests requiring a search of Eximbank records but no compilation, there may be a minimum charge of $5 plus the regular charge of 50 cents per

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page for reproduction. In addition, the total charge will include a charge based upon employees' time required for the search.

(3) For information which has to be compiled the charge will include the cost of employees' time, cost of computer runs or other equipment use, and other overhead expense. Since there is no obligation on the part of the Eximbank to compile records or data, requests for compilations must be reasonable and not unduly interfere with normal operations or program activities.

(4) Persons may inspect and copy documents by their own means in the Eximbank facilities without charge except for search or compilation charges which may be otherwise payable.

§ 404.7 Appearances and testimony by Eximbank officers and employees.

Whenever an officer or employee of Eximbank is served with a subpoena demanding the disclosure of the information or the production of files, documents, and records described in this part, or is requested by court, committee or other body to disclose such information, the officer or employee shall promptly inform his superior of the requirements of the subpoena or request and shall ask for instructions from the Vice President-Administration with respect thereto. Such officer or employee shall appear before the court, committee or body and, if the Vice President-Administration has not authorized disclosure, the employee shall respectfully decline to disclose the information or produce the files, documents, and records demanded or requested, basing such refusal upon this part.

[SEAL] HENRY KEARNS,
President and Chairman.

[FR Doc.73-16500 Filed 8-8-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-AL-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Colored Federal Airway, Reporting Point, Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Farewell, Alaska, navigational aid, control zone and transition area.

This action is based on the need to convert the Farewell low frequency range to a nondirectional radio beacon. The Farewell RR is currently advertised as unreliable because of shifting courses and multiple course signals. Reliable repairs are impracticable since standard parts are no longer available.

Furthermore, on March 1, 1971, the Federal Aviation Administration issued a Notice under Aeronautical Study No. 71-AL-18NR, proposing to convert all four-course radio ranges in Alaska to nondirectional radio beacons. No objections were received.

For reasons stated above, the Farewell low frequency range will be permanently converted to a nondirectional radio beacon effective September 13, 1973.

Since these amendments involve a change only in the type of navigational aid on which the airspace is described and makes no change to the current airspace configuration, notice and public procedure hereon are unnecessary. However, in order to allow sufficient time to make appropriate changes to aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 13, 1973, as hereinafter set forth.

1. Section 71.105 (38 FR 305) in A-1, "Farewell, Alaska, RR:" is deleted and "Farewell, Alaska, RBN;" is substituted therefor.

2. Section 71.171 (38 FR 351) Farewell, Alaska, control zone is amended to read:

FAREWELL, ALASKA

Within a 5-mile radius of the Farewell airport (latitude 62°30'30" N, longitude 153°52'30" W); and within 3.5 miles each side of the 306° bearing from the Farewell RBN extending from the 5-mile radius zone to 8.5 miles northwest of the RBN. This control zone is effective from 0745 to 1545 local time daily, or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication, Supplement Alaska.

3. Section 71.181 (38 FR 435) Farewell, Alaska, transition area is amended to read:

FAREWELL, ALASKA

That airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Farewell RBN 126° and 306° bearings, extending from 6 miles southeast to 18.5 miles northwest of the RBN.

4. Section 71.211 (38 FR 618) low altitude reporting points, delete "Farewell, Alaska, RR" and add "Farewell, Alaska, RBN".

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on July 31, 1973.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.73-16413 Filed 8-8-73;8:45 am]

[Airspace Docket No. 73-WA-35]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the title of the designated controlling agency for Restricted Areas R-2533, Oceanside, Calif., R-2908 and R-2909, Pensacola, Fla., and R-5202, Gardiner's Island, N.Y.

The title, "Radar Air Traffic Control Center (RATCC)," has been changed to "Radar Air Traffic Control Facility (RATCF)." The title of the controlling agency designated for each of the restricted areas, R-2533, R-2908, R-2909 and R-5202 must therefore be corrected.

This amendment is editorial in nature and it is a minor amendment upon which the public would have no particular reason to comment. Therefore, notice and public procedure thereon are deemed unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 11, 1973, as hereinafter set forth.

1. In § 73.25 (38 FR 634) the controlling agency for Restricted Area R-2533, Oceanside, Calif., is amended to read as follows:

Controlling agency: FAA, El Toro RATCF

2. In § 73.29 (38 FR 640) the controlling agency for Restricted Area R-2908, Pensacola, Fla., and for R-2909, Pensacola, Fla., is amended to read as follows:

Controlling agency: FAA, Pensacola RATCF

3. In § 73.52 (38 FR 662) the controlling agency for Restricted Area R-5202, Gardiner's Island, N.Y., is amended to read as follows:

Controlling agency: FAA, Quonset RATCF

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on August 3, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-16416 Filed 8-8-73;8:45 am]

[Docket No. 13070; Amdt. No. 876]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective September 20, 1973.

Pasco, Wash.—Tri-Cities Arpt., VOR-A, Amdt. 4
Pasco, Wash.—Tri-Cities Arpt., VOR Rwy 29, Amdt. 2
Tifton, Ga.—Henry Tift Myers Arpt., VOR Rwy 27, Orig.
Tifton, Ga.—Henry Tift Myers Arpt., VOR Rwy 33, Amdt. 1

Effective September 13, 1973:

Chicago, Ill.—Chicago O'Hare Int'l Arpt., VOR Rwy 4L, Amdt. 1, Canceled
Chicago, Ill.—Chicago O'Hare Int'l Arpt., VOR Rwy 4R, Amdt. 1
Chicago, Ill.—Chicago O'Hare Int'l Arpt., VOR Rwy 22L, Amdt. 1
Chicago, Ill.—Chicago O'Hare Int'l Arpt., VOR Rwy 22R, Amdt 11, Canceled

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective September 13, 1973.

New York, N.Y.—LaGuardia Arpt., LOC (BC) Rwy 31, Amdt. 6

Effective August 16, 1973:

St. Paul, Minn.—St. Paul Downtown Holman Field, LOC Rwy 30, Amdt. 2

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective September 20, 1973:

Tifton, Ga.—Henry Tift Myers Arpt., NDB Rwy 33, Amdt. 4

Effective September 13, 1973:

Caldwell, N.J.—Caldwell-Wright Arpt., NDB-A, Amdt. 1
Caldwell, N.J.—Caldwell-Wright Arpt., NDB Rwy 22, Amdt. 2
Chicago, Ill.—Chicago O'Hare Int'l Arpt., NDB Rwy 14L, Amdt. 14
Chicago, Ill.—Chicago O'Hare Int'l Arpt., NDB Rwy 27R, Amdt. 13
Chicago, Ill.—Chicago O'Hare Int'l Arpt., NDB Rwy 32R, Amdt. 9
New York, N.Y.—LaGuardia Arpt., NDB Rwy 4, Amdt. 33
New York, N.Y.—LaGuardia Arpt., NDB Rwy 22, Amdt. 8
Shirley, N.Y.—Brookhaven Arpt., NDB-A, Amdt. 1
Teterboro, N.J.—Teterboro Arpt., NDB Rwy 6, Amdt 13

Effective July 19, 1973:

Newark, N.J.—Newark Int'l Arpt., NDB Rwy 22L, Amdt. 1
Newark, N.J.—Newark Int'l Arpt., NDB Rwy 22R, Amdt. 4

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective September 20, 1973.

Everett, Wash.—Snohomish County (Paine Field) Arpt., ILS Rwy 16, Amdt. 14
Moses Lake, Wash.—Grant County Arpt., ILS Rwy 32R, Amdt. 7
Pasco, Wash.—Tri-Cities Arpt., ILS Rwy 20R, Amdt. 4

Effective September 13, 1973:

Calverton, N.Y.—Peconic River Plant (Grumman) Arpt., ILS Rwy 5, Amdt. 6
Chicago, Ill.—Chicago O'Hare Int'l Arpt., ILS Rwy 32R, Amdt. 7
Chicago, Ill.—Chicago O'Hare Int'l Arpt., Parallel ILS Rwy 32R, Amdt. 2
Chicago, Ill.—Chicago O'Hare Int'l Arpt., ILS Rwy 14L, Amdt. 18
Chicago, Ill.—Chicago O'Hare Int'l Arpt., Parallel ILS 14L, Amdt. 1
Chicago, Ill.—Chicago O'Hare Int'l Arpt., ILS Rwy 27R, Amdt. 15
Chicago, Ill.—Chicago O'Hare Int'l Arpt., Parallel ILS Rwy 27R, Amdt. 4
New York, N.Y.—LaGuardia Arpt., ILS Rwy 4, Amdt. 29
New York, N.Y.—LaGuardia Arpt., ILS Rwy 13, Amdt. 9
New York, N.Y.—LaGuardia Arpt., ILS Rwy 22, Amdt. 9
Teterboro, N.J.—Teterboro Arpt., ILS Rwy 6, Amdt. 21

Effective July 19, 1973:

Newark, N.J.—Newark Int'l Arpt., ILS Rwy 22L, Amdt. 1
Newark, N.J.—Newark Int'l Arpt., ILS Rwy 22R, Amdt. 5

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective September 13, 1973.

Chicago, Ill.—Chicago O'Hare Int'l Arpt., RADAR-1, Amdt. 26

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1).)

Issued in Washington, D.C., on August 2, 1973.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-16414 Filed 8-8-73;8:45 am]

[Docket No. 10865; Amdt. No. 121-105]

PART 121—CERTIFICATION AND OPERATIONS; DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Public Address and Interphone Communications Systems

The purpose of these amendments to Part 121 of the Federal Aviation Regulations is to require that all airplanes having a passenger seating capacity greater than 19 and operated under Part 121 be equipped with an approved electronic public address system and an interphone communication system that are in satisfactory operating condition at takeoff. Parts 123 and 135 of the Federal Aviation Regulations incorporate the requirements of this amendment by references in §§ 123.27 and 135.2. Therefore, this amendment applies to Air Travel Clubs governed by Part 123 and also Air Taxi Operators governed by Part 135 using large airplanes in the conduct of their operations that have a passenger seating capacity greater than 19.

Interested persons have been afforded an opportunity to participate in the making of this amendment by a notice of proposed rulemaking (Notice No. 72-6) published in the FEDERAL REGISTER on March 2, 1972 (37 FR 4358) and due consideration has been given to all comments received in response to the notice, insofar as they relate to matters within the scope of the notice. Except for editorial changes, and except as specifically discussed hereinafter, this amendment and the reasons therefor are the same as those contained in the notice.

All but one of the seven public comments received were in favor of the proposal, but recommended certain specific changes.

The Air Transport Association of America (ATA) and the Aerospace Industries Association of America (AIA) recommended the addition of selector switches and signaling devices to those components that may be common to both the public address system and the crewmember interphone system. The FAA believes this recommendation has merit and has, therefore, included in this amendment selector switches and signaling devices as components that may be common to both systems. However, the FAA is unable to agree with the ATA that the commonality between the two systems should be expanded to include power sources. Accordingly, that recommendation has not been adopted.

The AIA recommended that for practical reasons, such as the possibility that use of the public address or interphone system may be preempted by a flight crewmember in the pilot compartment, the regulation should allow a delay of ten seconds for operation of either system by a flight attendant in the passen-

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ger compartment. The FAA concurs and provision for such a ten second delay has been made in the amendment adopted. However, the FAA does not agree that a ten second delay is appropriate for use of the two systems by flight crewmembers in the pilot compartment. In our opinion, safety considerations require both systems to be accessible for immediate use from each of two flight crewmember stations in the pilot compartment and such a requirement is adopted in this amendment.

Comment also objected to the proposal to require, with respect to the interphone system for large turbojet-powered airplanes, both aural and visual signals for use by flight crewmembers and flight attendants to alert each other of an impending call. The FAA believes there is adequate justification for such redundancy in the alerting system, since it will reduce the probability of a complete alert system failure or delays in responding to an alert, and provide greater assurance that the recipient of an emergency call will be alerted. Accordingly, this requirement is adopted as proposed. In this regard, it should be noted that the requirement for both aural and visual signals does not extend to the requirement for a means that enables the recipient to determine whether it is a normal or an emergency call.

The wording of the proposal regarding the location of interphone stations for use by flight attendants in the passenger compartment of a large turbojet-powered airplane has been changed in this amendment to more clearly express its intent. As adopted, the wording of § 121.319(b)(5)(i) makes it clear that the interphone system on those airplanes must be accessible for use at enough flight attendant stations so that all floor level emergency exists in the passenger compartment are observable from one or more of those stations so equipped.

With regard to the requirement in § 121.319(b)(5)(iv) for a separate ground to flight attendant interphone communication system, the FAA believes that experience gained from incidents endangering the security of passenger-carrying airplanes clearly indicates the need for a ground communication capability with a flight attendant in the passenger compartment. The FAA anticipates that operators will establish appropriate procedures pertaining to interphone switching and alerting functions and include them in their operations manuals and training programs for the guidance of flight crewmembers and flight attendants.

One commentator recommended that operators be given four years to achieve compliance with the public address and interphone equipment requirements of §§ 121.318 and 121.319. On the basis of our review of this matter, we believe the two year compliance period proposed will provide operators with a sufficient amount of time to accomplish the required equipment installations and modifications.

Other minor word changes have been adopted in this amendment for editorial and clarification purposes.

These amendments are issued under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1424, and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective September 8, 1973, as follows:

1. By adding a new § 121.318 to read as follows:

§ 121.318 Public address system.

(a) After September 8, 1975, no person may operate an airplane with a seating capacity of more than 19 passengers unless the airplane is equipped with a public address system that:

(1) Is capable of operation independent of the crewmember interphone system required by § 121.319(a) except for handsets, headsets, microphones, selector switches, and signaling devices; and

(2) Meets the requirements of paragraph (b) of this section.

(b) The public address system required by paragraph (a) of this section must be approved in accordance with § 21.305 of this chapter and meet the following requirements:

(1) It must be accessible for immediate use from each of two flight crewmember stations in the pilot compartment;

(2) It must be accessible for use from at least one normal flight attendant station in the passenger compartment;

(3) It must be capable of operation within ten seconds by a flight attendant at those stations in the passenger compartment from which its use is accessible; and

(4) Transmission must be audible at each passenger and flight attendant seat and in each lavatory.

2. By adding a new § 121.319 to read as follows:

§ 121.319 Crewmember interphone system.

(a) After September 8, 1975, no person may operate an airplane with a seating capacity of more than 19 passengers unless the airplane is equipped with a crewmember interphone system that:

(1) Is operational at takeoff;

(2) Is capable of operation independent of the public address system required by § 121.318(a) except for handsets, headsets, microphones, selector switches, and signaling devices; and

(3) Meets the requirements of paragraph (b) of this section.

(b) The crewmember interphone system required by paragraph (a) of this section must be approved in accordance with § 21.305 of this chapter and meet the following requirements:

(1) It must provide a means of two-way communication between the pilot compartment and the passenger compartment;

(2) It must be accessible for immediate use from each of two flight crewmember stations in the pilot compartment;

(3) It must be accessible for use from at least one normal flight attendant station in the passenger compartment;

(4) It must be capable of operation within ten seconds by a flight attendant at those stations in the passenger compartment from which its use is accessible; and

(5) For large turbojet-powered airplanes:

(i) It must be accessible for use at enough flight attendant stations so that all floor level emergency exits in the passenger compartment are observable from one or more of those stations so equipped;

(ii) It must have an alerting system incorporating both aural and visual signals for use by the flight crewmember to alert flight attendants and for use by flight attendants to alert flight crewmembers;

(iii) The alerting system required by subparagraph (b)(5)(ii) of this section must have a means for the recipient of a call to determine whether it is a normal call or an emergency call; and

(iv) When the airplane is on the ground, it must provide a means of two-way communication between ground personnel and at least one flight attendant in the passenger cabin, and separately, between ground personnel and either of at least two flight crewmembers in the pilot compartment. The interphone system station for use by the ground personnel must be so located that personnel using the system may avoid visible detection from within the airplane.

Issued in Washington, D.C., on July 27, 1973.

JAMES E. DOW,
Acting Administrator.

[FR Doc.73-16410 Filed 8-8-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

PART 14—ADMINISTRATIVE INTERPRETATIONS, GENERAL POLICY STATEMENTS, AND ENFORCEMENT POLICY STATEMENTS

Foreign Language Advertising; Correction

FR Doc. 73-16085, appearing at page 20820 for the issue of Friday, August 3, 1973, is corrected to read as follows:

§ 14.9 Requirements concerning clear and conspicuous disclosures in foreign language advertising and sales materials.

The Federal Trade Commission has noted that, with increasing intensity, advertisers are making special efforts to reach foreign language-speaking consumers. As part of this special effort, advertisements, brochures and sales documents are being printed in foreign languages.

In recent years the Commission has issued various cease-and-desist orders as well as rules, guides and other statements, which require affirmative disclosures in connection with certain kinds of representations and business activities. Generally, these disclosures are required to be "clear and conspicuous." Because questions have arisen as to the meaning and application of the phrase "clear and conspicuous" with respect to foreign language advertisements and sales materials, the Commission deems it appropriate to set forth the following enforcement policy statement:

(a) Where cease-and-desist orders as well as rules, guides and other statements require "clear and conspicuous" disclosure of certain information, that disclosure must be in the same language as that principally used in the advertisements and sales materials involved.

(b) Any respondent who fails to comply with this requirement may be the subject of a civil penalty proceeding for violating the terms of a Commissioner cease-and-desist order.

(Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

By direction of the Commission dated July 24, 1973.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-16442 Filed 8-8-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Civil Division Memo 374; Civil Division Directive 44-73]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart Y—Authority To Compromise and Close Civil Claims and Responsibility for Judgments, Fines, Penalties, and Forfeitures

DELEGATION OF AUTHORITY TO UNITED STATES ATTORNEYS IN CIVIL DIVISION CASES

The purpose of this Directive is to increase the authority of United States Attorneys to accept or reject offers in compromise or to close claims other than by compromise or entry of judgment, in cases under the jurisdiction of the Assistant Attorney General in charge of the Civil Division.

By virtue of the authority vested in me by Part O of Title 28, Code of Federal Regulations, particularly §§ 0.45, 0.46, 0.160, 0.162, 0.164, 0.166, and 0.168, Civil Division Memo No. 374 of the Appendix to Subpart Y of Part O of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. The figure "$10,000" is substituted for the figure "$5,000" in paragraphs A, B, D, E(1), and F of section 3 each place where that figure appears.

2. The figure "$20,000" is substituted for the figure "$10,000" in paragraph E(2) of section 3 each place where that figure appears.

3. Paragraph C of section 3 is revised to read as follows:

C. *General claims section matters.* 1. Claims by the Government and Government owned corporations, other than claims involving fraud, or negligence claims arising out of personal injury or property damage, whenever the amount claimed does not exceed $10,000, exclusive of interest and costs, as follows:

a. Claims for the recovery of the possession of Government personal property or for the conversion thereof, including the conversion of personal property mortgaged to the Government, but excluding conversion claims involving ships, cargoes and other maritime property.

b. Statutory civil penalty and civil monetary forfeiture claims of the Government which are not assigned to any other organizational unit within the Department of Justice.

c. Claims in bankruptcy, insolvency and decedents' estate proceedings involving non-tax debts due the Government.

d. Loan default, contractual and quasi-contractual claims arising under statutes administered by the Department of Agriculture.

e. Contractual and quasi-contractual claims of the Army and Air Force Exchange Service and other non-appropriated fund instrumentalities of the Government.

f. Claims referred upon General Accounting Office certificates of indebtedness, except those involving carriage of goods by water.

g. Loan default, contractual and quasi-contractual claims arising under statutes administered by the General Services Administration.

h. Claims of the Department of Housing and Urban Development on account of loans made or insured by that Department and claims arising under HUD planning advance agreements.

i. Contractual and quasi-contractual claims of the U.S. Postal Service.

j. Claims of the Railroad Retirement Board for the recovery of benefit payments and the enforcement or vindication of RRB liens.

k. Claims of the Small Business Administration arising out of the lending programs of that agency, exeept loans on the security of vessels.

l. Claims by the Treasury Department for the collection of customs duties and for recovery against sureties on customs bonds provided by importers.

m. Claims by the Veterans Administration on account of farm, business and home loans made, guaranteed or insured by that Agency.

n. Claims by the Veterans Administration for the escheat of funds pursuant to 38 U.S.C. 3203(e) and for the vesting of personal estates of deceased veterans pursuant to 38 U.S.C. 5220-5228.

2. Suits in which the United States or an officer or agency thereof or a Government-owned corporation has been made a party defendant pursuant to 28 U.S.C. 2410 in a quiet title, foreclosure, partition or interpleader action because of a lien of the Government and the current lien interest of the Government does not exceed $10,000, exclusive of interest and costs, but excluding suits in which the Government's interest is a tax lien, a lien on a vessel or other maritime property, or in which the lien arises from a criminal fine judgment or judgment on an appearance bond.

4. Existing sections 4, 5, 6, 7, 8 and 9 are renumbered as sections 5, 6, 7, 8, 9 and 10, respectively, and the following new section 4 is inserted:

SEC. 4. *Further delegations.*

Notwithstanding any of the provisions of this Memorandum, Section Chiefs, may delegate to U.S. Attorneys any claims or suits, including those involving amounts greater than as set forth above, and up to the maximum limit of said Section Chiefs' authority, where the circumstances warrant such delegation. Upon recommendations of Section Chiefs, the Assistant Attorney General may delegate to U.S. Attorneys any claims or suits including those involving amounts greater than as set forth above, and up to the maximum limit of said Assistant Attorney General's authority, where the circumstances warrant such delegations. Such further delegations are intended to effect maximum utilization of U.S. Attorneys' resources and provide on-site litigating authority wherever feasible.

IRVING JAFFE,
Acting Assistant Attorney General, Civil Division.

Approved: August 2, 1973.

ELLIOT L. RICHARDSON,
Attorney General.

[FR Doc.73-16439 Filed 8-8-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 204—DANGER ZONE REGULATIONS

Florida Bay, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 204.86 establishing and governing the use of a danger zone in Florida Bay, Northeast of Pine Islands, Florida is hereby revoked, effective August 9, 1973.

Since the revocation constitutes only a procedural matter, notice of proposed rule making and public procedures thereto are considered unnecessary. Accordingly, § 204.86 *Florida Bay northeast of Pine Islands, Fla., live firing area for strafing,* of Title 33 of the Code of Federal Regulations is hereby revoked.

(Regs., July 16, 1973, 1522-01 (Florida Bay, Fla.) DAEN-CWO-N; Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.73-16440 Filed 8-8-73;8:45 am]

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Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 113—SERVICE IN POST OFFICES

General Delivery

Regulations dealing with General Delivery have been amended to clarify that the intended purpose of this service at post offices which do not have carrier delivery. Publication in the FEDERAL REGISTER of the following amendment to paragraph (a) of § 113.3 is effective immediately.

§ 113.3 **General delivery.**

(a) *Use.* General delivery is primarily for use at offices without carrier delivery to serve transients and for other customers who prefer not to use lockbox service. Mail endorsed "Transient," "To Be Called For," "General Delivery," or with other suitable words will be placed in the general delivery case to be delivered to the addressee on his application and proper identification.

• • • • •

(39 U.S.C. 401)

ROGER P. CRAIG,
Acting General Counsel.

[FR Doc.73-16476 Filed 8-8-73;8:45 am]

PART 124—MATTER MAILABLE UNDER SPECIAL RULES

Perishable Matter

Regulations dealing with the mailing of live day old poultry have been amended to specify conditions applicable to air-mail shipments of live day old poultry. Publication of the amendment in the FEDERAL REGISTER is effective immediately.

Accordingly, new paragraph (c)(1)(xiv) is added to § 124.3 to read as follows:

§ 124.3 **Perishable matter.**

• • • • •

(c) *Live animals*—(1) *Live day old poultry* • • •

(xiv) When shipped by airmail, all shipping provisions of the airline tariffs must be met, and air carriers must have equipment available to safely deliver shipments within the specified time limitations, allowing for delays en route and ground transportation to the addressee.

(39 U.S.C. 401)

ROGER P. CRAIG,
Acting General Counsel.

[FR Doc.73-16475 Filed 8-8-73;8:45 am]

PART 162—INSURED MAIL

Insurability Requirements

Regulations dealing with insured mail have been amended to specify that in order for packages to be mailable, they should meet the requirements for insurability, whether insured or not.

Accordingly, paragraph (c)(4) of § 162.1 *Description* is amended by the addition of the following sentence: "As a general rule, any package that is mailable should be insurable." Publication in the FEDERAL REGISTER is effective immediately.

(39 U.S.C. 401)

ROGER P. CRAIG,
Acting General Counsel.

[FR Doc.73-16474 Filed 8-8-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14-1—GENERAL

PART 14-7—CONTRACT CLAUSES

Federal Reports Act

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Part 14-1 and Part 14-7 of Chapter 14 of Title 41 of the Code of Federal Regulations are hereby amended. The purpose of the amendments is to further implement the Federal Reports Act of 1942.

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rulemaking process. However, the amendments herein involve administrative procedures. Therefore, the public rulemaking process is waived in this instance and the amendments will become effective on August 20, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

AUGUST 3, 1973.

1. Part 14-1, subpart 14-1.3, of the Interior Procurement Regulations is amended by adding the following to the table of contents:

Sec.
14-1.351 Federal Reports Act of 1942

2. Part 14-7 of the Interior Procurement Regulations is amended by adding the following to the table of contents:

Subpart 14-7.50—Special Contract Clauses

Sec.
14-7.5001 Federal Reports Act

3. Subpart 14-1.3, General Policies, of the Interior Procurement Regulations is amended by adding the following:

§ 14-1.351 Federal Reports Act of 1942.

(a) *General.* The Federal Reports Act of 1942 (44 U.S.C. 3501 et seq.), requires that no Federal agency shall conduct or sponsor the collection of information, upon identical items, from ten or more public respondents unless the approval of the Office of Management and Budget is obtained in advance of the adoption or revision of any plans or forms for such collection.

(b) *Approvals.* Data requirements shall be defined, cleared with the Department, and approved by the Office of Management and Budget prior to the issuance of solicitations, requests for proposals or contracts which involve the collection of information subject to the Act. Procedures and clearance requirements are contained in the Departmental Manual (305 DM 2) and Office of Management and Budget Circular No. A-40, Revised.

(c) *Clauses.* Solicitations, requests for proposals, and contracts will contain a clause concerning the Act when the contract will require or may require the collection of information subject to the Act. The appropriate clause listed in this § 14-1.351(c) should be used.

(1) When there is uncertainty at the time of contract execution whether collection of information will be required, the following clause should be used:

FEDERAL REPORTS ACT

In the event that it subsequently becomes a contractual requirement to collect information from 10 or more public respondents, the Federal Reports Act shall apply to this contract and the Contractor shall obtain through the Contracting Officer the clearance and approval required by the act and implementing regulations. Funds shall not be expended and contacts shall not be made for the collection of data and information from public respondents until Office of Management and Budget approval is obtained and written notice of approval is given to the Contractor by the Contracting Officer.

(2) When preclearance approval has been obtained but final approval by the Office of Management and Budget has not been obtained, the following clause should be used:

FEDERAL REPORTS ACT

This contract is subject to the Federal Reports Act and has received preclearance by the Department and the Office of Management and Budget but is subject to final approval. The Contractor shall not expend any funds or take any action whatsoever in soliciting data and information from any public respondent until the Contracting Officer has notified the Contractor in writing that Office of Management and Budget final approval has been obtained. The Contractor shall provide the Contracting Officer with any information that is necessary to obtain the final approval.

(3) When Office of Management and Budget approval has been obtained prior to contract execution, the following clause should be used:

FEDERAL REPORTS ACT

This contract is subject to the Federal Reports Act and the required clearances and approvals have been obtained. Office of Management and Budget report number_____ has been assigned. Instructions concerning the application of the clearance will be provided by the Contracting Officer.

4. Part 14-7, Contract Clauses, of the Interior Procurement Regulations is amended by adding a new Subpart 14-7.50 as follows:

Subpart 14-7.50—Special Contract Clauses

§ 14-7.5001 Federal Reports Act.

The appropriate clause set forth in § 14-1.351(c) should be used as prescribed therein when the contract requires or may require the collection of information upon identical items, from ten or more public respondents and is subject to the Federal Reports Act of 1942 (44 U.S.C. 3501 et seq.).

[FR Doc.73-16422 Filed 8-8-73;8:45 am]

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

PART 15-1—GENERAL

Subpart 15-1.3—General Policies

DISPUTES CLAUSE

Section 15-1.318-1, *Contracting Officer's Decision Under a Disputes Clause,* Subpart 15-1.3, Part 15-1, Chapter 15, Title 41 of the Code of Federal Regulations, is hereby amended to emphasize the contracting officer's obligation to secure opinions from technical and legal officers prior to issuance of a final decision under a disputes clause.

Effective date: This regulation will become effective August 9, 1973.

Dated: August 3, 1973.

ROBERT W. FRI,
Acting Administrator.

1. Section 15-1.318-1(a)(1) is amended to read as follows:

§ 15-1.318-1 Contracting officer's decision under a disputes clause.

(a) *Action prior to issuance of a final decision.* (1) In resolving a dispute, the contracting officer must understand that the Environmental Protection Agency (EPA) does not seek litigation as an end in itself. The contracting officer should consider the advisability of attempting to mediate the dispute or hear out the contractor through discussion meetings or other means. The contracting officer is required to effect the prompt determination of disputes arising out of the performance of contracts. He is required to give his personal and independent consideration to the making of each determination to decision with the aid of such technical and legal advice as may be necessary. The contracting officer shall thoroughly examine the project officer's files on the contract to determine the project officer's relationship with the contractor. The contracting officer shall discuss the contractor's claim with the project officer, a representative of the office of the Associate General Counsel, Grants, Contracts and General Administration, and representatives of such other EPA offices as are appropriate to the dispute, e.g., Contracts Management Division, Audit, etc. These representatives shall furnish the contracting officer their respective opinions. However, he must not base his decision on summary advice from members of his legal, technical, and administrative team, since the decision must be the result of the independent judgment and discretion of the contracting officer. He must obtain and study all the facts which bear upon the issue before him. He must insist that his advisors in technical areas give him concrete advice on how to decide and present him with a detailed, understandable statement of the reasoning process by which they arrive at their conclusions.

• • • • •

(40 U.S.C. 488(c), 63 Stat. 377, as amended)

[FR Doc.73-16444 Filed 8-8-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Kenai National Moose Range, Alaska

The following special regulation is issued and is effective on August 9, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

Upland game may be hunted on the Kenai National Moose Range in accordance with applicable State regulations. The use of aircraft, boats, and other motorized vehicles is restricted to certain designated areas and periods of use. Information relative to hunting and use of refuge lands may be obtained from the Refuge Manager, Kenai National Moose Range Headquarters, Box 500, Kenai, Alaska 99611.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through August 19, 1974.

JAMES B. MONNIE,
Refuge Manager, Kenai National Moose Range, Kenai, AK 99611.

AUGUST 2, 1973.

[FR Doc.73-16428 Filed 8-8-73;8:45 am]

PART 32—HUNTING

Kenai National Moose Range, Alaska

The following special regulation is issued and is effective on August 9, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

Big game may be hunted on the Kenai National Moose Range in accordance with applicable State regulations. The use of aircraft, boats, and other motorized vehicles is restricted to certain designated areas and periods of use. Information relative to hunting and use of refuge lands may be obtained from the Refuge Manager, Kenai National Moose Range Headquarters, Box 500, Kenai, Alaska 99611.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through August 19, 1974.

JAMES B. MONNIE,
Refuge Manager, Kenai National Moose Range, Kenai, AK 99611.

AUGUST 2, 1973.

[FR Doc.73-16429 Filed 8-8-73;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Appendix—Apportionment of Food Assistance and Nonfood Assistance Funds Pursuant to National School Lunch Act for Fiscal Year 1974

Pursuant to section 13, of the National School Lunch Act, as amended, food assistance and nonfood assistance funds available for the fiscal year ending June 30, 1974, are apportioned among the States as follows:

State	Total Apportionment
Alabama	$651,502
Alaska	76,933
Arizona	236,262
Arkansas	390,002
California	1,414,765
Colorado	209,564
Connecticut	188,788
Delaware	86,522
District of Columbia	133,207
Florida	702,995
Georgia	675,395
Guam	11,571
Hawaii	93,693
Idaho	98,797
Illinois	720,040
Indiana	321,858
Iowa	203,320
Kansas	191,101
Kentucky	530,177
Louisiana	766,618
Maine	117,179
Maryland	321,577
Massachusetts	320,229
Michigan	567,253
Minnesota	257,248
Mississippi	659,119
Missouri	431,165
Montana	105,975
Nebraska	152,827
Nevada	76,540
New Hampshire	80,657
New Jersey	404,864
New Mexico	225,384
New York	1,262,151
North Carolina	710,415
North Dakota	101,310
Ohio	712,861
Oklahoma	316,175
Oregon	178,875
Pennsylvania	708,965
Puerto Rico	362,486
Rhode Island	108,593
Samoa, American	14,056
South Carolina	491,173
South Dakota	122,005
Tennessee	578,907
Texas	1,328,004
Trust Territory	7,492
Utah	118,787
Vermont	72,643
Virginia	496,010
Virgin Islands	4,395
Washington	238,403
West Virginia	291,162
Wisconsin	280,429
Wyoming	71,576
Total	20,000,000

(Sec. 13, 82 Stat. 117; 42 U.S.C. 1761)

Dated: August 1, 1973.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.73-16419 Filed 8-8-73;8:45 am]

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CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 444]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period August 10–16, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.744 Valencia Orange Regulation 444.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges improved during the past week. Prices f.o.b. averaged $3.42 per carton on a sales volume of 538 carlots during the week ended August 2, 1973, compared with $3.31 per carton on sales of 533 carlots a week earlier. Track and rolling supplies at 333 cars were down 19 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 7, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 10, 1973, through August 16, 1973, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: 500,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 8, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–16668 Filed 8–8–73;12:07 pm]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 931]

FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Proposed Expenses and Fixing of Rate of Assessment for 1973–74 Fiscal Period

This notice invites written comments relative to the proposed expenses of $18,105, and rate of assessment of one cent per standard western pear box to support the activities of the Northwest Fresh Bartlett Pear Marketing Committee for the 1973–74 fiscal period under marketing Order No. 931.

Consideration is being given to the following proposals submitted by the Northwest Fresh Bartlett Pear Marketing Committee, established pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931), regulating the handling of fresh Bartlett pears grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee, during the period July 1, 1973, through June 30, 1974, will amount to $18,105.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 931.41 be fixed at $0.01 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Administration Building, Washington, D.C. 20250, not later than August 24, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 6, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.73–16421 Filed 8–8–73;8:45 am]

[7 CFR Part 1207]

POTATO RESEARCH AND PROMOTION PLAN

Proposed Revision of Basis for Board Representation

Consideration is being given to the approval of a proposal to amend the base period to be used to determine representation on the National Potato Promotion Board. The proposal was unanimously recommended by the National Potato Promotion Board, established pursuant to the Potato Research and Promotion Plan (7 CFR Part 1207; 37 FR 5008). The Plan is effective under the Potato Research and Promotion Act (7 U.S.C. 2611–2627).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in quadruplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than September 10, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration. The National Potato Promotion Board at its 1973 annual meeting unanimously recommended that each future Board's membership be determined on the basis of average potato production during the three preceding years, rather than the one preceding year as is currently used.

The one-year basis for representation results in a Board composition which reflects the relative importance of each State in total U.S. potato production the preceding year. However, this basis can result in significant variation in representation from year to year. For example, because of an unusual sharp drop in production in 1972 mainly due to extreme weather, six States lost a member on the 1973 Board. It is anticipated that some of these States will regain these membership losses in 1974. The effect of such short term variation is a decline in continuity of membership which may be detrimental to operations of the Board.

If the Board's recommendation is adopted, membership on the 1974 Board would reflect 1971–73 average production, the 1975 Board would be based upon 1972–74 production, and so on.

The proposal is as follows:

§ 1207.550 Determination of membership.

Pursuant to § 1207.320(b) and the recommendation of the National Potato Promotion Board, annual membership on the Board shall be determined on the basis of the average potato production of the three preceding years in each of the 48 contiguous States as set forth in the Crop Production Annual Summary Reports issued by the Crop Reporting Board of the U.S. Department of Agriculture.

Dated: August 3, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–16420 Filed 8–8–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 10]

FOOD STANDARDS FOR CERTAIN TYPES OF EDIBLE OILS

Termination of Proposal To Develop U.S. Standards of Identity Based on International Codex Standards

In the FEDERAL REGISTER of October 5, 1972 (37 FR 21123), the Commissioner of Food and Drugs published a notice of opportunity for review and informal comment on the Codex Alimentarius Recommended International Standards for Edible Soya Bean Oil (Soybean Oil), Arachis Oil (Peanut Oil), Cottonseed Oil, Sunflowerseed Oil, Rapeseed Oil, Maize Oil (Corn Oil), Sesameseed Oil, Safflowerseed Oil, and Mustardseed Oil. This notice was published in conformity with proposed 21 CFR 10.8 (37 FR 21102). Thirteen responses from consumer organizations, trade associations and industry representatives were received subsequent to receipt of the Codex standards from the Codex Alimentarius Commission or in response to the October 5, 1972 FEDERAL REGISTER notice. The responses are summarized as follows:

1. Four respondents stated that there is no need to promulgate United States standards for the cited oils in view of the domestic laws which now govern the oils marketed in the United States. The comments indicated that these oils are subject to industry trading rules, to the specifications of the United States Department of Agriculture for international trade purchases and exchanges, to Public Law 480, and to various domestic commodity buying procedures. The respondents knew of no conditions existing in the market which would necessitate the promulgation of United States

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standards of identity for these oils in order to promote honesty and fair dealing in the interest of consumers.

2. Six respondents recommended that the Codex standards be revised to include separate specifications for the various forms in which such edible oils move in international trade. The respondents stated that the current Codex requirements are, in some instances, too restrictive for once-refined oils or fully refined oils; and in others, too general to be of value.

3. Seven respondents replied that the parameters in the Essential Composition and Quality Factors of the Codex standards as so imprecise that they cannot be depended upon to differentiate the common edible oils. For example, the Codex permissible ranges for the chemical parameters for soybean oil are saponification values of 189–195 and iodine values of 120–143; while those for sunflowerseed oil are 183–194 and 110–143, respectively. The respondents further stated that the physical constants (density and refractive index) and the quality criteria (acid and peroxide values) are also inadequate for differentiation of the oils.

4. Two respondents recommended that gas-liquid chromatographic procedures and other sophisticated techniques which would permit more exact characterization of the fats and oils from their fatty acid composition be utilized. They stated that the Codex standards do not use this procedure, but instead rely on obsolete analytical determinations.

5. Five respondents recommended that safe and suitable nondeceptive colors and flavors be provided in lieu of their specific enumeration in the Codex standards.

6. Two respondents stated that not all the antioxidants, synergists, and antifoaming agents provided in the Codex standards are approved for food use by the Food and Drug Administration, nor are they permitted in certain standardized foods. For example, one respondent noted that soybean oils containing antioxidants, synergists, or antifoaming agents cannot be used in margarine under the present United States standards of identity.

7. One respondent requested that the Codex "Recommended General International Standard for Edible Fats and Oils not covered by the individual Codex standards" (CAC/RS 19–1969) also be published for consideration and comment.

8. One respondent recommended that since edible oils are subject to rancidity, each package label should contain the packaging date and storage instructions.

9. Three respondents stated that sunflowerseed oil has only recently been introduced into the United States commerce. As a result, they have not had sufficient time or experience to document oil characteristics which might be significantly different from oil produced in other parts of the world, and feel that they are not in a position at this time to judge the Codex specifications for sunflowerseed oil. The consensus of the recommendations from the respondents is that the Codex standard for sunflowerseed oil not be accepted until sufficient data are acquired for evaluation of the criteria involved.

Having considered all the comments received and other relevant information, the Commissioner has concluded that there is insufficient interest or need to warrant proposing standards of identity for edible oils at this time pursuant to section 401 of the act.

Therefore, in accordance with 21 CFR 10.8 (38 FR 12396) notice is given that the Commissioner has terminated consideration of developing United States standards of identity based upon the Codex Alimentarius recommended international standards for the edible oils named above. This action is without prejudice to further consideration to the development of United States standards of identity for edible oils upon appropriate justification in the future.

Dated: August 1, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc 73–16470 Filed 8–8–73;8:45 am]

[21 CFR Parts 141b, 141c, 141e, 146b, 146c, 146e, 148i, 148n]

OTIC AND OPHTHALMIC/OTIC PREPARATIONS

Proposed Revocation and Amendment

In notices published in the FEDERAL REGISTER as indicated below, the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs for otic and/or ophthalmic use:

1. DESI 50205 published August 19, 1971 (36 FR 16130).

Achromycin Ear Solution containing tetracycline hydrochloride and benzocaine; Lederle Laboratories Division, American Cyanamid Co., Pearl River, NY 10965 (NDA 50–275).

2. DESI 8583 published June 23, 1972 (37 FR 12418).

a. Terramycin Ophthalmic-Otic Ointment with Polymyxin B Sulfate containing oxytetracycline hydrochloride and polymyxin B sulfate; Pfizer Inc., 235 East 42d St., New York, NY 10017 (NDA 61–015).

b. Chloromycetin-Polymyxin Ophthalmic Ointment containing chloramphenicol and polymyxin B sulfate; Parke, Davis and Co., Joseph Campau at the River, Detroit, MI 48232 (NDA 50–203).

c. Polysporin Ophthalmic Ointment containing polymyxin B sulfate and zinc bacitracin; Burroughs Wellcome & Co., 3030 Cornwallis Rd., Research Triangle Park, NC 27709 (NDA 61–229).

3. DESI 9152 published June 23, 1972 (37 FR 12419).

Terra-Cortril Eye/Ear Suspension containing oxytetracycline hydrochloride and hydrocortisone acetate; Pfizer, Inc. (NDA 60–016).

4. DESI 9188 published June 6, 1972 (37 FR 11283).

a. Neo-Delta-Cortef Eye/Ear Ointment containing prednisolone acetate and neomycin sulfate; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49002 (NDA 61–039).

b. Neo-Cortef Eye/Ear Drops containing hydrocortisone acetate and neomycin sulfate; The Upjohn Co. (NDA 60–612).

c. Neo-Delta-Cortef Eye/Ear Drops containing prednisolone acetate and neomycin sulfate, The Upjohn Co. (NDA 61–037).

d. Neo-Cortef Eye/Ear Ointment containing hydrocortisone acetate and neomycin sulfate; The Upjohn Co. (NDA 60–610).

e. Neo-Medrol Eye/Ear Ointment containing methylprednisolone and neomycin sulfate. The Upjohn Co. (NDA 60–645).

f. Neo-Hydelthasol Ophthalmic Solution (for eye or ear) containing prednisolone sodium phosphate and neomycin sulfate; Merck, Sharp, and Dohme. Division Merck and Co., Inc., West Point, PA 19486 (NDA 50–379).

g. Neo-Hydeltrasol Ophthalmic Ointment (for eye or ear) containing prednisolone sodium phosphate and neomycin sulfate; Merck, Sharp, and Dohme (NDA 50–378).

h. Neo-Decadron Ophthalmic Ointment (for eye or ear) containing dexamethasone sodium phosphate and neomycin sulfate; Merck, Sharp, and Dohme (NDA 50–324).

i. Neo-Aristocort Eye/Ear Ointment containing triamcinolone acetonide and neomycin sulfate; Lederle Laboratories Division, American Cyanamid Co. (NDA 60–442).

j. Neo-Decadron Ophthalmic Solution (for eye or ear) containing dexamethasone sodium phosphate and neomycin sulfate; Merck, Sharp, and Dohme (NDA 50–322).

k. Cor-Oticin Eye/Ear Suspension containing hydrocortisone acetate and neomycin sulfate; Maurry Biological Co., Inc., 6109 South Western Ave., Los Angeles, CA 90047 (NDA 60–188).

5. DESI 8674 published June 29, 1972 (37 FR 12855).

a. Terramycin Otic with Polymyxin B Sulfate and Benzocaine containing polymyxin B sulfate, oxytetracycline hydrochloride and benzocaine; Pfizer, Inc. (NDA 61–087 (incorrectly published as NDA 60–392)).

b. Otobione Otic Drops containing prednisolone acetate; neomycin sulfate, and sodium proprionate; Schering Corp., 60 Orange St., Bloomfield, NJ 07003 (NDA 50–363).

c. Otobiotic Otic Solution containing neomycin sulfate and sodium propionate; Schering Corp. (NDA 50–364).

d. Biomydrin Otic with Hydrocortisone containing neomycin sulfate, gramicidin, hydrocortisone acetate, thonzylamine hydrochloride and thonzonium bromide; Warner-Chilcott Labortories Division, Warner-Lambert Pharmaceutical Co., 201 Tabor Rd., Morris Plains, NJ 07950 (NDA 50–351).

e. Neo-Cort-Dome Otic Suspension containing hydrocortisone, neomycin sulfate, and acetic acid; Dome Laboratories, Division of Miles Laboratories, Inc., 125 West End Ave., New York, NY 10023 (NDA 50–238).

With the exception of DESI 8583 in which the drugs were regarded as effective and/or possibly effective for labeled indications, the notices stated that the above drugs were regarded as possibly effective and lacking substantial evidence of effectiveness for their labeled otic and/or ophthalmic indications. The possibly effective indications for all of the drugs, including those in DESI 8583, have been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted pursuant to the above-listed notices. Accordingly, this notice proposes to revoke provisions for the certification or release of these drugs for such uses.

In addition to the drugs named above, some of the DESI notices referred to included other preparations not included in this notice. They have been either reclassified as effective or are being allowed to remain on the market, based upon medically justified need, pending reevaluation of the published classifications or completion of scientific studies to determine effectiveness in accordance with the requirements set forth in "Notice of Prescription Drugs for Human Use Affected by Drug Efficacy Study Implementation" published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623).

In addition to the products mentioned in the published notices, certification of other related products is provided in § 146b.110 *Streptomycin otic with antifungal agent or dihydrostreptomycin otic with antifungal agent; • • •* and § 146e.432 *Bacitracin-neomycin undecylenate otic drops*. Although not reviewed by the Academy, such drugs are regarded as lacking substantial evidence of effectiveness for their labeled indications.

Otalgine Drops containing neomycin undecylenate - tyrothricin - hydrocortisone - ethyleneoxidepolyoxypropylene glycol condensate; Purdue Frederick Co., Yonkers, NY 10701 (NDA 50–066), is on release status and was not reviewed by the Academy or mentioned in the published notices. This drug is also considered lacking substantial evidence of effectiveness for its labeled indications.

Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended to revoke provisions, where applicable, for certification or release of the above-named antibiotic drugs for otic use in humans. The Commissioner also concludes that the regulations should be amended, as appropriate, to provide separate rather than combined monographs for both ophthalmic and otic preparations.

Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Chapter I of Title 21, Code of Federal Regulations, as follows:

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

§ 141b.115 [Revoked]

1. By revoking § 141b.115 *Streptomycin otic with antifungal agent; dihydrostreptomycin otic with antifungal agent* and reserving it for future use.

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

§ 141c.208 [Revoked]

2. By revoking § 141c.208 *Tetracycline hydrochloride otic* and reserving it for future use.

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

§ 141e.432 [Revoked]

3. By revoking § 141e.432 *Bacitracin-neomycin undecylenate otic drops* and reserving it for future use.

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

§ 146b.110 [Revoked]

4. By revoking § 146b.110 *Streptomycin otic with antifungal agent; • • •* and reserving it for future use.

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

§ 146c.208 [Revoked]

5. By revoking § 146c.208 *Tetracycline hydrochloride otic (tetracycline hydrochloride for ear solution)* and reserving it for future use.

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

§ 146e.432 [Revoked]

6. By revoking § 146e.432 *Bacitracin-neomycin undecylenate otic drops* and reserving it for future use.

PART 148i—NEOMYCIN SULFATE

7a. By adding new subdivisions (*d*), (*e*), and (*f*) to paragraph (a) (1) (ii) and deleting paragraph (a) (1) (iii) of § 148i.3 to read as follows:

§ 148i.3 Neomycin sulfate ointment; neomycin sulfate _____ ointment (the blank being filled in with the established name(s) of the other active ingredients(s) present in accordance with paragraph (a) (1) of this section).

(a) • • •

(1) • • •

(ii) • • •

(*d*) 1.0 milligram of methylprednisolone; or

(*e*) 1.0 milligram of triamcinolone acetonide; or

(*f*) 2.5 milligrams or 5.0 milligrams of prednisolone acetate.

• • • • • •

§§ 148i.8 and 148i.24 [Revoked]

b. By revoking § 148i.8 *Neomycin sulfate-sodium propionate otic solution; neomycin sulfate-sodium propionate-prednisolone acetate otic solution* and § 148i.24 *Neomycin sulfate-gramicidin-hydrocortisone - thonzylamine hydrochloride-thonzonium bromide otic solution* and reserving them for future use.

c. By revising the section heading and the first and second sentences of paragraph (a) (1) of § 148i.39 to read as follows:

§ 148i.39 Neomycin sulfate-hydrocortisone acetate ophthalmic suspension; neomycin sulfate-prednisolone acetate ophthalmic suspension.

(a) • • •

(1) • • • Neomycin sulfate-hydrocortisone acetate ophthalmic suspension is an aqueous suspension containing, in each milliliter 3.5 milligrams of neomycin and 5 milligrams or 15 milligrams of hydrocortisone acetate. Neomycin sulfate-prednisolone acetate ophthalmic suspension is an aqueous suspension containing, in each milliliter, 3.5 milligrams of neomycin and 2.5 milligrams of prednisolone acetate. • • •

• • • • • •

PART 148n—OXYTETRACYCLINE

8a. By revising the section heading, the first sentence of paragraph (a) (1), and paragraph (b) of § 148n.21 to read as follows:

§ 148n.21 Oxytetracycline hydrochloride-polymyxin B sulfate ophthalmic ointment.

(a) • • •

(1) • • • Oxytetracycline hydrochloride-polymyxin B sulfate ophthalmic ointment is oxytetracycline hydrochloride and polymyxin B sulfate in a suitable and harmless ointment base. • • •

• • • • • •

(b) *Tests and methods of assay—(1) Potency—(i) Oxytetracycline content.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until

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homogeneous. Add 20 to 25 milliliters of 0.1*N* hydrochloric acid and shake well. Allow the layers to separate. Remove the acid layer and repeat the extraction procedure with each of three more 20 to 25-milliliter quantities of 0.1*N* hydrochloric acid. Combine the extractives in a suitable volumetric flask and fill to volume with 0.1*N* hydrochloric acid. Further dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.24 microgram of oxytetracycline per milliliter (estimated).

(ii) *Polymyxin B content.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Weigh accurately 0.5 to 1 gram of the ointment and place into a 15-milliliter centrifuge tube. Add 10 milliliters of ethyl ether. Stir until contents are homogeneous and centrifuge for 10 minutes at 3,000 revolutions per minute. Decant the supernatant ether. Repeat washing and centrifugation steps once more. Add 10 milliliters of acetone, stir until contents are homogeneous, and centrifuge for 10 minutes at 3,000 revolutions per minute. Decant the supernatant acetone. Repeat acetone wash and centrifugation once more. Continue acetone washings until the yellow color in the residue disappears. Add 3 to 4 drops of polysorbate 80 to residue and mix well. Gently wash residue into a 100-milliliter volumetric flask with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

b. By revising the section heading and the first sentence of paragraph (a)(1) of § 148n.23 to read as follows:

§ 148n.23 Oxytetracycline hydrochloride-hydrocortisone acetate ophthalmic suspension.

(a) • • •

(1) • • • Oxytetracycline hydrochloride-hydrocortisone acetate ophthalmic suspension is oxytetracycline hydrochloride and hydrocortisone acetate in a suitable and harmless oil base containing aluminum tristearate. • • •

• • • • •

§ 148n.28 [Revoked]

c. By revoking § 148n.28 *Oxytetracycline hydrochloride-polymyxin B sulfate-benzocaine for otic solution* and reserving it for future use.

d. By adding the following new section:

§ 148n.30 Oxytetracycline hydrochloride-polymyxin B sulfate otic ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride-polymyxin B sulfate otic ointment is oxytetracycline hydrochloride and polymyxin B sulfate in a suitable and harmless ointment base. Each gram of ointment contains 5 milligrams of oxytetracycline and 10,000 units of polymyxin B. Its moisture content is not more than 1 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 148n.2(a)(1)(i), (vi), (vii), (viii), and (ix). The polymyxin B sulfate used conforms to the standards prescribed by § 148p.1(a)(1)(i), (v), (vi), (vii), and (ix) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The oxytetracycline hydrochloride used in making the batch for potency, moisture, pH, absorptivity, crystallinity, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, pH, moisture, residue on ignition, and identity.

(*c*) The batch for oxytetracycline content, polymyxin B content, and moisture.

(ii) Samples required:

(*a*) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*c*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Oxytetracycline content.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogenous. Add 20 to 25 milliliters of 0.1*N* hydrochloric acid and shake well. Allow the layers to separate. Remove the acid layer and repeat the extraction procedure with each of three more 20 to 25-milliliter quantities of 0.1*N* hydrochloric acid. Combine the extractives in a suitable volumetric flask and fill to volume with 0.1*N* hydrochloric acid. Further dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.24 microgram of oxytetracycline per milliliter (estimated).

(ii) *Polymyxin B content.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Weight accurately 0.5 to 1 gram of the ointment and place into a 15-milliliter centrifuge tube. Add 10 milliliters of ethyl ether. Stir until contents are homogenous and centrifuge for 10 minutes at 3,000 revolutions per minute. Decant the supernatant ether. Repeat washing and centrifugation steps once more. Add 10 milliliters of acetone, stir until contents are homogenous, and centrifuge for 10 minutes at 3,000 revolutions per minute. Decant the supernatant acetone. Repeat acetone wash and centrifugation once more. Continue acetone washings until the yellow color in the residue disappears. Add 3 to 4 drops of polysorbate 80 to residue and mix well. Gently wash residue into a 100-milliliter volumetric flask with 10 percent potassium phosphate buffer, ph 6.0 (solution 6), and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

Interested persons may, on or before October 9, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during regular working hours, Monday through Friday.

Dated: August 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–16467 Filed 8–8–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73–GL–35]

TRANSITION AREA

Notice of Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Peru, Indiana.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before Sept. 10, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new public use instrument approach procedure has been developed for the Peru Airport, Peru, Indiana, based on the Kokomo VORTAC. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Peru, Indiana.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is added:

PERU, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Peru Airport (latitude 40°47'10"N., longitude 86°08'47"W.), excluding the area which overlies the Kokomo transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Des Plaines, Illinois, on July 23, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.73–16412 Filed 8–8–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–RM–22]

TRANSITION AREA

Notice of Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Sheridan, Wyoming.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207. All communications received on or before September 4, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

An extension to the existing transition area is necessary in order to provide controlled airspace protection for aircraft executing a transition via the 22 NM DME from V86 to the localizer course.

In view of the foregoing, the FAA proposes to amend the description of the Sheridan, Wyoming, transition area as follows:

In § 71.181 (38 FR 578) after the text "... from 18.5 miles northwest to 34 miles southeast of the VORTAC", add:

• • • and that airspace southeast of Sheridan bounded on the north by a line located 5 miles south of and parallel to the Sheridan VORTAC 104° radial, on the east by a 35-mile radius arc of the Sheridan VORTAC, and on the south by a line located 10 miles north of and parallel to the Sheridan VORTAC 138° radial.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colorado, on July 31, 1973.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.73–16411 Filed 8–8–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–SO–49]

VOR FEDERAL AIRWAYS

Notice of Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V–97 between Nelson, Ga., Intersection and Knoxville, Tenn., and realign alternate airway V–51W between Nelson Intersection and Hinch Mountain, Tenn.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before Sept. 10, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An offical docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would:

1. Realign V–97 between Nelson, Ga., Intersection, and Knoxville, Tenn.; via Atlanta, Ga., 003°T (002°M) and Knoxville 203°T (204°M) radials.

2. Realign V–51W between Nelson, Ga., Intersection and Hinch Mountain, Tenn., via Atlanta, Ga., 003°T (002°M) and Hinch Mountain 150°T (149°M) radials.

This amendment would lower the MEA at Nelson Intersection from 9,000 feet to 6,000 feet and permit added traffic control flexibility in the Chattanooga, Tenn., Terminal Area.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 3, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–16415 Filed 8–8–73;8:45 am]

Federal Railroad Administration

[49 CFR Chapter II]

[Docket No. RSOR–2, Notice 1]

RAILROAD OPERATING RULES

Advance Notice of Proposed Rule Making

The Federal Railroad Administration (FRA) is studying possible courses of action with respect to the development of minimum standards for rules governing the operation of trains and other railroad rolling equipment. The rules would apply to railroads that are part of the general railroad system of transportation and to railroads operating exclusively in rapid transit, commuter, or other short-haul passenger service in a metropolitan or suburban area. The FRA believes that in the area of railroad operating rules early participation by the public will be helpful in selecting a course of action with respect to a number of rule-making problems. In a closely related matter, the FRA published in the FEDERAL REGISTER on May 14, 1973 (38 FR 12617) a notice of proposed rule making that would require railroads to provide the FRA with certain information concerning their operating practices. It is anticipated that the information furnished as a result of that rule making would be useful in developing uniform Federal operating requirements, of which the rules under consideration in this notice would be a part.

BACKGROUND

In the past three years, an average of 7950 train accidents has been reported annually to the FRA. Approximately one-third of those accidents is attributable to human factors, which generally involve noncompliance with operating rules. At present there are no federally prescribed railroad operating rules. The Association of American Railroads' Standard Code of Operating Rules is the foundation on which most railroads have constructed their own rule books. Each railroad then constructs, interprets, and applies its rules as it sees fit according to the conditions under which it operates. The resulting ambiguous construction and varying interpretations of existing rules were cited by the National Transportation Safety Board (NTSB) as a major factor contributing to the property damage and loss of life due to train

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accidents. (See the NTSB Special Study: Signals and Operating Rules as Causal Factors in Train Accidents, Report Number: NTSB–RSS–71–3.)

Recognizing the serious safety hazards inherent in the existing operating rules system, the FRA is considering rule making with respect to the three most troublesome causes of serious accidents resulting from human factors. These causes are: (1) failure to operate trains in accordance with restrictive signal indications and other restrictive conditions, (2) excessive speed within yard limits, and (3) failure of crew members to provide adequate flag protection when a train is operated under circumstances in which it may be overtaken by another train. In this notice, FRA is considering developing uniform minimum standards for the four operating rules which are directly involved in these problem areas. The text of these rules appears in the Appendix to this notice.

The first problem area relates to Rule 291 of the AAR's Standard Code of Operating Rules. On most railroads with automatic block signal systems, a signal will display a red aspect, indicating "stop-and-proceed", when its block is occupied by a train, engine or car. This requires a train to come to a full stop before passing the signal, and then to proceed at a restricted speed. The AAR's Standard Code defines restricted speed as: "proceed prepared to stop short of train, obstruction, or switch not properly lined looking out for broken rail, not exceeding ------ miles per hour." It goes on to suggest that 20 m.p.h. be inserted in the blank as a suitable maximum speed. The NTSB study pointed out that this definition itself creates a potential hazard since such a "subjective restricted speed rule puts the safety of the operation directly up to the judgment of the engineer." (p. 4) To compound the problem, Rule 291 also provides that "railroads desiring to avoid stopping trains may arrange accordingly." A few railroads have made such arrangements by providing in their rule books that certain signals displaying red aspects shall indicate "proceed-at-restricted-speed." Thus a train may pass a restrictive signal, without stopping. A number of railroad accidents in recent years have involved trains operating under such arrangements. The FRA believes that the likelihood of an accident would have been greatly reduced in most of these cases if the train involved had been required to come to a full stop at the signal, before proceeding at a clearly defined restricted speed. The development of a "stop-and-proceed" rule by FRA which sets a definite and objective minimum standard of operation, and which can be enforced effectively will counter this unsafe trend in railroad operations.

The second problem area relates to Rule 34 of the AAR's Standard Code and involves the failure of train operators to obey restrictive signal indications, and the failure of other crew members to take timely and appropriate action for the safety of a train when the operator neglects to do so. The regulation to be developed would define what other crew members would be required to do to insure that the train operator operate the train safely, in accordance with all signal indications and operating rules.

The third problem area relates to the AAR's Rule 93 which controls operation of trains within yard limits. The regulation to be developed would begin by defining "yard speed" in objective, miles-per-hour terms. Exceptions to the yard speed limitation would only be permited under certain well-defined conditions which allow movements to be expedited within yard limits without diminishing safety.

The fourth and final problem area addressed by this notice relates to the flagging requirements of the Rule 99 of the AAR's Standard Code. The NTSB study noted that "the vagueness of the flagging rule makes it almost impossible for a flagman to comply with its requirements intelligently. Almost every detail regarding flagging is left to the judgment of the flagman." (p. 4) The FRA believes that the current Rule 99 is basically sound. The regulation to be developed would modify the existing rule so as to more specifically define what is required of crew members in protecting their trains.

Public Participation Requested

The purpose of this advanced notice is to solicit public participation and comment on the nature of the contemplated federal standards for four operating rules. Should these rules be promulgated in the form of minimum standards, allowing individual railroads to enforce more stringent rules of their own; or should such federal standards require absolute uniformity of application to all railroads? How may the present operating rules and practices be strengthened and clarified to improve safety of operations? Interested persons are invited to submit written data, views or comments on these and other questions raised by this notice, including suggestions of appropriate minimum standards and sample versions of the rules referred to herein.

Additional information which responds to the following specific questions would also be useful in the development of these regulations:

AAR RULE 291—STOP-AND-PROCEED AND OTHER PERMISSIVE SIGNAL ASPECT RULES

Is it necessary in the interest of safe operations, for all trains to come to a full stop before entering a block controlled by a signal displaying a permissive signal aspect indicating that the block is not clear?

If such a rule is necessary, should an exception be made which would permit a train to pass a grade signal displaying a permissive signal aspect indicating that the block is not clear? If such an exception is necessary, what is the maximum speed at which a train may safely pass such a signal?

What objective, maximum speed would be suitable for a definition of "restricted speed", keeping in mind that the train must be capable of stopping short of a train, obstruction, or a switch not properly lined?

AAR RULE 34—CALLING OF SIGNAL INDICATIONS

Should the regulation specify that the conductor or certain other crew members must ride in the cab of the locomotive and keep a look out for signals and hazardous conditions along the track?

Should the rule specify courses of action which other crew members in the cab should take when the train operator neglects to stop the train or reduce speed as required? If so, should the regulation require other crew members to operate the emergency brake valve? Under what conditions should other crew members operate the emergency brake?

AAR RULE 93—SPEED WITHIN YARD LIMITS

Should a specific maximum yard speed be prescribed for all trains operating on the main track within yard limits? If so, what speed would be suitable to assure safety?

Should an exception to the yard speed limitation be made when the track is shown to be clear by signal indications? Under such a condition could a train move safely within yard limits at the normal authorized speed?

Should an exception to the yard speed limitation be made to permit a train to move at an increased speed within yard limits when it is seen that the route ahead is clear for at least one mile, and is likely to remain so? If so, what is the maximum speed at which a train should move under such conditions?

AAR RULE 99—PROTECTIVE FLAGGING

Under what circumstances may a train be "overtaken"?

What are "proper intervals" at which to drop fuses?

What actions do the phrase "such other action" refer to in the existing AAR Rule 99?

What is "full protection"?

What is "a sufficient distance to insure full protection"?

What "conditions" require displaying lighted fuses?

When is it "necessary, in addition", to place two torpedoes?

When a person flagging is recalled, how does he determine that the "safety of the train will permit" him to return? What conditions require him to leave the lighted fusees and torpedoes?

When is it "necessary" to protect the front of the train?

Communications should identify the docket number and notice number and be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before October 15, 1973 will be considered by the FRA in development of a Notice of Proposed Rulemaking. Comments received after that date will be considered so far as practicable. All comments received will be available both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5428, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

This advance notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and section 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 C.F.R. 1.49(n).

Issued in Washington, D.C. on August 15, 1973.

JOHN W. INGRAM,
Administrator.

APPENDIX

AAR Rule 34. All members of the crew in cab of engine must, and other members of crew will, when practicable, communicate to each other by its name the indication of each signal affecting the movement of their train or engine as soon as it becomes clearly visible. It is the responsibility of the engineman to know that these requirements are complied with in cab of engine.

AAR Rule 93. Within yard limits the main track may be used, clearing the time of first-class trains at the next station where time is shown. Protection against ---------- class, extra trains and engines is not required ---------- class, extra trains and engines must move within yard limits at yard speed unless the main track is known to be clear.

A train or engine must not be moved against the current of traffic within yard limits until provision has been made for the protection of such movement. (Blanks to be filled by each railroad)

AAR Rule 99. When a train is moving under circumstances in which it may be overtaken by another train, a member of the crew must drop lighted fusees at proper intervals and take such other action as may be necessary to insure full protection.

When a train stops under circumstances in which it may be overtaken by another train, a member of the crew must go back immediately with flagman's signals a sufficient distance to insure full protection. When conditions require he will display lighted fuses and when necessary, in addition, place two torpedoes.

When recalled and safety of the train will permit, he may return and when conditions require, he will leave the lighted fuse and torpedoes.

When a train stops under circumstances in which it may be overtaken by another train, the engineman will immediately sound signal 14(c). When ready to proceed he will recall the flagman.

The front of the train must be protected in the same way when necessary by a member of the crew.

AAR Rule 291. Provides that a train must come to a full stop before passing a signal indicating "Stop-and-Proceed" and may then proceed at restricted speed, i.e., prepared to stop short of train, obstruction, or switch not properly lined looking out for broken rail, not exceeding miles per hour (each railroad may insert a suitable speed not exceeding 20 miles per hour).

[FR Doc.73–16443 Filed 8–8–73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

TRANSPORTATION CONTROL PLANS FOR CERTAIN STATES

Extension of Public Comment Periods

On July 2, 3, and 16, 1973, transportation control plans were proposed for several areas of the nation. (38 FR 17683, 17782, and 18938.)

Although promulgation was originally scheduled for August 15, 1973, the Court of Appeals for the District of Columbia has granted a request that the deadline for promulgation be October 15, 1973. Accordingly, the period for public comment in writing is hereby extended to August 31, 1973, for proposals for the following States: Alaska, Arizona, California, Indiana, and Utah. The comment period is hereby extended to August 15, 1973, for proposals for the following States: New Jersey, Pennsylvania, and Massachusetts. The comment period for all other plans will remain as published in the FEDERAL REGISTER.

Dated: August 3, 1973.

ALAN G. KIRK II,
Acting Assistant Administrator for Enforcement and General Counsel.

[FR Doc.73–16445 Filed 8–8–73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 724, 725]

[Administrative Order No. 627]

INDUSTRY COMMITTEES FOR CERTAIN INDUSTRIES IN PUERTO RICO

Revision of Schedules of Meetings

Administrative Order No. 625, 38 FR 9031, provided for the appointment of various Industry Committees for various defined industries in Puerto Rico, including Industry Committees Nos. 114–A and 114–B, and gave notice of dates for investigations and hearings.

Pursuant to the authority given me under section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004) and 29 CFR Part 511, the time of the investigations and hearings of Industry Committees Nos. 114–A and 114–B set forth in section 3(c) of Administrative Order No. 625, are changed as follows:

Industry Committee No. 114–A will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 10:30 a.m. on Monday, October 15, 1973. Following this hearing Industry Committee No. 114–B will immediately convene to conduct its investigation and hold its hearing.

Signed at Washington, D.C. this 7th day of August 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73–16637 Filed 8–8–73;10:04 am]

FEDERAL REGISTER, VOL. 38, NO. 153—THURSDAY, AUGUST 9, 1973

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Proposed Withdrawal and Reservation of Lands

JULY 31, 1973.

The Forest Service, Department of Agriculture, has filed an application, serial number AA–8093, for withdrawal of lands described herein from location and entry under the public mining laws. The withdrawal would designate the lands as a travel influence zone and recreation area. The Forest Service desires that the tract be preserved in a near natural condition because of its pristine and aesthetic values. The land is being used by the public for hiking and camping and during the summer season approximately 5,000 visitor days are spent on the trail. Future use of the area for hunting, hiking, and camping is expected to increase. An appropriation of the land under the mining laws would not be compatible with this use.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views, on or before September 10, 1973, in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulation 43 CFR 2351.4(c) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in this application is described as follows:

RESURRECTION CREEK TRAIL

TRAVEL INFLUENCE ZONE AND RECREATION AREA

Chugach National Forest Seward Meridian, Alaska

A strip of land ⅛ mile on each side of Resurrection Creek Trail, approximately 5½ miles due south of Hope, Alaska, on the northern Kenai Peninsula between the end of the Hope road and Cooper Landing on the Sterling Highway, beginning at the south boundary of Mineral Survey No. 1449 and continuing up the creek to the summit of Resurrection Pass. All within protracted survey, Ts. 6 and 7 N., R. 3 W.; T. 8 N., Rs. 2 and 3 W.; and T. 9 N., R. 2 W, Seward Meridian.

Containing approximately 2,400 acres in the Kenai Peninsula Borough.

RICHARD L. THOMPSON,
Acting State Director.

[FR Doc.73-16472, Filed 8-8-73;8:45 am]

Fish and Wildlife Service

NATIONAL ELK REFUGE

Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88–577; 78 Stat. 890–896; 16 U.S.C. 1131–1136), that a public hearing will be held beginning at 9 a.m. on October 6, 1973, at the Virginian Motel, U.S. Highway 187, 1 mile north of Jackson, Teton County, Wyoming, on a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the National Elk Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within National Elk Refuge which is located in Teton County, State of Wyoming.

A brochure containing a map and information about the Elk Refuge wilderness study may be obtained from the Refuge Manager, National Elk Refuge, Box C, Jackson, Wyoming 83001 or the Regional Director, Bureau of Sport Fisheries and Wildlife, 10957 West 6th Avenue, Denver, Colorado 80215. Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by November 6, 1973.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 6, 1973.

[FR Doc.73-16491 Filed 8-8-73;8:45 am]

MARINE MAMMALS

Administrative and Status Report

The following report of administrative actions and status of marine mammals under the jurisdiction of the Department of Interior is hereby published in the FEDERAL REGISTER in compliance with section 103(f) of the Marine Mammal Protection Act of 1972 (Public Law 92–522). Administration and status of marine mammals is current as of 21 June 1973.

ADMINISTRATIVE ACTIONS

Thirteen applications for economic hardship exemptions under the Marine Mammal Protection Act of 1972 were received between 7 January 1973 and 21 June 1973. As of 21 June, eight of the requests have been acted on. Two exemptions were granted and six were denied. The remaining five applications are currently pending review by the Bureau.

The economic hardship exemptions granted were for scientific research and public display purposes. The scientific project will be conducted on three (3) adult manatees (*Trichechus manatus*) in the waters of Florida. Research will be conducted by Dr. Daniel S. Hartman, World Wildlife Fund, Manatee Research Project. The public display exemption was granted to Sea World, Inc., San Diego, California. The exemption provided for the taking of twelve (12) live Pacific Walrus (*Odobenus rosmarus divergens*) from the area around St. Lawrence Island, Alaska. The animals will be used to stock the Sea World of San Diego and Sea World of Florida facilities.

The six applications denied were for trophy walrus hunts in Alaska.

SUMMARY

STATUS OF MARINE MAMMAL APPLICATIONS AS OF 21 JUNE 1973

Type application	Number received	Number approved	Number rejected	Number pending
Scientific research	2	1		1
Public display	2	1		1
Hunting (trophy)	6		6	
Other (skins, sale of ivory, sale of hides)	3			3

STATUS OF MARINE MAMMALS

POLAR BEAR

(*Ursus maritimus*)

Distribution and migration. Polar bears occur only in the northern hemisphere, nearly always in association with Arctic sea ice. Centers for six geographically isolated polar bear populations which have been identified in the main polar basin are Wrangell Island-western Alaska, northern Alaska-northeastern Canada, northern Canada, Greenland, Spitsbergen-Fran Josef Land, and central Siberia. Separate populations also occur further south in Hudson Bay in Canada. Bears are most abundant near the southern edge of the sea ice but do occur throughout most of the polar basin and have been recorded as far north as 88° N. latitude. They make extensive north-south movements related to the seasonal position of the southern edge of the ice. In winter, bears off Alaska commonly occur as far south as Bering Strait and occasionally reach St. Lawrence Island and even St. Matthew Island in the Bering Sea. In the summer, north of Alaska, the bears commonly occur along the edge of the ice pack between 71° and 72° N. latitude. Pregnant females concentrate for winter denning and bearing young on large offshore Russian islands, northern Canadian islands, and certain of the Spitsbergen islands.

Abundance, trends, and harvest. Total population estimates, which range from a low of 10,000 by the Soviets to a high of 20,000 by the Norwegians, are based on broad assumptions and should be considered an approximation. Abundance of bears off the Alaska coast and the magnitude of sustained long-term harvests suggest that the 20,000 figure may be low. The number of bears seen per hour of flying by Alaska hunting guides has not shown a consistent change since 1956 when data were first collected. Sex composition of the Alaska harvest, between 70 and 80 percent males each year since 1961, has also not shown a tendency to change. Selective hunting has reduced the percentage of mature males in the population. The high percentage of females with young in the population indicates a healthy rate of reproduction. Age composition of bear harvest west of Alaska has not shown a trend in numbers. Age composition of bears harvested north of Alaska declined in 1970 and 1971 and then increased in 1972. The average annual Alaska kill during the 1930's, 1940's, and 1950's was about 120. It gradually increased to about 250 for 1960–1972. The U.S.S.R. believes that polar bear populations in the Soviet Arctic declined during the first half of this century and have now stabilized since hunting was stopped in 1956. Average annual harvests in Spitsbergen were about 300 prior to 1970 and have since been sharply reduced. The harvest in Greenland is 125 to 150 bears per year. Annual harvests in Canada approached 600 during the early 1960's and are now about 450.

General biology. Polar bears, other than family groups of females and young, are solitary most of the year. During the breeding season in late March, April, and May, males actively seek out females by following their tracks on the sea ice. Bears are polygamous and a male remains with a female for a relatively short time and then seeks another female. Delayed implantation probably occurs. Pregnant females seek out denning areas, generally in October. Known denning concentration areas occur on Russian, Canadian, and Spitsbergen islands. Bears den along sections of the Greenland coast and to a limited extent on the north Alaska coast. Some denning occurs on heavy pack ice north of Alaska. Bears most commonly den under banks along the coast or rivers or on slopes where snow drifts. A denning female commonly forms a depression in the snow and then enlarges a denning chamber as snow drifts over her. Young, weighing between 0.4 and 0.9 kg, are born in December. A litter of two is the most common, one is quite common, and three is rare. The female and cubs break out of the den in late March or early April when the cubs weigh about 6.8 kg. They make short trips to and from the opened den for several days as the cubs become acclimated to outside temperatures. If the den is on land, the family group then travels to the sea ice. In most sections of the Arctic, young remain with the mother until they are about 28 months old. In Spitsbergen, family breakup occurs when cubs are about 16 months old; possibly milder weather and better feeding conditions allow them to develop faster there than in other areas. Females breed again at about the time they separate from their young; so normally they can produce litters every third year. Females can first breed at 3 or 4 and males at 4 years, of age, but some animals are older at first breeding. Most bears do not live beyond 25 years. Mature females off the Alaskan coast weight 181 to 317 kg and mature males 317 to 634 kg. Animals west of Alaska are larger than animals north of Alaska. Polar bears feed primarily on ringed seals and also on bearded seals, harp seals, and bladdernose seals. They occasionally eat carrion, including whale, walrus, and seal carcasses, and small mammals, birds, eggs, and vegetation when other food is not available. Approximately 60 percent of Alaska bears harbor *Trichinella spiralis*, apparently obtained from seals and other marine mammals, garbage, and possibly carcasses of other bears. Polar bear liver is toxic if eaten because of its high vitamin A content.

Ecological problems. Long term climatic trends probably have a major impact on bear populations. Warming trends restrict areas that are suitable for denning and feeding, and cooling trends favor expansion of populations. Human development, especially that associated with oil extraction, poses the greatest immediate threat to polar bears. Oil exploration and drilling in denning areas could cause bears to den in less suitable areas. Oil spills from offshore drilling or transporting of oil through ice covered waters could reduce insulating value of bears' fur and also adversely affect the food chain below them. Ice would hinder or prevent containing of a spill, and currents could distribute oil over large areas. Mercury and low levels of DDT and PCB's have been found in issue samples of all Alaskan bears checked for these contaminants.

Allocation problems. In Alaska after about 1950, trophy hunting with aircraft largely replaced Native hunting from the ground for subsistence and the sale of hides. Use of airplanes for hunting has been severely criticized in recent years, and some preservationists would like to stop even the small amount of hunting which coastal residents now do from the ground. The U.S.S.R. believes that bear stocks off the Siberian coast have been reduced and restricts taking to a few cubs for zoos. Until recent years, Norwegian sealers killed bears as predators, Spitsbergen trappers baited bears to set guns to obtain hides for sale, and trophy hunters took bears from Norwegian boats in the summer. The present belief in Norway is that only a few residents of Spitsbergen should take bears and that set guns should not be allowed. In Greenland the harvest is limited to Eskimos or long term residents primarily for subsistence and personal use of skins. The Canadian harvest has traditionally been by Eskimos for subsistence and to obtain skins for sale. Trophy hunting from the ground is starting in Canada and is being encouraged by managing agencies.

Regulations. In past years, regulations to limit polar bear harvests in Alaska were hunting seasons, bag limits, a permit system, limits on the number of hunts by individual guides, and protection for young and for females with young. Two management areas were established, one to the west of Alaska and and one to the north of Alaska. Residents were allowed to hunt bears at any time for food, provided aircraft were not used. Hides and skulls of all bears taken had to be presented to the Alaska Department of Fish and Game within 30 days for examination, sealing, and removal of a tooth for age determination. Alaska banned the use of aircraft for hunting polar bears after 1 July 1972, and lengthened the season to encourage sport hunting from the ground. The Federal Marine Mammal Protection Act of 1972 assumed management authority for polar bears and limited their harvest to Alaska coastal Eskimos for subsistence or for manufacture of traditional Native articles of clothing or handicraft. The Marine Mammal Act removed restrictions on harvest of cubs and females with cubs by Natives. The demand for illegal trophy hunts and skins, and the difficulties of monitoring small aircraft operators on the high seas, will probably cause some significant enforcement problems. The U.S.S.R. has not allowed polar bear hunting since 1956. Norway has stopped set gun and trophy hunting and is now considering a 5-year moratorium on all harvesting because recent studies indicate that their polar bear population is smaller than previously believed. In Greenland only Eskimos or long term residents may take bears and the hunters must use traditional ground methods of hunting. In Canada, prior to 1968, Es-

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kimos hunting from the ground took bears with few restrictions.

The Northwest Territories, where most bears are taken, has now established polar bear hunting district, with quotas. Trophy hunters may purchase a permit to take a bear from a district provided a resident is used as a guide. The five nations cooperating in polar bear studies are considering an interim agreement to ban hunting on the high seas until a treaty for management and research can be put into effect.

Current research and funding. The governments of Norway, Canada, and the United States are conducting intensive long-term investigations. The U.S.S.R. has a limited government research program and the Danish government is planning research in Greenland. Norwegian government funds are supplemented by grant and university funds. Short-term university projects complement government programs in Canada. The Federal Government and the State of Alaska fund the United States program. Research programs are coordinated internationally by the Polar Bear Specialist Group under the auspices of the International Union for the Conservation of Nature.

BIBLIOGRAPHY

Harington, C. R. 1968. Denning habits of the polar bear (*Ursus maritimus* Phipps). Can. Wildl. Ser. Rpt. Series 5, 38pp.

International Union for the Conservation of Nature. 1970. Proceedings of the second working meeting of polar bear specialists. I.U.C.N. Publ. New Series, Supp. Paper 29, 88pp.

———Proceedings of the third working meeting of polar bear specialists. In press.

Jonkel, C. J. 1970. Polar bear research in Canada. Proceedings Conference on Productivity and Conservation in Northern Circumpolar Lands, I.U.C.N. Publ. New Series 16:150–154.

——— G. B. Kolenosky, R. J. Robertson, and R. H. Russell. 1972. Further notes on polar bear denning habits. *In* Bears—Their Biology and Management, Proceedings Second International Conference on Bear Research and Management, I.U.C.N. Publ. New Series 23:142–158.

Larsen, T. 1967. The trapping and study of polar bears, Spitsbergen, 1966. Polar Rec: 13(86):589–593.

——— 1971. Capturing, handling and marking polar bears in Norway. J. Wildl. Mgt. 35(1):27–36.

——— 1972. Air and ship census of polar bears in Svalbard (Spitsbergen). J. Wildl. Mgt. 36(2):562–570.

Lentfer, J. W. 1968. A technique for immobilization and marking polar bears. J. Wildl. Mgt. 32(2):317–321.

——— 1969. Polar bear tagging in Alaska. 1968. Polar Rec. 14(91):459–462.

——— 1972. Polar bear-sea ice relationships. *In* Bears—Their Biology and Management. Proceedings Second International Conference on Bear Research and Management. I.U.C.N. Publ. New Series 23, pp. 165–171.

——— and J. W. Brooks, 1970. Polar bear research in Alaska. Proceedings Conference on Productivity and Conservation in Northern Circumpolar Lands, I.U.C.N. Publ. New Series 16:143–149.

Lewis, R. W. and J. W. Lentfer. 1967. The vitamin A content of polar bear liver; range and variability. Comp. Biochem. Physiol. 22:923–926.

Lono, O. 1970. The polar bear in the Svalbard area. Norsk Polarinstitutt Skrifter 149, Norway, 103pp.

Manning, T. H. 1964. Age determination in the polar bear. Can. Wildl. Ser. Occas. Papers 5, 12pp.

——— 1971. Geographical variation in the polar bear (*Ursus maritimus* Phipps). Can. Wildl. Ser. Rpt. Series 13, 27pp.

Ministry of Agriculture of the U.S.S.R., Central Laboratory for Nature Conservation. 1969. The polar bear and its conservation in the Soviet Arctic. Hydrometeorological Publishing House, Leningrad, 188pp.

Øritsland, N. A. 1970. Temperature regulation of the polar bear. Comp. Biochem. Physiol. 37:225–233.

Pedersen, A. 1945. Der Eisbar. Verbreitung and Levensweise. E. Bruun and Co., Copenhagen. 166pp.

Tovey, Paul E. and Robert F. Scott. 1957. A preliminary report on the status of the polar bear in Alaska. Presented at Eighth Alaska Science Conference. 11pp. Mimeo.

U. S. Department of the Interior and University of Alaska. 1966. Proceedings of the first international meeting on the polar bear. 72pp.

Uspenskii, S. M. and R. B. Chernyavski. 1965. "Maternity Home" of polar bears. Priroda 4:81–86.

Vibe, C. 1967. Arctic animals in relation to climatic fluctuations. Meddelelser om Gronland (Denmark) 170(5). 227pp.

SEA OTTER

(ENHYDRA LUTRIS)

Distribution and Migration. Populations in waters of the United States are resident (the sea otter is not migratory) along the west coast of North America from Central California north to Prince William Sound and westward along the Aleutian Chain to Attu Island (Kenyon, 1969). In waters of the U.S.S.R. the sea otter occurs at the Commander Islands, along the southern Kamchatka Peninsula and among the Kuril Islands (Nikolaev, 1961). It seldom ranges offshore beyond the 30 fathom (180 foot) depth curve (Kenyon, 1969).

Abundance and Trends. In 1956 the Alaska sea otter population, based on aerial surveys, was estimated at about 25,000 animals and increasing exponentially at about 4 to 5 percent per year; the world population was estimated at 32,000 to 35,000 animals (Kenyon, 1969, p. 200). In 1970 after additional surveys, the Alaska population estimate was 50,000 (K. B. Schneider, pers. comm., 1970). Refined techniques and additional surveys, using a variety of methods, yielded a 1972 Alaska population estimate of 100,000 to 125,000 animals and still increasing (Schneider, 1973). The Alaska Department of Fish and Game (1973) published a breakdown of sea otter population estimates according to Game Management units. The total estimates taken from this publication are 101,050 to 121,050 otters.

The sea otter has received a high measure of protection by both Federal and State laws since 1911 and is not subject to any aboriginal hunting. Prior to 1741, a large coastal native population had exploited the sea otter for some thousands of years (Laughlin, 1970; and Laughlin and Reeder, 1962). Thus, the sea otter today (where it has repopulated habitat left vacant by 18th and 19th century exploitation) is probably more abundant than it has been for centuries.

Otters from Amchitka Island and Prince William Sound were transplanted to the following locations: southeastern Alaska in 1965, 1966, 1968 and 1969 (total 413); British Columbia in 1969, 1970 and 1972 (total 89); Washington in 1969 and 1970 (total 59); Oregon in 1970 and 1971 (total 93); and the Pribilof Islands in 1959 and 1968 (total 64). (All transplant figures are from J. S. Vania and are contained in unpublished reports of the Alaska Department of Fish and Game and annual reports of the Marine Mammal Committee of the American Society of Mammalogists, 1965–1973.) Among transplanted otters, young have been observed in southeastern Alaska (J. S. Vania, pers. comm., 1973); British Columbia (M. J. Bigg, pers. comm., 1973); and Oregon (Jameson, 1973). Survival on release ranged from poor to excellent, so the numbers of animals reported transplanted is of variable significance.

California population counts are as follows: about 150 in 1938 (Bolin, 1938); 638 in August 1957 (Boolootian, 1961); 1014 in August 1968 (Peterson and Odemar, 1969); and 1060 in January, 1972 (Wild, 1972). Otters occur from Monterey Bay, California, south to Morro Bay and are extending their range north and south (Peterson and Odemar, 1969; and P. W. Wild, June 1973, pers. comm.). Wild (1972) estimates the total California population at 1,200 to 1,500 animals. The counts indicate that the population is following a nearly constant growth curve.

A refuge was established to protect the sea otter on the central California coast. When the refuge was established in 1941, it consisted of two separate areas, both in Monterey County. Area 1 extended from Malpaso Creek to Swiss Canyon Arroyo, which is just south of Pt. Sur. This refuge area consisted of about 15 linear miles of coast. There was a break, probably because the highway runs inland here. Area 2 began at Castro Canyon, i.e., Pfiefer Point, and continued south to Dolan Creek, or on some maps Dolan Canyon, a distance of approximately 10 miles.

In 1959 the refuge was increased to a continuous linear distance of approximately 100 miles, beginning at the mouth of the Carmel River and continuing south to Santa Rosa Creek near Cambria. The area is open to sport abalone fishing for its entire length and is only partially closed to commercial abalone fishing. Commercial abalone fishing is permitted south of Yankee Point.

A survey of 15 and 16 April 1971 showed that approximately 48 percent of the otters were outside of the refuge area. Of 902 otters counted, 275 were north of the refuge in the Monterey area and 162 were south of the refuge; three were recently seen near Santa Cruz.

No reliable figures are available for numbers of otters killed but Ebert (pers. comm., 3 June 1971) reported 40 or 50 during the previous year.

General Biology (from Kenyon, 1969). The sea otter is the largest member of the family Mustelidae, reaching a length of 148 cm and a weight of 45.4 kg. It becomes sexually mature at about 4 years of age and bears a single young, weighing approximately 2.3 kg, about every 2 years. The pup nurses for 10 to 12 months, but during this period often takes solid food gathered by the mother. The mother is very attentive to her young. Most of the young are born during the summer but births, and mating, may occur at any season. Breeding behavior is promiscuous. A mating male and female remain together for as long as 3 days. The anatomy of reproduction was studied by Sinha, Conaway and Kenyon (1966). The dense underfur is about 1 inch long; the guard hairs are about 0.25 inch longer. A healthy animal may accumulate considerable body fat but there is no layer of blubber.

The sea otter is, therefore, dependent for insulation from cool (35° to 50° F.) marine waters on the air blanket retained among the 800,000,000 pelage fibers (V. B. Scheffer, in Kenyon, 1969, p. 32).

Mortality at Amchitka Island (the only area studied intensively) is greatest in winter and early spring. A dense population there depleted food organisms, and starvation occurred during stormy weather. Young, deserted by mothers during storms, accounted for 70 percent of the mortality. The remaining 30 percent were predominantly animals showing signs of old age. Most of the dead animals exhibited signs of starvation and enteritis. Internal parasites include Trematoda (4 spp.), Cestoda (2 spp.), Nematoda (1 sp.), and Acanthocephala (5 or possibly 6 spp.) (Daily and Brownell, 1972). A nasal mite, the only ectoparasite found, is common in harbor seals but occurred rarely in the sea otter (infestation from contact on common hauling out places is suspected; Kenyon, Yunker and Newell, 1962).

Ecological problems. In several Aleutian Island areas the sea otter has overpopulated its habitat and depleted food resources; population declines were observed (Kenyon, 1969, p. 167). Oil pollution of waters occupied by sea otters would be fatal to them. Pesticide residues have been found in California sea otters (Vandevere and Mattison, 1970), but the effect on them is unknown.

Allocation problems. There is conflict over management of the population off the coast of California, because the sea otter is a predator of the abalone. An organized group (Friends of the Sea Otter, Big Sur, California 93920) want the population completely protected so that it can expand into its original range. Abalone fishermen, both commercial and sport, want the population controlled and limited to the refuge and areas where the abalone is not abundant.

From 1962 through 1969, the State of Alaska took 2,933 pelts for sale at auction, but the enterprise was of marginal financial success (J. S. Vania, pers. comm., 1973). No harvest of skins has been taken since 1969. The final sale of 402 skins took place on 9 February 1972.

Regulations. The sea otter is protected by the Marine Mammal Protection Act of 1972 (PL 92–522). In California it is listed as a completely protected animal.

Current research and funding of sea otter studies. The State of Alaska employed one full-time biologist (Karl B. Schneider) from 1965 to 1973. The Bureau of Sport Fisheries and Wildlife employed one full-time biologist (Karl W. Kenyon) from 1955 to 1973. A new biologist will be assigned in mid-1973. The California Department of Fish and Game employs one full-time biologist (Paul W. Wild) and an assistant (Jack Ames). This program began in 1968 and continues. The Owings Foundation, privately endowed, employs Judson Vandevere as a full-time sea otter naturalist.

REFERENCES CITED

Alaska Department of Fish and Game. 1973. Alaska's wildlife and habitat. Van Cleve Printing, Anchorage Alaska, January 1973, 144 p. + 155 maps.

Bolin, R. L. 1938. Reappearance of the southern sea otter along the California coast. J. Mamm. 19(3):301–303.

Boolootian, R. A. 1961. Distribution of the California sea otter. Calif. Fish Game 47(3):287–292.

Dailey, M. D. and R. L. Brownell, Jr. 1972. A check list of marine mammal parasites. *In* S. H. Ridgeway (ed.) Mammals of the sea. C. C. Thomas, Springfield, Illinois.

Jameson, R. J. 1973. An evaluation of attempts to re-establish the sea otter on the Oregon coast. Unpublished. Prog. Rept. Coop. Wildl. Res. Unit, Oregon State Univ., Corvallis, OR, Mar. 1973.

Kenyon, K. W. 1969. The sea otter in the eastern Pacific Ocean. N. Amer. Fauna 68. 352 p.

——— C. E. Yunker and I. M. Newell. 1965. Nasal mites (Halarachnidae) in the sea otter. J. of Parasitology 51(6):29–37.

Laughlin, W. S. 1970. Aleutian ecosystem, AAAS Symposium 26–27 December 1970, Chicago. Science, 169:1107–1108.

——— and W. G. Reeder. 1962. Revision of Aleutian pre-history. Science, 137:856–857.

Nikolaev, E. M. 1961. O rasprostranenii chislennosti i biologii kalanov [The biology and population spread of the sea otter]. Tr. Soveshch. Ikhtiol. Komm. Akad. Nauk SSR 12:214–271.

Peterson, R. S. and M. W. Odemar. 1969. Population growth of the sea otter in California; results of aerial censuses and behavioral studies. A paper read to the 49th annual meeting of the Amer. Soc. Mammal. June 17, 1969, New York. 7 p. processed.

Schneider, K. B. 1973. Sea otter distribution and abundance in Alaska. Unpublished report (processed). Alaska Dept. Fish Game files, 333 Raspberry Road, Anchorage, AK 99502. Dated 7 January 1973, 5 p. + maps.

Sinha, A. A., C. H. Conaway, and K. W. Kenyon. 1966. Reproduction in the female sea otter. J. Wildl. Mgt. 30(1):121–130.

Vandevere, J. E. and J. A. Mattison. 1970. Sea otters. Sierra Club, Bull., 55(10):12–15.

Wild, P. W. 1972. A summary of California Department of Fish and Game sea otter research activities. Unpublished report of marine Resources Laboratory, 2201 Garden Road, Monterey, CA 93940, Sept. 1972. 14 p.

PACIFIC WALRUS

(*Odobenus rosmarus*)

Distribution and migration. The entire population winters in the seasonal pack ice of the Bering Sea. When the ice was at maximum extent in April 1972, concentration of walruses were found north and south of the west end of St. Lawrence Island and in central Bristol Bay (Kenyon, 1972). Areas of sparse abundance surround the areas of concentration. Ice movements caused by currents of wind and water create leads and break up pack ice. Walruses are thus able to feed in water 30 to 42 fathoms (180 to 252 feet) deep.

In migration, there may be two or more peaks, depending on weather and ice conditions. From mid-May to early June most females and young move through Bering Strait with ice carried by strong currents. In mid-June large numbers of males move north (Burns, 1970). However, Brooks (1954) recorded that about 1,000 adult and subadult males traditionally remain throughout the summer on and near Round Island in northern Bristol Bay. In June 1958 Kenyon estimated the numer there at 1,500 to 2,000 (Kenyon, 1960), and in 1966 Burns (1967) reported 2,000 to 3,000 on shore plus additional animals in the waters. Other haul-out areas may be used in winter. In 1962 and 1965 small numbers (100 to 150) were seen on beaches of Amak Island (Kenyon and King, 1965). Burns (1967) recorded that "several thousand" were hauled out on the east shore of Big Diomede Island in December 1966 and, at the same time, between 1,000 and 1,500 came ashore on the Punuk Islands, south of St. Lawrence Island.

In the west, walruses haul out on Ruder Spit (Gulf of Anadyr), Arakamchechen Island (Bering Strait) and on Cape Intsova (in the Chukchi Sea) (Nikulin, 1947). At one site, Cape Intsova, Nikulin (1947) observed that the first walruses came ashore on 8 August and by 10 October there were about 8,000 hauled out.

During the northward spring migration into the Arctic Ocean, the majority of walruses pass through the western side of Bering Strait and proceed westward to Wrangell Island. Here, Krylov (1966) identified three types of hauling grounds: those used by mothers with young, those used by adult males, and those used by subadults. Few walruses and no mothers with young move eastward into the Beaufort Sea.

Abundance and trends. Prior to large-scale exploitation by whalers of European descent which began in about 1868 (Allen, 1880, p. 185), the Pacific walrus was estimated to number about 200,000 animals (Fay, 1957). Fay (1957) estimated that the population may have fallen to a low of 40,000 to 50,000 in the 1950 to 1956 period. Beginning in 1960, aerial surveys of walruses were undertaken. From data obtained on the five surveys (two in 1960, one each in 1961, 1968 and 1972), total estimates were computed by extending the number of animals observed in a 1 mile flight track to the estimated area occupied by walruses. From the 1960 surveys, the total population was estimated to range from 73,000 to 117,000 (Kenyon, 1960). The 1972 surveys provided a median esti-

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mate of 135,000 walruses, and a range of 93,000 to 178,000 (Kenyon, 1972). Bychkov (1971), quoting Shustov (1969), however, estimates the present population at 45,000 to 46,000. J. J. Burns has gathered much basic biological information from walruses taken by Eskimos. From this, his estimate of the walrus population approximates the computed mean of the 1972 aerial survey (pers. comm., 1973). He considers that the similar results obtained by the very different methods confirm a population of approximately 140,000 walruses. Studies of his material, as well as a comparison of the 1960 and 1972 surveys, indicate that the population may still be increasing. Burns (1967) considers, however, that the population will not continue to increase if the annual kill is increased.

Annual hunting mortality rates, using Ricker's (1948) "catch curve," are estimated as follows: 11 percent (Fay, 1955), 15 percent (Fay, 1960), 12 to 15 percent (Harbo, 1961), and 13 percent (Burns, 1967). Among males from 14 to 33 years of age, the mortality rate was 14 percent (Burns, 1967).

The take of walruses in Alaska in 1972 was about 1,350 animals (945 adult males, 270 adult females, and 135 calves) (J. J. Burns, pers. comm., 1973). This is about an average take. In 1966 the take was unusually high at 2,788 animals (Burns, 1967). Considering that about 50 percent of the animals killed are lost (Burns, 1967), the annual kill may range from about 2,700 to 5,600 animals.

General biology. Only one pinniped, the southern elephant seal, is larger than the Pacific walrus. The following data are provided by Fay (MS). An adult male weighed 1,557 kg. The maximum standard length of 23 adult males was 356 cm. Among 26 adult females the maximum weight was 1,062 kg and the maximum length was 238 cm. From a sample of newborn young the maximum weight was 77 kg and the maximum length was 137 cm. Some females ovulate for the first time at age 5; others, more rarely, are delayed until age 8. Males become fertile at ages 7 to 8 years but are not physically mature until they are at least 10 years old. The walrus is polygamous, with a mid-season sex ratio of 5 cows to 1 bull in the main breeding area southwest of St. Lawrence Island. The gestation period, including a 3 to 3½ month delayed implantation, is about 15 months. The young are usually born in May, during the spring migration northward. Each female bears a single calf and nurses it about 2 years. The females and young are very gregarious; males are gregarious outside the breeding season. Studies of cementum layers in canine teeth indicate that walruses often attain ages of 20 to 30 years, with maximum ages of 37 years for a male and 26 years for a female.

Walruses, having a greater specific gravity than water, must rest on ice or land at fairly frequent intervals (Nikulin, 1947). By means of pharyngeal pouches that may be inflated, however, walruses are able to sleep while floating upright at sea (Fay, 1960).

Brooks (1954) recorded information on food habits. Clams (six species identified) are the most important food species. The stomach contents of an adult male contained about 50 pounds of *Mya truncata* siphons and 35 pounds of *Clinocardium nuttalli* feet. Other food includes echinoderms, annelids, sipunculids, and priapulids. Occasionally individual adult males turn to a diet of seal flesh (Fay, 1960).

Parasites and diseases. Internal parasites recorded from walruses include the following: Trematoda (3 spp.), Cestoda (3 spp.), Nematoda (6 spp.), and Acanthocephala (4 spp.) (Dailey and Brownell, 1972). All walruses except calves are infested with external parasites, including three species of sucking lice (Brooks, 1954). A small percentage of adult male walruses become carnivorous and feed on seal flesh. Probably it is this abnormal feeding behavior that accounts for trichinosis infection of from 1 to 10 percent of 1,060 male walruses sampled from four arctic region (Fay, 1960). Incidence of uterine cysts and other disease conditions is low, as far as is known, and such diseases and abnormalities appear to unimportant (Brooks, 1954).

Ecological problems. Dredging for gold and offshore drilling for oil in the Bering and Arctic Seas are activities now under consideration by industry (J. J. Burns, pers. comm., 1973). The extensive clam beds, which furnish the basic food resource of the walrus, are not yet subject to human exploitation. If dredging for clams is undertaken, the food base of the Pacific walrus could be seriously threatened. Also of concern is the frequent harassment of walrus by aircraft when they are hauled out in summer on the Walrus Islands State Game Sanctuary (Togiak Bay), Bristol Bay.

Allocation problems. Siberian and Alaskan Natives kill 5,000 to 6,000 walruses annually for subsistence, and less than 50 were taken per year by trophy hunters and for display in marine aquariums. Loss of walruses during hunting ranges from 20 to 60 percent and averages about 50 percent because of inefficient Eskimo hunting techniques. Additional waste occurs in the utilization of the products of retrieved walruses. If ivory is the primary objective, utilization amounts to as little as 1 to 3 percent of the potential. When meat and hides are used, utilization is as high as 90 percent of the carcasses taken (Burns, 1967).

Regulations. Trophy hunting was stopped by the Marine Mammal Protection Act of 1972 (PL 92–522). Requested trophy hunting permits by guides under the hardship clause were not issued by the Secretary of the Interior (J. S. Vania, pers. comm., 1973). The taking of walruses by Native Alaskans (Eskimos and Aleuts) for meat, hides, and ivory which may be used to manufacture traditional artifacts for sale is permitted. PL 92–522 allows Natives to take an unlimited number of male and female walruses. The Alaska State law, which the Federal legislation invalidated was more restrictive. It imposed a bag limit of 5 females per resident hunter with no limit on males (Burns, 1967).

Current research and funding of walrus studies. No full-time walrus research program *per se* has been established. The Bureau of Sport Fisheries and Wildlife in cooperation with the Alaska Department of Fish and Game furnished personnel and funded the aerial surveys, F. H. Fay, U.S. Department of Health, Education, and Welfare, has worked part-time for many years on walrus studies. In the 1973 hunting season the Alaska Department of Fish and Game maintained observers on St. Lawrence Island and on Little Diomede (J. S. Vania, pers. comm., 1973) and also on King Island (F. H. Fay, pers. comm., 1973) to monitor the kill. Studies have also been supported under the Sea Grant Program, University of Alaska.

REFERENCES CITED

Allen, J. A. 1880. History of North American pinnipeds, a monograph of the walruses, sea lions, sea bears and seals of North America, U.S. Geol. Geogr. Surv. Terr. Misc. Publ. 12. 785 p.

Brooks, J. W. 1954. A contribution to the life history and ecology of the Pacific Walrus. Alaska Coop. Wildl. Res. Unit. Spec. Rep. 1. 103 p.

Burns, J. J. 1967. Walrus biology and population Marine Mammal Report, Vol. 8. Annual Project Segment Report, Federal Aid in Wildlife Restoration Project W–14–R–1 and 2. Work plan F. 44 p.

——— 1970. Remarks on the distribution and natural history of pagophilic pinnipeds in the Bering and Chukchi Seas. J. Mammal. 51:445–454.

Bychkov, V. A. 1971. Review of the status of the pinniped fauna of the USSR. In scientific elements of nature conservation. Ministry of Agriculture of the USSR (translated by J. J. Burns, 1972).

Dailey, M. D., and R. L. Brownell, Jr. 1972. A checklist of marine mammal parasites. P. 528–589 *in* Ridgway, S. H. (ed.), Mammals of the sea, biology and medicine. Charles C. Thomas Publ., Springfield, Illinois.

Fay, F. H. 1955. The Pacific walrus (*Odobenus rosmarus divergens*): spatial ecology, life history, and populations. Univ. of British Columbia. Unpublished PhD. thesis.

——— 1957. History and present status of the Pacific walrus population. Trans. 22d N. Amer. Wildl. Conf.: 431–445.

——— 1960. Carnivorous walrus and some arctic zoonooses. Arctic. 13(2):111–122.

——— 1960. Structure and function of the pharyngeal pouches of the walrus (*Odobenus rosmarus* L.). Mammalia. 24(3): 361–371.

——— M.S. Distribution and biology of the Pacific walrus. (Typed manuscript in prep.)

Harbo, S. J., Jr. 1960. Walrus harvest and utilization. Fed. Aid Comp. Rept. Alaska Dept. Fish Game. 16 p. (Mimeo.)

Kenyon, K. W. 1960. The Pacific walrus. Oryx. 5(6): 332–340.

——— 1960. Aerial surveys of marine mammals in the Bering Sea, 23 Feb.–2 March 1960 and 25–28 April 1960. Unpublished report in U.S. Bureau of Sport Fisheries and Wildlife file, Seattle, WA.

Kenyon, K. W. 1972. Aerial surveys of marine mammals in the Bering Sea, 6–16 April 1972. Unpub. report.

——— and J. G. King. 1965. Aerial survey of sea otters, other marine mammals and birds, Alaska Peninsula and Aleutian Islands, 19 April to 9 May 1965. Unpub. report in U.S. Bureau of Sport Fisheries and Wildlife file, Seattle, WA.

Krylov, V. I. 1966. Age and sex structures of Pacific walrus herds on ice and shore rookeries. Izv. TINRO, 62: 189–204. (Isreal Prog. Sci. Transl., 1971), "Pinnipeds of the North Pacific," p. 185–200.

Nikulin, P. B. 1947. Biological characteristics of the shore aggregations of the walrus in the Chukotka Peninsula. Izv. Tikhookean. Nauchnoissled. Inst. Ryb. Khoz. Okeanogr. 25:226–228. Preliminary transl. by W. E. Ricker.

Ricker, W. E. 1948. Methods of estimating vital statistics of fish populations. Indiana Univ. Publ. Sci. Ser. No. 15, 101 p.

ATLANTIC WALRUS

(ODOBENUS ROSMARUS ROSMARUS)

Distribution and migration. The Atlantic walrus is found in open waters near ice in the Arctic and Atlantic Oceans. There appear to be two breeding groups: (1) Kara Sea to eastern Greenland and (2) western Greenland and eastern Canada. Most animals migrate south in winter and move north in the spring as the ice retreats. Stormy weather may occasionally force overland travel.

Abundance and trends. No figures on numbers are available since 1967 when the estimate was 25,000. The average annual kill is estimated at 2,700 and the annual increment is believed to be between 12 and 20 percent. Any increase in kill would seriously jeopardize this subspecies. Herds in the Barnets, Kara, and White Seas are reported to be close to extinction.

General biology. This subspecies is smaller than the Pacific walrus with males averaging 680 kg and female 566 kg. Gestation period is thought to be 10 to 11 months with one young produced every other year. The young nurse for as long as 24 months.

Ecological problems. Dredging or other disturbance of clam beds would probably threaten the primary food base of the walrus.

Allocation problems. Eskimo hunters kill about 2,700 per year with the meat being used primarily for dog food and the tusks used for carving figurines and tools. The number of animals lost after killing is probably high.

Regulations. Since 1956 the U.S.S.R. has prohibited all hunting except that necessary to meet the needs of the Eskimo people. Denmark limits the take to Greenland residents using craft under 40 tons. Hunting areas and dates are also specified. Canada limits killing to Eskimos and a few white residents. The Atlantic walrus is not covered by Endangered Species Treaty.

AMERICAN MANATEE

(TRICHECHUS MANATUS)

Distribution and migration. Manatees inhabit sluggish rivers, shallow estuaries, and salt-water bays of eastern North and South America from Florida and southern Georgia to Guiana, including the West Indies. There seems to be an irregular intermixing of animals between population concentrations in certain estuarine and riverine habitats. This intermixing is probably effected by offshore migrations. During winter cold spells, manatees congregate in warm-water discharges from power plants and natural springs.

Abundance and trends. Manatees are classified as an endangered species. The total population in the United States probably numbers between 2,000 and 4,000. Manatees are increasing on the central west coast of Florida; elsewhere the number of animals appears to be stable or decreasing.

General biology. Manatees are massive, fusiform, thick-skinned, nearly hairless aquatic mammals. The skeleton is dense and heavy (pachyostosis). The forelimbs are paddlelike, the hind limbs are lacking, and the tail is horizontally flattened. The cheek teeth are replaced consecutively from the rear. The maximum recorded weight is 680 kg; average weight is 360 to 540 kg. Maximum recorded length is 460 cm; average length, 300 cm. Their diet is strictly herbivorous, consisting of vascular aquatic vegetation found in fresh, brackish, or salt water. The gestation period is believed to be between 385 and 400 days. Manatees are uniparous; twins are rare. The calves are born and nursed in the water. Weights and lengths of calves at birth range from 28 to 32 kg and from 100 to 130 cm, respectively. The reproductive rate is probably one calf per adult female every 2½ to 3 years. The calves are born throughout the year.

Pleurisy and bronchial pneumonia from exposure to cold have been responsible for the deaths of captive manatees and may be the cause of fatalities in the wild during unusually low temperatures.

Ecological problems. There is no indication that sharks, crocodilians, or other aquatic animals prey on manatees. Man appears to be the only threat to the manatee's survival in the United States. Wounds inflicted by boat propellers are apparently a chief cause of mortality among manatees. Also important is the destruction of the manatee's food resources following water contamination. Industrial effluents, notably in upper Tampa Bay, seem to have eliminated the plants on which the animals normally feed. In the St. Johns River a combination of two factors, dredging to facilitate passage of oil barges and spraying of herbicides to control water hyacinth, have in places drastically altered the composition and abundance of aquatic vegetation. In the absence of their preferred foods, manatees in the St. Johns watershed have adopted water hyacinth as a substitute staple. The toll of manatees killed by vandals, poachers, and inadvertently, by net fishermen, must also be considered in any appraisal of the species' future in the United States.

Allocation problems. The use of manatees in small scale weed clearing operations is feasible but limited in Florida's temperate climate by the animals' need for warm-water refugia during cold weather. Difficulties involved in the capture, transport, and maintenance of manatees seem, at this time, to outweigh their utility. Another problem has been the failure of manatees to breed in a captive or semicaptive situation. Hopes to "farm" manatees as a potential source of protein are presently unrealistic. The vast number of animals required for sustaining a business, and the manatee's slow reproductive capability, should deter such ventures.

Regulations. The manatee is completely protected in the United States by the Marine Mammal Protection Act of 1972.

Current research and funding: Dr. D. S. Hartman is conducting a year-long study of the manatee's status and distribution in Florida and Georgia (December 1972 through December 1973). The study is being funded by the World Wildlife Fund, the Office of Endangered Species (Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior), and the Friends of the Earth Foundation.

BIBLIOGRAPHY

Allsopp, W. H. L. 1969. Aquatic weed control by manatees—its prospects and problems. pp. 344–351 *in* Man-made lakes (L. E. Obeng, ed.), Ghana Univ. Press, Accra. 398.

Bertram, G. C. L., and C. K. R. Bertram. 1964. Manatees in the Guianas. Zoologica. 49:115–120.

Hartman, D. S. 1969. Florida's manatees, mermaids in peril. Nat. Geogr. 136(3):342–353.

——— Ecology and behavior of the American manatee, *Trichechus manatus* Linnaeus, at Crystal River, Citrus County, Florida. (in prep.)

——— Observations of the American manatee at Blue Springs Park, Volusia County, Florida. (in prep.)

Moore, J. C. 1951. The status of the manatee in the Everglades National Park, with notes on its natural history. J. Mammal. 32: 22–36.

——— 1951. The range of the Florida manatee. Quart. J. Florida Acad. Sci. 14:1–19.

——— 1956. Observations of manatees in aggregations. Amer. Mus. Novitates. No. 1811. 24 p.

Parker, G. H. 1922. The breathing of the Florida manatee (*Trichechus latirostris*). J. Mammal. 3:127–135.

Schevill, W. E., and W. A. Watkins. 1965. Underwater calls of *Trichechus* (manatee). Nature. 205(4969):373–374.

Scholander, P. F., and L. Irving. 1941. Experimental investigations on the respiration and diving of the Florida manatee. J. Cell. Comp. Physiol. 17:169–191.

Walker, E. P. 1964. Mammals of the world (Vol. II). Johns Hopkins Press, Baltimore, 647–1500.

DUGONG

(DUGONG DUGON)

Distribution and migration. The dugong lives in tropical bays and estuaries of the Red Sea, east coast of Africa, Bay of Bengal, Malay Archipelago, the Moluccas as far as the Philippines, New Guinea, and the tropical Australian coast. The species are tropical warm water animals not ranging far to sea or

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into fresh water, and never leaving the water.

Abundance and trends. The dugong is nearing extinction in some areas with nearly all portions of its range showing a great decline. The only stable population appears to be that off the northern Australian coast.

General biology. Dugongs are large fusiform marine mammals with a thick skin, heavy skeleton, flipperlike forelimbs and a broadly notched horizontal tail fin. Average length as adults is 250 to 320 cm and weight is 140 to 300 kg. Skin color ranges from blue-grey to brown. Males possess short tusklike incisors. Breeding apparently lasts throughout the year with a single young born after a gestation of 11 months. Calves are born and nursed in the water.

Ecological problems. Man is apparently the major threat to the dugong's existence at this time although climatic changes are probably responsible for its historical scarcity. Dugongs are widely and intensively hunted for flesh, oil, hides and tusks. An adult dugong will yield from 5 to 6 gallons of oil, which is used for medicinal purposes. The "tears" and pulverized tusks are valued in some areas as aphrodisiacs. Keels and propellers of powerboats often inflict mortal wounds. Oil spills, effluent and general pollution of coastal waters are also potential dangers inasmuch as they affect the food plants and general health of the dugong.

Regulations. The dugong is totally protected in Australian waters, except that it can be taken by Aborigines for their own use. It is protected by law in many other parts of its range also, but the laws are seldom enforced. The species is listed in Appendices I and II of "Endangered Species" Treaty.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 2, 1973.

[FR Doc.73-16465 Filed 8-8-73;8:45 am]

SAVANNAH NATIONAL WILDLIFE REFUGE

Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577, 78 Stat. 890-896, 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on September 27, at the U.S. Court House, Room 108, Bull and State Streets, Savannah, Georgia, 31401, and to be continued on September 27, at 7:00 p.m., at the Hardeeville Elementary School Auditorium, Hardeeville, South Carolina 29927, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Savannah Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within Savannah National Wildlife Refuge, which is located in Jasper County, State of South Carolina, and Chatham County, State of Georgia.

A study summary containing a map and information on the Savannah Wilderness proposal may be obtained from the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, South Carolina 29927, or the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE., Atlanta, Georgia 30329.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by October 29, 1973.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 6, 1973.

[FR Doc.73-16490 Filed 8-8-73;8:45 am]

National Park Service

GLACIER NATIONAL PARK, MONT.

Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), and in accordance with Departmental procedures as identified in 43 CFR 19.5 that public hearings will be held beginning at 6:00 p.m. On October 15, 1973, in the Rainbow Room, Rainbow Hotel, 20 Third Avenue North, Great Falls, Montana, and on October 18, 1973, 6:00 p.m. at the Elks Club, Highway 93 South, Kalispell, Montana, for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness comprising about 917,600 acres within the Glacier National Park, Flathead and Glacier Counties, Montana.

A packet containing a draft master plan and preliminary wilderness study report, and providing additional information about the proposal, may be obtained from the Superintendent, Glacier National Park, West Glacier, Montana 59936, or from the Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102.

A description of the preliminary boundaries and a map of the areas proposed for establishment as wilderness are available for review in the above offices and in Room 1210 of the Department of the Interior Building at 18th and C Streets N.W., Washington, D.C.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearings, provided they notify the Hearing Officer, in care of the Superintendent, Glacier National Park, West Glacier, Montana 59936, by October 11 of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer, at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representative of the counties in which the proposed wilderness is located.
(5) Officials of other Federal agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: August 1, 1973.

STANLEY W. HULETT,
Associate Director, National Park Service.

[FR Doc.73-16173 Filed 8-8-73;8:45 am]

OLYMPIC NATIONAL PARK, WASH.

Public Hearings Regarding Wilderness Proposals

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132) and in accordance with Departmental procedures as identified in 43 CFR 19.5 that public hearings will be held November 1 and 3, 1973, for the purpose of receiving comments and suggestions as to the appropriateness of proposals for the establishment of wilderness within Olympic National Park, Washington. The November 1 hearing will be held in the Courtesy Room of the Aberdeen Federal Savings and Loan Association, Broadway and First Streets, Aberdeen, Washington, beginning at 9:30 a.m. A similar hearing will be held on November 3 in the Little Theater at Peninsula College, East Park Avenue, Port Angeles, Washington, starting at 9:00 a.m.

The wilderness proposal for Olympic National Park includes 834,490 acres. All lands proposed for wilderness are presently within the exterior boundaries of the park. Olympic National Park is located on the Olympic Peninsula in the northwest corner of the State of Washington.

Packets containing draft master plans, maps depicting the preliminary boundaries of the proposed wilderness areas, and draft environmental impact statements for the proposals may be obtained from the Superintendent, Olympic National Park, 600 East Park Avenue, Port Angeles, Washington 98362, or from the Regional Director, Pacific Northwest Region, National Park Service, Fourth and Pike Building, Seattle, Washington 98101.

Descriptions of the preliminary boundaries and maps of the areas proposed for establishment as wilderness are available for review in the above offices and in Room 1210 of the Interior Building at 18th and C Streets N.W., Washington, D.C.

Interested individuals, representatives of organizations, and public officials are invited to express their views in person at the aforementioned public hearings. In order to be included on the hearing program, notify the Hearing Officer in care of the Superintendent, Olympic National Park, 600 East Park Avenue, Port Angeles, Washington 98362 by October 26, 1973.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearings will be considered for inclusion in the transcribed hearing records. However, all materials so presented at the hearings shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representative of the counties in which the proposed wilderness is located.
(5) Officials of other Federal agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: August 1, 1973.

STANLEY W. HULETT,
Associate Director, National Park Service.

[FR Doc.73-16174 Filed 8-8-73;8:45 am]

Bureau of Reclamation

[INT FES 73-42]

AUTHORIZED BONNEVILLE UNIT, CENTRAL UTAH PROJECT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the authorized Bonneville Unit of the Central Utah Project, Utah.

The environmental statement concerns a proposed multipurpose project which includes a transbasin diversion of water from the south slope of the Uinta Mountains to water-deficient areas of the Bonneville Basin and development of additional water resources along the Wasatch Front. Water would be used for irrigation, municipal and industrial needs, and hydroelectric power production. The Unit would also provide recreation, fish and wildlife, water quality control, and area redevelopment benefits.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620
Bureau of Reclamation, Department of the Interior,
Washington, D.C. 20240
Telephone (202) 343-4991

Division of Engineering Support, Technical Services Branch,
E&R Center, Denver Federal Center,
Denver, Colorado 80225
Telephone (303) 234-3007

Office of the Regional Director, Bureau of Reclamation, Room 7203, Federal Building, 125 South State Street, (Mailing address: P.O. Box 11568) Salt Lake City, Utah 84111
Telephone (801) 524-5409

Central Utah Projects Office, Bureau of Reclamation, 160 North 2nd West Provo, Utah 84601 Telephone (801) 374-5011.

Copies available for public inspection are also being forwarded to the libraries at the University of Utah, Salt Lake City; Brigham Young University, Provo; Utah State University, Logan; and Weber State College, Ogden, all in Utah.

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated: August 2, 1973.

LAURENCE E. LYNN, Jr.,
Assistant Secretary of the Interior.

[FR Doc.73-16473 Filed 8-8-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

RIO GRANDE NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Rio Grande National Forest Grazing Advisory Board will meet at the River Springs Ranger Station located in Section 25, Township 33 North, Range 6 East, New Mexico Principal Meridian at 9:30 a.m., September 7, 1973.

The purpose of this meeting is to field review land uses in the Conejos River Canyon. This will familiarize the Board with conflicts in allocating land for the various uses including the grazing of domestic livestock, as background for advising the Forest Supervisor in preparation of unit plans.

The meeting is open to the public. Persons wishing to attend should notify Mr. Dale Sowards, Manassa, Colorado, 81141.

Dated: August 3, 1973.

JAMES R. MATHERS,
Forest Supervisor, Rocky Mountain Region.

[FR Doc.73-16496 Filed 8-8-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 8674]

CERTAIN OTIC PREPARATIONS CONTAINING ANTIBIOTICS

Drugs for Human Use; Drug Efficacy Study Implementation Follow-up Notice

In a notice (DESI 8674) published in the FEDERAL REGISTER of June 29, 1972 (37 FR 12855), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following drugs (other drugs were also included in that notice, and other notices concerning them will be published in future issues of the FEDERAL REGISTER):

1. Cortomixin Sterile Ear Drops containing polymyxin B sulfate and hydrocortisone; Broemmel Pharmaceuticals, 1235 Sutter St., San Francisco, CA 94109 (NDA 60-719 (previously published as 60-179)).

2. Cortisporin Otic Drops containing polymyxin B sulfate, neomycin sulfate and hydrocortisone; Burroughs-Wellcome and Co., Inc., 3030 Cornwallis Rd., Research Triangle Park, NC 27709 (NDA 60-613).

3. Coly-mycin S Otic with Neomycin and Hydrocortisone containing colistin sulfate, neomycin sulfate, thonzonium bromide, and hydrocortisone acetate; Warner Chilcott Laboratories Division, Warner Lambert Pharmaceutical Co., 201 Tabor Rd., Morris Plains, NJ 07950 (NDA 50-356).

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4 Cor-Otic P–N Ear Drops containing neomycin sulfate, polymyxin B sulfate and hydrocortisone; Don Hall Laboratories, 1935 North Argyle, Portland, OR 97217 (NDA 90–263).

The notice stated that the drugs were regarded as lacking substantial evidence of effectiveness when labeled for treatment of otitis media and possibly effective for their other labeled indications.

Based upon a reevaluation of the preparations listed above, the Commissioner concludes that these drugs are effective for the indications set forth in the labeling guidelines below.

DESCRIPTION

(To be supplied by the manufacturer)

ACTIONS

(To be supplied by the manufacturer)

INDICATIONS

For the treatment of superficial bacterial infections of the external auditory canal caused by organisms susceptible to the action of the antibiotic(s), and for the treatment of infections of mastoidectomy and fenestration cavities caused by organisms susceptible to the antibiotic(s).

CONTRAINDICATIONS

This product is contraindicated in those individuals who have shown hypersensitivity to any of its components, and in herpes, simplex, vaccinia and varicella.

WARNINGS

As with other antibiotic preparations, prolonged treatment may result in overgrowth of nonsusceptible organisms and fungi.

If the infection is not improved after one week, cultures and susceptibility tests should be repeated to verify the identity of the organism and to determine whether therapy should be changed.

Patients who prefer to warm the medication before using should be cautioned against heating the solution above body temperature, in order to avoid loss of potency.

PRECAUTIONS

If sensitization or irritation occurs, medication should be discontinued promptly.

(To be included for neomycin-containing preparations). This drug should be used with care in cases of perforated ear drum and in longstanding cases of chronic otitis media because of the possibility of ototoxity caused by neomycin.

Treatment should not be continued for longer than ten days.

Allergic cross-reactions may occur which could prevent the use of any or all of the following antibiotics for the treatment of future infections: Kanamycin, paromomycin, streptomycin, and possibly gentamicin.

ADVERSE REACTIONS

FOR PREPARATIONS CONTAINING NEOMYCIN)

Neomycin is a not uncommon cutaneous sensitizer. There are articles in the current literature that indicate an increase in the prevalence of persons sensitive to neomycin.

DOSAGE AND ADMINISTRATION

The external auditory canal should be thoroughly cleansed and dried with a sterile cotton applicator.

For adults, 4 drops of the solution should be instilled into the affected ear 3 or 4 times daily. For infants and children, 3 drops are suggested because of the smaller capacity of the ear canal.

The patient should lie with the affected ear upward and then the drops should be instilled. This position should be maintained for 5 minutes to facilitate penetration of the drops into the ear canal. Repeat, if necessary, for the opposite ear.

If preferred, a cotton wick may be inserted into the canal and then the cotton may be saturated with the solution. This wick should be kept moist by adding further solution every four hours. The wick should be replaced at least once every 24 hours.

HOW SUPPLIED

(To be supplied by the manufacturer)

Batches of drugs for which certification is requested should provide for labeling information in accord with the guidelines developed on the basis of the reevaluation of the drugs and published in this notice.

Batches of such drugs with labeling bearing indications other than those published in this announcement are no longer acceptable for certification or release.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16468 Filed 8-8-73;8:45 am]

[GRASP 3G0030]

HOKKAIDO SUGAR CO., LTD.

Notice of Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0030) has been filed by Markel, Hill & Byerly, 1625 K St. NW., Washington, DC 20006, on behalf of the Hokkaido Sugar Co., Ltd., Tokyo, Japan, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that beet sugar (sucrose) treated with enzyme alpha-galactosidase is generally recognized as safe (GRAS) for use in foods. Final action on this petition will not be possible until the current GRAS status reviews of sucrose and certain other sugars have been completed.

Interested persons may, on or before October 9, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: July 25, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-16469 Filed 8-8-73;8:45 am]

THERMAL PROCESSING OF LOW-ACID FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS

Notice of Availability of Forms for Filing of Process Information

In the matter of thermal processing of low-acid foods packaged in hermetically sealed containers, there was published in the FEDERAL REGISTER of May 14, 1973 (38 FR 12716), an order promulgating 21 CFR 90.20 which requires that commercial processors (1) register their plants with the Food and Drug Administration on form FD–2541, and (2) submit to the Food and Drug Administration on specified forms information as to the process used for each low-acid food in each container size. The effective date of the order required registration on or before July 13, 1973, and stated that notice of availability of forms for submitting the process information would be published in the FEDERAL REGISTER.

The process information forms are now available: Form FD–2541a (food canning establishment and process filing for still retort processes), form FD–2541b (food canning establishment and process filing for agitating processes), and form FD–2541c (food canning establishment and process filing for other than still retorts and agitating processes).

All commercial processors who have registered their plants by submitting form FD–2541 will be mailed the appropriate process filing forms (FD–2541a, b, or c). A review of all registrations has been completed and the appropriate number and type of process filing forms and instructions for their use are being sent to each registrant by the Industry Guidance Branch.

Additional forms and instructions are available any may be obtained from the Food and Drug Administration, Bureau of Foods, Industry Guidance Branch (BF–342), 200 C St., SW., Washington, DC 20204, or any FDA District Office.

Objections have been received and are being evaluated with respect to the provisions of § 90.20(c)(2) and (3) which require submission of process information and adherence to the submitted processes. In the interim, the Food and Drug Administration requests that submission of process information on the forms that are now being made available continue without interruption. No objections were received on the provisions of § 90.20(c)(1) requiring registration on form FD–2541. Accordingly, that portion of the order requiring registration is now effective.

This notice is issued pursuant to provisions of the Federal Food, Drug, and

Cosmetic Act (secs. 402, 404, 701, 52 Stat. 1046–1047, as amended, 1048, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 342, 344, 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16471 Filed 8-8-73;8:45 am]

[DESI 8530; Docket No. FDC–D–141; NDA Nos. 8–530 and 10–613]

WINTHROP PRODUCTS, INC. AND WINTHROP LABORATORIES

Alevaire; Notice of Withdrawal of Approval of New Drug Applications

Pursuant to the proposed order withdrawing marketing approval for the drug Alevaire published in the FEDERAL REGISTER of December 6, 1969 (34 FR 19389), Winthrop Products, Inc., holder of New Drug Application (NDA) No. 8–530, and Winthrop Laboratories, holder of NDA No. 10–613, filed a request for a hearing on the issue of whether there was a lack of substantial evidence of effectiveness for the drug cognizable under section 505(e) of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)). The request for hearing was evaluated and a final decision was published in the FEDERAL REGISTER of September 11, 1971 (37 FR 17229), denying the request for a hearing and withdrawing approval of NDAs Nos. 8–530 and 10–613 on the grounds that there is a lack of substantial evidence that Alevaire is effective for its recommended uses.

The notice of withdrawal was vacated and proceedings remanded to the agency on January 11, 1972, by the United States Court of Appeals for the Second Circuit. A second notice denying the request for a hearing and withdrawing approval of the Alevaire NDAs was published in the FEDERAL REGISTER of March 8, 1973 (38 FR 6305). Thereafter, holders of the Alevaire NDAs filed a petiton for reconsideration, and on June 14, 1973, the final order was set aside.

REQUEST FOR HEARING

The holders of the Alevaire NDAs have submitted a large amount of documentation upon which they state the effectiveness of Alevaire has been established. All of the material, including affidavits and miscellaneous citations to the medical literature, are claimed to be corroborative of the drug's effectiveness which is said to rest upon two adequate and well-controlled clinical studies of the drug denominated as the Milled-Paez study and the Cohen study. Because the Commissioner finds that the Miller-Paez and Cohen studies cannot demonstrate the effectiveness of Alevaire for its recommended uses, it is not necessary to re-analyze the other data the NDA holders cite. In any event, the Commissioner adheres to his analysis of the corroborative data in his decision of March 8, 1973.

REASONS FOR DENIAL OF HEARING AND WITHDRAWAL OF NDA APPROVAL

The claims made for Alevaire in its labeling and the manner in which the previous critiques of the Miller-Paez and Cohen studies were phrased in previous FEDERAL REGISTER notices have engendered some confusion concerning the nature of the drug and the types of clinical investigations necessary to establish drug effectiveness. Therefore, a description of the nature of Alevaire's composition in light of its labeling claims is required to place in perspective the evaluation of the Miller-Paez and Cohen studies.

1. *The drug.* Alevaire is a combination of three components in a sterile aqueous solution, as follows: 0.125 percent tyloxapol, with 2 percent sodium bicarbonate and 5 percent glycerin.

2. *Recommended uses.* In the Alevaire labeling printed in Physicians' Desk Reference, 25th Ed. 1971, the drug is recommended in the treatment of patients "with diseases and disorders of the lungs accompanied or complicated by the presence of excessive or thickened bronchopulmonary secretions" as may be present in, among other things laryngotracheobronchitis and laryngitis, bronchitis and bronchiolitis, bronchial pneumonia, asthma, emphysema, allergic bronchopneumonia, neonatal asphyxia, atelectasis, diaphragmatic paralysis, bronchiectasis, pulmonary abscess, and aspiration of foreign material. Alevaire is also indicated as a vehicle to which other compatible medications, such as antibiotics, may be added for administration through intermittent positive pressure breathing machines.

Alevaire is recommended for administration in an undiluted form by an aerosol nebulizer delivering a fine mist to the patient in an open tent, croup tent, incubator, etc., or by means of a face mask.

The labeled indications for use and recommended methods of administration for Alevaire have remained substantially unchanged since NDA No. 8–530 became effective in December, 1952, and NDA No. 10–613 became effective in July 1956.

3. *Rationale for Alevaire.* The labeling for Alevaire when the NDAs became effective in the mid-1950's described the contribution of each component in Alevaire as follows:

> The sodium bicarbonate and glycerin in Alevaire act in synergy with the detergent to create an alkaline medium for the liquefication of mucus and to stabilize the aerosol droplets. An alkaline medium enhances the antibacterial activity of streptomycin • • •

The labeling described the "Advantages of Alevaire" by stating that the addition of glycerin prevented the evaporation of aerosol droplets; that glycerin increases viscosity of the droplets causing them to remain suspended when inhaled and lost on exhalation; that the addition of a balanced amount of tyloxapol lowers the surface tension of the droplets, causing them to be deposited in the mucosa where tyloxapol liquefies mucopurulent secretions; that the addition of sodium bicarbonate to the balanced solution creates a favorable pH for the activity of tyloxapol and liquefication of mucus; and that these effects have been demonstrated in laboratory tests. This passage in the labeling cites a paper by Miller, J.B., which contains no reference to laboratory tests. No such tests were submitted by the NDA holders as part of their request for hearing.

The Alevaire labeling printed in the Physicians' Desk Reference, 20th Ed. 1966 (and as late as 1971), described the "Action and Uses" of Alevaire as follows:

> • • • Superinone [tyloxapol] is effective in lowering surface tension; sodium bicarbonate creates an alkaline medium to help liquefy mucus; glycerin assists in the stabilization of the aerosol droplet.

However, another version of the labeling of Alevaire in circulation in 1966, and the one submitted to and reviewed by the National Academy of Sciences-National Research Council, did not describe the contribution each component made to the claimed efficacy of Alevaire. It described the "Action" of Alevaire in the following terms:

> Alevaire mist lowers the surface tension and viscosity of secretions • • • whereas plain water does not • • • Alevaire loosens and frees secretions from contact with surfaces, and by greatly reducing frictional forces allows mucus to be propelled more rapidly.

This version of the labeling, unlike the labeling printed in the Physicians' Desk References, described Alevaire as a "Detergent Aerosol for Inhalation" and contained a section entitled "Tolerance" in which the toxicity of tyloxapol was described and compared with other detergents. Whether or not this labeling reflects that the NDA holders then considered tyloxapol the main ingredient is not clear, although it may be the reason why the NAS–NRC did not evaluate any ingredients in Alevaire other than tyloxapol.

Nevertheless, Alevaire is composed of a combination of ingredients whose total action is claimed to be more effective than water. The appendix to the request for hearing states that "Alevaire's action is similar to that of water, but it is more effective than water because it can be deposited further into the air passageways and because it more effectively lowers surface and interfacial tension than does water" (p. 16). Thereafter follows an abbreviated description of the function of each component in the combination and the explanation that:

> • • • the stabilized droplets of aerosolized Alevaire are able to achieve deep penetration into distal air passageways, and interfacial tensions and surface tensions are reduced, thus achieving a greater mucoevacuant action than that of water. (p. 33)

The inquiry into whether the Miller-Paez and Cohen studies demonstrate the effectiveness of Alevaire must be in terms of the claimed contribution each

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component makes to the drug's effectiveness (21 CFR 3.86).

4. *Clinical investigations of Alevaire.* In the petition for reconsideration filed by the NDA holders following publication of the March 8, 1973 notice, the NDA holders took issue with ever facet of the evaluations of the Miller-Paez and Cohen studies contained in that notice.

The Commissioner finds that certain criticisms delineated in the petition are well-founded when the investigations are accepted at face value as is required in ruling upon the adequacy of a request for hearing under 21 CFR 130.12 (a)(5) and 130.14. However, the Commissioner also finds that another analysis of these two studies, which would take into account the several valid objections made in the petition for reconsideration, would be a meaningless and unnecessary endeavor. Even assuming that the studies are adequate and well-controlled investigations comparing Alevaire with other control substances, a conclusion not warranted by analysis of the investigations, the studdies cannot demonstrate the effectiveness of Alevaire because their design precludes assessments respecting the contribution each of the three components of Alevaire makes to the claimed effectiveness of the drug.

(a) W. F. Miller and P. Paez, "Blind Comparison Among Normal Saline, Distilled Water and Two Surface Active Agents in Sputum Evacuation". A double-blind crossover design was used in which 20 patients with chronic bronchopulmonary diseases were randomly tested on a different aerosol solution each week for a total of three weeks. Each patient was administered distilled water and normal saline, and one half of the population was administered Alevaire and the other half Tergemist, another commercially available drug for inhalation therapy. The authors concluded that there was no difference between saline and Tergemist; that distilled water was more effective than saline; and that Alevaire was more effective than distilled water.

(b) B. M. Cohen, "Ultrasonic Nebulization of Water and Mucoevacuant Solutions in Patients With Obstructive Lung Disease: Volumetric and Ventilatory Responses to Acute Administration". Fifteen patients with obstructive ventilatory diseases (bronchial asthma and chronic bronchitis) and retained secretions were administered Alevaire and distilled water aerosols in a single-blind crossover study. The study was conducted over two days, with administration of the test substances being given twice on each day. The author concludes that Alevaire was more effective than water.

Neither investigation purported to examine into the role that tyloxapol vis-a-vis sodium bicarbonate vis-a-vis glycerin plays in the claimed effectiveness of the drug. To demonstrate the claimed effectiveness of Alevaire, adequate treatment controls as required under 21 CFR 130.12(a)(5)(ii)(a)(4) are necessary i.e., a comparison of treatment groups administered Alevaire, Alevaire less tyloxapol, Alevaire less sodium bicarbonate, Alevaire less tyloxapol and sodium bicarbonate, water, etc. In this respect, the NDA holders in their request for hearing analyzed a study by Palmer, "The Effect of an Aerosol Detergent in Chronic Brochitis", Lancet 1:611-613, 1957, (Appendix to p. 20 of request) which is a comparison in 25 patients of Alevaire to glycerine and sodium bicarbonate, and water.

The NDA holders criticize the conclusion that the study showed Alevaire is no more effective than water or saline and state that the study is really a comparison of Alevaire:

> • • • to a control aqueous solution of glycerine and sodium bicarbonate, both of which are effective additives to water for inhalation therapy. The design of this study was not adequate to elicit differences • • • between the two effective mucoevacuant agents.

While each of the components is described as being "effective mucoevacuant agents", no data have been produced or cited. What is needed are data derived from adequate and well-controlled clinical investigations to show what effectiveness, if any, each of the four components of Alevaire may individually and in various combinations possess.

In any study designed to investigate each component in Alevaire insofar as it is claimed to be effective, the Commissioner is concerned that measures be incorporated to demonstrate that whatever effect is achieved is therapeutic. The Commissioner concurs with the statements of affiants Beck, Collins, and Miller, submitted in support of the request for hearing, that water has significant irritating properties. One possible reason for water-induced irritation is that water per se is not a physiologic liquid. Alevaire's ingredients also are not physiological, e.g., 2 percent sodium bicarbonate content contrasts with a 1.39 percent physiologic value and 5 percent glycerin contrasts with a 2.6 percent physiologic value. Thus, it is possible that increases in sputum volume, if any, following administration of water, Alevaire, or other substances may reflect no more than the results of the host's response to irritants. In this frame of reference, a determination needs to be made as to which therapeutic indices would be evaluated. Also, it is possible that increased sputum volume might be a reflection not only of mucoevacuation of retained secretions, but also of irritant-produced de novo secretions. In the later case, a possible adverse clinical effect might accrue.

5. *Legal and other objections.* The legal objections cited in the request for hearing have been considered in the Courts and decided adversely to the NDA holders. In this respect, the Commissioner adheres to his findings published in the notice of March 8, 1973, that Alevaire is not a "grandfathered" drug; that the NDA holders must demonstrate that they are prepared to produce evidence raising genuine issues of pertinent fact to obtain a hearing; and that the NAS-NRC Report warrants institution of withdrawal procedures. The Commissioner reiterates that the other reasons cited for granting a hearing are without merit.

6. *Findings.* The Commissioner, on the basis of the information before him and a review of the documentation, affidavits and legal arguments offered to support the claims of effectiveness for Alevaire, finds that there is a lack of substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling, that the legal arguments are insubstantial, and that the petitioners have failed to set forth specific facts showing that there is a genuine and substantial issue of fact requiring a hearing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under the authority delegated to the Commissioner (21 CFR 2.120), the request for hearing is denied, and the approval of new drug applications Nos. 8-530 and 10-613, and all amendments and supplements thereto, is withdrawn effective on Aug. 9, 1973.

Dated: August 7, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16650 Filed 8-8-73;8:45 am]

National Institutes of Health

ADVISORY COMMITTEE FOR THE FREDERICK CANCER RESEARCH CENTER

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board ad hoc Advisory Committee for the Frederick Cancer Research Center (FCRC), National Cancer Institute, August 29, 1973, 9:00 a.m. to 4:00 p.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 9:00 a.m. to 4:00 p.m., August 29, 1973, to discuss consideration of preliminary recommendations of the Committee. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1911) will furnish summaries of the open meeting and roster of committee members.

Dr. William W. Payne, Executive Secretary, Building 560, Room 11-82, NCI Frederick Cancer Research Center, Fort Detrick, Frederick, Maryland 21701 (301/663-7305) will provide substantive program information.

Dated: July 31, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73-16464 Filed 8-8-73;8:45 am]

Office of Education

GRANTS FOR NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES

Notice of Acceptance of Applications for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction of noncommercial educational broadcasting facilities are accepted for filing under the provisions of Title III, Part IV of the Communications Act of 1934, as amended (47 USC 390-399) and in accordance with 45 CFR 60.8.

Any interested person may, pursuant to 45 CFR 60.10, on or before September 10, 1973, file comments regarding these applications with the Director, Educational Broadcasting Facilities Program, Division of Technology Development, National Center for Educational Technology, Office of Education, Code 525, Washington, D.C. 20202.

EDUCATIONAL TELEVISION

Viewer Sponsored Television Foundation, 7333 Trask Avenue, Playa del Rey, California 90291, File No. 419-T, to improve noncommercial educational television station KVST on Channel 68, Los Angeles, California, accepted as of May 28, 1968. Estimated project cost: $418,914. Grant requested: $315,368. Application signed by: Mr. Clayton Stauffer, President.

Board of Education of Jefferson County, 3332 Newburg Road, Louisville, Kentucky 40218, File No. 420-T, to improve noncommercial educational television station WKPC, on channel 15, Louisville, Kentucky, accepted as of April 14, 1969. Estimated project cost: $357,945. Grant requested: $120,000. Application signed by: Mr. Richard Van Hoose, Superintendent.

University of Washington, Seattle, Washington 98105, File No. 421-T, for the improvement of noncommercial educational television station KCTS on Channel 9, Seattle, Washington, accepted as of September 29, 1970. Estimated project cost: $387,749. Grant requested: $290,812. Application signed by: Mr. Donald E. Bevans, Assistant Vice President for Research

Public Television Foundation for North Texas, 3000 Harry Hines Boulevard, Dallas, Texas 75201, File No. 422-T, for the improvement of noncommercial educational television station KERA on Channel 13, Dallas, Texas, accepted as of October 19, 1970. Estimated project cost: $282,518. Grant requested: $211,889. Application signed by: Mr. Robert A. Wilson, Executive Vice President and General Manager.

Board of Regents, University of Idaho, Moscow, Idaho 83843, File No. 423-T, for the improvement of noncommercial educational television station KUID on Channel 12, Moscow, Idaho, accepted as of August 24, 1972. Estimated project cost: $255,364. Grant requested: $165,364. Application signed by: Mr. Sherman Carter, Financial Vice President.

San Diego State University Foundation, 5402 College Avenue, San Diego, California 92115, File No. 424-T, for the improvement of noncommercial educational television station KPBS on Channel 15, San Diego, California, accepted as of November 15, 1972. Estimated project cost: $113,489. Grant requested: $85,117. Application signed by: Mr. Ernest B. O'Byrne, Vice President for Administration.

Southern Oregon Educational Company, 128 East Main Street, Medford, Oreg. 97501, File No. 425-T, for the establishment of a noncommercial educational television station on Channel 8, Medford, Oregon, accepted as of May 29, 1973. Estimated project cost: $435,161. Grant requested: $326,370. Application signed by: Mr. W. Boyce Standard, President.

Delta College, University Center, Michigan 48710, File No. 426-T, to improve noncommercial educational television station WUCM on Channel 19, Bay City, Michigan, accepted as of June 15, 1973. Estimated project cost: $233,000. Grant requested: $140,000. Application signed by: Donald J. Carlyon, President.

University of Vermont and State Agricultural College, Burlington, Vermont 05401, File No. 427-T, to expand noncommercial educational television station WETK, Colchester, Vermont, accepted as of June 14, 1973. Estimated project cost: $550,000. Grant requested: $412,000. Application signed by: Edward C. Andrews, Jr., President.

EDUCATIONAL RADIO

University of Northern Iowa, Cedar Falls, Iowa 50613, File No. 149-R, for the improvement of noncommercial FM radio station KHFE on Channel 215, Cedar Falls, Iowa, accepted as of September 15, 1972. Estimated project cost: $76,854. Grant requested: $57,641. Application signed by: Dr. John Kamerick, President.

Greater Asheville Educational Radio Association, Inc., 2 South Lexington Avenue, Asheville, North Carolina 28801, File No. 150-R, for the establishment of a noncommercial FM radio station on Channel 215, Asheville, North Carolina, accepted as of May 29, 1973. Estimated project cost: $40,296. Grant requested: $30,071. Application signed by: Mr. James E. Robinson, President.

This Notice issued in Washington, D.C.

Catalog of Federal Domestic Assistance Program No. 13.413, Educational Broadcasting Facilities (Public Broadcasting)

Dated: July 27, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

[FR Doc.73-16497 Filed 8-8-73;8:45 am]

Social and Rehabilitation Service

CUBAN REFUGEE PROGRAM

Suspension of Phaseout of Federal Reimbursement to States

Notice of the phaseout of Federal Cuban Refugee Program reimbursements to the States, under the Migration and Refugee Assistance Act of 1962 (Public Law 87-510), was published in the FEDERAL REGISTER of June 27, 1973 (38 FR 16928), effective July 1, 1973.

Subsequent to the publication of the phaseout notice, Congress passed and the President approved Public Law 93-52 (Continuing Appropriations) which authorizes expenditures for the Cuban Refugee Program at the fiscal year 1973 level.

In light of the Congressional action, the Secretary has decided to continue the program on the previous basis until further notice. Therefore the Notice of June 27 is suspended, and States may, without interruption, continue to claim reimbursement of assistance to Cuban refugees in accordance with the eligibility and reimbursement policies in effect prior to July 1, 1973.

Dated: August 6, 1973.

J. R. DWIGHT, JR.,
Administrator, Social and Rehabilitation Service.

[FR Doc.73-16488 Filed 8-8-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[Docket No. D-73-245]

REGIONAL ADMINISTRATORS, ET AL.

Rehabiltation Loan Program; Redelegation of Authority

The Redelegation of Authority to Regional Administrators et al., with respect to Rehabilitation Loan Program published at 37 FR 15948, August 8, 1972, is amended by deleting section A, 3.

(Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971.)

Effective date. This amendment to redelegation of authority is effective as of April 17, 1973.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.73-16488 Filed 8-8-73;8:45 am]

[Docket No. D-73-246]

REGIONAL ADMINISTRATORS ET AL.

Loan and Contract Servicing; Redelegation of Authority

The Redelegation of Authority to Regional Administrators et al. with respect to Loan and Contract Servicing published at 35 FR 16104, October 14, 1970, and amended at 36 FR 1488, January 30, 1971, 36 FR 21539, November 10, 1971, 37 FR 104, January 5, 1972, 37 FR 14427, July 20, 1972 and 38 FR 1298, January 11, 1973 is further amended as follows:

1. In section A, 1, in the third line of paragraph m the word "mortgagees" is corrected to read "mortgages" and the words "and Secretary-held mortgages"

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are inserted immediately following the word "mortgages."

2. In section A, paragraph 3 is amended to read as follows:

"3. Each Director, Housing Management Division, Area and Insuring Office; each Director, Loan Management and Property Disposition Branch, or Loan Management Branch, Area Office; and each Chief, Management and Mortgage Servicing Section, Insuring Office, is authorized to exercise the power and authority under section A.1."

3. In section C, paragraph 7 is deleted. (Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971)

Effective date. This amendment to redelegation of authority is effective as of April 17, 1973.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.73-16489 Filed 8-8-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

NORTH CAROLINA

Availability of Proposed Action Plan

The North Carolina Department of Transportation and Highway Safety has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. North Carolina Department of Transportation
   1 S. Wilmington St.
   Raleigh, N.C. 27611
2. North Carolina Division Office—FHWA
   310 New Bern Avenue
   Raleigh, N.C. 27611
3. FHWA Regional Office—Region 4
   Office of Environment and Design
   1720 Peachtree Rd., N.W.
   Room 208
   Atlanta, Ga. 30309
4. U.S. Department of Transportation
   Federal Highway Administration
   Environmental Development Division
   Nassif Building, Room 3246
   400 7th Street S.W.
   Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before September 3, 1973.

Issued on August 3, 1973.

R. R. BARTELSMEYER,
Deputy Federal Highway Administrator.

[FR Doc.73-16433 Filed 8-8-73;8:45 am]

Office of the Secretary

ASSOCIATE ADMINISTRATOR FOR TRAFFIC SAFETY PROGRAMS

Revocation of Delegation of Authority

By notice in the FEDERAL REGISTER of Wednesday, May 9, 1973 (38 FR 12147), by authority vested in me by section 9(e) of the Department of Transportation Act (October 15, 1966, Public Law 89-670, § 9(e), 80 Stat. 944; 49 U.S.C. 1657(e)), I delegated to James E. Wilson, Associate Administrator for Traffic Safety Programs of the National Highway Traffic Safety Administration, all functions previously delegated to the Administrator of the National Highway Traffic Safety Administration.

By that same authority, I hereby revoke that delegation, effective August 6, 1973.

Issued in Washington, D.C., on August 6, 1973.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.73-16576 Filed 8-8-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-319]

NEW YORK STATE ELECTRIC & GAS CORP.

Withdrawal of Application for Utilization Facility License

The New York State Electric & Gas Corporation, 4500 Vestal Parkway East, Binghamton, New York 13902, by letter dated July 23, 1973, has requested withdrawal of its application for licenses to construct and operate the Bell Station facility, a single-unit boiling water reactor at its 900-acre site located on the east side of Cayuga Lake in the Town of Lansing, Tompkins County, New York. A copy of the letter of withdrawal is available for inspection in the AEC's Public Document Room, 1717 H Street, NW., Washington, D.C. The Atomic Energy Commission grants the applicant's request for withdrawal of this application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 20, 1968, 33 FR 6144.

Dated at Bethesda, Maryland, this 2nd day of August, 1973.

For the Atomic Energy Commission.

RAYMOND R. POWELL,
Acting Chief, Boiling Water Reactors, Branch 1 Directorate of Licensing.

[FR Doc.73-16409 Filed 8-8-73;8:45 am]

URANIUM HEXAFLUORIDE

Charges, Enriching Services, Specifications and Packaging; Revisions

The U.S. Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled, "Uranium Hexafluoride: Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specification and Packaging", as published in the FEDERAL REGISTER on November 29, 1967 (32 FR 16289), and as amended in 35 FR 13457, August 25, 1970, 36 FR 4563, March 9, 1971 and in 38 FR 4432, February 14, 1973 (referred to herein as the notice).

1. Paragraph 3 of the notice is deleted and the following paragraph 3 is inserted in lieu thereof:

3. *Standard table of enriching services, charges per kilogram unit of separative work, base charges and standard processing loss.* The AEC's Standard Table of Enriching Services is set forth in Table 1 of this notice.

The charge per kilogram unit of separative work furnished pursuant to Requirements-type contracts is $38.50. The charge per kilogram unit of separative work furnished pursuant to other than Requirements-type contracts is $36.00. These charges, and successor charges determined in accordance with this sentence, shall be increased by 1 percent (rounded upward to the nearest $0.05) on January 1 and July 1 of each year with the first such increase to occur on January 1, 1974.

The base charge ($/kgU) for uranium, enriched or depleted in the isotope U^{235} and in the form of UF_6, is determined by summing the number opposite the desired assay in the Feed Component column of Table 1 multiplied by $23.46 and the number opposite the desired assay in the Separative Work Component column of Table 1 multiplied by the then current charge per kilogram unit of separative work furnished pursuant to other than Requirements-type contracts. The calculated base charge is rounded up to the nearest $0.01. For assays not shown in Table 1, the Feed Component and Separative Work Component are first determined by linear interpolation before calculation of the base charge. Any resulting base charge less than $3.00 is increased to $3.00. The base charge for depleted uranium requested without a specification as to assay is $2.50. The assay furnished by the AEC in this case will normally be in the neighborhood of 0.20 wt. percent U^{235} of which large amounts are available.

The standard processing loss factor to be applied to toll enricher's acquisition of tails material is 0.05 percent.

2. Table 1 of the notice is revised to read as follows:

TABLE 1

STANDARD TABLE OF ENRICHING SERVICES

Assay (wt. % U-235)	Feed component (normal kgs U feed/kg U product)	Separative work component (kg SWU/kg U product)
0.20	0	0
0.25	0.098	−0.100
0.30	0.196	−0.158
0.35	0.294	−0.189
0.38	0.352	−0.197
0.40	0.391	−0.198
0.42	0.431	−0.197
0.44	0.470	−0.194
0.46	0.509	−0.189
0.48	0.548	−0.182
0.50	0.587	−0.173
0.52	0.626	−0.163
0.54	0.665	−0.151
0.56	0.705	−0.137
0.58	0.744	−0.123
0.60	0.783	−0.107
0.65	0.881	−0.062
0.70	0.978	−0.012
0.711	1.000	0.000
0.75	1.076	0.044
0.80	1.174	0.104
0.85	1.272	0.168
0.90	1.370	0.236
0.95	1.468	0.307
1.00	1.566	0.380
1.10	1.761	0.535
1.20	1.957	0.698
1.30	2.153	0.868
1.40	2.348	1.045
1.50	2.544	1.227
1.60	2.740	1.413
1.70	2.935	1.603
1.80	3.131	1.797
1.90	3.327	1.994
2.00	3.523	2.194
2.20	3.914	2.602
2.40	4.305	3.018
2.60	4.697	3.411
2.80	5.008	3.871
3.00	5.479	4.306
3.20	5.871	4.746
3.40	6.262	5.191
3.60	6.654	5.638
3.80	7.045	6.090
4.00	7.436	6.544
4.50	8.415	7.690
5.00	9.393	8.851
5.50	10.372	10.022
6.00	11.350	11.203
7.00	13.307	13.587
8.00	15.264	15.995
9.00	17.221	18.422
10.00	19.178	20.863
12.00	23.092	25.782
14.00	27.006	30.737
16.00	30.920	35.719
18.00	34.834	40.724
20.00	38.748	45.747
25.00	48.532	58.369
30.00	58.317	71.064
35.00	68.102	83.816
40.00	77.886	96.616
50.00	97.456	122.344
60.00	117.025	148.235
70.00	136.595	174.302
80.00	156.164	200.605
85.00	165.949	213.892
90.00	175.734	227.341
92.00	179.648	232.796
93.00	181.605	235.560
94.00	183.562	238.328
96.00	187.476	244.842
98.00	191.389	269.982

All values are computed on the basis of taking normal uranium, having an assay of 0.711 wt. percent U^{235}, as having a zero separative work component, and on the basis of a tails (waste) assay of 0.20 wt. percent U^{235}.

The feed and separative work components for assays not shown will be determined by linear interpolation between the nearest assays listed above.

The inclusion of specific assays above 93.00 wt. percent U^{235} is for the purpose of interpolation and for calculation of base charges for limited amounts of specified assays above 93 percent. Inquiries concerning the availability of material for lease or sale of specified assays above 93 percent should be addressed to the AEC Materials Leasing Officer, USAEC, Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830.

Effective date. This notice shall become effective on August 14, 1973.

Dated at Germantown, Md., this 6th day of August 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-16531 Filed 8-8-73;8:45 am]

[Docket No. 50-348A, 50-364A]

ALABAMA POWER CO.

Prehearing Conference

In the matter of Alabama Power Company (Joseph M. Farley Nuclear Plant Units 1 and 2).

Pursuant to an order issued August 6, 1973, a prehearing conference will be held on September 10, 1973 at the U.S. Tax Court, Room No. 1 (2132), 1111 Constitution Avenue, NW, Washington, D.C. at 9:00 a.m.

The Parties will be prepared to argue all motions at such prehearing conference and to justify the schedules proposed.

Issued at Washington, D.C. this 6th day of August, 1973.

For the Atomic Safety and Licensing Board Panel.

WALTER W. K. BENNETT,
Chairman.

[FR Doc.73-16533 Filed 8-8-73;8:45 am]

[Docket No. 50-366A]

GEORGIA POWER CO.

Prehearing Conference

In the Matter of GEORGIA POWER CO. (Hatch Nuclear Plant—Unit 2)

Pursuant to an order issued August 6, 1973, a prehearing conference will be held on September 6, 1973 at the U.S. Tax Court, Room No. 2 (2142), 1111 Constitution Avenue, NW, Washington, D.C. at 9:00 a.m. for the purpose of:

(1) Adjudicating all matters then outstanding regarding discovery or the need for it;

(2) Determining a time schedule for completion of discovery and exchange and submission of written testimony, briefs and exhibits and thereafter holding of an evidentiary hearing and the submission of proposed findings and conclusions;

(3) Each of the Parties will exchange and serve on the Board a proposed time schedule including dates for the above events and such other events as they may deem necessary.

Issued at Washington, D.C. this 6th day of August, 1973.

For the Atomic Safety and Licensing Board Panel.

WALTER W. K. BENNETT,
Chairman.

[FR Doc.73-16532 Filed 8-8-73;8:45 am]

[Docket Nos. 50-443, 50-444]

PUBLIC SERVICE CO., NEW HAMPSHIRE, ET AL.

Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Public Service Company of New Hampshire, The United Illuminating Company, Central Maine Power Company, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Montaup Electric Company, New Bedford Gas and Edison Light Company, New England Power Company, Vermont Electric Power Company, Inc. Ashburnham Municipal Light Plant, Burlington Electric Light Department, Eastern Maine Electric Cooperative, Inc., Holyoke Gas and Electric Department, Hudson Light and Power Department, Hull Municipal Light Plant, Marblehead Municipal Light Department, Middleborough Gas and Electric Department, Middleton Municipal Light Department, New Hampshire Electric Cooperative, Inc., North Attleborough Electric Department, South Norwalk Electric Works, and Templeton Municipal Light Plant (the applicants), for construction permits for two pressurized water nuclear reactors designated as the Seabrook Station, Units 1 and 2 (the facilities), each of which is designed for initial operation at approximately 3411 thermal megawatts with a net electrical output of approximately 1194 megawatts. The proposed facilities are to be located in Rockingham County, in the township of Seabrook, New Hampshire. The hearing will be scheduled to begin in the vicinity of the site of the proposed facilities.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Dr. Ernest Salo, Dr. Marvin M. Mann, and Daniel M. Head, Esq., Chairman. Dr. Kenneth A. McCollom has been designated as a technically qualified alternate, and Joseph F. Tubridy, Esq. has been designated as an alternate qualified in the conduct of administrative proceedings.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation and an environmental review

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of the application and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicants:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicants have described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicants are technically qualified to design and construct the proposed facilities;

3. Whether the applicants are financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permits should be issued to the applicants.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held at such time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a. Notice of the special prehearing conference will be published in the FEDERAL REGISTER.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference, after discovery has been completed, or within such other time as may be appropriate, at a time and place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102 (2)(C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits and applicants' Environmental Report dated July 9, 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents will also be made available at the Exeter Public Library, Front Street, Exeter, New Hampshire for inspection by members of the public between the hours of 1:00 p.m. and 8:00 p.m. Monday, Wednesday and Friday, and between the hours of 10:00 a.m. and 6:00 p.m. Tuesday, Thursday and Saturday. As they become available, a copy of the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statements on environmental considerations, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, other relevant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation and the Commission's final detailed statement on environmental considerations, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than September 10, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714.

A petition for leave to intervene shall set forth the interest of petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., not later than September 10, 1973. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR § 2.714(a)(1)–(4) and 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant not later than August 29, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. A copy of the petitions or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to John A. Ritsher, Esq., Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02110, attorney for the applicants.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Germantown, Md., this 31st day of July, 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-16331 Filed 8-8-73;8:45 am]

URANIUM LEASES ON LANDS CONTROLLED BY THE AEC

Modification of Regulations

1. Notice is hereby given by the Atomic Energy Commission of its modification of Domestic Uranium Program Circular 8 setting forth the regulations concerning the leasing of certain lands controlled by the Commission. This Circular was originally published July 14, 1956 (21 FR 5259). The proposed modification of Circular 8 was published in the FEDERAL REGISTER on November 10, 1970 (35 FR 17271). As a result of comments received from the public on the proposed modified Circular, provision has been made to allow a small business set-aside (under authority of the Small Business Act) of some of the lands for bidding solely by qualified small business concerns.

2. The revised regulations follow:

DOMESTIC URANIUM PROGRAM CIRCULAR 8 REVISED

Title 10—Atomic Energy Chapter I—Atomic Energy Commission (Domestic Uranium Program Circular 8) Part 60—Domestic Uranium Program.

URANIUM LEASES ON LANDS CONTROLLED BY COMMISSION

(a) *What this section does.* This section sets forth regulations governing the issuance of leases to permit the exploration for and mining of deposits containing uranium in public lands withdrawn from entry and location under the general mining laws for use of the Commission, and in certain other lands under Commission control.

(b) *Statutory authority.* The Atomic Energy Act of 1954, as amended (68 Stat. 919, 42 USC 2011 et seq.) is the authority for this section.

(c) *Who may hold leases.* Only parties who are (1) citizens of the United States; (2) associations of such citizens; or (3) corporations organized under the laws of the Untied States or territories thereof, are eligible lessees under this section. Persons under 21 years of age or employees of the Commission are not eligible.

(d) *Issuance of leases through competitive bidding.* Except under special circumstances as provided in paragraph (u), each lease will be offered through competitive bidding and, except as otherwise provided in this paragraph (d), will be issued to the acceptable bidder offering the highest bid. The bid may be on a cash bonus, royalty bonus, or other basis as specified in the invitation to bid. Invitations to bid on some of the lands may be limited to small business concerns as defined by the Small Business Administration, and such invitations may limit the number of leases to be awarded to each bidder. In such cases the Commission will accept those bids which, in relation to other bids received pursuant to the invitation, are most advantageous to the Government. Before any lease is awarded, the Commission may require high bidders to submit a detailed statement of the facts as to such matters as their experience, organization, and financial resources. The Commission reserves the right to reject any and all bids.

(e) *Solicitation of bids.* Announcements of the availability of invitations to bid for a lease will be publicly posted and published. Copies of such announcements will also be mailed to parties who submit to the Commission's Grand Junction, Colorado Office subsequent to publication in the FEDERAL REGISTER of this Domestic Uranium Program Circular 8, Revised, written requests that their names be placed on a mailing list for receipt of such announcements. The invitations containing information for preparation and submission of bids, will be available at the Grand Junction Office, and will be mailed only on specific written request, following announcement of their availability. Invitations will specify the land to be leased, the basis on which bids are to be submitted, the amount of the monetary deposit which must be transmitted with the bid, the place and time the bids will be publicly opened, the term, royalty and other payments, performance requirements, and other conditions which will become a part of the lease. In addition, data which has been assembled pertaining to the lands to be leased will be available for public inspection at the Grand Junction Office; copies will also be available for purchase.

(f) *Bidding requirements; deposits.* All bids must be filed at the place and prior to the time set forth in the invitation. Each bid must be sealed and accompanied by a deposit, in the form of a certified check, cashier's check, or bank draft, in an amount as specified in the invitation to bid. Deposits of unsuccessful bidders will be returned. If the bidder is an individual, he must submit with his bid a statement of his citizenship and age. If the bidder is an association (including a partnership), the bid shall be accompanied by a certified copy of the articles of association together with a statement as to the citizenship and age of its members. If the bidder is a corporation, evidence that the officer signing the bid had authority to do so and a statement as to the State of incorporation shall also be submitted.

(g) *Awarding of lease.* Following public opening of the bids the Commission, subject to the right to reject any and all bids, will determine the successful bidder. In the event the highest acceptable bids are tie bids, a public drawing will be held by the Commission to determine the successful bidder. After notice of award and within the time period prescribed in the invitation, the successful bidder shall execute and return to the Commission three (3) copies of the lease and shall remit payments due as prescribed in the invitation. should the successful bidder fail to execute the lease, or make payments as required, in accordance with the terms of the invitation, or fail to otherwise comply with applicable regulations, he may be required to forfeit any payments previously made, and lose any further right or interest in the lease. In such event, the Commission may offer the lease to the next highest acceptable bidder, reoffer the lease for bidding, or

V 38-153 AUG 9 73 XUM

take such other action as appropriate. If the awarded lease is executed by the bidder through an agent, evidence of authorization must be submitted.

(h) *Dating of lease.* A lease issued under this section will ordinarily be effective as of the date it is signed by the Commission.

(i) *Term of lease.* A lease shall be for the period specified in the invitation to bid. When deemed desirable by the Commission, the lease will provide that the lease term may be extended at the option of the lessee for a specified period and upon stipulated conditions.

(j) *Payments to AEC under lease.* Royalty payments shall be specified in the invitation to bid; base royalty, minimum royalty, advance royalty, land rental payments, or a combination thereof may be required.

(k) *Title to unshipped ore.* The Commission, unless it approves otherwise, reserves all right and title to property in and to all ores and other uranium- or vanadium-bearing material not removed from the leased premises within sixty days after expiration or other termination of the lease. Unless the Commission approves otherwise, all material mined from the leased premises and not marketed by the lessee shall remain on the leased premises.

(l) *Environmental controls.* Each lease will contain such provisions as may be deemed necessary by the Commission with respect to the lessee's use of the leased lands. The Commission may require periodic submission of plans for exploration and mining activities including provisions for control of environmental impact. The lessee will be required to conduct operations so as to minimize adverse environmental effects, to comply with all applicable State and Federal statutes and regulations and to the extent stipulated in the lease agreement, will be held responsible for maintenance or rehabilitation of affected areas in accordance with plans submitted to and approved by the Commission.

(m) *Performance requirements.* A lease shall require that exploration, development, and mining activities, as appropriate, be conducted on the leased premises with reasonable diligence, skill, and care as required to achieve and maintain production of uranium ore at rates consistent with good and safe mining practice, and with market conditions.

(n) *Health and safety requirements.* A lease (1) shall require that exploration, development, and mining activities, as appropriate, be conducted on the leased premises with due regard for the health and safety of those involved, and (2) shall include appropriate measures for the control of radiation exposure in the mines.

(o) *Lessee's records.* Leases shall provide that the lessee keep and make available to the Commission such records as the Commission deems necessary for the administration of the lease and its leasing program.

(p) *Rights of the Commission.* The Commission reserves the right to enter upon the leased property and into all parts of the mine for inspection and other purposes. The Commission also reserves the right to grant to other persons easements or rights of way upon, through, or in the leased premises. The Commission and the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after termination or expiration of lease, have access to and the right to examine any directly pertinent books, papers, and records of the lessee involving transactions related to the lease.

(q) *Relinquishment of leases.* A lease may be surrendered by the lessee upon filing with and approval by the Commission of a written application for relinquishment. Approval of the application shall be contingent upon the delivery of the leased premises to the Commission in a condition determined to be satisfactory to the Commission. The lessee shall continue to be liable for the payment of all royalty and other debts due the Commission.

(r) *Assignment of leases.* Any transfer of a lease or any interest therein or claim thereunder, will not be recognized unless and until approved by the Commission in writing. Ordinarily, the Commission will not approve any transfer of a lease which involved overriding royalties or deferred payments of any kind to the transferor.

(s) *Cancellation.* Any lease may be cancelled by the Commission whenever the lessee fails to comply with the provisions of the lease. Failure of the Commission to exercise its right to cancel shall not be deemed a waiver thereof.

(t) *Form of lease.* Leases will be issued on forms prescribed by the Commission.

(u) *Noncompetitive leases.* Under special circumstances, where the Commission believes it to be in the best interest of the Government, the Commission at its discretion may award or extend leases on the basis of negotiation.

(v) *Commission decisions.* All matters connected with the issuance and administration of leases will be determined by the Commission whose decisions shall be final and conclusive.

(w) *Definitions.* "Commission" as used in this section means the United States Atomic Energy Commission or its duly authorized representative or representatives.

(x) *Multiple use of land.* Leases issued under this section shall provide that operations under them will be conducted so as not to interfere with the lawful operations of any third party having a lease, permit, easement, or other right or interest in the premises.

(y) *Compliance with State and Federal Regulations.* Every lease shall provide that the lessee is required to comply with all applicable State and Federal statutes and regulations.

Dated at Germantown, Md., this 3rd Day of August, 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-16494 Filed 8-8-73;8:45 am]

[Docket Nos. 50-443 and 50-444]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE, ET AL.

Receipt of Application for Construction Permits and Facility Licenses; Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matter

Public Service Company of New Hampshire, The United Illuminating Company, Central Maine Power Company, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Montaup Electric Company, New Bedford Gas and Edison Light Company, New England Power Company, Vermont Electric Power Company, Inc., Ashburnham Municipal Light Plant, Burlington Electric Light Department, Eastern Maine Electric Cooperative, Inc., Holyoke Gas and Electric Department, Hudson Light and Power Department, Hull Municipal Light Plant, Marblehead Municipal Light Department, Middleborough Gas and Electric Cooperative, Inc., North Attleborough Electric Department, South Norwalk Electric Works, and Templeton Municipal Light Plant (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed an application dated June 29, 1973, which was docketed on July 9, 1973, for authorization to construct and operate two electric generating units utilizing pressurized water reactors. The application was initially tendered on March 25, 1973. Following a preliminary review for completeness, it was rejected on May 7, 1973 for lack of sufficient information. The applicants submitted additional information on June 15, 1973 and the application was found acceptable for docketing.

The proposed nuclear facilities, designated by the applicants as the Seabrook Station, Units 1 and 2, are to be located at the applicants' site in Rockingham County, in the township of Seabrook, New Hampshire. Each unit is to be designed for initial operation at approximately 3411 megawatts thermal, with a net electrical output of approximately 1194 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 8, 1973. The submittal should reference Docket. Nos. 50-443-A and 50-444-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Exeter Public Library, Front Street, Exeter, New Hampshire 03833.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated June 29, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Seabrook Station is also being made available at the Office of Comprehensive Planning, Office of the Governor, State House, Concord, New Hampshire 03301, and at the Southeastern New Hampshire Regional Planning Commission, 10 Front Street, Exeter, New Hampshire 03833.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 26th day of July 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Pressurized Water Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.73-16347 Filed 8-8-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from July 30 through August 3, 1973.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley
Acting Coordinator
Environmental Quality Activities
Office of the Secretary
U.S. Department of Agriculture
Room 331-E, Administration Building
Washington, D.C. 20250
(202) 447-3965

FOREST SERVICE

Draft	*Date*
Red River Gorge, Daniel Boone N.F. Kentucky County: Wolfe Powell	07/30

The statement refers to a proposed ten year management plan for the Red River Gorge Unit, Stanton Ranger District, Daniel Boone National Forest. The unit contains 42,023 acres, 25,663 of which will be managed as a Geological Area and 16,360 of which will be managed for multiple use benefits, including timber management. Major impact will be reduction of timber use and big game species within the Geological Area, and impact on water quality, soil, and vegetative cover from timber harvest and road construction in the remaining areas. (131 pages) (ELR ORDER # 31264) (NTIS ORDER # EIS 73 1264D)

Alpine Lakes, Snoqualmie and Wenatchee N.F.'s Washington County: several	07/30

The statement refers to a proposed land use management plan for portions of the two Forests, including the Alpine Lakes Area Wilderness, in Chelan, King, Kittitas, and Snohomish Counties. (92 pages) (ELR ORDER # 31265) (NTIS ORDER # EIS 73 1265D)

Final	*Date*
Anthony Lakes Unit, Wallowa Whitman N.F. Oregon County: Grant Union, Baker	08/01

The proposal is for the relocation and consolidation of certain recreational activities, including camping facilities, picnicking grounds, and hiking trails, and the expansion of an adjacent privately owned ski area. There will be adverse visual impact, and some soil disturbance. (approximately 150 pages) COMMENTS MADE BY: EPA DOI DOT USDA HEW COE state agencies and concerned citizens (ELR ORDER #31285) (NTIS ORDER # EIS 73 1285F)

RURAL ELECTRIFICATION ADMINISTRATION

Final	*Date*
Transmission Lines, 230 kV South Carolina County: Several	07/30

The statement refers to the proposed use of REA loan funds for the construction by Central Electric Cooperative of: 34 miles of 230 kV transmission line from Pinopolis to Kingstree and a 230/69 kV substation at Darlington; 62 miles of 230 kV line from the Robinson plant to Blythewood with a switching station at Camden; and 30 miles of line from Batesburg to Newberry. Counties involved are Berkley, Williamsburg, Darlington, Kershaw, Richland, Saluda, and Newberry. (approximately 250 pages) COMMENTS MADE BY: EPA DOI USDA FPC DOT state and regional agencies (ELR ORDER #31272) (NTIS ORDER # EIS 73 1272F)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters:
Mr. Robert J. Catlin, Director, Division of Environmental Affairs
Washington, D.C. 20545
(202) 973-5391
For Regulatory Matters:
Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing
(202) 973-7373, Washington, D.C. 20545

Draft	*Date*
Newbold Island Nuclear Generation Station, Units 1 New Jersey County: Burlington	07/30

The statement refers to the proposed issuance of a construction permit to the Public Service Electric and Gas Co. for the construction of the Station. Each of the Station's two boiling water reactors will produce 3293 MWt, for the generation of 1067 MWe (net). Waste heat will be dissipated through the use of two natural draft towers, with water being drawn from and discharged to the Delaware River. An earlier draft statement was issued by the Commission in December, 1972. Additional information is presented in this statement concerning the possibility of a supplemental water source. (ELR ORDER # 31263) (NTIS ORDER # EIS 73 1263D)

Final	*Date*
Guidelines for Design, Light Water-Cooled Reactors	07/26

The statement refers to the proposed adoption of numerical guidelines for design objectives, and limiting conditions for operation to meet the criterion "as low as possible" for radioactive material in light-water-cooled reactor effluent. The expected result of the action is to improve assurance that: radiation exposure to those living near site boundaries be less than 5 m Rem/yr.; annual exposures to sizeable population groups from radioactivity released from reactors on all sites in the U.S. through the year 2000 be less than 1 m Rem; and there be no demonstrable biological effects to aquatic or terrestial organisms from exposure to radioactivity from nuclear power reactors. (3 volumes) COMMENTS MADE BY: USDA FPC EPA TVA DOI agencies of several States, and concerned citizens (ELR ORDER # 31252) (NTIS ORDER # EIS 73 1252F)

Beaver Valley Power Station Unit 1 Pennsylvania County: Beaver	07/30

The proposed action is the continuation of a construction permit and the granting of an operating license to the Duquesne Light Company, the Ohio Edison Company, and the Pennsylvania Power Company. Unit 1, which is situated on the Ohio River near Shippingport, will employ a 2666 MWt pressurized water reactor to produce 851.9 MWe (net). (Future power levels of 2774 MWt and 885 MWe are anticipated.) Cooling will be by a closed-cycle natural draft tower. There will be a consumptive use of 14,000 acre-ft. of water annually. Small quantities of radioactive gases and liquids will be discharged to the environment. (two volumes) COMMENTS MADE BY: AHP USDA COE DOC HUD DOI FPC state agenees (ELR ORDER # 31262 (NTIS ORDER # EIS 73 1262F)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Mr. Francis X. Kelly
Director, Office of Public Affairs
Attn: DAEN-PAP
Office of the Chief of Engineers
U.S. Army Corps of Engineers
1000 Independence Avenue, S.W.
Washington, D.C. 20314
(202) 693-7168

Draft	*Date*
Fidalgo Bay, Anacortes Washington County: Skagit	07/30

The statement refers to the proposed dredging of a navigation channel from deep water in Guemes Channel to Anacortes. The project would provide access to moorage facilities and an industrial park under development by the City of Anacortes. Spoil will be deposited in dike areas supplied by the city. Marine biota will be adversely affected by dredging. (Seattle District) (34 pages) (ELR ORDER # 31266) (NTIS ORDER # EIS 73 1266D)

Bayou Bartholomew and Tributaries Arkansas Louisiana	07/30

The statement refers to a proposed flood control project involving ten detention lakes, five high water outlet closures, a wildlife mitigation plan, and channel clearing of Bayou Bartholomew in the vicinity of Pine Bluffs, Arkansas. Adverse impact will include the loss of timber resource and wildlife habitat. (Vicksburg District) (48 pages) (ELR

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ORDER # 31267) (NTIS Order # EIS 73 1267D)

Los Angeles—Long Beach Harbors 07/27
California
County: Los Angeles
The revised statement refers to the proposed deepening of areas within the Los Angeles port of the Harbors, and use of the fill to create new lands for terminals. Impact of the action would include the socio-economic impacts from increased trade; use of the harbor by larger vessels, with reduction in the total number of commercial vessels and a corollary reduction in discharge of pollutants; the loss of harbor bottom habitat and open space. The loss of marine habitat will include a part of the present catch areas for a large part of the southern California live bait anchovy fishery. (Los Angeles District) (172 pages) (ELR ORDER # 31258) (NTIS ORDER # EIS 73 1258D)

Preferential Mail Facility, Hartford 7/25
Connecticut
The proposed project is the construction of a Preferential Mail Facility in Hartford, Conn. The building will be a single floor operation with a public lobby multi-story office area, and parking area. The facility will acquire 22.5 acres. Adverse effects stemming from the project are increased traffic, and noise and air pollution levels. (24 pages) (ELR ORDER # 31234) (NTIS ORDER # EIS 73 1234D)

Local Protection Project, 07/26
Muscatatuck River
Indiana
County: Jackson Washington
Proposed is a small flood protection project which involves the removal of two logjams and channel relocation around the third, on the Muscatatuck River between Mile 24 and 26. There will be disruption of riparian habitat. (Louisville District) (18 pages) (ELR ORDER # 31245) (NTIS ORDER # EIS 73 1245D)

Saylorville Flood Control Project, 07 31
Des Moines River
County: Polk
The statement refers to the continuation of construction of the Saylorville Lake multipurpose project for flood control, low-flow augmentation, fish and wildlife management, and recreation. The project includes a 6,750 foot crest-length, 105 foot high earth fill dam on the Des Moines River, with a permanent pool of 5,400 acres and a full flood pool of 16,700 acres. Also included is the Big Creek sub-impoundment and its 885 acre lake. Adverse impact will include the loss of wildlife habitat and archeological sites, and the displacement of residents. (Rock Island District) (ELR ORDER # 31281) (NTIS ORDER # EIS 73 1281D)

Local Protection Project, Chillicothe 07/26
Ohio
The statement refers to a proposed protection project involving 10,500 feet of earthen levee, 250 feet of concrete floodwall, two gate openings, four pump stations, and 82 pressure relief wells. There will also be associated recreational measures including a bike and walking trail, rest stops, overlooks, picnic areas, and related facilities. Adverse impact will be the partial loss and degradation of bottomland hardwood forest wildlife habitat within the urban environment. (Huntington District) (90 pages) (ELR ORDER # 31242) (NTIS ORDER # EIS 73 1242D)

Aransas Pass, Gulf Intracoastal Waterway 07/27
Texas
The statement refers to the proposed deepening and widening of the channel of Aransas Pass and nearby navigation areas. Dredged spoil will be placed in existing land disposal areas. Adverse impact will be to marine biota; 30 acres of marsh will be covered by spoil. (Galveston District) (15 pages) (ELR ORDER # 31244) (NTIS ORDER # EIS 73 1244D)

Final *Date*
Columbia Drainage and Levee District No. 3 07/27
Illinois
County: Monroe
The statement refers to a proposed flood protection project involving the construction of two pumping stations, 2,600 feet of interceptor ditches, and the cleaning out of 11,400 feet of ditches. The project is expected to reduce annual flooding from 2,170 acres to 540 acres. (St. Louis District) (37 pages) COMMENTS MADE BY: USDA DOI EPA state agencies (ELR ORDER # 31259) (NTIS ORDER # EIS 73 1259F)

Field Research Facility, Duck 7/19
North Carolina
The proposal involves the construction of a research facility on a 175 acre site on the Outer Banks 1 mile north of Duck. Included are a 1800 foot ocean pier and associated shore facilities. There will be damage to the dunes and to marine biota, as well as adverse aesthetic impact. The pier will be a obstruction to the navigation of boats, and to migratory birds and fish, and an interruption to vehicular traffic on the beach. (Wilmington District) (90 pages) COMMENTS MADE BY: AEC EPA DOT USDA state agencies (ELR ORDER # 31203) (NTIS ORDER # EIS 73 1203)

DEPARTMENT OF DEFENSE, NAVY

Contact: Mr. Joseph A. Grimes, Jr.
Special Civilian Assistant to the Secretary of the Navy
Washington, D.C. 20350
(202) 697-0892

Final *Date*
Bolling/Anacostia Base Development 07/23
District of Columbia
The statement refers to the proposed construction of new facilities for joint military use at the Bolling/Anacostia tract in southeast Washington. Included are continued development of Tri-Service Support Facilities, such as enlisted man dormitories, a mess hall, and supportive facilities. Also proposed are 900,000 sq. ft. of Air Force administrative space and 1,400,000 sq. ft. of DOD administrative space, an industrial/technical area, two schools, a park and related works. Adverse impacts will include the severe overtaxing of existing transportation facilities. (124 pages) COMMENTS MADE BY: EPA NCPC AHP COE DOT DOI regional agencies and concerned citizens (ELR ORDER # 31241) (NTIS ORDER # EIS 73 1241F)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill
Acting Advisor on Environmental Quality
441 G Street, N.W.
Washington, D.C. 20426
(202) 386-6084

Final *Date*
Racine Lock and Dam, Project 2570 08/01
Ohio
County: Meigs
The statement refers to the proposed approval of an application by the Ohio Power Company for a license to construct a 40MW hydroelectric project on the Ohio River, 21 river miles upstream from the mouth of the Kanawha River. The statement predicts no significant adverse environmental impacts. (120 pages) COMMENTS MADE BY: AHP OEO USDA COE HEW HUD EPA agencies of Ohio and West Virginia (ELR ORDER # 31284) (NTIS ORDER # EIS 73 1284F)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard
Director, Environmental Project Review
Room 7260
Department of the Interior
Washington, D.C. 20240
(202) 343-3891

BUREAU OF OUTDOOR RECREATION

Draft *Date*
Continental Divide and Kit Carson Trails 07/31
The statement refers to the proposed authorization and designation of the Continental Divide and Kit Carson Trails as components of the National Trails System. The proposal would establish a 3,100 mile foot and horseback trail along the Divide from the Mexican border to the Canadian border, through New Mexico, Colorado, Wyoming, Idaho, and Montana; and a 370 mile Kit Carson Trail along the mountain ranges in north-central New Mexico. Approximately 1900 miles of the Trails are presently in existence. Development will cause disturbance of soils and vegetation, and there will be impact from visitor use. (64 pages) (ELR ORDER # 31278) (NTIS ORDER # EIS 73 1273D)

BUREAU OF RECLAMATION

Final *Date*
North Side Collection System, Fryingpan-Arkansas 07/23
Colorado
County: Eagle Pitkin
The statement refers to a major feature of the Fryingpan-Arkansas Project. The collection system involves an arrangement of diversion dams, conduits, and tunnels designed to intercept and transport 18,400 acre feet of runoff annually from the Colorado River Basin to the Arkansas River Basin. The water will serve municipal and industrial needs, supplement irrigation, enable power generation, and enhance recreation in central and southeastern Colorado. The system will result in a slight increase in the salinity of Colorado River water, and a corresponding increase in the water quality of the Arkansas River. COMMENTS MADE BY: DOI USDA USCG COE EPA state agencies and concerned citizens (ELR ORDER # 31216) (NTIS ORDER # EIS 73 1216F)

Bonneville Unit, Central Utah Project 08 02
Utah
County: several
The statement refers to a project begun in 1967 and now 10% complete, which is intended to divert water from the sparsely populated Uinta Basin to the more densely populated, water deficient Bonneville Basin. Facilities of the project will include 10 new reservoirs, 140 miles of aqueducts, tunnels, and canals, 3 power plants, 9 pumping plants, and 200 miles of pipe drains. The project will increase salinity of the Colorado River; 22,000 acres of land will be inundated. (two volumes) COMMENTS MADE BY: DOI USDA AHP COE HEW HUD FPC state, local, and regional agencies and concerned citizens (ELR ORDER # 31289) (NTIS ORDER # EIS 73 1289F)

NATIONAL PARK SERVICE

Draft *Date*
Master Plan, Olympic National Park 07/27
Washington
The statement refers to a proposed new conceptual master plan, which will establish developmental patterns and management goals. The plan calls for improved visitor information-orientation programs; improved backcountry experience and reduced ecological degradation, and improved access and reduced traffic congestion. Adverse effects will include the acquisition of private lands and phasing out of low-cost cabins at Sol Duc Hot Springs. (173 pages) (ELR ORDER # 31253) (NTIS ORDER # EIS 73 1253D)

Proposed Wilderness, Olympic National Park 07/27
Washington
The statement refers to the proposed legislative designation of 834,980 acres in Olympic National Park as wilderness. Major portions of the park will thereby be preserved in a completely undeveloped state, with natural succession allowed to continue without interference by man. Adverse effects will include foregoing the possibility for development of additional visitor use facilities, and possible restriction on backcountry use. (106 pages) (ELR ORDER # 31254) (NTIS ORDER # EIS 73 1254D)

Jackson Hole Airport, Grand Teton N.P. 07/27
Wyoming
The statement refers to proposed modifications to the Jackson Hole Airport, within the Grand Teton National Park. The modifications, including the extension of the 6,305 foot runway to 8,000 feet, the construction of a parallel 8,000 foot taxiway, additional aprons, lighting, a control tower, a sewage system, and related works, are intended to give the airport the capacity to handle jet carrier aircraft, and to increase the passenger carrying capability of turbo-prop aircraft. Ecological, social, and economic impacts are discussed, including the destruction of 65 acres of sagebrush grassland and a sage grouse strutting ground. (181 pages) (ELR ORDER # 31257) (NTIS ORDER # EIS 73 1267D)

Final *Date*
Bandelier National Monument 07/27
New Mexico
County: Los Alamos Sandoval
The statement refers to the proposed legislative designation of 21,110 acres of the Monument as wilderness within the National Wilderness Preservation System. Management options for the Monument will thereby be reduced. (82 pages) COMMENTS MADE BY: AHP USDA DOT (ELR ORDER No. 31256) (NTIS ORDER No. EIS 73 1256F)

Theodore Roosevelt National Memorial Park 07/27
North Dakota
The statement refers to a proposal that 28,335 acres of the Park be designated by Congress as Wilderness. Enactment of the proposal could result in restrictions on back country facility development, the construction of mass recreational needs in other areas, and restricted resource management practices. (58 pages) COMMENTS MADE BY: USDA DOI EPA FPC AHP state agencies (ELR ORDER No. 31255) (NTIS ORDER No. EIS 73 1255F)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Final *Date*
Green Lake Salmon Fish Hatchery 07/18
Maine
County: Hancock
The statement refers to the proposed construction and operation of a national fish hatchery for the propagation of Atlantic salmon, to help restore the species to the waters of New England. The annual output for the hatchery is programmed for 600,000 one year old smolts. There will be possible adverse impact on Graham Lake from hatchery effluent discharge. (100 pages) COMMENTS MADE BY: USDA COE DOI EPA state agencies (ELR ORDER No. 31188) (NTIS ORDER No. EIS 73 1188D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director
Office of Environmental Quality
400 7th Street, S.W.
Washington, D.C. 20590
(202) 426-4357

FEDERAL AVIATION ADMINISTRATION

Draft *Date*
Hettinger Municipal Airport 07/26
County: Adams
The statement refers to the proposed expansion of the existing airport at Hettinger. The action consists of land acquisition for development and clear zones; site preparation and drainage to expand and construct a hard-surfaced runway; constructing connecting and access taxiways; constructing an access road; and constructing a maintenance building. Air and noise pollution levels will increase with increased activity. (40 pages) (ELR ORDER # 31248) (NTIS ORDER # EIS 73 1248D)

Elkhart-Morton County Airport 07/26
Kansas
County: Morton
The proposed project is the improvement of the existing airport to allow the facility to be used on a year-round basis. Project features include extending and widening Runway 17/35 to 4900' x 75', including taxiways; future extension of Runway 3/21 to 4250' x 75', including paving and taxiways; installation of VASI and beacon; construction of lighted wind cone and segmented circle; and ultimate extension of runways to 620' x 100'. (22 pages) (ELR ORDER # 31250) (NTIS ORDER # ELS 73 1250D)

FEDERAL HIGHWAY ADMINISTRATION

Draft *Date*
Route 60 and 95, Missouri 07/30
County: Texas Wright
The action proposed the acquisition of limited access right-of-way, grading, interchanges, bridges, and ultimate dual lane paving for the relocation of Route 60. It provides for grading and single land paying of Route 95. Approximately 400 acres of rural land will be committed to right-of-way; 20 residences and 5 businesses will be displaced. (14 pages) (ELR ORDER # 31269) (NTIS ORDER # EIS 73 1269D)

Superstition Freeway (State Route 36) 07/30
Arizona
County: Maricopa Pinal
Proposed is the construction of approximately 25 miles of the Route 360 Freeway. The project will extend from Rural Road in Tempe to U.S. Highway 60-80-89 southeast of Apache Junction. Approximately 10 residences, part of two trailer parks and three businesses may be displaced; 850 acres of agricultural land and 415 acres of undeveloped desert will be required for right of way. Adverse impacts include the loss of breeding habitat and the bisecting of at least six prehistoric Hohokam Indian canals and probable archaeological sites. (301 pages) (ELR ORDER # 31268) (NTIS ORDER # EIS 73 1268D)

I-70 (Capitol Avenue), Indianapolis 07/30
Indiana
County: Marion
The proposed project is the improvement of three sections of I-70 (Capitol Avenue). The facility will displace one family and one business. An increase in noise pollution levels will occur. (31 pages) (ELR ORDER #31270) (NTIS ORDER # EIS 73 1270D)

Central Avenue, Kansas City 07/26
Kansas
County: Wyandotte
Proposed is the improvement of Central Avenue, 26th Street, Westview Drive and 29th Street in the City of Kansas City. Two residences and one business will be displaced; an unspecified amount of additional land will be required for right-of-way. (18 pages) (ELR ORDER # 31246) (NTIS ORDER # EIS 73 1246D)

US-62 and SH-80A, Fort Gibson 07 26
Oklahoma
County: Muscogee
Proposed is the improvement of US 62 by relocation from the Arkansas River, northeasterly 6.8 miles bypassing Fort Gibson on the south, and the extension of SH 80A from Fort Gibson south 1.1 mile to connect to US 62. Adverse impacts include the displacement of 13 families and the reduction of area pasture lands, cultivated lands and woodlands. (78 pages) (ELR ORDER # 31243) (NTIS ORDER # EIS 73 1243D)

Loop 1 (Mo Pac Boulevard) 07 26
Texas
County: Travis
The 5.7 mile section of Loop 1 considered in this statement is the northern portion of a 16.5 mile north-south freeway which traverses the City of Austin. The project extends from F.M. Highway 1325, south to 0.2 mile north of R.M. 2222 (Northland Drive). Development of the six-lane, controlled access facility will require the relocation of three businesses and four residences. (35 pages) (ELR ORDER # 31247) (NTIS ORDER # EIS 73 1247D)

S.T.H. 70, Wisconsin 07 30
Wisconsin
County: Oneida Vilas
The proposed project is the reconstruction and realignment of S.T.H. 70 for a distance of 10.6 miles. The facility will traverse portions of the Chequamegon National Forest and the Lac du Flambeau Indian Reservation. One hundred and forty acres of timberland will be acquired for right-of-way. The facility will traverse the Squaw, Koernet and Lower Creeks. Adverse affects are loss of timberland and wildlife habitat. (17 pages) (ELR ORDER # 31271) (NTIS ORDER # EIS 73 1271D)

Final *Date*
Missouri Route 71 and 71 Alternate 07 27
County: Jasper
The proposed action consists partly of adding an additional lane and partly of relocating Route 71 from the Barton County line to south of Carthage. Length of the project is 17.2 miles. Approximately 470 acres of agricultural land will be committed to the project. Thirty-seven residences including 8 farm units, and 8 businesses will be displaced. Construction activity will generate erosion, noise, air, and possible water pollution; channel changes to Buck Creek and an unnamed stream are required. (30 pages) COMMENTS MADE BY: DOT HEW HUD DOI EPA COE state and local agencies (ELR ORDER # 31260) (NTIS ORDER # EIS 73 1260F)

US 319 07 31
Florida
County: Leon
The project involves the reconstruction of 1.8 miles of highway, from 2 to 4 lanes. Displacements will number 8 businesses and 5 families. An increase in noise and air pollution levels will occur. (44 pages) COMMENTS MADE BY: DOC DOI EPA state and local agencies (ELR ORDER # 31279) (NTIS ORDER # EIS 73 1279F)

US 69 07 27
Kansas
County: Miami
The statement considers the corridor location for the reconstruction, from 2 to 4 lanes, of 16.5 miles of highway. The number of residences to be displaced and the amount of acreage needed for right-of-way depends upon the route chosen. (155 pages) COMMENTS MADE BY: USDA COE HEW EPA DOI DOC state agencies and concerned citi-

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zens (ELR ORDER # 31261) (NTIS ORDER # EIS 73 1261F)

I-275, Michigan 07/31
Michigan
County: Wayne
The proposed project is the construction of a portion of I-275 for 6.5 miles. The facility will displace an unspecified number of families and businesses. A 4(f) review will be filed to obtain 16 acres from the Lower Route Parkway. The facility will increase noise, air and litter pollution levels and affect existing groundwater characteristics. (86 pages) COMMENTS MADE BY: COE USCG DOC DOI DOT EPA state and regional agencies (ELR ORDER # 31280) (NTIS ORDER # EIS 73 1280F)

SH 3, Oklahoma 07/31
Oklahoma
County: Pontotoc Coal
The proposed project is the improvement of SH 3, for a distance of 11.8 miles. Four hundred and fifty acres of agricultural land will be acquired for right-of-way. Relocations will include 3 to 23 families and 42 businesses. Two streams will be crossed increasing erosion and sedimentation. An increase in noise and air pollution levels will occur. (41 pages) COMMENTS MADE BY: USDA COE DOI EPA HUD state and regional agencies (ELR ORDER # 31276) (NTIS ORDER # EIS 73 1276F)

Extension of Road S-179, South Carolina 07/31
South Carolina
County: Georgetown
The statement refers to the proposed extension of Road S-179 north of the town of Dunbar. The project would extend from the present edge of S-179 and proceed northerly, crossing the Black River, and terminating at Road S-6. Project length is approximately one mile. Acquisition of a 66-foot right-of-way will involve the removal of trees from an experimental tract; one tin storage building will be displaced. (29 pages) COMMENTS MADE BY: COE EPA DOC DOI HUD DOT state agencies (ELR ORDER # 31277) (NTIS ORDER # EIS 73 1277F)

U.S.H. 41, Wisconsin 07/31
Wisconsin
County: Washington Dodge Fond du Lac
The proposed project is the upgrading of 50 miles of U.S.H. 41. Five hundred and fifty acres of agricultural land will be acquired for right-of-way. Twenty-nine parcels will become landlocked. A 4(f) review has been filed to obtain 10 acres of land from the Allenton marsh and Teresa Marsh Wildlife Areas. Three farms and 10 businesses will be required to relocate. The facility will cross several streams increasing erosion and siltation; some wildlife will be lost. (137 pages) COMMENTS MADE BY: USDA EPA HEW DOI DOT state and regional agencies (ELR ORDER # 31274) (NTIS ORDER # EIS 73 1274F)

State Trunk Highway 23 07/31
Wisconsin
County: Fond du Lac Sheboygan
The statement considers a proposal to construct a complete or partial relocation of approximately 35 miles of S.T.H. 23. The amount of land required and the number of displacements will depend upon the route chosen. Section 4(f) statements have been filed for lands that may be required from the Kettle Morraine State Forest and the Old Wade State House Park. (306 pages) COMMENTS MADE BY: USDA COE DOI DOT EPA HUD OEO state agencies (ELR ORDER # 31275) (NTIS ORDER # EIS 73 1275F)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-16418 Filed 8-8-73;8:45 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order 34]

ACTING DEPUTY DIRECTOR, COST OF LIVING COUNCIL

Revocation of Delegation of Authority

Cost of Living Council Order Number 31 (38 FR 16268) designating the General Counsel as Acting Deputy Director of the Cost of Living Council and delegating to him the authority to carry out the activities theretofore carried out by the Deputy Director is hereby rescinded effective July 25, 1973.

Issued in Washington, D.C. on July 25, 1973.

JOHN T. DUNLOP,
Director, Cost of Living Council.

[FR Doc.73-16626 Filed 8-8-73;8:45 am]

[Cost of Living Council Order 35]

ADMINISTRATOR, OFFICE OF HEALTH

Delegation of Authority

Pursuant to the authority vested in me as Director of the Cost of Living Council by Cost of Living Council Order Nos. 14 and 29, it is hereby ordered as follows:

1. There is delegated to the Administrator, Office of Health, subject to the general policy guidance of and in coordination with the Director of the Cost of Living Council, or his delegate, authority to:

(a) Make decisions and issue orders with respect to requests by providers of health services for exceptions from the regulations and orders governing price matters;

(b) Make decisions and issue orders with respect to requests by providers of health services for reconsiderations of denials and partial approvals of requests for exceptions governing price matters;

(c) Consider and decide appeals from decisions of the Internal Revenue Service denying or partially denying exception requests from providers of health services;

(d) Monitor price adjustments disclosed as a result of filings or reports submitted by providers of health services, issue challenges or notices of probable violations as appropriate, and remedial orders to providers of health services, monitor remedial activities and approve compliance actions with respect thereto;

(e) Direct the Internal Revenue Service to conduct investigations to determine whether persons are in compliance with the regulations and orders of the Cost of Living Council pertaining to providers of health services and supervise those investigations; and

(f) Request information and conduct hearings with respect to functions delegated in this paragraph.

2. Numbered paragraphs 1 and 2(c) of Cost of Living Council Order No. 25 are superseded to the extent they are inconsistent with this order.

3. Each official to whom authority is delegated by this Order may redelegate that authority.

4. In exercising the authority delegated by this order or redelegated pursuant thereto officials of the Cost of Living Council shall be governed by the regulations and rulings of the Cost of Living Council and by the policies, procedures, and controls prescribed by the Director of the Cost of Living Council, or his delegate.

5. Actions taken by the Administrator, Office of Health, under paragraphs 1 (b) and (c) are administratively final. Review of these actions may be sought in the appropriate Federal district court pursuant to section 211 of the Economic Stabilization Act of 1970, as amended (Public Law 92-210, 85 Stat. 744).

6. This order is effective July 31, 1973.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

[FR Doc.73-16624 Filed 8-8-73;8:45 am]

[Cost of Living Council Order 36]

DIRECTOR, OPERATIONS, OFFICE OF HEALTH

Delegation of Authority

Pursuant to the authority vested in me as Administrator, Office of Health, Cost of Living Council by Cost of Living Council Order No. 35, it is hereby ordered as follows:

1. There is delegated to the Director, Operations, Office of Health, authority to:

(a) Make decisions and issue orders with respect to requests by providers of health services for exceptions from the regulations and orders governing price matters;

(b) Consider and decide appeals from decisions of the Internal Revenue Service denying or partially denying exception requests from providers of health services;

(c) Monitor price adjustments disclosed as a result of filings or reports submitted by providers of health services, issue challenges or notices of probable violations as appropriate, and remedial orders to providers of health services, monitor remedial activities and approve compliance actions with respect thereto;

(d) Direct the Internal Revenue Service to conduct investigations to determine whether persons are in compliance with the regulations and orders of the Cost of Living Council pertaining to providers of health services and supervise those investigations; and

(e) Request information and conduct hearings with respect to functions delegated in this paragraph.

2. In exercising the authority delegated by this order or redelegated pursuant thereto, officials of the Office of Health shall be governed by the regulations and rulings of the Cost of Living Council and by the policies, procedures, and controls prescribed by the Director of the Cost of Living Council, or his delegate, and by the Administrator, Office of Health.

3. Actions taken by the Director, Operations, Office of Health, under paragraph 1(b) are administratively final. Review of these actions may be sought in the appropriate Federal district court pursuant to section 211 of the Economic Stabilization Act of 1970, as amended (Public Law 92-210, 85 Stat. 744).

4. This order is effective July 31, 1973.

JOHN D. TWINAME,
Administrator, Office of Health,
Cost of Living Council.

[FR Doc.73-16625 Filed 8-8-73;8:45 am]

FEDERAL POWER COMMISSION

AMERADA HESS CORPORATION, ET AL.[1]

[RI74-15]

Order To Show Cause

JULY 31, 1973.

On December 21, 1971, this Commission initiated the study and analysis which ultimately led to the issuance of the National Gas Reserves Study (1973) in May of this year by the National Gas Survey.[1a] In that order, we recognized the value of having voluntary cooperation by natural gas companies in the production of proprietary reserve information and, accordingly, provided in paragraph (B):

> Any non-public commercial information concerning an individual natural gas company's reserves obtained during the course of this survey and analysis shall be treated as confidential without public disclosure by the staff of the Commission and its agents, including any accounting firm selected by the Commission to assist in this survey and analysis, unless otherwise directed by the Commission. The provisions of section 8(b) of the Natural Gas Act [15 U.S.C. 717g(b)] and 5 U.S.C. 522(b)(4) and (9) [Freedom of Information Act] shall apply.

In our amending order of March 9, 1972, we reiterated our belief in the need for protecting the confidentiality of this reserve data, specifically noting that "the publicizing of such information would have an inhibiting effect upon future exploration for natural gas reserves since speculators could equally benefit with those companies willing to make geological and geophysical expenditures."[2]

To insure that confidentiality would be maintained in fact, we went further in those orders and established detailed procedures for the compilation and analysis of individual company reserve data. To begin with, industry representatives who provide A.G.A. reserves were to submit those reserves by fields on a confidential basis to an independent accounting agent. A list of all gas fields for which A.G.A. reserve data was submitted was then to be prepared by the accounting agent and forwarded to the Oil Information Center (OIC) of the University of Oklahoma Research Institute. After comparing the accounting agent's field list developed from the A.G.A. records with a list from the United States Government Interagency Oil and Gas Field Study and other government data, the OIC was to compile a complete list of gas fields in the United States with remaining recoverable reserves as of December 31, 1970.

A copy of the OIC gas field identification list and a supplemental list of "A.G.A. omitted fields" was to be forwarded to the accounting agent who, in turn, was to stratify all fields in each A.G.A. subcommittee area by size and age so that a statistically valid sampling procedure could be prescribed. Following the determination by a statistical validation team of the number of fields to be surveyed independently in each A.G.A. subcommittee area, the accounting agent was to make a random selection of the fields to be surveyed.

Upon receiving a list of the fields to be surveyed, independent reserve teams, under supervision by the staff of the Federal Power Commission, were to visit various natural gas companies and examine data relating to each selected field.[3] The companies were requested to furnish the reserve teams with such information as (1) field area maps showing the location and completion of all wells drilled prior to December 31, 1970, (2) electrical well surveys, (3) core analyses, (4) reservoir production histories, (5) specific gravities of gas, (6) formation temperatures, (7) original reservoir pressures, (8) isopach maps, (9) records and backup data on reservoir pressure measurements, and (10) other pertinent data requested by the reserve teams. After analyzing such data, the independent reserve teams were to transmit their estimations on a confidential basis to the reserve team supervisor who, in turn, was to furnish the accounting agent with a final reserve estimate for each field after comparing the reserve team data with A.G.A. reserve estimates or any other source.[4] The worksheets which were prepared by the reserve teams were to be returned to the Commission's offices in Washington and placed in the custody of the Technical Director of the National Gas Survey who was to have the responsibility of protecting their confidentiality.

Once all sampling had been completed and all final estimates submitted, the independent accounting agent was to provide a report to the National Gas Survey on United States gas reserves as of December 31, 1970. When the report was accepted by the National Gas Survey, the accounting agent and the reserve team supervisor were to return all A.G.A. records to the member of the A.G.A. Committee of Natural Gas Reserves assigned to the particular area involved.

All of these procedures have been implemented in the compilation and analysis of the reserves which are reported in the National Gas Reserves Study. We must now address ourselves to the proper disposition of the confidential data now in the possession of the Technical Director of the National Gas Survey who has been directed to retain custody until further order. We are particularly concerned with internal records and worksheets which contain detailed information of each reservoir examined, including the reservoir's (1) principal sellers and operators, (2) size and location, (3) number of productive acres, (4) porosity, (5) initial and current pressures, (6) depth, (7) basic lithology, and (8) remaining recoverable reserves. Furthermore, we must determine whether the National Gas Survey should formally accept the accounting agent's report, thereby permitting the accounting agent and the reserve team supervisor to release all A.G.A. records to an appropriate member of the A.G.A. Committee on Natural Gas Reserves. As we have indicated, the accounting agent has a complete list of A.G.A. individual field reserve estimates, while the reserve team supervisor possesses A.G.A. reserve estimates only as to those selected fields actually surveyed.

At the outset, it should be made clear that this Commission intends to comply to the fullest extent possible with all assurances of confidentiality. However, our discretion may be limited to the demands of certain Congressional committees and subcommittees which are independently investigating the energy crisis.[5] Already, the Chairman of the Commission has been compelled by subpoena duces tecum to furnish uncommitted gas reserve data to the Senate Judiciary Committee's Subcommittee on Antitrust and Monopoly.[6] Under compulsion of process, we authorized the Chairman to comply with the subcommittee's demands, but expressly noted the Constitutional and statutory infirmities inherent in such a procedure:

> • • • [T]he procedural and substantive due process rights of citizens of the United States are placed in jeopardy. The time constraint imposed by the Subcommittee precludes any meaningful notice to those whose property

[1] See Appendix A.

[1a] Order Directing Study and Analysis of Natural Gas Reserves and Prescribing Procedures for the National Gas Survey (December 21, 1971).

[2] Order Amending Order Prescribing Procedures for the National Gas Survey (March 9, 1972).

[3] Reserves in selected fields lying in the Outer Continental Shelf, offshore Louisiana, were examined and estimated by the United States Geological Survey. The Office of Naval Petroleum and Oil Shale Reserves was also instrumental in the estimation of certain state land field reserves.

[4] A.G.A. reserve estimates for the fields surveyed were made available to Mr. Lawrence R. Mangen, supervisor of the reserve teams.

[5] The staff of the Federal Trade Commission has also expressed an interest in obtaining a portion of the reserve data to be used in conjunction with its investigation styled In the Matter of the American Gas Association, File No. 721 0042.

[6] On June 21, 1973, Senator Philip A. Hart, acting on behalf of the subcommittee, issued a subpoena duces tecum demanding production of virtually all documents whatsoever relating to the updated nationwide investigation in Docket No. R-405.

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rights are being affected, and any real opportunity on their part to be heard prior to the entry of this order and prior to the disclosure now demanded by the Subcommittee.[7]

In order to avoid any further encroachment upon the procedural and substantive rights of those whose property is involved without their opportunity to defend such property, we are hereby initiating a proceeding to determine what action, if any, should be taken regarding disclosure of the reserve data upon which the National Gas Reserves Study is based. Specifically, we invite not only the natural gas companies listed in Appendix A, but indeed all interested parties, to show cause why all or a portion of the reserve data in question should either be (1) retained on a confidenital basis, (2) disclosed to the public in general, (3) disclosed only to Congressional committees and subcommittees, without restriction, (4) disclosed only to Congressional committees or subcommittees but subject to confidential treatment, (5) disclosed to other Federal agencies without restriction, or (6) disclosed to other Federal agencies but subject to confidential treatment.

Each party responding to this proceeding should explain in detail the reasons in support of its position. In particular, respondents are requested to comment on the following questions:

1. Would disclosure of the detailed reserve data to the public, other Federal agencies, or any committee or subcommittee of Congress be inimical to competition? If so, to what extent?

2. Would disclosure of the detailed reserve data to the public, other Federal agencies, or any committee or subcommittee of Congress inhibit future exploration and development for new gas reserves?

3. Would disclosure of the detailed reserve data to the public, other Federal agencies, or any committee or subcommittee of Congress cause economic harm to the companies whose reserves are involved?

4. Would disclosure of the detailed reserve data to the public, other Federal agencies, or any committee or subcommittee of Congress place sellers of natural gas in an unfair position to negotiate with potential buyers?

5. Is any of the reserve data underlying the National Gas Reserves Study available from any other source to the public, other Federal agencies, or any committee or subcommittee of Congress? If so, to what extent?

6. Has any natural gas company whose data is involved provided the same or similar information to any other agency or any committee or subcommittee of Congress? If so, under what circumstances?

7. Are there any other public policy reasons why such data should not be disclosed to the public, other Federal agencies, or any committee or subcommittee of Congress?

In the last analysis, it is the desire of this Commission to comply with all lawful requests of Congress without violating either the terms of our orders or the provisions of the Natural Gas Act, and without breaching the trust of those who have relied upon our assurances of confidentiality. Hopefully, through the cooperation of all concerned, a proper balance will be reached between all legitimate areas of public and private concern.

All responses to this order shall be in writing and shall be filed on or before August 15, 1973. Any definitive order hereinafter entered regarding disclosure of the data in question shall be deemed by this Commission to be final and reviewable by a court of competent jurisdiction.

The Commission finds:

It is in the public interest and required by due process that all interested parties, particularly those listed in Appendix A, be given an opportunity to show cause why the gas reserve data compiled and analyzed for the National Gas Reserves Study (1973) should be either retained on a confidential basis, publicly disclosed, disclosed to any committee or subcommittee of Congress without restriction, disclosed to any committee or subcommittee of Congress subject to confidential treatment, disclosed to other Federal agencies without restriction, or disclosed to the Federal agencies subject to confidentiality.

The Commission orders:

(1) All interested parties, particularly those listed in Appendix A, are invited to show cause why the gas reserve data described above should either be retained on a confidential basis, publicly disclosed, disclosed to any committee or subcommittee of Congress without restriction, disclosed to any committee or subcommittee of Congress subject to confidential treatment, disclosed to other Federal agencies without restriction, or disclosed to other Federal agencies subject to confidentiality.

(2) All responses shall be in writing and shall be filed on or before August 15, 1973.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX A

The natural gas companies who should respond to this order are as follows:

Amerada Hess Corporation
Arkansas Louisiana Gas Company
Atlantic Richfield Company
Austral Oil Company, Inc.
Champlin Petroleum Company
Cities Service Company
Continental Oil Company
Consolidated Gas Supply Corporation
El Paso Natural Gas Company
General Crude Oil Company
Getty Oil Company
Gulf Oil Corporation
Exxon Company, U.S.A.
Kentucky-West Virginia Gas Company
Kerr-McGee Corporation
Lone Star Gas Corporation
Marathon Oil Company
Mitchell Energy and Development Corporation
Michigan Wisconsin Pipe Line Company
Mobil Oil Corporation
Montana-Dakota Utilities Company
Murphy Oil Corporation
Natural Gas Pipeline Company of America
Northern Natural Gas Company
Panhandle Eastern Pipe Line Company
Pennzoil United, Inc.
Phillips Petroleum Company
Shell Oil and Gas Company
Signal Oil and Gas Company
Skelly Oil Company
Southern Natural Gas Company
Standard Oil Company of Indiana (Amoco)
Standard Oil Company of California (Chevron)
Sun Oil Company
The Superior Oil Company
Tenneco Inc.
Texaco Inc.
Texas Pacific Oil Company, Inc.
Union Oil Company of California

[FR Doc.73-16438 Filed 8-8-73;8:45 am]

[7] Order of June 22, 1973, in Docket No. R-405; Cf. Accardi v. Shaughnessy, 347 U.S. 260 (1954); Service v. Dulles, 354 U.S. 363 (1957).

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORPORATION

Order Approving Merger of Bank Holding Companies

Atlantic Bancorporation, Jacksonville, Florida ("Atlantic"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with Citizens Bancshares of Florida, Inc., Hollywood, Florida ("Citizens"), under the charter and title of Atlantic.

Notice of receipt of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Atlantic controls 23 banks with aggregate deposits of approximately $856 million representing 4.3 per cent of deposits of commercial banks in Florida, and is the sixth largest banking organization and bank holding company in the State.[1] Citizens controls five banks with total deposits of about $114 million representing 0.6 per cent of aggregate deposits in the State, and is Florida's 23rd largest banking organization and bank holding company. Consummation of the proposed merger would result in Atlantic's control of 4.9 per cent of total State deposits, leaving unchanged its ranking as a banking organization or bank holding company in the State.

All of Atlantic's present subsidiary banks (except for its existing West Palm Beach subsidiary) are located in the northern two-thirds of Florida, and it is represented in several of the major banking markets in that portion of the State.

[1] Banking data are as of December 31, 1972, and reflect bank holding company formations and acquisitions approved by the Board through May 31, 1973.

It is dominant in none. Citizens, on the other hand, is concentrated in southern Florida. Four of its subsidiaries are located in the Greater Miami banking market approximated by Dade County and the southern third of Broward County, where it is the eleventh largest banking organization holding approximately 2 per cent of deposits; its remaining subsidiary, a newly-established bank, is located in the nearby Fort Lauderdale area. Since the closest subsidiary banks of the proponents are over 40 miles apart and the remaining subsidiaries are more than 125 miles apart, consummation of the proposal will not eliminate any significant amount of existing competition.

The Board recognizes that consummation of the proposal would foreclose the possibility that Citizens would expand to become a Statewide competitor of Atlantic. However, considering the financial resources and capital position of Citizens, and the nature of Citizens' ownership, we do not believe that the record in this case reflects a probability that, absent this proposal, Citizens would expand to become a Statewide competitor of Atlantic in the reasonably foreseeable future. In a recent action involving a similar proposal between two bank holding companies, the Board noted that a substantial adverse effect on potential competition occurs only where there is a probability rather than a possibility that substantial competition would develop between the banking organizations involved absent the proposed affiliation.[2]

With respect to the Greater Miami banking market, the Board believes that, absent this proposal, it is probable that Atlantic would enter de novo or through the acquisition of an existing bank in that market. However, due to the structure of banking in that market we do not believe that the foreclosure of Atlantic's entry as an independent competitor would have any substantial adverse effects on competition in that market. Banking in the Miami market is becoming more and more competitive. While the largest banking organization in the market—which is also the largest banking organization in Florida—holds approximately 23 per cent of market deposits, the next ten banking organizations hold market shares ranging from approximately 9 per cent to approximately 2 per cent.

While consummation of the present proposal would eliminate Atlantic as another potential entrant, the retail banking customers in the Greater Miami banking market are presently served by 40 banking organizations. Foreclosure of the possibility of a 41st could hardly have adverse effects on competition for retail business. As to the customer in need of wholesale and regional banking services, the proposal, rather than being anticompetitive, should in fact be procompetitive by creating another institution in the Greater Miami market with already established relationships in other parts of the State and with aggregate resources of nearly $1 billion.

The financial conditions and managerial resources of Atlantic, Citizens, and their respective groups of banks are generally satisfactory and their prospects appear favorable. These considerations are consistent with approval of the application. The primary banking needs of the areas served by both holding companies appear to be adequately met at the present time. However, consummation of the proposal would create another regional organization with resources more appropriate to meeting inter-regional needs. In addition, affiliation with Atlantic will enable customers of Citizens' banks to have immediate access to trust department services, credit cards, and international banking. Considerations relating to the convenience and needs of the communities to be served lend some weight toward approval. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record,[3] the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[4] effective August 1, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-16426 Filed 8-8-73;8:45 am]

CITIZENS BANCSHARES CORPORATION

Order Approving Formation of Bank Holding Company

Citizens Bancshares Corporation, Atlanta, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Citizens Trust Company, Atlanta, Georgia ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a nonoperating company with no subsidiaries, was organized for the primary purpose of becoming a bank holding company with respect to Bank. Bank, with deposits of $33 million, controls 0.3 per cent of total State deposits and is the tenth largest banking organization in the Atlanta SMSA. Since the purpose of the proposed transaction is essentially a corporate reorganization to effect holding company ownership of Bank, consummation of the proposal would not adversely affect existing or potential competition. Therefore, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant are dependent upon those of Bank. Bank has recently embarked on a program of reorganization and this structural change would add impetus to the program and would enhance future prospects of Bank. In view of the expected future benefits, banking factors are not inconsistent with approval. Although consummation of the transaction would have no immediate effect on area banking needs, considerations relating to the convenience and needs of the community are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective August 2, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-16423 Filed 8-8-73;8:45 am]

MID-AMERICA FIDELITY CORP.

Order Approving Formation of Bank Holding Company

Mid-America Fidelity Corporation, Ann Arbor, Michigan, has applied for the

[2] See Application of First Florida Bancorporation, 59 Federal Reserve *Bulletin*, 183, at 184.

[3] Dissenting Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[4] Voting for this action: Chairman Burns and Governors Daane, Sheehan, Bucher, and Holland. Voting against this action: Governor Brimmer. Absent and not voting: Governor Mitchell.

[1] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governors Daane and Holland.

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Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)) of formation of a bank holding company through acquisition of 100 per cent of the voting shares of the successor by merger to Ann Arbor Bank, Ann Arbor, Michigan ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a corporation organized in June 1971 at the direction of Bank's management for the purpose of acquiring Bank, which has aggregate deposits of $173.6 million. (All banking data are as of December 31, 1972.) The transaction is merely a reorganization whereby the shareholders who control Bank directly at the present time will control Bank indirectly through Applicant. Since Applicant engages in no business activities and has no subsidiaries, it is concluded that consummation of the proposal would not significantly affect existing or potential competition, increase concentration of banking resources, nor have an adverse effect on other banks, in the relevant area.

The management of Applicant is essentially the same as that of Bank, and the financial condition of Applicant and its future prospects are dependent on those same conditions in Bank. The management of Bank is considered to be satisfactory, and its financial condition is deemed to be generally satisfactory in view of Applicant's commitment to inject additional equity capital into Bank within the near future and to institute a more aggressive earnings policy; therefore, future prospects for Applicant and Bank are favorable. The consummation of this proposed formation is not expected to provide any immediate benefits to the community, but the expanded and improved services which can be offered under the holding company structure would ultimately benefit the public; therefore, considerations relating to the convenience and needs of the community to be served are consistent with, and lend some weight toward, approval of the application. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective August 2, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-16424 Filed 8-8-73;8:45 am]

THIRD NATIONAL CORP.

Order Approving Acquisition of Bank

Third National Corporation, Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to The Union Bank, Pulaski, Tennessee ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest bank holding company in Tennessee, controls four banks with aggregate deposits of approximately $785 million,[1] representing 7.6 per cent of the total commercial bank deposits in the State. Acquisition of Bank would increase Applicant's share of State deposits by 0.3 per cent and would not result in a significant increase in the concentration of banking resources in the State.

Bank (approximately $26 million in deposits) is the second largest of four banks in the Giles County banking market and controls 40 per cent of the deposits in commercial banks in the market. Consummation of the proposal herein would constitute the initial entry into the Giles County banking market by any bank holding company.

Applicant's subsidiary bank closest to Bank is located 18 miles away, in Lawrence County. There is no meaningful present competition between Applicant's subsidiary banks and Bank. Furthermore, in view of Tennessee's restrictive branching law, there is little likelihood of any significant amount of competition developing in the future between these institutions. De novo entry into the market does not appear attractive due to the decline in county population from 1960 to 1970, as well as the low ratio of population to banking offices in the county. The Board concludes, therefore, that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank, and of Applicant and its present subsidiary banks, are regarded as generally satisfactory. Considerations relating to the banking factors are consistent with approval of the application. Affiliation with Applicant is likely to provide Bank with a source of experienced personnel and additional capital, and result in expansion of the range of services presently offered by Bank. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective August 2, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-16425 Filed 8-8-73;8:45 am]

NORTHWEST BANCORPORATION

Order Approving Acquisition of Banks

Northwest Bancorporation, Minneapolis, Minnesota, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Bettendorf Bank and Trust Company, Bettendorf, Iowa ("Bettendorf Bank"), and Security State Bank, Keokuk, Iowa ("Keokuk Bank").

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and all those received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)). Among the comments and objections was a request for a hearing. The Board decided to proceed on the basis of written submissions and denied the request for a hearing.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan and Bucher. Absent and not voting: Governors Daane and Holland.

[1] All banking data are as of December 31, 1972, and reflect holding company formations and acquisitions approved through June 30, 1973.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Daane and Holland.

Although each of the applications has been separately considered by the Board, because of the facts and circumstances common to these applications, this Order contains the Board's findings and conclusions with respect to both applications.

Applicant controls 79 banks located variously in Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin. Within Iowa, Northwest controls four banks with aggregate deposits of $480 million, representing 6.3 per cent of the total commercial bank deposits in that State.[1] Applicant is the largest banking organization and bank holding company in Iowa; acquisition of Bettendorf Bank ($26 million in deposits) and Keokuk Bank ($13 million in deposits), would increase its share of Statewide deposits by only one-half of a percentage point. Approval of the proposed acquisitions would not result in any significant increase in the concentration of banking resources in Iowa.

Bettendorf Bank is the fourth largest of six banks competing in the Davenport-Bettendorf urban area, the relevant banking market, with 8.1 per cent of total market deposits.[2] The Davenport-Bettendorf market is dominated by the Davenport Bank and Trust Company, which controls nearly 58 per cent of market deposits, more than four times the share of the next largest bank. Affiliation with Applicant would enable Bettendorf Bank to provide greater competition to Davenport Bank. The acquisition should enable Applicant to challenge effectively the dominant bank much sooner than it could by a de novo entry.

Keokuk Bank is also the fourth largest banking organization in its market[3] where it competes with 14 banking organizations, and holds 8.6 per cent of market deposits. Keokuk Bank and State Central Savings Bank of Keokuk, the latter being the largest bank in the market, are controlled by the same group. Thus, acquisition of Keokuk Bank would tend to have a procompetitive effect in the relevant market by severing the present affiliation between two of the largest banks in Keokuk with the resulting creation, reasonably anticipated, of an additional banking alternative for area residents.

The proposed acquisitions represent Applicant's initial entries into these markets and offer no apparent anticompetitive consequences. In each instance no existing competition would be eliminated as the nearest present banking subsidiary of Applicant (the Iowa-Des Moines National Bank at Des Moines, Iowa) is situated about 160 miles west of Bettendorf and 170 miles northwest of Keokuk.[4]

There is no significant existing competition between Applicant's mortgage banking subsidiary, Iowa Securities Company, and Bettendorf Bank or Keokuk Bank. There appears to be little likelihood for the development of any significant amount of future competition between Applicant and banks in view of the distances separating them from Applicant's present and proposed subsidiaries, the presence of numerous intervening banks, and Iowa's restrictive branching laws. Although Applicant could enter either market *de novo*, or through the acquisition of a smaller bank, in neither instance is Applicant's acquisition regarded as having a substantially adverse effect on potential competition. While the areas do not appear attractive to *de novo* entry, the possibilities of other holding companies entering the market would not be precluded by the acquisitions. Size disparity among the top banks in Keokuk Bank's market is narrow enough so that Applicant's acquisition there would not give Applicant a dominant share of the market's banking resources. With respect to the Bettendorf-Davenport area, Davenport Bank and Trust Company is clearly the dominant institution and entry by Applicant will have a procompetitive effect.

The Board concludes, therefore, that competitive considerations are consistent with approval of the applications.

The financial and managerial resources and prospects of Applicant and its subsidiary banks are satisfactory; and Applicant has entered into a capital improvement program with respect to certain subsidiary banks. It is expected that Bettendorf Bank's affiliation with Applicant will strengthen that bank's financial and managerial resources, in view of Applicant's commitment to provide $600,000 in equity capital to bank within six months following acquisition. In view of the anticipated growth of the Bettendorf area, future prospects are satisfactory. With respect to Keokuk Bank, the managerial resources and financial condition and future prospects are satisfactory. Thus, considerations relating to the banking factors lend some weight to approval with respect to Bettendorf Bank, and are consistent with approval with respect to Keokuk Bank.

There is no evidence in the record that the banking needs of the relevant areas are not being adequately served by existing banking organizations. Affiliation with Applicant should enable Bettendorf Bank to compete more aggressively with the dominant bank in its market in light of the facts that Applicant proposes to open an additional office; renovate an existing office; augment Bettendorf Bank's ability to provide real estate mortgage financing; improve Bettendorf Bank's parking facilities; and provide whatever assistance is required to enable Bettendorf Bank to challenge successfully the dominant bank in the market. Keokuk Bank has low loan to asset and loan to deposit ratios. Also, it directs a considerably lower proportion of its total loans to consumer borrwers than do other Keokuk banks. It is anticipated that affiliation with Applicant will result in a greater emphasis on consumer instalment loans and residential mortgages. Both banks will benefit from access to the full range of services now available to other subsidiary banks of Applicant including, advisory services in the areas of accounting, audit, operations systems, taxes, market analysis, investment portfolio assistance, and credit overline handling. Considerations relating to the convenience and needs of the communities to be served, therefore, lend weight to approval. It is the Board's judgment that the proposed acquisitions would be in the public interest and that the applications should be approved.

The Board is also required to consider, whether either proposal would be prohibited by State law. If the proposal would be so prohibited, the Board may not approve it.[5] Section 3(d) of the Bank Holding Company Act (12 U.S.C. 1842(d)) prohibits bank holding companies from acquiring banks in States outside their principal State of business unless the statute laws of the State in which such bank is located specifically authorizes such acquisition by language to that effect and not merely by implication. These applications involve the first State statute enacted to allow an out-of-State bank holding company to acquire a controlling interest in a bank in that State. The relevant State statute, section 524.-1805 of the Iowa Code, provides that a foreign-based bank holding company could acquire a controlling interest in an Iowa bank if "* * * such bank holding company was on January 1, 1971, registered with the federal reserve board as a bank holding company, and on that date owned at least two banks in this state." Applicant is the only bank holding company capable of qualifying under section 524.1805 of the Iowa Code.

Objectors' principal arguments are: Firstly, as Applicant is the only out-of-State bank holding company able to expand in Iowa, section 524.1805 of the Iowa Code constitutes a denial of the equal protection of the laws and due process provisions of the Fourteenth Amendment to the United States Constitution and also a violation of the Iowa Constitution; secondly, in enacting the Bank Holding Company Act and its Amendments, Congress did not intend to allow State legislatures to choose selectively which out-of-State bank holding

[1] All banking data are as of June 30, 1972, and reflect bank holding company formations and acquisitions approved by the Board through May 31, 1973.

[2] Davenport-Bettendorf area makes up the western half of the Davenport-Moline-Rock Island SMSA.

[3] Approximated by the southern half of Lee County, Iowa, the eastern half of Clark County, Missouri, and most of the western half of Hancock County, Illinois.

[4] Applicant has pending before the Board an application to acquire The First National Bank of Dubuque, Iowa, which is about 80 miles north of Bettendorf and 200 miles northeast of Des Moines.

[5] *Whitney National Bank in Jefferson Parish v. Bank of New Orleans & Trust Co.*, 379 U.S. 411 (1965).

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company could enter the State; and finally, the proposed acquisitions would have an adverse effect on Iowa banking structure.

As required by *Whitney*, the Board considers the applicability and effect of State legislation, but the constitutional validity thereof is presumed;[6] and objectors' challenges to the constitutionality of the recently-enacted Iowa legislation in this matter are properly cognizable only by the judiciary. There is no dispute that the State legislature's intent was to enable Northwest Bancorporation to expand in Iowa by the acquisition of additional banks and the provisions of the Iowa statute accomplished that purpose.

With respect to objectors' second principal argument, section 7 of the Act (12 U.S.C. 1846) expressly reserves to the States the authority to adopt legislation in the exercise of their powers and jurisdiction with respect to banks, bank holding companies, and their subsidiaries. The U.S. Supreme Court in Whitney expressly instructed the Board to consider the applicability and effect of any such legislation. Thus, as the Board has previously indicated,[7] "irrespective of any doubt the Board may entertain as to the wisdom or desirability of a particular State enactment, the Board must, and will, respect, and act in the light of, pertinent State legislative judgments."

Finally, objectors contend that the proposed acquisitions would have an adverse effect on Iowa banking. The Board notes that effective July 1, 1972, the Iowa Code was revised to prohibit acquisition of ownership or control of any bank by a bank holding company if as a result the banks owned or controlled by the holding company would have in the aggregate more than 8 per cent of the total time and demand deposits of all banks in the State.[8] The effect of this provision is to preserve the existing deconcentrated nature of Iowa banking. As of June 30, 1972, the four largest banking organizations and bank holding companies in Iowa controlled 17.8 per cent of Statewide deposits; the ten largest banking organizations held 23.9 per cent of deposits. The Board regards section 524.1802 of the Iowa Code as insuring that no bank holding company is able to expand by acquisition to such a degree that it can dominate Iowa banking. The 8 per cent ceiling imposes an effective limitation on future acquisitions by Northwest Bancorporation in Iowa since it would hold 6.84 per cent of Statewide deposits after these acquisitions.

Based upon the record, the applications are approved. The transactions shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

By order of the Board of Governors,[9] effective August 2, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-16427 Filed 8-8-73;8:45 am]

[6] See Statement accompanying the Board's Order of March 9, 1973, approving to the extent permitted by State law, the proposal of NCNB Corporation, Charlotte, North Carolina, to operate a trust company in South Carolina (59 Federal Reserve Bulletin 305); and Board Order of April 26, 1973, denying proposal by Bankers Trust New York Corporation, New York, New York, to engage indirectly de novo in the performance of certain investment advisory activities (59 Federal Reserve Bulletin 364).

[7] Ibid, Bankers Trust Order of April 26, 1973, at 366.

[8] Section 524.1802 of the Iowa Code.

[9] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governor Daane.

JACOB SCHMIDT CO.

Proposed Acquisition of Lake City Agency, Inc.

Jacob Schmidt Company, St. Paul, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire indirectly, through its subsidiary, American Bancorporation, Inc., St. Paul, Minnesota, voting shares of Lake City Agency, Inc., Lake City, Minnesota. Notice of the application was published on June 7, 1973 in The Lake City Graphic, a newspaper circulated in Lake City, Minnesota.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community of less than 5,000 persons. Such activities have been specified by the Board in § 225.4(a)(9) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing, competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 30, 1973.

Board of Governors of the Federal Reserve System, August 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16466 Filed 8-8-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

AMHERST COAL CO., ET AL.

Applications for Renewal Permits; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m^3) have been received as follows:

(1) ICP Docket No. 20281, AMHERST COAL COMPANY, Lundale No. 2 Mine USBM ID No. 46 01366 0, Lundale, West Virginia,
Section ID No. 008–0 (Road 294),
Section ID No. 009–0 (Road 332),
Section ID No. 010–0 (Road 343).
(2) ICP Docket No. 20355, SMITH-BAKER COAL COMPANY, No. 11 Mine, USBM ID No. 44 00947 0, Hurley, Virginia,
Section ID No. 001 (2 Left off 1 Main).
(3) ICP Docket No. 20449, THE BUCKEYE COAL COMPANY, Nemacolin Mine, USBM ID No. 36 00904 0, Nemacolin, Pennsylvania.
Section ID No. 012 (10 Right),
Section ID No. 017 (2 Road),
Section ID No. 019 (Cumberland Mains—3 Right),
Section ID No. 021 (Cumberland Mains—4 Right),
Section ID No. 020 (844 Road),
Section ID No. 022 (7 South).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

AUGUST 6, 1973.

[FR Doc.73-16492 Filed 8-8-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON SUPPLEMENTARY CENTERS AND SERVICES

NATIONAL ADVISORY COUNCIL ON SUPPLEMENTARY CENTERS AND SERVICES

Notice of Meeting

Notice is hereby given, pursuant to Public Law 92–463, that the next meeting of the National Advisory Council on Supplementary Centers and Services will be held on September 8 and 9, 1973, from 1:00–5:00 p.m. on Saturday and Sunday, at the Far View Lodge in Mesa Verde National Park near Durango, Colorado.

The National Advisory Council on Supplementary Centers and Services is established under section 309 of Public Law 91–230. The Council is directed to:

(1) Review the administration of, general regulations for, and operation of this title, including its effectiveness in meeting the purposes set forth in section 303;
(2) Review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to section 305(a)(2)(E);
(3) Evaluate programs and projects carried out under this title and disseminate the results thereof; and
(4) Make recommendations for the improvement of this title, and its administration and operation.

Agenda items for the meeting will include a review and discussion of:

(1) The national Identification/Validation/Dissemination (IVD) effort being sponsored by the U.S. Office of Education in cooperation with the States. Reports will be given by: Mr. Fred Sughrue, Title III Coordinator, Arizona; Mr. Emory Lockette, Title III Advisory Council Chairman, Nevada; and Dr. Luther Kiser, Project Director, Ames, Iowa.
(2) Legislation affecting Title III of the Elementary and Secondary Education Act and testimony to be presented before the Senate Subcommittee on Education.
(3) The annual report to the U.S. Commissioner of Education, the Congress, and the President.
(4) Topics for future ESEA Title III Quarterlies published by the Council.
(5) Future staff needs of the Council.
(6) Results of a questionnaire on Council publications.

The meeting of the Committee shall be open to the public. Records shall be kept of all Council proceedings (and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 714, 2130 H Street, NW., Washington, D.C.).

Signed at Washington, D.C., on August 1, 1973.

GERALD J. KLUEMPKE,
Executive Director.

[FR Doc.73-16477 Filed 8-8-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-59]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL

Agenda and Notice of Meeting

The NASA Research and Technology Advisory Council will meet on August 16 and 17, 1973, at Headquarters, National Aeronautics and Space Administration. The meeting will be held in Room 625, Federal Office Building 10B, on August 16, and in Room 7002, Federal Office Building 6, on August 17. The meeting is open to the public with the exception of the closed sessions: (1) August 16, 8:30–10:00 a.m., (2) August 16, 10:00–11:00 a.m., (3) August 16, 11:00–11:30 p.m., (4) August 17, 1:00–2:00 p.m. The seating capacity of the rooms is about 40 persons, including Council members and other participants.

The NASA Research and Technology Advisory Council was established to advise NASA's senior management in the area of aeronautics and space research and technology. The Council studies issues, pinpoints critical problems, determines gaps in needed technology, points out desirable goals and objectives; summarizes the state-of-the-art, assesses on-going work, and makes recommendations to help NASA plan and carry out a program of greatest benefit to the Nation. The current Chairman is Mr. Richard E. Horner. There are 15 members on the Council itself and additional members on 8 committees which report to the Council.

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact the Executive Secretary, Mr. Fred W. Bowen, Jr., Area Code 202, 755–2494.

August 16, 1973, Room 625, Federal Office Building 10B, 600 Independence Avenue, SW., Washington, DC

TOPIC

Time. 8:30 a.m. OAST Overview and Status (Closed Session)—To brief the Council on personnel changes and resulting implications, technical and funding status of selected technology programs within the Office of Aeronautics and Space Technology, and joint programs with the military. This will include discussions of classified information related to military aeronautics programs and preliminary NASA funding plans based on probable Fiscal Year 1974 Congressional appropriation levels.
10:00 a.m. Discussion of Research and Technology Advisory Council Organizational Structure in View of NASA Needs (Closed Session) — The Council organizational structure will be discussed to further assess its relation to NASA program requirements. Recommendations will be made to make some changes in both organization and personnel.
11:00 a.m. DOD/NASA Aeronautical Research and Development Study (Closed Session)—To review the scope, content, and planned utilization of the in-house classified study which includes fighter aircraft.
11:30 a.m. High Efficiency/Low Pollution Aircraft Engines—To review the NASA program on future aircraft engines as it relates to recent Environmental Protection Agency Aircraft Emission Standards and related low pollution applications.
12:00 Recent Aircraft Emissions Standards and Potential Requirements for Lower Aircraft Noise Levels—To inform the Council of the most recent regulatory actions or potential actions that will affect NASA technology programs.
1:30 p.m. President's Proposed Energy Reorganization—To inform the Council of the President's proposed energy reorganization designed to assure that the United States is able to meet the growing energy requirements.
2:00 p.m. Status Report on Skylab and Space Shuttle—The Council will be briefed on Skylab and the space shuttle to inform them of the latest accomplishments, plans, and activities so that the Council can relate this to space technology needs.
3:00 p.m. Selection of NASA Investigations—The Council will review a recent draft report which pertains to NASA's method of selection of proposals for space flight investigations.
3:30 p.m. Committee Reports—Reports will be made by Committee Chairmen of the Aeronautics Committee; Aeronautical Propulsion Committee; and Materials & Structures Committee for Council's use in guiding Committee activities and topics of study. These will include major accomplishments, problems, and recommendations to the Council.

August 17, 1973, Room 7002, Federal Office Building 6, 400 Maryland Avenue, SW., Washington, D.C.

Time. 8:30 a.m. Committee Reports (continued)—Reports will be made by the Committee Chairmen of the Guidance & Control Committee; Research Committee; Space Vehicles Committee; Space Propulsion & Power Committee; Aeronautical Operating Systems Committee; Ad Hoc Panel on High Power Lasers; and Joint Ad Hoc Panel on Aerospace Vehicle Dynamics and Control. These will include major accomplishments, problems, and recommendations to the Council.
1:00 p.m. Executive Session (Closed to the Public)—To discuss Council recommendations with the NASA Administrator in light of present funding changes and future funding levels, changes in Council structure and personnel, and joint NASA/military programs which include classified and unclassified subjects, especially in the case of fighter aircraft technology.
2:00 p.m. Adjourn.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics & Space Administration.

AUGUST 3, 1973.

[FR Doc.73-16495 Filed 8-8-73;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

NATIONAL CREDIT UNION BOARD

Notice of Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92–463, 86 Stat. 770, notice is hereby given that the National Credit Union Board will hold its quarterly meeting on September 13–14, 1973, at the offices of the National Credit Union Administration, 2025 M Street, NW., Washington, D.C. 20456. The meetings will commence at 9 a.m. daily in Room 4210.

The agenda for this meeting will consist of an update briefing regarding the activities of the several offices of the National Credit Union Administration, a briefing on the progress of the Administration's library project, a briefing on share insurance activities, a briefing on two-year insured Federal credit unions, and other aspects of the Administration. Matters for discussion will include

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revisions of manuals published by the Administration and legislative activities.

This meeting of the National Credit Union Board will be open to the public. Members of the public may file written statements with the Board either before or after the meeting. To the extent that time permits, interested persons may be permitted to present oral statements to the Board only on items listed in the aforementioned agenda. Requests to present such oral statements must be approved in advance by the Chairman of the Board. Such requests should be directed to the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456.

HERMAN NICKERSON, Jr.,
Administrator.

AUGUST 3, 1973.

[FR Doc.73-16441 Filed 8-8-73;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

SENIOR FELLOWSHIPS PANEL

Notice of Meeting

AUGUST 1, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Senior Fellowships Panel will take place in Washington, D.C. on August 15, 1973.

The purpose of the meeting is to review Senior Fellowship applications submitted to the Endowment for individual fellowship grants.

Based on section b (4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-16436 Filed 8-8-73;8:45 am]

SENIOR FELLOWSHIPS PANEL

Notice of Meeting

AUGUST 1, 1973.

Pursuant to Public Law 92-436, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Senior Fellowships Panel will take place in Boston, Massachusetts on August 13, 1973.

The purpose of the meeting is to review Senior Fellowship applications in the field of philosophy and religion submitted to the Endowment for individual fellowship grants.

Based on section b (4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-16435 Filed 8-8-73;8:45 am]

SENIOR FELLOWSHIPS PANEL

Notice of Meeting

AUGUST 2, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Senior Fellowships Panel will take place in Chicago, Illinois on August 13, 1973.

The purpose of the meeting is to review Senior Fellowship applications submitted to the Endowment for individual fellowship grants.

Based on section b(4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-16437 Filed 8-8-73;8:45 am]

SENIOR FELLOWSHIPS PANEL

Notice of Meeting

AUGUST 1, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Senior Fellowships Panel will take place in Washington, D.C. on August 18, 1973.

The purpose of the meeting is to review Senior Fellowship applications submitted to the Endowment for individual fellowship grants in the field of American literature and drama.

Based on section b (4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202—382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-16434 Filed 8-8-73;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

BYLAWS

Establishment, Purposes and Procedures

The bylaws of the Pennsylvania Avenue Development Corporation, adopted June 7, 1973, are as follows:

TITLE

1. The name of the Corporation is the Pennsylvania Avenue Development Corporation.

PURPOSE

2. The basic purposes of the Corporation are those defined and promulgated by Congress in the Act of October 27, 1972, Public Law 92-578 (86 Stat. 1266).

OFFICE

3. The principal office of the Corporation shall be in the City of Washington, District of Columbia.

SEAL

4. The Corporate Seal shall be circular in form with the name of the Corporation and the year of incorporation printed upon it. The seal may be used by causing it or a facsimile thereof to be impressed, affixed, or reproduced.

DIRECTORS

5. There shall be fifteen voting members on the Board of Directors. Seven of whom shall be the Government representatives, or their alternates, designated by Public Law 92-578; and eight of whom are appointed by the President of the United States.

6. Each member of the Board appointed by the President shall serve a term of six years from the expiration of his predecessor's term, except that any Director appointed to fill a vacancy shall serve the remainder of such term. The terms of the Directors first taking office shall begin on October 27, 1972, and shall expire as designated at the time of appointment.

7. There shall be a Chairman and a Vice Chairman designated by the President from among the members of the Board.

8. The powers and management of the Corporation shall be vested in the Board of Directors and shall be exercised by the Board except as hereinafter specifically delegated by them to the Officers of the Corporation.

MEETINGS OF THE BOARD

9. Regular meetings of the Board shall be held whenever necessary at the principal office of the Corporation, or at a place designated in the notice thereof. The Board shall meet at the call of the Chairman, who shall require it to meet not less often than once each three months. Notice of the meetings shall be provided in the same manner as is specified for special meetings.

10. Special meetings of the Board may be called at any time by the Chairman or the Vice Chairman, and shall be called by the Chairman or the Vice Chairman at the written request of any five Directors. Notice of special meetings shall be given either personally or by mail, or by telegram, and shall state the time and the place of the meeting. Notice by telephone shall be personal notice. Any Director may waive in writing such notice as to himself, whether before or after the time of the meeting, and the presence of a Director at any meeting shall constitute a waiver of notice of such meeting. Any and all business of the Corporation may be transacted at any special meeting unless otherwise indicated in the notice thereof.

11. The Chairman shall preside at all meetings of the Board, or the Vice Chairman in the absence of the Chairman. In the event of the absence of both the Chairman and the Vice Chairman, the Directors present at the meeting shall designate a Presiding Officer.

12. At any meeting of the Board, a quorum shall consist of eight Directors. The act of a majority of the Directors present at any meeting at which there is a quorum shall be the act of the Board.

13. The Chairman shall invite to serve on the Board of Directors the nonvoting members designated in section 3(g) of Public Law 92-578. The nonvoting members shall be invited to attend all meetings of the Board, but their presence shall not affect the determination of a quorum.

14. The Chairman shall invite the nonvoting Advisory Board of seven tenants and owners from within the development area to meet with the Board at such times as he deems to be desirable, but not less than twice annually during the preparation of the development plan.

OFFICERS

15. The Chairman of the Board shall be the President and chief executive officer of the Corporation and shall have the general powers and duties of supervision and management usually vested in the office of president of a corporation. The President shall see that all orders and resolutions of the Board are carried into effect, and shall have power to execute contracts, leases, agreements, and other documents necessary for the conduct of the Corporation's business.

16. The Board of Directors shall appoint an Executive Director and two Assistant Directors, who may be appointed and compensated without regard to the provisions of title 5 of the United States Code governing appointment in the competitive service and chapter 51 and subchapter 53 of title 5 of the United States Code.

17. The Executive Director shall serve as the chief of the staff of the Corporation. He shall direct and coordinate the design and planning work and maintain liaison with the President and the Board of Directors of the Corporation. He shall direct the preparation and edit the final working draft of the development plan required by Public Law 92-578, and submit it to the President for presentation to the Board; and shall prepare, or cause to be prepared, such additions and changes to the plan as the Board may direct. With the approval of the President, he shall hire the staff of the Corporation; prepare, or cause to be prepared, and execute contracts, agreements, and other documents necessary for the conduct of the Corporation's business; obtain interagency and other support services; and supervise the Corporation's budget. He shall also perform such other duties and exercise such powers as the President and the Board may prescribe.

18. The Assistant Director—Finance and Economics shall, under the direction of the President and the Executive Director, prepare the contracts for and coordinate the work of economic and financial consultants; himself prepare such economic and financial proposals, studies, plans, and agreements as are appropriate; and shall advise the other Officers and the Board of economic and financial matters. He shall act as the Treasurer of the Corporation, and shall have charge of the custody, safekeeping and disbursement of all funds of the Corporation; designate qualified persons to authorize disbursements of corporate funds; be responsible for documents relating to the general financing operations of the Corporation, including borrowings from the United States Treasury, commercial banks and others; have authority to collect all monies due the Corporation, to receipt therefor and to deposit same for the account of the Corporation; and shall perform such other duties relating to the fiscal and accounting affairs of the Corporation as may be prescribed by the President or the Board.

19. The Assistant Director—Legal shall transact or supervise the transaction of all legal business of the Corporation. He shall advise the other Officers and the Board with respect to all matters of a legal nature, and shall perform such other duties as the President or the Board prescribes.

20. The President shall designate a member of the staff to act as Secretary. The Secretary shall attend all meetings of the Board and record the minutes of such meetings; give, or cause to be given, notice of all meetings; keep in safe custody the seal of the Corporation, and shall affix the same to any instrument requiring it. When so affixed, the seal shall be attested by the signature of the Secretary. The Secretary shall perform such other duties as may be prescribed by the President or the Board.

CONTRACTS

21. Contracts to which the Corporation is a party shall be subject to the applicable provisions of the Federal Procurement Regulations (Chapter 1, title 41 of the Code of Federal Regulations).

22. Pursuant to an interagency agreement, the General Services Administration Board of Contract Appeals shall hear appeals from the final decisions of the Corporation's contracting officers issued in accordance with the disputes clause to be included in contracts entered into by the Corporation.

ANNUAL REPORT

23. The Executive Director shall prepare annually a comprehensive and detailed report of the Corporation's operations, activities, and accomplishments for the review of the Board of Directors. Upon approval by the Board, the Chairman shall transmit such report in January of each year to the President of the United States and to the Congress.

AMENDMENTS

24. These bylaws may be altered, amended, or repealed by the Board of Directors at any regular or special meeting of the Board, if notice of the proposed alteration, amendment, or repeal is contained in the notice of such special meeting.

By the Board of Directors.

ELWOOD R. QUESADA,
Chairman.

AUGUST 2, 1973.

[FR Doc.73-16446 Filed 8-8-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5369]

AMERICAN NATURAL GAS CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Proposed Issue and Sale of Commercial Paper to a Dealer and/or Short-Term Notes to Banks

Notice is hereby given that Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), One Woodward Avenue Detroit Michigan 48226 a pipe line subsidiary company of American Natural Gas Company ("American"), 30 Rockefeller Plaza, Suite 4545 New York, New York 10020 a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rules 50(a)(2) and 70(b)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan Wisconsin proposes to issue and sell from time to time to August 30, 1974, up to a maximum of $75,000,000 on its promissory notes ("Notes"). Accordingly, Michigan Wisconsin has arranged lines of credit with eight commercial banks providing for the borrowing of up to $75,000,000 on its Notes maturing August 30, 1974. The banks and their respective commitments are as follows:

Name of Bank	Amount of Commitment
First National City Bank, New York, New York	$18,500,000
Manufacturers Hanover Trust Company, New York, New York	18,500,000
National Bank of Detroit, Detroit, Michigan	10,500,000
The Detroit Bank & Trust Company, Detroit, Michigan	9,800,000
Manufacturers National Bank of Detroit, Detroit, Michigan	7,000,000
First Wisconsin National Bank of Milwaukee, Milwaukee, Wisconsin	4,500,000
M & I Marshall & Ilsley Bank, Milwaukee, Wisconsin	4,200,000
Marine National Exchange Bank, Milwaukee, Wisconsin	2,000,000
	$75,000,000

Each Note will be dated as of the date of issuance, will mature August 30, 1974, and will bear interest at the prime rate in effect at the lending bank on the date

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of each borrowing, which interest rate will be adjusted to the prime rate effective with any change in said rate. Interest shall be payable at the end of each 90-day period subsequent to the date of borrowing and at maturity. There is no commitment fee, closing or other related charges payable to the banks, and the notes may be prepaid at any time without penalty. In connection with the lines of credit, Michigan Wisconsin is required to maintain compensating balances with the banks, the effect of which is to increase the effective interest cost by approximately one and one half (1½) percent above the prevailing prime rate of 8¾ percent.

Michigan Wisconsin also proposes, in lieu of the issuance and sale of its Notes to the above listed banks, to issue and sell from time to time up to August 30, 1974, commercial paper, to the extent funds are available, up to a maximum of $50,000,000 outstanding at any one time to Goldman, Sachs & Co., New York, New York, a dealer in commercial paper. The commercial paper will have varying maturities of not more than 270 days after the date of issue and will be issued and sold in varying denominations of not less than $50,000 and not more than $2,000,000 directly to Goldman, Sachs & Co. at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturities. Michigan Wisconsin proposes to sell commercial paper only so long as the discount rate or the effective interest cost for such commercial paper does not exceed the equivalent cost of borrowings from commercial banks (after taking into consideration compensating balances) on the date of sale, except for commercial paper of maturity not exceeding 90 days issued to refund outstanding commercial paper, if in the judgment of Michigan Wisconsin, it would be impractical to borrow from commercial banks to refund such outstanding commercial paper.

Goldman, Sachs & Co., as principal, will reoffer such notes at a discount not to exceed ⅛ of 1 percent per annum less than the prevailing discount rate to Michigan Wisconsin. Such notes will be reoffered to not more than 200 identified and designated customers in a list (non-public) prepared in advance by Goldman, Sachs & Co. and no additions will be made to the customer lists without approval of the Securities and Exchange Commission. It is anticipated that the commercial paper will be held by customers to maturity; however, if any commercial paper is repurchased by Goldman, Sachs & Co., such paper will be reoffered to others in the group of 200 customers. No commission or fee will be payable by Michigan Wisconsin in connection with the issue and sale of such commercial paper notes.

Michigan Wisconsin has been authorized to issue and sell $50,000,000 principal amount of first mortgage pipe line bonds and 400,000 shares of its $100 par value per share common stock $40,000,000 pursuant to Commission Order of August 31, 1973, (Holding Company Act Release No. 18046). Funds provided by these sources and by the $75,000,000 of borrowings for which authorization is hereby requested will be used by Michigan Wisconsin for advance payments relating to gas purchases, to finance its 1973 construction program (estimated to cost $100,400,000), and to pay any borrowings incurred for either of these purposes in July and August, 1973 under the Company's existing $75,000,000 line of credit (Holding Company Act Release No. 17679, dated August 28, 1972) or other short-term borrowings. Existing commitments for additional advance payments made in 1973 total $13,400,000; however, these commitments do not include any amounts covered by the negotiations described above. It is anticipated that funds required to retire the Notes and commercial paper will ultimately be obtained from additional long-term financing and funds generated internally.

Applicant-declarant states that the fees and expenses incident to the proposed transactions are estimated to be $3,000, which includes $500 for legal services. No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 28, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16459 Filed 8-8-73;8:45 am]

[File No. 500-1]

COASTAL STATES GAS CORP.

Order Suspending Trading

AUGUST 3, 1973.

The common stock, $.33⅓ par value; $1.19 cumulative convertible preferred Series A, $.33⅓ par value; and $1.83 cumulative convertible preferred Series B, $.33⅓ par value of Coastal States Gas Corporation being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Coastal States Gas Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19 (a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 4, 1973, through August 13, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73-16455 Filed 8-8-73;8:45 am]

[File No. 500-1]

DIAPULSE CORPORATION OF AMERICA

Order Suspending Trading

AUGUST 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Diapulse Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11 a.m. (e.d.t.) on August 3, 1973, and continuing through August 12, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16449 Filed 8-8-73;8:45 am]

[812-3411]

DREXEL BOND-DEBENTURE TRADING FUND

Notice of Filing of Application

Notice is hereby given that Drexel Bond-Debenture Trading Fund ("Applicant"), 1500 Walnut Street, Philadelphia, Pennsylvania 19101 has filed an application to amend an order entered by the Commission pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") granting a temporary exemption from the provisions of section 15(a) of the Act. Applicant is a closed-end diversified management company which is registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations, which are summarized below.

Applicant was a party to an Investment Advisory Contract (the "Advisory Contract") with Drexel Funds Management Company (the "Adviser") and the Adviser was a party to an Information and Services Agreement (the "Information Agreement") with Drexel Firestone, Incorporated ("Drexel Firestone"), formerly the sole shareholder of the Adviser. On March 16, 1973, Drexel Firestone transferred substantially all of its assets to Burnham & Company Inc. ("Burnham"), whose name was changed to Drexel Burnham & Co. Incorporated ("Drexel Burnham"). Among the assets transferred to Burnham by Drexel Firestone was all of the outstanding stock of the Adviser, which transfer caused the Advisory Contract to terminate immediately pursuant to its terms.

Section 15(a) of the Act prohibits any person from serving as an investment adviser to a registered investment company except pursuant to a contract that has been approved by the vote of a majority of the outstanding voting securities of the investment company. On May 25, 1973 (Act Rel. No. 7831), the Commission granted Applicant an exemption from the provisions of section 15(a) permitting the Adviser to act as investment adviser to Applicant, and be paid a fee by Applicant for such services equal to that payable provided in the terminated contract, for the period from March 16 until the approval of the new advisory contract, if (1) a new advisory contract and any information agreement was submitted to shareholders within 120 days after consummation of the combination of Drexel Firestone and Burnham and (2) shareholders approved the payment of advisory fees to the Adviser for such interim period.

Applicant now applies to amend that order to provide that the condition numbered (1) above be met within 210 days, rather than 120 days, after such combination. Said 120-day period expired on July 13, 1973.

On February 7, 1973, the Board of Directors of Applicant, with the approval of a majority of the directors who are not parties to such agreements or interested persons of such parties at a meeting called for the purpose of voting on an investment advisory contract, approved (a) a new advisory contract with the Adviser identical to the existing Advisory Contract and (b) a New Information Agreement with Drexel Burnham.

Subsequent to the directors' meeting on February 7, 1973 (and subsequent to the filing of the preliminary proxy material with the Securities and Exchange Commission), the directors who are not interested persons of the Adviser determined to re-evaluate the desirability of retaining Drexel Burnham as the investment adviser, and requested the Adviser to provide certain information to facilitate this review. This review has included, in addition to an evaluation of the Adviser, consideration of changes in procedures and in the form of the investment advisory contract intended to increase the profitability of Applicant. Because this evaluation has involved the assembly and study of complex factors affecting the Applicant, including studies of bond market activities and possible changes of rules under the Act, it was not completed in time to submit new contracts to shareholders prior to July 13, 1973. Applicant states that in view of the strong possibility that such studies would result in changes of the investment advisory agreement, the Applicant's Board of Directors decided to postpone the solicitation of proxies and the holding of the annual meeting of shareholders, and, accordingly, wishes to extend the period of exemption from section 15 (a) of the Act. At a meeting on July 13, 1973, a new agreement was approved, and a meeting of the shareholders has been scheduled.

Applicant has submitted that the granting of this application to amend is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the following reasons:

(1) The reasons supporting the initial order issued by the Commission remain valid, even though the initial 120-day period has expired. The officers of Applicant and the Adviser remain substantially the same as they were prior to the combination of Drexel Firestone and Burnham. Applicant has available to it not a different investment adviser, but the same investment advisory and administrative services as it received prior to the combination provided by an investment adviser with expanded capabilities and capital.

(2) Had a review of its advisory relationship not been instituted by the non-interested directors, a new advisory contract would have been submitted to shareholders within 120 days of the combination. The delay is not attributable to the Adviser.

(3) Applicant believes that it is proper that such services should be paid for at the rate called for by the terminated contract which was approved by the shareholders in 1972, and that it is unfair to the Adviser to pay only cost for these services.

(4) While the Applicant has no reason to believe that the Adviser will not continue to provide services, Applicant has no assurance that the Adviser will continue to be willing to render services if there is no prospect that it can be paid more than cost because the terms of the original exemption order requiring shareholder approval within 120 days cannot be met.

(5) The directors expect to be able to submit a new advisory contract to the shareholders at a meeting prior to October 10, 1973 (90 days after July 13, when the initial period expired).

Notice is further given that any interested person may, not later than August 28, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16452 Filed 8-8-73;8:45 am]

[File No. 500-1]

ENVIRONMENTAL SERVICES, INC.

Order Suspending Trading

AUGUST 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Environmental Services, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from

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11 a.m. (e.d.t.) on August 3, 1973, and continuing through August 12, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16447 Filed 8-8-73;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP. OF AMERICA

Order Suspending Trading

AUGUST 3, 1973.

The common stock, $.30 par value, of Equity Funding Cororation of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange; the Boston Stock Exchange; warrants to purchase the $.30 par value common stock being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19 (a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 5, 1973, through August 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16461 Filed 8-8-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

AUGUST 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value and all other securities of First Leisure Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 4, 1973, through August 13, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16457 Filed 8-8-73;8:45 am]

[File No. 500-1]

GIANT STORES CORP.

Order Suspending Trading

AUGUST 3, 1973.

The common stock, $.10 par value, of Giant Stores Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Giant Stores Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 5, 1973, through August 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16460 Filed 8-8-73;8:45 am]

[File No. 500-1]

HI-PLAINS ENTERPRISES, INC.

Order Suspending Trading

AUGUST 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1. par value, and all other securities of Hi-Plains Enterprises, Inc. (incorporated in Delaware) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11 a.m. (e.d.t.) on August 3, 1973, and continuing through August 12, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16448 Filed 8-8-73;8:45 am]

[File No. 500-1]

I M C INTERNATIONAL, INC.

Order Suspending Trading

AUGUST 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of I M C International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11 a.m. (e.d.t.) on August 3, 1973, and continuing through August 12, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16454 Filed 8-8-73;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Order Suspending Trading

AUGUST 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 5, 1973, through August 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16462 Filed 8-8-73;8:45 am]

[File No. 500-1]

INTERSTATE COMPUTER SERVICES, INC.

Order Suspending Trading

AUGUST 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Interstate Computer Services, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is order, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

order to be effective for the period from 11 a.m. (e.d.t.) on August 3, 1973, and continuing through August 12, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16453 Filed 8-8-73; 8:45 am]

[812-3477]

NEW YORK STAFF TRUST AND NEW YORK WORKERS' TRUST

Notice of Filing of Application for Order Pursuant to Section 6(c) of the Act for Exemptions From All the Provisions of the Act

NOTICE IS HEREBY GIVEN that New York Staff Trust and New York Workers' Trust ("Applicants"), c/o Bankers Trust Company, Trustee 280 Park Avenue New York, New York 10017 trusts organized under the laws of New York, have filed an application for an order of the Commission exempting Applicants from all the provisions of the Investment Company Act of 1940 ("Act") pursuant to section 6(c) thereof. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicants were established on June 14, 1973. The grantor of both Applicants is ICI America Inc., a Delaware corporation ("Grantor"), indirectly a wholly-owned subsidiary of Imperial Chemical Industries Limited, an English company ("ICI"). The initial corpus of each Applicant consists of $1,000 contributed in cash by the Grantor to each Applicant upon its establishment. The beneficiaries of New York Staff Trust are the Trustees of the Imperial Chemicals Staff Pension Fund, and the beneficiaries of New York Workers' Trust are the Trustees of the Imperial Chemicals Workers' Pension Fund, both English pension trusts (collectively "Funds"). The Funds are administered in England for the benefit of present and retired employees of ICI and certain of its affiliates, substantially all of whom reside in the United Kingdom. Of approximately 38,000 pensions being paid by the Funds, only approximately 27 pensions are being paid to residents of the United States. According to the Funds' audited records, no one receiving pension payments is making contributions to the Funds. The Trustee of each of the Applicants is Bankers Trust Company, a New York Corporation ("Trustee").

Applicants contemplate entering into two substantially similar loan transactions. In the first such transaction, General Foods Corporation, a Delaware corporation ("GF"), proposes to lend New York Staff Trust $7,000,000 and New York Workers' Trust $3,000,000 for a period of nine years, 350 days at an interest rate of 6 percent per annum. Simultaneously, the Funds propose to make a parallel loan of the pound sterling equivalent of $10,000,000 (approximately £4,017,000 at the curent rate of exchange) on substantially the same terms to General Foods Limited, an English company, which is wholly-owned by GF.

In a second transaction similar to the foregoing, the Foxboro Company, a Massachusetts corporation ("Foxboro"), proposes to lend New York Staff Trust $3,500,000 and New York Workers' Trust $1,500,000 at an interest rate of 6¾ percent per annum for a period of nine years, 350 days. Simultaneously, the Funds propose to make a parallel loan of the pound sterling equivalent of $5,000,000 (approximately £2,008,000 at the curent rate of exchange) at an interest rate of 7¼ percent per annum, but otherwise on substantially the same terms to Foxboro-Yoxall Limited, an English company, which is wholly-owned by Foxboro.

Applicants state that they presently do not contemplate entering into any additional loan transactions.

Each of the foregoing loan transactions is intended to qualify as a "parallel financing arrangement" under the regulations of the United States Department of Commerce Office of Foreign Direct Investments ("OFDI"). Applications for specific authorization to that effect have been or will be filed on behalf of GF and Foxboro with OFDI.

Applications also have been or will be filed on behalf of GF and Foxboro with the United States Internal Revenue Service with respect to the United States Interest Equalization Tax consequences of the proposed loan transactions.

Applicants represent that the proceeds of the above-described dollar loans, and any reinvestment thereof, will be invested by Applicants in United States securities, including government obligations, with the purpose of diversifying the investment portfolios of the Funds; that all the net income of the Applicants is to be paid annually to their respective beneficiaries; and that the principal and any net income then undistributed are to be paid to the beneficiaries upon termination of the Applicants. Under the terms of the respective trust deeds of Applicants, the Trustee of each may act with respect to investments only in accordance with the written directions of the respective Investment Advisory Committee of each of the Applicants, composed of persons from time to time named as such by the respective beneficiaries.

In carrying out their proposed activities, Applicants might be deemed to fall within either section 3(a)(1) of the Act, as being engaged or proposing to engage primarily in the business of investing, reinvesting or trading in securities, or section 3(a)(3) of the Act, as being engaged or proposing to engage in the business of investing, reinvesting, owning, holding or trading in securities and owning or proposing to acquire investment securities with a value exceeding 40 per cent of total assets. Applicants contend, however, that to the extent the Act is applicable to Applicants, Applicants should be exempted from its provisions under section 6(c) of the Act.

Section 6(c) authorizes the Commission by order upon application, conditionally or unconditionally to exempt any person or any class or classes of persons from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants contend that they each clearly fit within the general intent of the exclusion from the definition of investment company as set forth in section 3(c)(1) of the Act, which excludes from the provisions of the Act any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities. Beneficial ownership by a company is deemed to be beneficial ownership by one person except, where the company owns 10 per cent or more of the outstanding voting securities of the issuer, the beneficial ownership is deemed to be that of the holders of such company's securities. Applicants state that the Funds are the sole beneficiaries of applicants. Applicants represent that they are not making and do not presently propose to make a public offering of their securities and that neither GF, Foxboro nor any future lender will own "voting securities" for purposes of attribution to its shareholders.

Applicants further contend that even if they are not qualified for exemption based on the provisions of section 3(c)(1) of the Act, exemption under section 6(c) is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act because, among other reasons, there is no significant direct or indirect United States investor interest in Applicants or their operations.

Notice is further given that any interested person may, not later than August 29, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Trustee of Applicants at the address stated above. Proof of such service (by affidavit, or in case of attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of information stated in said ap-

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plication, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16450 Filed 8-8-73;8:45 am]

[812-3463]

MUTUAL SECURITIES FUND OF BOSTON ET AL.

Notice of Filing of Application Pursuant to Section 6(c) of the Act for Exemption From Section 16(a), 32(a) (1) and (2) of the Act

Notice is hereby given that Mutual Securities Fund of Boston ("Fund"), 53 State Street Boston, Massachusetts 02109 a trust created under the laws of Massachusetts and an open-end, diversified investment company registered under the Investment Company Act of 1940 ("Act"), and all of its trustees, Joseph Leonard and William Priess, hereinafter referred to collectively as "Applicants," have filed an application pursuant to section 6(c) of the Act for an exemption from the provisions of section 16(a) of the Act to the extent necessary to extend to October 31, 1973, the period specified in section 16(a) of the Act within which a meeting of the holders of the outstanding voting securities of Fund ("Beneficiaries") must be held to elect directors (trustees) of Fund as required by section 16(a) where, as here, a majority of the trustees holding office were not elected by Beneficiaries. The Applicants also request an order pursuant to section 6(c) exempting Fund from the provisions of sections 32(a)(1) and (2) insofar as is necessary to permit the filing with the Commission of financial statements for the fiscal year ended March 31, 1973, certified by Arthur Young & Company, provided the Beneficiaries of Fund ratify the selection of said firm at the next meeting of Beneficiaries. The application shows that at the beginning of January 1972, the five persons serving the Fund as trustees had been elected by the Fund's Beneficiaries; that during the period commencing January 6, 1972 and ending November 3, 1972, three of these five trustees resigned; and that on November 24, 1972, one of the two remaining trustees resigned leaving only one trustee serving the Fund, which trustee, as indicated above, had been elected by the Beneficiaries. On December 15, 1972, this sole remaining and elected trustee of Fund appointed two persons as trustees to fill vacancies and, thereafter on the same day such elected trustee resigned.

Since December 15, 1972, these two appointed trustees have been serving as trustees of Fund and have been the only trustees of Fund. The last meeting of Beneficiaries for the purpose of electing trustees was held on November 9, 1971. When the two appointed trustees took office on December 15, 1972, the Fund's audited financial statements for the fiscal year ended March 31, 1973 had not been completed; and audited financial statements of the Fund for such fiscal year have not yet been filed with the Commission.

Section 16(a) of the Act provides, among other things, that in the event that at any time less than a majority of the directors (trustees) of a registered investment company holding office at that time were elected by holders of outstanding voting securities (Beneficiaries), the Board of Directors (the Board of Trustees) of such company shall forthwith cause to be held as promptly as possible and in any event within 60 days a meeting of the holders of the outstanding voting securities of the company for the purpose of electing directors (trustees) unless the Commission shall by order extend such period.

Sections 32(a)(1) and (2) require, generally, that the auditors of a registered investment company be selected by a majority of the independent members of the registered company's board of directors (Board of Trustees) and that such selection be ratified at a meeting of stockholders.

Section 6(c) provides that the Commission may, be order upon application, conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the requested exemption from section 16(a) of the Act, the application indicates that when the two present appointed trustees took their offices on December 15, 1972, they intended to call and hold a meeting of Beneficiaries of Fund within 60 days for the purpose of electing trustees. However, according to the application, the appointed trustees were unable to hold such a meeting because of administrative problems created prior to their appointment and the time required to obtain information from the records as previously maintained in order to properly prepare proxy solicitation material to be used in connection with a meeting of Beneficiaries.

With respect to the requested exemption from paragraphs (1) and (2) of section 32(a), the application indicates that the selection of auditors cannot be effected in the manner required by such provisions due to the way in which the Board of Trustees is presently constituted, a matter which has been beyond the control of the present trustees.

Notice is further given that any interested person may, not later than August 28, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16451 Filed 8-8-73;8:45 am]

[File No. 500-1]

PELOREX CORP.

Order Suspending Trading

AUGUST 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Pelorex Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 4, 1973, through August 13, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16456 Filed 8-8-73;8:45 am]

[File No. 500-1]

TRIONICS ENGINEERING CORP.

Order Suspending Trading

AUGUST 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Trionics Engineering Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 5, 1973, through August 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16458 Filed 8-8-73;8:45 am]

[Release No. 34-10316; File No. S7-491]

GUIDELINES ON THE UTILIZATION AND DISSEMINATION OF UNDISCLOSED MATERIAL INFORMATION

Solicitation of Comments

The Securities and Exchange Commission announced today that, with respect to an inquiry already underway by its staff into the circumstances under which material information of a previously undisclosed nature may be utilized in connection with the purchase or sale of securities, it is soliciting the comments and views of all members of the securities industry and the investing public.

The Commission staff's examination includes, among other things, an inquiry into the following major issues:

(1) When information should be considered to have been publicly disseminated.

Among other things, the Commission's staff is seeking to determine whether guidelines can be established concerning appropriate waiting periods to be applied after material information about an issuer has been disclosed in various available ways before any person in possession of such previously undisclosed information may trade in reliance upon that information.

Views are also solicited regarding the efficacy of existing procedures that are followed, both by corporations and financial analysts, concerning information which has been disclosed on a limited basis—for example, information filed with governmental agencies.

(2) Whether appropriate guidelines can be established to determine when information concerning an issuer is material.

Among other things, the Commission's staff is considering under what, if any, circumstances nonpublic information may be disclosed to and utilized by securities professionals in the absence of any general public dissemination of that information, where for example, the information standing alone, is material only to securities professionals closely following a particular issuer or industry.

(3) Whether guidelines can be established to designate categories of individuals and entities which may be considered to have a sufficient nexus to preclude their use of material, undisclosed information concerning the issuer, in the absence of any general public disclosure of that information.

Consideration is being given, for example, to information derived from suppliers or competitors, among others.

(4) Whether and to what extent selected, nonpublic knowledge about the existing or future market in particular securities should be treated as material information which must be disclosed by securities professionals or other persons prior to any transactions in those securities.

In connection with these broad topics, the Commission requests comments concerning:

(1) The procedures presently employed by broker-dealers and financial analysts to insure that they and their employees do not engage in any act or practice which may constitute an improper dissemination or utilization of material nonpublic information;

(2) The procedures presently employed by issuers to insure that material information is not improperly disclosed or utilized on a selective basis;

(3) Any procedures presently employed by issuers to determine whether, when and how material corporate information should be disclosed publicly;

(4) The procedures and methodology utilized by financial analysts to formulate their securities recommendations; and

(5) The appropriateness of utilizing nonpublic material information directly related to the future market for a given security, which does not emanate from or concern the issuer of that security.

In addition to comments relating to existing procedures, the Commission's staff is interested in any facts or information which may reflect upon the appropriate resolution of the issues discussed above and any related matters.

Comments are invited from all interested persons and should be addressed to Harvey L. Pitt, Chief Counsel, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should be mailed so that they may be received before August 31, 1973. All comments received will be made publicly available and reference should be made to File No. S7-491.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

AUGUST 1, 1973.

[FR Doc.73-16463 Filed 8-8-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 973; Amdt. 5]

MISSOURI

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Missouri as a major disaster area following heavy rains and flooding beginning on or about March 6, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties: Bollinger, Cape Girardeau, Scott, Stoddard, Perry, Scotland, Wayne, Knox, Madison, Ripley and Washington. (See 38 FR 10339, 38 FR 12179, 38 FR 14897, 38 FR 16812, 38 FR 20509)

The purpose of this amendment is only for Knox; Madison, Ripley and Washington Counties for damage during the period March 6, 1973 to April 22, 1973, and only for Bollinger, Cape Girardeau, Scott, Stoddard, Perry, Scotland, Wayne, Knox, Madison, Ripley and Washington Counties for damage during the period May 26-27, 1973.

Applications will be processed under the provisions of Public Law 92-385 where damages occurred prior to April 20, 1973. Applications will be processed under the provisions of Public Law 93-24 where damages occurred April 20, 1973 and thereafter.

Applications may be filed at the:

Small Business Administration
District Office
210 North 12th Street, Room 520
St. Louis, Missouri 63101

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than September 18, 1973.

Dated: July 26, 1973.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.73-16432 Filed 8-8-73;8:45 am]

[Notice of Disaster Loan Area 1005; Amdt. 1]

PENNSYLVANIA

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Pennsylvania as a major disaster area following severe storms and flooding beginning on or about June 27, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties: Columbia and Northampton. (See 38 FR 20510)

Applications may be filed at the:

Small Business Administration
Regional Office
1 Decker Square—East Lobby Suite 400
Bala Cynwyd, Pennsylvania 19004

and at such temporary offices as are established. Such addresses will be an-

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nounced locally. Applications will be processed under the provisions of Public Law 93–24.

Applications for disaster loans under this announcement must be filed not later than September 24, 1973.

Dated: July 26, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–16430 Filed 8–8–73;8:45 am]

[Notice of Disaster Loan Area 976; Amdt. 3]

WISCONSIN

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Wisconsin as a major disaster area following severe storms and flooding beginning on or about March 7, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional county: Adams. (See 38 FR 12264, 38 FR 13587, and 38 FR 16813)

Applications may be filed at the:

Small Business Administration
District Office
122 West Washington Avenue, R. 713
Madison, Wisconsin 53703

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of P.L. 92–385.

Applications for disaster loans under this announcement must be filed not later than September 24, 1973.

Dated: July 26, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–16431 Filed 8–8–73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNERS AND STUDENT WORKERS

Certificates Authorizing the Employment of Learners and Student Workers at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 621 (36 FR 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aalfs Mfg. Co., Sioux City, IA; 7–23–73 to 7–22–74. (Women's, men's and boys' jeans)

Aalfs Mfg. Co., Storm Lake, IA; 6–25–73 to 6–24–74; 10 learners. (Boys' pants)

Barbizon of Utah, Inc., Provo, UT; 6–11–73 to 6–10–74. (Women's lingerie)

Caraway Apparel Co., Caraway, AR; 6–11–73 to 6–10–74; 10 learners. (Women's dresses)

Chatham Knitting Mills, Inc., Chatham, VA; 7–22–73 to 7–21–74; 8 learners. (Men's jackets)

Covington Industries, Inc., Opp, AL; 7–2–73 to 7–1–74. (Ladies', men's and boys' sportswear and other odd outerwear)

The Fordyce Apparel Co., Fordyce, AR; 7–10–73 to 7–9–74. (Men's and boys' pants)

Giles Mfg. Corp., Narrows, VA; 7–13–73 to 7–12–74. (Children's shirts and creepers)

Hansley Industries, Inc., Hattiesburg, MS; 7–2–73 to 7–1–74. (Men's pajamas)

Imperial Reading Corp., La Follette, TN; 7–9–73 to 7–8–74. (Men's shirts)

Jo-Jac Shirt Co., Inc., Pulaski, TN; 7–3–73 to 7–2–74; 10 learners. (Boys' shirts)

Juniata Garment Co., Inc., Mifflin, PA; 6–25–73 to 6–24–74. (Women's dresses)

Lee Mar Shirt Co., Pulaski, TN; 7–15–73 to 7–14–74. (Boys' shirts)

Manchester Pants Co., Manchester, MD; 6–30–73 to 6–29–74; 10 learners. (Men's pants)

Middleburg Sportswear, Inc., Middleburg, PA; 6–25–73 to 6–24–74. (Women's dresses)

Salant & Salant, Henderson, TN; 6–26–73 to 6–25–74. (Men's pants)

Somerville Mfg. Co., Inc., Vivian, La; 7–24–73 to 7–23–74. (Men's pants)

Spencer California, Tehachapi, CA; 7–14–73 to 7–13–74; 7 learners. (Children's pajamas, gowns, jumpers, dresses and pants)

The following plant expansion certificates were issued authorizing the number of learners indicated.

Franklin Garment Co., Franklin, VA; 7–18–73 to 1–17–74; 20 learners (Children's dresses)

Paxton's Fashions, Mangum, OK; 7–16–73 to 1–15–74; 10 learners. (Women's pants blouses, jackets and body suits)

Wallace Sewing Co., Inc., Wallace, NC; 7–18–73 to 1–17–74; 15 learners (Children's coats)

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended)

Good Luck Glove Co., Metropolis, IL; 7–6–73 to 7–5–74; 10 percent of the total number of machine stitchers for normal labor turnover purposes. (Work gloves)

Lambert Mfg. Co., Chillicothe, MO; 7–18–73 to 7–17–74; 10 learners for normal labor turnover purposes. (Cotton work gloves).

Lambert Mfg. Co., Chillicothe, MO; 7–22–73 to 7–21–74; 10 learners for normal labor turnover purposes. (All leather work gloves)

Wells Lamont Corp., Brownsville, TN; 7–20–73 to 7–19–74; 10 percent of the total number of machine stitchers for normal labor turnover purposes. (Children's and men's fabric gloves)

The following student-worker certificate was issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below.

Garfield Business Institute, Beaver Falls, PA; 7–5–73 to 7–4–74; authorizing the employment of 3 student-workers in the clerical industry in the occupations of secretarial and clerical for a learning period of 1,000 hours at the rates of $1.20 an hour for the first 500 hours and $1.30 an hour for the remaining 500 hours.

The student-worker certificate was issued upon the applicant's representations and supporting materials fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before August 24, 1973.

Signed at Washington, D.C. this 2nd day of August 1973.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.73–16486 Filed 8–8–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 315]

ASSIGNMENT OF HEARINGS

AUGUST 6, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective ascases previously assigned hearing dates. signments only and does not include The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No amendments will be entertained after the date of this publication.

MC–130103, Musiker Student Tours, Inc., now assigned September 10, 1973, at New York, N.Y., is postponed indefinitely.

MC 2836 Sub 38, Adirondack Transit Lines, Inc., now assigned September 12, 1973, at New York, N.Y., is postponed indefinitely.

MC 70083 Sub 27, Drake Motor Lines, Inc., now being assigned hearing September 12, 1973 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC 105045 Sub 39, R. L. Jeffries Trucking Co., Inc., MC 112304 Sub 62, Ace Doran Hauling & Rigging Co., is continued to September 11, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–16480 Filed 8–8–73;8:45 am]

[Ex Parte 241; Rule 19, 6th Rev. Exemption 43]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

To: The Atchison, Topeka and Santa Fe Railway Company, Burlington Northern Inc., Chicago and North Western Transportation Company, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Chicago, Rock Island and Pacific Railroad Company, Illinois Central Gulf Railroad Company, Missouri Pacific Railroad Company, Norfolk and Western Railway Company, Soo Line Railroad Company, Union Pacific Railroad Company.

It appearing, that there are massive movements of grain in progress in the states of Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, and Wyoming; that present supplies of plain boxcars owned by the railroads serving these states are inadequate to move the newly harvested grain to terminal elevators for safe storage; that use of available plain boxcars owned by other carriers for movements of this grain will substantially augment the car supplies of the railroads named herein.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the railroads named herein, and their short line connections, are hereby authorized to use and to accept from shippers shipments of grain originating at stations located in Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, and Wyoming, when loaded into plain 40-ft. narrow-door boxcars of various ownerships without regard to the requirements of Car Service Rule 2.

Exceptions. This exemption shall not apply to plain boxcars subject to Association of American Railroads' Car Relocation Directive No. 44.

Effective 11:59 p.m., August 2, 1973.

Expires 11:59 p.m., August 15, 1973.

Issued at Washington, D.C., August 2, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73–16483 Filed 8–8–73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 108, Amdt. 1]

CANADIAN RAILROADS

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 108 (Canadian Railroads) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 108 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 15, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 2, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Assocation; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 2, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73–16484 Filed 8–8–73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 6, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42726—*Joint Water-Rail Container Rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc., (No. 76), for itself and interested rail carriers. Rates on general commodities, from rail carriers terminals at Los Angeles, Oakland (Richmond) and San Francisco, California, Portland, Oregon and Seattle, Washington, to ports in Europe and United Kingdom.

Grounds for relief—Water competition.

Tariff—Sea-Land Service, Inc., tariff No. 193, I.C.C. No. 69.

Rates are published to become effective on September 2, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–16481 Filed 8–8–73;8:45 am]

[Notice 331]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 29, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74458. By order of August 2, 1973, the Motor Carrier Board approved the transfer to Murray Van & Storage of Gainesville, Inc., Gainesville, Fla., of Permit No. MC–135175 (Sub No. 2) issued to B. C. Cartage Company, a corporation, Gainesville, Fla., authorizing the transportation of: Telephone equipment, materials, and supplies, between points in specified counties in Florida.

Alan F. Wohlstetter, Attorney, 1700 K St., NW., Wash., D.C. 20006

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–16482 Filed 8–8–73;8:45 am]

[Notice 62]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

AUGUST 3, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which pro-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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testant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before Oct. 5, 1973, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 2129 (Sub-No. 4) filed June 28, 1973 Applicant: PIEDMONT FREIGHT COMPANY, INCORPORATED Bumpass, Va. 23024 Applicant's representative: Morton E. Kiel Suite 6193 5 World Trade Center New York, N.Y. 10048 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Louisa County, Va., to points in North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, West Virginia, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Connecticut, Rhode Island, Massachusetts and the District of Columbia, under contract with Woolfolk Bros. Lumber Co., Walton Lumber Co., Inc. and Dick Purcell Lumber Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 13569 (Sub-No. 27) filed June 1, 1973 Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY a Corporation 1200 S. State Street Girard, Ohio 44420 Applicant's representative: A. David Millner Bowes & Millner 744 Broad Street Newark, N.J. 07102 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Pittsburgh, Clairton, Homestead, Duquesne, McKeesport, Dravosburg, West Mifflin, Ellwood City, and Vandergrift, Pa., to points in Michigan, Indiana and New York; and (2) *iron and steel articles and materials, equipment and supplies* used or useful in the manufacture of iron and steel and iron and steel articles (except liquid commodities and commodities in bulk), from points in Michigan, Indiana, and New York, to points in Ohio, those in Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 50. Note: Applicant states that the requested authority can be tacked with its existing authority at origin points in western Pennsylvania. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 15897 (Sub-No. 11) filed June 20, 1973 Applicant: O. K. TRANSFER AND STORAGE CO., a Corporation 207 S. Union Street P.O. Box 1602 Shawnee, Okla. 74801 Applicant's representative: Wilburn L. Williamson 280 National Foundation Life Bldg. 3535 N.W. 58th St. Oklahoma City, Okla. 73112 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store fixtures and furnishings*, from the facilities of the Plastelite Engineering Company Division of the Tandy Corporation at Fort Worth, Tex., to the warehouse facilities of the Radio Shack Division of the Tandy Corporation at Garden Grove, Calif. and Braintree, Mass. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 27356 (Sub-No. 6) filed May 29, 1973. Applicant: M–F EXPRESS, INC. 553 South Broadway, P.O. Box 1181, Greenville, Miss. 38701. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and those which because of size, weight or value, require special equipment), (A) REGULAR ROUTE: Between Cleveland and Hattiesburg, Miss.: From Cleveland over U.S. Highway 61 to junction U.S. Highway 80 and Interstate Highway 20 By-Pass north and east of Vicksburg, Miss., thence over U.S. Highway 80 and Interstate Highway 20 By-Pass to junction U.S. Highway 80 and Interstate Highway 20, thence over U.S. Highway 80 and Interstate Highway 20 to junction U.S. Highway 49 near Jackson, Miss., thence over U.S. Highway 49 to Hattiesburg, and return over the same route, serving the intermediate point of Leeland, Miss. and serving Jackson, Miss. for the purpose of joinder only; (B) ALTERNATE ROUTES: (1) Between Hattiesburg, and junction U.S. Highway 98 and Mississippi Highway 26 at or near Lucedale, Miss.: From Hattiesburg over U.S. Highway 49 to junction U.S. Highway 98 south of Hattiesburg, thence over U.S. Highway 98 to junction Mississippi Highway 26 at or near Lucedale, Miss.; and return over the same route, as an alternate route for operating convenience only, serving no intermediate points and serving Lucedale, Miss. for the purpose of joinder only; (2) Between junction U.S. Highway 61 and U.S. Highway 80 and Interstate Highway 20 By-Pass north and east of Vicksburg, Miss. and New Orleans, La.:

From Junction U.S. Highway 61 and U.S. Highway 80 and Interstate Highway 20 By-Pass north and east of Vicksburg, Miss., to junction U.S. Highway 80 and Interstate Highway 20, thence over U.S. Highway 80 and Interstate Highway 20 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 61 and Interstate Highway 10 west of New Orleans, La., thence over U.S. Highway 61 and also Interstate Highway 10 to New Orleans, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points and serving Jackson, Miss. for the purpose of joinder only; and (3) Between Jackson, Miss. and New Orleans, La.: From Jackson over U.S. Highway 51 and Interstate Highway 55 to junction U.S. Highway 61 and Interstate Highway 10 west of New Orleans, La., thence over U.S. Highway 61 and also Interstate Highway 10 to New Orleans, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points and serving Jackson, Miss. for the purpose of joinder only. Note: Common control may be involved. Applicant states that the requested authority duplicates its existing authority in its MC 27358 Sub-No. 4 certificate, except for the intermediate point of Leeland, Miss. If the instant application is granted, applicant will submit for revocation that portion of its Sub 4 certificate which duplicates the authority sought herein (excluding the alternate route authority contained in the Sub-4 certificate). If a hearing is deemed necessary, applicant requests it be held at Greenville, or Jackson, Miss.

No. MC 30844 (Sub-No. 469) filed June 28, 1973 Applicant: KROBLIN REFRIGERATED XPRESS, INC. 2125 Commercial Street P.O. Box 5000 Waterloo, Iowa 50702 Applicant's representative: Truman A. Stockton 1650 Grant Street Bldg. Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in by retail gift stores, from Laredo, Tex., to points in Illinois (except Chicago and points in the Commercial Zone thereof), Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. Note: Common

control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant request it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 30844 (Sub-No. 470) filed July 2, 1973 Applicant: KROBLIN REFRIGERATED XPRESS, INC. 2125 Commercial Street P.O. Box 5000 Waterloo, Iowa 50702 Applicant's representative: Truman A. Stockton 1650 Grant Street Bldg. Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air cleaner filter paper*, from the plant sites and facilities of Knowlton Bros. at Watertown, N.Y., and the plant sites and facilities of Hollingsworth and Vose at Greenwich, N.Y., to Dixon, Ill., restricted to shipments originating at the above named plant sites. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Washington, D.C.

No. MC 35628 (Sub-No. 350) filed July 5, 1973 Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation 134 Grandville, S.W. Grand Rapids, Mich. 49502 Applicant's representative: Leonard D. Verdier, Jr. 900 Old Kent Bldg. Grand Rapids, Mich. 49502 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site and facilities of Uniroyal, Inc., at or near Maryville, Mo., as an off-route point in connection with applicant's presently authorized regular-route operations. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 43867 (Sub-No. 25) (AMENDMENT) filed May 10, 1973, published in the FR issue of July 6, 1973, and republished, as amended, this issue. Applicant: A. LEANDER McALISTER TRUCKING COMPANY, a Corporation P.O. Box 2214 Wichita Falls, Tex. 76307 Applicant's representative: Bernard H. English 6270 Firth Road Fort Worth, Tex. 76116 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anti-pollution systems, equipment, and parts, liquid cooling and vapor condensing systems, equipment, and parts, environmental control and protective systems, equipment, and parts*, the transportation of which, because of size or weight, requires the use of special equipment, and (2) *equipment, materials, and supplies* used in the construction or installation of anti-pollution and environmental control and protective systems, and liquid cooling and vapor condensing systems, when moving in mixed loads with the articles described in (1) above, between Cisco, and Wichita Falls, Tex., on the one hand, and, on the other, points in the United States, including Alaska (and excluding Hawaii). Note: The purpose of this republication is to expand applicant's territorial request in (2) above to include Alaska. Applicant's name has been changed as reflected herein pursuant to the Commission's Order in MC–FC–74475. Applicant states it has Mercer and earth drilling commodities which could be joined with the requested authority at Wichita Falls, and Cisco, Tex., in the event such commodities qualified under intended use determination. If a hearing is deemed necessary, applicant requests it be held at Dallas, or Fort Worth, Tex.

No. MC 44639 (Sub-No. 72) filed June 22, 1973 Applicant: L. & M. EXPRESS CO., INC. 220 Ridge Road Lyndhurst, N.J. 07071 Applicant's representative: Herman B. J. Weckstein 60 Park Place Newark, N.J. 07102 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), between Emporia, Va., on the one hand, and, on the other, New York, N.Y. and points in Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Sussex and Union Counties, N.J. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 52460 (Sub-No. 122) filed June 21, 1973 Applicant: HUGH BREEDING, INC. 1420 West 35th Street P.O. Box 9637 Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal briquettes, and charcoal* from the plant site of Keeter Charcoal Company at or near Branson, Mo., to points in Colorado, Illinois, Iowa, Kansas, Arkansas, Indiana, Kentucky, Tennessee, Louisiana, Nebrasa, Oklahoma, Texas, and Minnesota, (2) *charcoal, charcoal briquettes, wood chips, lighter fluid and fireplace logs*, from the plantsite of Husky Industries at or near Jacksonville and Ocala, Fla., to points in Alabama, Mississippi, Tennessee, Kentucky, Missouri, Arkansas, Louisiana, Texas, and Oklahoma, and (3) *activated carbon*, from the plantsite of Husky Industries, at or near Romeo, Fla., to points in Alabama, Mississippi, Tennessee, Kentucky, Missouri, Arkansas, Louisiana, Texas, and Oklahoma. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Altanta, Ga., or Dallas, Tex., or Oklahoma City, Okla.

No. MC 58104 (Sub-No. 2) filed June 7, 1973 Applicant: GOOD'S TRANSPORTATION SERVICE, INC. 408 Niagara Street Lockport, N.Y. 14094 Applicant's representative: Robert D. Gunderman Suite 710 Statler Hilton Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between points in Erie and Niagara Counties, N.Y.; (2) From points in Niagara County, N.Y., to points in Monroe County, N.Y. and (3) From points in Erie County, N.Y., to points in Orleans County, N.Y., and (B) *paper, paper products and pulp board*, from Lockport, N.Y., to points in Broome, Cattaraugus, Chemung, Chenango, Cortland, Herkimer, Jefferson, Livingston, Madison, Oneida, Onondaga, Ontario, Orleans, Otsego, Steuben and Tompkins Counties, N.Y. Note: Applicant seeks to convert its Certificate of Registration No. MC 58104 (Sub-No. 1) to a Certificate of Public Convenience and Necessity. Applicant presently has General commodities authority as defined in Section 800.1 of Title 16 of the Official Compilation of Codes Rules and Regulations of the State of New York. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 62538 (Sub-No. 18) filed May 31, 1973 Applicant: ASHTON TRUCKING CO., a Corporation P.O. Box 472 Monte Vista, Colo. 81144 Applicant's representative: Edward T. Lyons, Jr. 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured, processed or sold by persons engaged in* the milling of flour or in the sale and distribution of feeds and grains, from Denver, Colo., to points in that part of Texas located on and west of a line beginning at the intersection of U.S. Highway 281 and the Texas-Oklahoma border, thence over U.S. Highway 281 to intersection U.S. Highway 181, thence over U.S. Highway 181 to Corpus Christi, Tex., under contract with the Colorado Milling & Elevator Company. Note: Applicant holds common carrier authority in MC 57880 and Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 66886 (Sub-No. 40) filed June 25, 1973 Applicant: BELGER CARTAGE SERVICE, INC. 2100 Walnut Street Kansas City, Mo. 64108 Applicant's representative: Frank W. Taylor, Jr. 1221 Baltimore Ave. Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled cranes, power hammers, and material handling equipment;* and (2) *accessories, attachments, and parts*, when moving in mixed loads with the commodities de-

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scribed in (1) above, from the facilities of Broderson Manufacturing Company at Lenexa, Kans., to points in the United States including Alaska and Hawaii. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 70172 (Sub-No. 6) filed June 22, 1973 Applicant: B. J. KIRK TRANSPORTATION CO., a Corporation 672 Roosevelt Avenue Pawtucket, R. I. 02860 Applicant's representative: Thomas W. Murrett 342 North Main Street West Hartford, Conn. 06117 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, and in connection therewith, *materials, supplies, fixtures and equipment* used in the operation of such stores, between East Providence, R.I., and Danvers, Mass. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 74942 (Sub-No. 5) filed June 25, 1973 Applicant: PARVIN'S TRANSFER, INC. 15 East Harmony St. Penns Grove, N.J. 08069. Applicant's representative: Morton E. Kiel Suite 6193, 5 World Trade Center, New York, N.Y. 10048 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tomato products*, canned or preserved, from points in Salem and Gloucester Counties, N.J., to points in Connecticut, Massachusetts and Rhode Island, and (2) *sugar*, in containers, from Philadelphia, Pa., to points in Salem and Gloucester Counties, N.J., under contract with H. J. Heinz Company. Note: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 82841 (Sub-No. 125) filed June 27, 1973 Applicant: HUNT TRANSPORTATION, INC., 10770 I Street Omaha, Nebr. 68127 Applicant's representative: Donald L. Stern 530 Univac Building 7100 West Center Road Omaha, Nebr. 68106 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Springfield, Ill., to points in Kansas and Nebraska, restricted to the transportation of traffic originating at Springfield, Ill., and restricted against the transportation of commodities which because of size or weight require the use of special equipment and against the transportation of commodities defined in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Cincinnati, Ohio, Indianapolis, Ind., or Chicago, Ill.

No. MC 87720 (Sub-No. 145) filed June 21, 1973 Applicant BASS TRANSPORTATION CO., INC. P.O. Box 391 Flemington, N.J. 08822 Applicant's representative: Bert Collins 140 Cedar St. New York, N.Y. 08822 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Resins*, in bulk, from points in the Houston, Tex. Commercial Zone, to points in the United States, in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas, and (2) *materials and supplies*, in bulk, from points in the above described destination territory to points in the Houston, Tex. Commercial Zone, under contract with Tenneco, Inc. Note: Applicant also holds common carrier authority under MC 135684 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 92692 (Sub-No. 6) filed May 21, 1973. Applicant: FREEPORT FAST FREIGHT, INC., 4109 West 52nd Place, Chicago, Ill. 60632. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except in bulk, household goods as defined by the Commission, commodities which because of size or weight require the use of special equipment), (1) Between Chicago, Ill. and East Dubuque, Ill.; From Chicago over U.S. Highway 20 to East Dubuque, and return over the same route, serving all intermediate points and all off-route points between Stockton and Belvidere, Ill.; (2) Between Chicago, and Savanna, Ill.; From Chicago over Illinois Highway 64 to Savanna, and return over the same route, serving all intermediate points; (3) Between Chicago, and Forreston, Ill.: From Chicago over Illinois Highway 72 to Forreston, and return over the same route, serving all intermediate points; (4) Between Freeport, and Rockton, Ill.; From Freeport over Illinois Highway 75 to Rockton, and return over the same route, serving all intermediate points; (5) Bewteen the Illinois-Wisconsin State line and Dixon, Ill.; From the Illinois-Wisconsin State line over Illinois Highway 26, and return over the same route, serving all intermediate points and the off-route points of Penrose, Ill.; (6) Between Dixon and La Salle, Ill.; From Dixon over U.S. Highway 52 to junction U.S. Highway 51, thence over U.S. Highway 51 to La Salle, Ill., and return over the same route, serving all intermediate points; (7) Between South Beloit, and Rock Island, Ill.; From South Beloit over Illinois Highway 2 to Rock Island, and return over the same route, serving all intermediate points and off-route point of Rock Falls, Ill.; (8) Between Durand, and Rockford, Ill.; From Durand, Ill., over Illinois Highway 70 to Rockford, and return over the same route, serving all intermediate points; (9) Between Chicago, and Dixon, Ill.; From Chicago over U.S. Highway 30 to Dixon, Ill., and return over the same route, serving all intermediate points; (10) Between Chicago and Peru, Ill.; From Chicago, over U.S. Highway 66 to junction U.S. Highway 6, thence over U.S. Highway 6 to Peru, Ill, and return over the same route, serving all intermediate points; (11) Between Chicago and Winthrop Harbor, Ill.; From Chicago over Illinois Highway 41 to Winthrop Harbor, and return over the same route, serving all intermediate points; (12) Between Chicago and the Illinois-Wisconsin State line; From Chicago over U.S. Highway 41 to the Illinois-Wisconsin State line; and return over the sae route, serving all intermediate points; (13) Between Waukegan and Marengo, Ill.; From Waukegan over Illinois Highway 120 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction Illinois Highway 176, thence over Illinois Highway 176 to Marengo, and return over the same route, serving all intermediate points; (14) Between Lake Bluff and Elgin, Ill.; From Lake Bluff over Illinois Highway 176 to junction Illinois Highway 63, thence over Illinois Highway 63 to junction Illinois Highway 25, thence over Illinois Highway 25 to Elgin, Ill., and return over the same route, serving all intermediate points; (15) Between Elgin and Oswego, Ill.; From Elgin over Illinois Highway 25 to Oswego, and return over Illinois Highway 31, serving all intermediate points; (16) Between Chicago, and Mendota, Ill.; From Chicago over U.S. Highway 34 to Mendota and return over the same route, serving all intermediate points; (17) Between Joliet, and Fulton, Ill.; From Joliet over U.S. Highway 30 to Fulton, and return over the same route, serving all intermediate points; (18) Between the junction of Illinois Highway 84 and U.S. Highway 20 and Rock Island, Ill.; From the junction of Illinois Highway 84 and U.S. Highway 20 over Illinois Highway 84 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction with U.S. Highway 150, thence over U.S. Highway 150 to Rock Island, Ill., and return over the same route, serving all intermediate points; (19) Between the Illinois-Wisconsin State line and Lanark, Ill.; From the Illinois-Wisconsin state line over Illinois Highway 73 to Lanark, and return over the same route, serving all intermediate points; (20) Between the Illinois-Wisconsin State line and Denrock, Ill. (located in Whiteside County); From the Illinois-Wisconsin State line over Illinois Highway 78 to Denrock, and return over the same route, serving all intermediate points; (21) Between the junction of U.S. Highway 34 and Odgen Road and Aurora, Ill., From the junction of U.S. Highway 34 and Odgen Road over Odgen Road to Aurora, Ill. and return over the same route, serving all intermediate points. RESTRICTION: Restricted against service to the Iowa portions of the Commercial Zones of Rock Island, Moline, East Moline, Fulton, and East Dubuque, Ill. Note: The purpose of the instant application is to convert applicant's Certificate of Registration under its Sub-No. 4 into a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95540 (Sub-No. 885) filed June 19, 1973 Applicant: WATKINS MOTOR LINES, INC. 1940 Monroe Drive, N.E. P.O. Box 1636 Atlanta, Ga. 30301 Applicant's representative; Jerome F. Marks (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *articles distributed by meat packinghouses* as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Chino, Calif., to points in Massachusetts, Rhode Island, Connecticut, Illinois, New York, New Jersey, Pennsylvania, Maryland, and the District of Columbia, restricted to products originating at the plant site and storage facilities of Swift Fresh Meats Company and destined to points in the above named destination states. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 103993 (Sub-No. 771) filed June 21, 1973 Applicant: MORGAN DRIVE AWAY, INC. 2800 West Lexington Ave. Elkhart, Ind. 46514 Applicant's representative: Paul D. Borghesani (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Wright County, Iowa, to points in the United States (except Alaska and Hawaii). Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 103993 (Sub-No. 772) filed June 21, 1973 Applicant: MORGAN DRIVE-AWAY, INC. 2800 West Lexington Ave. Elkhart, Ind. 46514 Applicant's representative: Paul D. Borghesani (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Huron County, Ohio to points in the United States (except Alaska and Hawaii). Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 105733 (Sub-No. 47) filed June 25, 1973 Applicant: H. R. RITTER TRUCKING CO., INC. 928 E. Hazelwood Avenue Rahway, N.J. 07065 Applicant's representative: Chester A. Zyblut 15222 K Street, N.W. Washington, D.C. 20005 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk in tank vehicles, from Everett, Mass., to points in New York. Note: Applicant states that the requested authority can be tacked with its existing authority at Everett, Mass. to provide a through service from points in Massachusetts, Rhode Island, Connecticut, Maine, New Hampshire and Vermont, to points in New York, but indicates it has no *present* intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 106398 (Sub-No. 670) filed June 14, 1973 Applicant: NATIONAL TRAILER CONVOY, INC. 1925 National Plaza Tulsa, Okla. 74151 Applicant's representative: Irvin Tull (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, and *Buildings* in sections mounted on wheeled undercarriages, from points in El Paso County, Colo., to points in the United States (except Alaska and Hawaii). Note: Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 106398 (Sub-No. 671) filed June 14, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza Tulsa, Okla. 74151 Applicant's representative: Irvin Tull (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Orangeburg County, S.C., to points in the United States (except Alaska and Hawaii). Note: Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 106398 (Sub-No. 672) filed June 14, 1973 Applicant: NATIONAL TRAILER CONVOY, INC. 1925 National Plaza Tulsa, Okla. 74151 Applicant's representative: Irvin Tull (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Wright County, Iowa, to points in the United States (except Alaska and Hawaii). Note: Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 106398 (Sub-No. 673) filed June 18, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Undercarriages and frames and related items* used in connection with the transportation of undercarriages and frames, from Boise and Nampa, Idaho, to points in Oregon, Montana, Utah, Nevada, Washington, and Wyoming. Note: Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 106497 (Sub-No. 79) filed June 20, 1973. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912 (Bus. Rte. I-44 East), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building panels*, from Oklahoma City, Okla., to points in the United States (except Alaska and Hawaii). Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 106920 (Sub-No. 51) filed June 11, 1973. Applicant: RIGGS FOOD EXPRESS, INC. P.O. Box 26, West Monroe Street New Bremen, Ohio 45869 Applicant's representative: Carroll V. Lewis P.O. Box 717 Sidney, Ohio 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from Decatur, Ind., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities of Central Soya Company, Inc., at Decatur, Ind. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 107002 (Sub-No. 434) filed June 6, 1973 Applicant: MILLER TRANSPORTERS, INC. P.O. Box 1123 (U.S. Highway 80 West) Jackson, Miss. 39205 Applicant's representative: John J. Borth P.O. Box 8573 Battlefield Station Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn starch*, in bulk, in tank vehicles, from Memphis, Tenn., to

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to points in Mississippi. Note: Applicant states that the requested authority can be tacked with its existing authority at points in Mississippi and Tennessee to serve points in Alabama, Louisiana, Tennessee and Arkansas, but indicates that it has no *present* intention to tack. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn. or Jackson, Miss.

No. MC 107295 (Sub-No. 647) filed May 31, 1973 Applicant: PRE-FAB TRANSIT CO., a Corporation 100 South Main Street Farmer City, Ill. 61842 Applicant's representative: Mack Stephenson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except iron or steel and further restricted against the transportation of commodities which by reason of size or weight require the use of special equipment for their loading, unloading or transportation) from Hartsville, S.C., to points in the United States in and east of Texas, Oklahoma, Missouri, Iowa, and Minnesota. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 107456 (Sub-No. 21) filed June 4, 1973. Applicant: HARRY L. YOUNG AND SONS, INC., 542 West Sixth South, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 720 Newhouse Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* the transportation of which because of size or weight require the use of special equipment, and *related machinery parts and related contractors materials and supplies* when moving with those commodities which by reason of size or weight require the use of special equipment, (2) *general commodities* (except motor vehicles, motor vehicle cabs and bodies, and Classes A and B explosives) moving in the same vehicle and at the same time in mixed loads with commodities the transportation of which, because of size or weight require the use of special equipment, on a single bill of lading from a single consignor, (3) *self-propelled vehicles* each weighing 15,000 pounds or more (except motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act, and vehicles moving in driveaway service), and *related machinery, tools, parts, and supplies* moving in connection therewith, (4) *iron and steel* articles as described in *Descriptions in Motor Carrier Certificates*, ex parte No. MC–45, and (5) *pipe* (other than iron and steel), together with *fittings*, between points in Idaho, on the one hand, and, on the other, points in Oregon and Washington. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Portland, Oreg.

No. MC 107515 (Sub-No. 862), filed June 28, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and/or confectionery and related products* (except in bulk), and (2) *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plant sites and warehouse facilities of M&M/-Mars, Division of Mars, Incorporated, located at Doraville, Decatur, Atlanta, and Albany, Ga., to points in Alabama, Arizona, Arkansas, California, Pennsylvania, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Oregon, Texas, Utah, and Washington, restricted to the transportation of traffic originating at the plant site and warehouse facilities of M&M/Mars, Division of Mars, Incorporated. Note: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107743 (Sub-No. 23) filed June 15, 1973 Applicant: SYSTEM TRANSPORT, INC. 6523 Broadway Spokane, Wash. 99206 Applicant's representative: Gordon Roberts Kearns Building Salt Lake City, Utah 84101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, from Chicago Heights, Ill.; points in Porter County, Ind.; and points in Michigan and Ohio, to points in Idaho, Montana, Oregon, Washington, and California; (2) *iron and steel; and iron and steel articles*, when transported together with nonferrous articles, from Chicago, Ill., to points in Washington and California. Note: Applicant states that the requested authority can be tacked at points in California with its exising authority in Sub 20, but has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 371) filed June 27, 1973 Applicant: FROZEN FOOD EXPRESS, INC. 318 Cadiz Street P.O. Box 5888 Dallas, Tex. 75222 Applicant's representative: J. B. Ham (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, from Phoenix, Ariz., to Berkeley, Calif. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Dallas, Tex.

No. MC 108937 (Sub-No. 39) filed June 15, 1973 Applicant: MURPHY MOTOR FREIGHT LINES, INC. 2323 Terminal Road St. Paul, Minn. 55113 Applicant's representative: R. L. Stevens (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Milwaukee, Wis. and St. Paul, Minn., serving all points in the Milwaukee, Wis., and the Minneapolis-St. Paul, Minn. commercial Zones, as defined by the Commission, as intermediate or off-route points: (1) From Milwaukee over Interstate Highway 94 to St. Paul; and (2) From Milwaukee over Interstate Highway 94 to junction U.S. Highway 12 at or near Hudson, Wis., thence over U.S. Highway 12 to St. Paul, and return over the same routes. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn., or Milwaukee, Wis.

No. MC 109533 (Sub-No. 53) filed June 12, 1973 Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation 1100 Commerce Road Richmond, Va. 23224 Applicant's representative: Eugene T. Liipfert Suite 1100, 1660 L Street, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Charleston, W. Va., and Lexington, Ky., over U.S. Highway 60 and also Interstate Highway 64, serving all intermediate points and the off-route points of Campton, Clay City and Stanton, Ky. Note: If a hearing is deemed necessary, applicant requests it be held at either Lexington, Ky., Charleston, W. Va., or Washington, D.C.

No. MC 111812 (Sub-No. 494) filed June 15, 1973 Applicant: MIDWEST COAST TRANSPORT, INC. 900 West Delaware P.O. Box 1233 Sioux Falls, S. Dak. 57104 Applicant's representative: Ralph H. Jinks (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 & 766 (except hides and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co., at Humboldt, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the above named plantsite and storage facilities. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111812 (Sub-No. 495) filed June 15, 1973 Applicant: MIDWEST COAST TRANSPORT, INC. 900 West Delaware P.O. Box 1233 Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh, frozen and cooked, sauces, soups, and entree items*, between Minneapolis-St. Paul, Minn., on the one hand, and, on the other, Norfolk, Va. Note: Common control may be involved. Applicant states that the requested authority can be tacked at Minneapolis-St. Paul, Minn., with its existing authority and provide a through service to Sioux Falls and Mitchell, S. Dak., California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, but indicates that it has no *present* intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 112713 (Sub-No. 152) filed June 19, 1973 Applicant: YELLOW FREIGHT SYSTEM, INC. P.O. Box 7270 10990 Roe Avenue Shawnee Mission, Kans. 66207 Applicant's representative: John M. Records (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, those of unusual value, and those requiring special equipment), serving the plantsite of F. I. Industries, Inc., located at or near Accokeek (Prince Georges County), Md., as an off-route point in connection with carrier's regular-route operations. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 277) filed June 11, 1973 Applicant: BRAY LINES INCORPORATED P.O. Box 1191 (1401 N. Little) Cushing, Okla. 74023 Applicant's representative: Marion F. Jones Suite 1600 Lincoln Center 1660 Lincoln Street Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pizza pies*, frozen, from Minneapolis, Minn., to points in Florida, Georgia, Kansas, Louisiana, Oklahoma, North Carolina, South Carolina, Texas, and Tennessee. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn. or Chicago, Ill.

No. MC 114552 (Sub-No. 84) filed June 11, 1973 Applicant: SENN TRUCKING COMPANY a Corporation P.O. Drawer 220 Newberry, S.C. 29108 Applicant's representative: William P. Jackson, Jr. 919 18th Street, N.W. Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition boards, insulation materials, urethan and urethane products and related materials, supplies and accessories*, incidental thereto (except commodities in bulk), from the facilities of the Celotex Corporation at or near Elizabethtown, Ky., to points in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee and Mississippi. Note: Applicant states that the requested authority can be tacked with its existing authority in MC–114552 and Subs thereunder, but indicates that it has no *present intention* to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., Tampa, Fla. or Columbia, S.C.

No. MC 115311 (Sub-No. 153) filed June 11, 1973 Applicant: J & M TRANSPORTATION CO., INC. P.O. Box 488 Milledgeville, Ga. 31061 Applicant's representative: Bruce E. Mitchell (Watkins & Daniell) Suite 1600 First Federal Building Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except in bulk), from the plant site and facilities of United States Gypsum Company at or near Chamblee and Morrow, Ga., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, restricted to traffic originating at the above described facilities and destined to points in the above-named territory. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115594 (Sub-No. 17) filed June 11, 1973 Applicant: HOLLOWAY MOTOR EXPRESS, INC. P.O. Box 2337 East Gadsden, Ala. 35903 Applicant's representative: W. Randall Tye 1500 Candler Building Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tire molds, machines and machine parts*, used in the manufacturing of rubber tires and tubes, between Gadsden, Ala. and Topeka, Kans. Note: Applicant states that the requested authority can be joined with its regular-route operations under its lead certificate to transport the involved commodities between Gadsden, Ala. and Cedartown, Ga., however it has no present intention of so joining these authorities. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 115876 (Sub-No. 27) filed June 15, 1973 Applicant: ERWIN HURNER 2605 South Rivershore Drive Moorhead, Minn. 56560 Applicant's representative: Thomas J. Van Osdel 502 First National Bank Bldg. Fargo, N. Dak. 58102 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Preformed milk and dairy product cartons*, and *materials and supplies* used in the manufacture and processing of the above named commodities (except commodities in bulk), from Clinton, Iowa, to Minneapolis, Minn., under contract with Fairmount Foods Company. Note: Applicant also holds common carrier authority under MC 117148. therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak. or St. Paul, Minn.

No. MC 116073 (Sub-No. 274) filed July 5, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC 1825 Main Avenue Moorhead, Minn. 56560 Applicant's representative: Robert G. Tessar 1819 4th Avenue South Moorhead, Minn. 56560 Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings* complete or in sections, transported on wheeled undercarriages, from points in Sumter County, Fla., to points in Louisiana, Mississippi, Alabama, Georgia, South Carolina, Tennessee, and North Carolina. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tallahassee or Miami, Fla.

No. MC 116073 (Sub-No. 275) filed July 5, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Main Avenue P.O. Box 919 Moorhead, Minn. 56560 Applicant's representative: Robert G. Tessar 1819 4th Avenue South Moorhead, Minn. 56560 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in secondary movements, from points in Pennsylvania, to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 116073 (Sub-No. 276) filed July 5, 1973 Applicant: BARRETT MO-

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BILE HOME TRANSPORT, INC., 1825 Main Avenue P.O. Box 919 Moorhead, Minn. 56560 Applicant's representative: Robert G. Tessar 1819 4th Avenue South Moorhead, Minn. 56560 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, transported on wheeled undercarriages, from points in Weakley County, Tenn., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 116073 (Sub-No. 277) filed July 5, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Main Avenue P.O. Box 919 Moorhead, Minn. 56560 Applicant's representative: Robert G. Tessar 1819 4th Avenue South Moorhead, Minn. 56560 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings* complete or in sections, transported on wheeled undercarriages, from points in Indiana, to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 116073 (Sub-No. 278) filed July 5, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Main Avenue, P.O. Box 919 Moorhead, Minn. 56560 Applicant's representative: Robert G. Tessar 1819 4th Avenue South Moorhead, Minn. 56560 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, transported on wheeled undercarriages, from points in Fannin, Hunt, Leon and Van Zandt Counties, Tex., to points in Arkansas, Arizona, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma and Utah. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116073 (Sub-No. 279) filed July 5, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Avenue South Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections, transported on wheeled undercarriages, from points in Clark, Crawford and Marathon Counties, Wis., to points in Illinois, Iowa, Minnesota, Michigan, North Dakota, and South Dakota. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 116763 (Sub-No. 261) filed June 22, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruits and vegetables, fruit and vegetable products, concentrates, beverages, and beverage preparations*, from points in Florida, to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, the Lower Peninsula of Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117165 (Sub-No. 36) filed June 28, 1973 Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES 1000 Michigan Avenue St. Louis, Mich. 48880. Applicant's representative: Martin J. Leavitt 1800 Buhl Bldg. Detroit, Mich. 48226 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, particle board and plywood, and accessories, materials and supplies* used in the sale and installation thereof from the plant and warehouse site of Abitibi Corporation located in Calhoun County, Fla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, including the District of Columbia, and (2) *materials, supplies and accessories* used in the manufacture and installation of the commodities described in (1) above, from the points in the destination territory specified in part (1) above, to the plant and warehouse sites of Abitibi Corporation located in Calhoun County, Fla., restricted against the transportation of commodities in bulk. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118159 (Sub-No. 135) filed June 22, 1973 Applicant: NATIONAL REFRIGERATED TRANSPORT, INC. 1925 National Plaza Tulsa, Okla. 74151 Applicant's representative: Jack B. Anderson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, glassware, plastic caps, covers and tops, and corrugated boxes and containers*, from Muskogee, Okla., to points in Colorado. Note: Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla. or Kansas City, Mo.

No. MC 118806 (Sub-No. 28) filed June 6, 1973 Applicant: ARNOLD BROS. TRANSPORT, LTD. 739 Lagimodiere Boulevard Winnipeg, Manitoba, Canada Applicant's representative: Daniel C. Sullivan 327 South La Salle St. Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Self-propelled vehicles*, (b) *equipment, materials, and supplies* designed for use in conjunction with self-propelled vehicles (except tank semi-trailers), and (c) *Parts and attachments* for the commodities in (a) and (b) above, from points in Genesee County, N.Y., to ports of entry on the International Boundary Line between the United States and Canada; and (2) *materials, equipment and supplies* used in the manufacture, sale or distribution of the commodities described in (1) above (except commodities in bulk), from ports of entry on the International Boundary Line between the United States and Canada, to points in Genesee County, N.Y., restricted in parts (1) and (2) above to the transportation of traffic moving in foreign commerce. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118989 (Sub-No. 98) filed June 25, 1973 Applicant: CONTAINER TRANSIT, INC. 5223 South 9th Street Milwaukee, Wis. 53221 Applicant's representative: Robert H. Levy 29 South LaSalle Street Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass bottles*, not exceeding one gallon in capacity, from Marion, Ind., to Milwaukee, Wis. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119639 (Sub-No. 10) filed June 18, 1973 Applicant: INCO EXPRESS, INC. 3600 South 124th Seattle, Wash. 98168 Applicant's representative: Joseph O. Earp 411 Lyon Building 607 Third Avenue Seattle, Wash. 98104 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth or fabric coated with plastic*, and *liquid plastic*, in containers, from points in Orange County, Calif., to ports of entry on the International Boundary line between the United States and Canada at or near Blaine and Sumas, Wash. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119777 (Sub-No. 261) filed July 2, 1973 Applicant: LIGON SPECIALIZED

HAULER, INC. P.O. Box L Madisonville, Ky. 42431 Applicant's representative: Ronald E. Butler (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and lumber products*, between the plant sites of T.M.A. Forest Products at or near Jasper and Double Springs, Ala., on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii), restricted to shipments originating at the above named plant sites. Note: Applicant holds contract carrier authority in MC–126970 and subs thereunder, therefore, dual operations may be involved. Common control may also be involved. Applicant states that the requested authority cannot be tacked with its present authority. If a hearing is deemed necessary, applicant does not specify location.

No. MC 121281 (Sub-No. 7) filed June 18, 1973. Applicant: BIG MAC TRUCKING CO., a Corporation, 1335 Boyles Street, P.O. Box 15069, Houston, Tex. 77020. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Laredo, Tex., on the one hand, and, on the other, points in Texas. Note: By instant application, applicant seeks to convert a portion of its Certificate of Registration in MC 121281 to a certificate of public convenience and necessity. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or San Antonio, Tex.

No. MC 121060 (Sub-No. 26) filed July 11, 1973. Applicant: ARROW TRUCK LINES, INC., P.O. Box 5568, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings, hydrants, valves, and parts and accessories* for the aforenamed items (except commodities in bulk), from the facilities of United States Pipe and Foundry Company at or near Birmingham and Bessemer, Ala., to points in Tennessee, Georgia, Florida, North Carolina, and South Carolina, restricted to the transportation of traffic originating at the facilities of United States Pipe and Foundry Company at or near Birmingham and Bessemer, Ala. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 123048 (Sub-No. 261) filed June 4, 1973 Applicant: DIAMOND TRANSPORTATION SYSTEM, INC. 1919 Hamilton Avenue Racine, Wis. 53401 Applicant's representative: Paul C. Gartzke 121 West Doty Street Madison, Wis. 53703 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Excavating, construction, roadmaking, road maintenance, material handling, industrial and agricultural machinery and equipment, trailers, snow blowers and self-propelled vehicles* (except motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act and commodities moving in driveaway service); (b) *attachments, accessories and equipment* designed for use in conjunction with the commodities described in (a) above, and (c) *cabs, canopies and parts* for the commodities described in (a) and (b) above, between the Ports of Entry on the International Boundary line between the United States and Canada located in Michigan and New York, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic moving in foreign commerce; (2) *Steel Balls*, from Washington, Ind., to the Ports of Entry on the International Boundary line between the United States and Canada located in Michigan, restricted to traffic moving in foreign commerce; (3) *mineral wool, insulation, cement, metal fastening bands, canvas lap, binding strips, asphalt, asphaltum, coal tar paint, bearings, iron hooks, adhesives, staples and wire* (except commodities in bulk), from Alliance, Ohio; Aurora, Ill., and Huntington, Mich., to the Ports of Entry on the International Boundary line between the United States and Canada located in Michigan, restricted to traffic moving in foreign commerce. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123048 (Sub-No. 270) filed July 5, 1973 Applicant: DIAMOND TRANSPORTATION SYSTEM, INC. 1919 Hamilton Avenue Racine, Wis. 53401 Applicant's representative: Paul C. Gartzke 121 W. Doty Street Madison, Wis. 53703 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning, heat transfer and refrigeration equipment and blowers* and *attachments and parts* thereof, from Buffalo, N.Y., to Ports of Entry on the International Boundary line between the United States and Canada, at Buffalo and Niagara Falls, N.Y. and to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Buffalo, N.Y.

No. 123407 (Sub-No. 130) filed July 2, 1973 Applicant: SAWYER TRANSPORT, INC. South Haven Square U.S. Highway 6 Valparaiso, Ind. 46383 Applicant's representative: Richard L. Loftus (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, couplings, connections, valves and materials and supplies* for the installation thereof, from the plant sites of the Clow Corporation located at or near Coshocton, Ohio, to points in Minnesota, Wisconsin, North Dakota, South Dakota, Iowa, Missouri, Nebraska, and the upper peninsula of Michigan. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 123476 (Sub-No. 17) filed July 11, 1973 Applicant: CURTIS TRANSPORT, INC. 1334 Lonedell Road Arnold, Mo. 63010 Applicant's representative: O. E. Mueller (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ceramic foam, plastics and expanded plastic products*, laminated or other than laminated, with or without accessories, from the plant sites and warehouse facilities of Dow Chemical Company at Cape Girardeau and Pevely, Mo., Magnolia, Ark., Hanging Rock and Findlay, Ohio, Midland, Mich., Gales Ferry, Conn., Carteret, N.J., and Royersford, Pa., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the foregoing commodities, from the named destination states to the plant sites and warehouse facilities of the Dow Chemical Company at Cape Girardeau, and Pevely, Mo., Magnolia, Ark., Hanging Rock and Findlay, Ohio, Midland, Mich., Gales Ferry, Conn., Carteret, N.J., and Royersford, Pa., restricted in (1) and (2) against the transportation of commodities in bulk. Note: Applicant states that the requested authority duplicates in part its existing authority. If the instant application is granted, applicant will submit for revocation that portion of its existing authority which is duplicative of the authority sought herein. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Washington, D.C.

No. MC 123778 (Sub-No. 19) filed July 11, 1973 Applicant: JALT CORP., doing business as UNITED NEWSPAPER DELIVERY SERVICE 75 Cutters Lane Woodbridge, N.J. 07095 Applicant's representative: Morton E. Kiel Suite 6193,

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5 World Trade Center New York, N.Y. 10048 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newspapers* (otherwise exempt from economic regulations under Section 203(b)(7) of the Act) when transported in the same vehicle with a regulated commodity, from Woodbridge, N.J., to Wilmington, Del., and points in New Jersey and Connecticut, those in that part of Pennsylvania on and east of U.S. Highway 15, and those in New York on and east of New York Highway 14, under contract with Midnight Publishing Corp. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123965 (Sub-No. 6) filed July 2, 1973 Applicant: KEAL DRIVEAWAY COMPANY, a Corporation 852 East 73rd Street Cleveland, Ohio 44103 Applicant's representative: Donald B. Anderson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles and motor vehicle chassis*, in initial movements, in driveaway and truckaway service and *bodies, cabs, parts of and accessories for such motor vehicles*, from the plant site of White Truck Division of White Motor Corporation located in Pulaski County, Va., to points in the United States including Alaska (but excluding Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio or Washington, D.C.

No. MC 124078 (Sub-No. 552) filed June 8, 1973 Applicant: SCHWERMAN TRUCKING CO. a Corporation 611 South 28 Street Milwaukee, Wis. 53246 Applicant's representative: James R. Ziperski (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Manganese ore*, in bulk, from Wilmington, Del., to La Salle, Ill.; (2) *fly ash*, from Richmond, Ind., to points in Illinois, Indiana, Kentucky, and Ohio, and *returned shipments* of fly ash, from the above-mentioned destination states to Richmond, Ind., (3) *hydroquinone*, in bulk, from La Salle, Ill., to Houston, Tex.; and (4) *amapa ore*, in bulk, from Brownsville, Tex., to La Salle, Ill. Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at points in Vigo County, Ind., and Indianapolis, Ind., Chicago, Ill., Dayton, Ohio, Paradise, and Louisville, Ky., to serve points in Wisconsin, Michigan, Missouri, Alabama, Tennessee, West Virginia, and Pennsylvania, but indicates that it has no *present* intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 125785 (Sub-No. 20) filed May 30, 1973. Applicant: SATURN EXPRESS INC., 8716 L St., Omaha, Nebr. 68127. Applicant's representative: Robert C. McCandless, 700 Federal Bar Bldg. West, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings and related parts and equipment*, (a) between the plantsites of Stran-Steel Corp., at or near Houston, Tex., and at or near Terre Haute, Ind., and (b) from the plantsite of Stran-Steel Corp. at or near Houston, Tex., to points in Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, Oregon, Washington, and California, under contract with Stran-Steel Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex. or Omaha, Nebr.

No. MC 126154 (Sub-No. 10) filed June 6, 1973. Applicant: HERMAN SCHOMER doing business as: SCHOMER TRUCKING, P.O. Box 111, Iron Mountain, Mich. 49801. Applicant's representative: Robert W. Hansley, 120 North Sixth Street, Escanaba, Mich. 49829. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to points in Alger County, Mich. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Lansing, or Detroit, Mich.; or Chicago, Ill.; or Milwaukee, Wis.

No. MC 126154 (Sub-No. 12) filed June 6, 1973. Applicant: HERMAN SCHOMER doing business as: SCHOMER TRUCKING, P.O. Box 111, Iron Mountain, Mich. 49801. Applicant's representative: Robert W. Hansley, 120 North Sixth Street, Escanaba, Mich. 49829. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Minneapolis, and St. Paul, Minn., to points in Marquette County, Mich. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Lansing, or Detroit, Mich.; or Chicago, Ill.; or Milwaukee, Wis.

No. MC 126276 (Sub-No. 82) filed June 25, 1973. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Robert H. Levy, 29 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends and accessories*, from the plant and warehouse sites of Heekin Can Division, Diamond International Corp. at Cincinnati, Ohio and Anderson Township (Hamilton County), Ohio, to points in Illinois, and Indiana, Michigan and Kenosha, Racine, Milwaukee and Waukesha Counties, Wis., under contract with Heekin Can Division, Diamond International Corporation. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126305 (Sub-No. 53) filed June 27, 1973 Applicant: BOYD BROTHERS TRANSPORTATION CO., INC. R.D. 1 Clayton, Ala. 36016 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet tacking strips and supplies and equipment* used in the installation of carpets, between the facilities of Continental Tackless Sales Corp., at Croydon, Pa., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 126428 (Sub-No. 7) filed June 25, 1973 Applicant: ZIBERT TRANSPORT CO. a Corporation 2828 Market Street Peru, Ill. 61354 Applicant's representative: Robert H. Levy 29 South La Salle Street Chicago, Ill. 60603 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank, and/or hopper type vehicles, (a) from the plantsite of Foster Grant Co., Inc. at Peru, Ill., to points in New York, Virginia, New Jersey, Maryland, North Carolina, South Carolina, and West Virginia, and (b) from points in New York, Virginia, New Jersey, Maryland, North Carolina, South Carolina, West Virginia, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Wisconsin, Arkansas, Kansas, Kentucky, Nebraska, Pennsylvania and Tennessee, to the plantsite of Foster Grant Co., Inc., at Peru, Ill. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127242 (Sub-No. 4) filed May 29, 1973 Applicant: HOUSTON TRUCK LINES, INC. 602 Service Street P.O. Box 8847 Houston, Tex. 77009 Applicant's representative: Joe G. Fender 802 Houston First Savings Building Houston, Tex. 77002 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Tulsa, Tulsa Port of Catossa, and Muskogee, Okla., to points in Arkansas, Kansas, Louisiana, Oklahoma, Texas, New Mexico and Kansas City, Mo., restricted against transportation of Mercer commodities as authorized *T. E. Mercer Extention*, 74 M.C.C. 459. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 127284 (Sub-No. 3) filed March 7, 1973 Applicant: DOMINION-CONSOLIDATED TRUCK LINES LIMITED 775 The Queensway Toronto 18, Ontario, Canada Applicant's representative: William J. Hirsch Suite 444, 35 Court Street Buffalo, N.Y. 14202 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) serving the plant site and facilities of Ford Motor Company at or near Romeo, Mich., as an off-route point in connection with carrier's regular-route operations from and to Detroit, Mich; and (2) Between the plant site and facilities of Ford Motor Company at or near Romeo, Mich., and the port of entry on the International Boundary line between the United States and Canada located at Port Huron, Mich. Note: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 127818 (Sub-No. 1) filed June 22, 1973 Applicant: FREEDMAN CONTRACT HAULING CORP. 726 W. Clinton Street Ithaca, N.Y. 14850 Applicant's representative: Norman M. Pinsky 345 South Warren Street Syracuse, N.Y. 13202 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap and waste products and materials* and (2) *iron and steel articles* as described in Appendix V to the Commission's report in *Descriptions in Motor Carrier Certificates*, Ex Parte MC–45, 61 M.C.C. 209, between points in New York, Pennsylvania, Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, New Jersey, Maryland, Delaware, Virginia, North Carolina, West Virginia, Indiana, Ohio, Michigan, Maine, and the District of Columbia, under continuing contracts with Wallace Steel Corporation, and Triangle Steel, Inc., at Ithaca, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y. or Washington, D.C.

No. MC 128220 (Sub-No. 9) filed May 29, 1973 Applicant: RALPH LATHAM, doing business as, LATHAM TRUCKING COMPANY P.O. Box 508 Burnside, Ky. 42519 Applicant's representative: John M. Nader P.O. Box E Bowling Green, Ky. 42101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, wood chips, vermiculite, charcoal lighter fluid, and spices and sauces* used in outdoor cooking from Dothan, Ala., to points in Florida, Georgia, South Carolina, and Mississippi. Note: Applicant states that the requested authority can be tacked with its existing authority at Dothan, Ala. with its lead certificate from Burnside, Ky., and its Sub 7 from Cookeville, Tenn., to serve points in Alabama, but has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky. or Nashville, Tenn.

No. MC 128256 (Sub-No. 21) filed June 27, 1973 Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING 215 N. Maine Street Middlebury, Ind. 46540 Applicant's representative: Alki E. Scopelitis 815 Merchants Bank Building Indianapolis, Ind. 46204 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood and accesssories and supplies* used in the installation thereof, from the plant site of the Abitibi Corporation at Chicago, Ill., to points in Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 128381 (Sub-No. 7) filed June 28, 1973 Applicant: BLUE EAGLE TRUCK LINES, INC. P. O. Box 446 Highland Park, Ill. 60035 Applicant's representative: Patrick H. Smyth Suite 1000, 327 South LaSalle Street Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fire fighting equipment* and *parts*, and *equipment, materials and supplies* used in the manufacture, installation, distribution, and repair thereof, between Northbrook, Ill., on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii), under continuing contract with General Fire Extinguisher Corporation. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129325 (Sub-No. 6) filed June 11, 1973 Applicant: DIAZ MOTOR FREIGHT, INC. 2829 Frenchmen Street New Orleans, La. 70122 Applicant's representative: Edward A. Winter 235 Rosewood Drive Metairie, La. 70005 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in containers, from the plant site of International Tank Terminals, Ltd., located at or near St. Rose, La., to the New Orleans, La. docks. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 129350 (Sub-No. 26) filed June 25, 1973 Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS Box 212 Billings, Mont. 59103 Applicant's representative: Clayton Brown (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, from Dayton, Ohio, to Butte, Missoula and Helena, Mont. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings or Missoula, Mont.

No. MC 129974 (Sub-No. 9) filed June 25, 1973 Applicant: THOMPSON BROS., INC. P.O. Box 457 Toronto, S. Dak. 57268 Applicant's representative: F. H. Kroeger 2288 University Avenue St. Paul, Minn. 55114 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, cement containing asbestos fibre, and accessories* for the installation thereof, from the plantsite and storage facilities of Certain-teed Products Corporation at or near Bellefontaine Neighbors and Riverview, Mo., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin and Wyoming, under contract with Certain-teed Products Corporation. Note: Applicant also holds common carrier authority under MC 124408 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 133106 (Sub-No. 30), filed June 14, 1973. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th St., P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fire prevention sprinkler systems and fire prevention sprinkler systems parts, accessories, and attachments, and tools, devices and apparatus* used in the installation and erection thereof, (2) *pipe fittings, pipe connections, pipe hangers, castings and valves*, from the plantsite and warehouse facilities of ITT-Grinnell Corp., located at or near Clito, Ga., to points in the United States (except Alaska and Hawaii), and (3) *materials, tools, devices and apparatus* used in the fabrication, assembly, and installation of the commodities described in (1) and (2) above, from points in the United States (except Alaska and Hawaii), to the plantsite and warehouse facilities of ITT–Grinnell Corp., located at or near Clito, Ga., under continuing contract with ITT–Grinnell Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Atlanta, Ga.

No. MC 133562 (Sub-No. 14) filed June 15, 1973 Applicant: HOLIDAY EXPRESS CORPORATION P.O. Box 115 Estherville, Iowa 51334 Applicant's representative: Basil Roberts, Jr. (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 & 766 (except hides and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co., at Humboldt, Iowa, to

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points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the above named plantsite and storage facility. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133689 (Sub-No. 30) filed May 24, 1973 Applicant: OVERLAND EXPRESS, INC. 651 First Street, S.W. P.O. Box 2667 New Brighton, Minn. 55112 Applicant's representative: Daniel C. Sullivan 327 South Lasalle Street Chicago, Ill. 60604 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes, potato products and potato byproducts* (except commodities in bulk), from Caribou and Presque Isle, Maine, to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Kentucky, Indiana, Michigan, Ohio, West Virginia, Tennessee, New York (except points east of I–81) and Pennsylvania (except points east of U.S. Highway 219). Note: Applicant holds contract carrier authority under MC 76025 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133937 (Sub-No. 14) filed June 25, 1973 Applicant: CAROLINA CARTAGE COMPANY, INC. P.O. Box 6726, Sta. B Greenville, S.C. 29606 Applicant's representative: Steven L. Weiman 1730 M St., N.W. Suite 501 Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), between Atlanta, Ga., and Charlotte, N.C., restricted to traffic having a prior or subsequent movement by air. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Columbia, S.C., Atlanta, Ga., or Charlotte, N.C.

No. MC 134323 (Sub-No. 54) filed June 25, 1973 Applicant: JAY LINES, INC. 720 N. Grand Street Amarillo, Tex. 79105 Applicant's representative: Gailyn Larson P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Arizona, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, New Hampshire, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia, under contract with Missouri Beef Packers, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Amarillo, Tex.

No. MC 134370 (Sub-No. 10) filed June 6, 1973 Applicant: OSBORNE TRUCKING CO., INC 1008 Sierra Dr. Riverton, Wyo. 82501. Applicant's representative: Robert S. Stauffer 3539 Boston Road Cheyenne, Wyo. 82001 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials* (except in bulk, in tank vehicles) from Denver, Colo., to points in Wyoming, and those in that part of Nebraska located on and west of U.S. Highway 83. Note: Applicant also holds contract authority in MC 133741 and subs thereunder, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Casper, Wyo., or Denver, Colo.

No. MC 134599 (Sub-No. 83) filed June 25, 1973 Applicant: INTERSTATE CONTRACT CARRIER CORPORATION P.O. Box 748 Salt Lake City, Utah 84110 Applicant's representative: Richard A. Peterson P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber, rubber products, tires and equipment*, and *materials and supplies* used in the manufacture and production thereof, between Eau Claire, Wis., Peoria, Ill., Minneapolis-St. Paul, Minn., and Lenexa, Kans., on the one hand, and on the other, points in the United States (except Alaska and Hawaii), under continuing contract with Uniroyal, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134783 (Sub-No. 7) filed June 21, 1973 Applicant: DIRECT SERVICE, INC. P.O. Box 786 Plainview, Tex. 79072 Applicant's representative: Charles J. Kimball 2310 Colorado State Bank Bldg. 1600 Broadway Denver, Colo. 80202 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen bakery products and snack foods*, from the plantsites of Midwest Biscuit Company at or near Burlington, Iowa, to points in Oklahoma, Texas, Arizona, New Mexico, Colorado, Kansas, Arkansas, Louisiana, Tennessee, Minnesota, Kentucky, Missouri, Nebraska, Michigan, Ohio, Pennsylvania, New York, New Jersey, California, and Indiana. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or St. Louis, Mo.

No. MC 134824 (Sub-No. 3) filed July 2, 1973 Applicant: FOREST PRODUCTS TRANSPORTS, INC. 216 Newsom Building Columbia, Miss. 39429 Applicant's representative: Harold D. Miller, Jr. 700 Petroleum Building P.O. Box 22567 Jackson, Miss. 39205 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips*, from the plant sites of Georgia-Pacific Corporation located at or near Columbia, Roxie, and Bay Springs, Miss., to the plant site or facilities of Georgia-Pacific Corporation at or near Port Hudson, La., (2) *lumber*, from the plant site of Georgia-Pacific Corporation located approximately 8 miles north of Columbia, Miss. (near Goss Community, Miss.), to points in Missouri, Illinois, Iowa, Indiana, Kentucky, Arkansas, and Texas, and (3) *lumber*, from the plant sites of Georgia-Pacific Corporation at or near Roxie and Bay Springs, Miss., to points in Alabama, Louisiana, Tennessee, Georgia, Florida, Missouri, Illinois, Iowa, Indiana, Kentucky, Arkansas, and Texas, under a continuing contract or contracts with Georgia-Pacific Corporation. Note: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss. or New Orleans, La.

No. MC 134872 (Sub-No. 7) filed May 14, 1973 Applicant: GOSSELIN EXPRESS LTD. 141 Smith Blvd. Thetford Mines Quebec, Canada Applicant's representative: John J. Brady, Jr. 75 State Street Albany, N.Y. 12207 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos*, in bags, from the ports of entry on the International Boundary line between the United States and Canada, located at Champlain, N.Y. and Derby Line, Vt., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Maryland, Delaware, Ohio, Pennsylvania and Michigan. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a haring is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 135609 (Sub-No. 4), filed June 20, 1973 Applicant: FRED W. MOHOLLAND Box 98 Princeton, Maine 04668 Applicant's representative: Frederick T. McGonagle 36 Main St. Gorham, Maine 04038 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cardboard corrugating medium*, from the port of entry on the International Boundary line between the United States and Canada, located at or near Calais, Maine, to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts (except Winchendon and Fall River), Rhode Island (except Pawtucket), New York (except West Hempstead, Ridgewood and Corning) and New Jersey (except Newark), and to Jefferson, Ohio and Richmond, Va., and (2) *waste cardboard*, from points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts (except Worcester, Salem and Chelsea), Rhode Island, New York and New Jersey, to the port of entry on the International Boundary line between the United States and Canada located at or near Calais, Maine, under contract with Lake Utopia Paper, Ltd., of St. George, New Brunswick, Canada. Note: If a hearing is deemed necessary, applicant requests it be held at Augusta or Portland, Maine.

No. MC 136121 (Sub-No. 3) filed June 4, 1973 Applicant: BRISCOE TRUCKING COMPANY, INC. P.O. Box 45388 Tulsa, Okla. 74145 Applicant's representative: Wilburn L. Williamson 280 National Foundation Life Bldg. 3535 N.W. 58th Street Oklahoma City, Okla. 73112 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bed springs, bedstead rails, cots and cot frames, unupholstered daybeds, bed frames, springs and spring assemblies, metal sleeper fixtures and materials used in the manufacture of the foregoing commodities*, (1) from Springfield, Mo., and Hominy, Okla., to Winchester, Ky., Los Angeles, Calif., and points in and Arizona; and (2) from Carthage, Mo., to Winchester, Ky., and Los Angeles, Calif. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 136176 (Sub-No. 3) filed July 5, 1973. Applicant: INDEPENDENT TRANSPORTATION, INC., Kanopolis, Kans. 67454. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt, salt products and materials and supplies* used in salt, agricultural, water treatment, food processing, wholesale grocery and institutional supply industries when shipped in mixed loads with salt and/or salt products, between points in Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, and Illinois, and (2) *products and commodities* used in the manufacture, production, and distribution of salt and salt products, from points in Montana, Wyoming, North Dakota, South Dakota, Kansas, and Oklahoma to the plantsite and warehouse facilities utilized by Independent Salt Company at or near Kanopolis, Kans., restricted in (1) and (2) above against the transportation of liquid commodities in bulk, in tank vehicles, under a continuing contract or contracts with Independent Salt Company. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Topeka, Kans.

No. MC 136312 (Sub-No. 2) filed June 25, 1973. Applicant: HASKELL FOODS COMPANY OF OKLAHOMA, INC. P.O. Box 277 Haskell, Okla. 74436 Applicant's representative: James B. Blair, 111 Holcomb Street, Springdale, Ark. 72764. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (a) from Haskell, Okla., to points in Illinois and Tennessee, and (b) from points in Arkansas, Illinois, Kansas, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas, to Haskell, Okla., under contract with RJR Foods, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City, Okla., Kansas City, Mo., or Dallas, Tex.

No. MC 136407 (Sub-No. 3) filed June 21, 1973. Applicant: COORS TRANSPORTATION COMPANY, a Corporation, 5101 York Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese and cheese products, pizza materials and supplies*, (a) from points in California to Denver, Colo., and Chappell and Superior, Nebr., and (b) between Denver, Colo., and Chappell and Superior, Nebr., and (2) *standardized milk* in mixed loads with cheese, from Lemoore and Stockton, Calif., to Denver, Colo., and Chappell and Superior, Nebr., under a continuing contract or contracts with Leprino Cheese Co., restricted traffic originating at or destined to facilities of Leprino Cheese Co., and further restricted to traffic moving in vehicles equipped with mechanical refrigeration. Note: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 136530 (Sub-No. 2) filed June 12, 1973 Applicant: NORBET TRUCKING CORP. 100 Nassau Terminal Road New Hyde Park, N.Y. 11040 Applicant's representative: E. Stephen Heisley 666 Eleventh Street, N.W. Washington, D.C. 20001 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and materials, equipment, and supplies* (except commodities in bulk) used in the manufacture, distribution, and production of iron and steel articles, between Baltimore, Md., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Ohio, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, the District of Columbia, North Carolina, South Carolina, Tennessee and Kentucky. RESTRICTIONS: (1) The above authority is restricted to traffic originating at or destined to the facilities of American Strip Steel, Incorporated at Baltimore, Md.; and (2) restricted to the transportation of traffic moving under continuing contractor contracts with American Strip Steel, Incorporated, New Hyde Park, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136640 (Sub-No. 4) filed June 19, 1973 Applicant: ROBERT L. ALLEN/doing business as R. ALLEN TRANSPORT P.O. Box 321 Pocomoke City, Md. 21851 Applicant's representative: S. Michael Richards 44 North Avenue Webster, N.Y. 14580 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen onion rings* from diced, fresh onions, when moving in mixed shipments with agricultural commodities otherwise exempt from economic regulations under Section 203(B)(6) of the Act, from Boston, Mass., to points in Alabama, Arkansas, Florida, Louisiana, and Tennessee, and (2) *canned foods*, from Hallwood, Va., to points in California, Montana, Oregon and Washington, under contract with Boston Bonnie, Inc. and John W. Taylor Packing Co., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass. or Washington, D.C.

No. MC 136946 (Sub-No. 1) filed May 29, 1973 Applicant: GLEN MAR, INC. 2606 N.E. 102nd Street Vancouver, Wash. 98665 Applicant's representative: Nick I. Goyak 404 Oregon National Building 610 S.W. Alder Portland, Oreg. 97205 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned seafoods* when transported with commodities partially exempt pursuant to the provisions of Section 203(b)(6) of the Interstate Commerce Act, (1) from South Bend and Ocean Park, Wash., to Denver, Colo., Hutchison, Wichita, and Kansas City, Kans., Minneapolis, Minn., Chicago, Ill., Indianapolis, Ind., Detroit, Mich., Cleveland, Ohio, Grand Rapids, Mich., and Buffalo and Syracuse, N.Y., and (2) from South Bend and Ocean Park, Wash., to points on the International Boundary line between the United States and Canada, at or near Blaine, Wash., under contract with East Point Seafood Company. Note: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg. or Seattle, Wash.

No. MC 138175 (Sub-No. 1) filed June 8, 1973 Applicant: JOSEPH E. McCARTNEY 185 Commercial Street Portland, Maine 04111 Applicant's representative: Frederick T. McGonagle 36 Main Street Gorham, Maine 04038 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen fruits, frozen berries and frozen vegetables*, from the ports of entry located on the International Boundary line between the United States and Canada at or near Calis and Houlton, Maine, and the International port of entry at Portland, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Florida, West Virginia, and Michigan; and Albany and Buffalo, N.Y.; Pottstown, Morgantown, Philadelphia, Peach Glen, and Scranton, Pa.;

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Portsmouth, Va.; St. Louis and Kansas City, Mo.; and Mankado and Minneapolis, Minn.; and (2) *corrugated containers, plastic and metal pails, tubs, cans, and cartons* used for the packaging of frozen foods, from Pottstown, Pa.; Putnam, Conn.; Somerville, Mass.; and Portland, Maine, to the ports of entry located on the International Boundary line between the United States and Canada located at or near Calais and Houlton, Maine, and to the International Port of Entry at Portland, Maine, under contract with Christy Corps, Inc., Bedford, Mass. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 138184 (Sub-No. 1) filed May 22, 1973 Applicant: WALLACE TRUCKING COMPANY a Corporation Route 4 Box A71 Laurinburg, N.C. 28352 Applicant's representative: John Arch Wallace (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment* used in planting, detasseling and harvesting corn and other grains, between points in Florida, North Carolina, Indiana, Illinois, Iowa and Michigan. Note: If a hearing is deemed necessary, applicant requests it be held at Laurinburg or Raleigh, N.C.

No. MC 138218 (Sub-No. 1) filed June 25, 1973 Applicant: MID-CITY FREIGHT LINES, INC. Route 1 Sibley, Mo. 64088 Applicant's representative: Frank W. Taylor, Jr. 1221 Baltimore Avenue Kansas City, Mo. 64105 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc and aluminum castings*, from the plantsite of Lyons Diecasting Company at or near Buckner, Mo., to points in Iowa, Nebraska, Illinois, Missouri, Kansas, Ohio, Indiana, Wisconsin, Oklahoma, Georgia, Kentucky, Tennessee and West Virginia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 138258 (Sub-No. 1) filed May 24, 1973 Applicant: JAMES D. WILCOX 201 Depot Street Boone, N.C. 28607 Applicant's representative: Douglas W. Greene 102 East King Street P.O. Box 629 Boone, N.C. 28607 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Electrical parts and components*, having a prior or subsequent movement by air between Lansing, N.C. and Tri-City Airport, near Blountville, Tenn.; from Lansing over North Carolina Highway 194 to junction U.S. Highway 221 at West Jefferson, N.C.; thence south over U.S. Highway 221 to junction U.S. Highway 421 at Deep Gap, N.C.; thence over U.S. Highway 421 to junction U.S. Highway 321 via Boone, N.C., thence westward over U.S. Highway 321 to Hampton, Tenn., to junction U.S. Highway 19E; thence north-westward over U.S. Highway 19E to junction U.S. Highway 11E near Bluff City, Tenn.; thence westward over Tennessee Highway 37 to Blountville, Tenn., to junction Tennessee Highway 75; thence southward over Tennessee Highway 75 to Tri-City Airport, and return over the same route. Note: If a hearing is deemed necessary, applicant requests it be held at either Boone; Winston-Salem or Charlotte, N.C.

No. MC 138393 (Sub-No. 2) filed June 24, 1973 Applicant: CUSTOM SAND & GRAVEL HAULING, INC. Rt. 1, Box 716 Rapid City, S.D. 57701 Applicant's representative: James W. Olson 506 West Boulevard Rapid City, S.D. 57701 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel and aggregate*, in end dump trucks only, from points in Pennington and Fall River Counties, S.D., to points in Sioux, Dawes, Box Butte, Sheridan, and Cherry Counties, Nebr. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S.D.

No. MC 138569 (Sub-No. 2) filed June 22, 1973 Applicant: DAVID BRAITHWAITE AND DENNIS BRAITHWAITE, a Partnership, doing business as BRAITHWAITE TRUCKING 3819 Sunset Drive Rapid City, S. Dak. 57701 Applicant's representative: Ronald Clabaugh 818 St. Joseph St. Rapid City, S. Dak. 57701 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock, sand and gravel products*, (except hydrated lime, limestone mineral filler (limestone dust), or similar lime and limestone products which must be transported in covered or closed trailers), from points in Pennington and Fall River Counties, S. Dak., to points in Dawes, Sioux, Box Butte, Sheridan and Cherry Counties, Nebr. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Rapid City, Pierre, or Sioux Falls, S. Dak.

No. MC 138618 (Sub-No. 1) filed June 5, 1973 Applicant: FRANKLIN LUMBER COMPANY, INC. P.O. Box 416 Russellville, Ala. 35613 Applicant's representative: D. H. Markstein, Jr. 512 Massey Building Birmingham, Ala. 35203 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, resawn, from Jasper, Double Springs and Russellville, Ala., to points in Florida, Tennessee, Kentucky, Ohio, Indiana, Michigan, Illinois, Georgia, Wisconsin, Missouri, Iowa, Mississippi, Minnesota, New York and Pennsylvania, under a continuing contract with TMA Forest Products Division of Tennessee River Pulp & Paper Company. Note: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala. or Washington, D.C.

No. 138683 filed April 27, 1973 Applicant: SERV-ALL MOTOR FREIGHT, INC. 34 Union Avenue Clifton, N.J. 07011 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07036 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, and materials, equipment and supplies* used or useful in the manufacture and sale of plastic articles (except commodities in bulk), between the warehouse of the Pantasote Co. at Passaic and Newark, N.J., on the one hand, and, on the other, points in Connecticut, Pennsylvania and New York (except New York, N.Y.), under a continuing contract with Pantasote Co. Note: Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Newark, N.J.

No. MC 138696 (Sub-No. 2) filed July 11, 1973 Applicant: LESTER GRAY Box 372 Bemidji, Minn. 56601 Applicant's representative: F. H. Kroeger 2288 University Avenue St. Paul, Minn. 55114 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fence pickets*, from Redby, Minn. to Bay City and Gladstone, Mich., Dallas and Fort Worth, Tex., Fowler, Ohio, Oklahoma City, Okla., West Des Moines, Iowa and points in Maryland, under contract with Red Lake Chippewa Fence Company. Note: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 138725 filed May 9, 1973 Applicant: BOB'S WINDOW CLEANING SERVICE, INC. 14 Park Avenue Salem, N.H. 03079 Applicant's representative: Robert E. Tomes (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-negotiable checks and sealed envelopes, data process papers and computer tapes*, between points in Maine, Massachusetts, New Hampshire and Vermont. Note: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 138812 filed June 8, 1973 Applicant: RONALD DeBOER (unnumbered) Sherry, Wis. 54478 Applicant's representative: Edward Solie Executive Bldg.—Suite 100 4513 Vernon Blvd. Madison, Wis. 53705 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Sherry (Wood County), Wis., to points in the United States (except Alaska and Hawaii), limited to a transportation service performed under a continuing contract, or contracts, with Sherry Dairy, Ltd., of Sherry, Wis. Note: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 138815 (Sub-No. 1) filed June 13, 1973 Applicant: MERCHANTS DELIVERY, INC. 411 Monroe St. Nashville, Tenn. Applicant's representative: Frank D. Hall Suite 713 3384 Peachtree Rd., N.E. Atlanta, Ga. 30326 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment and supplies*, sold, used or distributed by a manufacturer of cosmetics, from Nashville, Tenn., to points in Stewart, Montgomery, Robertson, Sumner, Macon, Trousdale, Smith, Wilson, Humphreys, Dickson, Cheatham, Davidson, Cannon, Rutherford, Williamson, Hickman, Perry, Decatur, Wayne, Lawrence, Gile, Maury, Marshall, Lincoln, Bedford, Coffee, Franklin, Lewis, Moore and Houston Counties, Tenn., under contract with Avon Products, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 138817 filed June 1, 1973 Applicant: STEPHEN W. KETCHUM doing business as KETCHUM TRUCKING COMPANY, P.O. Box 464 Pontiac, Mich. 48056. Applicant's representative: William B. Elmer 21635 East Nine Mile Road St. Clair Shores, Mich. 48080, Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles, snowmobiles, and all-terrain vehicles and parts and accessories*, for the foregoing, when moving with motorcycles, snowmobiles and all-terrain vehicles, from the International Ports of Entry located in Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, New Jersey, Delaware, Pennsylvania, New York, Massachusetts, Ohio, Michigan, Indiana, Illinois and Wisconsin, to Pontiac, Mich., under contract with Anderson Sales & Service, Inc., restricted to traffic having a prior movement by water in foreign commerce. Note: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 138822 (CORRECTION) filed May 14, 1973, and published in the FR issue of July 12, 1973, and republished, as corrected, this issue. Applicant: ROY GERNER & SONS, INC. R. D. # 1 Cabot, Pa. 16023 Applicant's representative: Kenneth R. Davis 999 Union Street Taylor, Pa. 18517 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats*, from Denison, Cedar Rapids, Ottumwa, and Estherville, Iowa, points in Kentucky and points in the New York, New York Commercial Zone as defined in the fifth supplemental report in the *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemptions provided as Section 203(b)(8) of the Act I (exempt zone), to the facilities of Kress-Dobkin Co., Inc., located at or near Pittsburgh, Pa., subject to the condition that the transportation of traffic originating in the New York, New York Commercial Zone shall be restricted to that having an immediately prior movement by water. RESTRICTION: Restricted to the transportation of traffic originating at the points set forth in the above-described authority and destined to the facilities of Kress-Dobkin Co., Inc., located at or near Pittsburgh, Pa. Note: Applicant states that the purpose of this application is to convert its Permit in MC 129970 into a Certificate of Public Convenience and Necessity. Further, the purpose of this republication is to clearly and correctly set forth the restriction that the transportation of the above-named commodities originating in the New York, New York Commercial Zone shall be restricted to that having an immediately prior movement by water, which was inadvertently omitted in the previous FR notice. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 138849 filed June 11, 1973 Applicant: WILLIAMS MACHINERY MOVERS INC. 248-47 Jamaica Avenue Bellerose (Queens), N.Y. 11426 Applicant's representative: Arthur J. Piken One Lefrak City Plaza Flushing, N.Y. 11368 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printing, bindery and box making machinery, equipment and parts*, (1) between points in the New York, N.Y. Commercial Zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone) and points in Hudson and Essex Counties, N.J., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Connecticut, Massachusetts, Rhode Island, Ohio, and the District of Columbia, and (2) between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Connecticut, Massachusetts, Rhode Island, Ohio, and the District of Columbia, under a continuing contract with Heidelberg Eastern Inc. Note: Applicant has currently filed a Motion for Dismissal. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138871 (Sub-No. 1) filed June 25, 1973 Applicant: PADELFORD TRUCKING CORP. 1370 County Road 8 Canandaigua, N.Y. 14424 Applicant's representative: S. Michael Richards 44 North Ave. Webster, N.Y. 14580 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in bulk, in tank vehicle, and foodstuffs), between points in New York on the one hand, and, on the other hand, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia under contract with Nero Equipment at Canandaigua, N.Y.; Cicero Sports Equipment, Inc. at Brewerton, N.Y.; Galens Mfg. Corp. at Clyde, N.Y.; O. G. Schwarz Corp., and Radiant Electric Inc. at Rochester, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 138897 filed June 25, 1973 Applicant: JOSEPH D. BLACKBURN, doing business as BLACKBURN TRANSPORTATION P.O. Box 2250 Bowling Green, Ky. 42101 Applicant's representative: John M. Nader P.O. Box E Bowling Green, Ky. 42101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building brick, and concrete block*, unloaded by mechanical devices furnished by the carrier, from Nashville and Franklin, Tenn., to points in Warren, Barren, Simpson, Logan, Butler, Edmonson, Allen, Hart, and Muhlenberg Counties, Ky. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

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No. MC 3647 (Sub-No. 444) filed June 3, 1973 Applicant: TRANSPORT OF NEW JERSEY a Corporation 180 Boyden Avenue Maplewood, N.J. 07040 Applicant's representative: John F. Ward (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Essex and Passaic Counties, N.J., Fort Lee, Englewood, Teaneck and Hackensack, N.J., and those in that part of Paramus, N.J. on and south of New Jersey Highway 4, and extending to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Vermont and Virginia. Note: Applicant also holds a broker license in MC 12668. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 138525 (Sub-No. 1) filed June 15, 1973 Applicant: PRINCETON MESSENGER SERVICE, INC. U.S. Route 1 Princeton, N.J. 08540 Applicant's representative: Harold G. Hernly, Jr. 118 North St. Asaph St. Alexandria, Va. 22314 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, between the site of the Mobil Technical Center located near Pennington (Mercer County), N.J., on the one hand, and, on the other, New York, N.Y., under a continuing contract or contracts with Mobil Research and Development Corporation (an affiliate of Mobil Oil Corporation). Note: Applicant also holds common carrier authority under MC 136446 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

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No. MC 138798 filed May 10, 1973 Applicant: KEN L. POLLOCK Route 11 Hunlock Creek, Pa. 18621 Applicant's representative: Edward Schmeltzer 1140 Connecticut Avenue, N.W. Suite 1100 Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, in buses, who also tender their automobiles to the applicant for transportation on separate auto transporters; but the transportation of any passenger will not be provided unless the passenger arrives at the applicant's terminal in an automobile which is tendered to the applicant for transportation to the passenger's destination: (1) From applicant's terminal located in the Metropolitan Washington, D.C. area to applicant's terminal located at St. Augustine, Fla., over Interstate Highway 95; and return over the same route; (2) From applicant's terminal located in the Boston Metropolitan area to applicant's terminal located at St. Augustine, Fla., commencing over Interstate Highway 95 to the entrance to the New Jersey Turnpike, thence over the New Jersey Turnpike to its Exit No. 1, located near Pennsville, N.J., thence over Interstate Highway 295 to its intersection with Interstate Highway 95 near Wilmington, Del., thence over Interstate Highway 95; and return over the same route; and (3) From applicant's terminal located in the Chicago Metropolitan area to applicant's terminal located at St. Augustine, Fla., commencing over Interstate Highway 80 to its intersection with Interstate Highway 65 in the vicinity of Gary, Ind. thence over Interstate Highway 65 to its intersection with Interstate Highway 24 located at or near Nashville, Tenn., thence over Interstate Highway 24 to its intersection with Interstate Highway 75 located at or near Chattanooga, Tenn., thence over Interstate Highway 75 to its intersection with Interstate Highway 10 in the vicinity of Lake City, Fla., thence over Interstate Highway 10 to its intersection with Interstate Highway 95 at Jacksonville, Fla., thence over Interstate Highway 95; and return over the same route. Note: If a hearing is deemed necessary, applicant requests it be held at Wilkes Barre or Harrisburg, Pa.

No. MC 138707 (Sub-No. 1) filed June 1, 1973 Applicant: W. L. WILLCOXON doing business as: YELLOW CAB CO. OF JUNCTION Box 2065 Grand Junction, Colo. 81501 Applicant's representative: Stockton and Lewis The 1650 Grant St. Bldg. Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Grand Junction, Colo., on the one hand, and, on the other, points on the Colorado River in Grand County, Utah and Mesa County, Colo. West of Grand Junction, Colo. Note: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 138829 filed June 4, 1973 Applicant: ALLAN J. McDONALD, LIMITED 1602 Jane Street Cornwall, Ontario, Canada Applicant's representative: Morton E. Kiel 5 World Trade Center, Suite 6193 New York, N.Y. 10048 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, between points on the International Boundary line between the United States and Canada located at points in New York and Michigan, on the one hand, and, on the other, points in and east of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi, restricted to traffic originating at Cornwall, Ontario, Canada and its environs. Note: If a hearing is deemed necessary, applicant requests it be held at Plattsburgh or Syracuse, N.Y.

No. MC 138856 filed June 18, 1973 Applicant: CONTINENTAL FRONTIERS, INC. 1 Sherman Square New York, N.Y. 10023 Applicant's representative: John P. Tyan 65–12 69th Place Middle Village, N.Y. 11379 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special or charter operations from points in the New York, N.Y. Commercial Zone and Barre, Vt., to points in the United States, including Alaska (but excluding Hawaii), and return. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16392 Filed 8-8-73;8:45 am]

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PART II

EXPORT-IMPORT BANK

■

STANDARDS OF CONDUCT

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Title 12—Banks and Banking

CHAPTER IV—EXPORT-IMPORT BANK OF THE U.S.

PART 400—STANDARDS OF CONDUCT

Part 400 has been revised and updated in order to insure consistency with current Federal statutes and Civil Service Commission and other regulations. Part 400 as it appears below replaces the corresponding Part which appears in Chapter IV of Title 12 of the Code of Federal Regulations.

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AUTHORITY: E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR E.O. 11222; 5 CFR 735.104.

§ 400.735–1 General.

(a) Subparts A through C of this Part 400 are issued to direct attention of Bank employees to certain important provisions of statute, in particular Public Law 87–849 effective January 21, 1963, relating to bribery, graft, and conflicts of interest, and to Executive Order 11222, dated May 8, 1965—Prescribing Standards of Ethical Conduct for Government Officers and Employees, and to set forth additional rules which each Bank employee must observe. The references to statutes appearing in Subparts A through C are not intended to be complete and the comments are not intended to be exhaustive. Therefore, even though Bank employees shall be expected to conduct themselves in accordance with Subparts A through C, they shall not regard these requirements as the entire expression of the highest standards of conduct and integrity.

(b) Subpart D of this part prescribes procedures governing the appointment and utilization of other than regular full-time Bank employees, and standards of conduct for persons appearing before the Bank other than as officers or employees of the Bank and standards of conduct applicable to special Government employees.

(c) Subpart E of this part prescribes procedures for the submission of statements of employment and financial interests.

Subpart A—Regular Full-Time Bank Employees—Standards of Conduct

§ 400.735–5 Gifts, gratuities, entertainment, and favors.

(a) *Constitutional and Statutory.* (1) Criminal statutes prohibit a Bank employee from soliciting or receiving anything of value for himself or another in return for being influenced in the performance of an official act (18 U.S.C. 201).

(2) Criminal statutes prohibit a Bank employee from soliciting or receiving for himself anything of value for or because of any official act performed or to be performed by the Bank employee (18 U.S.C. 201).

(3) Criminal statutes forbid outside pay for Government work (18 U.S.C. 209).

(4) Statutes prohibit a Bank employee from soliciting contributions from another Bank employee for a gift to a Bank employee in a superior official position, prohibit a Bank employee from accepting a gift presented as a contribution from a Bank employee receiving less salary than himself, and prohibit a Bank employee from making a donation as a gift to a Bank employee in a superior official position (5 U.S.C. 7351). However, Civil Service Regulations provide that the foregoing does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(5) A Bank employee shall not request or otherwise encourage the tender of a gift or decoration from a foreign government, and a Bank employee shall not accept a gift, present, decoration, or other thing from a foreign government unless the employee has complied with appppropriate regulations issued by the Department of State (Article I, section 9, U.S. Constitution; 5 U.S.C. 7342; 22 CFR Part 3).

(b) *Rules and comment.* (1) Except as provided in paragraph (b) (2) of this section, a Bank employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(i) Has, or is seeking to obtain, contractual or other business or financial relations with the Bank; or

(ii) Has interests that may be substantially affected by the performance or nonperformance of the Bank employee's official duty.

In those cases in which the tender of any such gift, gratuity, or other thing of monetary value occurs under circumstances making the return thereof to the donor either impractical or impossible, or where it is considered that the return thereof would occasion embarrassment to the Bank, the Bank employee shall promptly deliver the item involved to the Vice President-Administration of the Bank. All such items delivered to the Vice President-Administration shall be disposed of by him in accordance with instructions of the Ethics Committee (see Subpart B of this part).

(2) Notwithstanding the foregoing, a Bank employee may:

(i) Accept gifts, entertainment, or favors given as a result of obvious family or personal relationships (such as those between parents, children, or spouse of the Bank employee and the Bank employee) when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(ii) Accept food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting (including functions sponsored by a government or an embassy and ceremonial functions), or on an inspection tour where such Bank employee is authorized by the Bank to be in attendance;

(iii) Accept loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans;

(iv) Accept unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value; and

(v) Accept table favors, mementos, remembrances, or other tokens bestowed at official functions and other gifts of minimal value received as souvenirs or marks of courtesy from a foreign government, the burden of proof being upon the recipient to establish that the gift is of minimal value (5 U.S.C. 7342; 22 CFR Part 3).

§ 400.735–6 Outside employment and other activities.

(a) *Statutory.* With certain exceptions, criminal statutes forbid a Bank employee, except in discharge of official duty, from representing anyone else before a court or a Government agency in a matter in which the United States Government is a party or has a direct and substantial interest, (18 U.S.C. 203 and 205).

(b) *Rules and comment.* (1) A Bank employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Bank employment. Incompatible activities include but are not limited to:

(i) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest; or

(ii) Outside employment which tends to impair his mental or physical capacity to perform his Bank duties and responsibilities in an acceptable manner.

(2) Bank employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law or regulations. However, a Bank employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Commission or Board of Examiners for the Foreign Service, that depends on information obtained as a result of his Bank employment, except when that information has been made available to the general public or will be made available on request, or when the President of the Bank gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(3) To assure that no possible conflict with Bank duties and interest shall arise, a Bank employee shall disclose the nature of all outside employment to the Ethics Committee and not undertake such employment unless the Ethics Committee shall approve.

(4) This § 400.735–6 shall not preclude a Bank employee from:

(i) Participating in discussions and meetings of a professional nature held outside of Washington to which such Bank employee has been invited and from receiving from outside sources bona fide reimbursement for actual expenses of travel and subsistence incurred in connection with his participation if such Bank employee's participation is not a part of his official duties at the Bank.

(ii) Accepting (unless prohibited by law) the unsolicited provision by others of transportation, lodging, or meals or the unsolicited reimbursement by others for the cost thereof, provided acceptance by the Bank employee was made while the Bank employee was on official travel status and was engaged in Bank business, provided the transportation, lodging, or meals which were provided or subject to reimbursement by others were not excessive in value and provided the Bank employee does not accept reimbursement from the Bank for such transportation, lodging, or meals. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B–128527 of the Comptroller General dated March 7, 1967.

(iii) Participating in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, non-profit educational and recreational, public service, or civic organization.

§ 400.735–7 Financial interest of Bank employee or connected person or entity.

(a) *Statutory.* Criminal statues prohibit a Bank employee from participating in any Bank matter in which, to his knowledge, he, his spouse, his minor child, his partner, or any organization in which he is employed or negotiating to be employed has a financial interest (18 U.S.C. 208).

(b) *Rules and comment.* (1) The law does not specify the minimum financial interest which gives rise to a conflict of interest. If a Bank employee has occasion to act upon a matter in which to his knowledge he (or a person or an organization with whom he is closely connected) has any financial interest (whether in the form of securities or otherwise) he shall disqualify himself from acting. However, the statute authorizes a waiver under certain circumstances. If a Bank employee believes that the circumstances warrant the issuance of a waiver, he shall, before proceeding to act, disclose fully such interest to the official responsible for his appointment. He shall then act upon the matter only after he has received a written determination by the appointing official that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Bank may expect from the Bank employee. The power of exemption shall be exercised by the appointing official after consultation with the Ethics Committee.

(2) A Bank employee shall not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his duties or responsibilities at the Bank.

§ 400.735–8 Confidential information.

(a) *Statutory.* Criminal statutes prohibit a Bank employee from disclosing, other than as provided by law, business information obtained through his employment, (18 U.S.C. 1905).

(b) *Rules and comment.* (1) A Bank employee shall not make available to anyone outside the Bank information or documents in the possession of the Bank and held by the Bank on a confidential basis.

(2) A Bank employee shall not engage in, directly or indirectly, financial transactions or further his personal interests, as a result of, or primarily relying upon, information obtained through his employment at the Bank.

(3) A Bank employee shall not make use or give the appearance of making use, or permit others to make use or give the appearance of making use, of official information not made available to the general public for the purpose of furthering a private interest.

(4) As a result of their official duties, Bank employees will frequently have access to business information of a confidential nature. Typically, this might involve expansion plans by companies seeking the Bank's financial assistance. Such information is disclosed for official use within the Bank and is made available for no other purpose than consideration of the loan application or other matters involved. Where such confidential business information might be compromised in responding to outside inquiries from apparently authorized or legitimate sources, such as other Government agencies, staff members should refer these inquiries to the Ethics Committee to determine whether the nature and circumstances of such inquiries justify disclosure of the particular information sought. Such information should be disclosed to part-time employees and consultants of the Bank only to the extent authorized by the officer responsible for the appointment of such part-time employee or consultant.

§ 400.735–9 Former employees.

(a) *Statutory.* Criminal statutes prohibit a former Bank employee from acting as agent or attorney, at any time, for anyone in connection with a particular matter in which the United States Government has an interest and in which he participated personally and substantially while at the Bank, or appearing personally as agent or attorney for anyone, within one year after leaving the Bank, in connection with a particular matter in which the United States Government has an interest and which was under his official responsibility during his last year at the Bank (18 U.S.C. 207).

(b) *Rules and comment.* When former Bank employees or former part-time or unpair officer or employees of the Bank are acting as representatives of firms or organizations dealing with the Bank, their representation must be disclosed to the Ethics Committee, and if the Ethics Committee determines that such representation would create a conflict of interest, it shall so notify the applicant.

§ 400.735–10 Preferential treatment.

A Bank employee shall not indicate to anyone with whom the Bank has dealings any preference among suppliers, attorneys, engineers, or consultants as regards goods, equipment, or services to be provided in connection with any Bank assistance. It is established Bank policy to avoid placing any person or firm in a preferential position with respect to obtaining orders or contracts for materials or services. It is recognized that borrowers, particularly foreign governments and firms, may in good faith seek the assistance of the Bank in selecting com-

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petent firms or consultants in connection with such matters as engineering surveys which might later form the basis for a loan application. If the interests of the Bank justify some guidance by the Bank itself in these situations, a list of qualified firms may be furnished upon determination by the Ethics Committee.

§ 400.735–11 Use of Government property.

A Bank employee shall not, directly or indirectly, use, or allow the use of, Bank property of any kind, including property leased to the Bank, for other than officially approved activities. An employee has a positive duty to protect and conserve Bank property, including equipment, supplies, and other property entrusted or issued to him.

§ 400.735–12 Personal financial integrity.

A Bank employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the Bank employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Bank determines does not, under the circumstances, reflect adversely on the Bank as his employer.

§ 400.735–13 Gambling, betting, and lotteries.

A Bank employee shall not participate, while on Bank-owned or leased property, or while on duty for the Bank, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

§ 400.735–14 General conduct prejudicial to the Bank.

A Bank employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Bank. A Bank employee shall avoid any action, whether or not specifically prohibited in this Subpart A, which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person;

(c) Impeding Bank efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making a Bank decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Bank.

§ 400.735–15 Courtesy.

A Bank employee shall conduct himself in a manner that will assure effective accomplishment of his responsibilities and must observe the requirements of courtesy, consideration, and promptness in dealing with those seeking the Bank's assistance.

§ 400.735–16 Miscellaneous Statutory provisions.

Attention of each Bank employee is directed to the following statutory provisions:

(a) The prohibition against a Bank employee participating in any manner in the deliberation or determination of any matter affecting his personal interests or the interests of any corporation, partnership, or association in which he is directly or indirectly interested, (12 U.S.C. 635a(e)).

(b) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B 12, the "Code of Ethics for Government Service".

(c) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest.

(d) The prohibition against lobbying with appropriated funds, (18 U.S.C. 1913).

(e) The prohibitions against disloyalty and striking, (5 U.S.C. 7311, 18 U.S.C. 1918).

(f) The prohibition against the employment of a member of a Communist organization, (50 U.S.C. 784).

(g) The prohibitions against the disclosure of classified information, (18 U.S.C. 798; 50 U.S.C. 783).

(h) The provision relating to the habitual use of intoxicants to excess, (5 U.S.C. 7352).

(i) The prohibition against the misuse of a Government vehicle, (31 U.S.C. 638a(c)).

(j) The prohibition against the misuse of the franking privilege, (18 U.S.C. 1719).

(k) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment, (18 U.S.C. 1917).

(l) The prohibition against fraud or false statements in a Government matter, (18 U.S.C. 1001).

(m) The prohibition against mutilating or destroying a public record, (18 U.S.C. 2071).

(n) The prohibition against counterfeiting and forging transportation requests, (18 U.S.C. 508).

(o) The prohibitions against:

(1) Embezzlement of Government money or property, (18 U.S.C. 641);

(2) Failing to account for public money, (18 U.S.C. 643); and

(3) Embezzlement of the money or property of another person in the possession of an employee by reason of his employment, (18 U.S.C. 654).

(p) The prohibition against unauthorized use of documents relating to claims from or by the Government, (18 U.S.C. 285).

(q) The prohibitions against political activities in subchapter III of chapter 73 of title 5, United States Code and 18 U.S.C. 602, 603, and 607.

(r) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act, (18 U.S.C. 219).

Subpart B—Implementation

§ 400.735–20 Dissemination.

The Vice President-Administration will cause all Bank employees to read Subparts A through C of this part at the time of their employment and at least annually thereafter. All Bank employees shall have read Subparts A through C not later than 60 days after the effective date of issuance.

§ 400.735–21 Ethics Committee.

A committee on ethics (the Ethics Committee) is hereby established. It shall consist of the First Vice President, as Chairman, the General Counsel, the Deputy General Counsel, and the Vice President-Administration of the Bank. All notices to the Ethics Committee shall be given to its Chairman, and only its Chairman or a person designated by him shall speak for the Ethics Committee. The Ethics Committee is authorized and directed to take the actions referred to in §§ 400.735–5(b)(1), 400.735–6(b)(3), 400.735–7(b)(1), 400.735–8(b)(4), 400.735–10, and 400.735–30(c). The Ethics Committee shall have the duty to assure that no appointment of a regular Bank employee is made if such appointment would create a conflict under § 400.735–6(b)(1) or § 400.735–7(b)(2).

§ 400.735–22 Counselor on Ethics.

The Chairman of the Ethics Committee shall serve as Counselor to the Bank and as the Bank's designee to the Civil Service Commission on matters covered by Subparts A through C of this part.

§ 400.735–23 Deputy Counselor on Ethics.

The General Counsel shall be Deputy Counselor on Ethics and shall be available to give authoritative advice and guidance to each Bank employee on matters covered by Subparts A through C of this part, including any matter arising under § 400.735–7(b)(2).

§ 400.735–24 Availability of counseling.

Each Bank employee may consult the General Counsel at any time during normal Bank hours for counseling on problems raised by Subparts A through C of this part.

§ 400.735–25 Complaints.

Complaints from any source concerning the subject matter of Subparts A through C of this part, whether emanating from within or outside the Bank, are to be submitted to the Chairman of the Ethics Committee.

§ 400.735–26 Disciplinary and other remedial action.

If a Bank employee violates any of the provisions of Subparts A through C of this part he shall be subject to the penalties provided by law, and to such additional disciplinary and other remedial action, including, among others, dismissal, suspension, or reduction in rank, as is appropriate. Disciplinary and other remedial action shall be effected in accordance with any applicable laws, Executive orders, and regulations.

Subpart C—Special Categories

§ 400.735–30 Bank employees who are required to submit statements of employment and financial interests.

(a) Statements of employment and financial interests shall be submitted by the following Bank employees:

(1) Every Bank employee paid at a level of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code, but not including the Bank employees who are subject to section 401(a) of Executive Order 11222, May 8, 1965;

(2) Those Bank employees in grades GS–13 and above under section 5332 of title 5, United States Code, who occupy positions the basic duties and responsibilities of which require the incumbent to be responsible for making a Bank decision or taking Bank action where the decision or action has an economic impact on the interest of any non-Federal enterprise;

(3) Those Bank employees in grades GS–13 and above under section 5332 of title 5, United States Code, who occupy positions which the Bank has determined have duties and responsibilities which require the incumbent to report employment and financial interests in order to avoid involvement in a possible conflicts-of-interest situation and carry out the purpose of law, Executive Order 11222 of May 8, 1965, 5 CFR Part 735 and this part; and

(4) Those Bank employees classified below GS–13 under section 5332 of title 5, United States Code, who are in positions which otherwise meet the criteria in paragraph (a)(2) or (3) of this section, on the basis that the inclusion has been specifically justified in writing to the Civil Service Commission as an exception that is essential to protect the integrity of the Government and avoid employee involvement in a possible conflicts-of-interest situation.

(b) The time and manner of submission of statements, and the procedures with respect thereto, are specified in Subpart E of this part.

(c) Any Bank employee who considers that his position has been improperly included among those requiring the submission of statements of employment and financial interests may submit the matter for review by the Ethics Committee created pursuant to § 400.735–21 of Subpart B of this part, or in accordance with the Bank's established procedures governing grievances and complaints as prescribed in Staff Memorandum No. 12, as revised, dated May 4, 1971.

(d) Employees in positions that meet the criteria in paragraph (a)(2) of this section may be excluded from the reporting requirements of this section when the Bank determines that:

(1) The duties of a position are such that the likelihood of the incumbent's involvement in a conflicts-of-interest situation is remote; or

(2) The duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Government.

§ 400.735–31 Bank employees other than regular full-time.

Most of the statutes on employees' conduct are applicable to all directors, officers, and employees of the Bank, whether full-time or part-time, whether employed or retained in a consulting capacity, and whether compensated or not. However, there are special provisions applicable to part-time officers and employees of the Bank with regard to their activities before Government agencies, and the prohibition against outside compensation does not apply to officers and employees who serve without pay or to certain officers and employees who serve part time. Administrative actions and rules applicable to other than full-time officers or employees of the Bank are covered by Subpart D of this part.

§ 400.735–32 Presidential appointees.

The rules set forth in Subpart A of this part are applicable to all Bank employees who were appointed to their positions by the President of the United States, except that for purposes of the determination by the official responsible for the Bank employee's appointment referred to in § 400.735–7(b)(1), members of the Board of Directors other than the President of the Bank shall have such determination made by the President of the Bank. In addition, such Bank employees are subject to the provisions of Part IV of Executive Order 11222 of May 8, 1965, relating to submission of statements by Presidential appointees and to the requirement that they not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Bank, or which draws substantially on official data or ideas which have not become part of the body of public information.

Subpart D—Procedures Applicable to Other Than Regular Full-Time Bank Employees and Certain Related Standards of Conduct

§ 400.735–40 Procedures governing appointment and utilization.

Pursuant to Executive Order 11222, dated May 8, 1965, and Part 735 of Civil Service Commission regulations (5 CFR Part 735), this section sets forth the procedures which shall be observed in appointing and utilizing advisors, consultants and part-time employees.

(a) No private person shall be requested to appear before the Bank to give advice, comment, or service to the Bank except upon initiative of the Bank.

(b) Whenever a private person is requested to appear before the Bank to give advice, comment, or service to the Bank, it shall be determined whether he will appear on his own behalf or in a representative capacity for some party outside the U.S. Government or whether his appearance is under circumstances making him an officer or employee of the Bank.

(c) If he is to appear other than as an officer or employee of the Bank, he shall be caused to read the "Standards of conduct for persons appearing before the Bank other than as officers or employees of the Bank" (§ 400.735–41).

(d) If he is to appear under circumstances making him an officer or employee of the Bank, he shall, prior to appointment, make disclosure, to the extent and in accordance with procedures specified by the Chairman of the Ethics Committee, of his private employment and financial interests. Such disclosure shall show, at least, all other employment (including the names of all corporations, companies, firms, State or local government organizations, research organizations, and educational or other institutions in which the prospective officer or employee is serving as employee, officer, member, owner, director, trustee, advisor, or consultant) and all financial interests which relate either directly or indirectly to the duties and responsibilities of the prospective officer or employee. The Chairman of the Ethics Committee shall inquire as to the duties of the prospective officer or employee and as to confidential information which in the execution of his duties must necessarily be made available to the prospective officer or employee. The Chairman of the Ethics Committee shall determine whether or not the proposed appointment is free from probable conflicts of interest, taking into consideration the likelihood that the appointee may have to act in his official capacity on a matter in which he or someone connected with him has a financial interest, the likelihood that he may have to act in his private capacity with respect to a matter on which he will act in his official capacity or which may be pending before the Bank during the term of his appointment, and the likelihood that the appointee in his official capacity will acquire information which would be significant to him and not otherwise available to him in his private capacity. The Chairman of the Ethics Committee shall consult with the other members of the Ethics Committee on any of the foregoing matters to the extent he deems appropriate.

(e) If the proposed appointment is free from probable conflicts of interest, the candidate shall be given an appointment in writing. This appointment shall not extend for more than 365 days. It shall be determined at the time he is appointed to serve whether or not the appointee is a "special Government employee" for purposes of Public Law 87–849. This determination shall be made upon consideration of these factors:

(1) Whether or not he held at any time during the 365 days preceding appointment another appointment for temporary duties as an officer or employee

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of the U.S. Government (including in that term the executive and legislative branches of the U.S. Government, any independent agency of the United States, and the District of Columbia). The Chairman of the Ethics Committee shall coordinate with the respective agency or agencies of the U.S. Government the classification of persons who hold or have held such other appointment or appointments.

(2) If he has held no other appointment, an estimate shall be made of the number of days on which he is expected to work for the Bank during the next 365 days. For this computation, parts of days on which duty is performed shall be counted as full working days and Saturdays, Sundays and holidays on which duty is performed shall be included.

(3) If he has held one or more other appointments: (i) An estimate shall be made for each 365-day period following the date of his other appointment or appointments of the number of days which the appointee is expected to work for the Bank during the remaining days of each such period; (ii) an estimate shall be obtained from each other agency where he has an appointment as to the number of days the appointee is expected to work for such other agency during the remaining days of the 365-day period following the date of his appointment at such agency; and (iii) the number of days shall be obtained which the appointee has actually worked for each other agency subsequent to his appointment at such agency.

(4) If he has held no other appointment and he is estimated to work for the Bank more than 130 days during the next 365, he shall be designated on the Bank's records as "part-time employee (other than special Government employee)." If he is estimated to work for the Bank 130 days or less during the next 365, he shall be designated on the Bank's records as a special Government employee.

(5) If he has held one or more other appointments and if the sum of the number of days worked or estimated to be worked on all such appointments and the Bank's appointment during any of the 365-day periods after any of these appointments is more than 130 days, he shall be designated on the Bank's records as "part-time employee (other than special Government employee)." If such sum is less than 130 days, he shall be designated on the Bank's records as a special Government employee.

(f) If he is designated as "part-time employee (other than special Government employee)," he shall be informed to that effect, shall be caused to read subparts A through C of this part, with the instruction that the statements therein (except, if he is serving without compensation, § 400.735-5(a)(3)) applicable to regular full-time Bank employees are equally applicable to him.

(g) If he is a special Government employee, he shall be informed to that effect and shall be caused to read the "Standards of conduct applicable to special Government employees," (§ 400.735-42).

(h) Each person who is retained or employed by the Bank and who is a special Government employee shall be advised of his obligation to keep the Bank informed of any additional appointments which he accepts to perform temporary duties as an officer or employee of the U.S. Government, and promptly after each such advice it shall be determined, pursuant to the procedures of paragraph (e) of this section, whether or not such person continues as a special Government employee. Each person who is retained or employed by the Bank and who is a special Government employee shall also be advised of his obligation to keep his statement of employment and financial interests current throughout his employment by the Bank by the submission of supplementary statements.

(i) Immediately after appointment of a person as an officer or employee of the Bank other than as a regular, full-time officer or employee of the Bank or after designation of a person who is to act as consultant to the Bank or who is to give advice, opinion, or service to the Bank in a capacity other than as a regular full-time director, officer, or employee, the appointing officer, in the case of an appointment, or the Chairman of the Ethics Committee, in the case of any such designation, shall advise all directors, officers, or employees of the Bank with whom the appointee or designee will deal as to the extent of confidential information to be made available to him with a view to avoiding as much as possible the disclosure of confidential information not needed for his functions or not available to his competitors in his private capacity or concerning the financial interest of himself or with which he is charged in his private capacity. The appointing officer shall instruct the appointee that information made available to him at the Bank must remain confidential in his hands and the Chairman of the Ethics Committee shall cause similar direction to be given to those utilizing the designee.

(j) Unless expressly provided otherwise, the determination required under the foregoing paragraphs shall be made by the officer who appoints or designates the individual in question upon consultation with the Chairman of the Ethics Committee.

(k) The Chairman of the Ethics Committee shall monitor the obligations of all advisors and consultants who do not hold appointments as officers or employees of the Bank. He shall advise those authorizing the services of such advisors and consultants of the requirements of this Subpart D with respect to such persons. Each appointing officer shall observe the requirements of this Subpart D in issuing each appointment as officer or employee of the Bank other than regular full-time employees of the Bank. After each such appointment the appointing officer shall be responsible for giving necessary advice and directions to permit fulfillment of the requirements of this Subpart D with respect to such appointment.

(l) If any officer or employee of the Bank, whether part-time or full-time, violates any of the rules set forth in this Subpart D, or in Subparts A through C of this part, to the extent such rules are applicable to such officer or employee, he shall be subject to the penalties provided by law and to such additional disciplinary action and other remedial action, including, among others, dismissal, suspension, or reduction in rank, as is appropriate. Disciplinary action and other remedial action shall be effected in accordance with any applicable laws, Executive orders, and regulations.

§ 400.735–41 Standards of conduct for persons appearing before the Bank other than as officers or employees of the Bank.

The following is intended for the guidance of persons who are requested to appear before the Export-Import Bank of the United States to give advice, comment, or service to the Bank but who are not appearing in the status of an officer or employee of the Bank:

(a) *Inside information.* (1) The first principle of ethical behavior for the temporary or intermittent consultant or advisor is that he must refrain from any use of his public office which is motivated by, or gives the appearance of being motivated by, the desire for private gain for himself or other persons, including particularly those with whom he has family, business, or financial ties. The fact that the desired gain, if it materializes, will not take place at the expense of the Bank makes this action no less improper.

(2) An advisor or consultant must conduct himself in a manner devoid of the slightest suggestion that he is exploiting his Bank connection for private advantage. Thus, a consultant or advisor must not, on the basis of any inside information, enter into speculation, or recommend speculation to members of his family or business associates, in commodities, land, or the securities of any private company. He must obey this injunction even though his duties have no connection whatever with the Bank programs or activities which may affect the value of such commodities, land, or securities. And, he should be careful in his personal financial activities to avoid any appearance of acting on the basis of information obtained in the course of his activities with the Bank.

(3) It is important for consultants and advisors to have access to Bank data pertinent to their duties and to maintain familiarity with the Bank's plans and programs and the requirements thereof, within the area of their competence. Since it is frequently in the Bank's interest that information of this nature be made generally available to an affected industry, there is generally no impropriety in a consultant's or advisor's utilizing such information in the course of his non-Bank activities after it has become so available. However, a consultant or advisor may, in addition, acquire information which is not generally available to those outside the Bank. In that event, he may not use such information for the special benefit of a business or other entity by which he is employed or retained or in which he has a financial interest.

(4) Consultants and advisors are encouraged to confer with appropriate persons at the Bank to assist them in the identification of information not generally available and in the resolution of any actual or potential conflict between duties to the Bank and to private employers or clients.

(5) Occasionally an individual who becomes a consultant or advisor to the Bank is, subsequent to his designation as such, requested by a private enterprise to act in a similar capacity. In some cases the request may give the appearance of being motivated by the desire of the private employer to secure inside information. Where the consultant or advisor has reason to believe that the request for his services is so motivated, he should make a choice between acceptance of the tendered private employment and continuation of his Bank consultancy. In such circumstances he may not engage in both.

(b) *Abuse of position.* An advisor or consultant shall not use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or persons with whom he has family, business, or financial ties.

(c) *Gifts.* An advisor or consultant shall not receive or solicit anything of value as a gift, gratuity, or favor for himself or persons with whom he has family, business, or financial ties, if the acceptance thereof would result in his loss of complete independence or impartiality in serving the Bank.

§ 400.735–42 Standards of conduct applicable to special Government employees.

The following is intended for the guidance of special Government employees who are working for the Bank:

(a) *Use of Government employment.* A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) *Use of inside information.* (1) A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this paragraph, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(2) A special Government employee is encouraged to engage in teaching, lecturing, and writing that is not prohibited by law or regulations. However, a special Government employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or the Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Bank employment, except when that information has been made available to the general public or will be available on request, or when the President of the Bank gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(c) *Coercion.* A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

(d) *Gifts, entertainment, and favors.* (1) Except as provided in paragraph (d)(2) of this section, a special Government employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other think of monetary value, from a person who:

(i) Has, or is seeking to obtain, contractual or other business or financial relations with the Bank; or

(ii) Has interests that may be substantially affected by the performance or nonperformance of the special Government employee's official duty.

In those cases in which the tender of any such gift, gratuity, or other thing of monetary value occurs under circumstances making the return thereof to the donor either impractical or impossible, or where it is considered that the return thereof would occasion embarrassment to the Bank, the special Government employee shall promptly deliver the item involved to the Vice President-Administration of the Bank. All such items delivered to the Vice President-Administration shall be disposed of by him in accordance with instructions of the Ethics Committee.

(2) Notwithstanding the foregoing, a special Government employee may:

(i) Accept gifts, entertainments, or favors given as a result of obvious family or personal relationships (such as those between parents, children, or spouse of the special Government employee and the special Government employee) when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(ii) Accept food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting (including functions sponsored by a government or an embassy and ceremonial functions), or on an inspection tour where such special Government employee is authorized by the Bank to be in attendance;

(iii) Accept loans from banks or other financial institutions on customary terms to finance proper and normal activities of employees, such as home mortgage loans; and

(iv) Accept unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(e) *Further disclosure.* If a special Government employee submitted to the Bank information as to his private employment and financial interests, he shall advise the Bank of any major change in such information promptly after such change has occurred. A special Government employee shall promptly advise the Bank of any additional employment with other Government agencies which he may have accepted after his appointment by the Bank.

(f) *Representation on certain matters.* No person, while carried on the Bank's records as a special Government employee, shall be permitted to act as agent or attorney for anyone in connection with a particular matter involving a specific party or parties.

(1) In which the United States is a party or has a direct and substantial interest and in which he has at any time participated personally and substantially as a Government employee or a special Government employee, or

(2) Which is pending before the Bank unless he has worked for the Bank, as of the day he acts, less than 61 days of the preceding 365 days (such exception not being applicable if such person has been disqualified with respect to the same matter at any previous time). For this computation, parts of days on which duty is performed shall be counted as full working days and Saturdays, Sundays, and holidays on which duty is performed shall be included.

(g) *Representation on matter worked on.* No person who is or once was carried on the Bank's records as a special Government employee shall be permitted to act as agent or attorney for anyone in connection with any matter which relates to the subject on which he is or was working at the Bank unless his thus acting as agent or attorney occurs with the knowledge and express written approval of the appointing officer responsible for his appointment.

(h) *Statements of employment and financial interest.* The President of the Bank may waive the requirement in § 400.735-40(d) for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when the Bank finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of paragraph (h) of this sections, "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include:

(1) A physician, dentist, or allied medical specialist whose services are pro-

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cured to provide care and service to patients;

(2) A veterinarian whose services are procured to provide care and service to animals; or

(3) A specialist appointed for intermittent confidential intelligence consultation of brief duration.

The rules set forth in §§ 400.735–52, 400.735–53, 400.735–54, and 400.735–55 shall apply in connection with the submission of statements of employment and financial interests by special Government employees.

(i) *Statutory provisions.* Attention is directed to the following statutory provisions:

(1) The prohibition against a Bank employee participating, in any manner, in the deliberation or determination of any matter affecting his personal interest or the interests of any corporation, partnership, or association in which he is directly or indirectly interested, (12 U.S.C. 635a(e)).

(2) The prohibition against bribes and related offenses, (18 U.S.C. 201).

(3) The prohibition against gifts among Government employees who are in the position of superior-subordinate to each other, (5 U.S.C. 7351).

(4) The prohibition against gifts and so forth from a foreign government unless authorized by State Department regulations, (Article I, section 9, U.S. Constitution; 5 U.S.C. 7342; 22 CFR Part 3).

(5) The prohibitions relating to conflicts of interests and related offenses, (18 U.S.C. 203, 205, 207, and 208).

(6) The prohibition against lobbying with appropriated funds, (18 U.S.C. 1913).

(7) The prohibitions against disloyalty and striking, (5 U.S.C. 7311, 18 U.S.C. 1918).

(8) The prohibition against the employment of a member of a Communist organization, (50 U.S.C. 784).

(9) The prohibitions against: (i) The disclosure of classified information, (18 U.S.C. 798, 50 U.S.C. 783); and (ii) the disclosure of confidential information, (18 U.S.C. 1905).

(10) The prohibition against the misuse of a Government vehicle, (31 U.S.C. 638a(c)).

(11) The prohibition against the misuse of the franking privilege, (18 U.S.C. 1719).

(12) The prohibition against fraud or false statements in a Government matter, (18 U.S.C. 1001).

(13) The prohibition against mutilating or destroying a public record, (18 U.S.C. 2071).

(14) The prohibition against counterfeiting and forging transportation requests, (18 U.S.C. 508).

(15) The prohibition against: (i) Embezzlement of Government money or property, (18 U.S.C. 641); (ii) failing to account for public money, (18 U.S.C. 643); and (iii) embezzlement of the money or property of another person in the possession of an employee by reason of his employment, (18 U.S.C. 654).

(16) The prohibition against unauthorized use of documents relating to claims from or by the Government, (18 U.S.C. 285).

(17) The prohibitions against political activities in subchapter III of chapter 73 of title 5, United States Code, and 18 U.S.C. 602, 603, and 607.

(18) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act, (18 U.S.C. 219).

Subpart E—Procedures for Submission of Statements of Employment and Financial Interests

§ 400.735–50 Applicability.

Pursuant to Executive Order 11222 dated May 8, 1965, and Part 735 of Civil Service Commission regulations (5 CFR Part 735), this Subpart E sets forth the rules which shall apply in connection with the submission of statements of employment and financial interests.

§ 400.735–51 Time and place for submission.

Statements referred to shall be submitted by all employees of the Bank (whether full-time or part-time) who are required to submit such statements on June 30 of each year. Employees who, after June 30, 1973, are appointed to a position requiring submission of such statements, shall submit such statements within 30 days after appointment. All statements shall be submitted to the Chairman of the Ethics Committee. Each employee who previously submitted any such statement shall submit a supplementary statement each June 30, regardless of whether or not there were occurrences which would require changes in, or additions to, information previously submitted, and shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, United States Code, or of this part.

§ 400.735–52 Form of statements.

Statements of employment and financial interests shall be submitted on standard forms provided by the Civil Service Commission, copies of which are available in the Personnel Office of the Bank. The following rules shall be observed in preparing the statements:

(a) The interest of a spouse, minor child, or other member of the employee's immediate household is considered to be an interest of the employee. For the purpose of paragraph (a) of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

(b) If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

(c) An employee is not required to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society of a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of paragraph (c) of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 400.735–53 Confidentiality of employees' statements.

The Bank shall hold each statement of employment and financial interests, and each supplementary statement, in confidence. To insure this confidentiality, the Chairman of the Ethics Committee is designated to review and retain the statements, and shall be responsible for the maintenance of the statements in confidence, and he shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part. The Bank may not disclose information from a statement except as the Civil Service Commission or the President of the Bank may determine for good cause shown.

§ 400.735–54 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similiar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

§ 400.735–55 Review of statements and remedial action.

All statements submitted to the Chairman of the Ethics Committee shall be reviewed by him in consultation with the other members of the Ethics Committee as he deems appropriate. If any statement or information from other sources discloses a conflict of interest, or an apparent conflict of interest, between the interests of an employee and the performance of such employee's duties at the Bank, the Chairman of the Ethics Committee shall give such employee an opportunity to explain such conflict, or apparent conflict, and if such explanation is not satisfactory, the Chairman of the Ethics Committee shall take such action as he deems appropriate to resolve such conflict, or apparent conflict. If the Chairman of the Ethics Committee is unable to resolve such conflict, or apparent conflict, he shall report the matter to the President of the Bank who shall then take appropriate remedial action to end such conflict, or apparent conflict. Remedial action may include, but is not limited to:

(a) Changes in assigned duties;

(b) Divestment by the employee of his conflicting interest;

(c) Disciplinary action; or

(d) Disqualification for a particular assignment.

Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations.

These regulations (Part 400) were approved by the U.S. Civil Service Commission on July 30, 1973, and are effective August 9, 1973.

HENRY KEARNS,
President and Chairman.

[FR Doc.73–16499 Filed 8–8–73;8:45 am]

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THURSDAY, AUGUST 9, 1973
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PART III

COST OF LIVING COUNCIL

■

ECONOMIC STABILIZATION PHASE IV

■

Final Price Regulations

No. 153—Pt. III——1

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Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Copper Scrap

Subpart D of the Cost of Living Council freeze regulations is amended by adding a new § 147.37 to exempt the price of copper scrap and copper based alloys scrap. The exempted items include: copper scrap, No. 1 wire; heavy yellow brass scrap; No. 1 composition (red brass) scrap; and all other grades of copper scrap. The Cost of Living Council has determined that this exemption is necessary to permit a continued supply of raw material to firms using the scrap for refining, smelting, casting, and extruding copper and its alloy.

Copper scrap and copper based alloy scrap is a raw material for a large number of firms. The scrap is essential to the production of these firms and, in many instances, the only suitable raw material.

The world price for copper, which follows the world price for gold and silver, has recently increased thereby causing an increase in the price of copper scrap and copper based alloy scrap as well. The one product which is an adequate substitute for copper scrap, refined copper, is currently in short supply because of disruptions in producing countries.

Export restrictions in other nations have, moreover, left the U.S. as the sole free market source of copper scrap and copper based alloy scrap. Due to the freeze and world market conditions an increased volume of exports of these scraps from U.S. sources has been generated, reducing the amount of raw material available to domestic users of the product.

The Cost of Living Council has therefore determined that the exemption of copper scrap and copper based alloy scrap is necessary to prevent further plant closures and curtailment of production by U.S. firms using the scrap in their production processes.

Because the purpose of these regulations is to provide immediate guidance as to a Cost of Living Council decision, I find that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit communications regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489; Cost of Living Council Order No. 30, 38 FR 16267)

In consideration of the foregoing, Chapter I of Title 6 of the Code of Federal Regulations is amended as follows, effective immediately.

Section 140.37 is added to 6 CFR Part 140 to read as follows:

§ 140.37 Copper scrap.

Prices for copper scrap and copper based alloy scrap are exempt.

Issued in Washington, D.C., on August 6, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

[FR Doc.73-16478 Filed 8-6-73;3:42 pm]

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Final Phase IV Regulations

The purpose of this amendment to Part 150 of the Cost of Living Council Regulations is to add Subparts A through K, and P.

On July 19, 1973, the Cost of Living Council established Part 150 and issued Subpart N in final form, 38 FR 19462 (July 20, 1973). On the same day the Council issued a notice of proposed rulemaking, 38 FR 19464 (July 20, 1973) setting out proposed Phase IV regulations, and inviting interested persons to submit written data, views or arguments.

The Council stated in the notice of proposed rulemaking that all comments received before July 31, 1973, would be considered by the Council before taking action on the proposed regulations. Six hundred and seventy-one comments were received before July 31, 1973.

Copies of each comment went to the attorney and the operations specialist or economic analyst who was responsible for the subpart with which the comment dealt. Many comments dealt with several subparts and thus were divided among Council personnel with responsibility for the different subparts. In addition, numerous consultations were held with affected groups of businessmen, consumers, attorneys, accountants, and others in Washington, D.C., Atlanta, New York City, San Francisco, Detroit and Chicago. Staff officials of the Council conducted an intensive reexamination of the regulations, independently as well as in light of the comments, in order to assure the maximum degree of clarity and consistency of the policy decisions that were made and of the regulations written to reflect these decisions. As a result of these efforts the final regulations contained numerous changes from the proposals that were published in proposed form on July 19, 1973.

Subpart A—General. Subpart A provides the scope and general rules of Part 150. It specifies which of the prior regulations are superseded and which temporarily remain in effect.

Subpart A provides that reports due under the Phase III regulations continue to be required for any reporting period ending before August 13, 1973, even though Phase III has ended for most firms.

Subpart A also reiterates the Phase III rule that contract renegotiation provisions which depend for their operation upon the modification or termination of the Economic Stabilization Program are rendered inoperative as inconsistent with the goals of that program.

Subpart A differs from the proposed version primarily in that it now contains general rules formerly set out in Subpart E. This change in location is designed to provide a clearer and more logical grouping of Phase IV provisions. The general price rule is added to subpart A and clarified by the addition of the concept of an "adjusted freeze price" which is defined in §§ 150.72, and 150.302.

A new section on profit margin limitation is added which explains that a single profit margin is used for all manufacturing, service, retailing and wholesaling activities of a firm except where particular regulations under this part (such as Subpart N—Construction) require separate computation of a profit margin. The profit margin rules which were formerly located in subparts E (for manufacturing and service activities) and K (for retailing and wholesaling activities) are continued in general but modified in several important respects. A firm which does not charge a price in excess of an adjusted freeze price is not subject to a profit margin limitation with respect to the first fiscal year ending after August 12, 1973. Also, charging a price pursuant to a contract entered into before the freeze does not subject a firm to a profit margin limitation. Finally, charging a price for a custom product or service will not subject that firm to a profit margin test if the revenues derived from the sale of the custom product or service amount to less than $10 million or less than 1 percent of its annual sales or revenues for the fiscal year, whichever is greater.

A new exclusion is provided which relieves from the profit margin test for a firm which, during its most recent fiscal year, derived both (1) 90 percent or more of its annual sales or revenues from the sales of exempt items or from exempt sales, and (2) less than $50 million of its annual sales or revenues from the sales of nonexempt items. Also, a profit margin overage will be excused by the Council to the extent that it can be demonstrated as being attributable to the sale of exempt items.

Subpart A adds two other new sections. The first permits a firm which has been authorized to adjust its base period profit margin pursuant to an exception granted before Phase IV to continue to calculate its base period profit margin pursuant to that exception. The second section explicitly retains the right of the Council to challenge Phase III price increases and to impose sanctions under the freeze regulations.

Finally, subpart A is changed by the addition of three sections, providing for criminal fines, civil penalties and injunctions. These sections continue the same general sanctions which were in force during the Phase III freeze.

Subpart B—Definitions. Subpart B contains the definitions of general applicability to this part. Definitions which are applicable only to one subpart are placed at the beginning of that subpart.

Subpart B differs from the proposed version primarily in that it includes definitions of "Base period profit margin", "Parent", "Price adjustment", and "Unconsolidated entity"; deletes definitions of "Controlled group", "Mass transportation system" (which is defined in Subpart P), "Pooling of interests", "Regulatory agency", "Spin-off", and "Split-off"; and makes substantial changes in the definitions of "Base period", "Firm", "Product line", "Profit margin", "Service line", and "Transactions".

The definition of "Base period" has been amended to separate the computation of base period profit margin from the definition of base period. A definition of "Base period profit margin" has been added. The base period profit margin must be computed in accordance with the firm's financial statement for the years used, but adjustments to those financial statements may be required to reflect changes in the firm's activities in accordance with the provisions of Subpart I. In addition, if in computing its base period profit margin, a firm uses a year ending during Phase II, in which the firm exceeded the applicable Phase II profit margin restrictions, the firm must reduce the operating income used in the computation to a level that would have been permitted had it been in compliance with the Phase II profit margin limitation. Consistent with Form CLC-22, a firm must deduct interest expenses on long and short-term debt in computing its operating income. Also, the phrase "cost of sales" has been changed to "cost of goods sold".

The definition of "profit margin" has been changed to reflect the changes in the definition of base period profit margin. Both definitions explicitly provide that for purposes of computing base period profit margin, a firm excludes revenues and costs attributable to items exempt under §§ 150.52, 150.53(b), 150.54(d)(3), 150.54(d)(4), and 150.56, and revenues and costs of insurance transactions subject to Subpart M.

The definition of "Firm" has been changed, and is designed to achieve the same results reached in Phase II. The language is also changed to reflect the fact that the Council uses different aggregations for purposes of applying the term "firm" in differing contexts in the forms and regulations. For example, for profit margin purposes, a "firm" is a parent and consolidated entities, while for determining price categories, the Council uses "firm" to mean parent and consolidated and unconsolidated entities.

"Item" has been changed to include not only sale but lease, and not only something offered for sale but something sold. The term "Manufacturer" has been changed to "Manufacturing" with no change in the definition, to be consistent with the change in usage from Phase III. Similar changes in terminology occur with "service activities," "retailing" and "wholesaling."

The definitions of "Pooling of interests," "Spin-off" and "Split-off" have been deleted since these terms are no longer used in the new provisions of subpart I relating to comparability of financial data.

Because of the change in the definition of firm, there are now definitions of "Parent," "Parent and consolidated entities" and "Unconsolidated entities."

Definitions of "Product line" and "Service line" are added which are consistent with the CLC-22, definition of product line.

"Retail firm" was deleted and incorporated into the subpart D exemption for small retail firms.

"Transaction" was changed to mean date of shipment in the case of products and date of performance in the case of service. This is consistent with the freeze rules.

This change reflects the fact that for purposes of calculating actual prices as of January 11, 1973, for the first CLC-2 required under Phase III rules, firms generally made their calculations on the basis of shipment prices as reflected on invoices. The change enables firms to use these calculations for determining base prices in Phase IV, and relieves them of the burden of performing new calculations. In addition, prices specified in contracts entered into prior to the freeze are declared allowable under § 150.76 of the final regulations.

Subpart C—Classifications. Subpart C classifies all firms as price category I, II or III, based upon the firm's annual sales or revenues. Specifically, a price category I firm is a firm with annual sales or revenues of $100 million or more. A price category II firm is one with annual sales or revenues of at least $50 million but less than $100 million. All others are price category III firms.

Subpart C has been changed to specify that, for determining price category, a firm includes a parent and the consolidated and unconsolidated entities which are directly or indirectly controlled by the firm.

Subpart D—Exemptions. Subpart D sets forth a list of the items, transactions, and firms which are exempt from various provisions of the Economic Stabilization Program. Certain clarifying and substantive changes have been made in the proposed regulations as follows:

In § 150.52(a), raw peanuts, shelled or unshelled, have been added to the list of those agricultural products the sale of which is exempt until processing occurs. The Council during the course of the Economic Stabilization Program has treated raw peanuts as subject to the general rule of § 150.52(a) since virtually all peanut products in the United States are processed in some form before being consumed. The omission of raw peanuts from the list of exempt products contained in the proposed regulation was inadvertent.

In § 150.52(a) milled lumber has been deleted from the listing of nonexempt items to remove any confusion which might arise as to the scope of the exemption for lumber under § 150.54(o). Millwork has been added as an example of a nonexempt lumber item.

Section 150.54(m) concerning long-term coal contracts has been broadened to apply to any contract to provide coal over a period of at least five years to a public utility. The proposed provision required that a coal contract be entered into after August 1, 1973, have a term of at least eight years, and be for the provision of coal to a public utility under the jurisdiction of a regulatory agency.

Section 150.54(o) concerning lumber has been amended to include tempered or untempered hardboard.

A new § 150.54(p) has been added to continue the exemption for prices charged for copper scrap and copper based alloy scrap which became effective during the latter part of the Phase III freeze.

With regard to the small business exemption in § 150.60, it should be noted that as a consequence of the shift forward in the time period for determining applicability, a firm which qualified for the exemption in Phases II and III may not qualify for the exemption as now formulated as a result of a change in its circumstances, such as growth in employment or sales.

Certain technical changes, e.g., to correct erroneous cross references, have also been made.

Subpart E—Manufacturing and service activities. Subpart E has been modified in several respects. Since the rules of general applicability have been removed to subpart A, subpart E now applies only to manufacturing and service activities. A "Scope" section has been added that makes clear that subpart E does not apply to those activities governed by particular regulations under this part (such as Subpart M—Insurance. However, a firm which is subject to Subpart E and which is also engaged in wholesaling and retailing activities governed by subpart K may treat those activities as manufacturing and service activities, if the firm's revenues from wholesaling and retailing amounted to both (1) less than $50 million, and (2) less than 10 percent of that part the firm's total revenues which were subject to subpart E in its most recently ended fiscal year.

A definition of "adjusted freeze price" has been included specifying those Phase III prices which may be charged in Phase IV without application of the Phase IV rules. This is a modification of the notion embodied in § 150.76(d) of the proposed regulations. The "adjusted freeze price" is, essentially, the maximum price permitted under the freeze regulations, modified to exclude from the freeze price temporary special sales, deals, and allowances which were required to be included under the freeze regulations. The "adjusted freeze price" takes into account exceptions granted during the freeze and the special freeze rules which allowed for seasonal pricing and higher prices on imported items. The general rule for price increases under subpart E, as now stated, is that any price may be charged for an item which does not exceed the adjusted

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freeze price of that item or the base price of that item, whichever is higher.

Where the base price is higher than the adjusted freeze price, a price above the base price may be charged only to recover on a dollar-for-dollar basis those net increases in allowable costs that have been incurred with respect to the product line or service line concerned since the base cost period and which the firm concerned continues to incur, subject to the productivity offset, the price reduction rule, and the profit margin limitation.

Where the adjusted freeze price is in excess of the base price, a price increase may be placed in effect only if the full extent of all price increases above the base price is cost-justified and is otherwise permissible under the Phase IV rules. This rule permits firms both to increase prices up to the adjusted freeze price level and to continue to charge prices at the adjusted freeze price level without application of the Phase IV rules.

A price category 1 firm which prenotifies its intent to apply a percentage price increase to a product line or service line, and any other firm which qualifies, by virtue of cost justification, to charge a percentage price increase to a product line or service line, must apply the percentage price increase on a weighted average basis so that, for any fiscal quarter, the weighted average of all price increases and price decreases in that product line or service line does not exceed the percentage price increase prenotified or otherwise permissible.

A new rule has been formulated for limiting the maximum price increase for any one item in applying the percentage price increase to the product line or service line on a weighted average basis. The item maximum is 110 percent of the adjusted freeze price or 110 percent of the base price of the item, whichever is greater, plus the percentage of cost justification times the adjusted freeze price or the base price, whichever is greater.

The price reduction rule, which requires price reductions when and to the extent that Phase IV price increases are no longer supported by increased costs (i.e., when costs decrease), remains essentially unchanged.

The rule in the proposed regulations concerning contracts entered into during the freeze has been altered with respect to the periods of time applied under that rule and has been moved to subpart H (Prenotification and Reporting) since that rule provided a temporary waiver of the prenotification requirement. The new contracts rule in subpart E applies to the price specified in a contract for the sale of an item entered into before 9:00 p.m., e.s.t., June 13, 1973, with respect to delivery or performance occurring after the beginning of Phase IV and before January 1, 1974. The new rule states that that contract price is allowable without regard to the Phase IV rules and without regard to profit margin limitation.

Subpart E concludes with the rule requiring that increases in allowable costs be reduced to reflect productivity gains. This rule remains essentially unchanged from Phase II.

The profit margin rule, previously set forth in subpart E, has been expanded and restated in subpart A.

Subpart F—Base price. Subpart F provides the rules for calculating base prices, including base prices for new items and custom products and custom services. These rules remain essentially unchanged. In general, the base price with respect to an item is the average price at which the item was lawfully priced in transactions with the class of purchaser concerned during the base price period. The average price is determined by dividing the net sales of that item by the quantity of the item sold or leased to the class of purchaser concerned during the base price period. The base price period is the last fiscal quarter which ended before January 11, 1973, in which transactions occurred with respect to the item and class of purchaser concerned. A provision has been added for using an accepted sampling method for calculating the base price of an item in certain circumstances.

Temporary special deals or temporary special allowances may now be excluded in computing the base price of an item. Along with this change, "temporary" has been defined to mean in effect for 31 days or less.

With respect to determining a base price for a new item, the rule as applied to firms engaged in wholesaling and retailing has been modified to provide that the product shall be priced within the merchandise or customer category into which the new product falls in accordance with subpart K.

The prenotification requirement provided in the proposed Phase IV rules with respect to new items has been eliminated. Subpart F now provides for quarterly reporting of new items when projected sales for all new items in the current fiscal year amount to $10 million or more. The requirement applies with respect to each new item with projected annual sales of $1 million or more. This regulation is designed to permit the Council to review whether items qualify as "new items" and whether the base price of new items has been determined in accordance with Subpart F.

Subpart G—Base cost and current cost. Subpart G establishes the rules for determining base costs and current costs.

Previously, the base cost of direct material and labor was the rate at which these costs were incurred on the last full day of business in the base cost period. The base cost period remains unchanged (the last fiscal quarter which ended before January 11, 1973, in which costs were incurred with respect to the product line or service line concerned). However, the base cost of labor is now the rate at which those costs were incurred on the first full day of business in the base cost period. With respect to all costs (including cost of direct labor) other than labor costs, the base cost now is also the rate at which those costs were incurred on the first full day of business in the base cost period. Unchanged is the rule that if base cost for all costs other than labor costs cannot reasonably be determined as stated above, the base cost is the average cost incurred throughout the base cost period.

Under the Phase IV rules as proposed, the current cost period was the fiscal quarter for which a quarterly report is required. For prenotification purposes, the current cost period was any representative period in which normal, recurring costs were incurred prior to the date of the prenotification document.

The current cost period for quarterly reporting purposes is now the last accounting month in the current fiscal quarter for which a quarterly report is required. The current cost period for price category III firms is the last accounting month in the current fiscal quarter for which compliance is being measured. The current cost period for prenotification firms is the last accounting month preceding the date of signature of the prenotification document except that with respect to labor and other costs which may be calculated as of a date certain, the rate at which these costs are incurred on the day which is the date of signature of the prenotification document may be considered as the rate on the last full day of the current cost period.

Except as indicated above, the rules for current costs for labor and all other costs continue unchanged. The rate on the last full day of business in the current cost period is used, except that, with respect to all costs other than labor costs, the average cost incurred throughout the current cost period may be used if current costs cannot reasonably be determined by the method prescribed.

Subpart H—Prenotification and reporting. The general prenotification rule, found in § 150.51(a), has been modified to require that a price category I firm may not increase the price for any item above the adjusted freeze price for that item or above its base price for that item, whichever is higher, until it has filed a notice of the proposed price increase with the Council and 30 days have elapsed since the filing of that notice. The section, as proposed, made reference only to increases above base price and a waiver of prenotification was provided for prices established pursuant to § 150.76(d) of the proposed regulations. The change is designed to eliminate ambiguity. It recognizes that for many firms, the adjusted freeze price will be higher than the base price and it is intended to make clear that the prenotification requirement applies only to increases above the higher of those two prices. In addition, § 150.151(a) has been amended to make clear that a notice of proposed price increase may be filed not only with respect to an item as to which a price increase is sought but also with respect to a product line which includes that item. This provision had been inadvertently omitted from the proposed regulations.

Section 150.151(b) has been modified in three major respects. First, § 150.151

(b)(2)(ii) as published in the notice of proposed rulemaking has been deleted. The purpose of that section has been accomplished in the first change of § 150.151(a) referred to above. A new section has been substituted which provides for waiver of prenotification with respect to prices specified in contracts which were entered into before the freeze began and which call for delivery or performance after the beginning of Phase IV and before January 1, 1974. Section 150.76 establishes the validity of these contract prices, and amended § 150.151(b)(2)(ii) makes clear that they are not subject to prenotification.

Second, a new § 150.151(b)(2)(iii) has been inserted which is similar in its basic purpose to § 150.92 of the proposed regulations but which has been modified in several respects. This provision is designed to waive prenotification with respect to the charging of a price specified in a contract entered into after the freeze began and before publication of these final regulations. Prices charged under these contracts must comply with Phase IV rules, but this provision waives the requirement of prenotification with respect to price increases charged for delivery or performance occurring after August 12 and prior to October 12, 1973. This establishes a 60 day period in which performance under these contracts may take place without prenotification.

Third, a new § 150.151(b)(2)(iv) has been added which is virtually identical to the PC–5 procedure or the so-called "multi-industry firm waiver" which was available during Phase II. The provision waives prenotification requirement for any price category I firm which had annual sales or revenues of less than $100 million within any industrial group in its most recently completed fiscal year, when the Council grants approval for such a procedure. The provision defines industrial groups as two-digit standard industrial classification (SIC) codes and specifies that a firm whose prenotification requirements are modified by operation of this provision remains subject to all the other rules of this part. To qualify, the firm must also show that each activity for which waiver is sought does not account for more than 5% of the market covered by the 4-digit SIC code applicable to that activity. Subsection 150.151(b)(2)(iv)(B) provides that, for a period of 60 days or until October 12, 1973, a firm which had received approval from the Price Commission under the predecessor rule and which has reason to believe it still qualifies for such treatment may avail itself of this procedure. Thereafter it may use the provision only if it has received authorization from the Council to do so.

Section 150.152 has been modified to make clear that a notice of price increase is considered to be filed with the Cost of Living Council when it is stamped and dated by the Council. Use of the term "accepted" in the proposed regulation caused concern among many persons commenting on the proposal that the Council would delay the start of the 30 day waiting period until it had reviewed the filing and determined that it was acceptable in a substantive sense. The amendment is intended to make it clear that this is not the case and that the ministerial act of date-stamping starts the running of the 30 day period.

Section 150.156 dealing with volatility is modified to provide in subsection (d), that preexisting volatility authorizations will be valid for a period of 60 days until October 12, 1973 rather than the 30 day period that was provided for in the notice of proposed rulemaking.

Section 150.161 has been changed in two respects. First, §150.161(a) has been modified to make reference to the forms and instructions issued by the Council which will set out more detail as to those matters which will be required to be filed in connection with the quarterly report. Second, a new §150.161(b)(4) has been added to provide that a firm which has not charged a price for any item above the base price of that item or above the adjusted freeze price for that item whichever is higher, may file a "certificate of no price increase" in lieu of a quarterly report.

Section 150.162 of the proposed regulations requiring an annual report to be filed by each price category III firm has been deleted. The Council concluded that the burden of compliance posed by such a requirement would significantly outweigh the benefits to be achieved. Moreover, price category III firms continue to be subject to all the rules of the Economic Stabilization Program and are required to maintain such records as may be necessary to demonstrate to a representative of the Economic Stabilization Program that they are in compliance with these rules.

Subpart I—Accounting and financial reporting requirements. Subpart I provides information on accounting and financial reporting requirements. It has been wholly changed from the proposed version. On the basis of comments received and its own experience, the council concluded that a restriction on a firm's profit margin that is tied to its profit margin in an earlier period, gives rise to distortions and unintended results when the firm's present operations are not comparable to its past operations because of intervening acquisitions, divestitures, liquidations or new operations.

The Council determined that if profit margin computations are to provide a meaningful comparison between the current period and the base period, it is necessary to restate the financial data on which the computations are based, whenever there is a pooling of interests, or other acquisition, divestiture, or discontinuation of operation. To reflect these decisions, subpart I now provides, in essence, that a firm must adjust its financial data to reflect acquisitions of divestitures of separate accounting entities whenever these changes require restatement of disclosure in a filing with the SEC. Adjustments must also be made when the changes would require restatement or disclosure in a filing with the SEC were it not for the fact that the firm does not file reports with the SEC, or that there is a lack of materiality.

Subpart I also provides that when a firm's operations have substantially changed in nature, in ways other than acquisitions or divestitures, the firm may request an exception to allow it to adjust its profit margins.

Finally, the requirement in proposed § 150.172 that certain firms must obtain the services of an independent public accountant to perform certain procedures set out in Part 105, has been deleted as unnecessary.

Subpart J—Special rules. The former provision governing loss and low profit relief has been divided into two sections. Section 150.201 deals with exemptions from the requirements of prenotification and cost justification, while § 150.202 provides relief from firms with a loss, or a low base period profit margin.

Section 150.201 sets forth a special pricing rule for any firm which, in its current fiscal year, projects that its profit margin will be less than a minimum profit margin. This represents a change from the proposed regulations which allowed only those firms which had 90% or more of their revenues derived from manufacturing, retail or wholesale activities or 90% derived from service activities to qualify for the low profit rule.

The minimum profit margin allowed is similar to that set forth in the proposed regulations. A firm with at least 90% service activity has a minimum profit margin allowed of 1%. All other firms, including any firm with less than 90% in service activities have a minimum profit margin allowed which is between 3 percent and .2 percent depending upon the firm's capital turnover ratio.

To qualify for this section, a Price Category I or Price Category II firm must submit to the Council sufficient financial data to support its position as a loss-low profit firm. Thirty days after the Council has received such data, the firm may price pursuant to this section. During the 30-day time period, the Council may suspend, modify or disapprove a firm's submission for such reasons as insufficient or inaccurate financial data. A Price Category III firm must prepare sufficient financial data to support its position as a loss and low profit firm and must maintain the data at its principal place of business. However, a Price Category III firm need not submit this information to the Council nor wait the 30 days prior to pricing under this section. This waiver of the 30-day time period for Price Category III firms reflects a change from the proposed regulations.

A firm which qualifies for this rule may price without respect to the cost justification requirements in subparts E and K and without respect to the prenotification requirements of subpart H. However, if the firm increases the wages or salaries of any of its officers or employees or owners or relatives of an owner in excess of general wage and salary standard as computed in accordance with economic stabilization regulations, authority to use this section terminates.

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Authority to price pursuant to this section ends at the close of the fiscal year or sooner, if the firm has achieved its maximum profit margin allowed or approaches it within .01% at an annual rate.

Section 150.202 provides relief to firms with a loss or low base period profit margin. It allows a firm to calculate and use as its base period profit margin a minimum profit margin. Calculations of the minimum profit margin allowed is similar to the calculations made for the loss and low profit rule. However, the firm must use financial data from its two best base period years in making these calculations. The adjustment to base period profit margin that is provided in this section was included in the proposed low profit rules. It has been placed in a separate section for purposes of clarification.

Section 150.203 is amended to make clear that a person may price pursuant to the seasonality rule without prenotifying price increases pursuant to the provisions of subpart H. The special rules for marketing cooperatives and purchasing cooperatives have not been changed from the proposed rules.

Subpart K—Retailers and wholesalers. Subpart K sets forth rules applicable to retailing and wholesaling activities. These regulations contain several changes, some of them substantive and others merely editorial in nature, from the proposed regulations published by the Cost of Living Council on July 18, 1973.

Section 150.301 has been amended by deleting as surplusage the reference to subpart L and by deleting proposed paragraph (b) to avoid any suggestion that no other provisions in Part 150 applies to retailers or wholesalers.

Proposed § 150.302 has been deleted. Regulations pertaining to the retailing or wholesaling of meat and other food products will be issued by the Council at a later date.

The definitions section has been renumbered as § 150.302 and contains a new term, "adjusted freeze price" which is defined in § 140.2. In addition for an item sold in a catalogue, the adjusted freeze price is the price specified in a catalogue printed prior to July 18, 1973. The definitions of "customer category" and "merchandise category" have been merged into the one term "category". The definition of "pricing entity" has been amended to clarify the intent of the Council that the appropriate pricing entity is the lowest level of organization at which the initial pricing decisions are made, regardless of whether these decisions may later be modified at a lower organizational level with the firm.

The major substantive change in this subpart is the inclusion of customary initial percentage markups (CIPMs) as a means of control. The Council received numerous comments suggesting that the CIPM method be allowed, in addition to the gross margin method, because so many firms traditionally use the former system. Accordingly, this subpart has been amended, where appropriate, to pertain to CIPMs as well as gross margins.

The new § 150.303 sets out the methods to be used in computing CIPMs and gross margins. The formulae are self-explanatory.

The general rule of § 150.304 has been amended in several respects. First, it has been changed to provide that no price may be increased above the adjusted freeze price (rather than above the base price, as provided in the proposed rules) until, in the case of a Tier I or Tier II firm, the retailer or wholesaler has submitted the merchandise pricing plan or, in the case of a Tier III firm, it has completed its merchandise pricing plan.

The second change contained in this section, as discussed above, is the inclusion of CIPMs as an acceptable control mechanism under this subpart. Whether a retailer or wholesaler chooses to be controlled by either the CIPM system or the gross margin system, he must still exercise control on a category basis.

However, the provisions of this subpart do not require a retailer or wholesaler who has traditionally priced his goods on an item-by-item basis to change that practice. He may continue to price in that manner, but his compliance with this subpart will be controlled on the basis of categories in accordance with the rules set forth herein.

In sum, the general rule now provides that a retailer or wholesaler must control his prices so that for any fiscal quarter his CIPM or gross margin for each category does not exceed the higher of (1) his CIPM or gross margin for each category during the same quarter of the base period or (2) his base period CIPM or gross margin. Further, his CIPM or gross margin for any fiscal year may not exceed his base period CIPM or gross margin. Also, the firm may not exceed, both food products and non-food prod- during any year, its base period profit margin.

A new provision has been added to the general rule stating that if a retailer or wholesaler does not increase the price for any item within a category above the adjusted freeze price, the CIPM or gross margin limitations for that category do not apply.

Finally, a new provision has been added to the general rule which makes clear that the retailer or wholesaler of both food products and non-food products remains subject to the requirements of subpart M of Part 130 or subpart I of Part 140, with respect to the sale of the food products.

The rules for the establishment of categories are now contained in § 150.305. This section is very similar to the corresponding section in the proposed rules. A change has been made in paragraph (b) to clarify the Council's intent that if, because of a retailer's or wholesaler's normal accounting and management practices, it could not group its items into the categories listed in Appendix A, it may form merchandise categories of all related items sold within the same general description and include those categories in its merchandise pricing plan. A sentence has been added to paragraph (d) of this section setting forth the rule for computing CIPM's or gross margins for manufacturing or service activities. In the case of manufacturing activities, CIPM's or gross margins shall be computed on the basis of direct material costs, and in the case of service activities they shall be computed on the basis of direct material and labor costs.

Section 150.306 specifies what must be put into a merchandise pricing plan for price category I and price category II firms. This section, too, is very similar to the corresponding section in the proposed rules, with the added recognition of CIPM's as an allowable basis for control. Paragraph (a) (4) has been amended to make clear that a retailer or wholesaler selling many different products need not include a list of all of those products in its merchandise pricing plan, but rather may list them by product line.

A new § 150.307 has been added pertaining to the merchandise pricing plans of firms selling both food and non-food products. As stated above, this subpart does not apply to the retailing or wholesaling of food products subject to subpart M of part 130 or subpart I of part 140. Therefore, to the extent possible a retailer's or wholesaler's categories should not include meat or other food products, but rather should be limited to nonfood items. If, however, because of the firm's customary pricing practices, it is impossible to separate the food and non-food items, the food products may be included in the firm's merchandise pricing plan. However, notwithstanding their inclusion in a merchandise pricing plan, food products remain subject to the pricing rules of subpart M of part 130 and subpart I of part 140.

Section 150.308 pertaining to incomplete and nonconforming plans has been modified in two ways. The corresponding proposed regulations implied that immediately upon receipt of notification by the Council that a firm's merchandising pricing plan is not acceptable a firm could no longer increase any prices. This provision has been clarified to state that the Council shall determine on a case-by-case basis whether a retailer or wholesaler shall be prohibited from making price increases pending the submission of an acceptable merchandise plan, and shall notify the firm of its determination.

Paragraph (b) of this section allows the Council, in certain situations, to order a reduction of prices to adjusted freeze prices (rather than to base prices as stated in the proposed regulations).

Proposed regulation 150.308 has been renumbered 150.309 and retitled. As proposed, this section provided that once a firm's merchandise pricing plan has been approved by the Council, the firm must use the specified CIPMs or gross margins in controlling its prices and in filing the reports required by the Council. As restated, this section provides that the firm must begin controlling its prices according to the plan as soon as it is submitted.

Proposed regulation 150.309 has been renumbered 150.310. This section is substantively the same as the proposed section, with the appropriate amendment to reflect the use of CIPMs.

§ 150.311 contains the reporting requirements and is different from the proposed regulation. Under this section, quarterly reports for price category I and price category II firms must be filed within 45 days after the end of each fiscal quarter and the year-end report must be filed within 90 days after the end of each fiscal year. The annual reporting requirement for price category III firms has been deleted.

§ 150.312 is a new provision. This section addresses three problems that may be experienced by retailers and wholesalers in complying with the provisions of this subpart. The first problem is one which may arise if a firm is unable to exclude exempt items from its merchandise categories. In such a case, if a retailer or wholesaler exceeds his allowable CIPMs or gross margins for a category, the Council shall excuse the overage to the extent that the firm can demonstrate that the overage is attributable to the sale of exempt items. The second problem involves prices specified in contracts entered into prior to 9:00 p.m., e.s.t., June 13, 1973, under which performance occurs after August 12, 1973 and before January 1, 1973. This section provides that to the extent that a retailer or wholesaler can demonstrate that an overage in his allowable CIPMs or gross margins is attributable to the charging of such prices, the Council will excuse that overage. The third problem is one created by temporary unforeseen changes in product mix. In this case, the Council may take into account such temporary unforeseen changes in product mix in determining whether a retailer or wholesaler is in violation of the limitations prescribed in § 150.304(c) (1) or (2).

Finally, § 150.313 provides for the repurification of quarterly violations. A new paragraph has been added providing for the repurification of fiscal year and fourth quarter violations. This section has also been modified to reflect CIPMs in addition to gross margins.

Subpart P—Mass transportation systems. Subpart P has not been changed from the version found in the Notice of Proposed Rulemaking except for minor technical changes.

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended by adding the subparts which are set forth below, effective August 13, 1973.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473, E.O. 11730, 38 FR 19345, Cost of Living Council Order No. 14, 38 FR 1489)

Issued in Washington, D.C. on August 6, 1973.

JOHN T. DUNLOP,
Director, Cost of Living Council.

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

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AUTHORITY: Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.

Subpart A—General

§ 150.1 Scope.

(a) Except as provided in paragraph (b) of this section and in § 150.2, this part supersedes the price rules in Parts 130 and 140 of this chapter, effective 11:59 p.m., e.s.t., August 12, 1973.

(b) The price rules of Part 130 of this chapter remain effective until 11:59 p.m. e.s.t. September 12, 1973, with respect to sales of food subject to Subpart F of that part and with respect to sales of meat subject to Subpart M of that part. Part 140 of this chapter also remains effective with respect to sales of food and meat subject to Subpart I of that part until 11:59 p.m., e.s.t., September 12, 1973.

(c) Any report required to be filed with the Council under Part 130 or any rule, order or regulation of the Council in effect on August 12, 1973 for any reporting period which ended on or before that date and which was not filed by that date, shall be filed with the Council in the form and within the time in which it would have been filed pursuant to Part 130 of this chapter. Forms required to be completed and placed among the records of a firm on a quarterly basis pursuant to Part 130 for any quarter which ended prior to August 13, 1973, shall be completed and filed among the firm's records in the form and within the time in which

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it would have been required to be so filed pursuant to Part 130 of this chapter.

(d) Price renegotiation provisions in price or rent contracts which depend for their operation upon the modification or termination of the Economic Stabilization Program, were previously declared to be inoperative as unreasonably inconsistent with the goals of the Economic Stabilization Program. Such renegotiation provisions continue to be inoperative on the same ground. This part shall not operate to permit:

(1) A retroactive increase in prices or rents for goods or services sold or leased while those prices or rents were subject to past or present provisions of this title, or

(2) A prospective increase in prices or rents under the terms of a contract subject to a decision and order issued at any time pursuant to this title, except to the extent consistent with such decision and order.

(e) This part does not apply to economic transactions which are not prices within the meaning of the Act. Examples of transactions not within the meaning of the Act are:

(1) State or local income, sales and real estate taxes;

(2) Workmen's compensation payments;

(3) Welfare payments;

(4) Child support payments; and

(5) Alimony payments.

(f) The Council may permit any exceptions, exemptions or reclassification that it considers appropriate with respect to the requirements prescribed in this part. Requests for exceptions or exemptions from the requirements of this part shall be submitted in accordance with the provisions of Part 105 of this chapter.

(g) This part applies to:

(1) Economic units and transactions in the several States and the District of Columbia; and

(2) Sales of goods and services by firms in the several States and the District of Columbia to firms in the Commonwealth of Puerto Rico.

§ 150.2 Procedures and remedies applicable to certain Phase II and Phase III matters.

(a) Paragraphs (a) and (b) of § 130.7 of this chapter remain effective with respect to Phase II matters.

(b) The procedures and remedies under Part 130 of this chapter remain in effect with respect to all matters which were subject to that part before August 13, 1973, and with respect to all matters referred to in § 150.1(c).

(c) The procedures and remedies specified in Subparts E through H of Part 140 of this chapter remain in effect with respect to all matters which were subject to that part before August 13, 1973.

§ 150.3 Adjusted base period profit margins.

Any firm which has been authorized to adjust its base period profit margin pursuant to an exception granted under the authority of the Economic Stabilization Program prior to August 13, 1973 may continue to calculate its base period profit margin pursuant to that exception notwithstanding any other provision of this part.

§ 150.10 General rules.

(a) No firm (including an individual) may charge a price with respect to any sale or lease of an item after August 12, 1973, which exceeds the base price, adjusted freeze price or other price authorized under this part for that item.

(b) No firm (including an individual) may knowingly pay a price with respect to any sale or lease of an item which exceeds the base price, adjusted freeze price or other price authorized under this part for that item. However this paragraph does not apply to the sale or lease of an item to any firm (including an individual) under circumstances of economic or other coercion in which the buyer or lessee, because of his need for that property or service, had no reasonable alternative but to pay the illegal price, and he reports the sale or lease to the International Revenue Service for investigation promptly.

(c) No firm (including an individual) may take retaliatory action against any other firm (including an individual) that files or manifests an intent to file a complaint of alleged violation of, or that otherwise exercises any rights conferred by, the Economic Stabilization Act of 1970, as amended, any provision of this part, or any order issued under this Act. For the purposes of this paragraph, "retaliatory action" means any action contrary to the purpose or intent of the Economic Stabilization Program and may include a refusal to continue to sell or lease, any reduction in quality, any reduction in quantity of services or products customarily available for sale or lease, any violation of privacy, any form of harassment, or any inducement of others to retaliate.

§ 150.11 Profit margin limitation.

(a) *Scope.* A firm shall compute a single profit margin for all of its manufacturing, service, retailing and wholesaling activities except where particular regulations under this part (such as Subpart N, Construction) require separate computation of a profit margin. For the purposes of this section, a firm is either (1) a parent and its consolidated entities or (2) an unconsolidated entity.

(b) *Applicability.* This section applies to all activities of a firm, including manufacturing, service, retailing and wholesaling, except those activities subject to particular regulations under this part (such as Subpart N, Construction) which require computation of a separate profit margin.

(c) *General rule.* Except as otherwise provided by this section, a firm which, with respect to its manufacturing or service activities, charges a price for any item in excess of the base price for that item in any fiscal year, or with respect to its retailing or wholesaling activities, charges a price for any item in excess of the adjusted freeze price for that item in any fiscal year, may not for the fiscal year in which the price increase is charged, exceed its base period profit margin.

(d) *Special rules.* (1) A firm which does not charge a price for any item in excess of the adjusted freeze price for that item is not subject to a profit margin limitation with respect to the first fiscal year ending after August 12, 1973.

(2) The charging of an allowable price or prices pursuant to § 150.76 and § 150.312(b) does not subject the firm which charges that price or those prices to a profit margin limitation.

(3) The charging of a price for a custom product or custom service pursuant to § 150.104 of this part does not subject the firm which charges that price to a profit margin limitation with respect to the first fiscal year ending after August 12, 1973, if its sales or revenues derived from the sale or lease of custom products and custom services amount to less than $10 million or less than 1 percent of its annual sales or revenues for that fiscal year, whichever is greater.

(e) *Exclusion.* A firm which during its most recent fiscal year derived both (1) 90 percent or more of its annual sales or revenues from the sales of exempt items or from exempt sales and (2) less than $50 million of its annual sales and revenues from the sale or lease of nonexempt items, is not subject to a profit margin limitation for the next ensuing fiscal year.

(f) *Relief from profit margin averages.* If a firm's activities subject to the profit margin limitations of this section include both items exempt under Subpart D and nonexempt items and the firm exceeds the profit margin limitations of this section, the Cost of Living Council shall for purposes of determining compliance with this section, excuse the overage to the extent the firm can demonstrate that the overage is attributable to the sale of exempt items.

§ 150.15 Phase III price levels.

Nothing in this part shall be construed as waiving or foreclosing the right of the Council pursuant to Subpart J of Part 130 of this Chapter to challenge Phase III price increases, whether charged or contracted for; or the right to seek or impose sanctions, remedial orders, or other relief pursuant to Subparts E, F, or G of Part 140 of this Chapter with respect to Phase III freeze matters.

§ 150.20 Violations.

Any practice which constitutes a means to obtain a price higher than is permitted by the regulations in this part is a violation of the regulations in this part. Such practices include, but are not limited to, devices making use of inducements, commissions, kickbacks, retroactive increases, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, trade understandings, falsification of records, substitution of inferior commodities or failure to provide the same services and equipment previously sold.

§ 150.21 Sanctions.

(a) Whoever willfully violates any order or regulation under this part shall be subject to a fine of not more than $5,000 for each violation.

(b) Whoever violates any order or regulation under this part shall be subject to a civil penalty of not more than $2,500 for each violation.

§ 150.22 Injunctions and other relief.

Whenever it appears to the Council that any person has engaged, is engaged, or is about to engage in any acts or practices which constitute particularly flagrant violations of any order or regulation issued under this part, the Council may immediately request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices. The relief sought may include a mandatory injunction commanding any person to comply with any such order or regulation and restitution of moneys received in violation of any such order or regulation.

Subpart B—Definitions

§ 150.31 Definitions.

"Act" means the Economic Stabilization Act of 1970, as amended.

"Adjusted freeze price" means with respect to manufacturing and service activities the adjusted freeze price as defined in § 150.72 and with respect to wholesaling and retailing activities the adjusted freeze price as defined in § 150.302.

"Allowable cost" means any cost direct or indirect, unless disallowed by the Cost of Living Council.

"Annual sales or revenues" means the total gross receipts of a firm during its most recently completed fiscal year, from whatever source derived, except that it does not include gross receipts of or from a foreign branch or division of such a firm, or the gross receipts of or from a wholly or partially owned foreign entity such as a corporation, partnership, joint venture, association, trust, or subsidiary, if the gross receipts of such foreign entity, branch, or division are derived primarily from transactions with other foreign firms. A foreign entity, branch, or division is one located outside the several States and the District of Columbia. However, gross receipts of domestic entities from U.S. export sales and from sales to firms in the Commonwealth of Puerto Rico are included in the determination of annual sales or revenue.

"Base cost" means the base cost as determined pursuant to Subpart G.

"Base cost period" means the base cost period as determined pursuant to Subpart G.

"Base period" means any two, at the option of the firm concerned, of that firm's fiscal years ending after August 15, 1968 except a fiscal year for which compliance is being measured.

"Base period profit margin" means the ratio that the base period operating income (net sales less cost of goods sold and less normal and generally recurring costs of business operations including interest expense on long and short term debt determined before nonoperating items, extraordinary items, and income taxes) bears to the base period net sales as those net sales were reported on the firm's financial statement, or its financial statement as restated pursuant to Subpart I prepared in accordance with generally accepted accounting principles consistently applied. For purposes of computing a base period profit margin, revenues and costs of items and sales exempt pursuant to §§ 150.52, 150.53 (b), 150.54(d)(3) and (4) and 150.56 and revenues and costs attributable to insurance transactions subject to Subpart M shall be excluded. If a firm uses for its base period, a fiscal year ending after August 15, 1971 and prior to January 11, 1973, for which the firm exceeded a profit margin limitation imposed pursuant to the provisions of Part 300 of this title, in effect on January 10, 1973, it shall reduce its operating income for that fiscal year to the level of operating income it would have obtained for that fiscal year had it been in compliance with that Part 300 profit margin restraints.

"Base price" means the base price as determined pursuant to Subpart F.

"Base price period" means the base price period as determined pursuant to Subpart F.

"Class of purchasers" means purchasers or lessees to whom a person has charged a comparable price for comparable property or service during the base price period pursuant to customary price differentials between those purchasers or lessees and other purchasers or lessees.

"Council" means the Chairman of the Cost of Living Council established by Executive Order 11615 (3 CFR, 1971 Comp., P. 199) and continued under the provisions of Executive Order 11695, or his delegate.

"Current cost" means the current cost as determined pursuant to Subpart G.

"Current cost period" means the current cost period determined pursuant to Subpart G.

"Customary price differential" includes a price distinction based on a discount, allowance, add-on, premium, and an extra based on a difference in volume, grade, quality, or location or type of purchaser, or a term or condition of sale or delivery.

"Firm" means any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal government including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments. The Council may, in regulations and forms issued in this part, treat as a firm: (1) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, (2) a parent and its consolidated entities, (3) an unconsolidated entity, or (4) any part of a firm.

"Fiscal quarter" means the fiscal quarter of the firm to which a regulation containing the term applies.

"Fiscal year" means the fiscal year of the firm to which a regulation containing the term applies. It is a consecutive 12-month period constituting an accounting year.

"Item" means a product or service unit sold, leased or offered for sale or lease to a class of purchaser.

"Lease" means a contract whereby a person having a legal estate in any personal property conveys a part of his interest to another person in consideration of rent or other compensation, but does not include a license.

"Manufacturing" means the trade or business of making, fabricating, or assembling a product or commodity by manual labor or machinery for sale and also includes the mining of natural deposits, the production or refining of oil from wells, and the refining of ores.

"Nonprofit organization" or one which is "not operated for profit" is a firm which is defined as a nonprofit organization in section 501(c) and is exempt under section 501(a) of the Internal Revenue Code of 1954, as amended.

"Parent" means a firm which is not directly or indirectly controlled by another firm.

"Parent and its consolidated entities" means a parent and those firms, if any, directly or indirectly controlled by the parent which are consolidated with the parent for purposes of financial statements prepared in accordance with generally accepted accounting principles. An individual shall be deemed to control a firm which is directly or indirectly controlled by him or by his father, mother, spouse, children or grandchildren.

"Prenotification" means notice submitted to the Cost of Living Council pursuant to the provisions of Subpart H.

"Price" means any consideration for the sale or lease of any property or services and includes rent, commissions, dues, fees, margins, rates, charges, tariffs, fares, or premiums, regardless of form.

"Price adjustment" means the weighted average of all price increases and price decreases within a product line or service line.

"Price increase" means an increase in the unit price of an item or a decrease in the quality of substantially the same item.

"Product" means a unit of personal property offered for sale to another person.

"Product line" means (a) a product or (b) an aggregation of products categorized by a four-digit Standard Industrial

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Classification (SIC) code if that is the customary pricing unit (e.g., cost or profit center) with respect to that aggregation of products. An aggregation of products which includes more than one four-digit SIC code or an aggregation of products of less than one four-digit SIC code may be used provided the level of aggregation reflects the entity's customary pricing unit (e.g., cost or profit center) with respect to that level of aggregation chosen.

"Profit margin" means the ratio that operating income (net sales less cost of goods sold and less normal and generally recurring costs of business operations, interest expense on long and short term debt determined before non-operating items, extraordinary items, and income taxes) bears to net sales as reported on the firm's financial statement or its financial statement as restated pursuant to Subpart I prepared in accordance with generally accepted accounting principles consistently applied. For purposes of computing a profit margin, revenues and costs of items and sales exempt pursuant to §§ 150.52, 150.53(b), 150.54(d)(3) and (4) and 150.56 and revenues and costs attributable to insurance transactions subject to the provisions of Subpart M, shall be excluded.

"Public utility" means a firm or that part of a firm which regularly furnishes the public or a recognized segment of the public with a commodity or service which is of public consequence and need whether or not that firm is under the jurisdiction of a regulatory agency, including gas, electric, telephone, telegraph, public transportation by vehicle or pipeline, water, and sewage disposal services.

"Real estate with improvements" means land upon which there is a structure, dwelling, or other building. It does not mean land on which roads, water, sewer, or drainage facilities have been constructed.

"Rent" means any price for the use of personal property of any description, including any charge no matter how identified in a lease or other agreement, for the use of any property or for any service in connection with the use of leased property.

"Retailing" means the trade or business of purchasing property and, without substantially changing the form of that property, reselling it to ultimate consumers.

"Sale" includes exchange, transfer, or other disposition in return for valuable consideration.

"Security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights or any financial or net leases as defined in § 163(d)(4)(A) of the Internal Revenue Code of 1954, as amended, or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

"Service" includes any work or activities performed by a firm for a person, other than in an employment relationship, and also includes professional work or activities of any kind and work or activities performed by membership organizations for which dues are charged, and the leasing or licensing of property to another person.

"Service line" means (a) a service, or (b) an aggregation of services categorized by a four-digit Standard Industrial Classification (SIC) code if that is the customary pricing unit (e.g., cost or profit center) with respect to that aggregation of services. An aggregation of services which includes more than one four-digit SIC code or an aggregation of services of less than one four-digit SIC code may be used provided the level of aggregation reflects the entity's customary pricing unit (e.g., cost or profit center) with respect to that level of aggregation chosen.

"Service activities" means the trade or business of selling or making available services, including professional service organizations, nonprofit organizations, governments, and government agencies or instrumentalities which carry on those activities.

"State and local governments" means the several States and the District of Columbia, a municipality or other political subdivision, authority, commission, board, district, public corporation or other agency or instrumentality of the several States and the District of Columbia and any board, commission, agency, or other instrumentality of a local government.

"Transaction" means an arms-length sale or lease between unrelated persons and is considered to occur at the time of shipment in the case of products and the time of performance in the case of services.

"Unconsolidated entity" means a firm directly or indirectly controlled by a parent but not consolidated with the parent for purposes of financial statements prepared in accordance with generally accepted accounting principles. An unconsolidated entity includes any firm consolidated with the unconsolidated entity for purposes of financial statements prepared in accordance with generally accepted accounting principles. An individual shall be deemed to control a firm which is directly or indirectly controlled by him or by his father, mother, spouse, children or grandchildren.

"United States" means the several States and the District of Columbia.

"Unrelated person" means a person other than a person described in section 267(b) of the Internal Revenue Code of 1954, as amended.

"Wholesaling" means the trade or business of purchasing property and, without substantially changing the form of that property, reselling it to retailers for resale or to industrial, commercial, institutional, or professional business users.

Subpart C—Classifications

§ 150.41 Price category I firms.

A price category I firm is a firm with annual sales or revenues of $100 million or more.

§ 150.42 Price category II firms.

A price category II firm is a firm with annual sales or revenues of at least $50 million but less than $100 million.

§ 150.43 Price category III firms.

A price category III firm is a firm with annual sales or revenues of less than $50 million.

§ 150.44 Applicability.

For purposes of this subpart, a firm includes a parent and the consolidated and unconsolidated entities which it directly or indirectly controls.

Subpart D—Exemptions

§ 150.51 General.

(a) Price adjustments with regard to the items and sales described in this subpart are exempt from the price adjustment requirements prescribed in this part. However, revenues received from the sale of exempt items or from exempt sales are included in a firm's annual sales or revenues, as defined in § 150.31, for all purposes including determinations of price category classification and except as provided in Subpart B for purposes of computing profit margin.

(b) Small business firms which meet the qualifications prescribed in § 150.60 are exempt from and not included in the coverage of this part.

§ 150.52 Agricultural products, seafood products, and raw sugar price adjustments.

(a) *General.* Subject to paragraph (b) of this section, the sale of agricultural products which retain their original physical form and have not been processed is exempt. Processed agricultural products are products which have been canned, frozen, slaughtered, milled, or otherwise changed in their physical form. Packaging is not considered a processing activity. Examples:

Exempt	*Nonexempt*
Live cattle, calves, hogs, sheep, and lambs.	Carcasses and meat cuts.
Live poultry.	
Sheared or pulled wool.	Wool products.
	Processed and blended honeybutter product.
Mohair.	
Hay: Bulk, pelleted, cubed, or baled.	Dehydrated alfalfa meal or alfalfa meal pellets.
Wheat.	Flour.
Sugar beets and sugar cane.	Refined sugar.
Maple sap.	
All seeds for planting.	Seeds processed for other uses.
Raw coffee bean.	Roasted coffee bean.
	Canned and frozen vegetables.
	Dill pickles.
	Packaged slaw.
	Popped popcorn.
Feed grains including:	
Corn.	Mixed feed.
Sorghum.	Cracked corn.
Barley.	Rolled barley.
Oats.	Rolled oats.
Raw milk.	Pasteurized milk and processed products, such as butter, cheese, ice cream.
	Frozen, dried, or liquid eggs.
Soybean.	Soybean meal and oil.
Leaf tobacco.	Cigarettes and cigars.
Baled cotton, cotton seed, cotton lint.	Cotton yarn, cottonseed oil, cottonseed meal.
	Frozen french fries, dehydrated potatoes.
Unmilled rice.	Milled rice.
Raw peanuts: shelled and unshelled.	Roasted, salted, or otherwise processed peanuts.
	Canned or freeze dried mushrooms.
Fresh hops.	
Stumpage or trees cut from the stump.	Millwork.
	Canned fruit or juices.
	Glazed citrus peel.
	Canned grapes, wine.
	Applesauce.
	Canned prunes and prune juice.
	Canned olives.
Garden plants.	Floral wreaths.

(b) *Exempt first sales.* (1) Only the first sale by the producer or grower of those agricultural products which are of a type sold for ultimate consumption in their original physical form is exempt. Examples of these products are:

Shell eggs, packaged or loose.
Raw honeycomb honey.
Fresh potatoes, packaged or not.
All raw nuts—shelled and unshelled.
Fresh mushrooms.
Fresh mint.
Dried beans, peas, and lentils.
Unpopped popcorn.
All fresh vegetables and mellons including:
Tomatoes.
Lettuce.
Sweet corn.
Onions.
Green beans.
Cantaloupe.
Cucumbers.
Cabbage.
Carrots.
Watermelons.
Green peas.
Asparagus.
Pepper.
Broccoli.
Cauliflower.
Spinach.
Green lima beans.
Honeydews.
Escarole.
Garlic.
Artichokes.
Eggplant.
Brussels sprouts.
Beets.
All fresh or naturally dried fruits, packaged or not, including:
Fresh oranges.
Grapes and raisins.
Apples.
Peaches.
Strawberries.
Grapefruit.
Pears.
Lemons.
Plums and prunes.
Cherries.
Cranberries.
Avocados.
Blueberries.
Apricots.
Tangerines.
Olives, uncured.
Nectarines.
Raspberries.
Blackberries.
Figs.
Tangelos.
Limes.
Dates.
Papayas.
Bananas.
Pomegranates.
Currants.
Persimmons.
Cut flowers.

(2) The first sale by (i) a producer of broilers or turkeys or (ii) a producer or fisherman of raw seafood or fresh water products including those which have been shelled, shucked, iced, skinned, scaled, eviscerated, or decapitated is exempt.

(3) The first sale of the following items are exempt:

(i) mint oil,

(ii) maple syrup or sugar,

(iii) dehydrated fruits.

(c) *Raw sugar prices.* Raw sugar price adjustments which are controlled under the Sugar Act of 1948, as amended, are exempt.

§ 150.53 Real estate and insurance premiums.

(a) *Real estate.*—(1) *Sales.* The sales price of the following sales of real estate are exempt.

(i) Unimproved real estate.

(ii) Real estate with improvements completed prior to August 15, 1971.

(iii) Real estate with improvements completed on or after August 15, 1971, if—

(A) The sales price is determined after the completion of construction; or

(B) The sales price is determined before the completion of construction and the wage rates estimated by the builder at the time the price is determined are not subsequently reduced by any action under the Economic Stabilization Program.

(2) *Rentals.* All rent charged for the rental of real property, except for rent charged by a gasoline manufacturer for the rental of a retail gasoline station to a retailer of gasoline, are exempt.

(b) *Insurance premiums.* (1) Premiums charged for the following lines of insurance purchased or renewed after November 13, 1971, are exempt.

(i) Reinsurance of all kinds.

(ii) Ocean marine insurance.

(iii) Inland marine insurance on a bid basis applicable to facilities of transportation and communication.

(iv) Life insurance, annuities, and endowments (including individual and group contracts of: Ordinary and term life insurance, fixed and variable annuities, and endowments of all kinds); but excluding credit life insurance of any kind.

(v) Individually negotiated and rated insurance contracts written in excess of a self-insured retention of at least $100,000.

(2) Premiums charged for the following sublines of aviation insurance purchased or renewed after September 1, 1972, are exempt.

(i) Hull insurance.

(ii) Liability insurance for bodily injury (excluding passenger hazard) caused by an aircraft.

(iii) Liability insurance for property damage caused by an aircraft.

§ 150.54 Certain price adjustments.

(a) *Federal and State and local governments.* (1) Prices charged for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility, (other than postal rates) performed, furnished, provided, granted, prepared, issued, or transferred by any Federal department, agency, or other instrumentality including any wholly owned Government corporations as defined in the Government Corporation Control Act of 1945, as amended, but not including the U.S. Postal Service and the Postal Rate Commission are exempt.

(2) Prices and fees charged by State and local governments for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, facilities, materials, or similar thing of value or utility, performed, furnished, provided, granted, prepared, issued, or transferred including tuition and other charges for schools, colleges, and universities owned or operated by a State and local government, are exempt, except, however, that fees or charges for health services (but not health service fees levied on all students as a condition of enrollment) are not exempt under the provisions of this section.

(b) *Tuition fees of private nonprofit educational organizations.* Tuition fees and other charges by private schools, colleges, and universities not operated for profit, are exempt, except that: (1) Fees and charges resulting in income which is subject to tax under Part III of Subchapter F of the Internal Revenue Code of 1954, as amended, as unrelated business taxable income and (2) medical fees and charges, other than a health

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service fee levied on all students as a condition of enrollment, are not exempt under the provisions of this section.

(c) *Custom products and services.* (1) The prices charged for the following products when custom made to individual order are exempt.

(i) Leather goods.
(ii) Wigs and toupees.
(iii) Fur apparel.
(iv) Jewelry.

(2) The prices charged for the following custom services when provided to individual order are exempt.

(i) Tailoring of clothing.
(ii) Framing of pictures and mirrors.
(iii) Taxidermy.

(d) *Exports, imports, ocean shipping rates, and foreign air transportation.* (1) The prices charged for export sales including the sale of products to a domestic purchaser who certifies that the product is for export are exempt.

(2) The prices charged for imports, but only the first sale into U.S. commerce are exempt.

(3) The rates charged for international ocean shipping are exempt.

(4) All rates, fares, and charges for foreign air transportation (as defined by the Federal Aviation Act, 49 USC 1301 (21)) which are set forth in tariffs filed with the Civil Aeronautics Board or which are established or approved by the Civil Aeronautics Board are exempt.

(e) *Damaged or used products.* The prices charged for damaged or used products other than products which have been rebuilt, repackaged, baled, reassembled, or otherwise processed are exempt.

(f) *Government property.* (1) The prices charged for abandoned or confiscated property sold by any Federal agency or State and local government pursuant to authorization of a court are exempt.

(2) Prices charged for property sold by the United States, including leasesales are exempt.

(g) *Transactions in gold.* Prices charged for transactions in gold on the domestic market under license from the Secretary of the Treasury pursuant to the Gold Reserve Act of 1934 as amended, and regulations issued pursuant thereto are exempt.

(h) *Securities and financial instruments.* (1) Securities as defined in § 150.31 are exempt.

(2) Commercial paper is exempt.

(3) Commodity futures sold on an organized commodities exchange but not including the commodity (unless otherwise exempt) are exempt.

(i) *Brokerage fees.* Brokerage fees, charged for the purchase or sale of securities or commodity futures are exempt.

(j) *Fees and charges imposed by Indian Tribal Councils.* Prices charged for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, commodity, or similar thing of value or utility, performed, furnished, sold, leased, provided, granted, prepared, issued, or transferred by any Indian Tribal Council which is formally recognized by a State or the Federal Government are exempt whether or not all or part of a particular transaction takes place on or off Indian Tribal lands.

(k) *U.S. tanker rates.* Rates for transportation by tank vessels in the coastwise trade are exempt.

(l) *Small retailing or restaurant activities.* Price adjustments of firms with annual sales or revenues of less than $100,000 which are primarily engaged in retailing or restaurant activities are exempt.

(m) *Silver.* Prices charged for (1) commercial grade silver in refining shapes, (2) silver content in ores and dore, (3) silver coins, and (4) other forms of silver sold for manufacturing or professional uses are exempt.

(n) *Long-term coal contracts.* Prices charged for coal under any contract to provide coal over a period of at least five years to a public utility are exempt.

(o) *Lumber.* Prices charged for lumber or wood products described in the Standard Industrial Classification Manual, 1972 edition, under Industry Code 2411, 2421, 2426, 2429, 2435, 2436, 2439 or 2492 and hardboard tempered or untempered are exempt.

(p) *Copper scrap.* Prices charged for copper scrap and copper based alloy scrap are exempt.

§ 150.55 Miscellaneous.

(a) Royalties and other payments from the sale of copyrights, manuscripts, and like materials prepared for publication are exempt.

(b) Dues paid to a nonprofit organization are exempt.

(c) The prices charged for the following items are exempt:

(1) Antiques and art objects including paintings, etchings, and sculptures.
(2) Collectors coins and stamps.
(3) Rocks and stone specimens including precious stones and mountings into which precious stones are set.
(4) Handicraft objects.

(d) Price adjustments made by producers or distributors of motion pictures and television productions for motion pictures and television productions are exempt.

§ 150.56 Public utilities.

Rate increases for commodities or services provided by a public utility are exempt.

§ 150.60 Small Businesses: Exemption of firms with 60 or fewer employees.

(a) *Applicability to firms existing on or before March 31, 1973.* (1) *General.* Subject to the provisions of paragraphs (a) (2) and (3) of this section, any firm, existing on or before March 31, 1973, including a local government, with an average of 60 or fewer employees (determined as provided in paragraph (a) (3) of this section) is exempt from and not included in the coverage of this part.

(2) *Exemption not applicable.* The exemption provided for in paragraph (a) (1) of this section shall not be applicable to:

(i) A firm which in its fiscal year ending prior to August 13, 1973, had annual sales or revenues of $50 million or more;

(ii) A firm which on August 12, 1973, was an institutional or noninstitutional provider of health services as defined in Subpart O;

(iii) A firm which on August 12, 1973, was engaged in construction operations as defined in Subpart N;

(iv) A firm, if the pay adjustments immediately preceding August 13, 1973, applicable to or affecting 50 percent or more of its employees, were set by a master employment or other employment contract which was negotiated on a joint or association basis or on an industry, area, group, or other similar basis and which covered more than 60 employees;

(v) A firm which is engaged in the business of selling "covered products" as defined in Subpart L.

(3) *Determination of average number of employees.* The average number of employees for firms in existence on or before March 31, 1973, shall be computed by dividing the sum of the number of employees employed in the pay periods which included September 30, and December 31, 1972, and March 31, and June 30, 1973, by the number of such pay periods for which any such firm was in existence.

(b) *Applicability to firms coming into existence on or after April 1, 1973.*—(1) *General.* Subject to the provisions of paragraphs (b) (2) and (3) of this section, price adjustments of any firm coming into existence on or after April 1, 1973, including a local government, with an average of 60 or fewer employees (determined as provided in paragraph (b) (3) of this section) are exempt from and not included in the coverage of this title.

(2) *Exemption not applicable.* The exemption provided for in paragraph (b) (1) of this section shall not be applicable to:

(i) A firm which at any time during its first four calendar quarters after June 30, 1973, had annual sales or revenues of $50 million or more;

(ii) A firm which at any time during its first four calendar quarters after June 30, 1973, was an institutional or noninstitutional provider of health services as defined in Subpart O;

(iii) A firm which at any time during its first four calendar quarters after June 30, 1973, was engaged in construction operations as defined in Subpart N;

(iv) A firm, if the pay adjustment at any time during its first four calendar quarters after June 30, 1973, applicable to or affecting 50 percent or more of its employees, were set by a master employment or other employment contract which was negotiated on a joint or association basis or on an industry, area, group or other similar basis and which covered more than 60 employees;

(v) A firm which is deemed to have an average of more than 60 employees in any calendar quarter in its first four calendar quarters, including its fourth calendar quarter, after June 30, 1973;

(vi) A firm which is engaged in the business of selling "covered products" as defined in Subpart L.

(3) *Determination of average number of employees.* The average number of employees for firms coming into existence on or after April 1, 1973, shall be computed as follows:

(i) For its first calendar quarter after June 30, 1973, the average number of employees shall be deemed to be 60 or fewer until such time as the number of employees in that first calendar quarter after June 30, 1973, exceeds 60;

(ii) If the firm was deemed to have an average of 60 or fewer employees in the pay period which included the last day of its first calendar quarter after June 30, 1973, it shall be deemed to have 60 or fewer employees during its second calendar quarter after June 30, 1973;

(iii) A firm shall compute its average number of employees for its third calendar quarter after June 30, 1973, by dividing by two the sum of the number of employees employed in the pay period which included the last day of its first two calendar quarters after June 30, 1973;

(iv) A firm shall compute its average number of employees for its fourth calendar quarter after June 30, 1973, by dividing by three the sum of the number of employees employed in the pay period which included the last day of its first three calendar quarters after June 30, 1973; and

(v) If the firm's average number of employees was deemed to be 60 or fewer for its first four calendar quarters after June 30, 1973, its average number of employees shall be permanently established for the purpose of this paragraph by dividing by four the sum of the number of employees employed in the pay period which included the last day of its first four calendar year quarters after June 30, 1973.

(c) *Definitions.* As used in this section—

"Employee" means any person residing in and employed in the several States or the District of Columbia for whom an employer is required to pay taxes imposed pursuant to the Federal Insurance Contributions Act, 1939, as amended, 26 USC 3101 (FICA), and any person otherwise excluded from FICA coverage, who (1) performs services for any firm as an agent-driver, or commission-driver engaged in the distribution of milk for his principals; or (2) is defined as an "employee" in 26 USC 3121(d).

"Local government" includes any town, village, city, or similar entity which was incorporated by authority of the State and which has and exercises local legislative powers, and any county, town, township, or similar entity which is a subdivision of the State or county and which possesses and exercises some powers of local self-government; any school district which is an independent governmental unit and any special district classified as an independent governmental unit created for the sole purpose of performing one or more municipal functions. An "independent governmental unit" is one which meets the criteria for classifying governmental units used by the Department of Commerce, U.S. Bureau of the Census, in the 1967 Census of Governments, "Governmental Organizations," beginning at p. 13.

Subpart E—Manufacturing and Service Activities

§ 150.71 Scope.

(a) Except as otherwise provided in this part, this subpart applies to all firms engaged in manufacturing or service activities, or both.

(b) A firm which is subject to this subpart and which is also engaged in wholesaling or retailing, or both, is subject to the requirements of Subpart K of this part with respect to its wholesaling and retailing operations. However, if the sales or revenues derived from wholesaling and retailing activities amounted to both less than $50 million and less than 10 percent of the firm's total manufacturing or service revenues subject to this section in the most recently ended fiscal year, the firm may, at its option, treat its wholesale and retail operations for pricing and reporting purposes as manufacturing or service activities.

§ 150.72 Definitions.

For purposes of this subpart, "Adjusted Freeze Price" of an item means—

(a) the freeze price of that item as defined in § 140.2 of this chapter, except that temporary special sales, deals and allowances in effect during the freeze base period may be excluded in computing the freeze price;

(b) in the case of a seasonal item priced in accordance with § 140.13(d)(2) of this chapter, the highest price lawfully charged for that item before August 13, 1973, except that when that price is reduced to the nonseasonal price as required by § 140.13(e) of this chapter that reduced price becomes the adjusted freeze price for that item;

(c) in the case of an imported item priced in accordance with § 140.14 of this chapter, the highest price lawfully charged for that item before August 13, 1973; and

(d) in the case of an item priced pursuant to an exception granted pursuant to Subpart H of Part 140 of this chapter, the highest price lawfully charged for that item before August 13, 1973.

§ 150.73 Price increases.

(a) Any price may be charged for an item which does not exceed the adjusted freeze price of that item or the base price of that item, whichever is higher.

(b) In cases where the adjusted freeze price is in excess of the base price, a price in excess of the adjusted freeze price of an item may be charged only if the full extent of the price charged above the base price, including all incremental price increases charged after the last day of the base price period, is cost-justified in accordance with paragraph (c) of this section and the requirements of §§ 150.74, 150.75, 150.77 and 150.11 have been met.

(c) In cases where the base price is in excess of the adjusted freeze price, a price in excess of the base price of an item in a product line or service line may be charged only to recover on a dollar-for-dollar basis those net increases in allowable costs that have been incurred with respect to that product line or service since the base cost period and which the firm concerned continues to incur, subject to §§ 150.74, 150.75, 150.77 and 150.11.

(d) For the purpose of determining whether net allowable costs have been incurred which permit the charging of a price in excess of the base price, base costs shall be compared with current costs. Current costs which exceed base costs may be used to justify a price in excess of the base price.

§ 150.74 Application of price increases.

(a) A price category I firm which is subject to the prenotification requirements of Subpart H of this part may not increase prices pursuant to this subpart until it complies with those requirements.

(b) A firm which is authorized to charge a prenotified percentage price increase pursuant to Subpart H of this part, and any other firm which qualifies to charge a percentage price increase with respect to a product line or service line by virtue of cost justification determined in accordance with this part, shall apply that percentage price increase on a weighted average basis (in accordance with instructions which accompany forms issued pursuant to Subpart H of this part) so that, for any fiscal quarter, the weighted average of all price increases and price decreases in that line does not exceed that percentage price increase. However, the maximum price which may be charged for any one item in that line may not exceed 110 percent of the base price or 110 percent of the adjusted freeze price of that item (whichever is greater) plus the amount which results from multiplying the base price or the adjusted freeze price of that item (whichever is greater) by the percentage of cost justification determined in accordance with this part with respect to that product line or service line.

§ 150.75 Price reductions.

A price charged in excess of the highest price authorized by § 150.73(a) may continue to be charged only as long as the net increases in allowable costs which support that price in excess of the highest price authorized by § 150.73(a) continue to be incurred. Price reductions shall be made whenever and to the extent necessary to assure that, for any fiscal quarter, the weighted average of all price increases and price decreases in a product line or service line does not exceed the percentage of cost justification for that line.

§ 150.76 Certain contracts.

The price or prices specified in a contract for the sale of an item entered into before 9 p.m., e.s.t., June 13, 1973, with respect to any delivery or performance

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occurring after August 12, 1973, and before January 1, 1974, shall be allowable notwithstanding § 150.73.

§ 150.77 Productivity gains.

(a) *Calculation of productivity gains: Manufacturing activities*—(1) *General.* Increases in allowable costs shall be reduced to reflect productivity gains. For the purposes of determining whether a price may be increased under any provision of this part with respect to manufacturing activities, productivity gains shall be calculated on the basis of the average percentage gain in the applicable industrial category, as set forth in the table in Appendix A to this subpart. To the extent provided in the table in Appendix A, productivity gains shall be taken into account in the calculation of all price increases during any fiscal year but only until the full productivity offset, derived from Appendix A and calculated under paragraph (a)(2) of this section, has been used within that fiscal year.

(2) *Calculation.* (i) For the purposes of determining the extent to which a price increase is justified, each firm engaged in manufacturing shall calculate the sum of all of its labor costs (of the type required to be included as costs in reporting and prenotification forms issued pursuant to Subpart H of this part, whether or not such forms are required to be filed) as a percentage of sales for the product line concerned, and shall multiply that percentage by the average annual rate of productivity gain for the applicable industrial category, as set forth in the table in Appendix A to this subpart. The result is the productivity gain, stated as a percentage, by which the total cost increase must be reduced in order to be an allowable cost for the purposes of a price increase under this part.

(ii) If the product line concerned extends to more than one industrial category, the average percentage gain in productivity in each category must be weighted in proportion to the ratio which its estimated sales in each industrial category for the most recently completed fiscal quarter bears to the total sales of that product line for that quarter.

(3) *Subsidiaries, etc., not included.* This paragraph does not apply to a wholesale, retail or service subsidiary, division, affiliate, or similar entity that is a part of, or is directly or indirectly controlled by, a firm engaged in manufacturing.

(b) *Calculation of productivity gains: service activities.* For the purpose of determining the extent to which a price increase is justified, each firm engaged in service activities shall reduce increases in costs to reflect productivity gains in accordance with instructions which accompany forms issued pursuant to Subpart H of this part.

APPENDIX TO SUBPART E

AVERAGE ANNUAL RATE OF PRODUCTIVITY GAIN BY STANDARD INDUSTRIAL CLASSIFICATION (SIC)

	SIC (1967*)	Rate (%)**
Iron ores	101	3.9
Copper ores	102	2.4
Lead and zinc ores	103	2.4
Gold and silver ores	104	2.4
Bauxite and other aluminum ores	105	2.4
Ferroalloy ores, except vanadium	106	2.4
Metal mining services	108	2.4
Miscellaneous metal ores	109	2.4
Anthracite mining	11	3.2
Bituminous coal and lignite mining	12	4.9
Oil and gas extraction	13	3.8
Nonmetallic minerals, except fuels	14	3.9
Contract construction	15, 16, 17	
Residential structures (public and private)		2.0
Nonresidential (except highways and sewers)		1.5
Highways		1.0
Sewers		1.5
Ordnance and accessories (except 1925, 1931, 1941)	19	2.4
Complete guided missiles	1925	2.9
Tank and tank components	1931	4.2
Sighting and fire control equipment	1941	4.4
Meat packing plants	2011	4.7
Sausages and other prepared meats	2013	2.1
Poultry dressing plants	2015	2.1
Creamery butter	2021	5.6
Cheese, natural and processed	2022	2.4
Condensed and evaporated milk	2023	2.5
Ice cream and frozen desserts	2024	4.2
Fluid milk	2026	3.2
Canned and cured sea foods	2031	2.8
Canned specialties	2032	3.5
Canned fruits and vegetables	2033	3.6
Dehydrated food products	2034	1.8
Pickles, sauces, salad dressings	2035	3.0
Fresh or frozen packaged fish	2036	2.9
Frozen fruits and vegetables	2037	2.6
Flour and other grain mill products	2041	4.7
Prepared feeds for animals and fowls	2042	4.6
Cereal preparations	2043	2.8
Rice milling	2044	5.9
Blended and prepared flour	2045	1.1
Wet corn milling	2046	4.6
Bread, cake and related products	2051	3.2
Cookies and crackers	2052	3.2
Raw cane sugar	2061	4.4
Cane sugar refining	2062	5.2
Beet sugar	2063	2.9
Confectionery products	2071	3.4
Chocolate and cocoa products	2072	2.5
Chewing gum	2073	3.8
Malt liquors	2082	6.2
Malt	2083	2.0
Wines, brandy, and brandy spirits	2084	2.2
Distilled liquor, except brandy	2085	6.2
Bottled and canned soft drinks	2086	4.2
Flavoring extracts and sirups, nec	2087	4.4
Cottonseed oil mills	2091	4.3
Soybean oil mills	2092	5.9
Vegetable oil mills, nec	2093	0.0
Animal and marine fats and oils	2094	6.7
Roasted coffee	2095	1.6
Shortening and cooking oils	2096	1.5
Manufactured ice	2097	1.6
Macaroni and spaghetti	2098	0.7
Food preparations, nec	2099	1.6
Cigarettes	2111	1.9
Cigars	2121	5.0
Chewing and smoking tobacco	2131	0.0
Tobacco stemming and redrying	2141	0.0
Weaving mills, cotton	2211	3.0
Weaving mills, synthetics	2221	3.5
Weaving and finishing mills, wool	2231	2.9
Narrow fabric mills	2241	2.6
Women's hosiery, except socks	2251	6.0
Hosiery, nec	2252	6.0
Knit outerwear mills	2253	2.0
Knit underwear mills	2254	2.7
Knit fabric mills	2256	6.2
Knitting mills, nec	2259	3.3
Finishing plants, cotton	2261	3.8
Finishing plants, synthetic	2262	2.6
Finishing plants, nec	2269	2.9
Woven carpets and rugs	2271	4.1
Tufted carpets and rugs	2272	6.7
Carpets and rugs, nec	2279	5.8
Yarn mills, except wool	2281	4.2
Throwing and winding mills	2282	8.6
Wool yarn mills	2283	3.5
Thread mills	2284	2.6
Felt goods, nec	2291	2.6
Lace goods	2292	3.4
Padding and upholstery filling	2293	2.6
Processed textile waste	2294	1.1
Coated fabrics, not rubberized	2295	3.6
Tire cord and fabric	2296	5.0
Scouring and combing plants	2297	2.2
Cordage and twine	2298	1.9
Textile goods, nec	2299	3.6
Men's and boys' suits and coats	2311	0.4
Men's and boy's shirts and nightwear	2321	1.8
Men's and boys' underwear	2322	3.4
Men's and boys' neckwear	2323	3.2
Men's and boys' separate trousers	2327	3.3
Men's and boys' work clothing	2328	2.1
Men's and boys' clothing, nec	2329	2.5
Women's and misses' blouses and waists	2331	2.2
Women's and misses' dresses	2335	2.9
Women's and misses' suits and coats	2337	2.1
Womens and misses' outerwear, nec	2339	2.6
Women's and children's underwear	2341	2.0
Corsets and allied garments	2342	3.5
Millinery	2353	3.1
Hats and caps, except millinery	2352	2.3
Chilren's dresses and blouses	2361	1.6
Children's coats and suits	2363	2.2
Children's outerwear, nec	2369	2.1
Fur goods	2371	3.3
Fabric dress and work gloves	2381	2.2
Robes and dressing gowns	2384	4.5
Waterproof outer garments	2385	4.1
Leather and sheep lined clothing	2386	1.9
Apparel belts	2387	4.8
Apparel and accessories, nec	2389	3.7
Curtains and draperies	2391	3.2
Housefurnishings, nec	2392	1.0
Textile bags	2393	1.8
Canvas products	2394	2.0
Pleating and stitching	2395	4.4
Automotive and apparel trimmings	2396	4.4
Schiffli machine embroideries	2397	4.0
Fabricated textile products, nec	2399	3.0
Logging camps, and logging contractors	2411	3.5
Sawmills and planing mills, general	2421	3.7
Hardwood dimension and flooring	2426	0.5
Special products sawmills, nec	2429	3.2
Millwork	2431	1.6
Veneer and plywood	2432	5.2
Prefabricated wood structures	2433	1.5
Nailed wooden boxes and shook	2441	3.9
Wirebound boxes and crates	2442	6.9
Veneer and plywood containers	2443	5.3
Cooperage	2445	2.7
Wood preserving	2491	3.0
Wood products, nec	2499	3.2
Wood household furniture	2511	2.0
Upholstered household furniture	2512	1.5
Metal household furniture	2514	2.5
Mattresses and bedsprings	2515	2.6
Household furniture, nec	2519	1.9
Wood office furniture	2521	3.2
Metal office furniture	2522	2.5
Public building furniture	2531	2.7
Wood partitions and fixtures	2541	2.9
Metal partitions and fixtures	2542	2.9
Furniture and fixtures, nec	2599	2.2
Pulp mills	2611	4.5
Paper mills, except building paper	2621	4.5
Paperboard mills	2631	4.5
Paper coating and glazing	2641	2.7
Envelopes	2642	3.1
Bags, except textile bags	2643	2.2
Wallpaper	2644	3.1
Die cut paper and board	2645	4.0
Pressed and molded pulp goods	2646	1.9
Sanitary paper products	2647	2.5
Converted paper products, nec	2649	2.5
Folding paper boxes	2651	3.4
Set-up paperboard boxes	2652	1.5
Corrugated and solid fiber boxes	2653	3.2
Sanitary food containers	2654	3.3
Fiber cans, drums, and related material	2655	5.3
Building paper and board mills	2661	4.5
Newspapers	2711	2.0
Periodicals	2721	3.1
Book publishing	2731	2.9
Book printing	2732	1.8
Miscellaneous publishing	2741	0.0
Commercial printing, excluding lithographic	2751	2.6
Commercial printing, lithographic	2752	2.6
Engraving and plate printing	2753	4.4
Manifold business forms	2761	4.1
Greeting card publishing	2771	2.9
Blankbooks and looseleaf binders	2782	1.4
Bookbinding and related work	2789	1.7
Typesetting	2791	1.7

APPENDIX TO SUBPART E—Continued

	SIC (1967*)	Rate (%)**
Photoengraving	2703	2.3
Electrotyping and stereotyping	2704	2.2
Alkalies and chlorine	2812	4.2
Industrial gases	2813	6.4
Cyclic intermediates and crudes	2815	6.9
Inorganic pigments	2816	1.9
Industrial organic chemicals, nec	2818	6.9
Industrial inorganic chemicals, nec	2819	4.5
Plastics materials and resins	2821	6.6
Synthetic rubber	2822	2.7
Cellulosic man-made fibers	2823	5.7
Organic fibers, noncellulosic	2824	2.9
Biological products	2831	4.5
Medicinals and botanicals	2833	10.0
Pharmaceutical preparations	2834	5.8
Soap and other detergents	2841	4.8
Polishes and sanitation goods	2842	4.4
Surface active agents	2843	4.4
Toilet preparations	2844	4.9
Paints and allied products	2851	2.6
Gum and wood chemicals	2861	4.3
Fertilizers	2871	5.3
Fertilizers, mixing only	2872	5.3
Agricultural chemicals, nec	2879	6.4
Adhesives and gelatin	2891	5.8
Explosives	2892	0.3
Printing ink	2893	3.5
Carbon black	2895	6.6
Chemical preparations, nec	2899	0.9
Petroleum refining	2911	6.6
Paving mixtures and blocks	2951	4.4
Asphalt felts and coatings	2952	3.4
Lubricating oils and greases	2992	5.1
Petroleum and coal products, nec	2999	5.8
Tires and inner tubes	3011	4.8
Rubber footwear	3021	2.1
Reclaimed rubber	3031	3.9
Fabricated rubber products, nec	3069	3.2
Miscellaneous plastics products	3079	5.6
Leather tanning and finishing	3111	1.5
Industrial leather belting	3121	1.1
Footwear cut stock	3131	1.4
Shoes, except rubber	3141	0.5
House slippers	3142	0.5
Leather gloves and mittens	3151	2.3
Luggage	3161	3.0
Women's handbags and purses	3171	1.7
Personal leather goods	3172	4.2
Leather goods, nec	3199	2.7
Flat glass	3211	3.9
Glass containers	3221	2.9
Pressed and blown glass, nec	3229	2.9
Products of purchased glass	3231	2.6
Cement, hydraulic	3241	4.8
Brick and structural clay tile	3251	2.3
Ceramic wall and floor tile	3253	3.6
Clay refractories	3255	3.2
Structural clay products, nec	3259	3.7
Vitreous plumbing fixtures	3261	4.2
Vitreous china food utensils	3262	1.5
Fine earthenware food utensils	3263	0.2
Porcelain electrical supplies	3264	3.8
Pottery products, nec	3269	3.3
Concrete block and brick	3271	4.1
Concrete products, nec	3272	4.1
Ready-mixed concrete	3273	2.5
Lime	3274	2.7
Gypsum products	3275	1.9
Cut stone and stone products	3281	2.6
Abrasive products	3291	2.8
Asbestos products	3292	1.3
Gaskets and insulations	3293	3.0
Minerals, ground or treated	3295	1.4
Mineral wool	3296	4.4
Nonclay refractories	3297	4.0
Nonmetallic mineral products, nec	3299	2.5
Blast furnaces and steel mills	3312	2.7
Electrometallurgical products	3313	2.7
Steel wire and related products	3315	2.7
Cold finishing of steel shapes	3316	2.7
Steel pipe and tubes	3317	2.7
Gray iron foundries	3321	2.6
Malleable iron foundries	3322	3.3
Steel foundries	3323	2.3
Primary copper	3331	2.3
Primary lead	3332	2.3
Primary zinc	3333	2.3
Primary aluminum	3334	3.3
Primary nonferrous metals, nec	3339	0.0
Secondary nonferrous metals	3341	3.9
Copper rolling and drawing	3351	3.6
Aluminum rolling and drawing	3352	5.4
Nonferrous rolling and drawing, nec	3356	4.0
Nonferrous wire drawing and insulating	3357	3.2
Aluminum castings	3361	2.1
Brass, bronze, and copper castings	3362	2.1
Nonferrous castings, nec	3369	2.1
Iron and steel forgings	3391	4.0
Nonferrous forgings	3392	2.6
Primary metal products, nec	3399	2.9
Metal cans	3411	2.0
Cutlery	3421	4.5
Hand and edge tools, nec	3423	3.0
Hand saws and saw blades	3425	3.3
Hardware, nec	3429	3.5
Metal sanitary ware	3431	4.5
Plumbing fittings, brass goods	3432	1.3

APPENDIX TO SUBPART E—Continued

	SIC (1967*)	Rate (%)**
Heating equipment except electric	3433	3.5
Fabricated structural steel	3441	2.2
Metal doors, sash and trim	3442	2.8
Fabricated plate work (boiler shops)	3443	3.3
Sheet metal work	3444	4.1
Architectural metal work	3446	4.5
Miscellaneous metal work	3449	4.5
Screw machine products	3451	0.3
Bolts, nuts, rivets and washers	3452	0.3
Metal stampings	3461	1.6
Plating and polishing	3471	1.0
Metal coating and allied services	3479	1.0
Misc. fabricated wire products	3481	2.7
Metal barrels, drums and pails	3491	0.8
Safes and vaults	3492	2.6
Steel springs	3493	2.7
Valves and pipe fittings	3494	2.1
Collapsible tubes	3495	3.8
Metal foil and leaf	3497	3.2
Fabricated pipe and fittings	3498	1.4
Fabricated metal products, nec	3499	2.4
Steam engines and turbines	3511	4.5
Internal combustion engines, nec	3519	3.1
Farm machinery	3522	2.4
Construction machinery	3531	2.4
Mining machinery	3532	2.0
Oil field machinery	3533	1.7
Elevators and moving stairways	3534	0.0
Conveyors and conveying equipment	3535	2.4
Hoists, cranes and monorails	3536	2.8
Industrial trucks and tractors	3537	3.6
Metalworking machine tools	3541	3.0
Metal-cutting machine tools	3542	2.0
Special dies, tools, jigs, and fixtures	3544	2.3
Machine tool accessories	3545	2.6
Metal working machinery nec	3549	2.4
Food products machinery	3551	2.3
Textile machinery	3552	3.6
Woodworking machinery	3553	2.7
Paper industries machinery	3554	2.7
Printing trades machinery	3555	2.8
Special industry machinery, nec	3559	2.7
Pumps and compressors	3561	2.6
Ball and roller bearings	3562	5.7
Blowers and fans	3564	3.6
Industrial patterns	3565	4.2
Power transmission equipment	3566	1.8
Industrial furnaces and ovens	3567	1.6
General industrial machinery, nec	3569	1.7
Typewriters	3572	1.8
Electronic computing equipment	3573	5.7
Calculating and accounting machines	3574	5.7
Scales and balances	3576	3.7
Office machines, nec	3579	2.2
Automatic merchandising machines	3581	2.2
Commercial laundry equipment	3582	3.7
Refrigeration machinery	3585	6.3
Measuring and dispensing pumps	3586	0.4
Service industry machines, nec	3589	1.8
Misc. machinery, except electrical	3599	1.5
Electric measuring instruments	3611	2.0
Transformers	3612	5.4
Switchgear and switchboard apparatus	3613	2.7
Motors and generators	3621	4.1
Industrial controls	3622	2.3
Welding apparatus	3623	3.1
Carbon and graphite products	3624	3.5
Electrical industrial apparatus, nec	3629	3.9
Household cooking equipment	3631	5.9
Household refrigerators and freezers	3632	5.9
Household laundry equipment	3633	5.9
Electric housewares and fans	3634	4.1
Household vacuum cleaners	3635	5.9
Sewing machines	3636	6.3
Household appliances, nec	3639	5.2
Electric lamps	3641	2.8
Lighting fixtures	3642	3.5
Current-carrying wiring devices	3643	3.0
Noncurrent-carrying wiring devices	3644	2.6
Radio and TV receiving sets	3651	6.2
Phonograph records	3652	0.1
Telephone and telegraph apparatus	3661	3.7
Radio and TV communication equipment	3662	3.7
Electron tubes, receiving type	3671	2.7
Cathode ray picture tubes	3672	11.7
Electron tubes, transmitting	3673	7.3
Semiconductors	3674	7.5
Electronic components, nec	3679	7.5
Storage batteries	3691	2.7
Primary batteries, dry and wet	3692	4.6
X-ray apparatus and tubes	3693	3.8
Engine electrical equipment	3694	2.9
Electrical equipment, nec	3699	2.9
Motor vehicles	3711	4.2
Passenger car bodies	3712	4.2
Truck and bus bodies	3713	4.2
Motor vehicle parts and accessories	3714	4.2
Truck trailers	3715	4.2
Aircraft	3721	4.5
Aircraft engines and engine parts	3722	2.3
Aircraft propellers and parts	3723	2.8
Aircraft equipment, nec	3729	2.8
Ship building and repairing	3731	1.3
Boat building and repairing	3732	3.0
Locomotives and parts	3741	4.3
Railroad and street cars	3742	4.3
Motorcycles, bicycles, and parts	3751	5.1

APPENDIX TO SUBPART E—Continued

	SIC (1967*)	Rate (%)**
Trailer coaches	3791	2.6
Transportation equipment, nec	3799	2.1
Engineering and scientific instruments	3811	2.8
Mechanical measuring devices	3821	2.2
Automatic temperature controls	3822	1.4
Optical instruments and lenses	3831	3.8
Surgical and medical instruments	3841	3.7
Surgical appliances and supplies	3842	1.9
Dental equipment and supplies	3843	3.7
Ophthalmic goods	3851	4.9
Photographic equipment and supplies	3861	6.1
Watches and clocks	3871	1.1
Watchcases	3872	3.8
Jewelry, precious metal	3911	4.5
Jewelers' findings and materials	3912	3.9
Lapidary work	3913	3.9
Silverware and plated ware	3914	0.7
Musical instruments and parts	3931	1.5
Games and toys	3941	4.7
Dolls	3942	2.3
Children's vehicles, exc. bicycles	3943	3.7
Sporting and athletic goods, nec	3949	6.3
Pens and mechanical pencils	3951	2.9
Lead pencils and art goods	3952	2.9
Marking devices	3953	4.5
Carbon paper and inked ribbons	3955	4.3
Costume jewelry	3961	4.6
Artificial flowers	3962	5.0
Buttons	3963	3.9
Needles, pins, and fasteners	3964	4.5
Brooms and brushes	3991	2.1
Signs and advertising displays	3993	3.4
Morticians' goods	3995	3.1
Hard surface floor coverings	3996	6.2
Manufactures, nec	3999	2.8

FOOTNOTES

*The Standard Industrial Classification Codes (SIC) shown in this Appendix were taken from the Standard Industrial Classification Manual, 1967, which now is out of print. Copies of the 1972 manual are available from the U.S. Government Printing Office, Washington, D.C. 20402 (at a cost of $6.75 per copy). Appendix C of the 1972 manual contains the tables to convert 1972 SIC Codes to 1967 SIC Codes.

**Least-linear trend calculation of annual rate of productivity change over twelve years, 1958-1969.

NOTE: NEC means "Not Elsewhere Classified."

Subpart F—Base Price

§ 150.101 Scope.

This subpart sets forth the general rules which apply for determining base prices except as otherwise provided by this part.

§ 150.102 Sales and leases of products and services.

(a) *General rule.* The base price with respect to the sale or lease of an item is the average price at which the item was lawfully priced in transactions with the class of purchaser concerned during the base price period. The base price shall be determined in accordance with this subpart notwithstanding the fact that the base price so determined may be lower than the price prevailing on May 25, 1970.

(b) *Average price.* The average price is determined by dividing the net sales of that item to that class of purchaser by the quantity of the item sold or leased to that class of purchaser during the base price period. If the base price for an item cannot reasonably be calculated because of substantial price differentials with respect to that item, any accepted sampling method, consistently applied, may be used to calculate the base price of that item as long as the firm can demonstrate that the sampling method chosen does not result in a base price which is significantly higher than the base price determined in accordance with the preceding sentence.

(c) *Base price period.* The base price period is the last fiscal quarter which

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ended before January 11, 1973. If no transaction occurred during that quarter with respect to the item and class of purchaser concerned, the base price period is the next preceding fiscal quarter in which a transaction occurred with respect to that item and class of purchaser.

(d) *Temporary specials.* Prices charged pursuant to temporary special deals or temporary special allowances may be excluded in computing the base price of an item. For the purposes of this paragraph, "temporary" means in effect for a period of 31 days or less; "temporary special deal" includes an offer of free goods, a combination sale, increased quantities, an introductory offer, and a "cents-off" or "price-pack" offer; and "temporary special allowance" includes early shipping, advertising, display buying, and promotional or other similar arrangements.

(e) *Class of purchasers for vending machine sales.* For the purpose of determining the base price with respect to a sale of an item through a vending machine, the term "class of purchaser" with respect to a firm using vending machines includes those purchasers within a marketing pricing area customarily utilized by that firm.

§ 150.103 Sales and leases of new property and new services.

(a) *General—New item.* (1) An item is a new item if: (i) The firm concerned did not sell or lease it in the same or substantially similar form at any time during the 1-year period immediately preceding the first date on which the firm offers it for sale or lease. (A change in appearance, arrangement, or combination does not create a new item. Ordinarily, a change in fashion, style, form or packaging does not create a new item. In the case of a product for lease, a permanent improvement or betterment made to the products, as a part thereof, to increase value or to restore it makes it a new property for purposes of a lease if the cost of the improvement or betterment is greater than $100 and at least as much as three month's rent for the property); and

(ii) It is substantially different in purpose, function, quality, or technology, or its use or service effects a substantially different result from any other item which the firm concerned currently sells or leases or sold or leased at any time during the 1-year period immediately preceding the first date on which the firm offers it for sale or lease.

(2) *New market.* An item which the firm concerned has previously sold or leased is a new item with respect to its offer or sale to any market to which he did not sell or lease it at any time during the 1-year period immediately preceding the first date on which he offers it for sale or lease. For the purposes of this section, a "market" is one or more members of any one of the following groups: wholesalers; retailers; consumers; manufacturers; or service organizations.

(b) *Base price determination.* A firm offering a new item shall determine its base price as follows:

(1) *Firms engaged in manufacturing and service activities.*—(i) *Net operating profit markup.* A firm engaged in manufacturing or service activities, or both, shall apply the average net operating profit markup it lawfully received on the most nearly similar item it sold or leased to the same market during the base price period to the total allowable unit costs of the new item. For the purposes of this subparagraph, "net operating profit markup" means the ratio which the selling price bears to the total allowable unit costs of the item.

(ii) *Average price of comparable property or services.* If the firm concerned did not offer a similar item for sale or lease to a particular market during the base price period, the base price for sales or leases to that market shall be the average price received in a substantial number of current transactions in that market by other firms selling or leasing comparable items in the same marketing area.

(iii) *Customary pricing practice.* If the firm concerned did not offer a similar item for sale or lease to a particular market during the base price period, and if the new item is not comparable to any items being sold or leased by any firm in current transactions in the same market, the firm may determine the base price by using any customary pricing practice it used during the base period, or, if it did not sell or lease any property or service during that time, it may use any other pricing practice commonly used by other firms engaging in comparable business with the same market.

(2) *Firms engaged in wholesaling and retailing.*—(i) *Gross margin markup.* A firm engaged in wholesaling or retailing, or both, shall price the product within the category into which the new product falls, in accordance with Subpart K.

(c) *Base prices upon acquisition.* If a legal entity or a component of a legal entity determines a base price pursuant to this subpart for an item which it sells or leases to a particular market and the entity or component is subsequently acquired by another firm, that item does not become a new item with respect to the same market. The base price of the item with respect to that market remains the base price determined for it by the acquired entity or component unless the acquiring firm sells or leases the same item to the same market. If the acquiring firm sells or leases the same item to the same market, the acquiring firm's base price with respect to the sale or lease of that item to that market shall be the base price.

(d) *Quarterly reporting of new items.* A firm subject to the quarterly reporting requirements of Subpart H of this part and which has projected sales and revenues for its current fiscal year of $10 million or more derived from the sale or lease of new items shall, in accordance with instructions which accompany forms issued pursuant to Subpart H of this part, provide information which demonstrates that, with respect to each new item with projected annual sales of $1 million or more which is offered for sale or lease for the first time during the quarter concerned, the item qualifies as a new item as defined in this section and the base price of that item has been determined in accordance with this section.

§ 150.104 Custom products and custom services.

(a) *Definitions.* The following definitions apply in this section:

"Custom product" means a product (other than one specified in § 150.54(c)(1)) specifically produced by a manufacturer to the buyer's or buyers' specifications and not reasonably comparable to any product manufactured at any previous time by the same manufacturer or its predecessors in interest, including any buyer-specified changes or additions to a non-custom product to the extent that they are not reasonably comparable to any charges or additions manufactured, with respect to that non-custom product, at any previous time by the same manufacturer or its predecessors in interest.

"Custom service" means a service (other than one specified in § 150.54(c)(2)) specifically produced by a service organization to the buyer's or buyers' specifications and not reasonably comparable to any service provided at any previous time by the same service organization or its predecessors in interest, including any buyer-specified changes or additions to a non-custom service, at any previous time by the same service organization or its predecessors in interest.

(b) *Base price.* A firm engaged in manufacturing or service activities, or both, may charge a base price for a custom product or service in conformity with its customary pricing practices, if any, which reflect only costs incurred or to be incurred in the manufacture of the product or the furnishing of the service which are allowable as determined under the regulations or decisions issued pursuant to the Economic Stabilization Program. However, a firm which charges a base price for a custom product or custom service may not, for the fiscal year in which that base price is charged, exceed its base period profit margin except as provided in § 150.11(d)(iii).

Example. Labor costs to be incurred in the making of a custom product were estimated to be $2,000,000. However, $200,000 of this estimated cost was found to be nonallowable under regulations or decisions issued pursuant to the Economic Stabilization Program. Therefore, the highest amount of allowable costs for labor that may be included in determining the base price chargeable for the product is $1,800,000.

Subpart G—Base Cost and Current Cost

§ 150.131 Scope.

This subpart sets forth the general rules for determining base cost and current cost except as otherwise provided in this part.

§ 150.132 Base cost.

(a) *Base costs.* Base costs are the net allowable costs incurred during the base

cost period with respect to the product line or service line concerned.

(b) *Labor costs.* The base cost with respect to costs of labor is the rate at which those costs were being incurred on the first full day of business in the base cost period.

(c) *All other costs.* The base cost with respect to all costs other than labor costs is the rate at which those costs were being incurred on the first full day of businesss in the base cost period. However, if the base cost with respect to all costs other than labor costs cannot reasonably be determined by the method prescribed in the preceding sentence, that base cost is the average cost incurred throughout the base cost period with respect to those costs as calculated in accordance with instructions which accompany forms issued pursuant to Subpart H of this part.

(d) *Base cost period.* The base cost period is the last fiscal quarter which ended before January 11, 1973, in which costs were incurred with respect to the product line or service line concerned. The base cost period for each new item, as defined in accordance with § 150.103, is the fiscal quarter in which the new item concerned was first sold or leased in arms-length trading between unrelated persons.

§ 150.133 Current cost.

(a) *Current costs.* Current costs are the net allowable costs incurred during the current cost period with respect to the product line or service line concerned.

(b) *Labor costs.* The current cost with respect to costs of labor is the rate at which those costs were being incurred on the last full day of business in the current cost period.

(c) *All other costs.* The current cost with respect to all costs other than labor costs is the rate at which those costs were being incurred on the last full day of business in the current cost period.

(c) *All other costs.* The current cost with respect to all costs other than labor costs is the rate at which those costs were being incurred on the last full day of business in the current cost period. However, if the current cost with respect to all costs other than labor costs cannot reasonably be determined by the method prescribed in the preceding sentence, that current cost is the average cost incurred throughout the current cost period with respect to those costs as calculated in accordance with instructions which accompany forms issued pursuant to Subpart H of this part.

(d) *Current cost period.* For quarterly reporting purposes, the current cost period is the last accounting month in the current fiscal quarter for which a quarterly report is required to be filed pursuant to Subpart H of this part. The current cost period for price category III firms is the last accounting month in the current fiscal quarter for which compliance is being measured. For prenotification purposes, the current cost period is the last accounting month preceding the date of signature of the prenotification document submitted in accordance with Subpart H of this part except that with respect to labor and other costs which may be calculated as of a date certain, the rate at which these costs are incurred on the day which is the date of signature of the prenotification document may be considered the rate of the last full day of the current cost period.

Subpart H—Prenotification and Reporting

§ 150.151 Prenotification.

(a) *General Rule.* Except as provided in paragraph (b) of this section, a price category I firm may not charge a price for any item above the base price or the adjusted freeze price, which ever is higher, with respect to an item it sells as a manufacturer or service organization until the firm has filed, pursuant to this subpart, a notice of proposed price increase with respect to that item or a product line which includes that item with the Council and 30 days have elapsed since the filing of the notice.

(b) *Waiver of prenotification.* (1) The following price increases by a price category I firm need not be prenotified—

(i) Any price increases for items which are exempt under Subpart D or otherwise excluded from coverage of this title.

(ii) Any price increases by a nonprofit organization with less than $100 million in annual sales or revenues derived from transactions in items which are not exempt under Subpart D of this part or otherwise excluded from coverage of this title.

(iii) Any price increase for an item to the extent it reflects solely an increase in excise taxes (including sales and use taxes) or in duties on imports.

(2) The following prices charged by a price category I firm need not be prenotified:

(i) A price in a contract for the purchase of a product or service by an agency of the Federal government, and a price stated in a subcontract under a contract for the purchase of a product of service by an agency of the Federal government.

(ii) A price specified in a contract subject to the provisions of § 150.76.

(iii) A price specified in a contract for the sale of an item entered into after 9:00 p.m. e.s.t., June 13, 1973 and before August 6, 1973, with respect to any delivery or performance occurring after August 12, 1973, and prior to October 12, 1973.

(iv) (A) A price charged by a price category I firm with annual sales or revenues of less than $100 million within any industrial group in its most recently completed fiscal year which has applied for and received from the Council a modification of prenotification requirements with respect to price increases relating to sales within the industrial group. For the purposes of this paragraph, industrial groups are identified by a two-digit Standard Industrial Classification (SIC) Code as published by the Office of Management and Budget in the 1972 Standard Industrial Classification Manual, except as otherwise provided in the instructions for preparation of Form CLC–55, "Request for Modification of Prenotification Requirements". Each application under this paragraph shall be made on a properly completed Form CLC–55 and shall contain the information required by that form and its instructions. If the Council does not act upon a request submitted under this paragraph within 30 days after receiving a Form CLC–55, the firm may take the action requested. A firm whose prenotification requirements are modified in accordance with this paragraph remains subject to the reporting requirements of this subpart and to all other requirements of this part including the profit margin limitation. The following are the criteria to be applied in considering application under this paragraph (b):

(*1*) The firm's annual sales or revenues within the industrial group for which modification of prenotification requirements is requested must be under $100 million.

(2) Annual sales or revenues of the entity for which modification of prenotification requirements is requested must be under $100 million.

(3) Annual sales or revenues within a four-digit Standard Industrial Classification Code which is included within the industrial group for which modification of prenotification requirements is requested may not be more than 5 percent of the market covered by that four-digit classification.

(B) Until October 12, 1973, a firm which pursuant to the provisions of 6 CFR 300.51(c) in effect on January 10, 1973, applied for and received from the Price Commission a modification of the prenotification requirements with respect to price increases relating to sales within a particular two-digit SIC code and which has reason to believe that it continues to qualify under this paragraph, shall be deemed to have received authority from the Cost of Living Council to put price increases into effect in accordance with the provisions of paragraph (b)(2)(iv)(A) of this section. Effective October 12, 1973, a firm may adjust a price pursuant to paragraph (b)(2)(iv)(A) of this section only if it has received authorization issued by the Council pursuant to the provisions of paragraph (b)(2)(iv)(A) of this section.

§ 150.152 Manner of prenotification.

The notice of the proposed price increase must be filed in the form and manner prescribed by the Cost of Living Council, and will be considered to be filed on the date when it is stamped and dated by the Council. The Council will notify the firm, in writing, of the date of filing. If the information submitted is incomplete or inadequate, the Council will not accept the filing, and will so notify the firm.

§ 150.153 Measure of the prenotification period.

The 30-day prenotification period will commence on the date of filing of the notice of the proposed price increase with

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the Council. In any case in which the 30-day period would otherwise end on a Saturday, Sunday or Federal holiday, it will end at the close of the next succeeding workday.

§ 150.154 Council action.

During the 30-day prenotification period, the Council may issue an order disapproving, modifying, suspending or deferring a proposed price increase in whole or in part.

(a) The Council may issue an order disapproving or modifying a proposed price increase in whole or in part, if it finds that the proposed price increase does not conform to the rules of this part.

(b) The Council may issue an order temporarily suspending the running of the 30-day prenotification period of a proposed price increase if it finds additional information is necessary or that the form was improperly filed. The order will remain in effect until the Council notifies the firm in writing that the additional information has been received and accepted.

(c) The Council may issue an order deferring a price increase, in whole or in part, if it finds that the proposed price increase is of such magnitude and would have such an impact upon the economy as to be unreasonably inconsistent with the goals of the Economic Stabilization Program.

§ 150.155 Implementation of price increases.

If the Council does not act upon the proposed price increase within the 30-day prenotification period, pursuant to § 150.154, the proposed price increase may be charged immediately upon expiration of the 30-day prenotification period. Failure of the Council to act upon the proposed price increase within the 30-day period does not constitute approval of the price increase and nothing in this part shall be construed to limit the authority of the Council to modify, suspend, disapprove, or defer any such price increase in whole or in part placed into effect after the expiration of the 30-day period if the Council finds that:

(a) The price increase does not conform to the rules of this part; or

(b) The price increase is of such magnitude and would have such an impact upon the economy as to be unreasonably inconsistent with the goals of the Economic Stabilization Program.

§ 150.156 Volatility.

(a) Subject to paragraphs (b) through (d) of this section, a firm that has customarily priced an item in a manner immediately responsive to frequent and customary market price fluctuations of the raw materials or partially processed products which it uses in that item may, when and to the extent authorized by the Cost of Living Council increase the price of that item to the extent of any significant market price increase of those raw materials or partially processed products, without regard to the prenotification requirements of this subpart. However, in the case of a price increase based on an increase in the price of a partially processed product, only that part of the increased cost of the partially processed product that is due to an increase in the market price of the raw materials in that product may be used in computing any allowable increase under this paragraph. For the purposes of this paragraph and paragraph (c) of this section "raw materials" include raw agricultural products, raw seafood, and other raw materials used by the firm in preparing an item for which an authorization is sought under this section.

(b) *Limitation.* A firm which increases a price pursuant to an authorization granted under this section shall reduce that price to the extent of any later decrease in cost in accordance with the general rules of this part.

(c) *Notice on invoice.* A firm which increases a price on any partially processed product pursuant to authorization under this section shall indicate on each invoice to its manufacturing and processing customers that part of any cost increase that is due to an iincrease in the cost of the raw materials used in making the partially processed product.

(d) Until October 12, 1973, a firm which received a volatile pricing authorization from the Price Commission which was in effect on January 10, 1973, with respect to an item shall be deemed to have received authority from the Council to put price adjustments for that item into effect in accordance with the provisions of this section. Effective October 12, 1973, a firm may adjust the price of an item pursuant to this section only if it has received a volatile pricing authorization issued by the Council pursuant to paragraph (a) of this section.

§ 150.161 Quarterly reports.

(a) *General.* Except as provided in paragraph (b), each price category I and II firm shall submit quarterly reports to the Cost of Living Council on prices, costs and profits in accordance with forms and instructions issued by the Council.

(b) *Waiver of quarterly reports.* Quarterly reports need not be submitted to the Council by the following firms:

(1) A firm whose total annual sales or revenues are derived from transactions involving goods and services which are exempt under Subpart D, or otherwise excluded from coverage of this title

(2) A firm which is a nonprofit organization with less than $50 million derived from transactions in property or services which are not exempt under Subpart D of this part, or otherwise excluded from coverage of this part.

(3) State and local governments.

(4) A firm which has not charged a price for any item above the base price or above the adjusted freeze price, whichever is higher, provided the firm files, for the fiscal quarter, a "Certificate of no price increase" in accordance with the forms and instruction issued by the Cost of Living Council.

(c) *Manner of reporting.* Each quarterly report required under paragraph (a) of this section shall be made in accordance with forms and instructions issued by the Cost of Living Council.

§ 150.162 Additional reports and information.

Whenever the Cost of Living Council considers it necessary for the effective administration of the Economic Stabilization Program, it may order any firm to file special or separate reports, setting forth information relating to the Economic Stabilization Program, in addition to any other reports required by this part.

§ 150.163 Effect of failure to file or maintain reports or other documents required by or under certain sections of this part.

(a) If a firm which is required to file a report or other document with the Cost of Living Council pursuant to the provisions of this part or an order issued by the Council does not, within the time limits prescribed, file the report or other document—

(1) The firm may not implement any further price increases including price increases which could otherwise be implemented pursuant to § 150.155 until it has complied with that reporting requirement and has obtained the special approval of the Council;

(2) Except to the extent specifically authorized otherwise by the Council in any case, based upon a written request of the firm concerned citing hardship or inequity, action is suspended on all requests for exception filed by that firm until it has complied with the reporting requirement; and

(3) The Council may, whenever it considers it appropriate under the circumstances, order the firm to reduce any of its prices.

(b) Each day that a firm fails to comply with a reporting requirement pursuant to this part pertaining to reports, or with an order under this part, is considered to constitute a separate violation of this part or that order.

§ 150.164 Records.

(a) *General.* Each firm subject to this part shall maintain such records as are sufficient to demonstrate that the prices charged by the firm are in compliance with the rules in this part.

(b) *Inspection.* Records required to be maintained under paragraph (a) of this section shall be made available for inspection at any time upon the request of an officer or employee of the Internal Revenue Service or the Council.

(c) *Justification.* Upon the request of an officer or employee of the Internal Revenue Service or the Council any firm which has filed a notice of a proposed price increase or increases a price pursuant to this part, shall:

(1) Specify the records that comply with paragraph (a) of this section; and

(2) Justify that proposed price increase or increased price.

(d) *Period for maintaining records.* Each firm required to maintain a record under this section shall preserve that record for at least 4 years after the last day of the calendar year in which the transactions or other events recorded in that record occurred or the property was acquired by that firm whichever is later.

Subpart I—Accounting and Financial Reporting Requirements

§ 150.171 Comparabiliy of financial data.

(a) *General.* When filing a report or other document under this part, financial data shall be restated in accordance with the provisions of this section in order that profit margins reflect comparable units.

(b) *Acquisitions.* An acquisition including the purchase of a separate accounting entity, such as a company or division, requires adjustments to financial data for purposes of this part if such an acquisition would require restatement or disclosure in a filing with the SEC, or if the acquisition is of a similar type but such restatement or disclosure is not required because the firm does not file reports with the SEC.

(c) *Divestments and discontinuations.* A divestment of a separate accounting entity such as a company or division or a discontinued operation requires adjustment to financial data for purposes of this part if such a divestment or discontinued operation would require restatement or disclosure in a filing with the SEC, or if the divestment or discontinued operation is of a similar type but such restatement or disclosure is not required because the firm does not file reports with the SEC.

(d) *Other changes.* If the nature of operations of a firm has changed so that the business being conducted currently is of a significantly different nature than the business previously conducted for a reason other than those discussed above, the firm may request an exception to adjust profit margins appropriately for all pertinent periods.

Subpart J—Special Rules

§ 150.201 Loss and low profit firms.

(a) *Applicability.* This section applies to any firm which—

(1) Has estimated and has prepared supporting documentation in accordance with the provisions of paragraph (g) of this section that for its current fiscal year it will have a profit margin less than the minimum profit margin allowed as computed in accordance with paragraph (c) of this section; and

(2) For each control year (as determined pursuant to § 201.52 of this title) included in whole or in part in the current fiscal year has not increased the wages or salaries of any of its officers or employees who are owners or relatives of an owner in excess of the general wage and salary standard as computed in accordance with Economic Stabilization Regulations, unless the Council or its delegate has by order permitted greater increases to be paid with respect to the appropriate employee unit including such employees, in which case the firm may grant increases to the extent allowed by such order without losing its loss or low profit firm qualification.

(b) *Definitions.* For purposes of this paragraph—

"Minimum profit margin allowed" means the profit margin calculated pursuant to the provisions of paragraph (c).

"Owner" means an officer or employee who owns (or is considered to own within the meaning of 26 U.S.C. 318(a)(1)) on any day of the fiscal year concerned, more than 5 percent of the outstanding stock of the firm.

"Relatives of an owner" shall include only those members of the family specified in 26 U.S.C. § 318(a)(1).

(c) *Calculation of minimum profit margin allowed.*—(1) *Service activities.* For any firm which during its most recently completed fiscal year, derived at least 90 percent of its annual sales or revenues from the furnishing of services, the minimum profit margin allowed is 1 percent.

(2) *Other activities.* For any other firm, the minimum profit margin allowed is that corresponding to the firm's capital turnover ratio and is set forth in Column B of Table I. The capital turnover ratio is computed by dividing the net sales for the most recently completed fiscal year or the alternative fiscal period by average total capital (long-term debt plus owner's equity, less investments, the income from which is included in nonoperating income) for that fiscal year or alternative fiscal period. Calculations made pursuant to this section must be consistent with instructions to the CLC–22 except that in computing the profit margin, the firm may not include interest expense on long term debt. The average total capital for a fiscal year or alternative fiscal period is computed by adding the outstanding total capital at the beginning of the fiscal year or alternative fiscal period to the outstanding total capital at the end of that fiscal year or alternative fiscal period, and dividing the sum by two:

TABLE I

Column A Capital Turnover Ratio	Column B Minimum Profit Margin Allowed (percent)
Less than 3.4	3.0
3.4 or more, but less than 3.6	2.9
3.6 or more, but less than 3.7	2.8
3.7 or more, but less than 3.8	2.7
3.8 or more, but less than 4.0	2.6
4.0 or more, but less than 4.2	2.5
4.2 or more, but less than 4.3	2.4
4.3 or more, but less than 4.5	2.3
4.5 or more, but less than 4.8	2.2
4.8 or more, but less than 5.0	2.1
5.0 or more, but less than 5.3	2.0
5.3 or more, but less than 5.6	1.9
5.6 or more, but less than 5.9	1.8
5.9 or more, but less than 6.3	1.7
6.3 or more, but less than 6.7	1.6
6.7 or more, but less than 7.1	1.5
7.1 or more, but less than 7.7	1.4
7.7 or more, but less than 8.3	1.3
8.3 or more, but less than 9.1	1.2
9.1 or more, but less than 10.0	1.1
10.0 or more, but less than 11.1	1.0
11.1 or more, but less than 12.5	0.0
12.5 or more, but less than 14.3	0.8
14.3 or more, but less than 16.7	0.7
16.7 or more, but less than 20.0	0.6
20.0 or more, but less than 25.0	0.5
25.0 or more, but less than 33.3	0.4
33.3 or more, but less than 50.0	0.3
50.0 or more	0.2

(d) *Alternative fiscal period.* The alternative fiscal period is the best two of the firm's base period years. For purposes of computing the alternative fiscal period capital turnover ratio of paragraph (c)(2) of this section, the firm shall add the net sales and average total capital, for the firm's two best base period years and divide the sum by two.

(e) *Pricing.* Notwithstanding Subparts A, E or K, or the prenotification requirements of Subpart H of this part, but subject to paragraphs (f) through (h) of this section, a loss or low profit firm may after August 12, 1973 increase any of its prices by an amount reasonably calculated to result by the end of its third fiscal quarter in a profit margin that does not exceed the minimum profit margin allowed under this section.

(f) *Wage and salary limitations.* If a firm which prices pursuant to this section increases during any control year included in whole or in part in the current fiscal year the wages and salaries of any of its officers or employees who are owners or relatives of an owner in excess of the general wage and salary standard as computed in accordance with Economic Stabilization Regulations or in excess of any greater increase permitted to be paid by order of the Council, authority to price pursuant to this section terminates.

(g) *Reporting.* (1) Each price category I or price category II firm, before utilizing this section for any fiscal year or part thereof, in addition to complying with the reporting requirements of Subpart H, and before charging any price under this section, shall furnish to the Council sufficient financial data to support its loss or low profit position. The data submitted must include a Schedule R to Form CLC–22 completed in Parts I through V for the current fiscal year on a projected basis and for the alternative fiscal period and Form PB–3 or PB–3A (if appropriate) for each appropriate employee unit which includes employees referred to in paragraph (f) of this section, for each control year covered in whole or in part by any fiscal year used to calculate the minimum profit margin allowed and for the current fiscal year in which prices are to be increased under this section. Such a firm may increase prices under this section after 30 days following the date of the receipt of that financial data by the Council unless, during that 30-day period, the Council suspends, modifies or disapproves that action. The Council may disapprove such action for a firm whose profit margin is at or above the average profit margin of other firms engaged in the same industry.

(2) Each price category III firm, before charging any price under this section in any fiscal year shall prepare and maintain at its principal place of business sufficient financial data to support its loss or low profit position for that fiscal year. The data prepared must include a Schedule R to Form CLC–22 completed for the current fiscal year on a projected basis and for the alternative fiscal period and Form PB–3 or PB–3A (if appro-

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priate) for each appropriate employee unit which includes employees referred to in paragraph (f) of this section, for each control year covered in whole or in part by any fiscal year used to calculate the minimum profit margin allowed and for the current fiscal year in which prices are to be increased under this section.

(h) *Termination of use of low profit rule.* At the end of the current fiscal year, or within 45 days after the end of a fiscal quarter in the current fiscal year in which a loss or low profit firm which has increased prices pursuant to this section achieves its minimum profit margin allowed or approaches it within .01 percent at an annual rate, authority to use this section terminates. Thereafter, the firm must conform to the price rules of this part which would be applicable to it if it had not been a loss or low profit firm. However, for purposes of this part, the base period profit margin of the firm is the profit margin allowed as calculated pursuant to the provisions of this section.

§ 150.202 Loss or low base period profit margins.

(a) *General.* Notwithstanding the provisions of subpart A and the definition of base period profit margin in subpart B, a firm may calculate and use as its base period profit margin the minimum profit margin allowed as calculated pursuant to this section.

(b) *Calculation of profit margin allowed.*—(1) *Service activities.* For any firm which in its most recently completed fiscal year, derived at least 90% of its annual sales or revenues from the furnishing of services, the minimum profit margin allowed is 1 percent.

(2) *Other activities.* For any other firm, the profit margin allowed is that corresponding to the firm's capital turnover ratio and is set forth in Column B of Table II. The capital turnover ratio is computed by dividing the sum of the net sales for the firm's two best base period years by the average total capital (long-term debt plus owner's equity, less investments, the income of which is included in nonoperating income of those two years). Calculations made pursuant to this section must be consistent with instructions on Form CLC–22 except that in computing the profit margin, the firm may not include interest expense on long term debt. The average total capital for a fiscal year is computed by adding the outstanding total capital at the beginning of the fiscal year to the outstanding total capital at the end of that fiscal year, and dividing the sum by two:

TABLE II

Column A Capital Turnover Ratio	Column B Minimum Profit Margin Allowed (percent)
Less than 3.4	3.0
3.4 or more, but less than 3.6	2.9
3.6 or more, but less than 3.7	2.8
3.7 or more, but less than 3.8	2.7
3.8 or more, but less than 4.0	2.6
4.0 or more, but less than 4.2	2.5
4.2 or more, but less than 4.3	2.4
4.3 or more, but less than 4.5	2.3
4.5 or more, but less than 4.8	2.2
4.8 or more, but less than 5.0	2.1
5.0 or more, but less than 5.3	2.0
5.3 or more, but less than 5.6	1.9
5.6 or more, but less than 5.9	1.8
5.9 or more, but less than 6.3	1.7
6.3 or more, but less than 6.7	1.6
6.7 or more, but less than 7.1	1.5
7.1 or more, but less than 7.7	1.4
7.7 or more, but less than 8.3	1.3
8.3 or more, but less than 9.1	1.2
9.1 or more, but less than 10.0	1.1
10.0 or more, but less than 11.1	1.0
11.1 or more, but less than 12.5	0.9
12.5 or more, but less than 14.3	0.8
14.3 or more, but less than 16.7	0.7
16.7 or more, but less than 20.0	0.6
20.0 or more, but less than 25.0	0.5
25.0 or more, but less than 33.3	0.4
33.3 or more, but less than 50.0	0.3
50.0 or more	0.2

(c) *Reports.* A firm which calculates and uses a minimum profit margin allowed in lieu of its base period profit margin as calculated pursuant to subpart B, shall prepare and submit in accordance with the forms and instructions issued by the Council, the financial data used to compute the minimum profit margin allowed.

§ 150.203 Seasonal patterns.

(a) *General.* Notwithstanding any other provisions of this part including the prenotification requirements of Subpart H, prices which normally fluctuate in distinct seasonal patterns may be adjusted as prescribed in this section.

(b) *Distinct fluctuation.* Prices must show a large or otherwise distinct fluctuation at a specific, identifiable point in time. The distinct fluctuation must be an established practice that has taken place in each of the 3 years before the date of the contemplated change. New firms may determine their qualifications from those generally prevailing with respect to firms similarly situated, selling or leasing in the same marketing area. If there are not similar firms in the immediate area, qualification may be established by reference to the nearest similar marketing area.

(c) *Time of price fluctuation.* The price fluctuation referred to in paragraph (b) of this section may not take place at a time other than the time at which that fluctuation took place in the preceding year unless the date of the price fluctuation is tied to a specific event such as a previously planned introduction of new models.

(d) *Allowable price.* Subject to paragraph (e) of this section, if the requirements of paragraphs (b) and (c) of this section are met, the maximum price which may be charged by the person concerned is the greater of the following:

(1) The base price determined under Subpart F of this part;

(2) The price authorized pursuant to the provisions of Subpart E or K; or

(3) The price charged by that firm during the first 30 days of the period following the current seasonal price adjustment, or if the season was less than 30 days, during the period of that season.

For purposes of paragraph (a) of this section, the price charged during that 30-day period, or the period of the season if less than 30 days, is the weighted average of the prices charged on all transactions during that period.

(e) *Limitation.* Notwithstanding paragraph (d) of this section, a firm which charges a price pursuant to this section, may not exceed its base period profit margin.

(f) *Return to nonseasonal prices.* Each firm that increases a price under this section shall decrease that price at the same date or identifiable point in time as the price was decreased in the previous season. The price shall be decreased to the allowable price for the applicable season, pursuant to paragraph (d) of this section.

§ 150.204 Marketing cooperatives and market risk-sharing transactions.

(a) *Applicability.* This section applies to—

(1) Sales of products or services by a marketing cooperative, as defined in paragraph (b) of this section, for its members and for other persons; and

(2) transactions for the sale of products or services by a seller to a buyer in which the price is set in whole or in substantial part by reference to the buyer's proceeds from the later resale of the product or service, or the sale by that buyer of another product or service into which the initial product or service is processed or made.

(b) *Definitions.* For the purposes of this section "marketing co-operative" means a firm that is organized or operated on a cooperative basis for the purpose of marketing the products or services of its members and other persons, and turning back to them the proceeds of sales, less expenses, on the basis of either the quantity or the value of the products or services furnished by them, or that does not make a profit on the sales for its members, either.

(1) Because the market price obtained is only enough to cover costs and expenses and payment for their products or services, or

(2) Because a later additional payment adjusts the payment for this purpose may be cash or other item of value which qualifies as a "patronage dividend" under Section 1388 of the Internal Revenue Code of 1954, as amended. A firm is not disqualified from being a marketing co-operative by conducting a portion of its transactions with nonmembers. Each transaction of the kind described in paragraph (a)(2) of this section is a "market risk-sharing transaction" and is considered to bind the buyer and seller of that transaction to a "market risk-sharing agreement". The price which is charged in a market risk-sharing transaction is a "market risk-sharing price". The total proceeds which a firm receives from a marketing co-operative for a product or service which the co-operative markets for that firm is also a "market risk-sharing price".

(c) *General.* A market risk-sharing price, as defined in paragraph (b) of this section, may not exceed the price authorized to be charged under any other provision of this part if the kind of product or service and the kind of transaction concerned are not exempt from the Economic Stabilization Program under Subpart D. If a market risk-sharing price is exempt thereunder, and if that price is one of the costs of another product or service which is not exempt thereunder, the manufacturer, service organization, wholesaler, or retailer for whom such a market risk-sharing price is a cost may charge a price in excess of the base price, adjusted freeze price or other authorized price for that other product or service under the same conditions and subject to the same restrictions as would otherwise apply to that person under this part, except that—

(1) If that firm is also a marketing co-operative and charges a price pursuant to this section, the ratio of its operating income to its net sales in the current fiscal year may not exceed the ratio which prevailed during the base period (in computing this ratio the firm may elect to reduce operating income by patronage dividends in both the base period and the current period); and

(2) The costs which are determined by the market risk-sharing plan shall, for the purposes of this part, be considered to be imputed allowable costs.

(d) *Imputed allowable costs.* The imputed allowable cost shall be:

(1) Any price that is published or otherwise documented as prevailing in the trade and which the firm has customarily used in establishing a payment at the time of delivery of the product or service, or in determining pool interest in deliveries of the product or service; or if none,

(2) The average documented price paid by competitors for the same product or service in transactions that are not by the marketing co-operative or are not market risk-sharing transactions in the same marketing area, or, if no significant number of those transactions are occurring in the same marketing area, in the closest substantially similar marketing area; or if none,

(3) The published price of the same product or service under Federal Government support programs, State or Federal marketing orders, commodity market quotations, or Department of Agricultural Market News Service Reports, whichever is most commonly used in the trade as an indicator of current commercial market prices; or if none,

(4) The published price or average documented price paid by competitors for a related product or service that has a similar price pattern in the same marketing area, or in the closest substantially similar marketing area.

§ 150.205 Purchasing co-operatives.

(a) *Applicability.* This section applies to sales of products or services by a purchasing co-operative, as defined in paragraph (b) of this section, to its members and to other persons.

(b) *Definitions.* For the purposes of this section "purchasing cooperative" means a firm that is organized or operated on a co-operative basis for the purpose of purchasing or manufacturing products or services for its members and other persons at cost, plus expenses, or that does not make a profit on sales to its members, either because the initial price charged is only enough to cover costs and expenses or because a later refund reduces the net price to such an amount. A refund for this purpose may be cash or other item of value which qualifies as a "patronage dividend" under Section 1388 of the Internal Revenue Code of 1954, as amended. A firm is not disqualified from being a purchasing co-operative by conducting a portion of its transactions with nonmembers.

(c) *General.* A purchasing co-operative may charge any price for a product or service it sells to its members or other persons, except that a firm which prices pursuant to this section, the ratio of its operating income to its net sales in the current fiscal year, may not exceed the ratio that prevailed during the base period (in computing this ratio the firm may elect to reduce operating income by patronage dividend in both the base period and the current period).

(d) *Exceptions.* A purchasing co-operative that sells a product to its members or other persons primarily for their resale and not for their use or consumption shall charge a price in accordance with its allowable costs or gross margins for the item's merchandise category. In computing its ratio or operating income to net sales a purchasing co-operative may not use the election authorized in paragraph (c) of this section for patronage dividends. The provisions of this paragraph do not apply to a sale made by a purchasing co-operative operating under the Agricultural Marketing Act of 1929, as amended (12 USC 1141(j)), to a member or other person of that co-operative who is also a co-operative and only resells to its members or other persons for their use or consumption.

§ 150.220 Stabilization of particular industries and sectors.

(a) Whenever the Council finds it necessary to achieve the goals of the Economic Stabilization Program, it may issue regulations providing for the stabilization of prices in a particular industry, sector of the economy or part thereof.

(b) The Council may order public hearings with respect to the regulations issued or to be issued pursuant to paragraph (a) of this section if the Council determines that public hearings would aid in achieving the goals of the Economic Stabilization Program.

Subpart K—Retailers and Wholesalers

§ 150.301 Applicability.

Except as otherwise provided in this part, this subpart applies to all firms engaged in retailing or wholesaling or both.

§ 150.302 Definitions.

As used in this subpart:

"Adjusted freeze price" means (a) adjusted freeze price as defined in § 150.72, and (b) with respect to an item sold in a catalogue, any price specified for that item in a catalogue printed by a firm engaged in retailing or wholesaling prior to July 18, 1973, and which was in conformance with § 130.13 of this chapter.

"Category" means (a) a group of related customers distinguished from other customers because of customary price differentials between those customers and other customers, which is treated as a single pricing unit irrespective of the products they purchase, for the purposes of this subpart, or (b) a group of related products which is treated as a single pricing unit for the purposes of this subpart.

"Pricing base period" means, at the option of the firm, either the last fiscal year ending prior to February 5, 1973 or the most recent four fiscal quarters ending prior to February 5, 1973.

"Pricing entity" means the lowest level of organization within a firm at which the initial pricing decisions are made, irrespective of whether these decisions may be modified at a lower level.

§ 150.303 Computing customary initial percentage markups and gross margins.

For the purposes of this subpart—

(a) Customary initial percentage

$$\text{markup} = \frac{\text{Initial price} - \text{Cost}}{\text{Cost}} \times 100$$

Where:

Initial price = Total sales prices of all merchandise within a category when first offered for sale; and

Cost = Total invoice costs of all merchandise within a category plus transportation allocated to that merchandise.

(b) Gross margin $= \frac{\text{Revenues} - \text{Cost}}{\text{Cost}} \times 100$

Where:

Revenues = Total revenues realized from the sales of merchandise within a category less returns and credits; and

Cost = Total invoice costs of all merchandise within a category plus transportation allocated to that merchandise.

§ 150.304 General price control rules.

(a) A price category I or price category II firm may not increase the price of any item above the adjusted freeze price for that item, until it submits the merchandise pricing plan required by § 150.306(a). Thereafter it may increase prices in accordance with the provisions of this subpart. A price category III firm may not increase the price of any item above the adjusted freeze price for that item until it completes the merchandise pricing plan required by § 150.310. Thereafter it may increase prices in accordance with the provision of this subpart.

(b) A firm engaged in retailing or wholesaling must elect to be controlled under this subpart on the basis of either

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(1) customary initial percentage markups applied to categories or (2) gross margins realized for categories. A firm which elects to be controlled on the customary initial percentage markups and which customarily prices on an item-by-item basis may continue to price on that basis; however, for purposes of this subpart the firm must comply with the customary initial percentage markup rules applied on a category basis.

(e) Except as provided in paragraph (e) of this section, a firm which increases the price for any item above the adjusted freeze price for that item must control the prices it charges for the category in which the item falls so that—

(1) For any fiscal quarter the customary initial percentage markup or the gross margin for that category does not exceed the higher of—

(i) The customary initial percentage markup applied to that category or the gross margin realized for that category during the corresponding fiscal quarter of the pricing base period; or

(ii) The customary initial percentage markup applied to that category or the gross margin realized for that category during the pricing base period;

(2) For any fiscal year the customary initial percentage markup applied to that category or the gross margin for that category does not exceed the customary initial percentage markup or the gross margin realized for that category during the pricing base period; and

(3) The firm's profit margin for any fiscal year in which the increased price is charged does not exceed its base period profit margin except as provided in § 150.11.

(d) So long as a firm engaging in retailing or wholesaling does not increase the price of any item within a particular category in excess of the adjusted freeze price for that item, the limitations prescribed in paragraph (c) (1) and (2) of this section do not apply to that category.

(e) In the case of a firm which engages in retailing or wholesaling of both food products and non-food products, the requirements of Subpart M of Part 130 and Subpart I of Part 140 of this title remain applicable to the sale of food products.

§ 150.305 Establishment of categories.

(a) Except as otherwise provided in this section, a firm engaging in retailing or wholesaling shall use the merchandise categories set forth in the Appendix to this subpart.

(b) If the firm sells items which do not fall within any of the categories listed in Appendix A or which because of the nature of its business could not, in accordance with its normal accounting and management practices, be so grouped, it may form merchandise categories of all related items falling within the same general description and include those categories in its merchandise pricing plan. For all such categories included in a plan required to be submitted to the Cost of Living Council pursuant to § 150.307, the firm shall submit with the plan a statement demonstrating that those categories are consistent with the requirements of this subpart.

(c) If the firm's customary business relies on customer categories rather than merchandise categories, it may substitute customer categories in its merchandise pricing plan. When such a substitution is made in a plan required to be submitted to the Cost of Living Council pursuant to § 150.306, the firm shall also submit a statement demonstrating that the categories are consistent with the requirements of this subpart.

(d) A firm which is subject to this subpart and which also engages in manufacturing or service activities, or both, is subject to the requirements of subpart E of this part with respect to its manufacturing and service activities. However, if the sales or revenues derived from manufacturing and service activities were less than $50 million and less than 10 percent of the firm's total retailing or wholesaling revenues for the most recently completed fiscal year, the firm may include its manufacturing and service activities in its merchandising pricing plan. When manufacturing or service activities are so included, customary initial percentage markups and gross margins shall be computed, in the case of manufacturing activities, on the basis of direct material costs and, in the case of service activities, on the basis of direct material and labor costs.

§ 150.306 Merchandise pricing plans; firms with annual revenues of $50 million or more.

(a) Each price category I firm and each price category II firm to which this subpart applies, shall prepare and submit to the Cost of Living Council a merchandise pricing plan. The plan must include—

(1) A description of the internal organization as it relates to pricing in the firm's retailing or wholesaling activities;

(2) A list of the firm's retailing or wholesaling pricing entities;

(3) A completed form as specified by the Council on each pricing entity stating its selection of either the customary initial percentage markup or gross margin basis for control and its selection of pricing base period and setting forth its categories, the pricing base period customary initial percentage markup applied to or the gross margin realized for each category, and the customary initial percentage markup applied to or the gross margin realized for each category during each fiscal quarter of the pricing base period;

(4) A list of products or product lines carried by the firm and

(5) A description of the manner in which the firm makes its pricing decisions.

(b) Within 60 days after it receives a firm's merchandise pricing plan, the Council will review the plan and (1) approve it or (2) take the action provided for in § 150.308.

§ 150.307 Merchandise pricing plans; firms selling both food and non-food products.

In the case of a merchandise pricing plan for a firm which engages in retailing or wholesaling both meat or other food products which are subject to Subpart M of Part 130 or Subpart I of Part 140 of this title and non-food products, the firm shall, to the extent consistent with its customary pricing practices exclude all meat and other food items from the categories submitted. Insofar as meat and other food products are not so excluded they may be included in the firm's merchandise pricing plan. However, as provided in § 150.304(e), pricing of those food products remains subject to the requirements of Subpart M of Part 130 and Subpart I of Part 140 of this title.

§ 150.308 Incomplete and noncomforming plans.

(a) If after reviewing a merchandise pricing plan submitted pursuant to § 150.306, the Cost of Living Council determines that the information submitted is incomplete or inaccurate or that the plan does not conform to the requirements of this subpart, it will notify the submitting firm of its determination and the basis for that determination and whether or not the firm may implement any further price increases. The firm shall, within the time prescribed by the Council, submit to the Council such additional data or information as the Council may require or such modifications to its plan as may be necessary to bring it into conformance with the requirements of this subpart. Effective upon receipt of the notice, if so provided, the firm may not implement any further price increases until the Council approves the plan or otherwise advises the firm.

(b) In addition, if the firm fails to submit the required additional data, information, or modifications, within the time prescribed by the Council or, if after submission thereof, the Council determines that the merchandise pricing plan still does not conform to the requirements of this subpart, it may order the firm to reduce its prices to adjusted freeze prices or such other level above adjusted freeze prices as the Council may determine to be appropriate and to submit a new plan.

§ 150.309 Merchandise pricing plans: use and modification.

(a) Effective upon a firm's submission of its merchandise pricing plan to the Cost of Living Council and subject to any modifications that may result from the Council's review, the firm will be controlled on the basis of the categories and the pricing base period customary initial percentage markups or gross margins specified in the plan as submitted or as modified, as the case may be.

(b) Once a firm has submitted its merchandise pricing plan it may not modify the plan unless (1) required to do so as a result of the Council's review or (2) the modification is first approved by the Council.

§ 150.310 Merchandise pricing plans; firms with annual revenues of less than $50 million.

Each price category III firm to which this subpart applies, shall prepare and maintain at its principal place of business, a merchandise pricing plan. The firm may group all of its retail or wholesale products into a single merchandise category, in which case its merchandise pricing plan need only consist of a completed form prescribed by the Council stating its selection of either the customary initial percentage markup or gross margin basis and its selection of pricing base period and setting forth the base period customary initial percentage markup or gross margin information for that single category. However, if the firm elects to use more than one category, its plan must include to the extent applicable, each of its items specified in § 150.307(a) for plans required to be submitted to the Cost of Living Council.

§ 150.311 Reporting.

Each price category I firm and each price category II firm to which this subpart applies shall prepare and submit pricing and profit margin reports to the Cost of Living Council within 45 days after the end of each fiscal quarter or within 90 days after the end of each fiscal year on forms prescribed by the Council.

§ 150.312 Relief from certain category overages.

(a) If a firm's customary initial percentage markup or gross margin for a category containing both items exempt pursuant to Subpart D of this part and nonexempt items, exceeds the limitations prescribed in § 150.304(c)(1) or (2), the Cost of Living Council shall for purposes of determining compliance with this subpart, excuse the overage to the extent the firm can demonstrate that the overage is attributable to the sale of exempt items.

(b) If a firm's customary initial percentage markup or gross margin for a category exceeds the limitations prescribed in § 150.304(c)(1) or (2), the Cost of Living Council shall for purposes of determining compliance with this subpart, excuse the overage to the extent the firm can demonstrate that the overage is attributable to prices specified in contracts entered into before 9:00 p.m. e.s.t., June 13, 1973, under which delivery or performance occurs after August 12, 1973, and before January 1, 1974.

(c) In determining whether a retailer or wholesaler is in violation of the limitations prescribed in § 150.304(c)(1) or (2), the Council may take into account temporary unforeseen changes in product mix.

§ 150.313 Reqnrification of a quarterly category violation.

(a) If a firm's customary initial percentage markup or gross margin for a particular category for any fiscal quarter other than the fourth fiscal quarter, exceeds the limitations prescribed in § 150.304(c)(1), the Cost of Living Council will excuse the violation to the extent that the firm offsets the overage in the succeeding fiscal quarter.

(b) If a firm's customary initial percentage markup or gross margin for a particular category has not exceeded the limitations prescribed in § 150.304(c)(1) during any of the first three fiscal quarters but exceeds those limits for the fourth fiscal quarter, the Cost of Living Council will excuse the violation if the customary initial percentage markup or the gross margin for the category for the fiscal year is within the limitation prescribed in § 150.304(c)(2).

(c) If a firm's customary initial percentage markup or gross margin for a particular category has not exceeded the limitations prescribed in § 150.304(c)(1) during any of the first three fiscal quarters but exceeds those limits for the fourth fiscal quarter and for the fiscal year, the Cost of Living Council will reduce any sanctions it may impose for the violations to the extent that the firm offsets the lesser of those two overages in the succeeding fiscal quarter.

(d) A firm is entitled to the quarterly customary initial percentage markup or gross margin overage relief provided by this section only once per category within any fiscal year.

APPENDIX TO SUBPART K MERCHANDISE CATEGORIES APPLICABLE TO RETAILING AND WHOLESALING

101. Men's Clothing
102. Men's Accessories
103. Women's Clothing
104. Women's Accessories
105. Boy's Clothing & Accessories
106. Girl's Clothing & Accessories
107. Infants Wear
108. Men's Shoes
109. Women's Shoes
110. Children's Shoes
111. Jewelry
112. Watches
113. Luggage and Related Items
114. Sporting Goods
115. Hobbies, Crafts & Educational Materials
116. Musical Instruments
117. Stationery and Greeting cards
118. Books, Magazines and Newspapers
121. Major Appliances
122. Housewares—small appliances, kitchenware, etc.
123. Domestics—yard goods, linens, etc.
124. Giftware
125. Notions—sewing supplies, closet accessories, etc.
126. Living Room Furniture
127. Bedroom Furniture
128. Dining Furniture
129. Outdoor Furniture
130. Lamps and Other Lighting Fixtures
131. Rugs, Carpets and Other Floor Coverings
132. Wallpaper and Other Wall Coverings
133. China and Crystal Ware
134. Silver Pieces & Silverware
135. Glassware
141. Building Supplies
142. Power Tools
143. Hand Tools
144. Paints
145. Garden Supplies
151. Automobiles, by make
152. Auto Parts and Accessories
153. Trucks & Buses
154. Recreational Vehicles
155. Mobile Homes
156. Boats
157. Aircraft
161. Ophthalmic Equipment
162. Eyewear
165. Medical & Dental Equipment and Supplies
166. Photographic Equipment & Supplies
171. Office Supplies
172. Office Equipment
181. Beer, Wine, Liquor
182. Tobacco Products
183. Cosmetics, Beauty Aids, and Toiletries
184. Non-prescription Drugs
195. Prescription Drugs
196. Cafeterias & Restaurants

Subparts L-O—[Reserved]

Subpart P—Mass Transportation Systems

§ 150.551 Purpose and scope.

This subpart applies to all firms which operate or control a mass transportation system, the fares of which are not otherwise regulated.

§ 150.552 Definition.

As used in this Subpart—

"Mass transportation system" means a public benefit corporation, with annual sales or revenues in excess of $10 million, which is charged by law or contract with the responsibility of operating a mass transportation facility or facilities which:

(a) Serves a Standard Metropolitan Statistical Area (SMSA); and

(b) Constitutes the sole or a principal means of public transportation for that area.

A facility or facilities includes a rapid rail transit, subway, elevated, bus system but does not include school buses or other conveyances used for sight-seeing or chartered for private use.

§ 150.553 General rule.

A public benefit corporation (within the meaning of § 215 of the Economic Stabilization Act Amendments of 1971 (Public Law 92-210)), charged by law or contract with the responsibility to operate a mass transportation facility or facilities, the fares of which are not otherwise regulated, may not charge a price above base price until the proposed price increase has been prenotified to the Cost of Living Council using the prenotification procedure specified in Subpart H for price category I firms.

[FR Doc.73-16479 Filed 8-6-73;3:42 pm]

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[Revised as of January 1, 1973]

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This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Miscellaneous Revocations

Subpart C of Part 213 is amended to show that under the provisions of § 213.3301b 242 positions are no longer excepted under Schedule C.

Effective on August 8, 1973, Subpart C of Part 213 is amended as set out below.

§ 213.3303 Executive Office of the President.

(a) *Office of Management and Budget.* * * *

(5) [Revoked]

* * * * *

(9) [Revoked]

* * * * *

(i) *Office of Telecommunications Policy.* (1) [Revoked]

(2) [Revoked]

* * * * *

(5) [Revoked]

(6) [Revoked]

* * * * *

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* * * *

(21) [Revoked]

* * * * *

(27) [Revoked]

* * * * *

(c) *Bureau of Customs.* * * *

(3) [Revoked]

* * * * *

(f) *Bureau of the Mint.* * * *

(2) [Revoked]

* * * * *

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(46) [Revoked]

* * * * *

(48) [Revoked]

* * * * *

(52) [Revoked]

(53) [Revoked]

* * * * *

(c) *Interdepartmental Programs.* * * *

(2) Two Private Secretaries engaged in the interdepartmental activities of the office of the Secretary of Defense.

* * * * *

(e) *Defense Civil Preparedness Agency.* * * *

(2) [Revoked]

* * * * *

§ 213.3308 Department of the Navy.

(a) *Office of the Secretary.* (1) [Revoked]

* * * * *

(3) thru (7) [Revoked]

* * * * *

(11) [Revoked]

* * * * *

§ 213.3309 Department of the Air Force.

(a) *Office of the Secretary.* * * *

(5) [Revoked]

(6) [Revoked]

(7) One Administrative Assistant and one Private Secretary in the Office of the Military Aide to the Vice President.

* * * * *

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.* * * *

(2) [Revoked]

(3) [Revoked]

(4) One Confidential Assistant to the Attorney General.

* * * * *

(7) [Revoked]

* * * * *

(d) *Anti-Trust Division.* (1) One Chief, Field Office.

* * * * *

(e) *Civil Division.* * * *

(4) [Revoked]

* * * * *

(r) *Community Relations Service.* * * *

(4) [Revoked]

* * * * *

(s) *Law Enforcement Assistance Administration.* * * *

(4) One Special Assistant to an Associate Administrator.

* * * * *

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* (1) Eight Confidential Assistants to the Secretary.

(2) Six Special Assistants to the Secretary.

(3) Six Special Assistants (Field Representatives).

* * * * *

(11) [Revoked]

* * * * *

(14) [Revoked]

* * * * *

(19) [Revoked]

* * * * *

(22) [Revoked]

* * * * *

(25) [Revoked]

* * * * *

(32) [Revoked]

* * * * *

(35) [Revoked]

* * * * *

(38) [Revoked]

* * * * *

(b) *Office of the Solicitor.* * * *

(2) One Special Assistant to the Solicitor.

* * * * *

(h) *National Park Service.* * * *

(3) Two Special Assistants to the Director.

* * * * *

(i) *Bonneville Power Administration.* * * *

(3) [Revoked]

* * * * *

(j) [Revoked]

* * * * *

(m) *Bureau of Outdoor Recreation.* * * *

(2) [Revoked]

* * * * *

(o) [Revoked]

* * * * *

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* * * *

(9) One Confidential Assistant to the Assistant Secretary for Marketing and Consumer Services.

* * * * *

(29) [Revoked]

(30) [Revoked]

* * * * *

(b) *Rural Electrification Administration.* * * *

(4) Two Assistants to the Administrator.

* * * * *

(h) *Agricultural Stabilization and Conservation Service.* * * *

(7) [Revoked]

* * * * *

(k) *Soil Conservation Service.* * * *

(5) [Revoked]

* * * * *

(p) *Science and Education.* * * *

(2) [Revoked]

* * * * *

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(r) [Revoked]

§ 213.3314 **Department of Commerce.**

(a) *Office of the Secretary.* • • •
(2) Two Private Secretaries to the Secretary.

(16) One Confidential Assistant to the Director, Office of Foreign Direct Investments.

(23) [Revoked]
(24) [Revoked]

(d) *Bureau of the Census.* • • •
(3) [Revoked]

(j) *Maritime Administration.* (1) One Confidential Assistant to the Administrator.

(3) [Revoked]

(l) *U.S. Travel Service.* • • •
(4) [Revoked]

(m) *Office of the Assistant Secretary for Domestic and International Business.* • • •
(3) [Revoked]

(5) [Revoked]
(6) Two Confidential Assistants to the Director, Bureau of International Commerce.

(10) Two Confidential Assistants to the Director, Bureau of Domestic Commerce.

(11) thru (14) [Revoked]

(n) *Office of the Assistant Secretary for Science and Technology.* • • •
(2) [Revoked]
(3) [Revoked]

(q) *Office of the Assistant Secretary for Economic Development.* • • •
(4) thru (6) [Revoked]

(r) *National Oceanic and Atmospheric Administration.* (1) One Private Secretary to the Administrator.
(2) [Revoked]
(s) [Revoked]

§ 213.3315 **Department of Labor.**

(a) *Office of the Secretary.* (1) Two Special Assistants, one Confidential Assistant, and one Confidential Assistant (Private Secretary) to the Secretary of Labor.

(12) [Revoked]

(14) [Revoked]

(20) [Revoked]

(24) One Special Assistant to the Director, Office of Program Operations, Occupational Safety and Health Administration.

(30) [Revoked]

(32) [Revoked]

(e) [Revoked]

(i) [Revoked]

§ 213.3316 **Department of Health, Education, and Welfare.**

(a) *Office of the Secretary.* • • •
(2) One Confidential Assistant to the Secretary.
(3) One Writer.

(7) [Revoked]

(11) Four Assistants to the Secretary for Special Programs.
(12) [Revoked]
(13) Five Assistants to the Secretary.

(16) One Confidential Assistant to the Deputy Under Secretary.
(17) [Revoked]

(21) [Revoked]

(24) One Confidential Assistant to the Chief, Children's Bureau.

(c) *Office of Education.* (1) Three Special Assistants to the Commissioner of Education.

(4) [Revoked]

(7) [Revoked]
(8) [Revoked]

(10) [Revoked]
(11) [Revoked]

(f) *Office of the Assistant Secretary for Legislation* • • •
(4) [Revoked]

(11) [Revoked]

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* • • •
(3) [Revoked]
(4) [Revoked]

(9) [Revoked]
(10) [Revoked]

(k) *Office of the Assistant Secretary for Planning and Education.* • • •
(7) [Revoked]
(8) [Revoked]
(9) [Revoked]

(12) [Revoked]

(n) *Office of the Assistant Secretary for Community and Field Services.* • • •
(2) One Assistant and one Special Assistant to the Assistant Secretary.

(5) One Special Assistant to the Deputy Assistant Secretary.

(8) [Revoked]
(9) One Assistant to the Deputy Assistant Secretary for Consumer Services.
(10) [Revoked]
(11) [Revoked]

(14) One Special Assistant to the Deputy Assistant Secretary for Community Development and Director, Center for Community Planning.

(o) *Social and Rehabilitation Service.* • • •
(7) [Revoked]

(p) *Office of the General Counsel.* • • •
(2) [Revoked]
(3) One Special Assistant to the General Counsel.
(4) [Revoked]

(q) *Office of the Special Assistant to the Secretary for Civil Rights.* • • •
(7) One Special Assistant to the Deputy Special Assistant.

§ 213.3317 **Overseas Private Investment Corporation.**

(d) [Revoked]

§ 213.3318 **Environmental Protection Agency.**

(f) *Office of the Assistant Administrator for Air and Water Programs.* (1) [Revoked]

§ 213.3322 **Interstate Commerce Commission.**

(g) [Revoked]

§ 213.3326 **Office of Emergency Preparedness.**

(a) *Office of the Director.* (1) One Administrative Assistant to the Director.

(3) Four Special Assistants to the Director.

(b) *Office of the Deputy Director.* • • •

(2) [Revoked]
(3) [Revoked]

(d) [Revoked]

§ 213.3328 **U.S. Information Agency.**

(f) [Revoked]

§ 213.3329 **Federal Power Commission.**

(a) Three Private Secretaries in the Office of the Chairman, one Confidential Assistant to the Chairman, one Private Secretary to each of three Commissioners, and one Confidential Assistant to each Commissioner.

(b) [Revoked]

(f) One Technical Assistant to a Commissioner and two Technical Assistants to each of the other Commissioners.

§ 213.3337 **General Services Administration.**

(a) *Office of the Administrator.* • • •
(6) Five Confidential Assistants to the Administrator.

(12) [Revoked]

(c) *Federal Supply Service.* • • •
(2) One Confidential Assistant to the Commissioner.

(g) *National Advisory Council on Economic Opportunity.* • • •
(2) [Revoked]

§ 213.3341 **National Labor Relations Board.**

(c) [Revoked]

(e) [Revoked]

§ 213.3342 **Export-Import Bank of the United States.**

(d) [Revoked]

§ 213.3350 **Foreign Claims Settlement Commission of the United States.**

(c) One Private Secretary to the Chairman.

§ 213.3351 [Revoked]

§ 213.3359 **Action.**

(j) [Revoked]

§ 213.3367 **Federal Maritime Commission.**

(a) One Confidential Assistant to each of three Commissioners.

§ 213.3373 **Office of Economic Opportunity.**

(a) *Office of the Director.* • • •
(19) Not to exceed 9 positions of Policy Advisor, Policy Analyst, and Confidential Assistant in the Office of planning and Program Analysis.

(e) *Office of the Assistant Director for Congressional and Public Affairs.* • • •
(5) [Revoked]

§ 213.3374 [Revoked]

§ 213.3382 **National Foundation on the Arts and the Humanities.**

(c) One Staff Assistant to the Chairman, National Endowment for the Arts.

§ 213.3384 **Department of Housing and Urban Development.**

(a) *Office of the Secretary.* • • •
(3) [Revoked]

(1) Two Special Assistants to the Secretary.

(15) [Revoked]

(18) [Revoked]

(26) Six Senior Assistants for Legislative Affairs.

(28) [Revoked]

(38) [Revoked]
(39) [Revoked]

(45) [Revoked]

(e) *Office of the Assistant Secretary for Community Development.* (1) [Revoked]

§ 213.3394 **Department of Transportation.**

(a) *Office of the Secretary.* • • •
(11) Two Special Assistants to the Under Secretary.

(25) [Revoked]

(34) [Revoked]
(35) [Revoked]

(37) [Revoked]

(42) [Revoked]

(b) *National Transportation Safety Board.* • • •
(4) [Revoked]

(e) *Federal Railroad Administration.*
(1) [Revoked]

(f) *Urban Mass Transportation Administration.* (1) [Revoked]

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-16524 Filed 8-9-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Area Released From Quarantine

This amendment exclues a portion of Riverside County in California from the areas quarantined because of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded area.

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations is hereby amended in the following respects:

In § 82.3, in subparagraph (a) (1) relating to the State of California, subdivision (iii) relating to San Bernardino and Riverside Counties is amended to read:

(a) • • •
(1) *California.*

(iii) That portion of San Bernardino County bounded by a line beginning at the junction of the eastern edge of U.S. Highway 395 and the northern border of Interstate Highway 10; thence, following the northern border of Interstate Highway 10 in an easterly direction to the western edge of Alabama Street; thence, following the western edge of Alabama Street in a northerly direction to the northern edge of California State Highway 30; thence, following the northern edge of California State Highway 30 in an easterly direction to the San Bernardino National Forest boundary line;

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thence, following the San Bernardino National Forest boundary line in an easterly, then southerly direction to the San Bernardino meridian in San Bernardino County; thence, following the San Bernardino meridian in a southerly direction to the Riverside-San Bernardino County line; thence, following the Riverside San Bernardino County line in a generally westerly direction to the eastern edge of U.S. Highway 395; thence, following the eastern edge of U.S. Highway 395 in a northerly direction to its junction with the northern border of Interstate Highway 10.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477.)

Effective date. The foregoing amendment shall become effective August 6, 1973.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of August 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-16512 Filed 8-9-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-1083]

PART 545—OPERATIONS

Maximum Term Regarding Unsecured Loans

AUGUST 2, 1973.

The Federal Home Loan Bank Board considers it desirable to amend § 545.8 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.8), and a related explanatory statement, for the purpose of changing from 10 years and 32 days to 15 years and 32 days the maximum term authorized for certain loans which Federal savings and loan associations may make without the requirement of security. Accordingly, the Federal Home Loan Bank Board hereby amends said § 545.8 by revising subdivision (v) of subparagraph (1) of paragraph (a) thereof and also amends the first paragraph of the Explanatory Statement previously published in conjunction with said § 545.8 (37 FR 17024), to read as set forth below, effective September 10, 1973.

Since the above amendments relieve restriction, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b).

§ 545.8 Loans without requirement of security.

(a) Without regard to any other provision of this part except the first two sentences of § 545.6–10, any Federal association that has amended Charter K by the addition thereto of section 14.1 and any Federal association that has a charter in the form of Charter K (rev.) or Charter N may, upon adoption of such a loan plan by its board of directors, invest in loans of the following types, but no investment shall be made under this section if immediately after such investment the outstanding aggregate of all investments of the association made under this section would exceed 20 percent of the association's assets:

(1) Any loan, with or without security, for property alteration, repair, or improvement, or for the equipping of any residential real property, if the following requirements are met:

* * * * *

(v) The loan is repayable in equal weekly, bi-weekly, monthly, bi-monthly, or quarterly installments with the first installment due no later than 120 days from the date the loan is made and the final installment due no later than 15 years and 32 days from such date. However, the loan contract may provide for a first or final installment, or both, in an amount other than that of the regular installment but, in such instances, such installment shall not be less than one-half of, nor more than one and one-half times, the amount of the regular installment; and

* * * * *

EXPLANATORY STATEMENT WITH RESPECT TO REGULATORY PROVISION RELATING TO LOANS FOR HOME EQUIPPING AND MODERNIZATION

Subparagraph (1) of paragraph (a) of § 545.8 of the Rules and Regulations for the Federal Savings and Loan System is designed in part to implement the authority granted to the Board by the Housing and Urban Development Act of 1968 (Public Law 90–448, approved August 1, 1968), to authorize, in addition to property repair, alteration, and improvement loans previously provided for in the Regulation, Federal savings and loan associations to make loans for home equipping, whether or not such loans are secured by a lien on such equipment or such home. This subparagraph provides, in part, as follows: The total amount of outstanding equipping loans on the same real property may not exceed $5,000, and separate loans of up to $5,000 each may be outstanding for different repairs, alterations, or improvements on such property; loans made pursuant to this provision shall be repayable in regular installments within a period of 15 years and 32 days; the home to be equipped must be within the lender's regular lending area; and the aggregate amount of an association's investments in all such equipping loans shall not exceed 5 percent of the lending association's assets and shall be included in the loans subject to the overall 20-percent-of-assets limitation for all loans made under § 545.8.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON,
Secretary.

[FR Doc.73-16623 Filed 8-9-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-CE-11-AD; Amdt. 39-1701]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Airplanes

There have been reports of power loss due to fuel starvation on certain models of Cessna aircraft equipped with the Javelin 18 gallon auxiliary fuel tank resulting from improper auxiliary fuel transfer procedures. Specifically, if the pilot fails to turn off the auxiliary fuel transfer pump after transferring auxiliary fuel and selects the right or both tanks, the fuel pump discharges air into the aircraft's fuel system and fuel starvation results. The manufacturer has issued a service letter which recommends installation of a new placard which provides clarifying instructions for fuel transfer procedures on affected aircraft. Service history has established that installation of and compliance with this placard is necessary to assure safe operation of the airplane. Accordingly, since the condition described herein can exist or develop in other aircraft of the same type design an Airworthiness Directive is being issued applicable to Cessna Models 170, 172, 175, 180 and 182 airplanes having the Javelin 18 gallon auxiliary fuel tank, making installation of the placard mandatory.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD:

CESSNA. Applies to all series of Cessna Models 170, 172, 175, 180 and 182 airplanes equipped with the 18 gallon auxiliary fuel tank manufactured by the Javelin Aircraft Company, Wichita, Kansas.

Compliance: Required within 100 hours time in service after the effective date of this AD, unless already accomplished.

To advise the pilot concerning proper fuel transfer pump operation, install Javelin Placard 782–14 or an equivalent FAA-approved placard, adjacent to the fuel transfer pump switch which reads as follows:

"AUXILIARY FUEL TRANSFER PUMP. PULL ON; PUSH OFF. PLACE PUMP OFF BEFORE CHANGING FROM LEFT TANK."

NOTE: Failure to turn off fuel boost pump allows air to enter engine fuel system and may cause engine power failure when fuel selector valve is changed from left tank position.

Cessna Service Letter No. SE69–24 dated November 21, 1969, or subsequent FAA-approved revisions cover this subject matter.

This amendment becomes effective August 16, 1973.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 (a), 1421 and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on August 2, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-16502 Filed 8-9-73;8:45 am]

[Docket No. 13113; Amdt. 39-1702]

PART 39—AIRWORTHINESS DIRECTIVES

Slingsby Dart Gliders

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive (AD) was adopted on June 27, 1973, and made effective immediately upon receipt of the airmail letter AD as to all known U.S. operators of Slingsby Model T.51 Dart gliders because of a determination by the FAA that the wing spars of those gliders could be corroded to such a degree that a loss of wing structural integrity could result. The AD requires an inspection for metal corrosion, measurement of the depth of such corrosion, and if beyond the stated limits, repair or replacement of the affected parts.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Slingsby Model T.51 Dart gliders by airmail letters dated June 27, 1973. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

This amendment is made under the authority of secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 (a), 1421, and 1423), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

SLINGSBY. Applies to all Model T.51 Dart Gliders which have metal reinforced wing spars.

Compliance is required as indicated.

To prevent possible loss of wing structural integrity due to corrosion of the wing spars, accomplish the following:

Before July 14, 1973, unless already accomplished within the last year, and thereafter at intervals not to exceed one year since the last inspection—

(a) Cut seven inspection holes in the lower surface skin of each wing in accordance with Slingsby Technical Instruction No. 58, Issue 1, dated May, 1973, or an FAA-approved equivalent;

(b) Visually inspect the metal portion of the spars for corrosion;

NOTE: During the inspection required by paragraph (b), particular attention should be directed to the bolted joints and rib attachment areas.

(c) If corroded areas are found during an inspection required by paragraph (b), measure the depth of the corrosion in the affected areas;

(d) If corrosion is found which exceeds a depth of 0.007 of an inch, before further flight, repair the corroded areas, or replace the corroded parts with serviceable identical parts or FAA-approved equivalents; and

(e) Close the inspection holes cut in accordance with paragraph (a).

(f) Notification in writing must be sent to the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, American Embassy, APO New York, N.Y. 09667, stating the results, positive or negative, of each inspection required by this AD, within 10 days after such inspections. (Reporting approved by the Bureau of the Budget under BOB No. 04–R0174).

This amendment is effective on August 17, 1973, as to all persons except those persons to whom it was made immediately effective upon receipt of the airmail letter dated June 27, 1973, which contained this amendment.

Issued in Washington, D.C., on August 2, 1973.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc. 73-16503 Filed 8-9-73;8:45 am]

[Airspace Docket No. 73-SO-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Savannah, Ga., Transition Area

On June 27, 1973, FR Document No. 73–12847 was published in the FEDERAL REGISTER (38 FR 16843), amending Part 71 of the Federal Aviation regulations by altering the Savannah, Ga., control zone and transition area.

In the amendment, an extension to the transition area was predicated on the Savannah VORTAC 052° radial in lieu of the 061° radial. It is necessary to amend the FR Document to reflect the correct radial. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, FR Document No. 73–16843 is amended as follows:

In line 5 of the Savannah, Ga., transition area description "* * * 052° * * *" is deleted and "* * * 061° * * *" is substituted therefor.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on July 26, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-16501 Filed 8-9-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2425]

PART 13—PROHIBITED TRADE PRACTICES

Boise Tire Co. and Richard E. Larson

Subpart—Advertising falsely or misleadingly: § 13.175 *Quality of product or service:* § 13.205 *Scientific or other relevant facts:* § 13.210 *Scientific tests.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties:* § 13.1740 *Scientific or other relevant facts.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Boise Tire Company, et al., Boise, Idaho, Docket C-2425, July 16, 1973]

In the Matter of Boise Tire Company, a corporation, and Richard E. Larson, individually and as an officer of said corporation.

Consent order requiring a Boise, Idaho, seller and distributor of automotive tires and other automotive accessories, principally Uniroyal products, among other things to cease misrepresenting the quality, design, or service of its products; and misrepresenting scientific tests and their results.

The order to cease and desist; including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Boise Tire Company, a corporation, its successors and assigns, and its officers, and Richard E. Larson, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, or distribution of tires or any other automotive accessories, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing in writing, orally, visually or in any other manner, directly or by implication:

A. That Zeta Tires have been rated "#1" as to quality, design or service;

B. That any tires or other automotive accessories have been rated or compared

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as to quality, grade, line, level, design, performance or other characteristics (except in conformance with a government approved or industrywide standard, if and when such is developed) unless:

1. The representation is fully substantiated by controlled scientific tests, the results and methodology of which are available for public inspection; and

2. The representation is accompanied by a clear and conspicious statement that there are no industrywide or other accepted standards of quality or grading, that the representation relates only to the private standard of the seller or manufacturer, and that the test results and methodology on which the representation is based are available for public inspection.

It is further ordered, That respondents cause the publication in the sports section of the Idaho Statesman, in large bold face type, of a retractive advertisement one quarter page in size. It shall be devoted exclusively to a clear and conspicuous statement that, contrary to previous advertisements of Boise Tire Company, neither Uniroyal Zeta Steel Radial Tires nor those of any other manufacturer have been rated by any government or accepted industrywide system, and that in fact no such system for rating or grading tires exists. This advertisement shall also include the following sentence, in 14-point block capital letters:

THIS ADVERTISEMENT IS PUBLISHED PURSUANT TO ORDER OF THE FEDERAL TRADE COMMISSION.

Said advertisement shall be published within sixty (60) days after service upon them of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment, and of his affiliation with a new business or employment, in the event of such discontinuance or affiliation. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: July 16, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-16585 Filed 8-9-73;8:45 am]

[Docket C-2423]

PART 13—PROHIBITED TRADE PRACTICES

Hoosier Piano and Organ Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* 13.155–40 Exaggerated as regular and customary; 13.155–78 Repossession balances; 13.155–95 Terms and conditions; 13.155–100 Usual as reduced, special, etc.; § 13.160 *Promotional sales plans.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary:* § 13.1830 *Retail as cost, etc., or special;* § 13.1823 *Terms and conditions;* § 13.1825 *Usual as reduced or to be increased—PROMOTIONAL SALES PLANS:* § 13.1830 *Promotional sales plans.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2013 *Offers deceptively made and evaded.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hoosier Piano and Organ Co., Inc., et al., Shelbyville, Indiana, Docket C-2423, July 12, 1973]

In the Matter of Hoosier Piano and Organ Co., Inc., a corporation, and William A. Donica, individually and as an officer of said corporation.

Consent order requiring a Shelbyville, Indiana, piano retailer, among other things to cease misrepresenting the manner in which merchandise has been reacquired from former purchasers or the terms and conditions under which such merchandise is being offered for sale for the unpaid balance of the original purchase price; making sale offers which are not bona fide offers; representing retail prices as usual and customary unless such is the case; misrepresenting prices as reduced from respondent's former price; and using false, misleading or deceptive sales plans or programs.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Hoosier Piano and Organ Co., Inc., a corporation, its successors and assigns, and William A. Donica, individually, and as an officer of said corporation (hereinafter sometimes referred to as "respondents"), and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, or distribution of pianos or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, orally, visually, in writing, or in any other manner, directly or indirectly that:

1. Pianos or other merchandise have been repossessed or in any manner reacquired from a former purchaser, or are being offered for sale for the unpaid balance, or any portion thereof, of the original purchase price, or for the amount or any portion of the amount owed by a former purchaser; however, it shall be a defense hereunder for respondents to show that said advertised products actually are of the character stated and are offered for sale and sold on the terms and conditions represented.

2. Any pianos or other merchandise are being offered for sale when such offer is not a bona fide offer to sell the advertised merchandise on the terms and conditions stated.

3. Any amount is respondents' usual and customary retail price for merchandise unless such amount is the price at which the merchandise has been usually and customarily sold at retail by respondents in the recent regular course of business.

4. Any price is reduced from respondents' former price if respondents' business records fail to establish and show that such price constitutes a significant reduction from the price at which such merchandise has been sold in substantial quantities or offered for sale in good faith for a reasonably substantial period of time, by respondents in the recent, regular course of their business.

5. Any saving is affored in the purchase of merchandise from the respondents' retail price unless the price at which the mercandise is offered constitutes a reduction from the price at which said merchandise is usually and customarily sold at retail by the respondents in the recent regular course of business.

6. Persons responding to advertisements will be dealing with credit department personnel, or will be dealing with any other person than sales personnel.

It is further ordered, That respondents shall cease and desist from using any sales plan or procedure involving the use of false, misleading, or deceptive statements to induce the sale of pianos or other merchandise offered by respondents or to obtain leads or prospects for the sale of pianos or other merchandise.

It is further ordered, That respondents, for a period of one year from the effective date of this order, shall furnish each newspaper or other advertising medium which is utilized by the respondents to obtain leads for the sale of pianos or other merchandise, or to advertise, promote, or sell pianos or other merchandise, with a copy of the Commission's News Release setting forth the terms of this order.

It is further ordered, That respondents serve a copy of this order upon each present and every future agent, representative, salesman, and employee engaged in the sale of pianos or other merchandise; that respondents obtain from each such person so served a written acknowledgement of the receipt thereof and an agreement in writing to abide by the terms of this order; and that respondents discharge any such person so served for failure to abide by the terms of this order.

It is further ordered, That respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions and employees.

It is further ordered, That the respondents shall notify the Commission, at least thirty (30) days prior to any proposed change in their business organization such as dissolution, assignment, incorporation, or sale resulting in the emergence of a successor firm, partnership, or corporation, or any other change which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: July 12, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-16583 Filed 8-9-73;8:45 am]

[Docket C-2424]

PART 13—PROHIBITED TRADE PRACTICES

RJR Foods, Inc., and William Esty Company, Inc.

Subpart—Advertising falsely or misleadingly: § 13.45 *Content:* § 13.135 *Nature of product or service:* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1605 *Content:* § 13.1685 *Nature:* § 13.1710 *Qualities or properties.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1850 *Content:* § 13.1870 *Nature:* § 13.1885 *Qualities or properties.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising;* 13.2275–65 *Labeling depictions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52) [Cease and desist order, RJR Foods, Inc., et al., New York City, New York, Docket C-2424, July 13, 1973]

In the Matter of RJR Foods, Inc., a corporation, and William Esty Company, Inc., a corporation.

Consent order requiring a New York City manufacturer, seller and distributor of beverages designated "Hawaiian Punch," and its New York City advertising agency, among other things to cease misrepresenting the natural fruit juice content of fruit-flavored beverages, and depicting fruit or juice in labeling. In addition, the firm must make certain affirmative disclosures for a period of one (1) year and thereafter until a consumer survey is taken which gauges the need for continuing the disclosures.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent, RJR Foods, Inc., a corporation, and William Esty Company, Inc., a corporation, their successors and assigns, and their officers, agents, representatives and employees, directly, or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any fruit-flavored, noncarbonated beverage under the "Hawaiian Punch" trademark, as a frozen concentrate, liquid, liquid concentrate, powder, or in any other physical state, whether or not containing natural fruit juice, forthwith cease and desist for a period of one year after service of the order upon RJR Foods, Inc. and William Esty Company, Inc., and thereafter until respondents submit to the Commission the results of a survey conforming in protocol, procedure and results to Appendix A to this order, from:

1. Disseminating or causing the dissemination of, any advertisement by means of the United States mails or by any other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which depicts fruit or juice unless (a) the total percentage of single strength fruit juice contained in a concentration at which the product is intended to be served is clearly and conspicuously disclosed; or (b) the said product contains 100 percent single-strength fruit juice in a concentration at which the product is intended to be served.

It is provided, however, that the use of the word "fruit" or the use of the name of a fruit(s) to describe the taste or flavor of said product shall not, solely on the basis of such use, be deemed a violation of this order.

It is further provided, That for purposes of compliance with this order, the disclosure required above will be deemed clear and conspicuous in television advertising if (a) it appears at least once in each television commercial; (b) it is presented simultaneously in both the video and audio portions of the commercial; (c) the video portion (i) is of a sufficient size so that it can be easily read on all commercially available tube sizes, and (ii) it appears on the screen for a sufficient period to permit it to be read by the viewer, but not for less time than the audio portion; and (d) any other video or audio material accompanying the disclosure is not inconsistent with normal artistic and technical standards.

2. Disseminating, or causing the dissemination of, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any of the representations, acts or practices prohibited in subparagraph 1 above.

For the purposes of compliance with this order, respondent William Esty Company, Inc., may rely in good faith upon information concerning the composition of any such product supplied by the manufacturer or processor of said product, provided that respondent neither knows nor has reason to know that any claim covered by this part is false or deceptive.

II. *It is further ordered,* That respondent, RJR Foods, Inc., a corporation, and William Esty Company, Inc., a corporation, their successors and assigns, and their officers, agents, representatives and employees, directly, or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any fruit-flavored beverage, as a frozen concentrate, liquid concentrate, powder or in any other physical state, whether or not containing natural fruit juice, forthwith cease and desist from:

1. Disseminating, or causing the dissemination of, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents, through the manner of the use of words or depictions, photographs, or other representations of fruit, that the natural fruit content of any product is greater than its actual fruit juice content.

2. Disseminating, or causing the dissemination of, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains the representations prohibited in subparagraph 1 above.

It is provided, however, That the use of the word "fruit" or the use of the name of a fruit(s) to describe the taste or flavor of said product shall not, solely on the basis of such use, be deemed a violation of this order.

It is further provided, That respondents shall not be deemed in violation of Part II of this order with respect to any such fruit-flavored beverage so long as (a) they are in compliance with Part I above as to such fruit-flavored beverage, or (b) they have available a survey conforming in protocol, procedure (other than the independence of the survey supervisor) and results to Appendix A to this order as to such fruit-flavored beverage.

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For the purposes of compliance with this order, respondent William Esty Company, Inc., may rely in good faith upon information concerning the composition of any such product supplied by the manufacturer or processor of said product: *Provided*, That respondent neither knows nor has reason to know that any claim covered by this part is false or deceptive.

III. *It is further ordered*, That respondent, RJR Foods, Inc., its successors and assigns, and its officers, agents, representatives and employees directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, distribution or labeling of the products described in Part I above in commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist for a period of one year, and thereafter until respondents submit to the Commission the results of a survey conforming in protocol, procedure and results to Appendix A to this order, from depicting fruit or juice in labeling, as "labeling" is defined in the Federal Food, Drug, and Cosmetic Act, unless (a) the total percentage of single strength fruit juice contained in a concentration at which the product is intended to be served is clearly and conspicuously disclosed in any labeling containing such use; or (b) the said product contain 100 percent single-strength fruit juice in a concentration at which the product is intended to be served.

It is provided, however, That conformity to any affirmative regulation or standard issued under the Federal Food, Drug, and Cosmetic Act providing for the disclosure of fruit juice content on the label or labeling of said product will be deemed compliance with the requirements of this Paragraph III; and that the use of the word "fruit" or the use of the name of a fruit(s) to describe the taste or flavor of said product shall not, solely on the basis of such use, be deemed a violation of this order.

For purposes of compliance with this order, the disclosure required above shall be deemed clear and conspicuous in labeling if (a) it appears on any appropriate information panel as that term is used in 21 CFR 1.10(h); (b) it appears in numbers of a color or shade that readily contrast with the background; (c) it appears in a type face of not less than 6 point on a 46-fluid ounce container, 4 point on a 12-fluid ounce container, and in proportional type sizes for other container sizes; and (d) it appears as part of any tabular, charted or graphic presentation if the label bears a compositional comparison between said product and any other product.

It is further ordered, That respondents shall forthwith distribute a copy of this order to each of their operating divisions engaged in the advertising, offering for sale, sale, distribution or labeling of any aforementioned product.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order, including but not limited to the sale or acquisition of the business of advertising, offering for sale, sale, distribution, or labeling of fruit flavored beverages by affiliated corporations of respondent, RJR Foods, Inc.

It is further ordered, That respondents shall, within sixty (60) days after service of the order upon them, each file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

It is provided, however, That RJR Foods, Inc., will be deemed in compliance with Part III of this order if the required disclosure appears on labels placed into production within sixty (60) days after service of the order upon RJR Foods, Inc., or September 1, 1972, whichever is later.

Isssued: July 13, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

APPENDIX A

A. *Survey results.* If a survey conducted in accordance with section B shows that (a) 67 percent of current purchasers of fruit-flavored beverages (see Para. B.2.a. below); or (b) 80 percent of current or prospective purchasers of Hawaiian Punch products (see Para. B.2.b.); or (c) 95 percent of current purchasers of Hawaiian Punch products (see Para. B.2.C.) think that Hawaiian Punch products contain no more than 20 percent natural fruit juice, then the disclosure described in sections I and III of the order will no longer be required after one year from the date of serving of this order upon RJR Foods, Inc. and William Esty Company, Inc.

B. *Survey protocol & procedure.* 1. This survey, including the processes of sampling, data, generation analysis, and interpretation of results, shall be conducted by independent experienced interviewers and supervisors.

2. Using telephone directories representing the entire United States, a national probability sample will be drawn; within the limitations of this method of sample selection, the sample will be projectable to the total population. Interviewers will call the numbers to locate 500 individuals who have (a) purchased fruit-flavored noncarbonated beverages in the last month; or (b) purchased Hawaiian Punch brand fruit-flavored beverages in the last month, or express an intent to do so within the succeeding month or so; or (c) purchased Hawaiian Punch brand fruit-flavored beverages in the last month. If there is no answer when a selected telephone number is called, the number will be tried again, up to two additional times, at different times of day and on different days of the week. Approximately 20 percent of each interviewer's work will be validated by telephone.

3. Only the following questions will be asked in these interviews:

A. "Hello, my name is ----------, and I am calling for a national research company that is conducting a survey about beverages. Do you ever buy fruit drinks?"

B. If answer to "A" is "no," or if the respondent is a child, ask, "May I please speak to the main food purchaser in your home?" Then start again at question "A" with the main food purchaser.

C. "In the past month, have you bought any canned fruit drinks?"

D. "What brand or brands do you usually buy?"

E. How likely would you say that you are to buy one or more cans of (name of brands named in "D") in the next month or so? Would you say you are * * *

1. "Sure that you won't," ------
2. "Not likely," ------
3. "Fairly likely," ------

or

4. "Quite likely" to buy (name of brand) ------

In the event that a respondent has not named Hawaiian Punch in response to "D", insert this brand as follows: If one, two, or three other brands are mentioned, insert Hawaiian Punch as the second brand; if four or more brands are mentioned, insert Hawaiian Punch as the *third* from last brand.

Responses 1 and 2 to question "E" will not be counted in population option B.2.b.; responses 3 and 4 will be counted in that option.

F. In the case of population options B.2.b. and B.2.c., ask only respondents who name Hawaiian Punch in "D" or "E", and in the case of population option B.2.a., ask *all* respondents: "Now I would like to ask you to rate the fruit *juice* content of some canned fruit drinks. If you think the brand is composed entirely of fruit juice, rate it 100 percent. If you think it has no fruit juice, rate it as 0 percent. Please pick a figure from 0 to 100 that expresses the brand's fruit juice content. How would you evaluate (brand name)?"

Repeat last sentence for each brand mentioned in response to "D" and "E", in order used by respondent. In the event that a respondent in population option B.2.a. has not mentioned Hawaiian Punch, insert this brand as follows: If one, two, or three other brands are mentioned, insert Hawaiian Punch as the second brand, if four or more brands are mentioned, insert Hawaiian Punch as the *third* from last brand.

G. "Thank you very much for your help."

4. The completed questionnaires will be edited and coded, with the punching verified for approximately 20 percent of the punched columns.

[FR Doc.73-16584 Filed 8-9-73;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Alaska Plan

1. *Background.* Part 1902 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) whereby the several States may submit for approval, under the requirements of that section, plans to assume responsibility for the development and enforcement of State occupational safety and health standards.

The State of Alaska submitted a plan pursuant to Part 1902, requesting approval of the plan by the Assistant Secretary for Occupational Safety and Health

to the Regional Administrator, December 11, 1972. On February 5, 1973, the plan was formally submitted to the Assistant Secretary and on February 20, 1973, a notice was published in the FEDERAL REGISTER (38 FR 4695) concerning the submission of the plan and the fact that the question of its approval was in issue before the Assistant Secretary. The plan includes provisions for making changes in the State's current occupational safety and health program that appear necessary to bring it into full conformity with the requirements of section 18(c) of the Act and 29 CFR Part 1902.

The Department of Labor is the State agency designated by the Governor to administer the plan throughout the State. The plan defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1) under four major codes for general safety, industrial housing, electrical hazards, and occupational health and environmental controls. The plan also includes vertical special industry codes for construction, wood products, petroleum, and fishing.

During the review of the Alaska plan, the State legislature passed enabling legislation amending Chapter 18 of the Alaska statutes. The legislation has been signed by the Governor and its effective date is July 24, 1973.

Under the legislation, the Department of Labor has full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State, including coverage of public employees, with the exceptions of maritime workers in the area of exclusive Federal jurisdiction; employees of the United States; employees protected by State agencies under the Atomic Energy Act of 1954, (42 U.S.C. 2021); and employees whose working conditions are regulated by Federal agencies other than the U.S. Department of Labor under the provisions of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (84 Stat. 1592, 29 U.S.C. 653 (b)(1)).

The legislation contains procedures for inspections including inspections in response to complaints; protection from discharge or discrimination through complaints to the Commissioner of Labor; promulgation of standards prescribing requirements "at least as effective" as requirements in Federal standards; emergency temporary standard-setting authority and rulemaking authority under the State Administrative Procedure Act; sanctions; imminent danger abatement by administrative order and court injunction; and review of citations and penalties by an independent Occupational Safety and Health Review Board.

The major provisions of the plan and the proposed schedule for its development are summarized in a new Subpart R of 29 CFR Part 1952. Included in the plan is a statement of legal opinion that the legislation is consistent with the Constitution and laws of Alaska. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 at the end of three years after commencement of operations under the plan.

2. *Issues.* Interested persons were afforded thirty days from the date of publication to submit written comments concerning the plan. Further, interested persons were afforded an opportunity to request an informal hearing with respect to the plan or any part thereof by setting out particularized substantial objections to the contents of the plan. No comments were received and there were no requests for a hearing. Department review raised several significant issues which were clarified by Alaska in supplementary letters dated May 25, 1973, June 15, 1973, and July 10, 1973, and incorporated as part of the plan.

(a) *Occupational Health.* As initially submitted the state program did not provide sufficient information on staffing and interagency coordination in the occupational health area. The State has submitted a new staffing program including hiring one industrial hygienist immediately after plan approval and three more hygienists by the end of the three year developmental period. Enforcement authority over occupational health will remain in the Department of Labor. The Department will contract with the Division of Public Health for radiation inspection services and these inspections will be conducted in accordance with the requirements of the safety and health law in Alaska. Results of other health inspections made by the Division of Public Health will be reported to the Department of Labor for any necessary enforcement action. The two agencies have entered into an agreement to this effect and it is incorporated as part of the plan.

(b) *Standard comparison.* As part of its plan, Alaska submitted a standard comparison of State and Federal standards for a determination as to whether the State standards are "at least as effective" as the Federal standards. Based on an analysis of Alaska's standards comparison Subparts D, G, H, I, N, O, and P of Part 1910 have been determined to be at least as effective. Subparts E, F, J, K, L, M, Q, and S have been withdrawn by Alaska and in accordance with § 1902.20(b)(1)(ii), these subparts will be submitted by Alaska as developmental codes.

(c) *Emergency temporary standards.* Alaska's Administrative Procedure Act (APA) has a general provision dealing with emergency rulemaking proceedings that differs from the procedure under the Occupational Safety and Health Act in several respects. Because it is applicable to all emergency rulemaking procedures in the State the APA does not contain the specific criteria in section 6(c)(1) of the Act. Rather, these criteria would be incorporated under the general language of the Alaska statute which refers to the "immediate preservation of public peace, health, safety or general welfare." Occupational safety and health would be included within the meaning of public safety and health under the Alaska statute.

In addition the time limit for the effectiveness of an emergency temporary standard in Alaska is 120 days after which the standard expires unless a permanent standard has been adopted. When a Federal emergency standard is adopted, the 120 day limit, which is shorter than the 6 month limit in the Federal Act, presents some coordination problems for the State in adopting an "at least as effective as" standard. Alaska realizes that its permanent standard may differ from the Federal permanent standard, and if it is found to be not "at least as effective", another standard-setting procedure may be required in the State.

Since it is not apparent that Alaska's emergency temporary standard procedure will diminish the effectiveness of the program in such a manner as to warrant amendment of the enacted safety and health law and because of the Statewide policy enunciated in the APA limiting the time period for effectiveness of emergency standards, the Alaska procedure is considered at least as effective subject to containing evaluation of the operation of the standard-setting procedure.

(d) *General duty requirement.* Alaska's legislation does not have a general duty clause directing employers to provide a place of employment free from recognized hazards. The State's legislation requires the employer to "do everything necessary to protect the life, health and safety of employees". Under the requirements in 29 CFR Part 1902, a State is not required to have a general duty clause. Therefore when a State chooses to provide such a clause, it does not have to demonstrate that the clause itself is "at least effective as" the Federal provision, unless an evaluation would show that the implementation of the State general duty clause limits the overall effectiveness of the enforcement program which must remain "at least as effective as" the Federal program.

(e) *Statute of limitations.* Citations under the Federal Act may not be issued after the expiration of six months following the occurrence of a violation. Alaska's legislation has a statute of limitations on issuing a citation of 180 days following the "discovery of the violation by the department or correction of the violation." The State Attorney General in an opinion letter to the Commissioner of the Department of Labor states that the proper reading of the section is that "if an employer discovers and corrects a safety violation on his own initiative, the Department of Labor can cite the employer only if it learns of the violation and acts appropriately within 180 days of the corrective action". Use of the date of correction is an appropriate criteria for a statute of limitations on issuing citations since there no longer is a violation after the employer has taken corrective action. In addition, Alaska's statute of limitations reinforces the legislative provisions for first instance sanc-

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tions by specifically authorizing citations for violations previously corrected if the Department of Labor is notified of the violation within 180 days of correction.

3. *Decision.* After careful consideration of the Alaska plan, the plan is hereby approved under section 18 of the Act and Part 1902.

This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates our intentions as to continued Federal enforcement of Federal standards in areas covered by the plan and the State's developmental schedule as set out below.

Pursuant to § 1902.20(b)(1)(iii) of Title 29, Code of Federal Regulations, the present level of Federal enforcement in Alaska will not be diminished at this time because of the developmental nature of Alaska's standard-setting and enforcement program under its enacted legislation. Among other things the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f), continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis. Following the commencement of operations under the State plan periodic evaluations of the plan will be made to assess the appropriate level of Federal enforcement activity. Federal enforcement activity will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of Alaska. Part 1952 is hereby amended by adding thereto a new Subpart R reading as follows:

Subpart R—Alaska

Secs.
1952.240 Description of the plan.
1952.241 Where the plan may be inspected.
1952.242 Level of Federal enforcement.
1952.243 Developmental schedule.

AUTHORITY: Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).

Subpart R—Alaska

§ 1952.240 Description of the plan.

(a) The Department of Labor is the State agency designated by the Governor to administer the plan throughout the State. The plan defines the covered occupational safety and health issues as defined by the Secretary of Labor in § 1902.2(c)(1) of this chapter under four major codes for general safety, industrial housing, electrical hazards, and occupational health and environmental controls. The plan also includes vertical special industry codes for construction, wood products, petroleum, and fishing. Appendix G of the plan contains a timetable for adoption of the standards beginning with the effective date of the grant approved under section 23(g) of the Act. The timetable requires from 6 to 36 months for completion of the standard-setting process with most of the standards to be adopted within 6 months of the effective date of the grant.

(b)(1) The plan included draft legislation which has been passed by the State legislature and signed by the Governor amending Chapter 18 of the Alaska Statutes. Under the legislation, effective July 24, 1973, the Department of Labor has full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State, including coverage of public employees, with the exceptions of maritime workers in the area of exclusive Federal jurisdiction; employees of the United States; employees protected by State agencies under the Atomic Energy Act of 1954, (42 U.S.C. 2021); and employees whose working conditions are regulated by Federal agencies other than the U.S. Department of Labor under the provisions of section 4(b)(1) of the Occupational Safety and Health Act of 1970. (84 Stat. 1592, 29 U.S.C. 653(b)(1)).

(2) The legislation brings the plan into conformity with the requirements of Part 1902 of this chapter in areas such as procedures for granting or denying permanent and temporary variances to standards by the Commissioner; protection of employees from hazards; promulgation of standards by the Commissioner prescribing requirements "at least as effective" as the requirements for Federal standards including medical examinations and monitoring and measuring of hazards; imminent danger abatement by administrative order and court injunction; protection of employees against discharge or discrimination in terms or conditions of employment by filing complaints with the Commissioner who will seek court action through the State Attorney General; and adequate safeguards to protect trade secrets.

(3) The legislation provides for inspections, including inspections in response to complaints; gives employers and employee representatives an opportunity to accompany inspectors in order to aid inspections and provides for payment to employees for time spent in aiding an inspection; notification of employees or their representatives when no compliance action is taken as a result of an alleged violation, including informal review; notification of employees of their protections and obligations through legislative requirements on posting; provision for prompt notice to employers and employees of alleged violations of standards, and abatement requirements, through the issuance and posting of citations; a system of sanctions against employers for violations of standards; employer right of review to the Occupational Safety and Health Review Board; and employee participation in the review procedure with compensation for time spent by the employee.

(c) Included in the plan is a statement of legal opinion that the law, which was supported by the Governor in accordance with the requirements of Part 1902 of this Chapter, is consistent with the Constitution and laws of Alaska. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 of this chapter at the end of three years after commencement of operations under the plan. Personnel will be employed under the existing State merit system and the voluntary compliance program for on-site consultation meets the conditions set forth in the Washington decision (38 FR 2421). The plan also includes the State Administrative Procedure Act which authorizes the Commissioner to promulgate emergency temporary standards and issue rules and regulations necessary for the implementation of the safety and health law.

(d) The plan includes the following documents as of the date of approval:

(1) The plan document and appendices A through V.

(2) Alaska legislation as enacted amending Chapter 18 of the Alaska Statutes.

(3) Letters from the Commissioner of Labor dated May 25, 1973, June 15, 1973, and July 10, 1973.

§ 1952.241 Where the plan may be inspected.

A copy of the complete plan may be inspected and copied during normal business hours at the following locations: Department of Labor, 338 Denall, 710 McKay Building, Anchorage, Alaska 99501; Assistant Regional Director, Department of Labor, Room 1813, Smith Tower Building, 506 Second Avenue, Seattle, Washington 98104; Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street NW., Washington, D.C. 20210.

§ 1952.242 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) of this chapter, the present level of Federal enforcement in Alaska will not be diminished because of the developmental nature of the standard-setting and enforcement areas of the State plan. Among other things the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f), continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

§ 1952.243 Developmental schedule.

(a) Completion of a compliance manual within 6 months of plan approval;

(b) Promulgate within 6 months of the effective date of the grant under section 23(g), standards for general safety, industrial housing, environmental and health controls, construction, petroleum, and logging;

(c) Implement a Management Information System within one year of plan approval;

(d) Adopt regulations within one year of plan approval on exceptions to the prohibition on advance notice; record-keeping; providing information to employees on hazards including medical examinations and observation and access to monitoring results; definition of imminent danger; and employee participation as parties in review proceedings;

(e) Promulgate standards for sawmills and pulpmills within one year of grant approval;

(f) Adopt standards 18 months after grant approval for fishing and maritime;

(g) Operation of a permanent training program to replace the existing program within three years of plan approval;

(h) Promulgate within three years of grant approval standards on textiles, bakery equipment, laundry machinery and agriculture;

(i) Implementation of an occupational health program within three years of grant approval.

Signed at Washington, D.C. this 31st day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-16593 Filed 8-9-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-168]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Patcong Creek, N.J.

This amendment revokes the regulations for the Atlantic County swing bridge at mile 0.5, Patcong Creek, Somers Point, New Jersey because this bridge has been removed.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking subparagraph (9) of paragraph (f) of § 117.225.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revocation shall become effective on August 10, 1973.

Dated: August 3, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-16513 Filed 8-9-73;8:45 am]

[CGD 73-167R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Orange River, Fla.

The FEDERAL REGISTER of April 24, 1973 at 38 FR 10085 revoked the regulations contained in 33 CFR 117.245(i)(2). The Seaboard Coast Line bridge had been removed; however, the Florida State Road Department bridge at mile 0.9 still is in use and the regulations governing the operation of this bridge should not have been changed. Therefore, this document reinstates those regulations. Minor editorial changes reflecting the present title of the National Weather Service are included.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding subparagraph (2) to paragraph (i) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

• • • • • •

(i) • • •

(2) Orange River, Florida; Florida State Road Department bridge, mile 0.9. The draw shall open on signal if at least 24 hours notice is given. However, during a hurricane alert for the Caloosahatchee and Orange Rivers area issued by the National Weather Service a draw tender shall be constantly on duty and the draw shall open at any time for the passage of vessels giving the signals set forth in § 117.240.

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on August 10, 1973.

Dated: August 2, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-16514 Filed 8-9-73;8:45 am]

[CGD 73-51R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Whitcomb Bayou, Fla.

This amendment changes the regulations for the North Spring Boulevard (Beckett) drawbridge across Whitcomb Bayou in Tarpon Springs to require that the draw open on signal from 9 a.m. to 6 p.m. on Saturdays and Sundays and if at least 2 hours notice is given at all other times. This amendment was circulated as a public notice dated March 16, 1973 by the Commander, Seventh Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 73-51P) on March 14, 1973 (38 FR 6901). The city of Tarpon Springs objected to the 4 hour notice proposal but stated that the 2 hour notice as agreed to by the bridge owner is adequate.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new subparagraph (5-a) immediately after subparagraph (5) of paragraph (i) of § 117.245 to read as follow:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

• • • • • •

(i) • • •

(5-a) Whitcomb Bayou, Fla. The draw shall open on signal from 9 a.m. to 6 p.m. on Saturdays and Sundays. At all other times the draw shall open on signal if at least 2 hours notice is given.

• • • • • •

(Sec. 5, Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on September 8, 1973.

Dated: August 3, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-16515 Filed 8-9-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 4—DEPARTMENT OF AGRICULTURE

PART 4-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 4-4.50—General

These amendments involve matters relating to agency management and contracts and while not subject by law to the notice and public procedure requirements for rule making under 5 U.S.C. 553 are subject to the Secretary's Statement of Policy (36 FR 13804). The amendments embody already existing Department policy and matters relating strictly to agency management. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement, that notice and other public procedure with respect to the amendments is impracticable and unnecessary.

1. In the Table of Contents of Part 4-4 § 4-4.5018a is redesignated as § 4-4.5018-1 and the Table of Contents should read as follows:

Sec.

• • • • • •

§ 4-4.5010 Automatic data processing equipment and services.

• • • • • •

§ 4-4.5018-1 Consultant/Management services.

• • • • • •

2. Paragraph (a) of § 4-4.5005 is revised to read as follows:

§ 4-4.5005 Aircraft purchase, maintenance and operation.

(a) *Authority.* Under the provisions of 31 U.S.C. 638a(b), no appropriated funds may be expended for the purchase, maintenance, or operation of airplanes unless there is specific authority in the appropriation for such purchase, maintenance or operation.

• • • • • •

3. Paragraph (a)(1) of § 4-4.5006 is revised and (a)(4) of this section is deleted as follows:

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§ 4–4.5006 Alcohol and distilled spirits.

(a) • • •

(1) *Method of Acquisition.* Any procurement office in the Department may place orders upon the proprietors of the bonded warehouses, denaturing plants, or bonded dealers' storerooms, and each order should bear reference to the permit number. A copy of each order should be forwarded to the Government officer in charge of and located at the bonded warehouse, denaturing plant or bonded dealer's storeroom, from which the alcohol or distilled spirits is to be procured. This will enable the officer to determine that the shipment is proper and that the alcohol or distilled spirits may be released without the payment of taxes.

• • • • •

(4) [Deleted]

• • • • •

5. Section 4–4.5010 is revised to read as follows:

§ 4–4.5010 Automatic data processing equipment and services.

Office of Management and Budget Bulletin 60–6 sets forth guidelines for studies to precede the utilization of ADP equipment. In letters numbered B–115369 dated September 18, 1957 and January 14, 1959, the Comptroller General provides for GAO review of agency utilization studies. Chapter 8 of Title 5 of the Administrative Regulations sets forth policies, responsibilities and procedures for use and management of ADP within the Department. § 4–1.453 of this chapter provides for the delegation of procurement authority for ADP equipment, services, and related supplies. See § 101–26.405 of this title for further guidance in the procurement of ADP equipment, software, maintenance services and supplies.

6. Paragraph (a) of § 4–4.5016 is revised to read as follows:

§ 4–4.5016 Commissary operations.

(a) Pursuant to statutory provisions (7 U.S.C. 2230) agencies of the Department are authorized to furnish supplies and equipment for their employees in Alaska. It is the policy, however, to restrict the use of this authority to locations where commercial purchasing facilities are inadequate or lacking.

• • • • •

7. Section 4–4.5017 is revised to read as follows:

§ 4–4.5017 Concessions.

§ 104–19.112 of this title outlines the policy and procedure established for the granting of concessions for the furnishing of commodities and services to employees while on duty, which are essential for their health, comfort, or efficiency, and which cannot be obtained conveniently from nearby existing facilities.

8. Section 4–4.5018a is redesignated § 4–4.5018–1 and is revised to read as follows:

§ 4–4.5018–1 Consultant/Management services.

(a) The use of consultant services or the services and facilities of others, in the functional areas assigned to the Office of Information Systems (see 5 AR 3f and 7 CFR 2.76) which exceeds $10,000 in value must be reviewed and approved by the Director, Office of Information Systems. This includes all contracts (or other agreements) which include, in part or in whole, the following activities:

(1) All consulting services—to include any studies, reviews, or proposal developments concerning any aspect of the organization and/or its activities;

(2) Management service activities where the service provided or the product to be supplied is to be used by management as a tool to assist them in managing the organization, e.g., information collection efforts, management information systems, design of forms or reports, development of training programs, development of standards and procedures. This does not include contracting for supplies, equipment, or operational services.

9. Section 4–4.5021 is revised to read as follows:

§ 4–4.5021 Office-type copying machines.

Proposed acquisitions of office-type copying machines and related equipment to be located in the downtown Washington, D.C., complex shall be submitted to the Office of Plant and Operations for approval. Proposals shall state in addition to make, model, and cost, the type, variety, and maximum size of documents to be copied, the approximate total copies to be made annually, and the basis for determining such quantity, the number and make of copying machines on hand, if any, and the use or disposition to be made of them, and efforts to share copying facilities of own and other agency offices. Proposed acquisitions for other locations shall be approved by an agency property management officer as provided in § 104–25.302 (see § 101–25.504 and § 104–25.504 of this title).

10. Paragraph (c) of § 4–4.5026 is revised to read as follows:

§ 4–4.5026 Duplicating equipment.

• • • • • •

(c) *Restrictions.* Duplicating machines using the offset or stencil process and related equipment shall not be acquired for use in Washington, D.C., except upon the prior approval of the Director of Plant and Operations. (see § 104–55.604 of this title).

11. Section 4–4.5066 is revised to read as follows:

§ 4–4.5066 Personal articles.

(a) Expenditures from appropriations available for the procurement of supplies and materials or equipment may be made for the purchase and maintenance, in accordance with agency policies and procedures, of special clothing and equipment for the protection of personnel in the performance of their assigned tasks. "Protection," as used in this Section, means protection from physical injury or occupational disease.

(b) Articles of personal equipment other than for the protection of personnel shall not be purchased from an appropriation of the Department (1) without specific statutory authority, or (2) unless the object for which the appropriation was made cannot be accomplished as expeditiously and satisfactorily from the Government standpoint without such equipment, and the equipment is such that the employee could not reasonably be required to furnish it as a part of the personal equipment necessary to enable him to perform the regular duties of the position to which he was appointed or for which his service was engaged. Care should be exercised to avoid the purchase of special clothing or equipment to be fitted to an employee when it is known that the employee may soon be separated from the service or permanently assigned to other duties. (5 USC 7903).

12. Section 4–4.5077–1 is revised to read as follows:

§ 4–4.5077–1 Radiofrequency electromagnetic waves transmitting devices.

(a) Any device transmitting electromagnetic waves through free space, such as radio, radar, telemetry, microwave, lasers, or radio type instruments for research, requires an operating license before procurement or operation of such equipment. Agencies of the Department will ensure that no funds are obligated for communication-electronics equipment until availability of spectrum support is assured. Any planned systems using electronic transmitters must be submitted to the Agriculture representative on the Interdepartment Radio Advisory Committee (IRAC) for review prior to expenditure of funds for such systems.

(b) Frequencies for Federal use are assigned by the Director of Telecommunications Policy (OTP) through the IRAC. Department of Agriculture responsibilities for frequency licensing and representation on the IRAC are delegated to the Forest Service. (7 CFR 2.60 (a) (14))

(c) Requests for new system review and for assignment of frequencies should be submitted to the Forest Service, Chief, Communications and Electronics, Division of Administrative Management, Electronics Center, ARC, Beltsville, Maryland 20705.

Effective Date. August 10, 1973.

Done at Washington, D.C., this 2d day of August 1973.

T. M. BALDAUF,
Director of Plant and Operations, Department of Agriculture.

[FR Doc.73–16507 Filed 8–9–73;8:45 am]

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60–10—CAMDEN PLAN

Pursuant to a notice of hearing appearing in the FEDERAL REGISTER on October 9, 1971, representatives of the Department of Labor conducted public hearings in Trenton, New Jersey, on October 27 through 29, 1971, for the purpose of determining what action should be taken to ensure equal employment opportunity in the construction industry in Trenton and Camden, New Jersey. As a result of the findings made during those hearings, the Camden Plan is hereby issued and published in the FEDERAL REGISTER. A copy of the findings made as a result of the above noted hearings has been submitted with these regulations, and is on file.

Therefore, and pursuant to Executive Order 11246 (30 FR 12319; 3 CFR 1964–65 Comp., p. 406) and §§ 60–1.1 and 60–1.40 of Title 41 of the Code of Federal Regulations, Chapter 60 of these regulations is hereby amended by adding a new Part 60–10 to read as set forth below.

Subpart A—Purpose; Applicability; Background

Sec.
60–10.1 Purpose.
60–10.2 Applicability.
60–10.3 Background.

Subpart B—General Findings; Minority Participation in Specific Trades; Availability; Need for Training; Impact Upon Existing Labor Force

60–10.10 General findings.
60–10.11 Minority participation in the specified trades.
60–10.12 Availability of minority group persons for employment.
60–10.13 Need for training.
60–10.14 The impact of the plan upon the existing labor force.
60–10.15 Conclusion of findings.

Subpart C—Nondiscriminatory Purpose of the Plan; Requirements; Exemptions; Effective Date

60–10.20 Nondiscriminatory purpose of the plan.
60–10.21 Requirements.
60–10.22 Exemptions.

Subpart D—Appendix A

60–10.30 Appendix A.

AUTHORITY: Secs. 201, 202, 205, 211, 301, and 303 of Executive Order 11246 (30 FR 12319, 3 CFR 1964–65 Comp., p. 406) and §§ 60–1.1 and 60–1.40 of Title 41 of the Code of Federal Regulations.

Subpart A—Purpose; Applicability; Background

§ 60–10.1 Purpose.

The purpose of these regulations is to implement the provisions of Executive Order 11246, and the rules and regulations issued pursuant thereto requiring a program of equal employment opportunity by Federal contractors and subcontractors and federally assisted construction contractors and subcontractors in the Camden, N.J., area.

§ 60–10.2 Applicability.

While a contractor or subcontractor is performing on federally involved (Federal or federally assisted) construction contracts for projects, in the three-county Camden, N.J., area of Camden, Salem, and Gloucester Counties (hereinafter referred to as the Camden area), the estimated cost of which exceeds $500,000, all construction activities (including all activities on nonfederally involved work) of such a contractor or subcontractor within the Camden area shall be subject to the requirements of these regulations: *Provided, however,* That if an areawide agreement is developed for any trade covered by these regulations or any such trade is covered by a multitrade agreement, then the Office of Federal Contract Compliance (OFCC) may, in its complete discretion, accept such program in lieu of any or all of the requirements of these regulations, subject to such terms and conditions as OFCC may specify.

§ 60–10.3 Background.

Public hearings were conducted by representatives of the Department of Labor in Trenton, N.J., on October 27 through October 29, 1971, to determine what action should be taken to insure equal employment opportunity in the construction industry in the Camden and Trenton, N.J., areas. Testimony was heard and data received on the following:

(a) The current extent of minority group participation in the construction trades as journeymen, apprentices, trainees, and helpers;

(b) The effectiveness of present employee recruitment methods;

(c) The availability of qualified and qualifiable minority group persons for employment in each construction trade, including where they are now working, how they may be brought into the trades;

(d) The effectiveness of existing training programs in the area, including the number of minorities and others recruited into the programs, the number who complete training, the length and extent of training, employer experience with trainees, the need for additional or expanded training programs;

(e) The number of additional workers that could be absorbed into each trade without displacing present employees, including consideration of present employee shortages, projected growth of the trade, projected employee turnover;

(f) The availability and utilization of minority contractors on federally involved contracts;

(g) The desirability and extent, including the geographical scope, of possible Federal action to insure equal employment opportunity in the construction trades;

(h) Recommendations of governmental compliance agencies active in the Camden and Trenton, N.J., area.

Subpart B—General Findings; Minority Participation in Specific Trades; Availability; Need for Training; Impact Upon Existing Labor Force

§ 60–10.10 General findings.

As a result of the material presented at the public hearings in Trenton and other investigations conducted by representatives of the State of New Jersey and the U.S. Department of Labor, the Department has determined that the problems of minority underutilization in Camden and Trenton, New Jersey should be separately addressed in light of the hometown agreement reached in Trenton, and the inability of the contractors, unions, and minority community representatives in Camden to reach a similar accord. Continued analysis of data obtained by the Department of Labor relating to the progress in employment of minorities in the Camden area reveals that minority workers (Negroes, Spanish surnamed Americans, Orientals, and American Indians) continue to be denied full participation in certain construction trades, necessitating action on a broad scale. This underutilization of minorities is due in substantial measure to the unique nature of employment practices in the construction industry where contractors and subcontractors rely on construction craft unions as their prime or sole labor source. Collective bargaining agreements and/or established custom and usage between construction contractors and subcontractors and labor organizations frequently provide for, or result in, exclusive hiring halls. Even where the collective bargaining agreement contains no such hiring hall provisions or the custom is not rigid, as a practical matter, most people working in these classifications are referred to the jobs by such labor organizations. As a result, referral by the labor organization is a virtual necessity for obtaining meaningful employment in union construction projects. Minorities often have not gained admittance into membership of certain unions and into certain apprenticeship programs, and, consequently, for these and other reasons, have not been referred for employment.

§ 60–10.11 Minority participation in the specified trades.

The overall nonwhite minority population in the Camden area is approximately 22.0 percent, 101,000 of 456,000 persons. These figures are, however, conservative in that the census data upon which these figures are based tend to include Spanish-surnamed persons as white rather than minority without indicating the number of persons so classified. It is generally known that the Camden area contains a substantial Spanish-surnamed population.

(a) *Statistical data.* The most reliable data developed at the hearings reveal the following as the current minority representation as journeyman in unions in selected trades, for the Camden area:

	Percent
Bricklayers	9.0
Carpenters	4.0
Cement Masons	0.0
Electricians	2.3
Operating Engineers	0.0
Painters	0.8
Plumbers/Pipefitters/Steamfitters	0.0
Structural Metal Workers	3.3

It is apparent from the foregoing that the skilled trades evidence a significant underutilization of minority employees.

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§ 60–10.12 Availability of minority group persons for employment.

(a) *Population.* (1) The 1970 population estimate for the three county Camden-Gloucester-Salem area, as found by the U.S. Census Bureau, was 925,104, and includes a minority constituency of 106,172 persons, or approximately 11.5 percent.

(2) The total labor force in the Camden area is approximately 310,000. However, minorities represent over 4,500 or 13.1 percent of the unemployed in Camden County, and 400, or 11.4 percent of the unemployed in Salem County.

(b) *Training programs—showing of interest.* (1) Although the hearing panel found that minorities have been and continue to be seriously underrepresented in certain construction trades and trade unions, this is not due to any lack of available qualifiable Negro and other minority applicants in the Camden area.

(2) Rather, the panel's analysis of all available data reveals that existing contractor and union recruitment efforts fall far short of the type of affirmative action which would bring substantial numbers of available minorities into the construction trades.

(3) Potentially available minorities registered with local employment offices for employment in 14 of the construction trades totaled 176 according to recent data. This figure included 106 skilled workers and 70 laborers and helpers. The specific figures for some selected trades were:

Sheetmetal workers	9
Electricians	5
Plumbers and plumber helpers	20
Roofers and roofer helpers	30
Carpenters and carpenter helpers	32
Cement masons and cement mason helpers	24

There were, in recent reports, 150 minorities registered with the Apprenticeship Information Center for training in the construction trades. There were, additionally, 12 minorities enrolled with Opportunities Industrialization Center (OIC), 325 with the Apprenticeship Outreach Program, 10 with the Manpower Development and Training Act (MDTA), in Camden, and three with the MDTA Program in Salem County. Thus, the total minority registration and/or participation in currently operational training programs, not including vocational school programs, was approximately 500 persons.

(c) *Community involvement.* Testimony presented at the hearings revealed, and it has consistently been the Department's experience, that the effectiveness of efforts to recruit minority trainees and workers depends in large measure upon the active involvement of minority organizations in the community. Various representatives of minority organizations indicated that they would have little, if any, difficulty in recruiting minority workers for training and jobs in sufficient numbers to meet the manpower needs of the Camden area construction industry.

(d) *Minority subcontractors.* Information gained at the hearing indicated, and it is found, that a number of minority subcontractors are operating effectively within the Camden area. Utilization of these subcontractors, particularly by nonminority contractors, could significantly expand the participation of minority craftsmen on projects of federally involved construction contractors.

§ 60–10.13 Need for training.

(a) *Existing programs.* A readily available source of minority manpower, most of whom could be utilized in the skilled trades with skills refinement training only, may be found in the number of minority laborers currently in labor unions having jurisdiction in the Camden area. This figure is currently placed at 375.

§ 60–10.14 The impact of the plan upon the existing labor force.

(a) *Contractors' commitments.* It has been found and determined, that a contractor covered by these regulations, could commit himself to minority hiring at least up to the annual rate of job vacancies in his respective trade, without adversely affecting the existing labor force or displacing any incumbents. Data presented at the 1971 hearings revealed that the total additional manpower requirements of the primary construction trades for the period 1972–76 were conservatively estimated at approximately 3,136 new jobs, and replacement job opportunities for a yearly average in excess of 626. The annual number of new job openings per craft for selected trades is as follows:

Trade	Annual Number of Job Openings
Electricians	61
Sheetmetal workers	27
Structural metal workers	48
Carpenters	103
Plumbers/Pipefitters/Steamfitters	74
Bricklayers/Plasterers	37
Cement masons	14
Painters/Decorators/Paperhangers	54

These projections are not inconsistent with conservative national statistics which reveal that approximately 7.5 percent of construction trade workers are replaced each year due to death, retirement, disability, and outmigration.

(b) *Timetable.* In an effort to provide an affirmative action program and practical ranges for the utilization of minority manpower which can be met by employers in hiring productive, qualified, and qualifiable minority craftsmen, these ranges should be developed to cover an extended period of time. Testimony at the hearing indicated that a 4-year duration for the plan is proper as the greatest need for additional manpower in the industry will take place during the first part of the decade. Therefore, it is found and determined that in order for these regulations to effect equal employment to the fullest extent, the standards of minority utilization should be determined for the next 4 years.

§ 60–10.15 Conclusion of findings.

(a) *Current minority participation.* It is found in the Camden area work force data submitted at the public hearings, that minority representation in the construction industry in general is almost exclusively in the least remunerative jobs while most of the highly skilled and most remunerative trades in the same area and industry have an insignificant number of minority representatives, e.g., electricians, 2.3 percent, sheetmetal workers, 3.3 percent, plumbers and pipefitters, 0.0 percent, etc. Thus, it appears that the most skilled and most remunerative trades have a level of minority representation far below that which should have resulted from meaningful past participation in the industry without regard to race, color, or national origin. Therefore, it is determined that these rules are necessary to provide for minority participation in the following trades:

Asbestos workers
Boilermakers
Bricklayers
Carpenters
Cement masons
Electricians
Elevator constructors
Glaziers
Lathers
Operating engineers
Painters/decorators/paperhangers
Plasterers
Plumbers/pipefitters/steamfitters
Roofers
Sheetmetal workers
Sprinkler fitters
Structural metal workers
Wharf and dock builders

(b) *Effect of plan.* A construction contractor working in the Camden area could increase the minority participation in his trade significantly by hiring only minorities to fill new job openings (attrition plus growth). However, to do so would inevitably result in the exclusion of qualified nonminorities from such job opportunities. Based upon the fact that the minority population in the Camden area is approximately 22 percent of the total population, upon the fact that the minority unemployment rate in the Camden area is substantially greater than that of nonminority unemployment, upon the fact that there exists substantial minority underemployment in the area and upon the further fact that significant and effective training programs now exist, it may be reasonably expected that in the filling of new and vacant jobs, effective affirmative action efforts should produce at least one minority applicant for each nonminority applicant for effective construction employment.

(c) *Increased minority participation.* If new and vacated position in only the trades covered by these rules totaling approximately 3,136 through 1976 were filled by one minority worker for each nonminority worker, the resultant increased minority participation in those trades alone through June 1976 would be approximately 1,568 workers. On the basis of the findings indicated above, it is estimated that in excess of 670 minority persons may presently be considered available to fill such jobs, many of whom possess some degree of training. Within the anticipated increase in those who should be available over the next 4 years, it appears that more than sufficient numbers of minority workers will be available to effectively fill new and vacated construction trade positions.

(d) *Purpose of ranges.* By establishing ranges which anticipate good faith efforts by construction contractors to fill new and vacated jobs on at least a 1-to-1 minority-to-nonminority basis through June 1976, contractors may recruit from available minority manpower without displacing any existing craftsmen and without discriminating against any nonminority applicant for employment.

(e) *Evaluation and advisory recommendations.* The Department recognizes that the contractors, unions, and minority community, who must operate on a day-to-day basis under the requirements of these regulations, are in the best positions to evaluate the effectiveness of these regulations. Therefore, the Department shall make every effort to encourage and develop a voluntary committee representing these three groups, which committee shall periodically review the effectiveness of these regulations and make advisory recommendations to the Department in this regard.

Subpart C—Nondiscriminatory Purpose of the Plan; Requirements; Exemptions; Effective Date

§ 60–10.20 Nondiscriminatory purpose of the plan.

The purpose of the contractor's commitment to specific goals is to meet the contractor's affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee.

§ 60–10.21 Requirements.

After full consideration and in view of the foregoing, it is determined that:

(a) No contracts or subcontracts shall be awarded for Federal and federally assisted construction in the Camden, N.J., area on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid opening, the document identified as Appendix A, notice of requirement for submission of affirmative action plan to insure equal employment opportunity or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all of his work (both Federal and non-Federal) within the Camden, N.J. area, during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established in Appendix A of this part. Such appendix is for all purposes a part of these regulations and shall be deemed a part of all contracts executed pursuant to these regulations. Minority manpower means, for the purposes of these rules, Negroes, Spanish surnamed Americans, Orientals, and American Indians and includes both men and women. The trades utilizing the following classifications of employees are covered by these rules:

Asbestos Workers
Boilermakers
Bricklayers
Carpenters
Cement Masons
Electricians
Elevator Constructors
Glaziers
Lathers
Operating Engineers
Painters/Decorators/Paperhangers
Plasterers
Plumbers/Pipefitters/Steamfitters
Roofers
Sheetmetal Workers
Sprinkler Fitters
Structural Metal Workers
Wharf and Dock Builders

(b) The requirements of paragraph (a) of this section shall not apply with respect to the trade of Operating Engineers as to bidders, contractors and subcontractors maintaining collective bargaining agreements with Local No. 825, Operating Engineers, providing for the referral of employees by that local union to such contractors regarding that trade, provided that this exemption shall remain in effect only so long as Local 825 fully complies with the terms and requirements of a Consent Decree between it and the United States.

(c) Each Federal agency shall include, or require the applicant to include, in the invitation for bids, or other solicitation used for a federally involved (Federal or federally assisted) construction contract, when the estimated total cost of the construction project exceeds $500,000, a notice stating that to be eligible for award, each bidder will be required to comply with Appendix A for the hereinbefore designated trades unless the applicant is exempted under paragraph (b) of this section to be used during the term of the performance of the contract—whether or not the work is subcontracted. The form of such notice shall be substantially similar to such Appendix A.

§ 60–10.22 Exemptions.

Requests for exemptions from these regulations must be in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

Effective date. The provisions of this part will be effective with respect to transactions for which the invitations for bids or other solicitations for bids, or additions or amendments thereto, are sent on or after the publication of these regulations.

Subpart D—Appendix A

§ 60–10.30 Appendix A.

For inclusion in the invitation or other solicitation for bids for a federally involved construction contract in the Camden, N.J., area, when the estimated total cost of the construction project exceeds $500,000.

NOTICE OF REQUIREMENT FOR SUBMISSION OF AFFIRMATIVE ACTION PLAN TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

NOTICE: TO BE ELIGIBLE FOR AWARD OF THE CONTRACT, EACH BIDDER MUST FULLY COMPLY WITH THE REQUIREMENTS, TERMS AND CONDITIONS OF THIS APPENDIX A

The following are hereby submitted by the undersigned bidder as its goals for minority manpower utilization ("minority" being Negro, Spanish surnamed American, Oriental and American Indian and includes both men and women) to be achieved on all work of the bidder within the Camden, N.J. area during the terms of his performance of this contract in the trades specified below in conformity with the requirements, terms and conditions of this Appendix A as hereinafter set forth:

Trade	*Total Number of Manhours to be worked by Minority Persons on All Bidder's Projects within the Camden Area Including on this Contract, Expressed in Terms of a Percentage of the Total Number of Manhours to be Worked Until June 30, 1974*
Asbestos Workers	
Boilermakers	
Bricklayers	
Carpenters	
Cement Masons	
Electricians	
Elevator Constructors	
Glaziers	
Lathers	
Operating Engineers	
Painters/Decorators/ Paperhangers	
Plasterers	
Plumbers/Pipefitters/ Steamfitters	
Roofers	
Sheetmetal Workers	
Sprinkler Fitters	
Structural Metal Workers	
Wharf and Dock Builders	

Trade	*Total Number of Manhours to be Worked by Minority Persons on All Bidder's Projects within the Camden Area Including on this Contract, Expressed in Terms of a Percentage of the Total Number of Manhours to be Worked from July 1, 1974 Until June 30, 1975*
Asbestos Workers	
Boilermakers	
Bricklayers	
Carpenters	
Cement Masons	
Electricians	
Elevator Constructors	
Glaziers	
Lathers	
Operating Engineers	
Painters/Decorators/ Paperhangers	
Plasterers	
Plumbers/Pipefitters/ Steamfitters	
Roofers	
Sheetmetal Workers	
Sprinkler Fitters	
Structural Metal Workers	
Wharf and Dock Builders	

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Trade	Total Number of Manhours to be worked by Minority Persons on All Bidder's Projects within the Camden Area Including on this Contract, Expressed in Terms of a Percentage of the Total Number of Manhours to be Worked from July 1, 1975 Until June 30, 1976
Asbestos Workers	
Boilermakers	
Bricklayers	
Carpenters	
Cement Masons	
Electricians	
Elevator Constructors	
Glaziers	
Lathers	
Operating Engineers	
Painters/Decorators/ Paperhangers	
Plasterers	
Plumbers/Pipefitters/ Steamfitters	
Roofers	
Sheetmetal Workers	
Sprinkler Fitters	
Structural Metal Workers	
Wharf and Dock Builders	

Trade	Total Number of Manhours to be worked by Minority Persons on All Bidder's Projects within the Camden Area Including on this Contract, Expressed in Terms of a Percentage of the Total Number of Manhours to be Worked from July 1, 1976 Until June 30, 1977
Asbestos Workers	
Boilermakers	
Bricklayers	
Carpenters	
Cement Masons	
Electricians	
Elevator Constructors	
Glaziers	
Lathers	
Operating Engineers	
Painters/Decorators/ Paperhangers	
Plasterers	
Plumbers/Pipefitters/ Steamfitters	
Roofers	
Sheetmetal Workers	
Sprinkler Fitters	
Structural Metal Workers	
Wharf and Dock Builders	

Requirements, terms and conditions. 1. No contracts or subcontracts shall be awarded for Federal or federally assisted construction in the Camden, N.J., area on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid opening, this document designated as Appendix A, or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all his work (both Federal and non-Federal) within the Camden, N.J., area during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established by this appendix in section 2 thereof. Minority manpower means, for the purposes of this appendix, Negroes, Spanish surnamed Americans, Orientals and American Indians and includes both men and women. The trades utilizing the following classifications of employees are covered by this appendix:

Asbestos Workers
Boilermakers
Bricklayers
Carpenters
Cement Masons
Electricians
Elevator Constructors
Glaziers
Lathers
Operating Engineers
Painters/Decorators/Paperhangers
Plasters
Plumbers/Pipefitters/Steamfitters
Roofers
Sheetmetal Workers
Sprinkler Fitters
Structural Metal Workers
Wharf and Dock Building

A bidder who fails or refuses to complete or submit such goals shall not be deemed a responsive bidder and may not be deemed a responsive bidder and may not be awarded the contract or subcontract, but such goals need be submitted only for those trades which the contractor contemplates to be used in the performance of the federally involved contract. In no case shall there be any negotiations over the provisions of the specific goals submitted by the bidder after the opening of bids and prior to the award of the contract.

2. The following ranges, constituting acceptable minimums within which a prospective contractor or subcontractor must establish his goals are hereby established as the standards for minority manpower utilization for each of the designated trades in the Camden, N.J., area for the next 4 years:

Trade	Range of Minority Group Employment Until June 30, 1974 (Percent)
Asbestos Workers	2.9%– 5.8%
Boilermakers	2.7%– 5.4%
Bricklayers	11.2%–13.4%
Carpenters	6.8%– 7.6%
Cement Masons	3.0%– 6.0%
Electricians	5.2%– 8.1%
Elevator Constructors	2.7%– 5.4%
Glaziers	4.0%– 8.0%
Lathers	2.7%– 5.4%
Operating Engineers	2.5%– 5.0%
Painters/Decorators/ Paperhangers	2.8%– 4.8%
Plasters	11.0%–13.0%
Plumbers/Pipefitters/ Steamfitters	2.1%– 4.2%
Roofers	2.1%– 4.2%
Sheetmetal Workers	2.8%– 5.6%
Sprinkler Fitters	2.7%– 5.4%
Structural Metal Workers	5.7%– 8.1%
Wharf & Dock Builders	2.7%– 5.4%

Trade	Range of Minority Group Employment From July 1, 1974 Until June 30, 1975 (Percent)
Asbestos Workers	5.8%– 8.7%
Boilermakers	5.4%– 8.1%
Bricklayers	13.4%–15.6%
Carpenters	7.6%– 9.4%
Cement Masons	6.0%– 9.0%
Electricians	8.1%–12.0%
Elevator Constructors	5.4%– 8.1%
Glaziers	8.0%–12.0%
Lathers	5.4%– 8.1%
Operating Engineers	5.0%– 7.5%
Painters/Decorators/ Paperhangers	4.8%– 6.8%
Plasterers	13.0%–15.0%
Plumbers/Pipefitters/ Steamfitters	4.2%– 6.3%
Roofers	4.2%– 6.3%
Sheetmetal Workers	5.6%– 8.4%
Sprinkler Fitters	5.4%– 8.1%
Structural Metal Workers	8.1%–10.5%
Wharf & Dock Builders	5.4%– 8.1%

Trade	Range of Minority Group Employment From July 1, 1975 Until June 30, 1976 (Percent)
Asbestos Workers	8.7%–11.6%
Boilermakers	8.1%–10.8%
Bricklayers	15.6%–17.8%
Carpenters	9.4%–11.2%
Cement Masons	9.0%–12.0%
Electricians	12.0%–14.9%
Elevator Constructors	8.1%–10.0%
Glaziers	12.0%–16.0%
Lathers	8.1%–10.8%
Operating Engineers	7.5%–10.0%
Painters/Decorators/ Paperhangers	6.8%– 8.8%
Plasterers	15.0%–17.0%
Plumbers/Pipefitters/ Steamfitters	6.3%– 8.4%
Roofers	6.3%– 8.4%
Sheetmetal Workers	8.4%–11.2%
Sprinkler Fitters	8.1%–10.8%
Structural Metal Workers	10.5%–12.9%
Wharf & Dock Builders	8.1%–10.8%

Trade	Range of Minority Group Employment From July 1, 1976 Until June 30, 1977 (Percent)
Asbestos Workers	11.6%–14.5%
Boilermakers	10.8%–13.5%
Bricklayers	17.8%–20.0%
Carpenters	11.2%–13.0%
Cement Masons	12.0%–15.0%
Electricians	14.9%–17.8%
Elevator Constructors	10.8%–13.5%
Glaziers	16.0%–20.0%
Lathers	10.8%–13.5%
Operating Engineers	10.0%–12.5%
Painters/Decorators/ Paperhangers	8.8%–12.8%
Plasterers	17.0%–19.0%
Plumbers/Pipefitters/ Steamfitters	8.4%–10.5%
Roofers	8.4%–10.5%
Sheetmetal Workers	11.2%–14.0%
Sprinkler Fitters	10.8%–13.5%
Structural Metal Workers	12.9%–15.3%
Wharf & Dock Builders	10.8%–13.5%

After the first year of the program, the standards (trades and ranges) set forth herein shall be reviewed to determine whether the projections on which these standards are based adequately reflect the construction labor market situation at that time. Reductions or other significant fluctuations in federally involved construction shall be specifically reviewed from time to time as to their effect upon the practicality of the standards. In no event, however, shall the standards be increased or trades be added to the list of covered trades after bids have been received.

The contractor's or subcontractor's goals established within the above ranges shall express the contractor's or subcontractor's commitment to the percentage of minority personnel who will be working in each specified craft on each of his projects (whether federally involved or otherwise) within the Camden, N.J., area during the term of the covered contract.

The man-hours for minority workers must be substantially uniform throughout the entire length of the contract for each of the designated trades, to the effect that the percentage of minority workers in the designated trades must be working throughout the length of work on each project in each trade. The contractor or subcontractor shall be deemed to have met his commitment to specific goals for minority manpower utilization:

(a) If the minority manpower utilization rate of the contractor or subcontractor itself meets the goals of the total of all of the contractor's or subcontractor's facilities within the Camden area: *Provided, however,* That if the contractor has denied equal employment opportunity; he shall not be in compliance with this appendix, or

(b) If the contractor or subcontractor can establish that it is a member of a contractor's association or other employer organization or association which has as one of its purposes the expanded utilization of minority manpower and the total utilization rate of minority craftsmen by all member contractors and subcontractors of such an association or organization on all projects in which they are involved within the Camden area meets the contractor's or subcontractor's commitments: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix, or

(c) If the contractor or subcontractor can establish that it has a collective bargaining agreement with a labor organization, that it utilizes such organization as its source for over 80 percent of its manpower needs and (i) that the percentage total of minority membership of such organization and the total percentage of minorities referred for employment on all projects within the Camden area meets the contractor's or subcontractor's commitments or (ii) that such labor organization has made good faith efforts as described in 5 below in the referral of minorities for employment and the admission of minorities to membership: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix.

3. Whenever a contractor or subcontractor uses trades covered by this appendix which were not contemplated at the time of his bid and he therefore does not submit goals for such trades, he shall be deemed to be committed to the minority group employment goal of the minimum percentage range for that trade for the appropriate year.

In the event that under a contract subject to this appendix any work by a trade covered by this appendix is performed after June 30, 1976, the determined ranges of minority group employment for the year ending June 30, 1976, shall be applicable to such work.

4. The contractor's and subcontractor's commitment to specific goals is to meet affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee. Whenever it comes to the bidder's or contractor's attention that the goals are being used in a discriminatory manner, he shall immediately report that fact to the Office of Federal Contract Compliance of the U.S. Department of Labor in order that appropriate proceedings may be instituted.

5. The contractor's or subcontractor's (collectively hereinafter referred to as "contractor") commitment to specific goals for minority manpower utilization as required by this Appendix A shall constitute a commitment that it or the labor organization described in 2(c) above, will make every good faith effort to meet such goals. If the contractor has failed to meet his goals, a determination of "good faith" will be based upon his efforts or those of such labor union to broaden its recruitment base which efforts shall include but not be limited to the following as applicable:

(a) Notification to the community organizations that the contractor or union has employment opportunities available and maintenance of records regarding the organizations' response.

(b) Maintenance of a file of the names and addresses of each minority worker referred by the union or to the contractor and what action was taken with respect to each such referred worker. If such worker was not sent to the union hiring hall for referral or if such worker was not referred by the union or not employed by the contractor, the file should document this and the reasons therefor.

(c) The contractor shall promptly notify the OFCC area coordinator when the union or unions with whom the contractor has a collective bargaining agreement has not referred to the contractor a minority worker sent by the contractor or the contractor has other information that the union referral process has impeded him in his efforts to meet his goal.

(d) Participation in training programs in the area, especially those funded by the Department of Labor.

(e) Dissemination of the contractor's or union's EEO policy within the respective organizations as applicable, by including it in any policy manual; by publicizing it in company or union newspapers, annual report, etc.; by conducting meetings to explain and discuss the policy; by posting of the policy; and by specific review of the policy with minority employees or members.

(f) Dissemination of its EEO policy externally by informing and discussing it with all recruitment sources; by advertising in news media, specifically including minority news media; and by notifying and discussing it with all contractors and subcontractors.

(g) Specific and constant personal (both written and oral) recruitment efforts directed at all minority organizations, schools with minority students, minority recruitment organizations, and minority training organizations, within the contractor's or union's recruitment area.

(h) Specific efforts to encourage present minority employees or members to recruit their friends and relatives.

(i) Validation of all man specifications, selection requirements, tests, etc.

(j) Making every effort to provide after-school, summer and vacation employment to minority youths.

(k) Where reasonable, the development of on-the-job training opportunities and participation and assistance in any association or group training programs relevant to the contractor's or union's needs.

(l) Continuing inventory and evaluation of all minority personnel or members for promotion opportunities and encouragement of minority employees or members to seek such opportunities.

(m) Assuring that seniority practices, job classifications, etc., do not have a discriminatory effect.

(n) Assuring that all facilities and activities are nonsegregated.

(o) Continual monitoring of all personnel activities to insure that its EEO policy is being carried out.

(p) The contractor shall solicit bids for subcontracts from available minority subcontractors with the trades covered by this appendix, to the maximum extent practicable including circulation of minority contractor associations.

6. Each agency shall review contractors' and subcontractors' employment practices during the performance of the contract. If the contractor or subcontractor meets its goals or if the contractor or subcontractor can demonstrate that it has made every good faith effort to meet those goals, and is not otherwise violating any existing equal employment opportunity laws or regulations, the contractor shall be presumed to be in compliance with Executive Order 11246, the implementing regulations and its obligations under this appendix and no formal sanctions or proceedings leading toward sanctions shall be instituted unless the agency otherwise determines that the contractor or subcontractor is not providing equal employment opportunities. Where the agency finds that the contractor or subcontractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and its obligations under its appendix, the agency shall take such action and impose such sanctions as may be appropriate under the Executive Order and the regulations. When the agency proceeds with such formal action it has the burden of proving that the contractor has not met the requirements of this appendix, but the contractor's failure to meet his goals shall shift to him the requirement to come forward with evidence to show that either he or his union, described in 2(c) above, has made every "good faith" effort (as described in 5 above) to meet such goals. Such noncompliance by the contractor or subcontractor shall be taken into consideration by Federal agencies in determining whether such contractor or subcontractor can comply with the requirements of Executive Order 11246 and is therefore a "responsible prospective contractor" within the meaning of the Federal procurement regulations.

7. Except as provided herein, it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act, as amended, and title VII of the Civil Rights Act of 1964. It is the longstanding uniform policy of OFCC that contractors and subcontractors have a responsibility to provide equal employment opportunity if they want to participate in federally involved contracts. To the extent they have delegated the responsibility for some of their employment practices to a labor organization which does not meet the criteria prescribed in 5 above and they are, thus, prevented from meeting the obligations pursuant to Executive Order 11246 (as amended), such contractors cannot be con-

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sidered to be in compliance with Executive Order 11246 (as amended), or the implementing rules, regulations, and orders.

8. All prime contractors and subcontractors shall include in all bid invitations or other prebid communications, written or otherwise, with respect to their prospective subcontractors, the goals, as applicable, which are required under this appendix. Whenever a prime contractor or subcontractor subcontracts a portion of the work in any trade designated herein, he shall include in such subcontract his commitment made under this appendix, and reference to the provisions of paragraph 3, of this appendix, as applicable, which shall be adopted by his subcontractor, who shall be bound thereby and by this appendix to the full extent as if he were the prime contractor. The prime contractor shall not be accountable for the failure of his subcontractor to fulfill his requirements. However, the prime contractor or subcontraator shall give notice to the Area Coordinator of the Office of Federal Contract Compliance of the Department of Labor and the contracting agency of any refusal or failure of any subcontractor to fulfill his obligations under this appendix. Failure of compliance by any subcontractor will be treated in the same manner as such failure by the prime contractor.

9. Contractors and subcontractors must keep such records and file such reports relating to the provisions of this appendix as shall be required by the contracting or administering agency.

10. Nothing in this appendix shall be interpreted to diminish the responsibilities of the contracting and administering agencies nor the obligations of contractors or subcontractors pursuant to Executive Order 11246 for those trades and those contracts not covered by this appendix.

11. The procedures set forth in this appendix shall not apply to any contract when the head of the contracting or administering agency determines that such contract is essential to the national security and that its award without following such such procedures is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within 30 days.

12. Nothing in this appendix shall be interpreted to diminish the present contract compliance review and complaint programs.

13. Requests for exemptions from this appendix must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

14. This appendix shall be signed in the space provided below.

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(Date) (Bidder)

By: ----------

Signed at Washington, D.C., this 1st day of August 1973.

PETER J. BRENNAN,
Secretary of Labor.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.73-16487 Filed 8-9-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1111, Amdt. 10]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co.

Delaware and Hudson Railway Company authorized to operate over tracks of Erie Lackawanna Railway Company Thomas F. Patton and Ralph S. Tyler, Jr., trustees.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of July 1973.

Upon further consideration of Service Order No. 1111 (37 FR 19617, 22872, 25237; 38 FR 878, 3332, 5637, 8446, 10942, 14755, and 18025), and good cause appearing therefor:

It is ordered, That: § 1033.1111 *Service Order No. 1111* (Delaware and Hudson Railway Company authorized to operate over tracks of Erie Lackawanna Railway Company Thomas F. Patton and Ralph S. Tyler, Jr., trustees) Service Order No. 1111 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroad, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16599 Filed 8-9-73;8:45 am]

[S.O. 1147]

PART 1033—CAR SERVICE

Norfolk and Western Railway Co.

Norfolk and Western Railway Company authorized to operate over joint tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company and Chicago, Rock Island and Pacific Railroad Company and over tracks of the Kansas City Southern Railway Company.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 6th day of August 1973.

It appearing, that there are trainload movements of automobiles and automobile parts and of returning empty cars, passing through terminals at Kansas City, Missouri, between the Norfolk and Western Railway Company (N&W) on the east, and the Chicago, Rock Island and Pacific Railroad Company (RI), or the Missouri Pacific Railroad Company (MP) on the west; that presently established interchange routes through this terminal require circuitous movements and repeated handling in intermediate classification yards, thus congesting these facilities; that the carriers involved have agreed with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milw) and The Kansas City Southern Railway Company (KCS) for use of certain of their tracks in Kansas City by the N&W; that such use of Milw and KCS tracks by the N&W will enable the N&W to make direct interchange of trains with the MP and the RI; that such direct interchanges will result in significant reductions in congestion in the Kansas City terminals of the N&W, MP, and RI and will improve car utilization; that operation by the N&W over certain tracks of the Milw and of the KCS at Kansas City is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1147 Service Order No. 1147.

(a) *Norfolk and Western Railway Company authorized to operate over joint tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company and Chicago, Rock Island and Pacific Railroad Company and over tracks of the Kansas City Southern Railway Company.* The Norfolk and Western Railroad Company (N&W) be, and it is hereby authorized to operate over tracks of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milw) between Birmingham, Missouri, station 25041+27.9 and Air Line Junction, Missouri, station 25272+78.9, a distance of approximately 4.38 miles, and over tracks of The Kansas City Southern Railway Company (KCS) between Air Line Junction, Missouri, station 25272+78.9 and station 25302+35.7, a distance of approximately 0.56 miles, and over joint Milw-KCS tracks between station 25302+35.7 and a connection with the Kansas City Terminal Railway Company, station 25308+69.3, a distance of approximately 0.12 miles, the total distance of all of the aforesaid trackage being approximately 5.06 miles, and all located within the Kansas City, Missouri, terminal area.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the N&W over tracks of the Milw and KCS is deemed to be due to carrier's disability, the rates applicable to traffic moved by the N&W over these tracks of the Milw and KCS shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., August 7, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 15, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16598 Filed 8-9-73;8:45 am]

Title 7—Agriculture Department

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 26—GRAIN STANDARDS

Official Grain Standards of the United States for Wheat

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 12814) on May 16, 1973, regarding a proposed amendment to clarify § 26.314 of the Official Grain Standards of the United States for Wheat (7 CFR 26.301 et seq.) promulgated under the authority of the United States Grain Standards Act (7 U.S.C. 71 et seq.).

Statement of considerations. The United States Grain Standards Act provides for official U.S. standards to designate the levels of quality of grain for voluntary use by producers, merchandisers, and consumers in the domestic marketing of grain and for mandatory use in the export marketing of grain. Official grading service is provided under the Act upon request of the applicant and payment of a fee to cover the cost of the service.

Section 26.314 of the Official Standards for Wheat formerly read:

Section 26.314 *Basis of determination.* Each determination of dockage, moisture, temperature, odor, garlic, live weevils or other insects injurious to stored grain, and distinctly low quality shall be upon the basis of the grain as a whole. All other determinations shall be upon the basis of the grain when free from dockage.

In administration of this section, determinations of the presence of crotalaria seeds, large stones, castor beans, broken glass, animal filth, unknown foreign substances, and commonly recognized harmful or toxic substances have been and are being made, with trade concurrence, on the basis of the wheat as a whole (i.e., before the dockage has been removed) in view of the fact that the presence of such materials is analogous to the conditions which result in wheat being considered to be "otherwise of distinctly low quality" within the requirements of the wheat standards. For this reason, a proposal was made to clarify the section by specifying that the determination of each of these conditions be made on the basis of the wheat as a whole.

Interested persons were given 60 days in which to submit written or oral comments, suggestions, or objections regarding the proposed amendment. No objections have been received and the amended § 26.314 is set forth below:

§ 26.314 **Basis of determination.**

Each determination of dockage, moisture, temperature, odor, garlic, live weevils or other insects injurious to stored grain, crotalaria seeds, large stones, castor beans, broken glass, animal filth, an unknown foreign substance, a commonly recognized harmful or toxic substance, and otherwise distinctly low quality shall be upon the basis of the grain as a whole. All other determinations shall be upon the basis of the grain when free from dockage.

The amendment clarifies the standards to reflect approved inspection practices. No benefit to the public would accrue by not making the amendment effective immediately. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective on August 10, 1973.

Done at Washington, D.C., on August 3, 1973.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.73-16400 Filed 8-9-73;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

ADDITIONS TO REGULATED AREAS

This document amends the supplemental regulation which lists regulated areas for purposes of the Federal Imported Fire Ant Quarantine by adding to the regulated areas all or parts of the following previously nonregulated counties: Chicot in Arkansas; Dixie, Gilchrist, Glades, and Levy in Florida; Echols in Georgia; Tishomingo in Mississippi; Pamlico and Robeson in North Carolina; Barnwell in South Carolina; Fayette, Houston, and Washington in Texas. It also extends the regulated areas in the following previously regulated counties: Ashley in Arkansas; Alachua, Brevard, Charlotte, Columbia, Flagler, Highlands, Lafayette, Lake, Lee, Leon, Madison, Marion, Osceola, Putnam, St. Johns, Suwannee, Taylor, and Volusia in Florida; Bacon, Carroll, Clinch, Columbia, Coweta, Fayette, Heard, Jasper, Johnson, Lanier, McIntosh, Putnam, Tattnall, Toombs, Treutlen, Ware, and Washington in Georgia; Carroll, Humphreys, Prentiss, Union, and Yalobusha in Mississippi; Brunswick and Columbus in North Carolina; Georgetown, Hampton, Kershaw, and Sumter in South Carolina; and Collin in Texas. Various minor changes are also made.

Under sections 8 and 9 of the Plant Quarantine Act, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.81–2 of the Imported Fire Ant Quarantine regulations, 7 CFR 301.81–2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.81–2a, is hereby amended as set forth below:

§ 301.81–2a **Regulated Areas; suppressive and generally infested areas.**

* * * * * *

1. In § 301.81–2a relating to the State of Arkansas, under generally infested area, the entire description is changed as set forth below:

ARKANSAS

(1) *Generally infested area.*

Ashley County. That portion of the county lying south of the south line of T. 16 S.; Secs. 35 and 36, T. 16 S., R. 8 W.

Bradley County. That portion of the county lying south of the south line of T. 15 S.

Chicot County. That portion of the county lying south of the south line of T. 16 S., including all of Pickett Island.

Lafayette County. Secs. 4, 5, 8, and 9, T. 20 S., R. 23 W.; secs. 2, 3, 10, and 11, T. 20 S., R. 25 W.

Union County. The entire county.

2. In § 301.81–2a relating to the State of Florida, under generally infested area, the entire description is changed as set forth below:

FLORIDA

(1) *Generally infested area.*

Alachua County. The entire county.
Baker County. The entire county.
Bay County. The entire county.
Bradford County. The entire county.
Brevard County. The entire county.
Calhoun County. The entire county.
Charlotte County. The entire county.
Citrus County. The entire county.
Clay County. The entire county.
Collier County. Sec. 12, T. 49 S., R. 25 E.
Columbia County. The entire county.
De Soto County. The entire county.
Dixie County. The entire county.
Dural County. The entire county.
Escambia County. The entire county.

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FLORIDA—Continued

Flagler County. The entire county.
Franklin County. The entire county.
Gadsden County. The entire county.
Gilchrist County. The entire county.
Glades County. The entire county.
Gulf County. The entire county.
Hamilton County. The entire county.
Hardee County. The entire county.
Hernando County. The entire county.
Highlands County. The entire county.
Hillsborough County. The entire county.
Holmes County. The entire county.
Jackson County. The entire county.
Jefferson County. The entire county.
Lafayette County. The entire county.
Lake County. The entire county.
Lee County. The entire county.
Leon County. The entire county.
Levy County. The entire county.
Liberty County. The entire county.
Madison County. The entire county.
Manatee County. The entire county.
Marion County. The entire county.
Nassau County. The entire county.
Okaloosa County. The entire county.
Orange County. The entire county.
Osceola County. The entire county.
Pasco County. The entire county.
Pinellas County. The entire county.
Polk County. The entire county.
Putnam County. The entire county.
St. Johns County. The entire county.
Santa Rosa County. The entire county.
Sarasota County. The entire county.
Seminole County. The entire county.
Sumter County. The entire county.
Suwannee County. The entire county.
Taylor County. The entire county.
Union County. The entire county.
Volusia County. The entire county.
Wakulla County. The entire county.
Walton County. The entire county.
Washington County. The entire county.

3. In § 301.81–2a relating to the State of Georgia, under generally infested area, the following counties are redescribed or added in alphabetical order as set forth below:

GEORGIA

(1) *Generally infested area.*

. . . . . .

Bacon County. The entire county.

. . . . . .

Carroll County. That portion of the county lying within Georgia Militia Districts 1163, 1541, 682, 713, 1533, and 1310.

. . . . . .

Clinch County. The entire county.

. . . . . .

Columbia County. That portion of the county lying within Georgia Militia Districts 129 and 125.

. . . . . .

Coweta County. The entire county.

. . . . . .

Echols County. The entire county.

. . . . . .

Fayette County. The entire county.

. . . . . .

Heard County. The entire county.

. . . . . .

Jasper County. That portion of the county lying within George Militia District 296, and that portion of county lying south of State Highway 16, including the city of Monticello.

. . . . . .

Jackson County. The entire county.

. . . . . .

Lanier County. The entire county.

. . . . . .

McIntosh County. The entire county.

. . . . . .

Putnam County. That portion of the county lying within Georgia Militia Districts 311, 312, 314, and 369.

. . . . . .

Tattnall County. The entire county.

. . . . . .

Toombs County. The entire county.
Treutlen County. The entire county.

. . . . . .

Ware County. The entire county.
Washington County. The entire county.

. . . . . .

4. In § 301.81–2a relating to the State of Mississippi, under generally infested area, the following counties are redescribed or added in alphabetical order as set forth below:

MISSISSIPPI

(1) *Generally infested area.*

. . . . . .

Carroll County. That portion of the county lying east of the west line of R. 4 E.

. . . . . .

Humphreys County. S.W.¼ T. 13 N.; R. 3 W., S.½ T. 13 N., R. 4 W.; T. 16 N., R. 3 W.; and that portion of T. 17 N., R. 3 W.

. . . . . .

Prentiss County. All R. 9 E.; and portions of T. 7 S., R. 7 E. and T. 7 S., R. 8 E.

. . . . . .

Tishomingo County. That portion of the county lying south of the north line of T. 6 S.

Union County. The entire county.

. . . . . .

Yalobusha County. All of Tps. 10, 11, and 12 S., Rs. 3 and 4 W.; all of Tps. 23 and 24 N., Rs. 5, 6, and 7 E.; and T. 25 N., Rs. 6 and 7 E.

. . . . . .

5. In § 301.81–2a relating to the State of North Carolina, under generally infested area, the following counties are redescribed or added in alphabetical order as set forth below:

NORTH CAROLINA

(1) *Generally infested area.*
Brunswick County. The entire county.

. . . . . .

Columbus County. That area bounded by a line beginning at a point where North Carolina Highway 130 junctions with State Secondary Road 1170, thence southeast along said road to the Waccamaw River, thence southwest along said river to the North Carolina-South Carolina State line, thence northwest along said state line to its junction with the Tabor City boundary line, thence north and east along said boundary line to its intersection with the Seaboard Coast Line Railroad, thence northeast and north along said railroad to its intersection with State Secondary Road 1004, thence northeast along said road to its junction with U.S. Highway 701, thence north along said highway to its junction with State Secondary Road 1170, thence east along said road to point of beginning, including all of the town of Brunswick.

. . . . . .

Pamlico County. That portion of the county bounded by a line beginning at a point where Goose Creek intersects North Carolina Highway 55, thence east and southeast along said highway to its junction with State Secondary Road 1322, thence east along said road to its junction with State Secondary Road 1321, thence northeast along said road to its junction with Broad Creek, thence east along said creek to its junction with Pamlico Sound, thence southwest along said sound to its junction with the Neuse River, thence southwest and northwest along said river to its junction with Goose Creek, thence northwest along said creek to the point of beginning, excluding the corporate limits of Alliance, Bayboro, and Stonewall.

Robeson County. That area bounded by a line beginning at a point where the Lumber River intercepts Interstate Highway 95, thence east and south along said river to the Columbus-Robeson County line, thence southwest along said county line and Lumber River to their intersection with the North Carolina-South Carolina State line, thence northwest along said state line to the Seaboard Coast Line Railroad, thence northeast along said railroad to its intersection with the Lumber River, thence southeast and east along said river to the point of beginning.

6. In § 301.81–2a relating to the State of South Carolina, under generally infested area, the following counties are redescribed or added in alphabetical order as set forth below:

SOUTH CAROLINA

(1) *Generally infested area.*

. . . . . .

Barnwell County. That portion of the county bounded by a line beginning at a point where State Primary Highway 3 intersects the Barnwell-Allendale County line, thence northerly along said highway to its junction with State Primary Highway 70, thence northeasterly along said highway to its intersection with the Barnwell-Bamberg County line, thence in a southerly direction along said line to its junction with the Allendale County line, thence in a westerly direction along said line to the point of beginning.

. . . . . .

Georgetown County. The entire county.
Hampton County. That portion of the county bounded by a line beginning at a point where the Savannah River junctions with the Hampton-Allendale County line, thence extending east and northeast along said county line to its junction with State Secondary Highway 39, thence south and east along said highway to its junction with State Primary Highway 631, thence east along said highway to its junction with State Secondary Highway 50, thence northeast along said highway to its junction with State Secondary Highway 55, thence east along said highway to its junction with U.S. Highway 278, thence southeast along said highway to its junction with State Secondary Highway 27, thence northeast along said highway to its junction with State Primary Highway 68, thence southeast along said highway to its intersection with the Seaboard Coast Line Railroad, thence southwest along said railroad to its intersection with the Tullifinny River, thence northwest along said river to its junction with the Coosawhatchie River, thence northwest along said river to its junction with the Hampton-Jasper County line, thence southwest along said county line to its junction with the Savannah River, thence northwest and north along said river to the point of beginning.

. . . . . .

Kershaw County. That portion of the county lying south of State Primary Highway 34.

. . . . . .

Sumter County. That portion of the county bounded by a line beginning at a point where State Primary Highway 261 intersects the Sumter-Kershaw County line, thence in a southerly direction along said highway to its junction with State Primary Highway 763, thence east along said highway to its intersection with the corporate limits of the city of Sumter; thence in a southerly and easterly direction along said city limits to its intersection with U.S. Highway 521, thence in a southeasterly direction along said highway to its intersection with the Sumter-Clarendon County line, thence in a southwesterly direction along said line to its junction with the Santee River, thence northwesterly along said river to its junction with the Wateree River, thence northerly along said river to its junction with the Sumter-Kershaw County line, thence northeasterly and easterly along said county line to the point of beginning.

. . . . . .

7. In § 301.81–2a relating to the State of Texas, under generally infested area, the following counties are redescribed or added in alphabetical order as set forth below:

TEXAS

(1) *Generally infested area.*

. . . . . .

Collin County. That portion of the county bounded by a line beginning at a point where Texas State Highway 24 intersects the Collin-Denton County line and extending east along said road to its intersection with Texas State Highway 5, thence southerly along said highway to its intersection with the Collin-Dallas County line, thence west along said county line to its junction with the Collin-Denton County line, thence north along said county line to the point of beginning, including the entire cities of McKinney, Plano, Renner, and Allen.

. . . . . .

Fayette County. That portion of the county bounded by a line beginning at a point where Texas Highway 159 intersects U.S. Highway 77 thence northeasterly along Texas Highway 159 to its intersection with Texas Highway 237, thence northeasterly along said highway to the Fayette-Washington County line, thence southeasterly along said county line to its junction with the Fayette-Austin County line, thence southeasterly along said county line to its junction with the Fayette-Colorado County line, thence southwesterly along said county line to its junction with the Fayette-Lavaca County line, thence west along said county line to its intersection with Highway 77, thence northerly along said highway to the point of beginning, including the entire cities of La Grange and Schulenburg.

. . . . . .

Houston County. The entire county.

. . . . . .

Washington County. That portion of the county lying east of State Highway 36, including the entire city of Brenham.

. . . . . .

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 F.R. 28464, 28477; 38 F.R. 19140; 7 CFR 301.81–2)

This amendment shall become effective August 9, 1973.

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that the imported fire ant has been found or there is reason to believe it is present in the civil divisions and parts of civil divisions listed as regulated areas or that it is necessary to regulate such areas because of their proximity to imported fire ant infestation or their inseparability for quarantine enforcement purposes from imported fire ant infested localities. Further, he has also determined that the areas designated as suppressive and generally infested areas are eligible for such designation under § 301.81–1.

The Deputy Administrator has also determined that each of the quarantined States, wherein only portions of the State are designated as regulated areas, has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under the Quarantine and regulations in this subpart, and that the designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the imported fire ant. Therefore, such civil divisions and parts of civil divisions listed above are designated as imported fire ant regulated areas.

This document imposes restrictions that are necessary in order to prevent the dissemination of the imported fire ant and should be made effective promptly to accomplish its purpose in the the public interest. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of August 1973.

LEO G. K. IVERSON,
Deputy Administrator Plant Protection and Quarantine Programs.

[FR Doc.73–16573 Filed 8–9–73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 598]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This section fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period August 12–18, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.898 Lemon Regulation 598.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues active, exceeding supplies on all sizes and grades. Average f.o.b. price was $6.11 per carton the week ended August 4, 1973, compared to $5.69 per carton the previous week. Track and rolling supplies at 145 cars were down 7 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are

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identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 7, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 12, 1973, through August 18, 1973, is hereby fixed at 265,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 8, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–16819 Filed 8–9–73;4:18 pm]

[Lime Reg. 8]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period August 12–18, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.408 Lime Regulation 8.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes continues to weaken, with f.o.b. prices last week ranging from $1.15 to $1.35 per 10 lb. pony, down about 10 cents from the previous week and 35 cents from two weeks ago. Fresh shipments for the weeks ended August 4, 1973, and July 28, 1973, were 26,416 bushels and 27,967 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submited to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 7, 1973.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period August 12, 1973 through August 18, 1973 is hereby fixed at 18,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 8, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–16743 Filed 8–9–73;8:45 am]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Expenses and Rate of Assessment

This document authorizes expenses of $14,558 of the Washington-Oregon Fresh Prune Marketing Committee, under Marketing Order No. 924, for the 1973–74 fiscal period and fixes a rate of assessment of $0.70 per ton of prunes.

On June 21, 1973, notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 16234) regarding proposed expenses and the related rate of assessment for the period April 1, 1973, through March 31, 1974, pursuant to the marketing agreement, and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington-Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 924.213 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington-Oregon Fresh Prune Marketing Committee during the period April 1, 1973, through March 31, 1974, will amount to $14,558.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 924.41, is fixed at $0.70 per ton of fresh prunes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of fresh prunes grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable prunes handled during the aforesaid period; and (3) such period began on April 1, 1973, and said rate of assessment will automatically apply to all such prunes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 6, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.73–16509 Filed 8–9–73;8:45 am]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Expenses and Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of $5,180 of the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee, under Marketing Order No. 925, for the 1973–74 fiscal period and fixes a rate of assessment of $0.005 per one-half bushel (30-pound) contained.

On July 13, 1973, notice of rule making was published in the FEDERAL REGISTER (38 FR 18670) regarding proposed expenses, the related rate of assessment for the fiscal period July 1, 1973, through June 30, 1974, and carryover of unexpended funds from the fiscal period ended June 30, 1973, pursuant to the marketing agreement and Order No. 925 (7 CFR Part 925) regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon. This notice allowed interested persons until July 23, 1973, to submit data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 925.213 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee during the fiscal period July 1, 1973, through June 30, 1974, will amount to $5,180.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 925.41, is fixed at $0.005 per one-half bushel (30-pound) containers or equivalent quantity of fresh prunes.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended June 30, 1973, shall be carried over as a reserve in accordance with the applicable provisions of §§ 925.42 and 925.203.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of fresh prunes grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable prunes handled during the aforesaid period; and (3) such period began on July 1, 1973, and said rate of assessment will automatically apply to all such prunes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 7, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–16621 Filed 8–9–73;8:45 am]

[Tokay Grape Reg. 9]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Grades and Sizes Requirements

This regulation prescribes the grade and container marking requirements for fresh Tokay grapes shipped from San Joaquin County, California, during the period August 11 through December 31, 1973.

On July 26, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 19972) regarding a proposed regulation to be made effective pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), which regulate the handling of Tokay grapes grown in San Joaquin County, California. The proposed regulation was recommended by the Industry Committee established pursuant to said marketing agreement and order. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice allowed interested persons to submit, through August 3, 1973, written data, views, or arguments pertaining to the proposed regulation. None were submitted.

This regulation reflects the Department's appraisal of the Tokay grape crop and the current and prospective market conditions. Seasonal shipments of fresh Tokay grapes are expected to begin on or about August 11, 1973. The grade requirements hereinafter provided, including the minimum size provisions thereof, are designed to prevent the handling, on and after August 11, 1973, of any fresh Tokay grapes grown in the production area which are of lesser quality so as to provide consumers with good quality fruit consistent with the overall quality of the crop, while improving returns to producers and maintaining orderly marketing conditions pursuant to the declared policy of the act. The requirement for more even distribution of color (30 percent of the grapes in the lower quarter of each bunch showing characteristic color) is included also to assure the availability, to consumers, of Tokay grapes of satisfactory quality. It is believed, by the industry, that such quality requirements will be met by a quantity of grapes sufficient to fulfill the market demand. Compliance with the container marking requirement will verify inspection thus assuring compliance with the quality requirements specified herein.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Industry Committee, and upon other available information, it is hereby found that the limitation of handling of Tokay grapes grown in San Joaquin County, California, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of said Tokay grapes are expected to begin on or about the effective date hereof and this section should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rulemaking concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (38 FR 19972), and no objection to this section or such effective date was received; and (3) compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 926.310 Tokay Grape Regulation 9.

Order. (a) During the period August 11, 1973, through December 31, 1973, no handler shall ship:

(1) Any Tokay grapes, grown in the production area, which do not meet the grade and size specifications of U.S. No. 1 Table Grapes and the following additional requirement: Of the 25 percent, by count, of the berries of each bunch which are attached to the lower part of the main stem, including laterals, at least 30 percent, by count, shall show characteristic color; or

(2) Any container of Tokay grapes, grown in the production area, unless such container bears, in plain letters and figures on one outside end, a Federal-State Inspection Service lot stamp number showing that such grapes have been inspected in accordance with the established grade set forth in this section.

(b) As used herein, the terms "handler," "ship," and "production area" shall have the same meaning as when used in the amended marketing agreement and order; "U.S. No. 1 Table Grapes" and "characteristic color" shall have the same meaning as when used in the United States Standards for Table Grapes (§§51.880–51.912 of this title).

V 38-154 AUG 10 73 XUM

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 7, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–16622 Filed 8–9–73;8:45 am]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIFORNIA, AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Expenses and Rate of Assessment

This document authorizes the Oregon-California Potato Committee to spend not more than 37,181 during the fiscal period ending June 30, 1974, and to collect these funds by assessing first handlers of potatoes one-half cent per hundredweight.

Notice of rule making regarding the proposed expenses, rate of assessment and late payment charges to be effective under Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County, was published in the July 13, 1973, FEDERAL REGISTER (38 FR 18672). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining there to not later than July 30, 1973. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Oregon-California Potato Committee, established under the marketing agreement and order, it is hereby determined that:

§ 947.226 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1974, by the Oregon-California Potato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $37,181.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be one-half of one cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period, except seed potatoes and potatoes for canning, freezing and "other processing" as defined in the amendment to the act (P.L. 91–196) shall be exempt.

(c) In accordance with the provisions of § 947.41, late payment charges of $1.00 per month or one percent per month, whichever is greater, shall be charged on the unpaid balance for each past-due account. An account is past-due 60 days after the billing date.

(d) Unexpended income in excess of expenses for the fiscal period ending June 30, 1974, may be carried over as a reserve.

(e) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began July 1, 1973, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: August 6, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–16574 Filed 8–9–73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1973 Crop Barley Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1973 Crop Barley Loan and Purchase Program

Correction

In FR Doc. 73–14905 appearing at page 19662 in the issue of Monday, July 23, 1973, make the following changes:

In § 1421.77(a):

1. The rate per bushel under Arkansas, reading "$0.83" should read "$0.88".

2. The rate per bushel under Maryland, reading "$0.98" should read "$0.88".

3. The rate per bushel under South Dakota, Aurora county, reading "$0.75" should read "$0.79".

4. The rate per bushel under Texas, Bell county, reading "$0.96" should read "$0.98"; Martin county reading "$0.88" should read "$0.86"; Reeves county, reading "$0.76" should read "$0.78"; Walker county reading "$1.00" should read "$1.03".

[CCC Grain Price Support Regulations, 1973 Crop Grain Sorghum Supplement]

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—1973 Crop Grain Sorghum Loan and Purchase Program

Correction

In FR Doc. 73–14906 appearing at page 19665 in the issue of Monday, July 23, 1973, make the following changes:

In § 1421.239(a):

1. The phrase "rate per bushel" used as a column heading should read "rate per cwt."

2. "All counties . . . . $1.80" under Arizona should be deleted.

3. Under "Nebraska", in the second column, the first six counties should read:

County	Rate per cwt.
Nuckolls	$1.63
Otoe	1.67
Pawnee	1.69
Pierce	1.62
Platte	1.62
Polk	1.62

4. Under Texas in the second column, El Paso and Ellis counties, with their respective rates per cwt., should be transposed.

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

[Domestic Uranium Circular 8, Revised]

PART 60—DOMESTIC URANIUM PROGRAM

Uranium Leases on AEC Controlled Lands

Correction

In the FEDERAL REGISTER of Thursday, August 8, 1973, FR Doc. 73–16494 (38 FR 21521) was inadvertently published in the Notices section. It should have been published in the Rules and Regulations section as follows:

1. Notice is hereby given by the Atomic Energy Commission of its modification of Domestic Uranium Program Circular 8 setting forth the regulations concerning the leasing of certain lands controlled by the Commission. This Circular was originally published July 14, 1956 (21 FR 5259). The proposed modification of Circular 8 was published in the FEDERAL REGISTER on November 10, 1970 (35 FR 17271). As a result of comments received from the public on the proposed modified Circular, provision has been made to allow a small business set-aside (under authority of the Small Business Act) of some of the lands for bidding solely by qualified small business concerns.

2. The revised § 60.8 reads as set forth below:

§ 60.8 Uranium leases on lands controlled by commission.

(a) *What this section does.* This section sets forth regulations governing the issuance of leases to permit the exploration for and mining of deposits containing uranium in public lands withdrawn from entry and location under the general mining laws for use of the Commission, and in certain other lands under Commission control.

(b) *Statutory authority.* The Atomic Energy Act of 1954, as amended (68 Stat. 919, 42 USC 2011 et seq.) is the authority for this section.

(c) *Who may hold leases.* Only parties who are (1) citizens of the United States; (2) associations of such citizens; or (3) corporations organized under the laws of the Untied States or territories thereof, are eligible lessees under this section. Persons under 21 years of age or employees of the Commission are not eligible.

(d) *Issuance of leases through competitive bidding.* Except under special circumstances as provided in paragraph (u) of this section, each lease will be offered through competitive bidding and, except as otherwise provided in this paragraph (d), will be issued to the acceptable bidder offering the highest bid. The bid may be on a cash bonus, royalty bonus, or other basis as specified in the invitation to bid. Invitations to bid on some of the lands may be limited to small business concerns as defined by the Small Business Administration, and such invitations may limit the number of leases to be awarded to each bidder. In such cases the Commission will accept those bids which, in relation to other bids received pursuant to the invitation, are most advantageous to the Government. Before any lease is awarded, the Commission may require high bidders to submit a detailed statement of the facts as to such matters as their experience, organization, and financial resources. The Commission reserves the right to reject any and all bids.

(e) *Solicitation of bids.* Announcements of the availability of invitations to bid for a lease will be publicly posted and published. Copies of such announcements will also be mailed to parties who submit to the Commission's Grand Junction, Colorado Office subsequent to publication in the FEDERAL REGISTER of this Domestic Uranium Program Circular 8, Revised, written requests that their names be placed on a mailing list for receipt of such announcements. The invitations containing information for preparation and submission of bids, will be available at the Grand Junction Office, and will be mailed only on specific written request, following announcement of their availability. Invitations will specify the land to be leased, the basis on which bids are to be submitted, the amount of the monetary deposit which must be transmitted with the bid, the place and time the bids will be publicly opened, the term, royalty and other payments, performance requirements, and other conditions which will become a part of the lease. In addition, data which has been assembled pertaining to the lands to be leased will be available for public inspection at the Grand Junction Office; copies will also be available for purchase.

(f) *Bidding requirements; deposits.* All bids must be filed at the place and prior to the time set forth in the invitation. Each bid must be sealed and accompanied by a deposit, in the form of a certified check, cashier's check, or bank draft, in an amount as specified in the invitation to bid. Deposits of unsuccessful bidders will be returned. If the bidder is an individual, he must submit with his bid a statement of his citizenship and age. If the bidder is an association (including a partnership), the bid shall be accompanied by a certified copy of the articles of association together with a statement as to the citizenship and age of its members. If the bidder is a corporation, evidence that the officer signing the bid had authority to do so and a statement as to the State of incorporation shall also be submitted.

(g) *Awarding of lease.* Following public opening of the bids the Commission, subject to the right to reject any and all bids, will determine the successful bidder. In the event the highest acceptable bids are tie bids, a public drawing will be held by the Commission to determine the successful bidder. After notice of award and within the time period prescribed in the invitation, the successful bidder shall execute and return to the Commission three (3) copies of the lease and shall remit payments due as prescribed in the invitation. should the successful bidder fail to execute the lease, or make payments as required, in accordance with the terms of the invitation, or fail to otherwise comply with applicable regulations, he may be required to forfeit any payments previously made, and lose any further right or interest in the lease. In such event, the Commission may offer the lease to the next highest acceptable bidder, reoffer the lease for bidding, or take such other action as appropriate. If the awarded lease is executed by the bidder through an agent, evidence of authorization must be submitted.

(h) *Dating of lease.* A lease issued under this section will ordinarily be effective as of the date it is signed by the Commission.

(i) *Term of lease.* A lease shall be for the period specified in the invitation to bid. When deemed desirable by the Commission, the lease will provide that the lease term may be extended at the option of the lessee for a specified period and upon stipulated conditions.

(j) *Payments to AEC under lease.* Royalty payments shall be specified in the invitation to bid; base royalty, minimum royalty, advance royalty, land rental payments, or a combination thereof may be required.

(k) *Title to unshipped ore.* The Commission, unless it approves otherwise, reserves all right and title to property in and to all ores and other uranium- or vanadium-bearing material not removed from the leased premises within sixty days after expiration or other termination of the lease. Unless the Commission approves otherwise, all material mined from the leased premises and not marketed by the lessee shall remain on the leased premises.

(l) *Environmental controls.* Each lease will contain such provisions as may be deemed necessary by the Commission with respect to the lessee's use of the leased lands. The Commission may require periodic submission of plans for exploration and mining activities including provisions for control of environmental impact. The lessee will be required to conduct operations so as to minimize adverse environmental effects, to comply with all applicable State and Federal statutes and regulations and to the extent stipulated in the lease agreement, will be held responsible for maintenance or rehabilitation of affected areas in accordance with plans submitted to and approved by the Commission.

(m) *Performance requirements.* A lease shall require that exploration, development, and mining activities, as appropriate, be conducted on the leased premises with reasonable diligence, skill, and care as required to achieve and maintain production of uranium ore at rates consistent with good and safe mining practice, and with market conditions.

(n) *Health and safety requirements.* A lease (1) shall require that exploration, development, and mining activities, as appropriate, be conducted on the leased premises with due regard for the health and safety of those involved, and (2) shall include appropriate measures for the control of radiation exposure in the mines.

(o) *Lessee's records.* Leases shall provide that the lessee keep and make available to the Commission such records as the Commission deems necessary for the administration of the lease and its leasing program.

(p) *Rights of the Commission.* The Commission reserves the right to enter upon the leased property and into all parts of the mine for inspection and other purposes. The Commission also reserves the right to grant to other persons easements or rights of way upon, through, or in the leased premises. The Commission and the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after termination or expiration of lease, have access to and the right to examine any directly pertinent books, papers, and records of the lessee involving transactions related to the lease.

(q) *Relinquishment of leases.* A lease may be surrendered by the lessee upon filing with and approval by the Commission of a written application for relinquishment. Approval of the application shall be contingent upon the delivery of the leased premises to the Commission in a condition determined to be satisfactory to the Commission. The lessee shall continue to be liable for the payment of all royalty and other debts due the Commission.

(r) *Assignment of leases.* Any transfer of a lease or any interest therein or claim thereunder, will not be recognized unless and until approved by the Commission in writing. Ordinarily, the Commission will not approve any transfer of a lease which involved overriding royalties or deferred payments of any kind to the transferor.

(s) *Cancellation.* Any lease may be cancelled by the Commission whenever the lessee fails to comply with the provisions of the lease. Failure of the Commission to exercise its right to cancel shall not be deemed a waiver thereof.

(t) *Form of lease.* Leases will be issued on forms prescribed by the Commission.

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(u) *Noncompetitive leases.* Under special circumstances, where the Commission believes it to be in the best interest of the Government, the Commission at its discretion may award or extend leases on the basis of negotiation.

(v) *Commission decisions.* All matters connected with the issuance and administration of leases will be determined by the Commission whose decisions shall be final and conclusive.

(w) *Definitions.* "Commission" as used in this section means the United States Atomic Energy Commission or its duly authorized representative or representatives.

(x) *Multiple use of land.* Leases issued under this section shall provide that operations under them will be conducted so as not to interfere with the lawful operations of any third party having a lease, permit, easement, or other right or interest in the premises.

(y) *Compliance with State and Federal Regulations.* Every lease shall provide that the lessee is required to comply with all applicable State and Federal statutes and regulations.

(Atomic Energy Act of 1964, as amended, 68 Stat. 919, 42 U.S.C. 2011 et seq.)

Dated at Germantown, Md., this 3rd Day of August, 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-16494 Filed 8-8-73;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 185—EMERGENCY SCHOOL AID

Waivers of Ineligibility

Notice of proposed rulemaking was published in the FEDERAL REGISTER on July 16, 1973 at 38 FR 18899, setting forth revisions to the regulations of the Emergency School Aid Act concerning waivers of ineligibility based upon discrimination in faculty assignment (§ 185.44 (d)(3)); and the reservation of funds appropriated under the Act (§ 185.95(b)). Comments were received with respect to the proposed revision concerning waivers from four commenters.

SUMMARY OF COMMENTS

1. One commenter requested a broadening of the revision to permit a particular school district to be considered for funding. Under the circumstances of that case such a broadening is not appropriate at this time.

2. One commenter felt that the determination of assignments pursuant to § 185.44(d)(3)(ii) is not consistent with sound educational principles. It should be understood that the requirement that assignments made after the date of application for waiver not contribute to or reinforce racial or ethnic identifiability of any school are to be viewed in the context of alternative assignment opportunities. Where alternatives do exist, as between an assignment which will contribute to or reinforce identifiability and one which will not, the latter alternative must be chosen. Where alternatives do not exist the provisions of § 185.44(d)(3)(ii) do not apply.

3. Two commenters felt that section 706(d)(3) of the Act requires all racially identifiable faculty assignments to be eliminated before a waiver application can be approved. It should be understood that § 185.43(b)(2) permits a finding of ineligibility based upon "discrimination in assignment" (section 706(d)(1)(B) of the Act) where the assignment of full-time classroom teachers has been made in such a manner as to identify a school as intended for students of a particular race, color, or national origin, and that section 706(d)(3) requires that the practice, policy, procedure, or other activity which resulted in ineligibility must cease to exist before a waiver can be granted. The Act does not require that racially identifiable faculties be completely eliminated prior to granting a waiver. Section 185.44(d)(3)(i) and (ii) require that an applicant for waiver adopt a policy of nondiscriminatory assignments, and that no new assignments of staff be made which contribute to or reinforce identifiability of schools. These requirements satisfy the relevant provision of section 706(d)(3).

4. Two commenters felt that the provision of § 185.44(d)(3)(iv) permitting districts to obtain waivers of ineligibility, if they commit themselves to eliminate completely racially identifiable faculties no later than the commencement of the 1975–76 academic year, does not meet constitutional standards as expressed in court decisions. These comments misconceive the nature of the Secretary's determination pursuant to § 185.43(b)(2) that a local educational agency is ineligible by reason of discrimination in the assignment of faculty. Such determination does not necessarily involve a finding of constitutional violation. Accordingly, the remedial measures which the school district must take under the regulation to eliminate the present effect of the past assignment practices need not meet the requirements laid down by the courts in Fourteenth Amendment cases for correcting racially segregated faculty assignments made under a dual system of schools based on race.

5. One commenter felt that the revision did not comply with section 703(a) of the Act in that the revision would bear differently on school districts which had maintained an officially dual system of schools based on race than on other districts. Even if this were the case, in our view this would not be unequal treatment in a legal sense. In any event, as has been already pointed out, the "racial identifiability" of faculties referred to in the regulation is not based solely on racial discrimination in the constitutional sense and, therefore, the dichotomy of treatment posed by the commenter assumes too much.

6. Other comments do not require discussion as they raised no significant issue.

After consideration of the above comments the revisions to part 185 of title 45 of the Code of Federal Regulations as proposed are hereby adopted without change and are set forth below.

Effective date. This regulation shall be effective August 16, 1973.

Dated: August 9, 1973.

CHARLES B. SAUNDERS, JR.,
Acting Assistant Secretary for Education.

Approved: August 9, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

§ 185.44 Waiver of ineligibility.

* * * * *

(d) Demotion or dismissal of minority group personnel:

* * * * *

(3) In the case of ineligibility resulting from discriminatory assignment of teachers as prohibited by § 185.43(b)(2), such applications for waiver shall contain evidence that such agency has adopted and implemented a nondiscriminatory assignment policy. In the case of a local educational agency implementing a plan described in § 185.11(a), such evidence shall indicate that such agency is complying with the requirements of such plan with respect to the assignment of faculty. In the case of local educational agencies not implementing such a plan, or implementing such a plan which contains no provision as to assignment of faculty, such evidence shall include at a minimum:

(i) Adoption by such agency of a policy of nondiscriminatory assignment of faculty and staff members;

(ii) Determination of all faculty and staff assignments made after the date of application for waiver in a manner which does not contribute to or reinforce the racial or ethnic identifiability of any school operated by such agency;

(iii) Adoption of a plan to eliminate all full-time teaching faculties composed exclusively of members of a single racial or ethnic group no later than the end of the period for which assistance is to be awarded; and

(iv) Adoption of a plan for assignment of faculty and staff members which will eliminate all racially or ethnically identifiable faculties at schools operated by

such agency within a reasonable period of time but in no event later than the commencement of the 1975–76 academic year. In the case of school districts in which the percentage of minority group members on the full-time teaching faculty is less than the percentage of minority group members in the student body, such plans shall include a plan of affirmative action to increase the percentage of minority group members on the full-time teaching faculty of such agency.

* * * * *

§ 185.95 Reservation of funds.

* * * * *

(b) The Assistant Secretary hereby reserves:

(1) An amount equal to 5 percent of the sums appropriated under the Act for any fiscal year for the purpose of special projects under Subpart J of this part;

* * * * *

(3) An amount equal to 3 percent of the sums so appropriated for the purposes of educational television projects under Subpart H of this part; and

* * * * *

[FR Doc.73-16788 Filed 8-9-73;12:26 pm]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946]

IRISH POTATOES GROWN IN WASHINGTON

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of a proposed $10,050 budget for the fiscal period ending June 30, 1974, and a one-tenth cent per hundredweight rate of assessment on first handlers for the State of Washington Potato Committee, established under Marketing Agreement No. 113 and Order No. 946, both as amended (7 CFR Part 946).

This marketing order program regulates the handling of Irish potatoes grown in Washington, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 19, 1973. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 946.226 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1974, by the State of Washington Potato Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to $10,050.

(b) The rate of assessment to be paid by each handler in accordance with the said marketing agreement and this part shall be one-tenth cent ($0.001) per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during said fiscal period, except potatoes for canning, freezing, and "other processing" as defined in the act shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

Dated: August 6, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-16575 Filed 8-9-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 317]

LABELING POLICY FOR CURED PRODUCTS

Proposed Changes in Interpretation

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service is considering amending Part 317 of the meat inspection regulations (9 CFR Part 317), pursuant to the authority in the Federal Meat Inspection Act, as amended (34 Stat. 1260, as amended; 21 U.S.C. 621).

Statement of Considerations. A number of meat processors have petitioned the Department requesting an exemption for certain classes of meat food products from the requirement that all curing ingredients be declared on the product label. The petitioners contend that products such as "Bean Soup with Bacon" or "Beans with Ham in Sauce" are not "Cured Meat Products" per se, and that cured meats such as "bacon" or "ham" are used only as part of the culinary function and always found in small quantities in such products. The petitioners also state that the cured meats used in their products are often purchased from several vendors, and in most cases each uses a different curing formula. They claim this will result in a difficult and costly labeling program if they are compelled to use a separate ingredients list to cover the formulations used by different vendors. Curing ingredients serve their functional purpose when the meat is being cured. A portion of the curing ingredients are degraded in the curing process, while a residual and nonfunctional quantity may remain in the finished cured meat product. When small quantities of cured meat are added to other meat food products (for condimental or culinary purposes), such as addition of bacon to bean soup, or ham to beans in sauce, there is no indication that any residual quantities of the curing ingredients remaining in the meat serve any functional purpose in the final or finished meat food product.

In view of the above points, the petitions and other comments received from the meat industry with respect to declaration of curing ingredient(s) used in cured meat products, the Department is publishing the proposed amendment set forth below to offer all interested parties an opportunity to comment thereon.

Section 317.17 of the meat inspection regulations (9 CFR 317.17) would be amended to read as follows:

§ 317.17 Interpretation and statement of labeling policy for cured products.

Under sections 1(n) (7), (9), and (12) of the Act and § 317.2 of this subchapter, labels of products fabricated from two or more ingredients must show the common or usual names of such ingredients in the manner provided for in § 317.2. This includes ingredients such as water, salt, sugar, sodium phosphate, sodium nitrate and sodium nitrite or other permitted substances in curing mixtures used in any ingredient of any product. However, specific formulations of meat food products will be exempted from the requirements of this section by the Administrator if he determines, upon application to him, that they contain curing substances only because they contain a small quantity of cured meat or other cured product, that was included in the formulations only for culinary or condimental purposes; such curing substances have no technical or functional effect in the meat food products; and the meat food products are not intended for use as dietary foods subject to § 312.2(j) of this subchapter or foods for children under 4 years of age.

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by October 5, 1973.

Any person desiring opportunity for oral presentation of views should address such requests to the Labels and Packaging Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: July 3, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-16506 Filed 8-9-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 73-163P]

LECHMERE CANAL, MASS.

Proposed Drawbridge Operation Regulations

At the request of the Massachusetts Department of Public Works, the Coast Guard is considering revising the regulations for the drawbridge at Commercial Avenue across the Lechmere Canal, Cambridge to require the draw to open on signal if at least 24 hours notice is given. The draw is presently required to open on signal. This change is being considered because of limited passage of vessels.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan-1), First Coast Guard District, 150 Causeway Street, Boston, Mass. 02114. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, First Coast Guard District.

The Commander, First Coast Guard District, will forward any comments received before September 11, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communication received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.75(a) (5) and (h) (4) to read as follows:

§ 117.75 Boston Harbor, Mass. and adjacent waters, bridges.

(a) • • •

(5) Charles River and tributaries.

• • • • • •

(h) *Charles River and tributaries.*

• • •

(4) Lechmere Canal Bridge, Commercial Avenue. The draw shall open on signal if at least 24 hours notice is given.

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

Dated: August 1, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-16519 Filed 8-9-73;8:45 am]

[33 CFR Part 117]

[CGD 73-166 P]

WESTCHESTER CREEK, N.Y.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering revising the regulations for the city of New York drawbridge across Westchester Creek at Bruckner Boulevard to require that the draw open on signal at all times, including morning and evening rush hour. The draw may presently remain closed to vessels from 7 to 9 a.m. and 4 to 6 p.m. Monday through Friday. This change is being considered because of the completion of the Cross Bronk Expressway which makes Bruckner Boulevard a secondary road.

Interested persons may participate in the proposed rule making by submitting written data, views, or arguments to the Commander (oan), Third Coast Guard District, Governors Island, New York, N.Y. 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before September 11, 1973, with his recommendations to the Chief, Office of Marine Environment Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising the heading of § 117.156 to read as follows:

§ 117.156 Bronx River, N.Y., City of New York bridge at Bruckner Avenue.

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

Dated: August 3, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-16516 Filed 8-9-73;8:45 am]

[33 CFR Part 117]

[CGD 73-164P]

BIG CARLOS PASS AND MATLACHA PASS, FLA.

Proposed Drawbridge Operation Regulations

At the request of the Florida Department of Transportation, the Coast Guard is considering amending the regulations for the State Road S-865 drawbridge across Big Carlos Pass and the State Road S-78 drawbridge across Matlacha Pass to require the draws of these bridges to open on signal from 8 a.m. to 7 p.m. They are presently required to open on signal from 7 a.m. to 7 p.m. This is being considered due to limited openings between 7 a.m. and 8 a.m. There was one opening of the Big Carlos Pass draw between 7 a.m. and 8 a.m. in 1972 and there were 6 openings of the Matlacha Pass draw during the same period.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander, (oan), Seventh Coast Guard District, Room 1018 Federal Building, 51 SW 1st Avenue Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before September 11, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may

V 38-154 AUG 10 73 XUM

be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising subparagraph (2–a) and (2–b) of paragraph (i) of § 117.245 to read as follows:

§ 117.245 **Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.**

. . . . . .

(i) • • •

(2–a) Big Carlos Pass, Florida; State Road S–865 drawbridge. The draw shall open on signal from 8 a.m. to 7 p.m. The draw need not open from 7 p.m. to 8 a.m.

(2–b) Matlacha Pass, Florida; State Road S–78 drawbridge. The draw shall open on signal from 8 a.m. to 7 p.m. The draw need not open from 7 p.m. to 8 a.m.

. . . . . .

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: August 1, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73–16518 Filed 8–9–73;8:45 am]

[33 CFR Part 117]

[CGD 73–162P]

CHEESEQUAKE CREEK, N.J.

Proposed Drawbridge Operation Regulations

At the request of the New York and Long Branch Railroad Company the Coast Guard is considering amending the regulations for the railroad bridge across Cheesequake Creek to permit periods during the fall, winter, and spring when four hours notice would be required for the draw to open for the passage of vessels. The draw is presently required to open on signal. This is being considered because of limited navigation during the proposed closed periods.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, (oan), Third Coast Guard District, Governors Island, New York, New York 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before September 11, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposed. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.215 by adding a new subparagraph (5) to paragraph (j) to read as follows:

§ 117.215 **Navigable streams flowing into Raritan Bay (except Raritan River and Arthur Kill), the Shrewsbury River and its tributaries, and all inlets on the Atlantic Ocean including their tributaries and canals between Sandy Hook and Bay Head, N.J.; bridges.**

. . . . . .

(j) • • •

(5) New York and Long Branch railroad bridge across Cheesequake Creek. The draw shall open on signal except at the following times the draw shall open on signal only if at least four hours notice is given:

(i) 2 p.m. to 6 a.m. from January 1 through March 31;

(ii) 10 p.m. to 6 a.m. from April 1 through May 31 and December 1 through December 31;

(iii) 10 p.m. to 5 a.m. from October 1 through November 30.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: August 1, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73–16520 Filed 8–9–73;8:45 am]

[33 CFR Part 117]

[CGD 73–165P]

BAYOU TECHE, NEW IBERIA, LA.

Proposed Drawbridge Operation Regulations

At the request of the Louisiana Department of Highways and the City of New Iberia, the Coast Guard is considering amending the regulations for the Lewis Avenue, Duperier Avenue and Jefferson Avenue drawbridges located across the Gulf Intracoastal Waterway in New Iberia to permit closed periods during the morning, noon and afternoon vehicular peak periods and also to require at least 12 hours notice for openings between 9 p.m. and 5 a.m. The first periods are being considered because of an increase in vehicular traffic and the second because of limited openings during that period.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Customhouse, New Orleans, Louisiana, 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before September 11, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposed. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.540 immediately after § 117.535 to read as follows:

§ 117.540 **GIWW, New Iberia, Louisiana; bridges.**

(a) The draws of the Lewis Avenue, Duperior Avenue and Jefferson Avenue bridges shall open on signal except:

(1) from 7:30 to 8:30 a.m., 11:30 a.m. to 1 p.m. and 4:30 to 5:30 p.m., Monday through Friday, except legal holidays, the draws need not open for the passage of vessels; and

(2) from 9 p.m. to 5 a.m. the draws shall open on signal if at least 12 hours notice is given.

(b) the owners of or agencies controlling these bridges shall post on both the upstream and downstream sides of the bridges or elsewhere in the vicinity in such a manner that they may be readily read from an approaching vessel, directions for contacting the authorized representative to arrange for openings of the draws.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: August 1, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73–16517 Filed 8–9–73;8:45 am]

[33 CFR Part 117]

[CGD 73–161P]

ROOT RIVER, WISCONSIN

Proposed Drawbridge Operation Regulations

At the request of the City of Racine, the Coast Guard is considering amending the regulations for the Main Street bridge across the Root River located in Racine, Wisconsin. This amendment would modify present closed periods and would permit additional closed periods during peak vehicular traffic periods. The draw is presently closed to the passage of vessels from 6:30 to 7 a.m., 12 noon to 12:15 p.m. and 12:45 to 1 p.m., except Saturdays, Sundays and holidays. The proposed closed periods are from 7:30 to 8:10 a.m., 11:50 a.m. to 12:10 p.m., 12:50 to 1:10 p.m., 3:30 to 4:10 p.m. and 4:30 to 5:10 p.m., excluding Saturdays, Sundays and holidays. Reference to the 4th Street bridge will be deleted because this bridge has been removed. The regulations governing the operation of the State Street bridge would not be changed.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before September 11, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposed. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.660 to read as follows:

§ 117.660 **Root River, Racine, Wisconsin, Main Street and State Street bridges.**

(a) The draws of these bridges shall open on signal except that

(1) The draw of the Main Street bridge may remain closed to the passage of vessels Monday through Friday, except holidays, during the following periods:

7:30 a.m. to 8:10 a.m.
11:50 a.m. to 12:10 p.m.
12:50 p.m. to 1:10 p.m.
3:30 p.m. to 4:10 p.m.
4:30 p.m. to 5:10 p.m.

(2) The draw of the State Street bridge may remain closed to the passage of vessels, Monday through Friday, except holidays, during the following periods:

6:30 a.m. to 7 a.m.
12 noon to 12:15 p.m.
12:45 p.m. to 1 p.m.

(b) Signals

(1) Main Street bridge—The opening signal is one long blast followed by one short blast of a whistle, horn, siren, or by shouting.

(2) State Street bridge—The opening signal is three short blasts of a whistle, horn, siren, or by shouting.

(3) The acknowledging signal from the drawtender is the same as the opening signal when the draw will open promptly, or a white flag or ball by day and a white light by night, conspicuously displayed. When the draw cannot open promptly or is open and must close, four or more short blasts, or a red flag by day or a red light at night.

(c) The owners of or agencies controlling these bridges shall provide the necessary drawtenders and the proper mechanical appliances for the safe prompt and efficient opening of the draw.

(d) The draws shall open on signal at all times for vessels in distress and public vessels of the United States, state or local governments engaged in public safety or law enforcement activities.

(e) The owners of or agencies controlling these bridges shall post the provisions of this regulation on the upstream and downstream sides of the bridges or elsewhere in a manner that it can easily be read from an approaching vessel at all times.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: August 1, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73–16521 Filed 8–9–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19762]

FM BROADCAST STATIONS IN EAST MOLINE, ILL.

Proposed Table of Assignments; Order Extending Time for Filing Reply Comments

In the matter of Amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations. (East Moline, Illinois), Docket No. 19762, RM–1973.

1. On June 6, 1973, the Commission adopted a notice of proposed rulemaking in the above-captioned proceeding. Publication was given in the FEDERAL REGISTER on June 15, 1973, 38 FR 15739. The date for filing comments has expired and the date for filing reply comments is July 31, 1973.

2. On July 27, 1973, counsel for Upper Rock Island Holding Company, filed a request for an extension of time to and including August 10, 1973, to file reply comments. Counsel states that he will be absent from his office and therefore needs the additional time.

3. We are of the view that the requested extension of time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing reply comments is extended to and including August 10, 1973.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: July 31, 1973.

Released: August 1, 1973.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73–16590 Filed 8–9–73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 526]

[No. 73–1085]

FEDERAL HOME LOAN BANK SYSTEM

Proposed Amendments Relating to Savings Accounts

AUGUST 2, 1973.

The Federal Home Loan Bank Board, after consulting with the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, considers it advisable to amend Part 526 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 526) by revising § 526.6 thereof, captioned "Advertising of interest or dividends on savings accounts," and by adding paragraph (a) of new § 526.6–1, captioned "Disclosure before acceptance; notice before end of fixed or minimum term". The Board also considers it advisable to further amend said Part 526 by adding paragraph (b) of new § 526.6–1 and by adding a new § 526.7, captioned, "Penalty for early withdrawal."

Section 526.6 is amended by redesignating paragraphs (e), (f) and (g) thereof as paragraphs (f), (g) and (h) respectively, and by adding a new paragraph (e) thereto. Said new paragraph (e) requires that all advertisements by member institutions relating to interest or dividends paid on certificate accounts state that Federal law and regulation prohibit a member institution from permitting withdrawal of a certificate account before the end of its fixed or minimum term unless substantial interest is forfeited. This requirement applies to all forms of advertising, including advertisements on radio and television.

Paragraph (a) of new § 526.6–1 requires a member institution to provide a certificate account customer with a written statement which fully and clearly describes the early withdrawal penalties applicable to such an account before accepting the customer's deposit. Such statement must contain arithmetic examples.

Paragraph (b) of new § 526.6–1 requires a member institution to mail a notice to the holder of a certificate account of one year or more which such institution may renew after December 31, 1973 unless such holder presents the certificate evidencing such account for withdrawal within a specified period. Such notice must be mailed to an account holder between 20 and 60 days before the end of the fixed or minimum term of such account.

The information which an institution must provide to the holder of a given certificate account differs according to whether or not that institution intends to renew such account in the event that the funds are not withdrawn. Subparagraph (1) of paragraph (b) of new § 526.6–1 states that an institution which does not intend to renew such an account shall provide the account holder with the following information: (1) The date on

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which the fixed or minimum term of such account ends; (2) a statement that the institution does not intend to renew such account; and (3) the rate of return which will be paid on such account after the end of such fixed or minimum term. Subparagraph (2) of said paragraph (b) states that an institution which does intend to renew such an account shall provide the account holder with the following information: (1) The date on which the fixed or minimum term of the existing certificate account ends and the date on which the fixed or minimum term of such account will end if renewed; (2) the rate of return which is being paid on the existing certificate account and the rate of return which will be paid on such account if renewed; if the latter is less than the rate of return which the institution is presently offering for certificate accounts with the same fixed or minimum term, the rate of return presently being offered must also be stated; (3) any other changes in the terms of the certificate account if renewed, including any change in the penalty provisions; and (4) the period within which the existing certificate account must be presented for withdrawal in order to avoid loss of interest or dividends.

A certificate account which is not renewed at the end of its fixed or minimum term earns less following the end of such term. Notification of the holder of a given certificate account that such account will not be renewed at the end of its fixed or minimum term will enable such holder to reinvest his funds immediately following the end of such term if he so desires.

There are two reasons for requiring a member institution to notify the holder of a certificate account, before the end of the fixed or minimum term of such account, if such institution intends to renew the account unless the funds are withdrawn. First, the Board's recent amendments to §§ 563.3–1 and 563.3–2 and the addition of new § 526.7, proposed herein, make the penalties for early withdrawal from such accounts more severe. In order to avoid incurring these new penalties, it is important that an account holder receive notice of the impending end of the fixed or minimum term of his account. Second, it has come to the Board's attention that some member institutions commonly renew certificate accounts at their original rate even though the institution involved may be accepting new certificate accounts of the same type at a higher rate. The Board believes that supplying account holders with the information required by paragraph (b) of new § 526.6–1 will serve to prevent any abuses in this area.

New § 526.7 would impose the early withdrawal penalties applicable to insured institutions on non-insured member institutions.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 526 by redesignating paragraphs (e), (f) and (g) of § 526.6 thereof as paragraphs (f), (g) and (h) respectively, and by adding a new paragraph (e) thereto, and by adding new §§ 526.6–1 and 526.7 thereto, to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW, Washington, D.C., 20552, by September 10, 1973, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 526.6 Advertising of interest or dividends on savings accounts.

* * * * *

(e) *Penalty for early withdrawals.* Any advertisement, announcement, or solicitation relating to interest or dividends paid by a member institution on certificate accounts shall include clear and conspicuous notice that Federal law and regulation prohibit the member institution from permitting withdrawal of a certificate account before the end of its fixed or minimum term or qualifying period unless substantial interest or dividends are forfeited.

* * * * *

§ 526.6–1 Disclosure before acceptance; notice before end of fixed or minimum term.

(a) *Disclosure before acceptance.* Before a member institution accepts a certificate account deposit, such institution shall provide to the depositor a written statement of the applicable penalty provisions for a withdrawal from such account before the end of the fixed or minimum term or qualifying period for such account. Such written statement shall describe fully and clearly—including arithmetic examples—how such penalty provisions would apply to such a withdrawal from such certificate account.

(b) *Notice before end of fixed or minimum term.* (1) If a member institution does not intend to renew, after December 31, 1973, a certificate account of one year or more which such institution may renew unless the holder thereof presents the certificate evidencing such account for withdrawal within a specified period, such institution shall mail a notice to the holder of such account not less than 20 days and not more than 60 days before the end of the fixed or minimum term of such account. Such notice shall contain the following information:

(i) The date on which such fixed or minimum term ends;

(ii) A statement that the institution does not intend to renew such account; and

(iii) The rate of return which will be paid on such account after the end of such fixed or minimum term.

(2) If a member institution intends to renew, after December 31, 1973, a certificate account of one year or more which such institution may renew unless the holder thereof presents the certificate evidencing such account for withdrawal within a specified period, such institution shall mail a notice to the holder of such account not less than 20 days and not more than 60 days before the end of the fixed or minimum term of such account. Such notice shall contain the following information:

(i) The date on which the fixed or minimum term of the existing certificate account ends and the date on which the fixed or minimum term of such account will end if renewed;

(ii) The rate of return which is being paid on the existing certificate account and the rate of return which will be paid on the account if renewed; if the latter is less than the rate of return presently being offered for certificate accounts with the same fixed or minimum term, the rate of return presently being offered shall also be stated;

(iii) Any other changes in the terms of the certificate account if renewed, including any change in the penalty provisions; and

(iv) The period within which the existing certificate account must be presented for withdrawal in order to avoid loss of interest or dividends.

§ 526.7 Penalty for early withdrawal.

With respect to each certificate account issued on or after _____ [effective date of this amendment], each member institution which is not an insured institution (as defined in § 561.1 of this chapter) shall impose the following conditions on withdrawal from such an account before the expiration of its fixed or minimum term or qualifying period: (a) The account holder shall receive interest or dividends from the date of issuance of such account on the amount withdrawn at a rate not in excess of the rate then being paid on regular accounts; and (b) the account holder shall also pay a penalty in an amount not less than the lesser of (1) the interest or dividends at such rate for 90 days (3 months) on the amount withdrawn or (ii) all interest or dividends at such rate (since issuance or renewal of the certificate account) on the amount withdrawn.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended by Public Law 91–151, sec. 2(b), 83 Stat. 371; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON, *Secretary.*

[FR Doc.73–16511 Filed 8–9–73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 3, 9]

[Docket No. R–417]

DISPOSAL OF INTERESTS IN PROJECT LANDS, AND APPLICATIONS FOR CERTAIN USES OF PROJECT PROPERTY REQUIRING COMMISSION APPROVAL

Renotice of Proposed Rulemaking and Request for Comments

AUGUST 3, 1973.

On April 7, 1971, the Commission published a notice of proposed rulemaking in Docket No. R–417 (Disposal of Interests in Lands Within Licensed Projects) for the purpose of amending its rules with respect to certain lands within project boundaries.

At the present time, the Secretary of the Commission has broad authority to approve conveyances of interests in project lands.[1] Because of the increased awareness of and emphasis on environmental factors, the policies expressed by the Commission in Order Nos. 313 and 414;[2] and an increased number of applications for land transfers, the Commission determined that the authority to approve transfers which was delegated to the Secretary should be re-defined, clarified, and restricted so that appropriate consideration could more easily be given the factors involved.

It was proposed to limit § 3.5 by requiring any instrument of conveyance to provide that the use of such lands would not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use, in accordance with the policy expressed in Commission Order No. 313. It was further proposed to require a showing in each application that the transfer would be in accordance with existing comprehensive land use plans adopted by local and regional agencies.[3]

The notice clearly stated that the already-existing Staff review of land transfer applications would remain the same. It was also pointed out that the Secretary would not be permitted to grant transfers in special cases, e.g., transfers involving environmental considerations. In appropriate cases the procedures mandated by the National Environmental Policy Act (NEPA) would be followed.

As a result of publication of the Notice a total of nine comments were received: Congressman John D. Dingell, Chairman, Subcommittee on Fisheries and Wildlife Conservation; National Wildlife Federation; the Wilderness Society; Western Rockhounds Association, Inc.; Idaho Fish and Game Department; New England Power Company; Virginia Electric and Power Company; Pacific Gas and Electric Company; and Consumers Power Company.

Three main issues were raised by these comments: (1) Such broad authority should not be delegated to the Secretary; (2) because delegation to the Secretary would preclude full Commission scrutiny, the proposal would not allow certain interests to be adequately protected; and (3) the rulemaking should be subject to the procedural requirements of section 102(2)(C) of NEPA.

With respect to the first comment, it was clear on the face of the Notice that the proposal was not intended to delegate a new power to the Secretary, but was to restrict an already-existing power.

In regard to the second contention that a transfer approved by the Secretary would be likely to ignore some critical interests, we point out that the Notice was clear in its intention to reserve for Commission approval any transfer which involved special considerations. Furthermore, the contention that absent full Commission scrutiny such special considerations would not be apparent is without merit because the Notice stated that whether the Commission or the Secretary approved the transfer, the Staff review of each application for transfer would be conducted as it has been in the past.

Turning to the third contention, it was correctly pointed out that the disposal of some interests in land may have an impact on the environment. However, the act of promulgating regulations merely establishes a procedural mechanism to handle individual applications, any one of which may or may not have an impact on the environment. Therefore, the time to carry out the detailed balancing analysis mandated by NEPA is at the time an individual application comes before the Commission. Only then are precise environmental impacts and alternatives to the proposed action susceptible to quantification. On the basis of this reasoning, the Commission determined that an environmental impact statement to accompany the rulemaking was neither necessary nor proper.

In addition to the foregoing, several comments also expressed a desire for more clarification and stronger guidelines for the submission of applications for the disposal of interests in lands within project boundaries.[4] As a result of these comments, further study by Staff, an increased number of applications for transfer of interests in project lands, the importance of adequate public recreational facilities, and the importance of the substantive and procedural provisions of NEPA, the Commission has decided that the present rules and regulations governing the disposal of interests in lands within licensed projects can be improved to provide more adequate information to the public and better guidelines to licensees for preparation of applications. The Commission feels that the original proposals in this docket were too narrow in scope. Accordingly, the Commission has determined that it is in the public interest to amend the proposals in this docket to provide the needed guidance in these matters.

In order to protect environmental values, to ensure greater public participation in the decision-making process, to provide greater public information, and to insure the public safety at licensed projects, the Commission proposes to adopt new regulations which will provide needed information and guidance in the following areas: (1) Transfer of interests in project property owned in fee by the licensee and certain uses of project property which will require Commission approval, together with the information to be contained in applications for such transfer or use; (2) covenants and provisions to be included in instruments of conveyance; (3) provisions for review of environmental factors in the transfer or use; and (4) procedures which the Commission Staff will use in processing applications.

Therefore, the Commission proposes the following modifications to its rules of practice and procedure and its regulations under the Federal Power Act:

PART 2—GENERAL POLICY AND INTERPRETATIONS

(1) *Promulgation of a new § 2.14 of the Commission's rules of practice and procedure.* The greater number of licenses issued by the Commission specify only that the conveyance of an interest in project lands must be approved by the Commission. Consequently, there have been instances in which licensees have undertaken or permitted the undertaking of certain potentially harmful uses of project lands and waters without Commission approval, such as non-project construction on project property by licensee (e.g., non-project transmission lines); joint use of project land by licensee and another party (e.g., two different transmission lines sharing or partially sharing, the same rights-of-way); non-project withdrawal of water from project reservoirs; and construction of transmission lines, roads, communication cables, pipelines, or other non-project facilities over or under project lands or waters. There have also been instances in which licensees have transferred in-

[1] Section 3.5 authorizes the Secretary to: (16) Approve, with respect to particular parcels of lands within the project area of a licensed waterpower project, the conveyance by the licensee to another legal entity of an interest therein for use for a non-project purpose, subject to the right of the licensee, its successors and assigns to use the land for all project purposes contemplated by the license for the project.

[2] Order No. 313; Recreational Development at Licensed Projects, Statement of General Policy, issued December 27, 1965 (30 FR 16197), 34 F.P.C. 15463.

Order No. 414; Amending Regulations under the Federal Power Act for the Protection and Enhancement of Aesthetic and Related Values in the Design, Location, etc., of Project Works, issued November 27, 1970 (35 FR 18585), 44 F.P.C. 1491.

[3] As proposed, § 3.5 would have authorized the Secretary to:

(16) Approve, with respect to particular parcels of land within the project area of a licensed water-power project, the conveyance by the licensee to another legal entity of an interest therein for use for a nonproject purpose, subject to the right of the licensee, its successors and assigns to use the land for all project purposes, provided that the application contains a statement that the proposed use is not inconsistent with any officially recognized local or regional land use plan and, except in cases of conveyances to States or municipalities for their own use, the instrument of conveyance contains a covenant providing that the use of such lands will not endanger health, create a nuisance or otherwise be incompatible with overall project recreational use, in accordance, with the requirements of paragraph (C) of the Commission's Order No. 313, issued December 27, 1965 (34 FPC 1546, 1549–50).

[4] Comments of National Wildlife Federation, New England Power Company, and Virginia Electric and Power Company.

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terests in project lands both without Commission approval and contingent on Commission approval.

It is further noted that the substantive and procedural requirements of NEPA are of paramount importance. When information in an application (see the proposed § 9.21(h), infra) indicates that the action to be authorized by the Commission will initiate a use of project lands or waters which will have a significant impact on the human environment, applications will be treated in accordance with Commission regulations which govern compliance with NEPA.[7]

Therefore, the Commission proposes a new § 2.14, to clearly indicate that certain uses of project property require Commission authorization, and to set forth the requirements for Commission approval which must be satisfied prior to the implementation of such uses:

§ 2.14 Certain uses of project property requiring commission approval.

(a) Any licensee desiring to take any action which will:

(1) Convey to another legal entity any interest in a parcel of land within a project boundary; (2) withdraw, or permit another legal entity to withdraw, any project waters for any non-project purposes; (3) construct, or grant approval to another legal entity to construct transmission lines, roads, communication cables, pipelines, or any non-project facilities over or under project lands (assuming such are owned in fee by the licensee) or waters;[8] (4) result in the construction by the licensee of non-project facilities within the project boundaries; shall timely file with the Commission an application pursuant to Part 9 of the Commission's regulations under the Federal Power Act, which filing must be approved by the Commission prior to such action. This section shall not apply to public access facilities, leases, or permits specifically authorized by Commission approval of an Exhibit R or recreational use plan, or an Exhibit S or fish and wildlife conservation plan.

(b) When it appears, based on the information contained in the application (including but not limited to information specified by § 9.21(h) of this chapter, and review by Staff, that Commission approval of Applicant's action will initiate a use of project property which may constitute a significant effect on the human environment, the application will be treated in accordance with the procedures specified by §§ 2.80 and 2.81.

(2) *Promulgation of a new § 2.15 of the Commission's rules of practice and procedure.* This section sets forth restrictive covenants to be included in any instrument conveying interest in project property, unless specifically exempted by the Commission. Any licensee desiring such exemption shall set forth in detail in its application any reasons for exclusion.

Docket No. R-417 proposed a covenant which contained an exemption applicable to conveyances to States and municipalities for their own use.[9] However, the Commission feels that the burden of the standard covenants which are herein proposed should fall equally on all transferees in order to more adequately protect the public interest. Therefore, the exception to the covenant proposed in Docket No. R-417 is not included. The proposed § 2.15 includes as one covenant the restrictions in Paragraph (C) of Order No. 313.[10] Order No. 313 was a statement of General Policy and this restriction is not presently included in our regulations. The policy expressed is of such importance that the Commission feels it should be included as a part of the regulations, and it hereby proposes to do so.

Finally, the Commission retains the right to impose such additional covenants in specific cases as in its judgment may be necessary and proper to protect the public interest.

Accordingly, the Commission proposes a new § 2.15 to read:

§ 2.15 Required covenants in instruments of conveyance of interests in project property.

(a) Unless the land to be conveyed is shown to be no longer necessary for project purposes, the Commission will approve the conveyance of any interest in project property pursuant to § 2.14 only if the conveyance shall covenant:

(1) The right to use the coveyed land shall be reserved to the licensee, its successors, and assigns for project purposes only.

(2) That the use of the land conveyed will not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use;

(3) That where construction is contemplated as a result of the conveyance, the party to undertake such construction shall take all necessary precautions during construction and subsequent operation and maintenance to protect and enhance the environmental values of any affected project lands and waters. Such precautions shall include but not be limited to the provisions set forth in Commission Order Nos. 414[11] and 407[12]; and

(4) The conveyance and use of the property shall be in compliance with all applicable laws and regulations.

(b) In the event an Applicant wishes to have exempted from the instrument of conveyance one or more of the covenants listed above, the application shall fully support the reason for such exemption, which will be granted only for good cause shown.

(c) The Commission reserves the right to require such additional covenants in the instrument of conveyances as it shall judge necessary and proper to protect the public interest.

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

§ 3.5 [Amended]

(3) Section 3.5: *Delegations of final authority.* Delete § 3.5(a)(16) of Part 3 and re-number § 3.5(a)(17–26) as § 3.5(a)(16–25).

This will revoke the authority presently delegated to the Secretary to authorize transfers of interests in lands.

PART 9—TRANSFER OF LICENSE OR LEASE OF PROJECT PROPERTY REQUIRING COMMISSION APPROVAL

(4) *Amendment of Part 9 of the regulations by changing its title and adding new §§ 9.20 and 9.21.* These subsections will specify both the procedure for filing an application for approval of non-project use of project property and the contents of such an application to include the information necessary for Staff review. Each application and its environmental report should furnish information on all present and projected future development of the project reservoir and its contiguous lands and the capacity of the project lands and waters and their biota to serve foreseeable future public uses which may be imposed upon them. Such information should be furnished even if approval of the application, by itself, would not significantly affect the quality of the human environment, but where the cumulative effects of approval of a number of similar applications could constitute a major Federal action.

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[7] Order No. 415-C, promulgated December 18, 1972. (18 CFR 2.80, 2.81, 2.82).

[8] Where construction will result in any discharge into project waters appropriate permits and certification should be obtained and furnished to the Commission for its information.

[9] See Note 3, supra.

[10] 313(C) reads:

(C) The Commission will not grant any authorization for a licensee to dispose of any interest in project lands, unless a showing is made that such disposal is not inconsistent with any approved recreational plan or in the absence of such a plan, that the lands do not have recreational value. Pending a determination by the Commission that such lands are not needed for public recreational purposes (all project lands, buildings, or other property will be considered to be required to achieve the purposes of the license within the meaning of any article in the license relating to the leasing of such lands, buildings, or other property. The licensee, in the absence of specific Commission exemption from these requirements, shall include in the instrument of conveyance a covenant running with the land adequate to insure that, unless the Commission subsequently authorizes a different use as consistent with a comprehensive plan for improving or developing the waterway, the use of lands conveyed will not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use.

[11] See Note 2, supra.

[12] Order No. 407, Statement of Policy Amending Regulations under the Natural Gas Act Re: Rights-of-way Routes, of Natural Gas Companies, July 10, 1970 (35 FR 11377). 44 FPC 47.

APPLICATION FOR CERTAIN USES OF PROJECT PROPERTY REQUIRING COMMISSION APPROVAL

§ 9.20 Filing.

Any licensee desiring to (a) make certain uses of project lands, or (b) convey any interest in project lands, shall timely file an application for Commission approval thereof pursuant to §§ 2.14 and 2.15 of this chapter.

§ 9.21 Contents of application.

An application shall contain, but not be limited to, the following information:

(a) Present and proposed use of the project property, and the party or parties to whom the rights are to be conveyed.

(b) The location of any land involved and the size thereof marked on prints of appropriate sheets of Exhibit K.

(c) (1) Copies of all correspondence with Federal, State, regional, and local agencies concerning the proposed use; (2) an explanation of any permits or other approvals which must be obtained from any agency for the proposed use, including copies of any permits or other approvals which may have been issued; and (3) the time and nature of any public notices which may have been issued by any agency and response thereto, including any hearing which may have been held.

(d) Technical descriptions and drawings of any construction, excavation, clearing of land, etc., and proposed operation thereof.

(e) A showing in accordance with § 2.13(c)(2) of this chapter.

(f) Any proposed change in project operation and any compensation to be paid to licensee because of such change in project operation.

(g) A showing, pursuant to Commission order No. 313 that the proposed use is not inconsistent with any approved recreational plan or, in the absence of such a plan, that the property does not have recreational value.

(h) A detailed report of the environmental factors specified in § 2.80 of this chapter (Order No. 415-C issued December 18, 1972), if construction, or operating change of a project, is proposed.

(i) A statement that this application would not modify previously filed Exhibits (filed pursuant to Part 4) or that revised Exhibits will be filed.

(j) A copy of any proposed instrument of conveyance (See § 2.15 of this chapter).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, on or before September 17, 1973, views, comments or suggestions in writing concerning all parts of the proposals above. An original and fourteen (14) conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, and mailing address of the person to whom communications concerning the proposals should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed amandments. The Commission will consider all such written submittals before acting on the proposed amendments.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16572 Filed 8-9-73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

FEDERAL POWER COMMISSION

[Docket No. E-8255]

ALABAMA POWER CO.

Order Accepting for Filing and Denying Motion To Reject or Suspend Service Agreement

AUGUST 1, 1973.

On November 1, 1971, Alabama Power Co. (Alabama) tendered for filing under section 205(d) of the Federal Power Act a new tariff schedule applicable to all electric service provided by Alabama to municipal distribution systems and rural distribution cooperations. By order issued December 30, 1971, in Docket No. E-7674, the Commission ordered an investigation of the proposed increase and suspended application of the increased rates until February 2, 1972. The rate increase filing was in the form of an electric tariff which Alabama intended to replace its then current rate schedules, which incorporated individual contracts for each delivery point, as of the termination of the current contract in each case. By Commission orders issued December 30, 1971 and February 11, 1972, Alabama was authorized to effectuate its rate schedule after the expiration of the suspension period, subject to refund, upon the termination of individual contracts. This action was affirmed by Court of Appeals decision in Municipal Electric Utility Association of Alabama v. FPC F.2d, Civil Action No. 72-1294 (D.C. Cir. 1973).

By letter dated May 31, 1973, Alabama submitted for filing under its tariff an unsigned service agreement with the City of Alexander City, Alabama (Alexander) for service to three delivery points and a revised sheet to the Index of Purchasers section of its tariff. Alabama's proposed filing was noticed in the FEDERAL REGISTER on June 29, 1973, fixing July 12, 1973, as date for filing protests or petition to intervene. The Protest and Comments of Alexander were filed on June 22, 1973. On July 10, 1973, Alexander and the Municipal Electric Utility Association of Alabama (Municipal) filed a petition to intervene. Alabama filed a response to the Protest and Comments of Alexander on July 9, 1973, and Alexander filed a reply to this response on July 10, 1973. In its Protest and Comments Alexander requested that the Alabama filing be rejected or, in the alternative, that the increase in rates be suspended for five months and a hearing be ordered into its lawfulness.

We believe that the Alabama filing dated May 31, 1973, complied with Commission orders of December 30, 1971 and February 11, 1972, in Docket No. E-7674 which were affirmed by the Court of Appeals decision as indicated above.

Alexander alternatively requests for a five month suspension of the filing.

Alexander contends that Alabama has not submitted the documents specified in § 35.12(b) of the Commission's regulations under the Federal Power Act and that the tender is therefore jurisdictionally deficient and should be rejected for that reason. But the Court of Appeals decision stated (at mimeo. p. 15):

> The details of procedural mechanics are best left to the Commission in the first instance. In broad outline, however, it appears that FPC review of the Alabama Power filing will proceed as follows: the section 205(e) proceedings that began in early 1972 will include all of Alabama Power's wholesale municipal customers. As to those among the Petitioners whose contract have already expired, whatever finding the Commission makes as to the lawfulness of the tariff will, of course, be immediately binding. As to those whose contracts remain in effect, such determination will be prospective in nature, and the contract rates and service condition will remain in effect. When each of these latter contracts experies (sic) Alabama Power will file with the Commission the documentation necessary to bring the affected customer within the terms of the general tariff. At this time, if the Commission has reason to believe that the assumptions underlying its earlier determination are not operative—possibly due to a change in conditions, or more likely a projection of conditions that did not materialize—the Commission may order the section 205(e) proceedings to be reopened; require from Alabama Power whatever additional data is necessary to demonstrate the continuing validity of the tariff rate; if necessary suspend extension and take whatever further steps may be necessary to assure that the rates and conditions of service remain lawful.

In our original suspension we found that the rates then in effect were deficient. Alexander has not advanced any proposition that conditions have changed or that projected occurrences did not materialize to render our prior decision no longer valid. Moreover, the original section 205 proceeding is still pending before us. Under these circumstances, we conclude, that Alabama need file no new economic data to support its filing. Similarly, we find no merit in Alexander's request for a five month suspension and for a separate hearing on the May 31, 1973, filing. That filing complied with the Court of Appeals directive (mimeo. p. 15) to Alabama to make when each contract expired, the necessary filings to bring the affected party within the terms of the general tariff. We note, with respect to the request for hearing, that Alexander was a party in the hearing in Docket No. E-7674 and has filed exception to the Initial Decision therein, concerning the justness and reasonableness of the rates contained in the May 31 filing in this docket.

The Commission finds. The filing of Alabama dated May 31, 1973, complies with Commission orders of December 30, 1971 and February 11, 1972, and the decision of the D.C. Circuit Court of Appeals affirming those orders and we therefore deny Alexander's request that the filing be rejected or suspended.

The Commission orders. (A) The Service Agreement tendered by Alabama is accepted for filing, to become effective on July 31, 1973, as requested subject to refund pending decision in Docket No. E-7674.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-16569 Filed 8-9-73;8:45 am]

[Docket No. RP73-112]

ALGONQUIN GAS TRANSMISSION CO.

Order Accepting and Suspending Proposed Tariff Sheets, Providing for Hearing and Granting Intervention

AUGUST 1, 1973.

On June 15, 1973, Algonquin Gas Transmission Company (Algonquin) tendered for filing proposed changes in FPC Gas Tariff as follows:

Original Volume No. 1
Third Revised Sheet No. 3-A
Original Volume No. 2
Twenty-Seventh Revised Sheet No. 57

Algonquin proposed to increase the rates, effective August 1, 1973, presently applicable to natural gas service rendered to its customers under its Rate Schedules F-1, WS-1, I-1, E-1, X-5 and T-1. The proposed changes amount to an increase in revenues of approximately $7.8 million annually, or an annual percentage increase of 7.58 percent. Furthermore, Algonquin proposed to increase its basic rate of depreciation from 3 percent to 5 percent. The proposed increase in revenues is based on a test year ended March 31, 1973, as adjusted.

Algonquin states that two major cost of service factors necessitate the proposed changes. Firstly, an increase in depreciation from 3 percent to 5 percent is needed since the 3 percent rate has been basically utilized since Algonquin commenced operations approximately twenty years ago. Secondly, Algonquin states that an increase in rate of return from 8.125 percent to 9 percent is needed to reflect the current capitalization and debt cost of Algonquin.

The filing was noticed on June 22, 1973, with letters of protest and petitions to intervene due on or before July 9, 1973. The following parties filed timely petitions to intervene or notices of intervention: Central Hudson Gas and Electric Corporation; New Jersey Natural Gas Company; Consolidated Edison Company of New York, Inc.; Rhode Island Consumer's Council and Providence Gas Company.

Our review of the filing indicates that it raises certain issues which may require development in an evidentiary hearing. The proposed changes in rate and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall therefore order a suspension of the rates proposed herein for the full statutory period.

The Commission finds.

(1) The proposed increased rates and charges have not been shown to be justified and may be unjustified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

(2) It is necessary and proper in the public interest and to the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges in Algonquin's FPC Gas Tariff as proposed to be amended in this docket, and that the tendered tariff sheets be suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) Participation of the above-named petitioners for intervention in this proceeding may be in the public interest.

The Commission orders.

(A) Algonquin's tariff sheets as filed on June 15, 1973, are accepted for filing as hereinafter ordered.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing with a prehearing conference on December 18, 1973, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classification and service contained in Algonquin's FPC Gas Tariff, is proposed to be amended.

(C) At the prehearing conference on December 18, 1973, Algonquin's prepared testimony (Statement P) together with its entire rate filing shall be offered for admission to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceedings.

(D) On or before November 2, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before November 16, 1973. Any rebuttal evidence by Algonquin shall be served on or before November 30, 1973. Cross-examination of the evidence filed will commence December 19, 1973.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) Pending such hearing and decision thereon Algonquin's proposed revised tariff sheets are hereby suspended and the use thereof is deferred until January 1, 1974, and until such time as they are made effective in the manner provided in the Natural Gas Act.

(G) The above-named intervenors are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveniors shall be limited to matters affecting the rights and interests specifically set forth in their petition to intervene; and *Provided, further,* That the admission of such interveniors shall not be construed as recognitions that they or any of them might be aggrieved because of any order issued by the Commission in this proceeding.

(H) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secrctary.*

[FR Doc.73-16547 Filed 8-9-73;8:45 am]

[Docket No. CI74-48]

ANADARKO PRODUCTION CO.

Notice of Application

AUGUST 2, 1973.

Take notice that on July 23, 1973, Anadarko Production Co. (Applicant), P.O. Box 9317, Fort Worth, Texas 76107, filed in Docket No. CI74-48 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from the No. 1 Kinzey "A" Well, Stevens County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 1,000 Mcf per day for one year at 45.0 cents per Mcf at 14.65 psia, subject to Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-16551 Filed 8-9-73;8:45 am]

[Project No. 271]

ARKANSAS POWER & LIGHT CO.

Notice of Application for Change in Land Rights

AUGUST 2, 1973.

Public notice is hereby given that application was filed October 30, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by the Arkansas Power & Light Co. (Correspondence to: Mr. W. M. Murphey, Vice-President, Arkansas Power & Light Co., 9th & Louisiana Street, Little Rock, Arkansas 72203) for change in land rights for Project No. 271, known as the Carpenter and Remmel Project,

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located on the Ouachita River in Hot Springs and Garland Counties, near the Towns and Cities of Malvern and Hot Springs, Arkansas.

The applicant proposes to convey in fee to the city of Hot Springs 100 acres of Electric Island (the remaining 18 acres would be reserved by the Company for its own use) and 16.2 acres of Little Goat Island. This property is located off shore of Point Lookout one and one half miles west of Carpenter Dam in Lake Hamilton.

The city of Hot Springs subsequently proposes to lease both islands to Mr. Jess P. Odom (lessee), for a term of 50 years, for the development of a recreation-amusement park area.

The proposed lease would guarantee an expenditure of a minimum of $1.5 million within a period of three to five years to develop the two islands. If the lessee would not spend the $1.5 million within this specified period, the investment made to that time would revert to the City by default.

Execution of the lease would be subject to the following conditions:

(1) The term of the lease would be for 50 years for both islands.

(2) Arkansas Power and Light Co. would supply both islands with adequate electricity.

(3) The City would construct a two lane blacktop road, or improve existing roads to the water's edge of the mainland from State Route 290, through the Arkansas Game and Fish Commission Fish Hatchery, total length of the road being one mile. The City would also build a causeway 12 to 14 feet high, wide enough to accommodate a two lane blacktop road, starting from both the island and the mainland, and meeting 25 feet apart at the middle of the channel. Lessee would construct a bridge to join the two causeway sections.

(4) Lessee would supply and construct adequate water and sewage service on each island.

The proposed development would consist of:

A. An electric monorail system on both islands. Access to Little Goat Island would be by monorail and boat only.

B. Twenty-five acres of recreational and amusement facilities comprising theaters, exhibitions, museums, gardens, zoos, swimming facilities, golf courses, amusements, and fishing and boating facilities.

C. Fifteen acres for boat docks, marinas, aquarena, and public picnic facilities, including tables, benches, cooking grills, and waste depositories.

D. Fifteen acres for trailer and camper areas including water, electrical, sewer, parking, and public boat dock or launch ramp facilities.

E. Twenty acres for public parking areas.

F. Thirty-five acres for homes and shopping areas, including rental lakeside homes and a 150 room "Boatel" and restaurant.

G. Eight acres for other facilities, to include: public sand beaches; rest areas with seating and drinking fountains; restroom facilities; first aid station; outdoor interdenominational church; and a bandstand.

Any person desiring to be heard or to make protest with reference to said application should on or before September 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16558 Filed 8-9-73;8:45 am]

[Docket No. E-8335]

BUFFALO RAPIDS IRRIGATION PROJECT ET AL.

Notice of Filing of Complaint

AUGUST 2, 1973.

In the matter of: Buffalo Rapids Irrigation Project, Custer Rod & Gun Club, Tongue-Yellowstone Beet Growers, Trout, Unlimited Complainants v. Montana Power Co., Puget Sound Power & Light Co., Portland General Electric Co. Washington Water Power Co., Pacific Power & Light Co. Complainees.

Public notice is hereby given pursuant to § 2.1 of Part 2, Statements of general policy and interpretations, subchapter A, Chapter I of Title 18 of the Code of Federal Regulations, that a complaint was filed on July 11, 1973, by James H. Goetz alleging that the proposed fossil fuel generating facilities known as the Colstrip plants which are owned and operated by Montana Power Co., Puget Sound Power & Light Co., Portland General Electric Co., Washington Water Power Co., and Pacific Power & Light Co. and which are located on the Yellowstone River near Colstrip, Montana, are required to be licensed by the Federal Power Commission.

Complainants state that the water withdrawals which result from the project will affect navigability since the pumping structures will cause the water level of the Yellowstone River to be lowered. Complainants also state that the Colstrip generating facilities will use surplus water impounded by "government dams."

Complainants state that the construction, operation, and maintenance of the Colstrip Plants are not best adapted to a comprehensive plan for improving or developing the Yellowstone River, and are not best adapted for other beneficial public uses.

Complainants ask that the complainees be ordered to show cause why they should not be required to apply for licenses, and that complainees be ordered to show cause why they should not be required to suspend all development, planning and construction of the plants in question, pending the outcome of these proceedings.

Any person desiring to be heard or to make protest with reference to said complaint should on or before September 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The complaint is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16571 Filed 8-9-73;8:45 am]

[Docket No. CI74-57]

C. CRADY DAVIS, ET AL.

Notice of Application

AUGUST 2, 1973.

Take notice that on July 26, 1973, C. Crady Davis, *et al.* (Applicants), 6780 E. Hampden Avenue, Denver, Colorado 80222, filed in Docket No. CI74-57 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas in interstate commerce to Southern Union Gathering Company (Southern) from the Blanco-Mesa Field, San Juan County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants were authorized by the order in Docket No. G-13105, as amended, to sell gas pursuant to a contract dated April 15, 1952, at 15.0636 cents per Mcf at 15.025 psia. Applicants state that they terminated the contract on April 30, 1973, upon Southern's refusal to enter into a new contract with higher rates equivalent to those approved by the Commission in Order No. 658. Deliveries are continuing pursuant to the old contract and Applicants' existing FPC Gas Rate Schedule No. 1.

Applicants propose to abandon the sale of natural gas to Southern, it is stated, in order to negotiate with another interstate pipeline purchaser for the sale of the gas formerly dedicated to Southern. Applicants further state that they are concurrently filing a unilateral rate increase pending any order in this proceeding.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but it will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16550 Filed 8-9-73;8:45 am]

[Docket Nos. E-7631 and E-7633; E-7713]

CITY OF CLEVELAND, OHIO, ET AL.

Order To Show Cause

AUGUST 2, 1973.

This matter comes before the Commission on the Motion of Cleveland Electric Illuminating Co. (CEI), requesting enforcement of Commission Opinion and Order No. 644, January 11, 1973, under the terms of which CEI was required to provide the City of Cleveland, Ohio (City) with electric energy by means of a 138 KV permanent synchronous interconnection, as well as continuing the existing load transfer service along with emergency service over a 69 KV temporary non-synchronous open-switch interconnection.

Opinion and Order No. 644, was issued in response to the complaint by the City of Cleveland, Ohio (City) against Cleveland Electric Illuminating Co. and City of Cleveland, filed May 13, 1971, Docket Nos. E-7631, et al. The City instituted these prior proceedings for the purpose of obtaining an interconnection with CEI. This interconnection was required to solve the inadequacies and deficiencies that had plagued the City's Municipal Electric Light Plant (MELP) system.

For a period of time prior to the issuance of Opinion and Order No. 644, the City had refused to pay or had been quite late in paying, certain bills rendered by CEI. Being aware of this history of arrearages, the Commission was concerned that an undue burden should not be placed on CEI as a result of the order to interconnect its system with that of the City. Accordingly, Opinion and Order No. 644 further provides that:

(D) Bills to the City for the continuation of the load transfer service, the 69 KV Emergency Interconnection and the 138 KV permanent interconnection shall be paid within 45 days from receipt of the bill. If not paid within 45 days, 5 percent is to be added to the bill, and if not paid within a total of 60 days from the receipt of the bill then 1 percent per month, or portion thereof, will be added to the bill thereafter until paid.

On Febuary 8, 1973, the City applied to the Commission for rehearing of Opinion and Order No. 644. The Commission unanimously voted to deny the petition on March 9, 1973. The City then petitioned the United States Court of Appeals for the District of Columbia Circuit (No. 73-1282) for review of the Commission's Order Denying Rehearing. This appeal is now pending.

According to the current motion by CEI, the City has failed to comply with the payment provisions section (D) of the Commission's Order, quoted above. CEI also states that the City is severely in arrears for a sum in excess of $820,803.29, and that it has received no payment from the City since February 16, 1973. It appears that the City has chosen to accept the benefits of the interconnection order pursuant to Opinion and Order No. 644, without assuming the corresponding duty to make payment for the energy supplied to it.

The Commission orders: The City of Cleveland, Ohio shall file an answer with this Commission, no later than two weeks from the date of this order, and show cause why the Commission should not, pursuant to section 309 of the Federal Power Act, 16 U.S.C. 825h, set aside those portions of Commission Opinion and Order No. 644 which heretofore required the Cleveland Electric Illuminating Co. to interconnect its facilities with those of the City of Cleveland and supply electric energy by means thereof.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16570 Filed 8-9-73;8:45 am]

[Docket No. RP73-65]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Proposed PGA Rate Adjustment

AUGUST 2, 1973.

Take notice that Columbia Gas Transmission Corp. (Columbia), on July 16, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. Columbia states that the proposed changes, to be effective September 1, 1973, provide purchased gas adjustments to recover increased cost of gas purchased of $9,692,783 annually, and surcharges to recover deferred gas purchase costs of $4,244,408 which surcharges are to be effective for a six-month period.

Columbia states that copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before August 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16555 Filed 8-9-73;8:45 am]

[Docket Nos. E-7801, E-8111, E-8105]

CONNECTICUT LIGHT AND POWER CO.

Order Accepting Initial Rate Schedules and Initiating Investigations and Consolidating Proceedings

AUGUST 2, 1973.

This order concerns two separate filings in Docket Nos. E-7801 and E-8111.

On November 1, 1972, The Connecticut Light and Power Company (CL&P) tendered for filing at Docket No. E-7801 as an initial rate schedule an agreement entitled Northfield Mountain Purchase Agreement (Agreement) dated October 1, 1971. The Agreement is between CL&P, The Hartford Electric Light Company (Hartford) and Western Massachusetts Electric Company (Western Massachusetts) jointly the (Licensees) and the Public Service Company of New Hampshire (the Purchaser). The proposed effective date was December 1, 1972, or such later date as the first unit is declared available for operations and the Agreement is to continue until October 28, 1974. The agreement became effective by operation of law on December 2, 1972, thirty days after filing.

CL&P states that the Agreement provides for sales of specified percentages of capacity and related pondage of the Northfield Mountain Pump Storage Hydro Electric Project together with related transmission service. The Agreement is signed by representatives of the four parties and certificates of concurrence from Hartford and Western Massachusetts are included in the filing.

Public notice of the filing was issued on December 22, 1972, with petitions to intervene and protests due on or before January 8, 1973. No such petitions or protests were received.

The proposed rates, according to CL&P's submittal would include a joint rate of return for the Licensees of 10.00 percent. Our review of the filing indicates that the proposed rates may not be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we will institute an investigation under Section 206 of the Federal Power Act to determine the justness and reasonableness of the filed rates.

On April 5, 1973, CL&P tendered for filing, in Docket No. E-8111, a proposed

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Rate Schedule consisting of a Purchased agreement (Agreement) dated February 1, 1973, between CL&P and New Bedford Gas and Edison Light Company (New Bedford). CL&P's transmittal letter states that the Agreement provides for sales to New Bedford of specified percentages of capacity and energy from CL&P's Monteville Unit No. 6 from May 1, 1973 through October 31, 1973. The Agreement is signed by the parties. CL&P requests an effective date of May 1, 1973, but does not specifically request waiver of the Commission's thirty-day notice period.

The filing was noticed on April 17, 1973, with petitions to intervene and protests due on or before April 24, 1973. No such petitions were received.

We shall treat this filing as an initial filing and grant waiver of the notice requirements so as to allow for an effective date of May 1, 1973. The proposed rates, according to CL&P, would include overall rates of return for CL&P of 10.6 percent. Our review of the filing indicates that the proposed rates may not be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we will institute an investigation under section 206 of the Federal Power Act to determine the justness and reasonableness of the filed rates.

We note that the issues in the above proceedings are substantially the same as those in Docket No. E–8105 wherein we ordered on July 10, 1973, a section 206 investigation into the justness and reasonableness of the rates therein. We shall therefore consolidate the investigations ordered herein with that instituted in that docket. Since the parties are presently preparing their evidence in Docket No. E–8105 and since our order in that Docket was issued a short time ago, adherence to the procedural dates set forth in Docket No. E–8105 which we order hereinafter, will not unduly prejudice the parties to this docket.

The Commission finds.

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon an investigation to determine if the rates and charges contained in CL&P's proposed Rate Schedules are in the public interest.

(2) Good cause exists to consolidate Docket Nos. E–7801 and E–8111 with E–8105.

(3) The disposition of these proceedings should be expedited in accordance with the procedure set forth in Docket No. E–8105 by our order issued July 10, 1973.

(4) Waiver of our notice requirements should be granted to permit an effective date of May 1, 1973, for the filing in Docket No. E–8111.

The Commission orders.

(A) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held, to determine if the rates, charges, classifications and services contained in CL&P's proposed Rate Schedules are in the public interest.

(B) Docket Nos. E–7801, E–8111 and E–8105 are hereby consolidated since the issues of fact and law are substantially the same, and the disposition of Docket Nos. E–7801 and E–8111 shall be expedited in accordance with the procedures set forth in Docket No. E–8105.

(C) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970 (Public Law 91–379, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(D) Waiver of our notice regulations as to the filing in Docket No. E–8111 is granted and the rates are permitted to become effective May 1, 1973.

(E) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16549 Filed 8–9–73;8:45 am]

[Docket No. E–8288 et al.]

DUKE POWER CO., ET AL

Notice of Application

AUGUST 2, 1973.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to these applications should on or before August 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. The applications referred to above, are on file with the Commission and are available for public inspection.

Docket No.: E–8288, *Filing Date:* 6/21/73, *Name of Applicant:* Duke Power Company.

By letter dated June 19, 1973, Applicant filed a Supplement to its contract with Laurens Electric Cooperative, Inc. This contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 144. The Supplemental Agreement indicates an increase in designated demand at each of the following delivery points: Delivery Point No. 5, from 1,300 Kw to 2,600 Kw; Delivery Point No. 18 from 800 Kw to 1,100 Kw; Delivery Point No. 19, from 2,200 Kw to 3,000 Kw. Delivery Point No. 21 now has Southeastern Power Authority allocation which it previously did not have and there has been Southeastern Power Authority re-allocation at Delivery Point No. 2. Applicant requests that these amendments be made effective on June 20, 1973.

Docket No.: E–8292, *Filing Date:* 6/25/73, *Name of Applicant:* The Washington Water Power Company.

In its letter of June 20, 1973, Applicant requests that it's agreement with the Portland General Electric Company, dated May 14, 1973, be accepted for filing with the Commission. The agreement provides for the delivery of capacity by Portland General Electric Company to Applicant on a monthly basis in the amount of 50,000 kw during the period November 1, 1973—March 31, 1974. In exchange for such capacity the Applicant will deliver 2,404 mwh of energy per week to the Portland General Electric Company over the same period. This transaction will be on an energy exchange basis exclusively, there will be no monetary charges involved.

Docket No.: E–8295, *Filing Date:* 6/27/73, *Name of Applicant:* Mississippi Power & Light Company.

Applicant requests that its April 21, 1972, agreement with the Delta Electric Power Association (Delta) for a sale of power to Delta, and a Supplemental Operating Agreement dated July 3, 1963, be accepted with the Commission. Applicant's Rate Schedule REA–11, is on file with the Commission and is currently effective tariff for service to electric power associations.

August 15, 1973, is the proposed date of initial service. Applicant requests that this filing be made effective on the date on which service is rendered initially; Applicant will advise the Commission of that date.

Docket No.: E–8296, *Filing date:* 6/29/73, *Name of Applicant:* New York State Electric & Gas Corp.

By letter dated June 27, 1973, Applicant submits for filing as a rate schedule the June 19, 1973, agreement between Applicant and Central Hudson Gas & Electric Corporation (Central Hudson). Under the terms of this agreement, the Applicant will sell 32,000 kw of firm capability and associated energy for the term commencing on July 1, 1973 and terminating on July 31, 1973. Applicant will deliver energy to the Niagara Mohawk Power Corporation for redelivery to Central Hudson. Applicant requests that July 1, 1973, be allowed as the effective date.

Docket No.: E–8299, *Filing Date:* 7/2/73, *Name of Applicant:* Duke Power Company.

The Applicant filed by letter dated June 28, 1973, a supplement to its contract with the City of Kings Mountain, North Carolina. The subject matter of this proposed filing is the new 2,500 kw Delivery Point No. 2 located at Kings Mountain. The Applicant is constructing approximately 300 feet of 44 Kv tap line and a new substation for service under this supplemental agreement. Applicant requests effectiveness on July 20, 1973.

Docket No.: E–8304, Filing Date: 6/25/73, Name of Applicant: Northern States Power Company.

By letter dated June 20, 1973, Northern States Power Company gives notice of cancellation of the Manitoba-United States-Winnipeg-Grand Forks 230 KV Interconnection Facilities Agreement, dated January 16, 1969, between the Manitoba Hydro-Electric Board, Minnkota Power Cooperative, Inc., Northern States Power Company, and Otter Tail Power Company.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16568 Filed 8–9–73;8:45 am]

[Docket No. CI73–746]

EDWIN L. COX

Order Granting Interventions, and Fixing Date for Hearing

AUGUST 2, 1973.

The above-named applicant has filed an application pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75 [2] of the Commission's general policy statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (Hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On May 2, 1973, Edwin L. Cox (Cox) filed in Docket No. CI73–746 an application for the sale of natural gas to Florida Gas Transmission Co. (Florida) pursuant to the optional certification procedure set forth in § 2.75 of the Commission's rules of practice and procedure. The subject gas would be produced from the East Bayou Pigeon Field, Iberia Parish, Louisiana (Onshore, Southern Louisiana Area), at initial price of 35.0 cents per Mcf at 15.025 psia with 1.0 cent/Mcf annual escalations throughout the term, 20 years of life of lease or as long as gas is economically deliverable, whichever is lesser. The basic contract with Florida Gas Transmission Company provides for reimbursment to the sellers for 100 percent of any new or additional taxes and adjustment in the price, downward or upward should the Btu content of the gas fall below 1000 or exceed 1050 Btu/cubic feet, respectively.

A notice of intervention was filed by the Public Service Commission for the State of New York, and timely petitions to intervene were filed by:

Associated Gas Distributors
Florida Gas Transmission Co.

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating this sale, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See no. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought.[5]

No intervenor has questioned Florida Gas's need for the approximately 1 billion cubic feet of natural gas that will be available as a result of this purchase. We note from the filings that Florida Gas is currently curtailing deliveries to its customers and is seeking approval of its curtailment plan in Docket No. RP66–4. Florida Gas is also making short-term emergency purchases in order to maintain its deliverability. Accordingly, the hearing provided for herein should not explore any issues related to Florida Gas's need for additional supplies of natural gas. However, we shall require Florida Gas to present evidence as to whether or not a comparable supply of natural gas is available to Florida Gas at any rate lower than the rate proposed in this application.

The Commission finds. (1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in these proceedings.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 15, and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I) a public hearing shall be held concerning the issues presented by the application herein commencing October 29, 1973, at 10 am (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. § 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(C) Applicants and all intervenors supporting the applications shall file their direct testimony and evidence on or before September 24, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(D) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before October 8, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(E) All rebuttal testimony and evidence shall be served on or before October 23, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(F) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(G) The Administrative Law Judge's decision shall be rendered on or before December 4, 1973. All briefs on exceptions shall be due on or before December 14, 1973, and replies thereto shall be due on or before December 21, 1973.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16552 Filed 8–9–73;8:45 am]

[Docket Nos. G–8934; G–10008]

EL PASO NATURAL GAS CO.

Notice of Amendment to Petition

AUGUST 1, 1973.

Take notice that on July 20, 1973, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79928, filed in Docket Nos. G–8934 and G–10008 an amendment to its petition to amend filed on November 30, 1970, as supplemented August 11, 1972, in said dockets, pursuant to section 7(c) of the Natural Gas Act to amend the orders issuing certificates of public convenience and necessity in said dockets, so as to conform

[1] 15 U.S.C. 717, et seq. (1970).

[2] 18 CFR 2.75.

[3] Statement of Policy Relating to Optional Procedure for Certificating New Producer Sales of Natural Gas, Docket No. R–441, — P.P.C. — (issued August 3, 1972), appeal pending sub nom. John E. Moss, et al v. F.P.C. No. 72–1837 (D.C. Cir.).

[4] Opinion And Order Issuing Certificate of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent et al., Docket Nos. CI73–293, et al.,— P.P.C.—,—(issued May 30, 1973, slip op. at para. 21, p. 5).

[5] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, Opinion No. 659, supra.

V38-154 AUG 10 73 XUM

Petitioner's petition with its oral amendment introduced in the course of a hearing before an Administrative Law Judge on June 5, 1973, all as more fully set forth in the amendment to the petition to amend which is on file with the Commission and open to public inspection.

In its petition to amend, as supplemented, the orders issued November 25, 1955, in Docket No. G–8934 (14 FPC 157) and May 8, 1956, in Docket No. G–10008 (15 FPC 1378), Petitioner proposes to sell and deliver, on a daily basis, to Union Carbide Company (Union Carbide) at Uravan, Colorado, volumes of firm gas possessing up to 112 million Btu and volumes of interruptible gas possessing up to 2,258 million Btu. It is stated that the gas is to be used for space heating and human needs.

Petitioner now proposes to sell and deliver to Union Carbide firm gas possessing up to 735 million Btu and interruptible gas processing up to 2,370 million Btu. Petitioner, proposes to charge 4.2 cents per 100,000 Btu for firm and 3.8 cents per 100,000 Btu for interruptible service. Petitioner states that it made the said proposal orally at a hearing held on June 5, 1973, before an Administrative Law Judge in the form of a motion to amend its petition to amend in the said dockets pursuant to § 1.11(b) of the Commission's rules of practice and procedure (18 CFR 1.11(b)). The purpose of the oral motion was to confrom the pleadings at the hearing to issues raised in the prepared direct testimony by certain of Petitioner's and Union Carbide's officers and employees. That motion was granted by the Presiding Judge and the testimony was received indicating that additional gas was required by Union Carbide for plant protection and that Petitioner was willing to supply the necessary increased volumes. Petitioner states that the instant amendment is to insure compliance with all procedural requirements by formally setting forth the terms of Petitioner's oral amendment permitted at the June 5, 1973, hearing.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–16545 Filed 8–9–73;8:45 am]

[Docket No. E–8293]

FLORIDA POWER AND LIGHT CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 2, 1973.

Take notice that on July 11, 1973, Florida Power and Light Co. (Florida) tendered for filing proposed changes in its Rate Schedule FPC Nos. 2, 8, 12, 13, and 15 to become effective on September 11, 1973.

Florida asserts that the changes are necessary to eliminate the Commodity Adjustment Clauses as directed by the Commission. The same changes were proposed in Florida Rate Schedule Nos. 9, 10, 11, 14, and 16 by a June 19, 1973 filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16553 Filed 8–9–73;8:45 am]

[Docket No. E–8116; E–8121]

GULF STATES UTILITIES CO.

Wholesale Electric Rates; Acceptance for Filing and Consolidation of Dockets

AUGUST 2, 1973.

On April 9, 1973, Gulf States Utilities Co. (Gulf States) filed a Letter Agreement dated August 30, 1972, between the Company and Sam Rayburn Dam Electric Cooperative Inc. (Sam Dam) which is proposed as an amendment to Gulf State's FPC Electric Rate Schedule No. 98. The Letter Agreement states that, pursuant to Commission order,[1] the Southwestern Power Administration (SPA) increased its charges to Sam Dam for hydroelectric power from the Sam Rayburn Dam Project. The Letter Agreement provides that these increases from SPA will not be passed on to Gulf States regardless of the final outcome of a lawsuit currently pursued in the courts by Sam Dam contesting such increase. At present, Gulf States buys power from Sam Dam at the same price Sam Dam purchases such power from the Sam Rayburn Dam Project. This purchased power is then integrated with Gulf State's self-generated power production and both purchased power and self-generated power are sold to Gulf State's various customers, including the members of the Sam Dam Cooperative.[2] In return for Sam Dam's agreement not to pass on the above-mentioned increase, Gulf States indicates in the Letter Agreement that it will refrain from negotiating for increased compensation or exercising its right to terminate its present contract for service (FPC No. 98) with Sam Dam. No effective date for the Letter Agreement was proposed in the filing, but the transmittal letter requests that the notice requirements of § 35.3 be waived to the extent that they are in conflict with the filing. We shall consider, as an effective date, August 30, 1972, the date of the Letter Agreement.

The filing was noticed on May 15, 1973, with comments, protests and petitions to intervene due on or before May 29, 1973.

By our order of June 14, 1973, in Docket No. E–8121, we suspended for one day a general rate increase proposed by Gulf States for certain jurisdictional customers, including the Sam Dam cooperative customers, and permitted such increase to become effective on June 16, 1973. On May 29, 1973, Sam Dam filed a petition to intervene in the instant docket in which it alleges that the subject Letter Agreement prevents Gulf States from raising or renegotiating its rates under, or terminating its contract with, Sam Dam, even with respect to the general rate increase in Docket No. E–8121, as such increase would affect the Sam Dam cooperative members. On June 4, 1973, Gulf States filed an answer to Sam Dam's petition wherein Gulf States contends that the Letter Agreement identifies and speaks only to the specific SPA-ordered rate increase, and not to general rate increases proposed by the Company to be placed in effect for all its jurisdictional customers. We note that the Letter Agreement appears to be solely concerned with the narrow issue surrounding the SPA increase rather than intending to deal with a general rate increase proposed by the Company. Nevertheless, we believe that the Letter Agreement is sufficiently ambiguous on this point to require that the question of its possible relevance to the issues in Docket No. E–8121 should be determined in the hearing presently scheduled in that docket. We shall accept the tendered Letter Agreement as a proper modification of Gulf State's Rate Schedule FPC No. 98 in so far as it relates to the increases subject to the order of the SPA. As to whether the Letter Agreement precludes, in whole or in part, the general rate increase proposed in Docket No. E–8121, as such increase relates to Sam Dam, we shall consolidate the dockets and reserve that question for hearing in the proceeding in that Docket. Should it be determined that the Letter Agreement does prohibit to any extent such proposed increase, it shall also be specifically determined at the hearing what portion of the increase should be disallowed.

The Commission finds. (1) The Letter Agreement proposed by Gulf States should be accepted for filing as a part of Gulf State's Rate Schedule FPC No. 98 as ordered below.

(2) The issue of whether the Letter Agreement precludes, in whole or in part, the general rate increase proposed in Docket No. E–8121, as such increase would affect the Sam Dam members, should be reserved for hearing and consolidated with Docket No. E–8121.

(3) Gulf State's requested waiver of § 35.3 should be granted.

(4) Good cause exists to permit Sam Dam to intervene in the aforementioned proceeding.

The Commission orders. (A) The Letter Agreement proposed by Gulf States is hereby accepted for filing to be effective as of August 30, 1972, the date of the Letter Agreement.

(B) This docket is hereby consolidated with, and shall become a part of, Docket No. E–8121 for the purpose of determining if the Letter Agreement precludes, in whole or in part, the general rate increase proposed by Gulf States in that docket to the extent that the increase might effect the members of the Sam Dam cooperative.

(C) Waiver of § 35.3 is hereby granted to permit an effective date of August 30, 1972, for the Letter Agreement.

(D) Petitioner for intervention, Sam Dam, shall be permitted to intervene in the aforementioned proceeding, subject to the Commission's rules and regulations; *Provided, however,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any orders entered in this proceeding and *Provided, further,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16567 Filed 8–9–73;8:45 am]

[Docket No. E–8820]

INTERSTATE POWER CO.

Notice of Application

AUGUST 3, 1973.

Take notice that on July 16, 1973, Interstate Power Company (Applicant) filed an application with this Commission seeking authorization to enter into a Secured Guaranty Agreement with the Trustee of Pollution Control Revenue Bonds to be issued by the City of Clinton, Iowa, in the amount of $975,000, which bonds, taking into account market conditions, will be sold by the City as soon as possible after obtaining approval of this Guaranty.

Applicant is incorporated under the laws of the State of Delaware, with its principal business office in Dubuque, Iowa, and is engaged principally in the electric utility business in northern and northeastern Iowa, in southern Minnesota and a few small communities in Illinois.

The bonds of the City will be sold to finance the acquisition from the Applicant of a leasehold interest in and the construction of pollution abatement equipment at Applicant's Steam Electric Generating Milton L. Kapp Power Station in Clinton, Iowa, installation of which is expected to be completed in 1974. Said equipment will be subleased by the City to the Applicant and payments under said sublease will be sufficient to pay principal, premium if any, will not be issued by the Applicant. The rate of interest will be negotiated at a private sale of the bonds between the City and the underwriters.

The authorization sought is for Applicant to issue an independent Secured Guaranty to the Trustee and holders of the bonds of payment of principal, premium if any, and interest on said bonds. No payments are made pursuant to the sublease.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16542 Filed 8–9–73;8:45 am]

[Docket No. E–8125]

KANSAS POWER AND LIGHT CO.

Notice Deferring Procedural Dates

AUGUST 2, 1973.

On July 30, 1973, the Kansas Power and Light Co. and the interveners, filed a petition to file settlement agreement, and for waiver of hearing among other things.

Upon consideration, notice is hereby given that the procedural dates fixed by notice issued June 26, 1973 in the above-designated matter are deferred pending further order of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16556 Filed 8–9–73;8:45 am]

[Docket No. RI72–250]

MOBIL OIL CORP.

Order Accepting Rate Increase, Terminating Rate Proceeding in Part, and Ordering Refund

AUGUST 1, 1973.

Mobil Oil Corp. (Mobil) filed on June 11, 1973, a notice of change in rate and a related new contract, designated as Supplement Nos. 22 and 21 to its FPC Gas Rate Schedule No. 39, respectively, for sales of natural gas in the Texas Gulf Coast Area to Natural Gas Pipeline Co. of America from the Clayton Field, Live Oak County, Texas. The proposed rate change provides for a rate of 24 cents per Mcf, which is the new gas ceiling provided in Opinion No. 595[1] for sales of gas from the Texas Gulf Coast Area pursuant to contracts dated on or after October 1, 1968. The new contract filed herein by Mobil is dated after October 1, 1968.

Mobil proposes to substitute the subject increased rate filing for an earlier unilateral rate change filed under the same rate schedule. The previous increase was also to the 24¢ per Mcf new gas ceiling rate, but was suspended and thereafter collected subject to refund in the above-entitled proceeding pending determination as to whether the "old" or "new" gas ceiling under Opinion No. 595 was applicable.[2]

In Opinion No. 639,[3] we announced our intention to apply literally the "vintaging" provisions of previous area rate opinions by using the date of a new contract for purposes of determining the applicable ceiling where the original contract has expired by its own terms. Inasmuch as the present rate change filing is based on a contract dated after October 1, 1968, and the original contract under which the gas had previously been sold has expired by its own terms, the subject rate increase and the new contract conform with the provisions set forth in Opinion Nos. 639 and 595, and should therefore be accepted as of the date of filing.

While the new contract is dated so as to take effect as of the expiration date of the old contract, it was not submitted until June 11, 1973. There is no justification in these circumstances for relieving Mobil of its refund obligation under the suspension proceeding for the period prior to the submittal of the new contracts.[4] During that period the collection

[1] Order issued March 5, 1971 in Docket No. E–7201.

[2] These members are: The Town of Vinton, Louisiana; The City of Livingston, Texas; The City of Jasper, Texas; The City of Liberty, Texas; Sam Houston Electric Cooperative; and Jasper Newton Electric Cooperative.

[1] Opinion and Order Determining Just and Reasonable Rates for Natural Gas in the Texas Gulf Coast Area, Docket Nos. AR64–2, et al., issued May 6, 1971, 45 FPC 674 (1971).

[2] Docket No. RI72–250 also includes sales under other Mobil rate schedules which are not involved in this order.

[3] Opinion and Order Denying Petitions to Amend Regulations Covering Sales in Interstate Commerce of Natural Gas Produced in the Appalachian and Illinois Basin Areas, Docket No. R–371 issued December 12, 1972.

[4] See Mobil Oil Corp., FPC Gas Rate Schedule No. 84, order issued March 15, 1973; Mobil Oil Corp., Docket No. RI73–3, et al., order issued May 10, 1973.

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of 24 cents was in conflict with the moratorium provisions of Opinion No. 595 prohibiting rate filings in excess of the rate ceilings prescribed therein.

We interpret the filing by Mobil as a withdrawal of its claim that the gas sold from acreage dedicated under the original contract after the expiration of such contract was never committed and thus qualifies as "new" gas.[5] Accordingly, we shall require refunds of amounts collected in excess of 19 cents per Mcf in the suspension proceeding for the period prior to the acceptance of the 24 cent filings, except insofar as sales have been made during such period pursuant to Opinion No. 567 filings.

A notice of intervention in this proceeding was filed by the Public Service Commission of the State of New York and petitions to intervene herein were filed by Natural Gas Pipeline Co. of America and Phillips Petroleum Co.

The Commission orders. (A) Supplement Nos. 21 and 22 to Mobil's FPC Gas Rate Schedule No. 39 are accepted for filing, to be effective as of June 11, 1973.

(B) The suspension proceeding in Docket No. RI72-250 is hereby terminated only insofar as it relates to sales under Mobil's FPC Gas Rate Schedule No. 39.

(C) Mobil, within 60 days of the issuance of this order shall file a refund report, in accordance with Ordering Paragraph (E) of Opinion No. 595, as amended, showing all amounts collected for the subject sales, except insofar as such sales were made pursuant to Opinion No. 567 filings, in excess of 19 cents per Mcf for the period prior to the effective date prescribed in Ordering Paragraph (A) above for its 24 cents per Mcf filing, with interest at 7 percent per annum calculated to the date of filing of the refund report. Mobil shall retain such refund amounts pursuant to either Ordering Paragraph (F) or (G) of Opinion No. 595.

(D) The petitions to intervene filed by Phillips Petroleum Company and Natural Gas Pipeline Company of America are hereby granted. *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-16565 Filed 8-9-73;8:45 am]

[5] Our interpretation applies only to the subject sales and is without prejudice to Mobil's position in any other pending cases.

[Docket No. RP73-63]

NATURAL GAS PIPELINE CO. OF AMERICA

Order Adopting Settlement Proposal, Authorizing Sale of Gas at Applicable Area Rates, Authorizing Amendment of Purchase Gas Adjustment Clause, and Terminating Proceedings

AUGUST 3, 1973.

On November 17, 1972, Natural Gas Pipeline Company of America (Natural) filed a petition in this proceeding pursuant to the provisions of section 16 of the Natural Gas Act and § 1.7 of the Commission's rules of practice and procedure, seeking authorization (1) to price for a period of twelve years natural gas produced from leases acquired by Natural prior to October 7, 1969, at the applicable area rate established by the Commission for gas of comparable quality and vintage rather than at Natural's cost of service; (2) to establish a revolving exploration and development fund to be financed with monies provided by the pricing of gas produced by Natural at the applicable area rate rather than the cost of service, plus the net income after taxes from all revenues received from natural gas and oil produced from reserves discovered or acquired as a result of activities financed with monies from the revolving exploration fund; (3) to modify paragraph 18.62 of its Purchase Gas Adjustment Clause (FPC Gas Tariff, Third Revised Volume No. 1) to reflect the initial change of pricing its own production at the applicable area rate rather than at the cost of service; and (4) to modify paragraph 18.63 of its Purchase Gas Adjustment Clause (FPC Gas Tariff, Third Revised Volume No. 1) to reflect any changes in the applicable area rate subsequent to the granting of the authorization requested in the application. The Purchase Gas Adjustment Clause would be modified by eliminating the words "cost of company-owned pipeline production from leases acquired on or after October 7, 1969", and substituting the words "company-owned production at area rates." Natural's petition was noticed on December 1, 1972, and that notice was published in the FEDERAL REGISTER on December 7, 1972 (37 FR 26059). Timely protests or petitions to intervene were due on or before December 11, 1972. Petitions to intervene were filed by the following parties:

Associated Natural Gas Company
Central Illinois Light Company
Northern Illinois Gas Company
North Shore Gas Company
The Peoples Gas, Light, and Coke Company
Iowa-Illinois Gas and Electric Company (late)
Mississippi River Transmission Corporation (late)
Illinois Power Company (late)
Northern Indiana Public Service Company (late)

These petitions to intervene were granted by the Commission's order of January 22, 1973. The petition to intervene filed by Phillips Petroleum Company on March 5, 1973, was granted by order of April 6, 1973. Phillips filed a withdrawal of its petition to intervene on May 4, 1973.

By order of January 22, 1973, the Commission established a date for prehearing conference in an effort to resolve the issues raised by Natural's petition. These issues were: the amount of reserves to be discovered, developed, and dedicated to Natural's system as a basis of determining refund obligations to Natural's customers should the need arise, and the amount of monies which Natural would add to the fund as a result of sales of natural gas and oil from reserves discovered as a result of the exploration efforts. At prehearing conferences held on February 8, 1973, and February 15, 1973, the parties to this proceeding, including Staff, were able to agree to a proposed settlement which was filed with the Presiding Administrative Law Judge on March 23, 1973. The Administrative Law Judge certified the settlement to the Commission on March 28, 1973. Notice of the Certification of Proposed Settlement Agreement was issued on June 6, 1973, and published in the FEDERAL REGISTER on June 11, 1973 (38 FR 15390). Comments on the proposed Stipulation and Agreement were due on or before June 21, 1973. The following parties filed comments:

Illinois Power Company
Northern Indiana Public Service Commission
Iowa-Illinois Gas and Electric Company
Northern Illinois Gas Company
The Peoples Gas, Light and Coke Company

No party filing comments opposed the proposed settlement.

Natural's proposal was patterned after a plan submitted to the Commission by Panhandle Eastern Pipe Line Company.[1] However, Natural's proposed program differed in certain respects from the program approved by the Commission in Opinion No. 626. First, Natural plans to keep the producing properties within its own corporate structure rather than transferring them to a wholly-owned subsidiary; secondly, the program period is twelve years rather than five; third, the original proposal by Natural did not contain an estimate of the reserves to be found as a result of exploration activities financed by its program; fourth, the additional amounts which would be added to the revolving exploration fund as a result of sales of natural gas and oil produced from reserves discovered through activities financed by the fund were expressed in terms of net income after taxes rather than specific amounts per unit of gas and oil production.[2]

The twelve year program period is more than double the period approved in Panhandle, but it is not unreasonable to allow Natural to spread its activities over this

[1] Panhandle Eastern Pipeline Company, Pan Eastern Exploration Company, Docket Nos. CP71-237, CI71-714, Opinion No. 626, — F.P.C. —, (issued November 17, 1972).

[2] The specific amounts approved in *Panhandle* were 3.0 cents per Mcf and 50 cents per barrel. Opinion 626, *supra*, — F.P.C. —, —(slip opinion at 14).

period of time since the parties believe that such a plan will produce the greatest benefit to Natural, and Natural's customers.

The proposed settlement provides for a review of Natural's proposal at the end of five years and specifically reserves to the Commission the power to require at that time refunds to Natural's customers of any amounts spent from the revolving fund not expended on bona fide exploration and development activities or take any other action that the Commission deems necessary to protect the public interest. When coupled with the requirements for an annual report concerning its exploration activities and the refund requirements at the end of twelve years, we believe that there is sufficient protection for Natural's customers to warrant approving the program for the full twelve-year period subject to the conditions of the settlement agreement.

The proposed settlement contains a reserve dedication figure of 200 Bcf to meet the requirements of Opinion No. 626 with respect to a reserve dedication goal against which refund obligations can be determined.[3] In view of the rising cost of finding and developing new supplies of natural gas, we believe that the reserve goal of 200 Bcf is reasonable and should be accepted by the Commission.[4] Natural's customers are further protected in that the proposed settlement requires the following:

D. Natural must spend at least seventy (70) percent of the revolving exploration fund monies on exploration (including drilling, applicable lease acquisition and geological activities) of reservoirs which have not been previously drilled by Natural or any other natural gas company; provided, however, that no more than thirty (30) percent of the fund money may be spent on lease acquisition. Any well drilled only into a previously drilled reservoir shall be considered to be a developmental well and Natural shall expend no more than thirty (30) percent of the monies in the revolving exploration fund on developmental wells. If an exploration well drilled in those reservoirs which have not been previously drilled is successful, then Natural may expend no more than thirty (30) percent of the monies in the revolving exploration fund to develop that reservoir.

These restrictions upon the use of monies from the revolving exploration fund are sufficient to insure that Natural will undertake a vigorous search for new supplies of natural gas. The use of the fund monies is further restricted in that those monies may not be used for advance payments, or for exploration and development activities in the offshore Federal domain.

Natural is further required to dedicate all reserves discovered through the expenditure of exploration fund monies to its system by the most feasible means and to forego pricing such natural gas under the optional procedures adopted by the Commission in Order Nos. 455 (_____ F.P.C. _____ (issued August 3, 1972)) and 455-A (_____ F.P.C. _____ (issued September 8, 1972)).[5]

Finally, we note that the settlement incorporates the specific amounts per unit of natural gas and oil production that were adopted in the Panhandle case as an alternative to the net income after taxes proposal in Natural's application for additional amounts to be added to the revolving exploration fund resulting from the production of natural gas and oil from reservoirs discovered through the use of monies from the exploration fund. Since the settlement requires that the greater of these two amounts be added to the revolving exploration fund, we believe that the protection required in the Panhandle opinion has been achieved and that the settlement proposal adequately protects Natural's customers.

Natural's application as modified by the conditions and restrictions of the proposed settlement should be granted by the Commission as being necessary and in the public interest. Natural's proposal will, if successful, result in the dedication of additional supplies of natural gas to the interstate market and will help reduce the curtailments to which Natural's customers have been subject.[6]

The Commission further finds:

(1) Natural Gas Pipeline Company of America is a natural gas company under the Natural Gas Act.

(2) The production properties and facilities hereinbefore described and more specifically described in the instant applications are used in the production and sale of natural gas in interstate commerce, subject to the jurisdiction of the Federal Power Commission.

(3) Natural should be authorized to sell gas produced by it at applicable area rates for a period of twelve years. At that time, upon filing by Natural, the Commission will make a further determination with respect to the rates for Natural's pipeline production to be effective after the initial twelve-year period, and in the absence of a showing by Natural that the public interest requires otherwise, the rates for gas from Natural's leases acquired on or before October 7, 1969, will be established on a cost of service basis.

(4) It is in the public interest that Natural Gas Pipeline Company of America be permitted to amend its Purchased Gas Adjustment Clause as hereinafter described.

(5) Natural is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

The Commission orders.

(A) The proposed "Stipulation and Agreement To Terminate Proceedings" is accepted by the Commission and Natural Gas Pipeline Company of America's motion for the approval of the same is granted.

(B) Natural is hereby authorized for a period of twelve years from the date of this order to price natural gas produced from leases acquired by Natural prior to October 7, 1969, at the applicable area rate from time to time established by the Commission for gas of comparable quality and vintage, or at such rate as may lawfully be established in the event that area rates shall not be applicable to gas produced from these leases, instead of the cost of service basis at which such gas is now priced.

(C) Natural is hereby authorized to file an amendment to Paragraph 18.62 of the Purchased Gas Adjustment Clause in Natural's FPC Gas Tariff (Third Revised Volume No. 1) in order to reflect the change in Natural's base average purchased gas cost resulting from pricing gas produced from Natural's pre-1969 leases at the applicable area rate. Such amendment shall be effective on the date of this order.

(D) Natural is hereby authorized to file an amendment to Paragraph 18.63 of the Purchased Gas Adjustment Clause in Natural's FPC Gas Tariff (Third Revised Volume No. 1) eliminating the words "cost of company-owned pipeline production from leases acquired on or after October 7, 1969", and substituting therefor "company-owned production priced at area rates." This amendment shall be effective on the date of this order.

(E) Natural shall establish and expend monies from a revolving exploration fund to be comprised of:

(1) The additional revenues received (without reduction for federal or state income taxes on said additional revenues) as a consequence of pricing gas produced from the pre-1969 leases for the time period and in the manner described in ordering paragraph (B) above. The additional annual revenues shall be determined by multiplying (i) the difference between the applicable area rate and the applicable cost of service by (ii) the volume of production from the pre-1969 leases.

(2) The higher of (i) the net income after taxes for a period of 12 years after the entry of a Commission order granting the authority for the program described herein on oil and gas produced from reserves discovered or acquired as the result of exploration activities financed under the revolving exploration fund, or (ii) the amount comprised of 3.0 cents per Mcf of natural gas and 50.0 cents per barrel of oil produced from re-

[3] The specific refund calculation is not contained in the settlement because it is dependent upon actual figures not yet available which are necessary to determine the amounts in the revolving exploration fund. However, if, at the end of the twelve year period, Natural has been unable to add 200 Bcf of reserves to its system, Natural is required to refund to its customers any fund monies which have not been spent for exploration and development.

[4] As to various estimates of the cost of finding new supplies of natural gas, see the "Notice of Proposed Rulemaking" and the responses filed in answer thereto in Docket No. R-389-B. The Notice of Proposed Rulemaking was issued on April 11, 1973.

[5] 18 CFR § 2.75.

[6] Natural has curtailed firm deliveries to its customers by approximately 253 Bcf since June 1970.

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serves discovered or acquired as the result of exploration activities financed under the revolving exploration fund. The contribution into the fund required under this sub-paragraph (2) shall be determined annually on the basis of the cumulative amounts which have accrued to date under categories (i) and (ii) described herein.

(F) The above authorizations shall be subject to the following conditions which are part of the settlement proposal:

(1) The volume of 200,000,000 Mcf of natural gas reserves shall be established as the target volume to be discovered or acquired and dedicated to Natural's system as a result of the exploration program. If at the end of the 12-year period, Natural has been unable to add the aforementioned target volume of reserves to its system, Natural shall make a full accounting of its activities for said 12-year period, and any funds not spent for exploration and development activities as of that time shall be refunded to Natural's customers; provided, however, that at the end of five years from the date of issuance of the requested authorization Natural shall report to the Commission its efforts toward dedication of 200,000,000 Mcf in new reserves; and if a bona fide effort toward achieving such target volume has not been made, the Commission may require refunds to Natural's customers of any amounts not expended on bona fide exploration and development activities or take any other action that it deems necessary to protect the public interest.

(2) The amounts expended from the revolving exploration fund shall be spent on properties that are onshore in the vicinity of Natural's transmission system. The areas which are considered to be in the vicinity of Natural's transmission system are as follows:

(a) Illinois Basin Area, as defined in FPC Order No. 411 issued October 2, 1970, Docket R–371, ------ F.P.C. -------.

(b) Other Southwest Area, as defined in FPC Opinion 607 issued October 29, 1971, Docket AR67–1, ---- F.P.C. -----.

(c) Southern Louisiana Area, as defined in FPC Opinion 598, issued July 16, 1971, Docket Nos. AR61–2 & AR69–1.

(d) Texas Gulf Coast Area, as defined in FPC Opinion 595 issued May 6, 1971, Docket No. AR64–2, ------ F.P.C. ------ and FPC Order issued May 15, 1971.

(e) Permian Basin Area, as defined in FPC Order issued June 17, 1970, Docket No. AR70–1, ------ F.P.C. -------.

(f) Hugoton-Anadarko Area, as defined in FPC Opinion No. 586, issued September 18, 1970, Docket No. AR64–1, 44 F.P.C. 761.

Natural shall not be permitted to expend monies from the revolving exploration fund to explore and develop properties that are located offshore of the continental United States or its possessions as the offshore area is hereafter defined.

For the purpose of this Agreement, the terms "onshore" and "offshore" are defined as:

(a) Onshore refers to all lands within the boundaries of the several states of the United States of America, including lands underlying the coastal waters and territorial seas of the United States of America situated within such boundaries and including federal lands within such boundaries of the several states. The seaward boundary of the onshore area of the several states is that line defined by the decrees of the Supreme Court of the United States landward of which the several states are entitled to the lands, minerals, and natural resources underlying the waters.

(1) For the State of Texas, the seaward boundary is defined by the supplemental decree of the Supreme Court of the United States entered May 5, 1969. United States v. Louisiana, et al. (Texas Boundary Case). 394 U.S. 836 at 836–43 (1969).

(2) For the State of Louisiana, there still exists a disputed zone. However, the onshore area for Louisiana can be defined as all territory "lying more than one foot landward of the lines described in paragraph 2" of the supplemental decree of October 16, 1972. United States v. Louisiana, et al. (Louisiana Boundary Case), 409 U.S. 17 at 18 (1972).

(b) Offshore refers to all of the continental shelf of the United States of America seaward from the onshore areas of the several states:

(1) For the State of Texas, the offshore area is all territory seaward of the line described by the supplemental decree of May 5, 1969, in the Texas Boundary Case, 394 U.S. 836 at 836–43 (1969);

(2) For the State of Louisiana the offshore area includes all territory "lying more than one foot seaward of the line described in paragraph 3" of the supplemental decree of December 20, 1971, in the Louisiana Boundary Case, 404 U.S. 388 (1971); plus all territory in the disputed zone lying between the lines described by the decrees of December 20, 1971 (404 U.S. 388 at 389–402) and October 16, 1973 (409 U.S. 17 at 18–31) pending resolution of the boundary dispute between the State of Louisiana and the United States of America.

It is provided that the boundary between the State of Texas and the State of Louisiana shall be determined by the Report of the Special Master, Robert Van Pelt, Senior, U.S. District Judge, filed with the Supreme Court on May 8, 1972, in The State of Texas v. The State of Louisiana, 406 U.S. 941 (1972).

It is further provided that any territory which is not located within the boundaries of the State of Louisiana shall be deemed to be within the boundaries of Louisiana as of the date of the decree or decrees of the Supreme Court of the United States, giving title to such territory to Louisiana.

All monies expended from the revolving exploration fund shall be expended on wells drilled wholly within the onshore areas or for other exploratory or developmental activities within the onshore area.

The area rate for natural gas produced from a lease which is located both within the onshore and offshore areas shall be the area rate for natural gas produced within the onshore area.

(3) Natural shall expend for exploration and development, in addition to the monies contained in the revolving exploration fund provided for herein, a sum equal to at least an average expenditure of $1,000,000 per year over the 12-year term of the program established herein.

(4) Natural must spend at least seventy (70) percent of the revolving exploration fund monies on exploration (including drilling, applicable lease acquisition and geological and geophysical activities) of reservoirs which have not been previously drilled by Natural or any other natural gas company; provided, however, that no more than thirty (30) percent of the fund money may be spent on lease acquisition. Any well drilled only into a previously drilled reservoir shall be considered to be a developmental well and Natural shall expend no more than thirty (30) percent of the monies in the revolving exploration fund on developmental wells. If an exploration well drilled in those reservoirs which have not been previously drilled is successful, then Natural may expend no more than (30) percent of the monies in the revolving exploration fund to develop that reservoir.

(5) Natural shall not expend any monies from the revolving exploration fund for use as an advance payment for natural gas.

(6) None of the gas found and produced as a result of the expenditures from the revolving exploration fund provided herein shall be eligible for certification under the optional procedures adopted by the Commission in Docket No. R–441, Order No. 455, issued August 3, 1972, and Order No. 455–A, issued September 8, 1972, 18 CFR § 2.75, nor shall the contract contain any indefinite pricing clause other than a Btu price adjustment; provided that this restriction shall apply only to Natural or an affiliate of Natural and shall not apply to any other party.

(7) Natural shall maintain accounting procedures as determined following conferences with the staff of the Commission which will permit identification and verification of receipts and expenditures of the revolving fund in compliance with this authorization.

(8) Within 90 days after the close of Natural's fiscal year, Natural shall report to the Commission on a yearly basis the results of Natural's transactions regarding the revolving fund in a form acceptable to the Commission.

(9) The rate of return that shall be used in computing the cost of service applicable to the pre-1969 leases for the purpose of computing the receipts to be placed into the revolving exploration fund pursuant to paragraph 2(a) above shall be the rate of return included in the cost of service underlying Natural's then effective rates at the time such rates were approved by the Commission and placed into effect.

(10) All natural gas reserves discovered or acquired as a result of the exploration activities financed under the revolving exploration fund shall be dedicated to service for Natural's customers and will be taken into Natural's system by the most feasible means.

(G) Within sixty (60) days of the issuance of this order, Natural shall inform this Commission that the revolving exploration fund authorized to be established by Ordering Paragraph (E), supra, has in fact been established and that the proposed exploration and development program has commenced.

(H) This proceeding is terminated except as may be necessary to conduct a review of the progress of the exploration and development program as set forth in Ordering Paragraph (F)(1), supra.

(I) The Secretary shall cause this order to be promptly published in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16549 Filed 8-9-73;8:45 am]

[Docket Nos. CI73–715; CI73–722]

NORRIS OIL CO., ET AL.

Order Consolidating Proceedings Granting Interventions, and Fixing Date for Hearing

AUGUST 1, 1973.

The above-named Applicant has filed applications pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's general policy statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On April 5, 1973, Norris Oil Co., et al. (Norris) filed in Docket No. CI73–715 an application for certification pursuant to § 2.75 on sales to Southern Natural Gas Co. (Southern) from Logansport Field, De Soto Parish, North Louisiana, at an initial price of 48.5¢ per Mcf at 15.025 psia, with escalations of 1.0¢ each year for gas to be produced from all interest owned or subsequently acquired by Norris in the Logansport Field. Alternately, Norris seeks certification of this same sale through an amendment to a small producer certificate issued to Norris in Docket No. CS72–1081 on July 12, 1972, under the optional pricing procedure. The basic contract provides that Southern will reimburse Norris 1.5¢ of the Louisiana severance tax resulting in a total initial price of 50¢ per Mcf.

A notice of intervention was filed by the Public Service Commission for the State of New York, and timely petitions to intervene were filed by:

Associated Gas Distributors
Southern Natural Gas Co.

On April 30, 1973, Norris Oil Co., et al. (Norris) filed in Docket No. CI73–722 an application for certification pursuant to § 2.75 on sales to Southern Natural Gas Company (Southern) from the Grand Cane Field, DeSoto Parish, North Louisiana, at an initial price of 50.0¢ per Mcf at 15.025 psia, with escalations of 1.0¢ each year for gas, subject to upward Btu adjustments from 1030, and downward adjustments from 1000, and reimbursement of 7/8 of any new or additional taxes in excess of 3.3¢.

A notice of intervention was filed by the Public Service Commission for the State of New York, and timely petitions to intervene were filed by:

Associated Gas Distributors
Southern Natural Gas Co.

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating these sales, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

Since these applications involve similar questions of law and fact as to the reasonableness of the prices for which certification is sought, the Commission concludes that the ultimate disposition of the above-described proceedings would be best accomplished in a consolidated proceeding. The Commission shall, therefore, consolidate these dockets for hearing and disposition.[5]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness, of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought.

No intervenor has questioned Southern's need for the additional natural gas supplies that will be available to it as a result of these purchases. However, we are unable to determine the extent of Southern's need for new supplies since it has failed to submit the certification required by § 275h (18 C.F.R. 275h). Accordingly, we shall require Southern to present evidence as to its need for additional supplies of natural gas and whether or not a comparable supply of natural gas is available to Southern at any rate lower than the rates proposed in these applications.

The Commission finds.

(1) It is necessary and in the public interest that the above-docketed proceeding be set for a formal hearing.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding.

The Commission orders.

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, 15 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), Docket Nos. CI73–715 and CI73–722 are consolidated for purposes of hearing and disposition.

(B) A public hearing on the issues presented by the applications herein shall be held commencing August 20, 1973, at 10 am (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Applicant and all intervenors supporting the applications shall file their direct testimony and evidence on or before August 10, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to these proceedings.

(E) The Commission Staff and all intervenors opposing the applications shall file their direct testimony and evidence on or before August 15, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(F) All rebuttal testimony and evidence shall be served on or before August 17, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(G) The above-named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however;* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene and *Provided, further;* That the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(H) The Administrative Law Judge's decision shall be rendered on or before September 7, 1973. All briefs on excep-

[1] 15 U.S.C. § 717, et seq. (1970).
[2] 18 C.F.R. § 2.75.
[3] Statement Of Policy Relating To Optional Procedural For Certificating New Producer Sales of Natural Gas, Docket No. R–441, — F.P.C. — (issued August 3, 1972), appeal pending sub nom. John E. Moss, et al. v. F P C., No. 72–1837 (D.C. Cir.)

[4] Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73–293, et al., — F.P.C. —, — (issued May 30, 1973, slip op. at para. 21, p. 5).
[5] Opinion No. 659, slip op. at para. 11, p. 5.

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tions shall be due on or before September 14, 1973, and replies thereto shall be due on or before September 21, 1973.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16560 Filed 8-9-73;8:45 am]

[Docket No. E-7867]

OHIO POWER CO.

Order Providing for Hearing and Establishing Procedures

AUGUST 1, 1973.

On December 4, 1972, Ohio Power Company (Ohio Power) tendered for filing proposed changes in its FPC Rate Schedule No. 18 which would increase Ohio Power's jurisdictional revenues by $951,065 annually. The changes primarily reflect increased demand and energy charges and a revised fuel adjustment clause.

Notice of the filing was issued on December 19, 1972, requiring petitions to intervene or protest by December 27, 1972. Timely petitions to intervene was filed jointly by Allied Chemical Corporation, Blaw Knox Company, Mobay Chemical Company, PPG Industries, Inc., and the Triangle Conduct and Cable Company (Allied, et al.). A notice of intervention was untimely filed by the West Virginia Public Service Commission. The petitioners for intervention have requested additional time to study the filing and submit pleadings. By order issued January 3, 1973, the Commission suspended the proposed increase until January 6, 1973, allowed Allied, et al., and the West Virginia Commission to intervene in the proceeding and requested that the parties (Intervenors and Staff) file offers of proof within thirty (30) days supporting their positions as to the lawfulness of the proposed rates to assist the Commission in determining whether a hearing is necessary in this proceeding. Ohio Power was allowed fifteen (15) days from the filing of those pleadings to answer. In addition, the January 3 order required Ohio Power to show cause why its fuel clause should not conform to Opinion No. 633.

Allied, et al., filed its Offer of Proof on February 1, 1973, stating inter alia, that Ohio Power supports its proposal only by "Company-wide" data, and offers no evidence of the justification for raising wholesale rates to only Wheeling Electric Company (Wheeling) and to no other customer. Allied believes a hearing is necessary to determine whether the increase to Ohio Power's affiliate, Wheeling, is unreasonably discriminatory because of the complete absence of arm-lengths bargaining and is necessary to test Ohio Power's claim that cost increases require this rate increase.

The staff upon motion to the Commission, was allowed until February 5, 1973, to file its Offer of Proof. The staff takes the position that the proposed increased rates are fully justified from a cost-of-service standpoint, states that it does not believe that it is necessary or in the public interest to sponsor an evidentiary case in its own behalf, and considers an evidentiary hearing inappropriate.

On February 12, 1973, the West Virginia Commission requested a hearing to be held in this proceeding asserting that this proceeding will have a drastic effect on a wheeling rate case currently pending before it.

Review of the Offers of Proof filed by Allied, *et al.*, and the staff indicates that they are insufficient on their face to be dispositive of the issues and insufficient to substantiate a finding that a hearing is unjustified. Accordingly, we will set this proceeding for hearing. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

In response to the show cause part of our January 3, 1973, order, Ohio Power asserts that (1) it was not a party to the proceedings in New England Power Company, Docket No. E-7541, Opinion No. 633, issued October 30, 1972, (New England Power) and (2) there are significant differences between the facts and circumstances of this proceeding and the proceeding in New England Power. Ohio Power argues, inter alia, that the effect of applying a fuel clause such as approved in Opinion No. 633, may, under some conditions, actually make it in Ohio Power's economic interest to operate higher cost generation (recoverable through fuel clauses) rather than to purchase available lower cost energy (not recoverable through fuel clauses).

We find the assertions made therein cannot be summarily dismissed but raise questions that can only be resolved by the development of an evidentiary hearing record. Accordingly, we will also set the issue of the appropriate fuel clause for hearing.

The Commission finds.

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges including the proposed fuel adjustment clause contained in Ohio Power's FPC Rate Schedule No. 18 as proposed to be amended in this docket as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

The Commission orders.

(A) Pursuant to the authority of the Federal Power Act, particularly section 205 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held commencing with a prehearing conference at 10 a.m., e.d.t., on September 25, 1973, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Ohio Power's FPC Rate Schedule No. 18, as proposed to be amended, and with respect to the issue of an appropriate fuel clause for Ohio Power as raised by the assertions contained in Ohio Power's response to the Commission's order issued January 3, 1973, as discussed herein.

(B) At the prehearing conference on September 25, 1973, Ohio Power's prepared testimony with its entire rate filing as submitted and served on December 4, 1972, shall be admitted to the record as Ohio Power's complete case-in-chief subject to appropriate motions, if any, by the parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions and policy of § 1.18 of the Commission's rules of practice and procedure.

(C) On or before August 21, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on September 4, 1973. Any rebuttal evidence by Ohio Power shall be served on or before September 18, 1973. Cross-examination of the evidence filed will commence on October 2, 1973.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(F) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16548 Filed 8-9-73;8:45 am]

[Docket Nos. CI72-321; CI73-755]

PENNZOIL PRODUCING CO. AND MIDWEST OIL CORP.

Order Consolidating Proceedings, Granting Interventions, and Fixing Date for Hearing

AUGUST 2, 1973.

The above-named Applicants have filed an application pursuant to section 7(c) of the Natural Gas Act,[3] and pursuant to § 2.75[4] of the Commission's general policy statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[5] (hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On April 27, 1973, Pennzoil Producing Co. (Pennzoil) filed in Docket No. CI72-321 an application for a certificate of public convenience and necessity, or amendment of its present certificate, authorizing the sale of natural gas to Sea Robin Pipeline Co. (Sea Robin), an affiliate, pursuant to the optional certification procedure provided by § 2.75 of the Commission's general policy and interpretations. The subject gas would be produced from wells commenced after April 6, 1972, in Block 225, Ship Shoal Area, Louisiana (Offshore, Southern Louisiana Area), at an initial rate of 35 cents per Mcf with 2.5 cent per Mcf escalations every three years throughout the life of the contract term which expires September 1, 1991. Additionally, the basic contract with Sea Robin provides for 100 percent reimbursement of any new or additional taxes, downward and upward Btu adjustment from 1000 Btu per cubic feet, and an "area rate" type clause which is prohibited by paragraph (f) of Order No. 455.

A notice of intervention was filed by the Public Service Commission of the State of New York, and timely petitions to intervene were filed by:

Associated Gas Distributors
Mississippi River Transmission Corp.
American Public Gas Association
Sea Robin Pipeline Co.
United Gas Pipeline Co.

On May 7, 1973, Midwest Oil Corp. (Midwest) filed in Docket No. CI73-755 an application for a certificate of public convenience and necessity or amendment of its present certificate authorizing the sale of natural gas to Sea Robin Pipeline Co. (Sea Robin), pursuant to the optional certification procedure provided by § 2.75 of the Commission's general policy and interpretations. The subject gas would be produced from Block 225, Ship Shoal Area, Louisiana (Offshore, Southern Louisiana Area), at an initial rate of 35.0 cents per Mcf at 15.025 psia with 2.5 cent/Mcf escalations thereof every three years throughout its term which expires September 1, 1991. Additionally, the basic contract with Sea Robin provides for 100 percent reimbursement of any new or additional taxes, downward and upward Btu adjustment from 1000 Btu per cubic feet, and an "area rate" type clause which is prohibited by paragraph (f) of Order No. 455.

A notice of intervention was filed by the Public Service Commission for the State of New York, and timely petitions to intervene were filed by:

Associated Gas Distributors
United Gas Pipeline Co.
American Public Gas Association

[3] 15 U.S.C. 717, *et seq.* (1970).
[4] 18 CFR 2.75.

[5] Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas, Docket No. R-441, ____F.P.C.____ (issued August 3, 1972), appeal pending sub nom. John E. Moss, et al. v. F.P.C., No. 72-1837 (D.C. Cir.).

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating this sale, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[6]

Since these applications involve similar questions of law and fact as to the reasonableness of the prices for which certification is sought, the Commission concludes that the ultimate disposition of the above-described proceedings would be best accomplished in a consolidated proceeding. The Commission shall, therefore, consolidate these dockets for hearings and disposition.[7]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought.[8]

No intervenor has questioned Sea Robin's need for the additional natural gas supplies that will be available to it as a result of these purchases. However, we are unable to determine the extent of Sea Robin's need for new supplies since it has failed to submit the certification required by § 2.75h (18 CFR 2.75h). Accordingly, we shall require Sea Robin to present evidence as to its need for additional supplies of natural gas and whether or not a comparable supply of natural gas is available to Sea Robin at any rate lower than the rates proposed in these applications.

The Commission finds. (1) It is necessary and in the public interest that the above-docketed proceeding be consolidated for hearing and decision.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in these proceedings.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 15, and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I) Docket Nos. CI73-755 and CI72-321 are consolidated for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the proposals of the applicants herein shall be held commencing September 10, 1973, at 10 am. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. § 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Applicants and all intervenors supporting the applications shall file their direct testimony and evidence on or before August 22, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(E) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before August 31, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(F) All rebuttal testimony and evidence shall be served on or before September 7, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(G) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Administrative Law Judge's decision shall be rendered on or before October 9, 1973. All briefs on exceptions shall be due on or before October 19, 1973, and replies thereto shall be due on or before October 26, 1973.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16562 Filed 8-9-73;8:45 am]

[Docket No. ID-1702]

PETER M. STERN

Notice of Application

AUGUST 3, 1973.

Take notice that the following application was filed on the 13th of June, 1973, pursuant to section 305(b) of the Federal Power Act, for authority to hold

[6] Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-293, et al., ____ F.P.C. ____, ____ (issued May 30, 1973, slip op. at para. 21, p. 5).

[7] Opinion No. 659, slip op. at para. 11, p. 5.

[8] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, Opinion No. 659, supra.

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the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16543 Filed 8-9-73;8:45 am]

[Project No. 2161]

ST. REGIS PAPER CO.

Notice of Application for New License for Constructed Project

AUGUST 2, 1973.

Public notice is hereby given that application for new license has been filed on March 12, 1969, and supplemented on February 27, 1970, under the Federal Power Act (16 U.S.C. 791a–825r) by St. Regis Paper Co. (Correspondence to: Homer Crawford, Esquire, Secretary, St. Regis Paper Co., 150 East 42nd Street, New York, New York 10017), for its constructed Rhinelander Project No. 2161, located in Oneida County, Wisconsin, on the Wisconsin River in the region of Rhinelander and Towns of Pine Lake, Wisconsin and Newbold, Wisconsin. The project affects navigable waters and unpatented lands of the United States.

The existing Rhinelander Project operates as a supplier of energy for the Applicant's industrial operations, for lighting and auxiliary purposes when the Applicant's mill and steam generating plant are not in operation, and for power to start up the steam plant. The project consists of: (1) A 180-foot long earth dam with a concrete section containing two waste gates, (2) a 3576-acre reservoir with normal water surface elevation at 1555.33 feet (U.S.C.S.G.S. datum), (3) a concrete intake structure about 82 feet long at the head of the diversion canal containing 14 gates, (4) a canal about 965 feet long and about 60 feet wide, (5) a brick powerhouse containing two 560-kilowatt generating units, and one 1,000 kilowatt generating unit, and (6) other facilities appurtenant to the operation of the project.

According to the application: (1) The estimate of fair value is $2,200,000, (2) the estimated net investment is $326,238, and (3) the estimated severance damages in the event of "takeover" are $28,000,000.

The Applicant states that the project reservoir, Boom Lake, is heavily used for recreation. Although most of the shoreline is privately owned, the Applicant provides access to the Lake over those abutting lands that it owns. The Lake is used for swimming, boating, and fishing. No further development of the Project is contemplated at this time.

Any person desiring to be heard or to make protest with reference to said application should on or before September 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16566 Filed 8-9-73;8:45 am]

[Docket No. E-8052]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Notice of Filing of New Delivery Point

AUGUST 2, 1973.

Take notice that South Carolina Electric and Gas Co. (South Carolina) on June 8, 1973, filed "Delivery Point and Service Specifications" for the proposed delivery of power to Berkeley Electric Cooperative, Inc. at a new point of service near Jedburg, South Carolina. South Carolina estimates revenues under the service to be $125,511.50 for the first year of service.

South Carolina further states that service will be rendered in accordance with the Company's FPC Electric Tariff Original Volume No. 1 and Rate Schedule SR–2, currently in effect subject to refund in Docket No. E–8052.

The proposed date of initial service is July 15, 1973, and South Carolina states that they will notify the Commission when service commences.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16554 Filed 8-9-73;8:45 am]

[Docket No. RP73-100]

SYLVANIA CORP.

Pipeline Rates; Order Vacating Prior Order and Accepting for Filing and Suspending Proposed Increased Rates and Establishing Hearing Procedures

AUGUST 1, 1973.

The Sylvania Corporation (Sylvania) on July 2, 1973, tendered for filing Substitute Original Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. Sylvania maintains that the filing is necessitated by a mathematical error in its filing made April 26, 1973 in this same docket. Sylvania states that correction of the error produces an alleged revenue deficiency of $666,161 rather than the $338,069 deficiency claimed in the April 26, 1973 filing.[1] The filing was noticed, with comments, protests and/or petitions to intervene due on or before July 27, 1973.

By order issued in this docket on June 8, 1973 we suspended Sylvania's original filing one day, or until June 11, 1973.[2] Sylvania now requests that we waive our requirements under § 154.22 of our regulations under the Natural Gas Act and accept the Substitute Sheets for filing effective June 11, 1973.

We note that Sylvania is a small natural gas wholesaler and is not frequently before this Commission in pipeline rate cases. Therefore, we shall treat the filing of July 2, 1973, as an application for withdrawal of the April 26, 1973, filing as well as a filing for a proposed increase in rates and charges under section 4(e). Since Sylvania supports the proposed increase by reference to the cost and revenue data filed on April 26, 1973, we shall accept such data as being properly filed in support of Substitute Original Sheet No. 4.

We note that Sylvania has filed no supporting testimony and exhibits (Statement P) in this proceeding or with its April 26, 1973 filing. We shall, therefore, order Sylvania to file its Statement P not more than 15 days from the date of issuance of this order so that its filing may be complete.

Finally, since Sylvania's filing of July 2 constitutes a new filing of a proposed increase, we shall assign it a proposed effective date of 30 days after filing, or August 2, 1973, and we shall suspend the proposed increase one (1) day, or until August 3, 1973. Sylvania's request for waiver of § 154.22 of our Regulations will accordingly be denied.

Our review of the proposed increase indicates that certain issues are raised which may require development in an evidentiary proceeding. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful.

The Commission finds. (1) Good cause exists to accept for filing Substitute Original Sheet No. 4 as set forth below and to permit Sylvania to withdraw its April 26, 1973, filing.

(2) It is necessary and appropriate in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Sylvania's FPC Gas Tariff, as proposed to be amended herein, and that the tendered Substitute Original Sheet No. 4 described above be accepted for filing and suspended as hereinafter provided.

(4) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

The Commission orders. (A) Sylvania's filing of April 26, 1973, is hereby deemed withdrawn.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing shall be held commencing with a prehearing conference on October 30, 1973, at 10 a.m., e.s.t. in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Sylvania's FPC Gas Tariff, as proposed to be amended herein.

(C) Sylvania's request for waiver of § 154.22 of regulations under the Natural Gas Act is denied.

(D) Pending hearing and decision thereon Sylvania's Substitute Original Sheet No. 4 is accepted for filing and the use thereof is suspended until August 3, 1973, or such time it is made effective in the manner provided in the Natural Gas Act.

(E) This acceptance for filing is conditioned upon Sylvania filing its Statement (P) not more than 15 days from the issuance of this order.

(F) At the prehearing conference on October 30, 1973, Sylvania's prepared testimony (Statement P) together with its entire rate filing, shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. The testimony and exhibit of all other parties to this proceeding shall also be admitted to the record at this time. All parties will be expected to come to this conference prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice and procedures.

(G) On or before September 25, 1973, the Commission Staff shall serve its prepared testimony and exhibits. Any rebuttal evidence by Sylvania shall be served on or before October 19, 1973. The public hearing herein ordered shall convene on October 31, 1973, at 10 a.m., e.s.t.

(H) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91–379, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38) or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(I) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16546 Filed 8-9-73;8:45 am]

[Docket Nos. CP73-115 and CP74-27]

TENNESSEE GAS PIPELINE CO.

Order Granting Motions To Vacate, Issuing Order To Show Cause, Consolidating Proceedings, Setting Procedures for Hearing, and Granting Interventions

AUGUST 3, 1973.

On October 31, 1972, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) filed in Docket No. CP73–115, as supplemented February 12, 1973, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to enable Tennessee to meet the increased annual requirements of its customers under their respective presently authorized contract quantities commencing with the 1973–74 winter season, all as more fully set forth in the application as supplemented thereto in this proceeding.

After due notice by publication in the FEDERAL REGISTER on November 21, 1972 (37 FR 24791), we issued an order on May 1, 1973, granting a certificate of public convenience and necessity for the construction and operation of the proposed facilities and providing for hearing to decide: (1) whether a certificate of public convenience and necessity should issue for the increased annual sales of gas as proposed and; (2) whether a maximum annual limitation should be placed on each customer served by Applicant's system and, if so, the limitation to be established. Additionally, the order provides for the hearing to decide whether the increased annual sales of gas as proposed should be certificated based, inter alia, on end-use considerations. May 23, 1973, was set as the date for filing testimony and exhibits, and the hearing was to commence June 5, 1973. On motion by Tennessee, we postponed the above dates, setting July 10, 1973, as the date for filing testimony and evidence and July 24, 1973, as the date for hearing. On July 2, 1973, we further postponed the above dates to July 24, 1973, and August 8, 1973, respectively, and on July 17, 1973, all dates were suspended pending further action by us.

Applications for rehearing of our May 1, 1973, order were filed by Tennessee, Alabama-Tennessee Natural Gas Company (Alabama), and Central Hudson Gas & Electric Corporation (Central Hudson). On June 29, 1973, we granted rehearing for the purpose of reconsideration of our May 1, 1973, order.

Tennessee Natural Gas Lines, Inc. (Tennessee Natural) and Knoxville Utilities Board, et al. (Knoxville), filed responses in support of Tennessee's application for rehearing[1] and motions for vacating, upon rehearing, our May 1, 1973, order as to the "issue" of maximum annual volume requirements for each customer as being inconsistent with Commission Opinion No. 619 issued on May 19, 1972, in Docket No. RP71–6, et al. In their motions to vacate our May 1, 1973, order, they state, inter alia, that our notice of November 14, 1972, is insufficient in giving notice of the "issue" of what maximum annual volumetric requirements, if any, should be established for each customer served by Tennessee. Without exploring the other arguments raised by these motions to vacate, we believe that some customers of Tennessee may not have received sufficient notice of the "issue" raised by this application as noticed in the FEDERAL REGISTER on November 21, 1972 (37 FR 24791). We will, therefore, grant the motions to vacate the condition in our May 1, 1973 order requiring a hearing to be held on the above stated "issue". By this action, the following filings in this proceeding need not be considered further:

Application of Tennessee Gas Pipeline Company, a Division of Tenneco Inc., for Rehearing filed on May 31, 1973.
Application of Alabama-Tennessee Natural Gas Company for Rehearing filed on May 31, 1973.
Application of Central Hudson Gas & Electric Corporation for Rehearing filed on June 7, 1973.
Petition of the Berkshire Gas Company, *et al.*, for Clarification and Limitation of Issues and for Procedural Relief filed on June 11, 1973.
Motion of Knoxville Utilities Board, *et al.*, for Interpretative Order Fixing Procedure for Filing of Evidence filed on June 27, 1973.
Motion of Tennessee Natural Gas Lines, Inc., for Interpretative Order Fixing Procedure for Filing of Evidence filed on June 27, 1973.

Late petitions to intervene have been filed by the following:

Colonial Natural Gas Company on June 6, 1973.
Texas Gas Transmission Corporation on June 6, 1973.

[1] The filing is based on a test year ended December 31, 1972, as adjusted.

[2] This increase is currently subject to the price freeze.

[1] On July 2, 1973, Knoxville filed a motion to permit its response to be substituted in lieu of a petition for rehearing.

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Roanoke Gas Company on June 8, 1973.
Cabot Corporation on June 25, 1973.
Pennsylvania & Southern Gas Company on June 25, 1973.
North Penn Gas Company on June 26, 1973.
Long Island Lighting Company on July 2, 1973.
Elizabethtown Gas Company on July 3, 1973.
Mobil Chemical Company, a Division of Mobil Oil Corporation, on July 16, 1973.
Peoples Gas Light and Coke Company on July 23, 1973.

A late notice of intervention was filed by the Tennessee Public Service Commission on May 31, 1973, wherein it states that it felt compelled to intervene only after issuance of our May 1, 1973, order.

We believe that good cause exists to permit intervention of the above petitioners inasmuch as no undue delay will result.

The expansion of Tennessee's facilities certificated by us in the May 1, 1973, order involves increased volumes of gas to be sold to its customers under existing contracts. In this time of gas shortage, the public interest requires that we carefully assess any increase in deliveries of gas. We will therefore issue an order in Docket No. CP74–27 requiring Tennessee to show cause why a maximum annual volumetric requirement should not be established for each customer on Tennessee's system for deliveries of gas in excess of its 1972–73 requirement, or, in the alternative, its 1973–74 requirement, and, if appropriate, what requirement should be established for each. The term "1972–73 requirement" means the volumes required by Tennessee's customers in 1972–73, assuming that design temperatures had prevailed and that the year-end customers had been attached and served during the entire calendar year, i.e., those volumes shown at Exhibit Z–1, pp. 1–6, column 6, in Docket No. CP72–127.

The Commission notes the interrelationship between the issue remaining in Docket No. CP73–115, i.e., whether the increased annual sales of gas as proposed should be certificated based, inter alia, on end-use considerations, and the issues presented in this show cause proceeding in Docket No. CP74–27 and concludes that their ultimate disposition would best be accomplished in a consolidated proceeding. Therefore, we shall consolidate these proceedings for hearing and disposition.

Any person wishing to become a party to the show cause proceeding hereinafter ordered may do so by filing a petition to intervene on or before August 23, 1973. All parties heretofore permitted to intervene in Docket No. CP73–115 shall be deemed to be intervenors in the show cause proceeding, Docket No. CP74–27.

The Commission finds:

(1) The motions of Tennessee Natural Gas Lines, Inc. and Knoxville Utilities Board, et al., to vacate that part of our May 1, 1973, order requiring a hearing to determine whether maximum annual volumetric requirements for each customer should be established and, if so, the limitation to be established should be granted.

(2) Good cause exists to allow the above-named petitioners to intervene.

(3) It is appropriate in the administration of the Natural Gas Act that the Commission enter upon a hearing at which Tennessee Gas Pipeline Company should show cause why maximum annual volumetric requirements should not be established for each customer on Tennessee's system for deliveries of gas in excess of its 1972–73 or, in the alternative, its 1973–74 requirements, and, if appropriate, what requirement should be established for each customer.

(4) It is necessary and in the public interest that the above-docketed proceedings be consolidated for hearing and decision.

The Commission orders:

(A) The motions of Tennessee Natural Gas Lines, Inc. and Knoxville Utilities Board, et al. to vacate that part of our May 1, 1973, order requiring hearing in Docket No. CP73–115 on the above described "issue" is hereby granted. In all other respects, our May 1, 1973, order is confirmed.

(B) The above-designated matters in Docket Nos. CP73–115 and CP74–27 are hereby consolidated for purposes of hearing and disposition.

(C) The above-named petitioners are permitted to intervene in this consolidated proceeding subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding. All parties heretofore permitted to intervene in the Docket No. CP73–115 proceeding are deemed to be intervenors in the show cause proceeding, Docket No. CP74–27.

(D) Pursuant to the authority, and in order to effectuate the purposes, of the Natural Gas Act (particularly sections 5, 7, 14 and 16), Tennessee Gas Pipeline Company is hereby ordered to appear at a public hearing and to show cause: (1) Why maximum annual volumetric requirements should not be established for each customer on Tennessee's system for deliveries of gas in excess of its 1972–73 requirements, and, if appropriate, what requirement should be established for each customer; or, in the alternative, (2) why maximum annual volumetric requirements should not be established for each customer on Tennessee's system for deliveries of gas in excess of its 1973–74 requirements, and, if appropriate, what requirement should be established for each customer.

(E) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held commencing on October 16, 1973, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20002, on the issues raised by the show cause order issued herein in Docket No. CP74–27 to Tennessee Gas Pipeline Company and on the remaining issues raised in Docket No. CP73–115.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this consolidated proceeding pursuant to the Commission's rules of practice and procedure.

(G) The direct case of Tennessee Gas Pipeline Company, in accordance with the show cause order issued herein and the remaining issues raised in Docket No. CP73–115, shall be filed and served on all parties, the Presiding Administrative Law Judge, and the Commission staff on or before September 20, 1973. Additionally, each customer desiring to submit testimony and/or exhibits on the issues raised by this consolidated proceeding shall file and serve on all parties its direct evidence on or before September 20, 1973.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16541 Filed 8–9–73;8:45 am]

[Docket Nos. CP73–48, etc.]

TENNESSEE GAS PIPELINE CO. ET AL.

Order Clarifying and Modifying Previous Order

AUGUST 2, 1973.

In the matter of Tennessee Gas Pipeline Co., a Division of Tenneco Inc. Columbia Gulf Transmission Co., CP73–48; Tennessee Gas Pipeline Co., a Division of Tenneco Inc. Columbia Gulf Transmission Co., CP72–114; Columbia Gulf Transmission Co., CP73–71; Phillips Petroleum Co., CI73–408; Union Texas Petroleum, a Division of Allied Chemical Corp., CI73–343, Skelly Oil Co., CI73–428.

On July 3, 1973, The Public Service Commission for the State of New York (New York) filed a Petition for Clarification or Rehearing of the Commission's order issued in this proceeding on June 7, 1973. On July 9, 1973, Tennessee Gas Pipeline Company (Tennessee) filed an application for Rehearing and/or Reconsideration and Clarification of the Commission's order.

Specifically, New York seeks Commission clarification of ordering paragraphs (D)(4) and (E)(4). Ordering paragraph (D)(4) reads as follows: "In the event that the producers exercise their right to have Columbia Gulf transport gas reserved for their own use, Columbia Gulf will file a certificate application for authorization to transport gas." Ordering paragraph (E)(4) reads as follows: "That in the event Phillips, Union Texas and Skelly exercise their right to receive up to 25 percent of the average daily quantity of gas produced, it will be necessary to submit proposed rate schedule supplements, at least 30 days prior to the effective dates, notifying the Commission that the option has been exercised and setting forth the conditions and details of the contemplated action."

In its petition for clarification New York expresses concern that read together those two paragraphs could be taken to authorize the producers to exercise their contractual options to have portions of the gas reserves transported by the pipeline for redelivery for their own use by filing a rate supplement prior to final Commission action upon the pipeline's certificate application to transport the gas. Our order, however, requires the pipelines to file certificate applications when the producers exercise their contractual options to receive gas delivered for their own use. As we stated in our order (mimeo, pp. 8 and 10), the certificates issued should make the following provisions: "advise Columbia and Tennessee that it will be necessary to file a certificate application for authorization to transport gas for Phillips should Phillips exercise its option".

Petitioner Tennessee seeks clarification of ordering paragraphs (A)(3) and (A)(4), which are among the conditions imposed upon the Commission's granting a certificate of public convenience and necessity to Tennessee and Columbia Gulf Transmission Company (Columbia Gulf). Ordering paragraphs (A)(3) and (A)(4) read as follows: "(3) An appropriate portion of the proposed facilities will not be included in the rate base of Tennessee and Columbia Gulf in any future rate proceeding in the event the facilities are not fully used or are not useful. (4) In the event that the producers exercise their right to have Tennessee and Columbia Gulf transport gas reserved for their own use, Columbia Gulf and Tennessee will file a certificate application for authorization to transport gas."

In its application, Tennessee correctly states that ordering paragraphs (A)(3) and (A)(4) should be revised to delete any reference to Tennessee, since its contractual agreements with its suppliers in this proceedings, Texaco Inc. and Tenneco Oil Company, do not provide for any arrangement whereby the suppliers hold options to have their retained reserves transported by Tennessee in contrast to the arrangement Columbia Gulf has with its suppliers in this proceeding. Accordingly, our order should be modified to delete all reference to Tennessee from ordering paragraphs (A)(3) and (A)(4).

The Commission orders: (A) Our order of June 7, 1973, is modified by deleting ordering paragraphs (A)(3) and (A)(4) and substituting the following paragraphs:

(A)(3) An appropriate portion of the proposed facilities will not be included in the rate base of Columbia Gulf in any future rate proceeding in the event the facilities are not fully used or are not useful.

(A)(4) In the event that the producers exercise their right to have Columbia Gulf transport gas reserved for their own use, Columbia Gulf will file a certificate application for authorization to transport gas."

(B) Except as modified above and as clarified, our order of June 7, 1973, remains in full force and effect.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16563 Filed 8–9–73;8:45 am]

[Docket Nos. RP71–130; RP72–58; CP73–310; and CP73–311]

TEXAS EASTERN TRANSMISSION CORP.

Order Dismissing Proceedings for Mootness, Granting Interventions Providing for Hearing, and Establishing Procedures

AUGUST 1, 1973.

On April 27, 1973, the Town of Smyrna, Tennessee (Smyrna) filed with the Commission in Docket No. CP73–310, a petition for emergency relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure, 18 CFR 1.7(b), and pursuant to the Commission's Order Denying Rehearing and Stay issued January 24, 1973.[1] Smyrna requested an increase of 20,307 Mcf of natural gas in its annual allotment from its sole supplier, Texas Eastern Transmission Corp. (TETCO). On June 11, 1973, Smyrna amended its petition asking for a further increase in its annual allotment. Smyrna now requests that its entitlement be increased by 35,000 Mcf for the twelve months ending August 31, 1973.

On April 27, 1973, the Town of Utica, Mississippi (Utica) filed in Docket No. CP73–311 a petition for emergency relief similar to that of Smyrna. Utica asks for an increased allotment of 10,653 Mcf for the twelve months ending August 31, 1973.

On June 13, 1973, the City of Huntingburg, Indiana (Huntingburg) filed in Docket Nos. RP71–130 and RP72–58 a petition for emergency relief similar to that of Smyrna and Utica. Huntingburg asks for an increased allotment of at least 10,000 Mcf for the twelve months ending August 31, 1973.

TETCO is the sole supplier of natural gas for Smyrna, Utica, and Huntingburg. Because of the national shortage of natural gas, TETCO has been forced to curtail deliveries to its customers. On December 1, 1972, the Commission approved a Stipulation and Agreement establishing the annual allotments for TETCO's customers, including the three petitioners herein. Present entitlements together with emergency requests and annual contract quantities are as follows:

Petitioner	Current entitlement	Increase	Requested entitlement	Contract [2]
		Mcf 15.025 p.s.i.a.		
Smyrna [3]	156,828	35,000	191,828	505,890
Utica	57,800	10,653	68,453	208,050
Huntingburg	423,722	10,000	433,722	973,090

[2] 365 times the daily contract demand prior to the onset of curtailment.

Petitioners submit that the annual entitlements calculated for them under the Stipulation and Agreement are not sufficient to serve the requirements of their existing customers until August 31, 1973, when the annual entitlements expire. All petitioners state that unless they are granted increased entitlements, they will either have to terminate service to existing customers who fall mostly in the residential and commercial category or incur penalty charges[3] of a magnitude that would virtually bankrupt their small system.

Each petitioner states that the majority of its customers are residential and small commercial (less than 50 Mcf on a peak day), and thus fall into priority-of-service category (1) established by the Commission Order 467–B, of March 2, 1973, Docket No. 469. Smyrna states that it has only three customers which could not be classified residential or small commercial—Smyrna High School, Tennessee Farmers Coop, and the Lane Company; Utica only three customers—Utica Junior College, Movie Star and Kitchen Bros.; and Huntingburg only five customers—Saint Joseph's Hospital, Southridge High School, Southwest DuBois Middle School, Huntingburg Brick Company and Food Concepts, Inc.

TETCO filed an answer to Huntingburg's petition on July 6, 1973. TETCO neither supports or objects to Huntingburg's request for relief.

Both Smyrna and Utica state that their current annual entitlements of 156,828 Mcf and 57,800 Mcf, respectively, were exhausted during the month of May, 1973.

On June 1, and June 8, 1973, the Town of Franklin Tennessee (Franklin) notified the Commission of the commencement of the emergency sale of natural gas to Smyrna and Utica, respectively, pursuant to the terms of § 2.68 of the Commission's rules of practice and procedure. On July 17, 1973, Smyrna, Utica, and Franklin filed petitions requesting a waiver of the 60 day limitation imposed by § 2.68 of the Commission's rules of practice and procedure in order to continue the emergency sale of Natural gas through August 31, 1973. The Commission approved said petition on July 25, 1973, and stated that Franklin's exempt status under section one of the Natural Gas Act is not jeopardized.

[1] The Order Denying Rehearing and Stay was issued in Docket Nos. RP71–130 and RP72–58.

[3] The Stipulation and Agreement approved by the Commission provides for a charge of $3.00 per Mcf for all gas taken in excess of this annual entitlement.

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Franklin states that it has surplus gas available due to the temporary shutdown of one of its customers. Through June 30, 1973, Franklin has transferred 11,574 Mcf to Smyrna and 1,842 Mcf to Utica out of original requests of 35,000 Mcf and 10,000 Mcf, respectively. Texas Eastern has agreed to deliver the gas to Smyrna and Utica without any transportation charge. Franklin will be reimbursed by Smyrna and Utica at the effective rate of the applicable rate schedule of their mutual supplier, Texas Eastern.

Approval of the petition filed on July 17, 1973, effectively moots the petitions for emergency relief filed by Smyrna and Utica in Docket Nos. CP73–310 and CP73–311 by assuring the Towns of an adequate gas supply through August 31, 1973.

On June 11, 1973, Algonquin Gas Transmission Co. (Algonquin) filed petitions for leave to intervene opposing grant of the relief requested in Docket Nos. CP73–310 and CP73–311. Algonquin states that it appears that the entitlements of Smyrna and Utica are insufficient because of the expansion of service by these customers. Algonquin feels that it is not equitable to allow some customers of Texas Eastern to grow while Algonquin and its customers are forced ot incur substantial expenses to supplement their gas supply from other sources. On July 6, 1973, Algonquin filed a petition to intervene in Docket Nos. RP71–130 and RP72–58.

On July 6, 1973, Columbia Gas Transmission Corp. (Columbia) filed petitions to intervene in Docket Nos. RP71–130, RP72–58 and CP73–310. Columbia, a large customer of TETCO, requests a formal hearing.

An untimely petition to intervene was filed in Docket No. CP73–311 on July 20, 1973, by Indiana Gas Co., Inc. (Indiana), a large customer of TETCO. Indiana did not request a formal hearing. On July 9, 1973, Indiana filed a petition to intervene in Docket Nos. RP71–130 and RP72–58, requesting a formal hearing.

On July 2, 1973, Brooklyn Union Gas Co. (Brooklyn Union), a large customer of TETCO filed an untimely petition to intervene in Docket No. CP73–311. Brooklyn Union requests a formal hearing.[4]

The cases in Docket Nos. RP71–130 and RP72–53 include issues which arose in earlier proceedings and are not material to the three petitions considered herein. Parties who have previously intervened in Docket Nos. RP71–130 or RP72–58 will be permitted to intervene in these consolidated proceedings so long as their participation is limited to matters raised in the petition for emergency relief which is the basis for the hearings provided for in this order.

The Commission finds. (1) Good cause exists to dismiss the proceedings in Docket Nos. CP73–310 and CP73–311 for mootness.

(2) Good cause exists to set the proceedings in Docket Nos. RP71–130 and RP72–58 for formal hearing, and to establish procedures for that hearing.

(3) The participation of each party which has petitioned to intervene in Docket Nos. RP71–130 and RP72–58 will neither hinder nor delay the conduct of these proceedings.

The Commission orders. (A) The proceedings in Docket Nos. CP73–310 and CP73–311 are dismissed as moot.

(B) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on August 27, 1973 at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the public interest issues involved in the consolidated proceeding, Docket Nos. RP71–130 and RP72–58.

(C) On or before August 14, 1973, petitioner and all parties supporting petitioner's request shall serve with the Commission and upon all other parties including Commission Staff to the proceeding their testimony and exhibits in support of their position.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose, shall preside at the hearing in this consolidated proceeding and shall prescribe relevant procedural matters not herein provided.

(E) Algonquin, Columbia and Indiana, are hereby permitted to intervene in this proceeding, subject to the Rules and regulations of the Commission; *Provided, however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.73–16559 Filed 8–9–73;8:45 am]

[4] The Public Service Commission for the State of New York (PSCNY) which intervened in Docket Nos. RP71–130 and RP72–58 on January 24, 1971, filed with this Commission on July 6, 1973, a statement conditionally supporting Huntingburg's position. PSCNY has not requested a formal hearing in this matter. The Tennessee Public Service Commission, which is not an intervenor in these proceedings filed a statement on June 11, 1973, supporting Smyrna's petition.

[Docket No. RP72–64]

TEXAS GAS TRANSMISSION CORP.

Notice of Extension of Time

AUGUST 3, 1973.

Louisville Gas and Electric Co., Southern Indiana Gas and Electric Co. and Western Kentucky Gas Co. filed motions on July 26, 1973 and July 30, 1973 respectively, for an extension of the procedural dates. On August 1, 1973, General Motors filed an answer in support of the motion of Louisville Gas and Electric Co. By notice issued July 16, 1973, the time was extended to and including November 5, 1973, within which end-use data was to be submitted by Texas Gas Transmission Corp.

Upon consideration, notice is hereby given that the other procedural dates are modified accordingly:

Texas Gas and Intervenor, cases-in-chief, December 5, 1973.
Prehearing Conference, December 18, 1973. (10 am, e.s.t.)
Answering testimony, January 14, 1974.
Hearing, February 5, 1974. (10 am, e.s.t.)

MARY B. KIDD, *Acting Secretary.*

[FR Doc.73–16557 Filed 8–9–73;8:45 am]

[Docket No. RP73–101]

TRANSWESTERN PIPELINE CO.

Order Denying Rehearing and Reconsideration, Instituting Complaint Proceeding, and Establishing Procedures

AUGUST 1, 1973.

By order issued May 31, 1973, the Commission, inter alia, accepted for filing tariff sheets, tendered by Transwestern Pipeline Co. (Transwestern),[1] and established procedures for the filing of end-use data.[2] Applications for rehearing were filed on July 2, 1973, by Pacific Lighting Service Co. (PLSC), Southern California Gas Co. (SoCal), and the People of the State of California and the Public Utilities Commission of the State of California (California). On July 13, 1973, and July 25, 1973, San Diego Gas & Electric Co. (San Diego) and Southern California Edison Co. (Edison) respectively filed a motion requesting permission to file an application for rehearing out-of-time and attached the application to its motion.[3]

In their applications for rehearing, Petitioners urge reconsideration of our acceptance of Transwestern's proposed curtailment plan and, upon reconsideration, instituting a hearing under section 4 of the Natural Gas Act to determine the lawfulness of that plan. While Petitioners broadly allege the impropriety of the order of priorities established by Transwestern's filing, their concern appears to be directed more to their position on the priority scale than urging the impropriety of the priorities themselves. For example, PLSC, SoCal, and San Diego allege that a section 4 hearing is necessary to determine that the priorities "are appropriate and nondiscriminatory" (p. 4). They then argue that the application of those priorities may be unlawful against Transwestern's California customers, who are required under the regulations of the California Public Utilities Commission to provide only interruptible service to industrial consumers in excess of 200 Mcf per day. California, on the other hand, urges rehearing on the basis, inter alia, of the need to expand priority (2) to include interruptible sales (p. 7) and the need for considering storage and partial requirements customers in formulating the curtailment plan (pp. 8–9), while also urging the possible discrimination of the priority list on the California customers based on its "interruptible" requirement (pp. 4–6). Accordingly, the need to initiate a section 4 hearing to determine the lawfulness of the priorities per se has not been demonstrated.

The application for rehearing filed by California, unlike the joint application of PLSC and So Cal, does not state that a hearing under section 5 of the Act is not requested. The pleadings present issues that, in our judgement, should be adjudicated on the basis of an evidentiary record. Accordingly, we will consider the application filed by California as a complaint filed under section 5 and order a hearing thereon, wherein California, as complainant may have the opportunity to present evidence to sustain its burden of showing that; (a) the plan unduly discriminates against California customers.

(b) Priority (2) should be enlarged to include interruptible service, and (c) the list of priorities should be modified to include consideration for customers who have storage facilities and for partial requirements customers.[4]

The Commission finds. (1) Good cause exists to grant San Diego's and Edison's motions and permit them to file an application for rehearing out-of-time which will be treated as motions for reconsideration.

(2) The assignments of error and grounds for rehearing set forth in the applications for rehearing and motions for reconsideration of our May 31, 1973, order issued in this proceeding present no new facts or principals of law which were not considered by the Commission when it issued its order or which having now been considered warrant any change in said order.

(3) It is necessary and proper for the purpose of carrying out the provisions of the Natural Gas Act that California's application for rehearing be treated as a complaint filed under section 5 of the Natural Gas Act and that a hearing be initiated and the procedures established for the hearing, all as hereinafter ordered.

The Commission orders. (A) The motions filed by San Diego and Edison on July 13, 1973 and July 25, 1973, respectively requesting permission to file an application for rehearing out-of-time is hereby granted.

(B) The applications for rehearing filed in this proceeding by PLSC, So Cal, and California, are hereby denied. The applications for rehearing and treated as motions for reconsideration filed by San Diego and Edison are hereby denied.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 14, 15, and 16 thereof, a hearing on the complaint filed by California shall be convened concerning the issues of why Transwestern's California customers should not adhere to the list of curtailment priorities set forth in Transwestern's tariff, why priority (2) in that list should be modified to include interruptible service, and why the list of priorities should be modified to include consideration for customers who have storage facilities and for partial requirements customers.

(D) Answers and responses to the complaint under § 1.6(a) of our rules of practice and procedure, are hereby waived, without prejudice.

(E) As established by our notice of July 11, 1973, Transwestern shall serve its end-use data on all parties in this proceeding including Commission staff, on or before September 24, 1973. California and parties in support of California's stated contentions shall serve their cases-in chief in response to ordering paragraph (C) above on all parties to this proceeding including Commission staff, on or before October 25, 1973.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred on the Federal Power Commission by the Natural Gas Act, particularly section 5, 14, 15, and 16 thereof, and pursuant to the Commission's rules of practice and procedure and the Regulations under the Natural Gas Act, a public hearing shall be convened on November 19, 1973, at 10 am (e.s.t.) at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 concerning the issues involved in the proceeding initiated in ordering paragraph (C) above.

(G) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearings in this proceeding, and shall prescribe relevant procedural matters not herein provided.

(H) Notices of intervention and petitions to intervene in the complaint proceeding may be filed with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 30, 1973, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37).

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.73–16564 Filed 8–9–73;8:45 am]

[1] The tariff sheets contained Transwestern's proposed curtailment plan reflecting priorities for service during curtailment consistent with our Statement of Policy issued in Docket No. R–469.

[2] By notice issued July 11, 1973, the time for filings the data was extended to September 24, 1973.

[3] We will grant the motions since such action will neither delay the determination of this proceeding nor adversely affect any party to this proceeding. However, the finding will be accepted and treated as motions for reconsideration.

[4] California's further argument on the application of the Natural Environmental Policy Act in curtailment proceedings was refuted by the Commission in its order issued August 22, 1972, in El Paso Natural Gas Company, Docket No. RP72–6.

[Docket No. CP74–24]

TRANSWESTERN PIPELINE CO. AND NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 1, 1973.

Take notice that on July 25, 1973, Transwestern Pipeline Co. (Transwestern), P.O. Box 2521, Houston, Texas 77001, and Northern Natural Gas Co. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74–24 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and appurtenant facilities and the transportation and processing of raw gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Northern has quantities of raw gas in excess of the present treating capacity at its Lockridge Plant and that Transwestern has periodic excess capacity at its Pyote Treating Plant, all located in Ward County, Texas. It is proposed that Transwestern receive at a new point of interconnection on the Worsham 10-inch pipeline volumes of raw gas from Northern for treatment on a best efforts basis. Transwestern would then redeliver residue gas in quantities equivalent to 96 percent of the amount of delivered raw gas to Northern at a delivery point on the West 21-inch pipeline in Ward County. Northern would be charged 2.0 cents per Mcf of the residue gas redelivered to it. Applicants' state that any variances in deliveries and redeliveries would be balanced as soon as practicable.

To facilitate the proposed treatment and transportation of gas, Northern proposes to construct, operate and own approximately 600 feet of 8-inch pipeline and appurtenant metering and regulating facilities and to reimburse Transwestern for the cost of any new facilities necessary for the proposed transportation and treatment of gas. Applicants estimate the total cost of the proposed facilities to be $51,000 which Northern would finance from available funds.

The purpose of this proposal is to make additional volumes of gas available to Northern during the upcoming heating season which otherwise would not be available.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the Protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a

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petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc 73-16561 Filed 8-9-73;8:45 am]

[Docket No. CP74-18]

UNITED GAS PIPE LINE CO.

Notice Denying Request To Reset Date of Prehearing Conference

AUGUST 3, 1973.

On July 31, 1973, United Gas Pipe Line Company filed a motion to reset the date of the prehearing conference in the above designated matter. The prehearing conference was scheduled for August 6, 1973, by order issued July 20, 1973.

Upon consideration, notice is hereby given that the above motion is denied.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16544 Filed 8-9-73;8:45 am]

[Project No. 108—Wisconsin]

NORTHERN STATES POWER CO.

Notice of Availability of Environmental Statement for Inspection

Notice is hereby given that on August 2, 1973, as required by the Commission rules and regulations under Order 415–C, issued December 18, 1972, a final environmental statement prepared by the Commission's staff pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91–100) was placed in the public files of the Federal Power Commission. This statement deals with the environmental impact of an application for a new major license filed pursuant to the Federal Power Act for Chippewa Reservoir Project No. 108 located on the Chippewa River in Sawyer County, Wis. The original license for the project expired on August 7, 1971, and the project is presently being operated under an annual license. The project is located partly on Tribal lands of the Lac Court Orielles Indian Reservation and lands of the United States.

This statement is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426 and its Chicago Regional Office. Copies of this statement are being provided to interested Federal, Regional, State, and local Agencies, and to all parties of record in the proceeding. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The Chippewa Reservoir Project consists of: (1) A dam about 1,290 feet long and about 45 feet high (2) Chippewa Reservoir which impounds 223,000 acre-feet of useable storage capacity with about 15,800 acres of water surface area at normal full pool elevation 1313.0 (m.s.l.); and (3) all other facilities and interests appurtenant to operation of the project.

Chippewa Reservoir is a storage reservoir, impounded primarily for regulation of the flow of the Chippewa River for downstream hydroelectric power production. There are no generating facilities at the project.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16581 Filed 8-9-73;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM–50]

SHIPPING COORDINATING COMMITTEE

Notice of Meeting

A meeting of the Shipping Coordinating Committee will be held at 9:30 a.m. on Friday, September 7, 1973 in Room 7200, Coast Guard Headquarters, 400 Seventh Street, SW., Washington, D.C. The meeting will be open to the public.

The meeting will consider preparations for the 28th session of the IMCO Maritime Safety Committee, scheduled to meet in London, September 17–21.

For further information on the subject matter of the meeting, contact Mr. Richard K. Bank, Executive Secretary, Shipping Coordinating Committee, Department of State, Washington, D.C. 20520, telephone (area code 202) 632–0704.

RICHARD K. BANK,
Executive Secretary, Shipping Coordinating Committee.

AUGUST 2, 1973.

[FR Doc.73-16604 Filed 8-9-73;8:45 am]

[Public Notice CM–49]

STUDY GROUP 5 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 5 of the U.S. National Committee for the International Radio Consultative Committe (CCIR) will meet on August 20, 1973, in Room 1103, Radio Building, Department of Commerce Laboratories, Boulder, Colorado. The meeting will be held in two sessions commencing at 3:00 p.m. and 7:00 p.m., respectively.

Study Group 5 deals with matters relating to the propagation of radio waves (including radio noise) at the surface of the earth, through the non-ionized regions of the earth's atmosphere, and in space where the effect of ionization is negligible. The meeting on August 20 will consider new draft texts which are proposed as U.S. contributions to the International meeting of Study Group 5 in 1974.

Members of the general public who desire to attend the meeting on August 20 will be admitted up to the limits of the capacity of the meeting room.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

AUGUST 3, 1973.

[FR Doc.73-16603 Filed 8-9-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

METAL PUNCHING MACHINES, SINGLE-END TYPE, MANUALLY OPERATED, FROM JAPAN

Antidumping; Withholding of Appraisement Notice

AUGUST 6, 1973.

Information was received on January 23, 1973, that metal punching machines, single-end type, manually operated, from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of February 26, 1973, on page 5195. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of metal punching machines, single-end type, manually operated, from Japan is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. Information currently before the U.S. Customs Service tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price will probably be calculated on the basis of a c.i.f. price, with deductions for inland freight, forwarding fees, ocean freight and marine insurance.

Home market price will probably be calculated on the basis of a delivered price with deductions for inland freight and delivery charges. Adjustments probably will be made for testing and after-sales service, customer training, differences in the merchandise and in packing, as appropriate. Adjustments probably will also be made for differences in the level of trade, as appropriate.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of metal punching machines, single-end type, manually operated, from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20229, in time to be received by his office on or before August 20, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before September 10, 1973.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-16578 Filed 8-9-73;8:45 am]

UPHOLSTERY SPRING WIRE OF COILING AND KNOTTING QUALITY FROM JAPAN

Tentative Discontinuance of Antidumping Investigation

AUGUST 6, 1973.

Information was received on March 12, 1973, that upholstery spring wire of coiling and knotting quality from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of April 12, 1973, on page 9242.

I hereby announce a tentative discontinuance of the antidumping investigation concerning upholstery spring wire of coiling and knotting quality from Japan.

Statement of reasons on which this notice of tentative discontinuance of antidumping investigation is based. All known Japanese exporters of upholstery spring wire of coiling and knotting quality have furnished formal assurances that they have terminated sales to the United States, and that sales shall not be resumed.

The facts recited above constitute evidence warranting the discontinuance of this investigation.

Interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20229, in time to be received by his office on or before August 20, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before September 10, 1973.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraphs, a final notice will be published discontinuing the investigation.

This notice of tentative discontinuance of antidumping investigation is published pursuant to § 153.15(b) of the Customs Regulations (19 CFR 153.15(b)).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-16579 Filed 8-9-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD AEROSPACE VEHICLES PANEL

Notice of Meeting.

AUGUST 8, 1973.

The USAF Scientific Advisory Board Aerospace Vehicles Panel will hold a closed meeting on August 21, 1973, from 8:30 a.m. until 4:30 p.m., at the Pentagon, Washington, D.C.

The Panel will hold classified discussions on new aeronautical test facilities with regard to weapon systems development.

For further information on this meeting, contact the Scientific Advisory Board Secretariat at (202) 697–4648.

JOHN W. FAHRNEY,
Colonel, USAF Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-16528 Filed 8-9-73;8:45 am]

Office of the Secretary

ARMY AND AIR FORCE EXCHANGE AND MOTION PICTURE SERVICES; CIVILIAN ADVISORY COMMITTEE

Notice of Meeting

AUGUST 8, 1973.

The meeting of the Civilian Advisory Committee which was to be held on August 22, 1973 as published in 38FR19702–July 23, 1973, will instead be held on August 21, 1973, at the same location.

HENRY A. SOUBRICAS,
Deputy Executive Secretary AAFEMPS.

[FR Doc.73-16527 Filed 8-9-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

STATE DIRECTORS AND BLM DIRECTORS—BIFC

Delegation of Authority

Delegation of authority Bureau of Land Management, Associate Director, delegates procurement authority to State Directors and BLM Director-BIFC (excluding the Director-Eastern States Office)—effective on August 10, 1973. State Directors and BLM Director-BIFC (excluding the Director-Eastern States Office).

1. Negotiated contracts may enter into contracts pursuant to section 302(c)(2) of the Federal Property and Administrative Services Act, regardless of amount. This authority is to be used for rental of equipment and aircraft and for procurement of supplies and services required for emergency fire suppression and presuppression, where the order exceeds $2,500.

2. Open market purchases may enter into contracts pursuant to section 302(c)(3) of the Federal Property and Administrative Services Act, for supplies, services, and rental of equipment and aircraft not to exceed $2,500 per transaction; and for construction not to exceed $2,000 per transaction; provided that the requirement is not available from established sources of supply.

3. Established sources of supply may procure supplies and services available from established sources of supply regardless of amount.

4. Capitalized property may enter into contracts, under authority of subparagraphs 1. 2, or 3 above, as appropriate, for purchase of capitalized property.

If the purchase is to be charged to fire suppression funds, or if the item is not included in an approved equipment budget, prior approval of purchase by the Assistant Director, Administration is required. This authority may be exercised only in a true emergency situation such as for immediate use in suppression of active fires and delivery for use on that fire is attainable.

The authority granted above may be redelegated.

GEORGE L. TURCOTT,
Associate Director.

AUGUST 3, 1973.

[FR Doc.73-16605 Filed 8-9-73;8:45 am]

Bureau of Mines

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH

Notice of Meeting

Notice is hereby given that the Advisory Committee on Coal Mine Safety

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Research will meet on August 21 and 22, 1973, commencing at 9:00 a.m. on August 21 and 10:00 a.m. on August 22, 1973, in Room 5160, Department of the Interior, 18th and C Streets, NW, Washington, D.C. The purpose of the Committee is to consult with and to make recommendations to the Secretary on matters involving or relating to coal mine safety research. The meeting will be open to the public, except for an Executive Session commencing at 1:00 p.m. on August 21 and 2:30 p.m. on August 22 at which there will be considered proposed research contracts which contain commercial or financial information which is privileged or confidential matter under 5 U.S.C. 552(b)(4). Persons desiring further information concerning this meeting may contact Dr. Earl T. Hayes, Department of the Interior, Bureau of Mines, Room 3610, Telephone (202) 343-5643.

The agenda of the two day meeting is attached.

Dated: August 6, 1973.

STEPHEN A. WAKEFIELD,
Assistant Secretary, Energy and Minerals.

AGENDA

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH TENTH MEETING

Room 5160, Dept. of Interior
August 21 and 22, 1973

August 21—9:00 a.m.—Report of Subcommittee Chairman, Mr. James Hill, on meeting with Director Bureau of Mines, June 29, 1973.

10:00 a.m.—Plans for Advisory Committee operations.

12:00 p.m.—Lunch.

1:00 p.m.—Project evaluation based on ratings of individual members. Closed to the public.

4:30 p.m.—Adjourn.

August 22, 10:00 a.m.—Long range plans for coal mine safety research.

12:00 p.m.—Lunch.

1:00 p.m.—Mechanism for input of research results into proposed regulations.

2:30 p.m.—Executive session. Closed to the public.

4:00 p.m.—Adjourn.

[FR Doc.73-16530 Filed 8-9-73;8:45 am]

Geological Survey

SAN JUAN RIVER BASIN, COLORADO

Power Site Cancellation 320

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 219 and 357 are hereby canceled to the extent that they affect the following described land:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

Power Site Classification 219 as of May 13, 1929:

T. 39 N., R. 4 W. (unsurveyed)
All lands adjacent to Los Pinos River lying below an altitude of 10,000 feet above sea level as shown on United States Geological Survey topographic map San Cristobal quadrangle. Protraction of public land surveys indicates that the land described, when surveyed, will be wholly within the W½ of township.

T. 37 N., R. 5 W.,
Sec. 3, Unsurveyed NW¼ and NW¼SW¼;
Sec. 4, lots 7 and 8, S½N½ and S½;
Sec. 8, NE¼SE¼ and SW¼SE¼;
Sec. 9, W½NE¼, NW¼, and SE¼SW¼;
Sec. 16, NW¼NW¼;
Sec. 17, SE¼NE¼, SE¼NW¼, NE¼SE¼, and SW¼SE¼;
Sec. 18, NE¼SE¼ and SW¼SE¼;
Sec. 19, SE¼NE¼, NE¼SW¼, and NW¼SE¼.

T. 38 N., R. 5 W. (unsurveyed)
All lands adjacent to Los Pinos River and Lake Fork lying below an altitude of 10,050 feet above sea level as shown on United States Geological Survey topographic map San Cristobal quadrangle.

T. 37 N., R. 6 W.,
Sec. 13, SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 24, E½NW¼.

T. 39 N., R. 7 W.,
Sec. 5, lots 1, 2, and 3, S½NW¼ and NW¼SW¼.

The area described aggregates approximately 7900 acres. Power Site Classification 357 of October 24, 1944:

T. 37 N., R. 5 W.,
Sec. 4, lots 5 and 6;
Sec. 5, lots 1 and 2, and S½NE¼.
The area described aggregates 238.18 acres.
The total land described in this notice aggregates about 8138 acres.

The effective date of this cancellation is December 6, 1973.

HENRY W. COULTER,
Acting Director.

AUGUST 6, 1973.

[FR Doc.73-16525 Filed 8-9-73;8:45 am]

National Park Service

BIG BEN NATIONAL PARK

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on September 6, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Gilbert C. Youngdoff authorizing him to continue to provide concession facilities and services for the public within Big Bend National Park for a period of two (2) years from January 1, 1974, through December 31, 1975.

The foregoing concessioner has performed his obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before September 10, 1973.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated August 3, 1973.

JOSEPH C. RUMBURG,
Deputy Associate Director, National Park Service.

[FR Doc.73-16505 Filed 8-9-73;8:45 am]

GREAT SMOKY MOUNTAINS NATIONAL PARK, NORTH CAROLINA-TENNESSEE

Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on September 6, 1973, the Department of the Interior, through the Superintendent, Great Smoky Mountains National Park, proposes to issue a concession permit to Glen R. McHan, authorizing him to provide and sell merchandise for the public in the Smokemont public campground, for a period of 5 years from January 1, 1974, through December 31, 1978.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after publication date of this notice.

Interested parties should contact the Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tennessee 37738, for information as to the requirements of the proposed permit.

VINCENT ELLIS,
Superintendent, Great Smoky Mountains National Park.

[FR Doc.73-16504 Filed 8-9-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

REGION 4; MANTI-LASAL NATIONAL FOREST; MANTI DIVISION G-10 ADVISORY BOARD

Notice of Meeting

The Manti Division Regulation G-10 Advisory Board will hold a summer tour and meeting on August 29 and 30, 1973.

The two-day tour will leave from Majors Flat, 10 miles east of Ephraim, on Utah State Highway No. 29 at 10:00 a.m. on Wednesday, August 29.

This meeting is being held to review various range livestock allotments and to see portions of the Ferron P.L. 566 watershed project. A short formal business meeting will be held to discuss such topics as the Board members or Chairman believe desirable.

The meeting will be open to the public. To the extent time permits, persons may be permitted to comment on topics brought before the Board at anytime during the discussion.

Persons desiring additional detailed information regarding food and lodging necessary on the tour should contact Forest Supervisor George McLaughlin, Manti-LaSal National Forest, 350 East Main Street, Price, Utah 84501.

Dated: August 1, 1973.

GEORGE F. MCLAUGHLIN,
Forest Supervisor.

[FR Doc.73-16529 Filed 8-9-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a public meeting of the Memory Equipment Subcommittee of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee will be held Thursday, August 16, 1973, at 9 a.m. in the Building 4 Conference Room at Electronic Memories Corporation, 12621 Chadron, Hawthorne, California.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components, and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Discussion of the product areas to be considered, and assignment of work programs.
2. Discussion of source document information.
3. Discussion of scope and content of report to be generated.
4. Discussion of criteria of production parameters for export control.
5. Further discussions that illustrate classes of equipment for which major applications are commercial as determined by the pattern of use in U.S.A. trade.

The meeting will be open to the public. To the extent time permits, members of the public may present oral statements to the committee. Interested persons also are invited to file written statements with the committee.

Further information may be obtained from Philip A. Harding, Chairman of the subgroup and General Manager, Electronic Memories, 12621 Chadron Avenue, Hawthorne, California 90250 (A/C 213—644-9881). Minutes of the meeting will be available 30 days from the date of the meeting upon written request addressed to Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: August 7, 1973.

JOHN T. CONNOR, Jr.,
Acting Director, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.73-16633 Filed 8-9-73;8:45 am]

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a public meeting of the Input/Output Equipment Subgroup of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee will be held Wednesday, August 15, 1973, at 10:00 a.m. in the main conference room at Data Products Corporation, 6219 DeSoto Avenue, Woodland Hills, California.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components, and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Discussion of the product areas to be considered and assignment of work programs.
2. Discusion of source document information.
3. Discussion of scope and content of reports.
   a. Foreign availability
   b. End use patterns
   c. Export of hardware
   d. Export of technology.
4. Discussion of methodology and format for reports.
   a. Historical review and future trends of performance, cost and technology.
   b. Historical review and future trends of population statistics and use patterns.
   c. Impact of technology on use patterns—Example, Key-tape availability affecting punched card use.
5. Discussion of criteria of product parameters for export control.

The meeting will be open to the public. To the extent time permits, members of the public may present oral statements to the committee. Interested persons also are invited to file written statements with the committee.

Further information may be obtained from Irving L. Wieselman, Chairman of the subgroup and Vice President, Product Programs, Data Products Corporation, 6219 DeSoto Avenue, Woodland Hills, California 91364 (A/C 213 + 887-8000).

Minutes of the meeting will be available 30 days from the date of the meeting upon written request addressed to Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: August 7, 1973.

JOHN T. CONNOR, Jr.,
Acting Director, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.73-16634 Filed 8-9-73;8:45 am]

WASHINGTON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00494-33-46040. Applicant: Washington University, School of Medicine, Department of Psychiatry, 4940 Audubon Avenue, St. Louis, Mo. 63110. Article: Electron microscope, JEM-100B. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used to study experimentally induced neuropathological conditions in brains of fetal and infant animals, for optimal interpretation of lesions induced in developing brain. In addition, the article will be used to teach residents and postgraduate research fellows the techniques of research cited above.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a continuous magnification from 90 to 500,000 magnifications, without changing the polepiece. The most closely comparable domestic instrument is the Model EMU-4C manufactured by the Forgflo Corp. The Model EMU-4C, with its standard polepiece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, and optional low magnification polepiece should be used. Changing the polepiece on the Model EMU-4C re-

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quires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 13, 1973 that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the article is intended to be used. The Department of Health, Education, and Welfare (HEW) further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 90 to 500,000 magnifications without changing polepieces, while at the same time providing high-quality micrographs at low magnifications is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-16582 Filed 8-9-73; 8:45 am]

Maritime Administration

CENTRAL GULF LINES

Construction of Six 380,000 DWT Tankers; Amended Application for Construction Differential Subsidy; Notice of Filing

Notice is hereby given that Central Gulf Lines, Inc. has filed an amended application dated July 30, 1973, pursuant to Title V of the Merchant Marine Act 1936, as amended for a contract differential subsidy to aid in the construction of six new VLCC tankers of approximately 380,000 DWT for use in the foreign commerce of the United States. It is proposed that the vessels be constructed by Todd Shipyards Corporation at Galveston Texas.

Any interested parties may inspect this amended application in the Office of the Secretary, Room 3099B, Maritime Administration, Commerce Department Building, 14th and E Streets, NW., Washington, D.C. 20235.

Dated: August 6, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-16606 Filed 8-9-73;8:45 am]

[Docket No. S-380]

CHESTNUT SHIPPING CO.

Notice of Application

Notice is hereby given that Chestnut Shipping Company has filed an application dated July 9, 1973, under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy on two O/B/O vessels (to be constructed) which are to be employed in U.S. foreign trade. Inasmuch as affiliated companies of Chestnut Shipping Company own and/or operate U.S. flag tankers which from time to time may operate in domestic intercoastal or coastwise trade, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required by Chestnut Shipping Company if its application for operating-differential subsidy is approved.

Chestnut Shipping Company (Chestnut) advises that companies which are affiliated or associated with it own or operate a total of up to 31 U.S. flag vessels. Chestnut, accordingly, requests permission in its operating-differential subsidy contract for the transportation of liquid bulk cargoes within and between the following coastal areas with free interchange of the vessels among these various domestic trades. The following list shows the maximum number of vessels to be employed in each Domestic Trade at any one time:

U.S. Gulf-Atlantic Coastwise	17 vessels
U.S. Gulf-Atlantic-Puerto Rico	2 vessels
U.S. Atlantic-Gulf Intercoastal (including Alaska and Hawaii)	5 vessels
Pacific Coast-Alaska-Hawaii	10 vessels

As information the following U.S. flag tankers are owned, managed, or operated by Chestnut's affiliates:

Chancellorsville	Spirit of Liberty
Perryville	Catawba Ford
Shenandoah	Keytanker
Fort Fetterman	Keystoner
Julesburg	Keytrader
Birch Coulie	Valley Forge
Santa Clara	Golden Gate
Gaines Mill	Edgar M. Queeny
Mill Spring	Sinclair Texas
Northfield	David E. Day
Tullahoma	Mobile Gas
Meadowbrook	Mobile Power
Sandy Lake	Mobile Fuel
Monmouth	

Interested parties may inspect this application in the Office of Subsidy Administration, Maritime Administration, Room No. 4888, Department of Commerce Building, Fourteenth & E Streets NW, Washington, D.C. 20230.

Any person, firm or corporation having interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business August 22, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m. on August 24, 1973, in Room 4896 Department of Commerce Building, Fourteenth & E Streets NW., Washington, D.C. 20230. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

By order of the Maritime Administration.

Dated: August 6, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-16607 Filed 8-9-73;8:45 am]

[Docket No. S-379]

MOORE-McCORMACK BULK TRANSPORT, INC.

Notice of Application

Notice is hereby given that Moore-McCormack Bulk Transport, Inc. (Bulk Transport) has filed an application under the Merchant Marine Act of 1936, as amended (the Act) for operating-differential subsidy with respect to operation of three (3) 38,300 deadweight ton tankers in worldwide tanker trades. Bulk Transport is a wholly-owned subsidiary of Moore and McCormack Co., Inc. which is related by and through Moore-McCormack Lines, Incorporated to The Interlake Steamship Company. The Interlake Steamship Company owns and Pickands Mather & Company, a subsidiary of Moore and McCormack Co., Inc., operates under a Managing Agency Agreement, 13 dry bulk cargo ships in domestic service on the Great Lakes.

Accordingly, Bulk Transport requires written permission under section 805(a) of the Act so that Moore and McCormack Co., Inc. and its subsidiary Pickands Mather & Company, and Moore-McCormack Lines, Incorporated and its subsidiary The Interlake Steamship Company may continue (a) to own, charter, and operate dry bulk cargo ships as contract carriers in the domestic trade between United States ports on the Great Lakes, and (b) to own, a pecuniary interest, directly or indirectly, in a person or concern that owns or charters, and operates dry bulk cargo ships as contract carriers in the domestic trade between United States ports on the Great Lakes, and (c) for Messrs. Barker and Tregurtha to be directors, and Messrs. Hoyt and McInnes to be officers and directors of The Interlake Steamship Company.

The 13 dry bulk cargo ships owned by The Interlake Steamship Company are listed below:

Frank Armstrong	Samuel Mather
Charles M. Beeghly	J. L. Mauthe
Harry Coulby	Col. James Pickands
E. G. Grace	Charles M. Schwab
Robert Hobson	John Sherwin
Elton Hoyt 2nd	Walter E. Watson
Herbert C. Jackson	

Interested parties may inspect this application in the Office of The Secretary, Maritime Administration, Department of Commerce Building, Fourteenth & E Streets, NW., Washington, D.C. 20230.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in the application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business August 22, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., August 24, 1973, in Room 4896 Department of Commerce Building, Fourteenth & E Streets, NW., Washington, D.C. 20230. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

By order of the Maritime Administration.

Dated: August 6, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-16608 Filed 8-9-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

U.S. NATIONAL COMMITTEE ON VITAL AND HEALTH STATISTICS AND HEALTH SERVICES RESEARCH TRAINING COMMITTEE

Notice of Renewals

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776) the Health Resources Administration announces the approval of renewal by the Secretary DHEW, on June 30, 1973, with concurrence by the Office of Management and Budget Committee Management Secretariat, of the following advisory committees:

Designation: U.S. National Committee on Vital and Health Statistics.

Purpose: Advises the Administrator, Health Resources Administration on the formulation of the United States policy regarding the development of vital and health statistics for national and international use. Cooperates with similar committees in other countries in the study of mutual problems. Works through subcommittees appointed to deal with specific questions and with other organizations cooperating voluntarily with the Committee.

Designation: Health Services Research Training Committee.

Purpose: The Committee advises and makes recommendations to the Director, National Center for Health Services Research and Development, on health services training. It performs the initial review of research training grant applications relating to the programs administered by the national center for Health Services Research and Development and makes recommendations to the National Advisory Health Services Council and the Federal Hospital Council; it also functions as the sole review body for health services research fellowship applications. As scientific leaders, members survey the status of training in their fields to determine areas in which research training activities should be initiated or expanded.

Authority for these committees will expire June 30, 1975, unless the Secretary, DHEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, formally determines that continuance is in the public interest.

Dated: August 6, 1973.

K. M. ENDICOTT,
Acting Administrator, Health Resources Administration.

[FR Doc.73-16580 Filed 8-9-73;8:45 am]

Social Security Administration

COMMISSIONER OF SOCIAL SECURITY

Redelegations of Authority

The Assistant Secretary for Administration and Management has delegated authority to the Commissioner of Social Security to certify true copies of any books, records, papers, or other documents on file within the Social Security Administration; to certify extracts from such material; to certify the nonexistence of records on file; and to cause the Seal of the Department of Health, Education, and Welfare to be affixed to such certifications (34 FR 18049-50), dated November 7, 1969). The Commissioner of Social Security previously redelegated this authority to certain officials of the Social Security Administration, as set forth in 33 FR 2613-14, dated February 6, 1968; 34 FR 13046-47, dated August 12, 1969; and 37 FR 10602-3, dated May 25, 1972.

Notice is hereby given that the foregoing authority to make certifications and affix the Department Seal has also been redelegated to Regional Commissioners of the Social Security Administration, without authority to further redelegate. This authority applies to any books, records, papers or other documents on file within their respective regional jurisdictions. These redelegations to the Regional Commissioners are effective as of the date this General Notice thereof is published in the FEDERAL REGISTER.

Dated: August 2, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

[FR Doc.73-16592 Filed 8-9-73;8:45 am]

Office of the Secretary

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL SUBCOMMITTEE ON DATA AND NORMS

Notice of Meeting

The National Professional Standards Review Council Subcommittee on Data and Norms will meet on August 13, 1973. This Subcommittee was formed to review issues of importance in the implementation of Title XI, Part B, Social Security Act with respect to Data and Norms. The meeting will be held at the Lodge at Vail, Colorado at 7:30 a.m. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The Subcommittee's agenda will consist of topics concerning PSRO data and norms. The meeting is open to the public.

Dated August 7, 1973.

WILLIAM I. BAUER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.73-18659 Filed 8-9-73;8:45 am]

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DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

Pursuant to Docket No. HM–1, Rule-Making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277) 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during July 1973:

Special Permit No.	Issued to—Subject	Mode or Modes of Transportation
6778	Eaton Corporation, Troy, Michigan, to ship a compressed inert gas mixture in steel pressure vessels (toroidal shaped) complying with DOT Specification 39 with certain exceptions.	Highway, Rail Cargo-only Aircraft, Cargo Vessel.
6779	Shippers registered with this Board to ship perchloromethyl mercaptan in monel clad DOT Specification 51 portable tanks.	Highway.
6780	Shippers registered with this Board to ship petroleum naphtha inside metal cans packed in fiberboard boxes complying with DOT Specification 12B with certain exceptions.	Highway, Rail.
6781	Shippers registered with this Board to ship encapsulated methyl parathion (Pencap M) in DOT Specification 34 polyethylene containers.	Highway.
6782	Shippers registered with this Board to ship cryogenic refrigerators, containing gaseous helium, described as "Refrigerating Machines".	Highway, Passenger-Carrying Aircraft.
6783	Shippers registered with this Board to ship carbon tetrabromide in 60% weight solution with cyclohexane in DOT Specification 17C steel drums equipped with liner.	Highway, Rail Cargo Vessel.
6784	Diamond Shamrock Chemical Co., Cleveland, Ohio and the Essex Chemical Corporation to ship chromic acid in non-DOT specification steel drums in compliance with DOT Specification 37A, except for marking.	Highway, Rail.
6785	Shippers registered with this Board to ship certain corrosive liquids, n.o.s. in Specification MC 310, MC 311, or MC 312 tank motor vehicles.	Highway.
6788	Shippers registered with this Board to ship certain flammable solids in DOT Specification 56 portable tanks.	Highway.
6789	Shippers registered with this Board to ship sodium percarbonate in multiwall natural kraft paper bags, with liner, not exceeding 100 pounds net weight each.	Highway, Rail.
6791	Shippers registered with this Board to ship hexamethylenimine solution in DOT Specification MC 312 or MC 311 tank motor vehicles having stainless steel cargo tanks.	Highway.
6794	FCX Incorporated, Raleigh, N.C. to ship certain liquids in the organic phosphate family in a non-DOT specification tank motor vehicle (twin tanks) constructed in accordance with the ASME Code.	Highway.

Denied—Subject

1. Request by Pennwalt Corporation, Philadelphia, Pa. to ship vinylidene fluoride in a modified DOT Specification 51 portable tank.

ALAN I. ROBERTS,
Secretary.

[FR Doc.73–16526 Filed 8–9–73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–282, 50–306]

NORTHERN STATES POWER CO.

Notice of Prehearing Conference

Notice is hereby given that the Atomic Safety and Licensing Board will hold a prehearing conference in this proceeding on August 16, 1973, at 10:00 a.m. local time, in Courtroom No. 2, U.S. Federal Courthouse, 316 North Roberts Street, St. Paul, Minnesota 55101. The parties should be prepared at this conference to offer such argument on submitted contentions and pending motions as the Board may require.

Members of the public may attend this prehearing conference as well as the evidentiary hearing which will be held at a later time to be fixed by the Board. However, members of the public who may wish to participate in the proceeding by way of limited appearances will not be permitted to do so at the prehearing conference. Oral or written statements offered by way of limited appearances will be received by the Board at the time of the aforementioned evidentiary hearing.

Issued at Washington, D.C., this 7th day of August 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON, *Chairman.*

[FR Doc.73–16663 Filed 8–9–73;8:45 am]

[Docket Nos. 50–438 and 50–439]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Draft Environmental Statement: Time for Submission of Views on Antitrust Matter

The Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed June 21, 1973, for authorization to construct and operate two generating units utilizing pressurized water nuclear reactors. The application was tendered on May 14, 1973. Following a preliminary review for completeness, it was accepted on June 14, 1973 for docketing.

The proposed nuclear facility, designated by the applicant as the Bellefonte Nuclear Plant, Units 1 and 2, is located at the Bellefonte site in Jackson County, Alabama, approximately six miles northeast of Scottsboro, Alabama. Each unit is designed for initial operation at a core power level of 3413 megawatts (thermal), and a gross electrical output of 1329 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 4, 1973. The request should be filed in connection with Docket Nos. 50–438–A and 50–439–A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Alabama 35768.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, a Draft Environmental Statement (in lieu of an environmental report) since TVA like other Federal agencies is subject to the requirements of Section 102 of the National Environmental Policy Act of 1969. The Statement (report) has been made available for public inspection at the aforementioned locations. The Statement, which discusses environmental considerations related to the proposed construction of the Bellefonte Nuclear Plant, Units 1 and 2, is also being made available at the Alabama Development Office, State Office Building, Montgomery, Alabama 36104 and Top of Alabama Regional Council of Governments, P.O. Box 308, City Hall 6th Floor, Huntsville, Alabama 35801.

After TVA's Statement has been analyzed by the Commission's Director of Regulation or his designee, an AEC Draft Environmental Statement will be prepared in accordance with the Commission's procedures in Appendix D to 10 CFR Part 50. Upon preparation of the AEC Statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of its availability requesting comments from interested persons. The summary notice will also state that comments of Federal agencies and State and local officials on the AEC Statement will be made available when received.

Dated at Bethesda, Maryland, this 23rd day of July 1973.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Pressurized Water Reactors Branch No. 4 Directorate of Licensing.

[Dockets Nos. 50–438 and 50–439]

TENNESSEE VALLEY AUTHORITY

Establishment of Atomic Safety and Licensing Board

On August 3, 1973, the Commission published in the FEDERAL REGISTER, 38 FR 20932, a notice of hearing to consider the applications filed by the Tennessee Valley Authority for construction permits for the Bellefonte Nuclear Plant, Units 1 and 2. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2 (Rules of Practice) and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Mr. Glenn O. Bright, Dr. E. Leonard Cheatum and Elizabeth S. Bowers, Esq., Chairman. Dr. John H. Manley has been designated as a technically qualified alternate and Hugh K. Clark, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. Elizabeth S. Bowers, Esq., Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Mr. Glenn O. Bright, a technical member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

3. Dr. E. Leonard Cheatum, Director, Institute of National Resources, University of Georgia, Athens, Ga. 30601.

4. Hugh K. Clark, Esq., Alternate Chairman, P.O. Box 127A, Kennedyville, Md. 21645.

5. Dr. John H. Manley, Alternate, Box 417, Rural Route 1, Espanola, N. Mex. 87532.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 6th day of August 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.73–16534 Filed 8–9–73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23045; Order 73–8–32]

BUSINESS JETS, PTY., LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of August 1973.

By Order 71–7–31, dated June 15, 1971, and approved by the President on July 1, 1971, the Board issued a permit to Business Jets, Pty., Ltd., authorizing the carrier, for a period of five years or until its wet-lease agreement with Air Nauru terminated, whichever occurred first, to engage in foreign air transportation of persons, property, and mail between a point or points in the Republic of Nauru and the terminal point Majuro, Marshall Islands, Trust Territory of the Pacific Islands, such authority limited to transportation performed pursuant to a wet-lease agreement between the carrier and Air Nauru.

Air Nauru has filed a petition requesting termination of Business Jets' permit on the grounds that the wet-lease agreement between Business Jets and Air Nauru has been terminated and that Air Nauru now operates its own aircraft and employs its own crew.

Based upon the foregoing, the Board tentatively finds that it should issue a notice that the foreign air carrier permit now held by Business Jets, Pty., Ltd. has terminated, and that, unless objections are received within 20 days from the date of service of this order, the Board should make such tentative findings final.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would give notice that the foreign air carrier permit held by Business Jets, Pty., Ltd., has terminated;

2. That any interested person having objections to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order; [1]

3. That if timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. That in the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That Business Jets, Pty., Ltd., Air Nauru, and the Republic of Nauru shall be served copies of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73–16620 Filed 8–9–73;8:45 am]

[1] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

[Docket No. 18078; Order 73–8–31]

FLYING TIGER LINE INC.

Order Regarding Service Mail Rates for Transatlantic and Transpacific Priority Mail and Military Ordinary Mail

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of August 1973.

Order 69–12–31, dated December 5, 1969, directed all interested persons to show cause why the Board should not (1) adopt the standard mileages proposed therein for The Flying Tiger Line Inc. (FTL), and (2) delete from Order 68–9–8, dated September 4, 1968, as amended by Order 69–7–11, dated July 2, 1969, the provision which specified one standard mileage for the transportation of military ordinary mail (MOM) between certain West Coast cities [1] and Tokyo.

By a notice dated December 15, 1969, the Postmaster General (PMG) raised a technical objection to the show-cause order, while on December 1969, notices of objections to the order were filed by Northwest Airlines Inc. (Northwest), and Pan American World Airways, Inc. (Pan Am).[2]

In his notice of technical objection, the PMG opposed the proposed deletion of the common-mileage provision for the transportation of MOM between West Coast cities and Tokyo. Both Northwest and Pan Am supported the PMG's position on this point.

Northwest and Pan Am, in answers dated January 7, and January 6, 1970, respectively, opposed the proposed standard mileage of 4,828 miles for FTL between Seattle and Tokyo. They maintained that the proposed mileage did not reflect the actual operation of the service and that such a mileage would result in a rate reduction below the level

[1] San Francisco, Portland, and Seattle. The standard mileage was 4,865 miles, Northwest's standard mileage between Seattle and Tokyo.

[2] Although it had, in previous submissions, contested the mileages proposed by the show-cause order, FTL indicated in a letter dated December 15, 1969, that it would not object to Order 69–12–31 since discussions were then being held to develop circuity factors to be used in conjunction with the establishment of great-circle mileages.

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specified in applicable mail rate orders. Northwest and Pan Am contended that, because of outstanding notices of equalization in this market, they would be forced to accept the proposed mileage in computing their compensation, and thus no carrier, not even FTL, which would become the "rate-making carrier," would be able to achieve a yield equal to the ton-mile rate contained in the rate orders.

The controversy over the establishment of the Seattle-Tokyo standard mileage for FTL is indicative of the problems involved in determining such mileages. We have since adopted a nonstop great-circle mileage basis for rate-making mileages, effective April 1, 1972,[3] which will eliminate such controversy in the future. In the course of establishing nonstop great-circle miles, it was anticipated that the FTL standard mileage problem might be resolved. Since no resolution was reached, we are ordering that a hearing be held pursuant to our Rules of Practice to establish the standard mileage for FTL between Seattle and Tokyo through March 31, 1972. However, those mileages for FTL proposed in the order to show cause which have not been contested will be finalized by this order.[4]

Finally, we have also decided, on the basis of the filed objections, not to adopt the proposal to delete from Order 68–9–8 the common-rated mileage for MOM between certain West Coast cities and Tokyo. However, since Order 68–9–8 as amended stated this common mileage in terms of Northwest's standard mileage of 4,865 between Seattle and Tokyo, we are amending Order 68–9–8 to clarify that the great-circle mileage between Seattle and Tokyo applies to the computation of compensation for the transportation of MOM, or Seattle and Tokyo effective April 1, 1972, the date of adoption of great-circle mileages.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly section 204(a) and 406 thereof, and the Board's regulations 14 CFR Part 302.

It is ordered, That:

1. Effective August 12, 1969, Order 68–9–8, as amended by Order 69–7–11, is amended by adding to page 4 of Appendix A of Order 69–7–11, the standard mileages for The Flying Tiger Line Inc. which are appended to this order.

2. Investigation of the issue of the standard mileage for The Flying Tiger Line Inc. between Seattle and Tokyo and to all points affected by this mileage for the period August 12, 1969, through March 31, 1972, shall be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated.

3. Effective April 1, 1972, Order 68–9–8 dated September 4, 1968, as amended by Order 73–4–16, dated April 3, 1973, is further amended to provide that, for the purpose of computing the compensation for the transportation of Military Ordinary Mail between San Francisco, California, Portland, Oregon, and Seattle, Washington, on the one hand, and Tokyo, Japan, on the other, the mileage shall be based on the great-circle mileage between Seattle, Washington, and Tokyo, Japan, in lieu of the standard mileage of 4,865.

4. This order shall be served upon the Postmaster General, The Flying Tiger Line Inc., Northwest Airlines, Inc., and Pan American World Airways, Inc., which are hereby made parties to the investigation ordered to be heard by paragraph 2, and upon American Airlines, Inc., Continental Air Lines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.[5]

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR, *Acting Secretary.*

[FR Doc.73–16619 Filed 8–9–73;8:45 am]

[Docket No. 25565]

IRAN NATIONAL AIRLINES CORP.

Notice of Postponement of Hearing Regarding Iran-New York/Detroit/Los Angeles via Immediate Points

Notice is hereby given that the hearing in the above-entitled matter scheduled to be held on August 24, 1973 (38 FR 19925, July 25, 1973) is hereby postponed to September 24, 1973, at 10:00 a.m., (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., August 7, 1973.

[SEAL] JOSEPH L. FITZMAURICE, *Administrative Law Judge.*

[FR Doc.73–16616 Filed 8–9–73;8:45 am]

[Docket No. 23333; Order 73–8–2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority August 1, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA).

The agreement proposes revisions to the specific commodity rates applicable in the North Atlantic and the South Pacific areas. These revisions are outlined in the attachments hereto, and reflect both increases and reductions from the presently effective rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

1. Agreement C.A.B. 23708 R–1 through R–3, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication;

2. The U.S. and foreign flag carriers may file tariffs implementing this agreement on not less than one day's notice for effectiveness not earlier than August 13, 1973; and

3. The findings and approval herein pertaining to North Atlantic specific commodity rates shall not be deemed to modify the findings and Order of the Board in its decision in Agreements Adopted by IATA Relating to North Atlantic Cargo Rates, Order 73–2–24 of February 6, 1973, as amended and finalized by Order 73–7–9 of July 5, 1973, and are subject to all provisions of such order.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.[2]

[SEAL] PHYLLIS T. KAYLOR, *Acting Secretary.*

[FR Doc.73–16618 Filed 8–9–73;8:45 am]

[Docket No. 25774; Order 73–8–26]

PAN AMERICAN WORLD AIRWAYS, INC.

Order of Investigation and Suspension Regarding Peak-Period Reservation Rule

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of August 1973.

By tariff revisions[1] marked to become effective August 8, 1973, Pan American World Airways, Inc. (Pan American) proposes to establish a rule regarding full payment for reservations for travel during the 1973/1974 Christmas/New Year, and 1974 Washington's Birthday and July 4th holiday periods in the mainland United States-Puerto Rico/Virgin Islands markets. The proposed rule would require full payment of the fare not later than two months prior to date of travel if the reservation is made more than two calendar months in advance, and full payment of the fare at the time the reservation is made if within two months of the travel date. In addition, the carrier proposes a penalty equal to 25 percent of the price of the ticket for failure to cancel a reservation at least 72 hours prior to scheduled departure.

In support of its proposal, Pan American alleges that the rule parallels that previously approved by the Board in connection with travel group charters and APEX fares. The carrier states that it has studied the four-week advance-payment requirement with which the Board has indicated it would have less trouble, but that in its judgment shortening the advance-payment requirement to less than two months would render the proposal impractical.

No complaints have been filed.

Upon consideration of the tariff filing and other relevant matters the Board concludes that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that the proposal should be suspended pending investigation.

The Board previously suspended a proposal by Pan American which would have required full payment of the fare at the time the reservations are made,[2] and still another advance-reservation proposal in the northeast corridor-Florida markets.[3] In doing so, we expressed our belief that both proposals may have been unnecessarily severe and indicated our judgment that a four-week advance-payment requirement, or one which obligated the carriers to pay interest on payments required to be made more than four weeks in advance would be more suitable. Here, Pan American acknowledges the Board's view, but without any explanation or supporting data simply states that in its judgment shortening the advance payment to less than two months would render the proposal impractical. In the absence of factual support for its proposal, we see no reason to depart from our earlier view.

Moreover, the travel group charter (TGC) and APEX fares to which Pan American refers do not appear relevant to its proposal. Advance-purchase requirements are imposed on such fares for reasons quite apart from the no-show problem and, in our opinion, do not constitute a precedent for similar application to normal fares.

Accordingly, Pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the provisions in Rule 7(D) on 39th Revised Page 15 and 43rd Revised Page 16 of International Air Traffic Tariffs Corp., Agent, Tariff C.A.B. No. 191, and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions in Rule 7(D) on 39th Revised Page 15 and 43rd Revised Page 16 of International Air Traffic Tariffs Corp., Agent, Tariff C.A.B. No. 191, are suspended and their use deferred to and including November 5, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The investigation ordered herein be assigned before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order be filed with the aforesaid tariff and be served upon Pan American World Airways, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR, *Acting Secretary.*

[FR Doc.73–16617 Filed 8–9–73;8:45 am]

[Docket No. 24488; Agreement C.A.B. 23710]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3rd day of August, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Joint Conference 1–2 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated C.A.B. agreement number.

The agreement would amend add-on amounts for French domestic points in combination with transportation over the North and South Atlantic routes by increasing these amounts by approximately 5 percent to reflect an increase in French domestic fares which became effective on April 15, 1973.

For through trips to French interior points, the international carriers must now pay prorate amounts to French domestic carriers based on increased local fares for transportation on the domestic segments of such trips. Without an attendant adjustment in international fares, the international carriers would be forced to absorb the increase in domestic French fares.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions, incorporated in agreement C.A.B. 23710, to be adverse to the public interest or in violation of the Act:

JT12(Mail 814) 054a, 054c, 064a, 064c, 070d, 071q, 076e, 076p, 084a, 084p, 092f and 095b

Accordingly, *IT IS ORDERED*, That:

1. Agreement C.A.B. 23710 be and hereby is approved;

2. The U.S.- and foreign-flag carriers may file tariffs implementing the agreement on not less than one day's notice for effectiveness not earlier than August 13, 1973; and

3. Tariffs implementing this agreement shall be marked to expire on certifications (34 F.R. 18049–50, dated December 31, 1973.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73–16510 Filed 8–9–73;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the meeting of the Federal Employees Pay Council previously scheduled for Wednesday, August 8, 1973 (FR Doc. 73–15368, 38 FR 19983, July 26, 1973), has been rescheduled and will now be held at 3:00 p.m. on Friday, August 10, 1973.

As indicated in the earlier notice, this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

FRANK S. MELLOR, *Advisory Committee Management, Officer for the President's Agent.*

[FR Doc.73–16772 Filed 8–9–73;11:45 am]

ENVIRONMENTAL PROTECTION AGENCY

INSECTICIDES IN FOOD HANDLING ESTABLISHMENTS

Definitions and Policy Statement

Safe amounts of pesticides in foods have been regulated through sections 408 and 409 of the Federal Food, Drug, and Cosmetic Act. It has been recognized for some time that contamination of foods might result from use of insecticides in food handling establishments such as canneries, restaurants, and warehouses. To assist in the regulatory control of insecticides in food handling establishments, the following definitions will be used:

1. Food is defined by section 201(f) of the Federal Food, Drug, and Cosmetic Act to mean (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.

2. A food handling establishment is an area or place other than a private residence in which food is held, processed, prepared and/or served.

a. Nonfood areas of food handling establishments include garbage rooms, lavatories, floor drains (to sewers), en-

[3] Order 73–4–16, dated April 3, 1973.

[4] Mileages constructed on the basis of the mileage between Seattle and Tokyo will also be in issue in the investigation.

[5] Appendix filed as part of the original.

[2] Attachments A and B filed as part of the original document.

[1] Revisions to International Air Traffic Tariffs Corp., Agent, Tariff C.A.B. No. 191.

[3] Order 73–5–128, May 29, 1973.

[2] Order 72–4–67, April 14, 1972.

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tries and vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closets, and storage (after canning or bottling).

b. Food areas of food handling establishments include areas for receiving, serving, storage (dry, cold, frozen, raw), packaging (canning, bottling, wrapping, boxing) preparing (cleaning, slicing, cooking, grinding), edible waste storage, enclosed processing systems (mills, dairies, edible oils, syrups).

3. Nonresidual insecticides are those products applied to obtain insecticidal effects only during the time of treatment and are applied either as space treatments or contact treatments.

a. Space treatment is the dispersal of insecticides into the air by foggers, misters, aerosol devices or vapor dispensers for control of flying insects and exposed crawling insects.

b. Contact treatment is the application of a wet spray for immediate insecticidal effect.

4. Residual insecticides are those products applied to obtain insecticidal effects lasting several hours or longer and are applied as general, spot, or crack and crevice treatments.

a. General treatment is application to broad expanses of surfaces such as walls, floors, and ceilings or as an outside treatment.

b. Spot treatment is application to limited areas on which insects are likely to occur, but which will not be in contact with food or utensils and will not ordinarily be contacted by workers. These areas may occur on floors, walls, and bases or undersides of equipment. For this purpose, a "spot" will not exceed 2 square feet.

c. Crack and crevice treatment is application of small amounts of insecticides into cracks and crevices in which insects hide or through which they may enter the building. Such openings commonly occur at expansion joints, between different elements of construction, and between equipment and floors. These openings may lead to voids such as hollow walls, equipment legs and bases, conduits, motor housings, junction or switch boxes.

Under terms of the agreement between the Department of Health, Education, and Welfare and the Environmental Protection Agency published in the FEDERAL REGISTER of December 22, 1971 (36 FR 24234), the Environmental Protection Agency is responsible for processing petitions for insecticide residues in foods exposed during treatment of food handling establishments. Representative residue data should be obtained for food exposed during treatments with insecticides. Based upon petitions with such residue data, food additive regulations have already been established for pyrethrins, piperonyl butoxide and *N*-octylbicycloheptene dicarboximide.

Many insecticides effective in food handling establishments have tolerances to cover agricultural uses. It is anticipated that the available toxicology data for these compounds will usually meet toxicology data requirements. New compounds will, of course, be subject to current toxicology data requirements.

In the interim while tolerance data is being further developed, it has been determined that certain residual insecticides, if used with proper care in food handling establishments, can assist in the protection of the public health from contamination of food by insects and insect-borne diseases without hazard from residues. Therefore, use of the following type residual insecticides is authorized for careful crack and crevice treatment in food areas in addition to their authorized label uses:

1. borax (finely divided powder)
2. boric acid (finely divided powder)
3. carbaryl
4. chlordane
5. chlorpyrifos
6. dimethyl 2,2-dichlorovinyl phospate
7. dimethyl 2,2,2-trichloro-1-hydroxyethel phosphonate
8. 0,0-dimethyl 0-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphosothioate
9. fenthion
10. orthoisopropoxysphenye methylcarbamate
11. malathion
12. N-octylbicycloheptene discarboximide
13. piperonyl butoxide
14. pyrethrins
15. ronnel
16. silica gel (finely divided powder)

Registrants of pesticides containing the above ingredients are requested to make immediate application for label modification to add the use for Crack and Crevice treatments in food areas. Testing is required for similar use of residual insecticides not listed above.

If the label modification is not approved within 6 months from date of publication of the notice, the product will no longer be authorized for C+C treatment.

Applications for experimental use permits may be needed to obtain residue data, and temporary food additive tolerances may be needed in conjunction with the permit. Since section 409 of the Federal Food, Drug, and Cosmetic Act does not provide for temporary food additive regulations, section 5(b) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended by Public Law 92-516 is considered adequate authority to establish temporary tolerances for residues of insecticides from experimental use permits issued to obtain data from application of insecticides in food handling establishments.

As soon as adequate experimental data become available, food additive petitions should be submitted in order to provide time for review before October 1974. Registration under Public Law 92-516 can begin at that time and appropriate food additive regulations will be a necessary prerequisite for registration.

Dated: August 2, 1973.

DAVID D. DOMINICK,
Assistant Administrator for Hazardous Materials Control.

[FR Doc.73-16536 Filed 8-9-73;8:45 am]

QUATERNARY AMMONIUM COMPOUNDS

Notice of Intent To Cancel Registration

This notice is a continuation of the phaseout of no residue, or zero tolerance, registrations. Previous actions in this regard were based on the statement of implementation April 13, 1966 (31 FR 5723), and amended statement of implementation December 5, 1970 (35 FR 18550). Petitions proposing tolerances for residues of quaternary ammonium compounds in poultry tissues and eggs have not been submitted.

Registration is no longer being issued for products containing quaternary ammonium compounds intended to sanitize poultry drinking water. Data presented by a basic manufacturer of this type of compound indicate the transfer of residues to the tissues and eggs of poultry that drink such treated water. The presence of residues in poultry tissues and eggs from the use of quaternary ammonium compounds as sanitizers in poultry drinking water would constitute adulteration under the Federal Food, Drug, and Cosmetic Act. Therefore, directions for such uses are not considered to be adequate for the protection of the public.

In accordance with the provisions of Section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended by Public Law 92-516 (86 Stat. 984) products containing quaternary ammonium compounds for use in sanitizing poultry drinking water and which are registered under the Federal Insecticide, Fungicide, and Rodenticide Act are no longer considered to be in compliance with provisions of said Act. The registration of such products will be canceled effective 30 days following the publication of this notice or from receipt by the registrant of a copy of this notice, whichever is later, unless all directions for such uses in sanitizing poultry drinking water are immediately deleted from the labels of such products or other procedure is invoked as provided in section 6.

Five copies of corrected labeling must be submitted to the Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Washington, D.C. 20460, if continued registration is desired.

Dated: August 3, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-16535 Filed 8-9-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19794; FCC 73-798]

MIRACLE VALLEY BROADCASTING CO., INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Miracle Valley Broadcasting Co., Inc. (WEIF), Moundsville, W. Va., File No. BP-18338. Has: 1370 kHz, 1 kW, Day; Requests: 1370kHz, 5 kW, Day. For construction permit.

1. The Commission has before it (i) the above-captioned application of WEIF to increase daytime power; (ii) petition to deny filed by WK, Inc., former broadcast licensee of WKWK, Wheeling, W. Va., and adopted by its successor in interest, Publishers Broadcasting Corp., the present licensee of WKWK, Wheeling, W. Va.; and (iii) pleadings in opposition and reply thereto.

2. Petitioner failed to set forth the basis of standing as a party in interest. Nevertheless, since petitioner alleges that the applicant would compete with WKWK for audience and revenue, the Commission finds that the petitioner has standing as a party in interest within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. Federal Communications Commission v. Sanders Brothers, 309 U.S. 470, 9 RR 2008 (1940).

3. The initial field intensity measurement data filed in the WEIF application indicated that the proposed 5 mV/m contour would not penetrate the Wheeling city limits. Subsequent measurements submitted by the petitioner made on an azimuth of 17°, however, revealed that the 5 mV/m signal would in fact penetrate the city. Commission analysis of all pertinent data confirms the fact that a significant portion of Wheeling will be within WEIF's proposed 5 mV/m contour.

4. Petitioner contends that the proposed operation comes within the purview of the Commission's Policy Statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190 (1965). Prior to the 1970 census, the petitioner relied upon the 1960 census which indicated Wheeling's population to be 53,400 and Moundsville's population to be 15,163, thus raising the rebuttable presumption that WEIF was realistically proposing to serve Wheeling. When the 1970 census indicated that Wheeling's population had fallen to 46,-854,[1] the applicant amended his application by documenting the decrease in population and requesting rejection of the 307(b) question. In its supplemental petition to deny, petitioner opposed this contention and, relying on VWB, Inc., 10 RR 2d 563 (1967), attempted to establish a threshold showing that WEIF seeks realistically to serve Wheeling.

5. Petitioner cites VWB, Inc., supra, for the proposition that the 5mV/m-50,-000 population test is not an inflexible rule. While conceding that the fact situation in VWB is considerably different from the fact pattern of the case now before us,[2] petitioner contends that the main principle of the VWB case is that in a situation involving a community with a population under 50,000, the Commission must look to the "totality of the circumstances" in order to ascertain the applicant's intent. Specifically, petitioner argues that WEIF's present primary service of all of Marshall County runs contrary to its purported reason for requesting a power increase; that the power increase bears no relationship to Miracle's ability to meet community needs and problems; that the power increase masks an attempt by WEIF to gain further revenue from Wheeling-based advertising above and beyond the 29 to 33 percent it already has; that WEIF is located within 10 miles of Wheeling; and that both communities are in the same Standard Metropolitan Statistical Area (SMSA).

6. The applicant argues (i) that the VWB case is inapplicable because Moundsville has it own educational, religious, political, and economic structure; (ii) That although all of Marshall County presently receives primary service, outlying areas will nevertheless benefit from a power increase; (iii) that Wheeling-based advertising is designed to encourage Moundsville residents to shop in Wheeling rather than to reach the Wheeling audience itself; (iv) that the revenue from Wheeling is expected to decline because of decreasing population in that area; (v) that permission to move the antenna would have been requested by WEIF had its intent really been to serve Wheeling; and (vi) that only the lower half of Wheeling is penetrated and the extent of coverage is the result of greater conductivity around the Ohio river.

7. Two major factors are repeatedly emphasized in cases involving threshold showings in communities with populations under 50,000. The first requisite is a tremendous disparity in the comparative sizes of the two towns. The second is a showing of social, political, and/or economic dependence. VWB, supra, Harry D. and Robert E. Stephenson, et al., 15 FCC 2d 335 (1968). Further, prior cases make clear that when the larger city has a population under 50,000, the burden on the petitioner to establish a threshold showing is not a light one. The Commission will not designate a proposal for hearing merely because it happens to place a strong signal over a larger community. VWB, supra; Durguin Associates, Inc., 10 FCC 2d 24 (1967). Therefore, the threshold showing must clearly establish a basis upon which the presumption may arise.

8. Petitioner has established that Wheeling and Moundsville are in the same SMSA, are less than 10 miles apart, and that WEIF relies to some extent on Wheeling-based revenues. However, in Durguin, supra, the Commission found that no threshold showing had been made even though the two communities were less than six miles apart and the larger community was three times as populous as the smaller (21,680 and 6,897, respectively). In distinguishing Durguin from VWB, the Commission stated that since the smaller community in Durguin was over one-third the size of the larger, there was no great disparity in the size of the two towns as existed in the VWB case.[3] In addition, no showing of economic, social, political or educational dependence has been made. In Stephenson, supra, the larger community had a population of under 50,000. The smaller town was only 5 miles from the larger, both were within the same metropolitan area, and the residents of the smaller town did considerable shopping in the larger community. In finding that the requisite showing had been made, however, the Commission relied not only on the facts stated above, nor on the "totality of the circumstances," but emphasized instead that its decision was prompted by the relative disparity in the sizes of theh towns[4] and by the fact that since the community was so small[5] it would of necessity be dependent upon other communities for revenues. Id at 340-341. The Moundsville community, on the other hand, is sizable and is, in fact, the largest city in Marshall County and serves as the county seat. Moreover, the citizens of Moundsville maintain 14 schools, and support 15 different churches. There are over 200 retail business establishments and various civic organizations. Commission studies indicate that the power increase would result in WEIF covering approximately twice the area (1,275 square miles) it presently serves and would enable the station to cover virtually all of Marshall County for the first time with a 2 mV/m signal. As a result, approximately 37,000 persons (exclusive of Wheeling residents) living within that contour will receive an additional aural service. Also, an extensive rural area, including several dozen small communities of under 2,500 persons, having a total population of about 72,000 would be encompassed by the proposed 0.5 mV/m contour. In light of the foregoing, we find that no 307(b)-suburban issue has been raised.

9. Petitioner alleges that the applicant failed to conduct a survey as required by the Primer on Ascertainment of Community Problems by Broadcast Applicants, 19 RR 2d 1901 (1970). By amendments dated January 6, 1972, and September 20, 1972, however, the applicant submitted the survey results for the gain area. The Primer requires that where major change applications are involved only the gain area need be surveyed. The amendments submitted by the applicant do provide a breakdown of the population of the gain area, interviews with leaders of the representative groups in the area, list the needs of the communities in the area and reflect in sufficient detail the programming to meet community needs. Therefore, the Commission finds that the

[1] Population of Moundsville according to the 1970 census had dropped to 13,420.

[2] In *VWB*, the population of the smaller community was merely 4.2 percent of the larger community while Moundsville is over one-third as populous as Wheeling. The town in *VWB*, further, was dependent upon the larger community economically, politically, educationally, and socially.

[3] Present census figures place Wheeling's population at 46,854 and Moundsville at 13,420, a ratio of slightly more than 3 to 1.

[4] The smaller town was roughly 4 percent of the size of the larger.

[5] Population, 1,500.

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applicant has complied with the basic Primer requirements.

10. Petitioner also alleges that the applicant is not financially qualified to construct the proposal. Subsequent to the filing of the petition, the applicant filed additional financial information. Examination of these data shows that $20,673 will be required to effect the necessary change in operation. Of this total, $19,173 will be needed for equipment and $1,500 for miscellaneous expense. To meet these expenses, the applicant relies on a $30,000 loan from its principal stockholder, Fred Grewe, Jr. Examination of Mr. Grewe's balance sheet shows that although he appears to have more than enough total net assets to make such a loan, he has failed to segregate his current liabilities from his long-term obligations as required by the instructions to section III of FCC Form 301. Under these circumstances we must consider all Mr. Grewe's liabilities to be current (i.e., due within one year) and, on this basis, we find that sufficient liquid and current assets in excess of current liabilities have not been indicated. Accordingly, a financial issue will be included and Mr. Grewe will be afforded the opportunity to file a more detailed financial statement.

11. Petitioner contends that the use of of an inaccurate contour map for advertising promotion constitutes deceptive business practices in violation of section 5 of the Federal Trade Commission Act, 38 Stat., 719, 15 U.S.C. 45 § 5, and that a hearing must be held on this matter to determine whether the applicant possesses the necessary qualifications of a Commission licensee. Universal Communications of Pittsburgh, Inc., 17 RR 2d 1262 (1969) (Recon. denied, 21 FCC 2d 542, 18 RR 2d 491 (1970)) dealt with a rate card which substantially exaggerated the coverage area. In that case, the Commission stated:

> Use of an inaccurate and exaggerated coverage map will not be tolerated. Any practice intended to deceive or mislead advertisers or the public cannot be condoned. 17 RR 2d at 1262 (Italic added).

WEIF contends that the requisite intent to deceive is lacking in this case. Applicant maintains that the map was used innocently, that it had been prepared under the direction of the prior owners of the station, that it was designed by a reputable engineering firm and that since the owners are not engineers, they had no way of knowing whether or not the map was accurate. Petitioner asserts that WEIF's use of the map could not have been innocent since subsequent engineering data prepared by the licensee in connection with this application reflects the inaccuracy of the rate card.[6]

[6] In this connection, we note that not only did the 0.5 mV/m contour depicted on the WEIF rate card encompass a considerably larger area than the proposed 0.5 mV/m contour shown on the engineering exhibits in this application, but it also encompassed a larger area than did the coverage map used by the prior owners of the station.

12. The Review Board in Athens Broadcasting Company, Inc., 27 FCC 2d 7 (1971), enlarged issues in a comparative hearing to inquire into misrepresentations as to the coverage area of a station. Further, in Radio Clinton, Inc., 73 FCC 463, the Commission stated that discontinued use of a coverage map on its rate card will not obviate the need for further inquiry. Because of the gravity of the charges, we believe further inquiry is necessary. Accordingly, an appropriate issue will be specified. Since WEIF's license was renewed last year for the period ending October 1, 1975, there is no application presently before the Commission against which an ultimate adverse conclusion concerning basic licensee qualifications could be applied. However, we believe that the facts developed on the issue should also be considered in connection with a determination as to whether a grant of the application before us would serve the public interest. In addition, if the issue as to basic licensee qualifications is decided adversely to the applicant in this proceeding, findings of fact made under this issue will be considered res judicata with respect to those matters in passing upon the next-filed renewal of license application.

13. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. In view of the foregoing, however, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

14. Accordingly, *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Fred Grewe, Jr., has sufficient net current liquid assets to finance the proposed construction and, in light thereof, whether Miracle Valley Broadcasting Co., Inc., is financially qualified.

2. To determine whether Miracle Valley Broadcasting Co., Inc., employed a deceptive coverage map on the WEIF rate card, and, if so, whether it continues to possess the requisite qualifications to be a broadcast licensee.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

15. *It is further ordered*, That, the petition to deny of Publishers Broadcasting Co., Inc., is granted to the extent indicated above and is denied in all other respects.

16. *It is further ordered*, That Publishers Broadcasting Corp. licensee of station WKWK, Wheeling, W. Va., is made a party to the proceeding.

17. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

18. *It is further ordered*, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 26, 1973.

Released: August 1, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16588 Filed 8-9-73;8:45 am]

[Dockets Nos. 19791, 19792]

MONTROSE COUNTY AIRPORT

Order Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of Montrose County, Colo., Montrose, Colo., Docket No. 19791, File No. 92-A-L-53, and Leonard E. Orme, d/b/a Orme Flying Service, Montrose, Colo., Docket No. 19792, File No. 119-A-L-53. For Aeronautical Advisory Station to serve Montrose County Airport, Montrose, Colo.

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authorty to operate an aeronautical advisory station at Montrose County Airport, Montrose, Colo., and, therefore, are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein, each applicant is otherwise qualified.

2. In view of the foregoing, *It is ordered*, That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331(b)(21) of the Commission rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

[7] Commissioner H. Rex Lee absent.

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-based operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered*, That to avail themselves of an opportunity to be heard Montrose County, Colo., and Leonard E. Orme, d/b/a Orme Flying Service, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: July 24, 1973.

Released: July 26, 1973.

[SEAL] CHARLES A HIGGINBOTHAM,
Acting Chief, Safety and Special Radio Services Bureau.

[FR Doc.73-16591 Filed 8-9-73;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meeting

AUGUST 1, 1973.

In accordance with Public Law 92-463, "Federal Advisory Committee Act," the following is a listing of the August meeting of the Radio Technical Commission for Marine Services (RTCM):

Special Committee No. 64, "MF, HF, and VHF Maritime Radioreleprinter and Data Systems and Operations", 38th meeting.

Tuesday, August 14, 1973—9:30 a.m. (All-day meeting).

Conference Room 205, 1229 20th Street NW., Washington, D.C.

Principal Agenda Items:

a. Report on MarAd developmental program for a Digital Selective Calling System.

b. Discussion of Comments on FCC Notice of Inquiry for 1974 Maritime Radio Conference (FCC Docket No. 19325).

c. Discussion of Direct Printing and Data Systems.

Chairman, SC-64, H. T. Blaker, Collins Radio Co., Arlington, Va. 22209. (Phone: [703] 524-9503).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16587 Filed 8-9-73;8:45 am]

FEDERAL MARITIME COMMISSION

ATLANTIC LINES, LTD. AND PAN AMERICAN MAIL LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by August 29, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. S. Doolos
General Traffic Manager
Chester, Blackburn & Roder, Inc.
One World Trade Center—Suite 1035
New York, New York 10048

Agreement No. 9864-3, between Atlantice Lines, Ltd. (initial carrier), and Pan American Mail Line, Inc. (delivering carrier), modifies Articles 1(B) and 2 of the basic agreement which covers a through billing arrangement for the movement of general cargo from U.S. Atlantic and Gulf ports to (1) expand the ports of discharge under the agreement to include ports in the Leeward and Windward Islands and the Gulanas when transshipment is effected at Tortola, British Virgin Islands and (2) provide that the through rates to such ports shall be those as published in the Leeward and Windward Islands and Gulanas Conference S.B. L&W 10, Freight Tariff FMC No. 1, in effect at time of shipment.

Dated: August 6, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-16615 Filed 8-9-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01092---	THOR DAHLS HVALFANGERSELSKAP A/S: THORSAGA
01103---	POSEIDON SCHIFFAHRT GESELLSCHAFT MIT BESCHRANKTER HAFTUNG: COLUMBUS CALIFORNIA
01198---	A/S DOVREFJELL AND A/S FALKEFJELL: JOTUNFJELL
01305---	ROYAL MAIL LINES LTD.: ORTEGA
01428---	OCEAN TRANSPORT & TRADING LIMITED: HECTOR
01466---	COMMON BROTHERS (MANAGEMENT) LIMITED: CHESHIRE ENDEAVOUR
01558---	NOLARMA-NOLEGGI & ARMAMENTO S.N.C.: MASANO
01562---	G. W. GLADDERS TOWING CO. INC: STC 2506 STC 2507
01861---	BP TANKER COMPANY LIMITED: BRITISH TRENT
01986---	AKTIEBOLAGET TRANSMARIN: BERNHARDINA
02038---	POLSKIE LINIE OCEANICZNE: ANDRZEJ STRUG
02039---	"GRYF" DEEP SEA FISHING COMPANY": LATERNA LIKOSAR
02146---	PITTSTON MARINE CORPORATION: SUFFOLK
02166---	JAN-ERIK DYVI SKIPSREDERI: HUAL SKAGERAK
02195---	WELSH ORE CARRIERS LIMITED: WELSH ENDEAVOUR
02256---	SIGURD HAAVIK A/S: VIKFREEZER
02367---	CANADIAN PACIFIC (BERMUDA) LTD.: W. A. MATHER
02369---	TSONELMAR MARITIME CORPORATION S.A. PANAMA: EVI T
02417---	NORFOLK, BALTIMORE & CAROLINA LINE, INC.: CONTAINER TRANSPORT NO. 3
02473---	IRISH SHIPPING LTD.: IRISH LARCH -
02475---	HOUSTON BARGE LINE, INC.: HBL 3012 HBL 3014
02494---	SIMMS BROS. TOWING COMPANY INC.: C & H 106
02600---	BELGO-AMERICAN STEAMSHIP COMPANY S.A.: BELGO MERCHANT
02836---	THE SCINDIA STEAM NAVIGATION CO. LTD.: WALCHAND
02911---	SIG. BERGESEN D.Y. & COMPANY: BERGE EDDA
02950---	TONY BARGE COMPANY, INC.: GWG 202
02958---	KAWASAKI KISEN K.K.: SETAGAWA MARU
02982---	THE SHIPPING CORPORATION OF INDIA LTD.: VISHVA YASH

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Certificate No.	Owner/Operator and Vessels
03139---	OFFSHORE MARINE LIMITED: BASS SHORE
03279---	DELTA STEAMSHIP LINES, INC.: DELTA MAR
03441---	JAPAN LINE K.K.: JAPAN ASTER JAPAN COSMOS WORLD SOVEREIGN
03447---	K. K. KYOKUYO: SATSUKI MARU
03449---	KOKUDO SANGYO K. K.: TSURUSAKI MARU
03467---	NICHIRO GYOGYO K.K.: SHINANO MARU KAIKO MARU
03480---	OSAKA SENPAKU K.K.: HAVANA MARU
03489---	SANWA SHOSEN K.K.: SHINKO MARU
03499---	EL-YAM BULK CARRIERS (1967) LTD.: HAR CARMEL
03519---	TOKO SHOSEN K.K.: DAIKO MARU
03532---	ZUISEI KAIUN K.K.: NILE MARU
03557---	OLSEN DAUGHTER A S: GULDREGN
03658---	OCEAN TANKSHIPS CORPORATION NEW YORK: OVERSEAS NATALIE
03736---	BETHLEHEM STEEL CORPORATION: STEWART J. CORT
04004---	KONINKLIJKE JAVA-CHINA PAKETVAART LIJNEN N.V.: STRAAT FRESCO
04077---	FRITZEN SCHIFFSAGENTUR UND BEREEDERUNGS-GMBH: YEMANJA
04136---	THOMAS MARINE COMPANY: T-5000 T-6000 FTW-14 FTW-16 C-202
04265---	KERKETIS COMPANIA MARITIMA S.A.: CAPETAN
04289---	DIXIE CARRIERS, INC.: DIXIE POWER
04389---	ROEN STEAMSHIP COMPANY: JOHN PURVES
04423---	MARCONA CARRIERS LTD.: MARCONA CONVEYOR
04454---	SATSUMARU KAIUN K. K.: SATSUMARU NO. 57
04546---	MR. TOSHIKAZU MIKI: KYOWAMARU NO. 28 KYOWAMARU NO. 21
04564---	YAMASHITA-SHINNIHON KISEN KAISHA: MUNETAMA MARU SHINYO MARU
04679---	RATNAKAR SHIPPING COMPANY LIMITED: RATNA MANORAMA
05016---	HESS OIL VIRGIN ISLANDS CORP.: TEAGUE BAY
05098---	ESSO TANKERS INC.: ESSO SINGAPORE
05175---	MARINE FUEL SUPPLY AND TOWING, INC.: B-10
05122---	SANYU KISEN K.K.: YOSHU MARU
05278---	TWIN CITY BARGE & TOWING COMPANY: EVENING STAR TCB 73 TCB 74
05472---	NATIONAL SHIPPING CORPORATION: CHENAB
05520---	UNION CARBIDE CORPORATION: ELLIS-2121 ELLIS-2123
05579---	BLACK SEA SHIPPING COMPANY: KAPITAN DZHURASHEVICH VALERY MEZHLAUK
05580---	KAMCHATKA SHIPPING COMPANY: SURGUT
05624---	PN. PERTAMBANGAN MINJAK DAN GAS BUMI NASIONAL (PERTAMINA): PERMINA SAMUDRA IX
05846---	"NORDSEE" DEUTSCHE HOCHSEEFISCHEREI GMBH: MAINZ STUTTGART
05886---	HUGHES BROS., INC.: HUGHES NO. 50 HUGHES NO. 51 HUGHES NO. 258 HUGHES NO. 130 HUGHES NO. 131 HUGHES NO. 132 HUGHES NO. 133 HUGHES NO. 43 HUGHES NO. 45 HUGHES NO. 47
05985---	MURATA GYOGYO KABUSHIKI KAISHA: TAIKOMARU NO. 68
06149---	THOMAS TOWING CORP.: T-30
06248---	COMMERCIAL CORPORATION "SOVRYBFLOT": FLOATING DOCK NO. 434
06399---	TOKUMARU KAIUN K.K.: DAITOKU MARU NO. 28 DAIHO MARU
06570---	KRISTIAN JEBSEN (U.K.) LIMITED: SEALNES
06660---	PETROLEUM DISTRIBUTING CO., INC.: LUMINETTA
06687---	GLOBUS SHIPPING & TRADING CO. (PTE.) LTD.: ALDERJO
06709---	AHJIN HAEWOON JUSHIK HOESA: SANGJIN
06827---	PARTENREEDEREI HAMBURGER MICHEL HAMBURG: HAMBURG MICHEL
06877---	SOCIETE FRANCAISE DE TRANSPORTS MARITIMES PARIS: CHIMISTE NANTES
06903---	SUN SHIPBUILDING & DRY DOCK COMPANY: LURLINE
07230---	HASSEI TRADING CORPORATION: SEASTAR HERCULES BULKER
07326---	UNIVERSAL MARINES LINES INC., S.A.: SPACE KING MEDITERRANEAN SEA
07363---	MARTIN TRANSPORT, INC.: M.T.I.
07373---	LYMBER LINE, S.A.: PANOS
07374---	OCEAN TRAMPING COMPANY LIMITED: WEILI WEIMIN WEIKUO KAISING HUNGSIA KAIYUN KAILOK NANHUA NANTAO NANCHENG NANKUO
07382---	MARUSHIN SENPAKU KABUSHIKI KAISHA: UNITED TRADER
07467---	DAE WANG FISHERIES CO., LTD.: "DAE WANG NO. 202"
07566---	PANTOKRATOR COMPANIA NAVIERA S.A.: IAMATIKOS
07686---	WINDWARD SHIPPING CO. LTD.: ENRUS
07721---	SEVEN SEAS TRANSPORTATION LIMITED: SATYA SOHAN
07762---	JOKULL LTD.: RAUDINUPUR
07817---	YICK FUNG SHIPPING AND ENTERPRISES CO. LTD.: IRISH SEA PACIFIC OCEAN INDIAN OCEAN NEW EAST SEA ARABIAN SEA CELEBES SEA ROSS SEA ARTIC OCEAN ZUIDER SEA BALTIC SEA KARA SEA CHEUNG CHAU BARENTS SEA BERING SEA
07823---	APEX BULK CARRIER CO., LTD., INC.: CRESSIDA
07858---	COMPANIA SUSIE S.A.: KATINA
07860---	BREEZE SHIPPING S.A.: NORTHERN BREEZE
07888---	MS CAPE MAGDALENA SHIPPING CO. S.A., MONROVIA: CAPE MAGDALENA
07935---	INDEPENDENT LIGHTERAGE COMPANY: OAK ELM
08012---	NEA GALINI SHIPPING CO. S.A. PANAMA: GALINI
08019---	TAIMO STEAMSHIP CO. S/A: ASIA TAIMO
08030---	NEA TYCHI SHIPPING COMPANY SA OF PANAMA: TYCHOS
08072---	MARORBE NAVIERA S.A.: VASSOS GEORGIADIS
08077---	VICMAR STAR SEA CARRIERS S.A. PANAMA: VICMAR STAR
08081---	TANKER INTERNAZIONALE S.P.A.: TRANSOCEANICA MARIO
08091---	PARTREDERIET BRAVO II: ANNE BRAVO
08112---	LONDON NAVIGATION CO. LTD.: OCEAN PRINCE
08120---	EMPRESA NAVIERA PERUANA, S.A.: PISCO
08121---	MARDINA SHIPPING (INTERNATIONAL) LTD.: MARDINA TRADER
08128---	PESCANAO S.A.: FLIPPER
08129---	CALTEC MARITIME SA: CALTEC TRADER
08130---	GREAT CIRCLE MARINE LIMITED: BOLINA
08133---	GOOD COMMANDER SHIPPING COMPANY LTD.: GOOD FRIEND

Certificate No.	Owner/Operator and Vessels
08136---	DONG BANG OCEAN FISHERIES CO., LTD.: NO. 51 DONG BANG
08140---	INTEROCEAN SEALANES CORPORATION: ANDROS MELTEMI
08141---	IERAX COMPANIA NAVIERA, S.A.: IERAX
08150---	CROSS SEAS SHIPPING CORPORATION: ARCTURUS BELLATRIX BETELGEUSE DENEBOLA
08155---	FAIRWIND SHIPPING CO. S.A.: CLASSIC
08156---	SINCERE NAVIGATION COMPANY INCORPORATED; EASTERN FISHERIES NO. 1
08171---	TRANSMUNDO ARMADORA S.A. PANAMA; MAIR
08177---	OCEAN BULKERS (U.K.) LIMITED; HALCYON ISLE HALCYON COVE

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-16609 Filed 8-9-73;8:45 am]

[Independent Ocean Freight Forwarder License No. 859]

MADER & CO.

Order of Revocation

By letter dated June 28, 1973, Mader & Co., P.O. Box 668, Dania, Florida 33004 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 859 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before July 25, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Mader & Co. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 859 of Mader & Co. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 859 be and is hereby revoked effective July 25, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Mader & Co.

WM. JARREL SMITH, JR.,
Deputy Managing Director.

[FR Doc.73-16611 Filed 8-9-73;8:45 am]

[Docket No. 73-35]

INTERMODAL SERVICE OF CONTAINERS AND BARGES AT THE PORT OF PHILADELPHIA

Amendment to Order of Investigation and Hearing

At page 3 of the order served June 18, 1973, amend the first ordering paragraph by inserting, after the word "calls" in line 5 of the paragraph, the following phrase:

"• • • from or to other East Coast ports of the United States in the domestic and foreign trades • • •"

Make the following changes in the Appendix:

Delete heading "Greece/U.S.A. Westbound Freight Conference (Agreement 9238)" and insert "Greece/United States Atlantic Rate Agreement 9238" and insert thereunder "Mr. T. F. Walsh, Secertary, Concordia Line, c/o Boise Griffin Steamship Co., One World Trade Center, Suite 3811, New York, New York 10048."

Delete "Turkey/U.S.A. Westbound Freight Conference (Agreement 9239)" and insert "Turkey/United States Atlantic Rate Agreement 9239" and insert thereunder "Mr. T. F. Walsh, Secertary, Concordia Line, c/o Boise Griffin Steamship Co., One World Trade Center, Suite 3811, New York, New York 10048."

Under Portugal/U.S. North Atlantic Westbound Freight Conference add "Sea-Land Service, Inc. P.O. Box 1050, Elizabeth, New Jersey 07207" as a member.

Under North Atlantic Westbound Freight Association, add "Bristol City Line, Ltd., Cumberland Road, Bristol, England" as a member.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-16610 Filed 8-9-73;8:45 am]

[Docket No. 73-46]

PACIFIC ISLANDS TRANSPORT LINE

Order of Investigation and Suspension

Pacific Islands Transport Line (PITL) has filed with the Federal Maritime Commission various pages (see Appendix A) to its Tariff FMC-F No. 2 to become effective July 15, 1973. These pages will increase ocean freight rates on cargo moving Westbound by an average of 23 percent, with certain exceptions. The exceptions are: 1) Westbound rates for "Refrigerated Cargo" and "Lumber" which will be increased by 6 percent; and 2) The Westbound rate on "Bulk Vegetable Oil" which will be increased 10 percent. The minimum bill of lading charge applying on "Motion Picture Films and Motion Picture Advertising Matter" will be increased 40 percent.

On June 15, 1973, PITL was advised to take steps to postpone the rate increases until August 13, 1973, in order to comply with the President's order freezing prices to that date. PITL filed such a postponement supplement.

Protests relating to increases of ocean freight rates in the United States/Samoa trade were received from American Can Company; American Samoa Chamber of Commerce; Max Haleck, Inc.; the Honorable John M. Haydon, Governor of Samoa; Ivi S. Pele; President Salanoa, Speaker Pro Tem Faasuka S. Lutu, Senator Tagaloa and Representative Seufagafaga Langkilde; Sawyer Sifoa Co., Inc.; Mrs. W. R. Seacord and the United States Department of the Interior. All of the protests alleged that an increase in ocean freight rates would have an unfavorable effect on the well being of the American Samoan people and on the economic development of the territory.

Upon consideration of the said tariff pages, and the protests filed thereto, the Commission is of the opinion that the above designated tariff matter should be suspended and made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable, or otherwise unlawful under section 18 (a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing, therefore:

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges and the proposed new rates and charges published on the tariff pages listed in Appendix A with a view toward making such findings and orders as the law, the facts and the circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the pages listed in Appendix A are suspended and the use thereof deferred to and including November 1, 1973 unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by PITL a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until November 1, 1973 unless otherwise authorized by the Commission and the rates and charges or other provisions heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Compliance of the Federal Maritime Commission;

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It is further ordered, That Pacific Islands Transport Line be named as respondent in this proceeding;

It is further ordered, That American Can Company; American Samoa Chamber of Commerce; Ivi S. Pele; President Salanoa, Speaker Pro Tem Faasuka S. Lutu, Senator Tagaloa and Representative Seufagafaga Langkilde; Sawyer Sifoa Co., Inc.; Mrs. W. R. Seacord; and the United States Department of the Interior be named as Complainants in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of this Commission's Office of Administrative Law Judges and that the hearing be held at a date and a place to be determined by the Presiding Administrative Law Judge;

It is further ordered, That, (1) a copy of this order be forthwith served upon the Respondent and Complainants herein and upon this Commission's Bureau of Hearing Counsel and published in the FEDERAL REGISTER; and (2) the Respondent, Complainants, and Hearing Counsel be duly served with notice of time and place of the hearing;

It is further ordered, That the provisions of rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein should notify the Secretary of the Commission promptly and file Petitions for Leave to Intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

PACIFIC ISLANDS TRANSPORT LINE
TARIFF FMC-F NO. 2

1st Revised Page 8
3rd Revised Page 15
3rd Revised Page 16
2nd Revised Page 17
7th Revised Page 18
6th Revised Page 19

[FR Doc.73-16613 Filed 8-9-73;8:45 am]

[Docket No. 73-47]

POLYNESIA LINE, LIMITED

Order of Investigation and Suspension

Polynesia Line, Limited (PLL) filed with the Federal Maritime Commission various pages (see Attachment A) to its Tariff FMC-F No. 2 to become effective June 25, 1973. These pages will increase both East and Westbound rates by approximately 24 percent.

On June 15, 1973, PLL was advised to take steps to postpone the rate increases until August 13, 1973, in order to comply with the President's order freezing prices to that date. PLL filed such a postponement supplement.

Protests relating to increase of ocean freight rates in the United States/Samoa trade were received from American Can Company; American Samoa Chamber of Commerce; Max Haleck, Inc.; the Honorable John M. Haydon, Governor of Samoa; Ivi S. Pele; President Salanoa, Speaker Pro Tem Faasuka S. Lutu, Senator Tagaloa and Representative Seufagafaga Langkilde; Sawyer Sifoa Co., Inc.; Mrs. W. R. Seacord; and the United States Department of Interior. All of the protests alleged that an increase in ocean freight rates would have an unfavorable effect on the well being of the American Samoan people and on the economic development of the territory.

Upon consideration of the said tariff pages, and the protests filed thereto, the Commission is of the opinion that the above designated tariff matter should be suspended and made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing, therefore;

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges and the proposed new rates and charges published on the tariff pages listed in Appendix A with a view toward making such findings and orders as the law, the facts and the circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the pages listed in Appendix A, are suspended and the use thereof deferred to and including November 1, 1973 unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by PLL a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until November 1, 1973, unless otherwise authorized by the Commission; and the rates and charges or other provisions heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter, which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That Polynesia Line, Limited be named as Respondent in this proceeding;

It is further ordered, That American Can Company; American Samoa Chamber of Commerce; Ivi S. Pele; President Salanoa, Speaker Pro Tem Faasuka S. Lutu, Senator Tagaloa and Representative Seufagafaga Langkilde; Sawyer Sifoa Co., Inc.; Mrs. W. R. Seacord; and the United States Department of the Interior be named as Complainants in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of this Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge;

It is further ordered, That, (1) a copy of this order be forthwith served upon the Respondent and Complainants herein and upon this Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (2) the Respondent, Complainants and Hearing Counsel be duly served with a notice of time and place of the hearing;

It is further ordered, That the provisions of rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of rule 12(h) which requires leave of the Commission to request admissions of fact and genuiness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein should notify the Secretary of the Commission promptly and file Petitions for Leave to Intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

POLYNESIA LINE, LIMITED TARIFF FMC-F-2

3rd Revised Page 18
4th Revised Page 19
3rd Revised Page 20
4th Revised Page 21
2nd Revised Page 21A
1st Revised Page 21B
1st Revised Page 21C
3rd Revised Page 22
1st Revised Page 22A

[FR Doc.73-16612 Filed 8-9-73;8:45 am]

STATE OF HAWAII MATSON NAVIGATION CO., INC. AND MATSON TERMINALS, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by August 29, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

David V. Ainsworth, Esq.
Counsel
Matson Navigation Company
100 Mission Street
San Francisco, California 94105

Agreement No. T-2171-3, among the State of Hawaii (Hawaii), Matson Navigation Co., Inc. (Matson), and Matson Terminals, Inc. (Terminals), is an assignment of the basic agreement which provides for the lease of marine terminal space by Hawaii to Matson for use, primarily, as a container facility. The purpose of the modification is the assignment by Matson of the original terminal lease as amended, with the consent of Hawaii, to its wholly owned subsidiary, Terminals. All other provisions of the original lease as amended will remain unchanged.

Dated: August 3, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-16614 Filed 8-9-73;8:45 am]

COST OF LIVING COUNCIL

NATIONAL COMMISSION FOR INDUSTRIAL PEACE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the National Commission for Industrial Peace, created by Executive Order 11710, will meet on August 14, 1973 at 2 p.m. in Conference Room 4121 of the U.S. Treasury Building.

The first portion of the meeting will be open to the public. The chairman of the committee is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Only members of the committee and its staff may question the witnesses. The chairman may, if he believes it would be useful to the work of the committee and time permits, entertain questions from the floor. Due to space limitations, it is possible that there will not be enough seating. For that reason persons will be admitted on a first-come first-served basis.

The agenda for the open portion of the meeting will be the presentation of two proposals, one given by the representatives of the Federal Mediation and Conciliation Service and one given by representatives of the Commission on Productivity.

The second portion of the meeting, which will be closed to the public, will be a discussion of the roll of the Commission for Industrial Peace in Phase IV.

Since these discussions, if written, would fall within exemption (5) of 5 USC 552(b and since it is necessary to close the meeting if there is to be a free exchange of views, I have determined under the authority granted me by Executive Order 11729 that this portion of the meeting should be closed pursuant to section 10(d) of the Federal Advisory Committee Act.

Issued in Washington, D.C., on August 9, 1973.

WILLIAM WALKER,
General Counsel,
Cost of Living Council.

[FR Doc.73-16787 Filed 8-9-73;12:19 pm]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

NOTICE OF PUBLIC MEETING

Notice is hereby given, PL 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held at 7:00 a.m., August 17, 1973 through August 18, 1973 at 3:00 p.m. An on-site visit is scheduled for the Council in Staunton, Virginia on the 17th of August.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Education Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of Disadvantaged Children.

The meeting is being called to discuss subcommittee findings from the federal, administrative and legislative levels, and how they can improve the educational attainment for the disadvantaged child.

Because of limited space for the public meeting of August 18 all persons wishing to attend should call for reservations at Area Code 202/632-5221 by August 15, 1973.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located in Room 202, 1717 H Street, NW., Washington, D.C. 20006.

Signed at Washington, D.C. on August 7, 1973.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.73-16635 Filed 8-9-73;8:45 am]

POSTAL SERVICE

POSTAL SERVICE ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that a meeting of the Postal Service Advisory Council will be held on Monday, August 20, 1973, at 10:00 a.m. in Room 3146, U.S. Postal Service, Twelfth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20260. The Postal Service Advisory Council was established by 39 U.S.C. 206 which provides that "[t]he Postal Service shall consult with and receive the advice of the Advisory Council regarding all aspects of postal operations."

The meeting has been called to consider the impact of the Federal Advisory Committee Act upon the Council. The meeting is open to the public. Persons wishing to be present or to obtain further information on this meeting should contact Mrs. Sally Jones, Secretary to the Senior Assistant Postmaster General, Policy Matters, Room 5202, U.S. Postal Service, at the street address shown above. (Telephone Number: (202) 961-6273.)

ROGER P. CRAIG,
Deputy General Counsel.

AUGUST 7, 1973.

[FR Doc.73-16627 Filed 8-9-73;8:45 am]

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TARIFF COMMISSION

[AA1921-125]

GERMANIUM POINT CONTACT DIODES FROM JAPAN

Rescheduling of Hearing Date

Notice is hereby given that the hearing in Investigation No. AA1921-25, scheduled to be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D.C., beginning at 10 a.m., e.d.t., on Tuesday, August 14, 1973, has been rescheduled for 10 a.m. e.d.t., on August 27, 1973. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon, Thursday, August 23, 1973.

Written submissions. Interested parties may submit written statements of information and views, in lieu of their appearance at the public hearing, or they may supplement their oral testimony by written statements of any desired length. In order to be assured of consideration, all written statements should be submitted at the earliest practicable date, but not later than the close of business on September 6, 1973.

The hearing is being held in connection with a Commission investigation under the provisions of section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of germanium point contact diodes from Japan which the Assistant Secretary of the Treasury has determined are being, or are likely to be, sold at less than fair value. Notice of the investigation was published in the FEDERAL REGISTER of July 16, 1973 (38 FR 18931).

Issued: August 8, 1973.

By order of the Commission.

[SEAL] G. PATRICK HENRY,
Acting Secretary.

[FR Doc.73-16704 Filed 8-9-73;8:45 am]

VETERANS ADMINISTRATION

WAGE COMMITTEE

Notice of Meetings

The Veterans Administration gives notice that meetings of the VA Wage Committee will be held at the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C., on:

Thursday, August 30, 1973.
Thursday, September 13, 1973.
Thursday, September 27, 1973.
Thursday, October 11, 1973.
Thursday, October 25, 1973.

The meetings will convene in Room 1100 at 2 p.m. for the purpose of reviewing the adequacy of data obtained in wage surveys conducted under the lead of VA field stations and under the procedure requirements of the Federal Wage System.

The meetings will be closed to the public under the provisions of section 10(d) of Public Law 92-463, based on the confidential nature of information under consideration.

Dated: August 6, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73-16586 Filed 8-9-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Notice of Meetings

Notice is hereby given that the Standards Advisory Committee on Agriculture, and its subcommittees on Machinery Guarding, Nuisance Dust, Personal Protective Equipment, Farm Safety Education, and Livestock Handling, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Monday, August 20, 1973, starting at 8:30 a.m., and on Tuesday, August 21, 1973, starting at 8:15 a.m. in Conference Room B, Department Auditorium, on Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C.

The agenda provides for the full committee to meet in an introductory session each day, after which the subcommittees will meet in separate sessions. The subcommittee meeting rooms will be announced at the introductory sessions. The subcommittees on Farm Safety Education, Machinery Guarding, Nuisance Dust, and Personal Protective Equipment are scheduled to meet on August 20. The subcommittees on Farm Safety Education, Livestock Handling, and either Nuisance Dust or Personal Protective Equipment are scheduled to meet on August 21. Each Subcommittee will continue the development of its recommendations begun at previous meetings. At 11:00 a.m. on August 21, 1973, the full committee will meet to receive and consider any interim or final recommendations of the subcommittees.

The meetings shall be open to the public. Written data, views, or arguments concerning the subjects to be considered may be filed, together with 20 copies thereof, with the Committee's Executive Secretary by August 16, 1973, or by filing them with the Executive Secretary at the meetings. Any such submissions, timely received, will be provided to the members of the committee and will be included in the record of the meetings.

Persons wishing to orally address the committee or subcommittees at any of the meetings should submit a written request to be heard, together with 20 copies thereof, to the Executive Secretary no later than August 16, 1973. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed. At the meetings the chairman will announce whether oral presentations will be allowed, and if so, under what conditions.

Communications to the Executive Secretary should be addressed as follows:

Executive Secretary
Standards Advisory Committees,
OSHA-OSMC
Railway Labor Building, Room 509
U.S. Department of Labor,
Washington, D.C. 20210

Signed at Washington, D.C., this 8th day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-16684 Filed 8-9-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 316]

ASSIGNMENT OF HEARINGS

AUGUST 7, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 6078 Sub 69, D. F. Bast, Inc., application is dismissed.

MC-FC-73661, Bianchi Transportation Company, Inc. Old Bridge, New Jersey, Transferee and Bianchi Truck Line, Inc., Klemmer Kalteissen, Trustee, Old Bridge, New Jersey, Transferor, now assigned August 24, 1973, will be held in Room E-2222, 26 Federal Plaza, New York City, N.Y.

I & S No. 8865, T.O.F.C. Service, Between New York, N.Y., and New England Points, now assigned September 12, 1973, at New York, N.Y., will be held in Room E-2222, 26 Federal Plaza.

MC 136839, Josephine Koffman and Nancy J. Nimmo, Dba Bergen Limousine Rental Service, now assigned September 10, 1973, at New York, N.Y., will be held in Room E-2222, 26 Federal Plaza.

MC 121082 Sub 5, Allied Delivery System, Inc., continued to October 2, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 30032 Sub 3, Houdek Motor Service, Inc., now assigned September 10, 1973, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC-105566 Sub 92, Sam Tanksley Trucking, Inc., now assigned September 10, 1973, will be held in Room 2, State Office Bldg., 65 South Front Street, Columbus, Ohio.

MC-134599 Sub 53 & Sub 73, Interstate Contract Carrier Corp., now assigned September 11, 1973, will be held in Room 4, State Office Bldg., 65 South Front Street, Columbus, Ohio.

MC-119632 Sub 56, Reed Lines, Inc., now assigned September 13, 1973, will be held at 255 Federal Bldg. & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio.

MC-F-11758, Sun Investment, Inc.,—Purchase—Dieckbrader Express, Inc., now assigned September 17, 1973, will be held in Suite D, Christopher Inn, 300 East Broad Street, Columbus, Ohio.

MC 118468 Sub 33, Umthun Trucking Co., now being assigned hearing October 1, 1973 (3 days), in Room 286, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Chicago, Ill.

MC 117574 Sub 220, Daily Express, Inc., now assigned September 17, 1973, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

I & S NO. 8587, Soybeans & Wheat, Arkansas & Louisiana To Louisiana Ports, now assigned August 8, 1973, at Washington, D.C., postponed to August 9, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 116519 Sub 17, Frederick Transport, LTD, now assigned September 24, 1973, MC 107012 Sub 162, North American Van Lines, Inc., now assigned September 26, 1973, MC 113495 Sub 56, Gregory Heavy Haulers, Inc., now assigned October 4, 1973, will be held in Room 286, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Chicago, Ill.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16595 Filed 8-9-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 7, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before August 27, 1973.

FSA No. 42727—*Vinyl Chloride from Norco, Louisiana.* Filed by Southwestern Freight Bureau, Agent, (No. B-429), for interested rail carriers. Rates on vinyl chloride, in tank-car loads, as described in the application, from Norco, Louisiana, to specified points in eastern territory.

Grounds for relief—Market Competition.

Tariff—Supplement 22 to Southwestern Freight Bureau, Agent, tariff 12-H, I.C.C. No. 5043. Rates are published to become effective on September 5, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16596 Filed 8-9-73;8:45 am]

[Notice 106]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 6, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 647 (Sub-No. 9 TA) filed July 24, 1973 Applicant: EXHIBITORS SERVICE COMPANY 85 Helen Street McKees Rocks, Pa. 15136 Applicant's representative: William J. Lavelle 2310 Grant Building Pittsburgh, Pa. 15219 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and foodstuffs*, in vehicles equipped with mechanical refrigeration, between points in Allegheny County, Pa., on the one hand, and, on the other, Batavia, Bath, Buffalo and Canandaiqua, N.Y., for 180 days. SUPPORTING SHIPPER: North Pole Storage Co., 295 W. Steuben Street, Pittsburgh, Pa. 15205. SEND PROTESTS TO: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 2226 (Sub-No. 103 TA) filed July 26, 1973 Applicant: RED ARROW FREIGHT LINES, INC. P. O. Box 1897, 3901 Sequin Rd. San Antonio, Tex. 78206. Applicant's representative: Eugene C. Daniel (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between specified points in Texas, including points in all commercial zones as follows: (1) Between Dallas and Amarillo, serving Fort Worth, Wichita Falls and all intermediate points between Wichita Falls and Amarillo, as follows: (a) From Dallas over Interstate Highway 35 E to Denton and thence over U. S. Highway 380 to Decatur, from Dallas over Texas Highway 114 to Rhome and from Dallas over the Texas Turnpike Authority Toll Road to Forth Worth and thence over U. S. Highway 287 to Decatur, thence over U. S. Highway 287 to Amarillo, and return over the same route; (b) from Fort Worth over Texas Highway 199 to Jacksboro, thence over U. S. Highway 281 to Wichita Falls, and return over the same route; (2) Between Fort Worth and Lubbock, serving all intermediate points between Jacksboro and Lubbock, and the off-route point of Hurlwood west of Lubbock, as follows: From Fort Worth over Texas Highway 199 via Jacksboro to Seymour, thence over U. S. Highway 82 to Lubbock, and return over the same route; (3) Between Wichita Falls and Abilene, serving all intermediate points except Weinert, Haskell, points between Abilene and Stamford on U. S. Highway 277 and Albany, as follows: (a) From Wichita Falls over U. S. Highway 277 to Abilene, and return over the same route; (b)

[Notice 332]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 30, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74524. By order of August 3, 1973, The Motor Carrier Board approved the transfer to Miller Transportation, Inc., Worthington, Ohio, of Certificate of Registration No. MC-121046 (Sub-No. 2), issued June 28, 1965, to B. A. Miller & Sons Trucking, Inc., Liberty Center, Ohio, evidencing a right to engage in transportation in interstate commerce, corresponding in scope to Certificate of Convenience and Necessity Nos. 2845-I and 9153-I dated May 13, 1960, as reissued October 20, 1961, and transferred to B. A. Miller & Sons Trucking, Inc., November 27, 1964, issued by the Public Utilities Commission of Ohio. A. Charles Tell, 100 East Broad St., Columbus, Ohio, 43215, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16597 Filed 8-9-73;8:45 am]

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From Wichita Falls over Texas Highway 79 to Throckmorton, thence over U. S. Highway 283 to Albany, thence over U. S. Highway 180 to junction with Texas Highway 351, thence over Texas Highway 351 to Abilene, and return over the same route; (4) Between Jacksboro and Rule, serving all intermediate points except Haskell and those between Jacksboro and Graham, serving South Bend, Eliasville, Ivan and Woodson as off-route points, and serving Jacksboro as a point of joinder only, as follows: From Jacksboro over U. S. Highway 380 to Rule, and return over the same route; (5) Between Stamford and Benjamin, serving all intermediate points as follows:

From Stamford over Texas Highway 6 to junction Texas Highway 283, thence over Texas Highway 283 to Benjamin, and return over the same route; (6) Between Vernon and Hereford, serving all intermediate points and the off-route points of Fargo, Roaring Springs and Glenn, as follows: from Vernon over U. S. Highway 70 to Olton, thence over Farm-to-Market Road 168 to Hart, and from Plainview over Texas Highway 194 to Hart, thence over Texas Highway 194 to junction U. S. Highway 385, thence over U. S. Highway 385 to Hereford, and return over the same route; (7) Between Ralls and Estelline, serving all intermediate points as follows: From Ralls over Texas Highway 207 to Silvertone, thence over Texas Highway 86 to Estelline, and return over the same route; (8) Between Amarillo and Farwell, serving all intermediate points and the United States Helium Plant west of Amarillo as an off-route point, as follows: From Amarillo over U. S. Highway 60 to Farwell, and return over the same route; (9) Between Idalou and Plainview, serving all intermediate points and the off-route point of Peterburg, as follows: From Idalou over U. S. Highway 82 to junction Farm-to-Market Road 400, thence over Farm-to-Market Road 400 to Plainview, and return over the same route; (10) Between Wichita Falls and Sheppard Air Force Base and the Wichita Falls Airport and/or Kell Field, serving all intermediate points, as follows: From Wichita Falls over U. S. Highway 277 and 281 to their intersection with unnumbered county road to Sheppard Air Force Base and the Wichita Falls Airport and/or Kell Field, and return over the same route; (11) Between Olney and Newcastle, serving all intermediate points, as follows:

From Olney over Texas Highway 251 to Newcastle, and return over the same route; (12) Between Jean and intersection of Farm-to-Market Road 1769 and U.S. Highway 380, serving all intermediate points as follows: From Jean over Farm-to-Market Road 1769 to its intersection with U.S. Highway 380, and return over the same route; (13) Between Seymour and Throckmorton, serving all intermediate points, as follows: From Seymour over U.S. Highway 283 to Throckmorton, and return over the same route; and (14) Over alternate routes for operating convenience only, serving no intermediate points and serving the termini for purpose of joinder only, as follows: (a) From Canyon over U.S. Highway 87 to Plainview, and return over the same route. (b) From Matador over Texas Highway 70 to Dickens, and return over the same route. (c) From Childress over U.S. Highway 62 to Paducah, and return over the same route. (d) From Quanah over Farm-to-Market Road 104 to junction U.S. Highway 70, and return over the same route. (e) From Knox City over Texas Highway 222 to Munday, and return over the same route. (f) From Graham over Texas Highway 16 to junction U.S. Highway 281 near Antelope, and return over the same route. NOTE: Applicant proposes to tack and to interline with and at all existing operations under MC 2226 and Subs. for 180 days. SUPPORTED BY: There are approximately 358 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 301 Broadway Building, Room 206, San Antonio, Tex. 78205.

No. MC 3094 (Sub-No. 20 TA) filed July 27, 1973 Applicant: SERVICE MOTOR FREIGHT, INC., 133 East Atlantic Avenue Lawnside, N.J. 08045 and Mail: P.O. Box 36 Barrington, N.J. 08007 Applicant's representative: A. Charles Tell Columbus Center 100 East Broad Street Columbus, Ohio 43215 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Whippany, N.J., to points in New York and Pennsylvania, for 90 days. SUPPORTING SHIPPER: International Paper Company, 220 East 42nd Street, New York, N.Y. 10017. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 30844 (Sub-No. 471 TA) filed July 25, 1973 Applicant: KROBLIN REFRIGERATED XPRESS, INC. 2125 Commercial Street P.O. Box 5000 Waterloo, Iowa 50704 Applicant's representative: Paul Rhodes (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass rods, and glass tubing* (2) *glassware, glass containers, caps, covers, tops, stoppers, corrugated cartons and accessories for glassware and glass containers*. (1) From Millville and Vineland, New Jersey and Parkersburg, West Virginia to Syracuse, Nebraska and (2) From Millville, New Jersey to points in Colorado, Iowa, Minnesota, Missouri and Nebraska. SUPPORTING SHIPPERS: Wheaton Glass Co. Division of Weaton Industries, Wheaton Avenue, Millville, N.J. 08332. SEND PROTEST TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 44735 (Sub-No. 7 TA) filed July 2, 1973 Applicant: KISSICK TRUCK LINES, INC. 1600 Genessee P.O. Box 5687 Kansas City, Mo. 64102 Applicant's representative: Lucy Kennard Bell 910 Fairfax Building 101 West 11th St. Kansas City, Mo. 64105 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between Kansas City, Mo., on the one hand, and, on the other, points in Illinois, Iowa, Nebraska, Kansas and Oklahoma, for 180 days. SUPPORTED BY: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 107403 (Sub-No. 854 TA) filed July 23, 1973 Applicant: MATLACK, INC. 10 West Baltimore Avenue Lansdowne, Pa. 19050 Applicant's representative: John Nelson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic Acid*, in bulk, in tank vehicles. From Uncle Sam, La., to points in Texas and Oklahoma, for 180 days. SUPPORTING SHIPPERS: Thompson-Hayward Chemical Company, 5200 Speaker Road, P.O. Box 2383, Kansas City, Kans. 66110. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Wm. J. Green, Jr. Federal Bldg., 600 Arch. Room 3238, Philadelphia, Pa. 19106.

No. MC 107839 (Sub-No. 152 TA) filed July 27, 1973 Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC. 2121 East 67th Avenue Denver, Colo. 80216 Applicant's representative: Edward T. Lyons 1600 Lincoln Center Bldg. Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Grand Island, Nebr., to points in North Carolina, South Carolina, Georgia, Florida and Tennessee, for 180 days. SUPPORTING SHIPPER: Swift Fresh Meats Company, a Division of Swift & Company, 115 West Jackson Boulevard, Chicago, Ill. 60604. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 109649 (Sub-No. 16 TA) filed July 25, 1973. Applicant: L. P. TRANSPORTATION, INC., Gross & Main Sts., Chester, N.Y. 10918. Applicant's representative: Werner & Alfano 2 W. 45th

St., New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from Everett, Mass. to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont, for 180 days. SUPPORTING SHIPPERS: Suburben Propane, Box 206, Whippany, N.J. 07981. SEND PROTESTS TO: Joseph M. Barnini, District Supervisor, 518 New Federal Building, Interstate Commerce Commission, Bureau of Operations, Albany, N.Y. 12207.

No. MC 109689 (Sub-No. 250 TA), filed July 26, 1973. Applicant: W. S. HATCH CO. Off: 643 South 800 West, Woods Cross, Utah. 84087 and Mail: P.O. Box 1825, Salt Lake City, Utah. 84110. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah. 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Roosevelt, Utah, to Henderson, Nev., for 180 days. SUPPORTING SHIPPER: Sun Oil Company of Pennsylvania, P.O. Box 2039, Tulsa, Okla. 74102 (O. L. Knapp, Manager, Transportation). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 94138.

No. MC 111729 (Sub-No. 392TA) filed July 24, 1973 Applicant: PUROLATOR COURIER CORP. 2 Nevada Drive Lake Success, (NHP–PO) N.Y. 11040 Applicant's representative: John M. Delany (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material related thereto*, (excluding motion picture film used primarily for commercial theatre and television exhibition), (a) Between Fargo, N. Dak., on the one hand, and, on the other, points in South Dakota. (2) *Business papers, records, audit and accounting media of all kinds*, and *advertising material*, (a) Between Troy, N.Y. on the one hand, and, on the other, Darien, Greenwich, and Norwalk, Conn; (b) Between Atlanta, Ga., on the one hand, and, on the other, Montgomery, Ala., points in Tennessee, west of the Tennessee River, and points in Florida, Mississippi, and Virginia; (c) Between Indianapolis, Ind., and Youngstown, Ohio; (d) Between Peoria, Ill., on the one hand, and, on the other, points in Missouri, Ohio, and West Virginia; and (e) Between Chicago, Ill., on the one hand, and, on the other, points in Iowa, for 180 days. SUPPORTING SHIPPERS: (1) Western Film Service, 701 North University Avenue, Fargo, N. Dak.; (2) Precision Marketing Associates, Inc., 90 Heights Road, Darien, Conn.; (3) Jones & Laughlin Steel Corporation, Specialty Steel Division, 2301 S. Holt Road, Indianapolis, Ind.; (4) McDonnell Douglas, Automation Company, 1124 North Berkely Ave., Peoria, Ill.; (5) J. C. Penny Company, Inc., 1301 Avenue of the Americas, New York, N.Y.; and (6) Comsearch (Subsidiary of Computer Research, Inc.), 10 So. La Salle, Chicago, Ill. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 115273 (Sub-No. 12 TA) filed July 26, 1973 Applicant: ACME CARRIERS, INC. 216 3rd Street Brookyln, N.Y. 11215 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *common carrier*, by moter vehicle, over irregular routes, transporting: *Bom bodies*, from Garden City, N.Y., to Receiving Officer, Naval Ammunition Depot, McAlester, Okla., for 180 days. SUPPORTING SHIPPER: AMF Incorporated, 860 East Gate Blvd., Garden City, N.Y. 11530. SEND PROTESTS TO: Marvin Kampel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 116073 (Sub-No. 280 TA) filed July 26, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and buildings, complete or in sections, transported on wheeled undercarriages, from the plantsite of Festival Homes of Alabama, Inc., in Pickens County, Ala., to points in Mississippi, Tennessee, Kentucky, Georgia, Florida, Arkansas and Louisiana, for 180 days. SUPPORTING SHIPPER: Festival Homes of Alabama, Inc., 100 Fleetwood Drive, P.O. Box 628, Reform, Ala. 35481. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 118610 (Sub-No. 16 TA) filed July 24, 1973. (Applicant: L & B EXPRESS, INC., P.O. Box 137, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, Box 733, Court House, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, urethane and urethane products, composition board, insulation materials, building, construction, and paving materials and supplies, and related materials, supplies, and accessories incidental thereto* (except commodities in bulk in all instances), from the plantsite and warehouses of The Celotex Corporation at or near Lockland, Ohio, to points in Virginia, West Virginia, Kentucky and Tennessee, restricted to shipments originating at the facilities of The Celotex Corporation, for 180 days. SUPPORTING SHIPPER: David H. Wetzel, Traffic Manager, The Celotex Corporation, 1500 North Dale Mabry, Tampa, Fla. 33607. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 118831 (Sub-No. 104 TA) filed July 23, 1973 Applicant: CENTRAL TRANSPORT, INCORPORATED P.O. Box 5044, Unharrie Rd. High Point, N.C. 27263 Applicant's representative: Richard E. Shaw (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, (1) from points in North Carolina, to points in Alabama, Florida, and Georgia; and (2) from points in South Carolina, to points in Alabama and Florida, for 180 days. SUPPORTING SHIPPERS: Piedmont Chemical Industries, West Chester Drive, High Point, N.C. 27260 and Westvaco Corporation, 299 Park Ave., New York, N.Y. 10017. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 138880 (Sub-No. 1 TA) filed July 27, 1973 Applicant: RED RIVER TRANSPORT & DEVELOPMENT CO., INC., doing business as AIR FREIGHT EXPRESS P.O. Box 66 Hawley, Minn. 56549 Applicant's representative: Donald G. Luthi (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those that require special equipment), between Minneapolis-St. Paul International Airport, Minneapolis, Minn. and Cloquet, Minn.; Duluth, Minn.; Superior, Wis.; Eveleth, Minn.; Virginia, Minn. and Hibbings, Minn., and return, restricted to the transportation of shipments having an immediate or subsequent movement by air, for 180 days. SUPPORTING SHIPPER: There are approximately 25 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 138896 (Sub-No. 1 TA) filed July 25, 1973 Applicant: AJAX TRANSFER COMPANY 550 East Fifth Street South Box 2 South St. Paul, Minn. 55075 Applicant's representative: Samuel Rubenstein 301 N. 5th Street Minneapolis, Minn. 55403 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

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Meats, meat products and meat by-products, dairy products and articles distributed by meat packing houses, as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Minneapolis and St. Paul, Minn. and their commercial zones, to points in Gogebic, Houghton, Ontonagon, Marquette and Baraga Counties, Mich.; Adams, Ashland, Barron, Bayfield, Brown, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Douglas, Dunn, Eau Claire, Fond du Lac, Forest, Grant, Iron, Jackson, Juneau, La Crosse, Langlade, Lincoln, Marathon, Marquette, Monroe, Oneida, Outagamie, Pepin, Pierce, Polk, Portage, Price, Richland, Rusk, St. Croix, Sauk, Sawyer, Shawano, Taylor, Trempealeau, Vernon, Vilas, Washburn, Waupaca, Waushara, Winnebago, and Wood Counties, Wis., for 180 days. SUPPORTING SHIPPERS: There are approximately 18 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg., 110 S. 4th St., Minneapolis, Minn. 55401.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16594 Filed 8-9-73;8:45 am]

[No. 35865]

SOYBEAN MEAL, IOWA, MINNESOTA, MISSOURI, AND NEBRASKA TO LAKE PORTS

Directing Modified Procedure Regarding Export

It is ordered; That this proceeding be handled under modified procedure; the filing and service of pleadings to be as follows: (a) Opening statement of facts and argument by respondent(s) and any parties supporting respondent(s) on or before 20 days from the service date of this order; (b) 30 days after that date, statement of facts and argument by protestant(s) and any supporting parties; and (c) reply by respondent(s) and any supporting parties 10 days thereafter.

And it is further ordered; That protestant(s) shall timely advise respondent(s) and this Commission of the identity, including addresses, of the individuals composing the protestant's(s') defense committee, if any, together with an indication of the number of copies of respondent's(s') statement which are desired, and to whom the copies are to be sent.

Dated at Washington, D.C., this 18th day of July, 1973.

By the Commission.[1]

[SEAL] ROBERT L. OSWALD, *Secretary.*

REPRESENTATIVES OF THE PARTIES

John E. Harvey (Protestant)
Archer Daniels Midland Company
4666 Faries Parkway
Decatur, IL 62526
Louis T. Duerinck (Respondent)
Chicago and North Western Transportation Company
400 W. Madison St.
Chicago, IL 60606.

[FR Doc.73-16600 Filed 8-9-73;8:45 am]

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[1] Virginia Mae Brown presiding.

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federal register

FRIDAY, AUGUST 10, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 154

PART II



DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to General Wage Determination Decisions

General wage determination decisions. General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary's of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes these procedures to be impractical and contrary to the public interest.

General Wage determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

Modifications to general wage determination decisions. Modifications to General Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Alabama:	
AP–1105	June 23, 1973
Kentucky:	
AP–170; AP–171	Mar. 23, 1973
AP–188	Apr. 20, 1973
AP–189	May 18, 1973
AP–194	May 25, 1973
Louisiana:	
AQ–8	July 27, 1973
New Jersey:	
AP–809; AP–810	May 11, 1973
AP–826; AP–827; AP–829	May 18, 1973
Tennessee:	
AP–193	May 25, 1973
Texas:	
AP–725; AP–726; AP–728	Apr. 27, 1973
Virginia:	
AP–499	Mar. 30, 1973
AP–833	May 25, 1973
AP–856	June 22, 1973
AP–858	June 29, 1973

Supersedeas decisions to general wage determination decisions. Supersedeas Decisions to General Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decision being superseded):

Maryland:	
AP–842(AQ–2004)	June 1, 1973
North Dakota:	
AQ–1001(AQ–1011)	July 20, 1973
New Mexico:	
AQ–9(AQ–18)	July 27, 1973
Washington, D.C.:	
AP–823(AQ–2005)	May 18, 1973
Wyoming:	
AM–2476(AQ–1010)	Aug. 27, 1971
AP–250(AQ–1009)	Nov. 10, 1972

Signed at Washington, D.C., this 3d day of August 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage and Hour Division.

Modifications P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-170 - Mod. #3 (38 FR 7735 - March 23, 1973) Boyd County, Kentucky						
Change:						
Plumbers and steam fitters:						
Within a 5-mile radius of 17th Street and Winchester Ave., Ashland	$7.40	.35	.75	c+1.00	.10	
Over 5-mile and within 15-mile radius of 17th and Winchester Ave., Ashland	7.60	.35	.75	c+1.00	.10	
Over 30-mile radius of 17th Street and Winchester Ave., Ashland	7.90	.35	.75	c+1.00	.10	
Sprinkler fitters	9.30	.30	.50		.05	
Add:						
Plumbers and steam fitters: Over 15-mile and within 30-mile radius of 17th & Winchester Ave., Ashland	7.80	.35	.75	c+1.00	.10	
DECISION #AP-171 - Mod. #2 (38 FR 7738 - March 23, 1973) Jefferson County, Kentucky						
Change:						
Asbestos Workers	8.85	.30	.20			
Marble, tile and terrazzo workers' helpers	6.85	.33	.50	.77	.07	
Plumbers	8.55	.30	.50		.05	
Sprinkler fitters	9.30	.30	.50	.60	.07	
Steamfitters	8.65	.25	.60			
DECISION #AP-188 - Mod. #3 (38 FR 9935 - April 20, 1973) McCracken County, Kentucky						
Change:						
Plasterers	6.51			.25	.01	
Roofers	5.90		.10		.03	
Sprinkler fitters	9.30	.30	.50		.05	

Modifications P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-105 - Mod. #2 (38 FR 16597 - June 23, 1973) Jefferson County, Alabama						
Change:						
Building Construction:						
Carpenters and Soft Floor Layers	$6.55	.30	.20		.04	
Piledrivermen	6.75	.30	.20		.04	

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Modifications P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-189 - Mod. #1 (38 FR 13243 - May 10, 1973) Warren County, Kentucky						
Change:						
Plumbers	$8.55	.33	.50	.77	.07	
Steam fitters	8.65	.30	.60	.60	.07	
Add:						
Sprinkler fitters	9.30	.30	.50		.05	
DECISION #AP-194 - Mod. #1 (38 FR 13926 - May 25, 1973) Fayette County, Kentucky						
Change:						
Asbestos Workers	$8.85	.30	.20			
Carpenters:						
Carpenters	7.85	.30	.30		.02	
Millwrights	8.35	.30	.30		.02	
Pilotrivermen	8.35	.30	.30		.02	
Sprinkler fitters	9.30	.30	.50		.05	
Add:						
Roofers	4.90	.20				

Modifications P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AO-8 - Mod. 31 (38 FR 20204 - July 27, 1973) Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes, Louisiana						
Change:						
Plasterers:						
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge and West Feliciana Parishes	$6.035				.01	

Modifications P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-809 - Mod. #1 (38 FR 12561 - May 11, 1973) Atlantic and Cape May Counties, New Jersey						
Change:						
Carpenters, millwrights and insulators	$9.37	.30	6%		.02	
DECISION #AP-810 - Mod. #1 (38 FR 12567 - May 11, 1973) Bergen County, New Jersey						
Change:						
Carpenters & Insulators:						
City of Garfield; Lodi and Wallington Boroughs:						
Carpenters	$9.29	6%	6%		.02	
Millwrights	9.54	6%	6%		.02	

Modifications P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-826 - Mod. #1 (38 FR 13252 - May 18, 1973) Essex County, New Jersey						
Change:						
Carpenters, Insulators & millwrights:						
Remainder of County	$9.29	6%	6%		.02	
Laborers (Building):						
Millburn	6.95	.40	.35			
Painters:						
Brush	7.80	.42	.50	.10	1	
Structural steel & tanks under 30'	7.95	.42	.50	.10	1	
Structural steel & tanks 30' & over	8.40	.42	.50	.10	1	
Bridges, TV, radio, water towers & stacks	8.40	.42	.50	.10	1	

FOOTNOTE:
1. Employer contributes $.25 per hour to employees employed one year and $.30 per hour to employees employad two years.

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Modifications P. 7

DECISION #AP-827 - Mod. #1
(38 FR 13258 - May 18, 1973)
Mercer County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Carpenters and insulators:						
Lawrenceville, Clarksville, Dutch Neck, Crover's Mill, Princeton Jct.,	9.29	6%	6%		.02	
Penns Neck, Princeton & Fort Mercer	9.29	6%	6%		.02	
Millwrights						
Remainder of County:						
Carpenters & Insulators	9.20	.50	.55		.02	
Millwrights	9.20	.50	.55		.02	
Ironworkers:						
Structural, ornamental & reinforcing	8.63	.47	1.03	10%	.05	
Omit:						
Laborers, Asphalt						
Add:						
Laborers Asphalt						

AP-827 Mod. #1

Modifications P. 8

N.J. (AP-827-1)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Laborers, Asphalt						
Street:						
Head raker	$6.55	.41	.59	a		
Rakers and screed board man	6.40	.41	.59	a		
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.15	.41	.59	a		
Plant:						
Scale mixers and burner men	6.40	.41	.59	a		
Feeders and dust men	6.15	.41	.59	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holiday falls or is observed as such.

Modifications P. 9

DECISION #AP-829 - Mod. #1
(38 FR 13272 - May 18, 1973)
Burlington County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Carpenters, Insulators & Millwrights:						
Bordentown	$9.20	.50	.55		.02	
Laborers, Building:						
Remainder of County:						
Construction laborers	6.65	.35	.30			
Brick tenders, mortar mixers	6.80	.35	.30			
Scaffold builders (brick)	6.80	.35	.30			
Hod carriers (brick), power tool operator	6.80	.35	.30			
Barco tamper op., jackhammer op.	7.05	.35	.30			
Motorized buggy operator, burners	6.925	.35	.30			
Nozzle men (gunite)	6.925	.35	.30			
Plasterers' and lathers' tenders	7.20	.35	.30			

Modifications P. 10

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-193 - Mod. #3						
(38 FR 14075 - May 25, 1973)						
Shelby County, Tennessee						
Change:						
Building Construction:						
Carpenters, Piledrivermen, and Soft Floor Layers	$7.30	.30	.20		.04	
Plasterers	7.25				.01	

MUX

Modifications P. 11

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-725 - Mod. #5 (38 FR 10597 - April 27, 1973) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas						
Change:						
Line Construction:						
Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:						
Lineman	$6.90	.25	1%			
Groundman, more than 1 year experience	4.63	.25	1%			
Groundman, less than 1 year experience	4.04	.25	1%			
Operator-hole digger, line truck	5.38	.25	1%			
Flat bed truck driver	4.04	.25	1%			
Childress County:						
Lineman	7.90		1%		1/2%	
Cable splicer	8.69		1%		1/2%	
Lineman operator	7.90		1%		1/2%	
Groundman, 1st 6 months	4.74		1%		1/2%	
Groundman, 2nd 6 months	5.14		1%		1/2%	
Groundman, 1 year & over	5.53		1%		1/2%	
DECISION #AP-726 - Mod. #6 (38 FR 10600 - April 27, 1973) Lubbock County, Texas						
Change:						
Building Construction:						
Ironworkers:						
Structural; Ornamental; Reinforcing:						
All ironworkers on jobs (30) miles or more from the city of Lubbock	6.505	.40	.50		.10	

Modifications P. 12

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-728 - Mod. 96 (38 FR 10600 - April 27, 1973) Nueces County, Texas						
Change:						
Building Construction:						
Laborers:						
Mason tenders, plasterers tenders, tile setters tenders, concrete & mortar mixers, pipelayers, lathers tenders, finish carpenters tenders, slip form operators tenders, scaffolding waterproofers tenders, cement finishers tenders	$3.60	.15				

Modifications P. 13

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Decision #AP-833 - Mod. #2 (38 FR 14078 - May 25, 1973) The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia.						
CHANGE:						
Cement Masons:						
Cement masons	$5.30					
Machine & scaffold men	5.40					
Sprinkler Fitters	7.57	.30	.50		.05	
OMIT:						
Power Equipment Operators Schedule Building Construction as Orignally Issued.						
ADD:						
Power Equipment Operators Schedule Building Construction.						

Modifications P. 14

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
HEAVY DUTY OPERATORS					
Tunnel machine, cranes, derricks, pile drivers, pavers, two or more drum hoist, finish motor grader, mechanic, batch plant, gradall, quad	$6.675	.225	.10		.05
MEDIUM DUTY OPERATORS					
Cableways, tractors with attachments, combiantion front end loader and backhoe, front end loader, rubber tired scraper and pans, rough motor grader, 20-ton locomotive, bulldozers, pump crete, trenching machine, mixer larger than 16'S, fork lift	5.34	.225	.10		.05
LIGHT DUTY OPERATORS					
Compressor over 125 cu. ft., bottom and end dumps, tractors without attachments, 1 drum hoist, rollers, welding machines (gas or diesel), locomotive under 20-tons power plant, generator (1200 KW or larger), pumps (over 2 inches, including welpoints), A-frame trucks, trucks, mechanic's helper	4.505	.225	.10		.05
Fireman	4.34	.225	.10		.05
Oilers	4.17	.225	.10		.05

XUM

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Decision #AP-858 - Mod. #2 (38 FR 17390 - June 29, 1973) Montgomery and Prince Georges Counties, Maryland; City of Alexandria, Virginia; Arlington and Fairfax Counties, Virginia and Dulles International Airport						
CHANGE:						
Boilermakers - Blacksmiths	$8.20	.30	.70	.35	.01	
Plumbers	8.96	.50	.50		.15	
Roofers:						
Composition	7.12	.39	.20			
Slate, tile, mopmen, water-proofers, sprayers, spandrel & ironite	7.65	.39	.20			
Helpers	5.19	.39	.20			
Decision #AP-856 - Mod. #3 (38 FR 16612 - June 22, 1973) Baltimore City and Baltimore County, Maryland						
CHANGE:						
Asbestos Workers	7.85	.50	.40		.02	
Boilermakers-Blacksmiths	8.20	.30	.70	.35	.01	
Line Construction:						
Linemen, Cable Splicer	8.95	.25	1%		½%	
Groundman (experienced)	5.70	.25	1%		½%	
Decision #AP-499 - Mod. #5 (38 FR 8410 - March 30, 1973) Henrico County and the City of Richmond, Virginia						
CHANGE:						
SPRINKLER FITTERS	7.57	.30	.50		.05	

SUPERSEDES DECISION

STATE: Maryland
DECISION NO. AQ-2004
Supersedes Decision No. AP-842, dated June 1, 1973, in 38 FR 14503.
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4-stories) Heavy Construction (excluding Sewer and Water Line Construction), and Highway Construction.

COUNTY: Anne Arundel
DATE: Date of Publication

BUILDING & HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	7.85	.30	.40		.02	
Boilermakers	8.20	.30	.70	.35	.01	
Bricklayers:						
From Laurel to Bodkin Point including Ft. Meade but excluding the D. C. Training School	8.75	.40	.50		.07	
Remainder of County	8.95			j		
Carpenters:						
All areas north of a line starting at Priest Bridge and continuing northeast to Benfield, Pasadena, Arminger and Ft. Smallwood	7.49	.44	.40		.05	
Remainder of County	8.12	.30	.34		.07	
Cement masons:						
North of and including Benfield, Arminger and Pasadena but excluding the D. C. Training School	8.62	.25	.30			
The D. C. Training School	8.80	.225	.28		.05	
Remainder of County	8.95			j		
Electricians	8.50	.50	1%+.20		½ Of 1%	
Elevator Constructors	7.92	.195	.20	k+a&b	.005	
Elevator Constructors' Helpers	5.45	.195	.20	k+a&b	.005	
Elevator Constructors' Helpers (Prob.)	3.96					
Glaziers:						
Glaziers	6.85	.15	.10			
Swinging Scaffold or Bosuns' chair	7.05	.15	.10			
Ironworkers:						
Structural, Ornamental, Rodmen & Finishers	7.96	.60	1.05		.03	
Sheeters	8.21	.60	1.05		.03	
Pre-cast & pre-stress erectors	7.96	.60	1.05		.03	
Laborers:						
Unskilled	5.40	.20	.225		.025	
Hod carriers	5.50	.20	.225		.025	
Plasterers' laborers	5.55	.20	.225		.025	
Power tool operator	5.50	.20	.225		.025	
Pipelayers	5.60	.20	.225		.025	
Mason Drill operator	5.65	.20	.225		.025	
Lathers	8.39		.35		.01	
Lead Burners	8.95	.30			.01	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Groundmen (experienced)	5.70	.25	1%		½of1%	
Marble Setters:						
From Laurel to Bodkin Point including Ft. Meade but excluding the D. C. Training School	8.75	.40	.50		.07	
Remainder of County	8.95					
Millwrights:						
All areas north of a line starting at Priest Bridge & continuing northeast to Benfield, Pasadena, Arminger & Ft. Smallwood	7.49	.44	.40		.05	
Remainder of County	8.26	.30	.34		.07	
Painters:						
Brush	6.095	.65	.30	.20	.05	
Structural steel, spray (steel), steam cleaning & sandblasting	6.60	.65	.30	.20	.05	
Spackling, taping & wall coverings	6.245	.65	.30	.20	.05	
Spray (except steel)	6.345	.65	.30	.20	.05	
Piledrivermen:						
All areas north of a line starting at Priest Bridge and continuing northeast to Benfield, Pasadena, Arminger and Ft. Smallwood	7.49	.44	.40		.05	
Remainder of County	8.265	.30	.34		.07	
Plasterers:						
The D. C. Training School	8.265	.45	.25		.06	
Remainder of County	8.95			j		
Plumbers	8.28	.35	.35		.05	
Roofers:						
Roofers, damp & waterproofers	5.55	.35	.30			
Mopmen, slate & tile, asbestos & asphalt	6.00	.35	.30			
Sheeter, precast & wood block	6.35	.35	.30			
Sheet Metal Workers	8.17	.55	.50		.05	
Soft Floor Layers:						
All areas north of a line starting at Priest Bridge & continuing northeast to Benfield, Pasadena, Arminger & Ft. Smallwood	7.49	.44	.40		.05	
Remainder of County	8.12	.30	.34		.07	
Sprinkler Fitters	9.05	.30	.50		.05	
Steamfitters	7.91	.45	.60		.06	
Stonemasons:						
From Bodkin Point including Ft. Meade but excluding the D. C. Training School	8.75	.40	.40		.07	
Remainder of County	8.95			j		
Terrazzo Workers:						
Northern part of County from Laurel to Bodkin Point including Ft. Meade but excluding the D. C. Training School	6.99	.40	.40		.04	
The D. C. Training School	8.31	.40	.30			
Remainder of County	8.95			j		

XUM

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Terrazzo Workers' Helpers:						
The D. C. Training School	7.10	h	.20			
Remainder of County	5.675	.125	.20			
Tile Setters:						
Northern part of County from Laurel to Bodkin Point including Ft. Meade but excluding the D. C. Training School	6.99	.40	.40		.04	
The D. C. Training School	8.31	.40	.30			
Remainder of County	8.95			j		
Tile Setters' Helpers:						
The D. C. Training School	7.10	h	.20			
Remainder of County	5.675	.125	.20			
Truck Drivers:						
Goose-necks, drop frame trailers	6.75	d	e	f+g		
All "A" Frames, winch trucks, fork lift and trailers	6.55	d	e	f+g		
Flat-beds and pick-ups	6.10	d	e	f+g		
Helpers	5.80	d	e	f+g		
Mixer trucks with agitator of 12 yds. capacity	4.60		e	f+g		
Mixer trucks with agitator over 12 yds. capacity	5.00		e	f+g		
Euclid wagons and dumpsters	5.20		e	f+g		
Dump trucks	4.92		e	f+g		
Truck Drivers: (Excavation):						
Dump truck	5.31	.35	.30	f+K		
Euclid wagon and dumpster	5.62	.35	.30	f+K		
Drop - frame, goose-neck and trailer	5.31	.35	.30	f+K		
Pick-up	5.13	.35	.30	f+K		
Helpers	5.18	.35	.30	f+K		
Welders - receive rates prescribed for craft performing operation to which welding is incidental.						

BUILDING & HEAVY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2 Basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Plus Washington's Birthday, Good Friday and Christmas Eve (provided employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Employer contributes $.25 per hour not to exceed 40 hours per week.

e. Employer contributes $.20 per hour not to exceed 40 hours per week.

f. One week's paid vacation after employee has worked 125 days in the contract year.

g. Holidays: A through F; plus the employee's birthday; Day after Thanksgiving Day and Christmas Eve, (provided the employee has worked one day and has been available for work during the holiday week.)

h. $37.92 per man per month.

j. One paid holiday: Christmas Day.

K. Employee with 1 year of service - 1 weeks vacation; 2 years of service - 2 weeks vacation; 10 years of service - 3 weeks vacation (providing employee has worked 100 days in the contract year).

NOTICES

BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Backfiller, backhoe, concrete mixing plants, scale type batching plants, cableway, derrick, derrick boat, boat captain, dragline, elevating grader, excavating scoop (25 yds., and over), hoist (2 active drums or more), pile driving machine, tower crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, Eimco type overhead loader, Whirley rig, welder, concrete paver, double concrete pump, front end loader (1 - 3/4 yds., and over), multiple conveyor, Mighty midget with compressor, repair mechanic, twin engine scraper, Gradall	$7.93	.50	.50	a	.07	
Compressors (2 or more), conveyors (2 or more), space heaters, over 4 welders (more than 6, another man), well point system	7.37	.50	.50	a	.07	
Tractor with attachment (2 or more), autopatrol type grader	7.48	.50	.50	a	.07	
Concrete mixer, concrete pump, one drum hoist, elevator operator, narrow gauge locomotive, stone crusher, hi-lift, fork lift	7.14	.50	.50	a	.07	
Front end tractor loader (under 1-3/4 yds.), bulldozer	7.25	.50	.50	a	.07	
Single compressor, grout pump, power roller, pumps, well drill, engine driven welders (up to 4), space heaters (up to 4), steam hammer, pile extractor, conveyor	6.62	.50	.50	a	.07	
Excavating scoop (under 25 yds.), caterpillar type tractor	6.97	.50	.50	a	.07	
Finishing machine, bull float, sub grader, longitudinal float, screeding machine, concrete spreader, asphalt spreader	6.80	.50	.50	a	.07	
Fireman, truck crane oiler, grease truck, fuel truck	6.30	.50	.50	a	.07	
Wheel tractor	6.09	.50	.50	a	.07	
Oiler, deck hand, mechanic's helper	5.98	.50	.50	a	.07	

HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F.

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Carpenters	$4.73					
Cement masons	4.90					
Ironworkers	4.25					
Laborers:						
Laborers	3.00					
Air tool op.(jackhammer, vibrator)	3.70					
Asphalt rakers	3.75					
Hydro seeder	3.25					
Mulch blower	3.00					
Truck drivers	3.00					
Power Equipment Operators:						
Bulldozer	3.40					
Crane	4.25					
Gradall	4.32					
Grader	4.75					
Loader	4.25					
Mechanics	4.16					
Paver	4.08					
Roller	4.25					

NOTICES

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SUPERSEDEAS DECISION

STATE: New Mexico
Decision No. AQ-18
Supersedeas Decision No. AQ-9 dated July 27, 1973 in 38 FR 20219
DESCRIPTION OF WORK: Street, Highway, Utility, and Light Engineering Construction.

COUNTY: Statewide
Date: Date of Publication

(1-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:	$4.57	.10	.20	.10	.04	
Carpenters	4.72	.10	.20	.10	.04	
Power saw operator-saw filer	4.82	.10	.20	.10	.04	
Millwright, & piledriver	4.94	.26				
Cement masons						
Ironworkers:	4.58	.25	.25			
Reinforcing	6.53	.35	.50			
Structural						
Painters:	4.57					
Brush	4.33					
Spray						
Laborers:						
Unskilled:						
Carpenter tenders; carpenter tender; concrete buggy operator (hand); concrete workers	2.56	.20	.15			
Wagon, air track, drill & diamond drillers' tender (outside)	2.71	.20	.15			
Air & power tool man; asphalt raker; batching plant sealeman; tenderers (to cement mason & plasterer); chain sawman; concrete power buggyman; concrete touchupman; concrete sawman; curbing machine; asphalt or cement; cutting torchman; metal form setter-road; grade setter; hod carrier; mortar mixer & mason tender; powderman or blaster helper; sand-blaster; scaler; vibrator-man (hand type); vibratory compactor (hand type)	2.86	.20	.15			
Gunite pumpcreteman & nozzleman; multiplate setter	3.16	.20	.15			
Wagon, air track, drill & diamond driller (Outside)	2.86	.20	.15			
Manhole builder	3.36	.20	.15			
Pipelayer	3.16	.20	.15			
Powderman - blaster - makeup	3.31	.20	.15			
Power Equipment Operators:	4.25	.15	.10		.01	
Concrete paving curing machine						
[illegible] vibrator; concrete [illegible] joint or saw machine; concrete paving sub grader	5.03	.15	.10		.01	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators Cont'd.						
Belt type conveyors (material & concrete); Broom (self-propelled); fork lift; grease truck operator; head oiler; hydro lift; tractor (under 50 drawbar H.P. with attach.)	$4.45	.15	.10		.01	
Tractor with backhoe attachment	5.00	.15	.10		.01	
Subgrade or base finisher	5.03	.15	.10		.01	
Concrete slip-form paving machine	5.25	.15	.10		.01	
Asphalt distributor; asphalt paving or lay down machine; asphalt retort heater; batch or continous mix plant (concrete, soil-cement or asphalt); Mixer, heavy duty, asphalt or soil cement; motor grader; tractor (50 drawbar H.P. or over); trenching machine; clam type shaft mucker	5.05	.15	.10		.01	
Concrete paving finishing machine; concrete paving longitudinal float; gunnite machine; jumbo form or drilling stage slusher	5.25	.15	.10		.01	
Concrete paver mixer; hoist (2 drums & over); side boom	5.20	.15	.10		.01	
Derrick, cableway	5.61	.15	.10		.01	
Traveling crane, piledriver	5.20	.15	.10		.01	
Mine hoist	5.40	.15	.10		.01	
Mucking machine	5.40	.15	.10		.01	
Backhoe, clamshell, dragline, gradall, shovel:						
Under 3/4 cy	5.05	.15	.10		.01	
3/4 cy to 3 cy	5.20	.15	.10		.01	
Over 3 cy	5.40	.15	.10		.01	
Bulldozer; elevating grader or belt loader; roller (steel wheel); scraper operator	5.05	.15	.10		.01	
Bulldozer (multiple units); scraper (multiple units)	5.40	.15	.10		.01	
Concrete paving spreader	5.25	.15	.10		.01	
Pumpcrete machine	5.25	.15	.10		.01	
Cranes (crawler or mobile):						
Under 20 ton	5.05	.15	.10		.01	
20 ton to 40 ton	5.20	.15	.10		.01	
Over 40 ton	5.40	.15	.10		.01	
Air compressor (300 CFM & over); crushing screening & washing plants; drilling machine (cable, core or rotary); mixer, concrete [illegible] (1 drum); industrial locomotive motorman; lumber stacker	5.05	.15	.10		.01	

10-New Mexico 3-0 (3-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators Cont'd.						
Front End Loader:						
1-½ cy or less	$4.45	.15	.10		.01	
Over 1-½ cy to 6 cy	5.05	.15	.10		.01	
Over 6 cy	5.20	.15	.10		.01	
Industrial locomotive brakeman; tractor (under 50 drawbar HP without attachments); Fireman; other; screedman	4.45	.15	.10		.01	
Mechanic and/or welder	5.08	.15	.10		.01	
Mixer, concrete (over 1 cy)	5.20	.15	.10		.01	
Grout pump operator	5.25	.15	.10		.01	
Power plant (electrical generator or welding machine)	5.00	.15	.10		.01	
Roller (pull type)	4.55	.15	.10		.01	
Mulching machine; roller (self-propelled)	4.55	.15	.10		.01	
Mile operator	6.70	.15	.10		.01	
Pipemobile operator	6.70	.15	.10		.01	
Belt loader (CMI type operator); Pipemobile operator assistant	5.90	.15	.10		.01	
Truck Drivers:						
Distributor (asphalt)	4.18	.26				
Dumpster or dumptor	4.26	.26				
Dump or batch truck:						
Under 8 cy	3.97	.26				
8 cy and under 16 cy	4.07	.26				
16 cy and under 20 cy	4.21	.26				
20 cy and over	4.26	.26				
Diesel-powered transport (non-self-loading) 10 yds. & over	4.49	.26				
Flatbed:						
1-½ ton or under	3.97	.26				
Over 1-½ ton	4.12	.26				
Lumber carrier	4.00	.26				
Lowboy, heavy equipment	4.59	.26				
Lowboy, light equipment	4.21	.26				
Off-highway hauler	4.24	.26				
Pick-up truck 3/4 ton or under	3.82	.26				
Service station attendant	3.86	.26				
Spreader box	3.91	.26				
Spreader box (self-propelled)	4.15	.26				
Swamper or rider helper	3.78	.26				
Tank Truck:						
3,000 gal. or under	3.67	.26				
3,001 gal. to 6,000 gal.	3.77	.26				
6,001 gal. & over	3.87	.26				
Teamster, 2 or 4 or more	3.40	.26				
Trailer or semi-trailer dump	3.96	.26				
Transit mix	3.83	.26				
Warehouseman	3.55	.26				

LINE CONSTRUCTION - NEW MEXICO

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BERNALILLO COUNTY						
LINE CONSTRUCTION (NEW MEXICO-A)						
CABLE SPLICERS	$7.16	.25	1%		1/2%	
LINEMEN	6.66	.25	1%		1/2%	
TECHNICIANS	6.66	.25	1%		1/2%	
EQUIPMENT OPERATORS	6.34	.25	1%		1/2%	
EQUIPMENT MECHANICS	5.81	.25	1%		1/2%	
POWDERMEN	5.81	.25	1%		1/2%	
GROUNDMEN & JACKHAMMER OPERATORS:						
1st 6 months	3.52	.25	1%		1/2%	
2nd 6 months	4.00	.25	1%		1/2%	
Experienced	4.67	.25	1%		1/2%	
STATEWIDE (EXCEPT BERNALILLO COUNTY)						
LINE CONSTRUCTION (NEW MEXICO-B)						
CABLE SPLICERS	7.82	.25	1%		1/2%	
LINEMEN	7.29	.25	1%		1/2%	
TECHNICIANS	7.29	.25	1%		1/2%	
EQUIPMENT OPERATORS	6.93	.25	1%		1/2%	
EQUIPMENT MECHANICS	6.34	.25	1%		1/2%	
POWDERMAN	6.34	.25	1%		1/2%	
GROUNDMEN & JACKHAMMER OPERATORS:						
1st 6 months	3.85	.25	1%		1/2%	
2nd 6 months	4.37	.25	1%		1/2%	
Experienced	5.11	.25	1%		1/2%	

XUM

SUPERSEDEAS DECISION

STATE: North Dakota

COUNTIES: Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward

DATE: Date of Publication

DECISION NUMBER: AQ-1,011
Supersedes Decision Number AQ-1,001 dated July 20, 1973, in 38 FR 19650
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS (Except Walsh County)	$7.19	.35	.35		.02	
BOILERMAKERS (Except Walsh County)	8.25	.30	1.00			
BRICKLAYERS; Stonemasons:						
Burleigh and Morton Counties	6.75		.15			
Grand Forks, Steel and Walsh Counties	8.00		.15			
Cass and Richland Counties	7.50	.40	.15	.30		
Ward County	6.85		.15		.02	
CARPENTERS:						
Burleigh and Morton Counties						
Carpenters	5.75					
Piledrivermen	5.875					
Grand Forks, Steele (Northern half), and Walsh Counties						
Carpenters	6.35				.02	
Piledrivermen	6.58				.02	
Millwrights	6.73				.02	
Cass, Richland, and Steele (Southern half) Counties						
Carpenters	6.56		.25			
Ward County						
Carpenters	6.28					
Piledrivermen	6.76					
Millwrights	6.51					
CEMENT MASONS:						
Grand Forks and Steel Counties	5.65		.15			
Cass and Richlands Counties	6.45					
Ward County	5.00					
ELECTRICIANS:						
Cass, Grand Forks, Richland, and Steel Counties (Grand Forks-Fargo-West Fargo-Valley City):						
Zone A (0-15 miles from all cities-0-5 miles from Grafton)	7.15	.20	1%	6%	1¾%	
Zone B (15-30 miles)	7.77	.20	1%	6%	1¾%	
Zone C (over 30 miles from Grand Forks-Fargo-West Fargo-Valley City)	8.15	.20	1%	6%	1¾%	
Burleigh and Morton Counties (From Main P. O. in Bismark-Mandan)						
Electricians (0-12 miles)	7.00	.20	1%	6%	1¾%	
Cable splicers (0-12 miles)	7.40	.20	1%	6%	1¾%	
Electricians (over 12 miles)	8.00	.20	1%	6%	1¾%	
Cable splicers (over 12 miles)	8.40	.20	1%	6%	1¾%	

ELECTRICIANS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Ward County						
Electricians (within 12 miles radius of Minot Post Office)	$7.00	.20	1%	6%	1¾%	
Electricians (over 12 miles radius beyond Minot Post Office)	8.00	.20	1%	6%	1¾%	
Cable splicers (within 12 miles radius of Minot Post Office)	7.40	.20	1%	6%	1¾%	
Cable splicers (over 12 miles radius beyond Minot Post Office)	8.40	.20	1%	6%	1¾%	
ELEVATOR CONSTRUCTORS (Except Walsh Co.)	8.17	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Structural; Reinforcing	7.60	.30	.23		.02	
PAINTERS:						
Cass, Grand Forks, Richland and Steel Counties						
Brush; Roller; Paperhangers	6.45				.01	
Sandblasting; Structural	6.70				.01	
Spray	6.95				.01	
Burleigh and Morton Counties						
Brush	5.05					
Spray	5.35					
Ward County						
Brush	4.55					
Spray	4.90					
PLASTERERS:						
Grand Forks and Steel Counties	6.20		.15			
Ward County	5.50					
Cass and Richland Counties	7.70					
PLUMBERS:						
Cass, Grand Forks, Richland, Steele and Walsh Counties	7.09	.38	.15	.28	.005	
Burleigh and Morton Counties	7.40		.25		.01	
Ward County	7.36		.25		.04	
ROOFERS:						
Cass and Richland Counties	5.20					
SHEET METAL WORKERS:						
Burleigh, Grand Forks, Morton, Steel and Ward Counties	8.95					
Cass, and Richland Counties	6.65					
SOFT FLOOR LAYERS:						
Cass and Richland Counties	5.25	.20				
SPRINKLER FITTERS (Except Walsh County)	7.20	.30	.50		.05	

FOOTNOTE:
a. Employer credits 2% basic hourly rate for employee with 6 months to 5 years' service, 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Grand Forks and Steele Counties						
Laborers; Concrete dumpman	$4.85					
All power tool operators (under the laborers' jurisdiction); Brick and plaster tenders; Cutting torch for demolition	5.00					
Hod carriers; Non-metallic pipelayers; Gas line wrapping or taping (distribution only)	5.20					
Burleigh and Morton Counties						
Common laborers; Concrete bucket man; Brick and plaster tenders; All power tools (under the laborers' jurisdiction); Mortar mixers; Hod carriers; Non-Metallic pipelayers; Gas line wrapping or taping	4.17					
Cass and Richland Counties						
Laborers; Concrete dumpman	4.40					
Jackhammer; Mortar mixer; Plasterers and brick tenders; Power tool operators	4.55					
Ward County						
Laborers; Concrete bucket dumpman	4.40					
Mortar mixers; Plaster tenders; Cutting torch for demolition; All power tool operators (under laborers' jurisdiction)	4.50					
Non-metallic pipelayers; Gas line wrapping or taping (distribution only)	4.65					
Walsh County	2.75					

1-WO. DAK-LAB 2-3 1

Site Preparation Excavation and Incidental Paving (Except Walsh Co.)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	O
Change:						
Laborers:						
Group I						
General Construction Laborer; Reinforced steel setter; Sack shaker (cement and mineral filler); Pipe handler; Drill runner helper; Carpenter tender; Salamander heater and blower tender	$2.95					
GROUP II						
Semi Skilled Laborer; Bulk cement handler; Conduit layer, telephone or electrical; Form setter (pavement); Gas, Electric or pneumatic tool operator (chipping hammer, grinders and paving brakers (tamper (dirt)(concrete vibrator operator); Chain saw operator; Concrete saw operator; Concrete curing man (not water); Bituminous worker (shoveler, dumper, raker and floater); Kettleman (Bituminous or lead); Concrete bucket signalman; Power buggy operator; Brick and mason tender; Multiplate pipe layer; Culvert pipe layer	3.05					
GROUP III						
Caisson Work; Bottom man, (sanitary sewer, storm sewer, water, and gas lines); Concrete mixer operator (one bag capacity); Motor mixer.	3.15					
GROUP IV						
Pipe Layers (Sanitary Sewer, Storm Sewer, Water and Gas Lines); Drill runner (incl. wagon churn or air track); Powderman, gunite and sandblast, nozzleman	3.25					

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1-NO. DAK.-PEO-8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION (Except Walsh Co.)						
POWER EQUIPMENT OPERATORS:						
GROUP 1 HOIST; Greaser; Concrete mixer op.; Boom truck; Fireman; Tractor, 75 HP & under; Frontend loader, 1½ cu. yds. & under; Air compressor, 300 & under; Forklift	4.75	.25	.25			
GROUP II BRAKEMEN; Any air compressed operations over 300; Well points; Frontend loader over 1½ cu. yd.; Power plant engineer; Straddle carrier; Oiler; Mechanic & welder; Batch plant drill rig; Tractor, over 75 HP.	5.75	.25	.25			
GROUP III CRANES, tower & overhead; Derricks; Cherry picker	6.35	.25	.25			

AQ-1,011 P. 6
2-NO. DAK.-PEO-2-3- n (1-3)

Site Preparation, Excavation and Incidental Paving (Except Walsh County)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
CABLEWAY OPERATOR; Crane Operator with over 135' boom; Derrick (Guy & Stiff Leg), (Power), (Skids & Stationary); Front End Loader over 10 cu. yds.; Cantry Crane Operator; Hole Operator, including Power Supply or Tunnel Mucking Machine; Power Shovel and/or other Equipment with Shovel Type Controls 3 - 1/2 cu. yd.	$6.45	.35	.25		
CONCRETE MIXER STATIONARY PLANT OPERATOR over 34E; Dredge Operator or Engineer, Dredge Operator (Power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (Paving) Concrete Paving Operator, road; Power Shovels and/or other Equipment with shovels and/or other Equipment with shovel type controls up to 3 - 1/2 cu. yds.; Scraper Tandem; Tandem Pusher Quad. 9 or similar; Tractor Operator (Pipeline Side Boom; Truck Crane Operator	6.30	.35	.25		
DOPE MACHINE OPERATOR (Pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. & over; Locomotive, all types; Pipeline Wrapping, Cleaning & Bending Machine Operator; Power Actuated Horizontal Boring Machine over 6" Op. (Pipeline); Pumperete Operator; Refrigeration Plant Engineer; Slip Form Op. (Power Driven) (Paving); Tandem Scraper-Twin Engine, 50 cu. yds. Struck & over	6.15	.35	.25		
ASPHALT PAVING MACHINE OPERATOR; Asphalt Plant Operator and Console Board Op.; CMI Grading Operator; Crushing Plant Operator (Gravel & Stone or Gravel Washing, Crushing and Screening Plant Operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing [illegible]; Mechanic or Welder [illegible]; Rubber Tired Dozer Napco or similar & over; Rubber Tired Industrial Tractor with Backhoe					

AQ-1,011 P. 7
2-NO. DAK.-PEO-2-3-n (2-3)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D)					
Attachment (Water Main Sanitary Sewer & Storm Sewer, Trunk Line Construction); Scraper Op.; Tractor Type Dozer D-6 & over; Trenching Machine Operator, Sewer & Water, (Except Ditch Witch or Similar use oiler rate); Turnapull Operator, (or similar type)	$6.10	.35	.25		
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator & Spray Operator; Concrete Mixer Operator on Job Site 16S or Over; Paving Breaker or Tamping Machine Op., including Machine with Power Shovel Attachments (Power Driven); Power Actuated Augers & Boring Machine Operator; Power Actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. & over; Push Tractor; Self-Propelled Traveling Soil Stabilizer; Soil Cement Stabilizer	5.85	.35	.25		
CONCRETE SAW OPERATOR (MULTIPLE BLADE) (Power Operated); Fine Grade Operator; Roller, Steel, and Self-Propelled Rubber, on Hot Mix Asphalt Paving; Rubber Tired Dozer under Napco or similar; Tractor Type Dozer under D-6; Truck Mechanic	5.62	.35	.25		
BRAKEMAN OR SWITCHMAN; Concrete Batch Plant Operator (Cement, Rock and Sand) electronic; Concrete Mixer Operator on Job Site under 16S; Crane Truck Oiler; Distributor Operator; Grader Operator (Motor Patrol) (Haul Road); Gravel Screening Plant Operator (Portable not Crushing or Washing); Greaser (Truck or Tractor); Gunnite Operator Gunall; Hoist Engineer (Power); Hydro Crane Operator Lanchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over Hopper Capacity; Sheuldering Machine Operator (Power) (Apsco or similar type) including Self-Propelled [illegible]	[illegible]	[illegible]	.25		

AQ-1,011 P. 8
2-NO. DAK.-PEO-2-3- n (3-3)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D)					
CRAWLER TYPE TRACTOR PULLING COMPACTOR OR AREATING EQUIPMENT; Farm Type Rubber Tired Tractor with Backhoe Attachment; Self-Propelled Vibrating Packer Op. Pad Type (35 H.P. & Over); Sheepsfoot Roller or Compactor (Self-Propelled); Off road Self-Propelled Watering Equipment	$4.54	.35	.25		
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Helper) (Power); Boom Truck Operator; Concrete Batch Operator (Cement, Rock & Sand) (Manual); Fireman or Tank Car Heater Op.; Form Trench Digger (Power); Front End Loader Op., up to 1 cu. yd.; Hyster Carrier; Leverman; Loader Operator (Barber Greene or Similar Type); Mechanics' Helper; Oiler (Power Shovel, Crane, Dragline); Pugmill Operator; Pump Operator (Well Points); Roller, Steel & Self-Propelled Rubber, on other than Hot Mix Asphalt Paving; Self-Propelled Broom	4.44	.35	.25		
CONVEYOR OPERATOR: Curb Machine Operator; Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting & Areating; Front End Loader Operator (Farm Type Rubber Tired Tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator	4.10	.35	.25		

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AQ-1,011 P. 2

1-NO.DAK-70-2-4-3 (1-1)

Site Preparation Excavation and Incidental Paving (Except Walsh Co.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
TRUCK DRIVERS:						
Single axle	$4.37	.35				
Tandem	4.47	.35				
Agitator dumpcrete	4.57	.35				
Lowboy; Off road heavy duty end dumps, 20 yds. and under; Tandem semi	4.72	.35				
Euclid, over 20 yds.	5.35	.35				

SUPERSEDEAS DECISION

STATE: Washington, D. C. DATE: Date of Publication

DECISION NO. AQ-2005

Supersedes Decision No. AP-823, dates May 18, 1973, in 38 FR 13304.

DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to & including 4-stories), Highway Construction and Sewer and Water Lines.

AQ-2005 P. 2

1-NO.DAK-2-4 2-1-3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.00	.35	.15		.015	
Boilermakers - Blacksmiths	8.23	.30	.76	.35	.01	
Bricklayers	9.10	.40	.40		.10	
Carpenters	8.12	.30	.34		.07	
Cement Masons:						
Cement Masons	8.05	.255	.28		.05	
Grinding Machine	8.25	.255	.25		.05	
Electricians	8.85	.35	1% + .30		.10	
Elevator Constructors:						
Elevator Constructors	8.58	.345	.23	3% + a&b	.015	
Elevator Constructors' Helpers	6.01	.345	.23	3% + a&b	.015	
Elevator Constructors' Helpers (Prob).	4.29					
Glaziers	7.58	.46	.40			
Ironworkers:						
Structural	8.35	.47	.45		.02	
Ornamental & chain link fence	8.35	.47	.45		.02	
Reinforcing	7.95	.35	.25		.03	
Laborers:						
Common laborers, landscapers	6.32	.28	.35		.05	
Acetylene burners used on wrecking	6.82	.28	.35		.05	
Air tool op., scaffold builders, pavement breakers, tenmasters, buggymobiles, spaders, mortarmen and scooterettes	6.47	.28	.35		.05	
Pipelayers	6.47	.28	.35		.05	
Plasterers' tenders	6.07	.32	.20		.03	
Plumbers' laborers	5.42	.30	.15		.03	
Powdermen	7.495	.28	.35		.05	
Powersaw, well points	6.57	.28	.35		.05	
Stone carvers	6.355	.175	.20			
Stone trimmers, fitters & cutters	6.30	.175	.20			
Lathers	8.135	.30	.30		.025	
Lead Burners	8.25	.30		c	.01	
Line Construction:						
Linemen, cable splicers, equipment ops.	9.36	.20	1%		½ of 1%	
Truck with winch, truck pole or steel handling	6.94	.20	1%		½ of 1%	
Groundmen (0 to 1 year)	5.52	.20	1%		½ of 1%	
Groundmen (1 to 2 years)	6.43	.20	1%		½ of 1%	
Groundmen (over 2 years)	6.66	.20	1%		½ of 1%	
[illegible]	8.20	.30	.30		.07	
Painters:						
Brush, spray, paperhangers, tapers	7.97	.41	.18		.06	
Steel, sandblasting, swing stage, power brushing	8.50	.41	.18		.06	
Pildrivermen	8.265	.30	.34		.07	
Plasterers	8.01	.45	.25		.08	

BUILDING CONSTRUCTION, (Continued)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Plumbers	8.96	.30	.30		.13	
Roofers:						
Composition	7.12	.39	.20			
Slate, tile mopmen, waterproofers, sprayers, sprandrel & ironite	7.65	.39	.20			
Helpers	5.19	.39	.20			
Sheet metal workers	8.30	.30	.66		.06	
Soft floor layers	8.12	.30	.34		.07	
Sprinkler fitters	9.10	.30	.50		.05	
Steamfitters, refrigeration & air conditioning mechanic	8.79	.40	.40		.07	
Stone masons	8.60	.35	.25			
Terrazzo & mosaic workers	8.31	.40	.30			
Terrazzo workers' helpers	7.10	e	.20			
Tile setters	8.31	.40	.30			
Tile setters' helpers	7.10	e	.20			
Truck Drivers:						
Boom trucks	4.10	.22	f	g		
Small dump, water sprinkler, grease & oil	3.85	.22	f	g		
Flat, pick-up hauling materials, small Euclids, dump over 8 wheels	3.95	.22	f	g		
Trailers, low-boys, tractor pulls	4.15	.22	f	g		
Helpers	3.70	.22	f	g		
Carryalls, large Euclids, water sprinkler, tunnel work ground	4.25	.22	f	g		
Mechanics	4.00	.22	f	g		
Concrete mixers	3.20	.12	.15	a		
Riggers & Welders - receive rates prescribed for crafts performing operations to which rigging & welding are incidental.						

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SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers	$9.10	.40	.40		.10	
Carpenters	8.12	.30	.34		.07	
Cement masons	8.00	.255	.28		.05	
Ironworkers, reinforcing	7.95	.45	.25		.03	
Ironworkers	8.265	.40	.34		.07	
Plumbers	8.95	.40	.50		.15	
Power Equipment Operators:						
Backhoes, cableways, cranes, draglines, power shovels, tunnel mucking machines (muckers), 1 c.y. or over	6.94	.35	.35		.05	
Backhoes, cableways, cranes, derricks, draglines, power shovels, tunnel muckers (type up to 1 c.y., boom cats, clam shell operators, hoists, pavin mixers, piledriving engines, batch plants, concrete pumps	6.69	.35	.35		.05	
Trenching machines (above 8'3")	6.49	.35	.35		.05	
Backhoes (hydraulic, under 1 c.y.)	6.57	.35	.35		.05	
Trenching machines (up to 8'3"), boilers, skeleton, well drilling machines	6.39	.35	.35		.05	
Air Compressors, tunnel	6.30	.35	.35		.05	
Front end loaders (high lift), Bulldozers	6.36	.35	.35		.05	
Concrete mixers, power wheel scoops and scrapers, motor graders, tunnel motor men, blade graders	6.24	.35	.35		.05	
Mechanics	6.22	.35	.35		.05	
Bulldozer, hydraulic tampers	6.14	.35	.35		.05	
Roller	6.04	.35	.35		.05	
Air compressors, pumps welding machines, well points	5.965	.35	.35		.05	
Apprentice Engineers:						
Firemen	5.50	.35	.35		.05	
Truck crane oilers	5.35	.35	.35		.05	
Oilers	5.30	.35	.35		.05	
Truck drivers:						
Dump trucks	2.75	.12	c			
Dump trucks over 8 wheels	2.85	.12	c			
Flat trucks	2.85	.12	c			
Trailers	2.95	.12	c			
Fuel and oil trucks	2.75	.12	c			
Euclids	3.10	.12	c			

SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Open Cut:						
Laborers, probationary (1st 60 days)	$4.33	.25	.25		.03	
Laborers, jackhammer, rammers, and spaders	5.41	.25	.25		.03	
Timbermen, sheeting-man, shoringman, caulkers, pipelayers' helpers	5.56	.25	.25		.03	
Bottom man	5.46	.25	.25		.03	
Wagon drillers, air track drillers	5.76	.25	.25		.03	
Pipelayers	5.41	.25	.25		.03	
Rock drillers	5.51	.25	.25		.03	
Tunnel:						
Brakeman, bull gang, dumper, trackman, concrete man	6.595	.28	.35		.05	
Chuck tender, powdermen in prime house, form setters and movers, nippers, cablemen, hosemen, grout men, bell or signal man, top or bottom, vibrator operator, caulkers helpers	6.895	.28	.35		.05	
Miners, rodmen, re-bar underground, concrete or gunite, nozzleman, powderman, timberman, wood, steel including liner plate or any other support material, metermen, caulkers diamond drill, riggers, cement finishers underground, welders and burners, shield driver, air-trac, shotcrete nozzleman & potman	7.545	.28	.35		.05	
Mucking machine operator (air)	7.795	.28	.35		.05	

COMPRESSED AIR (per day)

Guage Pressure Pounds	Work Period				
From 1 to 14	7 hours	69.06	a	b	d
" 14 to 18	6 hours	72.23	a	b	d
" 18 to 22	5½ hours	75.39	a	b	d
" 22 to 26	5 hours	78.56	a	b	d
" 26 to 32	4 hours	81.72	a	b	d
" 32 to 33	3 hours	84.89	a	b	d
" 38 to 44	2½ hours	88.05	a	b	d

FOOTNOTES:

a. Employer contributes $2.24 per day to Health & Welfare.

b. Employer contributes $2.80 per day to Pension.

c. $4.00 per week when employee has worked 90 days; and works three days in any one week.

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Asphalt shoveler	$5.15	.22	.20			
Asphalt raker	5.35	.22	.20			
Asphalt tamper	5.25	.22	.20			
Bricklayers	9.10	.40	.40		.10	
Carpenters	8.12	.30	.34		.07	
Cement masons	5.60	.22	.20			
Concrete saw operator	5.35	.22	.20			
Concrete shoveler	5.25	.22	.20			
Form setter	5.60	.22	.20			
Laborers:						
Laborers	5.10	.22	.20			
Jackhammer	5.30	.22	.20			
Hand burner operator	5.25	.22	.20			
Power Equipment Operators:						
Concrete spreader operator, finishing machine, roller (rough), compressor, rubber tired loader (1-½ cu. yds., or less), asphalt plant mixer	5.35	.22	.20			
Loader operator tracks (2-½ cu. yds. or less), burner planer, bulldozer, mechanic or welder, rubber tired loader (over 1-½ cu. yds.)	5.55	.22	.20			
Asphalt spreader, hydraulic backhoe (½ cu.yd., or less), asphalt plant engineer, asphalt roller op., concrete breaker (machine)	5.60	.22	.20			
Crane operator, concrete paving op.	5.75	.22	.20			
Shovel operator	5.85	.22	.20			
Gradall operator (1-½ cu. yds., or less), motor grader, loader op. tracks (over 2-½ cu. yds.)	6.50	.22	.20			
G-1000 Gradall operator (over 1-½ cu.yds.)	6.75	.22	.20			
Power broom, oiler	5.25	.22	.20			
Sand setter	5.60	.22	.20			
Truck Drivers:						
Truck drivers (standard)	5.10	.22	.20			
Tandem	5.22	.22	.20			
Tractor trailer (capable of moving heavy equipment)	5.60	.22	.20			

NOTICES

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BUILDING CONSTRUCTION, continued 1-DC-1-2-A 3 of 3

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.

c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve (providing employee has worked at least 45 full dys during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday).

e. Employer contributes $37.92 per man per month.

f. $6.00 per week when employee has worked 90 days and works 3 days in a work week.

g. Holidays: A - D - E and F (providing the emplnyee works the regularly scheduled work days immediately preceding and following the holiday).

SUPERSEDEAS DECISION

STATE: Wyoming COUNTY: Laramie
DECISION NUMBER: AQ-1,009 DATE: Date of Publication
Supersedes Decision No. AP-250 dated November 10, 1972, 37 FR 24011
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$8.00	.25	.70			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	5.75					
CARPENTERS:						
Carpenters	6.90	.35	.30		.10	
Piledrivermen	7.15	.35	.30		.10	
CEMENT MASONS:						
Cement masons	6.15					
Working with composition material; Scaffold, swinging stage or temporary platform over 8' high; Operator of power machines	6.40					
Working on scaffold, swing stage or temporary platform over 20' high	6.65					
ELECTRICIANS:						
Electricians	7.78	.32	1%		1%	
Cable splicers	8.03	.32	1%		1%	
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (Prob.)	50%JR					
IRONWORKERS:						
Structural; Ornamental; Reinforcing	7.10	.40	.65		.10	
MILLWRIGHTS	7.24	.45	.40	.40	.04	
PLASTERERS	6.47			.20		
PLUMBERS; Steamfitters:						
Zone 1 (10 mi. radius from Cheyenne P.O.)	6.47	.45	.25	.70	.09	
Zone 2 (10 mi. radius beyond Zone 1)	7.07	.45	.25	.70	.09	
Zone 3 (15 mi. radius beyond Zone 2)	7.67	.45	.25	.70	.09	
Zone 4 (Jurisdiction beyond Zone 3)	8.52	.45	.25	.70	.09	
Zone 5 (Footnote "b")						
General Contracts $700,000.00 or less	6.47	.45	.25	.70	.09	
General Contracts over $700,000.00	6.97	.45	.25	.70	.09	
ROOFERS	7.31					
SHEET METAL WORKERS	7.48	.27				
SPRINKLER FITTERS	7.95	.30	.50		.05	

AQ-1,009 P. 2

WELDER; Rigger: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Use only in the cities of Laramie, Torrington, Wheatland, Evaston, Green River and Rock Springs within a 5-mile radius from the Post Office of each of the above cities.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

1-WYO-2-3-a (1-1)

HEAVY AND HIGHWAY CONSTRUCTION

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
	H & W	PENSIONS	VACATION	APP. TR.	OTHER
Carpenters $4.61					
Cement Masons 3.89					
Ironworkers, structural 5.12					
Ironworkers, reinforcing 3.72					
Painters, brush & spray 5.00					

WYOMING LINE CONSTRUCTION - J (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION						
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street and highway lighting:						
Cable Splicer	$7.55	.25	1%	3%	3/4%	
Linemen	6.86	.25	1%	3%	3/4%	
Equipment Operator	6.28	.25	1%	3%	3/4%	
Groundman	5.18	.25	1%	3%	3/4%	
All work 34.5 KV and under						
Lineman	6.03	.25	1%	3%	3/4%	
Line Equipment Operator	5.76	.25	1%	3%	3/4%	
Groundman	5.12	.25	1%	3%	3/4%	

XUM

BUILDING CONSTRUCTION

AQ-1.000 P. 3
1-WYO-LAB-1-f (1-2)

LABORERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP I Axeman and hand faller; Concrete worker (wet or dry) (curing and drying); Car and truck loader; Dumpman; Erector and installer (includes the installation and erection of all fences, right-of-way, median fence, snow fence, etc., guard rails, section rails, reference posts, guide posts, signs and right-of-way markers); Form stripper; Form setter helper (paving); General Laborer; Gunite helper; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman (air and water); Pipe setter helpers, non-metallic; Pipe setters helpers, corrugated; All work pertaining to pre-watering, pre-irrigation, and pre-wetting; Rodman; Raprap man; Sandblaster pot tender; Signalman, grade, concrete, etc.; Sisserman or hopper ~~man; Stake jumper for equipment; Tar and~~ asphalt pot tender; Wrecking and demolition crews; Unloading and packing of steel rods and mesh (reinforcing); Heater tender and pilot car operator	$4.40	.20				
GROUP II Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Carpenter tender; Cement mason tender; Chuck tender; Form setter (paving); Hand operator vibrator roller; Landscaper; Mechanical form cleaner; Mortar man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Powderman helper; Pipe setter, corrugated; culvert pipe, multi-plate, sectional plate and similar type; Pipe Wrapper; Power-type concrete buggy (push); Power saw operator (clearing); Vibrator (concrete); Creosote material handler (corrosive enamel or its equal); Burner (cutting torch)	4.62	.20				

AQ-1.000 P. 4
1-WYO-LAB-1-f (2-2)

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP III Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle, shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer, non-metallic; Caulker; Collarman; Jointer; Mortarman; Rigger; Jacker; Power-type concrete buggy (ride); Shoring and lagging of open ditch	4.68	.20				
GROUP IV Powderman and blaster; Wagon drill, air track, diamond and other drills for blasting powder or grouting	4.90	.20				
GROUP V Hod carriers; Mason tender; Plasterers tenders; Terrazzo tenders; Tile setter tenders, and Scaffold builders.	4.90	.20				
GROUP VI TUNNEL AND UNDERGROUND WORK: Miners (drills) Machine man; Timberman; Steelman; Drill doctor; Form setter and movers; Spaders; Tuggers; Spilling and/or caisson workers; Jackhammer men; Finishers; Re-bar man; Powderman	5.15	.20				
GROUP VII Nipper; Chuck tender; Tep man or top-lander	4.99	.20				
GROUP VIII Brakeman and vibrator man	4.88	.20				
GROUP IX Mucker and bull gang laborer	4.72	.20				

HEAVY & HIGHWAY CONSTRUCTION

AQ-1.000 P. 5
1-WYO-LAB-2-3-g (1-2)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP I Axeman and hand faller; Bin wall installer helpers; Concrete worker (wet or dry); Concrete workers (curing and drying); Dumpman; Erector and installer (incl. the installation and erection of fences, snow fence, guard rails, median rails, median posts, signs and right of way marker); Form stripper; Form setter helper (paving); General labor; Gunite helper; Heater tender; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe setters helpers (non-metallic); Pipe setters helpers (corrugated); Pre watering, pre wetting and pre irrigation (all work); Rip rap man; Sandblaster pot tender; Signal men, grade concrete, etc.; Scissor man or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews	$3.35					
GROUP II Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Cement mason or finisher, helper and tender; Chuck tender; Form setter (paving); Hand operated vibratory roller; Landscaper; Mortar man on stone rip rap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe setter (corrugated, culvert pipe sectional, multiplate and similar type); Pipe setter, pipelayer (non-metallic); Pipewrapper; Powderman helper; Power type concrete buggy (push or ride); Power saw operator (clearing); Vibrator, concrete	3.45					

AQ-1.000 P. 6
1-WYO-LAB-2-3-g (2-2)

LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP III Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer (non-metallic), clay, concrete, etc. (Caulker, collarman, jointer, mortarman, rigger, jacker	$3.60					
GROUP IV Powderman and blaster; Wagon drill, air-trac, diamond, and other drills for blasting powder or grouting	3.85					
GROUP V - TUNNEL AND UNDERGROUND WORK						
Brakeman; Swamper; Vibrator man	3.83					
Bull gang; Dumpman; Mucker; Trackman	3.67					
Miners (drillers) machine men; Timbermen; Steelmen; Drill doctor; Form setter and mover; Spader; Tuggers spilling and/or caisson workers; Powdermen; Jackhammermen; Finishers	4.10					
Nipper; Chucktender; Topman; Toplander	3.94					

XUM

BUILDING CONSTRUCTION

AG-1,000 P. 7
1-WYO-PEO-1-b (1-3)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
BATCH BIN WEIGHMAN, Scissorman, or Hopperman; Beginner Op., Brakeman and Helpers; Crusher Oiler, Oiler, utility; Scraper Equipment, Multiple Units; Screed Operator	$ 3.81	.15	.15		.01	
PUMP OPERATOR (under 6 inches)	3.83	.15	.15		.01	
AUGER MACHINE OPERATOR; Broom Operators, self-propelled; Cableway Signalman (bellboy); Concrete Saw (self-propelled) Fireman; Power Loader, Belt & Bucket type; Tractor Operators: Farm, crawler or wheel type 60 h.p. (drawbar) or less w/wo use of power attachments, except for use on back of hoe or bucket	3.86	.15	.15		.01	
AIR COMPRESSOR over 315 cu. ft. cap.; Chip Spreader Op.; Form Grader Op., Helper (welder or heavy duty); Joint Machine Op.; Longitudinal Float Op.; Mixer Op., Concrete (under 1 yd.); Roller Op., self-propelled (pneumatic rubber tired, sheep foot, vibratory or combination type); Tire Repairman	3.91	.15	.15		.01	
PUMP OPERATOR (over 6 inches)	3.94	.15	.15		.01	
CONVEYOR BELT OPERATOR; Fork Lift and Lumber Stoker; Screening Plant Op.	3.96	.15	.15		.01	
"A" FRAME TRUCK; Front End Loader (up to 3/4 cu. yds.); Tractor Operators: Farm, crawler or wheel type, over 60 h.p. (drawbar) w/o use of power attachments	4.01	.15	.15		.01	
OILER, LEAD UTILITY	4.05	.15	.15		.01	
GUNNITE & GROUT MACHINE OPERATOR: Mulching Machine Op.; Oil Distributor	4.06	.15	.15		.01	
FRONT END LOADER (3/4 & incl. 1 cu. yd.); Pavement Breakers, Hydro-Tamper & sim. type Machines, Pumps, Well Points	4.16	.15	.15		.01	

AG-1,000 P. 8
1-WYO-PEO-1-b (2-3)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
AIR COMPRESSOR, 2 or more machines; Hoist Op. (1 drum); Welding Machine Op. (gas or diesel)	$ 4.21	.15	.15		.01	
HAULAGE MOTORMAN AND INDUSTRIAL TYPE MOTORMAN	4.23	.15	.15		.01	
ASPHALT PLANT OPERATOR: Bituminous Laydown Machine Op.; CMI Machine & sim.; Concrete Batch Plant; Concrete Finish Machine Op.; Concrete Multi blade span saw (Hunt process or sim.); Concrete Spreader & Paver Op.; Crusher Op.; Drilling Machine, Integrated (Core, Rotary, Caisson, Diamond); Economobile; Elevating Grader; Finish Dozer Op.; Jumbo Form Op.; Joy Cutter & sim. type machines; Mixer, Bituminous Op. (travel plant); Mixer Op., Base Course Pug Mill type; Mixer Op., Concrete (over 1 yd.); Motor Patrol Op.; Mucking Machine Op. (all types); Pneumatic Guns; Pumpcrete Op.; Roller Op. (Tandem steel wheel, 3 axle or 3 wheel); Ross Carrier & sim. type Machines; Scraper Equipment (all types); Shovels, Draglines, Piledrivers: 3/4 yd. & smaller, all attachments; Shuttle Car Op.; Subgrade Machine Op. (power); Tractor Operators, all w/use of power attachments & incl. Pushcat, Dozer, Tournadozer, etc. (The use of power attachments shall not incl. disking, pulling or rollers, & sim. unskilled actions); Trenching Machine Op.; Wash Plant Op.; Front End Loader (over 1 cu. yd.)	4.38	.15	.15		.01	
WELDER, MACHINE DOCTOR	4.42	.15	.15		.01	
HEAVY DUTY MECHANIC, Machine Doctor; Hoist Op. (2 or more drums or shafts of raises)	4.48	.15	.15		.01	
CABLEWAY OPERATORS; Cranes (Whirley, Gantry, Stiffleg, Hydro Cranes); Locomotive Engineer; Mixer, Dual Drum; Shovels, Draglines, Piledrivers; over 3 1/2 yds. to 3 1/2 yds., all attachments	4.53	.15	.15		.01	

AG-1,000 P. 9
1-WYO-PEO-1-b (3-3)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
SHOVELS, DRAGLINES, PILEDRIVERS: over 3 1/2 yds. to 7 cu. yds. all attachments; Wheel Excavator Operator	$ 4.68	.15	.15		.01	
SHOVELS, DRAGLINES, PILEDRIVERS: 7 cu. yds. and over	4.98	.15	.15		.01	

Fifteen Cents (15c) per hour for each additional connected tractor.

Boom Pay - One Cent (1c) per hour per foot over 80 feet not to exceed 50c per hour.

Caisson Drilling Machine, truck or truck mounted, Oiler; Oiler on Cranes and Shovels; Truck Crane Carrier Operator - 50c under Operator's rate.

Scraper Equipment, Multiple Units: Fifteen cents (15c) per hour additional per unit.

Underground Work shall be paid an additional twelve and one-half cents (12 1/2c) per hour more than the regular rate.

HEAVY & HIGHWAY CONSTRUCTION

AG-1,000 P. 10
1-WYO-PEO-2-3 (1-3)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I AUGER MACHINE OPERATOR (Post hole, etc., Batch bin weighman, Scissorman or hopperman; Beginner operator; Brakeman and helpers; Crusher oiler, utility screed operator; Tractor operator, farm, crawler or wheel type, 60 hsp. (drawbar) or less with or without use of power attachments except for use of backhoe or bucket	$4.60	.17	.20		.01	
GROUP II BROOM OPERATORS, self-propelled; Gableway signalman (bellboy); Concrete saw (self-propelled); Fireman; Power loader, belt and bucket type	4.65	.17	.20		.01	
GROUP III AIR COMPRESSOR over 315 cu. ft. cap.; Chip spreader operator; Form grader; Joint machine operator; Longitudinal float operator; Mixer operator, concrete (under 1 yd.); Helper (welder or heavy duty); Roller operator; self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire repairman	4.70	.17	.20		.01	
GROUP IV PUMP OPERATOR (except in tunnels, shafts raises)	4.73	.17	.20		.01	
GROUP V CONVEYOR BELT OPERATOR; Fork lift and lumber staker; Screening plant operator	4.76	.17	.20		.01	
GROUP VI A-FRAME TRUCK; Tractor operator, farm, crawler or wheel type, over 60 hsp. (drawbar); Without use of power attachments	4.81	.17	.20		.01	
GROUP VII OILER, Lead utility	4.85	.17	.20		.01	
GROUP VIII GUNNITE AND GROUT MACHINE OPERATOR; Mulching machine operator; Oiler distributor	4.86	.17	.20		.01	

XUM

AQ-1,000 P. 11

1-WYO-LAB-2-3 (2-3)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP IX FRONT END LOADER (up to and incl. 1½ cu. yds.); Pavement breakers, hydro-tamper and similar type machine; Pump, well points	$4.97	.17	.20		.01	
GROUP X HOIST OPERATOR (one drum)	5.02	.17	.20		.01	
GROUP XI HAULAGE MOTORMAN AND INDUSTRIAL TYPE MOTORMAN; Motor patrol operator (all except finish); Pump operator (in tunnels, shafts, raises); Hydro type cranes (up to 15 tons)	5.04	.17	.20		.01	
GROUP XII AIR COMPRESSOR, two or more machines on tunnels, shafts, raises or plant operator; Asphalt plant operator; Bituminous laydown machine operator; CMI machine and similar; Concrete batch plant; Concrete finish machine operator; Concrete multiblade span saw (Hunt process or similar); Concrete spreader and paver operator; Crusher operator; Drilling machine, integrated (core, rotary, caisson, diamond); Elevating grader; Front end loader (over 1½ cu. yds.); Jumbo form operator; Mixer operator, base course pugmill type; Mixer bituminous operator (travel plant); Mixer operator, concrete (over one yd.); Motor patrol operator (finish); Mucking machine operator; (all types); Pneumatic guns; Pumpcrete operator; Roller operator (tandem steel wheel 3 axle, or 3 wheel); scraper equipment (all types); Shovels, draglines, cranes, piledrivers, all truck mounted cranes (mfg's rating) up to 3½ yds. all attachments; Hydro type cranes (15 tons and over); Shuttle car operator subgrade machine operator (power); Tractor operators (all w/use of power attachments and incl. Pushcat, dozer, tournadozer, etc.); Trenching machine operator; Wash plant operator	5.21	.17	.20		.01	

AQ-1,000 P. 12

1-WYO-PEO-2-3 (3-3)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP XIII WELDER, Machine doctor	$5.25	.17	.20		.01	
GROUP XIV HOIST OPERATOR (two or more drums or shafts or raises); Heavy duty mechanics, machine doctor	5.31	.17	.20		.01	
GROUP XV CABLEWAY OPERATOR; Mixer, dual drum; cranes (Whirley, Gantry, Stiffleg, Overhead traveling)	5.37	.17	.20		.01	
GROUP XVI SHOVELS, Draglines, Cranes, Piledrivers, all truck mounted cranes (mfg's rating) 3½ to 7 cu. yds., all attachments; Wheel operator	5.53	.17	.20		.01	
GROUP XVII SHOVELS, Draglines, cranes, piledrivers, all truck mounted cranes (mfg's rating) 7 cu. yds. and over, all attachments	5.85	.17	.20		.01	

HEAVY & HIGHWAY CONSTRUCTION

AQ-1,000 P. 13

1-WYO-TD 2-3 c (1-2)

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Yr.	Other
GROUP I DUMP (Water level capacity box) over 40 cu. yds. to and incl. 45 cu. yds.	$4.90					
GROUP II FIELD MECHANICS	4.88					
GROUP III DUMP (Water level capacity box) 35 cu. yds. to and incl. 40 cu. yds.	4.85					
GROUP IV DUMP (Water level capacity box) 30 cu. yds. to and incl. 35 cu. yds.	4.80					
GROUP V DUMP (Water level capacity box) 25 cu. yds. to and incl. 30 cu. yds.	4.75					
GROUP VI DUMP (Water level capacity box) 20 cu. yds. to and incl. 25 cu. yds.; Heavy duty (Euclids, electric or similar type)	4.65					
GROUP VII LOWBOY AND Tandem axle float drivers; Multiple axle type; Semi; Dump (Water level capacity box) 13 cu. yds. to and incl. 20 cu. yds.	4.65					
GROUP VIII HELPERS - FIELD (Welders, Mechanics, etc.)	4.41					
GROUP IX OVER 3600 gal. (semi-truck); Transit mix or wet mix over 10 cu. yds.	4.35					
GROUP X OVER 3600 gal. (straight truck); Transit mix or wet mix, over 5 cu. yds. to 10 cu. yds.; Tandem axle	4.25					

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1-WYO-TD 2-3 c (2-2)

TRUCK DRIVERS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP XI OVER 2500 gals. to and incl. 3600 gals.; Dump (Water level capacity box) over 10 cu. yds. to and incl. 13 cu. yds.; Flat rack, over 5 tons; Winch trailer (cable and hoist); Utility winch; "A" Frame; Transit mix or wet mix, less than 5 cu. yds.; Single axle	$4.15					
GROUP XII DUMP (Water level capacity box) over 7 cu. yds. to and incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat rack, 2 tons to 5 tons; Power broom; Material checkers	4.05					
GROUP XIII DUMP (Water level capacity box) 7 cu. yds. or less; Gravel spreader; Flat rack, less than 2 tons; Gang; Single axle type truck; Warehousemen; Partsmen and helpers; 2500 gals. or less (straight truck); Fuel service; Greasemen, Tiremen, Servicemen and helpers	3.95					
GROUP XIV PILOT CAR DRIVERS; Pick-up	3.85					

SUPERSEDEAS DECISION

STATE: Wyoming
DECISION NUMBER: AQ-1,010
Supersedes Decision No. SM-2,476 dated August 27, 1971, 36 FR 17159
DESCRIPTION OF WORK: Highway Construction

COUNTY: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Carpenters	$4.61					
Cement Masons	3.89					
Ironworkers, structural	5.12					
Ironworkers, reinforcing	3.72					
Painters, brush and spray	5.00					

WYOMING LINE CONSTRUCTION - J (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION						
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street and highway lighting:						
Cable Splicer	$7.55	.25	1%	3%	3/4%	
Linemen	6.86	.25	1%	3%	3/4%	
Equipment Operator	6.28	.25	1%	3%	3/4%	
Groundman	5.18	.25	1%	3%	3/4%	
All work 34.5 KV and under						
Lineman	6.63	.25	1%	3%	3/4%	
Line Equipment Operator	5.76	.25	1%	3%	3/4%	
Groundman	5.12	.25	1%	3%	3/4%	

AQ-1,010 P. 2

1-WYO-LAB-2-3-g (1-2)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I Axeman and hand faller; Bin wall installer helpers; Concrete worker (wet or dry); Concrete workers (curing and drying); Dumpman; Erector and installer (incl. the installation and erection of fences, snow fence, guard rails, median rails, median posts, signs and right of way marker); Form stripper; Form setter helper (paving); General labor; Gunite helper; Heater tender; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe setters helpers (non-metallic); Pipe setters helpers (corrugated); Pre watering, pre wetting and pre irrigation (all work); Rip rap man; Sandblaster pot tender; Signal men, grade concrete, etc.; Scissor man or burner man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews	$3.35					
GROUP II Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Cement mason or finisher, helper and tender; Chuck tender; Form setter (paving); Hand operated vibratory roller; Landscaper; Mortar man on stone rip rap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe setter (corrugated, culvert pipe sectional, multiplate and similar type); Pipe setter, pipelayer (non-metallic); Pipewrapper; Powderman helper; Power type concrete buggy (push or ride); Power saw operator (clearing); Vibrator, concrete	3.45					

AQ-1,010 P. 3

1-WYO-LAB-2-3-a (2-2)

LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP III Concrete saw; Cunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer (non-metallic), clay, concrete, etc. (Caulker, collarman, jointer, mortarman, rigger, jacker	$3.60					
GROUP IV Powderman and blaster; Wagon drill, air-trac, diamond, and other drills for blasting powder or grouting	3.85					
GROUP V - TUNNEL AND UNDERGROUND WORK						
Brakeman; Swamper; Vibrator man	3.83					
Bull gang; Dumpman; Mucker; Trackman	3.67					
Miners (drillers) machine men; Timbermen; Steelmen; Drill doctor; Form setter and mover; Spader; Tuggers spilling and/or caisson workers; Powdermen; Jackhammermen; Finishers	4.10					
Nipper; Chucktender; Topman; Toplander	3.94					

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1-WYO-PEO-2-3 (1-3)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I AUGER MACHINE OPERATOR (Post hole, etc., Batch bin weighman, Scissorman or hopperman; Beginner operator; Brakeman and helpers; Crusher oiler, utility screed operator; Tractor operator, farm, crawler or wheel type, 60 hsp. (drawbar) or less with or without use of power attachments except for use of backhoe or bucket	$4.60	.17	.20		.01	
GROUP II BROOM OPERATORS, self-propelled; Cableway signalman (bellboy); Concrete saw (self-propelled); Fireman; Power loader, belt and bucket type	4.65	.17	.20		.01	
GROUP III AIR COMPRESSOR over 315 cu. ft. cap.; Chip spreader operator; Form grader; Joint machine operator; Longitudinal float operator; Mixer operator, concrete (under 1 yd.); Helper (welder or heavy duty); Roller operator; self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire repairman	4.70	.17	.20		.01	
GROUP IV PUMP OPERATOR (except in tunnels, shafts raises)	4.73	.17	.20		.01	
GROUP V CONVEYOR BELT OPERATOR; Fork lift and lumber staker; Screening plant operator	4.76	.17	.20		.01	
GROUP VI A-FRAME TRUCK; Tractor operator, farm, crawler or wheel type, over 60 hsp. (drawbar); Without use of power attachments	4.81	.17	.20		.01	
GROUP VII OILER, Lead utility	4.85	.17	.20		.01	
GROUP VIII GUNNITE AND GROUT MACHINE OPERATOR; Mulching machine operator; Oiler	[illegible]	.17	.20		.01	

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1-WYO-LAB-2-3 (2-3)

DUMP EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP IX FRONT END LOADER (up to and incl. 1½ cu. yds.); Pavement breakers, hydro-tamper and similar type machine; Pump, well points	$4.97	.17	.20		.01	
GROUP X HOIST OPERATOR (one drum)	5.02	.17	.20		.01	
GROUP XI HAULAGE MOTORMAN AND INDUSTRIAL TYPE MOTORMAN; Motor patrol operator (all except finish); Pump operator (in tunnels, shafts, raises); Hydro type cranes (up to 15 tons)	5.04	.17	.20		.01	
GROUP XII AIR COMPRESSOR, two or more machines on tunnels, shafts, raises or plant operator; Asphalt plant operator; Bituminous laydown machine operator; CMI machine and similar; Concrete batch plant; Concrete finish machine operator; Concrete multiblade span saw (Hunt process or similar); Concrete spreader and paver operator; Crusher operator; Drilling machine, integrated (core, rotary, caisson, diamond); Elevating grader; Front end loader (over 1½ cu. yds.); Jumbo form operator; Mixer operator, base course pugmill type; Mixer bituminous operator (travel plant); Mixer operator, concrete (over one yd.); Motor patrol operator (finish); Mucking machine operator; (all types); Pneumatic guns; Pumperete operator; Roller operator (tandem steel wheel 3 axle, or 3 wheel); scraper equipment (all types); Shovels, draglines, cranes, piledrivers, all truck mounted cranes (mfg's rating) up to 3½ yds. all attachments; Hydro type cranes (15 tons and over); Shuttle car operator subgrade machine operator (power); Tractor operators (all w/use of power attachments and incl. Pushcat, dozer, tournadozer, etc.); Trenching machine operator; Wash plant operator	5.21	.17	.20		.01	

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1-WYO-PFO-2-3 (3-3)

OTHER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP XIII WELDER, Machine doctor	$5.25	.17	.20		.01	
GROUP XIV HOIST OPERATOR (two or more drums or shafts or raises); Heavy duty mechanics, machine doctor	5.31	.17	.20		.01	
GROUP XV CABLEWAY OPERATOR; Mixer, dual drum; cranes (Whirley, Gantry, Stiffleg, Overhead traveling)	5.37	.17	.20		.01	
GROUP XVI SHOVELS, Draglines, Cranes, Piledrivers all truck mounted cranes (mfg's rating) 3½ to 7 cu. yds., all attachments; Wheel operator	5.53	.17	.20		.01	
GROUP XVII SHOVELS, Draglines, cranes, piledrivers, all truck mounted cranes (mfg's rating) 7 cu. yds. and over, all attachments	5.85	.17	.20		.01	

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1-WYO-TD 2-3 c (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP I DUMP (Water level capacity box) over 40 cu. yds. to and incl. 45 cu. yds.	$4.90					
GROUP II FIELD MECHANICS	4.88					
GROUP III DUMP (Water level capacity box) 35 cu. yds. to and incl. 40 cu. yds.	4.85					
GROUP IV DUMP (Water level capacity box) 30 cu. yds. to and incl. 35 cu. yds.	4.80					
GROUP V DUMP (Water level capacity box) 25 cu. yds. to and incl. 30 cu. yds.	4.75					
GROUP VI DUMP (Water level capacity box) 20 cu. yds. to and incl. 25 cu. yds.; Heavy duty (Euclids, electric or similar type)	4.65					
GROUP VII LOWBOY AND Tandem axle float drivers; Multiple axle type; Semi; Dump (Water level capacity box) 13 cu. yds. to and incl. 20 cu. yds.	4.65					
GROUP VIII HELPERS - FIELD (Welders, Mechanics, etc.)	4.41					
GROUP IX OVER 3600 gal. (semi-truck); Transit mix or wet mix over 10 cu. yds.	4.35					
GROUP X OVER 3600 gal. (straight truck); Transit mix or wet mix, over 5 cu. yds. to 10 cu. yds.; Tandem axle	4.25					

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1-WYO-TD 2-3 c (2-2)

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP XI OVER 2500 gals. to and incl. 3600 gals.; Dump (Water level capacity box) over 10 cu. yds. to and incl. 13 cu. yds.; Flat rack, over 5 tons; Winch trailer (cable and hoist); Utility winch; "A" Frame; Transit mix or wet mix, less than 5 cu. yds.; Single axle	$4.15					
GROUP XII DUMP (Water level capacity box) over 7 cu. yds. to and incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat rack, 2 tons to 5 tons; Power broom; Material checkers	4.05					
GROUP XIII DUMP (Water level capacity box) 7 cu. yds. or less; Gravel spreader; Flat rack, less than 2 tons; Gang; Single axle type truck; Warehousemen; Partsmen and helpers; 2500 gals. or less (straight truck); Fuel service; Greasemen, Tiremen, Servicemen and helpers	3.95					
GROUP XIV PILOT CAR DRIVERS; Pick-up	3.85					

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Volume 38 ■ Number 155

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-186]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Connecticut	Fairfield	Bridgeport, City of.				Aug. 7, 1973, Emergency.
						Do.
Illinois	Du Page	Woodridge, Village of.				Do.
Kentucky	Henderson	Henderson, City of.				Do.
Louisiana	Lafayette Parish	Lafayette, City of.				Do.
Michigan	Menominee	Stephenson, City of.				Do.
Do.	Oakland	Pontiac, City of.				Do.
Do.	do.	Pontiac, Township of.				Do.
New Jersey	Camden	Runnemede, Borough of.				May 14, 1971, Emergency. Aug. 17, 1973 Regular.
Oklahoma	Canadian	El Reno, City of.	11 40 017 1510 01 through 11 40 017 1510 22	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Office of the City Manager, P.O. Drawer 700, El Reno, Okla. 73036.	
Pennsylvania	Blair	Williamsburg, Borough of.				Aug. 7, 1973 Emergency.
Do.	Carbon	Jim Thorpe, Borough of.				Do.
Do.	York	Hallam, Borough of.				Do.
Wisconsin	Milwaukee and Ozaukee.	Bayside, Village of.				Do.
Do.	Milwaukee	Fox Point, Village of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 31, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-16601 Filed 8-10-73;8:45 am]

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[Docket No. FI-191]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Massachusetts	Hampshire	Amherst, Town of				Aug. 10, 1973. Emergency.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 3, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-16539 Filed 8-10-73;8:45 am]

[Docket No. FI-189]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Kansas	Cowley	Arkansas City, City of.				Aug. 9, 1973. Emergency.
New Jersey	Ocean	Tuckerton, Borough of.				Do.
Pennsylvania	Lebanon	Swatara, Township of.				Do.
Texas	Brazoria	Jones Creek, Village of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 2, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-16537 Filed 8-10-73;8:45 am]

[Docket No. FI-190]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Michigan	Muskegon	Muskegon, Township of.				Aug. 13, 1973. Emergency.
New York	Monroe	Perinton, Town of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 6, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-16538 Filed 8-10-73;8:45 am]

[Docket No. FI-187]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective on August 13, 1973. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Oklahoma	Canadian	El Reno, City of	H 40 017 1540 01 through H 40 017 1540 22	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Office of the City Manager, P.O. Drawer 700, El Reno, Okla. 73036.	Aug. 17, 1973. Regular.
Pennsylvania	Luzerne	Kingston, Borough of.	H 42 079 4090 01 H 42 079 4090 02 (Revised 8-17-73)	Department of Community Affairs, Commonwealth of Pa., Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Kingston Borough Bldg., 500 Wyoming Ave., P.O. Box 1229, Kingston, Pa. 18704.	Feb. 2, 1973.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 31, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-16602 Filed 8-10-73;8:45 am]

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Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER H—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

PART 870—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

Correction

In FR Doc. 73-15803 appearing at page 21147 for the issue of Monday, August 6, 1973, make the following changes:

1. In § 870.38, paragraph (b) (3) (iv) should read as follows: (iv) Are ineligible for monetary assistance under the CSP.

2. In § 870.40, line eleven should read "proved by the Secretary of Defense. Vir-".

3. In § 870.86, the entry for line 2, column B has inadvertently been omitted. The entry should read "up to, but not exceeding an equivalent portion of the GMC".

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[Order 35029]

PART 1203—EXPRESS COMPANIES

At a session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 26th day of July 1973.

Uniform System of Accounts

It appearing, that, pursuant to the Administrative Procedure Act (5 U.S.C. 553) and section 20 of the Interstate Commerce Act, this Commission issued a notice of proposed rulemaking dated December 9, 1968, setting forth a proposed revised system of accounts for express companies; that the notice of proposed rulemaking was published in the FEDERAL REGISTER on December 13, 1968 (33 FR 18496) and all interested persons were invited to participate in this proceeding by submitting their views in writing; and that REA Express, Inc. (formerly Railway Express Agency, Incorporated) on October 7, 1969, submitted an alternative accounting system for consideration, and petitioned for its adoption in lieu of the system initially proposed;

It further appearing, that, by order dated November 28, 1969, the Commission suspended the existing accounting system for express companies for one year effective January 1, 1970, and permitted REA to use its alternative accounting system during the suspension period; that the suspension was subsequently extended; that, by a supplemental notice of proposed rulemaking served December 11, 1969, the Commission notified the public that REA had submitted an alternative system of accounts, directed REA to provide interested persons with copies of its proposed system, and requested interested persons to submit comments in regard thereto; and that a response was received from the National Motor Freight Traffic Association, Inc. (NMFTA);

It further appearing, that NMFTA in its response stated that REA's proposed system of accounts is defective in that it does not provide necessary separations between domestic and international and/or surface and air transportation in the accounts provided for cargo handling and marketing expenses;

It further appearing, that REA's proposed system of accounts has been revised in the appendix to this order to conform with the statutory requirements set forth in the Revenue Act of 1971 (Public Law 92-178); that this act, in addition to restoring the investment tax credit, also provides that no taxpayer shall be required to use, for the purpose of financial reports subject to the jurisdiction of any Federal agency or reports made to any Federal agency, any particular method of accounting for credit allowed by such act; that this Commission, in Docket No. 34178 (Sub-No. 1, amended its accounting regulations in Parts 1201, 1202, and 1204 through 1210 of Title 49 of the Code of Federal Regulations to permit carriers subject to those parts to account for the investment tax credit allowable under the Revenue Act of 1971 by either the flow through or the deferral method; and that this change will bring the revised accounting regulations, to be added as Part 1203, in conformity with the provisions of the Revenue Act;

And it further appearing, that REA is now the only remaining express company subject to the Commission's jurisdiction; that the system of accounts proposed and now used by REA is designed to meet the specific needs of express companies; that said system is adaptable for use with modern electronic computer systems and conforms with generally accepted accounting principles; that the existing accounting system for express companies was adopted in 1914 and is not designed to meet current managerial and reporting needs; that REA has been operating pursuant to its proposed system of accounts since January 1970 and has converted its 4,000 terminal and office facilities to this system; that the Commission and REA have evaluated their respective experiences with the proposed system and have found that, subject to certain minor revisions, this system meets the needs of REA, the Commission, and the public in general; and that the uniform system of accounts for express companies set forth below should be adopted;

Wherefore, and good cause appearing therefor;

We find, that no need has been shown for requiring the maintenance by express companies qualifying to use the accounting system prescribed herein of the separate accounts requested by NMFTA, and that such express companies shall not be required to maintain separate accounts for operations which may qualify them as carriers of another mode under the Interstate Commerce Act;

We further find, that, effective January 1, 1973, the accounting regulations for express companies should be revised as shown in the appendix to this order, and should be published in Part 1203, to be added to Chapter X, Subchapter C of Title 49 of the Code of Federal Regulations; that such rules are reasonable and necessary to the effective enforcement of the provisions of Part I of the Interstate Commerce Act, as amended; that such regulations are otherwise lawful and are consistent with the public interest and the national transportation policy; and that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969;

It is ordered, That the appended uniform system of accounts be, and it is hereby, adopted and required for use by express companies, effective January 1, 1973.

It is further ordered, That the petition of REA Express, Inc., filed on October 7, 1969, except to the extent granted herein be, and it is hereby, denied.

It is further ordered, That this order shall be effective September 25, 1973.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 49 U.S.C. 20(3); and 54 Stat. 917)

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

(i) Definitions

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AUTHORITY: 5 U.S.C. 553; 49 U.S.C. 20(3); and 54 Stat. 917.

(i) *Definitions.* When used in this system of accounts:

1. "Accounts" means the accounts prescribed in this system of accounts.

2. "Actually issued," as applied to securities, means those which have been sold to bona fide purchasers for a valuable consideration (including those issued in exchange for other securities or other property) so that the purchasers secured them free from control by the issuing carrier, also securities issued as dividends on stock, and those which have been issued in accordance with contractual requirements direct to trustees of sinking and other funds.

3. "Actually outstanding," as applied to securities issued or assumed by the carrier, means those which have been actually issued and are neither retired nor held by or for the carrier; provided however, that securities held by trustees of sinking and other funds shall be considered as actually outstanding.

4. "Addition" means structures, facilities or equipment added to those in service, or the extension or enlargement of existing property, and not taking the place of anything previously existing.

5. "Affiliated companies" means persons (see definition 31) that directly, or indirectly through one or more intermediaries, control or are controlled by, or are under common control with the accounting carrier.

6. "Amortization" means the gradual extinguishment of an amount in an account by prorating such amount over either a fixed period dependent on the

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requirements of regulatory bodies, the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

7. "Betterment" means alterations or changes in structural design of property which result in increased service life or efficiency.

8. "Book cost" means the amount at which property is recorded on the books of the carrier without deduction of related reserves.

9. "Carrier" means any express company subject to the Interstate Commerce Act.

10. "Carrier operating property" means the property which is used (see definition 40) by the carrier in the conduct of its express operations or leased to others for such operations, and which has an expectation of life in service of more than one year from date of installation. This includes land, strutures, equipment, and facilities necessary for such operations and services incidental thereto.

11. "Company" means any individual, firm, copartnership, corporation, association, or joint-stock association; and includes any trustee, receiver, assignee, or personal representative thereof. (See definition 31)

12. "Commission" or "the Commission" means the Interstate Commerce Commission.

13. "Contingent assets" means a possible source of value to the carrier dependent upon the fulfillment of conditions regarded as uncertain.

14. "Contingent liabilities" means items which may under certain conditions become obligations of the carrier but which are neither direct nor assumed liabilities at the date of the balance sheet.

15. "Control" (including the terms "controlling," "controlled by," and "under common control") as used in context with "person" (see definition 31) means the possession directly or indirectly, of the power to direct or cause the direction of the management and policies of a person whether through the ownership of voting securities, by contract or otherwise. If in any instance the existence of control is or may be open to reasonable doubt, the carrier shall report to the Commission all of the material facts pertinent to the possible existence of control.

16. "Cost" means the amount of money actually paid for property or services, or the current cash value of the consideration given when other than money.

17. "Cost of removal" means the cost of demolishing, dismantling, tearing down, or otherwise removing operating property, including the cost of transportation and handling incident thereto.

18. "Current assets" means cash as well as those assets that are readily convertible into cash or are held for current use in operations or construction; current claims against others, payment of which is reasonably assured; and other amounts accruing to the carrier which are subject to settlement within one year from the date of issue or upon demand.

19. "Current liabilities" means those obligations the amount of which is definitely determined or closely estimated which are either matured or become due within one year from date of issue or assumption, or upon demand.

20. "Date of retirement" as applied to operating property, means the date at which such property is permanently withdrawn from service.

21. "Debt expense" means all expense in connection with the issuance and sale of evidences of debt, such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds, certificates of indebtedness, and other evidences of debt; fees paid trustees; specific costs of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters; brokers, and salesmen for marketing evidences of debt; fees and expenses of listing on exchanges; and other like costs.

22. "Delayed items" means items relating to transactions which occurred before the current year. It includes adjustments of errors in the income, operating revenue, and operating expense accounts of prior years. (See general instruction 1–7.)

23. "Depreciation", as applied to depreciable property, means the loss in service value (see definition 37) not restored by current maintenance, incurred in connection with the consumption or prospective retirement of property in the course of service from causes against which the carrier is not protected by insurance, which are known to be in current operation. Among the causes to be given consideration are wear and tear, decay, action of the elements, obsolescence, changes in the art, inadequacy, changes in demand, and requirements of public authority.

24. "Discount", as applied to securities issued or assumed by the carrier, means the excess of the par or face value of the securities plus interest or dividends accrued at the date of the sale over the cash value of the consideration received from the sale.

25. "Long-term obligations" means obligations having a life of more than one year from date of creation or assumption, all unmatured bonds and receivers' or trustees' certificates, and demand obligations which by mutual agreement will not be paid within one year from date of issue.

26. "Mileage method", as applied to depreciation of vehicles, means the plan under which the service value is charged to depreciation expenses and credited to depreciation reserves at a fixed rate per mile run.

27. "Minor items", as applied to carrier operating property (see definition 10), means the associated parts or elements of which units of property (see definition 39) are composed.

28. "Net book cost", when applied to property, means the book cost (see definition 8) less related depreciation and amortization reserves.

29. "Nominally issued", as applied to securities issued or assumed by the carrier, means those which have been signed, certified, or otherwise executed and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the carrier, but which have not been sold or issued directly to trustees of sinking funds in accordance with contractual requirements.

30. "Nominally outstanding" means actually issued securities which have been reacquired by or for the carrier under circumstances which require the securities to be held alive and not retired or cancelled.

31. "Person" when not otherwise indicated in the context, means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or any other organization, or any receiver or trustee.

32. "Premium", as applied to securities issued or assumed by the carrier, means the excess of the cash value of the consideration received from their sale over the sum of their par (stated value of no-par stocks) or face values plus interest or dividends accrued at the date of sale.

33. "Property retired", as applied to operating property, means property which has been removed, sold, abandoned, destroyed or which for any cause has been permanently withdrawn from service.

34. "Replacing" or "replacement" means the acquisition, construction, or installation of property in place of property of like purpose retired, together with the removal of the property retired.

35. "Salvage value" means the amount received for property retired, less any expenses incurred in connection with the sale or in preparing the property for sale; or, if retained, the amount at which the material recovered is chargeable to account 116–Material and Supplies, or other appropriate account.

36. "Service life" means the period between the date when carrier operating property (see definition 10) is placed in service and the date of its retirement. (See definition 33)

37. "Service value" means the difference between the book cost (see definition 8) and the salvage value (see definition 35) of carrier operating property.

38. "Straight line method", as applied to depreciation accounting, means the plan under which the service value (see definition 37) of property is charged to depreciation expenses or other appropriate accounts and credited to the depreciation reserves through equal periodic charges as nearly as may be during its service life.

39. "Unit of property", for the purpose of this system of accounts, means any item of carrier property which when retired, with or without replacement by sale, abandonment, disposal or replacement, is accounted for by crediting the book cost (see definition 8) thereof to the operating property account in which it is included.

40. "Used", as applied to operating property, means actually and necessarily in current service or ready for and reasonably required to be currently held for future service.

GENERAL INSTRUCTIONS

1–1 Classification of accounts.

(a) Accounts are prescribed to record the cost of property used in express and related operations and for revenues, expenses, taxes, rents and other items of income for such operations. Separate accounts are prescribed for cost of property not used in express operations and for income and expenses applicable thereto; for other investments and related income; for extraordinary and prior period items including applicable income taxes; and for assets, liabilities and shareholders' equity.

(b) All items of profit and loss recognized during the year are includible in ordinary income, except nonrecurring items (which in the aggregate) for the same class are both material in relation to operating revenues and ordinary income for the year, and are clearly not identified with or do not result from the usual business operations of the year. Important items of the kind which occur from time to time and which, when material in amount, are to be excluded from ordinary income are those resulting: (1) From unusual sales of property and investment securities other than temporary cash investments; (2) from company bonds reacquired, from wars, earthquakes and similar calamities and catastrophes, which are not a recurrent hazard of the business and which are not usually covered by insurance; (3) from change in application of accounting principles; (4) from prior period items (other than ordinary adjustments of a recurring nature). Material items are those which, unless excluded from ordinary income, would distort the accounts and impair the significance of ordinary income for the year. Items so excludible from ordinary income are to be entered directly in the income accounts provided for extraordinary and prior period items upon approval or direction of the Commission.

(c) Adjustments constituting items of customary business activities or corrections or refinements resulting from the natural use of estimates inherent in the accounting process, including those arising from disposal of a unit of property sold or retired in the regular course of business operations, shall not be considered extraordinary or prior period items regardless of size.

(d) In determining materiality, items of a similar nature shall be considered in the aggregate; dissimilar items should be considered individually. As a general standard, an item to qualify for inclusion as an extraordinary or prior period item, shall exceed one percent of total operating revenues and ten percent of ordinary income for the year.

1–2 Accounting scope.

(a) This system provides for accounting methods which channel a multitude of details into journals: cash receipts, revenues, purchases, expenses, cash disbursements, payroll, operating property, services rendered, and others. These journals pass on their information to the general ledger, the terminal point of all accounting entries and the summary of all activities. The general ledger and the financial statements stemming therefrom demand the highest degree of accuracy; accuracy in summaries of great masses of detail, in the shortest possible time. The financial statements are the significant facts in summary form, supplemented by comparative data.

(b) The general ledger represents the control or master records and the details supporting these master records are assigned, in some cases, to subsidiary ledgers: accounts receivable, inventories, operating property, accounts payable, payroll, and capital shares.

The basic requirements for general ledger accounting procedures are:

(1) Chart of accounts—preparation of account classification.
(2) Source records—processing original data for multiple use.
(3) Trial balance—proof of the general ledger and a summary record of all the carrier's transactions.
(4) Income statement—total revenues less expenses.
(5) Balance sheet—assets less liabilities equal shareholders' equity.

Each general ledger account is coded with a five digit account number. The account number comprises a three digit primary account number and a two digit secondary account number.

(c) Nine broad divisions of accounts include all types of accounts reflecting express company operations:

(1) Assets—things owned by the carrier or amounts owed to the carrier.
(2) Liabilities—amounts owed by the carrier.
(3) Operating revenues—amounts received from the sale of express and other services to customers.
(5) Operating expenses—amounts paid to employees and vendors for services and supplies; also, taxes other than income taxes.
(6) Nonoperating income—amounts received for interest and other income earned in non-express activities.
(7) Nonoperating expenses—amounts paid for interest and other expenses incurred in non-express activities.
(8) Income taxes on ordinary income—amounts paid to the federal government for taxes based on ordinary income.
(9) Extraordinary and prior period items—unusual, large, and nonrecurring items which would distort the accounts if included in ordinary income.

An orderly account classification is necessary to the preparation of well arranged and intelligible financial statements. This is accomplished by the chart of accounts which possesses certain characteristics:

(1) Explicit account names.
(2) Sequentially numbered accounts.
(3) Accounts arranged in the order used for financial statements.
(4) Simple yet comprehensive format, with room for expansion and with provision for location number.

(d) Starting with the first digit of the primary account number, the coding is organized as follows:

Balance Sheet Groups		*Income Statement Groups*	
100	Assets	300	Operating revenues
200	Liabilities	500	Operating expenses
		600	Nonoperating income
		700	Nonoperating expenses
		800	Federal income taxes on ordinary income
		900	Extraordinary and prior period items

Then, the second digit of the primary balance sheet account numbers is further divided into classes:

110 Current assets
120 Tangible property
130 Permanent investments
140 Other assets
210 Current liabilities
220 Long-term obligations
230 Advances payable
240 Other liabilities
250 Shareholders' equity

The third digit of the primary balance sheet classes, then, represents the nature of the asset or liability:

111 Cash
112 Temporary investments
113 Notes receivable
114 Accounts receivable
115 Allowance for uncollectible receivables
116 Material and supplies
117 Prepayments
118 Affiliate receivables
119 Other current assets
121 Operating property
122 Accumulated depreciation on operating property
123 Nonoperating property
124 Accumulated depreciation on nonoperating property
131 Affiliate investments
132 Other investments
141 Intangible property
142 Accumulated amortization (intangible property)
143 Deferred charges
144 Special funds
211 Current long-term debt
212 Dividends declared
213 Notes payable
214 Accounts payable
215 Income taxes accrued
216 Other taxes accrued and withheld
217 Accrued expenses
218 Affiliate payables
219 Other current liabilities
221 Equipment obligations
222 Bonds
223 Other long-term obligations
231 Affiliate advances payable
232 Other advances payable
241 Accumulated provision for self-insurance
242 Deferred credits
251 Preferred stock
252 Common stock
253 Capital stock subscribed
254 Capital surplus
255 Retained income

The second digit of the primary income statement account number is further divided into classes:

310 Domestic express
320 Foreign express
330 Interline express
340 Other express
350 Other revenue
510 Equipment maintenance
520 Transportation
530 Terminal
540 Operations
550 Marketing
560 Finance and administration
570 Personnel
580 Exclusive air operations
590 Executive

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610 Noncarrier income
620 Interest income
630 Dividend income
640 Other income
710 Interest expense
720 Debt expense and credit
730 Other expenses
810 Federal income taxes on ordinary income
910 Extraordinary items (net)
920 Prior period items (net)
930 Income taxes on extraordinary and prior period items

The third digit of the primary income statement classes, then represents the nature of the revenue or the function of the expense:

311 Domestic surface express
312 Domestic air express
321 Foreign surface express
322 Foreign air express
331 Interline surface express
332 Interline air express
341 Miscellaneous express
351 Advertising revenue
352 Customs brokerage fees
353 C. O. D. service fees
354 Storage fees
355 Miscellaneous revenue
511 Maintenance management
512 Line haul maintenance
513 (1) Pickup and delivery maintenance
514 Service cars
515 Railroad car maintenance
522 Line haul transportation
523 (1) Pickup and delivery transportation
524 Air transportation
525 Railroad transportation
531 (1) Terminal management
532 (1) Cargo handling
534 (1) Property maintenance
541 Operations management
542 Fleet maintenance
543 Transportation management
544 Engineering and real estate
552 (1) Sales

(1) Does not include exclusive air terminals.

553 Freight claims
554 Surface advertising
555 Air advertising
556 Market research
557 Traffic
559 International services
561 Banking and corporate accounting
562 Disbursements
563 Budget and cost
564 Revenue billing
565 Tax and insurance
566 Internal auditing
567 Data processing
568 Systems and programming
569 Credit and collection
571 Personnel management
572 Office services
573 Employee benefits
581 Pickup and delivery maintenance—exclusive air
582 Pickup and delivery transportation—exclusive air
583 Cargo handling—exclusive air
584 Terminal manageemnt—exclusive air
585 Air services management
587 Property maintenance—exclusive air
588 Sales and marketing—exclusive air
591 Executive management
592 Law
593 Purchasing
594 Security
611 Noncarrier revenues
612 Noncarrier expenses
621 Investment interest income
622 Affiliate interest income
623 Miscellaneous interest income
631 Investment dividend income
632 Affiliate dividend income
641 Miscellaneous income
711 Investment interest expense
712 Affiliate interest expense
721 Debt discount expense
722 Debt premium credit
731 Miscellaneous expenses
811 Federal income taxes
813 Other income taxes
911 Extraordinary items (net)
921 Prior Period Items (net)
931 Income taxes on extraordinary and prior period items

(e) The secondary account number of balance sheet classes is used, in sequence, for detailed identification of the account.

Primary	Secondary	Title
111	00	Cash
111	01	ABC Bank
111	02	DEF Bank
111	03	GHI Bank
111	04	JKL Bank

Thus, applying the balance sheet account numbering system, money on deposit in an account with the JKL Bank is identified by the account number 111–04.

The secondary account number of income statement classes (except operating expenses accounts) is used, in sequence, for detailed identification of the account in the same manner as balance sheet accounts.

The secondary account numbers of operating expense accounts represent the objective of the expense:

01 Payroll
02 Employees welfare
03 Advertising
04 Taxes and licenses
05 Utilities
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
10 Communications
11 Pensions
12 Insurance
13 Depreciation
14 Professional services
15 Donations
16 Uncollectible revenues
17 Equipment rentals
18 Purchased transportation
19 Commission agents
20 Real Property rentals
21 Tires and tubes
22 Motor fuel and oil
23 Demurrage and detention
24 Regulatory fees
25 Surface substitute service
26 Gain or loss on sale of assets (unit method)

or the nature of the clearing account:

91 Maintenance transfers
92 Transportation transfers
93 Other expense transfers
94 Interdepartment transfers
95 Other credits
96 Multi-terminal distribution

Thus, applying the income statement numbering system, traveling by personnel of the sales division is identified by the account number 552–09.

(f) Where no secondary account number has been indicated for a primary account in the balance sheet and income statement classes, the secondary account number "01" is implied. It takes the same account title as that shown for the primary account.

(g) Subdivisions of any account in this system may be kept to indicate the terminal, garage, office or other location involved. (See general instruction 1–17)

1–3 Records.

(a) The accounts prescribed in this system shall be kept by carriers engaged in performing express transportation services. Subdivisions of any of the prescribed accounts also may be kept provided that the integrity of such prescribed account or accounts is not impaired thereby. The Commission reserves the right to order carriers to subdivide any account in this system of accounts.

(b) Each carrier shall keep its books of account, and all other books, records and memoranda which support the entries in such books of account, so as to be able to readily furnish full information pertaining to every item included in any account. Each entry shall be supported by such detailed information as will permit ready identification, analysis, and verification of all facts applicable thereto.

(c) The books and records referred to herein include not only accounting records in a limited technical sense, but all records, such as minute books, stock books, reports, correspondence, memoranda, etc., which may be useful to developing the history of or facts relating to any transaction.

(d) The carrier shall not destroy any such books or records unless the destruction thereof is permitted by the Regulations to Govern the Destruction of Records of Express Companies.

1–4 Accounting period.

(a) Each carrier shall keep its books on a calendar year basis. All transactions applicable thereto, as nearly as can be ascertained, including full accruals, shall be entered in the books of original entry (cash book, purchase journal, etc.) and posted to the general ledger. A trial balance of the general ledger accounts shall be prepared at the close of each month. At the end of the year, the revenues, expense and other income accounts shall be closed into retained income or the noncorporate capital accounts; and balance sheet account balances shall be brought forward to the general ledger for the succeeding year.

(b) The final entries for any month shall be made in the general ledger not later than 60 days after the last day of the month for which the accounts are stated, unless otherwise authorized by the Commission, except that the period within which the final entries for the last month of the year shall be made may be extended by another 30 days, following the 60 days referred to above, to allow adequate time for the closing of the year's accounts.

(c) After the accounts of the carrier have been closed for the calendar year no changes can be made in such accounts

thereafter unless approval is first requested and given by the Commission.

1–5 Interpretation of prescribed accounting.

The cross-reference included in, and notes following, the texts of various instructions and accounts are for the purpose of indicating the applicable provisions of other sections. Such references are not to be construed as comprising a complete list of the instructions relating to a particular subject, since the definitions, the general instructions, and the text of each account must be given consideration in determining the prescribed accounting.

1–6 Item lists.

List of items appearing in the texts of the several accounts are given for the purpose of indicating the application of the prescribed accounting in specific cases. The lists are not to be considered as comprising all items includible in the accounts, but merely as representative of them. On the other hand, the appearance of an item in a list warrants the inclusion of such item in the account concerned only when the text of the account also indicates inclusion, inasmuch as the same item frequently appears in more than one list. The proper entry in each instance must be determined by the texts of the accounts.

1–7 Delayed items.

Ordinary delayed items and adjustments arising during the current year which are applicable to prior years shall be included in the same account which would have been charged or credited if the item had been taken up or adjusted in the year to which it pertained. When the amount of a delayed item or adjustment is relatively so large that its inclusion in net income for a single month would seriously distort the accounts for the month (but not for the year), such amount may be distributed in equal monthly charges or credits, as the case may be, to the remaining months of the year. See general instruction 1–1(b) as to delayed items which would distort the accounts for the year.

1–8 Accounting method.

(a) The system of accounts shall be kept by the accrual method of accounting. Items of income and expenses shall be accrued each month on a consistent basis. The carrier shall promptly report to the Commission unusual accruals and changes in accrual basis or practices which have the effect of including or excluding material amounts from the accounts.

(b) Estimated accruals shall be recorded on the basis of the best information available. Such estimates shall be modified in conformity with later and more up-to-date information and adjusted to the actual amounts of income or expenses involved promptly when that information is known or becomes determinable. Accrual accounting is not required for minor items which do not appreciably affect the accounts.

1–9 Acquisition by merger, consolidation or purchase.

(a) Where property is acquired by business combination of two or more corporations, the accounting for the transaction shall depend on whether there has been (1) merger or consolidation on a "pooling of interests basis" or (2) a "purchase basis".

(b) In accounting for a pooling of interests, no new basis of accountability arises. The assets, liabilities, and retained income, or deficit, if any, of the predecessor company shall be recorded in the accounts of the transferee at amounts carried on the books of the predecessor company at date of consummation of the transaction. Such amounts shall be adjusted, if necessary, to conform with the rules in this system of accounts. Where one of the stockholders obtains 90 percent or more of the voting interest in the combined enterprise, there is a presumption that the transaction is a purchase rather than a pooling of interests and the transactions shall be so accounted for, unless otherwise directed or authorized by the Commission.

When the total par value or stated value of no par capital stock of the surviving company is more than the aggregate total of the capital stock of the separate companies before merger or consolidation, the excess shall be charged to account 254–02–other capital surplus, or to account 255–02–unappropriated retained income, if unrestricted capital surplus is not available for such purpose.

When the total par value or stated value of no par capital stock of the surviving company is less than the aggregate total of the capital stock of the separate companies before merger or consolidation, the difference shall be credited to account 254–02—other capital surplus.

(c) When physical property and other assets are purchased, the amounts includible in the accounts for carrier operating property, noncarrier property, and intangible property which includes certificates and permits issued by regulatory agencies to engage in transportation operations, shall be based on the cost to the buyer of each such asset. Other assets acquired and the liabilities assumed shall be recorded in the appropriate prescribed accounts in the amounts shown in the books of the seller, adjusted as may be necessary to conform with this system of accounts. When separate costs for the physical property and the intangible property are not indicated in the purchase and sale agreement, or otherwise disclosed in the application or record in the proceeding, a reasonable amount carefully ascertained based on the best information obtainable representing a fair portion of the total purchase price shall be assigned to each such class of property.

In ascertaining the portion of the total purchase price assignable to the intangible property, due consideration shall be given to past earnings attributable to the property acquired and to other pertinent factors appropriate in ascertaining the value of intangible property in accordance with sound accounting principles for which there is authoritative support. The portion of the total purchase price assignable to the physical property shall be substantiated by an appraisal made by a disinterested qualified appraiser and such other documentary evidence as the Commission may require. The amount shown on the books of the seller for the physical property together with the accrued depreciation may be used in lieu of such an appraisal providing that the books of the seller have been kept in accordance with the rules of this Commission and the amount is fairly representative of the purchase price of such property.

The aggregate amount recorded in the accounts for the intangible property and the other assets acquired, shall in no case exceed the total purchase price thereof.

(d) Detailed records, including copy of each appraisal report, shall be maintained showing the basis used for computing amounts included in the tangible property, intangible property, other capital surplus, retained income and other accounts. Full details showing the purchase price, the principals from whom the property was acquired, and agents who represented such principals shall be stated in the journal entries recording the acquisition of the property.

1–10 Amortization of intangibles.

(a) Amortization accounts shall be established to provide for the retirement of the cost of permits, franchises, patents or other intangibles upon the expiration of their life term.

Accretions to these accounts shall be made through equal charges each month to the appropriate account or accounts over the life terms of the intangibles.

(b) When it becomes reasonably evident that the term of existence of an intangible, the cost of which is included in account 141, Intangible property, has become limited or its value impaired, its cost shall be amortized through account 731, Miscellaneous expenses, or it may be entirely written off by charge to this account, or the entire cost, when qualifying as extraordinary pursuant to general instruction 1–1, may be written off by debit to account 911, extraordinary items, with concurrent credit to account 142, accumulated amortization on intangible property.

(c) When intangibles covered by amortization accruals terminate at the close of their life terms or become invalid for whatever cause, the book costs of such items shall be credited to the investment account. Concurrently, the related accumulated amortization accounts shall be charged with the amounts provided therein with respect to the retired intangibles, and any remaining difference shall be charged to the expense or ordinary income accounts prescribed therefor as appropriate.

1–58 Nuisance.

(a) Secondary operating expense account 12–Insurance, shall be used for recording monthly write-off of amounts

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of prepaid premiums paid to commercial insurance companies and charges for the purpose of maintaining self-insurance. Amounts payable by the carrier in settlement of cargo loss and damage claims not recoverable from insurance companies or others, shall be charged to the appropriate self-insurance account.

(b) Fire, theft and collision and other insurance costs are to be charged to secondary operating expense account 12–insurance. Inasmuch as such risks represent losses that may be sustained by the carrier rather than claims against it by others, coverage by commercial insurance or self-insurance is not a mandatory requirement, and if no provision is made for such coverage, losses from fire, theft or collision shall be charged to the appropriate expense accounts if owned or leased property is repaired, or if retired from service, handled in accordance with carrier property instruction 3–3.

(c) Accumulated provisions for self-insurance of cargo loss and damage and other loss and damage claims shall be included in account 241–04–surface cargo loss, and acount 241–05–air cargo loss, as the case may be.

Monthly charges to expense accounts for the purpose of creating self-insurance liability shall be determined currently by the carrier from its best source of information and the rates used may be based on percentage of revenue, mileage of vehicles, or other equitable bases.

(d) Amounts payable by the carrier in settlement of cargo and other loss and damage claims, including those paid by the carrier for which it will be reimbursed wholly or in part by insurance companies, connecting carriers or others, shall be charged to the self-insurance accounts. Parts of such claims that are payable by insurance companies or others, less any adjustment for salvage recovered, shall, when their liability is determined, be credited to the self-insurance accounts previously charged.

(e) The cost of repairs to owned or leased carrier operating property involved in accidents or damaged by fire or other causes, and of replacing damaged or destroyed property leased from others, shall be charged to the appropriate expense accounts. When the amounts receivable from insurance companies or others in full or partial reimbursement of such costs, if any are determined, they shall be credited to the expense accounts previously charged, together with the value of salvaged materials recovered.

(f) Insurance premiums paid in advance to commercial insurance companies shall be charged to account 117–02–prepaid insurance, and distributed to the appropriate insurance expense accounts in monthly installments over the period for which the premiums have been paid except that minor premiums may be charged direct to the secondary insurance expense account. If it is anticipated that a dividend or refund will be received on prepaid premiums at the end of the year or other period covered by the insurance, an amount equal to the estimated dividend or refund shall be retained in account 117–02–prepaid insurance and the balance of the premium shall be charged to secondary expense accounts in monthly installments as described above. When the dividend or refund is received, it shall be credited to account 117–02–prepaid insurance. Any discrepancy between the estimated dividend or refund and the amount actually received shall be adjusted to the appropriate secondary insurance expense accounts. If insurance premiums are paid on a monthly basis and it is anticipated that a dividend or refund will be received at the end of the year, a part of each monthly payment equal to one-twelfth of the estimated dividend shall be charged to account 117–02–prepaid insurance and the balance of the payment shall be charged to the secondary insurance expense account. When the actual dividend is received, it shall be accounted for as described above.

1–12 Taxes and licenses.

Taxes, licenses and tolls relating to express operations and property, payable to Federal, State, county, municipal and other taxing authorities, shall be charged to secondary expense account 04–Taxes and Licenses. Where appropriate, an amount shall be charged each month with concurrent credits to account 117–01–prepaid taxes and licenses. When it is not possible to determine the actual amount of the tax, it shall be estimated and adjusted when the actual tax becomes known.

1–13 Joint facilities.

Where a joint facility operated by others, is used by the reporting carrier under a joint facility arrangement, any amounts paid by the carrier as its share of operation and maintenance costs shall be charged to secondary operating expense account 20–real property rentals. Do not include in secondary operating expense account 20–real property rentals, expenses such as taxes, supplies, repairs, insurance, depreciation and interest when paid for separately and directly by the reporting carrier, since such expenses should be charged to the specific expense accounts provided for those classes of expenditures. Expenses such as depreciation, taxes or others in the joint facility, when the property is owned by the operating carrier, shall be charged to the respective appropriate secondary operating expense accounts. Any payments received by the operating carrier shall be credited to secondary operating expense account 20–real property rentals.

1–14 Allocation of maintenance expenses among line haul, pickup and delivery and service cars.

(a) All maintenance expenses that can be directly charged to line haul, pickup and delivery or service car maintenance shall be so charged. All other maintenance expenses which cannot be readily distinguished shall be charged to line haul maintenance and prorated at the end of each month to pickup and delivery and service car maintenance.

(b) Proratable maintenance costs shall include the following secondary operating expense accounts:

01 Payroll
.04 Taxes and licenses
06 Supplies
07 Services purchased
22 Gas and oil

(c) The use of prorating joint maintenance expenses shall be restricted to those instances which do not lend themselves to direct charging.

1–15 Employees' welfare expenses.

(a) Primary operating expense account 573–employee benefits shall be used to record expenditures made for employees' welfare. Such expenditures shall include the following classes of items:

(1) Contributions to health and welfare funds, whether under contract arrangements with labor organizations or otherwise.
(2) Premiums on group insurance policies for benefit of employees or their beneficiaries.
(3) Payments to trustees under profit sharing and pension plans or the benefits of employees in active service.
(4) Payments for pensions directly to retired employees or to their beneficiaries when no trust fund exists.
(5) Payments to or on behalf of employees other than claims covered by Workmen's Compensation Acts.
(6) Vacation accrual for all employees.

(b) Such expenses shall be apportioned to the appropriate primary operating expense accounts in the same ratio as their pay is distributed to primary operating expense accounts or on some other equitable basis.

(c) No charges to primary operating expenses account 573–employee benefits shall be made in anticipation of future discretionary payments.

1–16 Interpretation of rules.

The carrier shall submit questions of doubtful interpretation to the Commission for consideration and decision.

1–17 Tertiary accounts.

The carrier may subdivide any account in this system of accounts to show the terminal, garage, office or other location involved.

1–18 Accounting for the investment tax credit.

(a) Carriers electing, as provided in the Revenue Act of 1971, to account for the investment tax credit by the flow-through method shall charge account 810, income taxes on ordinary income, or account 931, income taxes on extraordinary and prior period items, as applicable and shall credit account 215, income taxes accrued, with the estimated Federal income taxes payable which is net of the investment tax credit utilized as a reduction of the tax liability in the current year.

(b) Carriers electing the deferral method to account for the investment tax credit shall, concurrently with making the entries prescribed in (a) above,

charge account 810, income taxes on ordinary income, or account 931, income taxes on extraordinary and prior period items, as applicable and shall credit account 242, deferred credits, with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credits so deferred shall be amortized by credits to account 810, income taxes on ordinary income, over the life of the assets to which they relate.

(c) Any change in practice of accounting for the investment tax credit shall be reported promptly to the Commission. Carriers desiring to clear account 242 of the amounts representing deferred investment tax credits because of a change from the deferral method to the flow-through method shall submit the proposed journal entry to the Commission for consideration and advice.

INSTRUCTIONS FOR BALANCE SHEET ACCOUNTS

2–1 Current assets.

(a) This group of accounts shall include all assets and resources which reasonably may be expected to be realized in cash or sold or consumed within one year; such as, unrestricted cash, assets readily convertible into cash, or that are held for current use in operations, current claims against others, and amounts of whatever nature accruing to the carrier which are reasonably certain of being settled within one year.

(b) There shall not be included in the current asset group any item the collectibility of which is not reasonably assured, or for which adequate provision for uncollectibility has not been made. Items of current character but of doubtful value not so provided for shall be written down or written off to the expense or ordinary income accounts prescribed therefor, as appropriate.

2–2 Investments—special funds.

(a) Include in this classification the cost of long-term investments in securities of others, investment advances and all similar items of a non-current character, such as cash or securities deposited with trustees of sinking funds, or deposited to guarantee contract performance or for other specific purposes under conditions preventing their use in current operations.

(b) Investment in securities shall be recorded at cost exclusive of amounts paid for interest or dividends accrued thereon when acquired. If for some reason the value of certain owned securities becomes either permanently impaired or worthless, the investment therein shall be promptly written down or written out of the accounts as appropriate in the circumstances. Such losses in value of securities written off, if material, shall be charged to account 911–extraordinary items (see general instruction 1 (b)), otherwise charge to account 731–08–miscellaneous, sundry expenses.

2–3 Current liabilities.

This category shall include all liabilities and debts ordinarily subject to current payment and those which will become subject to settlement and payment within one year.

2–4 Long term debt due after one year.

This classification comprises those obligations and debts which do not become subject to payment and liquidation until more than one year from the date of the balance sheet. Among other long-term obligations, include in this classification, mortgages, leases that are clearly in substance installment purchases, bonds, debentures and other issues of debt securities which do not mature for more than one year from the date of the balance sheet. Debt securities shall be recorded in the appropriate liability account at par value; any premiums realized or discount sustained shall be included in the proper balance sheet accounts prescribed therefor and amortized monthly.

2–5 Shareholders' equity.

(a) Group under this general classification all items which record the aggregate interests of the holders of the carrier's stock in the assets owned by the carrier.

(b) "Shareholders' equity" shall be subdivided to reflect the direct contribution of the stockholder and any capital surplus, separately from the undistributed income retained from the operation of the carrier. The income shall be carried to "retained income" which shall be divided between appropriated retained income and unappropriated retained income.

(c) Discount applicable to original issuances of a particular class or series of capital stock may be charged only against premiums applicable to the same class or series of stock.

2–6 Contingent assets and liabilities.

Contingent assets are items which may be a possible source of value to the carrier dependent upon the fulfillment of conditions regarded as uncertain; contingent liabilities are items which under certain conditions could become obligations of the carrier but which are neither direct nor assumed liabilities at the date of the balance sheet. Contingent assets and contingent liabilities shall not be shown in the body of the balance sheet but shall be explained in footnotes.

INSTRUCTIONS FOR CARRIER PROPERTY ACCOUNTS

3–1 Property acquired.

(a) In general, the carrier property accounts shall be charged with the cost of property purchased or constructed, and with the cost of additions and betterments of property. Cost includes the net purchase price, plus taxes, transportation, installation, testing and costs incurred in preparation for use. If the consideration is other than cash, the cost shall be based on the current cash value of such consideration. However, the acquisition of a distinct operating unit shall be accounted for as provided in general instruction 1–9.

(b) When indebtedness is directly incurred to finance the construction of carrier property, the interest accruing thereon up to the time the property is completed and placed in service shall comprise a component of the cost of the property to be recorded in the appropriate property investment account.

(c) Accounting shall be performed on the "betterment" plan where superior component parts are installed in a unit of property to replace older component parts, thereby increasing the usefulness, efficiency, capacity or durability of the unit. In these cases, the excess of the cost of the superior parts installed over the current cost of new parts of the kind replaced shall be charged to the appropriate property account subject to the minimum adopted under carrier property instruction.

2. The cost of removing the old and installing the new parts shall be charged to operating expenses. Where, however, the new parts installed are substantially similar to the parts removed resulting in no material betterment of the unit, all costs incurred in effecting the replacement shall be charged to operating expenses.

(d) If a unit of property is to be extensively rebuilt with the result that the expectation of its service life will be prolonged for a period fairly comparable with similar new property, the accounting shall be performed on the write-in and write-out basis. The old unit shall be considered retired and appropriate retirement accounting performed. The rebuilt unit shall be stated in the property account at the aggregate of the labor and material costs incurred, plus the appraised value (not to exceed original costs) of the second-hand material (from the old unit) reused in the rebuilding process.

(e) Upon the effective date of this system of accounts, all motor vehicles acquired and used to transport express traffic over streets and highways shall be stated in the property account at purchase cost including the values of the tires on and received with the vehicles when acquired.

3–2 Minimum rule.

Units of property, and additions to, and betterments of, existing property, having a life in excess of one year and costing less than $500.00 shall be charged to operating expenses. A minimum of a lesser amount may be substituted provided that the Commission is promptly notified and that no further change will be made in such minimum without obtaining prior authorization from the Commission. Expenditures made under a general plan shall not be parcelled to avoid the adopted minimum, nor shall unrelated items be combined to exceed the minimum.

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3–3 Retirements.

(a) *Property depreciated under "Unit Plan."* When a unit of property on which depreciation charges have been accrued under the unit plan is retired from service, the book cost of the property shall be credited to the appropriate property account and concurrently charged to account 143–02–other deferred charges. This account shall be credited with the value of salvage recovered in case the property is dismantled; the amount received from the sale or trade-in of the retired property; or with the amount of insurance recovered, including amounts provided for by any self-insurance with respect to the retired property when such self-insurance covers the cause of the retirement; and with the amount of depreciation accrued to date of retirement with a concurrent charge to the appropriate accumulated depreciation-operating property account.

If the property retired is to be rebuilt in conformity with the provisions of carrier property instruction 3–1(b), the accounting shall be peformed as described above, except that the appraised value (not to exceed original cost) of the parts to be utilized in the rebuilt unit shall be charged to account 121–09–unfinished construction.

Any balance remaining in account 143–02–other deferred charges after the foregoing entries have been made, shall be transferred to secondary account 26–Gain or Loss on the Sale of Assets.

(b) *Property depreciated under the "Group Plan."* When a unit of property on which depreciation charges were accrued under the group plan is retired from service, the book cost thereof shall be credited to the appropriate property account and concurrently charged, together with the cost of removal, to the accumulated depreciation-operating property account. Any salvage or insurance recovered, including amounts provided for by any self-insurance with respect to the retired property, when such self-insurance covers the cause of retirement, or the proceeds if the property is sold or traded, shall be credited to the accumulated depreciation-operating property account. No further entries are required under this plan because over or under accruals of depreciation are not cleared from accumulated depreciation-operating property account.

(c) *Land.* When land is sold, the book costs shall be credited to the land account and any difference between the book cost and the sales price, less commissions and expenses on the sale, shall be debited or credited to account 641–miscellaneous income or, when material pursuant to general instruction 1–1 to account 911–extraordinary items (net).

(d) *Determination of book cost.* The book cost of operating property retired shall be the amount at which such property is included in the property accounts. When it is impracticable to determine the book cost of individual low cost items being retired such as tools, office machines, furniture, due to the large number of items in service, the average book cost of all substantially similar items shall be used for retirement accounting purposes.

3–4 Depreciation accounting-operating property.

(a) *Method.* Depreciation charges shall be recorded monthly on depreciable carrier property by the straight-line method under the unit plan or the group plan as explained hereunder except that the mileage method may be used for automotive equipment in which event the rate per mile shall be applied to the number of miles traveled each month.

(1) *Unit Plan.* Depreciation charges are computed and accrued on the book cost of individual units of property, and the records maintained so that the total amount of depreciation accrued for each unit of property can be determined. Depreciation shall cease when the accruals credited to the accumulated depreciation account for a particular unit becomes equal to the estimated service value of the unit. Depreciation charges shall be computed on the unit plan with respect to property included in the following accounts:

121–02 Structures
121–03 Revenue equipment
121–04 Service cars and equipment
121–10 Structures on land not owned

(2) *Group Plan.* Depreciation charges are computed and accrued on the sum total of the book costs of all units of property included in each depreciable property account or subdivision thereof at composite rates based on averages of the service lives of all such units. Depreciation shall not cease until the unit is retired from service when its full book cost shall be charged to the accumulated depreciation account regardless of whether the actual service life of the unit was shorter or longer than the average for the units with which it was grouped.

(3) Depreciation charges shall be computed on either the unit or group plan with respect to property included in the following accounts:

121–05 Shop and garage equipment
121–06 Furniture and office equipment
121–07 Miscellaneous equipment

(b) *Rates.* Separate annual percentage rates are prescribed by Commission order for each depreciable account. The carrier may be called upon by the Commission to conduct and submit the results of studies bearing on the reasonableness of the depreciation rates in effect. If any rate prescribed by the Commission is believed to be no longer appropriate, the carrier shall submit the rate it believes should be established, supported by full particulars for consideration by the Commission.

The carrier shall keep records of property and property retirements that will reflect the service life of property retired in past years, or that will permit the determination of service life indications by mortality, turnover, or other appropriate methods. Also, the carrier shall keep records that will reflect the percentage of salvage value for property retired from each class of depreciable carrier property.

(c) *Leasehold improvements.* Depreciation charges on the cost of additions or betterments included in account 121–08–leasehold improvements, shall be on the same basis as for similar depreciable property includiable in other property accounts, except where limited by terms of the lease.

3–5 Depreciation accounting-nonoperating property.

Estimated accruals to cover depreciation on the book cost of depreciable property owned, classified as "nonoperating property," shall be recorded in the appropriate accounts monthly. The depreciation charges shall be such as to distribute the service value equitably over the service life of such property.

3–6 Salvage.

(a) When retired property is salvaged for material or parts which are to be reused by the carrier, the salvage shall be taken into the accounts at current prices for similar items, (not to exceed original cost) with due consideration of their second-hand condition.

(b) Pending the recovery of salvage (including reusable parts and material) from retired units of depreciable property the value of salvage expected to be recovered (less estimated cost of recovery) shall be estimated and recorded in account 119–02–salvage property, if it is to be recovered within a year, otherwise, in account 143–02–other deferred charges.

INSTRUCTIONS FOR OPERATING REVENUE AND MAJOR OPERATING EXPENSE ACCOUNTS

4–1 Detail of accounts.

The carrier shall keep the prescribed accounts with sufficient particularity to permit the reporting of operating revenues by the various sources involved, as outlined in the primary operating revenue accounts provided, and to permit the allocation of operating expenses by service functions. (See operating instruction 4–3)

Carrier is not required to allocate small items which will not appreciably affect these accounts.

4–2 Operating revenues.

(a) The operating revenue accounts are designed to reflect revenues derived during the current year from the performance of intra and intercity transportation services both within the United States and to and from foreign countries; and from the performance of accessorial, incidental and other transportation related services referred to and described in the texts of those accounts.

(b) Refundable overcharges resulting from the use of erroneous rates, weights, classifications or computations, (or provision for possible claims for such overcharges) and amounts of uncollected revenues on shipments destroyed, lost or refused by consignees due to delay or other causes, shall be charged to the same revenue accounts that were initially credited with such items.

4–3 Operating expenses.

(a) The operating expense accounts are designed to reflect all expenses directly and indirectly incurred during the current year in the express transportation of goods and commodities and in the performance of other related services that produce the revenues includable in the primary operating revenue accounts. The expenses of express operations shall be segregated into the major functions described below.

(b) *Equipment maintenance.* The primary operating expense accounts grouped in this major function shall include all expenses specifically identifiable with the repair and upkeep of both owned and leased railroad cars, motor vehicles (trucks, tractors and trailers), shipping containers and such other units of transport equipment being used in the performance, either of pickup and delivery services or of line haul express transportation services.

(c) *Transportation.* The primary operating expense accounts grouped in this major function shall include all expenses specifically identifiable with the performance of express transportation services, including amounts chargeable to secondary operating expense account 18–purchased transportation. As used in this system, the term "line haul" means the transportation of express shipments or other traffic between a terminal or point in one location and a terminal or point in another community, city, state, or foreign country. Transportation also includes the performance of local pickup and delivery services within the confines of communities, cities, terminal areas or commercial zones.

Purchased transportation, a secondary operating expense account, shall include amounts payable to railroads, motor carriers, air lines, water carriers and others for furnishing raiload cars, motor vehicles, airplanes, or ships for transporting express shipments and other traffic, where the vehicles so employed are furnished with drivers, are not used exclusively in the carrier's service and are not under its direction.

In the preparation of income statements, the aggregate of amounts receivable for vehicles furnished to others with the services of drivers shall be reflected as a credit to operating revenues.

(d) *Terminal.* The primary operating expense accounts grouped in this major function shall include all expenses specifically identifiable with the work functions involved in the assembly and sorting of shipments by terminals. These functions generally include cargo handling, the sorting and loading of shipments preparatory to the line haul movement by rail, highway, air or water, the unloading and sorting at destination terminal, the transfer of the shipments to city route vehicles, and collection of express charges when such responsibility lies with the terminal.

(e) *Operations.* The primary operating expense accounts grouped in this major function shall include all expenses specifically identifiable with central operations management including the operation of the central fleet maintenance function, the central terminal operations function, the central transportation management function, and the central engineering and real estate function.

(f) *Marketing.* The primary operating expense accounts grouped in this major function shall include all expenses specifically identifiable with promotional and marketing activities designed to stimulate and expand the use of express transportation service by the public. It shall also include expenses incurred in the preparation, production and distribution of tariffs, schedules and similar publications, such as material that describes the transportation services furnished, states the rates assessed and provides other relevant information regarding the handling and movement of traffic. Also included are expenses relating to the administration of express claims, advertising and marketing research.

(g) *Finance and administration.* The primary operating expense accounts grouped in this major function shall include salaries and expenses of supervisory and clerical personnel administering to and performing financial and administrative services, including general accounting, payroll, accounts payable, revenue accounting, billing and collecting, banking, tax, insurance, internal auditing and data processing work.

(h) *Personnel.* The primary operating expense accounts grouped in this major function shall include salaries and expenses of supervisory and clerical personnel administering to and performing the functions of personnel management, office services and employee benefits. (Including company-wide cost of benefits)

(i) *Exclusive Air.* The primary operating expense accounts grouped in this major function shall include salaries and expenses of personnel involved in managing and operating exclusive air terminals and equipment. The major functions shall include maintenance, pickup and delivery service, platform work, management both local and central, property maintenance and sales and marketing. It will not include air excise tax, claims on air express shipments or air purchased transportation all of which will be recorded in primary account 524.

(j) *Executive.* The primary operating expense accounts grouped in this major function shall include salaries and expenses of those principal officers who have plenary authority and jurisdiction over the carrier's entire organization and operations; also, salaries and other expenses incurred in the performance of legal, purchasing, security and related functions that contribute to and have general applicability to the work and activities of all departments, divisions and other organizational units engaged in the conduct of the carrier's express transportation business.

4–4 Expense distribution.

(a) The several classes of primary operating expenses shall be directly distributed to the applicable service functions to the fullest possible extent. Expenses common to two or more functions and system expenses shall be equitably distributed to the service functions. The basis for distribution and the underlying records in support thereof shall be readily available for inspection. The following categories of expense shall be distributed among the respective elements provided, as outlined in this instruction.

(b) *Equipment maintenance.* To facilitate the allocation of costs among the applicable units of service, the primary maintenance expense accounts are classified into:

(1) Maintenance management
(2) Line haul maintenance
(3) Pickup and delivery maintenance
(4) Service cars, and
(5) Railroad car maintenance

Applicable elements of directly assignable expenses shall be allocated between those classifications on the basis of the predominant service of the respective vehicles.

(c) *Terminal-Operations.* To facilitate the allocation of costs among the applicable units of service, expenses relating to branch terminal operations and activities shall be segregated into primary operating expense accounts as follows:

(1) terminal management
(2) cargo handling
(3) property maintenance

Items of directly assignable expense classified in the category, Cargo Handling, shall be separated between amounts applicable to "surface" shipments and amounts applicable to "air" express shipments by means of the tertiary location number.

At terminals where both surface and air express traffic are handled, joint expenses shall be initially classified as "surface" and prorated between "surface" and "air" for each cost study.

(d) *Purchased transportation.* This secondary operating expense account shall be segregated between:

(1) line haul (excluding "trailers on flat cars")
(2) pickup and delivery
(3) air, and
(4) railroad transportation (including "trailers on flat cars")

(e) *Marketing.* Expenses directly identifiable with the promotion and advertising of surface and air express traffic shall be included in separate subdivisions of the applicable primary operating expense accounts prescribed.

SECONDARY OPERATING EXPENSE ACCOUNTS

One or more secondary operating expense accounts are prescribed for each primary operating expense account. These secondary operating expense accounts are detailed below and the tabulations, where set forth, are merely illustrative of the applicable primary expense accounts.

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01. Payroll.

(a) This expense account includes, in general, all items of compensation for services actually rendered by employees of the company, such as salaries, wages, premiums, bonuses and cash prizes or prizes costing $25.00 or more for contests and similar events. It also includes vacation accrual, sick leave or absentee benefits, separation, holiday and military leave, etc.

(b) This account should *not* be charged with items of payroll billed by outside agencies on a contractual or similar basis.

(c) Capital improvements made by regular employees should be credited to this account.

(d) Except for those positions specifically identified in this secondary account under primary account 591, Executive Management, salaries of all others shall be charged to the primary operating expense accounts applicable to their work responsibilities.

(e) When a person temporarily works on a job in a terminal or expense account other than the one to which the person's salary is regularly charged, *no* transfer or earnings or hours shall be made between primary accounts.

(f) The cost of extra personnel hired in connection with a physical inventory shall be charged to primary account 561—banking and corporate accounting.

(g) Salaries paid to an employee during the first training period should be charged to the terminal and work function to which the employee has been, or will be assigned. This does not apply to management trainees which expense should be charged to primary account 572—office services.

(h) Salaries of assistants and secretaries are charged to the same primary account as the salary of the person for whom he or she works.

(i) Vacation accrual is charged to primary account 573—employee benefits.

02. Employees welfare.

(a) This expense account is used for the distribution of employee benefits to all primary operating expense accounts, thus obtaining total payroll and employee welfare costs.

(b) The basis of the allocation shall be the ratio of total employee benefits (primary account 573) to total payroll (expense account 01) excluding employee benefits payroll (573–01). Each primary account shall bear its related ratio cost. (Excluding (573–01).) The charge shall be included in expense account 02 in each of the primary accounts. The credit shall be to 573–02 for the amount of employee benefits distributed to all other primary accounts.

03. Advertising.

(a) This expense account includes all costs of advertising media such as the cost of space in newspapers, periodicals, programs, streetcars and billboards; the cost of direct mail advertising; and the cost of radio and television station time. It also includes direct outside costs of electros, cuts, mats and engraving related to the foregoing.

(b) This account should not be charged with the production costs incident to the preparation of the various types of media advertising which costs are to be charged to their appropriate expense accounts, as for example; payroll, supplies, services purchased, etc.

(c) Advertising credits for all types of media should be credited to this account.

(d) All advertising should be charged to primary account 554—surface advertising or 555—air advertising, as appropriate.

04. Taxes and licenses.

(a) This expense account includes all taxes, licenses and bridge, ferry, highway and tunnel tolls incurred in transporting express traffic, paid or accrued with the exception of federal, state, and other taxes based on income which are to be charged to account 810–federal income taxes on ordinary income, or account 930–income taxes on extraordinary and prior period items.

(b) This account includes all real and personal property taxes, franchise taxes, license fees, and other taxes not included elsewhere imposed by the various government bodies.

(c) The tax credit or income received as reimbursement for the expenses involved in the collection of state or local taxes should be credited to account 641–miscellaneous income.

(d) Taxes and licenses should be charged to primary accounts as follows:

Types of Taxes and Licenses	*Primary Account*
Line haul license fees	522
Tolls	522 and 523 as appropriate
Pickup and delivery license fees	523–582
Personal property taxes on furniture, fixtures and equipment.	Primary account of department in which located
Real estate taxes on land and buildings	511, 531, 541, 584 or 591, as appropriate
Railroad retirement taxes	573
Railroad unemployment insurance taxes	573
Franchise taxes	591
Air excise tax	524
Automobiles and station wagons	Appropriate primary account of the department the officer or employee is assigned

05. Utilities.

(a) This expense account includes the cost of various types of fuels such as coal, oil, gas, water, electricity, and steam purchased or used in the generation of heat, light and power and the maintenance of air conditioning systems.

(b) Utilities should be charged to primary accounts 511–maintenance management, 531–terminal management, 584–terminal management-exclusive air, or 591–executive management, as appropriate.

06. Supplies.

(a) This expense account includes the cost of items consumed in the operation of the business, such as stationery and related items and materials for wrapping, packing, cleaning, repairing, postage, etc.

(b) This account should not be charged with publication subscriptions which are to be charged to account 08–unclassified.

(c) Supplies can be divided into two distinct categories: administrative supplies and functional supplies. Administrative supplies relate to those of a general nature such as pencils, pens, paper clips, ordinary stationery, etc. Functional supplies are those of a special nature, usually characteristic of and purchased specifically for a particular function, and, therefore, may be significant in amount, such as voucher checks, accounts receivable statements, wrapping or cleaning supplies, repair parts, express receipts, etc.

(d) Administrative supplies for the entire company, such as stationery, envelopes, carbon paper, pencils and paper clips should be charged to primary account 593–purchasing.

(e) Functional supplies (including postage) should be charged to its related primary account.

Examples follow:

Type of Supply	*Primary Account*
Repair parts for line haul vehicles such as chains, lubricants, small tools and batteries	512
Repair parts for pickup and delivery vehicles, such as chains, lubricants, small tools and batteries	513
Uniforms for employees (including cost of laundry)	531
Brushes and mops	531
Cleaning supplies	531
Soap and cleaning powder	531
Toilet and rest room supplies	531
Express receipts	531
Money bags	531
C. O. D. sheets	532
Furniture pads and covers	532
Hangers	532
Merchandise covers	532
Pallets	532
Racks, hampers, etc	532
Receiving forms and records	532
Stock boards	532
Trip sheets	532
Wrapping and packing supplies such as boxes, bags, wrapping paper, tissue, corregated paper, twine, lumber, etc	532
Electric bulbs	534
Repair parts	534
Tools	534
Artist's supplies	554 or 555
Copywriter's supplies	554 or 555
Photographer's supplies	554 or 555
Postage on direct mail advertising	554 or 555
Postage on Tariffs	557
Postage on Disbursements	562
Accounts receivable ledgers	564
Charge or credit plates	564
Credit and refund forms	564
Postage on customers statements	564
Collection letters	569
Credit applications	569
Application blanks	571
Personnel forms and folders	571
Gifts, pins, etc. given to employees for anniversaries and other occasions	571
Medical supplies	571
Reading materials	571
Recreational equipment	571
Binders	591
Business cards	591
Executive stationary	591
Stock certificates	591

07. Services purchased.

(a) This expense account includes charges for all non-professional services rendered by outsiders which aid, supplement, or substitute for the normal routine activity of the terminal, garage or office. It consists exclusively of services performed by outsiders, whether they be companies, individuals, agencies, or independent contractors, provided the services are not chargeable to expense account 14–professional services.

(b) This account should not be charged with any internal costs incidental to the receiving of any of the services purchased, which items are to be charged to the appropriate expense accounts.

(c) There are no expense accounts for repairs and maintenance. If repair and maintenance work is done by employees, the repair and maintenance payroll should be charged to expense account 01–payroll and supplies to expense account 06–supplies. If the work is done by an independent contractor, the invoice should be charged to expense account 07–services purchased.

(d) Fees paid to employment agencies for the hiring of personnel are charged to the primary account for which the employee was hired.

(e) Repair services by outside companies and maintenance contracts for all terminal properties, such as elevators and escalators, heat, light and power systems, air conditioning and cooling systems, fixtures and leasehold improvements shall be charged to primary account 534–property maintenance.

(f) Repair services by outside companies and maintenance contracts for equipment are to be charged to the primary account in which the equipment is used.

(g) All other services purchased should be charged to primary accounts as follows:

Type of Service	*Primary Account*
Hired mail trucks	531
Hired messengers	531
Interior and exterior building cleaning by outsiders	531
Window cleaning by outsiders	531
Alarm protection services	531
Terminal property repair and maintenance charges by outsiders	534
Copywriting, art and photographic services purchased from outsiders for publicity purposes (including such services of individuals when engaged on a retainer basis)	554 or 555
Cost of transcribing programs in connection with radio and television advertising	554 or 555
Services of outside advertising agencies	554 or 555
Stuffing and sorting of direct mail and addressography by an outside agency	554 or 555
Talent charges and studio announcers' fees	554 or 555
Inventory extensions	561
Payroll preparations	562
Collection agency services	569
Armored car service	594
Outside detective services	594
Collection attorney and agency fees (other than those applicable to account previously written off)	569
Credit bureau membership and report costs	569
Fees charged by banks for processing accounts receivable mail payments	564
Service bureaus for computer work	567
Service bureaus for keypunching	567
Annual retainer fees paid to executive personnel agencies	571
Doctors' and nurses' fees	571
Employee welfare or recreational activities	571
Reference investigations	571
Outside classes for employees	572
Special job instruction	572

08. Unclassified.

(a) This expense account includes all expenses not otherwise classified as chargeable to another expense account. Care should be exercised to limit charges to this account to type of items which are specified below or which cannot be more appropriately charged elsewhere.

(b) Bridge, ferry, highway and tunnel tolls incurred in transporting express traffic shall be charged to expense account 04–Taxes and Licenses.

(c) All expenses of interviewing and hiring personnel including all interview travel expenses paid to applicants and moving allowances paid to personnel hired are charged to the primary account of the function for which interviewed or hired.

(d) Prizes and awards costing less than $25.00 for contests should be charged to the primary account to which the employee's payroll is charged.

(e) All memberships, dues, subscriptions, etc. should be charged to the primary account to which the employee's payroll is charged.

(f) All suppers and supper money shall be charged to 09–Traveling.

(g) All expenses relating to cleaning should be charged to the primary account involved using this expense account.

(h) Employment ads should be charged to the primary account incurring the expense.

(i) All other unclassified expenses should be charged to primary accounts as follows:

Type of Expense	*Primary Account*
Mailing lists for direct mail	554 or 555
Bank service charges	561
Writing off differences in accounts receivable controls	564
Cash shortages of accounts receivable, cashiers and drivers	569
Travel expenses to colleges for the purpose of recruitment	571
Doctor's and nurses' automobile expense	571
Allowances for tuition for courses taken by employees	571
Cost of company sponsored parties	571
Prizes paid for employe suggestions	571
Directors' fees	591
Entertainment of a general company nature	591
Registrar fees	591
Transfer agent fees	591

09. Traveling.

(a) This expense account includes all expenses arising as a result of domestic and foreign travel of all employees (including line haul drivers) of the company for business purposes if the individual is reimbursed therefor. Such expenses include transportation, hotel bills, meals, tips and incidentals.

(b) To be included also as a charge to this expense account are local transportation expenses, transportation costs for travel between the terminals and automobile hire.

(c) Out-of-pocket expenses by employees who use company cars and allowances to employees for use of their cars on company business shall be charged to this expense account.

(d) Meal allowances to employees working after scheduled hours shall be charged to this account.

(e) Traveling expenses of applicants for position and moving expenses of newly hired and relocated employees shall be charged to expense account 08—unclassified.

(f) Traveling expenses and meal allowances shall be charged to the primary account in which the employee's payroll is charged.

10. Communications.

(a) This expense account includes all expenses relative to the cost of terminal and service unit communications, including *local telephone service, toll calls, telegrams, teletype services, telephone* and other communications, and equipment rentals.

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(b) All postage shall be charged to expense account 06–supplies and not to this expense account.

(c) Telephone equipment rental, toll charges, cable charges and telegrams shall be charged to primary account 531–terminal management.

(d) Expenses of leased lines (WATS, centrex, teletypes, etc.) shall be charged to primary account 567–data processing.

(e) Rental or telephone order board equipment and monthly telephone service charges incurred in connection with the telephone order function is chargeable to primary account 531–terminal management.

11. Pensions.

(a) This expense account includes payments to trustees under profit sharing and pension plans for the benefit of employees in active service and payments for pensions directly to retired employees or to their beneficiaries where no trust fund exists.

(b) Pensions are charged to primary account 573–employee benefits.

12. Insurance.

(a) This expense account includes the cost of all insurance, whether actually purchased or provided for through self-insurance, i.e. cargo loss and damage, personal injury and property damage, etc.

(b) The cost of fixed premiums are distributed over the term for which the protection is provided.

(c) The cost of variable premiums is accrued each month.

(d) Dividends and earnings on mutual and reciprocal insurance contracts are credited to this expense account.

(e) Insurance on revenue equipment, including fire, theft, public liability and property damage is chargeable to primary accounts 522, 523, 525, or 582 as appropriate.

(f) Insurance on structures is chargeable to primary accounts 511–maintenance management, 531–terminal management, 541–operations management, 584–terminal management-exclusive air, or 591–executive management, as appropriate. Insurance on furniture is chargeable to the primary expense account of the department in which located.

(g) Insurance on employees such as workmen's compensation, health and welfare, group insurance and payments for supplemental unemployment benefits is chargeable to primary account 573–employee benefits.

(h) All other insurance is chargeable to primary account 591–executive management.

13. Depreciation.

(a) This expense account includes depreciation of the book value of the capital assets employed in the operation of the business such as buildings, fixtures, vehicles, furniture and office equipment and leasehold improvements.

(b) In order to evaluate comparative profitability from the standpoint of operating efficiency, straight-line depreciation shall be used for all reports even though accelerated depreciation may be used for tax purposes.

(c) Depreciation charges on the following property and equipment should be charged to the primary accounts indicated below:

Property or Equipment	*Primary Account*
Shop and garage equipment (except service cars)	511–581
Automobiles, service cars and equipment used in maintenance and repair operations	514–581
Line haul equipment	522
Surface and air pickup and delivery equipment	523–582
Railroad car equipment	525
Structures, leasehold improvements and office furniture and equipment:	
Maintenance operations	511
Terminal operations	531–584
Operations management	541
General and administrative operations	591
Other office furniture and equipment	Primary account of department in which located
Automobiles and station wagons used by officers and employees	Appropriate primary account of the department the officer or employee is assigned

14. Professional services.

(a) This expense account includes, in general, the cost of any service of a highly specialized and professional character furnished by outside professional agencies such as accountants, appraisers, architects, consultants, and lawyers.

(b) Professional services are distinguished from services purchased in that they are limited to those services which, by their very nature, are normally secured from outside specialists and experts qualified by training, and often licensed by governmental bodies or divisions.

(c) Do not include attorney fees for the collection of past due accounts receivable which should be charged to expense account 07–Services Purchased.

(d) This account should not be charged with the cost of financial or economic services, which are regularly issued as publications. These should be charged to expense account 08–unclassified.

(e) Professional services should be charged to primary accounts as follows:

Type of Service	*Primary Account*
Appraisal fees (if not capitalized)	544
Architects fees (if not capitalized)	544
Industrial engineers and management consultants, relating to terminal operations	544
Customer market surveys	556/588
Professional services of outside agencies for publicity surveys or for advisory purposes (excluding fees paid to advertising agencies for their services in the preparation of advertising and other publicity or promotional campaign)	554 or 555
Certified public accountants' fees	561
Charges from outside professional agencies for consultations, evaluations, and surveys in connection with systems	568
Actuarial and professional fees for pension and retirement plans	571
Fees for outside professional services such as labor attorneys, labor relations, specialists, arbitrators, personnel surveys, etc.	571
Fees for efficiency and service studies	591
Fees for general and feasibility studies	591
Legal fees	592

15. Donations.

(a) This expense account includes contributions to all welfare, charitable, educational and similar institutions where the purpose of the donation is not principally for publicity objectives.

(b) The contribution may be in the form of cash or merchandise.

(c) Donations are chargeable to primary account 591–executive management.

16. Uncollectible revenues.

(a) This expense account includes either actual bad debts written off or the provision relating to an allowance for doubtful accounts.

(b) It also includes losses due to bad checks.

(c) Bad debts (net of attorney fees applicable to accounts written off) are chargeable to primary account 569 credit and collections.

17. Equipment rentals.

(a) This expense account includes the rent paid for personal property used in the operation of the business except for communication equipment which is to be charged to expense account 10–communications.

(b) This account shall be credited with amounts receivable for vehicles furnished to others without the service of drivers.

(c) The cost of other leased or rental equipment (except communication equipment) is chargeable to the primary account for which the equipment is used.

18. Purchased transportation.

(a) This expense account includes amounts payable to others for furnishing vehicles with the services of drivers, individual shipments billed by the accounting carrier but carried by another, piggyback payments and tariff allowances to shippers and consignees for pickup and delivery service.

(b) This account should be charged with payments made to airlines for performing the line haul on air express traffic.

(c) Amounts receivable for line haul vehicles furnished to others with the services of drivers should be credited to revenut account 341–01–sold transportation.

(d) This account is not to be used for substitute service purchase from outside parties as explained in secondary account 25.

(e) Purchased transportation is chargeable as follows:

Type of Service	*Primary Account*
Line haul vehicles	522
Intercity shipments hauled by another carrier	522
Pickup and delivery vehicles	523–582
Local shipments hauled by another carrier	523
Payments to airlines	524

19. Commission agents.

(a) This expense account includes amounts paid to others on a commission or other basis for the solicitation, terminal handling and pickup and delivery of express shipments at points where the carrier does not operate terminals.

(b) This account also includes amounts allowed commission agents for expenses such as advertising, rent, light, heat, power and water, telephone and telegraphic service, and items of a similar nature.

(c) Commission agents are chargeable to primary account 531–terminal management.

20. Real property rentals.

(a) This expense account includes rent paid for real property used in the operation of the business.

(b) Do not include in this expense account expenses such as taxes, supplies, repairs, insurance, depreciation and interest when paid directly by the company. These items are to be charged to the applicable expense accounts.

(c) Rent paid for real property not used in express operations shall be charged to primary account 612–00–noncarrier expenses.

(d) Real property rentals are chargeable as follows:

Department	*Primary Account*
Equipment maintenance	511/581
Terminal	531/584
Operations	541/544
Marketing	552/559
Finance and administration	562/564
Personnel	571
Executive	591

21. Tires and tubes.

(a) This expense account includes the cost (including taxes thereon) or replacement tires and tubes applied to revenue equipment.

(b) The cost of tires and tubes applied to new revenue equipment shall be included in balance sheet account 121–03–revenue equipment.

(c) The cost of unapplied tires and tubes held in stock shall be carried in balance sheet account 116–05–unapplied tires and tubes.

(d) The cost of tires and tubes included in balance sheet account 116–05–unapplied tires and tubes, shall be adjusted based on periodical physical inventory taken at least annually.

(e) Tires and tubes of service equipment should be charged to primary account 514–service cars.

(f) Tires and tubes of all automobiles should be charged to the primary account incurring the expense.

(g) Tires and tubes are chargeable as follows:

Type of Equipment	*Primary Account*
Line haul vehicles (size 10:00)	512
Pickup and delivery equipment (size 6:00 to 9:99)	513

22. Motor fuel and oil.

(a) This expense account includes the cost of gasoline, other motor fuel, enriching materials and motor oils (including taxes thereon) used by revenue equipment.

(b) Include in this account, transportation charges paid to others on motor fuel and oil.

(c) Motor fuel and oil used in automobiles and service cars used in maintenance and repair operations shall be charged to primary account 514–service cars.

(d) Motor fuel and oil consumed in vehicles used in transportation express over streets and highways is chargeable to primary account 522–line haul transportation, when it is diesel oil purchases and, primary account 523–pickup and delivery transportation when it is gasoline purchases.

(e) Motor fuel used in automobiles and station wagons shall be charged to the primary expense account of the department incurring the expense.

23. Demurrage and detention charges.

(a) This expense account includes charges made by railroads against the carrier for failure to pickup or return railroad owned trailers used by the carrier in "trailers on flat cars" service, within the "free time" period prescribed in contracts for such movements.

(b) Demurrage and detention costs shall be charged to primary account 522–line haul transportation or 525–railroad transportation, as appropriate.

24. Regulatory fees.

(a) This expense account includes expenses incurred by the carrier in connection with formal cases before Federal or State regulatory bodies or cases to which such a body is a party.

(b) This account also includes payments made to a regulatory commission for fees or amounts assessed against the carrier for pay and expenses of the regulatory commission, its officers, agents, and employees, other than those incurred in securing certificates of convenience and necessity and authority for the issuance of securities.

(c) Expenses incurred for the improvement of service, for additional inspection, or rendering reports which are made necessary by the rules and regulations, or orders, of regulatory bodies, shall be charged to the appropriate operating expense accounts.

(d) Regulatory fees are chargeable to primary account 592–Law.

25. Surface substitute service.

This expense account reflects the cost of purchased surface services from an independent third party contractor, encompassing both line haul and local pickup and delivery services. The charges for such services are of a nature which makes it difficult to reflect either exclusive line haul or exclusive pickup and delivery.

26. Gain or loss on sale of assets (unit plan).

This account includes the difference between the selling price and net book value including the related selling expenses of assets disposal. This pertains only to assets maintained under the "unit plan".

91. Maintenance transfers.

This secondary operating expense account shall be used when it is necessary to effect a transfer of expenses from one or more primary operating expense accounts in the major operating expense function "equipment maintenance" to one or more other primary operating expense accounts in the same major operating expense function.

92. Transportation transfers.

This secondary operating expense account shall be used when it is necessary to effect a transfer of expenses from one or more primary operating expense accounts in the major operating expense function "transportation" to one or more other primary operating expense accounts in the same major operating expense function.

93. Other expense transfers.

This secondary operating expense account shall be used when it is necessary to effect a transfer of expenses from one or more primary operating expense accounts in one of the other major operating expense functions to one or more other primary operating expense accounts in the same major operating expense function.

94. Interdepartment transfers.

This secondary operating expense account shall be used when it is necessary to effect a transfer of expenses from one or more primary operating expense accounts in one major operating expense function to one or more primary operating expense accounts in a different major operating expense function.

95. Other credits.

This secondary operating expense account shall be used to credit a primary

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operating expense account with amounts which are to be charged to accounts other than primary operating expenses. Credits are to be made through this secondary operating expense account regardless of whether the credit applies to only one of the secondary operating expense accounts or is a composite credit entry.

99. Multi-terminal distribution.

This secondary operating expense account shall be used for the specific purpose of providing a vehicle whereby accumulated service unit expenses may be redistributed to individual terminals for internal management purposes.

BALANCE SHEET ACCOUNT CLASSIFICATIONS

100. Assets.

110. Current assets.

111. Cash.

(a) This account shall include current funds in the hands of financial officers and agents, cash in transit for which managers and agents have received credit, and funds deposited in banks and trust companies available on demand for general company purposes.

(b) This account by secondary account number shall also denote funds specifically deposited with fiscal agents or others for the payment of dividends, interest and other current obligations; also, working funds and performance or similar deposits which it is reasonable to expect will be withdrawn by the carrier within a year. Amounts of checks and sight drafts issued and transmitted to payees that remain unpaid at the close of the accounting period shall be credited to this account.

(c) The secondary account numbers for this account follow:

01 to 80 inclusive, reserved for designation of bank despositors
81 Working funds
91 Special deposits of interest
92 Special deposits of dividends
93 Miscellaneous special deposits
94 Cash in transit

112. Temporary investments.

This account shall include the cost of securities of others and other collectible obligations acquired for the purpose of temporarily investing cash, such as, United States Treasury Certificates, readily marketable securities, short-term time drafts, demand loans, time loans, time deposits with banks and trust companies, and other similar investments of a temporary character. Any securities included in this account must be of such a nature as to be readily convertible into cash at substantially their book value.

113. Notes receivable.

(a) This account shall include the book value of all collectible obligations (excluding those from affiliated companies) in the form of notes receivable, contracts receivable, and similar evidences of money receivable which are collectible on demand or within one year from date of issue.

(b) This account shall be subdivided by secondary account numbers as follows:

01 Customer notes receivable
02 Employee notes receivable
03 Other notes receivable

114. Accounts receivable.

This account shall be subdivided by secondary account numbers to include:

01 *Customer accounts receivable.* The amounts receivable from customers for transportation services performed. Does not include charges to the U.S. Government.

02 *Interline accounts receivable.* The net interline account balance receivable from other carriers in connection with the interchange of through express traffic.

03 *Agent accounts receivable.* The net balances, including amounts of unremitted cash, due in current accounts from managers, agents, other employees or representatives entrusted with the collection or custody of current revenues.

04 *Employee accounts receivable.* Receivables due in current accounts from employees for supplies furnished, for assets sold, and for funds advanced.

05 *Other accounts receivable.* Receivables due in current accounts from others (except affiliated companies) for rental of property, for supplies furnished, for assets sold, and for funds advanced.

06 *Subscriptions receivable.* Balances due from subscribers upon legally enforceable subscriptions to capital stock.

07 *Interest receivable.*

08 *Dividends receivable.*

09 *Advances due from consignees.*

10 *Customer accounts receivable—U.S. government.* The amount receivable from the U.S. Government for transportation services performed. Does not include charges to regular customers.

11 *Interline accounts receivable accural.* This balance represents monies estimated due from other carriers in connection with the interchange of through express traffic.

12 *Agents accounts receivable—debit transfer waybills.* This represents accounts receivable billing in transit for company agents.

17 *Interline accounts receivable—debit transfer waybills.* This represents accounts receivable billing in transit due from other carriers in connection with the interchange of through express traffic.

18 *Agents accounts receivable—credit transfer waybills.* This represents accounts receivable collections or settlements in transit for company agents.

20 *Airline receivable—substitute service.* This represents monies due from various airlines for services performed by the carrier on air shipments where the airline was unable to complete their service.

115. Allowance for uncollectible receivables.

(a) This account shall be credited with estimates for receivables of uncertain or doubtful collectibility. The account shall be subdivided by secondary account numbers as follows:

01 Customer uncollectible receivables
02 Interline uncollectible receivables
03 Agent uncollectible receivables
04 Employee uncollectible receivables
05 Other uncollectible receivables

(b) A review shall be made periodically to determine adequacy of balances in each subdivision of this account.

116. Material and supplies.

(a) This account shall include by secondary account numbers, cost of repair parts and materials, fuel, unapplied tires and tubes, and the variety of other articles and supplies (except stationery and printed matter) needed to maintain and operate equipment and other property used in carrier and noncarrier operations. The term "costs" as used herein, means the purchase cost plus sales taxes, excise taxes, and transportation to points of delivery, less purchase or trade discounts.

(b) Issues of materials and supplies shall be charged to the appropriate operating expense or other accounts at their actual costs, average costs, or at amounts based on a recognized pricing system provided that such system is consistently applied.

(c) Reusable parts and material recovered in the process of demolishing and repairing property shall be recorded in this account at current second-hand value, not to exceed original cost.

(d) A physical inventory shall be taken at least annually of all unapplied materials and supplies on hand and entries shall be recorded to adjust the books to the inventory figures. To the extent practicable, adjustments shall be made directly to the primary operating expense accounts to which such material and supplies were charged during the period. Differences that cannot be directly allocated shall be equitably apportioned among the primary operating expense accounts to which materials and supplies were charged since the last inventory.

(e) This account shall be subdivided by secondary account numbers as follows:

01 Container deposits
02 Small tools
03 Repair parts
04 Motor fuel
05 Unapplied tires and tubes
06 Miscellaneous supplies

117. Prepayments.

(a) This account shall include amounts of expenses paid or incurred in advance of their accrual, the benefits of which are to be realized in subsequent periods. Entries shall be made to transfer the portion of the prepayments expiring each month to the appropriate expense or other accounts.

(b) This account shall be subdivided by secondary account numbers as follows:

01 Prepaid taxes and licenses
02 Prepaid insurance
03 Prepaid interest
04 Prepaid rents
05 Miscellaneous prepayments

118. Affiliate receivables.

(a) This account shall include gross amounts due from affiliated companies which normally are settled currently, such as, receivables for services and materials furnished, rentals, traffic balances, matured interest, dividends and other items in open account. Also include herein, the amounts of loans and notes which will fall due and collectible from affiliates within a year.

(b) This account shall be subdivided as follows:

01 Loans receivable
02 Accounts receivable
03 Interest receivable
04 Dividends receivable

(c) For balance sheet presentation, the amount of receivables from or payables to each individual affiliated company shall be shown as a net receivable or net payable, as appropriate.

119. Other current assets.

This account shall include the amount of other current assets subdivided by account numbers:

01 Resale property
02 Salvage property
03 Miscellaneous other current assets

120. Tangible property.

121. Operating property.

(a) This general account shall be subdivided by secondary account numbers representing the cost of operating property used by the carrier in its express operations, including such property held by agents. The subdivisions are:

01 Land and landrights
02 Structures on land owned
03 Revenue equipment
04 Service cars and equipment
05 Shop and garage equipment
06 Furniture and office equipment
07 Miscellaneous equipment
08 Leasehold improvements
09 Unfinished construction
10 Structures on land not owned
11 Unfinished construction on land not owned
12 Unfinished construction-leasehold improvements

(b) 01 *Land and landrights.* (1) This account shall include the initial cost of land used by the carrier in its express operations, plus the cost of subsequent non-depreciable improvements.

(2) Land temporarily vacated but which it is contemplated will be returned to express service within one year shall be retained in this account.

NOTE: Vacated land not planned to be returned to express service within a year, shall be removed from this account. If the land is to remain idle until sold or otherwise disposed of, or if diverted by the carrier for use in its own non-express service, or if leased to others for non-express purposes, the investment therein shall be transferred to account 123-01-Nonoperating Property-Land.

(c) 02 *Structures on land owned.* (1) This account shall include the cost in place of buildings and appurtenances, located on owned land, and used in express operations for such purposes as general offices, agency offices, terminals, loading platforms, and repair shops. "Cost" in the sense intended, is the cost of the buildings themselves plus the cost of permanent fixtures, heating and sanitary systems, lighting and air conditioning apparatus, elevators, vaults and other items required to fit the buildings for occupancy.

(2) Records shall be kept showing the cost of each building, whether on leased or owned land, the function for which primarily used in express operations, and identification with surface express, air express or joint express operations according to use. Structures on leased land are to be recorded in secondary account 10.

(d) 03 *Revenue equipment.* (1) This account shall include the cost of trucks, tractors, semitrailers and trailers engaged in transporting express shipments over streets and highways, together with the first set of accessories required to fit them for service, including tires and tubes also radio communication apparatus, refrigeration machinery, hoists and other like equipment installed on the vehicles to improve their efficiency and performance.

(2) Spare engines kept available to temporarily replace similar units removed for repair or overhaul may be included in this account at cost.

(3) Records shall be maintained to reflect the investment cost by class of those vehicles used predominantly or exclusively in local pickup and delivery or transfer service separately from the investment cost of those vehicles used predominantly or solely in intercity line haul services.

(4) This account shall include the cost of carrier owned rail cars of all classes used in express operations, together with the cost of additions and betterments to such cars.

NOTE: The records supporting this account shall be maintained to show the investment in and number of each different type of car owned.

(5) This account shall reflect the cost of containers, cages, and similar receptacles used to facilitate the handling and transportation of express shipments, and portable safes providing protection to shipments of cash, securities and other valuables while in transit which shall be identified with surface express, air express or joint express service according to use.

NOTE: The investment in office safes located in general, local, terminal, garage, shop, and agent offices, shall be carried in account 121-06-Furniture and Office Equipment.

(e) 04 *Service cars and equipment* (1) This account shall include the cost of wrecker trucks, service trucks and other mobile automotive equipment, including cost of original tires and tubes thereon, used to tow disabled vehicles, to pick up parts and for additional purposes connected with the repair and servicing of equipment and other property.

(2) The cost of radio receiving and sending apparatus installed on service vehicles shall be included in this account.

(f) 05 *Shop and garage equipment.* This account shall include the installed cost of stationery machinery and equipment (not an integral part of the building itself), together with the foundations on which mounted used in the maintenance and servicing of equipment and other property.

(g) 06 *Furniture and office equipment.* (1) This account shall include the installed cost of office furniture and fixtures and office machines and equipment wherever located or used when not an integral part of the building itself.

(2) Records shall be maintained to provide a segregation and breakdown of the cost recorded herein by locations, so as to show the respective portions of such cost assignable to property of this class in (a) executive and general offices, (b) district offices, (c) agency offices, (d) garage and shop offices, (e) terminal offices, and (f) all other offices.

(h) 07 *Miscellaneous equipment.* (1) This account shall include the cost of equipment used in the loading, unloading sorting, arranging, moving or other handling of express cargo at terminals, warehouses and rail station platforms, such as, conveyor lines, chutes, automatic sorters, tow cars systems, lifts, platform and depot tractors, self-propelled and manually pulled trucks and other wheeled conveyances.

(2) This account shall be subdivided to reflect the cost of conveyor lines, tow cart systems and other similar facilities separately from platform and depot tractors and trucks and other wheeled conveyances having substantially shorter service lives.

(3) The items in this account shall be identified with surface express, air express or joint express operations according to use.

(4) This account shall reflect the cost of carrier owned automobiles and station wagons (including cost of original tires and tubes thereon), and of airplanes acquired for use of officers, employees or agents in the performance of their assigned duties on behalf of the carrier.

(i) 08 *Leasehold improvements.* (1) This account shall include the aggregate cost of preparing and readying leased property for initial use in express operations; also the cost of subsequent additions to and betterments of the leased property.

(2) Each addition or betterment shall be identified with surface express, air express or joint express operations according to use.

NOTE: Amortization accruing on improvements to leased property shall be accounted for in the same manner as for similar owned property, excess where limited by terms of the lease.

(j) 09 *Unfinished construction on land owned.* (1) This account shall include the accumulated costs with respect to property that either is in process of construction at date of balance sheet or which for other reasons is not yet ready for initial placement in active service. The costs recorded herein shall be transferred to the appropriate property investment account in the month the property is placed in service.

(2) Each project shall be identified according to planned use of the facility in surface express, air express or joint express operations.

(k) 10 *Structures on land not owned.* See secondary account 02.

(l) 11 *Unfinished construction on land not owned.*

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(m) 12 *Unfinished construction-leasehold improvements.*

122. Accumulated depreciation on operating property.

(a) This account shall reflect the accumulated depreciation for losses in value of carrier operating property which have been created through charges each month to appropriate operating expense accounts. (See carrier property instruction 3-4)

(b) Charges shall be made to the accumulated depreciation account when depreciable carrier operating property is retired from service. (See carrier property instruction 3-3)

(c) This account shall be subdivided as follows:

02 Accumulated depreciation—structures on land owned
03 Accumulated depreciation—revenue equipment
04 Accumulated depreciation—service cars and equipment
05 Accumulated depreciation—shop and garage equipment
06 Accumulated depreciation—furniture and office equipment
07 Accumulated depreciation—miscellaneous equipment
08 Accumulated depreciation—leasehold improvements
09 Accumulated depreciation—structures on land not owned

123. Nonoperating property.

(a) This account shall reflect the investment in property used by the carrier or leased by the carrier to others where the end use, activity or purpose is not related nor associated with express operations.

(b) By secondary account numbers this account shall be subdivided as follows:

01 Land
02 Structures on land owned
03 Equipment
04 Structures on land not owned

124. Accumulated depreciation on nonoperating property.

(a) Estimated accruals to cover depreciation on the book cost of property classified as nonoperating property shall be recorded monthly to distribute the service value equitably over the service life of the property.

(b) This account shall be subdivided by secondary codes as follows:

02 Accumulated depreciation—structures on land owned
03 Accumulated depreciation—equipment
04 Accumulated depreciation—structures on land not owned

130. Permanent investments.

131. Affiliate investments.

(a) This account shall reflect the cost of carrier investments in bonds, notes, capital stock, and securities of whatever kind issued or assumed by affiliated companies; also, amounts of advances or loans to affiliated companies which will not be settled currently.

(b) This account shall be subdivided as follows:

01 Common stocks
02 Preferred stocks
03 Bonds receivable
04 Notes receivable
05 Other investments
06 Advances receivable
07 Adjustments

NOTE: Securities of affiliates held in special funds shall be excluded from this account. (See account 144-Special Funds).

(c) Secondary account 07 shall reflect provision for permanent impairment in the values of these investments and advances created by charges to account 731-miscellaneous expenses.

132. Other investments.

(a) This account shall include the cost of carrier investments in bonds, notes, capital stock, and other securities issued by non-affiliated companies which do not qualify as short-term investments; also, loans, advances and receivables from non-affiliates not subject to settlement within one year.

(b) This account shall be subdivided as follows:

01 Other common stock
02 Other preferred stock
03 Other bonds receivable
04 Other notes receivable
05 Other investments
06 Other advances receivable
07 Other adjustments

NOTE: Securities of non-affiliates held in special funds shall be excluded from this account. (See account 144-Special Funds)

(c) Secondary account number 07 shall reflect provision for permanent impairment of these investments and advances created by charges to account 731-miscellaneous expenses.

140. Other assets.

141. Intangible property.

(a) This account shall be subdivided as follows:

01 Organization
02 Franchises
03 Patents
04 Other intangible property

(b) 01 *Organization.* This account shall include fees paid to a state or other governmental body for the privilege of incorporating and conducting a business, and expenditures incurred in organizing the corporation.

(c) 02 *Franchises.* (1) This account shall include amounts actually paid by the carrier to the Federal Government, a state, a political subdivision thereof, or to other governmental authority to obtain franchises, permits, consents, or certificates, running in perpetuity or for a specified term of more than one year.

(2) This account shall be charged with payments for legal services, witness fees and expenses, advertising and other attending costs only if the carrier's application for the franchises, permits, etc., is granted. Where the application is denied, all such expenditures shall be charged to account 731-08-sundry expenses.

(3) If an intangible is acquired by assignment the purchase price and other expenditures involved shall be charged to this account.

(4) This account shall reflect separately amounts applicable to (1) perpetual franchises, and (2) fixed-term franchises.

(d) 03 *Patents.* This account shall include the cost of patent rights, licenses and privileges necessary or valuable to the economical conduct of the express business or noncarrier operations, and which have a life of more than one year from the date they become effective.

(e) 04 *Other intangible property.* This account shall include the book cost of any intangible not provided for in another account.

142. Accumulated amortization on intangible property.

(a) This account shall be credited with amounts charged to account 731-04-intangible write-offs, to amortize the costs of acquiring leaseholds, franchises, consents, privileges, and patents, over the respective life terms of such intangibles. This account shall also be credited with amounts charged to account 731-08—sundry expenses, when the carrier elects to amortize the cost of acquiring similar intangibles which do not have fixed life terms.

(b) This account shall be subdivided by secondary account numbers to show the amount of each separate account set out below and the nature of and amounts of debits and credits thereto:

02 Accumulated amortization on franchises
03 Accumulated amortization on patents
04 Accumulated amortization on other intangible property

143. Deferred charges.

(a) This account shall be subdivided as follows:

01 Debt discount
02 Other deferred charges
03 Capital stock discount
04 Capital stock commission
05 Interest

(b) 01 *Debt discount.* This account shall include the total of the net debit balances representing the excess of the discount and expense incurred over the premium realized from the issuance of each class of the carrier's outstanding long-term debt securities. Separate data shall be maintained with respect to each issue of securities.

(c) 02 *Other deferred charges.* This account shall include debit items not provided for elsewhere for which the proper final disposition cannot be effected until additional information is received. Among additional items includable in this account are deposits made on equipment purchased for future delivery; escrow payments for options, etc., pending final election and disposition; and expenditures for valuations, inventories, and appraisals made in connection with pending applications for purchase, sale or lease of franchises, permits, and other intangible or tangible property.

(d) 03 *Capital stock discount.* This account shall be debited for discount incurred in connection with an issuance of the carrier's capital stock pending write-off to account 254—capital surplus, provided there is a credit balance therein sufficient to absorb such write-off and in the event such credit balance is insufficient, the write-off is to be to account 255-08—other debits. (See balance sheet instruction 2-5(c)).

(e) 04 *Capital stock commission.* This account shall be charged for commission expenses incurred in connection with an issuance of the carrier's capital stock and shall be written-off as provided above for capital stock discount.

(f) 05 *Interest.* This account shall consist of any interest charge on long-term leases subject to capitalization. Also any interest charge exceeding the current period by term of agreement. This account will contain the long-term portion while the short-term (within one year) will be shown in current assets.

144. Special funds.

(a) This account shall include cash, securities or other assets in the hands of trustees or otherwise restricted, that have been set aside in distinct funds for certain specific purposes.

(b) This account shall be subdivided by secondary account numbers as follows:

01 *Sinking funds.* Sinking funds maintained under mortgage provisions.
02 *Depreciation funds.* Depreciation funds for the replacement of retired property.
03 *Miscellaneous special funds.* Employee benefit funds for the payment of pensions and hospitalization; insurance funds for the payment of losses not covered by insurance, and similar miscellaneous special funds. Securities of the carrier's issue placed in special funds shall be recorded at their par or stated value.
04 *Claim insurance deposits held in escrow.* Cash deposits, to support potential claim liability, which are required by the insurance carrier underwriting the claim payments.

200. Liabilities.

210. Current liabilities.

211. Current long-term debt.

This account shall include the total amount of bonds, equipment obligations, and other long-term obligations, including obligations maturing serially or payable in installments, which are due and payable within one year, and for which arrangements for refunding have not been made or for which no sinking funds have been provided. This account shall be subdivided as follows to show the different classes of debt so maturing.

01 Current equipment obligations
02 Current bonds
03 Current other long-term debt

212. Dividends declared.

(a) This account shall include the amount of dividends declared but not paid on any issue of capital stock of the carrier. Dividends (except those payable to affiliated companies) shall be credited to this account as of the day upon which they became a liability of the carrier.

(b) A separate subdivision shall be maintained in this account for dividends on each class and series of stock.

213. Notes payable.

(a) This account shall include the face value of outstanding obligations to other than affiliates in the form of notes, drafts, acceptances, and similar evidences of indebtedness which by their terms do not run for a period in excess of one year from date of issue, including the face value of notes receivable discounted or sold without releasing the carrier from liability as endorser thereon.

(b) This account shall be subdivided as follows to show separately, obligations maturing upon demand and obligations bearing a specified date of maturity:

01 Demand notes payable
02 Fixed term notes payable

214. Accounts payable.

(a) This account shall include amounts payable to others (except affiliated companies) that are subject to current settlement, for materials, supplies and services received, including rents payable for the use of revenue vehicles and other property; other matured rents, amounts due to public authorities, amounts of payable judgments, current accounts with officers and employees, the carrier's liability for transportation taxes and sales taxes collected from customers.

(b) This account shall also include the balances due other carriers (except affiliated companies) in favor of each of which there is a net credit balance representing interline accounts.

(c) This account shall be subdivided as follows:

01 Vendor payables
02 Interline payables
03 Employee payables
04 Unremitted paid beyond
05 Other payables
06 Accrued interline payable
07 Garnishments payable

215. Income taxes accrued.

(a) This account shall be credited each month with the amount of Federal, State and local income taxes accrued in the current period. The balance in the Federal income tax account at the close of the year shall represent the estimated tax payable after deduction of the amount of utilizable tax credits computed in accordance with the Internal Revenue Code.

(b) The records supporting entries to this account shall be kept to show the estimated tax liability for the current year separately from claimed tax overpayments or underpayments in dispute, or other items and adjustments applicable to prior years.

(c) This account shall be subdivided as follows:

01 Federal income taxes accrued
02 State income taxes accrued
03 Local income taxes accrued

216. Other taxes accrued and withheld.

(a) This account shall be credited each month with the amount of taxes other than income, accrued during the month, with concurrent debits to the appropriate accounts for tax charges. This account shall also include deductions from employees' wages for railroad retirement tax and Federal, state and local income taxes. Credits to this account that are based upon estimates shall be adjusted from time to time during the year so that the tax expense accounts may show as nearly as possible, the taxes applicable to each period. Payments of taxes for which accruals have been made shall be debited to this account. Amounts representing prepayment of taxes applicable to subsequent periods shall be included in account 117-01-prepaid taxes and licenses.

(b) The records supporting entries to this account shall be kept so that the carrier can furnish information as to the basis for each tax accrual, the kinds of taxes paid, the amount of each and the accounts charged with the tax accruals.

(c) This account shall be subdivided as follows:

01 Real estate taxes accrued
02 Personal property taxes accrued
03 Railroad retirement taxes accrued
04 Railroad unemployment taxes accrued
05 Other taxes accrued
06 Federal withholding taxes
07 State withholding taxes
08 City withholding taxes
10 Air excise taxes accrued

217. Accrued expenses.

This account as subdivided will reflect current liability for:

01 Wages payable
02 Accrued interest
03 Accrued rents
04 Accrued insurance
07 Other accrued expenses
08 Accrued vacation—nonunion—current year
09 Accrued vacation—union—current year
10 Accrued vacation—nonunion—next year
11 Accrued vacation—union—next year
12 Group insurance contribution
13 Accrued line haul expense

and shall be credited each month for the amounts accrued or applicable during that month.

218. Affiliate payables.

(a) This account shall include amounts payable currently to affiliated companies, such as amounts due for services and materials received, rentals, traffic balances, matured interest, dividends and other items in open account. Also, the face value of loans and notes which will fall due and become payable to affiliates within one year.

(b) This account shall be subdivided as follows:

01 Affiliate loans payable
02 Affiliate accounts payable
03 Affiliate interest payable
04 Affiliate dividends payable

(c) For balance sheet presentation, the amount of payables to and receivables from each individual affiliated company shall be shown as a net payable or net receivable, as appropriate.

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219. Other current liabilities.

(a) This account shall include all current liabilities not includible in other current liability accounts covering unclaimed wages, savings bond deductions, unremitted C.O.D.'s and other miscellaneous current liabilities.

(b) This account shall be subdivided by secondary account numbers, as follows, to show the nature of each liability:

01 Unclaimed wages
02 Savings bond deductions
03 Unremitted C.O.D.'s
04 Miscellaneous other current liabilities
05 Union dues deductions

220. Long-term obligations.

221. Equipment obligations.

(a) This account shall include the unpaid balance of unmatured equipment notes, chattel mortgages, and conditional sales contracts executed by the carrier to finance the purchase of motor vehicles and other equipment; also, long-term leases capitalized in conformity with balance sheet account instruction 4–2 and the unpaid balance of similar equipment obligations executed or issued by others for which the carrier has assumed the obligation to pay and payable more than one year from the date of the balance sheet.

(b) A separate subdivision shall be maintained for each class of equipment obligation and no issue shall be considered to be of the same class unless identical as to the liability and nature of property covered. When reacquired equipment obligations are retired, this account shall be cleared of amounts included herein.

(c) The liability for equipment obligations maturing within one year from the close of each month is includible in account 211–current long-term debt.

222. Bonds.

(a) This account shall reflect the unpaid balance of unmatured bonds issued by the carrier and maturing more than one year from the close of the accounting period; also, the unpaid balance of unmatured bonds issued by others for which the carrier has assumed the obligation to pay. See account 211–current long-term debt.

(b) A separate subdivision shall be maintained for each class and series of bonds, and no issue shall be considered to be of the same class unless identical as to liability and nature of property covered. When reacquired bonds are retired, this account shall be cleared of amounts included herein.

223. Other long-term obligations.

(a) This account shall include all other long-term liabilities and obligations that become payable after one year from the close of the accounting period and not provided for elsewhere herein. These obligations include, but are not limited to, real estate mortgages, assessments for public improvements; and serial and other notes payable (except equipment notes). See account 211–current long-term debt.

(a) A separate subdivision shall be maintained for each class of obligation included herein, and records shall be maintained to show separately for each issue, details as to date of issue, date of maturity, interest dates and rates, and the security, if any, pledged. When reacquired other long-term obligations are retired, this account shall be cleared of amounts included herein.

230. Advances payable.

231. Affiliate advances payable.

(a) This account shall include amounts payable to affiliated companies for notes, loans, and advances not subject to current settlement, including interest accrued on such debt when such interest is not subject to current settlement.

(b) This account shall be subdivided by secondary account numbers as follows:

01 Affiliate notes payable
02 Affiliate accounts payable
03 Affiliate interest payable

232. Other advances payable.

(a) This account shall include the amount of unsecured advances and other unsecured obligations payable to individuals and companies, other than affiliated companies, whether evidenced by notes or open accounts, which are not subject to current settlement, including interest accrued thereon when such interest is not subject to current settlement. This account shall also include obligations that are payable on demand but which, by mutual agreement, will not be presented for payment within one year from date of issue.

(b) This account shall be subdivided by secondary account numbers as follows:

01 Other notes payable
02 Other accounts payable
03 Other interest payable

(c) The liability for advances payable to individuals and companies other than affiliated companies, maturing within one year of the close of the accounting period is includable in account 211–current long-term debt.

240. Other liabilities.

241. Accumulated provision for self-insurance.

(a) The accounts, as subdivided below, shall be credited with amounts that have been included in charges to the secondary operating expense account 12–insurance, within the primary operating expense accounts 552–line haul transportation, 523–pickup and delivery transportation, 524–air transportation, 525–railroad transportation, 531–terminal management, 573–employee benefits, 582–pickup and delivery transportation exclusive air and 584–terminal management exclusive air, to provide accumulated provisions for settlement of claims that are not covered, or partially covered, by commercial insurance:

01 General insurance
02 Public liability
03 Workmen's compensation
04 Surface cargo loss
05 Air cargo loss
06 Other

(b) The account shall be maintained to show separately the accretions to and charges against each account listed above.

242. Deferred credits.

(a) This account shall include credit items not provided for elsewhere for which the proper final disposition cannot be effected until services are performed or additional information is received.

(b) This account also shall include the total of the net credit balances representing the excess of the premium realized over the discount and expense incurred from the issuance of each class of the carrier's outstanding long-term debt securities.

(c) A separate subdivision shall be maintained for each issue of securities.

(d) This account shall also include amounts representing investment tax credit being accounted for under the deferral method. The account shall be maintained in such manner as to show separately the unamortized balance of the deferred credit for each year such credits were utilized as a reduction of tax liability. (See general instruction 1–18.)

250. Shareholders' equity.

251. Preferred stock.

(a) This account shall include the par value of par value stock, stated value of no-par value stock and the amount received for no-par value stock without stated value, which have been issued to bona fide purchasers and have not been reacquired and cancelled; also, shares of stock nominally issued, and reacquired shares which have not been cancelled. When other than cash is received for no-par value stock without stated value, the fair market value of the consideration shall be entered in this account.

(b) This account shall be divided so as to show separately each class of stock issued, subdivided between issued and actually outstanding, nominally issued and nominally outstanding, and reacquired.

(c) When reacquired stock is retired, this account should be cleared of amounts included herein.

252. Common stock.

(a) This account, as subdivided below, shall include the par value of par value stock, stated value of no-par value stock and the amount received for no-par value stock without stated value, which have been issued to bona fide purchasers and have not been reacquired and cancelled; also, shares of stock nominally issued, and reacquired shares which have not been cancelled. When other than cash is received for no-par value stock without stated value, the fair market value of the consideration shall be entered in this account.

(b) This account shall be divided so as to show separately each class of stock issued, subdivided between issued and actually outstanding, nominally issued and nominally outstanding, and reacquired.

(c) When reacquired stock is retired, this account shall be cleared of amounts included herein.

253. Capital stock subscribed.

This account shall include the amount of legally enforceable subscriptions to capital stock of the carrier. It shall be credited with the par or stated value, or with the subscription price in the case of stock without par or stated value, exclusive of accrued dividends, if any. Concurrently, a debit shall be made to account 114–06—subscriptions receivable for the agreed purchase price and any discount or premium debited or credited to the appropriate discount or premium account. When properly executed stock certificates have been issued representing the stocks subscribed, this account shall be debited and the appropriate capital stock account credited with the par or stated value of the stock (or the consideration received in the case of no-par stock without a stated value).

254. Capital surplus.

(a) This account shall be subdivided as follows:

01 Capital stock premium
02 Other capital surplus

(b) *01 Capital stock premium.* (1) This account shall include the excess of the actual cash value of the consideration received by the carrier (at the time of original sale of par value stock and no par stock with a stated value) over the par or stated value of the stock issued, plus, accrued dividends, if any, also subsequent assessments against stockholders representing payments required in excess of par or stated value.

(2) In no event shall dividends be charged against this account without prior authorization of the Commission.

(3) The records supporting this account shall be maintained to show premiums and assessments on each class of stock, also proportions of the amounts included therein when shares of capital stock are reacquired.

(c) *02 Other capital surplus.* (1) This account shall include gains from purchase and resale of reacquired stock; donations of capital by stockholders and others; the excess of retained earnings capitalized over the par or stated value of capital stock issued; and adjustments in capital resulting from reorganization or recapitalization.

(2) This account shall be subdivided to show each source of paid-in capital.

(3) This account shall be charged with net debits resulting from the reacquisition or resale of the carrier's capital stock to the extent of, but not exceeding the credit balance therein, with respect to the particular class of stock involved; the excess, if any, shall be charged to account 255–08–other debits.

(4) Upon approval of the Commission, this account may be charged with (1) amounts credited to the capital stock account incident to the issuance of stock dividends, or to increase the liability for no par stock without stated value, or (2) amounts transferred to retained income either directly by credits thereto of gains on transactions in the carrier's own capital stock, or indirectly by charges against this account for losses, write-downs, charge-offs, or the distribution of dividends.

255. Retained income.

(a) This account shall be subdivided as follows:

01 Appropriated retained income
02 Unappropriated retained income
03 Current net income
04 Other credits
05 Current net loss
06 Dividend appropriation
07 Other appropriations
08 Other debits

(b) *01 Appropriated retained income.* This account shall include retained income which has been appropriated and set aside under contractual or legal requirements and for other specific purposes, such as retirement of indebtedness, redemption of capital stock, certain employee benefits, replacements of plant and for various contingencies. Appropriations shall be released when their respective purposes have been served. The records supporting this account shall be maintained to show each specific purpose for which retained income is appropriated.

(c) *02 Unappropriated retained income.* (1) This account shall include retained income which has not been appropriated or set aside for specific purposes. There shall be no transfers of amounts between this account and account 254–02–other capital surplus, unless, so authorized by the Commission.

(2) The balances of accounts 255–03 to 255–08, inclusive, shall be closed to this account at the end of each year.

(d) *03 Current net income.* If the income statement for the current year reflects a net credit balance, it shall be brought forward to this account.

(e) *04 Other credits.* (1) This account shall include other credit adjustments net of assigned income taxes, not provided for elsewhere in this system, but only after such inclusion has been authorized by the Commission.

(2) The records supporting entries in this account shall be so maintained that an analysis thereof may be readily made available.

(f) *05 Current net loss.* If the income statement for the current year reflects a net debit balance, it shall be brought forward to this account.

(g) *06 Dividend appropriations.* This account shall include the amounts of dividends declared during the year on all classes of outstanding capital stock. Stock reacquired and owned by the carrier (except shares held in special funds not under control of the carrier), shall not be subject to dividends. Subsidiary records shall be kept to show separately, the dividends declared on each type and class of capital stock. When dividends are paid in other than money, complete detail of each transaction shall be maintained.

(h) *07 Other appropriations.* This account shall include appropriations from retained income for sinking funds and other reserves, and allotments of surplus or transfers of definite amounts from retained income to reserves under the terms of mortgages, deeds of trust, or contracts, and other appropriations of retained income set aside in special reserve accounts.

(i) *08 Other debits.* (1) This account shall include (1) losses on resale of reacquired capital stock, (2) charges which reduce or write-off discount on capital stock issued by the company but only to the extent that such charges exceed credit balances in other capital surplus for shares reacquired, and (3) in pooling of equity interests situations, the excess of the value of the surviving company's capital stock over the aggregate total of the capital stock of the separate companies before such merger or consolidation, but only to the extent that capital surplus is not available for such purposes.

(2) This account shall include other debit adjustments, net of assigned income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

(3) The records supporting entries in this account shall be so maintained that an analysis thereof may be readily made available.

299. Form of balance sheet.

100-ASSETS

110-CURRENT ASSETS

111	Cash		$------
112	Temporary Investments		------
113	Notes Receivable		------
114	Accounts Receivable		------
115	Allowance for Uncollectible Receivables		------
116	Material and Supplies		------
117	Prepayments		------
118	Affiliate Receivables		------
119	Other Current Assets		------
	Total Current Assets		$------

120-TANGIBLE PROPERTY

121	Operating Property	$	
	Less: 122-Accumulated Depreciation	------	$------
123	NonoperatingProperty		
	Less: 124-Accumulated Depreciation	------	------
	Total Tangible Property		$------

130 PERMANENT INVESTMENTS

131	Affiliate Investments	$------
132	Other Investments	------
	Total Permanent Investments	$------

140-OTHER ASSETS

141	Intangible Property	$	
	Less: Accumulated Amortization	------	$------
143	Deferred Charges		------
144	Special Funds		------
	Total Other Assets		$------
	Total Assets		$======
	Contingent Assets (not included above)		$------

200-LIABILITIES

210-CURRENT LIABILITIES

211	Current Long-Term Debt	$------
212	Dividends Declared	------
213	Notes Payable	------
214	Accounts Payable	------
215	Income Taxes Accrued	------

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216	Other Taxes Accrued and Withheld	------
217	Accrued Expenses	------
218	Affiliate Payables	------
219	Other Current Liabilities	------
	Total Current Liabilities	$------
	220-LONG-TERM OBLIGATIONS	
221	Equipment Obligations	$------
222	Bonds	------
223	Other Long-Term Obligations	------
	Total Long-Term Obligations	$------
	230-ADVANCES PAYABLE	
231	Affiliate Advances Payable	$------
232	Other Advances Payable	------
	Total Advances Payable	$------
	240-OTHER LIABILITIES	
241	Accumulated Provision for Self-Insurance	$------
242	Deferred Credits	------
	Total Other Liabilities	$------
	250-SHAREHOLDERS' EQUITY	
251	Preferred Stock	$------
252	Common Stock	------
253	Capital Stock Subscribed	------
254	Capital Surplus	------
255	Retained Income	------
	Total Shareholders' Equity	$------
	Total Liabilities	$======
	Contingent Liabilities (not included above)	$------

INCOME ACCOUNTS

300. Operating revenues.

310. Domestic express.

311. Surface.

(a) This account shall include revenues (including value charges and surcharges) derived from the transportation of surface express traffic at lawful surface tariff rates to and from points within the United States. Such revenue shall include arbitraries and single line or zone rates for commodities, baggage, mail and newspapers.

(b) There shall also be separately included in this account revenues earned for furnishing refrigeration or heat to preserve perishable shipments while in transit, for feeding and care of birds and animals, for armed guards provided to protect shipments of money and valuables and for similar services made available to the shipping public at specific tariff charges.

(c) Separations of revenue shall be maintained by use of the following secondary revenue accounts:

01 Prepaid forwarded
02 Collect received

(d) This account shall be charged with overcharges refunded to customers, caused by use of erroneous rates, weights, classifications or computations; also, revenue refunds on loss and damage shipments.

312. Air.

(a) This account shall include revenues (including value charges and surcharges) derived from the transportation of air express traffic at lawful air express tariff rates to and from points within the United States.

(b) There shall also be included in this account revenues earned of armed guards provided to protect shipments of money and valuables and for similar services made available to the shipping public at specific tariff charges.

(c) Separations of revenue shall be maintained by use of the following secondary revenue accounts:

01 Prepaid forwarded
02 Collect received
03 Air surcharge

(d) This account shall be charged with overcharges refunded to customers, caused by use of erroneous rates, weights, classifications or computations; also, revenue refunds on loss and damage shipments.

320 Foreign express.

321 Surface.

(a) This account shall include revenues derived from the transportation by railroad, motor vehicles and vessels of cargo shipments between points in the United States and points in foreign countries, except Canada.

(b) Separations of revenue shall be maintained for each of the following secondary revenue accounts:

01 Prepaid forwarded
02 Collect received

322 Air.

(a) This account shall include the revenues derived from the transportation by air of cargo shipments between points in the United States and points in foreign countries, except Canada.

(b) Separations of revenue shall be maintained for each of the following secondary revenue accounts:

01 Prepaid forwarded
02 Collect received

330 Interline express.

331 Surface.

(a) This account shall include the carrier's proportion of transportation revenue derived from surface transportation services provided in the United States on shipments having Canadian origins or destinations received from or turned over to Canadian express companies.

(b) Separations of revenue shall be maintained for each of the following secondary revenue accounts:

01 Prepaid northbound
02 Prepaid southbound
03 Collect northbound
04 Collect southbound

332. Air.

(a) This account shall include the carrier's proportion of transportation revenue derived from air transportation services provided in the United States on shipments having Canadian origins or destinations received from or turned over to Canadian carriers.

(b) Separations of revenue shall be maintained for each of the following secondary revenue accounts:

01 Prepaid northbound
02 Prepaid southbound
03 Collect northbound
04 Collect southbound

340. Other express.

341. Miscellaneous express.

(a) This account shall include miscellaneous express transportation revenue not specifically provided for in other accounts, such as sold transportation.

(b) Separations of revenue shall be maintained by use of the following secondary revenue accounts:

01 Sold transportation (1)
02 Sundry express

(1) (Includes furnishing a vehicle with a driver to another carrier, transporting freight for another carrier and moving loaded or empty trailers for another carrier).

350 Other revenue.

351 Advertising revenue.

(a) This account shall include revenues derived from advertising matter displayed on vehicles and structures concerning products or services of other companies.

(b) Separations of revenue shall be maintained for:

01 Vehicle advertising revenue
02 Structure advertising revenue

352 Customs brokerage fees.

This account shall include revenues earned by the carrier for paying duties, making declarations, executing forms and papers and performing other functions on behalf of customers, necessary to obtain clearance through customs of export or import shipments.

353 C.O.D. service fees.

This account shall include revenues earned for services perfomed incident to the collection of "cash on delivery" express shipments and the remittance of such funds to shippers.

354 Storage fees.

This account shall include revenues earned from the storage of express shipments or other freight for shippers and others.

355 Miscellaneous revenue.

This account shall include revenues not provided for elsewhere and should be separately recorded in secondary revenue accounts specifically provided for below:

01 Order and commissions
02 Payroll deduction commissions
03 Freight collection commissions
04 Garnishment fees
05 Vending machine revenue
06 Telephone revenue
07 Newsstand revenue
08 Restaurant income
09 Material and supplies sales
10 Shop work sales
11 Vehicle parking revenue
12 Snow plow work revenue
13 Foreign commissions
14 Sundry revenue

510 Equipment maintenance.

511 Maintenance management.

This account shall be charged with the salaries and other expenses incurred by or for officers, managers, supervisors, and their clerical staffs, whose predominant duties and responsibilities relate to the administration and supervision of the equipment maintenance department.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
04 Taxes and licenses
Real estate and personal property taxes
05 Utilities
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
12 Insurance
Insurance applicable to structures and furniture and equipment of the maintenance department
13 Depreciation
Depreciation of structures, furniture and office equipment used by the maintenance department
Depreciation of shop and garage equipment except service cars
17 Equipment rentals
20 Real property rentals
26 Gain or loss on sale of assets

512 Line haul maintenance.

This account shall include all expenses, payroll and other, incurred in repairing and servicing line haul vehicles. This account shall also be charged with the cost of replacing original equipment included in the book cost of the line haul vehicles, such as fire extinguishers, jacks, lamps, tire chains, and tires and tubes. Joint expenses or those expenses that cannot readily be identified between line haul, pickup and delivery and service car maintenance are to be charged to this account and prorated to 513 and 514 using basis developed from statistical reports through expense account 91–maintenance transfers.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
17 Equipment rentals
21 Tires and tubes

513 Pickup and delivery maintenance.

This account includes all expenses, payroll and other incurred in repairing and servicing pickup and delivery vehicles. This does not include vehicles assigned to exclusive air primary account 581. This account shall also be charged with the cost of replacing original equipment included in the book cost of pickup and delivery vehicles, such as fire extinguishers, jacks, lamps, tire chains and tires and tubes. Joint expenses or those maintenance expenses not readily identifiable will be charged to this account by allocations from primary account 512 through expense account 91–maintenance transfers.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
17 Equipment rentals
21 Tires and tubes

514 Service cars.

This account shall be charged with the cost of operating and maintaining servce vehicles (tow trucks, wreckers, automobiles, etc.) used in connection with the carrier's maintenance and repair operations, including drivers' or operators' wages, gasoline, oil, tires, tubes, registration fees and vehicle licenses; also expense incurred in the operation of platform equipment such as depot tractors, hydraulic lifts, scooters and mobile terminal equipment. Joint expenses or those maintenance expenses not readily identifiable will be charged to this account by allocations from primary account 512 through expense account 91-Maintenance transfers.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
04 Taxes and licenses
Vehicle licenses, inspection and registration fees for automobiles, service cars and wreckers; also bridge, ferry and tunnel tolls incurred in the operation of service cars and wreckers.
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
13 Depreciation
Depreciation of automobiles, wreckers, sand and salt cars, tow cars and other vehicle service equipment
17 Equipment rentals
21 Tires and tubes
22 Motor fuel and oil
26 Gain or loss on sale of assets

515 Railroad car maintenance.

This account shall include all expenses, payroll and other, incurred in repairing and servicing railroad cars. This account shall also be charged with the cost of replacing original equipment included in the book cost of railroad cars, such as fire extinguishers, supplies, jacks, lamps, pads, poles, ropes, stakes and tarpaulins.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
07 Services purchased
08 Unclassified
09 Traveling

520 Transportation.

522 Line haul transportation.

This account shall include payroll and all other expenses incurred in the operation of line haul service; also, payments to water carriers and third party motor carriers in connection with intercity line haul surface transportation.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
04 Taxes and licenses
This secondary account shall include:
Bridge, ferry, highway and tunnel tolls
Certificate of title fees
Gross weight taxes
License plate fees
Mileage taxes
Permits for overload and oversize
Registration fees
Ton-mile taxes
Vehicle identification plates
Vehicle qualification fees
Port of entry fees
07 Services purchased
08 Unclassified
09 Traveling
12 Insurance
Net cost (that is, amounts of premiums less the amounts of dividends and refunds) of commercial insurance to protect the carrier against: (1) liability for deaths and/or injuries to persons (other than carrier's employees), and damages to the property of others (except property entrusted to the carrier for transportation or storage), resulting from the operation of revenue vehicles and railroad cars and (2) loss from fire, theft, or collision damage to owned or leased vehicles.
Also, amounts sufficient to meet the probable liability under the classes of risks set out above not covered by commercial insurance.
13 Depreciation
Depreciation of revenue equipment, except railroad cars, included in account 12103–Operating Property-Revenue Equipment, used in line haul transportation service.
17 Equipment rentals
Amounts payable to others for furnishing line haul vehicles to the carrier for its exclusive use, and under its control, in intercity service where payment does not include drivers' wages.
Credits for rents receivable by the carrier for owned or leased line haul vehicles which are furnished to others without the service of drivers.
Credits for rents receivable by the carrier for owned or leased line haul vehicles furnished to other motor carriers under an arrangement whereby both vehicle and driver are furnished by the carrier but the wages of the drivers are paid separately by the hiring carrier and included on its payroll.
18 Purchased transportation
Intercity transportation of individual shipments and partloads, billed by the carrier, in the vehicles of another motor carrier when the hauling carrier retains control of the vehicle and driver.
Payments to railroads, water carriers and other motor carriers for the intercity transportation of the carrier's loaded and empty line haul vehicles.
The amounts included in this account shall be segregated as follows: (1) Payments to railroads and water carriers and (2) payments to motor carriers.
22 Motor fuel and oil
Cost thereof applicable to this expense account will be based on consumption statistics.
25 Surface substitute service
26 Gain or loss on sale of assets.

523 Pickup and delivery transportation.

This account shall include payroll and all other expenses of supervisors, clerical employees, drivers and others whose

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predominant duties and responsibilities are concerned with the performance of pickup and delivery service, "shuttle trips" and "peddle trips." It also includes the incidental loading, unloading and checking of vehicles when performed by employees whose predominant duties are the driving of vehicles. This does not include those vehicles and drivers assigned to an exclusive air primary account 582—pickup and delivery transportation exclusive air.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
04 Taxes and licenses
This secondary account shall include:
Bridge, ferry and tunnel tolls
Certificate of title fees
Gross weight taxes
License plate fees
Mileage taxes
Permits for overload and oversize
Port of entry fees
Registration fees
Ton-mile taxes
Vehicle identification plates
Vehicle qualification fees
06 Unclassified
09 Traveling
12 Insurance
Net cost (that is, amounts of premiums less the amounts of dividends and refunds) of commercial insurance to protect the carrier against: (1) liability for deaths and/or injuries to persons (other than carrier's employees), and damages to the property of others (except property entrusted to the carrier for transportation or storage), resulting from the operation of revenue vehicles and railroad cars; (2) Liability for claims resulting from loss and damage to, or delay of, property entrusted to it for transportation or storage and (3) loss from fire, theft or collision damage to owned or leased vehicles.
Also, amounts sufficient to meet the probable liability under the classes of risks set out above not covered by commercial insurance.
13 Depreciation
Depreciation of revenue equipment, except railroad cars, included in account 12103—Operating Property-Revenue Equipment, used in surface pickup and delivery service.
17 Equipment rentals
Amounts payable to others for furnishing pickup and delivery vehicles to the carrier for its exclusive use, and under its control, in pickup and delivery and other local operations, including air service, when the payment does not include drivers' wages.
Credits for rents receivable by the carrier for owned or leased pickup and delivery vehicles furnished to others without the services of drivers.
Credits for rents receivable by the carrier for owned or leased pickup and delivery vehicles furnished to other motor carriers under an arrangement whereby both vehicle and driver are furnished by the carrier but the wages of the driver are paid separately by the hiring carrier and included on its payroll.
18 Purchased transportation
Payments to others for picking up and delivering the carrier's intercity freight and performing its local cartage services, when the vehicles so employed are not used exclusively in the carrier's service and are not under its control.
Allowances to shippers and consignees for picking up and delivering intercity surface shipments.
22 Motor fuel and oil
Cost thereof applicable to this expense account will be distributed based on consumption statistics.
26 Gain or loss on sale of assets

524 Air transportation.

This account shall be charged directly with cargo loss and damage incurred in air transportation, payments to air lines for line haul services and air excise tax in connection with line haul payments to airlines.

This primary account shall include the following secondary operation expense accounts:

04 Taxes and licenses
This secondary account shall only include: Air excise tax
12 Insurance
Liability for claims resulting from loss and damage to, or delay of, property entrusted to it for transportation or storage.
18 Purchased transportation
Payments to airlines for providing intercity transportation to air express shipments.

525 Railroad transportation.

This account shall include payroll and all other expenses incurred in connection with the supervision and direction of the operation of carrier owned or leased railroad cars including amounts paid to railroads for "trailers on flat cars" line haul service.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
04 Car line tax
07 Services purchased
Payments to railroads for the movement of carrier's empty railroad cars.
08 Unclassified
09 Traveling
12 Insurance
Net cost (that is, amounts of premiums less the amounts of dividends and refunds) of commercial insurance to protect the carrier against: (1) liability for deaths and/or injuries to persons (other than carrier's employees) and damages to the property of others (except property entrusted to the carrier for transportation or storage), resulting from the operation of revenue vehicles; and (2) loss from fire, theft, or collision damage to owned or leased vehicles.
Also, amounts sufficient to meet the probable liability under the classes of risks set out above not covered by commercial insurance.
13 Depreciation
Depreciation of railroad car equipment.
17 Equipment rentals
Amounts payable to others for furnishing railroad cars to the carrier for its exclusive use, and under its control, in intercity service where payment does not include trainmen's wages.
Credits for rents receivable by the carrier for owned or leased railroad cars furnished to a railroad under an arrangement whereby both railroad car and trainmen are furnished by the carrier but the wages of the trainmen are paid separately by the railroad and included on its payroll. Rents from carrier owned cars shall be separately stated in this account.
18 Purchased transportation
Amounts payable to others for furnishing railroad cars with the services of trainmen for the exclusive use and under the control of the carrier in intercity service where the payment includes the wages of trainmen.
Intercity transportation of individual shipments and partloads, billed by the carrier, in the railroad cars of a railroad when the railroad retains control of the railroad car and trainmen.
23 Demurrage and detention charges
Amounts payable to railroads for failure to promptly load or unload express traffic to and from railroad cars on the line of the railroad company.
26 Gain or loss on sale of assets

530 Terminal.

531 Terminal management.

This account shall include payroll and all other expenses incurred in the administration and management of the terminal department, including first line excepted supervision. This account shall not include any expenses incurred in connection with an exclusive air facility. These expenses will be charged to 584—terminal management exclusive air.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
04 Taxes and licenses
Taxes based on the value of real estate and personal property.
05 Utilities
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
10 Communications

This secondary account shall include: Telephone expenses, telegrams, rentals for other communication systems; teletype rentals when not part of M.I.S. system, etc.

Net cost (that is, the amounts of premiums less the amounts of dividends or refunds), of commercial insurance to protect the carrier against loss from fire and other perils to structures and improvements.
Also, amounts sufficient to meet the probable liability for claims under the classes of risks set out above, that are not covered by commercial insurance.
13 Depreciation
Depreciation of terminal structures situated on owned and unowned land, including all appurtenant fixtures permanently attached thereto, and of improvements to owned land and other structures or constructions.
Depreciation of equipment used in loading, unloading, sorting, arranging, moving or other handling of cargo at the terminals.
Depreciation of leasehold property installed by the carrier.
Depreciation of automobiles and station wagons used by officers and employees of terminal department.
Depreciation of office furniture and equipment.
17 Equipment rentals

19 Commission agents
20 Real property rentals
Rental payments for real estate used by the terminal department.
21 Tires and tubes
22 Motor fuel and oil
26 Gain or loss on sale of assets

This account shall include payroll and all other expenses of supervisory, clerical, platform, warehouse and station employees incurred in connection with the loading, unloading, assorting and other platform handling of express shipments at the carrier's terminals. It will *not* include any excepted supervisory personnel. This account will not include expenses incurred in connection with an exclusive air facility. These expenses will be charged to 583-cargo handling exclusive air.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
17 Equipment rentals

534 Property maintenance.

(a) This account shall include payroll and all other expenses incurred in the repair and maintenance of all terminal and office properties, except revenue equipment. Such property shall include but is not limited to the following:

(1) Air conditioning and cooling systems
(2) Conveyors
(3) Docks
(4) Elevators and escalators
(5) Fixtures and equipment
(6) Heat, light and power systems
(7) Leasehold improvements

(b) The cost of construction and other work property chargeable to asset accounts shall be excluded from this account.

(c) This account will not be charged with expenses incurred inconnection with an exclusive air facility. These expenses will be charged to 587-property maintenance exclusive air.

(d) This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
17 Equipment rentals

540 Operations.

541 Operations management.

This account shall include payroll and all other expenses incurred by or for central operations management personnel whose duties and responsibilities relate to the administration and supervision of the central operations department.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
04 Taxes and licenses
Real estate and personal property taxes, licenses and registration fees.
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
12 Insurance
Insurance applicable to structures, automobiles and furniture and equipment.
13 Depreciation
Depreciation of structures used by central operations department.
Depreciation of office furniture and equipment at all offices of the central fleet operations management including the central fleet maintenance function, the central terminal operations function, and the central industrial engineering function.
Depreciation of passenger automobiles and station wagons used by officers and employees of the central operations department.
17 Equipment rentals
20 Real property rentals
Rental payments for real estate used by the operations department.
21 Tires and tubes
22 Motor fuel and oil
26 Gain or loss on sale of assets

542 Fleet maintenance.

This account shall include payroll and all other expenses incurred in the operation of the central fleet maintenance function.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
14 Professional services
Consultant fees for fleet maintenance services and/or surveys, development of automotive statistics, etc.
17 Equipment rentals

543 Transportation management.

This account shall include payroll and all other expenses incurred by or for supervisors, their assistants, clerical staffs and other personnel of the Transportation department engaged in supervising and directing line haul transportation functions and activities.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
10 Communications
17 Equipment rentals

544 Engineering and real estate.

This account shall include payroll and all other expenses incurred in the operation of the central engineering and real estate function.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
14 Professional services
17 Equipment rentals
20 Real property rentals

550 Marketing.

552 Sales.

This account shall include payroll and all other expenses of employees engaged in the solicitation of domestic surface traffic.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
04 Taxes and licenses
License and registration fees paid for automobiles and station wagons used by officers and employees of the marketing department.
Personal property taxes applicable to furniture and equipment.
06 Supplies
07 Services purchased
Commissions and fees paid to outside organizations for the solicitation of traffic with the exception of payments to commission agents.
Fees paid to personnel agencies for the procurement of employees.
Maintenance contracts for equipment used in the work applicable to this account.
08 Unclassified
09 Traveling
12 Insurance
Insurance applicable to automobiles, station wagons and furniture and equipment.
13 Depreciation
Depreciation of automobiles assigned to the sales and marketing functions.
17 Equipment rentals
20 Real property rentals
21 Tires and tubes
22 Motor fuel and oil
26 Gain or loss on sale of assets

553 Freight claims.

This account shall include payroll and all other expenses incurred in the operation of the freight claim and salvage function.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
17 Equipment rentals

554 Surface advertising.

This account shall include payroll and all other expenses incurred in connection with advertising for the purpose of securing surface traffic such as, the preparation, printing and distribution of advertising matter and copy, commissions and fees paid others, and the cost of space in newspapers and periodicals.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
03 Advertising
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
10 Communications
14 Professional services
17 Equipment rentals

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555 Air advertising.

This account shall include payroll and all other expenses incurred in connection with advertising for the purpose of securing air express traffic such as, the preparation, printing and distribution of advertising matter and copy, commissions and fees paid others, and the cost of space in newspapers and periodicals.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
03 Advertising
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
10 Communications
14 Professional services
17 Equipment rentals

556 Market research.

This account shall include payroll and all other expenses incurred by or for personnel engaged in the operation of the market research function in connection with domestic and foreign surface and air operations.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
17 Equipment rentals

557 Traffic.

This account shall include payroll and all other expenses incurred in the preparation, printing and distribution of tariffs and schedules.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
Outside agency fees for publishing the carrier's tariffs and schedules.
08 Unclassified
09 Traveling
10 Communications
17 Equipment rentals

559 Foreign services management.

This account shall include payroll and all other expenses of supervisors and their clerical staffs incurred in the administration and management of foreign air express traffic, foreign freight forwarding services and customs brokerage services.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
17 Equipment rentals
20 Real property rentals

560 Finance and administration.

561 Banking and corporate accounting.

This account shall include payroll and all other expenses incurred by personnel engaged in banking and corporate accounting.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
10 Communications
14 Professional services
17 Equipment rentals

562 Disbursements.

This account shall include payroll and all other expenses incurred by or for supervisory personnel and their clerical staff, engaged in operating and directing the payroll, accounts payable, and other disbursements functions.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
10 Communications
14 Professional services
17 Equipment rentals
20 Real property rentals

563 Budget and cost.

This account shall include payroll and all other expenses incurred by or for supervisory and clerical personnel responsible for budget and cost functions.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
17 Equipment rentals

564 Revenue, billing and collecting.

This account shall include payroll and all other expenses incurred by or for supervisory and clerical personnel engaged in the revenue function of accounting for surface, air and other transportation and accessorial revenues; and in billing customers. This account shall not include expenses incurred in connection with the Credit function. These expenses will be charged to 569–credit and collections.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
This secondary account shall include:
Accounts receivable billing by outside service bureaus.
Armored car service.
Fees paid to personnel agencies for the procurement of employees.
Maintenance contracts for equipment used in the work applicable to this account.
08 Unclassified
This secondary account shall include:
Bank service charges.
Cash differences of accounts receivable, cashiers, and drivers.
Writing off differences in bill controls.
Expenses not chargeable to other expense accounts.
09 Traveling
10 Communications
17 Equipment rentals
20 Real property rentals

565 Tax and insurance.

This account shall include payroll and all other expenses incurred by or for supervisory and clerical personnel engaged in the tax and insurance functions.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
This secondary account shall include:
Dues and subscriptions to tax and insurance services organizations and periodicals.
Insurance inspection service.
Notarial fees.
Payments to outside attorneys, investigators, and adjustors for services in connection with loss and damage cases.
Special costs incurred in procuring insurance, such as brokerage fees (not included in premiums).
08 Unclassified
09 Traveling
14 Professional services
Charges from outside professional agencies for insurance or tax consultants.
17 Equipment rentals

566 Internal auditing.

This account shall include payroll and all other expenses incurred by or for the supervisory and clerical personnel engaged in the internal auditing function.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
17 Equipment rentals

567 Data processing.

This account shall include payroll and all other expenses incurred by or for supervisory and clerical personnel engaged in the data processing operations.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
10 Communications
14 Professional services
Charges from outside professional agencies for consultations, evaluations, and surveys in connection with data processing.
17 Equipment rentals

568 Systems and programming.

This account shall include payroll and all other expenses incurred by or for supervisory and clerical personnel engaged in the systems and programming function.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
This secondary account shall include:
Management information services.
Programming assistance by service bureaus.
Charges for consultations, evaluations and surveys, etc.
Maintenance contracts for equipment used in the work applicable to this account.
08 Unclassified
09 Traveling
14 Professional services
17 Equipment rentals

569 Credit and collections.

This account shall include payroll and all other expenses incurred by or for supervisory and clerical personnel engaged in the credit and collections function. This account shall not include any expenses incurred on behalf of the revenue billing function. These expenses shall be charged to 564–revenue billing.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
Credit and collection agency fees
Credit bureau membership and report costs
Collection attorney and agency fees (other than those applicable to accounts previously written off).
Fees charged by banks for processing accounts receivable mail payments.
08 Unclassified
Court costs for collecting accounts receivable
Writing off differences in bill controls
09 Traveling
10 Communications
16 Uncollectible revenues
17 Equipment rentals

570 Personnel.

571 Personnel management.

This account shall include payroll and all other expenses incurred by or for personnel engaged in the administration of the personnel department.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
13 Depreciation
Depreciation of office furniture and equipment of the personnel department
14 Professional services
17 Equipment rentals
20 Real property rentals
26 Gain or loss on sale of assets

572 Office services.

This account shall include payroll and all other expenses incurred in the office services function which includes the maintenance of the corporate offices, the administration of the copy room, the training of executives and other management personnel and all other expenses incurred in connection with the administration of the corporate offices.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
17 Equipment rentals

573 Employee benefits.

This account shall include payroll and all other expenses incurred in connection with employee benefits; and in providing supplementary benefits to employees, including vacation accruals, employee activity programs, tuition refunds, medical services and health and welfare costs.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll-Vacation accrual
02 Employee welfare
Use this expense account for the redistribution of employee benefits to all accounts, thus obtaining total payroll and employee welfare costs in each expense account. The basis of the allocation shall be the ratio of total various employee benefits expense accounts (primary account 573) to total company payroll (expense account 01) excluding employee benefits payroll (573–01). The charge shall be included in expense account 02 in each of the primary operating expense accounts. The credit shall be to (573–02) for the amount of employee benefits distributed to other expense accounts.
04 Taxes and licenses
11 Pensions
12 Insurance
This secondary account shall include the net cost (that is, the amounts of premiums less the amounts of dividends or refunds) of insurance required to provide for workmen's compensation or similar employee protection whether such insurance is provided by means of premiums payable to governmental agencies or commercial insurance companies.
Also, amounts sufficient to meet the probable liability not covered by outside insurance on account of claims for injuries to and deaths of employees arising under workmen's compensation and employer's liability acts.
Contributions to health and welfare funds payments for supplemental unemployment benefits, whether under contract arrangements with labor unions or otherwise.
Premiums on group insurance policies for benefit of employees or their beneficiaries, including hospitalization, medical, surgical, life, accident and travel, and disability benefits.

580 Exclusive air operations.

581 Pickup and delivery maintenance—exclusive air.

This account includes all expenses, payroll and other, incurred in repairing and servicing exclusive air pickup and delivery vehicles. This account shall also be charged with the cost of replacing original equipment included in the book cost of pickup and delivery vehicles, such as fire extinguishers, jacks, lamps, tire chains and tires and tubes. Joint expenses, or those maintenance expenses not readily identifiable, will be charged to this account by allocations from primary account 512.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
13 Depreciation
Depreciation of automobiles, service cars and equipment used in maintenance and repair functions of air operations.
Depreciation of shop and garage equipment.
17 Equipment rentals
20 Real property rentals
21 Tires and tubes
26 Gain or loss on sale of assets

582 Pickup and delivery transportation—exclusive air.

This account shall include payroll and all other expenses of supervisors, clerical employees, drivers and others whose predominant duties and responsibilities are concerned with the performance of pickup and delivery services for exclusive air service. It also includes the incidental loading, unloading and checking of vehicles when performed by employees whose predominant duties are the driving of vehicles.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
04 Taxes and licenses
This secondary account shall include:
Bridge, ferry and tunnel tolls
Certificate of title fees
Gross weight taxes
License plate fees
Mileage taxes
Permits for overload and oversize
Port of entry fees
Registration fees
Ton-mile taxes
Vehicle identification plates
Vehicle qualification fees
08 Unclassified
09 Traveling
12 Insurance
Net cost (that is amounts of premiums less the amounts of dividends and refunds) of commercial insurance to protect the carrier against: (1) liability for deaths and/or injuries to persons (other than carrier's employees), and damages to the property of others (except property entrusted to the carrier for transportation or storage), resulting from the operation of revenue vehicles; (2) liability for claims resulting from loss and damage to, or delay of, property entrusted to it for transportation or storage and (3) loss from fire, theft or collision damage to owned or leased vehicles.
13 Depreciation
Depreciation of pickup and delivery equipment.

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17 Equipment rentals
Amounts payable to others, for furnishing pickup and delivery vehicles to the carrier for its exclusive use, and under its control, in pickup and delivery and other local operations, when the payment does not include drivers' wages.
Credits for rents receivable by the carrier for owned or leased pickup and delivery vehicles furnished to others without the services of drivers.
Credits for rents receivable by the carrier for owned or leased pickup and delivery vehicles furnished to other motor carriers under an arrangement whereby both vehicle and driver are furnished by the carrier but the wages of the driver are paid separately by the hiring carrier and included on its payroll.
18 Purchased transportation
Payments to others for picking up and delivering the carrier's intercity freight and performing its local cartage services, when the vehicles so employed are not used exclusively in the carrier's service and are not under its control.
Allowances to shippers and consignees for picking up and delivering intercity surface shipments.
22 Motor fuel and oil
Cost thereof applicable to this expense account will be distributed from 522-Line Haul Transportation based on consumption statistics.
26 Gain or loss on sale of assets

583 Cargo handling-exclusive air.

This account shall include payroll and all other expenses of supervisory, clerical, platform and warehouse employees incurred in connection with the loading, unloading, assorting and other platform handling of express shipments at an exclusive air terminal.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
05 Supplies
07 Services purchased
08 Unclassified
09 Traveling
17 Equipment rentals

584 Terminal management—exclusive air.

This account shall include payroll and all other expenses incurred in the administration and management of an exclusive air terminal.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
04 Taxes and licenses
Taxes based on value of real estate and personal property.
05 Utilities
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
10 Communications
Telephone expenses, telegrams, rentals for other communication systems; teletype rentals when not part of M.I.S. system etc.
12 Insurance
Net cost (that is, the amounts of premiums less the amounts of dividends or refunds), of commercial insurance to protect the carrier against loss from fire and other perils to structures and improvements.
Also, amounts sufficient to meet the probable liability for claims under classes of risks set out above, that are not covered by commercial insurance.
13 Depreciation
Depreciation of structures situated on owned or unowned land, including all appurtenant fixtures permanently attached thereto, and of improvements to owned land and other structures or constructions.
Depreciation of leasehold property installed by carrier.
Depreciation of office furniture and equipment.
Depreciation of automobiles and station wagons.
17 Equipment rentals
19 Commission agents
20 Real property rentals
Rental payments for real estate used by the terminal department.
21 Tires and tubes
22 Motor fuel and oil
26 Gain or loss on sale of assets

585 Air services management.

This account shall include payroll and all other expenses incurred in the regional and corporate administration and management of Exclusive Air Express Operations. This account shall not include any expenses connected with the administration and management of exclusive air terminals.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
17 Equipment rentals

587 Property maintenance-exclusive air.

(a) This account shall include payroll and all other expenses incurred in the repair and maintenance of all exclusive air terminal and office properties, except revenue equipment.

Such property shall include but is not limited to the following:

(1) Air conditioning and cooling systems
(2) Conveyors
(3) Docks
(4) Elevators and escalators
(5) Fixtures and equipment
(6) Heat, light and power systems
(7) Leasehold improvements

(b) The cost of construction and other work property chargeable to asset accounts shall be excluded from this account.

(c) This primary account shall include but not limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
17 Equipment rental

588 Sales and marketing—exclusive air.

This account shall include payroll and all other expenses of employees engaged in the solicitation of domestic and foreign air traffic. It also includes staff personnel and expenses related to exclusive air market research.

This primary operating expense account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
Commissions and fees paid to outside organizations for the solicitation of traffic with the exception of payments to commission agents.
Fees paid to personnel agencies for the procurement of employees.
Maintenance contracts for equipment used in the work applicable to this account.
08 Unclassified
09 Traveling
17 Equipment rentals

590 Executive.

591 Executive management.

This account shall include payroll and all other expenses incurred by or for all officers and their staffs engaged in the administration of the executive department.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
Employees whose compensation is to be charged hereto are covered by, but not limited to, the following position titles:
President
Executive Vice President
Assistant to President and Vice President
Vice Presidents
Controller
Treasurer
04 Taxes and licenses
This secondary account shall include:
Capital stock taxes
City licenses and permits
Franchise taxes (for privilege of doing business as a corporation)
Gross receipts taxes
Occupancy taxes
Permits to haul liquor, etc.
Stock transfer taxes
Taxes on property leased from others where lessee is obligated under the terms of the lease to pay such taxes in addition to stipulated rent.
Use taxes paid by carrier as vendee.
Taxes based on value of real estate and personal property
05 Utilities
06 Supplies
07 Services purchased
This secondary account shall include:
Printing reports and notices to stockholders.
Fees paid to personnel agencies for procurement of employees.
Maintenance contracts for equipment used in the work applicable to this account.

08 Unclassified
This secondary account shall include:
Dues and subscriptions.
Expenses not chargeable to other expense accounts.
Moving allowances paid to employees.
Interview travel expenses paid to applicants.
Directors and trustees fees.
Entertainment of a general company nature.
Fees for filing annual reports and other documents not specifically related to certificates or applications for issuance of securities.
Fees of stocks and bonds registrar and transfer agent.
Living expenses and tuition of executives attending lengthy management courses.
09 Traveling
10 Communications
12 Insurance
Net cost (that is, the amounts of premiums less the amounts of dividends or refunds), of commercial insurance to protect against loss from boiler; burglary; fidelity; holdup; lightning; plate glass; owners, landlords, and tenants liability; and other risks not provided for elsewhere.
Insurance applicable to real estate and personal property.
13 Depreciation
Depreciation of office furniture and equipment of the executive department.
Depreciation of general office building.
Depreciation of automobiles and station wagons used by officials and employees of the administrative and executive department.
14 Professional services
Charges from outside professional agencies for consultations, evaluations and surveys.
15 Donations
Contributions for charitable, social, or community welfare purpose, except contributions to employees' welfare associations.
17 Equipment rentals
20 Real property rentals
21 Tires and tubes
22 Motor fuel and oil
26 Gain or loss on sale of assets

592 Law.

This account shall include payroll and all other expenses incurred by or for attorneys and others in operating the legal function.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
14 Professional services
17 Equipment rentals
24 Regulatory fees

593 Purchasing.

This account shall include payroll and all other expenses incurred by or for personnel engaged in the purchasing and storekeeping functions.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
17 Equipment rentals

594 Security.

This account shall include payroll and all other expenses incurred by or for personnel engaged in field and central safety and security functions.

This primary account shall include but not be limited to the following secondary operating expense accounts:

01 Payroll
06 Supplies
07 Services purchased
08 Unclassified
09 Traveling
17 Equipment rentals

NOTE: Detail of applicable items has been omitted under certain of the secondary operating expense accounts shown under primary operating expense accounts 511 to 594 inclusive, where that information has been specifically provided for in the instructions for those accounts.

600 Nonoperating income.

610 Noncarrier income.

611 Noncarrier revenues.

(a) This account shall include the gross revenues from business operations and activities that are not connected with the performance of express transportation services by the carrier.

(b) Separations of noncarrier revenue shall be maintained in accordance with the following secondary accounts:

01 Rents from Owned Operating Property
02 Rents from Owned Nonoperating Property
03 Rents from Subleased Property
04 Sundry Income

612 Noncarrier expenses.

This account shall include expenses incurred in deriving gross revenues included in account 611-noncarrier revenues.

NOTE: Expenses as used in the text of this account, include all elements of cost incurred in noncarrier operations, including depreciation of noncarrier property, rents, taxes, (other than income taxes), and insurance.

620 Interest income.

621 Investment interest income.

(a) This account shall include interest accruing to the carrier upon securities of other companies (other than affiliated companies) and federal, state or municipal governments, on loans, notes and advances; special deposits and all other interest bearing assets. Interest accrued shall not be credited to this account unless its payment is reasonably assured; in other cases, credits to this account shall be based upon the interest actually collected.

(b) This account shall be maintained to show separately the interest income from each investment.

622 Affiliate interest income.

(a) This account shall include interest accruing to the carrier upon securities of affiliated companies.

(b) This account shall be maintained to show separately the interest income from each affiliated company.

623 Miscellaneous interest income.

This account shall include interest accruing to the carrier which has not been provided for elsewhere.

630 Dividend income.

631 Investment dividend income.

(a) This account shall include income derived by the carrier from the dividends on stock of other companies (other than affiliated companies) held by it. Accruals of guaranteed dividends may be included in this account if the payment is reasonably assured.

(b) This account shall be maintained to show separately the dividend income from each investment.

632 Affiliate dividend income.

(a) This account shall include income derived by the carrier from the dividends on stock of affiliated companies.

(b) This account shall be maintained to show separately the dividend income from each affiliated company.

640 Other income.

641 Miscellaneous income.

This account shall include all income accrued to the accounting carrier in accordance with the terms of any contract by which the carrier is entitled to participate in the profits from the operations of others, and all nonoperating income not provided for in any of the foregoing accounts. Credits for rents receivable by the carrier for owned or leased railroad cars shall also be included in this account.

NOTE: "Profits from the operations of others" does not include any dividends on stock. Income from dividends shall be credited to account 631-investment dividend income, or account 632-affiliate dividend income, as appropriate.

700 Nonoperating expenses.

710 Interest expense.

711 Investment interest expense.

(a) This account shall include all interest accrued on funded and unfunded debt, and on obligations of indebtedness of whatever kind issued, assumed, or incurred by the carrier (other than affiliated companies). This account shall not include interest on securities held by the carrier in its treasury, in sinking or other special funds, or pledged as collateral.

(b) Secondary accounts, as indicated below, shall be maintained to show separately the interest expense on each of the following:

01 Advances Interest Expense
02 Bond Interest Expense
03 Equipment Obligation Interest Expense
04 Other Long-term Obligation Interest Expense
05 Current Obligation Interest Expense

712 Affiliate interest expense.

(a) This account shall include interest accrued on funded and unfunded debt,

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and on obligations of whatever kind issued, assured or incurred by the carrier to affiliated companies.

(b) This account shall be maintained to show separately the interest expense to each affiliated company.

720 Debt expense and credit.

721 Debt discount expense.

(a) This account shall be charged each month with the applicable proportion of the unamortized discount and expense on outstanding long-term debt.

(b) A plan of amortization shall be adopted that will result in distributing the total debt discount and expense through equal monthly charges to this account over the life of the security.

722 Debt premium credit.

(a) This account shall be credited each month with the applicable proportion of the premium at which outstanding long-term debt was issued.

(b) A plan of amortization shall be adopted that will result in distributing the debt premium through equal monthly credits to this account over the life of the security.

730 Other expenses.

731 Miscellaneous expenses.

(a) This account shall be charged with all items properly chargeable to income of the current year which have not been provided for elsewhere, including contract guarantees to be assumed by the carrier, loss reimbursements in accordance with the terms of contracts, nonoperating bad debts, intangible write-offs, contributions that do not have a direct relationship to the protection of carrier property, development of business or welfare of the carriers; employees' fines and penalties for violations of law, and excess of premiums for life insurance of officers and employees over the increase in cash surrender value of the policies.

(b) Charges to this account shall be separated upon basis of the following secondary accounts:

01 Contract Guarantees
02 Loss Reimbursements
03 Nonoperating Bad Debts
04 Intangible Write-Offs
05 Nonoperating Donations
06 Fines and Penalties
07 Excess Life Insurance Premium
08 Sundry Expenses
09 Salvage Value of Revenue Equipment

800 Income taxes on ordinary income.

810 Income taxes on ordinary income.

811 Federal income taxes.

This account shall be charged each month with its proportion of Federal income taxes payable on the net annual income or profits of the carrier. (See account 930–income taxes on extraordinary and prior period items for recording other Federal income taxes).

813 Other income taxes.

This account shall be charged each month with its proportion of income taxes (other than Federal) payable on the net annual income or profits of the carrier. (See account 930–income taxes on extraordinary and prior period items for recording other income taxes.)

900 Extraordinary and prior period items.

910 Extraordinary items (net).

911 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current year in accordance with general instruction 1–1(b) and with the approval of the Commission. Among the items which shall be included in this account are:

(1) Net gain or loss on sale of land used for transportation purposes.

(2) Net gain or loss on sale of securities acquired for long-term investment purposes.

(3) Net gain or loss on reacquisition of company bonds.

(4) Loss on retirement of express property because of abandonment or other cause for which depreciation accruals have not been provided.

(5) Changes in application of accounting principles.

(b) Income tax consequences of charges and credits to this account shall be included in account 930–income taxes on extraordinary and prior period items.

(c) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

920 Prior period items (net).

921 Prior period items (net).

(a) This account shall include unusual delayed items accounted for during the current fiscal year in accordance with the text of general instruction 1–1(b) and with the approval of the Commission. Among the items which shall be included in this account are:

(1) Unusual adjustments, refunds or assessments of income taxes of prior years.

(2) Similar items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year.

(b) Income tax consequences of charges and credits to this account shall be included in account 930-income taxes on extraordinary and prior period items.

(c) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

930 Income taxes on extraordinary and prior period items.

931 Income taxes on extraordinary and prior period items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary and are includable in account 910-extraordinary items, or account 920-prior period items, as appropriate.

999 Form of income statement.

300—OPERATING REVENUES

310	Domestic Express	$------
320	Foreign Express	------
330	Interline Express	------
340	Other Express	------
350	Other Revenue	------
	Total Operating Revenues	$======

500—OPERATING EXPENSES

510	Equipment Maintenance	$------
520	Transportation	------
530	Terminal	------
540	Operations	------
550	Marketing	------
560	Finance and Administration	------
570	Personnel	------
580	Exclusive Air Operations	------
590	Executive	------
	Total Operating Expenses	$======
	Net Operating Revenue	$======

600—NONOPERATING INCOME

610	Noncarrier Income	$------
620	Interest Income	------
630	Dividend Income	------
640	Other Income	------
	Total Nonoperating Income	$======
	Total Income	$======

700—NONOPERATING EXPENSES

710	Interest Expense	$------
720	Debt Expense and Credit	------
730	Other Expenses	------
	Total Nonoperating Expenses	$======
	Ordinary Income Before Income Taxes	$======

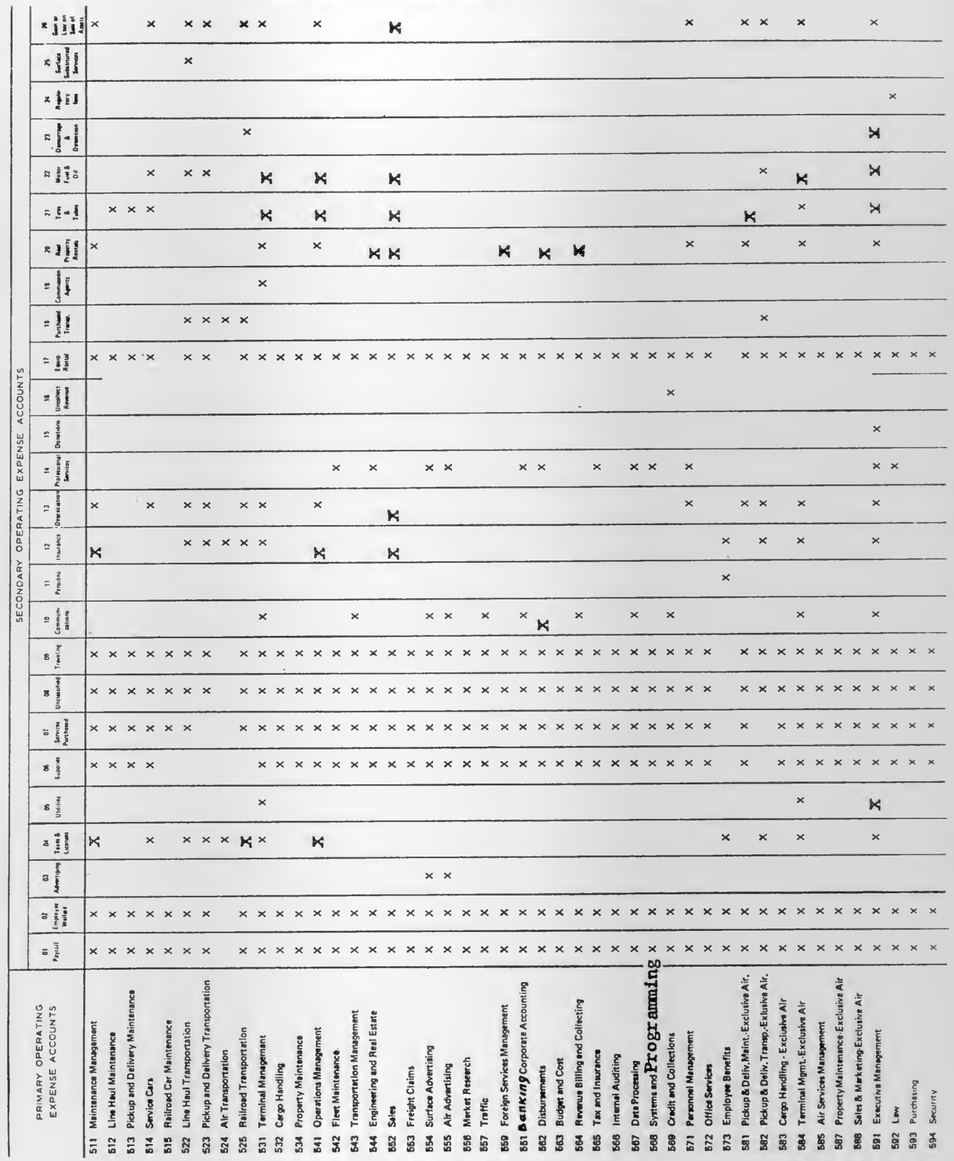
800—INCOME TAXES ON ORDINARY INCOME

810	Income Taxes on Ordinary Income	$======
	Ordinary Income	$======

900—EXTRAORDINARY AND PRIOR PERIOD ITEMS

910	Extraordinary Items (Net)	$------
920	Prior Period Items (Net)	------
930	Income Taxes on Extraordinary and Prior Period Items	------
	Total Extraordinary and Prior Period Items	$======
	NET INCOME (OR LOSS)	$======

999 Matrix of secondary and primary expense accounts.



[FR Doc.73-16485 Filed 8-12-73;8:45 am]

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Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Kirwin National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, quail, cottontail rabbits, and fox squirrels on the Kirwin National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 W 6th Ave., Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail, cottontail rabbits, and fox squirrels subject to the following special conditions:

(1) The open season for hunting pheasants on the refuge extends from November 10, 1973 through January 31, 1974, inclusive.

(2) The open season for hunting quail on the refuge extends from November 10, 1973 through January 31, 1974, inclusive.

(3) The open season for hunting cottontail rabbits and fox squirrels on the refuge shall be only on those days during the open season for the hunting of pheasants and quail.

(4) Shotguns and bow and arrows are legal weapons. Rifles or handguns will not be permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1974.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kansas.

AUGUST 3, 1973.

[FR Doc.73-16676 Filed 8-10-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to reflect the following title change: from four Assistants to the Special Assistant to the Secretary for Legislative Affairs to four Assistants to the Deputy Under Secretary for Legislative Affairs.

Effective on August 13, 1973, paragraph (a) (8) of § 213.3315 is amended as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* • • •

(8) Four Assistants to the Deputy Under Secretary for Legislative Affairs.

• • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-16638 Filed 8-10-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to reflect the following title change: from one Special Assistant to the Assistant Secretary for Occupational Safety and Health to one Executive Assistant to the Assistant Secretary.

Effective on August 13, 1973, paragraph (a) (35) is added and paragraph (a) (22) is amended of § 213.3315 as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* • • •

(22) Two Special Assistants to the Assistant Secretary for Occupational Safety and Health.

• • • • •

(35) One Executive Assistant to the Assistant Secretary for Occupational Safety and Health.

• • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-16639 Filed 8-10-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Office Management Assistant to the Counsellor to the Secretary is excepted under Schedule C.

Effective August 13, 1973, § 213.3315 (a) (34) is added as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* • • •

(34) One Office Management Assistant to the Counsellor to the Secretary.

• • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-16640 Filed 8-10-73;8:45 am]

PART 213—EXCEPTED SERVICE

U.S. Arms Control and Disarmament Agency

Section 213.3364 is amended to show that one position of Staff Assistant to the Special Assistant to the Director is excepted under Schedule C.

Effective August 13, 1973, § 213.3364 (h) is added as set out below.

§ 213.3364 U.S. Arms Control and Disarmament Agency.

• • • • • •

(h) One Staff Assistant to the Special Assistant to the Director.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-16641 Filed 8-10-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Deputy Under Secretary is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER, § 213.3394(a) (44) is added as set out below.

§ 213.3394 Transportation Department.

(a) *Office of the Secretary.* • • •

(44) Deputy Under Secretary.

• • • • •

(5 U.S.C. 3301, 3302, E. O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-16808 Filed 8-10-73;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

NATIONAL SCHOOL LUNCH PROGRAM, SPECIAL MILK PROGRAM FOR CHILDREN, SCHOOL BREAKFAST PROGRAM, AND SPECIAL FOOD SERVICE PROGRAM

Definition of Milk

On June 4, 1973, there was published in the FEDERAL REGISTER (38 FR 14691), a notice of proposed rulemaking to amend the Regulations governing the operation of the National School Lunch Program (7 CFR Part 210), Special Milk Program for Children (7 CFR Part 215), School Breakfast Program (7 CFR Part 220), and the Special Food Service Program for Children (7 CFR Part 225) for the purpose of authorizing a choice in the type of milk served under the child nutrition programs. Responses to the proposed amendments were received from 512 individuals and organizations. The comments and the action taken as a result thereof are discussed below.

The proposed revision to the definition of milk was supported overwhelmingly by 501 respondents. Many of these respondents specifically referred to the fact that the new definition would increase flexibility in the meal service without causing a loss of necessary protein, vitamins, and minerals. Many respondents also expressed the belief that this increased flexibility will be a great step toward increasing program participation.

Twelve of the respondents favoring the amendments suggested that the definition be rewritten to include a requirement that skim and low fat milk be fortified with Vitamins A and D. Inasmuch as the State standards for milk and for the fortification of milk vary, the Department does not believe it should impose such a requirement. Ten of the above respondents were not in favor of allowing a choice of flavored milk. They expressed the concern that children would most often choose the flavored milk and that the inclusion of sugar and chocolate in such milk contributes heavily to dental caries and obesity.

Eleven respondents had mixed comments opposing the implementation of the proposed amendments. They expressed concern that many schools and institutions would serve only low fat milk because it is cheaper; that the packaging of these additional varieties of milk would be more expensive; that a choice of milk would create new problems with recordkeeping, ordering, inventory and serving; that the definition offers no method of control for maintaining the nutritional quality of the meals provided to children; that a choice of milk would be particularly detrimental to younger children who need whole milk in early years; that the need for children to drink other than whole milk is a controversial issue that has never been proven or settled, that is, that fat in children's diets is responsible for certain types of ailments in middle age and later years; and that the future adequate national milk supply would be jeopardized.

Local school officials have always been permitted to serve a variety of milk types and, heretofore, many schools and institutions have made a choice of milk available with meals but were not reimbursed for those meals because child nutrition program regulations authorized the service of fluid whole milk only, except in certain cases where individual participating children were unable, because of medical or other special dietary needs, to consume fluid whole milk.

These amendments are intended to expand the child nutrition programs to include the service of a variety of milk types as a meal component under the National School Lunch Program, School Breakfast Program and Special Food Service Program for Children, and to include the service of a variety of milk types under the Special Milk Program for Children for which the Department will provide reimbursement.

The issuance of these amendments is not an advocation or a mandate by the Department to serve any one of the proposed types of milk, nor are these amendments intended to discourage the continued use of whole milk. The service of the type or types of milk (meeting the requirements of the definition) shall continue to be left to the discretion of the State and local school authorities. Thus no change has been made in the final amendments.

Accordingly, the National School Lunch Program, Special Milk Program for Children, School Breakfast Program and Special Food Service Program for Children regulations are amended as follows:

[Amdt. 13]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. In § 210.2 paragraph (i) is revised to read as follows:

§ 210.2 Definitions.

• • • • • •

(i) "Milk" means fluid types of unflavored whole milk or lowfat milk or skim milk or cultured buttermilk which meet State and local standards for such types of milk and flavored milk made from such types of milk which meet such standards; and, in those areas of Alaska, Guam, Hawaii, American Samoa, Puerto Rico, and the Virgin Islands where a sufficient supply of such types of milk cannot be obtained, shall include recombined or reconstituted whole milk, and, in those areas of Alaska, American Samoa, Puerto Rico, and the Virgin Islands where a sufficient supply of such types of milk or of recombined or reconstituted whole milk cannot be obtained, shall include reconstituted nonfat dry milk.

• • • • • •

(Catalog of Federal Domestic Assistance Program No. 10.553, National Archives Reference Services)

[Amdt. 10]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

2. In § 215.2 paragraph (l) is revised to read as follows:

§ 215.2 Definitions.

• • • • • •

(l) "Milk" means fluid types of unflavored whole milk or lowfat milk or skim milk or cultured buttermilk which meet State and local standards for such types of milk and flavored milk made from such types of milk which meet such standards; and, in those areas of Alaska, Guam, and Hawaii where a sufficient supply of such types of milk cannot be obtained, shall include recombined or reconstituted whole milk, and, in those areas of Alaska, American Samoa, Puerto Rico, and the Virgin Islands where a sufficient supply of such types of milk or of recombined or reconstituted whole milk cannot be obtained, shall include reconstituted nonfat dry milk.

• • • • • •

(Catalog of Federal Domestic Assistance Program No. 10.556, National Archives Reference Services)

[Amdt. 15]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

3. In § 220.2 paragraph (j) is revised to read as follows:

§ 220.2 Definitions.

• • • • • •

(j) "Milk" means fluid types of unflavored whole milk or lowfat milk or skim milk or cultured buttermilk which meet State and local standards for such types of milk and flavored milk made from such types of milk which meet such standards; and, in those areas of Alaska, Guam, Hawaii, American Samoa, Puerto Rico, and the Virgin Islands where a sufficient supply of such types of milk cannot be obtained, shall include recombined or reconstituted whole milk, and, in those areas of Alaska, American Samoa, Puerto Rico, and the Virgin Islands where a sufficient supply of such types of milk or of recombined or reconstituted whole milk cannot be obtained, shall include reconstituted nonfat dry milk.

• • • • • •

§ 220.8 [Amended]

4. In § 220.8, the term, "fluid whole milk" in subparagraph (l) of paragraph (a) is deleted and the term "milk" is substituted therefor.

(Catalog of Federal Domestic Assistance Program No. 10.553, National Archives Reference Services)

[Amdt. 7]

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

5. In § 225.2, paragraph (k) is revised to read as follows:

§ 225.2 Definitions.

• • • • • •

(k) "Milk" means fluid types of unflavored whole milk or lowfat milk or skim milk or cultured buttermilk which meet State and local standards for such types of milk and flavored milk made from such types of milk which meet such standards; and, in those areas of Alaska, Guam, Hawaii, American Samoa, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands where a sufficient supply of such types of milk cannot be obtained, shall include recombined or reconstituted whole milk, and, in those areas of Alaska, American Samoa, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands where a sufficient supply of such types of milk or of recombined or reconstituted whole milk cannot be obtained, shall include reconstituted nonfat dry milk.

§ 225.9 [Amended]

6. In § 225.9, the term "fluid whole milk" in subdivision (i) of subparagraphs (1) and (2) of paragraph (b) is deleted and the term "milk" is substituted therefor.

• • • • • •

(Catalog of Federal Domestic Assistance Program No. 10.552, National Archives Reference Services.)

Effective date. These amendments shall be effective August 13, 1973.

Dated: August 9, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-16791 Filed 8-10-73;8:45 am]

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CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Avocado Reg. 15, Amdt. 2]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

This amendment to Avocado Regulation 15 revises the maturity requirements for the handling of the Nesbitt variety of avocados, so as to permit the marketing of mature avocados of this variety. The maturity requirements are specified in terms of minimum weights or diameters and are those which have been found to be necessary for the avocados to ripen properly after harvesting.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amended regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of Florida avocados are currently regulated pursuant to Avocado Regulation 15 (38 FR 15511; 17437) and, unless sooner modified or terminated, will continue to be so regulated until April 30, 1974. The recommendation and supporting information for amendment of the regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Avocado Administrative Committee on August 7, 1973; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommended amendment and information upon which the amendment is based were received by the Department on August 7, 1973; the provisions of this amended regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of avocados; it is necessary, in order to effectuate the declared policy of the act, to make this amended regulation effective during the period and in the manner hereinafter set forth so as to provide for the continued regulation of the handling of such avocados; compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof, and it relieves restrictions by permitting shipment of the Nesbitt variety at an earlier date than now provided.

The need for the amendment to Avocado Regulation 15 stems from the current avocado crop maturity situation. Because of current rainfall and warm weather, the Nesbitt variety of avocados are of a larger size than normal, and are maturing about two-weeks earlier than the date such variety of avocados are permitted to be handled pursuant to the provisions of such regulation.

Order. The provisions of paragraph (a)(2) of § 915.315 (Avocado Regulation 15; 38 FR 15511; 17437) are amended by changing in Table I the dates and minimum weights applicable to the Nesbitt variety, so that after such changes the portion of Table I relating to the Nesbitt variety reads as follows:

Variety	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Nesbitt	8-8-73	22 oz.	8-20-73	18 oz.	8-27-73	16 oz.	9-17-73

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated, August 8, 1973, to become effective August 8, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-16745 Filed 8-10-73;8:45 am]

PART 919—PEACHES GROWN IN MESA COUNTY, COLORADO

Expenses and Rate of Assessment

This document authorizes expenses of $1,000 of the Administrative Committee, under Marketing Order No. 919, for the 1972–73 fiscal period and fixes the rate of assessment of $0.005 per cwt. of peaches handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

On July 30, 1973, notice of rule making was published in the FEDERAL REGISTER (38 FR 20265) regarding proposed expenses and the related rate of assessment for the period December 1, 1972, through November 30, 1973, pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colorado. This notice allowed interested persons 7 days during which they could submit written data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 919.212 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee during the period December 1, 1972, through November 30, 1973, will amount to $1,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 919.41, is fixed at $0.005 per cwt. of peaches.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (7 U.S.C. 553) in that (1) shipments of peaches have already begun, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable peaches handled during the aforesaid period; and (3) such period began on December 1, 1972, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: August 8, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-16744 Filed 8-10-73;8:45 am]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

This document authorizes expenses of $14,780 for the Area No. 2 Committee under Marketing Order No. 948, as amended, during the 1973–74 fiscal period and fixes a rate of assessment of $0.0025 per hundredweight of potatoes handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

Notice of rulemaking regarding the proposed expenses and rate of assessment for Area No. 2 (San Luis Valley), to be effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), was published in the July 17, 1973, FEDERAL REGISTER (38 FR 19047). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than August 6, 1973. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area No. 2 Committee, established under the marketing agreement and order, it is hereby determined that:

§ 948.269 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area No. 2 Committee to enable it to perform its functions, under the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1974, will amount to $14,780.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.0025 per hundredweight of potatoes grown in Area No. 2 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1974, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of the said marketing agreement and this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on July 1, 1973, and the rate of assessment herein fixed will apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: August 7, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-16669 Filed 8-10-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS PURCHASES, AND OTHER OPERATIONS

[1973-Crop Distress Grain Loan Program Regs.]

PART 1473—DISTRESS LOANS

Subpart—1973-Crop Distress Grain Loan Program

Correction

In FR Doc. 73-16029 appearing at page 20843 in the issue of Friday, August 3, 1973, make the following changes:

1. In the Table of Contents immediately after entry "1473.12 Release of grain under loan.", insert "1473.13 Insurance".

2. In the second line of § 1473.19, after "§ 1421.24" insert "of this chapter".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-EA-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Greater Pittsburgh Control Zone (38 FR 411) and Pittsburgh, Pa., Transition Area (38 FR 557).

The Greater Pittsburgh, Pa. Airport name was recently changed to "Greater Pittsburgh International Airport." To reflect the revised name of the airport, we will require an editorial change to the description of the control zone and 700-foot floor transition area description.

Since the foregoing is editorial in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective on August 13, 1973, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations by altering the description of the Pittsburgh, Pa. (Greater Pittsburgh) Control Zone by deleting the phrase "Greater Pittsburgh Airport," and by substituting therefor the phrase, "Greater Pittsburgh International Airport,".

2. Amend § 71.181 of Part 71, Federal Aviation Regulations by altering the description of the Pittsburgh, Pa. 700-foot floor transition area by deleting the phrase, "Greater Pittsburgh Airport," and by substituting therefor the phrase "Greater Pittsburgh International Airport,".

(Sec. 307(a); Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c); Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 27, 1973.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.73-16631 Filed 8-10-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

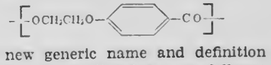
SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

[Docket No. 206-13]

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Generic Names and Definitions for Manufactured Fibers

On December 9, 1970, Unitika Limited, a Japanese corporation with executive offices at 4–68 Kitakyutaro-Machi, Higashiku, Osaka, Japan, and U.S. offices at 350 Fifth Avenue, New York, N.Y. 10001, filed an application pursuant to § 303.8 [16 CFR 303.8] of the rules and regulations under the Textile Fiber Products Identification Act, 72 Stat. 1717, *et seq.*, 79 Stat. 124, 15 U.S.C. § 70, *et seq.* (hereinafter referred to as "Act"), requesting that 16 CFR 303.7, setting forth generic names and definitions of manufactured textiles fibers, be amended by adding thereto a new generic name and definition to cover its fiber called "A-Tell." Applicant alleged that A-Tell is a distinctive new fiber exhibiting advantageous physical and chemical properties, that it is not covered by any generic classification in § 303.7, and that it should not be identified by any of the generic names in such section. According to the application, the fiber has essentially the following chemical formula:



The new generic name and definition proposed by applicant are as follows:

Benzoate [or Pel or Pelfil or Benox]= a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of para-ethyleneoxy benzoate units



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By letter of February 8, 1972, the Commission assigned the designation "UT–0001" to Unitika's fiber for temporary use until a final determination could be made as to the merits of the application.

On February 25, 1972, a Notice of proposed rule making was issued by the Commission in this proceeding and subsequently published in the FEDERAL REGISTER at 37 FR 4726, March 4, 1972. Such Notice announced that the Commission was considering the application, including the following questions:

(1) Whether the fiber described in the application may properly be designated by any existing generic name or names contained in 16 CFR 303.7, and

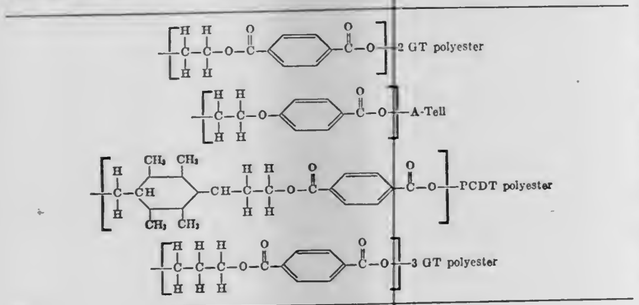
(2) What, if any, amendment to the rules and regulations under the Act, particularly § 303.7 thereof, may be necessary and proper with regard to matters raised in the application.

The notice further provided that should the Commission determine that some amendment of § 303.7 is necessary, it would consider whether the present definition of polyester, paragraph (c) thereof, should be broadened to cover fibers such as applicant's or whether a new generic name and definition should be added to § 303.7.

The notice also provided that interested parties could participate in this proceeding by submitting their views, arguments, or other pertinent data, in writing, to the Commission.

E.I. du Pont de Nemours & Co., Inc. submitted comment in which it opposed creation of a new generic classification to cover A-Tell, favoring instead a broadening of the polyester definition to cover such fibers. Applicant also submitted comment in further support of its application and in rebuttal to du Pont's comment. This material included, among other things, letters of support of the application from two polymer chemists, Dr. Teiji Tsuruta, of the University of Tokyo, Japan, and Dr. Maurice L. Huggins of the Arcadia Institute for Scientific Research, Inc., in the United States.

The present definition of polyester is "a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of an ester of a dihydric alcohol and terephthalic acid (p.—HOOC—C_6H_4—COOH)." By far the most commonly known and widely sold fiber falling within this definition is known as PET or 2 GT polyester (Hereinafter the term 2 GT is used. "G" stands for gylcol; "T" stands for terephthalic acid; the number stands for the number of CH_2 groups in the gylcol.) Another well-known, but less common commercial polyester is PCDT polyester. The chemical structures of these two fibers and A-Tell are diagramed below. Also included is the 3 GT experimental polyester referred to by du Pont in its comments.



It is readily apparent that A-Tell and 2 GT polyester are very much alike. Both have an ester linkage, an aromatic ring, and an ethylene section in their repeating units. The only difference is in the other linkage adjacent to the aromatic ring (left side in the drawing), which is an ester linkage in the polyester and an ether linkage in the A-Tell. Both fibers would be called polyesters in chemical terminology, although A-Tell could be called a polyester-ether. Because of this very substantial similarity in chemical structure it would be the Commission's inclination to enlarge the polyester definition to encompass applicant's fiber, unless there is some clear reason why this should not be done. In this connection, the Commission has considered the various property similarities and differences among A-Tell and the polyesters, raised by applicant and du Pont.

Applicant indicated in the portion of its application designated "Supplementary Information" that A-Tell and 2 GT polyester are either identical or very similar in such qualities as specific gravity, moisture regain, tensile strength, elongation at break, extension recovery, abrasion resistance, light resistance, and acid resistance; and that they are only slightly different in tenacity against heat. Applicant reported some differences in X-ray diffraction photographs, infrared absorption spectra, nuclear magnetic resonance absorption spectra, second order transition temperature, weather resistance, solubility in certain organic solvents, alkali resistance, and dyeability. Pronounced differences were noted in melting point and modulus.

In the Commission's view, the X-ray diffraction photographs, infra-red absorption spectra, and NMR absorption spectra mainly indicate that the molecular structures of A-Tell and 2 GT polyester are different, but, as has been indicated above, the Commission does not take this as necessarily requiring that A-Tell be classified separately from the polyesters.

Applicant said that A-Tell was less resistant to certain organic solvents than 2 GT polyester; du Pont stated such solvents were exotic ones not used by consumers or the textile trade. To applicant's tests showing superior alkali and

weather resistance of A-Tell as compared with 2 GT polyester, du Pont countered that the test conditions employed would not likely be encountered in normal usage. (Such conditions did include six months' outdoor exposure, soaking in 16% or more caustic soda, boiling 150 to 300 hours in pressurized 120°C hot water.)

Applicant reported the following modulus and melting point differences between A-Tell and 2 GT polyester:

	A-Tell filament yarn	2 GT polyester filament yarn
Young's modulus	400–900	1,100–2,000
Initial modulus	33–75	90–160
Melting point	253–268	225–260

Du Pont countered that the melting points of Type 765 "Fortrel" polyester (a commercial 4 GT polyester) and 3 GT polyester are 218°C and 220°C, respectively, and that the initial modulus of 3 GT polyester is only 20.

As against applicant's showing of a difference of nearly 5°C in second order transition temperature between A-Tell and 2 GT polyester, du Pont showed a 12°C spread among fibers within the existing polyester definition.

Applicant stated in its Supplementary Information that A-Tell can be dyed brilliantly and fast with disperse and azoic dyes and that its dyeability is far better than that of polyester. It presented a graph showing considerably more disperse dye exhaustion by A-Tell than 2 GT polyester at 97°C. It stated in its later comments that A-Tell, but not polyester, can be treated with sulphur after manufacture to dye with basic dyestuffs. Du Pont indicated in its comments that both 3 GT and 4 GT polyesters have disperse dyeability rates in the same range as A-Tell and that A-Tell dyes with the same dyes as the polyesters. It said that applicant has not shown that dyeing A-Tell with basic dyes after sulphur treatment is superior, economically and otherwise, to processes presently used for dyeing polyesters.

A study of the various test results and points raised above has revealed little to the Commission in the way of properties of interest to the consumer that would distinguish A-Tell from existing polyesters, particularly when A-Tell is compared with the wider range of polyester fibers and not just 2 GT polyester. Also, with regard to weather and alkali resistance and dyeability, the Commission must consider, along with applicant's test results, that the polyesters have over the years exhibited characteristics in these areas quite adequate for normal trade and consumer use. See in this connection, e.g., Cook, *Handbook of Textile Fibers*, 4th Ed., pp. 384, 385–387, 393, 398–401.

An additional claim particularly emphasized by applicant is that A-Tell possesses a special suitability for use in next-to-the-body wear—*e.g.*, men's and women's underwear and hosiery. It claims A-Tell can be successfully utilized in such garments even at 100 percent fiber content level; that such use potential results mostly from an exceptional moisture dispersing property and a good elasticity of A-Tell; and that polyester is not as suitable for the next-to-the-body wear as A-Tell, primarily because polyester lacks moisture dispersing ability and sufficient elasticity. In its comments applicant stated A-Tell readily disperses moisture, quickly releasing it to the atmosphere "by reason of the greater surface area available for moisture evaporation." In its later comments it stated that the "highly polar nature of the ether moiety vis-a-vis an ester link provides for a greater degree of intermolecular hydrogen bonding between * * * [A-Tell] and water molecules, or, in other words, a stronger affinity for water than the polyesters, even though the moisture regain among * * * [A-Tell] and the polyesters is roughly the same." Applicant reported testing samples of A-Tell and 2 GT polyester, *inter alia*, which, it maintained, showed A-Tell to transpire water faster than polyester. However, du Pont disputed the validity of these tests and reported a test of its own which it maintained showed the water transpiration of the two fibers to be similar.

With regard to elasticity, applicant's Supplementary Information compared tensile strain recoveries of A-Tell and 2 GT polyester at various percentages of strain or extension. A-Tell was shown to be the same as polyester at 2% and 3%; to be very slightly higher at 5%; and to be significantly higher at 10%. Du Pont, in its comments showed tensile strain recovery significantly lower for A-Tell than 2 GT polyester at 3% strain (but at a temperature of 40°C). It also showed work recovery of A-Tell at 3% and 5% strains to be considerably higher than 2 GT polyester, but clearly in the same range as (although slightly less than) "Kodel" and 3 GT experimental polyester.

In the Commission's view, if applicant bases its claim for superior water dispersing ability for A-Tell on greater surface area, the property does not have a chemical basis and should not be considered in connection with determining A-Tell's generic classification. If, on the other hand, its claim is based on A-Tell's chemistry, we are faced with 1) data in applicant's Supplementary Information that A-Tell and 2 GT polyester have the same moisture regain and 2) the inconclusive nature of the data submitted (applicant's, vis-a-vis du Pont's) as to how much, if any, A-Tell is superior in dispersing moisture. It is difficult for the Commission to see how there could be appreciably more hydrogen bonding with water in A-Tell than in 2 GT polyester when their moisture regain values are the same. Also, the Commission cannot overlook the fact that polyester itself has the reputation for readily transpiring water. In *Manmade Fibers* by R.W. Moncrieff, 3d Ed., c. 1957, there appears the following, pp. 358–359:

> In the staple form * * * [polyester] has been used for socks which are fairly comfortable for town wear and which practically eliminate the housewife's darning chores.
>
> * * * * * *
>
> It [polyester] "wicks" so that polyester fabric transfers rain or snow quickly from the outside to the interior of a garment; wool does not do this.
>
> * * * * * *
>
> It must be added, however, that many people who have worn * * * [polyester] underclothes say that the lowness of its moisture regain is not disadvantageous, and that the moisture travels through the garment doubtless by wicking and then evaporates; they maintain, too, that there is no chilliness when cooling off after being hot. Something has to be allowed for personal preferences and for conditions of wear.

Also, in *Handbook of Textile Fibres* by J. Gordon Cook, 4th Ed., c. 1968, there appears on p. 391 the following:

> Fibres of low moisture absorption tend to be unsatisfactory for use in underwear and other garments in contact with the skin. They do not absorb the perspiration as wool, for example, does, and they may feel damp and clammy. This is mitigated to some extent in the case of PET polyester fabrics, as the fibres tend to "wick" readily. Moisture is carried rapidly through the fabrics, so that it can evaporate quickly as it reaches the outer surface.

Finally, the Commission has serious doubt concerning the degree to which high moisture transpiration can be a substitute for high moisture regain as a comfort factor in next-to-the-body wear.

As to elasticity, the actual data submitted, both by applicant and du Pont (summarized above) certainly could not be said to show a strong superiority of A-Tell over the polyesters in this area.

Also, it is evident to the Commission that both the ability to disperse moisture

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and the elasticity of fabrics can be greatly controlled by texturizing and finishing processes.

In view of all these considerations, the Commission cannot see where the superiority of A-Tell over polyester for next-to-the-body wear, to the extent that it exists, is a compelling argument for creation of a new generic classification for A-Tell.

A second additional claim made by applicant is that A-Tell has the appearance of natural silk. However, a glance at page 2 of the Supplementary Information reveals that A-Tell is much closer in properties to 2 GT polyester than to silk. (The specific gravity of silk given in the Supplementary Information, 1.33–1.45, apparently relates to silk prior to degumming. The usual text-book figure for boiled-off or degummed silk is 1.25, as compared with A-Tell's reported specific gravity of 1.34.) Of course, the chemical structure of A-Tell is very different from silk, which is composed of various polypeptide chains. In view of these considerations, A-Tell's stated appearance of natural silk is hardly unique. Several silk-like polyesters appear to be on the market, some of which are Japanese fibers. See, e.g., *Guidebook to Man-made Textile Fibers and Textured Yarns of The World*, the United Piece Dye Works, c 1969, 3d ed.

Another additional claim for A-Tell is that it can be treated with bromine (nonobromonated in the benzine ring) to improve its heat resistance, raise its melting point, increase its strength at elevated temperatures, render it more resistant to certain chemical solvents, render it "more insensitive to laundering and dry cleaning," enhance its affinity for basic dyestuffs, enhance its self-extinguishing property, and enhance its nonflammability characteristics; whereas the polyesters cannot be so treated. Applicant states that in this way A-Tell "can be rendered more abundantly suited than polyesters, by simple chemical treatment, for such consumer products as curtains, sheets, and sleepwear (including pajamas and like) wherein enhanced resistance to heat, flammability, and household and dry cleaning chemicals is an obvious desideratum." Du Pont countered that fibers and fabrics of polyester with topical flame retardant treatments are commercially available.

It is the Commission's view that a treatment, such as applicant's, which fits a fiber for specialized end uses, should be given little weight in determining generic classification, since it does not change the basic identity of the fiber. Any other course could lead to an unnecessary and confusing proliferation of generic names, since it is hardly likely that A-Tell is the only fiber susceptible to such treatments.

After careful consideration of the application, it is the Commission's opinion that A-Tell is so closely related to the polyesters that it belongs in the same generic classification. It is recognized that A-Tell's chemical structure is somewhat different from fibers falling within the present polyesters definition, and that this difference may be related to some differences in properties. However, it is the Commission's judgment that these differences are not great enough to justify creation of a new generic category and that if this were done it would tend to confuse, rather than aid consumers.

Wherefore, after consideration of the views, arguments, and data submitted pursuant to the Notice of proposed rule making herein and other pertinent information and material available to the Commission, the Commission has determined to deny applicant's request that a new generic classification be promulgated and has further determined to amend the rules and regulations under the Textile Fiber Products Identification Act in the manner set forth below.

Section 303.7, "Generic names and definitions for manufactured fibers," of Part 303, Subchapter C, Chapter I, Title 16, Code of Federal Regulations, is hereby amended to revise the polyester definition in such section, paragraph (c), to read as follows:

§ 303.7 Generic names and definitions for manufactured fibers.

(c) *Polyester.* A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of an ester of a substituted aromatic carboxylic acid, including but not restricted to substituted terephthalate units, p(-R-O-C-C_6H_4-C-O-), and para substituted hydroxy-benzoate units, p(-R-O-C_6H_4-C-O-).

(Sec. 6, 72 Stat. 1717; 15 U.S.C. section 70e)

Effective date. The amendment to the rules and regulations under the Act prescribed herein shall become effective on September 12, 1973.

As amended § 303.7(c) will cover applicant's fiber. The designation UT–0001 previously assigned to applicant's fiber for temporary use is hereby revoked as of the effective date of the above amendment.

Issued: August 6, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73–16738 Filed 8–10–73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–5414, 34–10317, AS–145]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Accounting for Catastrophe Reserves

On January 3, 1973 the Commission issued Accounting Series Release No. 134 [38 FR 1734] calling attention to the recent adoption by some property and casualty insurance companies of accounting policies providing for charges to income thereby creating a reserve for future catastrophe losses. It was noted that the matter was being considered by the American Institute of Certified Public Accountants and that definitive principles were expected to be announced in time for use in preparing 1973 annual financial statements. The Accounting Principles Board has now referred this matter to the Financial Accounting Standards Board and it is apparent that a definitive statement will not be available for use in 1973 financial statements.

The Commission continues to believe that alternative accounting principles for similar fact situations are undesirable. However, since active consideration of this matter is continuing and only a small number of companies have changed to the reserve method, it will continue to accept financial statements of insurance companies using the same method of accounting as they followed in their latest published financial statements provided the disclosure specified in Accounting Series Release No. 134 is made. No further changes of accounting policy for catastrophe losses should be made until a single method has been adopted by the Financial Accounting Standards Board.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

AUGUST 2, 1973.

[FR Doc.73–16686 Filed 8–10–73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted In Food for Human Consumption

ENDOSULFAN

A petition (FAP 2H2667) was filed by American Hoechst Corp., 11312 Hartland Street, North Hollywood, CA 91605, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of a food additive tolerance (21 CFR Part 121) of 35 parts per million for combined residues of the insecticide endosulfan (6,7,8,9,10,10 - hexachloro - 1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3 - benzodioxathiepin-3-oxide) and its metabolite endosulfan sulfate (6,7,8,9,10,10-hexachloro - 1,5,5a,6,9,9a - hexahydro - 6,9-methano-2,4,3 - benzodioxathiepin - 3,3-dioxide) in or on dried tea resulting from application of the insecticide to growing tea.

Subsequently, the petitioner amended the petition by reducing the proposed tolerance to 24 parts per million (reflecting less than 0.1 part per million residues of the insecticide in beverage tea).

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348). Pesticide tolerances for residues of endosulfan have been previously established.

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerance should be established.

Therefore, pursuant to provisions of the act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 F.R. 9038), Part 121 is amended by adding the following new section to Subpart D:

§ 121.1252 Endosulfan.

A tolerance of 24 parts per million is established for combined residues of the insecticide endosulfan (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro - 6,9-methano - 2,4,3 - benzodioxathiepin - 3-oxide) and its metabolite endosulfan sulfate (6,7,8,9,10,10-hexachloro - 1,5,5a,6,9,9a-hexahydro-6,9 - methano - 2,4,3-benzodioxathiepin-3,3-dioxide) in or on dried tea (reflecting less than 0.1 part per million residues in beverage tea) resulting from application of the insecticide to growing tea.

Any person who will be adversely affected by the foregoing order may at any time on or before September 12, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on August 13, 1973.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: August 8, 1973.

HENRY J. KORP, *Deputy Assistant Administrator for Pesticides Programs.*

[FR Doc.73–16754 Filed 8–10–73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Benzene Hexachloride

In response to a petition (PP 3F1374) submitted by Klein Bros., 1305 West Fremont Street, Stockton, CA 95201, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of May 30, 1973 (38 FR 14175), proposing establishment of an interim tolerance of 1 part per million for residues of the insecticide BHC (benzene hexachloride) in or on dried lima beans from postharvest application in the Malagasy Republic. The tolerance was requested specifically to cover residues of BHC in or on imported dried lima beans being detained by the Food and Drug Administration.

One comment was received from the District Attorney of the 18th Judicial District, Wichita, Kansas, asking (1) if the BHC applied in the Malagasy Republic was produced by American manufacturers, and (2) if any manufacturers of BHC joined in or initiated the request for a tolerance.

No requests for referral to an advisory committee were received. It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 F.R. 9038), Part 180 is amended by adding the following new section to subpart C:

§ 180.319a BHC; interim tolerance for residues.

An interim tolerance of 1 part per million is established for residues of the insecticide BHC (benzene hexachloride) in or on the raw agricultural commodity dried lima beans imported from the Malagasy Republic. This interim tolerance expires December 31, 1973.

Any person who will be adversely affected by the foregoing order may at any time on or before September 12, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on August 13, 1973.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: August 8, 1973.

HENRY J. KORP, *Deputy Assistant Administrator for Pesticides Programs.*

[FR Doc.73–16750 Filed 8–10–73;8:45 am]

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Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—MEDICAL CARE AND EXAMINATIONS

PART 37—SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Second Round of Chest Roentgenographic Examinations

Correction

In FR Doc. 73-15273 appearing at page 20076 in the issue of Friday, July 27, 1973, make the following changes:

1. In § 37.4(a) (8) the word "for" in the 8th line should read "and".

2. In § 37.20(a) the word "member" in the third line should read "miner".

3. In § 37.40(b) the word "mined" in the 6th line should read "miner".

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER Q—SPECIFICATIONS

[CGD 72 163 RC]

PART 160—LIFESAVING EQUIPMENT

Specification for Lifesaving Equipment; Correction

In FR Doc. 73-5737, appearing at page 8117 in the March 28, 1973 issue of the FEDERAL REGISTER, the amendatory paragraph 29 appearing on page 8119 is corrected by changing in the second line the words "paragraph (d) to follow paragraph (c)" to read "paragraph (c) to follow paragraph (b)", and by changing in the amended § 160.050-1 the paragraph designated as "(d)" to read "(c)".

Dated: August 3, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.73-16636 Filed 8-10-73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

U.S. Customs Service

[19 CFR Part 174]

PROTESTS

Time for Review With Respect To Merchandise Excluded From Entry or Delivery

Notice is hereby given that under the authority of Revised Statute 251, as amended (19 U.S.C. 66), section 515, 46 Stat. 736, as amended (19 U.S.C. 1515), and section 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to amend section 174.21 of the Customs Regulations (19 CFR 174.21) to provide for prompt disposition of protests with respect to merchandise excluded from entry or delivery under any provision of the Customs laws.

Representatives of importers and others have asserted that delays by the Bureau of Customs in acting on protests arising out of decisions by Customs to exclude merchandise from entry or delivery under any provision of the Customs laws have created substantial difficulties. It has been asserted that although judicial review in the Customs Court of actions on protests of decisions to exclude merchandise from entry or delivery is a theoretical possibility, it is one which does not afford an adequate remedy because of the delay which, under present practice, ensues before the protest is acted upon by Customs. There appears to be considerable merit in the position thus set forth. The proposed amendment would have no effect on protests to the extent that they relate to classification or value decisions by Customs for duty assessment purposes.

Accordingly, it is proposed to amend § 174.21 by designating the present text as paragraph (a) and adding a new paragraph (b), to read as follows:

§ 174.21 Time for review of protests.

(a) *In general.* Except as provided in paragraph (b) of this section, the district director shall review and act on a protest filed in accordance with section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514), within 2 years from the date the protest was filed. If several timely filed protests are treated as part of a single protest pursuant to section 174.15, the 2-year period shall be deemed to run from the date the last such protest was filed in accordance with section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514).

(b) *Protests relating to exclusion of merchandise.* If the protest relates to an administrative action involving exclusion of merchandise from entry or delivery under any provision of the Customs laws, the district director shall review and act on a protest filed in accordance with section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514), within 30 days from the date the protest was filed, unless the person filing the protest shall request an additional delay for the purpose of presenting evidence or argument with respect to the matters involved in the protest. In no event shall the district director (or the Commissioner of Customs or his designee if the protest is the subject of further review as provided for in §§ 174.25 and 174.26) delay action on the protest beyond 30 days, or such additional time period as may be agreed to by the person filing the protest. Any protest filed pursuant to this paragraph shall clearly so state on its face.

Prior to the adoption of this amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before September 12, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3 (b)), at the Regulations Division, Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: July 31, 1973.

EDWARD L. MORGAN,
Assistant Secretary
of the Treasury.

[FR Doc.73-16664 Filed 8-10-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CANNED GRAPEFRUIT [1]

Proposed United States Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering a revision of the United States Standards for Grades of Canned Grapefruit [1] (7 CFR 52.1141-52.1154). These grade standards are issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this act upon request and upon payment of a fee to cover cost of such services.

All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed revision should file the same in duplicate, not later than September 15, 1973 with the hearing clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

Statement of consideration leading to the proposed revision of the standard. The Florida Canners Association representing all of the processors of canned grapefruit has requested the U.S.D.A. to revise the current U.S. Standards for Grades of Canned Grapefruit to overcome problems associated with mechanized segmenting and filling operations.

The Department concludes that the proposed changes are consistent with good industry practice and serve the public interest in facilitating efficient processing of food products.

Changes proposed are as follows:

(1) Elimination of drained weight as a scoring factor of quality and adoption of new acceptance criteria for these weights. This is consistent with other U.S. standards since it is variable from container to container and is not necessarily related to quality.

(2) Lowering of the recommended minimum drained weight from 56% of the water capacity of the container to 53% for Grade A. This is equal to the FDA minimum fill of container and is the current minimum requirement for grade B.

(3) Lower the minimum percent of whole or almost whole segments in grade A from 75% to 65% of drained weight. In addition in grade B, relax the restriction on loose floating cells. These changes are to compensate for unavoidable increased breakage due to machanized segmenting and filling operations.

Other changes proposed to be consistent with current practice in U.S. standards are as follows:

(4) Sirup designations of "Heavy Sirup" and "Heavily Sweetened Grape-

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

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fruit Juice Sirup" added to the standards.

(5) Criteria for Brix determination—equalized (15 days after pack) or forced by comminuting.

(6) Fill of Container—each container be filled as full as practical without impairment of quality.

(7) Realignment of scorepoints to 25 points for each factor that is scored.

(8) Changing "Fairly Good Flavor" to "Reasonably Good Flavor"—grade B terminology.

(9) Presents "Allowance for Defects" in a tabular form.

Subpart—United States Standards for Grades of Canned Grapefruit

IDENTITY AND GRADES

Sec.
52.1141 Identity.
52.1142 Grades.

LIQUID MEDIA AND BRIX MEASUREMENTS

52.1143 Liquid media and brix measurements.

FILL OF CONTAINER

52.1144 Fill of container.

DRAINED WEIGHTS

52.1145 Minimum Drained weights.

SAMPLE UNIT SIZE

52.1146 Sample unit size.

FACTORS OF QUALITY

52.1147 Ascertaining the grade of a sample unit.
52.1148 Ascertaining the rating for the factors which are scored.
52.1149 Wholeness.
52.1150 Color.
52.1151 Defects.
52.1152 Character.

LOT INSPECTION AND CERTIFICATION

52.1153 Ascertaining the grade of a lot.

SCORE SHEET

52.1154 Score sheet for canned grapefruit.

AUTHORITY: Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

IDENTITY AND GRADES

§ 52.1141 Identity.

"Canned Grapefruit" means the canned product prepared from clean, sound, and mature grapefruit (Citrus paradisi Macfadyen), as such product is defined in the standards of identity for canned grapefruit (21 CFR 27.90) issued pursuant to the Federal Food, Drug and Cosmetic Act.

§ 52.1142 Grades.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned grapefruit that:

(1) Has a drained weight or average drained weight of not less than 53 percent of the water capacity of the container, of which not less than 65 percent by weight of the drained grapefruit consists of whole or practically whole segments;

(2) Has a good color;

(3) Is practically free from defects;

(4) Has a good character;

(5) Has a good flavor and odor; and

(6) Scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned grapefruit that:

(1) Has a drained weight or average drained weight of not less than 53 percent of the water capacity of the container, of which not less than 50 percent by weight of the drained grapefruit consists of whole or practically whole segments (sample average);

(2) Has a reasonable good color;

(3) Is reasonably free from defects;

(4) Has a reasonably good character;

(5) Has a reasonably good flavor and odor; and

(6) Scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U.S. Broken" is the quality of canned grapefruit that:

(1) Has a drained weight or average drained weight of not less than 53 percent of the water capacity of the container, of which less than 50 percent by weight of the drained grapefruit consists of whole or practically whole segments (sample average);

(2) Has at least a reasonably good color;

(3) Is at least reasonably free from defects;

(4) Has at least a reasonably good character;

(5) Has at least a reasonably good flavor and odor; and

(6) Scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of canned grapefruit that fails to meet the requirements of U.S. Grade B and U.S. Broken.

LIQUID MEDIA AND BRIX MEASUREMENTS

§ 52.1143 Liquid media and brix measurements.

(a) Brix measurement requirements for the liquid media in canned grapefruit are not incorporated in the grades of the finished product since sirup, or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The designation of liquid packing media and brix measurements, where applicable, are as follows:

Designation	*Brix Measurements*
Water	Not applicable
Grapefruit juice	Not applicable
Grapefruit juice and water.	Not applicable
Slightly sweetened water	12° or more, but less than 16°
Slightly sweetened grapefruit juice	12° or more, but less than 16°
Sirup	16° or more, but less than 18°
Grapefruit juice sirup	16° or more, but less than 18°
Heavy sirup	18° or more
Heavily sweetened grapefruit juice sirup	18° or more

(b) The densities of the packing media, as listed in this section, are measured on the refractometer, expressed as percent by weight sucrose (degree Brix) with correction for temperature to the equivalent at 20° C. (68° F), but without correction for invert sugars or other substances. The degrees Brix of the packing media may be determined by any other method which gives equivalent results.

(c) Brix determination is made on the packing media 15 days or more after the grapefruit is canned or on the blended homogenized slurry of the comminuted entire contents of the container if canned for less than 15 days.

FILL OF CONTAINER

§ 52.1144 Fill of container.

(a) The fill of container for canned grapefruit is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled as full as practicable with grapefruit without impairment of quality.

(b) Canned grapefruit shall also meet the fill of container requirements as set forth in the Regulations of Food and Drug Administration (21 CFR 27.92).

DRAINED WEIGHTS

§ 52.1145 Minimum drained weights.

(a) *General.* The minimum drained weight requirements for the various container sizes are listed in Table I. The drained weight of the grapefruit is not less than 53 percent of the water capacity of the container.

(b) *Definitions.* (1) Sample average—average of all the drained weights of the sample containers representing a lot.

(2) $\overline{X}_d$—means a specified minimum sample average drained weight.

(3) LL—lower limit for individual container drained weight.

(c) *Method for ascertaining drained weight.* The drained weight of canned grapefruit is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937 inch (2.3 mm), ±3 percent square openings) so as to distribute the product evenly over the sieve. Without shifting the product, incline the sieve at an angle of 17° to 20° to facilitate drainage and allow to drain for 2 minutes. The weight of drained grapefruit is the weight of the sieve and product less the weight of the dry sieve. A sieve 8 inches in diameter is used if the contents of the container is less than 3 pounds and a sieve 12 inches in diameter is used if the contents of the container is 3 pounds or more.

(d) *Compliance with minimum drained weights.* A lot of canned grapefruit is considered as meeting the minimum drained weight requirement when the following criteria are met:

(1) The sample average meets the specified minimum sample average drained weight (designated as "$\overline{X}_d$" in Table I); and

(2) The number of sample containers which fail to meet the minimum drained weight for individual containers (designated as "LL" in Table I) does not exceed the applicable acceptance number specified in Table II.

TABLE I—MINIMUM DRAINED WEIGHTS

Container Designation	LL	$\overline{X}_d$
	ounces	ounces
8Z (211 x 304)	4.25	4.60
No. 303 (303 x 406)	8.50	8.95
No. 3 Cyl. (404 x 700)	26.30	27.40

TABLE II—SINGLE SAMPLING PLANS AND ACCEPTANCE NUMBER

Sample Size (No. of sample containers)	3	6	13	21	29	38	48	60
Acceptance numbers	0	1	2	3	4	5	6	7

SAMPLE UNIT SIZE

§ 52.1146 Sample unit size.

Compliance with requirements for factors of quality is based on a sample unit comprised of the entire contents of one container, irrespective of container size.

FACTORS OF QUALITY

§ 52.1147 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of canned grapefruit is ascertained by considering the factor of flavor and odor which is not scored; the ratings for the factors of wholeness, color, defects, and character which are scored; the total score; and the limiting rules which may be applicable.

(b) Factors rated by score points. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each factor are:

Factors	*Points*
Wholeness	25
Color	25
Defects	25
Character	25

(c) *Definition.* (1) "Good flavor and odor" means that the product has a distinct and normal flavor and odor typical of canned grapefruit and is free from objectionable flavors and objectionable odors of any kind.

(2) "Reasonably good flavor and odor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.1148 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "23 to 25 points" means 23, 24, or 25 points.)

§ 52.1149 Wholeness.

(a) *General.* (1) A "whole segment" means any grapefruit segment that is substantially intact and retains its apparent original conformation.

(2) A "practically whole segment" means any portion of a grapefruit segment that is not less than 75 percent of its apparent original size and is not excessively trimmed.

(b) (*A*) *classification.* Sample units of canned grapefruit that consist of less than 65 percent by weight of the drained grapefruit in whole and/or practically whole segments may be given a score of 21 to 25 points.

(c) (*B*) *classification.* Sample units of canned grapefruit that consists of less than 65 percent but not less than 40 percent by weight of the drained grapefruit in whole and/or practically whole segments may be given a score of 17 to 20 points. In addition the sample average (average of all sample units representing a lot) shall not be less than 50 percent by weight of whole and/or practically whole segments. Sample units of canned grapefruit that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a limiting rule.)

(d) (*Broken*) *classification.* Sample units of canned grapefruit that consists of less than 40 percent by weight of the drained grapefruit in whole and/or practically whole segments may be given a score of 0 to 16 points. Sample units of canned grapefruit that fall into this classification shall not be graded above U.S. Broken, regardless of the total score for the product. (This is a limiting rule.)

§ 52.1150 Color.

(a) (*A*) *classification.* Canned grapefruit that has a good color may be given a score of 23 to 25 points. "Good color" means a practically uniform, bright, typical color free from any noticeable tinge of amber.

(b) (*B*) *classification.* Canned grapefruit that has a reasonably good color may be given a score of 21 to 22 points. Canned grapefruit that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a limiting rule.) "Reasonably good color" means a fairly bright color which may be variable but is not off color for any reason.

(c) (*SStd.*) *classification.* Canned grapefruit that fails to meet the requirements in paragraph (b) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

§ 52.1151 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from extraneous vegetable material, from seeds, from portions of albedo, from portions of tough membrane, from damaged units, and from other similar defects.

(1) "Extraneous vegetable material" means leaves, portions of leaves, small pieces of peel, and other similar material that is harmless.

(2) "Seed" means any seed or any portion thereof, whether or not fully developed, that measures more than $\frac{1}{8}$ inch in any dimension.

(3) "Large seed" means any seed or any portion thereof, whether or not fully developed, that measures more than $\frac{3}{8}$ inch in any dimension.

(4) "Damaged unit" means any grapefruit segment or portion thereof that is damaged by lye peeling, by discoloration, or by similar injury or that is otherwise damaged to such an extent that the appearance or eating quality of the unit is materially affected.

(b) (*A*) *classification.* Canned grapefruit that is practically free from defects may be given a score of 23 to 25 points. "Practically free from defects" means that:

(1) All defects present, whether or not specifically defined or listed in this section, do not more than slightly affect the appearance or edibility of the product; and

(2) The defects that may be present in a sample unit and in the entire sample do not exceed the allowances specified in Table III.

(c) (*B*) *classification.* Canned grapefruit that is reasonably free from defects may be given a score of 21 to 22 points. Canned grapefruit that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a limiting rule.) "Reasonably free from defects" means that:

(1) All defects present, whether or not specifically defined or listed in this section, may materially, but not seriously, affect the appearance or edibility of the product; and

(2) The defects that may be present in a sample unit and in the entire sample do not exceed the allowances specified in Table IV.

(d) (*SStd.*) *classification.* Canned grapefruit that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

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TABLE III—ALLOWANCES FOR DEFECTS IN CANNED GRAPEFRUIT

U.S. GRADE A

Defects	8Z (211×304)		No. 303 (303×406)		No. 3 Cyl. (404×700)	
	Sample Unit	Sample Average	Sample Unit	Sample Average	Sample Unit	Sample Average
	Maximum		Maximum		Maximum	
Extraneous Vegetable Material.	1 Piece	0.25 Piece	1 Piece	0.50 Piece	1 Piece	0.75 Piece.
Seeds and large seeds.	Total of 3 seeds including not more than 1 large seed.	1.6 seeds including not more than 0.4 large seed.	Total of 4 seeds including not more than 2 large seeds.	3.2 seeds including not more than 0.8 large seed.	Total of 10 seeds including not more than 3 large seeds.	
Allwdo and Tough Membrane.	1 Square inch	½ Square inch.	2 Square inches.	1 Square inch.	5 Square inches.	4 Square inches.
Damaged Units	¼ ounce		½ ounce		1½ ounces	
Total—All Defects Specified Above and/or any Other Defects That May be Present.	Cumulative Effect—Does not More Than Slightly Affect the Appearance or Eating Quality of the Product.					

TABLE IV—ALLOWANCET FOR DEFECTS IN CANNED GRAPEFRUIT

U.S. GRADE B

Defects	8Z (211×304)		No. 303 (303×406)		No. 3 Cyl. (404×700)	
	Sample Unit	Sample Average	Sample Unit	Sample Average	Sample Unit	Sample Average
	Maximum		Maximum		Maximum	
Extraneous Vegetable Material.	2 Pieces	0.50 Piece	2 Pieces	0.75 Piece	2 Pieces	1 Piece.
Seeds and Large Seeds.	Total of 6 seeds including not more than 2 large seeds.	4.8 seeds including not more than 1.2 large seeds.	Total of 12 seeds including not more than 3 large seeds.	9.6 seeds including not more than 2.4 large seeds.	Total of 20 seeds including not more than 5 large seeds.	
Allwdo and Touch Membrane.	1½ square inches.	¾ square inch.	3 square inches.	2 square inches.	7½ square inches.	6 square inches.
Damaged Units	¾ ounce		1½ ounces		4 ounces	
Total—All defects Specified Above and/or Any Other Defects That May Be Present.	Cumulative Effect—May Materially, but not Seriously, Affect the Appearance of Eating Quality of the Product.					

§ 52.1152 Character.

(a) *General.* The factor of character refers to the structure and condition of the cells of the grapefruit and reflects the maturity of the grapefruit.

(b) *(A) classification.* Canned grapefruit that has a good character may be given a score of 21 to 25 points. "Good character" means that the grapefruit segments are moderately firm and fleshy; that the segments or portions thereof possess a juicy, cellular structure free from dry cells, or "ricey" cells, or fibrous cells that materially affects the appearance or eating quality of the product.

(c) *(B) classification.* Canned grapefruit that has a reasonably good character may be given a score of 17 to 20 points. Canned grapefruit that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a limiting rule.) "Reasonably good character" means that the grapefruit segments may be affected, but not seriously so, by dry cells, "ricey" cells or fibrous cells that detract from the appearance or eating quality of the product.

(d) *(SStd.) classification.* Canned grapefruit that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 16 points and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

LOT INSPECTION AND CERTIFICATION

§ 52.1153 Ascertaining the grade of a lot.

The grade of a lot of canned grapefruit covered by these standards is determined by the procedures set forth in the Regulation Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.1154 Score sheet for canned grapefruit.

Size and kind of container
Container mark or identification
Label
Net weight (ounces)
Vacuum (inches)
Drained weight (ounces)
Brix measurement
Syrup designation

Factors		Score Points
Wholeness	25	(A) 21–25 (B) [1] 17–20 (Broken) [1] 0–16
Color	25	(A) 23–25 (B) [1] 21–22 (Broken) [1] 21–25 (SStd.) [1] 0–20
Defects	25	(A) 23–25 (B) [1] 21–22 (Broken) [1] 21–25 (SStd.) [1] 0–20
Character	25	(A) 23–25 (B) [1] 21–22 (Broken) [1] 21–25 (SStd.) [1] 0–20
Total score	100	
Flavor and odor	Good; Reasonably Good	
Grade		

[1] Indicates Limiting Rule.

Dated: August 3, 1973.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.73–16508 Filed 8–10–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 124]

FINANCIAL ASSISTANCE FOR DEMONSTRATION PROJECTS FOR REDUCING SCHOOL DROPOUTS

Notice of Proposed Rulemaking

In accordance with section 503 of the Education Amendments of 1972 (P.L. 92–318) and pursuant to the authority contained in the Dropout Prevention Program, title VIII, section 807, of the Elementary and Secondary Education Act as amended by title I of the Education Amendments of 1970, P.L. 91–230, 20 U.S.C. 887, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend title 45, part 124 of the Code of Federal Regulations to read as set forth below. The Commissioner also proposes to establish guidelines for this program, which are set forth following the text of the proposed regulation.

1. *Program purpose.* The Dropout Prevention Program provides for a program of financial assistance to local educational agencies to carry out, in schools with a high percentage of students who are from families with an income which does not exceed a low-income factor and who do not complete their education in elementary or secondary school, innovative demonstration projects which show promise of reducing the number of such students.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations and guidelines proposed below reflect the results of this study as it pertains to the program under the Dropout Prevention Program. Upon publication of revised Part 124 in final form, after comments and hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting Part 124 (as amended by the Office of Education general provisions regulation; see the notice of proposed rulemaking at 38 FR 10388) will be superseded effective thirty days after such publication.

3. *Effect of Office of Education general provisions regulation.* The proposed regulation differs from the current regulation in that provisions have been deleted relating to general fiscal and administrative matters which are presently covered in 45 CFR Part 124 and which will be covered in the future under the overall Office of Education general provisions regulation, published under notice of proposed rulemaking in the FEDERAL REGISTER at 38 FR 10386 (April 26, 1973), in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. (Reference is made in particular to the provisions of proposed part 100a of Title 45 CFR, containing general provisions for direct assistance programs, which would be applicable to the Dropout Prevention Program.)

4. *Guidelines.* Guidelines for the program have not previously been published in the FEDERAL REGISTER. The guidelines proposed below essentially contain recommendations and suggestions for program management and operation and are designed to incorporate all materials covered by section 503 of the Education Amendments of 1972 not otherwise reflected in the regulation. When finally published in the FEDERAL REGISTER in accordance with section 503(d) the guidelines will be stated separately in the general notice section of the FEDERAL REGISTER.

5. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations and guidelines has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of a section. In that case the citation applies to all material in that section above the citation. When the citation appears only at the end of the section it applies to the entire section.

6. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations and guidelines, as follows:

A hearing will take place at the U.S. Office of Education on October 2, 1973 in the auditorium of Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202, beginning at 10:00 a.m.

The purpose of the hearing is to receive comments and suggestions on the published materials.

Interested parties may also submit written comments and recommendations to Room 5717, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9 a.m. and 4:30 p.m., Monday through Friday of each week.

Parties interested in attending the hearing should notify the Office of Education at the above address, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

(Catalog of Federal Domestic Assistance Program No. 13.410, Dropout Prevention)

Dated: July 5, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved: August 3, 1973.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

PART 124—FINANCIAL ASSISTANCE FOR DEMONSTRATION PROJECTS FOR REDUCING THE NUMBER OF SCHOOL DROPOUTS

Subpart A—Scope; Definitions

Sec.
124.1 Scope.
124.2 Definitions.

Subpart B—Preapplication and Project Proposal Requirements

124.3 Preapplications.
124.4 Eligibility.
124.5 Project proposal requirements.
124.6 Adequacy of facilities.

Subpart C—Approval of Project Proposals

124.15 Criteria for evaluation of project proposals.
124.16 Dissemination of information.

AUTHORITY: Sec. 807, Pub. L. 89–10 as amended, 81 Stat. 806 (20 U.S.C. 887), unless otherwise noted.

Subpart A—Scope; Definitions

§ 124.1 Scope.

(a) Financial assistance may be provided under section 807 of the Act for the carrying out of promising demonstration projects involving the use of innovative methods, systems, materials, or programs, designed to reduce the number of children who do not complete their education in elementary and secondary schools.

(20 U.S.C. 887(a))

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 887)

§ 124.2 Definitions.

As used in this part:

"Act" means the Elementary and Secondary Education Act of 1965, Public Law 89–10, as amended.

"Dropout" means a pupil who leaves elementary or secondary school, for any reason, before he graduates. The term designates those elementary and secondary school pupils who have been in membership during the regular school term and who withdraw from membership before graduating from secondary school (as defined in § 100.1 of this chapter) or before completing equivalent programs of studies. Such an individual is considered a dropout whether he leaves school during or between regular school terms, whether he leaves school before or after he has passed the compulsory school attendance age, and, where applicable, whether or not he has completed a minimum required amount of school work.

(20 U.S.C. 887)

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 881(f))

"Low-income factor" means an annual family income of $4,000 (as defined in section 103(c) of the Elementary and Secondary Education Act of 1965, as amended).

(20 U.S.C. 887(a), 241c(c))

"State" includes, in addition to the 50 States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands. This term does not include the Trust Territory of the Pacific Islands.

(20 U.S.C. 887, 881(j))

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"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(20 U.S.C. 881(k))

Subpart B—Preapplication and Project Proposal Requirements

§ 124.3 Preapplications.

Prior to the preparation of a formal project proposal, each prospective applicant must submit a preapplication proposal to the U.S. Office of Education and to the apropriate State education agency. Office of Education personnel, State educational agency personnel, and outside consultants will evaluate the preapplication proposals. Each State educational agency will indicate to the Office of Education its approval or disapproval of the proposals submitted. Invitations and instructions to submit a formal proposal will be given to applicants whose preapplication proposals have received a favorable review based on the requirements and criteria set forth in §§ 124.5 and 124.15.

(20 U.S.C. 887(b))

§ 124.4 Eligibility.

Financial assistance under section 807 of the Act may be provided to a local educational agency with an approved preapplication proposal under § 123.3 only upon submission of an application for assistance which has been approved by the appropriate State educational agency.

(20 U.S.C. 887(b))

§ 124.5 Project proposal requirements.

Each project proposal shall describe the activities to be undertaken with funds made available under section 807 of the Act and shall contain information adequate to establish:

(a) That the project will be carried out in one or more elementary or secondary schools (1) which are located in urban or rural areas, (2) which have a high percentage of children from families with incomes not exceeding the low-income factor, and (3) which have a high percentage of those children who do not complete their education in elementary or secondary schools;

(b)(1) That the applicant has conducted a comprehensive needs assessment which includes an analysis of the reasons for the failure of those children in those schools to complete their elementary and secondary education, and (2) that the proposed project has been designed in the light of that assessment and shows promise of effectively reducing or eliminating the causes of that failure; and

(c) That effective procedures, including objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the proposed project; and

(d) That an independent review of this educational program evaluation will be made by qualified persons not associated with the applicant, for the purpose of verifying the results of that evaluation and of assessing the appropriateness of evaluation procedures used in determining the effectiveness of the program, and that copies of reports prepared as a result thereof shall be submitted to the Office of Education.

(20 U.S.C. 877(b))

§ 124.6 Adequacy of facilities.

Each project proposal shall describe the facilities to be made available for the project. If a project proposal provides for the leasing or remodeling of facilities, it must show why such a provision is necessary for the success of the project.

(20 U.S.C. 887)

Subpart C—Approval of Project Proposals

§ 124.15 Criteria for evaluation of project proposals.

In evaluating project proposals for the purpose of making awards under this part, the Commissioner will seek to identify a relatively small number of projects in areas of outstanding need and will give consideration to the following (in addition to the criteria set forth in § 100a.26(b) of this chapter):

(a) The extent to which the proposed innovative methods, systems, materials or programs show promise of reducing the number of children in the target school who do not complete their elementary and secondary school education;

(b) The extent to which the project is likely to result in the development of new materials and methods which will be of value in reducing the number of children who do not complete their elementary and second school education; and

(c) The percentage of children in the schools in which the project will be carried out who come from families with an income not exceeding the low income factor, and the percentage of those children who may not complete their elementary and secondary school education. Priority will be given to proposals where projects will be undertaken in schools in which:

(1) At least 40 percent of the children in average daily membership are from families with income not exceeding the low income factor; and

(2) At least 7 percent of those children annually are dropouts;

(d)(1) The adequacy of the applicant's analysis of the causes for the dropout problem in the schools proposed to be served, and the (2) adequacy of the design of the program intended to eliminate those causes;

(e) The extent to which the applicant has consulted with dropouts and potential dropouts and their families and with interested members of the community, and has sought their advice on the relevance of the proposed project;

(f) The extent to which the proposed project is exemplary;

(g) The adequacy of evidence that the proposed project will focus upon a limited number of schools intended to be served by assistance under this part so as to have a major impact on the problem of dropout prevention; and

(h) The degree of the applicant's awareness of other dropout prevention programs, research findings, or published materials of recognized experts.

(20 U.S.C. 887; H.R. Rept. No. 1049, 90th Cong. 1st Sess. 58 (1967); Sen. Rept. No. 726, 90th Cong. 1st Sess. 50–51 (1967).)

§ 124.16 Dissemination of information.

(a) The recipient shall provide for dissemination of (1) significant information developed as a result of those projects carried out under this part and (2) the recipient's evaluation of those projects. The cost of dissemination may be charged to the project to the extent authorized in the award document.

(b) The recipient must submit to the Office of Education (1) three copies of printed materials disseminated in connection with the project, including curriculum materials, newsletters, brochures, and other printed matter, and (2) one copy of any audiovisual materials produced in connection with the project, such as films, filmstrips, slides, and videotapes. All materials, together with a statement of the purpose and extent of distribution, shall be sent to the Office of Education.

(20 U.S.C. 887)

GUIDELINES

ELEMENTARY AND SECONDARY EDUCATION ACT

Title VIII

Section 807

FINANCIAL ASSISTANCE FOR DEMONSTRATION PROJECTS FOR REDUCING THE NUMBER OF SCHOOL DROPOUTS

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PART 1—INTRODUCTION

Sec. 1.1 Scope of guidelines.

(a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Elementary and Secondary Education Act, title VIII, section 807. The legal requirements include the Act itself (20 U.S.C. 887) and the regulations (45 CFR 124). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 887; 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline in the parentheses following the guideline. For example, if the legal authority for the guideline is Section 807(b) of the Act (20 U.S.C. 887(b)), and the guideline affects section 124.5(d) of the regulations (45 CFR 124.5(d)), the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 887(b); 45 CFR 124.5 (b)). If no particular section of the regulations is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

Sec. 1.2 Purpose of the Act.

The Dropout Prevention Program, funded under title VIII of the Elementary and Secondary Education Act of 1965, as amended, is designed to foster the development of exemplary educational programs which show promise of reducing the number of children who do not complete their education in elementary and secondary schools. Since the program is for the development and demonstration of promising educational practices throughout the Nation, projects funded involve the use of innovative methods, systems, or materials in their efforts to reduce the dropout rate.

(20 U.S.C. 887(a); 45 CFR 124.1)

Sec. 1.3 Basic objectives.

(a) Because of the nature of the problem, comprehensiveness of approach should be an essential element in designing projects. No mere addition to the existing school program will be significant in keeping children in school; instead, the school district should consider introducing basic and widespread changes in its organization, curriculum offerings, pupil services, and teacher training. The thorough needs assessment required by 45 CFR 124.5(b) should assist the school district in determining what changes may be needed and the nature and extent of those changes.

(b) In approaching the problem in a comprehensive fashion, the school district should also recognize that children begin to drop out of school long before they reach the secondary level of education. Attention should be paid to the earlier levels of education, for the roots of the problem are often found at these educational levels.

(c) Concentration of resources should also be an essential element of the program. Sufficient human and financial resources should be utilized if dropout prevention efforts are to yield maximum impact in solving the problem. Moreover, human resources involved in any dropout prevention project should, to the extent practical, include representatives of all segments of the community, since the dropout problem should not be separated from the larger context of the community.

(d) Since the Dropout Prevention Program is designed to develop model programs which can be replicated and adapted in school systems across the Nation, emphasis is being placed on accountability for results by the local educational agency. The local educational agency should be answerable for both the educational accomplishments attributable to specific dropout prevention techniques and the cost effectiveness of instructional and management procedures involved in the project.

(20 U.S.C. 877; 45 CFR 124.5, 124.15)

PART 2—PROGRAM DESIGN

Sec. 2.1 Design of management systems.

(a) Since dropout prevention projects are comprehensive and may require large expenditures of funds, the local educational agency should be firmly committed to the development of an effective management system with an effective framework and methodology for planning, installing, operating, communicating and evaluating program activities. It is suggested that the project be viewed as a subsystem within the total school system, serving a defined target area and requiring identified resources from the local educational agency at specified points during the project's schedule of operation.

(b) In designing a management system, it is suggested that basic steps or actions, such as the following, be taken into account: (1) Identify the problem, (2) analyze the problem, (3) consider alternate solutions, (4) determine strategy, (5) implement the project, and (6) evaluate the project.

(c) An important element in developing a management system is the selection of the project director, i.e., the educational manager, who should be experienced in acting for educational change, in stimulating people to get things done, in making decisions, in evaluating educational programs, and in using outside resources to strengthen the school's capability to solve educational problems.

(20 U.S.C. 887(b)(2))

Sec. 2.2 Planning and installation of system.

(a) *Planning.* After a needs assessment (Part 4) has been conducted and objectives have been established, the project director and project planners should determine what components and activities will be needed to attain the objectives of the project. Various management tools can help the project director plan a strategy and build an organization for an effective program. Some of the management tools currently used in business, industry, and education are Program Evaluation and Review Techniques (PERT), Critical Path Method (CPM), and Line of Balance (LOB). Charts showing work breakdown structures, work flow networks, staffline relationships, time lines (with milestone events identified), and monthly rate of expenditures can help planners analyze all the constituent parts of a project. These management products also serve as an effective communication medium for all personnel involved in the planning process.

(b) *Installation.* The effective installation of a dropout prevention project depends in large measure on the quality of the planning. When plannnig is well done, the objectives, procedures, and management processes for meeting these objectives are clearly delineated. The project director's task then becomes that of installing and operating according to the specific plans, and of providing management decisions to keep the program moving toward its stated objectives on schedule and within cost projections. One of the critical tasks of the project director is staffing the positions provided for by the organization structure. Management activities include appraising and selecting candidates for positions and providing necessary training for personnel. Project directors should determine the policies and procedures they expect to follow for recruiting, selecting, training, and promoting the project staff members.

(20 U.S.C. 887(b)(2))

Sec. 2.3 Internal communication system.

The control of an operating program depends on timely relevant, and valid feedback of information so that problems can be readily identified, alternate solutions considered, and decisions made and implemented. Project directors should establish an effective internal communication system so that timely feedback information is reported by and to project staff, and regular school staff. The information feedback system should be a process by which information about past and present performances is used to influence future performance. The communication system should also be linked to procedures for utilizing the information.

(20 U.S.C. 887(b)(2))

Sec. 2.4 Evaluation design.

The project director should ensure that an adequate evaluation design has been developed for each project component and for the overall project and that provisions have been made for timely feedback of evaluation findings to appropriate personnel. An evaluation of the project is useful in determining how well each component and the entire project function within the established framework or time, cost, and performance objectives. The evaluation design should provide a basis for a cost effectiveness analysis of the project. For example, the design should provide for data to be collected for the calculation of total participant costs for such component, including the pro-rata or proportionate administrative costs applied to the components; the calculation of average participant costs; and the comparison of component and project participant costs with achievement gains.

(20 U.S.C. 887(b)(3); 45 CFR 124.5(c))

PART 3—COMMUNITY PARTICIPATION

Sec. 3.1 Community representation.

The Office of Education suggests that representatives of all segments of the community be involved in the development and operation of projects, with special consideration being given to plans for the participation of dropouts and students. The Dropout Prevention Program is uniquely suited to providing new opportunities for youth to have a voice in planning, implementing, and evaluating the experiences and programs in which they participate. Encouraging youth to originate and carry out ideas for increasing their role and participation in school and community activities and giving them opportunities to share responsibility with adults and to work with their peers and adults in

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a variety of relationships may encourage students to remain in school.

(20 U.S.C. 887(b)(2); 45 CFR 124.15(e))

Sec. 3.2 Student involvement.

(a) Since it is well established that a major factor cited by students for their withdrawal from school is disinterest in a curriculum which they view as boring and irrelevant, almost all dropout prevention programs tend to focus on curriculum modification. Efforts to restructure curriculum focus on both content and methodology, and these range from the redesign of existing courses and traditional subjects to the introduction of entirely new curriculum areas. Among some of the more promising recent curriculum efforts are those in which students have had a major voice and have occupied a joint role as both the objects and the agents of an improved instructional program. In some instances, students are serving as advisers to teachers and department heads responsible for curriculum revision; while in others, working closely with teachers as resource persons, students themselves have developed and conducted complete courses, selected the materials and instructors, and arranged for speakers and outside consultants to assist them.

(b) Student advisory roles to school faculties, administrators, and boards of education are also being developed and are giving students a greater understanding of the complexities of school operations and the opportunity to identify, study, and discuss school problems, make recommendations, and help to implement solutions. As part of their responsibilities, such youth advisers may report their activities through various school media and help to create a better informed and more concerned student body.

(c) Additional opportunities for student participation in school and community-related experiences can be provided through work-study programs, a prominent feature of many dropout prevention projects. In addition to local businesses and industries, project planners should consider community agencies, municipal government offices, and the schools themselves as potential placement sources for student training, work experience, and part-time paid positions. Within the schools, students might serve as classroom and library aides, tutors to other students, assistants in the operation of school stores and after-school and evening study or recreation centers, and apprentices in the building maintenance, food, clerical and audiovisual supportive services.

(20 U.S.C. 887(b)(2); 45 CFR 124.15(e))

Sec. 3.3 Involvement of parents and other community residents.

(a) Parents and other residents of the community should similarly be given opportunities for program participation. Many of the roles suggested for students—participating in curriculum development, serving as advisers and consultants to teachers, administrators, and school boards, and disseminating their activities to the community—are equally appropriate for adults, while other activities are suited uniquely to the interests and resources of parents and other residents.

(b) Interaction between parents and project staff—in home, classrooms, and elsewhere—can help parents learn how they may best support and influence the dropout prevention effort and on their own, reinforce the goals of the program. Such interaction, accomplished through home visits, orientation sessions, workshops, and other methods assists the project staff in becoming more responsive to the needs and goals of the parents and community and in becoming better able to translate their goals into project activities.

(c) Instructional activities should be open to parent observers at reasonable and convenient times, and parents should be encouraged to observe classes periodically during the school year. Parental involvement might also take the form of educational programs designed to familiarize parents with the school curriculum or with specific project activities and to instruct them in the use of materials and techniques by which they might supplement and reinforce their children's classroom instruction at home.

(20 U.S.C. 887(b)(2); 45 CFR 124.15(e))

Part 4—Needs Assessment

Sec. 4.1 Purpose of needs assessment.

(a) A significant step in the development of a comprehensive dropout prevention project should be the efforts of the school district to assess the nature and scope of its local dropout problem and to analyze thoroughly the reasons why students drop out of schools within the district. In addition to providing project planners with the information necessary to establish priorities for the dropout prevention project on a sound basis, an adequate assessment of local needs will have long-range value and will yield information useful to the system in any future planning for both locally and federally sponsored programs.

(b) The assessment of needs should be a continuing process during the several stages of the planning and operation of a project. Since a major section of the preliminary proposal must be devoted to a discussion of the local dropout problem and the methods by which it has been analyzed, an initial assessment of needs should be completed prior to the submission of the preliminary proposal. In those districts selected to develop a formal proposal, further examination and interpretation of existing information and appropriate additional studies or surveys concerning school dropouts quite likely will be among the major activities of the planning group during the developmental period. If the project is funded, at least an annual reexamination of local needs is suggested as an aid to project personnel in determining appropriate program modifications.

(20 U.S.C. 887(b)(2); 45 CFR 124.5(b), 124.15(d))

Sec. 4.2 Analyzing local needs.

The following questions are suggestions for developing an analysis of local needs:

(a) By grade level, how many students drop out of school in the district each year? What are the grade levels at which the highest dropout rate occurs? Which schools have the highest dropout rates?

(b) What is the current status of the district's information about its school dropout problem and how adequate is the dropout information system?

(c) What are the characteristics of those students who drop out of school?

(d) What happens to the students who drop out of school, both on a short-term and on a long-range basis?

(e) What are the reasons for students dropping out of school, as perceived by a wide variety of groups both within and outside of the schools? Such groups should include teachers, administrators, parents community and agency representatives, former dropouts, potential dropouts, and students satisfied with the schools.

(f) Which students are likely to drop out of school and what procedures are used to identify those students?

(g) What are the program priorities best designed to meet the needs of those students identified as potential dropouts, as suggested and agreed upon by groups both within and outside of the schools?

(h) What are the implications of the title VIII needs assessment for the entire school system?

(20 U.S.C. 887(b)(2); 45 CFR 124.5(b), 124.15(d))

Sec. 4.3 Related resources.

Several resources will be valuable to the project planners in carrying out their work. One of the first tasks might be an examination of several of the studies available concerning the national dropout problem, which include profiles of the typical school dropout and analyses of the reasons for withdrawal from school. Although the instruments used in individual studies vary greatly and although it is unlikely that any single study or combination of studies will include all of the variables of any local situation other than the one studied, the use of such research may assist the planners in the identification of critical factors to be investigated and may suggest possible instruments and assessment designs which can be adapted for local use. An excellent source of research and information related to the dropout problem is the Educational Research Information Center (ERIC), a nationwide, comprehensive information system through which materials are available at low cost. Information concerning the ERIC system can be obtained by writing to the Central ERIC, National Institute of Education, Reporters Building, Room 405, 7th and D Streets, SW., Washington, D.C. 20202.

(20 U.S.C. 887(b)(2); 45 CFR 124.15(h))

Sec. 4.4 Local studies.

Along with their study of the research and literature on the national dropout problem, the project planners should review the currently available information on the local situation. The status of local needs assessments will, of course, vary substantially in individual districts. Some districts already have adequate data and studies which, with some updating and expansion, can serve as the basis for planning a dropout prevention project. Other districts may have adequate statistical data on the numbers and rate of school dropouts over the past several years, but they may lack information concerning the reasons why students drop out of school or other important information related to the local problem. For these districts, a survey sample may provide valuable insights into the nature of otherwise unavailable information.

(20 U.S.C. 887(b)(2); 45 CFR 124.15(h))

Part 5—Technical Assistance

Sec. 5.1 Use of technical assistance.

Technical assistance is the use of resources outside the local educational agency in planning, developing, managing, evaluating, disseminating, and conducting an educational audit of dropout prevention programs. The purpose of outside technical assistance is to help the local educational agency strengthen its capabilities to achieve the performance objectives of the dropout prevention project.

(20 U.S.C. 887(b))

Sec. 5.2 Resources for technical assistance.

Outside technical assistance may be provided by (a) industry, (b) business, (c) labor, (d) private and nonprivate organizations, (e) colleges and universities, (f) services clubs, (g) community action groups, (h) regional education laboratories, (i) research and development centers, (j) State educational agencies, (k) other local educational agencies, (l) the U.S. Office of Education, (m) other Federal agencies, (n) employment bureaus, and (o) other groups or organizations with the needed expertise. Because of their familiarity with improved techniques of management and quality control, business and industrial resources may be particularly helpful to local educational agencies in improving their program management operations.

(20 U.S.C. 887(b))

Sec. 5.3 Selecting technical assistance.

Local educational agencies should ensure that any technical assistance obtained is furnished by reputable organizations. For example, program planners might examine the capabilities of the prospective technical assistance groups in terms of the following:

(a) Experience and evidence of acceptable performance in problem areas and tasks similar to those specified by the local educational agency;

(b) Evidence of staff expertise in the job area (Resumes should provide specific information concerning the background and experiences of personnel assigned to the contract work. The technical assistance agency should indicate the availability of these personnel, giving evidence of staff stability, reputation, and performance which would tend to insure successful completion of the contract terms and conditions.); and

(c) Evidence of cost effectiveness in terms of the end products and services provided.

(20 U.S.C. 887(b))

Part 6—Measurable Performance Objectives

Sec. 6.1 Identification of objectives.

Project accomplishments rest heavily on the degree to which accomplishments can be validly measured by systematic methods such as standardized tests and questionnaires, teacher-made tests, rating techniques and observational procedures. However, the adequacy of the measurement process in turn depends upon project planners' skill in determining and framing measurable project objectives, i.e., immediate or long-range goals which can be stated in terms of products, performance criteria, indices of change or progress, or other operational accomplishments. Too often, these objectives are described in loose, general language with the result that their meaning is subject to a variety of interpretations. A clear statement of objectives identifying specific types of performances to be measured is, therefore, an important task facing project planners.

(20 U.S.C. 887(b)(s); 45 CFR 124.5(c))

Sec. 6.2 Types of measurable performance objectives.

Performance objectives in an educational program are precise statements of anticipated project goals in terms of behaviors, outcomes, or material items which can be validly measured. For purposes of project planning under Section 807 of the Act, performance objectives are significant for three distinct areas of program design—*product outcomes*, *instructional* or *operational processes*, and *management processes*. Product refers to a behavior—cognitive, affective, or psychomotor—or to a materials item such as a curriculum guide or a list of available vocational opportunities for a work-study program. Process is the means by which a product or series of products is obtained.

(20 U.S.C. 887(b)(3); 45 CFR 124.5(c))

Sec. 6.3 Elements for defining objectives.

(a) In approaching the development of performance objectives, it is recommended that program planners consider the following types of elements in order to have an adequately defined measurable performance objective.

(1) *Identification of the individual or group that will perform the desired behavior.* For example, the objective of "developing questionnaires, survey techniques, and interview procedures for identifying potential dropouts" is an incomplete statement, since the individuals responsible for the development of the end products are not specified.

(2) *Identification of the behavior to be demonstrated or product to be developed.* The behavior should be described as precisely as possible as an action or a product that can be observed. An objective such as "a student will understand the importance of education for his future success in life" would not meet this criterion. The word "understand" may convey a variety of meanings to those assigned the task of evaluating whether the objective was achieved. Other indefinite "behavior" terms include expressions such as "knowing," "appreciating," "thinking," "enjoying," and "grasping the value of." Unlike these expressions, objectives stating a clear form of externalized action are not subject to such an array of interpretations. Such actions might be "writing," "listing," "constructing," "reading," or "attending." A third category of possibilities lies somewhere in the middle. Such words as "demonstrating," "participating," or "utilizing," are visible forms of behavior, but they may mean different things to different observers. More rigor could be applied to a definition of behavior by indication of the unit measure. Does "participating", for example, mean commenting or asking questions during discussions or attending extracurricular activity sessions?

(3) *Identification of the primary conditions under which the performance is expected to be measured.* Conditions might include restrictions placed upon the project participant during the performance of specified behaviors, such as a time imposed on a student in a test-taking situation. Conversely, conditions might refer to supporting services which would be available as resources to assist in the attainment of the anticipated behavior or product. Programmed materials and a teacher aide in a regular classroom setting might be identified as pertinent resources or "given" during an observation of teacher performance. Since every measurement situation will be composed of a variety of conditional factors, objectives should specify those which are unique or of particular significance.

(4) *Identification of the minimum level of acceptable performance.* This step can be critical because it poses many problems for planners. Not only is there an element or risk involved in predicting what a program will accomplish, but there is need for considerable care in establishing the performance standard through an analysis of past experience or research data, and determining and collecting baseline data (data on existing status of performance or programs). Without adequate baseline data, predictions become trial-and-error guesswork.

(5) *Identification of the means or instrument which will be used to measure the expected performance or terminal behavior.* This element is closely related to paragraph (a)(4). Since, if the minimum level of acceptable performance is a statistically significant improvement of student skills in an academic skill area, i.e., a specified number of correct answers to test questions, the instrument of measurement would be the particular test used. Likewise, if a demonstration of skill acquisition by a teacher is indicated by her attainment of 20 points out of a total of 30 on a rating scale, the means for accomplishing the measurement could be a videotape viewed by a panel of teachers utilizing the rating scale.

(b) (1) The process of defining performance objectives and instruments to measure the attainment of these objectives can present certain difficulties to project planners.

(2) Project planners should follow the findings of the comprehensive needs assessment closely in determining priorities among possible objectives. The need for changes in what is termed the "affective domain" is likely to be one source of difficulty. For example, if the needs assessment reveals that dropout-prone students perceive teachers to be insensitive to their problems, project planners might find it difficult to construct adequate performance objectives for their efforts to change this perception. However, the existence of problems in the measurement of affective changes should not lead to avoidance or postponement of the problem. The unfortunate result would be inadequate use of needs assessment data and, in all probability, undue emphasis upon more mechanistic, easily designed program objectives. Moreover, the interplay between cognitive and affective factors makes it desirable that project planners wrestle with the problem. Motivational forces might well interact with program treatments to bring about a cognitive behavioral change on the part of dropout-prone students. These changes merit attention as a product outcome as much as a score on a standardized achievement test, particularly in determining conditions necessary for project replication in other situations.

(3) Project planners should also insure that all target groups participating in the program are included in the statement of performance objectives. In too many instances, there is a tendency for planners to develop objectives only for target student groups. However, a dropout prevention program, in order to be comprehensive, should not be focused exclusively on students. Teachers, administrators, and community residents are often the recipients of program treatment or activities, and changes in their performance are, therefore, appropriate goals for program planners' consideration.

(20 U.S.C. 887(b)(3); 45 CFR 124.5(c))

Sec. 6.4 Development of objectives.

In order to assist the project manager in developing adequate measurable performance objectives, the following questions relating to each of the basic management functions have been included as suggestions for eliciting the type of information that will be useful in this task.

(a) *Planning and organizing.* (1) Was the needs assessment conducted by a broadly based planning group which provided a variety ofperspectives on the problem?

(2) Were individuals and groups to be affected by the project's operation involved in the planning of activities which will affect them?

(3) Are the needs assessment data reflected in the project priorities and component activities?

(4) Were alternative approaches to meeting specified needs considered?

(5) Were special efforts made to gain the support of individuals or groups whose anticipated reaction to the program is negative or neutral?

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(6) Were performance objectives for both product outcomes and operational processes established for each component?

(7) Were work breakdown structures and work flow networks developed for each component and the entire project?

(8) Were the needs for technical assistance identified and the appropriate services secured and utilized?

(9) Were alternative resources identified in the event that selected contractors, consultants, or suppliers did not provide services according to specifications?

(b) *Installing and operating.* (1) Did important prerequisite actions such as staff training take place before component activities were initiated?

(2) Were all staff positions filled in time for program operation to begin as planned and on schedule?

(3) Were student selection and scheduling procedures completed so that students were ready to enter program activities on the target date?

(4) Were the services and products of contractors provided according to specifications so that component activities could begin as planned?

(5) Were the facilities readied for operation on schedule and were the equipment and materials available to the project staff when needed?

(6) Was sufficient authority delegated so that project staff could carry out its responsibilities effectively?

(7) Did the project director have the decision-making authority necessary to carry out program plans and did he exercise his authority effectively?

(8) When performance deficiencies were noted, did the project director take prompt and decisive corrective action?

(9) Did the project director receive the needed support of services, personnel, and leadership from within the school system, and did he effectively utilize available resources?

(10) Were staff positions developed and assigned so that the workload was allocated reasonably?

(c) *Communicating.* (1) Did program staff provide the director with timely information on problems so that solutions could be developed and implemented as quickly as possible?

(2) Did the staff organizational pattern facilitate communication (i) among the project staff, (ii) between staff and school system administration, and (iii) between project staff and the community groups?

(3) Did the project director consult with those to be affected by a change in the program plan and allow for feedback and further modification before the revised plan was implemented?

(4) Were the types of media selected for communication purposes determined by the type of information to be presented and the specific target audience?

(5) Did the communication system provide a mechanism for the continuous flow of ideas and suggestions from those involved with and concerned about the project to the project director?

(6) Was a mechanism established for the periodic review and dissemination of information about the status of the project?

(d) *Evaluating.* (1) Was technical assistance utilized effectively in the development of evaluation procedures when identified areas of weakness existed?

(2) Were the evaluation responsibilities clearly assigned?

(3) Were evaluation techniques and instruments determined as an integral part of the performance objective development process?

(4) Were the baseline data secured prior to the initiation of program activities which might affect the validity of evaluation data?

(5) Were the evaluation procedures coordinated with the program verification process?

(6) Were the evaluation findings utilized appropriately by the project staff in adjusting or modifying program operations to correct problems?

(20 U.S.C. 887(b)(3); 45 CFR 124.5(c))

PART 7—COMPREHENSIVE EVALUATION DESIGN

Sec. 7.1 Purpose.

(a) A comprehensive evaluation design through which the school system can assess the degree to which the project objectives have been achieved is an integral part of the overall program design. (See section 124.5(c) of the regulations.) The purpose of the evaluation is to determine how well each component and the entire project function within the established framework of time, cost, and objectives. If well planned and operated, the evaluation system should result in information which communicates clearly whether the standards of performance specified in the objectives have been met to a degree greater than, equal to, or less than the predetermined standards and why. The task of designing the evaluation plan is both complex and multifaceted. Each component and the total project involves the evaluation of product, operational process, and management process goals.

(b) As one of his primary management responsibilities, the project director oversees the design and implementation of the evaluation plan. Many districts may find it necessary to hire consultants or to seek the help of an outside technical assistance group for the planning, installation, or operation of the evaluation system, particularly if the program requires newly developed instruments or techniques.

(20 U.S.C. 887(b)(3))

Sec. 7.2 Components.

The evaluation design (briefly discussed in section 2.4) to be presented in the formal application should include at least the following components. Although the following suggestions are not comprehensive, they may serve as a general guide for the description of each component.

(a) *Performance to be measured.* (1) The formation of the evaluation design is inextricably linked to the development of performance objectives. (Part 6) If performance objectives are developed both for product outcomes and for operational and management processes, a major part of the task will be accomplished, since the expected behaviors, the measurement instruments, the conditions of measurement, and the minimum levels of acceptable performance should be specified within these objectives.

(2) Following a careful review of the objectives to verify that each one contains the basic elements (section 6.3), those responsible for designing the evaluation should assist the project planners in strengthening any objectives which require greater specificity, refinement, or the addition of omitted elements.

(b) *Measurement instruments and techniques.* (1) The evaluation instrument for each objective should be identified and described briefly. Standardized tests, questionnaires, rating scales, interviews, observation schedules, and interest inventories may be among the instruments selected. It is recommended that the instruments be matched as closely as possible to the objectives and that the validity and reliability of each instrument be ascertained prior to its use. If new instruments are to be developed, a plan for their design and pretesting should be included.

(2) (i) Since the validity of the evaluation process may be affected if the appropriate prerequisite data on the target population are not secured or available at the beginning of the program, baseline data on ability and achievement levels, socio-economic status, attitudes, and other characteristics of project participants may be needed in many cases for accurate measurement of the attainment of project performance objectives.

(ii) The process of establishing baseline data is a task of some magnitude and requires skill on the part of project planners. Questions of appropriateness of objectives, timeliness of collection, sensitivity or responsiveness to short-term change, reliability and objectivity of data, and comparability of data-gathering situations are some of the considerations which program planners may take into account as they formulate their evaluation designs.

(3) In the case of process evaluation, program planners should consider various approaches toward establishing a standard against which operational and management processes can be measured. For example, (i) Does the process exist? (ii) Is the process the most effective one known as compared with the best practice, determined by recognized authorities? (iii) Is the process more effective than similar processes used in other school system projects or operations?

(4) The evaluation techniques should also be described clearly. Those who design the evaluation should determine whether traditional pretest and post-test techniques may be used to measure some of the objectives, for example, and if so, on what basis the scores and ratings will be evaluated.

(c) *Data collection procedures.* It is suggested that the plan for the collection of evaluation data should cover the appropriate budget period and should include the complete evaluation schedule, the target populations to be measured, those responsible for arranging and administering the measurements, and any conditions of measurement not specified in the objectives. Procedures for the selection and training of testers, observers, or interviewers should be described. Charts and diagrams may prove to be helpful tools in the planning and organization of data collection procedures and in the coordination of these procedures with the plans for periodic reviews of the data by the independent educational accomplishment auditor.

(20 U.S.C. 887(b)(3); 45 CFR 124.5(c))

Part 8—Educational Program Verification

Sec. 8.1 Purpose.

An educational program verification is an external evaluation by qualified outside technical personnel who are not directly involved in the planning or operation of the project. The verification is designed (a) to verify the results of the evaluation of an educational program and (b) to assess the appropriateness of evaluation procedures for determining the effectiveness of program procedures. Assuming that the evaluation is complete, relevant, and valid and that it includes procedures for assessing product, process, and program management, an educational verification should provide an added measure of objectivity for the conclusions reached through the evaluation process, and may also identify weaknesses in the evaluation procedures and offer ideas for correcting such weaknesses in succeeding phases of the project.

(20 U.S.C. 887(b)(3); 45 CFR 124.5(d))

Sec. 8.2 Suggested procedures.

(a) *Program examiners.* Soon after a preapplication proposal is selected for further development, the applicant should contact and establish liaison with one or more prospective educational program examiners. When the district has tentatively selected an examiner, arrangements should be made for services to be provided by him during the developmental period. If the local educational agency has been awarded a developmental grant, some of the funds from this grant can be used to pay for the services of an examiner on a consultant basis.

(b) *Preliminary procedures.* (1) As one of the first of his activities during the developmental period, the examiner should familiarize himself thoroughly with the intent and policies of the dropout prevention program and with the proposed objectives and project activities which the applicant presented in the preapplication proposal. The local district should provide all pertinent documents to the examiner early in the developmental period.

(2) (i) A major function of the examiner during this developmental period is his conduct of an examination of the proposed evaluation system to determine whether it provides a basis for an adequate educational verification of the project. The examiner should determine, for example, whether the baseline data, the types of instruments to be used, and the quantity of evaluation data to be collected are adequate and whether instruments and procedures are included for the evaluation of product, operational process, and management process objectives.

(ii) While the examination is being conducted, the outside examiner should work closely with the prospective project evaluator as well as with the planning director and his staff. The examiner should be given draft materials for the formal proposal as they are developed and copies of specific evaluation instruments as they are selected or designed. In making his critique of the proposed evaluation design, the examiner must be careful to maintain objectivity and detachment, lest he later find himself in the position of auditing his own work. Designing and modifying the evaluation system is *not* his function.

(3) The verification plan and a performance contract for the operational period also should be developed during the developmental period.

(c) *Evaluation of documents.* (1) Throughout the project period, the local school district should provide the examiner with project evaluation documents at scheduled times. Prior to his onsite visits, the examiner needs adequate time for a detailed analysis of the evaluation documents, the formulation of questions to be raised with the project director and the evaluator, and the determination of the specific sampling to be conducted during the visit. In turn, the local educational agency will generally need time to arrange and confirm with the examiner his onsite visit schedule. Since it is obvious that the examiner cannot possibly examine all of the project evaluative data, he will need to work largely from tabulations, data analyses, and written interpretations and summaries of the evaluation made available to him by the local educational agency during the project period.

(2) In addition to providing the examiner with the evaluation reports, the local educational agency should submit to him a description of the data analysis techniques and procedures used by the project evaluator, any recommendations for revisions of the evaluation design which have been proposed as a result of a particular phase of the evaluation cycle, and any recommendations for program modifications which have been suggested as a result of the evaluation.

(d) *Onsite visits.* (1) The examiner's review of the written documents prior to his visit will establish a framework for the scope and emphases of his onsite work, which may consist largely of spot checking and sampling what has been reported in the documents. The critique of the evaluation reports is an important preliminary activity, but it is through the onsite visits that the examiner can actually verify the results of the evaluation and assess the appropriateness of the evaluation procedures.

(2) Before concluding his onsite visit, the examiner should discuss any major discrepancy findings with the local educational agency, so that procedures for their correction and for appropriate follow-up activities by the examiner can be established as soon as possible. If, for example, some phase of the evaluation had not been completed on schedule and; therefore, could not be verified, the examiner might plan to verify that phase at a later date; or if the procedures for some phase of the evaluation are to be modified substantially, a reexamination of that phase might be appropriate at some time prior to the next regularly scheduled complete verification.

(e) *Reports.* (1) The major task of the examiner after he completes his onsite visit is the preparation of verification reports, which should include his comments, critiques and recommendations with regard to the project evaluation.

(2) It is recommended that an interim and a final report be written initially as draft documents, to be presented to and discussed with the local educational agency prior to formal submission to the appropriate local personnel and in turn to the Office of Education. Provision for a meeting to discuss the draft audit report would enable both the examiner and the local educational agency to raise final questions concerning its content, accuracy, and completeness. The meeting can serve as the occasion for a review of the entire educational program verification process and the degree to which both have fulfilled their responsibilities.

(20 U.S.C. 887(b)(3); 45 CFR 124.5(d))

PART 9—DISSEMINATION

Sec. 9.1 Purpose.

An effective dissemination program is vital to the success of the Dropout Prevention Program and to the success of each project. Since the Dropout Prevention Program is a demonstration program which seeks to develop models that can be emulated and adapted across the Nation, it is important that validated information about these projects be widely disseminated. The educational community should be made aware of these projects and their progress so that successful approaches and solutions can be shared, mistakes avoided, and cooperative efforts stimulated. The general public should also be made aware of these efforts to find solutions to the school dropout problem, since public understanding of the project and support for it are essential to its continuation and expansion.

(20 U.S.C. 887(a); 45 CFR 124.16)

[FR Doc.73-16662 Filed 8-10-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-CE-14]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the Kansas City, Missouri (International Airport) and Kansas City, Missouri control zones and the Kansas City, Missouri transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before September 12, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

With the opening of the Kansas City, Missouri International Airport, air carrier operations have shifted from the Kansas City Municipal Airport to the new facility. As a result, it is necessary to alter controlled air space surrounding Kansas City International Airport to protect aircraft operating in accordance with instrument flight rule flight plans. Also, the shift in air carrier operations has resulted in reduced control zone size requirements for the Kansas City Municipal Airport and increased the size requirements of the Kansas City International control zone. Accordingly, action is taken herein to reflect these changes.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (38 FR 351), the following control zones are amended to read:

KANSAS CITY, MISSOURI
(INTERNATIONAL AIRPORT)

Within a 5 mile radius of the Kansas City International Airport (latitude 39°18'05" N, longitude 94°43'37" W) and within 2 miles either side of the Rwy 9 ILS Localizer West Course extending from the 5 mile radius zone to the Rondell OM; and within 2 miles either side of the Rwy 19 ILS Localizer North Course extending from the 5 mile radius zone to 12 miles north of the Wyandotte OM; and within 1.5 miles either side of the 268° radial of the Kansas City VORTAC extending from the 5 mile radius zone to the VORTAC; and within 2 miles either side of the Rwy 1 ILS Localizer South Course extending from the 5 mile radius zone to 1.5 miles south of the Wyandotte OM.

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KANSAS CITY, MISSOURI

Within a 5 mile radius of the Kansas City Municipal Airport (latitude 39°07'27" N, longitude 94°35'31" W) and within 1.5 miles either side of the 031° radial of the Riverside, Missouri VOR extending from the 5 mile radius zone to 6 miles NE of the VOR; and within 1.5 miles either side of the 215° radial of the Riverside, Missouri VOR extending from the 5 mile radius zone to 6 miles SW of the VOR; and within 2 miles either side of the 353° radial of the Riverside, Missouri VOR extending from the 5 mile radius zone to 10.5 miles N of the VOR, excluding that area which overlies the Kansas City International Airport control zone.

In § 71.181 (38 FR 435), the following transition area is amended to read:

KANSAS CITY, MISSOURI

That airspace extending upwards from 700 feet above the surface within a 10 mile radius of the Kansas City Municipal Airport (latitude 39° 07'20" N, longitude 94° 35'30" W) and within a 7 mile radius of Sherman AAF (latitude 39° 22'05" N, longitude 94° 54'45" W); and that airspace extending from 700 feet above the surface within an 8.5 mile radius of the Kansas City International Airport (latitude 39° 18'05" N, longitude 94° 43'47" W) and within 5 miles either side of the Rwy 19 ILS Localizer North Course extending from the 8.5 mile radius zone to 25 miles N of the Wyandotte OM; and within 5 miles either side of the 088° radial of the Kansas City VORTAC extending from the 8.5 mile radius zone to 11.5 miles E of the VORTAC; and within 5 miles either side of the Rwy 1 ILS Localizer South Course extending from the 8.5 mile radius zone to 11 miles S of the Wyandotte OM; and that airspace extending upward from 1,200 feet above the surface bounded on the southeast by the arc of a 42 mile radius circle centered on the Kansas City Municipal Airport, beginning at the west boundary of V–159 and extending counter clockwise to the south boundary of V–12 to longitude 93° 30'00" W, thence north along longitude 93° 30'00" W, to the southeast boundary of V–10 thence direct to latitude 93° 47'45" N, longitude 93° 34'00" W, thence southwest along the northwest boundary of V–10 to the east boundary of V–161, thence west to latitude 39° 44'00" N, longitude 94° 43'20" W, thence southwest to latitude 39° 30'00" N, longitude 94° 49'00" W, thence west along latitude 39° 30'00" N, to the southwest boundary of V–71, thence northwest along the southwest boundary of V–71 to longitude 95° 09'00" W, thence south along longitude 95° 09'00" W, to the southeast boundary of V–10 to the arc of a 10 mile radius circle centered on the Kansas City Municipal Airport, thence clockwise to the west boundary of V–159, thence south along the west boundary of V–159 to the point of beginning; and that airspace extending upward from 5,000 feet MSL bounded on the west by longitude 93° 30'00" W; on the south by V–4; on the east by V–424; on the north by V–116 and on the northwest by V–206; and on the north by V–10; and within an area bounded on the west by V–161; on the southeast by V–10 and on the north by V–50.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri on July 20, 1973.

JOHN R. WALLS,
Acting Director, Central Region.

[FR Doc.73–16632 Filed 8–10–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–EA–64]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the New York, N.Y. (John F. Kennedy International Airport) Control Zone (38 FR 406).

Forthcoming revisions to the VOR instrument approach procedures for John F. Kennedy International Airport and a review of the controlled airspace requirements for the terminal area indicate alteration of the control zone is required to provide controlled airspace in consonance with Terminal Instrument Procedures (TERPS).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before September 12, 1973 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of New York, N.Y. (John F. Kennedy International Airport), proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the New York, N.Y. (John F. Kennedy International Airport) control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center 40°38'25" N., 73°46'41" W., of John F. Kennedy International Airport; within the area bounded by a line beginning at 40°36'16" N., 73°52'32" W., to 40°37'10" N., 73°54'55" W., to 40°42'19" N., 73°51'07" W., to 40°41'23" N., 73°48'48" W., to the point of beginning; within 1.5 miles each side of the Kennedy VORTAC 108° radial, extending from the 5-mile radius zone to 6.5 miles east of the VORTAC; within 1.5 miles each side of the Kennedy VORTAC 207° radial, extending from the 5-mile radius zone to 6 miles southwest of the VORTAC; within 1.5 miles each side of the Kennedy VORTAC 134° radial, extending from the 5-mile radius zone to 5 miles southeast of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on July 30, 1973.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.73–16629 Filed 8–10–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–EA–63]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Wilmington, Del., Transition Area (38 FR 601, 1579).

A new area navigation (RNAV) instrument approach procedure was developed recently to serve Runway 35 at Summit Airpark Airport, Middletown, Delaware. Provision of controlled airspace for the new procedure will require alteration of the 700-foot floor transition area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before September 4, 1973 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Wilmington, Delaware, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Refulations so as to alter the description of the Wilmington, Delaware 700-foot floor transition area by deleting all after, "Summit Airpark Airport," and substituting therefor, "Middletown, Del.; within 2.5 miles each side of a line bearing 345° from a point in latitude 39°23'-31" N., longitude 75°40'38" W. extending from said point to the 5-mile radius area centered on Summit Airpark Airport and within 3 miles each side of a 234° bearing from the Greater Wilmington, Del., ILS OM extending from the Summit Airpark Airport 5-mile radius area to 13 miles southwest of the OM.".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on July 27, 1973.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.73–16630 Filed 8–10–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–EA–65]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Wise, Va., Transition Area (38 FR 602).

A recent revision of the Lonesome Pine Airport, Wise, Virginia NDB instrument approach procedure to runway 24 will require alteration of the transition area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before September 12, 1973 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Wise, Virginia, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 Federal Aviation Regulations by amending the text of the Wise, Virginia 700-foot floor transition area by deleting all after "Wise, Va.," and by substituting therefor, "and within 3.5 miles each side of the 056° bearing from the Wise RBN (37°01'18" N., 82°28'04" W.) extending from the 11-mile radius area to 11.5 miles northeast of the RBN.".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on July 30, 1973.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.73–16628 Filed 8–10–73;8:45 am]

Federal Railroad Administration

[49 CFR Part 217]

[Docket No. RSOR–1; Notice 3]

RAILROAD OPERATING PRACTICES

Extension of Time for Filing Comments; New Date for Public Hearing

On May 14, 1973, the Federal Railroad Administration (FRA) published in the FEDERAL REGISTER a notice of proposed rulemaking to add a new Part 217 to Title 49 of the Code of Federal Regulations to establish initial rules respecting railroad operating practices (38 FR 12617). The closing date for comments and date for public hearing provided in that notice were re-scheduled to August 14, 1973, and August 15, 1973; respectively, in a second notice of rulemaking published at 38 FR 14865.

The Association of American Railroads (AAR) has filed a request for additional time to submit the views and arguments of its member railroads and to make an oral presentation. This request was made, in part, due to the FRA's late response in issuing an interpretation of the scope and intent of the proposed rules as asked by the AAR in a letter of July 5, 1973. The July 5 letter and the FRA's interpretation are available in the public docket.

For good cause shown in the AAR request, the FRA has decided to extend the closing date for filing written comments and to set a new time for the public hearing. The new deadline for filing written comments is September 19, 1973, except that written statements may be submitted at the oral hearing. Written comments received after September 19, other than at the oral hearing, will be considered only so far as practicable. The new time and the place for the oral hearing are 10:00 a.m., September 20, 1973, in Room 5332, Nassif Building, 400 Seventh St., S.W., Washington, D.C. Persons wishing to make an oral presentation should notify the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh St., SW., Washington, DC 20590, before September 20. Participants should refer to the original notice (38 FR 12619) for a brief statement of the procedures to be followed at the hearing.

(Sec. 202, 84 Stat. 971, 45 U.S.C. 431; § 1.49 (n), 49 C.F.R. 1.49(n))

Issued in Washington, D.C., on August 7, 1973.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.73–16649 Filed 8–10–73;8:45 am]

ENERGY POLICY OFFICE

[32A CFR Ch. XIII]

EPO REG. 1

Mandatory Fuel Allocation

The Energy Policy Office is considering the adoption of a mandatory fuel allocation program pursuant to the authority granted under Section 203(a)(3) of the Economic Stabilization Act of 1970, as amended.

On April 30, 1973, the Economic Stabilization Act was amended by PL 93–28 to give the President (or his delegate) the power to allocate petroleum products including crude oil. Guidelines for a voluntary program for allocation of crude oil and refinery products were published in the FEDERAL REGISTER, Vol. 38, No. 99, on Wednesday, May 23, 1973. Public Hearings concerning the operation of the voluntary program and the need for a mandatory program were held in Washington on June 11–14, 1973.

The following proposed program would, if adopted, provide for the mandatory allocation of crude oil, refined petroleum products and liquified petroleum gas. It is being published at this time so that public comments may be considered prior to the institution of a mandatory allocation program. It should be noted that the program is being published for comment only and that there is no intention to actually implement a mandatory program at this time.

Interested persons may submit written data, views or arguments to: Mandatory Petroleum Allocation Program, Attention: Charles J. Cullen, Office of Oil and Gas, P.O. Box 19407, Washington, D.C. 20504. Comments should be received prior to September 10, 1973.

Comments are welcome on (1) the general need for a mandatory program (2) the overall effects of the mandatory program as proposed, (3) individual sections of the proposed program and their expected effects, (4) the proposed base period and method of establishing the purchaser/supply relationship, (5) the relationship of the proposed program to other federal and state programs which may effect fuel allocation, such as natural gas curtailment procedures, environmental implementation plans and Cost of Living Council regulations, and (6) any other matter relevant to the proposed regulations.

Specific forms which are referred to in the proposed program are not included for comment.

In the event a decision is made to institute a mandatory fuel allocation program under 203(a)(3) of the Economic Stabilization Act, as amended, it is proposed to add a new Chapter XIII to Title 32A CFR consisting of the following EPO—Reg 1:

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CHAPTER XIII—ENERGY POLICY OFFICE

EPO—REG 1—MANDATORY FUEL ALLOCATION PROGRAM

Subpart A—Mandatory Allocation Program for Crude Oil

Sec.
1 Intent of program.
2 Definitions.
3 Coverage of program.
4 Basis for allocations.
5 Procedure and timing requirements.
6 Pricing and terms of crude oil sales by refiners to comply with the mandatory allocation program.
7 Compliance provisions.

Subpart B—Mandatory Allocation Program for Refined Petroleum Products and Liquified Petroleum Gas

8 Intent of program.
9 Definitions.
10 Coverage of program.
11 Basis for proportional allocations.
12 Priority allocations.
13 Timing of program and report requirements.
14 Adjustments in program.
15 Prices.
16 Normal business practices.
17 Appeals to the Department of Interior.
18 Compliance provisions.
19 Relationship with other Governmental programs.

Subpart C—General Provisions

20 Exceptions.
21 Force majeure.
22 Discrimination.
23 Preemption.
24 Termination.
25 Voluntary allocation program.
26 Sanctions.

AUTHORITY: Sec. 203(a)(3) of the Economic Stabilization Act of 1970 as added on April 30, 1973 by Sec. 2(b) of the Economic Stabilization Act Amendments of 1973 (P.L. 93-28); 12 U.S.C. 1904 (Note); EO 11695, 38 FR 1473; Cost of Living Council Order No. 33, 38 FR 20960.

Subpart A—Mandatory Allocation Program for Crude Oil

Section 1. Intent of program.

The mandatory crude oil allocation program is intended to facilitate operations by small refiners at levels of at least 90 percent of capacity. Imported crude oil will not be subject to control; it is expected that refiners who have historically been able to obtain and process imported crude will continue to do so. The program provides for allocation of domestic crude oil to crude deficient small refiners, sufficient to maintain each small refiner's 1972 ratio of domestic crude to imported crude oil input were he to operate at 90 percent of capacity. Shortages of domestic crude will be determined by the Department of Interior, based on reports from small refiners. Each eligible major refiner will submit reports of domestic crude availability to the Department of Interior and will be required to offer a specified proportional quantity of crude oil for sale to the small refiners. Major refiners operating at below 90% of capacity will not be required to sell crude oil to small refiners. The parties involved will be required to effect the necessary sales and exchanges to actually accomplish the redistribution. The sales price will be posted price plus six percent for brokerage and handling plus actual transportation costs. To encourage exploration for new reserves, the program exempts from allocation production from new discoveries.

Sec. 2. Definitions.

"Brokerage and Handling Fee"—6 percent surcharge on all sales of crude oil under this program.

"Crude Deficient Refiner"—any refiner with anticipated crude availability which is expected to result in operations below 90% of capacity during the next quarterly period.

"Crude Sales Fraction"—a fraction applied to each eligible major refiner's eligible crude availability to determine the actual amount (in barrels) the refiner must offer for sale in any period. The crude sales fraction is the same for all eligible major refiners; it is the quotient of the total small refiner's deficiencies divided by the total eligible crude availability.

"Domestic Crude Availability"—the amount of domestic crude oil available to major refiners operating at or above 90% of capacity as of the effective date of this program, a portion of which will be designated for sale to small refiners by the Department of Interior. All new discoveries subsequent to the commencement of this program will not be included in a refiner's eligible crude availability, but will be considered in determining if a major refiner is crude deficient.

"Historical domestic crude fraction"—domestic crude runs as a fraction of total refinery runs (including all imports) of crude oil during calendar year 1972.

"Major Refiner"—any refiner with total capacity equal to or greater than 175,000 barrels per day; major refiners operating at or above 90% of capacity are "eligible" and will be required to sell domestic crude oil to small refiners.

"Period"—Quarterly periods as designated by the Department of Interior after the commencement of this program.

"Proportional Share"—the actual amount of domestic crude offered for sale by an eligible major refiner. The proportional share equals the product of each major refiner's eligible crude availability multiplied by the national crude sales fraction.

"Small Refiner"—any refiner with total capacity less than 175,000 barrels per day.

"Small Refiner Deficiencies"—those quantities of domestic crude oil that a refiner is deficient according to the formula in section 4(c).

Sec. 3. Coverage of program.

The program will apply to all refiners and others who purchase crude oil from producers directly or indirectly for resale or transfer to refineries. However, only refining companies with a total domestic refinery capacity of less than 175,000 barrels per day will be permitted to purchase domestic crude oil under this program as specified by the Department of Interior. All major refiners reporting operations equal to or greater than 90% of capacity in the next period will be required to offer a proportional share of domestic crude for sale to small refiners. All crude deficient major refiners will be exempt from offering domestic crude for sale, but will be required to report to the Department of Interior.

Sec. 4. Basis for allocations.

(a) Separate programs will be established for Districts I–IV and for District V.

(b) Each established refining company will report to the Department of Interior within ten days of the commencement of this program. These refiners shall report for each refinery for each period capacity and anticipated crude oil availability. Refiners will also report on a one-time basis the total amounts of domestic and imported crude oil run through their refineries during calendar year 1972.

(c) Based upon reports provided by each refiner, the Department of Interior may verify the estimated crude availability for the next period. The Department of Interior will determine each small refiner's deficiency according to the following formula:

S.R.D. = (H.D.C.F.) X [0.9 (capacity)]—S.R.D.C.A.
H.D.C.F. = historical domestic crude fraction
S.R.D.C.A. = small refiner domestic crude availability (anticipated for the next period)

The Department of the Interior will sum all small refiner deficiencies and determine the total domestic crude availability from eligible major refiners. The Department of Interior will determine the crude sales fraction (which applies to all eligible major refiners) by dividing the total small refiner deficiencies by the total domestic crude availability. Each eligible major refiner will be required to sell a proportional share of domestic crude equal to the product of the crude sales fraction and his reported domestic crude availability. The Department of Interior will publish in the FEDERAL REGISTER a list of refiners who may purchase crude oil under this program and a list of refiners who are required to offer crude oil for sale. Specific quantities will be specified for each selling or purchasing refiner for each period.

(d) Major refiners who are required to sell crude oil must offer this crude oil, directly or through exchange, to small refiners who have the opportunity to purchase crude oil under this program. The crude oil offered must be suitable for processing in and practical for delivery to plants of purchasing refiners. The crude will be made available in reasonable increments during the period in accordance with normal business practices.

(e) Refiners allowed to purchase crude oil under this program who desire to purchase crude oil, but are unable to negotiate a contract for an acceptable crude oil within the time period allotted may request that the Department of the Interior compel a refiner to sell an acceptable type of crude oil to the deficit refiner. Upon such request, the Department

of Interior will direct a refiner who has not sold its required volume of crude oil to sell a specified volume of a specified crude to the purchasing refiner. If the Department of Interior directs the sale, the Department of Interior will collect the brokerage fee from the buyer. Should the refiner then decline not to purchase the crude oil specified by the Department of Interior, any rights to purchase that volume of crude oil based on this program will be forfeited for that period, provided that all provisions of this program have been met by the prospective seller.

(f) In determining subsequent small refiner deficiencies, the Department of the Interior will adjust the amount a small refiner may purchase by the actual overage or underage (the difference between the estimated and actual supply of crude oil) in the previous period, based on data in the quarterly report on actual operations.

(g) Major refiners who report that they will operate below 90% of capacity will not be required to sell crude oil. Should a major refiner then actually operate at or above 90% of capacity, the Department of Interior will increase the amount a major refiner must offer for sale in the next period accordingly. The domestic crude availability reported by crude deficient major refiners will not be included in the total eligible crude availability.

(h) If the proportional share assigned for sale by the Department of Interior results in a major refiner becoming crude deficient, the major refiner will not be required to provide more crude for sale to small refiners than would result in reducing the major refiner's operations to less than 90% of capacity. Should this occur, the Department of Interior will reduce the total eligible crude availability accordingly.

(i) Foreign crude may be substituted for domestic crude, providing that this is acceptable to both the purchaser and seller. The sales shall be at a price agreeable to both parties. Except as specified in this paragraph, no other portion of this mandatory crude oil allocation program applies to the purchase, sale, or distribution of imported crude oil.

(j) Domestic crude oil purchased by small refiners under this program may not be sold, but must be utilized or exchanged for crude oil which will be utilized by the small refiner.

(k) The type of crude oil purchased or sold, the location of each sale, and the terms and conditions of sale shall be agreed upon by individual companies conducting the transactions consistent with normal business practice, subject to provisions of these regulations and to the applicable laws in effect at the time of the transactions.

(l) If any refiner radically changes existing supply relationships so that the net result is to significantly reduce the sales on the free market and to increase the sales under this program (thus receiving the 6% brokerage fee on a higher portion of crude sales) the Department of Interior may direct the reestablishment of the historical supply relationships at posted prices, allowing no brokerage fee.

(m) In the event of supply disruptions that substantially affect the program or any refiner, the Department of Interior may terminate or reduce the sales volumes of any agreements made as required by this program and issue additional instructions for sales to bring the program back into reasonable balance.

(n) Exchanges of crude oil may be utilized to comply with the purchase and sale provisions of this program, provided they are on a barrel-for-barrel basis. (For example, Refiner A who is required to sell crude oil, may deliver a barrel of crude oil to Refiner B who in turn delivers a barrel of crude oil to Refiner C, who is allowed to purchase crude oil under the program.)

(o) The Department of Interior, based upon periodic reports of all refiners, will review the allocations quarterly and make adjustments to reflect the changing availability in crude supplies or transportation. Purchasers and sellers are encouraged to continue the supply relationships in effect at the commencement of this program and instituted under the first period of this program to minimize disruption and maximize crude availability. Small refiners with 25% or more of their refinery output as asphalt will not necessarily receive the full allocation of domestic crude oil according to the formula in Section 4(c). The Department of Interior may reduce the allocations to reflect seasonal patterns of asphalt production.

(p) All new discoveries of domestic crude subsequent to the commencement of the program shall be exempt from allocation under this program. These new supplies shall be available to the owner for use or sale in any manner consistent with normal business practices and laws governing each use and transaction. "New discoveries" is interpreted to mean new crude petroleum as defined in § 150.354(b)(4), Subpart L of Phase IV Proposed Rulemaking, 6 CFR Part 150, July 20, 1973 (38 FR 19468).

Sec. 5. Procedure and timing requirements.

(a) *Initial report.* Within ten days following the commencement of this program, each refiner shall submit a report to the Department of Interior with the following information:

(1) Capacity of each refinery reported to the Bureau of Mines, and any new capacity estimated to be put on stream from July 1, 1973 through June 30, 1974.

(2) Total crude availability for the next period, segregating domestic crude oil and imported crude oil, including:

(i) Estimated monthly deliveries of various grades of crude oil, excluding crude oil to be processed for other refiners under agreements.

(ii) Estimated monthly deliveries of various crude oils to other refiners' plants for processing for its own account under processing agreements.

(iii) Any crude oil to which the company has title or will obtain title, that is not committed by contract to other refiners, or is not included in its estimates for deliveries to its refineries, or for processing by other refiners under processing agreements.

(3) The total quantities of domestic crude oil and imported crude oil processed during calendar year 1972. Total deliveries of various crudes to other refiners' plants for processing under its own account as well as crude oil processed for other refiners will be separately identified. (Refiners with 25% or more of their output as asphalt shall report 1972 crude runs on a monthly basis.)

The amounts reported shall be certified for correctness by an officer of the company to be accurate to the best of his knowledge. The provisions of 18 U.S.C. 1001 shall apply to all submissions made. Supporting documents may be required by the Department of Interior as it deems necessary. The projected volume of imported crude oil reported shall be that which the company anticipates importing for the upcoming period, and must be at least equal to that average daily volume of imported crude oil actually charged to the refiner's plants during the period from July 1, 1972 through June 30, 1973; any reductions in this level of imported crude oil by major refiners will not be considered in determining the eligibility of the refiner for sales under this program, i.e., will not be considered in reviewing a major refiner's operations at or near 90% of capacity. Any reductions in the level of imported crude from the calendar 1972 levels by crude deficient small refiners will be deducted from the quantities of crude oil to be purchased under this program.

(b) *Subsequent reports.* Each refiner will report to the Department of Interior 60 days prior to the first day of each new period. These reports shall be identical to the initial report, except: refiners will not report on 1972 historical crude runs, but will report actual crude runs and actual capacity for the previous period, segregating domestic crude from imported crude oil.

(c) Each transaction made to comply with this program shall be reported to the Department of Interior. This report will indicate the selling and purchasing refiner, the price of the contract modified by any allowed transportation cost adjustments, and the identity and volumes of the crude oil sold.

(d) The Department of Interior will publish a list showing required sales volumes and purchase opportunities for each refiner in Districts I–IV and District V, and issue instructions to the major refiners to sell the required volumes of crude oil or inform small refiners of their opportunities to purchase additional supplies. The lists shall be published by the Department of Interior at least 30 days prior to the beginning of a new period.

(e) Within 20 days of the date the lists are published in the FEDERAL REGISTER, each refiner shall make a report to the Department of Interior showing progress made to comply with the program. Based on these reports, the De-

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partment of Interior will work with refiners in the ten days prior to the beginning of the new period to assist them in complying with the program and may require any refiner who has not complied with this program to date to sell specified volumes of a specified crude oil to refiners unable to purchase crude oil.

(f) All agreements for exchanges of foreign oil for domestic oil in effect at the initiation of this program shall remain in effect as long as the foreign crude oil being delivered for exchange continues to be available. In the event that supplies of foreign crude oil being exchanged become unavailable through circumstances not under the control of the person, firm, or corporation that is supplying the foreign crude oil, and other replacement crude oils cannot be secured, then the exchange agreement may be terminated upon seven days notice, provided that a full report is sent to the Department of Interior and that the Department of Interior is notified by telegram at the time of the notice. The Department of Interior may then alter previous allocations in an attempt to ensure that crude deficient small refiners obtain supplies of crude oil.

(g) Any refiner may report to the Department of Interior any significant changes in available supply. Such reports may be filed at any time; however, changes in allocation to small refiners can usually be best accommodated utilizing the reporting and adjustment procedure presented in section 4(f). New supply exempt from allocation shall be listed separately in such reports.

Sec. 6. Pricing and terms of crude oil sales by refiners to comply with the mandatory allocation program.

(a) The price at which crude oil shall be offered for sale as required by this program in Districts I–IV or District V shall equal posted prices (plus other applicable costs as specified in paragraphs (b) and (c) of this section), plus a 6 percent brokerage fee. In no case, will the price charged be in violation of Cost of Living Council rules. Each refiner required to sell oil under this program shall maintain records, which shall be made available to the Department of Interior upon request, listing the volumes and prices of all crude oils delivered to its plants during each month.

(b) The delivered price charged a deficit refinery may also include, where applicable, any gathering or trucking allowances and terminaling costs, and exchange differentials paid to deliver the crude oil to the seller's refineries.

(c) Actual additional transportation expenses incurred in moving the offered crude oil to the purchaser's refinery shall be paid by the purchaser at the published tariff rate. Actual transportation expenses saved as a result of moving the offered crude oil directly to the purchaser's refinery shall be deducted from the selling price.

(d) In the event that an exchange is used to effect the delivery of crude oil to the purchaser's refinery, no exchange differential may be collected other than actual additional transportation expenses which are associated with the exchange.

(e) In no case will a supplier be required to sell crude oil at a price that is less than cost and therefore confiscatory.

(f) If a refiner does not effect a sale and the Department of Interior is required to force a sale, the 6 percent brokerage and handling fee shall be paid to the Department of the Interior by the buyer.

Sec. 7. Compliance provisions.

(a) Compliance with this program shall be mandatory. Each refiner required to sell crude oil under the provisions of this program must do so or face penalties or sanctions.

(b) Any participant in the program may file a complaint with the Department of Interior against any other participant. Upon receipt of such complaint, the Department of Interior will conduct an investigation, and in the event of violations, instruct the violators to comply with the program, impose penalties as specified, and if necessary impose sanctions.

Subpart B—Mandatory Allocation Program for Refined Petroleum Products and Liquefied Petroleum Gas

Sec. 8. Intent of program.

It is the intent of the mandatory allocation program for refined petroleum products and liquefied petroleum gases (LPG) to distribute available products among wholesale purchasers equitably, and to provide a state reserve for priority uses. The Federal Government will administer that portion of the program which ensures equitable distribution to the wholesale purchaser. It is intended that allocations will be made by suppliers consistent with normal regional patterns through normal distribution networks. Wholesale purchasers of petroleum products and LPG will be allocated 100% of the same quantities as purchases in calendar year 1972 or if these quantities are not available, a proportional share of the supplier's allocable supplies. Marketers, jobbers, dealers, or direct wholesale customers not in business during the entire base period, or who have had substantial changes in fuel requirements such that allocations equal to or proportional to base period supply levels would create exceptional economic hardships, may petition the Department of Interior to receive greater allocations. The state governments may direct use of the state reserve if desired to meet priority needs. Dealers, marketers and jobbers who supply priority users may apply to the designated state office for additional supplies above their allocations to meet priority demands.

Sec. 9. Definitions.

"Adjusted Base Period Supply Volume." The amount assigned by the Department of Interior to a wholesale purchaser in lieu of the wholesale purchaser's actual base period sales or usage which a supplier must use as a base for calculating allocations.

"Allocable Supplies." Any supplier's total supply of any refined petroleum product covered by this program less any exempt volumes not allocable.

"Allocation Fraction." A fraction, calculated as described in the program regulations, which each supplier will use to apportion its allocable supplies among all its wholesale purchasers based on their base period supply volumes.

"Assigned Customer." A wholesale purchaser with whom a supplier did not do business during March 1973 or the nearest month in 1973 prior to March 1973 that is assigned to a supplier by the Department of Interior and whom the supplier must supply for the duration of this program.

"Base Period." [1] The equivalent month in 1972.

"Base Period Supply Volume." A wholesale purchaser's base period sales or usage. A supplier's base period supply volume will be equal to the sum of its wholesale purchaser's base period supply volumes and the base period supply volumes of its own retail outlets, plus adjustments by the Department of the Interior.

"LPG." Liquefied petroleum gas, including propane and butanes, but excluding ethane.

"Proportional Allocation." If the 1972 supply levels are not available, the proportional allocation equals the total allocation received by each wholesale purchaser. This is equal to the product of the supplier's allocation fraction times the wholesale purchaser's base period supply volume or adjusted base period supply volume.

"State Reserve." 10 percent of the total allocation which may be allocated by the states for priority use.

"Supplier." Any refiner, gas plant operator, wholesale marketer, jobber, distributor, terminal operator, or any person, firm or corporation who supplies petroleum products or LPG in bulk at the wholesale level.

"Total Allocation." 100 percent of a wholesale purchaser's base period supply volume, or, if the supplier does not have this quantity, a proportional allocation.

"Wholesale Customer or Purchaser." Any person, firm, corporation, cooperative, or governmental unit that purchases petroleum products in bulk or under contract at the wholesale level, including distributors, independent or branded and unbranded jobbers or dealers, public utilities, industries or large volume users.

Sec. 10. Coverage of program.

(a) The program will cover all designated products produced in or imported into all states, territories, commonwealths, and possessions.

[1] The base period currently under review is calendar year 1972 as a basis for quantities to be allocated; associated with this base period is the use of March 1973 as a basis for establishing the supplier/purchaser relationship. An alternative is to utilize calendar year 1972 both for determining quantities and for establishing supplier/purchaser relationships. Comments on alternative base periods are solicited.

(b) Separate programs will exist for Districts I–IV and for District V. However, normal supply patterns that cross district boundaries will be continued. For the purpose of this program, retail outlets normally supplied across district lines will be considered to be in the district from which they are supplied.

(c) The mandatory provisions of the program will apply to all refiners, gas plant operators, wholesale marketers, jobbers, distributors, and terminal operators, or any person, firm or corporation which supplies petroleum products or LPG in bulk at the wholesale level.

(d) The program will apply to the distribution and marketing of the following petroleum products: propane, butanes, gasoline including aviation gasoline, naphtha, and naphtha base jet fuel, kerosine, stove oil, and No. 1 fuel oil; and heavy distillates such as diesel fuel, furnace oil and No. 2 fuel oil, and residual oils. Petrochemicals (but not feedstocks), lubricants, asphalt, and refined solvents will be excluded.

Sec. 11. Basis for proportional allocations.

(a) Each wholesale purchaser entitled to receive allocations under this program will be supplied by his supplier(s) of record during March 1973. Each supplier will be required to continue to serve the customers he served during March 1973. However, a supplier may in addition, if he so elects, continue to serve customers signed to new supply contracts since March 1973, providing that provision of supplies to the new customer does not reduce the level of supplies available to a supplier's historical customers.

(b) Any person, firm, corporation or organization who qualifies as a wholesale purchaser and who did not have a supplier during March 1973 may apply to the Department of Interior and be assigned a supplier. Any assigned customer must be accepted by the supplier, and during this program, must be treated in the same manner as any other customer of the equivalent category and wholesale level.

(c) Each wholesale purchaser's base period supply volume in any month will be the amount purchased from *all* suppliers during the corresponding month of 1972, provided however, that wholesale purchasers not in business during all of 1972, or who have had substantial changes in requirements such that allocations based upon a percentage of actual base period supplies would create an exceptional economic hardship, may petition the Department of Interior to be granted adjusted base period supply volume greater than the actual base period supply purchased. The Department of Interior will develop and public a set of criteria under which such petitions will be considered; the criteria will include consideration of unusual conditions or misfortunes in the base period, new investments, sales experience of comparable purchasers, etc.

(d) A supplier will be required to allocate supplies to each wholesale purchaser based on the purchaser's claimed base period supply volume, or any adjusted base period supply volume assigned to that purchaser by the Department of Interior. It will be each wholesale purchaser's responsibility to notify his supplier of his base period supply volume within 30 days of the commencement of this program, if it differs from the amounts actually supplied by the supplier during the base period or if the wholesale purchaser had multiple suppliers in March 1973. The supplier may, if he so desires, request that the notification be on an OOG form which requires certification. When a supplier does not receive notification from a wholesale purchaser, he should assume that the wholesale purchaser's volume is the same as his sales to that purchaser during the base period.

(e) A wholesale purchaser with more than one supplier during March 1973 will distribute his base period supply volume among his March 1973 suppliers in proportion to the percent of his total supply that each supplier provided during March 1973. Purchasers who do not advise their suppliers of multiple supply arrangements and who intentionally obtain supplies from multiple suppliers greater than their total allocation will be subject to sanctions, including exclusion from further entitlement to allocations under this program.

(f) Suppliers and purchasers may agree among themselves to either borrow on future allocations or defer current allocations within the level of the total allocation for the year, as long as such arrangements do not result in an involuntary reduction in allocations to other purchasers.

(g) Each wholesale purchaser notifying his supplier of a base period volume different from the supplier's actual sales to the purchaser during the base period must be prepared to document his base period supply levels. The supplier may request documentation of the wholesale purchaser's reported base period sales, and if the purchaser fails to supply this documentation within 30 days, the supplier may reduce the purchaser's base period supply volume to the volume of products the supplier sold the purchaser during the base period. The Department of Interior may investigate such cases and depending upon its findings may (1) restore part or all of the original base period volume plus any underage in supply to the purchaser that may result during the time the base period volume is reduced, (2) penalize the purchaser for its overage during the initial periods of over supply, or (3) if the violation warrants it, impose sanctions upon the wholesale purchaser.

(h) If a supplier has insufficient supplies to provide every purchaser with a quantity equal to the 1972 supply level, plus those purchasers assigned by the Department of Interior, the supplier will allocate based on proportional allocations. To determine monthly proportional allocations to its wholesale purchasers, each supplier shall determine its allocation fraction for the coming month. Each supplier's allocation fraction (calculated separately for each product category) shall be equal to its adjusted total allocable supplies for that month divided by the adjusted base period supply volume (total base period supply volume plus purchasers assigned by the Department of Interior) of all its wholesale purchasers, including its own retail outlets. A supplier's adjusted total allocable supplies shall be equal to its total estimated allocatable supplies for the coming month, less any adjustments to correct for the difference between the previous month's estimated supplies and actual supplies.

(i) Each purchaser's total allocation for each month shall be equal to 100 percent of the supplier's allocation fraction multiplied by the wholesale purchaser's base period supply volume (or adjusted base period supply volume).

(j) In the event that a supplier's adjusted total allocable supplies exceed the sum of the total allocations for all purchasers, the supplier may distribute any surplus supplies at his discretion.

(k) To allow suppliers flexibility in meeting regional imbalances in normal demand, any supplier may vary his monthly allocation fraction to wholesale purchasers in different areas or regions by as much as 10%; provided that all customers in any local area receive allocations based on an identical allocation fraction and that the total of all proportional allocations remains unchanged. It is intended that suppliers shall use this privilege sparingly.

Sec. 12. Priority allocations.

(a) Any wholesaler, purchaser or user of refined petroleum products may apply to the designated state office to obtain products for priority use by certifying that these or like products will not be diverted from priority uses. An OOG form or a similar state form may be used for such certification.

(b) The following list of activities considered as priority uses of petroleum products is recommended as a guideline for use in state programs to allocate petroleum products:

(1) Farming, ranching, dairy, and commercial fishing.

(2) Services directly related to the cultivation, production, processing, preservation, or distribution of food.

(3) Oil, gas and coal industry operations and related suppliers and services.

(4) Health and sanitation services.

(5) Police, firefighting and emergency aid services.

(6) Public passenger transportation, including school buses and other buses, intercity and mass transit rail systems, and airline passenger services, but excluding taxicabs and tour and excursion services.

(7) Rail, highway, sea and air freight transportation services.

(8) Public utilities, except for substitute natural gas feedstocks and fuels

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required for conversion from coal and residual fuel oil other than those necessary to meet primary air standards.

(9) Telecommunications.

(c) States may direct the suppliers to distribute future allocations of petroleum products and LPG in quantities different than prescribed in section 11 to any wholesale purchasers or any end users to meet priority needs. States may not direct more than 10 percent of any wholesale purchaser's total allocation. This redistribution should be for priority use only and states are encouraged to make all efforts to equalize the impact of redistribution on affected purchasers.

(d) The state reserve is intended for use by the states in meeting priority needs. If, in any month, the states do not direct use of any or all of the state reserve for priority needs, the wholesale purchaser will automatically receive all or the balance of his total allocation. States are encouraged to return all wholesale purchasers to a supply level equal to their total allocation as soon as possible. As supplies of petroleum products and LPG continue to increase, most priority needs should be met by the functioning of the normal market mechanism.

(e) The state reserve cannot be accumulated or deferred.

(f) States, territories, commonwealths and possessions may not restrict or in any way interfere with the interstate commerce of fuels, either as raw materials or products. The allocation authority of the state shall extend only to the state reserve which comes to rest in the state. States may not take actions which will result in overt discrimination against non-residents in favor of residents for any fuel or products. Interstate transportation, out-of-state travellers, and wholesalers and retailers doing business in more than one state are examples of classes of petroleum buyers and users to whom the states may not restrict supplies to beyond proportional allocations affecting all buyers and users equally.

Sec. 13. Timing of program and report requirements.

(a) This program shall become effective immediately after the approved program is published in the FEDERAL REGISTER. The first month of allocations will be prescribed by the Department of Interior upon commencement of the program.

(b) To be assured of allocations once the program has commenced, each wholesale purchaser should immediately file a specified form with his suppliers. Wholesale purchasers without a supplier should file a specified form with the Department of Interior in order to be assigned a supplier. To be assured of priority allocations each month, wholesale purchasers should contact the designated state offices.

(c) Each supplier selling covered products to wholesale purchasers will be required to file a monthly and yearly report with the Department of Interior.

(d) Each supplier selling covered products to wholesale purchasers will be required to advise the designated state office monthly of estimated total quantities of the supplier's products (for each product) that will be available within the respective states.

Sec. 14. Adjustments in program.

(a) In order to meet imbalances in supply that may arise from unusual weather conditions or from supply disruptions, the Department of Interior shall reserve the right to order the transfer of supplies from one region to another, to the extent that may be possible with existing transportation facilities and to allocate supplies among suppliers when such an allocation could help alleviate imbalances. Under these circumstances, the allocation fraction for individual suppliers could vary from state to state within Districts I–IV and District V.

(b) The Department of Interior may reassign wholesale purchasers, require a transfer of some wholesale purchasers among suppliers, direct a reallocation of supplies among suppliers, or make other adjustments as may be necessary to achieve a more equitable balance of assigned sales and priority sales among suppliers. The Department of Interior shall make such adjustments sparingly and may seek the advice of the designated state offices and of the affected companies concerning how to make such adjustments with a minimum cost and a minimum effect upon commerce and competition.

(c) Suppliers may make arrangements to supply purchasers to whom they have an allocation responsibility through other suppliers providing that price and other non-price contract provisions are comparable and that the same quantity is supplied.

(d) In cases where abnormal market conditions have resulted in distortions in distribution channels, the Department of Interior may redirect supplies to traditional markets.

Sec. 15. Prices.

The prices at which petroleum products shall be sold by suppliers to each class of wholesale customers in a market area, if such a sale is ordered by the Federal or state government, shall bear a normal and reasonable relationship to the price at which such products are sold to each other class of customers in each market area or the nearest market area, after adjustment for normal and reasonable costs of transportation between market areas. Whether a price bears a "normal and reasonable relationship" to other prices shall be determined by the Department of Interior in cooperation with the Cost of Living Council, except that in the exercise of this authority, the Department of Interior shall have no power to compel sale at below cost.

Sec. 16. Normal business practices.

It is the intent of the program that suppliers will deal with wholesale purchasers according to normal business practices. Nothing in this program shall be construed to require suppliers to sell to wholesale purchasers who do not arrange proper credit or payment for products. However, a supplier may not require or impose cedit terms or payment schedules on wholesale purchasers more stringent than the supplier's normal business practice during the first half of 1972, other than are common under current market conditions (such as higher interest rates).

Sec. 17. Appeals to the Department of Interior.

(a) Any party may file a complaint with the Department of Interior or the designated state office against any other party concerning failure to comply with their respective portion of this program.

(b) Any supplier or wholesale purchaser may request adjustments from the Department of Interior in his base period volumes, assigned customers, or any other feature of this program, where such features result in exceptional economic hardship or gross inequities.

(c) The Department of Interior will investigate all complaints and requests for adjustments and take such action as it deems appropriate. It may require adjustments, impose penalties, or in cases of willful violations of the program, invoke sanctions on any violating parties.

Sec. 18. Compliance provisions.

(a) Compliance with this program shall be mandatory. Each supplier of refined petroleum products and LPG must allocate all available supplies not exempt from allocation in accordance with the provisions of this program or face penalties or sanctions.

(b) Wholesale purchasers failing to comply with reporting requirements of the program face possible loss of or reductions in allocations by their suppliers. Willful misrepresentations on reports to suppliers shall be grounds for exclusion from the program.

Sec. 19. Relationship with other Governmental programs.

(a) No provision of this program is intended to conflict with the rules and regulations of the Cost of Living Council or of the Mandatory Oil Import Program.

(b) Proof that any wholesale purchaser is willfully violating Cost of Living Council regulations shall provide grounds for exclusion of the purchaser from this program by the Department of Interior.

(c) The Cost of Living Council may initiate a complaint against any supplier of wholesale purchaser violating its regulations and request appropriate action by the Department of Interior under this program to help obtain compliance.

(d) The Department of Interior will assist the states in establishing their programs for priority allocation of petroleum products and LPG. The Department of Interior will provide suggested forms and procedures. A representative of the Department of Interior will be appointed to assist most designated state offices (some states may be served by a regional representative) and to provide liaison with the Federal portions of the program.

Subpart C—General Provisions

Sec. 20. Exceptions.

The intent of this program is as expressed separately for the crude oil allocation and the refined products and LPG allocation programs. If the results of some aspects of the programs are contrary to the intent, the person affected may request that the Department of Interior grant an exception on the basis of unintended results.

Sec. 21. Force majeure.

No person shall be held liable by any other person for damages or penalties for any act or failure to act resulting directly or indirectly from compliance with a rule, regulation, or order issued pursuant to this program notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid.

Sec. 22. Discrimination.

No supplier shall discriminate against any wholesale purchaser or refiner purchasing crude oil by failing to make allocations as described under this program, or any rule, regulation, or directive issued pursuant thereto, by charging higher prices or by imposing different terms and conditions on sales upon any single purchaser than charged or imposed upon all other purchasers at an equivalent level of trade, except as may be normal in general business practice.

Sec. 23. Preemption.

For the allocation program to be successful, it is imperative that supplies of crude oil and refined products be made on a coordinated national basis. Therefore the provisions of this program preempt the regulations of any state, territorial, commonwealth, insular possession or local community which would obstruct the smooth and equitable functioning of this national program.

Sec. 24. Termination.

This program will continue until terminated by the President or by expiration of the Economic Stabilization Act.

Sec. 25. Voluntary allocation program.

Upon commencement of this program, all requests for assistance under the voluntary allocation program with the Department of Interior will be voided. Any problem of allocation of crude oil or refined products which remains or occurs after the commencement of the mandatory allocation program should be brought to the attention of the Department of Interior in the manner prescribed in this program.

Sec. 26. Sanctions.

(a) Any refiner who does not comply with the crude oil provisions of this program may, upon further review by the relevant agency of the U.S. Government, be denied fee-free import licenses in the year following the violation of this program. In addition, the Department of Justice may be requested to bring an appropriate civil or criminal action in a district court of the United States.

(b) The Department of Justice may be requested to bring an appropriate civil or criminal action in a district court of the United States against any refiner, gas plant operator, wholesale marketer, jobber, or distributor who fails to comply with the refined products provisions of this program. Failure to comply with the provisions of this program will subject the party to termination of all benefits under the program.

(c) Any person who requests either a priority or non-priority allocation under false circumstances or who uses products provided under a priority allocation for non-priority use, shall be subject to appropriate civil and criminal penalties for each violation of these provisions, and shall be subject to loss of any right to be assigned to a supplier. In addition, the Department of Justice may be requested to seek appropriate injunctive relief to halt the use and sale of products provided under a priority allocation for non-priority use.

JOHN A. LOVE,
Director,
Energy Policy Office.

[FR Doc.73-16773 Filed 8-9-73;11:20 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Transportation Control and/or Land Use Plan; Correction

The proposed transportation control plan for the State of Colorado in the August 2, 1973 issue of the FEDERAL REGISTER, Volume 38, Number 148, page 20754 is corrected by changing the locations where comments are available for public inspection from the EPA Region VIII Office and the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460 to the EPA Region VIII Office.

Dated: August 7, 1973.

ROBERT L. SANSOM,
Assistant Administrator
for Air and Water Programs.

[FR Doc 73-16753 Filed 8-10-73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice 395; Delegation of Authority No. 122–5]

SPECIAL ASSISTANT TO THE SECRETARY FOR FISHERIES AND WILDLIFE AND COORDINATOR OF OCEAN AFFAIRS

Delegation of Authority

Pursuant to the authority vested in me by section 4 of the Act of May 26, 1949, as amended 22 U.S.C. § 2658), I hereby delegate to the Special Assistant to the Secretary for Fisheries and Wildlife and Coordinator of Ocean Affairs the authority to appoint for the U.S. Government members and non-voting technical advisers to the U.S.-Polish Fisheries Conciliation Board, established pursuant to the Agreement Between the Government of the United States of America and the Government of the Polish People's Republic Regarding Fisheries in the Western Region of the Middle Atlantic Ocean (TIAS 7659), and to similarly appoint or designate for the United States members, experts, and advisers to any board similar in purpose and function to the U.S.-Polish Fisheries Conciliation Board and to the American-Soviet Claims Boards, established pursuant to the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialists Republics Relating to the Consideration of Claims Resulting from Damage to Fishing Vessels or Gear and Measures to Prevent Fishing Conflicts (TIAS 7575).

This Delegation of Authority amends Delegation of Authority No. 122 of March 3, 1971 (36 FR 4897, March 13, 1971), as amended.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

JULY 30, 1973.

[FR Doc.73–16703 Filed 8–10–73;8:45 am]

[Public Notice CM–51]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON CODE OF CONDUCT FOR LINER CONFERENCES

Notice of Meeting

A meeting of the Subcommittee on the Code of Conduct for Liner Conferences will be held at 10 a.m. on Thursday, September 20, 1973 in Room 1105, Department of State, Washington, D.C. The meeting will be open to the public.

The participants at the meeting will discuss United States positions on the draft Code of Conduct for Liner Conferences in regard to the October meeting of the Special Group on UNCTAD of the OECD Maritime Transport Committee and regarding the UN Conference of Plenipotentiaries on the Code scheduled to convene November 12, 1973.

For information concerning the meeting, contact Mr. Richard K. Bank, Secretary, Shipping Coordinating Committee, Department of State, Washington, D.C., telephone (area code 202) 632–0704.

Dated August 6, 1973.

RICHARD K. BANK,
Secretary,
Shipping Coordinating Committee.

[FR Doc.73–16648 Filed 8–10–73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Askegard, Delmont Lloyd, 30713 Fourth Avenue SW., Federal Way, Washington, convicted on September 16, 1960, in Superior Court in and for King County, State of Washington.

Cahall, James Wesley, 506 North 96th Place, Mesa, Arizona, convicted on April 21, 1954, in United States District Court, Northern Judicial District of Oklahoma, and on May 19, 1954, in United States District Court for the District of New Mexico.

Iverson, James E., Jr., 11501 84th Avenue South, Seattle, Washington, convicted on July 30, 1965, in Superior Court of the State of Washington.

Washakie, Russell E., Box 254, Fort Washakie, Wyoming, convicted on June 19, 1967, in United States District Court for District of Wyoming.

Webster, Wallace G., 18902 Brady, Detroit, Michigan, convicted on March 18, 1953, in the Circuit Court of Wayne County, Wayne County, Michigan.

Weston, Don, Route 1, Jonesville, Virginia, convicted on June 21, 1968, in the United States District Court, Western District of Virginia.

White, Lester, 111 N. Park Street, Saginaw, Michigan, convicted on May 2, 1956, in Saginaw County Circuit Court, Saginaw, Michigan.

Signed at Washington, D.C., this 6th day of August 1973.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73–16671 Filed 8–10–73;8:45 am]

Comptroller of the Currency

[Delegation Order No. 15]

FIRST DEPUTY COMPTROLLER OF THE CURRENCY ET AL.

Order of Succession To Act as Comptroller

By virtue of the authority vested in me by Treasury Department Order No. 129 (Rev. No. 2), dated April 22, 1955, it is hereby ordered as follows:

1. The following officers in the Bureau of Comptroller of the Currency, in the order of succession enumerated, shall act as Comptroller of the Currency during the absence or disability of the Comptroller of the Currency or when there is a vacancy in such office:

(1) Justin T. Watson, First Deputy Comptroller of the Currency.
(2) Thomas G. DeShazo, Deputy Comptroller of the Currency.
(3) David C. Motter, Deputy Comptroller of the Currency.
(4) John D. Gwin, Deputy Comptroller of the Currency.
(5) Robert Bloom, Chief Counsel.
(6) Dean E. Miller, Deputy Comptroller of the Currency.
(7) Kenneth W. Leaf, Chief National Bank Examiner.
(8) William A. Howland, Jr., Deputy Comptroller of the Currency for Administration.
(9) Richard J. Blanchard, Deputy Comptroller of the Currency.
(10) Albert J. Fauistich, Deputy Comptroller of the Currency.
(11) Robert A. Mullin, Deputy Comptroller of the Currency for International Banking.

2. In the event of an enemy attack on the continental United States, all Regional Administrators of National Banks, including any Acting Regional Administrators, are authorized in their respective regions to perform any function of the Comptroller of the Currency, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

3. Delegation Order No. 14 is hereby repealed.

Dated: August 6, 1973.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.73–16670 Filed 8–10–73;8:45 am]

[Order No. 150–82]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority To Perform Price Stabilization Functions

Pursuant to the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, and the delegation of authority to me as Secretary of the Treasury by Cost of Living Council Order No. 37, it is ordered that:

1. The authority to perform all functions delegated to me by Cost of Living Council Order No. 37, is hereby redelegated to the Commissioner of Internal Revenue. This authority is to be exercised subject to the policy guidance and discretion of the Director of the Cost of Living Council.

2. The Commissioner may redelegate this authority to any official of the Internal Revenue Service.

This Order shall become effective upon issuance.

Dated: August 9, 1973.

Issued: August 13, 1973.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.73–16879 Filed 8–10–73;11:57 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

ADVISORY GROUP ON ELECTRON DEVICES

Notice of Meeting

The Department of Defense Advisory Group on Electron Devices (Working Group or Microwave Devices) will meet in closed session at 201 Varick Street, New York, New York 10014, 17 August 1973.

The purpose of the DoD Advisory Group on Electron Devices is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective Research and Development programs in the field of electron devices, e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Public Law 92–463, section 10d, the Director of Defense Research and Engineering has determined, on 28 February 1973, that the meetings of the Advisory Group are matters which fall within policies analogous to those recognized in section 552(b) of title 5 of the United States Code and that the public interest requires such activities to be withheld from disclosure insofar as the requirements of subsection (a)(1) and subsection (b) of section 10, Public Law 92–463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

AUGUST 6, 1973.

[FR Doc.73–16643 Filed 8–10–73;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

MANUFACTURER OF METHADONE INTERMEDIATE

Notice of Withdrawal of Application

On July 6, 1973, the Drug Enforcement Administration published a Notice of Application in the FEDERAL REGISTER (38 FR 18046–50) stating that the Monsanto Research Corporation, Dayton, Ohio, had submitted an application for registration as a bulk manufacturer of Methadone Intermediate, a basic class controlled substance listed in Schedule II.

All persons registered to manufacture the basic class in bulk were afforded an opportunity to file written comments on or objections to the issuance of the proposed registration on or before August 15, 1973.

On July 30, 1973, the Monsanto Research Corporation advised the Drug Enforcement Administration that it was withdrawing its application for registration as a bulk manufacturer. The application having been withdrawn, all proceedings relating to application have been terminated.

Dated: August 7, 1973.

JOHN R. BARTELS, Jr.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73–16717 Filed 8–10–73;8:45 am]

MANUFACTURER OF DIPRENORPHINE

Notice of Withdrawal of Application

On July 6, 1973, the Drug Enforcement Administration published a Notice of Application in the FEDERAL REGISTER (38 FR 18046–50) stating that the Monsanto Research Corporation, Dayton, Ohio, had submitted an application for registration as a bulk manufacturer of Diprenorphine, a basic class controlled substance listed in Schedule II.

All persons registered to manufacture the basic class in bulk were afforded an opportunity to file written comments on or objections to the issuance of the proposed registration on or before August 15, 1973.

On July 30, 1973, the Monsanto Research Corporation advised the Drug Enforcement Administration that it was withdrawing its application for registration as a bulk manufacturer. The application having been withdrawn, all proceedings relating to application have been terminated.

Dated: August 7, 1973.

JOHN R. BARTELS, Jr.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73–16718 Filed 8–10–73;8:45 am]

MANUFACTURER OF ACETYLMETHADOL

Notice of Withdrawal of Application

On July 6, 1973, the Drug Enforcement Administration published a Notice of Application in the FEDERAL REGISTER (38 FR 18046–50) stating that the Monsanto Research Corporation, Dayton, Ohio, had submitted an application for registration as a bulk manufacturer of Acetylmethadol, a basic class controlled substance listed in Schedule I.

All persons registered to manufacture the basic class in bulk were afforded an opportunity to file written comments on or objections to the issuance of the proposed registration on or before August 15, 1973.

On July 30, 1973, the Monsanto Research Corporation advised the Drug Enforcement Administration that it was withdrawing its application for registration as a bulk manufacturer. The application having been withdrawn, all proceedings relating to application have been terminated.

Dated: August 7, 1973.

JOHN R. BARTELS, Jr.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73–16719 Filed 8–10–73;8:45 am]

MANUFACTURER OF ALPHACETYLMETHADOL

Notice of Withdrawal of Application

On July 6, 1973, the Drug Enforcement Administration published a Notice of Application in the FEDERAL REGISTER (38 FR 18046–50) stating that the Monsanto Research Corporation, Dayton, Ohio, had submitted an application for registration as a bulk manufacturer of Alphacetylmethadol, a basic class controlled substance listed in Schedule I.

All persons registered to manufacture the basic class in bulk were afforded an opportunity to file written comments on or objections to the issuance of the proposed registration on or before August 15, 1973.

On July 30, 1973, the Monsanto Research Corporation advised the Drug Enforcement Administration that it was withdrawing its application for registration as a bulk manufacturer. The application having been withdrawn, all proceedings relating to application have been terminated.

Dated: August 7, 1973.

JOHN R. BARTELS, Jr.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73–16720 Filed 8–10–73;8:45 am]

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MANUFACTURER OF OXYMORPHONE

Notice of Withdrawal of Application

On July 6, 1973, the Drug Enforcement Administration published a Notice of Application in the FEDERAL REGISTER (38 FR 18046–50) stating that the Monsanto Research Corporation, Dayton, Ohio, had submitted an application for registration as a bulk manufacturer of Oxymorphine, a basic class controlled substance listed in Schedule II.

All persons registered to manufacture the basic class in bulk were afforded an opportunity to file written comments on or objections to the issuance of the proposed registration on or before August 15, 1973.

On July 30, 1973, the Monsanto Research Corporation advised the Drug Enforcement Administration that it was withdrawing its application for registration as a bulk manufacturer. The application having been withdrawn, all proceedings relating to application have been terminated.

Dated: August 7, 1973.

JOHN R. BARTELS, JR.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-16721 Filed 8-10-73;8:45 am]

MANUFACTURER OF THEBAINE

Notice of Withdrawal of Application

On July 6, 1973, the Drug Enforcement Administration published a Notice of Application in the FEDERAL REGISTER (38 FR 18046–50) stating that the Monsanto Research Corporation, Dayton, Ohio, had submitted an application for registration as a bulk manufacturer of Thebaine, a basic class controlled substance listed in Schedule II.

All persons registered to manufacture the basic class in bulk were afforded an opportunity to file written comments on or objections to the issuance of the proposed registration on or before August 15, 1973.

On July 30, 1973, the Monsanto Research Corporation advised the Drug Enforcement Administration that it was withdrawing its application for registration as a bulk manufacturer. The application having been withdrawn, all proceedings relating to application have been terminated.

Dated: August 7, 1973.

JOHN R. BARTELS, JR.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-16722 Filed 8-10-73;8:45 am]

MANUFACTURER OF NORMETHADONE

Notice of Withdrawal of Application

On July 6, 1973, the Drug Enforcement Administration published a Notice of Application in the FEDERAL REGISTER (38 FR 18046–50) stating that the Monsanto Research Corporation, Dayton, Ohio, had submitted an application for registration as a bulk manufacturer of Normethadone, a basic class controlled substance listed in Schedule I.

All persons registered to manufacture the basic class in bulk were afforded an opportunity to file written comments on or objections to the issuance of the proposed registration on or before August 15, 1973.

On July 30, 1973, the Monsanto Research Corporation advised the Drug Enforcement Administration that it was withdrawing its application for registration as a bulk manufacturer. The application having been withdrawn, all proceedings relating to application have been terminated.

Dated: August 7, 1973.

JOHN R. BARTELS, JR.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-16723 Filed 8-10-73;8:45 am]

MANUFACTURER OF NORACYMETHADOL

Notice of Withdrawal of Application

On July 6, 1973, the Drug Enforcement Administration published a Notice of Application in the FEDERAL REGISTER (38 FR 18046–50) stating that the Monsanto Research Corporation, Dayton, Ohio, had submitted an application for registration as a bulk manufacturer of Noracymethadol, a basic class controlled substance listed in Schedule I.

All persons registered to manufacture the basic class in bulk were afforded an opportunity to file written comments on or objections to the issuance of the proposed registration on or before August 15, 1973.

On July 30, 1973, the Monsanto Research Corporation advised the Drug Enforcement Administration that it was withdrawing its application for registration as a bulk manufacturer. The application having been withdrawn, all proceedings relating to application have been terminated.

Dated: August 7, 1973.

JOHN R. BARTELS, JR.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-16724 Filed 8-10-73;8:45 am]

MANUFACTURER OF NALTREXONE

Notice of Withdrawal of Application

On July 6, 1973, the Drug Enforcement Administration published a Notice of Application in the FEDERAL REGISTER (38 FR 18046–50) stating that the Monsanto Research Corporation, Dayton, Ohio, had submitted an application for registration as a bulk manufacturer of Naltrexone, a basic class controlled substance listed in Schedule II.

All persons registered to manufacture the basic class in bulk were afforded an opportunity to file written comments on or objections to the issuance of the proposed registration on or before August 15, 1973.

On July 30, 1973, the Monsanto Research Corporation advised the Drug Enforcement Administration that it was withdrawing its application for registration as a bulk manufacturer. The application having been withdrawn, all proceedings relating to application have been terminated.

Dated: August 7, 1973.

JOHN R. BARTELS, JR.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-16725 Filed 8-10-73;8:45 am]

MANUFACTURER OF MORPHINE

Notice of Withdrawal of Application

On July 6, 1973, the Drug Enforcement Administration published a Notice of Application in the FEDERAL REGISTER (38 FR 18046–50) stating that the Monsanto Research Corporation, Dayton, Ohio, had submitted an application for registration as a bulk manufacturer of Morphine, a basic class controlled substance listed in Schedule II.

All persons registered to manufacture the basic class in bulk were afforded an opportunity to file written comments on or objections to the issuance of the proposed registration on or before August 15, 1973.

On July 30, 1973, the Monsanto Research Corporation advised the Drug Enforcement Administration that it was withdrawing its application for registration as a bulk manufacturer. The application having been withdrawn, all proceedings relating to application have been terminated.

Dated: August 7, 1973.

JOHN R. BARTELS, JR.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-16726 Filed 8-10-73;8:45 am]

MANUFACTURER OF BETAMETHADOL

Notice of Withdrawal of Application

On July 6, 1973, the Drug Enforcement Administration published a Notice of Application in the FEDERAL REGISTER (38 FR 18046–50) stating that the Monsanto Research Corporation, Dayton, Ohio, had submitted an application for registration as a bulk manufacturer of Betamethadol, a basic class controlled substance listed in Schedule I.

All persons registered to manufacture the basic class in bulk were afforded an opportunity to file written comments on or objections to the issuance of the proposed registration on or before August 15, 1973.

On July 30, 1973, the Monsanto Research Corporation advised the Drug Enforcement Administration that it was withdrawing its application for registration as a bulk manufacturer. The application having been withdrawn, all proceedings relating to application have been terminated.

Dated: August 7, 1973.

JOHN R. BARTELS, JR.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-16727 Filed 8-10-73;8:45 am]

MANUFACTURER OF BETACETYLMETHADOL

Notice of Withdrawal of Application

On July 6, 1973, the Drug Enforcement Administration published a Notice of Application in the FEDERAL REGISTER (38 FR 18046–50) stating that the Monsanto Research Corporation, Dayton, Ohio, had submitted an application for registration as a bulk manufacturer of Betacetylmethadol, a basic class controlled substance listed in Schedule I.

All persons registered to manufacture the basic class in bulk were afforded an opportunity to file written comments on or objections to the issuance of the proposed registration on or before August 15, 1973.

On July 30, 1973, the Monsanto Research Corporation advised the Drug Enforcement Administration that it was withdrawing its application for registration as a bulk manufacturer. The application having been withdrawn, all proceedings relating to application have been terminated.

Dated: August 7, 1973.

JOHN R. BARTELS, JR.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-16728 Filed 8-10-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

PACIFIC NORTHWEST REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Pacific Northwest Regional Advisory Committee will be held at 9:00 a.m. on Wednesday, August 29, 1973, in the Diablo Community Building, Diablo, Washington.

The Committee was established by Public Law 91–383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Pacific Northwest Region of the National Park Service.

The members of the Committee are as follows:

Mr. Earl J. Davenport, Olympia, Washington (Chairman); Dr. Robert L. Whitner, Walla Walla, Washington (Secretary); Mr. Leo V. Bodine, Boise, Idaho; Mr. J. Allen Jensen, Idaho Falls, Idaho; Mr. Roger Mellem, Eugene, Oregon; Dr. Richard M. Noyes, Eugene, Oregon; Mr. Wesley A. Phillips, Jr., Seattle, Washington; Mr. John C. Sackett, Fairbanks, Alaska; Honorable Lowell Thomas, Jr., Anchorage, Alaska.

The matters to be discussed at this meeting include new permit systems for backcountry use in Mount Rainier and North Cascades National Parks, reservation systems for campgrounds, environmental impact statements, the McKinley Park Hotel replacement, new area proposals in Alaska, and the status of study proposals for Thousand Springs, Hagerman Pliocene Fauna Preserve, City of Rocks, and Sawtooths in Idaho.

The meeting will be open to the public. Any person may file with the Committee a written statement concerning the matters to be discussed.

Persons desiring further information concerning this meeting or who wish to file written statements may contact Glenn D. Gallison, Acting Assistant Regional Director, Cooperative Activities, Pacific Northwest Region, National Park Service, at (206) 442–5962. Minutes of the meeting will be available for public inspection three weeks after the meeting at the Pacific Northwest Regional Office, Fourth and Pike Building, Seattle, Washington.

Dated July 31, 1973.

STANLY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-16701 Filed 8-10-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Docket No. SH–313–R01]

MAINLAND CANE SUGAR AREA

Notice of Reopening of Hearing on Proportionate Shares for 1974-Crop Sugarcane

Pursuant to the authority contained in section 302 of the Sugar Act of 1948, as amended (7 U.S.C. 1132), notice is hereby given that the Secretary of Agriculture will reopen the public hearing on proportionate shares (farm acreage allotments) for the 1974 crop of Mainland sugarcane.

The reopened hearing will be conducted at West Palm Beach, Florida, on August 24, 1973 in the Ramada Inn, 1800 Palm Beach Lakes Boulevard, beginning at 9:30 a.m. local time.

On July 13, 1973, subsequent to the informal public hearing held last April in Atlanta, Georgia, the Department of Agriculture announced that farm proportionate shares would not be established for the 1974 crop of sugarcane in the Mainland Cane Sugar Area (Florida and Louisiana). That action removed the acreage controls that have been in effect each year since 1965, and gives the area the opportunity to increase its sugar production to a level sufficient to meet its annual quota and provide a normal carryover inventory.

Subsequent to the announcement of an unrestricted 1974-crop proportionate share program, several independent producers in Florida expressed concern that the processor-producer with whom they have customarily marketed their sugarcane will now significantly expand his own acreage and at the same time not afford the independent growers an opportunity to increase their acreage. The independent producers requested that the Department afford them protection under the "small producer" provision of the Sugar Act.

That provision is found in section 302 (b) of the act and reads as follows:

• • • (5) Whether farm proportionate shares are or are not determined, the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interest of producers who are cash tenants, share tenants, adherent planters, or sharecroppers and of the producers whose past production has been adversely, seriously, and generally affected by drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions.

The independent growers believe that the Department should amend the 1974 Mainland cane area proportionate share regulation to protect small and independent producers. One manner suggested would be patterned after the protection concept applicable to the Hawaiian sugarcane program. To protect the interests of small producers in Hawaii, the proportionate share regulation, which has been in effect since 1955, establishes proportionate shares subject to practicable conditions for maintaining an equitable production relationship between the farm of the processor-producer and the farms of small producers in the mill area. In other words, the proportionate share for any farm is established at the actual level of production, except that the establishment of the proportionate share for the farm of a processor-producer is subject to conditions designed to maintain the pro rata relationship in the acreage under cultivation to sugarcane between the processor-producer and the small producers in the event of an adjustment in production. There are also provisions permitting modification of the conditions set forth in the Hawaiian proportionate share regulation in cases that arise which are beyond the control of the processor-producer.

The Department believes that another informal public hearing should be held to afford all interested persons an opportunity to present, for consideration by the Secretary, evidence on whether there is sufficient justification for establishing provisions in the Determination of Proportionate Shares for the Mainland Cane Sugar Area to protect the interests of independent sugarcane producers so that they may increase their acreage proportionately with that of the processor-producer. The record and the hearing (identified as Docket No. SH–313–R01) will be reopened for that purpose. The scope of the reopened hearing will be limited to the presentation of evidence on that issue relative and pertinent to the proportionate share program for the 1974 crop of Mainland sugarcane.

To obtain the best possible information, all interested persons are requested to appear at the hearing to express their views, preferably supported in writing by an original and three copies of their oral statement, and to present appropriate evidence in regard to the foregoing matter. Statements may also be submitted in writing (original and two copies) at the hearing without an oral presentation, or they may be mailed to the Director, Sugar

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Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, DC 20250, postmarked not later than September 7, 1973.

All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, DC (7 C.F.R. 1.27 (b)).

Signed at Washington, DC on August 8, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73–16790 Filed 8–9–73;2:53 p.m.]

Forest Service

ANTHONY LAKES RECREATION AREA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Anthony Lakes Recreation Area USDA–FS–FES–(Adm)–73–60.

The environmental statement concerns a proposed management plan for the Anthony Lakes Recreation Area that will provide quality year-long recreation experiences in a scenic, high elevation setting. Specific features include: (a) relocation of recreation activities and development of facilities away from the shoreline of Anthony Lake, (b) relocation and improvement of existing resort facilities, and (c) expansion of the adjacent Anthony Lake Ski Area.

This final environmental statement was filed with CEQ on August 1, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97204

Wallowa-Whitman National Forest
Federal Building
Baker, Oregon 97814

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia, 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

AUGUST 7, 1973.

[FR Doc.73–16666 Filed 8–10–73;8:45 am]

MULTIPLE USE PLAN PLEASANT VALLEY PLANNING UNIT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Multiple Use Plan Pleasant Valley Planning Unit, Forest Service report number USDA–FS–DES (Adm) 73–93.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the Pleasant Valley Planning Unit, Fisher River Ranger District, Kootenai National Forest and located in Lincoln County, Montana. The proposal affects approximately 41,000 acres of National Forest lands which have been stratified into six management situations or units with similar resource implications.

This draft environmental statement was filed with CEQ on August 3, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250
USDA, Forest Service
Northern Region
Federal Building
Missoula, Montana 59801
USDA, Forest Service
Kootenai National Forest
418 Mineral Avenue
Libby, Montana 59923

A limited number of single copies are available upon request to Acting Forest Supervisor, Robert W. Damon, Kootenai National Forest, 418 Mineral Avenue, Box AS, Libby, Montana 59923.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Acting Forest Supervisor Robert W. Damon, Kootenai National Forest, 418 Mineral Avenue, Box AS, Libby, Montana 59923. Comments must be received by 9/16/73 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

AUGUST 7, 1973.

[FR Doc.73–16665 Filed 8–10–73;8:45 am]

Office of the Secretary

NATIONAL PEANUT ADVISORY COMMITTEE

Notice of Reestablishment

Notice is hereby given that the Secretary of Agriculture has reestablished the National Peanut Advisory Committee for the purpose of advising the Secretary and other officials on domestic and export requirements for peanuts, production adjustment, and stabilization programs, and other matters relating to this commodity. The Secretary has determined that reestablishment of this committee is in the public interest in connection with the duties imposed on the Department by law.

The Chairman of this Committee is the Assistant Secretary for International Affairs and Commodity Programs, U.S. Department of Agriculture, Washington, D.C. 20250.

This notice is given in compliance with Public Law 92–463.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary for Administration.

AUGUST 8, 1973.

[FR Doc.73–16667 Filed 8–10–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Viral Vaccines and Rickettsial Vaccines.	Aug. 30 and 31, 9 a.m., Room 115, Bldg. 29, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md.	Open Aug. 30, 9 a.m. to 11 a.m., closed Aug. 30 after 11 a.m., closed Aug. 31. Jack Gertzog (BI–5), 5600 Fishers Lane, Rockville, Md. 20852, 301–496–1676.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products consisting of live, attenuated virus, inactivated virus, or killed inactivated rickettsial microorganisms.

Agenda. Continuing review of viral vaccines and rickettsial vaccines under investigation.

Committee name	Date, time, place	Type of meeting and contact person
2. Diagnostic Products Advisory Committee Statistics Subcommittee.	Aug. 30 and 31, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Aug. 30, 9 a.m. to 10 a.m., closed Aug. 30 after 10 a.m., closed Aug. 31. Eloise Eavenson, Ph.D., Room 16B–33, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4590.

Purpose. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products, and recommends priorities on presently marketed products for standard setting by FDA.

Agenda. Preliminary meeting to develop statements of performance requirements and appropriate statistical testing procedures for product class standard. Review data for glucose product class standard.

Agenda items are subject to change as priorities dictate.

During the open session shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which non-confidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b) which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: August 6, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73–16651 Filed 8–10–73;8:45 am]

[DESI 9411; Docket No. FDC–D–576; NDA No. 9–411 etc.]

PREPARATIONS CONTAINING MECLIZINE HYDROCHLORIDE AND PYRIDOXINE HYDROCHLORIDE

Notice of Withdrawal of Approval of New Drug Applications

A notice was published in the FEDERAL REGISTER of March 1, 1973 (38 FR 5494), extending to Pfizer Laboratories Division, Pfizer, Inc., 235 East 42nd Street, New York, NY 10017 and any interested person an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of NDA 9–411 for Bonadoxin Tablets and NDA 10–095 for Bonadoxin Drops, both containing meclizine hydrochloride and pyridoxine hydrochloride. The basis of the proposed action was the lack of substantial evidence that these drugs are effective for their labeled indications. The drugs are no longer marketed.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40

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(37 F.R. 23185, October 21, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

Neither the holder of the applications nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355) and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with regard to the drugs, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drugs will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug applications Nos. 9-411 and 10-095 and all amendments and supplements thereto are withdrawn.

Shipment in interstate commerce of the above-listed drug products or of any identical, related, or similar products, not the subject of an approved new drug application, is henceforth unlawful.

Effective date. This order shall become effective on August 23, 1973.

Dated: August 6, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc 73-16653 Filed 8-10-73;8:45 am]

[Docket No. FDC-D-636; NADA No. 13-091V]

VINELAND EGG DIP FORMULA 112

Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of June 27, 1973 (38 FR 16926), the Commissioner of Food and Drugs published a notice proposing to withdraw approval of new animal drug application (NADA) No. 13-091V for Vineland Egg Dip Formula 112 (a product which contains erythromycin thiocyanate and riboflavin-5'-phosphate sodium); marketed by Vineland Laboratories, Inc., a Subsidiary of Damon, 2285 East Landis Avenue, Vineland, N.J. 08360.

Vineland Laboratories, Inc. (the successor to Vineland Poultry Laboratories) advised the Commissioner that they do not wish to avail themselves of the opportunity for a hearing.

Therefore, based on the grounds set forth in said notice of opportunity for a hearing, the Commissioner concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 13-091V, including all amendments and supplements thereto, is hereby withdrawn effective on August 23, 1973.

Dated: August 3, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16552 Filed 8-10-73;8:45 am]

Office of the Secretary

COMMISSIONER OF WELFARE (SPECIAL ASSISTANT TO THE SECRETARY)

Change of Title

Part 1 of the statement of organization, functions, and delegations of authority of the Department of Health, Education, and Welfare is amended to change the title of the special Assistant to the Secretary for Welfare to Commissioner of Welfare (Special Assistant to the Secretary) in Chapter 1A30 (38 FR 15988, 6/19/73). There is no change in the functions. The revised chapter reads as follows:

1A30.10 Organization. The Commissioner of Welfare (Special Assistant to the Secretary) reports directly to the Secretary.

1A30.20 Functions. A. Serves as the Secretary's principal advisor on welfare policy, and administration.

B. Serves as the Secretary's personal representative with State Governors on all welfare matters.

C. Provides recommendations to the Secretary on legislative or regulatory changes to improve the management of State-administered welfare programs.

D. Works with top-level State and local officials to identify major problems in welfare policy and in the administration and management of a State's program of aid to families with dependent children.

E. Serves as the Secretary's advocate for State welfare reforms, by providing guidance and technical assistance to States to encourage the adoption of improvements which solve the problems identified in D above.

F. Works with top-level State officials to develop and implement demonstration projects which examine various approaches to improved management of AFDC programs.

G. Working closely with the project manager for H.R. 1 implementation, carries out the following tasks with regard to the supplementary security income program:

1. Serves as the Secretary's personal liaison with Governors on SSI implementation.

2. Works with SSA and SRS to insure a unified departmental approach to States during the State-to-Federal conversion process.

3. Working with SSA, provides onsite technical assistance to resolve major Federal/State differences in areas such as contracts for State supplementation and records conversion.

Dated August 7, 1973.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.73-16661 Filed 8-10-73;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Notice of Meeting

The National Professional Standards Review Council, which was established to advise the Secretary of the Department of Health, Education and Welfare on the administration of professional standards review (Title XI, Part B, Social Security Act), will meet on Monday and Tuesday, August 27-28, 1973. Monday, August 27 the Council will meet from 9:00-5:00 and Tuesday, August 28 from 9:00-1:00 at the Parklawn Building, 5600 Fishers Lane, 3rd Floor, Conference Room G-H, Rockville, Maryland. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include reports from the Subcommittees on Data and Norms, Evaluation and Policy Development. The Council will be briefed on developments at the National and Regional level in the implementation of professional standards review since the last meeting. The meeting is open to the public.

Dated: August 2, 1973.

WILLIAM I. BAUER, M.D.,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.73-16660 Filed 8-10-73;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL SUBCOMMITTEE ON POLICY DEVELOPMENT

Notice of Meeting

The National Professional Standards Review Council Subcommittee on Policy Development will meet on Wednesday, August 15. This Subcommittee was formed to review issues of importance in the implementation of Title XI, Part B, Social Security Act with respect to the policy ramifications of the PSRO program. The meeting will be held from 9:00 a.m. to 4:00 p.m. at the Hilton Inn, St. Louis, Missouri. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The Subcommittee's agenda will consist of a discussion of issues bearing on the designation of PSRO areas and consideration of a work plan for future subcommittee attention. The meeting is open to the public.

Dated: August 7, 1973.

WILLIAM I. BAUER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.73-16824 Filed 8-10-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-73-248]

COMMUNITY DEVELOPMENT CORPORATION

Designation of Authority

Clifford W. Graves and Edward M. Lamont are authorized to exercise the authority of the General Manager to carry out the executive management of the Community Development Corporation as provided in its bylaws during the absence of the General Manager.

Supersedure. Previous delegations of authority dated February 15, 1972 and published in the FEDERAL REGISTER on July 21, 1972 (37 FR 14651) and February 16, 1972 published in the FEDERAL REGISTER on May 6, 1972 (37 FR 9251) to act on behalf of the General Manager are superseded as of the effective date of this designation.

(Secs. 726, 729 Title VII of the Housing and Urban Development Act of 1970, 42 U.S.C. 4501 et seq.; Bylaws of Community Development Corporation, 37 FR 10665, May 26, 1972)

Effective date. This designation is effective as of July 1, 1973.

JAMES T. LYNN,
Secretary, Department of Housing and Urban Development; Chairman, Community Development Corporation.

[FR Doc.73-16702 Filed 8-10-73;8:45 am]

[Docket No. D-73-247]

REGIONAL COUNSELS

Amendment to Redelegation of Authority

The Department is amending the redelegation of authority to Regional Counsels with respect to tort claims issued November 29, 1972 (37 FR 25251). This amendment would permit claims filed by, or on behalf of, a HUD employee if the claim is for property damage resulting from a tortious action or omission of another Department employee acting within the scope of his employment.

Accordingly, paragraph 3 of the redelegation of authority cited above is revised to read as follows:

3. The claim if filed by, or on behalf of, a HUD employee is solely for property damage resulting from the wrongful or negligent act or omission of another HUD employee while acting within the scope of his employment.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This redelegation of authority is effective August 7, 1973.

JAMES L. MITCHELL,
General Counsel.

[FR Doc.73-16657 Filed 8-10-73;8:45 am]

Federal Disaster Assistance Administration

[Docket No. NFD-120]

NEW JERSEY

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11725 of June 27, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on August 7, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of New Jersey resulting from severe storms and flooding, beginning about August 1, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of New Jersey. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11725, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Thomas R. Casey, HUD Region 2, to act as the Federal Coordinating Officer to perform the duties specified by Section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of New Jersey to have been adversely affected by this declared major disaster:

The Counties of:

Essex	Somerset
Middlesex	Union

This disaster has been designated as FDAA-402-DR.

Dated: August 7, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73-16658 Filed 8-10-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Oral Argument

In the Matter of VERMONT YANKEE NUCLEAR POWER CORP. (Vermont Yankee Nuclear Power Station).

Notice is hereby given that oral argument on the petition for reconsideration filed by the regulatory staff in the above-captioned proceeding has been scheduled in accordance with the Atomic Safety and Licensing Appeal Board's Order of August 8, 1973, for Tuesday, August 14, 1973, at 1:30 p.m. in the first floor hearing room, Woodmont Building, 8120 Woodmont Avenue, Bethesda, Maryland.

For the Atomic Safety and Licensing Appeal Board.

Dated: August 9, 1973.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.73-16786 Filed 8-10-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 25280]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

AUGUST 3, 1973.

An agreement [1] has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which was adopted at the 34th meeting of the TC1 Specific Commodity Rates Board held in Mexico City on May 17, 1973, has been assigned the above C.A.B. agreement number.

The agreement proposes revisions to the specific commodity rate structure applicable within the Western Hemisphere. These revisions, insofar as they would affect air transportation, are outlined in the attachments hereto, and reflect both reductions and increases from the presently applicable rates.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *It is ordered,* That:

1. Agreement C.A.B. 23732 be and hereby is approved, provided that ap-

[1] Filed as part of original document.

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proval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; and

2. The U.S.- and foreign-flag carriers may file tariffs implementing this agreement on not less than one day's notice for effectiveness not earlier than August 13, 1973.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-16746 Filed 8-10-73;8:45 am]

DEFENSE SUPPLY AGENCY

DEFENSE CONTRACT ADMINISTRATION SERVICES

Notice of Proposed Cancellation of Contracts

The following letter is published in accordance with the requirements of 41 CFR 60-1.26(b)(2)(i) and (ii):

DCAS-VO
MR. L. M. PEARCE, JR., *President,*
Waukesha-Pearce Industries, Inc.,
12320 South Main Street,
Houston, Texas 77035.

DEAR MR. PEARCE: On 13 February 1973 an onsite Equal Employment Opportunity compliance review was initiated at Waukesha-Pearce Industries, Incorporated, Houston, Texas to determine its compliance posture under provisions of Executive Order (EO) 11246 as amended by EO 11375 and Department of Labor Rules and Regulations, 41 Code of Federal Regulations (CFR), Chapter 60.

At that time the Executive Vice President of your company stated that no Affirmative Action Program (AAP) had been developed for the Houston facility or for any of 18 other facilities in Texas, Louisiana, New Mexico and Oklahoma. Failure to develop an AAP for each facility places the company in noncompliance with EO 11246 as amended by EO 11375 and 41 CFR Part 60.

The status of noncompliance was brought to your attention by a letter from the Commander, Defense Contract Administration Services Region (DCASR), Dallas under date of 15 February 1973 wherein you were given 30 days from date of receipt of the letter to show cause why enforcement proceedings under Section 209(b) EO 11246, as amended, should not be instituted. On 2 March 1973 the DCASR, Dallas offered your company technical assistance in the development of the required AAP's but the offer was rejected.

In view of your continuing noncompliance you are hereby notified of proposed cancellation or termination of existing U.S. Government contracts or subcontracts, if any, and debarment from future contracts and subcontracts with the U.S. Government. This action is pursuant to EO 11246 and 41 CFR Part 60-1.

Waukesha-Pearce Industries, Incorporated may, within 14 days after receipt of this notice, request a formal hearing, in accordance with 41 CFR 1.26 and the Department of Defense Directive No. 1100.11, copy enclosed,[1] issued pursuant to Section 201 of EO 11246.

Sincerely,

WALLACE H. ROBINSON, JR.,
Lieutenant General, USMC
Director.

[FR Doc.73-16705 Filed 8-10-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

COMPLIANCE SCHEDULES: WEST VIRGINIA

Approval of Public Hearing Procedure

On December 9, 1972 (37 FR 26310), the Administrator amended 40 CFR Part 51 to clarify requirements relative to compliance schedules adopted as part of State implementation plans under Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5). Included in these revisions were requirements related to public hearings. Section 51.4(e) of these requirements specified that, subject to the Administrator's approval, States may use their own procedures to satisfy the public hearing requirements if such procedures carry out the intent of the Clean Air Act for public participation.

On June 1, 1973 and in subsequent letters of clarification on June 8 and June 15, 1973, the West Virginia Air Pollution Control Commission submitted to the EPA Regional Office in Philadelphia a request for approval of State procedures for giving notice of public hearings on compliance schedules. The procedures meet all requirements of § 51.4 with the exception of the 30-day notice. A shorter notice period would enable the West Virginia Air Pollution Control Commission to submit compliance schedules in sufficient time so that the necessity for an EPA promulgation of such schedules on August 15, 1973 might be avoided. Accordingly, West Virginia has proposed that a 20-day notice period be substituted for the normal 30-day requirement to permit the Commission to make any necessary changes in the schedules. This substitution would affect only the hearings dealing with compliance schedules for approximately 150 sources covered by West Virginia's Regulation X.

The Administrator has determined that the West Virginia procedures for notice of public hearings on compliance schedules to be submitted pursuant to 40 CFR 51.15(a)(2), although different from the requirements of 40 CFR 51.4(b), do provide for adequate notice to and permit participation by the public and such procedures are hereby approved. This approval is conditioned upon the requirement that notice under such procedures shall not be less than 20 days prior to the date of any such hearing, and is expressly limited to hearings for compliance schedules for sources subject to West Virginia's Regulation X, §§ 3.01, 3.03, and 3.05. All future submittals of proposed portions of West Virginia's implementation plan must meet the 30-day notice requirement.

Copies of the request for approval are available for public inspection at the U.S. Environmental Protection Agency, Region III Office, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106. This approval is effective August 13, 1973.

Dated: August 3, 1973.

ROBERT W. FRI,
Acting Administrator.

[FR Doc.73-16752 Filed 8-10-73;8:45 am]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 3F410) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, proposing establishment of a tolerance (40 CFR Part 180) for combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl) -2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodity citrus fruit at 10 parts per million (from preharvest and/or postharvest application).

Notice is also given that the same firm has filed a related food additive petition (FAP 3H5033) proposing establishment of a food additive tolerance (21 CFR Part 121) for combined residues of the fungicide and its metabolites containing the benzimidazole moiety (calculated as benomyl) in dried citrus pulp at 50 parts per million resulting from preharvest and/or postharvest application of the fungicide to citrus fruit.

The analytical method proposed in the pesticide petition for determining residues of the fungicide is that of H. L. Pease and R. F. Holt, "Journal of the Association of Official Analytical Chemists", vol. 54, pp. 1399-1402 (1971).

Dated: August 8, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-16747 Filed 8-10-73;8:45 am]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP3F1406) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166, proposing establishment of tolerances (40 CFR Part 180) for combined negligible residues of the herbicide alachlor (2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide) and its metabolites (calculated as 2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide) in or on the raw agricultural commodities forages of field beans, lima beans, and peas at 0.2 part per million and field beans, green lima beans (determined on green lima beans after removing any pod present when marketed), and peas with pods (determined on peas after removing any pod present when marketed) at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide and its metabolites is a procedure in which the residue is refluxed in acid to remove the methoxymethyl group followed by cleavage of the anilide. The resulting 2,6-diethylaniline is determined by means of a gas-liquid chromatograph with a flame ionization detector.

Dated: August 8, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-16749 Filed 8-10-73;8:45 am]

UNION CARBIDE CORP.

Notice of Filing of Petition Regarding Pestcide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1414) has been filed by Union Carbide Corp., 1730 Pennsylvania Avenue, NW., Washington, DC 20006, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the insecticide and nematocide aldicarb (2-methyl-2-(methylthio) propionaldehyde O-(methylcarbamoyl) oxime) and its cholinesterase-inhibiting metabolites aldicarb sulfoxide and aldicarb sulfone in or on the raw agricultural commodities potatoes at 1 part per million, peanut hulls at 0.5 part per million, and peanuts at 0.1 part per million.

The analytical methods proposed in the petition for determining combined residues of aldicarb and its cholinesterase-inhibiting metabolites are gas chromatographic procedures using flame-photometric detection.

Dated: August 8, 1973.

HENRY J. KORN,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-16748 Filed 8-10-73;8:45 am]

[1] Filed as part of original document.

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 660]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

AUGUST 6, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Acting Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20089-C2-TC-74 Hanford Mobile Radio, Inc. (KMD988) Consent to Transfer of Control from Donald R. Cook, Transferor to American District Telegraph Company, Transferee. Station: KMD988, Hanford, California.

20090-C2-ML-74 Rad Com Electronics, Inc. (KRS650) C.P. to change frequency to operate on 152.09 MHz at Loc. #1: Nellton Point, 1.7 miles SSE, Nellton, Washington and to add a control point to be located at 2222 Simpson Avenue, Aberdeen, Washington.

20091-C2-TC-(2)-74 Allegheny Mobile Telephone Company, Inc. (KGA252) (KWB370). Consent to Transfer of Control from Ben Farkas, et al. (Controlling Stockholders), Transferor to Digital Paging Systems, Inc., Transferee. Stations: KGA252, McKeesport, Pennsylvania, KWB370, Pittsburgh, Pennsylvania.

20093-C2-P-74 Clifton Forge-Waynesboro Telephone Company. (New) C.P. for a new station to operate on 152.84 MHz to be located at approximately 3 miles North of Waynesboro, Virginia.

20094-C2-P-74 West Jersey Telephone Company (KUO562) C.P. to replace transmitter operating on 158.10 MHz located at 3.2 miles South of Belvidere, Warren, New Jersey.

20095-C2-P-(2)-74 Phone Depots, Inc. d/b as Mobilfone Radio System (KEA254) C.P. to add transmitters to operate on 454.350 and 152.21 MHz at Loc. #4: 400 N. Grandview Avenue at N.J. Twp., Edison, New Jersey.

20096-C2-P-74 South Shore Radio-Telephone, Inc. (New) C.P. for a new two-way station to operate on 454.225 located at 9355 Joliet Road, La Grange, Illinois.

20097-C2-TC-(18)-74 Fresno Mobile Radio, Inc. (KLF649, etc.) Consent to Transfer of Control from Donald R. Cook, Transferor to American District Telegraph Company, Transferee.

20098-C2-R/ML-74 South Central Bell Telephone Company (KLF514) Renewal of Developmental license expiring July 12, 1973. TERM: July 12, 1973 to July 12, 1974. Renewals of licenses expiring July 1, 1973. Term: July 1, 1973 to July 1, 1978.

Licensee	*Call sign*
Chesnee Telephone Co., Inc.	KUA284
Coastal Utilities, Inc.	KIY723
Fairmount Telephone Co., Inc.	KIY529

Correction

9090-C2-MP-73 Illinois Bell Telephone Company. Chicago, Illinois. Correct PN to read a mod to change antenna system at Loc. No. 6 and delete Loc. No. 4 only. All other particulars are to remain as reported on PN No. 653 dated June 18, 1973.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

Massachusetts—Barnstable
Zipcall (KCB890) 6384-C2-P-72
Colgan Communication (New) 5055-C2-P-72

RURAL RADIO SERVICE

60021-C6-P-74 (KZI23) The Pacific Telephone and Telegraph Company. C. P. to change antenna system, change frequency, change points of communication, change power and replace transmitter to operate on 459.550 and 459.475 MHz located at Brooks Island, Richmond Inner Harbor, Richmond, California.

60022-C6-P-74 Penasco Valley Telephone Cooperative, Inc. (New) C. P. for a new rural subscriber station to operate on 157.80 and 157.98 MHz to be located at 11 miles west of U.S. 285 on State Highway 13, Chaves, New Mexico.

60023-C6-ML-74 RCA Alaska Communications, Inc. Modification of License to replace antenna system to operate on 89.1 MHz located at Gartina Highway at Alaska

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

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Telephone Company Van, Hoonah Village, Alaska.

60024–C6–P–74 Southwestern Bell Telephone Company (New) C. P. for a new station to operate on 157.80 MHz located at 19 miles east of Stamford near the Brazos River, Shackelford, Texas.

60025–C6–TC–74 Hanford Mobile Radio, Inc. (KNG51) Consent for Transfer of Control from Donald R. Cook, Transferor to American District Telegraph Company, Transferee. Station: KNG51, Fresno, California.

POINT-TO-POINT MICROWAVE RADIO SERVICE

262–C1–P–74 Continental Telephone Company of California. (KMQ42). Oregon Mtn., 2.5 Miles SW of Weaverville, California. Lat. 40 43 09 N. —Long. 122 58 47 W. C.P. to change frequency 6255H to 6256.5H toward Trinity Center, California via Passive Reflector on azimuth 37° 32'; change emission from 3200F9 to 18200F9.

263–C1–P–74. Same. (KMW63). Trinity Center, California. Lat. 40 59 07 N. —Long. 122 42 13 W. C.P. to change frequency 6135H to 6034.2H toward Trinity Center, California via Passive Reflector on azimuth 33° 55'; change emission from 3200F9 to 18.200F9.

264–C1–P–74 Northwestern Bell Telephone Company. (KYO61). 1100 Jackson St., Sidney, Nebraska. Lat. 41 08 39 N. —Long. 102 58 40 W. C.P. to remove 1 transmitter and change power from 0.5 to 2.0 on frequencies 6241.7H, 6390H, 11605.OH MHz toward Sunol, Nebr. on azimuth 101° 07'.

265–C1–P–74 Same. (KYO62). 3.4 miles SW of Sunol, Nebraska. Lat. 41 07' 04 N. —Long. 102 48 04 W. C.P. to remove transmitter and change power from 0.5 to 2.0 on frequencies 5985.7H, 6108.3H, 11155.OH toward Sidney, Nebr. on azimuth 281° 14'.

266–C1–P–74 Southern Bell Telephone and Telegraph Company. (KIV59). 111 East 5th Street, Panama City, Florida. Lat. 30 09 26 N. —Long. 85 39 34 W. C.P. to add frequencies 3770H, 3850H, 3930H, 4170H MHz toward Mule Creek, Fla. on azimuth 99°26', change antenna system, antenna location and replace transmitters on frequencies 3770V, 3850V, 4170V; add frequencies 3930V, 4010V, MHz toward Merial Lake, Fla.

267–C1–P–74 Same. (New) 8.8 Miles East of Callaway, Fla. Lat. 30 07 25 N. —Long. 85 25 42 W. C.P. for a new station on frequencies: 3730H, 3810H, 3890H, 4130H toward Panama City, Fla. on azimuth 279° 33'; 3730H, 3810H, 3890H, 4130H, 4193V toward Overstreet, Fla. on azimuth 146° 26'.

268–C1–P–74 Same. (New) 2¾ Miles East of Overstreet, Fla. Lat. 29 59 26 N. —Long. 85 19 37 W. C.P. for a new station on frequencies: 3770H, 3850H, 3930H, 4170H, 4190V toward Mule Creek, Fla. on azimuth 326° 29'; 3770V, 3850V, 3930V, 4170V, 4190H toward Willis Landing, Fla. on azimuth 90° 02'.

269–C1–P–74 Same. (New). 4 Miles West of Willis Landing, Fla. Lat. 29 59 25 N. —Long. 85 07 13 W. C.P. for a new station on frequencies: 3730V, 3810V, 3890V, 4130V, 4198H toward Overstreet, Fla. on azimuth 270° 08'; 3730H, 3810H, 3890H, 4130H, 4198V toward Creels, Fla. on azimuth 133° 22'.

270–C1–P–74 Same. (New). Approx. .5 Mile South of Creels, Fla. Lat. 29 48 55 N. —Long. 84 54 29 W. C.P for a new station on frequencies: 3770H, 3850H, 3930H, 4170H, 4190V toward Willis Landing, Fla. on azimuth 313° 29'; 3770H, 3850H, 3930H, 4170H, 4190V toward Harbeson City, Fla. on azimuth 68° 38'.

271–C1–P–74 Southern Bell Telephone and Telegraph Company. (New). ¾ Mile North of Harbeson City, Florida. Lat. 29 54 26 N. -Long. 84 38 15 W. C.P. for a new station on frequencies: 3730H, 3810H, 3890H, 4130H, 4198V toward Creels, Florida on azimuth 248° 46'; frequencies 3730H, 3810H, 3890H, 4130H, 4198V toward Pancea, Fla. on azimuth 59° 22.

272–C1–P–74 Same. (New). NE corner of East Street and Walker Avenue, Panacea, Florida. Lat. 30 01 48 N. -Long. 84 23 56 W. C.P. for new station on frequencies: 3770H, 3850H, 3930H, 4170H, 4190V toward Harbeson City, Fla. on azimuth 239° 29'; 3770H, 3850H, 3930H, 4170H, 4190V toward Newport, Fla. on azimuth 48° 47'.

273–C1–P–74 Same. (New). 1.5 Miles NE of Newport, Fla. Lat. 20 12 46 N. -Long. 84 09 30 W. C.P. for new station on frequencies: 3730H, 3810H, 3890H, 4130H, 4198V toward Panacea, Fla. on azimuth 228° 54'; 3730V, 3810V, 3890V, 4130V, 4198H toward Cabbage Grove, Fla. on azimuth 89° 33'; 3730H toward Tallahassee, Fla. on azimuth 335° 23'.

274–C1–P–74 Same. (New). 4.4 Miles East of Cabbage Grove, Fla. Lat. 30 12 53 -Long. 83 48 03 W. C.P. for new station on frequencies: 3770V 3850V, 3930V, 4170V, 4190H toward Newport, Fla. on azimuth 269° 44'; 3770H, 3850H, 3930H, 4170H, 4190V toward Pineland, Fla. on azimuth 129° 03'.

275–C1–P–74 Same. (New). St. Road No. 356A, Pineland, Fla. Lat. 30 01 11 N. -Long. 83 31 30 W. C.P. for new station on frequencies: 3730H, 3810H, 3890H, 4130H, 4198V toward Cabbage Grove, Fla. on azimuth 309° 11'; 3730V, 3810V, 3890V, 4130V, 4198H toward Cooks Hammock, Fla. on azimuth 115° 15'.

276–C1–P–74 Same. (New). 4.2 Miles SE of Cooks Hammock, Florida. Lat. 29 53 38 N. -Long. 83 13 11 W. C.P. for new station on frequencies: 3770V, 3850V, 3930V, 4170V, 4190H toward Pinland, Fla. on azimuth 295° 24'; 3770V, 3850V, 3930V, 4170V, 4190H toward Hildreth, Fla. on azimuth 78° 19'.

277–C1–P–74 Same. (New). 2 Miles East of Branford, Fla. Lat. 29 57 10 N. -Long 82 53 26 W. C.P. for new station on frequencies: 3730V, 3810V, 3890V, 4130V, 4198H toward Cooks, Fla. on azimuth 258° 29'; 3730H, 3810H, 3890H, 4130H, 4190V toward Ellisville, Fla. on azimuth 90° 51'.

278–C1–P–74 Same. (New). 4.7 Miles SE of Ellisville, Fla. Lat. 29 56 53 N. -Long. 82 33 29 W. C.P. for new station on frequencies: 3770H, 3850H, 3930H, 4170H, 4198V toward Hildreth, Fla. on azimuth 271° 01'.

279–C1–P–74 Same. (KJM34). 124 South Eugene Street, Greensboro, N.C. Lat. 36 04 19 N. -Long. 79 47 42 W. C.P. to replace transmitter, and to add frequency 6152.8H toward Thomasville, N.C. on azimuth 222° 49'.

280–C1–P–74 Southern Bell Telephone and Telegraph Company. (KJM33). 3 Miles SE of Thomasville, N.C. Lat. 35 50 22 N. -Long. 80 01 33 W. C.P. to change antenna system, replace transmitter and to add frequencies: 6375.2H toward Greensboro, N.C. on azimuth 42° 39'; 6182.4V toward Winston Salem, N.C. on azimuth 329° 01'.

281–C1–P–74 Same. (KJM32). 629 West Fifth Street, Winston Salem, N.C. Lat. 36 05 57 N. -Long. 80 15 05 W. C.P. to change antenna system, replace transmitter and add frequency 6137.9V toward Thomasville, N.C. on azimuth 148° 55'.

306–C1–P–74 Eastern Microwave, Inc. (KYZ74). 1.55 Miles WSW of Highland Lakes, New Jersey. Lat. 41 10 01 N. -Long. 74 30 12 W. C.P. to change antenna system, and add frequencies: 11155.0V, 10915.0V, 11075.0V, 10835.0V MHz toward Bowling Green, New Jersey on azimuth 189° 12'.

307–C1–P–74 Same. (New). Approx. 0.2 Miles N of Montclair, New Jersey. Lat. 40 51 48 N. -Long. 74 12 01 W. C.P. for a new station on frequencies: 10995.0H, 11155.0H, 10835.0H MHz toward Bowling Green, New Jersey on azimuth 299° 43'; 10955.0V, 10715.0V, 10875.0V, 11115.0V MHz toward New York City, New York on azimuth 119° 30'.

308–C1–P–74 Same. (New). Gulf and Western Bldg., 15 Columbus Circle, New York, New York. Lat. 40 46 09 N. -Long. 73 58 55 W. C.P. for a new station on frequencies: 11445.0V, 11605.0V, 11365.0V MHz toward Montclair, New Jersey, on azimuth 299° 39'.

309–C1–P–74 Same (New). Approx. 0.7 Miles West of Perersburg, New Jersey. Lat. 41 00 31 N. -Long. 74 32 14 W. C.P. for a new station on frequencies: 11445.0H, 116.0H, 11365.0H MHz toward Highland Lakes, New Jersey on azimuth 9° 11'; 11645,0V, 11325.0V, 11245.0V, 11485.0V MHz toward Montclair, New Jersey on azimuth 119° 30'.

310–C1–P–74—American Telephone and Telegraph Company. (KLD52). 5.6 Miles SW of Star, Mississippi. Lat. 32 02 38 N. -Long. 90 07 12 W. C.P. to add frequency 3910H toward Jackson, Mississippi on azimuth 347° 40'.

311–C1–P–74 Same. (KKN22). 201 East Capital Street, Jackson, Mississippi. Lat. 32 17 58 N. -Long. 90 11 09 W. C.P. to add frequency 3870H toward Jackson, Mississippi on azimuth 167° 37'.

321–C1–P–74 Midwestern Relay Company (WLJ47). 2.5 Miles E of North Prairie, Wisconsin. Lat. 42 55 52 N. -Long. 88 21 05 W. C.P. to add frequencies 6034.2H, 6093.5H and 6123.1V MHz toward a new point of communication at Allen Grove, Wisconsin, on azimuth 219° 42'.

322–C1–P–74 Midwestern Relay Company (New). 1 mile S of Allens Grove, Wisconsin. Lat. 42 33 55 N.—Long. 88 45 39 W. C.P. for a new station. Frequencies: 6197.2H and 6375.2H MHz toward Rockford, Illinois, (Studios of WREX–TV) on azimuth 233° 06' and frequencies 6197.2V and 6315.9V MHz toward Rockford, Illinois, (Studios of WTVO–TV) on azimuth 227° 42'.

(Informative: Applicant is proposing to provide Network and occasional Video service (Via power split) to TV stations in Rockford, Ill.).

Informative: File Nos. 1876 thru 1883–C1–P–72 and 1139–C1–P–73 (United Video, Inc.), and 715 thru 716–C1–P–73 (KHC Microwave Corporation) are amended to change applicant to United Wehco. Research Associates requests dismissal of its applications file nos. 1807 thru 1818–C1–P–73 upon grant of above applications to United Wehco. See Public Notice Report No. 615 dated September 25, 1972.

MAJOR AMENDMENTS

5601–C1–P–73 New England Telephone and Telegraph Company. Brockton, Mass. (WQN63). Increase power to 12 watts toward Plymouth, Mass. Refer Public Notice February 5, 1973.

5602–C1–P–73 Same. Plymouth, Mass. (WPX99). Increase power to 12 watts toward Brockton and Barnstable, Mass.

5603–C1–P–73 Same. Barnstable, Mass. (KCA75). Increase power to 12 watts toward Plymouth, Mass.

7811–C1–P–73 Western Tele-Communications, Inc. (New). Harrison Mtn., 12.4 Miles WNW of Malta, Idaho. Change frequency toward Pocatello, Idaho to 6197.2H MHz. All other particulars same as reported on Public Notice dated 4–30–73.

720–C1–P–73 Mountain Microwave Corporation. C.P. for new station amended to change coordinates to Lat. 44 10 05 N.—Long. 96 36 45 W. All other particulars remain same as reported in Public Notice dated August 14, 1972.

721–C1–P–73 Mountain Microwave Corporation. C.P. for new station amended to change coordinates to Lat. 43 43 54 N.—Long. 97 95 14 W. All other particulars remain same as reported in Public Notice dated May 14, 1973.

CORRECTIONS

13–C1–P–74 The Chesapeake and Potomac Telephone Company of West Virginia. Correct to read C.P. to change antenna system, replace transmitters, and increase output power. Frequencies 6071.2V, 5952.6V, 6011.9V, 6056.4H, 5937.8H, 6108.3H, 11385V, 6137.9V and 11665V. (All other particulars same as reported in Public Notice No. 658, dated July 23, 1973.)

07–C1–P–74 Northwestern Bell Telephone Company (New). Correct to read: 510 North D Street, Fremont, Nebraska. (All other particulars same as reported in Public Notice No. 657, dated July 16, 1973.)

[FR Doc.73–16589 Filed 8–10–73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY, TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT

Notice of Meeting and Agenda

Agenda for a meeting of the Technical Advisory Committee on Research and Development, Task Force on Energy Distribution Research, to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, DC 20426, on August 16, 1973, 10:00 a.m., Room 5200.

1. Call to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting:
A. Approve minutes of June 25 & 26, 1973 meeting.
B. Final review of all previous work.
C. Other Business.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–16729 Filed 8–10–73;8:45 am]

NATIONAL POWER SURVEY, TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Notice of Meeting and Agenda

Agenda for a meeting of the Task Force on Technical Aspects of the Technical Advisory Committee on Conservation of Energy, to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE, Washington, D.C., at 9:30 a.m., August 15, 1973, Room 5200.

1. Meeting called to order by FPC Staff Representative.
2. Objectives and purposes of meeting.
A. Review of Draft of Summary of Position Papers
B. Other Business
C. Date of next meeting
3. Adjournment

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–16707 Filed 8–10–73;8:45 am]

NATIONAL POWER SURVEY, TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Notice of Meeting and Agenda

Agenda for a meeting of the Technical Advisory Committee on Conservation of Energy, to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE, Washington, D.C., at 9:30 a.m., August 21, 1973, Room 5200.

1. Meeting called to order by FPC Staff Representative.
2. Objectives and purposes of meeting.
A. Review of Chairman's Introduction to Committee's final report
B. Review of report of Task Force on Standards and Practices
C. Review of report of Task Force on Environmental Aspects
D. Review of report of Task Force on Technical Aspects
3. Adjournment

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–16708 Filed 8–10–73;8:45 am]

[Docket No. CI74–60]

AMOCO PRODUCTION CO.

Notice of Application

AUGUST 7, 1973.

Take notice that on July 27, 1973, Amoco Production Company (Applicant), P.O. Box 3092, Houston, Texas 77001, filed in Docket No. CI74–60 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from the Sand Dunes Field, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commerce the sale of gas within the contemplation of section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for twenty-four months from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell all the gas available to it, estimated to be initially approximately 300 Mcf per day, at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Deliveries are estimated to be 600 Mcf per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16731 Filed 8–10–73;8:45 am]

[Rate Schedule Nos. 1, et al.]

ANGELINA CORP., ET AL.

Notice of Rate Change Filings Pursuant to Commission's Opinion No. 639

AUGUST 6, 1973.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before August 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered

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by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
7-23-73	The Angelina Corp. 933 Tenneco Building Houston, Texas 77002.	1	Texas Eastern Transmission Corporation.	Texas Gulf Coast.
7-24-73	Atlantic Richfield Co. P.O. Box 2819 Dallas, Texas 75221.	6	Tennessee Gas Pipeline Company.	Do.
7-25-73	Kerr-McGee Corp. Kerr-McGee Building Oklahoma City, Oklahoma 73102.	6	....do.....	South Louisiana.
7-25-73	Eddy Refining Company P.O. Box 185 Houston, Texas 77001.	1	United Gas Pipe Line Company.	Texas Gulf Coast.

[FR Doc.73-16711 Filed 8-10-73;8:45 am]

[Docket No. CI74-65]

BROWN & McKENZIE, INC.

Notice of Application

AUGUST 7, 1973.

Take notice that on July 30, 1973, Brown & McKenzie, Inc. (Applicant), Three Greenway Plaza East, Suite 1120, Houston, Texas 77046, filed in Docket No. CI74-65 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation from the Savor Field, St. Landry Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas on July 17, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell all the gas from the leases, estimated to be approximately 93,000 Mcf per month, at 45.0 cents per Mcf at 15.025 psia, subject to downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16730 Filed 8-10-73;8:45 am]

[Docket No. CI74-62]

MORRIS CANNAN

Notice of Application

AUGUST 7, 1973.

Take notice that on July 27, 1973, Morris Cannan (Applicant), 1645 Milam Building, San Antonio, Texas 78205, filed in Docket No. CI74-62 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas interstate commerce to Texas Eastern Transmission Corporation from the Loma Alta Area, McMullen County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of gas on July 3, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 1,000 Mcf of gas per day at 35.0 cents per Mcf at 14.65 psia. Deliveries are estimated to be 30,000 Mcf of gas per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16732 Filed 8-10-73;8:45 am]

[Docket No. E-8333]

CENTRAL TELEPHONE & UTILITIES CORP.

Notice of Proposed Changes in Rates and Charges

AUGUST 6, 1973.

Take notice that the Western Power Division of Central Telephone & Utilities Corporation (Central Telephone) on July 26, 1973, tendered for filing two proposed rate schedules, one, Schedule 73-CWH-2, for the REA Cooperative customers of Central Telephone, and the other, Schedule 73-MWH-5, for the Municipal Wholesale customers. The Company proposes that these rate schedules supersede Rate Schedule 68-CWH-2 and 68-MWH-5 and requests that this filing be deemed notice of cancellation of such schedules. The proposed changes, according to Central Telephone's filing, would increase revenues from jurisdictional sales and service after the first year of the new schedules by approximately $494,000 for the Cooperatives and $26,000 for the Municipals based on a volume of sales for the 12 month period ending December 31, 1972.

The proposed rate change is described in the Company's transmittal letter as resulting from extensive negotiations between the Company and its REA Cooperative and Municipal Wholesale customers. The Company states that a basic consideration for agreement was Central Telephone agreeing to forego the right to unilaterally file for increased rates over and above those proposed in the filing before September 26, 1975. According to the Company, the proposed changes differ from the presently effective rate schedules in that Rate Schedules 73-CWH-2 and 73-MWH-5 have been adjusted to produce two-stage increases resulting in a total increase for the Cooperatives and Municipals of 25% and 6% respectively.

Other changes include: a calculation of billing demand based on a ratchet provision; the removal of the non-peak provisions contained in the currently effective Rate Schedule 68-CWH-2; and a restatement of the fuel adjustment clause in the present rate schedules.

The Company states that the rates of return which the new rates will provide, based on the test year ended December 31, 1972, and after reflecting the second stage of the proposed increase, are 6.35% for service to the REA Cooperatives and 6.39% for service to the Municipal Wholesale customers. The proposed rates, according to Central Telephone, will better enable the Company to provide service to its jurisdictional customers. The Company states that copies of the executed contracts or other evidence of agreement between the Company and each customer will be filed as soon as they are available. The proposed effective date is September 26, 1973.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before August 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with th Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16713 Filed 8-10-73;8:45 am]

[Docket Nos. E-8308, E-7206]

DETROIT EDISON CO. AND CONSUMERS POWER CO.

Notice of Applications

AUGUST 6, 1973.

Take notice that The Detroit Edison Company (Edison) and Consumers Power Company (Consumers) filed with the Federal Power Commission on June 14, 1973, the following applications: (1) an application by Edison in Docket No. E-8308 for a permit, pursuant to Executive Order No. 10485, dated September 3, 1953, authorizing the construction, operation, maintenance and connection at the international border between the United States and Canada of certain facilities for the transmission of electric energy between the United States and Canada; and (2) a joint application by Edison and Consumers (Applicants) in Docket No. E-7206 for a supplemental order, pursuant to Section 202(e) of the Federal Power Act, authorizing the transmission of electric energy from the United States to Canada by means of certain existing facilities and the above-mentioned proposed facilities.

Edison is incorporated under the laws of the States of Michigan and New York, with its principal place of business at Detroit, Michigan. Consumers is incorporated under the laws of the State of Michigan, with its principal place of business at Jackson, Michigan.

Applicants generate, purchase, transmit, sell and distribute electric energy in Michigan. In general, Edison provides electric service in the southeastern part of Michigan, whereas Consumers serves nearly all other parts of Michigan except its upper (northern) peninsula. The service territories of Applicants are contiguous and their electric systems are interconnected and operated on a coordinated basis. They exchange energy at several points. In addition, the combined electric systems of Applicants interconnect and exchange energy with various neighboring electric systems, including that of The Hydro-Electric Power Commission of Ontario (Ontario Hydro), an agency of the Province of Ontario, Canada, with its principal place of business at Toronto. Applicants' export-import arrangements with Ontario Hydro are provided for in the Interconnection Agreement dated May 23, 1969 (Agreement) among Consumers, Edison and Ontario Hydro, which is on file with the Commission as Edison's Export Rate Schedule FPC No. 13.

Certain electric transmission facilities of Edison and Ontario Hydro are currently connected overhead at three points on the United States-Canadian Border to effectuate transfers of electric energy between Applicants and Ontario Hydro as follows: a 230,000 volt interconnection over the Detroit River near Detroit, Michigan and Windsor, Ontario; a 230,000 volt interconnection over the St. Clair River near Marysville, Michigan and Sarnia, Ontario; and a 345,000 volt interconnection over the St. Clair River near St. Clair, Michigan and Courtright, Ontario. Edison's facilities included in those interconnections are covered by its Permit signed by the Chairman of the Commission on October 12, 1953, as modified by Amendment to Permit signed by said Chairman on September 15, 1972, Docket No. E-6516, which authorized the 230,000 volt facilities, and by its Permit signed by the Acting Chairman of the Commission on March 1, 1966, Docket No. E-7207, which authorized the 345,000 volt facilities. The Commission by order issued October 10, 1972, Docket No. E-7206, authorized Applicants to transmit energy from the United States to Canada for delivery to Ontario Hydro in an amount not in excess of 4,000,000,000 kwh annually at a transmission rate not to exceed 2,200,000 kva by means of Edison's above-mentioned existing 230,000 volt and 345,000 volt facilities.

An additional interconnection at the United States-Canadian Border is now proposed by Edison and Ontario Hydro to maintain the reliability of the exchange of electric service between Applicants and Ontario Hydro. The proposed interconnection will be established by the construction of an overhead 345,000 volt transmission line and related terminal facilities. The proposed transmission line will consist of four sections (two in the United States and two in Canada) and will cross the St. Clair River at a point between St. Clair and Marine City, Michigan, and a point between Courtright and Sombra, Ontario. The permit which Edison has applied for in Docket No. E-8308 would authorize the construction and operation at the international border of one single circuit 345,000 volt transmission line on steel towers with two 2776 MCM acsr conductors per phase, with phase spacing and insulation suitable for future operation at 500,000 volts. The proposed line will extend overhead from a point on the international border a distance of approximately 0.9 miles to a point on the Port Huron and Detroit Railroad located in Michigan, thence southerly along said Railroad's right-of-way a distance of approximately 0.2 miles. In addition, to the above-described proposed facilities, the portion of which to be located at the international border would be covered by the permit sought in Docket No. E-8308, Edison states that it proposes to construct and operate one single circuit 345,000 volt transmission line on double circuit steel towers, with two 1431 MCM acsr conductors per phase, extending overhead from the last mentioned point on the Port Huron and Detroit Railroad a distance of approximately 2.2 miles to Edison's St. Clair Power Plant, together with terminal facilities at said Power Plant consisting of two 3,000 ampere, 345,000 volt circuit

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breakers. Ontario Hydro will construct and operate the Canadian portion of the proposed transmission line and terminal facilities.

Applicants do not seek authorization to increase or otherwise change the amount or transmission rate of electric energy which they are currently authorized by the Commission's above-mentioned order of October 10, 1972, Docket No. E-7206, to transmit from the United States to Canada. The supplemental order which Edison and Consumers have applied for in Docket No. E-7206 would authorize them to export energy in an amount not in excess of 4,000,000,000 kwh annually at a transmission rate not to exceed 2,200,000 kva by means of Edison's proposed 345,000 volt transmission line in addition to its existing 230,000 volt and 345,000 volt transmission facilities for delivery to Ontario Hydro.

Applicants indicate that in the event the Commission issues the permit and supplemental order as requested, their transactions with Ontario Hydro, including sales, exchanges, and deliveries of electric energy, will be carried out, as at present in accordance with the terms and conditions and at the rates and charges set forth and included in the Agreement. The joint application recites that the energy "to be exported • • • as proposed herein, like that presently exported, will be utilized by Ontario Hydro to improve the reliability of electric energy supply for its electric system" and that the source of such exported energy "as in the case of the energy currently exported • • • will be applicants' total resources, including energy generated or purchased by them."

The amount of electric energy which Applicants would be authorized to transmit from the United States to Canada by the supplemental order sought in Docket No. E-7206 is, as set forth above, the same as that which Applicants are currently authorized to export. Applicants submitted, as a part of their joint application, an exhibit showing that for the 5 year period ending December 31, 1972, the gross receipts of energy by Applicants from Ontario Hydro exceeded the gross deliveries of energy by Applicants to Ontario Hydro by nearly two billion kilowatt-hours. Applicants represent that deliveries of energy to Ontario Hydro under the supplemental order "will not impair the ability to supply the requirements of accessible United States markets at the time of • • • exportation."

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16716 Filed 8-10-73;8:45 am]

[Docket No. CI74-67]

LUCIUS C. GEER AND ARTHUR G. MURPHY

Notice of Application

AUGUST 7, 1973.

Take notice that on July 30, 1973, Lucius C. Geer and Arthur G. Murphy (Applicants), Suite 719, C & I Building, Houston, Texas 77002, filed in Docket No. CI74-67 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation from the Keithville Area, Caddo Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they commenced the sale of gas on July 9, 1973, within the contemplation of section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29), and propose to continue said sales for one year from the end of the sixty-day emergency period within the contemplation of section 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicants propose to sell approximately 500 Mcf of gas per day at 42.0 cents per Mcf at 15.025 psia, subject to downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16734 Filed 8-10-73;8:45 am]

[Project No. 1494]

GRAND RIVER DAM AUTHORITY

Order To Show Cause

Issued August 3, 1973.

It appearing to the Commission that:

(a) During the summer of 1970 a non-project structure, i.e., effluent holding basin, was constructed on project lands under license from the Federal Power Commission to the Grand River Dam Authority, designated as Project No. 1494;

(b) The sewage facility was observed to be in operation during September 1970;

(c) The primary purpose of the pond is to receive treated effluent from a package treatment plant and to serve as a holding pond for untreated sewage in the event the treatment plant becomes inoperative;

(d) This non-project structure was built on the project lands without the approval of or permission by the Federal Power Commission;

(e) The dike built to contain the holding basin has eroded and is allowing leakage from the holding pond into the reservoir;

(f) There has been no Water Quality Certificate obtained covering this structure;

The Commission, on its own Motion, orders that the Grand River Dam Authority shall, under oath, show cause, if any there be, on or before September 5, 1973;

(1) Why the use of the holding basin should not cease and desist pending receipt of a Water Quality Certification under Section 401(a)(1) of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1341; and

(2) Why the unauthorized non-project structures should not be removed from project land or be rebuilt in accordance with a further Commission order after notice and opportunity for hearing; and

(3) Why the Commission should not issue such other and further order as it may find appropriate, expedient and in the public interest to conserve and utilize the water resources of the region.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16715 Filed 8-10-73;8:45 am]

[Docket No. E-8325]

KANSAS POWER AND LIGHT CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 6, 1973.

Take notice that the Kansas Power and Light Company (KPL) on July 9, 1973, tendered for filing a proposed Renewal Contract (Contract) dated July 2, 1973, to the present contract dated April 16, 1973, and designated KPL Rate Schedule FPC No. 66. The Contract is between KPL and Wathena, Kansas for wholesale electric service to that community and the contract rate will be the only rate available for this class of service. According to KPL's filing, the proposed changes would increase revenues from jurisdictional sales and service by approximately $4,000, based on a comparison of sales for the 12 month periods preceding and succeeding the proposed change. Waiver of the Commission's notice requirements is requested so as to allow for an effective date of July 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16709 Filed 8-10-73;8:45 am]

[Docket No. RP72-132]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Filing of Revised Tariff Sheets To Implement Settlement Rates Approved by FPC Order Issued July 18, 1973

AUGUST 8, 1973.

Take notice that on July 25, 1973, Natural Gas Pipeline Company of America (Natural) tendered for filing revised tariff sheets which purport to comply with the terms and conditions of Federal Power Commission order issued July 18, 1973, entitled "Order Approving Settlement Agreement with a Condition".

Under the provisions of the approved amended settlement agreement, revised tariff sheets were submitted showing "refund" Base Rates effective for the period December 1, 1972 through August 31, 1973, and "prospective" Base Rates effective September 1, 1973. Further, in compliance with paragraph (D) of the Commission's July 18th order, Natural states the Base Rate level of its amended settlement agreement were reduced to reflect the elimination of Coal Option Payments in the amount of $1,000,000.

On June 15, 1973, Natural filed unit adjustments to the Base Rates to be effective August 1, 1973, to reflect the cost of service effect of Advance Payments for Gas made by June 15, 1973, that were in excess of the amount for such expenditures stipulated in the amended settlement agreement. The unit adjustments to the rates under this filing were computed by assigning the cost of service effect 50% to the Demand Component and 50% to the Commodity Component. In compliance with ordering paragraph (D) of the Commission's order approving the settlement Natural states it recomputed the unit adjustments to be effective August 1, 1973, and revised its Base Rates to reflect the effect of the cost changes solely in the commodity component of the rates. Natural also states that in compliance with the Commission's order any subsequent tracking filings relating to R&D and advance payments will be computed so as to reflect the cost change in the commodity component of the rates.

Natural also submitted a recalculation of its PGA adjustment accepted for filing by the Commission to be effective June 1, 1973. This revision was made to conform the PGA adjustment to reflect unit adjustments calculated on the basis of the Base Average Purchased Gas Cost underlying the approved settlement agreement.

Natural states that copies of this filing were served on Natural's customers and all interested parties to Docket No. RP 72-132.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16735 Filed 8-10-73;8:45 am]

[Docket No. CI74-64]

PETROLEUM CORP.

Notice of Application

AUGUST 7, 1973.

Take notice that on July 30, 1973, The Petroleum Corporation (Applicant), 3303 Lee Parkway, Dallas, Texas 75219, filed in Docket No. CI74-64 an application pursuant to Section 7(c) of the Natural Gas Act authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from the Parkway West Strawn and Atoka Fields, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell for one year up to 5,000 Mcf of gas per day at 52.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Deliveries are estimated at 5,000 Mcf of gas per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the requirements of the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16733 Filed 8-10-73;8:45 am]

[Docket No. CP74-25]

VALLEY GAS TRANSMISSION, INC.

Notice of Application

AUGUST 6, 1973.

Take notice that on July 25, 1973, Valley Gas Transmission, Inc. (Applicant), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. CP74-25 an applica-

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tion pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the twelve-month period commencing July 1, 1973, and to operate facilities to take into its certificated pipeline system additional natural gas supplies to be purchased from fields in the general area of its existing system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in the various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein will not exceed $250,000, and no single project will exceed $50,000. Applicant proposes to finance these costs from cash on hand or from short-term financing. Applicant requests a waiver of the requirements of § 157.7(b)(1) of the Regulations under the Natural Gas Act (18 CFR 157.7(b)(1)) because, Applicant states, the limitations therein would effectively deny Applicant's ability to connect new gas supplies to its system except on an individual application basis due to the relatively small size of its jurisdictional gas plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16714 Filed 8-10-73;8:45 am]

[Docket No. CI69-756]

WARREN PETROLEUM CO.

Notice of Petition To Amend

AUGUST 6, 1973.

Take notice that on July 19, 1973, Warren Petroleum Company, a Division of Gulf Oil Corporation (Operator) (Petitioner), P.O. Box 1589, Tulsa, Oklahoma 74102, filed in Docket No. CI69-756 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the sale of certain surplus residue gas from the Vada Processing Plant in Lea County, New Mexico, at a new price to Natural Gas Pipeline Company of America, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner is presently authorized in the subject docket to sell residue gas to Natural from the Vada Plant pursuant to a Gas Purchase Contract dated January 1, 1969, which is on file as Petitioner's FPC Gas Rate Schedule No. 57. Petitioner asserts that since the execution of this contract, the price of gas in the Permian Basin Area has increased to the extent that the rate originally provided in the contract of 14.5 cents per Mcf is no longer competitive with the rate in effect for the sale of residue gas from other plants in the area. Petitioner indicates that it is having only limited success in acquiring additional supplies of natural gas for the Vada Plant due to its inability to offer competitive prices necessary to stimulate either development or purchase of new supplies when they become available. Petitioner also indicates that it is faced with the problem of renewing and extending existing plant supply contracts as they expire in order to maintain the present raw gas supply connected to the Plant. In order for it to compete more effectively for the purchase of gas supplies for the Vada Plant from behind the plant sellers and to negotiate more effectively to extend or renew existing plant supply contracts as they expire, Petitioner states, it has entered into an amendment to the original contract for these sales providing a new, separate and higher pricing schedule for certain residue gas.

Petitioner seeks authorization herein pursuant to this new amendment dated May 15, 1973, to sell at an initial rate of 31.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, all residue gas that is attributable to raw gas which is purchased under (a) new gas contracts and (b) renewed or extended contracts. The amendment defines new gas contracts as those contracted for after January 1, 1972, for processing in the Vada Plant and gas reserves not dedicated to Petitioner prior to that date, as well as gas produced through completions made after the date of the subject amendment from new reservoirs underlying lands covered by Petitioner's contracts with third parties, which reservoirs qualify for separate reservoir treatment under paragraph (f) of § 2.56 of the Commission's general policy and interpretations (18 CFR 2.56). It also defines renewed or extended contracts as all gas purchased under gas contracts where the primary term of any such contract shall have been extended or renewed for at least ten years from then existing termination date of such contract.

On July 5, 1973, Petitioner filed a notice of independent producer rate change filing based on the new May 15, 1973, amendment submitted herein as a proposed supplement to its FPC Gas Rate Schedule No. 57. Because of the instant certificate filing, Petitioner has requested by a filing received on July 19, 1973, that it be permitted to withdraw the said rate filing.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petitioner to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16710 Filed 8-10-73;8:45 am]

[Docket No. E-8326]

WASHINGTON WATER POWER CO.

Notice of Energy Exchange Agreement

AUGUST 6, 1973.

Take notice that on July 20, 1973, Washington Water Power Company (Washington) filed an agreement executed May 25, 1973, with Puget Sound Power and Light Company (Puget).

Washington states that the agreement provides for capacity and energy to be delivered by Puget to Washington for redelivery by Washington to Utah Power and Light Company (Utah) during the period of April 16, 1973–August 31, 1973. In exchange for such capacity and energy, Washington will make energy available to Puget during the period September 16, 1974—April 15, 1975. Such energy shall be made available to Washington by Utah under Service Schedule III, Agreement for Exchange of Power and Energy, dated May 25, 1973, filed by Utah on July 9, 1973, as Supplement No. 4 to Utah's Rate Schedule FPC No. 103. Washington further asserts that as compensation for use of its facilities in effecting deliveries of capacity and energy to Utah, Washington will retain 10% of the energy made available by Utah for delivery to Puget.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before August 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16712 Filed 8-10-73;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA BANCORPORATION

Acquisition of Bank

Alabama Bancorporation, Birmingham, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to Baldwin National Bank of Robertsdale, Robertsdale, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 30, 1973.

Board of Governors of the Federal Reserve System, August 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16695 Filed 8-10-73;8:45 am]

AMERICAN BANCORPORATION, INC.

Proposed Acquisition of Lake City Agency, Inc.

American Bancorporation, Inc., St. Paul, Minnesota has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Lake City Agency, Inc., Lake City, Minnesota. Notice of the application was published on June 7, 1973 in The Lake City Graphic, a newspaper circulated in Lake City Minnesota.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community of less than 5,000 persons. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minnesota.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 28, 1973.

Board of Governors of the Federal Reserve System, August 1, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16645 Filed 8-10-73;8:45 am]

AMERICAN BANKCORP, INC.

Acquisition of Bank

American Bankcorp, Inc., Lansing, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of American Bank of Grand Ledge, Grand Ledge, Michigan, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than August 13, 1973.

Board of Governors of the Federal Reserve System, August 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16693 Filed 8-10-73;8:45 am]

ASSOCIATED BANK CORP.

Acquisition of Bank

Associated Bank Corporation, Davenport, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Iowa County Savings Bank, Marengo, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 28, 1973.

Board of Governors of the Federal Reserve System, August 1, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16646 Filed 8-10-73;8:45 am]

ASSOCIATED BANK CORP.

Proposed Acquisition of Leasing, Inc.

Associated Bank Corporation, Davenport, Iowa, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Leasing, Inc., Des Moines, Iowa. Notice of the application was published on February 27, 1973, in the Arapahoe Herald, a newspaper circulated in Littleton, Colorado; and on February 28, 1973, in The Des Moines Register, a newspaper circulated in Des Moines, Iowa.

Applicant states that the proposed subsidiary would engage in the activities of leasing personal property and equipment or acting as agent, broker, or adviser in leasing of such property. Applicant states that such activities have been specified by the Board in § 225.4(a)(6) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). A proposal to amend § 225.4(a)(6) of Regulation Y with respect to the leasing activities permissible for bank holding companies (Press Release dated July 31, 1973) is currently under consideration by the Board and, if adopted by the Board, might affect the activities that could be conducted by the proposed subsidiary.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the

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reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 30, 1973.

Board of Governors of the Federal Reserve System, August 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16680 Filed 8-10-73;8:45 am]

BANKERS TRUST NEW YORK CORP.

Order Denying Acquisition of Public Loan Company

Bankers Trust New York Corporation, New York, New York, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)), and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Public Loan Company, Inc., Binghamton, New York ("Public Loan"). Public Loan, operating through its subsidiaries, engages in making consumer finance and sales finance loans (including the purchase of retail instalment contracts). Also, through two wholly-owned subsidiaries, Empire Life Insurance Company ("Empire Life") and Commonwealth Life Insurance Company ("Commonwealth Life"), both located in Wilmington, Delaware, Public Loan is engaged in underwriting, as reinsurer, credit life and credit accident and health insurance in connection with loans made to Public Loan's borrowers. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (10)). Thrift Credit Corp., a wholly-owned subsidiary of Public Loan engaged in commercial lending and equipment leasing, will be disposed of prior to the acquisition of Public Loan by Applicant.

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 5206). The time for filing comments and views has expired, and the Board has considered all comments received in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant controls nine banks, with aggregate deposits of $8.0 billion, representing 7.4 per cent of the total deposits in commercial banks in New York State, and is the sixth largest banking organization and bank holding company in the country.[1] Within New York State, Applicant is the fifth largest banking organization. Applicant's lead bank, Bankers Trust Company of New York, has deposits of $7.4 billion and is the seventh largest bank in the United States. In addition to its banking subsidiaries, Applicant's six nonbanking subsidiaries are engaged in mortgage banking, real estate investment trust management, equipment leasing and brokering, small business investing, and extension of credit through use of a credit card.

Public Loan, established in 1933, is a family-held small loan company, with total assets of approximately $72 million and net receivables of $54 million (as of June 30, 1972). Ranked by total capital funds, Public Loan is the 66th largest finance company and 40th largest non-captive finance company in the country. Headquartered in Binghamton, New York, it controls nine wholly-owned subsidiaries, operates 28 small loan offices in New York, 32 in Pennsylvania, and one in New Jersey. Other activities engaged in by Public Loan are the following: Sales financing, engaged in by two subsidiaries, Beacon Discount Company and Public Discount Company, which business is being discontinued; commercial lending and equipment leasing, through another wholly-owned subsidiary, Thrift Credit Corporation, which will be sold or liquidated before Public Loan is acquired; and reinsuring credit life insurance and credit health and accident insurance covering the borrowers of Public Loan. Applicant proposes that Public Loan's activities would be confined to its small loan business with related credit life reinsurance.

A threshold question in the consideration of this application is whether consumer finance companies compete with commercial banks in the area of small loans to individuals. It has been contended that there are principally two factors which reflect an absence of competition between these types of organizations: (1) Different statutory limitations with respect to the size of loan that can be made;[2] and (2) a different clientele being served by each type of organization. Our experience, however, in applying section 4(c)(8) of the Bank Holding Company Act to the many consumer finance applications processed since enactment of the 1970 Amendments leads us to conclude that the acquisition of a consumer finance company by a commercial banking organization may result in the elimination of existing competition in those geographic markets in which both compete.

The statutory lending limit, $1,400 for consumer finance companies in New York State, allows for direct competition between consumer finance companies and commercial banks. The $1,400 limit, however, masks the fact that the actual amount of credit obtained may be higher by a customer borrowing from more than one licensed lender, a practice known as "doubling up". Also, in this instance, a borrower living in the Binghamton area may choose to secure credit in Pennsylvania, as from Public Loan's Montrose office, which has a $3,500 limit. These facts, among others of record, lead us to conclude that finance companies are an alternative credit source for personal loans, as well as loans to finance the purchase of automobiles and home improvements and other loans traditionally made by commercial banks.

The contention that commercial banks serve a different clientele from finance companies is becoming less and less valid as commercial banks place more emphasis on retail banking and seek to attract a greater diversity of customers. There appears to be a substantial class of customers being served by both institutions, consisting of the high-risk margin clientele of commercial banks and the low-risk margin customers in the case of finance companies. A few consumer finance companies, which confine their operations to small loans made to the very high risk sector of the market, would not generally be regarded as competing with commercial banks. Public Loan, however, is not of this category. Its very favorable loan write-off experience shows that Public Loan does not serve the high-risk market, but rather, lends to many of the same clientele as are served by Applicant's banking subsidiaries.

The relevant product markets in which the Board analyzes the competitive aspects of the proposed transaction are: (1) Personal loans of $1,400 or less, and (2) all direct consumer instalment loans, the latter including personal loans and automobile, mobile home, and home improvement and modernization loans.

While applicant and Public Loan compete for consumer loans (which includes both personal loans and consumer instalment loans) in several markets in New York State, where Public Loan is the sixth largest licensed lender as of year-end 1971, the Board is concerned with the consequences resulting from affiliation only in the Binghamton and Jamestown markets. It is only in these markets that the competitive effects are sufficiently serious as to represent an adverse factor weighing against approval of the proposed transaction.

The Binghamton market[3] encompasses the Triple Cities Area of Binghamton, Endicott, and Johnson City. Competing in that market are 33 lending institutions (15 commercial banks, 7 finance companies, and 11 credit unions), including the main office and two branches of Applicant's Binghamton banking subsidiary and six offices of Public Loan. Public Loan's Montrose, Pennsylvania, office is also included in the Binghamton

[1] All banking data are as of December 31, 1972, and reflect bank holding company formations and acquisitions approved by the Board through June 30, 1973. All other data are as of December 31, 1971, unless otherwise indicated.

[2] In New York, Public Loan can make consumer instalment loans up to $1,400; in Pennsylvania, the limitation is $600 under a small loan license or $3,500 under a consumer discount license. Commercial banks in New York State can make instalment loans up to $10,000; in Pennsylvania, up to $5,000. (As of December 31, 1971, commercial banks in New York State were subject to a $5,000 ceiling.)

[3] Approximated by Broome and Tioga Counties plus the Town of Green in Chenango County and the northern half of Susquehanna County in Pennsylvania.

market. In terms of personal loans under $1,400, Public Loan was the largest lender in the market with $5.2 million in loans outstanding and 18.6 per cent of the market; Bankers Trust of Binghamton was the 15th largest, with $327,000 and 1.2 per cent of the market. Upon consummation, Applicant would control 19.8 per cent of the market and be nearly equal in size to the next two largest competitors, both of which are commercial banks. In terms of all direct consumer instalment loans, Public Loan and Bankers Trust of Binghamton are the third and fourth largest competitors in the market (the first two competitors are banks) and hold 7.2 per cent ($5.6 million) and 6.2 per cent ($4.9 million), respectively. If approved, Applicant would be the second largest supplier of such loans in the market.

The second geographic market in which there will result a loss of existing competition is the Jamestown market.[4] Bankers Trust of Jamestown operates its head office and seven branches in this market, while Public Loan has one office, at Lakewood. Public Loan's service area is encompassed by the service area of Bankers Trust of Jamestown. Suppliers of credit in this market also number 33 lending institutions (4 commercial banks, 4 finance companies, and 25 credit unions). With respect to personal loans under $1,400, Public Loan ranked third in the market with 13.9 per cent of market loans ($1.4 million) while Bankers Trust of Jamestown was fourth with 10.1 per cent ($1.0 million). Upon consummation, Applicant would be the largest supplier of funds and would account for 24 per cent of the small personal loan business—nearly 50 per cent more than the next largest competitor in the market. Three of the five largest competitors in this market are commercial banks. With respect to all direct consummer instalment loans outstanding, Bankers Trust's subsidiary is the largest in the market with 19.8 per cent of market loans ($4.7 million); Public Loan ranks fifth with an even 6 per cent ($1.4 million). After consummation, Applicant's banking subsidiary would continue to rank first with nearly 26 per cent of all direct consumer instalment loans. Commercial banks are also heavily represented in this product market as the three largest competitors are of this category.

Because of the elimination of substantial existing competition in both the Binghamton and Jamestown markets, it is the Board's judgment that these competitive consequences are an adverse factor weighing against approval of the proposed transaction. Further, while the consumer finance industry is characterized by ease of entry, the proposed acquisition would solidify the market positions of Applicant and Public Loan in the Binghamton and Jamestown markets. Neither market has shown rapid growth and neither is particularly attractive for *de novo* entry in view of anticipated moderate population growth. In Jamestown, the acquisition would eliminate the only possible vehicle for entry by acquisition because the remaining consumer finance companies are national firms and presumably not interested in being acquired by a potential entrant. Accordingly, approval would serve to foreclose market entry by outside organizations.

Section 4(c)(8) of the Bank Holding Company Act requires the Board to find that the performance by Public Loan as an affiliate of Applicant "can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests or unsound banking practices." The basic balancing test of section 4(c)(8) requires a showing of positive public benefits that outweigh the adverse effects of the proposed acquisition described above. Applicant must bear the burden of demonstrating that the proposed nonbanking activity will be in the public interest.[5] In seeking to meet this burden, Applicant has claimed that consummation of the proposal would produce the following benefits:

(1) Ready access to funds by Public Loan at competitive rates and with greater assurance of availability;

(2) Replacement of family management by an aggressive corporate management interested in expanding the volume, scope, and character of their services to the public;

(3) Referral of customers for small loans to Public Loan and of those requiring loans in excess of $1,400 to Applicant's banking subsidiaries;

(4) Expansion in types of insurance offered and reduction in the cost of credit insurance offered through Applicant's banking subsidiaries; and

(5) Reduction in cost of credit insurance to customers of Public Loan.

The public benefits claimed by Applicant, in the Board's view, fall short of outweighing the adverse competitive effects which would result from approval of the proposed transaction. Public Loan appears to be of adequate size and financial soundness to obtain necessary financing at competitive rates. Moreover, any difference in the cost of funds to Applicant and to Public Loan would probably not be large enough to have a significant effect on the rates charged to customers of Public Loan. With respect to the management of Public Loan, there is no evidence of record to demonstrate that family management has in any way lessened the ability of the company to grow and prosper.

The proposed referral system cited by Applicant, in practice, may have quite the opposite effect to that expected by the Board when a bank holding company is permitted to acquire a consumer finance company. The Board expects that the acquisition of a consumer finance company by a bank holding company will result in positive benefits to the public such as greater availability of consumer credit and a lowering of the finance rates previously charged by the acquired consumer finance company. The use of referrals may, however, instead of benefitting the public, have the contrary effect of enabling Applicant to divert eligible bank borrowers to Applicant's consumer finance subsidiary.

Applicant proposes upon approval of this application to expand the quality and range of insurance coverage available to customers of its subsidiary banks as well as to reduce rates on credit insurance. The provision of these benefits, however, is not dependent upon consummation of the Public Loan acquisition. Applicant can expand the quality and range of credit insurance presently made available to its customers and at lower premium rates without the affiliation of Public Loan.

A final benefit cited by Applicant results from the underwriting activity of Public Loan, as reinsurer, of credit life and credit accident and health insurance which is directly related to its extensions of credit. Applicant has indicated that the proposed underwriting activities would include underwriting such insurance for its banking subsidiaries as well. Applicant does not presently engage in insurance underwriting activities and the proposed affiliation with Applicant would appear to have no significant effects on competition within the industry.

In adding credit life to the list of permissible activities for bank holding companies, the Board stated that:

> To assure that engaging in the underwriting or credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an Applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service. (12 CFR 225.4(a)(10))

Applicant has stated that upon consummation of the proposed acquisition, the rate reductions for accident and health insurance in Pennsylvania, New York, and New Jersey, which have among the lowest rate ceilings in the nation, would range from approximately 3 per cent in Pennsylvania on policies for less than 3 years to 2 per cent in New York and New Jersey. In the credit life in-

[4] Approximated by the southern half of Chautauga County and the southwestern third of Cattaraugus County, in effect, the Jamestown banking market.

[5] The House Conference Report on the 1970 Amendments to the Act (Report No. 91-1747) states at page 19:

"In connection with the overall application of the public benefits test, it is important to emphasize that the bank holding company making application under section 4(c)(8) must bear the burden of proof in showing that its carrying on of a particular nonbank activity would produce benefits to the public that outweigh any adverse effects".

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surance area, the rates presently charged will be reduced by Applicant by amounts varying from approximately 1 per cent to 6 per cent in the various states. Additionally, Applicant would waive the suicide clause with respect to policies taken out in Pennsylvania. To the extent such reductions occur and improvements in policy terms occur, the public benefits.

It is the Board's judgment, applying the balancing test under section 4(c)(8) of the Act, that Applicant has failed to meet the burden of demonstrating that benefits to the public would outweigh the adverse effects which would result from approval of the application. For the most part, the benefits cited are not supported by objective facts of record [6] or backed by firm policy commitments on the part of Applicant. Accordingly, since the public interest factors do not outweigh the possible adverse effects, the application is hereby denied.

By order of the Board of Governors,[7] effective August 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-16700 Filed 8-10-73;8:45 am]

FIDELITY AMERICAN BANKSHARES

Acquisition of Bank

Fidelity American Bankshares, Inc., Lynchburg, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent or less of the voting shares (less directors' qualifying shares) of Fidelity National Bank, Halifax County, Virginia, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 30, 1973.

Board of Governors of the Federal Reserve System, August 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16699 Filed 8-10-73;8:45 am]

FIRST AMTENN CORP.

Order Approving Acquisition of Bank

First Amtenn Corporation, Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of the First National Bank of Tullahoma, Tullahoma, Tennessee ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received.

Applicant has three existing subsidiaries and two approved subsidiaries with total deposits of $774.5 million.[1] Acquisition of Bank, which has deposits of $17.1 million, will have a nominal effect on Statewide concentration and on Applicant's share of deposits.

Bank is located in and serves the Coffee County banking market. Coffee County is located in south central Tennessee, and Tullahoma is the largest city in the County, with a population of approxtmately 15,000. Applicant's closest subsidiary is First American National Bank, Nashville, Tennessee, lead bank for the holding company. Bank and the lead bank are separated by approximately 72 miles. Applicant's subsidiaries attract a nominal amount of business from Coffee County. Elimination of this limited amount of competition is negligible.

Two directors of Bank also serve as directors of the First National Bank of Manchester, a competing bank in the same market. The two banks together control approximately 50 per cent of the commercial deposits within the market. Applicant has made a commitment to terminate, prior to consummation of the proposal, the existing director interlocks between these banks. Approval of the proposed transaction will, therefore, be procompetitive in that it will encourage independent action by the two institutions and prevent any possibility of joint decision making.

There is no evidence in the record to indicate that the convenience and needs of the community are not being adequately served by the existing institutions. However, Applicant has indicated that it will seek to improve existing services relating to Bank's marketing and advertising programs, personal and corporate trust services, and other internal operations. It is the Board's judgment that convenience and needs factors are consistent with, and lend some weight toward, approval of the application.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are regarded as satisfactory and consistent with approval of the application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[8] effective August 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-16697 Filed 8-10-73;8:45 am]

FIRST BANKSHARES CORP. OF SOUTH CAROLINA

Proposed Retention of August Kohn and Company, Inc.

First Bankshares Corp. of South Carolina, Columbia, South Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of August Kohn and Company, Incorporated, Columbia, South Carolina. Notice of the application was published on:

Date	Newspaper	City and State
July 9, 1973	The State	Columbia, South Carolina
July 9, 1973	Anderson Independent	Anderson, South Carolina
July 9, 1973	The Spartanburg Herald	Spartanburg County, South Carolina
July 10, 1973	Greenville Piedmont	Greenville, South Carolina
July 12, 1973	The News and Courier	Charleston, South Carolina

Applicant states that the proposed subsidiary would engage in the activities of general mortgage banking and would act as an agent in the sale of credit life and credit accident and health insurance related to extension of credit. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 2, 1973.

Board of Governors of the Federal Reserve System, August 6, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16681 Filed 8-10-73;8:45 am]

FIRST BANKSHARES CORP. OF SOUTH CAROLINA

Proposed Acquisition of Stevenson, Zimmerman & Co.

First Bankshares Corp. of South Carolina, Columbia, South Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Stevenson, Zimmerman & Co., Charleston, South Carolina. Notice of the application was published on July 12, 1973 in The News and Courier a newspaper circulated in Charleston, South Carolina.

Applicant states that the proposed subsidiary would engage in the activities of general mortgage banking and would act as an agent in the sale of credit life and credit accident & health insurance related to the extension of credit. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 2, 1973.

Board of Governors of the Federal Reserve System, August 6, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16682 Filed 8-10-73;8:45 am]

FIRST JERSEY NATIONAL CORP.

Proposed Acquisition of the Loans, Accounts and Notes Receivable, and Fixed Assets of Delaney Finance Co., Inc.

First Jersey National Corporation, Jersey City, New Jersey, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire through its wholly-owned subsidiary, Guardian Commercial Corp., the loans, accounts and notes receivable, and fixed assets of Delaney Finance Co., Inc., Providence, Rhode Island. Notice of the application was published on March 28, 1973 in The Providence Journal a newspaper circulated in Providence, Rhode Island.

Applicant states that the proposed subsidiary would engage in the activities of making secured and unsecured loans under Chapter 19-25.3 of the General Laws of the State of Rhode Island, and in connection therewith the sale of credit life and credit accident and health insurance. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 2, 1973.

Board of Governors of the Federal Reserve System, August 6, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16683 Filed 8-10-73;8:45 am]

IRWIN UNION CORP.

Proposed Acquisition of Irwin Union Credit Insurance Company; Correction

AUGUST 6, 1973.

In FR Doc. 73-15527 appearing on page 20298 of the issue for Monday, July 30, 1973, the second sentence in the first paragraph should read as follows:

"Notice of the application was published on April 20, 1973 in The Republic, a newspaper circulated in Columbus, Indiana."

Board of Governors of the Federal Reserve System, August 6, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16678 Filed 8-10-73;8:45 am]

MERCANTILE BANCORPORATION

Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of Sedalia Bank and Trust Company, Sedalia, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 30, 1973.

Board of Governors of the Federal Reserve System, August 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16698 Filed 8-10-73;8:45 am]

NEW ENGLAND BANCORP, INC.

Formation of Bank Holding Company

New England Bancorp., Inc., Waltham, Massachusetts, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent (less directors' qualifying shares) of the voting shares of Guaranty-First Trust Company, Waltham, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System,

[6] Dissenting Statement of Governor Daane filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D. C. 20551, or to the Federal Reserve Bank New York.

[7] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, and Holland. Voting against this action: Governor Daane.

[1] Banking data are as of June 30, 1972.

[8] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan and Bucher. Absent and not voting: Governors Daane, Brimmer and Holland.

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Washington, D.C. 20551, to be received not later than August 19, 1973.

Board of Governors of the Federal Reserve System, August 2, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16647 Filed 8-10-73;8:45 am]

NORTHEAST BANKSHARE ASSOCIATION

Acquisition of Bank

Northeast Bankshares Association, Lewiston, Maine, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Sanford Trust Company, Sanford, Maine. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 30, 1973.

Board of Governors of the Federal Reserve System, August 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16696 Filed 8-10-73;8:45 am]

OLD KENT FINANCIAL CORP.

Acquisition of Bank

Old Kent Financial Corporation, Grand Rapids, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by consolidation to Fremont Bank and Trust Company, Fremont, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 15, 1973.

Board of Governors of the Federal Reserve System, August 2, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16644 Filed 8-10-73;8:45 am]

TWIN GATES CORP. AND NORTHERN STATES BANCORPORATION, INC.

Proposed Acquisition of Kelly Mortgage and Investment Company and Its Subsidiaries Kelly Holding Company and Income Advisory Corporation

Twin Gates Corporation, Wilmington, Delaware and its subsidiary, Northern States Bancorporation, Inc., Detroit Michigan have applied pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Kelly Mortgage and Investment Company ("Kelly") and its subsidiaries Kelly Holding Company ("Kelly Holding") and Income Advisory Corporation ("Income"), all with head offices in Flint, Michigan. Notice of the application was published on the following newspapers on the following dates:

Date	Newspaper	City and State
May 15 and June 9, 1973.	The San Antonio Express & San Antonio Evening News.	San Antonio, Texas.
May 12, and June 12, 1973.	The Palm Beach Port.	Palm Beach, Florida.
May 11, and June 8, 1973.	The Flint Journal.	Genessee County, Michigan.
May 15, and June 11, 1973	The State Journal.	Ingham County, Michigan.
May 17, and June 14, 1973.	The Eccentric.	Oakland County, Michigan.

Applicant states that Kelly would engage in mortgage banking activities, including the origination of mortgages for sale to permanent investors and servicing of mortgages for permanent investors, all with respect to residential, commercial, and industrial real estate and the making of interim construction loans. Kelly Holding would engage in the business of selling residential FHA and VA loans on a bulk purchase basis to a life insurance company. Income would engage in the business of being an advisor to a real estate investment trust. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposals can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 30, 1973.

Board of Governors of the Federal Reserve System, August 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16694 Filed 8-10-73;8:45 am]

UNION COMMERCE CORP.

Proposed Acquisition of Bjorke Associates, Inc.

Union Commerce Corporation, Cleveland, Ohio, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Bjorke Associates, Inc., New York, New York. Notice of the application was published on June 12, 1973 in The Plain Dealer, a newspaper circulated in Cleveland, Ohio and in the Rochester Democrat & Chronicle, a newspaper circulated in Rochester, New York.

Applicant states that the proposed subsidiary would engage in the activities of acting as investment advisor and portfolio manager for employee benefit, private foundation, educational endowment and personal funds. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 2, 1973.

Board of Governors of the Federal Reserve System, August 6, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16679 Filed 8-10-73;8:45 am]

UNITED FIRST FLORIDA BANKS, INC.

Order Approving Acquisition of Bank

United First Florida Banks, Inc., Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under Section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) of the acquisition of 80 percent or more of the voting shares of the Davenport State Bank, Davenport, Florida ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and none have been received. The application has been considered in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842 (c)).

Applicant controls 31 banks having aggregate deposits of $971.5 million[1] and ranks as the fifth largest banking organization in Florida. Bank's establishment and acquisition will not affect concentration of banking resources in this State.

Davenport is in the eastern half of Polk County, Florida, the relevant market, in which 13 banks and eight bank holding companies are now operating. Applicant is the third largest of these organizations, and controls two banks with 10.72 per cent of the aggregate deposits in the market. Applicant's formation and acquisition of Bank will improve Applicant's competitive position in the market, but not to the extent that its position is dominant so as to foreclose others from entry. Considerations under the competitive aspects are consistent with approval of the application.

Applicant proposes to offer banking services to an area not conveniently served by banks now in the market; it would thus tend to serve the convenience and needs of the community, and this lends weight to approval.

The financial and managerial resources of Applicant, its subsidiary banks, and Bank are consistent with approval, particularly in view of Applicant's commitment to improve the capital position of several of its other subsidiary banks. It is the Board's judgment that the proposed transaction is in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective August 6, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-16677 Filed 8-10-73;8:45 am]

[1] All banking data are as of June 30, 1972, unless otherwise noted, and include formations and acquisitions approved by the Board through June 12, 1973.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher. Absent not voting: Governors Daane, Brimmer, and Holland.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temporary Reg. F-187]

SECRETARY OF TRANSPORTATION

Delegation of Authority

Correction

In FR Doc. 73-15741 appearing on page 20380 in the issue of Tuesday, July 31, 1973, the headings should read as set forth above.

[Federal Property Management Regs. Temporary Reg. F-189]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the North Carolina Utilities Commission in a proceeding involving an application of the Southern Bell Telephone and Telegraph Company for a telecommunications service rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

AUGUST 6, 1973.

[FR Doc.73-16706 Filed 8-10-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-4421—7-4428]

AVIS, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 6, 1973.

In the matter of applications of the Boston Stock Exchange, Inc., for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Avis, Inc	File No. 7-4421
Colonial Penn Group	File No. 7-4422
Davis Food Services, Inc	File No. 7-4423
Franklin Stores Corp	File No. 7-4424
General Development Corp	File No. 7-4425
Hospital Corp. of America	File No. 7-4426
Jefferson-Pilot Corp	File No. 7-4427
Louisiana-Pacific Corp	File No. 7-4428

Upon receipt of a request, on or before August 22, 1973 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16991 Filed 8-10-73;8:45 am]

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[812-3484]

BUNKER HILL INCOME SECURITIES, INC.

Notice of Filing of Application for Order of Exemption

AUGUST 6, 1973.

Notice is hereby given that Bunker Hill Income Securities, Inc., 9200 Sunset Boulevard, Suite 930, Los Angeles, California 90069 ("Applicant"), a diversified, closed-end management investment company, in connection with a proposed public offering of shares of its common stock, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") for an order of exemption from sections 15(a) and 16(a) of the Act to the extent necessary to permit Security Pacific National Bank to serve as investment adviser of the Applicant pursuant to a written investment advisory contract approved by the Applicant's Board of Directors even though such contract has not been approved by a vote of the shareholders of the Applicant, and to permit directors of the Applicant to serve as directors without having been elected to such positions by the shareholders of the Applicant, such exemptions to be effective until the meeting of shareholders to be held within 180 days after the effective date of the Applicant's Registration Statement on Form S-4 filed under the Securities Act of 1933 (the "1933 Act"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, at present, has no shareholders, but proposes to issue up to 4,400,000 shares of its common stock when its 1933 Act Registration Statement becomes effective. Applicant also proposes to enter into an investment advisory agreement with Security Pacific National Bank under which the bank will serve as investment adviser of the Applicant.

Section 15(a) of the Act provides, in part, that a person may not serve as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by a vote of a majority of the outstanding voting securities of such registered investment company, and section 16(a) of the Act provides, with limited exceptions not here relevant, that no person shall serve as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company. Inasmuch as the Applicant has no shareholders to date, the investment advisory contract has not been approved by the shareholders and the Board of Directors of the Applicant has not been elected by the shareholders.

The application states that the proposed investment advisory contract will comply with the provisions of the Act in all respects except as to necessary advance shareholder approval provided in section 15(a) of the Act, and that the persons serving as directors of the Applicant will meet all of the requirements of the Act except the requirements of section 16(a) that they be elected to that office by holders of the outstanding voting securities of the Applicant and that at least ⅔ of the directors in office have been elected by shareholders of the Applicant.

The application states that the entire Board of Directors will stand for election, and the investment advisory contract will be presented for approval, at the meeting of shareholders to be held within 180 days after the effective date of the Applicant's 1933 Act Registration Statement, and that the prospectus to be used by the Applicant in connection with the sale of its shares of common stock will contain full appropriate information concerning the directors and investment advisory contract.

Applicant submits that the requested exemptions from the provisions of sections 15(a) and 16(a) of the Act are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 31, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his or her interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16688 Filed 8-10-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10¢ par value, of Continental Vending Machine Corporation, and the 6% convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 8, 1973 through August 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16673 Filed 8-10-73;8:45 am]

[70-5372]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Preferred Stock at Competitive Bidding

AUGUST 7, 1973.

Notice is hereby given that Delmarva Power and Light Company ("Delmarva"), 800 King Street, Wilmington, Delaware 19899, a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Delmarva proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, 150,000 shares of its cumulative preferred stock, par value $100 per share. The dividend rate of the preferred stock (which will be a multiple of .04%) and the price, exclusive of accrued dividends, to be paid to Delmarva (which will be not less than $100 per share nor more than $102.75) will be determined by the competitive bidding. The terms of the preferred stock include a prohibition until October 1, 1978, against redeeming the preferred stock, directly or indirectly, with funds derived from the issuance of debt securities at a lower effective interest cost or other preferred stock at a lower effective dividend cost.

The net proceeds from the sale of the preferred stock will be applied toward the retirement of the Company's First Mortgage and Collateral Trust Bonds, 3% Series, due October 1, 1973.

A statement of the fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is represented that the Public Service Commission of Delaware has jurisdiction over the proposed issue of preferred stock by Delmarva and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 31, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16674 Filed 8-10-73;8:45 am]

[File No. 500-1]

JEROME MACKEY'S JUDO, INC.

Order Suspending Trading

AUGUST 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Jerome Mackey's Judo, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 8, 1973 through August 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16675 Filed 8-10-73;8:45 am]

[File Nos. 7-4429-74435]

MASONITE CORP., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 6, 1973.

In the matter of applications of the Boston Stock Exchange, Inc. for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Masonite Corporation	7-4429
Ponderosa System, Inc. (Del)	7-4430
Helena Rubinstein, Inc	7-4431
Russ Togs, Inc	7-4432
Statham Instruments, Inc	7-4433
Sternco Industries, Inc	7-4434
Tesoro Petroleum	7-4435

Upon receipt of a request, on or before August 22, 1973 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16692 Filed 8-10-73;8:45 am]

[70-5368]

MICHIGAN CONSOLIDATED GAS CO.

Notice of Proposed Short-Term Borrowing From Trust Department of a Bank and Issuance and Sale of Notes to Banks and or Issuance and Sale of Commercial Paper

AUGUST 7, 1973.

Notice is hereby given that Michigan Consolidated Gas Company ("Michigan Consolidated"), One Woodward Avenue, Detroit, Michigan 48226, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed an application-declaration and and amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rules 42(b)(2), 50(a)(2) and 70(b)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Michigan Consolidated proposes, from time to time until September 1, 1974 and to the extent funds are available, to borrow up to a maximum of $12,000,000 outstanding at any one time from the Trust Department of the National Bank of Detroit ("Trust Department"), which administers, as Trustee, pension and other funds of many corporations. It is stated that borrowings from the Trust Department will be made under an agreement between Michigan Consolidated and the Trust Department, on notes, at an interest rate (computed on a 360-day interest bearing basis) equivalent to the highest rate paid daily by General Motors Acceptance Corporation on its commercial paper with a maturity of 30 to 180 days. Michigan Consolidated will be notified by the Trust Department of any change in the interest rate. The notes issued from January 1 to June 30 will mature July 1 of the same year and those issued from July 1 to December 31 will mature January 1 of the following year. The Trust Department will have the right, however, to demand payment at any time of all or any part of the principal of the loan or loans outstanding. Michigan Consolidated will have the right to repay the notes at any time without penalty. Michigan Consolidated proposes to report quarterly to the Commission the amounts borrowed from the Trust Department and the interest rate thereon. It is further stated that under terms of an identical arrangement of September 1972, with the Trust Department (Holding Company Act Release No. 17677, dated August 29, 1972), borrowings thereunder ranged from a low of $7,311,000 on April 23, 1973 to a high of $11,991,000 on Januray 15, 1973. If borrowings from the Trust Department should decline below $6,000,000, it may be necessary, depending upon the amount of borrowings from the banks and commercial paper outstanding, to supply the required funds for a short time by a temporary draw-

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ing down of Michigan Consolidated's cash balances. The Trust Department has a continuous flow of funds from its internal operations and follows a practice of pooling these funds and loaning them to various corporations through its nominee, Trussal & Co., so that Michigan Consolidated anticipates always having a minimum of $6,000,000 available from this source.

Michigan Consolidated states it has obtained lines of credit from a group of six commercial banks (herein collectively referred to as "Banks") providing for bank borrowings on its promissory notes ("Notes"). The Banks and their respective commitments are as follows:

Name of Bank	Amount of Commitment
National Bank of Detroit, Detroit, Michigan	$12,000,000
First National City Bank, New York, New York	8,000,000
The Chase Manhattan Bank, New York, New York	5,000,000
Manufacturers Hanover Trust Company, New York, New York	4,000,000
The Detroit Bank & Trust Company, Detroit, Michigan	3,000,000
Manufacturers National Bank of Detroit, Detroit, Michigan	3,000,000
	$35,000,000

Michigan Consolidated states the Notes will be unsecured and will be issued in varying amounts commencing in September, 1973 and from time to time as funds are required by Michigan Consolidated. There is no commitment fee, closing or other related charges payable to the Banks in connection with the bank borrowings. The Notes may be prepaid at any time without penalty. If any Notes are prepaid, new Notes may be issued provided that the aggregate principal amount of Notes outstanding at any one time does not exceed $35,000,000. The Notes will be dated as of the date of issuance and will mature September 1, 1974. Each Note will bear interest at the prime rate in effect at the lending bank on the date of each borrowing and will be adjusted to the prime rate effective with any change in said rate. Interest shall be payable at the end of each 90-day period subsequent to the date of the first borrowing and at maturity. As a condition of these lines of credit, Michigan Consolidated is required to maintain compensating balances with the Banks. If it is assumed that these balances are maintained solely in order to fulfill the compensating balance requirement, the effective cost is thereby increased by approximately one and one-half percent above the stated rates, based upon a prime rate of 8¾%.

Michigan Consolidated proposes, in lieu of borrowing under the lines of credit, to issue and sell from time to time commercial paper payable to bearer, with maturities not later than September 1, 1974, in the aggregate face amount not to exceed $35,000,000 outstanding at any one time. The commercial paper will be sold to Goldman, Sachs & Co., a New York, New York dealer in commercial paper. The commercial paper will have varying maturities of not more than 270 days after the date of issue and will be issued and sold in varying denominations of not less than $50,000 and not more than $2,000,000 directly to Goldman, Sachs & Co. at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturities. Michigan Consolidated proposes to sell commercial paper only so long as the effective interest cost for such commercial paper does not be in excess of the discount rate per ings from commercial banks (after taking into consideration compensating balances) on the date of sale, except for commercial paper of maturity not exceeding 90 days issued to refund outstanding commercial paper, if, in the judgment of Michigan Consolidated, it would be impractical to borrow from commercial banks to refund such outstanding commercial paper.

No commission or fee will be payable by Michigan Consolidated in connection with the issue and sale of such commercial paper notes. Goldman, Sachs & Co., as principal, will reoffer such notes at a discount not to exceed ⅛ of 1% per annum less than the prevailing discount rate to Michigan Consolidated. Such notes will be reoffered to not more than 200 identified and designated customers in a list (non-public) prepared in advance by Goldman, Sachs & Co. and no additions will be made to the customer list without approval of this Commission. It is anticipated that the commercial paper will be held by customers to maturity; however, if any commercial paper is repurchased by Goldman, Sachs & Co., such paper will be reoffered only to others in the group of 200 customers. Michigan Consolidated proposes to report quarterly to the Commission pursuant to Rule 24 the amounts issued and sold by Goldman, Sachs & Co. and the discount thereon.

In July 1973 Michigan Consolidated sold $35,000,000 principal amount of first mortgage bonds and 400,000 shares of its common stock ($14 per share par value) for $5,600,000 (Holding Company Act Release No. 18011, June 28, 1973). Part of the proceeds will be used to retire $17,000,000 of outstanding bank loans due August 31, 1973 (Holding Company Act Release No. 17677, August 29, 1972). The remaining net proceeds together with the borrowings herein requested will be used to partially finance the Company's 1973 construction program (estimated at $91,000,000). It is anticipated that funds required to retire the borrowings herein requested will ultimately be obtained from additional long-term financing and funds generated internally.

Michigan Consolidated states that the total amount of proposed borrowings from the Trust Department, Banks and or the issuance and sale of commercial paper will not exceed $41,000,000 outstanding at any one time.

Michigan Consolidated also plans to borrow, pursuant to the exemption contained in section 6(b) of the Act, up to $26,000,000 to partially finance current inventory of gas placed in underground storage. It is stated that funds are generated in an amount sufficient to repay these borrowings as the inventory gas is sold to meet the winter demand of customers.

Fees and expenses incident to the proposed transactions are estimated at $3,000, including counsel fees of $500. The application-declaration as amended states that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

Notice is further given that any interested person may, not later than August 31, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration, as amended, which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16672 Filed 8-10-73;8:45 am]

[70-5374]

MIDDLE SOUTH UTILITIES, INC., ET AL.

Proposed Sale of Microwave Equipment Amendment to Loan Agreement

AUGUST 6, 1973.

Notice is hereby given that Middle South Utilities, Inc., 280 Park Avenue, New York, New York 10017 ("Middle South"), a registered holding company, Arkansas Power & Light Company, Ninth and Louisiana Streets, Little Rock, Arkansas 72203 ("Arkansas") and ("Louisiana"), 142 Delaronde Street, New Orleans, Lousiana 70174, electric utility subsidiary companies of Middle South, and Middle South Services, Inc., 225 Baronne Street, New Orleans, Louisiana 70112 ("Services"), a nonutility subsidiary service company of Middle South, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7(a), 9(a), 10(a), 12(b) and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Services has been authorized by this Commission to operate control facilities used to coordinate the bulk power generation and transmission system of the Middle South System ("System") (Holding Company Act Release No. 17056, dated March 19, 1971). Furthermore, Services has also been authorized by this Commission to operate electronic data processing facilities for the System (Holding Company Act Release No. 16044, dated April 24, 1968). Pursuant thereto, Services has established and is operating a Systems Operations Center at Pine Bluff, Arkansas and a Computer Center at Gretna, Louisiana.

Arkansas and Louisiana own certain microwave equipment located at or near the Systems Operations Center and the Computer Center. Since the establishment of the System Operations Center and Computer Center, this particular microwave equipment has become primarily associated with the operations of the two Centers and is primarily used to tie the two Centers into the microwave communications network for Middle South System. To fulfill operational requirements of the System, additions to this microwave equipment presently are being installed.

In view of the relationship of this particular microwave equipment to the two Centers, Services proposed to acquire from Arkansas and Louisiana, and Arkansas and Louisiana propose to sell to Services such microwave equipment, including the additions thereto.

Services will acquire said microwave equipment and the additions thereto for a purchase price equal to the depreciated original cost, including construction work-in-progress. The purchase price will be adjusted for any additions and retirements occurring between May 31, 1973, and the last day of the month preceding the month of the date of the closing. It is contemplated that the closing date of the sales will be on or about September 4, 1973, for both the Arkansas and Louisiana equipment and that the total purchase price so computed will be approximately $696,000. In addition to this amount, Services will compensate Arkansas and Louisiana for the latters' completion, subsequent to the closing date, of the additions to the microwave equipment. This sum is currently estimated to be $40,000.

To finance the cost of acquisition of, and additions to, the microwave equipment, and to provide funds for the presently contemplated expansion of Services' staff, functions and facilities, Services and Middle South propose to amend an existing Loan Agreement between them, dated January 12, 1972 (Holding Company Act Release No. 17379, dated November 30, 1971), to increase the total amount of allowable borrowings thereunder from $1,000,000 to $3,000,000. As of May 31, 1973, borrowings by Services outstanding under the Loan Agreement amount to $800,000. Under the terms of the Loan Agreement, as amended, Services proposes, as and when required, to issue and sell to Middle South, and Middle South proposes to acquire from Services, unsecured subordinated notes.

The applicants-declarants state that no special and separable fees, commissions or expenses are anticipated in connection with the transactions proposed, except for the filing fee of $2,000 and other legal and related expenses estimated not to exceed $550. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 28, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc. 73-16690 Filed 8-10-73;8:45 am]

[811-695]

PACIFIC INVESTMENT FUND, LTD.

Notice of Proposal To Terminate Registration

AUGUST 6, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Pacific Investment Fund, Ltd. ("Fund"), 301 Liberty Bank Building, 99 North King Street, Honolulu, Hawaii 96817, registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company.

Fund was organized as a Hawaiian corporation on September 1, 1955, and registered under the Act by filing a Form N-8A Notification of Registration on October 17, 1955, and a Form N-8B-1 Registration Statement on October 27, 1955.

The Commission's records disclose that at an annual meeting held on March 18, 1959, shareholders approved the liquidation and dissolution of the Fund, and on September 28, 1959, the Trustees for creditors and stockholders of the Fund informed the Commission that such liquidation and dissolution was completed by that date and that registration of the Fund under the Act should be terminated. Fund also ceased offering its shares to the general public on November 30, 1958.

Section 8(f) of the Act, provides, in pertinent part, that when the Commission finds a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion when appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 31, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who

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request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16687 Filed 8-10-73;8:45 am]

[File Nos. 7-4436—7-4437]

TROPICANA PRODUCTS, INC. (FLA.), AND URIS BUILDINGS CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 6, 1973.

In the matter of applications of the Boston Stock Exchange, Inc., for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Tropicana Products, Inc. (Fla.)	File No. 7-4436
Uris Buildings Corp	File No. 7-4437

Upon receipt of a request, on or before August 22, 1973 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16689 Filed 8-10-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 317]

ASSIGNMENT OF HEARINGS

AUGUST 8, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

W-552 Sub 15, American Commercial Barge Line, Co., W-654 (Sub 8), Warrior & Gulf Navigation Co.—Extension-Tug & Barge, now being assigned hearing October 29, 1973 (2 weeks), at New Orleans, La., in a hearing room to be later designated.

MC 138188, Load & Go Truck Line, now assigned September 10, 1973, is postponed indefinitely.

MC 127042 Sub 113, Hagen, Inc., now being assigned September 26, 1973 (3 days), at Seattle, Wash., in a hearing room to be later designated.

MC-C-7866, Puget Sound Truck Line, Inc.—Investigation and Revocation of Certificates—, now being assigned October 1, 1973 (1 day), at Seattle, Wash., in a hearing room to be later designated.

MC 113855 Sub 272, International Transport, Inc., now being assigned October 2, 1973 (1 day), at Seattle, Wash., in a hearing room to be later designated.

MC 117304 Sub 29, Don Paffile, DBA Paffile Truck Lines, Extension-Buildings and Component Parts, now being assigned October 3, 1973, (1 day), at Seattle, Wash., in a hearing room to be later designated.

MC 113678 Sub 480, Curtis, Inc., now being assigned October 4, 1973 (2 days), at Seattle, Wash., in a hearing room to be later designated.

MC-C-8073, Piggy-Back Service Co. and C. L. "Bill" Shupe—Investigation of Operations and Practices, now being assigned hearing September 24, 1973, (1 day), at Salt Lake City, Utah in a hearing room to be later designated.

MC-113678 Sub 484, Curtis, Inc., now being assigned hearing September 25, 1973, (1 day), at Salt Lake City, Utah, in a hearing room to be later designated.

MC-125433 Sub 42, F-B Truck Line Company, now being assigned hearing September 26, 1973 (3 days), at Salt Lake City, Utah, in a hearing room to be later designated.

No. 35825, Board of Trade of the City of Chicago V. The Akron, Canton & Youngstown Railroad Company, Et Al, now assigned September 17, 1973, hearing will be held in Room 813, 610 S. Canal St., Chicago, Illinois.

MCC 8001, La Porte Transit Co., Inc., -V- South Bend Freight Line, Inc., Et Al., now assigned September 20, 1973 hearing will be held in Room 813, 610 S. Canal St., Chicago, Illinois.

MC 13250 Sub 121, J. H. Rose Truck Line, Inc., MC 113855 Sub 264, International Transport, Inc., now assigned September 21, 1973, hearing will be held in Room 813, 610 S. Canal St., Chicago, Illinois.

MC 74238 Sub 3, Kriegsman Transfer Company, now assigned September 24, 1973, hearing will be held in Room 813, 610 S. Canal St., Chicago, Illinois.

MC 39568 Sub 10, Arrow Transfer & Storage Company, now being assigned hearing September 17, 1973 (1 week), in Room 556 Federal Office Bldg., 275 Peachtree St., N.E., Atlanta, Georgia.

MC 107012 Sub 170, North American Van Lines, Inc., now assigned September 17, 1973, at Atlanta, Ga., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16738 Filed 8-10-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 8, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before August 28, 1973.

FSA No. 42728—*Fertilizer and Fertilizer Materials from Erda, Utah.* Filed by Southwestern Freight Bureau, Agent, (No. B-421), for interested rail carriers. Rates on fertilizer and fertilizer materials, in carloads and tank-car loads, as described in the application, from Erda, Utah, to points in southwestern territory. Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 161 to Southwestern Freight Bureau, Agent, tariff 270-F, I.C.C. No. 4832. Rates are published to become effective on September 13, 1973.

FSA No. 42729—*Alloys or Metals from Braddock and McKees Rocks, Pennsylvania.* Filed by Southwestern Freight Bureau, Agent, (No. B-422), for interested rail carriers. Rates on alloys or metals, in carloads, as described in the application, from Braddock and McKees Rocks, Pa., to specified points in Texas. Grounds for relief—Market competition and rate relationship. Tariffs—Supplements 263 and 265 to Southwestern Freight Bureau, Agent, tariffs 1-F and 2-G, I.C.C. Nos. 4875 and 4847, respectively. Rates are published to become effective on September 13, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16740 Filed 8-10-73;8:45 am]

[Notice No. 107]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 7, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 C.F.R. 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8973 (Sub-No. 32 TA) filed July 23, 1973 Applicant: METROPOLITAN TRUCKING, INC. 2424 95th Street North Bergen, N.J. 07047 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glazed cinder blocks*, from Baltimore, Md., to points in Connecticut, Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, New York and New Jersey, for 180 days. SUPPORTING SHIPPER: United Glazed Products, Inc., P.O. Box 6077, Baltimore, Md. 21231. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 10792 (Sub-No. 1 TA) filed July 26, 1973 Applicant: LESLIE B. WILTFONG doing business as L. B. WILTFONG MOVERS 2612 N. Home Street Mishawaka, Ind. 46544 Applicant's representative: Leslie B. Wiltfong (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between South Bend and Mishawaka, Ind., on the one hand, and points in Tennessee on the other, for 180 days. SUPPORTING SHIPPER: Bendix Corporation, 1217 South Walnut St., South Bend, Ind. SEND PROTESTS TO: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, Ft. Wayne, Ind. 46802.

No. MC 30844 (Sub-No. 472 TA) filed July 18, 1973 Applicant: KROBLIN REFRIGERATED XPRESS, INC. 2125 Commercial Street P.O. Box 5000 Waterloo, Iowa 50702 Applicant's representative: Paul Rhodes (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden furniture frames* (knocked down), from Como, Miss., to Eldora, Iowa, for 180 days. SUPPORTING SHIPPER: Justice Furniture Company of Iowa, Industrial Park, Eldora, Iowa. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 30844 (Sub-No. 473 TA) filed July 18, 1973 Applicant: KROBLIN REFRIGERATED XPRESS, INC. 2125 Commercial Street P.O. Box 5000 Waterloo, Iowa 50702 Applicant's representative: Paul Rhodes (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in by retail gift stores, from Laredo, Tex., to Winona, Minn., for 180 days. SUPPORTING SHIPPER: L. A. S. Incorporated, D.B.A. Mexico, U.S.A., 1023 Mankato Avenue, Winona, Miss. 55987. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 41706 (Sub-No. 17 TA) filed July 30, 1973 Applicant: TOSE, INC. 64 West Fourth Street Bridgeport, Pa. 19405 Applicant's representative: Anthony C. Vance 1111 E Street, N.W. Suite 501 Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is ordinarily dealt in by retail stores, premium redemption companies, and mail-order houses, between New York, N.Y.; Washington, D.C.; points in Fairfield, Hartford and New Haven Counties, Conn.; Albany, Columbia, Duchess, Fulton, Greene, Montgomery, Nassau, Orange, Putnam, Rensselaer, Rockland, Schenectady, Schoharie, Suffolk, Sullivan, Ulster and Westchester Counties, N.Y.; and points in Delaware, Maryland, New Jersey and Pennsylvania, for 180 days. RESTRICTIONS: The service authorized next above is subject to the following conditions: (1) No traffic shall be transported between Washington, D.C., on the one hand, and, on the other, points in Maryland; (2) No traffic shall be transported from Newark, Del., and points within the commercial zone of Newark, Del., but not including Wilmington, Del., to points in Maryland and Washington, D.C.; (3) No traffic shall be transported between points in Albany, Columbia, Fulton, Greene, Montgomery, Renesslaer and Schenectady Counties, N.Y.; and (4) the service authorized shall be restricted against the transportation of any shipment weighing more than 250 lbs., for the purpose of this restriction a package or group of packages from a single consignor to a single consignee at a single destination shall be considered a shipment. Note: Tacking is unintended but interline will be made at Edison, N.J. SUPPORTING SHIPPERS: Popular Club Plan, 128 Dayton Avenue, Passaic, N.J.; Retail Delivery Service, Inc., 382 McLean Blvd., Paterson, N.J. 07513; The Drug House, Inc., 1011 W. Butler Street, Philadelphia, Pa.; Sears, Roebuck & Co., 4640 Roosevelt Blvd., Philadelphia, Pa.; William H. Rorer, 500 Virginia Dr., Fort Washington, Pa.; and Spiegel, Inc., 2511 W. 23rd Street, Chicago, Ill. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Wm. J. Green, Jr. Federal Bldg., 600 Ach Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 44913 (Sub-No. 10 TA) filed July 27, 1973 Applicant: E. ROSCOE WILLEY, INC. P.O. Box 116 Secretary, Md. 21664 Applicant's representative: Daniel B. Johnson 716 Perpetual Building 1111 E Street, N.W. Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Winston-Salem, N.C., to New Castle and Milford, Del., for 180 days. SUPPORTING SHIPPER: Major Distributing Co., Inc., 3020 Bowlerama Drive, New Castle, Del. 19720. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Ave., N.W., Washington, D.C. 20423.

No. MC 51146 (Sub-No. 324 TA) filed July 20, 1973 Applicant: SCHNEIDER TRANSPORT, INC. 2661 South Broadway P.O. Box 2298 (Box zip 54306) Green Bay, Wis. 54304 Applicant's representative: Neil DuJardin (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden veneer* cheese boxes, from Seymour, Wis., to Cabot, Vt., for 180 days. SUPPORTING SHIPPER: Seymour Woodenware Co., Inc., 522 Seymour Street, Seymour, Wis. 54165 (Quintin J. Adamski, President). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 52460 (Sub-No. 123 TA) filed July 30, 1973 Applicant: HUGH BREEDING, INC. 1420 West 35th Street P.O. Box 9515 Tulsa, Okla. 74107 Applicant's representative: Steve B. McCommas (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes and related items*, ie, lighter fluid, wood chips and barbeque base, from Branson, Mo., to points in Iowa, Arkansas, Colorado, Illinois, Indiana,

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Kansas, Kentucky, Texas, Louisiana, Minnesota, Nebraska, Oklahoma and Tennessee, for 180 days. SUPPORTING SHIPPER: Harvey E. Webb, Mgr., Supply, Distr. and Pur., Husky Industries, Inc., 62 Perimeter Center East, Atlanta, Ga. 30346. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240–Old P.O. Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 107496 (Sub-No 902 TA) filed July 20, 1973 Applicant: RUAN TRANSPORT CORPORATION Third and Keosauqua Way P.O. Box 855 (Box zip 50304) Des Moines, Iowa 50309 Applicant's representative: E. Check (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, from Freeport, Ill., to points in Iowa, for 150 days. SUPPORTING SHIPPER: Thomas Oil, Inc., 528½ South Front St., Mankato, Minn. 56001. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309

No. MC 111045 (Sub-No. 103 TA) filed July 30, 1973 Applicant: REDWING CARRIERS, INC. Post Office Box 426 Tampa, Fla. 33601 Applicant's representative: J. V. McCoy (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint removing compound*, in bulk, in tank vehicles, from Montgomery, Ala., to Wichita, Kans., for 180 days. SUPPORTING SHIPPER: Pennwalt Corporation, 3 Parkway, Philadelphia, Pa. 19102. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Bureau of Operations, Interstate Commerce Commission, 5720 S.W. 17th St., Room 105, Miami, Fla. 33155.

No. MC 111170 (Sub-No. 207 TA) filed July 30, 1973 Applicant: WHEELING PIPE LINE, INC. 2811 N. West Avenue P.O. Box 1718 El Dorado, Ark. 71730 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hydro sulfide*, in bulk, from Magnolia, Ark., to Montgomery, Ala., for 180 days. SUPPORTING SHIPPER: Dow Chemical U.S.A., Louisiana Division, Plaquemine, La. 70764. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 112963 (Sub-No. 44TA) filed July 30, 1973 Applicant: ROY BROS. INC. 764 Boston Road Pinehurst, Mass. 01866 Applicant's representative: Leonard E. Murphy (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water softening or clarifying compounds*, dry, in bulk, in tank or hopper vehicles, from Nashua, N.H., to Barberton, Ohio, for 180 days. SUPPORTING SHIPPER: Hampshire Chemicals, Div. W. R. Grace & Co., Poison Ave., Nashua, N.H. 03060. SEND PROTESTS TO: Darrell W. Hammons, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, 5th Floor, Boston, Mass. 02114.

No. MC 116045 (Sub-No. 38 TA) filed July 30, 1973 Applicant: NEUMAN TRANSIT CO., INC. P.O. Box 38 East of Rawlins, Wyo. 82301 Applicant's representative: Leslie R. Kehl Suite 1600 Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, from the plantsite of Farmers Union Central Exhange, Laurel, Mont., to the plantsite of Western Nuclear, Inc., located off Wyoming Highway 789 approximately 3 miles southwest of Riverton, Wyo., for 180 days. SUPPORTING SHIPPER: Western Nuclear, Inc., Suite 387—One Park Central, Denver, Colo. 80202. SEND PROTESTS TO: District Supervisor Paul A. Naughton, Bureau of Operations, Interstate Commerce Commission, Rm. 1006 Federal Bldg. & Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 117119 (Sub-No. 480 TA) filed July 30, 1973 Applicant: WILLIS SHAW FROZEN EXPRESS, INC. P.O. Box 188 Elm Springs, Ark. 72728 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooked bakery goods*, not frozen, in cans, in cartons, from Little Rock, Ark., to points in Alabama, Arizona, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Mississippi, Nebraska, New Mexico, North Carolina, Oklahoma, Ohio, Tennessee, Texas and Virginia, for 180 days. SUPPORTING SHIPPER: Merico, Inc., 4200 Hoerner, Little Rock, Ark. 72205. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118838 (Sub-No. 13 TA) filed July 20, 1973 Applicant: GABOR TRUCKING, INC. P.O. Box 646 RR2 Detroit Lakes, Minn. 56501 Applicant's representative: Richard P. Anderson 502 First National Bank Bldg. Fargo, N. Dak. 58102 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* (except liquid commodities in bulk), from Rochelle, Ill., to ports of entry on the International Boundary line, between the United States and Canada located in Minnesota, North Dakota and Montana, for 180 days. SUPPORTING SHIPPER: Wilbur-Ellis Co. of Canada Ltd., 307–540 Burrard Street, Vancouver 1, British Columbia, Canada. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 120648 (Sub-No. 2 TA) filed July 6, 1973 Applicant: SUTHERLAND TRANSPORTATION CORP. 100 Allwood Ave. Central Islip, N.Y. 11722 Applicant's representative: John P. Tynan 65–12 69th Place Middle Village, N.Y. 11379 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except classes A and B explosives, articles of unusual value, commodities in bulk and those requiring special equipment), between New York, N.Y. and the terminal facilities of Acme Fast Freight, Inc., North Bergen, N.J.; P. Callahan, Inc., Jersey City, N.J.; Eastern Freightways, Inc., Carlstadt, N.J.; and Lansdale Transportation Co., Inc.; Carlstadt, N.J., for interchange of Freight Traffic only, for 180 days. Note: Applicant intends to tack with MC 1260648 (Sub-No. 1) at New York City; and at the terminal points sought. SUPPORTING SHIPPERS: (1) Lansdale Transportation Co., Inc., P.O. Box 392, Lansdale, Pa. 19446; (2) Eastern Freight Ways, Inc., Eastern and Moonarchie Ave., Carlstadt, N.J. 07072; (3) Acme Fast Freight, Inc., 2115 69th St., North Bergen, N.J. 07047; and (4) P. Callahan, Inc., 160 Duffield Ave., Jersey City, N.J. 07305. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y.

No. MC 128527 (Sub-No. 41 TA) filed July 30, 1973 Applicant: MAY TRUCKING COMPANY P.O. Box 398 Payette, Idaho 83661 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in California, Oregon, Washington, Idaho and Nevada, for 180 days. Note: Applicant does not intend to tack authority or iterline with any other carrier. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Bldg., Amarillo, Tex. 79101. SEND PROTESTS TO: C. W. Campbell, Interstate Commerce Commission, Bureau of Operations, 550 West Fort, Box 07, Boise, Idaho 83724.

No. MC 128698 (Sub-No. 6 TA) filed July 20, 1973. Applicant: ERDNER BROS., INC. Fow & Leahy Sts. Swedesboro, N.J. 08085 Applicant's representative: Chester A. Zyblut 1522 K Street, N.W. Washington, D.C. 20005 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *foodstuffs*, from the storage facilities of Heinz U.S.A. at Woodstown, N.J. (Salem County), to the facilities of Heinz at Salem and Harrison, N.J.; Chambersburg, Mechanicsburg, Pittsburgh and Leetsdale, Pa., for 180 days. SUPPORTING SHIPPER: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa.

15230. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 128775 (Sub-No. 2 TA) filed July 20, 1973 Applicant: SCARLET TRUCK SERVICE, INC. 5141 Dillman Road P.O. Box 15375 West Palm Beach, Fla. 33406 Applicant's representative: F. John Rathbun (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk and all scrap metals*, from points in Dade County, to points in Broward County, for 180 days. SUPPORTING SHIPPER: Scrap Metal Processing Corp., Post Office Box 243, Opa Locka, Fla. 33054. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, 5720 S.W. 17th St., Room 105, Interstate Commerce Commission, Bureau of Operations, Miami, Fla. 33155.

No. MC 133145 (Sub-No. 1 TA) filed July 20, 1973 Applicant: THE PORTANOVA TRUCKING CO., INC. 114 Teller Road Trumbull, Conn. 06611 Applicant's representative: William J. Meuser 86 Cherry Street P.O. Box 507 Milford, Conn. 06460 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Lumber and building materials*, restricted to the transportation of traffic having a prior movement by rail, from Waterbury, Conn., to Somers, N.Y. with no return for compensation, from Waterbury, Conn. over Interstate Route 84, to Brewster, N.Y., then south on U.S. Route 202 to Somers, N.Y. serving no intermediate points, for 180 days. SUPPORTING SHIPPER: Heritage Village, Inc., Hillhouse Road, Southbury, Conn. 06488. SEND PROTESTS TO: David J. Kiernan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High St., Hartford, Conn. 06101.

No. MC 134599 (Sub-No. 85 TA) filed July 27, 1973 Applicant: INTERSTATE CONTRACT CARRIER CORPORATION Mail: P.O. Box 748 (Box zip 84110) Off: 265 W. 2700 South Salt Lake City, Utah 84115 Applicant's representative: Richard A. Peterson P.O. Box 81849 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magnetic recording tape*, in cassettes or on reels, from City of Industry, Calif., to points in the United States (except Alaska, Hawaii, California, Montana and Wyoming), under continuing contract with Mattel, Inc., for 180 days. SUPPORTING SHIPPER: Mattel, Inc., 5150 Rosecrans Avenue, Hawthorne, Calif. 90250 (Jones K. Chirstensen, Manager of Traffic). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 135633 (Sub-No. 7 TA) filed July 27, 1973 Applicant: NATIONWIDE AUTO TRANSPORTERS, INC. 2175 Lemoine Avenue Ft. Lee, N.J. 07024 Applicant's representative: Harold G. Hernly 118 North St. Asaph Street Alexandria, Va. 22314 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in driveaway service, from Bremen, Ind.; Van Alstyne, Tex.; Thomasville, Ga.; Canastota, N.Y.; Imlay City, Mich.; Elkhart, Ind.; Payette, Idaho; Lindsay, Calif.; Brigham City, Utah; and Ellaville, Ga., to points in the United States, for 180 days. SUPPORTING SHIPPER: Champion Home Builders Co., 5573 North St., Dryden, Mich. 48428. SEND PROTESTS TO: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 136343 (Sub-No. 16 TA) filed July 25, 1973 Applicant: MILTON TRANSPORTATION, INC., RD 1, Box 207 Milton, Pa. 17847 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spheres, highway marking strip glass*, from the facilities of Potters Industries, Inc., Apex, N.C., to points in Delaware, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont and Maine, for 180 days. SUPPORTING SHIPPER: Potters Industries, Inc., 600 Industrial Road, Carlstadt, N.J. 07072. SEND PROTESTS TO: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Bldg., 228 Walnut Street, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 138395 (Sub-No. 3 TA) filed July 30, 1973 Applicant: DOUGLAS H. WEST, P.O. Box 1274, Salisbury, Md. 21801 Applicant's representative: Charles E. Creager Suite 523 816 Easley Street Silver Spring, Md. 20910 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metals for recycling purposes*, from Salisbury, Md., to Roebling, Florence, Bridgeton and Newark, N.J., for 180 days. SUPPORTING SHIPPER: H. D. Metal Company, Inc., Boundary Street, Salisbury, Md. 21801. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street & Constitution Avenue, N.W., Washington, D.C. 20423.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16742 Filed 8-10-72;8:45 am]

[Suspension Docket No. 8664 Sub Nos. 4 and 5]

STABILIZATION OF RATES AND CHARGES, JUNE 1973

AUGUST 8, 1973.

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 8th day of August 1973.

It appearing, that solely pursuant to the provisions of Executive Order No. 11730 (38 F.R. 19345) dated June 13, 1973, the Interstate Commerce Commission, by its orders entered June 15, 1973 and July 13, 1973, suspended, for an indefinite period pending further order of the Commission, the operation of schedules setting forth new increased rates, fares and charges and new rules, regulations and practices having the effect of increasing rates, fares and charges applicable to movements in interstate and foreign commerce, which had been filed to become effective during the period June 14, 1973 through August 12, 1973;

And it further appearing, that Executive Order No. 11730, provided for the freezing of prices for a maximum period of 60 days from the date of said order, which period will expire at 11:59 p.m., August 12, 1973, and that under proposed Phase IV regulations issued by the Cost of Living Council rate increases for commodities or services provided by a public utility are exempt.

It is ordered, That the orders entered June 15, 1973 and July 13, 1973, insofar as they suspended the operation of the said schedules be, and they are hereby, vacated and set aside effective August 13, 1973;

It is further ordered, That respondents herein be, and they are hereby, authorized to file with the Commission, upon not less than one day's notice, supplements to the said schedules announcing the vacation of the Commission's orders and directing that the said schedules shall become effective, specifying the date thereof but not earlier than August 13, 1973;

And it is further ordered, That a copy of this order be posted in the Office of the Secretary and in the Section of Tariffs of the Interstate Commerce Commission and that a copy be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

POLICY STATEMENT

Phase IV of the President's Economic Stabilization Program is scheduled to go into effect on August 13, 1973. Pursuant to new section 150.56 (6 C.F.R. 150.56) rate increases for commodities or services provided by public utilities, defined as including carriers regulated by the Interstate Commerce Commission, are exempt from direct Phase IV controls. However, this Commission is charged with the duty of insuring that rate increases are non-inflationary and otherwise in conformity with the goals of the Economic Stabilization Program. To carry out this program, the Commission is requiring proponents in general increase proceedings to comply with existing Ex Parte No. 280 regulations (49 C.F.R. 1311.5). In addition, in all other proposals where increases will result, we will expect that the proponent or proponents of the increases will have taken into account the goals of the Economic Stabilization Program and that any resulting increases will not be inflationary.

[FR Doc.73-16741 Filed 8-10-73;8:45 am]

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[Notice No. 333]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 3, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74471. By supplemental order of the Motor Carrier Board approved for inclusion in the subject proceeding, the transfer to Wayne Daniel Truck, Inc., Mount Vernon, Mo., of Certificate No. MC–133591 (Sub-No. 3), and Permit No. MC–134494 (Sub-No. 5) issued March 14, 1973, and July 30, 1973, respectively, to Wayne Daniel, doing business as Wayne Daniel Truck, Mount Vernon, Mo., authorizing the transportation of toys and games, except sandboxes, blackboards, and chalkboards, from Booneville, Ark., to points in California, Oregon, Washington, Idaho, Utah, Colorado, Arizona, New Mexico, and Nevada, and confectioneries, from the plant sites of Sunline, Inc., located at or near St. Louis, Mo., to points in Utah and Colorado, limited to a transportation service to be performed under a contract with Sunline, Inc. Dual operations were authorized. Frederick J. Coffman, 521 South 14th Street, P.O. Box 80806, Lincoln, Nebr. 68501 Attorney for applicants.

No. MC–FC–74481. By order of August 7, 1973, the Motor Carrier Board approved the transfer to Westchester and New Jersey Transportation Co., Inc., Matawan, N.J., of Certificate No. MC–93147 issued to Lecon Trans., Inc., Brooklyn, N.Y., authorizing the transportation of: General commodities, usual exceptions, between Newark, N. J., and specified points in Westchester County, N.Y. A David Millner, Attorney, 744 Broad Street, Newark, N.J. 07102.

No. MC–FC–74486. By order of August 7, 1973, the Motor Carrier Board approved the transfer to Inland Empire Transport, Inc., Anaheim, Calif., of a portion of Certificate No. MC 41098 (Sub No. 36) issued to Global Van Lines, Inc., Anaheim, Calif., authorizing the transportation of: General commodities, usual exceptions, and certain specified commodities, between points and areas in Washington, Montana, Idaho, Nebraska, Colorado, Wyoming and South Dakota. Alan F. Wohlstetter, Attorney, 1700 K St., N.W., Wash., D.C. 20006.

No. MC–FC–74493. By order of August 7, 1973, the Motor Carrier Board approved the transfer to Ivan Lindekugel, doing business as Highline Transfer, 805 Phillip, North Platte, Nebr., of Certificate No. MC–120162 (Sub-No. 1), issued to Fred M. Gorder, dba Highline Transfer, 1314 West A Street, North Platte, Nebr., authorizing the transportation of: General commodities, usual exceptions, between specified points and areas in Nebraska.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc 73–16739 Filed 8–10–73;8:45 am]

COST OF LIVING COUNCIL

[Order No. 37]

SECRETARY OF THE TREASURY

Delegation of Authority

Pursuant to the authority delegated to me as Chairman of the Cost of Living Council by Executive Order 11695, as continued by Executive Order 11730, it is hereby ordered as follows:

1. There is hereby delegated to the Secretary of the Treasury authority to perform the following price stabilization functions except as provided in paragraph 2 of this order.

(a) Operate and maintain local service and compliance centers, especially in key district centers, in support of the Economic Stabilization Program as it pertains to price stabilization matters.

(b) Receive and process price stabilization forms, reports, applications, requests, and other information required to be submitted pursuant to the price stabilization regulations in Title 6, Code of Federal Regulations, or any order issued thereunder.

(c) Make decisions and issue orders with respect to notices of proposed price increases filed pursuant to Part 150 of Title 6, Code of Federal Regulations except:

(1) Those involving a prenotified price increase on a product, product line, service, or service line of $10 million or more;

(2) Those involving a prenotified price increase on a product, product line, service or service line of $5 million or more and an increase of 5 percent or more in a firm's annual sales or revenues over its sales or revenues for the most recently completed fiscal year; and

(3) Such other prenotified price increases as the Director of the Cost of Living Council or his delegate may direct.

(d) Make decisions and issue orders with respect to all special filings submitted pursuant to Part 150 of Title 6, Code of Federal Regulations (except as the Director of the Cost of Living Council or his delegate may direct) including—

(1) Applications for modification of prenotification requirements [6 CFR 150.151(b)(2)(iv)(A)];

(2) Applications for volatile pricing authority [6 CFR 150.156];

(3) Reports supporting loss or low profit firm pricing [6 CFR 150.201]; and

(4) Merchandise pricing plans [6 CFR Subpart K of Part 150].

(e) Make decisions and issue orders with respect to individual requests for exceptions (other than class exceptions and such individual requests as the Director of the Cost of Living Council or his delegate may direct) from the price stabilization regulations in Title 6, Code of Federal Regulations, or any order issued thereunder.

(f) Monitor submissions of periodic and one-time reports required to be submitted pursuant to Part 150 of Title 6, Code of Federal Regulations to ensure completeness and accuracy and to determine compliance with relevant price stabilization regulations and orders.

(g) Conduct investigations to determine compliance with the price stabilization regulations in Title 6, Code of Federal Regulations and the orders issued thereunder.

(h) Sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with Section 206 of the Economic Stabilization Act of 1970, as amended, with respect to functions delegated by this order and, subject to the concurrence of the General Counsel of the Cost of Living Council, seek judicial enforcement of those subpoenas.

(i) Notify persons of probable violations of the price stabilization regulations and orders, issue remedial orders, monitor remedial activities, and approve compliance actions with respect thereto.

(j) Compromise and collect civil penalties for violations of price stabilization regulations and orders by price category III firms and for late filings of required price stabilization reports by price category I and price category II firms.

(k) Subject to the guidance of the General Counsel of the Cost of Living Council, issue to individuals and individual firms interpretations of the price stabilization regulations in Part 150 of Title 6, Code of Federal Regulations.

(l) Make decisions and issue orders with respect to requests for reconsideration of initial decisions made and orders issued pursuant to the authority delegated by subparagraph (c) of this paragraph, with respect to prenotified price increases on a product, product line, service, or service line of less than $3 million.

(m) Make decisions and issue orders with respect to requests for reconsideration of initial decisions made and orders issued pursuant to the authority delegated by subparagraphs (d), (e), (i) or (k) of this paragraph except in such cases as the Director of the Cost of Living Council or his delegate may otherwise direct.

(n) Maintain records and provide periodic reports to the Director of the Cost of Living Council concerning the conduct of price stabilization activities performed pursuant to this order.

(o) Disseminate public information with respect to price stabilization matters and respond to requests for public disclosure of records relating to price stabilization in accordance with Part 102 of Title 6, Code of Federal Regulations.

2. The authority delegated by paragraph 1(a) through (f) and (i) through (o) of this order does not extend to institutional and non-institutional providers of health services who are subject to Subpart O of Part 150 of Title 6, Code of Federal Regulations.

3. The Secretary may redelegate to the Commissioner of Internal Revenue and provide for further redelegation to any official of the Internal Revenue Service any authority under this order, and may utilize any service of any other agency, federal or state, as may be available and appropriate.

4. Officials exercising the authority delegated by this order or redelegated pursuant thereto shall be governed by the regulations and rulings of the Cost of Living Council and by the policies, procedures, and controls prescribed by the Cost of Living Council.

5. This order is effective August 13, 1973.

Issued in Washington, D.C. on August 9, 1973.

GEORGE P. SHULTZ,
Chairman
Cost of Living Council.

[FR Doc.73–16875 Filed 8–10–73;11:57 am]

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CUMULATIVE LISTS OF PARTS AFFECTED—AUGUST

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PART II

COUNCIL ON ENVIRONMENTAL QUALITY

■

NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

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Title 40—Protection of Environment

CHAPTER V—COUNCIL ON ENVIRONMENTAL QUALITY

PART 1510—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Pursuant to section 311(c)(2) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92–500) and section 4 of Executive Order 11735, August 2, 1973, the Council on Environmental Quality invites comments and suggestions from interested parties on or before September 27, 1973, with respect to the following revision of the National Oil and Hazardous Substances Pollution Contingency Plan. This Plan supersedes the one set forth in the FEDERAL REGISTER of August 20, 1971 (36 FR 16215), as amended on September 9, 1972 (37 FR 18411) and December 21, 1972 (37 FR 2808).

The new National Contingency Plan has been prepared in conjunction with the National Response Team (NRT) in light of both operating experience under the 1971 Plan and new requirements contained in Public Law 92–500. Its purpose is to provide for efficient, coordinated, and effective actions to minimize damage from oil and hazardous substance discharges. Pending designation of hazardous substances pursuant to section 311(b)(2) of Public Law 92–500, the NRT agencies will act pursuant to other operating authority to remove discharges of polluting substances when necessary to protect the public health or welfare.

Significant changes in the Plan, as compared with the 1971 version, include: (a) A requirement that removal efforts by private parties, in order to be considered proper under section 311(c)(1) of Public Law 92–500, must be fully sufficient to minimize or mitigate damage to the public health or welfare and must conform with applicable regulations and guidelines and Annex X and other provisions or restrictions of the Plan; (b) a requirement that, in circumstances not covered by regulations or the Regional Contingency Plan, the use of chemicals to remove discharges must be authorized by the EPA representative or alternate representative on the Regional Response Team; (c) a determination that, because of the overriding need for prompt initiation of discharge removal actions, no formal permit under section 402 of Public Law 92–500 shall be required before application of chemicals to remove a discharge, if such application is in accordance with the Plan; and (d) provision for States to designate liaisons to Regional Response Teams, to act where necessary to remove discharges, and to be reimbursed from the Federal Pollution Revolving Fund for reasonable costs incurred in such removal.

Annex X of the Plan was prepared by the Environmental Protection Agency pursuant to section 1(2) of Executive Order 11735.

The Plan is hereby codified as Part 1510 in Chapter V of Title 40 of the Code of Federal Regulations. Comments as requested above will be considered and may be addressed to the General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006. In order that the Plan may be immediately utilized to protect the public health and welfare, it is made effective August 13, 1973.

RUSSELL E. TRAIN,
Chairman.

This National Contingency Plan, prepared at the direction of the 92nd Congress and PL 92–500, provides a mechanism for coordinating the response to discharges of oil and hazardous substances.

AUGUST 1973.

This Plan supersedes the National Oil and Hazardous Substances Pollution Contingency Plan—August 1971

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AUTHORITY: Sec. 311(c)(2), Public Law 92–500, 86 Stat. 865, 33 U.S.C. 1251, et seq.

Subpart A—Introduction

§ 1510.1 Authority.

This National Oil and Hazardous Substances Pollution Contingency Plan[1] has been developed in compliance with the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251, et seq.). The President delegated authority and responsibility to the Council on Environmental Quality to carry out subsection (c)(2) of section 311 of the Act, providing for the preparation, publication, revision and amendment of a National Contingency Plan for the removal of oil and hazardous substances.

[1] This Plan supersedes the August 1971 edition.

§ 1510.2 Purpose of objectives.

(a) This Plan, including the Annexes, provides for a pattern of coordinated and integrated response by Departments and Agencies of the Federal Government to protect the environment from the damaging effects of pollution discharges. It promotes the coordination and direction of Federal and State response systems and encourages the development of local government and private capabilities to handle such discharges.

(b) The objectives of this Plan are to provide for efficient, coordinated and effective action to minimize damage from oil and hazardous substance discharges, including containment, dispersal and removal. The Plan, including the Annexes and regional plans, provides for: (1) Assignment of duties and responsibility among Federal departments and agencies in coordination with State and local agencies; (2) identification, procurement, maintenance, and storage of equipment and supplies; (3) establishment or designation of a strike force to provide necessary services to carry out the Plan and establishment, at major ports, of trained and equipped emergency task forces; (4) a system of surveillance and reporting designed to insure the earliest possible notice of discharges of oil and hazardous substances to appropriate Federal agency; (5) establishment of a national center to provide coordination and direction for operations in carrying out the Plan; (6) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil and hazardous substances; (7) a schedule, prepared in cooperation with the States, identifying dispersants and other chemicals, if any, that may be used in carrying out the Plan; and (8) a system whereby the State or States effected by a discharge may be reimbursed for reasonable costs incurred in the removal of such discharge.

§ 1510.3 Scope.

(a) This Plan is effective for all United States waters and shorelines, the contiguous zone and the high seas, where there exists a threat to United States waters, shoreface, or shelf-bottom.

(b) The provisions of this Plan are applicable to all Federal Agencies. Implementation of this Plan is compatible with and complementary to the joint U.S./Canadian Contingency Plan including the annexes pertaining to the Great Lakes, Eastern and Western coastal areas; International assistance plans and agreements, security regulations, and responsibilities based upon Federal statutes and Executive Orders.

§ 1510.4 Abbreviations.

(a) *Department and Agency title abbreviations.*

AEC—Atomic Energy Commission
CEQ—Council on Environmental Quality
Commerce—Department of Commerce
Corps—U.S. Army Corps of Engineers
DHEW—Department of Health, Education and Welfare
DOD—Department of Defense
DOI—Department of Interior
DOT—Department of Transportation
EPA—Environmental Protection Agency
Justice—Department of Justice
MarAd—Maritime Administration
NOAA—National Oceanic and Atmospheric Administration
OEP—Office of Emergency Preparedness
State—Department of State
USCG—U.S. Coast Guard
USGS—U.S. Geological Survey
USN—U.S. Navy

(b) *Operational title abbreviations.*

NRC—National Response Center
NRT—National Response Team
OSC—On-Scene Coordinator
RRC—Regional Response Center
RRT—Regional Response Team

§ 1510.5 Definitions (within the meaning of this Plan).

(a) Act—means the Federal Water Pollution Control Act, PL 92–500 (86 Stat. 816).

(b) Discharge—includes but is not limited to any spilling, leaking, pumping, pouring, emitting, emptying or dumping. (For the purposes of this Plan, discharges permitted pursuant to sections 301, 302, 306, 318, 402 or 404 of the Act or section 102 of PL 92–532 are not included.)

(c) On-Scene Coordinator (O.S.C.)—means the Federal official pre-designated by the EPA or the USCG to coordinate and direct Federal discharge removal efforts under Regional Contingency Plans at the scene of an oil or hazardous substance discharge.

(d) United States—means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(e) Coastal waters—generally are those U.S. waters navigable by deep draft vessels, the contiguous zone, the high seas and other waters subject to tidal influence.

(f) Inland waters—generally are those waters upstream from coastal waters (paragraph (e) of this section).

(g) Contiguous Zone—means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone. This is the zone contiguous to the territorial sea which extends 12 miles seaward from the baseline from which the territorial sea is measured.

(h) Public health or welfare—includes consideration of all factors affecting the health and welfare of man, including but not limited to human health, the natural environment, fish, shellfish, wildlife, and public and private property, shorelines and beaches.

(i) Major Disaster—means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to become of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments and relief organizations in alleviating the damage, loss, hardship or suffering caused thereby.

(j) Oil—means oil of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

(k) Hazardous substance—means any substance designated pursuant to subsection (b)(2) of section 311 of the Act.

(l) Minor discharge—is a discharge, in the inland waters of less than 1,000 gallons of oil; and in the coastal waters, a discharge of less than 10,000 gallons of oil. Discharges of hazardous substances, to be designated by regulations, shall be classed as medium or major pursuant to paragraphs (m) and (n) of this section. (Discharges of oil or hazardous substances that: (1) Generate critical public concern; or (2) pose a substantial threat to the public health or welfare shall be classified as "major" discharges.)

(m) Medium discharge—is a discharge of 1,000 to 10,000 gallons of oil in the inland waters; or 10,000 to 100,000 gallons of oil in the coastal waters; or a discharge of a hazardous substance in a harmful quantity as specified by regulation. (Discharges of oil or hazardous substances that: (1) Generate critical public concern; or (2) pose a substantial threat to the public health or welfare shall be classified as "major" discharges.)

(n) Major discharge—is a discharge of oil of more than 10,000 gallons to the inland waters or more than 100,000 gallons of oil of more than 10,000 gallons to the lons in coastal waters or a discharge of a hazardous substance that (1) generates critical public concern; or (2) poses a substantial threat to the public health or welfare.

(o) Potential discharge—is any accident or other circumstance which threatens to result in the discharge of oil or hazardous substance. A potential discharge shall be classified by its severity based on the guidelines above.

(p) Primary Agencies—are those Departments or Agencies comprising the NRT and designated to have primary responsibility and resources to promote effective operation of this Plan. These agencies are: Commerce, DOD, DOI, DOT, and EPA.

(q) Advisory Agencies—are those Departments or Agencies which can make major contributions during response activities for certain types of discharges. These Agencies are: AEC, DHEW, Justice, OEP and State.

(r) Remove or Removal—is the removal of oil or hazardous substance from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare. For purposes of this Plan, removal refers to Phase III and IV response operations.

Subpart B—Policy and Responsibility

§ 1510.21 Federal policy.

(a) The Congress has declared that it is the policy of the United States that there should be no discharge of oil or hazardous substance into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone (section 311(b)(1) of the Act).

(b) The primary thrust of this Plan is to provide a coordinated Federal response capability at the scene of an unplanned or sudden, and usually accidental, discharge of oil or hazardous substances in excess of that otherwise permitted by law. Initial actions of the Federal OSC, designated pursuant to § 1510.36(b) of this Plan and the appropriate regional contingency plan, shall be to determine, in accordance with section 311(c)(1) of the Act, if the actions taken by the person responsible for the discharge of oil or hazardous substance are proper to remove the discharge. The OSC should, if practicable, insure that the person responsible for the discharge is aware of his responsibility and is encouraged to undertake necessary countermeasures. In the event that the person responsible for the discharge does not act promptly, does not take or propose to take proper and appropriate actions to remove the discharged pollutants, or if the person responsible for the discharge is unknown, further Federal response actions shall be instituted as required in accordance with this Plan. When the person responsible for the discharge is taking proper action, the OSC shall observe and monitor progress, and provide advice, counsel, and logistical support as may be necessary

(c) Removal actions taken pursuant to section 311(c)(1) of the act are limited to the navigable waters of the United States, adjoining shorelines and the waters of the contiguous zone. Removal actions within the Contiguous zone are limited and do not include those covered by the Outer Continental Shelf Lands Act. When a discharge or potential discharge that poses a threat to the waters of the U.S. occurs outside the jurisdiction under section 311(c) of the Act, the procedures of this plan apply to the extent practicable and removal action will be accomplished pursuant to other Agency authorities. Removal actions for non-vessel discharges on the outer continental shelf, shall be in accordance with the August 1971 DOI/DOT Memorandum of Understanding.

(d) In accordance with section 311(d), whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of pollution hazard to the public health or welfare, because of a discharge, or an imminent discharge, of large quantities of oil, or of a hazardous substance from a vessel, the United States may: (1) Coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (2)

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summarily remove and, if necessary, destroy such vessel by whatever means are available without regard to any provisions of law governing the employment of personnel or the expenditure of appropriated funds. This authority has been delegated to the Administrator of EPA and the Secretary of the Department in which the Coast Guard is operating, respectively, in and for the waters for which each has responsibility to furnish or provide the OSC under this Plan.

(e) In addition to any other actions taken by a State or local government, when the Administrator of EPA or the Secretary of the Department in which the Coast Guard is operating determines there is an imminent and substantial threat to the public health and welfare because of an actual or threatened discharge of oil or hazardous substance into or upon the waters of the United States from any onshore or offshore facility, he may require, through the Attorney General, that the U.S. Attorney of the district in which the threat occurs secure such relief as may be necessary to abate such threat. This authority could be exercised on request of the NRT.

(f) The Federal agencies possessing facilities or other resources which may be useful in a Federal response situation will make such facilities or resources available for use in accordance with this Plan, as supplemented by the regional plans, and as consistent with operational requirements, within the limits of existing statutory authority, and within the spirit of the President's intention to minimize discharges and their effects when they do occur.

(g) Environmental pollution control techniques shall be employed in accordance with applicable regulations and guidelines, and regional contingency plans. In any circumstances not covered by regulations or regional contingency plans, the use of chemicals shall be in accordance with Annex X and must have the concurrence of the EPA representative or alternate representative on the RRT; or in his absence the concurrence of the appropriate EPA Regional Administrator.

(h) Response operations carried out to remove discharges originating from Outer Continent Shelf Lands Act operations shall be in accordance with the August 1971 Memorandum of Understanding between DOI and DOT concerning respective responsibilities under this Plan.

§ 1510.22 Federal responsibility.

(a) Each of the Primary and Advisory Federal Agencies has responsibilities established by statute, Executive Order or Presidential Directive which may bear on the Federal response to a pollution discharge. This Plan intends to promote the expeditious and harmonious discharge of these responsibilities through the recognition of authority for action by those Agencies having the most appropriate capability to act in each specific situation. Responsibilities and authorities of these several agencies relevant to the control of pollution discharges are detailed in Annex VII to this part. In the development of the regional plans, provision shall be made to assure recognition of the statutory responsibilities of all involved Agencies.

(b) The Council on Environmental Quality is responsible for the preparation, publication, revision and amendment of this National Contingency Plan. The Council will receive the advice of the NRT on necessary changes to the Plan and shall insure that any disagreements arising among members of the NRT are expeditiously settled.

(c) The Department of Commerce, through NOAA, provides support to the NRT, RRT and OSC with respect to: Marine environmental data; living marine resources; current and predicted meteorological, hydrologic and oceanographic conditions for the high seas, coastal and inland waters; and maps and charts, including tides and currents for coastal and territorial waters and the Great Lakes. When requested by NRT, MARAD will provide advice on the design, construction and operation of merchant ships.

(d) The Department of Defense, consistent with its operational requirements, may provide assistance in critical pollution discharges and in the maintenance of navigation channels, salvage, and removal of navigation obstructions.

(e) The Department of Health, Education, and Welfare is responsible for providing expert advice and assistance relative to those discharges or potential discharges that constitute or may constitute a threat to public health and safety.

(f) The Department of Interior, through the USGS, supplies expertise in the fields of oil drilling, producing, handling, and pipeline transportation. Also, the USGS has access to and supervision over continuously manned facilities which can be used for command, control and surveillance of discharges occurring from operations conducted under the Outer Continental Shelf Lands Act. Additionally, the Department of Interior will provide, through its Regional Coordinators, techincal expertise to the OSC and RRT with respect to land, fish and wildlife, and other resources for which it is responsible. DOI is also responsible for American Samoa and the Trust Territory.

(g) The Department of Justice can supply expert legal advice to deal with complicated judicial questions arising from discharges and Federal agency responses.

(h) The Department of Transportation provides expertise regarding all modes of transporting oil and hazardous substances. Through the USCG, DOT supplies support and expertise in the domestic/international fields of port safety and security, marine law enforcement, navigation, and construction; manning, operation, and safety of vessels and marine facilities. Additionally, the Coast Guard maintains continuously manned facilities that are capable of command, control, and surveillance for oil discharges occurring on the waters of the United States or the high seas. The USCG is responsible for chairing the RRT and for implementing, developing and revising, as necessary, the regional plans for those areas where it is assigned the responsibility to furnish or provide for OSC's (§ 1510.36(b)).

(i) The Department of State will provide leadership in developing joint international contingency plans. It will also provide assistance in coordination when a pollution discharge transects international boundaries or involves foreign flag vessels.

(j) The Atomic Energy Commission is the designated Agency for administration, implementation and coordination of the Interagency Radiological Assistance Plan (IRAP). AEC will provide advice and assistance to the NRT with respect to the identification of the source and extent of radioactive contamination, and removal and disposal of radioactive discharges.

(k) The Environmental Protection Agency, through the Office of Air and Water Programs, provides expertise regarding environmental effects of pollution discharges and environmental pollution control techniques, including assessment of damages. EPA shall also advise the RRT and OSC of the degree of hazard a particular discharge poses to the public health and safety. EPA is responsible for chairing the RRT and for development, revision and implementation, as necessary, of regional plans for those areas in which it has responsibility to furnish or provide for the OSC (§ 1310.36(b)). EPA will provide guidance to and coordinate with DOT regarding pollution control and protection of the environment in the preparation of regional plans.

(l) The Office of Emergency Preparedness will maintain an awareness of pollution emergencies as they develop. The normal OEP procedures will be followed to evaluate any request for a major disaster declaration received from a Governor of a State. If the President declares that a pollution discharge constitutes a "major disaster" under PL 91-606, or that a major disaster is imminent as defined by section 221, PL 91-606, the Director, OEP, will prepare coordination and direction of the Federal response in accordance with OEP policies and procedures.

(m) All Federal agencies are responsible for minimizing the occurrence of discharges and for developing the capability to respond promptly in cases of discharges from facilities they operate or supervise, and for making resources available for Federal pollution response operations.

(n) In addition to paragraph (m) of this section, Primary Agencies are responsible for:

(1) Leading all Federal agencies in programs to minimize the number of and environmental damage associated with discharges from facilities they operate or supervise;

(2) Providing representation to the NRT and the RRT's;

(3) Developing, within their operating elements, the capability for a rapid, coordinated response to any pollution discharge;

(4) Making information available to the NRT, RRT or OSC as necessary; and

(5) Keeping NRT and the RRT's informed, consistent with national security considerations, of changes in the availability of resources that would affect the operation of this Plan.

§ 1510.23 Non-Federal responsibility.

(a) The States are invited to provide liaison to RRT's and shall designate the appropriate element of the State government that would undertake direction of State supervised discharge removal operations. The designated agency shall be the single State governmental element that will seek reimbursement for removal operation expenditures in accordance with section 311(c)(2)(H) of the Act. Details on reimbursement to States for removal actions taken pursuant to this Plan are contained in Title 33 Part 153, CFR, and Annex IX—Funding.

(b) Industry groups, the academic community, and others are encouraged to commit resources for removal operations. Their specific commitments are outlined by the regional plans. Of particular relevance is the organization of a standby scientific response capability.

Subpart C—Planning and Response Organization

§ 1510.31 Emergency response activities and coordination.

(a) For pollution emergency response activities, Federal on-scene coordination is accomplished through the OSC. He reports to and receives advice from an RRT composed of appropriate representatives from the Regional and District offices of the Primary and Advisory Agencies.

(b) National level coordination is accomplished through the NRT which receives reports from and renders advice to the RRT. Activities are coordinated through the National and various regional response centers.

(c) The organizational concepts of this Plan are shown on Figure 1.

§ 1510.32 National response team.

(a) The NRT consists of representatives from the Primary and Advisory Agencies. It serves as the National body for planning and preparedness actions prior to a pollution discharge and for coordination and advice during a pollution emergency. It shall be organized and shall function as outlined in Annex II to this part.

(b) The NRT shall establish and maintain a Committee on Revision of the National Plan. This Committee shall provide suggested revisions to the NRT for consideration, approval and publication by CEQ. The Primary Agencies shall provide membership on this standing committee. Advisory Agencies shall participate whenever revision or proposed amendments would affect those Agencies. Ad hoc committees may also be established from time to time to consider various matters. Membership on these committees shall consist of the representatives from the Primary Agencies and such Advisory Agencies that may have direct involvement.

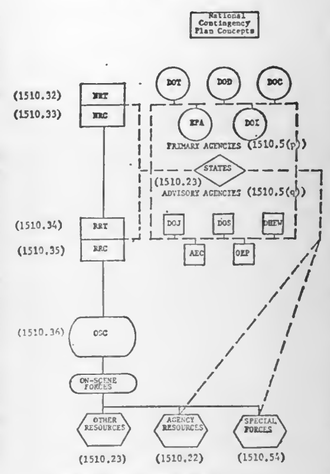


FIG. 1

(c) Based on a continuing evaluation of response actions, the NRT shall consider and make recommendations to appropriate agencies relating to training and equipping response team personnel; necessary research, development, demonstration and evaluation activities to improve response capabilities; and equipment, material stockpiling and other operational matters as the need arises. CEQ shall be advised of any agency's failure to adequately respond to these recommendations.

(d) During pollution emergencies, MRT shall act as an emergency response team comprised of representatives from the Primary and selected Advisory Agencies to be activated in accordance with section 1202.2, Annex II to this part.

§ 1510.33 National Response Center.

(a) The NRC, located at Headquarters, USCG, is the Washington, D.C. headquarters site for activities relative to pollution emergencies. NRC quarters are described in Annex III to this part, and provide communications, including a continuously manned communication center, information storage; and necessary personnel and facilities to promote the smooth and adequate functioning of this activity as described in Annex III to this part.

§ 1510.34 Regional Response Team.

(a) The RRT consists of regional representatives of the Primary and selected Advisory Agencies, as appropriate. RRT shall act within its region as an emergency response team performing response functions similar to those described for NRT. RRT will also perform review and advisory functions relative to the regional plan similar to those prescribed for NRT at the National level. Additionally, the RRT shall determine the duration and extent of the Federal response, and when a shift of on-scene coordination from the predesignated OSC to another OSC is indicated by the circumstances or progress of a pollution discharge.

(b) Each Primary Agency shall designate one member and a minimum of one alternate member to the RRT. Each Advisory Agency may designate a member. Agencies may also provide additional representatives as observers to meetings of the RRT. Individuals representing the participating agencies may vary depending on the subregional area in which the discharge occurred or removal actions are underway. Details of such representation are specified in each regional contingency plan.

(c) Each of the States lying within a region is invited to furnish liaison to the RRT for planning and preparedness activities. When the Team is activated for a pollution emergency, the affected State or States are invited to participate in RRT deliberations.

(d) The RRT shall be activated automatically in the event of a major or potential major discharge. The RRT shall be activated during any other pollution emergency by an oral request from any Primary Agency representative to the Chairman of the team. Such requests for team activation shall be confirmed in writing. The time of team activation, place of assembly, and means of contact shall be included in POLREPS submitted in accordance with Annex V to this part.

(e) The Chairman may require assembly of all or selected members of the team at the emergency center during a pollution response operation to provide technical support and assistance to the OSC.

(f) Deactivation of RRT shall be by agreement between the EPA and USCG team members. The time of deactivation shall be included in POLREPS submitted in accordance with Annex V to this part.

(g) Boundaries of the Standard Federal Regions as shown in Annex IV to this part shall be followed for the development of Regional Contingency Plans.

§ 1510.35 Regional Response Center.

(a) The RRC is the regional site for pollution emergency response activities. It will be accommodated in quarters described in each regional plan and will provide communications, information storage and other necessary personnel and facilities to promote the proper functioning and administration of regional pollution emergency response operations.

§ 1510.36 On-Scene Coordination.

(a) Coordination and direction of Federal pollution control efforts at the scene of a discharge or potential discharge shall be accomplished through the OSC, predesignated by regional plan to coordinate and direct such pollution control activities in each area of the region.

(1) In the event of a discharge of oil or hazardous substance, the first official on the site from an agency having responsibility under this Plan shall assume

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coordination of activities under the Plan until the arrival of the predesignated OSC.

(2) The OSC shall determine pertinent facts about a particular discharge, such as its potential impact on human health and welfare; the nature, amount, and location of material discharged; the probable direction and time of travel of the material; the resources and installations which may be affected and the priorities for protecting them.

(3) The OSC shall initiate and direct as required Phase II, Phase III and Phase IV operations. Advice provided by the EPA representative on the RRT on use of chemicals in Phase III and Phase IV operations in response to discharges of oil or hazardous substances shall be binding on the OSC, except as provided for by Annex X to this part.

(4) The OSC shall call upon and direct the deployment of needed resources in accordance with the regional plan to evaluate the magnitude of the discharge and to initiate and continue removal operations.

(5) The OSC shall provide necessary support activities and documentation for Phase V activities.

(6) In carrying out this Plan, the OSC will fully inform and coordinate closely with RRT to ensure the maximum effectiveness of the Federal effort in protecting the natural resources and the environment from pollution damage.

(b) EPA and the USCG shall insure that OSC's are predesignated for all areas within the region in accordance with the following criteria:

(1) The EPA shall furnish or provide for OSC's on inland waters.

(2) The USCG shall furnish or provide for OSC's for the coastal waters, and for Great Lakes waters, ports and harbors.

(3) The major consideration in selection of the OSC shall be based upon that Agency's capability and resources for pollution control response activities and the individual OSC's knowledge of the National Contingency Plan and the appropriate Regional Contingency Plan.

(c) All Federal agencies are required by executive order to develop emergency plans and procedures for dealing with accidental pollution. All Federal agencies, therefore, are responsible for designating the offices to coordinate response actions for facilities or vessels under their jurisdiction and for the provision of means to remove or mitigate the effects of discharges from their facilities. If the responsible Agency does not act promptly or take appropriate action, the EPA or USCG shall, depending on the area in which the discharge occurs, assume the OSC functions. Pollution control actions taken must be in accordance with Federal regulations and guidelines, EPA policies and this Plan.

Subpart D—Operational—Response Phases

§ 1510.40 Phase groupings.

The actions taken to respond to a pollution discharge can be separated into five relatively distinct classes or phases. For descriptive purposes, these are: Phase I—Discovery and Notification; Phase II—Evaluation and Initiation of Action; Phase III—Containment and Countermeasures; Phase IV—Removal, Mitigation and Disposal; and Phase V—Documentation and Cost Recovery. It must be recognized that elements of any one phase may take place concurrently with one or more other phases.

§ 1510.41 Phase I—Discovery and notification.

(a) A discharge may be discovered when a report is received from a discharger in accordance with statutory requirements; through deliberate discovery procedures such as vessel patrols, aircraft searches, or similar procedures; or through random discovery by incidental observations of government agencies or the general public.

(b) In the event of a deliberate discovery, the discharge will be reported directly to the RRC. Reports from random discovery may be initially through fishing or pleasure boats, police departments, telephone operators, port authorities, news media, etc. Reports generated by random discovery should be reported to the nearest USCG or EPA office. Regional plans shall provide for such reports to be channeled to the RRC as promptly as possible to facilitate effective response action. Reports of major and medium discharges received by either EPA or USCG shall be expeditiously relayed by telephone to the other agency. Reports of minor discharges shall be exchanged between EPA and USCG as agreed to by the two agencies.

§ 1510.42 Phase II—Evaluation and initiation of action.

(a) The OSC shall insure that a report of a discharge is immediately investigated. Based on all available information, the OSC shall: (1) Evaluate the magnitude and severity of the discharge; (2) determine the feasibility of removal; and (3) assess the effectivenes of removal actions.

(b) The OSC shall, when appropriate and as soon as possible after receipt of a report, advise the RRC of the need to initiate further governmental response actions. This may be limited to activation of the RRT or a request for additional resources to conduct further surveillance or initiation of Phase III or Phase IV removal operations.

(c) The OSC shall insure that adequate surveillance is maintained to determine that removal actions are being properly carried out. If removal is not being done properly, the OSC shall so advise the responsible party. If, after the responsible party has been advised and does not initiate proper removal action, the OSC shall, pursuant to section 311(c)(1) of the Act, take necessary action to remove the pollutant.

(d) If the discharger is unknown or otherwise unavailable, the OSC shall proceed with removal actions pursuant to section 311(c)(1) of the Act.

§ 1510.43 Phase III—Containment and countermeasures.

(a) These are defensive actions to be initiated as soon as possible after discovery and notification of a discharge. These actions may include public health and welfare protection activities, source control procedures, salvage operations, placement of physical barriers to halt or slow the spread of a pollutant, emplacement or activation of booms or barriers to protect specific installations or areas, control of the water discharge from upstream impoundments and the employment of chemicals and other materials to restrain the pollutant and its effects on water related resources.

§ 1510.44 Phase IV—Cleanup, mitigation and disposal.

(a) This includes actions taken to recover the pollutant from the water and affected public and private shoreline areas, and monitoring activities to determine the scope and effectiveness of removal actions. Actions that could be taken include the use of sorbers, skimmers and other collection devices for floating pollutants, the use of vacuum dredges or other devices for sunken pollutants; the use of reaeration or other methods to minimize or mitigate damage resulting from dissolved, suspended or emulsified pollutants; or special treatment techniques to protect public water supplies or wildlife resources from continuing damage.

(b) Pollutants and contaminated materials that are recovered in cleanup operations shall be disposed of in accordance with procedures agreed to at the State or local level.

§ 1510.45 Phase V—Documentation and cost recovery.

(a) This includes a variety of activities, depending on the location of and circumstances surrounding a particular discharge. Recovery of Federal removal costs and recovery for damage done to Federal, State or local government property is included; however, third party damages are not dealt with in this Plan. The collection of scientific and technical information of value to the scientific community as a basis for research and development activities and for the enhancement of understanding of the environment may also be considered in this phase. It must be recognized that the collection of samples and necessary data must be performed at the proper times during the case to fix liability and for other purposes.

§ 1510.46 Special considerations.

(a) *Safety of personnel.* Actual or potential polluting discharges that could have an imminent and substantial effect on both air and water media can pose serious hazards to personnel health and safety. The OSC should be aware of this potential and should exercise caution in allowing civilian or government personnel into the affected area without first verifying the nature of the substance discharged. Regional plans shall identify the sources of information on the hazards, precautions, and personnel protective requirements that will be expected in carrying out response operations. The means for OSC to secure such information also shall be included.

(b) *Waterfowl conservation.* Oil discharges, particularly in estuarine and near shore areas, often cause severe stress to resident migratory bird species. The DOI representatives and the State liaison to the RRT shall arrange for and coordinate actions of professional and volunteer groups that wish to establish bird collection, cleaning and recovery centers. Regional contingency plans shall, to the extent practicable, identify organizations or institutions that can and are willing to establish and operate such facilities. These activities will normally be considered Phase IV response actions (paragraph (a) of this section).

Subpart E—Coordinating Instructions

§ 1510.51 Delegation of Authority.

(a) When required, delegation of authority or concurrence in proposed or continuing pollution control activities initially may be oral; however, written confirmation by the EPA representative on RRT should be completed as soon as possible.

§ 1510.52 Multi-regional actions.

(a) In the event that a discharge or a potential pollution emergency moves from the area covered by one contingency plan into another area, the authority to initiate pollution control actions shall shift as appropriate. In the event that a polluting discharge or potential pollution emergency affects areas covered by two or more regional plans, the response mechanism called for by both plans shall be activated; however, pollution control actions shall be fully coordinated as detailed in the regional plans.

(b) There shall be only one ON–Scene Coordinator at any time during the course of a response operation. Should a discharge affect two or more areas, the RRT will designate the OSC, giving prime consideration to the area vulnerable to the greatest damage. NRT shall designate the OSC if members of one RRT or of two adjacent RRT's, if appropriate, are unable to agree on the designation.

§ 1510.53 General pattern of response actions.

(a) When the predesignated Federal On-Scene Coordinator receives a report of a discharge, or potential discharge, the report should be evaluated. In most situations, the sequence of actions shown below should be followed:

(1) Investigate the report to determine pertinent information such as the threat posed to public health or welfare, the type and quantity of material discharged, and the source of the discharge.

(2) Effect notification in accordance with Annex V to this part and the applicable regional plan.

(3) Determine, in accordance with section 311(c)(1) of the Act, whether removal actions are being carried out properly. Removal is considered as being done properly when the following criteria are met:

(i) Private cleanup efforts are effective in terms of the statutory definition of removal, that is, they are fully sufficient to minimize or mitigate damage to the public health or welfare. Private removal efforts shall be deemed "improper" to the extent that Federal efforts are necessary to prevent continued or further damage.

(ii) Private removal efforts must be in accordance with applicable regulations and guidelines, and Annex X to this part and other provisions or restrictions of this Plan.

(4) Designate the severity of the situation and determine the future course of action to be followed.

(5) Determine whether State action to effect removal is necessary.

(b) The result of the report probably can be categorized by one of five classes. Appropriate action to be taken in each specific type case is outlined below:

(1) If the investigation shows that the initial information overstated the magnitude or danger of the discharge and there is no environmental pollution involved, it shall be considered a false alarm and the case should be closed; contact should be established with the discharger. The discharger shall be advised of proper removal procedures. The situation shall be monitored to insure that the removal is done properly by the owner or operator of the vessel, onshore facility or offshore facility from which the discharge occurred.

(3) If the investigation shows a minor discharge with improper action being taken, the following measures shall be taken:

(i) Attempt should be made to prevent further discharges from the source.

(ii) The discharger shall be advised of the proper action to be taken.

(iii) If, after providing advice to the discharger and this advice is not followed, the discharger shall be warned of his liability for the cost of removal pursuant to section 311(f) of the Act (See subparagraph (3) of this paragraph).

(iv) The OSC should notify appropriate State and local officials. He shall keep the RRC advised and initiate Phase III and IV operations as conditions warrant.

(v) Information shall be collected for possible recovery of removal costs when removal is effected in accordance with section 311(c)(1) of the Act.

(4) When a report or investigation indicates that a medium discharge has occurred or that the potential for a medium discharge exists, the OSC shall follow the same general procedures as for a minor discharge. Additionally, the OSC shall make a recommendation concerning team activation to the Chairman of the RRT.

(5) When a report indicates that a major discharge has occurred, that a potential major pollution emergency exists, or that a discharge or potential discharges which could arouse wide public concern has occurred, the OSC shall follow the same procedures as for minor and medium discharges. RRC and NRT shall, however, be notified immediately of the situation even if the initial report has not been confirmed.

§ 1510.54 Special forces.

(a) The National Strike Force (NSF) shall be established consisting of personnel trained, prepared, and available to provide necessary services to carry out this Plan. This NSF shall be formed around the Strike Teams established by the U.S. Coast Guard on the East, West, and Gulf coasts, and including the Environmental Response Team (ERT) established by the EPA, when required. The NSF shall provide assistance to the OSC during Phase III, IV, and V operations as the circumstances of the situation dictate. When possible, the NSF will provide training to the Emergency Task Forces and participate with the Regional Response Team in Regional Contingency Plan development.

(1) The Strike Teams established by the U.S. Coast Guard are able to provide communications support, advice and assistance for oil and hazardous substances removal. These teams include expertise in ship salvage, diving, and removal techniques and methodology.

(2) The Environmental Response Team established by EPA to carry out the Agency's disaster and emergency responsibilities can provide the OSC and NSF with advice on the environmental effects of oil and hazardous substances discharges, and removal and mitigation of the effects of such discharges. This team includes expertise in biology, chemistry, engineering and, when necessary, meteorology and oceanography.

(3) The Emergency Task Forces established pursuant to section 311(c)(2)(C) shall consist of trained personnel with adequate supplies of oil and hazardous pollution control equipment and materials and detailed discharge removal plans for their areas of responsibility. The Emergency Task Forces shall be established by the Agency responsible for providing the OSC not later than one year from the effective date of this Plan.

(4) The NSF and ERT will generally respond to requests for assistance from the OSC. Requests for the NSF may be made directly to the Commanding Officer of the appropriate Strike Team, the Coast Guard member on the RRT, the appropriate Area Commander, USCG, or to the Commandant, USCG, through the NRC. Requests for the EPA–ERT may be made to the EPA Emergency Coordinator or the appropriate Regional Emergency Coordinator (REC), or the EPA representative on the RRT.

Annex I—1100 Distribution

1101 Plan distribution.

1101.1 This Plan will be distributed to designated offices of Primary and Advisory Agencies, State and interstate water pollution control agencies and such other Federal, State, local and private agencies and organizations which are cooperating with and participating in activities in support of the Plan.

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1101.2 Included in this formal distribution are the following:

Department of Commerce
Department of Defense
Department of Health, Education and Welfare
Department of the Interior
Department of Justice
Department of State
Department of Transportation
Atomic Energy Commission
Office of Emergency Preparedness
All State water pollution control agencies
All interstate water pollution control agencies
Other Federal, State, local and private agencies and organizations, as appropriate.

1101.3 Formal distribution of the Plan and amendments will be made by the Environmental Protection Agency.

1102 Amendment, distribution and format.

1102.1 Amendments to the Plan and annexes will be made by sequentially numbered changes. Numbered changes will be effected by means of a transmittal sheet which identifies the Plan, the change number and date, the page numbers affected by the change and any other instructions deemed necessary for purposes of clarity or to make special emphasis or explanation of the change. There will be attached to the transmittal sheet the revised or added pages with the change number and current date on each page at the upper right hand corner.

1102.2 Where a change can be effected merely by pen and ink, the transmittal sheet may be used to accomplish the change without submission of revised pages. The use of pen and ink changes is limited to those cases where existing matter is being deleted or is of minor extent.

1102.3 Asterisks will be used to indicate changes. For line changes, an asterisk will be placed before and after each sentence changed in the left and right page margins. For paragraph changes, an asterisk will be placed before and after each paragraph changed and if continued on the next page, an asterisk will be placed at the top of the page and the end of the paragraph. For a paragraph deletion, an asterisk will be placed in the left margin and the paragraph number or letter will be retained in the original sequence followed by the word "Rescinded" in parentheses.

1102.4 If the Plan is completely rewritten, asterisks will not be used but supercession will be indicated at the bottom of the first page.

ANNEX II—1200 NATIONAL RESPONSE TEAM

1201 National Response Team.

1201.1 The NRT consists of representatives from the Primary and Advisory Agencies. It serves as the National body for planning and preparedness actions prior to a pollution discharge and for coordination and advice during a pollution discharge.

1201.2 Membership on the NRT is established by § 1510.32(a). Each Primary and Advisory Agency shall designate a member to the team and sufficient alternates to insure representation in the event that the member is unavailable.

1202 NRT organization.

1202.1 Except for periods of activation because of a pollution incident, the representative of EPA shall be the Chairman and the representative of DOT shall be vice-chairman of NRT. The vice-chairman shall maintain records of the NRT activities along with National and regional plans for pollution response. When NRT is activated for a pollution incident, the Chairman shall be the representative of EPA or DOT, depending upon the area in which the response is taking place.

1203 NRT purpose.

1203.1 The NRT, when not activated for a pollution discharge, serves as a standing committee to recommend needed policy changes in the response organization, to revise this Plan as needed and to evaluate the preparedness of the Agencies and effectiveness of plans for coping with pollution discharges.

1203.2 The NRT shall act as an emergency response team to be activated in the event of a discharge involving oil or hazardous substances which (a) exceeds the response capability of the region in which it occurs; (b) transects regional boundaries; (c) involves significant numbers of persons or nationally significant amounts of property; or (d) when requested by any Primary Agency representative. Each representative, or an appropriate alternate, shall be notified immediately by telephone of activation of NRT.

1204 Responsibilities and functions.

1204.1 Planning and preparedness responsibilities of the NRT are to:

1204.1–1 Maintain a continuing review of regional pollution emergency response operations and equipment readiness to insure adequacy of regional and national planning, and coordination for combating discharges of oil and hazardous substances. RRT shall recommend revision of the National Contingency Plan to CEQ on the basis of observations of response operations;

1204.1–2 Review the functioning of the RRT's to insure that regional plans developed are fully coordinated among involved agencies. It shall serve as a body to which the RRT's may refer for settlement of matters which they cannot resolve;

1204.1–3 Develop procedures to promote the coordination of Federal, State and local governments and private agencies to respond to pollution incidents;

1204.1–4 Consider necessary changes in policy on the basis of continuing evaluation of regional response actions taken in combating discharges of oil and hazardous polluting substances;

1204.1–5 Provide information to the Research and Development Committee, on research requirements, the need for which is not known until discharges of unusual materials or unique circumstances occur;

1204.1–6 Maintain a continuing awareness of review and act upon reports by the Research and Development Committee;

1204.1–7 Maintain a readiness posture to respond to a nationally significant discharges of oil or other hazardous substance;

1204.1–8 Maintain a continuing surveillance of incoming reports from all RRT's and activate NRT when appropriate; and

1204.1–9 Meet quarterly on the first Thursday of March, June, September and December to review pollution emergency response actions of the preceding period, receive reports of the Committee on Revision and consider amendments to the Plan.

1204.2 When activated during a pollution discharge response, Agency representatives shall meet at the call of the Chairman and shall:

1204.2–1 Monitor and evaluate reports generated by the OSC insuring their completeness. Based on this evaluation, NRT may recommend courses of action in combating the discharge through RRT for consideration by the OSC.

1204.2–2 Request other Federal, State, local government or private agencies to consider taking action under their existing authorities to provide resources necessary for combating a discharge or deployment of personnel to monitor response operations.

1204.2–3 Coordinate the actions of regions or districts other than those affected by the pollution emergency to supply needed equipment, personnel, or technical advice to the RRT and OSC. This includes requests, when appropriate, for activating the Special Forces provided by § 1510.54 of the Plan.

1204.2–4 Act as the focal point for national public information releases and for information transfer between the OSC and the Washington, D.C. headquarters of the Agencies concerned, so as to minimize or prevent dissemination of spurious and incomplete information. Public information actions are discussed in Annex VI of this part.

ANNEX III—1300 NATIONAL RESPONSE CENTER

1301 National Response Center location.

1301.1 The National Response Center (NRC) for control of pollution by oil and hazardous substances is established at the Headquarters, United States Coast Guard, Washington, D.C.

1302 NRC purpose.

1302.1 The purpose of the NRC is to provide physical facilities for coordination and control of a pollution emergency should national level involvement be required.

1303 Responsibility for NRC.

1303.1 The Commandant, U.S. Coast Guard, shall provide the necessary communications and plotting facilities and equipment. These will include:

1303.1–1 A continuously manned communication center for receiving reports of discharges;

1303.1–2 Telephone branch lines;

1303.1–3 Teletypewriter circuits;

1303.1–4 The latest updated charts of the Department of Commerce, Interior and Defense for the U.S. waters, the Continental Shelf and the ocean areas adjacent to U.S. territorial waters;

1303.1–5 Technical library on oil and hazardous substances pollution; and,

1303.1–6 Plotting and display provisions to visually depict the geographic position, movement and extent of the pollutant.

1303.2 Primary Agencies shall furnish competent technical personnel to man the NRC as requested, furnish appropriate technical manuals and materials, and such additional administrative support as required to operate the NRC effectively and efficiently.

1304 Communications services available.

1304.1 Telephone (voice) services available include:

1304.1–1 AUTOVON (Automated Voice Network)—General purpose switched voice network of Defense Communications Systems, which serves Continental U.S., Alaska, Europe, Pacific and Panama;

1304.1–2 Washington Tactical Switchboard—Pentagon terminal of the tactical telephone system, operated by USAF;

1304.1–3 FTS–GSA operated government administrative telephone system; and,

1304.1–4 SARTEL—Search and Rescue Command Coordination telephone network including leased Hotline telephone net extending from Halifax to New Orleans.

1304.2 Teletype writer services available include:

1304.2–1 AUTODIN—A defense communications worldwide high speed user data communications system operated for and managed by the DCA to provide both direct user-to-user and store and forward message switching service for DOD and other government agencies;

1304.2–2 SARLANT—Coast Guard-leased teletypewriter system extending from Massachusetts to Texas (used to control and coordinate SAR incidents and to handle other operational traffic and priority administrative communications);

1304.2–3 SARPAC—Same as (2) for the West Coast U.S.; and

1304.2–4 TELEX—Teletypewriter exchange service provided by Western Union that serves Continental U.S., industry and Government offices. TELEX also permits direct connections with international communication carriers and oversea TELEX communications.

1305.1 Information on current and predicted meteorological, hydrologic and oceanographic conditions for the high seas, coastal and inland waters is available from NOAA. If specific capabilities of other agency environmental description and prediction programs are required because of the area or unusual conditions, NOAA will arrange for the provision of such information.

ANNEX IV—1400 PRIMARY AGENCY OFFICE LOCATIONS AND BOUNDARIES

1400 Geographical Boundaries

Regional contingency plans shall be based upon the Standard Federal Regions as shown on page IV–5. Commerce, EPA, and OEP regional geographical boundaries follow tihs delineation.

1401 Standard Federal Regions—Map I

1401.1 U.S. Department of Commerce
1401.2 Environmental Protection Agency
1401.3 Office of Emergency Preparedness
1402 Department fo Transportation—USCG
1403 Department of Defense
1403.1 U.S. Army Corps of Engineers—Division Offices
1403.2 U.S. Army Continental Army Commands
1403.3 U.S. Naval Districts
1403.4 U.S. Air Force Reserve Regions
1404 U.S. Department of the Interior
1404.1 Field Committee Regions
1404.2 U.S. Geological Survey—Area and District Offices

1401.1 DEPARTMENT OF COMMERCE NOAA AND MARAD

The Weather Service Forecast Offices (WSFO) of the National Weather Service are operational 24 hours a day and consequently serve as contact point for the Department of Commerce elements, such as the NOAA and MarAd, participating in the National Oil and Hazardous Substances Pollution Contingency Plan.

Following list shows Federal regions and designated Department of Commerce contact offices:

Weather Service Forecast Office
Region I
General Aviation Admin. Bldg.
Maverick Street
Logan International Airport
East Boston, Mass. 02128
Phone (617) 567–1718*
Weather Service Forecast Office
Regions II and III
Morris Heights Post Office
P.O. Box 604
Bronx, N.Y. 10453
Phone (212) 584–0327*
Weather Service Forecast Office
Region II
Isla Verde International Airport
San Juan, Puerto Rico 00913
Phone (809) 791–0376*
Weather Service Forecast Office
Region IV
Atlanta Airport
Atlanta, Ga. 30320
Phone (404) 526–7585*

*This is an unlisted number and should only be used for alerting purposes.
[1] 24 hour telephone

Weather Service Forecast Office
Region V
Bldg. C, Sixth Floor
1819 West Pershing Road
Chicago, Illinois 60609
Phone (312) 353–4765*
Weather Service Forecast Office
Region VI
819 Taylor Street, Room 10A44
Forth Worth, Texas 76102
Phone (817) 334–3451*
Weather Service Forecast Office
Region VII
Room 1710
601 E. 12th Street
Kansas City, Missouri 64106
Phone (816) 374–5203*
Weather Service Forecast Office
(Denver County)
Region VIII
2520 Galena Street
Aurora, Colorado 80010
Phone (303) 837–4207*
Weather Service Forecast Office
(San Francisco County)
Region IX
660 Price Avenue
Redwood City, California 94063
Phone (415) 556–0484*
Weather Service Forecast Office
Region IX
International Airport
P.O. Box 9428
Honolulu, Hawaii 96820
Phone (808) 845–2102*
Weather Service Forecast Office
Region X
1121 Federal Building
Seattle, Washington 98104
Phone (206) 442–5908*
Weather Service Forecast Office
Region X
632 6th Avenue
Anchorage, Alaska 99501
Phone (907) 265–4742*

1401.2 ENVIRONMENTAL PROTECTION AGENCY REGIONAL OFFICES

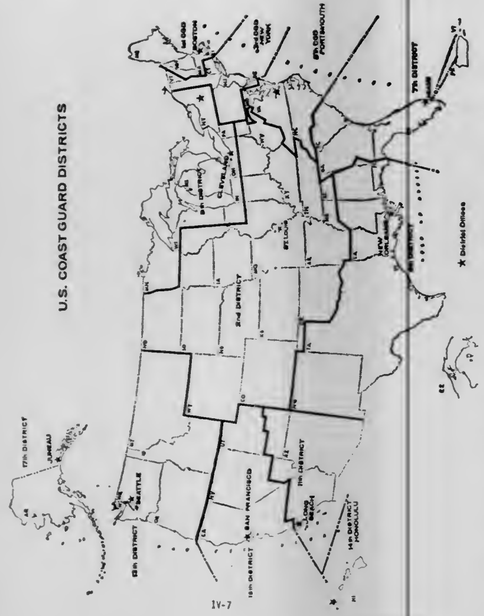
Environmental Protection Agency
Region I, Room 2303
John F. Kennedy Federal Building
Boston, Massachusetts 02203
Tel: (617) 223–7265 [1]
Environmental Protection Agency
Regional II, Room 908
26 Federal Plaza
New York, New York 10007
Tel: (201) 548–8730 [1]
Environmental Protection Agency
Region III
Curtis Bldg.
6th and Walnut Streets
Philadelphia, Pennsylvania 19106
Tel: (215) 597–9898 [1]
Environmental Protection Agency
Region IV
1421 Peachtree St., NE.
Atlanta, Georgia 30309
Tel: (404) 526–5062 [1]
Environmental Protection Agency
Region V
1 North Wacker Drive
Chicago, Illinois 60606
Tel: (312) 353–6188 [1]
Environmental Protection Agency
Region VI, Suite 1600
1600 Patterson St.
Dallas, Texas 75201
Tel: (214) 749–3840 [1]
Environmental Protection Agency
Region VII
1735 Baltimore Ave.
Kansas City, Missouri 64108
Tel: (816) 374–3778 [1]
Environmental Protection Agency
Region VIII, Suite 900
1860 Lincoln Street
Denver, Colorado 80203
Tel: (303) 837–3880 [1]
Environmental Protection Agency
Region IX
100 California Street
San Francisco, California 94111
Tel: (415) 556–6254 [1]
Environmental Protection Agency
Region X
1200 Sixth Avenue
Seattle, Washington 98101
Tel: (206) 442–4343 [1]

1401.3 OFFICE OF EMERGENCY PREPAREDNESS REGIONAL OFFICES

Office of Emergency Preparedness
Region 1, Room 2003E
John F. Kennedy Federal Building
Boston, Massachusetts 02203
FTS 617–223–4271
Office of Emergency Preparedness
Region II, Room 1349
26 Federal Plaza
New York, New York 10007
FTS 212–264–8980
Office of Emergency Preparedness
Region III, Suite 915
2 Penn Center Plaza
Philadelphia, Pennsylvania 19102
FTS 215–597–9416
Office of Emergency Preparedness
Region IV, Suite 750
1375 Peachtree Street, NE.
Atlanta, Georgia 30309
FTS 404–526–3641
Office of Emergency Preparedness
Region V, Room 520
300 South Wacker Drive
Chicago, Illinois 60606
FTS 312–353–1500
Office of Emergency Preparedness
Region VI, Room 13028
Federal Building
1100 Commerce Street
Dallas, Texas 75202
FTS 214–749–1411
Office of Emergency Preparedness
Region VII, Room 1500
Trader National Bank Building
1125 Grand Avenue
Kansas City, Missouri 64106
FTS 816–374–5913
Office of Emergency Preparedness
Region VIII, Room 370
Building No. 67
Denver Federal Center
Denver, Colorado 80225
FTS 303–234–3271
Office of Emergency Preparedness
Region IX
120 Montgomery Street
San Francisco, California 94104
FTS 415–556–8794
Office of Emergency Preparedness
Region X, Room M–16
Arcade Building
1319 2nd Avenue
Seattle, Washington 98101
FTS 206–442–1310

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U.S. COAST GUARD DISTRICTS



1403 DEPARTMENT OF DEFENSE
U.S. ARMY CORPS OF ENGINEERS
1403.1 DIVISION OFFICES

U.S. ARMY ENGR DIV, LOWER MISS. VALLEY
Corner Crawford and Walnut Sts.
P.O. Box 80
Vicksburg, Miss. 39180
Tel. Duty Hours—(601) 636-1311
Non Duty Hours—(601) 636-1313

U.S. ARMY ENGR DIV, MISSOURI RIVER
P.O. Box 103 Downtown Station
215 North 17th Street
Omaha, Nebraska 68101
Tel. Duty Hours—(602) 221-3001
Non Duty Hours—(602) 463-0202

U.S. ARMY ENGR DIV, NEW ENGLAND
424 Trapelo Road
Waltham, Mass. 02154
Tel. Duty Hours—(617) 894-2400
Non Duty Hours—(617) 894-2404

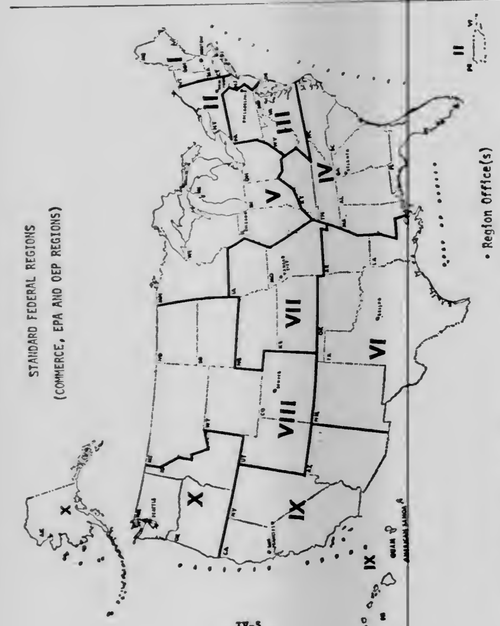
U.S. ARMY ENGR DIV, NORTH ATLANTIC
90 Church Street
New York, N.Y. 10007
Tel. Duty Hours—(212) 264-7101
Non Duty Hours—(212) 925-1961

U.S. ARMY ENGR DIV, NORTH CENTRAL
536 S. Clark Street
Chicago, Ill. 60605
Tel. Duty Hours—(312) 353-6310
Non Duty Hours—(312) 646-2183

U.S. ARMY ENGR DIV, NORTH PACIFIC
Rm 210, Custom House
Portland, Oregon 97209
Tel. Duty Hours—(503) 221-3700
Non Duty Hours—(503) 221-3700

U.S. ARMY ENGR DIV, OHIO RIVER
P.O. Box 1159
550 Main Street
Cincinnati, Ohio 45201
Tel. Duty Hours—(513) 684-3002
Non Duty Hours—(513) 684-3001

STANDARD FEDERAL REGIONS
(COMMERCE, EPA AND OEP REGIONS)



1402 DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD DISTRICTS

1st Coast Guard District
150 Causeway Street
Boston, Mass. 02114
Duty Officer: (617) 223-6650

2nd Coast Guard District
Federal Building
1520 Market Street
St. Louis, Mo. 63101
Duty Officer: (314) 622-4614

3rd Coast Guard District
Governors Island
New York, N.Y. 10004
Duty Officer: (212) 264-4800

5th Coast Guard District
Federal Building
431 Crawford Street
Portsmouth, Va. 23705
Duty Officer: (703) 393-9611

7th Coast Guard District
Room 1018, Federal Bldg.
51 S.W. 1st Avenue
Miami, Fla. 33130
Duty Officer: (305) 350-5611

8th Coast Guard District
Customhouse
New Orleans, La. 70130
Duty Officer: (504) 527-6225

• Region Office(s)

9th Coast Guard District
1240 East 9th Street
Cleveland, Ohio 44199
Duty Officer: (216) 522-3984

11th Coast Guard District
Heartwell Bldg.
19 Pine Avenue
Long Beach, Calif. 90802
Duty Officer: (213) 590-2311

12th Coast Guard District
630 Sansome Street
San Francisco, Calif. 94126
Duty Officer: (415) 556-5800

13th Coast Guard District
618 2nd Avenue
Seattle, Wash. 98104
Duty Officer: (206) 524-2902

14th Coast Guard District
677 Ala Moana Blvd.
Honolulu, Hawaii 96813
Duty Officer: (808) 546-7109
(COMMERCIAL ONLY)
AUTOVON—421-4845

17th Coast Guard District
P.O. Box 3-5000
Juneau, Alaska 99801
Duty Officer: (907) 586-7340
(COMMERCIAL ONLY)
AUTOVON—388-1121

U.S. ARMY ENGR DIV, PACIFIC OCEAN
Bldg. 96
Ft. Armstrong
Honolulu, Hawaii 96813
Tel. Duty Hours—(808) 543-2615
Non Duty Hours—(808) 422-2711

U.S. ARMY ENGR DIV, SOUTH ATLANTIC
510 Title Bldg
30 Pryor St., SW.
Atlanta, Georgia 30303
Tel. Duty Hours—(404) 526-6711
Non Duty Hours—(404) 526-0111

U.S. ARMY ENGR DIV, SOUTH PACIFIC
630 Sansome St. Rm 1216
San Francisco, California 94111
Tel. Duty Hours—(415) 556-0914
Non Duty Hours—(415) 556-0914

U.S. ARMY ENGR DIV, SOUTHWESTERN
1114 Commerce Street
Dallas, Texas 75202
Tel. Duty Hours—(214) 749-3336
Non Duty Hours—(214) 749-1011

CORPS OF ENGINEERS



1403.2 U.S. ARMY
CONTINENTAL COMMANDS

HEADQUARTERS
U.S. Continental Army Command
Ft. Monroe, Virginia 23351
Tel. 24 hours/day (703) 727-2256

HEADQUARTERS
First United States Army
Ft. George G. Mead
Maryland 20755
Tel. 24 hours/day (301) 677-2082

HEADQUARTERS
Third United States Army
Ft. McPherson
Georgia 30330
Tel. Duty Hours—(404) 752-2105
Non Duty Hours—(404) 752-3606

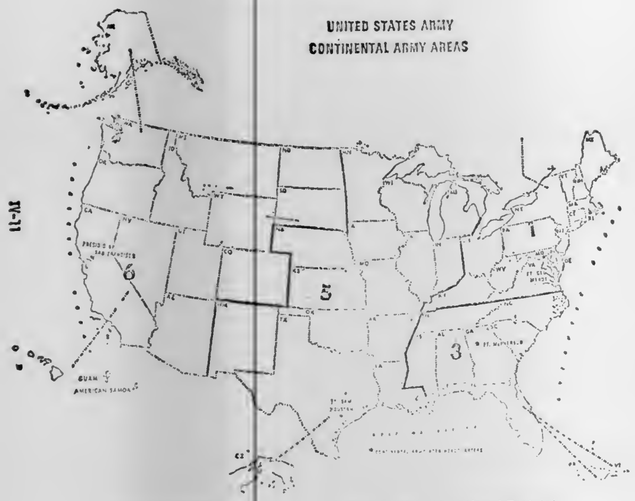
HEADQUARTERS
Fifth United States Army
Ft. Sam Houston
Texas 78234
Tel. Duty Hours—(512) 221-5347
Non Duty Hours—(512) 221-4746

HEADQUARTERS
Sixth United States Army
Presidio of San Francisco
California 94129
Tel. Duty Hours—(415) 561-3891
Non Duty Hours—(415) 561-2497

HEADQUARTERS
Military District
Washington
Washington, D.C. 20315
Tel. 24 hours/day (202) 697-3722

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UNITED STATES ARMY
CONTINENTAL ARMY AREAS



1403.3 U.S. NAVY
NAVAL DISTRICTS

Headquarters, 1st Naval District
495 Summer Street
Boston, Massachusetts
Tel. (617) LI 2-5100

Headquarters, 3rd Naval District
90 Church Street
New York, New York 10007
Tel. (212) RE 2-9100
AUTOVON 796-1110

Headquarters, 4th Naval District
Philadelphia, Pennsylvania 19112
Tel. (215) 755-4114
AUTOVON 443-1110

Headquarters, 5th Naval District
Norfolk, Virginia 23511
Tel. (703) 444-3589
AUTOVON 690-0110

Headquarters, 6th Naval District
Naval Base
Charleston, South Carolina 29408
Tel. (803) 743-2650
AUTOVON 794-4111

Headquarters, 8th Naval District
New Orleans, Louisiana 70140
Tel. (504) 366-2311

Headquarters, 9th Naval District
Building I
Great Lakes, Illinois 60088
Tel. (312) 688-4810
AUTOVON 792-2000

Headquarters, 10th Naval District
San Juan, Puerto Rico
Tel. (809) 722-0080
AUTOVON 894-3641

Headquarters, 11th Naval District
San Diego, California 92130
Tel. (714) 235-3401
AUTOVON 933-8011

Headquarters, 12th Naval District
Federal Office Building
59 Fulton Street
San Francisco, California 94102
Tel. (415) 621-3828
AUTOVON 869-0111

Headquarters, 13th Naval District
Seattle, Washington 98115
Tel. (206) AT 3-5200
AUTOVON 941-3111

Headquarters, 14th Naval District
Pearl Harbor, Hawaii
Tel. (808) 40053 ext. 22101
AUTOVON 421-6823

Headquarters, 15th Naval District
Fort Amador Canal Zone
Canal Zone 892226
AUTOVON 221-3312

Headquarters, Naval District, Washington, D.C.
Washington Navy Yard
Washington, D.C. 20390
Tel. (202) OX 3-2572 or OX 3-2670
AUTOVON 223-2572 2670

U.S. NAVAL DISTRICTS



1403.4 U.S. AIR FORCE
RESERVE REGIONS

Eastern Air Force Reserve Region
Dobbins Air Force Base
Georgia 30060
Tel. Duty Hours—(404) 428-4461
Non Duty Hours—(404) 428-4461

Central Air Force Reserve Region
Ellington Air Force Base
Texas 77030
Tel. Duty Hours—(713) 481-1400 ext. 2660
Non Duty Hours—(713) 481-1400 ext. 2222

Western Air Force Reserve Region
Hamilton Air Force Base
California 94934
Tel. Duty Hours—(415) 838-3811
Non Duty Hours—(415) 838-2700

U.S. AIR FORCE RESERVE
REGIONS



1404 DEPARTMENT OF THE INTERIOR

1404.1 FIELD COMMITTEE REGIONS

NORTHEAST REGION

Regional Coordinator
Department of the Interior
John F. Kennedy Federal Building
Room 2003K—Government Center
Boston, Massachusetts 02203
Tel: (617) 223-2973

NORTH CENTRAL REGION

Field Representative
Department of the Interior
2510 Dempster Street
Des Plaines, Illinois 60016
Tel: (312) 296-2433

PACIFIC SOUTHWEST REGION

Field Representative
Department of the Interior
450 Golden Gate Avenue
P.O. Box 36098
San Francisco, California 94102
Tel: (415) 556-8200

PACIFIC NORTHWEST REGION

Field Representative
Department of the Interior
Federal Building, Room 107
1002 N.E. Holladay Street
P.O. Box 3621
Portland, Oregon 97208
Tel: (503) 234-5138 or 39

SOUTHEAST REGION

Field Representative
Department of the Interior
404 Financial Services Bldg.
148 Cain Street, N.E.
Atlanta, Georgia 30303
Tel: (404) 526-4524

MISSOURI BASIN REGION

Regional Coordinator
Department of the Interior
Bldg. 67, Room 590
Denver Federal Center
Denver, Colorado 80225
Tel: (303) 233-6446

ALASKA REGION

Field Representative
Department of the Interior
338 Denali Street
Suite 1407
Anchorage, Alaska 99501
Tel: (907) 272-5561 ext. 422 or 423

SOUTHWEST REGION

Field Representative
Department of the Interior
Federal Building, Room 4030
517 Gold Street, SW.
Albuquerque, New Mexico 87101
Tel: (505) 843-2838

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1404.2 U.S. GEOLOGICAL SURVEY

AREA AND DISTRICT OFFICES

HEADQUARTERS

Chief, Conservation Division
U.S. Geological Survey-CD
3227 General Services Admin. Bldg.
18th & F Streets, N.W.
Washington, D.C. 20242
Tel: (202) 343-4528

ALASKA AREA

Area Oil and Gas Supervisor
U.S. Geological Survey-CD
Post Office Box 259
Room 214, Skyline Bldg.
218 E. Street
Anchorage, Alaska 99501
Tel: (907) 277-0579
Thru: Seattle (206) 442-0150

EASTERN AREA

Area Oil and Gas Supervisor
U.S. Geological Survey-CD
Room 3227, GSA Bldg.
Washington, D.C. 20242
Tel: (202) 343-4528

MID-CONTINENT AREA

Area Oil and Gas Supervisor
U.S. Geological Survey-CD
4562 Federal Building
333 West Fourth Street
Tulsa, Oklahoma 74103
Tel: (918) 581-7632

DISTRICT OFFICES

District Engineer
U.S. Geological Survey-CD
Oklahoma City District
4321 Federal Court House & Office Bldg.
Oklahoma City, Oklahoma 73102
Tel: (405) 231-4806

District Engineer
U.S. Geological Survey-CD
Shreveport District
201 Oil and Gas Building
323 Market Street
Shreveport, Louisiana 71101
Tel: (318) 425-6355

District Engineer
U.S. Geological Survey-CD
Tulsa District
3413 Federal Building
333 W. Fourth Street
Tulsa, Oklahoma 74103
Tel: (918) 581-7634

GULF COAST AREA

Area Oil and Gas Supervisor
U.S. Geological Survey-CD
Suite 336
3301 N. Causeway Blvd.
Metairie, Louisiana 70004
Tel: (504) 527-2337

DISTRICT OFFICES

District Engineer
Lafayette District No. 1
P.O. Box 52289
239 Bendel Road
Lafayette, Louisiana 70501
Tel: (318) 232-6037

District Engineer
Lafayette District No. 2
P.O. Box 52289
Tel: (318) 232-6037

New Orleans District
Suite 322
Imperial Office Bldg.
3301 N. Causeway Blvd.
Metairie, Louisiana 70004
Tel: (504) 835-6427

NORTHERN ROCKY MOUNTAIN AREA

Area Oil and Gas Supervisor
U.S. Geological Survey-CD
P.O. Box 2859
2002 Federal Building
Casper, Wyoming 82601
Tel: (307) 265-3405

SOUTHERN ROCKY MOUNTAIN AREA

Area Oil and Gas Supervisor
U.S. Geological Survey-CD
Federal Building and U.S. Courthouse
Richardson Ave. at Fifth Street
Roswell, New Mexico 88201
Tel: (505) 622-9857

PACIFIC AREA

Area Oil and Gas Supervisor
U.S. Geological Survey-CD
7744 Federal Building
300 N. Los Angeles Street
Los Angeles, California 90012
Tel: (213) 688-2846

DISTRICT OFFICE

Santa Barbara District
209 Post Office Building
836 Anacapa Street
Santa Barbara, California 93101
Tel: (805) 963-3305



ANNEX V—1500 COMMUNICATIONS AND REPORTS

1501 Purpose.

1501.1 The communications concerning an oil or hazardous substance discharge are an integral and significant part of the operations. The same precepts govern in these instances as do other operations in which the USCG, EPA and other operating agencies are involved.

1502 Objectives.

1502.1 The objectives of the communications and reports are:

1502.1-1 To speed the flow of information pertaining to pollution discharge;

1502.1-2 To relay advice, instructions and reports pertaining to pollution discharge; and

1502.1-3 To provide for alerting, notification, surveillance and warning of a pollution discharge.

1503 Communications procedures.

1503.1 Normal communication circuits of each Primary Agency shall be used to effectuate this Plan. The national and district or regional offices and telephone numbers of primary alerting and notification offices of interested agencies will be maintained in NRC and as appropriate in RRC.

1503.2 The initial reporting of a pollution discharge by agencies participating in this plan shall be in accordance with the information and format as described in the regional plans. Reports of medium or major discharge received from dischargers or the general public by the NRC shall be relayed by telephone to predesignated OSC, NRC shall evaluate incoming information and immediately advise OEP Disaster Programs Office of potential disaster situations.

1503.3 POLREPS (Pollution Reports) shall be submitted by RRT to NRT in a timely manner as developments occur and at 0800 and 2000 local time on each day of the operation.

1504 Pollution reports.

1504.1 Within 60 days after the conclusion of Federal removal action resulting from a major pollution discharge, the OSC shall submit a complete report of the response operation and the actions taken. Copies will be furnished to the NRT or RRT, as appropriate, together with any other pertinent information available to the forwarding group. The NRT shall then evaluate each situation and will make appropriate recommendations.

1504.2 The report required by 1504.1 above shall include:

1504.2-1 Description of the cause and intial situation;

1504.2-2 Organization of response action and resources committed;

1504.2-3 Effectiveness of response and removal actions by:

a. The discharger;
b. State and local forces;
c. Federal Agencies and Special Forces;

1504.2-4 Unique problems encountered;

1504.2-5 Recommendations on:

a. Means to prevent reoccurrence;
b. Improvement of response actions;
c. Changes in National or Regional Contingency plans to improve.

ANNEX VI—1600 PUBLIC INFORMATION

1601 Introduction.

1601.1 When a major pollution discharge occurs, it is imperative that the public be provided promptly with accurate information on the nature of the discharge and what steps are being taken to correct the problem. This policy must be followed to obtain understanding from the public, ensure cooperation for all interested parties and to check the spread of misinformation. National Administration Policy and the Freedom of Information Act both call for maximum disclosure of information.

1602 National News Office.

1602.1 When the NRT is activated, the team chairman will contact the most appropriate Primary Agency and ask it to detail a professional information officer to establish and direct a National News Office. Requests by the Director of the National News Office for an appropriate number of professional and clerical assistants will be met by one or more of the Primary Agencies.

1602.2 The Director of the National News Office will be responsible for overall supervision of public information activities. While the Director of the Regional News Office will have considerable freedom in responding to news inquiries, he will work under the direction of the Director of the National News Office. The closest possible coordination will be maintained between the National News Office in Washington and the Regional News Office.

1602.3 Promptly after his designation, the Director of the National News Office will contact the White House Press Office and the Office of the Director of Communications for the Federal Government to arrange whatever information assistance may be required by these offices.

1602.4 All written news releases involving major policy considerations will be cleared by the Chairman of the NRT or in his absence the vice-chairman. Situation reports and other factual releases will not require formal clearance.

1602.5 The Director of the National News Office will have free access to meetings of the NRT and will be consulted on the possible public reaction to the courses of action under consideration by the NRT.

1602.6 At appropriate intervals the Director of the National News Office may arrange news conferences at which the Chairman of the NRT, the OSC or other informed officials will make progress reports and respond to questions from the media representatives.

1602.7 The Director of the National News Office will keep appropriate press offices posted on developments. These include the press offices of the Secretaries or Director of the Primary Agencies to the National Contingency Plan; Governors, Senators and Representatives whose States or Districts are affected by the incident; and, the mayor and other responsible local officials in affected communities.

1602.8 As long as public interest warrants, at least one written news release or status report per day will be issued by the National News Office and the Regional News Office reporting progress.

1602.9 The National News Office will be provided with adequate space, telephones, typewriters, communications equipment and other supplies by the U.S. Coast Guard at U.S. Coast Guard headquarters, Washington, D.C., where the NRC is housed. The Director of the National News Office will determine what equipment and supplies are needed to ensure an orderly flow of information and to accommodate visiting members of the news media.

1603 Regional News Office.

1603.1 When an RRT is activated, the Chairman will contact the most appropriate agency and ask it to detail a professional public information officer to establish and direct a Regional News Office. Any primary Agency may by request to the RRT, place its designated representative on the staff of the Regional News office to advise and assist the Director. The Regional News Office should be set up at or near the location where the OSC is stationed. Requests by the Director of the Regional News Office for appropriate professional and clerical assistance will be met by one or more of the primary agencies.

1603.2 The Director of the Regional News Office will follow the procedures outlined above for the Director of National News Office in contacting the press offices of State and local officials, in arranging appropriate public information liaison with industries and other concerned interests, and in issuing at least one daily written news release.

1603.3 All news releases involving major policy considerations will be cleared by the Chairman of the RRT.

1603.4 The Director of the Regional News Office will have free access to meetings of the RRT and should be consulted on the

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possible public reaction to the courses of action under consideration by the RRT.

1603.5 The Regional News Office will be provided with adequate space, telephones, typewriters, communications equipment and other supplies by the Primary Agency which is providing the RRC. The Director of the Regional News Office will determine what equipment and supplies are needed to ensure an orderly flow of information and to accommodate visiting members of the news media.

1604 Washington, D.C., public information contact.

1604.1 If the NRT has not been activated, the Director of the Regional News Office will ask the most appropriate Primary Agency to assign a public information officer in Washington, D.C., to serve as a contact point for queries made in Washington, D.C. The information officer assigned to this task will follow the procedures outlined above for the Director of the National News Office in contacting the press offices of the White House and Congressional and Federal officials.

1605 Interim Public Information Director.

1605.1 In the period following a discharge and before the need for a Federal response is determined, information activities will be directed by the public information personnel of the same Primary Agency which will provide the predesignated OSC. These activities will be conducted in accordance with the information policies of that agency.

1606 Special public information procedures for Senators, Representatives, Congressional Aides and Staff Members, White House Representatives and other VIP's.

1606.1 The Director of the National News Office or the Director of the Regional News Office will arrange, on request, to perform special public information services for VIP's including: notifying the media of the time, place and purpose of the VIP visits; making press conference arrangements; and, arranging for interviews with the VIP by interested members of the media.

1607 Special public information procedures for salesmen.

1607.1 Public information officers assigned to pollution emergencies will refer salesmen to technical personnel designated to evaluate their wares.

1608 Special public information procedures for the general public.

1608.1 In responding to queries from the general public, public information officers will advise the callers or arrange to have the callers advised on what the latest press release has reported.

1609 Special public information procedures—correspondence.

1609.1 After the crisis has subsided, a model letter reporting on the situation will be drafted by the public information personnel assigned to the problem. After the model letter has been approved by the Chairman of the NRT or the RRT, copies will be sent to the Primary Agencies for their guidance in responding to mail inquiries.

ANNEX VII

1700 LEGAL AUTHORITIES

1700.1 Federal Statutes, Regulations and Administration orders relative to oil pollution control are administered by several Departments and Agencies. The following is a tabular summation of the more important of these legal authorities.

1710 Federal Oil Pollution Control Statutes

	STATUTES	OPERATING AGENCIES INVOLVED	PROHIBITED ACT OR AUTHORIZATION	TERRITORIAL APPLICATION	SANCTIONS	EXCEPTED DISCHARGES
1711	Refuse Act 1899 (33 U.S.C.407 et seq.)	1.CORPS 2.U.S.C.G. 3.Customs 4.JUSTICE	To discharge from ship. . . (foreign & domestic) or from shore or water front facility, any refuse matter of any kind or description (even commercially valuable petroleum).	1.U.S.navigable waters (USNW) 2.Tributaries, if refuse floats or washes into USNW. 3.On banks, if likely to be washed into USNW.	1.$500.00 - $2500.00; 30 days to 1 yr. or both 2.Vessel liable "in rem" for penalties.	"sewage" flowing from streets and sewers.
	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
1712	Federal Water Pollution Control Act, as amended. 1[33 U.S.C. 1151 et seq.)	1.EPA 2.DOT 3.CORPS 4.Customs 5.JUSTICE	Discharge, in harmful quantities, of oil or hazardous substances to the waters of the U.S. Effluent Standards, National Standards of Performance, Water Quality Standards.	U.S. waters or adjoining shorelines or the waters of the contiguous zone.	1.Failure to report prohibited discharge:(a)fine up to-$10K or (b) imprisonment for up to one year. 2.Prohibited discharge of oil or hazardous substance-civil penalty, $K. 3.Violation of regulations-$K. 4.Removal liability costs: (a)vessel $14M or $100/grt; (b)onshore or offshore facility, $6M.	1.As allowed by regulations, standards or permits. 2.In the contiguous zone as permitted by the 54 Convention, as amended in 1969.
	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
1713	Oil Pollution Act-1961, as amended, (33 U.S.C. 1001-1015)Implements International Convention on Prevention of Pollution of Sea by Oil.	1.U.S.C.G. 2.Customs 3.CORPS 4.JUSTICE 5.State	1.Any discharge or escape of persistant oil from vessels subject to Act, i.e., all U.S. seagoing vessels including tankers (whose tanks carry only oil). Except:(a)Tankers under 150 gross tons; (b)Other vessels under 500 gross tons; (c)Vessels on whaling operations;	1.Prohibited zone: (a)measured from baseline from which territorial sea is established; (b)Generally extends 50 miles to sea; (c)Extends 100 miles to sea off Northeast Coast of U.S.; (d)Extends out 100 miles to sea off West Coast of Canada; and (e)Modifications published in Notices to Mariners.	1.Penalty: (a)$500.00 to $2500.00 or 1 yr. or both-any person or company; (b)Ship other than one owned & operated by U.S. liable "in rem" for above penalty, and (c)Suspension or revocation of license.	1.Discharges: (a)To secure safety of ship, cargo or life at sea; (b)Due to damage to vessel or unavoidable leakage, if all reasonable precautions taken after damage occurred

		(d)Vessels while using Great Lakes & tributaries and. (e)Naval vessels and auxiliaries. 2.Any discharge of oil from vessel subject to Act, of 20,000 or-plus gross tons, whose bldg. contract executed on or after May 18, 1967. 3.Vessels, subject to Act, which are tankers or use oil fuel must keep Oil Record Book with entries of certain discharges or escapes of oils. 4.Forward to State Dept. evidence of discharge or escape from foreign vesl.	2.Unlimited-Except if in Master's opinion special circumstances make it neither reasonable nor practicable to retain oil on board, discharge, outside prohibited zone is permitted. 3.Penalties re. Oil Record Book: (a)Person failing to comply - fine of from $500.00 to $1,000.00; (b)Person making false entry (i)fine - $500.00 to $1,000.00, (ii)imprisonment for 6 mos. or both. 4.Prohibited zone (No. 1 above).	or leakage discovered; (c)Of residue from fuel or lube oil purification or clarification as far from land as possible; (d)Oily mixtures from bilges containing only lube oil drained or leaked from machinery spaces; and (e)Vessels, other than tanker, proceeding to a port with inadequate reception facilities.
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1720 Related Federal Statutes

	STATUTES	ADMINISTRATIVE AUTHORITY	AUTHORIZED ACTION	TERRITORIAL CONSIDERATIONS
1721	U.S.Navy-Ship Salvage Authority (10 U.S.C. 7361)	Secretary of Navy (U.S. Navy Ship System Command, Supervisor of Salvage)	1.To salvage, by contract or otherwise: (a)U.S. Naval vessels; (b)Private vessel (foreign or domestic) subject to availability of salvage forces; and, (i)If not abandoned nor under governmental control nor other salvage facilities reasonably available & competent private authority requests help, i.e., ship's master, owner, or underwriter. (ii)If abandoned or under control of U.S.C.G., FWPCA, Corps of Engineers, Office of Emergency Preparedness, or Federal Court - competent requesting agency becomes customer.	1.(a) for U.S. Naval vessels - Navy has direct responsibility anywhere; (b)for private vessels (i)U.S. navigable waters and high seas. (ii)U.S. navigable waters U.S. territorial waters and those within the authority of requesting government agency by law or treaty.
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1722	Outer Continental Shelf Land Act of 1953 (43 U.S.C. 1331-1343)	Secretary of the Interior (a) Bur. of Land Mgmt. (b) U.S.G.S. Secretary of Transportation (a) U.S.C.G.	1.To regulate leases for exploitation of Shelf lands, terms and conditions calculated to prevent pollution in offshore oil or mining operations. Regulations provide that lessee shall not pollute; shall take certain preventive actions and if pollution occurs, lessee shall make appropriate notifications and shall be liable for cleanup.	1.U.S. Continental Shelf Lands.
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1723	Disaster Relief Act of 1970 (84 Stat. 1744)	The President Director, Office of Emergency Preparedness per E.O. 11575, Dec. 31, 1970	1. To declare a major disaster at the request of a governor of a State. 2. If declared, to direct Federal agencies to assist by: (a)Using or lending, with or without compensation, to State & local governments, equipment, supplies, facilities, personnel, etc., other than extension of credit under any act: (b)Performing, on public or private land, work to preserve life and property; clear debris and wreckage; provide temporary housing or emergency shelter; or make emergency repairs and temporary replacements to public facilities of State and local governments. 3. OEP can give direct financial assistance to State and local governments for items in 2 above. 4. OEP can also provide assistance in the event of an imminent disaster.	(1) major disaster areas as declared by President. (2) U.S., its territories and possessions.
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1724	14 U.S.C. 81 et seq.	U.S.C.G.	1.To aid distressed persons & protect property. Sec. 88(b) in USNW and on the high seas. 2.To establish, maintain & operate aids to maritime navigation in USNW, waters above the U.S. continental shelf and other specified areas. 3.To mark for protection of navigation any wreck in USNW (Sec. 86) not properly marked by owner (33 U.S.C. 409)	
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1725	14 U.S.C. 141(a)	U.S.C.G.	1.On request may use personnel & facilities to assist any government agency to perform any activity for which such personnel are especially qualified.	1. Limited only by international law re. Territorial waters.
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1726	Magnuson Act (50 U.S.C. 191)	Designated U.S.C.G. Officers (33 CFR 6) when directed by Executive Order (presently implemented by E.O. 10173 as amended)	1.Prevent anything from being placed on board any vessel or waterfront facility as defined in 33 CFR 6.01-4, when necessary to prevent damage to U.S. waters. 2.Establish security zones into which no person or vessel may enter or take anything. 3.Control vessel movement & take full or partial possession or control of any vessel when necessary to prevent danger to U.S. waters. 4.Prevent mooring to or connel shifting of any vessel from waterfront facility if it endangers such vessel, other vessels, harbor, any facility therein because conditions exist in or about waterfront - not limited to fire hazards and unsatisfactory operations.	1. U.S. Territorial waters

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1727	Dangerous Cargo Act (46 USC 170)	U.S.C.G.	1. Authority to establish regulations for handling, stowage, storage and use of dangerous articles or substances on board vessels. 2. Authority to establish regulations for disposing of dangerous articles or substances found to be in an unsafe condition.	U.S. Territorial Waters.
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1728	Tank Vessel Act (46 USC 391a)	U.S.C.G.	1. Authority to establish additional rules for provision against hazards of life and property created by vessels having on board inflammable or combustible liquid cargo in bulk.	U.S. Territorial Waters.
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1729	Ports & Waterways Safety Act of 1972 (PL 92-340)	U.S.C.G. SLSDC	1. Authority to operate vessel traffic services, direct vessel movement, prescribe safety equipment requirements, establish safety zones, investigate accidents that affect environmental quality of the navigable waters and regulate vessels carrying hazardous substances in bulk.	U.S. Territorial Waters (excludes waters of Panama Canal for Title 1)
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1750 Treaties and International Conventions

	TITLE	PARTIES	SUBSTANCE OF AGREEMENT	TERRITORIAL APPLICATION
1751	Treaty re. Reciprocal Rights in Conveyance of Prisoners and Wrecking & Salvage (35 Stat. 2035, TS 502)	U.S. - Great Britain signed for Canada (1908)	1. Vessels & wrecking equipment of U.S. or Canada permitted to salvage wrecks, render aid to vessels in distress or disabled across the international boundary line.	1. In portion of St. Lawrence River through which boundary line passes, 2. Lakes Ontario, Erie, St. Clair, Huron, Superior. 3. Niagara, Detroit, St. Clair & Ste. Marie River. 4. Canals at Sault Ste. Marie. 5. Shores & territorial waters on Pacific & Atlantic within 30 miles of boundary line.
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1752	Boundary Waters Treaty (35 Stat. 2448, TS 548)	U.S. - Great Britain signed for Canada (1909)	1. Established International Joint Commission with jurisdiction over all cases re. use, obstruction or diversion of waters including water pollution. No mechanism for enforcement directly by Commission findings & recommendations reported to respective governments for enforcement action within its territorial limits.	1. U.S. - Canadian boundary waters.
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1753	Treaty to Facilitate Assistance to & Salvage of Vessels in Territorial Waters (49 Stat. 2359, TS 905)	U.S. - Mexico (1936)	1. Vessels & rescue apparatus, public & private, may aid vessels and crew of its own nationality, when disabled or in distress. 2. Captain, master or owner of rescue vessel of either country must notify that country when entering or intending to enter territorial waters of the other country as early as possible and may freely proceed with rescue unless advised by the other country that adequate assistance is available or for any other reason rescue is not necessary.	1. On shores or within territorial waters of the other nation - (a)within 720 mile radius of intersection of international boundary line & Pacific Coast or (b)within 200 miles radius of intersection of international boundary line & coast of Gulf of Mexico.
1754	Convention of High Seas (1958) (TIAS 5200) (13 U.S.T. 2312)	U.S.(1962)-Denmark, Finland, Italy, Japan, Mexico, Netherlands, U.K., USSR, inter alia.	1. Article XXIV - Member nations responsible for drafting regulations to prevent pollution of seas by oil. 2. Article XXV - same for radioactive wastes & other harmful agents by vessels under its control.	High Sea
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1755	Geneva Convention on Territorial Sea & Contiguous Zone (1958) (15 U.S.T 1606) (TIAS 5639)	U.S. (1964)-Denmark, Finland, Italy, Japan, Netherlands, U.K., USSR, inter alia.	1. To exercise necessary controls to prevent infringement of nations sanitary regulations within its territory or territorial sea.	1. Not to exceed 12 miles outward from the baseline from which the territorial sea is measured.'
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1756	Convention on Continental Shelf (1958) (TIAS 5578) (15 U.S.T. 471)	U.S. (1964)-Denmark, Finland, France, Mexico, Netherlands, U.K., USSR, inter alia.	Coastal government has: exclusive & sovereign right to explore and exploit natural resources of the Shelf as long as it does not unjustifiably interfere with navigation, fishing or conservation of living sea resources nor with fundamental oceanographic or other scientific research destined for open publication.	U.S. Continental Shelf - 200 meter isobath curve contiguous to land or to a depth that admits of the exploitation of said area.
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1757	Convention for Prevention of Pollution by Sea by Oil, (1954) (12 U.S.T. 2989; (1962) amended 17 U.S.T. 1523)	U.S. (1961)-Belgium, Denmark, Finland, France, West Germany, Greece, Italy, Japan, Liberia, Mexico, Netherlands, Nigeria, Norway, Panama, Spain, Sweden, U.K., inter alia.	1. To prevent discharge or escape of oily substances by sea-going vessels - See Oil Pollution Act of 1961 as amended in 1966 for U.S. implementation. (33 U.S.C. 1001-1015) (Note: Oily substance is defined as persistent oil) 2. Maintenance of Oil Record Book.	1. Prohibited zone: All seas within 50 miles from nearest land (baseline from which territorial sea is established) and other areas as defined in the convention.

ANNEX VIII—1800 DOCUMENTATION AND COST RECOVERY

1801 Introduction.

1801.1 The OSC in charge at the scene of a discharge may be from any one of several agencies; it is necessary, therefore, to establish uniform procedures for collection of samples and information consistent with the several phases in Federal response operations. Necessary information and sample collection must be performed at the proper times during the Federal involvement in removal operations for the purpose of later use in identifying the party responsible for removal cost recovery. Time is of great importance since wind, tide and current may disperse or remove the evidence. Additionally, witnesses may no longer be available. Thus, during the response phases, the OSC must take the necessary action to ensure that information, records, and samples adequate for legal and research purposes are obtained and safeguarded for future use. Additional guidance can be found in EPA's "Field Detection and Damage Assessment Handbook".

1802 Notification of Counsel.

1802.1 Immediately upon notification that a discharge has occurred, the RRT or NRT members, as appropriate, shall notify their respective regional and departmental attorneys, as provided herein and as detailed in regional plans.

1802.2 Coordination of appropriate counsel will be effected by counsel of the Department responsible for furnishing the OSC. Coordination will be for joint and several actions concerning legal matters regarding the operation and the Plan and for advising the owner or operator that a determination has been made under subsection 311(c)(1) of the Act that removal is not being properly accomplished.

1802.3 The information and reports obtained by the OSC are to be transmitted to the RRC. Copies will then be forwarded to the NRC, members of the RRT, and others, as appropriate. The representative of the Agency on the RRT having cost recovery authority will then refer copies of the pollution reports to his respective agency counsel.

1803 Legal notice to suspected discharger.

1803.1 The owner, operator, or other appropriate responsible person shall be notified of Federal interest and potential action in a pollution discharge by the agency furnishing the OSC. This notice shall include advice of the owner or operator's liability for proper removal of the discharge in accordance with section 311(f) of the Act; the need to perform removal in accordance with existing Federal and State statutes and regulations, and this Plan; and identification of the OSC.

1804 Sample collection procedures to be followed by OSC.

1804.1 Several precautions must be observed when taking and handling liquid samples for analyses as the character of the sample may be affected by a number of common conditions. These precautions concern the following: (a) The composition of the container; (b) cleanliness of the container; and, (c) manner in which the sample is taken.

1804.2 In taking such samples, the following procedures are to be followed in all cases:

1804.2-1 Glass or other appropriate containers of suitable size shall be used. The portion of the closure (sealing gasket or cap liner) which may come into contact with the sample in the container is of considerable importance. When oil or petroleum hydrocarbons are to be sampled, the closure should be made of glass, aluminum foil, or teflon. Pollutants other than oil may require special precautions such as jacketing of glass containers or different closure material. The analysis laboratory should be consulted whenever a question arises as to the appropriateness of any packaging material.

1804.2-2 Previously unused containers are preferred. Containers that have been cleaned with a strong detergent, thoroughly rinsed and dried may be used.

1804.2-3 Some explanatory notes covering the above procedures are as follows: (a) Glass or other appropriate containers always must be used because plastic containers, with the exception of teflon, have been found in some cases to absorb organic materials from water and, in other cases, compounds have been dissolved from plastic containers; (b) as it is desirable to take a large sample of the pollutant, proper skimming techniques should be used to obtain a sufficient amount of oil for analysis; and, (c) because pollution conditions change rapidly, samples should be taken promptly, and the time sequences and locations noted.

1804.2-4 Consult with the analysis laboratory personnel relative to special samples and unusual problems.

1804.2-5 Samples collected are to be transmitted for analysis, using special courier or registered mail (return receipt requested) and observing the procedures outlined below. Appropriate analytical laboratories are designated in the regional plan. Reports of laboratory analysis will be forwarded to the appropriate RRT for transmittal to counsel.

1805 Photographic records.

1805.1 Photographs should be taken to show the source and the extent of pollution, if possible, using both color and black and white film. The following information should be recorded on the back of each photographic print: (a) Name and location of vessel or facility; (b) date and time the photo was taken; (c) names of the photographer and witnesses; (d) shutter speed and lens opening; and (e) type of film used and details of film processing. (The immediate developing type of photographic process may be of major assistance to the less-than-professional photographer by allowing on-the-spot inspection of results and "retakes" as needed to obtain an acceptable photograph.)

ANNEX IX—1900 FUNDING

1901 General.

1901.1 The primary thrust of this Plan is to encourage the person responsible for a discharge to take appropriate remedial actions promptly. Usually this will mean that the cost of removal of the discharge shall be borne by the person responsible for the discharge. The OSC and other officials associated with the handling of a pollution emergency shall make a substantial effort to have the discharger voluntarily accept this responsibility.

1901.2 If the discharger does not voluntarily act promptly to remove the discharge of oil or hazardous substances, Federal discharge removal actions may be initiated pursuant to section 311(c)(1) of the Act. The discharger, if known, is liable for the reasonable costs of such Federal removal actions in accordance with section 311(f) of the Act.

1901.3 Actions undertaken by the Primary Agencies in response to pollution emergencies shall be carried out under existing programs and authorities insofar as practicable.

1901.4 It is not envisioned that any Federal agency will make resources available, expend funds or participate in operations in connection with pollution emergency operations unless such agency can so respond in conformance with its existing authority. Authority to expend resources will be in accordance with agencies' basic statutes and, if required, through cross-servicing agreements.

1901.5 This Plan encourages interagency agreements whenever specific reimbursement agreements between Federal agencies are deemed necessary to ensure that the Federal resources will be available for a timely response to a pollution emergency.

1902 Funding responsibility.

1902.1 The funding of removal actions necessitated by a discharge from a Federally operated or supervised facility is the responsibility of the operating or supervising agency.

1902.2 Funding of response actions not associated with the removal activity, such as scientific investigations, law enforcement or public relations, is the responsibility of the agency having statutory or executive responsibility for those specific actions.

1903 Agency funding.

1903.1 The Environmental Protection Agency can provide funds to insure timely initiation of discharge removal actions in those instances where the OSC is an EPA representative. Funding of continuing Phase III and IV actions, however, shall be determined on a case-by-case basis by the Division of Oil and Hazardous Materials at EPA. Inasmuch as EPA does not have funds provided for this purpose by statute or regulation, initiation of Phase III and IV activities is funded out of operating program funds.

1903.2 The U.S. Coast Guard pollution control efforts are funded under "Operating Expenses." These funds are utilized in accordance with agency directives and applicable regional plans.

1903.3 The Department of Defense has two specific sources of funds which may be applicable to a pollution incident under appropriate circumstances. (This does not consider military resources which might be made available under specific conditions.)

1903.3-1 Funds required for removal of a sunken vessel or similar obstruction to navigation are available to the Corps of Engineers through Civil Functions Appropriations, Operations and Maintenance, General.

1903.3-2 The U.S. Navy has funds available on a reimbursable basis to conduct salvage operations.

1904 Disaster relief funds.

1904.1 Certain pollution control emergency response activities may qualify for reimbursement as disaster relief functions. In making a declaration of a "major disaster" for a stricken area, the President may allocate funds from his Disaster Relief Fund, administered by the Director, Office of Emergency Preparedness. After the President has declared a "major disaster" and authorized allocation of funds, the Director may authorize certain reimbursements to Federal agencies for disaster assistance provided under direction of his office. Applicable policies and procedures are stated in Title 32, Chapter XVII, Part 1709, "Reimbursement of Other Federal Agencies Performing Major Disaster Relief Functions".

1904.2 In addition to the authority provided for actions taken subsequent to the declaration of a "major disaster", if the President determines that a major disaster is imminent, he is authorized pursuant to section 221, PL 91-606 to use the resources of the Federal Government to avert or lessen the effects of such disaster before its actual occurrence

1904.3 The Director, OEP, may also make financial assistance available to State governments and through the States to local governments in accordance with policies and procedures stated in Title 32, Chapter XVII, Part 1710, "Federal Disaster Assistance".

1905 Pollution revolving fund.

1905.1 A pollution revolving fund, administered by the Commandant, USCG, has

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been established pursuant to subsection (k) of section 311 of the Act. Regulations governing the administration and use of the fund are contained in 33 CFR 153.301–153.319.

1905.2 Pursuant to section 311(c)(2)(H) of Public Law 92–500, the State or States affected by a discharge of oil or hazardous substance may act where necessary to remove such discharge and may, pursuant to regulations which the Commandant, USCG, may prescribe, be reimbursed from the fund for the reasonable costs incurred in such removal.

1905.2–1 Removal by a State is necessary when the OSC determines that the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs does not effect removal properly and that:

1905.2–1.1 State action is required to minimize or mitigate significant damage to the public health or welfare which Federal action cannot minimize or mitigate, or

1905.2–1.2 Removal or partial removal can be effected by the State at a cost which is not significantly greater than the cost which would be incurred by the Federal departments or agencies.

1905.2–2 Nothwithstanding the above, State removal actions are not necessary if not in compliance with Annex X of this Plan.

1905.2–3 State removal operations are considered to be Response Phase III or Response Phase IV actions to the extent that the same operations undertaken by a Federal agency would be so considered.

1905.2–4 When supervised by the State agency designated pursuant to § 1510.23(a) of this Plan, removal operations of a local government are considered to be actions of the State for purposes of this section.

1906 Obligations of funds.

1906.1 Care must be exercised to ensure that misunderstandings do not develop about reimbursement of funds expended for removal activities. The OSC should not knowingly request services for which reimbursement is mandatory unless reimbursement funds are known to be available. Similarly, the agency supplying a reimbursable service should determine the source of reimbursement before committing resources necessitating reimbursement.

1906.2 OSC shall exert adequate control of removal operations so that he can certify that reimbursement from the fund is appropriate.

1906.3 Detailed instructions on utilization of the fund are contained in USCG Comptroller Manual.

1907 Planning.

1907.1 The availability of funds and requirements for the reimbursement of expenditures by certain agencies must be included in resource utilization planning. Regional and subregional contingency plans should show what resources are available under what conditions and cost arrangements.

1907.2 Local interagency agreements may be necessary to specify when reimbursement is required.

ANNEX X—2000 SCHEDULE OF CHEMICALS TO REMOVE OIL & HAZARDOUS SUBSTANCES DISCHARGES

2001 General.

2001.1 This Schedule shall apply to the waters of the United States and adjoining shorelines, and the waters of the contiguous zone.

2001.2 This Schedule applies to the use of any chemicals as hereinafter defined that may be used to remove oil and remove or neutralize hazardous substances discharges.

2001.3 This Schedule advocates development and utilization of mechanical and other control methods that will result in removal of oil and hazardous substances discharges from the environment with subsequent proper disposal.

2001.4 It is the intent of this Schedule that no harmful quantities of any substances be applied to the waters to remove or neutralize the effects of oil or hazardous substances discharged.

2001.5 Relationship of the Environmental Protection Agency to other Federal and State agencies in implementing this Schedule: in those States with more stringent laws, regulations or written policies regulating chemical use, such State laws, regulations or written policies shall govern.

2001.6 It has been determined that because of the overriding need for prompt initiation of discharge removal actions, no formal permit as provided for by section 402 of the Act, shall be required before application of chemicals to mitigate the effects of a discharge. The provisions of § 1510.21(g) of this Plan shall apply.

2002 Definitions. Substances applied to oil or floating hazardous substances discharges are defined as follows:

2002.1 Collecting agents—are those substances that concentrate, congeal, entrap, fix, gell, or make the pollutant mass more rigid or viscous in order to facilitate removal from the water's surface.

2002.2 Sinking agents—are those substances that can physically sink the pollutant below the water's surface.

2002.3 Chemical agents—are those elements, compounds or mixtures that disperse, dissolve, emulsify, neutralize, precipitate, oxidize or reduce the pollutant on the water's surface or in the water column.

2003 Collecting agents—are considered to be generally acceptable providing that these materials do not in themselves or in combination with the pollutant increase the environmental hazard.

2003 Collecting Agents—may be used only when authorized by the On-Scene Coordinator on a case by case basis. The OSC can authorize that use only after considering the effects on the performance of the collecting agent of ambient temperatures, wind, wave action, debris and other foreign material in the water, type of oil, and availability of removal operations to remove the collected oil. Technical guidance on application techniques and dosage rates will be provided by EPA.

2004 Sinking Agents—shall not be used for oil and hazardous substances pollution control.

2005 Authorities controlling use of chemical agents.

2005.1 *Major and medium discharges.* Chemical Agents may be used in any place, at any time, and in quantities designated by the On-Scene Coordinator, when their use will:

2005.1–1 In the judgement of the OSC, prevent or substantially reduce hazard to human life or limb or substantially reduce explosion or fire hazard to property;

2005.1–2 In the judgement of EPA, in consultation with appropriate State agencies, prevent or reduce substantial hazard to a major segment of the population(s) of vulnerable species of waterfowl; and,

2005.1–3 In the judgement of EPA, in consultation with appropriate State agencies, result in the least overall environmental damage or interference with designated water uses.

2005.2 *Minor discharge.* The provisions of section 2005.1–1 shall apply. The use of chemical agents in any other situation shall be subject to this Schedule except in States where State laws, regulations, or written policies that govern the prohibition, use, quantity, or type of chemical are in effect. In such States, the State laws, regulations or written policies shall be followed during the removal operation.

2006 *Restrictions on use of chemical agents for pollution control purposes.* Except as noted in 2005.1 above, chemical agents shall not be applied to the waters to remove discharges:

2006.1 of distillate fuel oils;

2006.2 of less than 200 barrels of oil;

2006.3 from any beach;

2006.4 in waters less than 100 feet deep;

2006.5 in waters, identified in regional plans, containing major populations, or breeding or passage areas of species of fish or marine life which may be damaged or rendered commercially less marketable by exposure to chemical agents or dispersed pollutants.

2006.6 in waters where winds and/or currents are of such velocity and direction that chemically treated mixtures would likely, in the judgement of EPA, be carried to shore areas within 24 hours; or

2006.7 on any waters where such use may affect surface drinking water supplies.

2007 Chemical agent use. Chemical agents may be used for removal of oil discharges in accordance with this Schedule if other control methods are judged to be inadequate or infeasible, and if:

2007.1 Technical information on the physical, chemical, and toxicity characteristics of the chemical agents has been submitted in duplicate to the DOHM, EPA, Washington, D.C., 20460, at least 60 days prior to the chemical agent's use. The submission shall include the information required in sections 2007.3 and 2007.4 as well as dispersant effectiveness and toxicity data obtained in accordance with the EPA standard analytical procedures specified in "Standard Dispersant Effectiveness and Toxicity Test" (EPA R2–73–201, May 1973).

2007.2 Information furnished in accordance with section 2007.1 shall be maintained on file by EPA to provide technical guidance to pre-designated OSC's on the acceptable circumstances of use and dosage rates for the chemical agent(s).

2007.3 Chemical agent containers shall be labeled with the following information:

2007.3–1 Name, brand or trademark, if any, under which the chemical agent is sold;

2007.3–2 Name and address of the manufacturer, importer or vendor;

2007.3–3 Flash point;

2007.3–4 Freezing or pour point;

2007.3–5 Viscosity;

2007.3–6 Special handling, storage or worker safety precautions;

2007.3–7 Recommend application procedure(s), concentration(s), and conditions for use depending upon water salinity, water temperature, and types and ages of the pollutants; and

2007.3–8 Date of production and shelf life.

2007.4 Information to be supplied to EPA:

2007.4–1 Chemical agent name and percentage of each component;

2007.4–2 Specific gravity;

2007.4–3 Solubility in fresh or salt waters at 15°C;

2007.4–4 Concentrations of potentially hazardous trace materials, including, but not necessarily being limited to arsenic, chromium, copper, lead, mercury, nickel or zinc; or chlorinated hydrocarbons; and

2007.4–5 Description of the analytical methods employed and results obtained in determining the chemical and biological characteristics of the chemical agent. This information shall be described in an official report from a recognized laboratory.

2007.5 For purposes of research, development and demonstration, EPA may authorize use of chemicals in specified amounts and locations under controlled conditions irrespective of the provisions of this Schedule. Guidelines have been published (FEDERAL REGISTER, Vol. 36, No. 75, April 17, 1971) for this purpose.

NOTE: In addition to those agents defined and described in section 2002 above, the following materials which are not a part of this Schedule, with cautions on their use, should be considered:

1. Biological agents—are microbiological cultures or enzymes or nutrient additives that are deliberately introduced into an oil or hazardous substance spill for the specific purpose of encouraging or speeding biodegradations to mitigate the effects of a spill. These agents may be used only when such use is the most desirable technique for removing oils or hazardous substances and only after obtaining approval from the appropriate state and local public health and water pollution control officials. Biological agents may be used only when a listing of organisms or other ingredients contained in the agent is provided to EPA in sufficient time for review before its use.

2. Burning agents—are those materials which, through physical or chemical means, improve the combustibility of the materials to which they are applied. Burning agents may be used and are acceptable so long as they do not in themselves, or in combination with the material to which they are applied, increase the pollution hazard and their use is approved by appropriate Federal, State and local fire prevention officials.

ANNEX XI—2100 NON-FEDERAL INTERESTS

2101 General policy.

2101.1 The policy of the Federal government is to initiate discharge removal operations when required and action is not being taken by the discharger or other private or public organization.

2110 Planning and preparedness.

2110.1 The planning and preparedness functions incorporated in regional contingency plans also apply to non-Federal resources. The State and local governments and private interests are to be encouraged to participate in Regional planning and preparedness functions.

2110.2 State and local government agencies are encouraged to include contingency planning for discharge removal in existing and future emergency and disaster planning activities. States are invited to provide observers to the planning activities of the appropriate RRT. (§1510.34(c) of the Plan)

2120 Pollution emergency response operations.

2120.1 State agencies may be reimbursed from the fund established by section 311(k) of the Act for reasonable costs incurred in the removal of oil and hazardous substances discharges from the waters and shorelines of the United States. The procedures to be followed are detailed in section 1905, Annex IX of this part.

2120.2 Regional Contingency Plans should provide for coordination with local government organizations such as as county and city or town governments. This is especially important for purposes of traffic control, land access and disposal of pollutants removed in response operations.

2130 Volunteers.

2130.1 In many pollution emergency situations in the coastal areas, volunteers desiring to assist in mitigating the effects of the pollution discharge response effort present themselves at the scene. Regional contingency plans should provide for this possibility and through the direct participation of State observers in plan development, should establish procedures that will result in organized and worthwhile employment of these persons.

2130.2 Regional plans should provide for the organization and directing of volunteers by USCG, other Federal, local or State officials knowledgeable in contingency operations and capable of providing mature, responsive and practical leadership.

2130.3 Regional plans should also provide specific areas in which volunteers should be used such as: Beach surveillance, logistical support, bird and other wildlife treatment and scientific investigations. Normally they should not be used for physical removal of pollutants. Specifically, if a substance is toxic to humans, volunteers should not be permitted at on-scene operations.

2130.4 Information for and education of volunteer personnel on general contingency operations and procedures as well as specific details of the discharge is mandatory if response efforts are to be effective and conclusive. Regional plans should provide for this volunteer education and training program for rapid, on-site use.

2130.5 During contingency plan operations, information on the discharge and removal efforts should be provided to volunteers frequently to insure coordinated effort and a sense of meaningful participation.

ANNEX XV—2500 TECHNICAL INFORMATION

2501 Technical Library.

2501.1 A technical library of pertinent pollution control technical documents will be maintained in the NRC and in each RRC. Such information should be useful as reference information to the experienced OSC and instructional to less experienced personnel.

2502 Specific references.

2502.1 As a minimum the following reference documents will be maintained in the NRC and in each RRC technical library.

2502.1–1 Current National Oil and Hazardous Substances Pollution Contingency Plan.

2502.1–2 Current Regional and State Oil and Hazardous Substances Pollution Contingency Plan.

2502.1–3 Current Directory of the American Council of Independent Laboratories.

2502.1–4 The Encyclopedia of Geochemistry and Environmental Sciences, Vol. IVA—Fairbridge; Van Nostrand Reinhold Company, New York, 1972.

2502.1–5 Encyclopedia of Chemical Technology, Vol. 18; Kirk-Othmer, Interscience Publishers, 1969.

2502.1–6 Control of Spillage of Hazardous Polluting Substances; USDOI, FWQA Publication 15090 FOZ, October 1970.

2502.1–7 "Regulations, Practices and Plans for the Prevention of Spills of Oil and Hazardous Polluting Substances"; Vol. I, (EPA Report OHM 75–05–002).

2502.1–8 Chemical Data Guide for Bulk Shipment by Water (U.S. Coast Guard CG–388).

2502.1–9 "The Restoration of Oil Contaminated Beaches" (USDOI–FWPCA Publication 15080 EOS, March 1970).

2502.1–10 U.S. Corps of Engineers' Regulations ER 500–1–1 and ER 500–1–8 Emergency Employment of Army Resources (Natural Disaster Activities).

2502.1–11 Natural Disaster Manual for State and Local Applicants (OEP Circular 4000.4A, 1968).

2502.1–12 Handbook for Federal Agency Inspectors (OEP Circular 4000.6A, February 1969).

2502.1–13 Handbook of Toxicology (National Academy of Sciences/National Research Council).

2502.1–14 Character and Control of Sea Pollution by Oil (American Petroleum Institute, October 1963).

2502.1–15 Manual for the Prevention of Water Pollution During Marine Oil Terminal Transfer Operations (American Petroleum Institute, 1964).

2502.1–16 46 CFR Part 146, Transportation or Storage of Explosives or other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels.

2502.1–17 33 CFR, Parts 3, 6, 121, 122, 124–6. Security of Vessels and Waterfront Facilities (USCG CG 239).

2052.2 In addition to the library specified above, the RRC should have provision, either in publications or by computer terminal, for access to the EPA Technical Assistance Data System (TADS) and the USCG Chemical Hazard Response Information System (CHRIS) when these systems are available.

2503 Definitions of terms.

2503.1 *API Gravity.* An empirical scale for measuring the density of liquid petroleum products, the unit being called the "degree API".

2503.2 *Ash.* Inorganic residue remaining after ignition of combustible substances determined by definite prescribed methods.

2503.3 *Asphalts.* Black, solid or semisolid bitumens which occur in nature or are obtained as residues during petroleum refining.

2503.4 *Bilge Oil.* Waste oil which accumulates, usually in small quantities, in the lower spaces in a ship, just inside the shell plating. Usually mixed with larger quantities of water.

2503.5 *Blowout.* A sudden violent escape of gas and oil from an oil well when high pressure gas is encountered and preventive measures have failed.

2503.6 *Boiling Point.* The temperature at which the vapor pressure of a liquid is equal to the pressure of the atmosphere.

2503.7 *Bunker "C" Oil.* A general term used to indicate a heavy viscous fuel oil.

2503.8 *Bunker Fuel.* A general term for heavy oils used as fuel on ships and in industry. It often refers to No. 5 and 6 fuel oils

2503.9 *Bunkering.* The process of fueling a ship.

2503.10 *Coker Feed (or fuel).* A special fuel oil used in a coker furnace, one of the operating elements of a refinery.

2503.11 *Conversion tables.*

Knowing	Gallon U.S.	Multiply by factor below to obtain			
		Barrel U.S.	Gallon imperial	Cubic feet	Litre
Gallon (U.S.)	1.000	0.023810	0.83268	0.13368	3.7853
Barrel	*42.0	1.0000	34.9726	5.6146	158.984
Gallon (imp.)	1.2009	0.02859	1.000	0.1605	4.546
Cubic Feet	7.4805	0.1781	6.2288	1.000	28.316
Litres	0.2641	0.00629	0.2199	0.03532	1.000
	Pound	Ton (short)	Ton (long)	Ton (metric)	
Pounds	1.00	0.00050	0.000446	0.00045359	
Ton (Short)	*2000.0	1.0000	0.89286	0.90718	
Ton (Long)	*2240.0	1.120	1.0000	1.0160	
Ton (Metric)	2204.6	1.1023	0.98421	1.000	

One Hectolitre equals 100 Litre.
One Ton (Metric) equals 1000 Kilograms.
Conversions marked (*) are exact by definition.

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2503.12 *Approximate conversions.*

Material	*Barrels Per Ton (Long)*
crude oils	6.7–8.1
aviation gasolines	8.3–9.2
motor gasolines	8.2–9.1
kerosenes	7.7–8.3
gas oils	7.2–7.9
diesel oils	7.0–7.9
lubricating oils	6.8–7.6
fuel oils	6.6–7.0
asphaltic bitumens	5.9–6.5

(As a general rule-of-thumb use 6.5 barrels or 250 gallons per ton of oil.)

2503.13 *Crude oil.* Petroleum as it is extracted from the earth. There may be several thousands of different substances in crude oil, some of which evaporate quickly while others persist indefinitely. The physical characteristics of crude oils may vary widely. Crude oils are often identified in trade jargon by their regions of origin. This identification may not relate to the apparent physical characteristics of the oil. Commercial gasoline, kerosene, heating oils, diesel oils, lubricating oils, waxes, and asphalts are all obtained by refining crude oil.

2503.14 *Demulsibility.* The resistance of an oil to emulsification, or the ability of an oil to separate from any water with which it is mixed. The better the demulsibility rating, the more quickly the oil separates from water.

2503.15 *Density.* Density is the term meaning the mass of a unit volume. Its numerical expression varies with the units selected.

2503.16 *Emulsion.* A mechanical mixture of two liquids which do not naturally mix as oil and water. Water-in-oil emulsions have the water as the internal phase and oil as the external. Oil-in-water emulsions have water as the external phase and the internal phase is oil.

2503.17 *Fire Point.* The lowest temperature at which an oil vaporizes rapidly enough to burn for at least 5 seconds after ignition, under standard conditions.

2503.18 *Flash Point.* The lowest temperature at which an oil gives off sufficient vapor to form a mixture which will ignite, under standard conditions.

2503.19 *Fraction.* Refinery term for a product of fractional distillation having a restricted boiling range.

2503.20 *Fuel oil grade.* Numerical ratings ranging from 1 to 6. The lower the grade number, the thinner the oil is and the more easily it evaporates. A high number indicates a relatively thick, heavy oil. No. 1 and No. 2 fuel oils are usually used in domestic heaters, and the others are used by industry and ships. No. 5 and 6 oils are solids which must be liquified by heating. Kerosene, coal oil, and range oil are all No. 1 oil. No. 3 fuel oil is no longer used as a standard term.

2503.21 *Innage.* Space occupied in a product container.

2503.22 *In personem.* An action *in personem* is instituted against an individual, usually through the personal service of process, and may result in the imposition of a liability directly upon the person of a defendant.

2503.23 *In rem.* An action *in rem* is one in which the vessel or thing itself is treated as offender and made defendant without any proceeding against the owners or even mentioning their names. The decree in an action *in rem* is enforced directly against the *res* by a condemnation and sale thereof.

2503.24 *Load on top.* A procedure for ballasting and cleaning unloaded tankers without discharging oil. Half of the tanks are first filled with seawater while the others are cleaned by hosing. Then oil from the cleaned tanks, along with oil which has separated out in the full tanks, is pumped into a single slop tank. The clean water in the full tanks is then discharged while the freshly-cleaned tanks are filled with seawater. Ballast is thus constantly maintained.

2503.25 *Oil films.* A slick thinner than .0001 inch and may be classified as follows:

Standard Term	Gallons of Oil Per Square Mile	Appearance
"barely visible"	25	barely visible under most favorable light conditions
"silvery"	50	visible as a silvery sheen on surface water
"slightly colored"	100	first trace of color may be observed
"brightly colored"	200	bright bands of color are visible
"dull"	666	colors begin to turn dull brown
"dark"	1332	Much darker brown

NOTE: Each one-inch thickness of oil equals 5.61 gallons per square yard or 17,378,709 gallons per square mile.

2503.26 *Outage.* Space left in a product container to allow for expansion during temperature changes it may undergo during shipment and use. Measurement of space not occupied.

2503.27 *pH.* Term used to express the apparent acidity or alkalinity of aqueous solutions; values below 7 indicate acid solutions and values above 7 indicate alkaline solutions.

2503.28 *Pour Point.* The lowest temperature at which an oil will flow or can be poured under specified conditions of test.

2503.29 *Residual oil.* A general term used to indicate a heavy viscous fuel oil.

2503.30 *Scuppers.* Openings around the deck of a vessel which allow water falling onto the deck to flow overboard. Should be plugged during fuel transfer.

2503.31 *Sludge oil.* Muddy impurities and acid which have settled from a mineral oil.

2503.32 *Specific gravity.* The ratio of the weight of a given volume of the material at a stated temperature to the weight of an equal volume of distilled water at a stated temperature.

2503.33 *Spontaneous ignition temperature (S.I.T.).* The temperature at which an oil ignites of its own accord in the presence of air oxygen under standard conditions.

2503.34 *Stoke.* The unit of kinematic viscosity.

2503.35 *Tonnage.* There are various tonnages applied to merchant ships. The one commonly implied is gross tonnage although in these days tankers and other bulk-carriers are often referred to in terms of deadweight.

2503.35–1 *Gross tonnage.* 100 cubic feet of permanently enclosed space is equal to one gross ton—nothing whatever to do with weight. This is usually the registered tonnage although it may vary somewhat according to the classifying authority or nationality.

2503.35–2 *Net tonnage.* The earning capacity of a ship. The gross tonnage after deduction of certain spaces, such as engine and boiler rooms, crew accommodation, stores, equipment, etc. Port and harbor dues are based on this tonnage.

2503.35–3 *Displacement tonnage.* The actual weight in tons, varying according to whether a vessel is in light or loaded condition. Warships are always spoken of by this form of measurement.

2503.35–4 *Deadweight tonnage.* The actual weight in tons of cargo, stores, etc., required to bring a vessel down to her load line, from the light condition. Cargo deadweight is, as its name implies, the actual weight in tons of the cargo when loaded, as distinct from stores, ballast, etc.

2503.36 *Ullage.* The amount by which a tank or vessel lacks being filled. (See also Outage)

2503.37 *Viscosity.* The property of liquids which causes them to resist instantaneous change of shape, or instantaneous rearrangement of their parts, due to internal friction. The resistance which the particles of a liquid offer to a force tending to move them in relation to each other. Viscosity of oils is usually expressed as the number of seconds at a definite temperature required for a standard quantity of oil to flow through a standard apparatus.

2503.38 *Viscous.* Thick, resistant to flow, having a high viscosity.

2503.39 *Volatile.* Evaporates easily.

ANNEX XX—3000 REGIONAL CONTINGENCY PLANS

3001 General

3001.1 Regional Contingency Plans based on the boundaries of the Standard Federal Regions have been developed for the coastal and inland waters of the U.S.

3001.2 These plans are available for review at the USCG District or EPA Regional Offices indicated below.

3002 Cross references.

3002.1 The Standard Federal Regions by States, USCG District, and EPA Regions are as follows:

States	Coast Guard District (Coastal)	EPA Region (Inland)
(REGION I)		
Maine	1st [1]	Region I
New Hampshire	1st	"
Vermont		"
Massachusetts	1st	"
Connecticut	3rd	"
Rhode Island	1st	"
(REGION II)		
New York		
(Coastal Area)	3rd [1]	Region II
(Great Lakes Area)	9th	"
New Jersey	3rd	"
Puerto Rico	7th	"
Virgin Islands	7th	"
(REGION III)		
Pennsylvania		
(East Coast)	3rd	Region III
(Lakeside)	9th	"
Maryland	5th [1]	"
Delaware	3rd	"
West Virginia		"
Virginia	5th	"
District of Columbia	3rd	"
(REGION IV)		
Kentucky		Region IV
Tennessee		"
North Carolina	5th	"
South Carolina	7th [1]	"
Georgia	7th	"
Florida		
(Atlantic & Gulf Coasts)	7th	"
(Panhandle)	8th	"
Alabama	8th	"
Mississippi	8th	"
Canal Zone	7th	"
(REGION V)		
Minnesota	9th [1]	Region V
Wisconsin	9th	"
Michigan	9th	"
Illinois	9th	"
Indiana	9th	"
Ohio	9th	"

States	Coast Guard District (Coastal)	EPA Region (Inland)
(REGION VI)		
New Mexico		Region VI
Texas	8th [1]	"
Oklahoma		"
Arkansas		"
Louisiana	8th	
(REGION VII)		
Nebraska		Region VII
Iowa		"
Kansas		"
Missouri		
(REGION VIII)		
Montana		Region VIII
Wyoming		"
Utah		"
Colorado		"
North Dakota		"
South Dakota		
(REGION IX)		
California		Region IX
(Northern)	12th [1]	"
(Southern)	11th	"
Nevada		"
Arizona		"
Hawaii	14th	"
Guam		"
American Samoa	14th	"
Trust Territories of the Pacific	14th	"
(REGION X)		
Washington	13th [1]	Region X
Oregon	13th	"
Idaho		"
Alaska	17th	"

3002.2 Please refer to Annex IV for addresses and telephone numbers of appropriate EPA and USCG offices.

[1] Indicates USCG District Offices where coastal plans for Standard Regions are available.

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PROPOSED RULES:
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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program; Payment Received by Elderly in Volunteer Work Programs

Public Law 93-29 (87 Stat. 55) approved May 3, 1973, and which amends the Older Americans Act of 1965, prohibits considering as income for any purpose whatsoever, compensation paid to those elderly volunteers participating in the National Older Americans Volunteer Program.

This law authorizes the Commissioner of the Administration on Aging to make grants or contracts to public and nonprofit organizations to help defray costs of projects which provide opportunities for the elderly to work in the community.

In accordance with this law, the Food Stamp Regulations are amended to include under the provision regarding excluded income, payments received by the elderly participating in the above-mentioned program.

Although it is the policy of this Department to give 30 days' notice for amendments to the Regulations, Public Law 93-29 has already been approved and its provisions are mandatory, thus, it would be impracticable and unnecessary to give notice of proposed rule-making with regard to this amendment.

Chapter II of Title 7 of the Code of Federal Regulations is amended by adding to § 271.3(c)(1)(ii) of Part 271 a new subdivision.

(*h*) reading as follows:

§ 271.3 Household eligibility.

* * * * *

(c) *Income and resource eligibility standards of other households.* * * *

(1) *Definition of income.* * * *

(ii) The following shall not be considered income to the household: * * *

(h) Income received by volunteers for services performed in the National Older Americans Volunteer Program as stipulated in the 1973 Amendments to the Older Americans Act of 1965, Public Law 93-29 (87 Stat. 30).

* * * * *

(76 Stat. 703, as amended, 7 U.S.C. 2011-2025)

This amendment shall become effective on August 9, 1973.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services.)

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-16792 Filed 8-13-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 11939; Amdt. 39-1703]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation De Havilland Model DH-114 "Heron" Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of certain flap hinge-to-wing attachments bolts and nuts, and periodic inspection and replacement as necessary of certain fork joint and eye joint fittings and angle brackets on Hawker Siddeley de Havilland Model DH-114 airplanes was published in the FEDERAL REGISTER on May 25, 1972, at 37 FR 10575.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY: Applies to de Havilland Model DH-114 "Heron" Airplanes.

Compliance is required as indicated.

To prevent failure of the lower flap hinge-to-wing attachment bolts at Rib No. 7, the fork joint fitting (P/N 14 WF.1) and the eye joint fitting (P/N 14 WF.3) at Rib No. 2, and the angle brackets at Rib No. 01, accomplish the following:

(a) Within the next 500 hours' time in service after the effective date of this AD, unless already accomplished, replace the lower two flap hinge-to-wing attachment bolts and nuts at Rib No. 7 with new bolts (P/N A.25/10E) and nuts (P/N 14W 5781) in accordance with Hawker Siddeley Modification No. Heron 1303, dated December 31, 1969, as amended by Amendment No. 1, dated May 7, 1970, or an FAA-approved equivalent.

(b) Before the accumulation of a total of 13,000 hours' time in service, or within the next 300 hours' time in service after the effective date of this AD, whichever occurs later, unless already accomplished within the last 900 hours' time in service, and thereafter at intervals not to exceed 1,200 hours' time in service from the last inspection, visually inspect the attachment flanges of the forward fork joint fitting (P/N 14WF.1) and forward eye joint fitting (P/N 14WF.3), located between the inner and center flap sections, for cracks near the fitting-to-flap attachment bolt holes (two per fitting) using a glass of at least 10-power magnification in accordance with § 4 of Hawker Siddeley Technical News Sheet Series: Heron (114), No. W.16, Issue 1, dated May 4, 1970, or an FAA-approved equivalent. If cracks are found, before further flight replace the cracked parts in accordance with Hawker Siddeley Repair Drawing RD.14WF.109, dated January 23, 1970, or an FAA-approved equivalent.

(c) Within the next 2,400 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 2,400 hours' time in service from the last inspection, visually inspect the corner radius of the small angle brackets on the forward face of the rear vertical flange of Rib No. 01 for cracks using a glass of at least 10-power magnification in accordance with section 5 of Hawker Siddeley Technical News Sheet Series: Heron (114), No. W.16, Issue 1, dated May 4, 1970, or an FAA-approved equivalent. If cracks are found, before further flight replace the cracked parts with new parts, P/N 14W.5621, or 14W.5623, as applicable.

This amendment becomes effective September 13, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 6, 1973.

C. R. MELUGIN, JR.,
Acting Director,
Flight Standards Service.

[FR Doc. 73-16766 Filed 8-13-73;8:45 am]

[Airspace Docket No. 73-EA-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation, Alteration and Designation of VOR Federal Airways

Correction

In FR Doc. 15418 appearing at page 19964 in the issue of Thursday, July 26, 1973, make the following changes: In the paragraph designated l., the figure "R-66022" in the penultimate line should read "R-6602"; the first line of the first paragraph designated z., following the paragraph designated v., reading "z. "V-379 From Nottingham, Md.; to", should read "w. "V-376 From Richmond, Va.; to".

[Airspace Docket No. 73-SW-34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Controlled Airspace

The purpose of this amendment to Part 73 of the Federal Aviation Regulations (FARs) is to reduce the volume and

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stratify the altitude structure of the restricted area complex Camp Claiborne, La. An amendment will also be made to Part 71 of the FAR to reflect these changes in the description of the continental control area.

The United States Air Force has requested that the Camp Claiborne restricted area complex be restructured and redesignated for more efficient use. Specifically, R-3801A should be reduced in volume by lowering the former upper altitude limit of 5000 feet MSL by 1000 feet and reducing the projected surface area by approximately 40 square miles. The Air Force has also requested that former adjacent Restricted Areas R-3801B and R-3801C be consolidated into one geographical area with a stratification of altitudes from the surface to 14,000 feet MSL. The airspace within the lower 7000-foot structure would be designated R-3801B, and the upper airspace from 7000 feet MSL to 14,000 feet MSL would be designated R-3801C.

The new R-3801C will have a 6000-foot altitude reduction from its former upper limit of 20,000 feet MSL. To retain part of the higher altitude structure, former R-3801D is designated R-3801D with altitudes from 14,000 feet MSL to FL 200. This same area was formerly designated from the surface to 20,000 feet MSL. Former Restricted Area R-3801E, overlying former R-3801C, with altitude designation from 20,000 feet MSL to FL 240 has become unnecessary and therefore it has been requested that it be revoked.

Restricted airspace above 7000 feet MSL will not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Since these amendments reduce the overall size of the restricted area complex by restoring unneeded restricted airspace to the general public, they are minor amendments in which the public is not particularly interested. Therefore notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 g.m.t., September 13, 1973, as hereinafter set forth.

In § 73.38 (38 FR 651 and 9157) Camp Claiborne, La., Restricted Areas are amended as follows:

a. R-3801A, Camp Claiborne, La., is amended to read as follows:

Boundaries. Beginning at latitude 31°-18'00"N., longitude 92°46'30"W.; to latitude 31°13'55"N., longitude 92°49'45"W.; to latitude 31°23'40"N., longitude 93°06'45"W.; to latitude 31°27'30"N., longitude 93°03'00" W.; to point of beginning.

Designated altitudes. 7,500 feet AGL to and including 4,000 feet MSL northwest of a line extending from latitude 31°20'50"N., longitude 92°51'15"W.; to latitude 31°16'40"N., longitude 92°54'30"W.; and 500 feet AGL to and including 4,000 feet MSL southeast of a line extending from latitude 31°20'50"N., longitude 92°51'15"W.; to latitude 31°-16'40"N., longitude 92°54'30"W.

Time of designation. Continuous.

Controlling agency. FAA, Houston ARTC Center.

Using agency. Commander, England AFB, La.

b. R-3801B, Camp Claiborne, La., is amended to read as follows:

Boundaries. Beginning at latitude 31°-11'45"N., longitude 92°30'15"W.; to latitude 31°05'15"N., longitude 92°34'50"W.; to latitude 31°13'55"N., longitude 92°49'-45"W.; to latitude 31°18'00"N., longitude 92°46'30"W.; to latitude 31°15'15"N., longitude 92°41'45"W.; to latitude 31°17'10"N., longitude 92°40'10"W.; to point of beginning.

Designated altitudes. Surface to and including 7,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Houston ARTC Center.

Using agency. Commander, England AFB, La.

c. R-3801C, Camp Claiborne, La., is amended to read as follows:

Boundaries. Beginning at latitude 31°11'-45" N., longitude 92°30'15" W.; to latitude 31°05'15" N., longitude 92°34'54" W.; to latitude 31°18'55" N., longitude 92°49'45" W.; to latitude 31°18'00" N., longitude 92°46'30" W.; to latitude 31°15'15" N., longitude 92°-41'45" W., to latitude 31°17'10" N., longitude 92°40'10" W.; to point of beginning.

Designated altitudes. 7,000 feet MSL to and including FL 200.

Time of designation. Continuous. R-3801C shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency. FAA, Houston ARTC Center.

Using agency. Commander, England AFB, La.

d. R-3801D, Camp Claiborne, La., is amended to read as follows:

Boundaries. Beginning at latitude 31°11'-45" N., longitude 92°30'15" W.; to latitude 31°09'45" N., longitude 92°31'45" W.; to latitude 31°15'15" N., longitude 92°41'45" W.; to latitude 31°17'10" N., longitude 92°40'10" W.; to point of beginning.

Designated altitudes. 14,000 feet MSL to and including FL 200.

Time of designation. Continuous. R-3801D shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency. FAA, Houston ARTC Center.

Using agency. Commander, England AFB, La.

e. R-3801E, Camp Claiborne, La., is revoked.

In § 71.151 (38 FR 341) "R-3801C, R-3801E, Camp Claiborne, La.," are deleted.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 6, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-16768 Filed 8-13-73;8:45 am]

[Airspace Docket No. 73-GL-37]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the time of designation for Restricted Area R-3403 Jefferson Proving Ground, Ind.

A review of the annual utilization report for Restricted Area R-3403, covering the period from October 1, 1971, through September 30, 1972, revealed that R-3403 was not needed by the using agency between 2300 and 0800 local time daily. Accordingly, the Federal Aviation Administration has determined that the time of designation for R-3403 should be reduced from continuous to 0800 to 2300 local time daily. The Department of the Army concurs in this determination.

This amendment relieves a restriction upon the public and it is a minor amendment upon which the public should have no particular reason to comment. Therefore, notice and public procedure thereon are deemed unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 11, 1973, as hereinafter set forth.

In § 73.34 (38 FR 649), the time of designation for R-3403 Jefferson Proving Ground, Ind., is amended to read as follows:

Time of designation. Daily, 0800 to 2300 local time.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 7, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division

[FR Doc.73-16764 Filed 8-13-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7229]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 1, 31, 1953

Unrelated Debt-Financed Income

Correction

In FR Doc. 72-21849 appearing at page 28141 in the issue of Thursday, December 21, 1972, in § 1.514(c)-1(e)(2), the references in the fourth and fifth lines to "section 101(b)" and "§ 1.101-2(e)(1)(iii)(b)(2)" should read "section 1011(b)" and "§ 1.1011-2(e)(1)(iii)(b)(2)".

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts; Approvals and Disapprovals of Plan Revisions

On May 31, 1972 (37 FR 10482), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards. Recently, Massachusetts, pursuant to 40 CFR § 51.6 submitted to the Environmental Protection Agency revisions to compliance schedule portions of its approved plan. This publication contains both approvals and disapprovals of those revisions.

Sixty-six (66) compliance schedule revisions are approved herein. The approved revisions were adopted by the State of Massachusetts and submitted to the Environmental Protection Agency after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51. These revisions also satisfy the substantive requirements of 40 CFR Part 51 that pertain to compliance schedules, and have been determined to be consistent with the approved control strategies for Massachusetts.

Each approved revision establishes a new date by which an individual air pollution source must comply with an emission limitation in the State implementation plan. In each case the new date allows an appropriate period of time for a source to choose and implement a course of action which will enable it to comply. This date is indicated in the table below under the heading "Final Compliance Date". In all cases the schedules include incremental steps toward compliance with the applicable emission limitations. While the table below does not indicate these interim dates, the actual compliance schedules do. Approved compliance schedules are available for public inspection at one of the following locations: EPA Region I, Office of Public Affairs, JFK Federal Building, Boston, Massachusetts; Bureau of Air Quality Control, Division of Environmental Health, Department of Public Health, 600 Washington Street, Boston, Massachusetts; in the Metropolitan Boston Intrastate AQCR at the Metropolitan Boston Air Pollution Control District, 600 Washington Street, Boston, Massachusetts; in the Berkshire Intrastate AQCR and Hartford-New Haven-Springfield Interstate AQCR at Berkshire and Pioneer Valley Air Pollution Control Districts, 1414 State Street, Springfield, Massachusetts; in the Merrimack Valley Air Pollution Control District, Tewksbury State Hospital, Regional Health Offices, Tewksbury, Massachusetts; in the Metropolitan Providence Interstate AQCR at the Southeastern Massachusetts Air Pollution Control District, Southeast Regional Health Office, Lakeville State Hospital, Lakeville, Massachusetts. An evaluation of each approved schedule is available for public inspection at the EPA Regional Office as noted above.

Four (4) compliance schedule revisions are disapproved herein. All are similarly deficient in that compliance with the applicable emission limitation is not required as expeditiously as is practicable; thus the requirements of 40 CFR 51.15(b)(1) are not satisfied.

Each disapproved revision is for a gasoline loading rack in the Boston Intrastate Air Quality Control Region; in each case the time taken to order equipment to implement a pollution abatement system is excessive. The air pollution sources involved remain subject to the applicable compliance schedule in Regulation 2.5, unless prior to the date for final compliance (January 31, 1974), the the State submits and the Administrator approves compliance schedule revisions that fully satisfy the requirements of 40 CFR Part 51. Evaluations of the disapproved compliance schedules are available for public inspection at the EPA Regional Office as noted above.

The Agency finds that good cause exists for making these actions effective immediately on August 14, 1973, for the following reasons:

1. The implementation plan revisions were adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public hearings and comments, and further participation is unnecessary and impracticable.

2. Immediate effectiveness of the actions enables the sources involved to proceed with certainty in conducting their affairs, and persons wishing to seek judicial review of the actions may do so without delay.

(42 U.S.C. 1857c-5)

Dated: August 8, 1973.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

Section 52.1125 is amended by adding new lines to the tables in paragraphs (a) and (b) as follows:

§ 52.1125 Compliance schedules:

(a) • • •

Source	Location	Regulation Involved	Date of Adoption
• • •	• • •	• • •	• • •
Cities Service Oil Company Loading Rack	Braintree MBAPCD	2.5	3/30/73
Gibbs Oil Company Loading Racks	Revere MBAPCD	2.5	3/30/73
Sun Oil Company	Revere MBAPCD	2.5	3/30/73
Texaco, Inc.	Chelsea MBAPCD	2.5	3/29/73

(b) • • •

Source	Location	Regulation	Date of Adoption	Effective Date	Final Compliance Date
• • •	• • •	• • •	• • •	• • •	• • •
Belmont Municipal Incinerator.	Belmont MBAPCD	2.5	2/15/73	Immediately	7/1/75
Emerson & Cuming, Inc. Industrial Facility #2.	Canton MBAPCD	2.5	3/30/73	Immediately	7/15/75
Emerson & Cuming, Inc. Industrial Facility #2.	Canton MBAPCD	2.5	3/30/73	Immediately	7/15/75
Lynn Hospital	Lynn MBAPCD	2.5	3/2/73	Immediately	3/15/74
Merriman, Inc.	Hingham MBAPCD	2.5	3/30/73	Immediately	4/1/74
Monsanto	Everett MBAPCD	2.5	2/15/73	Immediately	6/1/75
Newton Municipal Incinerator.	Newton MBAPCD	2.5	2/15/73	Immediately	12/31/74
Old Colony Crushed Stone	Quincy MBAPCD	2.5	4/30/73	Immediately	5/1/75
Quincy Steel Casting Co. Inc.	No. Quincy MBAPCD.	2.5	2/15/73	Immediately	7/15/74
Simeone Stone Corp	Holliston MBAPCD	2.5	2/15/73	Immediately	6/1/74
Ventron Corp	Danvers MBAPCD	2.5	3/30/73	Immediately	6/30/74
Wellesley Municipal incinerator.	Wellesley MBAPCD	2.5	2/15/73	Immediately	10/30/74
Winchester Municipal Incinerator.	Winchester	2.5	4/9/73	Immediately	6/30/75
American Oil Co.	Chelsea MBAPCD	2.5	3/30/73	Immediately	12/1/74
Cities Service Oil Co. Four Gasoline Storage Tanks.	Braintree MBAPCD	2.5	2/15/73	Immediately	12/31/74
Gibbs Oil Co. Tanks 1, 2, 3	Revere MBAPCD	2.5	3/30/73	Immediately	10/1/74
Harry T. Cambell Sons Company.	Oxford CMAPCD	2.5	2/15/73	Immediately	5/1/74
P. J. Keating Co. Aggregate Plant.	Lunenburg CMAPCD.	2.5	2/15/73	Immediately	5/31/75
P. J. Keating Co. Asphalt Plant #1.	Lunenburg CMAPCD.	2.5	2/15/73	Immediately	5/31/74
P. J. Keating Co. Asphalt Plant #2.	Lunenburg CMAPCD.	2.5	2/15/73	Immediately	5/31/75
Chromalloy American Corp, Standard Foundry Division.	Worcester CMAPCD	2.5	2/15/73	Immediately	12/31/74
Wyman Gordon Company 18,000 Ton Forge Press.	Grafton CMAPCD	2.5	2/15/73	Immediately	4/30/75
Wyman Gordon Co. 3,000 & 6,000 ton Forge Presses.	Grafton CMAPCD	2.5	2/15/73	Immediately	4/30/75
Wyman Gordon Co. Car type Wheelabrator.	Grafton CMAPCD	2.5	2/15/73	Immediately	10/31/74
Wyman Gordon Company 35,000 Ton Forge Press	Grafton CMAPCD	2.5	2/15/73	Immediately	4/30/75
Wyman Gordon Company 50,000 Forge Press	Grafton CMAPCD	2.5	2/15/73	Immediately	4/30/75
Wyman Gordon Company Forge Shop Bldgs. 6, 53, 81, & 111	Worcester CMAPCD	2.5	2/15/73	Immediately	4/30/75
Wyman Gordon Company Steam Hammer Forging Unit Bldgs. 53 & 111	Worcester CMAPCD	2.5	2/15/73	Immediately	4/30/75
Shell Oil Gasoline Storage Tanks	West Boylston CMAPCD	2.5	3/30/73	Immediately	10/1/74
Ferros Technology, Inc.	Lawrence MVAPCD	2.5	2/15/73	Immediately	5/1/75
Lorum Fibre Co., Inc.	Tewksbury MVAPCD	2.5	2/15/73	Immediately	3/31/74

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Source	Location	Regulation	Date of Adoption	Effective Date	Final Compliance Date
Malden Mills Inc. Stock Dryers.	Lawrence MVAPCD..	2.5	2/15/73	Immediately..	9/30/74
Malden Mills Inc. Screen Print Dryer	Lawrence MVAPCD..	2.5	2/15/73	Immediately..	6/30/74
Malden Mills Inc. Cloth Back Coaters	Lawrence MVAPCD..	2.5	2/15/73	Immediately..	8/31/74
Malden Mills Inc. Cloth Dryers.	Lawrence	2.5	2/13/73	Immediately..	4/30/75
Greenfield Tap & Die United	Greenfield PVAPCD..	2.5	2/15/73	Immediately..	4/30/75
Greenfield Division of TRW, Inc. Plant #1					
Greenfield Tap & Die United Greenfield Division of TRW, Inc. Plant #2	Greenfield PVAPCD..	2.5	2/15/73	Immediately..	4/30/75
Holyoke Municipal Incinerator.	Holyoke PVAPCD...	2.5	2/15/73	Immediately..	3/31/75
Monsanto Company Source Reg. #203	190 Grochmal Ave., Springfield PVAPCD	2.5	2/15/73	Immediately..	4/1/75
Monsanto Company Source Reg. #210	190 Grochmal Ave., Springfield PVAPCD	2.5	2/15/73	Immediately..	4/1/75
Monsanto Company Source Reg. #166	190 Grochmal Ave., Springfield PVAPCD	2.5	2/15/73	Immediately..	4/1/75
Monsanto Company Source Reg. #101	190 Grochmal Ave., Springfield PVAPCD	2.5	2/15/73	Immediately..	4/1/75
Monsanto Company Source Reg. #165	190 Grochmal Ave., Springfield PVAPCD	2.5	2/15/73	Immediately..	4/1/75
Monsanto Company Source Reg. #103	190 Grochmal Ave., Springfield PVAPCD	2.5	2/15/73	Immediately..	4/1/75
Monsanto Company Source Reg. #100	190 Grochmal Ave., Springfield PVAPCD	2.5	2/15/73	Immediately..	4/1/75
Monsanto Company Source Reg. #52	190 Grochmal Ave., Springfield PVAPCD	2.5	2/15/73	Immediately..	4/1/75
Monsanto Company Source Reg. #51	190 Grochmal Ave., Springfield PVAPCD	2.5	2/15/73	Immediately..	4/1/75
Monsanto Company C.S. 103-81	730 Worcester St., Springfield PVAPCD	2.5	2/15/73	Immediately..	10/31/74
Monsanto Company C.S. 133	730 Worcester St., Springfield PVAPCD	2.5	2/15/73	Immediately..	4/30/75
Palmer Bituminous Corp.	Palmer PVAPCD....	2.5	2/15/73	Immediately..	10/30/74
Rodney Hunt Company	Orange PVAPCD....	2.5	2/15/73	Immediately..	12/30/74
Springfield Foundry Co	Springfield	2.5	2/15/73	Immediately..	4/1/75
Valley Industries Inc	West Springfield PVAPCD	2.5	2/15/73	Immediately..	1/30/75
Campanella Corp.	Oak Bluffs SMAPCD.	2.5	2/15/73	Immediately..	5/1/75
Campanella Corp.	Plainville SMAPCD..	2.5	2/15/73	Immediately..	4/30/74
Campanella Corp. #1 Asphalt Batching Plant.	Raynham SMAPCD.	2.5	2/15/73	Immediately..	5/15/75
Campanella Corp. #2 Asphalt Batching Plant.	Raynham SMAPCD.	2.5	2/15/73	Immediately..	5/15/75
Campanella Corp.	Sandwich SMAPCD..	2.5	2/15/73	Immediately..	4/30/74
Campanella Corp.	Swansea, SMAPCD..	2.5	2/15/73	Immediately..	4/30/74
Lawrence Lynch Corp.	Falmouth SMAPCD..	2.5	2/15/73	Immediately..	4/30/74
New Bedford Municipal Incinerator.	New Bedford SMAPCD.	2.5	2/15/73	Immediately..	7/1/74
North Attleboro Foundry Co., Inc.	North Attleboro SMAPCD.	2.5	2/15/73	Immediately..	3/1/75
Revere Copper and Brass, Inc.	New Bedford SMAPCD.	2.5	2/15/73	Immediately..	5/1/75
Simeone Stone Corp.	Dartmouth SMAPCD.	2.5	2/15/73	Immediately..	5/1/75
Simeone Stone Corp. #1 Asphalt Batching Plant.	Wrentham SMAPCD.	2.5	2/15/73	Immediately..	5/1/75
Simeone Stone Corp. #3 Asphalt Batching Plant.	Wrentham SMAPCD.	2.5	2/15/73	Immediately..	8/1/74

[FR Doc.73-16751 Filed 8-13-73;8:45 am]

Title 20—Employees' Benefits

CHAPTER V—MANPOWER ADMINISTRATION, DEPARTMENT OF LABOR

PART 602—COOPERATION OF THE U.S. TRAINING AND EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Minimum Wage Rates for Temporary Foreign Agricultural Labor

On page 20614 of the FEDERAL REGISTER of August 2, 1973, there was published an incomplete document under this part. The omitted portion, which should have appeared at the end of the document, is set forth below.

Signed at Washington, D.C. this 8th day of August 1973.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

As amended, subparagraph (1) of paragraph (a) in 20 CFR 602.10b reads as follows:

§ 602.10b Wage rates.

(a) (1) Except as otherwise provided in this section the following hourly wage rates (which have been found to be the rates necessary to prevent adverse effect upon U.S. workers) shall be offered to agricultural workers in accordance with § 602.10a(j):

State:	Rate
Connecticut	$2.12
Maine	2.12
Massachusetts	2.15
New Hampshire	2.32
New York	2.20
Rhode Island	2.09
Vermont	2.26
Virginia	2.07
West Virginia	1.95

(8 U.S.C. 1184, 8 CFR 214.2(h), Secretary's Order No. 20-71.)

[FR Doc.73-16785 Filed 8-13-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 3B2848) filed by Union Carbide Corp., Tarrytown, NY 10591, and other relevant material, concludes that the food additive regulations (21 CFR Part 121) should be amended as set forth below to provide for safe use of poly(oxycaproyl) diols and triols as components of food-packaging adhesives.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2520 Adhesives.

* * * * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
Poly(oxycaproyl) diols and triols (minimum molecular weight 500).	* * *

* * *

Any person who will be adversely affected by the foregoing order may at any time on or before September 13, 1973 file with the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective August 14, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 3, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16654 Filed 8-13-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact with Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 2B2718) filed by Nalco Chemical Co., 180 N. Michigan Ave., Chicago, IL 60601, and other relevant material, concludes that the food additive regulations (21 CFR Part 121) should be amended, as set forth below, to provide for the safe use of polyacrolein-sodium bisulfite adduct for modifying starches and starch gums used in the manufacture of paper and paperboard for use in contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120) § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * * * *

(a) * * *

(5) * * *

List of substances	*Limitations*
* * *	* * *
Polyacrolein (1 part)-sodium bisulfite (0.7 part) adduct, containing excess bisulfite (ratio of excess bisulfite to adduct not to exceed 1.5 to 1).	For use only as an agent in modifying starches and starch gums used in the production of paper and paperboard and limited to use at a level not to exceed 0.09 mg/in² of the finished paper and paperboard.

* * *

Any person who will be adversely affected by the foregoing order may at any time on or before September 13, 1973 file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective August 14, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 3, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16655 Filed 8-13-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Approval of Monensin and Lincomycin Applications

The Commissioner of Food and Drugs has evaluated a new animal drug application (92-482V) filed by The Upjohn Co., Kalamazoo, MI 49001, proposing the safe and effective use of monensin sodium and lincomycin in feed for specified conditions in broiler chickens. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135e is amended as follows:

1. In § 135e.49(e), a new subparagraph (2)(vii) is added as follows:

§ 135e.49 Lincomycin.

* * * * * * *

(e) * * *

(2) * * *

(vii) Monensin sodium in accordance with § 135e.50 of this chapter.

2. In § 135e.50(f), a new item 5 is added to the table as follows:

§ 135e.50 Monensin; monensin sodium.

* * * * * * *

(f) * * *

Principal Ingredient	Gms. Per Ton	Combined with—	Gms. Per Ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
xx. Monensin sodium	100 (as monensic acid activity).	Lincomycin...	2	To be fed as a sole ration for floor raising broiler chickens; do not feed to laying chickens; withdraw 72 hours before slaughter.	For increase in rate of weight gain and as an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mitati,* and *E. maxima.*

Effective date. This order shall become effective August 14, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)).

Dated: August 3, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.73-16656 Filed 8-13-73;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

WHOLE FISH PROTEIN CONCENTRATE

Correction

In FR Doc. 73-15110 appearing at page 19815 in the issue for Tuesday, July 24, 1973, on page 19816, "ug", which appears in the eighth line of the first column, and the fourth, fifth, and eighth lines of the third paragraph in the second column, should read "μg".

Title 33—Navigation and Navigable Waters

CHAPTER IV—SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

PART 401—SEAWAY REGULATIONS AND RULES

Penalty Procedures

On pages 16915-16917 of the FEDERAL REGISTER of June 27, 1973, there was published a notice of proposed rulemaking by the Saint Lawrence Seaway Development Corporation establishing a new Subpart C to Part 401, regulations and rules of the Corporation. The new procedures provide for the assessment, mitigation or remission of penalties as authorized by Title I of the Ports and Waterways Safety Act of 1972, Public Law 92-340. The Secretary of Transportation delegated his authority under section 106 of the Act as it applies to the St. Lawrence Seaway to the Administrator of the Corporation in 49 CFR 1.50a and this document further delegates that authority relating to penalty assessment, mitigation or remission to the Resident Manager and the General Counsel of the Corporation.

Interested parties were invited to submit written comments and suggestions with respect to the proposed procedures. No comments having been received, the proposed procedures are hereby adopted without change.

Because the navigation season is well underway and the need for implementing the procedures is immediate, I find that good cause exists for making the procedures effective in less than 30 days.

V 38-156 AUG 14 73 XUM

The full text of the new Subpart C of Part 401 of the Seaway Regulations and Rules is as follows:

Subpart C—Assessment, Mitigation or Remission of Penalties

Sec.
401.201 Delegation of authority.
401.202 Statute providing for assessment, mitigation or remission of civil penalties.
401.203 Reports of violations of Seaway regulations or rules and instituting and conducting civil penalty proceedings.
401.204 Criminal penalties.
401.205 Civil and criminal penalties.
401.206 Procedure for payment of civil penalty for violation of Seaway regulation or rule.

AUTHORITY: Sec. 106 of P.L. 92-340, 86 Stat. 424.

§ 401.201 Delegation of authority.

(a) The Secretary of Transportation, by 49 CFR 1.50a, has delegated to the Administrator of the Saint Lawrence Seaway Development Corporation the authority vested in him under the Ports and Waterways Safety Act of 1972, P.L. 92-340.

(b) The Administrator hereby authorizes the Corporation's Resident Manager to administer this statute in accordance with the procedures set forth in this subpart.

§ 401.202 Statute providing for assessment, mitigation or remission of civil penalties.

Title I of the Ports and Waterways Safety Act of 1972 authorizes the assessment and collection of a civil penalty of not more than $10,000 from anyone who violates a regulation issued under that title.

§ 401.203 Reports of violations of Seaway regulations or rules and instituting and conducting civil penalty proceedings.

(a) Violations of Seaway regulations and rules, Subparts A and B of this Part, will be brought to the attention of the alleged violator at the time of detection whenever possible. When appropriate, there will be a written notification of the fact of the violation. This notification will set forth the time and nature of the violation and advise the alleged violator relative to the administrative procedure employed in processing civil penalty cases. The alleged violator will be advised that he has 15 days in which to appear before the Resident Manager or submit a written statement for consideration. The Resident Manager shall, upon expiration of the 15-day period, determine whether there has been a violation of the Seaway regulations or rules.

(b) If the Resident Manager decides that a violation of Seaway regulations or rules has occurred, a determination will be made as to whether to invoke no penalty at all and close the case or whether to invoke a part or full statutory penalty. In either event, a written notice of the decision shall be given to advise the violator. If a penalty is assessed, such notice will advise the violator of his right to petition for relief within 15 days or such longer period as the Resident Manager, in his discretion, may allow. The Resident Manager may mitigate the penalty or remit it in full, except as the latter action is limited to paragraph (f) of this section. The violator may, if he desires, appear in person before the Resident Manager. If the violator does not apply for relief but instead maintains that he has not committed the violation(s) charged, and the Resident Manager, upon review, concludes that invocation of the penalty was proper, no remission or mitigation action will be taken. On the other hand, should the violator petition the Resident Manager for relief without contesting the determination that a violation did, in fact, occur, relief may be granted as the circumstances may warrant.

(c) When the penalty is mitigated, such mitigation will be made conditional upon payment of the balance within 15 days of the notice or within such other longer period of time as the Resident Manager in his discretion may allow.

(d) The violator may appeal to the Administrator from the action of the Resident Manager. Any such appeal shall be submitted to the Administrator through the Resident Manager within 15 days of the date of notification by the Resident Manager, or such longer period of time as the Resident Manager, in his discretion, may allow.

(e) Should the alleged violator require additional time to present matters favorable to his case at any stage of these penalty proceedings, a request for additional time shall be addressed to the Resident Manager who will grant a reasonable extension of time where sufficient justification is shown.

(f) Under the following circumstances, the Corporation's General Counsel shall forward cases involving violations of the Seaway regulations and rules to the United States Attorney with the recommendation that action be taken to collect the assessed statutory penalty:

(1) When, within the prescribed time, the violator does not explain the violation, appeal for mitigation or remission, or otherwise respond to written notices from the Resident Manager; or

(2) When, having responded to such inquiries, the violator fails or refuses to pay the assessed or mitigated penalty, or to appeal to the Administrator, within the time prescribed; or

(3) When the violator denies that the violation(s) was committed by him, the Resident Manager, upon review, disagrees and the violator thereafter fails to respond to the demand, appeal to the Administrator, or to remit payment of the assessed penalty within the time prescribed (see § 401.203(b)); or

(4) When the violator fails to pay within the prescribed time the penalty as determined by the Administrator after consideration of the violator's appeal from the action of the Resident Manager.

(g) If a report of boarding or an investigation report submitted by a Corporation employee or investigative body discloses evidence of violation of a Federal criminal statute, the Corporation's General Counsel, in accordance with § 401.204, shall refer the findings to the United States Attorney for appropriate action.

§ 401.204 Criminal penalties.

(a) Prosecution in the Federal courts for violations of Seaway regulations and rules enforced by the Corporation which provide, upon conviction, for punishment by fine or imprisonment is a matter finally determined by the Department of Justice. This final determination consists of deciding whether and under what conditions to prosecute or to abandon prosecution.

(b) The Corporation's General Counsel is hereby authorized to determine whether or not a violation of a Seaway regulation or rule carrying a criminal penalty is one which would justify referral of the case to the United States Attorney.

(c) The Corporation's General Counsel will identify the regulations or rules which were violated and make specific recommendations concerning the proceedings to be instituted by the United States Attorney in every case.

(d) Referral of a case to the United States Attorney for prosecution terminates the Corporation's authority with respect to the criminal aspects of a violation.

§ 401.205 Civil and criminal penalties.

(a) If a violation of a Seaway regulation or rule carries a criminal penalty, the Corporation's General Counsel is hereby authorized to determine whether to refer the case to the United States Attorney for prosecution in accordance with § 491.204, which outlines the appropriate procedure for handling criminal cases.

(b) The decision of the United States Attorney as to whether to institute criminal proceedings shall not bar the initiation of civil penalty proceedings by the Resident Manager.

§ 401.206 Procedure for payment of civil penalty for violation of Seaway regulation or rule.

(a) The payment must be by money order or certified check payable to the order of the Saint Lawrence Seaway Development Corporation when mailed to the Resident Manager. If the payment is made in person at the offices of the Saint Lawrence Seaway Development Corporation, the payment may be in cash or by postal money order or check payable to the order of the Saint Lawrence Seaway Development Corporation.

(b) The payment of any penalty is acknowledged by written receipt.

(c) If the penalty paid is determined by the Resident Manager to have been improperly or excessively imposed, the payor will be notified and requested to submit an application for a refund which should be mailed to the Saint Lawrence Seaway Development Corporation, attention of the Resident Manager. Such application must be made by the payor

within one year of the date of the notification provided for in this section.

(d) In the event the alleged violator is about to leave the jurisdiction of the United States, he will be required, before being allowed to depart, to post a bond in the amount and manner suitable to the Resident Manager, from which bond any subsequent assessed or mitigated penalty may be satisfied.

(68 Stat. 92-97, 33 U.S.C. 981-990, as amended, and Sec. 104, Pub. L. 92-340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943)).

Effective date: August 6, 1973.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.73-16818 Filed 8-13-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Disability Compensation; Equalization of Wartime and Peacetime Rates

The following regulatory provisions implementing section 108 of Public Law 92-328 (86 Stat. 393) are effective July 1, 1973. Compliance with § 1.12 of this chapter, as to notice of proposed regulatory development, is unnecessary in this instance and would be impracticable inasmuch as the changes implement specific provisions of the enabling legislation.

Section 108 of Public Law 92-328 amended sections 334 and 335, title 38, United States Code, to delete the provisions for paying peacetime disability compensation at 80 percent of the wartime rates. As amended, these sections provide for payment at the rates specified in sections 314 and 315 of Title 38 for wartime disabilities. The Act also repealed section 336 of Title 38 which provided wartime rates for disabilities incurred in peacetime service as a result of armed conflict or extra-hazardous duty. Although enacted June 30, 1972, these amendments and repeal were made effective July 1, 1973.

To reflect the equalization of peacetime and wartime disability compensation rates effected by Public Law 92-328, Part 3, Title 38 Code of Federal Regulations, is amended to read as follows:

§ 3.4 Compensation.

* * * * *

(d) *Wartime rates of death compensation under special conditions.* Compensation is payable at wartime rates if the veteran died as the result of injury or disease received in line of duty during peacetime service:

(1) As a direct result of armed conflict; or

(2) While engaged in extrahazardous service including such service under conditions simulating war; or

(3) After December 31, 1946, and before July 26, 1947. (38 U.S.C. 343).

2. In § 3.311, the headnote and paragraph (b) are amended to read as follows:

§ 3.311 Death from armed conflict or extrahazardous duty in peacetime (38 U.S.C. 343).

* * * * *

(b) "As a direct result of armed conflict" means any situation in which death is due to injury or disease incurred in line of duty and the primary, contributory, or proximate cause thereof results directly from the use of any instrumentality employed as a weapon in a war, expedition or occupation, battle, skirmish, raid, invasion, rebellion, insurrection, guerrilla action, etc. The concept relates to the actual use of firearms or other instrumentalities of war including submarine or aircraft by a belligerent nation or faction with which the United States is not at war, under circumstances endangering the lives or safety of members of our forces.

* * * * *

3. The cross reference immediately following § 3.311 is amended to read as follows:

CROSS REFERENCE: Wartime rates of death compensation under special conditions. See § 3.4(d).

4. In § 3.323, paragraphs (a)(2) and (b)(2) are amended to read as follows:

§ 3.323 Combined ratings.

(a) *Compensation.* * * *

(2) *Wartime and peacetime service.* Evaluation of wartime and peacetime service-connected compensable disabilities will be combined to provide for the payment of wartime rates of compensation. (38 U.S.C. 357) effective July 1, 1973, it is immaterial whether the disabilities are wartime or peacetime service-connected since all disabilities are compensable under 38 U.S.C. 314 and 315 on and after that date.

(b) *Pension.* * * *

(2) *Service-connected and non-service-connected disabilities.* Evaluations for service-connected disabilities may be combined with evaluations for disabilities not shown to be service connected and not the result of the veteran's own willfull misconduct or vicious habits.

5. Section 3.324 is revised to read as follows:

§ 3.324 Multiple noncompensable service-connected disabilities.

Whenever a veteran is suffering from two or more separate permanent service-connected disabilities of such character as clearly to interfere with his normal employability, even though none of the disabilities may be of compensable degree under the 1945 Schedule for Rating Disabilities (Part 4 of this chapter) the rating agency is authorized to apply a 10-percent rating, but not in combination with any other rating.

6. In § 3.350, the introductory portion preceding paragraph (a) and the introductory portion of paragraph (a) preceding subparagraph (1) are amended to read as follows:

§ 3.350 Special monthly compensation ratings.

The rates of special monthly compensation stated in this section are those provided under 38 U.S.C. 314 based on wartime service. Disabilities due to peacetime service are compensable at 80 percent of the wartime rates for periods prior to July 1, 1973. Effective July 1, 1973, the rates provided under 38 U.S.C. 314 are applicable to both wartime and peacetime disabilities. (Public Law 92-328; 86 Stat. 393).

(a) *Ratings under 38 U.S.C. 314(k).* Special monthly compensation ($47) is payable for each anatomical loss or loss of use of one hand, one foot, both buttocks, one or more creative organs, blindness of one eye having only light perception, deafness of both ears, having absence of air and bone conduction, or complete organic aphonia with constant inability to communicate by speech. This special compensation is payable in addition to the basic rate of compensation otherwise payable on the basis of degree of disability, provided that the combined rate of compensation does not exceed $616 monthly when authorized in conjunction with any of the provisions of 38 U.S.C. 314(a) through (j) or (s). When there is entitlement under 38 U.S.C. 314 (l) through (n) or an intermediate rate under (p) such additional allowance is payable for each such anatomical loss or loss of use existing in addition to the requirements for the basic rates, provided the total does not exceed $862 per month. The limitations on the maximum compensation payable under this paragraph are independent of and do not preclude payment of additional compensation for dependents under 38 U.S.C. 315, or the special allowance for aid and attendance provided by 38 U.S.C. 314(r). (Public Law 92-328; 86 Stat. 393).

* * * * *

7. In § 3.500, paragraph (r) is amended to read as follows:

§ 3.500 General.

* * * * *

(r) *Service connection (38 U.S.C. 3012(b)(6); § 3.105).* Last day of month following 60 days after notice to payee. Applies to change from wartime to peacetime (death cases only effective July 1, 1973), reduced evaluation, and severance of service connection.

* * * * *

8. In § 3.800, paragraph (b) is amended to read as follows:

§ 3.800 Disability or death due to hospitalization, etc.

* * * * *

(b)(1) If the veteran served during a war period the death compensation to be awarded to his dependents will be at the wartime rate. If death occurs on or after January 1, 1957, the benefit payable will be dependency and indemnity compensation.

V 38-156 AUG 14 73 XUM

(2) If the veteran served only during peacetime the death compensation to be awarded to his dependents will be the peacetime rate. If death occurs on or after January 1, 1957, the benefit payable will be dependency and indemnity compensation.

These VA regulations are effective July 1, 1973.

Approved: August 6, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-16755 Filed 8-13-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-6—FOREIGN PURCHASES

Purchases From Communist-Controlled Areas

On page 14416 of the FEDERAL REGISTER of June 1, 1973, there was published a notice of proposed regulatory revision of Part 8-6, Title 41, Code of Federal Regulations, to revoke Subpart 8-6.53 in order to remove a restriction on the purchase of items which have been lawfully brought into the country. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

Only one comment was received. That was from an individual who objected to the proposed revocation on the grounds that it was not in the best interests of the country. It is believed, however, that the regulations of this agency should not be in contrast to the laws allowing the entry of items into the country and to the practices of other agencies in this matter. Accordingly, the revised regulation is adopted as proposed.

Effective date. This revocation is effective August 13, 1973.

Approved: August 6, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

Part 8-6 is amended as follows:

§§ 8-6.5300—8-6.5303 [Revoked]

Subpart 8-6.53, Purchases from Communist-controlled areas, is revoked.

[FR Doc.73-16756 Filed 8-13-73;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 129—COMPREHENSIVE EDUCATIONAL PLANNING AND EVALUATION

On September 21, 1972, there was published in the FEDERAL REGISTER (37 FR 19647) a notice of proposed rule making which set forth the requirements for grants to State and local educational agencies under Part C of Title V of the Elementary and Secondary Education Act of 1965 (84 Stat. 145–148, 20 U.S.C. 867–867c). The grants to these agencies are to assist and stimulate them to enhance their capability to make effective progress, through comprehensive and continuing planning and evaluation, toward the achievement of opportunities for high-quality education for all segments of the population.

Interested persons were given the opportunity to submit within 30 days comments, suggestions, or objections pertaining to the proposed regulations. The only comment received was from The Navajo Tribe asking that federally recognized Indian tribal governments be included in the definitions of "State" and "State educational agency" so as to make tribal governments eligible applicants for grant funds. This could not be done without conflicting with the statutory definitions of these two terms.

The regulations as set forth below, therefore, are issued as originally published and without change save for: a cross-reference informing recipients of the applicability of section 901 of P.L. 92–318 (prohibiting discrimination on the basis of sex in federally assisted education programs), a clarification of the date for submission of applications, and changes to bring the regulations into conformity with Office of Management and Budget Circular No. A-102.

Submission of applications. For fiscal year 1974, the final date for submission of applications to the Commissioner, pursuant to § 129.4(b)(1), shall be February 1, 1974.

Effective date. As appears from the above summary, the modifications do not involve any changes of a substantial nature from the provisions which were published in the FEDERAL REGISTER on September 21, 1972, as proposed rule making. Accordingly, these regulations shall be effective on August 14, 1973, except for any portions which have become effective by operation of law.

(Secs. 531–534 of the Elementary and Secondary Education Act of 1965, as amended, 84 Stat. 145–148, 20 U.S.C. 867–867c)

Dated: August 1, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved: August 9, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

The regulations set forth below are applicable to grants awarded pursuant to title V, Part C, of the Elementary and Secondary Education Act of 1965 (Public Law 89-10). Federal financial assistance given pursuant to these regulations is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 (42 U.S.C. 2000d) of the Civil Rights Act of 1964 (Public Law 88-352) and to the provisions of section 901 of the Education Amendments of 1972, P.L. 92-318 (prohibition of sex discrimination) and any regulations issued thereunder.

Part 129 reads as follows:

Sec.
129.1 Definitions.
129.2 State administration.
129.3 Application for grants.
129.4 Review and disposition of applications.
129.5 Parental participation.
129.6 Amendments.
129.8 Grant awards.
129.9 Federal financial participation.
129.10 Public nature of funds.
129.11 Eligible costs.
129.12 Project and grant periods.
129.13 Expenditures by grantees.
129.14 Liquidation of obligations.
129.15 Effect of payments and settlement of accounts.
120.16 Fiscal audits and program reviews.
129.17 Retention of records.
129.18 Adjustments.
129.19 Reports.
120.20 Reapportionment.

AUTHORITY: The provisions of this Part 129 issued under Elementary and Secondary Education Act of 1965, title V, Part C, sections 531–534, 84 Stat. 145–148, 20 U.S.C. 867–867c.

§ 129.1 Definitions.

As used in this part:

(a) "Act" means the Elementary and Secondary Education Act of 1965 (Public Law 89-10). (20 U.S.C. 867)

(b) "Commissioner" means the United States Commissioner of Education. (20 U.S.C. 881(a))

(c) "Comprehensive educational planning and evaluation" means that educational planning and evaluation dealing primarily with overall educational goals under the direct responsibility of the chief executive of the applicant and performed or coordinated by the State planning and evaluation agency which has sufficient authority for this activity. (20 U.S.C. 867a)

(d) "Coordination of planning and evaluation" means the conduct, within or between public agencies, of two or more planning or evaluation activities in a mutually supportive and harmonious mode which have as their objective the same aim, mission, or goal. (20 U.S.C. 867a(c))

(e) "Department" means the Department of Health, Education, and Welfare. (20 U.S.C. 881(l))

(f) "Elementary and secondary education" means elementary and secondary education as determined under State law, except that it does not include any education provided beyond grade 12. (20 U.S.C. 881(c), (h))

(g) "Evaluation" means the continuous process for determining the extent to which management and program objectives are being achieved, using measures of efficiency and effectiveness. (20 U.S.C. 867a)

(h) "Fiscal year" means the period beginning on July 1 and ending on the following June 30. A fiscal year is designated in accordance with the calendar year of the ending date. (20 U.S.C. 867(b))

(i) "Grant period" means that period of time for which grant funds are made available for expenditure by the grantee. (20 U.S.C. 867)

(j) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. It also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school. (20 U.S.C. 881(f))

(k) "Parent" includes legal guardian or anyone else standing in loco parentis as defined by State law. (20 U.S.C. 244 (3), 867)

(l) "Planning" means the selection or identification of the overall, long-range goals, priorities, and objectives of the agency, and the formulation of various courses of action in terms of identification of needs and relative costs or benefits for the purpose of deciding on courses of action to be followed in working toward achieving those goals, priorities, and objectives. (20 U.S.C. 867)

(m) "Project period" means the total period of time for which a project is approved for support under this part. (20 U.S.C. 867)

(n) "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. (20 U.S.C. 881(j))

(o) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law. For the purposes of this part, the State educational agencies of Hawaii, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, which serve both as State and as local educational agencies, shall be considered to be only State educational agencies. (20 U.S.C. 881(k))

(p) "State planning and evaluation agency" or "unit" means a single organizational unit within the State educational agency which has the exclusive authority for administering a comprehensive program of systematic planning and evaluation of elementary and secondary education in the State. (20 U.S.C. 867a(a))

§ 129.2 State administration.

(a) *State leadership.* It is the purpose of this Part to support a coordinated comprehensive program of systematic planning and evaluation of elementary and secondary education in each State. To this end, each State shall designate or establish a State planning and evaluation agency or unit within the State educational agency. This unit shall assume the responsibility of coordinating throughout the State the activities which are supported under this part. For State educational agencies that are by law both a State and a local educational agency, paragraphs (b) and (c) of this section and § 129.4 shall not apply. (20 U.S.C. 867, 867a(a))

(b) *Program organization and administration.* Prior to the submission of applications for grants under this part, the State educational agency shall, in order to assist the Commissioner in the administration of this part, provide the Commissioner with an indication of its intent to participate. Such indication will include (1) a description of the leadership and coordination role of the State educational agency, (2) criteria to be used for review of local educational agency applications pursuant to section 532(d) of the Act, (3) appeal procedures to be used in cases of disapproved local educational agency applications pursuant to such section, (4) recommendations concerning criteria for the allocation of available funds between State and local educational agencies, and (5) a description of the method of involving the local agencies in developing a coordinated program for the use of funds under this part. (20 U.S.C. 867 (a), (c), (d))

(c) *Technical assistance.* The State planning and evaluation unit shall provide, as necessary and appropriate, technical assistance to local educational agencies in their establishment of eligibility to participate under this part, in their development of applications and programs, and in the implementation and evaluation of those programs. (20 U.S.C. 867a, 867b)

§ 129.3 Application for grants.

(a) *In general.* Any State or local educational agency desiring to receive a grant under this part shall submit an application for each fiscal year at such time, in such form, containing such information, and in accordance with such procedures as the Commissioner may prescribe. An application shall contain:

(1) A statement of present and projected educational needs of persons residing in the area to be served;

(2) A description of a program for meeting those needs which includes—

(i) Setting long-range areawide goals in meeting educational needs and establishing priorities among such goals,

(ii) Developing long-range plans for achieving such goals, taking into consideration the resources available and the educational effectiveness of each of the alternatives,

(iii) Planning new programs and improvements in existing programs based on the results of analyses of alternative means of achieving educational goals,

(iv) Objectively evaluating at intermediate stages the progress and effectiveness of programs in achieving such goals, and, when appropriate, adjusting goals, plans, and programs to maximize educational effectiveness, and

(v) Utilizing available management information, planning, and evaluation systems and techniques,

(3) A plan for developing and strengthening the capabilities of the applicant to improve its planning capacity and to conduct, on a continuous basis, objective evaluations of the effectiveness of educational programs and projects;

(4) A plan for utilizing the resources of, and coordinating with, programs affecting education conducted by or supported by other Federal, State, and local agencies, organizations, and persons;

(5) A statement of policies and procedures which have been, or will be, established and implemented for developing and maintaining a permanent system for obtaining and collecting significant information necessary for the assessment of education in the area to be served by the applicant, for consulting with and involving parents of children served by the applicant, and for making full and detailed information concerning the educational planning and evaluation activities and findings of the applicant and other agencies and persons receiving assistance under this part reasonably available to the public;

(6) A statement of those policies and procedures as will insure that Federal funds made available under the application will be so used as to supplement, and to the extent practical, increase the amounts of State or local funds to be made available for meeting the purposes of this part; and

(7) In the case of an application from a State educational agency, a description of the provisions for using funds granted under this part to make program planning and evaluation services available to local educational agencies in the State. To judge the adequacy of these provisions for the purpose of approving the application of the State educational agency, the Commissioner may apply such criteria as:

(i) The State educational agency has estimated the services desired by the local educational agencies,

(ii) The State educational agency has identified the types of services available and has informed the local educational agencies of their availability,

(iii) The staff of the State educational agency is adequate in size and competency to offer the services identified,

(iv) The types of services available and procedures for offering them are consistent with the purposes of this part,

(v) Services are provided on the basis of relative need of local educational agencies, and

(vi) Local educational agencies requesting services have resources to benefit from the services provided. (20 U.S.C. 867b)

(b) *Assurances.* Each application shall set forth, in such detail as the Commissioner may determine necessary, such policies and procedures as will provide satisfactory assurance that:

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(1) Assistance provided under this part, together with other available resources, will be so used for the purposes of this part as to result in the maximum possible effective progress toward the achievement of a high level of planning and evaluation competence; and

(2) Assistance under this part will be used primarily in strengthening the capabilities of the planning and evaluation staff of the agency, office, or unit responsible for the administration of the comprehensive educational planning and evaluation. (20 U.S.C. 867b(b)(2))

(c) *Local educational agency application.* An application from a local educational agency shall contain, in addition to those items in paragraphs (a) and (b) of this section:

(1) A description of the organization, responsibilities, and competencies of the planning and evaluation office or unit of the applicant;

(2) A description of the consultation with the State educational agency in the development of the application; and

(3) A description of how the applicant's planning and evaluation activities will be coordinated with the similar activities of the State educational agency; and will further contain either:

(4) A description of the area and the population to be served by the applicant agency, or agencies if a joint application; or

(5) A description of the demonstration nature of the project for planning, developing, testing, and improving planning and evaluation systems and techniques. (20 U.S.C. 867a(b))

(d) *Supplementation of State or local effort.* The application of a State or local educational agency shall contain or be accompanied by an assurance that Federal funds made available under the application will supplement and, to the extent practicable, increase the amount of State or local funds that would in the absence of such Federal funds be made available for activities which meet the conditions of section 532 of the Act and of this section. In determining whether this assurance is adequate, the Commissioner may request additional data from the applicant such as: (1) The amount of State or local funds (including, in the case of programs supported by Federal funds, the State or local share of all expenditures pursuant to such programs) to be expended by the applicant for activities which meet the conditions of section 532 of the Act and of this section as compared with (2) the amount of State or local funds expended by the applicant in the preceding fiscal year or years, as appropriate, for such activities, with allowances for unusual capital expenditures, such as the acquisition of data processing or other major items of equipment, and adjustments to reflect changes in the scope of the responsibilities of the applicant. (20 U.S.C. 867b)

§ 129.4 Review and disposition of applications.

(a) *Review of applications from local educational agencies.* The State planning and evaluation unit shall receive and review all applications from local educational agencies which desire financial assistance under this part. The State planning and evaluation unit shall evaluate all applications against the criteria established pursuant to § 129.2(b)(2) in this part. (20 U.S.C. 867a(a), (d))

(b) *Forwarding of applications to the Commissioner.* (1) The State educational agency's application for financial assistance under this part and the applications from the local educational agencies within that State shall be submitted together to the Commissioner at such time as he may prescribe.

(2) The State educational agency may establish a final submission date for local educational agency applications to be received by it which may be no more than 60 days prior to the date established by the State for submission by it of applications to the Commissioner pursuant to this section. A local educational agency may submit its application to the State educational agency not more than 90 days prior to the date established by the State for submission by it of applications to the Commissioner pursuant to this section. The State educational agency may have up to these 90 days to act upon all local educational agency applications submitted to it prior to its submission of applications to the Commissioner.

(3) All applications forwarded by the State educational agency shall be accompanied by such evaluative annotations, judgments, and recommendations as the Commissioner may require which will enable him to provide an expeditious review and approval of the applications. Each State educational agency shall recommend local and State educational agency applications which, together, add up to no more than the total apportionment for the State for the applicable fiscal year. (20 U.S.C. 867b(a), 867a(d), 867(c))

(c) *Commissioner's review of local educational agency applications disapproved by a State educational agency.* All local educational agency applications, whether the State educational agency recommends them for approval by the Commissioner or disapproves them, must be submitted at the same time to the Commissioner with the comments referred to in paragraph (b) of this section. Prior to submitting any disapproved applications to the Commissioner, the State educational agency shall comply with its own appeal procedures referred to in § 129.2(b)(3): *Provided*, That these procedures shall not delay the timely submission of applications to the Commissioner pursuant to paragraph (b) of this section. (20 U.S.C. 867a, 867b)

§ 129.5 Parental participation.

An application shall contain such information as the Commissioner may consider necessary which will indicate that the interested parents have been given reasonable notice and opportunity to express their views on the planning and development of the application, and that such notice and opportunity shall be at least as effective as providing access to the application as drafted, with an announcement in a newspaper of general circulation in the area concerning the availability of such application and of an opportunity to review the application and to express views orally or in writing. (20 U.S.C. 867b(b)(1))

§ 129.6 Amendments.

(a) *Submission.* An application must be appropriately amended whenever (1) there is a material change in a pertinent law or in the organization, policies, or operation of the grantee affecting the application or any activity described therein, (2) there is a material change in the content or administration of any such activity, or (3) any activity is added or deleted.

(b) *Approval.* Amendments to applications of local educational agencies shall be submitted for review to the State educational agency. Within 30 days after receipt, the State educational agency shall forward the proposed amendment to the Commissioner with recommendations for approval or disapproval. All amendments proposed by State educational agencies to their own applications shall be submitted to the Commissioner for approval. (20 U.S.C. 867a, 867b)

§ 129.8 Grant awards.

Grant awards may be made by the Commissioner from each State's apportionment for each fiscal year to each State and local educational agency on the basis of approved applications. To simplify payment procedures, the Commissioner may, pursuant to a single instrument, transfer funds under this part to a State agency for the purpose of making payments under approved State and local educational agency grants in that State. The State, as agent, shall subsequently transfer such funds in the appropriate amounts and at appropriate times to those local educational agencies having applications approved by the Commissioner in accordance with this part. Such arrangement shall not affect the responsibility or authority of a local educational agency with an approved application with respect to the administration of its project or otherwise alter the duties and responsibilities of the Commissioner which would prevail with respect to the grant in the absence of such arrangement. (20 U.S.C. 867(c)(3), 867b, 1232d)

§ 129.9 Federal financial participation.

The Federal Government will pay, either in installments in advance on the basis of estimated expenditures or by way of reimbursement of actual costs incurred, from each State's apportionment an amount equal to no more than three-quarters of the sums expended for comprehensive educational planning and evaluation activities under an application approved pursuant to this part. (20 U.S.C. 867b, 1232d)

§ 129.10 Public nature of funds.

The expenditures to be used in computing Federal financial participation must be from public funds. Public funds do not include contributions by private organizations or individuals unless such contributions are deposited in accordance with State law to the account of the applicant without such conditions or restrictions as would negate their public character. (20 U.S.C. 867b)

§ 129.11 Eligible costs.

Federal funds granted under title V–C of the Act may be used for such reasonable and otherwise allowable expenditures as are necessary to carry out the activities for which the grants are made. Allowable expenditures shall be computed in accordance with Office of Management and Budget Circular No. A–87 (41 CFR Part 1–15.7). (20 U.S.C. 867)

§ 129.12 Project and grant periods.

The project period shall begin on the date, and shall remain in effect for the period, specified in the notice of award. A grant of Federal funds will normally be made for only 1 year but need not coincide with a fiscal year. The grantee must make separate application for continuation support beyond a grant period. (20 U.S.C. 867)

§ 129.13 Expenditures by grantees.

The expenditure of funds will be deemed to have occurred at the entering into of binding commitments for the acquisition of goods or property or for the performance of work, except that the expenditure of funds for personal services, for services performed by public utilities, for travel, and for rental of equipment and facilities shall be determined on the basis of the time such services were rendered, such travel was performed, and such rented equipment and facilities were used, respectively. (20 U.S.C. 867, 31 U.S.C. 200)

§ 129.14 Liquidation of obligations.

Obligations entered into by a State educational agency and payable out of funds under this part should ordinarily be liquidated within 12 months following the end of the grant period unless the Commissioner extends the time for so liquidating obligations on the basis of a request from the State agency made prior to the end of the grant period. The same period for liquidating obligations should prevail for grants made to local educational agencies if the State educational agency is similarly notified and extends the time for so liquidating obligations. (20 U.S.C. 867, 1232d, 31 U.S.C. 200)

§ 129.15 Effect of payments and settlement of accounts.

(a) *No waiver.* Neither the approval of an application nor any payment to the grantee pursuant thereto shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of the failure of the grantee to observe any Federal requirements before or after such administrative action.

(b) *Settlement of accounts.* The final amount to which the grantee is entitled for any period is determined on the basis of actual disbursements under each application with respect to which Federal financial participation is authorized. (20 U.S.C. 867b, 1232d, 40 Comp. Gen. 242, 247 (1960))

§ 129.16 Fiscal audits and program reviews.

(a) To assist the grantee in adhering to statutory requirements and to the substantive legal and administrative provisions of the approved application, the Commissioner will conduct periodic reviews of the grantee's administrative and programmatic activities under title V–C of the Act.

(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the grantee that are pertinent to the grant received under title V–C of the Act. (20 U.S.C. 1232c)

§ 129.17 Retention of records.

(a) *Records.* The grantee shall keep intact and accessible all records relating to the receipt and expenditure of Federal funds and to the expenditure of the grantee's contribution to the cost of the project in accordance with section 434 (a) of the General Education Provisions Act, including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award.

(b) *Period of retention.* (1) Except as provided in paragraphs (b)(2) and (d) of this section, the records specified in paragraph (a) of this section shall be retained for 3 years after the date of submission of the annual expenditure report.

(2) Records for nonexpendable personal property which was acquired with Federal funds or with the grantee's contribution shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.* Grantees may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.* The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions. (OMB Circular No. A–73; OMB Circular No. A–102, Attachment C; 20 U.S.C. 1232c(a))

§ 129.18 Adjustments.

The grantee, in its maintenance of program expenditures, accounts, records, and reports, shall make promptly any necessary adjustments in its records to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from Federal or State administrative reviews and audits. Such adjustments shall be set forth in the State or local educational agency's financial reports filed with the Commissioner. (20 U.S.C. 1232d)

§ 129.19 Reports.

The application shall provide that the grantee will consult periodically with the Commissioner and will make an annual report on the activities carried out with the funds from the grant which includes such information as the Commissioner determines will permit an evaluation of the effectiveness of the program authorized by this part in achieving its purposes. Each grantee shall also make such other reports, in such form and containing such information as the Commissioner may require to carry out his functions under this part. (20 U.S.C. 867c)

§ 129.20 Reapportionment.

(a) *In general.* The amount of any State apportionment under this Part for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reapportionment, from time to time, on such dates during the year as the Commissioner may fix, to other States in proportion to the original apportionment to such States under title V–C of the Act for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State and local educational agencies of that State need and will be able to use for such year; and the total of these reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced.

(b) *Statements of anticipated need.* In order to provide a basis for reapportionment by the Commissioner under this section, each State educational agency shall, if requested, submit to the Commissioner, by such date or dates as he may specify, a statement or statements showing the anticipated need during the current fiscal year for the amount previously apportioned, or any amount needed to be added thereto. Such further information as the Commissioner may request for the purpose of making reapportionments shall be reflected in such statements. (20 U.S.C. 867)

[FR Doc.73-16866 Filed 8-13-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19537; FCC 73-838]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Maryland

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Princess Anne and Pocomoke City, Maryland)[1], RM-1870, (37 FR 14000).

1. The Commission has before it the notice of proposed rulemaking adopted in this proceeding on July 6, 1972, and the comments and reply comments filed by Maranatha, Inc., and by Peter and John Radio Fellowship, Incorporated ("Fellowship").

2. The proceeding was initiated by Maranatha's filing of a petition seeking the assignment of Class B Channel 273 to Princess Anne, Maryland, a commu-

[1] The caption of this proceeding has been changed by adding Pocomoke City.

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nity of 975 persons on the DelMarVa peninsula. Maranatha urged the assignment of a Class B channel, even though Princess Anne's population was small, so that a much needed areawide service could be provided. Maranatha pointed out that in similar circumstances the Commission had made Class B assignments to Tasley and Exmore, Virginia, even though both were quite small communities.

3. The Commission was persuaded that Maranatha's proposal was worth exploring and it issued a notice of proposed rule-making. The notice, however, did not proceed exactly along the path urged by Maranatha. Instead, the Commission proposed assigning the channel to nearby and larger Pocomoke City, Maryland, and at the same time proposed deleting the unoccupied Class A assignment there. The reasons for this approach were several-fold. First, the Commission's experience with assignments in this area had shown that a need for additional service not providable by Class A stations had led to the assignment of Class B channels to rather small communities. In fact, population distribution in this general area was such that there was a paucity of real population centers in which to make assignments on any other basis. In recognition of this experience, the Commission expressed the tentative view that little purpose would be served by retaining the unoccupied assignment at Pocomoke City, since it did not appear likely that this channel would be activated in competition with a nearby Class B assignment. If the Class A channel were deleted, Pocomoke City would be without an assignment even though it was larger than Princess Anne. Thus, the notice proposed assigning the Class B channel to Pocomoke City, recognizing the fact that the proximity of the communities meant that the use of the channel at Princess Anne remained a viable possibility. At this point, Maranatha was the only party involved.

4. With the release of the notice, the situation changed and Fellowship joined the picture. Although it, too, was desirous of operating an FM station in the area, Fellowship's comments diverged from those of Maranatha. Although Maranatha accepted the rationale of the Commission's Notice, it continued to believe that its original proposal was preferable. It reiterated its view that Princess Anne warranted a Class B assignment and questioned the Commission's observation that this assignment might preclude use of the existing Class A assignment. It felt that the channel should remain so that it could be utilized when the need arose. Fellowship took a different tack. Having by then decided to apply for the existing Class A assignment at Pocomoke City, Fellowship urged retention of the assignment so that service could commence as early as possible.[2] Fellowship advanced two counter-disposals. The first would assign Class B Channel 273 to Pocomoke City while retaining the community's existing Class A assignment. The second would assign the Class B channel to Pocomoke City and transfer the existing Class A assignment from Pocomoke City to Princess Anne. Each of the parties has offered information regarding the need for an assignment to provide a local outlet of expression as well as to provide needed area coverage. Although both favor retention of the Class A assignment, neither appears willing to settle for it.

5. The record clearly indicates that the area is in need of additional service, and there is no way to bring such a wide-area service save by assigning a Class B channel to a relatively small community. As we observed in the Notice, a pattern of assignments has been developing, one based on the use of Class B channels. Our recognition of this pattern is not intended to denigrate the use of Class A channels in this area but serves merely to observe their inability to provide coverage to the thinly populated areas involved. Of course, Class A channels retain their function of providing outlets for local expression, and our point was not that use of Class A channels was unacceptable. It was only that their use was limited and expressions of interest in them even more limited. At first blush, this case appears to indicate an exception to the rule: someone apparently is desirous of operating on a Class A channel. From all indications, however, Fellowship's interest in the Class A channel is solely as a stepping stone to the Class B channel. As we read its pleadings it either would operate on the Class A channel or would anticipate a modification of license to specify the Class B channel. Neither is consistent with the objectives of the Communications Act, as each forecloses fair competition in the making of a choice of the better applicant.

6. In order for us to retain Channel 221A in the area, we need a bona fide expression of interest in it, not merely as a tool of competition for the Class B channel.[3] To date there has been none. One alternative could be to require an election so that the applicant for the Class A channel could not use any permit on it as a stepping stone. The problem is that Maranatha has expressed no interest in this channel and Fellowship has not indicated such an interest if it could lead no where else. In all likelihood, then, to insist on fairness (and hence an election) is to end interest in the channel. There is no reason to retain a channel that appears to serve no useful purpose. Under these circumstances Channel 221A will be deleted from Pocomoke City.[4]

7. Having concluded that area intermixture is inappropriate we now have to decide which community should be assigned the Class B channel. Practically speaking, there is little difference, since Pocomoke City and Princess Anne are within 15 miles of one another. This being the case, so long as Channel 221A no longer appears in the Table, Class B Channel 273 could be used at either community. Our reason for initially proposing Pocomoke City was simply its larger size. Although Maranatha points to Princess Anne's growth and potential for even greater expansion, a proper resolution of these 307(b) comparative issues could best take place in the context of a comparative hearing. Even if there is no real practical significance to the choice in this context, it seems preferable to follow our usual policy and assign the channel to Pocomoke City, as the larger community.

8. *It is ordered*, That effective September 14, 1973, the FM Table of Assignments (§ 73.202(b) of the Commissions Rules) is amended to read as follows:

City	Channel No.
Pocomoke City, Maryland	273

9. Authority for the actions taken herein is contained in Sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

10. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

By the Commission.

Adopted: August 2, 1973.

Released: August 7, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[5]
VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16793 Filed 8-13-73;8:45 am]

[2] Fellowship indicated its willingness to have any license or permit granted to it modified to specify operation on the Class B channel if it later were substituted. Such a procedure, effectively foreclosing a comparison of applicants, is clearly inappropriate. This is one of the reasons for the Commission's policy of withholding action on applications until rule making proceedings involving them are concluded.

[3] If we were to accept Fellowship's urgings, we would be forced to construct special rules for a hearing on the Class B channel so that it would not unfairly benefit by virtue of any occupancy of the Class A channel. In fact, competitive reasons might dictate that both would first vie for the Class A channel, thus vitiating any possible advantage in terms of earlier commencement of service.

[4] If, contrary to present appearances, there is a party interested in the Class A channel itself, we would be prepared to take expeditious action on a petition seeking to have it re-assigned.

[5] Commissioners H. Rex Lee and Reid absent.

[Docket No. 19717; FCC 73-837]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Washington

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Yakima, Washington), RM-1897, RM-1933.

1. The Commission here considers the notice of proposed rule making in this docket, adopted March 29, 1973 (FCC 73-354; 38 FR 8754), proposing amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) by assigning Channel 252A to Yakima, Washington. The parties commenting are the petitioners, KUTI Communicators, Inc. (KUTI) and KQOT, Inc. (KQOT), respectively the licensees of daytime-only AM stations KUTI and KQOT at Yakima, Washington, both of whom seek the assignment of Channel 252A as a fourth channel to Yakima.

2. Yakima, population 45,588[1] is the county seat and largest city in Yakima County, population 144,971.[2] Yakima has three FM stations (all Class C) and six AM stations (three daytime-only). The Notice raised a number of issues. The first is whether Yakima is entitled to a fourth FM channel assignment under population criteria for assigning FM channels. In this respect, it was appropriately noted that a city of the size of Yakima warrants only two channels while a city of 50,000 to 100,000 population merits up to four channels.[3] However, it was also noted that our population guidelines are not viewed as a strait jacket precluding consideration of special circumstances. Consequently, we stated that the question of making another FM channel assignment to Yakima warranted exploration in the light of an active interest by the petitioners (and possibly others if another channel were assigned there) and in view of the fact that the 1970 Yakima population was only 4,412 below the 50,000 dividing line. Comments were invited about whether a Class A facility could serve the metropolitan area (allegedly with a population of 72,100), the county, and the trade area (261,000 inhabitants), and the question of intermixing classes of channels. We indicated that in order to avoid redundancy the petitioners might wish to file a joint submission. From the technical viewpoint, we agreed that Channel 252A could be assigned to Yakima without affecting any assignment elsewhere and without serious preclusionary effects.

3. We now discuss the comments. KUTI indicates that its interest as a daytime-only station is to provide nighttime service as well. In this respect, it says that our recent Report and Order in Docket No. 18651, 39 F.C.C. 2d 645 (1973), does not permit it to file an application for a nighttime AM facility, and, thus, the most feasible method for achieving its objective of providing nighttime service is by the assignment of an additional FM channel which it proposes to apply for. In other respects, KUTI incorporates by reference factual material submitted by it and KQOT in support of the petitions. We need not here repeat this for what was deemed relevant was set forth in the Notice. KUTI affirms its interest in filing an application for a station if a channel is assigned. As to the question of the ability of a Class A station to serve a substantial portion of the population in and around Yakima, KUTI says that the population is concentrated in a small geographic area in the Yakima River Valley; while Yakima is located in the mountains of south-central Washington, the city is in the valley of the Yakima River which is bounded by steep mountains to the northeast and southwest and we are told that large unpopulated areas owned by the Government lie to the north and east and a sparsely populated Indian reservation is located to the south and west. In the circumstances, KUTI states that from a transmitter site at one of several locations on nearby mountains (where the existing FM stations operate) adequate service to a substantial portion of the population in and around Yakima can be rendered. In this respect, it defers to the engineering finding submitted by KQOT.

4. KQOT's comments are of principal interest with respect to the engineering study dealing with the type of service that a Class A station could provide to Yakima and surrounding area. From a transmitter site tentatively selected for its application, KQOT shows that a community-grade signal could be provided to 171 square miles encompassing the city of Yakima and its urban area with a total population of 74,900 people (51 percent of the population in the county), while the 1 mV/m contour would cover 620 square miles with a population of 110,871 (76 percent of the county).[4] No showing was made about the trade area. As concerns the question of intermixture, KQOT refers to numerous actions by the Commission where such action has been permitted.

5. As already noted, the basic issues in this proceeding concern the population criteria and intermixture. As to the former, we have said that they are "a guide and not an immutable standard" (*Fresno*, 38 F.C.C. 2d 525, 526 (1972)). Here, as in that instance, there is reason for deviating from the criteria because of the availability of an FM channel for assignment to Yakima, and because of demand for the channel which is evidenced by what in effect is a joint petition by two daytime-only stations seeking to bring nighttime service. Moreover, it appears that such service would be brought to a substantial population in and around Yakima. The record shows that because of the peculiar geographical location of Yakima and Yakima County and the high concentration of population in the river valley, a Class A facility from one of the nearby mountain peaks could provide a community-grade service to about 75,000 people and at least 1 mV/m service to approximately three-fourths of the population in Yakima County.[5] As to the policy against intermixture of the classes of FM channels to a community, KQOT points to many instances of deviation, and, indeed, we have deviated, for example, when there is a demand and a showing has been made that a Class A channel could compete with Class C channels (or at least, a showing has been made that someone is willing to attempt such action) when no further Class C channel may be assigned to a community. See and compare *Tallahassee* (FCC 73-670, __ F.C.C. 2d _____ (1973)). See also *Oak Ridge*, 32 F.C.C. 2d 937, 944 (1972); and *Parkersburg*, 37 F.C.C. 2d 54, 58 (1972), where we indicated that we adhere to intermixture to the extent possible but that to continue to do so with the FM assignments becoming scarce in some areas would be a vain effort aimed at equality and parity of service inconsistent with more important public interest, convenience, and necessity considerations under the Communications Act.

6. In the circumstances, we find that the public interest, convenience, and necessity will be served by assigning Channel 252A to Yakima, Washington, considering all relevant policy considerations. From the point of view of population criteria, another assignment would satisfy the demand and need for additional nighttime service to a substantial population because of the geographical characteristics. As to intermixture, our concern was both as to policy and whether a Class A facility could provide Yakima and its surrounding population with requisite service. As to the latter, we are satisfied that because of the population concentration a station on Class A channel could provide adequate service. As to intermixture, we are guided by the considerations mentioned at the end of the last paragraph.

[1] All population information is from the 1970 U.S. Census.

[2] These respectively are a 5.3 percent increase and 0.1 percent decrease from the 1960 Census.

[3] See para. 4 of the further notice of proposed rule making in Docket No. 14185, adopted July 25, 1962 (FCC 62-867), and incorporated by reference in para. 25 of the Third Report, Memorandum Opinion and Order (40 F.C.C. 747, 758 (1968)).

[4] Other data filed with KQOT's comments consist of letters evidencing an interest in having its public affairs programming broadcast during evening hours. We do not detail this information here, inasmuch as it seems to be more appropriate as concerns an application for construction permit should a channel be assigned to the community.

[5] See § 73.315.

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7. Authority for this action is found in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended.

8. Accordingly, *It is ordered*, That the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended effective September 14, 1973, as concerns Yakima, Washington, as follows:

City	*Channel No.*
Yakima, Washington	233, 252A, 281, 297

9. *It is further ordered*, That this proceeding is terminated.

Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.

By the Commission.

Adopted: August 2, 1973.

Released: August 7, 1973.

FEDERAL COMMUNICATIONS COMMISSION,*
VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16794 Filed 8-13-73;8:45 am].

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-76]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Administrators et al.; Reimbursable Agreements and Employee Claims for Personal Property Losses

The purpose of this amendment is to:

1. Revoke the delegation to all Administrators appearing at 49 CFR 1.45(a)(5) to approve systems of administrative control to restrict obligations or expenditures to the amount of apportionments and to fix responsibility for the creation of any such obligation which exceeds available funds (31 U.S.C. 665) since this authority is encompassed within the general delegation to exercise the authority of the Secretary as executive head of a department appearing at 49 CFR 1.45(a)(2).

2. Delegate to Administrators and Secretarial Officers authority under 31 U.S.C. 636 to enter into inter- and intradepartmental reimbursable agreements other than with the head of another department or agency, and restrict the authority to redelegate that authority.

3. Delegate to Administrators and the Director of the Transportation Systems Center authority under 31 U.S.C. 241 (a) or (b), as appropriate, to settle and pay claims of employees for personal property losses, and restrict the authority of Administrators to redelegate that authority.

4. Delete from 49 CFR 1.61(j) reference to the Office of Supersonic Transport Development, since that office no longer exists.

* Commissioners Johnson concurring in the result; Commissioner H. Rex Lee and Reid absent.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedures there on are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective on August 14, 1973, Part 1 of Title 49, Code of Federal Regulations, is amended as follows;

1. In § 1.45(a), former subparagraph (5) is revoked, former subparagraph (6) is redesignated subparagraph (5), and new subparagraphs (6) and (9) are added, to read as follows:

§ 1.45 Delegations to all Administrators.

(a) • • •

(6) Enter into inter- and intra-departmental reimbursable agreements other than with the head of another department or agency (31 U.S.C. 686). This authority may be redelegated only to Office Directors, Regional Directors, District Commanders or other comparable levels and Contracting Officers.

• • • • •

(9) Settle and pay claims by employees for personal property losses as provided by 31 U.S.C. 241 (a) or (b), as appropriate. This authority may be redelegated only to Office Directors, Regional Directors, District Commanders or other comparable levels and to those individuals that report to the above officials.

2. In § 1.52(b), former subparagraph (8) is redesignated subparagraph (9), and a new subparagraph (8) is inserted, to read as follows:

§ 1.52 Delegations to all Secretarial Officers.

• • • • •

(b) • • •

(8) Enter into inter- and intra-departmental reimbursable agreements other than with the head of another department or agency (31 U.S.C. 686). This authority may be redelegated only to Office Directors or other comparable levels and to Contracting Officers.

• • • • •

3. In § 1.61, paragraph (j) is revised, and a new paragraph (k) is added, to read as follows:

§ 1.61 Delegations to Director of the Transportation Systems Center.

• • • • •

(j) Enter into General Working Agreements and specific Project Plan Agreements with sponsoring organizations (operating administrations and others) which spell out in relatively broad terms the type of work the Transportation Systems Center will perform for the sponsor and which commit or obligate the sponsor's funds to be advanced periodically during the work period to a special OST/TSC Consolidated Working Fund.

(k) Settle and pay claims by employees for personal property losses as provided by 31 U.S.C. 241(b).

(Sec. 9(e), Department of Transportation Act 49 U.S.C. 1657(e))

Issued in Washington, D.C., on August 8, 1973.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.73-16780 Filed 8-13-73;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION DEPARTMENT OF TRANSPORTATION

[Docket No. 69-7; Notice 29]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Occupant Crash Protection; Postponement of Effective Date

The purpose of this notice is to postpone the effective date of the requirements of Standards No. 208, Occupant Crash Protection, and 216, Roof Crush Resistance, applicable to the upcoming model year, from August 15, 1973, to September 1, 1973.

The amendment of the effective date was proposed in a notice published July 17, 1973 (38 FR 19049), in response to a petition filed by Chrysler Corporation. Chrysler had stated that the build-out of their 1973 models was in danger of running beyond the August 15 date, due to a variety of factors beyond the company's control. In proposing the postponement of the date, the NHTSA noted that the August 15 date had been chosen to coincide with the normal changeover date and that a delay would not appear to have any effect beyond allowing a slightly prolonged build-out.

The two comments submitted in response to the proposal were both favorable. The agency has not discovered any adverse consequences of a delay which would make it inadvisable, and has therefore decided to postpone the effective date as proposed.

In light of the foregoing, 49 CFR 571.208, Standard No. 208, Occupant Crash Protection, is amended by changing the date of August 14, 1973, appearing in S4.1.1 to August 31, 1973, and by changing the date of August 15, 1973, appearing in S4.1.2 to September 1, 1973. The effective date of 49 CFR 571.216, Standard No. 216, Roof Crush Resistance, is changed from August 15, 1973, to September 1, 1973.

Because this amendment relieves a restriction and imposes no additional burden, an effective date of less than 30 days from the date of issuance is found to be in the public interest.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on August 10, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc.73-16932 Filed 8-10-73;4:33 pm]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte 272]

C.O.D. AND FREIGHT-COLLECT SHIPMENTS

Investigation Into Limitations of Carrier Service

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of July 1973.

It appearing, that by order entered December 15, 1970, this Commission instituted an investigation for the purposes, among others, to (1) examine the nature and scope of the practices of all regulated carriers with respect to limitations of service on the basis of the factors described in our initiating notice and order; (2) investigate the impact on the Nation's commerce of those practices; (3) analyze the motivational forces which have contributed to these and other related carrier practices and actions; (4) determine the scope of this Commission's jurisdiction with respect to each of the matters described in the notice; (5) consider the need for or the desirability of the adoption by this Commission of just, reasonable, and lawful rules and regulations governing (a) these and other matters (including possible carrier bonding requirements) relating to the handling of or refusal by regulated carriers to transport c.o.d. and order-notify shipments generally or with respect to certain areas, and (b) the complete or partial refusal by regulated carriers to transport freight-collect shipments generally or those destined to specified points; and (6) determine the need for such other and further action, including the possible recommendation of any legislation, as the facts and circumstances may justify or require;

It further appearing, that all railroads, express companies, motor carriers, water carriers, freight forwarders, and brokers subject to the Interstate Commerce Act were made respondents in the proceeding, the Bureau of Enforcement of this Commission was authorized and directed to participate, and opportunity to participate in the proceeding by filing initial and reply statements was given to all persons that indicated to this Commission their intention to do so;

It further appearing, that statutory notice of the institution of this proceeding was given to the general public by mailing a copy of the order of December 15, 1970, to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy of said order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested parties and that such notice appeared in the issue of the FEDERAL REGISTER on January 7, 1971 (36 FR 226-228);

It further appearing, that initial representations and statements in reply were filed by numerous parties to the proceeding; and investigation of the matters and things involved in this proceeding having been made, and the Commission on the date hereof, having made and filed a report containing its findings of facts and conclusions thereon, in which said report it is found, as more particularly set forth therein, that certain carrier respondents, including parties to this proceeding, have been and are at the present time publishing in their tariffs, maintaining, and enforcing rules, regulations, and practices with respect to the curtailment or abolishment of services on c.o.d., order-notify, and freight-collect shipments and shipments transported under combinations of rates which are unjust, unreasonable, unduly discriminatory, and otherwise in violation of certain provisions of parts I, II, III, and IV of the Interstate Commerce Act and the national transportation policy, as more particularly set forth in the said report, and that the said report, for the reasons above, should be made a part hereof;

It further appearing, that the said report embraces an appendix referred to and designated therein as appendix D, and that the Commission has found, as set forth in the report, that the regulations contained in the said appendix are required by the public convenience and necessity, are consistent with the public interest, and the national transportation policy, and are just, reasonable, and otherwise lawful, and that compliance therewith should be required of all common carriers of property and freight forwarders, respondents hereto;

And it further appearing, that services provided by respondent carriers with respect to c.o.d., order-notify, and freight-collect shipments including such services as shipments transported under combinations of rates, constitute "transportation" within the meaning of the Interstate Commerce Act and the national transportation policy for the reasons set forth in the said report, and good cause appearing therefor:

It is ordered, That Subchapter D to Chapter X, of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by inserting therein new paragraphs in parts 1300, 1304, 1307, 1308, and 1309, which paragraphs are appropriately designated and set forth in part I of appendix D to the said report.

It is further ordered, That Subchapter A, Chapter X, of Title 49 of the Code of Federal Regulations be, and it is hereby, modified (a) by inserting therein a new part, which part is hereby designated part 1006, Embargoes, and contains all of the regulations set forth in part II of appendix D to the said report; and (b) by cancelling and deleting therefrom all of part 1059, Embargoes, but that said cancellation and deletion shall not take effect prior to the time that the regulations referred to in (a) become effective.

It is further ordered, That all common carriers of property and freight forwarders, respondents herein, be, and they are hereby, notified and required to cease and desist, on or before October 15, 1973, from using or applying their tariff provisions, rules, regulations, and practices to the extent that the provisions and purposes thereof are inconsistent with or substantively at variance with the provisions and regulations set forth in appendix D referred to above.

It is further ordered, That all common carriers of property and freight forwarders, respondents to this proceeding be, and they are hereby, ordered to file with this Commission, on or before October 15, 1973, each tariff or tariff supplement which may be required to bring their effective published tariffs into conformity with the findings made in the said report, the requirements of the Interstate Commerce Act, and the regulations prescribed thereunder, including the regulations set forth in part I of appendix D to the said report; and that each tariff or tariff supplement so filed shall be made effective not later than November 15, 1973.

It is further ordered, That common carriers subject to parts I, II, and III and freight forwarders subject to part IV of the Interstate Commerce Act, be, and they are hereby, notified that any proposal to limit the services of carriers under consideration herein resulting from collective rate-making will be subject to rejection and or suspension for investigation.

It is further ordered, That the motion of National Bus Traffic Association, Inc., contained in its initial representation filed in behalf of its members, to discharge motor common carriers of passengers as respondents in this proceeding be, and it is hereby, overruled for the reasons set forth in the said report.

It is further ordered, That the petition of the Department of Defense contained in its tendered initial representation filed June 2, 1972, for leave to submit a late-filed initial representation be, and it is hereby granted, and the tendered representation be, and it is hereby, accepted for filing.

It is further ordered, That the regulation promulgated herein be, and they are hereby, prescribed to become effective on October 15, 1973, and will apply on all operations conducted by respondents subject thereto on and after the said effective date.

It is further ordered, That this proceeding be, and it is hereby discontinued.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(24 Stat. 379 (this section and subsequent citations designated with an asterisk, as amended), 380*, 383*, 384*; 34 Stat. 595*; 41 Stat. 488*; 44 Stat. 1447; 49 Stat. 543*, 544*, 546*, 552*, 558*, 560*, 563*, 565; 52 Stat. 1237;

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54 Stat. 899, 900, 910, 911, 912, 924, 931*, 933, 934*, 935, 937, 941*, 946, 949; 56 Stat. 284*, 285, 286, 287, 288, 291*, 295, 295; and 62 Stat. 472. 49 U.S.C. preceding section 1, and sections 1, 2, 3, 5, 5b, 6, 12, 13, 15, 15a, 20, 303, 304, 308, 316, 317, 319, 323, 903, 904, 905, 906, 907, 909, 916, 918, 1002, 1003, 1004, 1005, 1006, 1010, 1013, and 1014.)

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

EMBARGOES AND NOTICE

PART 1006—EMBARGOES

1. Part 1006 is added to 49 CFR Chapter X as follows:

Sec.
1006.1 Public notice of embargoes required.
1006.2 Notice of delay in performing service.
1006.3 Request for authority to impose a qualified freight embargo.
1006.4 Duty to transport not affected.

AUTHORITY: 24 Stat. 379 (this section and subsequent citations designated with an asterisk, as amended), 380*, 383*, 384*; 34 Stat. 595*; 41 Stat. 488*; 44 Stat. 1447; 49 Stat. 543*, 544*, 546*, 552*, 558*, 560*, 563*, 565; 52 Stat. 1237; 54 Stat. 899, 900, 910, 911, 922, 924, 931*, 933, 934*, 935, 937, 941*, 946, 949; 56 Stat. 284*, 285, 286, 287, 288, 291*, 295, 295; and 62 Stat. 472, 49 U.S.C. preceding section 1, and sections 1, 2, 3, 5, 5b, 6, 12, 13, 15, 15a, 20, 303, 304, 308, 316, 317, 319, 323, 903, 904, 905, 906, 907, 909, 916, 918, 1002, 1003, 1004, 1005, 1006, 1010, 1013, and 1014.

§ 1006.1 Public notice of embargoes required.

(a) Whenever any common carrier of property or freight forwarder subject to the Interstate Commerce Act finds that because of a lack of facilities or personnel, or because it is required to give preference and precedence to other traffic legally entitled to such priority, or because of other compelling circumstances not within the control of the carrier or freight forwarder, it is or soon will be unable to perform all authorized and required transportation services requested of it, and that it will be necessary for it temporarily to suspend the offering of service in the transportation of any commodity, commodities, or class of traffic, to or from any territory, point, shipper, consignee, or connecting carrier, or over any route, it shall immediately give public notice of such fact by a written notice of an embargo, specifying the extent thereof, the date the embargo is to become effective, its duration, if known, and the reasons why the placing of the embargo is necessary.

(b) Immediately upon the issuance of a notice of an embargo as required by paragraph (a) of this section, one copy of such notice shall be mailed to the Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423, two copies shall be mailed or delivered to the Regional Director of the Interstate Commerce Commission in the Region where the principal headquarters of the carrier is located, one copy shall be posted for public inspection in each office of the carrier where the embargo is to be made effective, one copy shall be served upon each connecting carrier with whom the issuing carrier interchanges traffic in cases where traffic so interchanged is affected, and, so far as is reasonably practicable in each case, the embargo shall be brought to the attention of interested shippers and consignees.

(c) Except in instances when the notice of an embargo specifies the date of its expiration, a notice of the termination or modification of an embargo shall be issued, posted, and filed by the carrier, and notice of such termination or modification shall be given to interested shippers, consignees, and connecting lines, in the same manner as prescribed for notice of the establishment of an embargo in paragraph (b) of this section.

§ 1006.2 Notice of delay in performing service.

In all instances, other than specified in § 1006.1, when a common carrier of property or freight forwarder subject to the Interstate Commerce Act, is unable to perform authorized transportation promptly upon request, it shall notify the person requesting the service of the anticipated delay and the reason therefor, and shall promptly notify the Bureau of Operations, Interstate Commerce Commission, Washington, D.C., and the Regional Director of the Bureau of Operations, Interstate Commerce Commission, in the Region where the carrier has its principal headquarters, of any inability to perform requested transportation within a reasonable time, and the reason therefor. Upon the termination of the conditions which render the carrier unable to perform desired transportation within a reasonable time, the carrier shall notify the Bureau of Operations and the Regional Director mentioned above of the changed conditions.

§ 1006.3 Request for authority to impose a qualified freight embargo.

(a) Whenever any common carrier of property or freight forwarder believes that, for reasons beyond its ability to control, its continued provision of transportation service on c.o.d., freight-collect, and order-notify shipments, including such services on shipments transported under combinations of rates, from or to a particular shipper or consignee will cause other members of the shipping public which it is lawfully obligated to serve to be denied reasonable and adequate service, it may apply to this Commission for authority to impose a qualified freight embargo. Each request for such authority shall detail the reasons for the request and shall affirmatively show that bona fide efforts have been made to communicate and cooperate with the shipper or consignee named therein for the purpose of alleviating the problem or problems involved and that such efforts have failed.

(b) Each request shall be filed in the manner and form which the Commission shall from time to time prescribe and must contain (i) an affirmative showing that bona fide efforts have been made to communicate and cooperate with the shipper or consignee named therein for the purpose of alleviating the problem or problems involved and that such efforts have failed to meet with success; and (ii) a certification that a copy thereof has been served upon all persons known to the carrier who will be affected if the request is granted. Neither the provisions of this paragraph nor the granting by this Commission of authority to impose a qualified freight embargo shall be construed to relieve any carrier or freight forwarder of the duty to issue an embargo notice as required by paragraph (a) of § 1006.1.

§ 1006.4 Duty to transport not affected.

The provisions of §§ 1006.1, 1006.2, and 1006.3 shall not be construed to relieve any carrier or freight forwarder of the duty to furnish transportation service, nor to relieve any carrier or forwarder of the duty to observe all requirements of law and the regulations prescribed by the Commission.

PART 1059—EMBARGOES [DELETED AND RESERVED]

2. Part 1059 of 49 CFR Chapter X is deleted and reserved.

CONTENT OF TARIFFS

PART 1300—FREIGHT SCHEDULES—RAILROADS

3. That 49 CFR Part 1300 be amended by adding thereto new § 1300.4(e) as follows:

§ 1300.4 Content of tariffs.

* * * * *

(e) *Public holding out.* (1) Tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with each carrier's public holding out. No provision may be published in tariffs, supplements, or revised pages which results in restricting service to less than the carrier's full obligation to the public to provide and furnish transportation or which exceeds such carrier's lawful public holding out.

(2) Tariffs and supplements thereto filed prior to the effective date of section 1300.4(e)(1) which do not conform to those requirements shall be brought into conformity therewith on or before November 15, 1973.

(3) Unless each tariff filed on and after the effective date hereof contains a certification by the carrier filing the same that, with respect to all of the services described therein (except those services being published for the first time), it is in fact (i) fully offering and, when requested, impartially providing all of its obligated services, and (ii) fully observing all requirements of law and the regulations prescribed by the Commission, the tariff or supplement will be rejected until such time as certification thereof is made. Such service includes service on c.o.d., freight-collect, and order-notify shipments, including such services on shipments transported under combinations of rates.

PART 1304—EXPRESS COMPANIES SCHEDULES AND CLASSIFICATIONS

4. Part 1304 of 49 CFR Chapter X is amended by adding a new § 1304.4(k) as follows:

§ 1304.4 Content of tariffs in book or pamphlet form.

* * * * *

(k) *Operating authority.* (1) Tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with each express company's public holding out. No provision may be published in tariffs, supplements, or revised pages which results in restricting service to less than the express company's full obligation to the public to provide and furnish transportation or which exceeds its lawful public holding out. Such service includes service on c.o.d., freight-collect, and order-notify shipments, including such services on shipments transported under combinations of rates. Tariff publications containing such provisions are subject to rejection or suspension for investigation.

(2) Tariffs and supplements thereto filed prior to the effective date of paragraph (k)(1) of this section which do not conform to those requirements shall be brought into conformity therewith on or before November 15, 1973.

(3) Unless each tariff filed on and after the effective date hereof contains a certification by the express company filing the same that, with respect to all of the services described therein (except those services being published for the first time), it is in fact (i) fully offering and, when requested, impartially providing all of its obligated services, and (ii) fully observing all requirements of law and the regulations prescribed by the Commission, the tariff or supplement will be rejected until such time as certification thereof is made. Such service includes service on c.o.d., freight-collect, and order-notify shipments, including such services on shipments transported under combinations of rates.

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

5. Part 1307 of 49 CFR Chapter X is amended by adding a new § 1307.27(k)(3) as follows:

§ 1307.27 Contents of tariffs.

* * * * *

(k) *Operating authority.* * * *

(3) Unless each tariff filed on and after the effective date hereof contains a certification by the carrier filing the same that, with respect to the services described therein (except those services being published for the first time), it is in fact fully offering and, when requested, impartially providing all of its authorized services, the tariff or supplement will be rejected until such time as certification thereof is made.

PART 1308—FREIGHT TARIFFS AND SCHEDULES OF WATER CARRIERS

6. Part 1308 of 49 CFR Chapter X is amended by adding a new § 1308.4(k) to read as follows:

§ 1308.4 Contents.

* * * * *

(k) *Operating authority.* (1) Tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with each carrier's operating authority. No provisions may be published in tariffs supplements or revised pages which result in restricting service to less than the carrier's full operating authority or which exceed such authority. Such service includes service on c.o.d., freight-collect, and order-notify shipments, including such services on shipments transported under combinations of rates. Tariff publications containing such provisions are subject to rejection or suspension for investigation.

(2) Tariffs and supplements thereto filed prior to the effective date of section 1308.4(k)(1) which do not conform to those requirements shall be brought into conformity therewith on or before November 15, 1973.

(3) Unless each tariff filed on and after the effective date hereof contains a certification by the carrier filing the same that, with respect to all of the services described therein (except those services being published for the first time), it is in fact (i) fully offering and, when requested, impartially providing all of its authorized services, and (ii) fully observing all requirements of law and the regulations prescribed by the Commission, the tariff or supplement will be rejected until such time as certification thereof is made.

PART 1309—TARIFFS AND CLASSIFICATIONS OF FREIGHT FORWARDERS

7. Part 1309 of 49 CFR Chapter X is amended by adding a new § 1309.6(k) to read as follows:

§ 1309.6 Contents.

* * * * *

(k) *Operating authority.* (1) Tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with each freight forwarder's operating authority. No provision may be published in tariffs' supplements, or revised pages which results in restricting service to less than the freight forwarder's full operating authority or which exceeds such authority. Such service includes service on c.o.d., freight-collect, and order-notify shipments, including such services on shipments transported under combinations of rates. Tariff publications containing such provisions are subject to rejection or suspension for investigation.

(2) Tariffs and supplements thereto filed prior to the effective date of section 1309.6(k)(1) which do not conform to those requirements shall be brought into conformity therewith on or before November 15, 1973.

(3) Unless each tariff filed on and after the effective date hereof contains a certification by the freight forwarder filing the same that, with respect to all of the services described therein (except those services being published for the first time), it is in fact (i) fully offering and, when requested, impartially providing all of its authorized services, and (ii) fully observing all requirements of law and the regulations prescribed by the Commission, the tariff or supplement will be rejected until such time as certification thereof is made.

[FR Doc.73-16822 Filed 8-13-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Special Staff Assistant (Natural Resources and Environmental Matters) to the Secretary is excepted under Schedule C.

Effective on August 14, 1973, § 213.3313(a)(35) is added as set out below.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* * * *

(35) One Special Staff Assistant (Natural Resources and Environmental Matters) to the Secretary.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-16771 Filed 8-13-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Extension of Freeze for Crude Oil and Petroleum Products

Parts 140 and 150 are amended to extend the freeze on prices charged for crude petroleum, natural gas liquids and refined petroleum products including gasoline, kerosene and fuel oil until 11:59 p.m., e.s.t., August 19, 1973. Sections 140.1(a) and 150.1(b), the scope sections of the freeze and Phase IV regulations, are revised to accomplish this result. The products covered by this extension are described in the 1972 edition of the Standard Industrial Classification Manual. Industrial Codes 1311 (except natural gas), 1321, and 2911.

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The Cost of Living Council has found that this limited extension of the freeze is necessary in order to adequately consider the volume of comments which the Council received on the proposed Phase IV regulations affecting petroleum. The Council received 272 comments on Subpart L of the proposed Phase IV regulations. This number includes 110 comments which were received after July 31, 1973.

Although the basic policy decisions have been made, a careful review of the methods of implementing these policies is necessary. The extreme complexity of this industry prevents issuance of final Phase IV regulations in time for them to be effective August 13, 1973. Thus, the Council has extended the freeze for one week to provide time to write the Subpart L regulations in final form.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat 743; Pub. L. 93-28, 87 Stat 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

In consideration of the foregoing Chapter I of Title 6 of the Code of Federal Regulations is amended as follows, effective August 10, 1973.

Issued in Washington, D.C., on August 10, 1973.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

1. Section 140.1(a) is amended to read as follows:

§ 140.1 Purpose and scope.

(a) The purpose of this part is to implement the provisions of Executive Order 11730 which continues the freeze on prices for commodities and services imposed by Executive Order 11723. Except as provided in paragraph (b) of this section, the provisions of this part are in addition to the provisions of Part 130 of this chapter with respect to prices charged or received for commodities and services beginning 9:00 p.m., e.s.t., June 13, 1973 and shall not operate to abrogate any requirements imposed under Part 130. This part shall remain in general effect until 11:59 p.m., e.s.t., August 12, 1973, after which Phase IV shall commence except that the freeze on prices for food as modified by Subpart I shall remain in effect until 11:59 p.m., e.s.t., September 11, 1973 and the freeze on prices for products described in the 1972 edition, Standard Industrial Classification Manual, Industrial Code 1311 (except natural gas), 1321, and 2911 shall remain in effect until 11:59 p.m., e.s.t., August 19, 1973. To the extent that the provisions of this part are in conflict with the provisions of Part 130, the provisions of this part control, except that the provisions of this part shall not operate to permit prices higher than permitted under Part 130. The provisions of this part do not extend to:

(1) Wages and salaries, which continue to be subject to the program established pursuant to Executive Order 11695;

(2) Interest and dividends, which continue to be subject to the program established by the Committee on Interest and Dividends; and

(3) Rents, which continue to be subject to controls only to the limited extent provided in Executive Order 11695.

* * * * * *

2. Section 150.1(b) is amended to read as follows:

§ 150.1 Scope.

* * * * * *

(b) The price rules of Part 130 of this chapter remain effective until 11:59 p.m., e.s.t., September 11, 1973, with respect to sales of food subject to Subpart F of that part and with respect to sales of meat subject to Subpart M of that part. Part 140 of this chapter also remains effective with respect to sales of food and meat subject to Subpart I of that part until 11:59 p.m., e.s.t., September 11, 1973 and with respect to sales of products described in the 1972 edition, Standard Industrial Classification Manual, Industry Code 1311 (except natural gas), 1321, and 2911 until 11:59 p.m., e.s.t., August 19, 1973.

* * * * * *

[FR Doc.73-16956 Filed 8-10-73;5:39 p.m.]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[7 CFR Part 301]

WHITEFRINGED BEETLE QUARANTINE

Notice of Public Hearing and Proposed Rulemaking for Missouri, Kentucky, and Texas

Under the administrative procedure provisions of 5 U.S.C. 553, sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), notice is hereby given of a public hearing and proposed rulemaking proceeding to determine whether to terminate the Whitefringed Beetle Quarantine and regulations (7 CFR 301.72, 301.72-1 et seq.); or whether the Quarantine and regulations should be extended to the States of Missouri, Kentucky, and Texas.

The whitefringed beetle (Graphognathus spp.), a dangerous insect injurious to cultivated crops, is currently established in 10 Southeastern States which are presently under Federal quarantine regulations: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. Soil-inhabiting larvae damage plant roots of field and garden crops. Crop damage during the 37-year known history of the beetle in the United States is sporadic and occurs on small scattered acreage in infested States. The Department cooperates with the affected States in programs to control the infestations. Use of chlorinated-hydrocarbon pesticides in such programs is being curtailed for environmental reasons and available substitutes are not as effective. Biometrical analyses of plant studies on beetle populations showed that variations in corn yields could not be definitely linked with variations in whitefringed beetle larvae density.

The Department of Agriculture has studied the whitefringed beetle problem since 1970 to evaluate the necessity for and the effectiveness of the Quarantine and regulations and control programs. The results of this study will be considered at the public hearing.

If it should be determined that the provisions of the Quarantine and regulations are no longer necessary to prevent the spread of the whitefringed beetle, such provisions would be terminated.

The Administrator has received information that the whitefringed beetle has been discovered in certain parts of the States of Missouri, Kentucky, and Texas. Therefore, should it be determined necessary to continue the provisions of the Quarantine and regulations, the Service proposes to amend the Quarantine and regulations by adding the States of Missouri, Kentucky, and Texas to the States designated as quarantined and specifying regulated areas in said States for purposes of the regulations.

If the proposal to extend the Whitefringed Beetle Quarantine and regulations to the States of Missouri, Kentucky, and Texas is adopted, the following articles could not legally be moved interstate from such quarantined States except in accordance with the conditions specified in the Whitefringed Beetle Quarantine and regulations: (1) soil, compost, decomposed manure, humus, muck, and peat, separately or with other things; (2) plants with roots; (3) grass sod; (4) plant crowns and roots for propagation; (5) true bulbs, corms, rhizomes, and tubers of ornamental plants when freshly harvested or uncured; (6) potatoes (Irish) when freshly harvested; (7) peanuts in shells and peanut shells, except boiled or roasted peanuts; (8) uncleaned grass, grain, and legume seed; (9) hay and straw; (10) used mechanized cultivating equipment and used harvesting equipment; (11) used mechanized soil-moving equipment; and (12) any other products, articles, or means of conveyance of any character whatsoever when it is determined by an inspector that they present a hazard of spread of the whitefringed beetle and the person in possession thereof has been so notified.

A public hearing to consider the above proposals will be held before a representative of the Animal and Plant Health Inspection Service in the Delta Room, 11th floor, Albert Pick Motor Inn, Memphis, Tennessee, at 10 a.m., September 11, 1973. Any interested person may appear and be heard either in person or by attorney.

Any interested person who desires to submit written data, views, or arguments on the proposal may do so by filing the same with the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Maryland 20782, on or before September 11, 1973, or with the presiding officer at the hearing. All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

After consideration of all information presented at the hearing or otherwise available to the Department, a determination will be made regarding the action to be taken.

Done at Washington, D.C., this 9th day of August 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-16869 Filed 8-13-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

TRICHLOROETHANE (1,1,1-TRICHLOROETHANE, METHYL CHLOROFORM)

Aerosol Drug Products for Human Use

Several decongestant aerosol sprays containing the solvent trichloroehane (1,1,1-trichloroethane, methyl chloroform) have recently been removed from the market. This action was based on reports of 21 deaths, resulting in most cases from abuse or gross misuse of the drug products.

Trichloroethane is used in aerosol products as a solvent for the active ingredients and to reduce the vapor pressure of the propellants. It has been used for many years as an industrial solvent and as a substitute for carbon tetrachloride as a degreasing agent. It is irritating to the eyes and mucous membranes and toxic to the cardiovascular system. It is also a potent anesthetic agent when inhaled and induces ventricular arrhythmias more readily than chloroform.

Evidence is not available to establish trichloroethane as safe or effective for use in preparations intended for inhalation directly or indirectly. No new drug applications have been approved for this use or any other drug use of trichloroethane.

On the basis of the above information, the Commissioner of Food and Drugs concludes that aerosol drug products containing trichloroethane and intended for inhalation, directly or indirectly, are not generally recognized as safe and effective for use and are new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act.

To determine the extent trichloroethane is used in drug products and to determine if any additional action is needed to protect the public health, published elsewhere in this FEDERAL REGISTER is a request, pursuant to the regulations under the Drug Listing Act of 1972, § 132.7(a)(4) (21 CFR 132.7), for a list

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of all drug products marketed containing the ingredient trichloroethane.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–1042, as amended, 1050–1051, as amended, 1055–1056, as amended; 21 U.S.C. 321, 352, 355, 371) and under the authority delegated to the Commissioner (21 CFR 2.120) it is proposed that Part 130 be amended by adding thereto a new section to read as follows:

§ 130.------ Aerosol drug products for human use containing trichloroethane.

(a) Trichloroethane has been used in decongestant aerosol drug products as a solvent for the active ingredients and to reduce the vapor pressure of the propellants. It is irritating to the eyes and mucous membranes and is toxic to the cardiovascular system. When inhaled, it is a potent anesthetic agent and induces ventricular arrhythmias. Deaths associated with aerosol decongestant products containing trichloroethane have been reported. Most of the deaths resulted from abuse or misuse of the preparations.

(b) The Food and Drug Administration finds that there is a lack of general recognition by qualified experts of the safety or effectiveness of trichloroethane in aerosol drug products intended for inhalation either directly or indirectly. Any such product containing trichloroethane and labeled, represented, or advertised for such use is a new drug and subject to regulatory proceedings unless it is the subject of a new drug application approved pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FD–1571) set forth in § 130.3, shall be submitted to cover clinical investigations designed to obtain evidence that such preparations are safe and effective for the purposes intended.

(d) Regulatory proceedings will be initiated with regard to any such drug within the jurisdiction of the act which is not in accord with this regulation on its date of publication in the FEDERAL REGISTER.

Interested persons may, on or before September 13, 1973, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during regular working hours, Monday through Friday.

Dated: August 6, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73–16759 Filed 8–13–73;8:45 am]

Social and Rehabilitation Service

[45 CFR Parts 205, 249, 250]

MEDICAL ASSISTANCE PROGRAM

Standards and Provider Certification; Extension of Comment Period

This notice extends the period for comments provided in the notice published July 12, 1973 [38 FR 18616] proposing standards and provider certification regulations.

Comment was invited on or before August 13, 1973. Additional time for comment has been requested on behalf of the officers and members of the American Nursing Home Association, the American Association of Homes for the Aged and the National Council of Senior Citizens. The time for comment is hereby extended to September 13, 1973.

Comments on the proposed regulation should be submitted, in writing, to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue, SW., Washington, D.C. 20201. Copies of such comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–963–7361).

Dated: August 9, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.73–16833 Filed 8–10–73;2:26 pm]

Social Security Administration

[20 CFR Part 405]

FEDERAL HEALTH INSURANCE FOR THE AGED

Skilled Nursing Facilities; Extension of Comment Period

This notice extends the period for comments provided in the notice published July 12, 1973 [38 FR 18620] providing skilled nursing facilities regulations.

Comment was invited on or before August 13, 1973. Additional time for comment has been requested on behalf of the officers and members of the American Nursing Home Association, the American Association of Homes for the Aged and the National Council of Senior Citizens. The time for comment is hereby extended to September 13, 1973.

Comments on the proposed regulation of the Social Security Administration [20 CFR Part 405] should be submitted, in writing, in triplicate, to the Commissioner, Social Security Administration, Department of Health, Education, and Welfare, North Building, 330 Independence Avenue, SW., Washington, D.C. 20201. Copies of such comments received will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201.

Dated: August 9, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.73–16871 Filed 8–10–73;2:26 pm]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 73–SW–51]

AIRCRAFT PARTS AND DEVELOPMENT CORP. (CALLAIR) A–9 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Aircraft Parts and Development Corp. (Callair) A–9, A–9A, and A–9B airplanes. There have been deletions of required welds on the lift struts of A–9 series air planes resulting in ingestion of water into the struts with resulting corrosion. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspection of the wing lift struts for deletion of welds and repair or replacement as necessary on Aircraft Parts and Development Corp. (Callair) A–9, A–9A, and A–9B airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before September 20, 1973 will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive.

AIRCRAFT PARTS AND DEVELOPMENT CORPORATION: Applies to Models A–9, A–9A, and A–9B.

Compliance required within the next 100 hours' time in service after the effective date of this A.D., unless already accomplished.

To prevent water accumulation in the wing lift struts and associated detrimental effects, accomplish the following:

(a) Inspect visually for welds on both sides of the four wing lift struts at the P/N 10671 eye fittings. A 360° fillet weld is required around the eye fitting shank on both sides of the lift strut to seal the strut against moisture. These fittings provide for attachment of the lift struts to the stabilizing struts.

(b) If the welds between the eye fittings and the lift struts do not provide a complete seal as specified above, the lift strut should be removed and checked for water ingestion visually and for corrosion by x-ray, ultrasonic or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

(1) If no water or corrosion is present in the strut, weld the eye fitting to the strut 360° on both sides of the strut and reinstall the strut.

(2) If water is present in the strut (without corrosion), dry the strut, flush with linseed oil, weld the eye fitting to the strut 360° on both sides of the strut and reinstall the strut.

(3) If corrosion is found, before further flight, the affected lift strut must be replaced or corrosion must be removed in accordance with a procedure approved by the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

(c) If the welds between the eye fittings and the lift struts provide a complete seal as specified above, no further action is required.

(APDC Service Bulletin No. A–23 covers this same subject.)

Issued in Fort Worth, Texas on August 1, 1973.

A. T. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.73–16760 Filed 8–13–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–SW–50]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Laredo, Tex., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before September 13, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

1. In § 71.171 (38 FR 351), the Laredo, Tex., control zone is amended to read:

LAREDO, TEX.

Within a 5-mile radius of Laredo International Airport (latitude 27°36'56'' N., longitude 99°31'12'' W.), within 1.5 miles each side of the Laredo ILS localizer northwest course extending from the ILS localizer site (latitude 27°36'12.6'' N., longitude 99°30'50.2'' W.) to 7 miles northwest; within 1.5 miles each side of the Laredo VORTAC 325° radial extending from the 5-mile radius zone to 4.5 miles southeast, excluding that portion outside the United States. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. In § 71.181 (38 FR 435), the Laredo Tex., transition area is amended to read:

LAREDO, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Laredo International Airport (latitude 27°36'56'' N., longitude 99°31'12'' W.), within 3.5 miles each side of the Laredo ILS localizer northwest course extending from the 5-mile radius area to 11.5 miles northwest of the ILS outer marker; within 1.5 miles each side of the Laredo VORTAC 325° radial extending from the 5-mile radius area to the VORTAC; within a 5-mile radius of the Link Ranch Airport (latitude 27°25'32'' N., longitude 99°28'21'' W.), and within 3.5 miles each side of the VORTAC 015° radial extending from the 5-mile radius area to 11.5 miles northeast, excluding those portions outside of the United States.

The amendments described above are considered necessary due to the closing of the Laredo AFB on September 30, 1973. The control zone and extension will provide controlled airspace below 700 feet for aircraft executiong the NDB RWY 15, ILS RWY 15, VOR/DME RWY 15, and VOR RWY 33 approaches to Laredo International Airport.

The amended transition area will provide controlled airspace below 1200 feet ASL for aircraft executing the NDB RWY 15, ILS RWY 15, VOR/DME RWY 15, and VOR RWY 33 approaches to Laredo International Airport and for the VOR–1 approach to Link Ranch Airport.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on August 6, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73–16762 Filed 8–13–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–SW–49]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700 foot transition area at Foraker, Oklahoma.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before September 13, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (38 FR 435) the following transition area is added:

FORAKER, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Codding Cattle Airport (latitude 30°-45'00'' N., longitude 95°53'00'' W.). The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Codding Cattle Airport, Foraker, Okla.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348)

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and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on August 3, 1973.

A. H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.73-16761 Filed 8-13-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-48]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Intercoastal City, La.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before September 13, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added:

INTERCOASTAL CITY, LA.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the White Lake, La., VORTAC 062°T (056°M) radial extending from 9 miles NE of the VORTAC to 13 miles NE of the VORTAC.

The proposed transition area will provide controlled airspace for helicopters executing the proposed Copter VORTAC (original) 056° instrument approach procedure. This procedure is designed to permit the transition of IFR helicopters to VFR conditions and flights to a landing area.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on July 28, 1973.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.73-16763 Filed 8-13-73;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 73-SO-33]

TEMPORARY RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a temporary restricted area in the vicinity of Fort Campbell, Ky. The area would be used to encompass a joint military exercise "Brave Shield VII" to be conducted from December 6 through 11, 1973.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320.

All communications received on or before September 13, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would designate the following temporary restricted area:

R-3705 BRAVE SHIELD VII, FORT CAMPBELL, KY.

1. *Subarea A—Boundaries.* Beginning at Lat. 36°57'00" N., Long. 88°09'00" W.; to Lat. 36°57'00" N., Long. 87°45'00" W.; to Lat. 36°39'00" N., Long 87°33'00" W.; thence counterclockwise along the boundary of Restricted Area R-3702 to Lat. 36°32'00" N., Long. 87°32'30" W.; to Lat 36°34'00" N., Long. 87°29'50" W.; to Lat. 36°19'00" N., Long. 87°30'00" W.; to Lat. 36°15'00" N., Long. 87°36'00 W.; to Lat. 36°15'00 N., Long. 88°15'00" W.; to point of beginning.

Designated altitudes. Surface to and including FL 180.

Time of designation. December 6–11, 1973, inclusive, from 0600 CST to 1900 CST.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. U.S. Air Force Readiness Command, Langley AFB, Va.

2. *Subarea B—Boundaries.* Beginning at Lat. 36°15'00" N., Long. 87°36'00" W.; to Lat. 36°00'00" N., Long. 87°58'00" W.; to Lat. 36°00'00" N., Long. 88°17'00" W.; to Lat. 36°15'00" N., Long. 88°15'00" W.; to point of beginning.

Designated altitudes. Surface to and including 10,000 feet MSL.

Time of designation. December 6–11, 1973, inclusive from 0600 CST to 1900 CST.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. U.S. Air Force Readiness Command, Langley AFB, Va.

3. *Subarea C—Boundaries.* Beginning at Lat. 36°15'00"N., Long. 87°36'00"W.; to Lat. 36°00'00"N., Long. 87°58'00"W.; to Lat. 36°00'00"N., Long. 88°17'00"W.; to Lat. 36°15'00"N., Long. 88°15'00"W.; to point of beginning.

Designated altitudes. From 10,000 feet MSL to and including FL 180.

Time of designation. December 6–11, 1973, inclusive, from 0600 CST to 1900 CST.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. U.S. Air Force Readiness Command, Langley AFB, Va.

The proposed restricted area would be required throughout Exercise Brave Shield VII to assure segregation of nonparticipating traffic and to provide adequate maneuvering airspace for exercise aircraft. Exercise aircraft would include 18 tactical fighters, six tactical reconnaissance, six airborne forward air control, 24 tactical airlift, and approximately 200 rotor wing aircraft.

Activities to be conducted by the exercise aircraft would include massive troop movements, deployment of artillery pieces and other equipment by airborne sling, reconnaissance, close air support, and other simulated bombing, rocket and strafing attacks required by the exercise combat situation.

Throughout the exercise the using agency would allow scheduled air carrier flights and other nonparticipating aircraft into or through the temporary restricted area when exercise operations permit. The using agency would provide all necessary communications lines required by the Federal Aviation Administration, and it would also provide a wide area telecommunications service number so that nonparticipating pilots can obtain clearances on an individual basis without charge to themselves. This number would be published in Part 3 of the Airman's Information Manual (AIM) effective during the exercise period. The Federal Aviation Administration would establish temporary routing to reroute air carrier and other nonparticipating aircraft around the restricted area, when clearance through the area cannot be approved.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 6, 1973.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.73-16767 Filed 8-13-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 575]

[Docket No. 25; Notice 6]

UNIFORM TIRE QUALITY GRADING

Consumer Information Regulation; Supplemental Notice of Proposed Rulemaking

This notice proposes minor amendments to the notice, published March 7, 1973 (38 FR 6194), proposing a Uniform Tire Quality Grading regulation. An additional notice published May 25, 1973 (38 FR 13748), has extended the comment period until October 5, 1973. This notice modifies certain substantive provisions of the March 7 notice.

The notice of March 7 specified a control tire (§ 575.104(i)) as a test device to be used in traction and treadwear grading. The specification does not include dimensional criteria for the tire crown radius. This dimension, however, is relevant to the mileage potential of a tire, and the NHTSA includes it with this notice. The crown radius proposed is 110 percent, calculated by dividing the actual tread radius by the nominal tire cross-section width.

There has been some suggestion that the maximum proposed treadwear grade of 200 percent may not be adequate to provide sufficient gradations of performance for tires whose treadwear performance exceeds by a substantial margin the performance of the control tire. Accordingly, this notice proposes the addition of the treadwear grade "250", for tires whose treadwear performance exceeds by at least 250 percent the performance of the control tire.

It has been suggested that the part of the treadwear test procedure calling for test increments of 1,000 miles between tire rotation is inefficient, in that it is difficult for manufacturers to accomplish tire rotation at this increment at the end or beginning of a complete day. The 1,000 mile provision, however, is only a part of a performance requirement; it is the figure that the NHTSA has proposed to utilize in its testing program. Manufacturers are not required to use that or any particular procedure in ascertaining that their tires will perform as graded. Of course they must make sure that results obtained using different increments are the same as, or can be corrected to, the results obtained by 1,000-mile increments. Manufacturers who do deviate from this aspect of the test procedure should be aware that the purpose of the incremental rotation is that each candidate and control tire be run for the same number of consecutive miles on every wheel position in the test convoy during any single test procedure.

A similar question has been raised concerning failures of candidate or control tires in the course of a treadwear run: Whether a tire may be substituted and the test continued using the remaining tires on the vehicle in question. The answer is essentially the same. The test procedures set forth in the standard constitute both the performance levels that the tires are legally required to meet, and, in general, the method the government will use in testing tires for compliance. A manufacturer must, by his own testing, ascertain the performance levels that his tires will consistently meet when tested according to the procedures in the regulation. Any deviations by a manufacturer in his own tests from these procedures must be made at the manufacturer's own risk.

The notice of March 7 did not propose that the control tire be required to meet the Federal safety standard for new tires, Motor Vehicle Safety Standard No. 109 (49 CFR 571.109). While the notice proposed the requirement that the control tire be labeled with the informational requirements of Standard No. 109 (S4.3(a) through (g)), it specifically exempted them from the certification and identification requirements of S4.3.1, S4.3.2, and S4.3.3. The NHTSA has decided that the tires should conform to all the requirements of the standard except those regarding the tire identification number. The tires will be used on the public highways during NHTSA and manufacturer test programs, presenting a possible hazard both to drivers of the test vehicles, and other highway users. Moreover, the control tires are of a construction and design substantially the same as tires that are manufactured and sold for use on passenger cars, and which are manufactured to conform and certified as conforming to Motor Vehicle Safety Standard No. 109. The proposed exemption from the identification requirements (S4.3.2 of Standard No. 109) would be retained. The NHTSA does not believe that the identification number used for purposes of the Tire Identification and Recordkeeping regulations (49 CFR Part 574) will satisfactorily identify control tires as that number, in identifying one week's production, does not identify individual tires. The NHTSA proposes, in this notice, that each control tire be molded with an identification number, of a size and in a location on one sidewall specified for the identification number required pursuant to Part 574, that will identify both control tire lots of 1,000, and each tire in the lot consecutively. Such a number might consist of a letter designation to indicate the lot, and the numbers 0001 to 1000 to indicate the individual tires.

The notice of March 7 proposed certain amendments to the general Consumer Information regulations (§§ 575.1–575.6) to make those provisions applicable to tires, and tire manufacturers and brand name owners. The proposal inadvertently omitted that part of § 575.6 that presently requires manufacturers to make consumer information available at no charge for retention by prospective purchasers. There was no intention on the part of NHTSA to delete this requirement. Rather, it should have been extended to tire manufacturers and brand name owners, similarly to the other general provisions, and the appropriate language is included by this notice.

In light of the above, the proposal published March 7, 1973 (38 FR 6194), to amend Part 575, Title 49, Code of Federal Regulations, by the addition of a new section 575.104, "Uniform Tire Quality Grading," is amended as set forth below:

1. In proposed § 575.6, paragraph (c), is amended to read:

§ 575.6 Requirements.

* * * * * *

(c) Each manufacturer of motor vehicles, each brand name owner of tires, and each manufacturer of tires for which there is no brand name owner shall provide for examination by prospective purchasers, at each location where its vehicles or tires are offered for sale by a person with whom the manufacturer or brand name owner has a contractural, proprietary, or other legal relationship, or by a person who has such a relationship with a distributor of the manufacturer or brand name owner concerning the vehicle or tire in question, the information specified in Subpart B of this part that is applicable to each of the vehicles or tires offered for sale at that location. The information shall be provided without charge and in sufficient quantity to be available for retention by prospective purchasers, or sent by mail to a prospective purchaser upon his request. With respect to * * *

* * * * * *

§ 575.104 [Amended]

2. In paragraph (d)(2) of proposed § 575.104, a new subdivision (viii) is added to read:

(viii) The tire may be graded 250 only if the value obtained pursuant to paragraph (f)(2)(ix) of this section is 250 or more.

3. In paragraph (i)(10) of proposed § 575.104, subdivision (i) is revised to read:

(i) The labeling specified in paragraph S4.3 of § 571.109 of this chapter (Motor Vehicle Safety Standard No. 109), including paragraph S4.3.1, but excluding paragraph S4.3.2, is branded into each mold half in accordance with that paragraph.

4. In paragraph (i)(10) of proposed § 574.104, a new subdivision (iv) is added to read:

(iv) An identification number, consisting of both letters and numerals of the size and in the location specified for the "Tire Identification Number" in Figure 1 of Part 574 of this chapter, identifying a lot consisting of 1,000 tires and numbering consecutively the tires in the lot, is branded into one mold half.

5. In paragraph (i)(11) of proposed § 575.104, Table IV—Tire Construction is revised by the addition of the following specification at the bottom of the Table, and the following footnote after the existing footnotes:

...	...	...	...
Crown Radius.[1]	110 percent..	110 percent..	110 percent.

[1] Actual tread radius divided by nominal tire cross section width.

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6. In paragraph (1) of proposed § 575.104, a new subdivision (13) is added to read:

(13) *Performance requirement.* Each control tire shall be manufactured to conform to § 571.109 of this chapter.

7. In Figure 1—DOT Tire Quality Grades of proposed § 575.104, appearing at page 6202, immediately after the listing of possible treadwear grades, but before the line reading "This tire is graded * * *" the following line is added:

250_____ At least 250 percent

Interested persons are invited to submit comments in accordance with the guidelines specified in the notices of March 7, 1973 (38 FR 6194) and May 25, 1973 (38 FR 13748).

Comment closing date: October 5, 1973.

Proposed effective date: September 1, 1974.

(Secs. 103, 112, 119, 201, 203, Public Law 89-563, 80 Stat. 718; 15 U.S.C. 1392, 1401, 1407, 1421, 1423; delegations of authority at 38 FR 12147)

Issued on August 6, 1973.

JAMES E. WILSON,
Associate Administrator,
Traffic Safety Programs.

[FR Doc.73-16801 Filed 8-13-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19800; FCC 73-840]

FM BROADCAST STATIONS IN CALIFORNIA

Notice of Proposed Rule Making

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Merced, California), RM-2012.

1. Notice of Proposed Rule Making is hereby given concerning proposed amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) with respect to the petition of Radio One, Inc. (Radio One), licensee of AM Station KYOS, Merced, California, proposing the assignment of Class B Channel 248 as a second assignment to that community.

2. Merced, population 22,670,[1] is the seat of Merced County, population 104,629.[2] There are presently four aural broadcast services at Merced: FM Station KAMB, Channel 268, AM Stations KYOS and KWIP (daytime-only), and educational FM Station KBDR (licensed to Merced Community College). Other aural broadcast stations in the county are Stations KLBS (daytime-only) and KLBS-FM (Channel 240A) licensed to Los Banos, population 9,188. Merced is 110 miles southeast of San Francisco. Merced County is bordered by Mariposa, Madera, San Benito, Fresno, San Jose, and Stanislaus Counties (the latter three are respectively the Fresno, San Jose, and Modesto Standard Metropolitan Statistical Areas).

3. Radio One, in support of its petition, sets forth information as to radio service in Merced and Merced County and makes further contentions. It urges that the addition of another channel at Merced would be a further step toward perfecting the Commission's overall objective of providing a fair, efficient, and equitable distribution of radio services as required by Section 307(b) of the Communications Act of 1934, as amended, and, more particularly, that the public interest, convenience, and necessity would be served by another FM channel rendering service to a sizable community and providing service to substantial unserved and "gray" areas. The assignment, we are told, may be made without making other changes in the FM Table of Assignments, there is no substantial preclusion, and the proposal comports with the Commission's policy of avoiding intermixture of FM assignments to the same community. Radio One states that Merced is located in the Central Valley, approximately 66 miles northwest of Fresno and 103 miles southeast of Sacramento and far from any large metropolitan area, and that Merced County's population is scattered. Merced, we are told, is a center of the Merced County's agricultural community which is 15th ranking county in value in the nation for farm products; Merced is the site of various agriculturally oriented agencies (Farm Labor Office, Farmers Home Administration, Soil Conservation Office, Agricultural Stabilization and Conservation Committee, Agricultural Commissioner, and Agricultural Extension Service). Merced is the central shopping and business area for both Merced and Mariposa (population 6,015) Counties with retail sales of over $90 million as compared to the over $171 million for its county. Castle Air Force Base with an estimated complement of over 16,000 personnel is located seven miles north of Merced; the city is the site of Merced College, and it is a tourist center (known as "The Gateway to Yosemite"). Topographically, Merced County is mostly flat land with hills to the east and west. Radio One contends that a station on proposed Channel 248 would serve all of Merced County and substantial portions of Mariposa and Madera Counties.[3] Petitioner calls attention to the fact that the programming of Station KAMB is religiously oriented. Radio One asserts that a Class A channel could not properly serve the area. Finally, Radio One states it will apply for a construction permit if the channel is assigned.

4. While not mentioned by petitioner, the Commission's population criteria[4] allow a city of the size of Merced a second FM assignment in appropriate circumstances. Radio One's arguments primarily are directed at showing the feasibility of the assignment and that another Class B assignment should be made. In the latter respect, it relies on our policy against mixing assignments and that a station on Channel 248 would provide service to an area of 1,810 square miles with 149,274 persons including an area of 370 square miles with 12,098 persons presently receiving no FM service and an area of 385 square miles with 50,627 persons presently receiving only one FM service.

5. It would appear that a sufficient showing has been made that the Commission should adopt a Notice of Proposed Rule Making requesting comments as to the proposal. We are satisfied that the proposed assignment may be made without any other change in the FM Table of Assignments. However, Radio One will have to furnish further information both as to preclusion and as to areas receiving no FM service (unserved areas) and those receiving one FM service (gray areas). With respect to preclusion, it appears that there are three sizeable communities which would be affected.[5] These are: Coalinga, population 6,161, which has only a daytime AM station; Avenal, population 3,035, which has no radio broadcast facilities; and Atwater, population 11,640, which also has no broadcast transmission service. Radio One should make a showing as to the availability of other channels for these communities. As concerns Radio One's argument based on service to unserved and gray areas, petitioner has not made an appropriate showing. Such a showing more appropriately should include assignments as well as stations and there are assumptions as to power and height. The criteria as set forth in *Roanoke Rapids-Goldsboro, North Carolina,* 9 F.C.C. 2d 672, 673 (1967) are (i) estimated FM 1 mV/m contours; (ii) assuming reasonable facilities for all existing stations, maximum for Class A, and 30 kW at 300 feet A.A.T. for Class B, or greater in the event the station already has such operating facility; and (iii) all unoccupied channels in the area with the same facilities as (ii) above. In this respect, Radio One has failed to consider Station KLBS-FM at Los Banos, it did not use the correct operating facility for Station KAMB at Merced (50 kW and 390 feet antenna height), and, for the Channel 236 assignment to Oakdale, coverage must be based on a maximum facility since use of that channel is so conditioned.

6. In view of the foregoing and pursuant to authority found in Sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, as concerns Merced, California, as follows:

City	Channel No.	
	Present	Proposed
Merced, California	268	248, 268

7. *Showings required.* Comments are invited upon the proposal referred to above. As indicated, there are questions about preclusion and the appropriate manner for showing unserved and gray areas. Radio One should also affirm its intention both to promptly apply for the channel if assigned and to construct if its application is granted. Failure to file comments or address the issues raised may result in dismissal.

8. *Cut-off procedure.* The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before September 14, 1973, and reply comments on or before September 25, 1973. All submissions by parties to this proceeding, or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

10. In accordance with the provisions of § 1.419 of the Rules and Regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

By the Commission.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

Adopted: August 2, 1973.

Released: August 7, 1973.

[FR Doc.73-16795 Filed 8-13-73;8:45 am]

[1] All population information is from the 1970 Census.

[2] These respectively are increases of 13 percent and 15.7 percent from the 1960 Census.

[3] The population of the latter is 41,519.

[4] See para. 4 of the Further Notice of Proposed Rule Making in Docket No. 14185, adopted July 25, 1962 (FCC 62-867), and incorporated by reference in Para. 25 of the Third Report, Memorandum Opinion and Order, 40 F.C.C. 747, 758 (1968).

[5] There is preclusion on Channels 246, 247, 248, and 249A. Most of the communities in the precluded areas have at least one assignment and do not appear to warrant another.

[6] Commissioners H. Rex Lee and Reid absent.

FEDERAL MARITIME COMMISSION

[46 CFR Parts 531, 536]

COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE AND FOREIGN COMMERCE OF THE U.S.

[Dockets Nos. 73-39, 73-40]

Filing of Tariffs; Extension of Time for Comments

By two notices of proposed rulemaking published in these proceedings July 19, 1973 (FR Doc. 73-14844, 38 FR 19237; and FR Doc. 73-14843, 38 FR 19238) interested parties were afforded opportunity to comment on proposed new rules regarding contents of ocean carriers' tariff publications in respect to naming of rates and charges applicable to cargo moving in containers.

Various interested parties have requested enlargement of time for comments, or postponement of comments pending establishment of an industry advisory group for consultation and cooperation with the Commission in respect to formulating an appropriate rule.

Notice is hereby given that time for filing comments in these proceedings is postponed pending disposition of the various requests for revised procedures.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-16828 Filed 8-13-73;8:45 am]

[46 CFR Part 542]

[General Order __; Docket No. 73-48]

REMOVAL OF OIL AND HAZARDOUS SUBSTANCES

Financial Responsibility

On October 18, 1972, Congress enacted the Federal Water Pollution Control Act Amendments of 1972. Section 311(p) of this new legislation amends the previous oil pollution financial responsibility requirements of section 11(p) of the Federal Water Pollution Control Act, as amended (hereinafter called the Act), (1) to include, in addition to the liability for the cost of removal of oil, the liability for the cost of removing hazardous substances; (2) to provide a fine of not more than $10,000 for any owner or operator of a vessel who fails to comply with the financial responsibility requirements of the Act or any regulation issued thereunder; (3) to authorize the Secretary of the Treasury to refuse clearance to a vessel which does not have evidence that the financial responsibility requirements have been complied with; and (4) to authorize the Secretary of the Department in which the Coast Guard is operating to deny entry to and detain any vessel, which upon request, does not produce evidence that the financial responsibility provisions have been complied with.

On August 3, 1973, the President issued Executive Order No. 11735 delegating to the Federal Maritime Commission the responsibility, including issuance of the necessary implementing regulations, to carry out the provisions of section 311(p) of the Act. Accordingly, the herein proposed rules (General Order __) are intended to supersede the existing oil pollution financial responsibility requirements contained in General Order 27 and accomplish the purposes of the new section 311(p).

PROPOSED RULES—SECTION BY SECTION ANALYSIS

The proposed rules in most instances follow the wording of General Order 27. In every instance each reference to the previous section 11 of the Act has been changed to section 311 of the Federal Water Pollution Control Act, as amended, and all reference to the removal of "oil" has been changed to include "hazardous substances." In addition, for the reason discussed under § 542.1 below, all reference to "* * * liability for the discharge * * *" has been changed to "liability for the removal of * * *" In some instances minor changes in the wording have been made for the purposes of clarity and readability. Since these changes are not substantive they are not discussed in this analysis.

The existing rules contained in General Order 27, and the evidence of financial responsibility forms incorporated therein by reference, refer only to claims which may arise under section 11(f) of the Act. In paragraph (1) the aforesaid section 11(f) pertains to liabilities which may be incurred by owners or operators of vessels discharging oil. Section 11(g) of the Act, insofar as it pertains to vessels, refers to liabilities which may be incurred by "third party" owners or operators of vessels which cause discharges from other vessels.

With respect to vessels, new sections 311(f) and 311(g) impose similar liabilities for removal costs on not only owners or operators of vessels actually discharging oil or hazardous substances, but also on those "third party" owners or operators of vessels which cause the discharge of oil or hazardous substances from other vessels. So that there will be no dispute as to what liabilities are covered by the proposed rules and the evidence of financial responsibility forms incorporated therein by reference, the proposed rules and forms have been written to include the liabilities imposed by section 311(g) on "third party" owners or operators as well as the liabilities imposed by section 311(f) on owners or operators of vessels actually discharging oil or hazardous substances.

Title. The title of Part 542 is changed from Financial responsibility for oil pollution cleanup to Financial responsibility for removal of oil and hazardous substances.

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Section 542.1 Scope. This section has been amended where necessary to include the liability for removal of hazardous substances as well as oil; provide in accordance with the new section 311 of the Act that the effective date of the requirements with respect to hazardous substances shall be October 18, 1973; and change all references to section 11 of the Water Quality Improvement Act of 1970 to section 311.

Section 542.2. Definitions. Paragraphs (s) and (t) have been added to include the definitions of the terms "remove or removal" and "hazardous substances." These definitions are self-explanatory.

Section 542.3. Proof of financial responsibility when required. No specific changes.

Section 542.4. Procedure for establishing financial responsibility. No specific changes.

Section 542.5. Methods of establishing financial responsibility, forms and requirements. Section 542.5(a)(1) contains the Commission's "uniform endorsement" which is required to be included in all insurance policies and cover notes. This endorsement was contained in the original publication of General Order 27, but at the request of interested parties was changed several times by amendment to the rules to make clearer the Commission's intent and to more closely relate the language of the rules to the language of the enabling Act. Since some endorsements had already been filed with the Commission in the original wording, to avoid placing an undue burden on insurers and applicants the Commission prescribed in each of the amendments that the use of the new wording would be permissive at the discretion of the insurer or applicant. Since the endorsement must again be amended in these proposed rules to conform to the amendment to the enabling Act, all existing endorsements must be refiled and therefore there is no longer a need to provide for the permissive use of the alternative wording. Accordingly, all reference to such permissiveness is deleted.

The substance of the uniform endorsement is included in the Commission's current insurance, bond, and guaranty form, and § 525.5(b) as presently worded also provides for the use of alternative language. For the reasons set forth above this permissiveness is no longer necessary and, therefore, such provisions are deleted from § 525.5(b).

Section 542.6 Issuance of Certificate of Financial Responsibility. No specific changes.

Section 542.7 Denial, revocation, suspension, or modification of Certificates. No specific changes.

Section 542.8 Notice. No specific changes.

Section 542.9 Fees. § 542.9(d) pertaining to application fees is changed to note that in accordance with new § 542.11(a) applicants for new Certificates under these proposed rules who hold a Certificate issued under General Order 27, need not file a new $100 application fee, if application for the new Certificate is made prior to October 18, 1973.

Section 542.10 Enforcement. New § 542.10 is added to provide, in statutory language, the enforcement provisions added by the 1972 amendments to the Act.

Section 542.11 Conversions. A new § 542.11 is added to the rules to provide for the filing of applications by persons who presently hold Certificates issued under General Order 27. This section provides for the filing of new applications by the owners and operators of the approximately 20,000 vessels presently certified for oil pollution responsibility pursuant to the provisions of General Order 27. Each of these owners and operators will be required to file new applications and new evidence of financial responsibility in order to comply with the 1972 amendments to the Act.

In order to accomplish the issuance of the new Certificates in an orderly manner, the new section 542.11 of the proposed rules provides that those owners and operators presently holding valid oil pollution Certificates must file acceptable applications and evidence of financial responsibility before October 18, 1973. Upon such a filing the existing oil pollution Certificates will be deemed to be evidence of compliance with the new requirements. Those owners and operators who do not make an acceptable filing within the time limit will be so notified and be required to return their oil pollution Certificates. According to this new section, upon failure to make a timely filing or upon issuance of a new Certificate the previously existing Certificate will become null and void.

Forms similar to the previous forms contained in General Order 27 are appended to these new proposed rules and incorporated therein by reference. The wording of each of the forms has been changed to include, in addition to oil, the liability for removal of hazardous substances, and to conform to the rules proposed herein.

This rulemaking proceeding is not a major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.). Furthermore, inasmuch as these rules and regulations, as promulgated under the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92–500), require the Commission to issue Certificates evidencing compliance to all applicants qualified in accordance with the statutory provisions, and inasmuch as the effect of implementation of these rules serves to benefit the overall environment, the issuance of an environmental impact statement is not required in the certification procedures proposed herein.

Now, therefore, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 311(p)(1) and 311(p)(2) of the Federal Water Pollution Control Act, as amended, (86 Stat. 870), and section 3 of Executive Order 11735, notice is hereby given that the Federal Maritime Commission proposes to promulgate certain rules and regulations to implement the provisions and to accomplish the purpose of section 311(p) of the Federal Water Pollution Control Act, as amended. The proposed rules would set forth the procedures and qualifications for the certification of vessels under section 311(p)(1) of the Federal Water Pollution Control Act, as amended. As proposed, the title and provisions of Part 542 of Title 46 CFR would be revised to provide as follows:

PART 542—FINANCIAL RESPONSIBILITY FOR REMOVAL OF OIL AND HAZARDOUS SUBSTANCES

Sec.

542.1 Scope.
542.2 Definitions.
542.3 Proof of financial responsibility, when required.
542.4 Procedure for establishing financial responsibility.
542.5 Methods of establishing financial responsibility; forms and requirements.
542.6 Issuance of Certificate of Financial Responsibility.
542.7 Denial, revocation, suspension, or modification of a Certificate.
542.8 Notice.
542.9 Fees.
542.10 Enforcement.
542.11 Conversions.

AUTHORITY: Secs. 311(p)(1) and 311(p)(2), Federal Water Pollution Control Act, as amended; 86 Stat. 870; sec. 3, Executive Order 11735. Upon adoption these regulations shall supersede the regulations contained in General Order 27, issued September 29, 1970 (35 FR 15216).

§ 542.1 Scope.

The regulations contained in this part set forth the procedures whereby the owner or operator of every vessel over 300 gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil or hazardous substances as cargo or fuel, using any port or place in the United States or the navigable waters of the United States for any purposes after April 2, 1971, with respect to oil and October 17, 1973, with respect to hazardous substances, shall establish and maintain evidence of financial responsibility of $100 per gross ton, or $14 million, whichever is the lesser, to meet the liability to the United States to which any such vessel could be subjected pursuant to section 311, Federal Water Pollution Control Act, as amended, for the removal of oil or hazardous substances from the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone. Included also are the qualifications required by the Commission for issuance of Certificates and the basis for the denial, revocation, modification, or suspension of such Certificates. The rules of this part shall not apply to the use by vessels of ports or places in the United States or the navigable waters of the United States prior to April 3, 1971, with respect to oil and October 18, 1973, with respect to hazardous substances.

§ 542.2 Definitions.

As used in this part, the following terms shall have the meanings indicated:

(a) "Act" means the Federal Water Pollution Control Act, as amended.

(b) "Commission" means Federal Maritime Commission.

(c) "Applicant" means any owner or operator, including a potential owner or operator, who has applied for a Certificate.

(d) "Certificant" means any person who has been issued, and holds, a Certificate.

(e) "Certificate" means a Certificate of Financial Responsibility (Pollution).

(f) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(g) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(h) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

(i) "Person" includes an individual, government, firm, corporation, association, or a partnership.

(j) "Owner" means any person owning a vessel. In a case where a certificate of registry has been issued, the owner shall be deemed to be the person or persons whose name or names appear upon the vessel's certificate of registry; provided, however, that where a certificate of registry has been issued in the name of the President or Secretary of an incorporated company pursuant to 46 U.S.C. 15, such incorporated company will be deemed to be the "owner".

(k) "Operator" means a bare-boat charterer or any other person except the owner, responsible for a vessel's operation and who mans, victuals, and supplies the vessel.

(l) "Insurer" means one or more insurance companies, underwriters, corporations or associations of underwriters, shipowners' protection and indemnity associations, or other persons acceptable to the Commission.

(m) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredge spoil.

(n) "Discharge" includes, but it not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(o) "Contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

(p) "Navigable waters of the United States" include the coastal territorial waters of the United States, the inland waters of the United States including the United States portion of the Great Lakes and the St. Lawrence Seaway, and the Panama Canal.

(q) "Cargo" includes both proprietary and non-proprietary cargo.

(r) "Fuel" means any oil or hazardous substance used or capable of being used to produce heat or power by burning.

"Remove" or "removal" means the removal of oil or hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches.

(t) "Hazardous substance" means any substance designated as such by the Administrator of the Environmental Protection Agency pursuant to section 311(b)(2) of the Federal Water Pollution Control Act, as amended.

§ 542.3 Proof of financial responsibility, when required.

(a) No vessel over 300 gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil or hazardous substance as cargo or fuel, shall use any port or place in the United States or the navigable waters of the United States on or after April 3, 1973, with respect to oil and October 18, 1973, with respect to hazardous substances, for any purpose unless a Certificate has been issued covering such vessel.

(b) Vessels subject to the provisions of this part shall be presumed to be of the gross tonnage denoted in their certificates of registry or other marine documents acceptable to the Commission; provided, however, that if such a vessel has more than one gross tonnage, the higher one will apply.

§ 542.4 Procedure for establishing financial responsibility.

(a) Either owners or operators of vessels subject to § 542.3 must file an application on Form FMC–321 for a Certificate of Financial Responsibility (Pollution).[1] Persons who intend to become an owner or operator within the meaning of this part at a future date may file an application for a Certificate. Copies of Form FMC–321 may be obtained from the Secretary, Federal Maritime Commission, Washington, D.C. 20573, or at the Commission's offices at New York, New York; New Orleans, Louisiana; and San Francisco, California.

(b) An applicant desiring to obtain a Certificate should file a completed application Form FMC–321 at least 45 days in advance of any of its vessels using any port or place in, or the navigable waters of, the United States. Applications will be processed in order of receipt. Requests for special consideration in the processing of an application, however, will be granted where applications involve bare-boat charters or unusual situations, if good cause is shown by the applicant. All applications, evidence, documents, and other statements require to be filed with the Commission shall be in English, and any monetary terms shall be expressed in terms of U.S. currency. The Commission shall have the privilege of verifying any statement made or evidence submitted under the rules of this part.

(c) The application shall be signed by a duly authorized officer or representative of the applicant and, except in the case of a corporate officer when his title appears in the application or in the case of an individual owner or operator, be submitted with a copy of evidence of his authority. In the event of any nonmaterial change in the facts as reflected in the application, the applicant or certificant shall notify the Commission in writing no later than fifteen (15) working days following such change. For the purpose of this part, a nonmaterial change shall be one which does not result in an increase in the amount of financial responsibility necessary to qualify for a Certificate under the provisions of this part. In addition, if for any reason including a vessel's demise, sale, or transfer to an operator, a certificant ceases to be responsible for liabilities to which such vessel could be subjected under section 311 of the Act, the certificant shall follow the procedure set forth in § 542.6(b).

(d) Each applicant, insurer, surety, and guarantor shall furnish a written designation of a person in the United States as legal agent for service of process for the purposes of the rules of this part. Such designation must be acknowledged, in writing, by the designee. In any instance in which the designated agent cannot be served because of his death, disability, or unavailability, the Secretary, Federal Maritime Commission, will be deemed to be the agent for service of process. When serving the Secretary in accordance with the above provision, the U.S. Government must also serve the certificant, insurer, surety, or guarantor, as the case may be, by registered mail at its last known address on file with the Commission.

§ 542.5 Methods of establishing financial responsibility; forms and requirements.

(a) Every applicant must establish acceptable evidence of financial responsibility to meet his liability to the United States under the Act in the amount of $100 per gross ton, or $14 million, whichever is the lesser: provided, however, that, if an applicant is, or for purposes of the rules of this part becomes, responsible for more than one vessel subject to this part, financial responsibility need only be established in an amount necessary to meet the maximum liability to which the largest vessel of such vessels (fleet) could be subjected. Evidence of such responsibility may be established by any one, or any combination, of the following methods:

(1) Filing with the Commission on insurance Form FMC–322 evidence of insurance issued by an acceptable insurer or insurance broker; or, in the alternative, a signed copy of an acceptable cover

[1] All forms referred to in this part are filed as part of the original document.

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note or signed copy of an acceptable insurance policy. When a cover note is submitted, the underlying insurance policy must be provided to the Commission as soon as possible. A deductible provision in any policy of insurance or cover note, except where the insurer agrees to be liable to the United States for the full amount of the deductible, will be unacceptable unless the applicant evidences supplemental coverage for the amount of the deductible by means of other acceptable insurance, surety bond, guaranty or self-insurance. If a policy of insurance or cover note is submitted, it must include the following uniform endorsement:

Any other provisions of this policy (or the policy evidenced by this cover note) notwithstanding (1) said policy insures any liability the assured may incur to the United States under sections 311(f) and (g) of the Federal Water Pollution Control Act, as amended: provided, however, that the insurer's liability to the United States or to the assured in any event shall not exceed $100 per gross ton of the tonnage of the vessel in respect of which a claim may be made, or $14 million, whichever is the lesser, subject to any deductible as specifically set forth in Clause or Article of said policy (or in this cover note); (2) the Insurer agrees that any claims incurred under the aforementioned sections 311(f) and (g) may be brought directly against the Insurer, provided that where a claim is brought directly against the Insurer, the Insurer shall be entitled to invoke all rights and defenses, as set forth in section 311(f)(1) of the Federal Water Pollution Control Act, as amended, which would have been available to the assured if the action had been brought against said assured by the U.S. Government, and shall also be entitled to invoke all rights and defenses which would have been available to the Insurer if the action had been brought against him by the assured; and (3) termination or cancellation of said insurance including expiration by its terms, insofar as it relates to the assured's liability under section 311 of the Federal Water Pollution Control Act, as amended, shall not be effected until notice in writing has been given by the Insurer to the assured and to the Secretary of the Federal Maritime Commission at its office in Washington, D.C., and until after 30 days expire from the date such notice is actually received by the Commission, unless substitute evidence of financial responsibility already has been accepted by the Commission; provided, however, the Insurer shall remain liable for claims covered by said insurance arising by virtue of an event which had occurred prior to the effective date of such termination or cancellation.

(2) Filing with the Commission a surety bond on Form FMC–324 issued by a bonding company authorized to do business in the United States and acceptable to the Commission. Such surety bond shall evidence coverage for liability to the United States, in the amount specified in paragraph (a) of this section, to which a vessel could be subjected for the removal of oil or hazardous substances from the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone.

(3) Filing with the Commission for qualification as a self-insurer. Any such self-insurer must demonstrate financial responsibility by maintenance in the United States of working capital and net worth each in an amount calculated as in paragraph (a) of this section; provided, however, that the Commission for good cause shown may waive the requirement as to the amount of working capital. With respect to the maintenance of working capital and/or net worth, the Commission may take into consideration all current contractual requirements to which the applicant is bound. This evidence of financial responsibility shall be supported by, and subject to, the following, which are to be submitted with the initial application and on a continuing fiscal year basis while the Certificate is in effect:

(i) A current semiannual balance sheet; provided, however, the Commission for good cause shown may require only an annual balance sheet;

(ii) A current semiannual statement of income and surplus; provided, however, the Commission for good cause shown may require only an annual statement of income and surplus;

(iii) An annual current balance sheet and an annual current statement of income and surplus to be certified by appropriate certified public accountants;

(iv) An annual current credit rating report by Dun & Bradstreet or any similar concern found acceptable to the Commission;

(v) All financial statements required to be submitted under paragraph (a)(3) of this section shall be due within 120 days after the close of each of the aforementioned pertinent accounting periods; provided that if such financial statements have been furnished to other United States Government agencies, a copy thereof may be submitted;

(vi) Such additional financial information as the Commission may deem necessary in appropriate cases;

(vii) Upon request the Commission may grant reasonable extensions of the time limits provided by this subparagraph for filing the statements required by this part: provided, that the request is received 15 days before the statements are due and provided further that such request sets forth good and sufficient reasons to justify the extension requested. In no event, however, will the Commission entertain requests for extensions of more than 60 days.

(4) Filing with the Commission a guaranty on Form FMC–325 by a guarantor acceptable to the Commission. Any such guaranty shall be in an amount calculated as in paragraph (a) of this section. An acceptable guarantor must comply with the provisions of paragraph (a)(3) of this section, relating to self-insurers, except that the amount of net worth and working capital required to be demonstrated by such guarantor shall not be less than the aggregate amount of guarantees underwritten. As in the case of self-insurers, the Commission for good cause shown may waive the requirement as to the amount of working capital.

(5) Filing with the Commission on insurance Form FMC–323 evidence of insurance, issued by an acceptable insurer or insurance broker for purposes of obtaining a master Certificate as provided in § 542.6(d).

(6) Filing with the Commission a guaranty on Form FMC–326 issued by a guarantor acceptable to the Commission, for the purpose of obtaining a master Certificate as provided in § 542.6(d). An acceptable guarantor is defined in paragraph (a)(4) of this section.

(7) Filing with the Commission such other evidence of financial responsibility as the Commission shall, in its discretion, deem proper and acceptable: provided, however, that such other evidence of financial responsibility shall in no way constitute an alteration or modification of the methods of establishing financial responsibility prescribed in this paragraph (a).

(b) The Commission's application Form FMC–321, insurance Forms FMC–322 and FMC–323, surety bond Form FMC–324, and guaranty Forms FMC–325 and FMC–326, as set forth in and appended to this part, are hereby incorporated into the rules of this part.

(c) Any evidence of financial responsibility filed pursuant to the provisions of this part shall not prohibit the institution of claims for costs incurred by a vessel under the provisions of section 311 of the Act directly against the insurer or other person providing the evidence of financial responsibility required by this part. In the event, however, of any such claim brought directly against the insurer or other person providing the evidence of financial responsibility, such insurer or other person shall be entitled to invoke all rights and defenses, as set forth in section 311(f)(1) of the Act, which would have been available to the owners or operator if the action had been brought against said owner or operator by the U.S. Government, and shall also be entitled to invoke all rights and defenses which would have been available to such insurer or other person if the action had been brought against him by said owner or operator.

(d) Any financial evidence submitted to the Commission under the rules of this part shall set forth in full the correct name of the person to whom the Certificate is to be issued.

(e) If any evidence filed with the application does not comply with the requirements of this part, or for any reason fails to provide adequate or satisfactory protection to the United States, the Commission will notify the applicant stating the deficiencies thereof.

(f) Financial data filed in connection with the rules of this part shall be confidential except in instances where such information becomes relevant in connection with hearings conducted pursuant to § 542.7.

§ 542.6 Issuance of Certificate of Financial Responsibility.

(a) Except as set forth in paragraph (d) of this section, where evidence of financial responsibility has been established, a separate Certificate covering each vessel shall be issued evidencing the

Commission's finding of adequate financial responsibility to meet the liability to the United States to which such vessel could be subjected under section 311 of the Act for the cost of removal of oil or hazardous substances from the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone. The period covered by each Certificate shall be indeterminate unless a termination date has been specified thereon. A Certificate issued pursuant to this part, or copy thereof, must be carried on board the certificated vessel. Where it would be physically impossible for the Certificate or copy thereof to be carried aboard the certified vessel, it must be retained at a location in the United States and kept readily accessible for inspection by U.S. Government officials; provided, however, that where it would be physically impossible for the Certificate or copy thereof to be carried aboard the certified vessel, the Federal Maritime Commission Certificate number, preceded by the letters "FMC", must be marked upon each bow of such vessel in such manner as to be readily discernible, but in no event shall the letters and numbers used be smaller than three inches in size.

(b) Except in the case of a master Certificate as provided for in paragraph (d) of this section, if for any reason, including a vessel's demise, sale or transfer to an operator, a certificant ceases to be responsible for liabilities to which such vessel could be subjected under section 311 of the Act, such certificate must within five (5) working days thereafter, complete the reverse side of the Certificate covering the involved vessel and return the Certificate to the Secretary of the Commission. If the Certificate covering a vessel subject to this paragraph has been lost or destroyed, the certificant must, within five (5) working days, submit the following written information to the Secretary:

(1) The number of the Certificate and the name of the vessel;

(2) The date on which the certificant ceased to be liable for the vessel;

(3) The name and mailing address of the person to whom the vessel was sold or transferred, if any;

(4) The location of the vessel on the date indicated in paragraph (b)(2) of this section.

(c) In the event of the transfer of a vessel certificated pursuant to this part to an operator where the certificant, transferring such vessel, continues to be responsible for liabilities to which such vessel could be subjected under section 311 of the Act, and continues to maintain on file with the Commission adequate evidence of financial responsibility with respect to such vessel, the existing Certificate will remain in effect and the new operator shall not be required to obtain an additional Certificate.

(d) In lieu of separate Certificates for each vessel, a person owning or operating vessels as a builder, scrapper, or seller may apply for a master Certificate to cover all vessels up to a specified, individual vessel, maximum gross tonnage, which such applicant may from time to time hold for the purposes of construction, scrapping or sale. The maximum gross tonnage to be specified on a particular master Certificate shall be that number of gross tons for which the applicant has evidenced acceptable financial responsibility. For purposes of obtaining a master Certificate, acceptable evidence of financial responsibility shall be established by the methods set forth in § 542.5(a), with the exceptions of insurance Form FMC–322 and guaranty Form FMC–325. Persons who have been issued master Certificates must submit to the Secretary of the Commission, every six months beginning with the month in which the master Certificate is issued, reports indicating the name, previous name, or other identifying information and gross tonnage of every vessel covered by the master Certificate during the reporting period. Before any certificant, already holding a master Certificate, acquires a new vessel which is of a gross tonnage greater than the gross tonnage specified on his master Certificate, and such new vessel is to be acquired for purposes of construction, scrapping or sale, said certificant shall submit to the Commission new or amended evidence of financial responsibility in an amount necessary to cover such new, larger vessel. Failure to do so may result in the master Certificate being suspended or revoked, which would require the certificant to apply for separate Certificates for each of his vessels in accordance with the other provisions of this part.

§ 542.7 Denial, revocation, suspension, or modification of a Certificate.

(a) Prior to the denial, revocation, suspension, or modification of a Certificate, the Commission shall advise the applicant or certificant of its intention to deny, revoke, suspend, or modify, and shall state the reasons therefor. If the applicant or certificant within 20 days after the receipt of such advice requests a hearing, such hearing shall be granted by the Commission and conducted in accordance with the Commission's rules of practice and procedure (Part 502 of this chapter); provided, however, that a Certificate shall become null and void upon cancellation or termination of evidence of insurance, surety bond or guaranty. The procedural provisions of the Shipping Act, 1916 (46 U.S.C. 801), shall apply to all proceedings conducted under this part.

(b) A Certificate may be denied, revoked, suspended, or modified for any of, but not limited to, the following reasons:

(1) Making any willfully false statement to the Commission in connection with an application for a Certificate, or its continuance in effect;

(2) Circumstances whereby the applicant or certificant does not qualify as financially responsible in accordance with the requirements of the Commission;

(3) Failure to comply with or respond to lawful inquiries, rules, regulations, or orders of the Commission pursuant to the rules of this part.

§ 542.8 Notice.

Notice to the public of the issuance, denial, revocation, suspension, or modification of any Certificate shall be published in the FEDERAL REGISTER.

§ 542.9 Fees.

(a) This section establishes the application and certification fees which shall be imposed by the Federal Maritime Commission for processing application Form FMC–321 and issuance of Certificates of Financial Responsibility (Pollution).

(b) Applications filed pursuant to this part are subject to the application and certification fees set forth in paragraphs (d) and (e) of this section. Applications returned to applicants for additional information or corrections will not require an additional application fee when resubmitted.

(c) Fees are payable in terms of U.S. dollars and may be paid by check, draft, or postal money order made payable to the Federal Maritime Commission. Cash will not be accepted.

(d) Except as provided in § 542.11(a) of this part, every application Form FMC–321 shall be accompanied by an application fee of $100 which shall not be refundable.

(e) In addition to the application fee, a vessel certification fee for each vessel listed on the application, subject to a maximum total certification fee of $1,000 shall be paid by the applicant in accordance with the following gross tonnage schedule:

For each vessel over:

300 to 1,200 gross tons	$2
1,200 to 5,000 gross tons	5
5,000 to 10,000 gross tons	10
10,000 to 30,000 gross tons	15
30,000 gross tons	25

Provided, however, That there shall be no certification fee assessed for Certificates issued to cover vessels of persons engaged in the building, scrapping, or sale of vessels when such vessels are being held solely for construction, sale, or scrapping.

(f) Certification fees will be refunded, on request, if (1) the application is withdrawn prior to the issuance of the Certificate or (2) the Certificate is denied pursuant to § 542.7(b)(2). Payments in excess of the applicable application and/or certification fee will be refunded only if overpayment is $2 or more.

(g) In any case necessitating the issuance of a new Certificate, such as, but not limited to, the addition of a vessel, change in name, or replacement of a lost Certificate, the individual vessel fee based on the particular vessel's gross tonnage shall apply: provided, however, that, consistent with paragraph (e) of this section, the maximum total certification fee that an applicant will be assessed is $1,000.

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§ 542.10 Enforcement.

(a) Any owner or operator of a vessel subject to section 311(p) of the Act who fails to comply with the provisions of said section 311(p) or these regulations shall be subject to a fine of not more than $10,000.

(b) Any vessel subject to section 311 (p) of the Act which does not have a Certificate issued pursuant to this part, evidencing that the financial responsibility requirements of section 311(p)(1) of the Act have been complied with, may be refused by the Secretary of the Treasury the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91).

(c) Any vessel subject to section 311 (p) of the Act, which upon request, does not produce a Certificate issued pursuant to this part, evidencing that the financial responsibility requirements of section 311(p)(1) of the Act have been complied with, may be (1) denied entry, by the Secretary of the Department in which the Coast Guard is operating, to any port or place in the United States or the navigable waters of the United States, and (2) detained by said Secretary at the port or place in the United States from which it is about to depart for any other port or place in the United States.

§ 542.11 Conversions.

(a) Every owner or operator of a vessel subject to this part who on the effective date of this part holds a valid Certificate of Financial Responsibility (Oil Pollution) issued pursuant to the provisions of General Order 27 must, prior to October 18, 1973, file an application Form FMC–321 in accordance with § 542.4, and new evidence of financial responsibility as prescribed in § 542.5.

Such application must be accompanied by appropriate certification fees as prescribed in § 542.9, but such owners and operators shall not be required to submit the $100 application fee. The certification fees herein required shall be due and payable without regard to any prior certification fees paid under the provisions of General Order 27, but shall apply toward the $1,000 maximum provided in § 542.9(e).

(b) On and after October 18, 1973, a Certificate of Financial Responsibility (Oil Pollution) shall be deemed evidence of compliance with the financial responsibility requirements of section 311(p) of the Act and this part, provided the holder thereof has complied with the provisions of paragraph (a) of this section by filing a properly executed application, evidence of financial responsibility as required by the provisions of § 542.5, and appropriate certification fees. Such Certificate of Financial Responsibility (Oil Pollution) shall remain valid until revoked or until a Certificate is issued pursuant to § 542.6. A Certificate of Financial Responsibility (Oil Pollution) held by an owner or operator who has complied with paragraph (a) of this section shall become null and void upon failure of said owner or operator to maintain acceptable evidence of financial responsibility on file with the Federal Maritime Commission.

(c) The Certificates of Financial Responsibility (Oil Pollution) held by an owner or operator who fails to comply with the filing requirements of paragraph (a) of this section shall automatically become null and void at 12:01 a.m., October 18, 1973.

(d) Any self-insurer filing application pursuant to this § 542.11 or any guarantor executing evidence of financial responsibility pursuant to this section 542.11 on behalf of an applicant who on October 18, 1973, has on file with the Federal Maritime Commission the financial information required by § 542.5(a)(3) need not refile such financial information, provided, however, all subsequently required annual and semiannual financial information required by said § 542.5(a)(3) is timely filed.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 4, 1973, an original and 15 copies of their views or arguments pertaining to the proposed rules. All suggestions for changes in the text should be accompanied by drafts of the language thought necessary to accomplish the desired change and should be supported by statements and arguments relating the proposed change to the purposes of section 311(p) of the Federal Water Pollution Control Act, as amended (86 Stat. 870).

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-16829 Filed 8-13-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

TRANSPORTATION OF BODY

Cost of Shipping Case

The Administrator of Veterans' Affairs proposes a regulatory change relating to payment by the Veterans Administration of expense incurred in transporting the body to the place of burial when a veteran dies while receiving hospital or domiciliary care in a Veterans Administration facility. The revision removes a current limitation of $30 on the amount that may be allowed on the cost of a shipping case. When transportation expenses are payable and the shipping case is used solely for transportation purposes there would be no limitation on the amount payable for this item so long as the charges therefor do not exceed those made to the general public. To effect the change it is proposed to amend Part 3, Title 38, Code of Federal Regulations as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (232H), Veterans Administration, Central Office, 810 Vermont Avenue, NW, Washington, DC 20420. All relevant material received before September 12, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address of the above room number.

Notice is given that the change would be effective the date of final approval.

In § 3.1606(a), subparagraph (3) would be amended to read as follows:

§ 3.1606 Transportation items where veteran dies while properly hospitalized.

The transportation costs of those persons who come within the provisions of § 3.1605 (a), (b), (c) and (d) may include the following:

(a) *Shipment by common carrier.* * * *

(3) *Shipping case.* When a box purchased for interment purposes is also used as the shipping case, the amount payable may not exceed the usual and customary charge for a shipping case. In any such instance any excess amount would be an acceptable item to be included in the burial allowance expenses.

* * * * *

By direction of the Administrator.

Approved: August 6, 1973.

[SEAL] FRED B. RHODES, *Deputy Administrator.*

[FR Doc.73-16757 Filed 8-13-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

[No. 99.1.5]

DIRECTOR, WEST AFRICA REGIONAL ECONOMIC DEVELOPMENT SERVICES OFFICE

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Director, West Africa Regional Economic Development Services Office, and to the person in that office who has been designated, with the concurrence of this Office, as contracting officer, the authority to sign or approve:

1. U.S. Government contracts financed in whole or in part by A.I.D., provided each individual contractual action does not exceed $500,000;

2. Country contracts for technical assistance activities financed in whole or in part by an A.I.D. grant;

3. Grants (other than grants to foreign governments or agencies of foreign governments) for technical assistance activities, provided each individual grant action does not exceed $500,000;

4. With respect to those contracts and grants referred to above; to make findings and determinations with respect to advance payments, including those financed by Federal Reserve Letters of Credit and to approve the contract provisions relating to such advance payments. This authority is limited to advance payments on non-profit contracts with non-profit educational or research institutions, including international organizations.

The authority herein delegated to the Director, West Africa Regional Economic Development Services Office may be exercised by duly authorized persons who are performing the functions of the Director in an acting capacity. The authorities delegated herein are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within the Agency for International Development.

The Redelegation of Authority to the Director, West Africa Regional Economic Development Services Office dated October 24, 1972 (37 FR 23580; A.I.D. Manual Order 131.3.9) is hereby revoked.

This redelegation of authority shall be effective immediately.

Dated: July 30, 1973.

HUGH L. DWELLEY, *Acting Director, Office of Contract Management.*

[FR Doc.73-16784 Filed 8-13-73;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 73-213]

FOREIGN CURRENCIES

Certification of Rates

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rate of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 73-190 for the Malaysian dollar. Therefore, as to entries covering merchandise exported on the date listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rate:

Malaysian dollar:
July 27, 1973 ---------- $0.4440

[SEAL] R. N. MARRA, *Director, Appraisement and Collections Division.*

[FR Doc.73-16807 Filed 8-13-73;8:45 am]

Office of the Secretary

[Treasury Department Order No. 189 (Rev. 2)]

ASSISTANT SECRETARY FOR ADMINISTRATION AND DIRECTOR, OFFICE OF EQUAL OPPORTUNITY PROGRAM

Designation as Director and Deputy Director of Equal Employment Opportunity and Principal and Deputy Compliance Officer

I hereby designate the Assistant Secretary for Adminstration to be Treasury's Director of Equal Employment Opportunity and Principal Compliance Officer, with full authority to act for me on equal employment opportunity matters with respect to both Treasury and contractor personnel.

I hereby transfer supervision of the Office of Equal Opportunity Program from the General Counsel to the Assistant Secretary for Administration.

I further designate the Director of the Office of Equal Opportunity Program to be the Deputy Director of Equal Employment Opportunity and the Deputy Compliance Officer. The Assistant Secretary for Administration may delegate to the Director of the Office of Equal Opportunity Program the authority to make decisions and dispositions on complaints of discrimination, acceptance of affirmative action plans by Treasury components and to make determinations of the compliance posture of contractors. This authority may not be redelegated by the Director.

This order supersedes Treasury Department Order 189, (revised) of May 3, 1969.

Dated: August 5, 1973.

[SEAL] GEORGE P. SHULTZ, *Secretary of the Treasury.*

[FR Doc.73-16806 Filed 8-13-73;8:45 am]

[Treasury Department Order No. 177-25 (Rev. 2)]

DIRECTOR, U.S. SECRET SERVICE

Delegation of Authority

AUGUST 8, 1973.

Pursuant to the authority vested in the Secretary of the Treasury, including that vested in him by delegation from the Administrator of General Services, FMPR Temporary Regulation D-40 (July 25, 1973) 38 FR 20850, and pursuant to the authority vested in me by Treasury Department Order No. 190 (Revision 9) (July 2, 1973) 38 FR 17517:

(1) Authority is hereby delegated to the Director of the United States Secret Service to appoint uniformed guards as special policemen, to make all needful rules and regulations, for the protection of the Treasury Building and Treasury Annex, Washington, D.C.;

(2) Authority is hereby delegated to the Director of the Bureau of Engraving and Printing to appoint uniformed guards as special policemen and to make all needful rules and regulations for the protection of the Bureau of Engraving and Printing and Bureau of Engraving and Printing Annex, Washington, D.C.;

(3) Authority is hereby delegated to the Director of the Mint to appoint uniformed guards as special policemen and to make all needful rules and regulations for the protection of the United States Mint, Denver, Colorado; United States Bullion Depository, Fort Knox, Kentucky; United States Assay Office, 32 Old

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Slip, New York, New York, new United States Mint, Fifth and Arch Streets, Philadelphia, Pennsylvania; United States Assay Office, 155 Hermann Street, San Francisco, California; the old United States Mint Building, 88 Fifth Street, San Francisco, California; and the United States Bullion Depository, West Point, New York.

The authority conferred by this order shall be exercised in accordance with the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318–318c).

This order revises Treasury Department Order No. 117–25 (Revision 1, September 25, 1970) and is effective from July 25, 1973.

Dated: August 8, 1973.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73–16805 Filed 8–13–73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

KANAB DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Kanab District Advisory Board will hold a meeting August 17, 1973, at 9:00 a.m. at the Escalante Resource Area Office, Escalante, Utah. The meeting will consist of a range field tour of the Escalante Resource Area beginning at 9:00 a.m. followed by a business meeting at about 4:00 p.m. in the Double "D" Cafe in Escalante. Interested members of the public going on the range tour will have to furnish their own transportation and lunches.

The agenda for the business meeting will include: applications for transfer of grazing privileges, management of grazing allotments, review and discussion of Wild Free-Roaming Horse and Burro Regulations and discussion on land use planning.

The meeting and tour will be open to the public. Persons wanting to make verbal statements during the meeting should notify in advance the advisory board chairman, Wallace Ott of Tropic, Utah, 84776.

MORGAN S. JENSEN,
District Manager.

[FR Doc.73–16781 Filed 8–13–73;8:45 am]

[A 7346]

ARIZONA

Order Opening Reclamation Withdrawn Lands to Mineral Location, Entry, and Patent

By virtue of the authority of the Act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154) and the regulations thereunder contained in 43 CFR 3816, and pursuant to the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 FR 10526) as amended, it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following described lands shall, commencing at 10 a.m. on September 10, 1973, be open to location, entry, and patenting under the United States Mining Laws, subject to the stipulations hereinafter quoted, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors, and assigns, and recorded in the county records and in the United States Land Office at Phoenix, Arizona, before any rights attach by virtue of this order:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5 S., R. 16 E.,
Sec. 5, lots 1, 2, 3, 4, 5, S½NE¼, N½SE¼, SW¼SE¼.

The area described contains 332.53 acres.

2. The land lies within the withdrawal for the Middle Gila River Project made by Public Land Order No. 3835, dated September 27, 1965.

3. Location, entry, and/or patenting of the land shall be subject to the following stipulations:

a. In carrying on the mining and milling operations contemplated hereunder, applicant will, by means of substantial dikes or other adequate structures, confine all tailings, debris, and harmful chemicals in such a manner that the same shall not be carried into Gila River bottom lands by storm waters or otherwise.

b. There is reserved to the United States, its successors and assigns, the prior right to use any of the land herein described to construct, reconstruct, operate, and maintain dams, dikes, levees, reservoirs, canals, wasteways, laterals, ditches, drainage works, flood channels, telephone and telegraph lines, electric transmission lines, roadways, and appurtenant irrigation structures, without any payment made by the United States, or its successors and assigns, for such right, with the agreement on the part of the applicant that if the construction or reconstruction of any or all of such dams, dikes, levees, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands should be made more expensive by reason of the existence of improvements or workings of the applicant thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto, and that within thirty days after demand is made upon the applicant for payment of such sums, the applicant will make payment thereof to the United States, or its successors and assigns, constructing or reconstructing such dams, dikes, levees, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands. There is also reserved to the United States the right of its officers, agents, employees, licensees, and permittees, at all proper times and places freely to have ingress to, passage over, and egress from all of said lands for the purpose of exercising, enforcing, and protecting the rights reserved herein.

c. Applicant further agrees that the United States, its officers, agents, employees, and assigns, shall not be liable for any damage to the improvements or works of the applicant resulting from the construction, reconstruction, operation, or maintenance of any of the works hereinabove enumerated.

Inquiries concerning these lands shall be addressed to Chief, Division of Technical Services, Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona 85025.

JOE T. FALLINI,
State Director.

AUGUST 6, 1973.

[FR Doc.73–16782 Filed 8–13–73;8:45 am]

Office of the Secretary

JOHN E. FORD, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 2, 1973.

Dated: July 26, 1973.

JOHN E. FORD, JR.,

[FR Doc.73–16775 Filed 8–13–73;8:45 am]

OTIS B. HOCKER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 28, 1973.

Dated: August 2, 1973.

OTIS B. HOCKER.

[FR Doc.73–16776 Filed 8–13–73;8:45 am]

[FES 73–43]

AUTHORIZED AUBURN-FOLSOM SOUTH UNIT, CENTRAL VALLEY PROJECT, CALIF.

Availability of Supplement to Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a supplement to the final environmental statement for the authorized Auburn-Folsom South Unit, Central Valley Project, California.

The supplement to the final environmental statemenet contains responses to comments on the final environmental statement of November 13, 1972. Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620 Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240 Telephone (202) 343–4991
Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225 Telephone (303) 234–3007
Office of the Regional Director, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825 Telephone (916) 484–4571
Auburn-Folsom South Unit CVP Construction Office, Bureau of Reclamation, P.O. Box 1309, Auburn, California 95503 Telephone (916) 885–7546

Single copies of the supplement to the final environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated: AUGUST 6, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary of the Interior.

[FR Doc.73–16799 Filed 8–13–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

MEDICINE BOW NATIONAL FOREST ADVISORY BOARD

Notice of Meeting

The Medicine Bow National Forest Advisory Board will meet August 15, 1973, at 9:00 a.m. MDT at the junction of the Lewis Lake Campground Road and the Snowy Range Highway.

The purpose of this meeting is to ride the sheep allotments on the Snowy Range.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, 605 Skyline Drive, Laramie, Wyoming 82070. Telephone 745–7308. Written statements may be filed with the committee before or after the meeting.

To the extent that time permits, interested persons may be permitted to present oral statements at the meeting.

J. E. BENNETT,
Forest Supervisor.

AUGUST 3, 1973.

[FR Doc.73–16825 Filed 8–13–73;8:45 am]

WASATCH NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

AUGUST 1, 1973.

The Wasatch National Forest Multiple Use Advisory Committee will meet at 8 PM on August 29, 1973 and all day August 30th at Logan, Utah.

The purpose of this meeting is to review in the evening meeting (Aug. 29) the role of National Forest management on the Ogden and Logan Ranger Districts (formerly administered by the Cache National Forest and now administered by the Wasatch National Forest) and to spend the following day on a horseback trip in the Mt. Naomi Roadless Area. This trip is to acquaint the Advisory Committee with at least a portion of the area so that they will be better qualified to evaluate management alternatives for that area. Management of the Mt. Naomi area has become a matter of great interest to many individuals and groups in the States of Utah and Idaho.

The meeting will be open to the public. Persons who wish to attend the field trip will have to provide their own transportation to the trailhead and their own horses and food. Persons who wish to attend should notify Wasatch National Forest Supervisor C. P. St. John, Telephone No. 524–5031, Federal Building, 125 South State Street, Room 4311, Salt Lake City, Utah.

Written statements may be filed with the Committee before or after the meeting.

CHANDLER P. ST. JOHN,
Forest Supervisor.

AUGUST 6, 1973.

[FR Doc.73–16783 Filed 8–13–73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF MARYLAND

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before September 3, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket number: 74–00036–33–46040. APPLICANT: University of Maryland Hospital, University of Maryland, 660 West Redwood Street, Baltimore, Maryland 21201. ARTICLE: Electron Microscope, Model JEM 100B. MANUFACTURER: JEOL, Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used in the study of pathological processes ranging from low magnification survey pathology to high resolution studies of selected aspects of injury on cell membranes and organelles, and virus identification studies. Specific applications include:

1. Renal biopsy program. Diagnostic surveys to observe the type of renal alterations and type of deposits present and for analysis of immunochemical and histochemical studies.

2. Neuropathology. Description of autopsy material from immediate and routine autopsies.

3. Blood cell program. Study of alterations of red blood cells in Sickle cell and other blood cell diseases.

4. Virus studies. Virus identification and study in body fluids, skin vesicles and other tissues.

The article will also be used in a course entitled Instrumentation, Light and electron microscopy. Application received by Commissioner of Customs: July 19, 1973.

Docket number: 74–00037–33–46040. Applicant: Colorado State University, Purchasing Department, Fort Collins, Colorado 80521. Article: Electron microscope, Model HS–9 and accessories.

Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used in research on renal disease following a single low level exposure to gamma irradiation during prenatal and early postnatal life in the beagle. Materials to be studied are biological specimens which include renal cortex, renal medulla, parathyoids and selected additional tissues. It is also intended to study cardiotoxicity of antineoplastic agents including investigation of subcellular isolates of myocardial cells; and the recovery from lesion producing doses of adriamyacin which requires the electron microscope to reveal subtle subcellular lesions and recovery capabilities in the area of the studies of pathogenesis and mechanism of these compounds. The article is to be used in the following courses for masters and doctoral candidates: AY 704–Biological Preparations for Electron Microscopy; AY 705–Biological Preparation for Electron Microscopy Laboratory; AY 706–Theory of Electron Microscopy Op-

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eration; AY 707-Electron Microscopy Operation; and AY 875-Advanced Electron Microscopy. Application received by Commissioner of Customs: July 19, 1973.

Docket number: 74-00038-33-28500. Applicant: State University of New York at Buffalo, 1803 Elmwood Avenue, Buffalo, New York 14207. Article: Rank Electrophoresis Instrument. Manufacturer: Rank Brothers, United Kingdom. Intended use of article: The article is intended to be used to measure the relation between the motion of living cells in suspension, in an electric field, and the field strength and the composition of the suspending medium. Cells will be used from various tissue-culture lines, and at various ages in the growth cycle, and before and after malignant transformation. Results will be correlated with the behavior of these cells in other biological experiments in an effort to obtain an understanding of the behavior of cells in forming tissues in metastisis (a problem in cancer research) and related problems. Application received by Commissioner of Customs: July 19, 1973.

Docket number: 74-00039-33-90000. Applicant: Brandeis University, Rosenstiel Basic Medical Sciences Research Center, 415 South Street, Waltham, Massachusetts 02154. Article: Rotating anode X-Ray Generator, Model GX6. Manufacturer: Elliott Automation Radar Systems Ltd., United Kingdom. Intended use of Article: The article will be used in small-angle, high-resolution X-ray diffraction experiments involving muscle, membrane and virus structure. Application received by Commissioner of Customs: July 2, 1973.

Docket number: 74-00040-33-46040. Applicant: Harvard University, Purchasing Department, 75 Mt. Auburn Street, Cambridge, Massachusetts 02138. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the examination of ovaries; uteri; oviducts; eggs and blastocysts; spermatozoa; testis and accessory glands of the male reproductive tract in research intended to further the understanding of reproduction and to contribute to development of improved methods for limitation of human fertility. Among the intended studies are (1) membranes and membrane contacts of granulosa cells in ovarian follicles as ovulation approaches; the nature of the blood-testis permeability barrier; localizing histocompatability antigens on cell surfaces by conjugating ferritin to antibody and localizing the ferritin molecules in high resolution electron micrographs; cell biology of the female reproductive system and the early events of embryogenesis by use of the techniques of light and electron microscopy: and ovary, oviduct and early cleavage stages of the embryo. Application received by Commissioner of Customs: July 16, 1973.

A. H. STUART,
Director Special Import Programs Division.

[FR Doc.73-16777 Filed 8-13-73;8:45 am]

Maritime Administration

TANKER CONSTRUCTION PROGRAM

Environmental Impact Statement

In FR Doc. 73-11495, appearing in the FEDERAL REGISTER of June 8, 1973, (38 FR 15087) reference was made to the environmental impact statement entitled, Maritime Administration tanker construction program, NTIS Report No. EIS 730725-F, published May 30, 1973, concerning proposed assistance to private industry to aid in the construction in the United States of a fleet of oil carrying vessels during the decade of the 1970's. Vessel classes included ranged from approximately 35,000 DWT to 400,000 DWT.

Said notice of June 8, 1973, stated that the Maritime Subsidy Board had received certain applications for assistance under the tanker construction program and had determined that the vessels thereupon identified to be constructed with such assistance were of the type, design and characteristics of those vessels treated in the above mentioned environmental impact statement.

In FR Doc. 73-15762, appearing in the FEDERAL REGISTER of July 31, 1973 (38 FR 20355) notice was given that Moore-McCormack Bulk Transport, Inc. had filed an application dated July 23, 1973, pursuant to title V of the Merchant Marine Act, 1936, as amended, for construction-differential subsidy to aid in the construction of three new tank vessels of approximately 38,300 deadweight tons to be used in the worldwide bulk trade, including the import-export commerce of the United States.

This application is for construction of three ships of MarAd Design T6-S-93a, similar to and to be constructed from the same plans and specifications as the three tankers now under construction at National Steel and Shipbuilding Co. (NASSCO) for Margate Shipping Company.

The design is similar to the "Handy Tanker" described in Section II of the Environmental Impact Statement (EIS) except that dimensions are slightly different and deadweight is increased from 35,000 to 38,300 tons. In addition the subject tankers will have 15 cargo tanks and three segregated ballast tanks as compared to 27 tanks, all allocated to cargo, of the "Handy Tanker." This difference will result in an advantage to the subject tanker when considering the likelihood of oil outflow due to collision, but in the event of a collision in way of the cargo tanks a larger quantity of oil would be spilled than on the "Handy Tanker", with small tanks. It is therefore considered that the two designs have equivalent acceptability from this point of view.

These are relatively small ships used for shorthaul operation and for berthing in restricted areas and this type of ship is described in detail in the EIS under the title of "Handy Tankers".

The subject ships will have two longitudinal oiltight bulkheads and seven main transverse oiltight bulkheads in the cargo area dividing that space into six sets of cargo tanks forward to aft. There are 15 cargo tanks, plus three tanks set aside for segregated ballast.

The ship meets all the requirements for subdivision and stability as required by the International Load Line Convention of 1966 as well as the IMCO oil outflow limitations for collision or stranding.

Characteristics are as follows:

Length overall	668'-6"
Length between perpendiculars	660'-0"
Beam	90'-0"
Depth	47'-0"
Full load draft	35'-0"
Full load displacement	47,120
Light ship (approx.)	8,170
Total deadweight (approx.)	38,950
Segregated ballast	9,837
Percent total displacement in ballast	42%
Maximum SHP	15,000
Service speed	16 knots

Numerous special pollution control features described in the EIS for "Handy Tankers" will be installed in the NASSCO T6-S-93a design vessels covered by this application. These features are:

IMCO cargo tank outflow requirement
Remote shutdown cargo pumps
Local control load and discharge manifolds
"Loan-on-Top" capability
Segregated ballast—42%
Oil content meters or alarm device
Sewage holding tank

In view of the fact that these ships duplicate the Design T6-S-93a 38,300 DWT tankers presently under construction at NASSCO, which were considered in the EIS, and that the pollution control features on the "Handy Tankers" considered in the EIS are included, the Maritime Subsidy Board has concluded that these vessels are adequately covered by the Final Environmental Impact Statement, NTIS Report No. EIS 730725-F.

As a consequence the Board has found that no supplement to the EIS nor any new impact statement need be prepared with respect to the three vessels described above. Future Board action with respect to this application will be, from an environmental standpoint, based on the above referenced impact statement.

Dated: August 9, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-16823 Filed 8-13-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

HUMAN DRUGS CONTAINING TRICHLOROETHANE (1,1,1-TRICHLOROETHANE, METHYLCHLOROFORM)

Notice to Drug Manufacturers, Packers, and Distributors

Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs has proposed that all aerosal drug products intended for inhalation, either directly or indirectly, containing 1,1,1-trichloroethane (also known as methylchloroform) be considered as new drugs and subject to regulatory proceedings unless the products are the subject of new drug applications approved pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act. That proposal is based on reports of 21 deaths resulting from the use of decongestant aerosol sprays containing the solvent trichloroethane. Most of the deaths were attributed to misuse of the products. All such products known to the Food and Drug Administration have been recalled from the market.

1,1,1-Trichloroethane is used in various aersol products as a solvent for the active ingredients and to reduce the vapor pressure of the propellants. Although the chemical has been used for many years as an industrial solvent and as a substitute for carbon tetrachloride as a degreasing agent, the Food and Drug Administration has no information regarding its use in drug products other than its use in certain decongestant aersol sprays. 1,1,1-Trichloroethane is known to be irritating to the eyes and mucous membrane and is toxic to the cardiovascular system. When inhaled, it is a potent anesthetic agent and induces ventricular arrhythmias. For these reasons it is essential that the Commissioner have knowledge of every drug product currently marketed in the United States that contains 1,1,1-trichloroethane, whether it is present as an active or inactive ingredient, so that he may determine if there is adequate evidence the drugs are safe and effective for their intended purposes and what, if any, action is necessary to protect the public health.

Section 510(j)(3) of the act, as added by the Drug Listing Act of 1972, authorizes the Commissioner to require each registrant under section 510 of the act to submit a list of each drug product which the registrant is manufacturing, preparing, propagating, compounding, or processing for commercial distribution and contains a particular ingredient, when the Commissioner has made a finding that the submission of such a list is necessary to carry out the purposes of the act. For the reasons stated above the Commissioner so finds with regard to drugs containing 1,1,1-trichloroethane.

In addition to the required list of drugs containing 1,1,1-tricholorethane, the Commissioner is requesting, but not requiring, that certain other information be submitted. The Commissioner acknowledges that some of the information being requested has also been requested in the regulations implementing the Drug Listing Act of 1972, and will be available from that source. However, it will greatly simplify the compilation of this information if it is included in this submission.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 510, 701(a), 52 Stat. 1040-1042, as amended, 1053, as amended, 1055, as amended; 21 U.S.C. 321, 360, 371(a); 42 U.S.C. 262) and under authority delegated to the Commissioner (21 CFR 2.120), each registrant under section 510 of the act is required to submit to the Food and Drug Administration a list of all human drugs which are being manufactured, prepared, propagated, compounded, or processed for commercial distribution and which contain 1,1,1-trichloroethane (also known as methylchloroform), whether or not the 1,1,1-trichloroethane is an active or inactive ingredient, as follows:

1. Reporting firm name, address, and registration number.

2. List of drugs containing 1,1,1-trichloroethane (by trade name, if any, and established name, if any).

It is requested but not required that the following information also be submitted:

3. National Drug Code (NDC) if one has been assigned.

4. A statement whether the drug is marketed over the counter or limited to prescription distribution.

5. Route of administration.

6. Amount of 1,1,1-trichloroethane in average daily dose.

7. Quantity of drug distributed (number of dosage units) during previous 12 months.

8. A copy of the label and labeling.

This information shall be submitted to:

Department of Health, Education, and Welfare
Food and Drug Administration
Bureau of Drugs, Registration Section
5600 Fishers Lane
Rockville, MD 20852

by: September 13 1973.

Dated: AUGUST 6, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-16758 Filed 8-13-73;8:45 am]

Office of Child Development

HEAD START GRANT TO MISSOULA-MINERAL HUMAN RESOURCES, INC.

Hearing Regarding Termination

Notice of hearing is hereby given as set forth in the following letter which has been sent to Missoula-Mineral Human Resources, Inc.

MRS. DONNA HATTON, *President,*
Board of Directors,
Missoula-Mineral Human Resources, Inc.,
508 Toole Avenue,
Missoula, Montana 59801.

AUGUST 7, 1973.

DEAR MRS. HATTON: In accordance with your request for a hearing on the termination of assistance under the Head Start program to your agency, I have set August 20, 1973, at 9:30 a.m., Room 510, Suite 502, 1050 17th Street, Denver, Colorado as the time and place for a hearing. This hearing is held under the authority of section 604(3) of the Economic Opportunity Act of 1964 (81 Stat. 715, section 103(d); 42 USC 2944(3)). Attached is a copy of my order designating the Honorable Charles T. Birmingham, Jr., to preside over this hearing.

The hearing will be conducted in accordance with the draft procedure attached hereto and which is adapted for this case. For purposes of this hearing, the Acting Director, Office of Child Development, is the "responsible OCD official" referred to in the attached draft procedure and the procedure is hereby further modified so that there is no review such as the one in § 1302.4-7(e), subsequent to the review by the responsible OCD official. In addition, the responsible OCD official shall render his decision within thirty days of the mailing of any exceptions instead of twenty days as provided.

The reason for the termination of assistance is the failure of the Board of Directors, Missoula-Mineral Human Resources, Incorporated, (MMHR) to comply with Federal standards, guidelines, instructions and conditions resulting in serious maladministration of the Head Start program. In particular, those charged with the administration of the programs on behalf of MMHR have failed to comply with Federal requirements as follows:

1. The Head Start Manual 6108-1 regulation on family income eligibility specifies that at least ninety per cent of the children to be enrolled in each class must come from families receiving a limited gross income. The intake records of Missoula-Mineral Human Resources, Inc., show that determinations of eligible children were made on the basis of adjusted family incomes, resulting in enrollment of a substantial number of children in Head Start classes in excess of ten per cent from families above the poverty guidelines.

2. Refusal to permit access to records related to program operations to Mr. Hollis Bach.

3. Failure to furnish an annual audit for the program year ending November 30, 1972 within the required time period.

4. Diversion of funds derived from fees for services from the State AFDC program, from the Head Start program to payment of interest on a commercial loan contrary to applicable instructions.

5. Dissolution of the Head Start Policy Council on or about June 15, 1973 without Policy Council concurrence as required by applicable Federal policy.

6. Personnel actions were taken without the concurrence of the Head Start Policy Council as required by OCD policy, including removal of the Head Start director.

7. Misuse of funds on several recent occasions.

8. Head Start facilities were made available to individuals for non-Head Start purposes resulting in loss or damage to property and other disruptions to the program. Responsible officials failed to take necessary timely action to put a stop to this and to prevent a reoccurrence.

Sincerely,

SAUL R. ROSOFF,
Acting Director,
Office of Child Development.

Interested persons or organizations may be permitted to participate in the hearing as parties if, in the discretion of the presiding officer, the participation of such persons or organizations is necessary to a proper determination of the issues involved. Any person or group requesting to participate shall file an application with the Office of Child Development Hearing Clerk, Room 5746, 400 Sixth Street, S.W., Washington, D.C. 20201, as soon as possible, but not later than August 15, 1973. The application shall state the applicant's interest in the proceeding, the evidence or arguments the applicant intends to con-

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tribute, and the necessity for the introduction of such evidence or arguments. The hearing clerk shall forward all such applications to the presiding officer.

Dated: August 9, 1973.

SAUL R. ROSOFF,
Acting Director,
Office of Child Development.

[FR Doc.73-16911 Filed 8-13-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

SALEM-McNARY AIRPORT; SALEM, OREG.

Commissioning of Airport Traffic Control Tower

Notice is hereby given that on or about August 30, 1973, the Airport Traffic Control Tower at the Salem-McNary Airport, Salem, Oregon, will be commissioned. It will improve the operational flow of terminal traffic consisting predominantly of general aviation aircraft. Communications to the Airport Traffic Control Tower should be addressed as follows:

Airport Traffic Control Tower
Department of Transportation
Federal Aviation Administration
Salem-McNary Airport
3000 25th Street S.E.
Salem, OR 97302

Issued in Seattle, Washington, on August 2, 1973.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.73-16769 Filed 8-13-73;8:45 am]

TRI-CITIES AIRPORT; PASCO, WASH.

Commissioning of Airport Traffic Control Tower

Notice is hereby given that on or about August 30, 1973, the Airport Traffic Control Tower at the Tri-Cities Airport, Pasco, Washington, will be commissioned. It will improve the operational flow of terminal traffic consisting predominately of general aviation aircraft. Communications to the Airport Traffic Control Tower should be addressed as follows:

Airport Traffic Control Tower
Department of Transportation
Federal Aviation Administration
Tri-Cities Airport
3601 North Chase
Pasco, WA 99301

Issued in Seattle, Washington, on August 2, 1973.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.73-16770 Filed 8-13-73;8:45 am]

Federal Highway Administration

WASHINGTON

Availability of Proposed Action Plan

The Washington Department of Highways has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Washington State Highway Library
Highway Administration Building
Olympia, Washington 98504
2. District 1, Washington Department of Highways
6431 Corson Avenue South
Seattle, Washington 98108
Phone: (206) 764-4141
3. District 2, Washington Department of Highways
P.O. Box 98
Wenatchee, Washington 98801
Phone: (509) 663-1641
4. District 3, Washington Department of Highways
P.O. Box 327
Olympia, Washington 98504
Phone: (206) 753-7200
5. District 4, Washington Department of Highways
P.O. Box 1717
Vancouver, Washington 98663
Phone: (206) 696-6461
6. District 5, Washington Department of Highways
P.O. Box 52
Yakima, Washington 98901
Phone: (509) 248-1661
7. District 6, Washington Department of Highways
P.O. Box 5299
N. Central Station
Spokane, Washington 99205
Phone: (509) 456-3000
8. District 7, Washington Department of Highways
10506 NE 4th Street
Bellevue, Washington 98004
Phone: (206) 455-7000
9. Serial Record Section
Holland Library
Washington State University
Pullman, Washington 99163
10. Documents Librarian
Reference Division
University of Washington Library
Seattle, Washington 98195
11. Reference Documents Librarian
Seattle Public Library
Seattle, Washington 98104
12. Documents Division
Tacoma Public Library
Tacoma, Washington 98403
13. Exchange and Gift Division
Library of Congress
Washington, D.C. 20000
14. Aberdeen Public Library
Aberdeen, Washington 98520
15. The Library
Western Washington State College
Bellingham, Washington 98225
16. The Library
Eastern Washington State College
Cheney, Washington 99004
17. Government Publication Division
The Library
Central Washington State College
Ellensburg, Washington 98926
18. Everett Public Library
Everett, Washington 98201
19. Mid-Columbia Library
405 South Dayton Street
Kennewick, Washington 99336
20. Longview Public Library
Longview, Washington 98632
21. Municipal Reference Library
307 Municipal Building
Seattle, Washington 98104
22. King County Public Library
300 8th Avenue, North
Seattle, Washington 98109
23. Spokane Public Library
W. 906 Main Avenue
Spokane, Washington 99201
24. The Library
Pacific Lutheran University
Parkland
Tacoma, Washington 98447
25. Librarian
University of Puget Sound
Tacoma, Washington 98416
26. Fort Vancouver Regional Library
1007 East Mill Plane Blvd.
Vancouver, Washington 98660
27. Whitman College Library
Walla Walla, Washington 99362
28. Wenatchee Public Library
310 Douglas
Wenatchee, Washington 98801
29. Yakima Valley Regional Library
102 North 3rd Street
Yakima, Washington 98901
30. Washington State Library
State Library Building
Olympia, Washington 98504
31. Washington Division—FHWA
1007 South Washington Street
Olympia, Washington 98507
32. FHWA Regional Office—Region 10
222 S.W. Morrison Street
Portland, Oregon 97204
33. U.S. Department of Transportation
Federal Highway Administration
Environmental Development Division
Nassif Building, Room 3246
400 7th Street SW.
Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before September 10, 1973.

Issued on August 9, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-16803 Filed 8-13-73;8:45 am]

Federal Railroad Administration

[FRA E.O. No. 3]

TRANSPORTATION OF TRITONAL BOMBS

Emergency Order Regarding Class A Explosives

As a result of investigations of recent rail accidents and incidents involving the transportation of Tritonal Bombs (Class A Explosives), the Federal Railroad Administration (FRA) has determined that the use of low-sparking brake shoes and adequate spark shields or increased inspection and surveillance of car selection and transportation of Class A explosives are essential to prevent further occurrences. Although the accidents involving Class A explosive bombs which occurred on the Southern Pacific Transportation Company at Roseville, California on April 28, 1973, and at Benson, Arizona on May 24, 1973, are still under investigation, on June 1, 1973, the National Transportation Safety Board (NTSB) issued its safety recommendation R-73-24. In R-73-24 the NTSB recommended that the FRA issue temporary regulations requiring "Increased inspection and surveillance of the car selection, loading and transportation of military explosives of a type involved in Tobar, Roseville, and the Benson explosions."

In addition to the action recommended by the NTSB, the FRA believes that an effort must be made to eliminate sources of excessive heat in the rail transportation of these munitions and that increased inspection is needed of those car components which can cause such heat. One source of excessive heat is the sticking of brakes. In addition, cast iron brake shoes can produce a "sparking" condition which can cause hot metal sparks to be thrown against and ignite a wooden car body. Similarly, the application of high-friction composition brake shoes to a car equipped for the application of low-friction composition shoes may cause a fire in the brake shoe which can be transmitted to the wooden floor of a car body.

I have thoroughly reviewed this matter and conclude that the present practice of transporting Class A explosives creates an emergency situation involving a hazard of death or injury to persons affected by the use of railroad equipment in transporting the explosives. Therefore, pursuant to the authority contained in section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432), I am hereby issuing the following order:

ORDER

In addition to the requirements of Parts 170-189 of Title 49 of the Code of Federal Regulations governing the transportation of explosives, effective 12:01 a.m., August 16, 1973, a railroad may transport Class A explosives only under the following conditions:

(a) Each car transporting Class A explosives must be designed for and equipped with one of the following types of brake shoes. All brake shoes on the car must be of the same type and of a type for which the car is designed. All brake shoes must be in a safe and suitable condition for service, and in compliance with the wear limit set forth below according to type of brake shoe:

Type of brake shoe	*Wear limit* Brake shoe must have a uniform thickness of more than—
Low-friction composition	¾ inch
High-friction composition	⅝ inch
High-phosphorous	½ inch

(b) Except as provided in subdivision (c) of this order, each car transporting Class A explosives must be equipped with—

(1) A continuous steel sub-floor; or

(2) Metal spark shields, located on each side of the center sill, extending continuously from the center sill to the side sill, and continuously from the end sill to a point not less than one foot beyond the tread of the inside wheel of the car truck and which do not have an accumulation of oil, grease, or debris constituting a fire hazard.

(c) A car which does not meet the requirements set forth in subdivision (b) of this order may be used to transport Class A explosives under the following conditions:

(1) The car transporting Class A explosives and each car coupled to that car in a train must be inspected as provided in clause (2) of this subdivision, by employees qualified to make the inspection, while the train is stopped at each of the following points:

(i) Where the train and engine crews are changed;

(ii) Immediately before traversing a 1.75 percent or more descending grade of 10 miles or more in length;

(iii) The first point practicable after traversing a 1.75 percent or more descending grade of 10 miles or more in length, but not more than two miles after descending the grade;

(iv) The first point practicable after the automatic air brakes have been in continuous application on a moving train for a period of 30 minutes or more; and

(v) The first point practicable after an emergency application of the automatic air brakes.

(2) The inspection required by clause (1) of this subdivision must be conducted to determine that—

(i) The air brakes are released;

(ii) There is no evidence of fire;

(iii) There is no evidence of overheating of brake shoes, wheel rims, wheel treads, or journals; and

(iv) The car suspension system and draft gear assembly are in a safe and suitable condition for service.

(3) With respect to an inspection made under clause (2) of this subdivision—

(i) If there is evidence of sticking brakes, measures must be taken to assure that air brakes and hand brakes are fully released.

(ii) If any evidence of overheating of any component of a car is discovered, or the suspension system or draft gear assembly of a car are found to be in an unsuitable condition for service, each defective car must be set out from the train, or the train may proceed at a speed of not more than 10 miles per hour to the nearest point where each defective car can be removed from the train. Cars set out from the train under these conditions may not be used for the transportation of Class A explosives until they have been repaired, inspected, and certified as safe and suitable for service by a responsible mechanical officer of the railroad concerned. If a car cannot be certified to be in a safe and suitable condition for service, the Class A explosives lading must be transferred to a car which meets the requirements set forth in this order before they are transported by rail.

A civil penalty of not less than $250 nor more than $2500 will be assessed for each violation of this order and each day of such violation will constitute a separate offense.

An opportunity for review of this order is provided in accordance with section 554 of Title 5 of the United States Code.

(Sec. 203, 84 Stat. 972, 45 U.S.C. 432; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49 (n)).

Issued in Washington, D.C. on August 9, 1973.

JOHN W. INGRAM,
Administrator.

[FR Doc.73-16804 Filed 8-13-73;8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

On October 9 and 10, 1973, the National Motor Vehicle Safety Advisory Council will hold a public conference on the technical and legal aspects of motor vehicle safety defects. The conference will be held in room 2232, Department of Transportation headquarters building, 400 Seventh Street, SW, Washington, D.C., beginning at 9:00 a.m. each day. The Safety Defects Conference is being sponsored by the National Motor Vehicle Safety Advisory Council to aid the Council in developing recommendations and guidelines for consideration by the Secretary of Transportation on what constitutes a "safety-related defect." The Council believes that the conference is timely in light of the increasingly large number of motor vehicles recalled each year and legislation before Congress calling for mandatory recall and remedy of safety-related defects.

The Advisory Council is asking for participation by representatives of the motor vehicle industry, consumer groups, the Government, and other interested parties. Parties who wish to speak at the Conference or submit a written report are invited to indicate their interest by writing the Chairman of the Safety Defects Conference for further details by August 31, 1973 at the following address: Chairman, Safety Defects Conference, National Motor Vehicle Safety Advisory Council, (Rm. 5215), NHTSA, DOT, Washington, D.C. 20590.

The National Motor Vehicle Safety Advisory Council is composed of 22 members, a majority of whom represent the general public, including representatives of State and local governments, with the remainder representing motor vehicle and equipment manufacturers and dealers. The Advisory Council makes recommendations to the Secretary of Transportation on the motor vehicle safety standards program administered under the National Traffic and Motor Vehicle Safety Act of 1966 (15 USC 1381 et seq.).

V 38-156 AUG 14 73 XUM

The Advisory Council's Safety Defects Conference is independent of any rule-making activities conducted by the Department of Transportation, is not a substitute for meetings held at the request of the Department, and is not a substitute for comments submitted to any rule-making docket. The Department of Transportation is not responsible for representations made or positions taken at the conference.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act, effective January 5, 1973.

For further information, contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, SW., Washington, D.C. or telephone 202-426-2872.

Issued on: AUGUST 8, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-16802 Filed 8-13-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS COMBINED ENVIRONMENTAL AND WASTE MANAGEMENT SUBCOMMITTEES

Notice of Meeting

AUGUST 10, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 USC 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Combined Environmental and Waste Management Subcommittees will hold a meeting on August 27-28, 1973, in Room 1046, 1717 H Street, N.W., Washington, D.C. The purpose of the meeting will be to consider a variety of subjects and programs pertaining to protection of the environment and to the handling of radioactive waste.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Monday, August 27, 1973, 9:00 a.m.-5:00 p.m. Assessment of Current Reactor Waste Management Systems; Emergency Radiological Instrumentation for Power Reactors; Evaluation of Plutonium Contamination; and, Evaluation of Environmental Impact Statements.

Tuesday, August 28, 1973, 8:30 a.m.-12:30 p.m. Waste Treatment Methods for Airborne Radioactive Materials; Management of Solid Radioactive Wastes Other Than Solidified High Level Waste; Decontaminating and Decommissioning of AEC Facilities; and, Criteria Involved in Achieving As Low As Practicable Release of Radioactive Materials.

In connection with the above agenda items, the Subcommittees will hold an executive session at 8:30 a.m. on August 27 which will involve a discussion of their preliminary views, and an executive session at 1:30 p.m. on August 28, consisting of an exchange of opinions of the Subcommittees members and internal deliberations and formulation of recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The acting Chairman of the combined Subcommittees is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than August 21, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the combined Subcommittees. To the extent that the time available for the meeting permits, the combined Subcommittees will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the acting Chairman of the combined Subcommittees, between the hours of 11:30 a.m., and 12:30 p.m. on the second day of the meeting, August 28, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the acting Chairman of the combined Subcommittees, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the acting Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on August 24, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittees and their consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545 on or after October 29, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-16904 Filed 8-13-73;8:45 am]

[Docket Nos. 50-440, 50-441]

DUQUESNE LIGHT CO. ET AL.

Notice and Order for Special Prehearing Conference

In the matter of Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, the Cleveland Electric Illuminating Company, the Toledo Edison Company, (Perry Nuclear Power Plant, Units 1 and 2)

Take notice, that pursuant to the Atomic Energy Commission's "Notice of Hearing on Application for Construction Permits", dated July 8, 1973, and in accordance with § 2.751(a) of the Commission's rules of practice, a special prehearing conference will be held in the subject proceeding on September 5, 1973, at 10:00 a.m., local time, in Courtroom No. 3, Lake County Courthouse, Park Place, Painesville, Ohio 44077.

The special prehearing conference will deal with the matters set forth in § 2.751(a), including such matters as:

1. Identification and simplification of the issues;
2. The necessity or desirability of amending the pleadings;
3. The obtaining of stipulations and admissions;
4. The setting of a hearing schedule; and
5. Such other matters as may aid in the orderly disposition of the proceeding.

All members of the public are entitled to attend this prehearing conference as well as the subsequent evidentiary sessions.

It is so ordered.

Issued at Washington, D.C., this 9th day of August 1973.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.73-16831 Filed 8-13-73;8:45 am]

[Docket No. 50-277]

PHILADELPHIA ELECTRIC CO. ET AL.

Notice of Issuance of Facility Operating License

Notice is hereby given that pursuant to an Order, dated May 11, 1973, issued by the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-44 to the Philadephia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company and the Atlantic City Electric Company which authorizes low power testing and operation at reactor core power levels not in excess of 329 megawatts thermal (10% of rated power), in accordance with the provisions of the license and the Technical Specifications. The Peach Bottom Atomic Power Station, Unit 2 is a boiling water nuclear reactor located at the licensees' site in York County, Pennsylvania.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of the date of issuance and shall expire on February 7, 1975, unless extended for good cause shown or upon the earlier issuance of a superseding operating license.

A copy of (1) Order, dated May 11, 1973, (2) Facility Operating License No. DPR-44, complete with Technical Specifications (Appendices "A" and "B"), (3) the report of the Advisory Committee on Reactor Safeguards, dated September 21, 1972, (4) the Directorate of Licensing's Safety Evaluation, dated August 11, 1972, (5) Supplement No. 1 to the Safety Evaluation, dated December 11, 1972, (6) Supplement No. 2 to the Safety Evaluation, dated May 23, 1973, (7) the Final Safety Analysis Report and amendments thereto, (8) the applicant's Environmental Report, dated June 4, 1971 and supplements thereto, (9) the Draft Environmental Statement dated October, 1972, and (10) the Final Environmental Statement, dated April, 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N. W., Washington, D. C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401. A copy of the license and the Safety Evaluation and Supplements may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D. C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 8th day of August, 1973.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Boiling Water Reactors Branch 1, Directorate of Licensing.

[FR Doc.73-16830 Filed 8-13-73;8:45 am]

[Docket Nos. 50-344, 50-344-OL]

PORTLAND GENERAL ELECTRIC CO., ET AL.

Notice of Prehearing Conference

In the matter of PORTLAND GENERAL ELECTRIC COMPANY, ET AL. (Trojan Nuclear Plant): notice is hereby given that in accordance with the Licensing Board's Prehearing Conference Order of August 8, 1973, in the above-entitled proceedings, a Second Prehearing Conference will be held commencing at 10:00 am, local time, on Monday, September 10, 1973, in Courtroom 204, United States Court of Appeals, The Pioneer Courthouse, Portland, Oregon 97204.

The Prehearing Conference will deal with the status of discovery, any motions then outstanding, and such other matters as may aid in the orderly preparation for the Evidentiary Hearing tentatively scheduled to commence on October 30, 1973, in Portland, Oregon.

Also take notice that considering the circumstances of the two proceedings as discussed in the aforementioned Order of August 8, 1973, consecutive Evidentiary Hearings will be held at the same sitting of the Board in the proceeding on the application for a facility operating license (in accordance with the Commission's "Notice of Receipt of Application . . . and Notice of Opportunity For Hearing", published February 23, 1973) and the mandatory proceeding on environmental issues relating to the construction permit (in accordance with the Commission's Notice of Hearing Pursuant to 10 CFR Part 50, Appendix D, Section B, published December 29, 1972).

Members of the public are welcome to attend the Prehearing Conference and the Evidentiary Hearing which will follow at a later date.

It is so ordered.

Issued at Washington, D.C., this 9th day of August, 1973.

ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

[FR Doc.73-16832 Filed 8-13-73;8:45 am]

WASTE MANAGEMENT OPERATIONS AT CERTAIN PLANTS

Preparation of Environmental Impact Statements

Notice is hereby given that in accordance with the National Environmental Policy Act the U.S. Atomic Energy Commission has commenced the preparation of environmental impact statements on waste management operations at its Hanford Reservation in Eastern Washington, its Savannah River Plant in South Carolina, and its National Reactor Testing Station in Idaho.

Copies of waste management data to be utilized in the preparation of these statements will be available at AEC Public Document Rooms at 1717 H Street, N.W., Washington, D.C.; 1333 Broadway, Oakland, California; Federal Building, Richland, Washington; Savannah River Plant, Aiken, South Carolina and 550 Second Street, Idaho Falls, Idaho.

All interested persons desiring to submit suggestions for consideration in connection with the preparation of the draft environmental impact statments should send them in duplicate to Dr. James L. Liverman, Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before October 15, 1973.

Dated at Germantown, Maryland, this 10th day of August 1973.

For the Atomic Energy Commission.

GORDON GRANT,
Acting Secretary to the Commission.

[FR Doc.73-16999 Filed 8-13-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25280]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Cargo Rate Matters

AUGUST 8, 1973.

Issued under delegated authority, agreement adopted by the Traffic Conferences of the International Air Transport Association relating to cargo rate matters.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated C.A.B. agreement number, was adopted as a result of the 5th Meeting of the Cargo Traffic Procedures Committee held February 20-23, 1973 in Geneva.

The agreement, for intended October 1, 1973, effectiveness, would amend an existing resolution governing airport to airport rates by expanding the provisions governing notification of the arrival of a shipment to include advice to the consignee's agent.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolution, incorporated in Agreement C.A.B. 23757 as indicated, is adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
23757: R-4	512b	Air Cargo Rates—Airport to Airport	1; 2; 3; 1 2; 2 3; 1 2 3

Accordingly, it is ordered That:

Agreement C.A.B. 23757, R-4 be and hereby is approved subject to conditions previously imposed by the Board.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

V 38-156 AUG 14 73 XUM

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-16826 Filed 8-13-73;8:45 am]

CIVIL RIGHTS COMMISSION

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee to this Commission will convene at 3:30 p.m. on August 14, 1973, at the Basement Workshop Inc., 22 Catherine Street, New York, New York 10007.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting shall be to discuss developments in the Asian American community and civil rights as part of the program of the New York State Advisory Committee's Asian American Subcommittee.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., August 9, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-16941 Filed 8-13-73;8:45 am]

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

REALIGNMENT OF FEDERAL JUDICIAL CIRCUITS

Notice of Scheduled Hearings

AUGUST 8, 1973.

The Commission on Revision of the Federal Court Appellate System will hold an additional series of hearings in the following cities on the dates indicated:

Aug. 21—Houston, Texas, U.S. Courthouse
Aug. 22—New Orleans, Louisiana, U.S. Court of Appeals
Aug. 23—Jackson, Mississippi, U.S. Courthouse
Aug. 28—Seattle, Washington, U.S. Courthouse
Aug. 29—Portland, Oregon, Pioneer Courthouse
Aug. 30—San Francisco, Calif., U.S. Court of Appeals
Aug. 31—Los Angeles, Calif., U.S. Courthouse
Sept. 5—Jacksonville, Florida

The Commission is charged with making recommendations concerning redistricting the judicial circuits. In addition, the Commission is to study the internal procedures and structure of the Federal courts of appeal system, making such recommendations as are appropriate. Because the Commission's first report has a congressionally-mandated deadline of mid-December, priority will be given to testimony relevant to redistricting.

The hearings are open to the public and interested persons are invited to attend. Those wishing to present oral testimony should contact A. Leo Levin, Executive Director of the Commission, at 209 Court of Claims Building, 717 Madison Pl., N.W., Washington, D.C. 20005. Phone: (202) 382-2943. Written statements, in lieu of oral testimony, may also be filed with the Commission.

Additional hearings in other parts of the country are being planned. For further information, please contact the office of the Commission.

A. LEO LEVIN,
Executive Director.

[FR Doc.73-16809 Filed 8-13-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ATLANTIC OUTER CONTINENTAL SHELF AND GULF OF ALASKA

Oil and Gas Development; Environmental Hearings

Public Hearings on the Environmental Impact of Potential Oil and Gas Development on the Atlantic Outer Continental Shelf and in the Gulf of Alaska. Hearing Schedule:

September 12–13, Washington, D.C.
September 18–19, Boston, Massachusetts
September 26–27, Anchorage, Alaska
October 3–4, New York Metropolitan Area
October 11–12, Philadelphia Metropolitan Area
October 16–17, Jacksonville, Florida

BACKGROUND

In his April 18, 1973, Energy Message to the Congress, the President asked "the Chairman of the Council on Environmental Quality to work with the Environmental Protection Agency, in consultation with the National Academy of Sciences and appropriate Federal agencies, to study the environmental impact of oil and gas production on the Atlantic Outer Continental Shelf and the Gulf of Alaska." Governors, legislators, and citizens of these areas were to be consulted in this process.

In response to this request the Council is undertaking a one year comprehensive study. The purpose of the study is to assess, against the background of future regional and national energy needs, the environmental impacts of potential oil and gas development in the Atlantic Outer Continental Shelf (OCS) and Gulf of Alaska. The study will assess all impacts of OCS development from production to refining and related development to determine any potential or actual damages to the marine and human environments.

ORGANIZATION

The study will be conducted in conjunction with the Environmental Protection Agency and with the help of other Federal agencies including the Departments of Commerce, Interior, and Transportation, the Federal Power Commission, and the Atomic Energy Commission. In addition, there will be a continuing dialogue with state and local governments and with the private sector. A final report will be prepared in April 1974.

The study will be coordinated through several interagency working groups, each treating a specific topic area. These topics are resource availability, technology and environmental controls, primary environmental effects, secondary environmental effects, energy supply and demand alternatives, economics, and institutional factors. The groups will contract with consultants and universities to provide expertise in specific areas.

To obtain input from citizens, public officials, and nongovernmental groups, the Council has established the following mechanisms:

Public Hearings to provide open forums for exchange of knowledge and opinions on issues relevant to OCS development.

A Governors' Advisory Committee composed of representatives of the Atlantic maritime states and Alaska to advise on matters of interest to those states.

Independent analysis by the National Academy of Sciences to advise on the organization of the study, to review its progress, and to critique the final report. The Academy's involvement will broaden the scientific and technological base of the report and provide a qualified nongovernmental review of its conclusions and recommendations.

THE HEARINGS

The Council wishes to solicit public input early enough to ensure that this information will play a vital part in the study. It is necessary to define the issues and to present the full spectrum of views in order to obtain a complete picture of public concern.

Therefore, regional public hearings will be held for those in areas near sites where oil and gas resources could be developed, and a national hearing will be held in Washington, DC to present a similar forum for groups with a national base.

PROCEDURES FOR REGIONAL HEARINGS

The regional hearings will be reserved solely for the testimony of groups and individuals within the particular area. Sites have been selected according to the ease of access from other points in the region and proximity to potential development areas. During the day, testimony will be heard from public officials and representatives of recognized regional and local groups. To permit full public participation there will be special evening sessions devoted primarily to testimony from private citizens.

Persons or groups wishing to testify at one of the regional hearings should so notify the Council in writing. For the national and Eastern regional hearings, letters should be addressed to Council on Environmental Quality, 722 Jackson Place, NW., Washington, DC 20006, Attn: OCS Hearings.

Letters for the Alaska hearing should be sent to OCS Hearings, P.O. Box 517, Anchorage, Alaska 99510. All letters must be received two weeks prior to the particular hearing. Witnesses will be notified of exact sites and times after receipt of their letters of intent to testify.

Because of the large number of witnesses expected, individuals may be asked to limit the length of their remarks. Organizations with several members may obtain permission to offer more than one spokesman at the hearing if they show that this arrangement will benefit the hearing panel by replacing many lengthy repetitive statements by individual members of the organization.

So that time limitations on oral testimony will not prevent a thorough review of all points, each witness is requested to submit, prior to the hearing date, a written copy of his testimony. All hearings will be open to the public and the press, and a complete record of the proceedings will be compiled and made available to the public.

PROCEDURES FOR NATIONAL HEARING

National groups and concerns will be able to express their views at the hearing in Washington, D.C. The same general procedures will apply to this hearing as to the regional hearings.

Letters indicating a desire to testify should be submitted to the Council on Environmental Quality as indicated above, and fifty copies of the testimony must be submitted prior to the hearings. As in the regional hearings, the national hearing will be open, and the hearing record will be made available to the public.

BACKGROUND OF TOPICS TO BE COVERED

The Outer Continental Shelf (OCS)—In general, continental shelves, which exist along the margins of oceans of the world, extend from the mean low waterline to the abrupt change in slope known as the continental slope. The average depth at which this change occurs is 432 feet.

The Atlantic OCS is a 2,400 mile long submerged platform, about 350,000 miles in area which widens from less than three miles off Southern Florida to about 285 miles off Newfoundland. In the Gulf of Alaska similar formations extend offshore over a considerable expanse into the waters of the Pacific.

The topics and issues which the Council would like to see fully developed by witnesses at the hearings are described below:

I. RESOURCE AVAILABILITY

Presently there is a lack of comprehensive knowledge about most areas of the Atlantic and Gulf of Alaska OCS. The Federal study teams will use geological, geophysical, and seismographic information to define areas where oil and gas resources may exist and will attempt to estimate potential reserves and production capacity. The study must rely upon the U.S. Geological Survey and individual consultants who have limited access to proprietary, petroleum industry data.

II. REGIONAL SUPPLY AND DEMAND ALTERNATIVES

Consideration of regional energy supply and demand involves the balancing of potential OCS oil and gas development against various combinations of possible energy alternatives. Such alternatives include energy conservation, increased oil imports and expanded use of coal, nuclear power, or other sources. The study will focus on the environmental impacts of various alternatives, as well those associated with OSC development.

III. PRIMARY ENVIRONMENTAL EFFECTS

The extent to which oil may affect the marine environment is a prime concern of the study. In routine operation, most oil rigs pump water, as well as oil, from the resource reservoir.

Separation of the two is imperfect, and the result is that some oil is usually discharged into the sea with waste water.

Oil spills may result from blowouts at the rig, pipeline ruptures, or tanker incidents. The study group will estimate the probability of spills under various conditions. The fate of oil spills, their direction of movement and their dissipation, is vital to assessing potential damage. The study group will use computer models (1) to investigate the fate of potential spills.

The study will develop an environmental inventory defining ocean ecosystems. It will then identify the effects on marine organisms of both rig and pipeline construction and those effects due to oil discharges and spills. The potential risks to fishing and recreation industries will be studied.

IV. TECHNOLOGY AND CONTROLS

It is essential to understand relevant technologies in order to assess the risks of spills or the amount of operational discharge associated with OCS exploration, production, transportation, and refining. The status of both current and evolving safety and pollution control equipment (blowout preventers, surface and subsurface chokes, pipeline flow-rate monitors, etc.) is under intensive review (2, 3).

As part of the study, an independent critique of recent technology reviews will be obtained. The study will also provide an analysis of the levels and costs of control and the effectiveness of equipment to protect against currents, weather, and waves.

V. POTENTIAL EFFECTS OF ONSHORE DEVELOPMENT

Oil and gas development on the OCS would stimulate onshore construction of refineries and petrochemical complexes and the growth of service industries. These new installations can provide new real income, jobs, population, and economic development for affected communities. On the other hand, they can lead to increased burdens on air, water, and land. The environmental effects will be analyzed and compared with impacts associated with alternative energy sources.

VI. OCS MANAGEMENT ISSUES

In some situations, there are questions of Federal versus state jurisdiction over OCS activities. When pipelines must cross state lands, questions of easement and regulation arise. It is important, therefore, that the study deal with the question of Federal-state relationships in controlling development of the OCS.

Even when there are no jurisdictional issues, OCS management is complex. Regulation, inspection, and enforcement of OCS development are under the authority of the U.S. Geological Survey, Federal Power Commission, Environmental Protection Agency, U.S. Coast Guard, and U.S. Army Corps of Engineers, depending upon the situation. The study will consider the adequacy of present regulations in all phases of offshore development.

RECENT STUDIES

(1) Massachusetts Institute of Technology, Offshore Oil Task Group. The Georges Bank Petroleum Study. Feb. 1, 1973.

(2) University of Oklahoma, the Technology Assessment Group, Science and Public Policy Program. A technology assessment of outercontinental shelf oil and gas operations. April, 1973.

(3) National Academy of Engineering, Marine Board. Outer Continental Shelf Resource Development Safety: A review of technology and regulation for the systematic minimization of environmental intrusion from petroleum products. Dec., 1972.

W. G. SAVAGE,
Administrative Officer.

[FR Doc.73-16834 Filed 8-13-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-851]

POLE ATTACHMENT PROCEEDING

Drafting of Jurisdiction Documents

AUGUST 3, 1973.

The Commission today instructed the staff to draft appropriate documents asserting jurisdiction over pole attachments and conduit agreements and arrangements for cable television usage; such jurisdiction to be exercised in those instances where adequate provisions in this respect have not been made by state or other local jurisdictions.[1] The Commission's intention is to offer the inter-

[1] Action by the Commission August 3, 1973. Commissioners Burch (Chairman), Johnson, Wiley and Hooks, with Commissioner Robert E. Lee dissenting; and issuing a statement which is filed as part of the original document.

V 38-156 AUG 14 73 XUM

ested parties adequate opportunity to reach mutual agreement with respect to such pole and conduit usage arrangements within a 90-day period from July 31, 1973. If mutually satisfactory agreements have not been reached, the Commission would propose to enter into formal rule making proceedings designed to implement fully all aspects of its jurisdiction. The Commission further expressed the view that all parties should maintain the status quo in effect on July 31, 1973, pending outcome of the negotiations, and noted that the General Telephone Company of California, Inc., had agreed voluntarily to forbear from implementing its proposed increases in pole attachment charges during the 90-day negotiating period.

This action was taken on Dockets 16928, 16943 and 17098.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16797 Filed 8-13-73;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD. AND REDERIAKTIEBOLAGET HELSINGBORG (AUSTRALIA-WEST PACIFIC LINE)

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 4, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. R. Purnell
Assistant Vice President
American Mail Line Ltd.
601 California Street, Suite 610
San Francisco, California 94108

Agreement No. 10068, between the above named carriers, establishes a through billing arrangement for the transportation of cargo from ports in Oregon and Washington to ports in Australia, with transshipment at Hong Kong.

By order of the Federal Maritime Commission.

Dated: August 8, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-16827 Filed 8-13-73;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCSHARES, INC., NORTH MIAMI, FLA.

Order Approving Acquisition of Bank

American Bancshares, Inc., North Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire at least 80 percent of the outstanding voting shares of University City Bank, Gainesville, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been received. The application has been considered in light of the factors set out in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has seven existing subsidiaries with aggregate deposits of $166.3 million.[1] Acquisition of Bank, which has deposits of $12.2 million, will have little effect on state-wide concentration and on Applicant's share of deposits.

Bank is located in Alachua County, the relevant market, in north central Florida, and Gainesville is the county's largest city. Bank is the fifth largest of eleven banks in the market area, and its larger competitors are controlled by other bank holding companies. Applicant's nearest subsidiary is the National Bank of St. Petersburg, Florida, 159 miles to the southwest. Neither Applicant nor its subsidiaries now compete with Bank. The Applicant's chairman of the board and president is also chairman of the board of Bank, and three directors of Applicant are also directors of Bank. No existing competition would be eliminated by the acquisition as proposed, and it is not likely that the Applicant will obtain a dominant position in the market.

The banking needs of the community are being met by the organizations in the market. This acquisition will not result in any new services being provided by Bank, nor is it likely that Bank's lending capacity will be significantly changed, since Applicant's subsidiary banks have in the past accommodated Bank in loan participations. Convenience and needs factors are consistent with approval.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank, in view of Applicant's commitments to reduce its debt and to furnish additional capital to Bank, are regarded as satisfactory and consistent with approval of the application. It is that the proposed transaction is in the this Federal Reserve Bank's judgment public interest and that the application should be approved.

On the basis of the record in this case, the application is approved for the reasons summarized above. However, the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective August 1, 1973.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.73-16810 Filed 8-13-73;8:45 am]

AMERICAN BANCSHARES, INC. NORTH MIAMI, FLA.

Order Approving Acquisition of Bank

American Bancshares, Inc., North Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire at least 90 percent of the outstanding voting shares of The Seminole Bank of Tampa, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been received. The application has been considered in light of the factors set out in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has seven subsidiary banks with aggregate deposits of $166.3 million.[1] Acquisition of Bank, which has deposits of $36 million, will have only nominal effect on state-wide concentration and on Applicant's share of deposits.

Bank is the eighth largest of 26 banking organizations in Hillsborough County, Florida, the relevant banking market; Tampa is the county's major city, and Applicant is not represented in this market. Applicant's banking subsidiaries nearest to Bank are Second National Bank of Clearwater and the National Bank of St. Petersburg, located 26 and 30 miles, respectively, west of Bank; these banks do not compete in the market area. No competition would be eliminated by the acquisition proposed, and it is not likely that Applicant will acquire a dominant position in the market.

The banking needs of the community are being met by organizations in the market. Applicant does not propose changes in the operations or services of Bank, but affiliation with Applicant is expected to help Bank in recruiting new personnel. Convenience and needs factors are consistent with approval.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank, in view of Applicant's commitments to reduce its debt and furnish additional equity capital to other subsidiary banks, are regarded as satisfactory and consistent with approval. It is this Federal Reserve Bank's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record in this case, the application is approved for the reasons summarized above. However, the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective August 1, 1973.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.73-16811 Filed 8-13-73;8:45 am]

CEDAR HOLDINGS LTD., BANKERS

Formation of Bank Holding Company

Cedar Holdings Limited, Bankers, London, England, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of up to 51 per cent of the voting shares of The Chester National Bank, Chester, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 3, 1973.

Board of Governors of the Federal Reserve System, August 7, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16813 Filed 8-13-73;8:45 am]

CENTRAL NATIONAL CORP.

Acquisition of Bank

Central National Corporation, Richmond, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by merger to City Savings Bank and Trust Company, Petersburg, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any persons wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 3, 1973.

Board of Governors of the Federal Reserve System, August 7, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16816 Filed 8-13-73;8:45 am]

CHARTER NEW YORK CORP.

Acquisition of Bank

Charter New York Corporation, New York, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to The First National Bank of Glen Head, Glen Head, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 3, 1973.

Board of Governors of the Federal Reserve System, August 7, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16812 Filed 8-13-73;8:45 am]

FIRST BANCSHARES OF FLA., INC.

Proposed Acquisition of Beacon Leasing Corp.

First Bancshares of Florida, Inc., Boca Raton, Florida, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire 90 per cent or more of the voting shares of Beacon Leasing Corporation, North Palm Beach, Florida. Notice of the application was published on May 2, 1973, in the Palm Beach Post, a newspaper circulated in West Palm Beach, Florida; and on June 2, 1973, in the Fort Lauderdale News, a newspaper circulated in Fort Lauderdale, Florida.

Applicant states that the proposed subsidiary would engage in the activities of leasing of personal property and equipment. Applicant states that such activities have been specified by the Board in § 225.4(a)(6) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). A proposal to amend § 225.4(a)(6) of Regulation Y with respect to the leasing activities permissible for bank holding companies (Press Release dated July 31, 1973) is currently under consideration by the Board and, if adopted by the Board, might affect the activities that could be conducted by the proposed subsidiary.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 20, 1973.

Board of Governors of the Federal Reserve System, August 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16817 Filed 8-13-73;8:45 am]

FIRST TEXAS BANCORP, INC.

Proposed Retention of First Texas Development Corp.

First Texas Bancorp, Inc., Georgetown, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of First Texas Development Corporation, Georgetown, Texas. Notice of the application was published on June 28, 1973, in The Sun a newspaper circulated in Georgetown, Texas.

Applicant states that the proposed subsidiary engages in the activities of servicing real estate loans and loans for the financing of unlisted stock purchases. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

[1] Banking data are as of June 30, 1972, reflecting holding company formations and acquisitions approved by the Board through May 29, 1973.

[1] Banking data are as of June 30, 1972, reflecting holding company formations and acquisitions approved by the Board through May 29, 1973.

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Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 3, 1973.

Board of Governors of the Federal Reserve System, August 7, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16815 Filed 8-13-73;8:45 am]

FIRST DUNDEE CORP.

Formation of Bank Holding Company

First Dundee Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(1)) to become a bank holding company through acquisition of 92.5 per cent of the voting shares of The First National Bank of Dundee, East Dundee, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 3, 1973.

Board of Governors of the Federal Reserve System, August 7, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16814 Filed 8-13-73;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Docket No. 2-73]

KANSAS CITY, MO. AND KANSAS CITY, KANS.

Expansion of Foreign-Trade Zone, and Establishment of New Zone

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (Board) by the Greater Kansas City Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone No. 15, Kansas City, Missouri, requesting authority from the Board under its regulations (15 CFR Part 400) for the contiguous expansion of Site 2 of the zone located at 7800 East Birmingham Road, Kansas City, Missouri, and the establishment of a new zone site within the same Customs port of entry in Kansas City, Kansas. The applicant is a Missouri not-for-profit corporation licensed to do business in the State of Kansas and was recently authorized under Kansas law to apply for zones in that State. The application has been found to be in filing order and was filed with the Board on August 8, 1973.

Foreign-Trade Zone No. 15 presently consists of two sites in Kansas City, Missouri, both of which will become operational within 1973. Authority for the zone was granted by the Board on March 23, 1973 (Board Order No. 93, 38 FR 8622, April 4, 1973). A public hearing was held at the Federal Building in Kansas City, Missouri on September 14, 1972, pursuant to public notice (37 FR 15535, August 3, 1972). In the original zone application it was indicated that authority would be sought for a site in Kansas City, Kansas, as soon as enabling legislation was passed by the legislature of that state. Such legislation was recently enacted on April 3, 1973 (Kansas Senate Bill No. 403, amending KSA 1972 Suppl. 12-825h and 12-3406). The applicant is a non-profit corporation affiliated with the Chamber of Commerce of Greater Kansas City which was established for the purpose of making foreign-trade zone facilities available to businessmen in the area.

The application under consideration was submitted in two parts and has been consolidated. First, authority is requested to contiguously expand the area of Site 2, which presently covers 315,000 square feet of space within an underground warehouse facility, by some 2,500,000 square feet. The additional space is needed in anticipation of contracts with 8 firms who would utilize over 2,000,000 square feet of space and to accommodate additional firms during the next year. Activities expected to be carried on involve storage, processing, and assembly of foreign merchandise including liquor, hops, carpets, bicycles, electronics equipment, machine tools, fiber, paper products, and farm machinery.

Secondly, authority is requested to establish a new zone site at 6500 Inland Drive, Kansas City, Kansas. The facility would occupy some 405,000 square feet of space within an existing underground warehouse facility, which is owned and operated by Inland Center, a division of Beatrice Foods Company. An operational agreement similar to the one in existence for Sites 1 and 2 would be entered into between the zone operator and the applicant, as grantee, to insure that the zone is operated so as to satisfy the public utility requirements of the Foreign-Trade Zones Act (19 USC 81). Some 300,000 square feet of the requested area is planned for immediate use by some 10 firms, with space available for anticipated increased zone needs during the next year. The facility will be used for storage, processing, and assembly of foreign merchandise including liquor, canned goods, meat, food products, sporting goods, footwear, home furnishings, garden equipment and electronic equipment.

In accordance with the Board's regulations an Examiners Committee has been appointed to conduct an investigation of the proposal and report its findings to the Board. The Committee is composed of: John J. Da Ponte, Jr. (Chairman), Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Washington, D.C. 20230; Donald E. Grimwood, Director, Inspection and Control Division, Office of the Regional Commissioner of Customs, 300 South Wacker Drive, Chicago, Illinois 60606; and Col. W. R. Needham, District Engineer, U.S. Army Engineer District Kansas City, Kansas City, Missouri 64106.

A copy of the application and accompanying exhibits will be available for public inspection, together with the original zone application and hearing transcript, during regular business hours for 30 calendar days from the appearance of this notice in the Federal Register at the following locations:

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2203, 14th and Constitution Ave., NW Washington, D.C. 20230.

Office of the District Engineer, U.S. Army Engineer District Kansas City, Room 725, Federal Building, 601 East 12th Street, Kansas City, Missouri 64106.

Notice is hereby given that in connection with its investigation of the application the Examiners Committee invites interested persons and organizations to submit their written views regarding the proposal. They should be addressed to the Committee chairman and be postmarked by September 13, 1973.

Dated: August 8, 1973.

JOHN J. DAPONTE, Jr.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.73-16800 Filed 8-13-73;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

Notice of Meeting

AUGUST 6, 1973.

Pursuant to Public Law 92-463, The Federal Advisory Committee Act, notice is hereby given that a meeting of the National Council on the Humanities will take place in Washington, D.C., on August 16 and 17, 1973.

The meeting will be held in the Washington Room, Washington Hotel, 15th Street at Pennsylvania Avenue, NW, Washington, D.C. The morning session will convene at 9:30 a.m., on Thursday, August 16, and will be open to the public. The agenda for the open session will be as follows:

I. Minutes of previous meeting
II. Reports
- Introduction and summary of recent business
- Appropriation and reauthorization legislation
- Gifts and matching funds
- Application report for FY '73
- Report on Chairman's grants
- Continued business
  - Support of two-year colleges
  - Recruitment of staff with minority background
- Selected project evaluations
- Science, Technology, and Human Values Program

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

Based on section b. (3), (4), and (6) of 5 U.S.C. 552, the session on Friday, August 17, will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan 805 15th Street, NW, Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-16685 Filed 8-13-73;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-438]

OZARK AIR LINES

Accident Investigation Hearing

In the matter of investigation of accident involving Ozark Air Lines, Inc., Fairchild Hiller FH-227 of United States Registry N4215, at St. Louis, Missouri, July 23, 1973.

Notice is hereby given that an accident investigation hearing on the above matter will be held commencing at 9:30 a.m., c.d.t., on August 28, 1973, in the Ivory Room of the Sheraton-Jefferson Hotel, 415 North 12th Boulevard, St. Louis, Missouri.

Dated this 8th day of August 1973.

[SEAL] LESLIE D. KAMPSCHROR,
Hearing Officer.

[FR Doc.73-16798 Filed 8-13-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 318]

ASSIGNMENT OF HEARINGS

AUGUST 9, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 111878 Sub 6, Babbitt Bros., Inc., Extension Stanley, Wisconsin, now being assigned hearing September 24, 1973 (2 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 26396 Subs 51 and 63, Popelka Trucking Co., dba the Waggoners, now being assigned continued hearing September 26, 1973, (3 days), at Missoula, Montana, in a hearing room to be later designated.

MC 124692 Sub 96, Sammons Trucking, now being assigned continued hearing October 1, 1973, (3 days), at Portland, Oregon, in a hearing room to be later designated.

MC 33919 Sub 7, Fairchild General Freight, Inc., now being assigned hearing October 4, 1973 (2 days), at Portland, Oregon, in a hearing room to be later designated.

FD-24679, Spokane, Portland & Seattle Railway Company and Union Pacific Railroad Company—Control—Peninsula Terminal Company FD 24890, Southern Pacific Co.—Common Use of Terminal Facilities Peninsula Terminal Co., FD 24891, Southern Pacific Co.—Common Use of Certain Terminal Facilities—Union Pacific Railroad Co., now being assigned continued hearing October 9, 1973 (3 days), at Portland, Oregon, in a hearing room to be later designated.

FD-20812, Railway Express Agency, Inc., Notes, is continued to September 5, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

W-1069 Sub 1, Gulf Atlantic Transport Corp., now being assigned hearing October 29, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

Ex Parte No. 252 Sub 1, Incentive Per Diem Charges-1968, now being assigned hearing October 15, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138378, Dale's Enterprises, Inc., dba Southwest Mobile Homes now being assigned hearing October 29, 1973 (1 week), at Dallas, Tex., in a hearing room to be later designated.

MC-20824, Sub 31, Commercial Motor Freight, Inc., now assigned September 17, 1973, at Indianapolis, Ind., is postponed to October 23, 1973, at Indianapolis, Ind., in a hearing room to be later designated.

MC 115841 Sub 440, Colonial Refrigerated Transportation, Inc., now assigned October 29, 1973 (1 week), at Dallas, Texas, is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16820 Filed 8-13-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 9, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before August 29, 1973.

FSA No. 42730—*Soda Ash to Charleston, S.C.* Filed by Traffic Executive Association-Eastern Railroads, Agent, (E.R. No. 3040), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, as described in the application, from Painesville, Ohio, Solvay and Syracuse, N.Y., also Wyandotte, Michigan, to Charleston, S.C.

Grounds for relief—Market competition.

Tariffs—Supplements 174 and 379 to Traffic Executive Association-Eastern Railroads, Agent, tariffs C/S-128-E and E/S-738, I.C.C. Nos. C-611 and C-334, respectively. Rates are published to become effective on September 15, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16821 Filed 8-13-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal from Warehouse for Consumption

AUGUST 8, 1973.

On May 25, 1972, there was published in the FEDERAL REGISTER (37 FR 10605) a letter dated May 19, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products produced or manufactured in the Republic of Korea and exported from the Republic of Korea thirty (30) days following publication for which the Republic of Korea had not issued a visa.

The Government of the Republic of Korea has requested, and the United States Government has acceded to the request, that a new visa be recognized as valid for textile shipments exported from the Republic of Korea to the United States on and after August 1, 1973. The visa will appear on the front side of the invoice (Special Customs Invoice Form 5515 or other successor document, or commercial invoice when used). Mr. Jae Euk Chae, Chief, Quota Management Division, Ministry of Commerce and Industry, Republic of Korea Government, is the only official authorized to issue visas on and after August 1, 1973. Shipments of cotton, wool and/or man-made fiber textile products exported from the

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Republic of Korea and covered by visas issued before August 1, 1973, in accordance with previous requirements, will not be denied entry.

Accordingly, there is published below a letter of August 8, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the directive of May 19, 1972, effective as soon as possible, to implement the aforementioned new requirements. A facsimile of the visa with the signature of Mr. Jae Euk Chae is published as an enclosure to that letter.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistance Secretary for Resources and Trade Assistance.

MINISTRY OF COMMERCE & INDUSTRY
TEXTILE EXPORT VISA
NO. _____ DATE OF ISSUE. _____
CAT. NO. _____
QUANTITY _____ (UNIT:)
Jae Euk Chae
JAE EUK CHAE
CHIEF, QUOTA MANAGEMENT DIVISION
REPUBLIC OF KOREA

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs
Department of the Treasury
Washington, D.C. 20229

Dear Mr. Commissioner:

August 8, 1973.

This letter further amends, but does not cancel, the directive of May 19, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, effective 30 days after publication of notice in the Federal Register, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1–64; wool textile products in Categories 101–126, 128, and 131–132; and man-made fiber textile products in Categories 200–243; produced or manufactured in the Republic of Korea for which the Republic of Korea had not issued a visa. The directive of May 19, 1972 was previously amended on December 21, 1972, July 17, 1973, and July 18, 1973.

Under the provisions of the Cotton Textile Agreement of December 30, 1971 and the Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, the directive of May 19, 1972 is further amended, effective as soon as possible, to authorize the use of a new visa for cotton, wool and man-made fiber textile shipments in the aforementioned categories exported from the Republic of Korea to the United States on and after August 1, 1973. The visa should appear on the front side of the invoice (Special Customs Invoice Form 5515 or other successor document, or commercial invoice when used). Mr. Jae Euk Chae, Chief, Quota Management Division, Ministry of Commerce and Industry, Republic of Korea Government, is the only official designated to issue visas on and after August 1, 1973. Shipments of cotton, wool and/or man-made fiber textile products exported from the Republic of Korea and covered by visas issued before August 1, 1973, in accordance with previous directives, shall not be denied entry. A facsimile of the new visa with the signature of Mr. Jae Euk Chae is enclosed.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool, and man-made fiber textiles and textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistance Secretary for Resources and Trade Assistance.

Enclosure

[FR Doc.73–17039 Filed 8–13–73;11:34 am]

COTTON, WOOL, AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MACAO

Entry or Withdrawal From Warehouse for Consumption

AUGUST 6, 1973.

Under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreements of December 22, 1972, between the Governments of the United States and Portugal, the Government of Portugal has undertaken to limit exports of cotton, wool and man-made fiber textile products from Macao to the United States to certain designated levels. Pursuant to these agreements an administrative mechanism has been established which is intended to preclude circumvention of the licensing system for exports to the United States from Macao. The purpose of this notice is to announce the implementation of this administrative mechanism.

Effective September 13, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products produced or manufactured in Macao and exported to the United States from Macao for which Macao has not issued an appropriate export Visa, fully described below, will be prohibited. Application of this Visa system to cotton, wool and man-made fiber textile products exported from Macao before August 14, 1973, is to become effective October 15, 1973. The Visa will be a stamped marking on the invoice (Special Customs Invoice Form 5515, or other successor document, or commercial invoice when such form is used), and will bear the signature of the official issuing the Visa. The four officials authorized to issue such Visas are the following: Dr. José Correia Montenegro, Dr. Lourenço Maria da Conceição, Dr. Joaquim Leonel Ferreira Marinho de Bastos, and Mr. José Silveira Machado. A facsimile of the stamp, along with the signatures of the above officials, are published as enclosures to the letter set forth below.

Interested parties are advised to take all necessary steps to assure that cotton, wool, and man-made fiber textile products produced or manufactured in Macao which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the stated visa requirements.

There is published below a letter of August 6, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements, to the Commissioner of Customs implementing the administrative mechanism.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

MACAO OFFICIALS AUTHORIZED TO ISSUE VISAS

Dr. José Correia Montenegro

Dr. Lourenço Maria da Conceição

Dr. Joaquim Leonel Ferreira Marinho de Bastos

José Silveira Machado

TREASURY DEPARTMENT — *Attach Additional Sheets Here* — Form Approved, Budget Bureau No. 48-R3413.
Read Carefully Instructions for Preparation of Invoice
(THIS FORM DOES NOT REQUIRE CERTIFICATION BY A UNITED STATES CONSULAR OFFICER)

SPECIAL CUSTOMS INVOICE
BUREAU OF CUSTOMS
(Original only required for customs purposes)

I. THIS SECTION TO BE FILLED IN FOR EVERY SHIPMENT
1. How were goods obtained by importer? By purchase or agreement to purchase ☐ By [illegible] other than a purchase ☐
DO NOT INCLUDE PURCHASE AND NONPURCHASE GOODS ON SAME INVOICE. USE SEPARATE INVOICE FOR EACH.
2. Place (city and country) and date obtained by importer | 3. Name of [illegible] officer | 4. Date of shipment | No.

II. TO BE FILLED IN IF GOODS WERE PURCHASED OR AGREED TO BE PURCHASED
1. Name and address of seller
2. Name and address of purchaser
3. Date order accepted

III. TO BE FILLED IN IF [illegible]
Name and address of person from whom goods were obtained
3. Name and address of person for whose account goods are shipped

IV. THIS SECTION TO BE FILLED IN FOR EVERY SHIPMENT

(1) Marks and Numbers on Shipping Packages	(2) Number of Packages; Kind of Packages; Description of Goods	(3) Quantity and Full Description of Goods (State contents of each package and imperial quantities or symbols, if any)	(4) Unit Price or Value	(5) Invoice Totals and Show Separately Packing Costs; All Other Costs, Charges, and Expenses	(6) Current Unit Price for Home Consumption in Home Currency	(7) Current Unit Price for Export to United States
			(Signature)		(Title)	

(8) Country of origin | (9) If rate of exchange is fixed or agreed, give rate | (10) If discount is freely offered, give terms, amount, and whether trade or cash

V. THIS SECTION TO BE FILLED IN FOR EVERY SHIPMENT
1. IF GOODS WERE PURCHASED, have you stated in section IV, column 4, the purchase price of each item in the currency in which the goods were bought? ☐ Yes ☐ No.
2. IF THE GOODS WERE NOT PURCHASED, have you stated in section IV, column 4, the price that you would have received or would be willing to receive now if the goods were sold in the ordinary course of trade for exportation to the United States? ☐ Yes ☐ No.
3. What currency was used in this invoice transaction? _____
4. Whether the goods were purchased or obtained by the United States importer in some other manner, have you stated in section IV, column 6:
(A) (1) The price at which you are now selling the goods or offering them for sale for home consumption, including all applicable taxes? ☐ Yes ☐ No.
(2) Is this price freely offered to anyone who wishes to buy the goods for home consumption? ☐ Yes ☐ No.
(B) (1) Have you stated in section IV, column 7, the price at which you are now selling the goods or offering them for sale for export to the United States and whether this price is f.o.b., c.i.f., c.&f. or whatever the fact may be? ☐ Yes ☐ No.
(2) Is this price freely offered to anyone who wishes to buy the goods for export to the United States? ☐ Yes ☐ No.
5. Have you listed all charges and stated whether each amount has been included in or excluded from the invoice amount? ☐ Yes ☐ No. Is the inland freight included in the invoice price or value? ☐ Yes ☐ No. Is the price or value of the goods the same at the factory as at the point of delivery? ☐ Yes ☐ No. If the answer is No, have any sales been made at an ex-factory price? ☐ Yes ☐ No.
6. Are any rebates, drawbacks, bounties, or other grants allowed upon the exportation of the goods? ☐ Yes ☐ No. If so, have all been separately itemized? ☐ Yes ☐ No.
7. If such or similar goods are being sold or offered for sale in the home market for home consumption, what taxes are applicable and are they included in the price shown in section IV, column 6?
Rate _____ Kind _____

CUSTOMS FORM 5515

MINISTRY OF ECONOMY DEPARTMENT OF MACAU
TEXTILE EXPORT VISA
No.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs
Department of the Treasury
Washington, D.C. 20229

AUGUST 6, 1973.

Dear Mr. Commissioner:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph 12 of the Bilateral Cotton Textile Agreement of December 22, 1972; and under the provisions of paragraph 10(a) of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 22, 1972; between the Governments of the United States and Portugal, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective September 13, 1973, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 1–64; wool textile products in Categories 101–126, 128, 131 and 132; [1] and man-made fiber textile products in Categories 200–243, produced or manufactured in Macao, for which Macao has not issued an appropriate Visa, fully described below, provided, however, that the aforestated cotton, wool, and man-made fiber textile products produced or manufactured in Macao and exported therefrom prior to August 14, 1973, shall not be denied entry until October 15, 1973.

The Visa will be a stamped marking on the invoice (Special Customs Invoice Form 5515, or other successor document, or commercial invoice when such form is used), and will bear the authorized signature of the official issuing the Visa. A facsimile of the stamp, along with the signatures of those officials authorized to issue Visas, are enclosed.

You are further directed to allow entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton, wool and man-made fiber textile products produced or manufactured in Macao and exported to the United States from Macao, notwithstanding the designated shipment or shipments do not meet the aforementioned Visa requirements, whenever requested to do so in writing by the Chairman of the Committee for the Implementation of Textile Agreements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton, wool, and man-made fiber textile products from Macao have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance

Enclosures

[FR Doc.73–17040 Filed 8–13–73;11:34 am]

[1] The textile category structure for wool textile products does not contain categories numbered 127, 129, or 130.

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Title 6—Economic Stabilization
CHAPTER I—COST OF LIVING COUNCIL
PART 102—PUBLIC ACCESS TO RECORDS

Miscellaneous Amendments

The purpose of this revision of Part 102 of Title 6 of the Code of Federal Regulations is to set out the regulations of the Cost of Living Council governing access to records during Phase IV.

These regulations are basically a continuation of the regulations in effect during Phase III. There are two major changes. First, this part now contains, in Subpart G, regulations governing inspection of Internal Revenue Economic Stabilization records. Subpart G sets out unchanged the provisions which were adopted during Phase II and set out in Chapter IV, Part 4, Subpart K.

The second major change is the adoption of regulations defining which parts of Form CLC–22 are subject to disclosure under § 205 of the Economic Stabilization Act of 1970, as amended.

Section 6 of the Economic Stabilization Act Amendments of 1973 (Public Law 93–28), enacted on April 30, 1973, required firms which met certain criteria to make public parts of their quarterly reports to the Cost of Living Council. Although section 6 required businesses, and not the Council, to disclose the reports, the Freedom of Information Act, 5 U.S.C. 552, in turn required the Council to make these reports public. Section 6 also directed the President or his delegate to issue regulations specifying what parts of those reports did not need to be made public.

In accordance with this last requirement, the Council issued proposed regulations on May 11, 1973 (38 FR 12413), held public hearings on June 6, 1973, and issued final regulations on June 20, 1973 (38 FR 16023), which appear as Subpart F of Part 102 of Title 6 of the Code of Federal Regulations.

On July 18, 1973, the President directed the Council in Executive Order 11730 to publish proposed plans for Phase IV. On July 19, 1973 the Council issued in proposed form some of the regulations for Phase IV, on which it invited public comment. These regulations were published in final form on August 7, 1973. The Council today is publishing public disclosure regulations for Phase IV, in accordance with the requirements imposed on the Council by section 6 of the Economic Stabilization Act Amendments of 1973.

Section 6 amended section 205 of the Economic Stabilization Act of 1970, which as amended reads:

Section 205 *Confidentiality of information.*

"(a) Except as provided in subsection (b), all information reported to or otherwise obtained by any person exercising authority under this title which contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, shall be considered confidential for the purposes of that section, except that such information may be disclosed to other persons empowered to carry out this title solely for the purpose of carrying out this title or when relevant in any proceeding under this title.

(b) (1) Any business enterprise subject to the reporting requirements under § 130.21(b) of the regulations of the Cost of Living Council in effect on January 11, 1973, shall make public any report (except for matter excluded in accordance with paragraph (2)) so required which covers a period during which that business enterprise charges a price for a substantial product which exceeds by more than 1.5 per centum the price lawfully in effect for such product on January 10, 1973, or on the date twelve months preceding the end of such period, whichever is later. As used in this subsection, the term 'substantial product' means any single product or service which accounted for 5 per centum or more of the gross sales or revenues of a business enterprise in its most recent full fiscal year.

(2) A business enterprise may exclude from any report made public pursuant to paragraph 1 any information or data reported to the Cost of Living Council, proprietary in nature, which concerns or relates to the amount or sources of its income, profits, losses, costs, or expenditures but may not exclude from such report, data, or information, so reported, which concerns or relates to its prices for goods and services.

(3) Immediately upon enactment of this subsection the President or his delegate shall issue regulations defining for the purpose of this subsection what information or data are proprietary in nature and therefore excludable under paragraph (2), except that such regulations may not define as excludable any information or data which cannot currently be excluded from public annual reports to the Securities and Exchange Commission pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 by a business enterprise exclusively engaged in the manufacture or sale of a substantial product as defined in paragraph (1). Such regulations shall define as excludable any information or data which concerns or relates to the trade secrets, processes, operations, style of work, or apparatus of the business enterprise."

The application of section 215(b) is limited by its terms to any report required "under § 130.21(b) of the regulations of the Cost of Living Council in effect on January 11, 1973." Section 130.21(b) of the Council's regulations, to which section 205(b) of the Act refers, has been superseded for most sectors of the economy effective August 12, 1973, when Phase IV begins. The issue, therefore, is whether the amendment to section 205, which specifically incorporates a Phase III regulation, has any effect when Phase III is superseded by Phase IV.

In Phase III, firms over $250 million had to file quarterly reports, while in Phase IV firms over $50 million must file. Consequently, a subsidiary issue is whether or not section 205, assuming it remains in effect in Phase IV, applies only to firms over $250 million, or to all firms subject to the Council's Phase IV reporting requirements, i.e., all firms over $50 million in annual sales or revenues.

The reporting requirements of Phase III defined a price reporting firm as a firm with annual sales or revenues of $250 million or more, and § 130.21(b) required each price reporting firm to submit quarterly reports to the Council.

Phase IV regulations contain provisions which are analogous in their function of requiring quarterly reports, but which are far broader in their coverage. Sections 150.41 and 150.42 define Price Category I and II firms as, respectively, those firms with $100 million or more and with $50 to $100 million in annual sales or revenues. Section 150.161 requires Price Category I and II firms, with certain exceptions, to submit quarterly reports. So Phase IV's quarterly reporting requirements are far more extensive than those of Phase III. Phase III required fewer than 700 firms to report quarterly, while Phase IV will demand quarterly reports of more than four times that number.

Since section 205 is tied so specifically to a section of the Phase III regulations, and since that section is due to terminate on August 12, 1973, the strictest reading of the Act would leave section 205(b) without effect after August 11, 1973.

It is a general rule of statutory interpretation that one looks to Congressional intention only when the words of a statute are unclear. But the Council is required in Phase IV to go behind the wording of the amendments in order to determine the extent to which the amendments modify the application of 18 U.S.C. 1905, which makes disclosure of certain information by Federal Officers a criminal offense, and which, absent the applicability of section 205, requires that the Council keep the quarterly reports confidential.

The legislative history does not speak directly to the question of whether section 205(b) was intended to survive the passing of Phase III. The discussions dealt with problems which were specific to Phase III, and it was in these terms that the amendment's sponsors presented the need for the amendments.

The report of the Senate Committee on Banking, Housing and Urban Affairs on the amendments (Report No. 93–63) stated that:

"Phase III already places the burden of combating inflationary price increases on the public. By removing from the Federal Government the initiative for enforcing price controls, and by declaring that such controls as remain be self-administered by the companies, • • • Phase III in effect determines that no action will be taken on excessive price increases unless there is a public outcry of some magnitude • • •.

Public disclosure . . . should provide some counterweight to the power the self-administering aspects of Phase III give the large companies."

Senator Hathaway, who authored the amendment, said that "a disclosure provision of the sort proposed here is essential to maintain public confidence in the administration's anti-inflationary program, especially in view of the voluntary nature of the controls under Phase III" (119 Daily Cong. Rec. S 5118).

Not only was the need for public disclosure described as stemming particularly from Phase III's voluntary nature, but the remedy went into effect when a firm exceeded a standard related to the Phase III standard—the alternative price standard of a 1.5 percent weighted annual average price increase set out in § 130.13. The Senate Committee on Banking, Housing and Urban Affairs report, referred to above, stated that:

"The figure of 1.5 percent comes from the general standard for price adjustments set out in § 130.13 of the Cost of Living Council regulations • • •.

• • • • •

The purpose of this amendment is to give the public a means of fighting price increases which exceed Phase III guidelines."

The standard set out in the Act is not the same as that found in § 130.13 of the Council regulations, in that section 205(b)(1) of the amended Act speaks of a price "which exceeds by more than 1.5 per centum the price lawfully in effect . . . on January 10, 1973 . . .," while § 130.13 of the Council regulations speaks of "a weighted annual average of 1.5 percent over prices authorized or lawfully in effect on January 10, 1973 . . .". Thus a firm could trigger section 205(b)(2) without violating the Phase III guideline. There were several other differences, but this was the most apparent.

It appears from the debates, however, that the Senators thought the amendment's 1.5 percent trigger and the Council's Phase III guidelines were the same. Senator Hathaway explained the amendment, which he sponsored, as requiring:

"public disclosure . . . by certain very large companies [when] • • • such a company raises the price of a substantial product by more than 1.5 percent a year—the phase III guidelines on price increases" (119 Daily Cong. Rec. S 5118).

Senator Hathaway consistently explained his amendment in terms of the "1.5 percent guidelines" or the "phase III guidelines."

My amendment, without interfering with the looser and self-administering aspects of phase III, just gives these companies the impetus to keep price increases in line with phase III guidelines • • • " (119 Daily Cong. Rec. S 5119).

The amendment was also tied to the specific coverage of the Council's reporting requirements—to firms with $250 million or more in annual sales or revenues. This number was cited so repeatedly that the very clear inference is that the Congress was thinking of disclosure by firms of that size or larger, rather than of requiring disclosure by any firm from which the Council might eventually require quarterly reports. Senator Hathaway said that:

"The impact of public disclosure requirement falls only in areas of great significance to the economy. The restriction to substantial products of firms with $250 [million] or more in sales or revenues means that in the case of the smallest reporting company, sales of a single product up to $12.5 million are exempt from disclosure • • •" (119 Daily Cong. Rec. S 5119).

As to the effect of a change in what the Council might require, the Senators recognized that the amendment was tied to a report of uncertain and changing content. Early in the debates Senator Hathaway put a copy of the proposed Council Form CLC–2, in the Record, and asserted that the form was currently in use (119 Daily Cong. Rec. S 5120–5121), but this misapprehension was cleared up later that day when Senator Saxbe, speaking in opposition to the public disclosure provision, said that:

The amendment requires that information filed under § 130.21B of the regulations of the Cost of Living Council in effect January 11, 1973 shall be made public. This is an interesting requirement in that the final determination as to what cost information shall be filed and in what detail is not in existence. The Cost of Living Council is still working on the problem as to what information should be filed.(119 Daily Cong. Rec. S 5123).

The Council concludes from the legislative history that the Congress intended the public disclosure provision to apply to firms of $250 million or more, and that the disclosure provisions apply to the CLC–2's successors, and do not restrict the Council's freedom to determine what information shall be required in its quarterly reports.

The record is simply not conclusive either way in resolving the central issue of whether or not section 205(b), which incorporates a Phase III regulation, survives Phase III and has continued applicability in Phase IV.

The choice must therefore be made between the competing policy alternatives embodied in the statutory language of section 205(a), which restates a long standing Congressional policy of protecting the confidentiality of private commercial information, and that embodied in section 205(b) which articulates the desirability of greater public access to information. The Council has concluded that in this context, a policy of continuing the degree of public disclosure which pertained in Phase III must prevail.

The Council is therefore issuing, in Subpart F, regulations for Phase IV which will effectuate section 205 of the Act. These regulations require disclosure of parts of Form CLC–22 (the Phase IV successor to Form CLC–2), but apply only to firms with annual sales or revenues of $250 million or more.

These regulations are similar to those issued during Phase III in Subpart F of Part 102, except that references to § 130.21(b) are replaced by references to § 150.1(c) and § 150.161. Section 150.1(c) provides that reports due under Phase III regulations for reporting periods ending before Phase IV, must still be filed, and § 150.161 sets out the Phase IV quarterly reporting requirements. The regulations also specify those parts of Forms CLC–2 and CLC–22 which the Council has determined contain information which is non-proprietary and therefore subject to disclosure in accordance with the procedures of this part. There is no change in the determination of what information on a Form CLC–2 is subject to disclosure.

In consideration of the foregoing, Part 102 of Title 6 of the Code of Federal Regulations is reissued as set fort below, effective August 13, 1973.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1473, E.O. 11730, 38 FR 19345, Cost of Living Council Order No. 14, 38 FR 1489)

Issued in Washington, D.C. on August 13, 1973.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

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Subpart G—Inspection of Internal Revenue Economic Stabilization Records

102.71 Inspection of Internal Revenue Service stabilization records by Department of the Treasury and Department of Justice.

Authority: Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489

Subpart A—General

§ 102.1 Purpose and scope.

This part (a) grants authority to the Assistant Director for Public Affairs of the Cost of Living Council to make records available for public inspection in accordance with the provisions of this part; (b) establishes procedures pursuant to the Freedom of Information Act, 81 Stat. 54, 5 U.S.C. 552 for the public inspection of identifiable records in the custody and control of the Cost of Living Council, except those excluded by the Act; (c) prescribes the time and place at which such records will be made available; and (d) sets the fees to be paid for copies of such records.

§ 102.2 Definitions.

In construing the terms used in this part, words and phrases shall be given the meaning ascribed to them in the Administrative Procedure Act, 5 U.S.C. 551, et seq.

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§ 102.3 Authority.

(a) The Assistant Director for Public Affairs of the Cost of Living Council (hereinafter referred to as the Assistant Director) is hereby delegated the authority to receive, review, identify, determine the availability of, and approve or disapprove requests for records in the custody and control of the Cost of Living Council in accordance with the provisions of this part.

(b) The Assistant Director, in his discretion, is specifically authorized to divulge or disclose to a complainant, or to an individual with specific knowledge of a complaint, the nature and result of the investigation of said complaint in circumstances where no violation has been found.

(c) The Chairman of the Council, or his delegate, is authorized at his discretion to make any record enumerated in § 102.4 available for inspection when he deems disclosure to be in the public interest and disclosure is not otherwise prohibited by law.

§ 102.4 Records not subject to disclosure.

This part does not apply to records which are:

(a) Specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy;

(b) Related solely to the internal personnel rules and practices of an agency;

(c) Specifically exempted from disclosure by statute including information which contains or relates to trade secrets or other matters referred to in section 1905 of Title 18 of the United States Code;

(d) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(e) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(f) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency, and except as authorized in § 102.3(b);

(g) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(h) Geological and geophysical information and data, including maps, concerning wells.

§ 102.5 Authentication of records.

(a) The Assistant Director will designate an official custodian who will have authority to attest or otherwise authenticate copies of records made available under the provisions of this part.

(b) The Assistant Director and the official custodian may issue such statements, certificates, or other documents as may be required to show that after a diligent search, no record or entry of the tenor specified in a request has been found to exist. (See Rule 44, Federal Rules of Civil Procedure.)

§ 102.6 Records of other agencies.

(a) A person who requests a record originating in another agency but currently in the custody of the Cost of Living Council shall submit his request to the other agency.

(b) Where the originating agency consents, in writing, to make the record available, it will be made available in accordance with the provisions of this part.

Subpart B—Request for Records

§ 102.11 Who may file.

Any person may file a request for records.

§ 102.12 Where to file.

A request for a record may be filed by mail or in person with the Assistant Director for Public Affairs, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

§ 102.13 Form of request; When to file.

A request for records must be in writing and filed, except on Federal Government holidays, between the hours of 9 a.m. and 5:30 p.m., Monday through Friday.

Subpart C—Processing Requests

§ 102.21 Review by the Assistant Director.

Each request submitted in accordance with §§ 102.10 through 102.12 will be reviewed by the Assistant Director to determine whether the record requested is an identifiable record within the meaning of 5 U.S.C. 552(a)(3).

(a) If the Assistant Director determines that the record is not identifiable, he will advise the person filing the request and give him a reasonable opportunity to provide additional information to facilitate the identification of the record.

(b) If the Assistant Director determines that the record is identifiable but should be withheld from inspection in the public interest, he will inform the person filing the request, in writing, of his decision to deny it. The denial shall inform the applicant of:

(1) The specific subsection of § 102.4 relied on for denying the request; and

(2) The right to request a review of an adverse determination as provided in § 102.40.

§ 102.22 Availability of records.

(a) An identifiable record which has been determined by the Assistant Director to be available for inspection, will be made available for examination in the Office of the Assistant Director.

(b) Manual, typewritten, or other copies may be made freely by the person filing the request subject to appropriate supervision.

Subpart D—Fees

§ 102.31 Fees.

(a) Except as provided in paragraph (b) of this section, there will be no charge for making an identifiable record available pursuant to § 102.21.

(b) If the Assistant Director determines that a record cannot be made available without significant disruption of normal business activities, he may secure an estimate of the cost of making the record available and require the person filing the request to deposit that amount prior to commencing a search for the record. However, if the actual cost of making the record available is significantly more or less than the amount deposited, an adjustment in the form of a supplemental charge or refund, as appropriate, will be made by the Assistant Director.

(c) In determining whether the search for a record will disrupt normal business activities, the Assistant Director may take into account the cumulative effect upon business activities of all other pending requests for records under this part, whether made by the same person or by other persons.

(d) An available record, upon advance payment of the fee prescribed in any reproduction fee schedule established by the Assistant Director, may be reproduced through any available means; however, the Assistant Director may waive such fees if he determines the reproduction cost to be inconsequential.

Subpart E—Appeals

§ 102.41 Appeals.

(a) Any person aggrieved by any determination made or action taken by the Assistant Director pursuant to the provisions of this part may request a review.

(b) An appeal must be filed with the Director of the Cost of Living Council within 30 days of the determination or action to be reviewed.

(c) An appeal may be filed in any form and a letter or other written statement setting forth the pertinent facts will be considered sufficient for this purpose.

(d) The Director of the Cost of Living Council may require the person filing the appeal to present additional evidence or information in support of his request for review.

(e) The Director of the Cost of Living Council will promptly review each appeal and notify the appellant in writing, of his decision.

Subpart F—Public Disclosure of CLC Reports

§ 102.51 Purpose and scope.

(a) The purpose of this subpart is to define, pursuant to section 205(b)(3) of the Economic Stabilization Act of 1970, as amended, what information or data contained in quarterly reports submitted to the Cost of Living Council pursuant to § 150.1(c) or § 150.161 of this title is proprietary in nature and therefore excludable from public disclosure and, conversely, what information or data contained in those quarterly reports is nonproprietary in nature and therefore available to the public.

(b) This subpart applies to:

(1) A business enterprise which

(i) Has annual sales or revenues of $250 million or more;

(ii) Is subject to the quarterly reporting requirements of § 150.1(c) or § 150.161 of this title; and

(iii) Charges a price for a substantial product which exceeds by more than 1.5 percent the price lawfully in effect for that product on January 10, 1973, or on the date 12 months preceding the end of the quarterly reporting period, whichever is later; and

(2) A Council form submitted pursuant to the quarterly reporting requirement of § 150.1(c) or § 150.161 of this title, and any schedule or supporting information or document attached thereto in accordance with the instructions to the form.

§ 102.52 General Rule.

All CLC data determined by this subpart to be proprietary data is excludable from public disclosure. All CLC data determined by this subpart to be nonproprietary data is available to the public.

§ 102.53 Definitions.

For the purpose of this subpart—

"Business enterprise" means an "entity" as defined in the Instructions to the Form CLC–2, and to the Form CLC–22.

"CLC data" means any information or data provided on or with a quarterly report submitted to the Cost of Living Council pursuant to § 150.1(c) or § 150.161 of this title when that report is subject to public disclosure pursuant to section 205(b)(1) of the Economic Stabilization Act of 1970, as amended.

"General financial data" means any CLC data, other than trade data, which concerns or relates to the amount or sources of a firm's income, profits, losses, costs or expenditures.

"Price data" means any CLC data which concerns or relates to a firm's prices for goods and services.

"SEC data" means any general financial data which cannot currently be excluded from public annual reports to the Securities and Exchange Commission pursuant to section 13 or 15(d) of the Securities and Exchange Act of 1934 by a firm exclusively engaged in the manufacture or sale of a substantial product as defined in section 205(b)(1) of the Economic Stabilization Act of 1970, as amended.

"Substantial product" means a product, product line, service, or service line, as called for in lines 1–19 of Part VI of the Form CLC–2, and in item 24 of Part VI of the Form CLC–22, or any continuation schedule, in accordance with the instructions to the Form CLC–2, and to the Form CLC–22, which accounted for 5 percent or more of the business enterprise's annual sales or revenues as defined for purposes of the CLC–2 in Part 130 and for purposes of the CLC–22 in Part 150 of this title.

"Trade data" means any CLC data which concerns or relates to the trade secrets, processes, operations, style of work, or apparatus of a firm.

§ 102.54 Disclosure Procedure.

(a) Each business enterprise submitting to the Cost of Living Council a Form CLC–2 or Form CLC–22 which is subject to public disclosure pursuant to section 205(b)(1) of the Economic Stabilization Act of 1970, as amended, shall:

(1) In addition to checking the box provided on the front page of the Form CLC–2 or Form CLC–22 under the heading "Type of Submission" to indicate the submission of a quarterly report, check the box provided for "Other" purpose and, in the adjacent space provided, enter the words "Public Disclosure Required";

(2) Attach to the Form CLC–2 or Form CLC–22 a supporting schedule which identifies the substantial product or products which gave rise to the requirement of public disclosure and the weighted average percentage price increase or increases above the weighted average price or prices lawfully in effect on January 10, 1973, charged for those substantial products; and

(3) Attach three copies of the entire CLC–2 or CLC–22 submission which omit all proprietary information or data in accordance with the definitions and rules provided in § 102.55 or § 102.56.

(b) The instructions provided in paragraph (a), above, are in addition to the Instructions to the Form CLC–2 and the Instructions to the Form CLC–22.

(c) Interested persons may examine nonproprietary information or data which a firm furnishes on or with Form CLC–2 or Form CLC–22 reports subject to public disclosure at the key IRS District Office which serves the district in which the firm's corporate headquarters are domiciled.

§ 102.55 Form CLC–2 data.

(a) Form CLC–2 Proper.

(1) Part I (Identification Information).

The information called for in Part I (and in the spaces provided above Part I) serves to identify or describe the firm, the type of filing, the reporting or fiscal periods in question, and the total sales or revenues of the firm for the last fiscal year. All of the information required, other than the annual sales or revenues of the firm, is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere. The annual sales or revenues of the firm (line 5) is proprietary because the Council's special definition of annual sales or revenues results in a figure not disclosed in the SEC Form 10–K.

(2) Parts II and III (Profit Margin Calculations).

Except for the calendar entries in lines 6 and 7 (nonproprietary data), all general financial data furnished in Parts II and III is based on base period and current period "net sales" and "operating income" as defined by the Cost of Living Council for purposes of Parts II and III. These definitions are not the same as those used for SEC purposes because they exclude revenues from foreign operations, public utilities, farming activities and insurance activities. Since such general financial data, thus more narrowly defined, is not required for SEC purposes, it can be excluded from the public annual reports to the SEC and is, therefore, defined as proprietary data with the exception of the information in line 17. In order to fulfill the general purposes of Section 205 of the Economic Stabilization Act of 1970, as amended, and in exercise of the authority granted thereunder, the Council defines the information required in line 17 as nonproprietary CLC data.

(3) Parts IV and V (Other Information).

Parts IV and V call for names, titles, addresses and similar non-financial information, including signature and date. Everything required in these parts is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere.

(4) Part VI (Price/Cost Information). The information required at the top of the page—the name of the firm, the reporting period dates and the cumulative period dates—is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere.

All of the information required in Columns (a) and (b) on lines 1 through 19 and on any continuation schedule is nonproprietary data because only the names of product lines or service lines and related Standard Industrial Classification Codes is required, which is neither trade data nor general financial data other than SEC data and is generally available to the public elsewhere.

The general financial data required in Columns (c) and (h), lines 1 through 19 (and any continuation schedule) concerns sales by product or service line. Because the CLC definition of "sales' for these columns exclude sales from public utilities activities, foreign operations, insurance activities, farming, exempt items, health service activities, custom products and food operations, the

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Column (c) or (h) sales entry does not coincide with the equivalent information on the SEC Form 10–K prepared as though the firm were a single-product-line firm. Therefore, the general financial data in Column (c) and (h) is defined as proprietary data.

The general financial data required in Columns (c) and (h), lines 20 and 21, are sub-totals and totals of the individual sales entries on lines 1–19 and in any continuation schedule. This information has no counterpart on a SEC Form 10–K prepared as though the firm were a single-product-line firm and thus it is defined as proprietary data.

The general financial data required in Columns (c) and (h), lines 23–25, is a breakdown of total sales into sales of or from foreign operations, food sales, and "other nonapplicable sales." These entries have no counterparts on any SEC Form and are, therefore, defined as proprietary data.

The "net sales" information required in Columns (c) and (h), line 26 coincide in scope with the data shown in Part III, line 13 ("net sales"). As explained in the discussion for Parts II and III, this information is proprietary data.

Columns (d), (e), (g) and (i) all call for price data. All information required is, therefore, nonproprietary data.

The data required in Column (f) is a percentage figure representing "cost justification" for each product or service line entered in lines 1–19 and on any continuation schedule for which a price increase is indicated in Column (e). The general financial data required in Column (f), line 22, is the cost justification supporting the weighted average price increase for the combined product or service lines. These are calculations unique to the Form CLC–2 and find no counterpart on the SEC Form 10–K. However, in order to fulfill the general purpose of section 205 of the Economic Stabilization Act of 1970, as amended, and in exercise of the authority granted thereunder, the Council defines the data required in Column (f), lines 1–19, inclusive, line 22, and on any continuation schedule, as nonproprietary of CLC data.

(b) Schedule C (Cost Justification).

(1) Part I (Identification Information).

All of the information called for in Part I (and in the spaces provided above Part I) serves to identify or describe the firm, the reporting period, and the product line or SIC Code. All of the information is already defined as nonproprietary in Part I of the Form CLC–2. However, as an administrative convenience, to avoid unnecessary handling and cost of duplication of this portion of the Schedule C which otherwise contains no financial data which is to be available to the public, information required by Part I of Schedule C is defined as proprietary.

(2) Part II (Calculation of Cost Justification).

All of the general financial data called for in Part II, lines 3 through 7, is calculated and entered on the basis of cost per unit of input or output. There are no counterparts for these figures on the SEC 10–K. None of the information required in lines 3 through 7 is SEC data and all of it, therefore, is defined as proprietary data.

The general financial data required in lines 8 through 12 are special CLC calculations which have no counterpart in the SEC 10–K. Therefore, none of the information required is SEC data and all of it is defined as proprietary data.

The same figure that appears on line 11 of Schedule C also appears in Column (f) of Part VI of the Form CLC–2. As explained above, Column (f) information is defined as nonproprietary even though it is general financial data which is not SEC data. Consistency would normally require that information required by line 11 of Schedule C also be defined as nonproprietary. However, as an administrative convenience, to avoid unnecessary handling and cost of duplication of this portion of the Schedule C which otherwise contains no financial data which is to be available to the public, information required by line 11 of Schedule C is defined as proprietary.

(c) Supporting Information.

Parts of the CLC–2 are required to be submitted as attachments to the CLC–2 proper. Determination of the proprietary nature of information or data shown on these attached Parts is to be made on the same basis as the determination for the equivalent Part on the CLC–2 proper.

Supporting information prepared by the firm in textual or other form other than on a Form provided by the Council must be reviewed on an ad hoc basis to determine whether or not it contains proprietary data. The rules contained in this Subpart shall be used as guidelines for this purpose.

§ 102.56 Form CLC–22 data.

(a) Form CLC–22 Proper.

(1) Part I (Identification data).

The information called for in Part I serves to identify or describe the firm, the type of filing, the reporting or fiscal periods in question, and the total sales or revenues of the firm for the last fiscal year. All of the information required, other than the annual sales or revenues of the firm, is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere. The annual sales or revenues of the firm (item 7) is proprietary because the Council's special definition of annual sales or revenues results in a figure not disclosed in the SEC Form 10–K.

(2) Parts II and III (Profit Margin Calculations).

Except for the calendar entries in items 8 and 9 (nonproprietary data), all general financial data furnished in Parts II and III is based on base period and current period "net sales" and "operating income" as defined by the Cost of Living Council for purposes of Parts II and III. These definitions are not the same as those used for SEC purposes because they exclude revenues from foreign operations, public utility operations, insurance operations, agricultural products, and, where required, construction operations. Since such general financial data, thus more narrowly defined, is not required for SEC purposes, it can be excluded from the public annual reports to the SEC and is, therefore, defined as proprietary data with the exception of the information in item 19. In order to fulfill the general purposes of § 205 of the Economic Stabilization Act of 1970, as amended, and in exercise of the authority granted thereunder, the Council defines the information required in item 19 as nonproprietary CLC data.

(3) Parts IV and V (Additional Information).

Parts IV and V call for names, titles, addresses, and similar non-financial information, including signature and date. Everything required in these parts is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere.

(4) Part VI (Price/Cost Information). The information required in items 22 and 23—the name of the firm, and the reporting period dates—is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere.

All of the information required in Columns (a) and (b) for item 24 and on any continuation schedule is nonproprietary data because only the names of product lines or service lines and related Standard Industrial Classification Codes is required, which is neither trade data nor general financial data other than SEC data and is generally available to the public elsewhere.

The general financial data required in Column (c), item 24 (and any continuation schedule) concerns sales by product line or service line. Because the CLC definition of "sales" for this column excludes sales from public utility operations, foreign operations, insurance operations, agricultural products, and, where required, construction operations, the Column (c) sales entry does not coincide with the equivalent information on the SEC Form 10–K prepared as though the firm were a single-product-line firm. Therefore, the general financial data in Column (c) is defined as proprietary data.

The general financial data required in Column (c), items 25 and 26, are subtotals and totals of the individual sales entries in item 24 and in any continuation schedule. This information has no counterpart on a SEC Form 10–K prepared as though the firm were a single-product-line firm and thus it is defined as proprietary data.

The general financial data required in Column (c), items 27–38, is a breakdown of total sales into sales of or from various categories such as public utilities, foreign operations, and custom products. These entries have no counterparts on any SEC Form and are, therefore, defined as proprietary data.

The "Total" sales figure required in Column (c), item 39, coincides in scope with the data shown in Part III, line 15 ("net sales"). As explained in the discussion for Parts II and III, this information is proprietary data.

Column (d) is used only for prenotification purposes and is not filled out when the CLC–22 is used as a quarterly report. Columns (e) and (g) both call for price data. All information required is, therefore, nonproprietary data.

The data required in Column (f) is a percentage figure representing "cost justification" for each product line or service line entered in item 24 and on any continuation schedule for which a price increase is indicated in Column (e). These are calculations unique to the Form CLC–22 and find no counterpart on the SEC Form 10–K. However, in order to fulfill the general purpose of section 205 of the Economic Stabilization Act of 1970, as amended, and in exercise of the authority granted thereunder, the Council defines the data required in Column (f), item 24, and on any continuation schedule, as nonproprietary CLC data.

(b) Schedule C (Cost Justification).

(1) Part I (Identification Data).

All of the information called for in Part I serves to identify or describe the firm, the reporting period, the product line, and the SIC Code. All of the information is already defined as nonproprietary in Part I of the Form CLC–22.

(2) Part II (Calculation of Cost Justification).

All of the general financial data called for in Part II, items 4 through 8, is calculated and entered on the basis of cost per unit of input or output. There are no counterparts for these figures on the SEC 10–K. None of the information required in items 4 through 8 is SEC data and all of it, therefore, is defined as proprietary data.

The general financial data required in items 9 through 11 are special CLC calculations which have no counterpart in the SEC 10–K. Therefore, none of the information required is SEC data and all of it is defined as proprietary data.

The same figure that appears on item 12 of Schedule C also appears in Column (f) of Part VI of the Form CLC–22. As explained above, Column (f) information is defined as nonproprietary even though it is general financial data which is not SEC data.

The base cost period and the current cost period are provided in items 13 and 14. This information is nonproprietary.

(c) Supporting Information.

Parts of the CLC–22 are required to be submitted as attachments to the CLC–22 proper. Determination of the proprietary nature of information or data shown on these attached Parts is to be made on the same basis as the determination for the equivalent Part on the CLC–22 proper.

Supporting information prepared by the firm in textual or other form other than on a Form provided by the Council must be reviewed on an ad hoc basis to determine whether or not it contains proprietary data. The rules contained in this Subpart shall be used as guidelines for this purpose.

Subpart G—Inspection of Internal Revenue Economic Stabilization Records

§ 102.71 Inspection of Internal Revenue Service stabilization records by Department of the Treasury and Department of Justice.

(a) *General.*—Pursuant to the provisions of section 205 of the Economic Stabilization Act of 1970 (Public Law 91–379, 84 Stat. 799), as last amended by the Economic Stabilization Act Amendments of 1972 (Public Law 93–28), officers and employees of the Department of the Treasury (including the Internal Revenue Service and the Office of the Chief Counsel for the Internal Revenue Service) and the Department of Justice whose official duties require inspection of returns made in respect of any tax described in paragraph (a)(2) of § 301.6103(a)–1 of 26 CFR Part 301, or include the administration or enforcement of the provisions of the Economic Stabilization Act of 1970, as amended, may inspect the stabilization records of the Internal Revenue Service without making written application therefore. If the head of a bureau or office in the Department of the Treasury (not a part of the Internal Revenue Service or the Office of Chief Counsel for the Internal Revenue Service), or the Department of Justice, desires to inspect, or to have an employee of his bureau or office inspect, any such records in connection with some matter officially before him for reasons other than tax administration purposes or the administration or enforcement of the provisions of the Economic Stabilization Act of 1970, as amended, the inspection may, in the discretion of the Secretary of the Treasury or the Commissioner of Internal Revenue or the delegate of either, be permitted upon written application by the head of the bureau or office desiring the inspection. The application shall be made to the Commissioner of Internal Revenue, Washington, D.C. 20224, and shall show the name and address of the person about whom records are to be inspected and the reason why inspection is desired. The information obtained from inspection pursuant to this paragraph may be used as evidence in any proceeding, conducted by or before any department or establishment of the United States, or to which the United States is a party.

(b) *Definitions.* (1) *Stabilization records.*—For purposes of this section, the term "stabilization records" includes—

(i) All schedules, lists, written statements, or other written documents filed by or on behalf of any person with the Internal Revenue Service, and

(ii) All other reports, information received orally or in writing, factual data, documents, papers, abstracts, memoranda, or evidence taken, or any portion thereof, relating to any person and held by the Internal Revenue Service, to the extent any such item is with respect to the administration or enforcement of any provision of the Economic Stabilization Act of 1970, as amended, and is not part of a return (as defined in § 301.6103(a)–1(a)(3)(i) of 26 CFR 301.)

(2) *Person.* For purposes of this section, the term "person" has the meaning given to such term under section 7701(a)(1) of the Internal Revenue Code of 1954 (68A Stat. 911; 26 U.S.C. 7701(a)(1)).

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PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Final Phase IV Regulations, Subparts M and O

The purpose of this amendment to Part 150 of the Cost of Living Council Regulations is to add Subpart M—Insurance, and Subpart O—Providers of Health Services.

On July 19, 1973, the Cost of Living Council established Part 150 and issued Subpart N in final form, 38 FR 19462 (July 20, 1973). On the same day the Council issued a notice of proposed rulemaking, 38 FR 19464 (July 20, 1973) setting out proposed Phase IV regulations, and inviting interested persons to submit written data, views or arguments. On August 6, 1973, the Council issued Subparts A through K and P in final form, 38 FR 21592, (August 9, 1973).

The Council stated in the July 19 Notice of Proposed Rulemaking that all comments received before July 31, 1973, would be considered by the Council before taking action on the proposed regulations.

As in the case of comments on the subparts already issued in final form, copies of each comment on proposed Subparts M and O went to the attorney and the operations specialist or economic analyst who was responsible for the particular subpart. Staff officials of the Council conducted an intensive reexamination of the regulations, independently as well as in light of the comments, in order to assure the maximum degree of clarity and consistency of the policy decisions that were made and of the regulations written to reflect these decisions. As a result of these efforts Subpart M in its final form contains numerous changes from the proposals that were published in proposed form on July 19, 1973. Most of the changes are editorial in nature. A few of them are substantive.

Subpart M—Insurance

Subpart M sets forth the rules applicable to rate increases by insurers.

A paragraph (b) has been added to § 150.401 to clarify that this subpart is paramount to all other subpart with respect to insurance matters.

Section 150.402 has been changed by amending the definitions of "covered earned premium", "prenotifier" and "rate" to clarify the intent and the definition of a "State" has been added to include the District of Columbia.

Section 150.403 has been revised in several respects. Section 150.403(a) has been changed to refer to actual incurred costs rather than experience incurred on all actual costs to make it clear that insurers are permitted to reflect accurately all actual incurred costs. Section 150.403 (b) has been amended to include a second sentence permitting factors used in established rating plans to continue to be used if they reflect physical conditions. Section 150.403(c) reflects one of the few substantive changes from the proposed version of Subpart M. The introductory paragraph has been expanded to include the definition of period of projection which is slightly changed from that proposed as § 150.403(b) and § 150.403 (b) has been deleted. Additionally the final phrase of items (3), (4) and (5) has been rewritten to make it clear that the trend factors must be based upon the latest available data. The substantive change is found in item (6) which was changed to establish a base, below which, the restrictions in (3), (4) and (5) need not be applied.

Section 150.404 has been changed in two respects, first, § 150.404(a) has been reworded to specify a change which "will not result in an overall rate increase" while the proposed regulations referred to a change which "will result in an overall premium level reduction". Second, § 150.404(b) has been reworded to delete the specification of "no fault" legislation and to consider all legislation or regulation promulgated in a particular jurisdiction as apply to this paragraph.

Section 150.405(a) has been reworded for clarity; the portion regulating subsequent rate increases has been reworded to apply to a 12 month period instead of the same calendar year and addresses itself to subsequent rate increases affecting $1 million or more of aggregate annualized premium as opposed to any subsequent rate increase. Clarification of § 150.405(a) eliminated the need for § 150.405(c) which was deleted.

Section 150.408 has been modified to include in the 30 day period for taking action those prenotifications filed directly with the Cost of Living Council under § 150.407.

Section 150.410 has been expanded to apply to a rating formula as well as a rate increase.

Section 150.411 has been revised to delete the requirement that the determination be made by the head of the State regulatory Agency and now requires only agency approval. The determination to be made by the agency has been reworded to apply to a determination that a "rule, rating formula, formula use or application, data base, ratemaking procedure or technique or other element in the ratemaking process should be consistently applied so that warranted rate decreases as well as increases occur," and the agency shall so inform the Cost of Living Council.

Section 150.412 has been expanded to allow rating bureaus to furnish reports or parts of reports on behalf of individual insurers who have based their rates and filings on the aggregate statistics as compiled by such rating bureaus.

Sections 150.412 (a) and (b) have been substantially revised and paragraph (c) has been added to expand the reporting requirements. The requirement for monthly reporting by certain health insurers has been replaced by a quarterly report.

In a related amendment to § 150.53 (b), enrollment fees, deductibles, coinsurance and other cost sharing required by State Medicaid agencies under section 208 of Public Law 92-603 are being added to the list of insurance premiums exempt from price controls.

Subpart O—Providers of Health Services

Subpart O continues the Phase II and Phase III rules applicable to institutional and noninstitutional providers of health services. This subpart merely serves to remove the price rules for providers of health from Part 130 and restate them in Part 150 without substantive change. New regulations governing providers of health services will be issued later this year in this subpart after completion of extensive consultation with the Health Industry Advisory Committee of the Cost of Living Council and other interested health care providers and consumers.

No other provisions of Part 150 apply to institutional and noninstitutional providers of health services except § 150.1, § 150.2, § 150.3, and the definition of base period in § 150.31.

Pursuant to § 150.1, requests for exceptions or exemptions from the requirements of this part shall be submitted by providers of health services in accordance with the new procedures established in Part 155 of this chapter.

Section 150.2 provides that the procedures and remedies under Part 130 will remain in effect with respect to matters subject to that part before August 13, 1973 and that the procedures and remedies under Part 140 will remain in effect with respect to matters subject to that part before August 13, 1973.

Section 150.3 further provides that any firm which has been authorized to adjust its base period profit margin pursuant to an exception granted prior to August 13, 1973 may continue to calculate its base period profit margin pursuant to that exception.

The use of the base period definition in § 150.31 continues the same definition of base period that was in effect during Phase III for providers of health services. Finally, § 150.502 explicitly adopts Form S-52 (Revised July 1973) and Schedule A (July, 1973) which replaced certain Price Commission forms during Phase III.

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective August 13, 1973.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473, E.O. 11730, 38 FR 19345, Cost of Living Council Order No. 14, 38 FR 1489)

Issued in Washington, D.C. on August 9, 1973.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

1. The table of sections is amended by adding the following items regarding Subpart M and Subpart O:

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

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Subpart M—Insurance

Sec.
150.401 Applicability.
150.402 Definitions.
150.403 Criteria.
150.404 Change in ratemaking formula.
150.405 Prenotification.
150.406 Certification by State regulatory agency.
150.407 Self-certfication.
150.408 Cost of Living Council actions.
150.409 Rates for replacement or revised insurance coverages.
150.410 Insurance rates subject to State laws.
150.411 Investigation and review of rates.
150.412 Reporting.
150.413 Federal employees health benefits law.
150.414 Data requirements.
150.415 Monitoring by health insurers.

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Subpart O—Providers of Health Services

150.501 Scope.
150.502 General.

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2. Section 150.53(b) is amended by adding a new item (3) at the end thereof to read as follows:

§ 150.53 Real estate and insurance premiums.

• • • • •

(b) *Insurance premiums.* (1) • • •
(2) • • •
(3) Enrollment fees, deductibles, coinsurance, and other cost sharing required by State Medicaid agencies under provisions of § 208 of Public Law 92-603 (86 Stat. 1329, 42 U.S.C. 1396a(a)(14)).

3. The part is amended by adding a new Subpart M to read as follows:

Subpart M—Insurance

§ 150.401 Applicability.

(a) This subpart applies to each insurance rate increase to be placed into effect after August 12, 1973, which would increase the rate above the level in effect on that date, whether or not the increase is approved by a regulatory agency.

(b) To the extent this subpart may be inconsistent with other provisions in this part, the provisions in this subpart govern.

§ 150.402 Definitions.

As used in this subpart—

"Covered earned premium" means the total premium earned for all lines of insurance that are not exempt by § 150.53(b).

"Firm" is limited to a firm's consolidated or unconsolidated entities which are insurers.

"Insurer" means a firm which by contract or for a stipulated consideration undertakes to compensate another for loss on a specified subject and is (1) subject to the regulatory jurisdiction of a State (including a person engaged in providing non-profit medical or hospital services under such a regulatory jurisdiction) or (2) undertaking to provide medical or hospital services for a capitation fee.

"Prenotifier" means a health insurer that had $50 million or more of covered earned premium or a property-liability insurer that had $150 million or more of covered earned premium during the calendar year preceding the effective date of the rate increase it is proposing.

"Rate" means a unit charge which produces a premium amount to be charged, charged or paid for insurance, calculated in accordance with a ratemaking practice or formula, or developed under a classification system.

"Rate increase" includes a restriction in coverage, an increase in a deductible level, or any similar diminution of insurance coverage without a corresponding reduction in the rate.

"Rating bureau" means a firm who makes, files, or submits insurance rates applicable to, on behalf of, or advisory for more than one insurer.

"State" means a State or the District of Columbia.

"State regulatory agency" means any commission, board or other legal body that has jurisdiction over rates or practices of insurers in a State or the District of Columbia.

§ 150.403 Criteria.

Each insurance rate increase put into effect by any insurer or rating bureau (regardless of its covered earned premium) after August 12, 1973, which would increase the rate above the level in effect on that date must be consistent with the following criteria:

(a) Factors that reflect actual incurred costs may be used in the customary manner in the ratemaking process.

(b) Factors in the ratemaking process or in the actual determination of the final premium that relate to or reflect changes in claim frequency, occurrence or utilization, changes in the classification of risks under class plans already in use or territory relativities, or similar changed conditions of risk may be used in accordance with customary practice provided such factors are supported statistically. Factors included in rating plans and procedures already in use which reflect physical conditions affecting exposure to loss may be applied in accordance with customary practice.

(c) Factors in the ratemaking process anticipating cost or price increases (i.e., trend factors to the extent they project inflation) may be used subject to the following restrictions. The period of projection covers the entire length of time from the underlying experience base to the future date to which loss or cost levels are being adjusted.

(1) For any portion of the period of projection through August 14, 1971, the normal, full factors may be used, provided they are statistically supported by the latest available data in accordance with the insurer's customary practice.

(2) For any portion of the period of projection after August 14, 1971, through November 13, 1971, a zero rate of inflation must be used.

(3) For any portion of the period of projection after November 13, 1971, through January 11, 1973, the inflationary trend factor may not exceed five-eighths (5/8) of the factor based upon the latest available data in accordance with the insurer's customary practice.

(4) For any portion of the period of projection after January 11, 1973, through August 12, 1973, the inflationary trend factor may not exceed six-eighths (6/8) of the factor based upon the latest available data in accordance with the insurer's customary practice.

(5) For any portion of the period of projection after August 12, 1973, through the end of the projection period, the inflationary trend factor may not exceed seven-eighths (7/8) of the factor based upon the latest available data in accordance with the insurer's customary practice.

(6) The provisions of items (3), (4) and (5) shall not be applied to require an insurer or rating bureau to reduce the annualized inflationary trend below five-eighths (5/8) of the annualized inflationary trend based on experience and customary practice before August 15, 1971.

(d) Factors for claim settlement or loss adjustment expenses, or contingencies which are separate, distinct and in addition to a profit factor, state taxes, licenses and fees, and commissions payable to licensed agents and brokers may be loaded on a percentage of premium or any other customary basis of actual incurred costs in accordance with customary practice. Any increases in the percentage loading for these expense items must be justified.

(e) Factors for administrative expenses other than those specified in paragraph (d) when loaded as a percentage of premium must be limited to a maximum of a 5 percent increase in the dollar amount represented by the loading that was used in the prior rate. If administrative expenses are loaded on an actual cost basis, no increases will be permitted unless statistically supported.

(f) Any profit portion of premium, whether loaded as a percentage of premium or a dollar amount per contract, must be limited to a 2½ percent increase in the dollar amount represented by the loading that was used in the prior rate. For purposes of this section, any portion of premium which is classified as a contribution to reserve, contingency reserve or similar element where a profit, as such, is not a part of the ratemaking process, shall be treated as the profit provision.

§ 150.404 Change in ratemaking formula.

No insurer or rating bureau may change a rule, rating formula, formula use or application, data base, ratemaking procedure or technique, or other element in the ratemaking process unless:

(a) The change will not result in an overall rate increase;

(b) The change is necessitated by legislation or regulation promulgated in a particular jurisdiction; or

(c) Written approval has been granted by the Cost of Living Council.

§ 150.405 Prenotification.

(a) Each prenotifier, or rating bureau acting for a prenotifier, shall file a written notice with the Cost of Living Council and the appropriate State regulatory agency of the State to which the rate increase is applicable, or the State regulatory agency of the insurer's State of domicile when a rate increase is proposed for use in more than one State, or the State of domicile or delivery of the master policy for experience rated or

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group contracts applicable to a multi-State risk, of each proposed rate increase in excess of 5.0 percent which affects $1 million or more of aggregate annualized premium under the existing rate. Any second or subsequent rate increase proposed for the same class of purchaser within 12 consecutive months must be prenotified if that increase affects $1 million or more of aggregate annualized premium regardless of whether any prior increase within that 12-month period was required to be prenotified. Each insurer submitting a notice under this section shall certify to the Cost of Living Council and the State regulatory agency that the proposed increase confirms to §§ 150.403 and 150.404. The certification must be signed by the chief executive officer of the prenotifier or by an individual to whom he has delegated that authority. A copy of the delegation must be filed with the Cost of Living Council.

(b) In any State in which rates are established by a State regulatory agency, that agency may submit a prenotification and certify to the Cost of Living Council that the rate increases are in compliance with §§ 150.403 and 150.404. An insurer using those State rates needs only to report quarterly that it is using those rates without submitting all of the supporting data.

§ 150.406 Certification by State regulatory agency.

A State regulatory agency may agree, in writing, with the Cost of Living Council to certify that the rate increases of which it has received prenotification under § 150.405 are or are not in compliance with §§ 150.403 and 150.404. Each agency entering into such agreement with the Cost of Living Council shall furnish its certification to the Council (with a copy to the insurer) within 20 days after it receives the prenotification. A certification by an agency under this section is prima facie evidence that the proposed rate increase is or is not in compliance with §§ 150.403 and 150.404.

§ 150.407 Self-certification.

Whenever a prenotifier, or a rating bureau acting for a prenotifier, cannot obtain a certification of a rate increase from a State regulatory agency in accordance with § 150.406 because:

(a) The State regulatory agency concerned has not agreed to furnish certifications under that section; or

(b) The State regulatory agency did not act upon the filing within the period required under that section.

The prenotifier or rating bureau shall immediately notify the Cost of Living Council that it cannot obtain the certification and may request the Council to act upon the certification filed with it under § 150.405.

§ 150.408 Cost of Living Council actions.

(a) With respect to any rate increase certified by a State regulatory agency under §§ 150.405(b) or 150.406, or self-certified by a prenotifier or a rating bureau acting for a prenotifier under § 150.407, the Cost of Living Council may, within 30 days after the State regulatory agency receives the prenotification, or within 30 days after the Cost of Living Council receives the prenotification under § 150.407, take one or more of the following actions:

(1) Require the insurer to furnish additional information regarding the increase.

(2) Delay the effective date of the increase pending further Council action.

(3) Suspend all or part of the effect of the increase, pending further action by the Cost of Living Council or by the State regulatory agency.

(4) Limit, refuse, rescind, reduce, or modify the increase.

(b) If the Cost of Living Council does not act upon a request under this section before the end of the thirtieth day as described above, the increase may go into effect. However, in any case in which that period would otherwise end on a Saturday, Sunday, or Federal holiday, it will end at the close of the next succeeding workday. However, if after implementation of the rate increase the Council finds that the increase is inconsistent with the rules of this subpart or unnecessarily inconsistent with the goals of the Economic Stabilization Program it may issue an order modifying, deferring, suspending or disapproving the rate increase. A prenotification to a State regulatory agency which has been certified by that agency as being not in compliance with §§ 150.403 and 150.404 may not be placed into effect unless the written approval of the Cost of Living Council has been granted.

§ 150.409 Rates for replacement or revised insurance coverages.

The rate for a form of insurance coverage replacing or revising another form of insurance coverage previously written by the same insurer is subject to the same requirements as an increase in the rate to which the previous insurance coverage would have been subject.

§ 150.410 Insurance rates subject to State laws.

Approval of an insurance rate increase or rating formula under this subpart does not authorize the use of an insurance rate or formula in contravention of any applicable State law.

§ 150.411 Investigation and review of rates.

The Cost of Living Council acting with and through the appropriate State regulatory agency may require an insurer or rating bureau, acting for an insurer, to file with the appropriate State regulatory agency the latest available rate review for a particular class of business for which rates have not been revised in the last four quarters. The State regulatory agency shall determine whether a rule, rating formula, formula use or application, data base, ratemaking procedure or technique, or other element in the ratemaking process has been consistently applied so that warranted rate decreases as well as increases occur and shall so inform the Cost of Living Counell.

§ 150.412 Reporting.

Each health insurer that had $25 million or more of covered earned premium and each property-liability insurer that had $50 million or more of covered earned premium during the calendar year preceding any rate increase shall file a quarterly report with the Cost of Living Council with a copy to the appropriate State regulatory agency at the time it normally releases its quarterly reports, but in any event not later than 45 days after the end of the quarter. Rating bureaus may furnish such reports or parts of such reports on behalf of individual insurers that have based their rates and filings on the aggregate statistics as compiled by the rating bureau. These reports shall include the following information:

(a) The data required by the quarterly reporting form prescribed by the Cost of Living Council and by § 150.414 for each rate increase effected during the preceding quarter that affected $250,000 or more of aggregate annualized premium under the pre-existing rate. However, with respect to a rate increase that has been prenotified the report need not include the supporting data required by § 150.414 but must list the rate increase, the name of the prenotifier or rating bureau, date of prenotification, line of insurance, State or States affected, and aggregate annualized premium affected.

(b) The latest available premium and claims or loss experience for those lines described below for which rates were not revised or reports not filed with the Cost of Living Council during the last four quarters as follows:

(1) For property-liability insurers the experience must be reported for private passenger, homeowners and workmen's compensation insurance coverages for each State with an annualized premium volume of $1 million or more;

(2) For health insurers the experience must be reported for all class or manual rated business and pool rated risks with an aggregate annualized premium of $1 million or more.

(c) A summary by line of business and type of coverage of all rate decreases effected during the preceding quarter that affected $250,000 or more of aggregate annualized premium under the pre-existing rate. This part of the report need not contain the data required under § 150.414 but should include a specification of the coverages affected for each line, the premium volume affected, average percentage decrease and dollar effect.

§ 150.413 Federal employees health benefits law.

The Cost of Living Council designates the U. S. Civil Service Commission to act as certifying agent for contracts of insurers under the Federal Employees Health Benefits Law. Each prenotifier with $1 million or more of aggregate annualized premium from the Federal Employees Health Benefits contract that proposes to increase rates under such a contract by more than 5 percent shall file notice thereof with the Cost of Living Council and the Civil Service Commission. The Civil Service Commission shall, with respect to each such proposed increase, certify to the Cost of Living Council that the increase is or is not in compliance with § 150.403 and that certification is prima facie evidence of compliance or noncompliance. A rate certified by the Civil Service Commission as being in compliance may go into effect on any date, specified by that Commission, that is at least 10 days after the date of certification, and at least 30 days after the date of prenotification.

§ 150.414 Data requirements.

Each prenotification filed under § 150.405 and each quarterly report made under § 150.412 shall include:

(a) The specifications of the coverages to which the rate increase is applicable and of the person or persons by which the rate is to be used;

(b) The average percentage increase by line, by coverage and by State;

(c) The annualized inflationary trend factor or factors used with specification of the applicability of the factors if more than one are involved, including pre-Phase I, Phase I, Phase II, Phase III and Phase IV applicability separately; and

(d) Any other data specified by the Cost of Living Council on a form to be prescribe by the Council.

§ 150.415 Monitoring by health insurers.

Each health insurer is authorized and encouraged to monitor and report to health care providers (both institutional and noninstitutional) any price increases by those providers that involved significant deviation from the provisions that apply to those providers and any increases in use of services or benefits that significantly exceeds its experience with that provider. Upon the receipt of such a report, the provider and the insurer shall make a good faith effort to determine whether any violation of this part has occurred and to take any steps to remedy such violation.

4. The part is amended by adding a new Subpart O to read as follows:

Subpart O—Providers of Health Services

§ 150.501 Scope.

This subpart applies to all institutional and noninstitutional providers of health services. No other provisions of Part 150 apply to institutional and noninstitutional providers of health services except § 150.1, § 150.2, §150.3, and the definition of base period in § 150.31.

§ 150.502 General.

Price adjustments by institutional and noninstitutional providers of health services remain subject to the classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Price Commission in effect on January 10, 1973, except that § 300.18(g) and § 300.19(d) of this title are hereby revoked. The Cost of Living Council shall succeed to and assume all applicable rights, duties, and obligations of the Price Commission contained therein. Whenever under those rules and regulations authorizations from or reports to the Price Commission are required, such authorizations and written reports shall be obtained from or made to the Council in the form and within the time required under regulations of the Price Commission in effect on January 10, 1973, except to the extent that these reports have been superseded by Form S-52 (Revised July, 1973) and Schedule A (July, 1973).

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PART 155—PHASE IV PRICE PROCEDURES

Part 155 establishes price procedures to be utilized in proceedings involving price matters before the Cost of Living Council and the Internal Revenue Service in Phase IV of the Economic Stabilization Program. In general, Part 155 embodies procedures previously utilized in earlier phases of the program and combines them into one part. The use of the term "Council" throughout the part encompasses actions by and appearances before both the Cost of Living Council and the Internal Revenue Service.

In general, this part provides that firms should file their submissions in duplicate with the key IRS District Office which serves the district in which their corporate headquarters are domiciled. Exceptions to this rule are insurers who file with the National Office of Internal Revenue Service, and institutional and non-institutional providers of health services who file with the Cost of Living Council. Initial actions and reconsideration of such actions will be made by the Council or IRS in accordance with Cost of Living Council Order No. 37, 38 FR 21836 (August 13, 1973).

Subpart A of Part 155 contains general provisions which parallel with only minor technical changes, Subpart A of Part 305 of the Price Commission regulations, § 155.11, Instructions to applicants, was previously included in Part 401 of the Internal Revenue Service regulations in this Title.

Subpart B, Prenotifications, reports, interpretations and other matters, is new. It establishes procedures governing initial actions of the Council with respect to all filings required or permitted under Part 150 of this chapter except for requests for exceptions, exemptions and reclassifications. Subparts C, D and E deal with exceptions, exemptions and reclassifications, notices of probable violation and remedial orders, and generally parallel Phase II Price Commission and Cost of Living Council Procedures. Subpart F is a new subpart combining all requests for reconsideration of decisions issued under Subparts B, C, D and E under a single procedure. Subpart G, which concerns compromise of civil penalties, sets forth procedures which are the same as those employed by the Price Commission during Phase II. Subparts H and I, which relate to petition and comment on rulemaking and published rulings, respectively, are again similar to Phase II rules.

Subpart J sets out the range of Council responses to a violation of the profit margin limitations established for Phase IV in Part 150. The provisions are essentially those provided in Phase II, with the exception of § 155.181 dealing with custom products. That section provides relief for a firm which exceeds its base period margin in a fiscal year during which it sells a custom product or service, and which does not qualify for the Special Rule of § 150.11(d)(iii). That Special Rule provides that charging a price for a custom product or service does not subject a firm to a profit margin limitation during its first fiscal year ending in Phase IV when the firm derives less than $10 million or less than 1 percent of its sales or revenues for that fiscal year, whichever is greater, from the sale of custom products and custom services. When a firm does not qualify for this de minimis provision, and therefore is required to take remedial action under this subpart, Subpart J provides the following rules. Where no prices have been charged above base levels for noncustom products and noncustom services, only an amount that bears the same ratio to the total profit margin overage as sales of custom products and services bears to total sales must be disgorged. Where prices in excess of base levels have been charged with respect to noncustom products and services, and the profit margin overage exceeds the revenues derived from the price increases above base levels for noncustom products and services, a firm must disgorge the revenue derived from charging prices above base levels with respect to noncustom products and services plus a portion of the remaining profit margin overage equal to the ratio that custom products and services sales bear to total sales; and if the profit margin overage is less than the revenues derived from price increases above base levels, the firm is required to disgorge the full amount of the profit margin overage.

The purpose of Subpart K is to add to the Phase IV regulations the "repurification" procedures that were available under Special Regulation No. 1 issued during Phase II. Under the "repurification" procedure, a firm which becomes subject to the profit margin limitation by virtue of having raised a price above the base level may elect to eliminate those price increases and the revenues derived therefrom and thus return to the position of a firm which has not raised prices to the level which triggers the profit margin limitation. The remission of revenues must be made in the following manner:

(1) If the ultimate consumers who purchased the goods and services prices above the "base level" are reasonably identifiable, refunds must first be made to them.

(2) To the extent that these ultimate consumers are not reasonably identifiable, revenues must be remitted in the form of future sales at prices below the base level of the same goods and services previously sold at prices above the base level.

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However, in order to avoid a profit margin violation a firm which wishes to repurify must complete all action to remit revenues before the end of the fiscal year. This procedure is available to a firm which increases prices above the base level and completes action within the same fiscal year. It also is available to a firm which raises a price or prices above the base level in a previous fiscal year (without exceeding its base period profit margin for that fiscal year) and which continues to charge the increased price or prices in an ensuing fiscal year. To avoid the profit margin limitation in the ensuing year, the firm must return prices at least to the base levels and take appropriate steps to remit revenues derived in that ensuing fiscal year from the price increases which were previously put into effect. In any event, a firm which completes the steps listed above becomes subject to the profit margin limitation once again if it subsequently charges a price in excess of the "base level."

Since Executive Order No. 11730 provides that Phase IV of the Economic Stabilization Program will begin on 11:59 p.m., e.s.t., August 12, 1973 and since the Phase IV substantive regulations, Part 150, will be effective on that date, it is essential that the procedures governing appearances before and proceedings by the Cost of Living Council also be effective on 11:59 p.m., e.s.t., August 12, 1973. Consequently, in order to give immediate guidance and information to the public with respect to Phase IV price procedures, the Council finds that publication in accordance with usual rulemaking procedures is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit written comments regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489).

In consideration of the foregoing, Part 155 is added to Chapter I of Title 6 of the Code of Federal Regulations, effective 11:59 p.m., e.s.t., August 12, 1973.

Issued in Washington, D.C. on August 9, 1973.

JOHN T. DUNLAP,
Director,
Cost of Living Council.

PART 155—PHASE IV PRICE PROCEDURES

Subpart A—General Provisions

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APPENDIX

[Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489]

Subpart A—General Provisions

§ 155.1 Purpose and scope.

(a) This part establishes procedures to be utilized in proceedings before the Cost of Living Council and the Internal Revenue Service relating to price stabilization matters under Part 150 of this chapter. The word "Council" used throughout this part encompasses actions by and appearances before both agencies in economic stabilization matters. Cost of Living Council Order No. 37, 38 FR 21836 (August 13, 1973) contains information relating to the division of stabilization functions between the Council and IRS. More specifically, this part contains procedures for:

(1) Initial actions with respect to prenotifications, reports, interpretations and other matters;

(2) Initial action on requests for exceptions;

(3) Initial actions with respect to requests for exemption and reclassification;

(4) Issuance of notices of probable violation and remedial orders;

(5) Requests for reconsideration;

(6) Compromise of civil penalties;

(7) Petition and comment on rulemaking;

(8) Published rulings;

(9) Profit margin limitations: Council actions; and

(10) Profit margin repurification.

(b) Procedural rules contained in Parts 105, 130, 140, 305 and 401 of this title continue in effect for the purpose of disposing of matters subject to those parts.

(c) Nothing in this part extinguishes or otherwise modifies present [August 13, 1973] procedures utilized by the Council in pay matters.

(d) When any small business enterprise within the meaning of section 214(a) of the Economic Stabilization Act of 1970, as amended, files a request, application or appeal under the provisions of this part it will be accorded expedited handling by affording it priority on the dockets maintained by the Council for the orderly conduct of its business.

§ 155.2 Definitions.

As used in this part, except where the context indicates otherwise, the term:

"Act" means the Economic Stabilization Act of 1970, as amended.

"Act or transaction" shall include a series or combination of such acts or transactions.

"Adverse action" means an action issued by the Council which is contrary to the position asserted by the applicant.

"Council" means the Chairman of the Cost of Living Council established by Executive Order 11615 (3 CFR, 1971 Comp., p. 199) and continued under the provisions of Executive Order 11695, or his delegate (including IRS).

"District conferee" means a person designated by a district director to process and decide any request for reconsideration referred to in this part.

"District director" means a district director of the Internal Revenue Service or his delegate.

"District office" means a district director's office and such local offices within his district as a director may designate. "Key District office" means a district office specially designated by the Assistant Commissioner of Internal Revenue (Stabilization) to handle particular stabilization matters.

"Exception" means a waiver in a particular case of the requirements of any rule, regulation, or order, issued pursuant to the Act.

"Exemption" means a general waiver of the requirements of all rules, regulations, and orders issued pursuant to the Act.

"Firm" has the same meaning as in § 150.31 of this chapter.

"Hearing Officer" means a person appointed by the Director of the Cost of Living Council or his delegate to conduct a hearing.

"Information letter" means a statement issued by a district director which calls attention to a well-established interpretation or principle of the regulations or guidelines of the Cost of Living Council without applying it to a specific set of facts. An information letter may be issued when the nature of the request from the individual or the organization suggests that it is seeking general information or where the request does not meet all the requirements of § 155.11, and it is believed that such general information will assist the individual or organization.

"Interpretation" means a written statement issued by a district director in response to an inquiry by an individual or an organization, which applies to the particular facts involved the principles and precedents previously announced by the Cost of Living Council. Interpretations are issued only where a determination can be made on the basis of established rules as set forth in the regulations and guidelines of the Cost of Living Council or by rulings or court decisions.

"IRS" means the Internal Revenue Service.

"National Office" means the Office of the assistant Commissioner of Internal Revenue (Stabilization).

"Notice of probable violation" means a written statement issued to a person by the Cost of Living Council or the Internal Revenue Service setting forth one or more charges of alleged violation of the Economic Stabilization Program.

"Person" means any firm, individual, estate, trust, sole proprietorship, partnership, association, company, joint-venture, corporation, governmental unit or instrumentality thereof, or a charitable, educational or other institution; however, the term does not include a foreign government or instrumentality thereof or international organizations established by treaty or by agreement among participating governments.

"Person aggrieved" means a person with a substantial pecuniary interest which is adversely affected by an order or interpretation issued by the Council.

"Person with a substantial pecuniary interest" means a person who increased or seeks to increase a price.

"Practice before the Cost of Living Council or IRS" comprehends all matters connected with presentation to the Council or IRS or any of its officers or employees relating to a client's rights, privileges, or liabilities under laws or regulations administered by the Council or IRS relating to economic stabilization matters. Such presentations include the preparation and filing of necessary documents, correspondence with and communications to the Council or IRS, and the representation of a client at conferences, hearings, and meetings. Neither the appearance of an individual as a witness, nor the furnishing of information at the request of the Council or IRS or any of its officers or employees is considered practice before the Council or IRS.

"Price increase" has the same meaning as in § 150.31 of this chapter.

"Regulation" means a regulation promulgated by the Director of the Cost of Living Council, or his delegate, which appears in Title 6, Code of Federal Regulations.

"Request for a determination" means a written inquiry by a person as to the application to him of the regulations and guidelines promulgated by the Cost of Living Council in respect of a completed or proposed act or transaction. Thus, such a request may be a request for an interpretation or an application for an exception.

"Ruling" means an official interpretation by General Counsel of the Cost of Living Council, published in the FEDERAL REGISTER, which applies the regulations and guidelines of the Cost of Living Council to a specific set of facts.

§ 155.3 Appearances before the Council or IRS.

(a) A person may take any action or make any appearance which is required or permitted by this title on his own behalf, or he may be represented by any natural person, age 21 years or older, whom he has designated to represent him. Such designation shall be in writing and signed by the person legally authorized to so designate and shall be filed with the Council or appropriate IRS office, as the case may be.

(b) Persons appearing before the Cost of Living Council or the Internal Revenue Service in economic stabilization matters may be barred therefrom for disreputable conduct which includes, but is not limited to the following:

(1) Filing false or altered documents, affidavits, and other papers;

(2) Making false or misleading representations either orally or in writing; or

(3) Using intemperate or abusive language or engaging in disruptive conduct before the Council or IRS.

§ 155.4 Filing of documents.

(a) Unless otherwise expressly provided, a document required to be filed directly with the Council or directly with a key IRS District office or National IRS office under this title is considered filed when it has been received at the appropriate office. Documents received after regular business hours are deemed filed on the next regular business day.

(b) All documents filed with the Council or IRS must be filed in duplicate.

§ 155.5 Computation of time.

(a) In computing any period of time prescribed or allowed by this title for the performance of any act, the day of the act, event, or default on which the designated period of time begins to run will not be counted.

(b) If the last day of the period falls on a Saturday, Sunday, or a Federal legal holiday, the period will be extended to the next day which is not a Saturday, Sunday, or a Federal legal holiday.

(c) If the period prescribed or allowed is 7 days or less, an intervening Saturday, Sunday, or Federal legal holiday will not be counted.

§ 155.6 Service.

(a) All documents required to be served under this title are to be served personally, by registered or certified mail, or by regular U.S. mail (this option available only for service by the Council or IRS) on the person specified in the regulations in this title.

(b) If a person is represented by a duly authorized representative, service on the representative shall constitute service on the person.

(c) A certificate of service shall be filed with the Council for each document served.

(d) Service by mail is complete upon mailing.

§ 155.7 Extension of time.

If an action is required to be taken within a prescribed time under this title, an extension of time will be granted only upon a showing of good cause.

§ 155.8 Subpenas; witness fees.

(a) The Director of the Council, his duly authorized agent, the General Counsel, or an IRS District director of a key IRS District Office may sign and issue subpenas.

(b) A subpena may require the attendance of witnesses and the production of relevant papers, books, and documents in the possession or under the control of the person served.

(c) A subpena may be served by any person who is not a party and not less than 18 years of age.

(d) The original subpena bearing a certificate of service shall be filed with the issuing officer.

(e) A witness to whom a subpena has been issued pursuant to this section shall be paid the same fees and mileage as are paid witnesses in district courts of the United States. The witness fees and mileage shall be paid by the party at whose instance the subpena was issued.

§ 155.9 Consolidations.

Upon the initiative of the Council, the Director of the Council or his delegate, a Hearing Officer, a District director or his delegate, or a District conferee, or in response to a party's motion, two or more requests for exception, exemption, reclassification, or other cases which involve substantially the same parties or issues which are closely related, may be

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consolidated if it is found that such consolidation will expedite the proceedings or otherwise assist the Council or IRS in carrying out their economic stabilization functions.

§ 155.10 Effective date of orders.

Any order issued by the Council under this title is effective, in accordance with its terms, unless and until it is stayed, modified, suspended, or revoked.

§ 155.11 Instructions to applicants.

(a) Each request for a determination must be submitted in writing to the appropriate district director and contain a complete statement of all relevant facts relating to the act or transactions. Such facts include names, addresses, and identifying numbers of all affected parties (if reasonably ascertainable); a full and precise statement of the business reasons for the act or transaction (where appropriate); and a carefully detailed description of the act or transaction. In addition, true copies of all contracts, agreements, leases, instruments, and other documents involved must be submitted with the request. However, relevant facts reflected in documents submitted must be included in the statement and not merely incorporated by reference, and must be accompanied by an analysis of their bearing on the issue or issues, specifying the pertinent provisions. The request must contain a statement whether, to the best of the knowledge of the applicant or his representative, the identical issue is being considered by any field office of the IRS (or other governmental agency) in connection with a possible violation of economic stabilization regulations or guidelines by the person who is the subject of the requested determination. The request must also contain a statement as to whether the applicant or his representative has previously requested a determination with respect to the subject matter of the requested determination from any office of the IRS or any other governmental agency, detailing the disposition of any such previous request, or has filed an application for an exception or an exemption. Where the request pertains to only one step of a larger integrated transaction, the facts, circumstances, etc., must be submitted with respect to the entire transaction. As documents and exhibits become a part of the file and cannot be returned, the original documents should not be submitted.

(b) If the applicant is contending for a particular determination, he must furnish an explanation of the grounds for his contentions, together with a statement of relevant authorities in support of his views. Even though the applicant is urging no particular determination with regard to an act or transaction, he must state his views as to the effect of economic stabilization regulations and guidelines upon the action and furnish a statement of relevant authorities to support such views.

(c) A request by or for an applicant must be signed by the applicant or his authorized representative. If the request is signed by a representative of the applicant, or if the representative is to appear before the Council or IRS in connection with the request he must be a person who complies with the appearance requirements of this part. Such representative must not be under disbarment or suspension to practice before the Internal Revenue Service or the Cost of Living Council. Form S–68, Power of Attorney, must be used with regard to determinations requested pursuant to this section.

(d) Any request for a determination which does not comply with all the provisions of this section will be acknowledged and the requirements which have not been met will be pointed out.

(e) An applicant or his representative who desires an oral discussion of the issue or issues involved should indicate such desire in writing when filing the request or soon thereafter in order that a conference or hearing, if granted, may be arranged at that stage of consideration when it will be most helpful.

(f) It is the practice of the IRS to process requests for determinations in regular order and as expeditiously as possible. Compliance with a request for consideration of a particular matter ahead of its regular order, or by a specified time, tends to delay the disposition of other matters. Requests for processing ahead of the regular order, made in writing in a separate letter submitted with the request or subsequent thereto and showing clear need for such treatment will be given consideration as the particular circumstances warrant. However, no assurance can be given that any request for determination will be processed by the time requested. For example, the scheduling of a closing date for transaction or a meeting of the board of directors or shareholders of a corporation without due regard to the time it may take to obtain such a determination will not be deemed sufficient reason for handling a request ahead of its regular order. Neither will the possible effect of fluctuation in the market price of goods or commodities on a transaction be deemed sufficient reason for handling a request out of order. Requests by telegram will be treated in the same manner as requests by letter. Determinations ordinarily will not be issued by telegram.

(g) A request for an interpretation which includes, or could be construed to include, an application for an exception or exemption will nonetheless be treated solely as a request for an interpretation, as appropriate, and processed as such.

Subpart B—Prenotifications, Reports, Interpretations and Other Matters

§ 155.21 Purpose and scope.

(a) This subpart establishes the procedures of the Council governing initial actions with respect to all filings required or permitted under the provisions of Part 150 of this chapter except for requests for exceptions which are governed by subpart C of this part and requests for exemption or reclassification which are governed by Subpart D of this part. All papers filed must conform to the requirements set forth in Part 150 and any filing instructions which accompany the prescribed forms.

(b) Except as provided in paragraphs (c) and (d) of this section, all firms making initial filings with respect to the following matters shall file their papers with the key IRS District Office which serves the district in which their corporate headquarters are domiciled:

(1) Prenotifications and reports filed pursuant to subparts H, K, L, N, or P of Part 150;

(2) Applications for modification of prenotification requirements pursuant to § 150.151(b)(2)(iv);

(3) Applications for volatile pricing authorizations pursuant to § 150.156;

(4) Reports supporting loss or low profit firm pricing pursuant to § 150.201.

(5) Reports supporting minimum profit margin treatment pursuant to § 150.202;

(6) Merchandise pricing plans pursuant to § 150.306; and

(7) Requests for interpretation

(c) Insurers subject to subpart M of Part 150 of this chapter shall make all filings pursuant to that subpart and shall file requests for interpretation with the Internal Revenue Service, Insurance Group (Stabilization), P.O. Box 995, Washington, D.C. 20044.

(d) Institutional and noninstitutional providers of health services subject to Subpart O of Part 150 of this chapter shall make all filings pursuant to that subpart and shall file requests for interpretation with the Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(e) Initial actions on filings made pursuant to this subpart may be made by the Council or IRS, as appropriate, in accordance with Cost of Living Council Order No. 37, 38 FR 21836 (August 13, 1973).

§ 155.22 Initial actions by the Council.

(a) In those cases in which a document is filed with the Council and the applicable provision of Part 150 provides that a proposed action may be taken unless the Council takes affirmative action to suspend, modify, defer, or disapprove the proposed action, the Council may make a decision and issue an order together with a statement of the grounds therefor to suspend, modify, defer, or disapprove the proposed action pursuant to the applicable provision of Part 150.

(b) In those cases in which a document is filed with the Council and the applicable provision of Part 150 provides that a proposed action may be taken unless the Council approves, the Council will make a decision and issue an order together with a statement of the grounds therefor.

(c) Within 60 days after it receives a firm's merchandise pricing plan pursuant to § 150.306, the Council will review the plan and (1) approve it or (2) take the action provided for in § 150.308.

(d) The Council will issue interpretations in response to requests for interpretation filed pursuant to § 155.21 of this subpart.

(e) The Council will advise the recipient of an order or interpretation issued under this section which is adverse to the recipient that he may seek reconsideration under subpart F.

§ 155.23 Requests for Reconsideration.

Any person aggrieved by an initial action of the Council under this subpart may request reconsideration pursuant to Subpart F. The Council will not consider that a person appearing before the Council has exhausted his administrative remedies until he has filed a request for reconsideration under subpart F and final action has been taken by the Council under §§ 155.106 through 155.108.

Subpart C—Exceptions

§ 155.41 Purpose and scope.

Exceptions from the provisions of Part 150 of this title may be granted for the purpose of preventing or correcting a serious hardship or gross inequity.

(a) All persons requesting exceptions shall file their applications with the key IRS District Office which serves the district in which their corporate headquarters are domiciled, except that persons who are: (1) Insurers subject to Subpart M of Part 150 of this chapter, shall file with the Internal Revenue Service, Insurance Group (Stabilization), P.O. Box 995, Washington, D.C. 20044 and (2) Institutional and noninstitutional providers of health services subject to subpart O of Part 150 of this chapter, shall file with the Cost of Living Council, 2000 "M" Street, NW., Washington, D.C. 20508. All requests for exception, wherever filed, must conform to the requirements set out in § 155.11 of this part.

(b) Initial actions on requests for exception may be made by the Council or IRS, as appropriate, in accordance with Cost of Living Council Number 37, 38 FR 21836 (August 13, 1973).

(c) This subpart establishes the rules of the Council governing the disposition of requests for exceptions.

§ 155.42 Initial action on request for exception.

After considering the record, the Council will make a decision and issue an appropriate order:

(a) When the Council grants an exception it will serve upon the applicant a copy of its order.

(b) When the Council denies an exception in whole or in part, it will serve upon the appellant a copy of its order, which will contain a statement of the grounds for denial, and advise the applicant that he may request reconsideration pursuant to Subpart F of this part.

§ 155.43 Requests for reconsideration.

Any person aggrieved by an initial action of the Council under this subpart may request reconsideration pursuant to Subpart F of this part. The Council will not consider that a person appearing before the Council has exhausted his administrative remedies until he has filed a request for reconsideration under Subpart F and final action has been taken by the Council under §§ 155.106 through 155.108.

Subpart D—Exemptions and Reclassifications

§ 155.61 Purpose and scope.

(a) All requests for exemption, or reclassification with respect to prenotification or reporting requirements must be filed with the Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(b) This subpart establishes the rules of practice of the Council governing initial action on requests for exemption or reclassification.

§ 155.62 Initial action by Council.

After considering the record, the Council will make a decision and issue an order:

(a) When the Council grants an exemption or reclassification, it will serve upon the appellant a copy of its order.

(b) When the Council denies an exemption or reclassification, in whole or in part, it will serve upon the appellant a copy of its order, which will contain a statement of the grounds for denial, and advise the applicant that he may request reconsideration pursuant to Subpart F of this part.

§ 155.63 Requests for reconsideration.

Any person aggrieved by an initial action of the Council under this subpart may request reconsideration pursuant to Subpart F of this part. The Council will not consider that a person appearing before the Council has exhausted his administrative remedies until he has filed a request for reconsideration under Subpart F and final action has been taken by the Council under §§ 155.106 through 155.108.

Subpart E—Notices of Probable Violation; Remedial Orders

§ 155.81 Purpose and scope.

(a) This subpart establishes the procedures for determining the nature and extent of violations and the procedures for the issuance of remedial orders.

(b) A "remedial order" is an order requiring a person to cease a violation or to take action to eliminate or to compensate for the effects of a violation, or both, or which imposes other sanctions.

§ 155.82 General.

When any report required by the Council or any audit or investigation discloses, or the Council otherwise discovers, that a person appears to be in violation of the Act or any regulation in this title, the Council may conduct proceedings to determine the nature and extent of the violations and issue remedial orders. The Council may commence proceedings by serving a notice of probable violation or by issuing a remedial order.

§ 155.83 Issuance of notice of probable violation to begin proceedings.

The Council may begin proceedings under this subpart by issuing a notice of probable violation if the Council has reason to believe that a violation has occurred or is about to occur.

§ 155.84 Issuance of remedial orders to begin proceedings in unusual circumstances.

Remedial orders may be issued to begin proceedings under this subpart if the Council finds on preliminary examination that the violations are patent or repetitive, that their immediate cessation is required to avoid irreparable injury to others or unjust enrichment to the person to whom the order is issued, or for any other unusual circumstance the Council deems sufficient.

§ 155.85 Reply.

(a) Within 10 days of receipt of a notice of probable violation issued under § 155.83 or a remedial order issued under § 155.84, the person to whom the notice or order is issued may file a reply. The reply must be in writing. He may also request an appointment for a personal appearance, which must be held within the 10-day period provided for reply. He may be represented or accompanied by counsel at the personal appearance. The Council will extend the 10-day reply period for good cause shown.

(b) If a person does not reply within the time allowed by a notice of probable violation, the violation will be considered admitted as alleged and the Council may issue whatever remedial order would be appropriate.

(c) If a person has not replied to the Council within the 10-day period provided and a remedial order issued to begin proceedings, the order will go into effect or remain in effect, in accordance with its terms as the case may be.

(d) An order which goes into effect or is permitted to remain in effect under paragraph (c) of this section or an order issued under paragraph (b) of this section is not subject to judicial or any other review with respect to any finding of fact or conclusion of law which could have been raised in the proceedings before the Council by the filing of a reply.

§ 155.86 Order.

(a) If the Council finds, after the person has filed a reply under § 155.85, that no violation has occurred or is about to occur or that for any other reason the issuance of a remedial order would not be appropriate, it will issue an order so stating and, if necessary, revoke or modify any remedial order which already may be outstanding.

(b) If the Council finds that a violation has occurred or is about to occur and that a remedial order is appropriate, it will issue an order so stating and, if necessary, direct remedial action, vacate the suspension of any outstanding remedial order, or modify as appropriate, any outstanding remedial order. The order will state the grounds upon which it is based.

(c) Remedial orders issued hereunder may include any of the provisions stated in § 150.163 of this chapter or Subpart J of this part for the kind of violation con-

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cerned or any other requirement which is reasonable and appropriate.

§ 155.87 Requests for reconsideration.

Any person aggrieved by an initial action of the Council under this subpart may request reconsideration pursuant to subpart F of this part. Requests for reconsideration of an order under this subpart will be accorded expedited treatment by the Council. The Council will not consider that a person appearing before the Council has exhausted his administrative remedies until he has filed a request for reconsideration under Subpart F and final action has been taken by the Council under §§ 155.106 through 155.108.

Subpart F—Requests for Reconsideration

§ 155.101 Purpose and scope.

(a) This subpart establishes the procedures governing reconsideration of initial actions taken under Subparts B, C, D, or E of this part.

(b) The Council will not consider that a person who has appeared before the Council in connection with a matter arising under Subparts B, C, D, or E has exhausted his administrative remedies until he has filed a request for reconsideration under this subpart and final action thereon has been taken by the Council under §§ 155.106 through 155.108.

§ 155.102 Who may request reconsideration.

Any person aggrieved by an initial action of the Council under Subparts B, C, D, or E of this part may request reconsideration.

§ 155.103 Where to file.

A request for reconsideration shall be filed with the IRS or Council official who issued the initial action or decision from which reconsideration is sought.

§ 155.104 When to file.

A request for reconsideration must be filed within 30 days of service of the initial action or decision from which reconsideration is sought.

§ 155.105 Contents of request.

(a) A request for reconsideration shall—

(1) Be in writing and signed by the appellant;

(2) Be designated clearly as a request for reconsideration;

(3) Contain a concise statement of the grounds for reconsideration and the requested relief;

(4) Be accompanied by briefs, if any; and

(5) Be marked on the outside of the envelope—"Reconsideration."

(b) If the request for reconsideration is from an order issued under § 155.86 and involves an outstanding remedial order, the envelope should be marked "Reconsideration—Outstanding Remedial Order."

§ 155.106 Reconsideration.

(a) The Council will reconsider its initial action taken under Subparts B, C, D or E of this part if a request for reconsideration:

(1) Is made by a person aggrieved by the initial action;

(2) Is timely; and

(3) Makes a prima facie showing that the Council's initial action was erroneous in fact or in law.

(b) The Council may summarily reject a request for reconsideration which is not timely or which was filed by a person other than the one against whom the initial action was taken.

(c) The Council may summarily reject a request for reconsideration which fails to make a prima facie showing that the Council's initial action was erroneous in fact or in law, in which case it will notify the applicant of its action. Such appellant may seek judicial review under the Act.

(d) When a request for reconsideration meets the requirements set forth in paragraph (a) of this section, the Council will proceed in accordance with § 155.107 through § 155.108.

(e) The Council on its own motion may consider any additional evidence that it deems relevant and which in its opinion the party did not have a reasonable opportunity to present previously.

§ 155.107 Hearing.

(a) If the Council in its discretion deems that a hearing or conference is advisable, it will, as expeditiously as possible after receiving the request for reconsideration, direct that a hearing or conference be held before a Hearing Officer or District conferee.

(b) When a hearing or conference has been directed in accordance with paragraph (a) of this section, it will be conducted promptly after written notice has been served on the appellant, at such time and place as the Council may direct.

(c) When a hearing is conducted in accordance with this section, the appellant may present oral argument and submit such additional documentary evidence as the Hearing Officer or District conferee allows.

(d) When administratively feasible, within 30 days after the close of the hearing, the Hearing Officer or District conferee will submit to the Council a report and any recommendation he deems appropriate with respect to the appellant's request for reconsideration.

§ 155.108 Decision by Council.

(a) When administratively feasible, within 10 days of receipt of a request for reconsideration, or within 30 days of a Hearing Officer's or District conferee's report, when a hearing or conference has been held, the Council will make a decision and issue an order. However, if a remedial order is outstanding and reconsideration is sought from an order under § 155.86, the Council will make every effort to expedite the issuance of an order under this section. It is expected that such orders will ordinarily issue within 10 days of receipt of the request for reconsideration.

(b) When an order grants the requested relief, a copy of the order will be served upon the party to the proceedings.

(c) When the order denies the requested relief in whole or in part, the Council will set forth the grounds therefor, and advise appellant that he has exhausted his administrative remedies.

§ 155.109 Stays pending reconsideration.

As part of a request for reconsideration, any person may request a stay of the initial action for which reconsideration is sought pending final disposition of the request for reconsideration. The Council may grant a request for stay for good cause shown.

Subpart G—Compromise of Civil Penalties

§ 155.121 Purpose and scope.

(a) Under section 208(b) of the Economic Stabilization Act of 1970, as amended, whoever violates an order or regulation issued by the Council (or an order or regulation by the Price Commission during the time that such order or regulation was or is in effect) under that Act is subject to a civil penalty of not more than $2,500 for each violation. This subpart prescribes procedures governing the compromise and collection of those civil penalties which the Council considers appropriate or advisable to settle through compromise.

(b) Except as provided in paragraph (c) of this section, in the case of violations of price stabilization regulations and orders by price category III firms and for late filings of reports by all firms, the District Director of a key IRS district office may settle civil penalty cases through compromise.

(c) In the case of violations of price stabilization regulations and orders by institutional and noninstitutional providers of health services subject to Subpart O of Part 150 of this chapter, and all other violations, the General Counsel of the Cost of Living Council may settle civil penalty cases through compromise.

§ 155.122 Notice of possible compromise of civil penalties.

If the Council considers it appropriate or advisable under the circumstances of a particular civil penalty case to settle it through compromise, the General Counsel of the Cost of Living Council, or his delegate, or district director of a key IRS district office, as appropriate, sends a letter to the person charged with the violation advising him of the charges against him, the order or regulation that he is charged with violating, and the total amount of penalty involved, and that the Council is willing to consider an offer in compromise of the amount of the penalty.

§ 155.123 Response to notice.

(a) A person who receives a notice pursuant to § 155.122 may present to the General Counsel or district director, as appropriate, any information or material bearing on the charges that denies, explains, or mitigates the violation. The person charged with the violation

may present the information or materials in writing or he may request an informal conference for the purpose of presenting them. Information or materials so presented will be considered in making a final determination as to the amount for which a civil penalty is to be compromised.

(b) A person who receives such a notice may offer to compromise the civil penalty for a specific amount by delivering to the General Counsel or district director, as appropriate, a certified check for that amount payable to the Treasurer of the United States. An offer to compromise does not admit or deny the violation.

§ 155.124 Acceptance of offer to compromise.

(a) The General Counsel or district director, as appropriate, may accept or reject an offer to compromise a civil penalty. If he accepts it, he sends a letter to the person charged with the violation advising him of the acceptance.

(b) If the General Counsel or district director, as appropriate, accepts an offer to compromise, that acceptance is in full settlement on behalf of the United States of the civil penalty for the violation. It is not a determination as to the merits of the charges. A compromise settlement does not constitute an admission of violation by the person concerned.

§ 155.125 No compromise.

If a compromise settlement of a civil penalty cannot be reached, the General Counsel may refer the matter to the Attorney General for the initiation of proceedings in a U.S. district court to collect the full amount of the penalty, or take such other action as is necessary.

Subpart H—Petition and Comment on Rulemaking

§ 155.141 Purpose and scope.

(a) The provisions of 5 U.S.C. 553 will be followed for the issuance of all regulations or amendments to regulations by the Council, to the extent such provisions apply.

(b) In addition, the Council will accept from interested persons written comments on or written objections to its regulations or its published rulings at any time. If in the opinion of the Council such comments or objections warrant a proceeding similar to a rule making proceeding as provided by 5 U.S.C. 553, the Council will conduct such a proceeding pursuant to notice published in the FEDERAL REGISTER.

§ 155.142 Who may file.

Any interested person may file a comment on or objection to a regulation or published ruling at any time.

§ 155.143 Where to file.

A written comment or objection to a regulation or published ruling shall be filed with the Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

Subpart I—Published Rulings

§ 155.161 Rulings for publication.

From time to time, the General Counsel of the Cost of Living Council will issue rulings for publication in the FEDERAL REGISTER which are:

(a) Of general applicability,

(b) Illustrative of a general principle, or

(c) Of assistance to the public in applying the Act, regulations and guidelines to a specific situation.

Subpart J—Profit Margin Limitations: Council Actions

§ 155.171 Applicability.

This subpart applies to all activities of a firm subject to a profit margin limitation under Part 150.

§ 155.172 Definitions.

For the purposes of this subpart:

"Base level" of an item means the greater of the base price of that item as determined in accordance with Subpart F of Part 150 of this chapter or the adjusted freeze price of that item as defined in Subparts E or K of Part 150 of this chapter.

§ 155.173 General.

The Council may make the determination of whether a firm is in violation of a profit margin limitation prescribed in this chapter—

(a) In the case of any firm, on the basis of whether that firm's profit margin, for the fiscal year in which it made a charge above a base level, exceeded its base period profit margin; and

(b) In the case of a price category I or II firm, on the basis of whether that firm's profit margin for any quarter of that fiscal year, after such a charge is made, is at the rate that would, when projected for the entire fiscal year, exceed its base period profit margin and the firm fails to demonstrate, to the satisfaction of the Council, that its base period profit margin will not be exceeded for that fiscal year, for reasons such as seasonal patterns.

§ 155.174 Council actions.

The Council may take any action specified in § 155.175, § 155.176, § 155.177 or § 155.179, as applicable with respect to a violation of a profit margin limitation prescribed in this chapter.

§ 155.175 Violations during first, second, or third quarter of firm's fiscal year.

Whenever, pursuant to paragraph (b)(2) of this section, the Council determines that a firm is illegally exceeding its base period profit margin for the first quarter, or for the second or third quarter (on a cumulative basis), the Council may, at the option of the violator, order the action specified in paragraph (a) or (b) of this section.

(a)(1) Order the firm immediately to lower the price of any or all of its products or services to base levels; and

(2) Order either—

(i) A refund, within a period prescribed by the Council of the revenues derived from the prices charged in violation of this section to the extent that they exceeded the revenues from the prices which otherwise would have been chargeable, to the persons who paid those prices, if they are reasonably identifiable; or

(ii) If those persons are not reasonably identifiable, a reduction of the prices below base levels, as appropriate, by an amount that will equal the amount by which the revenues from the prices in violation of this section exceeded the prices which otherwise would have been chargeable, by the end of the fiscal quarter following the fiscal quarter in which the order of the Council is issued.

(b)(1) With respect to a violation occurring during the first quarter of the firm's fiscal year, order price reductions sufficient to ensure that the profit margin on the firm's quarterly report for the fiscal quarter following the fiscal quarter in which the order of the Council is issued, will not exceed the firm's base period profit margin.

(2) With respect to a violation occurring during the second quarter of the firm's fiscal year, order price reductions sufficient to ensure that the profit margin on the firm's quarterly report for the last quarter of its fiscal year will not exceed the firm's base period profit margin.

(3) With respect to a violation occurring during the third quarter of the firm's fiscal year, order price reductions sufficient to ensure that the profit margin on the firm's quarterly report for the first quarter of the fiscal year following the fiscal year in which the violation occurred will not exceed the firm's base period profit margin.

§ 155.176 Violation for fiscal year, if persons who paid the illegal charges are reasonably identifiable.

Whenever, pursuant to § 155.173 of this part, the Council determines that a firm has illegally exceeded its base period profit margin for the fiscal year, and the persons who paid the illegal prices are reasonably identifiable, the Council may order—

(a) The refund of revenues derived from the prices in violation to the extent that they exceed the revenues from prices which otherwise would have been chargeable, or the dollar value of the excess profit margin, whichever is less; and

(b) The reduction of prices to the extent necessary to lower the firm's revenues by an amount equal to two times the amount that the revenues derived from the prices in violation exceeded the revenues which otherwise would have been realized; or equal to two times the dollar value of the excess profit margin, whichever is less, by the end of the third quarter of the fiscal year following the fiscal year in which the violation occurred.

§ 155.177 Violation for fiscal year, if persons who paid the illegal charges are not reasonably identifiable.

Whenever, pursuant to § 155.173 the Council determines that a firm has illegally exceeded its base period profit margin for the fiscal year, and the persons

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who paid the illegal prices are not reasonably identifiable, the Council may order the reduction of prices to the extent necessary to lower the firm's revenues by an amount equal to three times the amount that the revenues derived from the prices in violation exceeded the revenues which would otherwise have been realized, or equal to three times the dollar value of the excess profit margin, whichever is less, by the end of the third quarter of the fiscal year following the fiscal year in which the violation occurred.

§ 155.178 Deduction of refunds.

For the purpose of computing a firm's profit margin in any quarter or fiscal year following a quarter in which it made refunds or reductions pursuant to an order issued under this section, that firm may not be allowed to deduct from its revenues the amount of those refunds or reductions that it made.

§ 155.179 Violation of order.

If a firm violates any provision of an order issued under this section, the Council may order it to reduce prices still further to the extent necessary to lower its revenues by an amount equal to two times the amount ordered to be refunded or reduced under this section, reduced to the extent that the firm has partially complied with the previous order.

§ 155.180 Prohibition of further price increases.

In any case in which the Council considers a firm to be in violation of its profit margin limitations, the Council may order that firm to make no further price increases without the specific approval of the Council.

§ 155.181 Custom products or services.

(a) Notwithstanding any other provisions of this subpart, a firm which exceeds its base period profit margin limitation in the same fiscal year in which it sells a custom product or service subject to Subpart F of Part 150, and which does not qualify for the Special Rule in § 150.11(d)(iii), shall be required to disgorge, through refunds or price reductions, an amount as follows:

(1) In the case of a firm which did not, in that fiscal year, charge a price for any item which exceeds the base level: an amount which bears the same ratio to the dollar value of the profit margin excess that its sales of custom products and custom services bears to total sales;

(2) In the case of a firm which in that fiscal year charged a price for an item in excess of the base level

(i) Where the dollar value of the profit margin excess is equal to or less than the revenues derived from the prices in violation to the extent that they exceed the revenues which otherwise would have been chargeable: the dollar value of the profit margin excess; and

(ii) Where the revenues derived from the prices in violation to the extent that they exceed the revenues which otherwise would have been chargeable, are less than the dollar value of the profit margin excess: Those revenues, plus an amount which bears the same ratio to the difference between those revenues and the dollar value of the profit margin excess that the firm's sales of custom products and custom services bears to total sales.

(b) For purposes of computing the ratio which sales of custom products or services bear to total sales pursuant to paragraph (a) of this section, a firm shall exclude from sales of custom products or services, for its first fiscal year ending after August 12, 1973, and before January 1, 1974, any sales of a custom product or service, after August 12, 1973, under a contract entered into before August 13, 1973.

Subpart K—Profit Margin Repurification

§ 155.191 Scope.

The subpart applies to any firm subject to a profit margin limitation imposed by Part 150 of this chapter.

§ 155.192 Definitions.

For the purposes of this subpart:

"Base level" of an item means the greater of the base price of that item as determined in accordance with Subpart F of Part 150 of this chapter or the adjusted freeze price of that item as defined in Subparts E or K of Part 150 of this chapter.

"Internal Revenue Service" means the District Director of the key IRS District Office which serves the district in which the corporate headquarters of the firm concerned are domiciled.

"Price Category I or II firm" means a price category I firm or a price category II firm as defined in Subpart C of Part 150 of this chapter.

"Price Category III firm" means a price category III firm as defined in Subpart C of Part 150 of this chapter.

§ 155.193 General rule.

Any firm subject to a profit margin limitation under Part 150 of this chapter is not subject to that limitation if, before the end of the fiscal year in which it charged a price above the base level, the firm (a) rescinds all price increases above base levels, and (b) in conformity with §§ 155.194, 155.195 and 155.196 of this subpart, remits to customers in the form of refunds, or future sales at prices below base levels of the same goods and services previously sold at prices above base levels, or both, an amount equal to or greater than the revenues derived in that fiscal year from charging a price or prices in excess of base price levels.

§ 155.194 Price Category I and II Firms.

(a) A price category I or II firm may take action to reduce prices to base levels at any time.

(b) Before remitting revenues derived from charging prices above base levels, each firm shall submit, for the approval of the Internal Revenue Service, a letter of intent to remit revenues under this regulation. If the firm receives no written response to its letter of intent within 20 days after the date it was received by the Internal Revenue Service, the firm may assume approval and proceed to remit revenues in accordance with § 155.196 of this part.

(c) To be eligible for Internal Revenue Service approval under this subpart, a letter of intent must be received at such a time before the end of the firm's fiscal year as will allow Internal Revenue Service review thereof in accordance with paragraph (b) of this section and as will allow the firm to fully execute the plan for remission of revenues before the end of that fiscal year. In any event, a letter of intent must be received at least 30 days before the end of that fiscal year.

(d) Each letter of intent to remit revenues shall include a revenue remission plan presenting the following information:

(1) The amount of revenue the firm has received as a result of having increased the price of property or services, or both, above base levels, indicated by product, product line, service, or service line;

(2) The above-base-level selling price, the base level, and the proposed below-base-level selling price of each product, product line, service or service line;

(3) The sales figures and other information which demonstrates that the proposed prices below base level will result in remission of revenues derived from charging prices above the base level;

(4) The period of time during which the remission of revenues will take place;

(5) The anticipated effect of the firm's price reductions on competition and the manner in which the firm's revenue remission plan will minimize disruption of competitive pricing patterns; and

(6) The amount of revenues which can be refunded to customers.

§ 155.195 Price Category III Firms.

A price category III firm which intends to make price reductions and refunds pursuant to this subpart shall, before remitting revenues derived from charging prices above base levels, record its intent in a notarized statement.

§ 155.196 Remission of Revenues.

(a) Remission of revenues derived from charging prices above base levels shall be made first in the form of refunds to individual customers who purchased goods and services at prices in excess of base levels, to the extent that those customers are reasonably identifiable. For the purpose of making refunds pursuant to this subpart, "customer" means, so far as possible, the ultimate consumer. To the extent that customers are not reasonably identifiable, remission of the balance of revenues derived from charging prices above base levels shall be made to customers of the same class as those charged the increased prices through the reduction of the price of those items which were raised above base levels to below base levels, so that the difference between the revenues realized at the reduced prices and the revenues which would have been realized if the sales had been made at base levels is equal to or greater than the revenues (net of any refunds) derived from charging prices above base levels.

(b) Each firm that remits revenues shall make such arrangements with its immediate customers, purchasers, dealers, employees or agents as are necessary to obtain and maintain records of the names and addresses of ultimate consumers who are reasonably identifiable in accordance with normal business practices and to assure that refunds are in fact made to such ultimate consumers.

§ 155.197 Reporting requirements.

No firm is considered to be restored to the position of a firm which has not raised any prices above base levels until it has carried out its revenue remission plan and complied with all of the applicable requirements of §§ 155.193 through 155.196 of this part. Upon meeting these requirements, a price category I or II firm may submit the certification of no price increase which, pursuant to the instructions to the Form CLC–22, certain firms which have not charged any price above the base level may use in lieu of reporting on price increases. However, the first certification of no price increase submitted after remission of revenues pursuant to this regulation shall be accompanied by a report which includes:

(a) A statement signed by that firm's chief executive officer (or other authorized officer) certifying that all selling prices of those items which were previously raised above base levels have been reduced to base levels; and

(b) The following information, set forth in detail, showing that all other curative actions have been completed:

(1) The dollar amount of the revenues which the firm received as a result of having charged a price for items above base levels during the current fiscal year;

(2) The names and addresses of all customers, if any, to whom the firm has made refunds pursuant to this subpart, together with the amounts refunded in each case and the date of each refund;

(3) The nature, type, and extent of price reductions below base levels which the firm did, in fact, institute pursuant to this subpart including the dollar amount of the revenues realized from sales at below base levels compared with the dollar amount of the revenues which would have been received if those sales had been made at base levels.

§ 155.198 Effect of Price Reductions.

This subpart does not relieve any firm of its obligations under the Clayton Act, the Federal Trade Commission Act, or any law with a similar purpose; nor does it permit or obligate any firm to do any act or engage in any practice which would violate any of those laws.

APPENDIX

Example 1. Firm A, a price category I firm which operates on a calendar-year basis, raised a few prices above base levels early in Phase IV. The firm finds it is exceeding its base period profit margin on the basis of its third quarter's performance and believes it will be unable to demonstrate that it will not exceed its base period profit margin for its full fiscal year. Consequently, before December 31, 1973, Firm A returns all prices to base levels and either makes refunds or reduces the prices on the same items to below base levels to the extent necessary to remit all revenues derived from charging prices above base levels as provided in this subpart. Firm A is no longer subject to a profit margin limitation and will remain free therefrom until it again raises a price above the base level.

Example 2. A remedial order was issued to Firm B because it raised prices above base levels in Phase IV and exceeded its base period profit margin for the third quarter of its fiscal year. The order, among other things, directed Firm B to (1) reduce all prices to base levels and (2) at the firm's option, to either (a) remit revenues derived from charging prices in excess of base levels or (b) further reduce prices by an amount sufficient to assure that by the end of the firm's fourth quarter the firm's profit margin will not exceed its base period profit margin.

Firm B wishes to conform to the requirements of this subpart. It therefore reduces all prices to base price levels and selects option 2(a) in the order. In carrying out option 2(a) it follows all applicable requirements of this subpart, including the submission of a letter of intent (§ 155.195) and the making of refunds to identifiable customers (§ 155.196). The decision of Firm B to meet the requirements of this subpart does not, however, relieve it of any additional requirements placed upon it by the remedial order.

Example 3. Firm C raised the price of its one product above the base level during its 1973 fiscal year but did not exceed its base period profit margin for fiscal year 1973. During the first month of its 1974 fiscal year, Firm D's profit margin appears to be rising substantially due in large measure to greatly increased demand for its product and related decreases in cost per unit. Firm C continues to charge the same increased price for its product in FY 1974 as it did last year.

Anticipating a profit margin excess for fiscal year 1974, Firm C elects to return to base levels and to remit all revenues derived in fiscal year 1974 from the price increase above base levels which was instituted in 1973. Having no identifiable customers, the firm determines that it would have to reduce the price of its product to a level below the base level for a period of three months in order to remit revenues (in the form of reduced prices) equal to or greater than the revenues derived in FY 1974 from the price charged in excess of the base price. With a price per unit at $2.00 above the base level and 20,000 units sold to date in FY 1974, Firm C determines that a total price decrease of $2.50 (50 cents below base level) with projected sales of at least 80,000 units over the next 3 months will result in remission of the $40,000 in revenues derived in FY 1974 from the price charged in excess of the base level.

After five months of sales as anticipated at prices below the base level, Firm C finds that it has met the requirements of this subpart with respect to remission of revenues and thereupon increases the price of the product to the base level. There are no price increases above base levels during the 1974 fiscal year, and Firm C exceeds its base period profit margin for FY 1974. Under the facts presented, there is no profit margin violation.

Example 4. Firm C, under the same facts as example 3 except that some customers are identifiable, works through its dealers (independent contractors) to identify and to refund directly to consumers who purchased its product in FY 1974 a total of $20,000. This leaves a balance of $20,000 which must be remitted in the form of sales at prices below the base level. Firm C lowers its price to 25 cents below base level and sells 80,000 units at that price over a three month period. This results in a remission of an additional $20,000, and Firm C has met the requirements of this subpart with respect to remission of revenues.

[FR Doc.73-16876 Filed 8-10-73;12:00 pm]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM–99; Amdts. Nos. 171–21, 173–75, 178–27]

SPECIFICATIONS 3AX, 3AAX, AND 3T CYLINDERS

The purpose of this amendment to the Hazardous Materials Regulations is to amend §§ 171.7, 173.34, 173.301, 173.302 and 173.304, and to add a new section 178.45, DOT specification 3T, to provide for the shipment of certain gases in large cylinders or tubes mounted on a motor vehicle.

On April 4, 1972, the Hazardous Materials Regulations Board published a notice of proposed rulemaking, Docket No. HM–99; Notice No. 72–3 (37 FR 6747), which proposed this amendment. Interested persons were invited to give their views and several comments were received by the Board.

1. *Hydrogen chloride.* A commenter stated that the proposed regulations omitted the authorization for hydrogen chloride to be shipped in DOT–3T cylinders. This authorization was purposely omitted because the Board has not completed its evaluation of DOT–3T cylinders in hydrogen chloride service.

2. *Nonliquefied natural gas.* Another commenter requested that the regulations be amended to permit nonliquefied natural gas to be shipped in DOT–3AX, 3AAX, and 3T cylinders. The Board has not authorized nonliquefied natural gas to be shipped in these cylinders because it has not been demonstrated that impurities which may be present in the gas would not affect the structure of the particular steel used in the manufacture of these cylinders.

3. *Design criteria for cylinders.* The proposed regulations provide design criteria for cylinders of 1000 pounds or more water capacity. A commenter has stated that this same design criteria should be applicable for cylinders of less than 1000 pounds water capacity and has requested that, wherever appropriate, the proposed regulations be amended to include the design criteria for the smaller water capacity cylinders. As this request is not within the scope of the present rule making, the Board did not address itself to the comment in this amendment.

4. *Cylinder attachment to vehicle.* Another commenter objected to the proposal which would require the rear end of the cylinders to be affixed to the vehicle. This commenter stated that adequate expansion provisions can be in-

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corporated in the cylinders when they are affixed to the vehicle at the front end of the cylinders. The Board agrees that it need not specify rear end rigid attachment and has authorized the cylinders to be affixed at either end with thermal expansion provisions required at the opposite end.

5. *Editorial.* Section 178.45–11(d) is reworded to more clearly state the intent of the regulation. As previously worded, the words "the test may be repeated" did not clearly indicate the other option of reheat treatment and subsequent compliance with all the prescribed tests. Consequently, the objective of the use of the word "may" could be misunderstood.

Accordingly, 49 CFR Parts 171, 173, and 178 are amended to read as follows:

PART 171—GENERAL INFORMATION AND REGULATIONS

In § 171.7, paragraphs (c) (17), and (d) (12) are added to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(c) * * *

(17) Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(d) * * *

(12) U.S. Department of Commerce, National Bureau of Standards Handbook H28 (1957)—Part II is titled "Screw-Thread Standards for Federal Services 1957," December 1966 edition.

PART 173—SHIPPERS

§ 173.34 [Amended]

(A) In § 173.34 paragraph (e) table, the following is added as the ninth entry: "3T ____5/3 times service pressure____5."

(B) In § 173.301, paragraph (h) table is amended by adding as the fifth entry "DOT–3AX" and by adding the entry "DOT–3AAX" after 3AA in the first column; by adding the entry "DOT–3T" as the third entry in the second column; paragraph (d) (1) is amended and paragraph (l) is added to read as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders.[1]

* * * * *

(d) * * *

(1) Manifolding is authorized for containers of the following gases: argon, air, carbon dioxide, helium, neon, nitrogen, nitrous oxide or oxygen provided that each container is individually equipped with safety relief devices as required by § 173.34 (d) or § 173.315(i).

* * * * *

(l) Specifications 3AX, 3AAX, and 3T cylinders are authorized for transportation only when horizontally mounted on a motor vehicle and when valves and safety devices are protected, as follows:

(1) Each cylinder must be fixed at one end of the vehicle with provision for thermal expansion at the opposite end attachment.

(2) The valve and safety relief device protective structure must be sufficiently strong to withstand a force equal to twice the weight involved with a safety factor of four, based on the ultimate strength of the material used; and

(3) Each discharge for a safety relief device on a cylinder containing a flammable gas must be upward and unobstructed.

(C) In § 173.302, paragraph (a) (3), the introductory text of paragraph (c), (c) (3) Table, and paragraph (f) are amended to read as follows:

§ 173.302 Charging of cylinders with non-liquefied compressed gases.

(a) * * *

(3) Specification 3AX, 3AAX, or 3T (§§ 178.36, 178.37, 178.45 of this subchapter) cylinders are authorized only for the following nonliquified gases: air, argon, carbon monoxide, ethane, ethyene, hellum, hydrogen, methane, neon, nitrogen, or oxygen, except that specification 3T is not authorized for hydrogen.

* * * * *

(c) *Special filling limits for Specifications 3A, 3AX, 3AA, 3AAX, and 3T cylinders.* Specifications 3A, 3AX, 3AA, 3AAX, and 3T (§§ 178.36, 178.37, 178.45 of this subchapter) cylinders may be charged with compresed gases, other than liquefied, dissolved, poisonous, or flammable gases to a pressure 10 percent in excess of their marked service pressure, provided:

* * * * *

(3) * * *

Kind of gas (change)	Maximum permitted filling density (see Note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34(a), (b), § 173.301(j) (see notes following table)
	Percent	
Carbon dioxide, liquefied (see Notes 4, 7, and 8).	68	DOT-3A1800; DOT-3AX1800; DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-3HT2000; DOT-39.
Carbon dioxide-nitrous oxide mixture (see Notes 7 and 8).	68	DOT-3A1800; DOT-3AX1800; DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-3ET2000; DOT-39.
Ethane (see Notes 8 and 9)	35.8	DOT-3A1800; DOT-3AX1800; DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-39.
Ethane (see Notes 8 and 9)	36.8	DOT-3A2000; DOT-3AX2000; DOT-3AA2000; DOT-3AAX2000; DOT-3T2000; DOT-39.
Ethylene (see Notes 8 and 9)	31.0	DOT-3A1800; DOT-3AX1800; DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-39.
Ethylene (see Notes 8 and 9)	32.5	DOT-3A2000; DOT-3AX2000; DOT-3AA2000; DOT-3AAX2000; DOT-3T2000; DOT-39.
Ethylene (see Notes 8 and 9)	35.5	DOT-3A2400; DOT-3AX2400; DOT-3AA2400; DOT-3AAX2400; DOT-3T2400; DOT-39.
Nitrous oxide (see Notes 7 and 8)	68	DOT-3A1800; DOT-3AX1800; DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-3HT2000; DOT-39.

* * * * * * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

(A) In the Table of Contents for Part 178, § 178.45 is added to read as follows:

Sec.
178.45 Specification 3T; seamless steel cylinder.
178.45–1 Compliance.
178.45–2 Type, size, and service pressure.
178.45–3 Inspection by whom and where.
178.45–4 Duties of the inspector.
178.45–5 Material, steel.
178.45–6 Manufacture.
178.45–7 Wall thickness.
178.45–8 Heat treatment.
178.45–9 Openings.
178.45–10 Safety devices and protection for valves, safety devices, and other connections.
178.45–11 Hydrostatic test.
178.45–12 Ultrasonic examination.
178.45–13 Basic requirements for tension and Charpy impact tests.
178.45–14 Basic conditions for acceptable physical testing.
178.45–15 Acceptable physical test results.
178.45–16 Rejected cylinders.
178.45–17 Markings.
178.45–18 Inspector's report.

(B) Section 178.45 is added to read as follows:

§ 178.45 Specification 3T; seamless steel cylinder.

§ 178.45–1 Compliance.

Each cylinder must meet the applicable requirements of § 173.24 of this subchapter.

[1] Requirements covering cylinders are also applicable to spherical pressure vessels.

§ 178.45–2 Type, size, and service pressure.

(a) *Type.* Each cylinder must be of seamless construction with integrally formed heads concave to pressure at both ends. The inside head shape must be hemispherical, ellipsoidal in which the major axis is two times the minor axis, or a dished shape falling within these two limits. Permanent closures formed by spinning are prohibited.

(b) *Size.* The minimum water capacity is 1,000 pounds.

(c) *Service pressure.* The minimum service pressure is 1,800 p.s.i.

§ 178.45–3 Inspection by whom and where.

Inspection of each cylinder must be performed by a competent and disinterested inspector, acceptable to the Bureau of Explosives. Chemical analyses and tests must be performed within the limits of the United States.

§ 178.45–4 Duties of the inspector.

(a) The inspector must determine that all materials are in compliance with the requirements of this specification.

(b) The inspector must verify compliance with the requirements of § 178.45–5 by making a chemical analysis or obtaining a certified chemical analysis from the material manufacturer for each heat of material. If an analysis is not provided by the material manufacturer, a sample from each heat must be analyzed.

(c) The inspector must determine that each cylinder is made and marked in compliance with this specification by:

(1) Complete internal and external inspection;

(2) Verification of proper heat treatment;

(3) Selection of samples to be tested;

(4) Witnessing all tests;

(5) Verification of threads by gage; and

(6) Preparation of required report.

§ 178.45–5 Material, steel.

(a) Only open hearth, basic oxygen, or electric furnace process steel of uniform quality is authorized. The steel analysis must conform to the following:

ANALYSES TOLERANCES

Element (percent)	Ladle analysis	Check analysis	
		Under	Over
Carbon	0.35 to 0.50	0.03	0.04
Manganese	0.75 to 1.05	0.04	0.04
Phosphorus (max)	0.035		0.01
Sulfur (max)	0.04		0.01
Silicon	0.15 to 0.35	0.02	0.03
Chromium	0.80 to 1.15	0.05	0.05
Molybdenum	0.15 to 0.25	0.02	0.02

(b) A heat of steel made under these specifications, the ladle analysis of which is slightly out of the specified range, is acceptable if satisfactory in all other aspects. However, the check analysis tolerances shown in the above table may not be exceeded except as approved by the Department.

(c) Material with seams, cracks, laminations, or other injurious defects is not permitted.

(d) Material used must be identified by any suitable method.

§ 178.45–6 Manufacture.

(a) General manufacturing requirements are as follows:

(1) Dirt and scale must be removed prior to inspection and processing.

(2) Surface finish must be uniform and reasonably smooth.

(3) Inside surfaces must be clean, dry, and free of loose particles.

(4) No defect of any kind is permitted if it is likely to weaken a finished cylinder.

(b) If the cylinder surface is not originally free from the defects described in paragraph (a) of this section, the surface may be machined or otherwise treated to eliminate these defects provided the minimum wall thickness is maintained.

(c) Welding or brazing on a cylinder is not permitted.

§ 178.45–7 Wall thickness.

(a) The minimum wall thickness must be such that the wall stress at the minimum specified test pressure does not exceed 67 percent of the minimum tensile strength of the steel as determined by the physical tests required in §§ 178.45–14 and 178.45–15. A wall stress of more than 90,500 p.s.i. is not permitted. The minimum wall thickness for any cylinder may not be less than 0.225 inch.

(b) Calculation of the stress for cylinders must be made by the following formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where:
S = Wall stress in pounds per square inch;
P = Minimum test pressure, at least 5/3 service pressure;
D = Outside diameter in inches;
d = Inside diameter in inches.

(c) Each cylinder must meet the following additional requirements which assumes a cylinder horizontally supported at its two ends and uniformally loaded over its entire length. This load consists of the weight per inch of length of the straight cylindrical portion filled with water compressed to the specified test pressure. The wall thickness must be increased when necessary to meet this additional requirement.

(1) The sum of two times the maximum tensile stress in the bottom fibers due to bending (see paragraph (c) (1) (i) of this section), plus the maximum tensile stress in the same fibers due to hydrostatic testing (see paragraph (c) (1) (ii) of this section) may not exceed 80 percent of the minimum yield strength of the steel at this maximum stress.

(i) The following formula must be used to calculate the maximum tensile stress due to bending:

$$S=\frac{Mc}{I}$$

where:
S = Tensile stress in pounds per square inch;
M = Bending moment in inch-pounds $\left(\frac{wl^2}{8}\right)$;
I = Moment of inertia—0.04909 (D^4-d^4) in inches fourth;
c = Radius $\left(\frac{D}{2}\right)$ of cylinder in inches;
w = Weight per inch of cylinder filled with water;
l = Length of cylinder in inches;
D = Outside diameter in inches;
d = Inside diameter in inches.

(ii) The following formula must be used to calculate the maximum longitudinal tensile stress due to hydrostatic test pressure:

$$S=\frac{A_1P}{A_2}$$

where:
S = Tensile stress in pounds per square inch;
A_1 = Internal area in cross section of cylinder in square inches;
P = Hydrostatic test pressure in pounds per square inch;
A_2 = Area of metal in cross section of cylinder in square inches.

§ 178.45–8 Heat treatment.

(a) Each completed cylinder must be uniformly and properly heat treated prior to testing, as follows:

(1) Each cylinder must be heated and held at the proper temperature for at least one hour per inch of thickness based on the maximum thickness of the cylinder and then quenched in a suitable liquid medium having a cooling rate not in excess of 80 per cent of water. The steel temperature on quenching must be that recommended for the steel analysis, but it must never exceed 1750°F.

(2) After quenching, each cylinder must be reheated to a temperature below the transformation range but not less than 1050°F., and must be held at this temperature for at least one hour per inch of thickness based on the maximum thickness of the cylinder. Each cylinder must then be cooled under conditions recommended for the steel.

§ 178.45–9 Openings.

(a) Openings are permitted on heads only.

(b) The size of any centered opening in a head may not exceed one half the outside diameter of the cylinder.

(c) Openings in a head must have ligaments between openings of at least three times the average of their hole diameter. No off-center opening may exceed 2.625 inches in diameter.

(d) All openings must be circular.

(e) All openings must be threaded. Threads must be in compliance with the following:

(1) Each thread must be clean cut, even, without any checks, and to gage.

(2) Taper threads, when used, must be the American Standard Pipe thread (NPT) type and must be in compliance with the requirements of NBS Handbook H–28, Part II, Section VII.

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(3) Taper threads conforming to National Gas Taper thread (NGT) standards must be in compliance with the requirements of NBS Handbook H–28, Part II, Sections VII and IX.

(4) Straight threads conforming with National Gas Straight thread (NGS) standards are authorized. These threads must be in compliance with the requirements of NBS Handbook H–28, Part II, Sections VII and IX.

§ 178.45–10 Safety devices and protection for valves, safety devices, and other connections.

Safety devices and protection arrangements for valves, safety devices, and other connections must be in compliance with § 173.34(d) of this subchapter. See also § 173.301(L) of this subchapter.

§ 178.45–11 Hydrostatic test.

(a) Each cylinder must be tested at an internal pressure by the water jacket method or other suitable method. The testing apparatus must be operated in a manner that will obtain accurate data. Any pressure gage used must permit reading to an accuracy of one percent. Any expansion gage used must permit reading of the total expansion to an accuracy of one percent.

(b) Any internal pressure applied to the cylinder after heat treatment and before the official test may not exceed 90 percent of the test pressure.

(c) The pressure must be maintained sufficiently long to assure complete expansion of the cylinder. In no case may the pressure be held less than 30 seconds.

(d) If, due to failure of the test apparatus, the required test pressure cannot be maintained, the test must be repeated at a pressure increased by 10 percent or 100 p.s.i., whichever is lower or, the cylinder must be reheat treated.

(e) Permanent volumetric expansion of the cylinder may not exceed 10 percent of its total volumetric expansion at the required test pressure.

(f) Each cylinder must be tested to at least 5/3 times its service pressure.

§ 178.45–12 Ultrasonic examination.

After the hydrostatic test, the cylindrical section of each vessel must be examined in accordance with ASTM Standard A–388–67 using the angle beam technique. The equipment used must be calibrated to detect a notch equal to five percent of the design minimum wall thickness. Any discontinuity indication greater than that produced by the five percent notch shall be cause for rejection of the cylinder unless the discontinuity is repaired within the requirements of this specification.

§ 178.45–13 Basic requirements for tension and Charpy impact tests.

(a) When the cylinders are heat treated in a batch furnace, two tension specimens and three Charpy impact specimens must be tested from one of the cylinders or a test ring from each batch. The lot size represented by these tests may not exceed 200 cylinders.

(b) When the cylinders are heat treated in a continuous furnace, two tension specimens and three Charpy impact specimens must be tested from one of the cylinders or a test ring from each four hours or less of production. However, in no case may a test lot based on this production period exceed 200 cylinders.

(c) Each specimen for the tension and Charpy impact tests must be taken from the side wall of a cylinder or from a ring which has been heat treated with the finished cylinders of which the specimens must be representative. The axis of the specimens must be parallel to the axis of the cylinder. Each cylinder or ring specimen for test must be of the same diameter, thickness, and metal as the finished cylinders they represent. A test ring must be at least 24 inches long with ends covered during the heat treatment process so as to simulate the heat treatment process of the finished cylinders it represents.

(d) A test cylinder or test ring need represent only one of the heats in a furnace batch provided the other heats in the batch have previously been tested and have passed the tests and that such tests do not represent more than 200 cylinders from any one heat.

(e) The test results must conform to the requirements specified in §§ 178.45–14 and 178.45–15.

(f) When the test results do not conform to the requirements specified, the cylinders represented by the tests may be reheat treated and the tests repeated. Paragraph (e) of this section applies to any retesting.

§ 178.45–14 Basic conditions for acceptable physical testing.

(a) The following criteria must be followed to obtain acceptable physical test results:

(1) Each tension specimen must have a gage length of two inches with a width not exceeding one and one-half inches. Except for the grip ends, the specimen may not be flattened. The grip ends may be flattened to within one inch of each end of the reduced section.

(2) A specimen may not be heated after heat treatment specified in § 178.45–8.

(3) The yield strength in tension must be the stress corresponding to a permanent strain of 0.2 percent of the gage length.

(i) This yield strength must be determined by the "offset" method or the "extension under load" method described in ASTM Standard E8–69.

(ii) For the "extension under load" method, the total strain (or extension under load) corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gage length under appropriate load and adding thereto 0.2 percent of the gage length. Elastic extension calculations must be based on an elastic modulus of 30,000,000. However, when the degree of accuracy of this method is questionable the entire stress-strain diagram must be plotted and the yield strength determined from the 0.2 percent offset.

(iii) For the purpose of strain measurement, the initial strain must be set with the specimen under a stress of 12,000 p.s.i. and the strain indicator reading set at the calculated corresponding strain.

(iv) The cross-head speed of the testing machine may not exceed ⅛ inch per minute during the determination of yield strength.

(4) Each impact specimen must be Charpy V-notch type size 10 mm x 10 mm taken in accordance with paragraph 11 of ASTM Standard A–333–67. When a reduced size specimen is used, it must be the largest size obtainable.

§ 178.45–15 Acceptable physical test results.

(a) Results of physical tests must conform to the following:

(1) The tensile strength may not exceed 155,000 p.s.i.

(2) The elongation must be at least 16 percent for a two-inch gage length.

(3) The Charpy V-notch impact properties for the three impact specimens which must be tested at 0° F. may not be less than the values shown below:

Size of specimen (mm)	Average value for acceptance 3 specimens	Minimum value 1 specimen only of the three
10.0 x 10.0	25.0 ft. lbs.	20.0 ft. lbs.
10.0 x 7.5	21.0 ft. lbs.	17.0 ft. lbs.
10.0 x 5.0	17.0 ft. lbs.	14.0 ft. lbs.

(4) After the final heat treatment, each vessel must be hardness tested on the cylindrical section. The tensile strength equivalent of the hardness number obtained may not be more than 165,000 p.s.i. (R^c 36). When the result of a hardness test exceeds the maximum permitted, two or more retests may be made; however, the hardness number obtained in each retest may not exceed the maximum permitted.

§ 178.45–16 Rejected cylinders.

(a) Reheat treatment is authorized. However, each reheat treated cylinder must subsequently pass all the prescribed tests.

(b) Repair by welding is not authorized.

§ 178.45–17 Markings.

(a) Marking must be done by stamping into the metal of the cylinder. All markings must be legible and located on a shoulder.

(b) Required markings are as follows:

(1) "DOT–3T," followed by the service pressure (for example: "DOT–3T1800");

(2) The appropriate serial number;

(3) The registration number of the manufacturer ("M ****");

(4) The inspector's official mark near the serial number;

(5) The tare weight in pounds; and

(6) The date of the test (for example "5–72" for May 1972), so placed that dates of subsequent tests may be easily added.

(c) Markings must be at least ½ inch high.

(d) The markings prescribed by paragraphs (b)(1), (2), and (3) of this section must be displayed one immediately below the previous one as follows:

DOT–3T1800
1234
M 6789

(e) No person may mark any cylinder with the specification identification "DOT–3T" unless (1) it was manufactured in compliance with the requirements of this section and (2) its manufacturer has a registration number (M ****) from the Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590.

§ 178.45–18 Inspector's report.

(a) The inspector's report must be retained indefinitely by the manufacturer as long as DOT–3T cylinders are authorized for use by these regulations and a copy must be supplied the purchaser and owner of each cylinder. Upon sale by the original purchaser or owner, the seller must furnish the buyer a copy of the report. The manufacturer and owner must keep all reports available for examination upon request by representatives of the Department.

(b) Each report must be legible, and contain at least the following information:

INSPECTION REPORT COVERING THE MANUFACTURE OF SPECIFICATION DOT–3T CYLINDERS

The cylinders covered by this report were manufactured for _____ located at _____. They were manufactured by _____ located at _____. The cylinders are _____ inches in diameter (OD), _____ inches in length, and have a minimum wall thickness of _____ inches. The calculated stress is _____ p.s.i. under a test pressure of _____ p.s.i. The marks stamped into the shoulder of the cylinder are:

Specification DOT–_____;
Serial numbers _____ to _____ inclusive;
Inspector's mark _____;
DOT registration number M_____;
Tare weight _____;
Test date _____;
Other marks (if any) _____.

These cylinders were made by process of _____. The cylinders were heat treated by the process of _____. The metal used was identified by the following _____ numbers _____.
(heat-purchase order)

The metal used was verified as to chemical analysis as shown in the "Record of Chemical Analysis of Metal" attached hereto. The heat numbers _____ marked on the metal
(were—were not)

All material was inspected visually and by ultrasonic means and all that was accepted was found free of injurious defects which might significantly affect the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were observed and found satisfactory.

The cylinder walls and outside diameter were measured and the calculated stress for the cylinder design covered herein was verified.

Hydrostatic test, physical tests of the material, and other tests as prescribed in specification DOT–3T were made in the presence of the inspector. All materials, tests results, and cylinders accepted were found to be in compliance with the requirements of that specification and records therefor are attached hereto.

I hereby certify that all these cylinders proved satisfactory in every way and are in compliance with the requirements of Department of Transportation Specification 3T.

Inspector's name _____ (Print)
Signed _____ (Inspector)
Inspector's Employer _____ Name & address
Place _____
Date _____
(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIALS FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

NOTE. Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

Test No.	Heat No.	Check analysis No.	Cylinders represented (serial Nos.)	Chemical analysis C	P	S	Si	Mn	Cr	Mo

The analyses were made by _____ (Signed) _____
Inspector's Name _____ (Print)
Inspector's employer _____ (Name & address)
_____
(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

Test No.	Cylinders represented by test (serial nos.)	Yield strength at 0.2 percent offset (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (percent in 2 inches)	Reduction of area (percent)	Charpy V-notch Average value for 3 specimens	Charpy V-notch Minimum value for one specimen

(Signed) _____
Inspector's name _____ (Print)
Inspector's employer _____ (Name & address)
_____
(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

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Serial Nos. of cylinders tested arranged numerically	Actual test pressure (pounds per square inch)	Total expansion (cubic centimeters) [1]	Permanent expansion (cubic centimeters) [1]	Percent ratio of permanent expansion to total expansion [1]	Tare weight (pounds) [2]	Volumetric capacity

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic date, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] State whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

(Signed) _____

Inspector's name _____ (Print)

Inspector's employer _____ (Name & address)

This amendment is effective September 30, 1973. However, compliance with the regulations, as amended herein, is authorized immediately.

(Sections 831–835 of Title 18, U.S.C.; sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C. on August 6, 1973.

KENNETH L. PIERSON,
Alternate Board Member for the Federal Highway Administration.

MAC E. ROGERS,
Board Member for the Federal Railroad Administration.

D. H. CLIFTON,
Captain, Alternate Board Member for the United States Coast Guard.

[FR Doc.73-16737 Filed 8-14-73;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amendment No. 7]

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

ARIZONA-DESERT VALLEY CITRUS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1973 crop year in the following respects:

Section 409.25 of this chapter is amended by adding the following new paragraph 23, which shall apply only to new contracts entered into to be effective beginning with the 1973 or a succeeding crop year:

§ 409.25 The application and the policy.

* * * * *

23. *New Contracts for the 1973 Crop Year.* (a) This section applies only to applications for insurance submitted beginning with the 1973 or a succeeding crop year and to contracts entered into pursuant thereto. The insurance provided under this section shall be designated as "Plan B".

(b) Notwithstanding the provisions of sections 1 and 3 above, applications for insurance shall be with respect to all insurable types of citrus, as defined in section 22 hereof, produced by the applicant.

(c) In lieu of subsection 7(c) above, the following shall apply: The amount of insurance for any crop year for any insured type on the unit shall be determined by multiplying the estimated production in boxes for the insured type for that crop year as reported by the insured or as determined by the Corporation by the applicable amount of insurance per box and multiplying the product thereof by the insured's interest: *Provided, however,* That for any insured type the amount of insurance for any crop year shall not exceed the product of the insured acreage for that type, and the maximum amount of insurance per acre shown on the actuarial table for such crop year and the insured's interest. The total of the amounts of insurance for all insured types on the unit shall be the total amount of insurance for the unit.

(d) In lieu of subsection 13(a) above, the following shall apply: It shall be a condition precedent to payment of any indemnity on any unit hereunder that the insured report each damage to the insured crop from freeze to the office for the county within 30 days after the date of such freeze.

(e) In lieu of subsection 14(a), the following shall apply: Any claim for loss on any unit must be submitted to the Corporation on a form prescribed by the Corporation by the earlier of 60 days after harvesting of the insured crop is completed on the unit or September 30 of the calendar year following the calendar year in which insurance attached. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(f) In lieu of subsection 14(b) above, the following shall apply: Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined in the following manner: (1) For each insured type of citrus in the unit multiply the amount of insurance (determined in accordance with subsection (c) of this section) by the percent of damage for that type (determined in accordance with subsection (g) of this section), (2) add the dollar amounts obtained for each of the respective types of citrus in (1) above, (3) add the dollar amounts of insurance for each type of insured citrus on the unit, (4) from the amount obtained in (2) above subtract 30 percent of the amount obtained in (3) above.

(g) In lieu of subsection 14(c) above, the following shall apply: The average percent of damage for each insured type on the unit shall be the ratio of the number of boxes of the crop lost as a result of freeze to the total number of boxes which would have been produced (herein called the "potential"). The potential shall include: (1) Citrus picked before the freeze damage occurred, (2) citrus remaining on the trees after the freeze damage occurred, (3) citrus lost from freeze, and (4) any other citrus not included in items (1) through (3), including citrus lost from causes not insured against other than normal dropping, "rots," and "splits." Citrus lost as a result of freeze shall be citrus to which damage from freeze is serious as defined in the laws of the state in which the county is geographically located and shall be determined by the Corporation on the basis of the cuts made in the grove by the Corporation, except that the Corporation shall consider: (1) Any fruit on the ground as a result of freeze which is not marketed as being 90 percent damaged, (2) any fruit which is or could be packed as fresh fruit as being undamaged, and (3) any portion of the insured crop which is harvested prior to inspection by the Corporation as fruit not damaged.

The Corporation reserves the right to delay the determination of the extent of damage from freeze and the settlement of any loss until the insured makes available to its complete records of the marketing of the insured crop for the crop year. It shall be a condition precedent to payment of any claim that the insured furnished any production records and any other information required by the Corporation regarding the manner and extent of damage or loss.

(h) In lieu of subsection 14(d) above, the following shall apply: If the Corporation determines that frost protection equipment was not properly utilized or was improperly reported, the indemnity otherwise computed for the unit shall be reduced by the percentage of premium reduction given for frost protection equipment. It shall be a condition precedent to establishing that frost equipment was properly utilized that the insured provide proof satisfactory to the Corporation when each operation of such equipment was started and the period of use.

(i) In lieu of subsection 22(f), the following shall apply: "Insurance unit" means all insurable acreage in the county of the six types of citrus (see subsection 22(h)): (1) In which the insured has 100 percent interest on the date insurance attaches for the crop year, or (2) in which the same two or more pensions have 100 percent interest on the date insurance attaches for the crop year. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(j) Notwithstanding any other provision of the contract, for the purpose of applications submitted and contracts entered into pursuant to this section where the same person owns, or the same two or more persons own, 50 percent or more of the stock in each of two or more corporations, all such corporations shall be considered as one person. In such case an application submitted by any such corporation must be joined by all such corporations having an interest in any insurable type of citrus. Insurance units shall be constituted and losses shall be adjusted as though only one insured person were involved. Failure of any such corporation to join in the application shall void such application or contract entered into pursuant thereto.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Since the foregoing amendment provides the only practical basis on which the Board of Directors believed insurance could be provided in the unclassified areas of Yuma County, Arizona, and Imperial County, California, for the 1973 crop year, and since producers in these areas should be given sufficient time to determine whether or not they desire to apply for insurance under the provisions of the proposed amendment, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553(b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on July 12, 1973.

[SEAL] LLOYD E. JONES,
Federal Crop Insurance Corporation.

Approved on August 10, 1973.

EARL L. BUTZ,
Secretary.

[FR Doc.73-16949 Filed 8-14-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Amdt. 1]

PART 948—IRISH POTATOES GROWN IN COLORADO AREA NO. 3

Handling Regulation

This amendment reduces the size requirement to 1⅞ inches minimum diameter or 4 ounces minimum weight on all potatoes shipped to fresh market from Colorado Area No. 3.

With less than normal U.S. potato supplies and with Area No. 3's crop composed of a greater proportion of smaller sized potatoes than the committee anticipated in June, this amendment should tend to increase their returns and make a larger quantity of good potatoes available to the consumers.

Findings. (a) Pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Area No. 3 Committee, established under the marketing order, and other available information, it is hereby found that this amendment will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1973 crop potatoes grown in Area No. 3 are now being made, (2) to maximize benefits to producers, this amendment should apply to as many shipments as possible during the effective period, (3) issuance of this amendment will not require any special preparation by handlers, (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (5) this amendment relieves restrictions on the handling of potatoes grown in the production area.

Regulation, as amended. In § 948.369 (38 FR 20235) paragraph (a) is amended to read as follows:

§ 948.369 Handling regulation.

* * * * *

(a) *Grade and size requirements—All varieties.* U.S. No. 2, or better grade, 1⅞ inches minimum diameter or 4 ounces minimum weight, except Size B may be handled if U.S. No. 1, or better grade.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Effective date. August 15, 1973.

Dated: August 9, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.73-16867 Filed 8-14-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1973-Crop Supplement to Cotton Loan Program Regulations

Correction

In FR Doc. 73-14845 appearing at page 19381 in the issue of Friday, July 30, 1973, make the following changes:

1. In the table to § 1427.101 the final entry in the right hand column under Arkansas reading "20.99", should read "20.90". In the table for South Carolina, the 23d entry from the bottom reading "41.55", should read "21.55".

2. In the table to § 1427.102, the fourth code number from the left, reading "15/15", should read "15/16". The fourteenth code number reading "1¼ long", should read "1¼ longer". In the 6th column from the left, the 12th entry reading "–765", should read "–785".

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 299—IMMIGRATION FORMS

Reproduction of Form I–94

To accommodate the establishment of an automated system to facilitate the processing of nonimmigrant documents, on or after January 1, 1974 all Forms I–94 must bear a preprinted seven-digit sequential number. Accordingly, in Part 299, § 299.3 is amended, effective January 1, 1974, to require that Forms I–94 printed or reproduced by private parties shall bear a seven-digit sequential number as specified therein, which number shall appear identically on both the original and the carbon copy of the form. The prenumbering of Forms I–94 in the manner specified in the amendment may begin immediately. While such prenumbering of Forms I–94 prior to January 1, 1974 is optional, all Forms I–94 must bear such preprinted sequential number on and after January 1, 1974.

In the light of the foregoing, pursuant to 5 U.S.C. 552 (80 Stat. 383) and the authority contained in 8 U.S.C. 1103 and 8 CFR 2.1, the following amendment to Part 299 of Chapter I of Title 8, Code of Federal Regulations, is hereby prescribed:

In Part 299, § 299.3 is amended by adding two new sentences at the end thereof. As amended, § 299.3 reads as follows:

§ 299.3 Reproduction of forms by private parties.

The following forms required for compliance with the provisions of subchapter B of this chapter may be printed or otherwise reproduced by an appropriate duplicating process by private parties at their own expense: I–20, I–92, I–94, I–95, I–408, and I–418. Forms printed or reproduced by private parties shall conform to the officially printed forms currently in use with respect to size, wording and language, arrangement, style and size of type, and paper specifications. Such forms shall be printed or otherwise duplicated in black ink or dye that will not fade or "feather" within 20 years. Printed or reproduced Forms I–94 must each bear a seven-digit sequential number which shall appear on both the original and the carbon copy of the form. Beginning with the number 000 00 00 and continuing through 999 99 00, printed or reproduced Forms I–94 shall repeat this series of numbers each time all the numbers have been used.

Compliance with the provisions of 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rulemaking is unnecessary in this instance because the amendment to § 299.3 relates to agency management.

Effective date. This order shall become effective on January 1, 1974.

Dated: August 10, 1973.

JAMES F. GREENE,
Acting Commissioner.

[FR Doc.73-16885 Filed 8-14-73;8:45 am]

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Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

SCABIES IN CATTLE AND SHEEP

Treatment of Vehicles, Premises and Facilities Which Have Contained Infested or Exposed Animals

The purpose of the following amendments to the regulations contained in Parts 72, 73, and 74 of Title 9, Code of Federal Regulations, is to require the use of permitted dips rather than permitted disinfectants in treating vehicles, premises, and facilities which have contained cattle or sheep infested with or exposed to scabies or ticks.

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f), Parts 72, 73, and 74 of Subchapter C, Chapter I, Title 9, Code of Federal Regulations, are hereby amended in the following respects:

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

1. Section 72.22 is amended to read:

§ 72.22 Cars, vehicles, and premises; cleaning and treatment after containing infested or exposed animals.

Cars and other vehicles, and yards, pens, chutes, or other premises or facilities, which have contained interstate shipments of animals infested with or exposed to ticks, shall be cleaned and treated within 72 hours of use and prior to further use in the required concentration with a permitted dip listed in § 72.13 under supervision of a State or Federal inspector or an accredited veterinarian.

2. Section 72.23 is amended to read:

§ 72.23 Cars or other vehicles having carried infested or exposed cattle in quarantined area shall be cleaned and treated.

Cars or others vehicles which have carried cattle exposed to or infested with ticks within the quarantined area of any State shall be cleaned and treated in the required concentration with a permitted dip listed in § 72.13 before being moved interstate under supervision of a State or Federal inspector or an accredited veterinarian.

3. Section 72.24 is amended to read:

§ 72.24 Litter and manure from carriers and premises of tick-infested animals; destruction or treating required.

The litter and manure removed from cars, boats, or other vehicles and from pens, chutes, alleys, or other premises or inclosures which have contained interstate shipments of tick-infested animals, shall be destroyed or treated by the transportation or yard company, or other owner thereof, under Veterinary Services supervision, by saturating it in the required concentration with a permitted dip listed in § 72.13, or shall be otherwise disposed of under prior permission received from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

PART 73—SCABIES IN CATTLE

4. Section 73.11 is amended to read:

§ 73.11 Treatment of cars, vehicles and premises having contained scabby cattle.

Cars and other vehicles, yards, pens, sheds, chutes, or other premises or facilities which have contained cattle of a consignment in which scabies is found shall be treated within 72 hours of use and prior to further use in the required concentration with a permitted dip listed in § 73.10 under supervision of a State or Federal inspector or an accredited veterinarian.

PART 74—SCABIES IN SHEEP

5. In the table of headings of Part 74 the Subpart heading preceding the heading of § 74.25; and in Part 74 the Subpart heading preceding § 74.25 are both amended to read:

Subpart—Treatment of Cars, Vehicles, and Premises

6. Section 74.25 is amended to read:

§ 74.25 Required if contained diseased sheep.

Cars, and other vehicles, yards, pens, sheds, and chutes which have contained diseased sheep shall be cleaned and treated within 72 hours of use and prior to further use in the required concentration with a permitted dip listed in § 74.24 under supervision of a State or Federal inspector or an accredited veterinarian.

(Secs. 4–7, 23 Stat. 31–33, as amended; secs. 1–3, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130 and 132; 21 U.S.C. 111–113, 115, 117, 120–126, 134b, 134f; 37 FR 28464, 28477, 38 FR 19141.)

Effective date. The foregoing amendments shall become effective on August 15, 1973.

The amendments alter and clarify the requirements for treatment of vehicles, premises, and facilities infested with or exposed to cattle fever ticks and scabies and should be made effective immediately to accomplish their purpose in the public interest.

It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of August, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73–16953 Filed 8–14–73;8:45 am]

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Released From Quarantine

This amendment excludes portions of Riverside and San Bernardino Counties in California from the areas quarantined because of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded areas.

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations is hereby amended in the following respects.

In § 82.3, in subparagraph (a)(1) relating to the State of California, subdivision (i) relating to Riverside County and subdivisions (ii), (vii), and (viii) relating to San Bernardino County are deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 F.R. 28464, 28477.)

Effective date. The foregoing amendment shall become effective August 10, 1973.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and

unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day or August, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73–16952 Filed 8–14–73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

SUBPART D—FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

FOOD STARCH-MODIFIED

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1A2678) filed by A. E. Staley Manufacturing Co., 2200 Eldorado St., Decatur, IL 62525, concludes that § 121.1031 (21 CFR 121.1031) of the food additive regulations should be amended, as set forth below, to provide for the safe use of food starch modified by etherification with epichlorohydrin, not to exceed 0.1 percent, followed by propylene oxide, not to exceed 25 percent.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1031(e) is amended by adding a new item as follows:

§ 121.1031. Food starch-modified.

• • • • • •

(e) • • •

Limitation
• • •
Epichlorohydrin, not to exceed 0.1 percent, followed by propylene oxide, not to exceed 25 percent
• • •
Residual propylene chlorohydrin not more than 5 parts per million in food starch-modified.
• • •

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before September 14, 1973 file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective August 15, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 7, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–16873 Filed 8–14–73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Neomycin Sulfate and Polymyxin B Sulfate Ophthalmic Solution, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (49–726V) filed by Syntex Laboratories, Inc., Palo Alto, CA 94304, proposing the safe and effective use of neomycin sulfate and polymyxin B sulfate ophthalmic solution, veterinary for the treatment of certain ophthalmic conditions in dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding a new section as follows:

§ 135a.39 Neomycin sulfate and polymyxin B sulfate ophthalmic solution, veterinary.

(a) *Specifications.* Each milliliter of the opthalmic preparation contains 5.0 milligrams neomycin sulfate (3.5 milligrams neomycin base), and 10,000 Units of polymyxin B sulfate.

(b) *Sponsor.* See code No. 036 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is recommended for the treatment of bacterial infections associated with topical ophthalmological conditions such as corneal injuries, superficial keratitis, conjunctivitis, keratoconjunctivitis, and blepharitis in the dog.

(2) The recommended dosage is 1 to 2 drops per eye every 6 hours.

(3) In treating ophthalmological conditions associated with bacterial infections the drug is contraindicated in those cases in which microorganisms are nonsusceptible to the antibiotics incorporated in the drug.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective August 15, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: August 7, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.73–16872 Filed 8–14–73;8:45 am]

V 38-157 AUG 15 73 XUM

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-192]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appear for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
California	Los Angeles	Unincorporated areas.	I 06 037 0000 07 through I 06 037 0000 12	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802.	Los Angeles County Engineer, 108 West Second St., Room 708, Los Angeles, Calif. 90012.	July 10, 1970. Emergency. Aug. 24, 1973. Regular.
				California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.		
Colorado	Pueblo	Pueblo, City of	I 08 101 2050 01 through I 08 101 2050 09	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203.	Office of the City Manager, City of Pueblo, 1 City Hall Place, Pueblo, Colo. 81003.	June 18, 1971. Emergency. Aug. 24, 1973. Regular.
				Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.		
Florida	Indian River	Indian River Shores, Town of.				Aug. 15, 1973. Emergency.
Ohio	Franklin	Reynoldsburg, City of.				Do.
Rhode Island	Newport	Portsmouth, Town of.	I 44 005 0185 01 through I 44 005 0185 09	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, R.I. 02907.	Office of the Town Clerk, Town of Portsmouth, Portsmouth, Va. 02871.	July 30, 1971. Emergency. Aug. 24, 1973. Regular.
				Rhode Island Insurance Division, 169 Weybosset St., Providence, R.I. 02903.		
Texas	Bexar	San Antonio, City of.				Aug. 15, 1973. Emergency.
Virginia		Norfolk, City of.				Do.
Do	Prince William	Dumfries, Town of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 8, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-16779 Filed 8-14-73;8:45 am]

[Docket No. FI-193]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective on August 14, 1973. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
California	Los Angeles	Unincorporated areas.	H 06 037 0000 07 through H 06 037 0000 12	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802.	Los Angeles County Engineer, 108 West Second St., Room 708, Los Angeles, Calif. 90012.	Aug. 24, 1973.
				California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.		
Colorado	Pueblo	Pueblo, City of	H 08 101 2050 01 through H 08 101 2050 09	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203.	Office of the City Manager, City of Pueblo, 1 City Hall Pl., Pueblo, Col. 81003.	Do.
				Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.		
New Jersey	Mercer	Pennington, Borough of.	H 34 021 2550 01	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Borough Clerk, Borough of Pennington, Borough Hall, Pennington, N.J. 08534.	Do.
Do	Monmouth	Allenhurst, Borough of.	H 34 025 0003 01	do	Borough Clerk, Borough of Allenhurst, Borough Hall, Allenhurst, N.J. 07711.	Do.
Do	do	West Long Branch, Borough of.	H 34 025 3580 01	do	Borough Clerk, Borough of West Long Branch, Borough Hall, West Long Branch, N.J. 07764.	Do.
New York	Steuben	Corning, City of	H 36 101 1360 01 H 36 101 1360 02	New York State Department of Environmental Conservation, Division of Resources, Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and 324 State St., Albany, N.Y. 12210.	City Hall, City of Corning, Cedar St., Corning, N.Y. 14830.	Do.
Pennsylvania	Bucks	Plumstead, Township of.	H 42 017 5883 01 through H 42 017 5883 03	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Plumstead Township Bldg., Stump Rd., Plumsteadville, Pa. 18949.	Do.
Do	Cumberland	New Cumberland, Borough of.	H 42 041 5810 01	do	Borough Bldg., Borough of New Cumberland, Seventh and Reno St., New Cumberland, Pa. 17070.	Do.
Do	do	West Fairview, Borough of.	H 42 041 9050 01	do	West Fairview Borough Municipal Bldg., 410 Cherry St., West Fairview, Pa. 17025.	Do.
Do	Huntingdon	Mount Union, Borough of.	H 42 061 5600 01 H 42 061 5600 02	do	Mount Union Borough Office, Municipal Bldg., 9-11 West Market St., Mount Union, Pa. 17066.	Do.
Do	Luzerne	Nanticoke, City of.	H 42 079 5670 01	do	Nanticoke City Hall, West Main St., Nanticoke, Pa. 18634.	Do.
Do	Lycoming	Muncy, Borough of.	H 42 081 5630 01	do	Borough Bldg., Borough of Muncy, Five Main St., Muncy, Pa. 17756.	Do.
Rhode Island	Newport	Portsmouth, Town of.	H 44 005 0185 01 through H 44 005 0185 09	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, R.I. 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, R.I. 02903.	Office of the Town Clerk, Town of Portsmouth, Portsmouth, Va. 02871.	Do.
Wisconsin	Marathon	Rothschild, Village of.	H 55 073 4230 02 (Revised 8-24-73)	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Rothschild Village Hall, Rothschild, Wis. 54474.	May 11, 1973.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 8, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-16778 Filed 8-14-73;8:45 am]

V 38-157 AUG 15 73 XUM

Title 36—Parks, Forests and Memorials

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 231—GRAZING

Protection, Management, and Control of Wild Free-Roaming Horses and Burros

On December 20, 1972, a notice of proposed rulemaking was published in the FEDERAL REGISTER (37 FR 28077). The proposal would amend 36 CFR Part 231 for the purpose of providing authority and direction to the Chief, Forest Service, for protection, managing, and controlling those wild free-roaming horses and burros that are associated all or part time with National Forest System lands. In addition to the above publication the proposal was discussed in a draft environmental statement filed with the Council on Environmental Quality on December 21, 1972, and in a final environmental statement filed on July 6, 1973. The proposed rule making and the environmental statements were reviewed in detail with the National Advisory Board on Wild Free-Roaming Horses and Burros. National Forest Grazing Advisory Boards were also called upon to review the proposal as provided by the Requirements of the Granger-Thye Act (sec. 18, 64 Stat. 87, 16 U.S.C. 580k). All comments received from Advisory Boards and comments received from the public at large were considered in preparation of a final regulation. Revisions made as a result of the comments received and further analysis by USDA and the Forest Service are summarized below:

1. Section 231.11(a) *Definitions*, "Agent of the Secretary" has been added to the list of definitions.

2. Section 231.11(a) *Definitions*, the term "excess animals" has been substituted for "surplus animals."

3. Section 231.11(a) *Definitions*, the term "1971 Horse and Burro Territory" has been defined and adopted as a means of more clearly identifying the areas where Wild Horses and Burros were found at the time of the Act.

4. Direction has been established in § 231.11(b)(3) to identify the 1971 Horse and Burro Territory as rapidly as possible.

5. Section 231.11(c) *Ownership Claims*, has been revised to provide more specific information on the procedures to be followed and to make specific reference to the use of Cooperative Agreements with State agencies administering the State estray laws. The phrase "evidence of ownership" has been substituted for "probable ownership."

6. Section 231.11(e) *Other Lands, Protection Upon*, has been slightly revised to show more clearly that Wild Free-Roaming Horses and Burros associated with the National Forest System lands are protected whenever they move to lands of any other ownership or jurisdiction.

7. Section 231.11(h) *Cooperative Agreements*, has been simplified to eliminate any implied restriction in the use of cooperative agreements.

8. Section 231.11(j) *Disposal of Animals*, has been slightly revised for clarity concerning Acts of Mercy.

As so revised the proposal is hereby adopted to read as set forth below. It becomes effective immediately.

§ 231.11 Wild free-roaming horses and burros.

The Chief, Forest Service, shall protect, manage, and control wild free-roaming horses and burros on lands of the National Forest System and shall maintain vigilance for the welfare of wild free-roaming horses and burros that wander or migrate from National Forest System lands. If these animals also use lands administered by the Bureau of Land Management as a part of their habitat, the Chief, Forest Service, shall cooperate to the fullest extent with the Department of the Interior through the Bureau of Land Management in administering the animals.

(a) *Definitions.* As used in this section,

(1) "Agent of the Secretary" means any employee of the Forest Service or other individual who either individually or by virtue of the position he holds is delegated authority by the Chief, Forest Service, to take actions under the Regulations of this Section.

(2) "Wild Free-Roaming Horses and Burros" shall mean all unbranded and unclaimed horses and burros and their progeny that have used lands of the National Forest System on or after December 15, 1971, or do hereafter use these lands as all or part of their habitat. Unbranded, claimed horses and burros where the claim is found to be erroneous are also considered as wild and free-roaming if they meet the criteria above. However, this definition shall not include any horse or burro introduced onto National Forest System lands on or after December 15, 1971, by accident, negligence, or willful disregard of private ownership.

(3) "Herd" means one or more stallions and their mares, or jacks and their jennies.

(4) "Excess animals" means wild free-roaming horses or burros determined to be in excess of populations proper to maintain a thriving natural ecological balance and harmonious multiple use relationship on National Forest System lands.

(5) "Problem animal" means a wild free-roaming horse or burro whose demonstrated individual habits or traits pose an undue threat to the safety or welfare of persons, wildlife, livestock, or property.

(6) "National Forest System lands" are the National Forests, National Grasslands and other Federal lands for which the Forest Service has administrative jurisdiction.

(7) "1971 Horse and Burro Territory" means the National Forest System areas to be identified by the Chief, Forest Service, as the areas which were the territorial habitat of wild free-roaming horses and/or burros at the time of the passage of the Act.

(8) "Wild Horse and Burro Range" means an area of National Forest System land specifically so designated by the Chief, Forest Service, from 1971 Horse and Burro Territory, for the purpose of sustaining an existing herd or herds of wild free-roaming horses and burros, which does not exceed their known territorial limits, and which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for the National Forest System lands.

(9) "Act" means the Act of December 15, 1971 (85 Stat. 649, 16 U.S.C. 1331–1340), Public Law 92–195.

(10) "National Advisory Board" means the Advisory Board as established jointly by the Secretary of Agriculture and the Secretary of the Interior under the provisions of the Act.

(b) *Administration of Wild Free-Roaming Horses and Burros and their Environment.* The Chief, Forest Service, shall:

(1) Administer wild free-roaming horses and burros and their progeny on the National Forest System land in the areas where they now occur (1971 Horse and Burro Territory) to maintain a thriving ecological balance, considering them an integral component of the multiple use resources, and regulating their population and accompanying need for forage and habitat in correlation with that of uses recognized under the Multiple Use-Sustained Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528–531). He may designate areas of National Forest System land as specific Wild Horse and Buro Ranges in those unique and singularly important situations where he determines such designation as especially fitting to meet the purposes of the Act and the Multiple Use-Sustained Yield Act and after consultation with the appropriate agencies of the State where such Range is proposed and with the National Advisory Board.

(2) Provide direct administration for the welfare of wild free-roaming horses and burros that are located on National Forest System land by use of the Forest Service organization rather than by the granting of leases and permits for maintenance of these animals to individuals and organizations.

(3) Direct that an identification of all areas meeting the definition of 1971 Horse and Burro Territory be completed as rapidly as possible.

(c) *Ownership claims.* Individuals wishing to assert a claim of ownership under the estray laws of a State to any unbranded, unauthorized horse or burro on National Forest System lands must present a written claim and evidence of ownership to the Forest Supervisor before permission will be granted to attempt a capture of the animal(s) involved. A claimant must support his claim in accordance with whatever criteria are cooperatively agreed to between the Forest Service and the State Agency administering the State estray laws. In the absence of a cooperative agreement a claim will be substantiated in accordance with State law, will be reviewed by

the Forest Service for compliance with such law, and will require Forest Service approval. All ownership claims to unauthorized, unbranded horses and burros located on National Forest System land on or after December 15, 1971, must be filed with the Forest Supervisor by November 15, 1973. Capture attempts must be authorized by written permission of the Forest Supervisor. He shall establish in the authorization a specific, reasonable period of time to allow capture of claimed animals and shall stipulate other conditions, including visual observation by Forest Service personnel, that he deems necessary to minimize stress on associated wild free-roaming horses and burros and to protect other resources involved. Prior to authorizing the capture of a claimed animal, the Forest Supervisor shall provide whatever public notice is appropriate in order that all interested parties may take notice and furnish him with any pertinent information relative to the claimed animals.

Prior to removal of claimed, captured animals from National Forest System lands, the claimant shall substantiate his claim of ownership in accordance with whatever criteria are cooperatively agreed to between the Forest Service and the State agency administering the State estray laws. In the absence of a cooperative agreement, ownership claims shall be substantiated in accordance with State law and subject to approval of the Forest Service.

(d) *Removal of other horses and burros.* In the event branded horses or burros or horses or burros which do not come within the definition in paragraph (a) of this section are intermingled at any time with herds of wild free-roaming horses or burros, the Forest Supervisor shall require and allow their removal only by methods which do not subject the wild ones to physical damage or undue stress. Horses or burros introduced onto National Forest System lands after December 15, 1971, by accident, negligence, or wilful disregard of private ownership shall be considered in trespass and treated in accordance with 36 CFR 261.7 and 261.13.

(e) *Other lands, protection upon.* Individual animals and herds of wild free-roaming horses and burros, as components of the National Forest System lands, will be under the protection of the Chief, Forest Service, even though they may thereafter move to lands of other ownership or jurisdiction as a part of their annual territorial habitat pattern or for other reasons. The Chief will exercise surveillance of these animals through the use of cooperative agreements and as otherwise authorized by law, and act immediately through appropriate administrative or criminal and civil judicial procedures to provide them the protective measures of the Act at any time he has cause to believe its provisions are being violated.

(f) *Private lands, removal from.* Owners of land upon which wild free-roaming horses and burros have strayed from National Forest System lands may request their removal by calling the nearest office of either the Forest Service or Federal Marshal.

(g) *Private lands, maintenance.* Owners of land who wish to maintain wild free-roaming horses and burros which have strayed onto their lands from National Forest System lands may do so by notifying the nearest office of the Forest Service in timely fashion and providing such information on a continuing basis as the Chief, Forest Service, may require. Such owners shall protect the wild free-roaming horses and burros on their lands. They may not, in so maintaining these animals, impede their return to National Forest System lands unless authorized by cooperative agreement with the Forest Service.

(h) *Cooperative agreements.* The Chief, Forest Service, may enter into cooperative agreements as he deems necessary to further the protection, management, and control of wild free-roaming horses and burros.

(i) *Relocation of animals.* The Chief, Forest Service, may cause wild free-roaming horses and burros to be captured under the supervision of Forest Service personnel and relocated if they are found to be "excess" animals, "problem" animals, or if it is necessary to prevent their repetitive return to private land from which their removal has been requested.

(1) Relocation upon National Forest System land may be made only to areas identified as 1971 Horse or Burro Territory, and if suitable habitat capacity is available.

(2) Animals may be placed in the custody of private persons, organizations, and other Governmental agencies through the use of a cooperative agreement. Such custodial care arrangements must require that the animals be maintained and protected in accordance with the Act, and not used for commercial exploitation.

(j) *Disposal of animals.* No person except a duly designated Agent of the Secretary shall destroy any wild free-roaming horse or burro. Such Agents may destroy wild free-roaming horses or burros under the following circumstances:

(1) Severely injured or seriously sick animals may be destroyed immediately in the most humane manner possible as an Act of Mercy.

(2) Old, sick, and lame animals may be destroyed in the most humane manner possible after appropriate consultation with the National Advisory Board.

(3) When the Chief, Forest Service, finds it necessary to remove wild free-roaming horses or burros for the reasons identified in Section (i) and he determines there is no practical way to effect either their capture or their relocation, the animal(s) shall be destroyed in the most humane manner possible. To the extent possible, such problems will be anticipated and reviewed with the National Advisory Board before action is taken.

(k) *Disposal of carcasses.* The remains of deceased wild free-roaming horses and burros including these in the custody of private parties may be disposed of in any customary manner under State sanitary codes but in no event will they be processed into a commercial product.

(l) *Agents of the Secretary.* The Chief, Forest Service, is authorized to designate Forest Service personnel to serve as "agents of the Secretary" in accomplishing the purposes of the Act and these regulations. The Chief, Forest Service, may also appoint other individuals to serve as "agents of the Secretary" to assist Forest Service personnel in specific situations of short duration.

(m) *Management coordination.* All management activities by the Chief, Forest Service, shall be carried out in consultation with the appropriate agencies of the State involved. The expert advice of qualified scientists in the fields of biology and ecology shall also be sought in administering wild free-roaming horses and burros. The advice and suggestions of agencies, qualified scientists, and other qualified interest groups shall be made available to the National Advisory Board for their use and consideration. Actions taken in connection with private ownership claims shall be coordinated to the fullest extent possible with the State agency responsible for livestock estray law administration.

(n) *National Advisory Board.* The Chief, Forest Service, shall appoint a representative to attend all meetings of the National Advisory Board for Wild Free-Roaming Horses and Burros and to function as prescribed by the Memorandum of Agreement between the Department of the Interior and the Department of Agriculture and the Joint Charter issued by the Secretary of the Interior and the Secretary of Agriculture. Policies and guidelines relative to proposals for the establishment of ranges, adjustments in number, relocation and disposal of animals, and other matters relating generally to the protection, management, and control of wild free-roaming horses and burros shall be presented to the National Advisory Board for recommendations.

(o) *Studies.* The Chief, Forest Service, is authorized and directed to undertake those studies of the habits and habitat of wild free-roaming horses and burros that he may deem necessary. In doing so, he shall consult with the appropriate agencies of the State(s) involved.

(p) *Arrest.* Any employee designated by the Chief, Forest Service, shall have the power to arrest without warrant, any person committing in the presence of the employee a violation of the Act or of the regulations in this section and to take such person immediately for examination or trial before an officer or court of competent jurisdiction. Any employee so designated shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of the Act or of the regulations in this section.

(q) *Penalties.* In accordance with Section 8 of the Act, any person who:

(1) Willfully removes or attempts to remove a wild free-roaming horse or burro from the National Forest System lands, without authority from the Chief, Forest Service, or;

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(2) Converts a wild free-roaming horse or burro to private use, without authority from the Chief, Forst Service, or;

(3) Maliciously causes the death or harassment of any wild free-roaming horse or burro, or;

(4) Processes or permits to be processed into commercial products the remains of a wild free-roaming horse or burro, or;

(5) Sells, directly or indirectly, a wild horse or burro allowed on private or leased land pursuant to Section 4 of the Act; or

(6) Willfully violates a regulation issued pursuant to the Act shall be subject to a fine of not more than $2,000 or imprisonment for not more than 1 year, or both. Any person so charged with such violation by the authorized officer may be tried and sentenced by a United States commissioner or magistrate, designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in section 3401, Title 18, U.S.C.

(85 Stat. 649 (16 U.S.C. 1331–1340); Sec. 1, 30 Stat. 35, as amended (16 U.S.C. 551); Sec. 32 50 Stat. 525, as amended (7 U.S.C. 1011); 74 Stat. 215 (16 U.S.C. 528–531))

ROBERT W. LONG,
Assistant Secretary for Conservation, Research and Education.

AUGUST 6, 1973.

[FR Doc.73-16912 Filed 8-14-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5354]

[Arizona 7131]

ARIZONA

Withdrawal for National Forest Recreation Area and Administrative Site

Correction

In FR Doc. 73–15433 appearing on page 20081 in the issue of Friday, July 27, 1973, in the second line of the description of the Chevelon Ranger Station Administrative Site a comma should be inserted immediately after "NE¼, N½ SE¼".

[Public Land Order 5355]

[Colorado 17285]

COLORADO

Partial Revocation of Powersite Reserve No. 133

Correction

In FR Doc. 73–15434 appearing on page 20081 in the issue of Friday, July 27, 1973, in the second line of the land description, insert "29" between "Sec." and "N½NE¼".

[Public Land Order 5362]

[Oregon 7878]

OREGON

Withdrawal for National Forest Reservoir and Recreation Area

Correction

In FR Doc. 73–15650 appearing at page 20327 in the issue of Tuesday, July 31, 1973, in the description of the Balm Creek Dam, Reservoir, and Recreation Area, in the fifth line, the coordinates "NW¼SE¼, SW¼" should read "NW¼ SE¼SW¼"; and in the penultimate line the coordinates "SW¼ NW¼" should read "SW¼NW¼".

SUBCHAPTER D—RANGE MANAGEMENT (4000)

[Circular No. 2347]

WILD FREE-ROAMING HORSE AND BURRO MANAGEMENT

Protection, Management, Control and Reservation of Forage

On page 28073 of the FEDERAL REGISTER of December 20, 1972, there was published a notice and text of a proposed amendment to Parts 4110, 4120 and 4710 of Title 43, Code of Federal Regulations. The purpose of the amendment was to provide regulations to implement the Act of December 15, 1971 (16 U.S.C. 1331–1340), which requires the Secretary of the Interior to protect, manage, and control wild free-roaming horses and burros on public lands managed by the Bureau of Land Management.

The proposal would add a new Group 4700, Wild Free-Roaming Horse and Burro Management, to the regulations. It would also amend 43 CFR Subparts 4115 and 4121 to provide specifically for a reservation of forage required by wild free-roaming horses and burros on public lands.

Interested persons were given until February 5, 1973, to submit comments, suggestions or objections to the proposed amendment. Thirty-four comments were received.

The written comments and suggestions were all evaluated. The proposed rulemaking and the matters raised were considered by the National Advisory Board on Wild Free-Roaming Horses and Burros in open meetings with public participation. Grazing district advisory boards also submitted views on the proposed rulemaking. Based upon the comments and suggestions received, numerous editorial changes and changes in wording have been made in Group 4700 for clarification and for strengthening the regulations in terms of protection of wild horses and burros. Principal differences between the rules as proposed and as adopted include the following:

1. Section 4710.0–5 is amended by inserting a definition of "excess animals" and "problem animal" following paragraph (c) and redesignating the remaining paragraphs consecutively. The definition of "wild free-roaming horses and burros," paragraph (b), is amended to clarify that their progeny are included.

2. Section 4711.3 is amended to include "private citizens" as a proper party for cooperative agreements in furtherance of the purpose of the regulations.

3. Section 4712.1–2 is revised to clarify that herds may be managed either on a specifically designated range or as a component of public land use.

4. Section 4712.2–3 is amended to recognize herd management plans.

5. Section 4712.3 is revised to refer to "excess animals" rather than "surplus animals," with appropriate changes throughout Subpart 4712 to effectuate that change.

6. Section 4712.3–1 is revised to specify appropriate supervision during the capture of excess or problem animals.

7. Section 4712.3–2 is amended to recognize the existence of "problem animals."

8. Section 4712.3–4 is amended to delete language not pertaining to acts of mercy.

9. Section 4712.4–3 is amended to clarify requirements for the removal of animals from private lands in areas where the private landowner is not required by State statute to fence the private lands.

10. Subpart 4713 is revised to provide more specific guidelines concerning claims.

11. Subpart 4714 is amended to delete proposed sections on related prohibitions and penalties. These are extraneous to the regulations in Part 4700.

A notice of the availability of a final environmental statement on the proposed regulations for the management of wild free-roaming horses and burros on public lands administered by the Bureau of Land Management was published on page 18474 of the FEDERAL REGISTER of July 11, 1973.

Full consideration has been given to all relevant matters presented by interested parties. Accordingly, the proposed amendment is hereby adopted, as revised, and is set forth below in its entirety. This amendment shall become effective August 15, 1973.

The immediate effectiveness of these regulations will enable action to begin for removal of the claimed horses and burros from public lands without undue delay and under suitable weather conditions.

W. R. WILSON,
Acting Deputy Assistant Secretary of the Interior.

AUGUST 13, 1973.

Subchapter D, Chapter II, of Title 43 of the Code of Federal Regulations is amended as follows:

PART 4110—GRAZING ADMINISTRATION (INSIDE GRAZING DISTRICTS) (THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS)

1. The first sentence of paragraph (d) of § 4115.2–1 of Subpart 4115 is revised to read as follows:

§ 4115.2–1 License and permit procedures; requirements and conditions.

* * * * * *

(d) *Cancellation or reduction of licenses or permits; show cause; appeal to examiner.* Licenses or permits are subject to cancellation or reduction to the extent that they have been improperly issued, or to the extent that their continued effectiveness is adversely affected pursuant to any of the provisions of §§ 4111.1, 4115.2–1(e), 4115.1–1(k)(4), 4114.4–4, 4115.2–5(a)(6), 4712.12–3, or 4712.1–4 of this chapter.

* * * * *

PART 4120—GRAZING ADMINISTRATION (OUTSIDE GRAZING DISTRICTS AND EXCLUSIVE OF ALASKA); GENERAL

2. Paragraph (a) of § 4121.2–1 of Subpart 4121 is revised to read as follows:

§ 4121.2–1 Minimum requirements, rating and classification of lease land.

(a) *Land Resource Consideration.* The authorized officer will determine the availability of public land for grazing leases and the amount of forage available for use by livestock in conjunction with considerations of forage reservations for watershed protection, wildlife, wild free-roaming horses and burros, and other multiple uses.

* * * * * *

3. A new Group 4700 is added to Subchapter D to read as follows:

Group 4700—Wild Free-Roaming Horse and Burro Management

PART 4710—WILD FREE-ROAMING HORSE AND BURRO MANAGEMENT; GENERAL

Subpart 4710—Purpose; Objectives; Authority; Definitions; Policy

Sec.
4710.0–1 Purpose.
4710.0–2 Objectives.
4710.0–3 Authority.
4710.0–5 Definitions.
4710.0–6 Policy.

Subpart 4711—Management Coordination

4711.1 Recommendations from the joint national advisory board on wild free-roaming horses and burros.
4711.2 State agencies.
4711.3 Cooperative agreements.

Subpart 4712—Management Considerations

4712.1 Management; General.
4712.1–1 Planning.
4712.1–2 Intensity of management.
4712.1–3 Habitat reservation and allocation.
4712.1–4 Closures to livestock grazing.
4712.2 Establishment of specifically designated ranges or herd management areas.
4712.2–1 Designation.
4712.2–2 Criteria for designation.
4712.2–3 Management plan.
4712.3 Removal and relocation or disposal of excess animals.
4712.3–1 Method of capture.
4712.3–2 Relocation of animals.
4712.3–3 Disposal.
4712.3–4 Acts of mercy.
4712.3–5 Disposal of carcasses.
4712.4 Animals on private lands.
4712.4–1 Allowing animals on private lands.
4712.4–2 Active maintenance of animals on private lands.
4712.4–3 Removal of animals from private lands.

Subpart 4713—Protection of Wild Free-Roaming Horses and Burros in the Identification and Removal of Claimed and Trespass Horses and Burros

4713.1 General.
4713.2 Action on claims.

Subpart 4714—Enforcement Provisions

4714.1 Arrest.
4714.2 Penalties.

Subpart 4710—Purpose; Objectives; Authority; Definitions; Policy

§ 4710.0–1 Purpose.

To implement the laws relating to wild free-roaming horses and burros on public lands.

§ 4710.0–2 Objectives.

The objective of these regulations is to provide criteria and procedures for protecting, managing, and controlling wild free-roaming horses and burros as a recognized component of the public land environment.

§ 4710.0–3 Authority.

The Act of December 15, 1971 (16 U.S.C. 1331–1340), and the Act of June 28, 1934 (43 U.S.C. 315–315r).

§ 4710.0–5 Definitions.

(a) "Authorized Officer" means any employee of the Bureau of Land Management to whom has been delegated the authority to perform the duties described herein.

(b) "Wild free-roaming horses and burros" means all unbranded and unclaimed horses and burros and their progeny that have used public lands on or after December 15, 1971, or that do use these lands as all or part of their habitat, including those animals given an identifying mark upon capture for live disposal by the authorized officer. Unbranded, claimed horses and burros where the claim is found to be erroneous are also considered as wild and free-roaming if they meet the criteria above. However, this definition shall not include any horse or burro which entered or was introduced onto public lands after December 15, 1971, by accident, negligence, or willful disregard of ownership.

(c) "Herd" means one or more stallions and their mares or jacks and their jennies.

(d) "Excess animals" means wild free-roaming horses or burros determined to be in excess of populations proper to maintain a thriving natural ecological balance and harmonious multiple-use relationship in an area of the public lands.

(e) "Problem animal" means a wild free-roaming horse or burro whose demonstrated individual habits or traits pose an undue threat to the safety or welfare of persons, wildlife, livestock, or property; or a wild free-roaming horse or burro infected by a contagious disease or suspected of being diseased or seriously ill.

(f) "Public lands" means any lands administered by the Secretary of the Interior through the Bureau of Land Management.

(g) "Wild horse or burro range" means a specifically designated area of land needed to sustain a herd or herds of wild free-roaming horses or burros, and which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple use management of the public lands.

(h) "Management plan" means a written program of action designed to protect, manage, and control wild free-roaming horses and burros and maintain a natural ecological balance on the public lands.

(i) "Act" means the Act of December 15, 1971 (16 U.S.C. 1331–1340).

(j) "Advisory Board" means the joint advisory board established by the Secretary of the Interior and the Secretary of Agriculture pursuant to section 7 of the Act.

§ 4710.0–6 Policy.

(a) Wild free-roaming horses and burros are under the jurisdiction of the Secretary of the Interior and will be managed as an integral part of the natural systems of the public lands. They will be protected from unauthorized capture, branding, undue disturbance, and destruction. They and their habitat will be managed and controlled in a manner designed to achieve and maintain a thriving ecological balance on the public lands and a thriving population of sound, healthy individuals, all in accordance with the basic program policies for public land management set forth in Subpart 1725 of this chapter.

(b) Wild free-roaming horses and burros on the public lands will be managed by the authorized officer, with full public participation and such cooperative arangements as he may find helpful. Management on public lands will not be assigned to any private individual or association through a grazing license, lease, or permit.

Subpart 4711—Management Coordination

§ 4711.1 Recommendations from the joint national advisory board on wild free-roaming horses and burros.

Policies and guidelines relative to proposals for establishment of ranges, proposed management plans, adjustments in number, relocation and disposal of animals, and other matters relating generally to the protection, management, and control of wild free-roaming horses and burros shall be presented to the Advisory Board for recommendations.

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§ 4711.2 State agencies.

(a) All management activities including, but not limited to, establishment of ranges and adjustments in forage allocation shall be planned and executed in consultation with the appropriate State agency to further consider the needs of all wildlife, particularly endangered species.

(b) All actions taken in connection with private ownership claims to unbranded horses and burros shall be coordinated to the fullest extent possible with the appropriate State agency.

§ 4711.3 Cooperative agreements.

The authorized officer may enter into cooperative agreements with other landowners, private citizens, nonprofit organizations, and with Federal, State, and local governmental agencies as he deems necessary for purposes of protecting, managing and controlling wild free-roaming horses and burros. Where the grazing patterns of the animals require utilization of lands in other ownerships or administration, the authorized officer shall seek cooperative agreements to insure continuance of such use.

Subpart 4712—Management Considerations

§ 4712.1 Management; general.

§ 4712.1–1 Planning.

In planning for management, protection, and control of wild free-roaming horses and burros, including the establishment of specifically designated ranges, determination of desirable numbers and other management provisions of these regulations, the authorized officer will utilize the Bureau's multiple-use planning system with its requirements for public participation by and coordination with others.

§ 4712.1–2 Intensity of management.

Wild free-roaming horse or burro herds may be managed either as one of the components of public land use on a specifically designated wild horse or burro range. Management practices shall be at the minimal feasible level and shall be consistent to the extent possible and practical with the maintenance of their free-roaming behavior. Management facilities should be designed and constructed to the extent possible to maintain the free-roaming behavior of the herds.

§ 4712.1–3 Habitat reservation and allocation.

The biological requirements of wild free-roaming horses and burros will be determined based upon appropriate studies or other available information. The needs for soil and watershed protection, domestic livestock, maintenance of environmental quality, wildlife, and other factors will be considered along with wild free-roaming horse and burro requirements. After determining the optimum number of such horses and burros to be maintained on an area, the authorized officer shall reserve adequate forage and satisfy other biological requirements of such horses and burros and, when necessary, adjust or exclude domestic livestock use accordingly. See §§ 4115.2–1(d) and 4121.2–1(a) of this chapter.

§ 4712.1–4 Closures to livestock grazing.

The authorized officer may close public lands to use by all or a particular class of domestic livestock where he finds it necessary to allocate all available forage to, or to satisfy other biological requirements of, wild free-roaming horses or burros. Such closures may be made only after appropriate public notice and in accordance with the procedures for reduction or cancellation of grazing privileges provided for under the provisions of this subchapter. See §§ 4115.2–1(d) and 4121.2–1(a) of this chapter.

§ 4712.2 Establishment of specifically designated ranges or herd management areas.

§ 4712.2–1 Designation.

The authorized officer may designate and maintain specifically designated ranges principally for the protection and preservation of wild free-roaming horses and burros.

§ 4712.2–2 Criteria for designation.

In designating specific ranges and herd management areas, the authorized officer, in addition to any other provisions of these regulations, shall:

(a) Consider only those areas utilized by wild free-roaming horses or burros as all or part of their habitat on December 15, 1971.

(b) Consider only those areas where self-sustaining herds can maintain themselves within their established utilization and migratory patterns.

(c) Consider only those areas which are capable of being managed as a unit to ensure a sustained yield of forage without jeopardy to the resources.

(d) Develop a wild free-roaming horse or burro management plan in accordance with § 4712.2–3.

§ 4712.2–3 Management plan.

The authorized officer shall, in connection with the designation of a specific range, develop a proposed wild free-roaming horse or burro management plan designed to protect, manage, and control wild free-roaming horses and burros on the area on a continuing basis. The authorized officer may also develop herd management plans as part of the multiple use management on areas outside of specifically designated wild horse or burro ranges. All management plans shall be developed in accordance with the Bureau's planning system and shall govern management of the area.

§ 4712.3 Removal and relocation or disposal of excess or problem animals.

§ 4712.3–1 Method of capture.

Under the supervision of the authorized officer, wild free-roaming horses and burros may be captured, corralled and held under humane conditions pending disposal of excess or problem animals under the provisions of this Subpart.

§ 4712.3–2 Relocation of animals.

(a) The authorized officer may relocate wild free-roaming horses and burros on public lands when he determines such action is necessary to: (1) Relieve overgrazed areas, (2) locate animals removed from private lands in accordance with § 4712.4–3, (3) remove problem animals, or (4) achieve other purposes deemed to be in the interest of proper resource and herd management. Such animals relocated on public lands shall not be introduced onto areas of the public lands which were not used by wild free-roaming horses or burros as all or part of their habitat on December 15, 1971.

(b) The authorized officer may also place animals in the custody of private persons, organizations or other governmental agencies. Custodial arrangements shall be made through cooperative agreement which shall include provisions to maintain and protect the animals and ensure that the animals will not be used for commercial exploitation. The authorized officer may, in his discretion, mark animals placed in private custody for identification purpose.

§ 4712.3–3 Disposal.

Where the authorized officer finds it necessary to remove excess animals from areas of the public lands, and he determines that it is not practical to relocate them on public lands or capture and remove them for private maintenance under § 4712.3–2, he may destroy such animals in the most humane manner possible. No person, except the authorized officer or his authorized representative, shall destroy wild free-roaming horses and burros.

§ 4712.3–4 Acts of mercy.

Any severely injured or seriously sick animals will be destroyed in the most humane manner possible as an act of mercy.

§ 4712.3–5 Disposal of carcasses.

Carcasses shall be disposed of in any customary manner under State sanitary statutes. In no event shall carcasses, or any part thereof, including those in the authorized possession of private parties, be sold or processed into a commercial product.

§ 4712.4 Animals on private lands.

§ 4712.4–1 Allowing animals on private lands.

Nothing in these regulations shall preclude a private landowner from allowing wild free-roaming horses and burros to remain on his private lands so long as the animals were not willfully removed, enticed, or retained by him or his agent from the public lands.

§ 4712.4–2 Active maintenance of animals on private lands.

Any individual who actively maintains wild free-roaming horses and burros on his private lands shall notify the authorized officer and supply him with a reasonable approximation of their number and location and, when required by the authorized officer, a description of the animals. Thereafter, he shall furnish an annual report updating the information during the month of January. An individual will be considered to be actively maintaining wild free-roaming horses or burros if he takes measures of any kind designed to protect or enhance the welfare of the animals. No person shall maintain such animals except under cooperative agreement between the private landowner and the authorized officer setting forth the management and maintenance requirements including provisions for regulating disposal of excess animals.

§ 4712.4–3 Removal of animals from private lands.

The authorized officer shall remove, as soon as he can make the necessary arrangements, wild free-roaming horses and burros, from private land at the request of the landowner where the private land is enclosed in a "legal fence." A "legal fence" for this purpose is one which complies with State standards and specifications. In "no fence districts" or other areas where the private landowner is not required by State statute to fence the private land to protect it from trespass by domestic livestock, the authorized officer shall, as soon as he can make the necessary arrangements, remove wild free-roaming horses or burros from such private land at the request of the landowner.

Subpart 4713 is revised. The full text of revised subpart 4713 follows:

Subpart 4713—Protection of Wild Free-Roaming Horses and Burros in the Identification and Removal of Claimed and Trespass Horses and Burros

§ 4713.1 General.

(a) All unauthorized and unbranded horses and burros on the public lands, except those which entered or were introduced onto the public lands after December 15, 1971, by accident, negligence, or willful disregard of ownership are presumed for the purpose of management to be wild free-roaming horses or burros.

(b) The gathering or rounding up of unbranded horses or burros on the public lands where any of such animals are not in fact authorized to be on the public lands pursuant to a grazing license, permit, lease, or other authorization, is prohibited without written authorization from the authorized officer. Also prohibited without written authorization from the authorized officer is the gathering or rounding up of unauthorized branded horses or burros where the branded animals are, or may become, intermingled with wild free-roaming horses or burros, or where the gathering or round up is likely to involve or affect wild free-roaming horses or burros.

§ 4713.2 Action on claims.

(a) Any person claiming ownership under state branding and estray laws of unbranded or branded horses or burros on public land where such animals are not authorized must present evidence of ownership to justify a roundup before permission will be granted to gather such animals. Claims of ownership, with supporting evidence, shall be submitted within 90 days of the effective date of these regulations. All written authorizations to gather claimed animals shall be on a form approved by the Director. After such public notice as the authorized officer deems appropriate to inform interested parties, he may authorize the gathering or roundup. The authorized officer shall provide in the authorization that the gathering or roundup shall be consistent with the legislation which prohibits the use of aircraft or motor vehicles to capture unbranded horses or burros; shall establish in the authorization a reasonable period of time to allow the gathering of the claimed animals; and shall provide such other conditions in the authorization which he deems necessary to minimize stress on any associated wild free-roaming horses or burros and to protect other resources.

(b) After the animals have been gathered the authorized officer and the appropriate state or local official shall inspect each claimed animal in relation to the evidence of ownership previously presented by the claimant. The state or local official shall then make a written determination of ownership concerning each claimed animal pursuant to the state branding and estray laws and any agreement between the Bureau and the appropriate state or local authority. A copy of the written determination shall be provided to the authorized officer. No animal may be removed from the gathering place until the claim of ownership has been proven to the satisfaction of the authorized officer.

(c) Unauthorized horses or burros which have been claimed and have been determined to be privately owned in accordance with the provisions of this Section will be considered to have been in trespass and may not be released until a proper trespass charge has been determined by the authorized officer in accordance with the provisions of 43 CFR 9239.3.

Subpart 4714—Enforcement Provisions

§ 4714.1 Arrest.

The Director of the Bureau of Land Management may authorize such employees as he deems necessary to arrest without warrant, any person committing in the presence of the employee a violation of the Act or of these regulations and to take such person immediately for examination or trial before an officer or court of competent jurisdiction. Any employee so designated shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of the Act or these regulations.

§ 4714.2 Penalties.

In accordance with section 8 of the Act (16 U.S.C. 1338), any person who:

(a) Willfully removes or attempts to remove a wild free-roaming horse or burro from the public lands, without authority from the authorized officer, or

(b) Converts a wild free-roaming horse or burro to private use, without authority from the authorized officer, or

(c) Maliciously causes the death or harassment of any wild free-roaming horse or burro, or

(d) Processes or permits to be processed into commercial products the remains of a wild free-roaming horse or burro, or

(e) Sells, directly or indirectly, a wild free-roamng horse or burro maintained on private or leased land pursuant to section 4 of the Act, or the remains thereof, or

(f) Willfully violates any provisions of the regulations under Group 4700, shall be subject to a fine of not more than $2,000 or imprisonment for not more than 1 year, or both. Any person so charged with such violation by the authorized officer may be tried and sentenced by a U.S. commissioner or magistrate, designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in section 3401, Title 18, U.S.C.

[FR Doc.73–17067 Filed 8–14–73;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FURNISHING OF ASSISTANCE; NEED AND AMOUNT OF ASSISTANCE

Methods for Determination of Eligibility

Notice of proposed regulations for the programs administered under titles I, IV–A, X, XIV, XVI, and XIX of the Social Security Act, relating to fair hearings, methods of determining eligibility for financial and medical assistance, and recoupment of overpayments was published in the FEDERAL REGISTER on April 20, 1973 (38 FR 7623).

A total of 696 letters was received from State and local welfare agencies, members of Congress and State legislatures, other State officials, legal aid groups, recipients and recipient groups and other organizations and individuals.

Specific comments reflected the following substantive concerns:

1. *Local hearings.* Section 205.10(a)(1) and (6). This provision implements (and extends to title IV–A) section 407 of P.L. 92–603, under which local agencies "may put into effect immediately upon issuance its decision upon the matter considered at such hearing".

Opposition to the change was based on the belief that it may be impossible for hearing officers at the local level to issue unbiased decisions and that local agencies would use the procedure to reduce and terminate assistance wrongfully. State and local welfare agencies favoring local hearings believe such hearings will serve to discover errors in agency actions as quickly as possible, while eliminating unnecessary payments of assistance to ineligibles. They also recommended that the due process requirements be spelled out.

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The final regulation contains the provision specified in P.L. 92–603 which permits States to utilize local evidentiary hearings in all programs, but changes have been made to provide that evidentiary hearings may be used for questions of initial eligibility; to provide definitive due process procedural requirements regarding the conduct of the local hearing; to make sure the individual's rights are protected; to assure an objective hearing officer who was not involved in the decision at issue; to provide a complete record in case of appeal; and for the claimant to be fully informed of his appeal rights.

2. *Ten-day advance notice.* Section 205.10(a)(4)(i)(A). Opponents of the reduction of the advance notice period from 15 to 10 days expressed concern that a 10-day period was too short for a recipient to decide whether to appeal and to make adjustments to reduced assistance. Many stressed slow mail delivery. Proponents favored the change because it reduced the disproportionate number of overpayments to ineligible individuals, and 10 days is sufficient time for the recipient to assess the correctness of the agency action and request a hearing if he believes the action is erroneous. In the final regulation, the 10-day period is retained. If a State determines that a longer period is advisable, it may provide an extra ten days after the timely notice period during which a hearing may be requested and, where appropriate, assistance paid pending a hearing decision.

3. *Exemptions from advance notice.* Section 205.10(a)(4)(ii). Many commentators opposed these provisions as violating due process; not providing recipients time to adjust to changes in payment; providing no protection against agency error; and generally permitting abuse by local agencies. Recipient groups and other individuals were particularly opposed to the exemption in "likelihood of fraud" situations.

Those in favor spoke to reduction in unnecessary administrative cost and recommended that provision be made for the agency to confirm in writing the oral statements made by recipients.

All exemptions, except the one relating to "likelihood of fraud," are for situations where, as a matter of law, the change in payment results necessarily from the ascertained circumstances in the particular case. The chances of there being a factual dispute are minimal. States are required to mail adequate notice to the recipient not later than the date of action, so that in those unlikely instances of factual dispute, he can request a hearing and obtain reinstatement of aid pending such hearing. Because of questions raised regarding the exception where there is a likelihood of fraud, that provision has been rewritten and will be published as a proposed rule. The States will be requested to monitor their programs to determine the necessity for such a provision and to submit their comments to the Administrator, SRS. If such a provision appears to be necessary, the matter will be reconsidered.

4. *Extension from 60 to 90 days for hearing decisions.* Section 205.10(a)(16). Opponents stated that this extension would result in hardship for applicants and recipients who do not receive aid pending the decision, and enable States to further delay paying assistance to eligible individuals.

Those in favor considered 90 days a more realistic time frame.

In view of the difficult position facing States with substantially increased hearing caseloads, the 60-day period is considered insufficient for the orderly processing of cases. Ninety days for processing hearings is consistent (and in some aspect more stringent than) the period prescribed by Congress for the Federally-administered supplemental security income program enacted by P.L. 92–603.

5. *Grievance procedures in lieu of hearings on questions of law or policy.* Section 205.10(a)(5). Most of the comments in this area argued against this provision on the basis that the hearing procedure provides a viable mechanism for effecting changes in policy. Many legal aid groups pointed out that a recent court case cast doubt on the viability of distinguishing between fact or judgment and policy or law. Those in favor stressed reduction of administrative cost.

In response to these comments and the court case, the regulations have been modified. The States may provide for group hearings on questions of policy or law. They need not provide a hearing where either State or Federal law requires automatic grant adjustments for classes of recipients. On individual requests not resulting from such a change in State or Federal law, assistance must be continued pending a hearing decision unless the hearing officer determines at the hearing that the sole issue is one of State or Federal law or policy or a change in State or Federal law. The provision regarding a grievance system has been deleted since "expression of views" on program policy is part of legislative and rulemaking procedures.

6. *Recoupment of continued assistance when the hearing decision supports agency action.* Section 205.10(a)(6)(i).

Legal aid groups argue that not to continue eligibility until a decision is rendered after a hearing, and advising recipients that assistance paid pending a decision is subject to recoupment, discourages claimants requesting hearings.

Present practices in some States include notifying the recipient on the notice that any aid paid pending the decision may be subject to recoupment. Experience fails to indicate that such practice causes any reluctance on the part of a recipient who desires a hearing because he believes the agency made an error. To provide otherwise invites abuse of the hearing process by these utilizing it as a method of continuing aid for which they are not eligible.

State and local welfare agencies favored the provision as discouraging requests for hearings made without belief that the action is erroneous but solely to secure temporary continuation of assistance. Accordingly, the provision is retained.

7. *Signed application on agency form,* § 206.10(a)(1)(ii); *Revocation of simplified method,* § 205.20; *45 days vs. 30 days for action on applications,* § 206.10(a)(3). A number of comments opposed the requirement for a signed application on an agency form on the grounds it creates hardship on applicants with physical, language, and transportation barriers; discourages eligible persons from applying; adds to administrative costs; and results in denial of or delay in providing assistance.

Signed applications on agency forms are necessary to provide a legal document that clearly signifies the intent of the individual to apply, and the date; that advises the applicant of his rights and responsibilities; that puts him on notice that he may be liable for the truthfulness of the information he includes on the application; that provides a document that may be introduced as evidence in court where fraud has been committed; and that provides the agency with sufficient information to make an accurate determination of eligibility. The final regulations have been modified to permit a responsible person to apply on behalf of a person who is incapacitated or incompetent.

Because of the increased emphasis on verification to reduce the numbers of ineligibles, unacceptable error rates at least partially attributable to the simplified method of determining eligibility, and the careful redeterminations of eligibility necessary in the forthcoming transfer of cases to the SSI program, a more complete method for determining eligibility is both appropriate and necessary.

Objections to the granting of 45 days for action on applications stressed that it would cause undue hardship and delay the granting of assistance; increase agency expenses and inefficiency and increase expenditures for general assistance and emergency assistance. State and local welfare agencies considered it a more realistic time frame.

The time extension is necessary in view of the quality control requirement that eligibility be verified. While it is expected that most applications can be completed in a much shorter time, it is recognized that some cases will require a longer period. Where hardship may result to an apparently eligible individual, many States provide for federally matched emergency assistance for up to 30 days, while the application for assistance is being processed. Moreover, there is no fiscal incentive to delay, since cases found eligible must be paid back to the 30th day after application.

8. *Deletion of constraints on verification.* Sections 205.20 and 206.10. Opponents to change considered that the deletions would lead to abusive State practices in violation of constitutional and legal rights, especially violations of dignity, right to privacy, and freedom from harassment. They also believe the deletions are an authorization by the Secretary to reestablish practices prohibited in the past. Proponents commented that the changes are necessary to maintain accuracy and integrity in the welfare system and are long overdue.

State agencies are aware that individuals on welfare share equal rights with all other residents. We agree that it is important that the regulations specifically prohibit the States from violating constitutional and legal rights; we have therefore included a section which restates that constitutional rights are to be observed and protected. Courts have, of course, spelled out the constitutional and legal rights of individuals.

In order to perform a proper job of eligibility determination, and to avoid penalties for inaccuracy, agencies need to develop, within constitutional constraints, new methods of eligibility determination. Verifications are for the protection of the truly needy, and to restore faith in the welfare system. More funds may then be available to assist eligible individuals after eliminating inaccurate payments to those who are not eligible.

9. *Recoupment of overpayments.* Section 233.20(a)(12). Adverse comments in this area were that the provisions are a disincentive to good administration, and would result in undue hardship on recipients; that it is unfair to hold recipients responsible for agency error; and that the provision of "reasonable limits" on recovery is too vague. Many complained that there was no provision for correction of underpayments. Several State agencies requested that the provisions be made mandatory rather than discretionary.

In response to the comments several changes were made. Recovery of overpayments remains optional with the States. States also retain the option of recouping from available resources, from the assistance grant, or from both sources. An added provision limits to one year prior to the date of discovery, the recoupment of overpayments not resulting from the willful withholding of information. A provision has also been added to require the prompt correction of underpayments. Such payments are limited to one year prior to the date of discovery of the underpayment.

A number of other revisions have been made in the regulation in response to comments, and for technical, editorial and conforming purposes.

Chapter II, Title 45 of the Code of Federal Regulations is amended as set forth below.

PART 205 GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

1. Section 205.10 is revised to read as follows:

§ 205.10 Hearings.

(a) *State plan requirements.* A State plan under title I, IV–A, X, XIV, XVI or XIX of the Social Security Act shall provide for a system of hearings under which:

(1) The single State agency responsible for the program shall be responsible for fulfillment of hearing provisions which shall provide for:

(i) A hearing before the State agency, or

(ii) An evidentiary hearing at the local level with a right of appeal to a State agency hearing. Where a State agency adopts a system of evidentiary hearings with an appeal to a State agency hearing, it may, in some political subdivisions, permit local evidentiary hearings, and in others, provide for a single hearing before the State agency. Under this requirement hearings shall meet the due process standards set forth in the U.S. Supreme Court decision in Goldberg v. Kelly, 397 U.S. 254 (1970) and the standards set forth in this section.

(2) Hearing procedures shall be issued and publicized by the State agency.

(3) Every applicant or recipient shall be informed in writing at the time of application and at the time of any action affecting his claim:

(i) Of his right to a hearing, as provided in paragraph (a)(5) of this section;

(ii) Of the method by which he may obtain a hearing;

(iii) That he may be represented by an authorized representative, such as legal counsel, relative, friend, or other spokesman, or he may represent himself.

(4) In cases of intended action to discontinue, terminate, suspend or reduce assistance:

(i) The State or local agency shall give timely and adequate notice, except as provided for in paragraphs (a)(4)(ii) or (iii) of this section. Under this requirement:

(A) "Timely" means that the notice is mailed at least 10 days before the date of action, that is, the date upon which the recipient would normally receive his assistance check or, in the case of a medicaid recipient, 10 days before the intended change would be effective.

(B) "Adequate" means a written notice that includes a statement of what action the agency intends to take, the reasons for the intended agency action, the specific regulations supporting such action, explanation of the individual's right to request an evidentiary hearing (if provided) and a State agency hearing, and the circumstances under which assistance is continued if a hearing is requested;

(ii) The agency may dispense with timely notice but shall send adequate notice not later than the date of action when:

(A) The agency has factual information confirming the death of a recipient or of the AFDC payee when there is no relative available to serve as new payee;

(B) The agency receives a clear written statement signed by a recipient that he no longer wishes assistance, or that gives information which requires termination or reduction of assistance, and the recipient has indicated, in writing, that he understands that this must be the consequence of supplying such information;

(C) The recipient has been admitted or committed to an institution, and further payments to that individual do not qualify for Federal financial participation under the State plan;

(D) The recipient has been placed in skilled nursing care, intermediate care or long-term hospitalization;

(E) The claimant's whereabouts are unknown and agency mail directed to him has been returned by the post office indicating no known forwarding address. The claimant's check must, however, be made available to him if his whereabouts become known during the payment period covered by a returned check;

(F) A recipient has been accepted for assistance in a new jurisdiction and that fact has been established by the jurisdiction previously providing assistance;

(G) An AFDC child is removed from the home as a result of a judicial determination, or voluntarily placed in foster care by his legal guardian;

(H) A change in level of medical care is prescribed by the recipient patient's physician;

(I) A special allowance granted for a specific period is terminated and the recipient has been informed in writing at the time of initiation that the allowance shall automatically terminate at the end of the specified period;

(iii) When changes in either State or Federal law require automatic grant adjustments for classes of recipients, timely notice of such grant adjustments shall be given which shall be "adequate" if it includes a statement of the intended action, the reasons for such intended action, a statement of the specific change in law requiring such action and a statement of the circumstances under which a hearing may be obtained and assistance continued.

(5) An opportunity for a hearing shall be granted to any applicant who requests a hearing because his claim for financial or medical assistance is denied, or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by any agency action resulting in suspension, reduction, discontinuance or termination of assistance. A hearing need not be granted when either State or Federal law require automatic grant adjustments for classes of recipients unless the reason for an individual appeal is incorrect grant computation.

(i) A request for a hearing is defined as a clear expression by the claimant (or his authorized representative acting for him), to the effect that he wants the opportunity to present his case to higher authority. The State may require that such request be in written form in order to be effective;

(ii) The freedom to make such a request shall not be limited or interfered with in any way. The agency may assist the claimant to submit and process his request;

(iii) The claimant shall be provided reasonable time, not to exceed 90 days, in which to appeal an agency action;

(iv) Agencies may respond to a series of individual requests for hearing by

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conducting a single group hearing. Agencies may consolidate only cases in which the sole issue involved is one of State of Federal law or policy or changes in State or Federal law. In all group hearings, the policies governing hearings must be followed. Thus, each individual claimant shall be permitted to present his own case or be represented by his authorized representative;

(v) The agency may deny or dismiss a request for a hearing where it has been withdrawn by the claimant in writing, where the sole issue is one of State or Federal law requiring automatic grant adjustments for classes of recipients or where it is abandoned. Abandonment may be deemed to have occurred if the claimant, without good cause therefor, fails to appear by himself or by authorized representative at the hearing scheduled for such claimant.

(6) If the recipient requests a hearing within the timely notice period:

(i) Assistance shall not be suspended, reduced, discontinued or terminated, (but is subject to recovery by the agency if its action is sustained), until a decision is rendered after a hearing, unless:

(A) A determination is made at the hearing that the sole issue is one of State or Federal law or policy, or change in State or Federal law and not one of incorrect grant computation, or

(B) a change affecting the recipient's grant occurs while the hearing decision is pending and the recipient fails to request a hearing after notice of the change;

(ii) The agency shall promptly inform the claimant in writing if assistance is to be discontinued pending the hearing decision; and

(iii) In any case where the decision of an evidentiary hearing is adverse to the claimant, he shall be informed of and afforded the right to make a written request, within 15 days of the mailing of the notification of such adverse decision, for a State agency hearing and of his right to request a de novo hearing. Unless a de novo hearing is specifically requested by the appellant, the State agency hearing may consist of a review by the State agency hearing officer of the record of the evidentiary hearing to determine whether the decision of the evidentiary hearing officer was supported by substantial evidence in the record. Assistance shall not be continued after an adverse decision to the claimant at the evidentiary hearing.

(7) A State may provide that a hearing request made after the date of action (but during a period not in excess of 10 days following such date) shall result in reinstatement of assistance to be continued until the hearing decision, unless at the hearing it is determined that the sole issue is one of State or Federal law or policy. In any case where action was taken without timely notice, if the recipient requests a hearing within 10 days of the mailing of the notice of the action, and the agency determines that the action resulted from other than the application of State or Federal law or policy or a change in State or Federal law, assistance shall be reinstated and continued until a decision is rendered after the hearing.

(8) The hearing shall be conducted at a reasonable time, date, and place, and adequate preliminary written notice shall be given.

(9) Hearings shall be conducted by an impartial official (officials) or designee of the agency. Under this requirement, the hearing official (officials) or designee shall not have been directly involved in the initial determination of the action in question.

(10) When the hearing involves medical issues such as those concerning a diagnosis, an examining physician's report, or a medical review team's decision, a medical assessment other than that of the person or persons involved in making the original decision shall be obtained at agency expense and made part of the record if the hearing officer considers it necessary.

(11) In respect to title XIX, when the appeal has been taken on the basis of eligibility determination, the agency responsible for the determination of eligibility for medical assistance, if different from the single State agency administering the medical assistance plan, shall participate in the conduct of the hearing.

(12) The hearing shall include consideration of:

(i) An agency action, or failure to act with reasonable promptness, on a claim for financial or medical assistance, which includes undue delay in reaching a decision on eligibility or in making a payment, refusal to consider a request for or undue delay in making an adjustment in payment, and discontinuance, termination or reduction of such assistance;

(ii) Agency decision regarding:

(A) Eligibility for financial or medical assistance in both initial and subsequent determinations,

(B) Amount of financial or medical assistance or change in payments,

(C) The manner or form of payment, including restricted or protective payments, even though no Federal financial participation is claimed.

(13) The claimant, or his representative, shall have adequate opportunity:

(i) To examine the contents of his case file and all documents and records to be used by the agency at the hearing at a reasonable time before the date of the hearing as well as during the hearing;

(ii) At his option, to present his case himself or with the aid of an authorized representative;

(iii) To bring witnesses;

(iv) To establish all pertinent facts and circumstances;

(v) To advance any arguments without undue interference;

(vi) To question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses.

(14) Recommendations or decisions of the hearing officer or panel shall be based exclusively on evidence and other material introduced at the hearing. The transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, and the recommendation or decision of the hearing officer or panel shall constitute the exclusive record and shall be available to the claimant at a place accessible to him or his representative at a reasonable time.

(15) Decisions by the hearing authority shall:

(i) In the event of an evidentiary hearing, consist of a memorandum decision summarizing the facts and identifying the regulations supporting the decision;

(ii) In the event of a State agency de novo hearing, specify the reasons for the decision and identify the supporting evidence and regulations.

Under this requirement no persons who participated in the local decision being appealed shall participate in a final administrative decision on such a case.

(16) Prompt, definitive, and final administrative action shall be taken within 90 days from the date of the request for a hearing.

(17) The claimant shall be notified of the decision in writing and, to the extent it is available to him, of his right to appeal to State agency hearing or judicial review.

(18) When the hearing decision is favorable to the claimant, or when the agency decides in favor of the claimant prior to the hearing, the agency shall promptly make corrective payments retroactively to the date the incorrect action was taken.

(19) All State agency hearing decisions shall be accessible to the public (subject to provisions of safeguarding public assistance information).

(b) *Federal financial participation.* Federal financial participation is available for the following items:

(1) Payments of assistance continued pending a hearing decision;

(2) Payments of assistance made to carry out hearing decisions, or to take corrective action after an appeal but prior to hearing, or to extend the benefit of a hearing decision or court order to others in the same situation as those directly affected by the decision or order. Such payments may be retroactive in accordance with applicable Federal policies on corrective payments.

(3) Payments of assistance within the scope of Federally aided public assistance programs made in accordance with a court order.

(4) Administrative costs incurred by the agency for:

(i) Providing transportation for the claimant, his representative and witnesses to and from the place of the hearing;

(ii) Meeting other expenditures incurred by the claimant in connection with the hearing;

(iii) Carrying out the hearing procedures, including expenses of obtaining an additional medical assessment.

§ 205.20 [Revoked]

2. Section 205.20 is revoked.

PART 206—APPLICATION, DETERMINATION OF ELIGIBILITY AND FURNISHING ASSISTANCE, PUBLIC ASSISTANCE PROGRAM

3. Section 206.10 is revised to read as follows:

§ 206.10 Application, determination of eligibility and furnishing of assistance.

(a) *State plan requirements.* A State plan under title I, IV–A, X, XIV XVI, or XIX of the Social Security Act shall provide that:

(1) Each individual wishing to do so shall have the opportunity to apply for assistance under the plan without delay. Under this requirement:

(i) Each individual may apply under whichever of the State plans he chooses;

(ii) The agency shall require a written application, signed under penalty of perjury, on a form prescribed by the State agency, from the applicant himself, or his authorized representative, or, where the applicant is incompetent or incapacitated, someone acting responsibly for him;

(iii) An applicant may be assisted, if he so desires, by an individual(s) of his choice (who need not be a lawyer) in the various aspects of the application process and the redetermination of eligibility and may be accompanied by such individual(s) in contacts with the agency and when so accompanied may also be represented by them; and

(iv) Individuals eligible for financial assistance are eligible for medical assistance without a separate application.

(2) Applicants will be informed about the eligibility requirements and their rights and obligations under the program. Under this requirement individuals are given information in written form, and orally as appropriate, about coverage, conditions of eligibility, scope of the program, and related services available, and the rights and responsibilities of applicants for and recipients of assistance. Specifically developed bulletins or pamphlets explaining the rules regarding eligibility and appeals in simple, understandable terms, are publicized and available in quantity.

(3) A decision shall be made promptly on applications, pursuant to reasonable State-established time standards not in excess of:

(i) 45 days for OAA, AFDC, AB, AABD (for aged and blind), and MA (for aged, blind, and families with children); and

(ii) 60 days for APTD, AABD (for disabled) and MA (for disabled). Under this requirement, the applicant is informed of the agency's time standard in acting on applications, which covers the time from date of application under the State plan to the date that the assistance check, or notification of denial of assistance or change of award, or the eligibility decision with respect to medical assistance, is mailed to the applicant or recipient. The State's time standards apply except in unusual circumstances (e.g., where the agency cannot reach a decision because of failure or delay on the part of the applicant or an examining physician, or because of some administrative or other emergency that could not be controlled by the agency), in which instances the case record shows the cause for the delay. The agency's standards of promptness for acting on applications or redetermining eligibility shall not be used as a waiting period before granting aid, or as a basis for denial of an application or for terminating assistance.

(4) Adequate notice shall be sent to applicants and recipients to indicate that assistance has been authorized (including the amount of financial assistance) or that it has been denied or terminated. Under this requirement, adequate notice means a written notice that contains a statement of the action taken, and the reasons for and specific regulations supporting such action, and an explanation of the individual's right to request a hearing.

(5) Financial assistance and medical care and services included in the plan shall be furnished promptly to eligible individuals without any delay attributable to the agency's administrative process, and shall be continued regularly to all eligible individuals until they are found to be ineligible. Under this requirement there must be arrangements to assist applicants and recipients in obtaining medical care and services in emergency situations on a 24-hour basis, 7 days a week.

(6) Assistance shall begin as specified in the State plan, which:

(i) For financial assistance

(A) Must be no later than:

(*1*) The date of authorization of payment, or

(2) Thirty days in OAA, AFDC, AB, and AABD (as to the aged and blind), and 60 days in APTD and AABD (as to the disabled), from the date of receipt of a signed and completed application form, whichever is earlier: *Provided,* That the individuals then met all the eligibility conditions, and

(B) For purposes of Federal financial participation, may be as early as the first of the month in which an application has been received and the individual meets all the eligibility conditions; and

(ii) For medical assistance must be no later than the date of application for either financial or medical assistance, and may be as early as the third month prior to the month of application if the individual was eligible in that month.[1]

(7) In cases of proposed action to terminate, discontinue, suspend or reduce assistance, the agency shall give timely and adequate notice. Such notice shall comply with the provisions of § 205.10 of this chapter.

(8) Each decision regarding eligibility or ineligibility will be supported by facts in the applicant's or recipient's case record. Under this requirement each application is disposed of by a finding of eligibility or ineligibility unless:

(i) The applicant voluntarily withdraws his application, and there is an entry in the case record that a notice has been sent to confirm the applicant's notification to the agency that he does not desire to pursue his application; or

(ii) There is an entry in the case record that the application has been disposed of because the applicant died or could not be located.

(9) Where an individual has been determined to be eligible, eligibility will be reconsidered or redetermined:

(i) When required on the basis of information the agency has obtained previously about anticipated changes in the individual's situation;

(ii) Promptly, within 30 days, after a report is obtained which indicates changes in the individual's circumstances that may affect the amount of assistance to which he is entitled or may make him ineligible; and

(iii) Periodically, within agency-established time standards, but not less frequently than every 6 months in AFDC, and every 12 months in the other categories, including medical assistance, on eligibility factors subject to change.

(10) Standards and methods for determination of eligibility shall be consistent with the objectives of the programs, and shall respect the rights of individuals under the United States Constitution, the Social Security Act, title VI of the Civil Rights Act of 1964, and all other relevant provisions of Federal and State laws.

(11) With respect to title XIX, policies and procedures shall assure that eligibility for medical assistance shall be determined in a manner consistent with simplicity of administration and the best interests of the applicant or recipient.

(12) The State agency shall establish and maintain methods by which it shall be kept currently informed about local agencies' adherence to the State plan provisions and to the State agency's procedural requirements for determining eligibility, and it shall take corrective action when necessary.

(b) *Definitions.* For purposes of this section:

(1) "Applicant" is a person who has, directly, or through his authorized representative, or where incompetent or incapacitated, through someone acting responsibly for him, made application for public assistance from the agency administering the program, and whose application has not been terminated.

(2) "Application" is the action by which an individual indicates in writing to the agency administering public assistance his desire to receive assistance. The relative with whom a child is living or will live ordinarily makes application for the child for AFDC. An application is distinguished from an inquiry, which is simply a request for information about eligibility requirements for public assistance.

Such inquiry may be followed by an application.

[1] For proposed revisions to this subdivision see Notice published on June 21, 1973 (38 FR 16310)

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PART 233 COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

4. Section 233.20(a) is amended by deleting subdivision (D) from subparagraph (3)(ii) and redesignating subdivision (E) thereof as (D); and by adding a new subparagraph (12), as set forth below:

§ 233.20 Need and amount of assistance.

(a) *Requirements for State plans.* • • •

• • • • • •

(12) *Recoupment of overpayments and correction of underpayments.* Specify uniform Statewide policies for:

(i) Recoupment of overpayments of assistance, including overpayments resulting from assistance paid pending a hearing decision; Under this requirement:

(A) The State may recoup any overpayment (election by the State not to recoup overpayments shall not waive the provisions of §§ 205.40, 205.41 or any other quality control requirement);

(B) Except where there is evidence which clearly establishes that a recipient willfully withheld information about his income and resources, recoupment shall be limited to overpayments made during the 12 months preceding the month in which the overpayment was discovered;

(C) The plan may provide for recoupment from available income and resources (including disregarded, set-aside or reserved items) or from current assistance payments or from both; and

(D) If the recoupments are made from current assistance payments, the State shall establish reasonable limits on the proportion of such payments that may be deducted, so as not to cause undue hardship on recipients.

(E) The plan may provide for recoupment in all situations or in specified circumstances and for waiver of the overpayment where the cost of collection would exceed the amount of the overpayment.

(ii) Prompt correction of underpayments to current recipients, resulting from administrative error where the State plan provides for recoupment of overpayments. Under this requirement:

(A) Retroactive corrective payment shall be made only for the 12 months preceding the month in which the underpayment is discovered;

(B) For purposes of determining continued eligibility and amount of assistance, such retroactive corrective payments shall not be considered as income or as a resource in the month paid nor in the next following month; and

(C) No retroactive payment need be made where the administrative cost would exceed the amount of the payment.

• • • • • •

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302)).

Effective Date: The regulations in this section shall be effective October 15, 1973, or earlier at the option of the State.

Dated: July 19, 1973.

JAMES S. DWIGHT, JR.,
Administrator, Social and Rehabilitation Service.

Approved: August 10, 1973.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc. 73-16944 Filed 8-14-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19550 RM-1859 RM-2049; FCC 73-842]

PART 73—RADIO BROADCAST SERVICES

Report and Order and Order To Show Cause

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Shorewood, Ottawa, Lockport and Crest Hill, Illinois).

1. On July 19, 1972, the Commission adopted a Notice of Proposed Rule Making in this proceeding (FCC 72-638, 37 Fed. Reg. 15171) in response to a petition of Joliet Radio Corporation, licensee of standard broadcast Station WJRC, Joliet, Illinois. The Notice proposed the reassignment of Channel 252A from Ottawa, Illinois, to Shorewood, Illinois, and the replacement of Channel 252A at Ottawa with Channel 237A.

2. Interested parties, after extensions of time were granted, were afforded an opportunity to file comments on or before September 11, 1972, and (taking into account an intervening holiday) to reply to such comments on or before October 10, 1972. Timely comments and/or reply comments were filed by Joliet Radio Corporation (Joliet Radio); Van Schoick Enterprises, Inc. (Van Schoick Enterprises)[1]; and WFMT, Inc. (WFMT). Mr. Joseph Oswald filed three separate reply comments. One of these was timely and proper and has been given consideration in arriving at our decision herein. The other two were reply comments directed at reply comments of another party.[2] Section 1.415 of the rules does not contemplate the filing of such pleadings unless specifically requested or authorized by the Commission, which they were not in the instant case. Because of this and because the contents of these two pleadings are not essential to our decision, they are not accepted for filing and are given no consideration herein. Additionally, Mr. Oswald filed a petition for rule making (RM-2049) which contained two counterproposals. This petition, filed prior to the date for filing initial comments in this proceeding, was considered as a comment (pursuant to our cut-off procedures announced in the Notice).

3. Although inviting comments on the proposed assignment of Channel 252A to Shorewood, the Notice also stated that it would be in the public interest to consider the needs and importance of other communities larger in size to which the channel might be assigned if deleted from Ottawa and not assigned to Shorewood. Examples of some such communities were listed and we indicated that we would entertain showings by interested parties as to the possible use of Channel 252A in such communities on the condition that any such counterproposals must be accompanied by an offer to reimburse the licensee of WOLI for reasonable expenses incurred for shifting its operation from Channel 252A to 237A at Ottawa, Illinois.

4. The only filing which did so was that of Mr. Oswald which sets out alternative counterproposals (RM-2049), i.e., the assignment of Channel 252A to either Lockport or Crest Hill, Illinois, rather than Shorewood, Illinois. With regard to the Lockport proposal, we observe that Channel 252A cannot meet our minimum mileage separation requirements to Class B Channels 250 and 254 assigned to Chicago, Illinois, and at the same time put the minimum signal required over the entire community of Lockport, i.e., a field strength of 70 dB above 1 uV/m. Approximately 4 percent of the area to Lockport would not receive the required signal strength if our minimum mileage requirements are adhered to. In view of this fact, our normally strict observance of our engineering rules, and the possibility of using the channel in full compliance with our rules at either Shorewood or Crest Hill, Illinois, we find that it would not be in the public interest to grant the requested waiver of our rules and attempt to make the assignment of Channel 252A to Lockport, Illinois. Hence, we now have pending before us in this proceeding the possible assignment of Channel 252A to Shorewood or Crest Hill, Illinois, and the replacement of Channel 252A at Ottawa, Illinois, with Channel 237A.

5. In view of the pleadings, we are required to make one further preliminary judgment. WFMT, operating on Class B FM Channel 254 in Chicago, Illinois, points out that it has a significant audience in the Joliet area of Illinois and indicates that it would be in the public interest to permit that audience to continue its enjoyment of WFMT. It further points out that a station at either Shorewood or Crest Hill operating on Channel 252A would impair WFMT's signal in and around those communities. We acknowledge this probability while observing that WFMT, as any other station in its power class (Class B), is only entitled to the standard protection of 40 miles separation between it and the proposed service on Channel 252A. In connection with the WFMT filing, we received approximately 100 letters from members of the public who reside in the Shorewood-Joliet-Crest Hill area of Illinois which strongly advocate the type of programming (apparently classical music and cultural) available on WFMT and express a concern about the probable loss of access to it by the interference which will be created to the WFMT signal in the Joliet area by a new service at either Shorewood or Crest Hill on Channel 252A. In this proceeding we bring these expressions of community interest and taste to the attention of any applicant for the use of Channel 252A in the Shorewood-Joliet-Crest Hill area of Illinois.

6. Will County, Illinois (population 249,498)[3] contains the two communities of Shorewood (population 1,749[4]) and Crest Hill (population 7,460). Neither community has either an FM assignment or a standard broadcast station. Shorewood is immediately west of Joliet while Crest Hill abuts Joliet on the north.

7. With regard to Shorewood, Joliet Radio states:

"Shorewood is an incorporated village, with a Village Council form of government. The village government provides police service within its boundaries, performs construction and maintenance of streets within the village, and performs other government functions, such as zoning. The village government is faced with policy decisions on zoning applications, demands for street improvements and for police protection and other municipal matters. The presence of these issues naturally gives rise to a need for a local outlet for self-expression by shorewood residents on these matters. In addition to the problems of the village government, there are other local activities which also create a need for local self-expression.

"Shorewood has one public school. It has a fire department (located in Shorewood) which provides protection for Shorewood and adjoining parts of Troy township. Shorewood also has the usual voluntary organizations created by its residents. It has churches (a Methodist Church and a Church of God), the Shorewood Lions Club, a Boy Scout Troop, and the Shorewood Homeowners Association.

"Shorewood also has its own commercial life. It is not a mere bedroom community for workers whose jobs are elsewhere. For instance, it has two major liquor wholesalers. One of them, United Liquor & Beverage Company, is a wholesale beer distributor. It has two motels—a Holiday Inn and a Howard Johnson's Motel. Two major industrial parks are now under development in Shorewood. Immediately outside of Shorewood, Mobile Oil Company is building a multi-million dollar refinery. In the same area are located the new stockyards which opened recently. Since the famed Chicago Stockyards closed, this facility now serves the entire midwest. In Shorewood itself there is a new shopping area, recently opened, which provides a wide range of retail services."

Mr. Oswald questions the veracity of a number of the above statements and in sum agrees with Van Schoick Enterprises that Shorewood is in essence too small to support an independent station and is in reality but a "bedroom" community for Joliet, Illinois. Mr. Oswald suggests that because of the smallness of Shorewood and its proximity to Joliet any FM station assigned to it and licensed to Joliet Radio would necessarily be simulcasting with WJRC much of the time.

8. In supporting the proposed assignment of Channel 252A to Shorewood, Joliet Radio shows that there are other channels available to most of the communities listed in the Notice, and submits that a station at Shorewood would provide a first and second FM service to substantial areas.

9. Concerning Crest Hill, Mr. Oswald provides the following information. Its 1970 population of 7,460 represents a 25 percent increase over its 1960 population which was 5,886. Its retail sales in 1967 (latest official figures) were $14,700,000. It is a community with its own government (mayor, city council) and with more than 100 commercial establishments. It shares the same school system with nearby Lockport, it has resisted annexation by Joliet, and it strives to maintain its own identity. (Hence, he avers, its problems, needs, and interests must be dealt with separate from those of adjoining Joliet.) It has a strategic physical location as to expressways and canal commerce and has a favorable growth pattern. It not only is without local AM, FM, or TV stations, but it has no regular daily newspaper. Mr. Oswald states that if the channel is assigned to Crest Hill he will promptly file an application for its use and that he is willing to reimburse WOLI for reasonable expenses incurred for shifting its operation from Channel 252A to 237A.

10. We have carefully considered the record in this proceeding. Joliet Radio and Mr. Oswald have each attempted to show that there is a need for a first local radio service in Shorewood and Crest Hill, the respective communities to which they seek assignment of the channel. Each has tried to show that the community it proposes is capable of supporting a local FM station. Each adverts to a favorable growth pattern. Each has stated that the community it proposes has no AM, FM, or TV station, and no daily newspaper. Each makes statements to show that its chosen community, although an immediate neighbor of Joliet, seeks to preserve its separate identity as a community.[5]

11. We believe that Mr. Oswald has adequately demonstrated a need for a channel at Crest Hill (see para. 9 *supra*) and that the public interest would be served by the assignment of Channel 252A to that community and the substitution of Channel 237A for 252A at Ottawa. Although it appears from the record that Cresh Hill could support a viable local FM service, a question has been raised as to whether Shorewood could do so or whether it is a mere bedroom community of Joliet. We do not find it necessary to decide this question because even if decided favorably to Shorewood, the proposed assignment to that community fails on other grounds. While there may be a need for an FM channel at Shorewood, there has been no showing that the need there is greater than the need at Crest Hill. Both communities are without local AM, FM, or TV stations; both have no daily newspaper; both are adjacent to Joliet and presumably receive broadcast services from that community; both apparently have local governments and local problems; and both have shown favorable growth patterns. As to the latter point, although the Shorewood population increased about 250 percent from 1960 to 1970 while that of Crest Hill increased only about 25 percent, as to actual population Shorewood increased by 1,250 persons and Crest Hill by 1,574 (Shorewood: 1960 pop. of 499 and 1970 pop. of 1,749; Crest Hill: 1960 pop. of 5,886 and 1970 pop. of 7,460).[6] Therefore, at best it would appear that the need for a channel at Shorewood is equal to that at Crest Hill if one does not consider the population sizes of the two communities. However, in view of the fact that the population of Crest Hill is substantially larger than that of Shorewood, it appears that the mandate of section 307(b) of the Communications Act for a fair, efficient, and equitable distribution of radio service requires that the channel be assigned to Crest Hill if such an assignment would otherwise be in the public interest.

12. We note that Mr. Oswald has indicated his willingness, if ultimately granted a license for Channel 252A at Crest Hill, to reimburse the licensee of Station WOLI for reasonable costs for changing its operation from Channel 252A to 237A. We also note that this representation is made in the light of the costs set out by Van Schoick Enterprises with regard to such a channel change.

13. Authority for the actions taken herein is contained in sections 4(i), 303, 307(b) and 316 of the Communications Act of 1934, as amended.

14. *Accordingly, it is ordered*, That effective September 14, 1973, the

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[1] Mr. Wayne J. Hess, Receiver, WOLI Broadcasting Corp. (operating on Channel 252A at Ottawa, Illinois), participated in the early phase of this proceeding by filing an opposition to the petition for rule making. On December 22, 1971, the Commission granted BALH-1587, assigning the license of WOLI from Mr. Hess to Van Schoick Enterprises. Among other things, the comments filed by Van Schoick Enterprises adopt and incorporate by reference the aforesaid opposition filed by Mr. Hess.

[2] These two pleadings are "Reply to: Further Reply Comments of the Joliet Radio Corporation—Oct. 4, 1972" and "Reply to Opposition Comments to Oswald Counterproposals."

[3] All population figures cited are from the 1970 U.S. Census unless otherwise specified.

[4] A special 1972 U.S. Census indicates that the population of Shorewood as of 1972 is 2,809.

[5] In addition, Joliet Radio avers that if Channel 252A is assigned to Shorewood it would provide a first and second FM service to substantial areas. However, its coverage showing is based on existing facilities. If it were made on the basis of the Roanoke Rapids-Goldsboro criteria (9 FCC 2d 672 (1971)), a Shorewood station would not provide a first FM service to any portion of the service area, and would provide a second FM service to a very limited area.

[6] Joliet Radio submits the results of a special census taken as of June 19, 1972, showing the population of Shorewood at that time to be 2,809. In the absence of such a census for Crest Hill, we of course cannot compare the populations of the two communities as of that date; however, there is no reason to believe that the population of Crest Hill has not continued to increase since the 1970 Census was taken.

V 38 157 AUG 15 73 XUM

Table of Assignments in section 73.202 (b) of the Commission's rules IS AMENDED, insofar as the cities listed below are concerned, to read as follows:

City:	Channel No.
Crest Hill, Illinois	252A
Ottawa, Illinois	237A

15. *It is further ordered,* That Van Schoick Enterprises, Inc., licensee of WOLI at Ottawa, Illinois, shall show cause under the provisions of section 316 (a) of the Communications Act of 1934, as amended, why its outstanding license for the operation of WOLI on Channel 252A should not be modified to specify operation on Channel 237A and that it do so not later than September 14, 1973.

16. After the receipt of Van Schoick Enterprises, Inc.'s response to the above show cause order, it will be evaluated. In the event that it is determined to be in the public interest to modify the license of Van Schoick Enterprises for WOLI to specify operation on Channel 237A in lieu of Channel 252A, we shall issue appropriate orders including an order which will require that any successful applicant for the use of Channel 252A at Crest Hill, Illinois, reimburse the licensee of WOLI at Ottawa, Illinois, for all reasonable costs it incurs for shifting its operating frequency from Channel 252A to Channel 237A.

(Secs. 4, 303, 307, 48 Stat., as amended; 1066, 1082, 1083. Sec. 12, 66 Stat. 717; 47 U.S.C. 154, 303, 307, and 316.)

By the Commission.

Adopted: August 2, 1973.

Released: August 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16907 Filed 8-14-73;8:45 am]

[Docket No. 19688 RM-1924; FCC 78-841]

PART 73—RADIO BROADCAST SERVICES

Report and Order

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Flint, Michigan)

1. On February 14, 1973, the Commission adopted a Notice of Proposed Rule Making (FCC 73-176; 38 Fed. Reg. 5193) looking towards the assignment of FM Channel 224A to Flint, Michigan. The Notice stemmed from a petition filed by Flint Family Radio, Inc. (Family) on February 16, 1972. Interested parties were requested to submit comments concerning the proposed change in the Table of Assignments on or before March 28, 1973, and to file reply comments on or before April 6, 1973. Comments in support of the proposal were received from the petitioner and from Sherwood Broadcasting, Inc. (Sherwood), a newly formed corporation that wishes to enter the broadcast field. No opposing statements were filed.

2. Flint, with a population of 193,317, is located in Genesee County (population 444,341).[1] It has been assigned three FM channels (two Class B's and one Class A) and all are currently occupied.[2] There are also six standard broadcast stations in Flint—four full-time and two daytime-only. One of the daytime-only AM stations operates in conjunction with an FM station operating on the Class A channel. The broadcast facilities in Flint are the only ones located in Genesee County. Both Family and Sherwood state in their supporting comments that if an additional FM channel is assigned to Flint, such will apply for the channel and, if granted a construction permit, build promptly.

3. As evidence that Flint can support an additional FM service, petitioner indicates that the average annual rate of growth of personal income from 1959 through 1968 was 7.73 percent and that retail sales for Genesee County totaled over $728 million. Also, while primarily an automobile manufacturing city with approximately 342 manufacturing concerns, petitioner notes that Flint's retail area has a radius of 25 miles with a population of over 500,000. The information submitted by the petitioner is sufficient to enable us to conclude that Flint is a prosperous and growing community, able to support an additional FM service.

4. According to the population criteria for assignment of FM channels, communities with populations ranging from 100,000 to 250,000 are normally assigned four to six channels.[3] However, Flint, with a population of nearly 200,000, presently has only three channels, one of which is used by a noncommercial educational station. It therefore appears that there is a need for the additional channel requested for the community. Although the assignment of Channel 224A to Flint intermixes classes of channels, we note the channels in Flint are already intermixed; moreover, demand for a Class A channel has been evidenced by two parties both of whom have indicated an interest in using the channel and both of whom have apparently made the business judgment that a Class A facility would be viable in Flint.

5. Channel 224A can be assigned to Flint without violating our mileage separation requirements and without making any other changes in the Table of Assignments. The preclusion study submitted by petitioner discloses that if Channel 224A is assigned to Flint, future assignments on Channels 223 and 224A would be prohibited. However, the preclusion on Channel 223 occurs in a limited region where the channel cannot be used efficiently. On Channel 224A the zone of preclusion is limited to the Flint area where an assignment could be made to the adjoining community of Mount Morris, Michigan (population 3,778). The proximity of Mount Morris to Flint signifies that Channel 224A would be available to applicants of Mount Morris under § 73.203(b) of the Commission's Rules. Thus, the assignment of Channel 224A to Flint would result in a more efficient administration of the FM frequencies because it cannot be used at any other community in this area of the state.

6. Since Flint is within 250 miles of the U.S.-Canadian border, concurrence has been obtained from the Canadian Government for the assignment of Channel 224A to that community.

7. In view of the foregoing, we are of the opinion that the additional assignment would serve the public interest and should be made.

8. Authority for the amendment adopted herein is found in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

9. *Accordingly, it is ordered,* That, effective September 14, 1973, the Table of Assignments contained in section 73.202(b) of the Commission's rules and regulations is amended, insofar as the community named below is concerned, to read as follows:

City	Channel No.
Flint, Michigan	224A, 236, 288A, 300

10. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

By the Commission.

Adopted: August 2, 1973.

Released: August 7, 1973.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16908 Filed 8-14-73;8:45 am]

[Docket No. 19738 FM-1983; FCC 73-839]

PART 73—RADIO BROADCAST SERVICES

Report and Order

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Oberlin, Kansas)

1. The Commission has before it a Notice of Proposed Rule Making adopted May 9, 1973 (FCC 73-492, 38 Fed. Reg. 13387), inviting comments on a petition filed by the Decatur County Area Chamber of Commerce, Inc. (petitioner), which requested the assignment of Channel 266 to Oberlin, Kansas. This channel could be assigned to Oberlin in conformity with the Commission's minimum mileage separation rule and without affecting any presently assigned channel in the FM Table of Assignments. There were no oppositions to the proposal. Supporting comments were filed by petitioner. Information in the record indicates that petitioner is organized as a non-profit organization and that it has no charter provision for operating a business. It further indicates that a responsible group consisting of Chamber of Commerce members intends to incorporate and apply for the channel if it is assigned, and build and operate a station if authorized.

2. Oberlin, with a population of 2,291 persons, is the seat of Decatur County, which has a population of 4,988 persons,[1] and is located in the northwest portion of Kansas. Oberlin does not have a local aural broadcast station. Petitioner notes that there is no full-time AM radio service in the northwest Kansas-southwest Nebraska area and very limited FM service. It points out that Oberlin serves as a principal trading center for a wide area of northwest Kansas and southwest Nebraska, and has sufficient size and economic strength to support a Class C FM facility. Petitioner contends that a Class A station operating at Oberlin would serve so small an area and audience that it could not survive. Petitioner states that based on the reasonable facilities assumption, a Class C facility, operating with an ERP of 100 Kw and an antenna height of 500 feet at Oberlin, would serve a total population of 33,711 persons, with 20,048 people receiving a first FM service and 13,663 receiving a second FM service in an area of 1,648 and 2,138 square miles, respectively.

3. The preclusion study indicates that the proposed assignment would foreclose future assignments on six channels: Channel 264, 265A, 266, 267, 268 and 269A. The size of the precluded areas varies with the channel. However, in the sparsely populated areas of the northwestern part of Kansas and the southwestern part of Nebraska, a number of other FM channels are available which could be assigned to communities located in the precluded areas.

4. The Commission would ordinarily assign a Class A channel to a community the size of Oberlin, but under the above circumstances and the fact that this assignment will provide a first local FM service, we conclude that the public interest would be served by assigning Channel 266 to Oberlin, Kansas.

5. Authority for the amendment adopted herein is found in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. *Accordingly, it is ordered,* That, effective September 14, 1973, the Table of Assignments contained in § 73.202(b) of the Commission's rules and regulations is amended, insofar as the community named below is concerned to read as follows:

City	Channel No.
Oberlin, Kansas	266

7. *It is further ordered,* That this proceeding IS TERMINATED.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

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[1] Population figures are from the 1970 U.S. Census.

[2] One of the Class B channels is occupied by noncommercial educational Station WFBE, licensed to the Flint Board of Education.

[3] See para. 4 of the Further Notice of Proposed Rule Making in Docket No. 14185, adopted July 25, 1962 (FCC 62-867), and incorporated by reference in para. 25 of the Third Report, Memorandum Opinion and Order (40 FCC 747, 758 (1968)).

[1] Population figures cited are from the 1970 U.S. Census.

USE OF LAND MOBILE FREQUENCIES ABOARD AIRCRAFT

In the Matter of amendment of Parts 89, 91, and 93 of the Commission's rules concerning use of land mobile frequencies aboard aircraft.

1. On July 12, 1972, the Commission adopted a Notice of Proposed Rule Making (35 FCC 2d 797) in the above entitled proceeding to amend its rules to limit the licensing and operation of communication facilities on board aircraft in the land mobile radio services. Comments in response to the Notice were received from the parties listed in Appendix A and have been carefully considered.

2. The basic purpose of this proceeding is to restrict the potential for interference to land-base operations primarily from operation on land mobile frequencies aboard high-flying aircraft, particularly on aircraft operated by scheduled passenger airlines. Aircraft communications for airline radio operations are regularly authorized in Aviation Radio Services under Part 87 of the Commission's Rules. However, a few airlines have obtained additional authorizations in the Business Radio Service to transmit convenience-type messages from planes related to passenger activities. Favorable passenger response to this special service has apparently increased airline interest in expansion of operations of this nature. The Commission has found, however, that the transmission range and effect of radio operation on board planes at the heights and distances involved in passenger airline flights greatly increase the potential for widespread interference to regular land-based operations. The rule change would restrict these radio communications to provide protection from such interference to licensees operating within the normal framework and regulatory plan for land mobile systems.

3. There was no disagreement in the comments with respect to necessity for this rule to restrict airline radio operations on land mobile frequencies. Two parties, Continental Airlines, Inc. and Aeronautical Radio, Inc. (ARINC) asked that deletion of these operations not be put into effect until there were alternative frequencies for the airlines to use for passenger messages. Continental argues that it has been using the frequency 461.-25 MHz in the Business Radio Service for air-to-ground radio traffic on behalf of passengers to coordinate cabin service activities, to arrange reservations and connecting flights, for medical advisory consultations, and to obtain interpreter services.

It contends that these operations should be permitted to continue "on the basis of procedures established over a twelve (12) year period of operation, until such time as new allocations of the radio spectrum are provided for air/ground Business Radio purposes." More specifically, ARINC, which provides en-route radiocommunications for airlines related to the safety of aircraft, states that it believes the solution to meeting the requirement for passenger communications lies in the allocation of spectrum exclusively for "cabin requirements" from the band 806–960 MHz.

4. As indicated in our Notice, the Commission realizes that an accommodation for aircraft passenger service communications may be justifiable in a different structure where inherent interference problems are not involved. For example, ARINC's recommendation for accommodating this service on frequencies in the 806–947 MHz region will be given further consideration in our proceeding in Docket 18262. At this time, however, we find that, consistent with the purposes of this proceeding, the paramount public interest requirement is for deletion of this type of aircraft operation on the existing land mobile frequencies. Accordingly, our proposal to preclude operations of this nature in land mobile services is being adopted. With respect to presently authorized operations in these services, we believe that it would be reasonable to require the licensees to amortize their equipment investment within the current license terms. Consequently, these airline operations will be permitted to continue only for the duration of present license terms. At the same time, as we have noted, the Commission will look for reasonable alternatives for permitting this type of operation and we welcome suggestions in this regard.

5. A different category of aircraft operation also under consideration in our Notice involves the low-flying, short-range helicopters and fixed-wing planes that are extensively used in a variety of applications. Examples include such diverse functions as water-scanning by fisheries that have become dependent upon "spotting" capability of aircraft, pipe-line surveillance in the petroleum and natural gas industries, "flying-ambulances" for hospitals, and numerous local government activities. Generally, these aircraft fly at low altitudes from a few hundred to a few thousand feet, as opposed to passenger airline planes which regularly operate above 20,000 feet. The potential for extended-range interference from operations on board such aircraft, therefore, is much reduced. Further, the comments have indicated that in many situations such aircraft are an integral part of land based operations and in others practical communications alternatives are not readily available. For these reasons, the following rule specifically providing for regular licensing of these aircraft in land mobile services was proposed for inclusion in Parts 89, 91 and 93:

By the Commission.

Adopted: August 2, 1973

Released: August 7, 1973

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16906 Filed 8-14-73;8:45 am]

[Doc No. 19545; FCC 73-819]

V 38 157 AUG 15 73 XUM

"Radio facilities authorized under this part may not be operated on board aircraft in flight except where the aircraft is an integral part of an operation in which land vehicles are primarily involved and where there is a requirement for direct communications between the aircraft and the land vehicles."

6. The comments generally supported the proposed rule change. There was some concern, however, that the specific rule is too limited in restricting communications to air-to-ground, and only when directed to land vehicles. These parties ask that the rule provide also for authorization of land mobile systems which incorporate air-to-air, air-to-base, or air-to-ship transmissions as an integral, or even sole, radio communication requirement.

7. It is not inconsistent with the underlying intent of our proposal that these aircraft radio operations, in addition to air-to-mobile operations, be included as permissible communications. At the same time, however, there must be practical limitations. Our analysis of the communication requirements for aircraft operating as part of land mobile radio systems shows that most aircraft can achieve a reasonable transmission range with a transmitter output power of 10 watts, below a one-mile ceiling.[1] Accordingly, we are incorporating these power and ceiling limitations as basic standards and will authorize exceptions only upon a showing of unusual operational requirements, and only where the potential for interference is not thereby increased. Even within these standards, however, in a given geographical area or for a particular utilization, some aircraft operations may manifest an unacceptable potential for interference. The reasonable solution appears to be case-by-case analysis of each proposed land mobile service aircraft operation, and attachment of conditions to licenses which will afford requisite protection to regular land-based operations. Conditions to be applied might include further restriction on transmitter power and ceilings for operations, a limitation on the geographic area which may be served, or other appropriate restriction. One general condition that will apply to all aircraft licensing of this nature is that the operations must be on a non-interference basis to regular land mobile systems.

8. Within this framework, the Commission is adopting rule changes for the land mobile services for regular authorization of aircraft operations. The specific proposed rule is being modified to expand the allowable points of communication, to provide power limits and flying ceilings for radio transmissions, and to reflect the conditional nature of these aircraft operations.

9. In the Notice in this rule making matter, the Commission determined that pending its resolution of the issues in this proceeding, no action would be taken on new applications for licensing aircraft radio operations in land-mobile services. A number of these applications have been received, and they will be expeditiously handled in accordance with the rule changes being adopted herein. There are also a number of present authorizations for land mobile operations which include operations on board low-flying aircraft. Few of these operations conform to the standards being adopted, particularly with respect to authorized transmitter power. For the reasons already discussed, we find that these operations should not be permitted on an indefinite basis. Accordingly, we will permit only one renewal of current licenses for aircraft operations which do not meet the new standards. A longer period for temporary continued operation of these aircraft stations has been afforded than for the high-flying airline radio operations in consideration of lesser interference potential of the latter transmissions.

10. Pursuant to the foregoing, the Commission determines that the public interest, convenience, and necessity will be served by amendment of its rules, essentially as proposed, to restrict licensing of aircraft operations in the land-mobile radio services.

11. Accordingly, pursuant to authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, *It is ordered*, That effective September 14, 1973, Parts 89, 91, and 93 of the Commission's Rules are amended as shown in the attached Appendix B. *It is further ordered* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

By the Commission.

Adopted: August 2, 1973.

Released: August 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS, *Acting Secretary.*

NOTE. Rules changes herein will be covered by T.S.V(70)–10.

The following parties submitted timely comments and/or reply comments in response to the Notice of Proposed Rule Making in Docket 19545:

Aeronautical Radio, Inc.
Aerospace and Flight Test Radio Coordinating Council.
Air Logistics, Inc.
Air Marine, Inc.
Alert Identification Directive Service, Inc.
American Petroleum Institute.
Arizona Department of Public Safety.
Associated Public-Safety Communications Officers, Inc.
Boise Cascade Corporation.
California State Communications Division.
Continental Airlines.
Forest Industries Telecommunications.
General Electric Company.
International Association of Fire Chiefs.
International Municipal Signal Association.
State of Iowa.
Louisiana Menhaden Fisheries et al.
Louisiana Wild Life and Fisheries Commission.
Moyer Aero-Spray.
National Association of Business and Educational Radio, Inc.
National Association of Manufacturers.
Offshore Raydist, Inc.
Offshore Navigation, Inc.
Simpson Timber Company.
Special Industrial Radio Service Association, Inc.
Teledyne Hastings-Raydist.
Vir James Consulting Radio Engineers.

PART 89—PUBLIC SAFETY RADIO SERVICES

I. Part 89 of the Commission's Rules is amended by adding new rule Section 89 to read as follows:

§ 89.156 Operations on board aircraft.

(a) Except as provided in paragraph (b) and (c) of this section, mobile stations first authorized after September 14, 1973, under this part may be operated aboard aircraft for air-to-mobile, air-to-base, air-to-air, and air-to-ship communications subject to the following:

(1) Operations are limited to aircraft that are regularly flown at altitudes below one-mile above the earth's surface;

(2) Transmitters are to operate with an output power not to exceed ten watts;

(3) Operations are subject to non-interference to land-based systems by transmitters operated aboard aircraft;

(4) Such other conditions, including additional reductions of altitude and power limitations, as may be required to minimize the interference potential to land-based systems by transmitters operated aboard aircraft.

(b) Exceptions to the altitude and power limitations set forth in paragraph (a) of this section may be authorized upon a showing of unusual operational requirements which justify departure from those standards, provided that, the interference potential to regular land-based operations would not thereby be increased.

(c) Mobile stations operated aboard aircraft under this part under licenses in effect September 14, 1973, may be continued without regard to provisions of paragraph (a) of this section, as follows:

(1) Operations may be continued only for the balance of the term of such licenses if aircraft involved are regularly flown at altitudes above one mile above the earth's surface;

(2) Transmitters are to operate with an output power not to exceed ten watts;

(3) Operations are subject to non-interference to land-based systems by transmitters operated aboard aircraft;

(4) Such other conditions, including additional reductions of altitude and power limitations, as may be required to minimize the interference potential to land-based systems by transmitters operated aboard aircraft.

(b) Exceptions to the altitude and power limitations set forth in paragraph (a) of this section may be authorized upon a showing of unusual operational requirements which justify departure from those standards, provided that, the interference potential to regular land-based operations would not thereby be increased.

(c) Mobile stations operated aboard aircraft under this part under licenses in effect September 14, 1973, may be continued without regard to provisions of paragraph (a) of this section, as follows:

(1) Operations may be continued only for the balance of the term of such licenses if aircraft involved are regularly flown at altitudes above one-mile above the earth's surface,

(2) Operations may be continued for one additional renewal license term if the aircraft involved are regularly flown at altitudes below one-mile above the earth's surface.

II. Part 91 of the Commission's Rules is amended by adding new rule Section 91.162 to read as follows:

PART 91—INDUSTRIAL RADIO SERVICES

§ 91.162 Operations on board aircraft.

(a) Except as provided in paragraph (b) and (c) of this section, mobile stations first authorized after September 14, 1973, under this part may be operated aboard aircraft for air-to-mobile, air-to-base, air-to-air, and air-to-ship communications subject to the following:

(1) Operations are limited to aircraft that are regularly flown at altitudes below one mile above the earth's surface;

(2) Transmitters are to operate with an output power not to exceed ten watts;

(3) Operations are subject to non-interference to land-based systems by transmitters operated aboard aircraft;

(4) Such other conditions, including additional reductions of altitude and power limitations, as may be required to minimize the interference potential to land-based systems by transmitters operated aboard aircraft.

(b) Exceptions to the altitude and power limitations set forth in paragraph (a) of this section may be authorized upon a showing of unusual operational requirements which justify departure from those standards, provided that, the interference potential to regular land-based operations would not thereby be increased.

(c) Mobile stations operated aboard aircraft under this part under licenses in effect September 14, 1973, may be continued without regard to provisions of paragraph (a) of this section, as follows:

(1) Operations may be continued only for the balance of the term of such licenses if aircraft involved are regularly flown at altitudes above one mile above the earth's surface;

(2) Operations may be continued for one additional renewal license term if the aircraft involved are regularly flown at altitudes below one mile above the earth's surface.

[FR Doc.73–16905 Filed 8–14–73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

MIGRATORY BIRD HUNTING

Miscellaneous Amendments

By notice of proposed rulemaking published in the FEDERAL REGISTER of April 25, 1973 (38 FR 10208), it was proposed to revise and and restructure subchapter B of Chapter One of this title. Among other things, that Proposed Rulemaking advised that current "Part 10—Migratory Birds" would be redesignated "Part 20—Migratory Bird Hunting" and a new "Part 10—General Provisions" would be added along with conforming modifications to subchapter A, Part 1—Definitions.

It was proposed at that time to amend § 10.21(e) to allow shooting crippled migratory game birds from a craft under power and to delete § 10.21(f) which prohibited the use of livestock as a means of concealment. After consideration of comments received and other data presented, the enforcement problems expected, and the concern of many States, it is determined that only the latter of these two proposals should be adopted.

On July 13, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 18670) which proposed further changes in proposed § 20.21(i) concerning the baiting regulation with respect to doves. After consideration of comments received and other data presented it is determined to adopt that proposal as a final rule.

In the FEDERAL REGISTER on July 5, 1973, (38 FR 17841) subchapter B of 50 CFR, Chapter I, was retitled and Part 20—Migratory Bird Hunting was added reserving subparts A—K and M, and publishing only subpart L—Administrative and Miscellaneous Provisions. Subpart K—Annual Season, Limit, and Shooting Hour Schedules was published in part in the FEDERAL REGISTER on August 1, 1973 (38 FR 20456). Since subpart K will be further modified in the near future it is not republished at this time, however, the remainder of Part 20 is herein adopted and subpart L is republished.

Since evaluation of comments, suggestions and objections to the Proposed Rulemaking of April 25, 1973 (subchapter B), is not complete, and the migratory game bird hunting season is approaching, it is determined to adopt the proposed changes in subchapter B in segments, rather than republish it in its entirety at this time. Parts 10—General Provisions and 20—Migratory Bird Hunting, along with conforming modifications to Part 1 of subchapter A of this title, are hereby adopted.

PART 1—DEFINITIONS

§§ 1.9, 1.10, and 1.11 [Deleted]

1. Accordingly, Part 1 of 50 CFR, Chapter I, is hereby amended by deleting §§ 1.9, 1.10, and 1.11.

2. Accordingly, Part 10 of 50 CFR, Chapter I is amended to read as follows:

PART 10—GENERAL PROVISIONS

SUBPART A—INTRODUCTION

Sec.
10.1 Purpose of regulations.
10.2 Scope of regulations.
10.3 Other applicable laws.
10.4 When regulations apply.

Subpart B—Definitions

10.11 Scope of definitions.
10.12 Definitions.
10.13 List of migratory birds.

Subpart C—Addresses

10.21 Director.
10.22 Law enforcement districts.

AUTHORITY.—Lacey Act, 62 Stat. 687, as amended, 63 Stat. 89, 74 Stat. 753, and 83 Stat. 281; Black Bass Act, sec. 5, 44 Stat. 576, as amended, 46 Stat. 846; Migratory Bird Treaty Act, sec. 3, 40 Stat. 755, Bald Eagle Protection Act, sec. 2, 54 Stat. 251; Tariff Classification Act of 1962, sec. 102, 76 Stat. 73–74, 19 U.S.C. 1202, Schedule 1, Part 15D, Headnote. 2(d), "Tariff Schedules of the United States"; Endangered Species Conservation Act of 1969, sec. 4(e), 83 Stat. 278; Fish and Wildlife Act of 1956, sec. 13(d), 86 Stat. 905 amending 85 Stat. 480; Marine Mammal Protection Act of 1972, sec. 112(a), 86 Stat. 1042.

Subpart A—Introduction

§ 10.1 Purpose of regulations.

The regulations of this subchapter B are promulgated to implement the following statutes enforced by the Bureau of Sport Fisheries and Wildlife which regulate the taking, possession, transportation, sale, purchase, barter, exportation, and importation of wildlife:

Lacey Act, 18 U.S.C. 42–44.
Black Bass Act, 16 U.S.C. 851–856.
Migratory Bird Treaty Act, 16 U.S.C. 703–711.
Bald Eagle Protection Act, 16 U.S.C. 668–668d.
Tariff Classification Act of 1962, 19 U.S.C. 1202, (Schedule 1, Part 15D, Headnote 2, T.S.U.S.).
Endangered Species Conservation Act of 1969, 16 U.S.C. 668aa–668cc–6.
Fish and Wildlife Act of 1956, 16 U.S.C. 742a–1.
Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1384, 1401–1407.

[1] Ceiling in this instance being altitude above the earth's surface. Based upon line-of-sight propagation, the radio horizon from the aircraft approximates 100 miles. The limitation of ten watts transmitter output power at the frequencies involved, taking into account other system parameters, should normally provide adequate communications between the aircraft and associated base and mobile stations on the surface at distances up to 60 miles.

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§ 10.2 Scope of regulations.

The various parts of this subchapter B are interrelated, and particular note should be taken that the parts must be construed with reference to each other.

§ 10.3 Other applicable laws.

No statute or regulation of any State shall be construed to relieve a person from the restrictions, conditions, and requirements contained in this subchapter B. In addition, nothing in this subchapter B, nor any permit issued under this subchapter B, shall be construed to relieve a person from any other requirements imposed by a statute or regulation of any State or of the United States, including any applicable health, quarantine, agricultural, or customs laws or regulations, or other Bureau enforced statutes or regulations.

§ 10.4 When regulations apply.

The regulations of this subchapter B shall apply to all matters arising after the effective date of such regulations, with the following exceptions:

(a) *Civil Penalty Proceedings.*—Regardless of when the act or omission which is the basis of a civil penalty proceeding occurred, the regulations herein which are concerned with civil penalty procedures shall apply if a notice of a proposed assessment has not been sent prior to the effective date of these regulations.

(b) *Permits.*—The regulations in this subchapter B shall apply to any permit application received after the effective date of the appropriate regulations in this subchapter B and, insofar as appropriate, to any permit which is renewed after such effective date.

Subpart B—Definitions

§ 10.11 Scope of definitions.

In addition and subject to definitions contained in applicable statutes and subsequent parts or sections of this subchapter B, words or their variants shall have the meanings ascribed in this subpart. Throughout this subchapter B words in the singular form shall include the plural, words in the plural form shall include the singular, and words in the masculine form shall include the feminine.

§ 10.12 Definitions.

"Aircraft" means any contrivance used for flight in the air.

"Amphibians" means a member of the class, Amphibia, including, but not limited to, frogs, toads, and salamanders; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

"Animal" means an organism of the animal kingdom, as distinguished from the plant kingdom; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

"Birds" means a member of the class, Aves; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

"Bureau" means the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior.

"Country of exportation" means the last country from which the animal was exported before importation into the United States.

"Country of origin" means the country where the animal was taken from the wild, or the country of natal origin of the animal.

"Crustacean" means a member of the class, Crustacea, including but not limited to, crayfish, lobsters, shrimps, crabs, barnacles, and some terrestrial forms; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

"Director" means the Director of the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior, or his authorized representative.

"Endangered wildlife" means any wildlife listed in § 17.11 or § 17.12 of this chapter.

"Fish" means a member of any of the following classes: (1) Cyclostomata, including, but not limited to, hagfishes and lampreys; (2) Elasmobranchii, including but not limited to, sharks, skates, and rays; and (3) Pisces, including but not limited to trout, perch, bass, minnows, and catfish; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

"Fish or wildlife" means any wild mammal, bird, fish, amphibian, reptile, mollusk, or crustacean, whether or not raised in captivity, and including any part, product, egg, or offspring thereof, or the dead body or parts thereof, whether or not included in a manufactured product or in a processed food product.

"Foreign commerce" includes, among other things, any transaction (1) between persons within one foreign country, or (2) between persons in two or more foreign countries, or (3) between a person within the United States and a person in one or more foreign countries, or (4) between persons within the United States, where the fish or wildlife in question are moving in any country or countries outside the United States.

"Fossil" means the remains of an animal of past geological ages which has been preserved in the earth's crust through mineralization of the object.

"Import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the tariff laws of the United States.

"Injurious Wildlife" means any wildlife for which a permit is required under subpart B of part 16 of this chapter before being imported into or shipped between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any possession of the United States.

"Mammal" means a member of the class, Mammalia; including any part, product, egg, or offspring, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

"Migratory birds means all birds, whether or not raised in captivity, included in the terms of conventions between the United States and any foreign country for the protection of migratory birds and the Migratory Bird Treaty Act, 16 U.S.C. 703–711. (For reference purposes only a list of migratory birds by species appears in § 10.13.)

"Migratory game birds": See § 20.11 of this chapter.

"Mollusk" means a member of the phylum, Mollusca, including but not limited to, snails, mussels, clams, oysters, scallops, abalone, squid, and octopuses; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

"Permit" means any document so designated as a permit by the Bureau and signed by an authorized official of the Bureau.

"Person" means any individual, firm, corporation, association, partnership, club, or private body, any one or all, as the context requires.

"Possession" means the detention and control, or the manual or ideal custody of anything which may be the subject of property, for one's use and enjoyment, either as owner or as the proprietor of a qualified right in it, and either held personally or by another who exercises it in one's place and name. Possession includes the act or state of possessing and that condition of facts under which one can exercise his power over a corporeal thing at his pleasure to the exclusion of all other persons. Possession includes constructive possession which means not actual but assumed to exist, where one claims to hold by virtue of some title, without having actual custody.

"Public" as used in referring to museums, zoological parks, and scientific or educational institutions, refers to such as are open to the general public and are either established, maintained, and operated as a governmental service or are privately endowed and organized but not operated for profit.

"Reptile" means a member of the class, Reptilia, including but not limited to, turtles, snakes, lizards, crocodiles, and alligators; including any part, product, egg, or offspring thereof, or the dead body or parts thereof, whether or not included in a manufactured product or in a processed food product.

"Secretary" means the Secretary of the Interior or his authorized representative.

"Shellfish" means an aquatic invertebrate animal having a shell, including, but not limited to, (a) an oyster, clam, or other mollusk; and (b) a lobster or other crustacean; or any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

"State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

"Take" means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect. (With reference to marine mammals, see part 18 of this chapter.)

"Transportation" means to ship, convey, carry or transport by any means whatever, and deliver or receive for such shipment, conveyance, carriage, or transportation.

"United States" means the several States of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

"Whoever" means the same as person.

"Wildlife" means the same as fish or wildlife.

§ 10.13 List of migratory birds.

The following is a list of migratory birds by species, shown by the most widely used common name or names followed by the scientific name in italics. The birds are listed in two categories, "Game Birds" and "Nongame Birds". "Game Birds" are members of those families named in § 20.11, for which open seasons are prescribed. The species are listed alphabetically except for ducks, which are all grouped under the heading "Duck". Within the category "Nongame Birds" all members of those families named in § 21.28 which may be used for falconry are listed under "Raptor" and all species are in alphabetical order.

GAME BIRDS

Brant: *Branta bernicla.*
  Black *Branta nigricans.*
Coot: American *Fulica americana.*
Crane:
  Sandhill (Lesser or Little Brown subspecies) *Grus canadensis.*
Dove:
  Ground *Columbina passerina.*
  Mourning *Zenaida macroura.*
  White-winged *Zenaida asiatica.*
  Zenaida *Zenaida aurita.*
Duck:
  Black *Anas rubripes.*
  Bufflehead *Bucephala albeola.*
  Canvasback *Aythya valisineria.*
  Eider:
    Common (Northern, American, and Pacific) *Somateria mollissima.*
  King *Somateria spectabilis.*
  Spectacled *Somateria fischeri.*
  Steller's *Polysticta stelleri.*
Gadwall *Anas strepera.*
Goldeneye:
  Barrow's *Bucephala islandica.*
  Common *Bucephala clangula.*
Harlequin *Histrionicus histrionicus.*
Mallard *Anas platyrhynchos.*
Masked *Oxyura dominica.*
Merganser:
  Common (American) *Mergus merganser.*
  Hooded *Lophodytes cucullatis.*
  Red-breasted *Mergus serrator.*
Mottled (Florida and Louisiana) *Anas fulvigula.*
Oldsquaw *Clangula hyemalis.*
Pintail *Anas acuta.*
Redhead *Aythya americana.*
Ring-necked *Aythya collaris.*
Ruddy *Oxyura jamaicensis.*
Scaup:
  Greater *Aythya marila.*
  Lesser *Aythya affinis.*
Scoter:
  Black (Common) *Oidemia nigra.*
  Surf *Melanitta perspicillata.*
  White-winged *Melanitta deglandi.*
Shoveler: Northern *Anas clypeata.*
Teal:
  Blue-winged *Anas discors.*
  Cinnamon *Anas cyanoptera.*
  Green-winged (American and Eurasian) *Anas crecca.*
Tree:
  Black-bellied *Dendrocygna autumnalis.*
  Fulvous *Dendrocygna bicolor.*
Wigeon:
  American *Anas americana.*
  European *Anas penelope.*
Wood *Aix sponsa.*
Gallinule:
  Common *Gallinula chloropus.*
  Purple *Porphyrula martinica.*
Goose:
  Barnacle *Branta leucopsis.*
  Canada (all subspecies except the Aleutian Canada goose) *Branta canadensis.*
  Emperor *Philacte canagica.*
  Ross' *Chen rossii.*
  Snow (Greater, Lesser, and Blue) *Chen caerulescens.*
  White-fronted (Tule) *Anser albifrons.*
Pigeon:
  Band-tailed *Columba fasciata.*
  White-crowned *Columba leucocephala.*
Rail:
  Black *Laterallus jamaicensis.*
  Clapper *Rallus longirostris.*
  King *Rallus elegans.*
  Sora *Porzana carolina.*
  Virginia *Rallus limicola.*
  Yellow *Coturnicops noveboracensis.*
Snipe: Common (Wilson's) *Capella gallinago.*
Swan: Whistling *Olor columbianus.*
Woodcock:
  American *Philohela minor.*
  European *Scolopax rusticola.*

NONGAME BIRDS

Albatross:
  Black-footed *Diomedea nigripes.*
  Laysan *Diomedea immutabilis.*
  Short-tailed *Diomedea albatrus.*
Anhinga *Anhinga anhinga.*
Anl:
  Groove-billed *Crotophaga sulcirostris.*
  Smooth-billed *Crotophaga ani.*
Auklet:
  Cassin's *Ptychoramphus aleuticus.*
  Crested *Aethia cristatella.*
  Least *Aethia pusilla.*
  Parakeet *Cyclorrhynchus psittacula.*
  Rhinoceros *Cerorhinca monocerata.*
  Whiskered *Aethia pygmaea.*
Avocet: American *Recurvirostra americana.*
Becard: Rose-throated *Platypsaris aglaiae.*
Bittern:
  American *Botaurus lentigimosus.*
  Least *Ixobrychus exilis.*
Blackbird:
  Brewer's *Euphagus cyanocephalus.*
  Red-winged *Agelaius phoeniceus.*
  Rusty *Euphagus carolinus.*
  Tricolored *Agelaius tricolor.*
  Yellow-headed *Xanthocephalus xanthocephalus.*
Bluebird:
  Eastern *Sialia sialis.*
  Mountain *Sialia currucoides.*
  Western *Sialia mexicana.*
Bluethroat *Luscinia svecica.*
Bobolink: *Dolichonyx oryzivorus.*
Booby:
  Blue-faced *Sula dactylatra.*
  Blue-footed *Sula nebouxii.*
  Brown *Sula leucogaster.*
  Red-footed *Sula sula.*
Bunting:
  Indigo *Passerina cyanea.*
  Lark *Calamospiza melanocorys.*
  Lazuli *Passerina amoena.*
  McKay's *Plectrophenax hyperboreus.*
  Painted *Passerina ciris.*
  Snow *Plectrophenax nivalis.*
  Varied *Passerina versicolor.*
Bushtit: Common (Black-eared, California, Coast and other subspecies) *Psaltriparus minimus.*
Cardinal *Cardinalis cardinalis.*
Catbird: Grey *Dumetella carolinensis.*
Chat: Yellow-breasted *Icteria virens.*
Chickadee:
  Black-capped *Parus atricapillus.*
  Boreal (Hudsonian) *Parus hudsonicus.*
  Carolina *Parus carolinensis.*
  Chestnut-backed *Parus rufescens.*
  Gray-headed (Alaska) *Parus cinctus.*
  Mexican *Parus sclateri.*
  Mountain *Parus gambeli.*
Chuck-will's-widow *Caprimulgus carolinensis.*
Condor: California *Gymnogyps californianus.*
Cormorant:
  Brandt's *Phalacrocorax penicillatus.*
  Double-crested *Phalacrocorax auritus.*
  Great *Phalacrocorax carbo.*
  Olivaceous *Phalacrocorax olivaceus.*
  Pelagic *Phalacrocorax pelagicus.*
  Red-faced *Phalacrocorax urile.*
Cowbird:
  Bronzed (Red-eyed) *Tangavius aeneus.*
  Brown-headed (Eastern, Nevada, California, and Dwarf) *Molothrus ater.*
Crane:
  Sanhill (Florida and Greater subspecies) *grus canadensis.*
  Whooping *Grus americana.*
Creeper: Brown *Certhia familiaris.*
Crossbill:
  Red (Bendire's and other subspecies) *Loxia currirostra.*
  White-winged *Loxia leucoptera.*
Crow:
  Common *Corvus brachyrhynchos.*
  Fish *Corvus ossifragus.*
  Hawaiian *Corvus tropicus.*
  Northwestern *Corvus caurinus.*
Cuckoo:
  Black-billed *Coccyzus erythrophthalmus.*
  Mangrove (Maynard's) *Coccyzus minor.*
  Yellow-billed *Coccyzus americanus.*
Curlew:
  Bristle-thighed *Numenius tahitiensis.*
  Eskimo *Numenius borealis.*
  Long-billed *Numenius americanus.*
Dickcissel *Spiza americana.*
Dipper (Water Ouzel) *Cinclus mexicanus.*
Dotterel *Eudromias morinellus.*
Dove:
  Inca *Scardafella inca.*
  White-fronted *Leptotila verreauxi.*
Dovekie *Alle alle.*
Dowitcher:
  Long-billed *Limnodromus scolopaceus.*
  Short-billed *Limnodromus griseus.*
Duck:
  Hawaiian *Anas wyvilliana.*
  Laysan (Laysan teal) *Anas laysanensis.*
  Mexican (New Mexican) *Anas diazi.*
Dunlin (Red-backed Sandpiper) *Calidris alpina.*
Eagle:
  Bald *Haliaeetus leucocephalus.*
  Golden *Aquila chrysaetos.*

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Egret:
Cattle *Bubulcus ibis.*
Great *Casmerodius albus.*
Little *Egretta garzetta.*
Reddish *Dichromanassa rufescens.*
Snowy *Egretta thula.*
Falcon (see Raptor)
Finch:
Black Rosy *Leucosticte atrata.*
Brown capped Rosy *Leucosticte australis.*
Cassin's *Carpodacus cassinii.*
Gray-crowned Rosy *Leucosticte tephrocotis.*
House *Carpodacus mexicanus.*
Purple *Carpodacus purpureus.*
Flamingo, American *Phoenicopterus ruber.*
Flicker: Common (Gilded, Red-shafted, and Yellow-shafted) *Colaptes auratus.*
Flycatcher:
Acadian *Empidonax virescens.*
Alder *Empidonax alnorum.*
Ash-throated *Myiarchus cinerascens.*
Beardless *Camptostoma imberbe.*
Buff-breasted *Empidonax fulvifrons.*
Coues' *Contopus pertinax.*
Dusky *Empidonax oberholseri.*
Gray *Empidonax wrightii.*
Great Crested (Northern and Southern) *Myiarchus crinitus.*
Hammond's *Empidonax hammondii.*
Kiskadee (Derby) *Pitangus sulphuratus.*
Least *Empidonax minimus.*
Nutting's *Myiarchus nuttingi.*
Olivaceous *Myiarchus tuberculifer.*
Olive-sided *Nuttallornis borealis.*
Scissor-tailed *Muscivora forficata.*
Sulphur-bellied *Myiodynastes luteiventris.*
Vermillion *Pyrocephalus rubinus.*
Western *Empidonax difficilis.*
Wied's Crested *Myiarchus tyrannulus.*
Willow *Empidonax traillii.*
Yellow-bellied *Empidonax flaviventris.*
Frigatebird:
Great *Fregata minor.*
Magnificent *Fregata magnificens.*
Fulmar: Northern *Fulmarus glacialis.*
Gannet *Morus bassanus.*
Gnatcatcher:
Black-capped *Polioptila nigriceps.*
Black-tailed (Plumbeous and other subspecies) *Polioptila melanura.*
Blue-gray *Polioptila caerulea.*
Godwit:
Bar-tailed *Limosa lapponica.*
Hudsonian *Limosa haemastica.*
Marbled *Limosa fedoa.*
Goldfinch:
American *Spinus tristis.*
Lawrence's *Spinus lawrencei.*
Lesser (Arkansas) *Spinus psaltria.*
Goose:
Aleutian Canada *Branta canadensis.*
Hawaiian (Nene) *Branta sandvicensis.*
Grackle:
Boat-tailed *Cassidix major.*
Common (Purple, Bronzed, and Florida) *Quiscalus quiscula.*
Great-tailed *Cassidix mexicanus.*
Grebe:
Eared *Podiceps nigricollis.*
Horned *Podiceps auritus.*
Least *Podiceps dominicus.*
Pied-billed *Podilymbus podiceps.*
Red-necked (Holboell's) *Podiceps grisegena.*
Western *Aechmophorus occidentalis.*
Grosbeak:
Black-headed *Pheucticus melanocephalus.*
Blue *Guiraca caerulea.*
Evening *Hesperiphona vespertina.*
Pine *Pinicola enucleator.*
Rose-breasted *Pheucticus ludovicianus.*
Ground-chat *Geothlypis poliocephala.*
Guillemot:
Black *Cepphus grylle.*
Pigeon *Cepphus columba.*
Gull:
Bonaparte's *Larus philadelphia.*
California *Larus californicus.*
Franklin's *Larus pipircan.*
Glaucous *Larus hyperboreus.*
Glaucous-winged *Larus glaucescens.*
Great Black-backed *Larus marinus.*
Heermann's *Larus heermanni.*
Herring *Larus argentatus.*
Iceland *Larus glaucoides.*
Ivory *Pagophila eburnea.*
Laughing *Larus atricilla.*
Lesser Black-backed *Larus fuscus.*
Little *Larus minutus.*
Mew *Larus canus.*
Ring-billed *Larus delawarensis.*
Ross' *Rhodostethia rosea.*
Sabine's *Xema sabini.*
Slaty-backed *Larus schistisagus.*
Thayer's *Larus thayeri.*
Western *Larus occidentalis.*
Hawk (see Raptor)
Heron:
Black-crowned Night *Nycticorax nycticorax.*
Great Blue (Great White and other subspecies) *Ardea herodias.*
Green *Butorides virescens.*
Little Blue *Florida caerulea.*
Louisiana *Hydranassa tricolor.*
Yellow-crowned Night *Nyctanassa violacea.*
Hummingbird:
Allen's *Selasphorus sasin.*
Anna's *Calypte anna.*
Black-chinned *Archilochus alexandri.*
Blue-throated *Lampornis clemenciae.*
Broad-billed *Cynanthus latirostris.*
Broad-tailed *Selasphorus platycercus.*
Buff-bellied *Amazilia yucatanensis.*
Calliope *Stellula calliope.*
Costa's *Calypte costae.*
Heloise's *Atthis heloisa.*
Lucifer *Calothorax lucifer.*
Rivoli's *Eugenes fulgens.*
Ruby-throated *Archilochus colubris.*
Rufous *Selasphorus rufus.*
Violet-crowned *Amazilia verticalis.*
White-eared *Hylocharis leucotis.*
Ibis:
Glossy *Plegadis falcinellus.*
White *Eudocimus albus.*
White-faced *Plegadis chihi.*
Jacana *Jacana spinosa.*
Jaeger:
Long-tailed *Stercorarius longicaudus.*
Parasitic *Stercorarius parasiticus.*
Pomarine *Stercorarius pomarinus.*
Jay:
Blue *Cyanocitta cristata.*
Gray *Perisoreus canadensis.*
Green *Cyanocorax yncas.*
Mexican *Aphelocoma ultramarina.*
Pinon *Gymnorhinus cyanocephalus.*
San Blas *Cissilopha sanblasiana.*
Scrub *Aphelocoma coerulescens.*
Steller's *Cyanocitta stelleri.*
Junco:
Dark eyed (Oregon, Slate-colored, White-winged and other subspecies) *Junco hyemalis.*
Gray-headed *Junco caniceps.*
Yellow-eyed (Mexican and other subspecies) *Junco phaeonotus.*
Killdeer *Charadrius vociferus.*
Kingbird:
Cassin's *Tyrannus vociferans.*
Eastern *Tyrannus tyrannus.*
Gray *Tyrannus dominicensis.*
Tropical (Couch's *Tyrannus melancholicus.*
Western (Arkansas) *Tyrannus verticalis.*
Kingfisher:
Belted *Megaceryle alcyon.*
Green *Chloroceryle americana.*
Kinglet:
Golden-crowned *Regulus satrapa.*
Ruby-crowned *Regulus calendula.*
Kite:
Everglade *Rostrhamus sociabilis.*
Mississippi *Ictinia mississippiensis.*
Swallow-tailed *Elanoides forficatus.*
White-tailed *Elanus leucurus.*
Kittiwake:
Black-legged (Atlantic and Pacific) *Rissa tridactyla.*
Red-legged *Rissa brevirostris.*
Knot: Red *Calidris canutus.*
Lark:
Horned *Eremophila alpestris.*
Limpkin *Aramus guarauna.*
Longspur:
Chestnut-collared *Calcarius ornatus.*
Lapland *Calcarius lapponicus.*
McCown's *Calcarius mccownii.*
Smith's *Calcarius pictus.*
Loon:
Arctic (Pacific) *Gavia arctica.*
Common *Gavia immer.*
Red-throated *Gavia stellata.*
Yellow-billed *Gavia adamsii.*
Magpie:
Black-billed *Pica pica.*
Yellow-billed *Pica nuttalli.*
Martin:
Gray-breasted *Progne chalybea.*
Purple *Progne subis.*
Meadowlark:
Eastern *Sturnella magna.*
Western *Sturnella neglecta.*
Millerbird *Acrocephalus familaris.*
Mockingbird *Mimus polyglottos.*
Murre:
Common (Atlantic and California) *Uria aalge.*
Thick-billed (Brünnich's) *Uria lomvia.*
Murrelet:
Ancient *Synthliboramphus antiquus.*
Craveri's *Endomychura craveri.*
Kittlitz's *Brachyramphus brevirostris.*
Marbled *Brachyramphus marmoratus.*
Xantus' *Endomychura hypoleuca.*
Nighthawk:
Common (Eastern) *Chordeiles minor.*
Lesser (Texas) *Chordeiles acutipennis.*
Nutcracker, Clark's *Nucifraga columbiana.*
Nuthatch:
Brown-headed *Sitta pusilla.*
Pigmy *Sitta pygmaea.*
Red-breasted *Sitta canadensis.*
White-breasted *Sitta carolinensis.*
Oriole:
Black-headed (Audubon's) *Icterus graduacauda.*
Fuertes' *Icterus fuertesi.*
Hooded (Sennett's) *Icterus cucullatus.*
Lichtenstein's (Altamira) *Icterus gularis.*
Northern (Baltimore and Bullock's) *Icterus galbula.*
Orchard *Icterus spurius.*
Scott's *Icterus parisorum.*
Osprey *Pandion haliaetus.*
Ovenbird *Sciurus aurocapillus.*
Owl: (also see Raptors)
Barn *Tyto alba.*
Oystercatcher:
American *Haematopus palliatus.*
Black *Haematopus bachmani.*
Pauraque *Nyctidromus albicollis.*
Petrel:
Ashy Storm *Oceanodroma homochroa.*
Black Storm *Oceanodroma melania.*
Bonin *Pterodroma hypoleuca.*
Bulwer's *Bulweria bulwerii.*
Dark-rumped *Pterodroma phacopygia.*
Fork-tailed Storm *Oceanodroma furcata.*
Hartcourt's Storm (Hawaiian) *Oceanodroma castro.*
Leach's Storm *Oceanodroma leucohoa.*
Least Storm *Halocyptena microsoma.*
Scaled *Pterodroma inexpectata.*
Sooty Storm *Oceanodroma markhami.*
Wilson's Storm *Oceanites oceanicus.*
Pewee:
Eastern Wood *Contopus virens.*
Western Wood *Contopus sordidulus.*
Pelican:
Brown *Pelecanus occidentalis.*
White *Pelecanus erythrorhynchos.*
Phainopepla *Phainopepla nitens.*

Phalarope:
Northern *Lobipes lobatus.*
Red *Phalaropus fulicarius.*
Wilson's *Steganopus tricolor.*
Phoebe:
Black *Sayornis nigricans.*
Eastern *Sayornis phoebe.*
Say's *Sayornis saya.*
Pigeon:
Red-billed *Columba flavirostris.*
Pipit:
Sprague's *Anthus spragueii.*
Water (American) *Anthus spinoletta.*
Plover:
American Golden (Atlantic and Pacific) *Pluvialis dominica.*
Black-bellied *Pluvialis squatarola.*
Mongolian *Charadrius mongolus.*
Mountain *Charadrius montana.*
Piping *Charadrius melodus.*
Semipalmated *Charadrius semipalmatus.*
Snowy *Charadrius alexandrinus.*
Wilson's *Charadrius wilsonia.*
Poor-will *Phalaenoptilus nuttallii.*
Puffin:
Common *Fratercula arctica.*
Horned *Fratercula corniculata.*
Tufted *Lunda cirrhata.*
Pyrrhuloxia *Pyrrhuloxia sinuata.*
Raptor:
Caracara *Caracara cheriway.*
Falcon:
Aplomado *Falco femoralis.*
Peregrine *Falco peregrinus.*
Prairie *Falco mexicanus.*
Goshawk *Accipiter gentilis.*
Gyrfalcon *Falco rusticolus.*
Hawk:
Black *Buteogallus anthracinus.*
Broad-winged *Buteo platypterus.*
Cooper's *Accipiter cooperii.*
Ferruginous *Buteo regalis.*
Gray *Buteo nitidus.*
Harris' *Parabuteo unicinctus.*
Hawaiian *Buteo solitarius.*
Marsh *Circus cyaneus.*
Red-shouldered *Buteo lineatus.*
Red-tailed (Harlan's and other subspecies) *Buteo jamaicensis.*
Rough-legged *Buteo lagopus.*
Sharp-shinned *Accipiter striatus.*
Short-tailed *Butea brachyurus.*
Swainson's *Buteo swainsoni.*
White-tailed *Buteo albicaudatus.*
Zone-tailed *Buteo albonotatus.*
Kestrel: American *Falco sparverius.*
Merlin *Falco columbarius.*
Owl:
Barred *Strix varia.*
Boreal *Aegolius funcreus.*
Burrowing *Speotyto cunicularia.*
Elf *Micrathene whitneyi.*
Ferruginous *Glaucidium brasilianum.*
Flammulated *Otus flammeolus.*
Great Gray *Strix nebulosa.*
Great Horned *Bubo virginianus.*
Hawk *Surnia ulula.*
Long-eared *Asio otus.*
Pygmy *Glaucidium gnoma.*
Saw-whet *Aegolius acadicus.*
Screech *Otus asio.*
Short-eared *Asio flammeus.*
Snowy *Nyctea scandiaca.*
Spotted *Strix occidentalis.*
Whiskered *Otus trichopsis.*
Raven:
Common *Corvus corax.*
White-necked *Corvus cryptoleucus.*
Razorbill *Alca torda.*
Redpoll:
Common *Acanthis flammea.*
Hoary *Acanthis hornemanni.*
Redstart:
American *Setophaga ruticilla.*
Painted *Setophaga picta.*
Roadrunner *Geococcyx californianus.*
Robin:
American *Turdus migratorius.*
Rufous-backed *Turdus rufo-palliatus.*
Ruby-throat: Siberian *Luscinia calliope.*
Ruff *Philomachus pugnax.*
Sanderling *Calidris alba.*
Sandpiper:
Baird's *Calidris bairdii.*
Buff-breasted *Tryngites subruficollis.*
Curlew *Calidris ferruginea.*
Least *Calidris minutilla.*
Pectoral *Calidris melanotos.*
Purple *Calidris maritima.*
Rock (Aleutian) *Calidris ptilocnemis.*
Semipalmated *Calidris pusillus.*
Sharp-tailed *Calidris acuminata.*
Solitary *Tringa solitaria.*
Spotted *Actitis macularia.*
Stilt *Micropalama himantopus.*
Upland *Bartramia americana.*
Western *Calidris mauri.*
White-rumped *Calidris fuscicollis.*
Sapsucker:
Williamson's *Sphyrapicus thyroideus.*
Yellow-bellied (Red-naped and Red-breasted) *Sphyrapicus varius.*
Seedeater: White-collared *Sporophila torqueola.*
Shearwater:
Audubon's *Puffinus lherminieri.*
Christmas Island *Puffinus nativitatus.*
Cory's *Puffinus diomedea.*
Flesh-footed *Puffinus carneipes.*
Greater *Puffinus gravis.*
Manx *Puffinus puffinus.*
New Zealand *Puffinus bulleri.*
Pink-footed *Puffinus creatopus.*
Short-tailed *Puffinus tenuirosiris.*
Sooty *Puffinus griseus.*
Wedge-tailed *Puffinus pacificus.*
Shrike:
Loggerhead *Lanius ludovicianus.*
Northern *Lanius excubitor.*
Siskin Pine *Spinus pinus.*
Skua *Catharacta skua.*
Skimmer: Black *Rynchops nigra.*
Solitaire: Townsend's *Myadestes townsendi.*
Sparrow:
Bachman's *Aimophila aestivalis.*
Baird's *Ammodramus bairdii.*
Black-chinned *Spizella atrogularis.*
Black-throated *Amphispiza bilineata.*
Botteri's *Aimophila botterii.*
Brewer's *Spizella breweri.*
Cape Sable *Ammospiza mirabilis.*
Cassin's *Aimophila cassinii.*
Chipping *Spizella passerina.*
Clay-colored *Spizella pallida.*
Field *Spizella pusilla.*
Fox *Passerella iliaca.*
Golden-crowned *Zonotrichia atricapilla.*
Grasshopper *Ammodramus sarannarum.*
Harris *Zonotrichia querula.*
Henslow's *Ammodramus henslowii.*
Lark *Chondestes grammacus.*
Le Conte's *Ammospiza leconteii.*
Lincoln's *Melospiza lincolnii.*
Olive (Texas) *Arremonops rufivirgata.*
Rufous-crowned *Aimophila ruficeps.*
Rufous-winged *Aimophila carpalis.*
Sage (Bell's) *Amphispiza belli.*
Savannah (Belding's, Ipswich, Large-billed and other subspecies) *Passerculus sandwichensis.*
Seaside (Cape Sable, Dusky, and other subspecies) *Ammospiza maritima.*
Sharp-tailed *Ammospiza caudacuta.*
Song *Melospiza melodia.*
Swamp *Melospiza georgiana.*
Tree *Spizella arborea.*
Vesper *Pooecetes gramineus.*
White-crowned *Zonotrichia leucophrys.*
White-throated *Zonotrichia albicollis.*
Worthen's *Spizella wortheni.*
Spoonbill: Roseate *Ajaia ajaja.*
Stilt: Black-necked *Himantopus mexicanus.*
Stork: Wood *Mycteria americana.*
Surfbird *Aphriza virgata.*
Swallow:
Bahama *Callichelidon cyaneoviridis.*
Bank *Riparia riparia.*
Barn *Hirundo rustica.*
Cave *Petrochelidon fulva.*
Cliff *Petrochelidon pyrrhonota.*
Rough-winged *Stelgidopteryx ruficollis.*
Tree *Iridoprocne bicolor.*
Violet-green *Tachycineta thalassina.*
Swan:
Trumpeter *Olor buccinator.*
Whooper *Olor cygnus.*
Swift:
Black *Cypseloides niger.*
Chimney *Chaetura pelagica.*
Vaux's *Chaetura vauxi.*
White-throated *Aeronautes saxatalis.*
Tanager:
Hepatic *Piranga flava.*
Scarlet *Piranga olivacea.*
Summer *Piranga rubra.*
Western *Piranga ludoviciana.*
Tattler:
Polynesian *Heteroscelus brevipes.*
Wandering *Heteroscelus incanus.*
Tern:
Aleutian *Sterna aleutica.*
Arctic *Sterna paradisaea.*
Black *Chlidonias niger.*
Blue-gray Noddy *Procelsterna cerulea.*
Bridled (Gaviota Oscura) *Sterna anaethetus.*
Caspian *Hydroprogne caspia.*
Common *Sterna hirundo.*
Elegant *Thalasseus elegans.*
Fairy (White) *Gygis alba.*
Forster's *Sterna forsteri.*
Gray-backed *Sterna lunata.*
Gull-billed *Gelochelidon nilotica.*
Least *Sterna albifrons.*
Noddy *Anous stolidus.*
Roseate *Sterna dougallii.*
Royal *Thalasseus maximus.*
Sandwich (Cabot's) *Thalasseus sandvicensis.*
Sooty *Sterna fuscata.*
White-capped Noddy (Hawaiian Tern) *Anous minutus.*
Thrasher:
Bendire's *Roxostoma bendirei.*
Brown *Toxostoma rufum.*
California *Toxostoma redivivum.*
Crissal *Toxostoma dorsale.*
Curve-billed *Toxostoma curvirostre.*
Le Conte's *Toxostoma lecontei.*
Long-billed (Sennett's) *Toxostoma longirostre.*
Sage *Oreoscoptes montanus.*
Thrush:
Gray-checked *Catharus minimus.*
Hawaiian *Phaeornis obscurus.*
Hermit *Catharus guttatus.*
Small Kauai *Phaeornis palmeri.*
Swainson's (Russet-backed and Olive-backed) *Catharus ustulatus.*
Varied *Ixoreus naevius.*
Wood *Hylocichla mustelina.*
Titmouse:
Black-crested *Parus atricristatus.*
Bridled *Parus wollweberi.*
Plain *Parus inornatus.*
Tufted *Parus bicolor.*
Towhee:
Abert's *Pipilo aberti.*
Brown *Pipilo fuscus.*
Green-tailed *Chlorura chlorura.*
Rufous-sided *Pipilo erythrophthalmus.*
Trogon:
Coppery-tailed *Trogon elegans.*
Tropicbird:
Red-billed *Phaethon aethereus.*
Red-tailed *Phaethon rubricauda.*
White-tailed *Phaethon lepturus.*
Turnstone:
Black *Arenaria melanocephala.*
Ruddy *Arenaria interpres.*
Veery *Catharus fuscescens.*
Verdin *Auriparus flaviceps.*
Vireo:
Bell's *Vireo bellii.*
Black-whiskered *Vireo altiloquus.*
Black-capped *Vireo atricapilla.*
Gray *Vireo vicinio.*

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Hutton's Vireo *huttoni*.
Philadelphia *Vireo philadelphicus*.
Red-eyed *Vireo olivaceus*.
Solitary (Blue-headed) *Vireo solitarius*.
Warbling *Vireo gilvus*.
White-eyed *Vireo griseus*.
Yellow-throated *Vireo flavifrons*.
Vulture:
Black *Coragyps atratus*.
Turkey *Cathartes aura*.
Wagtail:
White *Motacilla alba*.
Yellow *Motacilla flava*.
Warbler:
Arctic *Phylloscopus borealis*.
Bachman's *Vermivora bachmanii*.
Bay-breasted *Dendroica castanea*.
Black-and-white *Mniotilta varia*.
Blackburnian *Dendroica fusca*.
Blackpoll *Dendroica striata*.
Black-throated Blue *Dendroica caerulescens*.
Black-throated Gray *Dendroica nigrescens*.
Black-throated Green *Dendroica virens*.
Blue-winged *Vermivora pinus*.
Canada *Wilsonia canadensis*.
Cape May *Dendroica tigrina*.
Cerulean *Dendroica cerulea*.
Chestnut-sided *Dendroica pensylvanica*.
Colima *Vermivora crissalis*.
Connecticut *Oporornis agilis*.
Golden-cheeked *Dendroica chrysoparia*.
Golden-winged *Vermivora chrysoptera*.
Grace's *Dendroica graciae*.
Hermit *Dendroica occidentalis*.
Hooded *Wilsonia citrina*.
Kentucky *Oporornis formosus*.
Kirtland's *Dendroica kirtlandii*.
Lucy's *Vermivora luciae*.
MacGillivray's *Oporornis tolmiei*.
Magnolia *Dendroica magnolia*.
Mourning *Oporornis philadelphia*.
Nashville *Vermivora ruficapilla*.
Northern Parula *Parula americana*.
Olive *Peucedramus taeniatus*.
Orange-crowned *Vermivora celata*.
Palm *Dendroica palmarum*.
Pine *Dendroica pinus*.
Prairie *Dendroica discolor*.
Prothonotary *Protonotaria citrea*.
Red-faced *Cardellina rubrifrons*.
Swainson's *Limnothlypis swainsonii*.
Tennessee *Vermivora peregrina*.
Townsend's *Dendroica townsendi*.
Tropical Parula (Olive-backed) *Parula pitiayumi*.
Virginia's *Vermivora virginiae*.
Wilson's *Wilsonia pusilla*.
Worm-eating *Helmitheros vermivorus*.
Yellow *Dendroica petechia*.
Yellow-rumped (Audubon's and Myrtle) *Dendroica coronata*.
Yellow-throated *Dendroica dominica*.
Waterthrush:
Louisiana *Seiurus motacilla*.
Northern (Grinnell's) *Seiurus noveboracensis*.
Waxwing:
Bohemian *Bombycilla garrulus*.
Cedar *Bombycilla cedrorum*.
Wheatear *Oenanthe oenanthe*.
Whimbrel (Hudsonian curlew) *Numenius phaeopus*.
Whip-poor-will *Caprimulgus vociferus*.
Willet *Catoptrophorus semipalmatus*.
Woodpecker:
Actor (California and other subspecies) *Melanerpes formicivorus*.
Arizona *Dendrocopos arizonae*.
Black-backed Three-toed *Picoides arcticus*.
Downy *Dendrocopos pubescens*.
Gila *Centurus uropygialis*.
Golden-fronted *Centurus aurifrons*.
Hairy *Dendrocopos villosus*.
Ivory-billed *Campephilus principalis*.
Ladder-backed (Texas, Cactus, and other subspecies) *Dendrocopos scalaris*.
Lewis' *Asyndesmus lewis*.
Northern Three-toed *Picoides tridactylus*.
Nuttall's *Dendrocopos nuttallii*.
Pileated *Dryocopus pileatus*.
Red-bellied *Centurus carolinus*.
Red-cockaded *Dendrocopos borealis*.
Red-headed *Melanerpes erythrocephalus*.
White-headed *Dendrocopos albolarvatus*.
Wren:
Bewick's *Thryomanes bewickii*.
Brown-throated *Troglodytes brunneicollis*.
Cactus *Campylorhynchus brunneicapillus*.
Canon *Catherpes mexicanus*.
Carolina *Thryothorus ludovicianus*.
House *Troglodytes aedon*.
Long-billed Marsh *Telmatodytes palustris*.
Rock *Salpinctes obsoletus*.
Short-billed Marsh *Cistothorus platensis*.
Winter *Troglodytes troglodytes*.
Wrentit *Chamaea fasciata*.
Yellowlegs:
Greater *Tringa melanoleneus*.
Lesser *Tringa flavipes*.
Yellowthroat: Common *Geothylpis trichas*.

Subpart C—Addresses

§ 10.21 Director.

Mail forwarded to the Director with reference to law enforcement or permits should be addressed:

Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240.

§ 10.22 Law enforcement districts.

Bureau law enforcement districts and their area of jurisdiction follow. Mail should be addressed:

Special Agent in Charge, Bureau of Sport Fisheries and Wildlife (appropriate address below).

Area of jurisdiction:	*Address*
Alabama	474 South Court St., Montgomery, Ala. 36104.
Alaska: Except that portion lying in election districts 1–6.	813 D St., Anchorage, Alaska 99501.
Alaska: Southeastern part of State which includes only election districts 1–6.	P.O. Box 1287, Juneau, Alaska 99801.
Arizona	2721 North Central Ave., Phoenix, Ariz. 95004.
Arkansas	311 Post Office and Courts Bldg., Little Rock, Ark. 72201.
California: That part of the State lying north of a line forming the southern boundaries of the counties of Alpine, Calaveras, San Joaquin, Santa Clara, and Santa Cruz.	650 Capitol Mall, Sacramento, Calif. 95814.
California: That part of the State lying south of a line forming the southern boundaries of the counties of: Alpine, Calaveras, San Joaquin, Santa Clara and Santa Cruz, and north of a line forming the southern boundaries of the counties of Inyo, Kern, and San Luis Obispo.	1130 O St., Fresno, Calif. 93721.
California: That part of the State lying south of the southern boundaries of the counties of Inyo, Kern, and San Luis Obispo.	125 South Grand Ave., Pasadena, Calif. 91105.
Colorado	Building 45, Denver Federal Center, Denver, Colo. 80225.
Connecticut and Rhode Island	450 Main Street, Hartford, Conn. 06103.
Delaware	P.O. Box 692, Dover, Del. 19901.
Florida	P.O. Box 190, Tallahassee, Fla. 32302.
Georgia	17 Executive Park Dr. NE., Atlanta, Ga. 30329.
Hawaii	337 Uluniu St., Kailua, Oahu, Hawaii 96734.
Idaho	P.O. Box 031, Boise, Idaho 83702.
Illinois	600 East Monroe, Springfield, Ill. 62704.
Indiana	36 South Pennsylvania St., Indianapolis, Ind. 46204.
Iowa	627 New Federal Bldg., Des Moines, Iowa 50309.
Kansas	P.O. Box 10, Hutchinson, Kans. 67501.
Kentucky	P.O. Box 1003, Paducah, Ky. 42001.
Louisiana	P.O. Box 3473, Baton Rouge, La. 70821.
Maine	P.O. Box 800, Augusta, Maine 04364.
Maryland	1409 Forest Dr., Annapolis, Md. 21403.
Massachusetts, New Hampshire, and Vermont.	U.S. Post Office and Courthouse, Boston, Mass. 02109.
Michigan	106 Manly Miles Bldg., 1405 South Harrison Rd., East Lansing, Mich. 48823.
Minnesota	568 Federal Building and Courthouse, St. Paul, Minn. 55101.
Mississippi	P.O. Box 1104, Jackson, Miss. 39205.
Missouri	P.O. Box 815, Jefferson City, Mo. 65101.
Montana and Wyoming	711 Central Avenue, Billings, Mont. 59102.
Nebraska	P.O. Box 7, Lincoln, Nebr. 68505.
Nevada	300 Booth St., Reno, Nev. 89502.
New Jersey	P.O. Box 232, Trenton, N.J. 08602.
New Mexico	P.O. Box 14324, Albuquerque, N. Mex. 87111.
New York	P.O. Box 717, Albany, N.Y. 12201.
North Carolina	P.O. Box 506, Washington, N.C. 27889.
North Dakota	P.O. Box 1612, Bismarck, N. Dak. 58501.
Ohio	P.O. Box 15002, Columbus, Ohio 43215.
Oklahoma	200 Northwest Fourth St., Oklahoma City, Okla. 73102.
Oregon	1775 32d Place NE., Salem, Oreg. 97303.
Pennsylvania and West Virginia	P.O. Box 1154, Harrisburg, Pa. 17108.
The Commonwealth of Puerto Rico and all of the Virgin Islands of the United States.	G.P.O. 3708, San Juan, Puerto Rico 00936.
South Carolina	1100 Laurel St., Columbia, S.C. 29201.
South Dakota	P.O. Box 254, Pierre, S. Dak. 57501.
Tennessee	P.O. Box 1033, Nashville, Tenn. 37202.
Texas: That part of the State of Texas lying north of the northern boundaries of the counties of Winkler, Ector, Midland, Glasscock, Sterling, Coke, Runnels, Coleman, and Brown and lying east of the eastern boundaries of the counties of Brown, Mills, Lampasas, Burnet, Blanco, Comal, Guadalupe, Gonzales, DeWitt, Victoria, and Calhoun.	P.O. Box 61161, Houston, Tex. 77061.

PART 20—MIGRATORY BIRD HUNTING

3. Accordingly, Part 20 of 50 CFR, Chapter I, is amended to read as follows:

Sec.
20.1 Scope of regulations.
20.2 Relation to other provisions.

Subpart B—Definitions

20.11 Meaning of terms.

Subpart C—Taking

Sec.
20.21 Hunting methods.
20.22 Closed seasons.
20.23 Shooting hours.
20.24 Daily limit.
20.25 Wanton waste of migratory game birds.

Subpart D—Possession

20.31 Prohibited if taken in violation of subpart C.
20.32 During closed season.
20.33 Possession limit.
20.34 Opening day of a season.
20.35 Field possession limit.
20.36 Tagging requirement.
20.37 Custody of birds of another.
20.38 Possession of live birds.
20.39 Termination of possession.

Subpart E—Transportation Within the United States

20.41 Prohibited if taken in violation of subpart C.
20.42 Transportation of birds of another.
20.43 Species identification requirement.
20.44 Marking package or container.

Subpart F—Exportation

20.51 Prohibited if taken in violation of subpart C.
20.52 Species identification requirement.
20.53 Marking package or container.

Subpart G—Importations

20.61 Importation limits.
20.62 Importation of birds of another.
20.63 Species identification requirement.
20.64 Foreign export permits.
20.65 Processing requirement.
20.66 Marking of package or container.

Subpart H—Federal, State, and Foreign Law

Sec.
20.71 Violation of Federal law.
20.72 Violation of State law.
20.73 Violation of foreign law.

Subpart I—Commercial Preservation Facilities

20.81 Tagging requirement.
20.82 Records required.
20.83 Inspection of premises.

Subpart J—Feathers or Skins

20.91 Commercial use of feathers.
20.92 Personal use of feathers or skins.

Subpart K—Annual Season, Limit, and Shooting Hour Schedules

Subpart L—Administrative and Miscellaneous Provisions

20.131 Extension of seasons.
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AUTHORITY.—Migratory Bird Treaty Act, section 3, 40 Stat. 755.

Subpart A—Introduction

§ 20.1 Scope of regulations.

(a) *In general.*—The regulations contained in this part relate only to the hunting of migratory game birds, and crows.

(b) *Procedural and substantive requirements.*—Migratory game birds may be taken, possessed, transported, shipped, exported, or imported only in accordance with the restrictions, conditions, and requirements contained in this part. Crows may be taken, possessed, transported, exported, or imported only in accordance with subpart H of this part and the restrictions, conditions, and requirements prescribed in § 20.133.

§ 20.2 Relation to other provisions.

(a) *Migratory bird permits.*—The provisions of this part shall not be construed to alter the terms of any permit or other authorization issued pursuant to part 21 of this chapter.

(b) *Migratory bird hunting stamps.*—The provisions of this part are in addition to the provisions of the Migratory Bird Hunting Stamp Act of 1934 (48 Stat. 451, as amended; 16 U.S.C. 718a).

(c) *National wildlife refuges.*—The provisions of this part are in addition to, and are not in lieu of, any other provision of law respecting migratory game birds under the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927, as amended; 16 U.S.C. 668dd) or any regulation made pursuant thereto.

(d) *State Laws for the protection of migratory birds.*—No statute or regulation of any State shall be construed to relieve a person from the restrictions, conditions, and requirements contained in this part, however, nothing in this part shall be construed to prevent the several States from making and enforcing laws or regulations not inconsistent with these regulations and the conventions between the United States and any foreign country for the protection of migratory birds or with the Migratory Bird Treaty Act, or which shall give further protection to migratory game birds.

Subpart B—Definitions

§ 20.11 Meaning of terms.

For the purpose of this part, the following terms shall be construed, respectively, to mean and to include:

"Migratory game birds" means those migratory birds included in the terms of conventions between the United States and any foreign country for the protection of migratory birds, for which open seasons are prescribed in this part and belong to the following families:

(1) Anatidae (wild ducks, geese, brant, and swans);

(2) Columbidae (wild doves and pigeons);

(3) Gruidae (little brown cranes);

(4) Rallidae (rails, coots, and gallinules); and

(5) Scolopacidae (woodcock and snipe).

A list of migratory birds protected by the international conventions and the Migratory Bird Treaty Act appears in §10.13 of this chapter.

"Open season" means the days on which migratory game birds may lawfully be taken. Each period prescribed as an open season shall be construed to include the first and last days thereof.

"Closed season" means the days on which migratory game birds shall not be taken.

"Daily bag limit" means the maximum number of migratory game birds permitted to be taken by one person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.

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"Aggregate daily bag limit" means the maximum number of migratory game birds permitted to be taken by one person in any one day during the open season when such person hunts in more than one specified geographic area for which a daily bag limit is prescribed. The aggregate daily bag limit is equal to, but shall not exceed, the largest daily bag limit prescribed for any one of the specified geographic areas in which taking occurs.

"Possession limit" means the maximum number of migratory game birds permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

"Aggregate possession limit" means the maximum number of migratory game birds taken in the United States, permitted to be possessed by any one person when taking and possession occurs in more than one specified geolimit is prescribed. The aggregate possession limit is equal to, but shall not exceed, the largest possession limit prescribed for any one of the specified geographic areas in which taking and possession occurs.

"Personal abode" means one's principal or ordinary home or dwelling place, as distinguished from his temporary or transient place of abode or dwelling such as a hunting club, or any club house, cabin, tent, or trailer house used as a hunting club, or any hotel, motel, or rooming house used during a hunting, pleasure, or business trip.

"Commercial preservation facility" means any person, place, establishment, or cold-storage or locker plant that, for hire or other consideration, receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage, or shipment.

Subpart C—Taking

§ 20.21 Hunting methods.

Migratory birds on which open seasons are prescribed in this part may be taken by any method except those prohibited in this section. No person shall take migratory game birds:

(a) With a trap, snare, net, crossbow, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machinegun, fish hook, poison, drug, explosive, or stupefying substance;

(b) With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells;

(c) From or by means, aid, or use of a sinkbox or any other type of low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;

(d) From or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind;

(e) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has ceased: *Provided*, That a craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power except in the seaduck area as permitted in Subpart K of this part;

(f) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this paragraph for any person to take migratory waterfowl on an area where tame or captive live ducks or geese are present unless such birds are and have been for a period of 10 consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl.

(g) By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

(h) By means or aid of any motor-driven land, water, or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird; or

(i) By the aid of baiting, or on or over any baited area. As used in this paragraph, "baiting" shall mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed so as to constitute for such birds a lure, attraction or enticement to, on, or over any areas where hunters are attempting to take them; and "baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed whatsoever capable of luring, attracting, or enticing such birds is directly or indirectly placed, exposed, deposited, distributed, or scattered; and such area shall remain a baited area for 10 days following complete removal of all such corn, wheat or other grain, salt, or other feed. However, nothing in this paragraph shall prohibit:

(1) The taking of all migratory game birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and

(2) The taking of all migratory game birds, except waterfowl, on or over any lands where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed has been distributed or scattered as the result of bona fide agricultural operations or procedures, or as a result of manipulation of a crop or other feed on the land where grown for wildlife management purposes: Provided, that manipulation for wildlife management purposes does not include the distributing or scattering of grain or other feed once it has been removed from or stored on the field where grown.

§ 20.22 Closed seasons.

No person shall take migratory game birds during the closed season.

§ 20.23 Shooting hours.

No person shall take in any 1 calendar day, more than the daily bag limit or aggregate daily bag limit, whichever applies.

§ 20.24 Daily limit.

No person shall take in any 1 day, more than the daily bag limit or aggregate daily bag limit, whichever applies.

§ 20.25 Wanton waste of migratory game birds.

No person shall kill or cripple any migratory game bird pursuant to this part without making a reasonable effort to retrieve the bird and include it in his daily bag limit.

Subpart D—Possession

§ 20.31 Prohibited if taken in violation of subpart C.

No person shall at any time, by any means, or in any manner, possess or have in custody any migratory game bird or part thereof, taken in violation of any provision of subpart C of this part.

§ 20.32 During closed season.

No person shall possess any freshly killed migratory game birds during the closed season.

§ 20.33 Possession limit.

No person shall possess more migratory game birds taken in the United States than the possession limit or the aggregate possession limit, whichever applies.

§ 20.34 Opening day of a season.

No person on the opening day of the season shall possess any freshly killed migratory game birds in excess of the daily bag limit, or aggregate daily bag limit, whichever applies.

§ 20.35 Field possession limit.

No person shall possess, have in custody, or transport more than the daily bag limit or aggregate daily bag limit, whichever applies, of migratory game birds, tagged or not tagged, at or between the place where taken and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a commercial preservation facility; or (d) a post office; or (e) a common carrier facility.

§ 20.36 Tagging requirement.

No person shall put or leave any migratory game birds at any place (other than at his personal abode), or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), or for the purpose of having taxidermy services performed, unless such birds have a tag attached, signed by the hunter, stating his address, the total number and species of birds, and the date such birds were killed. Migratory game birds being transported in any vehicle as the personal baggage of the possessor shall not be considered as being in storage or temporary storage.

§ 20.37 Custody of birds of another.

No person shall receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required by § 2036.

§ 20.38 Possession of live birds.

Every migratory game bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become a part of the daily bag limit. No person shall at any time, or by any means, possess or transport live migratory game birds taken under authority of this part.

§ 20.39 Termination of possession.

Subject to all other requirements of this part, the possession of birds taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to another person as a gift; or have been delivered by him to a post office, a common carrier, or a commercial preservation facility and consigned for transport by the Postal Service or a common carrier to some person other than the hunter.

Subpart E—Transportation Within the United States

§ 20.41 Prohibited if taken in violation of subpart C.

No person shall at any time, by any means, or in any manner, transport any migratory game bird or part thereof, taken in violation of any provision of subpart C of this part.

§ 20.42 Transportation of birds of another.

No person shall transport migratory game birds belonging to another person unless such birds are tagged as required by § 20.36.

§ 20.43 Species identification requirement.

No person shall transport within the United States any migratory game birds, except doves, unless the head or one fully feathered wing remains attached to each such bird at all times while being transported from the place where taken until they have arrived at the personal abode of the possessor or a commercial preservation facility.

§ 20.44 Marking package or container.

No person shall transport by the Postal Service or a common carrier migratory game birds unless the package or container in which such birds are transported has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

Subpart F—Exportation

§ 20.51 Prohibited if taken in violation of subpart C.

No person shall at any time, by any means, or in any manner, export or cause to be exported any migratory game bird or part thereof, taken in violation of any provision of subpart C of this part.

§ 20.52 Species identification requirement.

No person shall export migratory game birds unless one fully feathered wing remains attached to each such bird while being transported from the United States and/or any of its possessions to any foreign country.

§ 20.53 Marking package or container.

No person shall export migratory game birds via the Postal Service or a common carrier unless the package or container has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

Subpart G—Importations

§ 20.61 Importation limits.

No person shall import during any 1 calendar week beginning on Sunday migratory game birds in excess of the following importation limits:

(a) *Doves and pigeons.*—Not to exceed 25 doves, singly or in the aggregate of all species, and 10 pigeons, singly or in the aggregate of all species from any foreign country.

(b) *Waterfowl.*—(1) From any foreign country except Canada, not to exceed 10 ducks, singly or in the aggregate of all species, and five geese including brant, singly or in the aggregate of all species.

(2) From Canada, not to exceed the maximum number permitted to be exported by Canadian authorities.

§ 20.62 Importation of birds of another.

No person shall import migratory game birds belonging to another person.

§ 20.63 Species identification requirement.

No person shall import migratory game birds unless each such bird has one fully feathered wing attached, and such wing must remain attached while being transported between the port of entry and the personal abode of the possessor or between the port of entry and a commercial preservation facility.

§ 20.64 Foreign export permits.

No person shall import, possess or transport, any migratory game birds killed in a foreign country unless such birds are accompanied by export permits, tags, or other documentation required by applicable foreign laws or regulations.

§ 20.65 Processing requirement.

No person shall import migratory game birds killed in any foreign country, except Canada, unless such birds are dressed (except as required in § 20.63), drawn, and the head and feet are removed: *Provided*, That this shall not prohibit the importation of legally taken, fully feathered migratory game birds consigned for mounting purposes to a taxidermist who holds a current taxidermist permit issued to him pursuant to § 21.24 of this chapter and who is also licensed by the U.S. Department of Agriculture to decontaminate such birds.

§ 20.66 Marking of package or container.

No person shall import migratory game birds via the Postal Service or a common carrier unless the package or container has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

Subpart H—Federal, State, and Foreign Law

§ 20.71 Violation of Federal law.

No person shall at any time, by any means or in any manner, take, possess, transport, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any act of Congress or any regulation issued pursuant thereto.

§ 20.72 Violation of State law.

No person shall at any time, by any means or in any manner, take, possess, transport, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any applicable law or regulation of any State.

§ 20.73 Violation of foreign law.

No person shall at any time, by any means, or in any manner, import, possess, or transport, any migratory bird, or any part, nest, or egg of any such bird taken, bought, sold, transported, possessed, or exported contrary to any applicable law or regulation of any foreign country, or State or province thereof.

Subpart I—Commercial Preservation Facilities

§ 20.81 Tagging requirement.

No commercial preservation facility shall receive or have in custody any migratory game birds unless such birds are tagged as required by § 20.36.

§ 20.82 Records required.

No commercial preservation facility shall:

(a) Receive or have in custody any migratory game birds unless accurate records are maintained showing (1) the number of each species; (2) the date such birds were received; (3) the name and address of the person from whom such birds were received; (4) the date such birds were disposed of; and (5) the name and address of the person to whom such birds were delivered, or

(b) Destroy any records required to be maintained under this section for a period of 1 year following the last entry on the record.

§ 20.83 Inspection of premises.

No commercial preservation facility shall prevent any person authorized to enforce this part from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried on.

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Subpart J—Feathers or Skins

§ 20.91 Commercial use of feathers.

Any person may possess, purchase, sell, barter, or transport for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses the feathers of migratory waterfowl (wild ducks, geese, brant, and swans) killed by hunting pursuant to this part, or seized and condemned by Federal or State game authorities, except that:

(a) No person shall purchase, sell, barter, or offer to purchase, sell, or barter for millinery or ornamental use the feathers of migratory game birds taken under authority of this part; and

(b) No person shall purchase, sell, barter, or offer to purchase, sell, or barter mounted specimens of migratory game birds taken under authority of this part.

§ 20.92 Personal use of feathers or skins.

Any person for his own use may possess, transport, ship, import, and export without a permit the feathers and skins of lawfully taken migratory game birds.

Subpart K—Annual Season, Limit, and Shooting Hour Schedules

Subpart L—Administrative and Miscellaneous Provisions

§ 20.131 Extension of seasons.

Whenever the Secretary shall find that emergency State action to prevent forest fires in any extensive area has resulted in the shortening of the season during which the hunting of any species of migratory game bird is permitted and that compensatory extension or reopening the hunting season for such birds will not result in a diminution of the abundance of birds to any greater extent than that contemplated for the original hunting season, the hunting season for the birds so affected may, subject to all other provisions of this subchapter, be extended or reopened by the Secretary upon request of the chief officer of the agency of the State exercising administration over wildlife resources. The length of the extended or reopened season in no event shall exceed the number of days during which hunting has been so prohibited. The extended or reopened season will be publicly announced.

§ 20.132 Native use in Alaska.

(a) In Alaska, Eskimos and Indians may take, possess, and transport, in any manner and at any time, auks, auklets, guillemots, murres, and puffins and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

(b) In Alaska, any person may, for subsistence purposes, take, possess, and transport, in any manner and at any time, snowy owls and cormorants and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

§ 20.133 Hunting regulations for crows.

(a) Crows may be taken, possessed, transported, exported, or imported, only in accordance with such laws or regulations as may be prescribed by a State pursuant to this section.

(b) Except in the State of Hawaii, where no crows shall be taken, States may by statute or regulation prescribe a hunting season for crows. Such State statutes or regulations may set forth the method of taking, the bag and possession limits, the dates and duration of the hunting season, and such other regulations as may be deemed appropriate, subject to the following limitations for each State:

(1) Crows shall not be hunted from aircraft;

(2) The hunting season or seasons on crows shall not exceed a total of 124 days during a calendar year;

(3) Hunting shall not be permitted during the peak crow nesting period within a State; and

(4) Crows may only be taken by firearms, bow and arrow, and falconry.

Subpart M—Wildlife Development Areas

§ 20.141 Approval of area development program.

With respect to any lands which have been or may hereafter be acquired by the United States for future use as a migratory bird sanctuary or other wildlife refuge, subject to an outstanding possessory estate, the owner of such outstanding estate may, in accordance with a program for the development of the area and the limitation of shooting during such development period, approved by the Secretary, take such measures as are calculated to maintain and increase the waterfowl population of the area in question, and engage in the shooting of migratory birds within the limitations set forth in the approved program.

§ 20.142 Revocation of program approval.

Approval of any such program may be revoked by the Secretary upon a finding that the terms of such program have been violated by the proponents thereof. Following such revocation, all rights and privileges derived from the existence of an approved area development program shall cease.

§ 20.143 Notice and hearing.

Prior to any determination by the Secretary that the terms of an approved area development program have been or are being violated by the proponent thereof, a notice shall be sent to said proponent specifying the character, time, and locality of the alleged violation and designating a representative of the Secretary with whom the proponent of the program may discuss any controverted issue of fact or interpretation in an effort to reach an amicable agreement of understanding. Thereupon, the said proponent shall cease and desist from the commission of acts specified in such notice for a period of 60 days, or if the case be finally determined during such 60-day period then only until such final determination. If, within 30 days after such notice has been received, no such agreement or understanding is reached then the Secretary may, after allowing such further opportunity for hearing as he deems proper, make and promulgate a final order revoking approval of the development area program. Thereupon, the provisions of § 20.21 shall be fully applicable to the area in question.

These amendments conform to the public procedure requirements of 5 U.S.C. 553 with respect to substantive rules as set out in the preamble. The amendments make only conforming, clarifying and editorial changes, and it is therefore determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest. Accordingly, these amendments will be effective as of August 15, 1973.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 10, 1973.

[FR Doc.73-16914 Filed 8-14-73;8:45 am]

PART 32—HUNTING

Agassiz National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on August 15, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

AGASSIZ NATIONAL WILDLIFE REFUGE

Public hunting of moose on the Agassiz National Wildlife Refuge, Minnesota is permitted from sunrise to sunset September 22 to September 30, 1973, and from December 8 to December 16, 1973, all dates inclusive, on all areas except those designated by closed area signs. This open area comprises approximately 57,600 acres and is delineated on a map available at the refuge headquarters at Middle River, Minnesota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

1. All parties hunting Agassiz National Wildlife Refuge are required to report to the Agassiz check station located 11 miles east of Holt, Minnesota, before they begin to hunt.

2. All moose killed on Agassiz Refuge must be registered at the Agassiz Refuge check station within 48 hours of the kill.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 19, 1973.

JOSEPH KOTOK,
Refuge Manager, Agassiz National Wildlife Refuge Middle River, Minnesota 56737

August 7, 1973

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

[Commissioner's Order No. 1879]

Regulations for the taking of Moose During 1973

JULY 11, 1973.

Pursuant to authority vested in me by law, I, Robert L. Herbst, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of moose during 1973.

SECTION 1. SEASON DATES AND HOURS.

Moose may be taken by legal firearms or bow and arrow between sunrise and sunset from September 22 to October 7, 1973, and from December 8 to December 16, 1973, all dates inclusive. Moose may be taken in that portion of Zone 2 designated as the Agassiz National Wildlife Refuge from September 22 to September 30, 1973, and from December 8 to December 16, 1973, all dates inclusive.

SEC. 2. BAG LIMIT.

Limit is one moose of any age or either sex per party of four persons.

SEC. 3. OPEN MOOSE HUNTING ZONES—1973.

Those portions of the state lying within the following described boundaries are open to the taking of moose during the period described in Section 1.

ZONE 1

Beginning at State Trunk Highway 11 at Williams; thence southerly along County State Aid Highway (CSAH) 2, Lake of the Woods County, to the Southeast corner of Section 13, Township 160 North, Range 34 West; thence along the East line of Township 160 North, 159 North, 158 North and 157 North, Range 34 West, to the Southeast corner of Section 13, Township 157 North, Range 34 West; thence along a road traversing through Sections 24, 23, 22, 21, 28, 29, 30 and 31, Township 157 North, Range 34 West, and continuing through Section 36, Township 157 North, Range 35 West, and continuing through Sections 1, 2, 3, 10, 9, 8, 7, and 18 of Township 156 North, Range 35 West; thence along County Road 704, Beltrami County, to CSAH 44, Beltrami County; thence along CSAH 44, Beltrami County, to Fourtown; thence along State Trunk Highway 89 to Thorhult; thence along CSAH 42, Beltrami County, to CSAH 2, Marshall County; thence along CSAH 2, Marshall County, to CSAH 54, Marshall County; thence along CSAH 54, Marshall County, to CSAH 9, Roseau County; thence along CSAH 9, Roseau County, to CSAH 29, Roseau County; thence along CSAH 20, Roseau County, to State Trunk Highway 89; thence along State Trunk Highway 89 to Roseau; thence along State Trunk Highway 310 to the northerly boundary of the state; thence easterly along the northern boundary of the state to State Trunk Highway 313; thence along State Trunk Highway 313 to Warroad; thence along State Trunk Highway 11 to the point of beginning at Williams.

[FR Doc.73-16861 Filed 8-14-73;8:45 am]

PART 32—HUNTING

Piedmont National Wildlife Refuge, Georgia

The following special regulation is issued and is effective on August 15, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of bobwhite quail and squirrels on the Piedmont National Wildlife Refuge, Georgia, is permitted only on the area designated by signs as open to hunting. The open area, comprising approximately 32,000 acres, is delineated on a map available at the refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE, Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of bobwhite quail and squirrels subject to the following special conditions:

(1) Species permitted to be taken: Bobwhite quail and squirrel only.

(2) Open season: Quail—November 20, 1973—February 28, 1974, on Tuesdays and Saturdays only. Squirrel—August 18, 1973—September 8, 1973 (every day except Sundays); November 20, 1973—February 28, 1974, on Tuesdays and Saturdays only. Hunters are permitted on areas open to quail and squirrel hunting from 30 minutes before sunrise until 30 minutes after sunset on the above cited hunting days.

(3) No vehicular or horseback travel except on State and County roads.

(4) Hunters not having reached their 18th birthday must be under the immediate supervision of a responsible adult.

(5) Camping and fires are prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1974.

PHILLIP S. MORGAN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

August 7, 1973.

[FR Doc.73-16862 Filed 8-14-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Subpart C—Extensions

Under § 110(f)(1) of the Clean Air Act (the Act), the Governor of a State may, on behalf of a source located within the State, request that the source's obligation to comply with any of the requirements of the State's implementation plan be postponed for a period of time not to exceed one year. The Agency may grant such a request only if it is satisfied that the requirements of § 110(f)(1)(A)–(D) have been met. In addition, under § 110(f)(2), the decision of the Agency must be based upon the record of a public hearing held pursuant to reasonable notice and made available to all interested persons.

The rules which follow will govern the conduct of such public hearings. The rules are in conformity with §§ 554–57 of the Administrative Procedure Act (APA) which set forth the requirements for a formal adjudicatory hearing. Pursuant to APA § 556(b)(3), the Agency has secured the services of Civil Service Commissioned Administrative Law Judges who will preside over all hearings held under § 110(f) of the Act. The Administrative Law Judge (ALJ) will hear and consider all motions raised by the parties and will render an initial decision as to whether a § 110(f) postponement should be granted. If appeal to the administrator is not taken within 30 days of the ALJ's initial decision and if, within 20 days after receiving notice that no appeal has been lodged by any of the parties, the Administrator declines to review the initial decision of the ALJ, such decision shall become final.

Every effort has been made, in constructing the accompanying rules, to assure due process and maximum review, while allowing for the most expeditious presentation of the facts. To this end, a prehearing conference has been provided for whenever, in the estimation of the ALJ, such a conference will serve to quicken the pace of the hearing. At the prehearing conference, the parties will be encouraged to identify areas which are in dispute, stipulate to noncontested facts, recommend matters of which official notice may be taken, limit the number of expert and other witnesses, agree to the use of written statements in lieu of oral direct testimony, establish a hearing schedule and attend to any other matters which may expedite the hearing or aid in the disposition of the proceedings. In addition the prehearing conference will, in most instances, serve as a forum for exchanging witness lists and short synopses of expected testimony—a form of discovery which is required by paragraph (*f*) of the accompanying rules—and for requesting leave to engage in other forms discovery.

Pursuant to § 307(a)(1) of the Act, the presiding ALJ will have authority, either on his own motion or on a proper showing of one of the parties, to issue

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subpoenas for the attendance and testimony of witnesses and/or the production of relevant papers, books and documents.

As permitted by APA § 556(d), the ALJ may permit the introduction of reliable evidence having probative value even though such evidence might be inadmissible under the usual rules of evidence.

The accompanying rules permit cross-examination as a matter of right. However, where it appears that the cross-examination by one party will protect the rights of all parties similarly situated, the ALJ may limit cross-examination to one party on either side of an issue.

Other provisions of note include a provision permitting the right to intervene—even after a prehearing conference if proper cause is shown, elaborate notice provisions calculated to give all interested persons an opportunity to either submit comments, make an oral statement at the hearing or participate as a party, a provision permitting persons to file amicus briefs and a provision for appeal from and review of interlocutory orders and rulings issued by the ALJ.

Because the Agency has already received a request from the Governor of West Virginia for a § 110(f) public hearing, it deems it important to publish the accompanying rules with an immediately effective date. The rules which follow will therefore apply to the West Virginia hearing in their present form. However, since other § 110(f) hearings are expected, the Agency is interested in receiving comments on the accompanying rules. Any comments which are deemed useful will be incorporated into the present rules by way of amendment. In this regard, the Agency is particularly interested in receiving comments relating to paragraph (c)(6) of the accompanying rules. The provisions contained in this paragraph reflect the Agency's view that persons who do not wish to be made a party to a public hearing, but who are interested in making an oral statement at the hearing ought to be permitted to do so. The Agency believes that by permitting persons to participate in this fashion it will be opening § 110(f) hearings to public minded citizens who wish to present their views in a public forum, but who might possibly lack the time and funds necessary to become a party.

To be considered by the Agency, all comments must be filed on or before September 14, 1973. Comments should be filed in duplicate and addressed to Mrs. Betty J. Billings, Hearing Clerk, Environmental Protection Agency, Room 3902, Waterside Mall, Washington, D.C. 20460. All written submissions filed pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours, 8:00 a.m.–4:30 p.m.

Authority: §§ 110(f) and 301 of the Clean Air Act; 42 U.S.C. 1857 et seq.

Dated: August 13, 1973.

JOHN R. QUARLES, JR.
Acting Administrator.

§ 51.33 Hearings and appeals relating to request for one year postponement.

(a) Definitions.
(b) Notice of adjudicatory hearings.
(c) Parties.
(d) Filing and service.
(e) Time.
(f) Intervention.
(g) Amicus curiae.
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(j) Qualifications and duties of Administrative Law Judge.
(k) Prehearing conference.
(l) Primary discovery (Exchange of witness lists and documents).
(m) Other discovery.
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(o) Subpoenas.
(p) Fees of witnesses.
(q) Evidence and cross-examination.
(r) Appeals from and review of interlocutory orders or rulings.
(s) Burden of proof.
(t) Transcript.
(u) Initial decision.
(v) Appeals from or review of the initial decision of the Administrative Law Judge.
(w) Decision upon appeal or review.

(a) *Definitions*

(1) The term "Act" is defined at 40 CFR § 51.1(a).

(2) The term "Administrative Law Judge" means an employee of the Environmental Protection Agency whose services have been retained pursuant to §§ 556(b)(3) and 3105 of the Administrative Procedures Act for the duties and functions hereinafter set forth. The Administrator may delegate all or part of his authority to act in a given case under this section to an Administrative Law Judge. There may be included within such delegation authority to issue subpoenas, authority to make findings of fact and conclusions of law with respect to a given case and authority to recommend a decision (hereinafter referred to as the "initial decision"). A delegation of authority to render an initial decision shall not preclude the Administrative Law Judge from referring any motion or case to the Administrator when the Administrative Law Judge determines such referral to be appropriate.

(3) The term "Administrator" is defined at 40 CFR § 51.1(b).

(4) The term "Agency," unless otherwise specified, means the United States Environmental Protection Agency.

(5) The term "initial decision" means the decision of the Administrative Law Judge as supported by findings of fact and conclusions regarding all material issues of law, fact, or discretion, as well as reasons therefore. Such decision shall become the final decision of the Agency unless an appeal therefrom is taken or the Administrator orders review thereof as herein provided.

(6) The term "party" means the Agency and any person (as that term is defined below) who, pursuant to paragraph (c), has filed a request to participate as a party in a public hearing required by § 110((f)(2) of the Act and has had such request approved.

(7) The term "persons" means the Governor of a State which is requesting a one year postponement under § 110(f) of the Act, any officials designated by the Governor to appear on behalf of the State, and any other State, foreign country, Federal agency, or other interested person or persons (whether individual or formed as an association, public interest group or corporation).

(8) The term "prehearing conference" means a conference held prior to a § 110(f) public hearing for the purposes set forth in paragraph (k) of these rules.

(9) The term "regional hearing clerk" means an employee of the Environmental Protection Agency designated by the Administrator to establish a repository for all documents relating to hearings under this section.

(10) The term "source" means any stationary source or class of moving sources whose alleged inability to comply with any requirement of an applicable implementation plan has given rise to a request for a postponement under § 110(f) of the Act.

(b) *Notice of Adjudicatory Hearings.*

(1) Public notice of every application for a postponement under § 110(f) of the Act shall be circulated in a manner designed to inform interested and potentially interested persons of the intention of the Agency to hold hearings on the requested postponement.

(2) Procedures for accomplishing such public notice shall include at least the following:

(i) Notice shall be published in the FEDERAL REGISTER. The hearing shall convene at the place and time announced in the notice, unless amended by subsequent notice, but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof at the hearing.

(ii) Where the source for which postponement is being requested is a stationary source, notice shall be circulated within the geographical area of the source. Such circulation shall be accomplished by either of the following methods:

(A) Posting in the main post office and in other public places of the municipality or municipalities closest to the source;

(B) Publication in at least one newspaper of general circulation which regularly reaches the geographical area of the source.

(iii) Notice shall be mailed to the source with respect to which the postponement is being requested.

(3) The contents of any public notice referred to in subparagraph (2) shall include at least the following:

(i) The purpose of the hearing;

(ii) A brief description of the activities or operations of the source with respect to which the postponement is being requested and a concise statement setting forth the grounds on which the request is being made;

(iii) A brief statement of the legal authority under which the hearing is being held;

(iv) Information regarding the time and location of the hearing;

(v) The address and phone number of the place or places where documents relating to the hearing can be copied or inspected;

(vi) The address and phone number of the regional filing clerk and a statement advising interested persons that requests to be made a party to the hearing are to be mailed to the regional filing clerk within the time frame noted in paragraph (c) of this section;

(vii) A statement advising persons who do not wish to be made a party to the hearing that, at any time prior to the commencement of the hearing they may either submit comments or request to make an oral statement at the hearing. The statement shall indicate that all such comments or requests are to be filed with the regional hearing clerk. The statement shall also indicate that requests to make an oral statement at the hearing will be routinely granted and that such oral presentations shall be open to questioning at the hearing.

(4) Notice shall be mailed to any person upon request.

(c) *Parties.* (1) Within 30 days following the issuance of public notice of a proposed postponement under § 110(f) of the Act, any person may request to be made a party to the hearing.

(2) Requests to be made a party shall be in writing and shall be addressed to the office of the regional filing clerk.

(3) Requests to be made a party shall:

(i) State the name and address of the person making the request (the requester);

(ii) Identify the interest of the requester;

(iii) Identify any others whom the requester represents;

(iv) State with particularity the position of the requester on the matters to be considered at the hearing.

(4) All requests to be made a party will be reviewed by the Administrative Law Judge within 10 days of receipt. Where the requirements of subparagraph (3) of this paragraph have been met, the Administrative Law Judge shall notify the requester that his request to be made a party has been approved. If, however, the Administrative Law Judge determines that the requirements of subparagraph (3) have not been satisfied, he shall, by appropriate notice, advise the requester as to which of the requirements under paragraph (c) of this section have not been met and that his request to be made a party can not be approved until such requirements are fully met. Such notice shall afford the requester a reasonable period of time (not to exceed 14 days) in which to file an amended request.

(5) Any documents relating to the procedures described in subparagraph (3) of this paragraph shall be made part of the record.

(6) Any person who does not wish to be made a party to the hearing but who desires to make an oral statement at the hearing shall be permitted to do so. Such persons shall be designated as nonparty participants. Nonparty participants shall be subject to questioning at the hearing; however, nonparty participants may not question any other nonparty participants nor may they cross-examine any of the witnesses presented by the parties. Apart from the opportunity to testify at the hearing, nonparty participants shall have no further rights or obligations with respect to either the hearing, or to any facet of the decision making process which follows the hearing.

(d) *Filing and service.* (1) All documents or papers required or authorized to be filed, shall be filed with the regional hearing clerk. Except for a request to be made a party, at the same time that a party files documents or papers with the regional hearing clerk, it shall serve upon all other parties copies thereof, with a certificate of service on each document or paper, including those filed with the regional hearing clerk. Filing shall be deemed timely if received by the regional hearing clerk within the time allowed by this section, or where not provided for by the explicit terms of this section, within the time prescribed by the Administrative Law Judge.

(2) In addition to copies served on all other parties, each party shall file with the regional hearing clerk an original and two copies of all papers filed in connection with the hearing.

(e) *Time.* (1) In computing any period of time prescribed or allowed by the regulations in this part, except as otherwise provided, the day of the act or event from which the designated period of time begins to run shall not be included. Saturdays, Sundays, and holidays, shall be included in computing the time allowed for the filing of any document or paper, except that when such time expires on a Saturday, Sunday, or legal holiday, such period shall be extended to include the next following business day.

(2) Documents and papers which are postmarked prior to the expiration of a given filing date shall be deemed to have been timely filed.

(f) *Intervention.* (1) Following the expiration of the time prescribed in paragraph (c) of this section for the submission of requests to be made a party, any person may file a motion for leave to intervene in a hearing. A motion must set forth the grounds for the proposed intervention and the position and interest of the movant in the proceeding. A motion for leave to intervene in a hearing must ordinarily be filed prior to the commencement of the first prehearing conference. Any motion filed after that time must contain, in addition to the information set forth in paragraph (c) of this section, a statement of good cause for the failure to file the motion prior to the commencement of the first prehearing conference and shall be granted only upon a finding that (i) extraordinary circumstances justify the granting of the motion, and (ii) the intervenor agrees to be bound by agreements, arrangements and other matters previously made in the proceeding.

(2) Leave to intervene will be freely granted but only insofar as such leave raises matters which are pertinent to and do not unreasonably broaden the issues already presented. If leave is granted, the movant shall thereby become a party with the full status of the original parties to the proceedings. If leave is denied, the movant may request that the ruling be certified to the Administrator, pursuant to paragraph (r) of this section, for a speedy appeal.

(g) *Amicus Curiae.* (1) Persons not parties to the proceedings wishing to file briefs may do so by leave of the Administrative Law Judge granted on motion. A motion for leave shall identify the interest of the applicant and shall state the reasons why the proposed amicus brief is desirable. Unless all parties otherwise consent, an amicus curiae shall file its brief within the time allowed the party whose position the brief will support. Upon a showing of good cause, the Administrator or Administrative Law Judge may grant permission for later filing.

(h) *Consolidation.* (1) The Administrative Law Judge, by motion of sua sponte, may consolidate two or more proceedings relating to sources located within a single State whenever it appears that this will expedite or simplify consideration of the issues. Consolidation shall not affect the right of any party to raise issues that could have been raised if consolidation had not occurred. At

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the conclusion of proceedings consolidated under this paragraph, the Administrative Law Judge shall issue one decision.

(j) *Representatives.* (1) Parties may appear in person or by counsel or other representative. Persons who appear as counsel or in a representative capacity must conform to the standards of ethical conduct required of practitioners before the courts of the United States.

(j) *Qualifications and duties of Administrative Law Judge.* (1) Qualifications—The Administrative Law Judge shall have the qualifications required by statute. He shall not decide any matter in connection with a proceeding where he has a financial interest in any of the parties or a relationship with a party that would make it otherwise inappropriate for him to act.

(2) Disqualification of the Administrative Law Judge—Any party may, by motion made to the Administrative Law Judge, as soon as practicable, request that he disqualify himself and withdraw from the proceeding. The Administrative Law Judge shall then rule upon the motion and, upon request of the movant, shall certify an adverse ruling for appeal.

(3) Withdrawal sua sponte—The Administrative Law Judge may at any time withdraw from any proceeding in which he deems himself disqualified for any reason.

(4) Absence or change of the Administrative Law Judge—In the case of the absence of the Administrative Law Judge, or his inability to act, or his removal by disqualification or withdrawal, the powers and duties to be performed by him under this part in connection with a hearing assigned to him may, without abatement of the proceeding unless otherwise directed by the Administrator, be assigned to another Administrative Law Judge so designated to act by the Administrator.

(5) Duties and authorities—Administrative Law Judges at adjudicatory hearings shall have the duty to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and to maintain order. They shall have all powers necessary to that end, including the following:

(i) To administer oaths and affirmations;

(ii) To rule upon offers of proof and receive relevant evidence;

(iii) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(iv) To hold prehearing conferences in accordance with paragraph (k);

(v) To consider and rule upon all procedural and other motions appropriate in such proceedings;

(vi) To encourage and authorize the submission of testimony in written or affidavit form whenever the taking of evidence in such form is agreed to by the parties and will, in the opinion of the Administrative Law Judge, (i) assist in expediting the hearing, (ii) not prejudice the rights of any of the parties and (iii) provide as full and true a disclosure of the facts as would the examination and cross examination of the individuals concerned. The admissibility of the evidence contained in such statement or affidavit shall be subject to the same rules as if such testimony were produced in the usual manner and the affiant or person responsible for the contents of any written evidence shall be subject to oral cross-examination on the contents of such statements.

(vii) To issue subpoenas and take any other action authorized by these regulations or in conformance with law.

(k) *Prehearing conference.* (1) Except as otherwise provided in subparagraph (3), the Administrative Law Judge shall, prior to the commencement of the hearing and for the purpose of expediting the hearing, file with the regional hearing clerk an order for a prehearing conference. More than one such conference may be held. Such order or orders shall direct the parties or their counsel to appear at a specified time and place to consider:

(i) The identification and simplification of disputed issues of fact and law;

(ii) The possibility of obtaining stipulations of fact and documents which will avoid unnecessary delay;

(iii) Matters of which official notice may be taken;

(iv) The limitation of the number of expert and other witnesses;

(v) Procedure at the hearing;

(vi) The use of written statements or affidavits in lieu of oral direct testimony;

(vii) The need for discovery;

(viii) The issuance of subpoenas and subpoenas duces tecum for discovery and hearing purposes;

(ix) The setting of a hearing schedule;

(x) Any other matter that may expedite the hearing or aid in the disposition of the proceeding.

(2) No transcript of any prehearing conference shall be made unless a request therefor by one of the parties is granted by the Administrative Law Judge. Such party shall bear the cost of the taking of the transcript unless otherwise ordered by the Administrative Law Judge. The Administrative Law Judge shall prepare and file for the record a written report of the action taken at each conference, which shall incorporate any stipulations or agreements made by the parties at or as a result of such conference, all rulings upon matters considered at such conference and appropriate orders.

(3) Upon a finding that circumstances render a prehearing conference unnecessary, or impracticable, or upon a finding that a prehearing conference would serve primarily to delay the proceedings rather than to expedite them, the Administrative Law Judge, on motion or sua sponte, may order that the prehearing conference not be held. In these circumstances he may request the parties to correspond with him for the purpose of accomplishing any of the objectives set forth in this paragraph. Such correspondence shall not be made a part of the record, but the Administrative Law Judge shall submit a written summary for the record if any action is taken.

(*l*) *Primary discovery (Exchange of witness lists and documents)*—At a prehearing conference or within some reasonable time set by the Administrative Law Judge prior to the hearing, each party shall make available to the other parties the names of the expert and other witnesses the party expects to call, together with a brief narrative summary of their expected testimony and a list of all documents and exhibits which the party expects to introduce into evidence. Thereafter, witnesses, documents, or exhibits may be added and narrative summaries of expected testimony amended upon motion by a party.

(m) *Other discovery.* (1) Except as so provided by paragraph (*l*) further discovery, under this paragraph, shall be permitted only upon determination by the Administrative Law Judge (i) that such discovery shall not in any way unreasonably delay the proceeding, (ii) that the information to be obtained is not otherwise obtainable and (iii) that such information has significant probative value. The Administrative Law Judge shall be guided by the procedures set forth in the Federal Rules of Civil Procedure, where practicable, and the precedents thereunder, except that no discovery shall be undertaken except upon order of the Administrative Law Judge or upon agreement of the parties.

(2) The Administrative Law Judge shall order depositions upon oral questions only upon a showing of good cause and upon a finding that (i) the information sought cannot be obtained by alternative methods, or (ii) there is a substantial reason to believe that relevant and probative evidence may otherwise not be preserved for presentation by a witness at the hearing.

(3) Any party to the proceeding desiring discovery shall make a motion or motions therefor. Such a motion shall set forth (i) the circumstances warranting the taking of the discovery, (ii) the nature of the information expected to be discovered and (iii) the proposed time and place where it will be taken. If the Administrative Law Judge determines the motion should be granted, he shall issue an order and appropriate subpoenas, if necessary, for the taking of such discovery together with the conditions and terms thereof.

(n) *Motions.* (1) All motions, except those made orally during the course of a public hearing or as otherwise provided by this part, shall be in writing and shall state with particularity the grounds therefor, shall set forth the relief or order sought, and shall be filed with the regional hearing clerk and served on all parties.

(2) Within 10 days after service of any motion filed pursuant to this paragraph, or within such other time as may be fixed by the Administrative Law Judge, any party may serve and file an answer to the motion. The movant shall, if requested by the Administrator, his designee, or the Administrative Law Judge, serve and file reply papers within the time set by the request.

(3) The Administrative Law Judge shall rule upon all motions filed or made prior to the filing of the initial decision at the time of filing on ex parte motions or where the movant has stated that no party objects to the granting of such motion. Otherwise, such decision shall await the answering papers and reply papers if permitted. The Administrator shall rule upon all motions filed after the filing of the initial decision. Oral argument of motions will be permitted only if the Administrative Law Judge or Administrator deems it necessary.

(o) *Subpoenas.* (1) The attendance of witnesses or the production of documentary evidence may, by subpoena, be required at any designated place of hearing or place of discovery. Subpoenas may be issued by the Administrative Law Judge sua sponte or upon a showing by an applicant that evidence sought for hearing is relevant and material to the issues involved in the hearing or that the sought discovery pursuant to paragraph (m) of this section meets the standards set forth therein. The Administrative Law Judge shall be guided by the principles of the Federal Rules of Civil Procedure in making any order for the protection of a witness or the content of the documents produced.

(2) Motion for subpoena duces tecum.—Subpoenas for the production of documentary evidence, unless issued by the Administrative Law Judge sua sponte, shall be issued only upon a written motion. Such motion shall specify, as exactly as possible, the documents desired.

(3) Subpoenas shall be served as provided by the Federal Rules of Civil Procedure.

(p) *Fees of witnesses.* (1) Witnesses summoned before the Administrative Law Judge shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and persons whose depositions are taken, and the persons taking the same, shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees shall be paid by the party at whose instance the witness appears or the deposition is taken. Where a witness appears pursuant to a request initiated by the Administrative Law Judge, fees shall be paid by the Agency.

(q) *Evidence and cross-examination.* (1) The Administrative Law Judge shall admit all relevant and material evidence except evidence that is unduly repetitious. Relevant and material evidence may be received at the hearing even though inadmissible under the rules of evidence applicable to judicial proceedings. The weight to be given evidence shall be determined by its reliability and probative value.

(2) Parties shall have the right to cross-examine a witness to the extent that such cross-examination is necessary for a full and true disclosure of the facts. In multiparty proceedings the Administrative Law Judge may limit cross-examination to one party on each side if it appears that the cross-examination by one party will adequately protect parties similarly situated. Other parties may, however, engage in cross-examination upon alleging that their cross-examination will go into matters not already covered by previously cross-examination.

(3) If a party objects to the admission or rejection of any evidence or the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection. The transcript shall include any argument or debate thereon, unless the Administrative Law Judge, with the consent of all parties, orders that such argument not be transcribed. The ruling and the reasons given therefor by the Administrative Law Judge on any objection shall be a part of the transcript. Parties shall automatically be presumed to have taken exception to an adverse ruling.

(r) *Appeals from and review of interlocutory orders or rulings.*

Except as provided herein, appeals as a matter of right shall lie to the Administrator only from the initial decision of the Administrative Law Judge. Appeals from other orders or rulings shall, except as provided in this paragraph, lie only if the Administrative Law Judge certifies such orders or rulings for appeal, or otherwise as provided. The Administrative Law Judge may certify an order or ruling for appeal to the Administrator when: (1) The order or ruling involves an important question of law or policy about which there is substantial ground for difference of opinion; and (2) either (i) an immediate appeal from the order and ruling will materially advance the ultimate termination of the proceeding or (ii) review after the initial decision is issued will be inadequate or ineffective. The Administrative Law Judge shall certify orders or rulings for appeal only upon the request of a party. If the Administrator determines that certification was improvidently granted, or takes no action within thirty (30) days of the certification, the appeal shall be deemed dismissed. When an order or ruling is not certified by the Administrative Law Judge, it shall be reviewed by the Administrator only upon appeal from the initial decision except when the Administrator determines, upon request of a party and in exceptional circumstances, that delaying review would be deleterious to vital public or private interests. Except in extraordinary circumstances, proceedings will not be stayed pending an interlocutory appeal: where a stay is granted, a stay of more than 30 days must be approved by the Administrator. Ordinarily, the interlocutory appeal will be decided on the basis of the submission made to the Administrative Law Judge, but the Administrator may allow further briefs and oral argument.

(s) *Burden of Proof.* The burden of proof shall be on the proponents of the postponement sought under § 110(f) of the Act.

(t) *Transcript.* (1) Hearings shall be stenographically reported and transcribed as soon as practicable after the taking of the last evidence, the Administrative Law Judge shall certify (i) that the original transcript is a true transcript of the testimony offered or received at the hearing, except in such particulars as he shall specify and (ii) that the exhibits accompanying the transcript are all the exhibits introduced at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript. The original transcript shall be a part of the record and the sole official transcript. Copies of the transcript shall be available from the Agency.

(u) *Initial decision.* (1) Within 20 days after the last evidence is taken in a hearing, each party may file proposed findings of fact and conclusions of law based solely on the record, and a brief in support thereof. Within 10 days thereafter, each party may file a reply brief. The Administrative Law Judge may, in his discretion, extend the total time period for filing any proposed findings, conclusions, briefs or reply briefs for an additional 10 days. The hearing shall be deemed closed at the conclusion of the briefing period.

(2) The Administrative Law Judge, within 30 days after the close of the hearing, shall evaluate the record before him,

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and prepare and file his initial decision with the regional hearing clerk. A copy of the initial decision shall be served upon each of the parties, and the regional hearing clerk shall immediately transmit a copy to the Administrator. The initial decision shall become the decision of the Administrator without further proceedings unless an appeal is taken from it or the Administrator orders review of it, pursuant to paragraph (v) of this section.

(3) The initial decision shall include a statement of findings and conclusions and a decision including the reasons and basis thereof. Such statement shall encompass all issues of fact, law or discretion presented by the proposed findings and conclusions of the parties.

(v) *Appeals from or review of initial decision of the Administrative Law Judge.* (1) Within 20 days after filing of the Administrative Law Judge's initial decision, each party may take exception to any matter set forth in such decision or to any adverse order or ruling to which he objected during the hearing and may appeal such exceptions to the Administrator for decision by filing them in writing with the hearing clerk. Within the same period of time each party filing exceptions and amicus curiae shall file with the hearing clerk a brief concerning each of the exceptions being appealed. The brief shall contain, in the order indicated, the following:

(i) A subject index of the matter in the brief, with page references, and a table of cases, textbooks, statutes, and other material cited, with page references thereto;

(ii) A concise statement of the case;

(iii) A specification of the questions intended to be urged, including any objections to rulings of the Administrative Law Judge, to the validity of facts officially noticed, or to any matter in the initial decision;

(iv) The argument presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific references to the record and to statutory or other material relied upon; and

(v) A proposed decision for the Administrator's consideration in lieu of the decision of the Administrative Law Judge; and where appropriate, proposed findings of fact, conclusions, orders or rulings.

(2) Within 7 days of the service of exceptions, and of a brief under paragraph (1) of this paragraph, any other party or amicus curiae may file and serve a brief responding to exceptions or arguments raised by any other party. Such brief shall include references to the relevant portions of the record. Such brief shall not, however, raise additional exceptions.

(3) Five copies of all material filed under this section shall be filed with the regional hearing clerk.

(4) If no exceptions are filed within the time provided, the regional hearing clerk shall notify the Administrator 30 days from the date of filing of the Administrative Law Judge's initial decision. Within 20 days after said notification, the initial decision of the Administrative Law Judge shall become the decision of the Administrator unless the Administrator issues an order expressing his intent to review said initial decision. Such order may include a statement of issues to be briefed by the parties and amicus curiae and a time schedule concerning service and filing of briefs adequate to allow the Administrator to issue a final order within 100 days from the close of the hearing. Briefs filed pursuant to this subparagraph shall conform to requirements (i) through (iv) of subparagraph (1).

(w) *Decision upon appeal or review.*

(1) Except as provided in paragraphs (w) (4) and (5) of this section, within 100 days after the close of the hearing, the Administrator shall, on appeal or review from an initial decision of the Administrative Law Judge, issue his final decision. In doing so, the Administrator shall consider such parts of the record as are cited or as may be necessary to resolve the issues presented and may, in his discretion, exercise any of the powers specified in paragraph (j) (5) of this section.

(2) In rendering his decision, the Administrator shall adopt, modify, or set aside the findings, conclusions, and decision contained in the initial decision, and shall include in his decision a statement of the reasons or basis for his action. The final decision of the Administrator may accept or reject all or part of the initial decision of the Administrative Law Judge.

(3) The Administrator may, in his discretion, allow oral argument on appeal or review of a decision of the Administrative Law Judge.

(4) Where the Administrator determines that the volume of the record will prohibit an adequate review within the time constraints imposed by subparagraph (1) of this paragraph, he may withhold his decision for an additional period of time not to exceed 45 days.

(5) In those cases where the Administrator believes that he requires further information or additional views of the parties as to the form and content of the decision to be rendered, the Administrator, in his discretion, may withhold final action pending the receipt of such additional information or views.

(6) The decision of the Administrator on appeal shall become effective as specified by him therein or 20 days after the date of the decision, whichever first occurs. Notice of the Administrator's decision on appeal shall be given to all parties.

[FR Doc.73-17110 Filed 8-14-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-GL-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area; Correction

In FR Doc. 73-13874, on Page 18363 in the issue of Tuesday, July 10, 1973, the latitude coordinate recited in the Greenwood, Illinois, Galt Airport, transition area description as "43°24'09"N." is changed to read "42°24'09"N."

Issued in Des Plaines, Illinois, on July 26, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.73-16854 Filed 8-14-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER IV—SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

PART 401—SEAWAY REGULATIONS AND RULES

Definition of "Seaway"

The purpose of this document is to amend § 401.2, Definitions, of the Seaway Regulations and Rules and is made pursuant to the Saint Lawrence Seaway Development Corporation's enabling act (33 U.S.C. 981 et seq.) and section 104 of the Ports and Waterways Safety Act of 1972, P.L. 92-340, as delegated by the Secretary of Transportation to the Administrator of the Corporation in 49 CFR 1.50a. Specifically, § 401.2(g), the definition of "Seaway", is being revised to include the phrase "and contiguous waters" after the phrase "deep waterway". The reason for this revision is for clarification. Some concern has been expressed as to whether or not the "Seaway" encompasses the total reach of the St. Lawrence River. While the term "Seaway" has always been interpreted by the Corporation to include all the United States waters of the St. Lawrence River, it is believed that this amendment will remove that concern.

Since the revision deals with a matter of interpretation, notice of proposed rulemaking is exempted under section 553 of Title 5, United States Code. However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553, the Corporation will consider comments addressed to the Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, New York 13662, Attention General Counsel, received before September 15, 1973.

Section 401.2 is amended as follows:

§ 401.2 Definitions.

* * * * *

(g) "Seaway" means that portion of the deep waterway and contiguous waters between the Port of Montreal and Lake Erie that are under the jurisdiction of the Authority and includes all canals, works and connecting channels that are part of the deep waterway and all other canals and works, wherever located, the management, administration and control of which have been entrusted to the Authority;

* * * * *

(68 Stat. 92-97, 33 U.S.C. 981-990, as amended, and Sec. 104, Pub. L. 92-340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943)).

Effective date: August 17, 1973.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,

[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.73-16930 Filed 8-14-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY EXCHANGE AUTHORITY (INCLUDING COMMODITY EXCHANGE COMMISSION), DEPARTMENT OF AGRICULTURE

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Filing of Information by Contract Markets

A proposal was published in the FEDERAL REGISTER on November 14, 1972 (37 FR 24117), pursuant to the authority of sections 5, 6, 8, and 8a of the Commodity Exchange Act (7 U.S.C. 7, 8, 12, 12a), to issue a regulation setting forth certain conditions and requirements which must be met by contract markets for their continued designation as a contract market. Interested persons were given an opportunity to request a hearing or to make written submissions on the matter on or before January 15, 1973. On February 13, 1973, the proposed regulation was amended and again published in the FEDERAL REGISTER (38 FR 4346). Interested persons were again given an opportunity to request a hearing or to make written submission on the matter on or before April 16, 1973. Since there is no request for hearing, none will be held.

As set forth in the notice of proposed rule making published on February 13, 1973, § 1.50 establishes requirements whereby each contract market will be required to file at stated periodic intervals, once every 5 years or within 90 days after a special call by the Act Administrator, a statement and supporting data showing the provisions that it has made to meet the designation requirements and conditions of section 5 and 5a of the Commodity Exchange Act (7 U.S.C. 7, 7a). This is to afford the contract market opportunity to show (1) how the provisions of an existing futures contract reflect current marketing conditions, and (2) how its bylaws, rules, regulations, and resolutions carry out the requirements of sections 5 and 5a.

After consideration of all relevant matters presented by interested persons, the proposed regulation is amended by adding paragraph (e) and is hereby adopted as set forth below.

Effective date. This regulation shall become effective October 1, 1973.

§ 1.50 **Filing of information by contract markets.**

(a) Each contract market shall file with the Commodity Exchange Authority, at least once every 5 years, a statement with supporting data showing the provisions that it has made to continue to comply with the conditions and requirements for designation as a contract market for a specified commodity. Such statement shall be responsive to the provisions of sections 5 and 5a of the Act. The supporting data shall include any information which will assist the Act Administrator in evaluating the effectiveness of the provisions described in the statement.

(b) The contract market shall file the required information for each commodity at least once every 5 years but not less than 90 days after the effective date of this regulation, in accordance with a schedule showing dates of required filing established by the Act Administrator and which will be provided by him to each contract market, and every 5 years after the date of the first filing: *Provided,* That a contract market need not file earlier than 5 years after the effective date of its designation, unless so requested upon special call by the Act Administrator.

(c) The information required in paragraph (a) of this section also shall be filed within 90 days after a special call by the Act Administrator.

(d) Any failure by a contract market to continue to comply with the conditions and requirements for designation as a contract market as set forth in sections 5 and 5a of the Act, and any failure or refusal to file the information required by this regulation shall be cause for action by the Commodity Exchange Commission under sections 5b, 6(a) or 6b of the Act (7 U.S.C. 7b, 8(a), and 13a).

(e) Upon a showing of good cause by a contract market, the Act Administrator may extend for a reasonable time the filing date for, or may amend the schedule or sequence of, any report under this regulation.

(Secs. 5, 6, 8, 42 Stat. 1000, as amended, 1001, as amended, 1003 as amended; Sec. 8a, 49 Stat. 1500, as amended; 7 U.S.C. 7, 8, 12, 12a)

The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Issued: August 9, 1973.

CLAYTON YEUTTER,
Assistant Secretary for Marketing and Consumer Services.

[FR Doc.73-16950 Filed 8-14-73;8:45 am]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

U.S. Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Change in Customs Region VIII, Designating Columbia River (Portland, Astoria, Longview) Port of Entry

AUGUST 8, 1973.

A notice was published in the FEDERAL REGISTER on March 15, 1973 (38 FR 7008), of a proposed change in Customs Region VIII, designating Portland, Oregon, as the Customs port of entry on the Columbia River.

The notice proposed to designate Portland, Oregon, as the sole port of entry on the Columbia River, with proposed geographical limits including all the areas now falling within the port limits of Longview, Washington, and Astoria, Oregon. After reviewing comments received, it is clear that the notice of proposed rule making should be republished to clarify the intent of the designation of a new Customs port of entry on the Columbia River.

Therefore, the notice published in the Federal Register dated March 15, 1973 (38 FR 7008), is superseded by this notice of proposed rule making.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), it is proposed to establish a consolidated Columbia River (Portland, Astoria, Longview) Customs port of entry with geographical limits of the present port limits of Portland, Oregon, Longview, Washington, and Astoria, Oregon, and including all points and places on either bank of the Columbia River bounded on the west by the Pacific Ocean, and terminating on the north bank at the eastern corporate limits of Washougal, Washington, and on the south bank at the eastern boundary of the Portland International Airport.

Currently, vessels arriving at Portland, Longview or Astoria, and subsequently moving to either of the other two ports, are required to enter and clear at each port. The proposed amendment would permit vessels arriving within the new port limits to enter only at the first port area of arrival and clear only at the port area of departure. Entries for imported merchandise would continue to be accepted at Portland, Longview or Astoria, and there would be no decrease in Customs services at any of these ports as the result of this consolidation.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received in the United States Customs Service not later than September 17, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)) at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-16993 Filed 8-14-73;8:45 am]

Fiscal Service

[31 CFR Part 209]

PAYMENT TO FINANCIAL ORGANIZATIONS FOR CREDIT TO ACCOUNTS OF EMPLOYEES

The Department of the Treasury finds that it is necessary to revise its existing regulations governing payments to financial organizations for credit to accounts of employees at 31 CFR Part 209 (also appearing as Department Circular No. 1076, Revised), so as to:

(1) Include drawing of checks in favor of financial organizations for any class of recurring payments, as authorized by Public Law 92-366 (31 U.S.C. 492(d)) approved on August 7, 1972;

(2) Emphasize that Civil Service Commission regulations exclusively govern allotments to pay membership dues in labor organizations;

(3) Make mandatory the formerly permissive use of composite checks under certain circumstances for payments of net pay to employees;

(4) Delete certain procedural provisions which are incorporated in the Treasury Fiscal Requirements Manual; and

(5) Make current certain minor, but outdated, provisions.

Accordingly, notice is hereby given pursuant to 5 U.S.C. 553 that the Secretary of the Treasury is considering the revision effective September 30, 1973, under authority of 31 U.S.C. 492 (b) and (d), of Part 209 of Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations, so as to read:

PART 209—PAYMENT TO FINANCIAL ORGANIZATIONS FOR CREDIT TO ACCOUNTS OF EMPLOYEES AND BENEFICIARIES

Sec.
209.1 Scope of regulations.
209.2 Definitions.
209.3 Allotments of pay for savings accounts.
209.4 Payments of net pay for employees.
209.5 Recurring payments for beneficiaries.
209.6 Identification of financial organization office to receive remittances for allotments of pay.
209.7 Depositor account numbers.
209.8 Service charge.
209.9 Financial organization as agent.
209.10 Acquittance to the United States.
209.11 Financial organization not Government depositary.
209.12 Procedural instructions.

AUTHORITY: The provisions of this Part 209 issued under R.S. 3620, as amended, 31 U.S.C. 492.

§ 209.1 Scope of regulations.

(a) The regulations in this part govern the regular remittance to financial organizations of Federal payments which are for credit to the accounts of employees and beneficiaries, as defined herein, including payments for:

(1) Full amounts of salaries and wages of civilian employees, and pay and allowances of members of the uniformed services;

(2) Allotments of pay for savings accounts (available hereunder only to civilian employees [1]); and

(3) Recurring annuities and benefits.

(b) The regulations in this part do not supersede, and shall not be used to circumvent, the requirements of particular statutes, Executive orders or other executive branch regulations; for example, see Civil Service Commission regulations at 5 CFR Part 550, Subpart C, issued pursuant to 5 U.S.C. 5525. Savings allotments under the regulations in this part shall not be used as a means to pay dues to labor organizations.

§ 209.2 Definitions.

As used in these regulations:

(a) "Agency" means any department, agency, independent establishment, board, office, commission, or other establishment in the executive, legislative (except the Senate and House of Representatives), or judicial branch of the Government, any wholly owned or controlled Government corporation, and the municipal government of the District of Columbia;

[1] See 32 CFR Part 59—Voluntary Military Pay Allotments, issued pursuant to 37 U.S.C. 701-706, for military allotments for savings.

(b) "Financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union;

(c) "Employee" means (1) when used in reference to allotments of pay for savings accounts, a civilian employee of an agency, and (2) when used otherwise, a civilian employee of an agency or a member of a uniformed service;

(d) "Beneficiary" means a person or persons receiving an annuity or benefit payment or other recurring payment under Federal law, other than a payment of salary or wages or pay and allowances;

(e) "Allotment of pay for a savings account" means an authorization from an employee for a recurring payroll deduction from salary or wages due, in a specified dollar amount, to be remitted to a financial organization of his choice, for credit to his savings account;

(f) "Savings account" means an account (single or joint) for the purchase of shares (other than shares of stock) or for the deposit of savings in any financial organization, the title of which account includes the name of the authorizing employee;

(g) "Net pay" means the amount of salaries or wages of civilian employees and pay and allowances of members of the uniformed services remaining due after all payroll deductions for allotments of pay for savings accounts and other purposes and all other payroll deductions;

(h) "Recurring payment" means a benefit, annuity, or other payment which is made repeatedly at regular intervals.

§ 209.3 Allotments of pay for savings accounts.

(a) Any employee whose place of employment is within the United States may authorize an allotment of pay for a savings account under these regulations, provided that allotments of pay for savings are not otherwise available to the employee under the regulations referred to in § 209.1(b).

(b) The head of an agency shall effectuate such allotments of pay for savings accounts:

(1) If the employee provides the agency with a written request (on a form promulgated by the Treasury or such agency-adapted form as may be approved by the Treasury for the purpose) which designates the financial organization and such financial organization, by endorsement thereon, states its willingness to act in this respect as agent of the employee and to accept, as its expense, the service charge specified in accordance with § 209.8 which is to be deducted from the aggregate total of the allotments remitted;

(2) If the allotment is a fixed amount, in round dollars (no cents), to be deducted in each successive payroll (until canceled by the employee, in writing, or otherwise terminated);

(3) If not more than two such allotments for any employee shall be in effect at any time;

(4) To the extent that the amount of salary or wages becoming due an employee for any pay period thereafter is sufficient to cover (i) in the case of a single allotment, the full amount thereof, or (ii) in the case of two allotments, the aggregate amount of both. In making any determinations under this subparagraph, all payroll deductions otherwise required shall have priority over those authorized by this section; and

(5) Regardless of the manner in which the allotment for savings ultimately will be disposed of by the employee (which is at his own discretion), except that the purpose of the allotment may not circumvent statutes, Executive orders, and other executive branch regulations (see § 209.1(b)).

§ 209.4 Payments of net pay for employees.

(a) Any employee may request that the full amount of net pay due him, in lieu of being paid by check drawn to his order, be paid to him regularly by check drawn in favor of a financial organization of his choice, for credit to his account.

(b) The head of an agency shall authorize the appropriate disbursing officer to pay an employee by sending to the financial organizatton designated by that employee a check that is drawn in favor of that organization and for credit to the account of that employee. This procedure shall be used only:

(1) If the employee provides the agency with a written request (on a form promulgated by the Treasury or such agency-adapted form as may be approved by the Treasury for the purpose) which designates the financial organization.

(2) For the full amount of net pay becoming due on successive payrolls (until the request is canceled by the employee in writing); and

(3) For payments for credit to any account (single or joint) designated by the employee, the title of which includes the name of the employee as stated on the check.

(c) Whenever, under the procedures set out in paragraph (b) of this section, payments are made by an agency on the same regularly recurring dates to five or more employees who designate the same financial organization, the head of the agency shall authorize the appropriate disbursing officer to draw the check for the total amount in favor of that organization for credit to the accounts of the several employees.

§ 209.5 Recurring payments for beneficiaries.

(a) The head of an agency may authorize the appropriate disbursing officer to make a recurring payment to a beneficiary by sending to the financial organization designated by that beneficiary a check that is drawn in favor of that organization and is for credit to the account of that beneficiary, in lieu of payment by check drawn to his order.

(b) The procedure set out in paragraph (a) of this section may be adopted only:

(1) If the beneficiary to whom the recurring payment is to be made provides the agency with a written request (on a form promulgated by the Treasury or such agency-adapted form as may be approved by the Treasury for the purpose) which designates the financial organization;

(2) For the full amount of the recurring payment becoming due on successive payment dates (until the request is canceled by the beneficiary in writing); and

(3) For payments for credit to an account, designated by the beneficiary to whom the recurring payment is to be made, the title of which includes the name of the beneficiary as stated on the check, or, in the case of payments made jointly to more than one individual, the name of one beneficiary as stated on the check.

(c) Whenever, under the procedures set out in paragraph (a) of this section, recurring payments are made to two or more beneficiaries who designate the same financial organization, the head of the agency, may, after consultation with, and approval by, the Fiscal Assistant Secretary of the Treasury, authorize the appropriate disbursing officer to draw a single check for the total amount in favor of that organization for credit to the accounts of the several beneficiaries.

(d) The procedures set out in this section shall not be used for allotting a part of a recurring payment or for effectuating an assignment of a recurring payment.

(e) The Fiscal Assistant Secretary will initiate, as appropriate, joint Treasury-agency consideration of application of the procedures set forth in this section.

§ 209.6 Identification of financial organization office to receive remittances for allotments of pay.

(a) Except as authorized in accordance with paragraph (b) of this section, remittances covering allotments of pay for savings accounts in behalf of all employees designating the same financial organization shall be forwarded uniformly to a single office of such financial organization notwithstanding the fact that the employees may otherwise make deposits to their accounts at different branch offices of such financial organization. In executing the form required pursuant to § 209.3, each employee will be expected to ascertain from the financial organization the address of its single office which is to receive remittances. In any event, the financial organization, in executing the form, shall:

(1) Review the address inserted and, if necessary, correct it to conform with the requirements of this section;

(2) Insert, in the space provided, the "employer identification number" assigned to it by the Internal Revenue Service, Department of the Treasury. Such identification numbers, which are susceptible of universal application in identifying each individual financial organization as a whole, will be used in agency payroll systems to facilitate the assembly of all of its payroll deductions

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applicable to the same financial organization; and

(3) Identify the block specified on the form which indicates conformance with the requirement for a single remittance point in the financial organization.

(b) A financial organization which maintains its savings accounts at branch offices only and which cannot comply with the requirements of paragraph (a) of this section, on the basis that its own internal transmission of deposit credits from a single remittance point to its respective branch offices is impracticable, may certify to that effect by identifying the block provided for this purpose on the form required by § 209.3. Such certification shall serve to waive the requirements of paragraph (a) of this section on the basis that the financial organization cannot otherwise agree to accept remittances for credit to accounts of employees designating such financial organization. Such financial organization shall:

(1) Establish a standardized series of numeric codes consisting of three digits (001 through 999) to be used uniformly in identifying each of its branch offices required to receive remittances;

(2) Insert, in the space provided on the form, its "employer identification number" and, as a parenthetical suffix, its three-digit code identifying the applicable branch office consistent with the addresses of that office as shown on the form; and

(3) Make such inter-office adjustments of deposit credits as may become necessary in the event a remittance to one branch office includes credit for a particular savings account at a different branch office, whether by reason of an inconsistency in the initial designation of the branch office code on the form or otherwise.

§ 209.7 Depositor account numbers.

Based on the forms submitted by employees and beneficiaries pursuant to §§ 209.3, 209.4 and 209.5, agencies shall use depositor account numbers supplied by the financial organization as an identification of the account to be credited, in addition to the name and social security account number of the employee or beneficiary. Records supporting checks issued pursuant to § 209.3, § 209.4(c) and § 209.5(c) shall be so identified. Individual checks issued pursuant to § 209.4(b) and § 209.5(a) shall be identified, as a minimum, with the name and depositor account number of the employee or beneficiary. The United States shall not assume responsibility for the correctness of such depositor account numbers, and the name and/or social security account number of the employee or beneficiary to whom payment is to be made will govern the crediting of the account.

§ 209.8 Service charge.

The Government's cost in the administration of the system established by § 209.3 shall be recovered by each agency on the basis of standard (Government-wide) rates established in these regulations. The total service charge applicable to a remittance to a financial organization, derived by application of the standard rates, shall be automatically collected from the financial organization by deduction from the total amount to be remitted.

(a) Subject to revision from time to time on the basis of studies of Government-wide costs incurred, the standard rates shall be:

(1) Six (6) cents for each payroll deduction stated on the record which is to accompany the aggregate remittance (for all administrative and payrolling costs in the agency); plus

(2) Twelve (12) cents for each remittance, as a single charge for the entire record accompanying the remittance, regardless of the number of payroll deductions listed (for all check preparation and mail preparation costs in the disbursing office, including postage).

(b) In accordance with the provisions of section 501 of the Act of August 31, 1951, 65 Stat. 290 (31 U.S.C. 483a), the total service charge collected pursuant to this section shall be covered into the Treasury as miscellaneous receipts unless the agency has statutory authority otherwise to dispose of the credit.

§ 209.9 Financial organization as agent.

A financial organization which receives checks under the procedure set out in §§ 209.3, 209.4 and 209.5 does so in each case as the agent of the employee or beneficiary who has designated the financial organization to receive the check and credit his account. Such a financial organization may revoke its agency by notice to the employee or beneficiary. The death of that employee or beneficiary revokes the authority of the financial organization to credit the amount to the account of that individual. In the case of a check covering a payment to one employee or beneficiary, the proceeds of which cannot be credited to the account because of death or any other reason, the financial organization shall promptly return the check to the issuing disbursing officer or remit its own check in an equal amount, with a statement in either case identifying the reason therefor and the individual. In the case of a check covering payment to more than one employee or beneficiary, a portion of which cannot be credited to an account because of death or for any other reason, the financial organization shall promptly remit to the agency responsible for making payment a check in an amount equal to that portion which could not be properly credited to the account, with a statement identifying the individual and the reason for refund.

§ 209.10 Acquittance to the United States.

(a) A financial organization which receives checks under the procedure set out in §§ 209.3, 209.4 and 209.5 shall comply with the provisions of 31 CFR Part 360—Indorsement and Payment of Checks Drawn on the Treasurer of the United States, in particular 31 CFR 360.8. A financial organization's endorsement shall constitute a guaranty of the continued existence of the beneficiary for whom it receives payment.

(b) Payment by the United States of a check drawn in favor of and properly endorsed by the financial organization designated by an employee or beneficiary to whom payment is to be made shall, if the check or accompanying record properly specifies that employee's or beneficiary's name and/or social security account number, constitute a full acquittance to the United States for the amount of such payment.

§ 209.11 Financial organization not Government depositary.

A financial organization to which a check is drawn under the procedures set out in §§ 209.3, 209.4 and 209.5 does not thereby become a Government depositary and shall not advertise itself as one because of that fact.

§ 209.12 Procedural instructions.

Procedural instructions for the guidance of agencies in the implementation of these regulations and a new form to request the remittance of recuring payments to financial organizations will be issued by the Commissioner of Accounts. The several forms presently in use to request remittance of the full amount of net pay to a financial organization, and the form presently used to request an allotment of pay for credit to a savings account with a financial organization (Standard Form No. 1198), will be continued.

Prior to adoption of the proposed revision, consideration will be given to any data, views, or arguments submitted to the Commissioner of Accounts, U.S. Department of the Treasury, Washington, D.C. 20226, and received not later than September 14, 1973. Pursuant to 31 CFR 1.4(b), 36 FR 13835, comments submitted in response to this notice are available to the public upon request therefor unless confidential status for the submission has been requested and approved.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

AUGUST 10, 1973.

[FR Doc.73-16994 Filed 8-14-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 243]

JACKSON RANCHERIA, AMADOR COUNTY, CALIFORNIA

Distribution of Assets

Notice is hereby given that it is proposed to add a new Part 243 to Subchapter V, Chapter I, of Title 25 of the Code of Federal Regulations. This addition is proposed pursuant to the authority contained in the Act of August 18, 1958 (72 Stat. 619), as amended by the Act of August 11, 1964 (78 Stat. 390).

The purpose of the regulations is to establish criteria and guidelines to determine the membership of the Jackson Rancheria in Amador County, California, for the purpose of voting on whether a distribution of assets shall be made and to provide the method of sale of unoccupied tracts within the Rancheria.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections regarding these proposed regulations to the Bureau of Indian Affairs, Washington, D.C. 20245, on or before September 14, 1973.

It is proposed to add a new Part 243 to Subchapter V, Chapter I, of Title 25 of the Code of Federal Regulations to read as follows:

PART 243—THE JACKSON RANCHERIA, AMADOR COUNTY, CALIFORNIA—DISTRIBUTION OF ASSETS

Sec.
243.1 Purpose and scope.
243.2 Definitions.
243.3 Requests for distribution.
243.4 Plan of distribution.
243.5 General notice.
243.6 Objections to plan.
243.7 Referendum.
243.8 Modification of plan.
243.9 Beneficial interest.
243.10 Sale of unoccupied land.
243.11 Notice of termination.
243.12 Special instructions.

AUTHORITY: Sec. 12, 72 Stat. 619, as amended by 78 Stat. 390.

§ 243.1 Purpose and scope.

The purpose of this Part is to provide policies and procedures governing distribution of the assets of the Jackson Rancheria, Amador County, California.

§ 243.2 Definitions.

As used in this Part 243, terms shall have the meanings set forth in this section.

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs.

(c) "Director" means the Area Director, Bureau of Indian Affairs, Sacramento Area Office, Sacramento, California, or his authorized representative.

(d) "Adult Indian" means any Indian who is 18 years of age or over.

(e) "Distributee" means any Indian who is entitled to receive any assets of the Jackson Rancheria under a plan of distribution prepared and approved pursuant to section 2 of the Act of August 18, 1958 (72 Stat. 619), as amended by the Act of August 11, 1964 (78 Stat. 390).

(f) "Dependent members" as used in the phrase "dependent members of their immediate families" means all persons of Indian descent not sharing directly in the distribution of the Rancheria assets who: (1) Are related to the distributee by blood or adoption or by marriage, including common law or Indian custom marriage; (2) are domiciled in the household of the distributee; (3) are not members of any other tribe or band of Indians, and (4) receive more than one-half of their support from such distributee or for whose support a distributee is legally liable according to the laws of the State of California.

(g) "Formal assignment" means any privilege of use and/or occupancy of the real property of the Rancheria which is evidenced by an instrument in writing.

(h) "Informal assignment" means any privilege of use and/or occupancy of the real property of the Rancheria which is not based on an instrument in writing.

§ 243.3 Requests for distribution.

(a) *Procedure.* Upon receipt of a written request from an adult Indian or adult Indians of the Jackson Rancheria for the distribution of the assets of the Rancheria, the Director shall prepare a list of Indians in the following categories:

(1) Those who have allotments on the Rancheria;

(2) Those who hold formal assignments on the Rancheria;

(3) Those who reside on the Rancheria pursuant to an informal arrangement;

(4) Those not in the above categories who have resided on the Rancheria for a period of at least three consecutive years immediately preceding the receipt of the request as provided for in the introductory text of this paragraph;

(5) The dependent members of the immediate families of those Indians in (a) paragraphs (1), (2), (3) and (4) of this section.

(b) *Eligibility to participate.* The adults whose names appear on a list prepared in accordance with paragraph (a) of this section shall constitute those persons eligible to vote on the issue of whether a distribution plan is to be developed. A list shall not include the name of any person who is a member of any Indian tribe, band or community other than the Jackson Rancheria.

(c) *Notice.* When the Director is satisfied that the list is complete, he shall publish it once weekly for three successive weeks in a local newspaper. Within 15 days after the date of the last publication of the list, anyone may protest in writing the omission of a name from the list or the inclusion of any name thereon. His written protest together with arguments to sustain it shall be presented to the Director who will render his decision, which shall be final. After all protests have been heard and have been duly disposed of, the Director shall hold an election on whether the distribution of the Rancheria assets shall be made. If a majority of the eligible voters vote for distribution, a distribution plan shall be prepared in accordance with the applicable portions of this Part 243.

§ 243.4 Plan of distribution.

(a) The plan of distribution provided for in section 2 of the Act of August 18, 1958, as amended, shall be in writing and may be prepared by:

(1) Those adult Indians whose names appear on the final list as provided for in § 243.3; or

(2) By the Secretary of the Interior after consultation with such Indians.

(b) The primary source of distributees shall be those persons whose names appear on the list prepared in accordance with § 243.3. Additional names may be added to the list upon the approval of a majority of the adults included on the original list referred to above; *Provided*, That no new name shall be added without the approval of the individual and of the Director. In the event of a per capita distribution of the Rancheria assets, all persons whose names appear on the final list prepared pursuant to § 243.3 and all persons whose names have been added thereto, shall be entitled to participate. Any distribution plan must have the approval of the Secretary before it is submitted to the adult distributees for approval. Such plan shall provide for a description of the assets and shall identify, by name and last known address, those persons to be distributees under the plan and the dependent members of their immediate families; *Provided*, That for the purpose of this section any person who is a member of any other tribe or band of Indians shall not be considered a dependent member of a distributee's immediate family.

§ 243.5 General notice.

When the Secretary has approved a plan for the distribution of the assets of the Jackson Rancheria, notice of the contents of such plan shall be given in the following manner:

(a) A copy of the plan shall be delivered in person or mailed to the last known address of those who participated in the drafting of the plan and the distributees named in the plan;

(b) A copy of the plan shall be delivered in person or mailed to the last known address of all other persons who have indicated by a letter addressed to the Director that they claim an interest in the assets of the Jackson Rancheria;

(c) Posting a copy of the plan in a public place on the Rancheria and in the post office serving the Rancheria; and

(d) Publication of the general contents of the plan once weekly for three successive weeks in one or more local newspapers.

§ 243.6 Objections to plan.

Any Indian who feels that he is unfairly treated in the proposed distribution of the assets of the Jackson Rancheria as set forth in the plan prepared and approved in accordance with the regulations of this Part 243 may, within thirty (30) days after the date of the last publication required under § 243.5(d), submit his views and arguments in writing to the Director. The Director shall act for persons who are minors or non compos mentis if he finds that such persons are unfairly treated in the proposed distribution of the assets. Such views and arguments shall be promptly forwarded by the Director for consideration by the Secretary.

§ 243.7 Referendum.

After consideration by the Secretary of all the views and arguments, a copy of the plan or a revision thereof and a notice of a referendum meeting shall be sent by certified mail, return receipt re-

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quested, to each distributee. Thereafter the Secertary shall cause a referendum to be held at a general meeting of the distributees at the time and place set forth in the notice of the meeting. Each adult Indian distributee may indicate acceptance or rejection of the plan by depositing his or her ballot in a ballot box at the meeting place or by mailing his or her ballot to the Director, in which case the envelope shall be clearly marked to identify it as containing a ballot cast in the Jackson Rancheria referendum. All ballots mailed to the Director must be received by the Director at least two days before the date set for the referendum meeting. Ballots received thereafter shall not be accepted. At the close of the meeting all ballots shall be counted and if the plan is approved by a majority vote of the adult Indian distributees, it shall be effective on the date approved.

Subject to modification as provided in § 243.8, the plan shall thereupon be put into effect and its provisions carried out as expeditiously as possible, including the distribution of assets as therein provided.

§ 243.8 Modification of plan.

If after approval by the Secretary and the adult distributees it shall be determined by an appropriate resolution approved by a majority of the adult distributees that a plan of distribution is not in conformity with the wishes of the proposed distributees or that it contemplates acts or actions determined to be unfeasible and if modification of the plan of distribution is required to correct the circumstances, such resolution shall be submitted to the Secretary for approval. The approval of the resolution by the Secretary shall be final and the plan of distribution shall be considered modified as of the date of such approval.

§ 243.9 Beneficial interest.

Upon approval of a plan, revision or modification thereof by the Secretary and acceptance of it by a majority of the adult distributees, the distributees listed in the plan, revision or modification shall be the final list of Indians entitled to participate in the distribution of the assets of the Rancheria. The rights or beneficial interests of each person whose name appears on this list may be inherited or bequeathed, but shall not otherwise be subject to assignment, alienation or encumbrance before the transfer by the United States of full legal title to such assets, except with the approval of the Secretary.

§ 243.10 Sale of unoccupied land.

The sale of any Rancheria pursuant to the authority contained in section 5(d) of the Act of August 18, 1958, as amended, shall be conducted as nearly as practicable in the manner prescribed in that portion of Part 121 of this title which applies to the sale of individually owned trust or restricted land.

§ 243.11 Notice of termination.

When the provisions of the plan have been carried out to the satisfaction of the Secretary, he shall publish in the FEDERAL REGISTER a notice declaring that the special relationship of the United States to the Jackson Rancheria and the distributees and the dependent members of their immediate families is terminated. The notice shall list the names of the distributees and the dependent members of their immediate families who are no longer entitled to any services performed by the United States for Indians because of their status as Indians, the fact that all restrictions and tax exemptions applicable to trust or restricted land or interests therein owned by them are terminated, the fact that all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them and that state laws shall apply to them in the same manner as they apply to other citizens.

§ 243.12 Special instructions.

To facilitate the work of the Director, the Commissioner may issue special instructions not inconsistent with the purpose of the regulations in this Part 243 and within any authority delegated to him.

WILLIAM L. ROGERS,
Deputy Assistant Secretary of the Interior.

August 8, 1973.

[FR Doc.73-16864 Filed 8-14-73;8:45 am]

Fish and Wildlife Service

[50 CFR Part 32]

Notice of Proposed Rulemaking

PIEDMONT NATIONAL WILDLIFE REFUGE, GEORGIA

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), as delegated to the Director, Bureau of Sport Fisheries and Wildlife by Chapter 2, Part 242 of the Departmental Manual, it is proposed to amend 50 CFR 32 by the addition of Piedmont National Wildlife Refuge, Georgia, to the list of areas open to hunting of migratory birds.

It has been determined that regulated hunting of migratory birds (other than waterfowl) may be permitted as designated on the above refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections, with respect to the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, by September 15, 1973.

§ 32.11 [Amended]

Accordingly, § 32.11, List of open areas; migratory gamebirds, is amended by the following addition:

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

P. V. SCHMIDT,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 8, 1973.

[FR Doc.73-16865 Filed 8-14-73;8:45 am]

Office of the Secretary

[43 CFR, Part 6]

PATENT LICENSING REGULATIONS

Notice of Proposed Revision

Notice is hereby given that the Department of the Interior proposes to revise 43 CFR, Part 6, Subpart B, to implement Title 41 CFR, Chapter 101, Subchapter A, Part 101-4 (38 FR 3328, February 5, 1973) relating to the nonexclusive and limited exclusive licensing of Government-owned inventions. The licensing regulations are being adopted pursuant to the President's Revised Memorandum and Statement of Government Patent Policy dated August 23, 1971. The regulations authorize the exclusive licensing of government-owned patents in cases where exclusivity is deemed essential to their exploitation. Prior experience and studies have shown that licensing technology to private firms is an efficient method of marketing technology. In certain areas, marketing is difficult due to the need for private industry to invest its own risk capital to bring certain technology into the stream of commerce. In such cases, exclusive licenses may represent the necessary incentive for the investment of such private risk capital.

It is the policy of the Department of the Interior wherever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, objections with respect to the proposed regulations to the Solicitor, Attention: Associate Solicitor, Procurement and Patents, Department of the Interior, Washington, D.C. 20240. Comments received on or before Oct. 15, 1973 will be considered before final action is taken.

All written submissions made pursuant to this notice will be available for public inspection in the Office noted above during regular business hours.

It is proposed that the table of sections in 43 CFR, Part 6, Subpart B, be revised to read as follows:

Subpart B—Licenses

Sec.
6.51 Purpose
6.52 Definitions
6.53 Policy
6.54 Publication Requirements
6.55 Applications and Correspondence
6.56 Contents of a Nonexclusive License Application
6.57 Contents of a Limited Exclusive License Application
6.58 Processing of Applications
6.59 Terms of Nonexclusive License
6.60 Terms of Limited Exclusive License
6.61 Modification or Revocation
6.62 Notice of Grant, Modification, or Revocation of Limited Exclusive License
6.63 Solicitor
6.64 Appeals
6.65 Litigation

AUTHORITY: 5 U.S.C. 301; sec. 2, Reorganization Plan No. 3 of 1950, 15 FR 3174; Federal Property Management Regulations, Title 41, Chapter 101, Subchapter A, Subpart 101-4.1, 38 FR 3328.

It is proposed that the text of 43 CFR, Part 6, Subpart B, be revised to read as follows:

§ 6.51 Purpose.

This subpart prescribes the terms, conditions, and procedures for licensing and dedication of inventions, the subject of U.S. patents and patent applications for which the Department of the Interior holds title on behalf of the United States of America. The procedures and regulations prescribed in the Federal Property Management Regulations, Title 41, Chapter 101, Subchapter A, Subpart 101-4.1 (38 FR 3328, February 5, 1973) are included within this subpart.

§ 6.52 Definitions.

(a) Government invention—means an invention covered by a domestic patent or patent application for which the Department of the Interior holds title on behalf of the United States.

(b) To the point of practical application—means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(c) The Department—means the Department of the Interior.

(d) The Secretary—means the Secretary of the Department of the Interior.

(e) The Solicitor—means the Solicitor of the Department of the Interior, or his authorized representative.

(f) Applicant—means any person, individual, corporation, partnership, firm, trust, estate, or other entity.

§ 6.53 Policy.

(a) A major premise of the Presidential Memorandum and Statement of Government Patent Policy, August 23, 1971 (36 FR 16887, August 26, 1971), is that Government-owned inventions normally will best serve the public interest when they are developed to the point of practical application and made available to the public in the shortest possible time. The provisions of this subpart are guided by the (1) objectives set forth in the Presidential Memorandum and Statement, and in the Federal Property Management Regulations, Title 41, Chapter 101, Subchapter A, Subpart 101-4.1, and (2) express requirements of specific statutes which cover the utilization or disposition of Government inventions. Among the most important goals hereof are to provide incentives to foster inventiveness and encourage reporting of inventions made under Department programs, and to encourage the expeditious development and adoption of this new technology for commercial purposes.

(b) The granting of express nonexclusive or limited exclusive licenses for the practice of these inventions may assist in the accomplishment of the national objective to achieve a dynamic and efficient economy. However, it is recognized that there may be inventions as to which the Department deems dedication preferable to accomplish these objectives. The granting of nonexclusive licenses is preferable since the invention is thereby made available to all interested parties and serves to promote competition in industry, if the invention is in fact promoted commercially. However, to obtain commercial utilization of the invention, it may be necessary to grant a limited exclusive license for a limited period of time as an incentive for the investment of risk capital to achieve practical application of an invention.

(c) All Government inventions are available for licensing. Although the Department encourages the nonexclusive licensing of its inventions to promote competition and achieve their widest possible utilization, the commerical development of certain inventions calls for a substantial capital investment which private manufacturers may be unwilling to risk under a nonexclusive license. It is the policy of the Department to grant limited exclusive licenses when such exclusivity appears to be the only means of providing the necessary incentive to the licensee to achieve early practical application of the invention.

(d) Any person may apply for a license in a Government invention. Licenses will be granted only to applicants who have shown the capability and intent to make practical application of the invention.

(e) The terms and conditions of a nonexclusive license will be standardized to the extent practicable. Additions and modifications to the standardized forms may be made as necessary to accommodate provisions agreed upon pursuant to negotiations with the prospective licensee.

(f) Whenever the grant of a limited exclusive license is deemed appropriate, it shall be negotiated on terms and conditions most favorable to the public interest. A limited exclusive license shall give the licensee the right to practice the invention for a term of years less than the remaining life of the patent, usually for a period not to exceed five years. The concept is to allow a period for investment of funds and development of the invention for marketing coupled with a period for exploitation of the developed invention to recover the investment with profit. The limited exclusive licensee must agree to invest a specified amount of money in development of the invention and to continue to use best efforts to practice the invention for the term of the license. A limited exclusive license shall be revoked or terminated if the licensee no longer desires to practice the invention or fails to adhere to one or more of the substantive terms of the license.

(g) In selecting a limited exclusive licensee, consideration shall be given to the capabilities and plans of the prospective licensee to further the technical and market development of the invention, the projected impact on competition, and the benefit to the United States. Where there is more than one application for a limited exclusive license, that applicant shall be selected who is determined to be most capable of satisfying the criteria and achieving the goals set forth in this subpart. Other factors being equal, preference shall be given to assisting small business and minority business enterprises as well as economically depressed, low income and surplus labor areas.

(h) Subject to (1) any existing or future treaty or agreement between the United States and any foreign government or intergovernmental organization, or (2) licenses under, or other rights to inventions, made or conceived in the course of or under Government contracts for research, development, testing, or experimentation where such licenses or other rights to such invention are granted to or provided for in the contract and acquired by the party contracting with the Department, no license shall be granted or implied in a Government invention except as provided for in this subpart. Licenses and all of the terms thereof shall be by express written instruments.

(i) No grant of a license under this subpart shall be construed to confer upon any licensee any immunity from the antitrust laws or from a charge of patent misuse, and the acquisition and use of rights pursuant to this subpart shall not be immunized from the operation of state or Federal law by reason of the source of the grant.

(j) Subject to the terms of any outstanding licenses, nothing in this subpart shall preclude the Department from granting additional nonexclusive or limited exclusive licenses for Government inventions when the Department determines that to do so would provide for an equitable exchange of patent rights. The following exemplify circumstances wherein such licenses may be granted:

(1) In consideration of the settlement of an interference;

(2) In consideration of a release of a claim of infringement; or

(3) In exchange for or as part of the consideration for a license under adversely held patents.

(k) The Department reserves the right to transfer and receive from other Government agencies custody of Government-owned inventions for purposes of administration, including the granting of licenses pursuant to this subpart.

§ 6.54 Publication Requirements.

(a) The Department shall cause to be published in the FEDERAL REGISTER, the Official Gazette of the U.S. Patent Office, and at least one other publication that the Department deems would best serve the public interest, a list of the Government inventions in its custody available for licensing under the conditions specified in this subpart. The list shall be re-

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vised periodically to include directly, or by reference to a previously published list, all inventions currently available for licensing. Other publications of inventions available for licensing may include abstracts, when appropriate, as well as information on the design, construction, use, and potential market for the inventions.

(b) A limited exclusive license in a Government invention shall be available only after the invention has been published for a period of at least six months.

(c) The Office of the Solicitor, Department of the Interior, shall be responsible for complying with all publication and notice requirements under this subpart.

§ 6.55 Applications and Correspondence.

All applications and related correspondence for the granting of express nonexclusive or limited exclusive licenses shall be made in writing and shall be addressed to the Solicitor, U.S. Department of the Interior, Washington, D.C., 20240.

§ 6.56 Contents of a Nonexclusive License Application.

An application for a nonexclusive license under a Government invention shall include:

(a) Identification of invention for which license is desired, including the patent application serial number or patent number, title, and date, if known, and any other pertinent identification.

(b) Name and address of the applicant, and whether the applicant is a U.S. citizen or a U.S. corporation.

(c) Name and address of representative of applicant to whom correspondence should be sent.

(d) Nature and type of applicant's business.

(e) Source of information concerning the availability of a license on the invention.

(f) Purpose for which license is desired, including a statement of the fields of use for which applicant intends to practice the invention, and a complete description of applicant's plan to achieve that purpose.

(g) A statement as to the geographic areas in which the applicant intends to practice the invention.

§ 6.57 Contents of a Limited Exclusive License Application.

In addition to the information indicated in § 6.56, an application for a limited exclusive license shall include:

(a) Applicant's status, if any, in any one or more of the following categories: (1) Small business firm, (2) minority business enterprise, (3) location in a labor surplus area, (4) location in a low income area, and (5) location in an economically depressed area;

(b) A statement of applicant's capability to undertake the development and marketing required to achieve the practical application of the invention;

(c) A statement describing the time, expenditure, and other acts which the applicant considers necessary to achieve practical application of the invention and the applicant's offer to invest that time and money and to perform such acts if the license is granted;

(d) A statement that contains the applicant's best knowledge of the extent to which the Government invention is being practiced by private industry and the Government; and

(e) Any other facts which the applicant believes are evidence that it is in the public interest for the Department to grant a limited exclusive license rather than a nonexclusive license and that such a limited exclusive license should be granted to the applicant.

§ 6.58 Processing of Applications.

(a) Applications for licenses shall be evaluated on bases consistent with the policy set forth in § 6.53 of this subpart.

(b) Upon determination that a nonexclusive license may be granted to the applicant, the appropriate terms and conditions thereof shall be negotiated. The grant of a license shall be dependent upon agreement by the applicant to terms and conditions acceptable to the Department.

(c) After receipt of application(s) for a limited exclusive license, a determination shall be made as to whether the invention may properly be the subject of a limited exclusive license. If it is determined that the invention may properly be the subject of such a license, then a notice shall be published in the FEDERAL REGISTER advising of receipt of application(s) for a limited exclusive license on the particular invention, and that other interested applicants for such a license, may, in accordance with § 6.57 of this Subpart, submit applications within twenty (20) days from date of the notice. Applications mailed after twenty (20) days of the date of notice in the FEDERAL REGISTER will not be considered. Thereafter, all applications will be considered and a prospective limited exclusive licensee selected. A notice thereof shall be published in the FEDERAL REGISTER, and shall include:

(1) Identification of the invention;

(2) Identification of the proposed licensee;

(3) Duration and scope of the contemplated license; and

(4) A statement to the effect that the license will be granted unless:

(i) An application for a nonexclusive license, submitted by a responsible applicant pursuant to § 6.56, is received by the Department within 60 days from the publication of the notice in the FEDERAL REGISTER, and the Department determines that the applicant has established that he has already achieved or is likely to bring the invention to the point of practical application within a reasonable period under a nonexclusive license; or

(ii) a third party presents evidence satisfactory to the Department that it would not be in the public interest to grant (a) a limited exclusive license for the invention, or (b) a limited exclusive license to the particular prospective licensee, or (c) a limited exclusive license upon the proposed duration and scope.

(d) During the 60-day period of notice of a prospective limited exclusive licensee, an application for a nonexclusive license will not be entertained in opposition to the prospective licensee from anyone who has previously applied for a limited exclusive license and been denied the same.

(e) Applications for a limited exclusive license received after commencement of the 60-day period of notice of a prospective licensee shall not be considered.

(f) Upon expiration of the 60-day period of notice of a prospective licensee, all written responses to the notice shall be considered and a determination made whether to (1) grant the requested limited exclusive license, (2) grant a limited exclusive license of a duration or scope different from those in the notification, (3) grant a nonexclusive license, or (4) decline to grant a nonexclusive or limited exclusive license at that time. If it is determined to award a limited exclusive license, such license will be granted only upon the final negotiation of terms and conditions acceptable to the Department.

(g) The determination for granting a limited exclusive license shall be based in part upon a finding that no applicant for a nonexclusive license has brought or will bring the invention within a reasonable period, to the point of practical application as specified in the limited exclusive license, and that to grant the limited exclusive license would be in the public interest.

§ 6.59 Terms of Nonexclusive License.

(a) A nonexclusive license shall be granted subject to the provisions of any other licenses.

(b) The duration of the license shall be for a period as specified in the license agreement, normally a period of two years, provided that the licensee complies with all the terms of the license.

(c) The license shall require the licensee to bring the invention to the point of practical application within a period specified in the license, or such extended period as may be agreed upon, and to continue to make the benefits of the invention reasonably accessible to the public.

(d) The license may be granted for all, or less than all fields of use of the invention, and throughout the United States of America, its Territories and possessions, the Commonwealth of Puerto Rico, and the District of Columbia, or in any lesser geographic portion thereof.

(e) After termination of the initial period specified in the license agreement, the Department may at its option extend the license, subject, however, to a restriction thereof to the fields of use and/or geographic areas in which the licensee has brought the invention to the point of practical application and continues to make the benefits of the invention reasonably accessible to the public.

(f) The license may extend to wholly-owned subsidiaries of the licensee but shall be nonassignable and nontransferable without approval of the Department, except to the successor for that part of the licensee's business to which the invention pertains.

(g) The license shall require the licensee to submit periodic reports at least annually on the anniversary date of the grant of the license, unless otherwise specified, on the licensee's efforts to achieve practical application of the invention, and the extent to which benefits of the invention are continued to be made accessible to the public. The reports shall contain information within the licensee's knowledge, or which the licensee may acquire under normal business practices, pertaining to the commercial use being made of the invention and other information which the Department may determine is pertinent to the Department's licensing activities and is specified in the license.

(h) Normally, royalties shall not be charged under nonexclusive licenses granted to U.S. citizens on Government inventions; however, the license may be subject to such other terms and conditions as the Department may deem in the public interest.

(i) Subject to the terms and conditions specified in the license and the rights reserved to the Government in this section, the licensee shall be granted the nonexclusive right to make, use, and/or sell the invention.

§ 6.60 Terms of Limited Exclusive Licenses.

(a) The license may be granted for all, or less than all fields of use of the Government invention, and throughout the United States of America, its Territories and possessions, the Commonwealth of Puerto Rico, and the District of Columbia, or in any lesser geographic portion thereof.

(b) Subject to the terms and conditions of the license and the rights reserved to the Government in this section, the licensee shall be granted the exclusive right to make and/or use and/or sell the invention.

(c) The duration of the license shall be the subject of negotiation but shall be for a period less than the terminal portion of the patent, the period remaining being sufficient to make the invention reasonably available for the grant of nonexclusive licenses; and such period of exclusivity shall not exceed five years unless it is determined on the basis of a written submission supported by a factual showing that a longer period is necessary to permit the licensee to enter the market and recoup his reasonable costs in so doing.

(d) The license shall require the licensee to bring the invention to the point of practical application within a period specified in the license, or within such longer period as determined by the Department, and to continue to make the benefits of the invention reasonably accessible to the public.

(e) The license shall require the licensee to expend a specified minimum amount of money and/or to take other specified actions within a stated period of time to bring the invention to the point of practical application.

(f) The license shall be subject to the irrevocable, royalty-free right of the Government of the United States to practice, and have practiced, the invention by or on behalf of the Government of the United States and any foreign government or intergovernmental organizations pursuant to any existing or future treaty or agreement with the United States.

(g) The license shall reserve to the Department the right to require the licensee to grant sublicenses to responsible applicants on terms that are reasonable in the circumstances (i) to the extent that the invention is required for public use by Government regulations, (ii) as may be necessary to fulfill health or safety needs, or (iii) for other public purposes. In the event reasonable royalties cannot be agreed upon, the Department shall unilaterally determine such royalties subject to appeal under § 6.64.

(h) The license may extend to wholly-owned subsidiaries of the licensee but shall be nonassignable and nontransferable without approval of the Department, except to successors of that part of the licensee's business to which the invention pertains.

(i) A licensee may grant sublicenses under the license subject to the approval of the Department. Each sublicense granted by a licensee shall make reference to the limited exclusive license and be subject to the terms and conditions of the limited exclusive license. A copy of any such sublicense shall be furnished to the Department. The sublicensee shall have the same rights, duties, and obligations under this subpart as a limited exclusive licensee.

(j) The license shall require the licensee to submit periodic reports at least annually on the anniversary date of the grant of the license, unless otherwise specified, on the licensee's efforts to achieve practical application of the invention, and the extent to which benefits of the invention are continued to be made reasonably accessible to the public. The reports shall contain information within the licensee's knowledge, or which the licensee may acquire under normal business practices, pertaining to the commercial use being made of the invention and other information which the Department may determine is pertinent to its licensing activities and is specified in the license. The licensee shall fully and promptly reply to any specific requests for such information by the Department.

(k) A limited exclusive license of a Government invention may require the payment of royalties, and be subject to other terms and conditions, when the licensing situation and the policy in § 6.53 considered together, indicate that it is in the public interest to do so.

§ 6.61 Modification or Revocation.

(a) Any nonexclusive or limited exclusive license granted pursuant to this subpart may be modified in any manner or revoked by the Department if the licensee at any time defaults in making any payments or reports required by the license, or commits any breach of any covenant or agreement therein contained.

(b) A license may also be revoked by the Department if the licensee wilfully omits a material fact in the license application or any report required in the license agreement.

(c) Before modifying or revoking any license granted pursuant to this subpart for any cause, the Department shall by registered mail forward to the licensee and any sublicensee of record, at the last address filed with the Department, a written determination of breach of an identified term of the license, and notice of intention to modify or revoke the license. The licensee and any sublicensee shall be allowed thirty (30) days after receipt of such notice to remedy such breach of any covenant or agreement contained in the license or to otherwise show cause why the license should not be modified or revoked.

§ 6.62 Notice of Grant, Modification, or Revocation of Limited Exclusive License.

(a) If a limited exclusive license has been granted, modified, or revoked pursuant to this subpart, notice thereof shall be published in the FEDERAL REGISTER. Such notice shall include:

(1) Identification of the invention;

(2) Identification of the licensee;

(3) Duration and scope of the limited exclusive license;

(4) That such limited exclusive license is being granted or revoked, or the nature of the modification thereof; and

(5) The effective date of the grant, modification, or revocation.

§ 6.63 Solicitor.

The Solicitor shall make all determinations, and shall grant, deny, modify, or revoke licenses in accordance with sections §§ 6.58, 6.59, 6.60 and 6.61.

§ 6.64 Appeals.

(a) An applicant for a license, a licensee, a sublicensee, or other party who has participated under this subpart shall have the right to appeal any decision of the Department concerning the grant, denial, interpretation, modification, or revocation of a license or sublicense under this subpart by the filing of a notice of appeal with the Director, Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Boulevard, Arlington, Va., 22203, within thirty (30) days from the date of receipt of a notice by the Department of the decision or, if there has been no such notice to the person desiring to appeal, then within thirty (30) days from publication in the FEDERAL REGISTER of the facts which identify such a decision. An appeal by a sublicensee must be brought by or in the name and with the consent of the licensee.

(b) Upon notice of appeal the Director, Office of Hearings and Appeals, will designate an ad hoc Invention Licensing Appeals Board to decide such an appeal. The Board will consist of three members having an equal vote. Parties

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will be advised of the designation of the Board, its composition and chairman.

(c) Appeals taken under this section will be in accordance with procedures contained in this section and 43 CFR, Part 4, Subpart G, provided that where appropriate the Chairman may designate special procedural rules where the circumstances so warrant.

§ 6.65 Litigation.

A licensee is granted the right to sue at his own expense any party who infringes the rights set forth in the license and covered by the licensed patent. The licensee may join the Government upon consent of the Attorney General as a party complainant in such suit but without expense to the Government, and the licensee shall pay all costs and any final judgment or decree that may be rendered against the Government in such suit. The Government shall have an absolute right to intervene in any suit at its own expense. The licensee shall be obligated to furnish promptly to the Government, upon request, copies of all pleadings and other papers filed in any such suit and of evidence adduced in proceedings relating to the licensed patent including, but not limited to, negotiations or settlement and agreements settling claims by a licensee based on the licensed patent, and all other books, documents, papers, and records pertaining to such suit. If as a result of any such litigation the patent shall be declared unvalid, the license and all sublicenses granted thereunder shall be null and void.

JAMES T. CLARKE,
Assistant Secretary of the Interior.

AUGUST 9, 1973.

[FR Doc.73-16863 Filed 8-14-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 991]

HOPS OF DOMESTIC PRODUCTION

Proposed Expenses of the Hop Administrative Committee and Rate of Assessment for the 1973–74 Marketing Year

Notice is given of proposed expenses of the Hop Administrative Committee, and the rate of assessment, for the 1973–74 marketing year. The proposal is pursuant to §§ 991.55 and 991.56 of Order No. 991, as amended (7 CFR Part 991). The amended marketing order regulates the handling of hops of domestic production, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is based on the unanimous recommendation of the Hop Administrative Committee. Proposed expenses of the Committee for the 1973–74 marketing year, beginning August 1, 1973, total $175,245. The proposed rate of assessment is 0.3 cent per pound of salable hops handled by each handler during the 1973–74 marketing year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U. S. Department of Agriculture, Room 112, Administration Building, Washington, D. C. 20205, to be received not later than August 27, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 991.308 Expenses of the Hop Administrative Committee and rate of assessment for the 1973–74 marketing year.

(a) *Expenses.* Expenses in the amount of $175,245 are reasonable and likely to be incurred by the Hop Administrative Committee during the marketing year beginning August 1, 1973, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said marketing year, payable by each handler in accordance with § 991.56, is fixed at 0.3 cent per pound of salable hops.

Dated: August 9, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc.73-16868 Filed 8-14-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 91]

EXPORT RESTRICTIONS ON CATTLE AND SWINE

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to provisions of the Act of August 30, 1890, the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 4, 1907, as amended (21 U.S.C. 105, 112, 113, 120, 121, and 612–614), the Animal and Plant Health Inspection Service is considering whether or not changes are needed in the regulations contained in 9 CFR Part 91 to protect United States export markets for swine and cattle.

Statement of considerations. The Department has received reports that two shipments of swine of United States origin may have caused extensive outbreaks of transmissible gastroenteritis in swine of two South American countries and that cattle received from the United States were infested with cattle grubs on arrival in three other countries.

The Act of March 4, 1907 requires the Secretary to cause a careful inspection to be made of all cattle, sheep, swine, goats, horses, mules and other equines intended and offered for export to foreign countries to insure that such livestock are free from disease. Scientific knowledge, and laboratory testing procedures are available which will reasonably insure that swine are not infected with transmissible gastroenteritis and grubicides are available for treatment which when applied will destroy at least 95 percent of the cattle grubs in any cattle.

The additional health requirements under consideration for export swine would include a negative serum neutralization test, in a dilution of 1:16, within 30 days preceding the date of exportation and would limit the source of swine for export to herds where transmissible gastroenteritis has not been known to exist for at least 12 months preceding the date of exportation and no additions have been made to such herds during the 30 days immediately preceding exportation.

The additional health requirements under consideration for all cattle intended for export, except cattle for slaughter purposes, would require that such cattle be treated for hypodermosis (cattle grubs) with a duly registered pesticide in accordance with label instructions at least once not less than 10 days nor more than 30 days immediately preceding the date of export.

The Department requests data, views, arguments, and any other information from the public relating to the need, if any, of revising the existing regulations and adding additional health requirements for swine and cattle as specified. Also, the Department wishes to determine whether or not additional health requirements to insure that swine for export are free of transmissible gastroenteritis will limit the source of potential exports and whether or not requiring treatment for hypodermosis (cattle grubs) will substantially increase costs for cattle exported. Such data, views, or arguments, would be most useful if they contain published scientific articles or other evidence which will support the views of the writer. The publishing of this notice should not be construed to mean that the present regulations in 9 CFR Part 91 are, in any way, negated. The present regulations continue in effect unless at some subsequent time they are amended.

Any person who wishes to submit written data, views, arguments, or information concerning this notice may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Room 821–A, Federal Center Building, Hyattsville, Maryland 20782, before October 15, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at Room 821–A, Federal Center Building, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m. Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of August, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-16951 Filed 8-14-73;8:45 am]

[9 CFR Parts 304, 305, 317]

TENANCIES AND SUBSIDIARIES IN OFFICIAL ESTABLISHMENTS

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Animal and Plant Health Inspection Service is considering amending Parts 304, 305, and 317 of the Federal meat inspection regulations (9 CFR 304.1, 305.1, and 317.2), pursuant to the authority contained in the Federal Meat Inspection Act, as amended (34 Stat. 1260, as amended; 21 U.S.C. 601 et seq.), to eliminate the provisions allowing persons to operate as tenants or subsidiaries in establishments without a separate grant of Federal inspection.

Statement of Considerations: The Federal meat inspection regulations permit persons operating as tenants or subsidiaries in official establishments to prepare products at such establishments without an independent grant of Federal inspection, by registering with the Department. Once registered, tenants and subsidiaries are then entitled to have their products marked with the official devices and to use certificates and labels bearing the marks of Federal inspection of the establishment in which they operate, and to whom the official grant of inspection was made. Such an arrangement has caused several problems in determining responsibility for compliance with provisions of the Act and regulations, such as sanitary maintenance of facilities. It also appears to make it easier for persons to conduct operations subject to the Act who might not be eligible for a grant of inspection under the Act.

This proposal would more definitely identify and fix responsibility for compliance with the Act and regulations by each entity conducting operations subject to the Act, because each such entity, whether tenant, subsidiary or landlord, would have to make formal application and meet the requirements of the Act and regulations for a grant of inspection.

It is proposed to amend the Federal meat inspection regulations in 9 CFR Parts 304, 305, and 317 as set forth below.

PART 304—APPLICATIONS FOR INSPECTION; GRANT OR REFUSAL OF INSPECTION

1. The Table of Contents with respect to § 304.1, the heading for § 304.1, and the text for § 304.1 would be amended to read as follows:

Sec.
304. Application for inspection.

• • • • •

§ 304.1 Application for inspection.

(a) Before the inspection is granted, each person conducting operations at an establishment subject to the Act, whether tenant, subsidiary, or landlord, shall make application therefor to the Administrator as provided for in this part.

(b) Every application under this section shall be made on an official form furnished by the Program, available from any Regional Director identified in § 301.2(iii) of this chapter, and shall be completed to include all information requested. Trade names of the applicant for labeling purposes, shall be inserted in the appropriate blank in the application. Each applicant for inspection will be held responsible for compliance with the Act and the regulations in this subchapter if inspection is granted. Preparation of product and other operations at the establishment for which inspection is granted may be conducted only by the applicant named in the application.

(c) In cases of change of ownership or location, a new application shall be made.

• • • • •

PART 305—OFFICIAL NUMBERS; INAUGURATION OF INSPECTION; WITHDRAWAL OF INSPECTION; REPORTING OF VIOLATION

2. The Table of Contents and heading for § 305.1 would be amended, and the text of paragraph (c) of that section would be amended to read as follows:

Sec.
305.1 Official numbers.

§ 305.1 Official numbers.

• • • • •

(c) When inspection has been granted to any applicant at an establishment, it shall not be granted to any other person at the same establishment. Tenants or subsidiaries operating as separate entities in the same building or structure may operate separate establishments therein under their own grant of inspection.

• • • • •

PART 317—LABELING; MARKING DEVICES, AND CONTAINERS

3. Section 317.2(g)(1) would be amended to read as follows:

§ 317.2 Labels: definition; required features.

• • • • •

(g)(1) The name or trade name of the person that prepared the product may appear as the name of the manufacturer or packer without qualification on the label. Otherwise the name of the distributor of the product shall be shown with a phrase such as "Prepared for • • •" or "Distributed by • • •." The place of business of the manufacturer, packer, or distributor shall be shown on the label by city, State, and postal ZIP code when such business is listed in a telephone or city directory, and if not listed in such directory, then the place of business shall be shown by street address, city, State, and postal ZIP code.

• • • • •

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by October 19, 1973.

Any person desiring opportunity for oral presentation of views should address such requests to the Compliance Staff, Field Operations, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C. on August 9, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-16954 Filed 8-14-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD STARCH-MODIFIED

Proposal To Specify Sequence in Etherification Treatment

Published elsewhere in this issue of the FEDERAL REGISTER an order amends § 121.1031 (21 CFR 121.1031) of the food additive regulations by providing for the safe use of a food starch modified by etherification. The order prescribes the sequence of etherifying treatments as 0.1 percent epichlorohydrin followed by 25 percent propylene oxide. Section 121.1031(e) currently prescribes the use of a food starch modified by etherification with the combined treatment of these same two substances at levels not to exceed 0.1 percent epichlorohydrin and 10 percent propylene oxide.

In evaluating data supporting the order cited above, it has come to the attention of the Commissioner of Food and Drugs

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that the etherification of the food starch with these two chemicals, already provided for in the regulation, was by a sequential rather than a combination treatment. Thus, in order to identify the modified food starch that has been shown to be safe by feeding studies, the Commissioner concludes that the listing for the already regulated additive should be amended to specify the sequence of etherification treatment as, "propylene oxide, not to exceed 10 percent, followed by epichlorohydrin, not to exceed 0.1 percent."

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that the listing for "Epichlorohydrin, not to exceed 0.1 percent, combined with • • •" in paragraph (e) of § 121.1031 be revised to read as follows:

§ 121.1031 **Food starch-modified.**

• • • • • •

(e) • • •

Limitation
• • •
Propylene oxide, not to exceed 10 percent, followed by epichlorohydrin, not to exceed 0.1 percent.
• • •

Interested persons may, on or before October 15, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 7, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16874 Filed 8-14-73;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 205]

PUBLIC ASSISTANCE EXCEPTION FROM TIMELY NOTICE—PROBABLE FRAUD

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations establish an exception from timely notice where probable fraud is the reason for discontinuation, suspension, termination, or reduction of assistance, under Titles I, IV-A, X, XIV, XVI and XIX of the Social Security Act.

The exception was published as part of the proposed regulations published April 20, 1973 (36 FR 3034) but was withdrawn from the final regulations because of concerns expressed in the comments. As now proposed, the exception is limited to situations where the agency has verified facts supporting their allegation of fraud and where the agency has provision for an immediate hearing providing the recipient the opportunity to show the allegations are incorrect.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201 on or before September 14, 1973. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street, SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-963-7361).

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302)

Dated: July 27, 1973.

JAMES S. DWIGHT, JR.,
Administrator, Social and Rehabilitation Service.

Approved: August 10, 1973.

CASPAR W. WEINBERGER,
Secretary.

Section 205.10(a)(4)(ii) is revised to add subdivision (J) as set forth below:

§ 205.10 **Hearings.**

(a) *State plan requirements.* • • •

• • • • • •

(4) In cases of intended action to discontinue, terminate, suspend or reduce assistance:

• • • • • •

(ii) The agency may dispense with timely notice but shall send adequate notice not later than the date of action when:

• • • • • •

(J) The agency has evidence clearly indicating that assistance should be discontinued, suspended, terminated, or reduced because of the criminal fraud of the recipient; and

(*1*) where possible, the facts which such evidence indicates have been verified through collateral sources; and

(2) the agency did not have such evidence in sufficient time to send timely notice; and

(3) an immediate hearing is offered and made available to the recipient.

• • • • • •

[FR Doc.73-16943 Filed 8-14-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 72-SW-26]

MOONEY MODEL M20 SERIES

Proposed Airworthiness Directive

Amendment 39-1455 (37 FR 11462), A.D. 72-12-2 as amended by Amendment 39-1482 (37 FR 13336) requires lubrication of the flight control system and landing gear system rod end bearings and the addition of specific grease fittings on Mooney Model M20 series airplanes. After issuing Amendment 39-1482 the agency determined that landing gear failures are still occurring due to misrigging necessitating the issuance of additional instructions. Therefore, the agency is considering superseding Amendment 39-1482 with a new A.D. that requires retraction tests and inspection of the landing gear rigging in addition to the requirements of A.D. 72-12-2.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Federal Aviation Administration, Regional Counsel, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before September 14, 1973 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments will be available, both before and after the closing date for comments, at the office of the Regional Counsel, Southwest Region, Fort Worth, Texas, for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

MOONEY: Applies to Mooney Models M20, M20A, M20B, M20C, M20D, M20E, M20F and M20G airplanes.

Compliance required as indicated.

To prevent corrosion and/or misrigging in the flight control and landing gear systems which may result in binding or seizure of the joints and loss of flight control or collapse of the landing gear, accomplish the following:

(a) Within 25 hours time in service after July 10, 1972 unless already accomplished within the last 25 hours time in service and thereafter at intervals not to exceed 12 calendar months from the last inspection or 100 hours time in service from the last inspection, whichever comes first, lubricate all flight control systems and landing gear system rod end bearings with a silicone spray lubricant or with an FAA approved equivalent lubricant.

(b) Within the next 50 hours time in service after July 10, 1972, unless already accomplished, install retracting links, P/N 530003-13 (1 ea.) and 510011-13 (2 ea.) on all M20B, C, E, F, and G aircraft and on M20D models converted to a retractable gear or equivalent parts approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA, Fort Worth, Texas. The new links incorporate grease fittings and improved overcenter travel resulting in lower preload rigging. New links are not required if the existing installations use -13 links which have

grease fittings. (Reference Mooney Service Bulletin M20-155 dated 6-15-67, or later FAA approved revision.)

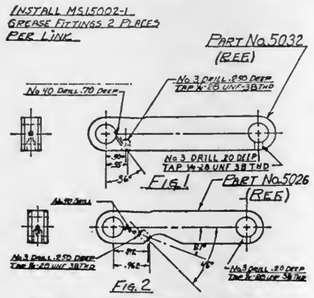
NOTE: For M20 and M20A models the present retract links are to be modified by the addition of grease fittings as shown in figures 1 and 2 attached. Follow procedures in Mooney Service Bulletin M20-155 dated 6-15-67, or later FAA approved revision, for removal and replacement of links. Service Bulletins, Service Letters and Service Instructions referenced in this A.D. may be obtained from AACT, Louis Schreiner Field, Kerrville, Texas.

(c) At the next lubrication as required in (a) and thereafter at the same interval as specified in (a), perform a landing gear retraction test and check the landing gear rigging. Information regarding rigging may be found in Mooney Service Instruction No. 20-31, dated 6-25-68 for Models M20 and M20A, Mooney Service Instruction No. M20-32 dated 11-3-72 for other models or later FAA approved revisions.

This supersedes Amendment 39-1455 (37 FR 11462), A.D. 72-12-2 as amended by Amendment 39-1482 (37 FR 13336).

Issued in Fort Worth, Texas on August 1, 1973.

A. H. THURBURN,
Acting Director, Southwest Region.



[FR Doc.73-16765 Filed 8-14-73;8:45 am]

[14 CFR PART 71]

[Airspace Docket No. 73-WA-7]

PITTSBURGH, PA., TERMINAL CONTROL AREA

Proposed Adoption

The Federal Aviation Administration (FAA) is considering the adoption of a Group II Terminal Control Area (TCA) for Pittsburgh, Pa. Rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, §§ 91.70 and 91.90 of the Federal Aviation Regulations. Further information concerning flight within TCAs is contained in FAA Advisory Circular 91-30, Terminal Control Areas (TCAs), dated 6/11/70.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Additionally, comments are invited on the potential impacts of this proposal on the quality of the human environment. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before October 15, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The establishment of terminal control areas at 22 large hub airports was proposed in Notice 69-41 and supplemental notices thereto, and adopted on May 20, 1970 (35 FR 7782), to create a safer environment in those congested terminal areas. The need for TCAs has been well established, and a priority implementation schedule has been developed which is based on the air traffic congestion at each location, the capability of the terminal air traffic control facility to provide separation service to VFR aircraft, the experience gained from earlier established TCAs, and the publication dates of associated aeronautical charts.

The issue of whether or not to establish a TCA at each of the specified locations was decided as a result of Notice 69-41 and is not within the scope of this notice. This notice is intended to produce the input necessary to design an appropriate airspace configuration that can provide the safest environment with the least impact on the airspace users. TCAs have now been designated at all Group I locations, and this notice proposes a configuration for a Group II TCA at Pittsburgh, Pa.

An FAA/Industry meeting was held in Pittsburgh on February 28, 1973, to consider user operational requirements. It was suggested that the TCA configuration presented at the meeting be modified by defining the east and west extensions as radials of the Imperial VORTAC. This modification along with the configuration presented was generally acceptable to those in attendance.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 FR 7782), it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to § 71.401(b) Group II Terminal Control Areas.

PITTSBURGH, PA., TERMINAL CONTROL AREA

PRIMARY AIRPORT

Greater Pittsburgh Airport (Latitude 40° 29'37" N., Longitude 80°13'54" W.) Imperial VORTAC (Latitude 40°29'12" N., Longitude 80°14'03" W.)

Boundaries (Based on Imperial VORTAC (IRL) Arcs, DME Distances and radials):

1. *Area A.* That airspace extending upward from the surface to and including 8,000 feet MSL within the Pittsburgh, Pa., (Greater Pittsburgh) Control Zone.

2. *Area B.* That airspace extending upward from 2,500 feet MSL to and including 8,000 feet MSL within a 10-mile radius of IRL VORTAC; excluding Area A.

3. *Area C.* That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of IRL VORTAC and between the 20 and 30-mile radii of the IRL VORTAC extending from the 076°T (081°M) radial clockwise to the 106°T (111°M) radial and from the 259°T (264°M) radial clockwise to the 288°T (293 °M) radial; excluding Areas A and B.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 9, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-16855 Filed 8-14-73;8:45 am]

Federal Railroad Administration

[49 CFR Part 217]

[Docket No. RSOR-1; Notice 3]

RAILROAD OPERATING PRACTICES

Extension of Time for Filing Comments; New Date for Public Hearing

On May 14, 1973, the Federal Railroad Administration (FRA) published in the FEDERAL REGISTER a notice of proposed rule making to add a new Part 217 to Title 49 of the Code of Federal Regulations to establish initial rules respecting railroad operating practices (38 FR 12617). The closing date for comments and date for public hearing provided in that notice were re-scheduled to August 14, 1973, and August 15, 1973, respectively, in a second notice of rule making published at 38 FR 14865.

The Association of American Railroads (AAR) has filed a request for additional time to submit the views and arguments of its member railroads and to make an oral presentation. This request was made, in part, due to the FRA's late response in issuing an interpretation of the scope and intent of the proposed rules as asked by the AAR in a letter of July 5, 1973. The July 5 letter and the FRA's interpretation are available in the public docket.

For good cause shown in the AAR request, the FRA has decided to extend the closing date for filing written comments and to set a new time for the public hearing. The new deadline for filing written comments is September 19, 1973, except that written statements may be submitted at the oral hearing. Written comments received after September 19, other than at the oral hearing, will be considered only so far as practicable. The new time and the place for the oral hearing are 10:00 a.m., September 20, 1973, in Room 5332, Nassif Building, 400 Seventh St., SW., Washington, D.C. Persons wishing to make an oral presenta-

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tion should notify the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh St., SW., Washington, D.C. 20590, before September 20. Participants should refer to the original notice (38 FR 12619) for a brief statement of the procedures to be followed at the hearing.

(Sec. 202, 84 Stat. 971; 45 U.S.C. 431; § 1.49 (n), 49 CFR 1.49(n))

Issued in Washington, D.C. on August 7, 1973.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.73-16857 Filed 8-14-73;8:45 am]

Office of Pipeline Safety

[49 CFR Part 192]

[Notice No. 73-2; Docket No. OPS-24]

GAS IN TRANSMISSION LINES

Odorization Requirements

The Office of Pipeline Safety is considering amending Part 192 of Title 49, Code of Federal Regulations, to require odorization of gas in certain transmission lines, and to prescribe special patrolling and leakage survey requirements for transmission lines on the basis of their class location and whether or not they are carrying odorized gas.

Interested persons are invited to comment on the proposed amendment by submitting written information, views, or arguments. Communications should be identified by the notice number and docket number and submitted in duplicate to the Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. Comments received by Sept. 28, 1973, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons in the Rules Docket at the Office of Pipeline Safety.

The present requirement for odorization of gas in transmission lines represents an interim measure that was adopted to permit the continued application of State law pending outcome of a study by the Office of Pipeline Safety (OPS). That study has now been completed. Its conclusions, reflected in this notice, are based on comments made in response to previous notices (70-5, 35 FR 5482; 70-11, 35 FR 9293; 70-13, 35 FR 13470), an informal public hearing held on September 17, 1970, and on information which has been furnished by recent contacts with transmission operators, distribution operators, and State commissions experienced in the transportation of odorized gas in transmission lines.

In the transmission lines of those operators who odorize gas, a number of leaks have been located through odorization. The fact of such results refutes any contentions that odorization is appropriate only for distribution mains and service lines and that high pressure leaks are detectable only by other means. Odorization allows the early detection of leaks and does not limit detection to company employees. In a number of cases, odorization led to discovery of leaks that would not have been disclosed until later by the means normally used.

Some transmission operators unfamiliar with odorization are concerned over possible difficulties in handling odorized gas as it goes through compressor stations and through high pressure metering and regulating stations. They also fear an adverse effect on the operation of dehydration units and the possibility of false gas leak scares at the time of blow down for maintenance. However, operators with long experience in odorizing all their transmission facilities, including compressors, regulators, and measuring stations, have reported no significant problems once a system is stabilized. Normally, odorizers are placed downstream of dehydration units so that the units are not subject to adverse effects. Moreover, even though blow down may be required for maintenance, adequate planning with advance notice to the public should minimize problems caused by odorant dropping out of the gas.

With regard to stability of odorizing systems, during the early stages of an odorization program there may be considerable fade of odorant level, particularly in extensive piping systems. However, over a long period of operation, the system tends to stabilize. Moreover, experience has shown that once a reasonable degree of stability has been reached in a transmission line, the distribution companies supplied gas from that line have little problem maintaining a stable concentration.

The OPS recognizes that odorization of gas destined for use in some industrial processes would serve no purpose and could even be detrimental. Thus, where odorants would be detrimental to the industrial process itself, or where strong plant odors characteristic of the customer's process would mask the natural gas odorants, odorization should not be required. Accordingly, it is proposed to except the gas in transmission lines intended for use in such industrial processes from the odorization requirement.

Comments in response to previous notices observed that considerable expense would be incurred by operators and consumers in providing deodorizing equipment to prepare the gas from odorized transmission lines for industrial and other uses where odorization is detrimental. As proposed in this notice, however, the exceptions to the odorization requirement in such cases would make deodorization equipment unnecessary and equipment costs for deodorization are therefore not a consideration.

There should be little or no problem of odorization poisoning of the hydrostatic test water that is removed by pigging operations after requalification or uprating tests, or of poisoning the liquids that are required to be initially removed from the gas. Most liquids are removed at the dehydration plants near the point of production prior to odorization. Odorization of transmission lines is required only where the lines go into populated areas, and most liquids are removed by that time.

A situation may exist in which a distributor is supplied from two or more transmission systems that use different odorants. Such distributors have reported no problems of compatibility and no potentially hazardous conditions. One distributor that is supplied gas odorized with mercaptan has supplemented this with cyclic-sulfide without problems.

The effectiveness of transmission line odorization has been questioned in the case of a small leak in a buried high pressure transmission pipeline, because of the odor adsorption properties of soil and the refrigeration effect of expanding high pressure gas. However, although there may be some initial reduction of the detectable qualities of the odorant due to these causes, such effects last for a limited time only. While the type of soil influences the adsorption rate, moisture in the soil and in the gas and a high gas velocity reduce the adsorption rate. Moreover, the refrigeration effect, which forms a shield of ice crystals, thus reducing the area of soil adsorbent surface, combined with the high vaporization pressure of mercaptans at low temperature and the high solubility of mercaptans in natural gas, tends to carry the odorant from high pressure gas at low temperature through to the surface better than at lower pressure with little temperature drop. Field tests using mercaptan type odorants have shown them to be effective and detectable in the atmosphere around underground leaks from high pressure gas lines.

There now exist high pressure gas transmission pipelines in Class 4 locations that run parallel to other utility lines underneath the solid paving of city streets. To permit these transmission lines to be operated without odorization while gas distribution lines in the same street operating at much lower pressure and stress levels are required to be odorized is illogical. While for these and other built-up areas, flame ionization surveys appear to be an effective means of locating small leaks, such surveys are required only on a periodic basis. However, people who have a normal sense of smell are in the area everyday and are capable of detecting any escaping odorized gas.

Under this proposal, a general requirement for odorization of gas in transmission lines in Class 3 and Class 4 locations would be established. Exceptions would be provided, however, for gas in transmission lines enroute to underground storage fields, and in Class 3 locations enroute to predominantly Class 1 or Class 2 locations. Since the transmission lines in such locations are relatively few and are not those normally supplying distribution systems, safety considerations do not indicate that the cost of odorization is justified. As noted above, there is also an exception for gas intended for use in an industrial process where the presence of odorant would be detrimental.

Under the proposal, additional requirements for patrolling would be set forth in § 192.705 and new requirements for conducting leakage surveys would be established in a new § 192.706. Such requirements are consistent with the odorization requirements proposed in § 192.625 and give effect to the need for increased surveillance of transmission lines in which the gas is not odorized and of transmission lines in the higher class locations.

In consideration of the foregoing, it is proposed to amend Part 192 of Title 49 of the Code of Federal Regulations as set forth below.

1. It is proposed to amend § 192.625 by amending paragraph (g) and adding a new paragraph (h) to read as follows:

§ 192.625 Odorization of gas.

* * * * *

(g) Except as provided in paragraph (h) of this section, combustible gases in transmission lines in Class 3 and Class 4 locations must be odorized as provided in paragraphs (b) through (f) of this section.

(h) Notwithstanding paragraph (g) of this section, odorization of combustible gas in a transmission line is not required—

(1) When the gas is enroute to an underground storage field;

(2) In a Class 3 location through which the line is passing enroute to a predominantly Class 1 or Class 2 location; or

(3) In a Class 3 location when any part of the gas is intended for use in an industrial process in which the presence of odorant would be detrimental.

2. It is proposed to amend § 192.705 to read as follows:

§ 192.705 Transmission lines: patrolling.

(a) Each operator shall have a patrol program to observe surface conditions on and adjacent to the transmission line right-of-way for indications of leaks, construction activity, and other factors affecting safety and operation.

(b) The frequency of the patrol must be determined by the size of the line, the operating pressures, the class location, terrain, weather, and other relevant factors, but in no case at intervals exceeding 1 year.

(c) In addition to the frequency requirements of paragraph (b) of this section, each transmission line must be patrolled—

(1) At intervals not exceeding 6 months in a Class 3 location when carrying unodorized gas;

(2) At intervals not exceeding 3 months in a Class 4 location whether carrying odorized or unodorized gas; and

(3) At highway and railroad crossings more often and in greater detail than adjoining areas of the transmission line.

3. It is proposed to add a new § 192.706 to read as follows:

§ 192.706 Transmission lines: leakage surveys.

(a) Each operator of a transmission line shall provide for periodic leakage surveys in its operating and maintenance plan.

(b) Leakage surveys of a transmission line must be conducted at intervals not exceeding 1 year except that gas detector surveys must be conducted—

(1) At intervals not exceeding 6 months in a Class 3 location when carrying unodorized gas; and

(2) At intervals not exceeding 3 months in a Class 4 location whether carrying odorized or unodorized gas.

This notice is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A of Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C. on Aug. 9, 1973.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.73-16856 Filed 8-14-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS; OHIO

Opportunity for Public Comment on Proposed Transportation and/or Land Use Control Strategies

On June 15, 1973, pursuant to section 110(a) of the Clean Air Act and 40 CFR Part 51, the Administrator announced his disapproval of the control strategy for photochemical oxidants in the Cincinnati, Toledo, and Dayton regions of Ohio due to the lack of timely submittal of transportation control plans. This was published in the FEDERAL REGISTER on June 22, 1973 (38 FR 16550).

The Administrator has proposed a transportation control plan for Cincinnati (38 FR 17702, July 2, 1973). The Administrator has not proposed plans for Toledo and Dayton because of preliminary indications that no transportation controls are necessary in those regions.

If, prior to promulgation, a State has adopted and submitted a plan or revision which the Administrator determines to be in accordance with applicable requirements, the State plan will be approved in lieu of promulgation. This notice is issued to advise the public that supplemental information has been received from the State of Ohio regarding these three regions, and that comments may be submitted on whether the control strategy for photochemical oxidants in the regions should be approved or disapproved by the Administrator under section 110(a) of the Clean Air Act. Only comments received within 21 days from the publication of this notice will be considered. Notice of opportunity to comment on State plans has been published previously on April 24, April 27, May 4, June 1, June 22, and July 18, 1973.

A more detailed description of the information submitted is set forth below.

OHIO

A document entitled "Implementation Plan to Achieve Ambient Air Quality Standards for Photochemical Oxidants—Cincinnati Air Quality Control Region," dated March 1973, was received on July 16, 1973, along with a submittal letter from the Governor dated June 29, 1973. A public hearing on the plan was held by the Ohio Environmental Protection Agency on May 29, 1973. The plan states that a 44 percent reduction in hydrocarbon emissions is necessary in order to attain the oxidant standard, and that the standard will be met by July 1975 without any control measures other than the stationary source controls in the original plan. In order to attain this result, the plan states that mobile source emissions will decline sufficiently due to a combination of the Federal Motor Vehicle Control Program for new cars, as well as expected improved bus service and traffic flow improvements resulting from completion of the interstate highway and bridge system.

A document entitled "Implementation Plan to Achieve Ambient Air Quality Standards for Photochemical Oxidants—Toledo Air Quality Control Region," dated March 1973, was received on July 16, 1973, along with a submittal letter from the Governor dated June 29, 1973. A public hearing was held by the Ohio Environmental Protection Agency on May 30, 1973. The plan states that a 50 percent reduction in hydrocarbon emissions is necessary in order to attain the oxidant standard, and that the standard will be met by 1975 without any control measures other than the stationary source controls in the original plan. In order to attain this result, the plan states that mobile source emissions will decline sufficiently due to the Federal Motor Vehicle Control Program for new cars. For informational purposes, the plan includes a discussion of programs underway to improve traffic flow in Toledo.

A document entitled "Implementation Plan to Achieve Ambient Air Quality Standards for Photochemical Oxidants—Dayton Air Quality Control Region," dated July 1973, was received on August 3, 1973, along with a submittal letter from the Governor dated July 24, 1973. A public hearing was held on May 17, 1973, by the Ohio Environmental Protection Agency. The plan states that the prescribed standard can be achieved in the Dayton Region without any control measures other than the stationary source controls in the original plan. This conclusion is based on data for calendar year 1972, which include maximum oxidant readings substantially below the maximum measured in 1971. The State proposes to submit a revised control strategy on or about November 15, 1973, if air quality data from 1973 show the need for one. The document submitted contains a preliminary strategy which might be used, including an inspection program for light-duty vehicles, improvements in mass transit, and an epi-

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sode control plan during periods of air stagnation.

Copies of the proposed plans are available at the Program Support Branch, Division of Air and Water Programs, Environmental Protection Agency, Region V, 1 North Wacker Drive, Chicago, Illinois 60606, and at the Ohio Environmental Protection Agency, 450 East Town Street, Columbus, Ohio 43216. The Cincinnati plan is available at the Cincinnati Division of Air Pollution Control, 2400 Beekman Street, Cincinnati, Ohio 45214, the Dayton plan at the Regional Air Pollution Control Agency, 451 West Third Street, County Government Plaza, Dayton, Ohio 45402, and the Toledo plan at the Toledo Pollution Control Agency, 26 Main Street, Toledo, Ohio 43605.

Dated: August 10, 1973.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

[FR Doc.73-16991 Filed 8-14-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 95]

[Docket No. 19798; FCC 73-820]

ANTENNA HEIGHT RESTRICTIONS

Notice of Proposed Rule Making

In the matter of amendment of § 95.37 (c) concerning the antenna height restrictions on Class C or D stations in the Citizens Radio Service.

1. The Commission has under consideration the petitions for rule making in the above-entitled matter which have been submitted by the Five County C. B. Club, Inc. (RM-800), the late George Nims Raybin (RM-953), the Electronic Industries Association (RM-1688), Alert (RM-1714), the Illinois State Citizens Band Radio Association Inc., (RM-2126), and the United States Citizens Radio Council (RM-2147). All of the foregoing petitions request amendment of § 95.31 to increase the permissible height for Class D station antennas.

2. RM-800 requests that antennas be allowed to be 20 feet above any natural formation, tree, or man-made structure within a specified distance from the antenna structure. RM-953 requests that § 95.37(c)(1) and (2) be amended by changing "20" to "25." RM-1688 requests essentially two changes to allow antennas to be 60 feet high, (1) if they are not within one mile from airport or, (2) if they are shielded by a structure located within 500 yards of the antenna structure. RM-1714 proposes a limitation of 200 feet except within a specified slope pattern. RM-2126 proposes to allow antennas to be as high as 100 feet and would establish a slope pattern. RM-2147 requests a maximum height of 80 feet except within a specified slope pattern.

3. The Commission is in agreement with the basic thrust of these petitions for rule making. The present Class D antenna rules, see § 95.37(c), have resulted in some inequities and as pointed out in RM-2147 in some cases is discriminatory to Citizens licensees as opposed to other land mobile radio operators. However, any change the Commission makes in the rules affecting antenna height limitations must meet at least the following criteria. First, it must be capable of uniform application without the necessity for Commission consideration on an individual application basis of the facts in a particular case. The large volume of Citizens radio applications received each month precludes any rule which would require such an individual determination. Second, the uniform application of the rule must result in no situation where the antenna might be considered to be a potential hazard to air navigation under Federal Aviation Administration (FAA) regulations. Third, the rule must be written in a manner so as to be easily understood and applied to particular situations by licensees.

4. None of the suggested rules contained in the foregoing petitions comply with all of these criteria. RM-800, 953, 1688, and 1714 all fail to comply with the FAA regulations. RM-2126 and 2147 would require the Commission to make a determination on certain applications that no antenna hazard exists. Accordingly, the Commission is unable to find that any of the proposed rule amendments contained in the aforementioned petitions present a viable alternative to our present Class D antenna rules.

5. Moreover, putting aside the FAA standards and the need for individual examination by the Commission of proposed antenna construction, the Commission is somewhat concerned that any rule based on a slope pattern, as many of the six petitions are, will prove difficult for licensees to understand and apply properly. Slope patterns, it should be emphasized, are not measured from ground level but from the established elevation (mean sea level) of the airport. While other radio services, with the exception of the Amateur Radio Service, use slope patterns, licensees in those services have trained manufacturers representations available for consultation and assistance. Citizens Radio Service licensees for the most part do not have that type of assistance available to them.

6. Nevertheless, the Commission proposes to amend § 95.37(c) to provide some relaxation of the antenna height limitations. Currently, a Class C or D station antenna must comply with at least one of the limitations contained in subparagraphs 1 through 4 of that section. The Commission proposes to amend § 95.37(c) to allow a Class D or Class C antenna and its supporting structure to be as high as 60 feet, in many cases, if it is more than 6,000 feet from an airport. For antenna structures located within 20,000 feet of an airport we are proposing a slope pattern but with an explanatory note. This note sets forth the procedure a licensee must use in order to determine the maximum permitted antenna height when his antenna structure is located within the slope pattern. It is important to emphasize that our proposed rule still will present some difficulties in application. A licensee who wants to erect an antenna higher than 20 feet within 20,000 feet of an airport will be required to determine his antenna site's height above sea level and also the airport's established elevation (height above mean sea level). Under our proposed rule he may then erect an antenna to the limit of the slope pattern from the level of the airport but not more than 60 feet above ground level. A practical example of this requirement is that if the nearest airport is 40 feet above sea level, the antenna site is 50 feet above sea level and 4,000 feet from the airport, then the antenna may only be 30 feet above ground level not 40 feet as might otherwise be supposed. Another example of this is if the nearest airport is 50 feet above sea level, the antenna site is 40 feet above sea level and 4,000 feet from the airport, then the antenna may be 50 feet above ground level. The practical effect on the proposed rule is that an applicant must drawn an imaginary horizontal line from the level of the airport to this antenna site. From that imaginary line, he may erect an antenna of one foot in height for every 100 feet in horizontal distance from the nearest point of the runway but not more than 60 feet above ground level. See figures 1 and 2.

7. The primary purpose of permitting such an increase in height is to enable licensees to erect antennas above nearby obstacles which may absorb radiated energy and thus decrease ability to communicate. The Commission believes that the 60 foot maximum proposal of this notice represents a reasonable antenna height which will accomplish this purpose. Moreover, this increase in permissible height may tend to decrease television interference problems since it will allow increased height differential between Class D antennas and television antennas.

8. These proposed amendments will provide in substantial degree the relief requested in these six petitions while still meeting the criteria set forth in paragraph 3 of this notice. The text of the proposed amendment is set forth in the attached Appendix. We invite, however, suggestions and comments from informed persons on how we might be able to simplify these proposed rules and whether increased antenna heights will cause undue interference.

9. The proposed greater antenna heights will, however, result in a general escalation in transmission distances. When high gain directional antennas, e.g., Yagis and cubical quads, are employed, the increase in propagated signal strength by sky wave transmission may be sufficient to encourage illegal long distance skip communications. Accordingly, we are inviting specific comments on whether we should ban the use of high gain directional antennas in the Class D service after January 1, 1976, while permitting Omni-directional antennas with a maximum gain of 3 dB.

10. Authority for this action is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 15, 1973, and reply comments on or before October 26, 1973. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

12. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: August 2, 1973.

Released: August 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

Part 95 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 95.37 is amended to read as follows:

§ 95.37 Limitations on antenna structures.

* * * * *

(c) A Class C or Class D station operated at a fixed location shall employ a transmitting antenna which complies with at least one of the following:

NOTE: a manmade structure is any construction other than a tower, mast, or pole.

1. The antenna and its supporting structure does not exceed 20 feet in height above ground level; or

2. The antenna and its supporting structure does not exceed by more than 20 feet the height of any natural formation, tree or man-made structure on which it is mounted; or

3. The antenna is mounted on the transmitting antenna structure of another authorized radio station and does not exceed the height of the antenna supporting structure of the other station; or

4. The antenna is mounted on and does not exceed the height of the antenna structure otherwise used solely for receiving purposes, which structure itself complies with subparagraph (1), (2), or (5) of this paragraph.

5. The highest point of the antenna or its supporting structure does not exceed 60 feet above ground level and the highest point also does not exceed one foot in height above the established airport elevation for each 100 feet of horizontal distance from the nearest point of an airport runway.

Determining maximum antenna height for class C/D citizens radio service stations under subparagraph 5. The highest point, for an antenna installation used in a station licensed in the Class C and Class D categories of the Citizens Radio Service, is 60 feet above ground level, except where the installation would penetrate an imaginary sloping line extending outward from an airport runway. In such areas, antenna installations could pose hazards to operating aircraft. Only those installations which would exceed one foot above the nearest runway for every 100 feet from the runway would be limited to less than 60 feet in height. Because the antenna site ground level may be at a different elevation than the runway, both points must be referenced to a common line, in this case mean sea level, in order to determine the maximum allowable antenna height above ground level. Prior to erecting an antenna structure, the following procedure must be followed to determine the maximum allowable antenna height above ground level (MAAHAGL).

Step 1. The use of a suitable topographic map(s) is necessary. From the map(s), determine the elevation above mean sea level (AMSL) of the antenna site.

Elevation of antenna site = ------ feet AMSL.

Step 2. Contact the operator of the airport having the runway nearest to the antenna site, and determine the elevation AMSL of the point on the runway nearest to the antenna site.

Elevation of nearest airport runway = ------ feet AMSL.

Step 3. From the map(s), determine the distance in feet between the antenna site and the nearest point on the runway.

Distance from nearest airport runway = ------ feet.

Step 4. Determine the maximum allowable height of the antenna installation *above the nearst airport runway.* This is done by dividing the distance between the antenna site and the runway (determined in step 3), by 100.

Maximum allowable height of antenna installation above nearest airport runway (within the 60 feet above antenna site ground level limitations).

(divide) ------ (from step 3) = ------ feet. 100

Step 5. Determine the maximum allowable height of the antenna installation above mean sea level. This is done by adding the height determined in step 4 to the elevation of the runway determined in step 2.

Maximum allowable height of the antenna installation above mean sea level.

------ feet AMSL (from step 2)
(add) +------ feet (from step 4) =------ feet AMSL

Step 6. Determine the maximum allowable height of the antenna installation above ground level. This is the maximum vertical distance from the topmost point of the antenna installation above the ground level immediately below that point. This is done by substracting the elevation of the antenna site (determined in step 1) from the maximum allowable height of the antenna installation above mean sea level (determined in step 5).

Maximum allowable antenna height above ground level (MAAHAGL)

------ feet AMSL (from step 5)
(subtract) −------ feet AMSL (from step 1) =------ feet

NOTE: In no case may the MAAHAGL exceed 60 feet! In case the elevation of the antenna site (determined in step 1) exceeds the maximum allowable height of the antenna installation above mean sea level (determined in step 5), the MAAHAGL shall be 20 feet.

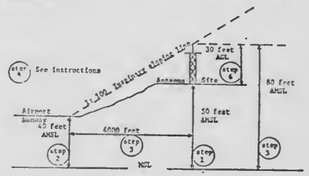


Figure 1. Elevation of antenna site above elevation of runway.

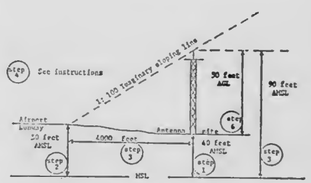


Figure 2. Elevation of antenna site below elevation of runway.

[FR Doc.73-16796 Filed 8-14-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 73-1112]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendment Relating to Loans on Second or Vacation Homes

AUGUST 8, 1973.

The Federal Home Loan Bank Board considers it advisable to propose an amendment of § 545.6-1(a) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1(a)) for the purpose of limiting the authority of a Federal savings and loan association regarding the making of certain loans in excess of 80 percent of the security property's value to the making of such loans on the security of a borrower's single-family dwelling which the borrower certifies is or will be his "principal" dwelling place. Pursuant to the present provisions of said § 545.6-1(a), such loans also may be made on the security of a borrower's second or vacation home.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend said § 545.6-1(a) by revising subdivision (iv) of subparagraph (4) thereof to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552, by September 15, 1973, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential

[1] Commissioners H. Rex Lee and Reid absent.

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treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.6–1 Lending powers under sections 13 and 14 of Charter K.

Any Federal association which has Charter K may, under sections 13 and 14 thereof, make the following types of loans on the security of first liens on improved real estate and the use by such an association of loan plans, practices, and procedures which comply with the applicable provisions of §§ 545.6 to 545.6–13, are hereby approved by the Board:

(a) *Homes or combination of homes and business property*—

(1) *Monthly installment loans.* Subject to the limitations of § 545.6–7, installment loans may be made on homes or combination of homes and business property for an amount not in excess of 75 percent of the value thereof, repayable monthly within 30 years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency: *Provided,* That, when the members of such an association have authorized loans to be made for an amount exceeding 75 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(i) 80 percent of the value, if the loan is not an insured or guaranteed loan;

(ii) The maximum percentage of the value acceptable to the insuring agency, if an insured loan;

(iii) 80 percent of the value, plus the amount guaranteed if a guaranteed loan.

. . . . .

(4) *Loans in excess of 80 percent of value.* The limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 90 percent in the case of any loan with respect to which the following requirements are met:

. . . .

(iv) The borrower, including a purchaser who assumes the loan, has executed a certification in writing stating (a) that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executive by the borrower or has been contracted or agreed to be so given or executed, and (b) that the borrower is actually occupying the property as the borrower's principal dwelling or that the borrower in good faith intends to do so;

. . . . . .

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73–16882 Filed 8–14–73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 73–214]

MICHAEL FRANK PRPICH

Cancellation With Prejudice of Customhouse Broker's License

AUGUST 7, 1973.

Notice is hereby given that the Commissioner of Customs on August 7, 1973, pursuant to section 641, Tariff Act of 1930, as amended, and section 111.51(b), Customs Regulations, as amended, upon the specific request of Michael Frank Prpich canceled with prejudice customhouse broker's license No. 2841 issued to him on March 4, 1955, for Customs Collection District No. 39 (now the Customs District of Chicago). The Commissioner's decision is effective as of August 7, 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.73–16955 Filed 8–14–73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of California State Protraction Diagram

AUGUST 7, 1973.

Notice is hereby given that effective September 17, 1973, the following protraction diagram, approved March 16, 1970, is officially filed and of record in the California State Office, Bureau of Land Management, Sacramento, California. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10:00 a.m. of the above date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM 79

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 24 N., R. 3 E.,
Secs. 1 to 35, inclusive.
T. 25 N., R. 3 E.,
Secs. 1 to 4, inclusive;
Secs. 6 and 7;
Secs. 9 to 15, inclusive;
Secs. 18 to 35, inclusive.
T. 26 N., R. 3 E.,
Secs. 1 to 15, inclusive;
Sec. 17, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 18 and 19;
Sec. 20, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 31, NE¼, S½NW¼, S½;
Secs. 22 to 35, inclusive.
T. 24 N., R. 4 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 25 N., R. 4 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 26 N., R. 4 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.

Copies of this diagram are for sale at two dollars ($2.00) each by the Survey Records Office, Bureau of Land Management, Room E–2807, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

[SEAL] ELEANOR K. WILKINSON,
Chief, Branch of Records and Data Management.

[FR Doc.73–16860 Filed 8–14–73;8:45 am]

NORTH DAKOTA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 7, 1973.

Notice of a Bureau of Sport Fisheries and Wildlife application, Montana 039303 (ND), for withdrawal and reservation of lands for a waterfowl production area, was published as a FEDERAL REGISTER Document No. 60–7222, on page 7338 of the issue for August 4, 1960. The applicant agency has canceled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR, Part 2353, such lands, at 10 a.m., on August 24, 1973, will be relieved of the segregative effect of the above-mentioned application.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73–16931 Filed 8–14–73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74–10]

W. B. SPRADLIN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), W. B. Spradlin Coal Company, located at Lafollette, Tennessee, has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 1.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the addition of berms or guardrails would make it impossible to maintain proper drainage and would hamper snow removal. The road would ice over during winter months and the grader now used for maintenance could no longer be used. Petitioner also states that additional man-hours and equipment would be needed for road maintenance which would result in an increased accident potential during snow and ice conditions. The installation of guardrails would not be effective because they would have to be built on fill material.

As an alternative method petitioner wishes to continue maintaining its roads by its currently existing methods. Petitioner states that by using its current methods of maintenance, its roads, are as safe as possible.

Petitioner contends that the application of the mandatory standard will result in a diminution of safety to miners in the affected area. Petitioner contends that berms and guardrails would create a drainage hazard by creating improper drainage which would cause washouts and hazardous conditions in wet weather. The road is too narrow to build berms, therefore, solid rock would have to be blasted, resulting in a highwall which would be a new hazard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before September 14, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

AUGUST 1, 1973.

[FR Doc.73–16858 Filed 8–14–73;8:45 am]

Office of the Secretary

ANDREW P. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

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This statement is made as of June 30, 1973.

Dated: June 30, 1973.

ANDREW P. JONES.

[FR Doc.73-16921 Filed 8-14-73;8:45 am]

B. C. HULSEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 28, 1973.

Dated: June 28, 1973.

B. C. HULSEY.

[FR Doc.73-16920 Filed 8-10-73;4:44 pm]

B. M. GUTHRIE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 28, 1973.

Dated: June 28, 1973.

B. M. GUTHRIE.

[FR Doc.73-16918 Filed 8-14-73;8:45 am]

C. N. WHITMIRE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 1, 1973.

Dated: July 3, 1973.

C. N. WHITMIRE.

[FR Doc.73-16929 Filed 8-14-73;8:45 am]

CARLOS O. LOVE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 1, 1973.

Dated: July 1, 1973.

CARLOS O. LOVE.

[FR Doc.73-16922 Filed 8-14-73;8:45 am]

FRED M. TREFFINGER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 27, 1973.

Dated: June 27, 1973.

F. M. TREFFINGER.

[FR Doc.73-16927 Filed 8-14-73;8:45 am]

HARLEY L. COLLINS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 27, 1973.

Dated: June 27, 1973.

HARLEY L. COLLINS.

[FR Doc.73-16916 Filed 8-14-73;8:45 am]

JOHN MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 2, 1973.

Dated: July 2, 1973.

JOHN MADGETT.

[FR Doc.73-16923 Filed 8-14-73;8:45 am]

RAY F. DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 30, 1973.

Dated: July 5, 1973.

RAY F. DAVIS.

[FR Doc.73-16917 Filed 8-14-73;8:45 am]

ROBERT J. MARCHETTI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 28, 1973.

Dated: June 28, 1973.

ROBERT J. MARCHETTI.

[FR Doc.73-16924 Filed 8-14-73;8:45 am]

ROBERT WINFREE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 26, 1973.

Dated: June 26, 1973.

ROBERT WINFREE.

[FR Doc.73-16928 Filed 8-14-73;8:45 am]

SAMUEL RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 1, 1973.

Dated: July 1, 1973.

SAMUEL RIGGS SHEPPERD.

[FR Doc.73-16925 Filed 8-14-73;8:45 am]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 30, 1973.

Dated: July 2, 1973.

WILLARD B. SIMONDS.

[FR Doc.73-16926 Filed 8-14-73;7:45 am]

WILLIAM HENNE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 2, 1973.

Dated: July 2, 1973.

WILLIAM HENNE.

[FR Doc.73-16919 Filed 8-14-73;8:45 am]

Office of the Secretary

[INT FES 73-44]

FINAL ENVIRONMENTAL STATEMENT ON THE PROPOSED ENDANGERED SPECIES CONSERVATION ACT OF 1973

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for the proposed Endangered Species Conservation Act of 1973 (HR 4758).

The proposed legislation would amend present authority enbodied in the Endangered Species Conservation Act of 1969. Among provisions of the new legislation are (1) expansion of the definition of endangered to include species and subspecies not only threatened with extinction but those likely within the foreseeable future to become threatened with extinction; (2) provision for the first time of Federal regulation of the taking of endangered non-migratory species; (3) restoration of authority to acquire lands and waters with Land and Water Conservation Funds; and (4) increase the penalties for violation of the Act. Overall result of the action will be more effective protection and management of more species and subspecies, both native and foreign.

Copies of the final statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
1500 N.E. Irving Avenue
Portland, Oregon 97208
Bureau of Sport Fisheries and Wildlife
500 Gold Avenue, S.W.
Albuquerque, New Mexico 87103
Bureau of Sport Fisheries and Wildlife
Federal Building, Fort Snelling
Twin Cities, Minnesota 55111
Bureau of Sport Fisheries and Wildlife
17 Executive Park Drive
Atlanta, Georgia 30329
Bureau of Sport Fisheries and Wildlife
U.S. Post Office and Courthouse
Boston, Massachusetts 02109
Bureau of Sport Fisheries and Wildlife
10597 West Sixth Avenue
Denver, Colorado 80215
Bureau of Sport Fisheries and Wildlife
Office of Area Director
813 D Street
Anchorage, Alaska 99501
Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
Room 2246
18th and C Streets, N.W.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

Dated: August 7, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary—Program Development and Budget.

[FR Doc.73-16859 Filed 8-14-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CITIZENS ADVISORY COMMITTEE ON CIVIL RIGHTS

Notice of Determination

Notice is hereby given that the Secretary of Agriculture will appoint a Citizens Advisory Committee on Civil Rights for the purpose of reviewing the Department's policies, practices and procedures which promote equality of opportunity. The Secretary has determined that establishment of this Committee is in the public interest in connection with the duties imposed on the Department by law.

The Committee members will be from varied backgrounds and interests. The Committee, which will report to the Secretary, will terminate two years from the date of establishment.

This notice is given in compliance with Public Law 92-463. Views and comments of interested persons must be received by the Director, Office of Equal Opportunity, on or before September 14, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Office of Equal Opportunity, during regular business hours (7 CFR 1.27 (b)).

Dated: August 9, 1973.

JOE WRIGHT,
Assistant Secretary for Administration.

[FR Doc. 73-16948 Filed 8-14-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL AERONAUTICS & SPACE ADMINISTRATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00038-00-41700. APPLICANT: National Aeronau-

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tics & Space Administration, Ames Research Center, Moffett Field, California 94035. ARTICLE: Accessories for Cilas VD-320(c) Laser System. MANUFACTURER: Compagnie Industrielle Des Lasers, France. INTENDED USE OF ARTICLE: The articles are accessories for a Cilas VD-320(c) laser system used in fundamental studies of the interaction of intense (laser) radiation with matter. Investigations of the possible self-focusing of laser light in a plasma, spontaneous magnetic field in laser-produced plasma, and anomolous soft x-ray emission in a laser plasma are now in progress. In addition, the stimulation of long chain organic dye vapors, using the second and fourth harmonics of the fundamental (1.06 u) Nd^3-glass output wavelength will be investigated.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The application relates to compatible accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessories being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-16849 Filed 8-14-73;8:45 am]

VETERANS ADMINISTRATION HOSPITAL—DURHAM

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D. C. 20230.

DOCKET NUMBER: 73-00516-33-46040. APPLICANT: Veterans Administration Hospital Chief, Supply Service, 508 Fulton Street, Durham, N.C. 27705. ARTICLE: Electron Microscope, model JEM 100B. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used for studies of various types of materials. In general, human, animal microbial and viral tissues will be studied. Also, homogenized, centrifuged fractions of tissue will be examined, for example, in order to determine their content. Studies will range from low magnification survey studies to high resolution membrane and protein subunit analysis. Planned experiments include: (1) Study of spherical and tubular particles in the serum of patients with hepatitis and in the serum of asymptomatic chronic carriers.

(2) Studies on macromolecules such as fibrin, DNA, ribosomes, antibodies (such as IgM), collagen, muscle proteins, etc., and

(3) Low power studies on kidney biopsies.

The article will also be used for training of residents, medical and graduate students, and technologists, including student technologists in various aspects of electron microscopy.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corporation. The Model EMU-4C has a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated July 27, 1973 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-16847 Filed 8-14-73;8:45 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00241-31-41700. APPLICANT: University of California, Los Alamos Scientific Laboratory, Post Office Box 990 Los Alamos, NM 87544. ARTICLE: Amplifier, double discharge for CO_2 laser system. MANUFACTURER: Lumonics Research Ltd., Canada. INTENDED USE OF ARTICLE: The article is intended to be used as a preamplifier stage for a 1000 Joule CO_2 laser system currently under construction which will be used to investigate radiation damage in materials and the feasibility of controlled thermonuclear fusion.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The foreign article provides the capabilities of a 10.6 mircrometer wavelength, CO_2 laser amplifier. The article will be used as a preamplifier stage for a 1000 joule CO_2 laser system which requires amplification of a 1 multi-joule pulse to 50 multi-joules. We are advised by the National Bureau of Standards (NBS) in its memorandum dated July 31, 1973 that the capabilities of the article described above are pertinent to the applicant's research studies. NBS further advises that it knows of no domestically manufactured instrument scientifically equivalent to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-16850 Filed 8-14-73;8:45 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 72-00431-65-46070. APPLICANT: University of California, Lawrence Livermore Laboratory, CA 94550. ARTICLE: Scanning electron microscope, Model S-4. MANUFACTURER: Cambridge Scientific Instruments, Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used in research programs in the solid state/thin film area, specifically, surface topography of nucleating thin films, diagnostics of integrated, emulsion studies of holographic plates, and laser mirrows. For organic Chemistry programs the article will be used in the study of nucleation, growth, and peculiar morphologies of organic crystalline solids. In support of the general Metallurgy programs, the article will be used to great advantage in the study of fracture mechanics, hydrogen embrittlement, properties, of composite materials, and dynamic deformation studies. The article will also be used for dynamic phase transformation studies in the temperature range from −115°C. to +400°C. in Plutonium Metallurgy programs. Additionally, surface morphological and contamination rate studies on ceramic and salt-type materials and metal hydrides as well as characterization of particulate matter pertinent to environmental studies will require the use of the article.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (February 16, 1972).

REASONS: The foreign article is equipped with an electron gun having a Lanthanum Hexaboride (LaB_6) rod emitter. The use of an LaB_6 emitter instead of a tungsten filament source increases the resolution capability of a scanning electron microscope resulting in obtaining a greater amount of useful information from the specimen being observed. We are advised by the National Bureau of Standards (NBS) in its memorandum dated July 31, 1973 that the LaB_6 emitter is pertinent to the applicant's intended research. NBS further advises that it knows of no domestic manufacturer that could supply an LaB_6 equipped scanning electron microscope at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-16851 Filed 8-14-73;8:45 am]

UNIVERSITY OF CALIFORNIA—LOS ANGELES

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00511-75-41700. APPLICANT: University of California-Los Angeles, 405 Hilgard Avenue, Los Angeles, Calif. 90024. ARTICLE: Model TEA-103-IF laser. MANUFACTURER: Lumonics Research, Ltd., Canada. INTENDED USE OF ARTICLE: The article is intended to be used for studies of high density plasmas to determine the degree of reflection or absorption of 10.6 u laser radiation by plasmas.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The foreign article is a high-powered (5 joules output in fundamental mode, 1 to 2 joules in central spot with angular divergence 0.6 milliradian) CO_2 laser (10.6 micrometer wavelength). We are advised by the National Bureau of Standards (NBS) in its memorandum dated July 31, 1973 that the specifications of the article cited above are pertinent to the applicant's research studies involving coupling of energy and momentum locally into a plasma via non linear effects. NBS further advises that it knows of no domestically manufactured instrument scientifically equivalent to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-16853 Filed 8-14-73;8:45 am]

UNIVERSITY OF ILLINOIS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00246-33-46595. APPLICANT: University of Illinois at Urbana-Champaign, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. ARTICLE: Pyramitome, Model LKB 11800-1. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used to obtain sections for use in the electron microscope from limited, nearby regions in the glomerulus of man and various animals which are oriented to each other at 90°. The article will also be used in the courses Biology-Chemistry 429; Electron Microscopy with Laboratory and Biology-Chemistry 493; Advanced Electron Microscopy (research projects) to teach graduate students in the Biological Sciences new modern method of preparing materials for study under the electron microscopes.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The foreign article has the ability to trim two precise pyramids oriented at exactly 90° from each other from which ultrathin sections may be cut. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 27, 1973 that the characteristic described above is pertinent to the applicant's three dimensional study of the glomeruli and their capillary walls. HEW further advises that it knows of no domestic instrument having an equivalent capability and accuracy of angle measurement.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division

[FR Doc.73-16848 Filed 8-14-73;8:45 am]

UNIVERSITY OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00350-33-46040. APPLICANT: University of Washington, Department of Genetics

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SK–50, Seattle, Wash. 98195. ARTICLE: Electron microscope, Model EM 201. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used for studies of isolated biological particles including avian ribosome crystals and yeast chromatin particles by negative staining in sodium phosphotungstate, uranyl acetate, and other heavy-metal salts to determine their three-dimensional structures. Sections of plastic-embedded cells from which these particles are derived will also be examined by the article. Examination of spread deoxyribonucleic acid (DNA) molecules, prepared by the methods of Kleinschmidt and others will also be carried out. Another research application will be in the development of very small electron-dense particles—10 to 20 Angstroms in diameter—to serve as means of marking the locations of particular macromolecules within ribosomes, chromatin particles, and other highly organized aggregates. In addition the article will be used for teaching of pertinent electron microscopic methods to graduate students in genetics and biochemistry. This instruction is encompassed by the course entitled Genetics 584, Analysis of Genetic and Biochemical Systems by Electron Microscopy.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (November 20, 1972).

REASONS: The foreign article is equipped with a eucentric goniometer stage, capable of motion through large angles. At the time the foreign article was ordered, the most closely comparable domestic instrument was the Model EMU–4C electron microscope manufactured by Forgflo Corporation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 27, 1973 that the eucentric goniometer stage of the foreign article is pertinent to the applicant's studies involving examination of the third dimensional ultrastructure of single ribosomes and ribosome crystals to determine the macromolecular orientation. HEW further advises that the Model EMU–4C does not have a scientifically equivalent stage. We, therefore, find that the EMU–4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

A. H. STUART,
Director Special Import Programs Division.

[FR Doc.73–16852 Filed 8–14–73;8:45 am]

UNIVERSITY OF WISCONSIN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73–00526–01–90000. APPLICANT: University of Wisconsin, department of biochemistry, 420 Henry Hall, Madison, Wis. 53706. ARTICLE: Rotating anode X-ray generator, model GX–6. MANUFACTURER: Elliott Automation Radar Systems, Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used to make X-ray diffraction studies of single crystals of macromolecules like proteins and nucleic acids. The intensities of the thousands of reflections made by X-rays from the generator passing through the crystal will be photographically recorded and then processed to aid in the calculation of an electron density map which reveals the three-dimensional architecture of these giant molecules.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The foreign article provides a focused spot of minimal size and a rotating target for maximum x-ray power. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 27, 1973 that both of the characteristics of the article described above are pertinent to the applicant's research studies. HEW further advises that it knows of no domestic instrument that provides both of the pertinent characteristics.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Divisions.

[FR Doc.73–16846 Filed 8–14–73;8:45 am]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

National Marine Fisheries Service

MARINE MAMMAL PROTECTION ACT

Notice of Issuance of Letters of Exemption

Notice is hereby given that, on July 16 and 19, 1973, as authorized by section 101(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq., 86 Stat. 1027 (1972)), and § 216.13 of the regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177, 28182, December 21, 1972), Letters of Exemption from the provisions of the Act on grounds of undue economic hardship were issued to the following named persons authorizing them to engage in the following described activities, subject to the conditions specified in the Letters:

(1) On July 16, 1973, to Bernd Gerhard Wuersig, Division of Biological Sciences, State University of New York at Stony Brook, Stony Brook, New York 11790, to capture by net and affix radio transmitting devices to as many as three dusky dolphins (*Lagenorhynchus obscurus*) and to affix visual tags to as many as 12 dusky dolphins within one-half mile of the shore of Golfo San Jose, Chubut, Argentina, between July 16 and October 21, 1973, for the purposes of scientific research. A notice containing a summary of this application was published in the FEDERAL REGISTER on May 16, 1973 (38 FR 13839).

(2) On July 19, 1973, to John L. Hrachovec, President, Black Hills Marineland, Inc., P.O. Box 1243, Rapid City, South Dakota 57701, to take three California sea lions (*Zalophus californianus*) for public display. A notice containing a summary of this application, and containing a request to take also one Atlantic bottle-nose dolphin (*Tursiops truncatus*) was published in the FEDERAL REGISTER on March 6, 1973 (38 FR 6088) and, after notice in the FEDERAL REGISTER on April 6, 1973 (38 FR 8758) a public hearing to consider the application was held in Pensacola, Florida on April 25, 1973. Prior to the hearing, the Applicant's request to take the Atlantic bottlenose dolphin was withdrawn when the Applicant contracted to lease a dolphin from another displayer.

(3) On July 19, 1973, to Dr. H. L. Stone, Chief, Cardiovascular Control Section, Division of Comparative Marine Neurobiology, Galveston, Texas, to take and hold 10 California sea lions (*Zalophus californianus*) to continue scientific research efforts to describe their diving reflexes elicited by face immersion. A notice containing a summary of this application, describing a request for 20 sea lions, was published in the FEDERAL REGISTER on March 7, 1973 (38 FR 6087) and, after notice in the FEDERAL REGISTER on April 6, 1973 (38 FR 8757) a public hearing to consider the application was held in Galveston, Texas, on April 24, 1973. At that hearing, the Applicant reduced his request from 20 to 15 sea lions. The decision to grant an exemption for only 10 sea lions was based on the fact that the holding facility for the sea lions, Sea-Arama Marineworld in Galveston, Texas, could maintain only 10 sea lions properly between the date of issuance of the Letter of Exemption and October 21, 1973, after which no sea lions could be taken under a Letter of Exemption.

(4) On July 19, 1973, to Keith C. Koontz, P.O. Box 87, Savoonga, Alaska, to take by shooting as many as 10 bearded seals (*Erignathus barbatus*), 30 ringed seals (*Pusa hispida*), 30 harbor seals (*Phoca vitulina*) and 10 ribbon seals (*Histriophoca fasciata*) for subsistence purposes. A notice containing a summary of this application was published in the FEDERAL REGISTER on June 15, 1973 (38 FR 15742).

(5) On August 1, 1973, to Clyde A. Hill, San Diego Zoological Garden, P.O. Box 551, San Diego, California 92112, to take four ringed seals (*Pusa hispida*), two bearded seals (*Erignathus barbatus*), and two ribbon seals (*Histriophoca fasciata*) for public display. A notice containing a summary of this application and containing a request to take also four southern sea lions (*Otaria byronia*) was published in the FEDERAL REGISTER on June 8, 1973 (38 FR 15088). The request to take the southern sea lions was denied due to the Applicant's failure to demonstrate that he would suffer undue economic hardship should an exemption for these animals not be granted.

Copies of the applications for the exemptions, of the Letters of Exemption and of all supporting documents except documents containing information exempt from public disclosure pursuant to the Freedom of Information Act (5 U.S.C. 522(b)), are available for inspection at the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and at the National Marine Fisheries Service Regional Offices.

The Regional Offices are located at the following addresses: Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213–831–9281; Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617–281–0640; Southeast Region, William C. Cramer Federal Office Building, 144 First Avenue South, St. Petersburg, Florida 33701, telephone 813–893–3141; Northwest Region, Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109, telephone 206–442–7575; Alaska Region, P.O. Box 1668, Juneau, Alaska 99801, telephone 907–586–7221.

Dated: August 8, 1973.

ROBERT W. SCHONING,
Director.

[FR Doc.73–16880 Filed 8–14–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–121]

JOHN F. SULLIVAN

Appointment as Federal Coordinating Officer

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11725 of June 27, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238, to administer the Disaster Relief Act of 1970 (Public Law 91–606, 84 Stat. 1744), I hereby appoint John F. Sullivan as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for the Disaster listed below, effective July 1, 1973:

State	Disaster Number	Declaration Date
Massachusetts: Vice Philip D. Bassett, appointed July 4, 1972 (37 FR 13585, July 11, 1972).	325	March 6, 1972

Dated: July 31, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73–16996 Filed 8–14–73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 24963 and 24964; Order 73–8–53]

ALLEGHENY AIRLINES, INC.

Order to Show Cause

Application of Allegheny Airlines, Inc. for an amendment of its certificate of public convenience and necessity for Route 97 so as to delete Poughkeepsie, New York.; application of Allegheny Airlines, Inc. for authority to suspend service temporarily at Poughkeepsie, New York.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of August, 1973.

By Order 73–2–39, February 9, 1973, the Board set for hearing an application filed by Allegheny Airlines to delete Poughkeepsie, New York, from the carrier's route 97. The prehearing conference was held on April 3, 1973, but by Notice of May 9, 1973, the Administrative Law Judge deferred further procedural steps pending disposition of a motion filed by Allegheny to delete Poughkeepsie via Show Cause procedures. Allegheny's motion was filed in response to a letter sent to the Administrative Law Judge by the county executive of Dutchess County, New York (Poughkeepsie) which advised that the County would not oppose Allegheny's application or participate further in the proceeding. The New York State Department of Transportation also advised the Administrative Law Judge that it would not oppose Allegheny's request.

Upon consideration of the pleadings and all the relevant facts, the Board has decided to issue an Order to Show Cause proposing to amend Allegheny's certificate so as to delete Poughkeepsie. The Board tentatively finds and concludes that the public convenience and necessity require the amendment of Allegheny's certificate so as to delete Poughkeepsie. It further tentatively finds that Allegheny is fit, willing and able properly to perform the transportation to be authorized in the proposed certificate and to conform to the provisions of the Act and the Board's rules, regulations and requirements thereunder.

By Orders 70–1–130, January 27, 1970, and 70–12–159, December 31, 1970, the Board authorized Mohawk Airlines (Allegheny's predecessor) to suspend service temporarily at Poughkeepsie contingent upon a satisfactory level of air taxi replacement service. The Board noted at that time that Poughkeepsie had been a low traffic-generating point, that suspension would eliminate an uneconomic point from the local service carrier's system, and that the replacement air taxi service would be commensurate with the community's traffic-generating potential. Nothing over the past two to three years casts doubt on those conclusions. Indeed, Allegheny indicates that resumption of service would result in an operating loss of about $58,000 and increase its subsidy need by approximately $81,000, assuming one round trip five days per week between Poughkeepsie and Binghamton with Convair 580 aircraft. Similarly, the carrier observes that Poughkeepsie is connected to the national air transportation network by air taxi service to New York, Boston, Washington, Binghamton, and Burlington, Vermont; that there is rail and bus service available to numerous destinations; and that the city is located adjacent to an excellent network of limited-access four-lane highways.

Interested persons will be given fourteen days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein amending Allegheny's certificate of public convenience and necessity for route 97 so as to delete Poughkeepsie, N.Y.; [1]

2. Any interested persons having objection to the issuance of an order mak-

[1] Condition (15) will also be appropriately amended.

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ing final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within fourteen days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph 5, below, a statement of objections together with a detailed summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon Allegheny Airlines, the New York State Department of Transportation, the County of Dutchess, the Department of Aviation of the County of Dutchess, and the Bureau of Operating Rights.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-16979 Filed 8-14-73;8:45 am]

[Docket 25691, 25725, 22859; Order 73-8-46]

AMERICAN AIRLINES, INC., ET AL.

Order of Suspension

Container loading and/or unloading proposed by American Airlines, Inc. Braniff Airways, Inc. United Air Lines, Inc.; Domestic Air Freight Rate Investigation.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of August, 1973.

By tariff revisions bearing the posting dates of June 28 and July 10, and marked to become effective August 12, 1973, American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), and United Air Lines, Inc. (United) propose to establish a rule providing carrier loading and/or unloading at airport terminals and "city terminals." [1]

At the designated airport terminals, the rule proposes loading or unloading, but not both, by the several carriers at specified charges, as follows:

Container Type	Charge per Container		Carrier
	Loading	Unloading	
A	N.A.	$18.00	AA, BN, UA
LD-3	$18.00	6.00	BN, UA
LD-3	N.A.	6.00	AA
LD-5	N.A.	11.00	AA
LD-7	N.A.	15.00	AA

N.A.—No service available.

[1] Rule 19 in Airline Tariff Publishers, Inc., Agent, CAB 131.

The carriers also propose to establish provisions for loading and/or unloading service to be performed by the carrier at the carrier's city terminals, as follows:

Container Type	Charge per Container			
	Loading		Unloading	
	Rate per cwt.	Minimum Charge	Rate per cwt.	Minimum Charge
A, LD-7	$.60	$18.00	$.60	$18.00
B	.60	10.80	.60	10.80
LD-1, LD-3	.60	6.60	.60	6.60
B-2, LD-N	.60	5.10	.60	5.10
D, LD-W	.60	3.00	.60	3.00

A list of 55 city terminals is contained in the proposals. Of these, 16 are apparently located at the chief commercial airport of the cities involved.[2]

In support of the proposals the carriers assert that, inter alia, this rule will extend container service to shippers who lack sufficient physical facilities to handle containers and will contribute growth to the container program by making container service available to more customers; will permit shippers to obtain loading or unloading service with full airline responsibility, and will enable the airlines to offer container service at virtually equivalent rates as motor carrier less-than-truckload service; and that the proposed charges cover the costs of container loading and/or unloading.

Complaints requesting rejection or, in the alternative, suspension and investigation of the proposed rule have been filed by The Flying Tiger Line Inc. (Tiger) and jointly by WTC Air Freight and Shulman Air Freight, Inc., air freight forwarders. The complaints state, inter alia, that this proposal will result in unjustified, broad-ranging, rate reductions on bulk traffic; that the necessary justification is not submitted; that the container discount would apply, but still leave the carrier with exposure to liability as on a bulk shipment; that the shipper will not be able to determine the transportation costs prior to loading; that the proposal does not demonstrate that carrier containerization of bulk traffic would result in sufficient cost savings to offset dilution; that the container discounts exceed the charges for loading and unloading; and that the proposal is not clear with respect to application of assembly and distribution rules. Tiger estimates that it would experience annual revenue dilution of approximately $966,000.

In their answers to the complaints, American[3] and United variously assert, among other things, that dilution of revenue will be minimal, if any; that no burden of loss and damage claims will be shifted to the airlines; that no significant portion of current bulk traffic will shift to containers; that approximately 50 percent of United's current lower-deck containerized traffic is now being loaded/unloaded by someone other than the shipper; that there are numerous container loading and unloading services available today outside the tariff performed by independent cartage agents and carrier subsidiaries; that the airline's cost for handling containerized freight remains the same whether the freight is containerized and tendered by the shipper to the airline or whether it is containerized and tendered by the ACI contractor; that the Board has previously endorsed the expanded availability of the container program to shippers lacking facilities; and that United does not and will not load daylight discounted containers on prime-time night freight flights, thus extending daylight discounts to bulk traffic.

The proposed rule for loading and/or unloading comes within the scope of the Domestic Air Freight Rate Investigation, Docket 22859, and its lawfulness will be determined in that proceeding. The issue now before the Board is whether to reject or suspend the proposal or permit it to become effective pending final decision of the Board in that investigation. We shall not reject the proposal because the filing conforms to the Board's tariff regulations.

Upon consideration of all relevant factors, however, the Board finds that the proposed rule should be suspended pending investigation. We believe that the proposal would significantly reduce the carrier economies of containerization for the shipments involved and reduce the justification for the current container discounts to shippers.

The container program instituted by the carriers several years ago involved incentive discounts to shippers on the basis of economies to the carriers. These economies were essentially grounded on the basis that carriers would receive loaded containers from consignors and tender such containers to consignees, thus bypassing the air freight terminals. This would save the airlines the cost of loading and unloading containers and of keeping track of numerous pieces, and reduce loss and damage.[4] In fact, the current tariff requires that containers entitled to a discount be loaded by the shipper and unloaded by the consignee at places other than the carriers' premises. Beginning in May 1971, however, certain carriers filed exceptions to the foregoing, along the following lines: (1) Carriers may unload at their premises specified container types; (2) consignees may unload containers at carriers' premises; and (3) shippers may load and/or consignees unload containers at carriers' premises (Orders 71-5-13, 71-5-52, and 72-10-42).

[2] The carriers, in addition, propose that the current pick-up and delivery rules, which cover service between shipper's dock and airport, be revised to permit stopping-in-transit at city terminals (at no increase in rates) for the loading or unloading services proposed.

[3] American and United filed separate answers to each of the two complaints. The answers on behalf of American were submitted by Air Cargo, Inc., the airlines' wholly owned subsidiary, which, inter alia, negotiates pick-up and delivery contracts with truckers for the airlines.

[4] Bulk traffic also moves in containers for the most part, but these containers are loaded and unloaded by the airlines.

The current proposals, however, go far beyond the present exceptions, to such an extent as to significantly alter the current containerization procedures. Instead of receiving loaded containers from shippers or their agents, carriers would receive bulk shipments and load them into LD-3 containers (the principal containers for wide-bodied jets) on their own premises, or load and unload other types of containers at city terminals. These city terminals are, in numerous cases, at the airports and close to the carrier's premises. As indicated above, a number of carriers currently offer unloading services at their own airport terminals.

At the current level of container rates, shippers would frequently find that container discounts significantly exceed the charges paid by the shippers and consignees for loading and unloading. Thus, in our view, carriers would often incur unwarranted dilution of revenues, inasmuch as they would grant container discounts to numerous bulk shipments that they would continue handling in the same fashion as now (carrier loading and unloading of containers).

In fact, the proposals may result in reducing the flexibility of carrier operations by permitting shippers to specify the container types desired. When carriers currently load bulk shipments in containers, they may be able to combine several shipments in the same container. But this would be impossible under this proposal.

In their answers, the carriers assert that there are currently available container loading and unloading services offered by concerns that enable shippers to obtain container discounts without loading the containers themselves. American refers to ACI contractors and United calls them independent entrepreneurs and carrier subsidiaries, stating that they operate at rates outside of the tariff.

The foregoing arguments miss the thrust of our objections. It has always been possible for shippers and consignees to have others perform loading and unloading of the containers for which discounts were offered. The point is that carriers incurred no costs for these operations, and their premises (allegedly overcrowded) were not utilized. Under the proposals, two of the three carriers would load certain containers at their own terminals and other containers at city terminals, frequently at the airports close to their own terminals.[5] Consequently, the carriers would load bulk shipments into containers, but would be giving container discounts under the proposed rule. Although the carriers assert that the loading and unloading charges would be compensatory, they are not closely related to the differential between the charges for bulk and containerized freight; thus, the economic basis for container discounts appears subverted. Such basic changes in the economics of containerized service should, in our view, await conclusion of the cost and other studies presently in process in the Domestic Air Freight Rate Investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the rates, charges, and provisions described in Appendix A hereto are suspended and their use deferred to and including November 9, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. Except to the extent granted herein, the complaint of The Flying Tiger Line Inc. in Docket 25691 and the joint complaint of WTC Air Freight and Shulman Air Freight, Inc., in Docket 25725 are dismissed; and

3. Copies of this order shall be filed with the tariff and served upon American Airlines, Inc., Braniff Airways, Inc., The Flying Tiger Line Inc., United Air Lines, Inc., WTC Air Freight, and Shulman Air Freight, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc. 73-16980 Filed 8-14-73;8:45 am]

[5] As indicated, the third carrier, American, proposes to load various containers at city terminals.

[Docket 23333 and 25280; Order 73-8-39]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rate Matters

AUGUST 8, 1973.

Agreement adopted by the International Air Transport Association relating to cargo rate matters.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted for expedited effectiveness at the Worldwide Cargo Traffic Conference held in May–June, 1973 at Mexico City.

The resolutions dealt with herein propose amendments to the specific commodity rate structure applicable within the Western Hemisphere. These amendments, insofar as they would affect air transportation, are set forth in Attachment A.[1] Additionally, the resolutions revalidate certain intra-Pacific commodity rates, not applicable in air transportation, due to expire September 29, 1973 for a one day period to September 30, 1973, and propose a new cargo escape resolution for application in the Mid Atlantic area. We will approve subject to conditions the amendments to Western Hemisphere specific commodity rates since these rates remain below the otherwise applicable general cargo rates, and will likewise approve subject to condition the new Mid Atlantic escape resolution. We will disclaim jurisdiction with respect to the resolution dealing with revalidation of the intra-Pacific specific commodity rates since none of the rates involved affect air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions incorporated in Agreement 23748, as indicated in the attachment hereto, are adverse to the public interest or in violation of the Act provided that approval is subject to conditions stated herein:

Agreement C.A.B. 23748	IATA No.	Title	Application
R 1	590	(Expedited) Specific Commodity Rates Board (Amending)	1

Provided, That approval shall not constitute approval of the specific commodity descriptions contained herein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from date of filing.

Agreement C.A.B. 23748	IATA No.	Title	Application
R 3	0012	Mid Atlantic Escape Resolution—Cargo (New)	1 2

Provided, That with respect to Resolution 0012, all notices sent or received pursuant to said resolution shall be filed with the Board at the same time and in the same manner as circulated to the carriers; provided further that any change, deletion, or addition to the Mid Atlantic cargo rate structure and related resolutions, whether or not in air transportation as defined by the Act, shall be filed with the Board under section 412 of the Act, and approved by the Board prior to being placed in effect.

2. It is not found that the following resolution, incorporated in Agreement 23748, as indicated, affects air transportation within the meaning of the Act:

Agreement C.A.B. 23748	IATA No.	Title	Application
R 2	590	(Expedited) Specific Commodity Rates Board (Amending)	3

Accordingly, *It Is Ordered That:*

1. Agreement C.A.B. 23748, R–1 and R–3, be and hereby is approved subject to the conditions set forth herein; and

2. Jurisdiction is disclaimed with respect to Agreement C.A.B. 23748, R–2.

Persons entitled to petition the Board for review of this order, pursuant to

[1] Attachment filed as part of the original document.

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the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-16977 Filed 8-14-73;8:45 am]

[Docket 23333; Order 73-8-30]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

AUGUST 7, 1973.

Agreement adopted by Joint Traffic Conferences of the International Air Transport Association relating to specific commodity rates.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic regulations, between various air carriers, foreign aid carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA) and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names four additional specific commodity rates and the cancellation of an existing rate, as set forth in the attachment [1] hereto, reflecting reductions from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated July 27, 1973.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *It Is Ordered*, That:

1. Agreement C.A.B. 23822, R-1 through R-5 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained herein for purposes of tariff publication, provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and

2. The findings and approval herein shall not be deemed to modify the findings and Order of the Board in its decision in Agreements Adopted by IATA Relating to North Atlantic Cargo Rates, Order 73-2-24 of February 6, 1973, as amended and finalized by Order 73-7-9 of July 5, 1973, and are subject to all provisions of such order.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-16978 Filed 8-14-73;8:45 am]

[1] Attachment filed as part of the original document.

ENVIRONMENTAL PROTECTION AGENCY

CONNECTICUT

Request for State Program Approval for Control of Discharges of Pollutants to Navigable Waters

Section 402(b) of the Federal Water Pollution Control Act (33 USC 1251) provides that the Governor of a State desiring to administer the National Pollutant Discharge Elimination System (NPDES) program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the U.S. Environmental Protection Agency (EPA) a full and complete description of the program it intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless he determines that (1) the State does not have adequate legal authority to comply with Section 402(b) of the Act, including the authority to issue permits which comply with all pertinent requirements of the Act and the authority to abate violations of any permit (including civil and criminal penalties); or (2) the State does not comply with the requirements for State permit programs promulgated by the Administrator pursuant to section 304(h)(2) of the Act. A complete description of the State program elements necessary for approval of the State program was published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR 124), beginning at page 28390. (A copy is available by writing the above address.)

The State of Connecticut has submitted a full and complete Request for State Program Approval, and proposes that the Connecticut Department of Environmental Protection, Room 129, State Office Building, Hartford, Connecticut 06115 (Douglas Costle, Commissioner, 203/566-3245), operate the NPDES permit program for discharges into navigable waters of the State in compliance with the Act.

This request and program description may be inspected at the offices of the Water Compliance Unit of the Connecticut Department of Environmental Protection at the above address or at the Regional Office of the U.S. Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203 (617/223-5600).

A public hearing to consider this request will be held at the Hall of the House, The State Capitol Building, Hartford, Connecticut, on September 13, 1973, at 10 a.m. It will continue until all present are heard.

The hearing panel will consist of the Administrator's representative who will serve as the Presiding Officer, the Commissioner of the Department of Environmental Protection or his representative, and the Regional Administrator, Region I, EPA, or his representative.

All interested persons wishing to comment upon or object to this request are invited to appear at the public hearing to present their views. Written comments may be presented at the hearing or submitted within 5 days thereafter either in person or by mail to the Regional Office of the U.S. Environmental Protection Agency at the above address, marked "Attention: Permits Branch".

Oral statements will be received and considered, but, for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to bring additional copies for the use of the hearing panel and other interested persons.

A written transcript of the hearing will be made. The hearing record will be kept open for 5 days following the hearing to permit persons to submit additional written statements or to present evidence or views to rebut testimony presented at the hearing.

All comments or objections received on or prior to 5 days following the hearing date or presented at the public hearing, will be considered in the formulation of the Regional Administrator's recommendation to the Administrator regarding Connecticut's Request for State Program Approval. Further information can be obtained by contacting the EPA Permits Branch by telephone (617/223-3061) or in writing at the above address.

ALAN G. KIRK II,
Acting Assistant Administrator for Enforcement and General Counsel.

AUGUST 9, 1973.

[FR Doc.73-16992 Filed 8-14-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19793; FCC 73-791]

CHASTAIN ET AL.

Order Regarding Oral Argument Before Commission En Banc

In the matter of referral of Chastain et al. v. AT&T from the United States District Court for the District of Columbia.

1. We have before us a Memorandum-Order of the Honorable Oliver Gasch, Judge, United States District Court for the District of Columbia, in the case of Paul Y. Chastain and Patsy P. Chastain, et al. v. American Telephone and Telegraph Company, dated December 18, 1972. This matter was instituted as an antitrust complaint for treble damages and injunctive relief filed with the Court on July 13, 1970. Petitioners, who are fifteen individuals or business organizations, alleged therein that the American Telephone and Telegraph Company (AT&T, sometimes referred to as the Bell System operating companies) acted unreasonably in refusing to provide mobile telephone service to users of a portable manual mobile telephone device, known as the Attache Phone, between 1968 and the time that the complaint was filed. The Memorandum-Order requests the Commission to determine the justness, reasonableness, validity and effect of this policy and practice under the Communications Act of 1934, as amended. We have also received a Petition for Oral Argument and Prompt Action filed by Petitioners on March 23, 1973; a Response filed April 5, 1973 by AT&T; and a Reply to AT&T's Response filed by Petitioners on April 19, 1973. In addition to the pleadings filed with us, we are considering certain documents filed with the Court, including Plaintiff's memorandum in support of its motion for summary judgment; a number of affidavits in support of Petitioners' position; Defendant's memorandum in opposition to the motion for summary judgment; affidavits of certain individuals in support of AT&T's position, particularly those of A. A. Bottani, Jr., and Richard T. Duggan; Plaintiff's reply to the memorandum in opposition to the motion for summary judgment; and a stipulation signed by the attorneys for the parties.

2. During the period of time covered by the complaint, Petitioners had been engaged in the selling or distributing of the Attache Phone. In their petition filed with us, they requested that we determine AT&T's practices with respect to the Attache Phone unreasonable between 1968 and the time that the antitrust complaint was filed with the Court, that the policy was without any sound basis in terms of protection of the company's facilities, and that further there is nothing in communications law or policy to bar the Court from proceeding on their motion for summary judgment. AT&T argued in its response that its refusal to allow Attache Phone operation in certain areas was, and is, justified, since its general use in those areas would be detrimental to many of its customers.

3. For the reasons stated below, we find that there are questions whether AT&T's exclusionary policy with respect to Petitioners' Attache Phone during the period of time in issue, may have been unreasonable and therefore in violation of sections 201(a) and 202(a) of the Act (47 U.S.C. 201(a), 202(a)); whether the company may have violated section 214 (a) of the Act (47 U.S.C. 214(a)) by discontinuing service without first receiving authority from the Commission to do so; and whether the company has been in continuous violation of its tariff obligation under section 203(c) of the Act (47 U.S.C. 203(c)). We have decided, therefore, to hold oral argument on these questions, as amplified below.

NATURE OF THE SERVICE [1]

4. The Attache Phone is a portable, manually operated mobile telephone contained in an attache case and designed for use in mobile telephone systems such as that provided by the Bell System operating companies. Unlike a vehicular mobile telephone, the Attache Phone is not installed for use in an automobile or truck. Consequently its owner is not limited to placing or receiving calls while in a vehicle, but may instead utilize the device from any physical location where he is able to obtain mobile telephone service.

5. An Attache Phone user places a call by first manually locating an idle channel, a process which requires selection by listening to see whether an available channel is free. When an idle channel is located, a mobile operator must intervene to connect him to the desired number. Incoming calls must also go through a mobile operator, who signals the unit and connects the call by utilizing an idle channel. The need for operator assistance characterizes the Attache Phone as a manual mobile telephone as opposed to one equipped with automatic, direct dial capability.

6. Automatic dial service is a distinguishing feature of Improved Mobile Telephone Service (IMTS), the system which AT&T has increasingly implemented within the last ten years. Under most circumstances, customers equipped with automatic, IMTS mobile telephones have no need for operator assistance. In addition, idle channels over which to place a call are selected automatically without having to first manually monitor all available channels in order to locate one which is not in use. As a result, calls are initiated and received in much the same way as the modern landline telephone.

7. Mobile telephone service originated in the mid-1940's on a manual basis, but like the transformation which affected the manual landline telephone, the introduction of advanced technology has produced many mobile telephone systems that are fully automatic. By 1971, 43 per cent of the mobile telephones registered with Bell System operating companies were equipped for automatic dial service (See Dugan affidavit, paras. 6, 9). This is a significant statistic since IMTS is of relatively recent vintage, the first proposal for an automatic mobile telephone system having been granted by the Commission in 1957. In 1962, the Bell Telephone Company of Pennsylvania was granted authority for a developmental station at Harrisburg. The company's proposal outlined the design of what was referred to as Improved Mobile Telephone Service, and the system described in its 1962 application is, for the most part, identical to present IMTS operations. Since its introduction, the Commission has been aware of the growing trend of telephone companies to convert to IMTS; and moreover we believe that this trend is in keeping with the public interest.

8. Part 21 of the Commission's rules and regulations (47 CFR, 21.14(b)), provides for licensing of mobile telephones under a blanket authorization of a carrier or individually to a mobile subscriber. A customer who wishes to utilize equipment provided by a Bell System operating company will be licensed under the specific company's blanket authorization. In such a case, the customer pays a monthly rate which includes the cost of service and the cost of using the equipment for mobile telephone exchange service.[2]

9. If instead, the customer desires to furnish his own equipment, he may obtain either manual or IMTS units from numerous suppliers located throughout the country. However, by utilizing other equipment than that provided by AT&T, he is not permitted to operate under the company's blanket authorization, and must apply individually to the Commission for a license. To be so licensed, the applicant must demonstrate that he has made appropriate arrangements with a carrier for the service requested (See 47 CFR 21.15(i)). He may achieve this by including within the application a "letter of intent" to provide the service within a specified service area, signed by an authorized official of the carrier.

10. This does not mean that a subscriber can receive service only in the area designated by the letter of intent. When the customer leaves his base station of registry, he may nevertheless qualify for service as a "roamer." Roamers are mobile telephone users who, although registered in one area, are temporarily in range of a "foreign" base station. In rendering service to roamers equipped with IMTS units, a foreign IMTS base station will complete calls manually with the assistance of a mobile operator.

16. AT&T responded by asserting that there was a sound basis for excluding the Attache Phone from IMTS areas, and that the petition contained factual allegations which were contradicted by AT&T's affidavits. For this reason, an evidentiary hearing was requested. At the same time, AT&T further stated that if no hearing were deemed necessary by the Commission, then an oral argument was acceptable, provided that Petitioners had asked for one on the assumption that their arguments must prevail notwithstanding AT&T's factual allegations. In any case, the company asserted that its participation in a Commission proceeding was without prejudice to its expressed position that the policy in issue is a matter of state regulatory authority, and therefore not subject to Commission ju-

[1] The description is based in part upon the contents of documents filed with both the Court and the Commission.

[2] This charge, as well as the regulations governing the exchange use of the service are filed with state or local regulatory authorities (See 47 U.S.C. 152(b), 221(b)).

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risdiction or to attack under the antitrust laws.

17. Petitioners' reply disputed AT&T's position on jurisdiction. They claimed that the Bell System operating companies provided interstate service to mobile telephone subscribers, and offered their own affidavits which stated that the Attache Phone had been designed, at least in part, for interstate communication. Petitioners further maintained that no issues of fact were in contention that would require a hearing since they were prepared to accept AT&T's testimonial facts, although not the arguments by which ultimate conclusions were derived from testimonial facts.

COMMISSION JURISDICTION

18. We reject AT&T's contention that the Commission does not possess the jurisdictional authority to deal with this matter pursuant to the Act. AT&T argues that under Section 221(b) of the Act (47 U.S.C. 221(b)), the Commission has not been granted jurisdiction over the policy and practice in issue. It cites, in addition, a Public Notice of 1965 by which it claims the Commission affirmed its belief that it did not possess jurisdiction over mobile telephone service, Public Notice, 1 FCC 2d 830 (1965). Section 221(b) reads as follows:

> Subject to the provisions of section 301, nothing in this act shall be construed to apply, or to give the Commission jurisdiction, with respect to charges, classifications, practices, services, facilities, or regulations for or in connection with, wire, mobile, or point-to-point radio telephone exchange service, or any combination thereof, even though a portion of such exchange service constitutes interstate or foreign communication, in any case where such matters are subject to regulation by a State Commission or by local governmental authority.

19. AT&T has misconstrued section 221(b), for that section denies us jurisdiction over exchange service in cases where mobile service areas cross a state border, as it does in metropolitan Washington, D.C. To say that the Commission has no jurisdiction over local mobile telephone exchange service, is not to say that the Commission has no jurisdiction over mobile telephone service at all. The user of a mobile telephone is not only offered exchange service through AT&T's tariffs filed with the state regulatory agencies, but is offered interstate toll service pursuant to AT&T's Tariff FCC No. 263 (See sections 1.1; 3.4 of Tariff). By filing this tariff, AT&T must be held to concede that part of the use of mobile telephone service is subject to our jurisdiction under Title II of the Act. According to Petitioners' affidavits, the Attache Phone was designed to be used for interstate communication as well as for local exchange service (See Rosenberg affidavit, paras. 3–7; Hennings affidavit, paras. 1–4). Thus, we must conclude that we have jurisdiction over interstate, non-exchange calls placed by users of mobile telephone under Title II of the Act, and that we may therefore proceed with this matter in accordance with the Court's request and pursuant to our own statutory authority.

20. AT&T's reference to the 1965 Public Notice lends no support to its argument, for that document was concerned with miscellaneous common carriers providing mobile telephone service. Moreover, the Public Notice goes on to assert that the Commission does have jurisdiction with respect to any interstate toll calls transmitted through interconnection of a mobile system with the telephone network.

COMMISSION PROCEDURE

21. The Court has charged the Commission with the duty of determining the reasonableness and effect of AT&T's exclusionary policy with regard to Petitioners, while leaving to the Commission's discretion the scope of the administrative examination and the factors to be considered. We feel that an evidentiary hearing is not warranted. We have been presented with the memoranda in support of, and in opposition to summary judgment, affidavits of both parties, a number of relevant documents, the pleadings specifically filed with us, and a stipulation that it is the general practice and policy of the Bell System operating companies to refuse letters of intent for manual mobile telephones like the Attache Phone when the requested service will be rendered through an IMTS base station (See Stipulation, para. 4). In addition, for the purpose of reaching our conclusions, we are accepting as true all testimonial facts offered by AT&T. However, before reaching legal conclusions on these facts, we first wish to hear oral argument from the parties.

22. Thereafter, it is our intention to advise the Court of the reasonableness, pursuant to sections 201(a) and 202(a) of the Act, of AT&T's refusal to register Attache Phones in IMTS areas during the period of time covered in the complaint. We further wish to advise the Court on a possible violation of section 214(a) of the Act, and on certain tariff matters not certified to us, and which are governed by section 203 of the Act. We believe that proceeding in this manner will satisfy the mandate of the Court, and subsequently place it in a position to rule on the antitrust questions pending before it.

QUESTIONS GOING TO THE REASONABLENESS OF AT&T'S POLICY ON ATTACHE PHONES

23. We believe that questions are raised as to whether AT&T's policy with regard to Petitioners' customers in IMTS areas has violated sections 201(a) and 202(a) of the Act, during the period of time between 1968 and the filing of the antitrust complaint.

24. The purpose of mobile telephone service is primarily to afford the public an efficient way in which to engage in two-way voice communication apart from, but in conjunction with,[3] a landline telephone installation. Mobile telephone service is offered by both landline telephone companies and miscellaneous common carriers (also known as radio common carriers). The latter category is comprised of more than 600 independent communications operations, many of them physically interconnected with landline telephone companies.

25. Manual systems and IMTS systems are the two general classifications of mobile telephone service, and in order to examine the question of AT&T's reasonableness with regard to Petitioners, it is necessary to assess the mobile telephone market during the years covered by the complaint. In the areas designated for transition to IMTS, AT&T gave what it considered to be reasonable notice of the need to convert to automatic equipment. Accordingly, vehicular manual mobile telephone customers in these areas were obliged to change their equipment to vehicular IMTS units. This may have caused some inconvenience, but it is important to note that suitable vehicular equipment was readily available from those sources previously mentioned, i.e., Bell System operating companies or independent equipment suppliers.

26. However, it appears that the same may not be true for users or potential users of portable, non-vehicular mobile telephones. In 1968, there were only manual portables available on the market, and not until June 3, 1971 was a portable IMTS mobile telephone type accepted by the Commission. As a result, the effect of excluding portable manual telephones like the Attache Phone appears to have been to preclude the use of all portable mobile telephones in IMTS areas, regardless of channel congestion in individual IMTS areas, or of the availability of suitable portable units.

27. The primary factors cited by AT&T in defense of its policy include the ability to provide a better grade of service, or service to an increased number of users, or both, where IMTS service is provided and manual mobile telephones are not registered; the enhanced privacy that results from the use of IMTS service in the absence of manual mobile telephones; the more efficient use of scarce spectrum space that is a consequence of this pattern; the danger manual mobile telephones pose in IMTS areas because of their ability to "seize" channels to the detriment of users of dial mobile telephones; and the adverse impact of manual mobile telephones, which lack automatic channel selection, on the use of the mobile telephone network as a two-way communication service (See AT&T Response, para. 17).

28. Petitioner argues that these factors were not of the same magnitude in all IMTS areas principally because circumstances such as channel congestion can vary from area to area (See Reply to AT&T's Response, paras. 18, 19, 24, and 28). AT&T admits that each of the factors listed above does vary in seriousness according to the area, but emphasized that the registration of manual mobile telephones produces disadvantages in virtually every IMTS area (See AT&T Response, para. 17; Dugan affidavit, paras. 16–25; Bottani affidavit, paras. 14–35).

[3] Mobile-to-mobile service is included within Tariff FCC No. 263, 1.1.

29. Section 201(a) of the Act provides:

> It shall be the duty of every common carrier engaged in interstate or foreign communications by wire or radio to furnish such communication upon reasonable request therefor. . . .

30. The exclusion from registry of the Attache Phone at a time when technological advancement had not yet developed portable IMTS mobile telephones presents questions of whether the carrier has complied with section 201(a). We have a situation in which it appears that a policy of complete denial from registry had been instituted on the basis that inclusion of the Attache Phone would have harmed the IMTS system, and yet AT&T has admitted that any adverse impact will differ according to the particular area under consideration. Moreover, it appears AT&T has devised no rational standards by which to deal with the Attache Phone even though the effects of its use differed in varying IMTS areas. Under such circumstances, it is questionable whether denial of all requests for service made by users of the Attache Phone is reasonable. Such a blanket prohibition may not be justifiable under section 201(a), the Carterphone decision, 13 FCC 2d 420 (1968),[4] or the decision in Hush-A-Phone v. U.S., 99 U.S. App. D.C. 190, 238 F. 2d 266 (D.C. Cir., 1956),[5] in the absence of a showing that Attache Phone users could not have been accommodated in any IMTS area without an unacceptable impact on IMTS efficiency. We are not suggesting that exclusion of the Attache Phone would have been improper under all circumstances. It does not appear, however, that AT&T made an attempt to define those circumstances wherein prohibition from registry would have been reasonably appropriate. A blanket prohibition so broad that it failed to consider diverse factors in varying IMTS areas, raises a question of whether there was an unreasonable denial of service upon reasonable request.

31. There is nothing in the record before us to show that AT&T conducted any surveys or technical studies in order to distinguish the difference in the impact of Attache Phones in those IMTS areas with heavy subscriber congestion or an abundance of roamers, and in those areas where problems of congestion were less severe. We note that AT&T admits serving IMTS roamers manually in foreign IMTS areas (See Bottani affidavit, para. 12). From this, it appears that mobile operators were necessary in order to provide roamer service, and that manual units were capable of being accommodated, for IMTS roamers could have access to the mobile telephone system only if they operated in the manual mode. We have previously held that the telephone company could set up reasonable standards by which to deal with communications devices, Carterphone, 13 FCC 2d 420, 424 (1969); however, AT&T has,thusfar, made no showing that any thought was given by the company to the development of appropriate standards which might have been applied to Petitioners' customers. Instead these customers appear to have been, apparently, completely refused registration without regard to the condditions that existed at the time in specific IMTS areas, and despite the fact that the Attache Phone might have been accommodated in any IMTS area that provided service to roamers.

32. Section 202(a) of the Act reads as follows:

> It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

33. The exclusion of Attache Phones at a time when IMTS portable equipment was unavailable, presents the question of whether AT&T may have subjected Petitioners to an undue and unreasonable prejudice in derogation of Section 202(a). Although use of the Attache Phone might not have had a significantly deleterious effect on IMTS areas without heavy subscriber congestion, it appears that the refusal to register was absolute. If AT&T excluded the device from an entire mobile telephone market without a proper technological basis, Petitioners and their customers could have been unreasonably prejudiced and disadvantaged in violation of Section 202(a).

34. For the foregoing reasons, we believe that substantial questions are raised, which we do not now resolve, as to past violations of sections 201(a) and 202(a) of the Act. We recognize that recently there has been a significant change in market conditions regarding mobile telephones, i.e., portable IMTS units are now available. While we do not find at this time sufficient reason to institute a proceeding on our own motion as to the present propriety of AT&T's policy, we do not exclude the possibility of a properly supported complaint filed pursuant to section 208 of the Act (47 U.S.C. 208) which might allege facts sufficient to raise questions of present reasonableness with respect to AT&T's actions.

REQUIREMENTS OF SECTION 214(a) OF THE ACT

35. Section 214(a) of the Act provides:

> • • • No carrier shall discontinue, reduce, or impair service to a community, or part of a community unless and until there shall first have been obtained from the Commission a certificate that neither the present nor future public convenience and necessity will be adversely affected thereby. • • • Provided, however, that nothing in this section shall be construed to require a certificate or other authorization from the Commission for • • • changes in plant, operation or equipment, other than new construction, which will not impair the adequacy or quality of service provided.

36. When AT&T implemented its stated policy that manual mobile telephones would not be registered in IMTS areas, it did so without first obtaining authority from the Commission to discontinue the service. This omission may have adversely affected users and potential users of the Attache Phone.

37. Section 63.60 of the Commission's rules and regulations gives certain examples of discontinuance, reduction, or impairment of service, (47 CFR: 63.60). Among such examples are:

a. the closure by a carrier of a public telegraph office, a telephone exchange rendering interstate or foreign telephone toll service, a public toll station serving a community or part of a community • • •. (63.60(a)(1));

b. the reduction in hours of service by a carrier at a public telegraph office, at a telephone exchange rendering interstate or foreign telephone toll service, at any public toll station • • •, or at a public coast station (63.30(a)(2));

c. the termination or suspension by a carrier of pickup and delivery service in connection with message telegraph service to any community or part of a community • • • or the substitution of a delivery agency for the handling of messages in lieu of direct handling by a telegraph office (63.60(a)(3));

d. the dismantling or removal from service of any trunk line by a carrier which has the effect of impairing the adequacy or quality of service rendered to any community or part of a community (63.60(a)(4));

e. the severance by a carrier of physical connection with another carrier • • • or the termination or suspension

[4] Carterphone had similarly begun as an antitrust action, brought by the inventor of a device which permitted a person receiving an incoming landline telephone call to transmit such call from the location received to another location by use of two-way radio communication. AT&T's tariff had provided that no apparatus not furnished by the company could be attached to its facilities. The hearing examiner found that the device did not adversely affect the telephone system, and that the tariff to prohibit attachment was prospectively unreasonable since it did not take into consideration whether or not the device would cause harm, Carterphone, 13 FCC 2d 430 (1967). In reviewing the decision, the Commission found the tariff to be in violation of sections 201(b) and 202(a) of the Act, but further stated that it was not finding that the telephone company may not prevent the use of devices which do cause harm, Carterphone, 13 FCC 2d 420, 424 (1968).

[5] Hush-A-Phone involved the acceptability of a cup-like device mechanically fastened to the mouthpiece of a telephone handset. The Court held that a tariff prohibition of a customer supplied foreign attachment interfered with the telephone subscriber's right reasonably to use his telephone in ways which were privately beneficial without being publicly detrimental. After Hush-A-Phone, the Commission directed AT&T to rescind any tariff regulations that prohibited a customer from using, in connection with interstate or foreign service, any device which did not injure its employees, its facilities, the public in its use of those facilities, or impair the operation of the telephone system. Hush-A-Phone v. AT&T, 22 FCC 112 (1957).

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of the interchange of traffic with such other carrier (63.60(a)(5)).

38. The foregoing examples are not exclusive, and we find that the discontinuance from registry of manual mobile telephone service in IMTS areas may have been a discontinuance under section 214(a) of the Act. Manual mobile telephone service was offered to registered subscribers in each of the IMTS area communities in issue. When registry ceased to become possible, this service was discontinued on a regular basis without the procedures required by section 214(a).

39. In these circumstances, we think that substantial question is raised as to whether there has been a violation of section 214(a).

REQUIREMENTS OF SECTION 203 OF THE ACT

40. AT&T's Tariff FCC No. 263 applies to long distance message telecommunications service offered by the company. It appears that AT&T did not set forth in its tariffs the exclusion of manual mobile telephones from registry in certain areas. section 203(c) of the Act provides:

• • • No carrier shall • • • (3) employ or enforce any practices affecting such charges [for interstate communications] except as specified in such schedule.

41. From February 1, 1968, to the present time, the only interstate tariff limitations on service to vehicles in AT&T's tariff offering are:

Public Land Mobile Service is available to vehicles equipped for this service when within range of a Base Station through which such service is furnished.* Service is subject to transmission, atmospheric and like limitations (see Attachment, Tariff FCC No. 263, section 3.4.1(a)(2)).

42. The tariff sections relating to mobile telephone service cite no other limitations, and we see nothing within the tariff which might be reasonably construed to limit service only to automatic dial equipped mobile telephone equipment.

43. For the foregoing reasons, we think questions are raised as to whether AT&T has been in continuing violation of section 203(c).

44. In view of the foregoing questions, we find that oral argument should be held upon the issues below.

45. We request that 10 days prior to oral argument, AT&T supply us with facts as to whether, or to what extent, if any, the exclusion of the Attache Phone from IMTS areas was based upon technical surveys or any other studies carried out before the policy decision to exclude Attache Phone from registry was implemented. Moreover, if surveys or studies were made, we request that AT&T provide independent results from each separate area where such surveys, etc., were conducted. AT&T should also list those areas which converted to IMTS in which no surveys, etc., were made prior to conversion.

46. Accordingly, oral argument will be held on the following issues:

(a) To determine whether or not AT&T failed to furnish communication service to persons wishing to use Attache Phones upon reasonable request therefor in violation of 201(a) of the Act.

(b) To determine whether or not AT&T unjustly or unreasonably discriminated against persons wishing to use Attache Phones in the practices and regulations pursued by the company in violation of section 202(a) of the Act.

(c) To determine whether or not AT&T was in violation of section 214(a) of the Act for failing to apply to the Commission for certification to discontinue mobile telephone service to persons wishing to use Attache Phones in IMTS areas on a registered basis.

(d) To determine whether or not AT&T is in violation of section 203(c) of the Act for failing to include within FCC Tariff No. 263 the provision that manual service is not rendered to manual mobile telephone users on a registered basis in IMTS areas.

47. *It is ordered,* (a) That oral argument will be held before the Commission *en banc* at 9:30 a.m. on September 24, 1973, (b) That the parties here designated are authorized to present oral argument in the following order for the times designated:

Chastain, et al., 30 minutes.
AT&T, 30 minutes.

and (c) That Chastain, et al. may reserve part of their time for rebuttal.

48. *It is further ordered,* That the Petition for Oral Argument and Prompt Action filed March 23, 1973, by Petitioners is granted, to the extent indicated above.

Adopted: July 26, 1973.

Released: Aug. 2, 1973.

By the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16909 Filed 8-14-73;8:45 am]

*Stations other than vehicles which are authorized by the Federal Communications Commission to communicate with a Base Station are considered as vehicles (See Attachment, Tariff FCC No. 263, section 3.4.1(a)(2)).

FEDERAL MARITIME COMMISSION

PORT OF PORTLAND AND COOK INDUSTRIES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 4, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Lloyd B. Robinson, Esq.
Legal & Regulatory Department
Port of Portland
Box 3529
Portland, Oregon 97208

Agreement No. T-2832, between the Port of Portland (Port) and Cook Industries, Inc. (Cook), provides for the construction and 30-year lease (with renewal options) of a grain elevator and terminal facility at the Port of Portland, Oregon. Cook will operate the facility as a public agricultural products facility and will act as Port's agent in its construction. As rental, Cook will pay Port a monthly amount which when added to the amount on deposit in a bond fund shall be equal to the amount payable as interest and principal on the bonds used in financing the facility. Port will assess and collect all dockage charges at its posted tariff rates, while Cook will collect all wharfage, service and facility charges, storage and other charges at a published tariff rate. The Port is restricted from entering into a more favorable leasing arrangement with a new grain elevator for 15 years from the date the 1973 bonds are issued. By Order of the Federal Maritime Commission.

Dated: August 10, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-16947 Filed 8-14-73;8:45 am]

FEDERAL POWER COMMISSION

[Dockets Nos. CI74-68, CI74-69, CI74-70]

ANADARKO PRODUCTION CO.

Notice of Applications

AUGUST 9, 1973.

Take notice that on July 31, 1973, Anadarko Production Company (Applicant), P.O. Box 9317, Fort Worth, Texas 76107, filed in Docket Nos. CI74-68, CI74-69, CI74-70 applications pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) for certificates of public convenience and necessity authorizing sales for resale and deliveries of natural gas in interstate commerce to Trunkline Gas Company (Trunkline) from Block 639, West Cameron Area, Block 338, West Cameron Area, and Block 320, Vermilion Area respectively, offshore Louisiana, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant in Docket No. CI74-68 proposes under the optional gas pricing procedure to sell natural gas from Block 639, West Cameron area to Trunkline at a rate of 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment, pursuant to a contract dated July 19, 1973. Said contract provides for a 1.0-cent per Mcf price escalation, for tax reimbursement to the seller and for a term of 20 years. Applicant estimates monthly deliveries of gas at 455,400 Mcf.

Applicant in Docket No. CI74-69 proposes to sell from Block 338, West Cameron area, to Trunkline at a rate of 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment, pursuant to a contract dated July 19, 1973. Said contract provides for a 1.0-cent per Mcf price escalation per year, for tax reimbursement to the seller, and for a term of 20 years. Applicant estimates monthly deliveries of gas at 375,000 Mcf.

Applicant in Docket No. CI74-70 proposes to sell gas from Block 320 Vermilion area, to Trunkline at a rate of 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment, pursuant to a contract dated July 19, 1973. Said contract provides for a 1.0-cent per Mcf price escalation per year, for tax reimbursement to the seller, and for a term of 20 years. Applicant estimates monthly deliveries at 562,500 Mcf.

Applicant states that the gas offered for certification pursuant to each contract has not been previously sold in the interstate market, nor have any applications been previously filed with the Commission for certification of the sales of such gas.

Applicant asserts that the sale of gas at the proposed price with escalations is reasonable as the cost of exploration and production from these areas is higher than those applicable in other producing areas because of the water depth and the price of obtaining the leases from the United States Government. Applicant further asserts that the proposed sales at the stated rates with escalations are in line with those being charged by other producers for gas from the same areas and that since the Commission has approved other sales from the same general area at this price level it would be reckless for Applicant, a moderate sized producer, to attempt to provide similar services at a lesser price. Applicant further asserts that the rates in the instant applications are lower than those in other contracts for both intrastate and interstate sales of gas and for sales of substitute fuels including liquefied natural gas and synthetic gas from naphtha or coal.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If petitions for leave to intervene are timely filed or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16969 Filed 8-14-73;8:45 am]

[Docket No. CI74-71]

ARKLA EXPLORATION CO.

Notice of Application

AUGUST 9, 1973.

Take notice that on July 31, 1973, Arkla Exploration Company (Applicant), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CI74-71 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Arkansas Louisiana Gas Company from the Mathers Ranch Field, Hemphill County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 60,000 Mcf of gas per month for one year at 45.0 cents per Mcf at 14.65 psia within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed wth the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16958 Filed 8-14-73;8:45 am]

[Docket No. CI73-495]

CORBIN J. ROBERTSON, ET AL.

Amendment to Application

AUGUST 9, 1973.

Take notice that on July 30, 1973, Corbin J. Robertson, et al. (Applicants), 500 Jefferson Building, Houston, Texas 77002, filed in Docket No. CI73-495 an amendment to its application filed January 22, 1973 in said docket pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) providing for the sale for resale and delivery of natural gas in interstate commerce to Northern Michigan Exploration Company (Northern Michigan) from the South Gibson Area and the Cherokee Area in Terrebone and St. Marys Parishes, Louisiana, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In its application of January 22, 1973, Applicant proposes, among other things, to sell gas at an initial rate of 46.4 cents per Mcf, plus 3.3 cents per Mcf tax reimbursement and subject to upward and downward Btu adjustment. The contract

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for said sale dated October 23, 1972, provided for 1.5 cents per Mcf annual escalation commencing on October 23, 1973, for reimbursement to the seller of 7/8 of existing and any additional State of Louisiana production, severance, gathering and similar taxes and for a term of 20 years. The application was consolidated with those of Northern Michigan in Docket Nos. CI72-301 and CI72-770 for hearing. The parties are now waiting for the initial decision in said proceeding. As the October 23, 1972, contract expired on its own terms because the Commission did not issue a certificate before July 23, 1973, Applicants and Northern Michigan entered into a new contract dated July 24, 1973.

Applicant now proposes to sell approximately 150,000 Mcf of gas per month at an initial rate of 62.2 cents per Mcf at 15.025 psia, plus 7/8 of 3.3 cents per Mcf tax reimbursement, subject to upward and downward Btu adjustment, within the contemplation of Section 2.75. The new contract provides for a 1.5-cent per Mcf annual escalation commencing on October 23, 1973, for reimbursement to seller for 7/8 of existing or additional State of Louisiana production, severance, gathering, and similar taxes and for a term of 20 years. Applicant also states that the new period of time for receiving a certificate shall be from July 23, 1973, until October 23, 1973.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests or petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16970 Filed 8-14-73;8:45 am]

DYCO PETROLEUM CORP.

[Docket No. CI73-763]

Notice Deferring Procedural Dates

AUGUST 7, 1973.

On August 2, 1973, Dyco Petroleum Corp. requested that the procedural dates as fixed by order issued July 23, 1973, in the above matter be postponed indefinitely. The request states that Northern Natural Gas Co. supports the request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are deferred pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16897 Filed 8-14-73;8:45 am]

[Docket No. CP73-334]

EL PASO NATURAL GAS CO.

Findings and Order

AUGUST 7, 1973.

In the matter of Certificate (Temporary) Gas Supply—Curtailment—Practice and Procedure (Hearing)—Waiver of Regulations granted.

On June 15, 1973, as supplemented July 24, 1973, El Paso Natural Gas Company (El Paso) filed an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of proposed additional facilities for the injection into and withdrawal from the Rhodes Reservoir, Lea County, New Mexico, of natural gas and authorizing the sale for resale and delivery of natural gas in interstate commerce from the Rhodes Reservoir during the 1973–74 heating season, all as more fully set forth in the application. On that date El Paso also filed certain proposed changes in its currently effective FPC Gas Tariff [1] for purposes of effectuating the proposed storage service.

El Paso requests temporary authorization to construct and operate the aforementioned facilities on the basis of a need to commence construction by July 15, 1973, in order for the storage volumes to be available for the 1973–74 heating season. It also requests waiver of the requirements of § 154.22 of the Commission's regulations under the Natural Gas Act in order that the proposed tariff sheets be allowed to become effective concurrently with the date of temporary authorization.

More specifically, El Paso proposes to drill up to 25 new storage injection and withdrawal wells and to construct and operate approximately 5.6 miles of 4 and 6-inch pipeline to connect the proposed additional wells to the existing facilities. Additionally, El Paso plans to recondition and workover 13 existing injection and withdrawal wells, and to make piping and scrubber modifications at the Jal No. 1 Plant that will permit the utilization of the existing 4,400 horsepower compression and dehydration plant facilities for the withdrawal cycle in addition to normal operations. All of these facilities will be located in Lea County, New Mexico.

In view of the deficiency in its current gas supply, El Paso anticipates that it will be unable to serve all of the Priority 1 [2] and Priority 2 [3] requirements of its Southern Division System during the 1973–74 heating season.

Alleviating a portion of this projected deficiency is the underlying reason for El Paso's proposal to reactivate the Rhodes Reservoir in Lea County, New Mexico, which is expected to provide a peaking service only for the east-of-California Priority 1 and 2 requirements during the 1973–74 heating season.

Under the instant proposal an additional 5.0 million Mcf of gas will be injected into storage during the period July through October, 1973, of which 2.9 million Mcf will be considered to be cushion gas and the remaining 2.1 million Mcf as working gas. This will provide the storage capability for a peak day withdrawal rate of approximately 63,000 Mcf.

El Paso estimates a possible 7.5 million Mcf deficiency for Priority 1 and 2 requirements for the 1973–74 heating season, of which 2.0 million Mcf will be attributable to its east-of-California market area and the remainder to its two California customers. Since the capability of the proposed storage project is limited, withdrawals are expected to meet Priority 1 and 2 requirements of the east-of-California customers only. El Paso maintains that the California distributor customers will receive the same amount of gas during the injection and withdrawal periods as would have been delivered without the storage facility and that the California customers do not oppose the project. The California customers are partial requirement customers with other sources of supply and their own storage facilities, whereas the east-of-California customers are total requirement customers that presently have no storage or peak shaving facilities.

El Paso proposes to increase the curtailment of its east-of-California customers that will benefit from the storage project during the injection period. For purposes of filling the contemplated storage, these customers will be required to absorb the additional 5 million Mcf curtailment for the July, August and September, 1973 period, thus incurring an aggregate three-month curtailment of 21.5 million Mcf. Inasmuch as the east-of-California customers' Priority 5 [4] requirement for this period is 38.5 million Mcf, El Paso asserts that the total curtailment can be satisfied within the Priority 5 category.

The estimated cost of this proposal is $2,216,363, which will be financed from funds on hand and short-term borrowings. Recovery of this cost is contemplated through a 0.64¢ per Mcf surcharge on Priority 1 and 2 deliveries to east-of-California customers during the period November 1973 through March, 1974.

During the 1973–74 heating season, when on any day the available supply is not sufficient to fulfill systemwide Priority 1 and 2 requirements, El Paso will allocate the available supply to the California and east-of-California customers in accordance with its curtailment plan. The remaining Priority 1 and 2 deficiency of the east-of-California customers will then be supplied by withdrawals from the Rhodes Reservoir.

In order to carry into effect the proposed storage project El Paso submitted the tariff sheets enumerated supra footnote (1). With respect to Original Volume No. 1, El Paso proposes to amend Section 11, Priorities and Curtailments, of the General Terms and Conditions to include a new Section 11.3A entitled Rules Concerning Storage Operations to Protect Priorities 1 and 2 and § 11.3B entitled Surcharge Related to Storage Operations. These provisions provide inter alia a differentiation between the primary curtailment level which would be based on available supply, exclusive of storage, and would be applicable to all customers, and a secondary level that would apply to all except the Rate Schedule G (California) customers for the injection of storage gas.

Pursuant to our notice published in the FEDERAL REGISTER, protests and petitions for leave to intervene were due on or before July 16, 1973. A notice of intervention was filed on July 9, 1973, by The People of the State of California and the Public Utilities Commission of the State of California, and timely petitions for leave to intervene were filed by Pacific Gas and Electric Company, Southwest Gas Corporation, California Gas Producers Association, Southern California Gas Company, San Diego Gas & Electric Company, Navajo Tribal Utility Authority, Salt River Project Agricultural Improvement and Power District (Salt River), and Tucson Gas & Electric Company (Tucson). Although Tucson and Salt River do not oppose the issuance of temporary authorization, they state that additional information will be necessary to determine the extent and necessity of the curtailment required for injection as well as the reasonableness of the surcharge and the method of billing and determinates. Tucson requests that this matter be set for an expedited hearing.

In view of the gas supply deficiency prevailing on El Paso's system as evidenced by its application herein and the record in Docket No. RP72-6, we find that an emergency does exist. Accordingly, we shall grant El Paso temporary authorization to proceed with construction and operation of the proposed facilities. However, we believe that the issues raised by certain customers in their petitions for leave to intervene should be resolved after development in an evidentiary hearing.

We shall require El Paso to submit testimony and exhibits supporting its position on the aforesaid issues. After distribution of this evidence, we are of the view that a conference should be scheduled to endeavor to settle the issues raised in this proceeding. If the conference does not result in a settlement, we will hereinafter set forth the procedures to be followed for the trial of this proceeding.

The Commission finds:

(1) Based upon the allegations presented in the request for a certificate authorizing the construction and operation of proposed additional facilities for the injection into and withdrawal from the Rhodes Reservoir of natural gas and authorizing the sale for resale and delivery of natural gas in interstate commerce from the Rhodes Reservoir during the 1973–74 heating season, the Commission finds that an emergency exists, and a temporary certificate should be issued as hereinafter ordered and conditioned.

(2) It is necessary and proper for purposes of carrying out the provisions of the Natural Gas Act that the provisions of § 154.22 of the Commission's regulations under the Natural Gas Act be waived, and that the tariff sheets filed by El Paso as set forth in footnote (1) above be accepted for filing to become effective as of the date of issuance of this order, subject to any further orders by the Commission in this proceeding.

(3) Participation by the above named petitioners in this proceeding may be in the public interest.

(4) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing to determine whether the public convenience and necessity require the grant of a certificate of public convenience and necessity to El Paso, and that the issues in this proceeding be scheduled for hearing in accordance with the procedures hereinafter set forth.

The Commission orders:

(A) Upon the terms and conditions of this order, a temporary certificate of public convenience and necessity is issued in this docket authorizing Applicant to construct and operate certain facilities for the injection into and withdrawal from the Rhodes Reservoir, Lea County, New Mexico, of natural gas and authorizing the sale for reseale and delivery of natural gas in interstate commerce from the Rhodes Reservoir during the 1973–74 heating season, all as more fully set out in the application herein.

(B) The temporary certificate issued above is conditioned as follows:

(1) Said temporary certificate shall take immediate effect and remain in effect pending final resolution of the issues raised herein.

(2) The issuance of this temporary certificate and the acceptance of El Paso's tariff filing, to be concurrently effective therewith in Ordering paragraph (C) below are without prejudice to such final disposition of this application for certificate as the record may require.

(3) The maximum inventory of natural gas stored in the Rhodes Reservoir shall not exceed 16.7 million Mcf at 14.73 psia and 60 degrees F., without prior authorization of the Commission.

(4) Applicant shall submit semiannual reports (to coincide with termination of the injection and withdrawal cycles) containing the following information on proposed operations:

(a) The volumes of natural gas injected and the volumes withdrawn during each month of the cycle.

(b) The volume of natural gas in the storage field at the end of the cycle.

(c) The maximum daily injection and withdrawal rates experienced during the cycle.

(d) The shut-in reservoir or wellhead pressure of each well in the storage field and the average of such pressures.

(e) The average working pressure on maximum days (referred to in Item (c)) taken at a central measuring point where the total volume injected or withdrawn is measured.

(f) A map of the most recent interpretation of the underground structure; this map need not be filed if there is no material change from the map previously filed.

(g) A tabulation of wells drilled, cleaned, or recompleted with subsea depth of formation and casing settings. Copies of any new core analysis, backpressure tests, or electric logs.

(5) Reports shall be continued to be filed until the storage inventory volume has reached or closely approximated the maximum volume permitted herein for two years thereafter.

(C) The provisions of § 154.22 of the Commission's Regulations under the Natural Gas Act are hereby waived, and the tariff sheets set forth in footnote (1) above are hereby accepted for filing to be effective as of the date of issuance of this order, subject to any further orders by the Commission in this proceeding.

(D) On or before August 24, 1973, El Paso shall file its case-in-chief providing evidentiary support for its proposal.

(E) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held in this proceeding commencing with a prehearing conference on September 12, 1973, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, Washington, D. C., for the purpose of incorporating into the record the testimony and exhibits previously distributed. Immediately thereafter the Presiding Administrative Law Judge will convene a conference for the purpose of endeavoring to settle the issues involved in this proceeding.

(F) In the event that a settlement of the issues does not result from said conference, the Presiding Administrative

[1] Consisting of First Revised Sheet No. 63–C and Original Sheet Nos. 63–C.1 and 63–C.2 to Original Volume No. 1; First Revised Sheet No 1–M and Original Sheet Nos. 1–M.1 and 1–M.2 to Third Revised Volume No. 2; and First Revised Sheet No. 7–MM and Original Sheet Nos. 7–MM.1 and 7–MM.2 to Original Volume No. 2A.

[2] *Priority 1.* Residential, small commercial (less than 50 Mcf on a peak day) and residential needs associated with industrial requirements served directly or indirectly. [The Priority 1 through Priority 5 categories are set forth in Commission Opinion No. 634, El Paso Natural Gas Company, Docket No. RP72–6, issued October 31, 1972, mimeo ed., page 8]

[3] *Priority 2.* Large commercial requirements and industrial requirements for plant protection, feedstock and process needs.

[4] *Priority 5.* Industrial requirements for large volume (in excess of 3,000 Mcf per day) boiler-fuel use where existing alternate fuel capability is present.

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Law Judge will reconvene the hearing for the purpose of ruling on all unsatisfied data requests or any other relevant matters presented. Cross-examination will commence immediately thereafter except to the extent that it is deemed impractical in light of outstanding, unsatisfied data requests. In that event the Presiding Administrative Law Judge will prescribe an appropriate date for commencement of cross-examination as well as for the filing of any answering testimony.

(G) The above named petitioners are hereby permitted to become interveners in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of said interveners shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions for leave to intervene; and *Provided, further,* That the admission of said interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose [see Delegation of Authority, 18 CFR 3.5(d)] shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-16890 Filed 8-14-73;8:45 am]

[Project No. 2219]

GARKANE POWER ASSOCIATION, INC.

Notice of Application for Approval of Exhibit L

AUGUST 7, 1973.

Public notice is hereby given that application was filed March 9, 1971, and supplemented on July 13, 1972, under the Federal Power Act (16 U.S.C. 791a–825r) by the Garkane Power Association, Inc. (Correspondence to: Mr. Glen P. Willardson, General Manager, Garkane Power Association, Inc., 56 East Center, Richfield, Utah 84701) for Commission approval of Exhibit L for the Boulder Creek Project No. 2219 located on West Fork Boulder Creek in Garfield County, Utah.

The application seeks approval of an amendment to the license for Boulder Creek Project No. 2219 for a constructed recovery pond, pumphouse, and pump used for the purpose of recovering 1–2 cubic feet per second of water which is coming to the surface from springs underneath or leakage through the West Fork diversion dam. Attempts by the Licensee to locate any leaks have been unsuccessful. The recovered water would be utilized in the powerplant for peaking purposes.

Any person desiring to be heard or to make protest with reference to said application should on or before September 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-16902 Filed 8-14-73;8:45 am]

[Project 485]

GEORGIA POWER CO.

Notice of Application for New License for Constructed Project

AUGUST 9, 1973.

Public notice is hereby given that application for new license has been filed December 13, 1971, under the Federal Power Act (16 U.S.C. 791a–825r) by Georgia Power Company (Correspondence to: Mr. I. S. Mitchell III, Vice President and Secretary, Georgia Power Company, P.O. Box 4545, Atlanta, Georgia 30302), for its constructed Bartletts Ferry Project No. 485 located in the counties of Lee and Chambers in the State of Alabama, and county of Harris in the State of Georgia on the Chattahoochee River. The Bartletts Ferry Project would be redeveloped to add 100,000 kw of new capacity to the existing 65,000 kw development. The project affects navigable waters of the United States.

The existing Bartletts Ferry Project consists of (1) a nonoverflow earth fill section approximately 1,040 feet long and generally 55 feet high, (2) a concrete gravity buttressed spillway crest elevation 499.16 feet (U.S.G.S.), 634 feet long with a maximum height of about 150 feet, (3) a concrete intake 92 feet long, (4) a 286 foot long connecting earth dike on the west side, (5) a reservoir having a surface area of about 5,850 acres at full pond elevation 520.16 (U.S.G.S.) and extending 10 miles upstream, (6) penstocks, (7) a 132 foot long powerhouse located 300 feet downstream from the dam and containing one 20,000 kw generating unit and three 15,000 kw generating units, (8) an outdoor 12/115 kv substation, and (9) other facilities appurtenant to operation of the project.

According to the application the estimated net investment is $6,578,540 which is less than the estimate of fair value. Applicant listed basic premises for determining severance damages and estimated partial severance damages as $46,845,000 but did not estimate a total. The annual taxes paid to State and local taxing authorities is $325,785.

Applicant plans to add an additional 100,000 kw of capacity at the project. The new facilities would consist of (1) an additional concrete intake section about 118 feet long to be constructed in the upstream toe of the existing nonoverflow earth fill section; (2) two 22 foot diameter welded steel penstocks about 350 feet long; (3) an additional powerhouse containing two 50,000 kw generating units; (4) an emergency spillway consisting of an earth fill section about 900 feet long, with a 190 foot long fuse plug section constructed of compacted rock fill with an impervious core, crest elevation 584.16 feet (U.S.G.S); (5) an additional substation adjacent to the powerhouse; and (6) all other facilities and interests appurtenant to redevelopment (and project operation). The estimated cost of the redevelopment is $15,939,333.

Applicant states that there are eight privately owned commercial facilities on the reservoir, seven of which provide public access areas to the reservoir. Applicant has cleared several areas for use by bank fishermen and provides two boat launching sites. There is further recreational development planned by the applicant at this time.

Applicant's market for project power (existing and redevelopment) is its service areas in Georgia, part of the Southern Company System. Average annual energy generated is 397,900,000 kwh. Applicant maintains a minimum continuous flow downstream of 800 c.f.s.

Any person desiring to be heard or to make protest with reference to said application should on or before October 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-16971 Filed 8-14-73;8:45 am]

[Docket No. E-8125]

KANSAS POWER AND LIGHT CO.

Filing of Revised Fuel Clause

AUGUST 3, 1973.

Take notice that on July 30, 1973, the Kansas Power and Light Co. (KPL) filed a revised fuel clause pursuant to the Commission's order issued May 31, 1973, in the above referenced docket, wherein the Commission directed KPL to file within 60 days of the date of the issuance of the order a fuel clause in conformance with Opinion No. 633. KPL states that the revised fuel clause is proposed to be substituted for the fuel clause originally filed in Tariff Schedule RCW–73, Wholesale Service—Rural Electric Cooperative, applicable to this class of service which superseded RCW–67. KPL states that the fuel of clause has the effect of recovering (with respect to the fuel cost component of purchased power) the seller's cost of the fuel which is consumed to generate such power as distinguished from the company's cost of fuel which might be attributed to such power.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before August 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-16903 Filed 8-14-73;8:45 am]

[Docket No. E-8125]

THE KANSAS POWER AND LIGHT CO.

Filing of Settlement Agreement

AUGUST 3, 1973.

Take notice that on July 30, 1973, the Kansas Power and Light Company (KPL) filed in the above-referenced docket a Settlement Agreement (Agreement) dated June 29, 1973, and a Petition to file settlement agreement, waive hearing, and for order placing rates into effect and terminating proceeding (Petition). According to KPL, the Agreement resolves the issues between all parties and the company requests that the Commission authorize the filing of the revised rate schedule to take effect from and after May 16, 1973, without suspension. The company further requests that the procedural dates be continued indefinitely pending Commission action upon the Petition and Settlement.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before August 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-16887 Filed 8-14-73;8:45 am]

[Docket No. E-8331]

KENTUCKY UTILITIES CO.

Notice of Application

AUGUST 7, 1973.

Take notice that on July 23, 1973, Kentucky Utilities Co. (Applicant) filed an application seeking an order of the Commission pursuant to section 204 of the Federal Power Act authorizing the issuance of $60,000,000 in short-term notes to commercial banks and commercial paper, including $14,952,175 of such notes and commercial paper which Applicant is presently permitted and entitled to issue, without an order of the Commission, pursuant to the exemption provided by subsection (e) of said section 204.

Applicant is incorporated under the laws of the State of Kentucky, with its principal business office at Lexington, Kentucky, and is engaged in the electric utility business in central, southeastern and western Kentucky.

The notes to commercial banks are to mature not more than 12 months from their respective dates of issuance and the notes in the form of commercial paper to commercial paper dealers are to mature not more than nine months from their respective dates of issuance, but in any event (as to both notes and commercial paper) not later than December 31, 1975. Each note to a bank will bear interest at an interest rate not to exceed either (a) the prime rate of interest prevailing at such bank at the date of issuance of the note or (b) the applicable prime rate or rates of interest prevailing at such bank during the term of the note, determined as follows: as to each three-month period of the term of the note, at such rate of interest prevailing on the first business day of such three-month period. The commercial paper will be issued at rates not exceeding the discount rate prevailing at the date of issuance.

The proceeds from the issuance of the notes and commercial paper will be used to provide flexibility for the Applicant in meeting its 1973, 1974 and 1975 construction programs, which are estimated at $60,230,000 for 1973, $69,835,000 for 1974 and $94,093,000 for 1975.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Power Commission, Washington, D.C. 20426, on or before August 21, 1973, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-16900 Filed 8-14-73;8:45 am]

[Docket No. RP72-132]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Revision to Tariff

AUGUST 9, 1973.

Take notice that on July 27, 1973, Natural Gas Pipeline Company of America (Natural) tendered for filing revised tariffs sheets for its FPC Gas Tariff. Natural states that this filing is made in compliance with Commission order of July 18, 1973, and reflects the elimination of Coal Option Payments in the amount of $1,000,000, a reassignment of the cost of service effect of Advance Payments for Gas 100% to the Commodity Component, and a recalculation of its PGA adjustment on the basis of the Base Average Purchased Gas Cost underlying the settlement agreement approved by the aforementioned Commission order.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 27, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-16972 Filed 8-14-73;8:45 am]

[Project 108]

NORTHERN STATES POWER CO.

Order Denying In Part Motion To Continue Hearings and for Other Purposes

AUGUST 7, 1973.

In a notice issued on July 16, 1973, the Administrative Law Judge designated to preside in this proceeding fixed the time and place of a public hearing session, now scheduled to commence on August 14, 1973, in Hayward, Wisconsin. An Intervenor, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, joined by several other Intervenors, on July 30, 1973, filed a motion to achieve three results: (1) To postpone

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the August 14 hearing until the Commission rules on the question of its authority to issue both an annual license and a new license for Project No. 108; (2) to provide that testimony taken at the scheduled public hearing session be accorded the status of evidence; and (3) to require that hearings in this proceeding be directed to, among other things, the issue of Federal take over of Project No. 108.

To the extent that it concerns the first two points, we deny the motion. As to the first point, the issuance on August 6, 1973, upon the direction of the Commission, of a public notice concerning a new annual license issued on that date to the Northern States Power Company, indicates that an opinion of the Commission, to which there will be a dissent, is forthcoming. As to the second point, the nature of the hearings and their conduct is a matter that we leave to the Presiding Administrative Law Judge, consistent with our orders of June 28 and September 8, 1972, in this proceeding, and with our general policy as set forth in our rules of practice and procedure. As to the third point, the recommendations concerning take over from the Departments of Agriculture and the Interior are already a subject of this proceeding, as indicated by our order of June 28, 1972. Such recommendations have the effect of making those Departments parties to this proceeding under § 16.8 of our regulations.

The Commission orders: The motion filed on July 30, 1973, by the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, and other Intervenors herein, is denied to the extent indicated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16901 Filed 8-14-73;8:45 am]

[Project No. 308]

PACIFIC POWER & LIGHT CO.

Notice of Application for New License

AUGUST 9, 1973.

Public notice is hereby given that application for new license has been filed on June 22, 1971, under the Federal Power Act (17 U.S.C. 791a–825r) by Pacific Power & Light Company, (Correspondence to: George L. Beard, Senior Vice President, Pacific Power & Light Company, Public Service Building, Portland, Oregon 97204; Leighton and Sherline, 1701 K Street, N.W., Washington, D.C. 20006; and Rives, Bonyhadi, Hall and Epstein, 1400 Public Service Building, Portland, Oregon 97204) for its constructed Wallowa Falls Project No. 308. The project is located in the State of Oregon, County of Wallowa, on the East Fork of the Wallowa River, near the town of Joseph, partly within the Wallowa-Whitman National Forest.

The project includes an 18 foot high rock-filled log-crib dam approximately 120 feet long forming a forebay with an area of about 0.2 acre on the East Fork of Wallowa River; water from Royal Purple Creek is diverted into the forebay through a 250 foot long 8-inch pipe. A steel penstock 5,680 feet long delivers forebay water to an indoor type power house with a single 1500 horsepower impulse type turbine driving a generator rated at 1375 kva.

There is no indication of recreational use of the project lands. It should be noted, however, that the project is located partially within the Wallowa-Whitman National Forest and is in an area inhabited by mule deer and Rocky Mountain elk. Also anadromous fish do not utilize the rivers upstream of Wallowa Lake and only a few kokanee inhabit the East Fork of the Wallowa River.

Any person desiring to be heard or to make protest with reference to said application should on or before October 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16973 Filed 8-14-73;8:45 am]

[Project No. 487]

PENNSYLVANIA (WALLENPAUPACK PROJECT)

Notice of Application for Change in Land Rights

AUGUST 7, 1973.

Public notice is hereby given that application was filed October 18, 1972, under the Federal Power Act (16 U.S.C. 791a–825r) by the Pennsylvania Power & Light Co. (Correspondence to: Mr. Austin Gavin, Executive Vice President, Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pennsylvania 18101 and Mr. Gennaro D. Caliendo, Attorney, Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pennsylvania 18101) for change in land rights for constructed Project No. 487, known as the Wallenpaupack Project, located in Wayne and Pike Counties in the vicinity of the City of Scranton and Town of Straudsberg, Pennsylvania, on the Wallenpaupack Creek.

Applicant proposes to convey approximately 0.55 acre of project land in Pike County, Palmyra Township to the Commonwealth of Pennsylvania, Department of Transportation for the purpose of highway construction.

Pennsylvania Power & Light Co. would have the right to use the property affected by the highway construction at any time for project purposes as contemplated in the license issued by the Federal Power Commission for Wallenpaupack Project No. 487.

Any person desiring to be heard or to make protests with reference to said application should on or before September 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16898 Filed 8-14-73;8:45 am]

[Docket No. E-7775]

APPALACHIAN POWER CO.

Notice of Further Extension of Time

AUGUST 3, 1973.

On July 24, 1973, Appalachian Power Co. filed a motion for a further extension of time within which to file its rebuttal case as required by notice issued June 11, 1973, in the above designated matter.

Upon consideration, notice is hereby given that the time is extended to and including August 30, 1973, within which Appalachian shall file its rebuttal case. The date of the hearing is postponed to October 9, 1973, at 10 a.m. e.d.t.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16888 Filed 8-14-73;8:45 am]

[Docket No. 72-134]

EASTERN SHORE NATURAL GAS CO.

Notice of Revision to Tariff

AUGUST 9, 1973.

Take notice that on June 12, 1973, Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing as a part of its FPC Gas Tariff the following revised tariff sheets:

Third Revised Sheet No. 3A
Third Revised PGA-1

Eastern Shore states that the revised tariff sheets increase its rates under the CD-1, CD-E, G-1, E-1, I-1 and PS-1 schedules to reflect an increase in purchased gas cost occasioned by the filing of a purchased gas cost increase by Transcontinental Gas Pipe Line Corporation on May 31, 1973, in FPC Docket No. RP73-69. Eastern Shore requests waiver of the notice requirements of § 154.22 of the Regulations under the

Natural Gas Act and of § 20.2 of its General Terms and Conditions to the extent necessary to permit the tariff sheets to become effective as of July 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16960 Filed 8-14-73;8:45 am]

[Docket No. CI74-66]

FARMERS ROYALTY POOL

Notice of Application

AUGUST 8, 1973.

Take notice that on July 30, 1973, Farmers Royalty Pool (Applicant), 3535 NW 58th Street, Oklahoma City, Oklahoma 73112, filed in Docket No. CI74-66 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America from the South Parker Field, Woodward County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell for eighteen months approximately 30,000 Mcf of gas per month at 45.0 cents per Mcf at 14.65 p.s.i.a., subject to Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16963 Filed 8-14-73;8:45 am]

[Docket No. CI73-869]

PHILLIPS PETROLEUM CO.

Postponement of Hearing

AUGUST 7, 1973

On August 3, 1973, El Paso Natural Gas Co. filed a motion for a postponement of the hearing date as fixed by order issued July 31, 1973, in the above-designated matter. The motion states that staff counsel and Phillips Petroleum Co. have consented to the continuance.

Upon consideration, notice is hereby given that the hearing in the above matter is postponed to September 11, 1973, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16899 Filed 8-14-73;8:45 am]

[Docket No. R-433]

RESERVES DEDICATION IN THE TEXAS GULF COAST AND SOUTHERN LOUISIANA AREAS

Order Granting Rehearing

AUGUST 6, 1973.

Associated Gas Distributors (AGD) on July 20, 1973, filed an application for rehearing of the Commission's order issued June 21, 1973, in the above-entitled proceeding denying AGD's motion to make the submittal by pipelines of reserves dedication reports mandatory, in lieu of voluntary as now provided in Order No. 459 issued November 10, 1972, in Docket No. R-433.

Solely for the purpose of allowing us an opportunity to give full and adequate consideration to the matters set forth in AGD's application for rehearing, we grant such application.

The Commission finds: It is appropriate and in the public interest in the administration of the Natural Gas Act that rehearing be granted for the purpose of further consideration.

The Commission orders: The application for rehearing filed by AGD is granted for the purpose of further consideration.

By the Commission.

[SEAL] MARY B. KIDD,
Secretary.

[FR Doc.73-16892 Filed 8-14-73;8:45 am]

[Dockets Nos. RP72-91, etc.]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

AUGUST 9, 1973.

Take notice that Southern Natural Gas Company, on July 31, 1973, tendered for filing 13 revised tariff sheets containing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1. On August 3, 1973, Southern tendered substitute tariff sheets for 12 of the sheets tendered on July 31. The proposed changes would increase revenues above those provided for in the Stipulation and Agreement dated May 23, 1973, in the captioned proceedings by an additional $766,013 based on the billing determinants included in Appendix B of the Stipulation and Agreement.

On July 23, 1973, the FPC approved the Stipulation and Agreement in Docket Nos. RP72-91 et al. The tendered tariff sheets are proposed to become effective forty days following the Commission's approval of the Stipulation and Agreement on September 1, 1973, pursuant to paragraph (4), Article III, of that agreement.

Copies of this filing have been served on all jurisdictional customers, interested state commissions and all parties to the proceedings.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16961 Filed 8-14-73;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Revision to Tariff

AUGUST 9, 1973.

Take notice that on August 2, 1973, South Georgia Natural Gas Company (South Georgia) tendered for filing as

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part of Original Volume No. 1 to its FPC Gas Tariff the following revised tariff sheets:

Substitute Third Revised Sheet No. 3A
Substitute Twenty-Eighth Revised Sheet No. 5
Substitute Twenty-Seventh Revised Sheet No. 6
Substitute Nineteenth Revised Sheet No. 9
Substitute Eighteenth Revised Sheet No. 11
Substitute Twenty-Second Revised Sheet No. 12B

South Georgia states that the above sheets represent a rate change under its PGA clause, such clause approved to become effective April 14, 1973, by Commission Order in FPC Docket No. RP73–49 issued April 13, 1973. The company further states that it proposes to increase its rates $71,731 for the purpose of tracking a rate increase filing by Southern Natural Gas Company (Southern) on July 31, 1973, which would increase South Georgia's cost of gas $113,393 annually. South Georgia intends that this filing be in substitution for revised tariff sheets tendered on May 29, 1973. An effective date of September 1, 1973, is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 27, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–16974 Filed 8–14–73;8:45 am]

[Dockets Nos. RP71–130 and RP72–58]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Proposed Changes in FPC Gas Tariff

AUGUST 3, 1973.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), on June 11, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1. The proposed changes revised section 12 of the General Terms and Conditions of Texas Eastern's FPC Gas Tariff which contains procedures to be followed whenever it is necessary to curtail deliveries of natural gas to its jurisdictional customers. The current modification would substitute a new Second Revised Sheet No. 92 for the one submitted May 31, 1973. This new Second Revised Sheet No. 92 supersedes First Revised Sheet No. 92 in Texas Eastern's current tariff.

Texas Eastern states that it is submitting these changes to comply with the Commission's Order issued January 24, 1973, in Docket Nos. RP71–130 and RP72–58. In addition, it states that it is incorporating into its curtailment procedures a modification of the nine priorities of service set forth in the Commission's statements of policy in Order Nos. 467, 467–A and 467–B (Docket No. R–469).

The modification of the nine priorities of service would place in category (2) any firm industrial sales of up to 300 Mcf per day in addition to the industrial requirements for plant protection, feedstock and process needs, and pipeline customer storage injection requirements presently included.

Texas Eastern states that copies of the new Substitute Second Revised Sheet No. 92 are being posted in accordance with Section 154.16 of the Commission rules and regulations.

Any person desiring to be heard or to make protest with reference to said filing should on or before August 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The filing is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–16886 Filed 8–14–73; 8:45 am]

[Docket No. RP72–98]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Change in Rates and Charges

AUGUST 10, 1973.

Take notice that on July 31, 1973, Texas Eastern Transmission Corporation (Texas Eastern) filed five substitute revised tariff sheets in Docket No. RP72–98, to reflect the rates set forth in Appendix D of its Second Revised Stipulation and Agreement dated July 27, 1973, adjusted to reflect those rate changes made by the Company subsequent to March 1, 1973, and further adjusted to reflect the rate changes provided in Articles V and VI of the July 25, 1973, Stipulation and Agreement. Texas Eastern requests waiver of the Commission's rules and regulations and proposes that the instant filed sheets become effective August 1, 1973. Copies of the tender have been served upon all authorized purchasers and interested state commissions.

Any person desiring to do so may file comments in writing with the Commission with respect to such rates. Such comments should be filed on or before August 22, 1973. The July 31, 1973, tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–16962 Filed 8–14–73;8:45 am]

[Docket No. RP72–99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Extension of Time and Postponement of Hearing

AUGUST 9, 1973.

Motions for an extension of time within which to file and serve evidence and for a postponement of the hearing date fixed by order issued July 30, 1973, in the above-designated proceeding have been filed by the following:

Piedmont Natural Gas Company, Inc.
Brick Institute of America
General Motors Corporation and Johns-Manville Fiber-Glass, Inc.
Consolidated Edison Company of New York, Inc.
The City of New York
United Cities Gas Company
North Carolina Utilities Commission

A joint answer in support of the motion of Piedmont Natural Gas Company, Inc., was filed by Atlanta Gas Light Company. The Brooklyn Union Gas Company filed a telegram opposing all motions for an extension of time.

Upon consideration, notice is hereby given that the procedural dates set by the order issued July 30, 1973, are modified as follows:

Service of direct testimony and exhibits by Transco, September 4, 1973.
Service of testimony in opposition to Transco's curtailment procedures, September 4, 1973.
Hearing to commence, September 18, 1973 (10:00 a.m., edt).

KENNETH F. PLUMB,
Secretary.

[FR Doc.16975 Filed 8–14–73;8:45 am]

[Docket No. RP73–94]

VALLEY GAS TRANSMISSION, INC.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

AUGUST 9, 1973.

On August 7, 1973, Valley Gas Transmission, Inc. filed a motion for a limited extension of time of the procedural dates fixed by a notice issued July 12, 1973. The motion states that all parties have been contacted and none have any objection. The motion also states that there is a settlement conference scheduled for August 13, 1973, at 2:30 p.m. in Room 6200, of the Federal Power Commission.

Upon consideration, notice is hereby given that the procedural dates in the above designated matter are further modified as follows:

Staff service of evidence, September 4, 1973.
Intervener service of evidence, September 13, 1973.
Prehearing conference, September 26, 1973 (10:00 a.m., EDT).
Company rebuttal evidence served, October 5, 1973.
Hearing, October 11, 1973 (10:00 a.m., EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–16976 Filed 8–14–73;8:45 am]

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Notice of Meeting and Agenda

Agenda for a meeting of the Technical Advisory Committee on Conservation of Energy Task Force on Environmental Aspects to be held at the Federal Power Commission Offices 825 North Capitol Street, N.E. Washington, D.C., 1:30 p.m., August 20, 1973, Room 5200.

1. Meeting called to order by the FPC Coordinating Representative.
2. Objectives and purposes of meeting:
A. Approval of minutes of July 9, 1973 meeting.
B. Review final draft of Jim MacKenzie's study entitled "Some Adverse Environmental Effects of Energy Consumption through the Year 2000".
C. Review the final draft of Fred Lawrence's study entitled "The Impact of Environmental Protection Legislation on Energy Use".
D. Review initial draft of Marc Roberts' study on economic and policy aspects of conservation of energy.
E. Other Business.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–16894 Filed 8–14–73;8:45 am]

EASCOGAS LNG, INC., ET AL.

Scheduling Formal Hearings, and Establishing Procedures

AUGUST 7, 1973.

Eascogas LNG, Incorporated Docket Nos. CP73–47, CP73–8 Algonquin LNG, Incorporated Docket No. CP73–139 Algonquin Gas Transmission Company Docket No. CP73–197 New England LNG Company, Inc. Docket No. CP73–199.

On June 25, 1973, Eascogas LNG, Incorporated, Algonquin LNG, Incorporated, Algonquin Gas Transmission Company, and New England LNG Company, Incorporated (Petitioners) filed an application for rehearing of our "Order Denying Motion for The Setting of a Prehearing Conference," issued in the above-titled proceedings on May 25, 1973. In the Application for Rehearing,[1] Petitioners request that we modify our order of May 25, 1973, by setting for hearing the issues involved in these dockets and granting such further relief as may be appropriate.

In our May 25, 1973 order we pointed out that Petitioners, who are also the Applicants in the above-docketed cases, had failed to submit supplementary environmental data requested by our Staff within sufficient time to allow us to grant their "Motion for The Setting of a Prehearing Conference." For this, and other reasons related largely to Petitioners' failure to prosecute their case in a timely manner, we denied their motion for a prehearing conference.

It appears now that Applicants have basically complied with certain requests of our Staff. There remain, however, several significant obstacles, discussed below, to a hasty resolution of the proceedings. Despite the numerous deficiencies still attendant to the Eascogas proposal, however, we consider it desirable to expedite the processing of their applications filed in these proceedings. The natural gas shortage which this country is currently experiencing illustrates the necessity for resolving applications which propose additional gas supplies as promptly as possible. Accordingly, we shall grant Petitioners' instant motion by consolidating the five applications which comprise the "Eascogas Project" and scheduling a formal hearing herein on those issues which we deem pertinent to the proposal.

We do not grant the instant motion without reservation, however. While preliminary environmental procedure now appears to be sufficiently near completion to warrant modifying our earlier order, many of the factors which concerned us therein and collectively led us to deny the setting of a prehearing conference at that time, are still unresolved. Therefore, our action herein is conditioned upon the several matters discussed below.

Initially, we note that, while the Department of State has by letter dated July 20, 1973, expressed no objection to the Eascogas project, no reply has yet been received from the Department of Defense to our standard request for its policy views. Defense's delay can be at least partially attributed to the Applicant's failure to supply that Department with certain requested information.[2] The viewpoints of State and Defense are not binding on us. However, as we pointed out in our order of May 25, 1973, it is our well-established policy to seek their advice on all foreign importation projects. We see no reason to further delay a hearing pending Defense's response. However, we will withhold any final disposition of the applications until Defense has informed us as to its position.

A more troubling aspect of this project is the current uncertain status of the Staten Island terminal facilities owned by Distrigas affiliates which the Applicants in Eascogas propose to use.[3] It is true, as Applicants assert in their motion, that those facilities are primarily an issue for the *Distrigas* proceedings, and that Eascogas will neither own nor operate facilities anywhere. On the other hand, we cannot blind ourselves to the very real impact the Eascogas project, should it be approved as proposed, would have on Distrigas facilities. The public interest in general, and NEPA in particular, require that we take into account the natural consequences of any proposal before us. In light of this, any authorization which we may grant for this project will be expressly conditional upon the satisfactory resolution of and Commission authorization for the operation of the Distrigas facilities.

Additionally, the environmental procedure to be followed appears to still be somewhat unsettled. As we stated in our order of May 25, 1973, the *Greene County* decision[4] and Commission Order No. 415–C require that the Staff Environmental Statement, together with any comments received thereon, be presented at any hearing(s) in a proposal. In light of this, we further stated that we believe it would be impracticable for us to schedule a hearing while the preparation of Staff's statement is still in its infancy, especially in light of the required 45-day period for circulation for comments of the statement. As we further pointed out, Staff's preparation of the Eascogas statement has been delayed to considerable extent by the Applicant's tardiness in filing all of the applications and in responding to environmental deficiency questions.

Although the Staff statement has not yet been circulated for comment, we deem it appropriate for us now to schedule a hearing in these proceedings, with a view to the 45-day circulation period and time required thereafter for finalization of Staff's statement. We still unqualifiedly reject any suggestions for a "phased" hearing which would separate the environmental testimony from the other issues. We shall therefore direct that, should testimony on all other issues be completed prior to the finalization of Staff's statement or the receipt of all environmental comments, the record shall remain open for purposes of receiving such environmental testimony in evidence and further trial of the issues involved therein. No decision by the Presiding Administrative Law Judge shall be issued prior to the completion of such testimony and subsequent closing of the record.

[1] An application for rehearing of our order of May 25, 1973 does not lie within Commission procedures. We shall, therefore treat Petitioners' application as a motion for reconsideration.

[2] It is indeed uncertain whether Defense has even yet received all of the requested information. The Department has requested information from each distribution company to receive gas from the Eascogas project. In copies filed with the Commission of the information supplied by Applicants to Defense, data from at least two distribution companies involved, Elizabethtown Gas Company and New England LNG, Inc., was lacking.

[3] By order issued May 25, 1973, in *Distrigas Corporation* Docket Nos. CP73–78, CP73–132, CP73–135; *Distrigas Pipeline Corporation*, Docket No. CP73–148; and *Distrigas of New York Corporation*, Docket Nos. CP73–205, CP73–230 (rehearing denied June 20, 1973), we required the Applicants therein to submit Section 7 applications relative to the proposed operations of their facilities. To date, no such applications have been filed.

[4] *Greene County Planning Board, et al.* v. *F.P.C.*, 455 F.2d 412 (2nd Cir., 1972) cert. denied 409 U.S. 849 (1972).

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Applicant's motion proposes numerous issues on which testimony would be filed and considered in the Eascogas hearing. While we believe all of the issues therein enumerated to be relevant, we do not consider the list exhaustive. Further issues, the consideration of which we deem vital, include reliability of service of the foreign supply, shipping costs, the heavy dependence of New England and New Jersey distributors on foreign LNG to meet residential and commercial markets, availability of alternative fuels for the markets to be served by the instant project, environmental impact of the facilities proposed in the Providence, Rhode Island area, total economic feasibility of the project, overall project safety, and any such other issues as may be pertinent and appropriate.

The Commssion notes that there exists an interrelationship between the five above-entitled docket numbers, and concludes that their ultimate disposition would best be accomplished in a consolidated proceeding. The Commission therefore shall consolidate Docket Nos. CP73–47, CP73–88, CP73–139, CP73–197, and CP73–199 for hearing and disposition of all issues.

The Commission finds.

(1) The Application for Rehearing, filed June 25, 1973 in these proceedings should be granted to the extent that it requests the scheduling of a formal hearing and consolidation of these proceedings. The scheduling of a prehearing conference, as was requested in Applicant's original "Motion for The Setting of a Prehearing Conference," filed April 6, 1973 and denied by our order of May 25, 1973, appears unnecessary in view of the delineation of the issues above. To the extent that the Application for Rehearing may request the setting of such a conference, it is denied.

(2) It is appropriate that the proceedings in the above-named applications be consolidated for hearing and decision.

(3) It is necessary in the public interest that the consolidated proceedings involving the above-named applications be set for hearing in accordance with the procedure described above.

The Commission orders.

(A) Docket Nos. CP73–47, CP73–88, CP73–139, CP73–197, and CP73–199 are consolidated for purposes of hearing and disposition.

(B) The direct case of the Applicants and all intervenors in support thereof shall be filed and served on all parties on or before August 27, 1973. The Presiding Administrative Law Judge shall fix dates for the filing of answering testimony after completion of cross-examination on direct testimony.

(C) A formal hearing shall be convened in these proceedings in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., on September 18, 1973, at 10:00 a.m. (EST). Such hearing shall consider testimony on the issues listed above and any other issues which may be relevant to the proceedings, and shall remain open until the submission of the Commission Staff's final environmental statement and any comments received on the draft statement. Furthermore, no initial decision shall be issued prior to the submission of such environmental testimony. The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the formal hearing of these matters, pursuant to the Commission's Rules of Practice and Procedure.

(D) Any authorization which may be issued for the Eascogas proposal to use Distrigas Corporation's LNG terminal facilities on Staten Island, New York, shall be expressly conditional upon final Commission authorization of those facilities in the various *Distrigas* proceedings. In the event that Section 7 applications for the Distrigas Staten Island facilities are not forthcoming, as required by our above-mentioned order of May 25, 1973 issued in *Distrigas*, or final Commission authorization for those facilities is not granted, amended applications herein will be required for that portion of the Eascogas project which proposes to utilize such Distrigas facilities.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-16895 Filed 8-14-73;8:45 am]

[Docket No. E-8332]

MINNESOTA POWER AND LIGHT CO.

Notice of Proposed Superseding Electric Service Agreement

AUGUST 7, 1973.

Take notice that Minnesota Power and Light Company (MPL) of Duluth, Minnesota on July 27, 1973, tendered for filing a proposed Electric Service Agreement between MPL and the Stuntz Cooperation Light and Power Association (Stuntz) of Hibbing, Minnesota. MPL states that the proposed Agreement is to supercede the present Agreement, FPC Rate Schedule No. 69, and requests that the proposed Agreement become effective as soon as possible. According to MPL, the proposed Agreement will have an adverse effect upon revenue.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before August 24, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16896 Filed 8-14-73;8:45 am]

[Project No. 108]

NORTHERN STATES POWER CO.

Notice of Issuance of Annual License

AUGUST 6, 1973.

On February 24, 1970, Northern States Power Company, Licensee for Chippewa Reservoir Project No. 108 located in Sawyer County, Wisconsin, filed an application for a new license under section 15 of the Federal Power Act (Act) and Commission regulations thereunder (§§ 16.1–16.6).

The license for Project No. 108 was issued effective August 8, 1921, for a period ending August 7, 1971. Since expiration of the original license, the project has been operated under an annual license. On August 4, 1972 we issued notice that an annual license was issued to Northern States Power Company under section 15 of the Act for the period August 8, 1972, to August 7, 1973, or until Federal takeover, or the issuance of a new license for the project, whichever came first.

The Chippewa Reservoir (Flowage) Project consists of: (1) A dam about 1,290 feet long and about 45 feet high, comprising a concrete gravity control section 78 feet long with three tainter gates 20 feet wide and 26 feet high and three steel vertical sliding sluice gates 7 feet wide and 10 feet high, and two earthfill concrete core wall sections extending 234 feet on the west side and 978 feet on the east side; (2) Chippewa Reservoir which impounds 223,000 acre-feet of useable storage capacity with a water surface area of about 17,600 acres at normal full pool elevation 1313.0 (m.s.l.); and (3) all other facilities and interests appurtenant to operation of the project.

The Chippewa Reservoir is a storage reservoir, impounded primarily for regulation of the flow of the Chippewa River for downstream hydroelectric power production. There are no generating facilities at the project. During the winter months, the reservoir is drawn down to accommodate snow melt and spring rains thereby contributing to flood control. The regulated flow of the Chippewa River provides for low-flow augmentation downstream. During the summer months, as nearly as is practicable, reservoir fluctuations are held to three feet in the interest of recreational activities.

On September 1, 1972, Intervenors, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, the Save the Chippewa Flowage Alliance, Inc., the Wisconson Resources Conservation Council, the Great Lakes Intertribal Council, Inc., and the American Indian Movement National Directors, Inc., challenged our jurisdiction to issue annual licenses by their pleading styled "Petition and Application for Rehearing" respecting the public notice given by the Secretary on

[1] Commissioner Brooke concurs in the order, with the exception of the commentary on the status of the Distrigas facilities. He adheres to the majority position expressed in Opinion Nos. 613 and 613A and in dissents to Commission orders of May 25 and June 20, 1973.

August 4, 1972, that an annual license has been issued to Northern States Power Company. Briefing on the question of the Commission's jurisdiction was provided for by our order of February 28, 1973. We are now considering the briefs on the law for the purpose of arriving at a determination.

In order that all rights be preserved and that the status quo be maintained pending issuance of our determination of the jurisdiction question we are hereby giving notice in accordance with Section 16.5 of our Regulations under the Federal Power Act of the issuance of annual license for Project No. 108 for the period of August 8, 1973, through August 7, 1974. We do so with the express condition that should we on the basis of the facts and briefs before us decide that we do not have jurisdiction the annual license will terminate as of the date of our opinion. Our action herein is not to be construed as a ruling on the jurisdictional issue raised by the pleading before us.

Further we believe that notwithstanding a pending decision on jurisdiction that the public interest will be served by holding the public hearing in the vicinity of the project as scheduled by the Administrative Law Judge at the Sawyer County Court House, Hayward, Wisconsin at 10:00 a.m. on August 14, 1973.

By direction of the Commission.[1]

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-16893 Filed 8-14-73;8:45 am]

[Docket Nos. RP71-16, etc.]

MIDWESTERN GAS TRANSMISSION CO.

Proposed Changes in FPC Gas Tariff

AUGUST 9, 1973.

Take notice that Midwestern Gas Transmission Company (Midwestern), on August 3, 1973, tendered for filing Third Revised Volume No. 1 of its FPC Gas Tariff to be effective on September 1, 1973. Such filing was made pursuant to Article I of the Amended Settlement Agreement dated May 24, 1973, and Ordering Paragraphs (A) and (B) of the Commission's order of July 24, 1973, in the above-entitled proceeding approving such Amended Settlement Agreement. Such filing reflects settlement rates, purchased gas cost adjustment provisions for the Southern and Northern Systems, and other tariff changes as provided by the Amended Settlement Agreement as approved by the Commission.

According to Midwestern, copies of this filing were served upon the Company's customers, interested state regulatory commissions, and all parties to the above-entitled proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Any person previously permitted to intervene in proceeding need not file a further petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16957 Filed 8-14-73;8:45 am]

[Docket E-7690]

NEPEX MANAGEMENT COMMITTEE NEW ENGLAND POWER POOL

Notice of Amendment

AUGUST 9, 1973.

On June 8, 1973, the NEPOOL Management Committee (NEPOOL) filed an agreement amending NEPOOL Power Pool Agreement dated as of March 1, 1973, to become effective May 1, 1973. NEPOOL's filing further amended the NEPOOL Power Pool Agreement dated September 1, 1971, as amended by an Amendment dated as of July 1, 1972.

The amendment provides for the revision of five sections of the NEPOOL Agreement. Sections 3.3, 14.2 and 14.4 are amended so as to delete the $3,000.00 annual charge originally provided for in § 14.2. Sections 6.8 and 8.9 are amended to provide that any participant, without regard to size, may appeal actions of the Executive Committee and Operation Committee. NEPOOL states that amendment is intended to remove a financial burden which might have deterred smaller systems having entitlements in generating capacity from joining the pool and to facilitate appeals of the Executive Committee and Operation Committee actions by smaller systems. NEPOOL further states that the Amendment does not change the electric service provided under the NEPOOL Agreement or the facilities or charges related therein. It requests that the Commission waive the notice period and permit the Amendment to become effective May 1, 1973, pursuant to § 35.11 of the Commission's regulations. Copies of the Amendment have been sent to all participants under the NEPOOL Agreement and to each of the parties to the Commission Docket No. E-7690.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 N. Capitol St., NE Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16959 Filed 8-14-73;8:45 am]

[Docket No. E-8330]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Notice of Application

AUGUST 9, 1973.

Take notice that on July 23, 1973, Central Illinois Public Service Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act seeking authority to issue, not to exceed $65,000,000 in aggregate principal amount of its unsecured short-term notes to commercial banks and commercial paper, including $29,163,040 of such notes and commercial paper which Applicant is presently permitted and entitled to issue, without an order of the Commission, pursuant to the exemption provided by section 204(e) of the Act.

Applicant is incorporated under the laws of the State of Illinois, with its principal executive office at Springfield, Illinois. It is a public utility engaged in generating, purchasing, transmitting, distributing and selling electric energy in portions of central and southern Illinois and serves approximately 278,300 customers with electricity.

The notes to commercial banks are to mature not more than 12 months from their respective dates of issuance, and the commercial paper to be sold to commercial paper dealers is to mature not more than nine months from its date of issuance, but in any event (as to both notes and commercial paper) not later than December 31, 1975. Each note to a bank will bear interest at an interest rate not to exceed either (a) the prime rate of interest prevailing at such bank at the date of issuance of the note or (b) the applicable prime rate or rates of interest prevailing at such bank during the term of the note, determined as follows: as to each three-month period of the term of the note, at such rate of interest prevailing on the first business day of such three-month period. The commercial paper will be issued at rates not exceeding the discount rate prevailing at the date of issuance.

The proceeds from the issuance of the notes and commercial paper will be used to provide flexibility for the applicant in meeting its 1973, 1974 and 1975 construction programs, which are estimated at $67,300,000 for 1973, $100,200,000 for 1974 and $126,200,000 for 1975.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Power Commission, Washington, D.C. 20426, on or before August 21, 1973, peti-

[1] Commissioner Moody dissents to the issuance of this notice of issuance of annual license. Majority and dissenting opinions will be issued later.

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tions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16841 Filed 8-14-73;8:45 am]

[Docket Nos. RP71-14, RP71-84, RP71-137, RP72-151]

EL PASO NATURAL GAS CO.

Notice of Certification of Proposed Stipulation and Agreement

AUGUST 8, 1973.

Take notice that on July 25, 1973, the Presiding Administrative Law Judge certified to the Commission a proposed Stipulation and Agreement which would dispose of all issues in the above-captioned rate proceedings of El Paso Natural Gas Company's (El Paso) Northwest Division System, with the exception of the issues of conjunctive billing and allocation of a portion of gas supply, as described therein. There was also certified by the Presiding Judge a motion of El Paso for approval of the Stipulation and Agreement and the record of the hearing relating to the proposed settlement, as described in the certification.

The Stipulation and Agreement, inter alia, (1) provides for rate reductions and refunds on the basis of the settlement rates specified for the periods involved in the various dockets; (2) provides for refunds due to sales in excess of test period volumes during the twelve month period ending December 31, 1973; (3) requires El Paso to flow-through the jurisdictional portion of producer-supplier refunds in accordance with the provisions of prior settlement agreements, tracking orders and El Paso's Purchase Gas Adjustment clause for its Northwest Division System.

Comments relating to the proposed Stipulation and Agreement may be filed with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, on or before August 23, 1973. The proposed Stipulation and Agreement and related record are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16838 Filed 8-14-73;8:45 am]

[Docket No. E-8179]

GULF STATES UTILITIES CO.

Order Accepting for Filing, Initiating Investigation and Consolidating Proceedings

AUGUST 8, 1973.

On May 4, 1973, Gulf States Utilities (Gulf States) filed a letter agreement, dated August 10, 1970, changing its present FPC Rate Schedule No. 72 with Southwest Louisiana Electric Membership Corporation (Southwest). Gulf States states that the agreement provides for the following: (1) Extends the present contract term to August 1, 1983, (2) adds a fuel clause to the present Rate Schedule to be effective after August 1, 1973, (3) revises the Points of Delivery provisions, and (4) adds a provision concerning service interruptions.

Notice of the filing was issued on May 30, 1973, with comments, protests, or petitions to intervene due on or before June 11, 1973. No responses to this notice have been received.

On April 10, 1973, Gulf States, in Docket No. E-8121, had filed a general rate increase to its wholesale customers, including Southwest. In an order issued June 14, 1973, the Commission suspended in part the proposed increase to become effective on June 16, 1973. Included in the proposed filing was a revised fuel adjustment clause which differed from that filed in Docket No. E-8179, filed May 4, 1973.

By letter dated June 7, 1973, and July 18, 1973,[1] in response to our request for clarification of the fuel adjustment clause filed in Docket No. E-8179, Gulf States replied that the clause had been subject of correspondence concerning other rate schedules in 1970 and had been replaced by the clause included in the filing in Docket No. E-8121. The letter of July 18, 1973, substitutes, by agreement signed by Southwest, a revised fuel clause identical to that filed in Docket No. E-8121.

Gulf States requests an effective date of August 1, 1973. Even though the Commission issued a deficiency letter and this deficiency was corrected on July 20, 1973, we will establish an effective date of August 1, 1973. Our review indicates that the rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Therefore, we shall institute an investigation under section 206 of the Federal Power Act to determine the justness and reasonableness of the rates.

We note that in Docket No. E-8121, the Commission in its order of June 14, 1973, instituted an investigation under section 206 of the Federal Power Act with respect to the fuel adjustment clause contained in the FPC Rate Schedule with Southwest. Since the fuel adjustment clause in Docket No. E-8179 is identical to the clause in Docket No. E-8121, common issues of law and fact are raised. We will accordingly order consolidation of these dockets. Consistent with this action, the dates for service of evidence and hearing in this docket will be identical to those in Docket No. E-8121.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing under section 206 of the Federal Power Act to determine the justness and reasonableness of the fuel adjustment cause in Docket No. E-8179 filed May 4, 1973.

(2) Good cause exists for consolidation of Docket Nos. E-8121 and E-8179.

(3) Consistent with our action consolidating Docket Nos. E-8121 and E-8179, the procedural dates set forth in our June 14, 1973, order in the former docket shall be the procedural dates in the instant filing.

The Commission orders. (A) The agreement filed May 4, 1973, between Gulf States and Southwest is hereby accepted for filing, to become effective August 1, 1973, as requested.

(B) An investigation into the justness and reasonableness of the fuel adjustment clause with Southwest at Docket No. E-8179 is hereby instituted under section 206 of the Federal Power Act.

(C) Docket Nos. E-8121 and E-8179 are hereby consolidated and set for hearing in accordance with the schedule established in our order of June 14, 1973, in Docket No. E-8121.

(D) Nothing contained in this order shall relieve the Applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Gas 91-370, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16836 Filed 8-14-73;8:45 am]

[1] This letter was received July 20, 1973, which is considered the filing date.

[Docket No. ID-1699, etc.]

JOHN L. HANKINS ET AL.

Notice of Applications

AUGUST 9, 1973.

Take notice that the following applications were filed on the stated dates, pursuant to section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company suppling electric equipment to such public utility.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Docket No.	Name of applicant	Date filed	Name of company
ID-1699....	John L. Hankins.	6-12-73	Philadelphia Electric Co. Philadelphia Electric Power Co. The Susquehanna Power Co. The Susquehanna Electric Co.
ID-1700....	William L. Marucli.	6-12-73	Philadelphia Electric Co. Philadelphia Electric Power Co. The Susquehanna Power Co. The Susquehanna Electric Co.
ID-1701....	Wayne C. Astley.	6-12-73	Philadelphia Electric Co. Philadelphia Electric Power Co. The Susquehanna Power Co. The Susquehanna Electric Co.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16845 Filed 8-14-73;8:45 am]

[Docket No. E-8341]

MONTAUP ELECTRIC CO.

Notice of Wholesale Electric Service Agreement

AUGUST 8, 1973.

Take notice that on July 30, 1973, Montaup Electric Company (Montaup) of Fall River, Massachusetts tendered for filing its proposed contract for sale of electric power to Newport Electric Corporation (Newport) of Newport, Rhode Island. Montaup states that the sale to Newport is comprised of a portion of Montaup's unit purchases from three electrical power generation facilities,[1] and that the charges to Newport are the exact cost of this power to Montaup (.5 percent of the purchase made by Montaup from each of the three generation plants). According to Montaup, the sole exception to the direct passage on to Newport of its own costs is the charge to Newport for the transmission of power from Boston Edison's Pilgrim No. 1 Unit, for which movement Montaup uses its own and other facilities. Montaup contends that the equitable method for charging Newport for the wheeling charge would be to use the NEPOOL agreement's Pool Transmission Facilities charge (even though Pilgrim No. 1 is not a pool-planned unit) which is agreed upon at $6.00 per kw year, subject to adjustments when the actual figures become available.

According to Montaup, agreement on the contract was reached by April 1, 1973, although delays in drafting prevented execution of the contract until July 13, 1973. Montaup requests that the contract be allowed to become effective as of April 1, 1973, the intended effective contract date, and that prior notice requirements be waived, as the only persons affected by the waiver would be the contract parties. Montaup states that copies of the filing have been sent to both parties to the contract and to the Rhode Island Division of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 24, 1973. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16842 Filed 8-14-73;8:45 am]

[1] Maine Yankee Atomic Power Company, Vermont Yankee Nuclear Power Corporation, and Boston Edison Company (from its Pilgrim No. 1 nuclear power unit).

[Project No. 2713]

NIAGARA MOHAWK POWER CORP.

Notice of Application for License for Constructed Project

AUGUST 8, 1973.

Public notice is hereby given that application for a major license was filed December 7, 1970, under the Federal Power Act (17 U.S.C. 791a-825r) by Niagara Mohawk Power Corporation (Correspondence to: Mr. Lauman Martin, Senior Vice President and General Counsel, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202) for Oswegatchie River Project No. 2713, located in the towns of Fine and Oswegatchie, and near the City of Ogdensburg, St. Lawrence County, New York, on the Oswegatchie River.

The Oswegatchie River Project, which has an installed capacity of 26,380 kw, consists of:

A. Eel Weir Development consisting of (1) an Ambursen type dam approximately 1,012 feet long with a maximum height of 25 feet, (2) a reservoir with surface area of about 96 acres, and (3) a powerhouse containing one 500 kw unit and two 1,100 kw units.

B. South Edwards Development consisting of (1) a concrete gravity type dam approximately 200 feet long with a maximum height of 51 feet, (2) a reservoir with a surface area of about 69 acres, (3) a steel pipe 1,142 feet long and 10 feet in diameter, and (4) a powerhouse containing one 680 kw unit and two 1000 kw units.

C. Flat Rock Development consisting of (1) a concrete gravity type dam approximately 568 feet long with a maximum height of 70 feet, (2) a reservoir with surface area of about 137 acres, (3) a steel penstock 40 feet long and 9½ feet in diameter, and (4) a powerhouse containing two 3,000 kw units.

D. Browns Falls Development consisting of (1) a concrete gravity type dam approximately 871 feet long with a maximum height of 65 feet, (2) a reservoir with surface area of about 171 acres, (3) a wood stove pipe 3,673 feet long and 12½ feet in diameter, (4) a steel pipe 2,400 feet long and 11 feet in diameter, (5) two steel penstocks 142 feet long and 8 feet in diameter, and (6) a powerhouse containing two 7,500 kw units.

E. All other facilities and interests appurtenant to operation of the project.

Applicant has filed a system-wide Recreational Use Plan covering proposed recreational facilities for 82 hydroelectric developments including Project No. 2713. The Commission is acting upon this plan separately.

Any person desiring to be heard or to make protest with reference to said application should on or before October 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16840 Filed 8-14-73;8:45 am]

[Docket No. RP73-78]

ORANGE AND ROCKLAND UTILITIES, INC.

Notice of Certification of Settlement Agreement

AUGUST 8, 1973.

Take notice that on August 3, 1973, a Settlement Agreement (Agreement) purporting to resolve all issues in this docket

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was certified to the Commission by the Presiding Administrative Law Judge, upon motion of Orange and Rockland Utilities (O&R). According to O&R, the Agreement resolves issues relating to rate of return, rate design, and the treatment of depreciation in O&R's proposed tariff sheets. The tariff sheets as originally filed were to become effective, subject to refund, on August 1, 1973, at the end of the five month suspension period ordered by the Commission. No specific effective date is proposed for the tariff sheets as amended pursuant to the Agreement.

Any person desiring to be heard or to protest said certification should file comments or protests with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before August 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this certification are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16844 Filed 8-14-73;8:45 am]

[Project No. 233]

PACIFIC GAS AND ELECTRIC CO.

Notice of Application for New License for Constructed Project

AUGUST 9, 1973.

Public notice is hereby given that application for new major license (rellcense) has been filed October 28, 1970, under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas and Electric Company (Correspondence to: Mr. J. F. Roberts, Jr., Vice President-Rates and Valuation, Pacific Gas and Electric Company, 245 Market Street, San Francisco, California 94106) for its constructed Project No. 233 located in Shasta County, California.

Project No. 233 consists of:

(A) Pit 3 Development. (1) Pit 3 Dam; (2) Lake Britton, the reservoir formed by Pit 3 Dam; (3) Rock Creek Diversion Dam; (4) concrete tunnels and condult 19 feet in diameter with a total length of about 21,300 feet; (5) a steel pipeline 2 feet in diameter and approximately 2,700 feet long; (6) three steel penstocks, 10 feet in diameter and 600 feet in length each; (7) three generators, 26,730 kw each and, (8) appurtenant facilities.

(B) Pit 4 Development. (1) Pit 4 Dam; (2) Pit 4 Reservoir, which also serves as the afterbay for Pit 3 powerhouse; (3) a tunnel 19 feet in diameter and approximately 21,500 feet in length; (4) two steel penstocks, each 12 feet in diameter and about 820 feet in length; (5) two generators, 45,000 kw each; (6) appurtenant facilities.

(C) Pit 5 Development. (1) Pit 5 Dam; (2) Pit 5 Reservoir, which also serves as the afterbay for Pit 4 powerhouse; (3) Pit 5 Open Conduit Dam; (4) a reservoir formed by the open conduit dam; (5) two tunnels 19 feet in diameter and a total length of approximately 28,400 feet; (6) the open conduit canal about 3,000 feet in length; (7) four steel penstocks 8 feet in diameter and each about 1400 feet in length; (8) four generators, two rated at 38,280 kw each and the other two at 32,000 kw each; (9) appurtenant facilities.

According to the application: (1) The project is carried on Licensee's books at a net amount of $56,379,432 as of December 31, 1969. There are several indicia of fair market value, among them reproduction cost new less depreciation. On this basis, the value of the Pit 3, 4 and 5 Project is currently estimated at $192,-750,000; no definite figure for severance damages is given by the Applicant; (2) the Applicant states that the Pit 3, 4 and 5 Project accounts for about $3,843,000 annually in tax revenue to local, state and federal tax agencies. Applicant currently pays property taxes of $1,664,000 per year on project properties in Shasta County. Taxes on income currently attributable to the project total approximately $2,179,000 of which $1,884,000 is paid to the United States and $295,000 to the State of California.

Lake Britton is the project's principal recreation attraction though short reaches of the Pit River and Hat Creek also offer recreation opportunities in the project area. For example, Lake Britton offers opportunities for sedentary and mass appeal recreation while the Pit River Canyon offers opportunities for the hiker or fisherman.

To date, in excess of $92,000 has been invested by Licensee for conservation and recreation developments in Project 233 as part of its system-wide watershed development program.

Any person desiring to be heard or to make protest with reference to said application should on or before October 8, 1973, file with the Federal Power Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16835 Filed 8-14-73;8:45 am]

[Docket No. G-7004, etc.]

PENNZOIL CO.

Notice of Redesignation

AUGUST 8, 1973.

By a Certificate of Amendment of a Certificate of Incorporation dated May 4, 1972, filed with the Commission May 17, 1972, Pennzoil United, Inc., has changed its corporate name to Pennzoil Company.

Accordingly, the certificates issued by the Commission, the proceedings pending before the Commission, and the rate schedules on file with the Commission (without change in numerical designation), set forth in the Appendix hereto, are designated as those of Pennzoil Company in lieu of Pennzoil United, Inc.

KENNETH F. PLUMB,
Secretary.

APPENDIX

FPC Gas Rate Schedule No.	Certificate Docket No.	Rate Docket No.
8	CI61-945	
9	CI61-945	
10	G-7004	
12	G-7004	
13*	CI66-04	R171-819
14	CI67-372	
15	CI67-662	R170-625 R170-705 R172-157
16**	CI67-1471	
18	CI68-1229	R170-525
19*	CI68-1410	
20	CI68-1450	
21	CI69-134	
22*	CI69-503	R170-705
23*	CI69-970	R170-705
24	CI70-23	
25	CI70-1064	
26	CI70-1063	
27**	CI71-123	
28	CI71-645	
29**	CI71-668	
30	CI71-871	R172-146
31*	CI72-331	
32	CI72-553	
33	CI72-681	

*"(Operator), "et al."
**"et al."

[FR Doc.73-16839 Filed 8-14-73;8:45 am]

[Docket No. E-8242]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Order Amending Certain Procedings, Initiate a Proceeding Under Section 206, Dismiss a Section 206 Proceeding and Accept for Filing Under Section 205, Suspend Proposed Rates, and Establish Hearing Procedures

AUGUST 8, 1973.

On May 30, 1973, Public Service Company of Oklahoma (PSCO) tendered for filing proposed changes in its FPC Rate Schedule Nos. 163, 168–171, 173, 176–179, 182, and 185, proposing an effective date of August 1, 1973. By order of July 30, 1973, the filing was accepted under section 205 of the Federal Power Act, the rates requested were suspended until January 1, 1974, and intervention was granted six customers of PSCO. Additionally, a proceeding under section 206 with regard to the terms and conditions of the affected customers was initiated and an investigation under section 206 was ordered as to the rates proposed to be charged the City of Pawhuska and the Anadarko Public Works Authority (Anadarko).

Upon further review of the above order and the contracts of the affected parties, we have concluded that the July 30, 1973, order in this docket should be amended in the manner set forth below.

On page three of the prior order, the second sentence of the second paragraph should be amended to read: "Therefore, since the contracts presently bar a unilateral change in the terms and conditions, we will reject the filing under section 205 as to those issues."

With respect to the Anadarko, further review of their contract with PSCO persuades us that Mobile-Sierra[1] is not a bar to PSCO's proposed rate increase in this instance. Therefore, we will amend our prior order by dismissing the section 206 proceeding as to the rates charged Anadarko, accepting PSCO's application as to Anadarko under section 205, suspending the rates requested until January 1, 1974, and consolidating the proceeding with the section 205 hearing previously ordered in this docket.

We also find that the contract between PSCO and the City of Marlow bars a unilateral rate increase filing under the limitations of Mobile-Sierra. PSCO in this instance is prohibited not only from unilaterally changing terms and conditions, but also from unilaterally increasing rates. Accordingly, we will reject PSCO's filing under section 205 as to Marlow (FPC Rate Schedule No. 185), but we will institute a section 206 proceeding as to the rates, terms and conditions applicable to Marlow and consolidate the proceeding with the one initiated in our July 30, 1973, order in this docket.

The Commission orders. (A) Paragraph 3 of the Commission's findings in the July 30, 1973, order (mimeo p. 4) are amended to read:

"The motion to reject should be granted as to the terms and conditions of service reflected in PSCO's filing. The motion to reject should also be granted with regard to the proposed rates to be charged the City of Pawhuska and the City of Marlow. In all other respects, the motion to reject should be denied."

(B) Paragraph 4 of the Commission's findings in the order of July 30, 1973, (mimeo p. 4) are amended to read:

"Good cause exists to institute a proceeding under section 206 as to the terms and conditions of service proposed by PSCO's filing and with respect to the rates proposed to be charged the City of Pawhuska and the City of Marlow."

(C) Ordering paragraph A of the July 30, 1973 order (mimeo p. 4) in this docket is amended as follows:

"PSCO's proposed rate increase for its FPC Rate Schedule Nos. 163, 168–171, 173, 177–179, and 182 is accepted for filing under section 205 of the Federal Power Act. PSCO's proposed rate increase for its FPC Rate Schedule Nos. 176 (Pawhuska) and 185 (Marlow) is rejected. PSCO's filing for changes of terms and conditions in service to all affected customers is rejected under section 205 and an investigation under section 206 is initiated as to the proposed changes in terms and conditions of service in the contracts between PSCO and its customers mentioned herein. An investigation under section 206 is also initiated with respect to the rates proposed to be charged the City of Pawhuska and the City of Marlow. Pending a hearing and decision, thereon, the proposed rates are hereby suspended and the use thereof deferred until January 1, 1974, or until such time as they are made effective in the manner provided in the Federal Power Act. Increased rates and charges collected after January 1, 1974, and found by the Commission in this proceeding to be unjustified, shall be refunded according to the Commission's regulations.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16837 Filed 8-14-73;8:45 am]

[1] United Gas Pipe Line Co. v. Mobile Service Corp., 350 U.S. 332 (1956); F.P.C. v. Sierra Pacific Power Co., 350, U.S. 348 (1956).

[Docket No. E-8157]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Filing of Revised Fuel Clause

AUGUST 8, 1973.

Take notice that on July 20, 1973, Wisconsin Public Service Corporation (WPS) tendered for filing a revised fuel clause pursuant to the Commission's order issued June 26, 1973, in this docket, wherein the Commission directed WPS to file within 30 days of the date of the issuance of the order a fuel clause in conformance with Opinion No. 633. The proposed revision is 5th Revised Sheet No. 1, Volume No. 1 of Schedule W–1.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before August 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-16843 Filed 8-14-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

FREEMAN COAL MINING CO.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20179, FREEMAN COAL MINING COMPANY, Orient No. 3 Mine, USBM ID No. 11 00600 0, Waltonville, Illinois,
Section ID No. 048 (1 South 2nd Main East),
Section ID No. 045 (33 North West North),
Section ID No. 017 (Main North (2nd Main East),
Section ID No. 043 (6 West Main North),
Section ID No. 009 (East North Chain Pillars),
Section ID No. 049 (15 West Main South),
Section ID No. 040 (8 West Main North),
Section ID No. 041 (32 North West North),
Section ID No. 047 (14 West Main South),
Section ID No. 025 (Main West North),
Section ID No. 042 (7 West Main North),
Section ID No. 039 (13 West Main South),
Section ID No. 044 (3 South 13 East),
Section ID No. 046 (2 Main West North).

In accordance with the provisions of Section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that requests for public hearings as to an application for renewal may be filed on or before August 27, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

AUGUST 10, 1973.

[FR Doc.73-16915 Filed 8-14-73;8:45 am]

PEABODY COAL CO.

Application for Renewal Permit; Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20247, PEABODY COAL COMPANY,
Mine No. 10, USBM ID No. 1100535 0, Pawnee, Illinois,
Section ID No. 001 (3W–MN),
Section ID No. 046 (1E–1S–5–1/2W–MC),
Section ID No. 059 (5W–5–1/2W–MS),
Section ID No. 060 (7S–3W–MN),
Section ID No. 062 (2W–1N–4W–MN),
Section ID No. 063 (2E–1N–4W–MN),
Section ID No. 064 (10W–18S–5–1/2W–MS),
Section ID No. 065 (6E–18S–5W–5–1/2W–MS),
Section ID No. 066 (3E–1N–4W–MN),
Section ID No. 068 (3N–1E–1S–5–1/2W–MS).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim

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Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

AUGUST 10, 1973.

[FR Doc.73-16878 Filed 8-14-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3467]

FUNDAMERICA OF JAPAN, INC.

Application for Order

AUGUST 9, 1973.

Notice is hereby given that Fundamerica of Japan, Inc. (the "Fund"), 530 Fifth Avenue, New York, NY 10036, registered as a diversified, open-end management investment company under the Investment Company Act of 1940 ("the Act"), has filed an application pursuant to section 6(c) of the Act for exemption from section 22(d) of the Act and Rule 22c-1 under the Act to permit public offerings of Fund shares in Japan to non-United States nationals at public offering prices which may differ from those described in the prospectus of the Fund used in the United States. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

The Fund, a corporation organized under the laws of Delaware, makes continuous offerings of its mutual fund shares in both Japan and the United States. The Japanese general distributors for the continuous offerings are the Nomura Securities Co., Ltd. ("Nomura"), and Merrill Lynch, Pierce, Fenner and Smith, S.A. (Tokyo Branch) ("Merrill Lynch SA"). The distribution agreement between the Fund and the Japanese general distributors also contemplates block offerings of the Fund's shares in Japan. Under this arrangement, Nomura and Merrill Lynch SA, without existing orders from investors, would purchase a fixed number of shares from the Fund at a price determined in the manner described hereinafter and then resell such shares to investors.

Section 22(d) of the Act requires, in substance, that the securities of a registered investment company may be sold to the public only at the current public offering price described in the prospectus of the company.

Rule 22c-1 provides, in pertinent part, that a redeemable security must be sold at a price based on the current net asset value of the security which is next computed after receipt of an order to purchase such security.

The Fund seeks an order, pursuant to section 6(c) of the 1940 Act, exempting it, and sales of its shares in Japan to non-United States nationals in proposed block offerings, from the provisions of section 22(d) of the Act and Rule 22c-1 under the Act to the extent that these provisions would prevent such sales at prices which, though described in block offering prospectuses, would be other than the current offering prices described in the prospectuses used in respect to the continuous offering of the Fund's shares in the United States and Japan, and at prices which would be based on net asset values determined prior to such sales to the public.

In each block offering of shares of the Fund in Japan, Nomura and Merrill Lynch SA would purchase shares from the Fund at the net asset value next computed in accordance with Rule 22c-1. Within a short period of time, generally expected to be no more than six business days, they would sell these shares in Japan solely to non-United States nationals. In accordance with Japanese marketing practices, the purchase price on resale would be the lesser of the price at which Nomura or Merrill Lynch SA purchased such shares from the Fund plus the applicable sales charge or the net asset value determined as of the close of the market on the day previous to the resale plus the applicable sales charge. To protect the Fund from large scale redemptions if a block offering should fail, shares not sold during the block offering period would not be redeemed by Nomura and Merrill Lynch SA but would be retained and sold in a subsequent continuous offering at the net asset value next to be determined. Nomura and Merrill Lynch SA plan to offer Fund shares in block offerings solely in the manner and at public offering prices determined in the manner described above. Because of the time normally required to obtain an exemption under the Act, the Fund is seeking an exemption from section 22(d) of the Act and Rule 22c-1 thereunder for any and all block offerings it may make in Japan in the manner previously described. The Fund states that such an exemption is necessary to enable it to compete effectively in Japanese capital markets.

Section 6(c) of the Act authorizes the Commission, upon application, to exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The Fund represents that the exemption of said proposal from the provisions of section 22(d) and Rule 22c-1 pursuant to section 6(c) is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 4, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16933 Filed 8-14-73;8:45 am]

[File No. 500-1]

HOME-STAKE PRODUCTION CO.

Order Suspending Trading

AUGUST 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $2.50 par value, and all other securities of Home-Stake Production Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.d.t.) August 8, 1973 through August 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16937 Filed 8-14-73;8:45 am]

[File No. 500-1]

KENT INDUSTRIES, INC.

Order Suspending Trading

AUGUST 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Kent Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.d.t.) on August 8, 1973 and continuing through August 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16939 Filed 8-14-73;8:45 am]

[File No. 500-1]

SILVER EXPLORATION, INC.

Order Suspending Trading

AUGUST 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Silver Exploration, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.d.t.) August 8, 1973 through August 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16935 Filed 8-14-73;8:45 am]

[File No. 500-1]

KORACORP INDUSTRIES, INC.

Order Suspending Trading

AUGUST 8, 1973.

The common stock, $1 par value, of Koracorp Industries, Incorporated, being traded on the New York Stock Exchange and the Pacific Coast Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Koracorp Industries, Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.d.t.) August 8, 1973 through midnight (e.d.t.) Auugst 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16938 Filed 8-14-73;8:45 am]

[File No. 500-1]

M S I CORP.

Order Suspending Trading

AUGUST 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.25 par value, and all other securities of M S I Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.d.t.) on August 8, 1973 and continuing through August 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16936 Filed 8-14-73;8:45 am]

[812-3478]

GNMA MORTGAGE-BACKED SECURITY FUND, SERIES 1, ET AL.

Filing of Application for Exemption and Confidential Treatment

AUGUST 9, 1973.

In the matter of the GNMA Mortgage-Backed Security Fund, Series 1 (And subsequent series); Paine, Webber, Jackson & Curtis Inc., 140 Broadway, New York, NY 10005; Dean Witter & Co. Inc. 45 Montgomery St., San Francisco, CA 94106; Reynolds Securities Inc., 120 Broadway, New York, NY 10005.

Notice is hereby given that The GNMA Mortgage-backed Security Fund, Series 1 ("Fund"), registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, and its sponsors, Paine, Webber, Jackson & Curtis Incorporated, Dean Witter & Co. Incorporated and Reynolds Securities Inc. ("Sponsors") (hereinafter collectively referred to as "Applicants") have filed an application pursuant to section 6(c) of the Act for an order exempting the Fund from the provisions of section 14(a) of the Act and exempting the frequency of the Fund's capital gains distributions and the secondary market operations of the Sponsors from Rules 19b-1 and 22c-1, respectively, under the Act, and pursuant to section 45(a) of the Act granting confidential treatment to profit and loss statements supplied by the Sponsors in connection with certain registration statements filed with the Commission from time to time.

All interested persons are referred to the application on file with the Commission for a statement of Applicants' representations contained therein, which are summarized below.

The exemptive order is requested for Series 1 and subsequent funds sponsored by the Sponsors and meeting the description of such Funds in the application. The Fund, Series 1 and each future Fund will be governed by a trust agreement for that Fund (hereinafter called the "Trust Agreement") under which the Sponsors will act as such and United States Trust Company of New York will act as Trustee and Evaluator. The Trust Agreement for each Fund will contain standard terms and conditions of trust common to all Funds. Pursuant to the Trust Agreement, the Sponsors will deposit with the Trustee not less than $5,000,000 principal amount of underlying Mortgage-backed Securities (hereinafter called the "Securities") which the Sponsors shall have accumulated for such purpose. Simultaneously with such deposit the Trustee will deliver to the Sponsors registered certificates for not less than 5,000 Units, which will represent the entire ownership of the Fund. These Units are in turn to be offered for sale to the public by the Sponsors.

It shall be noted that the Securities will not be pledged or be in any other way subjected to any debt at any time after the Securities are deposited in the Fund. All of the Securities will be GNMA Mortgage-backed Securities the principal and interest on which is guaranteed as to payment by the Government National Mortgage Association. The Sponsors have accumulated the Securities for the purpose of deposit in Series 1 of the Fund and will follow a similar procedure of accumulating the Securities for each future Fund. In selecting the Securities, the following factors are considered: (1) The variety of mortgage-backed securities available, (2) the price of the Securities relative to other comparable mortgage-backed securities, (3) maturities of such Securities, (4) the issuers of such Securities and (5) the location of the mortgaged properites collateralizing such Securities.

Each Fund will consist of the underlying Securities, such mortgage-backed securities as may continue to be held from time to time in exchange or substitution for any of the Securities upon certain refundings, accrued and undistributed interest and undistributed cash. Certain of the Securities may from time to time be sold under circumstances set forth in the Trust Agreement or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to holders of units ("Units") of the Fund and not reinvested. There is no provision in the Trust Agreement for Series 1 of the Fund, and there will be no provision in the Trust Agreement for any future Series, for the sale and reinvestment of the Securities, and such activity will not take place. Reference is made to the Trust Agreement and to the Prospectus

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for the Fund for a full explanation of the operation of the Funds.

Each Unit for a particular Fund will represent a fractional undivided interest in that Fund. The numerator of the fractional undivided interest represented will be 1 and the denominator will be equal to the number of Units then outstanding in the Fund. Units of each Fund will be redeemable. In the event that any Units shall be redeemed, the denominator of the fraction will be reduced and the fractional undivided interest represented by such Unit increased. Units will remain outstanding until redeemed or until the termination of the Trust Agreement. The Trust Agreement may be terminated by 100% agreement of the Unit-holders of the Fund, or, in the event that the value of the Securities shall fall below 20 percent of the principal amount of Securities originally deposited in the Fund, upon direction of the Sponsors to the Trustee and shall be automatically terminated on a date 50 years after the date of its creation. There is no provision in the Trust Agreement for Series 1 of the Fund and there will be no provision in the Trust Agreements for future Funds, for the issuance of any Units after the initial offering of Units (except that the secondary trading by the Sponsors in the Units is deemed the issuance of Units under the Act) and such activity will not take place.

Following the deposit of Securities for each Fund by the Sponsors with the Trustee, and following the declaration of effectiveness of that Fund's registration statement under the Securities Act of 1933 and clearance by the securities authorities of various States, the Sponsors will offer the Units of that Fund to the public at the public offering price set forth in the Prospectus, plus accrued interest.

While not obligated to do so, the Sponsors intend to maintain a market for the Units of Series of Fund and continually offer to purchase such Units at prices based on the aggregate of the then current offering prices of the Securities in the Fund. If the supply of Units exceeds demand, or for some other business reason, the Sponsors may discontinue purchases of Units at prices based on the offering prices of the Securities. In this event the Sponsors may nonetheless purchase Units, as a service to Unitholders, at a price based on the then current redemption value of those Units. In no event will the price offered by the Sponsors for repurchase of Units be less than the then current redemption value, based on the current bid prices for the Securities in the Fund.

Section 14(a). Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000 or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

On the Date of Deposit of the portfolio Securities for Series 1 of the Fund, and before any Unit of that Series is offered to the public, the application asserts that the Fund will have a net worth of at least $5 million represented by the market value of the Securities deposited with the Trustee on that date. While the size of the portfolios of future Funds has not been established, the Sponsors anticipate that in no event would the portfolio of any Fund be less than $5 million.

In connection with this request for exemption, the Sponsors have agreed that they will refund on demand and without deduction, all sales charges to purchasers of Units of a Fund if, within 90 days from the time when that Fund becomes effective under the Securities Act, the net worth of the Fund shall be reduced to less than $100,000 or if the Fund shall have been terminated. The Sponsors further agree to instruct the Trustee on the Date of Deposit of each Fund that in the event redemption by the Sponsors of Units constituting a part of the unsold Units shall result in that Fund having a net worth of less than $5 million, the Trustee shall terminate the Fund in the manner provided in the Trust Agreement and distribute all Securities and other assets deposited with the Trustee pursuant to the Trust Agreement as provided therein. The Sponsors further agree, in such event, to refund any sales charges to any purchaser of Units purchased from the Sponsors or any dealer participating in the underwriting on demand and without deduction.

Rule 22c–1. The application also seeks an order pursuant to Section 6(c) of the Act exempting the secondary market operations of Applicant's Sponsors from the provisions of Rule 22c–1 under the Act. The Sponsors propose to adopt the practice of valuing the Fund's Units, for repurchase and resale by the Sponsors in the secondary market, at prices computed once a week as of the close of business on the last business day of the week, effective for all transactions made during the following week. The evaluation is to be made by Applicant's Trustee and Evaluator, United States Trust Company of New York.

Rule 22c–1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to repurchase or sell such security.

Applicants assert that the pricing by the Sponsors in the secondary market in no way affects the Fund's assets, and that Unitholders benefit from such pricing procedure by receiving a normally higher repurchase price for their Units without the cost burden of daily evaluations of the Unit redemption value. In addition, the application states that the Sponsors have undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a purchase by the Sponsors, if the Evaluator cannot state that the previous Friday's offering side evaluation is at least equal to the current bid side evaluation, the Sponsors will order a new offering side evaluation for the purpose of such purchase. Also, in the case of such a purchase, if the Evaluator cannot state that the previous Friday's offering side evaluation, to be paid to a Unitholder, is no more than one-half point lower than the current offering side evaluation, a full evaluation will be ordered to determine the current offering side evaluation to be paid the Unitholder. In the case of sale by the Sponsors, if the Evaluator cannot state that the previous Friday's offering side evaluation is no more than one-half point ($5 on the purchase of a unit representing approximately $1,000 face amount of underlying Securities) greater than the current offering side evaluation, a full evaluation will be ordered. Applicants assert that this procedure will minimize the risk to the selling Unitholders of the Units without imposing the expense of daily evaluations upon the Fund's investors.

Rule 19b–1. Rule 19b–1(a) under the Act provides, in substance, that no registered investment company which is a "regulated investment company" as defined in Section 851 of the Internal Revenue Code shall distribute more than one capital gain distribution in any one taxable year. Paragraph (b) of the Rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain distributions received from a "regulated investment company" within a reasonable time after receipt.

Distributions of principal and interest to Unitholders of the Fund are to be made on a monthly basis. Distributions of principal constituting capital gains to Unitholders may arise in two instances: (1) Prepayment of mortgages underlying the Securities in the Fund, including prepayment penalties; and (2) if Units redeemed by the Trustee and Securities from the portfolio are sold to provide the funds necessary for such redemption each Unitholder will receive his pro-rata portion of the proceeds from the Securities sold. In such instances, a Unitholder may receive in his distribution funds which constitute capital gains since in many cases the value of the portfolio Securities redeemed or sold will have increased since the date of initial deposit.

Paragraph (b) of Rule 19b–1 provides that a unit investment trust may distribute capital gains received from a "regulated investment company" within a reasonable time after receipt. Applicants state that the purpose of this provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end. Applicants contend that their situation is within the intended objectives of this provision. However, in order to comply with the literal requirements of the Rule, a Fund would be forced to hold any moneys which would constitute capital gains upon distribution until the end of its taxable year. Applicants also contend that such a practice would clearly be to the detriment of the Unitholders.

In support of the requested exemption, the application states that the dangers against which Rule 19b–1 is intended to guard do not exist in Applicants' situation since the events which give rise to capital gains are independent of any action by the Sponsors and the Trustee. In addition, it is alleged that the amounts involved in a normal distribution of principal are relatively small in comparison to the normal interest distribution, at least during the early years of the Fund and dependent upon the amortization schedule of the underlying Securities, and such distributions are clearly indicated in accompanying reports to Unitholders as a return of principal.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rules or regulations under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 45(a). Applicants also seek an order of the Commission pursuant to section 45(a) of the Act granting confidential treatment to the profit and loss statements of the Sponsors, submitted in connection with registration statements of Fund, Series 1 and Subsequent Funds, filed with the Commission from time to time.

Section 45(a) of the Act provides in pertinent part that information filed with the Commission "shall be made available to the public, unless and except insofar as the Commission * * * by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors."

Applicants submit that public disclosure of the Sponsors' profit and loss statements is neither necessary nor appropriate in the public interest or for the protection of investors. Investors in the Fund are not offered an opportunity to acquire any interest whatsoever in the Sponsors. Apart from the Sponsors' minimal obligation under the Trust Agreements to designate Securities for liquidation by the Trustee to the extent necessary to provide funds for redemption (which obligation may be performed by the Trustee or successor Sponsors if not performed by the Sponsors), and certain other contingent supervisory responsibilities, the Sponsors have virtually no discretionary authority relating to the management of the Fund. Applicant states that the Sponsors thus function primarily as underwriters of the Fund. Applicants assert that there is no legitimate interest on the part of investors in the public disclosure of the profit and loss statements of the Sponsors acting as underwriters from whom the Units are purchased.

In addition, Applicants submit that to the extent that the Sponsors' solvency may conveivably be thought relevant to the maintenance of the secondary market, the Sponsors' financial information which appears in the prospectus, contains adequate information in this regard. Moreover, there is clear disclosure in the prospectus of the Sponsors' right to terminate secondary market activities in a Fund at any time. Even in the absence of a secondary market. Unitholders nevertheless retain the protection of their right under the Trust Agreements to the redemption of their Units upon presentation of such Units to the Trustee. Upon such redemption, the Unitholders receive cash equal to the "Unit Value" of the Units computed with regard to the underlying assets of the Fund. The soundness of the investors' interests in the Funds, it is stated, is solely a function of the value of the underlying Securities, the payment of principal of and interest on which is guaranteed by Government National Mortgage Association. Applicants thus represent that the profitability of the Sponsors will in no way enhance or diminish the prospect for an orderly payment of the underlying Securities.

Notice is further given, that any interested person may, not later than August 28, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–16934 Filed 8–14–73;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

Publication of Certain Provisions

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore these materials are set forth in full as follows:

CHAPTER 628 (Rev. AUG 10, 1973)

CLASSIFICATION PROCEDURE

Index

Section	*Title*
623.1	Commencement of Classification
623.2	Consideration of Classes
623.3	Action to be Taken When Classification Determined
623.4	Issuing a Replacement Status Card (SSS Form 7)
623.5	Registrants Transferred for Classification
623.6	Procedure Upon Transfer for Classification

ATTACHMENT

623–1	Sample Letter Regarding Denial of Requested Classification and Reasons Therefor

CHAPTER 623

CLASSIFICATION PROCEDURE

SECTION 623.1

Commencement of Classification

1. Each registrant shall be administratively assigned to Class 1–H as of the time of his registration and thereafter shall have his classification reopened and considered anew by his local board whenever:

a. His random sequence number (RSN) is equal to or below the administrative processing number (APN) established by the Director of Selective Service for his year-of-birth group, or

b. The local board receives new information which would qualify him for a classification lower than 1–H.

2. The registrant's classification shall be determined on the basis of the official forms of the Selective Service System and other written information in his file, oral statements by the registrant at his personal appearance before the local board, appeal board, or National Selective Service Appeal Board, and oral statements by the registrant's witnesses at his personal appearance before the local board.

No written summary of the oral information presented at a registrant's personal appearance that was prepared by a member of the local board or compensated employee of the Selective Service System will be considered by the local board or placed in the registrant's file folder unless a copy of it has been furnished to the registrant. No information in any other document in the registrant's file shall be considered in classifying the registrant into a class available for military or alternate service unless that docu-

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ment was supplied by the registrant or a copy of it or a fair resume of its contents has been furnished him by the Selective Service System.

SECTION 623.2

Consideration of Classes

Every registrant other than a registrant eligible for classification in Class 1-AM shall be placed in Class 1-A; except that when grounds are established to place a registrant in any one of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible, with Class 1-A-O considered the highest class and Class 4-A considered the lowest class:

Class 1-A-O	*Class 4-C*
1-A-OM	4-D
1-O	1-H
1-OM	4-G
2-AM	4-F
2-S	4-W
2-D	1-D
2-M	1-W
3-A	1-C
4-B	4-A

SECTION 623.3

Action to be Taken When Classification Determined

1. Within ten working days after the local board has classified or reclassified a registrant (except a registrant who is classified in Class 1-C because of his entry into active service in the armed forces, or in Class 1-W because of his entry into alternate service), it shall mail him a Status Card (SSS Form 7). When a registrant is classified in Class 2-AM, 2-S, 2-D, 2-M, or 3-A, the date of termination of the deferment shall be entered on the Status Card. When mailing a Status Card to a registrant classified in Class 1-O, the local board shall include a Conscientious Objector Skills Questionnaire (SSS Form 152) together with a return envelope preaddressed to the local board.

2. The effective date of the classification, the class, and the date of termination if applicable, will be entered on page 1 of the Registrant File Folder (SSS Form 101). The date of classification, the class, the vote, and the date of mailing the Status Card, will be entered on page 8 of the Classification Questionnaire (SSS Form 100), if present in the file folder, or on page 2 of the Registrant File Folder. The class and the date of mailing of the Status Card will also be entered on the Classification Record (SSS Form 102).

3. A notice of all classification actions, including administrative assignments to Class 1-H, for each local board will be posted in a conspicuous place in the local board office for a period of 60 days. The posting requirement for administrative assignments to Class 1-H will be met by use of the administrative assignment to Class 1-H section of the latest RIB output report, *List of Classifications*, (LOC), a copy of which should be posted on the local board bulletin board as soon as practicable following verification. For showing all classifications resulting from local board action, the Minutes of Local Board Meeting Continuation Sheet (SSS Form 112-A) will be used and the third copy of this form will be posted on the local board bulletin board together with the copy of the administrative assignment to Class 1-H section of the most current LOC. Minutes of Local Board Meeting Continuation Sheet should be posted as soon as prepared following the local board meeting.

4. When a person is unable to ascertain the current classification of a specific registrant from these posted notices, an employee of the local board, upon request, shall consult the Classification Record and shall furnish the person making the inquiry the current classification of such registrant.

5. In the event the local board classifies a registrant in a class other than that which he requested, it shall record its reasons on a Report of Information (SSS Form 119) which shall be prepared in an an original and one copy and signed by a local board member or compensated employee who was present at the meeting at which the registrant was classified, and the copy filed in the registrant's file. The local board shall inform the registrant of such reasons at the time it mails him a Status Card by enclosing the original of the Report of Information. (Sample letter for this purpose is Attachment 623-1 to this Chapter).

SECTION 623.4

Issuing a Replacement Status Card (SSS Form 7)

The Status Card shall be issued to a registrant by the local board with which he is registered, upon his written request, as a replacement for the Registration Certificate, the Notice of Classification, or the Status Card, which has been lost, destroyed, mislaid, stolen, or surrendered to the armed forces upon his entry on active duty. (See Chapter 613)

SECTION 623.5

Registrants Transferred for Classification

1. After completing the Registration Card (SSS Form 1), and before the local board of record (the registrant's own local board) has undertaken the classification of a registrant, other than his initial assignment into Class 1-H, he may be transferred to another local board by the State Director for classification if he is so far from his local board as to make complying with notices a hardship.

2. After completing the Registration Card, a registrant may be transferred to another local board by the Director or State Director for classification at any time (1) when the local board cannot act on his case because of disqualification, or (2) when a majority of the members of the local board, or a majority of the members of every panel thereof if the board has separate panels, withdraws from consideration of the registrant's classification because of any conflicting interest, bias, or other reason, or (3) when the State Director deems such transfer to be necessary in order to assure equitable administration of the selective service law.

SECTION 623.6

Procedure Upon Transfer for Classification

1. The local board from which the registrant is transferred shall prepare, in triplicate, an Order for Transfer for Classification (SSS Form 114), shall send one copy thereof to the registrant, and shall transmit the original to the local board to which the registrant is transferred, together with all papers pertaining to the registrant except the Registration Card and the remaining copy of the Order for Transfer for Classification. The local board from which the registrant is transferred shall, with red ink, note the transfer in the "Remarks" column of the Classification Record.

2. The local board to which the registrant is transferred shall classify the registrant. It shall follow the same procedure as in the case of one of its own registrants if a request for a personal appearance, a request for reopening, or an appeal is filed. It shall give the same notices and maintain the same records as are sent and maintained for its own registrants, except that it shall use a separate page in its Classification Record for transferred registrants and shall make all entries on that page in red ink. The local board to which the registrant is transferred shall prepare a duplicate Registrant File Folder. After the classification, after the personal appearance, when requested, and after the determination on appeal, when taken, the local board to which the registrant is transferred shall return to the local board of record all papers pertaining to the registrant except the duplicate Registrant File Folder and the Order for Transfer for Classification, and file the duplicate Registrant File Folder as instructed in Section 603.1. In the proper column of the Classification Record the local board to which the registrant is transferred shall note the date of the returning of the papers.

3. The classification made by the local board to which a registrant is transferred shall be appealed through that local board only. The local board of record shall accept and enter on the Classification Record and the Minutes of Local Board Meeting (SSS Form 112), without any change, the classification reported by the board which classified the registrant. If the local board of record receives new information that might affect the registrant's classification, the board shall send the information and the registrant's file to the board to which he was transferred, for further consideration; provided, that if the reason for the disqualification of the local board or other reason for the original transfer for classification no longer exists, the local board of record may consider the new information and classify the registrant in the same manner as if he had never been transferred for classification.

SAMPLE LETTER REGARDING DENIAL OF REQUESTED CLASSIFICATION AND REASONS THEREFOR

(Local Board Stamp)

TO:---------- ----------
Date of Mailing

SSN:----------

Dear----------,

This is to advise you that the classification you requested has been denied by the local board. A new Status Card (SSS Form 7) reflecting your classification is enclosed.

The reason(s) for denial of the requested classification is set forth on the enclosed Report of Information (SSS Form 119) which you may wish to retain for your personal records.

Authorized Signature

Enclosure(s)

CHAPTER 612 (REV. AUG. 10, 1973)

DUTIES IN REGISTRATION

INDEX

Section	*Title*
612.1	Responsibility of State Director of Selective Service
612.2	Registrars
612.3	Responsibilities of the Local Board
612.4	Interpreters
612.5	Care and Custody of Registration Cards, Status Cards and Notices of Classification

CHAPTER 612

DUTIES IN REGISTRATION

SECTION 612.1

Responsibility of State Director of Selective Service

The State Director of Selective Service shall supervise the registration processes within his state. Each State Director of Selective Service may, with the approval of the Director of Selective Service, make such modifications of the procedures contained in this chapter as may be necessary in order to properly effect a complete registration.

SECTION 612.2

Registrars

1. Any member of a local board or compensated employee of the Selective Service System may perform the duties of registrar without special appointment. The State Director shall appoint as registrar within his state responsible persons whose services can be secured without compensation. Officers assigned to Selective Service Reserve Units and National Guard Sections are not compensated employees of the System (except during periods of active duty), but may be appointed by the State Director to serve as registrars. When the services of registrars cannot be secured without compensation, the State Director of Selective Service, with the approval of the Director of Selective Service, may appoint registrars on a compensated basis. Compensated employees of the Selective Service System shall serve as registrars whenever possible in lieu of appointing other persons as registrars to serve with compensation.

2. Each person appointed as an uncompensated registrar shall execute an Oath of Office and Waiver of Pay (SSS Form 400) before undertaking any duties as registrar.

3. For each place of registration having more than one appointed registrar, the State Director shall designate a chief registrar who shall be responsible for the proper conduct of the registration at each such place.

4. The State Director shall be responsible for the training of registrars in their duties, including familiarization with the regulations and procedures governing registration.

SECTION 612.3

Responsibilities of the Local Board

1. The State Director of Selective Service may authorize a local board to supervise one or more registrars in its area of jurisdiction or the State Director may retain this supervisory function.

2. The State Director may designate a local board to furnish registration forms and supplies to individual registrars. These forms and supplies will include: SSS Forms 1, 4, 119, instruction sheet for preparing SSS Form 1, Registrar's Handbook, pre-addressed envelopes, ballpoint pens, posters and brochures.

3. No expense shall be incurred in connection with the registration except upon the prior approval of the State Director of Selective Service.

SECTION 612.4

Interpreters

Whenever the services of interpreters are necessary in conducting the registration, the local board may utilize such interpreters as may be required.

SECTION 612.5

Care and Custody of Registration Cards, Status Cards and Notices of Classification

The chairman of the local board is charged with the care and custody of the Registration Cards (SSS Form 1), Status Cards (SSS Form 7), and Notices of Classification (SSS Form 110), where appropriate, received by him from the State Director of Selective Service. He shall guard against their loss or destruction and shall not permit anyone to tamper with them and shall warn all persons concerned against entrusting them to the custody of unauthorized persons.

BYRON V. PEPITONE,
Director.

AUGUST 9, 1973.

[FR Doc.73-16990 Filed 8-14-73;8:45 am]

TARIFF COMMISSION

[337-33]

CERTAIN DISPOSABLE CATHETERS AND CUFFS THEREFOR

Notice of Investigation and Hearing

A complaint was filed with the U.S. Tariff Commission on June 30, 1972, on behalf of Multi-Med Industries, Inc., Southfield, Michigan, and Martin Mattler, Franklin, Michigan, alleging unfair methods of competition and unfair acts in the importation and sale of certain disposable catheters and cuffs therefor which are embraced within the claims of U.S. Patent No. 3,417,753. Complainant alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). The complaint names E-Z-EM Company, Inc., Westbury, New York, as an importer of the subject products. Having conducted, in accordance with § 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3), a preliminary inquiry with respect to the matters alleged in the said complaint, the U.S. Tariff Commission, on August 8, 1973, ordered:

That, for the purposes of section 337 of the Tariff Act of 1930, an investigation be instituted with respect to the alleged violations in the importation and sale in the United States of certain disposable catheters and cuffs therefor made in accordance with the claims of U.S. Patent No. 3,417,753; and that a public hearing be held.

The Commission decided not to recommend at this time that the President issue a temporary exclusion order.

The public hearing will be held on October 9, 1973, at 10 a.m., e.d.t., in the Hearing Room, U.S. Tariff Commission Building, Eighth and E Streets, NW., Washington, D.C. All parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing at least 5 days in advance of the opening of the hearing.

Public notice of the receipt of the complaint and initiation of the preliminary inquiry was published in the FEDERAL REGISTER on July 13, 1972 (37 FR 13733). Notice of an extension of time for filing written views and expansion of scope of the preliminary inquiry was published in the FEDERAL REGISTER on August 31, 1972 (37 FR 17785). The complaint was served upon the party named in the complaint and upon all known interested parties. The complaint has been available for inspection by interested persons continually since issuance of the notice, at the Office of the Secretary, located in the U.S. Tariff Commission Building, and also in the New York City office of the Commission, located in Room 437 of the Customhouse.

Issued: August 9, 1973.

By order of the Commission.

[SEAL] G. PATRICK HENRY,
Acting Secretary.

[FR Doc.73-16870 Filed 8-14-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

GENERAL ELECTRIC CO.

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

After reviewing the Tariff Commission's report on its investigation of the petition for adjustment assistance filed on behalf of workers formerly employed at the Buffalo, N.Y. plant of General Electric Co., New York, N.Y. (TEA-W-196), under section 301(c)(2) of the Trade Expansion Act of 1962, and in which report the Commission being equally divided, made no finding with respect to transistors and diodes, the President decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has advised the Secretary of Labor that he may certify the group of workers involved as eligible to apply for adjustment assistance.

In view of the Tariff Commission's report, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of the Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in subpart B of CFR, part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigations to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210 on or before August 22, 1973.

Signed at Washington, D.C. this 8th day of August, 1973.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.73-16997 Filed 8-14-73;8:45 am]

V 38 157 AUG 15 73 XUM

HUBBARD SHOE CO., INC.

Investigation Regarding Certification of Eligibility of Workers to Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under Section 301 (c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of the former workers of the Hubbard Shoe Co., Inc., Rochester, N.H. (TEA-W-202). In view of the report and the responsibilities delegated to the Secretary of Labor under Section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. on or before August 22, 1973.

Signed at Washington, D.C. this 8th day of August 1973.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.73-16098 Filed 8-14-73;8:45 am]

DEPARTMENT OF STATE

[Public Notice 396]

TREATIES AND OTHER INTERNATIONAL AGREEMENTS

Notice of Proposed Rulemaking

Consideration is being given by the Department of State to the revision of Chapter 700 of Volume 11 of the Foreign Affairs Manual.

The proposed revision is a codification of Department of State Circular 175 dated December 22, 1955, as amended and issued in Chapter 700 of Volume 11 of the Foreign Affairs Manual. The Foreign Affairs Manual (FAM) is an internal instruction for Department of State personnel. Chapter 700 of Volume 11 has heretofore been available for public inspection and copying in accordance with 5 U.S.C. 552(a)(2). However, revisions thereto have not previously been published for the information of the public and with an opportunity for public comment thereon. The proposed revision is being published because of the public interest in the manner in which treaties and other international agreements are entered into by the United States.

The current revision is a substantive one with respect to the sections regarding the constitutional bases on which treaties and other international agreements are entered into by the United States, the sections regarding consultation with the Congress, and with respect to sections calling upon all officers to cooperate in the application of the Case Act (1 U.S.C. 112(b)) which requires that all international agreements other than treaties be transmitted to the Congress within 60 days after they enter into force. Otherwise, the revision is merely a rearrangement of other existing sections with some editorial improvement.

The purpose of the revised procedures is to ensure (1) that orderly and uniform procedures are followed in the negotiation and signature of treaties and other international agreements; (2) that constitutional bases of authority are followed in the making of treaties and other international agreements by the United States; (3) that timely and otherwise appropriate consultation with the Congress is had with respect to the negotiation of international agreements and the procedure by which they are brought into force; and (4) that the laws regarding the transmission of international agreements other than treaties to the Congress and the publication of treaties and other international agreements are faithfully observed.

Interested persons are invited to submit written comments, or suggestions regarding the proposed revision to the Assistant Legal Adviser for Treaty Affairs, Office of the Legal Adviser, Room 5420, Department of State, Washington, D.C., 20520, not later than September 21, 1973.

700—TREATIES AND OTHER INTERNATIONAL AGREEMENTS

710 *Purpose.* a. The purpose of this chapter is to ensure that orderly and uniform procedures are followed in the negotiation, signature, publication and registration of treaties and other international agreements of the United States. It is also designed to ensure the maintenance of complete and accurate records on treaties and agreements and the publication of authoritative information concerning them.

b. The chapter is not a catalog of all the essential rules or information pertaining to the making and application of international agreements. It is limited to regulations necessary for general guidance.

720 NEGOTIATION AND SIGNATURE

720.1 *Circular 175 Procedure.* This subchapter is a codification of the substance of Department Circular No. 175, December 13, 1955, as amended, on the negotiation and signature of treaties and executive agreements. It may be referred to for convenience and continuity as the "Circular 175 Procedure."

720.2 *General Objectives.* The objectives are to ensure:

a. That the making of treaties and other international agreements for the United States is carried out within constitutional and other appropriate limits;

b. That the objectives to be sought in the negotiation of particular treaties and other international agreements are approved by the Secretary or an officer specifically authorized by him for that purpose;

c. That timely and appropriate consultation is had with congressional leaders and Committees on treaties and other international agreements;

d. That firm positions departing from authorized positions are not undertaken in negotiations without the approval of the Legal Adviser and the Interested assistant secretaries or their deputies;

e. That the final texts developed are approved by the Legal Adviser and the interested assistant secretaries or their deputies and, when required, brought a reasonable time before signature to the attention of the Secretary or an officer specifically designated by him for that purpose;

f. That authorization to sign the final text is obtained and appropriate arrangements for signature are made;

g. That there is compliance with the requirements of the Case Act on the transmission of the texts of international agreements other than treaties to the Congress (see section 724); the law on the publication of treaties and other international agreements (see section 725) and treaty provisions on registration (see section 750.2–3).

721 EXERCISE OF THE INTERNATIONAL AGREEMENT POWER

721.1 *Determination of Type of Agreement.* The following principles, considerations, and procedures will be observed in determining whether an international agreement shall be dealt with by the United States as a treaty to be brought into force with the advice and consent of the Senate, or as an executive agreement to be brought into force on some other constitutional basis.

721.2 *Constitutional Requirements.* There are two procedures under the Constitution through which the United States becomes a party to international agreements. Those procedures and the constitutional parameters of each are:

(a) *Treaties:* International agreements (regardless of their title, designation or form) whose entry into force with respect to the United States takes place only after the Senate has given its advice and consent are "treaties". The President, with the advice and consent of two-thirds of the Senators present, may enter into an international agreement on any subject genuinely of concern in foreign relations so long as the agreement does not contravene the United States Constitution: and

(b) *Executive agreements:* International agreements brought into force with respect to the United States on a constitutional basis other than with the advice and consent of the Senate are "executive agreements" (international agreements other than treaties). There are three constitutional bases for executive agreements as set forth below. An international agreement may be concluded pursuant to one or more of these constitutional bases:

(i) *Executive agreements pursuant to treaty:* The President may conclude an international agreement pursuant to a treaty brought into force with the advice and consent of the Senate, whose provisions constitute authorization for the agreement by the Executive without subsequent action by the Congress;

(ii) *Executive agreements pursuant to legislation:* The President may conclude an international agreement on the basis of existing legislation or subject to legislation to be enacted by the Congress; and

(iii) *Executive agreements pursuant to the constitutional authority of the President:* The President may conclude an international agreement on any subject within his constitutional authority so long as the agreement is not inconsistent with legislation enacted by the Congress in the exercise of its constitutional authority. The constitutional sources of authority for the President to conclude international agreements include:

(1) The President's authority as Chief Executive to represent the nation in foreign affairs;

(2) The President's authority to receive Ambassadors and other public ministers;

(3) The President's authority as "Commander-in-Chief";

(4) The President's authority to "take care that the laws be faithfully executed".

721.3 *Criteria for Selecting Among Constitutionally Authorized Procedures.* In determining a question as to the procedure which should be followed for any particular international agreement due consideration is given to the following factors along with those in section 721.2.

(a) *Domestic factors:* (i) Whether the agreement involves important interests, commitments or risks affecting the nation as a whole;

(ii) Whether the agreement would affect State laws or the powers reserved to the States under the Constitution;

(iii) Whether the agreement can be given effect without the enactment of subsequent legislation by the Congress;

(iv) Past United States practice with respect to similar agreements;

(v) The preference of the Congress with respect to a particular type of agreement.

(b) *International factors:* (i) The degree of formality desired for an agreement;

(ii) The proposed duration of the agreement, the need for prompt conclusion of an agreement and the desirability of concluding a routine or short term agreement;

(iii) The general international practice with respect to similar agreements.

In determining whether any international agreement should be brought into force as a treaty or as an executive agreement the utmost care shall be exercised to avoid any invasion or compromise of the constitutional powers of the Senate, the Congress as a whole, or the President.

721.4 *Questions as to Type of Agreement to be Used; Consultation with Congress.* (a) All legal memorandums accompanying Circular 175 requests (see section 722.3(c)(iii)) will discuss thoroughly the bases for the type of agreement recommended.

(b) When there is any question whether an international agreement should be concluded as a treaty or as an executive agreement, the matter is brought to the attention of the Legal Adviser of the Department. If the Legal Adviser considers the question to be a serious one, he will transmit a memorandum thereon to the Assistant Secretary for Congressional Relations and other officers concerned. Upon receiving their views on the subject he shall, if the matter has not been resolved, transmit a memorandum thereon to the Secretary for his decision. Every practicable effort will be made to identify such questions at the earliest possible date so that consultations may be completed in sufficient time to avoid last-minute consideration.

(c) Consultations on such questions will be held with congressional leaders and committees as may be appropriate. Arrangements for such consultations shall be made by the Assistant Secretary for Congressional Relations and shall be held with the assistance of the Office of the Legal Adviser and such other offices as may be determined. Nothing in this section shall be taken as derogating from the requirement of appropriate consultations with the Congress in accordance with section 723.1e in connection with the initiation of, and developments during, negotiations for international agreements, particularly where the agreements are of special interest to the Congress.

722 ACTION REQUIRED IN NEGOTIATION AND/OR SIGNATURE OF TREATIES AND AGREEMENTS

722.1 *Authorization Required to Undertake Negotiations.* Negotiations of treaties, or executive agreements, or for their extension or revision are not to be undertaken, nor any exploratory discussions undertaken with representatives of another government, until authorized in writing by the Secretary or an officer specifically authorized by him for that purpose. Notification of termination of any treaty or executive agreement requires similar authorization.

722.2 *Scope of Authorization.* Approval of a request for authorization to negotiate a treaty or other international agreement does not constitute advance approval of the text nor authorization to agree upon a date for signature or to sign the treaty or agreement. Authorization to agree upon a given date for, and to proceed with, signature must be specifically requested in writing, as provided in section 722.3. This applies to treaties and other agreements to be signed abroad as well as those to be signed at Washington. Special instructions may be required, because of the special circumstances involved, with respect to multilateral conventions or agreements to be signed at international conferences.

722.3 *Request for Authorization to Negotiate and/or Sign; Action Memorandum.* (a) A request for authorization to negotiate and/or sign a treaty or other international agreement takes the form of an Action Memorandum addressed to the Secretary and cleared with the Office of the Legal Adviser, the Office of the Assistant Secretary for Congressional Relations, other appropriate bureaus, and any other agency (such as Defense, Commerce, etc.) which has primary responsibility or a substantial interest in the subject matter. It is submitted through the Executive Secretariat.

(b) The Action Memorandum may request one of the following: (i) authority to negotiate, (ii) authority to sign, or (iii) authority to negotiate and sign. The request in each instance states that any substantive changes in the draft text will be cleared with the Office of the Legal Adviser and other specified regional and/or functional bureaus before definitive agreement is reached. Drafting offices consult closely with the Office of the Legal Adviser to ensure that all legal requirements are met.

(c) The Action Memorandum is accompanied by (i) the draft, if available, of any agreement or other instrument intended to be negotiated, (ii) the text of any agreement and related exchange of notes, agreed minutes or other document to be signed, and (iii) a memorandum of law prepared in the Office of the Legal Adviser.

(d) Where it appears that there may be obstacles to the immediate public disclosure of the text upon its entry into force, the Action Memorandum shall include an explanation thereof (see sections 723.2 and 723.3).

722.4 *Separate Authorizations.* When authorization is sought with respect to a particular treaty or other agreement, either multilateral or bilateral, the Action Memorandum for this purpose outlines briefly and clearly the principal features of the proposed treaty or other agreement, indicates any special problems which may be encountered, and, if possible, the contemplated solutions of those problems.

722.5 *Blanket Authorizations.* In general, blanket authorizations are appropriate *only* in those instances where, in carrying out or giving effect to provisions of law or policy decisions, a series of agreements of the same general type is contemplated; that is, a number of agreements to be negotiated according to a more or less standard formula (e.g., P.L. 480 Agricultural Commodities Agreements; Educational Exchange Agreements; Investment Guaranty Agreements; Weather Station Agreements, etc.) or a number of treaties to be negotiated according to a more or less standard formula (e.g., consular conventions: extradition treaties, etc.). Each request for blanket authorization shall specify the officer or officers to whom the authority is to be delegated. The basic precepts under section 722.3 apply equally to requests for blanket authorizations.

722.6 *Certificate on Foreign-Language Text.* (a) Before any treaty or other

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agreement containing a foreign-language text is laid before the Secretary (or any person authorized by him) for signature, either in the Department or at a post, a signed memorandum must be obtained from a responsible language officer of the Department certifying that the foreign-language text and the English-language text are in conformity with each other and that both texts have the same meaning in all substantive respects. A similar certification must be obtained for exchanges of notes that set forth the terms of an agreement in two languages.

(b) In exceptional circumstances the Department can authorize the certification to be made at a post.

722.7 *Transmission of Texts to Secretary.* The texts of treaties and other international agreements must be completed and approved in writing by all responsible officers concerned sufficiently in advance to give the Secretary, or the person to whom authority to approve the text has been delegated, adequate time before the date of signing to examine the text and dispose of any questions that arise. Posts must transmit the texts to the Department as expeditiously as feasible to assure adequate time for such consideration. Except as otherwise specifically authorized by the Secretary, a complete text of a treaty or other international agreement must be delivered to the Secretary or the Acting Secretary, or other person authorized to approve the text, before any such text is agreed upon as final or any date is agreed upon for its signature.

723 Responsibility of Office or Officer Conducting Negotiations

723.1 *Conduct of Negotiations.* The office or officer responsible for any negotiations must ensure:

a. That during the negotiations no position is communicated to a foreign government or to an international organization as a United States position that goes beyond any existing authorization or instructions;

b. That no proposal is made or position is agreed to beyond the original authorization without approval by the appropriate assistant secretaries or their deputies, the Legal Adviser's Office, and also, in the case of the treaties or other international agreements which concern responsibilities of AID, the Director of AID, or his Deputy;

c. That all significant policy-determining memorandums and instructions to the field on the subject of the negotiations are submitted to and cleared by the Office of the Legal Adviser, all assistant secretaries concerned or their deputies, and also, in the case of treaties or other international agreements which concern responsibilities of AID, the Director of AID, or his Deputy;

d. That the Secretary is kept informed in writing of important policy decisions and developments, including any particularly significant departures from substantially standard drafts that have been evolved;

e. That with the advice and assistance of the Assistant Secretary for Congressional Relations, the appropriate congressional leaders and committees are advised of the intention to negotiate significant new international agreements, consulted concerning such agreements, and kept informed of developments affecting them, including especially whether any legislation is considered necessary or desirable for the implementation of the new treaty or agreement. Where the proposal for any especially important treaty or other international agreement is contemplated, the Office of the Assistant Secretary for Congressional Relations will be informed as early as possible by the office responsible for the subject;

f. That in no case, after accord has been reached on the substance and wording of the texts to be signed, do the negotiators sign an agreement or exchange notes consituting an agreement until a request under section 722.3 for authorization to sign has been approved and, if at a post abroad, until finally instructed by the Department to do so as stated in section 730.3. If an agreement is to be signed in two languages, each language text must be cleared in full with the Language Services Division or, if at a post abroad, with the Department before signature, as required by section 722.6;

g. That due consideration is given also to the provisions of sections 723.2–723.9, 730.3, and 731 of this Chapter; and

h. That, in any case where any other department or agency is to play a primary or significant role or has a major interest in negotiation of an international agreement, the appropriate official or officials in such department or agency are informed of the necessity of complying with the requirements of this subchapter.

723.2 *Avoiding Obstacles to Publication and Registration.* The necessity of avoiding any commitment incompatible with the law requiring publication (see section 725) and with the treaty provisions requiring registration (see section 750.2–3) should be borne in mind by U.S. negotiators. Although negotiations may be conducted on a confidential basis, every practicable effort must be made to assure that any definitive agreement or commitment entered into will be devoid of any aspect which would prevent the publication and registration of the agreement.

723.3 *Questions on Immediate Public Disclosure.* In any instance where it appears to the U.S. representatives that the immediate public disclosure upon its entry into force of an agreement under negotiation would be prejudicial to the national security of the United States, the pertinent circumstances shall be reported to the Secretary of State and his decision awaited before any further action is taken. Where such circumstances are known before authorization to negotiate or to sign is requested, they shall be included in the request for authorization. All such reports and requests are to be cleared with the Office of the Legal Adviser.

723.4 *Public Statements.* No public statement is to be made indicating that agreement on a text has been reached, or that negotiations have been successfully completed, before authorization is granted to sign the treaty or other agreement. If such authorization has been granted subject to a condition that no substantive change in the proposed text is made without concurrence of the Office of the Legal Adviser and other specified offices, no such public statement is to be made until definitive agreement on the text has been reached with the concurrence of the Office of the Legal Adviser and the other specified offices. Normally, such a public statement is made only at the time a treaty or other agreement is actually signed, inasmuch as it remains possible that last-minute changes will be made in the text. Any such statement prior to that time must have the concurrence of the Office of the Legal Adviser, the Office of the Assistant Secretary for Congressional Relations, and the other specified offices, and the approval of the Secretary or the Department principal who originally approved the Action Memorandum request under "Circular 175 Procedure."

723.5 *English-Language Text.* Negotiators will assure that every bilateral treaty or other international agreement to be signed for the United States contains an English-language text. If the language of the other country concerned is one other than English the text shall be done in English and, if desired by the other country, in the language of that country. A United States note that constitutes part of an international agreement effected by exchange of notes shall always be in the English-language. If it quotes in full a foreign office note the quotation shall be rendered in English translation. A U.S. note shall not be in any language in addition to English unless specifically authorized. The note of the other government concerned may be in whatever language that government desires.

723.6 *Transmission of Signed Texts to Assistant Legal Adviser for Treaty Affairs.* a. The officer responsible for the negotiation of a treaty or other agreement at any post is responsible for ensuring the most expeditious transmission of the signed original text, together with all accompanying papers such as agreed minutes, exchanges of notes, agreed interpretations, plans, etc., to the Department for the attention of the Assistant Legal Adviser for Treaty Affairs: *Provided*, That where originals are not available accurate certified copies are obtained and transmitted as in the case of the original. (See sections 723.7, 723.8 and 723.9). The transmittal is by airgram, not by transmittal slip or Operations Memorandum.

b. Any officer in the Department having in his possession or receiving from any source a signed original or certified copy of a treaty or agreement or of a note or other document constituting a part of

a treaty or agreement must forward such documents immediately to the Assistant Legal Adviser for Treaty Affairs.

723.7 *Transmission of Certified Copies to the Department.* When an exchange of diplomatic notes between the mission and a foreign government constitutes an agreement or has the effect of extending, modifying, or terminating an agreement to which the United States is a party, a properly certified copy of the note from the mission to the foreign government, and the signed original of the note from the foreign government, are sent, as soon as practicable, to the Department for the attention of the Assistant Legal Adviser for Treaty Affairs. The transmittal is by airgram, *not* by transmittal slip or Operations Memorandum.

Likewise, if, in addition to the treaty or other agreement signed, notes related thereto are exchanged (either at the same time, before hand or thereafter), a properly certified copy (copies) of the note(s) from the mission to the foreign government are transmitted with the signed original(s) of the note(s) from the foreign government.

In each instance, the mission retains for its files certified copies of the note exchanged. The United States note is prepared in accordance with the rules prescribed in the Correspondence Handbook. The note of the foreign government is prepared in accordance with the style of the foreign office and usually in the language of that country. Whenever practicable, arrangements are made for the notes to bear the same date.

723.8 *Certification of Copies.* If a copy of a note is a part of an international agreement, such copy is certified by a duly commissioned and qualified Foreign Service officer either (a) by a certification on the document itself, or (b) by a separate certification attached to the document. A certification on the document itself is placed at the end of the document. It indicates, either typed or rubber stamped, that the document is a true copy of the original signed (or initialed) by (*insert full name of signing officer*), and it is signed by the certifying officer. If a certification is typed on a separate sheet of paper, it briefly describes the document certified and states that it is a true copy of the original signed (or initialed by) (*full name*) and it is signed by the certifying officer. The certification may be stapled to the copy of the note.

723.9 *Preparation of Copies for Certification.* For purposes of accuracy of the Department's records and publication and registration, a certified copy must be an exact copy of the signed original. It must be made either by typewriter (ribbon or carbon copy) or by facsimile reproduction on white durable paper (not by the duplimat method) and must be *clearly legible*. In the case of notes, the copy shows the letterhead, the date and, if signed, an indication of the signature or, if merely initialed, the initials which appear on the original. It is suggested that, in the case of a note from the mission to the foreign government, the copy for certification and transmission to the Department be made at the same time the original is prepared. If the copy is made at the same time, the certificate prescribed in section 723.8 may state that the document is a true and correct copy of the signed original. If it is not possible to make a copy at the same time, the original is prepared, the certificate indicates that the document is a true and correct copy of the copy on file in the mission. The word "(Copy)" is not placed on the document which is being certified; the word "(Signed)" is not placed before the indication of signatures. Moreover, a reference to the transmitting airgram, such as "Enclosure 1 to Airgram No. 18 (etc.)," is not placed on the certified document. The identification of such a document as an enclosure to an airgram may be typed on a separate slip of paper and attached to the document, but in such a manner that it may be easily removed without defacing the document.

724 Transmission of International Agreements Other Than Treaties to the Congress; Compliance With the Case Act

All officers will be especially diligent in cooperating to assure compliance with the Case Act, "An Act To require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within sixty days after the execution thereof." That Act, approved August 22, 1972 (86 Stat. 619; 1 U.S.C. 112b), provides as follows:

"The Secretary of State shall transmit to the Congress the text of any international agreement other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President."

725 Publication of Treaties and Other International Agreements of the United States

The attention of all officers is directed to the requirements of the Act of September 23, 1950 (64 Stat. 979; 1 U.S.C. 112(a)) which provides as follows:

The Secretary of State shall cause to be compiled, edited, indexed, and published, beginning as of January 1, 1950, a compilation entitled "United States Treaties and Other International Agreements", which shall contain all treaties to which the United States is a party that have been proclaimed during each calendar year, and all international agreements other than treaties to which the United States is a party that have been signed, proclaimed, or with reference to which any other final formality has been executed, during each calendar year. The said United States Treaties and Other International Agreements shall be legal evidence of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and agreements, therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.

730 Procedures for Concluding International Agreements

730.1 *Method of Concluding Bilateral and Multilateral Agreements.* An agreement may be concluded (entered into) by the process of bilateral negotiations which result either in the signing of a single instrument in duplicate or in exchange of diplomatic notes, or by the process of multilateral negotiations, usually at an international conference to which the governments concerned send official delegations for the purpose of formulating and signing an agreement.

730.2 *Bilateral Treaties and Agreements.* 730.2–1 *Negotiation and Background Assistance.* Whenever the negotiation of a new international agreement is under consideration, the post or the Department office having primary responsibility informs the Legal Adviser and may, if considered necessary, request background material and advice regarding relevant provisions in existing treaties and agreements, the general treaty relations of this Government with the government or governments concerned, and other pertinent information.

730.2–2 *Role of Office of the Legal Adviser.* a. *Legal Review of Draft Agreements.* As soon as tentative provisions for an agreement are considered or drafted, the Office of the Legal Adviser is requested to make available the services of an attorney-adviser to ensure that the agreement is properly drafted and agreed policy is expressed clearly and fully. The Office of the Legal Adviser prepares a draft in the first instance upon the request of another office.

b. *Legal Clearance Required.* Any draft of a proposed treaty or agreement, or any outgoing correspondence regarding the negotiation, signature, and ratification or approval, as well as the existence, status, and application, of any international agreement to which the United States is or may become a party, is cleared with the Office of the Legal Adviser and with other appropriate bureaus or offices.

730.3 *Instructions to Negotiators.* When an agreement is to be concluded at a foreign capital, the Department designates the American negotiator or negotiators, and he or they are given appropriate instructions. If the agreement to be negotiated is a treaty which will be referred to the Senate, the Secretary of State may at some time prior to or during the negotiations issue or request the President to issue a "full power" (see section 732) constituting formal authorization for the American negotiators to sign the agreement. Such

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a "full power" is not customary with respect to an executive agreement. The receipt or possession of a "full power" is never to be considered as a final authorization to sign. That authorization is given by the Department by a written or telegraphic instruction, and no signature is affixed in the absence of such instruction. If the proposal for an agreement originates with the United States, the American negotiators as a rule furnish a tentative draft of the proposed agreement for submission to the other government for its consideration. The negotiators submit to the Department any modification of the draft or any counter-proposal made by the other government and await instructions from the Department. If the original proposal emanates from a foreign government, the mission forwards the proposal to the Department and awaits its instructions.

730.47 *Preparation of Texts for Signature.* If an agreement is to be signed at a post abroad as a single instrument (in duplicate), the engrossing is customarily done in the foreign office on paper supplied by it, along with a binding and ribbons to tie the pages in place. However, the mission may lend assistance if the foreign office so desires. There is no universal standard as to the kind or size of paper which must be used (each foreign office has its own "treaty paper"), and the texts may be engrossed either by typing or by printing. For every bilateral agreement there must be two originals, one for each government. Each original must embody the full text of the agreement in all the languages in which the agreement is to be signed, subject only to the principle of the "alternat."

In the case of an agreement effected by exchange of notes, the United States note is prepared in accordance with 5 FAM 220–224 and the rules prescribed in the Correspondence Handbook. The note of the foreign government is prepared in accordance with the style of the foreign office and usually in the language of that country. Whenever practicable, arrangements are made for the notes to bear the same date.

730.5 *Principle of the Alternat.* 730.5–1 *Arrangement of Texts.* When English and a language other than English are both used, the texts in the two languages are placed (a) in parallel, vertical columns on the same page, the columns being approximately of equal width, or (b) on opposite facing pages of the document the entire width of the typed or printed space on the page, or (c) in "tandem" fashion, that is, with one text following the other. The tandem procedure is the most widely used as it is the most expeditious.

If the first-mentioned style is used, the English text is placed in the left column of each page in the original to be retained by the United States, and the foreign text appears in the right column. In the other original, to be retained by the foreign government, the foreign text appears in the left column, and the English text in the right column.

If the two languages are placed on opposite facing pages of the document, the English text occupies the left-hand page and the foreign text the right-hand page in the United States original, and conversely in the foreign government's original.

If the two languages are placed "tandem" fashion, the English text is placed first in the United States original, and conversely in the foreign government's original.

If the parallel column style is used, each representative will sign once in the center of the page of each of two originals. If either the "opposite facing page" or "tandem" style is used, the concluding part (usually beginning "In Faith Whereof," "In Witness Whereof," "Done," etc.) should appear engrossed in paralled columns on the page on which the signature will appear, so that only one set of signatures is required for each separately bound document. If parallel columns are not feasible, the concluding paragraphs can be placed "tandem" fashion on the page on which the signatures appear.

If an oriental text is one which, from the occidental viewpoint, reads from back to front, it may be possible to join the two texts in a single document so that the signatures appear, roughly speaking, in the center of the document. Separate documents for the two languages are not desirable if any of the methods first mentioned is feasible, although extraordinary circumstances may justify exceptions. In the event of exceptional circumstances affecting the engrossing, it would be well for the negotiators to seek instructions from the Department.

730.5–2 *Arrangement of Names and Signatures; Use of Titles.* In the original to be retained by the United States, the United States and the plenipotentiary of the United States are named first in both the English and foreign texts, wherever the names of the countries or of the plenipotentiaries occur together conjunctively or disjunctively; and the signature of the plenipotentiary of the United States appears above the signature of the foreign plenipotentiary. Conversely, throughout both of the language texts of the original to be retained by the foreign government, that government and its plenipotentiary are named first and his signature appears above the signature of the U.S. plenipotentiary. Some countries prefer that the signatures be side by side. Where that procedure is followed, the signature of the United States plenipotentiary appears on the left and that of the foreign plenipotentiary on the right of the original to be retained by the United States; on the original to be retained by the foreign government the signature of the foreign plenipotentiary will appear on the left and the signature of the United States plenipotentiary on the right. The position of full sentences or paragraphs in the text is never transposed in the alternate procedure.

The general practice and preference of the Department of State is not to use titles along with signatures, especially where the President or the Secretary of State signs. However, if preferred by the other party or parties concerned, titles may be typed below the place where each signer will affix his signature.

731 Conformity of Texts

After the documents have been engrossed on the basis of agreed texts, and before the signing of the agreement, the negotiators or other responsible officers on each side make sure that the texts in both originals of the engrossed agreement are in exact conformity with the texts in the drafts agreed to, and especially that where a foreign language text is included it is in conformity in all substantive respects with the English text. Prior to engrossing it should have been determined that the foreign-language text is essentially (i.e., as a matter of substance) in accord with the English text, and that it has received the clearance of the Department as required in section 722.6.

732 Exchange or Exhibition of Full Powers

Each representative who is to sign a treaty is furnished a full power signed by the Head of State, Head of Government, or Minister for Foreign Affairs. More than one representative may be named in a single full power. Formal full powers may be (but customarily are not) issued also for the signing of certain executive agreements. When issued, the full power is formal evidence of the authority of the representative to sign on behalf of his government. It names the representative and shows his title and a clear indication of the particular agreement which he is entitled to sign. If the agreement itself requires the exchange of full powers, they are exchanged. If not, they may be either exchanged or exhibited by the representatives on the occasion of signing the agreement, as may be preferred by the foreign representative. If exchanged, the original full power of the foreign representative is forwarded to the Department with the United States original of the signed agreement. If the representatives retain the original of their respective full powers, the foreign representative is requested to furnish a xerox, other offset copy or a certified copy of his full power.

733 Signature and Sealing

When the engrossing of a treaty or other international agreement which is to be signed as a single instrument has been completed, mutually convenient arrangements for its signature are made by the host government. In the case of treaties, the signatures of the representatives may be accompanied by their respective seals, ribbons being fastened in the seals and binding the document. The same procedure may be followed for other agreements signed as single instruments. It is not essential that seals be affixed unless the agreement specifically so requires. The representative's personal seal, if available, is used when seals accompany the signatures, except that if the other government concerned prefers official seals, the seal of the mission may be used.

(*NOTE:* A personal seal may consist of a signet ring with initial(s) or family crest, written initials, etc.)

734 *Exchange of Ratifications.* 734.1 *Time and Place for Exchange.* It is customary for a treaty to contain a simple provision to the effect that the instruments of ratification shall be exchanged at a designated capital, and that the treaty shall enter into force on the date of such exchange or at the expiration of a specified number of days or months following the date of exchange. As all treaties signed on the part of the United States are subject to ratification by and with the advice and consent of the Senate, and as the time required for action on any particular treaty cannot be foreseen, it is preferable that provision is made in the treaty that the instruments of ratification are to be exchanged "as soon as possible" rather than within a specified period.

734.2 *Effecting and Exchange.* In exchanging instruments of ratification the representative of the United States hands to the representative of the foreign government a duplicate original of the President's instrument of ratification. In return, the representative of the foreign government hands to the representative of the United States the instrument of ratification executed by the head or the chief executive of the foreign government. A protocol, sometimes called *proces-verbal* or "Protocol of Exchange of Ratifications" attesting the exchange is signed by the two representatives when the exchange is made. No full power is required for this purpose. The protocol of exchange is signed in duplicat originals, one for each government, and the principle of the alternate is observed as in the treaty. Before making the exchange and signing the protocol of exchange, the diplomatic representative of the United States satisfies himself that the ratification of the foreign government is an unqualified ratification, or subject only to such reservations or understandings as have been agreed to by the two governments.

734.3 *Notification of Date of Exchange.* In all cases, but particularly in those in which the treaty enters into force on the day of the exchange, it is essential that the mission notify the Department by telegram when arrangements have been completed for the exchange, and also when the exchange actually takes place. By the first pouch after the exchange takes place, if possible, the mission forwards to the Department the instrument of ratification of the foreign government and the United States Government's original of the signed protocol of exchange. The Department then will take such steps as may be necessary to have the proclamation of the treaty executed by the President.

740 Multilateral Treaties and Agreements

740.1 *General.* The procedures for the making of multilateral agreements are in many respects the same as those for the making of bilateral agreements, e.g., the general requirements in regard to full powers, ratification, proclamation and publication. This subchapter covers those procedures which are at variance with bilateral procedures.

740.2 *Negotiation.* 740.2–1 *Function of International Conference.* The international conference is the device usually employed for the negotiation of multilateral agreements. The greater the number of countries involved, the greater the necessity for such a conference. If only three or four countries are involved, it may be convenient to carry on the preliminary negotiations through correspondence and have a joint meeting of plenipotentiaries to complete the negotiations and to sign the document.

740.2–2 *Invitation.* Traditionally, the international conference was convened by one government extending to other interested governments an invitation (acceptance usually assured beforehand) to participate, the host government bearing most, if not all, of the expense incident to the physical aspects of the conference. This is still often the practice, but increasing numbers of conferences have been convened under the auspices, and at the call, of international organizations.

740.2–3 *Statement of Purpose.* When a call is made or invitations are extended for a conference for the formulation of a multilateral agreement, it is customary for a precise statement of purpose to accompany the call or the invitations. Sometimes, the invitation is also accompanied by a draft agreement to be used as a basis for negotiations. If the conference is called under the auspices of an international organization, the precise statement of purpose or the draft agreement may be prepared in preliminary sessions of the organization or by the secretariat of the organization.

740.2–4 *Instructions to Negotiators.* The U.S. delegation to a conference may be comprised of one or more representatives. As a rule, the U.S. delegation is furnished written instructions by the Department prior to the conference in the form of a position paper for the U.S. delegation cleared with the Secretary or an officer specifically authorized by him and with other appropriate Department officers, under the procedures described in section 722.3. The Office of the Legal Adviser in all instances reviews drafts of international conventions to be considered in meetings of an international orgaization of which the United States is a member; when necessary, it also provides legal assistance at international conferences and meetings.

740.2–5 *Final Acts of Conference.* The "Final Act" of a conference must not contain international commitments. A Final Act must be limited to such matters as a statement or summary of the proceedings of the conference, the names of the states that participated, the organization of the conference and the committees established, resolutions adopted, the drafts of international agreements formulated for consideration by governments concerned, and the like. If an international agreement is to be opened for signature at the close of the conference, a text thereof may be annexed to the Final Act but must not be incorporated in the body thereof; the text to be signed must be prepared and bound separately for that purpose. Where a Final Act appears to embody international commitments, the United States representative reports the same to the Department and awaits specific instructions before taking any further action.

741 *Official and Working Languages.* a. *General.* The working languages of the conference and the official languages of the conference documents are determined by the conference. A conference does not necessarily adopt all of the same languages for both purposes. It is customary and preferable for all the official languages in which the final document is prepared for signature to be designated as having equal authenticity. It is possible, however, for the conference to determine, because of special circumstances, that in the event of dispute one of the languages is to prevail and to include in the text of the agreement a provision to that effect. Before a United States delegation concurs in any such proposal, it must request instructions from the Department.

b. *English-Language Text.* Negotiators will use every practicable effect to assure that an English-language text is part of the authentic text of any multilateral treaty negotiated for the United States. Where any question exists on this subject the negotiators should seek further instructions.

742 Engrossing

742.1 *Language or Languages Used in Texts.* The multilateral agreement drawn up at an international conference is engrossed for signature in the official language or languages adopted by the conference. (See section 741.) The engrossing ordinarily will be done by the conference secretariat.

742.2 *The Principle of the Alternat.* The principle of the alternat (see section 730.5) does not apply in the case of a multilateral agreement, except in the remote case when an agreement between three or four governments is prepared for signature in the language of all the signatories and each of those governments is to receive a signed original of the agreement. Customarily, a multilateral agreement is prepared for signature in a single original, comprising all the official languages. That original is placed in the custody of a depositary (either a government or an international organization) which furnishes certified copies to all governments concerned.

742.2–1 *Arrangement of Texts.* The arrangement of multilateral agreement texts varies, depending largely on the number of languages used. As in the case of bilateral agreements, however, the basic alternatives in the case of multilateral agreements are parallel-columns, facing-pages, or "tandem," as follows:

a. *Parallel Columns.* If an agreement is to be signed in only two languages, the preferred method of arrangement of the texts is in parallel, vertical columns. This

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method may be used also if only three languages are used, but the three columns are necessarily so narrow that the method has been rarely used in such cases. When there are four official languages, however, it is possible to use the parallel-column method by placing two of the language texts on a left-hand page and the other two language texts on the facing right-hand page; this method has been used often and to good advantage in various inter-American agreements with English, Spanish, French, and Portugese. If any of the languages is oriental, the parallel-column method may be inexpedient and one of the other methods may be necessary.

b. *Facing Pages.* If an agreement is to be signed in only two languages, and circumstances make it necessary or desirable, the facing-page method may be used for engrossing the texts for signature, so that one of the language texts will be on a left-hand page and the other will be on the facing right-hand page. When this method is used, it is desirable that at least the concluding part (usually beginning "In Faith Whereof," "In Witness Whereof," "Done," etc.) be engrossed in parallel columns on the page at the end of the texts in both languages so that only one set of signatures is required. If parallel columns are not feasible, the concluding paragraphs can be placed tandem-fashion (one language text after another) on the page at the end of the texts in both languages.

c. *Tandem.* If neither the parallel-column nor the facing-page arrangement is feasible for an agreement to be signed in two languages, and especially if signed in three or more languages, the texts may be arranged in tandem-style, i.e., one complete text following the other. This allows readily for any number of official texts; the tandem-style precedent of the Charter of the United Nations is followed for the preparation of agreements formulated under the auspices of the United Nations. It is desirable, whenever practicable, that the concluding part of each text be placed with the concluding part of each of the other texts in parallel columns on the page on which the first of the signatures appears, although the tandem arrangement described at the end of section 742.2–1b can be used.

742.2–2 *Arrangement of Names and Signatures.* The arrangement of names and signatures, although it may seem a minor matter, sometimes presents difficulties in the case of multilateral agreements. There may be variations of arrangements, depending on particular factors, but the arrangement most generally used is alphabetical according to the names of the countries concerned. An alphabetical listing, however, presents the further question, even when there are only two languages, of what language is to be used in determining the arrangement. It is a common practice to use the language of the host government or for an agreement formulated under the auspices of an international organization, to follow the precedents established by that organization. It is possible, in the event that agreement could not be reached regarding the arrangement of names of countries and signatures of plenipotentiaries, to have a drawing of lots, a device seldom used. In any event, the question is one to be determined by the conference.

742.3 *Conformity of Texts.* It is the primary responsibility of the delegations, acting in conference, to determine the conformity of the agreement texts which are to be signed. However, the conference secretariat has a responsibility for checking the texts carefully to ensure that, when put in final form for signature, the texts are in essential conformity.

743 Full Powers

In the case of a multilateral agreement drawn up at an international conference, this Government customarily (almost invariably, in the case of a treaty) issues to one or more of its representatives at the conference an instrument of full power authorizing signature of the agreement on behalf of the United States. In some instances, issuance of the full power is deferred until it is relatively certain that the agreement formulated is to be signed for the United States (see section 732). Ordinarily, that full power is presented by the representatives to the secretary general of the conference upon arrival of the delegation at the conference site. It may be submitted in advance of arrival, but usually that is not necessary. When the conference has formally convened, it usually appoints a credentials committee, to which all full powers and other evidence of authorization are submitted for examination. The full powers and related documents are retained by the credentials committee or the secretary general until the close of the conference. At the close of the conference, the full powers, related documents, and the signed original of the agreement are turned over to the government or the international organization designated in the agreement as the depositary authority, to be placed in its archives.

744 Signature and Sealing (See Also Section 733)

744.1 *Signature.* Most multilateral agreements are signed. Some, however, are adopted by a conference or organization after which governments become parties by adherence, accession, acceptance or some other method not requiring signature (e.g., conventions drawn up and adopted at sessions of the International Labor Organization). Procedures for the deposit of an instrument of adherence, accession, or acceptance are similar to procedures for the deposit of instruments of ratification. In some cases, accession or approval can be accomplished by formal notice through diplomatic channels.

744.2 *Seals.* Multilateral treaties do not usually provide for the use of seals along with the signatures of representatives. The large number of signatures would make the use of seals difficult and cumbersome.

745 Disposition of Final Documents of Conference

At the close of a conference, the remaining supply of working documents (e.g., records of committee meetings, verbatim minutes, etc.) usually is placed in the custody of the host government or the organization which called the conference for appropriate disposition. It is not proper for definitive commitments constituting part of the agreement to be embodied in such working documents. Definitive commitments must be incorporated only in a final document to be signed or adopted as an international agreement. The final documents of the conference may include a Final Act (see section 740.2–5) and, separately the text(s) of agreement(s). The practice of signing a Final Act is still followed in many cases. In any event, any agreement formulated at the conference must be engrossed as a separate document and signed or adopted. The signed or adopted originals of the final documents of the conference are turned over to the government or international organization designated in such documents as depositary. If the conference is not held under the auspices of an organization, it is customary for the host government to be designated depositary, but it might be appropriate, even in such case, to name an organization, such as the United Nations, as depositary. The decision is made by the conference, with the concurrence of the government or international organization concerned.

746 Procedure Following Signature

746.1 *Understandings or Reservations.* If it is necessary to inform other governments concerned, and perhaps obtain their consent, with respect to an understanding or reservation imposed by the Senate in its advice and consent, this Government communicates with the depositary, which then carries on the necessary correspondence with the other governments concerned.

746.2 *Deposit of Ratification.* When the depositary for a multilateral agreement is a foreign government or an international organization, the United States instrument of ratification (or adherence, accession, acceptance, etc.) is sent by the Department to the appropriate Foreign Service mission or to the United States representative to the organization if there is a permanent representative. The mission or the representative deposits it with the depositary authority in accordance with the terms of the accompanying instruction from the Department concerning the time of deposit. When this Government is depositary for a multilateral agreement, posts are not authorized to accept instruments of ratification of foreign goverments, i.e., the foreign government cannot deposit its instrument with the post. If a post is requested to transmit an instrument of ratification to the Department, it must make clear to the foreign government that the post is acting only as a transmitting agent and that the ratification cannot be considered as accepted for deposit until received and examined by the Department.

746.3 *Registration* (*See also section 750.2–3*). It is generally recognized that the depositary for a multilateral agreement has a primary responsibility for such registration. Normally, the depositary has custody not only of the original document of agreement but also of instruments of ratification and other formal documents. Consequently, the depositary is the most authoritative source of information and documentation.

750 Procedural Responsibilities

Carrying out and providing advice and assistance respecting the provisions of this chapter are the responsibility of the Assistant Legal Adviser for Treaty Affairs, who:

a. Makes all arrangements and supervises ceremonies at Washington for the signature of treaties or other international agreements; and prepares or arranges for the preparation of texts of treaties and other agreements to be signed in Washington;

b. Prepares or arranges for preparation of the Secretary of State's reports to the President, and the President's messages to the Senate for transmission of treaties for advice and consent to ratification;

c. Prepares instruments of ratification or adherence, instruments or notifications of acceptance or approval, termination notices, and proclamations with respect to treaties or other international agreements;

d. Makes arrangements for the exchange or deposit of instruments of ratification, the deposit of instruments of adherence, the receipt or deposit of instruments or notifications of acceptance or approval, and termination notices, with respect to treaties or other international agreements;

e. Prepares instructions to posts abroad and notes to foreign diplomatic missions at Washington respecting matters in d;

f. Takes all measures required for the transmission to the Congress of all international agreements other than treaties, as required by the Case Act (see Section 724), and the publication and registration of treaties and other international agreements to which the United States is a party (see sections 725 and 750.2–3).

g. Reviews all drafts of international agreements, proposals by other Governments or international organizations, instructions and position papers, all Circular 175 requests and accompanying Memorandums of Law.

750.1 *Engrossing Documents for Signature.* After the text of a treaty or other agreement is approved in writing in accordance with section 722.7, the document is engrossed for signature in the Department.

Adequate time (normally 7 business days) is allowed for the engrossing (typing on treaty paper), comparing, etc., of the treaty or other agreement to be signed, in order to assure sufficient time for the preparation of accurate texts in duplicate for signature, including, in the case of documents to be signed in a foreign language, sufficient time for the Language Services Division to prepare any translations required, check any existing foreign-language draft, and check the engrossed foreign-language text. The determination of the amount of time required in each instance to complete the engrossing is the responsibility of the Assistant Legal Adviser for Treaty Affairs.

750.2 *Publication and Registration.*

750.2–1 *Publication of Texts.* After the necessary action has been taken to bring into force the treaty or other international agreement concluded by the United States, it is published promptly in the Treaties and Other International Act Series issued by the Department. After publication in that series, the text of the treaty or other agreement is printed in the annual volume (which may consist of two or more bindings) of *United States Treaties and Other International Agreements* as required by law (see section 725). Treaties and other agreements concluded prior to January 1, 1950, were published in the United States Statutes at Large.

750.2–2 *Responsibility for Other Treaty Publications.* The Office of the Assistant Legal Adviser for Treaty Affairs prepares and maintains the annual publication *Treaties in Force*, an authoritative guide to the text and status of treaties and other international agreements currently in force for the United States. It also compiles and has published, in addition to the publication referred to in section 750.2–1, other volumes containing texts of treaties and other agreements as required or authorized by law. The "Treaty Information" part of the Department of State BULLETIN is compiled by that office.

750.2–3 *Registration.*

Article 102 of the United Nations Charter requires that every treaty and every international agreement entered into by a member of the United Nations be registered, as soon as possible, with the Secretariat and published by it. Article 83 of the Chicago Aviation Convention of 1944 requires registration of aviation agreements with the Council of the International Civil Aviation Organization.

750.3 *United States as Depositary.* a. Inquiries from foreign diplomatic missions at Washington and from American diplomatic missions abroad with respect to the preparation or deposit of instruments relating to any multilateral agreement of which the United States is depositary are referred to the Assistant Legal Adviser for Treaty Affairs. That officer is to be notified immediately of the receipt of any such document anywhere in the Department, inasmuch as a depositary is required to ascertain whether those documents are properly executed before accepting them for deposit, to keep accurate records regarding them, and to inform other governments concerned of the order and date of receipt of such documents.

b. Before any arrangements are proposed or agreed to for the United States to serve as depositary for any international agreement the views of the Assistant Legal Adviser for Treaty Affairs will be obtained.

750.4 *Records and Correspondence Custody.* a. The Assistant Legal Adviser for Treaty Affairs compiles and maintains authoritative records regarding the negotiation, signature, transmission to the Senate, and ratification or approval, as well as the existence, status, and application, of all international agreements to which the United States is or may become a party and, so far as information is available, of agreements between other countries to which the United States is not a party. Inquiries on these subjects are addressed to, and outgoing communications cleared with, the Office of the Legal Adviser.

b. To ensure that the records regarding the matters described in this section are complete and up to date, it is important that all relevant papers be referred to the Office of the Legal Adviser.

c. The Assistant Legal Adviser for Treaty Affairs is responsible for the custody of originals of bilateral agreements and certified copies of multilateral agreements pending entry into force and completion of manuscripts for publication. Following publication, such originals and certified copies are transferred to the National Archives. The Assistant Legal Adviser for Treaty Affairs retains custody of signed originals of multilateral agreements for which the United States is depositary, together with relevant instruments of ratification, adherence, acceptance, or approval, as long as those agreements remain active.

[SEAL] CHARLES N. BROWER,
Acting Legal Adviser
Department of State.

July 23, 1973.

[FR Doc.73–16989 Filed 8–14–73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–445 and 50–446]

TEXAS UTILITIES GENERATING CO. ET AL.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Availability of Applicants' Environmental Report, etc.

The Texas Utilities Generating Company, Dallas Power and Light Company, Texas Electric Service Company, and Texas Power and Light Company (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed an application, which was docketed July 20, 1973, for authorization to construct and operate two generating units utilizing pressurized water reactors. The application was tendered on June 5, 1973. Following a preliminary review for completeness, it was accepted on July 18, 1973, for docketing.

The proposed nuclear facilities, designated by the applicants as the Comanche Peak Steam Electric Station, Units 1 and 2, are located on the applicants' site in Somervell County, Texas, approximately 4½ miles north of Glen Rose, Texas, and approximately 40 miles southwest of Fort Worth in North Central Texas. Each reactor is designated for initial operation at approximately 3411

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megawatts (thermal), with a net electrical output of approximately 1159 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 30, 1973. The request should be filed in connection with Docket Nos. 50–445–A and 50–446–A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Somervell County Public Library, On the Square, P.O. Box 417, Glen Rose, Texas 76043.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated June 5, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Comanche Peak Steam Electric Station, Units 1 and 2 is also being made available at the North Central Texas Council of Governments, P.O. Box 5888, Arlington, Texas 76011.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 24th day of July, 1973.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Pressurized Water Reactors, Branch No. 1, Directorate of Licensing.

Advisory Committee on Reactor Safeguards Working Group on Peaking Factors

Notice of Meeting

AUGUST 13, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 USC 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Working Group on Peaking Factors will hold a meeting on August 29, 1973, in Room 1046, at 1717 H Street, NW, Washington, D.C. The purpose of this meeting will be to discuss calculational techniques and plant operating conditions related to peaking factors, with reference to nuclear reactors designed by the General Electric Company.

The following constitutes that portion of the Working Group's agenda for the above meeting which will be open to the public:

WEDNESDAY, AUGUST 29, 1973,
9:000 A.M.–4:00 P.M.

Discussion with the AEC Regulatory Staff and the General Electric Company.

In connection with the above agenda item, the Working Group will hold an executive session at 8:30 a.m., which will involve discussion of its preliminary views, and an executive session at approximately 4:30 p.m. to exchange opinions and formulate recommendations to the ACRS. In addition, prior to the executive session at the end of the day, the Working Group may hold a closed session with the Regulatory Staff and General Electric to discuss privileged information relating to nuclear fuel design, calculational techniques and plant operating conditions related to peaking factors, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92–463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss certain documents which are privileged, and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than August 22, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon GE topical reports and various other related documents on file and available for public inspection at the Atomic Energy Commission's Public Documents Room, 1717 H Street, NW, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Working Group. To the extent that the time available for the meeting permits, the Working Group will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Working Group, between the hours of 1 p.m. and 3 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Working Group, who is empowered to apportion the time available among those selected by him to to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on August 27, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301–973–5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Working Group and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545 on or after October 29, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73–17118 Filed 8–14–73;10:49 am]

[Docket Nos. 50–352 and 50–353]

PHILADELPHIA ELECTRIC CO.

Notice of Availability of Draft Environmental Statement for the Limerick Generating Station, Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing, related to the proposed Limerick Generating Station, Units 1 and 2, to be constructed by the Philadelphia Electric Company in Montgomery County, Pennsylvania, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464. The Draft Environmental Statement is also being made available at the Office of Radiological Health, Department of Environmental Resources, P.O. Box 2063, Harrisburg, Pennsylvania 17105 and at the Delaware Valley Regional Planning Commission, 1317 Filbert Street, Philadelphia, Pennsylvania 19107.

Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Draft Environmental Statement incorporates recent information related to the consequences of the consumptive use of Delaware River water for plant operation and includes consideration of comments received on the December 1972 Draft Environmental Statement. The notice of availability for the Limerick Generating Station, Units 1 and 2, Draft Environmental Statement, dated December 1972, was published in the FEDERAL REGISTER on December 7, 1972 (37 FR 26053).

Pursuant to Appendix D, 10 CFR Part 50, interested persons may, on or before September 14, 1973, submit comments on the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Draft Environmental Statement (local agencies may obtain this document upon request). When comments thereon by Federal, State and local officials are received by the Commission, such comments will be made available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Comments on the AEC's Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 10th day of August 1973.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief Environmental Projects Branhc 1 Direciorate of Licensing.

[FR Doc.73–17119 Filed 8–14–73;10:49 am]

COMMISSION ON CIVIL RIGHTS

ARIZONA

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on September 17, 1973, and that an executive session, if appropriate, will be convened on September 16, 1973, to be held at the Navajo Civic Center, Window Rock, Arizona.

The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex or national origin which affect educational opportunities, or the provision of medical and welfare services, or employment opportunities, or economic development for the Navajo Indians who reside on or near the Navajo Reservation in Arizona, New Mexico, or Utah; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex or national origin as they affect the educational opportunities, or the provision of medical and welfare services, or employment opportunities, or economic development for Navajo Indians, in the above areas, and to disseminate information with respect to denials of equal protection of the laws because of race, color, religion, sex or national origin in the fields of education, medical and welfare sevices, employment, economic development, and related matters.

Dated at Washington, D.C., August 10, 1973.

STEPHEN HORN,
Acting Chairman.

[FR Doc.73–16964 Filed 8–14–73;8:45 am]

DELAWARE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware State Advisory Committee to this Commission will convene at 12 noon on August 17, 1973, at the Young Women's Christian Association, 908 King Street, Wilmington, Delaware 19801.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW, Washington, D.C. 20425.

The purpose of this meeting is to discuss a first draft report of the June 1–2, and June 6, factfinding meeting on the Delaware Adult Corrections System and the civil rights of inmates.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., August 9, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73–16965 Filed 8–14–73;8:45 am]

LOUISIANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Louisiana State Advisory Committee to this Commission will convene at 10 a.m. on August 17, 1973, in Gallery No. 3 Meeting Room of the Roadway Inn, at IH–10 and Acadian Throughway, Baton Rouge, Louisiana 70806.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 209, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting shall be to finalize program plans for a State Advisory Committee study of the Administration of Justice in Louisiana Prisons.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., August 9, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73–16966 Filed 8–14–73;8:45 am]

MASSACHUSETTS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts State Advisory Committee to this Commission will convene at 12 noon on August 15, 1973, at the RKO General Building, Boston, Massachusetts 66109.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss developments in the Civil Service System as part of a proposed study by the Massachusetts State Advisory Committee's Subcommittee on Employment.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., August 9, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73–16967 Filed 8–14–73;8:45 am]

RHODE ISLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island State Advisory Committee to this Commission will convene at 12:00 noon on August 22, 1973, at the Central Congressional Church, 296 Angell Street, Providence, Rhode Island 02903.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office, Room 1639 26 Federal Plaza, New York, New York 10007.

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The purpose of this meeting shall be to review the status of a proposed State Advisory Committee project on Employment in State and local Government, and to consider plans for a factfinding meeting.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., August 9, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-16968 Filed 8-14-73;8:45 am]

CIVIL SERVICE COMMISSION

MEDICAL TECHNOLOGIST, WOOD, WISCONSIN

Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11721, the Civil Service Commission has increased special minimum salary rates and rate ranges as follows:

GS-644 MEDICAL TECHNOLOGIST SERIES

Geographic Coverage: Wood, Wisconsin.

Effective Date: First day of the first pay period beginning on or after August 19, 1973.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-5	$8,979	$9,236	$9,493	$9,750	$10,007	$10,264	$10,521	$10,778	$11,035	$11,292

All new employees in the specified occupational level will be hired at the minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the roles in the affected occupational level. An employee who immediately prior to the effective date was receiving basic compensation at one of the prior special rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after each date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 571, FPM. agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723, of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

(This special rate schedule for computer purposes is designated as Table No. 314)

[FR Doc 73-17085 Filed 8-14-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 319]

ASSIGNMENT OF HEARINGS

AUGUST 10, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 134922 Sub 41, B. J. MCADAMS, INC., now assigned September 10, 1973, will be held in Room 5A15-17, Federal Office Bldg., 1100 Commerce Street, Dallas, Texas.

MCC 8096, The Squaw Transit Company—Investigation and Revocation of Certificates—now assigned September 11, 1973, hearing will be held in Room 5A15-17, Federal Office Building, 1100 Commercial St., Dallas, Texas.

MC-F-11866, Mid-States Trucking Co.—Control and Merger—(A) Govan Express, Inc., and (B) Denton Produce, Inc., now assigned hearing September 13, 1973, will be held in Room 5A15-17, Federal Office Building, Dallas, Tex.

W 536 Sub 13, Hennepin Towing Company, now assigned hearing September 17, 1973, will be held in The Fontainbleau Motor Hotel, 4040 Tulane Ave., New Orleans, La.

MC F-11827, Joe Hodges Transportation Corp.—Purchase—Toddman Transport Co., and MC 120634 Sub 19, Joe Hodges Transportation Corp., now being assigned hearing September 24, 1973 (1 week), at Dallas, Tex., in Room 5A15-17, Federal Office Bldg., 1100 Commerce Street.

MC 138520, B. Johns Transfer, Inc., now being assigned hearing September 24, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11749, Allegheny Freight Lines, Inc.—Purchase—Murl E. Twigg, DBA Twigg Transfer & General Hauling, is continued to August 16, 1973, (1 day), at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S M-27070, Increased Class Rates for Short Hauls to and from the South, now being assigned hearing October 2, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S M-27669, Increased Minimum Charges for Capacity Loads, now being assigned hearing October 9, 1973, at the Offices of the Interestate Commerce Commission, Washington, D.C.

MC 113855 Sub 273, International Transport, Inc., now assigned September 10, 1973, MC 129171 Sub 11, Arthur Shelley, Inc., now assigned September 11, 1973, MC 134922 Sub 42, B. J. McAdams, Inc., now assigned September 12, 1973, MC 134460 Sub 8, American Transport System, Inc., now assigned September 13, 1973, No. 35834, Increased Rates, Matson Navigation Company, now assigned September 17, 1973, No. W-1265, Bigge Drayage Co., now assigned September 24, 1973, will be held in Room 13025, 450 Golden Gate Avenue, San Francisco, Calif.

FD 27346, Missouri Pacific Railroad Co., Securities, now assigned August 27, 1973, at Washington, D.C., postponed to September 17, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16982 Filed 8-14-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 10, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before August 31, 1973.

FSA No. 42731—*Grain, Grain Products and Related Articles from, to and Between Points in Illinois Freight Association, Southwestern and WTL Territories.* Filed by Western Trunk Line Committee, Agent, (No. A-2687), for interested rail carriers. Rates on beet pulp, dried, corn cobs, ground, mill feed and oat hulls, in carloads, as described in the application, from, to and between points in Illinois Freight Association, southwestern and western trunkline territories.

Grounds for relief—Revision in carload minimum weights.

Tariff—Supplement 35 to Western Trunk Line Committee, Agent, tariff 120-L, I.C.C. No. A-4868, and other schedules named in the application. Rates are published to become effective on September 15, 1973.

FSA No. 42732—*Chlorine to Brunswick, Georgia.* Filed by M. B. Hart, Jr., Agent, (No. A6333), for interested rail carriers. Rates on chlorine, in tank-car loads, as described in the application, from McIntosh, Alabama and Charleston, Tennessee, to Brunswick, Georgia.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplements 135 and 408 to Southern Freight Association, Agent, tariffs 820-E and 821-D, I.C.C. Nos. S-938 and S-484, respectively. Rates are published to become effective on September 20, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16983 Filed 8-14-73;8:45 am]

[No. FF-C-51]

FREIGHT FORWARDERS OF HOUSEHOLD GOODS

Extension of Time for Filing Representations

AUGUST 7, 1973.

At the request of Alan F. Wohlstetter, attorneys for Household Goods Forwarders Tariff Bureau and Member Forwarders, the time for filing representations in this proceeding (38 FR 14905) has been extended from August 13, 1973, to September 17, 1973.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16986 Filed 8-14-73;8:45 am]

KRUSE TRUCKING CO.

Notice of Filing of Petition

No. MC 72094 and No. MC 72094 (Sub-No. 3) (Notice of filing of petition for modification, clarification, and amendment of certificate), filed July 25, 1973. Petitioner: KRUSE TRUCKING CO. Hillside, N.J. 07205 Petitioner's representative: George A. Olsen 60 Tonnele Avenue Jersey City, N.J. 07306 Petitioner holds irregular-route, motor *common carrier* authority to transport (1) in No. MC 72094: *General commodities* (except those of unusual value, and except household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, dangerous explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Morris, Union, and Essex Counties, N.J., on the one hand, and, on the other, points in New York, N.Y.; and (2) in No. MC 72094 (Sub-No. 3): General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, N.Y., on the one hand, and, on the other, points in Middlesex, Monmouth, and Somerset Counties, N.J. By the instant petition, petitioner requests (a) that an order be entered to amend said certificates by replacing the words "New York, N.Y." with the words "New York, N.Y., commercial zone, as described by the Commission in the report in *New York, N.Y., Commercial Zone*, 1 M.C.C. 665," or (b) that the Commission issue an appropriate order that the petitioner be empowered and permitted to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y., commercial zone as defined by the Commission.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and fifteen copies of such data, views, or arguments shall be filed with the Commission on or before October 8, 1973. A copy of each representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours. Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16987 Filed 8-14-73;8:45 am]

[Notice No. 63]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 10, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 868 (Sub-No. 8) (REPUBLICATION) filed July 28, 1970, published in the FR issue of October 8, 1970, and amended in republication on January 21, 1971, and in third publication this issue. Applicant: SIGNAL TRUCKING SERVICE, LTD. 3770 East 26th Street Vernon, CA 90023 Applicant's representative: Ernest D. Salm 3846 Evans Street Los Angeles, CA 90027 A Decision and Order of the Commission, Review Board Number 2, dated July 25, 1973, and served August 2, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (A) (1) *iron and steel articles*, (2) *non-ferrous metals*, and *non-ferrous metal products* (except household appliances and housewares), (3) *clay and clay products*, (4) *heavy machinery and heavy machinery parts*, (5) (a) *machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas, petroleum, their products and byproducts, water, and sewage, and (b) *machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines used in the transmission of natural gas, petroleum, their products and byproducts, water, and sewage, (6) *contractors', mining, and military equipment, materials* and *supplies*, (7) *power or communications distribution and metal processing equipment, materials* and *supplies*, (8) *commodities* the transportation of which requires by reason of their size or weight the use of special equipment, (9) *electrical cables*, (10) *scrap metals*, and (11) *firefighting equipment, materials* and *supplies*, between points in California; and (B) *general commodities* (except household goods as defined by the Commission, commodities in bulk, classes A and B explosives, commodities requiring special equipment, and commodities of unusual value, and except motor vehicles and commodities in vehicles equipped with mechanical refrigeration), (1) between points in San Francisco, Alameda, San Mateo, and Contra Costa Counties, Calif., and (2) between points in Santa Clara County, Calif., San Mateo, Calif., points in San Mateo County located south of San Mateo on U.S. Highways 101 and 101 By-pass, Hayward, Calif., and points in Alameda County, Calif., located south of Hayward on California State Highways 9 and 17; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 87720 (Sub-No. 133) (REPUBLICATION) filed September 20, 1972, published in the FR issue of October 5, 1972, and republished this issue. Applicant: BASS TRANSPORTATION CO., INC. P.O. Box 391 Flemington, N.J. 08822 Applicant's representative: Bert Collins Suite 5193 5 World Trade Center New York, N.Y. 10048 An Order of the Commission, Review Board Number 2, dated June 15, 1973, and served June 25, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, (1) of *chemicals*, and *plastic materials and*

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products from Fords, Garfield, Elizabeth, East Rutherford, Rockaway, Carlstadt, Belleville, Paterson, Moonachie, Piscataway and Linden, N.J., and New York, N.Y., to points in Indiana, Michigan, Ohio, Illinois, Missouri, Minnesota, Wisconsin, Kentucky, Iowa, and Kansas; and (2) of *materials, supplies and equipment*, utilized in the manufacture, sale and distribution of the commodities described in (1) above, from points in the named destination States to the above-described origins restricted in (1) and (2) above against the transportation of commodities in bulk, under a continuing contract, or contracts, with Tenneco, Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

MC 130533 (NOTICE OF FILING OF PETITION TO ADD AN ADDITIONAL CONTRACTING SHIPPER) filed May 13, 1973. Petitioner: SILVEY & COMPANY a Corporation Highway 275 and Gifford Council Bluffs, Iowa 51501 Petitioner's representative: Donald L. Stern 530 Univac Building 7100 West Center Road Omaha, Nebr. 68106 Petitioner presently hold a motor *contract carrier* permit in No. MC 135033 issued November 19, 1971, authorizing transportation by motor vehicle, over irregular routes, of *such commodities* as are dealt in by retail department stores (except foodstuffs), from points in Alabama, Connecticut, Kentucky, (except Louisville and points in its commercial zone), Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and Ohio (except Cincinnati, Cleveland, Columbus and Toledo and points in their respective commercial zones), to Omaha, Nebr., under a continuing contract or contracts with J. L. Brandeis & Sons, Inc. By the instant petition, petitioner seeks to add Morris Industries, Inc. as an additional contracting shipper to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 130533 (NOTICE OF FILING OF PETITION TO ADD AN ADDITIONAL CONTRACTING SHIPPER) filed May 16, 1973 Petitioner: SILVEY & COMPANY a Corporation Highway 275 and Gifford Road Council Bluffs, Iowa 51501 Petitioner's representative: Donald L. Stern 530 Univac Building 7100 West Center Road Omaha, Nebr. 68106 Petitioner presently holds a motor *contract carrier* permit in No. MC 135033 issued November 19, 1971, authorizing transportation by motor vehicle, over irregular routes, of *such commodities* as are dealt in by retail department stores (except foodstuffs), from points in Alabama, Connecticut, Kentucky, (except Louisville and points in its commercial zone), Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and Ohio (except Cincinnati, Cleveland, Columbus and Toledo and points in their respective commercial zones), to Omaha, Nebr., under a continuing contract or contracts with J. L. Brandeis & Sons, Inc. By the instant petition, petitioner seeks to add Westside Supply, Inc. as an additional contracting shipper to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 134270 (NOTICE OF FILING OF PETITION TO MODIFY A RESTRICTION) filed July 18, 1973. Petitioner: M.H.C. MESSENGERS, a Corporation 31 Virginia Avenue Carteret, N.J. 02008 Petitioner's representative: Robert B. Pepper 168 Woodbridge Avenue Highland Park, N.J. 08904 Petitioner presently holds a motor *common carrier* certificate in No. MC 134270, issued May 19, 1972, authorizing transportation, by motor vehicle, over irregular routes, transporting: (1) *Radioactive material (medotopes)*, from New Brunswick, N.J., to points in the boroughs of Queens, Manhattan, Brooklyn, Bronx and Staten Island, N.Y., RESTRICTION: The operations authorized above, shall be limited in point of time to a period expiring 5 years after May 19, 1972; and (2) *vaccines, drugs, and medicines*, from Secaucus, New Brunswick, Bound Brook, Teterboro, and South Hackensack, N.J., to points in the boroughs of Queens, Manhattan, Brooklyn, Bronx and Staten Island, N.Y., RESTRICTION: The operations authorized herein are restricted against the transportation of shipments weighing in the aggregate more than 50 pounds from one consignor to one consignee on any one day. By the instant petition, petitioner seeks to apply its present aggregate weight per shipment restriction of 50 pounds solely to (2) above, and add to the existing restriction in (1) above the following: "operations are further restricted against the transportation of shipments weighing in the aggregate more than 3,000 pounds from one consignor to one consignee on any one day. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 135821 (NOTICE OF FILING OF PETITION TO ADD A SHIPPER) filed March 7, 1973. Petitioner: MADELINE MILESTONE 4233 Leiper St. Philadelphia, Pa. 19124 Petitioner's representative: John W. Frame Box 626, 2207 Old Gettysburg Road Camp Hill, Pa. 17011 Petitioner presently holds a motor *contract carrier* permit in No. MC-135821 issued July 24, 1972, authorizing transportation in interstate or foreign commerce, over irregular routes, of such *merchandise* as is dealt in by wholesale or retail department stores, between points located in that part of New York on and south of a line beginning at the New York-Pennsylvania State line at or near Hale Eddy, N.Y., and extending southeastward along New York Highway 17 to junction Interstate Highway 84, and thence eastward along Interstate Highway 84 to the New York-Connecticut State line; and points in that part of Connecticut on and south of a line beginning at the New York-Connecticut State line, and extending eastward along Interstate Highway 84 to junction Connecticut Highway 34 at or near Sandy Hook, Conn., thence southeastward along Connecticut Highway 34 to New Haven, Conn., and points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line at junction U.S. Highway 15 at or near Lawrenceville, Pa., and extending southward along U.S. Highway 15 to junction U.S. Highway 11, at or near Sandbury, Pa., thence southward along combined U.S. Highways 11 and 15 to junction U.S. Highway 11 at or near Camp Hill, Pa., thence southwestward along U.S. Highway 11 to the Pennsylvania-Maryland State line, and points in that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line, and extending southward along U.S. Highway 15 to junction U.S. Highway 240 at or near Frederick, Md., thence along U.S. Highway 240 to the District of Columbia-Maryland Boundary line, and points in Charles County, Md., and points in New Jersey, Delaware, and the District of Columbia, restricted to the transportation of traffic moving from or to the stores and facilities of Lionel Leisure, Inc., under a continuing contract, or contracts, with Lionel Leisure, Inc., of New York, N.Y. By the instant petition, petitioner seeks to add the additional contracting shipper, Ideal Shoe Company, of Philadelphia, Pa., to the above described authority; and to amend the transportation restriction appropriately. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 17470 (Sub-No. 1) filed June 7, 1973 Applicant: NEW YORK MASSACHUSETTS MOTOR SERVICE, INC. 83 Progress Street Springfield, Mass. 01103 Applicant's representative: Francis E. Barrett, Jr. 10 Industrial Park Road Hingham, Mass. 02043 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Massachusetts. Note: Applicant states that the requested authority can be tacked at Springfield, Mass. with its existing authority to and from the New York City area to serve points in Massachusetts.

Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The instant application m is a matter directly related to the Section 5 purchase proceeding in MC–F–11007, published in the FR issue of June 30, 1973. If a hearing is deemed necessary, applicant requests it be held at Springfield or Boston, Mass.

No. MC 42405 (Sub-No. 32) filed July 24, 1973 Applicant: MISTLETOE EXPRESS SERVICE, doing business as MISTLETOE EXPRESS, a Corporation P.O. Box 25125 Oklahoma City, Okla. 73125 Applicant's representative: Max G. Morgan 600 Leininger Building Oklahoma City, Okla. 73112 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except classes A and B explosives), moving in express service, (1) between Great Bend and Dodge City, Kans., from Great Bend over U.S. Highway 281 to Russell, thence over U.S. Highway 40 and Interstate Highway 70 to Wa Keeney, thence over U.S. Highway 283 to Dodge City, and return over the same route, serving all intermediate points, (2) between Dodge City and Great Bend, Kans., from Dodge City over U.S. Highway 56 to Great Bend, and return over the same route, serving all intermediate points, (3) between Chase and Scott City, Kans., from Chase over U.S. Highway 56 to Great Bend, thence over Kansas Highway 96 to Scott City, and return over the same route, serving all intermediate points and the off-route point of McCracken, Kans., (4) between Kinsley and Stafford, Kans., from Kinsley over U.S. Highway 50 to Stafford, and return over the same route, serving all intermediate points, (5) between the junction of U.S. Highway 50 and U.S. Highway 281 and Great Bend, Kans., from the junction of U.S. Highway 50 and U.S. Highway 281 over U.S. Highway 281 to Great Bend, and return over the same route, serving all intermediate points and the off-route points of Hudson, Radium and Seward, Kans., (6) between Jetmore and Larned, Kans., from Jetmore over U.S. Highway 156 to Larned, and return over the same route, serving all intermediate points, and (7) between Chase and Rush Center, Kans., from Chase over unnumbered Kansas Highway to junction Kansas Highway 4 near Bushton, thence over Kansas Highway 4 to LaCrosse, thence over U.S. Highway 183 to Rush Center, and return over the same route, serving all intermediate points and the off-route points of Beaver, Farhman, Holyrood, Millard, Odin and Susank, Kans. NOTE: The instant application is a matter directly related to MC–F–11944 published in the FR issue of August 1, 1973. If a hearing is deemed necessary, applicant requests it be held at Great Bend or Wichita, Kans.

No. MC 98327 (Sub-No. 7) filed July 13, 1973 Applicant: SYSTEM 99, a Corporation 8001 Capwell Drive Oakland, Calif. 94621 Applicant's representative: Bertram S. Silver 140 Montgomery Street San Francisco, Calif. 94104 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and commodities in bulk), between Klamath Falls, Oreg., and Redding, Calif., from Klamath Falls over U.S. Highway 97 to Weed, Calif., thence over U.S. Highway 99 to Redding, and return over the same route, serving no intermediate points, and serving points in Shasta County, Calif., as an off-route points. Note: The instant application is a matter directly related to MC–F–11940 published in the FR issue of August 1, 1973. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 123389 (Sub-No. 16) filed June 28, 1973 Applicant: CROUSE CARTAGE COMPANY, a Corporation P.O. Box 151 Carroll, Iowa 51401 Applicant's representative: William S. Rosen 630 Osborn Building St. Paul, Minn. 55102 Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, (except commodities in bulk, household goods as defined by the Commission, Classes A and B explosives, commodities of unusual value): REGULAR ROUTES: (A) (1) Between Kansas City, Mo., and Grant City, Mo., serving the intermediate and off-route points of North Star, King City, Stanberry, Carmack Corners, Gentry, Worth, Allendale, Sheridan, Ford City, Albany and Denver; (a) From Kansas City over U.S. Highway 169 to Grant City, and return over the same route; (b) From Kansas City over U.S. Highway 169 to junction Missouri State Highway 31; thence over Missouri State Highway 31 to junction U.S. Highway 169; thence over U.S. Highway 169 to Grant City, and return over the same route; (2) Between St. Joseph, Mo. and Grant City, Mo., serving the intermediate and off-route points of Avenue City, Rochester, Union Star, King City, Carmack Corners, Gentry, Worth, Allendale, Sheridan, Ford City, Albany and Denver; From St. Joseph, Mo., over U.S. Highway 169 to Grant City, and return over the same. IRREGULAR ROUTES: (B) (1) between King City, Mo., and points in Missouri; (2) between Albany, Mo., and points in that part of Missouri on and north of U.S. Highway 50 and on and west of U.S. Highway 65; and (3) between Carmack Corners, Gentry, Worth, Denver, Grant City and Allendale, Mo., and points in Missouri. Note: Applicant states that it will tack this requested authority with the authority held in Certificate No. MC 69036, Sub-No. 8, at common points in northwestern Missouri, if the purchase proceeding in MC–F–11869 is granted. The instant Application is a matter directly related to the Section 5 purchase proceeding in MC–F–11869, published in the FR issue of July 11, 1973. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC–FC–74342. Authority sought by transferee, 160 W. Master St., Inc., 160 W. Master Street, Philadelphia, Pa. 19122, formerly Hilda Pflaumer, 1735 N. 10th St., Philadelphia, Pa. 19122, for purchase of the operating rights of transferor, Trip Transport, Inc., 3301 South Galloway Street, Philadelphia, Pa. 19148. Applicant's representative: James H. Sweeney, 850 Charles St., Gloucester City, N.J. 08030. Operating rights in Certificate No. MC–42087 sought to be transferred: various specified commodities, from, to, or between points in New Jersey, Maryland, Pennsylvania, Delaware, and New York.

The subject application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing at a time and place to be fixed, for the purpose of determining, among other things, whether transferee is the real party in interest and if so, whether it is fit, willing, and able properly to perform operations under the rights sought to be acquired; and whether the application otherwise conforms with the Rules and Regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce (49 C.F.R. 1132). Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses to be presented, and the estimated time required for the presentation of evidence. The Bureau of Enforcement has been directed to participate as a party in the proceeding for the purpose of presenting evidence and otherwise developing the record.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under

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Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11772 (Sub-No. 4). Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408 (MC-35320), with five (5) Arkansas carriers, namely: BURNETT TRUCK LINE COMPANY, P.O. Box B, Wynne, AR 72396 (MC-81617); GARRISON MOTOR FREIGHT, INC., P.O. Box 969, Harrison, AR 72601 (MC-109324); C. O. HAY, doing business as HAY TRUCKING CO., (C. LEON HAY, EXECUTOR), 954 So. Barton St., Memphis, TN 38106 (MC-844); HOLT TRUCK LINE, INC., P.O. Box 364, Conway, AR 72032 (MC-67692); and POTEET TRUCK LINES, INC., 1415 W. Broadway, Morrilton, AR 72110 (MC-28892), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving to and from points in Becks, Bee Branch, Bellefonte, Berryville, Biscoe, Glack Fish Lake, Brinkley, Burlington, Busch, Carlisle, Clinton, Conway, Damascus, Dennard, De Valls Bluff, Eureka Springs, Forrest City, Gateway, Goodwin, Green Forest, Harrison, Hazen, Lehi, Leslie, Madison, Marshall, Mayflower, Menifee, Morrilton, Omaha, Palestine, Plumberville, Preston, St. Joe, Valley Springs, Western Grove, and Wheatley, Ark. Attorney: Walter N. Bieneman, Suite 1700—One Woodward Ave., Detroit, MI 48226. T.I.M.E.-DC, INC., is authorized to operate as a common carrier in Texas, Oklahoma, Arkansas, Tennessee, Missouri and Kansas.

No. MC-F-11948. Authority sought for merger by WILLS TRUCKING, INC., Suite 615, 5755 Granger Rd., Cleveland, OH 44131, of the operating rights and property of BULK CARRIERS OF OHIO, INC., also of Cleveland, OH 44131, and for acquisition by PAUL W. WILLS, 2535 Center St., Cleveland, OH 44113, of control of such rights and property through the transaction. Applicants' attorneys: Edward R. Kirk, and Paul F. Berry, both of Suite 1660, 88 E. Broad St., Columbus, OH 43215. Operating rights sought to be merged: *Ferro alloys*, in bulk, in dump vehicles, as a *common carrier* over irregular routes, from Ashtabula, Ohio, and the site of the plant of the Electro-Metallurgical Company (division of the Union Carbide and Carbon Corporation) near Marietta, Ohio, to points in Indiana, Illinois, Kentucky, Maryland, Michigan, Missouri, New York, Pennsylvania and West Virginia. WILLS TRUCKING, INC., is authorized to operate as a *common carrier* in Michigan, Ohio, Indiana, Illinois, Iowa, Kentucky, Missouri, New York, Pennsylvania, Wisconsin, West Virginia, Maryland, Delaware, New Jersey, Virginia and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: Pursuant to order dated November 4, 1968 in No. MC-F-10237, transferee acquired control of transferor.

No. MC-F-11949. Authority sought for control and merger by BOSS-LINCO LINES, INC., One Genesee St., Buffalo, NY 14240, of the operating rights and property of VALLETTA MOTOR TRUCKING CO., INC., 200 No. Main St., Vestal, NY 13850, and for acquisition by NOVO CORPORATION, 733 Third Ave., New York, NY 10017, of control of such rights and property through the transaction. Applicants' attorney: Harold G. Hernly, 118 N. St. Asaph St., Alexandria, VA 22314. Operating rights sought to be controlled and merged: *General commodities*, excepting among others, livestock, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Endicott, N.Y., and Lawrence, Mass., between Endicott, N.Y., and New York, N.Y., between Endicott, N.Y., and Philadelphia, Pa., between New Lebanon, N.Y., and East Lee, Mass., for operating convenience only, serving various intermediate and off-route points, between Brockton, and Lynn, Mass., serving all intermediate points; *general commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, over irregular routes, between Brockton, Holbrook, Braintree, Quincy, Milton, Boston, and Chelsea, Mass. BOSS-LINCO LINES, INC., is authorized to operate as a *common carrier* in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11950. Authority sought for purchase by ROBCO TRANSPORTATION, INC., 3033 Excelsior Blvd., Minneapolis, MN 55416, of the operating rights of SIZER TRUCKING, INC., P.O. Box 1197, Rochester, MN 55901, and for acquisition by C. H. ROBINSON CO., also of Minneapolis, MN 55416, of control of such rights through the purchase. Applicants' attorneys: Donald A. Morken, 1000 First National Bank Bldg., Minneapolis, MN 55402, and Thomas Wolf, 611 Olmsted Co. Bank Bldg., Rochester, MN 55901. Operating rights sought to be transferred: *Meats, meat products and meat by-products, and etc.*, as a *common carrier* over irregular routes, from the plant site and storage facilities of Geo. A. Hormel & Co. at Austin, Minn., to points in Virginia, West Virginia, Delaware, Maryland, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, Pennsylvania, and the District of Columbia, from the plant site and storage facilities of the Rod Barnes Packing Company at Huron, S. Dak., to points in Virginia, West Virginia, Delaware, Maryland, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, Pennsylvania, and the District of Columbia, from the plant site and storage facilities of George A. Hormel & Co., at Fort Dodge, Iowa and Fremont, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia, from the plant site and storage facilities of Scottsbluff Packing Company at Scottsbluff, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, from the plant site and storage facilities utilized by Wilson-Sinclair Co., at Albert Lea, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and the District of Columbia, from Austin, Minn., to points in Cook County, Ill., from Austin, Minn., to Aboskie, N.C., and points in that part of Tennessee on and east of U.S. Highway 27 and on and north of Tennessee Highway 68, from the facilities of Wilson Certified Foods, Inc., at Cherokee, Iowa, and Omaha, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, with restrictions; *frozen horsemeat*, from Jamestown, N. Dak., and Aberdeen, S. Dak., to points in Minnesota, Wisconsin, South Dakota, and the Upper Peninsula of Michigan, other than incorporated cities or towns in the specified destination states; *frozen packing-house by-products* and *frozen poultry by-products*, not for human consumption, from Richmond, Va., Chicago, Ill., Mitchell, S. Dak., Fremont, Nebr., Iowa City, Dubuque, and Spencer, Iowa, and Fargo, N. Dak., to points in Minnesota, Wisconsin, South Dakota, and the Upper Peninsula of Michigan, other than incorporated cities or towns in the specified destination states, with restriction, from Omaha, Nebr., Sioux City, Waterloo, Council Bluffs, Des Moines, Cedar Rapids, Atlantic, Estherville, and Fort Dodge, Iowa, St. Joseph, Kansas City, and Anderson, Mo., Denver, Colo., South St. Paul, St. Paul, St. James, Austin, and Albert Lea, Minn., to points in Illinois, South Dakota, Minnesota, Wisconsin, and the Upper Peninsula of Michigan, except points which are incorporated cities or towns; *animal and poultry feed, animal and poultry mineral mixtures, insecticides, insect repellents* and *vermin exterminators*, other than agricultural insecticides, and *advertising matter* for said commodities, from Burlington, Wis., to points in North Dakota on and east of a line beginning at the North Dakota-South Dakota State line and extending northerly along U.S. Highway 281 through Ellendale, Jamestown, Carrington, New Rockford, Minnewaukan, and Hansboro, N. Dak., to the United States-Canada Boundary line, from Burlington, Wis., to points in South Dakota, except those within Clay, Lincoln, Turner, and Union Counties, S. Dak.; *animal and poultry feed, animal and poultry mineral mixtures* and *advertising matter* for said commodities, from Burlington, Wis., to points in Minnesota; *oat flour*, from St. Joseph, Minn., to Danville, Ill.; *insecticides, insect repellents*, and *vermin exterminators* other than agricultural insecticides, and *advertising matter* therefor, from Burlington, Wis., to points in Minnesota; *horsemeat*, from Estherville, Iowa, to points in Wisconsin; *condensed whey*, from Richland Center and Marshfield, Wis., to points in Iowa; *frozen peas*, from Milwaukee and Fond du Lac, Wis., to Rochester, Minn.; *wool, wool waste*, and *wool imported from a foreign country*, from Philadelphia, Pa., Boston, Mass., and Albany, N.Y., to Reedsburg, Wis.; *meat scrap*, from Howard (Brown County), Wis., to points in Minnesota; *imported wool, wool tops and noils*, and *wool waste* (carded, spun, woven, or knitted), and *domestic wool* when moving in the same vehicle, at the same time, with imported wool, wool tops and noils, and wool waste (carded, spun woven, or knitted), from Philadelphia, Pa., and points in Massachusetts, to Faribault, Minn., and points in Wisconsin, from points in Massachusetts, to Lacon, Ill., from Rochelle, Ill., to Chippewa Falls, Wis.; *fish flour* and *fish meal*, from New Bedford, Mass., to points in Iowa, the Upper Peninsula of Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin; *packing-house products*, not for human consumption (except in bulk, in tank vehicles), from Duluth, Minn., to points, except those which are incorporated cities or towns, in Illinois, Iowa, the Upper Peninsula of Michigan, North Dakota, South Dakota, and Wisconsin, with restriction; *frozen prepared* foods, from Duluth, Minn., to points in North Dakota, South Dakota, Nebraska, Iowa, Missouri, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, and the District of Columbia, with restriction; (1) *cranberry products* when moving in mixed loads with cranberries, the transportation of which is otherwise exempt from economics regulation, and (2) *cranberries*, the transportation of which is otherwise exempt from economic regulation, when moving in mixed loads with cranberry products, from Kenosha, Wis., to points in Nebraska, Kansas, Colorado, Oklahoma, Texas, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, and Ohio; *frozen foodstuffs*, from St. James, Madelia, and Butterfield, Minn., to points in Connecticut, Delaware, Indiana, Michigan, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; *fiber and molded products*, from the plant site and facilities of The Budd Company, Polychem Division at Bridgeport, Pa., to Noblesville, Ind., and Milwaukee, Wis., with restrictions. Vendee is authorized to operate as a *common carrier* in North Dakota, South Dakota, Minnesota, Wisconsin, Michigan, Illinois, Nebraska, Iowa, Colorado, Pennsylvania, Massachusetts, New York, Indiana, West Virginia, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, Kansas, Oklahoma, Texas, Arkansas, Missouri, North Carolina, Tennessee, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11951. Authority sought for control and merger JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, AR 72764, of the operating rights and property of (1) M-F EXPRESS, INC., 553 S. Broadway, Greenville, MS 38701, and (2) POPLARVILLE TRUCK LINE, INC., P.O. Box 972, Greenville, MS 38701, and for acquisition by HARVEY JONES, also of Springdale, AR 72764, of control of such rights and property through the transaction. Applicants' attorneys: A. Alvis Layne, 915 Pennsylvania Bldg., Washington, DC 20004, and Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Operating rights sought to be controlled and merged: (1) *General commodities*, excepting among others, class A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between New Orleans, La., and Hattiesburg, Miss., between York, Ala., and Hattiesburg, Miss., serving all intermediate points, between Mobile, Ala., and Poplarville, Miss., serving the intermediate point of Wiggins, Miss., between Cleveland, and Hattiesburg, Miss., serving no intermediate points and serving Jackson, Miss., as a point of joinder only, between Jackson, and Meridian, Miss., as an alternate route for operating convenience only, serving no intermediate points, and serving Jackson, Miss., as a point of joinder only; and (2) *Newspapers*, as a *common carrier* over regular routes, from New Orleans, La., to Laurel, Miss.; *household goods* and *emigrant movables, general commodities*, except those of unusual value, and except class A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, irregular routes, between Poplarville, Miss., on the one hand, and, on the other, points in Louisiana and Mississippi within 200 miles of Popularville; *canned goods* and *frozen foods, and advertising, promotional or display material* when moving in the same vehicle at the same time with canned goods and frozen foods, from the plant site and facilities of Delta Food Processing Corporation at Moorhead, Miss., to points in Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Ohio, Virginia, Maryland, and the District of Columbia; *cans, boxes, cartons, and containers*, from Tampa, Fla., Atlanta, Ga., Birmingham, Ala., New Orleans, La., Dallas, Houston, and Arlington, Tex., Kansas City and St. Louis, Mo., Chicago, Ill., Austin, Ind., Winchester, Va., and Spartanburg, S.C., to the plant site and facilities of Delta Food Processing Corporation at Moorhead, Miss.; *cardboard, fiberboard, paper and composition containers*, from Memphis and Nashville, Tenn., Birmingham, Ala., Atlanta, Ga., Monroe and New Orleans, La., and Dallas and Houston, Tex., to the plant site and facilities of Delta Food Processing Corporation at Moorhead, Miss.; *machinery, parts accessories, equipment, supplies, implements, parts, appliances, and products* usually or customarily used or useful in the processing, manufacture, packing, freezing, or canning of foodstuffs (except in bulk, in tank vehicles), from points in Arkansas, Louisiana, Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Ohio, Virginia, Maryland, and the District of Columbia, to the plant site and facilities of Delta Food Processing Corporation at Moorhead, Miss., with restriction. JONES TRUCK LINES, INC., is authorized to operate as a *common carrier* in Missouri, Arkansas, Oklahoma, Tennessee, Kansas, Texas, Mississippi, Illinois, Indiana, Nebraska, Iowa, Louisiana, Alabama, Florida, Ohio, Kentucky, Michigan, Wisconsin, Maryland, New Jersey, Pennsylvania, District of Columbia, Colorado, Minnesota, North Dakota, New Mexico, South Dakota, Massachusetts, New York, North Carolina, Virginia, West Virginia, South Carolina, Arizona, California, Georgia, Idaho, Nevada, Oregon, Utah, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11952. Authority sought for purchase by PARAMOUNT MOVERS, INC., 231 N. Lancaster St., Dallas, TX 75203, of a portion of the operating rights of BESTWAY VAN LINES, INC., 400 N. Vine St., North Little Rock, AR 72114, and for acquisition by CARL DAVIDSON, 8955 Bower Lane, Lakeside, CA 92040, of control of such rights through the purchase. Applicants' attorney: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, TX 75224. Operating rights sought to be transferred: *Household goods*, and *emigrant movables*, as a *common carrier* over irregular routes, between points in Kiowa County, Okla., and points within 50 miles of Kiowa County, on the one hand, and, on the other, points in Arkansas, Colorado, and New Mexico, between points in Bradley County, Ark., on the one hand, and, on the other, points in Kansas, Aouisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas; *household goods*, between points in Tillman County, Okla., and those within 50 miles of Tillman County, on the one hand, and, on the other, points in Texas, between points in Delta, Fannin, Lamar, and Red River Counties, Tex., on the one hand, and, on the other, points in Arkansas and Louisiana. Vendee is authorized to operate as a *common carrier* in Missouri, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas,

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Oklahoma, Nebraska, Georgia, Ohio, New York, Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Vermont, Alabama, Florida, Kentucky, Maryland, Michigan, Minnesota, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, Texas, Louisiana, Montana, Mississippi, North Dakota, South Dakota, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16988 Filed 8-14-73;8:45 am]

[Notice No. 108]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 8, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13764 (Sub-No. 2 TA) filed July 18, 1973 Applicant: SIEGEL & COHEN EXPRESS, INC. 567 So. 11th Street Newark, NJ 07103 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, NJ Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel on hangers along with wearing apparel in packages, handbags, shoes and related commodities* used in the conduct of retail wearing apparel stores and *return of damaged merchandise* for the account of Robert Hall Clothes, New York, NY, between points in New York, NY Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Portsmouth, Chesapeake, Newport News, Norfolk, and Virginia Beach, VA, for 180 days. SUPPORTING SHIPPER: Robert Hall Clothers, 333 West 34th Street, New York, NY 10001. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Bureau of Operations; Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

No. MC 66462 (Sub-No. 14 TA) filed July 26, 1973 Applicant: THE WILLETT COMPANY 700 South Desplaines St. Chicago, IL 60607 Applicant's representative: Thomas F. McFarland, Jr. 20 North Wacker Drive Chicago, IL 60606 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid*, spent, liquid in bulk, in tank vehicles, from Burns Harbor, IN, to points in Wisconsin, for 180 days. SUPPORTING SHIPPER: Mr. P. A. DeWitt, Reiss Envirochem, Inc., P.O. Box 688, Sheboygan, WI 53081. SEND PROTESTS TO: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 109689 (Sub-No. 251 TA) filed July 27, 1973 Applicant: W. S. HATCH CO. Off: 643 South 800 West Woods Cross, UT 84087 and Mail: P.O. Box 1825 Salt Lake City, UT 84111 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, from Hayden, AZ, to El Segundo, Long Beach and Compton, CA, for 180 days. SUPPORTING SHIPPER: Allied Chemical Corporation, P.O. Box 1139R, Morristown, NJ 07960 (R. G. Thorn, Manager, Distribution, Planning & Analysis). SEND PROTESTS TO: Lyle D. Helfer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, 125 South State St., Salt Lake City, UT 84138.

No. MC 112520 (Sub-No. 272 TA) filed July 27, 1973 Applicant: McKENZIE TANK LINES, INC. P.O. Box 1200 New Quincy Road Tallahassee, FL 32302 Applicant's representative: Norman J. Bolinger 1729 Gulf Life Tower Jacksonville, FL 32207 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste liquor*, in bulk, in tank vehicles, between Prattville, AL, on the one hand, and, on the other, Cedar Springs, GA; Moss Point, MS; and Panama City, FL, for 180 days. SUPPORTING SHIPPER: Union Camp Corporation, 1600 Valley Road, Wayne, NY 07470. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, FL 32202.

No. MC 113908 (Sub-No. 276 TA) (CORRECTION) filed June 14, 1973, published in the FEDERAL REGISTER issues of July 5, 1973, and July 20, 1973, and republished as corrected this issue. Applicant: ERICKSON TRANSPORT CORPORATION 2105 East Dale Street P.O. Box 3180 Glenstone Station Springfield, MO 65804 Applicant's representative: B. B. Whitehead (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and vinegar stock, fermented, quick process and distilled vinegar, vinegar malt naptha* (ethyl acetate), *salt* (calcium acetate), *vinegar acid* (acetic acid), and *vinegar wine*, etc., in bulk, in tank and hopper type vehicles, between the following points and the commercial zone thereof, except that no transportation service shall be provided wholly within the same or one state in Rogers, AR; Delta and Denver, CO; Chicago, IL; Hutchinson and Wichita, KS; Bailey, Belding and Freemont, MI; St. Paul, MN; Kansas City, Marionville and Nixa, MO; Lyndonville and North Rose, NY; Charlotte, NC; Oklahoma City, OK; Memphis, TN; Dallas, Houston and Paris, TX; Wenatchee and Yakima, WA, for 180 days. SUPPORTING SHIPPER: Speas Company, 2400 Nicholson Avenue, Kansas City, MO 64120. SEND PROTESTS TO: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106. Note: The purpose of this republication is to change the commodity description in the application.

No. MC 114457 (Sub-No. 157 TA) filed July 26, 1973 Applicant: DART TRANSIT COMPANY 780 N. Prior Avenue St. Paul. MN 55104 Applicant's representative: Michael P. Zell (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in cartons, from the plantsite and storage facility of Simmons Company at Kansas City, KS, to St. Louis, MO, restricted to traffic originating at the plantsite and storage facility of Simmons Company at Kansas City, KS, for 180 days. SUPPORTING SHIPPER: Simmons Company, 9200 Calumet Avenue, Munster, IN 46321. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg., 110 S. 4th St., Minneapolis, MN 55401.

No. MC 119669 (Sub-No. 36 TA) filed July 26, 1973 Applicant: TEMPCO TRANSPORTATION, INC. 546 South 31A P.O. Box 886 Columbus, IN 47201 Applicant's reperesentative: Donald McCameron (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by products*, as described in Section A, Appendix I to the report in *Description in Motor Carrier Certificate*, 61 MCC 209 and 266, from Memphis, TN, to points in Ohio and Pennsylvania, for 180 days. SUPPORTING SHIPPER: Armour Food Company, Greyhound Tower 111 W. Clarendon, Phoenix, AZ 85077. SEND PROTESTS TO: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. Street, Indianapolis, IN 46204.

No. MC 123392 (Sub-No. 56 TA) filed July 26, 1973 Applicant: JACK B. KELLEY, INC. U.S. 66 West at Kelley Dr. P.O. Box 400 Amarillo, TX 79106 Applicant's representative: Weldon M. Teague (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed gases*, in bulk, in tube trailers, and *cryogenic liquids*, in bulk, in cryogenic trailers, between points in Arizona, Colorado, Kansas, South Dakota, Nebraska, Iowa, Missouri, Wyoming, Oregon, Nevada, California, Illinois, Utah, Washington, Montana, Idaho, North Dakota, Minnesota and Wisconsin, for 180 days. Note: Applicant intends to tack with its MC 123392 Sub 29 TA, Sub 30, Sub 34, Sub 35 TA, Sub 38 TA, Sub 39 TA, Sub 43 TA, and Sub 31 now pending before the Commission. SUPPORTING SHIPPERS: F. A. Pettersen, Manager of Transportation, Airco Industrial Gases, 575 Mountain Avenue, Murray Hill, NJ 07974; R. E. Bryant, Manager, Distribution, Liquid Air, Inc., One Embarcadero Center, San Fracisco, CA 94111; and I. V. Kimball, Transportation Manager, Chemetron Corporation, 111 East Wacker Dr., Chicago, IL 60601. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, TX 79101.

No. MC 128030 (Sub-No. 43 TA) filed July 27, 1973 Applicant: THE STOUT TRUCKING CO., INC. R. R. #1-P.O. Box 177 Urbana, IL 61801 Applicant's representative: R. C. Stout (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Artificial christmas trees and accessories thereto*, from Newburgh, NY, to points in Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, North Carolina, Ohio, Rhode Island, Pennsylvania, South Carolina, Vermont, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Phillip E. Scull, Administrative Manager, Gordon Industries, Inc., 901 E. 104th St., Chicago, IL 60628. SEND PROTESTS TO: District Supervisor R. G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, IL 60604.

No. MC 128030 (Sub-No. 44 TA) filed July 27, 1973 Applicant: THE STOUT TRUCKING COMPANY, INC. R.R. #1—P.O. Box 177 Urbana, IL 61801 Applicant's representative: R. C. Stout (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse, WI, Sheboygan, WI and Detroit, MI, to Champaign, IL, for 180 days. SUPPORTING SHIPPER: Martin Maus, President, Van-Pickerell—Champaign, Inc., 606 East Kenyon Road, Champaign, IL 61820. SEND PROTESTS TO: District Supervisor R. G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, IL 60604.

No. MC 128878 (Sub-No. 31 TA) filed July 26, 1973 Applicant: SERVICE TRUCK LINE, INC. P.O. Box 3904 Shreveport, LA 71103 and 2001 Highway 80 East Bossier City, LA 71010 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, in bulk, in dump vehicles, from Port Arthur, TX, to Harbour, LA, for 180 days. SUPPORTING SHIPPER: Great Lakes Carbon Corporation, 299 Park Avenue, New York, NY 10017, Mr. G. R. Gunter, Vice President. SEND PROTESTS TO: District Supervisor Ray C. Armstrong, Jr., Bureau of Operations, Interstate Commerce Commission, Room T-9038 U.S. Postal Service Building, 701 Loyola Ave., New Orleans, LA 70113.

No. MC 129191 (Sub-No. 3 TA) filed July 27, 1973 Applicant: RICHARD T. PLATTNER doing business as JANS MOTOR SERVICE 4640 West 120th Street Alsip, IL 60658 Applicant's representative: Albert A. Andrin 29 South LaSalle St. Chicago, IL 60603 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel and aluminum metal plate structures, erection equipment and parts thereof; and materials and supplies* used in the erection of metal plate structures, in self-unloading equipment, from Indian Oaks, IL, to Fort Wayne, Clinton, Princeton, Petersburg, Martinsville, Indianapolis, Kokomo, Anderson, Lapel and Marshall, IN; Lewiston, Menominee, Alpena, Parchment, Elberta, Richmond, Alma, Hillsdale, Kawkavalin, Marquette, Dowagiac, Mendon, Romeo, Essexville, Ecorse and Bad Axe, MI; Sioux City, Glenwood, Iowa City, Anita and Waterloo, IA; Green Bay, Granville, Verona, Galesville, Milwaukee, Genoa, Shawano Lake, Portage, Cumberland, Prairie du Chien and Oshkosh, WI; Moscow, Toledo, Dayton, Chillicothe, Oak Harbor, Oregon, Cincinnati and North Bend, OH; Warrenton, Nevada, Kennett, Kansas City, Eureka, Jefferson City, St. Louis, Sedalia and Columbia, MO; and Ottawa and Louisburg, KS, for 180 days. SUPPORTING SHIPPER: Mr. William Hrad, Assistant Traffic Manager, Chicago Bridge & Iron Company, P.O. Box 774, Kankakee, IL 60901. SEND PROTESTS TO: District Supervisor R. G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, IL 60604.

No. MC 129350 (Sub-No. 27 TA) filed July 20, 1973 Applicant: CHARLES E. WOLFE doing business as EVERGREEN EXPRESS 410 N. 10th Street P.O. Box 212 (Box zip 59103) Billings, MT 59101 Applicant's representative: Clayton Brown (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, from Chicago and the commercial zone thereof, Ringwood, IL; Minneapolis and St. Paul, MN; Rapid City and Sioux Falls, SD; Midland and Ludington, MI; Madison, Hudson and Janesville, WI; Painesville, OH and Westvaco, WY, to Helena, Butte and Billings, MT; (2) *empty containers*, from Helena, MT, to Chicago and the commercial zone thereof; Illinois; Madison and Hudson, WI and Minneapolis, MN; (3) *dry cleaning and janitorial supplies*, from Chicago and the commercial zone thereof and Peoria, IL; Madison WI; Sioux Falls and Rapid City, SD, to Billings and Helena, MT; and (4) *dry cleaning, janitorial supplies*, from Helena, MT, to Sioux Falls and Rapid City, SD; Champaign and Clinton, IL, for 180 days. SUPPORTING SHIPPER: Columbia Chemical Co., Inc., 1216 Bozeman Avenue, Helena, MT 59601. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, RM. 222 U.S. Post Office Bldg., Billings, MT 59101.

No. MC 129516 (Sub-No. 20 TA) filed July 19, 1973 Applicant: PATTONS, INC. 2300 Canyon Road Ellensburg, WA 98926 Applicant's representative: James T. Johnson 1610 IBM Bldg. Seattle, WA 98101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pet food ingredients*, from Edmonds, WA, to points in California, for 180 days. SUPPORTING SHIPPER: Northwest Fur Breeders Coop, P.O. Box 399, Edmonds, WA 98020. SEND PROTESTS TO: District Supervisor W. J. Huetig. Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine St., Portland, OR 97204.

No. MC 133315 (Sub-No. 3 TA) filed July 27, 1973 Applicant: ASBURY SYSTEM 2222 East 38th Street Los Angeles (Vernon), CA 90058 Applicant's representative: Howard D. Clark (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum fuel oils*, in bulk, in tank vehicles, from points in Los Angeles County, CA, to Glendale, Tempe, and Kyrene (or Helena), AZ, for 180 days. SUPPORTING SHIPPER: Salt River

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Project, P.O. Box 1980, Phoenix, AZ 85001. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Bldg., 300 North Los Angeles St., Los Angeles, CA 90012.

No. MC 134145 (Sub-No. 37 TA) filed July 17, 1973 Applicant: NORTH STAR TRANSPORT, INC. P.O. Box 51 Thief River Falls, MN 56701 Applicant's representative: Robert P. Sack P.O. Box 6010 West St. Paul, MN 55118 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machines, computing and parts, materials and supplies* used in the manufacturing thereof, (1) between Campton, Ky. and Nashville, TN, on the one hand, and Rochester and Mt. Clemens, MI, on the other hand; and (2) between Campton, KY and Lexington, KY, for 180 days. SUPPORTING SHIPPER: Computer Peripherals, Inc., 6800 France Avenue, Edina, MN 55400. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, ND 58102.

No. MC 134400 (Sub-No. 8 TA) filed July 18, 1973 Applicant: MILLER'S TRUCKING AND RENTAL, INC. 200 Southern Avenue Dubuque, IA 52001 Applicant's representative: Carl E. Munson 469 Fischer Bldg. Dubuque, IA 52001 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ornamental iron products; cement compounds; gates; lamps; plastic articles; posts* (lamp and mailbox); *and promotional materials*, from Mt. Carroll, IL, to points in Arkansas, Colorado, Kansas, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Wisconsin and Wyoming, for 180 days. SUPPORTING SHIPPER: Leslie-Locke Building Products Co., Ohio Street, Lodi, OH 44254. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, IA 50309.

No. MC 135065 (Sub-No. 6 TA) filed July 26, 1973. Applicant: DUBOSE TRUCKING COMPANY, INC., Rt. 1 Box 257, Denham Springs, LA 70726. Applicant's representative: Cordell H. Haymond, Suite 301, Baton Rouge Savings & Loan Building, 101 St. Ferdinand Street, Baton Rouge, LA 70801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Book pages*, folded or unfolded, from Versailles, KY, to Chicago, IL and its Commercial Zone, and from Hammond, IN, to Versailles, KY, restricted to traffic moving from the plant sites of Rand McNally & Company, located at or near Versailles, KY, or Hammond, IN, for 180 days. SUPPORTING SHIPPER: Rand McNally & Company, 8255 North Central Park Ave., Skokie, IL, Mr. J. Ronald Rager, General Traffic Manager. SEND PROTESTS TO: District Supervisor Ray C. Armstrong, Bureau of Operations, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 135633 (Sub-No. 8 TA) filed July 19, 1973. Applicant: NATIONWIDE AUTO TRANSPORTERS, INC., 2175 Lemoine Avenue, Ft. Lee, NJ 07024. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph St., Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in driveway service, from points in Denton County, TX and Kossuth County, IA, to points in the United States east of the boundaries of Montana, Wyoming, Colorado, and New Mexico, for 180 days. SUPPORTING SHIPPER: Brougham Industries, Inc., P.O. Box 768, Sanger, TX 76266. SEND PROTESTS TO: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, NJ 07102.

No. MC 135725 (Sub-No. 9 TA) filed July 25, 1973. Applicant: FRY TRUCKING, INC., 507 W. 5th St., Wilton, IA 52778. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, printed forms, coupons, premiums and salvage*, between Wilton, IA, on the one hand, and, on the other, points in the United States, for 180 days. SUPPORTING SHIPPER: Misco, 1419 West Fifth Street, Wilton, IA 52778. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, IA 50309.

No. MC 136343 (Sub-No. 17 TA) filed July 25, 1973 Applicant: MILTON TRANSPORTATION, INC. RD 1, Box 207 Milton, PA 17847 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, NJ 07306 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pulp*, from West Point, VA, to the facilities of Howard Paper Mills, Inc., at Dayton and Urbana, OH, for 180 days. SUPPORTING SHIPPER: Howard Paper Mills, Inc., P.O. Box 151, Urbana, OH 43078. SEND PROTESTS TO: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Bldg., 228 Walnut Street, P.O. Box 869, Harrisburg, PA 17108.

No. MC 138867 (Sub-No. 1 TA) filed July 18, 1973 Applicant: RALPH W. SCOTT doing business as CENTRAL VAN & STORAGE CO. Route 3 Davenport, IA 52804 Applicant's representative: Robert R. Rydell 900 Savings and Loan Bldg. Des Moines, IA 50309 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail general mercantile establishments, (except commodities in bulk) and in connection therewith *materials and supplies* used in the conduct of such business, between all municipalities and points within the Davenport, IA; Rock Island and Moline, IL Commercial Zone, on the one hand, and, on the other, points in Carroll, Whiteside, Henry, Bureau, Rock Island, Mercer, Stark, Knox, Warren and Henderson Counties, IL; and Jackson, Clinton, Scott, Jones, Cedar, Muscatine, Des Moines, Louisa, Washington and Johnson Counties, IA, for 180 days. SUPPORTING SHIPPER: Montgomery Ward & Co., 140 S. State St., P. O. Box 7337, Chicago, IL 60680. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, IA 50309.

No. MC 138902 (Sub-No. 1 TA) filed July 23, 1973. Applicant: ERB TRANSPORTATION COMPANY, INC., P.O. Box 65, Crozet, VA 22932. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh Street, N.W., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Crozet, VA, to points in Kentucky, Maryland, North Carolina, Pennsylvania, Virginia, West Virginia and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Morton Frozen Food Division, Continental Baking Co., Inc., P.O. Box 731, Rye, NY 10580. SEND PROTESTS TO: District Supervisor Robert W. Waldron, Bureau of Operations, Interstate Commerce Commission, 10-502 Federal Bldg., Richmond, VA.

No. MC 138930 TA filed July 19, 1973. Applicant: CONWAY GUTTEAU LUMBER COMPANY, INC., P.O. Box 818, Amite, LA 70422. Applicant's representative: W. Hugh Sibley, P.O. Box 24, Greensburg, LA 70441. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Fluker and Pine Grove, LA, to points in Texas and Mississippi and Louisiana (for subsequent movement by water), for 180 days. SUPPORTING SHIPPER: Edward Hines Lumber Co. of Louisiana, P.O. Box 638, Pine Grove, LA 70453, Mr. Edward M. Crim, Manager. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16984 Filed 8-14-73;8:45 am]

[Notice No. 109]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 9, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107295 (Sub-No. 654 TA) filed July 26, 1973. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, P.O. Box 146, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels;* and (3) *metal prefabricated structural components*, from the plantsite of American Buildings Company at Atlantic, IA, to points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, for 180 days. SUPPORTING SHIPPER: H. T. Holley, Traffic Manager, American Buildings Company, Atlantic, IA 50022. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Leland Office Bldg., 527 East Capitol Avenue, Room 414, Springfield, IL 62701.

No. MC 113678 (Sub-No. 505 TA) filed July 24, 1973 Applicant: CURTIS, INC. Off: 4810 Pontiac Street Commerce City, CO 80022 and Mail: P.O. Box 16004 Stockyards Station Denver, CO 80216 Applicant's representative: David L. Metzler (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, from the plantsite and storage facilities of Yankton Sioux Industries at Wagner, SD, to points in Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, New Mexico and Colorado, for 180 days. SUPPORTING SHIPPER: Yankton Sioux Industries, 301 North Fifth Street, Minneapolis, MN 55403. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202.

No. MC 113678 (Sub-No. 506 TA) filed July 24, 1973 Applicant: CURTIS, INC. Off: 4810 Pontiac Street Commerce City, CO 80022 and Mail: P.O. Box 16004 Stockyards Station Denver, CO 80216 Applicant's representative: David L. Metzler (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, and those requiring special equipment), which are at the same time moving on bills of lading of freight forwarders under Part IV of the Interstate Commerce Act, from New York, NY; Elizabeth, North Bergen and Newark, NJ; and the points in their commercial zone, to Denver, CO and points in its commercial zone, for 180 days. SUPPORTING SHIPPER: ABC Freight Forwarding Corp., Midland Forwarding Corp. and Trans National Transport (Division of National Carloading), New York, NY. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202.

No. MC 119654 (Sub-No. 22 TA) filed July 27, 1973 Applicant: HI-WAY DISPATCH INC. 1401 W. 26 Street Marion, IN 46952 Applicant's representative: Alki E. Scopelitis 815 Merchants Bank Building Indianapolis, IN Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers and tops therefor and paper cartons*, from the plantsite and the warehouse of Metro Containers, an operation of Kraftco Corporation, at Dalton and Chicago, IL, to Croswell, Deckerville, Edmore, Flint, Lansing, Lexington, New Baltimore, Saginaw and Vassar, MI; Bloomdale, OH; and Bonduel, Green Bay and Oconto, WI, for 180 days. SUPPORTING SHIPPER: Metro Containers, 138 Cottage Grove, Dolton, IL 60419. SEND PROTESTS TO: William S. Ennis, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, Century Building, Eighth Floor, 36 South Pennsylvania St., Indianapolis, IN 46802.

No. MC 133751 (Sub-No. 3 TA) filed July 23, 1973 Applicant: RENO-LOYALTON-CALPINE STAGE LINES, INC. P.O. Box 2728 Sacramento, CA 95812 Applicant's representative: Michael J. Stecher 140 Montgomery Street San Francisco, CA 94104 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from, to, or between the following points or described areas: between Hallelujah Junction and Greenville, CA, serving all intermediate points as follows: from the junction of California Highway 70 and U.S. Highway 395 known as Hallelujah Junction over U.S. Highway 395 to Susanville, CA, thence over California Highway 36 to its junction with California Highway 89, thence over California Highway 89 to Greenville, CA and return over the same route; from the junction of California Highway 36 and California Highway 147 over California Highway 147 to its junction with California Highway 89, service is authorized at the off route points of Herlong, the California Conservation Center and Milford, CA, for 180 days. Note: Applicant intends to tack with MC 133751 (Sub 2). SUPPORTING SHIPPERS: There are approximately 30 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 138143 (Sub-No. 2 TA) filed July 26, 1973 Applicant: SPECIALIZED CARTAGE, INC. 1400 East Anaheim Street Wilmington, CA 90744 Applicant's representative: Donald Murchison Suite 400 Glendale Federal Bldg. 9454 Wilshire Boulevard Beverly Hills, CA 90212 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel beams and accessorial parts* incidental thereto, from points in Los Angeles County, CA, to points in Ada, Canyon, Payette and Washington Counties, ID, for 180 days. SUPPORTING SHIPPER: Crest Steel Corporation, Marcrest-Pacific Co., Inc., 24724 Wilmington Ave., Wilmington, CA 90744. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, CA 90012.

No. MC 138888 (Sub-No. 1 TA) filed July 20, 1973 Applicant: JOHN T. MARONEY doing business as L & J TRANSPORTING & TOWING 36-15 Queens Blvd. Long Island City, N.Y. 11101 Applicant's representative: John P. Tynan 65-12 69th Place Middle Village, N.Y. 11379 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, between New York, NY and Boston, MA; Fairfield, NJ and Philadelphia, PA, for 180 days. SUPPORTING SHIPPER: Transportation Vehicles, Inc., 1133 York Avenue, New York, NY 10021. SEND PROTESTS TO: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 138893 (Sub-No. 1 TA) filed July 19, 1973 Applicant: GENE ECKHARDT doing business as GENE ECKHARDT TRUCKING P.O. Box 603 Lander, WY 82520 Applicant's representative: A. Eugene Eckhardt (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer, newsprint, paper, building*

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materials, ammonium nitrate, aluminum granules, sodium nitrate, having prior movement by rail, from the rail heads at Riverton and Shoshoni, WY, to points in Fremont County, WY, for 180 days. SUPPORTING SHIPPERS: Tweed's Wholesale, 150 South 4th Street, Lander, WY 82520; Wyoming State Journal, P.O. Box J, Lander, WY 82520; McKinney Roofing, Incorporated, 410 Market, Lander, WY 82520; and Hercules Incorporated, Box 607, Lander, WY 82520. SEND PROTESTS TO: District Supervisor Paul A. Naughton, Bureau of Operations, Interstate Commerce Commission, Rm 1006 Federal Bldg. & Post Office, 100 East "B" Street, Casper, WY 82601.

No. MC 138914 (Sub-No. 1 TA) filed July 19, 1973 Applicant: GLENARD N. BLANK 908 Allen Avenue McHenry, IL 60050 Applicant's representative: Rolfe E. Hanson 121 W. Doty Street Madison, WI 53703 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk), from Sheboygan, WI, to distributors of Lake to Lake Dairy Cooperative located on and north of U.S. Highway 30 and on and east of U.S. Highway 51 in Illinois, restricted to service to be provided under continuing contract with Lake to Lake Dairy Cooperative, for 180 days. SUPPORTING SHIPPER: Attn: Harry Flottman, Director of Marketing, Lake to Lake Dairy Cooperative, 1606 Erie Avenue, Sheboygan, WI 53081. SEND PROTESTS TO: William J. Gray, Jr. District Supervisor, Bureau of Operations, Interstate Commerce Commission, 219 South Dearborn St., Room 1086, Chicago, IL 60604.

No. MC 138934 TA filed July 20, 1973. Applicant: D. A. DEMERITT, 702 East Main, Chanute, KS 66720. Applicant's representative: C. Zimmerman, 413 Brown Bldg., Wichita, KS 67202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Smectite vermiculite*, in bulk, bags or containers, between the plant sites of Micro-Lite, Inc., at or near Chanute and Buffalo, KS; and points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Micro-Lite, Inc., 1100 S. Katy St., Chanute, KS 66720. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 138935 TA filed July 23, 1973. Applicant: A. C. NIELSEN P.O. Box 445 Kanab, UT 84741. Applicant's representative: Ramona Nielsen (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* (except freight carrying vehicles, but including double wide trailers), between points in Kane, Washington, Iron, Garfield, and Sevier Counties, UT; Clark County, NV; and points in Coconino County, AZ, for 180 days. SUPPORTING SHIPPERS: Duke Aiken Trailer Sales (Duke Aiken, Owner), Box 70, Kanab, UT; Allens Ford Sales, Inc. (Sam E. Allen), Panguitch, UT; Lake Powell Homes, Inc. (K. M. Flake, President), P.O. Box 1206, Page, AZ 86040; Grand Canyon Mobile Home Sale (Mr. James R. Bartorelli, Sales Manager), P.O. Box 752, Kanab, UT; Pugh Mobile Home Park (Mrs. Donald L. Pugh, Owner), Box 51, Kanab, UT; and Chefs Palace Rentals (Carol D. Barnson, Owner), 151 West Center, Kanab, UT. SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 138936 TA filed July 26, 1973 Applicant: DONALD F. OWENS 2504 South 8th Street Manitowoc, WI 54220 Applicant's representative: Thomas A. Weir 761 North Forest Road Suite B Buffalo, NY 14221 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys*, in boxes and packages, and *aluminum articles*, including *housewares and kitchen appliances*, in boxes and packages, from Manitowoc, Seymour and Burlington, WI, to points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington and West Virginia, for 180 days. SUPPORTING SHIPPER: Aluminum Specialty Company, 1616 Wollmer Street, Manitowoc, WI 54220 (Mr. Steven K. Sedewick, Traffic Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 138937 TA filed July 27, 1973 Applicant: CMR PARCEL SERVICE, INC. Route 3, Box 516 Imperial, MO 63052 Applicant's representative: Clarence M. Robnett, Jr. (same address as applicant) Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except explosives, commodities in bulk and commodities in tank vehicles), from Famous-Barr service building, 3728 Market St., St. Louis, MO, via Highway 40 and Poplar Street Bridge across Mississippi River, to East St. Louis and U.S. Highway 50 to Famous-Barr department store at St. Clair Square in Fairview Heights, IL, and return via same route, for 180 days. SUPPORTING SHIPPER: Famous-Barr Company, 601 Olive Street, St. Louis, MO. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, MO 63101.

No. MC 138938 TA filed July 30, 1973 Applicant: MID AMERICAN MOVERS, INC. a Corporation 225 South Franklin Junction City, KS 66441 Applicant's representative: Paul V. Dugan 2707 West Douglas Wichita, KS 67213 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied luggage*, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating and decontainerization of such traffic, from Junction City, KS, on the one hand, and Fort Riley, KS and points in Clay, Geary, Dickinson, Marshall, Pottawatomie, Washington, Riley and Morris Counties, KS, on the other hand, for 180 days. SUPPORTING SHIPPER: Department of the Army, Procurement Office, Fort Riley, KS 66442. SEND PROTESTS TO: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, KS 66603.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16985 Filed 8-14-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER

AUGUST 3, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 54181 filed July 18, 1973 Applicant: McLAUGHLIN DRAYING CO. P.O. Box 1797 Sacramento, Calif. 95808 Applicant's representative: Raymond A. Greene, Jr. 100 Pine Street, Suite 2550 San Francisco, Calif. 94111 Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except as hereinafter provided: Part I: (1) Between all points and places in the San Francisco Territory as described in Part II. (2) Between all points and places on or within 20 miles of the following routes: (a) Interstate Highway 80 between Roseville and San Francisco, inclusive; (b) State Highway 21 between its intersection with Interstate Highway 80 and its intersection with Interstate Highway 680; inclusive; (c) Interstate Highway 680 between its intersection with Interstate Highway 80 and its intersection with State Highway 17, inclusive; (d) State Highway 24 between Oakland and its intersection with Interstate Highway 680, inclusive; (e) Interstate Highway 580 between Oakland and its intersection with Interstate Highway 205, inclusive; (f) Interstate Highway 205 between its intersection with Interstate Highway 580 and U.S. Highway 50, inclusive; (g) U.S. Highway 50 between its intersection with Interstate Highway 205 and Sacramento, inclusive; (h) State Highway 4 between its intersection with Interstate Highway 80 and Stockton, inclusive. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

Part II: SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

EXCEPT THAT applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A. (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Cement. (8) Logs. (9) Commodities of unusual or extraordinary value. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif., 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17106 Filed 8-14-73;8:45 am]

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Presidential Documents

Title 3—The President

PROCLAMATION 4231

Columbus Day, 1973

By the President of the United States of America

A Proclamation

The pages of history teach us that it is the extraordinary man who has shaped our past and thus determined much of what we are today. Such a man was Christopher Columbus, son of Italy and explorer of the New World.

Columbus launched the great age of discovery in the Americas. For five centuries, the spirit of discovery has continued to flourish here. On this Columbus Day, we can usefully reflect on the many ways in which that spirit still lives on, not only in our efforts to expand our physical horizons but in everything we do which helps us broaden our understanding of our world and of ourselves.

In recognizing our debt to the great navigator, we are mindful that his most enduring legacies to us are those qualities of vision, faith, and boldness without which progress can never take place. His determination to seek the truth against great odds continues to inspire our efforts to achieve a better and more peaceful world.

In tribute to the achievement of Columbus, the Congress of the United States, by joint resolution approved April 30, 1934 (48 Stat. 657), as modified by the act of June 28, 1968 (82 Stat. 250), requested the President to proclaim the second Monday in October of each year as Columbus Day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Monday, October 8, 1973, as Columbus Day. I invite the people of this Nation to observe that day in schools, churches, and other suitable places with appropriate ceremonies in honor of the great explorer. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of August, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred and ninety-eighth.

Richard Nixon

[FR Doc.73-17197 Filed 8-15-73;8:52 am]

V 38 - 158 AUG 16 73 XUM

PROCLAMATION 4232

General Pulaski's Memorial Day

By the President of the United States of America

A Proclamation

On the eleventh day of October, 1973, the people of the United States will honor the 194th anniversary of the death of Casimir Pulaski, a dedicated patriot who fought selflessly and courageously for the cause of freedom both in Poland and America. It was on October 11, 1779 that Pulaski gave his life for the infant American nation, dying in an attempt to free the city of Savannah, Georgia.

Today, in remembrance of his heroic sacrifice, we pay grateful tribute to Casimir Pulaski. As we do, we also pay tribute to all other Americans of Polish ancestry who have contributed to the greatness of America. Their energies and their devotion have been instrumental in the building of our country from our earliest years down to the present day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Thursday, October 11, 1973, as General Pulaski's Memorial Day, and I direct the appropriate officials to display the United States flag on that day on all Government buildings.

I also invite the people of America to set aside this day for appropriate ceremonies in honor of the memory of General Casimir Pulaski and his dedication to the defense of liberty.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of August, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

[FR Doc.73-17198 Filed 8-15-73;8:52 am]

V 38-158 AUG 16 73 XUM

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Correcting Amendments

The purpose of these amendments is to correct typographical and other errors and to clarify certain of the Phase IV price regulations.

Section 150.1(f) is amended to change the cross reference to Cost of Living Council procedural regulations. A new Part 155 has been added to replace the procedural regulations which were formerly included in Part 105.

Section 150.10(a) is amended to make clear that the highest of the three prices, base price, adjusted freeze price, or other price authorized under this part, is the price which a firm may not exceed under the general rule. Section 150.10(b) which sets forth the general rules for purchasers is also amended in the same manner.

A new rule governing profit margin overages of a firm which sells both custom and non-custom products is added to § 150.11(f). The new rule applies only to firms which would not be in violation of the profit margin limitation except for the charging of a price for a custom product. With respect to those firms, the Council will excuse a profit margin overage to the extent that the firm can demonstrate that the profit margin on those custom products or custom services does not exceed the base period profit margin of the firm.

Other changes are made in the Phase IV definitions. "Base period profit margin" is revised to clarify that revenues which are not included in annual sales or revenues as defined in § 150.31 are not to be included in measuring the base period profit margin. "Price increase" is corrected to indicate that the decrease in quantity of an item will also be regarded as a price increase. "Public utility" is amended to exclude mass transportation systems which are subject to special controls under Subpart P.

Section 150.54(f)(2) is amended to make clear that sales of property by State and local governments are exempt. The rule excluding certain firms from the requirement that they submit quarterly reports is also changed. A new exclusion is created which applies to a firm that has both 90 percent of its annual sales or revenues from exempt items and less than $50 million in annual sales or revenues from nonexempt items. The amendment is similar to the exclusion from the profit margin limitations which appears at § 150.11(3).

A mistake in §150.205(d) is corrected by inserting "customary initial percentage markup" in lieu of "allowable costs."

Section 150.303 is amended to provide alternate methods of computing customary initial percentage markup and gross margin. This change merely allows firms to continue to use their customary accounting practices and was inadvertently omitted. Section 150.306(a)(3) is also changed to require firms to state which option they have selected for the computation of their customary initial percentage markups or gross margins. Finally, the cross reference in § 150.310 is corrected to read § 150.306(a) instead of § 150.307(a).

Because the purpose of these amendments is to provide immediate guidance and information with respect to the Phase IV price regulations, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat 743; Pub. L. 93-28, 87 Stat 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

In consideration of the foregoing, Part 150 of Chapter I of Title 6 of the Code of Federal Regulations is amended as follows effective 11:59 p.m., e.s.t., August 12, 1973.

Issued in Washington, D.C., on August 10, 1973.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

§ 150.1 [Amended]

1. Section 150.1(f) is amended by changing the reference to "Part 105" to read "Part 155".

§ 150.10 [Amended]

2. Section 150.10(a) is amended to insert the phrase ", whichever is the highest," after the word "part".

3. Section 150.10(b) is amended to insert the phrase ", whichever is the highest," after the word "part".

4. Section 150.11(f) is amended by designating the present § 150.11(f) as § 150.11(f)(i) and adding a new § 150.11(f)(ii) to read as follows:

§ 150.11 Profit Margin Limitation.

* * * * *

(f) * * *

(ii) If a firm's activities subject to the profit margin limitations of this section include both the sale of custom products and services as defined in § 150.104 of this part and the sale of non-custom products and services and the firm is not in violation of the profit margin limitations of this section, the Cost of Living Council shall for purposes of determining compliance with § 150.104(b), excuse the profit margin overage to the extent that the firm can demonstrate that the profit margin on the custom products or custom services does not exceed the base period profit margin of the firm.

§ 150.31 [Amended]

5. Section 150.31 is amended in the definition of "Base period profit margin" by deleting the word "and" following the reference to "§ 150.56" and inserting a comma in lieu thereof and by inserting after the word "Subpart M" the phrase "and revenues not included in annual sales or revenues as defined in this section".

6. Section 150.31 is amended in the definition of "Price Increase" to insert the words "or quantity" following the word "quality".

7. Section 150.31 is further amended in the definition of "Public Utility" to read as follows:

* * * * *

"Public Utility" means a firm or that part of a firm which regularly furnishes the public or a recognized segment of the public with a commodity or service which is of public consequence and need whether or not that firm is under the jurisdiction of a regulatory agency, including gas, electric, telephone, telegraph, public transportation by vehicle or pipeline, water, and sewage disposal services, but excluding mass transportation system as defined in Subpart P of this Part.

§ 150.54 [Amended]

8. Section 150.54(f)(2) is amended by inserting the phrase "or State and local governments" after the word "States".

9. Section 150.161(b)(1) is amended to read as follows:

§ 150.161 Quarterly reports.

* * * * *

(b) * * *

(1) A firm which during its most recent fiscal year derived both (i) 90 percent or more of its annual sales or revenues from the sale of exempt items or from exempt sales and (ii) less than $50 million of its annual sales or revenues from the sale or lease of non-exempt items.

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§ 150.205 [Amended]

10. Section 150.205(d) is amended by deleting the words "allowable costs" in the first sentence and inserting in lieu thereof "customary initial percentage markup".

11. Section 150.303 is amended to read as follows:

§ 150.303 Computing customary initial percentage markups and gross margins.

For the purposes of this subpart—

(a) Customary initial percentage markup = $\frac{\text{Initial price} - \text{Cost}}{\text{Initial Price or Cost}} \times 100$

Where:

Initial price = Total sales prices of all merchandise within a category when first offered for sale weighted for volume; and

Cost = Total invoice costs of all merchandise within a category plus transportation allocated to that merchandise.

(b) Gross margin = $\frac{\text{Revenues} - \text{Cost}}{\text{Revenues or Cost}} \times 100$

Where:

Revenues = Total revenues realized from the sales of merchandise within a category less returns and credits; and

Cost = Total invoice costs of all merchandise within a category plus transportation allocated to that merchandise.

12. Section 150.306(a)(3) is amended to read as follows:

§ 150.306 Merchandise pricing plans; firms with annual revenues of $50 million or more.

(a) • • •

(3) A completed form as specified by the Council on each pricing entity stating its selection of either the customary initial percentage markup or gross margin basis for control, whether in computing its customary initial percentage markups or gross margins pursuant to § 150.303 it uses in the denominator (i) initial price or cost or (ii) revenues or cost, respectively, and its selection of pricing base period and setting forth its categories, the pricing base period customary initial percentage markup applied to or the gross margin realized for each category, and the customary initial percentage markup applied to or the gross margin realized for each category during each fiscal quarter of the pricing base period;

§ 150.310 [Amended]

13. Section 150.310 is amended to change the reference to "§ 150.307(a)" to read "§ 150.306(a)".

§ 150.104 [Amended]

14. Section 150.104(b) is amended by inserting between the reference to "§ 150.11(d)(iii)" and the period the words "and § 150.11(f)(ii)".

[FR Doc.73-17031 Filed 8-13-73;10:59 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Maximum Rates of Interest on Single and Multiple Maturity Time Deposits; Correction

In FR Doc. 73-15505 appearing on page 20248 in the issue of Monday, July 30, 1973, make the following change: In the 17th line of § 329.7(d) insert the word "interest" between "semiannual" and "or divi[dend]".

Dated: August 13, 1973.

[SEAL] ALAN R. MILLER, *Executive Secretary.*

[FR Doc.73-17070 Filed 8-15-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SO-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Manning S.C., transition area.

The Manning transition area is described in § 71.181 (38 F.R. 435). In the description, an extension is predicated on Vance, S.C. VORTAC 100° radial. Since the VOR-A Instrument Approach Procedure to Wings and Wheels Airport, Santee, S.C., has been amended to utilize the Vance VORTAC 103° radial for the procedure turn, it is necessary to amend the description to predicate the extension on the 103° radial. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (38 F.R. 435), the Manning, S.C., transition area is amended as follows:

"• • • 100° radial • • •" is deleted and "• • • 103° radial • • •" is substituted therefor.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c))

Issued in East Point, Ga., on August 7, 1973.

PHILLIP M. SWATEK, *Director, Southern Region.*

[FR Doc.73-17007 Filed 8-15-73;8:45 am]

[Airspace Docket No. 73-GL-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to alter the Carbondale, Illinois, control zone and the Marion, Illinois, transition area.

The approach bearings on two approach procedures to the Southern Illinois Airport, Carbondale, Illinois, have been changed slightly; therefore, airspace protecting these approaches requires a corresponding change.

Since these alterations are minor in nature and are in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedures Act is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective November 8, 1973, as hereinafter set forth:

In § 71.171 (38 F.R. 351), the following control zone is amended to read:

CARBONDALE, ILL.

Within a 5-mile radius of the Southern Illinois Airport (latitude 37°46'45"N., longitude 89°15'00"W.) and within 3 miles either side of the 338° bearing from the Southern Illinois Airport, extending from the 5-mile radius zone to 8 miles north of the airport; and within 3 miles either side of the 250° bearing from the Southern Illinois Airport extending from the 5-mile radius zone to 8 miles west of the airport. This control zone is effective during specific dates and times established in advance by Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (38 F.R. 435), the following transition area is amended to read:

MARION, ILL.

That airspace extending upward from 700 feet above the surface, bounded by a line beginning at latitude 37°53'40"N., longitude 88°48'35"W., thence west to latitude 37°56'25"N., longitude 89°02'-40"W., thence west to latitude 37°58'45" N., longitude 89°20'25"W., thence south to latitude 37°47'25"N., longitude 89°-26'00"W., thence south to latitude 37°-42'10"N., longitude 89°24'00"W., thence southeast to latitude 37°32'50"N., longitude 88°59'00"W., thence northeast to latitude 37°42'35" N., longitude 88°52'-15"W., thence north to the point of beginning; and that airspace extending upward from 1,200 feet above the surface 9.5 miles southeast of and 4.5 miles northwest of the 250° bearing from the Southern Illinois Airport, extending from the airport to 18.5 miles southwest, excluding that portion within the state of Illinois.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c) Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Des Plaines, Illinois, on August 8, 1973.

LYLE K. BROWN, *Director, Great Lakes Region.*

[FR Doc.73-17009 Filed 8-15-73;8:45 am]

[Docket No. 13114; Amdt. No. 877]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective September 27, 1973.*

Daytona Beach, Fla.—Daytona Beach Regional Arpt., VOR Rwy 16, Amdt. 11
Dillon, Mont.—Dillon Arpt., VOR-A, Amdt. 5
Evansville, Ind.—Evansville Dress Regional Arpt., VOR Rwy 4, Amdt. 6
Gustavus, Alas.—Gustavus Arpt., VOR/DME-B, Amdt. 1
Lawrenceville, Ill.—Lawrenceville-Vincennes Municipal Arpt., VOR Rwy 18, Amdt. 3
Lawrenceville, Ill.—Lawrenceville-Vincennes Municipal Arpt., VOR Rwy 36, Amdt. 3
Madison, Ga.—Madison Municipal Arpt., VOR-1, Orig., Canceled
Madison, Ga.—Madison Municipal Arpt., VOR/DME-A, Orig.
Shelbyville, Tenn.—Bomar Field—Shelbyville Municipal Arpt, VOR-A, Amdt. 2
Shelbyville, Tenn.—Bomar Field—Shelbyville Municipal Arpt., VOR Rwy 36, Amdt. 9
Terre Haute, Ind.—Hulman Field, VOR Rwy 5, Amdt. 8
Terre Haute, Ind.—Hulman Field, VOR Rwy 23, Amdt. 10

• • • effective August 30, 1973

Bozeman, Mont.—Gallatin Field, VOR Rwy 12, Amdt. 9

• • • effective August 3, 1973

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., VOR Rwy 26, Amdt. 7

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPS, *effective September 27, 1973.*

Daytona Beach, Fla.—Daytona Beach Regional Arpt., LOC (BC) Rwy 24R, Amdt. 3
Medford, Ore.—Medford-Jackson County Arpt., LOC/DME (BC) A, Amdt. 1, Canceled
Medford, Ore.—Medford-Jackson County Arpt., LOC/DME (BC) B, Orig.
Terre Haute, Ind.—Hulman Field, LOC (BC) Rwy 23, Amdt. 10

• • • effective August 23, 1973

Bremerton, Wash.—Kitsap County Arpt., SDF Rwy 1, Orig.

• • • effective August 6, 1973

Milwaukee, Wis.—General Mitchell Field, LOC Rwy 19R, Amdt. 1

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective September 27, 1973.*

Destin, Fla.—Destin-Ft. Walton Beach Arpt. NDB Rwy 14, Amdt. 1, Canceled Evansville, Ind.—Evansville Dress Regional Arpt., NDB Rwy 22, Amdt. 7
Greenville, S.C.—Greenville Municipal Downtown Arpt., NDB Rwy 36, Amdt. 14
Morganton, N.C.—Morganton-Lenoir Arpt., NDB-A, Amdt. 2
Terre Haute, Ind.—Hulman Field, NDB Rwy 5, Amdt. 8
Washington, Ind.—Daviess County Arpt., NDB Rwy 18, Amdt. 1

• • • *effective August 30, 1973.*

Bozeman, Mont.—Gallatin Field, NDB-A, Amdt. 5, Canceled
Bozeman, Mont.—Gallatin Field, NDB Rwy 12, Orig.

• • • *effective August 23, 1973.*

Minocqua-Woodruff, Wis.—Lakeland Arpt., NDB Rwy 28, Amdt. 3
Minocqua-Woodruff, Wis.—Lakeland Arpt., NDB Rwy 36, Amdt. 3, Canceled
Minocqua-Woodruff, Wis.—Lakeland Arpt., NDB Rwy 36, Orig.

• • • *effective August 3, 1973.*

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., NDB Rwy 26, Amdt. 9

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective September 27, 1973.*

Daytona Beach, Fla.—Daytona Beach Regional Arpt., ILS Rwy 6L, Amdt. 18
Evansville, Ind.—Evansville Dress Regional Arpt., ILS Rwy 22, Amdt. 15
Greenville, S.C.—Greenville Municipal Downtown Arpt., ILS Rwy 36, Amdt. 19
Terre Haute, Ind.—Hulman Field, ILS Rwy 5, Amdt. 13

• • • *effective August 30, 1973.*

Bozeman, Mont.—Gallatin Field, ILS Rwy 12, Amdt. 1

• • • *effective August 3, 1973.*

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., ILS Rwy 26, Amdt. 5

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective September 27, 1973.*

Destin, Fla.—Destin-Ft. Walton Beach Arpt., RADAR-1, Amdt. 2
Greenville, S.C.—Greenville Municipal Downtown Arpt., RADAR-1, Amdt. 7

• • • *effective August 3, 1973.*

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., RADAR-1, Amdt. 20

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective September 27, 1973.*

Evansville, Ind.—Evansville Dress Regional Arpt. RNAV Rwy 4, Amdt. 1

7. *Correction:* In Docket No. 13059, Amendment 875, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated August 3, 1973, on page 20819, under § 97.29 effective September 13, 1973, delete Tucson, Ariz.—Tucson Int'l Arpt., ILS Rwy 11L, Amdt. 3. ILS Rwy 11L, Amdt. 2, remains in effect.

These amendments are made effective under the authority of (Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).

Issued in Washington, D.C., on August 9, 1973.

JAMES M. VINES, *Chief, Aircraft Programs Division.*

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610), approved by the Director of the FEDERAL REGISTER on May 12, 1969.

[FR Doc.73-17008 Filed 8-15-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-5413]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Filing Registration Statements for Variable Life Insurance Contracts

On January 31, 1973, the Commission announced that it had determined that

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variable life insurance contracts are securities and that the offer and sale of such contracts would be subject to the provisions of the Securities Act of 1933 (Securities Act).[1] At the same time, the Commission also adopted exemptive rules under the Investment Company Act of 1940 and the Investment Advisers Act of 1940 for variable life insurance separate accounts and for insurance companies or affiliates thereof acting as investment advisers under certain specified conditions. In adopting these rules, the Commission took note of the body of state law which had developed and was continuing to develop in the area of insurance regulation.

In view of developing state regulatory requirements, companies which are considering the filing of a registration statement for variable life insurance contracts should determine, prior to filing, whether the policies to be offered can be sold in the jurisdiction in which offers will be made. In the Commission's view, sec. 6(a) of the Securities Act generally contemplates that at the time of the filing of a registration statement the registrant must have a present intention to commence selling when the registration statement is ordered effective;[2] and sec. 5(b) of that Act contemplates that at the time of filing there must be a reasonable certainty that the securities being offered can be legally sold upon effectiveness. It is the Commission's opinion that such reasonable certainty does not exist if the absence of enabling legislation, regulations or the approval of a policy by state insurance authorities would prevent the sale of a policy in the jurisdiction in which it is intended to be sold. Accordingly, a registration statement covering the offer and sale of a policy which cannot be sold because of the above limitations will not be accepted for filing under the Securities Act.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

AUGUST 2, 1973.

[FR Doc.73-17053 Filed 8-15-73;8:45 am]

[1] Securities Act of 1933 Release No. 5360, Securities Exchange Act of 1934 Release No. 9972, Investment Company Act of 1940 Release No. 7644, Investment Advisers Act of 1940 Release No. 359 (January 31, 1973) [38 FR 4315].

[2] The Commission has previously enumerated specific exceptions to this requirement where registration for certain types of deferred or extended offerings would be permitted. See Guide 4 of the Guides for Preparation and Filing of Registration Statements, Securities Act of 1933 Release No. 4936 (December 9, 1968). [33 FR 18617]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—MEDICAL CARE AND EXAMINATIONS

PART 37—SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Second Round of Chest Roentgenographic Examinations; Corrections and Omissions

In FR Doc. 73-15273 appearing at page 20076 in the issue for Friday, July 27, 1973, the following paragraph (b)(4) should be inserted in § 37.3:

"(4) ALFORD will notify the miner and his employer when the second and third examinations are required."

In § 37.4(c), the last sentence should read: "Every such plan shall be subject to revision in accordance with paragraph (d) of this section."

In § 37.43, the first sentence should read: "Except as otherwise specified in § 37.41, roentgenographic equipment, its use and the facilities (including mobile facilities) in which such equipment is used, shall conform to applicable State and Federal regulations."

Dated: August 8, 1973.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.73-17038 Filed 8-15-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

PROPARGITE

A petition (FAP 3H5028) was filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, CT 06525, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of food additive tolerances (21 CFR Part 121) for residues of the insecticide propargite (2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite) in dried apple pomace at 80 parts per million resulting from application of the insecticide to the growing raw agricultural commodity apples. (For a related document, see this issue of the FEDERAL REGISTER, page 22123).

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348). Pesticide and food additive tolerances for residues of propargite have previously been established.

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerances should be established.

It is also concluded that the name propargite is the accepted common name for the insecticide (2-(*p-tert*-butylphenoxy) cyclohexyl 2-propynyl sulfite.

Therefore, pursuant to provisions of the Act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 F.R. 9038), Part 121 is amended by revising § 121.345 in Subpart C and § 121.1236 in Subpart D to read as follows:

§ 121.345 Propargite.

Tolerances are established for residues of the insecticide propargite (2-(*p-tert*-butylphenoxy) cyclohexyl 2-propynyl sulfite) in the following processed feeds, when present therein as a result of the application of this insecticide to growing crops:

80 parts per million in dried apple pomace.

40 parts per million in dried citrus pulp and dried grape pomace.

§ 121.1236 Propargite.

Tolerances are established for residues of the insecticide propargite (2-(*p-tert*-butylphenoxy) cyclohexyl 2-propynyl sulfite) in the following processed foods when present therein as a result of the application of this insecticide to growing crops:

30 parts per million in dried hops.

25 parts per million in raisins.

Any person who will be adversely affected by the foregoing order may at any time on or before September 17, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, S.W., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on August 16, 1973.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: August 13, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-17114 Filed 8-15-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-194]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Colorado	El Paso	Palmer Lake, Town of.				Aug. 16, 1973, Emergency.
Connecticut	New London	Lyme, Town of				Do.
Pennsylvania	Bucks	Hulmeville, Borough of.				Do.
Do	Luzerne	Butler, Township of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: August 8, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-16995 Filed 8-15-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 3-73-5R]

PART 127—SECURITY ZONES

Establishment of Security Zone, Newton Creek, Delaware River, Camden, New Jersey

This amendment to the Coast Guard's Security Zone Regulations, establishes the waters of the Delaware River, Camden, New Jersey as a security zone. This security zone is established to protect the M/V FEDOR POLETAVE while moored at Holt Terminal, Camden, New Jersey.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a foreign affairs function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.306, to read as follows:

§ 127.306 Newton Creek, Delaware River, Camden, New Jersey.

The area within the following boundary is a security zone: a line beginning at 39-54-25N, 075-07-32W; thence east to 39-54-25N, 075-07-21W; thence north to 39-54-28N, 075-07-21W; thence west to 39-54-28N, 075-07-32W; thence south to the beginning point.

(46 Stat. 220, as amended, § 6(b), 80 Stat. 937; 50 U.S.C. § 191, 49 U.S.C. § 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date: This amendment is effective from 11:00 A.M. Eastern Daylight Time, Monday, 6 August 1973 to 6:30 P.M. Eastern Daylight Time, Monday, 6 August 1973.

Dated: August 6, 1973.

B. F. ENGEL,
Vice Admiral, United States Coast Guard Commander, Third Coast Guard District, Governors Island, New York.

[FR Doc.73-17032 Filed 8-15-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Propargite

A petition (PP 2F1272) was filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, CT 06525, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide propargite (2-(*p-tert*-butylphenoxy(cyclohexyl 2-propynyl sulfite) in or on the raw agricultural commodities alfalfa hay, clover hay, and mint at 25 parts per million; grapefruit at 5 parts per million; corn fodder and forage at 2 parts per million; and corn grain, fresh corn including sweet corn and popcorn (kernels plus cob with husk removed), and potatoes at 0.1 part per million (negligible residue).

Subsequently, the petitioner amended the petition by (a) increasing the proposed tolerance for residues of the insecticide in or on mint from 25 parts per million to 50 parts per million; (b) proposing a tolerance of 0.1 part per million for residues in the fat, meat, and meat byproducts of hogs; and (c) withdrawing the proposed tolerances in or on alfalfa hay, clover hay, and fresh corn. (For a related document, see this issue of the FEDERAL REGISTER, page 22122).

Based on consideration given the data submitted in the petition and other relevant materials, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectancy that residues in meat, milk, eggs, or poultry will exceed either the already established tolerances or the tolerances being established.

3. The tolerances established by this order will protect the public health.

4. The name propargite is the accepted common name for the insecticide (2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite), and the regulation should be changed to so indicate.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority trans-

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ferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.259 is revised to read as follows:

§ 180.259 Propargite; tolerances for residues.

Tolerances are established for residues of the insecticide propargite (2-(*p-tert*-butylphenoxy) cyclohexyl 2-propynyl sulfite) in or on raw agricultural commodities as follows:

55 parts per million in or on almond hulls.

50 parts per million in or on mint.

15 parts per million in or on hops.

10 parts per million in or on grapes.

7 parts per million in or on apricots, peaches, plums (fresh prunes), and strawberries.

5 parts per million in or on grapefruit, lemons, and oranges.

4 parts per million in or on nectarines.

3 parts per million in or on apples and pears.

2 parts per million in or on corn fodder and forage.

2 parts per million in milk fat (reflecting negligible residues of 0.08 part per million in milk).

0.1 part per million (negligible residue) in or on almonds, corn grain (including popcorn), cottonseed, potatoes, and walnuts.

0.1 part per million (negligible residue) in eggs and the fat, meat, and meat byproducts of cattle, goats, hogs, poultry, and sheep.

Any person who will be adversely affected by the foregoing order may at any time on or before September 17, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, S.W., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on August 16, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 13, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-17113 Filed 8-15-73;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dimethyl Sulfoxide

In response to a petition (PP 3E1364) submitted by Crown Zellerbach Corp., Chemical Products Division, Camas, WA 98607, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of June 22, 1973 (38 FR 16392), proposing establishment of an exemption from the requirement of a tolerance for residues of dimethyl sulfoxide when used as a solvent or cosolvent in pesticide formulations intended for preemergence application or application prior to formation of edible parts of food plants. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.1001(d) is amended by revising the item "Dimethyl sulfoxide" in the table to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * * *

(d) * * *

Inert Ingredients	Limits	Uses
Dimethyl sulfoxide.	----------	Solvent or cosolvent for formulations used before crop emerges from soil or prior to formation of edible parts of food plants.
* * *	* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before September 17, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, S.W., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on August 16, 1973.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: August 13, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-17116 Filed 8-15-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-1—GENERAL

Subpart 5A-1.12—Responsible Prospective Contractors

CHANGE IN SUPPLIERS BY PRIME CONTRACTOR

The following is to provide guidance for contracting officers when a contractor requests authority to change sources of supply, inspection, or production point.

The table of contents for Part 5A-1 is amended by the addition of the following new entry:

5A-1.1206 Change in suppliers by prime contractors.

Section 5A-1.1206 is added as follows:

§ 5A-1.1206 Change in suppliers by prime contractors.

(a) Before authorizing a contractor to change a designated source of supply or any designated inspection or production point, the contracting officer shall determine that such change will not be detrimental to the ability of the contractor to fulfill his obligations under the terms of the contract. If a favorable determination cannot be made without obtaining additional information, the contracting officer shall request a plant facilities evaluation.

(b) In making an evaluation of the requested change, contracting officers shall exercise similar precautions with regard to new sources as were taken in determining the acceptability of the initial supply source. If the contracting officer approves a change of supply source, inspection point, or production point, he shall issue an appropriate contract amendment specifying the nature of the change and the effective date. Where feasible, the amendment shall provide that delivery orders placed prior to the effective date will remain in effect as written. In determining the effective date, contracting officers shall take into consideration the time necessary for offices concerned to receive and take required actions thereunder.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. This regulation is effective on the date shown below.

Dated: August 3, 1973.

M. J. TIMBERS,
Commissioner, Federal Supply Service.

[FR Doc.73-17075 Filed 8-15-73;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 1-18; Notice 9]

PART 571—MOTOR VEHICLE SAFETY STANDARDS

Control Location, Identification, and Illumination

This notice amends Motor Vehicle Safety Standard No. 101 to allow a control position providing minimal illumination, effective September 1, 1973.

On February 27, 1973 the National Highway Traffic Safety Administration proposed (38 FR 5261) that paragraph S4.3 of 49 CFR 571.101, *Control location, identification, and illumination*, be amended to allow vehicle manufacturers the option of providing an instrument illumination control with either an "off" position, or one providing illumination "barely discernible to a vehicle operator whose eyes have adapted to dark ambient roadway conditions." The standard mandated an "off" position only as of September 1, 1973 and the agency's notice of February 27 granted the petition of Mercedes-Benz of North America for initiation of rulemaking to allow the option. Mercedes justified its request with its opinion that "under no circumstances should the driver . . . be without a certain amount of control illumination, and . . . a driver who is unfamiliar with [a] vehicle 'cannot possibly recognize the identification of the specified controls upon activating the head lamps switch when the rheostat has been turned off' ".

The comments received supported the proposal. Some reservations were expressed over the subjectivity of the proposed wording. The NHTSA recognized this problem in the notice when it commented "While this option does not provide a quantitative performance level per se, it is assumed that barely discernible' illumination would be of such low intensity that it does not produce glare on the instrument panel or a reflection in the windshield". However, no one suggested language more objective in nature, and the NHTSA has decided to adopt its proposed wording in the absence of a quantitative expression of light output. The NHTSA may conduct research that possibly could lead to further rule making in this area.

In consideration of the foregoing, the last sentence of paragraph S4.3 of 49 CFR 571.101, Motor Vehicle Safety Standard No. 101, is revised to read:

"On each vehicle to which this paragraph applies manufactured on or after September 1, 1973, a control shall be provided to adjust the intensity of control illumination, so that it is continuously variable from a position of either no illumination, or illumination that is barely discernible to a vehicle operator whose eyes have adapted to dark ambient roadway conditions, to a position providing illumination sufficient for the vehicle operator to readily identify the control under conditions of reduced visibility."

Effective date: September 1, 1973. Because the amendment is of a requirement effective September 1, 1973, and allows an optional means of compliance, it is found for good cause shown that an effective date earlier than 180 days after issuance is in the public interest.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51).

Issued on August 9, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc.73-17069 Filed 8-15-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURES

[Ex Parte No. 298]

PART 1107—REQUIREMENTS AND PROCEDURES RELATING TO RAILROAD RATE ADJUSTMENT ACT OF 1973

Correction

AUGUST 10, 1973.

The attention of the Commission was called today to the fact that the order of July 27, 1973, in this proceeding, under § 1107.1, "Requirements," of the rules therein prescribed erroneously covered only class I line-haul carriers. The first clause under that heading should be changed to read as follows:

Petition or petitions filed by class I line-haul railroads and other common carriers subject to part I of the Interstate Commerce Act under the provisions of subsection (4)(a) of section 15a of the act, * * *

A copy of this notice will be deposited with the Director, Office of the Federal Register, for publication therein.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-17103 Filed 8-15-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Sand Lake National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on August 16, 1973.

§ 32.12 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following conditions:

(1) Archery season—December 3 through December 31, 1973, both dates inclusive.

(2) Firearms season—November 24 through December 2, 1973, both dates inclusive.

(3) All hunters must exhibit their hunting license, deer tag and vehicle contents to Federal and State officers upon request.

(4) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles outside the refuge and hunt on foot.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

LOUIS S. SWENSON,
Refuge Manager, Sand Lake National Wildlife Refuge.

AUGUST 6, 1973.

[FR Doc.73-17035 Filed 8-15-73;8:45 am]

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on September 1, 1973.

§ 32.12 Special regulations; migratory birds; for individual wildlife refuge areas.

ALABAMA

EUFAULA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Eufaula National Wildlife Refuge, Alabama, is permitted only on those areas designated by signs as open to hunting. These open areas are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions.

(1) Hunting shall be permitted from 12 noon until sunset (Central time) on the follow dates:

(a) Houston Tract Unit—October 13, 20, 27 and November 3, 1973.

(b) Molnar Tract Unit—December 29, 1973 and January 5 and 12, 1974.

(2) Each hunter must have on his person a validated refuge hunting permit. Permits will be issued at the refuge on each day of the hunt on a first-come, first-serve basis.

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(3) No hunters will be permitted within hunting areas before 11:45 A.M. each day.

(4) All firearms must be encased and/or unloaded when outside the designated hunting area.

(5) Each hunter who successfully takes a limit of mourning doves must leave the hunting area immediately.

(6) Retrievers used by hunters shall be under the control of the owner at all times.

(7) All hunters must check in and out of the refuge at the designated checking station.

(8) All litter (paper, empty shell boxes, etc.) must be removed by individual hunters.

(9) Wounded or dead doves falling outside the hunting area may be recovered, but firearms must be left inside hunting area.

(10) Vehicle parking will be limited to areas designated by refuge personnel.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 12, 1974.

ARKANSAS

HOLLA BEND NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Holla Bend National Wildlife Refuge, Arkansas, is permitted on an area delineated by public hunting signs. This open area, comprising approximately 500 acres, is delineated on a map available at refuge headquarters, Russellville, Arkansas 72801, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, subject to the following special conditions.

(1) Hunting dates: September 1 and 8, 1973.

(2) Two hundred fifty permits will be issued for each hunt. Application may be made by postcard addressed to Holla Bend National Wildlife Refuge, P.O. Box 746, Russellville, Arkansas 72801. Cards may contain the name of only one hunter and should indicate a preference for either September 1 or 8. They must be received not later than August 17, 1973. A drawing will be held at 1:00 P.M., August 17, 1973, in the refuge office to determine permittees.

(3) No alcoholic beverages will be allowed in the hunting area.

(4) Hunters under 18 years of age must be accompanied by an adult.

(5) All firearms must be cased and/or unloaded when outside designated hunting areas.

(6) Dogs used as retrievers must comply with State dog licensing requirements.

(7) Hunting shall be from 12 noon until sunset each day of the hunt.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 8, 1973.

SOUTH CAROLINA

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves is permitted on the open area of Carolina Sandhills National Wildlife Refuge, S.C. This open area, comprising approximately 350 acres, is delineated on a map available at refuge headquarters, McBee, S.C. 29101, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, subject to the following special conditions.

(1) Open Season. September 8, 1973—from noon until 4:30 P.M. September 15, 22, 29, and October 6, 1973—from noon until official sunset.

(2) Species and Bag Limit. Mourning doves only—12 birds per hunter each day. Hunters must leave the hunting area upon completing bag limits.

(3) Permits and Entry. Permits will be issued on a first-come, first-served basis to 300 hunters each day. Permits will be available from a permit station located across South Carolina Highway 145 from the Lake Bee Recreation Area. Permits will be sold from 10:30 A.M. until 2:30 P.M. each day of the hunt and they will cost $2 each on opening day and $1 each for subsequent hunts. Each hunter must secure his own permit and personally sign for the permit to be valid.

(4) Vehicles and Shooting Sites. Hunters must enter the hunting area at designated entrance points and utilize specified parking areas. These will be posted with signs. Maximum speed is 35 MPH. Loaded firearms in vehicles are prohibited. Soybean fields are CLOSED TO ALL ENTRY during the hunts to protect the interest of the refuge's cooperative farmer. Therefore, hunters and dogs are not to enter soybean fields under any circumstances.

(5) Weapons. Only shotguns and shells with shot sizes No. 6 or smaller are allowed. Shotguns capable of holding more than three shells (one in the chamber and two in the magazine) must be plugged in accordance with applicable State and Federal regulations. Guns must be unloaded and either encased or disassembled while being transported on the refuge.

(6) Dogs. Retrievers are allowed on the hunting area; however, they must be under control at all times. Hunters utilizing retrievers must have their permits appropriately stamped to authorize having dogs on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 6, 1973.

JACK E. HEMPHILL,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 9, 1973.

[FR Doc.73-17027 Filed 8-15-73;8:45 am]

PART 32—HUNTING

Seedskadee National Wildlife Refuge

The following special regulation is issued and is effective August 16, 1973.

§ 32.12 Special Regulations; migratory game birds; for individual wildlife refuge areas.

WYOMING

SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Seedskadee National Wildlife Refuge, Wyoming is permitted from September 1, 1973 to September 16, 1973, inclusive. All of the refuge area, comprising 12,370 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118, Courthouse, Green River, Wyoming, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Ave., Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations governing the hunting of mourning doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 16, 1973.

MERLE O. BENNETT,
Refuge Manager, Seedskadee National Wildlife Refuge, Green River, Wyoming.

JULY 27, 1973.

[FR Doc.73-17026 Filed 8-15-73;8:45 am]

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on August 25, 1973.

§ 32.22 Special regulations; upland game; for individual refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of rabbits, gray squirrels, foxes, raccoons, and opossums is permitted only on the areas designated by signs and/or delineated on maps which are available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all State and Federal regulations subject to the following special conditions:

(1) Hunting shall be by permit only. Permits may be obtained from the Refuge Manager under prescribed conditions.

(2) Foxes may be hunted with dogs, but without guns during the period October 1, 1973 through February 15, 1974, under conditions set forth in permits obtainable from the Refuge Manager.

(3) Gray squirrels and rabbits may be hunted October 15–20, 1973.

(4) Raccoons and opossums may be hunted February 11–16, 1974.

(5) Rabbits may be hunted February 19–23, 1974.

(6) Either shotguns, .22 rimfire rifles, non-powder burning rifles or bows and arrows may be used for squirrel hunting, but .22 rimfire rifles may not be used for other species listed. Raccoon and opossum hunting is limited to use of shotguns only. Not larger than No. 6 shot may be used for squirrel and rabbit hunting, nor larger than No. 8 for raccoon and and opossum hunting.

(7) Legal hours for entering and hunting on the refuge for raccoons and opossums shall be 6 p.m. to 5 a.m. inclusive; for rabbits 8 a.m. to 5 p.m. inclusive; and for squirrels all daylight hours.

(8) No hunting is permitted within 100 yards of buildings on the refuge boundary. No hunting is permitted on lands west of Flint Creek nor within the Triana Recreational Area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 23, 1974.

ARKANSAS

WAPANOCCA NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons is permitted only on the area designated by signs as open to hunting. This open area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE, Atlanta, Georgia 30329. Hunting shall be in accordance with all State and Federal regulations subject to the following special conditions:

(1) Squirrels may be hunted October 1–15, 1973, during daylight hours only.

(2) Raccoons may be hunted November 1–15, 1973, from dark to 12 midnight only.

(3) Only shotguns and .22 caliber rifles may be used. Pistols and other sidearms are prohibited.

(4) Dogs are required during the raccoon hunts and are prohibited during the squirrel hunt.

(5) Cutting or burning of trees, fires, camping, and littering are prohibited.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1973.

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of raccoon, squirrel and turkey on the White River National Wildlife Refuge, Arkansas, is permitted only on the areas designated by signs as open to hunting. These open areas are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

Raccoons:

(1) Raccoons may be taken without limit on the refuge November 1–3; November 8–10; and December 6–8, 1973.

(2) Weapons: Shotguns larger than 28 gauge and .22 caliber, rimfire rifles; no headlight hunting permitted.

(3) Camping will be permitted in designated areas only. No fires are permitted outside the camping area. No trees will be cut.

(4) Hunters must check in and out each day at the designated check station between the hours of 5 p.m. and 2 a.m. Shooting hours begin at 5 p.m. and close at 1 a.m.

(5) Boats will be prohibited on refuge waters. Hunters are not permitted to enter the refuge by boats from navigable waters.

(6) Littering of the refuge will be a violation.

(7) A Federal permit is required to enter the public hunting area.

Squirrel, rabbit, beaver, feral hogs, and turkey:

(1) Species to be taken: Squirrel, rabbit, beaver, feral hogs, and turkey by gun; and turkey by archery.

(2) Open season: Gun hunt (except turkey—October 1–15; Archery (turkey)—October 16–30; Turkey shotgun hunt—November 6–7, 1973.

(3) Bag limit: One turkey of either sex; rabbits—8; squirrel—8; no limit on beaver and hogs.

(4) Weapons: (a) Gun—shotguns and rimfire rifles are legal. Rifles larger than .22 caliber are prohibited. (b) Long bows only, with a minimum pull of 40 pounds and arrows with 7/8 inch minimum width blades.

(5) A federal permit is required to enter the public hunting area for the turkey gun hunt. No permit required for squirrel or archery turkey hunts.

The provisions of these special regulations supplement the regulations which govern hunting on national wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1973.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the St. Marks National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 1,200 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of upland game.

KENTUCKY

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on the Reelfoot National Wildlife Refuge, Kentucky, is permitted only on the area designated by signs as open to hunting. This open area, comprised of 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tennessee and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels and raccoons subject to the following special conditions:

Squirrels:

(1) Squirrels may be hunted on the refuge from September 1–30, 1973.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(3) Dogs are not permitted.

(4) A Federal permit is not required to enter the public hunting area.

Raccoons: Raccoons may be taken without limit, on the Long Point refuge unit during the periods of October 1–6, 1973 and October 8–13, 1973.

(2) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(3) The use of dogs and guns is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit will not be required, However, all hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 13, 1973.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Public hunting of rabbits, squirrels, and raccoons on the Bulls Island Unit of the Cape Romain National Wildlife Refuge, Awendaw, South Carolina, is permitted only on the area designated by signs as open to hunting. This open area,

V 38 158 AUG 16 73 XUM

comprising 2,500 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits, squirrels, and raccoons except the following special conditions:

(1) The open season for hunting rabbits, squirrels, and raccoons is October 29–November 3, November 22–24, and December 10–15, 1973. Daylight hours only.

(2) Bow and arrows permitted. Firearms, crossbows, or any type mechanical bow prohibited. Drugged or poison arrows prohibited.

(3) No dogs allowed on the island.

(4) Hunters must check in with refuge personnel upon arrival and check out upon departure from Bulls Island.

(5) Hunters under 18 years of age must be accompanied by an adult.

(6) Camping for hunters is permitted in the designated campground only. Campsites may be erected 24 hours prior to each hunt and must be removed within 24 hours after the close of each hunt. Campsites and camp gear may not be left from one hunt to the next. Fires are restricted to the designated camp area. A camping fee of $1.00 per person per day will be required for use of the camping area during the hunts. Recreational camping by non-hunters is not permitted during the hunts.

(7) Permits are required and may be obtained at the refuge office on Bulls Island.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 17, 1973.

TENNESSEE

HATCHIE NATIONAL WILDLIFE REFUGE

The public hunting of squirrels and raccoons on the Hatchie National Wildlife Refuge is permitted on the area designated by signs as open to hunting. This open area, comprising 11,000 acres, is delineated on a map available at the refuge headquarters, Brownsville, Tennessee 38012 and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all State and Federal regulations subject to the following conditions:

(1) Seasons: Squirrels—August 25–September 20, 1973. Raccoons—October 12–November 14, 1973.

(2) Weapons: Only .22 caliber rifles or shotguns incapable of holding more than three shells are permitted. Possession of buckshot or slugs is in violation of refuge regulations.

(3) Camping is prohibited.

(4) Dogs are prohibited during the squirrel hunt, but are required to hunt raccoons.

(5) The hunting hours for raccoons shall be from sunset to midnight.

(6) No axes, saws, or other cutting implements will be permitted during the raccoon hunt.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 14, 1973.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on the Lake Isom National Wildlife Refuge, Tennessee is permitted only on the area designated by signs as open to hunting. This open area, comprised of 1,850 acres, is delineated on maps available at refuge headquarters, Samburg, Tennessee and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels and raccoons subject to the following special conditions:

Squirrels:

(1) Squirrels may be hunted on the refuge from September 1–30, 1973.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(3) Dogs are not permitted.

(4) A Federal hunting permit is not required to enter the public hunting area.

Raccoons:

(1) Raccoons may be taken, without limit, on the refuge during the period of October 8–13, 1973.

(2) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(3) The use of dogs and guns is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit will not be required. However, all hunters will be required to check in and check out at the designated checking station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee 38254.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 13, 1973.

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on the Reelfoot National Wildlife Refuge, Tennessee is permitted only on the area designated by signs as open to hunting. This open area, comprised of 9,585 acres, is delineated on maps available at refuge headquarters, Samburg, Tennessee, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels and raccoons subject to the following special conditions:

Squirrels:

(1) Squirrels may be hunted on the refuge from September 1–30, 1973.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(3) Dogs are not permitted.

(4) A Federal permit is not required to enter the public hunting area.

Raccoons:

(1) Raccoons may be taken, without limit, on the Long Point refuge unit during the periods of October 1–6, 1973 and October 8–13, 1973.

(2) Raccoons may be taken, without limit, on the Grassy Island refuge unit during the period of October 1–6, 1973.

(3) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(4) The use of dogs and guns is permitted.

(5) No axes, saws, or other cutting implements will be permitted.

(6) A Federal permit will not be required. However, all hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee 38254.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 13, 1973.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 10, 1973.

[FR Doc.73-17028 Filed 8-15-73;8:45 am]

PART 32—HUNTING

Seedskadee National Wildlife Refuge

The following special regulation is issued and is effective August 16, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

WYOMING

SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of cottontail rabbits on the Seedskadee National Wildlife Refuge, Wyoming is permitted from August 25, 1973 to December 31, 1973, inclusive. All of the refuge area, comprising 12,370 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118 Courthouse, Green River, Wyoming, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations governing the hunting of cottontail rabbits.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

MERLE O. BENNETT,
Refuge Manager, Seedskadee National Wildlife Refuge, Green River, Wyoming.

JULY 23, 1973.

[FR Doc.73-17022 Filed 8-15-73;8:45 am]

PART 32—HUNTING

Seedskadee National Wildlife Refuge

The following special regulation is issued and is effective August 16, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

WYOMING

SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of sage grouse on the Seedskadee National Wildlife Refuge is permitted as follows: West of the Green River from August 25, 1973 to August 31, 1973 inclusive; East of the Green River from August 25, 1973 to September 3, 1973 inclusive. All of the refuge area, comprising 12,370 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118, Courthouse, Green River, Wyoming and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations governing the hunting of sage grouse.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 3, 1973.

MERLE O. BENNETT,
Refuge Manager, Seedskadee National Wildlife Refuge, Green River, Wyoming.

JULY 27, 1973.

[FR Doc.73-17024 Filed 8-15-73;8:45 am]

PART 32—HUNTING

De Soto National Wildlife Refuge

The following special regulation is issued and is effective August 16, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the De Soto National Wildlife Refuge, Nebraska, is permitted only on the area designated by signs as open to hunting. This area, comprising 1,200 acres, that lies west of the present Missouri River channel, is delineated on a map available at refuge headquarters and from the Area Manager, Bureau of Sport Fisheries and Wildlife, 601 E. 12th, Federal Building, Kansas City, Missouri 64106. Hunting shall be in accordance with state regulations governing the hunting of deer with bow and arrow and shall be permitted only during the regular Nebraska archery deer season, September 15, 1973 through November 9, 1973, and from November 19, 1973 through December 31, 1973.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

JAMES E. FRATES,
Refuge Manager.

AUGUST 8, 1973.

[FR Doc.73-17021 Filed 8-15-73;8:45 am]

PART 32—HUNTING

Seedskadee National Wildlife Refuge

The following special regulation is issued and is effective August 16, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of antelope on the Seedskadee National Wildlife Refuge, Wyoming is permitted as follows: west of the Green River from September 1 through September 9, 1973, inclusive; east of the Green River from September 19 through September 30, 1973, inclusive. All of the refuge area, comprising 12,370 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118 Courthouse, Green River, Wyoming, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations governing the hunting of antelope.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1973.

MERLE O. BENNETT,
Refuge Manager, Seedskadee National Wildlife Refuge, Green River, Wyoming.

JULY 26, 1973.

[FR Doc.73-17023 Filed 8-15-73;8:45 am]

PART 32—HUNTING

Seedskadee National Wildlife Refuge

The following special regulation is issued and is effective August 16, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting mule deer on the Seedskadee National Wildlife Refuge is permitted from October 15 through October 31, 1973, inclusive. All of the refuge area, comprising 12,370 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118, Courthouse, Green River, Wyoming and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations governing the hunting of mule deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 31, 1973.

MERLE O. BENNETT,
Refuge Manager, Seedskadee National Wildlife Refuge, Green River, Wyoming.

JULY 27, 1973.

[FR Doc.73-17025 Filed 8-15-73;8:45 am]

PART 32—HUNTING

Bitter Lake National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on August 16, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Bitter Lake National Wildlife Refuge is permitted only on the North Tract and only during the period November 17, 1973 through December 2, 1973, inclusive. The hunting area comprising about 12,000 acres, is delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 2, 1973.

BARNET W. SCHRANCK,
Refuge Manager, Bitter Lake National Wildlife Refuge, Roswell, New Mexico.

AUGUST 9, 1973.

[FR Doc.73-17073 Filed 8-15-73;8:45 am]

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Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS AND GRADES WITH RESPECT THERETO

Grade A for Further Processing

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and United States Classes, Standards, and Grades With Respect Thereto (7 CFR Part 70).

Statement of considerations. On July 6, 1973, a rulemaking proposal was published in the FEDERAL REGISTER (38 FR 18032) which would establish a U.S. Grade A—For Further Processing standard for turkeys, permit ducks, otherwise of A quality with portions of both wings missing beyond the second joint to be classified as U.S. Grade A, and set forth the Department's policy of nondiscrimination in the conduct of services and licensing of graders and inspectors.

Eleven letters were received by the Hearing Clerk on the proposal. Eight comments were in favor of the U.S. Grade A—For Further Processing standard for turkeys and two opposed. Five comments concerned the proposal on ducks and all were in favor of the proposal. In view of the support for and the desirability of the standards, the Department has decided to promulgate them as proposed.

The Amendments are as follows:

1. A new § 70.5 is added to read:

§ 70.5 **Nondiscrimination.**

The conduct of all services and the licensing of graders and inspectors under these regulations shall be accomplished without discrimination as to race, color, creed, sex, or national origin.

2. In § 70.91, a new paragraph (d) is added to read:

§ 70.91 **Marking graded products.**

* * * * *

(d) *Identification of U.S. Grade A—for further processing.* The grade mark indicated in Figure 3A, below, is restricted to turkeys meeting the requirements of § 70.364. The grade mark may be applied only to master shipping containers and not to individual birds. The block containing the words "For Further Processing" in Figure 3A shall be located as indicated and shall be at least as wide and at least ¼ as high as the height of the grade mark. The words "For Further Processing" shall be in the same boldness of type as the wording in the grade mark.



FIGURE 3A

3. In § 70.353, paragraph (f) is amended to read:

§ 70.353 **A Quality.**

* * * * *

(f) *Disjointed and broken bones and missing parts.* Parts are free of broken bones. The carcass is free of broken bones and has not more than one disjointed bone. The wing tips may be removed at the joint, and in the case of ducks and geese, the parts of the wing beyond the second joint may be removed if removed at the joint and both wings are so treated. The tail may be removed at the base. Cartilage separated from the breastbone is not considered as a disjointed or broken bone.

* * * * *

4. Immediately following § 70.363, a new center heading and a new § 70.364 are added to read:

UNITED STATES READY-TO-COOK GRADE FOR FURTHER PROCESSING

§ 70.364 **U.S. Grade A—For Further Processing.**

Any lot of ready-to-cook poultry composed of one or more turkey carcasses may be designated as "U.S. Grade A—For Further Processing" when each carcass in the lot meets the requirements for U.S. A quality as described in this subpart with the following exceptions: (a) Exposed flesh and discolorations of the skin and flesh may be as described for U.S. B quality in this subpart, (b) Any number of disjointed bones are permitted, (c) Part or all of one or both wings may be missing when severed at a joint, and (d) The back may be trimmed in an area not wider than the base of the tail and extending from the tail to the area between the hip joints.

Since the standards will more accurately reflect the market value of turkeys used in further processing, the heavy processing season is imminent and no special preparation would be required by the industry to implement the standards, it is in the public interest to make them effective as soon as possible. Accordingly, under the administrative procedure provisions in 5 U.S.C., 553, good cause is found for making the standards effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 10th day of August 1973, to become effective on August 15, 1973.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.73-16942 Filed 8-15-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 445]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period August 17–23, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.715 **Valencia Orange Regulation 445.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing

opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be fairly good, with general activity about the same as in recent weeks. Prices f.o.b. averaged $3.46 per carton on a sales volume of 585 carlots during the week ended August 9, 1973, compared with $3.42 per carton on sales of 538 carlots a week earlier. Track and rolling supplies at 299 cars were down 34 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified: and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 14, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 17, 1973, through August 23, 1973, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: 475,000 cartons;

(iii) District 3: Unlimited."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 15, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-17254 Filed 8-15-73;12:03 pm]

PART 910—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of $271,400 for the Lemon Administrative Committee, under Marketing Order No. 910, for the 1973–74 fiscal year and fixes a rate of assessment of $0.023 per carton of lemons handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

On July 30, 1973, notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 20265) regarding proposed expenses, the proposed rate of assessment and the proposed carryover of unexpended funds from the fiscal year ended July 31, 1973, pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in the States of California and Arizona. This notice allowed interested persons until August 10, 1973, during which they could submit data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Lemon Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 910.211 **Expenses, rate of assessment, and carryover of unexpended funds.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Lemon Administrative Committee during the period August 1, 1973, through July 31, 1974, will amount to $271,400.

(b) *Rate of assessment.* The rate of assessment for said period, payable to each handler in accordance with § 910.41, is fixed at $0.023 per carton of lemons.

(c) *Carryover of Unexpected Funds.* That $20,000 of unexpended funds in excess of expenses incurred during the fiscal year ended July 31, 1973, be added to the reserve, established pursuant to § 910.42(a)(2).

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of lemons grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable lemons handled during the aforesaid period, and (3) such period began on August 1, 1973, and said rate of assessment will automatically apply to all such lemons beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 13, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-17107 Filed 8-15-73;8:45 am]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA AND MARYLAND

Expenses and Rate of Assessment for the 1973–74 Fiscal Period and Carryover of Unexpended Funds

This document authorizes expenses of $107,200 of the Cherry Administrative Board, under Marketing Order No. 930, for the 1973–74 fiscal period and fixes a rate of assessment of $1.00 per ton of cherries handled in such period to be paid to the board by each first handler as his pro rata share of such expenses.

On July 16, 1973, notice of rulemaking was published in the FEDERAL REGISTER (38 FR 19047) regarding proposed expenses and the related rate of assessment for the period beginning May 1, 1973, and ending April 30, 1974, and carryover of unexpended funds pursuant to the marketing Order No. 930, (7 CFR Part 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia and Maryland. The notice allowed interested persons until July 29, 1973 to submit written data, views, or arguments pertaining to such proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice, which were submitted by the Cherry Administrative Board (established pursuant to said marketing order), it is hereby found and determined that:

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§ 930.203 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses which are reasonable and likely to be incurred by the Cherry Administrative Board during the 1973–74 fiscal period, May 1, 1973 through April 30, 1974 will amount to $107,200.

(b) *Rate of assessment.* The rate of assessment for such fiscal period payable by each handler in accordance with § 930.41 is fixed at $1.00 per ton of first handled cherries.

(c) Unexpended assessment funds in excess of expenses incurred during fiscal period ended April 30, 1973, shall be carried over as a reserve in accordance with § 930.42(a) of said marketing order.

Terms used in this part shall, when used herein, have the same meaning as is given to the respective term in said order and "ton of cherries" shall mean 2000 pounds of raw unpitted cherries.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) handling of the current crop of cherries is currently under way; (2) the relevant provisions of said marketing order require that the rate of assessment fixed for a particular season be applicable to all cherries from the beginning of such fiscal period; and (3) the fiscal period began May 1, 1973, and the rate of assessment herein fixed will automatically apply to all cherries beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 13, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-17108 Filed 8-15-73;8:45 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Raisins Acquired Under Weight Dockage System

Correction

In FR Doc. 73-16403 appearing at page 21390 in the issue of Wednesday, August 8, 1973, the following changes should be made in § 989.210:

1. In paragraph (a), the word "tendered" in the first sentence should read "tenderer".

2. In paragraph (f), the word "PAC" in the seventh line should read "RAC".

3. In paragraph (f), the word "procesed" in the tenth and eleventh lines should read "processed".

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

MARINE MAMMALS

Taking and Importing

On December 21, 1972, amended interim regulations governing the taking and importing of marine mammals, as required by section 103 of the Marine Mammal Protection Act of 1972 (Public Law 92–522), were published in the FEDERAL REGISTER (37 FR 28177). Publication was accompanied by a statement that written comments, views and objections to those regulations could be made to the Director, National Marine Fisheries Service, during the 60-day period ending February 21, 1973; and that final regulations on the matters covered by the interim regulations would be published as soon thereafter as practicable.

The comments, views and objections submitted with regard to the regulations published on December 21, 1972, have been considered. There are published herewith proposed final regulations which reflect these comments, views and objections insofar as they were thought to be consistent with the intent and provisions of the Act.

Over one-third of the comments on the amended interim regulations requested that the definition of "authentic native articles of handicraft and clothing" be amended so as to allow the production of these articles by the use of sewing machines and/or the use of commercial tanneries, as appropriate. An amendment allowing these uses appears in § 216.3 of the proposed final regulations. There were numerous requests for changes in other definitions which also have been incorporated into the proposed final regulations. Thus, in § 216.3, the definition of "take" has been stated to include "collection." In § 216.3, the definition of "native village or town" has been broadened to more accurately describe native enclaves present within predominantly non-native populations. In § 216.3, the definition of "subsistence purposes" was enlarged to more specifically describe the traditional utilization of marine mammals by natives. In § 216.3, the definition of "wasteful manner" was enlarged to authorize the discard by natives of the unusable portions of mammals. In § 216.23, the "native exception" was changed so as to allow the sale by natives in native villages and towns of edible portions of mammals.

In addition, the subpart and subsection numbers and headings were changed to correspond with similar numbers and headings in the Department of the Interior regulations on the taking and importing of marine mammals (37 FR 28173) and several minor changes in addition to those specifically enumerated above have been made.

On the other hand, certain other changes which were requested were not made because they were thought to be inconsistent with the intent and provisions of the Act. Thus, it was felt that a person not otherwise fulfilling the definition of "native" set out in (old) § 216.2(i) could not be considered to be a native solely because he (or she) was married to a native. It was felt that the collection of dead mammals, or mammal parts, from beaches should not be exempt from the provisions of the Act since it would be extremely difficult for the Service to ascertain whether, in fact, a given mammal was dead upon being taken. It was felt that the transfer or sale of mammals, or mammal parts, by natives to non-natives did not fall within the "direct consumption by Alaskan natives" language of (old) § 216.2(n). It was felt to be inappropriate to consider the review of Alaskan marine mammal laws, looking toward their possible approval under section 109 of the Act, prior to the Marine Mammal Commission having formally begun the discharge of its responsibilities under Title II of the Act.

A few other suggested changes also were not adopted on the grounds of inconsistency with the intent and provisions of the Act. All comments are available for review in the Office of the Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, D.C. 20235.

Written comments, views, or objections on these proposed regulations may be made to the Director, National Marine Fisheries Service, Washington, D.C. 20235 until the close of business on October 1, 1973.

It is hereby proposed to revise 50 CFR, Part 216, titled, "Marine Mammals, Taking and Importing," to read as follows:

PART 216—MARINE MAMMALS, TAKING AND IMPORTING

Subpart A—Introductions

Sec.
216.1 Purpose of regulations.
216.2 Scope of regulations.
216.3 Definitions.
216.4 Other laws and regulations.

Subpart B—Prohibitions

216.11 Prohibited taking.
216.12 Prohibited importation.
216.13 Prohibited uses, possession, transportation and sales.
216.14 Proof of compliance.

Subpart C—General Exceptions

Sec.
216.21 Actions permitted by international treaty, convention, or agreement.
216.22 Taking by State or local government officials.
216.23 Native exception.
216.24 Taking incidental to commercial fishing operations.
216.25 Exempted marine mammals and marine mammal products.

Subpart D—Special Exceptions

216.31 Scientific research permits and public display permits.
216.32 Undue economic hardship.
216.33 Waivers of the moratorium. [Reserved].
216.34 Procedures for issuance of permits and modification, suspension or revocation thereof.
216.35 Possession of permits.

Subpart E—Designated Ports

216.40 Importation at designated ports.

Subpart F—Penalties and Procedures for Their Assessment

216.51 Penalties.
216.52 Notice of proposed assessment; opportunity for hearing.
216.53 Waivers of hearing; assessment of penalty.
216.54 Appointment of administrative law judge and agency representative; notice of hearing.
216.55 Failure to appear; official transcript; record for decision.
216.56 Duties and powers of the administrative law judge.
216.57 Appearance of the respondent and the agency representative.
216.58 Evidence.
216.59 Filing of briefs.
216.60 Decisions.
216.61 Remission or mitigation.
216.62 Payments of penalty.
216.63 Forfeiture and return of seized property.
216.64 Holding and bonding.
216.65 Enforcement officers.

AUTHORITY: Title I of the Marine Mammal Protection Act of 1972, 86 Stat. 1027, 16 U.S.C. 1361–1407, Public Law No. 92–522.

Subpart A—Introduction

§ 216.1 Purpose of regulations.

The regulations in this part implement the Marine Mammal Protection Act of 1972, 86 Stat. 1027, 16 U.S.C. 1361–1407, Public Law 92–522, which, among other things, restricts the taking, possession, transportation, selling, offering for sale, and importing of marine mammals.

§ 216.2 Scope of Regulations.

This Part 216 applies solely to marine mammals and marine mammal products as defined in § 216.3. For regulations under the Act, with respect to other marine mammals and marine mammal products, see 50 CFR Part 18.

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§ 216.3 Definitions.

In addition to definitions contained in the Act, and unless the context otherwise requires, in this Part 216:

"Act" means the Marine Mammal Protection Act of 1972, 86 Stat. 1027, 16 U.S.C. 1361–1407, Public Law 92–522.

"Alaskan Native" means a person defined in the Alaska Native Claims Settlement Act (43 U.S.C. sec. 1602(b)) (85 Stat. 588) as a citizen of the United States who is of one-fourth degree or more Alaska Indian (including Tsimishian Indians enrolled or not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or group, of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native group. Any such citizen enrolled by the Secretary of the Interior pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part.

"Authentic native articles of handicrafts and clothing" means items made by an Indian, Aleut or Eskimo which (a) were commonly produced on or before December 21, 1972, and (b) are composed wholly or in some significant respect of natural materials, and (c) are significantly altered from their natural form and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern tanning techniques at a tannery registered pursuant to § 216.23(c) may be used so long as no large scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional native groups, such as a cooperative, is permitted so long as no large scale mass production results.

"Commercial fishing operation" means the lawful harvesting of fish from the marine environment for profit as part of an on-going business enterprise. Such term shall not include sport fishing activities whether or not carried out by charter boat or otherwise, and whether or not the fish so caught are subsequently sold.

"Endangered Species" means a species or subspecies of marine mammal listed pursuant to the Endangered Species Conservation Act of 1969, 83 Stat. 275, 16 U.S.C. 668aa–668ee, P.L. 91–135, (see Part 17 of this Title).

"Incidental catch" means the taking of a marine mammal (1) because it is directly interfering with commercial fishing operations, or (2) as a consequence of the steps used to secure the fish in connection with commercial fishing operations: *Provided*, That a marine mammal so taken must immediately be returned to the sea with a minimum of injury and further, that the taking of a marine mammal, which otherwise meets the requirements of this definition shall not be considered an incidental catch of that mammal if it is used subsequently to assist in commercial fishing operations.

"Marine environment" means the oceans and the seas, including estuarine and brackish waters.

"Marine mammal" means those specimens of the following orders, which are morphologically and physiologically adapted to the marine environment, whether alive or dead, and any part thereof, including but not limited to, any raw, dressed, or dyed fur or skin: Cetacea (whales and porpoises), Pinnipedia, other than walrus (seals and sea lions).

"Native village or town" means any community, association, tribe, band, clan or group.

"Pregnant" means pregnant near term.

"Secretary" shall mean the Secretary of Commerce or his authorized representative.

"Subsistence" means the use of marine mammals taken by Alaskan Natives for food, clothing, shelter, heating, transportation, and other uses necessary to maintain the life of the taker or those who depend upon the taker to provide them with such subsistence.

"Take" means to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill, any marine mammal, including, without limitation, any of the following: The collection of dead animals, or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; or the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional acts which result in the disturbing or molesting of a marine mammal.

"Wasteful manner" means any taking or method of taking which is likely to result in the killing of marine mammals beyond those needed for subsistence or for the making of authentic native articles of handicrafts and clothing or which results in the waste of a substantial portion of the marine mammal and includes, without limitation, the employment of a method of taking which is not likely to assure the capture or killing of a marine mammal, or which is not immediately followed by a reasonable effort to retrieve the marine mammal.

§ 216.4 Other laws and regulations.

(a) *Federal.* Nothing in this part, nor any permit issued under authority of this part, shall be construed to relieve a person from any other requirements imposed by a statute or regulation of the United States, including any applicable statutes or regulations relating to wildlife and fisheries, health, quarantine, agriculture, or customs.

(b) *State laws or regulations.* Section 109 of the Act provides that on or after December 21, 1972, no State may adopt any law or regulation with regard to the taking of marine mammals, or enforce any existing law or regulation which relates to the taking or protection of marine mammals. Any State may adopt laws or regulations relating to the taking or protection of any species or population stocks of marine mammals if the Secretary determines after review by him that such laws or regulations will be consistent with the provisions of the Act and the regulations in this part. In no event, however, will the Secretary approve any State laws or regulations which:

(1) Purport to authorize a State to issue permits in situations which would require a Federal permit under the Act unless and until appropriate Federal regulations have been issued under section 103 of the Act, and where appropriate, the Secretary has waived the moratorium on such taking or importation under section 101(a)(3) of the Act; or

(2) Purport to authorize a State to issue permits for scientific research or for public display (except that a State may, under authority of a general scientific research permit granted by the Secretary to it, assign individual scientific research permits to State employees or representatives of State universities or other State agencies, subject to the provisions of the general permit); or

(3) Purport to authorize the State to grant exemptions from the Act on the grounds of economic hardship.

(c) Any State may obtain a review and determination of its existing laws and regulations from the Secretary by submitting a written request to that effect to the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, accompanied by the following documents, unless otherwise specified by the Secretary:

(1) A complete set of laws and regulations to be reviewed, certified as complete, true and correct, by the appropriate State official;

(2) A scientific description by species and population stock of the marine mammals to be subjected to such laws and regulations;

(3) A description of the organization staffing and funding for the administration and enforcement of the laws and regulations to be reviewed;

(4) A description where such laws and regulations provide for discretionary authority on the part of State officials to issue permits, of the procedures to be used in granting or withholding such permits and otherwise enforcing such laws; and

(5) Such other materials and information as the Secretary may request or which the State may deem necessary or advisable to demonstrate the compatibility of such laws and regulations with the policy and purposes of the Act and the rules and regulations issued thereunder.

(d) In making a determination with respect to any State laws and regulations, the Secretary shall take into account:

(1) Whether such laws and regulations are consistent with the purposes and policies of the Act and the rules and regulations issued thereunder;

(2) The extent to which such laws and regulations are consistent with, or constitute an integrated management or protection program with, the laws and regulations of other jurisdictions whose activities may affect the same species or stocks or marine mammals; and

(3) The existence of or preparations for an overall State program regarding the protection and management of marine mammals to which the laws and regulations under review relate.

(e) To assist States in preparing laws and regulations relating to marine mammals, the Secretary will also, at the written request of any State, make a preliminary review of any such proposed laws or regulations. Such review will be strictly advisory in nature and shall not be binding upon the Secretary. Upon adoption of previously reviewed laws and regulations, the same shall be subject to a complete review for a final determination pursuant to these regulations. To be considered for preliminary review, all legislative and regulatory proposals must be forwarded to the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, and certified by the appropriate State official. In addition, they shall be accompanied to the extent available with the same materials required under paragraph (b) above, unless otherwise provided by the Secretary.

(f) All determinations by the Secretary (other than as a result of preliminary reviews of proposed laws and regulations) shall be final and binding on the parties.

(g) The implementation and enforcement of all State laws and regulations previously approved by the Secretary pursuant to this section shall be subject to continuous monitoring and review by the Secretary pursuant to such rules and regulations as he may adopt. Any modifications, amendments, deletions or additions to laws or regulations previously approved shall be deemed to be new laws and regulations for the purposes of these regulations and shall require review and approval by the Secretary before their adoption.

(h) Notwithstanding the foregoing, nothing herein shall prevent (1) the taking of a marine mammal by a State or local government official pursuant to § 216.22 of the regulations in this part, or (2) the adoption or enforcement of any law or regulation relating to any marine mammal taken or imported prior to the effective date of the Act.

Subpart B—Prohibitions

§ 216.11 Prohibited Taking.

Except as otherwise provided in Subparts C and D of this Part 216, it is unlawful for;

(a) Any person, vessel, or conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas, or

(b) Any person, vessel, or conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States, or

(c) Any person subject to the jurisdiction of the United States to take any marine mammal during the moratorium.

§ 216.12 Prohibited importation.

(a) Except as otherwise provided in Subparts C and D of this Part 216, it is unlawful for any person to import any marine mammal or marine mammal product into the United States.

(b) Regardless of whether an importation is otherwise authorized pursuant to Subparts C and D of this Part 216, it is unlawful for any person to import into the United States any:

(1) Marine mammal:

(i) Taken in violation of the Act, or

(ii) Taken in another country in violation to the laws of that country;

(2) Any marine mammal product if

(i) The importation into the United States of the marine mammal from which such product is made would be unlawful under paragraph (b)(1) of this section, or

(ii) The sale in commerce of such product in the country of origin if the product is illegal.

(c) Except in accordance with an exception referred to in Subpart C and §§ 216.31 (regarding scientific research permits only) and 216.32 of this Part 216, it is unlawful to import into the United States any:

(1) Marine mammal which was pregnant at the time of taking.

(2) Marine mammal which was nursing at the time of taking, or less than 8 months old, whichever occurs later.

(3) Specimen of endangered species or subspecies of marine mammals,

(4) Specimen taken from a depleted species or stock of marine mammals, or

(5) Marine mammal taken in an inhumane manner.

(d) It is unlawful to import into the United States any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner proscribed by the Secretary of Commerce for persons subject to the jurisdiction of the United States, whether or not any marine mammals were in fact taken incident to the catching of the fish.

§ 216.13 Prohibited uses, possession, transportation, and sales.

It is unlawful for:

(a) Any person to use any port, harbor or other place under the jurisdiction of the United States for any purpose in any way connected with a prohibited taking or an unlawful importation of any marine mammal or marine mammal product; or

(b) Any person subject to the jurisdiction of the United States to possess any marine mammal taken in violation of the Act or these regulations, or to transport, sell, or offer for sale any such marine mammal or any marine mammal product made from any such mammal.

(c) Any person subject to the jurisdiction of the United States to use in a commercial fishery, any means or method of fishing in contravention of regulations and limitations issued by the Secretary of Commerce for that fishery to achieve the purposes of this Act.

§ 216.14 Proof of compliance.

In any case where any marine mammal or any marine mammal product, is offered for importation or entry, the importer may be required to show to the satisfaction of the Secretary whether the importation in question is in compliance with the requirements of the Act or regulations, the burden shall be on the importer to prove the identity of the marine mammal or marine mammal products or to show compliance with the regulations. Until such time as the importer can show compliance, the Director, National Marine Fisheries Service or the Supervisory Customs Inspector, may refuse to clear the marine mammal or the marine mammal product shipment for importation.

Subpart C—General Exceptions

§ 216.21 Actions permitted by international treaty, convention, or agreement.

The Act and these regulations shall not apply to the extent that they are inconsistent with the provisions of any international treaty, convention or agreement, or any statute implementing the same relating to the taking or importation of marine mammals or marine mammal products, which was existing and in force prior to December 21, 1972, and to which the United States was a party. Specifically, the regulations in Subpart B of this part and the provisions of the Act shall not apply to activities carried out pursuant to the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, and the Fur Seal Act of 1966, 16 U.S.C. 1151–1187, as in each case, from time to time amended.

§ 216.22 Taking by State or local government officials.

(a) A State or local government official or employee may take a marine mammal in the normal course of his duties as an official or employee, and no permit shall be required, if such taking:

(1) Is accomplished in a humane manner;

(2) Is for the protection or welfare of such mammal or for the protection of the public health or welfare; and

(3) Includes steps designed to insure return of such mammal, if not killed in the course of such taking, to its natural habitat.

In addition, any such official or employee may, incidental to such taking, possess and transport, but not sell or offer for sale, such mammal and use any port, harbor, or other place under the jurisdiction of the United States. All steps reasonably practicable under the circumstances shall be taken by any such

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employee or official to prevent injury or death to the marine mammal as the result of such taking. Where the marine mammal in question is injured or sick, it shall be permissible to place it in temporary captivity until such time as it is able to be returned to its natural habitat. It shall be permissible to dispose of a carcass of a marine mammal taken in accordance with this subsection whether the animal is dead at the time of taking or dies subsequent thereto.

(b) Each taking permitted under this Section shall be included in a written report to be submitted to the Secretary every six months beginning December 31, 1973. Unless otherwise permitted by the Secretary, the report shall contain a description of:

(1) The animal involved;

(2) The circumstances requiring the taking;

(3) The method of taking;

(4) The name and official position of the State official or employee involved;

(5) The disposition of the animal, including in cases where the animal has been retained in captivity, a description of the place and means of confinement and the measures taken for its maintenance and care; and

(6) Such other information as the Secretary may require.

§ 216.23 Native exceptions.

(a) *Taking.* Notwithstanding the prohibitions of Subpart B of this Part 216, but subject to the restrictions contained in this section, any Indian, Aleut, or Eskimo who resides on the coast of the North Pacific Ocean or the Arctic Ocean may take any marine mammal without a permit, if such taking is:

(1) By Alaskan Natives who reside in Alaska for subsistence, or

(2) For purposes of creating and selling authentic native articles of handicraft and clothing, and

(3) In each case, not accomplished in a wasteful manner.

(b) *Restrictions.*

(1) No marine mammal taken for subsistence may be sold or otherwise transferred to any person other than an Alaskan Native or delivered, carried, transported, or shipped in interstate or foreign commerce, unless:

(i) It is being sent by an Alaskan Native directly or through a registered agent to a tannery registered under subsection (c) of this section for the purpose of processing, and will be returned directly or through a registered agent to the Alaskan Native; or

(ii) It is an edible portion and it is sold in an Alaskan Native village or town.

(2) No marine mammal taken for purposes of creating and selling authentic native articles of handicraft and clothing may be sold or otherwise transferred to any person other than an Indian, Aleut or Eskimo, or delivered, carried, transported or shipped in interstate or foreign commerce, unless:

(i) It is being sent by an Indian, Aleut or Eskimo directly or through a registered agent to a tannery registered under subsection (c) of this section for the purpose of processing, and will be returned directly or through a registered agent to the Indian, Aleut or Eskimo; or

(ii) It has first been transformed into an authentic native article of handicraft or clothing; or

(iii) It is an edible portion and sold (A) in an Alaskan Native village or town, or (B) to an Alaskan Native for his consumption.

(c) Any tannery, or person who wishes to act as an agent, within the jurisdiction of the United States may apply to the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, for registration as a tannery or an agent which may possess and process marine mammal products for Indians, Aleuts, or Eskimos. The application shall include the following information:

(i) the name and address of the applicant;

(ii) a description of the applicant's procedures for receiving, storing, processing, and shipping materials;

(iii) a proposal for a system of book, keeping and/or inventory segregation by which the applicant could maintain accurate records of marine mammals received from Indians, Aleuts, or Eskimos, pursuant to this section;

(iv) such other information as the Secretary may request;

(v) a certification in the following language:

> I hereby certify that the foregoing information is complete, true and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining the benefit of an exception under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties under the Marine Mammal Protection Act of 1972.

(vi) the signature of the applicant.

The sufficiency of the application shall be determined by the Secretary, and in that connection, he may waive any requirement for information, or require any elaboration or further information deemed necessary. The registration of a tannery shall be subject to such conditions as the Secretary prescribes, which may include, but are not limited to, provisions regarding records, inventory segregation, reports, and inspection. The Secretary may charge a reasonable fee for processing such applications, including an appropriate apportionment of overhead and administrative expenses of the Department of Commerce.

(d) Notwithstanding the preceding provisions of this section, whenever, under the Act, the Secretary determines any species of stock of marine mammals to be depleted, he may prescribe regulations pursuant to section 103 of the Act upon the taking of such marine animals by any Indian, Aleut, or Eskimo and, after promulgation of such regulations, all takings of such marine mammals shall conform to such regulations.

§ 216.24 Taking incidental to commercial fishing operations.

(a) Until October 21, 1974, marine mammals may be taken incidental to the course of commercial fishing operations, and no permit shall be required, so long as the taking constitutes an incidental catch. In any event, it shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations be reduced to insignificant levels approaching zero mortality and serious injury rate.

(b) In furtherance of the Secretary's research and development program under section 111 of the Act, the following regulations shall apply: Any duly authorized agents of the Secretary may from time to time, after timely oral or written notice to the vessel owner or charterer board and/or accompany commercial fishing vessels documented under the laws of the United States, whenever the Secretary determines that there is space available, on regular fishing trips, for the purpose of conducting research or observation operations. Such research and observation operations shall be carried out in such manner as to minimize interference with commercial fishing operations. No master, charterer, operator or owner of such vessel shall impair or in any way interfere with the research or observations being carried out. The Secretary shall provide for the payment of all reasonable costs directly related to the quartering and maintaining of such agents on board such vessels.

§ 216.25 Exempted marine mammals and marine mammal products.

(a) The provisions of the Act and these regulations shall not apply:

(1) To any marine mammal taken before December 21, 1972, or

(2) To any marine mammal product if the marine mammal portion of such product consists solely of a marine mammal taken before such date.

(b) The prohibitions contained in § 216.12(c) (3) and (4) shall not apply to marine mammals or marine mammal products imported into the United States before the date on which a notice is published in the FEDERAL REGISTER with respect to the designation of the species or stock concerned as depleted or endangered.

(c) Section 216.12(b) shall not apply to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such marine mammals or marine mammal products unlawful.

Subpart D—Special Exceptions

§ 216.31 Scientific Research Permits and Public Display Permits.

(a) The Director may issue permits authorizing the taking and importation of marine mammals for scientific research. Any person desiring to obtain a scientific research or display permit may make application therefore to the Secretary. Such application shall be in writing, addressed to the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, and shall contain the following information:

(1) The name, address, and phone number of the applicant;

(2) A statement of the purpose, date, location and manner of the taking or importation;

(3) A description of the marine mammal or the marine mammal product to be taken or imported, including the species or subspecies involved; the population stock, when known; the number of specimens or products (or the weight thereof, where appropriate); and the anticipated age, size, sex, and condition (i.e. whether pregnant or nursing) of the animals involved;

(4) If the marine mammal is to be taken and transported alive, or held for public display, a complete description of the manner of transportation, care, and maintenance, including the type, size, and construction of the container or artificial environment; arrangements for feeding and sanitation; a statement of the applicant's qualifications and previous experience in caring for and handling captive marine mammals and a like statement as to qualifications of any common carrier or agent to be employed by the applicant to transport the animal; and a written certification of a licensed veterinarian knowledgeable in the field of marine mammals that he has personally reviewed the arrangements for transporting and maintaining the animal and that in his opinion they are adequate to provide for the well-being of the animal;

(5) If the application is for a scientific research permit, a detailed description of the scientific research project or program in which the marine mammal or marine mammal product is to be used including a copy of the research proposal relating to such program or project and the names and addresses of the sponsor or cooperating institutions and the scientists involved;

(6) If the application is for a scientific research permit, and if the marine mammal proposed to be taken or imported is listed as an endangered species pursuant to the Endangered Species Act of 1969, 83 Stat. 275, 16 U.S.C. 668aa–668ee, P.L. 91–135, or has been designated by the Secretary as depleted, a detailed justification of the need for such a marine mammal, including a discussion of possible alternatives, whether or not under the control of the applicant;

(7) If the application is for a public display permit, a detailed description of the proposed use to which the marine mammal or marine mammal product is to be put, including the manner, location, and times of display, whether such display is for profit, an estimate of the numbers and types of persons who it is anticipated will benefit for such display, and whether and to what extent the display is connected with educational or scientific programs.

There shall also be included a complete description of the enterprise seeking the display permit and its educational and scientific qualifications, if any;

Secretary may request;

(9) A certification in the following language:

> I hereby certify that the foregoing information is complete, true and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties under the Marine Mammal Protection Act of 1972.

(10) Such application shall be signed by the applicant.

The sufficiency of the application shall be determined by the Secretary and in that connection, he may waive any requirement for information, or require any elaboration or further information deemed necessary.

(b) Upon receipt of an application for a scientific research permit or a public display permit, the Secretary shall forward the application to the Marine Mammal Commission together with a request for the recommendations of the Commission and the Committee of Scientific Advisors on Marine Mammals on the permit application. In order to comply with the time limits provided in these regulations, the Secretary shall request that such recommendation be submitted within 30 days of receipt of the application by the Commission. If the Commission or the Committee, as the case may be, does not respond within 30 days from the receipt of such application by the Commission, the Secretary shall advise the Commission in writing that failure to respond within 45 days from original receipt of the application (or such longer time as the Secretary may establish) shall be considered as a recommendation from the Commission and the Committee that the permit be issued. The Secretary may also consult with any other person, institution or agency concerning the application.

(c) Permits applied for under this section shall be issued, suspended, modified and revoked pursuant to regulations contained in § 216.34. In determining whether to issue a scientific research permit, the Secretary shall, among other criteria, consider whether the proposed taking or importation will be consistent with the policies and purposes of the Act; and whether the granting of the permit is required to further a bone fide and necessary or desirable scientific purpose, taking into account the benefits anticipated to be derived from the scientific research contemplated and the effect of the proposed taking or importation on the population stock and the marine ecosystem. In determining whether to issue a public display permit, the Secretary shall, among other criteria, consider whether the proposed taking or importation will be consistent with the policies and purposes of the Act; whether a substantial public benefit will be gained from the display contemplated, taking into account the manner of the display and the anticipated audience on the one hand, and the effect of the proposed taking or importation on the population stocks of the marine mammal in question and the marine ecosystem on the other; and the applicant's qualifications for the proper care and maintenance of the marine mammal or the marine mammal product, and the adequacy of his facilities.

(d) Permits applied for under this section shall contain terms and conditions as the Secretary may deem appropriate, including

(1) The number and kind of marine mammals which are authorized to be taken or imported;

(2) The location and manner in which such marine mammals may be taken or from which they may be imported;

(3) The period during which the permit is valid;

(4) The methods of transportation, care and maintenance to be used with live marine mammals;

(5) Any requirements for reports or rights of inspections with respect to any activities carried out pursuant to the permit;

(6) The transferability or assignability of the permit;

(7) The sale or other disposition of the marine mammal, its progeny or the marine mammal product; and

(8) A reasonable fee covering the costs of issuance of such permit, including an appropriate apportionment of overhead and administrative expenses of the Department of Commerce.

§ 216.32 Undue economic hardship.

(a) Persons other than those engaged in commercial fishing operations referred to in § 216.24 may be exempted by the Secretary from the provisions of the Act through October 20, 1973, if the Secretary determines to his satisfaction, that such persons will suffer an undue economic hardship. Any person desiring to obtain an economic hardship exemption may make application to the Secretary, except that in the case of an application which involves scientific research or public display, such application will only be accepted if made by the person who will actually undertake such scientific research or public display. The application shall be in writing, addressed to the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, and shall contain the following information:

(i) The information required by § 216.31(a) (1), (2), (3), (4), (8), (9), and (10);

(ii) A full statement of the facts, circumstances, and reasons why failure to grant an exemption under this section would lead to undue economic hardship together with all supporting documents including certified copies of all relevant corporate minutes and resolutions, contracts and agreements, financial commitments, and current and historical financial data. In particular, copies of all contracts, agreements, or other arrange-

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ments entered into prior to the enactment of the Act necessitating the taking or importation of marine mammals or marine mammal products and documents showing the dollar amount of anticipated loss or economic hardship should be enclosed;

(iii) If the exemption sought relates to scientific research, a detailed description of the scientific research project or program in which the marine mammal or marine mammal product is to be used, including a copy of the research proposal relating to such program or project and the names and addresses of the sponsoring or cooperating institutions and the scientists involved;

(iv) If the exemption sought relates to scientific research, and if the marine mammal proposed to be taken or imported is listed as an endangered species pursuant to the Endangered Species Act of 1969, 83 Stat. 275, 16 U.S.C. 668aa–668ee, P.L. 91–135, or has been designated by the Secretary as depleted, a detailed justification of the need for such a marine mammal, including a discussion of possible alternatives, whether or not under the control of the applicant;

(v) If the exemption sought relates to public display, a detailed description of the proposed use to which the marine mammal or marine mammal product is to be put, including the manner, location, and times of display, whether such display is for profit, an estimate of the numbers and types of persons who it is anticipated will benefit from such display, and whether and to what extent the display is connected with educational or scientific programs. There shall also be included a complete description of the enterprise seeking the display permit and its educational and scientific, medical or governmental qualifications, if any.

The sufficiency of the application shall be determined by the Secretary and in that connection he may waive any requirement for information, or may require any elaboration or further information deemed necessary.

(b) In determining whether to issue an economic hardship exemption the Secretary shall consider among other criteria the following:

(1) The effect of granting the exemption on the species or populations stock in question and the marine ecosystem;

(2) The degree of economic hardship to be anticipated should the exemption not be granted;

(3) The economic and legal alternatives available to the applicant;

(4) The likelihood of the anticipated economic hardship; and

(5) Such of the criteria relative to the issuance of scientific research permits and/or public display permits as may be applicable to the application.

(c) Exemptions issued under this section shall contain such terms and conditions as the Secretary may deem appropriate, including—

(1) The number and kind of marine mammals which are authorized to be taken or imported;

(2) The location and manner in which such marine mammals may be taken or from which they may be imported;

(3) The period during which the exemption is valid;

(4) The methods of transportation, care, and maintenance to be used with live marine mammals;

(5) Any requirements for reports or rights of inspections with respect to any activities carried out pursuant to the exemption;

(6) The transferability or assignability of the exemption;

(7) The sale or other disposition of the marine mammal, its progeny, or the marine mammal product; and

(8) A reasonable fee covering the costs of issuance of such exemption, including an appropriate apportionment of overhead and administrative expenses of the Department of Commerce. In cases of nonprofit research, this fee may be waived by the Director, National Marine Fisheries Service.

(d) Failure to observe any of the terms and conditions of the exemption shall be cause for the revocation, suspension, or modification of the exemption by the Secretary in his sole discretion and may subject the exemption holder to the penalties of the Act.

(e) In no event shall an exemption to take or import marine mammals or marine mammal products be granted pursuant to this section which continues in effect beyond midnight of October 20, 1973.

(f) The decision of the Secretary regarding the granting or denial of an exemption or the revocation, modification or suspension thereof, shall be final and binding. Upon taking any such action, the Secretary shall notify the applicant or the exemption holder, as the case may be, in writing as soon as practicable of such action. The Secretary may, at his discretion, hold hearings on any applicant's request for an exemption under this section.

§ 216.33 Waivers of the moratorium. [Reserved]

§ 216.34 Procedures for Issuance of Permits and Modification, Suspension or Revocation Thereof.

(a) Whenever application for a permit is received by the Secretary which the Secretary deems sufficient, he shall, as soon as practicable, publish a notice thereof in the FEDERAL REGISTER. Such notice shall set forth a summary of the information contained in such application. Any interested party may, within 30 days after the date of publication of such notice, submit to the Secretary his written data or views with respect to the taking or importation proposed in such application and may request a hearing in connection with the action to be taken thereon.

(b) If a request for a hearing is made within the 30-day period referred to in paragraph (a) of this section, or if the Secretary determines that a hearing would otherwise be advisable, the Secretary may, within 60 days after the date of publication of the notice referred to in paragraph (a) of this section, afford to such requesting party or parties an opportunity for a hearing. Such hearing shall also be open to participation by any interested members of the public. Notice of the date, time, and place of such hearing shall be published in the FEDERAL REGISTER not less than 15 days in advance of such hearing. Any interested person may appear in person or through representatives at the hearing and may submit any relevant material, data, views, comments, arguments, or exhibits. A summary record of the hearing shall be kept.

(c) As soon as practicable but not later than 30 days after the close of the hearing (or if no hearing is held, as soon as practicable after the end of the 30 days succeeding publication of the notice referred to in paragraph (a) of this section) the Secretary shall issue or deny issuance of the permit. Notice of the decision of the Secretary shall be published in the FEDERAL REGISTER within 10 days after the date of the issuance or denial and indicate where copies of the permit, if issued, may be obtained.

(d) Any permit shall be subject to modification, suspension, or revocation by the Secretary in whole or in part in accordance with these regulations and the terms of such permits. The permittee shall be given written notice by registered mail, return receipt requested, of any proposed modification, suspension, or revocation. Such notice shall specify:

(1) The action proposed to be taken along with a summary of the reasons therefore; and

(2) The steps which the Permittee may take to demonstrate or achieve compliance with all lawful requirements;

(3) Shall advise the permittee that he is entitled to a hearing thereon, if a written request for such a hearing is received by the Secretary within 10 days after receipt of the aforesaid notice or such other date as may be specified in the notice by the permittee. The time and place for the hearing, if requested by the permittee, shall be determined by the Secretary and written notice thereof given to the permittee by registered mail, return receipt requested, not less than 15 days prior to the date of hearing specified. The Secretary may, in his discretion, allow participation at the hearing by interested members of the public. The permittee and others participating may submit all relevant material, data, views, comments, arguments, and exhibits at the hearing. A summary record shall be kept of any such hearing.

(e) The Secretary shall make a decision regarding the proposed modification, suspension, or revocation, as soon as practicable after the close of the hearing, or if no hearing is held, as soon as practicable after the close of the 10-day period during which a hearing could have been requested. Notice of the modification, suspension, or revocation shall be published in the FEDERAL REGISTER within 10 days from the date of the Secretary's decision. In no event shall the proposed action take effect until notice of the Secretary's decision is published in the FEDERAL REGISTER.

§ 216.35 Possession of permits.

(a) Any permit issued under these regulations must be in the possession of the person to whom it is issued (or an agent of such person) during:

(1) The time of the authorized taking or importation;

(2) The period of any transit of such person or agent which is incident to such taking or importation; and

(3) Any other time while any marine mammal taken or imported under such permit is in the possession of such person or agent.

(b) A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

Subpart E—Designated Ports

§ 216.40 Importation at designated ports.

Any marine mammal or marine mammal product which is subject to the jurisdiction of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce and is intended for importation into the United States shall be subject to the provisions of 50 CFR Part 13.

For the information of importers, designated ports of entry for the United States are:

New York, N.Y.
Miami, Fla.
Chicago, Ill.
San Francisco, Calif.
Los Angeles, Calif.
New Orleans, La.
Seattle, Wash.
Honolulu, Ha.

additionally, marine mammals or marine mammal products which are entered into Alaska, Hawaii, Puerto Rico, Guam, American Samoa or the Virgin Islands and which are not to be forwarded or transhipped within the United States may be imported through the following ports:

Hawaii—Honolulu
Puerto Rico—San Juan
Guam—Honolulu, Ha.
American Samoa—Honolulu, Ha.
Virgin Islands—San Juan, P.R.

Importers are advised to see 50 CFR Part 13 for importation requirements and information.

Subpart F—Penalties and Procedures for Their Assessment

§ 216.51 Penalties.

Any person who violates any provision of the Act or of any permit or regulation, including without limitation, conditions imposed by the Secretary with respect to the taking, importing, maintenance or transporting of marine mammals or marine mammal products, issued thereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each violation. Each unlawful taking or importation shall be a separate offense.

§ 216.52 Notice of Proposed Assessment; Opportunity for Hearing.

(a) Prior to the assessment of a civil penalty pursuant to section 105(a) of the Act, a notice of proposed assessment issued by the Secretary shall be served personally or by registered or certified mail, return receipt requested, upon the person believed to be subject to a penalty (the respondent). The notice shall contain:

(1) A concise statement of the facts believed to show a violation;

(2) A specific reference to the provisions of the Act, regulations, or permit allegedly violated; and

(3) The amount of penalty proposed to be assessed.

The notice shall inform the respondent that he has 20 days from receipt of the notice in which to request a hearing or to waive it. The request or waiver shall be in writing and addressed to the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235. The notice shall further inform the respondent that if he does not respond to the notice within the 20 days allowed, he shall be deemed to have waived his right to a hearing and to have consented to the making of an assessment without a hearing.

(b) With his request for a hearing or with his written waiver of a hearing, the respondent may submit objections to the proposed assessment. He may deny the existence of the violation or ask that no penalty be assessed or that the amount be reduced. The respondent must set forth in full all facts supporting his denial of the alleged violation or his request for relief.

§ 216.53 Waiver of Hearing; Assessment of Penalty.

(a) If a written waiver of a hearing is timely made, or if a hearing is deemed to have been waived as provided in § 216.52(a), the Secretary shall proceed either to make an assessment of a civil penalty or to rescind the proposed assessment, taking into consideration such showing as may have been made by respondent pursuant to § 216.52(b). Such action shall become the final administrative decision of the Secretary when rendered, and any civil penalty assessed shall be collected in accordance with § 216.62. Notice of such final decision shall be promptly sent to the respondent by registered or certified mail, return receipt requested.

(b) If, despite the waiver of a hearing, the Secretary believes that there are material facts at issue which cannot otherwise be satisfactorily resolved, he may refer the case to an administrative law judge as provided in § 216.54.

§ 216.54 Appointment of Administrative Law Judge and Agency Representative; Notice of Hearing.

(a) If a written request for a hearing has been timely made, or the Secretary determines, pursuant to § 216.53(b), that a hearing should be held, the case shall be assigned to an administrative law judge appointed pursuant to 5 U.S.C. 3105. Written notice of the assignment shall promptly be given to the respondent, together with the name and address of the person who will present evidence on behalf of the Secretary at the hearing (the agency representative), and thereafter all pleadings and other documents shall be filed directly with the administrative law judge, with a copy served on the agency representative or the respondent as the case may be.

(b) The Secretary shall deliver to the administrative law judge a copy of the notice of proposed assessment, any response of the respondent thereto, and other materials deemed relevant to the case and shall furnish to the respondent a copy of any such materials not already in respondent's possession.

(c) The administrative law judge shall promptly cause to be served on the parties notice of the time and place of the hearing, which shall not be less than 10 days after service of the notice of hearing except in extraordinary circumstances.

§ 216.55 Failure to Appear; Official Transcript; Record for Decision.

(a) If the respondent fails to appear at the hearing, he will be deemed to have consented to a decision being rendered on the record made at the hearing.

(b) The Secretary shall provide the services of an official reporter who shall make the [only] official transcript of the proceedings. Copies of the official transcript may be obtained from the official reporter upon payment of the charges therefor.

(c) The transcript of testimony and exhibits, together with all papers and requests filed in the proceedings, shall constitute the exclusive record for decision.

§ 216.56 Duties and Powers of the Administrative Law Judge.

It shall be the duty of the administrative law judge to inquire fully into the facts as they relate to the matter before him. Upon assignment to him and before submission of the case, pursuant to § 216.60, to the Secretary, the administrative law judge shall have authority to

(1) Rule on offers of proof and receive relevant evidence;

(2) Take or cause depositions to be taken whenever the ends of justice would be served thereby;

(3) Regulate the course of the hearing and, if appropriate, exclude from the hearing persons who engage in misconduct, and strike all testimony of witnesses refusing to answer any questions ruled to be proper which are related to such questions;

(4) Hold conferences for the settlement or simplification of the issues by consent of the parties or upon his own motion;

(5) Dispose of procedural requests, motions or similar matters and order hearings reopened prior to issuance of

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the administrative law judge's report and recommendations;

(6) Grant requests for appearance of witnesses or production of documents;

(7) Limit lines of questioning or testimony which are immaterial, irrelevant, or unduly repetitious;

(8) Examine and cross-examine witnesses and introduce into the record documentary or other evidence;

(9) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(10) Continue, at his discretion, the hearing from day-to-day, or adjourn it to a later date or to a different place;

(11) Take official notice of any matters not appearing in evidence in the record which are among the traditional matters of judicial notice; or of technical or scientific facts within the general or specialized knowledge of the Department of Commerce as an expert body; or of a document required to be filed with or published by a duly constituted Government body: *Provided,* That the parties shall be given notice, either during the hearing or by reference in the administrative law judge's decision, of the matters so noticed, and shall be given adequate opportunity to show the contrary;

(12) Prepare, serve, and submit his report and recommendations pursuant to § 216.60;

(13) Take any other action necessary and not prohibited by this section.

§ 216.57 Appearance of the Respondent and the Agency Representative.

The respondent and the agency representative shall have the right to appear at such hearing in person, by counsel, or by other representative, to examine and cross-examine witnesses to the extent required for a full and true disclosure of the facts, to conduct oral argument at the close of testimony and to introduce into the record relevant documentary or other evidence, except that the participation of either party shall be limited to the extent prescribed by the administrative law judge.

§ 216.58 Evidence.

All evidence which is relevant, material, reliable, and probative, and not unduly repetitious or cumulative, shall be admissible in the hearing.

§ 216.59 Filing of briefs.

The respondent and the agency representative may submit a brief to the administrative law judge. The original and one copy of such brief shall be filed within 7 days after the close of the hearing, except that the administrative law judge may, for good cause, grant an extension of such time for filing.

§ 216.60 Decisions.

(a) After the close of the hearing and the receipt of briefs, if any, the administrative law judge shall expeditiously prepare an initial decision. The initial decision shall contain findings of fact, conclusions, and the reasons or basis therefor, upon the material issues presented, and shall specifically find whether the respondent committed the violations alleged and, if so, the amount of the civil penalty to be assessed.

(b) The administrative law judge shall cause his initial decision to be served on the respondent and the agency representative within 20 days after the close of the hearing or the receipt of all briefs, whichever is later, and shall forthwith transfer the record in the case to the Secretary.

(c) Within 10 days of receipt of the initial decision of the administrative law judge, either the respondent or the agency representative may file with the Secretary an appeal of the initial decision. If no appeal is received within such period, the initial decision shall become the final administrative decision of the Secretary. If an appeal is received within such period, the Secretary shall render a final decision after considering the record and the appeal. Notice of an appeal by either party shall be promptly given in writing to the other party and notice of the Secretary's final decision upon appeal shall be promptly given in writing to both parties.

§ 216.61 Remission or mitigation.

For good cause shown, the Secretary may at any time remit or mitigate the assessment of a civil penalty made under the provisions of these regulations.

§ 216.62 Payment of penalty.

The respondent shall have 15 days from receipt of the final assessment decision within which to pay the penalty assessed. Upon a failure to pay the penalty, the Secretary may request the Attorney General to institute a civil action in the appropriate United States District Court to collect the penalty.

§ 216.63 Forfeiture and return of seized property.

(a) Whenever any cargo or marine mammal or marine mammal product has been seized pursuant to 107 of the Act, the Secretary shall expedite any proceedings commenced under these regulations.

(b) Whenever a civil penalty has been assessed by the Secretary under these regulations, any cargo, marine mammal, or marine mammal product seized pursuant to 107 of the Act shall be subject to forfeiture. If respondent voluntarily forfeits any such seized property or the monetary value thereof without court proceedings, the Secretary may apply the value thereof, if any, as determined by the Secretary, toward payment of the civil penalty.

(c) Whenever a civil penalty has been assessed under these regulations, and whether or not such penalty has been paid, the Secretary may request the Attorney General to institute a civil action in an appropriate United States District Court to compel forfeiture of such seized property or the monetary value thereof to the Secretary for disposition by him in such manner as he deems appropriate. If no judicial action to compel forfeiture is commenced within 30 days after final decision-making assessment of a civil penalty, pursuant to § 216.60, such seized property shall immediately be returned to the respondent.

(d) If the final decision of the Secretary under these regulations is that respondent has committed no violation of the Act or of any permit or regulations issued thereunder, any marine mammal, marine mammal product, or other cargo seized from respondent in connection with the proceedings under these regulations, or the bond or other monetary value substituted therefor, shall immediately be returned to the respondent.

(e) If the Attorney General commences criminal proceedings pursuant to section 105(b) of the Act, and such proceedings result in a finding that the person accused is not guilty of a criminal violation of the Act, the Secretary may institute proceedings for the assessment of a civil penalty under this part: *Provided,* That if no such civil penalty proceedings have been commenced by the Secretary within 30 days following the final disposition of the criminal case, any property seized pursuant to section 107 of the Act shall be returned to the respondent.

(f) If any seized property is to be returned to the respondent, the Regional Director shall issue a letter authorizing such return. This letter shall be dispatched to the respondent by registered mail, return receipt requested, and shall identify the respondent, the seized property, and, if appropriate, the bailee of the seized property. It shall also provide that upon presentation of the letter and proper identification, the seized property is authorized to be released. All charges for storage, care, or handling of the seized property accruing 5 days or more after the date of the return receipt shall be for the account of the respondent: *Provided,* That if it is the final decision of the Secretary under these regulations that the respondent has committed the alleged violation, all charges which have accrued for the storage, care, or handling of the seized property shall be for the account of the respondent.

§ 216.64 Holding and Bonding.

(a) Any marine mammal, marine mammal product, or other cargo seized pursuant to section 107 of the Act shall be delivered to the appropriate Regional Director of the National Marine Fisheries Service (see § 201.2 of this title) or his designee, who shall either hold such seized property or arrange for the proper handling and care of such seized property.

(b) Any arrangement for the handling and care of seized property shall be in writing and shall state the compensation to be paid. The Regional Director of the National Marine Fisheries Service, or his designee, shall attempt immediately to notify the respondent by telephone, but in any case shall, within 48 hours of the receipt of the seized property, dispatch notice thereof by registered or certified mail, return receipt requested, to the respondent. Such notice shall describe the property seized, including its declared value, and state the time, place, and reason for the seizure. Such notice shall also give the name and telephone number of a person in the Regional Director's Office who may be contacted regarding such seized property.

(c) The Regional Director of the National Marine Fisheries Service, upon written request of the respondent, may permit the respondent to post a bond or other surety satisfactory to the Regional Director, in lieu of the seized property: *Provided,* That posting of bond or other surety will not be permitted in the case of a living marine mammal seized under the Act. Such bond or other surety shall be in the amount of $10,000 for each alleged violation, as determined by the Regional Director, or an amount equal to the value of the seized property, whichever is greater. Such posting of bond or other surety will not be permitted unless the Regional Director is convinced that the respondent intends to maintain possession or control of the seized property until all proceedings regarding the seized property are completed; or unless the Regional Director is convinced that release of the seized property will not adversely interfere with such proceedings or with the purposes of the Act.

§ 216.65 Enforcement Officers.

Enforcement Agents of the National Marine Fisheries Service shall enforce the provisions of the Act and may take any actions authorized by the Act with respect to enforcement. In addition, the Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal Agency for the purposes of enforcing this Act. Pursuant to the terms of section 107(b) of the Act, the Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this Act.

Dated: August 13, 1973.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.73-17013 Filed 8-15-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Parts 1910, 1927]

EMERGENCY TEMPORARY STANDARD FOR CERTAIN CARCINOGENS

Amended Notice of Proposed Rulemaking

On May 3, 1973, an emergency temporary standard on certain carcinogens was published in the Federal Register (38 FR 10929). In accordance with section 6(c) of the Williams-Steiger Occuptional Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655), a notice of proposed rulemaking was published in the July 16, 1973, issue of the FEDERAL REGISTER (38 FR 18900). The notice proposed (1) the adoption of the emergency temporary standard on certain carcinogens as a "permanent" standard; (2) the adoption of supplementary rules the substance of which was described; and (3) the adoption of a new Part 1927 on permits for the use of carcinogens. The notice also included an invitation to interested persons to participate in the rulemaking in writing and orally at a hearing scheduled for September 11, 1973.

On July 27, 1973, a revision of the May 3, 1973, emergency temporary standard on the carcinogens involved was published in the FEDERAL REGISTER (38 FR 20074). Accordingly, pursuant to sections 6(b) and (c) of the Williams-Steiger Occupational Safety and Health Act of 1970, the July 16, 1973, notice of proposed rulemaking is amended as follows:

(1) The proposal to adopt 29 CFR 1910.93c, reading as set forth at pages 18901–18902 of the July 16 issue of the FEDERAL REGISTER, is withdrawn. In lieu thereof, it is proposed to adopt 29 CFR 1910.93c as revised on July 27, 1973, and reading as set forth at pages 20074–20076 of the July 27 issue of the FEDERAL REGISTER; and

(2) The informal hearing scheduled for September 11, 1973, will be held in Hearing Room B of the Interstate Commerce Commission, 12th Street and Constitution Avenue, NW., Washington, D.C.

The remaining proposals and terms of the July 16 notice are unchanged, except that references to § 1910.93c shall be deemed to be to § 1910.93c as revised.

Signed at Washington, D.C. this 13th day of August, 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-17090 Filed 8-15-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 205]

PUBLIC ASSISTANCE PROGRAMS

Safeguarding Information

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement provisions of section 413 of Public Law 92–603 (Social Security Amendments of 1972) which provides for release of case information (adult categories only) to public officials for their purposes.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201, on or before September 17, 1973. Comments received will be available for public inspection in Room 5121 of the Department's offices at 330 C Street, S.W., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–963–7361).

(Sec. 1102, 49 Stat. 647; 42 U.S.C. 1302)

Dated: June 14, 1973.

FRANCIS D. DEGEORGE,
Acting Administrator, Social and Rehabilitation Service.

Approved: August 6, 1973.

CASPER W. WEINBERGER,
Secretary.

Section 205.50(a) of Part 205, Chapter II, Title 45 of the Code of Federal Regulations is revised to read as set forth below:

§ 205.50 Safeguarding information.

(a) *State plan requirements.* A State plan under Title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act, except as provided in paragraph (b) of this section, must meet the requirements specified below:

(1) Pursuant to State statute which imposes legal sanctions:

(i) Provide safeguards which permit the use or disclosure of information concerning applicants or recipients only for purposes directly connected with the administration of the State plan except as provided in paragraph (a)(6) of this section;

(ii) Provide that the State agency has authority to implement and enforce the provisions for safeguarding information about applicants and recipients; and

(iii) Provide that publication of lists or names of applicants and recipients shall be prohibited.

(2) The agency shall publicize provisions governing the confidential nature of information about applicants and recipients, including the legal sanctions imposed for improper disclosure and use, and shall make such provisions available to applicants and recipients and to other persons and agencies to whom information is disclosed.

(3) The agency shall inform applicants and recipients that information may be disclosed to public officials who require it in connection with their official duties as provided in paragraph (a)(6) of this section or to other persons for purposes directly connected with the administration of the State plan.

(4) All materials sent or distributed to applicants, recipients, or medical vendors, including material enclosed in envelopes containing checks, shall be limited to those which are directly related to the administration of the program and do not have political implications. Under this requirement:

(i) Specifically excluded from mailing or distribution are materials such as "holiday" greetings, general public announcements, voting information, alien registration notices;

(ii) Not prohibited from such mailing or distribution are materials in the immediate interest of the health and wel-

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fare of applicants and recipients, such as announcements of free medical examinations, availability of surplus food, and consumer protection information;

(iii) Only the names of persons directly connected with the administration of the program are contained in material sent or distributed to applicants, recipients, and vendors, and such persons are identified only in their official capacity with the State or local agency.

(5) The agency shall have clearly defined criteria which govern the types of information that are safeguarded and the conditions under which such information may be released or used. Under this requirement:

(i) Types of information to be safeguarded include but are not limited to:

(a) The names and addresses of applicants and recipients and amounts of assistance provided (unless excepted under paragraph (b) of this section);

(b) Information related to the social and economic conditions or circumstances of a particular individual;

(c) Agency evaluation of information about a particular individual;

(d) Medical data, including diagnosis and past history of disease or disability, concerning a particular individual.

(ii) The release or use of information concerning individuals applying for or receiving financial or medical assistance is restricted to persons or agency representatives who are subject to standards of confidentiality which are comparable to those of the agency administering the financial and medical assistance programs.

(iii) In the event of the issuance of a subpoena for the case record or for any agency representative to testify concerning an applicant or recipient, the court's attention is called, through proper channels to the statutory provisions and the policies or rules and regulations against disclosure of information. Release of information pursuant to a subpoena for the case record or for any agency representative to testify concerning an applicant or recipient in judicial proceedings related to welfare fraud, child support, child custody, conservatorship, guardianship, dependency and appropriate juvenile court matters is directly connected with the administration of the State plan.

(iv) The same policies are applied to requests for information from a governmental authority, the courts, or a law enforcement official as from any other outside source.

(v) Sharing information concerning applicants or recipients with other public or private agencies when the agencies are assisting the State or local agency in determination and verification of eligibility or related matters is directly connected with the administration of the State plan. Such agencies shall not use shared information for any purpose not directly connected with the administration of the State plan.

(6) Applicable to titles I, X, XIV, and XVI only:

(i) Pursuant to State statute which imposes legal sanctions, provide safeguards which permit the use or disclosure of information concerning applicants or recipients to public officials who require such information in connection with their official duties;

(ii) Require, as a condition for the disclosure of such information, a written statement by the public official or his designee, specifying the information requested and certifying that the information is required for, and shall be used only in connection with, the performance of his official duties. The statement shall further specify that such information shall not be disclosed to other parties except in connection with the official duties for which the public official was initially provided the information. The use by others of information obtained from the agency is subject to the conditions of the original disclosure. Employees of public agencies who are designated by a public official to request information of the welfare agency must be employed at the level of supervisory or executive staff;

(iii) Provide that the disclosure of information shall in each instance be specifically authorized by the director of the agency or his designee, who must be at the level of supervisory or executive staff. The agency shall not obtain additional information on behalf of the requesting public officials. Location, compilation, and furnishing of information already in the agency's possession remain the responsibility of the agency. The agency may charge a reasonable fee to defray its costs of locating, compiling, and transmitting requested information;

(iv) Provide that the agency shall not disclose to any person, including public officials, information obtained from the Social Security Administration which is subject to limitations imposed pursuant to section 1106 of the Social Security Act and by regulations issued pursuant thereto, unless specifically authorized to the contrary by the Social Security Administration; and

(v) Provide that the agency shall maintain a record of the circumstances under which disclosures are made.

* * * * * *

[FR Doc.73-16774 Filed 8-15-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR 141]

[Docket No. RM74-2]

STORAGE CAPACITY AND FUEL STORED

Monthly Report

AUGUST 6, 1973.

Take notice that, pursuant to 5 U.S.C. § 553 and sections 202, 301, 304(a), 309 and 311 of the Federal Power Act, the Commission proposes to issue a new FPC Form No. 423–Storage, Monthly Report of Fuel Storage Capacity and Fuel Stored, to be designated in 18 CFR § 141.61, prescribing the collection of data on fuel storage capacity and the actual amount of fuel stored on a monthly basis from each steam, gas turbine and internal combustion engine plant of electric utilities subject to Commission jurisdiction. While the information sought by means of the instant proposal relates to matters separate and distinct from fuel cost and quality data which is the concern of FPC Form No. 423, the Commission in the exercise of its supervisory jurisdiction under the Federal Power Act has chosen to use the reporting criteria under FPC Form No. 423 as a convenient guideline and the monthly filing requirement as an amenable vehicle for the elicitation of this information.

As presently constituted, FPC Form No. 423 requires that a separate form be completed by each electric power producer for each of its steam electric generating plants having a capacity of 25 megawatts or more during the reporting month. The completed form is due on the 45th day after the close of the reference month.[1] On July 19, 1973, the Commission issued a Notice of Proposed Rulemaking in Docket No. R–432(A), which proposes to amend FPC Form No. 423 to expand the types of generating plants of electric utilities subject to the reporting requirements therein to include gas turbine and internal combustion engine plants in addition to the steam generating plants presently required to report. The instant proposal is designed to conform with the scope of the proposed amendment of FPC Form No. 423. The proposal in this Docket will require that all steam, gas turbine and internal combustion engine generating plants of jurisdictional electric utilities file monthly, as an adjunct to their filing of FPC Form No. 423, a copy of proposed FPC Form No. 423–STORAGE.

The general statutory mandate of the Federal Power Commission conveys responsibility to insure the reliability of electric power generation in the United States. In order to effectively supervise both independent and interconnected systems reliability the Commission believes that information on fuel storage capacity at each electric utility generating facility and information with regard to fuel which is in fact in storage at these facilities will provide a basis for a more accurate evaluation of both regional and nationwide preparedness with respect to electric power generation. The information proposed to be garnered will also aid in an effective determination on a month-by-month and plant-by-plant basis of each plant's preparedness to meet its generation commitments.

The format of this proposed FPC Form No. 423–STORAGE and the specific information required to be disclosed are set forth in Attachment A.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than August 31, 1973, data, views, comments or suggestions in writing concerning all or part of the amendment proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, NE, Room 1000, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed amendment to FPC Form No. 423, pursuant to 44 U.S.C. §§ 3501–3511, may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendment. The staff, in its discretion, may grant or deny requests for conference.

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[1] On June 7, 1972, the Commission issued Order No. 453 in Docket No. R–432 enacting the new 18 CFR § 141.61 and FPC Form 423. On August 3, 1972, the Commission issued an order denying the application for rehearing in Docket No. R–432 made by the National Coal Association. This denial was appealed to the United States Circuit Court of Appeals for the District of Columbia. National Coal Association v. Federal Power Commission, No. 72–1919, D.C. Cir., filed October 2, 1972. The parties to this appeal filed, on May 14, 1973, a joint motion to withdraw the above appeal, which was approved by the Court *nunc pro tunc*. Subsequently, on the application of Alabama Power Company and other electric utilities, the Commission, on March 2, 1973, issued Order Denying Petition for Amendment of the Commission's regulations with Respect to Form No. 423, in Docket No. R–432. An Order Denying Rehearing in this matter was issued on April 16, 1973, and this denial has been appealed to the Circuit Court of Appeals for the District of Columbia. Alabama Power Company, *et al.* v. Federal Power Commission, No. 73–1436, D.C. Cir. filed April 25, 1973.

ATTACHMENT A

Docket No. RM74-2

MONTHLY REPORT OF FUEL STORAGE CAPACITY AND FUEL STORED

1. Company-Plant code | 2. REPORT FOR Month Year 19 | 3. Reporting company | 4. Page number of

Line No.	FUEL (1)	COAL 1000 Tons (2)	OIL PRODUCTS in 1000 BARRELS: ASTM No. 6 (3)	DISTILLATE (Steam) Oil No. 2 (4)	ALMOSTAR-TYPE (5)	GAS/OIL (6)	OTHER LIQUIDS (Specify in footnote below) (7)	LNG 1000 Mcf of gas equivalent (8)
1	Maximum available storage capacity							
2	Quantity in storage at end of reporting month	(Do not report on this form)						
3	Normal desired quantity for this time of year (Based on past three year average)							
4	Does this plant receive fuel from a common tank farm or fuel storage area? Answer yes or no.							
5	If answer in line 4 is yes, list the last four digits of the company-plant codes of all plants in your system which receive fuel from this common tank farm or storage area.							
6	If this plant receives fuel from a common tank farm or fuel storage area, data for all plants listed on line 5 must be reported with one plant only. Show here the last four digits of the plant-code of the plant where this data is reported.							

INSTRUCTIONS:
Capacities and quantities should be given to the nearest 0.1 in the units specified

FOOTNOTES:

FPC Form 423 (7-73)

[FR Doc.73-16889 Filed 8-15-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 18]

MARINE MAMMALS

Notice of Proposed Rulemaking

Regulations were published in the FEDERAL REGISTER of December 21, 1972 (37 FR 28173–28177) to implement the Marine Mammal Protection Act of 1972 (86 Stat. 1027). Although these were final rules, comments, suggestions and objections were invited for a sixty day period until February 21, 1973. Twenty-seven comments were received.

It is proposed to amend the regulations to: (i) Reflect comments received, (ii) correct certain technical errors, and (iii) set forth in full, Subpart D—(a) Scientific Research and Public Display Permits, (b) Undue Economic Hardship Exemptions, (c) Procedures for Issuance of Permits, and revocation of Permits.

As a result of continuing consultation with interested parties, including representatives of the U.S. Department of Commerce, (which has jurisdiction over the other marine mammals—seals, sea lions, porpoises and whales), the rules published on December 21, 1972 (37 FR 28173–28177) have been reworded for clarity and for purposes of uniformity. The regulations of the two Departments will now be virtually identical in format and substance.

The procedures to be followed in the assessment of civil penalties will be contained in Part 11 (§§ 11.11 through 11.24) of this subchapter, which will be applicable to the assessment of civil penalties under this Part 18 when the revision of subchapter B, which was proposed in 38 FR 10208 on April 25, 1973, becomes effective.

Comments were received in the following categories: (1) The exemption for Indians, Aleuts and Eskimos—many comments objected to the disallowance of sewing machines in making authentic native handicrafts and clothing; (2) Definition of Pregnant—several comments urged the adoption of the Department of Commerce definition; and (3) several comments requested that § 18.22 be amended to require reports from local governments.

The Comments received and the continuing consultations have resulted in the following changes:

1. *Section 18.2*—Deletes reference to "other marine mammals and marine mammal products". This has been replaced by listing those families under Department of Commerce jurisdiction.

2. *Section 18.3—Authentic native articles of handicraft*—Deletes reference to sewing machines as an example of modern implements.

Commercial fishing operation—Adds definition.

Incidental catch—Clarifies the definition and inserts the word "fishing," between commercial and operations in last line.

Marine Mammal—Clarifies the definition and deletes reference to sub-specific names.

Native village or town—New wording to conform with Department of Commerce definition.

Take—Deletes the sentence appearing after the colon and replaces it with new language.

3. *Section 18.4*—Makes reference to both (a) Federal and (b) State laws.

4. *Section 18.14*—Adds a new section requiring the importer to show the identity of marine mammal or marine mammal product being imported.

5. *Section 18.21*—New addition which identifies the specific convention which is considered to be referred to in the statutory exception.

6. *Section 18.22*(b)—Renumbered subsection (a) and added a new subsection (b) requiring submission of a written report every six months.

7. *Section 18.23*(c)—Adds a new section which provides for a tannery and other persons to act as registered agents for processing and possession of marine mammal products for Indians, Aleuts or Eskimos.

8. *Section 18.24*—Rewritten for clarity by inserting after Secretary of Commerce, the sentence "However, any marine mammal taken as an incidental catch may not be retained."

9. *Subpart D—§ 18.31*—Scientific Research and Public Display Permits, has been drafted to conform with Department of Commerce § 216.31. General information and certification require-

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ments required in the permit application are contained in 50 CFR 12.12(a).

10. *Section 18.32*—Undue economic hardship exemption renumbered as scientific research and public display sections have been combined.

11. *Section 18.33*—Waiver of the Moratorium [Reserved]—Renumbered.

12. *Section 18.34*—New section on Procedures for issuance of permits and modification, suspension or revocation conforms with Department of Commerce, § 216.34.

Subpart A—Introduction

Sec.
18.1 Purpose of regulations.
18.2 Scope of regulations.
18.3 Definitions.
18.4 Other laws and regulations.

Subpart B—Prohibitions

18.11 Prohibited taking.
18.12 Prohibited importation.
18.13 Prohibited uses, possession, transportation, and sales.
18.14 Proof of compliance.

Subpart C—General Exceptions

18.21 Actions permitted by international treaty, convention, or agreement.
18.22 Taking by State or local government officials.
18.23 Native exceptions.
18.24 Taking incidental to commercial fishing operations.
18.25 Exempted marine mammals or marine mammal products.

Subpart D—Special Exceptions

18.31 Scientific research permits, and Public display permits.
18.32 Undue economic hardship.
18.33 Waiver of the Moratorium [Reserved].
18.34 Procedures for issuance of permits and modification, suspension, or revocation thereof.

Subpart E—Depleted Species or Stocks [Reserved]

AUTHORITY: Marine Mammal Protection Act of 1972, 86 Stat. 1027, 16 U.S.C. 1361–1407, Public Law 92–522.

Subpart A—Introduction

§ 18.1 Purpose of regulations.

The regulations contained in this part implement the Marine Mammal Protection Act of 1972, 86 Stat. 1027, 16 U.S.C. 1361–1407, Public Law 92–522, which among other things, restricts the taking, possession, transportation, selling, offering for sale, and importing of marine mammals.

§ 18.2 Scope of regulations.

This Part 18 applies solely to marine mammals and marine mammal products as defined in § 18.3. For regulations under the Act with respect to cetacea (whales and porpoises), pinnipedia, other than walrus (seals and sea lions), see 50 CFR Part 216.

§ 18.3 Definitions.

In addition to definitions contained in the Act and in Part 10 of this subchapter, and unless the context otherwise requires, in this Part 18:

"Act" means the Marine Mammal Protection Act of 1972, 86 Stat. 1027, 16 U.S.C. 1361–1407; Public Law 92–522.

"Alaskan Native" means a person defined in the Alaska Native Claims Settlement Act [43 U.S.C. section 1603(b) (85 Stat. 588)] as a citizen of the United States who is of one-fourth degree or more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town. Any citizen enrolled by the Secretary pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part.

"Authentic native articles of handicrafts and clothing" means items made by an Indian, Aleut, or Eskimo which (a) were commonly produced on or before December 21, 1972, and (b) are composed wholly or in some significant respect of natural materials, and (c) are significantly altered from their natural form and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern techniques at a tannery registered pursuant to § 18.23(c) may be used so long as no large scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional native groups, such as cooperatives, is permitted so long as no large scale mass production results.

"Commercial fishing operation" means the lawful harvesting of fish from the marine environment for profit as part of an on-going business enterprise. Such term shall not include sport fishing activities whether or not carried out by charter boat or otherwise, and whether or not the fish so caught are subsequently sold.

"Endangered species" means a species or subspecies of marine mammal listed pursuant to the Endangered Species Conservation Act of 1969 (See Part 17 of this subchapter).

"Incidental catch" means the taking of a marine mammal (a) because it is directly interfering with commercial fishing operations, or (b) as a consequence of the steps used to secure the fish in connection with commercial fishing operations: *Provided, however*, That a marine mammal so taken must immediately be returned to the sea with a minimum of injury; and *Provided, further*, That the taking of a marine mammal which otherwise meets the requirements of this definition shall not be considered as incidental catch of that mammal if it is used subsequently to assist in commercial fishing operations.

"Marine mammal" means specimens of the following species, whether alive or dead, and any part thereof, including but not limited to, any raw, dressed, or dyed fur or skin:

Scientific name:	Common name
Ursus maritinus	Polar Bear.
Enhydra lutris	Sea Otter.
Odobenus rosmarus	Walrus.
Dugong dugong	Dugong.
Trichechus manatus	West African manatee.
Trichechus inunguis	West Indian manatee.
Trichechus senegalensis	Amazonian manatee.

NOTE: Common names given may be at variance with local usage, they are not required to be provided by the Act, and they have no legal significance.

"Native village or town" means any community, association, tribe, band, clan, or group.

"Pregnant" means pregnant near term.

"Subsistence" means the use by Alaskan Natives of marine mammals taken by Alaskan Natives for food, clothing, shelter, heating, transportation, and other uses necessary to maintain the life of the taker or for those who depend upon the taker to provide them with such subsistence.

"Take" means to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal, including, without limitation, any of the following: The collection of dead animals or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; or the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional acts which results in the disturbing or molesting of a marine mammal.

"Wasteful manner" means any taking or method of taking which is likely to result in the killing or injuring of marine mammals beyond those needed for subsistence purposes or for the making of authentic native articles of handicrafts and clothing or which results in the waste of a substantial portion of the marine mammal and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of a marine mammal, or which is not immediately followed by a reasonable effort to retrieve the marine mammal.

§ 18.4 Other laws and regulations.

(a) (See 50 CFR 10.2 in regards to other Federal laws and regulations).

(b) Section 109 of the Act provides that on or after December 21, 1972, no State may adopt any law or regulation, or enforce any existing law or regulation, which relates to the taking of marine mammals or which in effect nullifies an exemption or exception created by the Act, unless such laws or regulations have been previously reviewed my the Secretary and determined by him to be consistent with the provisions of the Act and the regulations in this part. In no event, however, will the Secretary approve any State laws or regulations which:

(1) Purport to authorize a State to issue permits in situations which would require a Federal permit under the Act, unless and until appropriate Federal regulations have been issued under section 103 of the Act, and where appropriate, the Secretary has waived the moratorium on such taking or importation under section 101(a)(3) of the Act; or

(2) Purport to authorize a State to issue permits for scientific research or for public display (except that a State may, under authority of a general scientific research permit granted by the Secretary to it, assign individual scientific research permits to State employees or representatives of State universities or other State agencies, subject to the provisions of the general permit); or

(3) Purport to authorize the State to grant exemptions from the Act on the grounds of economic hardship under § 18.32.

(c) Any State may obtain a review and determination of its existing laws and regulations from the Secretary by submitting a written request to that effect to the Director accompanied by the following documents, unless otherwise specified by the Secretary:

(1) A complete set of laws and regulations to be reviewed, certified as complete, true and correct, by the appropriate State official;

(2) A scientific description by species and population stock of the marine mammals to be subjected to such laws and regulations;

(3) A description of the organization, staffing and funding for the administration and enforcement of the laws and regulations to be reviewed;

(4) A description, where such laws and regulations provide for discretionary authority on the part of State officials to issue permits, of the procedures to be used in granting or withholding such permits and otherwise enforcing such laws; and

(5) Such other materials and information as the Secretary may request or which the State may deem necessary or advisable to demonstrate the compatibility of such laws and regulations with the policy and purposes of the Act and the rules and regulations issued thereunder.

(d) In making a determination with respect to any State laws and regulations, the Secretary shall take into account:

(1) Whether such laws and regulations are consistent with the purpose and policies of the Act and the rules and regulations issued thereunder;

(2) The extent to which such laws and regulations are consistent with, or constitute an integrated management or protection program with, the laws and regulations of other jurisdictions whose activities may affect the same species or stocks or marine mammals; and

(3) The existence of or preparations for an overall State program regarding the protection and management of marine mammals to which the laws and regulations under review relate.

(e)(1) To assist States in preparing laws and regulations relating to marine mammals, the Secretary will also, at the written request of any State, make a preliminary review of any such proposed laws or regulations. Such review will be strictly advisory in nature and shall not be binding upon the Secretary. Upon adoption of previously reviewed laws and regulations, the same shall be subject to a complete review for a final determination pursuant to these regulations. To be considered for preliminary review, all legislative and regulatory proposals must be forwarded to the Director and certified by the appropriate State official. In addition, they shall be accompanied to the extent available with the same materials required under paragraph (b) of this section, unless otherwise provided by the Secretary.

(2) All determinations by the Secretary (other than as a result of preliminary reviews of proposed laws and regulations) shall be final.

(f) The implementation and enforcement of all State laws and regulations previously approved by the Secretary pursuant to this section shall be subject to continuous monitoring and review by the Secretary pursuant to such rules and regulations as he may adopt. Any modifications, amendments; deletions or additions to laws or regulations previously approved shall be deemed to be new laws and regulations for the purposes of these regulations and shall require review and approval by the Secretary before their adoption.

(g) Notwithstanding the foregoing, nothing herein shall prevent (1) the taking of a marine mammal by a State or local government official pursuant to § 18.22 of the regulations in this part, or (2) the adoption or enforcement of any law or regulation relating to any marine mammal taken or imported prior to the effective date of the Act.

Subpart B—Prohibitions

§ 18.11 Prohibited taking.

Except as otherwise provided in Subparts C and D of this Part 18, it is unlawful for:

(a) Any person, vessel, or conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas, or

(b) Any person, vessel, or conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States.

§ 18.12 Prohibited importation.

(a) Except as otherwise provided in Subparts C and D of this Part 18, it is unlawful for any person to import any marine mammal or marine mammal product into the United States.

(b) Regardless of whether an importation is otherwise authorized pursuant to Subparts C and D of this Part 18, it is unlawful for any person to import into the United States any:

(1) Marine mammal:

(i) Taken in violation of the Act, or

(ii) Taken in another country in violation of the laws of that country;

(2) Any marine mammal product if

(i) The importation into the United States of the marine mammal from which such product is made would be unlawful under subparagraph (1) of this paragraph, or

(ii) The sale in commerce of such product in the country of origin of the product is illegal.

(c) Except in accordance with an exception referred to in Subpart C and §§ 18.31 and 18.33 of this Part 18, it is unlawful to import into the United States any:

(1) Marine mammal which was pregnant at the time of taking,

(2) Marine mammal which was nursing at the time of taking, or less than 8 months old, whichever occurs later,

(3) Specimen of an endangered species or subspecies of marine mammals,

(4) Specimen taken from a depleted species or stock of marine mammals, or

(5) Marine mammal taken in an inhumane manner.

(d) It is unlawful to import into the United States any fish, whether fresh, frozen, or otherwise prepared, if such fish were caught in a manner proscribed by the Secretary of Commerce for persons subject to the jurisdiction of the United States, whether or not any marine mammals were in fact taken incident to the catching of the fish.

§ 18.13 Prohibited uses, possession, transportation, and sales.

Except as otherwise provided in the Act or these regulations, it is unlawful for:

(a) Any person to use any port, harbor or other place under the jurisdiction of the United States for any purpose in any way connected with a prohibited taking or any unlawful importation of any marine mammal or marine mammal products; or

(b) Any person subject to the jurisdiction of the United States to possess any marine mammal taken in violation of the Act or these regulations, or to transport, sell, or offer for sale any such marine mammal or any marine mammal product made from any such mammal.

(c) Any person subject to the jurisdiction of the United States to use in a commercial fishery, any means or method of fishing in contravention of regulations and limitations issued by the Secretary of Commerce for that fishery to achieve the purposes of this Act.

§ 18.14 Proof of compliance.

In any case where any marine mammal or any marine mammal product is imported into the United States, the importer may be required to show to the satisfaction of the Director whether the importation in question is in compliance with the requirements of the Act or regulations, and the burden shall be on the importer to prove the identity of the marine mammal or marine mammal products or to show compliance with the regulations. Until such time as the importer can show compliance, the Director, or the Supervisory Customs Inspector, may refuse to clear the marine mammal or marine mammal product prior to final

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clearance for entry into the United States for domestic consumption or use.

Subpart C—General Exceptions

§ 18.21 Actions permitted by international treaty, convention, or agreement.

The Act and these regulations shall not apply to the extent that they are inconsistent with the provisions of any international treaty, convention or agreement, or any statute implementing the same, relating to the taking or importation of marine mammals or marine mammal products, which was existant and in force prior to December 21, 1972, and to which the United States was a party. Specifically, the regulations in Subpart B of this part and the provisions of the Act shall not apply to activities carried out pursuant to the Interim Convention on the Conservation of North Pacific Fur Seals signed in Washington on February 9, 1957, and the Fur Seal Act of 1966, 16 U.S.C. 1151–1187, as, in each case, from time to time amended.

§ 18.22 Taking by State or local government officials.

(a) A State or local government official or employee may take a marine mammal in the course of his duties as an official or employee and no permit shall be required, if such taking:

(1) Is accomplished in a humane manner;

(2) Is for the protection or welfare of such mammal or for the protection of the public health or welfare; and

(3) Includes steps designed to insure return of such mammal, if not killed in the course of such taking, to its natural habitat.

In addition, any such official or employee may, incidental to such taking, possess and transport, but not sell or offer for sale, such mammal and use any port, harbor or other place under the jurisdiction of the United States. All steps reasonably practicable under the circumstances shall be taken by any such employee or official to prevent injury or death to the marine mammal as the result of such taking.

(b) Each taking permitted under this Section should be included in a written report, to be submitted to the Director every six months, beginning December 31, 1973. Unless otherwise permitted by the Secretary, the report shall contain a description of:

(1) The animal involved;

(2) The circumstances requiring the taking;

(3) The method of taking;

(4) The name and official position of the State official or employee involved;

(5) The disposition of the animal, including in cases where the animal has been retained in captivity, a description of the place and means of confinement and the measures taken for its maintenance and care; and

(6) Such other information as the Secretary may require.

The reports shall be mailed to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240.

§ 18.23 Native exceptions.

(a) Taking: Notwithstanding the prohibitions of Subpart B of this Part 18, but subject to the restrictions contained in this section, any Indian, Aleut, or Eskimo who resides on the coast of the North Pacific Ocean or the Arctic Ocean may take any marine mammal without a permit, if such taking is:

(1) By Alaskan Natives who reside in Alaska and such taking is for subsistence; or

(2) For purposes of creating and selling authentic native articles of handicraft and clothing, and

(3) In each case, not accomplished in a wasteful manner.

(b) Restrictions: (1) No marine mammal taken for subsistence may be sold or otherwise transferred to any person other than an Alaskan Native or delivered, carried, transported, or shipped in interstate or foreign commerce, unless:

(i) It is being sent by an Alaskan Native directly or through a registered agent to a tannery registered under paragraph (c) of this section for the purpose of processing, and will be returned directly or through a registered agent to the Alaskan Native; or

(ii) It is an edible portion and it is sold in a native village or town in Alaska

(2) No marine mammal taken for purposes of creating and selling authentic native articles of handicraft and clothing may be sold or otherwise transferred to any person other than an Indian, Aleut or Eskimo, or delivered, carried, transported or shipped in interstate or foreign commerce, unless:

(i) It is being sent by an Indian, Aleut or Eskimo directly or through a registered agent to a tannery registered under paragraph (c) of this section for the purpose of processing, and will be returned directly or through a registered agent to the Indian, Aleut or Eskimo; or

(ii) It has been first transformed into an authentic native article of handicraft or clothing; or

(iii) It is an edible portion and it is sold (A) in an Alaskan native village or town or (B) to an Alaskan Native for his consumption.

(c) Any tannery, or person who wishes to act as an agent, within the jurisdiction of the United States may apply to the Director for registration as a tannery or an agent which may possess and process marine mammal products for Indians, Aleuts, or Eskimos. The application shall include the following information:

(1) The name and address of the applicant;

(2) A description of the applicant's procedures for receiving, storing, processing, and shipping materials;

(3) A proposal for a system of bookkeeping and/or inventory segregation by which the applicant could maintain accurate records of marine mammals received from Indians, Aleuts, or Eskimos, pursuant to this section;

(4) Such other information as the Secretary may request;

(5) A certification in the following language:

I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining the benefit of an exception under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties under the Marine Mammal Protection Act of 1972.

(6) The signature of the applicant. The sufficiency of the application shall be determined by the Secretary, and in that require any elaboration or further information deemed necessary. The registration of a tannery shall be subject to such conditions as the Secretary prescribes, which may include, but are not limited to, provisions regarding records, inventory segregation, reports, and inspection. The Secretary may charge a reasonable fee for such applications, including an appropriate apportionment of overhead and administrative expenses of the Department of Interior.

(d) Notwithstanding the preceding provisions of this section, whenever, under the Act, the Secretary determines any species of stock of marine mammals to be depleted, he may prescribe regulations pursuant to sec. 103 of the Act upon the taking of such marine mammals by any Indian, Aleut, or Eskimo and, after promulgation of such regulations, all takings of such marine mammals by such person shall conform to such regulations.

§ 18.24 Taking incidental to commercial fishing operations.

Persons may take marine mammals incidental to commercial fishing operations until October 21, 1974: *Provided*, That such taking is by means of equipment and techniques prescribed in regulations issued by the Secretary of Commerce. However, any marine mammal taken as an incidental catch may not be retained. It shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate.

§ 18.25 Exempted marine mammals or marine mammal products.

(a) The provisions of the Act and these regulations shall not apply:

(1) To any marine mammal taken before December 21, 1972, or

(2) To any marine mammal product if the marine mammal portion of such product consists solely of a marine mammal taken before such date.

(b) The prohibitions contained in § 18.12(c) (3) and (4) shall not apply to marine mammals or marine mammal products imported into the United States before the date on which notice is published in the FEDERAL REGISTER of the proposed rulemaking with respect to the designation of the species of stock concerned as depleted or endangered:

(c) Section 18.12(b) shall not apply to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such marine mammals or marine mammal products unlawful.

Subpart D—Special Exceptions

§ 18.31 Scientific research permits and public display permits.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the taking and importation of marine mammals for scientific research purposes or for public display.

(a) *Application procedures.* Applications for permits to take and import marine mammals for scientific research purposes or for public display shall be submitted by letter of application to the Director. Each such application shall contain the general information and certification required by § 12.12(a) of this Subchapter plus the following additional information:

(1) A statement of the purpose, date, location and manner of the taking or importation;

(2) A description of the marine mammal or the marine mammal products to be taken or imported, including the species or subspecies involved; the population stock, when known, the number of specimens or products (or the weight thereof, where appropriate); and the anticipated age, size, sex, and condition (i.e., whether pregnant or nursing) of the animals involved;

(3) If the marine mammal is to be taken and transported alive, a complete description of the manner of transportation, care and maintenance, including the type, size, and construction of the container or artificial environment; arrangements for feeding and sanitation; a statement of the applicant's qualifications and previous experience in caring for and handling captive marine mammals and a like statement as to the qualifications of any common carrier or agent to be employed to transport the animal; and a written certification of a licensed veterinarian knowledgeable in the field of marine mammals that he has personally reviewed the arrangements for transporting and maintaining the animals and that in his opinion they are adequate to provide for the well-being of the animal;

(4) If the application is for a scientific research permit, a detailed description of the scientific research project or program in which the marine mammal or marine mammal product is to be used including a copy of the research proposal relating to such program or project and the names and addresses of the sponsor or cooperating institution and the scientists involved;

(5) If the application is for a scientific research permit, and if the marine mammal proposed to be taken or imported is listed as an endangered species pursuant to the Endangered Species Conservation Act of 1969, or has been designated by the Secretary as depleted, a detailed justification of the need for such a marine mammal, including a discussion of possible alternatives, whether or not under the control of the applicant; and

(6) If the application is for a public display permit, a detailed description of the proposed use to which the marine mammal or marine mammal product is to be put, including the manner, location, and times of display, whether such display is for profit, an estimate of the numbers and types of persons who it is anticipated will benefit from such display, and whether and to what extent the display is connected with educational or scientific programs. There shall also be included a complete description of the enterprise seeking the display permit and its educational, and scientific qualifications, if any.

(b) *Review by Marine Mammal Commission.* Upon receipt of an application the Secretary shall forward the application to the Marine Mammal Commission together with a request for the recommendations of the Commission and the Committee of scientific advisors on marine mammals. In order to comply with the time limits provided in these regulations, the Secretary shall request that such recommendation be submitted within 30 days of receipt of the application by the Commission. If the Commission or the Committee, as the case may be, does not respond within 30 days from the receipt of such application by the Commission, the Secretary shall advise the Commission in writing that failure to respond within 45 days from original receipt of the application (or such longer time as the Secretary may establish) shall be considered as a recommendation from the Commission and the Committee that the permit be issued. The Secretary may also consult with any other person, institution or agency concerning the application.

(c) *Issuance criteria.* Permits applied for under this section shall be issued, suspended, modified and revoked pursuant to regulations contained in § 18.34. In determining whether to issue a scientific research permit, the Secretary shall, among other criteria, consider whether the proposed taking or importation will be consistent with the policies and purposes of the Act; and whether the granting of the permit is required to further a bona fide and necessary or desirable scientific purpose, taking into account the benefits anticipated to be derived from the scientific research contemplated and the effect of the purposed taking or importation on the population stock and the marine ecosystem. In determining whether to issue a public display permit, the Secretary shall, among other criteria, consider whether the proposed taking or importation will be consistent with the policies and purposes of the Act whether a substantial public benefit will be gained from the display contemplated, taking into account the manner of the display and the anticipated audience on the one hand, and the effect of the proposed taking or importation on the population stocks of the marine mammal in question and the marine ecosystem on the other; and the applicant's qualifications for the proper care and maintenance of the marine mammal or the marine mammal product, and the adequacy of his facilities.

(d) *Additional permit conditions.* In addition to the general conditions set forth in Part 12 of this Subchapter B, permits issued under this section shall be subject to the following:

(1) Any permit issued under these regulations must be in the possession of the person to whom it is issued (or an agent of such person) during:

(i) The time of the authorized taking or importation;

(ii) The period of any transit of such person or agent which is incidental to such taking or importation; and

(iii) Any other time while any marine mammal taken or imported under such permit is in the possession of such person or agent.

(2) A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(e) *Tenure of permits.* The tenure of permits for scientific research or public display shall be that as designated on the face of the permit.

§ 18.32 Undue economic hardship.

(a) Persons other than those engaged in commercial fishing operations referred to in § 18.24 may be exempted by the Secretary from the provisions of the Act through October 20, 1973, if the Secretary determines to his satisfaction, that such person will suffer an undue economic hardship.

(b) Any person desiring to obtain an economic hardship exemption may make application to the Secretary, except that in the case of an application which involves scientific research or public display, such application will only be accepted if made by the person who will actually undertake such scientific research or public display. The application shall be in writing, addressed to the Director and shall contain the following information:

(1) The information required by § 12.12(a) of this subchapter and § 18.31 (b) (1), (2), and (3);

(2) A full statement of the facts, circumstances, and reasons why failure to grant an exemption under this section would lead to undue economic hardship together with all supporting documents, including certified copies of all relevant corporate minutes and resolutions contracts and agreements financial commitments, and current and historical financial data. In particular, copies of all contracts, agreements, or other arrangements entered into prior to the enactment of the Act necessitating the taking or importation of marine mammals or marine mammal products and documents showing the dollar amount of anticipated loss or economic hardship should be enclosed;

(3) If the exemption sought relates to scientific research a detailed description

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of the scientific research project or program in which the marine mammal or marine mammal product is to be used, including a copy of the research proposal relating to such program or project and the names and addresses of the sponsoring or cooperating institutions and the scientists involved;

(4) If the exemption sought relates to scientific research and if the marine mammal proposed to be taken or imported is listed as an endangered species pursuant to the Endangered Species Act of 1969, or has been designated by the Secretary as depleted, a detailed justification of the need for such a marine mammal, including a discussion of possible alternatives, whether or not under the control of the applicant;

(5) If the exemption sought relates to public display, a detailed description of the proposed use to which the marine mammal or marine mammal product is to be put, including the manner, location, and times of display, whether such display is for profit, an estimate of the numbers and types of persons who it is anticipated will benefit from such display, and whether and to what extent the display is connected with educational or scientific programs. There shall also be included a complete description of the enterprise seeking the display permit and its educational, and scientific qualifications, if any; and

(6) Such other information as the Director may request.

The sufficiency of the application shall be determined by the Secretary and in that connection he may waive any requirement for information, or may require any elaboration or further information deemed necessary.

(c) In determining whether to issue an economic hardship exemption the Secretary shall consider among other criteria the following:

(1) The effect of granting the exemption on the species or population stock in question and the marine ecosystem;

(2) The degree of economic hardship to be anticipated should the exemption not be granted;

(3) The economic and legal alternatives available to the applicant;

(4) The likelihood of the anticipated economic hardship; and

(5) Such of the criteria relative to the issuance of scientific research permits and/or public display permits as may be applicable to the application.

(d) Exemptions issued under this section shall contain such terms and conditions as the Secretary may deem appropriate, including

(1) The number and kind of marine mammals which are authorized to be taken or imported;

(2) The location and manner in which such marine mammals may be taken or from which they may be imported;

(3) The period during which the exemption is valid;

(4) The methods of transportation, care, and maintenance to be used with live marine mammals;

(5) Any requirements for reports or rights of inspections with respect to any activities carried out pursuant to the exemption;

(6) The transferability or assignability of the exemption;

(7) The sale or other disposition of the marine mammal, its progeny, or the marine mammal product.

(e) Failure to observe any of the terms and conditions of the exemption shall be cause for the revocation, suspension, or modification of the exemption by the Secretary in his sole discretion and may subject the exemption holder to the penalties of the Act.

(f) In no event shall an exemption to take or import a marine mammal or marine mammal product be granted pursuant to this section which continues in effect beyond midnight of October 20, 1973.

(g) The decision of the Secretary regarding the granting or denial of an exemption or the revocation, modification or suspension thereof, shall be final and binding. Upon taking any such action, the Secretary shall notify the applicant or the exemption holder, as the case may be, in writing as soon as practicable of such action. The Secretary may, at his discretion, hold hearings on any applicant's request for an exemption under this section.

§ 18.33 Waiver of the moratorium [Reserved].

§ 18.34 Procedures for issuance of permits and modification, suspension or revocation thereof.

(a) Whenever application for a permit is received by the Secretary which the Secretary deems sufficient, he shall, as soon as practicable, publish a notice thereof in the FEDERAL REGISTER. Such notice shall set forth a summary of the information contained in such application. Any interested party may, within 30 days after the date of publication of such notice, submit to the Secretary his written data or views with respect to the taking or importation proposed in such application and may request a hearing in connection with the action to be taken thereon.

(b) If the request for a hearing is made within the 30 day period referred to in paragraph (a) of this section, or if the Secretary determines that a hearing would otherwise be advisable, the Secretary may, within 60 days after the date of publication of the notice referred to in paragraph (a) of this section, afford to such requesting party or parties an opportunity for a hearing. Such hearing shall also be open to participation by any interested members of the public. Notice of the date, time, and place of such hearing shall be published in the FEDERAL REGISTER not less than 15 days in advance of such hearing. Any interested person may appear in person or through representatives at the hearing and may submit any relevant material, data, views, comments, arguments, or exhibits. A summary record of the hearing shall be kept.

(c) As soon as practicable but not later than 30 days after the close of the hearing (or if no hearing is held, as soon as practicable after the end of the 30 day succeeding publication of the notice referred to in paragraph (a) of this section) the Secretary shall issue or deny issuance of the permit. Notice of the decision of the Secretary shall be published in the FEDERAL REGISTER within 10 days after the date of such issuance or denial. Such notice shall include the date of the issuance or denial and indicate where copies of the permit, if issued, may be obtained.

(d) Any permit shall be subject to modification, suspension, or revocation by the Secretary in whole or in part in accordance with these regulations and the terms of such permits. The permittee shall be given written notice by registered mail, return receipt requested, of any proposed modification, suspension, or revocation. Such notice shall specify:

(1) The action proposed to be taken along with a summary of the reasons therefor;

(2) In accordance with 5 U.S.C. 558, the steps which the permittee may take to demonstrate or achieve compliance with all lawful requirements; and

(3) That the permittee is entitled to a hearing thereon, if a written request for such a hearing is received by the Secretary within 10 days after receipt of the aforesaid notice or such other later date as may be specified in the notice to the permittee. The time and place of the hearing, if requested by the permittee, shall be determined by the Secretary and a written notice thereof given to the permittee by registered mail, return receipt requested, not less than 15 days prior to the date of hearing specified. The Secretary may, in his discretion, allow participation at the hearing by interested members of the public. The permittee and other parties participating may submit all relevant material, data, views, comments, arguments, and exhibits at the hearing. A summary record shall be kept of any such hearing.

(e) The Secretary shall make a decision regarding the proposed modification, suspension, or revocation, as soon as practicable after the close of the hearing, or if no hearing is held, as soon as practicable after the close of the 10 day period during which a hearing could have been requested. Notice of the modification, suspension, or revocation shall be published in the FEDERAL REGISTER within 10 days from the date of the Secretary's decision. In no event shall the proposed action take effect until notice of the Secretary's decision is published in the FEDERAL REGISTER.

Subpart E—Depleted Species of Stocks [Reserved]

Interested persons are invited to submit written comments, suggestions, or objections, concerning this proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240. Comments received by September 24, 1973, will be considered.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1973.

[FR Doc.73-17140 Filed 8-15-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 910]

HANDLING OF LEMONS GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Size Regulation

This notice invites written comment relative to a proposal submitted by the Lemon Administrative Committee that the size regulation currently in effect through September 29, 1973, be continued in effect during the period September 30, 1973, through September 28, 1974. The proposal would continue unchanged the current minimum size requirements for lemons at 1.82 inches in diameter (size 235's in cartons). The size requirements are those which have been found to provide consumers with lemons of acceptable maturity and juice content.

Notice is hereby given that the Department is considering a proposed size regulation for lemons grown in Arizona and designated part of California, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The current size regulation, Lemon Regulation 499, Amendment 1 (36 FR 18636; 37 FR 17542), is effective through September 29, 1973, and the proposed regulation would continue, through September 28, 1974, the same size requirements on the handling of lemons as are currently in effect. The proposed regulation would limit the handling of lemons grown in District 1, District 2, or District 3 to lemons measuring 1.82 inches or larger. The proposal was submitted by the Lemon Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The regulation recommended by the committee reflects its appraisal of the lemon crop and the current and prospective marketing conditions. The size limitations proposed are designed to prevent the handling of lemons, on and after the proposed effective date, of sizes smaller than those herein specified so as to provide consumers with a plentiful supply of lemons of acceptable maturity and juice content consistent with (1) the overall size composition of the crop, and (2) improving returns to growers pursuant to the declared policy of the act. The committee advises there are more than adequate quantities of lemons available in a broad range of sizes to fill all market needs, and lemons smaller than 235's have negligible sales opportunity in fresh form, because they are costly to prepare for market and have lower juice yield than larger lemons.

Order. (a) From September 30, 1973, through September 28, 1974, no handler shall handle any lemons grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the lemons in any type of container may measure smaller than 1.82 inches in diameter.

(b) As used in this section "handle", "handler", and "District 1", "District 2", and "District 3" each shall have the same meaning as when used in the said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation shall file same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 31, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 10, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-17044 Filed 8-15-73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

INTERSTATE COMMERCE COMMISSION

[Notice No. 320]

ASSIGNMENT OF HEARINGS

AUGUST 13, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35834 Sub 1, Increased Rates, Seatrain Lines, California, No. 35834 Sub 2, Increased Rates, Trans-Continental Freight Bureau, No. 35834 Sub 3, Increased Rates, United States Lines, now assigned September 17, 1973, will be held in Room 13025, 450 Golden Gate Avenue, San Francisco, Calif.

MC 114004 Sub 124, Chandler Trailer Convoy, Inc., now assigned October 10, 1973, at Washington, D.C., is cancelled, and transferred to Modified Procedure.

MC-138297, Central Florida Coach Lines, Inc., now assigned August 27, 1973 at Washington, D.C., is postponed to October 15, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD 26241, Penn Central Transportation Company Reorganization, now being assigned hearing August 13, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 5623 Sub 22, Arrow Trucking Co., now assigned September 10, 1973, MC 74321 Sub 64, B. F. Walker, Inc., now assigned September 10, 1973, MC 76032 Sub 297, Navajo Freight Lines, Inc., now assigned September 10, 1973, MC 82841 Sub 104, Hunt Transportation, Inc., now assigned September 10, 1973, MC 83539 Sub 360, C & H Transportation Co., Inc., now assigned September 10, 1973, MC 83835 Sub 96, Wales Transportation, Inc., now assigned September 10, 1973, MC 113855 Sub 262, International Transport, Inc., now assigned September 10, 1973, MC 119493 Sub 100, Monkem Company, Inc., now assigned September 12, 1973, MC 82063 Sub 43, Klipsch Hauling Co., now assigned September 17, 1973, MC 106400 Sub 92, Kaw Transport Company, now assigned September 17, 1973, MC 107496 Sub 873, Ruan Transport Corporation, now assigned September 17, 1973, MC 111401 Sub 376, Groendyke Transport, Inc., now assigned September 17, 1973, MC 115331 Sub 336, Truck Transport, Inc., now assigned September 17, 1973, will be held in Room 609, Federal Office Building, 911 Walnut Street, Kansas City, Missouri.

MC-107012 Sub 17, Reble Motor Freight, Inc., is continued to October 23, 1973, in Room 918 Federal Office Building, 167 North Main Street, Memphis, Tenn.

MC-77972 Sub 19, Merchants Truck Line, Inc., now assigned September 10, 1973, will be held in Room 918, Federal Office Building, 167 North Main Street, Memphis, Tenn.

MC-F-11768, Lee Way Motor Freight, Inc.—Control and Merger—Loving Truck Lines, Inc., DBA Loving Truck Line, & FD-27294 Lee Way Motor Freight, Inc., Notes, now assigned September 10, 1973, will be held in Room 5404, Federal Office Building, 700 West Capital Street, Little Rock, Arkansas.

MC 29886 Sub 285, Dallas & Mavis Forwarding Co., Inc., MC 124947 Sub 17, Machinery Transports, Inc., is continued to September 5, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I&S No. 8847, Free Time on Export Traffic, U.S. Ports, is continued to September 10, 1973, (1 week), at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 2935 Sub 38, Adirondack Transit Lines, Inc., now being assigned October 15, 1973, at Albany, N.Y., in a hearing room to be later designated.

MC 7840 Sub 4, St. Lawrence Freightways, Inc., now being assigned October 18, 1973, at Albany, N.Y., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-17104 Filed 8-15-73;8:45 am]

[Notice No. 334]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 5, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74322. By order of August 9, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to Lee Goddard, Inc., Bay City, Mich., of Certificate No. MC-82951 issued to Barney Kosofsky, dba Barney's Cartage Co., Detroit, Mich., authorizing the transportation of: General commodities, usual exceptions, serving Detroit, Mich., and between Detroit, Mich., and the International Boundary line at the port of Entry at Detroit, Mich., and Heavy Machinery, and numerous specified commodities, between points in the lower peninsula of Michigan, and between points therein, on the one hand, and, on the other, points in Indiana, Illinois, Ohio, Kentucky, New York, and Connecticut. Frank J. Kerwin, Jr., Attorney, 1961 Guardian Bldg., Detroit, Mich. 48226. Stanley M. Weingarden, Attorney, 1100 Fisher Bldg., Detroit, Mich. 48202.

No. MC-FC-74470. DUAL OPERATIONS ARE INVOLVED. By order of August 10, 1973, the Motor Carrier Board approved the transfer to Bibey Trucking Company, Inc., Perryville, Md., of Permit No. MC-119337 issued February 2, 1971, to The Whyte Trucking Company, Inc., Havre De Grace, Md., authorizing the transportation of: Sand and gravel, in bulk, from pits at or near North East, Md., to specified points in Delaware, under continuing contracts with Mason-Dixon Sand and Gravel Company. Chester A. Zyblut, Attorney, 1522 K Street, N.W., Washington, D.C. 20005.

No. MC-FC-74502. By order of August 9, 1973, the Motor Carrier Board approved the transfer to Amber Warehouse, Inc., Totowa, N.J., of Certificate No. MC-126173 issued to Booth Freight Lines, Inc., Totowa, N.J., authorizing the transportation of: General commodities, usual exceptions, between New York, N.Y., on the one hand, and, on the other, points in specified counties in New Jersey. Robert B. Pepper, Practitioner, 168 Woodbridge Avenue, Highland Park, N.J. 08904.

No. MC-FC-74529. By order of August 10, 1973, the Motor Carrier Board approved the transfer to Karl B. Hertz, doing business as Karl B. Hertz Transportation, Pomona, Calif., of Certificate No. MC-126565 issued May 3, 1972, to Industrial Heavy Transport, Santa Fe Springs, Calif., authorizing the transportation of sulphur, cottonseed meal, crushed stone, meat and bone scraps, and metallic ore, in bulk, in dump vehicles, from and to specified points in California and Arizona. Mr. Jerry Solomon Berger, Attorney at Law, 9454 Wilshire Blvd. (10th Floor), Beverly Hills, Calif. 90212.

No. MC-FC-74614. By order of August 10, 1973, the Motor Carrier Board approved the transfer to Elizabeth Lucera, Philadelphia, Pa., of Certificate No. MC-9975 issued August 16, 1961, to Merle H. Miller, doing business as Miller Moving Company, Perkasie, Pa., authorizing the transportation of household goods between points in the Philadelphia, Pa., Commercial Zone on the one hand, and, on the other, points in Pennsylvania, New Jersey, New York, Delaware, and Maryland, and to Washington, D.C. Mr. Edwin L. Scherlis, Attorney at Law, 1209 Lewis Tower Building, Philadelphia, PA 18944.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-17105 Filed 8-15-73;8:45 am]

[Notice No. 64]

MAWSON AND MAWSON, INC., ET AL.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

AUGUST 10, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed by October 15, 1973, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

No. MC 76 (Sub-No. 4) filed June 26, 1973 Applicant: MAWSON & MAWSON, INC. Old Lincoln Hwy. P.O. Box 125 Langhorne, Pa. 19047 Applicant's representative: Paul F. Sullivan 711 Washington Bldg. Washington, D.C. 20005 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheel and axle assemblies, parts and accessories therefor, and articles used in the manufacture of such assemblies*, between the plant site of Foreman Manufacturing Company at Pine Grove, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, New Hampshire, Ohio, Rhode Island, Virginia, Vermont, and West Virginia, restricted to traffic originating at or destined to the named plant site. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 297 (Sub-No. 5) filed July 11, 1973 Applicant: WOODLAND TRUCK LINE, INC. 635 Park Street Woodland, Wash. 98674 Applicant's representative: Lawrence V. Smart, Jr. 419 N.W. 23rd Avenue Portland, Oreg. 97210 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper products and door components*, from Woodland, Wash. to points in Oregon and (2) *lumber*, from points in Oregon to Woodland, Wash. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 2229 (Sub-No. 179) filed June 4, 1973 Applicant: RED BALL MOTOR FREIGHT, INC. 3177 Irving Boulevard P.O. Box 47407 Dallas, Tex. 75247 Applicant's representative: Douglas Anderson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, articles requiring special equipment), serving points in Adams, Arapahoe and Jefferson County, Colo., as off-route points in connection with carrier's regular-route operations to and from Denver, Colo. Note: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 3854 (Sub-No. 24) filed May 11, 1973 Applicant: BURTON LINES, INC. P.O. Box 11306 East Durham Station Durham, N.C. 27703 Applicant's representative: Edward G. Villalon 1032 Pennsylvania Building Pennsylvania Ave. & 13th St., N.W. Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles, lumber, panelboard, and composition board*, from Wilmington, N.C., to points in North Carolina, South Carolina, Georgia, Florida, Virginia, Tennessee, Kentucky, Delaware, Maryland, West Virginia, and Indiana south of U.S. Highway 40 and the District of Columbia; (2) *roofing, roofing materials and building materials*, from Morehead City, N.C., to points in North Carolina, South Carolina and Virginia; and (3) *lumber, panelboard and composition board*, from Morehead City, N.C., to points in North Carolina, South Carolina, Virginia and Georgia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wilmington or Raleigh, N.C.

No. MC 4963 (Sub-No. 41) filed July 2, 1973 Applicant: ALLEGHANY CORPORATION, doing business as JONES MOTOR Bridge Street & Schuylkill Road Spring City, Pa. 19475 Applicant's representative: Ronald Rice Suite 618 Perpetual Building 1111 E Street, N.W., Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass and glazing units*, from Clinton and Laurinburg, N.C., to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Maine, Michigan (lower peninsula), Pennsylvania, Rhode Island, Tennessee, South Carolina, Virginia, West Virginia, Vermont, New Jersey, New York, New Hampshire, North Carolina, Ohio, and the District of Columbia. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 4963 (Sub-No. 43) filed July 6, 1973 Applicant: ALLEGHANY CORPO-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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RATION, doing business as JONES MOTOR Bridge Street and Schuylkill Road Spring City, Pa. 19475 Applicant's representative: Roland Rice Suite 618 Perpetual Bldg. 1111 E Street, N.W. Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products, and fittings, materials, and accessories* for the installation or transportation thereof (except in bulk), from St. Louis, Mo., to points in the lower peninsula of Michigan and to points in New York, Ohio, and Pennsylvania, restricted to traffic originating at the facilities of Certain-Teed Products Corporation. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5470 (Sub-No. 75) filed May 24, 1973 Applicant: TAJON, INC. R.D. # 5, Box 146 Mercer, Pa. 16137 Applicant's representative: Donald E. Cross 918–16th St., N.W., Suite 700 Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys and ores*, in dump vehicles, from Detroit, Mich., to points in Illinois, Indiana, Ohio, Pennsylvania, and Wisconsin. Note: Applicant states that the requested authority can be tacked with its present authority at various points in Ohio and Pennsylvania to enable service from Detroit, Mich., to points in the New England, Middle Atlantic, and Southern regions of the country in MC 5470 and Subs 11, 31, 37, 40, 44, 45, 49, 50, 51, 54, 55, 61, and 62. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 19868 (Sub-No. 2) filed April 13, 1973 Applicant: GALLAGHER TRUCKING CO., a Corporation P.O. Box 134 Bluebell, Pa. 19422 Applicant's representative: Robert B. Elnhorn 1540 PSFS Bldg. 12 South 12th Street Philadelphia, Pa. 19107 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, trailer chassis, cargo containers, trailer convertor dollies, truck bodies, and semi-trailer chassis* (other than those designed to be drawn by passenger automobiles), including *parts, equipment and accessories* therefor, in or attached to the transported trailer, in initial movements, in truckaway or driveaway service, between points in Philadelphia and Montgomery Counties, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Virginia, West Virginia, North Carolina, Indiana, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia. Pa., or Washington, D.C.

No. MC 20366 (Sub-No. 3) filed June 25, 1973 Applicant: CITY TRANSFER & STORAGE CO. a Corporation Big Four Railroad and Crawford Street P.O. Box 219 Troy, Ohio 45373 Applicant's representative: John P. McMahon 100 East Broad Street Columbus, Ohio 43215 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the B. F. Goodrich Company located on Ohio State Highway 235 in Johnson Township (Champaign County), Ohio, as an off-route point in connection with carrier's regular route operations. Note: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 26396 (Sub-No. 78) (ANNOTATION) filed May 21, 1973, published in the FR issue of July 26, 1973, and annotated this issue. Applicant: POPELKA TRUCKING CO., doing business as: THE WAGGONERS, a Corporation P.O. Box 990 Livingston, Mont. 59047 Applicant's representative: Jacob P. Billig Suite 300 1126 16th Street, N.W. Washington, D.C. 20036 Note: The purpose of this republication is to list the correct address of the applicant's representative. The request for authority remains as previously published.

No. MC 26396 (Sub-No. 83) filed June 25, 1973 Applicant: POPELKA TRUCKING CO. doing business as, THE WAGGONERS a Corporation P.O. Box 990 Livingston, Mont. 59047 Applicant's representative: Jacob P. Billig Suite 300 1126 16th Street, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and wood, and lumber products and forest products*, from Beaver and Yakima, Wash.; Priest River, Troy, Calder, Priest Lake, Mountain Home, Tammarock, Kooskia and Emmet Idaho; and points in Lane, Wasco, Jackson, Josephine, Linn, Tillamook, Multnomah, Douglas, Polk, Coos, Benton, Yamhill and Marion Counties, Oreg., to Kalispell and Columbia Falls, Mont.; Fargo, Corrington, Grand Forks, Monot, Bismark and Jamestown, N. Dak.; Rapid City, Sioux Falls, Rosholt, Belle Fourche, Watertown, Aberdean and Lemon, S. Dak.; Albany, Windom, New Ulm, Greenwold, Clarks Grove and St. Paul, Minn.: Belleville and Milan, Ill.; Humbolt, Iowa City and Eagle Grove, Iowa; Columbia, Mo.; Masison, Oshkosh, Mercer, Glover, Rhineland, Siren and Shawano, Wis.; Ft. Morgan, Aspen, Glenwood Springs, Lamar, Springfield and Sterling, Colo.; points in Larimer, Boulder, Weld, Denver, El Paso, Pueblo, Routt, Jefferson, Arapahoe and Mesa Counties, Colo.; Casper, Cheyenne, Laramie, Rock Springs, Rawlins, Riverton and Jackson, Wyo.; Albuquerque and Sante Fe, N. Mex.; and Wichita, Kans.; (2) *charcoal briquettes, charcoal, fireplace logs and related items*; (i.e., lighter fluid, wood chips, barbeque grille base), from Husky Industries, Inc. plant at or near Dickinson, N. Dak., to points in Colorado, Idaho, Montana, Oregon, Washington and Wyoming; and (3) *feed ingredients and additives* in bag, bulk and containerized, from Trenton, Mich.; Lawrence, Kans.; Chicago Chicago Heights and Joliet, Ill., Southgate, Calif.; and Rockwell Railsiding at Manitowoc, Wis., to points in Big Horn and Yellowstone Counties, Mont. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 29079 (Sub-No. 66) filed June 25, 1973 Applicant: BRADA MILLER FREIGHT SYSTEM, INC. 1210 South Union Street Kokomo, Ind. 46901 Applicant's representative: Carl L. Steiner 39 South La Salle Street Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel products*, from the plant site and warehouse facilities of Republic Steel Corporation at or near Buffalo, N.Y., to points in Illinois, Indiana and Michigan. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29120 (Sub-No. 163) filed July 2, 1973 Applicant: ALL-AMERICAN, INC. 900 West Delaware P.O. Box 769 Sioux Falls, S. Dak. 57101. Applicant's representative: Michael J. Ogborn (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay, foundry molding sand treating compounds*, in bags, and *water impedance boards*, from the plantsite of Federal Bentonite Company, at Colony, Wyo., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, and Tennessee. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak.

No. MC 29886 (Sub-No. 295) filed July 2, 1973. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles, and motor vehicle chassis*, in initial movements, in driveaway and truckaway service, and *bodies, cabs, and parts of accessories* for such motor vehicles, from the plant site of the White Truck Division of the White Motor Corporation located in Pulaski County, Va., to points in the

United States including Alaska (except Hawaii). Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 31389 (Sub-No. 166), filed June 11, 1973. Applicant: McLEAN TRUCKING COMPANY, a Corporation, 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving Mercer, Pa., as an off-route point in connection with applicant's regular-route operations to and from Youngstown, Ohio and West Middlesex, Pa. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31389 (Sub-No. 169) filed June 18, 1973 Applicant: McLEAN TRUCKING COMPANY a Corporation (P.O. Box 213) Winston-Salem, N.C. 27102 Applicant's representative: Francis W. McInerny 1000 Sixteenth Street, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Radford, Va., as an off-route point in connection with carrier's regular route operations to and from Roanoke, Va. Note: Common control was approved in MC–F–11666. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Roanoke, Va.

No. MC 31389 (Sub-No. 170) filed June 20, 1973 Applicant: McLEAN TRUCKING COMPANY a Corporation 615 Waughtown Street P.O. Box 213 Winston-Salem, N.C. 27102 Applicant's representative: Francis W. McInerny 1000 Sixteenth Street, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving Mercer, Pa., as an off-route point in connection with applicant's regular-route operations to and from Youngstown, Ohio and West Middlesex, Pa. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 37127 (Sub-No. 3) filed filed June 4, 1973 Applicant: MECCA & SON TRUCKING CORP. 25 Fairmount Avenue Jersey City, N.J. 07304 Applicant's representative: Charles W. Singer 2440 E. Commercial Blvd. Fort Lauderdale, Fla. 33308 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum foil containers, aluminum sheet containers, plastic containers*, and *caps and covers* for aluminum foil containers, aluminum sheet containers and plastic containers; (1) from the facilities of Ekco Products, Inc. at or near Clayton, N.J., to New York, N.Y., and points in its commercial zone; Jersey City, N.J., and points in Nassau, Suffolk and Westchester Counties, N.Y.; (2) from the facilities of Ekco Products, Inc. at or near Clayton, N.J., to Newark, North Bergen, Jersey City, Kearney, Elizabeth and Port Reading, N.J., restricted to traffic having a subsequent movement by rail or water; and (3) from Newark, North Bergen, Jersey City, Kearney, Elizabeth and Port Reading, N.J., to New York, N.Y., and points in its commercial zone, and points in Nassau, Suffolk and Westchester Counties, N.Y., and points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset and Union Counties, N.J., restricted to traffic having a prior movement by motor and/or rail from the facilities of Ekco Products, Inc. at or near Chicago and Wheeling, Ill. Note: Applicant states that the requested authority can be tacked with its present authority at New York, N.Y., to serve points in Essex, Hudson, Somerset, Bergen, Passaic and Union County, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 44639 (Sub-No. 73) filed July 2, 1973 Applicant: L. & M. EXPRESS CO., INC. 220 Ridge Road Lyndhurst, N.J. 07071 Applicant's representative: Herman B. J. Weckstein 60 Park Place Newark, N.J. 07102 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials and supplies*, used in the manufacture of wearing apparel (except commodities in bulk), between New York, N.Y., and Lyndhurst, N.J., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., restricted to shipments which have a prior or subsequent movement from or to points in Virginia and North Carolina. Note: Applicant states that the requested authority can be tacked with its existing authority at the points named above to provide a through service from or to Virginia and North Carolina. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 47583 (Sub-No. 14) filed June 22, 1973 Applicant: TOLLIE FREIGHTWAYS, INC. 41 Lyons Street Kansas City, Kans. 66118 Applicant's representative: D. S. Hults P. O. Box 225 Lawrence, Kans. 66044 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, insulating products and materials, and materials, supplies and equipment*, used in the production, and distribution thereof, from the plantsite and storage facilities of Johns-Manville Co., at or near McPherson, Kans., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Kansas, Montana, Nebraska, Oklahoma, New Mexico, North Dakota, South Dakota, Tennessee, Texas, Utah, Wisconsin and Wyoming. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 56679 (Sub-No. 76) filed May 29, 1973 Applicant: BROWN TRANSPORT CORP. 125 Milton Avenue, S. E. Atlanta, Ga. 30315 Applicant's representative: B. K. McClain (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpets, carpeting, and tufted textile products*, from Des Moines, Iowa, to Omaha, Nebr. Note: Common control may be involved. Applicant states that tacking would be possible at Des Moines, Iowa with applicant's present authority under Sub 28, from Chattanooga, Tenn., and points in Georgia. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Omaha, Nebr.

No. MC 60066 (Sub-No. 9) filed April 16, 1973 Applicant: BEE LINE MOTOR FREIGHT a Corporation 1804 Paul Street Omaha, Nebr. 68102 Applicant's representative: James E. Ryan 214 Sharp Building Lincoln, Nebr. 68508 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the warehouse site of Western Electric located at or near Underwood, Iowa, as an off-route point in connection with applicant's regular route operations to and from Omaha, Nebr. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 61403 (Sub-No. 221) filed June 6, 1973 Applicant: THE MASON AND DIXON TANK LINES, INC. Highway 11W Kingsport, Tenn. 37662 Applicant's representative: W. C. Mitchell Suite 1201, 370 Lexington Avenue New York, N.Y. 10017 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plant site of Commercial Solvents Corporation at or near Sterlington, La., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana,

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Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia, restricted to traffic originating at or near the plant site of Commercial Solvents Corporation. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 69116 (Sub-No. 157) filed June 22, 1973 Applicant: SPECTOR FREIGHT SYSTEM, INC. 205 West Wacker Drive Chicago, Ill. 60606 Applicant's representative: Jack Goodman 39 South La Salle Street Chicago, Ill. 60603 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of Colt Industries, Crucible Alloy and Stainless Steel Division, at Midland, Pa., as an off-route point in connection with carrier's authorized regular route operations. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Pittsburgh, Pa.

No. MC 73165 (Sub-No. 328) filed June 11, 1973 Applicant: EAGLE MOTOR LINES, INC. 830 North 33rd Street P.O. Box 11086 Birmingham, Ala. 35202 Applicant's representative: Robert M. Pearce P.O. Box E Bowling Green, Ky. 42101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic or iron fittings and connections, valves, hydrants and gaskets*, (except oilfield commodities as defined in *MERCER-Extension Oil Field Commodities*, 74 M.C.C. 459), from the new plant site and storage facilities of the Clow Corporation at Columbia, Mo., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 83539 (Sub-No. 371) filed May 17, 1973 Applicant: C & H TRANSPORTATION CO., INC. 1936–2010 West Commerce Street P.O. Box 5976 Dallas, Tex. 75222 Applicant's representative: Thomas E. James (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Power transmission materials, equipment and supplies*, from Westboro, Mass. to points in the United States (except Alaska, Hawaii, and Massachusetts), restricted against tacking with any existing authority held by applicant. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 372) filed June 8, 1973 Applicant: C & H TRANSPORTATION CO., INC. 1936–2010 West Commerce Street P.O. Box 5976 Dallas, Tex. 75222 Applicant's representative: Thomas E. James (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cable and wire*, from points in Baldwin County, Ala., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas; and (2) *materials and supplies* used in the manufacture of cable and wire, from the destinations named in (1) above, to points in Baldwin County, Ala., restricted (1) and (2) above against tacking with any existing authority held by applicant. Note: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 83539 (Sub-No. 374) filed July 1, 1973 Applicant: C & H TRANSPORTATION CO., INC. 1936–2010 West Commerce Street P.O. Box 5976 Dallas, Tex. 75222 Applicant's representative: Thomas E. James (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled commodities*, weighing less than 15,000 pounds, from Nunda, N.Y., to points in the United States including Alaska (and excluding Hawaii). Note: Common control was approved in MC–F–9241. Applicant requests this application be restricted against tacking. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 89716 (Sub-No. 49) filed July 2, 1973 Applicant: DICK JONES TRUCKING, a Corporation P.O. Box 965 Powell, Wyo. 82435 Applicant's representative: Stockton and Lewis The 1650 Grant St. Bldg. Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield submergible motors, pumps, equipment and supplies* when used in connection with submergible motors and pumps, between the plant site of TRW Reda Pump Co. adjacent to Thermopolis, Wyo., on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, and Utah, restricted to traffic originating at and destined to the above named points. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Casper, Wyo. or Billings, Mont.

No. MC 94350 (Sub-No. 337) filed June 22, 1973 Applicant: TRANSIT HOMES, INC. P.O. Box 1628 Haywood Road Greenville, S.C. 29602 Applicant's representative: Mitchell King, Jr. (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobile, in initial shipments, from points in Broome County, N.Y., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 94350 (Sub-No. 338) filed July 2, 1973 Applicant: TRANSIT HOMES, INC. P.O. Box 1628 Haywood Rd. Greenville, S.C. 29602 Applicant's representative: Mitchell King, Jr. (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, from points of manufacture in Merrimack County, N.H., to points in the United States (except Alaska and Hawaii). Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 105375 (Sub-No. 46) filed June 25, 1973 Applicant: DAHLEN TRANSPORT OF IOWA, INC. 1680 Fourth Avenue Newport, Minn. 55055 Applicant's representative: Leonard A. Jaskiewicz 1730 M St., N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid animal feed and liquid animal feed supplements*, in bulk in tank vehicles, from the plant site of Land O'Lakes, Inc., at or near Dubuque, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin, (2) *anhydrous ammonia*, in bulk, in tank vehicles, from Bellevue, Iowa, to points in Illinois, Minnesota and Wisconsin, (3) *petroleum products*, in bulk in tank vehicles, from Dubuque, Iowa, to points in Illinois, Minnesota and Wisconsin, (4) *liquid fertilizer*, in bulk in tank vehicles, from Clinton, Iowa, to points in Illinois, Minnesota and Wisconsin, (5) *liquid fertilizer solution*, in bulk in tank vehicles, from Cordova, Ill., to points in Iowa and Minnesota, and (6) *liquefied petroleum gas*, in bulk in tank vehicles, from the pipeline terminal of MAPCO, Inc., located near Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 105984 (Sub-No. 13) filed July 1, 1973 Applicant: JOHN B. BARBOUR, JR., doing business as JOHN B. BARBOUR TRUCKING COMPANY P.O. Box 577 Iowa Park, Tex. 76367 Applicant's representative: James W. Hightower 136 Wynnewood Professional Building Dallas, Tex. 75224 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass/epoxy pipe, and fittings and accessories* used in the installation thereof, from points in Wichita County, Tex., to points in the United States, (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 106194 (Sub-No. 28) filed July 2, 1973 Applicant: HORN TRANSPORTATION, INC. 1117 West 24th Street Kansas City, Mo. 64108 Applicant's representative: James W. Hightower 136 Wynnewood Professional Building Dallas, Tex. 75224 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites and warehouse facilities of Armco Steel Corporation, at or near Sand Springs, Okla., to points in Kansas, Missouri, and New Mexico. Note: Applicant states that the requested authority can be tacked with its existing authority at Hutchinson, Kans., to serve points in South Dakota, North Dakota, Minnesota, Wyoming, Montana, Idaho, Utah, and part of Colorado. If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 106398 (Sub-No. 676) filed July 3, 1973 Applicant: NATIONAL TRAILER CONVOY, INC. 1925 National Plaza Tulsa, Okla. 74151 Applicant's representative: Irvin Tull (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Jefferson Parish, La., to points in the United States (except Alaska and Hawaii). Note: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 106644 (Sub 156) filed July 5, 1973 Applicant: SUPERIOR TRUCKING COMPANY, INC. 2770 Peyton Road, N.W. P.O. Box 916 Atlanta, Ga. 30301 Applicant's representative: Archie B. Culbreth Suite 246, 1252 West Peachtree St., N.W. Atlanta, Ga. 30309 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wild animals*, in cages, and (2) *feed, supplied and equipment* used in the care of wild animals, and *personal effects of attendants*, when moving in or on the same vehicle with wild animals, between points in the United States, including Alaska (but excluding Hawaii). Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Los Angeles, Calif.

No. MC 107295 (Sub-No. 653) filed July 5, 1973 Applicant: PRE-FAB TRANSIT CO., a Corporation 100 South Main Street Farmer City, Ill. 61842 Applicant's representative: Mack Stephenson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel silos, loading and unloading devices, waste storage tanks, livestock scales, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems and parts and accessories* for the above named commodities, from the plant site of A. O. Smith Corporation at DeKalb, Ill., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 107515 (Sub-No. 855) filed June 4, 1973 Applicant: REFRIGERATED TRANSPORT CO., INC. P.O. Box 308 Forest Park, Ga. 30050 Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meats, meat products, and meat by-products*, from points in Ohio, to points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Louisiana, Mississippi, Oklahoma, North Carolina, South Carolina, Tennessee, Texas, Virginia and West Virginia, restricted against tacking with any of applicant's existing authority. Note: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107515 (Sub-No. 863) filed July 5, 1973 Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308 Forest Park, Ga. 30050 Applicant's representative: Paul M. Daniell P.O. Box 872 Atlanta, Ga. 30301 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Chino, Calif., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, the District of Columbia, and Florida, restricted to products originating at the plantsite and storage facilities of Swift Fresh Meats Co., and destined to the above named states. Note: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 107882 (Sub-No. 30) filed June 20, 1973 Applicant: ARMORED MOTOR SERVICE CORPORATION 160 Ewingville Road Trenton, N.J. 08638 Applicant's representative: Herbert Alan Dubin 1819 H Street, N.W. Washington, D.C. 20006 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food coupons*, between points in the United States (except Alaska and Hawaii), under a continuing contract with General Services Administration. Note: Applicant currently holds common carrier authority in MC 125729, therefore dual operations may be involved. Applicant states that the requested authority duplicates in part, its existing authority in MC 107882 Sub-No. 21. If the instant application is granted, applicant will submit for revocation that portion duplicative of the authority sought herein. If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J., or Washington, D.C.

No. MC 109326 (Sub-No. 106) filed June 14, 1973 Applicant: C & D TRANSPORTATION CO., INC. P.O. Box 10506 New Orleans, La. 70121 Applicant's representative: William P. Jackson, Jr. 919–18th Street, N.W. Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 & 766 (except hides and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co., at Shreveport, La., to points in Alabama, Georgia, Florida, Mississippi, North Carolina, South Carolina, and Tennessee. Note: Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New Orleans, La.

No. MC 109584 (Sub-No. 152) filed July 20, 1973 Applicant: ARIZONA-PACIFIC TANK LINES, a Corporation 5773 South Prince Street P.O. Box 192 Littleton, Colo. 80120 Applicant's representative: Mr. Kenneth E. Stolz (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid and liquid sulfur dioxide*, in bulk, in tank vehicles, from points in Arizona to points in California. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 109677 (Sub-No. 45) filed May 15, 1973 Applicant: FORT EDWARD EXPRESS CO., INC. Route 9, Saratoga

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Road Fort Edward, N.Y. 12828 Applicant's representative: Harold G. Hernly Wrape and Hernly 118 North St. Asaph Street Alexandria, Va. 22314 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the ports of entry on the International Boundary Line between the United States and Canada at or near Champlain and Trout River, N.Y.; Derby Line, Highgate and Norton, Vt., to points in New Hampshire and Vermont, and points in Clinton, Essex, Franklin, Hamilton, Herkimer, Jefferson, Lewis, Saratoga, St. Lawrence, Warren and Washington Counties, N.Y. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., or Washington, D.C.

No. MC 109689 (Sub-No. 248) (AMENDMENT) filed April 27, 1973, published in the FR issue of June 28, 1973, and republished, as amended this issue. Applicant: W. S. HATCH CO., a Corporation 643 South 800 West Woods Cross, Utah 84087 Applicant's representative: Mark K. Boyle 345 South State Street Salt Lake City, Utah 84111 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum, and petroleum products*, in bulk, from points in Duchesne County, Utah, to points in Arizona, Colorado, Idaho, Nevada, New Mexico, and Wyoming; (2) *sodium bicarbonates*, from Rock Springs, Wyo., to points in Arizona, California, Oregon, Washington, and Texas; and (3) *tallow*, in bulk, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Washington, Oregon, California, Nevada, Arizona, New Mexico, Utah, Idaho, Colorado, Wyoming, Montana, Nebraska, North Dakota, South Dakota, Texas, Kansas, and Oklahoma. Note: The purpose of this republication is to indicate that applicant additionally seeks to provide service to points in New Mexico; and to clarify the tacking information. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 110420 (Sub-No. 683) filed July 2, 1973 Applicant: QUALITY CARRIERS, INC. P.O. Box 186 Pleasant Prairie, Wis. 53158 Applicant's representative: Fred H. Figge (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning, scrubbing and scouring compounds*, in bulk, from Watertown, Wis., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Tennessee, and (2) *chemicals and raw materials* used or useful in the production of cleaning, scrubbing and scouring compounds, in bulk, from points in destination territory named in (1) above, to Watertown, Wis. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 110420 (Sub-No. 684) filed July 2, 1973 Applicant: QUALITY CARRIERS, INC. P.O. Box 186 Pleasant Prairie, Wis. 53158 Applicant's representative: Fred H. Figge (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foundry facings, liquid mold release products, quenching compounds and hydraulic fluids*, from Howell, Mich., to points in Illinois, Indiana and Ohio, and (2) *cutting oil, rust preventive compounds, soluble oils, metal working petroleum oils and water based metal working lubricant*, in bulk, in tank vehicles, from Howell, Mich., to points in Illinois, Indiana, Kentucky, Missouri, Ohio, and Wisconsin. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111310 (Sub-No. 12) filed July 2, 1973 Applicant: BEER TRANSIT, INC. P.O. Box 338 Hartland, Wis. 53029 Applicant's representative: Michael J. Wyngaard 329 West Wilson Street Madison, Wis. 53703 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and advertising equipment, premiums, materials and supplies* when shipped therewith from Milwaukee, Wis., to points in Minnesota, and (2) *empty malt beverage containers and rejected shipments* from points in Minnesota to Milwaukee, Wis. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 111383 (Sub-No. 35) filed June 20, 1973 Applicant: BRASWELL MOTOR FREIGHT LINES, INC. 3925 Singleton Blvd. P.O. Box 4447 Dallas, Tex. 75208 Applicant's representative: Lawrence A. Winkle 4645 North Central Expressway Dallas, Tex. 75205 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between New Orleans, La., and Meridian, Miss., as an alternate route for operating convenience only, serving no intermediate points: From New Orleans, over U.S. Highway 11 to junction Interstate Highway 10, thence over Interstate Highway 10 to junction Interstate Highway 59, thence over Interstate Highway 59 to Meridian; and (2) Between New Orleans, La., and Montgomery, Ala., as an alternate route for operating convenience only, serving no intermediate points: From New Orleans, La., over U.S. Highway 90 to junction Interstate Highway 10, thence over Interstate Highway 10 to junction Interstate Highway 65, thence over Interstate Highway 65 to Montgomery, and return over the same routes. Note: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 111401 (Sub-No. 391) filed July 5, 1973 Applicant: GROENDYKE TRANSPORT, INC. 2510 Rock Island Boulevard P.O. Box 632 Enid, Okla. 73701 Applicant's representative: Alvin J. Meiklejohn, Jr. Suite 1600 Lincoln Street 1660 Lincoln Street Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Orange and Jefferson Counties, Tex., to points in Alabama, Arkansas, Louisiana, Mississippi, Georgia, North Carolina, South Carolina, Florida, and Tennessee. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Atlanta, Ga.

No. MC 111545 (Sub-No. 186) filed May 31, 1973 Applicant: HOME TRANSPORTATION COMPANY, INC. 1425 Franklin Road Marietta, Ga. 30062 Applicant's representative: Robert E. Born P.O. Box 6426 Station A Marietta, Ga. 30062 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors) and *parts, implement, attachments, accessories and supplies* for tractors, from Savannah, Ga. and Jacksonville, Fla., to points in Louisiana, Missouri, Illinois, Iowa, Wisconsin, Kentucky, Indiana, Ohio, the Lower Peninsula of Michigan, Virginia, West Virginia, Maryland, Delaware, New Jersey, and Pennsylvania. Note: Applicant states that the requested authority can be tacked: (1) At points in Iowa with its Subs 94 and 98 to serve points in Minnesota, Nebraska, and Kansas; (2) At points in Illinois and Missouri with the authority it presently holds under MC–F–11218, to serve points in Wyoming, Arkansas, Colorado, Kansas and New Mexico; and (3) At points in Missouri with Sub 167, to serve points in Arizona and Utah; limited to "size and weight" articles of those self-propelled weighing 15,000 pounds or more. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga.; Chicago, Ill. or Washington, D.C.

No. MC 112696 (Sub-No. 48) filed June 26, 1973 Applicant: HARTMANS, INCORPORATED P.O. Box 898 Harrisonburg, Va. 22801 Applicant's representative: Edward G. Villalon 1032 Pennsylvania Building Pennsylvania Avenue & 13th Street Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Pabst (Houston County), Ga., to Lynchburg, Va., *and empty bottles, containers, kegs, pallets, and skids*, from Lynchburg, Va., to Pabst (Houston County), Ga.; and (2) *shoes*, from Harrisonburg, Va., to the facilities of Consolidated Shoe Company in Campbell County, near Lynchburg, Va. Note: Applicant states that the requested authority in (2) above, can be tacked with its existing authority at Harrisonburg, Va., to provide a through service from Boston, Mass. and Gettysburg, Pa., to Lynchburg, Va. If a hearing is deemed necessary, applicant requests it to be held at Lynchburg, Va. or Washington, D.C.

No. MC 113436 (Sub-No. 4) filed July 5, 1973 Applicant: AUTOMOBILE CARRIERS, INC. 3401 North Dort Highway P.O. Box 128 Flint, Mich. 48501 Applicant's representative: Walter N. Bieneman Suite 1700—One Woodward Avenue Detroit, Mich. 48226 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements in truckaway service, from Janesville, Wis., to points in the Lower Peninsula of Michigan. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 113651 (Sub-No. 158) filed May 8, 1973 Applicant: INDIANA REFRIGERATOR LINES, INC. 2404 North Broadway Muncie, Ind. 47303 Applicant's representative: Henry A. Dillon (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk) and *dressed rabbits* when shipped in mixed shipments with meats, meat products, meat by-products and articles distributed by meat packinghouses; (1) from Denver, Colo., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, the District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Louisiana, Mississippi, Iowa, Texas, Arkansas, Oklahoma, and Missouri; and (2) from Denver, Colo., to points in Staten Island, Brooklyn, Manhattan, Queens, Kings, Orange, Putnam, Rockland, Westchester, Suffolk and Nassau Counties, N.Y.; Fairfield County, Conn.; Mercer, Monmouth, Middlesex, Sommerset, Hunterdon, Arren, Morris, Sussex, Passaic, Bergen, Hudson, Union, Salem, Rochester, Atlantic, Cape May, Ocean and Burlington Counties, N.J.; Lancaster, Lebanon, Berks, Lehigh, North Hampton, Bucks, Montgomery, Delaware, Chester, New Castle, York, Adams, and Franklin Counties, Pa., restricted in (1) and (2) above to traffic destined to the named states. Note: Applicant indicates that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 113678 (Sub-No. 504) filed June 25, 1973 Applicant: CURTIS, INC. 4810 Pontiac Street Commerce City, Colo. 80222 Applicant's representative: Richard A. Peterson P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, and foodstuffs, and advertising equipment, materials and supplies when shipped therewith* (except commodities in bulk), from points in Ohio and points in Boone, Campbell and Kenton Counties, Nebr., to points in Kentucky, Illinois, Indiana, Iowa, Nebraska, Colorado Kansas, Missouri, Michigan, Minnesota, Wisconsin, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia. Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in Subs 90, 92, 99, 111, 133, 149, 157, 190, 257, 262, 284, 330, 331, 350, 376, 387 and 428, however, tacking with these subs is unfeasible because of the circuity involved and also the duplicative nature of some of the authority makes such tacking unnecessary, therefore applicant has no intention to tack these subs with its existing authority. Tacking, however, is possible with applicant's Subs 38 and 162 at points in Colorado, to serve the additional destination states of Arizona, California, Nevada, New Mexico, Washington, Oregon, Idaho and Montana. Applicant further states that it has no present intention to tack Subs 38 and 162. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 114019 (Sub-No. 248) filed June 18, 1973 Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC. 7000 South Pulaski Road Chicago, Ill. 60629 Applicant's representative: Arnold L. Burke 127 North Dearborn Street Chicago, Ill. 60602 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and enclosures* therefor, from Terre Haute, Ind., to points in Illinois, Kentucky, Michigan, Missouri, Ohio and Wisconsin, and *empty pallets* on return, restricted to traffic originating at the above named origin and destined to the above named destinations. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115311 (Sub-No. 154) filed June 13, 1973 Applicant: J & M TRANSPORTATION CO., INC. P.O. Box 488 Milledgeville, Ga. 31001 Applicant's representative: Paul M. Daniell P.O. Box 872 Atlanta, Ga. 30301 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, (a) from the plantsite and warehouse facilities of Georgia Pacific Corporation at or near Dudley, Enfield, and Whiteville, N.C., to points in Alabama, Florida, Georgia, Kentucky, South Carolina, and Tennessee, and (b) from the plantsite and warehouse facilities of Georgia Pacific Corporation at or near Alcolu, Prosperity, Russellville, and Varnville, S.C., to points in Alabama, Florida, Georgia, North Carolina, Kentucky, and Tennessee; (2) *particleboard*, (a) from the plantsite and warehouse facilities of Georgia Pacific Corporation at or near Whiteville, N.C., to points in Alabama, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Missouri, Nebraska, South Dakota, and North Dakota, Tennessee, Mississippi, Colorado, New Mexico, Florida, Georgia, and South Carolina, and (b) from the plantsite and warehouse facilities of Georgia Pacific Corporation at or near Russellville, S.C., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, Tennessee, and Virginia. Note: Applicant states that the requested authority in (2) (a) and (2) (b) above, can be tacked with its pending Sub 120 to provide additional service from the Georgia Pacific Corporation plantsite at Vienna, Ga., to serve the additional destination states of Arkansas, Louisiana, Texas, Oklahoma, Kansas, Missouri, Nebraska, South Dakota, North Dakota, Colorado, and New Mexico; and further indicates that the requested authority in (1) (b) above can be tacked at Cordova, Ala., with its existing authority in its Sub-No. 106, to serve points in Kentucky. Applicant indicates it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115311 (Sub-No. 156) filed June 28, 1973 Applicant: J & M TRANSPORTATION CO., INC. Post Office Box 488 Milledgeville, Ga. 31061 Applicant's representative: Paul M. Daniell Post Office Box 872 Atlanta, Ga. 30301 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal wall studs and metal wall studs tracking*, from Monroe, Ga., to points in Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky, North Carolina, South Carolina, Virginia, West Virginia and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115975 (Sub-No. 19) filed June 6, 1973 Applicant: C.B.W. TRANSPORT SERVICE, INC. P.O. Box 48 Wood River, Ill. 62095 Applicant's represent-

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ative: Earnest A. Brooks, II 1301 Ambassador Building St. Louis, Mo. 63101 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating grease and lubricating* oils, in bulk, in tube trailers, in tank vehicles and in carrier-owned containers of not less than 300 gallons capacity, from the plantsite of International Lubricant Corporation at New Orleans, La., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, Missouri, New Jersey, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia and West Virginia, under a continuing contract with Shell Oil Company, Houston, Tex. Note: Applicant currently holds common carrier authority in MC 127910 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or St. Louis, Mo.

No. MC 116763 (Sub-No. 260) filed June 25, 1973 Applicant: CARL SUBLER TRUCKING, INC. North West Street Versailles, Ohio 45380 Applicant's representative: H. M. Richters (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and clay tile, and materials and supplies* used in the manufacture, installation and distribution of carpet and clay tile (except commodities in bulk), (1) from Bristow, Okla., to points in the United States (except Alaska and Hawaii), and (2) from points in the United States (except Alaska and Hawaii) to Bristow, Okla. Note: Applicant states that the requested authority can be tacked with its existing authority, but is willing to accept a no tacking restriction. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 116763 (Sub-No. 261) (AMENDMENT) filed June 22, 1973, published in the FR issue of August 9, 1973, and republished as amended this issue. Applicant: CARL SUBLER TRUCKING, INC. North West Street Versailles, Ohio 45380 Applicant's representative: H. M. Richters (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruits and vegetables, fruit and vegetable products, concentrates, beverages, and beverage preparations*, from points in Florida, to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, the Lower Peninsula of Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Note: Applicant states that the requested authority can be tacked with its existing authority held in MC 116763, Sub-No. 58 to originate traffic at Martinsburg, W. Va., destined to points in Louisiana, Mississippi, and Missouri, but it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to correctly reflect the tacking information. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117565 (Sub-No. 90) filed July 5, 1973 Applicant: MOTOR SERVICE COMPANY INC. Route 3 P.O. Box 448 Coshocton, Ohio 43812 Applicant's representative: John R. Hafner (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the manufacture, processing and distribution of bathroom and plumbing fixtures and *parts, attachments, and accessories* for bathroom and *plumbing fixtures, plastic products, shower stalls, china and earthenware goods, and counter tops*, from points in the United States (except Alaska and Hawaii), to points in Spencer and Vanderburgh Counties, Ind. Note: Dual operations may be involved. Applicant states that the requested authority cannot be tacked with its present authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 118202 (Sub-No. 13) filed July 2, 1973 Applicant: SCHULTZ TRANSIT, INCORPORATED Box 406 323 Bridge Street Winona, Minn. 55987 Applicant's representative: Eugene A. Schultz (Same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles as are dealt in by retail gift specialty stores*, from Laredo, Tex., to points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Missouri, Illinois (except Chicago and the Commercial zone thereof), Kentucky, Indiana, Ohio, Michigan, and Wisconsin. Note: Applicant holds contract carrier authority in MC 134631 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 118806 (Sub-No. 29) filed June 25, 1973 Applicant: ARNOLD BROS. TRANSPORT, LTD. 739 Lagimodiere Boulevard Winnipeg, Manitoba, Canada Applicant's representative: Daniel C. Sullivan 327 South La Salle Street Chicago, Ill. 60604 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles and plastic products*, from ports of entry on the International Boundary line between United States and Canada in Montana, North Dakota, and Minnesota, to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118936 (Sub-No. 3) filed May 18, 1973 Applicant: JAMES A. MARINARI AND JOSEPH A. MARINARI, doing business as MARINARI BROTHERS 9 Colwell Lane Conshohocken, Pa. 19428 Applicant's representative: V. Baker Smith 2107 The Fidelity Building Philadelphia, Pa. 19109 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap materials*, between points in New York, New Jersey, Pennsylvania, Delaware, and Maryland, on the one hand, and, on the other, points in Burlington County, N.J., restricted against service between points in Burlington County, N.J. on the one hand, and, on the other, Lewistown, Pa., and points in Decatur and Derry Township (Mifflin County), Pa. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 119547 (Sub-No. 36) filed July 3, 1973 Applicant: EDGAR W. LONG, INC. Route 4 Zanesville, Ohio 43701 Applicant's representative: Richard H. Brandon 79 East State Street Columbus, Ohio 43215 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products*, (except commodities in bulk), from points in Noble County, Ohio, to points in the United States (except Alaska and Hawaii) and (2) *materials and supplies* used in the manufacture and shipping of clay products, (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to points in Noble County, Ohio. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119789 (Sub-No. 168), filed July 2, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 E. Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery and related products* (except in bulk), and *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities of M & M/Mars, Division of Mars, Incorporated located in Georgia, to points in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Texas, Utah, Washington, and Wisconsin, restricted to the transportation of traffic originating at the plant site and warehouse facilities of M & M/Mars, Division of Mars, Incorporated. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applican requests it be held at Washington, D.C. or Dallas, Tex.

No. MC 120981 (Sub-No. 16) filed June 5, 1973 Applicant: BESTWAY EXPRESS, INC. 415—5th Avenue, South Nashville, Tenn. 37203 Applicant's representative: George M. Catlett Suite 703–706 McClure Building Frankfort, Ky. 40601 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Jackson, Miss., and Baton Rouge, La.: From Jackson, Miss. over Interstate Highway 55 to junction Interstate Highway 12, thence over Interstate Highway 12 to Baton Rouge, La., and return over the same route serving no intermediate points, serving all points in Hinds County, Miss., as off-route points, and serving the junction of Interstate Highway 55 and Interstate Highway 12 for purposes of joinder only; (2) Between New Orleans, La., and the junction of Interstate Highway 12 and Interstate Highway 55: From New Orleans, La., over U.S. Highway 61 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction Interstate Highway 12, and return over the same route, serving no intermediate points, and serving the junction of Interstate Highway 12 and Interstate Highway 55 for purposes of joinder only. RESTRICTION: Restricted against the transportation of shipments between points in Hinds County, Miss., on the one hand, and, on the other, New Orleans, La., and points in the commercial zone thereof. Note: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or New Orleans, La.

No. MC 123048 (Sub-No. 271) filed June 11, 1973 Applicant: DIAMOND TRANSPORTATION SYSTEM, INC. 1919 Hamilton Avenue Racine, Wis. 53401 Applicant's representative: Paul C. Gartzke 121 W. Doty Street Madison, Wis. 53703 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames and fifth wheels), *and attachments and parts* thereof, when moving in mixed loads with such commodities, from Chicago, Ill., Duluth, Minn., and Milwaukee, Wis., to points in the upper peninsula of Michigan, Illinois, Iowa, Minnesota, Montana, North Dakota, South Dakota, Wisconsin, and Wyoming, restricted to the transportation of shipments having an immediately prior movement by water and to traffic destined to the plantsites, warehouses and dealer facilities of Deere and Company. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123067 (Sub-No. 119) filed June 14, 1973 Applicant: M & M TANK LINES, INC. P.O. Box 30006 Washington, D.C. 20014 Applicant's representative: William P. Sullivan Federal Bar Building West 1819 H Street, N.W. Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, from Savannah, Ga. (except those points in the Savannah, Ga. Commercial Zone in South Carolina), to points in Florida. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123233 (Sub-No. 49) filed June 19, 1973 Applicant: PROVOST CARTAGE, INC. 7887 – Second Avenue Ville d'Anjou 437 Quebec, Canada Applicant's representative: J. P. Vermette (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice*, in bulk, in tank vehicles, from Westfield, N.Y., to the ports of entry on the International Boundary line between the United States and Canada located at or near Trout River and Champlain, N.Y., restricted to traffic in foreign commerce destined to Canada. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Albany, N.Y.

No. MC 123255 (Sub-No. 39) filed June 29, 1973 Applicant: B & L MOTOR FREIGHT, INC. 140 Everertt Ave. Newark, Ohio 43055 Applicant's representative: A. Charles Tell 100 East Broad St. Columbus, Ohio 43215 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Ceramic foam, plastics, and plastic products* (except in bulk), from points in Lawrence and Scioto Counties, Ohio, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois (except points in the Chicago, Ill., Commercial Zone as defined by the Commission), Iowa, Kansas, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and that part of Pennsylvania east of U.S. Highway 219, and the District of Columbia, and (b) from the plants and warehouses of Dow Chemical Company at Plaquemine, La., Cape Girardeau and Pevely, Mo., Royersford, Pa.; and Freeport, Tex., to points in Lawrence and Scioto Counties, Ohio; (2) *plastic and plastic products* (except in bulk), from the plants and warehouses of Dow Chemical Company at or near Royersford, Pa., to points in Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, South Carolina, Tennessee, and West Virginia; (3) *plastics, plastic products*, and *plastic coated aluminum* (except in bulk), from the plants and warehouses of Dow Chemical Company at or near Findlay, Ohio, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; (4) *plastics and plastic products* (except in bulk), from the plants and warehouses of Dolco Packing Corporation at or near Red Hill, Pa., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and West Virginia (except points on and south of U.S. Highway 33); (5) *plastic foam containers*, from the plants and warehouses of Dolco Packing Corporation at or near Lawrenceville, Ga., to points in Delaware, Illinois, Indiana, Kentucky, Maryland, New Jersey, Ohio, Pennsylvania, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; and (6) *plastic foam products*, from Decatur, Ind., to points in the United States on and east of U.S. Highway 85, restricted in (1) thru (6) above to traffic originating at the named origins and destined to the named destinations. Note: Applicant presently is authorized to perform all of the foregoing service as a contract carrier pursuant to authority granted in Docket MC–F–11722. By this application applicant seeks to convert said contract carrier authority to common carrier authority. Applicant also holds contract carrier authority in MC 81968 and Subs thereunder, therefore dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123407 (Sub-No. 132) filed July 2, 1973 Applicant: SAWYER TRANSPORT, INC. South Haven Square, U.S. Highway 6 Valparaiso, Ind. 46383 Applicant's representative: Richard L. Loftus (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic or iron fittings and connections, valves, hydrants, and gaskets* (except Oil Field Commodities as defined in *Mercer-Extension Oil Field Commodities*, 74 M.C.C. 459), from the plantsite and storage facilities of the Clow Corporation at Columbia, Mo., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to traffic originating at the plantsite and storage facilities of the Clow Corporation at Columbia, Mo., and further restricted to traffic destined to points in the above described destination territory. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 123640 (Sub-No. 10) (CLARIFICATION) filed May 4, 1973, published in the FR issue June 28, 1973, and republished as clarified, this issue. Applicant: SUMMIT CITY ENTERPRISES,

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INC. 3200 Maunee Avenue Fort Wayne, Indiana 46803 Applicant's representative: Irving Klein 280 Broadway New York, N.Y. 10007 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold and dealt in by wholesale hardware houses, between Cape Girardeau, Mo., on the one hand, and, on the other, those points in Texas in a territory beginning at the Texas-Oklahoma State Boundary line and extending southerly along Interstate Highway 35 to its intersection with Interstate 35W at Denton, Tex., thence along Interstate Highway 35W to its intersection with Interstate Highway 35, thence along Interstate Highway 35 to its intersection with U.S. Highway 84, thence easterly along U.S. Highway 84 to the Texas-Louisiana State Boundary line, including all points and commercial zones on and along the above described territorial boundaries, under a continuing contract with Hardware Wholesalers, Inc. Note: The purpose of this republication is to indicate that applicant can serve all points and commercial zones on and along the above described territorial boundaries in lieu of serving only those points located within the territorial boundaries described above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124813 (Sub-No. 105) filed June 25, 1973 Applicant: UMTHUN TRUCKING CO., a Corporation 910 South Jackson Street Eagle Grove, Iowa 50533 Applicant's representative: William L. Fairbank 900 Hubbell Bldg. Des Moines, Iowa 50309 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, (1) from Green Bay and points in Fond du Lac and Dodge Counties, Wis., to points in Iowa, Minnesota and Missouri; (2) from points in Manitowac County, Wis., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota and Wyoming; and (3) from the facilities of Linwood Stone Products Company, Inc., at or near Davenport, Iowa, to points in Wisconsin, and those in Minnesota on and south of U.S. Highway 12. Note: Applicant also holds contract authority in MC 118468 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Milwaukee, Wis., St. Paul, Minn., or Chicago, Ill.

No. MC 125551 (Sub-No. 4) filed June 22, 1973 Applicant: K & W TRUCKING CO., INC. 701 Fifteenth Avenue Southeast St. Cloud, Minn. 56301 Applicant's representative: Donald A. Morken 1000 First National Bank Bldg. Minneapolis, Minn. 55402 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, from points in Alaska to White Pine, Mich., Butte, Mont., and Takoma, Wash. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 126899 (Sub-No. 64) filed June 8, 1973 Applicant: USHER TRANSPORT, INC. 3925 Old Benton Road Paducah, Ky. 42001 Applicant's representative: George M. Catlett 703–706 McClure Building Frankfort, Ky. 40601 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material*, and *empty malt beverage containers* on return, from Detroit, Mich. and Memphis, Tenn., to Evansville, Ind. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind. or Louisville, Ky.

No. MC 127042 (Sub-No. 120) filed May 29, 1973 Applicant: HAGEN, INC. 4120 Floyd Blvd. P.O. Box 98–Leeds Station Sioux City, Iowa 51108 Applicant's representative: Joseph W. Harvey (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, from points in California, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio and Wisconsin. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 127625 (Sub-No. 14) filed October 4, 1972 Applicant: SANTEE CEMENT CARRIERS, INC. P.O. Box 638 Holly Hill, S.C. 22601 Applicant's representative: Frank B. Hand, Jr. P.O. Box 446 Winchester, Va. 22601 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, between points in Georgia, North Carolina, and South Carolina. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C. or Washington, D.C.

No. MC 128659 (Sub-No. 4) filed June 27, 1973 Applicant: ORBITAL TRANSPORT, INC. 2647 Karen Street Bellmore, Long Island, N.Y. Applicant's representative: Arthur J. Piken One Lefrak City Plaza Flushing, N.Y. 11368 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from North Bergen, Millville, Freehold and Wharton, N.J., and Orangeburg, N.Y., to Garden City and Patchogue, N.Y., under contract with Pepcom Industries, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128677 (Sub-No. 2) filed June 25, 1973 Applicant: PORTLAND EXPRESS, INC. P.O. Box 183, Russell St. Portland, Tenn. 37148 Applicant's representative: Walter Harwood 1822 Parkway Towers Nashville, Tenn. 37219 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Mitchell, Tenn., and Louisville, Ky., from Mitchell over U.S. Highway 31–W to junction Interstate Highway 65, thence over Interstate Highway 65 to Louisville and return over the same route, serving no intermediate points, and (2) between Mitchell, Tenn., and Nashville, Tenn., from Mitchell over U.S. Highway 31–W to junction Tennessee Highway 52, thence over Tennessee Highway 52 to junction Interstate Highway 65, thence over Interstate Highway 65 to Nashville, and return over the same route, serving no intermediate points, and serving the junctions of Interstate Highway 65 with Tennessee Highway 52 and 25 for the purpose of joinder only. RESTRICTION: Restricted against the handling of traffic which originates at, is destined to, or interlined at points in Davidson County, Tenn., on the one hand, and, on the other, that which originates at, is destined, or interlined at Louisville, Ky., and points in its Commercial Zone.

Note: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 129529 (Sub-No. 5) filed June 5, 1973 Applicant: THRUWAY MESSENGER SERVICE, INC. 4 Bobby Road West Nyack, N.Y. 10994 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in specialized delivery service, between points in Rockland, Orange, Dutchess, Putnam, Ulster, Westchester, Sullivan Counties, N.Y. and points in New Jersey on the one hand, and, on the other, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., and New Jersey. RESTRICTION: Service requested herein is subject to the following conditions: Said operations are restricted against the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor at any one location to one consignee at any one location on any one day; against the transportation of commercial papers, documents, written instruments and business records as are used in the business of banks and banking institutions between Rockland County, N.Y., on the one hand, and, on the other, New York, N.Y., and Passaic, N.J.; and against the transportation of exposed and processed film and prints between Fair Lawn, N.J. on the one hand, and, on the other, points in Rockland County, N.Y. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Orangeburg, N.Y.

No. MC 129809 (Sub-No. 8) filed June 4, 1973 Applicant: A & H, INC. 324 Old Highway #11 Box 346 Footville, Wis. 53537 Applicant's representative: David J. MacDougall One East Milwaukee Street Janesville, Wis. 53545 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from points in Wisconsin, to points in Massachusetts, New York, Pennsylvania, Connecticut, New Jersey, and Rhode Island, under a continuing contract, or contracts, with S. & R. Cheese Corp. of Plymouth, Wis. Note: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, or Madison, Wis.

No. MC 133391 (Sub-No. 1) filed June 27, 1973 Applicant: SCHWERMAN TRUCKING CO. OF VA., INC. 611 South 28 Street Milwaukee, Wis. 53246 Applicant's representative: Richard H. Prevette (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk, from Norfolk, Va., to points in Virginia and North Carolina. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133966 (Sub-No. 26) filed July 11, 1973 Applicant: NORTH EAST EXPRESS, INC. P.O. Box 61 Mountaintop, Pa. 18707 Applicant's representative: Edward G. Villalon 1032 Pennsylvania Bldg. Pennsylvania Ave. & 13th St., N.W. Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber glass, fiber glass products, mineral wool, mineral wool products, insulating materials and insulated air duct*, from Shelbyville and Indianapolis, Ind., to points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134145 (Sub-No. 36) filed June 27, 1973 Applicant: NORTH STAR TRANSPORT, INC. Route 1 Thief River Falls, Minn. 56701 Applicant's representative: Robert P. Sack P.O. Box 6010 West St. Paul, Minn. 55118 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sound reproducing equipment*, from Rochester, Minn., to points in Arizona, Connecticut, Delaware, Idaho, Iowa, Kentucky, Louisiana, Maine, Maryland, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, and Wyoming, and (2) *parts, materials, and supplies* used in the manufacture of the commodities described in (1) above, from points in Alabama, Arizona, Colorado, Delaware, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maine, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, and West Virginia, to Rochester, Minn., under contract with Waters Conley Company. Note: If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 134599 (Sub–No. 84) filed July 2, 1973 Applicant: INTERSTATE CONTRACT CARRIER CORPORATION P.O. Box 748 Salt Lake City, Utah 84110 Applicant's representative: Richard A. Peterson P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles and materials, parts and supplies used in assembling motorcycles*, between Milwaukee, Wis., on the one hand, and, on the other, York, Pa., under contract with AMF Incorporated. Note: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Lincoln, Nebr.

No. MC 134922 (Sub-No. 47) filed July 2, 1973 Applicant: B. J. McADAMS, INC. Route 6, Box 15 North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant) Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionary and related products* (except in bulk) and (2) *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1), above in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of M & M/MARS, Division of Mars, Incorporated, located in Georgia, to points in Alabama, Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of M & M/MARS Division of Mars, Incorporated. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or Little Rock, Ark.

No. MC 134925 (Sub-No. 2) filed July 3, 1973 Applicant: CUMMINGS TRUCKING COMPANY, INC P.O. Box 10492 Birmingham, Ala. 35401 Applicant's representative: William P. Jackson, Jr. 919–18th Street, N.W. Suite 425 Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste or scrap paper, and metals*, from points in Mississippi, Tennessee, North Carolina, South Carolina, Georgia, and Florida, to the facilities of Charles Temerson & Sons and Tererson Steel Warehouse, Inc., at or near Tuscaloosa, Ala. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Tuscaloosa, Ala.

No. MC 135797 (Sub-No. 11) filed July 5, 1973 Applicant: J. B. HUNT TRANSPORT, INC. 833 Warner Street, S.W. Atlanta, Ga. 30310 Applicant's representative: Virgil H. Smith 1587 Phoenix Boulevard, Suite 12 Atlanta, Ga. 30349 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gamcs and toys, foodstuffs, plastic articles, feed and feed supplements, rice hulls, sporting goods, pulpboard and fiberboard, castings and forgings, and electrical generators and motors and parts thereof*, from the plantsite and warehouse of J. B. Hunt Co. at Lowell, Ark., to points in the United States (except Alaska, Arkansas, and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 136646 (Sub-No. 5) filed July 11, 1973 Applicant: DYKSTRA TRANSPORT, INC. 317 Fourth Ave., S.E. Sioux Center, Iowa 51250 Applicant's representative: Patrick E. Quinn 605 South 14th Street P.O. Box 82028 Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the facilities of Farmland Industries, Inc., at or near Sergeant Bluff, Iowa, and from Fort Dodge, Iowa to points in North Dakota, South Dakota, Minnesota and Nebraska. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 138090 (Sub-No. 2) filed June 27, 1973 Applicant: LOUIS MOLNAR, doing business as L & M PRODUCE AND TRUCK LINES 51 Luverne Avenue Downsview, Ontario, Canada Applicant's representative: Robert D. Gunderman 710 Statler Hilton Buffalo, N.Y. 14202 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Office and stacking chairs*, crated and uncreated, and *replacement parts*, in mixed loads, from the ports of entry on the International Boundary line between the United States and Canada at the Detroit and Niagara Rivers to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

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No. MC 138192 (Sub-No. 3) filed July 3, 1973 Applicant: JAMISON MOTOR LINES, INC. 516 Warren Avenue Dade City, Fla. 33525 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lighting fixtures, and materials and supplies* used in the installation thereof, from Scottsboro, Ala. to points in Arizona, California, New Mexico, Washington, Oregon, Utah, Montana, Wyoming, Idaho, Nevada, and Colorado, and (2) *materials and supplies* used in the manufacture of lighting fixtures, from points in the above named destination states to Scottsboro, Ala. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Atlanta, Ga.

No. MC 138271 (Sub-No. 2) filed June 20, 1973 Applicant: LOWDER'S HORSE TRANSPORT, INC. P.O. Box 28652 Atlanta, Ga. 30328 Applicant's representative: Bill R. Davis 1208 Gas Light Tower Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock*, other than ordinary, and *mascots, tack and supplies and equipment attendants and personal effects of attendants, and supplies and equipment* used in the care and maintenance and showing of such livestock, between points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Arkansas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 138313 (Sub-No. 6) filed June 20, 1973 Applicant: MACK E. BURGESS doing business as, BUILDERS' TRANSPORT 409 14th Street, S.W. Great Falls, Mont. 59404 Applicant's representative: Irene Warr 430 Judge Building Salt Lake City, Utah 84111 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, millwork, wooden poles, wooden posts, wooden beams, particle board, plywood and hardboard*, (1) from points in Montana, to those ports of entry on the International Boundary Line between the United States and Canada which intersect the Alberta and Saskatchewan provincial boundary lines; and (2) from points in Montana, to points in North Dakota. Note: Applicant currently holds contract carrier authority in MC 126780 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 138409 (Sub-No. 2) filed July 5, 1973 Applicant: BILLY C. ALBRITTON Route 2 2005 Eastwood Drive Kinston, N.C. 28501 Applicant's representative: Vaughan S. Winborne 1108 Capital Club Building Raleigh, N.C. 27601 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry in bags, and in bulk, in dump and flat bed equipment, from Hartsville, S.C. and Norfolk, Va., to points in North Carolina. Note: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C. or Norfolk, Va.

No. MC 138442 (Sub-No. 2) filed June 18, 1973 Applicant: GORDON M. EBBERT doing business as: JADE AIR CARGO Bldg. 429 P.O. Box 866, Grant County Airport Moses Lake, Wash. 98837 Applicant's representative: Robert G. Gleason 5403 Rainier Avenue South Seattle, Wash. 98118 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), restricted to traffic having a prior or subsequent movement by air, between Seattle-Tacoma International Airport, Spokane International Airport, Portland International Airport, Yakima Airport, Coulee Dam Municipal Airport, and those airports located at or near Ellensburg, Sunnyside, Pasco, Wenatchee, Okanogan, Omak, Twisp, Brewster, Ephrate, Moses Lake, Othello, Cashmere, Chelan, Waterville and Oroville, Wash., on the one hand, and on the other, points in Washington lying east of the Cascade Mountain Range (except points lying east of U.S. Highway 395 as it extends from the Washington-Oregon border to its junction with U.S. Highway 2, points lying north of U.S. Highway 2, between its junction with U.S. Highway 395, and its junction with Washington State Highway 21, at or near Wilbur, Wash., and those points lying east of Washington State Highway 21, as it extends from said junction to the United States-Canadian International Boundary). Note: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 138471 (Sub-No. 1) filed July 5, 1973 Applicant: DANIEL J. LEONARD, doing business as LEONARD TRUCKING 1878 Delameter Road Castle Rock, Wash. 98611 Applicant's representative: David C. White 2400 S.W. Fourth Avenue Portland, Oreg. 97201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden shakes and shingles*, from points in Washington on and west of U.S. Highway 97, to points in California, and (2) *wine and malt beverages*, from Azusa, Los Angeles, Madera, Modesto, San Francisco, and Van Nuys, Calif., to Chehalis and Longview, Wash. Note: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 138626 filed April 9, 1973 Applicant: LESLIE OAKLEY JR. AND BARRY OAKLEY doing business as: OAKLEY BROTHERS TRUCKING Fairfield, Mont. 59436 Applicant's representative: L. D. Nybo 529 Great Falls National Bank Bldg. Great Falls, Mont. 59401 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, aluminum, and steel irrigation pipe* of various sizes and dimensions and *fittings* used incident thereto; *wheel line sprinklers, sprinkler components and materials and equipment* used incident to wheel line sprinkler devices, from Eugene, Portland, and Clackamas, Oreg.; Tacoma, Seattle, and Spokane, Wash.; and Boise, Idaho, to points in Montana, under a continuing contract, or contracts, with Mountain Supply Co., Inc. and distributors and manufacturers of the named commodities. Note: If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont. or Spokane or Seattle, Wash.

No. MC 138691 (Sub-No. 1) filed July 2, 1973 Applicant: EVERGREEN DISTRIBUTING COMPANY, INC. 1610 W. Markle Avenue Vancouver, Wash. 98660 Applicant's representative: Russell M. Allen 1200 Jackson Tower Portland, Oreg. 97205 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shakes and trim*, from the mill of Longview Booming Co., Inc. at or near Longview, Wash., to points in California, under contract with Longview Booming Co., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg. or Longview, Wash.

No. MC 138808 filed June 11, 1973 Applicant: A. M. TRUCKING, INC. Box 345 Oak Ridge, N.J. 07438. Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags, paper boxes, wrapping paper, plastic bags, and materials, equipment and supplies* used or useful in the manufacture and sale of the foregoing commodities, between points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, under a continuing contract with Equitable Bag Co., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 138846 (Sub-No. 2) filed July 3, 1973 Applicant: A. C. WHITE STORAGE COMPANY, INC. 660 Edgewood Ave., N.E. Atlanta, Ga. 30312 Applicant's representative: J. Michael May 1000 Fulton Federal Bldg. Atlanta, Ga. 30303 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ranges, ovens, range tops, range hoods, refrigerators, disposal units, trash compactors, dish washers, vacuum systems, air conditioners, kitchen cabinets, and attachments, and accessories* for the above named commodities, from points in Fulton County, Ga., to points in Alabama, and those in Florida in and north of the southern boundaries of Dixie, Gilchrist, Alachua, Putnam and Flagler Counties, Fla., under a continuing contract, or contracts, with Tappan, Division of The Tappan Company. Note: Applicant holds common carrier authority in MC 120606 (Sub-No. 1), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed

necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 138870 (Sub-No. 1) filed July 2, 1973 Applicant: MOBILE TRUCK CONTROL, INC. P.O. Box 2525 Mobile, Ala. 36601 Applicant's representative: Alice M. Meadows 804 First Federal Towers Mobile, Ala. 36616 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized* (intermodal) *freight*, all kinds, with prior or subsequent move via water, and *empty containers*, between any port in Mobile County, Ala., on the one hand, and, on the other, points in Alabama, Georgia, Tennessee, Kentucky, and those in Mississippi north of a line extending from the intersection of the eastern boundary of Mississippi and U.S. Highway 98, westwardly along U.S. Highway 98 to its intersection with Mississippi Highway 26, westwardly along Mississippi Highway 26 to the western boundary of Mississippi, and points in that portion of Florida west of the Suwannee River, and to include the city limits of all cities contiguous to all of the aforementioned boundaries. Note: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 138874 filed June 20, 1973 Applicant: PACKARD, INC. P.O. Drawer "H" Buras, La. 70041 Applicant's representative: Henry O'Connor, Jr. 1440 Oil & Gas Bldg. New Orleans, La. 70112 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield equipment and materials, timbers, machinery, pipe, cement, lumber and materials, supplies and equipment* to be used in the construction, development, operation and maintenance of facilities for the discovery and development of natural gas and petroleum and *fertilizer and building materials*, used in excavating and construction of dirt work, between points in Louisiana. Note: The purpose of the instant application is to convert applicant's Certificate of Registration to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at New Orleans, or Baton Rouge, La.

No. MC 138875 filed June 18, 1973 Applicant: SHOEMAKER TRUCKING COMPANY 8624 Franklin Road Boise, Idaho 83705 Applicant's representative: F. L. Sigloh P.O. Box 7651 Boise, Idaho 83707 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *wood and steel trusses and component parts and laminated wooden beams*, from plantsites of Trus-Joist Corporation, located at points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundary of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, to points in the United States in the territory described above. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 138877 filed April 26, 1973 Applicant: SOUTHERN IDAHO DISTRIBUTING COMPANY OF BOISE, INC. P.O. Box 525 Eagle, Idaho 83616 Applicant's representative: Larry D. Ripley P.O. Box 1559 1010 Bank of Idaho Building Boise, Idaho 83701 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine and beer*, from points in California, Oregon and Washington, to points in Idaho south of the Salmon River; and (2) *beer*, from points in Arizona, to points in Idaho south of the Salmon River. Note: If a hearing is deemed necessary, applicant requests it be held at Boise, Twin Falls, or Pocatello, Idaho.

No. MC 138908 filed January 22, 1973 Applicant: ROGER GARRIS Route 115 Saylorsburg, Pa. 18353 Applicant's representative: Michael J. Wetmore 401 Prospect Street E. Stroudsburg, Pa. 18301 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone and stone products, slate and slate products*, between points in Northampton, Monroe, Carbon, Pike, Wayne, Luzerne, Wyoming, Lehigh and Lackawanna Counties, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (2) *granite and granite products, marble and marble products, stone and stone products, and wollastonite*, between points in Clinton, Franklin, St. Lawrence, Jefferson, Lewis, Oswego, Oneida, Herkimer, Hamilton, Fulton, Montgomery, Saratoga, Washington, Warren, and Essex Counties, N.Y., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (3) *stone and stone products, granite and granite products, marble and marble products, slate and slate products, wollastonite and mineral pigments*, between Lemoille, Caledonia, Chittenden, Washington, Addison, Orange, Rutland, Windsor, Bennington and Windham Counties, Vt., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Note: If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 138918 filed July 5, 1973 Applicant: LIONEL L. GUMM, doing business as GUMM TRUCKING CO. 1816 Dunkirk Drive Lexington, Ky. 40504 Applicant's representative: Richard E. Vimont 139 Market Street P.O. Box 2086 Lexington, Ky. 40501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated and fiber boxes and containers, and materials and supplies* used in the manufacture of corrugated and fiber boxes and containers, (a) between the plant site of Alton Box Board Co., at Lexington, Ky., on the one hand, and, on the other, points in New Albany and Jeffersonville, Ind., and (b) between the plant site of Alton Box Board Co., at Aurora, Ind., on the one hand, and, on the other, the plant site of Alton Box Board Co., at Lexington, Ky., under contract with Alton Box Board Co. Note: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

MOTOR CARRIER OF PASSENGERS

No. MC 28339 (Sub-No. 8) filed July 11, 1973 Applicant: BREMERTON-TACOMA STAGES, INC. 1936 Westlake Avenue Seattle, Wash. 98101 Applicant's representative: James E. Wilson 1032 Pennsylvania Bldg. Pennsylvania Avenue & 13th St., N.W. Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing or pleasure tours, beginning and ending at points in Mason, Thurston, Pierce, and Kitsap Counties, Wash., and extending to points in the United States including Alaska, (but excluding Hawaii). Note: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 58915 (Sub-No. 56) filed May 21, 1973 Applicant LINCOLN TRANSIT CO., INC. Route 46 East Paterson, N.J. 07407 Applicant's representative: Robert E. Goldstein 8 West 40th Street New York, N.Y. 10018 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, (1) Between junction Monmouth County Highway 524 and Stillwells Corner Road, and Monmouth County Highway 537 in Monmouth County, N.J.: From junction Monmouth County Highway 524 and Stillwells Corner Road over Monmouth County Highway 524 to junction Iron Bridge Road, thence over Iron Bridge Road to junction Monmouth County Highway 537, and return over the same route, serving all intermediate points; (2) Between junction Ocean County Road 549 and Garden State Parkway Interchange Road 91, and junction Burnt Tavern Road and Ocean County Road 549 in Ocean County, N.J.: From junction Ocean County Road 549 and Garden State Parkway Interchange Road 91 over Ocean County Road 549 to junction Herbertsville Road, thence over Herbertsville Road to junction Maple Avenue, thence over Maple Avenue to junction Burnt Tavern Road, thence over Burnt Tavern Road to junction Ocean County Road 549, and return over the same route, serving all intermediate points; and (3) Between junction Ocean County Road 526 and U.S. Highway 9, and Ocean County Road 549 in Ocean County, N.J.: From junction Ocean County 526 and U.S. Highway 9 over Ocean County Road 526 to junction Ocean County Road 549, and return over the same route, serving all intermediate points. Note: Common control may be involved. Applicant states that the requested authority will be joined with its existing authority to provide service to and from New York, N.Y.

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If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 114755 (Sub-No. 2) filed June 29, 1973 Applicant: NEWBURGH BEACON BUS CORP. Windsor Highway Route 32—Box 2628 Newburgh, N.Y. 12550 Applicant's representative: Clyde E. Herring Suite 501 1111 E Street, N.W. Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle as passengers, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Dutchess, Orange, Putnam and Ulster Counties, N.Y., and extending to points in the United States including Alaska (but excluding Hawaii). Note: If a hearing is deemed necessary, applicant requests it be held at either Newburgh, Albany, or New York City, N.Y.

APPLICATION FOR BROKERAGE LICENSES PROPERTY

No. MC 130204 filed May 21, 1973 Applicant: GREAT LAKES TRUCK BROKERS COMPANY, INC. 15115 Nebraska Avenue Tampa, Fla. 33605 Applicant's representative: Gary P. Gormin 1212 So. Highland Avenue Clearwater, Fla. 33516 Authority sought to engage in operation, in interstate or foreign commerce as a *broker* at Tampa, Fla., Chicago, Ill., and Green Bay and Milwaukee, Wis., to sell or offer to sell the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require special handling), in truck load or less than truck load lots, between points in the United States (except Alaska and Hawaii). Note: If a hearing is deemed necessary, applicant requests it be held at either Tampa, Orlando, or Miami, Fla.

APPLICATION FOR BROKERAGE LICENSES PASSENGER

No. MC 130202 filed April 23, 1973 Applicant: COLONIAL BANK, doing business as, COLONIAL BANK TRAVEL AGENCY 2714 Canal St. P. O. Box 19044 New Orleans, La. 70179 For a license (BMC-5) to engage in operations as a *broker* at New Orleans, La., in arranging for the transportation, by motor vehicle, in interstate or foreign commerce, of *passengers* and *groups of passengers and their baggage*, in pleasure tour operations, between points in Louisiana, Mississippi and Texas.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-16940 Filed 8-15-73;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 73-216]

FOREIGN CURRENCIES

Certification of Rates

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 73-190 for the Malaysian dollar. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Malaysian dollar:	
July 30, 1973	$0.4440
July 31, 1973	.4440
August 1, 1973	.4440

[SEAL] NEIL J. MARSH, *Acting Director, Appraisement and Collections Division.*

[FR Doc.73-17109 Filed 8-15-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

SCIENTIFIC ADVISORY BOARD OF THE ARMED FORCES INSTITUTE OF PATHOLOGY

Establishment, Organization and Functions

In accordance with the provisions of Public Law 92-463, Federal Advisory Committee Act, notice is hereby given that the Scientific Advisory Board of the Armed Forces Institute of Pathology has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The charter for the Scientific Advisory Board of the Armed Forces Institute of Pathology is as follows:

Designation. The official designation of this committee is the Scientific Advisory Board of the Armed Forces Institute of Pathology (hereinafter referred to as "the Board").

Objectives and scope. The Board serves as a scientific advisory body to the Director, Armed Forces Institute of Pathology, to provide him and his staff with scientific and professional advice and guidance in matters pertaining to operational programs, policies and procedures of the AFIP central laboratory of pathology for the Department of Defense and other federal agencies with responsibilities for consultation, education and research in the field of pathology.

Duration. The period of time necessary for the Board to carry out its activities is continuing. However, the Director, Armed Forces Institute of Pathology, shall review the necessity for the Board biennially. He shall apply for continuation in accordance with the provisions of Public Law 92-463, Federal Advisory Committee Act, October 6, 1972 and applicable implementing directives, if it is deemed that the Board is still required.

Responsible agency. The Board shall report to the Director, Armed Forces Institute of Pathology.

Composition. The Board shall be composed of not more than 24 members, 20 selected from the civilian community on the basis of their national or international prominence in major specialties in medicine and science allied to the functions of the Institute and one representing the Professional Directorate of each military service and the Veterans Administration. Each member will be appointed upon the advice of the Director, Armed Forces Institute of Pathology, and concurrence of the Armed Forces Institute of Pathology's Board of Governors (Surgeons General of the Army, Navy and Air Force) by the Secretary of the Army.

Term of office shall be five years, with the initial terms staggered so that the appointments of one fifth of the Board shall expire each year. No member may serve two terms in succession. A former member may be reappointed to the Board after an interval of not less than one five-year term following completion of his last previous term.

Support. The agency responsible for providing necessary support to the Board is the Armed Forces Institute of Pathology.

Executive Secretary. The Board shall be assisted by an Executive Secretary and such other qualified civilian and military personnel as may be required in the administration of the activities of the board. The Executive Secretary shall be ex-officio the Executive Officer of the AFIP (as an additional duty). He is a full-time, salaried government employee who has the authority to adjourn any meeting which he considers not to be in the public interest.

The Executive Secretary shall be assisted by appropriate administrative and clerical staff of the Institute performing these functions in addition to their regularly assigned duties. The Director, Armed Forces Institute of Pathology, shall provide office space and funds for salaries, travel, office supplies and related expenses.

Duties. The duties of the Board are to advise the Director, Armed Forces Institute of Pathology, on matters pertaining to:

The character, scope, and adequacy of educational and experimental, statistical, and morphological research programs undertaken by the Institute to include their correlations with other medical specialties.

The correlation of education and research conducted in the Institute with that of other institutions to avoid unnecessary duplication and to facilitate the work of the Institute.

The utilization for educational and research purposes of the vast accumulation of pathologic material in the Institute to include their use in the Medical Museum.

The character, scope, and adequacy of the technical and professional training programs of the Institute for Medical Department personnel and others.

The use of new techniques, equipment, and scientific apparatus in consultation, education and research.

The character, size and adequacy of consultation services to include the development and evaluation of new pathologic tests and diagnostic procedures.

The continuation of review for quality control of pathologic diagnoses for the medical services.

Such other matters as are deemed of benefit to the Institute.

Estimated cost. The estimated annual operating cost of the Board is:

Office of the Executive Secretary:
Man-years: Military less than 1/12 man-year total. Civilian less than 1/12 man-year total.
Budget: $1,100 (civilians only).
The Board: Budget $10,000 (one 2-day meeting annually and 2 three-member subcommittees inclusive of travel and (honorarium).

Meetings. The Board shall meet at least once annually for a two-day period. Subcommittees (Study Teams) shall meet as required.

Operation. The Board shall operate in accordance with Public Law 92-463, Executive Order 11686, and implementing OMB and DoD regulations for Federal Advisory Committees.

Committee's termination date. Two years from the date of filing or when its mission is completed, whichever is sooner, or unless prior approval for its continuation is obtained.

Date Charter Filed.

MAURICE W. ROCHE, *Director, Correspondence and Directives Division, OASD (Comptroller).*

AUGUST 13, 1973.

[FR Doc.73-17092 Filed 8-15-73;8:45 am]

DEPARTMENT OF DEFENSE HIGH-ENERGY LASER REVIEW GROUP

Establishment, Organization and Functions

In accordance with the provisions of Public Law 92-463, Federal Advisory Committee Act, notice is hereby given that the DoD High-Energy Laser Review Group has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The charter for the DoD High-Energy Laser Review Group is as follows:

Purpose. The purpose of the Department of Defense High-Energy Laser Review Group (HELRG) is to advise the Director of Defense Research and Engineering (DDR&E), on a continuing basis, regarding economical and effective research, development, test and evaluation efforts in the field of high-energy laser weapon systems that are conducted within the DoD and to relate them to other national laser research programs.

Scope. The HELRG will provide a focal point for periodic and detailed review of all DoD plans and programs directed toward the research, development, and testing of high-energy laser weapon systems. The Group will periodically advise the DDR&E on current progress in high-energy laser technology, significant technological advances, and promising areas of new research worthy of additional support. Further, it will periodically analyze the level of coordination of DoD activities in high-energy laser RDT&E and make recommendations for improvement. It will provide a forum for exchange of program information between the DoD and other national laser programs.

Membership. The membership of the HELRG shall consist of nine members, designated alternates, and associate members as may be required to carry out the responsibilities of the Group.

Members. The DDR&E will appoint four members of the Group from qualified persons within the scientific community recognized for their preeminence in the fields of research and engineering. These members may include officials of other agencies or departments of the government who possess the expertise desired by the DDR&E. These members will serve for a renewable term of two years.

Members from the DoD will consist of the high-energy laser program manager, and a designated alternate each from the Army, Navy, and Air Force, and Defense Advanced Research Projects Agency; and one member from the staff of the DDR&E, the Assistant Director (Space and Advanced Systems). These members will serve for an indefinite term.

Associate Members. As set forth in Operations, the HELRG may establish formal subgroups and ad hoc study groups. Upon nomination by the HELRG and approval of the DDR&E, each member of the subgroups and ad hoc study groups shall be appointed to Associate Membership of the HELRG.

Chairman. The chairman of the HELRG will be the Assistant Director (Space and Advanced Systems), ODDR &E, a full-time, salaried employee of the U.S. Government, who will have authority to adjourn any meeting of the HELRG which is not considered to be in the public interest.

Functions. The functions of the HELRG include:

Review and consideration of all aspects of the high-energy laser RDT&E requirements, projects, and programs of the military departments and Defense Agencies.

Analysis and consideration of the high-energy laser programs of other executive departments and agencies of the government in order to assure appropriate consideration of these efforts in all of the Group's recommendations to the DDR&E.

Review, analysis, and consideration of Independent Research and Development (IR&D) expenditures by U.S. industry in the development of high-energy laser technology and components of equipment applicable to weapon system development.

Preparation of reports and analyses for presentation to the DDR&E summarizing the Group's activities, accomplishments and objectives and recommendations concerning the discharge of its functions.

Such other functions as are compatible with this charter and are considered appropriate by the DDR&E.

Operations. The HELRG will operate in accordance with provisions of Public Law 92-463, Executive Order 11686, and implementing Office of Management and Budget and Department of Defense regulations for Federal Advisory Committees.

In the execution of its functions the HELRG will operate under the supervision, administration, and control of the Assistant Director (Space and Advanced Systems), ODDR&E, and in accordance with established ODDR&E policies.

The HELRG shall meet regularly four times each year and at such other times as may be called by the Chairman or the DDR&E.

The procedures for developing the advice and recommendations of the HELRG shall be as flexible as is consistent with its purpose. The Group is authorized to establish, subject to the approval of the Assistant Director (Space and Advanced Systems), ODDR&E:

Formal subgroups to conduct continuing in-depth reviews of all major subdivisions of high-energy laser technology and to review and advise on other problems that may arise.

Informal ad hoc study teams to advise on immediate problems of a crisis or urgent nature. Such ad hoc study groups shall terminate when no longer required but in no case longer than twelve months.

The subgroups and study groups will carry out their work as a charge from the HELRG, and will report their findings to the Group for approval and consideration for further dissemination.

The HELRG will prepare for the DDR&E, not less frequently than once a year, a report summarizing its activities during the period covered and making program recommendations for the next period.

The Assistant Director (Space and Advanced Systems), ODDR&E, will arrange for the necessary support for the HELRG and its formal subpanels and ad hoc study groups.

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Liaison. The HELRG shall maintain liaison with other groups and agencies both within and outside the Department of Defense, that have related interests.

Funding. The estimated total annual operating costs will be approximately $100,000. The time expended by government employees who are members of the HELRG is estimated as one man-year annually.

Termination. The HELRG shall terminate two years from the date the charter is filed or on completion of its mission, unless prior to that time its continuation is approved for another period of two years.

Date charter filed:

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

AUGUST 13, 1973.

[FR Doc.73-17091 Filed 8-15-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

HONOKOHAU STUDY ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the Honokohau Study Advisory Commission will be held on August 24, 25, and 26 on the Island of Hawaii.

The Commission was established by Public Law 92-346 to provide advice to the Secretary of the Interior on matters relating to the making of a study of the feasibility and desirability of establishing as a part of the National Park System an area comprising the site of Honokohau National Historic Landmark.

Members of the Commission are as follows:

Colonel Arthur Chun, Kailua-Kona (Chairman); Rev. Henry K. Boshard, Kailua-Kona; Ms. Nani Mary Bowman, Honolulu; Mr. Fred Cachola, Waianae; Mr. Alika Cooper, Hilo; Dr. Kenneth P. Emory, Honolulu; Mr. Homer A. Hayes, Honolulu; Mr. Kwai Wah Lee, Hilo; Ms. Iolani Luahine, Kailua-Kona; Mr. George Naope, Hilo; Mrs. Abbie Napeahi, Hilo; Mr. George Pinehaka, Honaunau, Kona; Mr. David K. Roy, Kailua-Kona; Mr. Pilipo Springer, Holualoa; and Mrs. Emily Kaai Thomas, Honolulu.

The matters to be considered at the meeting are:

1. Review of basic data gathered to date;
2. Review of outline of report;
3. Gathering of supplemental data and ideas from interested persons, agencies, and organizations;
4. Inspection of comparative areas which afford insight into Hawaiian cultural practices and resource uses, and park plans.

On August 24, the Commission will visit the City of Refuge National Historical Park. The morning of August 25, the Commission will visit the Puukohola Heiau National Historic Site. A formal meeting of the Commission will be held from 1:00 p.m. to 5:00 p.m. in the Kulana Naauao, 14 Keawe Street, Hilo, Hawaii. The Commission will visit the Kalapana District of Hawaii Volcanoes National Park on August 26.

The meeting will be open to the public, and participation is encouraged. Transportation will not be provided for members of the public for the field inspections. However, members of the public may participate in these inspections by providing their own transportation. Any person may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Robert L. Barrel, State Director, Hawaii, National Park Service, 677 Ala Moana Blvd., Suite 512, Honolulu, Hawaii 96813.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the Office of the State Director, Hawaii, and the Director, Western Region, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102.

Dated: August 10, 1973.

STANLEY W. HULETT,
Associate Director, National Park Service.

[FR Doc.73-17019 Filed 8-15-73;8:45 am]

NATURAL SCIENCES ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Natural Sciences Advisory Committee will be held at 9 a.m., August 22, 1973, in Room 5546, Interior Building, 18th and C Streets, NW., Washington, D.C.

The Committee was established to render advice to the Director of the National Park Service regarding the management of natural resources within the National Park System, and the scientific information required to accomplish that task.

Members of the Committee are as follows:

Dr. Stanley A. Cain
University of California
Santa Cruz, California

Dr. A. Starker Leopold
University of California
Berkeley, California

Dr. Charles E. Olmsted
University of Chicago
Chicago, Illinois

Dr. Sigurd F. Olson
Ely, Minnesota

Dr. Alvin L. Bertrand
Louisiana State University
Baton Rouge, Louisiana

Dr. Durward L. Allen
Purdue University
Lafayette, Indiana

The meeting will be closed to the public. The Director of the National Park Service has made a determination in accordance with section 10(d) of the Federal Advisory Committee Act that the meeting will involve matters exempt from public disclosure under the provisions of 5 U.S.C. 552(b). However, any member of the public may file with the Advisory Committee a statement in writing concerning any of the matters to be discussed.

The purpose of the meeting is to consider individuals for the position of Chief Scientist of the National Park Service, and will involve the review of personnel files of various individuals. The meeting will also involve discussion of the internal personnel rules and practices of the National Park Service and the Department of the Interior.

Persons desiring further information concerning this meeting or who wish to file written statements may contact Dr. Theodore W. Sudia, Office of Natural Science, National Park Service, at 202 343-4011.

A report of the meeting will be prepared in accordance with the provisions of the Federal Advisory Committee Act.

Dated: August 9, 1973.

STANLEY W. HULETT,
Associate Director, National Park Service.

[FR Doc.73-17020 Filed 8-15-73;8:45 am]

PROPOSED WILDERNESS CLASSIFICATION FOR GUADALUPE MOUNTAINS NATIONAL PARK, TEXAS

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for Proposed Wilderness Classification for Guadalupe Mountains National Park, Texas.

The final environmental statement considers the designation of 46,850 acres of Guadalupe Mountains National Park as wilderness.

Copies are available from or for inspection at the following locations:

Southwest Regional Office
National Park Service
Old Santa Fe Trail
P.O. Box 728
Santa Fe, New Mexico 87501

Carlsbad Caverns National Park
P.O. Box 1598
Carlsbad, New Mexico 88220

Dated: August 8, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-17045 Filed 8-15-73;8:45 am]

Office of the Secretary

E. E. WALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Change: Sold 300 shares of Honeywell, Inc. stock. Purchased an unknown number of Standard Oil Company of California shares of common stock under the company plan. These purchases are made automatically by means of payroll deduction and I do not have information as yet regarding the total number of shares purchased since the last financial interest statement.
(3) No change.
(4) No change.

This statement is made as of August 23, 1973.

Dated: August 1, 1973.

E. E. WALL.

[FR Doc.73-17037 Filed 8-15-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

EMERGENCY LOANS

Designation of Areas

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in Washington as a result of a natural disaster caused by extremely low temperatures during the winter of 1972-73, associated with the lack of snow coverage and drought conditions developing from January through June 1973. Governor Daniel J. Evans, Governor of the State of Washington, has requested that the Secretary of Agriculture declare these areas as disaster areas. The incidence period for this disaster is December 1, 1972, through July 1, 1973. The following counties in Washington are affected by such natural disasters:

Ferry	Spokane
Pend Oreille	Stevens

Therefore, these counties are designated eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-24. Applications for Emergency loans must be received by this Department prior to October 9, 1973, for physical losses and prior to May 7, 1974, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 9th day of August, 1973.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.73-17043 Filed 8-15-73;8:45 am]

Forest Service

MULTIPLE USE PLAN ON THE PORCUPINE/BUFFALO HORN PLANNING UNIT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Multiple Use Plan on the Porcupine/Buffalo Horn Planning Unit, Forest Service report number USDA-FS-DES (Adm) 73-94.

The environmental statement concerns a proposed implementation of a revised Multiple Use Plan for the Porcupine/Buffalo Horn Planning Unit, Gallatin Ranger District, Gallatin National Forest in Gallatin County, Montana. Forty-six thousand one hundred and sixty-seven acres are affected. Inventory analysis was done to the most intense level used by the Forest Service. The plan provides the District Ranger with detailed management prescriptions for the Unit. The Unit is broken into four subunits (management units) which contain similar resource problems, opportunities, and capabilities.

This draft environmental statement was filed with CEQ on August 9, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building
Missoula, Montana 59801

USDA, Forest Service
Gallatin National Forest
P.O. Box 130
Federal Bldg.
Bozeman, Montana 59715

A limited number of single copies are available upon request to Forest Supervisor Paul D. Weingart, Gallatin National Forest, P.O. Box 130, Federal Bldg., Bozeman, Montana 59715.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Paul D. Weingart, Gallatin National Forest, P.O. Box 130, Federal Bldg., Bozeman, Montana 59715. Comments must be received by September 23, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

[FR Doc.73-17042 Filed 8-15-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[Case No. 432]

ARTUR W. EVEN

Notice of Appeal

Statement. On August 4, 1972, the Bureau of International Commerce, Department of Commerce, issued an order, effective August 11, 1972, suspending for four years the US export privileges of Mr. Artur W. Even, Am Forsthaus Gravenbruch 53, 6078 Neu Isenburg 2, of the Federal Republic of Germany. The order was based on charges that Even made false and misleading statements to said Bureau's Office of Export Control and other offices of the U.S. Government in the course of pre-licensing and post-licensing investigations conducted under the Export Control Act of 1949, as amended; and (b) through such misrepresentations caused commodities to be exported from the U.S. and disposed of contrary to prior representations. The misrepresentations were made and the exports and dispositions were effected between 1967 and 1969.

Based on the same charges, the Bureau's order also suspended the US export privileges of Even's then employer, Otavi Minen und Eisenbahn Gesellschaft, of Frankfurt, FRE, for three years, of which all save the first five months, however, were subject to probationary terms. By a separate order of the same date, based on charges of a similar and related nature, the Bureau suspended for four years the export privileges of Dr. H. O. W. Brenner, then managing director of Otavi, and Even's top superior.

The Bureau's two orders were not published in the FEDERAL REGISTER at the time of their issuance, because of stays granted in connection with appeals to this Appeals Board, which were filed by all of the parties. On December 4, 1972, however, Otavi withdrew its appeal and the stay of the Even-Otavi order was vacated as to it. Such order was then put into effect by the Bureau, rewritten as a separate order, December 8, 1972 (37 FR 26444). The stay of the Even part of the original order remained in effect pending his appeal. Thereafter, Brenner's appeal was considered by the Board, and was denied on February 15, 1973. On February 27, the Bureau's separate order against Brenner was put into effect (38 FR 2573).

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By letter dated February 12, the Board notified Even that considering (1) the exceptional nature of stays pending appeals of export denial orders, (2) the consequent obligation of an appellant to pursue his appeal promptly after a stay has been granted, and (3) Even's failure to attend the oral hearing before the Board that was requested by him, under time arrangements that had twice been made to accommodate him, the stay of the Bureau's order of August 4, 1972 was terminated. This was, of course, without prejudice to the oral hearing of Even's appeal at a later date, as he requested. The denial order against Even, therefore, went into effect on February 27, 1973 (38 FR 5271). This order omitted, however, the portions concerning Otavi which were covered by the separate order referred to above.

At Even's request, his appeal was reset for April 13, 1973, when he appeared in person at Washington, D.C. The Board permitted him to offer written and oral evidence as well as arguments. In addition to dealing with the merits, Even disclosed that while the original order was stayed he had been hired by the West German affiliate of an American company to handle the receipt and on forwarding of U.S. origin goods to the firm's customers. Noting the impact on him and his new employer of the order of February 27, Even urged that it be reversed on the merits, or at least modified to enable him to retain his position pending the appeal.

Thereafter, on May 30 and June 5, the American company, for its West German affiliate, also requested an exception to the Bureau's order, for the same purpose. Assurance was given that Even's work would be supervised by the management, who would not permit him to determine the destination of any consignments. On June 15, the West German affiliate was given permission to continue to allow Even to handle U.S. origin goods, pending this appeal, conditioned on effective management supervision.

SUMMARY OF BUREAU'S ORDER AND EVEN'S DEFENSE

Following is a summary of the key findings of the Bureau on which its order was based. To the extent contested by Even, each such finding is followed by a parenthetical summary of his rebuttal evidence offered to the Appeals Board.

1. According to the Bureau, during 1966–1969, Even was the manager of the metals trading department, and Brenner was the General Manager of Otavi, a large West Germany company engaged in the production and sale of rare metals and ceramics, for structural use and insulating material. It also had mining subsidiaries in South Africa. Its West German office, where Even and Brenner were located, was in Frankfurt, and it had plants in two nearby towns.

(a) In addition to his metals trading duties, Even (under Brenner's supervision) also purchased machinery and equipment for the plants.

(Even testified that at the beginning of this period he had only worked for Otavi about a year. Trained as a forwarder, he had to learn the metals business on the job. Throughout, instead of being a manager, Even was a specialist or clerk in the metals (raw materials and refractories) department, one of nine people under a Mr. Menthol. Even's duties concerned (a) selling products of the Neu Isenburg plant, i.e., germanium oxide and metal, and some special metals used in electronics; and (b) purchasing raw materials for that plant. In addition, directly on instructions from Brenner, the general manager, Even purchased machinery. He visited the plant at Neu Isenburg about once a month, but only visited the other plant twice in the whole period).

2. According to the Bureau, Even and Brenner, in Otavi's name, bought from a US firm and its Swiss subsidiary $450,000 of strategic US origin equipment and machinery for use in the manufacture and testing of semi-conductors (transistors and diodes). The US export licenses were granted, naming Otavi as ultimate consignee. In June 1967, before the equipment and machinery were exported by air freight from the US to Frankfurt, Even came to the US to expedite the shipment. At that time, in response to questions from one of the Bureau's investigators, Even said the equipment and machinery were to be used at the Neu Isenburg plant.

(a) However, as early as December 1966, Even and Brenner had negotiated a contract for Otavi to sell the same equipment and machinery to FIMORCO, a Munich trading firm. On arrival by air freight at Frankfurt, in June 1967, Otavi delivered the equipment and machinery to FIMORCO, which redelivered it to a Stuttgart firm. The machinery and equipment are believed to have been afterward re-exported to East Germany, to which they would not have been licensed by the Bureau.

(b) In October 1967, Even was involved in another similar transaction concerning a US-origin oscilloscope. Even told a Bureau investigator that this instrument was also to be used by Otavi, with the already installed machinery and equipment, in manufacturing semiconductors, although Even knew Otavi was not engaged in and had no intention of engaging that business.

(Even says that in 1967 he accompanied Brenner for the first time on a visit to FIMORCO, at Munich. During this conference, lasting four hours, he was called in by Brenner only when transportation questions were discussed. He also attended later meetings with Brenner, and telephoned FIMORCO, to advise it when a shipment arrived. On some transactions with FIMORCO he arranged to engage as the forwarder a firm for whom he had previously worked. He did not feel he could ask Brenner about FIMORCO's role in the transactions, and in view of his subordinate status did not think Brenner would tell him. He knew FIMORCO was an import-export trading firm and had no plant at which the equipment and machinery could be used. Only Brenner was involved in bringing FIMORCO into the deal. Even did not know of the execution of the contract in question between FIMORCO and Otavi until a year later, and then thought it had been made as a "straw" transaction only, for financing or tax reasons. Even thought the transistor-making and testing equipment was actually for an Otavi plant, as Brenner or another Otavi official had asked him to arrange with the plant manager to provide space for it, and no one told him later that this intention had been abandoned. He understood Otavi's use of the equipment was being kept secret because Otavi sold raw materials to other West German semiconductor manufacturers and did not want them to know it planned to go into competition with them).

3. According to the Bureau, between December 1968 and March 1969, Even falsely told representatives of the US Consulate General, in Frankfurt, in response to their questions, that: (a) Otavi originally ordered the equipment and machinery for use in one of its own plants, and only sold it to FIMORCO about July 1967, after the original intent failed. (b) Technicians who had accompanied him to US supplier for training purposes had been from FIMORCO.

(Even says that he made these representations in good faith, based on his then understandings from Brenner and other officials, and his own surmises).

(With respect to the two technicians Even had represented to be from FIMORCO, Even said they so introduced to him by Brenner and a man named Beyer, who had "started the whole thing." Even said he had no reason to doubt this introduction, and came to the US with those technicians on two occasions. Afterward, he talked to them several times, calling them at Beyer's place, at Garmisch. Much later he learned they were East Germans, who travelled on West German passports).

In addition to thus answering the findings in the Bureau's order, Even responded orally and in writing, as follows, to questions that arose during his appeal hearing:

1. Even contradicted certain testimony which had been furnished in the Bureau's hearing on the Otavi case. This testimony was to the effect that Even and Brenner had entered into these transactions for their personal gain, and not for the benefit of Otavi. Two individuals involved in the transactions were said to have paid them, i.e., Gaertner, an old friend of Even, who was at the time representing a Swiss firm, and Beyer, purportedly an official of the Swiss firm. Even denied they had paid him anything, and said he had not been a partner of Gaertner. He produced statements from them to confirm his denials.

2. However, Even admitted that Beyer "is the guy that did the actual transactions and started the whole thing. This was the guy that phoned me and came to me with that business. Then I turned him over to Brenner because I didn't know anything about that and gave it to Brenner because I heard how much money was involved. This was without my limits that I had in doing transactions on my own." (Tr. p. 30).

3. Even also admitted that Gaertner was an old personal friend, and was known to him to be a representative of a Swiss firm. Even said that at one time he had been instructed by Brenner to turn over to Gaertner certain equipment which had been on exhibition at the U.S. Trade Center in Frankfurt. Even said he had arranged for issuance of a West German import certificate on that equipment, but did not know whether his friend had exported it to Switzerland or obtained a West German export license. Even claimed that his friend later told him that he had handed over the equipment to the responsibility of the Swiss people, as his role was only to arrange for payment in West Germany. Even added that he later learned that Beyer had acted for the Swiss firm and hired his friend as sales and purchasing representative. Following his appeal hearing, Even modified his explanation of this transaction in a letter to the Board, saying that Brenner had asked him to check on transporting the equipment from the Frankfurt Trade Center to Vienna. He obtained information on routes and freight costs from a local forwarder and reported to Brenner, who later told him the equipment would remain in West Germany and would be picked up by Otavi's customer by truck.

4. Even admitted visiting Otavi's Neu Isenburg plant several times between June and October 1967, when he had represented to a Bureau investigator that the machinery and equipment were already installed there. However, he conceded that he never looked to see if the equipment and machinery were there, and only talked with the plant manager about raw materials for its inventory.

5. Even admitted being called into Brenner's office when a representative of the US Consulate General was there, but denied that the representative had asked anything about the US origin machinery and equipment or oscilloscope when he was present, only about how the operations were running. Even claimed that he had learned only after the Consul's visit that the equipment and machinery had been definitely sold to FIMORCO, and that he had then been instructed by Brenner to tell this to the Consul, in case the latter should call again. Even said he accordingly so told the Consular representative, when the latter phoned again a few days afterward.

6. Even several times particularly emphasized that he was never in a position to authorize any of the transactions in question, such power being at all times retained by Brenner.

DECISION

From its review of the record on which the Bureau's order against Even was based, together with the oral and written evidence and arguments on this appeal, the Appeals Board hereby concludes as follows:

1. The Bureau's order is well founded on the facts and law, with the following limited exceptions to the findings and conclusions of that order:

(a) Even was not the manager of Otavi's metals trading department, but was instead one of the subordinates to the manager, and Even was concerned with buying raw materials for and selling metal products of an Otavi plant. In addition, directly under Brenner, he was responsible for purchases of machinery and equipment.

(b) Even had no personal economic interest in any of the transactions involved in this case by way of commission, partnership arrangements, or otherwise.

These exceptions appear to result from the circumstances that: (a) although duly notified, neither Even nor Brenner appeared in person (and submitted only written answers) for the Bureau's hearing, and (b) Otavi there offered evidence only by Brodersen, the official who had succeeded Brenner as general manager, but who was not with Otavi at the time of the acts and transactions covered by such order.

2. These exceptions, while relevant to the nature and duration of the sanction to be imposed, are not deemed to affect the validity of the Bureau's order. The important basis of the Bureau's order concerns Even's representations to U.S. officials. This element of the case is sought to be answered by Even's claim that his representations to the U.S. officials were made in good faith, in reliance on information given him by Brenner and other Otavi personnel, whom he was not in a position to question. It is the Board's conclusion, however, based on all the evidence, that Even either knew or had information available to him from which he could have had timely knowledge that his representations to the officials would be and were misleading to the U.S. Government.

3. The determination in the Bureau's order, to deny Even U.S. export privileges for four years, was not unreasonable, arbitrary or capricious, on the basis of the then existing record. However, since then information has come forth which, in the opinion of this Board, warrants modification of the sanction of the Bureau's order, by reducing its term. This new information is additional to the foregoing, and is as follows: Brenner, who was the general manager of Otavi, and Even's direct superior in the purchases of machinery, was also denied U.S. export privileges for four years, by the separate Bureau order referred to above. Brenner did not elect to appear at either the Bureau's or the Board's hearings, and submitted answers to the Bureau and Board in which he merely sought to excuse the misrepresentations directly made by him to U.S. Consular officials as an intended joke. Even, however, at his own expense, appeared in person before the Board, to which he candidly offered his evidence, although he knew that not all of it was favorable to his cause. Also, it appears that Brenner is a Doctor of Jurisprudence, whereas Even is trained only as a forwarder. These factors, in the Board's opinion, warrant imposing a sanction of lesser duration on Even than on Brenner.

4. Giving due recognition to these differences between the Even and Brenner cases, it is the judgment of the Board that the Bureau's order against Even should be and hereby is modified:

(a) By reducing the duration of Even's denial of export privileges to a term of two years from February 27, 1973, the effective date of the Bureau's order; and

(b) By maintaining in effect the aforementioned exception previously granted pending his appeal, to allow Even to continue to be employed by the West German affiliate of the U.S. company, in the handling and on-forwarding of its U.S. origin goods, subject to effective management supervision, for the duration of this modified order, and provided Even continues to comply with U.S. export controls.

THEODORE L. THAU,
Acting Chairman.
NATHAN OSTROFF,
Board Member.

AUGUST 9, 1973.

[FR Doc.73-17010 Filed 8-15-73;8:45 am]

Maritime Administration

[Docket No. S-381]

OPERATING-DIFFERENTIAL SUBSIDY FOR CARRIAGE OF BULK CARGO PRINCIPALLY BETWEEN THE U.S. AND U.S.S.R.

Notice of Multiple Applications

Notice is hereby given that the corporations listed in Appendix A have filed applications for extension of operating-differential subsidy contracts to carry bulk cargoes to expire, unless extended, on December 31, 1973 (except for subsidized voyages in progress on that date). The bulk cargo carrying vessels proposed to be subsidized and a description of each of such vessels are also presented in Appendix A.

Said applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

These vessels are to engage in the carriage of export bulk, raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the United States to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk, raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk, raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the Federal Register on August 3, 1973 (38 F.R. 20807).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vessel named will engage in the trades described on a full-time basis through December 31, 1973 (with extension to termination of approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differ-

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ential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

The Board has previously found during fiscal year 1973, that section 605(c) was no bar to the grant of operating-differential subsidy to each of the applicants listed in Appendix A.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before August 23, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event requests for hearing and petitions regarding the relevant section 605(c) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled commencing at 10 a.m., August 24, 1973, and continuing on succeeding business days if required, in Room 4896, Department of Commerce Building, 14th and E Streets, N.W., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon. Evidence concerning each application will be heard in the order in which applicants are listed in Appendix A.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: August 10, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

APPENDIX A

Name of applicant	Vessel names	Type of ship
Eagle Terminal Tankers, Inc.	SS Eagle Charger	Tanker
	SS Eagle Leader	Do.
	SS Eagle Courier	Do.
	SS Eagle Transporter	Do.
Sea Transport Corporation.	SS Eagle Traveler	Tanker
	SS Eagle Voyager	Do.
Academy Tankers, Inc.	SS Thomas A	Tanker
	SS Thomas Q	Do.
	SS Thomas M	Do.

[FR Doc.73-16945 Filed 8-15-73;8:45 am]

[Docket No. S-382]

OPERATING-DIFFERENTIAL SUBSIDY FOR CARRIAGE OF BULK CARGO PRINCIPALLY BETWEEN THE U.S. AND U.S.S.R.

Intent To Extend Existing Agreements

Notice is hereby given that the corporations listed in Appendix A have filed applications for extension of operating-differential subsidy contracts to carry bulk cargoes to expire, unless extended, on December 31, 1973 (except for subsidized voyages in progress on that date). The bulk cargo carrying vessels proposed to be subsidized and a description of each of such vessels are also presented in Appendix A.

Said applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

These vessels are to engage in the carriage of export bulk, raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the United States to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk, raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk, raw and processed agricultural commodities subsidy program, including terms, conditions, and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the Federal Register on August 3, 1973 (38 FR 20807).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vessel named will engage in the trades described on a full-time basis through December 31, 1973, unless the relevant operating-differential subsidy contract is extended (except for approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

The Board has previously found during fiscal year 1973, that section 605(c) was no bar to the grant of operating-differential subsidy to each of the applicants listed in Appendix A.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before August 23, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event requests for hearing and petitions regarding the relevant section 605(c) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled commencing at 10 a.m., August 24, 1973, and continuing on succeeding business days if required, in Room 4896, Department of Commerce Building, 14th and E Streets, N.W., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon. Evidence concerning each application will be heard in the order in which applicants are listed in Appendix A.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: August 10, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

APPENDIX A

Name of applicant	Name of vessels	Type of ships
Amerada Hess Corporation.	Hess Bunker	Tanker.
	Hess Petrol	Do.
	Hess Trader	Do.
	Hess Voyager	Do.
American Eagle Tanker Corp.	American Eagle	Tanker.
American Trading Transportation Company, Inc.	Virginia Trader	Tanker.
	Maryland Trader	Do.
	Washington Trader	Do.
Cities Service Tankers Corporation.	Cantigny	Tanker.
	Cities Service Baltimore.	Do.
	Bradford Island	Do.
	Fort Hoskins	Do.
	Cities Service Norfolk	Do.
	Cities Service Miami	Do.
Freighters, Inc	American Wheat	Bulk Carrier.
Globe Seaways Inc.	Overseas Anchorage	Tanker.
Intercontinental Bulktank Corporation.	Overseas Alaska	Tanker.
	Overseas Alice	Do.
Intercontinental Carriers, Inc.	Overseas Carrier	Bulk Carrier.
Interseas Bulk Carriers, Inc.	Overseas Bulker	Bulk Carrier.
Keystone Shipping Co.	Perryville	Tanker.
Keystone Tankship Corporation.	Keytanker	Tanker.
	Keytrader	Do.
	Ticonderoga	Do.
Mathiasen's Tanker Industries.	Prairie Grove	Tanker.
	Joseph D. Potts	Do.
	Sohio Intrepid	Do.
	Sohio Resolute	Do.
Monticello Tanker Company.	Monticello Victory	Tanker.
Montpelier Tanker Company.	Montpelier Victory	Tanker.
Mount Vernon Tanker Company.	Mount Vernon Victory.	Tanker.
Mount Washington Tanker Company.	Mount Washington	Tanker.
National Transport Corp.	National Defender	Tanker.
Nautilus Petroleum Carriers Corp.	Sister Katingo	Tanker.
Newport Tankers Corporation.	Achilles	Tanker
Ocean Clippers Inc.	Overseas Traveler	Bulk Carrier
Ocean Tankships Corporation.	Overseas Vivian	Tanker
	Overseas Natalie	Do.
Ocean Transportation Company, Inc.	Overseas Aleutian	Tanker
	Overseas Ulla	Do.
Overseas Bulktank Corporation.	Overseas Arctic	Tanker
	Overseas Valdez	Do.
Overseas Oil Carriers, Inc.	Overseas Joyce	Tanker
	Overseas Progress	Bulk Carrier
Plaza Shipping, Inc.	Julie	Tanker
Rye Marine Corporation.	Thetis	Tanker
Texas City Tankers Corporation.	William J. Fields	Tanker
	William T. Steele	Do.
Vaneor Steamship Corp.	Vantage Horizon	Tanker
World Wide Tankers, Inc.	Barbara Jane	Tanker

[FR Doc.73-16946 Filed 8-15-73;8:45 am]

National Oceanic and Atmospheric Administration

EARTH RESOURCES SURVEY PROGRAM DATA

Notice of Availability

Commerce Department's list of sites open for public inspection of Earth Resources Survey Program Data appearing in the FEDERAL REGISTER of December 9, 1972 (37 FR 26353) is amended to read as follows:

Earth Resources Survey Program Sites Open for Public Inspection of Data:

DEPARTMENT OF COMMERCE

ADDRESS

National Environmental Satellite Service
Environmental Sciences Group
Suite 300
3737 Branch Avenue
Hillcrest Heights, Maryland 20031

National Ocean Survey—C3415
Room 526, Bldg. #1
6001 Executive Blvd.
Rockville, Maryland 20852

Atmospheric Sciences Library—D821
Room 816, Gramax Bldg.
8060 13th Street
Silver Spring, Maryland 20910

National Oceanographic Data Center—D722
Room 310, Bldg. 160
3rd and Tingley Street
Washington Navy Yard
Mailing Address:
6001 Executive Blvd.
Rockville, Maryland 20852

Atlantic Oceanographic & Meterological Laboratories.
15 Rickenbacker Causeway, Virginia Key
Miami, Florida 33149

Atlantic Marine Center—CAM02
439 West York Street
Norfolk, Virginia 23510

National Weather Service Eastern Region—WFE3x4
585 Stewart Avenue
Garden City, New York 11530

Director, Northeast Fisheries Center
P.O. Box 6
Woods Hole, Massachusetts 02543

National Climatic Center
Federal Building
Asheville, North Carolina 28801

Lake Survey Center—CLx13
630 Federal Building and U.S. Courthouse
Detroit, Michigan 48226

Office of Sea Grant
University of Wisconsin
Room 658, Warf Bldg.
610 North Walnut Street
Madison, Wisconsin 53705

National Weather Service Central Region—WFC3
601 East 12th Street
Room 1836
Kansas City, Missouri 64106

National Severe Storms Laboratory
1313 Halley Circle
Norman, Oklahoma 73069

National Weather Service Southern Region—WFS3x1
819 Taylor Street
Room 10E09
Fort Worth, Texas 76102

Remote Sensing Center
Texas A&M University
College Station, Texas 77843

World Data Center A for Solar-Terrestrial Physics
National Oceanic & Atmospheric Admin.
Boulder, Colorado 80302

National Weather Service Western Region WFWI
Box 11188
125 South State Street
Salt Lake City, Utah 84111

Northwest Marine Fisheries Center
2725 Montlake Blvd. East
Seattle, Washington 98112

Director, Southwest Fisheries Center Library
8604 La Jolla Shores
La Jolla, California 92037

Arctic Environmental Information & Data Center
University of Alaska
142 East Third Avenue
Anchorage, AK 99501

T. P. GLEITER,
Acting Assistant Administrator for Administration.

[FR Doc.73-17011 Filed 8-15-73;8:45 am]

National Technical Information Service

FEDERALLY-SPONSORED BUSINESS, ECONOMIC AND TECHNICAL REPORTS

Notice of Pricing Policy

Notice is hereby given of the following pricing schedule adopted by the National Technical Information Service (NTIS). The NTIS provides government and public availability of federally-sponsored business, economic and technical reports. Change to the NTIS price schedule follows:

REPORT PUBLICATIONS

NTIS provides publications on an ad hoc basis in microform, printed and machine form. The following price changes supersede the paper copy and microfiche prices announced in the February 11, 1971, and July 8, 1972, issues of the FEDERAL REGISTER.

STOCKED REPORTS (PAPER COPY)

Effective August 13, 1973, the price listing for *Stocked Reports* consolidates schedules entitled *Wide Interest Reports, Medium Interest Reports and Computer Products Reports.* The price change will have the effect of reducing current prices for *Wide Interest* and *Computer Products Reports* while providing cost recovery on *Medium Interest Reports.* The price change for *Stocked Reports* will not be retroactive.

Exceptions to this schedule will be made where unusual reproduction requirements exist.

Schedule is as follows:

Page range	Domestic selling price	Foreign selling price
001-025	$2.75	$5.25
026-050	3.00	5.50
051-075	3.50	6.00
076-100	3.75	6.25
101-125	4.25	6.75
126-150	4.50	7.00
151-175	4.75	7.25
176-200	5.25	7.75
201-225	5.50	8.00
226-250	5.75	8.25
251-275	6.25	8.75
276-300	6.50	9.00
301-325	7.00	9.50
326-350	7.25	9.75
351-375	7.75	10.25
376-400	8.00	10.50
401-425	8.25	10.75
426-450	8.75	11.25
451-475	9.00	11.50
476-500	9.50	12.00
501-525	9.75	12.25
526-550	10.00	12.50
551-575	10.50	13.00
576-600	10.75	13.25
601 up	$2.00 for each additional 100 page increments plus $2.50 per document for foreign surcharge.	

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Certain special reports previously specially priced will continue to be treated as exceptions to this price schedule.

MICROFICHE REPORTS

Effective August 13, 1973, the price for individual orders for microfiche reports will be $1.45 domestic and $2.95 foreign, retroactive, regardless of announcement date.

Documents in excess of 1,000 printed pages will be specially priced.

Certain special reports previously specially priced will continue to be treated as exceptions to this price schedule.

WILLIAM T. KNOX,
Director.

[FR Doc.73-17012 Filed 8-15-73;8:45 am]

Office of Textiles

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Notice of Public Meeting

AUGUST 14, 1973.

The Management-Labor Textile Advisory Committee will meet at 2 p.m. on August 23, 1973 in Room 6802, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The Committee, which is comprised of 40 members representing the industry, trade associations, and trade unions, advises Department officials on conditions in the textile industry and on trade in textiles and apparel.

The agenda for the meeting is as follows:

1. Review of Import Trends
2. Report on Conditions in the Domestic Market
3. Implementation of Textile Agreements
4. Other Business

A limited number of seats will be available to the public. The public will be permitted to file written statements with the committee before or after the meeting. To the extent time is available at the end of the meeting the presentation of oral statements will be allowed.

Portions of future meetings which concern subjects not listed above will be open to public participation unless it is determined, in accord with § 10(d) of the Federal Advisory Committee Act and the OMB-Justice memorandum on Advisory Committee Management, that specifically identified portions will be closed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

ARTHUR GAREL,
Director,
Office of Textiles.

[FR Doc.73-17098 Filed 8-15-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

E. I. DU PONT DE NEMOURS & CO.

Notice of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2902) has been filed by E. I. du Pont de Nemours & Co., 1007 Market St., Wilmington, DE 19898, proposing that § 121.2562 *Rubber articles intended for repeated use* (21 CFR 121.2562) be amended in paragraph (c)(4)(i) to provide for the safe use of ethylene polymer chlorosulfonylated in the manufacture of films or coatings intended for use in contact with food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report are available in the Office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the Office of the Hearing Clerk, Food and Drug Administration, Rm. 6-88, 5600 Fishers Lane, Rockville, MD 20852.

Dated: August 2, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-17033 Filed 8-15-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-73-160]

MODEL LEASE AND GRIEVANCE PROCEDURE

Notice of Hearing

On February 22, 1971, the Department of Housing and Urban Development issued to all local housing authorities Circulars Nos. RHM 7465.8, "Requirements and Recommendations to be Reflected in Tenant Dwelling Leases for Low-Rent Public Housing Projects," and RHM 7465.9, "Grievance Procedure in Low-Rent Public Housing Projects."

On June 19, 1973 (38 FR 15988), the Department gave notice that HUD is conducting a review and evaluation of the provisions of these Circulars and requested any comments or information from all interested organizations and individuals in writing on or before August 15, 1973.

In addition to this invitation for comments, the Department has decided to conduct a public hearing on the model lease and grievance procedure. The hearing which will be of record will discuss the following:

1. The effect of the implementation of these Circulars by local housing authorities on project management and operations.
2. What changes, if any, are necessary to achieve the objectives of these Circulars in promoting better tenant-management relations and in protecting the interests of the local housing authorities, the tenants, and HUD.

The hearing will be held as follows:

Date: September 17, 1973
Place: Auditorium, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.
Time: 9:00 a.m.—12:00 noon; 1:00 p.m.—4:00 p.m.

Arrangements for time to make oral presentations or any other communications regarding this hearing should be filed with the Director, Office of Housing Programs, Room 9112, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, on or before Sept. 11, 1973. The Department reserves the right to limit the time of presentation and the number of appearances, if necessary.

Subsequent to the public hearing, a further notice of proposed rulemaking will be published in the FEDERAL REGISTER for written comment prior to final adoption by the Department of Housing and Urban Development.

Date: August 13, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.73-17143 Filed 8-15-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA E.O. No. 3, Amdt. 1]

EMERGENCY ORDER REGARDING USE OF CARS TRANSPORTING CLASS A EXPLOSIVES

Exception Regarding Cars Equipped With Cast Iron Brakeshoes

On August 9, 1973, the Federal Railroad Administration (FRA) issued an emergency order under the authority of section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432) which prohibited the further transportation of Class A explosives (49 C.F.R. 173.53) by any railroad except under the conditions contained in the order (38 FR 21952). It was concluded through investigations of recent railroad accidents involving explosions of Tritonal and other bombs that an emergency situation involving a hazard of death or injury to persons existed which necessitated issuance of the order.

The emergency order requires, among other things, that each car used to transport Class A explosives must be equipped with one of three types of brake shoes listed in subdivision (a) of the order. The use of cast iron brake shoes, except those which are characterized as "high phosphorous", is not permitted by the order because cast iron shoes are high sparking in nature.

Nevertheless, it has come to the attention of the FRA that since cast iron shoes are in common usage, railroads must be given some time within which to equip their cars with the requisite brake shoes, or else discontinue the transportation of Class A explosives on a regular schedule. Railroads will also need time to distribute an adequate supply of the requisite brake shoes to repair points.

The FRA believes that it is in the public interest to give the railroads an opportunity to adequately equip their cars with brake shoes required by the order so as not to unduly disrupt transportation service. At the same time, control must still be exercised over the emergency situation that is apparent from the recent accidents. Therefore, effective immediately, the emergency order concerning the transportation of Class A explosives issued on August 9, 1973, (FRA E. O. No. 3), is amended by adding the following exception:

Until September 16, 1973, a railroad may transport Class A explosives in a car equipped with cast iron brake shoes if—

(1) all brake shoes on the car are cast iron;

(2) the car has a continuous steel sub-floor; and

(3) the railroad complies with the provisions of subdivision (c)(1)-(3) of the emergency order governing inspection of the car and each car coupled to that car in a train.

A civil penalty of not less than $250 nor more than $2500 will be assessed for each violation of this amendment to the emergency order, and each day of such violation will constitute a separate offense.

(Sec. 203; 84 Stat. 972, 45 U.S.C. 432; and §1.49(n) of the regulations of the Office of Secretary of Transportation, 49 C.F.R. 1.49(n)).

Issued in Washington, D.C. on August 14, 1973.

JOHN W. INGRAM,
Administrator.

[FR Doc.73-17151 Filed 8-15-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON ATLANTIC GENERATING STATION

Notice of Meeting

AUGUST 14, 1973.

In accordance with the purposes of sec. 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Subcommittee on Atlantic Generating Station will hold a meeting on August 29, 1973 in Room 1046 at 1717 H Street, N.W., Washington, D.C. The purpose of this meeting will be to continue the review of the Preliminary Site Description Report for the Atlantic Generating Station, proposed as a barge mounted nuclear generating station to be located approximately 3 miles offshore of the Southeast coast of New Jersey, and approximately 11 miles Northeast of Atlantic City, New Jersey.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, August 29, 9:30 a.m.–3:30 p.m. Review of Preliminary Site Description Report, Atlantic Generating Station Units 1 and 2. (Presentations by Regulatory Staff and representatives of Public Service Electric and Gas Company of New Jersey and their representatives and discussions with these groups.)

In connection with the above agenda item, the Subcommittee will hold an executive session beginning at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members present and internal deliberations and formulation of recommendations to the ACRS. I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive session at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than August 23, 1973 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Preliminary Site Description Report and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and the Wallace R. Host Community Library, North School, Lafayette and Evans Avenue, Brigantine, New Jersey 08203.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statements and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on August 28, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and within approximately nine days at the Wallace R. Host Community Library, North School, Lafayette and Evans Avenue, Brigantine, New Jersey 08203. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 on or after October 29, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory, Committee Management Officer.

[FR Doc.73-17171 Filed 8-15-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WESTINGHOUSE SUBCOMMITTEE

Notice of Meeting

AUGUST 14, 1973.

In accordance with the purposes of secs. 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Westinghouse Subcommittee will hold a meeting on August 30 and 31, 1973 at the Westinghouse Monroeville Nuclear Center, Haymaker and Northern Pike Roads, Monroeville, Pennsylvania. The purpose of this meeting will be to review various topics applicable to Westinghouse Electric Corporation designed pressurized water reactors.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Thursday, August 30, 1973, 9:30-5:00 p.m. Review of various topics generic to boiling water reactors (presentations by the AEC Regulatory Staff and Westing-

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house will be made and discussions with these groups will be held). If it becomes necessary to carry over the public session to August 31, an announcement will be made at the close of the public session on August 30, 1973.

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m., on August 30, 1973, which will involve a discussion of its preliminary views, an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS.

In addition on August 31, the Subcommittee will hold a closed session with the Regulatory Staff and Westinghouse to discuss privileged information relating to plant design and corporate research.

I have determined, in accordance with subsection 10(d) of Public Law 92–463, that the executive session at the beginning of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session will be held to discuss certain privileged information which comes within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule. If a portion of the meeting to be held on August 31 is to be open to the public, an announcement to that effect will be made at the close of the public session on August 30.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than August 23, 1973 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon Westinghouse topical reports and various other documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and .ts usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3 p.m. on August 30, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obained by a prepaid telephone call on August 29, 1973 to the Office of the Executive Secretary of the Committee (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545. On request, copies of the minutes of the meeting will be available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545 on or after October 31, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73–17172 Filed 8–15–73;8:45 am]

[Docket No. 50–295]

COMMONWEALTH EDISON COMPANY

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that, pursuant to an Order by the Atomic Safety and Licensing Board, dated July 24, 1973, the Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR–39 to Commonwealth Edison Company (Commonwealth Edison) for Zion Nuclear Power Station, Unit 1 (the facility). The facility is a pressurized, light water moderated and cooled reactor located at Commonwealth Edison's 250 acre site on the west shore of Lake Michigan in Zion, Lake County, Illinois. The facility is designed for operation at approximately 3250 megawatts thermal.

In accordance with the provisions of the amended license and the Technical Specifications appended thereto, Commonwealth Edison is authorized to perform operations at core power levels up to 1700 megawatts thermal (about 52% of rated power). Commonwealth Edison is further authorized to perform testing operations at core power levels exceeding 1700 megawatts thermal for not more than 480 hours to conduct tests described in Section VIII of Appendix A to the Stipulation in Commonwealth Edison's May 16, 1973 Motion to the Atomic Safety and Licensing Board. Such testing operations shall not exceed core power levels of 2440 megawatts thermal (about 75% of rated power).

The Director of Regulation has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter 1, which are set forth in the license. The application for the license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter 1.

The amended license is effective as of the date of issuance and shall expire eighteen (18) months from said date unless extended for good cause shown or upon earlier issuance of a superseding licensing action. However, operation of the facility is authorized for not more than 37 days following the date on which intervenors file their proposed findings of fact; thereafter, the reactor shall be placed in the cold shutdown operating mode.

Copies of Commonwealth Edison's Motion dated May 16, 1973, (2) the Board's Order dated July 24, 1973, (3) Amendment No. 1 to Facility Operating License No. DPR–39, and other relevant documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Waukegan Public Library, 128 N. County Street, Waukegan, Illinois. Copies of the amended license may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 9th day of August 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief Pressurized Water Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.73–17003 Filed 8–15–73;8:45 am]

[Docket No. 50–247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that pursuant to a supplemental Initial Decision of the Atomic Safety and Licensing Board dated August 9, 1973, the Atomic Energy Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR–26 to Consolidated Edison Company of New York, Inc. authorizing continued testing and operation of the Indian Point Nuclear Generating Unit No. 2 at steady state reactor core power levels not in excess of 1379 megawatts thermal, in accordance with the provisions of the license and the Technical Specifications. This authority shall expire at midnight September 30, 1973, or upon the earlier issuance of a subsequent licensing action. The Indian Point Nuclear Generation Unit No. 2 is a pressurized water nuclear reactor located at the licensee's site in Westchester County, New York.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

A copy of (1) the supplemental Initial Decision dated August 9, 1973; (2) Amendment No. 3 to Facility Operating License No. DPR–26; (3) the report of the Advisory Committee on Reactor Safeguards dated September 23, 1970; (4) the Directorate of Licensing's Safety Evaluation dated November 16, 1970, and Supplements 1, 2, and 3 thereto, dated November 20, 1970; July 1971; and September 3, 1971; respectively; (5) The Final Facility Description and Safety Analysis Report and amendments thereto; (6) the applicant's Environmental Report dated August 6, 1970 and supplements thereto; (7) the Draft Environmental Statement dated April 13, 1972; and (8) the Final Environmental Statement dated September 1972, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. A copy of the license and the Safety Evaluation may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 9th day of August 1973.

For The Atomic Energy Commission.

KARL KNIEL,
Chief, Pressurized Water Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.73–17005 Filed 8–15–73;8:45 am]

[Docket No. 50–366A]

GEORGIA POWER CO.

Change Notice for Prehearing Conference

In the matter of Georgia Power Company, Hatch Nuclear Plant—Unit 2.

By reason of the unavailability of the hearing room previously scheduled, *It is ordered*, That the hearing previously noticed will be held at the Veterans Administration building, 811 Vermont Avenue, NW, Room 115, Washington, D.C. 20545, on September 6, 1973, at 9:00 a.m.

Issued at Washington, D.C., August 13, 1973.

For the Atomic Safety and Licensing Board.

WALTER W. K. BENNETT,
Chairman.

[FR Doc.73–17077 Filed 8–15–73;8:45 am]

[Docket No. 50–219]

JERSEY CENTRAL POWER AND LIGHT COMPANY

Notice and Order Scheduling Prehearing Conference

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Board's "Notice of Hearing on a Facility Operating License", dated March 2, 1973, and published in the Federal Register on March 8, 1973 (38 FR 6311), a prehearing conference will be held in the above-captioned proceeding on Tuesday, September 18, 1973, at 10:00 a.m., local time in the Township Meeting Room, Ocean Township Municipal Building, corner of Railroad Avenue and Corliss Street, Waretown, New Jersey.

The Prehearing Conference shall deal with the following matters:

1. Further identification and clarification of the issues.

2. The status of any discovery initiated by the parties.

3. The need for further discovery, and the time required to complete preparation for the Evidentiary Hearing.

4. Any pending motions.

5. Scheduling of the Evidentiary Hearing.

The attorneys for the respective parties are directed to confer in advance of the prehearing conference, in such manner as they deem appropriate, and to report to the Licensing Board at said Conference on any stipulations regarding matters in controversy, on any informal discovery that can be arranged between the parties, and on any other mutually agreeable procedures to expedite this proceeding.

Members of the public are welcome to attend the prehearing conference. However, no evidence will be received at the prehearing conference on September 18, 1973, which will consist of a Conference of Counsel for the various parties with the Board to develop procedures for the Evidentiary Hearing will be scheduled for a later date. Members of the public are invited to attend the evidentiary hearing, at which time statements of persons making limited appearances will be received. Notice of the date of the commencement of the Evidentiary Hearing will be given, both by publication in the FEDERAL REGISTER and by notice sent by mail directly to all members of the public who have requested to be so notified.

Issued at Washington, D.C., this 10th day of August, 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

[FR Doc.73–17006 Filed 8–15–73;8:45 am]

KERR-McGEE CORP.

Prehearing Conference Order and Notice of Extension of Time To Intervene

In the matter of Kerr-McGee Corp., Kerr-McGee Building, Oklahoma City, Oklahoma, amendment to source material license SUB–1010.

Pursuant to Notice, a Prehearing Conference was held on August 14, 1973, in preparation for the Evidentiary Hearing on the above captioned matter relating to the request by the Kerr-McGee Corporation for amendment of its license authorizing the use of source material, which would permit subsurface disposal of certain liquid radioactive wastes. Counsel for the Applicant and for the Staff participated. Counsel for the Natural Resources Defense Council (NRDS) also appeared with respect to its "Petition to Require Publication of Proper Notice of Hearing", filed with the Commission and the Board on August 7, 1973.

Counsel for the NRDC presented argument with respect to its motion. The Staff and the Applicant responded. After discussion among the parties and the Board, the parties appeared to be in agreement that the essence of the issue raised by NRDC in its petition could be satisfactorily resolved with no objection from the parties if the Board would give notice and permit an extension of time within which petitions to intervene may be filed in the above captioned matter. After consideration of the petition filed and arguments made thereto, the Board agrees, and hereby gives:

Notice that by September 17, 1973, any person whose interest may be affected by this proceeding may file a petition for leave to intervene with respect to the above captioned matter. Such petition shall be filed in accordance with the requirements of § 2.714 of the AEC's rules of practice (10 CFR 2.714).

As required by § 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors:

(1) The nature of the petitioner's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding; (2) the nature and extent

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of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene.

Any person who does not wish to, or is not qualified to, become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Persons desiring to make a limited appearance will so advise the Board not later than September 17, 1973.

Counsel for the Applicant and the Staff agreed to prepare a joint statement of the issues in this proceeding and to submit this to the Board.

In view of requests made by the Board for additional documentation and the need of the Applicant and the Staff for additional time to respond thereto, and in view of our holding in paragraph 2 above, the evidentiary hearing now scheduled to commence on August 27, 1973, is hereby canceled.

Issued at Washington, D.C., this 14th day of August 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD.
DALE F. BABCOCK,
Member.
LESTER KORNBLITH, JR.,
Member.
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.73-17167 Filed 8-15-73;8:45 am]

[Docket No. 50-282]

NORTHERN STATES POWER CO.

Notice of Issuance of a Facility Operating License

Notice is hereby given that pursuant to an order of the Atomic Safety and Licensing Board dated June 15, 1973, and memorandum and order dated July 11, 1973, the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-42 to Northern States Power Company which authorizes operation of the Prairie Island Nuclear Generating Plant, Unit 1, for testing purposes at reactor core power levels not in excess of 1485 megawatts thermal (90 percent of rated capacity), and for power generation at steady state reactor core power levels not in excess of 330 megawatts thermal (20 percent of rated capacity), in accordance with the provisions of the license and the Technical Specifications. The Prairie Island Nuclear Generating Plant, Unit 1, is a pressurized water nuclear reactor located at the licensee's site in Goodhue County, Minnesota.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire on August 9, 1974, unless extended for good cause shown or upon the earlier issuance of a superseding operating license.

A copy of (1) order dated June 15, 1973, and memorandum and order dated July 11, 1973; (2) Facility Operating License No. DPR-42, complete with Technical Specifications (Appendices "A" and "B"); (3) the report of the Advisory Committee on Reactor Safeguards dated April 18, 1973; (4) the Directorate of Licensing's Safety Evaluation dated September 28, 1972, and supplements thereto; (5) the Final Safety Analysis Report and amendments thereto; (6) the applicant's Environmental Report dated November 5, 1971, and supplements thereto; (7) the Draft Environmental Statement dated January 1973; and (8) the Final Environmental Statement dated May 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and the Environmental Library of Minnesota, 1222 S.E. 4th Street, Minneapolis, Minnesota 55414. A copy of the license and the Safety Evaluation may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 9th day of August 1973.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Pressurized Water Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.73-17078 Filed 8-15-73;8:45 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that, pursuant to an Initial Decision by the Atomic Safety and Licensing Board, dated August 9, 1973, the Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-40 to the Omaha Public Power District for the Fort Calhoun Station, Unit 1 (the facility). The facility is a pressurized water nuclear reactor located at Omaha Public Power District's site in Washington County, Nebraska. The facility is designed for operation at 1420 megawatts thermal.

The amended license authorizes operation of the Fort Calhoun facility at steady state reactor core power levels not to exceed 1420 megawatts thermal (rated power), in accordance with the Technical Specifications.

The Director of Regulation has made the appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter 1, which are set forth in the amended license. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter 1.

The amended license is effective as of the date of issuance, and shall expire at midnight on June 7, 2008.

Copies of (1) the Board's Initial Decision, (2) Amendment No. 1 to Facility Operating License No. DPR-40, complete with Technical Specifications, and other relevant documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and in the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska. Copies of the amended license may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland this 9th day of August 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Pressurized Water Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.73-17004 Filed 8-15-73;8:45 am]

[Docket Nos. 50-443 and 50-444]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE, ET AL.

Receipt of Application for Construction Permits and Facility Licenses; Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matter

Public Service Company of New Hampshire, The United Illuminating Company, Central Maine Power Company, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Montaup Electric Company, New Bedford Gas and Edison Light Company, New England Power Company, Vermont Electric Power Company, Inc., Ashburnham Municipal Light Plant, Burlington Electric Light Department, Eastern Maine Electric Cooperative, Inc., Holyoke Gas and Electric Department, Hudson Light and Power Department, Hull Municipal Light Plant, Marblehead Municipal Light Department, Middleborough Gas and Electric Cooperative, Inc., North Attleborough Electric Department, South Norwalk Electric Works, and Templeton Municipal Light Plant (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed an application dated June 29, 1973, which was docketed on July 9, 1973, for authorization to construct and operate two electric generating units utilizing pressurized water reactors. The application was initially tendered on March 25, 1973. Following a preliminary review for completeness, it was rejected on May 7, 1973 for lack of sufficient information. The applicants submitted additional information on June 15, 1973 and the application was found acceptable for docketing.

The proposed nuclear facilities, designated by the applicants as the Seabrook Station, Units 1 and 2, are to be located at the applicants' site in Rockingham County, in the township of Seabrook, New Hampshire. Each unit is to be designed for initital operation at approximately 3411 megawatts thermal, with a net electrical output of approximately 1194 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 8, 1973. The submittal should reference Docket Nos. 50-443-A and 50-444-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Exeter Public Library, Front Street, Exeter, New Hampshire 03833.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated June 29, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Seabrook Station is also being made available at the Office of Comprehensive Planning, Office of the Governor, State House, Concord, New Hampshire 03301, and at the Southeastern New Hampshire Regional Planning Commission, 10 Front Street, Exeter, New Hampshire 03833.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 26th day of July 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Pressurized Water Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.73-16347 Filed 8-8-73;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a new guide in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guide is in Division 3, "Fuels and Material Facilities Guides." Regulatory Guide 3.12, "General Design Guide for Ventilation Systems of Plutonium Processing and Fuel Fabrication Plants," describes acceptable general design guidelines for ventilation systems of plutonium processing and fuel fabrication plants.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other Division 3 Regulatory Guides currently being developed include the following:

Seismic Design Classification for Plutonium Processing and Fuel Fabrication Plants
General Fire Protection Guide for Plutonium Processing and Fuel Fabrication Plants
Guide for Acceptable Waste Storage Methods at UF_6 Production Plants
Decommissioning of Uranium Milling Facilities
Fuel Reprocessing Plant Process Off Gas Waste Treatment Systems
Fuel Reprocessing Plant Confinement Barriers and Systems
Fuel Reprocessing Plant Reporting of Operating Information
Periodic Testing of Fuel Reprocessing Plant Protection System Actuation Functions
General Design Guide for Ventilation Systems of Fuel Reprocessing Plants
Earthquake Instrumentation for Fuel Reprocessing Plants
Standard Format and Content of License Applications for Storage only of Unirradiated Reactor Fuel

(5 U.S.C. 552 (a))

Dated at Bethesda, Maryland this 9th day of August 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-17076 Filed 8-15-73;8:45 am]

[Docket No. PRM-70-4]

TEXAS NUCLEAR CORP.

Filing of Petition for Rulemaking

Notice is hereby given that Texas Nuclear Corporation, 9101 Research Blvd., Austin, Texas, by letter dated July 17, 1973, has filed with the Atomic Energy Commission a petition for rulemaking.

The petitioner requests that the Commission amend its regulation 10 CFR Part 70 to authorize export under a general license of not more than 3 milligrams of contained plutonium-238 in a solid, encapsulated form as the component part of an instrument.

The petitioner states that Texas Nuclear Corporation manufactures a small, portable instrument which uses the technique of X-ray fluorescence to perform quantitative elemental analysis. The petitioner states also that the instrument can be used for onsite assay of rock or core samples, ore sorting, scrap sorting, alloy identification, analysis of additives and impurities, and a wide variety of other applications, and one of the most desirable isotope sources for sample excitation is plutonium-238.

A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC. A copy of the petition may be obtained by writing the Rules and Proceedings Branch at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Rules and Proceedings Branch, Office of Administration—Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before October 15, 1973.

Dated at Germantown, Maryland this 9th day of August 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-17079 Filed 8-15-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25772]

AERLINTE EIREANN TEORANTA

Notice of Prehearing Conference and Hearing Regarding Amendment of Foreign Air Carrier Permit, Service to Boston as Intermediate Point

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 11, 1973, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Ross I. Newmann.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 4, 1973.

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Dated at Washington, D.C., August 10, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-17098 Filed 8-15-73;8:45 am]

[Docket No. 25373]

AIR WINDSOR LTD

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit Application—Canada-United States—Casual, Occasional or Infrequent Service

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 12, 1973, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Hyman Goldberg.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 5, 1973.

Dated at Washington, D.C., August 10, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-17099 Filed 8-15-73;8:45 am]

[Docket No. 22908]

AMERICAN AIRLINES, INC., ET AL.

Notice of Prehearing Conference Regarding Capacity Reduction Agreement

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 4, 1973, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge E. Robert Seaver.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issue; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before September 14, 1973, and the other parties on or before September 25, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., August 10, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-17101 Filed 8-15-73;8:45 am]

[Docket No. 25756; Order 73-8-52]

FLYING TIGER LINE INC.

Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of August 1973.

On August 1, 1973, The Flying Tiger Line Inc. (Flying Tiger) filed an application for an exemption from sections 401 and 403 of the Act to the extent necessary to allow it to serve Indianapolis, Indiana on two scheduled nonstop flights between Detroit, Michigan and Los Angeles, California.[1] Flying Tiger proposes to stop a DC-8-63F Detroit-Los Angeles flight in Indianapolis on August 13, 1973, and similarly, route a Los Angeles-Detroit DC-8-63F nonstop through Indianapolis on August 22, 1973.[2]

In support of its application, Flying Tiger alleges, *inter alia*, that the City of Indianapolis requires air transportation for the equipment of its police department's motorcycle drill team from Indianapolis to Los Angeles and return,[3] but that TWA, which provides the only Indianapolis-Los Angeles freighter service, has advised the City that it cannot accommodate the shipments on the dates requested. Flying Tiger also alleges that there would be no circuity involved in stopping in Indianapolis and argues that, in view of the lack of objection from TWA and the public need of the City of Indianapolis for the proposed service, the enforcement of sections 401 and 403 of the Act would be an undue burden on Flying Tiger by reason of the limited extent of, and unusual circumstances affecting, the proposed operation.

In light of the usual circumstances raised by the instant application, we are taking action pursuant to Rule 410 of the Board's rules of practice without awaiting the filing of answers or replies thereto.[4]

Upon consideration of the application and all the relevant facts, we have decided to exempt Flying Tiger from section 401 of the Act and the terms, conditions, and limitations of its certificate to the extent necessary to enable it to stop at Indianapolis on the Detroit-Los Angeles round-trip flight contemplated by its application. We will also exempt Flying Tiger from the tariff filing provisions of section 403 of the Act and permit it to provide the transportation in question at the rates set forth in the tariffs of TWA for comparable service in the market.

Considerations taken into account which warrant use of the exemption power of the Board are that this application is for 1 round-trip flight; that this operation will not adversely affect any other air carrier; that the expense of a certification proceeding would be disproportionate to the size of the operation, unduly burdensome on the carrier, and not in the public interest; and that to require a certification proceeding would have the practical effect of precluding the operation of the proposed flight.

Under all these circumstances, the Board finds that the enforcement of sections 401 and 403 of the Act, and the terms, and conditions of Flying Tiger's certificate for route 100, insofar as they would otherwise prohibit the operations authorized herein, would be an undue burden on Flying Tiger by reason of the limited extent of, and unusual circumstances affecting, the carrier's operations and would not be in the public interest.

Accordingly, it is ordered, That:

1. The Flying Tiger Line, Inc. be and it hereby is temporarily exempted from the provisions of section 401 of the Act and the terms, conditions, and limitations of its certificate of public convenience and necessity insofar as they would otherwise prevent it from performing one one-stop round trip between Detroit, Michigan, and Los Angeles, California, via Indianapolis, Indiana, departing on or about August 13, 1973, and returning on or about August 22, 1973;

2. The Flying Tiger Line Inc. be and it hereby is exempted from section 403 of the Act insofar as that section would require filing of a tariff for the carriage of the equipment of the Indianapolis Police Department's Motorcycle Drill Team on the flights authorized herein; and

3. This order may be amended or revoked at any time in the discretion of the Board without hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-17094 Filed 8-15-73;8:45 am]

[1] Flying Tiger is not presently certificated to serve Indianapolis, Indiana, nor does it publish rates for such service. Trans World Airlines (TWA), the only certificated carrier providing freighter service between Indianapolis and Los Angeles, has advised Flying Tiger that it has no objection to the grant of the instant application.

[2] Inasmuch as Flying Tiger does not have an Indianapolis-Los Angeles tariff, Flying Tiger proposes to charge the TWA general commodity container rate currently effective in the markets.

[3] The members of the team will be transported via scheduled passenger service.

[4] Pursuant to Rule 410(c) of the Board's Rules of Practice it is found that the public interest requires that the Board act without notice to other persons or the filing of answers.

[Docket No. 25424]

GATEWAY AVIATION LTD.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit Application—Canada-United States—Casual, Occasional, or Infrequent Service

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 13, 1973, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 6, 1973.

Dated at Washington, D.C., August 10, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-17100 Filed 8-15-73;8:45 am]

[Docket No. 24488; Order 73-8-60]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of August 1973.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 3 of the International Air Transport Association (IATA). The agreements, which were adopted by mail vote, have been assigned the above-designated C.A.B. agreement numbers.

The agreements now before the Board would reduce by one U.K. pound, certain fares between Singapore/Malacca/Kuala Lumpur/Penang, on the one hand, and various other points in Traffic Conference 3, on the other hand. Insofar as fares to and from U.S. territories and possessions are concerned, the fares being amended were previously disapproved by the Board in Order 73-7-54, and the level which results from the agreements here would remain above that of fares presently approved and in effect. Accordingly, the fares here proposed will be disapproved for the same reasons we disapproved the earlier filed increases.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in Agreements C.A.B. 23820 and 23846 as indicated, are adverse to the public interest or in violation of the Act to the extent they do not directly apply in air transportation as defined by the Act;

Agreement C.A.B. 23820	*IATA Resolutions*
R-1	300(Mail 407)053
R-2	300(Mail 407)063
R-3	300(Mail 407)070a
Agreement C.A.B.	*IATA Resolution*
23846	300(Mail 412)080e

2. It is found that the following resolutions, incorporated in Agreements C.A.B. 23820 and 23846 as indicated, are adverse to the public interest and in violation of the Act to the extent they apply directly in air transportation as defined by the Act:

Agreement C.A.B. 23820	*IATA Resolutions*
R-1	300(Mail 407)053
R-2	300(Mail 407)063
R-3	300(Mail 407)070a
Agreement C.A.B.	*IATA Resolution*
23846	300(Mail 412)080e

Accordingly, it is ordered, That:

1. Agreement C.A.B. 23820, R-1 through R-3, and Agreement C.A.B. 23846 be and hereby are approved insofar as they do not directly apply in air transportation as defined by the Act; and

2. Agreement C.A.B. 23820, R-1 through R-3, and Agreement C.A.B. 23846 be and hereby are disapproved insofar as they directly apply in air transportation as defined by the Act.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-17095 Filed 8-15-73;8:45 am]

[Docket No. 25425]

STARLINE AVIATION LTD.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit Application—Canada-United States—Casual, Occasional, or Infrequent Service

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 14, 1973, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Thomas P. Sheehan.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 7, 1973.

Dated at Washington, D.C., August 10, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-17097 Filed 8-15-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN SPAIN

Entry or Withdrawal From Warehouse for Consumption

AUGUST 8, 1973.

On February 12, 1971, there was published in the FEDERAL REGISTER (36 FR 2944) a letter dated February 5, 1971 from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Spain, and exported from Spain on and after the date of said publication, for which Spain had not issued a visa. One of the visa requirements is that the visa include the signature of a Spanish official authorized to issue visas. The requirements were previously amended by directives of April 26, 1971 and May 19, 1971. (See 36 FR 8472 and 9805, respectively).

On July 12, 1973, the Government of Spain requested, and the Government of the United States acceded to the request, that Mr. Mariano Payá Vizcaíno be authorized to issue visas, replacing Mr. José Ramón Borrell, who will cease to sign.

Accordingly, there is published below a letter of August 8, 1973 from the Chairman, Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the directive of February 5, 1971 to authorize Mr. Mariano Payá Vizcaíno to issue visas, replacing Mr. José Ramón Borrell, effective as soon as possible. A facsimile of Mr. Paya's signature is published as an enclosure to that letter.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMISSIONER OF CUSTOMS
Department of the Treasury,
Washington, D.C. 20229.

AUGUST 8, 1973.

DEAR MR. COMMISSIONER: This letter further amends the directive of February 5, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee that directed you to prohibit, effective upon publication of the notice in the Federal Register, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Spain and exported from Spain on and after the date of said publication, for which Spain had not issued a visa. One of the visa requirements is that the visa include the signature of a Spanish official authorized to issue visas. This directive was previously amended by directives of April 26, 1971 and May 19, 1971.

Pursuant to the authorities set forth in the aforementioned letter of February 5, 1971, that directive is further amended, effective as soon as possible, to authorize Mr.

V 38 - 158 AUG 16 73 XUM

Mariano Payá Vizcaíno to issue visas, replacing Mr. Jose Ramon Borrell. A facsimile of Mr. Payá's signature is enclosed for your information.

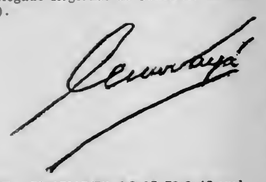
The actions taken with respect to the Government of Spain and with respect to imports of cotton textiles and cotton textile products from Spain have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore the directives to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

ADDITIONAL LIST OF AUTHORISED VISA SIGNATURES IN THE DOCUMENTS OF CONTROL OF SPANISH EXPORTS OF COTTON TEXTILE MANUFACTURERS SUBJECT TO THE TERMS OF THE BILATERAL AGREEMENT BETWEEN SPAIN AND THE UNITED STATES OF AMERICA.

Signature of Mr. Mariano Payá Vizcaíno (Subdelegado Regional de Comercio de Barcelona).



[FR Doc.73-17117 Filed 8-15-73;8:45 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order No. 38]

GENERAL SERVICES ADMINISTRATOR

Delegation of Authority to Renegotiate Government Construction Contracts

For the purpose of (i) preventing windfall profits resulting from a reduction in the wage and salary level of employees of firms in the construction industry by action of the Construction Industry Stabilization Committee (CISC) or the Cost of Living Council (CLC), (ii) implementing § 150.453 of the Cost of Living Council regulations, (or any subsequent republication thereof, however designated), and acting pursuant to the Economic Stabilization Act of 1970, as amended, and the authority delegated to me by Executive Order 11695 and Cost of Living Council Order No. 14, I hereby delegate to the Administrator of the General Services Administration with respect to civilian executive agencies, and the Secretaries of the military departments and the Secretary of Defense with respect to the Department of Defense authority to:

(1) Require price redetermination of each fixed price construction contract of more than $500,000 which is affected by a wage and salary reduction caused by action of the CISC or CLC;

(2) Require that, after August 12, 1973, each successful offeror on a fixed price construction contract of more than $500,000 provide the government with such information during the life of that contract as is necessary to determine whether windfall profits have or will accrue from a wage or salary reduction caused by the CISC or CLC, and to make such arrangements with his subcontractors, regardless of tier, as may be necessary to insure that the information is provided;

(3) Prescribe in the Federal procurement regulations, and applicable regulations of the Department of Defense such rules and procedures as are necessary to carry out the purpose of this delegation; and

(4) Redelegate to any Federal agency of the United States any authority under this delegation.

Issued in Washington, D.C. on August 10, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-17030 Filed 8-13-73;8:45 am]

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10 a.m., Wednesday, August 22, 1973, at 2025 M Street, NW., Washington, D.C.

The agenda will consist of discussions leading to recommendations on specific Phase II and Phase III wage cases in the food area, and future wage policy.

Since the above stated meeting will consist of discussions of future food wage policy and Phase II and III cases for decision, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on August 15, 1973.

HENRY H. PERRITT, Jr.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-17242 Filed 8-15-73;11:27 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental Impact Statements Received from August 6 through August 10, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley
Acting Coordinator
Environmental Quality Activities
Office of the Secretary
U.S. Department of Agriculture
Room 331-E, Administration Building
Washington, D.C. 20250
(202) 447-3965

FOREST SERVICE

Draft	*Date*
Pleasant Valley Planning Unit, Kootenai N.F.	08/06

Montana

County: Lincoln, Sanders, Flathead

The statement refers to a proposed multiple use plan for the Pleasant Valley Planning Unit, Kootenai National Forest. The 41,000 acre Unit has been stratified into six management areas, which will be managed for such values as timber production, recreation, big game winter range production, and livestock forage. There will be road construction, with adverse impact to the natural conditions of the Forest. Other adverse effects will include soil and vegetative disturbance, and air and noise pollution. (121 pages)

(ELR ORDER # 31300) (NTIS ORDER # EIS 73 1300D)

Porcupine/Buffalo Horn Unit, Gallatin N.F.	08/09

Montana

County: Gallatin

The statement refers to the proposed implementation of a revised multiple use plan for the Porcupine/Buffalo Horn Planning Unit of the Gallatin National Forest. The 46,187 acre Unit is broken into four subunits; the majority of the Unit will be maintained in a roadless state, with some road construction on two drainages. There will be aerial logging, one highly developed campground, and three minimum-developed end-of-road facilities. Two trails will be constructed, and one will be reconstructed. Impact will be to elk and other wildlife, and to watersheds. (approximately 180 pages)

(ELR ORDER # 31311 (NTIS ORDER # EIS 73 1311D)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters:
Mr. Robert J. Catlin, Director,
Division of Environmental Affairs
Washington, D.C. 20545
(202) 973-5391
For Regulatory Matters:
Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing
(202) 973-7773
Washington, D.C. 20545

Draft	*Date*
Alvin W. Vogtle Nuclear Plant	08/07

Georgia

The statement refers to the proposed issuance of a construction permit to the Georgia Power Company. Each of the Plant's two units will use a pressurized reactor to produce 3,425 MWt, from which 1,100 MWe will be generated. Future output levels of 3,579 MWt and 1,159 MWe are anticipated. Cooling will be by natural draft towers, with water being drawn from the Savannah River at a consumptive rate of 14,930 gpm per unit. Construction of the Plant, a railroad spur, and transmission lines will require 13,916 acres. About 0.03% of the State's timber acreage will be removed for transmission line construction. Potentially significant archeological sites will be affected. (290 pages) (ELR ORDER #31305) (NTIS ORDER #EIS 73 1305D)

Final	*Date*
Donald C. Cook Station	08/08

Michigan

County: Berrien

The statement refers to the proposed continuation of construction permits and the issuance of operating licenses to the Indiana and Michigan Electric Co., and the Indiana and Michigan Power Co., for the start-up and operation of the station. The station consists of two units, each employing a pressurized water reactor to produce 3250 MWt and 1100 MWe. Heat will be discharged to Lake Michigan by a 1,645,000 gpm capacity once-through system. Approximately 650 acres of lakeshore duneland have been committed to the Station, precluding possible recreational use. Construction of the Station has started industrialization of an ecologically unique area which should be preserved. (approx. 300 pages)

COMMENTS MADE BY: COE DOC AHP USDA DOT EPA HUD FPC DOI agencies of Michigan and Illinois, and concerned citizens (ELR ORDER #31306) (NTIS ORDER #EIS 73 1306F)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Mr. Francis X. Kelly
Director, Office of Public Affairs
Attn: DAEN-PAP
Office of the Chief of Engineers
U.S. Army Corps of Engineers
1000 Independence Avenue, S.W.
Washington, D.C. 20314
(202) 693-7168

Draft	*Date*
Unit 4, Brayton Point Generating Station	08/02

Massachusetts

The statement refers to the proposed addition of a 465 MW generating unit to the present capacity of 1025 MW at the three unit station. Modifications of the sea water intake and discharge facilities will be made. Plant additions will consist of a boiler building, a turbine building, a stack, and substation additions. There will be dredging of tidal waters; 14.4 million additional gallons of bay water will be used in condenser cooling. There will be entrainment of planktonic organisms, and entrapment of finfish and invertebrate species. Tanker arrivals will increase from five to seven ships per month. (Waltham District)
(ELR ORDER # 31288) (NTIS ORDER # EIS 73 1288D)

Mystic Power Station, Unit 7	08/03

Massachusetts

The statement refers to the proposed construction of a 600 MW oil fueled electric generating unit at the Station, along with modifications to existing sea water intake and discharge facilities. There will be dredging of 45,000 cu. yds. of spoil, to be disposed of in the ocean. Unit 7 will consume 646 cfs of Mystic River sea water for cooling. There will be entrainment or entrapment of marine organisms, and discharge to the Mystic River of chemicals used in plant cleaning. (Waltham District) (two volumes)
(ELR ORDER # 31291) (NTIS ORDER # EIS 73 1291D)

Final	*Date*
Blount Island Development	08/03

Florida

County: Duval

The statement refers to the proposed granting of a dredge and fill permit, pursuant to Section 10 of the River and Harbor Act of 1899, to the Jacksonville Port Authority. The project contemplated under authority of the permit involves the construction of a bulkhead in the Back River at Blount Island, behind which dredged spoil from both the Back and St. John's River would be deposited in the construction of an Offshore Power Systems (OPS) facility for the production of Floating Nuclear Plants (FNP). Modification of 950 acres will occur. A total of 275 acres of the Back River, with its present and future biological contribution to the St. John's ecosystem, will be committed to the project.
COMMENTS MADE BY: AEC USDA DOC DOI DOT EPA HUD OEO
(ELR ORDER # 31292) (NTIS ORDER # EIS 72 5494D)

Rays Town Lake	08/03

Pennsylvania

County: Huntingdon

The statement considers the construction of a 1,700' long, 266' high earthfill dam on the Raystown Branch of the Juniata River, and an 8,300 acre lake. Purposes of the project are flood control, fish and wildlife enhancement, recreation, and lowflowregulate. In addition to the 8300 acres permanently inundated, 2,500 acres will be periodically inundated; 29,314 acres will be acquired for the project. Displacements will number 1,320 residences. (135 pages)
COMMENTS MADE BY: AEC USDA DOI DOT EPA HEW state agencies.
(ELR ORDER # 31293) (NTIS ORDER # EIS 73 1293F)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill
Acting Advisor on Environmental Quality
441 G Street, N.W.
Washington, D.C. 20426
(202) 386-6084

Final	*Date*
Chippewa Reservoir, Project No. 108	08/03

Wisconsin

County: Sawyer

The proposal is the approval of an application by Northern States Power Co. for a new license for the project. The project consists of a 1,290' long, 45' high dam, and 223,000 acre-feet reservoir. The project is a storage reservoir, with no power generating facilities. Eutrophication could increase with further recreational development. (190 pages)
COMMENTS MADE BY: EPA, COE, DOI, USDA, state, regional, and local agencies
(ELR ORDER # 31295) (NTIS ORDER # EIS 73 1295F)

NATIONAL CAPITAL PLANNING COMMISSION

Contact: Mr. Donald F. Bozarth
Director of Current Planning and Programming
Washington, D.C. 20576
(202) 382-1471

Draft	*Date*
Dwight D. Eisenhower Civic Center	08/03

District of Columbia

The statement refers to the proposed development of the Dwight D. Eisenhower Memorial Bicentennial Civic Center, and related modifications to the Comprehensive Plan for the National Capital to reflect the development. The center will contain 560,000 sq. ft. on a 10.31 acre site bounded by H, Eighth, Tenth, and K Streets, and New York Avenue. The facility will serve regional and national conventions, trade fairs, and public admission shows. There will be physical, social, historic, and aesthetic impact. (238 pages)
(ELR ORDER # 31290) (NTIS ORDER # EIS 73 1290F)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director
Office of Environmental Quality
400 7th Street, S.W.
Washington, D.C. 20590
(202) 466-4357

FEDERAL HIGHWAY ADMINISTRATION

Draft	*Date*
Clay-Herron Street Extension, Supplement	08/06

Alabama

County: Montgomery

The document supplements the draft environmental impact statement which was filed in March, 1972 (ELR Order # 3022; NTIS Order # PB 207 438D). A 4(f) determination for parkland is provided. (17 pages)
(ELR ORDER # 31297) (NTIS ORDER # EIS 73 1297D)

Winfield Bypass Southeast, US 78	08/06

Alabama

County: Marion, Fayette

The proposed project is the construction of 2.3 miles of the Winfield Bypass Southeast. The facility will require 42 acres of land and will displace 6 or 7 families. Adverse effects will also include the loss of wildlife, and increased air and noise pollution levels. (15 pages)
(ELR ORDER # 31302) (NTIS ORDER # EIS 73 1302D)

I 80N, Caldwell, Idaho	08/06

Idaho

County: Canyon

The proposed project is the construction of I 80, in the vicinity of Caldwell. The facility will require an unspecified amount of land for right-of-way, and will have an unspecified number of displacements. Adverse impact will also include loss of wildlife, and an increase in noise pollution levels. (114 pages)
(ELR ORDER # 31301) (NTIS ORDER # EIS 73 1301D)

US 641, Murray-Benton Road	08/06

Kentucky

County: Calloway, Marshald

Proposed is the relocation of 11 miles of U.S. 641. The project will require 465 acres of land for right-of-way, and will displace 9 families and one business. The facility will cross Rockhouse and Wades Creeks, requiring their channelization. Increases in water, air, and noise pollution will occur. (54 pages)
(ELR ORDER # 31299) (NTIS ORDER # EIS 73 1299D)

Routes 7 and 65, Missouri	08/06

Missouri

County: Benton

Proposed is the construction of Rt. 65 for a length of 7.5 miles. The facility will require 250 acres for right-of-way, and will displace 9 families and 1 business. Several streams will be traversed, causing erosion and increased water pollution.
(ELR ORDER # 31298) (NTIS ORDER # EIS 73 1298D)

L.R. 1131 (Second Avenue Bypass)	08/03

Pennsylvania

County: Allegheny

The project, the Second Avenue Bypass, is proposed to connect the northern approach of the Glenwood Bridge to the intersection of Greenfield Avenue and Second Avenue.

FEDERAL REGISTER, VOL. 38, NO. 158—THURSDAY, AUGUST 16, 1973

V 38-158 AUG 16 73 XUM

Project length is 2 miles. The amount of land required for right-of-way, and the number of displacements will depend upon the alignment selected. (58 pages)
(ELR ORDER # 31296) (NTIS ORDER # EIS 73 1296D)

U.S. COAST GUARD

Draft	*Date*
Hillsborough River Bridges, Tampa Florida	08/01

County: Hillsborough
The statement refers to the proposed Coast Guard approval of location and plans for dual fixed highway bridges and approaches across the Hillsborough River. The bridge project, which includes the construction of 5.2 miles of highway, will be part of the South Crosstown Expressway in Tampa. Adverse impact will include the displacement of 184 residences 63 businesses, and 40 trailer dwelling sites. Land piers will encroach upon a public park, necessitating a 4(f) determination. (approximately 350 pages)
(ELR ORDER # 31282) (NTIS ORDER # EIS 73 1282D)

New York Vessel Traffic System New York	08/09

County: several
The statement refers to a proposed system which will cover the geographic areas comprising the Port of New York, the Hudson River to Albany, and Long Island Sound to the west of Block Island, Rhode Island. The system will consist of a combination of vessel traffic system levels which will include VHF/FM communications, radar surveillance, a Traffic Separation System, and a Vessel Movement Reporting System. Radar and communications sites, and a vessel traffic operations center will be constructed. There will be adverse impact from construction disruption. (67 pages)
(ELR ORDER #31312) (NXIS ORDER #EIS 73 1312D)

International Bridge, Laredo Texas	08/01

County: Webb
The statement refers to the proposed approval of the location and plans for a fixed highway bridge to be constructed across the Rio Grande between Laredo and Nuevo Laredo, Tamaulipas, Mexico. The proposed span will supplement the existing Laredo International Bridge. The new bridge will strongly influence construction plans for causally related highway improvements in Laredo, and new border station facilities. Impact will include the acquisition of 18 city blocks and the displacement of 26 businesses and 146 residences. The taking of historical sites will necessitate a 4(f) determination. (166 pages)
(ELR ORDER #31283) (NTIS ORDER #EIS 73 1283D)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-17093 Filed 8-15-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

E.I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1421) has been filed by E.I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodities bean vine forage at 50 parts per million and beans at 2 parts per million.

The analytical method proposed in the petition for determining residues of the fungicide is that of H. L. Pease and R. F. Holt, "Journal of the Association of Official Analytical Chemists", vol. 54, pp. 1399–1402 (1971).

Dated: August 13, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc 73-17112 Filed 8-15-73;8:45 am]

NOR-AM AGRICULTURAL PRODUCTS, INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1419) has been filed by NOR-AM Agricultural Products, Inc., 1275 Lake Avenue, Woodstock, IL 60098, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the insecticide formetanate hydrochloride (*m*-[[(dimethylamino) methylene] amino] phenyl methylcarbamate hydrochloride) and its metabolites containing the *m*-aminophenol moiety (calculated as formetanate hydrochloride) in or on the raw agricultural commodities almond hulls at 35 parts per million; almonds at 0.5 part per million; and liver and kidney of cattle, goats, hogs, horses, sheep, and poultry at 0.3 part per million.

The analytical methods proposed in the pesticide petition for determining residues of the insecticide are procedures in which residues are hydrolyzed to 3-aminophenol. For residues in plant tissues, the 3-aminophenol is analyzed colorimetrically by diazotization and coupling with *N*-1-naphthylenediamine dihydrochloride. For residues in kidney or liver, the 3-aminophenol is brominated to 2,4,6-tribromo-3-aminophenol and determined using a gas chromatograph equipped with an electron-capture detector.

Dated: August 13, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-17115 Filed 8-15-73;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket Nos. 69–23, 71–49, 73–14]

GULF-PUERTO RICO LINES, INC.

First Supplemental Order of Investigation and Suspension

On April 5, 1973, the Commission ordered an investigation into the lawfulness of an ILA surcharge proposed by the Gulf-Puerto Rico Lines (GPRL) in the trade between the U.S. Gulf ports and ports in Puerto Rico.[1] The proposed 9 percent surcharge was suspended; the Commission, however, allowed GPRL a 4.9 percent interim surcharge. The entire 9 percent surcharge was to become effective on August 8, 1973.

On August 8, 1973, GPRL cancelled the surcharge and in its place proposed a general rate increase. The general increase is in the amount of 11 percent on all ocean freight rates and charges southbound and 4.9 percent northbound. Although the effective date of the general rate increase was shown as August 8, 1973, pursuant to Executive Order No. 11723 dated June 13, 1973 the full amount of increase was postponed to August 13, 1973.

The net effect of the general increase filing will (1) replace a 9 percent ILA surcharge with a general rate increase; (2) increase the rates paid by southbound shippers by 2 percent (9 percent surcharge replaced by an 11 percent general rate increase); and (3) reduce the rates paid by northbound shippers by 4.1 percent (9 percent surcharge replaced by a 4.9 percent general rate increase).

In support of the proposed increases, GPRL has submitted financial data pursuant to Amendment 1 to General Order 11 (46 CFR 512.3(d)). To date, no protests have been filed.

Upon consideration of the data, the Commission is of the view that the proposed increases should be suspended and incorporated into these consolidated proceedings and made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or section 4 of the Intercoastal Shipping Act, 1933. Good cause appearing:

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916 and section 4 of the Intercoastal Shipping Act of 1933, an investigation is hereby instituted into the lawfulness of the proposed increases contained in Exhibit A, with a view to making such findings and orders as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the tariff matter listed in Appendix A is suspended and the use thereof deferred to and including December 8, 1973, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Gulf Puerto Rico Lines, Inc., a consecutively numbered supplement to the tariffs identified in Appendix A, which supplements shall bear no effective data, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until December 9, 1973, unless otherwise authorized by the Commission; and the rates and charges for the other provisions heretofore, in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It Is Further Ordered, That this matter be joined with the matter previously set for investigation and hearing in Docket No. 69–23, *General Increases in Rates in the U.S. Gulf/Puerto Rico Trade*, Docket No. 71–49, *Gulf Puerto Rico Lines, Inc.—General Increases in Rates in the U.S. Gulf/Puerto Rico Trade*, and Docket No. 73–14, *Gulf Puerto Rico Lines, Inc.—Proposed ILA Surcharge Between U.S. Gulf Ports and Puerto Rico*, and that its lawfulness be determined by the same proceeding, by the same Administrative Law Judge of the Commission's Office of Administrative Law Judges;

It Is Further Ordered, That (I) a copy of this order be forthwith served upon the respondent herein and upon the Commission's Bureau of Hearing Counsel and published in the FEDERAL REGISTER; and (II) the respondent and Hearing Counsel be served with notice of time and place of the hearing;

All persons (including individuals, corporations, associations, firms, partnerships, public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[1] This order, No. 73–14, was consolidated with Docket Nos. 69–23 and 71–49 by Commission Order served May 25, 1973.

APPENDIX A

Gulf-Puerto Rico Lines, Inc.—FMC–F No. 1, 4th Revised Title Page 1.

[FR Doc.73-17086 Filed 8-15-73;8:45 am]

[Docket No. 73–52]

OCEAN TRAILER TRANSPORT CORP.

Order of Investigation and Suspension Regarding Proposed Reduced Rates Between Miami, Florida and San Juan, Puerto Rico

On July 11, 1973, Ocean Trailer Transport Corporation (OTTC) filed second revised page number 48, third revised page number 51, and third revised page number 54 to its Tariff F.M.C.–F #1, involving rates for cargo moving between Miami, Florida and San Juan, Puerto Rico. The revisions will become effective on August 13, 1973.

Second revised page number 48 contains proposed increases and reductions in OTTC's southbound *Freight, All Kinds* rates. Third revised page number 51 contains, *inter alia*, proposed reductions on various Southbound rates on "Paper and Paper Articles," as well as the addition to OTTC's tariff of a southbound rate on "Personal Effects and/or Household Goods N.O.S." Third revised page number 54 contains, *inter alia*, proposed reductions on OTTC's northbound *Freight, All Kinds* rates as well as proposed reductions on "Fruit and Vegetables," and "Refrigerated or Controlled Temperature Cargo, N.O.S." [previously OTTC had a rate only for "Refrigerated or Controlled Temperature Cargo, N.O.S.;" the "Fruits and Vegetables" rate is new, but is also a reduction from the previous refrigerated N.O.S. rate.]

Sea-Land Service, Inc. (Sea-Land), and TMT Trailer Ferry, Inc. (TMT) on July 31, 1973, filed protests to OTTC's proposed revisions to its Tariff F.M.C.–F #1, asking that the revisions in question be suspended and that an investigation be instituted to determine their lawfulness.

The protests of both parties are substantially the same, i.e. that the proposed revisions:

1. Will cause large scale diversions of cargo from "normal" ports of discharge to the port of Miami;

2. Will reduce rate levels to an unreasonably low level in violation of section 18(a) of the Shipping Act, 1916; and

3. That OTTC's continued use of its current *Freight, All Kinds*, commodity description lends itself to discrimination, and will inevitably result in the complete breadown of the current individual commodity rate structure.

No reply to the protests of Sea-Land and TMT has been forthcoming from OTTC.

OTTC, a relative newcomer to the trade in question (its tariff first became effective on March 8, 1973), does not have a General Order 11 submission on file with the Commission at the present time. OTTC did file, pursuant to 46 CFR 512.3(c)(5), a certificate stating that the revisions in question did not constitute a general rate reduction which would have necessitated filing of financial and operating data. The staff has no other current data regarding OTTC available upon which a determination could be made regarding the allegations of the protestants.

Upon consideration of the issues raised in the aforementioned protests, and realizing that the Commission is hampered by its lack of information regarding OTTC's finances and operations, the Commission is of the opinion that the aforementioned rate revisions should be suspended and made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and sections 3 and 4, Intercoastal Shipping Act, 1933, or whether they subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever in violation of section 16 First, Shipping Act, 1916. Good cause appearing, Therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said revised rates for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that the tariff matters hereby placed under investigation are further changed, amended or reissued, such changes are hereby ordered to be made a part of this investigation.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, all rates contained on second revised page #48, the rates on "Paper and Paper Articles" and "Personal Effects and/or Household Goods N.O.S." on Third revised page number 51, and the rates on "Freight, All Kinds," "Fruits and Vegetables," and "Refrigerated and Controlled Temperature Cargo, N.O.S." on Third revised page number 54 of Ocean Trailer Transport Corporation Tariff F.M.C.–F #1 are hereby suspended and the use thereof deferred to and including December 12, 1973, unless otherwise ordered by this Commission.

It is further ordered, That there shall be filed immediately with the Commission by Ocean Trailer Transport Corporation consecutively numbered supplements to the aforesaid tariff, which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended matters are described and shall state that the aforesaid matters are suspended and may not be used until December 13, 1973, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matters shall remain in effect during the period of suspension, and neither the matters suspended nor the matters which are continued in e ect as a result of such suspension may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

It is further ordered, That copies of this order shall be filed with the appropriate tariff schedules in the Bureau of Compliance of the Federal Maritime Commission.

It is further ordered, That Ocean Trailer Transport Corporation be named as respondent in this proceeding.

It is further ordered, That Sea-Land Service, Inc. and TMT Trailer Ferry, Inc. be named as complainants in this proceeding.

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious con-

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duct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of this proceeding, is similarly waived.

It is further ordered, That this proceeding be assigned for public hearing before an Administratice Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge.

It is further ordered, That (I) a copy of this order be forthwith served upon the respondent and complainants herein and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (II) the respondent, complainants and Hearing Counsel be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-17088 Filed 8-15-73;8:45 am]

[Docket No. 73-17]

SEA-LAND SERVICE, INC., AND GULF PUERTO RICO LINES, INC.

First Supplemental Order of Investigation Regarding Proposed Rules on Containers

On April 13, 1973, this Commission issued an Order of Investigation and Hearing on tariff amendments proposed by Sea-Land Service, Inc. (Sea-Land) and Gulf Puerto Rico Lines, Inc. (GPRL) relating to the handling of consolidated and less-than-trailer-load cargo. Sea-Land has now filed with the Federal Maritime Commission, 9th Revised Page 344 and 6th Revised Page 345A to its Tariff F.M.C.-F No. 21, to become effective August 20, 1973.[1] The amendments would add the following note to Sea-Land's Freight-All-Kinds (FAK) tariff provision:

> Note 22—where an effective collective bargaining agreement requires stripping and stuffing at carrier marine terminal, loading by shipper must be in other-than-carriers equipment subject to, (A) (B) and (C) below:
>
> (A) Expires November 1, 1973;
>
> (B) At time of booking, shipper must specify the size of carriers trailer required; and
>
> (C) Carrier will perform the transfer at carriers marine terminal from other than carriers equipment including full unloading, subject to a charge of $150.00 for a 35 foot trailer; $171.00 for a 40 foot standard and $194.00 for a 40 foot high cube trailer.

The FAK provision is also subject to the ILA container rules which are already under investigation in this proceeding and have been suspended to August 14, 1973. Under the proposed provisions an NVOCC or Consolidator will be able to use Sea-Land's FAK rate, providing it tenders the cargo to Sea-Land in a non-Sea-Land container and pays the additional charges specified in Note 22. The proposed service and manner of handling is substantially different from the handling of containers moving under the FAK description which have been loaded by the "beneficial owner" of the cargo. Cargo satisfying this definition is not subject to the ILA container rules and neither stripped and stuffed nor subject to additional charges.

The proposed changes were protested by the Commonwealth of Puerto Rico (Commonwealth) and the International Association of NVOCC's. The Commonwealth alleges that the changes are unjust and unreasonable in violation of section 18(a) of the Shipping Act, 1916, and do not meet the filing requirements of section 2 of the Intercoastal Shipping Act, 1933. The International Association of NVOCC's alleges that the charges set forth in Note 22 are discriminatory to the small shipper.

Upon consideration of the said tariff pages, and the protests filed thereto, the Commission is of the opinion that the above designated tariff matter should be made part of the public investigation and hearing in this proceeding to determine whether it is in violation of sections 16 First and 18(a) of the Shipping Act, 1916, and section 4 of the Intercoastal Shipping Act, 1933, by subjecting a particular description of traffic, person or locality to an undue or unreasonable prejudice or disadvantage. Good cause appearing, therefore:

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said rule and charges published on 9th Revised Page 344 and 6th Revised Page 345A of Sea-Land's Tariff F.M.C.-F No. 21, with a view toward making such findings and orders as the law, the facts and the circumstances warrant.

It is further ordered, That as a part of this investigation a determination shall be made as to whether Sea-Land's said rule and charges are in violation of sections 16 First and 18(a) of the Shipping Act, 1916, and section 4 of the Intercoastal Shipping Act, 1933.

It is further ordered, That this matter be joined with the matters set for investigation and hearing in Docket No. 73-17 and that the lawfulness of said rule be determined in the same proceeding, by the same Administrative Law Judge of the Commission's Office of Administrative Law Judges.

It is further ordered, That a copy of this order shall forthwith be served on all persons previously made parties in Docket No. 73-17 and published in the FEDERAL REGISTER.

It is further ordered, That the provisions of Rule 12 of the Commission's Rules of Practice and Procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived.

All persons, (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-17089 Filed 8-15-73;8:45 am]

[Docket No. 73-12]

SEA-LAND SERVICE, INC., ET AL.

First Supplemental Order of Investigation and Suspension Regarding Proposed ILA Surcharges in U.S. Atlantic and Gulf/Puerto Rico Trade

By an order dated March 16,.1973, this Commission instituted an investigation and hearing to determine the lawfulness of a 15.2 percent surcharge proposed by Sea-Land Service, Inc. (Sea-Land), Seatrain Lines, Inc. (Seatrain), and Transamerican Trailer Transport, Inc. (TTT) to allegedly offset increased labor costs resulting from their contract with the International Longshoremen's Association (ILA). The Commission suspended the proposed surcharges but allowed the carriers to file an interim surcharge of 5.2 percent. Pursuant to Executive Order 11723, dated June 13, 1973, the application of the full amount of the surcharge was postponed to August 13, 1973.

On August 7, 1973, respondent carriers proposed to place into effect a general rate increase in the trade between the U.S. Atlantic Coast and Puerto Rico amounting to 17.2 percent southbound and 5.2 percent northbound.[1] These increases will cancel and replace the proposed surcharges which are the subject of Commission investigation in this proceeding.

[1] The full amount of these increases may not be charged until August 13, 1973, in accordance with Executive Order 11723, dated June 13, 1973.

[1] It has also filed a special permission application to advance the effective date of these pages to the earliest possible date or alternatively August 14, 1973.

In support of the proposed increases, each of the carriers file data in compliance with the requirements of amendment 1 to General Order 11 (46 CFR 512.3(d)).

Numerous protests to the increase were filed alleging generally that the increases are unreasonably large, will adversely affect the Puerto Rico economy, and are contrary to Government efforts to curb inflation.

Upon consideration of the data submitted, and the protests filed, the Commission is of the opinion that the proposed increases should be suspended and made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under sections 16 and 18 (a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933. In view of the fact that the general increases are projected to generate approximately the same amount of additional revenues as the proposed surcharges, and of the fact that the surcharges are being cancelled without any alleged change in the labor contracts which prompted them, the Commission is of the further belief that the matter should be included in the public investigation and hearing now designated as Docket No. 73-12, *Sea-Land Service, Inc., Seatrain Lines, and Transamerican Trailer Transport, Inc. Proposed ILA Surcharges in the U.S. Atlantic and Gulf/Puerto Rico Trade*. Good cause appearing:

Therefore, it is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the tariff matter listed in Appendix A to make such findings and orders as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the tariff matter shown in Appendix A is hereby suspended and the use thereof deferred to and including December 8, 1973, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately by Sea-Land Service, Inc., Seatrain Lines, Inc. and Transamerican Trailer Transport Inc., consecutively numbered supplements to the tariffs listed in Appendix A, which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended matters are described and shall state that the matters are suspended and may not be used until December 9, 1973, unless otherwise authorized by the Commission and that the suspended matters may not be changed, except as ordered herein until this proceeding has been disposed of, or until the period of suspension has expired, whichever comes first, unless otherwise ordered by the Commission;

It is further ordered, That as a part of this investigation, a determination shall be made as to whether any portion of the proposed increases is designed to recover costs applicable to only one port and, if so, whether the application of the increase to all ports gives any undue or unreasonable preference or advantage to the one port, or subjects the remaining ports to any undue or unreasonable prejudice or disadvantage, pursuant to section 16 First of the Shipping Act, 1916.

It is further ordered, That as a part of this investigation, a determination shall be made as to whether the proposed increases listed in Appendix A are violative of section 18(a) of the Shipping Act, 1916;

It is further ordered, That this matter be joined with the matter previously set for investigation and hearing in Docket No. 73-12, *Sea-Land Service, Inc., Seatrain Lines, Inc., Transamerican Trailer Transport, Inc. Proposed ILA Surcharges in the U.S. Atlantic and Gulf/Puerto Rico Trade*, and that their lawfulness be determined in the same proceeding by the same Administrative Law Judge of the Commission's Office of Administrative Law Judges;

It is further ordered, That copies of this order shall be filed with the appropriate tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the following persons be designated as complainants in accordance with the Commission's rules of practice and procedure:

The Commonwealth of Puerto Rico;
Anibal L. Arsuaga, Inc.;
The Chamber of Commerce of Puerto Rico;
Fibres International Corporation;
Glamorgan Pipe & Foundry Company, Inc.;
Glen Alden Corporation;
International Playtex Corporation;
The B.V.C. Company;
Schenley Distillers, Inc.;
Geo. A. Hormel, & Co.;
Oscar Mayer & Co.;
John Morrell & Co.;
Metal Litho International, Inc.;
Metal Litho Corp.;
Tinplate Lithograph Co.; and
Metal Litho West Virginia Corp.

It is further ordered, That these proceedings be scheduled for public hearing to be held at a date and place to be determined by the Presiding Administrative Law Judge;

It is further ordered, That (I) a copy of this order be forthwith served upon respondents and complainants herein and upon the Commission's Bureau of Hearing Counsel and published in the FEDERAL REGISTER; and (II) the respondents, complainants, and Hearing Counsel be duly served with notice of time and place of hearing.

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony be deposition or written interrogatory if notice thereof is served within 20 days within commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuiness of documents if notice thereof is served within ten days of commencement of the proceeding, is similarly waived.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Scretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secrctary.

APPENDIX A

Sea-Land Service, Inc. Tariff FMC-F No. 21, 2nd Revised Page 66-A 7th Revised Title Page 1.
Seatrain Lines, Inc. Tariff FMC-F No. 1, Supplement No. 77.
Seatrain Lines, Inc. Tariff FMC-F No. 3, Supplement No. 54.
Transamerican Trailer Transport, Inc. Tariff FMC-F No. 1, 9th Revised Page 10A.

[FR Doc.73-17087 Filed 8-15-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI74-17, et al.]

RATE CHANGES

Order Providing for Hearing and Suspension [1]

AUGUST 7, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the

[1] Does not consolidate for hearing or dispose of the several matters herein.

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Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI74-17	Skelly Oil Co	258	4	Natural Gas Pipeline Company of America, (Evetts Field, Loving and Winkler Counties, Tex., Permian Basin).	$783	7- 5-73		9- 5-73	17.5656	18.5694	RI69-457.
RI74-18	Amoco Production Co	518	4	Natural Gas Pipeline Company of America (Lochridge Field, Ward County, Tex., Permian Basin).	726	7- 9-73		9- 9-73	[2] 18.1453	[2] 19.1822	RI70-781.
RI74-19	Mobil Oil Corp	17	[1] 28	Northern Natural Gas Company (Blinebry and Tubb Fields, Lea County, N. Mex., Permian Basin).	207,320	7-13-73		1-13-74	[1] [3] 20.8	[1] 35.0	
RI74-20	Phillips Petroleum Co	374	9	Transwestern Pipeline Co., (Bell Lake Area, Lea County, N. Mex., Permian Basin).	5,074	7- 6-73		2- 1-74	21.1011	23.6131	RI71-80.
RI74-21	Sun Oil Co	343	6	El Paso Natural Gas Co. (Mescalero Field, Lea County, N. Mex., Permian Basin).	(4)	7-10-73		9-10-73	15.95	17.9023	
RI70-243	do	432	8	El Paso Natural Gas Co. (Big Lake Area, Reagan County, Tex. Permian Basin).	114	7-10-73		[7] Accepted	19.2565	19.3278	RI70-243.
RI74-22	do	516	1	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex., Permian Basin).	8,640	7-10-73		1-10-74	27.0	35.0	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Applicable to wells involved in the reworking and recompletion program as provided by Supplement No. 36.
[2] Suspended in docket No. RI73-320 until Aug. 7, 1973.
[3] Currently no deliveries.
[4] Reflects partial reimbursement for the 0.5 percent increase in the Texas Production Tax which became effective Oct. 1, 1969.
[5] Pursuant to Order No. 390.
[6] Includes B.t.u. adjustment.
[7] Accepted subject to refund in Docket No. RI70-243 as of July 10, 1973.

The proposed tax reimbursement increase of Sun Oil Co. under FPC Gas Rate Schedule No. 432 reflects the 0.5 percent increase in the Texas Production Tax which became effective October 1, 1969. Pursuant to Order No. 390 the proposed increase is accepted subject to the existing suspension in Docket No. RI70-243 to become effective July 10, 1973, the date of filing.

The proposed increases of Mobil, Phillips Petroleum Co., and Sun Oil Co. under FPC Gas Rate Schedule No. 516 exceed the rate limit for a one day suspension, and, are, therefore, suspended for five months from the expiration of the 30 day statutory notice period or the contractual effective date, whichever is later.

The remaining proposed increases do not exceed the rate limit for a one day suspension and are therefore suspended for one day from the expiration of the 60 day notice period or the contractual effective date, whichever is later.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

Nothing contained in this order shall relieve the respondents of any responsibility imposed by the Economic Stabilization Act of 1970, (Pub. L. 91-379, 84 Stat. 799, as amended by Pub. L. 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73-16891 Filed 8-15-73;8:45 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Edison National Bank in Fort Myers, Fort Myers, Florida ("Edison Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 43 banks with total deposits of $1.3 billion, representing approximately 7 per cent of the total deposits of commercial banks in the State, and is the second largest banking organization in Florida. (All banking data are as of December 31, 1972, and reflect holding company acquisitions approved as of July 31, 1973, including seven new acquisitions since January 1, 1973.) The acquisition of Bank ($61 million in deposits) would increase Applicant's share of the total State deposits by 0.31 per cent, and it would remain the second largest banking organization in Florida.

Edison Bank is the third largest bank in the Lee County banking market (the relevant market) where it controls 14.5 per cent of market deposits. The proposed acquisition would represent Applicant's initial entry into this market. Upon consummation of the proposal, Applicant is committed to sever the affiliation (through director interlocks) between Edison Bank and Security National Bank, Fort Myers (deposits of $11.4 million).

Applicant's banking subsidiary nearest to Bank is approximately 85 miles away. In view of this distance and the prohibitive branch banking laws of Florida, competition between Edison Bank and any banking subsidiary of Applicant does not exist at present and is unlikely to develop in the future.

There are 11 banks in the Lee County market, and the two largest control over 50 per cent of the market deposits. Although Applicant has the capability and expertise to enter this market *de novo*, there are three remaining independent banks which offer holding company access to the market as well as seven proposals for new banks. In addition, through this transaction Security National Bank will lose its affiliation with Edison Bank and will offer an additional independent bank in the market. The loss of Applicant as a potential entrant into the market is not considered adverse in view of the relatively large number of potential entrants with *de novo* capability. The Board concludes that the acquisition would have no significant adverse effects on the competitive situation or the concentration of banking resources in the area.

Applicant has recently injected capital into certain of its subsidiary banks and has increased its own equity capital by converting debentures to common stock. It has also completed a public stock offering. In addition, Applicant has committed itself to improve the capital position of Edison Bank through an injection of equity capital. In light of these actions, the Board finds the financial condition and managerial resources of the Applicant, its subsidiaries, and Edison Bank as satisfactory; and prospects for each are favorable.

There is no evidence that the 11 banks in the market are failing to meet the banking needs of the community, and Applicant does not intend any immediate change in services offered by the proposed subsidiary. Edison Bank, however, will be able to benefit from larger lending limits and the expertise of specialized personnel in the holding company organization. Accordingly, considerations relating to convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective August 8, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-17014 Filed 8-15-73;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governors Daane and Brimmer.

ELLIS BANKING CORP.

Acquisition of Bank

Ellis Banking Corporation, Bradenton, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Commercial Bank of Sarasota, Sarasota, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 5, 1973.

Board of Governors of the Federal Reserve System, August 9, 1973.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73-17071 Filed 8-15-73;8:45 am]

FIRST WISCONSIN BANKSHARES CORP.

Acquisition of Bank

First Wisconsin Bankshares Corp., Milwaukee, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of First Wisconsin Bank of West Green Bay, Ashwaubenon, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 4, 1973.

Board of Governors of the Federal Reserve System, August 8, 1973.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73-17015 Filed 8-15-73;8:45 am]

MOUNTAIN BANK

Merger of Banks

Mountain Bank, Roanoke, Virginia, a nonoperating proposed State member bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Mountain Trust Bank, Roanoke, Virginia under the charter of Applicant and the name of Mountain Trust Bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application in light of factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's Order of July 24, 1973 relating to the application of First & Merchants Corporation, Richmond, Virginia, to acquire all of the voting shares of the successor by merger to The Mountain Trust Bank, Roanoke, Virginia, provided that said transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond, pursuant to delegated authority.

By order of the Board of Governors,[1] effective August 8, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-17016 Filed 8-15-73;8:45 am]

NORBANK, INC.

Formation of Bank Holding Company

Norbank, Inc., Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 98.9 per cent or more of the voting shares of Northbrook Trust & Savings Bank, Northbrook, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 4, 1973.

Board of Governors of the Federal Reserve System, August 8, 1973.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73-17018 Filed 8-15-73;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

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PHILADELPHIA NATIONAL CORP.

Acquisition of Hartzler Mortgage Company

Philadelphia National Corporation, Philadelphia, Pa., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Hartzler Mortgage Company, Columbus, Ohio. Notice of the application was published on May 16, 1973 in The Columbus Dispatch, a newspaper circulated in Franklin County, Ohio and on May 18, 1973 in the Mansfield News-Journal, a newspaper circulated in Richland County, Ohio.

Applicant states that the proposed subsidiary would engage in the activities or originating and servicing real estate mortgage loans. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 3, 1973.

Board of Governors of the Federal Reserve System, August 7, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17017 Filed 8-15-73;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to Irving Bank and Trust Company, Irving, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been timely received.

Applicant controls fourteen banks with deposits of $1,796.4 million, representing 5.18 percent of total deposits in commercial banks in the State of Texas, and Applicant is the fourth largest banking organization in the state.[1] Approval of the proposed acquisition would not result in any significant increase in the concentration of banking resources in Texas

Bank is situated in Irving, Texas, a suburban community with a population of approximately 97,000 bordering Dallas, and is located within the Dallas RMA. Bank has $59.1 million in deposits, a .79 percent share of market deposits, and ranks 13th of 110 banks in the market. Applicant does not have a subsidiary bank in the Dallas market: its closest banking subsidiary is located in San Angelo, Texas, approximately 228 miles to the southwest. The disfances separating the institutions, the number of banks in the intervening area, and Texas' prohibition of branch banking effectively eliminate the possibility of significant present competition between any of Applicant's existing subsidiary banks and the proposed subsidiary and make it unlikely that such conditions will develop in the future. Although the market appears attractive for *de novo* entry, the transaction would have no adverse effect on potential competition. Any such possible anticompetitive impact is effectively negated by Applicant's record of refraining from *de novo* entry outside the market area of its corporate headquarters in Houston, by Applicant's being only one of many potential entrants, and by Bank's suburban location and relatively small size preventing any reasonable consideration of Bank as the potential lead bank of a newly formed holding company and characterizing the acquisition as a "foothold" entry into the market. To the extent that Applicant could provide greater services to Bank, the proposed transaction would enhance Bank's ability to compete effectively with larger banking organizations presently in the market.

The financial and managerial resources and future prospects of Applicant, its existing subsidiary banks, and Bank are regarded as satisfactory and consistent with approval.

Considerations related to the convenience and needs of the community to be served lend weight to approval of the application. The already rapid rate of growth in the Irving community is projected to experience sharper acceleration due to the new Dallas-Fort Worth Regional Airport; the new and expanded services for Bank proposed and to be supported in development by Applicant, as well as Applicant's considerable resources, should enable Bank to more readily keep pace with the greater credit needs and the demand for a wider range of services that such development in the area will require. It is the judgment of the Federal Reserve Bank of Dallas that the balance of the statutory factors favors approval and that the transaction is in the public interest.

On the basis of the record as summarized above, the Federal Reserve Bank of Dallas approves the application, provided that the transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority, and further provided that the transaction shall be in compliance with the provisions of Section 3(e) of the Act (12 U.S.C. 1842(e)) regarding status as an insured bank as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)).

By order of the Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective August 7, 1973.

[SEAL] ROBERT H. BOYKIN,
Secretary.

[FR Doc.73-17072 Filed 8-15-73;8:45 am]

[1] All deposit figures are as of December 31, 1972, and bank holding company statistics reflect acquisitions and formations approved by the Board of Governors to the date of July 15, 1973.

GENERAL SERVICES ADMINISTRATION

ARCHIVES ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that the Region 10 Archives Advisory Council will meet at the time and place indicated. Anyone who is interested in attending or wants additional information should contact the person shown below.

REGIONAL ARCHIVES ADVISORY COUNCIL
REGION 10

Meeting date: September 20, 1973
Time: 8:00 a.m.–12 noon
Place: Salem Public Library
585 Liberty SE
Salem, OR 97301

Agenda: Archives intern program; microfilm publication program; genealogical reference service; plans for observance of the Bicentennial of the American Revolution.

For further information contact:
Paul A. Kohl
NARS Regional Commissioner
1000 Commodore Drive
San Bruno, CA 94066
415–556–3425

Issued in Washington, D.C. on August 8, 1973.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.73-17074 Filed 8-15-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-60]

FINAL ENVIRONMENTAL IMPACT STATEMENT

Public Notice Regarding Availability

Notice is hereby given of the public availability of the final Environmental Impact Statement for NASA Launch Vehicle and Propulsion Programs.

Comments on the draft Environmental Statement were previously solicited from State and local agencies and members of the public through a notice in the FEDERAL REGISTER of August 4, 1972.

Copies of the draft and final statement have been furnished to the Council on Environmental Quality, the Office of Management and Budget, the Environmental Protection Agency, the Atomic Energy Commission, the Department of Defense, the Department of State, the Department of Commerce, the Department of Transportation, and the Department of the Interior.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Ave, SW, Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.

(h) Lewis Research Center, NASA (Building—Administration, Room 120), 21000 Brookpark Rd., Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G–11), Huntsville, AL 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A–213), Bay St. Louis, MS 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Dr., Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E–105), Wallops Island, VA 23337.

Done at Washington, DC this 7th day of August 1973.

By direction of the Administrator.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73-17029 Filed 8-15-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Notice of Public Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of an *ad hoc* panel of the Business Advisory Council on Federal Reports to be held in Room 2008, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C., on Wednesday, September 19, 1973, at 9:30 a.m.

The purpose of the meeting is to obtain advice on reporting problems involved in a proposed public use report of the Federal Trade Commission entitled "Annual Line of Business Report." The meeting will be open to public observation and participation.

Anyone wishing to participate should contact Mr. David T. Hulett, Statistical Policy Division, Room 10208, New Executive Office Building, Washington, D.C. 20503, Telephone (202) 395–4730.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.73-17041 Filed 8-15-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

AZTEC PRODUCTS, INC.

Order Suspending Trading

AUGUST 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.05 par value, and all other securities of Aztec Products, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sec. 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 12, 1973 through August 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-17060 Filed 8-15-73;8:45 am]

[File No. 500–1]

BBI, INC.

Order Suspending Trading

AUGUST 10, 1973.

The common stock, $0.10 par value, of BBI, Inc. being traded on the American Stock Exchange and the PBW Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 12, 1973 through August 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-17061 Filed 8-15-73;8:45 am]

[File No. 500–1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

AUGUST 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units and all other securities of Beneficial Laboratories, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to sec. 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 12, 1973 through August 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-17059 Filed 8-15-73;8:45 am]

BUNKER RAMO CORP.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 10, 1973.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Sec. 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

(Bunker Ramo Corp., File No. 7–4438)

Upon receipt of a request, on or before August 26, 1973 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views

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or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-17048 Filed 8-15-73;8:45 am]

[File 500-1]

COASTAL STATES GAS PRODUCING CO.

Order Suspending Trading

AUGUST 8, 1973.

First Mortgage Bonds Series E 7¾ percent due 1991 of Coastal States Gas Producing Company being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and First Mortgage Bonds Series A 5 percent due 1983, Series B 5 percent due 1985, Series C 6½ percent due 1986, Series D 7⅝ percent due 1989, and Series E 7¾ percent due 1991; 5½ percent Sinking Fund Debentures due 1977; and 6 percent Sinking Fund Debentures due March 1980 of Coastal States Gas Producing Company being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to secs. 19 (a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:45 A.M. (EDT) August 8, 1973 through midnight (EDT) August 13, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-17063 Filed 8-15-73;8:45 am]

[File 500-1]

COLORADO INTERSTATE CORP.

Order Suspending Trading

AUGUST 8, 1973.

Debentures, 8½ percent due April 1991, of Colorado Interstate Corporation being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and 8½ percent Debentures due April 1991, First Mortgage 7½ percent Pipeline Bonds due June 1992 and First Mortgage 8 percent Pipeline Bonds due June 1989 of Colorado Interstate Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to secs. 19 (a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:45 A.M. (EDT) August 8, 1973 through midnight (EDT) August 13, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-17064 Filed 8-15-73;8:45 am]

[File 500-1]

COLORADO INTERSTATE CORP.

Order Suspending Trading

AUGUST 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Preferred 5 percent Cum., Preferred 5.35 percent Cum., and Preferred 5.50 percent Cum of Colorado Interstate Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 P.M. (EDT) August 8, 1973 through August 13, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-17065 Filed 8-15-73;8:45 am]

[File 500-1]

COLORADO INTERSTATE GAS CO.

Order Suspending Trading

AUGUST 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the First Mortgage 3.3 percent Pipeline Bonds due July 1974, First Mortgage 4.70 percent Pipeline Bonds due March 1979, and 4¾ percent Debentures due April 1984 of Colorado Interstate Gas Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sec. 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:45 A.M. (EDT) August 8, 1973 through midnight (EDT) August 13, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-17062 Filed 8-15-73;8:45 am]

[File No. 7-4439]

ESMARK, INC.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 10, 1973.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to sec. 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Esmark, Inc., File No. 7-4439

Upon receipt of a request, on or before August 26, 1973 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-17047 Filed 8-15-73;8:45 am]

[File No. 811-1468]

INDEX FUND, INC.

Filing of Application

AUGUST 10, 1973.

Notice is hereby given that Index Fund, Inc., c/o Charles E. McGuinness, Suite 1115, 36 West 44th Street, New York, New York 10036 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to sec. 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The application states, among other things, that Applicant and the Pilgrim Fund, Inc., a Maryland corporation, also a registered investment company under the Act, entered into an Agreement and Plan of Reorganization ("Plan") on November 8, 1972; that the shareholders of Applicant approved the Plan on December 15, 1972; and that pursuant to the Plan, Applicant sold substantially all of its assets to Pilgrim in exchange for shares of its $1.00 par value capital stock, which stock was then distributed to Applicant's shareholders. As a result of the consummation of the Plan, Applicant has no assets other than sufficient cash to prosecute claims Applicant has pending in the United States District Court for the Southern District of New York. Such claims arose, according to the application, from actions taken by Mr. Robert R. Hagopian while he was President of both Applicant and its investment adviser, Meridian Management Corporation. A special bank account will be established for any net proceeds from these actions, which will then be distributed to Applicant's shareholders.

The application further states that Applicant has ceased engaging in any business activity; that it has no plans to engage in any business activity in the future; and that it is effecting its dissolution pursuant to the corporation laws of Massachusetts.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 4, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-17046 Filed 8-15-73;8:45 am]

[Release Nos. 33-5411 and 34-10296]

LITIGATION AND ADMINISTRATIVE PROCEEDINGS AFFECTING PROFESSIONALS PRACTICING BEFORE THE COMMISSION

Notice of Inquiry

In recent years there has been a significant increase in the amount of civil and criminal litigation and of administrative disciplinary proceedings involving professionals such as accountants and attorneys who practice before the Commission. The disclosure rules and forms adopted by the Commission under the Securities Act of 1933 and the Securities Exchange Act of 1934 do not contain provisions expressly requiring disclosure relating to such litigation. However, several judicial proceedings have been instituted recently which include allegations that the failure of issuers to disclose litigation involving accounting firms in proxy statements subject to the Commission's proxy rules resulted in omissions of material facts. Approval or ratification by shareholders of selections of the firms as auditors for the next year was being sought in each case.

The Commission believes that these cases also raise questions with respect to disclosure of litigation affecting other types of professionals who practice before the Commission, such as attorneys, engineers and appraisers. Accordingly, the Commission has authorized an inquiry by its Division of Corporation Finance in conjunction with the Office of the Chief Accountant to obtain information from and ascertain views of interested persons relating to these issues. The Commission's staff will be contacting certain professional organizations in this regard. However, the Commission solicits information and comments from other interested persons as well. Those submitting comments should consider and address themselves particularly to the following:

1. What standard of materiality, if any, should be applied?

2. Are the type of professional involved in the litigation including the nature of his connection with the filing and whether an individual professional or a firm are involved in the litigation relevant considerations?

3. Is the identity of other parties to the litigation, e.g., the issuer, a relevant consideration?

4. Should any requirement for disclosure vary depending on the nature (criminal, civil, injunctive action, administrative proceeding) and status of the litigation (whether the litigation is pending or final order or judgment entered)?

5. Should litigation other than that arising under the federal securities laws be considered?

6. Is the nature of the filing in which such disclosure, if any, might be required (e.g., 1933 Act registration statement or 1934 Act registration statement, proxy statement or report) a relevant consideration?

7. What would be the appropriate form of disclosure, if any?

8. What would be the appropriate period of time during which such disclosure, if any, should be required?

It should be emphasized that the Commission has reached no determination with respect to these matters. After consideration of the views and comments obtained as the result of this inquiry, the Commission will consider whether appropriate rules or guidelines should be adopted (after appropriate opportunity for comment) to set standards for disclosure of litigation or proceedings relating to professionals practicing before the Commission. Until this inquiry is completed the staff will not suggest such disclosure except under unusual circumstances. In the interim, it is the responsibility of issuers filing with the Commission to determine whether disclosure of litigation relating to professionals who participate in the preparation of or report on some aspect of a filing is required under the securities laws.

Persons desiring to comment on this subject should submit their comments in writing to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 prior to September 15, 1973. All such communications will be placed in the public files of the Commission and should refer to File No. S7-488.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

JULY 25, 1973.

[FR Doc.73-17052 Filed 8-15-73;8:45 am]

[File No. 500-1]

ORECRAFT, INC.

Order Suspending Trading

AUGUST 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.04 par value, and all other securities of Orecraft, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sec. 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be

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effective for the period from August 13, 1973 through August 22, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-17057 Filed 8-15-73;8:45 am]

[File No. 500-1]

PACER CORP.

Order Suspending Trading

AUGUST 9, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Pacer Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sec. 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 10, 1973 through August 19, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-17049 Filed 8-15-73;8:45 am]

[File No. 811-1174]

PROFESSIONAL PORTFOLIO FUND, INC.

Filing of Application

AUGUST 10, 1973.

Notice is hereby given that Professional Portfolio Fund, Inc. ("PPF"), 1600 Kapiolani Boulevard, Honolulu, Hawaii 96814, formerly a Hawaii corporation registered as an open-end, non-diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to sec. 8(f) of the Act for an order of the Commission declaring that PPF has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

PPF stated that on May 11, 1973, its shareholders approved the sale of substantially all of its assets in exchange for shares of common stock of The Pegasus Fund, Inc. ("Pegasus"), a Maryland corporation registered under the Act as an open-end, diversified management investment company, and that such sale and exchange took place as of the close of business on such date. PPF further states that pursuant to the Agreement and Plan of Reorganization with Pegasus, the common stock received by PPF has been distributed to PPF's shareholders. PPF represents that all liabilities in connection with the sale and dissolution of PPF have been paid or assumed by Financial Advisors, Inc., its former investment advisor; that the Investment Advisory Agreement pursuant to which PPF's assets were managed by Financial Advisors, Inc. has been terminated; that on May 11, 1973 a Certificate of Dissolution was filed by PPF with the Department of Regulatory Agencies of the State of Hawaii and that the dissolution of PPF was effective upon such filing under the laws of the State of Hawaii; and that as a result of the distribution of the shares of Pegasus received by PPF, PPF has no security holders. PPF further represents that as a result of the distribution of said Pegasus shares, PPF has no assets.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 5, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-17050 Filed 8-15-73;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES, INC.

Order Suspending Trading

AUGUST 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $5. par value and all other securities of Royal Properties Incorporated, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sec. 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 11, 1973 through August 20, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-17066 Filed 8-15-73;8:45 am]

[File No. 811-2343]

STRUTHERS CAPITAL CORP.

Filing of Application

AUGUST 10, 1973.

Notice is hereby given that Struthers Capital Corporation ("Applicant"), 630 Fifth Avenue, New York, New York 10020, a New York corporation, has filed an application pursuant to sec. 6(c) of the Investment Company Act of 1940 ("Act") for an amended order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant, all of the capital stock of which consists of 1,000 shares of Common Stock having a par value of $1.00 per share, is presently owned by Struthers Wells Corporation ("Struthers"). Applicant was formed by Struthers in April 1968 and has operated as a small business investment company ("SBIC") licensed by the Small Business Administration ("SBA") under the Small Business Investment Act of 1958, as amended ("SBIA"), since August 9, 1968 when Applicant acquired all of the business and assets of Developers Small Business Investment Corporation, a New Jersey corporation licensed under the SBIA. Applicant has previously received from the Commission an Order pursuant to Section 6(c) of the Act exempting Applicant from all provisions of the Act and the rules and regulations thereunder, subject to certain conditions (Investment Company Act Release No. 5461, August 9, 1968) (the "Order").

Applicant's business consists of furnishing equity capital and making long-term loans to small businesses, and through a wholly owned subsidiary supplying management, financial and other

services on a fee basis to such small businesses. The major portion of revenues are derived from interest received on account of outstanding investments and certificates of deposit. At November 30, 1972, Applicant and its subsidiary had total assets of $2,677,118 (exclusive of $1,992,516 of cash items), of which its investments (net of allowances for possible losses) amounted to $2,559,645. At May 31, 1973, such total assets aggregated $2,700,482 (exclusive of $1,839,000 of cash items), of which investments (net of allowances for possible losses) amounted to $2,592,380. At that date, Applicant had no debt securities, other than amounts payable to Struthers or to the Small Business Administration. For the year ended November 30, 1972, Applicant had total revenues of $278,788 and incurred a net loss of $17,162. For the six month period ended May 31, 1973, Applicant had total revenues of $135,000 and operated on a break-even basis.

Pursuant to a Stock Purchase Agreement, dated July 26, 1973 (the "Agreement"), between Struthers and Prudential Funds, Inc. ("Prudential"), a Delaware corporation Struthers has agreed to sell and Prudential has agreed to buy all of the authorized, issued and outstanding shares of Applicant's Common Stock for a cash consideration of $2,100,000. The Agreement provides that simultaneously with the sale of Applicant's Common Stock, Struthers will purchase from Applicant the interest of Applicant in certain real property and related stock investments and advances for the amount of $636,335.50, which interests represent aproximately 15 percent of the assets of Applicant. The Agreement has been approved by the Boards of Directors of Applicant, Struthers and Prudential and is subject to certain conditions, including the granting by the Commission of an amendment to the Order to permit the ownership of the shares of Applicant by Prudential under the same terms and conditions as specified in the Order.

The transfer of all the outstanding stock of Applicant from Struthers to Prudential will leave Applicant in its present status as a wholly owned subsidiary of an operating parent whose shares are traded on the American Stock Exchange. Section 3(b)(3) of the Act excepts from the definition of investment company any issuer all of the outstanding securities of which (other than short-term paper and director's qualifying shares) are owned by a company primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities. Applicant represents that Prudential is engaged, and intends to engage, primarily in businesses other than investing, reinvesting, owning, holding or trading in securities and that Applicant upon consummation of the proposed transaction would continue to be excepted from status as an investment company, pursuant to sec. 3(b)(3), except for indebtedness of Applicant represented by subordinated notes and debentures held by the SBA. Applicant asserts that there is no public interest in regulating Applicant under the Act solely on the basis of such debt not held by Prudential, since the SBA is in a position under the provisions of the SBIA amply to protect itself with respect to this investment.

Applicant has agreed that an amended order granting the application may be based upon conditions providing that no person other than Prudential or the SBA shall at any time own any security of Applicant (other than short-term paper) and providing for the periodic filing with the Commission of certain financial and other information concerning Applicant and Prudential, and that such amended Order be applicable to permit the change in control of Applicant from Struthers to Prudential and shall not apply to any other or further change of control, directly or indirectly.

Prudential was incorporated in Delaware on December 21, 1965, under the name of Prudential Drilling Funds, Inc., and effective July 1, 1966, it took over the oil and gas management business of Prudential Oil Corporation which had been the manager of previous Prudential oil and gas programs since its original incorporation in Connecticut in 1959. Since 1960, Prudential and its predecessor have publicly offered unit participations in and administered oil and gas exploration programs known as the Prudential Drilling Fund Programs (the "Programs"), which provide facilities for unit participation by individuals in high income tax brackets in a number of oil and gas drilling ventures. Prudential also owns interests in oil and gas properties which have been acquired from time to time through the purchase of unit participations in certain of the Programs for its own account, and in certain instances by purchase from others.

Prudential presently has three wholly-owned subsidiaries: Prudential Ventures Corp., a Delaware corporation which is registered as broker-dealer under the Securities Exchange Act of 1934 and participates in the offering and sale of units in the Programs; Battery Park Resources Corp., a Delaware corporation, which owns certain real estate interests; and Connecticut Exploration Corp., a Connecticut corporation which holds title to certain Canadian leasehold interests and properties as nominee for participants in prior Programs administered by Prudential.

Prudential employs approximately 50 persons, of which approximately 25 persons, including petroleum engineers and landmen, perform services in connection with the Programs and are located in Prudential's oil and gas offices in Houston, Texas. Prudential's principal executive offices are located at One New York Plaza, New York, New York 10004.

Total consolidated revenues of Prudential and its subsidiaries for the fiscal year ended May 31, 1972 and for the nine months ended February 28, 1973, amounted to $3,567,000 and $3,514,000, respectively. Revenues attributable to Prudential's oil and gas interests, net of operating expenses, amounted to approximately 45 percent of total consolidated revenues of Prudential and its subsidiaries for the fiscal year ended May 31, 1972 and approximately 55 percent of such total consolidated revenues for the nine months period ended February 28, 1973. Commission income earned by Prudential and its subsidiaries from subscriptions to the Programs (from which revenues commission payments are made to N.A.S.D. members assisting in the offering and sale of unit participations in the Programs) amounted to approximately 36 percent of consolidated total revenues for the fiscal year ended May 31, 1972 and approximately 35 percent of consolidated revenues for the nine months ended February 28, 1973.

Total assets of Prudential and its subsidiaries at May 31, 1972 and February 28, 1973 aggregated $16,729,654 and $14,603,686, respectively, of which oil and gas interests (net of depreciation, depletion and amortization) aggregated $6,346,517 and $5,181,969, respectively. For the year ended May 31, 1972, Prudential and its subsidiaries incurred a consolidated net loss of $4,558,739 and for the nine months period ended February 28, 1973, a consolidated net loss of $207,000 was realized.

Prudential has concluded that diversification into the SBIC field, as an adjunct to its present operations, would allow it to use certain of its existing management and technical resources to assist Applicant in the infusion of venture capital into new businesses.

Notice is further given that any interested person may, not later than August 29, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an amended order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

V 38 158 AUG 16 73 XUM

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-17051 Filed 8-15-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL, INC.

Order Suspending Trading

AUGUST 10, 1973.

The common stock, $2.50 par value, of U.S. Financial Incorporated being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to secs. 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 12, 1973 through August 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-17058 Filed 8-15-73;8:45 am]

[File No. 500-1]

TEXTURED PRODUCTS, INC.

Order Suspending Trading

AUGUST 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value and all other securities of Textured Products, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sec. 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 13, 1973 through August 22, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-17056 Filed 8-15-73;8:45 am]

[File No. 500-1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

AUGUST 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sec. 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 12, 1973 through August 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-17055 Filed 8-15-73;8:45 am]

[File No. 811-1915]

WISCONSIN LIFE INSURANCE CO. VARIABLE ACCOUNT A

Filing of Application

AUGUST 10, 1973.

Notice is hereby given that The Wisconsin Life Insurance Company Variable Account A ("Applicant"), 709 North Segoe Road, Madison, Wisconsin 53705, registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, has filed an application pursuant to sec. 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant has requested withdrawal of its registration statement on Form S-6 under the Securities Act of 1933 which it filed in 1969 and which has never become effective. Applicant represents that none of its securities have ever been offered or sold to the public, and that current business conditions do not warrant offering its securities at this time. Applicant further represents that it is a dormant trust engaging in no business activities.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 5, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-17054 Filed 8-15-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON CARCINOGENS

Notice of Meeting

Notice is hereby given that the Standards Advisory Committee on Carcinogens, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on the following dates: Tuesday, August 21, 1973, at 9:30 a.m. in conference Room 216 A, B, C, and D of the Main Labor Building, 14th Street and Constitution Avenue, NW., Washington, D.C.; Wednesday, August 22, 1973, at 9:00 a.m., and Thursday, August 23, 1973, at 9 a.m., in Conference Room 107 A, B, and C of the Main Labor Building; and Friday, August 24, 1973, at 8:30 a.m., in Conference Room 216 A, B, C, and D of the Main Labor Building.

The agenda provides for further discussion by the committee of the development of recommendations for a standard on carcinogens.

The meetings shall be open to the public. Written data, views, or arguments concerning the subject to be considered may be filed, together with 25 copies thereof, with the Committee's Executive Secretary up to the close of business on August 21, 1973. Submissions timely received will be provided to the members of the Committee and will be included in the record of the meetings.

All written communications should be addressed as follows:

Milton W. Umbenhouer, Acting Executive Secretary, Standards Advisory Committees, OSHA-OSMC Railway Labor Building, Room 509 U.S. Department of Labor Washington, D.C. 20210

Signed at Washington, D.C. this 14th day of August 1973.

JOHN STENDER, *Assistant Secretary of Labor.*

[FR Doc.73-17168 Filed 8-15-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Mexican List No. 270]

MEXICAN STANDARD BROADCAST STATIONS

Notification List

JULY 15, 1973.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941

Call Letters	Location	Power Watts	Antenna Radiation mv/m/kw	Schedule	Class	Antenna Height (ft)	GROUND SYSTEM No. Radials	GROUND SYSTEM Length (ft)	Proposed date of change or commencement of operation
		610 kHz							
XEEL	Fresnillo, Zacatecas (PO 1000-D, 250-N, ND, U)	5,000-D/1,000-N	DA-2	U	III				1-1-74 (probable)
		620 kHz							
(New)	Carrillo Puerto, Quintana Roo	1,000-D/250-N	ND-190	U	III	397	120	397	1-1-74 (probable)
		630 kHz							
XEACA	Acapulco, Guerrero. N 16 50 30 W 99 50 43 (correction of an error)	5,000-D/250-N	ND-181.5	U	III	390	120	328	
		710 kHz							
XERK	Tepic, Nayarit. N 21 31 27 W 104 55 00 (in operation)	1,000-D/175-N	ND-175	U	II	285	120	285	2-1-73
		710 kHz							
XEON	Tuxtla Gutierrez, Chiapas N 16 45 30 W 93 06 45 (PO 2000-D, 1,000-N, ND, U)	3,000-D/1,000-N	ND-197	U	II	427	120	345	1-1-74 (probable)
		780 kHz							
(New)	Miahuatlan, Oaxaca	250	ND-150	D	II	190	120	190	1-1-74 (probable)
		800 kHz							
XEROK	Cd. Juarez, Chihuahua, N 31 44 15.8 W 106 29 08.5 (Change in call letters—previously XELO)	150,000	ND-225	U	IA	499	180	427	
		810 kHz							
XERI	Reynosa, Tamaulipas, N 26 05 27 W 98 16 20 (PO 250 W, ND, D)	*600*	ND-*160*	D	II	*218*	90	*218*	10-1-73 (probable)
		810 kHz							
XEOE	Tapachula, Chiapas, N 14 54 34 W 92 15 30 (PO 1,000-D, 150-N)	1,000-D/250-N	ND-175	U	II	246	90	202	10-1-73 (probable)
		830 kHz							
XEUA	Zacatecas, Zacatecas (New)	1,000	ND-190	D	II	296	120	296	1-1-74 (probable)
		850 kHz							
XEVQ	*Culiacan, Sinaloa* (PO Navolato, *Sin.*)	1,000	ND	D	II				1-1-74 (probable)
		880 kHz							
XETZ	Tequila, Jalisco, (PO 1,000 W, ND, D)	*10,000*	ND-181	D	II	266	90	271	12-1-73 (probable)
		970 kHz							
XEUG	Guanajuato, Guanajuato (PO 500 W, ND-D)	*1,000-D/250-N*	*DA-2*	U	III				1-1-74 (probable)

V 38-158 AUG 16 73 XUM

Call Letters	Location	Power Watts	Antenna Radiation mv/m/kw	Schedule	Class	Antenna Height (ft)	GROUND SYSTEM No. Radials	GROUND SYSTEM Length (ft)	Proposed date of change or commencement of operation
		990 kHz							
XETG	Tuxtla Gutierrez, Chiapas	10,000	DA-N	U	II				10-1-73 (probable)
		990 kHz							
XEUM	Valladolid, Yucatan, *N 20 40 40 W 88 12 33* (Previously notified 250 W, ND, U).	500-D/250-N	ND	U	II				9-1-73 (probable)
		990 kHz							
XEER	Cd. Cuauhtemoc, Chihuahua N 28 24 43 W 106 51 00 (PO 500-D, 200-N)	1,000-D/200-N	ND-176	U	II	251	100	148-246	8-1-73 (probable)
		1080 kHz							
XEXK	Poza Rica, Veracruz, *N 20 32 05 W 97 28 20* (In operation)	250	ND-150	D	II	197	90	194	1-1-73
		1140 kHz							
XEXF	Leon, Guanajuato *N 21 08 50 W 101 42 25* (In operation)	5,000	ND-184	D	II	220	90	220	12-1-72
		1200 kHz							
(New)	Cosolapa, Oaxaca	250	ND-190	D	II	205	120	205	1-1-74 (probable)
		1200 kHz							
XEITC	Celaya, Guanajuato (new)	250	ND-175	D	II	185	90	185	1-1-74 (probable)
		1210 kHz							
(New)	Zacatecas, Zacatecas	1,000-D/150-N	ND-175	U	IV	179	90	179	1-1-74 (probable)
		1220 kHz							
XECG	Nogales, Sonora N 31 19 10 W 110 58 15 (Correction of an error)	1,000-D/250-N	ND	U	IV				
		1250 kHz							
XEZT	Puebla, Puebla N 19 02 30 W 98 11 52 (PO 250 W, ND, D)	500	ND-175	D	III	177	90	177	9-1-73 (probable)
		1290 kHz							
XEIX	Jiquilpan, Michoacan N 19 59 31 W 102 43 16 (PO 1000 W, ND, D)	1,000-D/100-N	ND-192	U	III	203	120	197	11-1-73 (probable)
		1390 kHz							
XESX	Tuxtla Gutierrez, Chiapas (new).	5,000	ND-190	D	III	117	120	177	1-1-74 (probable)
		1200 kHz							
XEFS	Izucar de Matamoros, Puebla (new).	250	ND-150	D	IV	105	90	105	1-1-74 (probable)
		1400 kHz							
XENAY	Ahuacatlan, Nayarit (new)	250-14.2-N	ND-175	U	IV	158	90	158	1-1-74 (probable)
		1420 kHz							
XEIIW	Rosario, Sinaloa N 23 03 53 W 105 50 16 (PO 250W, ND, U)	1,000-D/250-N	ND-216	U	III	300	90	180	10-1-73 (probable)
		1450 kHz							
XEPY	Merida, Yucatan N 20 58 30 W 89 37 20 (PO 250 W, ND, U)	500-D/250-N	ND-174	U	IV	151	90	151	11-1-73 (probable)
		1460 kHz							
XEOLAg	Altamira, Tamaulipas N 22 30 40 W 97 55 47 (Previously XEJT, PO 1,000 W, ND, U)	5,000-D/1,000-N	DA-D ND-190	U	III	169	120	197	
		1490 kHz							
XEME	Valladolid, Yucatan N 20 41 55 W 88 12 24 (In operation)	500	ND-175	U	IV	148	90	148	1-1-73
		1450 kHz							
XEPOP	Puebla, Puebla (Change in call letters—previously XEZV)	250	ND-175	U	IV	148	90	148	1-1-74 (probable)
		1510 kHz							
XELW	Cd. Guzman, Jalisco N 19 42 13 W 103 27 53 (PO 500 W, ND, D)	1,000	ND-172	D	II	141	90	135	10-1-73 (probable)
		1520 kHz							
XEEH	San Luis Rio Colorado, Sonora N 32 29 00 W 114 46 16	1,000	ND-190	D	II	162	120	162	1-1-74 (probable)
		1580 kHz							
XEQL	Zamora, Michoacan N 19 59 14 W 102 16 12 (PO 1000-D, 100-N, ND, U)	1,000-D/250-N	ND-192.5	U	II	167	120	164	10-1-73 (probable)
		1600 kHz							
XEQT	Veracruz, Veracruz *N 19 11 15 W 96 07 58* (PO 250 W, ND, U)	500-D/250-N	ND-175	U	III	154	90	126	11-1-73 (probable)
		1600 kHz							
XEZA	Topolobampo, Sinaloa	1,000-D/200-N	ND-175	U	III	138	90	138	1-1-74 (probable)

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.73-16910 Filed 8-15-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—AUGUST

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WASHINGTON, D.C.

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PART II

COMPTROLLER GENERAL

■

Federal Campaign Funds

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Title 11—Federal Elections

CHAPTER I—COMPTROLLER GENERAL

SUBCHAPTER B—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

EARMARKED CONTRIBUTIONS OR EXPENDITURES

Parts 11 and 14 are amended to require complete disclosure under title III of the Act of all transactions pertaining to contributions or expenditures (including transfers of funds) which have been "earmarked" by the original donor or some other person for ultimate delivery to, or for the benefit of, a specific Federal candidate or political committee. The amendment to part 19 makes clear that the prohibition of contributions in the name of another does not preclude the making or acceptance of any "earmarked" contribution which is properly reported under these amendments to the regulations.

The detailed disclosure procedures required under these amendments are illustrated by examples printed at page — of this issue of the FEDERAL REGISTER.

These amendments are effective on August 16, 1973.

PART 11—SCOPE AND DEFINITIONS

1. A new § 11.25 is added as follows:

§ 11.25 Earmark, earmarked or earmarking.

"Earmark," "earmarked," and "earmarking" mean any and all designations, instructions or encumbrances (including but not limited to those which are direct or indirect, express or implied, oral or written) which cause or result in all or any portion of a contribution or expenditure being made to or expended for the benefit of a specific candidate or political committee.

(Sec. 308(a)(13), 86 Stat. 17, 2 U.S.C. 438, Interpret or apply section 301, 86 Stat. 11, 2 U.S.C. 431)

PART 14—REPORTS BY POLITICAL COMMITTEES AND CANDIDATES TO THE COMPTROLLER GENERAL

2. Section 14.2 is amended by revising paragraph (b)(4) to read as follows:

§ 14.2 Form and contents.

* * * * *

(b) Each report by such committee or candidate under this part (except subparagraph (12) of this paragraph) shall disclose—

* * * * *

(4) The name and mailing address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds in any amount during the reporting period, together with the amounts and dates of all transfers and complete identification, under the provisions of § 14.12 of this subchapter, for each transfer of earmarked funds.

* * * * *

(Sec. 308(a)(13), 86 Stat. 17, 2 U.S.C. 438. Interpret or apply section 304, 86 Stat. 14, 2 U.S.C. 434)

PART 19—PROHIBITION OF CONTRIBUTIONS IN THE NAME OF ANOTHER

3. A new § 14.12 is added as follows:

§ 14.12 Disclosure of earmarked contributions and expenditures.

(a) Each candidate, political committee, and other person required to file reports under the Act who receives an earmarked (see definition in § 11.25 of this subchapter) contribution or makes an earmarked expenditure (including any transfer of funds) that is subject to the reporting requirements of the Act and this subchapter shall report the full name and mailing address, occupation and principal place of business, if any, of the donor or any other person who originally earmarked the contribution or expenditure; the name and address of each political committee or candidate for whom the contribution or expenditure is earmarked; and the amount of such contribution or expenditure earmarked for each such candidate or political committee and the aggregate amount of such contribution or expenditure earmarked for each such candidate or political committee and the aggregate amount earmarked for each during the calendar year.

(b) The reporting required by this section shall be in addition to all other reporting of such contribution or expenditure required by the Act and this subchapter; shall be performed by all candidates, political committees and other persons receiving, expending, or transferring earmarked funds; and shall be reported together with all other required information on the appropriate Schedules A–D supplementing C.G. Election Forms 2 or 3.

(Sec. 308(a)(13), 86 Stat. 17, 2 U.S.C. 438. Interpret or apply section 304, 86 Stat. 14, 2 U.S.C. 434)

4. Section 19.1 is amended by designating the first paragraph thereof as (a) and adding a new paragraph (b) as follows:

§ 19.1 Prohibition.

(a) No person shall make a contribution (as defined in Part 11 of this subchapter) in the name of another person or in any other name than his own in connection with any candidate's campaign for nomination or election to the office of President or Vice President, and no person shall knowingly accept such a contribution made by one person in the name of another person or in any other name than the contributor's in connection with any such campaign. The foregoing sentence applies to any contributor, as well as to any candidate, or any officer or employee of a political committee, or any other person.

(b) Nothing in this section prohibits the making or acceptance of any earmarked contribution which is properly reported under this subchapter (see § 14.12 of this subchapter).

(Sec. 308(a)(13), 86 Stat. 17, 2 U.S.C. 438. Interpret or apply section 310, 86 Stat. 19, 2 U.S.C. 440)

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.73-16883 Filed 8-14-73;8:45 am]

COMPTROLLER GENERAL

FEDERAL CAMPAIGN FUNDS

Reporting Procedures for Earmarked Funds

Under section 308(a)(13) of the Federal Election Campaign Act of 1971, the Comptroller General has today issued revised regulations pertaining to the disclosure of "earmarked" contributions and expenditures. To illustrate the application of the newly issued amendment to the regulations and the related reporting requirements, sample reports based upon the following hypothetical example of "earmarking" are attached.

Example. On August 21, 1972, John Doe, 1500 Central Avenue, Boise, Idaho, 83702, an Executive Vice-President of the XYZ Corporation in Boise, contributed $5,000 to the Durango County Democratic Committee with instructions that the entire amount be transmitted to the Idaho State Central Democratic Committee and in turn transferred by that committee to "Democrats for Nixon," a national political committee supporting the re-election of President Nixon. On August 26, 1972, the Durango County Committee transferred $25,000 to the State Committee which included the $5,000 donated by John Doe and earmarked by him for Democrats for Nixon. The State Committee received the transfer on August 28 and transferred the $5,000 earmarked by John Doe to Democrats for Nixon on August 29. Democrats for Nixon received the transfer on the next day, August 30, 1972. In a previous reporting period John Doe had contributed $1,500 directly to the Idaho State Central Democratic Committee with instructions that $1,000 of that sum be conveyed to Democrats for Nixon.

The appendix illustrates the detail in which each of the foregoing transactions should be reported by all committees on their September 10 reports.

Forms and further information on this revision, or any other provision of our regulations, may be obtained from the Office of Federal Elections, U.S. General Accounting Office, 441 G Street, NW., Washington, D.C. 20548.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

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APPENDIX

SCHEDULE A

ITEMIZED RECEIPTS—CONTRIBUTIONS, TICKET PURCHASES, LOANS, AND TRANSFERS

Durango County Democratic Committee (Full Name of Candidate or Committee)

Part No. 1 (Use for itemizing Part 1, 2, 3, 4, or 5)

SEE REVERSE SIDE FOR INSTRUCTIONS

(Use separate page(s) for each numbered Part)

Date (month, day, year)	Full Name, Mailing Address, and ZIP Code (occupation and principal place of business, if any)	Aggregate Year-to-date (complete if applicable)	Amount of Receipt This Period
8/21/72	John Doe 1500 Central Avenue Boise, Idaho 83702 Executive Vice President XYZ Corporation in Boise	Aggregate Year-to-date $ 5,000.00	$5,000.00
	[This contribution is earmarked by Mr. Doe for transmittal to the Idaho State Central Democratic Committee and then to Democrats for Nixon, Dallas, Texas; aggregate year-to-date earmarked funds $5,000.00]	Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
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		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	

TOTAL THIS PERIOD

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SCHEDULE D

ITEMIZED EXPENDITURES—PERSONAL SERVICES, LOANS, AND TRANSFERS

Durango County Democratic Committee
(Full Name of Candidate or Committee)

Part No. 10
(Use for itemizing Part 7, 8, or 10)

SEE REVERSE SIDE FOR INSTRUCTIONS
(Use separate page(s) for each numbered Part)

Date (month, day, year)	Full Name, Mailing Address, and ZIP Code (occupation and principal place of business, if any)	Amount of Expenditure This Period
8/26/72	Idaho State Central Democratic Committee 7354 Branch Blvd. Boise, Idaho 83704	$25,000.00
	[$5,000.00 earmarked by John Doe for transmittal to Democrats for Nixon; Dallas, Texas, see Part 1, Sch.A,Pg.1]	

TOTAL THIS PERIOD

APPENDIX

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SCHEDULE A

ITEMIZED RECEIPTS—CONTRIBUTIONS, TICKET PURCHASES, LOANS, AND TRANSFERS

Idaho State Central Democratic Committee
(Full Name of Candidate or Committee)

Part No. 5
(Use for itemizing Part 1, 2, 3, 4, or 5)

SEE REVERSE SIDE FOR INSTRUCTIONS
(Use separate page(s) for each numbered Part)

Date (month, day, year)	Full Name, Mailing Address, and ZIP Code (occupation and principal place of business, if any)	Aggregate Year-to-date (complete if applicable)	Amount of Receipt This Period
8/28/73	Durango County Democratic Committee 6414 Oak Street Boise, Idaho 83704	Aggregate Year-to-date $	$25,000.00
	[$5,000.00 of this amount earmarked for Democrats for Nixon, Dallas, Texas, by John Doe, 1500 Central Ave., Boise, Idaho, 83702, an executive vice president with XYZ Corporation, in Boise, Idaho, aggregate year-to-date earmarked funds from Doe $6,000.00]	Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	

TOTAL THIS PERIOD

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SCHEDULE D

ITEMIZED EXPENDITURES—PERSONAL SERVICES, LOANS, AND TRANSFERS

Idaho State Central Democratic Committee
(Full Name of Candidate or Committee)

Part No. 10
(Use for itemizing Part 7, 8, or 10)

SEE REVERSE SIDE FOR INSTRUCTIONS
(Use separate page(s) for each numbered Part)

Date (month, day, year)	Full Name, Mailing Address, and ZIP Code (occupation and principal place of business, if any)	Amount of Expenditure This Period
8/29/72	Democrats for Nixon P.O. Box 7676 Dallas, Texas 75201	$9,000.00
	[$5,000.00 earmarked by John Doe for Democrats for Nixon through the Durango County Democratic Committee, see Part 5, Sch. A, Pg. 3 for more details]	

TOTAL THIS PERIOD

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SCHEDULE A

ITEMIZED RECEIPTS—CONTRIBUTIONS, TICKET PURCHASES, LOANS, AND TRANSFERS

Democrats for Nixon
(Full Name of Candidate or Committee)

Part No. 5
(Use for itemizing Part 1, 2, 3, 4, or 5)

SEE REVERSE SIDE FOR INSTRUCTIONS
(Use separate page(s) for each numbered Part)

Date (month, day, year)	Full Name, Mailing Address, and ZIP Code (occupation and principal place of business, if any)	Aggregate Year-to-date (complete if applicable)	Amount of Receipt This Period
8/30/72	Idaho State Central Democratic Committee 7354 Branch Blvd. Boise, Idaho 83704	Aggregate Year-to-date $	$9,000.00
	[$5,000.00 of this amount earmarked for Democrats for Nixon by John Doe, 1500 Central Ave., Boise, Idaho 83702 an executive vice president of XYZ Corporation, in Boise; aggregate year-to-date earmarked funds from all sources $6,000.00]	Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
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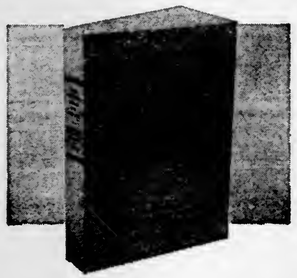
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Title 3—The President

PROCLAMATION 4233

Leif Erikson Day, 1973

By the President of the United States of America

A Proclamation

Leif Erikson first established ties between the Nordic countries and the New World when he and his companion Norse explorers landed on the North American continent in the 11th century. Their success in the face of formidable odds provides a memorable example of how vision and faith and courage can achieve even the most elusive goals.

From Leif Erikson's day to ours, the Nordic culture has been a major influence in shaping the American character. As we honor his memory, we also honor the contributions of those who followed later in the path that he first traveled.

It is with these thoughts in mind that I happily comply with the request of the Congress of the United States, in a joint resolution approved September 2, 1964 (78 Stat. 849), that the President proclaim October 9 in each year as Leif Erikson Day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Tuesday, October 9, 1973, as Leif Erikson Day; and I direct the appropriate Government officials to display the flag of the United States on all Government buildings that day.

I also invite the people of the United States to honor the memory of Leif Erikson on that day by holding appropriate exercises and ceremonies in suitable places across our land.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of August, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred and ninety-eighth.

Richard Nixon

[FR Doc.73-17302 Filed 8-15-73;3:23 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one position of Associate Administrator for Federal Management Policy is excepted under Schedule C.

Effective August 17, 1973, § 213.3337 (a) (13) is added as set out below.

§ 213.3337 General Services Administration.

(a) Office of Administrator for Federal Management Policy

• • • • • •

(13) Associate Administrator for Federal Management Policy.

(5 U.S.C. 3301, 3302, E.O. 10547; 3 CFR 1954–58 Comp., p. 216)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–17325 Filed 8–16–73;10:01 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 599]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period August 19–25, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.899 Lemon Regulation 599.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendations resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues active, exceeding supplies for 165's and larger sizes but has eased somewhat on 200's and 235's. Average f.o.b. price was $6.66 per carton the week ended August 11, 1973, compared to $6.11 per carton the previous week. Track and rolling supplies at 153 cars were up 8 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effectve during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 14, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 19, 1973, through August 25, 1973, is hereby fixed at 265,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 15, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–17371 Filed 8–16–73;11:35 am]

[Area No. 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

This document authorizes expenses of $3,625 for the Area No. 3 Committee under Marketing Order No. 948, as amended, during the 1973–74 fiscal period and fixes a rate of assessment of $0.007 per hundredweight of potatoes handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

Notice of rule making regarding the proposed expenses and rate of assessment for Area No. 3 (Northern Colorado) was published in the July 13, 1973, FEDERAL REGISTER (38 FR 18672). This regulatory program is effective under the

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Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than August 13, 1973. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice which were recommended by the Area No. 3 Committee it is hereby determined that:

§ 948.270 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area No. 3 Committee to enable it to perform its functions, under this part, during the fiscal period ending June 30, 1974, will amount to $3,625.

(b) The rate of assessment to be paid by each handler under this part shall be $0.007 per hundredweight of potatoes grown in Area No. 3 handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1974 may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of this part require that the rate of assessment for a particular fiscal period apply to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on July 1, 1973, and the rate of assessment herein fixed will apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: August 14, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-17142 Filed 8-16-73;8:45 am]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Expenses of the Prune Administrative Committee and Rate of Assessment for the 1973–74 Crop Year

Notice was published in the July 30, 1973, issue of the FEDERAL REGISTER (38 FR 20265) regarding proposed expenses of the Prune Administrative Committee, and rate of assessment, for the 1973–74 crop year, under §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were received.

The proposal was based on a unanimous recommendaion of the Prune Administrative Committee. Expenses of the Committee for the 1973–74 crop year were proposed at $160,000. Also proposed was an assessment rate of $1.00 per ton of assessable prunes. The Committee estimated that the 1973–74 assessable tonnage would be 160,000 natural condition tons.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Prune Administrative Committee, and other available information, it is found that the expenses of the Prune Administrative Committee and the rate of assessment for the crop year beginning August 1, 1973, shall be as follows:

§ 993.324 Expenses of the Prune Administrative Committee and rate of assessment for the 1973–74 crop year.

(a) *Expenses.* Expenses in the amount of $160,000 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1973, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at $1.00 per ton of salable prunes handled by him as the first handler thereof.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all salable prunes handled by handlers as the first handlers thereof; and (2) the current crop year began on August 1, 1973, and the rate of assessment herein fixed will automatically apply to all such prunes beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 14, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc.73-17183 Filed 8-16-73;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK) DEPARTMENT OF AGRICULTURE

[Milk Order No. 50]

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Central Illinois marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 20626) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of August 1973 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1050.61(a) the term "route disposition" as it first appears, and the term "route" as it subsequently appears twice therein.

STATEMENT OF CONSIDERATION

This suspension action removes the limit on the categories of Class I disposition in Federal order marketing areas that shall be counted in the determination of whether a distributing plant has a greater volume of Class I sales in the Central Illinois marketing area than in any other Federal order marketing area. For distributing plants which meet the minimum pooling provisions under more than one order, full regulation is provided under the order for the market where the greatest volume of Class I sales is made. Under the Central Illinois order, only Class I route disposition is now counted in such determination. This suspension would include, additionally, Class I disposition to order plants in the respective marketing areas, as is provided under the Quad Cities-Dubuque order.

Mississippi Valley Milk Producers Association, Inc., requests the suspension action to facilitate continued regulation of the Borden, Inc., Pekin, Illinois, distributing plant under the Central Illinois order rather than its being pooled under the Quad Cities-Dubuque order in August 1973. This producer association supplies the Pekin plant with member producer milk.

Over one-third of the Class I disposition pooled under the Central Illinois order is associated with the Pekin plant. If this plant shifts regulation to the Quad Cities-Dubuque market, the change in Class I utilization percentages between the markets would result in a substantial reduction of the uniform price under the Central Illinois order and a substantial increase in the uniform price under the Quad Cities-Dubuque order. Consequently, it would have a disruptive impact on the milk procurement situation between the markets, as it is influenced by the relationship of uniform prices under the orders.

Also, if the Pekin plant were pooled under the Quad Cities-Dubuque order, it would adversely affect the aforementioned association's ability to continue supplying milk to the plant, since substantial additional hauling costs are incurred in moving its member milk to the Pekin location compared to plants located within the Quad Cities-Dubuque market, which are about 100 miles nearer to its member producers' farms. The Quad Cities-Dubuque order prices applicable at the Pekin plant location are the same as for plants located within 70 miles of Rock Island, Illinois (one of the Quad Cities).

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it would facilitate pooling a major portion of the market's Class I utilization during August 1973;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective for the month of August 1973.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for month of August 1973.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 17, 1973.

Signed at Washington, D.C., on: August 14, 1973.

CLAYTON YEUTTER,
Acting Secretary.

[FR Doc.73-17182 Filed 8-16-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 19—NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS

The Atomic Energy Commission has adopted a new regulation, 10 CFR Part 19, Notices, Instructions and Reports to Workers; Inspections, which includes certain provisions for the options of workers engaged in licensed activities concerning Commission inspections. These provisions are comparable with those provided by the Department of Labor for inspections pursuant to the Occupational Safety and Health Act of 1970 (OSHA), as set out in 29 CFR Part 1903. Several requirements from 10 CFR Part 20 regarding information that licensees must provide for these workers are included in Part 19.

The basic purpose of the new Part 19 is to provide options to workers concerning inspections of working conditions regulated by the Commission comparable to those afforded for working conditions regulated by the Department of Labor.

The Commission published a notice of proposed rulemaking in the FEDERAL REGISTER on January 4, 1973 (38 FR 802) that included the proposed Part 19. Interested persons were invited to submit written comments or suggestions for consideration in connection with the proposed amendments within 45 days after publication of the notice of proposed rule-making in the FEDERAL REGISTER.

After consideration of the comments received and other factors involved, the Commission has adopted the proposed new part and associated amendments to Part 20 published for comment, with certain modifications and editorial changes, and has amended 10 CFR Parts 31, 34, 35, 40, 70, 115 and 150, to clarify the applicability of Part 19. The more important changes made in Part 19 and the amendments based largely on these comments, are as follows:

(1) In many cases, the licensee may not be the employer of the individual workers protected by the amendments. Since it is the responsibility of the licensee rather than the individual's employer to control radiological working conditions, the terms "employer" and "employee" have been eliminated. The terms "licensee" and "worker" or "individual" as appropriate are used instead.

(2) Licensees frequently conduct licensed activities at two or more locations often involving different kinds of work. It has been made clear that the intent of the posting requirements in the proposed § 19.11 was to make the relevant documents accesible to workers involved in the licensed activities at the location to which the documents, e.g., notices of violation, apply.

(3) It has been clarified that the requirement in § 19.11 for posting notices of violations, notices of proposed imposition of civil penalty, or orders issued pursuant to Subpart B of Part 2 of this chapter, applies only to documents relevant to radiological working conditions.

(4) In many cases, the documents required to be posted by the provisions of § 19.11 are complex, bulky, and of little interest to any but the workers engaged in the particular licensed activity. If adequate accessibility of these documents to workers is assured, it is considered acceptable instead to post a notice describing such documents, stating where they may be examined.

(5) Because of the time required to disseminate and post a notice of violation, proposed imposition of civil penalty, or order issued by the Commission, and to prepare a preliminary response if desired, the time within which documents are required to be posted has been changed in § 19.11 from 24 hours to 2 working days. Similarly, to take into account prompt corrective action, the time required for the documents to remain posted is changed from 10 working days (or until correction, whichever is later) to 5 working days (or until correction, whichever is later).

(6) Section 19.15 permits the worker to bring occupational radiological protection matters privately to the attention of the inspector; § 19.16 permits the worker to notify the Commission in writing about working conditions he believes are in violation of the Act, the regulations, or license conditions; on the other hand, § 19.12 requires the licensee to instruct the worker to report promptly to the licensee certain matters regarding working conditions. The interests of worker safety are best served in matters concerning working conditions if supervisors, who can act promptly to correct undesirable conditions, are notified promptly. It is the intent of this regulation to encourage the worker to notify the licensee of possibly undesirable conditions prior to his notifying the Commission, thus avoiding unnecessary delays in corrective action. The point is clarified.

In addition, a number of other minor and editorial changes have been made that reflect written comments received.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following new Part 19 of Title 10, Chapter I, Code of Federal Regulations is published as a document subject to codification, to be effective on September 17, 1973.

A new Part 19 is added to read as follows:

Sec.
19.1 Purpose.
19.2 Scope.
19.3 Definitions.
19.4 Interpretations.
19.5 Communications.
19.11 Posting of notices to workers.
19.12 Instructions to workers.
19.13 Notifications and reports to individuals.
19.14 Presence of representatives of licensees and workers during inspections.
19.15 Consultation with workers during inspections.
19.16 Requests by workers for inspections.
19.17 Inspection not warranted; informal review.
19.30 Violations.
19.31 Application for exemptions.

AUTHORITY: Atomic Energy Act of 1954; as amended, and sections 552, 553 of title 5, U.S.C.

§ 19.1 Purpose.

The regulations in this part establish requirements for notices, instructions and reports by licensees to individuals participating in licensed activities, and options available to such individuals in connection with Commission inspections

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of licensees to ascertain compliance with the provisions of the Atomic Energy Act of 1954, as amended, and regulations, orders and licensees issued thereunder regarding radiological working conditions.

§ 19.2 Scope.

The regulations in this part apply to all persons who receive, possess, use or transfer material licensed by the Commission pursuant to the regulations in Parts 30 through 35, 40, or 70 of this chapter, including persons licensed or authorized to operate a production or utilization facility pursuant to Part 50 or Part 115 of this chapter.

§ 19.3 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954, (68 Stat. 919) including any amendments thereto;

(b) "Commission" means the United States Atomic Energy Commission;

(c) "Worker" means an individual engaged in activities licensed by the Commission and controlled by a licensee, but does not include the licensee.

(d) "License" means a license issued under the regulations in Parts 30 through 35, 40, or 70 of this chapter, including licenses to operate a production or utilization facility pursuant to Part 50 of this chapter. "Licensee" means the holder of such a license.

(e) "Restricted area" means any area access to which is controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive materials. "Restricted area" shall not include any areas used as residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

§ 19.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 19.5 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part should be addressed to the Director of Regulatory Operations, U.S. Atomic Energy Commission, Washington, D.C. 20545. Communications, reports and applications may be delivered in person at the Commission's offices at 1717 H Street, NW., Washington, D.C.; at 7920 Norfolk Avenue, Bethesda, Maryland; or at Germantown, Maryland.

§ 19.11 Posting of notices to workers.

(a) Each licensee shall post current copies of the following documents: (1) The regulations in this part and in Part 20 of this chapter; (2) the license, license conditions, or documents incorporated into a license by reference, and amendments thereto; (3) the operating procedures applicable to licensed activities; (4) any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued pursuant to Subpart B of Part 2 of this chapter, and any response from the licensee.

(b) If posting of a document specified in paragraph (a) (1), (2) or (3) of this section is not practicable, the licensee may post a notice which describes the document and states where it may be examined.

(c) Form AEC–3, "Notice to Employees," shall be posted by each licensee wherever individuals work in or frequent any portion of a restricted area.

NOTE: Copies of Form AEC–3 may be obtained by writing to the Director of the appropriate U. S. Atomic Energy Commission Regional Regulatory Operations Office listed in Appendix "D", Part 20 of this chapter, or the Directorate of Licensing, U. S. Atomic Energy Commission, Washington, D.C. 20545.

(d) Documents, notices, or forms posted pursuant to this section shall appear in a sufficient number of places to permit individuals engaged in licensed activities to observe them on the way to or from any particular licensed activity location to which the document applies, shall be conspicuous, and shall be replaced if defaced or altered.

(e) Commission documents posted pursuant to paragraph (a) (4) of this section shall be posted within 2 working days after receipt of the documents from the Commission; the licensee's response, if any, shall be posted within 2 working days after dispatch by the licensee. Such documents shall remain posted for a minimum of 5 working days or until action correcting the violation has been completed, whichever is later.

§ 19.12 Instructions to workers.

All individuals working in or frequenting any portion of a restricted area shall be kept informed of the storage, transfer, or use of radioactive materials or of radiation in such portions of the restricted area; shall be instructed in the health protection problems associated with exposure to such radioactive materials or radiation, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed; shall be instructed in, and instructed to observe, to the extent within the worker's control, the applicable provisions of Commission regulations and licenses for the protection of personnel from exposures to radiation or radioactive materials occurring in such areas; shall be instructed of their responsibility to report promptly to the licensee any condition which may lead to or cause a violation of Commission regulations and licenses or unnecessary exposure to radiation or to radioactive material; shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and shall be advised as to the radiation exposure reports which workers may request pursuant to § 19.13. The extent of these instructions shall be commensurate with potential radiological health protection problems in the restricted area.

§ 19.13 Notifications and reports to individuals.

(a) Radiation exposure data for an individual, and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual, shall be reported to the individual as specified in this section. The information reported shall include data and results obtained pursuant to Commission regulations, orders or license conditions, as shown in records maintained by the licensee pursuant to Commission regulations. Each notification and report shall: be in writing; include appropriate identifying data such as the name of the licensee, the name of the individual, the individual's social security number; include the individual's exposure information; and contain the following statement:

This report is furnished to you under the provisions of the Atomic Energy Commission regulation 10 CFR Part 19. You should preserve this report for further reference.

(b) At the request of any worker, each licensee shall advise such worker annually of the worker's exposure to radiation or radioactive material as shown in records maintained by the licensee pursuant to § 20.401(a) and (c).

(c) At the request of a worker formerly engaged in licensed activities controlled by the licensee, each licensee shall furnish to the worker a report of the worker's exposure to radiation or radioactive material. Such report shall be furnished within 30 days from the time the request is made, or within 30 days after the exposure of the individual has been determined by the licensee, whichever is later; shall cover, within the period of time specified in the request, each calendar quarter in which the worker's activities involved exposure to radiation from radioactive materials licensed by the Commission; and shall include the dates and locations of licensed activities in which the worker participated during this period.

(d) When a licensee is required pursuant to § 20.405 or § 20.408 of this chapter to report to the Commission any exposure of an individual to radiation or radioactive material the licensee shall also provide the individual a report on his exposure data included therein. Such report shall be transmitted at a time not later than the transmittal to the Commission.

§ 19.14 Presence of representatives of licensees and workers during inspections.

(a) Each licensee shall afford to the Commission at all reasonable times opportunity to inspect materials, activities, facilities, premises, and records pursuant to the regulations in this chapter.

(b) During an inspection, Commission inspectors may consult privately with workers as specified in § 19.15. The licensee or licensee's representative may accompany Commission inspectors during other phases of an inspection.

(c) If, at the time of inspection, an individual has been authorized by the workers to represent them during Commission inspections, the licensee shall notify the inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

(d) Each workers' representative shall be routinely engaged in licensed activities under control of the licensee and shall have received instructions as specified in § 19.12.

(e) Different representatives of licensees and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.

(f) With the approval of the licensee and the workers' representative an individual who is not routinely engaged in licensed activities under control of the license, for example, a consultant to the licensee or to the workers' representative, shall be afforded the opportunity to accompany Commission inspectors during the inspection of physical working conditions.

(g) Notwithstanding the other provisions of this section, Commission inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas containing information classified by an agency of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee to enter that area.

§ 19.15 Consultation with workers during inspections.

(a) Commission inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of Commission regulations and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

(b) During the course of an inspection any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition which he has reason to believe may have contributed to or caused any violation of the act, the regulations in this chapter, or license condition, or any unnecessary exposure of an individual to radiation from licensed radioactive material under the licensee's control. Any such notice in writing shall comply with the requirements of § 19.16(a).

(c) The provisions of paragraph (b) of this section shall not be interpreted as authorization to disregard instructions pursuant to § 19.12.

§ 19.16 Requests by workers for inspections.

(a) Any worker or representative of workers who believes that a violation of the Act, the regulations in this chapter, or license conditions exists or has occurred in license activities with regard to radiological working conditions in which the worker is engaged, may request an inspection by giving notice of the alleged violation to the Director of Regulatory Operations, to the Director of the appropriate Commission Regional Office, or to Commission inspectors. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of workers. A copy shall be provided the licensee by the Director of Regulatory Operations, Regional Office Director, or the inspector no later than at the time of inspection except that, upon the request of the worker giving such notice, his name and the name of individuals referred to therein shall not appear in such copy or on any record published, released, or made available by the Commission, except for good cause shown.

(b) If, upon receipt of such notice, the Director of Regulatory Operations or Regional Office Director determines that the complaint meets the requirements set forth in paragraph (a) of this section, and that there are reasonable grounds to believe that the alleged violation exists or has occurred, he shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists or has occurred. Inspections pursuant to this section need not be limited to matters referred to in the complaint.

(c) No licensee shall discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under the regulations in this chapter or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of himself or others of any option afforded by this part.

§ 19.17 Inspections not warranted; informal review.

(a) If the Director of Regulatory Operations or of the appropriate Regional Office determines, with respect to a complaint under § 19.16, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, he shall notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the Director of Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, who will provide the licensee with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee may submit an opposing written statement of position with the Director of Regulation who will provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant, the Director of Regulation or his designee may hold an informal conference in which the complainant and the licensee may orally present their views. An informal conference may also be held at the request of the licensee, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written and oral views presented, the Director of Regulation shall affirm, modify, or reverse the determination of the Director of Regulatory Operations or of the appropriate Regional Office and furnish the complainant and the licensee a written notification of his decision and the reason therefor.

(b) If the Director of Regulatory Operations or of the appropriate Regional Office determines that an inspection is not warranted because the requirements of § 19.16(a) have not been met, he shall notify the complainant in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of § 19.16(a).

§ 19.30 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation, or order issued thereunder, or any term, condition or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

§ 19.31 Application for exemptions.

The Commission may, upon application by any licensee or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not result in undue hazard to life or property.

(Secs. 53, 63, 81, 103, 104, 161, 68 Stat. 930, 933, 936, as amended, 937, 948; 42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201)

Dated at Germantown, Maryland this 9th day of August 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73–17081 Filed 8–16–73;8:45 am]

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PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Reports to Employees and Other Individuals

The Atomic Energy Commission published a notice in the FEDERAL REGISTER on January 4, 1973 (38 FR 805) that it had under consideration proposed amendments to 10 CFR Part 20 of the Commission's regulations. The amendments would transfer from 10 CFR Part 20 certain sections that would be incorporated in the new 10 CFR Part 19, and would add to 10 CFR Part 20 appropriate references to new 10 CFR Part 19 so that the transferred provisions could be easily found. A new section would be added containing the requirements for notification and reports to individuals which could include persons other than employees. The requirements for reports to individuals as specified in §§ 20.405(c) and 20.408 would be combined into one paragraph of the new section. Interested persons were invited to submit written comments or suggestions for consideration in connection with the proposed amendments within 45 days after publication of the notice of proposed rulemaking in the FEDERAL REGISTER.

After consideration of the comments received, the Commission has adopted the proposed amendments. Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 20 are published as a document subject to codification, to be effective on September 17, 1973.

Concurrently with publication of this notice, the Atomic Energy Commission is publishing a new part to its regulations, 10 CFR Part 19, Notices, Instructions and Reports to Workers; Inspections.

1. Section 20.206 is amended to read as follows:

§ 20.206 Instruction of personnel.

Instructions required for individuals working in or frequenting any portion of a restricted area are specified in § 19.12 of this chapter.

§ 20.404 [Deleted]

2. Section 20.404 is deleted.

§ 20.405 [Amended]

3. Paragraph (c) of § 20.405 is deleted.

§ 20.406 [Deleted]

4. Section 20.406 is deleted.

§ 20.408 [Amended]

5. Section 20.408 is amended to delete the words "to such individual and".

6. A new § 20.409 is added to read as follows:

§ 20.409 Notifications and reports to individuals.

(a) Requirements for notifications and reports to individuals of exposure to radiation or radioactive material are specified in § 19.13 of this chapter.

(b) When a licensee is required pursuant to §§ 20.405 or 20.408 to report to the Commission any exposure of an individual to radiation or radioactive material, the licensee shall also notify the individual. Such notice shall be transmitted at a time not later than the transmittal to the Commission, and shall comply with the provisions of § 19.13(a) of this chapter.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Maryland, this 10th day of August 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-17080 Filed 8-16-73;8:45 am]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Notice is hereby given of the amendment of 10 CFR Parts 31, 34, 35, 40, 70, 115, and 150.

Concurrently with the publication of this notice, the Atomic Energy Commission is publishing a new part to its regulations, 10 CFR Part 19, Notices, Instructions and Reports to Workers; Inspections. Certain sections that formerly appeared in 10 CFR Part 20 have been transferred to 10 CFR Part 19. In 10 CFR Parts 31, 34, 35, 40, 70, 115, and 150, references to 10 CFR Part 20 are made. The amendments which follow add 10 CFR Part 19 where each reference to a transferred section of 10 CFR Part 20 is made.

Other sections of the new 10 CFR Part 19 provide options to workers concerning inspections of working conditions regulated by the Commission comparable to those that are afforded for working conditions regulated by the Department of Labor pursuant to the Occupation Safety and Health Act of 1970, as set out in 29 CFR Part 1903. The amendments to 10 CFR Parts 31, 35 and 40 which follow exempt certain holders of general licenses from the requirements of 10 CFR Part 19 as well as from 10 CFR Part 20. The amendment to 10 CFR Part 34 requires licensees to provide radiographers with copies of, and instruction in applicable sections of, 10 CFR Part 19 as well as 10 CFR Part 20. The amendments to 10 CFR Parts 70 and 150 subject certain general licensees under those parts to the provisions of 10 CFR Part 19 as well as to 10 CFR Part 20. The amendment to 10 CFR Part 115 subjects persons authorized to operate certain Commission-owned nuclear reactors to the provisions of 10 CFR Part 19 as well as 10 CFR Part 20.

Because these amendments relate solely to clarification and consistency with existing regulations, the Commission has found that notice of proposed rulemaking and public procedure thereon are unnecessary.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the following amendments of 10 CFR Parts 31, 34, 35, 40, 70, 115 and 150 of the Commission's regulations are published as a document subject to codification, to be effective on September 17, 1973.

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL

1. Paragraph (a) of § 31.2 of 10 CFR Part 31 is amended to read as follows:

§ 31.2 Terms and conditions.

(a) The general licenses provided in this part are subject to the provision of §§ 30.14(d), 30.34(a) to (e), 30.51 to 30.63 and Parts 19, 20 and 36 of this chapter[1] unless indicated otherwise in the language of the general license.

• • • • •

2. Subparagraph (7) of § 31.5(d) of 10 CFR Part 31 is amended to read as follows:

§ 31.5 Certain measuring, gauging or controlling devices.

• • • • •

(d) Persons who own, receive, acquire, possess or use a device pursuant to the general license contained in this section:

• • • • •

(7) Shall be exempt from the requirements of Parts 19 and 20 of this chapter, except that such persons shall comply with the provisions of §§ 20.402 and 20.403 of this chapter.

• • • • •

§ 31.7 [Amended]

3. Paragraph (b) of § 31.7 of 10 CFR Part 31 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".

§ 31.8 [Amended]

4. Paragraph (c) of § 31.8 of 10 CFR Part 31 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".

5. Subparagraph (3) of § 31.10(b) of 10 CFR Part 31 is amended to read as follows:

§ 31.10 General license for strontium 90 in ice detection devices.

• • • • •

(b) Persons who own, receive, acquire, possess, use or transfer strontium 90 contained in ice detection devices pursuant to the general license in paragraph (a) of this section:

• • • • •

(3) Are exempt from the requirements of Parts 19 and 20 of this chapter except that such persons shall comply with the provisions of §§ 20.301, 20.402, and 20.403 of this chapter.

• • • • •

§ 31.11 [Amended]

6. Paragraph (f) of § 31.11 of 10 CFR Part 31 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".

PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

7. Subparagraph (2) of § 34.31(a) of 10 CFR 34 is amended to read as follows:

§ 34.31 Limitations.

(a) The licensee shall not permit any person to act as a radiographer until such person:

• • • • •

(2) Has received copies of and instruction in the regulations contained in this part and in the applicable sections of Parts 19 and 20 of this chapter, AEC license(s), and the licensee's operating and emergency procedures, and shall have demonstrated understanding thereof; and

• • • • •

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

§ 35.31 [Amended]

8. Paragraph (e) of § 35.31 of 10 CFR Part 35 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".

PART 40—LICENSING OF SOURCE MATERIAL

§ 40.22 [Amended]

9. Paragraph (b) of § 40.22 of 10 CFR Part 40 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".

PART 70—SPECIAL NUCLEAR MATERIAL

§ 70.19 [Amended]

10. Paragraph (c) of § 70.19 of 10 CFR Part 70 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

11. Paragraph (b) of § 115.80 of 10 CFR Part 115 is amended to read as follows:

§ 115.80 Applicability of other regulations.

• • • • •

(b) Each holder of an authorization shall comply with the provisions of Parts 19 and 20 of this chapter to the same extent as if such authorization were a license issued under Part 50 of this chapter.

• • • • •

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

12. The prefatory language of paragraph (b) of § 150.20 of 10 CFR Part 150 is amended to read as follows:

§ 150.20 Recognition of Agreement State licenses.

• • • • •

(b) Notwithstanding any provision to the contrary in any specific license issued by an Agreement State to a person who engages in activities in a non-Agreement State under a general license provided in this section, the general license provided in this section is subject to the provisions of §§ 30.14(d), 30.34, and 30.51 to 30.63 inclusive of Part 30 of this chapter; §§ 40.41, 40.61 to 40.63 inclusive, 40.71, and 40.81 of Part 40 of this chapter; and §§ 70.32, 70.51 to 70.56 inclusive, 70.61, 70.62, and 70.71 of Part 70 of this chapter; and to the provision of Parts 19, 20, 71, and Subpart B of Part 34 of this chapter. In addition any person who engages in activities in non-Agreement States under a general license provided in this section:

• • • • •

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Maryland this 10th day of August, 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-17082 Filed 8-16-73;8:45 am]

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

PART 55—OPERATORS' LICENSES

Requalification Requirements for Operating Personnel of Production and Utilization Facilities

On June 14, 1972, the Atomic Energy Commission published in the FEDERAL REGISTER (37 FR 11785) for public comment proposed amendments to 10 CFR Part 55, Operators' Licenses, which would (1) provide for the use of requalification programs for operating personnel as a condition of license renewal and (2) establish minimum requirements for requalification programs for production and utilization facility operators and senior operators.

All interested persons were invited to submit comments or suggestions in connection with the proposed amendments within 60 days after publication of the notice of proposed rulemaking in the FEDERAL REGISTER. After careful consideration of the comments received in response to the notice of proposed rule making and other factors involved, the Commission has decided to adopt the amendments in the form set out below. The amendments as adopted reflect the suggestions in a number of the comments. The principal changes from the proposed amendments are as follows:

1. A new § 50.34(b)(8) has been added which requires that each application for a license to operate a facility include a description and plans for implementation of an operator requalification program which, as a minimum, meets the requirements of Appendix A of Part 5.

2. A new § 50.54(i-1) has been added which:

a. Clarifies that Appendix A of Part 55 is applicable to requalification programs for operators and senior operators of all production and utilization facilities;

b. Specifies that within three months after issuance of an operating license the facility licensee shall have in operation an operator requalification program;

c. Provides that, notwithstanding the provisions of § 50.59, the licensee shall not, except as specifically authorized by the Commission, make a change in an approved operator requalification program by which the scope, time allotted for the program or frequency in conducting different parts of the program is decreased; and

d. Requires holders of operating licenses in effect on the effective date of these amendments to submit an operator requalification program for Commission approval and concurrently implement that program within three months after the effective date of the amendments.

3. Section 55.31 has been revised to require a licensee, who has not, for any reason, been actively performing the functions of an operator or a senior operator for a period of four months or longer, to demonstrate to the Commission that his knowledge and understanding of facility operation and administration are satisfactory before resuming his licensed duties as an operator or a senior operator.

4. Section 55.33 has been revised to permit the submission to the Commission in an application for license renewal filed within two years after the effective date of these amendments a statement as to partial completion of a requalification program in cases where an operator has not completed the entire program at the time of license renewal because of the time necessary for the facility licensee to implement the requalification program prescribed in the amendments. The operator will be required to submit a statement covering those portions of the requalification program which have been completed as of the date of the application.

5. A new Section 1 entitled, "Schedule," has been added to Appendix A and existing Sections 1 through 5 of Appendix A have been renumbered 2 through 6, respectively. New Section 1 requires the requalification program to be conducted for a continuous period not to exceed two years and upon conclusion to be promptly followed by successive requalification programs.

6. Section 2 of Appendix A entitled, "Lectures", has been revised to:

a. Permit the use of an annual written examination given to each operator or senior operator to form the basis for the lecture series. Only areas where improved knowledge is required of an operator need be covered in the lecture series;

b. Permit the use of training aids such as films and videotapes; and

c. Encourage individual study on the part of each operator, but provide that a requalification program based solely

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upon the use of films, videotapes and individual study is not an acceptable substitute for a lecture series.

7. Section 3 of Appendix A entitled, "On-the-Job Training," has been revised to:

a. Permit the substitution of control manipulations which demonstrate skill and/or familiarity with plant control systems to satisfy the requirements that an operator manipulate the plant controls;

b. Require that for reactors, the plant control manipulations consist of at least 10 reactivity control manipulations in any combination of reactor startups, reactor shutdowns or other control manipulations which demonstrate skill and/or familiarity with reactivity control systems; and

c. Permit the required control manipulations to be performed on plant simulators which reproduce the general operating characteristics of the facility involved and which have arrangements and controls similar to that of the facility. This modification is intended to allow the use of simulators which are similar to but not identical to the controls of the production or utilization facility to which the requalifiation program applies.

8. Section 4 of Appendix A entitled, "Evaluation," has been revised to:

a. Permit the use of annual written examinations to form the basis for the formal lecture series coverage for each operator or senior operator;

b. Require that if a plant simulator is used in the evaluation portion of the requalification program, it accurately reproduce the operating characteristics of the facility involved and closely parallel the arrangement of instrumentation and controls of the facility; and

c. Require each licensed operator and senior operator to participate in an accelerated requalification program where evaluation of performance clearly indicates the need.

9. Section 5 of Appendix A entitled, "Records", has been revised to better specify the content of records to be maintained to document each licensed operator's and senior operator's participation in the requalification program.

10. Section 6 of Appendix A entitled, "Alternative Training Programs," has been revised to require Commission approval of alternative requalification programs conducted by persons other than the facility licensee.

11. A new Section 7 entitled "Applicability to Research and Test Reactors and Non-Reactor Facilities" has been added to:

a. Clarify the applicability of the requirements of Appendix A with regard to research and test reactors and non-reactor facilities, such as fuel reprocessing plants, and

b. Require that significant deviations from the provisions of Appendix A of Part 55 in a proposed requalification program for such facilities be justified when the program is submitted to the Commission for approval.

12. Minor editorial changes have also been made to 10 CFR Part 55.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 50 and 55 are published as a document subject to codification to be effective on September 17, 1973.

1. A new subparagraph (8) is added to § 50.34(b) to read as follows:

§ 50.34 Contents of applications: Technical information.

* * * * *

(b) * * *

(8) A description and plans for implementation of an operator requalification program. The operator requalifiation program shall, as a minimum, meet the requirements for those programs contained in Appendix A of Part 55 of this chapter.

In § 50.54, a new paragraph (i–1) is added to read as follows:

§ 50.54 Conditions of licenses.

Whether stated therein or not, the following shall be deemed conditions in every license issued:

* * * * *

(i–1) Within three (3) months after issuance of an operating license, the licensee shall have in effect an operator requalification program which shall, as a minimum, meet the requirements of Appendix A of Part 55 of this Chapter. Notwithstanding the provisions of § 50.59 the licensee shall not except as specifically authorized by the Commission, make a change in an approved operator requalification program by which the scope, time allotted for the program or frequency in conducting different parts of the program is decreased. Holders of operating licenses in effect on September 17, 1973, shall within three months after September 17, 1973, submit for Commission approval an operator requalification program which shall, as a minimum, meet the requirements of Appendix A of Part 55 of this chapter and concurrently implement such a program.

* * * * *

3. In § 55.31, paragraph (e) is redesignated as paragraph (f) and a new paragraph (e) is added to read as follows:

§ 55.31 Conditions of the licenses.

Each license shall contain and is subject to the following conditions, whether stated in the license or not:

* * * * *

(e) If a licensee has not been actively performing the functions of an operator or senior operator for a period of four months or longer, he shall, prior to resuming activities licensed pursuant to this part, demonstrate to the Commission that his knowledge and understanding of facility operation and administration are satisfactory. The Commission may accept as evidence, a certification by an authorized representative of the facility licensee or by the holder of an operating authorization by which the licensee has been employed.

* * * * *

4. Paragraph (a) (4) and (5) of § 55.33 are redesignated as paragraph (a) (5) and (6), respectively; a new paragraph (a) (4) is added, and paragraph (c) (2) is revised to read as follows:

§ 55.33 Renewal of licenses.

(a) Application for renewal of a license shall be signed by the applicant and shall contain the following information:

* * * * *

(4) A statement that during the effective term of his current license the applicant has satisfactorily completed the requalification program for the facility for which operator or senior operator license renewal is sought. In the case of an application for license renewal filed within two years after September 17, 1973, if the facility licensee has not implemented the requalification program requirements in time for the applicant to complete an approved requalification program before the effective term of his current license expires, the applicant shall submit a statement showing his current enrollment in an approved requalification program and describing those portions of the program which he had completed by the date of his application for license renewal.

* * * * *

(c) The license will be renewed if the Commission finds that:

* * * * *

(2) (i) The licensee has been actively and extensively engaged as an operator or as a senior operator under his existing license, has discharged his responsibilities competently and safely, and is capable of continuing to do so.

(ii) The licensee has completed a requalification program or is presently enrolled in a requalification program if the completion of the requalification program will occur after the expiration of his license as provided in subparagraph (a) (4) of this section.

(iii) If the requirements of paragraph (c) (2) (i) and (ii) of this section are not met, the Commission may require the applicant for renewal to take a written examination or an operating test or both.

* * * * *

5. An Appendix A is added to Part 55 to read as follows:

APPENDIX A

REQUALIFICATION PROGRAMS FOR LICENSED OPERATORS OF PRODUCTION AND UTILIZATION FACILITIES

Introduction

Section 50.54 of 10 CFR Part 50 requires that individuals who manipulate controls of production and utilization facilities be licensed as operators by the Commission and that individuals who direct the licensed activities of licensed operators be licensed as senior operators in accordance with 10 CFR Part 55. Section 55.33 of 10 CFR Part 55 requires that each licensed individual demonstrate his continued competence every two years in order for his license to be renewed. Competence may be demonstrated, in lieu of reexamination, by satisfactory completion of a requalification program which has been reviewed and approved by the Commission.

Periodic requalification for all operators and senior operators of production and utilization facilities is necessary for the personnel to maintain competence, particularly to respond to abnormal and emergency situations. The complexity of design and operating modes of production and utilization facilities require that ongoing comprehensive requalification programs be conducted for all licensed operators and senior operators as a matter of sound principle and practice.

Licensed operators and senior operators of production and utilization facilities who have been actively and extensively engaged as operators or as senior operators shall participate in requalification programs meeting the requirements of this Appendix. Individuals who maintain operator or senior operator licenses for the purpose of providing backup capability to the operating staff shall participate in the requalification programs except to the extent that their normal duties preclude the need for specific retraining in particular areas. Licensed operators or senior operators whose licenses are conditioned to permit manipulation of specific controls only shall participate in those portions of the requalification program appropriate to the duties they perform.

The requalification program requirements involving manipulation of controls may be performed on the facility for which the operator is licensed. However, the use of a simulator as specified in Paragraphs 3e and 4d of this appendix is permissible and such use is encouraged.

Requalification Program Requirements

1. *Schedule.* The requalification program shall be conducted for a continuous period not to exceed two years, and upon conclusion shall be promptly followed, pursuant to a continuous schedule, by successive requalification programs.

2. *Lectures.* The requalification program shall include preplanned lectures on a regular and continuing basis throughout the license period in those areas where annual operator and senior operator written examinations indicate that emphasis in scope and depth of coverage is needed in the following subjects:

a. Theory and principles of operation.

b. General and specific plant operating characteristics.

c. Plant instrumentation and control systems.

d. Plant protection systems.

e. Engineered safety systems.

f. Normal, abnormal, and emergency operating procedures.

g. Radiation control and safety.

h. Technical specifications.

i. Applicable portions of Title 10, Chapter I, Code of Federal Regulations.

Other training techniques including films, videotapes and other effective training aids may also be used.

Individual study on the part of each operator shall be encouraged. However, a requalification program based solely upon the use of films, videotapes and/or individual study is not an acceptable substitute for a lecture series.

3. *On-the-job training.* The requalification program shall include on-the-job training so that:

a. Each licensed operator of a production or utilization facility manipulates the plant controls and each licensed senior operator either manipulates the controls or directs the activities of individuals during plant control manipulations during the term of their licenses. For reactor operators and senior operators, these manipulations shall consist of at least 10 reactivity control manipulations in any combination of reactor startups, reactor shutdowns or other control manipulations which demonstrate skill and/or familiarity with reactivity control systems.

b. Each licensed operator and senior operator has demonstrated satisfactory understanding of the operation of all apparatus and mechanisms and knows the operating procedures in each area for which he is licensed.

c. Each licensed operator and senior operator is cognizant of facility design changes, procedure changes, and facility license changes.

d. Each licensed operator and senior operator reviews the contents of all abnormal and emergency procedures on a regularly scheduled basis.

e. A simulator may be used in meeting the requirements of paragraphs 2a and 2b if the simulator reproduces the general operating characteristics of the facility involved, and the arrangement of the instrumentation and controls of the simulator is similar to that of the facility involved.

4. *Evaluation.* The requalification program shall include:

a. Annual written examinations which determine areas in which retraining is needed to upgrade licensed operator and senior operator knowledge.

b. Written examinations which determine licensed operators' and senior operators' knowledge of subjects covered in the requalification program and provide a basis for evaluating their knowledge of abnormal and emergency procedures.

c. Systematic observation and evaluation of the performance and competency of licensed operators and senior operators by supervisors and/or training staff members including evaluation of actions taken or to be taken during actual or simulated abnormal and emergency conditions.

d. Simulation of emergency or abnormal conditions that may be accomplished by using the control panel of the facility involved or by using a simulator. Where the control panel of the facility is used for simulation, the actions taken or to be taken for the emergency or abnormal condition shall be discussed; actual manipulation of the plant controls is not required. If a simulator is used in meeting the requirements of paragraph 4c, the simulator shall accurately reproduce the operating characteristics of the facility involved and the arrangement of the instrumentation and controls of the simulator shall closely parallel that of the facility involved.

e. Provisions for each licensed operator and senior operator to participate in an accelerated requalification program where performance evaluations conducted pursuant to paragraphs 4a through 4d clearly indicate the need.

5. *Records.* Records of the requalification program shall be maintained to document each licensed operator's and senior operator's participation in the requalification program. The records shall contain copies of written examinations administered, the answers given the licensee, results of evaluations and documentation of any additional training administered in areas in which an operator or senior operator has exhibited deficiencies.

6. *Alternative training programs.* The requirements of this appendix may be met by requalification programs conducted by persons other than the facility licensee if such requalification programs are similar to the program described in paragraphs 1 through 5, and the alternative program has been approved by the Commission.

7. *Applicability to research and test reactors and non-reactor facilities.* To accommodate specialized modes of operation and differences in control, equipment, and operator skills and knowledge, the requalification program for each licensed operator and senior operator of a research or test reactor or of a non-reactor facility shall conform generally but need not be identical to the requalification program outlined in paragraphs 1 through 6 of this appendix. However, significant deviations from the requirements of this appendix shall be permitted only if supported by written justification and approved by the Commission.

(Sec. 161 b., i., 68 Stat. 948 as amended; 42 U.S.C. 2201 (b), (i))

Dated at Germantown, Maryland this 10th day of August 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-17000 Filed 8-16-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-SW-39; Amdt. 39-1704]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 204B and 205A-1 Helicopters

Amendment 39-1470, 37 FR 12308, A.D. 72-13-6, required inspections for fatigue cracks and corrosion and for proper assembly and sealing of Tail Rotor Grip Assemblies on Bell Model 204B, 205A, and 205A-1 helicopters. After issuing Amendment 39-1470, several reports were recently received of fatigue cracks in the internal threaded portion of the tail rotor grips with service times varying from 610 hours to 1000 hours time in service. These cracks are possibly due to corrosion. In the interest of safety, the A.D. is being superseded by a new A.D. which requires replacement of all Tail Rotor Grip Assemblies, P/N 204-011-706 or 204-011-728, as applicable, prior to 500 hours total time in service, with the exception of those with 495 or more hours which must be replaced within the next 5 hours time in service. In addition, appropriate sealing of the grip assemblies is required and an inspection of the tail rotor grip bearings is required to assure that they are in a serviceable condition. The new A.D. does not include the Model 205A, since these aircraft have all been converted to the Model 205A-1.

Since a situation exits that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

V 38-159 AUG 17 73 XUM

BELL. Applies to Bell Model 204B and 205A-1 helicopters certificated in all categories.

Compliance required within 5 hours time in service after the effective date of this A.D. for tail rotor grips with 495 or more hours total time in service on the effective date of this A.D., and prior to attaining 500 hours time in service for tail rotor grips with less than 495 hours total time in service on the effective date of this A.D., except that the aircraft may be flown in accordance with FAR 21.197 to a base where the inspections can be performed.

To prevent possible failure of the tail rotor grips, P/N 204-011-706 or 204-011-728, as applicable, to preclude corrosion in the retaining threads of the tail rotor grip, and to assure serviceable condition of the tail rotor grip bearings, accomplish the following:

(a) Remove the tail rotor hub and blade assembly from the helicopter, remove the blades from the grips, and remove the grips from the hub assembly in accordance with the appropriate model maintenance manual.

(b) Remove the tail rotor grip bearings from each yoke spindle and inspect the bearings for roughness or seizure. If the bearings are rough and unserviceable, replace the bearings prior to next flight.

(c) Replace the tail rotor grips prior to next flight.

(d) Assemble the tail rotor hub and blade assembly as noted in Section VI of Model 204B Maintenance and Overhaul Instruction Manual, or Section III of Model 205A/205A-1 Maintenance and Overhaul Instruction Manual, as applicable. Apply sealant to the inboard end of each grip as specified in Bell Helicopter Co. Service Letter No. 204B-86/205A-68, dated 12 February 1971, or later FAA approved revision, or as specified by an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA. Balance the assembly as noted in the appropriate model maintenance manual.

(e) Install and track the tail rotor hub and blade assembly as noted in Section VI of Model 204B Maintenance and Overhaul Instruction Manual, or Section III of Model 205A/205A-1 Maintenance and Overhaul Instruction Manual, as applicable.

(f) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101

These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Ave., S.W., Washington, D.C. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Region Office in Fort Worth, Texas.

(Bell Helicopter Company Service Bulletin Nos. 204-05-73-2, Rev. A, and 205-05-73-4, Rev. A, dated July 25, 1973, pertain to this subject.)

This supersedes Amendment 39-1470, 37 FR 12308, A.D. 72-13-6.

This amendment becomes effective August 20, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c).)

Issued in Fort Worth, Texas, on August 9, 1973.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-17129 Filed 8-16-73;8:45 am]

[Airspace Docket No. 73-SO-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Hopkinsville, Ky., transition area.

The Hopkinsville transition area is described in § 71.181 (38 FR 435). In the description, there is a 6.5-mile radius predicated on the center of Hopkinsville-Christian County Airport, and an extention predicated on the 081° bearing from Christian RBN which were designated to provide controlled airspace protection for IFR aircraft departing the airport and IFR aircraft executing the NDB Runway 26 Instrument Approach Procedure. The installation of the Christian RBN did not materialize and it is necessary to alter the Hopkinsville transition area to revoke the portion predicated on Hopkinsville-Christian County Airport and the portion predicated on Christian RBN. Since these amendments lessen the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (38 FR 435), the Hopkinsville, Ky., transition area is amended as follows: All after "(Lat. 36°37'15" N)" is deleted and "• • • (Long. 87°24'52" W • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on August 8, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-17152 Filed 8-16-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (12-491V) filed by Elanco Products Co., P.O. Box 1750, Indianapolis, IN 46206, proposing that certain finished swine feeds containing tylosin not be required to comply with the provisions of section 512(m) of the Federal Food, Drug and Cosmetic Act. The supplemental application is approved.

This order also provides for recodification of the existing regulation concerning tylosin in feeds from Part 121 into Part 135e in accordance with § 3.517 (21 CFR 3.517).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) in accordance with § 3.517 and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135e are amended as follows:

§ 121.217 [Revoked]

§ 121.225 [Amended]

1. In Part 121, § 121.217 is revoked and in § 121.225, subdivision (a)(3)(v) and paragraph (h) are revoked.

2. Part 135e is amended by adding two new §§ 135e.10 and 135e.36 as follows:

§ 135e.10 Tylosin.

(a) *Specifications.* Tylosin is the antibiotic substance produced by growth of *Streptomyces fradiae* or the same antibiotic substance produced by any other means.

(b) *Approvals.* Premix levels of 10, 40, and 100 grams per lb. granted to 014 in § 135.501(c) of this chapter.

(c) *Assay limits.* Finished feed not less than 75 percent nor more than 125 percent of labeled amount.

(d) *Special considerations.* (1) Maximum level approved in a medicated concentrate: chickens 200 grams per ton; swine 500 grams per ton.

(2) Finished swine feeds processed from premixes containing 10 grams per pound of tylosin (as tylosin phosphate) and conforming to the requirements of paragraph (f)(1) of this section, item 4 of this section are not required to comply with the provisions of section 512 (m) of the Federal Food, Drug, and Cosmetic Act.

(e) *Related tolerances.* See § 135g.15 of this chapter.

(f) *Conditions of use.* (1) It is used as follows:

Principal Ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Tylosin	4-50			For chickens; as tylosin phosphate	For increased rate of weight gain and improved feed efficiency.
2. Tylosin	3.2-50	Penicillin		For chickens; 1.2 parts of penicillin to 2.0 parts of tylosin; as tylosin phosphate and procaine penicillin.	For increased rate of weight gain and improved feed efficiency.
3. Tylosin	20-50			For laying chickens; as tylosin phosphate.	For improved feed efficiency.
4. Tylosin	10-100			For swine; as tylosin phosphate; continuous use as follows:	For increased rate of weight gain and improved feed efficiency.
				Grams per ton	
				20-100	Prestarter or starter.
				20-40	Grower
				10-20	Finisher
5. Tylosin	10-100	Streptomycin		For swine in a combination containing tylosin and streptomycin in a 1 to 1 ratio; as tylosin phosphate and streptomycin sulfate, as follows:	For increased rate of weight gain and improved feed efficiency.
				Grams per ton	
				40-100	Up to 40 lb. animal weight.
				20-40	41-100 lb. animal weight.
				10-20	Over 100 lb. to market weight.
6. Tylosin	40-100			For swine; as tylosin phosphate; 3 weeks followed by 40 g. per ton until market weight; as tylosin phosphate.	Prevention of swine dysentery (vibrionic).
7. Tylosin	40-100			For swine; administer in feed as sole ration; as tylosin phosphate after treatment with tylosin in drinking water as tylosin base, 0.25 g. per gallon in drinking water for 3-10 days, 40-100 g. per ton in feed for 2-5 weeks.	Treatment and control of swine dysentery (vibrionic).
8. Tylosin	100			For swine; as tylosin phosphate	Maintaining weight gain and feed efficiency in the presence of atrophic rhinitis.
9. Tylosin	800-1,000			For broiler chickens; as tylosin phosphate; withdraw 5 days before slaughter; administer in feed to chickens 0 to 5 days of age, followed with second administration in feed for 24-48 hours at 3 to 5 weeks of age.	To aid in the control of chronic respiratory disease caused by *Mycoplasma gallisepticum.*
10. Tylosin	1,000			For replacement chickens; as tylosin phosphate; withdraw 5 days before slaughter; administer in feed to chickens 0 to 5 days of age, followed with second administration in feed for 24 to 48 hours at 3 to 5 weeks of age.	To aid in the control of chronic respiratory disease caused by *Mycoplasma gallisepticum.*

(2) Tylosin may also be used with:

(i) Zoalene as in § 121.207

(ii) Hygromycin B as in § 121.213

(iii) Amprollium as in § 121.210

§ 135e.36 Tylosin and sulfamethazine.

(a) *Specifications.* (1) Tylosin is the antibiotic substance produced by growth of *Streptomyces fradiae* or the same antibiotic substance produced by any other means.

(2) Sulfamethazine is the chemical N'-(4,6-dimethyl-2-pyrimidinyl) sulfanilamide.

(b) *Approvals.* Premix levels of 10 grams of tylosin per pound and 2.2 percent of sulfamethazine and 40 grams of tylosin per pound and 8.8 percent of sulfamethazine have been granted to Code No. 014 in § 135.501(c) of this chapter.

(c) *Assay limits.* Finished feed must contain not less than 75 percent nor more than 125 percent of tylosin and not less than 80 percent nor more than 120 percent of sulfamethazine.

Principal Ingredient	Grams per ton	Limitations	Indications for use
Tylosin and sulfamethazine.	100 100	For swine; as tylosin phosphate; withdraw 5 days before slaughter.	Maintaining weight gains and feed efficiency in the presence of atrophic rhinitis; lowering the incidence and severity of swine dysentery (vibrionic); control of swine pneumonias caused by bacterial pathogens (*P. multocida* and/or *C. pyogenes*); for reducing the incidence of bacterial enteritis caused by susceptible strains of Group E Streptococci. Only the sulfamethazine portion of this combination is active in controlling joint abscesses.

(d) [Reserved].

(e) *Related tolerances.* See §§ 135g.15 and 135g.27.

(f) *Conditions of use.* It is used as follows:

Effective date. This order shall be effective August 17, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: August 8, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.73-17034 Filed 8-16-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-855]

PART 1—PRACTICE AND PROCEDURE

Forfeiture Checks

1. Our rules currently provide that checks submitted to us in payment of forfeiture are to be made payable to the Order of the Treasurer of the United States. The Treasury Department, however, has instructed agencies to cause remittors to inscribe checks to the Order of the specific agency and not to the Treasurer of the United States. We, therefore, herein amend our rules to substitute "Federal Communications Commission" in place of "Treasurer of the United States" as the payee set forth in §§ 1.80(g)(1), 1.80(i), 1.621(e), 1.991(b)(1) and 1.991(c) covering payment of forfeitures.

2. The amendments adopted herein are procedural in nature, and, hence, the prior notice, procedure, and effective date provisions of 5 U.S.C. § 553 are not applicable.

3. *Accordingly, it is ordered,* Effective August 21, 1973, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations, that Part 1 is amended as set forth in the appendix attached hereto.

(Secs. 4, 303 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 8, 1973.

Released: August 13, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 1.80(g)(1) and (i) are revised to read as follows:

[1] Commissioners H. Rex Lee, Reid and Hooks absent.

V.38-159 AUG 17 73 XUM

§ 1.80 Forfeiture proceedings (excluding those pertaining to broadcast licensees and permittees or ships and ship masters).

• • • • • •

(g) • • •

(1) *Payment of the forfeiture in the amount specified in the notice of apparent liability.* The forfeiture should be paid by check or money order drawn to the Order of the Federal Communications Commission and should be mailed to the Federal Communications Commission, Washington, D.C. 20554. The Commission does not accept responsibility for cash payments sent through the mails.

• • • • • •

(i) *Commission action after written statement or interview.* After the submission of a written statement and/or after a personal interview, as prescribed in paragraphs (g) and (h) of this section, the Commission will consider all relevant information available to it. Based on such considerations, the Commission will (1) cancel the forfeiture, or (2) offer to reduce the amount of the forfeiture, or (3) require the forfeiture to be paid in full. A notice of such Commission action, stating the amount of the forfeiture (if any), and the date by which it must be paid, will thereupon be mailed to the station licensee or radio operator involved. The forfeiture in the amount stated shall be paid by check or money order drawn to the Order of the Federal Communications Commission, Washington, D.C. 20554. The Commission does not accept responsibility for cash payments sent through the mails.

• • • • • •

§ 1.621(e) is revised to read as follows:

§ 1.621(e) Forfeiture relating to broadcast licensees and permittees.

• • • • • •

(e) Payment of forfeitures shall be made by check or similar means drawn to the Order of the Federal Communications Commission and mailed to the Commission.

• • • • • •

§ 1.991 (b)(1) and (c) are revised to read as follows:

§ 1.991 Forfeitures against ships and shipmasters.

• • • • • •

(b) • • •

(1) Payment of the forfeiture in the amount specified in the Notice of Apparent Liability. The forfeiture should be paid by check or money order drawn to the Order of the Federal Communications Commission and should be mailed to the Federal Communications Commission, Washington, D.C. 20554. The Commission does not accept responsibility for cash payments sent through the mails.

• • • • • •

(c) Commission action after written statement. After the submission of a written statement, as prescribed in paragraph (b) of this section, the Commission will consider all relevant information available to it. Based on such considerations, the Commission will (1) cancel the forfeiture, (2) offer to reduce the amount of the forfeiture, or (3) require the forfeiture to be paid in full. Notice of such Commission action, stating the amount of the forfeiture (if any) and the date by which it must be paid, will thereupon be mailed to the shipowner and/or the shipmaster involved. The forfeiture in the amount stated shall be paid by check or money order drawn to the Order of the Federal Communications Commission and shall be mailed to the Federal Communications Commission, Washington, D.C. 20554. The Commission does not accept responsibility for cash payments sent through the mails.

• • • • • •

[FR Doc.73-17147 Filed 8-16-73;8:45 am]

PART 87—AVIATION SERVICES

Use of Land Mobile Frequencies on Aircraft

In the matter of amendment of Part 87 of the rules to cross-reference provisions in the Land Mobile Radio Services concerning use of Land Mobile frequencies on board aircraft.

1. On August 1, 1973, we released a Report and Order in Docket No. 19545 concerning the use of Land Mobile frequencies on board aircraft. That Report and Order amended Parts 89, 91 and 93 of the Commission's rules by including provisions specifying the conditions under which Land Mobile frequencies could be used on board aircraft. There is a need for the convenience of the public and subscribers to Part 87 of our rules, for a cross-reference in Part 87 of the rules to these new provisions in Parts 89, 91 and 93 of the rules. The attached Appendix amends Part 87 by including such a cross-reference and fulfills this need.

2. The amendment adopted herein is editorial in nature and hence the prior notice procedure and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply. Authority for the promulgation of the amendment is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended.

3. Accordingly, Part 87 of the Commission's rules is amended as shown below, effective August 21, 1973.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 7, 1973.

Released: August 7, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
JOHN M. TORBET,
Executive Director.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 87.183(bb) is added to read as follows:

§ 87.183 Frequencies available.

• • • • • •

(bb) For frequencies in the Land Mobile Services that may under certain specific circumstances be authorized for use on board aircraft, see §§ 89.156, 91.162 and 93.164.

[FR Doc.73-17148 Filed 8-16-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

[Docket No. FI-195]

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether

the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

• • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Illinois	Ogle	Unincorporated areas.				August 17, 1973. Emerg.
Kentucky	Fayette	Unincorporated areas.				Do. Emerg.
Do	do	Lexington, City of.				Do. Emerg.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 8, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-17083 Filed 8-16-73;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER F—ENROLLMENT

PART 43h—PREPARATION OF A ROLL OF ALASKA NATIVES

Eligibility, Appeals, Deadline for Amending Enrollment Applications

Correction

In FR Doc. 73-16380 appearing at page 21403 in the issue of Wednesday, August 8, 1973, in the signature to the document, the title of Kent Frizzell reading "Secretary of the Interior", should read "Acting Secretary of the Interior".

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-131]

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Computer Performance Evaluation and ADP Simulation

This amendment codifies the regulations on ADP simulation issued in FPMR Temporary Regulations E-23 and E-24. It provides policies and procedures for obtaining ADP simulation and computer performance evaluation services from the Federal Computer Performance Evaluation and Simulation Center and places restrictions on the use of simulation in the ADPE procurement process. It provides that data processing requirements shall not be described solely in terms of simulation criteria, that solicitations not require or imply use of a specific simulator and that offers not be rejected solely on the basis of simulation results. It precludes procurement of hardware and software performance monitors without the approval of the Federal Computer Performance Evaluation and Simulation Center.

The table of contents for Part 101-32 is amended to provide the following new and revised entries:

Sec.

101-32.408-1	Restrictions on the use of simulation in the ADPE procurement process.
101-32.805	Federal Computer Performance Evaluation and Simulation Center.

Subpart 101-32.14—Computer Performance Evaluation and ADP Simulation

101-32.1400	Scope of subpart.
101-32.1401	Definitions.
101-32.1402	Functions of the Federal Computer Performance Evaluation and Simulation Center.
101-32.1402-1	Services available.
101-32.1402-2	Joint Policy Committee for ADP Simulation.
101-32.1402-3	Policy for obtaining ADP simulation and computer performance evaluation services from the Federal Computer Performance Evaluation and Simulation Center.
101-32.1403	Procedures for obtaining ADP simulation and computer performance evaluation services from the Federal Computer Performance Evaluation and Simulation Center.
101-32.1404	GSA responsibilities.

Subpart 101-32.15—101-32.46 [Reserved]

Subpart 101-32.4—Procurement and Contracting

1. Section 101-32.403-1 is amended to read as follows:

§ 101-32.403-1 Automatic data processing equipment.

GSA makes selected ADPE available to agencies through requirements type contracts when such contracts will provide for substantially lower equipment costs. Where ADPE is available from GSA requirements type contracts, this source shall be used by all agencies as the primary source to satisfy needs in accordance with the provisions of such contracts. However, when such contract provisions require prior authorization from GSA before placing orders, the agency involved shall notify the General Services Administration (CDP), Washington, DC 20405. This will permit GSA to allocate the distribution of available ADPE on such contracts. Copies of the contracts (not contractors' price lists) are distributed to recipients of the schedule FSC Group 74, Part VI. Additional copies are available from GSA regional offices or from the address shown above. Except for use of GSA requirements type contracts and as indicated in § 101-32.403-4 with respect to the potential use of the ADP Fund, and except as indicated in Subpart 101.32.14 concerning the acquisition of hardware performance monitors, agencies may procure ADPE without prior GSA approval provided:

• • • • • •

2. Section 101-32.403-2 is amended to read as follows:

§ 101-32.403-2 Software.

Except for software performance monitoring packages covered by Subpart 101-32.14, agencies may procure software for use with ADPE without prior approval of GSA when:

• • • • • •

3. Section 101-32.408-1 is added as follows:

§ 101-32.408-1 Restrictions on the use of simulation in the ADPE procurement process.

This section sets forth restrictions on the use of computer system simulation in automatic data processing equipment (ADPE) procurement.

(a) A simulation input definition format shall not be used as the only means of describing data processing requirements in solicitation documents. Any such format shall be accompanied by a narrative description of the ADP objectives and workload and any available application logic diagrams.

(b) Solicitation documents shall not be structured in such a way as to require

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offerors/bidders to use a specific computer system simulator in order to offer/bid.

(c) Generally, offers/bids shall not be considered to be nonresponsive or not acceptable solely on the basis of simulation results.

(d) Information concerning procurement policies and procedures for ADP simulation and computer performance evaluation services is in Subpart 101–32.14.

Subpart 101–32.8—Federal Data Processing Centers

Section 101–32.805 is added as follows:

§ 101–32.805 Federal Computer Performance Evaluation and Simulation Center.

Information concerning the Federal Computer Performance Evaluation and Simulation Center is contained in Subpart 101–32.14.

Subpart 101–32.14 is added as follows:

Subpart 101–32.14—Computer Performance Evaluation and ADP Simulation

§ 101–32.1400 Scope of subpart.

(a) This subpart establishes policies and procedures for obtaining the ADP simulation and computer performance evaluation services provided by the Federal Computer Performance Evaluation and Simulation Center.

(b) The provisions of this subpart apply to all Federal agencies. These provisions are not applicable to Government contractors.

§ 101–32.1401 Definitions.

(a) *Computer performance evaluation.* Computer performance evaluation is the measurement or simulation of system software and hardware performance in the normal processing environment in order to identify any possible improvements in portions of the systems software or modifications of hardware configuration.

(b) *ADP simulation.* ADP simulation is the physical or mathematical representation of all or part of a computer system (including software) used for predicting or evaluating performance.

§ 101–32.1402 Functions of the Federal Computer Performance Evaluation and Simulation Center.

The Federal Computer Performance Evaluation and Simulation Center is operated by the Department of the Air Force under a delegation of authority from the Administrator of General Services. It provides technical assistance, support, and service on a reimbursable basis throughout the Federal Government for simulation, analysis, and performance evaluation of automatic data processing systems and is the primary source of supply for these services.

§ 101–32.1402–1 Services available.

(a) Services available nationally are comprised of internal resources and contractual services for computer systems simulation and performance evaluation. These services include simulation languages and packages for computer system simulations, software and hardware monitors for computer system performance evaluation, and special software programs designed to support computer system simulation and performance evaluation efforts, such as accounting systems analysis and workload modeling. The Center's services also include personal services such as those provided by simulation analysts. If the Center is unable to fulfill the requirement or if the requirement can be more economically fulfilled through commercial sources, the Center will authorize procurement of services through the requesting agency's applicable procurement activity.

(b) The services that the Center provides to an agency are intended to be temporary in nature and in response to specific questions or problems. A continuous simulation and performance evaluation program in support of individual user operations was not intended when the Center was established.

§ 101–32.1402–2 Joint Policy Committee for ADP Simulation.

A Joint Policy Committee for ADP Simulation has been established to provide overall policy guidance for management of the Center. Representatives from the Department of Defense, Department of the Air Force, National Bureau of Standards, and the General Services Administration are permanent members of this committee. Temporary membership is extended to agencies that are major users of the services provided by the Center. The Joint Policy Committee reviews and approves rates for services provided by the Center and approves requests for equipment or services required for operation. Disagreements arising between users and the Center which cannot be resolved are to be referred to the Joint Policy Committee for resolution.

§ 101–32.1402–3 Policy for obtaining ADP simulation and computer performance evaluation and services From the Federal Computer Performance Evaluation and Simulation Center.

(a) The Center is the primary source of supply for Federal agencies for ADP simulation and computer performance evaluation requirements, services, and products, including but not limited to computer systems simulators and hardware and software monitors. The Center provides using agencies with these ADP services at the least possible cost to the Government.

(b) The Center authorizes or issues all Government contracts for ADP simulation and performance evaluation systems.

(c) The Center authorizes or issues all Government contracts for software and hardware computer performance monitors.

(d) The Center advises whether a particular contract or ADP schedule is an appropriate source of supply or whether a new negotiated competition or sole source procurement is necessary for services which it cannot provide.

(e) Until the Department of the Air Force informs GSA of its ability to contract on a mutually agreeable, reimbursable basis for all ADP simulation services, including hardware and software performance monitors, GSA may negotiate such contracts or ADP schedules. Any ADP simulation contracts/schedules issued by GSA will include provisions requiring that agencies contact the Center for authorization prior to ordering from these contracts/schedules.

§ 101–32.1403 Procedure for obtaining ADP simulation and computer performance evaluation services from the Federal Computer Performance Evaluation and Simulation Center.

(a) Agencies requiring ADP simulation, computer performance evaluation assistance, hardware performance monitors, or software performance monitoring packages may request needed services from the Center. The mailing address is: Department of the Air Force, Federal Computer Performance Evaluation and Simulation Center, Washington, DC 20330.

(b) The Center provides or authorizes the requested services by the lowest cost available alternative or combination of alternatives listed below:

(1) By providing services from its own resources on a reimbursable basis to the requesting agency;

(2) By procuring, on a reimbursable basis, the necessary support from commercial sources for the requesting agency;

(3) By authorizing the requesting agency's procurement activity to:

(i) Procure necessary support from the ADP schedule or other existing contractual instruments; or

(ii) Execute a contract for services on either a negotiated competition or sole source basis; or

(4) By recommending to GSA that GSA procure required resources or issue a delegation of procurement authority to the requesting agency where unusual legal or procurement policy issues so dictate.

(c) If no action is taken by the Center within 20 workdays after receipt of full information from an agency involving a request for services, the agency may proceed as if a delegation of authority had, in fact, been granted. (To establish a common understanding of the 20 workday period, the Center will provide written verification of the date of receipt of the request. This date is subject to written modification by the Center if after review it is found that the request does not contain the full information required, or if unusual circumstances surrounding the procurement dictate that a longer period of time is required for the Center to complete its appraisal.)

§ 101–32.1404 GSA responsibilities.

GSA will periodically reimburse the Department of the Air Force from the Automatic Data Processing Fund for its cost applicable to the operation of the Center. GSA will bill users for services provided by the Center.

Subpart 101–32.15—101–32.46—[Reserved]

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(a))

Effective date. This regulation is effective on August 17, 1973.

Dated: August 10, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73–17196 Filed 8–16–73;8:45 am]

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amdt. G–25]

PART 101–39—INTERAGENCY MOTOR VEHICLE POOLS

Miscellaneous Amendments

This amendment provides current organizational titles, references, and addresses in certain sections of the subchapter regarding policies and procedures governing the establishment and operation of the Motor Pool Systems.

The table of contents for Part 101–39 is amended to include the following revised entries:

Sec.
101–39.207–1 Appeals to the Office of Management and Budget.
101–39.207–3 Effect of the Office of Management and Budget decision.

Subpart 101–39.2—Determinations

Sections 101–39.204, 101–39.205, 101–39.207–1, 101–39.207.2, and 101–39.207–3 are revised to read as follows:

§ 101–39.204 Records, facilities, personnel, and appropriations.

Whenever a determination is made to establish a motor pool system, GSA, with the assistance of the affected agencies, will prepare and present to the Director of the Office of Management and Budget a schedule of such records, facilities, personnel, and appropriations, if any, that are proposed for transfer to the motor pool system. The Director of the Office of Management and Budget will determine the records, facilities, personnel, and appropriations, if any, to be transferred.

§ 101–39.205 Issuance of determination.

The Administrator of General Services will furnish a copy of each determination, with a copy of the schedule of proposed transfer of records, facilities, personnel, and appropriations, to the Director of the Office of Management and Budget, and to each agency affected.

§ 101–39.207–1 Apeals to the Office of Management and Budget.

Any executive agency may appeal or request exemption from any or all proposals affecting it which are contained in a determination. Appeals shall be submitted in writing within 45 calendar days from the date of the determination to the Director of the Office Management and Budget, with a copy to the Administrator of General Services. Such appeals shall be accompanied by factual and objective supporting data and justification.

§ 101–39.207–2 Notification of appeal decision.

The Director of the Office of Management and Budget will review any determination from which an executive agency has appealed and will make a final decision on such appeal. The Director of the Office of Management and Budget will make such decisions within 75 calendar days after he receives the appeal, or as soon thereafter as practicable, on the basis of information contained in the Administrator of General Services' determination, the executive agency appeal therefrom, and any supplementary data submitted by the Administrator and the contesting agency. The Director of the Office of Management and Budget will send copies of decisions to the Administrator and to the heads of other executive agencies concerned.

§ 101–39.207–3 Effect of the Office of Management and Budget decision.

The decision of the Director of the Office of Management and Budget upon each appeal, if he holds that the Administrator of General Services' determination shall apply in whole or in part to the appealing agency, will state the extent to which the determination applies and the effective date of its application. To the extent that the decision on an appeal does not uphold the Administrator's determination, such determination will be of no force and effect.

Subpart 101–39.3—Motor Vehicle Exemptions

Section 101–39.302(d)(3) is revised to read as follows:

§ 101–39.302 Unlimited exemptions.

* * * * *

(3) Motor vehicles regularly used by the United States Postal Service for the distribution and transportation of mail.

Subpart 101–39.4—Establishment, Modification, and Discontinuance of Motor Pools

Sections 101–39.403–1, 101–39.403–2(b), 101–39.404.2, 101–39.404–4(b), and 101–39.404–5 are revised to read as follows:

§ 101–39.403–1 Provision for transfer.

All Government-owned motor vehicles acquired by executive agencies for official purposes which are operated, stored, or garaged within the designated area of a motor pool system (except those specifically exempt by Subpart 101–39.3 of this part, or by the determination of the Administrator of General Services, or by the decision of the Director of the Office of Management and Budget), and other related equipment and supplies shall, when requested by the Administrator in accordance with a determination, be transferred to the control and responsibility of the motor pool system. Facilities, personnel, records, and appropriations, as determined by the Director of the Office of Management and Budget pursuant to § 101–39.204, shall be included in the transfer.

§ 101–39.403–2 Documentation of transfer.

* * * * *

(b) Forward a signed copy to the appropriate regional Office of Administration, General Services Administration;

* * * * *

§ 101–39.404–2 Notification of discontinuance or curtailment of service.

The Administrator of General Services may discontinue or curtail a motor pool system when he determines that it is not the most economical method of rendering required motor vehicle service; but he will give at least 60 calendar days' notice of such intention to executive agencies affected and to the Director of the Office of Management and Budget before taking such action.

§ 101–39.404–4 Agency requests to withdraw participation.

* * * * *

(b) If the Administrator does not agree with such request and is unable to make arrangements which are mutually acceptable to him and to the head of the executive agency concerned, the agency's request for discontinuance or modification and the Administrator's reasons for not agreeing with the request will be forwarded to the Director of the Office of Management and Budget, who will make a final and binding decision.

§ 101–39.404–5 Transfers from discontinued or curtailed motor pool systems.

When a motor pool system is discontinued or curtailed, such transfers of vehicles and related equipment and supplies, personnel, records, facilities, and funds as may be appropriate will be made, subject to the approval of the Director of the Office of Management and Budget. Reimbursement for motor vehicles and related equipment and supplies acquired by GSA through expenditure made from, and not theretofore reimbursed to the General Supply Fund, or any revolving or trust fund authorized by law, shall be made by the agency receiving the motor vehicles and related equipment and supplies by an amount equal to the fair market value, as required by law (40 U.S.C. 491(g)).

Subpart 101–39.6—Official Use of Government Motor Vehicles and Related Motor Pool Services

Section 110–39.603–1 is revised to read as follows:

§ 101–39.603–1 Notification of violation.

When a violation of the provisions of § 101–39.602 comes to the attention of the agency operating the motor pool system, such agency shall notify the official in charge of the local office of the agency concerned, and furnish a copy of the notification to the General Services Administration (FZ), Washington, DC

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20406, for transmission to he headquarters office of the agency concerned.

Subpart 101–39.7—Care of Vehicles

Section 101–39.706 is revised to read as follows:

§ 101–39.706 Modification or installation of accessory equipment.

The modification of an interagency motor pool vehicle or the installation of accessory equipment on such vehicle can be accomplished only when approved by the General Services Administration. The request for such modifications and installations shall be forwarded to the appropriate regional Director, Motor Equipment Division, Federal Supply Service, General Services Administration, for consideration.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective on August 24, 1973.

Dated: August 10, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73–17195 Filed 8–16–73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular No. 2348]

PART 3110—NONCOMPETITIVE LEASES

Subpart 3112—Simultaneous Offers

OFFER TO LEASE

On page 1281 of the FEDERAL REGISTER of January 11, 1973, there was published a notice and text of a proposed amendment to Subpart 3112 of Title 43, Code of Federal Regulations. The purpose of the amendment is (a) to clarify the regulation by specifying that an applicant may file only one lease application on any parcel offered under the simultaneous oil and gas leasing procedures and (b) to eliminate the requirement that advance rental must be submitted with simultaneous lease offers. Interested persons were given until May 15, 1973, to submit comments, suggestions, or objections to the proposed amendment. Fifty-eight comments were received. Most comments favored adoption of the clarifying amendment described in (a) above. Several persons did suggest that the requirement for including a $10.00 filing fee be stated clearly in the regulation. Section 3112.2–1 (a) (1) now sets forth that requirement.

Twenty-eight persons commenting on (b) above favored elimination of the advance rental provision and thirty opposed adoption of the regulation amendment. Some of the comments offered suggestions for improving the proposed regulations. Two of those suggestions have been adopted. Seven persons suggested that at least three alternates be drawn for each offered parcel to reduce the need for a redrawing. Section 3112.2–1(a)(3) provides for the drawing of three cards. Eighteen persons questioned the legality and wisdom of issuing a lease to a drawee in advance of receipt of the first year's rental. Section 3112.4–1 requires that the first year's rental be received in the proper office of the Bureau of Land Management within 15 days of receipt of a notice that such rental is due. Upon receipt of the rental, the lease will be issued.

Several persons questioned the savings in administrative costs which will accrue to the Government by deleting the advance rental provision. Approximately 500,000 simultaneous oil and gas lease entry cards are filed annually. The advance rental remittance is microfilmed with the entry card and retained until the drawing. Since only about one percent of the applications lead to issuance of a lease, approximately 495,000 advance rentals are returned to the applicants. This requires substantial administrative controls to strictly account for and insure safekeeping of the funds pending their return. Under the new system, it will be necessary to return only the card. A redesign of the entry card to allow return of a portion of the card without the use of an envelope is being considered. Many objections to the proposal to delete the advance rental requirement stated that it will encourage uninformed applicants and speculators. That assertion can be tested only in actual practice.

The proposed amendment of January 11, 1973, did not address § 3112.5–3 dealing with the return of advance rental payments to unsuccessful applicants. That action required by paragraph (a) of the section will no longer be applicable. Paragraph (b) of § 3112.5–3 states "unsuccessful drawees will be notified accordingly by the return of their respective entry cards." This provision is retained and incorporated into § 3112.2–1. The entire § 3112.5–3 is deleted from the regulations.

The proposed amendment is hereby adopted with the changes described above, and is set forth below. This amendment shall become effective September 17, 1973.

Subpart 3112 of Chapter II is amended as follows:

1. Subparagraphs (1), (2), (3) of paragraph (a) of § 3112.2–1 are revised and a subparagraph 4 is added to read as follows:

§ 3112.2–1 Offer to lease.

(a) • • •

(1) The entry card must be accompanied by a remittance covering the filing fee of $10. The filing fee may be paid in cash or by money order, bank draft, bank cashier's check or check.

(2) Only one complete leasing unit, identified by parcel number, may be included in one entry card. Lands not on the posted list may not be included. An offeror (applicant) is permitted to file only one offer to lease (entry card) for each numbered parcel on the posted list. Submission of more than one entry card by or on behalf of the offeror for any parcel on the posted list will result in the disqualification of all the offers submitted by that applicant for that particular parcel.

(3) Three entry cards will be drawn for each numbered leasing unit, and the order in which they are drawn will fix the order in which the successful drawee will be determined. Where less than three entry cards have been filed, all cards will be drawn to determine priority.

(4) Unsuccessful drawees will be notified by the return of their respective entry cards.

2. Section 3112.4–1 is revised to read as follows:

§ 3112.4–1 Rental payment.

A lease will be issued to the first drawee qualified to receive a lease upon payment of the first year's rental. Rental must be received in the proper office of the Bureau of Land Management within fifteen (15) days from the date of receipt of notice that such payment is due. The drawee failing to submit the rental payment within the time allowed will be automatically disqualified to receive the lease, and consideration will be given to the entry of the drawee having the next highest priority in the drawing.

3. Section 3112.5–1 is revised as follows:

§ 3112.5–1 Unqualified offeror.

If the successful drawees for a particular leasing unit are unqualified to receive the lease for any reason, including timely payment of the first year's rental, the lands in the numbered leasing unit shall be included in a subsequent list of lands available for filing under the simultaneous drawing procedure.

§ 3112.5–3 [Deleted]

4. Section 3112.5–3 is deleted.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc.73–17305 Filed 8–16–73;8:45 am]

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 5—AVAILABILITY OF INFORMATION TO THE PUBLIC

Miscellaneous Amendments

On March 30, the Department published a notice of proposed rulemaking proposing to amend 45 CFR Part 5 governing the release of records of the Department pursuant to the Freedom of Information Act. Comments were received from six persons or organizations.

One commentor objected to the regulation in general, stating that the Act speaks for itself and that "extensive effort at clarification and elaboration in the regulations causes confusion rather than clarity." We do not agree with this comment. The purpose of this Regulation is to provide clearer guidance to

Department employees and to those outside the Department concerning which records, as a matter of policy, will be released to the public. To the extent that a category is listed in the Regulation as generally non-releasable, Department employees are advised that the record should be examined to determine whether a discretionary release should be made. Such releases are encouraged as a matter of policy.

Several persons commented on the fee schedule. Notwithstanding the fact that the proposed $0.10 per page was a reduction in price from the $0.25 per page fee in effect since 1967, some felt that $0.10 a page for photo-copying was excessive and served to deter the release of information. The search charge has not been changed from the $3.00 an hour established in 1967, notwithstanding the fact that the cost of salaries has risen considerably since that time. None of the comments gave any relevant cost factors but merely stated that the government could obtain photo copies for less than $0.10 a page. These statements may be taking into account only the factors of paper and use of machines and may not take into consideration such factors as costs of salary, cost of fee collection, postage, and other indirect costs which the Office of Management and Budget in Circular A–25 provides should be taken into account. We, therefore, make no change in the fee schedule other than to provide that where records are not susceptible to photo-copying but must be reproduced by some other means, the charge to be fixed will be the actual cost as determined on a case-by-case basis.

Comments were received from persons having business with the Food and Drug Administration indicating a preference for the procedure proposed by the Food and Drug Administration to deal with trade secrets and other commercial and financial information. The Food and Drug Administration would permit those submitting information to identify the material it considers confidential and to intervene when the agency disagrees with the claim of confidentiality and proposes release of the records. It is not deemed practicable to institute such procedures on a Department-wide basis and to the extent that such persons deal with the Food and Drug Administration that procedure will be applicable to materials submitted to it.

Medicare fiscal intermediaries perform federal functions under Title 18 of the Social Security Act. By amendment, § 5.3 now defines "operating agency" to identify Social Security Administration, including Medicare fiscal intermediaries, as such an operating agency for purposes of the regulation.

Some confusion has apparently arisen as to the rules governing situations in which a document falls into more than one category. The purpose of the new format of the proposed regulation was to classify records by the various activities carried out by the Department rather than to tie types of records to particular exemptions under the Act, in order to provide more practical guidance to both employees and requestors. Nonetheless, it is obvious that any document may fall into more than one classification. Thus, correspondence from persons outside the Department which would normally be available under § 5.72(a) may in fact contain information of a commercial or financial nature which will not be available under § 5.71. Likewise, reports prepared by federal employees relating to internal management are not generally available because they will be intraagency or interagency communications. However, to the extent that such reports would contain non-factual information, such information will be excised and the document released to the requestor. These situations do not, in our view, impair the practical utility of the classification scheme.

With respect to a document which contains both information which is discloseable and information which is not discloseable, the proposed regulation at § 5.70 appeared to be ambiguous and has been amended to make clear that the non-discloseable information will be deleted and the balance of the record will be disclosed. Disclosure will be made whether or not the balance of the record is intelligible.

Section 5.51(c) is also changed to indicate that requests for information should be answered as soon as possible but in no event more than 10 working days from the date of receipt. Several comments suggested that, in keeping with the original proposal to set a time limit on initial requests, a time limit should also be within which appeals must be answered. The regulation now imposes a 20-day time limit for response to an appeal.

One request for a hearing was received. No hearing is required to be held under the Freedom of Information Act or the Administrative Procedure Act. Public participation has been invited by the notice of proposed rule-making. Inasmuch as the regulation constitutes a statement of Departmental policy no purpose would be served by the holding of a public hearing. The request for a hearing is therefore denied.

The regulation will be effective August 17, 1973.

Dated: August 14, 1973.

CASPAR W. WEINBERGER,
Secretary.

1. Section 5.3 is revised to read as follows:

§ 5.3 Operating agency.

As used in this part, "operating agency" means the constituent operating agencies of the Departement, i.e., the Center for Disease Control, the Health Resources Administration, the Health Services Administration, the National Institutes of Health, the Food and Drug Administration, the Office of Education, the National Institute of Education, the Social Security Administration (including itermediaries and carriers performing functions under their agreement entered into pursuant to section 1816 and 1842 of Social Security Act), and the Social and Rehabilitation Service. The Office of the Assistant Secretary for Health and the five health agencies, the Center for Disease Control, the Health Resources Administration, the Health Services Administration, the National Institutes of Health, and the Food and Drug Administration constitute the Public Health Service.

2. Section 5.4 is revised to read as follows:

§ 5.4 Heads of Office of Secretary and operating agencies.

The heads of the Office of the Secretary, the Public Health Service, and the operating agencies are as follows:

Office of the Secretary—Secretary of Health, Education, and Welfare.
Public Health Service—Assistant Secretary for Health.
Food and Drug Administration—Commissioner of Food and Drugs.
Center for Disease Control—Director, Center for Disease Control.
Health Resources Administration—Administrator, Health Resources Administration.
Health Services Administration—Administrator, Health Services Administration.
National Institutes of Health—Director, National Institutes of Health.
Office of Education—Commissioner of Education.
National Institute of Education—Director, National Institute of Education.
Social Security Administration—Commissioner of Social Security.
Social and Rehabilitation Service—Administrator, Social and Rehabilitation Service.

3. Section 5.11 is revised to read as follows:

§ 5.11 Purpose and scope.

This part constitutes the regulation of the Department respecting the availability to the public, pursuant to the Act, of records of the Department. It informs the public what records are generally available and where and how they may be obtained. To the extent that they are not inconsistent with this regulation, it does not revoke, modify, or supersede the following regulations of the Public Health Service, of the operating agencies, or of subsidiaries of operating agencies:

Public Health Service—42 CFR Part 1.
Food and Drug Administration—21 CFR Parts 1, 2, 4, 8, 121, 130, 135, 146, and 191 (see Notice of Proposed Rulemaking 37 FR 9128 May 5, 1972).
Saint Elizabeths Hospital, NIHM, PHS—42 CFR Part 300.
Social Security Administration—20 CFR Part 401 and Part 422, Subpart E.

4. Section 5.31 is amended to read as follows:

§ 5.31 Information centers or facilities.

• • • • • •

(b) • • •

• • • • • •

Region III—P.O. Box 13716, Philadelphia, PA 19101.

• • • • • •

Region X—Arcade Plaza Building, 1321 Second Avenue, Seattle, WA 98101.

(c) Centers are maintained for the Office of the Secretary and the operating agencies, or subsidiaries thereof, at the following locations:

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Office of the Secretary	HEW North Building, 330 Independence Avenue SW., Washington, DC 20201.
Food and Drug Administration	Federal Building No. 8, 200 C Street SW., Washington, DC 20204.
National Institutes of Health	Building No. 1, 9000 Rockville Pike, Bethesda, MD 20014.
Center for Disease Control	Center for Disease Control, Atlanta, Georgia 30333.
Health Resources Administration	Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852.
Health Services Administration	Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852.
Office of Education	Federal Office Building No. 6, 400 Maryland Avenue SW., Washington, DC 20202.
Social Security Administration	Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235.
Social and Rehabilitation Service	HEW North Building, 330 Independence Avenue SW., Washington, DC 20201.
Saint Elizabeths Hospital, National Institute of Mental Health, Public Health Service.	Administration Building, St. Elizabeths Hospital, Martin Luther King, Jr. Avenue SE., Washington, DC 20032.
National Institute of Education	Room 628, 300 7th St., SW., Washington, DC. [Mail inquiries to NIE should be addressed to Office of Public Information, National Institute of Education, Code 600, Washington, D.C. 20202]

5. Section 5.32(c) is revised to read as follows:

§ 5.32 Information center officers.

* * * * *

(c) The information center officer for each of the operating agency information centers shall have, concurrently with other duly authorized officers, a like responsibility for the records of his operating agency. The information center officer for the respective operating agencies shall be as follows:

Health Services Administration Center for Disease Control, Health Resources Administration, and National Institutes of Health.	Director of Public Services, Department Information Center Officer.
Food and Drug Administration	Assistant Commissioner for Public Affairs.
Office of Education	Assistant Commissioner for Public Affairs.
Social Security Administration	Assistant Commissioner for Public Affairs.
Social and Rehabilitation Service	Assistant Administrator for Public Affairs.
National Institute of Education	Assistant to the Director for Public Information.

* * * * *

6. Section 5.51(c) is revised to read as follows:

§ 5.51 Procedure.

* * * * *

(c) A request should identify the requested record by brief description, containing the name, number, or date as applicable, sufficient to enable the record to be identified and located. It is the policy of the Department that requests be answered as soon as possible but in no event more than 10 working days from date of receipt; however, a reasonable time should be allowed for records to be located, evaluated, reproduced, and mailed. If the action cannot be completed within 10 days, a letter will be sent to the requester explaining the reasons for the delay.

* * * * *

7. Section 5.61 is revised to read as follows:

§ 5.61 Fee schedules.

The fee schedule for Office of the Secretary is as follows:

1. Search for records—$3 per hour; provided however that no charge will be made for the first one-half hour.

2. Reproduction, duplication, or copying of records—10 cents per page; provided however that no charge will be made where the total amount does not exceed 50 cents and provided further that where records are not susceptible to photo-copying, e.g. punch cards or magnetic tapes, the amount charged will be actual cost, as determined on a case-by-case basis.

3. Certification or authentication of records—$3 per certification or authentication.

4. Forwarding material to destination—postage, insurance, and special fees will be charged on an actual cost basis.

Fee schedules for operating agencies may be found in the applicable agency regulations; see § 5.11.

8. Subpart F—Exemptions, is deleted and the following new Subpart F—Availability of Specific Records, is substituted in lieu thereof:

Subpart F—Availability of Specific Records

Sec.
5.70 Policy.
5.71 Protection of personal privacy and proprietary information.
5.72 Records available.
5.73 Records not available.
5.74 Further disclosure by agency head.

Subpart F—Availability of Specific Records

§ 5.70 Policy.

This subpart specifies the types of records which the Department shall, in keeping with its policy of fullest possible disclosure, make available for inspection and copying. For clarity and purposes of guidance, there are also set forth below the kinds or portions of records which generally will not be released, except as may be determined under § 5.74. The appendix to this part contains some examples of the kinds of materials which, in accordance with § 5.72, will generally be released and other materials which, in accordance with § 5.73, are not normally available. Regulations of the operating agencies (see § 5.11) may provide for disclosure of records beyond that provided for in § 5.72.

In the event that any record contains both information which is discloseable and that which is not discloseable under this regulation, the nondiscloseable information will be deleted and the balance of the record disclosed.

§ 5.71 Protection of personal privacy and proprietary information.

As set forth with more particularity below, certain types of information in whatever record or document contained shall not be disclosed where disclosure would be inconsistent with individual rights of personal privacy or would violate obligations of confidentiality.

(a) Except to the extent specifically otherwise provided by regulations of operating agencies, no disclosure will be made of information of a personal and private nature, such as information in personnel and medical files, in welfare and social security records and any other information of a private and personal nature.

(b) Except to the extent specifically otherwise provided by regulations of operating agencies, information having a commercial, financial, or professional value and in which the person providing the information has a proprietary interest will not be disclosed if it is in fact confidential. In determining whether such information is in fact confidential, consideration may be given to such factors as (1) the general custom or usage in the occupation or business to which the information relates that it be held confidential, (2) the number and situation of the individuals who have access to such information, (3) the type and degree of risk of financial injury to be expected if disclosure occurs, and (4) the length of time such information should be regarded as retaining the characteristics noted above.

(c) Information obtained by the Department from any individual or organization, who furnishes it in reliance upon a provision for confidentiality authorized by applicable statute or regulation, will not be disclosed. This subpart does not itself authorize the giving of any pledge of confidentiality by any officer or employee of the Department.

This section does not preclude use of nondisclosable records or information from such records for authorized program purposes, including law enforcement purposes and litigation. Release of information of the nature described in this section to the individual or the organization to whom the information pertains or to an authorized representative

of either will not be deemed a disclosure within the meaning of this part.

§ 5.72 Records available.

The following records of the Department shall, subject to the exceptions set forth in §§ 5.71 and 5.73, be available upon request for inspection and copying.

(a) *Correspondence.* Correspondence between the Department or any official of the Department and individuals or organizations outside the executive branch of the Federal Government relating to or resulting from the conduct of the official business of the Department.

(b) *Records pertaining to grants.* (1) Portions of funded grant applications and other supporting documents submitted by applicants which are not excepted from disclosure by this subpart.

(2) Grant award documents.

(3) All State plans, amendments, and supplements thereto, including applications for the waiver of any provision thereof whether acted upon by the Department or not.

(c) *Contracts.* (1) Contract instruments.

(2) Portions of offers reflecting final prices submitted in negotiated procurements.

(d) *Reports on grantee, contractor, or provider performance.* Final reports of audits, surveys, reviews, or evaluations by, for, or on behalf of the Department, of performance by any grantee, contractor, or provider under any departmentally financed or supported program or activity, which reports have been transmitted to the grantee, contractor, or provider. However, such reports will be available only after 14 days (or after 30 days in the case of reports subject to the provisions of 20 CFR 401 and 422) have elapsed following transmittal of the report to the grantee, contractor, or provider.

(e) *Research, development, and demonstration project records.* The final report of a grantee or a contractor of the performance under any research, development, or demonstration project. Records, other than reports, produced in such projects, such as films, computer software, other copyrightable materials and reports of inventions, will be available, except that considerations relating to obtaining copyright and patent protection may require delay in disclosure for such period as necessary to accomplish such protection. Disclosure of records which are copyrightable or which reflect patentable inventions shall not confer upon the requester any license under any copyright or patent without regard to the holder or owner thereof.

§ 5.73 Records not available.

The following types of records or information contained in any record, in addition to those prohibited by law from disclosure are not available for inspection or copying, any provision of § 5.72 notwithstanding:

(a) *Intra-agency and inter-agency communications.* Communications within the Department, other than those described in § 5.72(d) or between the Department or any official of the Department and any other agency, department, or official of the executive branch of the Federal Government, to the extent they reflect the views or judgment of the writer or of other individuals. If disclosure of any factual portion of the communication would indicate the views or judgment being withheld from disclosure, then such factual portions will also be withheld.

(b) *Investigatory files.* (1) Investigatory files compiled for law enforcement purposes in cases not yet closed. A file is closed within the meaning of this regulation when a final decision has been made not to take enforcement action or enforcement action has been taken and has been concluded. For the purpose of this section "enforcement action" means any authorized action intended to abate, prevent, counteract, deter, or terminate violations of law and includes action involving possible civil, criminal, or administrative sanctions, whether such sanctions involve adversary proceedings or other procedures, such as termination of benefits, protective measures, etc.

(2) Investigatory files compiled for law enforcement purposes in cases that have been closed, to the extent that disclosure of such files would:

(i) Identify informants;

(ii) Name or otherwise identify, or make available statements with respect to, persons referred to in such file, so as unjustly to defame, embarrass, or prejudice such persons or their successors, affiliates, families, or descendants in their professional, commercial, occupational, community, or personal activities, or otherwise result in a clearly unwarranted invasion of personal privacy;

(iii) Release trade secrets, commercial or financial information, personnel files or medical files; or

(iv) Reveal policy recommendations, or other expression of views or opinions.

§ 5.74 Further disclosure by agency head.

(a) The head of any operating agency, or the Assistant Secretary for Administration and Management with respect to documents in the possession of the Office of the Secretary, or the Assistant Secretary for Health with respect to documents of the Public Health Service, or their designees may in particular instances except where prohibited by law, disclose documents or portions of documents described in § 5.73 if he determines that disclosure is in the public interest and is consistent with obligations of confidentiality and administrative necessity.

(b) In making such a determination, consideration may be given to the Department's responsibilities under law for dissemination to the public of information relating to public health, safety of products or services, education, and welfare.

(c) When such determination has been made, the particular document or portion of document to which it relates shall thereafter be available upon request for inspection and copying: *Provided however,* That use of nondiscloseable records or information from such records for authorized program purposes, including law enforcement purposes and litigation is not a disclosure within the meaning of this section.

Subpart G—Administrative Review

Section 5.82 is revised to read as follows:

§ 5.82 By whom review is made.

(a) Request for review shall be addressed to the Assistant Secretary for Administration and Management, or his designee, with respect to records of the Office of the Secretary, to the Assistant Secretary for Health, or his designee, with respect to the records of the Public Health Service, and to the head of the operating agency, or his designee, with respect to the records of the other operating agencies.

(b) The decision on review if adverse to the requester, shall be made only with the concurrence of the Assistant Secretary for Public Affairs, or his designee.

Section 5.85(a) is revised to read as follows:

§ 5.85 Decisions on review.

(a) Decisions on review shall be in writing within 20 days from receipt of the request for review. If the decision is in favor of the requester, the decision shall order records made available to the requester as provided in the decision.

* * * * *

APPENDIX

The following are some examples of specific records (or specific information relating to personnel, programs, or activities of this Department) listed according to whether or not they are available upon request for inspection and copying.

GRANTS

Generally Available[1]	*Generally not Available*[1]
Name of grantee, date, subject matter, and amount of grant.	Research protocol, design, processing, and other technical information to the extent proprietary or of a confidential nature.
Face sheet of funded grant application.	

[1] Since there may be unforeseen variations in the contents of documents in the examples given, or in the circumstances pertinent to the Government's activities concerning matters relating to such documents, these examples do not apply in each and every instance, and they do not override provisions of the regulation that may be applicable in a given case.

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APPENDIX—Continued

GRANTS—continued

Final report of grantee	Confidential financial information of grantee.
Records of any funded grant other than research grants.	Raw research data and interim reports on research prior to submission of the final report.
Final report of any review or evaluation of grantee performance conducted or caused to be conducted by the Department.	Research or research training grant application on which award is not made.
Application for demonstration, experimental, or pilot project under section 1115 of the Social Security Act.	
State plan material.	

CONTRACTS

Name of contractor, subject matter, date, and amount of contract.	Trade secrets.
Contract performance review report.	Confidential pricing data contained in contract proposal if in the Department's judgment it is properly so designated by the offeror.
Deficiency report	Proprietary technical data contained in a contract proposal if in the Department's judgment it is properly so designated by offeror.
Report on performance of providers of medicare services.	Confidential financial information of contractor.
Final Report.	Draft of proposed final report submitted for comment prior to acceptance.
	Research protocol, design, processing, and other technical information to the extent proprietary or of a confidential nature, including proprietary contents of unsolicited proposals.
	Proposals on which no award is made.

ADVISORY COMMITTEES

Name of committee	Minutes or transcripts of committee meetings or portions thereof which are involved with matters exempt from mandatory disclosure under Freedom of Information Act.
Final report.	
Minutes or transcripts of meetings open to the public and not involved with matters exempt from mandatory disclosure under Freedom of Information Act.	

PERSONNEL INFORMATION

Name of employee, title of position, and location of regular duty station.	Home addresses of employees.
Grade, position description, and salary of public employees.	

AFFIRMATIVE ACTION PLAN FILED PURSUANT TO EXECUTIVE ORDER 11246

Approved action plan, including analysis, proposed remedial or affirmative steps to be taken with goals and timetables, policies on recruitment, hiring, and promotion, and description of grievance procedures.	

MISCELLANEOUS

	Names of individual beneficiaries of departmental programs or a list of the benefits they receive if release would be an unwarranted invasion of privacy.
	Earnings records, claims file, and other personal information maintained by or for the Social Security Administration.
	Office for Civil Rights investigatory files in open cases.

[FR Doc.73-17170 Filed 8-16-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Certain National Wildlife Refuges in Alaska

The following regulations are issued and are effective on August 17, 1973. These regulations apply to public hunting on portions of certain national wildlife refuges in Alaska.

General Conditions. Hunting shall be in accordance with applicable State regulations. Information relative to hunting may be obtained from Refuge Managers addressed to respective refuges.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ALASKA

Migratory game birds may be hunted on the following refuge areas:

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Aleutian Islands National Wildlife Refuge, Pouch #2, Cold Bay, Alaska 99571.

Special condition. Hunting permitted only on Unimak, Adak, Attu, Shemya, and Atka.

ARCTIC NATIONAL WILDLIFE RANGE

Arctic National Wildlife Range, 1412 Airport Way, Fairbanks, Alaska 99701.

CLARENCE RHODE NATIONAL WILDLIFE RANGE

Clarence Rhode National Wildlife Range, P.O. Box 346, Bethel, Alaska 99559.

IZEMBEK NATIONAL WILDLIFE RANGE

Izembek National Wildlife Range, Pouch #2, Cold Bay, Alaska 99571.

Special condition. The landing of aircraft is prohibited except in the event of emergency.

KENAI NATIONAL MOOSE RANGE

Kenai National Moose Range, P.O. Box 500, Kenai, Alaska 99611.

Special conditions. Parts of the Kenai National Moose Range are closed to the operation of aircraft and motor boats. These regulations and maps are available at the Refuge office, Kenai, Alaska, and from the Alaska Area office, Bureau of Sport Fisheries and Wildlife, 813 "D" Street, Anchorage, Alaska.

KODIAK NATIONAL WILDLIFE REFUGE

Kodiak National Wildlife Refuge, P.O. Box 825, Kodiak, Alaska 99615.

Special condition. Except in the event of an emergency, the landing of aircraft on the Kodiak National Wildlife Refuge is restricted to lakes, streams, and other bodies of water.

Nunivak National Wildlife Refuge, P.O. Box 346, Bethel, Alaska 99559.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

GORDON W. WATSON,
Area Director, Bureau of Sport Fisheries and Wildlife, Anchorage, Alaska.

JULY 31, 1973.

[FR Doc.78-17161 Filed 8-16-73;8:45 am]

PART 32—HUNTING

Washita National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on August 17, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OKLAHOMA

WASHITA NATIONAL WILDLIFE REFUGE

The public hunting of quail and cottontail rabbits on the Washita National Wildlife Refuge, Oklahoma, is permitted only on the areas designated by signs as open to hunting. This open area, comprising 2,200 acres, is delineated on maps available at refuge headquarters, Butler, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico 87103.

Upland game hunting shall be in accordance with all applicable State regulations governing the hunting of quail and cottontail rabbits subject to the following special conditions:

(1) The open season for quail hunting on the refuge extends from November 20, 1973, through February 1, 1974, inclusive.

(2) The open season for cottontail rabbit hunting on the refuge extends from November 20, 1973, through February 1, 1974, inclusive.

(3) Hunting of either quail or cottontail rabbits is permitted only on Mondays, Tuesdays, Thursdays, Saturdays, and national holidays.

(4) Rifles and hand guns are prohibited on the refuge. Only shotguns are legal firearms for the taking of quail. Shotguns and/or long bows and arrows are legal weapons for the taking of cottontail rabbits.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 1, 1974.

ROBERT H. STRATTON, JR.,
Refuge Manager, Washita National Wildlife Refuge, Butler, Oklahoma.

AUGUST 1, 1973.

[FR Doc.73-17158 Filed 8-16-73;8:45 am]

PART 32—HUNTING

Arctic National Wildlife Range, Alaska

The following regulations are issued and are effective on August 17, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

ARCTIC NATIONAL WILDLIFE RANGE

Public hunting of upland game on the Arctic National Wildlife Range is permitted in accordance with applicable State regulations. Information relative to hunting may be obtained from the Refuge Manager at 1412 Airport Way, Fairbanks, Alaska 99701.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

ARCTIC NATIONAL WILDLIFE RANGE

Public hunting of big game animals on the Arctic National Wildlife Range is permitted in accordance with applicable State regulations. Information relative to hunting may be obtained from the Refuge Manager at 1412 Airport Way, Fairbanks, Alaska 99701.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

DAVID L. SPENCER,
Area Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Anchorage, Alaska.

AUGUST 7, 1973.

[FR Doc.73-17162 Filed 8-16-73;8:45 am]

PART 32—HUNTING

Kodiak National Wildlife Refuge, Alaska

The following regulations are issued and are effective August 17, 1973.

General conditions. Hunting shall be in accordance with applicable State regulations.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Upland game may be hunted on the following refuge:

Kodiak National Wildlife Refuge, P. O. Box 825, Kodiak, Alaska 99615.

Special condition. Except in the event of an emergency, the landing and operation of aircraft on the Kodiak National Wildlife Refuge is restricted to the lakes, streams, and other bodies of water.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Big game may be hunted on the following refuge:

Kodiak National Wildlife Refuge, P.O. Box 825, Kodiak, Alaska 99615.

Special conditions. (1) Except in the event of an emergency, the landing and operation of aircraft on the Kodiak National Wildlife Refuge is restricted to the lakes, streams, and other bodies of water.

(2) A Federal permit is required to hunt brown bear. Permits will be nontransferable and issued by hunting area units on a priority application basis from public announcement dates. Permits may be obtained by applying to the Refuge Manager, Bureau of Sport Fisheries and Wildlife, P.O. Box 825, Kodiak, Alaska 99615.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

GERRY ATWELL,
Refuge Manager, Kodiak National Wildlife Refuge, Kodiak, Alaska.

JULY 25, 1973.

[FR Doc.73-17159 Filed 8-16-73;8:45 am]

PART 32—HUNTING

Necedah National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on August 17, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Public hunting of deer and unprotected mammal species as listed in the 1973 Wisconsin Big Game hunting regulations on the Necedah National Wildlife Refuge, Wisconsin is permitted with bow and arrow from September 15 through November 11, 1973 and December 1 through December 31, 1973 and with firearms from November 17 through November 25, 1973, but only on those areas designated by signs as open to hunting. These open areas, comprising approximately 39,000 acres are delineated on a map available at the refuge headquarters, Necedah, Wisconsin and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32,

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and are effective through December 31, 1973.

GERALD H. UPDIKE,
Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wisconsin 54646.

AUGUST 10, 1973.

[FR Doc.73-17157 Filed 8-16-73;8:45 am]

PART 33—SPORT FISHING

Certain Wildlife Refuges and Ranges in Alaska

The following special regulations are issued and are effective August 17, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

General Conditions: Fishing shall be in accordance with all applicable State regulations.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Aleutian Islands National Wildlife Refuge, Cold Bay, Alaska 99571.

ARCTIC NATIONAL WILDLIFE RANGE

Arctic National Wildlife Range, 1412 Airport Way, Fairbanks, Alaska 99701.

BERING SEA NATIONAL WILDLIFE REFUGE

Bering Sea National Wildlife Refuge headquarters: Clarence Rhode National Wildlife Range, Post Office Box 346, Bethel, Alaska 99559.

CLARENCE RHODE NATIONAL WILDLIFE RANGE

Clarence Rhode National Wildlife Range, Post Office Box 346, Bethel, Alaska 99559.

IZEMBEK NATIONAL WILDLIFE RANGE

Izembek National Wildlife Range headquarters: Aleutian Islands National Wildlife Refuge, Cold Bay, Alaska 99571.

KENAI NATIONAL MOOSE RANGE

Kenai National Moose Range, Post Office Box 500, Kenai, Alaska 99611.

KODIAK NATIONAL WILDLIFE REFUGE

Kodiak National Wildlife Refuge, Box 825, Kodiak, Alaska 99615.

NUNIVAK NATIONAL WILDLIFE REFUGE

Nunivak National Wildlife Refuge headquarters: Clarence Rhode National Wildlife Refuge, Post Office Box 346, Bethel, Alaska 99559.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through August 31, 1974.

DAVID L. SPENCER,
Area Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Anchorage, Alaska.

JULY 31, 1973.

[FR Doc.73-17160 Filed 8-16-73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Office of Oil and Gas

[32A CFR Chapter X]

[Oil Import Reg. 1 (Rev. 5)]

NEW, EXPANDED OR REACTIVATED "PETROCHEMICAL CAPACITY"

Proposed Allocations of Imports of Crude Oil and Unfinished Oils—Districts I–IV, District V and Puerto Rico

On December 2, 1972, there was published in the FEDERAL REGISTER (37 FR 25722) a proposal for allocations of crude and unfinished oils to refiners and petrochemical plants based upon estimated inputs.

By Presidential Proclamation 4210 of April 18, 1973, volumetric quotas established under the Mandatory Oil Import Program were eliminated and provision was made, notwithstanding the levels established in section 2(a) of the Proclamation, that the Secretary of the Interior may make allocations to which license fees shall not be applicable to new, expanded, or reactivated refinery capacity and petrochemical plants for a period of five years from the date such facility comes onstream not to exceed 75 percent of estimated refinery inputs or the percentage of petrochemical plant inputs applicable.

After careful consideration of comments received in response to the December 2, 1972, proposed rulemaking and based on Proclamation 3279, as amended by Proclamation 4210, rulemaking for refiners was implemented by publication in the Federal Register on July 24 of a revised section 25 as part of Amendment 59 to Oil Import Regulation 1 (Revision 5), as amended.

To implement Proclamation 3279, as amended, as it applies to petrochemical plants, consideration is being given to adding a new section 25A to the Regulation. It is believed that the proposed new section will provide for equity of allocations among petrochemical producers, and be simpler to administer than alternatives considered. Allocations to heavy liquids plants (section 9B of the Regulation) are scheduled to begin on July 1, 1974. Such allocations are within the levels established by section 2(a) of Proclamation 3279, as amended, and will be reduced by a fraction of the original level each year until such allocations reach zero by April 30, 1980.

The proposed section would remove the volumetric limits, 4 million barrels for petrochemical capacity, on the quantity of inputs that any company could claim as a basis for an allocation based on estimated inputs and includes Puerto Rico as well as Districts I–IV and District V. The proposal provides for petrochemical capacity coming onstream after September 30 of the allocation period for which the allocation is requested. The requirement that a plant be in operation at least 60 days before an import license is issued is removed and in its place provision is made for an on-the-spot evaluation by the Office of Oil and Gas approximately 60 days before start-up.

The new section provides for calculating inputs on the basis of the pounds of qualified carbon and hydrogen content of the petrochemicals produced, dividing the quantity so determined by 250 to convert to barrels and multiplying the quotient by 75 percent to determine the allocation of imports of crude oil which a person will receive. For purposes of the new section, petrochemicals are defined and each new expanded or reactivated petrochemical capacity is treated as a separate entity for a total of sixty months.

Final action upon the proposed amendment is subject to the concurrence of the Chairman of the Oil Policy Committee.

Interested persons are invited to submit written comments on the proposed new section 25A on or before September 11, 1973, to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240. Each person who submits comments is asked to provide fifteen (15) copies.

DUKE R. LIGON,
Director.

AUGUST 14, 1973.

Section 25A Allocations of crude oil and unfinished oils—Districts I–IV, District V, and Puerto Rico—new, expanded or reactivated "petrochemical capacity" based upon estimated and actual inputs.

(a)(1) The Director may make allocations of imports of crude oil and unfinished oils with respect to new, expanded or reactivated "petrochemical capacity" as provided in this section.

(2) A person seeking such an allocation must file an application in the form prescribed by the Director. The application shall disclose in detail such information as the Director may require, including—

(i) The nature of the facility,

(ii) The location of the facility,

(iii) The petrochemicals and the pounds of each petrochemical produced or to be produced,

(iv) The pounds of carbon and hydrogen in the petrochemicals produced from qualified "petrochemical capacity" inputs,

(v) The capital outlay involved,

(vi) The identification of each feedstock and the source thereof,

(vii) The date that the facility went onstream or is scheduled to go onstream.

(b) For purposes of this section "petrochemical capacity" means a facility or plant complex:

(1) Which includes equipment for converting hydrocarbons to petrochemicals by chemical reaction.

(2) Which manufactures for plant use or sale one or more separate and distinct petrochemicals by chemical conversion of each separate "petrochemical capacity input" feedstock stream which is claimed by an applicant as a basis for obtaining an allocation.

(c) For purposes of this section "petrochemical capacity inputs" means feedstocks charged to a "petrochemical capacity.'

(1) And include only:

(i) Crude oil,

(ii) Unfinished oils (except those unfinished oils specifically excluded in subparagraph (2) of this paragraph) produced in Districts I–IV and District V and Puerto Rico and unfinished oils imported pursuant to an allocation;

(2) But do not include:

(i) Unfinished oils which are produced in a "petrochemical capacity" or petrochemical plant in the manufacture of petrochemicals and subsequently charged to a unit which is part of the same "petrochemical capacity" or petrochemical plant in which they were produced or to any other "petrochemical capacity" or petrochemical plant which is owned or controlled by the same person who claims the initial "petrochemical capacity inputs" or petrochemical plant inputs from which the unfinished oils are derived.

(ii) Unfinished oils which are obtained by transactions such as sales, purchases, or exchanges which are designed to avoid the exclusion specified in subdivision (i) of this subparagraph (2) and,

(iii) Benzene which met the ASTM standards for nitration grade or cumene, ethylbenzene, isoprene, meta-xylene, ortho-xylene or para-xylene which had a purity of 95 percent or more by weight but which subsequently has been recycled and mixed with other hydrocarbons, commingled, or purposely debased.

(d) For purposes of this section each item on the schedule in paragraph (k) of section 9B of this regulation with the exception of changes in the "condition" of several items listed and additions made, as noted below, is a petrochemical

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if, and only if, it conforms to any notation opposite the item in column 2 and to the condition specified opposite the item in column 3. The "conditions" amended and additions made to the schedule in paragraph (k) of section 9B are as follows:

D—ASTM nitration grade
E—Petrochemical must be recovered in a state of 95 percent purity or more

Petrochemical	Limitations	Conditions
Benzene		D
Cumene		E
Ethylbenzene		E
Isoprene		E
Meta-Xylene		E
Ortho-Xylene		E
Para-Xylene		E

(e) (1) Each increment of new, expanded or reactivated "petrochemical capacity" will be treated as a separate entity under this paragraph (e) for a total of sixty months.

(2) If the new, expanded or reactivated "petrochemical capacity" is scheduled to come onstream during the allocation period for which the allocation is requested, the allocation shall be computed on the basis of inputs (divided by 365), calculated as in paragraph (f) (1) of this section, which it is estimated will be made to such capacity during that allocation period. In the event the new, expanded or reactivated "petrochemical capacity" comes onstream after September 30 of the allocation period for which the allocation is requested, the Director may, if requested by the applicant, extend the expiration date of the license or licenses to 120 days after the start-up date. An applicant who receives an allocation for a particular allocation period pursuant to this subparagraph (2) may be eligible for an allocation pursuant to subparagraph (3), (4), or (5) of this paragraph for the succeeding allocation periods.

(3) If the new, expanded or reactivated "petrochemical capacity" has come onstream during the allocation period immediately preceding the allocation period for which the allocation is requested, the allocation shall be computed on the basis of the sum (divided by 365) of (i) the "petrochemical capacity inputs" calculated as in paragraph (f) (1) of this section, actually made to the new, expanded or reactivated "petrochemical capacity" during the first nine months of the allocation period immediately preceding the allocation period for which the allocation is requested and (ii) the inputs, calculated as in paragraph (f) (1) of this section which it is estimated will be made to such capacity during the next number of months which, when combined with the months in clause (i), will constitute a period of twelve months.

(4) If the new, expanded or reactivated "petrochemical capacity" has been onstream for at least one year as of September 30, of the allocation period immediately preceding the allocation period for which the allocation is requested, the allocation shall be based on actual inputs (divided by 365), calculated as in paragraph (f) (1) of this section, to the facility during the preceding twelve months ending September 30; *Provided*, That, the facility will not have been onstream in excess of sixty months during the allocation period for which the allocation is requested.

(5) If the new, expanded or reactivated "petrochemical capacity" has not been onstream for a period of sixty months after earning an allocation under subparagraph (4) of this paragraph (e), an allocation will be made for the next allocation year based on actual inputs (divided by 365), calculated as in paragraph (f) (1) of this section, for the year ending September 30 of the previous allocation year. In computing the allocation, the Director will determine the number of days which, when added to the actual operating period in the previous allocation years, will constitute a period of sixty months. The facility will, for this number of days, earn an allocation under this section 25A.

(f) (1) The Director shall issue allocations with respect to new, expanded or reactivated "petrochemical capacity" based on inputs which will be calculated in the following manner:

$$\frac{\text{Total weight in pounds of actual and estimated carbon and hydrogen from qualified "petrochemical capacity inputs" contained in petrochemicals produced during any allocation period}}{250} = \text{Qualified inputs for the allocation period in barrels}$$

(2) The allocation shall be computed at seventy-five percent of the qualified inputs, calculated as in paragraph (f) (1) of this section, to such facilities as determined in subparagraphs (e) (2), (e) (3), (e) (4) or (e) (5) of this section 25A.

(3) For purposes of this section, where a person produced a petrochemical from a combination of inputs which qualify, under paragraph (c) of this section and inputs which do not so qualify, the hydrogen and carbon content of the produced petrochemical shall be deemed to have been derived entirely from the qualified inputs to the full extent of such qualified inputs except that such hydrogen and carbon shall not be deemed to have been derived from a qualified input from which the carbon and hydrogen could not actually have been derived.

(g) (1) If an allocation based in whole or in part on estimated inputs, calculated as in paragraph (f) (1) of this section, is made to an applicant pursuant to this section, the actual inputs calculated as a basis for allocations in the next succeeding allocation period or periods for which the applicant applies for an allocation or allocations under this regulation shall be adjusted upward or downward to compensate for the difference between the calculated estimated inputs and actual inputs made during the period for which inputs were estimated.

(2) If the calculated estimated inputs upon which an allocation is based exceed the calculated actual inputs made by more than ten percent of the calculated estimated inputs, then, in addition to the adjustment downward provided by subparagraph (1) of this paragraph, the applicant shall be penalized for the overestimate as provided in this subparagraph (2). As a penalty, the calculated actual inputs submitted by the applicant as a basis for allocation for the next succeeding period or periods for which the applicant applies for an allocation or allocations under this regulation shall be further reduced by the number of barrels by which the calculated estimated inputs exceeded the calculated actual inputs by more than ten percent. However, to the extent that an applicant demonstrates to the satisfaction of the Director that the excess of calculated estimated inputs over calculated actual inputs was attributable to acts of God, fire, government action, explosion, labor disputes, or other similar circumstances beyond the applicant's control, the Director may wave the penalty or reduce the number of barrels of excess for which the penalty will be imposed. Persons applying for and receiving allocations under this section whose new, expanded or reactivated "petrochemical capacity" fails to come onstream within the allocation period may be denied any allocation for the next succeeding period. The Director may elect not to apply this penalty in those cases where the applicant demonstrates to the satisfaction of the Director that a substantial effort was made to complete and to start up such facility and that the person's failure was attributable to acts of God, fire, government action, explosion, labor disputes, or other similar circumstances beyond the applicant's control.

(3) (i) Any person who has been granted an allocation for a new expanded or reactivated "petrochemical capacity" in Districts I–IV, District V or Puerto Rico may avoid the penalty prescribed in subparagraph (2) by returning on or before September 30 of the period for which the allocation was granted such a license or licenses for a downward adjustment, or, in lieu of returning such license or licenses, returning for downward adjustment a license issued to the person under section 9.

(ii) A request by an applicant who has received an allocation and license under this section for a downward adjustment shall be made in writing to the Director on or before September 30 of the allocation period for which the allocation and license were granted.

(4) Further adjustments will be made in addition to those described in subdivisions (i) and (ii) above. If the person has any other like "petrochemical capacity" or petrochemical plant and reductions are made in the inputs for this other capacity during the allocation periods as a result of the new, expanded or reactivated facility; in such a case, in determining inputs for the next allocation period, the inputs credit for the new facility application will be lowered by the amount that inputs were reduced in the applicant's other existing facilities in the year ending September 30 of the prior allocation period.

(5) The Director shall not issue a license under an allocation made pursuant to this section until (i) an on-the-spot evaluation of the new, expanded or reactivated "petrochemical capacity" has been conducted by compliance representatives of the Office of Oil and Gas and (ii) a written determination has been made by the Director that the facility is a bona fide "petrochemical capacity" as certified in the application, and that construction or reactivation has so far progressed that, in the Director's judgment, the plant will within sixty days from the date of such determination be ready for start-up and trials.

(h) No license issued for allocations made under this section may be sold, assigned, or otherwise transferred.

(i) (1) As used in this section 25A, "expanded petrochemical capacity" includes expansion of existing facilities by the addition of equipment, such as, but not limited to, stills, towers, pumps, and conversion units, or such additions to or modification of existing "petrochemical capacity" or petrochemical plant as have resulted in an increased processing capability of not less than fifteen percent in the particular "petrochemical capacity" or petrochemical plant under consideration over the petrochemical plant capacity or "petrochemical capacity" existing in that particular facility during the preceding twelve months.

(2) As used in this section 25A, "reactivated petrochemical capacity" means restoration to operation of "petrochemical capacity" which had been shut down for not less than twelve months immediately preceding its reactivation.

(j) An allocation made pursuant to this section shall entitle a person to a license or licenses which will allow the importation of unfinished oils in an amount not exceeding, in the aggregate 15% of the person's allocation.

(k) The hydrocarbon content of materials upon which an allocation under section 9 or section 9B of this regulation is based will not qualify as a basis for an allocation under this section.

(l) An applicant may not receive an allocation under this section 25A for new, expanded or reactivated "petrochemical capacity" for which inputs have been included in applications filed pursuant to section 9.

(m) Persons wishing to qualify for an allocation under this section 25A for the 1973 allocation period must file an application within thirty (30) days after publication of this section 25A in the Federal Register.

(n) A person who imports crude oil or unfinished oils under an allocation made under this section may exchange his imported crude oil either for domestic crude oil or for domestic unfinished oils or exchange his imported unfinished oils for domestic unfinished oils or for domestic crude oil. All such exchanges shall be governed by the provisions of subparagraphs (2), (3), (4), (5) and (6) of paragraph (b) of section 17 of this regulation.

[FR Doc.73-17280 Filed 8-15-73;2:21 pm]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

TOBACCO

Designation of Auction Markets

Notice is hereby given that the Department proposes to amend Title 7, Part 29—Tobacco Inspection, by revising Subpart B, § 29.73 (7 CFR Part 29) to set forth the conditions under which the designation of a tobacco auction market will terminate. Notice is also given of proposed termination of the designation of certain auction markets which have ceased to function as such.

Statement of considerations. The Tobacco Inspection Act (7 U.S.C. 511) authorizes the Secretary of Agriculture to designate those auction markets where tobacco bought and sold thereon at auction, or the products customarily manufactured therefore, moves in commerce. After designation, inspection becomes mandatory at all auction sales conducted on such markets, and official inspection service is provided thereat free of charge. Regulations governing such designations are issued pursuant to the authority of section 14 of the Act (7 U.S.C. 511m), and are published at 7 CFR Part 29. The proposed amendment of said regulations would provide for automatic termination of such designation after a market has ceased operations.

There are presently seven designated markets which have been closed or otherwise inactive for periods ranging from 2 to 33 years. These markets are as follows:

Market	Date designated	Years inactive
Rocky Mount, Va.	June 26, 1942 (7 FR 4811)	9
Westmoreland, Tenn.	October 9, 1941 (6 FR 5147)	9
Bedford, Va.	June 18, 1936 (1 FR 757)	16
Scottsville, Ky.	June 21, 1950 (15 FR 4072)	17
Camp Taylor, Ky.	October 25, 1941 (6 FR 5478).	22
Paris, Tenn.	November 7, 1939 (4 FR 4537).	27
Drakes Branch, Va.	June 18, 1936 (1 FR 757)	33

In view of the long periods in which no sales have taken place at these seven locations, it must be concluded that there exists no economic demand for such services at these locations. The Department believes that the designation of these markets no longer carries any significance and therefore proposes to terminate the designation of each of these markets in order to remove any uncertainty regarding their status. These markets would be considered as "new markets" on any future request for services and could qualify for designation upon the basis of a need for services established at a hearing held in accordance with Subpart A, (7 CFR 29.1 through 29.3)

Recognition should be given to the fact that markets are not permanent, and may close due to a variety of economic factors, such as a change in the marketing activities of growers or in transportation facilities. In order to provide for such occurrences in the future, the Department proposes to revise the regulations to provide that the designation of a tobacco auction market shall terminate automatically by operation of law after the market has remained closed for two consecutive marketing seasons. It is unnecessary to provide for a hearing to determine the fact of closure of a market since the Department has particular knowledge of this fact, inasmuch as no lawful auction can be held without the services of official tobacco inspectors. Therefore it is proposed to amend 7 CFR Part 29, by revising § 29.73 as follows:

§ 29.73 Designation of Markets; Termination of Designation.

An auction market where tobacco bought or sold thereon at auction or the products customarily manufactured therefrom move in commerce may be designated under the Act by the Secretary after the Director has advised the Secretary that two-thirds of the growers voting in the referendum held in accordance with § 29.74 favored the designation of such market. When a market is designated by the Secretary, he shall give public notice of the fact and in such public notice he shall specify the date on which the requirement of inspection and certification of tobacco sold at auction on such market shall become effective. The Director may temporarily suspend the requirement of inspection and certification on a designated market when it is found impracticable to provide such services because competent inspectors are not obtainable or because the quantity of tobacco available for inspection is insufficient to justify the cost of such service. A designation shall terminate automatically at the end of any two consecutive marketing seasons during which a designated market does not conduct any sales of tobacco at auction. A market whose designation is terminated under this section shall be considered as a new market, as defined in § 29.1, and any future application for services shall be filed and determined in accordance with the provisions of §§ 29.3 and 29.2.

All interested persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision may file the same in four copies with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, on or before September 17, 1973.

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All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 9th day of August, 1973.

CLAYTON YEUTTER,
Acting Secretary.

[FR Doc.73-17141 Filed 8-16-73;8:45 am]

[7 CFR Part 928]

HANDLING OF PAPAYAS GROWN IN HAWAII

Notice of Proposed Rule Making

This notice invites written comment relative to proposed continuance after September 9, 1973 of the requirement effective under the Marketing Agreement and Order No. 928 that papayas handled to destinations within the production area (Hawaii) shall grade at least Hawaii No. 1 grade. Unless so amended the minimum grade would revert to Hawaii No. 2 grade on September 10, 1973.

The proposal was submitted by the Papaya Administrative Committee, established pursuant to the said Marketing Agreement and Order No. 928, regulating the handling of papayas grown in Hawaii. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee, in proposing such continuance, reported that ample supplies of papayas of Hawaii No. 1 and higher grades would be available to meet consumer demand.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 28, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Continuance would be effected by amending paragraph (a)(1) of § 928.303 (Papaya Regulation 3; 37 FR 28410; 38 FR 2959, 21269) to read as follows:

§ 928.303 Papaya Regulation 3.

(a) During the period September 10, 1973 through December 31, 1973, no handler shall ship any container of papayas:

(1) To any destination within the production area unless said papayas grade at least Hawaii No. 1 and are of the size which individually weigh not less than 14 ounces: *Provided*, That papayas handled as Hawaii Fancy grade shall be of a size which individually weigh not less than 16 ounces.

* * * * *

Dated: August 14, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-17185 Filed 8-16-73;8:45 am]

[7 CFR Part 959]

[Docket No. AO 322-A3]

ONIONS GROWN IN SOUTH TEXAS

Recommended Decision and Opportunity To File Exceptions

This document recommends adoption of an amendment to allow expenditures of marketing order funds for production research.

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given to the filing with the Hearing Clerk of this recommended decision with respect to the proposed further amendment of Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959), regulating the handling of onions grown in South Texas, hereinafter referred to collectively as the "order". The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act".

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112 Administration Building, Washington DC 20250, not later than the close of business on September 10, 1973. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the recommended amendment of the order was formulated, was held in McAllen, Texas on July 10, 1973, pursuant to a notice thereof which was published in the FEDERAL REGISTER on June 8, 1973 (38 FR 15080). The notice contained a proposed amendment to the order which had been submitted to the Secretary of Agriculture with a request for a hearing thereon by the South Texas Onion Committee, the administrative agency established pursuant to the order.

Material issue. The material issue presented on the record of the hearing was the amendment of § 959.48 *Research and development*, to authorize production research.

Findings and conclusions. The following findings and conclusions on the material issue are based on the evidence presented at the hearing and the record thereof:

The order presently contains authority for committee expenditures on marketing research and development projects. Production research was not previously permitted by the Agricultural Marketing Agreement Act of 1937 until its amendment on June 25, 1970 (Public Law 91-292) to permit the conduct of production research under marketing orders through the use of funds furnished by the program. South Texas Onion growers have requested that the order be amended to include the authority for committee expenditures for production research to broaden the possibilities for research beneficial to the South Texas onion industry and its customers.

Successful marketing of high quality onions is the result of a complex interrelated production and marketing system. A fundamental requirement for successful, orderly marketing is the availability of good quality onions. The best grading, packing, transportation and wholesaling and retailing equipment and practices cannot improve the quality of a poor onion. All production steps from the selection of the seed and fields for planting through preparation for market are given careful consideration by the prudent grower who desires to grow good quality onions at the lowest possible cost.

Onions grown in South Texas during the winter and early spring are much more perishable than the storage type onions grown in other production areas during the summer and fall. Solutions for many of the problems affecting the quality, appearance, and shelf-life of onions are to be found in the use of better varieties, effective disease and insect control, better and more efficient soil preparation, cultivating and harvesting practices. These production problems span the whole operation from planting through harvest and preparation for market. The efficient production of a sustained supply of high quality onions requires a high degree of knowledge and proficiency on the part of onion producers. The record shows that production research now being done by private and public agencies is not adequate and the urgency for authorizing another source of funding research is emphasized by recent reductions and continuing limitations in funds, personnel, and facilities available to the Texas Agricultural Experiment Station and U.S. Department of Agricultural research agencies for South Texas onion production research.

Foremost among production problems is the need for a breeding program to develop improved varieties of so-called short-day onions, which are those onions grown during the winter and spring months.

Improved varieties are needed to;

(a) Increase yields per acre to reduce per unit production costs;

(b) Extend the harvesting season through mid-summer instead of ending in mid-May to spread out the marketing season and effect more orderly marketing;

(c) Permit long distance shipments and short-term storage to enable exports to distant foreign markets and even flow to market;

(d) Encourage greater acceptance by processors, such as freezers and dehydrators, who prefer a denser onion than is currently produced;

(e) Permit the use of labor saving techniques or procedures such as precision seeding and cultivation, and mechanical harvesting and handling;

(f) Increase resistance to diseases, insects and post-harvest deterioration, to reduce losses and increase retail shelf-life, and

(g) Reduce the incidence of seed stems to improve yields of salable onions.

Research is needed to control such diseases and decay organisms as pink root, purple blotch, fusarium bulb rot, Botrytis, Downy mildew and tip blight.

Other research is needed to reduce the amount of fungicides and other chemical materials used to control diseases and to develop improved weed control, irrigation techniques, and equipment. Engineering research is needed to develop improved mechanical equipment for production, harvesting, and handling operations.

As technological improvements occur, research will be needed to adapt these improvements for use by the onion industry. For example, computer technology might be adopted for use in scheduling and decision making for production operations. It is impossible to foresee all the needs at this time. Therefore, the authority of the committee to establish production research projects should not be limited to the problems mentioned above but should be sufficiently flexible, to the extent permitted under the Act, to facilitate timely development of production research programs suitable to problems that arise.

If a committee determines that production research projects should be undertaken, it should submit each project to the Secretary for approval. The committee should fully consider the cost of any such activities when developing its budget, both as to additional items of expenses and the applicable assessment rate. Committee expenditures for the costs of planning such research should be authorized on the basis of budgetary approval since planning and project development necessarily precede project recommendation to the Secretary for his approval.

In formulating production research projects the committee should be authorized to secure the advice and service of knowledgeable persons. The committee should be authorized to establish one or more subcommittees to assist it in the efficient and expeditious planning of production research projects or programs. An appropriate subcommittee could explore research methods, develop preliminary projects and programs, and make recommendations with respect to any such activities. Such subcommittee could also perform evaluations of activities at any stage of completion. The subcommittee should be prepared to give guidance and counsel to researchers working on approved projects and should have the authority to make necessary changes on such projects as long as the changes are within the overall project and guidelines already approved. Any change which would require greater expenditures than those approved would necessitate committee and Departmental approval, as would major changes which would deviate from the objectives and guidelines which had been established by the committee.

For any production research projects, the committee should be authorized to perform the projects itself or to contract for the conduct of such projects with a person or agency which specializes in this field of activity.

In submitting projects to the Secretary for his approval, the committee should include recommendations as to the funds to be obtained from assessments under the order and contributions and its appraisal of the relative urgency of individual projects whenever several possibilities are involved. The committee should review its production research program annually to appraise its effectiveness. Copies of the annual report on the program should be provided to the Secretary and made available at the committee office for examination by producers, handlers, and other interested persons. In view of the foregoing, it is concluded that the order should be amended to authorize production research.

Rulings on proposed findings and conclusions. July 30, 1973 was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearings and on findings and conclusions which should be drawn therefrom. No brief was filed.

General findings. Upon the basis of the evidence introduced at the hearing and the record thereof, it is found that:

(1) The amended marketing agreement and order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefore as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer;

(2) The amended marketing agreement and order, as hereby proposed to be amended, regulate the handling of onions grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing order upon which hearings have been held;

(3) The amended marketing agreement and order, as both are hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The amended marketing agreement and order, as both are hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended further amendment of the marketing agreement and order. The following amendment of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

Section 959.48 *Research and development* is amended to read as follows:

§ 959.48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, consumption or efficient production of onions. The expenses of such projects shall be paid from funds collected pursuant to § 959.42.

Copies of the notice of recommended decision may be obtained from the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, or may be inspected there.

Signed at Washington, D.C., on this 14th day of August, 1973.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.73-17186 Filed 8-16-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Name and Specification Change for Extracted Deglanded Cottonseed Flour

Acting on a petition submitted by U.S. Department of Agriculture, Agricultural Research Service, Southern Utilization Research and Development Division (presently Southern Marketing and Nutrition Research Division), 1100 Robert E. Lee Blvd., New Orleans, LA 70179, and by Dorr-Oliver, Inc., 77 Havemeyer Lane, Stamford, CT 06904, an order was published in the FEDERAL REGISTER of July 13, 1972 (37 FR 13713), amending § 121.1019 of the food additive regulations (21 CFR 121.1019) to provide for the safe use in food of a modified cottonseed product designated as "extracted, deglanded cottonseed flour." The petition concerned a product derived from decorticated, ground cottonseed kernels in a process that utilizes *n*-hexane as an extracting solvent which results in an end product containing less than 1 percent fat.

The Commissioner of Food and Drugs has considered a petition (FAP 3A2912) submitted by Grain Processing Corporation, P.O. Box 341, Muscatine, IA 52761, proposing that § 121.1019 be amended to change the name of the modified cottonseed product from "extracted, deglanded cottonseed flour" to "defatted cottonseed flour," essentially on the basis that the present designation is neither descriptive of the additive nor would such a lengthy name be suitable on the label

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of manufactured foods containing the additive.

On the basis of the submitted information, and other relevant material, the Commissioner concludes that the simplified name "defatted cottonseed flour" should be adopted but that the additive should be further defined as containing less than 1 percent fat. The proposed name adequately describes the additive which is a dry, finely ground product with virtually all fat removed in the processing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 121.1019 be amended by revising paragraphs (a)(2) and (c) to read as follows:

§ 121.1019 Modified cottonseed products intended for human consumption.

* * * * *

(a) * * *

(2) Decorticated, ground cottonseed kernels, in a process that utilizes *n*-hexane as an extracting solvent in such a way that no more than 60 parts per million of *n*-hexane residues and less than 1 percent fat by weight remain in the finished product.

* * * * *

(c) To assure safe use of the additive, the label of the food additive container shall bear, in addition to other information required by the act, the name of the additive as follows:

(1) The additive identified in paragraph (a)(1) of this section as "partially defatted, cooked cottonseed flour."

(2) The additive identified in paragraph (a)(2) of this section as "defatted cottonseed flour."

Interested persons may, on or before October 16, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 13, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-17154 Filed 8-16-73;8:45 am]

Office of the Secretary

[42 CFR Part 81]

CAPITAL EXPENDITURES

Proposed Limitation on Federal Participation

Correction

In FR Doc. 73-15674 appearing at page 20994 in the issue of Friday, August 3, 1973, the material in parenthesis in the 21st line of § 81.106 (a)(4) should read "(which election shall constitute a determination by such agency that such expenditure is in conformity with such standards, criteria, and plans)".

Social and Rehabilitation Service

[45 CFR Part 250]

CONTRACTS FOR MANAGEMENT CONSULTING SERVICES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations prescribe conditions for State contracts for management consulting services in a medical assistance program under title XIX of the Social Security Act, providing for prior approval of these contracts by the Social and Rehabilitation Service before they qualify for Federal financial participation. They supersede requirements in Handbook of Public Assistance Administration, Part V-4650.2, in respect to the medical assistance program, and are being issued to clarify conditions under which State agencies may request Federal financial participation in expenditures under such contracts. These regulations will permit better control of costs and better utilization of the products received.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201, on or before Sept. 17, 1973. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street, S.W., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-963-7361).

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302.)

Dated: June 14, 1973.

FRANCIS D. DEGEORGE,
Acting Administrator, Social and Rehabilitation Service.

Approved: July 10, 1973.

CASPAR W. WEINBERGER,
Secretary.

A new § 250.51 is added to Part 250, Chapter II, Title 45 of the Code of Federal Regulations, to read as follows:

§ 250.51 Contracts for management consulting services; conditions for Federal financial participation.

(a) *Conditions for claiming Federal financial participation.* (1) Federal financial participation is available in amounts paid under contracts made by State and local medical assistance agencies for management consulting services (as defined in paragraph (d) of this section) which have received prior approval of the Social and Rehabilitation Service. Contracts that have not received prior approval are not eligible for such Federal financial participation (except as provided in paragraph (a)(3) of this section). Contracts where the total value is less than $25,000 are exempt from the requirement for prior approval but must be submitted for approval prior to the end of the quarter for which Federal financial participation will be claimed for expenditures made thereunder. Incremental contracts (contracts for parts of jobs or splitting up a single job among several contracts) developed in order to qualify for the exemption from prior approval will not be eligible for Federal financial participation.

(2) A request for prior approval of a proposed contract should be submitted to the Regional Commissioner at least three months prior to the effective date of the contract to allow sufficient time for adequate review.

(3) Failure of the Service to act on a request for approval of a proposed contract for management consulting services with 90 days of receipt of such request will be considered to waive the requirement for prior approval of the request. Before the State may claim Federal financial participation in these circumstances, it must first take all reasonable and prudent steps to insure that its request has been received by the Service.

(b) *Information required.* Prior to the use of a contract for $25,000 or more for management consulting services, the single State agency must submit to the appropriate regional office of the Service a justification of the need for the proposed contract in terms of efficiency, economy and more effective administration of the State's medical assistance program in accordance with program regulation guides issued by the Service.

(c) *Assurances.* The State agency shall include a statement of the following assurances for each contract:

(1) A copy of the final report will be delivered to the Service.

(2) All interim reports, data collection forms, questionnaires, and other working papers that support the final report, including those that show the assumptions, criteria and product, will be made available on request to the Service for a period of three years after completion of the contract. This includes such materials prepared by both the prime contractor and subcontractors, if any.

(d) *Definition.* Management consulting services include any examination, survey, study, review, analysis, evaluation, or other type of advice or assistance for the purpose of installation of a system or procedure, improvement or assessment of effectiveness, efficiency or economy of the organization, management systems, processes, performance standards, methods, procedures, space or equipment layout or program operations of the single State agency. Such services do not include the design, development or installation of automatic data processing or information storage and retrieval systems.

[FR Doc.73-16913 Filed 8-16-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-WA-20]

ADDITIONAL CONTROL AREA

Proposed Designation

Correction

In FR Doc. 73-15639, appearing at page 20348 in the issue of Tuesday, July 31, 1973, in the third column on page 20349 under the heading "Boundaries," in the third line, the reference to "Long. 68°-57'00'" should read "Long. 68°00'00'".

[14 CFR Part 71]

[Airspace Docket No. 73-EA-67]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Newark, N.J., control zone (38 FR 405).

New NDB and ILS instrument approach procedures prescribed for Newark International Airport and a review of the terminal airspace requirements for the Newark, N.J. terminal area indicates that alteration of the control zone is required to provide controlled airspace in consonance with Terminal Instrument Procedures (TERPS).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before Sept. 17, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Newark, New Jersey, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Newark, N.J., control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 40°-41'40" N., 74°10'02" W., of Newark International Airport, Newark, N.J., extending clockwise from a 030° bearing to a 263° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 263° bearing to a 342° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 342° bearing to a 030° bearing from the airport; within 2 miles each side of the Newark International Airport Runway 4L ILS localizer course, extending from the 5-mile radius to 2.5 miles northeast of the Chelsea OM and within 3 miles each side of the Kennedy VORTAC 283° radial extending from 22 miles to 29 miles northwest of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on August 2, 1973.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.73-17133 Filed 8-16-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-52]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Del Rio, Tex., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before September 17, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

1. In § 71.171 (38 FR 351), the Del Rio, Tex., control zone is amended to read:

DEL RIO, TEX.

Within a 5-mile radius of Laughlin AFB (latitude 29°21'35" N., longitude 100°46'35" W.); within 2 miles each side of the Laughlin VOR 297° radial extending from the 5-mile radius zone to 7 miles northwest of the VOR; within 3 miles each side of the Laughlin TACAN 315° radial extending from the 5-mile radius zone to 14 miles northwest of the TACAN; within 3 miles each side of the Laughlin VOR 330° radial extending from the 5-mile radius zone to 12 miles northwest of the VOR, and within 3 miles each side of the Laughlin VOR 147° radial extending from the 5-mile radius zone to 12 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. In § 71.181 (38 FR 435), the Del Rio, Tex., transition area is amended to read:

DEL RIO, TEX.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 29°23'00" N., longitude 100°50'15" W., and within 4.5 miles west and 9.5 miles east of the Laughlin VOR 147° radial extending from the 12-mile radius area to 22 miles southeast of the VOR and within 9.5 miles east of the Laughlin VOR 330° radial extending from the 12-mile radius area to 18 miles northwest of the VOR, excluding the portion outside the United States.

The proposed amendments to controlled airspace will provide controlled airspace for aircraft executing current and proposed instrument approach and departure procedures and will conform the airspace to the current criteria.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on August 7, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-17132 Filed 8-16-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-WA-10]

MINNEAPOLIS, MINNESOTA

Proposed Terminal Control Area

The Federal Aviation Administration (FAA) is considering the adoption of a Group II Terminal Control Area (TCA) for Minneapolis, Minnesota. Rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, §§ 91.70 and 91.90 of the Federal Aviation Regulations. Further information concerning flight within TCAs is contained in FAA Advisory Circular 91-30, Terminal Control Areas (TCAs), dated June 11, 1970.

Interested persons may participate in the proposed rule making by submitting

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such written data, views or arguments as they may desire. Additionally, comments are invited on the potential impacts of this proposal on the quality of the human environment. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018. All communications received on or before October 16, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The establishment of terminal control areas at 22 large hub airports was proposed in Notice 69-41 and supplemental notices thereto, and adopted on May 20, 1970 (35 FR 7782), to create a safer environment in those congested terminal areas. The need for TCAs has been well established, and a priority implementation schedule has been developed which is based on the air traffic congestion at each location, the capability of the terminal air traffic control facility to provide separation service to VFR aircraft, the experience gained from earlier established TCAs, and the publication dates of associated aeronautical charts.

The issue of whether or not to establish a TCA at each of the specified locations was decided as a result of Notice 69-41 and is not within the scope of this Notice. This Notice is intended to produce the input necessary to design an appropriate airspace configuration that can provide the safest environment with the least impact on the airspace users. TCAs have now been designated at all Group I locations, and this Notice proposes a configuration for a Group II TCA at Minneapolis, Minn.

On June 15, 1973, the FAA held an FAA/Industry meeting in Minneapolis to consider user operational requirements. The proposal contained herein was presented at the meeting and was acceptable to those in attendance.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 FR 7782), it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to § 71.401(b) Group II Terminal Control Areas.

MINNEAPOLIS, MINN., TERMINAL CONTROL AREA

Primary Airport. Minneapolis-St. Paul International Airport (Lat. 44°53'03"N., Long. 93°12'54"W.)

Minneapolis-St. Paul Distance Measuring Equipment (DME) Antenna (Lat. 44°52'28"N., Long. 93°12'21"W.)

BOUNDARIES

1. *Area A.*—That airspace extending upward from the surface to and including 8,000 feet MSL within a 6-mile radius of Minneapolis-St. Paul International Airport DME antenna.

2. *Area B.*—That airspace extending upward from 2300 feet MSL to and including 8,000 feet MSL within an 8.5-mile radius of Minneapolis-St. Paul International Airport DME antenna excluding Area A previously described.

3. *Area C.*—That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 12-mile radius of Minneapolis-St. Paul International Airport DME antenna excluding Areas A and B previously described.

4. *Area D.*—That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of Minneapolis-St. Paul International Airport DME antenna excluding Areas A, B, and C previously described.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 10, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-17131 Filed 8-16-73;8:45 am]

Federal Highway Administration

[49 CFR Parts 390, 391, 392, 393, 394, 395, 396, 397]

[Docket No. MC-50; Notice No. 73-20]

LIGHTWEIGHT VEHICLE EXEMPTION

Notice of Public Hearings

In an advance notice of proposed rule making, Docket No. MC-50, published in the FEDERAL REGISTER on July 23, 1973 (38 FR 19692), the Director, Bureau of Motor Carrier Safety advised that he is in receipt of petitions seeking an exemption for certain lightweight vehicles from the accident-reporting requirements in the Motor Carrier Safety Regulations, and a separate petition for a total exemption from the regulations for the operations of all vehicles with a gross vehicle weight rating of 10,000 pounds and under. The notice invited comments on the subjects of the petitions and announced that public hearings on those subjects would be held in Washington, D.C.; San Francisco, California; and Kansas City, Missouri.

The purpose of this notice is to announce that the exact date, time, and location of the hearings is as follows:

Location	*Time and Date*
Dept. of Transportation, Nassif Building, 400 7th Street, SW Room 2230 Washington, D.C. 20590	Sept. 18, 1973 9 a.m.
Federal Building, 450 Golden Gate Avenue Room 13450 San Francisco, Calif. 94102	Oct. 10, 1973 9 a.m.
Federal Office Building, 601 E. 12th Street Room 140 Kansas City, Mo. 64106	Nov. 1, 1973 9 a.m.

Any person who wishes to present a written statement at the hearings should provide three copies of such statement for the Bureau of Motor Carrier Safety. Any person who wishes to make an oral statement at the hearings should notify the Director of the Bureau of Motor Carrier Safety, Washington, D.C. 20590, at least ten days prior to the date of the hearing at which he wishes to testify, stating the amount of time required for his initial statement.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act, effective January 5, 1973.

Issued on August 14, 1973.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.73-17163 Filed 8-16-73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Parts 531, 536]

[Dockets Nos. 73-39, 73-40]

COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE AND FOREIGN COMMERCE OF THE UNITED STATES

Filing of Tariffs; Notice of Revised Procedure

Hearing Counsel have moved to postpone indefinitely filing dates in this proceeding pending discussions with industry representatives. Good cause appearing,

It is ordered, That filing dates in this proceeding are postponed until further notice; and

It is further ordered, That Hearing Counsel shall report to the Commission within 60 days of service of this notice as to the status of the discussion.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-17179 Filed 8-16-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 189, Rev. 2, Supplement 1]

DIRECTOR, OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Delegation of Authority

I hereby delegate to the Director of the Office of Equal Opportunity Program the authority to make decisions and dispositions on complaints of discrimination, acceptance of affirmative action plans by Treasury components, and determinations of the compliance posture of contractors. This authority may not be redelegated by the Director.

This order supplements Treasury Department Order No. 189 (Revision 2) of August 5, 1973 (38 FR 21947, August 14, 1973).

Dated: August 13, 1973.

[SEAL] WARREN F. BRECHT,
Assistant Secretary for Administration.

[FR Doc.73-17173 Filed 8-16-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

ADVANCED LOGISTICS SYSTEM PROJECT ADVISORY COMMITTEE

Notice of Meeting

AUGUST 15, 1973.

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Advanced Logistics System (ALS) Project Advisory Committee, September 5-6, 1973, beginning at 8 a.m., September 5, 1973, in the Spur Room, Building 1676, Kelly Air Force Base, Texas (San Antonio Air Materiel Area—Air Force Logistics Command).

Because of the proprietary nature of data to be considered by the Project Advisory Committee, this meeting will be closed to the public in accordance with the provisions set forth in section 552(b)(4) of title 5, United States Code, and section 10(d) of Public Law 92-463.

For additional information on this meeting, telephone 513-257-7134 or write Directorate of Data Automation, Headquarters Air Force Logistics Command, Wright-Patterson Air Force Base, Ohio.

JAMES A. BAILEY,
Major General, USAF, Deputy Chief of Staff/Comptroller, Air Force Logistics Command.

[FR Doc.73-17134 Filed 8-16-73;8:45 am]

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held on:

Monday, August 20, 1973
Tuesday, September 18, 1973.
Wednesday, September 19, 1973

These meetings commencing at 9 a.m. will be to discuss classified matters.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, Office of the Assistant Secretary of Defense (Comptroller).

AUGUST 14, 1973.

[FR Doc.73-17169 Filed 8-16-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 4330]

CALIFORNIA

Classification of Public Land for Disposal by Exchange

Pursuant to section 7 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315f), and to the regulations in 43 CFR 2400.0-3, the national resource lands described below are hereby classified for disposal by private exchange under the Act of June 28, 1934, as amended (48 Stat. 1272; 43 U.S.C. 315g) for lands within the Riverside District.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 8 N., R. 4 W.,
sec. 6, all
sec. 7, all
sec. 10, NW¼NE¼, NW¼
sec. 18, all
sec. 19, lot 1 of NW¼, W½NE¼
T. 9 N., R. 4 W.,
sec. 31, all
T. 8 N., R. 5 W.,
sec. 2, all
sec. 3, all
sec. 10, all
sec. 11, all
sec. 12, all

The area described aggregates 6224.38 acres in San Bernardino County.

The notice of proposed classification was published on May 22, 1973 (38 FR 13587). The description of lands in that notice is modified to include Lot 1 of NW¼ and W½NE¼, Sec. 19, T. 8 N., R. 4 W., S.B.M. in this classification.

One protest was filed by a grazing lessee and two other protests were filed in his behalf during the period allowed in the notice of proposed classification. However, the protests relate to lands under lease in another area and have no bearing on the lands in the exchange classification. The lessee does have another grazing lease of which 1,280 acres are involved in the classification. This acreage represents only 3.5 percent of the total area under lease and disposition of the land will not significantly affect his grazing operations. The grazing use will be terminated with respect to the lands involved in the exchange classification upon transfer out of Federal ownership.

In accordance with the regulations in 43 CFR 2202.5, filing of a valid formal exchange application will segregate lands from appropriation under the public land laws, including the mining laws.

This classification shall be subject to the exercise of supervisory authority by the Secretary of the Interior for the purpose of administrative review. Interested parties may submit comments, suggestions or objections to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240 on or before September 20, 1973.

J. R. PENNY,
State Director.

[FR Doc. 73-17156 Filed 8-16-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-11]

A. & W. AUGER CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), A. & W. Auger Corporation, located at Wartburg, Tennessee, has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 1, Auger.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the addition of berms or guardrails would make it impossible to maintain proper drainage and would hamper snow removal. The road would ice over during winter months and the grader now used for maintenance could no longer be used. Petitioner also states

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that additional man-hours and equipment would be needed for road maintenance which would result in an increased accident potential during snow and ice conditions. The installation of guardrails would not be effective because they would have to built on fill material.

As an alternative method petitioner wishes to continue maintaining its roads by its currently existing methods. Petitioner states that by using its current methods of maintenance, its roads, are as safe as possible.

Petitioner contends that the application of the mandatory standard will result in a diminution of safety to miners in the affected area. Petitioner contends that berms and guardrails would create a drainage hazard by creating improper drainage which would cause washouts and hazardous conditions in wet weather. The road is too narrow to build berms, therefore, solid rock would have to be blasted, resulting in a highwall which would be a new hazard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before September 17, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

AUGUST 1, 1973.

[FR Doc.73-17164 Filed 8-16-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

SALMON RIVER-ROARING RIVER LAND USE PLAN, MT. HOOD NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Salmon River-Roaring River Land Use Plan, Mt. Hood National Forest, Oregon USDA-FS-DES-Adm 73-82.

The environmental statement concerns a proposed plan for the management of 81,700 acres in the Mt. Hood National Forest, including portions of two inventoried roadless areas. The proposal allocates land use and establishes management direction for eight subunits which are identified as being suitable for multiple-use, back country, landscape management zones or special interest areas.

This draft environmental statement was filed with CEQ 7-3-73.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97208

USDA Forest Service
Mt. Hood National Forest
340 N.E. 122nd Avenue
Portland, Oregon 97216

A limited number of single copies are available upon request to Forest Supervisor, Wright T. Mallery, Mt. Hood National Forest, P.O. Box 16040, Portland, Oregon 97216.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Wright T. Mallery, Mt. Hood National Forest, P.O. Box 16040, Portland, Oregon 97216. Comments must be received by November 1, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

AUGUST 13, 1973.

[FR Doc.73-17187 Filed 8-16-73;8:45 am]

Office of the Secretary

NATIONAL RICE ADVISORY COMMITTEE

Notice of Reestablishment

Notice is hereby given that the Secretary of Agriculture has reestablished the National Rice Advisory Committee for the purpose of advising the Secretary and other officials on domestic and export requirements for rice, production adjustment, and stabilization programs, and other matters relating to this commodity. The Secretary has determined that reestablishment of this committee is in the public interest in connection with the duties imposed on the Department by law.

The chairman of this committee is the Assistant Secretary for International Affairs and Commodity Operations, U.S. Department of Agriculture, Washington, D.C. 20250.

This notice is given in compliance with Public Law 92-463.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary for Administration.

AUGUST 14, 1973.

[FR Doc.73-17188 Filed 8-16-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Systems Technical Advisory Committee of the U.S. Department of Commerce will meet August 30, 1973, at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Comments on minutes of previous meeting.
2. Presentation of papers or comments by the public.
3. Report on the work program.
4. Discussion of other necessary work assignments.
5. Executive Session:
   Discussion of, and progress report on, the work program:
   a. Foreign availability
   b. Performance characteristics
   c. Safeguards
6. Adjournment.

The Computer Systems Technical Advisory Committee was established January 3, 1973, and consists of technical experts from a representative cross-section of the industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a two-year term.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats—approximately 25—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (5), "Executive Session," the Assistant Secretary of Commerce for Administration, on July 17, 1973, determined, pursuant to Section 10(d) of P.L. 92-463, that this agenda item should be exempt from the provision of Sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, Room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202 + 967-4293).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: August 15, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce.

[FR Doc.73-17258 Filed 8-16-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GRIFFITH LABORATORIES, INC., ET AL.

Bread Deviating From Identity Standard; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued jointly to The Griffith Laboratories, Inc., 1415 West 37th St., Chicago, IL 60609; American Bakeries Co., 10 Riverside Plaza, Chicago, IL 60606; The Kreamo Bakers, Inc., 1910 Lincolnway West, South Bend, IN 46628; Bunny Bread Company, Inc., 5646 Lewis Rd., New Orleans, LA 70126, and Roskam Baking Company, Inc., 1140 Butterworth Avenue, SW., Grand Rapids, MI 49504.

This permit covers limited interstate market tests of bread, enriched bread, milk bread, raisin bread, and whole wheat bread, including the corresponding rolls and buns, that deviate from the respective standards of identity (§§ 17.1, 17.2, 17.3, 17.4, and 17.5) in that they contain added: (a) hydrolyzed wheat gluten in a quantity not to exceed 0.3 part for each 100 parts by weight of flour used, and (b) sodium acetate, sodium butyrate, sodium isobutyrate, sodium valerate, sodium isovalerate, and sodium hexanoate, alone or in any combination, in a total quantity not to exceed 0.006 part for each 100 parts by weight of flour used.

The principal display panel of the label on each container will bear a statement listing those ingredients itemized in (a) and (b) above which are added to the food. The statement will appear immediately following the name of the food except that other required information may intervene.

This permit will expire one year after the food is first introduced or delivered for introduction into interstate commerce or on the date when an amendment to the identity standard for bread (21 CFR 17.1) permitting the use of the specified ingredients becomes effective, whichever is sooner.

Dated: August 10, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-17155 Filed 8-16-73;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Cancellation of Meeting

Notice is hereby given that the meeting of the National Advisory Council on Extension and Continuing Education which was scheduled to be held on August 20-21, 1973, in Braintree, Massachusetts has been cancelled. An announcement of the next meeting of the Council will be made as soon as a date is selected.

EDWARD A. KIELOCK,
Executive Director.

AUGUST 13, 1973.

[FR Doc.73-17166 Filed 8-16-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-187; OILSR 0-0486-60-17]

ST. HUBERT 226

Order of Suspension

Notice is hereby given that on June 21, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a notice of proceedings and opportunity for hearing, pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's statement of record (38 FR 16264). The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said notice. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the order of suspension is being issued as follows:

ORDER OF SUSPENSION

1. Overseas Investors and Developers Corporation, hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq) and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its statement of record covering its subdivision located in Canada, (OILSR No. 0-0486-60-17), which became effective September 15, 1969, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Interstate Land Sales Administrator at any time that a statement of record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the statement of record.

4. A notice of proceedings and opportunity for hearing was published in the FEDERAL REGISTER on June 21, 1973, pursuant to 44 U.S.C. 1508, informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified statement of record (38 FR 16264). The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said notice of proceedings and opportunity for hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the statement of record filed by the Developer covering its subdivision is hereby suspended, effective as of August 17, 1973. This order of suspension shall remain in full force and effect until the statement of record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this order of suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., Aug. 13, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

JOHN R. MCDOWELL,
Interstate Land Sales Deputy Administrator.

[FR Doc.73-17144 Filed 8-16-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-237]

COMMONWEALTH EDISON CO.

Notice of Consideration of Conversion of Provisional Operating License to Full-Term Operating License and of Opportunity for Hearing

The Atomic Energy Commission (the Commission) will consider the issuance of a full-term facility operating license to the Commonwealth Edison Company (the licensee) which would authorize the licensee to possess, use and operate the Dresden Nuclear Power Station Unit 2 (the facility), located in Grundy County, Illinois, at its presently licensed steady state power level of up to 2527 megawatts (thermal) for a period of 40 years from the January 10, 1966, issuance

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date of the construction permit (CPPR–18) in accordance with the provisions of the license and the Technical Specifications appended thereto, upon the completion of a favorable safety evaluation of the application by the Commission's Directorate of Licensing, the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D, the receipt of a report on the application from the Advisory Committee on Reactor Safeguards (ACRS), and a finding by the Commission that the application (as amended) for the full-term facility license complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. The facility is presently being operated in accordance with Provisional Operating License No. DPR–19 issued by the Commission on December 22, 1969.

The full-term license will not be issued until the Commission has made the findings, reflecting its review of the application under the Act which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. The licensee has satisfied its obligation concerning indemnification as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

The facility is subject to the provisions of section A of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities.

On or before September 17, 1973, the licensee may file a request for a hearing with respect to the issuance of a full-term facility operating license, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an atomic safety and licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary of the Commission or the designated atomic safety and licensing board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed either by mail with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., not later than September 17, 1973. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, U.S. Atomic Energy Commission Washington, D.C. 20545, and to John W. Rowe, Esquire, Isham, Lincoln & Beale, Counselors at Law, One First National Plaza, Chicago, Illinois 60670, attorney for the licensee.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the atomic safety and licensing board designated to rule on the petition and/or request determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR § 2.714(a)(1)–(4) and § 2.714(d).

For further details pertinent to the matters under consideration, see the licensee's application for conversion of Provisional Operating License No. DPR–19 to a full-term operating license dated November 15, 1972 (as substantially supplemented by filing dated March 16, 1973), the licensee's Environmental Report dated July 24, 1970, and the supplements thereto dated November 8, 1971, January 10, 1972, October 18, 1972, January 15, 1973, and March 12, 1973, and the Commission's Draft Environmental Statement issued June 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Morris Public Library 604 Liberty Street, Morris, Illinois 60451. As they become available, the following documents may be inspected at the above locations: (1) the Safety Evaluation prepared by the Directorate of Licensing; (2) the Commission's Final Environmental Statement; (3) the report of the Advisory Committee on Reactor Safeguards on the application for a full-term facility operating license; (4) the proposed full-term operating license, and (5) the proposed technical specifications, which will be attached to the proposed full-term facility operating license.

Copies of items (1), (2), (3), and (4) may be obtained when available by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Maryland this 6th day of August 1973.

For the Atomic Energy Commission.

ROBERT W. REID,
Acting Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.73–17001 Filed 7–16–73;8:45 am]

[Docket No. 50–249]

COMMONWEALTH EDISON CO.

Notice of Opportunity for Hearing

The Commonwealth Edison Company (the licensee) is the holder of Operating License No. DPR–25 (the operating license), issued by the Atomic Energy Commission on January 12, 1971. The operating license authorizes the licensee to possess, use, and operate a boiling water nuclear reactor, designated as the Dresden Nuclear Power Station Unit 3, at steady-state power levels up to a maximum of 2527 megawatts (thermal) at the licensee's site in Grundy County, Illinois, in accordance with the provisions of the license and the technical specifications appended thereto.

The facility is subject to the provisions of section B of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits or operating licenses were issued in the period January 1, 1970–September 9, 1971. Notice is hereby given, pursuant to the Commission's rules of practice, 10 CFR Part 2 and Appendix D to 10 CFR Part 50, implementation of the National Environmental Policy Act of 1969, that the Commission is providing an opportunity for hearing with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the existing full-term facility operating license should be continued, modified, terminated or appropriately conditioned to protect environmental values.

On or before September 17, 1973, the applicant may file a request for a hearing with respect to whether, considering those matters covered by Appendix D of 10 CFR Part 50, the subject facility operating license should be continued, modified, terminated, or appropriately conditioned to protect environmental values, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice

in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an atomic safety and licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated atomic safety and licensing board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required in 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., not later than September 17, 1973. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to John W. Rowe, Esquire, Isham, Lincoln & Beale, Counselors at Law, One First National Plaza, Chicago, Illinois 60670, attorney for the licensee.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the atomic safety and licensing board designated to rule on the petition and/or request determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

For further details pertinent to the matter under consideration, see the licensee's Environmental Report dated July 24, 1970, and the supplements thereto dated November 8, 1971, January 10, 1972, October 18, 1972, January 15, 1973 and March 12, 1973, and the Commission's Draft Environmental Statement issued June 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

When the Commission's Final Environmental Statement is issued, it will be available at the above locations and a copy may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For the Atomic Energy Commission.

Dated at Bethesda, Maryland this 6th day of August 1973.

ROBERT W. REID,
Acting Chief, Operating Reactors Branch #2, Directorate of Licensing.

[FR Doc.73–17002 Filed 8–16–73;8:45 am]

[Docket Nos. 50–438 and 50–439]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Draft Environmental Statement: Time for Submission of Views on Antitrust Matter

The Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed June 21, 1973, for authorization to construct and operate two generating units utilizing pressurized water nuclear reactors. The application was tendered on May 14, 1973. Following a preliminary review for completeness, it was accepted on June 14, 1973 for docketing.

The proposed nuclear facility, designated by the applicant as the Bellefonte Nuclear Plant, Units 1 and 2, is located at the Bellefonte site in Jackson County, Alabama, approximately six miles northeast of Scottsboro, Alabama. Each unit is designed for initial operation at a core power level of 3413 megawatts (thermal), and a gross electrical output of 1329 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 4, 1973. The request should be filed in connection with Docket Nos. 50–438–A and 50–439–A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Alabama 35768.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, a Draft Environmental Statement (in lieu of an environmental report) since TVA like other Federal agencies is subject to the requirements of Section 102 of the National Environmental Policy Act of 1969. The Statement (report) has been made available for public inspection at the aforementioned locations. The Statement, which discusses environmental considerations related to the proposed construction of the Bellefonte Nuclear Plant, Units 1 and 2, is also being made available at the Alabama Development Office, State Office Building, Montgomery, Alabama 36104 and Top of Alabama Regional Council of Governments, P.O. Box 308, City Hall 6th Floor, Huntsville, Alabama 35801.

After TVA's Statement has been analyzed by the Commission's Director of Regulation or his designee, an AEC Draft Environmental Statement will be prepared in accordance with the Commission's procedures in Appendix D to 10 CFR Part 50. Upon preparation of the AEC Statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of its availability requesting comments from interested persons. The summary notice will also state that comments of Federal agencies and State and local officials on the AEC Statement will be made available when received.

Dated at Bethesda, Maryland, this 23rd day of July 1973.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Pressurized Water Reactors Branch No. 4 Directorate of Licensing.

[FR Doc.73–15782 Filed 8–2–73;8:45 am]

[Docket No. 50–423A]

MILLSTONE POINT CO.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated August 10, 1973, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed in

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the FEDERAL REGISTER by September 20, 1973 either (1) by delivery to the AEC Public Document Room at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, Attn: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust & Indemnity, Directorate of Licensing.

APPENDIX A

Re: Connecticut Light and Power Company et al., Millstone Nuclear Power Station Unit No. 3, AEC Docket No. 50-423A, Department of Justice File 60-415-65.

AUGUST 10, 1973.

You have requested our advice pursuant to section 105 of the Atomic Energy Act of 1954, as amended by P.L. 91-560, in regard to the above-captioned application.

The applicants. Unit 3 of the Millstone Power Station is to be jointly owned by a rather large number of privately and publicly owned utilities in New England, and has been planned in conjunction with the region-wide generation expansion plan initiated by the New England Power Pool (NE POOL). The applicants fall into two groups. Nine of the applicants—all privately owned utilities—have made firm ownership commitments. The ownership shares are in the following percentages:

Connecticut Light & Power (CL&P)	39.750%
Hartford Electric Light Company (HELICO)	21.000%
Western Massachusetts Electric Company (WMECO)	14.250%
New England Power Company (NEPCO)	11.141%
United Illuminating Company (UI)	3.685%
Public Service Company of New Hampshire (PSNN)	3.891%
Central Vermont Public Service Corporation (CVPS)	3.694%
Montaup Electric Company (Montaup)	2.372%
Pitchburg Gas & Electric Light Company (Fitchburg)	0.217%
	100.000%

Northeast Utilities, the holding company system of which CL&P, HELCO and WMECO are members, thus is a 75% owner of Unit 3.

The second group of applicants are municipally owned electric companies, each of which will purchase its share of Unit 3 through one of the privately owned utility company applicants. CL&P, HELCO and WMECO (the NU companies) have agreed, provided certain conditions can be met, to make available to four municipal systems in Massachusetts presently served at wholesale by NU, a portion of their ownership interest, to wit:

Chicopee	1.35%
South Hadley Falls	.45%
Westfield	.90%
Holyoke (amount not yet announced)	

NEPCO has similarly agreed, upon fulfillment of various conditions, to apportion part of its ownership share among 13 of its municipal wholesale customers in Massachusetts, to wit:

Peabody	0.173%
North Attleborough	0.060%
Boylston	0.009%
West Boylston	0.029%
Wakefield	0.093%
Hull	0.027%
Shrewsbury	0.091%
Paxton	0.011%
Middleton	0.018%
Ashbrunham	0.011%
Templeton	0.015%
Ipswich	0.039%
Marblehead	0.057%

Finally, CVPS agreed to make available to the City of Burlington and Green Mountain Power Corporation 0.365% and 1.450% respectively. As an alternative, CVPS has offered all or part of its ownership interest to the Vermont Electric Power Corporation.

At this point it is uncertain whether all or any of the aforesaid municipal systems will actually become owners of Unit 3. There has been doubt that the municipal systems possess the requisite legal authority to participate in Unit 3, particularly as regards revenue bond authority. As is noted below, the Massachusetts legislature has now enacted legislation which will presumably remove all such legal obstacles and will permit the ownership participation by Massachusetts municipals.

Background. As we have previously indicated in our advice letter concerning the Boston Edison Company application for the Pilgrim Nuclear Power Station, AEC Docket No. 59-293, dated August 2, 1971, there have been allegations of anticompetitive behavior by the privately owned electric utilities against various municipal electric systems in New England, particularly in Massachusetts, during the past 10-12 years. Most of these allegations, together with the evidence bearing upon them are discussed in the brief filed by the Department of Justice in Eastern Electric Energy System holding company proceeding at the SEC. (A copy of this brief was furnished the Commission in conjunction with the Boston Edison application.)

The thread which runs throughout the allegations of anticompetitive behavior is that the large systems have in various ways precluded the small systems from gaining access to low cost bulk power supply on the same basis as the large systems. However, the situation has improved markedly in recent years. The contending factions—principally municipal systems in Massachusetts and Connecticut and the larger privately owned companies—have resolved many of the disputes of the past and are presently negotiating those which remain. For example, over the past 7 years there have been intensive discussions and negotiations concerning the formation of a New England power pool (NEPOOL) which would play a key role in the development, apportionment, delivery, and dispatch of future bulk power supply on a region-wide basis. Initially the publicly owned systems were excluded from such discussions, but several years ago all electric power systems, irrespective of type of ownership, were invited to participate; and a substantial number of publicly owned systems joined in the negotiations.

The record of progress in these negotiations to date is impressive. Most of the systems in the region—both publicly and privately owned—signed an agreement (The New England Power Exchange or NEPEX) which establishes centralized dispatch of bulk power supply on a regional basis. Negotiations concerning NEPOOL have been protracted, owing both to the enormous complexities of such an undertaking and the wide gap between the negotiating stances initially taken by the various participants. A pool agreement signed by most of the privately owned systems as well as by several publicly owned systems was submitted to the Federal Power Commission in November, 1971. However, many of the municipal systems, principally located in Massachusetts, disliked aspects of the agreement and refused to sign it. Instead, this group requested the FPC to refuse to accept the NEPOOL agreement for filing and thus rendering it at least temporarily inoperative. The Commission nonetheless accepted the agreement for filing and ordered a hearing to explore the issues raised by the municipal systems. In lieu of the FPC hearing, the parties returned to the bargaining table in hopes of negotiating away the problem areas. After the expenditure of considerable time, money and effort, the parties have agreed upon a settlement agreement, which is currently being circulated among the parties for signing. It is anticipated that the agreement will be signed by substantially all the electric systems in the region within the very near future.

The settlement agreement is multi-faceted. In the first place, it represents a compromise among the parties concerning the disputed portions of NEPOOL as filed with the FPC. The NEPOOL agreement as it now exists is much too complex and comprehensive to be fully described here. Suffice it to say that the NEPOOL agreement assures that bulk power supply for the entire region will henceforth be planned on a truly regional basis by the pool, and that each electric system in the region, irrespective of size, form of ownership or location, now has an opportunity to participate on the same basis as the large privately owned systems in the development and utilization of future bulk power supply arrangements. In fact, Millstone Unit No. 3 has been designated as a "Pool planned unit," and the 25% capacity excess to the needs of the NU system has been apportioned pursuant to the procedures set forth in the pool agreement.

The settlement agreement also provides that the signatories will not intervene in any proceeding in opposition to the grant of a license for any of 11 designated pool-planned units, including Millstone Unit No. 3. Accordingly, no system has filed a petition to intervene in opposition to the grant of a license for Millstone Unit No. 3.

Yet another facet of the settlement agreement concerns legislation. The privately owned systems agreed to support legislation in Massachusetts which would (1) permit municipal electric systems to issue revenue bonds so as to obtain the financing needed to allow ownership participation in the NEPOOL planned units and (2) sanction the participation by municipal systems in NEPOOL. For many years the municipal systems have sought revenue bond authority, and for years the privately owned companies have always succeeded in persuading the legislature not to grant such authority. It should be noted that all of the Massachusetts municipal system applicants for the Millstone Unit 3 license conditioned their willingness to acquire an ownership share upon the obtaining of such legislation. The Massachusetts legislature very recently passed the legislation, thus removing all legal impediments to participation by the Massachusetts municipals in NEPOOL and in NEPOOL planned facilities for bulk power supply.

Finally, the settlement agreement provides for the termination of the pending NEPOOL proceeding at the FPC, but we do not understand that this provision would preclude any NEPOOL member from subsequently bringing to the Commission's attention particular pool provisions which may produce unanticipated hardships or inequities.

Results of antitrust review. As noted earlier no systems have intervened in opposition to the grant of a license to the sponsors of Millstone Unit. No. 3. The inquiries which we made of electric power systems in New England relative to Unit No. 3 did reveal a few complaints, mostly from municipal systems. However, it should be noted that many of the responses are almost a year old, and thus were made before the settlement agreement was composed. One of the principal complaints—that NU, together with other private power companies, has consistently opposed revenue bond legislation needed by the municipal systems—has been eliminated in large part by the recent passage of such legislation in Massachusetts. The availability of revenue bond financing in connection with participation in NEPOOL planned units now makes access to Unit No. 3 a practical possibility for Massachusetts municipal systems.

Several of the municipal systems, noting that NU is the dominant factor in transmission in their regions, complain that NU transmission rates are too high. There is no allegation that NU has refused or does refuse to wheel power; hence there is no fact situation that such as gave rise to an antitrust violation in Otter Tail Power Co. v. United States, 93 S.Ct. 1022 (1973). In our judgment, the complaints which have been made about wheeling rates are more appropriately directed to the FPC, which exercises jurisdiction over such rates. It should also be noted that transmission of power from NEPOOL planned units to participating municipal systems is largely provided for under terms and conditions set forth in the basic NEPOOL agreement.

On February 13, 1973, a group of 6 municipal systems in Connecticut[1] filed an antitrust suit against CL&P, HELCO, NU and NU Service Co. seeking both treble damages and an injunction. All the plaintiffs have been wholesale customers of CL&P for many years. In 1972 CL&P filed a substantial rate increase with the FPC, and the 6 Connecticut municipals promptly intervened in opposition to the increase. The FPC set the matter down for a hearing, which is scheduled to commence in September 1973. The parties continued to negotiate about the rate, and it was in the midst of these negotiations that the antitrust complaint was filed. The defendants have filed an antitrust counterclaim against the municipal systems, and the case is pending. The pendency of the antitrust suit prompted the 6 Connecticut municipal systems to refuse to sign the NEPOOL settlement agreement and to decline membership in NEPOOL.

The 6 Connecticut municipal systems have not filed a petition for intervention in opposition to the grant of a license to Millstone Unit No. 3. We do not think it appropriate to pass judgment upon the allegations in the antitrust complaint, which have been denied by defendants. We note, however, that plaintiff's antitrust allegations are focussed upon the rates, terms, and conditions of CL&P's wholesale service to them. Several of the allegations as to restrictive contract and rate schedule provisions appear to relate to provisions previously, but no longer, in effect. Some of currently effective terms and conditions of CL&P's wholesale service have been put in issue in the FPC proceeding mentioned above. We have taken particular note of a provision contained in Appendix B to CL&P's Resale Service Rate Schedule-1, stating that "Energy supplied under this rate is not available for redelivery or economy interchange." The prohibition of "redelivery" would appear on its face to impose a substantial restriction on the buyer's use of purchased energy and to raise questions of inconsistency with the antitrust laws. See United States v. Arnold Schwinn & Co., 388 U.S. 365 (1967).

When we raised our concerns over this rate schedule provision with counsel for CL&P, we were informed that the company did not interpret the provision as imposing the broad restriction which the language, on its face, suggests and was willing to make a modification of that provision to make its intent clearer. Attached hereto is a letter from an official of CL&P setting forth the modification of Appendix B to CL&P's Rate Schedule-1 which the Company will announce its willingness to accept in the forthcoming FPC hearing.

Conclusion. In sum, negotiations among the contending factions in the New England power industry have produced what promises to be an era of good feeling. The anticompetitive behavior formerly attributed to the larger systems by the municipals has ceased to exist in most important respects, and the agreements among the systems which gave rise to this change in circumstance suggest that such anticompetitive behavior is unlikely to recur. Given this greatly improved situation and given the fact that the planning and development of Millstone Unit No. 3 was conducted pursuant to the principles laid down in the recent agreements, there appears to be no need for a hearing on the antitrust impact of Unit No. 3.

THE CONNECTICUT LIGHT AND POWER COMPANY, P.O. BOX 270, HARTFORD, CONNECTICUT 0601

Department of Justice
Washington, D. C.

Re: AEC Docket No. 50-423
Millstone Power Station Unit No. 3

AUGUST 8, 1973.

Gentlemen:

In the course of the antitrust review of the above nuclear license application being conducted by the Antitrust Division of the Department, a question has been raised as to the intent expressed in a provision of the electric tariff under which the Company is currently providing service to its wholesale electric customers in Connecticut. That tariff entitled "Resale Service Rate Schedule-1" was filed with the Federal Power Commission in 1972 and it became effective in January 1973 following a five months suspension.

Section I, Appendix B to the schedule provides in part as follows: "Energy supplied under this rate is not available for redelivery or economy interchange."

The question of the intent of the sentence just quoted has also been raised in the course of the current proceeding before the Federal Power Commission with respect to the rate schedule. We have been asked whether the provision is intended to forbid the use by one of the Company's customers of power supplied under the rate in resupplying a wholesale customer of its own. We have informed counsel representing our municipal customers in the proceeding that this was not the intent of the provision in question.

The hearing in the Federal Power Commission proceeding is scheduled to commence in September, 1973. Our presentation in that hearing will include an undertaking that the section in question in the rate schedule may be modified to read as follows in order to make our intent clear:

Availability and applicability. Power is supplied by the Company under this rate schedule for all or part of the Buyer's requirements for its own system use and resale to customers served from the Buyer's system. This rate schedule is not intended to specify the charges or terms and conditions of service which would be applicable if Buyer proposed to use the Company's transmission system in order to serve a customer not directly connected to its system.

Energy supplied under this rate is not available for economy interchange.

Power supplied under this rate schedule shall not be used by the Buyer or its customers in such a way as to cause an electrical disturbance on the lines of the Company or to impair the service rendered by the Company to any other customer.

Very truly yours,

THE CONNECTICUT LIGHT AND POWER COMPANY,
E. L. GROVE, JR.,
Vice President.

[1] Groton, Norwich, Jewett City, Wallingford and the Second and Third Taxing Districts of Norwalk.

[FR Doc. 73-17165 Filed 8-16-73;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO. ET AL.

Notice of Prehearing Conference

AUGUST 15, 1973.

In the matter of Metropolitan Edison Co. et al. (Three Mile Island Nuclear Station, Unit 1).

A second prehearing conference in the above-captioned proceeding will be held at 10 a.m., local time, on Tuesday, August 28, 1973, in the House of Representatives Majority Caucus Room (Room 140), State Capitol, Harrisburg, PA 17108.

The purpose of the prehearing conference will be to consider the following matters:

1. Final specification of the issues, in the light of Intervenors' revised list of contentions filed on July 19, 1973;
2. Consideration of any stipulations filed by the parties;
3. Identification of witnesses;
4. Establishment of a schedule for the exchange of written testimony;
5. Establishment of a date for the hearing; and
6. Such other matters as may aid in the orderly disposition of the proceeding.

It is so ordered.

Issued at Washington, D.C., this 15th day of August 1973.

For the Atomic Safety and Licensing Board.

CHARLES A. HASKINS,
Chairman.

[FR Doc.73-17293 Filed 8-16-73;8:45 am]

[Docket No. 50-338, 50-339, 50-404, 50-405]

VIRGINIA ELECTRIC AND POWER CO.

Assignment of Members of Atomic Safety and Licensing Appeal Board

In the matter of North Anna Power Station, Units 1, 2, 3 and 4. Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Michael C. Farrar, Chairman
Dr. John H. Buck, Member
William C. Parler, Member

Dated: August 13, 1973.

ESTHER G. CUSATO,
Secretary to the Appeal Board.

[FR Doc.73-17120 Filed 8-16-73;8:45 am]

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CIVIL AERONAUTICS BOARD

[Docket No. 24488; Order 73-8-66]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fares Over South Pacific

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of August, 1973. Docket No. 24488; Agreement C.A.B. 23596, R–1 through R–19; Agreement C.A.B. 23608, R–11; Agreement C.A.B. 23642, R–2.

By Order 73–7–55 of July 12, 1973, the Board approved an agreement adopted by the International Air Transport Association (IATA) which inter alia provided for certain increases in air fares for travel to/from the United States over the South Pacific. Due to the price freeze which became effective June 13, however, the U.S. carriers were prohibited from making tariff filings to implement the increased fares until further order of the Board.

Phase IV of the President's Economic Stabilization Program provides that air transportation charges will be exempt from further regulation of the Cost of Living Council. The purpose of this order is to authorize filing of the approved increases by U.S.- and foreign-flag carriers on not less than one day's notice.

Accordingly, it is ordered, That:

The U.S.- and foreign-flag carriers may file tariffs on not less than one day's notice implementing the increased fares in air transportation incorporated in Agreements C.A.B. 23596, C.A.B. 23608, and C.A.B. 23642, as approved by the Board in Order 73–7–55, July 12, 1973.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

NOTE: Minetti, member, filed a concurrence and dissent, which is filed as part of the original document.

[FR Doc.73-17181 Filed 8-16-73;8:45 am]

[Docket No. 24573]

WARDAIR CANADA LTD.

Notice of Hearing

In the matter of renewal and amendment of Foreign Air Carrier Permit (Canada-United States, and named third countries-United States: planeload (passenger and property), inclusive tour, and circle tour passenger charters).

Notice is hereby given that the hearing in the above-entitled matter postponed by notice dated November 3, 1972, (37 FR 23747), is scheduled to be held on September 6, 1973, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C.

Notice is also hereby given that revised proposed exhibits are to be circulated to all parties and to the Judge by August 24, 1973.

Dated at Washington, D.C., August 10, 1973.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.73-17180 Filed 8-16-73;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1973

Notice of Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92–28; 85 Stat. 79, of the proposed additions of the following commodities and service to Procurement List 1973, March 12, 1973 (38 FR 6742).

COMMODITIES

CLASS 6530
Enema Administration Kit
6530–073–6264

CLASS 6532
Cover, Operating Room, Footwear
6532–111–2377
6532–945–7578
Cap, Operating, Female
6532–122–0468
6532–250–5041
6532–250–5042
Cap, Operating, Male
6532–004–8055

CLASS 7510
Pointer, Pencil
7510–237–4926

SERVICE

INDUSTRIAL CLASS 7641
Furniture Rehabilitation
Sacramento, California plus 60 mile radius—excluding San Joaquin County

Comments and views regarding these proposed additions may be filed with the Committee not later than September 7, 1973. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

E. R. ALLEY, JR.,
Acting Executive Director.

[FR Doc.73-17123 Filed 8-16-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

CIBA-GEIGY CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1409) has been filed by CIBA-GEIGY Corp., Ardsley, NY 10502, proposing establishment of a tolerance (40 CFR Part 180) for residues of the herbicide 2-*tert*-butylamino-4-chloro-6-ethylamino-*s*-triazine in or on the raw agricultural commodities sorghum forage and grain at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide and its triazine metabolites is a procedure in which the residue is extracted and then partitioned to separate the chloro and hydroxy compounds. The chloro compounds are determined by microcoulometric gas-liquid chromatography with halogen detector. The hydroxy compound is determined by thin-layer chromatography using silver nitrate-ultraviolet radiation detection.

Dated: August 9, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-17193 Filed 8-16-73;8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of EPA Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of July 16, 1973, and July 31, 1973.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual, setting forth the policies and procedures for EPA's review of agency actions, may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: August 10, 1973.

SHELDON MEYERS,
Director, Office of Federal Activities.

APPENDIX I

DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JULY 16, 1973 AND JULY 31, 1973

Identifying number	Title	General nature of comments	Source for copies of comments
Department of Agriculture			
D-SCS-36278-IA	Flood control project, La Crosse County, Wisconsin	LO-2	F
D-SCS-36279-PA	Cross Creek Watershed, Pennsylvania	ER-2	D
D-AFS-65027-WY	Management proposal for Popo Agie primitive area and contiguous land of Southern Wind River Mountain Range, Wyoming	LO-1	I
D-AFS-65036-AZ	Timber sale plan for Apache National Forest (revised), Arizona	3	J
Department of Transportation			
D-FAA-51276-TN	Rutherford County Airport, North Carolina	ER-2	E
D-FAA-51284-TN	Knoxville Municipal Airport, Knoxville, Tennessee	LO-1	E
D-FAA-51285-MO	Gould Peterson Municipal Airport, Tarkio, Missouri	LO-1	H
D-FAA-51286-KS	Elkhart-Morton County Airport, Elkhart, Kansas	LO-1	H
D-FAA-51292-TX	Houston Intercontinental Airport, Houston, Texas	LO-2	G
D-FAA-51294-MA	N.E. Regional Airport, Hartford, Connecticut	ER-2	B
D-FHW-41832-TX	Spur 351, from U.S. 77/83A west of Sinton, south to Leisner Road Guadalupe County, Texas	ER-2	G
D-FHW-41871-FL	Columbia Co., Lake City, State road S-10A, Florida	LO-2	E
D-FHW-41957-ID	U.S. 95 through Sandpoint, Bonner County, Idaho	LO-1	K
D-FHW-41960-NY	Thruway Expressways, I-87 Macomb Dam Bridge, Bronx, New York	LO-2	C
D-FHW-41967-KY	Jefferson County, Watterson Expressway (I-264) Kentucky	ER-2	E
D-FHW-41968-MI	Reconstruction of I-75, Zilwaukee Bridge, Michigan	LO-1	F
D-FHW-41980-SC	Extension of S.R. 27 (2nd Loop Rd.) Florence Co., South Carolina	LO-2	E
D-FHW-41873-WY	U.S. 89, relocation of WYA 41, Nicholas Co., Rte 8, West Virginia	LO-2	D
D-FHW-41877-NB	U.S. Hwy 30 (Pacific St.), Lexington, Dawson County, Nebraska	LO-2	H
Department of Defense			
D-USN-11030-VA	Improvement of ship berthing spaces, Naval Station, Norfolk, Virginia	LO-2	D
Corps of Engineers			
D-COE-30463-GA	Jekyll Island, Beach Erosion Control, Georgia	LO-1	E
D-COE-32419-IL	Carlyle Lake, Illinois	LO-2	E
D-COE-32329-MS	Maintenance dredging Gulfport Harbor, Mississippi	ER-2	E
D-COE-36281-IA	Local protection project, Bettendorf, Iowa	ER-2	H
D-COE-32129-NJ	Maintenance dredging Gulfport Harbor, Mississippi	ER-2	E
D-COE-36201-NM	Channel and Snagging, Whitewater Creek, Glenwood, New Mexico	ER-2	G
D-COE-36000-FL	Canal 17 (flood control project drainage) central, Florida	LO-2	E
D-COE-30682-IA	Local protection project, Evansdale, Iowa	ER-2	H
D-COE-30661-NJ	New Jersey coastal inlets and beaches by Hereford, New Jersey	ER-2	C

APPENDIX II

Adequacy of the Impact Statement

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of Objection
EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations
EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

EU—Environmentally Unsatisfactory
EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Category 1—Adequate
The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonable available to the project or action.

Category 2—Insufficient Information
EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate
EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III

DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JULY 16, 1973 AND JULY 31, 1973—continued

Identifying number	Title	General nature of comments	Source for copies of comments
Department of the Interior			
D-DOI-64003-VA	Proposed acquisition Featherstone Wildlife Refuge, Virginia	LO-1	D
D-IBR-31033-NV	Havasu Intake Channel and Pumping Plant and Buckskin Mountains Tunnel, Boulder City, Nevada	ER-2	J
D-IBR-30028-ID	American Falls Dam Replacement, Idaho	LO-1	K
D-NPS-61134-HI	Proposed Park at Kalaupapa, Island of Hawaii	LO-2	J
D-NPS-61134-CA	Point Reyes National Seashore, wilderness area, California	LO-1	J
General Services Administration			
D-GSA-81132-WV	Construction of Federal Building, Post Office and Courthouse Elkins, West Virginia	LO-1	D
D-GSA-81133-FL	Courthouse and Federal Building, Orlando, Florida	LO-1	E
International Boundary and Water Commission			
D-IBW-36283-TX	Rio Grande upstream from Retamal Dam, flood control, Texas	LO-2	G
Souris-Red-Rainy Basins Commission			
D-SRR-30021-OO	Framework study of the Souris-Red-Rainy River Basins and preliminary plan for selected sub-basins of the Red River of the north basin	ER-2	A

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APPENDIX III

FINAL ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JULY 16, 1973 AND JULY 31, 1973

Identifying number	Title	General nature of comments	Source for copies of comments
Atomic Energy Commission			
F-AEC-06017-NY.	Nine Mile Point Nuclear Station, Unit 2, New York	EPA expressed satisfaction with the AEC's response to the radiological questions raised by EPA on the draft statement. However, EPA still has a problem with the water quality impact of the once through cooling system planned for the facility. EPA has requested that the proposed construction and operation schedules cited for unit 2 not be altered thereby enabling EPA a one year period in which the effects of the discharges from the unit 1 and Fitz Patrick plants may be physically monitored.	A
Department of Defense			
F-UAF-84009-00...	Testing of the advanced ballistic reentry systems (ABRES) radioactive sensors	EPA does not believe that the proposed testing will result in an unacceptable environmental impact. However, EPA expressed the belief that future tests involving flights with radioactive materials should be accompanied by a statement including a safety analysis.	A

APPENDIX IV

REGULATIONS, LEGISLATION AND OTHER FEDERAL AGENCY ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN JULY 16, 1973 AND JULY 31, 1973

Agency	Title	General nature of comments	Source for copies of comments
Atomic Energy Commission			
R-AEC-99021-00...	10 CFR Part 50—Licensing of production and utilization facilities.	In general EPA concurs with the proposed amendments described in the subject notice except for one matter. EPA recommended that the concepts used to determine reporting requirements for failures at various facilities be outlined in the final rules, and that the AEC provide for a mandatory notification if the limiting of control settings in nuclear fuel reprocessing plants does not function as required.	A
Department of Agriculture			
R-REA-99028-00...	7 CFR Part 1701—Appendix A—Rural electrification programs—Incentive payments by REA borrowers.	In general EPA's review has indicated that the matters covered in the above notice will not significantly affect air and water quality or other environmental protection areas under EPA's jurisdiction. Although we agree with the policy that REA borrowers should not use incentive payments to expand the use of electric power over other energy sources, we believe the rules should also preclude promoting nonessential demand for electric power.	A
L-DOA-99025-00...	The extension of the Agriculture Act of 1972.	EPA's comments suggest that a broader consideration of alternatives, including alternatives providing for environmental enhancement or actions to limit potentially adverse environmental effects of programs authorized by the act, be considered in the final impact statement and in the development of regulations implementing the act. The comments suggest that consideration be given to providing incentive for program participants to adopt practices to protect and enhance environmental values.	A

APPENDIX V

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

B. Director of Public Affairs
Region I
Environmental Protection Agency
Room 2303
John F. Kennedy Federal Building
Boston, Massachusetts 02203

C. Director of Public Affairs
Region II
Environmental Protection Agency
Room 847
26 Federal Plaza
New York, New York 10007

D. Director of Public Affairs
Region III
Environmental Protection Agency
Curtis Bldg., 6th and Walnut Streets
Philadelphia, Pennsylvania 19106

E. Director of Public Affairs
Region IV
Environmental Protection Agency
Suite 300
1421 Peachtree Street, N.E.
Atlanta, Georgia 30309

F. Director of Public Affairs
Region V
Environmental Protection Agency
1 N. Wacker Drive
Chicago, Illinois 60606

G. Director of Public Affairs
Region VI
Environmental Protection Agency
1600 Patterson Street
Dallas, Texas 75201

H. Director of Public Affairs
Region VI
Environmental Protection Agency
1735 Baltimore Street
Kansas City, Missouri 64108

I. Director of Public Affairs
Region VIII
Environmental Protection Agency
Lincoln Tower, Room 916
1860 Lincoln Street
Denver, Colorado 80203

J. Director of Public Affairs
Region IX
Environmental Protection Agency
100 California Street
San Francisco, California 94102

K. Director of Public Affairs
Region X
Environmental Protection Agency
1200 6th Avenue
Seattle, Washington 98101

[FR Doc.73-17111 Filed 8-16-73;8:45 am]

BENOMYL

Notice of Reextension of Temporary Tolerance

Correction

In FR Doc. 73-13647 appearing at page 17875 in the issue of Thursday, July 5, 1973, the signature reading "Henry J. Ford" should read "Henry J. Korp".

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 1242]

INTERMODAL FREIGHT FORWARDING, INC.

Order of Revocation

Intermodal Freight Forwarding, Inc., 116 Nassau Street, Room 1110, New York, New York 10038 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1242 for revocation, effective August 6, 1973.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 1242 of Intermodal Freight Forwarding, Inc. be and is hereby revoked effective August 6, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Intermodal Freight Forwarding, Inc.

AARON W. REESE
Managing Director

[FR Doc.73-17175 Filed 8-16-73;8:45 am]

[Docket No. 73-46]

PACIFIC ISLANDS TRANSPORT LINE

Proposed General Rate Increases Between Pacific Coast and Hawaii Ports of Call and Pago Pago, American Samoa; Correction

AUGUST 13, 1973.

In the order of investigation and suspension (38 FR 21691, Aug. 10, 1973), change the date in the first further ordering paragraph to November 30, 1973 and change the date in the second further ordering paragraph to December 1, 1973.

Add 2nd Revised Page 14-A to Appendix A.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-17177 Filed 8-16-73;8:45 am]

[Docket No. 73-47]

POLYNESIA LINE, LTD.

Proposed General Rate Increases Between Pacific Coast and Hawaiian Ports of Call and Pago Pago, American Samoa; Correction

AUGUST 13, 1973.

In the order of investigation and suspension (38 FR 21693, Aug. 10, 1973), change the date in the first further ordering paragraph to November 30, 1973, and change the date in the second further ordering paragraph to December 1, 1973.

Add 8th Revised Page 17 to Appendix A.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-17178 Filed 8-16-73;8:45 am]

[Independent Ocean Freight Forwarder License 169]

PORTALA SHIPPING SERVICE

Order of Revocation

On July 30, 1973, Cesar A. Portala, d/b/a Portala Shipping Service, 366 Broadway, New York, New York 10013 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 169 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated May 1, 1972);

It is ordered, That Independent Ocean Freight Forwarder License No. 169 of Cesar A. Portala, d/b/a Portala Shipping Service be and is hereby revoked effective July 30, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Cesar A. Portala, d/b/a Portala Shipping Service.

AARON W. REESE,
Managing Director.

[FR Doc.73-17174 Filed 8-16-73;8:45 am]

[Independent Ocean Freight Forwarder License 217]

H. S. THIELEN, INC.

Order of Revocation

By letter of July 11, 1973, the Federal Maritime Commission received notification that H. S. Thielen, Inc., P.O. Box 1226, Lake Charles, Louisiana 70601 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 217 for revocation, effective August 16, 1973.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04 (f) (dated May 1, 1972);

It is ordered, That Independent Ocean Freight Forwarder License No. 217 be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of H. S. Thielen, Inc. be and is hereby revoked effective August 16, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon H. S. Thielen, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-17176 Filed 8-16-73;8:45 am]

FEDERAL POWER COMMISSION

EL PASO NATURAL GAS CO.

Rate Schedule Cancellation and Service Agreement Tender

AUGUST 13, 1973.

Take notice that on July 5, 1973, El Paso Natural Gas Company ("El Paso") tendered for filing First Revised Sheet No. 14 to its FPC Gas Tariff, Original Volume No. 2A, which sheet cancels special Rate Schedule FS-2 contained in said tariff. El Paso also tendered for filing a Service Agreement dated May 1, 1973, between El Paso and the City of Spur, Texas, which according to El Paso, supersedes and cancels the Gas Sales Contract dated December 31, 1965, between El Paso and Cap Rock Gas Co., Inc. ("Cap Rock"), comprising Rate Schedule FS-2.

El Paso states that by an instrument of conveyance dated and effective May 1, 1973, Spur acquired from Cap Rock the distribution facilities serving Spur and, by the tendered Service Agreement, El Paso will continue natural gas service to Spur thereunder. Further, El Paso states the tendered service agreement also provides for a reduction in the maximum daily quantity of natural gas delivered to Spur from 1,720 Mcf per day to 900 Mcf per day and the elimination of the annual delivery obligation to Spur. El Paso filed concurrently with this tender a petition to amend the order issued August 21, 1969, as amended, at Docket No. CP69-23, requesting authorization for the reduction in maximum daily quantity and the elimination of the annual delivery obligation.

El Paso requests that the tendered tariff sheet and service agreement be accepted for filing and permitted to become effective on a date coincident with issuance of the amended order sought by the petition to amend filed concurrently herewith.

Any person desiring to be heard or to protest said Rate Schedule Cancellation and Service Agreement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in an accordance with §§ 1.9 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 27, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17121 Filed 8-16-73;8:45 am]

[Docket No. E-8323]

FLORIDA POWER AND LIGHT CO.

Change in Effective Date of Agreement

AUGUST 13, 1973.

Take notice that on July 31, 1973, Florida Power and Light Company (Florida) tendered a request for a change in the effective date of an agreement filed with the Commission on July 16, 1973. In the previous filing, Florida requested an effective date of September 16, 1973. Florida now asks that the effective date be changed to September 1, 1973.

Florida asserts that, since the effective date of the rate applicable under the agreement is September 1, 1973, the operational date of the agreement should be the same. To the extent necessitated by this request, Florida asks waiver of the notice requirements of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance, with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 17, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17122 Filed 8-16-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-61]

JOHNSON SPACE CENTER RADIATION SAFETY COMMITTEE; MEDICAL ISOTOPES ADVISORY SUBCOMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Medical Isotopes Advisory Subcommittee will be held on September 7, 1973, from 3:00 p.m. to 4:00 p.m., in Room 120,

V 38-159 AUG 17 73 XUM

Building 1, Johnson Space Center, Houston, Texas 77058.

This is the third meeting of the Subcommittee for calendar year 1973. The meeting agenda includes a review of the execution of the experiment protocols for the Second Skylab Mission and a review of the protocols for the Third Skylab Mission. The Subcommittee will formulate recommendations to the JSC Radiation Safety Committee.

The meeting will be open to the public; however, a limited number of seats will be available. Any member of the public wishing to attend the meeting should contact Mr. J. Vernon Bailey, Executive Secretary, 713–483–3419.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

AUGUST 14, 1973.

[FR Doc.73–17150 Filed 8–16–73;8:45 am]

SMALL BUSINESS ADMINISTRATION

INVESTMENT FUNDS, INC.

[License No. 03/04–0054]

Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR 107.701(1973)), for application of the transfer of control of Investment Funds, Inc., 5513 Princess Anne Road, Virginia Beach, Virginia 23462, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act).

Investment Funds, Inc., was licensed on October 3, 1961, with private capital of $155,000, and it presently is at $260,760. The transfer of control will be from Investment Funds, Inc., to Equity Investment Funds, Inc., 213 East Main Street, Norfolk, Virginia 23510, with an increase in private capital up to $306,000.

Equity Investment Funds, Ins., is 100 percent owned by Equity Mortgage Corporation, 213 East Main Street, Norfolk, Virginia 23510. The only investor who will own 10 percent or more of Equity Mortgage Corporation and his position with Equity Investment Funds, Inc. is:

Gerald J. Friedman 6057 River Crescent Norfolk, Virginia 23505	President, Director

The other officers of Equity Investment Funds, Inc. are:

Thomas R. Dall 3604 Pine Road Portsmouth, Virginia 23704	Vice President, Director
Isadore S. Schwartz 300 Thole Street Norfolk, Virginia 23505	Secretary-Treasurer-Director
Samuel Sandler 234 North Blake Road Norfolk, Virginia 23505	Director

The proposed new owner does not intend to make any significant changes in the area of operations and investment policy. The principal office will be located at 213 East Main Street, Norfolk, Virginia 23510.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners, and the probability of successful operation of the company under their control and management in accordance with the Act and Regulations.

Notice is further given that any interested person may submit their comments on the proposed transfer of control to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, by August 27, 1973.

A similar notice shall be published by the proposed purchasers in a newspaper of general circulation in Norfolk, Virginia.

Dated: August 6, 1972.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73–17135 Filed 8–16–73;8:45 am]

[Notice of Disaster Loan Area 1010]

NEW JERSEY

Disaster Relief Loan Availability

As a result of the President's declaration of the State of New Jersey as a major disaster area following severe storms and flooding beginning on or about August 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following Counties: Essex, Middlesex, Somerset and Union, and adjacent affected areas.

Applications may be filed at the:

Small Business Administration
District Office
970 Broad Street
Newark, New Jersey 07102

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93–24.

Applications for disaster loans under this announcement must be filed not later than October 8, 1973.

Dated: August 8, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–17136 Filed 8–16–73;8:45 am]

[Notice of Disaster Loan Area 1006; Amdt. 1]

NEW YORK

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of New York as a major disaster area following severe storms and flooding beginning on or about June 28, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the adjacent affected areas to those counties previously declared major disaster areas. (See 38 FR 20510)

Applications may be filed at the:

Small Business Administration
Regional Office
26 Federal Plaza—Room 3930
New York, New York 10007

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93–24.

Applications for disaster loans under the announcement must be filed not later than September 18, 1973.

Dated: August 7, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–17137 Filed 8–16–73;8:45 am]

[Declaration of Disaster Loan Area 1011]

PENNSYLVANIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July, 1973, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Pennsylvania;

Whereas, the Small Business Administration has investigated and has received reports of other investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, *Therefore,* as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Butler City and in and around Butler Township, Butler County, Pennsylvania, and adjacent affected areas, suffered damage or destruction resulting from overflow of small streams and flash flooding caused by heavy rains on July 25 and 26, 1973. Applications will be processed under the provisions of Public Law 93–24.

Office: Small Business Administration
District Office
1000 Liberty Avenue
Pittsburgh, Pennsylvania 15222

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to October 8, 1973.

Dated: August 9, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–17138 Filed 8–16–73;8:45 am]

[Proposed License No. 02/02–0303]

NYBDC CAPITAL CORP.

Application for License as Small Business Investment Company

An application for a License to operate as a small business investment company under the provisions of The Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by NYBDC Capital Corp. (applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1973).

The officers and directors of the applicant are as follows:

Name	*Title*
Marshall Robert Lustig 9 Rose Court Albany, New York 12209	President
John David Wasson 4 Van Buren Avenue Castle-on-Hudson, New York 12033	Vice President
Robert William Lazar Appleblossom Lane R.D. West Coxsackle, New York 12192	Vice President
Daniel William Vooys 203 Euclid Avenue Albany, New York 12208	Treasurer
John Bingham Kinum 65 Brightonwood Road Glenmont, New York 12077	Secretary and Counsel
Mildred Hannigan 19 State Street Rensselaer, New York 12144	Assistant Secretary
Frederick Edwin Boik 97 Elliman Place Syosset, New York 11791	Director
Edward Walsh Duffy 7266 Woodchuck Hill Road Fayetteville, New York 13066	Director
Arthur William Evans 715 Scott Avenue Syracuse, New York 13224	Director
John Frederick Fox 238 Overbrook Road (Pittsford) Rochester, New York 14618	Director
Everett Anson Gilmour 9 Ridgeland Road Norwich, New York 13815	Director
Robert Paul Larson 22 Fort Amherst Road Glen Falls, New York 12801	Director
Charles Conrad Lehing 367 Harvey Court Wyckoff, New Jersey 07481	Director
Donald Sollan McGivern 203 Gordon Parkway Syracuse, New York 13219	Director
Eugene Horton Morrison Webb Road, R.D. #4 Middletown, New York 10940	Director
Hartwell P. Morse, Jr. 283 Riverside Drive Binghamton, New York 13905	Director
Neal Lee Moylan 12 Kensington Court Del Mar, New York 12054	Director
Frederick Palmer 505 North Broadway Upper Nyack, New York 10960	Director
Peter Frank Pfil 216 Frost Pond Road Glen Head, New York 11545	Director
Kevin I. Sullivan 81 Lehn Spring Drive Williamsville, New York 14221	Director
Donald Jerome Veniard 226 Elm Street Watertown, New York 13601	Director

The applicant with its principal place of business at 41 State Street, Albany, New York 12207, will begin operations with $300,000 of paid-in capital consisting of 200 shares of common stock sold to The New York Business Development Corporation.

The applicant will not concentrate its investments in any particular industry. It intends to supply equity capital to small business concerns not able to either attract investors or be successful in public offerings. To some extent, management advisory services will be made available to small business concerns by the staff.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Act and the SBA Rules and Regulations.

Any person may, on or before August 27, 1973, submit to SBA written comments on the proposed Licensee. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW, Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Albany, New York.

Dated: August 8, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73–17139 Filed 8–16–73;8:45 am]

TARIFF COMMISSION

[337–L–64]

ANALOG-TO-DIGITAL METERS

Extension of Time for Filing Written Views

On June 20, 1973, the United States Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by Weston Instruments, Inc., of Newark, New Jersey, alleging unfair methods of competition and unfair acts in the importation and sale of certain analog-to-digital meters (38 FR 16118). Interested parties were given until July 30, 1973, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business on September 28, 1973.

Issued: August 14, 1973.

By order of the Commission.

G. PATRICK HENRY,
Acting Secretary.

[FR Doc.73–17127 Filed 8–16–73;8:45 am]

[AA1921–120]

CERAMIC GLAZED WALL TILE FROM THE PHILIPPINES

Determination of No Injury or Likelihood Thereof

AUGUST 10, 1973.

On May 11, 1973, the Tariff Commission received advice from the Treasury Department that ceramic glazed wall tile from the Philippines is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921–120 to determine whether an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on July 10, 1973. Notice of the investigation and hearing was published in the FEDERAL REGISTER of May 1, 1973 (38 FR 13788).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has unanimously determined[1] that an industry in the United States is not being or is not likely to be injured, or is not prevented from being established, by reason of the importation of ceramic glazed wall tile from the Philippines, sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of Reasons. The Antidumping Act, 1921, as amended, requires that the Tariff Commission find two conditions satisfied before an affirmative determination can be made. First, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be prevented from being established. Second, such injury, likelihood of injury, or prevention of establishment of an industry[2] must be "by reason of" the importation into the United States of the class or kind of foreign merchandise the

[1] Commissioner Young did not participate in the decision.

[2] The prevention of the establishment of an industry is not an issue in this case, and therefore will not be treated further.

V 38-159 AUG 17 73 XUM

Secretary of the Treasury has determined is being or is likely to be sold at less than fair value (LTFV). In the Commission's judgment the second condition has not been met in this investigation.

The product. Ceramic glazed wall tile imported from the Philippines is of lower quality when judged by specifications commonly adhered to by the U.S. industry and competes primarily in the apartment and condominium market, where lower quality tile is generally used. The industry that would be affected by the imports of Philippine tile at LTFV would be the facilities in the U.S. devoted to the manufacture of ceramic glazed wall tile.

U.S. consumption and import penetration. During 1967–69, U.S. apparent annual consumption of ceramic glazed wall tile rose each year; in 1969 it was 17 percent larger than in 1967. In 1970 such consumption dropped by 14 percent from the 1969 level. Thereafter, consumption rose again, and in 1972 it exceeded the 1969 level by 13 percent. The consumption of approximately 340 million square feet in 1972 was the highest recorded during the past 10 years. Shipments of domestic wall tile followed a generally similar pattern as consumption and were also at a record level in 1972.

Imports of wall tile from the Philippines first entered the United States in 1967; although such imports rose rapidly, they supplied only 1.6 percent of U.S. consumption of wall tile in 1972, the year in which the Treasury Department found LTFV sales of Philippine wall tile. Of the sales examined by the Treasury during February–September 1972; LTFV margins were found on only a part of Philippine tile sales to the United States. The penetration of the U.S. market by the LTFV imports was estimated to be less than 1 percent in 1972. The Treasury determined that, because of price revisions effected by the Philippine exporters, no Philippine wall tile had been sold in the United States at LTFV as of October 1972.

In 1972 when imports of ceramic glazed wall tile from the Philippines supplied 1.6 percent of U.S. consumption, imports from other sources supplied about 26 percent, U.S. consumption (an average of about 25 percent of consumption during the period 1967–71).

The domestic industry producing ceramic wall tile contended that it was injured or likely to be injured as a result of the concentration of imports of ceramic glazed wall tile from the Philippines into selected metropolitan areas of the United States. Official statistics, based on port-of-unlading data, show such a concentration in 1972; however, the magnitude of such imports relative to consumption or sales by domestic producers in these areas cannot be clearly identified. Imports from other foreign sources were concentrated in those metropolitan areas in a volume which far exceeded the volume of imports from the Philippines.

No injury by reason of LTFV sales. In 1972, when Treasury found sales at LTFV and when total imports from the Philippines had reached their highest level of U.S. market penetration of 1.6 percent, the U.S. wall-tile-producing industry did not show evidence of injury. The volume and value of domestic shipments increased annually from 1970 to 1972 as did employment and man-hours worked in the U.S. ceramic wall tile industry. The profitability of operations of domestic companies followed a similar upward trend. In 1972, inventories of some U.S. producers were depleted, and orders were being filled directly from their production lines, while some producers were compelled to allocate tile among their customers. As a matter of fact, the volume of imports from foreign sources other than the Philippines was greater and may have been the cause of any difficulties experienced by the U.S. wall tile industry. The Commission could not substantiate any evidence of sales lost by the domestic industry to Philippine wall tile imported at LTFV. The Commission also was unable to find clear evidence of any price suppression or depression by reason of LTFV sales of Philippine ceramic wall tile.[3]

No likelihood of injury by reason of LTFV sales. In determining no likelihood of injury to a domestic industry, by reason of LTFV sales of Philippine ceramic glazed wall tile, the Commission took into consideration the current health and efficiency of the domestic wall-tile-producing industry, the prospects of continued expanding U.S. demand for wall tile, the elimination of the dumping margins by the Philippine producers, changes in currency valuation, and the increase in the U.S. rate of duty on Philippine wall tile effective January 1, 1974.

Conclusion. On the basis of the foregoing, we conclude that a domestic industry is not being, or is not likely to be, injured by reason of imports of ceramic glazed wall tile from the Philippines sold, or likely to be sold, at less than fair value.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-17124 Filed 8-16-73;8:45 am]

[AA1921-129]

POLYCHLOROPRENE RUBBER FROM JAPAN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on July 31, 1973, that polymerized chlorobutadiene, commonly known as polychloroprene rubber from Japan is being, or is likely to be, sold at less than fair value, the United States Tariff Commission on August 10, 1973, instituted investigation No. AA1921–129 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, NW, Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Thursday, September 20, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Friday, September 14, 1973.

Issued: August 13, 1973.

By order of the Commission.

[SEAL] G. PATRICK HENRY, *Acting Secretary.*

[FR Doc.73-17125 Filed 8-16-73;8:45 am]

[TEA-W-206]

BOWER ROLLER BEARING DIVISION

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Detroit, Michigan, plants of the Bower Roller Bearing Division of the Federal Mogul Corporation, Southfield, Michigan, the United States Tariff Commision, on August 10, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with roller bearings (of the types provided for in items 680.35 and 680.36 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before August 27, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: August 13, 1973.

By order of the Commission.

[SEAL] G. PATRICK HENRY, *Acting Secretary.*

[FR Doc.73-17126 Filed 8-16-73;8:45 am]

[337-L-65]

CERTAIN ELECTRONIC AUDIO AND RELATED EQUIPMENT

Extension of Time

On July 30, 1973, the U.S. Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by District Sound, Inc., Washington, D.C., alleging unfair methods of competition and unfair acts in the importation and sale of certain electronic audio and related equipment (38 FR 20303). Interested parties were given until September 7, 1973, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business, September 30, 1973.

Issued: AUGUST 13, 1973.

By order of the Commission.

[SEAL] G. PATRICK HENRY, *Acting Secretary.*

[FR Doc.73-17128 Filed 8-16-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 321]

ASSIGNMENT OF HEARINGS

AUGUST 13, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-115826 Sub 244, W. J. Digby, Inc., now assigned September 10, 1973, will be held in Room 2437, Federal Building, 125 South State St., Salt Lake City, Utah.

MC-138274 Sub 1, Shippers Best Express, Inc., now assigned September 17, 1973, will be held in Room 2437 Federal Building, 125 South State Street, Salt Lake City, Utah.

MC-11741, Transpo International, Inc., —Control— Dunkley Refrigerated Transport, Inc., & FD-27268, Transpo International, Inc., And J. B. Montgomery, Securities, now assigned September 19, 1973, will be held in Room 2437, Federal Building, 125 South State Street, Salt Lake City, Utah.

MC-89684 Sub 81, Wycoff Company, Inc., now assigned September 24, 1973 will be held in Room 2437, Federal Building, 125 South State Street, Salt Lake City, Utah.

MC-F-11806, Hagen, Inc.—Purchase—Winkoma, Inc., now being assigned hearing September 17, 1973 (3 days), in Room 813, 610 S. Canal Street, Chicago, Ill.

MC-136581 Sub 1, All Freight Distribution Co., Inc., now assigned August 14, 1973, at Washington, D.C. is postponed indefinitely.

MC-59655 Sub 3, Sheehan Carriers, Inc., now assigned September 11, 1973, will be held in Court Rm. No. 4, U.S. Customs Court, One Federal Plaza, New York, N.Y.

MC-70083 Sub 27, Drake Motor Lines, Inc., now assigned September 12, 1973, will be held in Court Rm. No. 4, U.S. Customs Court, One Federal Plaza, New York, N.Y.

MC 134922 Sub 38, B. J. McADAMS, INC., now assigned September 17, 1973, will be held in Court Room A, Court of Claims, 26 Federal Plaza, New York, New York.

MC 133095 Sub 39, Texas Continental Express, Inc., now assigned September 18, 1973, will be held in Court Room A, Court of Claims, 26 Federal Plaza, New York, N.Y.

MC-F-11607, Long Island Motor Haulage Corporation—Control—C & L Transportation, Inc., MC 98785 Sub 2, C & L Transportation, Inc., now assigned September 19, 1973, will be held in Court Room A, Court of Claims, 26 Federal Plaza, New York, New York.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17190 Filed 8-16-73;8:45 am]

[Notice 322]

ASSIGNMENT OF HEARINGS

AUGUST 14, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

Correction:

MC 2835 Sub 38, Adirondack Transit Lines, Inc., now assigned October 15, 1973, at Albany, N.Y., in a hearing room to be later designated. Instead of MC 2935 Sub 38.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17191 Filed 8-16-73;8:45 am]

[Notice 335]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 17, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74343. By order of August 10, 1973, Division 3, acting as an Appellate Division, approved the transfer to Kobros Transportation System, Inc. Henderson, Ky., of a portion of the operating rights in Certificate No. MC-124951 (Sub-No. 32) issued January 18, 1971 to Wathen Transport, Inc., Henderson, Ky., authorizing the transportation of various commodities between, from and to specified points and areas in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio and Tennessee. George M. Catlett, 703 McClure Bldg., Fronkfort, Ky., 40601 Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17189 Filed 8-16-73;8:45 am]

[Notice No. 110]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 10, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

[3] Commissioners Bedell, Parker, Moore, and Ablondi observe that under the time requirements of this investigation the Commission was hampered by the failure of the domestic tile producers to make full and timely response to Commission questionnaires. As a result, the Commission has been deprived of information within the control of the U.S. industry relating to its contention concerning injury in regional market areas.

V 38 159 AUG 17 73 XUM

MOTOR CARRIERS OF PROPERTY

No. MC 2368 (Sub-No. 39 TA) filed June 22, 1973 Applicant: BRALLEY-WILLETT TANK LINES, INC. 2212 Deepwater Terminal Road P.O. Box 495 Richmond, Va. 23234 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuming Nitric Acid and Nitric Acid Propellent*, from Buffalo, N.Y., to Anniston, Ala., for 180 days. SUPPORTING SHIPPER: Department of the Army, Washington, D.C. 20310. SEND PROTESTS TO: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 13764 (Sub-No. 3 TA) filed August 1, 1973 Applicant: SIEGEL & COHEN EXPRESS, INC. 567 So. 11th Street Newark, N.J. 07103 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* on hangers along with wearing apparel in packages, *handbags, shoes and related commodities* used in the conduct of retail wearing apparel stores and *return of damaged merchandise* for the account of Robert Hall Clothes, between points in the New York, N.Y. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Hampton, Va., for 180 days. SUPPORTING SHIPPER: Robert Hall Clothes, 333 West 34th St., New York, N.Y. 10001. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 26396 (Sub-No. 85 TA) filed July 30, 1973 Applicant: POPELKA TRUCKING CO. doing business as THE WAGGONERS 201 W. Park P.O. Box 990 Livingston, Mont. 59047 Applicant's representative: Dave Kemp (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranporting: *Particleboard*, from points in Montana, to points in Illinois, Wisconsin and Iowa, for 180 days. SUPPORTING SHIPPER: Evans Products Co., Drawer L, Missoula, Mont. 59801. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 26396 (Sub-No. 86 TA) filed July 30, 1973 Applicant: POPELKA TRUCKING CO. doing business as THE WAGGONERS 201 W. Park P. O. Box 990 Livingston, Mont. 59047 Applicant's representative: Dave Kemp (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and particle board*, from Missoula, Mont., to points in New York and Pennsylvania, for 180 days. SUPPORTING SHIPPER: Continental Tackless Corporation, P.O. Box 87, Croydon, Pa. 19020. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 30887 (Sub-No. 192 TA) filed July 31, 1973 Applicant: SHIPLEY TRANSFER, INC. 49 Main Street, Box 55 Reisterstown, Md. 21136 Applicant's representative: William B. Eckels (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, in bulk, in tank vehicles, from Baltimore, Md., to Chestertown, Md., restricted to traffic having a prior movement by rail, for 180 days. SUPPORTING SHIPPER: Mr. Robert W. Bradshaw, Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, Mo. 63166. SEND PROTESTS TO: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 51146 (Sub-No. 325 TA) filed July 31, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Plastic film*, from Decatur, Ala., to Weatherford, Okla.; (B) *Plastic film, plastic liquid and adhesive cements* (except in bulk), from Decatur, Ala., to Brownwood, Tex.; and (C) *Plastic film, surface coated paper and wrapping paper, paint* (except in bulk), *and painters smalts*, between Brownwood, Tex. and Guin, Ala., for 180 days. SUPPORTING SHIPPER: Minnesota Mining and Manufacturing Company, 3 M Center, St. Paul, Minn. 55101 (K. A. Kumm, Manager, Transportation Operations). SEND PROTESTS TO: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 92068 (Sub-No. 8 TA) filed July 31, 1973. Applicant: MUTUAL TRANSPORTATION, INCORPORATED President & Fleet Sts., Baltimore, Md. 21201. Applicant's representative: Walter T. Evans, 615 Perpetual Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount department stores, from the facilities of Mutual Transportation Incorporated at Baltimore, Md., to the stores and facilities of Mammoth Mart, Inc., at Lexington Park and Waldorf, Md. and the Lower Paxton Township, Pa., at or near Harrisburg, Pa., restricted to the transportation of traffic having an immediate prior movement by motor carrier, for 180 days. SUPPORTING SHIPPER: Mr. Allen Garf, Asst. Vice Pres. of Distribution Services, Mammoth Mart, Inc., 321 Manley Street, West Bridgewater, Mass. 02379. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 96902 (Sub-No. 3 TA) filed July 30, 1973 Applicant: CENTRAL EXPRESS, INC. 304 Grove St. Westwood, Mass. 02090 Applicant's representative: Frank J. Weiner 15 Court Square Boston, Mass. 02108 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed photographic film*, other than for commercial theatre or television exhibition, and together therewith, incidental *supplies* used in and for shipping said film, between Boston, Mass. and Southbridge, Mass., for 150 days. RESTRICTION: Restricted to shipments of picked up and/or delivered to the business facilities of Southbridge Photo Supply, Southbridge, Mass. SUPPORTING SHIPPER: Eastman Kodak Company, 343 State St., Rochester, N.Y. 14650. SEND PROTESTS TO: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, Boston, Mass. 02114.

No. MC 106398 (Sub-No. 677 TA) filed August 1, 1973 Applicant: NATIONAL TRAILER CONVOY, INC. 1925 National Plaza Box 51096 Dawson Station Tulsa, Okla. 74151 Applicant's representative: Irvin Tull (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic pipe fittings, tubing, conduit, materials and accessories* used in the installation thereof, from the plantsite of Carlon Products, Division of Indianhead, at Nazareth, Pa., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Warren C. Singer, Mgr. of Traffic Adm., Carlon Div., Indian Head, Inc., 23200 Chagrin Blvd., Cleveland, Ohio 44122. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm 240 Old P.O. Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 107295 (Sub-No. 655 TA) filed July 30, 1973 Applicant: PRE-FAB TRANSIT COMPANY 100 South Main Street P.O. Box 146 Farmer City, Ill. 61842. Applicant's representative: Bruce J. Kinnee (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laundry machine parts*, between Paris, Ill. and Fairfield, Iowa, for 180 days. SUPPORTING SHIPPER: William J. Eveland, Traffic Manager, Unarco Industries, Inc., P.O. Box 429, Paris, Ill. 61944. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Leland Office Bldg., 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 110140 (Sub-No. 10 TA) filed July 31, 1973 Applicant: MAYO ROBISON doing business as LUMBER TRUCKING SERVICE 943 S. Nebraska

Street Seattle, Wash. 98108 Applicant's representative: Richard A. Derham 4200 Seattle 1st National Bank Bldg. Seattle, Wash. 98154 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Clallam, Jefferson, Kitsap and Grays Harbor Counties, Wash., to the United States-Canada Boundary at or near Blaine and/or Lynden, Wash., for 180 days. SUPPORTING SHIPPER: Pacific Lumber & Shipping Co., 1410 Washington Bldg., Seattle, Wash. 98101. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC 112696 (Sub-No. 49 TA) filed August 1, 1973 Applicant: HARTMANS, INCORPORATED P.O. Box 898 833 Chicago Avenue Harrisonburg, Va. 22801 Applicant's representative: Edward G. Villalon Suite 1032 Pennsylvania Bldg. Pennsylvania Ave. & 13th St., N.W. Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Pabst, Ga., to Lynchburg, Va. and *empty bottles, containers, kegs, pallets and skids*, from Lynchburg, Va., to Pabst, Ga., for 180 days. SUPPORTING SHIPPER: Callaham Grocery & Produce Co., Inc., 924-926 Commerce Street, Lynchburg, Va. 24504. SEND PROTESTS TO: Clatin M. Harmond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue, S.W., Roanoke, Va. 24011.

No. MC 113158 (Sub-No. 23 TA) filed August 1, 1973 Applicant: TODD TRANSPORT COMPANY, INC. Secretary, Md. 21664 Applicant's representative: V. Baker Smith 2107 The Fidelity Bldg. Philadelphia, Pa. 19109 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the plant and facilities of Joseph Schlitz Brewing Company in Forsyth County, N.C., to Salisbury, Md. and *used empty malt beverage containers*, from Salisbury, Md., to the plant and facilities of Joseph Schlitz Brewing Company in Forsyth County, N.C., for 180 days. SUPPORTING SHIPPER: Wyatt Wholesale Co., Snow Hill Road, Salisbury, Md. 21801. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street & Constitution Avenue, N.W., Washington, D.C. 20423.

No. MC 116967 (Sub-No. 17 TA) filed July 26, 1973 Applicant: WONDAAL TRUCKING CO., INC. 2857 Ridge Road Lansing, Ill. 60438 Applicant's representative: Samuel Ruff 2109 Broadway East Chicago, Ind. 46312 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Face and common bricks*, from Chicago, Ill., to Indianapolis and Anderson, Ind. and return for the account of American Brick Co., Inc., for 180 days. SUPPORTING SHIPPER: Mr. Charles K. Davis, Vice President, American Brick Company, 6558 W. Fullerton, Chicago, Ill. 60635. SEND PROTESTS TO: District Supervisor Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604. Note: Applicant does intend to tack.

No. MC 120981 (Sub-No. 17 TA) filed August 1, 1973 Applicant: BESTWAY EXPRESS, INC. 415 Fifth Avenue, South Nashville, Tenn. 37202 Applicant's representative: George M. Catlett Suite 703 McClure Building Frankfort, Ky. 40601 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Nashville, Tenn. and New Orleans, La., from Nashville, Tenn. over Interstate Highway 40 to junction U.S. Highway 45, thence over U.S. Highway 45 to Meridian, Miss., thence over U.S. Highway 80 to Jackson, Miss., thence over Interstate Highway 55 to its junction with Interstate Highway 12, thence over Interstate Highway 12 to its junction with U.S. Highway 51, thence over U.S. Highway 51 to its junction with U.S. Highway 61, thence over U.S. Highway 61 to New Orleans, La., and return over the same route, serving no intermediate points, but serving points within the New Orleans, La. commercial zone, for 180 days. Note: Applicant proposes to tack authority sought herein with its existing authority in MC 120981 Sub 2 at Nashville, Tenn., so as to provide a through service between New Orleans, La., on the one hand, and, on the other, Nashville, Tenn., and those points and places which applicant is authorized to serve under its certificates MC-120981 Sub 2 and Sub 7. Applicant also proposes to interline traffic with existing motor common carriers at Nashville and Mitchell, Tenn.; Lexington and Bardstown, Ky.; and New Orleans, La. SUPPORTING SHIPPERS: There are approximately 50 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803-1808 West End Building, Nashville, Tenn. 37203.

No. MC 126276 (Sub-No. 83 TA) filed August 1, 1973 Applicant: FAST MOTOR SERVICE, INC. 12855 Ponderosa Drive Palos Heights, Ill. 60463 Applicant's representative: James C. Hardman 127 North Dearborn St. Chicago, Ill. 60602 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container parts and accessories*, from Racine, Wis., to Danville, Ill., for 180 days. SUPPORTING SHIPPER: Continental Can Company, 150 South Wacker Drive, Chicago, Ill. 60606. SEND PROTESTS TO: District Supervisor Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 126487 (Sub-No. 1 TA) filed July 18, 1973 Applicant: CADLINE TRANSPORT LIMITED 1023 Queen Street East Toronto, Ontario, Canada Applicant's representative: Robert D. Gunderman Suite 710 Statler Hilton Buffalo, N.Y. 14202 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, splits, pelts, bellies, pieces, and by-products thereof*, including *glue stock*, between ports of entry on the International Boundary line between the United States and Canada at the Niagara, St. Lawrence, Detroit and St. Clair Rivers, on the one hand, and, on the other, points in Colorado, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Missouri, Minnesota, Mississippi, New Hampshire, Nebraska, New York, New Jersey, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin, for 180 days. SUPPORTING SHIPPER: There are approximately 9 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Bldg., 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 127019 (Sub-No. 8 TA) filed July 27, 1973 Applicant: LA RUE LAMB doing business as LA RUE LAMB TRUCKING P.O. Box 374 Myton, Utah 84052 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gilsonite* (natural asphaltum), from Bonanza, Utah, to Hazelwood, Mo., for 180 days. SUPPORTING SHIPPER: American Gilsonite Company, 1150 Kennecott Building, Salt Lake City, Utah 84133 (E. H. Owens, Secretary-Treasurer). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 129035 (Sub-No. 5 TA) filed July 31, 1973 Applicant: OAKLEY TRANSFER & STORAGE COMPANY a Corporation 4115 Edith Boulevard N.E. Albuquerque, N. Mex. 87107 Applicant's representative: Donald E. Fernaays 4040 East McDowell Road Suite 312 Phoenix, Ariz. 85008 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives,

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household goods as defined by the Interstate Commerce Commission, commodities in bulk and those requiring special equipment), between points in San Juan, Colfax, Mora, Quay, Curry, Union, De Baca, Harding, Roosevelt, Bernalillo, McKinley, Valencia, Socorro, Guadalupe, San Miguel, Santa Fe, Taos, Rio Arriba, Los Alamos, Sandoval, and Torrance Counties, N. Mex., for 180 days. Note: Applicant intends to interline with other carriers at Gallup, Albuquerque, Clovis, Santa Fe, Raton, and Farmington, N. Mex. and other New Mexico points. SUPPORTING SHIPPERS: There are approximately 9 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor William R. Murdoch, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue, S.E., Albuquerque, N. Mex. 87101.

No. MC 135633 (Sub-No. 9 TA) filed July 31, 1973 Applicant: NATIONWIDE AUTO TRANSPORTERS, INC. 2175 Lemoine Avenue Fort Lee, N.J. 07024 Applicant's representative: Harold G. Hernly, Jr. 118 North St. Asaph Street Alexandria, Va. 22314 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in driveaway service, between Rubidoux, Riverside and San Fernando, Calif., on the one hand, and, on the other, all points in the United States (excluding Alaska and Hawaii), for 180 days. SUPPORTING SHIPPERS: (1) Southwind Motor Homes, Inc., 5300 Via Ricardo, Rubidoux, Calif. 92509; (2) Fireball Industries, 12087 North Canyon Road, San Fernando, Calif. 91342; and (3) Redman Recreational, 22101 Alessandro, Riverside, Calif. 92508. SEND PROTESTS TO: District Supervisor Joel Morros, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 135705 (Sub-No. 4 TA) filed July 16, 1973 Applicant: LELAND L. MELROSE doing business as MELROSE TRUCKING COMPANY, INC. 6360 Raderville Route Casper, Wyo. 82601 Applicant's representative: Charles S. Aspinwall 430 East First St. Casper, Wyo. 82601 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in pneumatic operated trailers, from the South Dakota State Cement Plant at Rapid City, S. Dak., to and between points at Douglas, Wyo., the Dave Johnston Power Plant near Glenrock, Wyo., Casper, Wyo. and the Mountain View Addition near Casper, Wyo., serving no intermediate or off-route points, for 180 days. SUPPORTING SHIPPERS: Casper Concrete, Inc., 1525 East "F" St., Casper, Wyo. 82601 and South Dakota State Cement Plant, P.O. Box 351, Rapid City, S. Dak. 57701. SEND PROTESTS TO: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Rm 1006 Federal Bldg & Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 135873 (Sub-No. 2 TA) filed July 30, 1973 Applicant: KSS TRANSPORTATION CORPORATION P.O. Box 185 Rt. 1 & Adams Station No. Brunswick, N.J. 08902 Applicant's representative: George Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes, advertising materials, circulars, paper bags, rolled paper stock* for printing, newsprint, periodical inserts and business forms, from Metuchen and North Brunswick, N.J., to points in Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, for 180 days. SUPPORTING SHIPPERS: Webcraft Packaging, Inc., P.O. Box 185, Rt. 1 & Adams Station, North Brunswick, N.J. 08902; Publication Insert Corp.; and Filmcraft Packaging, Inc. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 136643 (Sub-No. 2 TA) filed July 31, 1973 Applicant: JENI TRUCKING, INC. 111 South Kensico Avenue White Plains, N.Y. 10600 Applicant's representative: William D. Traub 10 East 40th Street New York, N.Y. 10016 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and household appliances and equipment*, from Thornwood, N.Y., to points in Fairfield, New Haven, and Litchfield Counties, Conn., and points in Bergen, Essex, Hudson, Passaic, Union, Morris and Sussex Counties, N.J., for 180 days. SUPPORTING SHIPPER: J. H. Harvey, Inc., 53 Tarrytown Road, White Plains, N.Y. 10601. SEND PROTESTS TO: Stephen P. Tomany, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 138889 (Sub-No. 1 TA) filed July 23, 1973 Applicant: RALPH DEEM doing business as DEEM TRUCKING 2616—11th Avenue Parkersburg, W. Va. 26101 Applicant's representative: John M. Friedman 2930 Putnam Avenue Hurricane, W. Va. 25526 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies* (except commodities in bulk and those utilized in the construction and maintenance of highways and bridges), from the store and warehouse facilities of the 84 Lumber Company at or near Williamstown, W. Va., to points in Athens, Gallia, Hocking, Meigs, Monroe, Morgan, Muskingum, Noble, Vinton, and Washington Counties, Ohio, for 90 days. SUPPORTING SHIPPER: The 84 Lumber Company, Williamstown, W. Va. 26187, Att. Donald C. Wilson, Manager. SEND PROTESTS TO: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17192 Filed 8-16-73;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

WATER PROGRAMS

Secondary Treatment Information

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—WATER PROGRAMS

PART 133—SECONDARY TREATMENT INFORMATION

On April 30, 1973, notice was published in the FEDERAL REGISTER that the Environmental Protection Agency was proposing information on secondary treatment pursuant to section 304(d)(1) of the Federal Water Pollution Control Act Amendments of 1972 (the Act). Reference should be made to the preamble of the proposed rulemaking for a description of the purposes and intended use of the regulation.

Written comments on the proposed rulemaking were invited and received from interested parties. The Environmental Protection Agency has carefully considered all comments received. All written comments are on file with the Agency.

The regulation has been reorganized and rewritten to improve clarity. Major changes that were made as a result of comments received are summarized below:

(a) The terms "1-week" and "1-month" as used in § 133.102 (a) and (b) of the proposed rulemaking have been changed to 7 consecutive days and 30 consecutive days respectively (See § 133.102 (a), (b), and (c)).

(b) Some comments indicated that the proposed rulemaking appeared to require 85 percent removal of biochemical oxygen demand and suspended solids only in cases when a treatment works would treat a substantial portion of extremely high strength industrial waste (See § 133.102(g) of the proposed rulemaking). The intent was that in no case should the percentage removal of biochemical oxygen demand and suspended solids in a 30 day period be less than 85 percent. This has been clarified in the regulation. In addition, it has been expressed as percent remaining rather than percent removal calculated using the arithmetic means of the values for influent and effluent samples collected in a 30 day period (See § 133.102(a) and (b)).

(c) Comments were made as to the difficulty of achieving 85 percent removal of biochemical oxygen demand and suspended solids during wet weather for treatment works receiving flows from combined sewer systems. Recognizing this, a paragraph was added which will allow waiver or adjustment of that requirement on a case-by-case basis (See § 133.103(a)).

(d) The definition of a 24-hour composite sample (See § 133.102(c) of the proposed rulemaking) was deleted from the regulation. The sampling requirements for publicly owned treatment works will be established in guidelines issued pursuant to sections 304(g) and 402 of the Act.

(e) In § 133.103 of the proposed rulemaking, it was recognized that secondary treatment processes are subject to upsets over which little or no control may be exercised. This provision has been deleted. It is no longer considered necessary in this regulation since procedures for notice and review of upset incidents will be included in discharge permits issued pursuant to section 402 of the Act.

(f) Paragraph (f) of § 133.102 of the proposed rulemaking, which relates to treatment works which receive substantial portions of high strength industrial wastes, has been rewritten for clarity. In addition, a provision has been added which limits the use of the upwards adjustment provision to only those cases in which the flow or loading from an industry category exceeds 10 percent of the design flow or loading of the treatment works. This intended to reduce or eliminate the administrative burden which would be involved in making insignificant adjustments in the biochemical oxygen demand and suspended solids criteria (See § 133.103(b)).

The major comments for which changes were not made are discussed below:

(a) Comments were received which recommended that the regulation be written to allow effluent limitations to be based on the treatment necessary to meet water quality standards. No change has been made in the regulations because the Act and its legislative history clearly show that the regulation is to be based on the capabilities of secondary treatment technology and not ambient water quality effects.

(b) A number of comments were received which pointed out that waste stabilization ponds alone are not generally capable of achieving the proposed effluent quality in terms of suspended solids and fecal coliform bacteria. A few commenters expressed the opposite view. The Agency is of the opinion that with proper design (including solids separation processes and disinfection in some cases) and operation, the level of effluent quality specified can be achieved with waste stabilization ponds. A technical bulletin will be published in the near future which will provide guidance on the design and operation of waste stabilization ponds.

(c) Disinfection must be employed in order to achieve the fecal coliform bacteria levels specified. A few commenters argued that disinfectant is not a secondary treatment process and therefore the fecal coliform bacteria requirements should be deleted. No changes were made because disinfection is considered by the Agency to be an important element of secondary treatment which is necessary for protection of public health (See § 133.102(c)).

Effective date. These regulations shall become effective on August 17, 1973.

JOHN QUARLES,
Acting Administrator.

AUGUST 14, 1973.

Chapter I of title 40 of the Code of Federal Regulations is amended by adding a new Part 133 as follows:

Sec.
133.100 Purpose.
133.101 Authority.
133.102 Secondary treatment.
133.103 Special considerations.
133.104 Sampling and test procedures.

AUTHORITY: Secs. 304()(1), 301(b)(1)(B), Federal Water Pollution Control Act Amendments, 1972, P.L. 92-500.

§ 133.100 Purpose.

This part provides information on the level of effluent quality attainable through the application of secondary treatment.

§ 133.101 Authority.

The information contained in this Part is provided pursuant to sections 304(d)(1) and 301(b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972, PL 92-500 (the Act).

§ 133.102 Secondary treatment.

The following paragraphs describe the minimum level of effluent quality attainable by secondary treatment in terms of the parameters biochemical oxygen demand, suspended solids, fecal coliform bacteria and pH. All requirements for each parameter shall be achieved except as provided for in § 133.103.

(a) *Biochemical oxygen demand (five-day).* (1) The arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 30 milligrams per liter.

(2) The arithmetic mean of the values for effluent samples collected in a period of seven consecutive days shall not exceed 45 milligrams per liter.

(3) The arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period (85 percent removal).

(b) *Suspended solids.* (1) The arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 30 milligrams per liter.

(2) The arithmetic mean of the values for effluent samples collected in a period of seven consecutive days shall not exceed 45 milligrams per liter.

(3) The arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period (85 percent removal).

(c) *Fecal coliform bacteria.* (1) The geometric mean of the value for effluent samples collected in a period of 30 consecutive days shall not exceed 200 per 100 milliliters.

(2) The geometric mean of the values for effluent samples collected in a period of seven consecutive days shall not exceed 400 per 100 milliliters.

(d) *pH.* The effluent values for pH shall remain within the limits of 6.0 to 9.0.

§ 133.103 Special considerations.

(a) *Combined sewers.* Secondary treatment may not be capable of meeting the percentage removal requirements of paragraphs (a)(3) and (b)(3) of § 133.102 during wet weather in treatment works which receive flows from combined sewers (sewers which are designed to transport both storm water and sanitary sewage). For such treatment works, the decision must be made on a case-by-case basis as to whether any attainable percentage removal level can be defined, and if so, what that level should be.

(b) *Industrial wastes.* For certain industrial categories, the discharge to navigable waters of biochemical oxygen demand and suspended solids permitted under sections 301(b)(1)(A)(i) or 306 of the Act may be less stringent than the values given in paragraphs (a)(1) and (b)(1) of § 133.102. In cases when wastes would be introduced from such an industrial category into a publicly owned treatment works, the values for biochemical oxygen demand and suspended solids in paragraphs (a)(1) and (b)(1) of § 133.102 may be adjusted upwards provided that: (1) the permitted discharge of such pollutants, attributable to the industrial category, would not be greater than that which would be permitted under sections 301(b)(1)(a)(i) or 306 of the Act if such industrial category were to discharge directly into the navigable waters, and (2) the flow or loading of such pollutants introduced by the industrial category exceeds 10 percent of the design flow or loading of the publicly owned treatment works. When such an adjustment is made, the values for biochemical oxygen demand or suspended solids in paragraphs (a)(2) and (b)(2) of § 133.102 should be adjusted proportionally.

§ 133.104 Sampling and test procedures.

(a) Sampling and test procedures for pollutants listed in § 133.102 shall be in accordance with guidelines promulgated by the Administrator pursuant to sections 304(g) and 402 of the Act.

(b) Chemical oxygen demand (COD) or total organic carbon (TOC) may be substituted for biochemical oxygen demand (BOD) when a long-term BOD: COD or BOD:TOC correlation has been demonstrated.

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PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

GENERAL WAGE DETERMINATION DECISIONS; MODIFICATIONS AND SUPERSEDEAS DECISIONS

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions; Modifications and Supersedeas Decisions

General wage determination decisions. General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes these procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

Modifications to general wage determination decisions. Modifications to General Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Colorado:	
AP–904	May 11, 1973
AP–911	June 22, 1973
Delaware:	
AQ–2002	July 27, 1973
Georgia:	
AQ–4001	July 20, 1973
Illinois:	
AP–689; AP–690; AP–691; AP–692; AP–693; AP–1001; AP–1002; AP–1003; AP–1004; AP–1005; AP–1006; AP–1011	June 8, 1973
AP–1013; AP–1016	June 1, 1973
Kansas:	
AP–519; AP–520; AP–521	Mar. 23, 1973
Kentucky:	
AP–143; AP–144; AP–145; AP–146; AP–147	Jan. 19, 1973
Louisiana:	
AQ–8	July 27, 1973
Maryland:	
AP–856	June 22, 1973
Massachusetts:	
AP–816	May 11, 1973
Missouri:	
AQ–1	July 13, 1973
Ohio:	
AP–669; AP–670; AP–671; AP–672; AP–673; AP–674; AP–675; AP–676; AP–677; AP–678; AP–679; AP–680; AP–681; AP–682; AP–686; AP–687; AP–688	May 25, 1973
Pennsylvania:	
AP–488	Mar. 9, 1973
AP–818; AP–824; AP–825; AP–835	May 18, 1973
AQ–2000	July 13, 1973
Tennessee:	
AP–190; AP–192	May 25, 1973
Texas:	
AP–738	July 6, 1973
Utah:	
AP–254	Dec. 8, 1972

Supersedeas decisions to general wage determination decisions. Supersedeas Decisions to General Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decision being superseded):

Colorado:	
AP–296 (AQ–1014)	Apr. 27, 1973
AP–299 (AQ–1013)	May 4, 1972
AP–918 (AQ–1012)	July 6, 1973
Indiana:	
AM–371 (AQ–3000)	Aug. 13, 1971
Pennsylvania:	
AP–817 (AQ–2011); AP–819 (AQ–2013); AP–820 (AQ–2012); AP–821 (AQ–2014)	May 18, 1973
AP–404 (AQ–2015)	July 28, 1972
AP–490 (AQ–2016)	Mar. 9, 1973

Signed at Washington, D.C. this 10th day of August 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage & Hour Division.

Modifications P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Others
Decision #AQ-2,002 - Mod. #2 (38 FR 20200 - July 27, 1973) Statesville Delaware						
CHANGE: Citation Mod. #1, 38 FR 21018, August 3, 1973 to read: (38 FR 20200 - July 27, 1973)						
Boilermakers (Kent & Sussex Co)	$8.20	.30	.70	.35	.01	
Cement Masons	8.70	.58	.42		.01	
Plasterers	8.57	.45				
DECISION #AQ-4,001 - Mod. #1 (38 FR 19634 - July 20, 1973) Chatham County, Georgia						
Change: Building Construction:						
Asbestos workers	$7.15	.30	.28			
Bricklayers:						
Marble masons, terrazzo workers, and tile setters	5.00					
Electricians:						
Electricians	7.20	.30	1½		.2½	
Cable splicers	7.45	.30	1½		.2½	
Glaziers	5.60					

Modifications P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-904 - Mod. #2 (38 FR 13159 - May 11, 1973) Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado						
Change:						
Glaziers	$6.43					
Ironworkers:						
Structural; Ornamental and Reinforcing	7.75	.55	.60		.06	
DECISION #AP-911 - Mod. #3 (38 FR 10604 - June 22, 1973) Adams, Arapho, Boulder, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, Larimer, Summit and Weld Counties, Colorado						
Change:						
Glaziers	6.43					
Ironworkers:						
Structural; Ornamental and Reinforcing	7.75	.55	.60		.06	
Plumbers; Pipefitters:	8.05	.50	.45	.50	.05	
Larimer County						
Adams, Arapho, Clear Creek, Denver Douglas, and Weld Counties	8.05	.50	.45	.50	.05	
Summit, Eagle, Gilpin, Jefferson, Boulder County	8.05	.45	.45	.50	.05	

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Modifications P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-689 - Mod. #2 (38 FR 15247 - June 8, 1973) Champaign County, Illinois						
CHANGE:						
Electricians	$8.45	.25	12+.20		.4%	
Ironworkers: Structural, Ornamental, & Reinforcing	7.70	.40	.60		.04	
Sheet Metal Workers	6.975	.25	.275	.80		
DECISION #AP-690 - Mod. #2 (38 FR 15250 - June 8, 1973) Cook County, Illinois						
CHANGE:						
Bricklayers & Stonemasons	9.30	.40	.60		.03	
Sprinkler Fitters	9.50	.40	.60		.12	
OMIT:						
Laborers Schedule						
Painters Schedule						
ADD:						
Painters:						
Brush, Tapers & Paperhangers	8.05	.375	.20		.007	

Modifications P. 4

DECISION #AP-690 -(CONT'D) ILL. 9-LAB-1-7-3 H 1 of 1

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
BUILDING, HEAVY & HIGHWAY CONSTRUCTION:						
Building laborers	$6.90	.47	.65			
Plasterers laborers	7.025	.47	.65			
Boiler setters Laborers	7.225	.47	.65			
Windlass, Cement gun nozzle laborers	7.05	.47	.65			
Chimney laborers (over40)	7.00	.47	.65			
Stone handlers, derrickmen	7.10	.47	.65			
Jackhammermen	7.125	.47	.65			
Caisson digger	7.25	.47	.65			
Scaffold laborers	7.00	.47	.65			
TUNNEL WORK, ROCK, CLAY & SUBWAY						
Dumpmen, top laborers	6.90	.47	.65			
Cage tenders, skinners, switchmen, truck layers	6.925	.47	.65			
Car pusher, concrete laborers, grout machine op., steel setters & tuggers grout laborers	7.025	.47	.65			
Signal men	6.95	.47	.65			
Pebble placer op., mortarmen muckers	7.125	.47	.65			
Air hoist op., bricklayers tender, cement (invert) laborer, concrete ~~blower ops., driller for blasting~~, dynamiters, erector ops., form men lock tenders, miners, power knife op., jackhammermen, keyboard op.	7.25	.47	.65			
SEWER, DRAIN, WATER SERVICE:						
Common laborers, top laborers	6.90	.47	.65			
Concrete laborers & steel setters	7.025	.47	.65			
Cement carriers, cemnt mixers, mortar men, scaffoldmen, second bottom men	7.125	.47	.65			
Bottom men, bricklayers tenders, catch basin jiggers & rodders, form men, jackhammermen, pipelayers, well point system	7.25	.47	.65			
STREET PAVING, GRADE SEPARATION, PLANTING, GRADING AND LANDSCAPING:						
Laborers and helpers	6.90	.47	.65			
Form setters on pavement work, Jackhammermen (concrete)	7.175	.47	.65			
Rakers, lutemen, kettlemen, mixermen, frunmen, jackhammermen (asphlat)	7.175	.47	.65			

Modifications P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-691 - Mod. #2 (38 FR 15256 - June 8, 1973) DuPage County, Illinois						
CHANGE:						
Sprinkler Fitters	$9.50	.40	.60		.12	
LABORERS:						
Building Laborers, Grade Separation Laborers, Sewer & Water Laborers, Building Laborers, Pumps for Dewatering and other Unclassified Laborers	$6.90	.47	.65			
Cement Gun Laborers, Scaffold Laborers, Chimney Laborers (over 40')	7.00	.47	.65			
Cement Gun Laborers (Gunite), Windlass Men, Plasterers' Laborers	7.05	.47	.65			
Stone Derrickmen & Handlers	7.10	.47	.65			
Plumbers' Laborers, Jackhammer, Power Driven Concrete Saws, Tampers and Pneumatic Tools, Concrete Vibrators	7.15	.47	.65			
Firebrick and Boiler Setter Laborers	7.25	.47	.65			
Caisson Diggers, Well Point System Men, Chimney Laborers (on Firebrick)	7.25	.47	.65			
Boiler Setter Plastic Laborers	7.35	.47	.65			

Modifications P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-692 - Mod. #2 (38 FR 15260 - June 8, 1973) Kane County, Illinois						
CHANGE:						
Carpenters:						
Carpenters, Soft Floor Layers, Millwrights & Piledrivermen	$9.035	.35	.53			
Laborers:						
Common	6.90	.47	.41			
Power Vibrator	7.00	.47	.41			
Jackhammer & Airspade Operator	7.15	.47	.41			
Chain Saw	7.15	.47	.41			
Mortar Mixers	7.05	.47	.41			
Dynamite & Caisson Laborers	7.40	.47	.41			
Tile Layers & Bottom Men	7.25	.47	.41			
DECISION #AP-693 - Mod. #1 (38 FR 15263 - June 8, 1973) Lake County, Illinois						
CHANGE:						
Carpenters & Soft Floor Layers	9.15	.50	.63		.06	
Millwrights & Piledrivermen	9.15	.50	.63		.06	
Plumbers	9.27	.35	.35		.07	
Sprinkler Fitters:						
Within 30 mile radius of Chicago City Hall	9.50	.40	.60		.12	
Tile Setters' Helpers	7.60	.30+5/8	.425			
OMIT:						
Laborers Schedule						
Painters Schedule						
ADD:						
Painters:						
Brush	8.05	.375	.20		.007	
Drywall Tapers & Paperhangers	8.05	.375	.20		.007	

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DECISION #AP-693 - (CONT'D)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
BUILDING:						
Building Laborers, General Laborers, Wrecking and Demolition, Fireproofing & Fire Shop Laborers	$6.90	.47	.65			
Firebrick & Boiler Setter Laborers	7.225	.47	.65			
Boiler Setter Plastic Laborers, Stone Derrickmen & Handlers	7.35	.47	.65			
Caisson Diggers, Well Point System, Chimney Laborers on Firebrick	7.25	.47	.65			
Chimney Laborers (over 40') Scaffold Laborers, Wall Men or Wreckers	7.00	.47	.65			
Windlass and Operator	7.20	.47	.65			
Plasters Laborers	7.025	.47	.65			
Jackhammer Men, Power Driven Concrete Saws	7.125	.47	.65			
Cement Gun Nozzle Laborers (Gunnite)	7.05	.47	.65			
STREET PAVING, GRADE SEPARATION, SEWERS & WATER MAIN EXTENSIONS						
General Laborers, Asphalt Plant Laborers, Flagmen, Asphalt Laborers, Top Laborers	6.90	.47	.65			
Form Setters, Well Point System, Jackhammermen & Bottom Men, Pipelayers on drains, Catch Basin Diggers, Pipelayer Men, All Tunnel Work, Power Driven Concrete Saws	7.25	.47	.65			
Second Bottom Men	7.125	.47	.65			
Tampers, Smoothers & Cement Gun Laborers	6.975	.47	.65			
Rackers, Lutemen, Machine Screwmen & Mitre Box Spreaders	7.175	.47	.65			

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-1001 - Mod. #1 (38 FR 15294 - June 8, 1973) Will County, Illinois						
CHANGE:						
Carpenters & Soft Floor Layers	$9.00	.35	.75			
Millwrights & Piledrivermen	9.00	.35	.75			
Plumbers: Remainder of County	9.87	.40	.30		.05	
Pipefitters: Remainder of County	9.63	.47	.50		.02	
Tile Setters' Helpers	7.60	.30-5/8	.425			
LABORERS:						
CLASS I						
Tunnel miners & all laborers inside tunnel, compressed air laborers, air blow pipemen, mortaring men on sewer & drain pipe (the applying of mortar & composition mixers), all bottom men on sewer work-all sewer & drain pipe layers-multiple concrete duct or any other type of pipe used on public utility work-8 ft. or more below ground level, & all other sewer & trench laborers 8 ft. or more below ground level, all labor work inside cofferdam, the use of a 10 ft. or more drill steel for hand held drills, caisson laborers ground level down to 15 ft. all air tools 8 ft. or more below ground level, & all laborers on swinging & suspended scaffolds, chimney & silo laborers working at a height of 48 to 100 ft., all tamping hammers over 150 lbs., all laborers working inside of a sphere or any type or make of tank at a height of 48 ft. to 100 ft., all hydraulic, electric & air tools, or any other type 8 ft. or more below ground level	$7.15	.47	.65			
Chimney & silo laborers for every additional 50 ft., or any part thereof above 100 ft. high-additional .50 per hour						
All laborers working inside of a sphere or any type of tank for every additional 50 ft. or part thereof above 100 ft. in height-additional .50 per hour						
All laborers working on swinging-suspended or any type or make of scaffolds for every additional 50 ft. or part thereof above 100 ft. in height-additional .50 per hour						

LABORERS - Continued:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Ot
CLASS II						
Asphalt rakers, hod carriers, plaster laborers, gunnite laborers, road form setters & string line men for road form setters, wagon & tower drillers on land & floating plant used on dredging, asphalt gunners & plug men (undercoating on road work), mortar pump laborers & plaster pump laborers	$7.10	.47	.65			
CLASS III						
Outside tunnel miner helpers, sewer & drain pipe layers & multiple concrete duct or any other type of pipe used on utility work, ground level down to 8 ft., blasting men helpers, pumpcrete pipe handlers	7.00	.47	.65			
CLASS IV						
Gunnite nozzle men, caisson laborers from 15 ft. below ground level down to 50 ft.	7.40	.47	.65			
CLASS V						
Caisson laborers 50 ft. or more below ground level, laborers working under radio active conditions, blasting men (powdermen)	7.65	.47	.65			
CLASS VI						
Mortar mixers, handling asphalt shingles, patented scaffolds, sewer & trench work-ground level down to 8 ft., catch basis & manhole diggers, mesh handling on road work, cement & mineral filler handler, concrete puddlers, batch dumpers, (cement & asphalt), vibrator operators, sand & stone wheelers to mixer (handlers), concrete wheelers, air-tamping hammermen, concrete & paving breakers, rock drillers, jackhammermen, 1-bag mixer, asphalt laborers, chain & power saws, pit men, all fence laborers, mason tenders, (mortar & brick wheeler), wagon & tower drill helpers, kettlemen & tarmen, tank cleaners, scaffold & staging laborers, pot firemen (tarmen), salamander tenders for any purpose, water pumps, rip rap, electrician, plumber & finisher helpers (minimum), handling of slab steel road forms in any manner, except road form setting						

LABORERS - Continued:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Setting center strips, contraction & expansion joints (road work), unloading & handling thereof of the following, brick, transite materials cast iron water pipe, reinforced concrete rods, sewer & drain tile, railroad ties & all other creosoted materials, paving blocks & concrete forms, handling of insulation of any type, all mortar & composition mixers, for sewer work, track laborers, chimney & silo laborers working at a height of one to 48 ft., all laborers working on swinging, suspended or any type or make of scaffolding one foot to 48 ft., all laborers working inside a sphere or any type or make of tank-minimum rate, all laborers working inside a sphere or any type or make of tank from bottom to a height of 48 ft.- minimum rate, form strippers (any type), mechanical or motorized buggies, handling multiple concrete duct or any other type of pipe used in public utility work unless otherwise specified herein, snapping of wall ties and removal of roads, drilling of anchor bolt holes, concrete or asphalt clipper type saws & self-propelled saws, shoulder & grade laborers, all hydraulic electric & air or any other type of tools, grouting & caulking, carpenters helpers, cleaning lumber, nail pulling, deck hand, dredgehand, shore laborers, bankmen on floating plant, tool & material checkers, signalmen & flagmen on all const. work defined herein, cleaning of debris, removal of trees, concrete curing, temporary concrete protection, regardless of manner or materials used, truck helpers, wrecking & demolition laborers, all landscaping, laying or sod, and planting of trees	$6.90	.47	.65			

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Modifications P. 11

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-1002 - Mod. #1 (38 FR 15298 - June 8, 1973) Winnebago County, Illinois						
CHANGE:						
Electricians	$8.70	.25	1%+.15		1%	
Glaziers	6.85	.30	.20	.50	.02	
Painters:						
Brush & Roller	7.30	.20				
Swing Stage, Belt Work, Flagpole, Sandblasting & Open Structural	7.55	.20				
Spray	7.85	.20				
Plasterers	7.18	.20	.50			
Plumbers & Steamfitters	7.75	.35	.40		.03	
Sheet Metal Workers:						
Eastern ½ of County	7.94	.20	.40	.50	.01	
BUILDING LABORERS						
CLASS I						
Common Laborers, Rod & Chain Men	$6.10	.20	.20		.035	
CLASS II						
Concrete Puddlers & Initial Placement, Cement Dumpers & Handlers, Air and Mechanical Tools, Pump Crete, 6' to 12' below ground, Mortar Mixer, Mechanical Buggies	6.25	.20	.20		.035	
CLASS III						
Jackhammer, Tile & Sewer Layers, Bottomen, Cunite Workers, Work 25' to 35' above ground, 12' to 18' below ground, Concrete Saw, Stone Derrickmen, Pre-Cast or Pre-Stressed Concrete Members	6.40	.20	.20		.035	
CLASS IV						
Caisson & Cofferdam Workers	6.55	.20	.20		.035	
Work 35' to 50' above ground	6.60	.20	.20		.035	
Burning Bar	6.70	.20	.20		.035	
Work 50' to 75' above ground	6.85	.20	.20		.035	
18' and over below ground	6.90	.20	.20		.035	
Work 75' to 100' above ground	7.10	.20	.20		.035	

Modifications P. 12

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-1003 - Mod. #2 (38 FR 15302 - June 8, 1973) Cook County, Illinois						
CHANGE:						
Bricklayers & Stonemasons	$9.30	.40	.60		.03	
Sprinkler Fitters	9.50	.40	.60		.12	
Painters: Brush & Paperhangers	8.05	.375	.20		.007	
LABORERS:						
Building Laborers	$6.90	.47	.65			
Plasterers laborers	7.025	.47	.65			
Boiler setters Laborers	7.225	.47	.65			
Windlass, Cement gun nozzle laborers	7.05	.47	.65			
Chimney laborers (over 40)	7.00	.47	.65			
Stone handlers, derrickmen	7.10	.47	.65			
Jackhammermen	7.125	.47	.65			
Caisson digger	7.25	.47	.65			
Scaffold laborers	7.00	.47	.65			
TUNNEL WORK, ROCK, CLAY & SUBWAY						
Dumpmen, top laborers	6.90	.47	.65			
Cage tenders, skinners, switchmen, truck layers	6.925	.47	.65			
Car pusher, conrete laborers, grout machine op., steel setters & tuggers grout laborers	7.025	.47	.65			
Signal men	6.95	.47	.65			
Pebble placer op., mortarmen muckers	7.125	.47	.65			
Air hoist op., bricklayers tender, cement (invert) laborer, concrete blower op., driller for blasting, dynamiters, erector ops., form men lock tenders, miners, power knife op., jackhammermen, keyboard op.	7.25	.47	.65			
SEWER, DRAIN, WATER SERVICE:						
Common laborers, top laborers	6.90	.47	.65			
Concrete laborers & steel setters	7.025	.47	.65			
Cement carriers, cemnt mixers, mortar men, scaffoldmen, second bottom men	7.125	.47	.65			
Bottom men, bricklayers tenders, catch basin jiggers & rodders, form men, jackhammermen, pipelayers, well point system	7.25	.47	.65			
STREET PAVING, GRADE SEPARATION, PLANTING, GRADING AND LANDSCAPING:						
Laborers and helpers	6.90	.47	.65			
Form setters on pavement work, Jackhammermen (concrete)	7.175	.47	.65			
Rakers, lutemen, kettlemen, mixermen, frunmen, jackhammermen (asphlat)	7.175	.47	.65			

NOTICES

Modifications P. 13

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-1004 - Mod. #2 (38 FR 15305 - June 8, 1973) DuPage County, Illinois						
CHANGE:						
Sprinkler Fitters	$9.50	.40	.60		.12	
LABORERS:						
Building Laborers, Grade Separation Laborers, Sewer & Water Laborers, Building Laborers, Pumps for Dewatering and other Unclassified Laborers	$6.90	.47	.65			
Cement Gun Laborers, Scaffold Laborers, Chimney Laborers (over 40')	7.00	.47	.65			
Cement Gun Laborers (Gunite), Windlass Men, Plasterers' Laborers	7.05	.47	.65			
Stone Derrickmen & Handlers	7.10	.47	.65			
Plumbers' Laborers, Jackhammer, Power Driven Concrete Saws, Tampers and Pneumatic Tools, Concrete Vibrators	7.15	.47	.65			
Firebrick and Boiler Setter Laborers	7.25	.47	.65			
Caisson Diggers, Well Point System Men, Chimney Laborers (on Firebrick)	7.25	.47	.65			
Boiler Setter Plastic Laborers	7.35	.47	.65			

Modifications P. 14

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-1005 - Mod. #2 (38 FR 15309 - June 8, 1973) Kane County, Illinois						
CHANGE:						
Carpenters:						
Carpenters, Soft Floor Layers, Millwrights & Piledrivermen	$9.035	.35	.53			
Laborers:						
Common	6.90	.47	.41			
Power Vibrator	7.00	.47	.41			
Jackhammer & Airspade Operator	7.15	.47	.41			
Chain Saw	7.15	.47	.41			
Mortar Mixers	7.05	.47	.41			
Dynamite & Caisson Laborers	7.40	.47	.41			
Tile Layers & Bottom Men	7.25	.47	.41			
DECISION #AP-1006 - Mod. #1 (38 FR 15312 - June 8, 1973) Lake County, Illinois						
CHANGE:						
Carpenters & Soft Floor Layers	9.15	.50	.63		.06	
Millwrights & Piledrivermen	9.15	.50	.63		.06	
Plumbers	9.22	.35	.35		.07	
Sprinkler Fitters:						
Within 30 mile radius of Chicago City Hall	9.50	.40	.60		.12	
Tile Setters' Helpers	7.60	.30-5/8	.425			
OMIT:						
Laborers Schedule						
Painters Schedule						
ADD:						
Painters:						
Brush	8.05	.375	.20		.007	
Drywall Tapers & Paperhangers	8.05	.375	.20		.007	

NOTICES

DECISION #AP-1006 (CONT'D)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oths
BUILDING:						
Building Laborers, General Laborers, Wrecking and Demolition, Fireproofing & Fire Shop Laborers	$6.90	.47	.65			
Firebrick & Boiler Setter Laborers	7.225	.47	.65			
Boiler Setter Plastic Laborers, Stone Derrickmen & Handlers	7.35	.47	.65			
Caisson Diggers, Well Point System, Chimney Laborers on Firebrick	7.25	.47	.65			
Chimney Laborers (over 40') Scaffold Laborers, Wall Men or Wreckers	7.00	.47	.65			
Windlass and Operator	7.20	.47	.65			
Plasters Laborers	7.025	.47	.65			
Jackhammer Men, Power Driven Concrete Saws	7.125	.47	.65			
Cement Gun Nozzle Laborers (Gunnite)	7.05	.47	.65			
STREET PAVING, GRADE SEPARATION, SEWERS & WATER MAIN EXTENSIONS						
General Laborers, Asphalt Plant Laborers, Flagmen, Asphalt Laborers, Top Laborers	6.90	.47	.65			
Form Setters, Well Point System, Jackhammermen & Bottom Men, Pipelayers on drains, Catch Basin Diggers, Pipelayer Men, All Tunnel Work, Power Driven Concrete Saws	7.25	.47	.65			
Second Bottom Men	7.125	.47	.65			
Tampers, Smoothers & Cement Gun Laborers	6.975	.47	.65			
Rackers, Lutemen, Machine Screwmen & Mitre Box Spreaders	7.175	.47	.65			

DECISION #AP-1011 - Mod. #1
(38 FR 15329 - June 8, 1973)
Will County, Illinois

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CHANGE:						
Carpenters & Soft Floor Layers	$9.00	.35	.75			
Millwrights & Piledrivermen	9.00	.35	.75			
Plumbers:						
Remainder of County	9.87	.40	.30		.05	
Pipefitters:						
Remainder of County	9.63	.47	.50		.02	
Tile Setters' Helpers	7.60	.30-5/8	.425			
LABORERS:						
CLASS I						
Tunnel miners & all laborers inside tunnel, compressed air laborers, air blow pipemen, mortaring men on sewer & drain pipe (the applying of mortar & composition mixers), all bottom men on sewer work-all sewer & drain pipe layers-multiple concrete duct or any other type of pipe used on public utility work-8 ft. or more velow ground level, & all othar sewer & trench laborers 8 ft. or more below ground level, all labor work inside cofferdam, the use of a 10 ft. or more drill steel for hand held drills, caisson laborers ground level down to 15 ft. all air tools 8 ft. or more below ground level, all laborers on swinging & suspended scaffolds, chimney * silo laborers working at a height of 48 to 100 ft. all tamping hammers over 150 lbs., all laborers working inside of the sphere or any type to make of tank at a height of 68 ft. to 110 ft., all hydraulic, electric & air tools, or any other type 8 ft. or more below ground level	$7.15	.47	.65			
Chimney & silo laborers for every additional 50 ft., or any part thereof above 100 ft. high-additional .50 per hour						
All laborers working inside of a sphere or any type of tank for every additional 50 ft. or part thereof above 100 ft. in height-additional .50 per hour						
*All laborers working on swinging-suspended or any type or make of scaffolds for every additional 50 ft. or part thereof above 100 ft. in height-additional .50 per hour						

LABORERS - Continued:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
CLASS II						
Asphalt rakers, hod carriers, plaster laborers, gunnite laborers, road form setters & string line men for road form setters, wagon & tower drillers on land & floating plant used on dredging, asphalt gunners & plug men (undercoating on road work), mortar pump laborers & plaster pump laborers	$7.10	.47	.65			
CLASS III						
Outside tunnel miner helpers, sewer & drain pipe layers & multiple concrete duct or any other type of pipe used on utility work, ground level down to 8 ft., blasting men helpers, pump-crete pipe handlers	7.00	.47	.65			
CLASS IV						
Gunnite nozzle men, caisson laborers from 15 ft. below ground level down to 50 ft.	7.40	.47	.65			
CLASS V						
Caisson laborers 50 ft. or more below ground level, laborers working under radio active conditions, blasting men (powdermen)	7.65	.47	.65			
CLASS VI						
Mortar mixers, handling asphalt shingles, patented scaffolds, sewer & trench work-ground level down to 8 ft., catch basis & manhole diggers, mesh handling on road work, cemr . & mineral filler handler, concrete puddlers, batch dumpers, (cement & asphalt), vibrator operators, sand & stone wheelers to mixer (handlers), concrete wheelers fire-tamping hammermen, concrete & paving breakers, rock drillers, jackhammermen, 1-bag mixer, asphalt laborers, cahin & power saws, pit men, all fence laborers, mason tenders, (mortar & brick wheeler), wagon & tower drill helpers, kettlemen & tarmen, tank cleaners, scaffold & staging laborers, pot firemen (tarmen), salamander tenders for any purpose, water pumps, rip rap; electrician, plumber & finisher helpers (minimum), handling of slab steel road forms in any manner, except road form setting						

LABORERS - Continued	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Steeting center strips, contraction & expansion joints (road work), unloading & handling therof of the following, brick, transite materials cast iron water pipe, reinforced concrete rods, sewer & drain tile, railroad ties & all other creosoted materials, paving blocks & concrete forms, handling of insulation of any type, all mortar & composition mixers, for sewer work, track laborers, chimney & silo laborers working at a height of one to 48 ft., all laborers working on swinging, suspended or any type of amke of scaffolding one foot to 48 ft., all laborers working of rank-minimum rate, all alborers working inside a sphere or any type or amke of tank from bottom to a height of 48 ft.-minimum rate, form strippers (any type), mechanical or motorized buggies, handling multiple concrete duct or any other type of pipe used in public utility work unless otherwise specified herein, snapping of wall ties and removal of roads, drilling of anchor bolt holes, concrete of asphalt clipper type saws & self-propelled saws, shoulder & grade laborers, all hydraulic eletric & air or any other type of tools, grouting & caulking, carpenters helpers, cleaning lumber, nail pulling, deck hand, dredgehand, shore laborers, bankmen on floating plant, tool & material checkers, signalmen & flag men on all const., work defined herein, cleaning of cebris, removal of trees, concrete curing, temporary concrete protection, regardless of amnner or materials used, truck helpers, wrecking & demolition laborers all landscaping, laying or sod, and planting of trees	$6.90	.47	.65			

DECISION #AP-1013 - Mod. #3 (38 FR 14552 - June 1, 1973) Bureau, Carroll, Henry, JoDaviess, Lee, Ogle, Rock Island, Stephenson, Whiteside & Winnebago Counties. CHANGE: ROCK ISLAND, HENRY & WHITE COS: CARROLL CO., N. OF RT. #72 & E. OF RT. #78; JODAVIESS CO: E. OF RT. #78; LEE CO., E. OF RT. #51 & OGLE CO., W. OF RT. #51	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1 Drivers on 4-wheel trucks, dumpcretes, scoopmobile-5 cu. yds & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, firemen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on other trucks	$6.35	.32	a			
GROUP 2 Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, koehering or similar dumpsters, track trucks, euclids, Tournapulls, hug bottom dumps, Tournatrailers, Tournarockers, or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & incl. 6½ cu. yds., fork-lift, 4 wheel "A"-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks-wet or dry - over 2; up to & incl. 4-34E batches	6.55	.35	a			
GROUP 3 Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & incl. 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters, track trucks, semi-trailer water trucks, euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournerockers, Tractor-Trailers, tandems, "A"-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks-wet or dry over 4-34E batches, single axle low-boy trailers, 6-wheel pole trailers & two-man oil distributors	6.75	.35	a			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	
TRUCK DRIVERS: (CONT'D)						
GROUP 4 Drivers on heavy equipment over 16 cu. yds. or 24 tons such as Koehring or similar dumpsters; track trucks; euclids; hug-bottom dumps; Tournapulls; Tournarockers; or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheel water pulls, lowboy trailers tanden axles or more no weight limitation, diesel and/or heavy equipment mechanics	$6.95	.35	a			
FOOTNOTE: a. EMPLOYER CONTRIBUTES $10.00 PER WEEK PER EMPLOYEE.						

DECISION #AP-1016 - Mod. #2 (38 FR 14573 - June 1, 1973) Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler & Scott Counties, Illinois CHANGE: Carpenters & Piledrivermen: Remainder of District #6	$7.80	.35	.45		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-519 - Mod. #1 (38 FR 7732 - March 23, 1973) Allen, Anderson, Atchison, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabaunsee, Washington, Wilson and Woodson Counties, Kansas Change: Description of Work to Read: Highway and Water and Sewer Line Construction						
DECISION #AP-520 - Mod. #1 (38 FR 7733 - March 23, 1973) Sedgwick County, Kansas Change: Description of Work to Read: Highway and Water and Sewer Line Construction						
DECISION #AP-521 - Mod. #1 (38 FR 7734 - March 23, 1973) Barber, Barton, Cheyenne, Clark, Comanche, Decatur, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Jewell, Kearny, Kiowa, Lane, Lincoln, Logan, Meade, Mitchell, Morton, Ness, Norton, Osborne, Pawnee, Phillips, Pratt, Rawlins, Rice, Rooks, Rush, Russell, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Thomas, Trego, Wallace and Wichita Counties, Kansas Change: Description of Work to Read: Highway and Water and Sewer Line Construction						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-143 - Mod. #2 (38 FR 2033 - January 19, 1973) Adair, Barren, Bell, Casey, Clay, Clinton, Cumberland, Estill, Garrard, Green, Harlan, Hart, Jackson, Knox, Laurel, Lee, Leslie, Lincoln, McCreary, Menifee, Metcalfe, Monroe, Owsley, Powell, Pulaski, Rockcastle, Russell, Taylor, Wayne, Whitley, & Wolfe Counties, Kentucky Change: Heavy Construction: Power Equipment Operators						
Class A	$7.60	.25	25			
Class B	6.11	.25	25			
Class C	5.67	.25	.25			
DECISION #AP-144 - Mod. #2 (38 FR 2037 - January 19, 1973) Breathitt, Floyd, Knott, Letcher, Magoffin, Martin, Perry and Pike Counties, Kentucky Change: Heavy Construction Power Equipment Operators						
Class A	7.60	.25	.25			
Class B	6.11	.25	.25			
Class C	5.67	.25	.25			
DECISION #AP-145 - Mod. #2 (38 FR 2040 - January 19, 1973) Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Warren, and Webster Counties, Kentucky Change: Heavy Construction: Power Equipment Operators						
Class A	7.60	.25	25			
Class B	6.11	.25	.25			
Class C	5.67	.25	.25			

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-146 - Mod. #2 (38 FR 2044 - January 19, 1973) Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliott, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Greenup, Hardin, Harrison, Henry, Jefferson, Jessamine, Larue, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Morgan, Nelson, Nicholas, Oldham, Owen, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington and Woodford Counties, Kentucky						
Change:						
Heavy Construction:						
Power Equipment Operators:						
Class A	$7.60	.25	.25			
Class B	6.11	.25	.25			
Class C	5.67	.25	.25			
Heavy and Highway Construction:						
Electricians	8.57	.51	1¾+.18$	.05	½ of 1%	
DECISION #AP-147 - Mod #2 (38 FR 2048 - January 19, 1973) Johnson and Lawrence Counties, Kentucky						
Change:						
Heavy Construction:						
Power Equipment Operators:						
Class A	7.60	.25	.25			
Class B	6.11	.25	.25			
Class C	5.67	.25	.25			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-8 - Mod. #2 (38 FR 29204 - July 27, 1973) Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes, Louisiana						
Change:						
Carpenters:						
Piledrivermen:						
Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Jefferson Davis, Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes	$6.955				.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Decision #AP-836 - Mod. #4 (38 FR 16612 - June 22, 1973) Baltimore City and Baltimore County, Maryland						
CHANGE:						
Carpenters	$7.79	.44	.35		.05	
Millwrights	7.79	.44	.35		.05	
Piledrivermen	7.79	.44	.35		.05	
Soft floor layers - resilient floor layers	7.79	.44	.35		.05	
Laborers:						
Laborers	5.60	.275	.30		.05	
Hod carriers	5.90	.275	.30		.05	
Plasterers laborers	5.65	.275	.30		.05	
Power tool operator	5.70	.275	.30		.05	
Pipelayers (concrete & clay)	5.80	.275	.30		.05	
Wagon drill operator	5.85	.275	.30		.05	
ADD:						
Laborers:						
Mason tenders	5.80	.275	.30		.05	
Scaffold builders	6.05	.275	.30		.05	
DECISION #AP-816 - Mod. #5 (38 FR 12558 - May 11, 1973) Worcester County, Massachusetts						
Change:						
Pipefitters	$9.725	.35	.25		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-1 - Mod. #1 (38 FR 18788 - July 13, 1973) Adair, Andrew, Atchison, Audrain, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clark, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Dunklin, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Iron, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Lincoln, Linn, Livingston, McDonald, Macon, Madison, Maries, Marion, Mercer, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Clair, St. Francois, Ste. Genevieve, Saline, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth and Wright Counties, Missouri						
Change:						
Carpenters & Piledrivermen:						
Franklin and Jefferson Counties	$8.16	.30	.30		.03	
Lincoln, Pike, St. Francois, Warren and Washington Counties	8.16	.30	.30		.03	
Lafayette County	7.92	.33	.30		.03	

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DECISION #AQ-1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth and Wright Counties	$7.12	.33	.30		.03	
Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon and Texas Counties	7.15	.30	.30		.03	
Boone, Cooper & Howard Counties	7.55	.20			.03	
Adair, Audrain, Benton, Callaway, Charlton, Clark, Cole, Knox, Lewis, Linn, Macon, Marion, Miller, Moniteau, Monroe, Morgan, Osage, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties	7.42	.33			.03	
Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties	7.32	.23			.03	
Ironworkers: Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Counties: Structural; Ornamental; & Reinforcing	7.65	.30	.30			

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-669 - Mod. #2 (38 FR 13991 - May 25, 1973) Butler County, Ohio						
Change:						
Marble Setters	$9.15	.45				
Plumbers & Steamfitters						
South ½ of county	9.26	.55	.65		.01	
North ½ of county	9.45	.45	.50		.05	
DECISION #AP-670 - Mod. #2 (38 FR 13996 - May 25, 1973) Clark County, Ohio						
Change:						
Carpenters & soft floor layers	8.35	.30	.35		.02	
Millwrights	8.65	.30	.35		.02	
Piledrivermen	8.65	.30	.35		.02	
Cement masons (building)	8.70					
Marble setters	8.70					
Plasters	8.95	.40	.65		.02	
Ironworker - West 3/4 of county	9.60	.40	.85		.01	
Ironworker - East 1/4 of county	8.75	.45	.25		.01	
Roofers Composition & Waterproofing	8.97	.45	.25			
Roofers, Slate, Tile & asbestos	8.85	.40	.50		.15	
Sheet metal workers						
Painters:						
Brush	7.10	.10	.25			
Swing stage	7.45	.10	.25			
Paperhanging & structural steel	7.65	.10	.25			
Spray painting	7.80	.10	.25			
Hanging vinyl	8.00	.10	.25			
Steeple Jack	8.45	.10	.25			

Modifications P. 29

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-671 - Mod. #2 (38 FR 14000 - May 25, 1973) Cuyahoga County, Ohio						
Change:						
Carpenters, Millwrights & Piledrivermen	$9.70	.47	.60		.03	
Cement Masons (Building)	10.48					
Electricians	9.90	.45	.32+1%		.02	
Laborers:						
Laborers, construction	7.62	.97	.60			
Gunite operator, Blasters and Shooters, Caisson, well cylinders, mine workers, without air, cofferdams	7.94	.97	.60			
Muckers, Jakchammers, Acetylene burners	7.82	.97	.60			
Power driven tools, vibrator, Sewer & utility laborers	7.77	.97	.60			
Topman on free standing radial stack	8.12	.97	.60			
Painters:						
Brush & paperhangers, rollers	8.92	.48	.39			
Structural steel & bridge	9.62	.48	.39			
Swing stage & bos'n chair	9.22	.48	.39			
Pipefitters & sprinkler fitters	9.42	.75	.70		.05	
Plumbers	9.53	.55	.70		.02	
DECISION #AP-672 - Mod. #2 (38 FR 14004 - May 25, 1973) Franklin and Pickaway Counties, Ohio						
Change:						
Carpenters	8.20	.30	.20		.02	
Millwrights	8.45	.30	.20		.02	
Piledrivermen	8.45	.30	.20		.02	
Marble Setter	8.00					
Plasterers	8.05	.30	.10		.01	
Terrazzo workers & tile setters	8.00					
Laborers:						
Laborers	6.29	.50	.24			
Mortar Mixers, Mason and Plasterers tender, Asphalt & black top rakers, scaffold builders, Jackhammer operator, Air or electric pneumatic tool operator, Power driven tool or buggy, Power wheel barrow operator, wreckers and barmen	6.49	.50	.24			

Modifications P. 30

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-673 - Mod. #2 (38 FR 14008 - May 25, 1973) Greene and Montgomery Counties, Ohio						
Change:						
Bricklayer & Stonemason	$8.75	.45	.50		.01	
Sheet metal worker	8.85	.40	.50		.15	
Soft floor layer	7.92	.43	.35		.03	
DECISION #AP-674 - Mod. #2 (38 FR 14012 - May 25, 1973) Hamilton County, Ohio						
Change:						
Sheet metal worker	8.995	.40	.70		.02	
DECISION #AP-675 - Mod. #2 (38 FR 14017 - May 25, 1973) Licking County, Ohio						
Change:						
Carpenters & Soft floor layers	8.20	.30	.20		.02	
Millwrights	8.70	.30	.20		.02	
Piledrivermen	8.70	.30	.20		.02	
Cement masons (Building)	7.85	.40	.20		.01	
Ironworkers	9.50	.40	.85		.01	
Plasterers	8.05	.40	.10		.01	
DECISION #AP-676 - Mod. #2 (38 FR 14021 - May 25, 1973) Lucas County, Ohio						
Change:						
Bricklayers & Stonemasons	9.315	.50	.40		.01	
Terrazzo workers	8.69	.50	.25			
Tile setter	8.69	.50	.25			

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-677 - Mod. #2 (38 FR 14026 - May 25, 1973) Mahoning County, Ohio						
Change:						
Carpenters	$8.31	.30	.50		.02	
Millwrights & Piledrivermen	9.01	.30	.50		.02	
Electricians						
Remainder of County	9.42	.35	5%		3/10of1%	
Ironworkers, Structural, ornamental and reinforcing	9.37	.35	.45		.05	
Plumbers	8.26	.35	.40	1.25	.04	
Roofers	8.02	.35	.50		.01	
Soft floor layers	8.13	.30	.50		.02	
DECISION #AP-678 - Mod. #2 (38 FR 14029 - May 25, 1973) Muskingum County, Ohio						
Change:						
Carpenters & Soft floor layers	8.20	.30	.20		.02	
Millwrights & Piledrivermen	8.70	.30	.20		.02	
Cement Masons (Building)	7.85	.40	.20		.03	
DECISION #AP-679 - Mod. #2 (38 FR 14033 - May 25, 1973) Portage County, Ohio						
Change:						
Electricians-Townships of Charleston Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris & Windham	9.73	.35	5%		1/10of1%	
Electricians & linemen (Remainder of County)	9.38	.37	1%+.50		2/10of1%	
Glaziers	9.11	.25	.55		.01	
Ironworkers (Ravena Ordenance Depot)	9.37	.35	.45		.05	
Marble setters	8.30	.52				
Marble setters' helpers	7.80	.52				
Millwrights & Piledrivermen	9.70	.47	.60		.03	
Terrazzoworkers & Tile setters	8.30	.52				
Terrazzoworkers & tile setters helpers	7.80	.52				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-680 - Mod. #2 (38 FR 14038 - May 25, 1973) Stark County, Ohio						
Change:						
Carpenters	7.98	.30	.30			
Ironworkers (Structural, Ornamental & Reinforcing	8.97	.40	.40		.02	
Millwrights & Piledrivermen	8.41	.30	.30		.02	
Plumbers & Steamfitters Canton & vicinity	8.68	.35	.30	f.	.04	
DECISION #AP-681 - Mod. #2 (38 FR 14042 - May 25, 1973) Summit County, Ohio						
Change:						
Bricklayers & Stonemasons	9.38	.45	.40		.02	
Bricklayers, sewer	9.63	.45	.40		.02	
Cable Splicers	9.88	.37	1%+.50		2/10of1%	
Electricians & linemen	9.38	.37	1%+.50		2/10of1%	
Painters: North of East West Turnpike:						
Brush, rollers & paperhangers	8.92	.48	.39			
Structural steel & bridges	9.62	.48	.39			
Plumbers - North of route 303	9.53	.55	.70		.02	
DECISION #AP-682 - Mod. #2 (38 FR 14047 - May 25, 1973) Trumbull County, Ohio						
Change:						
Carpenters	8.31	.30	.50		.02	
Millwrights & Piledrivermen	9.01	.30	.50		.02	
Cement Masons (Liberty & Hubbard twps)	8.16	.40			.01	
Electricians (Liberty & Hubbard Twps	9.42	.35	1%+4%		3/10%	
Electricians (Remainder of County)	9.73	.35	5%		.1%	
Elevator Constructors	8.59	.345	.23	2%a+b	.015	
Elevator Constructors Helpers	6.01	.345	.23	2%a+b	.015	
Elevator Constructors Helpers (Prob)	4.295					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-686 - Mod. #2 (38 FR 14000 - May 25, 1973) Cuyahoga County, Ohio						
Change:						
Carpenters, Millwrights Piledrivermen	$9.70	.47	.60		.03	
Cement Masons (Building)	10.48					
Electricians	9.90	.45	.32+1%		.02	
Laborers:						
Laborers, construction	7.62	.97	.60			
Gunite operator, Blasters and shooters, caisson, well cylinders mine workers without air, cofferdams	7.94	.97	.60			
Muckers, Jackhammers, Acetylene burners,	7.82	.97	.60			
Power driven tools vibrator, Sewer & utility laborers	7.77	.97	.60			
Swinging scaffolds	7.87	.97	.60			
Topman on free standing radial stack	8.12	.97	.60			
Painters:						
Brush & paperhangers Rollers	8.92	.48	.39			
Structrual steel & bridge	9.62	.48	.39			
Swing stage & bos'n chair	9.22	.48	.39			
Pipefitters & Sprinkler fitters	9.42	.75	.70		.05	
Plumbers	9.53	.55	.70		.02	
DECISION #AP-687 - Mod. #1 (38 FR 14026 - May 25, 1973) Mahoning County, Ohio						
Change:						
Carpenters	8.31	.30	.50		.02	
Millwrights & Piledrivermen	9.01	.30	.50		.02	
Electricians:						
Smith-township	8.90	.30	1%+10		2/10of1%	
Remainder of County	9.42	.35	5%		3/10of1%	
Ironworkers, Structural, Ornamental, & reinforcing	9.37	.35	.45		.05	
Plumbers	8.26	.35	.40	1.25	.04	
Roofers	8.02	.35	.50		.01	
Soft floor layers	8.13	.30	.50		.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-688 - Mod. #1 (38 FR 14047 - May 25, 1973) Trumbull County, Ohio						
Change:						
Bricklayers & Stonemasons	8.20	.35	.20		.02	
Bricklayers, sawmen	8.45	.35	.20		.02	
Carpenters	8.31	.30	.50		.02	
Millwrights & Piledrivermen	9.01	.30	.50		.02	
Cement masons (liberty & hubbard twps)	8.16	.40			.01	
Electricians (liberty & hubbard twps)	9.42	.35	1%+4%		3/10%	
Electricians (Remainder of county)	9.73	.35	5%		.1%	
Elevator Constructors	8.59	.345	.23	2%a+b	.015	
Elevator Constructors helpers	6.01	.345	.23	2%a+b	.015	
Elevator Constructors helpers (prob)	4.295					

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Decision #AP-488 - Mod. #3 (38 FR 6620 - March 9, 1973) Lackawanna County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
CHANGE:						
Laborers (0 miles to court house) Unskilled Laborers	$6.05	.48	.50			
Semi-skilled Laborers: Jackhammer operators, (each man when two required for operation of jackhammer). Vibrator and Buster Men, Wagon Drill and all men handling dynamite. Gas buggiers, 2" pumps and concrete mixers (up to 2 bags) and all pneumatic tools.	6.20	.48	.50			
Plaster tenders and Mason tenders and handling of all material to be used by Masons	6.45	.48	.50			
Scaffold Builders	6.45	.48	.50			
Non-metallic pipe layers and making of joints, clay, terra cotta, ironstone vitrified concrete, handling of burnig torches, asphalt or other material.	6.20	.48	.50			
Laborers (over 13 miles from Scranton)						
Unskilled Laborers	6.45	.48	.50			
Semi-skilled Laborers: Jackhammer operators, (each man when two required for operation of jackhammer). Vibrator and Buster Men, Wagon Drill and all men handling dynamite. Gas buggies 2" pumps and concrete mixers (up to 2 bags) and all pneumatic tools.	6.60	.48	.50			
Plaster tenders and Mason tenders and handling of all meaterial to be used by Masons	6.85	.48	.50			
Scaffold Builders	6.85	.48	.50			
Non-metallic pipe layers and making of joints, clay, terra cotta, ironstone, vitrified concrete, handling of burning torches, asphalt or other material	6.60	.48	.50			

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Decision #AP-818 - Mod. #4 (38 FR 13283 - May 18, 1973) Luzerne County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Othe
Laborers: Remainder of County Unskilled laborers	$6.52	.25	.25			
Semi-skilled laborers, Pneumatic and other mechanical tool ops; 2' pump or under, handling and mixing of all material used by masons from stock pile to mason, Non metallic pipelayer and making of joints, clay, terra cotta ironstone, vitrified concrete, Handling of burning torches, asphalt or other hot material, cement finishers and blasters helpers	6.72	.25	.25			
Plasterers tender, blaster, wagon drill ops; scaffold builders	6.84	.25	.25			
Wrecking or demolition	6.62	.25	.25			
Mason tenders & scaffold builders	6.92	.25	.25			

Decision #AP-824 - Mod. #2 (38 FR 13299 - May 18, 1973) Dauphin County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Othe
CHANGE:						
Laborers: Construction Laborers	$5.85	.20	.25			
Air, fuel and electric tool operators, pipelayers, power-buggy, precast slab placers and signal men	6.00	.20	.25			
Brick, stone, plaster and cement mason tenders, machine mixers, stockers, scaffold builders, plaster pump and conveyors, blasters, casisson workers, wagon air track and diamond point drill operators burning torches, green cutting machine, steam jenny, sandblasting	6.32	.20	.25			
Nursery workers, window washers, floor scrubbers and watchmen	5.50	.20	.25			

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Decision #AP-825 - Mod. #2 (38 FR 13301 - May 18, 1973) Cumberland County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CHANGE:						
Laborers: Construction Laborers	$5.85	.20	.25			
Air, fuel and electric tool operators, pipelayers, power-buggy, precast slab placers and signal men	6.00	.20	.25			
Brick, stone, plaster and cement mason tenders, machine mixers, stockers, scaffold builders, plaster pump and conveyors, blasters, casisson workers, wagon air track and diamond point drill operators burning torches, green cutting machine, steam jenny, sandblasting	6.32	.20	.25			
Nursery workers, window washers, floor scrubbers and watchmen	5.50	.20	.25			

Decision #AP-835 - Mod #3 (38 FR 14066 - May 25, 1973) Lehigh County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CHANGE:						
Laborers, building: Unskilled laborers	$5.90	.20	.20			
Operator of jackhammer paving breaking & other pneumatic & mechanical tools, wagon drills, & men handling dynamite, handling & using, cutting & burning torches in the wrecking of buildings, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same & cofferdams (below 10 feet)	6.15	.20	.20			
Plaster & mason tenders, scaffold builders, & handling of all materials to be used by plasterers & masons, brick & blocks loaded on pallets, cement finishers tenders, gunniting and molder-D, & sand blasters helpers	6.24	.20	.20			
Barko tamper operator	6.40	.20	.20			

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Decision #AQ-2,000 - Mod. #2 (38 FR 18832 - July 13, 1973) Berks County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CHANGE:						
Laborers: Blasters	$6.40	.25	.10			
Cofferdam (below 10'), tunnel free air & muckers	6.23	.25	.10			
Handling & using cutting or burning torches in wrecking to buildings, plasterer tenders, scaffold builders & removal for plasterers	6.34	.25	.10			
Jackhammer, vibrators paving breakers other pneumatic tools, & mechanical tools, laying of all clay, Terra Cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same, & wagon drill operators	6.18	.25	.10			
Laborers, unskilled	5.95	.25	.10			
Mason tenders, scaffold builders & removal for masons	6.38	.25	.10			

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
DECISION #AP-190 - Mod. #4 (38 FR 11,068 - May 25, 1973) *Oak Ridge, Atomic Energy Commission Only Anderson and Roane Counties, Tennessee.						
Change: Power Equipment Operators:						
Group B	$5.69	.20	.20		.02	
Group C	4.77	.20	.20		.02	
Group D	4.38	.20	.20		.02	
DECISION #AP-192 - Mod. #3 (38 FR 11,073 - May 25, 1973) Knox County, Tennessee						
Change: Power Equipment Operators:						
Group B	5.69	.20	.20		.02	
Group C	4.77	.20	.20		.02	
Group D	4.38	.20	.20		.02	
DECISION #AP-738 - Mod. #1 (38 FR 18164 - July 6, 1973) Jefferson & Orange Counties, Texas						
Change: Carpenters:						
Carpenters	$7.385		.30		.05	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
DECISION #AP-254 - Mod. # 5 (37 FR 26255 - December 8, 1972) Statewide, Utah						
Change: Bricklayers	7.83	.24	.22		.01	

STATE: Colorado COUNTY: El Paso
DECISION NUMBER: AQ-1,012 DATE: Date of Publication
Supersedes Decision No. AP-918 dated July 6, 1973, in 38 FR 18133
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$8.00	.25	.70		.02	
BOILERMAKERS	8.25	.30	1.00		.04	
BRICKLAYERS; Stonemasons	8.12	.30	.50			
CARPENTERS:						
Zone I (0-30 miles from nearest basing point)	6.92	.45	.40	.30	.03	
Zone II (30-60 miles from nearest basing point)	7.17	.45	.40	.30	.03	
Zone III (60 miles and over from nearest basing point)	7.42	.45	.40	.30	.03	
Millwrights	7.24	.45	.40	.40	.04	
CEMENT MASONS:						
Cement masons	6.90	.30	.50	.60	.03	
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25' or above permanent floor, roof or solidly planked opening; All power troweling, floating or floor grinding machines	7.15	.30	.50	.60	.03	
ELECTRICIANS	8.57	.32	1%		.01	
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.43					
IRONWORKERS	7.75	.55	.60		.06	
MARBLE SETTERS	7.20	.43	.35	.25		
PAINTERS:						
Brush and roller; Tapers; Texture	6.35	.40	.20		.02	
Paperhangers; Spray; Steel	6.85	.40	.20		.02	
PLASTERERS	8.19			.50	.01	
PLUMBERS; Pipefitters	6.96	.45	.40	1.17	.05	
ROOFERS	7.58					
SHEET METAL WORKERS	7.57	.30	.30		.07	
SOFT FLOOR LAYERS	6.60	.35	.30	.25	.03	
SPRINKLER FITTERS	8.75	.30	.50		.05	
TERRAZZO WORKERS	7.20	.43	.35	.25		
TILE SETTERS	6.74	.30	.50			
MARBLE, TILE AND TERRAZZO WORKER HELPERS	5.65	.38	.20	.25		

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION:						
LABORERS:						
General laborers	$4.75	.37	.40		.05	
Underpinning and shoring 0' to 8' below working surface	4.75	.37	.40		.05	
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators or all mechanical, air, gas and electrical tools, incl. self-propelled buggies and cement finisher tenders; Pipelayers; Gunnite nozzlemen and sandblasters	5.03	.37	.40		.05	
Laborers, preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.05	.37	.40		.05	
Jackhammer operator; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.30	.37	.40		.05	
Mason tenders, brick and plaster	5.35	.37	.40		.05	
HEAVY AND HIGHWAY CONSTRUCTION						
Carpenters	$6.57	.45	.45	.30	.03	
Underground Carpenters	6.72	.45	.45	.30	.03	
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continously assigned to 1½ HP saws at jobsite	6.82	.45	.45	.30	.03	
Cement Masons Construction (Outside Denver Metropolitan Area)	5.98	.37	.80	.30	.06	
Cement Masons Construction (Denver Metropolitan Area)	6.13	.37	.80	.30	.06	

Heavy & Highway - Site Preparation - Sewer Construction CO-2-LAB-2-3-a (1-8)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding, mulching and planting of trees, shrubs and flowers; Stake chaser Gabion baskets and Reno mattresses	$4.55	.37	.40		.05	
GROUP II						
Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers	4.60	.37	.40		.05	
GROUP III						
Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)	4.68	.37	.40		.05	
GROUP IV						
Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammers; Vibrators; Paving breakers; Frostproofing	4.70	.37	.40		.05	

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CO-2-LAB-2-3-a (2-3)

LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP V Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle	$4.72	.37	.40		.05
GROUP VI Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Formsetters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated)and center expansion machines; Sandblasters; Grade checkers if required by employer	4.83	.37	.40		.05
GROUP VII Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator	4.93	.37	.40		.05
GROUP VIII Pipelayer on truck pipe lines in connection with highway work	5.00	.37	.40		.05
GROUP IX Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air	5.13	.37	.40		.05
GROUP X Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement	5.18	.37	.40		.05

CO-2-LAB-2-3-a (3-3)

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
(PIPELINES) All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
GROUP I Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work	$4.55	.37	.40		.05
GROUP II Fotman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers	4.60	.37	.40		.05
GROUP III Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.	4.77	.37	.40		.05
GROUP IV Sandblasters, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out	4.79	.37	.40		.05
GROUP V (Relining Pipe) Relining pipe	4.88	.37	.40		.05
Mixer man	4.93	.37	.40		.05
GROUP VI Pipelayer	5.00	.37	.40		.05

CO-3-LAB-2-3-a (1-2)

LABORERS (TUNNELS):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Outside laborers	$4.55	.37	.40		.05
GROUP I Minimum tunnel labor, dry house man	5.15	.37	.40		.05
GROUP II Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators	5.25	.37	.40		.05
GROUP III Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender	5.33	.37	.40		.05
GROUP IV Cement finisher helper, applying of concrete processing materials	5.40	.37	.40		.05
GROUP V Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblasters; pump concrete placement men	5.55	.37	.40		.05
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS) GROUP I Laborers, Topmen, Bottommen, and Cagers	5.25	.37	.40		.05
GROUP II Chucktenders, Concrete laborers, Whirley pumps operators	5.40	.37	.40		.05

CO-3-LAB-2-3-a (2-2)

LABORERS (TUNNEL) (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP III Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material	$5.50	.37	.40		.05
GROUP IV Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external	5.68	.37	.40		.05
GROUP V Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men	5.78	.37	.40		.05
GROUP VI Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle	5.83	.37	.40		.05

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Colo 1 - PEO-1-2-3-d (1-2)

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I Asphalt screed; Brakeman; Drill operator, smaller than William HF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler	$5.60	.37	.45	.20	.03	
GROUP II Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants-with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system	5.95	.37	.45	.20	.03	
GROUP III Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William HF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sand-blasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over)(with or without attachments); Trenching machine; Welder; Winch op. on truck; Concrete batching plants	6.30	.37	.45	.20	.03	

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Colo 1 PEO -1-2-3-d (2-2)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP IV Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher-with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable - operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydro-crane; Scraper-single bowl under 40 cu. yds.	$6.45	.37	.45	.20	.03	
GROUP V Crane operator - over 50 tons; Derrick; ~~Electric rail type tower crane; Hoist~~ (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over	6.60	.37	.45	.20	.03	
GROUP VI Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane	6.75	.37	.45	.20	.03	

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Colo. 2-PEO-1-2-3-d (1-1)

POWER EQUIPMENT OPERATORS: (For work in Tunnels, Shafts, and Raises)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
BRAKEMAN	$5.75	.37	.45	.20	.03	
MOTORMAN	6.10	.37	.45	.20	.03	
COMPRESSOR (900 CFM & OVER), Serving tunnels, shafts and raises	6.20	.37	.45	.20	.03	
AIR TRACTORS; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.45	.37	.45	.20	.03	
CONCRETE PLACEMENT PUMPS 8" & OVER DISCHARGE; Mechanic-Welder (heavy duty); Mucking machine and frontend loaders underground; Slusher	6.60	.37	.45	.20	.03	
MOLE	7.00	.37	.45	.20	.03	
LINE CONSTRUCTION:						
Cable splicers	8.44	.25	1%		3/4%	
Lineman	7.87	.25	1%		3/4%	
Equipment operator; Line equipment maintenance man	6.71	.25	1%		3/4%	
Groundman	5.55	.25	1%		3/4%	

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CO-1-TO-1-2-3-d (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.10	.30	.20	.10		
DUMP TRUCKS, TO AND INCL. 6 CU. YDS.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	5.20	.30	.20	.10		
DUMP TRUCKS, OVER 6 CU. YDS. TO AND INCL. 12 CU. YDS.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.30	.30	.20	.10		
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.35	.30	.20	.10		
FORK LIFT; Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.40	.30	.20	.10		
DUMP TRUCKS, OVER 12 CU. YDS., TO AND INCL. 19 CU. YDS.; Distributor; Cement mixer; Agitator truck to and incl. 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.45	.30	.20	.10		
MULTI-PURPOSE TRUCK - Specialty and Hoisting	5.50	.30	.20	.10		
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Yongbuggy, Jumbo and similar type equipment	5.55	.30	.20	.10		
MECHANICS	5.60	.30	.20	.10		
DUMP TRUCKS, OVER 19 CU. YDS. TO AND INCL. 29 CU. YDS. ; Truck driver snow plow	5.65	.30	.20	.10		

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CO-1-TD-1-2-3-d (2-2)

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CEMENT MIXER, Agitator over 10 cu. yds. to and incl. 15 cu. yds.	$5.70	.30	.20	.10		
DUMP TRUCKS, OVER 29 CU. YDS. TO AND INCL. 39 CU. YDS.; Heavy duty diesel mechanics; Body men; Welders or combination men	5.80	.30	.20	.10		
CEMENT MIXER, Agitator over 15 cu. yds.	5.95	.30	.20	.10		
DUMP TRUCKS, OVER 39 CU. YDS. TO AND INCL. 54 CU. YDS.	6.00	.30	.20	.10		

SUPERSEDEAS DECISION

STATE: Colorado COUNTY: Statewide
DECISION NUMBER: AQ-1,013 DATE: Date of Publication
Supersedes Decision No. AP-299 dated May 4, 1972, in 38 FR 11252
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS	$6.57	.45	.45	.30	.03	
CEMENT MASONS:						
Denver Metropolitan Area	6.13	.37	.80	.30	.06	
Outside Denver Metropolitan Area	5.98	.37	.80	.30	.06	
ELECTRICIANS:						
Adams, Arapahoe, Boulder, Clear Creek, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Denver, Sedgwick, Summit, Washington and Weld Counties						
Electricians	8.38	.54	1%+.16	.18		2/10%
Cable splicers	8.63	.54	1%+.16	.18		2/10%
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan and San Miguel Counties						
Electricians	8.15	.32	1%			3/10%
Cable splicers	8.40	.32	1%			3/10%
Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, Rio Grande Counties						
Zone 1 (Within 12 miles Pueblo Main Post Office)						
Electricians	8.50	.32	1%+.25			1/10%
Cable splicers	9.30	.32	1%+.25			1/10%
Zone 2 (12 to 20 miles from Pueblo Main Post Office) and (0 to 12 miles from Post Office in Canon City)						
Electricians	8.90	.32	1%+.25			1/10%
Cable splicers	9.70	.32	1%+.25			1/10%
Zone 3 (20 to 40 miles from Pueblo Main Post Office)						
Electricians	9.25	.32	1%+.25			1/10%
Cable splicers	10.05	.32	1%+.25			1/10%
Zone 4 (40 miles and over from Pueblo Main Post Office)						
Electricians	10.00	.32	1%+.25			1/10%
Cable splicers	10.80	.32	1%+.25			1/10%
Zone 3 and 4 less than $5,000						
Electricians	6.16	.32	1%+.25			1/10%
Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park and Teller Counties						
Electricians	8.57	.32	1%			.01

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
IRONWORKERS	$7.75	.55	.60		.06	
PAINTERS:						
Adams, Arapahoe, Boulder, Clear Creek, Denver, Dolores, Douglas, Gilpin, Grand, Jackson, Jefferson, Lake, La Plata, Larimer, Logan, Moffat, Montezuma, Morgan, Ourey, Phillips, Rio Grande, Routt, San Juan, San Miguel, Sedgwick, Washington, Weld, Northern parts of Eagle, Elbert and Summit Counties:						
Brush	7.41	.40	.15		.01	
Spray	7.89	.40	.15		.01	
Baca, Bent, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Otero, Prowers and Pueblo Counties:						
Brush	5.38	.20			.02	
Structural steel; Spray	5.88	.20			.02	
Spray steel	6.38	.20			.02	
Archuleta, Chaffee, Cheyenne, El Paso, Gunnison, Hinsdale, Lincoln, Mineral, Park, Pitkin, Kit Carson, Teller, Southern parts of Eagle and Elbert Cos.:						
Brush	6.35	.40	.20		.02	
Structural steel; Spray	6.85	.40	.20		.02	
Steel spray	7.35	.40	.20		.02	
Delta, Garfield, Mesa, Montrose, and Rio Blanco Counties:						
Brush	7.14	.40	.15		.01	
Spray	7.89	.40	.15		.01	
PILEDRIVERMEN	5.97	.35	.35	.25	.015	

Line Construction - Colorado	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Cable splicers	8.44	.25	1%		3/4%	
Lineman	7.87	.25	1%		3/4%	
Equipment operator	6.71	.25	1%		3/4%	
Line equipment maintenance man	6.71	.25	1%		3/4%	
Groundman	5.55	.25	1%		3/4%	

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CO-2-LAB-2-3-b

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding, mulching and planting of treea, shrubs and flowers; Stake chaser; Gabion baskets and Reno mattresses	$4.55	.37	.40		.05	
GROUP II						
Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers	4.60	.37	.40		.05	
GROUP III						
Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)	4.68	.37	.40		.05	
GROUP IV						
Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammers; Vibrators; Paving breakers; Frostproofing	4.70	.37	.40		.05	

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CO-2-LAB-2-3-b

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP V Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle	$4.72	.37	.40		.05	
GROUP VI Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Formsetters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer	4.83	.37	.40		.05	
GROUP VII Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator	4.93	.37	.40		.05	
GROUP VIII Pipelayer on truck pipe lines in connection with highway work	5.00	.37	.40		.05	
GROUP IX Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air	5.13	.37	.40		.05	
GROUP X Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement	5.18	.37	.40		.05	

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CO-2-LAB-2-3-b

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
(Pipelines) All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP I Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work	$4.55	.37	.40		.05	
GROUP II Fotman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers	4.60	.37	.40		.05	
GROUP III Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.	4.77	.37	.40		.05	
GROUP IV Sandblasters, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants andyards; Enamelers of pipe, inside and out	4.79	.37	.40		.05	
GROUP V (Relining Pipe) Relining pipe	4.88	.37	.40		.05	
Hixer man	4.93	.37	.40		.05	
GROUP VI Pipelayer	5.00	.37	.40		.05	

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CO-3-LAB-2-3-1b (1-2)

LABORERS (TUNNELS):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Outside laborers	$4.55	.37	.40		.05	
GROUP I Minimum tunnel labor, dry house man	5.15	.37	.40		.05	
GROUP II Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators	5.25	.37	.40		.05	
GROUP III Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender	5.33	.37	.40		.05	
GROUP IV Cement finisher helper, applying of concrete processing materials	5.40	.37	.40		.05	
GROUP V Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men	5.55	.37	.40		.05	
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)						
GROUP I Laborers, Topmen, Bottommen, and Cagers	5.25	.37	.40		.05	
GROUP II Chucktenders, Concrete laborers, Whirley pumps operators	5.40	.37	.40		.05	

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CO-3-LAB-2-3-1b (2-2)

LABORERS (TUNNEL) (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP III Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material	$5.50	.37	.40		.05	
GROUP IV Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external	5.68	.37	.40		.05	
GROUP V Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men	5.78	.37	.40		.05	
GROUP VI Any employee performing work under ground from a bos'n chair, swinging stage, life belt ot block and tackle	5.83	.37	.40		.05	

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Colo 1 - PEO-1-2-3-d (1-2)

POWER EQUIPMENT OPERATORS (Other chan for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
GROUP I Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler	$5.60	.37	.45	.20	.03	
GROUP II Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants-with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system	5.95	.37	.45	.20	.03	
GROUP III Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similer and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sand-blasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over)(with or without attachments); Trenching machine; Welder; Winch op. on truck; Concrete batching plants	6.30	.37	.45	.20	.03	

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Colo 1 PEO -1-2-3-d (2-2)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
GROUP IV Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher-with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable - operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydro-crane; Scraper-single bowl under 40 cu. yds.	$6.45	.37	.45	.20	.03	
GROUP V Crane operator - over 50 tons; Derrick; ~~Electric rail type tower crane; Hoist~~ (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cy. yd. and over	6.60	.37	.45	.20	.03	
GROUP VI Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane	6.75	.37	.45	.20	.03	

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Colo. 2-PEO-1-2-3-d (1-1)

POWER EQUIPMENT OPERATORS (For work in Tunnels, Shafts, and Raises)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRAKEMAN	$5.75	.37	.45	.20	.03
MOTORMAN	6.10	.37	.45	.20	.03
COMPRESSOR (900 CFH & Over), Serving tunnels, shafts and raises	6.20	.37	.45	.20	.03
AIR TRACTORS; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.45	.37	.45	.20	.03
CONCRETE PLACEMENT PUMPS 8" and OVER DISCHARGE; Mechanic-Welder (heavy duty); Mucking machine and frontend loaders underground; Slusher	6.60	.37	.45	.20	.03
MOLE	7.00	.37	.45	.20	.03

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CO-1-TD-1-2-3- c (1-2)

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.10	.30	.20	.10	
DUMP TRUCKS, TO & INCL. 6 CU. YDS.; Sweeper; Flatrack, single axle; Liquid & bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	5.20	.30	.20	.10	
DUMP TRUCKS, OVER 6 CU. YDS. TO & INCL. 12 CU. YDS.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.30	.30	.20	.10	
STRADDLE TRUCK; Lumber carrier; Liquid & bulk tankers, tandem axle	5.35	.30	.20	.10	
FORK LIFT; Fuel truck; Grease truck; Combination fuel & grease; Tiremen	5.40	.30	.20	.10	
DUMP TRUCKS, OVER 12 CU. YDS., TO & INCL. 19 CU. YDS.; Distributor; Cement mixer; Agitator truck to & incl. 10 cu. yds.; Liquid & bulk tankers, semi or combination	5.45	.30	.20	.10	
MULTI-PURPOSE TRUCK - Specialty & Hoisting	5.50	.30	.20	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid & bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo & similar type equipment	5.55	.30	.20	.10	
MECHANICS	5.60	.30	.20	.10	
DUMP TRUCKS, OVER 19 CU. YDS. TO & INCL. 29 CU. YDS.; Truck driver snow plow	5.65	.30	.20	.10	

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (cont'd)					
CEMENT MIXER, Agitator over 10 cu. yds. to & incl. 15 cu. yds.	$5.70	.30	.20	.10	
DUMP TRUCKS, OVER 29 CU. YDS. TO & INCL. 39 CU. YDS.; Heavy duty diesel mechanics; Body men; Welders or combination men	5.80	.30	.20	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	5.95	.30	.20	.10	
DUMP TRUCKS, OVER 39 CU. YDS. TO & INCL. 54 CU. YDS.	6.00	.30	.20	.10	

STATE: Colorado COUNTY: Pueblo
DECISION NUMBER: AQ-1,014 DATE: Date of Publication
Supersedes Decision No. AP-296 dated April 27, 1973, in 38 FR 10567
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$8.00	.25	.70			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS	7.72	.30	.50		.04	
CARPENTERS	6.92	.45	.40	.30	.03	
CEMENT MASONS	6.80	.30	.50	.60	.06	
ELECTRICIANS:						
Zone I (0-12 miles from Post Office)						
Electricians	8.50	.32	1%+.25		1/10%	
Cable splicers	9.30	.32	1%+.25		1/10%	
Zone II (12-20 miles from Post Office)						
Electricians	8.90	.32	1%+.25		1/10%	
Cable splicers	9.30	.32	1%+.25		1/10%	
Zone III (20-40 miles from Post Office)						
Electricians	9.25	.32	1%+.25		1/10%	
Cable splicers	10.05	.32	1%+.25		1/10%	
Zone IV (Over 40 miles from Post Office)						
Electricians	10.00	.32	1%+.25		1/10%	
Cable splicers	10.80	.32	1%+.25		1/10%	
Electrical contracts less than $5,000 in Zones III and IV	6.16	.32	1%+.25		1/10%	
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.43					
IRONWORKERS:						
Structural; Ornamental and Reinforcing	7.75	.55	.60		.06	
MARBLE & TILE SETTERS, Terrazzo Workers	7.20	.43	.35	.25		
PAINTERS:						
Brush	5.38	.20			.02	
Structural steel; Spray	5.88	.20			.02	
Spray steel	6.38	.20			.02	
PILEDRIVERMEN	5.97	.35	.35	.25	.015	
PLASTERERS	8.19			.50	.01	
PLUMBERS:						
Zone I (0-15 miles from Post Office)	8.08	.49	.40		.03	
Zone II (15-20 miles from Post Office)	8.65	.49	.40		.03	
Zone III (20-40 miles from Post Office)	8.83	.49	.40		.03	
Zone IV (Over 40 miles from Post Office)	9.455	.49	.40		.03	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
ROOFERS	$7.58					
SHEET METAL WORKERS	7.57	.30	.30		.07	
SOFT FLOOR LAYERS	6.40		.30			
SPRINKLER FITTERS	8.00	.25	.40		.05	

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.
6 Piad Holidays:

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Line Construction - Colorado					
Cable splicers	8.44	.25	1%	3/4%	
Lineman	7.87	.25	1%	3/4%	
Equipment operator	6.71	.25	1%	3/4%	
Line equipment maintenance man	6.71	.25	1%	3/4%	
Groundman	5.55	.25	1%	3/4%	

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
General laborers	$4.75	.37	.40		.05
Underpinning and shoring 0' to 8' below working surface	4.75	.37	.40		.05
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators of all mechanical, air, gas and electrical tools, including self-propelled buggies and cement finisher tenders; Pipelayers; Cunnite nozzlemen and sandblasters	5.03	.37	.40		.05
Laborers, preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.05	.37	.40		.05
Jackhammer operator; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.30	.37	.40		.05
Mason tenders, brick and plaster	5.35	.37	.40		.05

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Carpenters	$6.57	.45	.45	.30	.03
Underground Carpenters	6.72	.45	.45	.30	.03
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continously assigned to 1½ HP saws at jobsite	6.82	.45	.45	.30	.03
Cement Masons Construction (Outside Denver Metropolitan Area)	5.98	.37	.80	.30	.06
Cement Masons Construction (Denver Metropolitan Area)	6.13	.37	.80	.30	.06

HEAVY AND HIGHWAY CONSTRUCTION

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CO-2-LAB-2-3-b

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP I Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding, mulching and planting of trees, shrubs and flowers; Stake chaser Gabion baskets and Reno mattresses	$4.55	.37	.40		.05	
GROUP II Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers	4.60	.37	.40		.05	
GROUP III Hot asphalt laborer; Rakers; Box-tenders Asphalt curb machines; Potmen (not mechanical)	4.68	.37	.40		.05	
GROUP IV Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammers; Vibrators; Paving breakers; Frostproofing	4.70	.37	.40		.05	

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CO-2-LAB-2-3-b

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP V Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle	$4.72	.37	.40		.05	
GROUP VI Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Formsetters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer	4.83	.37	.40		.05	
GROUP VII Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator	4.93	.37	.40		.05	
GROUP VIII Pipelayer on truck pipe lines in connection with highway work	5.00	.37	.40		.05	
GROUP IX Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmer; Licensed powdermen; Diamond and core drills powered by air	5.13	.37	.40		.05	
GROUP X Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement	5.18	.37	.40		.05	

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CO-2-LAB-2-3-b

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
(Pipelines) All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP I Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work	$4.55	.37	.40		.05	
GROUP II Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers	4.60	.37	.40		.05	
GROUP III Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.	4.77	.37	.40		.05	
GROUP IV Sandblasters, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants andyards; Enamelers of pipe, inside and out	4.79	.37	.40		.05	
GROUP V (Relining Pipe) Relining pipe	4.88	.37	.40		.05	
Mixer man	4.93	.37	.40		.05	
GROUP VI Pipelayer	5.00	.37	.40		.05	

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CO-3-LAB-2-3-1b (1-2)

LABORERS (TUNNELS):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Outside laborers	$4.55	.37	.40		.05	
GROUP I Minimum tunnel labor, dry house man	5.15	.37	.40		.05	
GROUP II Gable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators	5.25	.37	.40		.05	
GROUP III Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender	5.33	.37	.40		.05	
GROUP IV Cement finisher helper, applying of concrete processing materials	5.40	.37	.40		.05	
GROUP V Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men	5.55	.37	.40		.05	
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)						
GROUP I Laborers, Topmen, Bottommen, and Cagers	5.25	.37	.40		.05	
GROUP II Chucktenders, Concrete laborers, Whirley pumps operators	5.40	.37	.40		.05	

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LABORERS (TUNNEL) (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP III Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material	$5.50	.37	.40		.05	
GROUP IV Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external	5.68	.37	.40		.05	
GROUP V Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men	5.78	.37	.40		.05	
GROUP VI Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle	5.83	.37	.40		.05	

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
GROUP I Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler	$5.60	.37	.45	.20	.03	
GROUP II Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants-with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system	5.95	.37	.45	.20	.03	
GROUP III Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over)(with or without attachments); Trenching machine; Welder; Winch op. on truck; Concrete batching plants	6.30	.37	.45	.20	.03	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C
GROUP IV Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher-with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable - operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.	$6.45	.37	.45	.20	.03	
GROUP V Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cy. yd. and over	6.60	.37	.45	.20	.03	
GROUP VI Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane	6.75	.37	.45	.20	.03	

POWER EQUIPMENT OPERATORS (For work in Tunnels, Shafts, and Raises)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BRAKEMAN	$5.75	.37	.45	.20	.03
MOTORMAN	6.10	.37	.45	.20	.03
COMPRESSOR (900 CFM & Over), Serving tunnels, shafts and raises	6.20	.37	.45	.20	.03
AIR TRACTORS; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.45	.37	.45	.20	.03
CONCRETE PLACEMENT PUMPS 8" and OVER DISCHARGE; Mechanic-Welder (heavy duty); Mucking machine and frontend loaders underground; Slusher	6.60	.37	.45	.20	.03
HOLE	7.00	.37	.45	.20	.03

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
TRUCK DRIVERS:						
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.10	.30	.20	.10		
DUMP TRUCKS, TO & INCL. 6 CU. YDS.; Sweeper; Flatrack, single axle; Liquid & bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	5.20	.30	.20	.10		
DUMP TRUCKS, OVER 6 CU. YDS. TO & INCL. 12 CU. YDS.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Han haul shuttle truck or bus	5.30	.30	.20	.10		
STRADDLE TRUCK; Lumber carrier; Liquid & bulk tankers, tandem axle	5.35	.30	.20	.10		
FORK LIFT; Fuel truck; Grease truck; Combination fuel & grease; Tiremen	5.40	.30	.20	.10		
DUMP TRUCKS, OVER 12 CU. YDS., TO & INCL. 19 CU. YDS.; Distributor; Cement mixer; Agitator truck to & incl. 10 cu. yds.; Liquid & bulk tankers, semi or combination	5.45	.30	.20	.10		
MULTI-PURPOSE TRUCK - Specialty & Hoisting	5.50	.30	.20	.10		
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid & bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo & similar type equipment	5.55	.30	.20	.10		
MECHANICS	5.60	.30	.20	.10		
DUMP TRUCKS, OVER 19 CU. YDS. TO & INCL. 29 CU. YDS.; Truck driver snow plow	5.65	.30	.20	.10		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
TRUCK DRIVERS (cont'd)						
CEMENT MIXER, Agitator over 10 cu. yds. to & incl. 15 cu. yds.	$5.70	.30	.20	.10		
DUMP TRUCKS, OVER 29 CU. YDS. TO & INCL. 39 CU. YDS.; Heavy duty diesel mechanics; Body men; Welders or combination men	5.80	.30	.20	.10		
CEMENT MIXER, Agitator over 15 cu. yds.	5.95	.30	.20	.10		
DUMP TRUCKS, OVER 39 CU. YDS. TO & INCL. 54 CU. YDS.	6.00	.30	.20	.10		

SUPERSEDEAS DECISION

STATE: Indiana COUNTY: Allen
DECISION NUMBER: AQ-3000 DATE: Date of Publication
Supersedes Decision No. AH-371, dated August 13, 1971, in 36 FR 15390
DESCRIPTION OF WORK: Residential Construction consisting of Single Family Homes and Garden Type Apartments up to and including 4 stories.

2R-INDIANA

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
AIR CONDITION MECHANICS	$4.37					
BRICKLAYERS	8.21	.20	.25		.01	
CARPENTERS	4.98					
CEMENT MASONS	4.96					
DRYWALL HANGERS	4.18					
DRYWALL FINISHERS	3.79					
ELECTRICIANS	7.85	.25	1%+.30		.04	
LABORERS	3.79					
PAINTERS	3.79					
PLUMBERS	8.18	.20	.35		.07	
SHEET METAL WORKERS	4.00					
SOFT FLOOR LAYERS	5.00					
TILE SETTERS	5.50					
TRUCK DRIVERS	5.38					
POWER EQUIPMENT OPERATORS:						
Backhoe Operator	6.20					
Trenching Machine	6.43					
Roller	6.60					
Grader	6.60					
Paver	6.60					
Pump Operator	6.66					
Welders - Rate for Craft						

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Bucks, Chester, Delaware, Montgom and Philadelphia
DECISION NO.: AQ-2011 DATE: Date of Publication
Supersedes Decision No. AP-817, dated May 18, 1973, in 38 FR 13279.
DESCRIPTION OF WORK: Heavy and Highway Construction and Tunnel.

PA-51-Lab-2-3-G

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters	$9.22	1.23	.55	a	.07	
Laborers:						
Powdermen, Multiple wagon drill op.	6.95	.45	.20			
Finished surface asphalt rakers, ope. pipelayers, caulkers, conduct and duct layers	6.75	.45	.20			
Other pneumatic tool ops., Laborers stripping concrete forms, carrying or handling lumber, steel & steel mesh and other concrete materials, form pinners, tool room men, Mortar mixers, Concrete pitmen & spaders, Grade men, Asphalt shovelers, Men working in sheeting, Men working in shoring, Men working in lagging, Laborers assisting in the setting of cut stone, granite or artificial stone, hod carriers, Scaffold builders	6.65	.45	.20			
Wagon drill operators	6.80	.45	.20			
YARD WORKERS:						
Laborers, Scale mixermen, Burnermen Dustmen. Feeders	6.55	.45	.20			
FREE AIR TUNNELS:						
Miners, Miners bore driver, Blasters, Drillers, Pneumatic Shield operators, Welders & Burners	7.20	.45	.20			
Miners' helpers, Form setters	8.05	.45	.20			
Trackmen, Brakemen, Groutmen, Bottom shaft men, All others in free air tunnels	6.90	.45	.20			
Circular caisson excavation bottom men	7.05	.45	.20			
Underpinning excavation bottom men	6.95	.45	.20			
All other laborers on construction work, with the exception of workers in compressed air	6.65	.45	.20			

Footnote:
a. Paid holiday: Labor Day.

MUX
38 FR 22340

	BASIC DAILY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
TUNNEL COMPRESSED AIR						
Laborers:						
Blasters, Shield Drivers	$ 48.29	.10	.10			
Miners	46.86	.10	.10			
Brakemen, trackmen, miners' helpers	44.74	.10	.10			
Groutmen, lock tenders' helpers	44.74	.10	.10			
Laborers and other men	44.74	.10	.10			
Mucking machines	52.83	.10	.10			
Laborers (surface) per hour	4.05	.10	.10			
Between Locks						
Lock tenders, motor men	46.86	.10	.10			
All other men	44.75	.10	.10			
Outside of Locks						
Outside lock tenders, gauge tenders	44.75	.10	.10			
Outside lock tenders' helpers	42.64	.10	.10			
AIR PRESSURE*	WORKING HOURS PER DAY	AMOUNT IN ADDITION TO BASE RATE (NOT CUMULATIVE)				
15 pounds and up to 26 pounds	6 hours			$ 1.00		
26 " " " " 33 "	4 "			1.50		
33 " " " " 38 "	3 "			2.00		
38 " " " " 43 "	2 "			2.50		
43 " " " " 48 "	1½ "			3.00		
48 " " " " 50	1 "			3.50		

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POWER EQUIPMENT OPERATORS HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
WAGE GROUP I						
Handling steel and stone in connection with erection; Cranes doing hook work; Any machine handling machinery; Helicopters; Machines similar to the above	$9.50	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
Engineers working with dock builders and pile drivers; All types of cranes; All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Pavers 21E and over; Trenching Machines; Gradalls; Front end loaders over 3 cu. yd.; Boat Captain; Pippin type backhoes; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self contained (Drill-master type); Forklift (20 ft. and over); Motor Patrols (fine grade); Batch Plant with Mixer; Machines similar to the above	9.28	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Carryalls, Scrapers, Tournapulls, Asphalt plant engineers; Roller (high grade finishing); Caterpillar-type tractors with front end overhead loaders and rubber-tired loaders 2 c.y. up to and including 3 c.y.; Spreaders (asphalt, Concrete pumps; Well drillers; Bulldozers D-7 or equivalent and over; Ditch witch (small trencher); Motor Patrols; Maintanance Engineer with tools Machines similar to the above	8.65	4.6%	9.5%	a	1.2%	
WAGE GROUP IV						
Conveyor loader; Bulldozer under D-7 rating, tractors including rubber-tired type and front end, under 2 c.y. overhead loaders; Seaman Pulverizer; Ten-ton roller (grade fill stone base); Welders and Maintenance Engineers; Concrete Breaking Machines; Machines similar to the above.	8.13	4.6%	9.5%	a	1.2%	

HIGHWAY CONSTRUCTION

51-PEO-3-E 2 of 2

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
WAGE GROUP V						
Form line grader; Fine grade machines; Farm tractors; Road finishing Concrete spreaders; Compressors; Power Broom, self-contained; Seed Spreader; Pumps; Well point pumps; Welding machines; Fireman, Power Equipment Maintenance engineers (Power Boats); Machines similar to the above	7.76	4.6%	9.5%	a	1.2%	
WAGE GROUP VI						
Fireman	7.40	4.6%	9.5%	a	1.2%	
WAGE GROUP VII						
Oilers and Deck Hands (Personnel Boats)	6.66	4.6%	9.5%	a	1.2%	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

PA-51-TD-2-3-D

HEAVY & HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Class I Helpers, Stake Body Truck (single axle, Dumpster	$6.12	.3675	.35	a&b	
Class II Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for Transportation, Stake Body Truck (Tandem)	6.22	.3675	.35	a&b	
Class III Euclid Type, Off-Highway Equipment Back or Belly Dump Trucks and Double Hitched Equipment, Staddle (Ross) Carrier, Low-Bed Trailers	6.42	.3675	.35	a&b	

FOOTNOTES:

a. Empoyee who have been on the employer's senority list for a period of one (1) year from date of hire and who shall have worked a minimum of one-hundred thirty (130) days in the year previous to his anniversary date, shall be eligible for one (1) week's vacation.

b. Paid Holidays: Memorial Day; Independence Day & Labor Day for employee who have worked a minimum of thirty days and are on the employer's senority list, provided he works the scheduled work days before and after the said holidays.

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SUPERSEDEAS DECISION

STATE: Pennsylvania
COUNTY: Philadelphia
DECISION NO.: AQ-2012
DATE: Date of Publication
Supersedes Decision No. AP-820, dated May 18, 1973, in 38 FR 13289.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Building Construction						
Asbestos workers	$9.12	.50	.50		.01	
Boilermakers	8.85	.40	1.00		.01	
Bricklayers	8.66	.77	.45	.45	.0025	
Carpenters	8.77	1.23	.55		.07	
Cement masons	7.73	.89	.27			
Electricians	9.72	.24	1%+.24		2%	
Elevator constructors	9.25	.345	.20	2%+a+b	.015	
Elevator constructors' helpers	6.475	.345	.20	2%+a+b	.015	
Elevator constructors' helpers (Prob.)	4.625					
Glaziers	8.38	.35	.30		.01	
Glaziers working 30' above ground	8.48	.35	.30		.01	
Ironworkers, structural	9.00	.47	1.03		.04	
Ironworkers, ornamental	9.00	.47	1.03		.04	
Ironworkers, reinforcing	7.97				.01	
Lathers	8.61	.225	.10			
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	9.73	.15	1%		1%	
Groundmen	5.84	.15	1%		1%	
Winch truck operator	6.81	.15	1%		1%	
Marble setters	7.68	.47	.45			
Millwrights	9.27	1.23	.55		.07	
Painters:						
Brush	7.365	.275	.25	.30	.02	
Spray, steel & swing	7.565	.275	.25	.30	.02	
Roller	7.365	.275	.25	.30	.02	
Piledrivermen	9.22	1.08	.40		.07	
Plasterers	8.32	.53			.01	
Plumbers	9.52	.57	.92		.08	
Pointers, caulkers and cleaners	8.10	.35				
Roofers:						
Composition, damp & waterproofers	8.815	1.00	.55	d		
Composition helpers	4.70	.80	.55	d		
Slate, tile and asbestos	7.75	.40	.35			
Slate, tile and asbestos helpers	4.68	.40	.35			
Asphalt shingle	6.43	.40	.35			
Asphalt shingle helpers	4.68	.40	.35			

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51-PA-1- H

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Sheet metal workers	$10.00	.52	.50		.01	
Soft floor layers	7.53	.93	.55		.07	
Sprinkler fitters	9.70	.30	.50		.04	
Steam fitters	9.52	.57	.92		.08	
Stone setters	8.08	.47	.45			
Tile setters	7.575	.65	.20			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

Paid Holidays (Where Applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Paid Holidays: A through F.

c. Paid holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prio to the holiday, and is available for work the day preceding and following the holiday.

d. Election Day - paid holiday.

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PA-51-LAB - W

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Building Construction						
Laborers:						
Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all reinforced steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shoveling & tamping of asphalt, spading & concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of Laborers	$6.71	.44	.20			
Mason tender, power buggies, burners on demolition	6.81	.44	.20			
Wagon drill operator (single)	6.86	.44	.20			
Powdermen, wagon drill operator (multiple)	7.01	.44	.20			
Circular Caissons Excavation:						
Caisson groundmen	7.01	.44	.20			
Caisson bottom man	7.11	.44	.20			
Underpinning Excavation:						
Laborers, working at depth of 8 feet or under	7.01	.44	.20			
Yard workers	6.65	.44	.20			

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POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above	$9.75	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
Engineers working with Dock Builders and Pile Drivers All types of cranes All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench shovels; Trenching machines; Pippin type backhoes; Hoist with two towers; Pavers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Mucking Machines in tunnel; Gradalls; Front-end loaders over 3 cu. yd., Boat Captain; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self-contained (Drillmaster type); Fork Lift (20 ft. and over), Motor Patrols (Fine Grade), Batch Plant with Mixer; Machines similar to the above	9.49	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournapulls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y. Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above	8.62	4.6%	9.5%	a	1.2%	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WAGE GROUP IV					
Concrete breaking machines Rollers Machines similar to the above	$8.40	4.6%	9.5%	a	1.2%
WAGE GROUP V					
All bulldozers under D-7 Tractors including rubber-tired type with front and overhead loaders under 2 c.y. Seaman pulverizing mixer Welders and Maintenance Engineers Fireman on Power Equipment Maintenance Engineer (Power Boat) Machines similar to the above	8.10	4.6%	9.5%	a	1.2%
WAGE GROUP VI					
Conveyors (Building) Welding Machines Heaters Wellpoints Compressors Farm Tractors Form line graders Road finishing machines Pumps Power Broom (Self contained) Seed Spreader Machines similar to the above	7.92	4.6%	9.5%	a	1.2%
WAGE GROUP VII					
Fireman	7.40	4.6%	9.5%	a	1.2%
WAGE GROUP VIII					
Oilers and Deck Hand (Personnel Boats)	6.66	4.6%	9.5%	a	1.2%

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

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PA-51-TR-1 C

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Class I Warehouseman, Checker, Fork Lift Driver, Stake Body Truck (single axle), 1-1/2 ton and under vehicles	$6.12	.3675	.35	a&b	
Class II Truck Driver over 1-1/2 tons, Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.22	.3675	.35	a&b	
Class III Euclid Type, Off-Highway Equipment-Back or Belly Dump Trucks and Double-Hitched Equipment Staddle (Ross) Carrier, Low-Bed Trailers	6.42	.3675	.35	a&b	

FOOTNOTES:

a. Employee who have been on the employer's senority list for a period of one (1) year from date of hire and who shall have worked a minimum of one-hundred thirty (130) days in the year previous to his anniversary date, shall be eligible for one (1) week's vacation.

b. Paid Holidays: Memorial Day Independence Day & Labor Day for employee who have worked a minimum of thirty days and are on the employer's senority list, provided he works the schedule work days before and after the said holidays.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Montgomery
DECISION NO.: AQ-2,013 DATE: Date of Publication
Supersedes Decision No. AP-819, dated May 18, 1973, in 38 FR 13286.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$9.12	.50	.50			
Boilermakers	8.85	.50	1.00		.01	
Bricklayers:						
Lower Marion, Abington, Upper Moreland and Cheltenham	8.66	.77	.45	.45	.0025	
Remainder of County	8.68	.67	.60	.38	1%	
Carpenters	8.77	1.23	.55		.07	
Cement masons:						
Pennsburg and Pottstown	7.965		1.55			
Remainder of County	7.73	.89	.27			
Electricians:						
Upper Hanover	8.575	.20	1%		.01	
Pottsgrove, Upper Pottsgrove, Douglas and Pottstown	8.74	.28	1%		.03	
Springfield, Glenside, Jenkingtown Townships	9.72	.24	1%+.24		2%	
Remainder of County	9.78	3.4%	1%+2.1%		1%	
Elevator constructors	9.25	.345	.20	2%+b+c	.015	
Elevator constructors' helpers	6.475	.345	.20	2%+b+c	.015	
Elevator constructors' helpers (Prob.)	4.625					
Glaziers:						
Pottstown, Lower Pottsgrove, Upper Pottsgrove, Limrick, Lower Drederick, Upper Salford, Sounderton, Greenland, Upper Hanover, New Hanover, Douglas, Marlboro Twps.	7.32	.25	.10		.01	
Remainder of County	8.38	.35	.30		.01	
Ironworkers:						
Structural and ornamental	9.00	.47	1.03		.04	
Reinforcing	7.97				.01	
Lathers	8.61	.225	.10			
Leadburners	8.25	.30		d	.01	
Line Construction:						
Linemen	9.73	.15	1%		1%	
Cable splicer	9.73	.15	1%		1%	
Groundmen	5.84	.15	1%		1%	
Winch truck operator	6.81	.15	1%		1%	
Marble setters	7.68	.47	.45			
Millwrights	9.27	1.23	.55		.07	
Painters:						
Pottstown, Pottsgrove, New Hanover and Douglas:						
Brush	6.86	.45	.20			
Steel and spray	7.91	.45	.20			
Roller	8.41	.45	.20			

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Painters: (Cont'd)						
Cheltenahm, Abington, Upper and Lower Moreland, Springfield, Whitemarsh, Plymouth, Upper Dubling, Horsham, Whitpain, Upper and Lower Gwynodd, Lower Marion, Upper Southampton, Lower Southampton:						
Brush	$7.365	.275	.25	.30	.02	
Roller	7.365	.275	.25	.30	.02	
Spray, steel and swing	7.345	.275	.25	.30	.02	
Remainder of County:						
Brush	7.85	.45	.20			
Steel, roller, sandblasting	7.85	.45	.20			
Piledrivermen	9.22	1.08	.40		.07	
Pointers, caulker and cleaners	8.10	.35				
Plasterers:						
Pennsburg	8.00		.155		.01	
Remainder of County	8.52	.53				
Plumbers:						
Lower Marion, Horsham, Upper Dublin, Moreland, Lower Moreland, Abington, Springfield and Cheltenham	9.52	.57	.92		.08	
Remainder of County	8.50	.485	.82		.035	
Roofers:						
Composition	8.815	1.00	.55	e		
Helpers	4.70	.80	.55	e		
Slate, tile asbestos roofers	7.75	.40	.35			
Slate, tile asbestos helpers	4.68	.40	.35			
Asphalt shingle	6.43	.40	.35			
Helpers	4.68	.40	.35			
Sheet metal workers	10.00	.52	.50		.01	
Soft floor layers	7.53	.93	.55		.07	
Sprinkler fitters	8.75	.30	.50		.05	
Steamfitters:						
Lower Marion, Springfield, Moreland, Horsham, Upper Dublin and Abington Townships	9.52	.57	.92		.08	
Remainder of County	8.50	.485	.82		.035	
Stone masons	7.98	.67	.60	.38		
Tile setters	7.575	.65	.20			

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46-PA-1-O 3 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.

c. Six paid holidays: A through F.

d. Holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holiday.

e. Election Day - paid holiday.

f. Employee who has been on the employer's seniority list for a period of one (1) year from date of hire; and who shall have worked a minimum of one-hundred thirty (130) days in the year previous to his anniversary date, shall be elegible for one (1) week's vacation.

g. Paid holidays: Memorial Day; Independence Day & Labor Day for employee who has worked a minimum of thirty days, and is on the employer's seniority list; provided he works the scheduled work days before and after the said holidays.

h. Employee who has been on the employer's seniority list for a period of one (1) year from date of hire and who shall have worked a minimum of one-hundred thirty (130) days in the year previous to his anniversary date, shall be eligible for one (1) week's vacation.

j. Paid Holidays: Memorial Day; Independence Day & Labor Day for employee who has worked a minimum of thirty days and is on the employer's seniority list, provided he works the scheduled work days before and after the said holidays.

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PA-51-LAB - W

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all reinforced steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shoveling & tamping of asphalt, spading & concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of Laborers	$6.71	.44	.20			
Mason tender, power buggies, burners on demolition	6.81	.44	.20			
Wagon drill operator (single)	6.86	.44	.20			
Powdermen, wagon drill operator (multiple)	7.01	.44	.20			
Circular Caissons Excavation: Caisson groundmen	7.01	.44	.20			
Caisson bottom man	7.11	.44	.20			
Underpinning Excavation: Laborers, working at depth of 8 feet or under	7.01	.44	.20			
Yard workers	6.65	.44	.20			

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POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

PA-51-PEO-1 - E 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
WAGE GROUP I						
Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above	$9.75	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
Engineers working with Dock Builders and Pile Drivers All types of cranes All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench shovels; Trenching machines; Pippin type backhoes; Hoist with two towers; Pavers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Mucking Machines in tunnel; Gradalls; Front-end loaders over 3 cu. yd., Boat Captain; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self-contained (Drillmaster type); Fork Lift (20 ft. and over), Motor Patrols (Fine Grade), Batch Plant with Mixer; Machines similar to the above	9.49	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournapulls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y. Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above	8.62	4.6%	9.5%	a	1.2%	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
WAGE GROUP IV					
Concrete breaking machines Rollers Machines similar to the above	$8.40	4.6%	9.5%	a	1.2%
WAGE GROUP V					
All bulldozers under D-7 Tractors including rubber-tired type with front and overhead loaders under 2 c.y. Seaman pulverizing mixer Welders and Maintenance Engineers Fireman on Power Equipment Msintenance Engineer (Power Boat) Machines similar to the above	8.10	4.6%	9.5%	a	1.2%
WAGE GROUP VI					
Conveyors (Building) Welding Machines Heaters Wellpoints Compressors Farm Tractors Form line graders Road finishing machines Pumps Power Broom (Self contained) Seed Spreader Machines similar to the above	7.92	4.6%	9.5%	a	1.2%
WAGE GROUP VII					
Fireman	7.40	4.6%	9.5%	a	1.2%
WAGE GROUP VIII					
Oilers and Deck Hand (Personnel Boats)	6.66	4.6%	9.5%	a	1.2%

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

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PA-51-TD-1 C

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Class I Warehouseman, Checker, Fork Lift Driver, Stake Body Truck (single axle), 1-1/2 ton and under vehicles	$6.12	.3675	.35	a&b	
Class II Truck Driver over 1-1/2 tons, Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.22	.3675	.35	a&b	
Class III Euclid Type, Off-Highway Equipment-Back or Belly Dump Trucks and Double-Hitched Equipment Staddle (Ross) Carrier, Low-Bed Trailers.	6.42	.3675	.35	a&b	

FOOTNOTES:

a. Employee who have been on the employer's senority list for a period of one (1) year from date of hire and who shall have worked a minimum of one-hundred thirty (130) days in the year previous to his anniversary date, shall be eligible for one (1) week's vacation.

b. Paid Holidays: Memorial Day Independence Day & Labor Day for employee who have worked a minimum of thirty days and are on the employer's senority list, provided he works the schedule work days before and after the said holidays.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Delaware
DECISION NO.: AQ-2014 DATE: Date of Publication
Supersedes Decision No. AP-821, dated May 18, 1973, in 38 FR 13292.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

23-PA-1-M

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$9.12	.50	.30		.01	
Boilermakers	8.85	.50	100			
Bricklayers:						
Radnor and Haverford Twps.	8.66	.77	.45	.45	.0025	
Remainder of County	8.80	.50	.62			
Carpenters,	8.77	1.23	.55		.07	
Cement masons	7.73	.89	.27			
Electricians	9.81	4.4%	1%+1.6%		½ of 1%	
Elevator constructors	9.25	.345	.20	2%+a+b	.015	
Elevator constructors' helpers	6.475	.345	.20	2%+a+b	.015	
Elevator constructors' helpers (prob.)	4.625					
Glaziers	8.38	.35	.30		.01	
Glaziers - working 30 ft. above ground	8.68	.35	.30		.01	
Ironworkers, structural & ornamental	9.00	.47	1.03		.04	
Ironworkers, reinforcing	7.97				.01	
Lathers	8.61	.225	.10		.025	
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	9.73	.15	1%		1%	
Winch truck operator	6.81	.15	1%		1%	
Groundmen	5.84	.15	1%		1%	
Marble-setters	7.68	.47	.43			
Millwrights	9.27	.123	.55		.07	
Painters:						
Radnor, Haverford, Newton, Marple, Springfield, Upper Darby, Darby, Ridley, Tinicum Yeodon Twps.						
Brush	7.365	.275	.25	.30	.02	
Rollers	7.365	.275	.25	.30	.02	
Spray, steel and swing	7.545	.275	.25	.30	.02	
Remainder of County						
Commercial, brush	7.55	.35	.20			
Commercial, spray	7.60	.35	.20			
Piledrivermen	9.22	1.08	.40		.07	
Plasterers	8.50				.01	
Plumbers	9.52	.57	.92		.08	
Roofers:						
Composition	8.815	1.00	.80	d		
Composition helpers	4.70	.80	.35	d		
Slate, tile and asbestos	7.75	.40	.35			
Slate, tile and asbestos' helpers	4.68	.40	.35			
Asphalt shingle	6.43	.40	.35			
Asphalt shingle helper	4.65	.40	.35			

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Sheet metal workers	$10.00	.52	.50		.01	
Soft floor layers	7.53	.93	.55	.40		
Sprinkler fitters	8.75	.90	.50		.05	
Steam fitters	9.52	.57	.92		08	
Stone masons	7.45	.47	.45			
Tile setters	7.575	.65	.20			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day;

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six paid holidays: A through F.

c. Paid holidays: A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday

d. Election Day - paid holiday.

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PA-51-LAB - W

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers: Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all reinforced steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shoveling & tamping of asphalt, spading & concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of Laborers	$6.71	.44	.20			
Mason tender, power buggies, burners on demolition	6.81	.44	.20			
Wagon drill operator (single)	6.86	.44	.20			
Powdermen, wagon drill operator (multiple)	7.01	.44	.20			
Circular Caissons Excavation: Caisson groundmen	7.01	.44	.20			
Caisson bottom man	7.11	.44	.20			
Underpinning Excavation: Laborers, working at depth of 8 feet or under	7.01	.44	.20			
Yard workers	6.65	.44	.20			

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POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above	$9.75	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
Engineers working with Dock Builders and Pile Drivers All types of cranes All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench shovels; Trenching machines; Pippin type backhoes; Hoist with two towers; Pavers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Mucking Machines in tunnel; Gradalls; Front-end loaders over 3 cu. yd., Boat Captain; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self-contained (Drillmaster type); Fork lift (20 ft. and over), Motor Patrols (Fine Grade), Batch Plant with Mixer; Machines similar to the above	9.69	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournapulls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y. Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above	8.62	4.6%	9.5%	a	1.2%	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
WAGE GROUP IV						
Concrete breaking machines Rollers Machines similar to the above	$8.40	4.6%	9.5%	a	1.2%	
WAGE GROUP V						
All bulldozers under D-7 Tractors including rubber-tired type with front and overhead loaders under 2 c.y. Seaman pulverizing mixer Welders and Maintenance Engineers Fireman on Power Equipment Maintenance Engineer (Power Boat) Machines similar to the above	8.10	4.6%	9.5%	a	1.2%	
WAGE GROUP VI						
Conveyors (Building) Welding Machines Heaters Wellpoints Compressors Farm Tractors Form line graders Road finishing machines Pumps Power Broom (Self contained) Seed Spreader Machines similar to the above	7.92	4.6%	9.5%	a	1.2%	
WAGE GROUP VII						
Fireman	7.40	4.6%	9.5%	a	1.2%	
WAGE GROUP VIII						
Oilers and Deck Hand (Personnel Boats)	6.66	4.6%	9.5%	a	1.2%	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

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PA-51-TD-1 C

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Truck Drivers:						
Class I Warehouseman, Checker, Fork Lift Driver, Stake Body Truck (single axle), 1-1/2 ton and under vehicles	$6.12	.3675	.35	a&b		
Class II Truck Driver over 1-1/2 tons, Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.22	.3675	.35	a&b		
Class III Euclid Type, Off-Highway Equipment-Back or Belly Dump Trucks and Double-Hitched Equipment Staddle (Ross) Carrier, Low-Bed Trailers,	6.42	.3675	.35	a&b		

FOOTNOTES:

a. Employee who have been on the employer's senority list for a period of one (1) year from date of hire and who shall have worked a minimum of one-hundred thirty (130) days in the year previous to his anniversary date, shall be eligible for one (1) week's vacation.

b. Paid Holidays: Memorial Day Independence Day & Labor Day for employee who have worked a minimum of thirty days and are on the employer's senority list, provided he works the schedule work days before and after the said holidays.

SUPERSEDEAS DECISION

STATE: Pennsylvania

COUNTIES: Bucks, Chester, Delaware, Montgomery and Philadelphia

DECISION NO.: AQ-2,015

DATE: Date of Publication

Supersedes Decision No. AP-404, dated July 28, 1972, in 37 Fr 15229.

DESCRIPTION OF WORK: Residential construction of single family homes and garden type apartments up to and including 4 stories.

51-PA - 1 - H

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$9.12	.50	.50			
Boilermakers	8.85	.40	1.00		.01	
Bricklayers	8.66	.77	.45	.45	.0025	
Carpenters	8.77	1.23	.55		.07	
Cement masons	7.73	.89	.27			
Electricians	9.72	.24	1%+.24		2%	
Elevator constructors	9.25	.345	.20	2%+a+b	.015	
Elevator constructors' helpers	6.475	.345	.20	2%+a+b	.015	
Elevator constructors' helpers (Prob.)	4.625					
Glaziers	8.38	.35	.30		.01	
Glaziers working 30' above ground	8.68	.35	.30		.01	
Ironworkers, structural	9.00	.47	1.03		.04	
Ironworkers, ornamental	9.00	.47	1.03		.04	
Ironworkers, reinforcing	7.97				.01	
Lathers	8.61	.225	.10			
Lead burners	8.29	.30		c	.01	
Line Construction:						
Linemen	9.73	.15	1%		1%	
Groundmen	5.84	.15	1%		1%	
Winch truck operator	6.81	.15	1%		1%	
Marble setters	7.68	.47	.45			
Millwrights	9.27	1.23	.55		.07	
Painters:						
Brush	7.365	.275	.25	.30	.02	
Spray, steel & swing	7.545	.275	.25	.30	.02	
Roller	7.365	.275	.25	.30	.02	
Piledrivermen	9.22	1.08	.40		.07	
Plasterers	8.52	.53			.01	
Plumbers	9.52	.57	.92		.08	
Pointers, caulkers and cleaners	8.10	.35				
Roofers:						
Composition, damp & waterproofers	8.815	1.00	.55	d		
Composition helpers	4.70	.80	.55	d		
Slate, tile and asbestos	7.75	.40	.35			
Slate, tile and asbestos helpers	4.68	.40	.35			
Asphalt shingle	6.43	.40	.35			
Asphalt shingle helpers	4.68	.40	.35			

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51-PA-1- H

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.	Other
Sheet metal workers	$10.00	.52	.50		.01	
Soft floor layers	7.53	.93	.55		.07	
Sprinkler fitters	9.70	.30	.50		.04	
Steam fitters	9.52	.57	.92		.08	
Stone setters	8.08	.47	.45			
Tile setters	7.575	.65	.20			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

Paid Holidays (Where Applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Paid Holidays: A through F.

c. Paid holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

d. Election Day - paid holiday.

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PA-51-LAB - W

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers: Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all reinforced steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shoveling & tamping of asphalt, spading & concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of Laborers	$6.71	.44	.20			
Mason tender, power buggies, burners on demolition	6.81	.44	.20			
Wagon drill operator (single)	6.86	.44	.20			
Powdermen, wagon drill operator (multiple)	7.01	.44	.20			
Circular Caissons Excavation: Caisson groundmen	7.01	.44	.20			
Caisson bottom man	7.11	.44	.20			
Underpinning Excavation: Laborers, working at depth of 8 feet or under	7.01	.44	.20			
Yard workers	6.65	.44	.20			

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POWER EQUIPMENT OPERATORS

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above	$9.75	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
Engineers working with Dock Builders and Pile Drivers All types of cranes All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench shovels; Trenching machines; Pippin type backhoes; Hoist with two towers; Favers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Mucking Machines in tunnel; Gradalls; Front-end loaders over 3 cu. yd., Boat Captain; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self-contained (Drillmaster type); Fork Lift (20 ft. and over), Motor Patrols (Fine Grade), Batch Plant with Mixer; Machines similar to the above	9.49	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournapulls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y. Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above	8.62	4.6%	9.5%	a	1.2%	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WAGE GROUP IV					
Concrete breaking machines Rollers Machines similar to the above	$8.40	4.6%	9.5%	a	1.2%
WAGE GROUP V					
All bulldozers under D-7 Tractors including rubber-tired type with front and overhead loaders under 2 c.y. Seaman-pulverizing mixer Welders and Maintenance Engineers Tireman on Power Equipment Maintenance Engineer (Power Boat) Machines similar to the above	8.10	4.6%	9.5%	a	1.2%
WAGE GROUP VI					
Conveyors (Building) Welding Machines Heaters Wellpoints Compressors Farm Tractors Form line graders Road finishing machines Pumps Power Broom (Self contained) Seed Spreader Machines similar to the above	7.92	4.6%	9.5%	a	1.2%
WAGE GROUP VII					
Fireman	7.40	4.6%	9.5%	a	1.2%
WAGE GROUP VIII					
Oilers and Deck Hand (Personnel Boats)	6.66	4.6%	9.5%	a	1.2%

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

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PA-51-TD-1 C

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Class I Warehouseman, Checker, Fork Lift Driver, Stake Body Truck (single axle), 1-1/2 ton and under vehicles	$6.12	.3675	.35	a&b	
Class II Truck Driver over 1-1/2 tons, Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.22	.3675	.35	a&b	
Class III Euclid Type, Off-Highway Equipment-Back or Belly Dump Trucks and Double-Hitched Equipment Straddle (Ross) Carrier, Low-Bed Trailers	6.42	.3675	.35	a&b	

FOOTNOTES:

a. Employee who have been on the employer's senority list for a period of one (1) year from date of hire and who shall have worked a minimum of one-hundred thirty (130) days in the year previous to his anniversary date, shall be eligible for one (1) week's vacation.

b. Paid Holidays: Memorial Day Independence Day & Labor Day for employee who have worked a minimum of thirty days and are on the employer's senority list, provided he works the schedule work days before and after the said holidays.

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: AQ-2,016
Supersedes Decision No. AP-490, dated March 9, 1973, in 38 FR 6624.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Northampton
DATE of Publication

48-PA-1 X

Building Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$ 7.83	.30	.30		.01	
Boilermakers	8.85	.50	1.00		.01	
Bricklayers & Stonemasons - Bethlehem	7.85	.30	.41			
Bricklayers & Stonemasons - Remainder of County	7.30	.30				
Bricklayers, Cement Finishers, Stone-Stonemasons & Plasterers (Bangor	5.70					
Carpenters	8.27	.28	.21			
Cement masons, Bethlehem	7.41	.30	.41			
Cement masons, Remainder of County	7.30	.30				
Electricians:						
Allen, Hanover, Lehign, Bath, Freemansburg, Hellertown and Bethlehem	8.575	.20	1%		.01	
Remainder of County	9.00	.36	1%+.15		½ of 1%	
Glaziers	7.32	.25	.10		.01	
Ironworkers, structural	8.78	d				
Ironworkers, ornamental	8.78	d				
~~Ironworkers, reinforcing~~	8.78	d				
Laborers, Building:						
Unskilled laborers	5.90	.20	.20			
Operator of jackhammer, paving breaking and other pneumatic and mechanical tools, wagon drills, and men handling dynamite, handling and using, cutting and burning torches in the wrecking of buildings, laying of all clay, terra cotta, ironstone, vitrified concrete or nonmetallic pipe and the making of joints for same and cofferdams (below 10 feet)	6.15	.20	.20			
Plasterer and Mason Tenders, scaffold buildera, and handling of all materials to be used by plasterers and masons, brick and blocks loaded on pallets, cement finishers tenders, gunniting and molder-D, and sand blasters helpers	6.24	.20	.20			
Barko Tamper Operator	6.40	.20	.20			
Lathers	7.69	.40	.25			
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	9.00	.15	1%		.5%	
Cable splicer	9.00	.15	1%		.5%	
Groundman	5.40	.15	1%		.5%	
Winch truck operator	6.30	.15	1%		.5%	
Millwrights	8.67	.28	.21			
Painters (Bethlehem):						
Brush	6.50	.22	.20			
Structural Steel	7.25	.22	.20			
Spray	7.00	.22	.20			

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters, Remainder of County						
Brush	6.00	.15	.15			
Structural Steel	6.75	.15	.15			
Spray	6.75	.15	.15			
Piledrivermen	9.22	1.08	.40		.07	
Plasterers, Bethlehem	7.55	.30	.41			
Plasterers, Remainder of County	7.30	.30				
Plumbers	7.95	.30	.30	.50	.01	
Roofers, Composition, Slate & Tile	7.90	.15				
Roofers, helpers	4.18	.15				
Sheet metal workers	7.95	.30	.50			
Soft floor layers	4.45	.07	.06			
Sprinkler fitters	8.75	.30	.50		.05	
Steamfitters	7.95	.30	.30	.50	.01	
Terrazzo workers	7.69	.30	.41			
Truck Drivers:						
Class I						
Helper, Stake Body Truck (single axle), Dumpster	5.99					
Class II						
Dump Trucks, TAndem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.06					
Class III						
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	6.55					
Welders- receive rate prescribed for craft performing operation to which welding is incidental.						

AQ-2,016 P. 3

48-PA-1- X

BUILDING CONSTRUCTION

Paid Holidays (Where Applicable):
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six paid holidays: A through F.

c. 9 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

d. Employer contributes $1.50 to a combined Health and Welfare Fund.

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PA-22-TEO-1-2 D

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rate	H&W	Pension	Vacation	Other
WAGE GROUP I					
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.44	4.6%	9.5%	a	1.2%
WAGE GROUP II					
All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-1/2 c. y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above	9.15	4.6%	9.5%	a	1.2%
WAGE GROUP III					
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.27	4.6%	9.5%	a	1.2%
WAGE GROUP IV					
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to the above	7.50	4.6%	9.5%	a	1.2%
WAGE GROUP V					
Fireman, grease truck	7.02	4.6%	9.5%	a	1.2%
WAGE GROUP VI					
Oilers and deck hands (personnel boats), core drill helper	6.10	4.6%	9.5%	a	1.2%
WAGE GROUP VII					
All machines with booms (including jibs, masts, leads, etc.):					
100 ft. and over	9.69	4.6%	9.5%	a	1.2%
150 ft. and over	9.94	4.6%	9.5%	a	1.2%
200 ft. and over	10.94	4.6%	9.5%	a	1.2%

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

[FR Doc.73-16881 Filed 8-16-73;8:45 am]

XUM 37 17 9CA 9511836

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federal register

MONDAY, AUGUST 20, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 160

Pages 22359–22457

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PROCLAMATION 4234

National Legal Secretaries' Court Observance Week

Title 3—The President

By the President of the United States of America

A Proclamation

When we think of our American judicial system we think most often of the judges, lawyers, court reporters, juries, clients, law enforcement officers and others who are a part of the courtroom scene. But often we fail to give proper recognition to the legal secretaries who make it possible for our judicial system to function effectively.

Highly trained and highly skilled legal secretaries make an indispensable contribution to the administration of justice in America. Because they work behind the scenes, however, many of these individuals have little opportunity for exposure to actual courtroom proceedings. Many believe that courtroom exposure of this type would enrich their understanding of their work.

To emphasize the desirability of courtroom experience for legal secretaries, the Congress has enacted House Joint Resolution 466, the 93rd Congress, which authorizes and requests the President to proclaim the second full week in October of this year as National Legal Secretaries' Court Observance Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning October 14, 1973, as National Legal Secretaries' Court Observance Week. I call upon the people of the United States, particularly the legal community, to observe that week with appropriate activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of August, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

[FR Doc.73-17408 Filed 8-16-73;4:38 pm]

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PROCLAMATION 4235

National Next Door Neighbor Day, 1973

By the President of the United States of America

A Proclamation

In recent years, our growing ability to travel and communicate across great distances has caused some loosening in those bonds of neighborhood and community which have always been fundamental to the fabric of American life. These ties have not snapped, however; they still exist. And we can contribute a great deal to the quality of our existence and to the vitality of our society by doing all we can to revive and strengthen the place of neighborliness in our daily lives.

We cannot expect to have good neighbors, however, unless we are ready to be good neighbors, to go out of our way to extend friendship and support to those who live near us. Each of us, after all, is our neighbor's neighbor—and the responsibility for building a happier, livelier, fuller life in each of our communities must rest, in the end, with each of us.

It was with these important thoughts in mind that the Congress enacted Senate Joint Resolution 25, 93rd Congress, which authorizes and requests the President to issue a proclamation designating the fourth Sunday of September, 1973, as National Next Door Neighbor Day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the fourth Sunday of September, 1973, as National Next Door Neighbor Day, and do call upon the people of the United States and interested groups and organizations to observe that day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of August, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred and ninety-eighth.

Richard Nixon

[FR Doc.73-17409 Filed 8-16-73;4:38 pm]

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PROCLAMATION 4236

Women's Equality Day

By the President of the United States of America

A Proclamation

Fifty-three years ago, on August 26, 1920, the Nineteenth Amendment was certified as part of our Constitution, assuring that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

The struggle for women's suffrage, however, was only the first step toward full and equal participation of women in our Nation's life. In recent years, we have made other giant strides by attacking sex discrimination through our laws and by paving new avenues to equal economic opportunity for women. Today, in virtually every sector of our society, women are making important contributions to the quality of American life.

And yet, much still remains to be done. American women, though they represent a majority of our population, still suffer from myriad forms of discrimination.

In the pursuit of equal rights for women, the Federal Government must take the lead and set the example. As I reminded the heads of executive departments and agencies in 1971, American women represent an important reservoir of ability and dedication which Government must draw upon to a greater degree. I therefore directed at that time that the Government demonstrate its recognition of the equality of women by making greater use of their skills.

Last year, with the enactment of the Equal Employment Opportunity Act of 1972, a strong new statutory base was provided for furthering equal opportunity for women in the Federal Government. With the help of this new tool, Federal agencies are now carrying out affirmative action plans to guarantee full opportunity for the advancement of women in accordance with their abilities. During the past two years, the number of women in the middle and higher grade levels of Government employment has significantly increased. And we are determined to do better still.

While we are making great strides to eliminate outright job discrimination because of sex in the Federal Government, we must recognize that people's attitudes cannot be changed by laws alone. There still exist elusive prejudices born of mores and customs that stand in the way of progress for women. We must do all that we can to overcome these barriers against what is fair and right.

Because I firmly believe that women should not be denied equal protection of the laws of this Nation and equal opportunity to participate fully in our national life, I reaffirm again my support for the Equal

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Rights Amendment to the Constitution. This amendment can represent a giant step forward in achieving full equality of opportunity for all Americans as we approach the 200th birthday of our Nation. I hope it will be speedily ratified.

The Congress has, by House Joint Resolution 52, 93rd Congress, designated August 26, 1973, as Women's Equality Day, and authorized and requested the President to issue a proclamation in commemoration of that day in 1920 on which women of America were first guaranteed the right to vote.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby call upon the people of the United States and interested groups and organizations to observe August 26, 1973, as Women's Equality Day with appropriate ceremonies and activities. I further urge all our people to use this occasion to reflect on the importance of achieving equal rights and opportunities for women and to dedicate themselves anew to that great goal. For the cause of equal rights and opportunities for women is inseparable from the cause of human dignity and equal justice for all.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of August, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred and ninety-eighth.

Richard Nixon

[FR Doc.73-17410 Filed 8-16-73;4:38 pm]

Rules and Regulations

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CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 967—CELERY GROWN IN FLORIDA

Handling Regulation

This handling regulation establishes the quantity of Florida celery to be marketed fresh during the 1973–74 season, with the objective of assuring adequate supplies and orderly markets.

Notice of rule making was published in the FEDERAL REGISTER July 25, 1973 (38 FR 19914) that the Secretary of Agriculture was considering the issuance of a handling regulation designed to promote orderly marketing of celery grown in Florida. The proposal was discussed at a public meeting June 5, 1973, in Orlando, after being unanimously recommended by the Florida Celery Committee. This committee was established under Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967). This program regulates the handling of celery grown in Florida and is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views or arguments regarding the proposal with the Hearing Clerk not later than August 9, 1973. None was filed.

The regulation is based on the appraisal of expected supply and prospective market conditions for the 1973–74 season.

During recent years, annual celery production from the acreage planted in Florida and California without adverse weather that reduced output would have exceeded the capacity of the U. S., Canadian, and export markets. Florida's fresh market celery sales during the 1972–73 season were approximately 7.4 million crates. An estimated IDO acres were abandoned for economic or other reasons. Fresh sales totaled about 7 million crates in 1971–72.

The 1973–74 Marketable Quantity is record large, and will provide ample opportunity for the industry to market the maximum number of crates at reasonable prices to consumers. However, since the quantity of celery to be marketed is well above that shipped in any prior season, the industry may have to significantly increase its efforts to stimulate consumption and to attain a reasonable return to growers for their labor and investment.

Although the Marketable Quantity is the largest ever issued under the program, it still is nearly a half million crates smaller than the total Base Quantities of present producers. Further, if demand should fail to increase, present Base Quantity holders could be adversely affected economically. Therefore, in accordance with § 967.37(d)(1), no reserve is established for additional Base Quantities.

On the basis of the foregoing considerations, as well as industrywide trends in the production and sales of celery, it is believed this regulation is necessary to maintain orderly marketing and will tend to effectuate the declared policy of the act.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice was given of the proposed handling regulation set forth in this section through publicity in the production area and by publication in the July 25, 1973, FEDERAL REGISTER, (2) as provided in the marketing agreement and order, this regulation applies to celery marketed during the 1973–74 season, (3) compliance with this section will not require any special preparation by handlers which cannot be completed prior to the time actual handling of harvested celery begins, approximately the latter part of October, (4) prompt issuance of this regulation will be beneficial to all interested parties because it should afford producers and handlers maximum time to plan their operations accordingly, and (5) no useful purpose will be served by postponing such issuance.

It is therefore ordered, That:

§ 967.309 Handling Regulation: Marketable Quantity; and Uniform Percentage.

(a) The Marketable Quantity for the 1973–74 season is established, under § 967.36(a), as 8,796,555 crates.

(b) As provided in § 967.38(a), the Uniform Percentage for the 1973–74 season is determined as 95 percent.

(c) During the season August 1, 1973, through July 31, 1974, no handler may handle, as provided in § 967.36(b)(1), any harvested celery unless it is within the Marketable Allotment for the producer of such celery.

(d) No reserve for Base Quantities for the 1973–74 season is established.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated August 14, 1973.

D. S. KURYLOSKI,
Acting Deputy Director Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.73-17262 Filed 8-17-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1973 Crop Wheat Supplement]

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—1973 Crop Wheat Loan and Purchase Program

Correction

In FR Doc. 73-14907, appearing at page 20237 for the issue for Monday, July 30, 1973, the table in paragraph (b)(3) of § 1421.489 which appears in the second column of page 20243, all of the "cents per bushel" figures should be "+".

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Peanut Farm-Stored Loan and Purchase Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Peanut Farm-Stored Loan and Purchase Program

The regulations issued by the Commodity Credit Corporation (CCC), and published in 35 FR 12706 (7 CFR 1421.280–1421.289), which set forth specific requirements with respect to the farm-stored loan and purchase program for the 1970 and subsequent crops of peanuts, are hereby amended to provide that, with respect to peanuts delivered to CCC under farm storage loans or purchases, the producer shall pay for the cost of inspection. This is consistent with the regulations governing warehouse-stored loans on 1973-crop peanuts (38 FR 18453) which provide that producers shall assume the cost of inspection of peanuts placed under such loans.

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Section 1421.283 of the regulations is amended to read as follows:

§ 1421.283 Determination of type and quality of farmers stock peanuts.

The type and quality of each lot of farmers stock peanuts acquired by CCC as a result of a loan or purchase shall be determined at the time of delivery to CCC by a Federal-State inspector authorized or licensed by the Secretary, U.S. Department of Agriculture. The cost of such determination shall be assumed by the producer.

Effective date. August 20, 1973.

Signed at Washington, D.C., on August 13, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-17266 Filed 8-17-73;8:45 am]

[CCC Grain Price Support Regs., 1973-Crop Peanut Farm-Stored Loan and Purchase Supp.]

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—1973-Crop Farm-Stored Peanut Loan and Purchase Program

On page 4478 of the FEDERAL REGISTER of February 14, 1973, there was published a notice of proposed rulemaking relating to a loan and purchase program for 1973-crop peanuts.

Interested persons were given until March 9, 1973, to submit written comments, suggestions, or objections regarding the proposed program. None of the written comments, suggestions or objections received pertained to the aspects of the loan and purchase program covered by this subpart.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops of Grain and Similarly Handled Commodities (35 FR 7363 and 7781) and any amendments thereto (hereinafter referred to as "the general regulations") and the 1970 and Subsequent Crops Peanut Farm-Stored Loan and Purchase Supplement (35 FR 12706) and any amendments thereto (hereinafter referred to as "the continuing supplement"), which contain regulations of a general nature with respect to loan and purchase operations, are further supplemented by revising §§ 1421.291–1421.294 to read as follows, effective as to the 1973 crop of peanuts. The material previously appearing in these sections remains in full force and effect as to the crops to which it was applicable.

Sec.
1421.291 Purpose.
1421.292 Availability.
1421.293 Maturity of loans.
1421.294 Loan and purchase rates.

AUTHORITY: The provisions of this subpart issued under 62 Stat. 1070, as amended, 15 U.S.C. 714 (b) and (c); 63 Stat. 1051, as amended, 7 U.S.C. 1441, 1421, 1423, 1425.

§ 1421.291 Purpose.

This supplement, together with the applicable provisions of the general regulations and the provisions of the continuing supplement, apply to farm-stored loans and purchases for the 1973 crop of peanuts.

§ 1421.292 Availability.

(a) *Farm-stored loans.* Producers must request a loan on 1973 crop eligible peanuts on or before March 31, 1974.

(b) *Purchases.* Producers desiring to offer eligible peanuts not under loan for purchase must execute and deliver to the appropriate county ASCS office, on or before April 30, 1974, a Purchase Agreement (Form CCC-614) indicating the approximate quantity of 1973-crop peanuts he may sell to CCC.

§ 1421.293 Maturity of loans.

Unless demand is made earlier, farm-stored loans on farmers' stock peanuts will mature on April 30, 1974.

§ 1421.294 Loan and purchase rates.

(a) *Loan rate.* Subject to the discounts specified in paragraph (b) of this section, the loan rates for farmers' stock peanuts placed under farm-stored loan shall be the following rates by types per ton:

Type:	*Dollars [1] per ton*
Virginia	317
Runner	314
Southeast Spanish	305
Southwest Spanish	301
Valencia (suitable for cleaning and roasting in southwest) [2]	317

[1] These rates may be increased. The increase, if any, will be made by an amendment to this section issued shortly after August 1, 1973.

[2] The price for all Valencia-type peanuts in the Southeast and Virginia-Carolina areas and for those Valencia-type peanuts in the Southwest area which are not suitable for cleaning and roasting will be the same as for Spanish-type peanuts in the same area.

(b) *Location adjustments to support prices.* The loan rates specified in paragraph (a) of this section shall be subject to the following discounts for farmers' stock peanuts placed under a farm-stored loan in the States specified where peanuts are not customarily shelled or crushed:

State:	*Dollars per ton*
Arizona	25
Arkansas	10
California	33
Louisiana	7
Mississippi	10
Missouri	10
Tennessee	25

(c) *Settlement values.* The support prices, premiums, and discounts for use in computing the settlement value, under § 1421.289(b)(2) of the continuing supplement, of peanuts acquired by CCC under loan or purchase shall be those specified in § 1446.11 of the 1973-crop peanut warehouse storage loan and sheller purchase supplement, including the location adjustments specified therein for peanuts delivered to CCC in States where peanuts are not customarily shelled or crushed.

Effective date. These regulations shall be effective on August 20, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

AUGUST 13, 1973.

[FR Doc.73-17264 Filed 8-17-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. R-362; Order No. 383]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Reliability and Adequacy of Electric Service—Reporting of Data—Participation of Regulatory Personnel in Regional Councils; Correction

APRIL 18, 1973.

Order No. 383-3 issued March 15, 1973, Docket No. R-362, published in the FEDERAL REGISTER March 22, 1973, 38 FR 7455: Paragraph denominated Item 1, 5th line, sentence thereof should be amended so as to read as follows:

The term energy was not defined, e.g., "gross energy," gross generator output, or "net energy," net generation, plus energy transfers received, minus energy transfers delivered. Thus, "net energy" corresponds to the "Net Energy for Load" definition as used in FPC Form 12 reports.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17209 Filed 8-17-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114–35—TELECOMMUNICATIONS

Subpart 114–35.12—Major Changes and New Installations

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114–35.2 of Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

As this amendment relates to matters of internal Department policy, the public rule-making process is waived and this amendment shall become effective August 20, 1973.

JAMES T. CLARKE,
Assistant Secretary of the Interior.

AUGUST 14, 1973.

Section 114–35.204(a)(1) is revised to read as follows:

(a) • • •

§ 114–35.204 Submission of changes.

(a) • • •

(1) (i) Automatic Call Distributing Systems or any communication device which automatically distributes incoming calls.

(ii) Automatic answering machines or any device designed to offer automatic answering and/or automatic telephone announcing, and/or recording.

(iii) Call Diverters or any device designed to automatically transfer incoming telephone calls to another, pre-determined, telephone number.

(iv) Telephone conference equipment, i.e., any device which provides the capability of simultaneous conversation on two or more lines.

• • • • • •

[FR Doc.73-17246 Filed 8-17-73;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 260—SHIPMENT OF VALUABLES PURSUANT TO THE GOVERNMENT LOSSES IN SHIPMENT ACT

Promulgation of Revocation; Correction

A revocation of 31 CFR Part 260 appeared on Tuesday, July 10, 1973, at 38 FR 18372. That item was dated July 2, 1973, and was signed by John K. Carlock, Fiscal Assistant Secretary.

Inadvertently the revocation of Part 260 was not countersigned by the United States Postal Service to show its concurrence, in accord with section 1 of the Government Losses in Shipment Act (40 U.S.C. 721) and with section 3(a) of Executive Order 10289 of September 17, 1951 (3 U.S.C. 301 note). Therefore, the countersignature of the Postal Service to this correction notice shall be deemed a countersignature and concurrence to the revocation of 31 CFR Part 260 as it appeared at 38 FR 18372.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Dated August 3, 1973.

ROGER P. CRAIG,
Deputy General Counsel
United States Postal Service.

Dated August 13, 1973.

[FR Doc.73-17297 Filed 8-17-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 13128; Amdt. 95-236]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of The Federal Aviation regulations is amended, effective September 13, 1973, as follows:

1. By amending Subpart C as follows:

§95.102 AMBER FEDERAL AIRWAY 2
Is amended to read in part:

FROM	TO	MEA
Burwash, Y.T. LFR *8600–MOCA #For that airspace over U.S. territory	Northway, Alas. LFR	#9600

§95.1001 DIRECT ROUTES–U.S.
Is amended to delete:

FROM	TO	MEA
Denver, Colo. VOR Via DEN R 155/COS R 350	Colorado Springs, Colo. VOR	9700
Tanner INT, Ala. *2400–MOCA	Redstone, Ala. VOR	*2700

§95.1001 DIRECT ROUTES–U.S.
Is amended by adding:

FROM	TO	MEA
Jacks Creek, Tenn. VOR *2100–MOCA	Cunningham, Ky. VOR	*2400

§95.1001 DIRECT ROUTES–U.S.
Is amended to read in part:

FROM	TO	MEA
Panama City, Fla. VOR	Bristol INT, Fla.	2500

§95.5000 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
J852R is amended to read:					
Lucky, Nev. W/P Modesto, Calif. W/P	264	111 Lucky	276/096 to COP 273/093 to Modesto	18000	45000

§95.5500 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
J926R is added to read:					
Golden, Colo. W/P Redstone, Colo. W/P	118	56 Golden	234/054 to COP 232/052 to Marble	18000	45000
Redstone, Colo. W/P LaSalle, Utah W/P	98		232/052 to COP 231/051 to LaSalle	18000	45000
LaSalle, Utah W/P White Cliffs, Utah W/P	165		231/051 to COP 228/048 to White Cliffs	18000	45000
White Cliffs, Utah W/P Sanup, Ariz. W/P	93		217/037 to COP 216/036 to Sanup	18000	45000
Sanup, Ariz. W/P Kelso, Calif. W/P	105	75 Sanup	219/039 to COP 219/039 to Kelso	18000	45000
Kelso, Calif. W/P Morrow, Calif. W/P	104	49 Kelso	219/039 to COP 217/037 to Morrow	18000	45000

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FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J933R Is amended to read in part:						
Drake, Ariz. W/P Chubbuck, Calif. W/P	114	57	Drake	244/064 to COP 242/062 to Chubbuck	18000	45000
Chubbuck, Calif. W/P Morrow, Calif. W/P	125	90	Chubbuck	242/062 to COP 241/061 to Morrow	18000	45000
Wichita Falls, Tex. VORTAC Crowell, Tex. W/P	59			269/089 to Crowell	18000	45000
Crowell, Tex. W/P Texico, N.M. VORTAC	154	48	Crowell	269/089 to COP 266/086 to Texico	18000	45000
J942R Is amended to read in part:						
Greater Southwest, Tex. W/P Bridgeport, Tex. W/P	44	22	Greater Southwest	296/116 to COP 296/116 to Bridgeport	18000	45000
J951R Is amended to read in part:						
Front Royal, Va. W/P Henderson, W. Va. W/P	180	80	Front Royal	271/091 to COP 266/086 to Henderson	18000	45000
J973R Is added to read:						
Cumberland, Wash. W/P McKay, Ore. W/P	130	104	Cumberland	109/289 to COP 111/291 to McKay	18000	45000
McKay, Ore. W/P Horseshoe, Ida. W/P	191	110	McKay	111/291 to COP 114/294 to Horseshoe	18000	45000
Horseshoe, Ida. W/P Spring Bay, Utah W/P	199	100	Horseshoe	114/294 to COP 118/298 to Spring Bay	18000	45000
J974R Is amended to read in part:						
Springer, N.M. W/P Defiance, N.M. W/P	219	109	Springer	245/065 to COP 242/062 to Defiance	22000	45000
J977R Is added to read:						
Portland, Ore. VORTAC McKay, Ore. W/P	131	40	Portland	064/244 to COP 068/248 to McKay	18000	45000
McKay, Ore. W/P Grangeville, Ida. W/P	137	61	McKay	068/248 to COP 071/251 to Grangeville	18000	45000
Grangeville, Ida. W/P Whitehall, Mont. VORTAC	169	93	Grangeville	071/251 to COP 075/255 to Whitehall	25000	45000
Whitehall, Mont. VORTAC Rockvale, Mont. W/P	149	79	Whitehall	075/255 to COP 078/258 to Rockvale	18000	45000
Rockvale, Mont. W/P Brandenburg, Mont. W/P	107	60	Rockvale	078/258 to COP 082/262 to Brandenburg	18000	45000
Brandenburg, Mont. W/P Mud Butte, S.D. W/P	144	77	Brandenburg	082/262 to COP 086/266 to Mud Butte	18000	45000
Mud Butte, S.D. W/P Bonilla, S.D. W/P	179	84	Mud Butte	086/266 to COP 093/273 to Bonilla	18000	45000
Bonilla, S.D. W/P Heidy, Minn. W/P	117	42	Bonilla	093/273 to COP 095/275 to Heidy	18000	45000
Heidy, Minn. W/P Oranto, Iowa W/P	130	65	Heidy	097/277 to COP 103/283 to Oranto	18000	45000
Oranto, Iowa W/P Woodstock, Ill. W/P	220	114	Oranto	100/280 to COP 107/287 to Woodstock	18000	45000
J978R Is added to read:						
Morrison, Ill. W/P Elberon, Iowa W/P	111	56	Morrison	270/090 to COP 269/089 to Elberon	18000	45000
Elberon, Iowa W/P Corwith, Iowa W/P	93	50	Elberon	306/126 to COP 300/120 to Corwith	18000	45000
Corwith, Iowa W/P Heidy, Minn. W/P	114	57	Corwith	300/120 to COP 297/117 to Heidy	18000	45000
Heidy, Minn. W/P Bonilla, S.D. W/P	117	75	Heidy	275/095 to COP 273/093 to Bonilla	18000	45000
Bonilla, S.D. W/P Mud Butte, S.D. W/P	179	95	Bonilla	273/093 to COP 266/086 to Mud Butte	18000	45000
Mud Butte, S.D. W/P Brandenburg, Mont. W/P	144	67	Mud Butte	266/086 to COP 262/082 to Brandenburg	18000	45000
Brandenburg, Mont. W/P Rockvale, Mont. W/P	107	47	Brandenburg	262/082 to COP 258/078 to Rockvale	18000	45000
Rockvale, Mont. W/P Whitehall, Mont. VORTAC	149	70	Rockvale	258/078 to COP 255/075 to Whitehall	18000	45000
Whitehall, Mont. VORTAC Grangeville, Ida. W/P	169	76	Whitehall	255/075 to COP 251/071 to Grangeville	25000	45000
Grangeville, Ida. W/P McKay, Ore. W/P	137	76	Grangeville	251/071 to COP 248/068 to McKay	18000	45000
McKay, Ore. W/P Portland, Ore. VORTAC	131	91	McKay	248/068 to COP 244/064 to Portland	18000	45000

§95.6003 VOR FEDERAL AIRWAY 3
Is amended to delete:

FROM	TO	MEA
Flat Rock, Va. VOR	Brooke, Va. VOR	2000
Brooke, Va. VOR	Norbeck INT, Md.	2000
Norbeck INT, Md.	Westminster, Md. VOR	2400
Westminster, Md. VOR	Norris INT, Pa.	3000
Norris INT, Pa.	Modena, Pa. VOR	*2400
*1900—MOCA		

§95.6003 VOR FEDERAL AIRWAY 3
Is amended by addings:

FROM	TO	MEA
Flat Rock, Va. VOR	Gordonsville, Va. VOR	2300
Gordonsville, Va. VOR	Linden, Va. VOR	5000
Linden, Va. VOR	Front Royal, Va. VOR	4500
Front Royal, Va. VOR	Martinsburg, W. Va. VOR	3000
Martinsburg, W. Va. VOR	Westminster, Md. VOR	4000
Westminster, Md. VOR	Modena, Pa. VOR	3000

§95.6003 VOR FEDERAL AIRWAY 3
Is amended to read in part:

FROM	TO	MEA
Florence, S.C. VOR	Pinehurst, N.C. VOR	2000

§95.6004 VOR FEDERAL AIRWAY 4
Is amended to delete:

FROM	TO	MEA
Front Royal, Va. VOR	Herndon, Va. VORTAC	4000

§95.6004 VOR FEDERAL AIRWAY 4
Is amended by addings:

FROM	TO	MEA
Front Royal, Va. VOR	Sully INT, Va	3900

§95.6007 VOR FEDERAL AIRWAY 7
Is amended to read in part:

FROM	TO	MEA
*Niles INT, Ill.	Evanston INT, Ill.	3400
*3100—MCA Niles INT, N-bound		

§95.6008 VOR FEDERAL AIRWAY 8
Is amended to delete:

FROM	TO	MEA
Hagerstown, Md. VOR Via N alter.	Braddock INT, Md. Via N alter.	3100
Braddock INT, Md. Via N alter.	Ashburn INT, Md. Via N alter.	3000
Martinsburg, W. Va. VOR	Boyds INT, Va.	3000
Boyds INT, Va.	Ashburn INT, Md.	2800
Ashburn INT, Md.	Washington, D.C. VOR	2700

§95.6008 VOR FEDERAL AIRWAY 8
Is amended by adding:

FROM	TO	MEA
Martinsburg, W. Va. VOR	Washington, D. C. VOR	3300
Hagerstown, Md. VOR Via N alter.	Luckerts INT, Va. VOR Via N alter.	3800

§95.6010 VOR FEDERAL AIRWAY 10
Is amended to read in part:

FROM	TO	MEA
Naperville, Ill. VOR Via N alter.	*Surf INT, Ill. Via N alter.	3400
*3100—MCA Surf INT, N-bound		

§95.6013 VOR FEDERAL AIRWAY 13
Is amended to read in part:

FROM	TO	MEA
Grantsburg, Wis. VOR	*Barnum INT, Minn.	**3300
*4000—MRA		
*10000—MAA		
**2500—MOCA		
Barnum INT, Minn.	Duluth, Minn. VOR	3000

§95.6014 VOR FEDERAL AIRWAY 14
Is amended to read in part:

FROM	TO	MEA
Oklahoma City, Okla. VOR Via N alter.	Langston INT, Okla. Via N alter.	3000

§95.6016 VOR FEDERAL AIRWAY 16
Is amended to delete:

FROM	TO	MEA
Roanoke, Va. VOR	Rockfish INT, Va.	6000
Rockfish INT, Va.	Gordonsville, Va. VOR	5000
Roanoke, Va. VOR Via N alter.	Montebello, Va. VOR Via N alter.	6000
Montebello, Va. VOR Via N alter.	Gordonsville, Va. VOR Via E alter.	6000
Gordonsville, Va. VOR	Stafford INT, Va.	5000
Stafford INT, Va.	Ironsides INT, Md.	2000
Ironsides INT, Md.	Nottingham, Md. VOR	1900
Nottingham, Md. VOR	North Beach INT, Md.	1900
North Beach INT, Md.	Kenton, Del. VOR	1800

§95.6016 VOR FEDERAL AIRWAY 16
Is amended by adding:

FROM	TO	MEA
Roanoke, Va. VOR	Lynchburg, Va. VOR	5000
Lynchburg, Va. VOR	Flat Rock, Va. VOR	3000
Flat Rock, Va. VOR	Richmond, Va. VOR	2000
Richmond, Va. VOR	Toppahannock INT, Va.	1900
Toppahannock INT, Va.	Patuxent, Md. VOR	2000
Patuxent, Md. VOR	Kenton, Del. VOR	2000

§95.6019 VOR FEDERAL AIRWAY 19
Is amended to read in part:

FROM	TO	MEA
Squirrel INT, Colo Via E alter.	Kiowa, Colo. VOR Via E alter.	8700

§95.6021 VOR FEDERAL AIRWAY 21
Is amended to read in part:

FROM	TO	MEA
Ogden, Utah VOR	*Corinne INT, Utah	
	N-bound	11000
	S-bound	7600
*13000—MRA		

§95.6029 VOR FEDERAL AIRWAY 29
Is amended to read in part:

FROM	TO	MEA
Ridgely INT, Md Via W alter.	Kenton, Del. VOR Via W alter.	2000
Kenton, Del. VOR	New Castle, Del. VOR	1800

§95.6035 VOR FEDERAL AIRWAY 35
Is amended to read in part:

FROM	TO	MEA
*Crayfish INT, Fla Via W alter.	Cross City, Fla. VOR Via W alter.	**5000
*4000—MRA		
**1300—MOCA		

§95.6039 VOR FEDERAL AIRWAY 39
Is amended to delete:

FROM	TO	MEA
Gordonsville, Va. VOR	Casanova, Va. VOR	3000
Casanova, Va. VOR	Herndon, Va. VOR	*3000
*2500—MOCA		
Gordonsville, Va. VOR Via E alter.	Brandy INT, Va. Via E alter.	2800
Brandy INT, Va. Via E alter.	Nokesville INT, Va Via E alter.	*5000
*1500—MOCA		
Nokesville INT, Va. Via E alter.	Herndon, Va. VOR Via E alter.	2000
Herndon, Va. VOR	Westminster, Md. VOR	2500

§95.6039 VOR FEDERAL AIRWAY 39
Is amended by adding:

FROM	TO	MEA
Gordonsville, Va. VOR	Linden, Va. VOR	5000
Linden, Va. VOR	Front Royal, Va. VOR	4500
Front Royal, Va. VOR	Martinsburg, W. Va. VOR	3000
Martinsburg, W. Va. VOR	Lancaster, Pa. VOR	5000
Gordonsville, Va. VOR Via E alter.	Casanova, Va. VOR Via E alter.	3000
Casanova, Va. VOR Via E alter.	Linden, Va. VOR Via E alter.	5000

§95.6039 VOR FEDERAL AIRWAY 39
Is amended to read in part:

FROM	TO	MEA
Concord, N.H. VOR *5000—MCA Parsons INT, NE-bound **2900—MOCA	*Parsons INT, Me.	**3500

§95.6043 VOR FEDERAL AIRWAY 45
Is amended to read in part:

FROM	TO	MEA
Greensboro, N.C. VOR *2400—MOCA	Pine Hall INT, N.C.	*3000

§95.6053 VOR FEDERAL AIRWAY 53
Is amended to read in part:

FROM	TO	MEA
Indianapolis, Ind. VOR *2300—MOCA	Jackson INT, Ind.	*2700
St. George INT, S.C. *2500—MRA **1900—MOCA	*Ernies INT, S.C.	**2200
Ernies INT, S.C. *1900—MOCA	Columbia, S.C. VOR	*2200

§95.6056 VOR FEDERAL AIRWAY 56
Is amended to read in part:

FROM	TO	MEA
Craig, Ala. VOR *2800—MRA **1600—MOCA	*Benton INT, Ala.	**2000
Benton INT, Ala. *1600—MOCA	Montgomery, Ala. VOR	*2000

§95.6071 VOR FEDERAL AIRWAY 71
Is amended to read in part:

FROM	TO	MEA
Hot Springs, Ark. VOR Via W alter. *2500—MOCA	Hillside INT, Ark. Via W alter.	*3000
Hillside INT, Ark. Via W alter.	Rover INT, Ark. Via W alter.	*5500

§95.6077 VOR FEDERAL AIRWAY 77
Is amended to read in part:

FROM	TO	MEA
Oklahoma City, Okla. VOR Via E alter.	Langston INT, Okla. Via E alter.	3000

§95.6083 VOR FEDERAL AIRWAY 83
Is amended to read in part:

FROM	TO	MEA
Blanca INT, Colo.	*Gordon INT, Colo. *13500—MCA Gordon INT, SW-bound **13600—MOCA	**14000

§95.6093 VOR FEDERAL AIRWAY 93
Is amended by addings:

FROM	TO	MEA
Baltimore, Md. VOR Via E alter.	Bel Air INT, Md. Via E alter.	2300
Bel Air INT, Md. Via E alter.	Lancaster, Pa. VOR Via E alter.	2500

§95.6116 VOR FEDERAL AIRWAY 116
Is amended to read in part:

FROM	TO	MEA
Naperville, Ill. VOR *3100—MCA Surf INT, W-bound	*Surf INT, Ill.	3400

§95.6123 VOR FEDERAL AIRWAY 123
Is amended to delete:

FROM	TO	MEA
Washington, D.C. VOR	INT 231 M rad Baltimore VOR & 271 M rad Kenton VOR	2000

§95.6128 VOR FEDERAL AIRWAY 128
Is amended to read in part:

FROM	TO	MEA
Jackson INT, Ind. *2300—MOCA	Indianapolis, Ind. VOR	*2700

§95.6140 VOR FEDERAL AIRWAY 140
Is amended to delete:

FROM	TO	MEA
Casanova, Va. VOR *2500—MOCA	Herndon, Va. VOR	*3000
Herndon, Va. VOR	Dayton INT, Md.	4500
Dayton INT, Md.	Woodstock INT, Md.	6000
Woodstock INT, Md.	Towson INT, Md.	7000
Towson INT, Md.	Bel Air INT, Md.	4500
Bel Air INT, Md.	Modena, Pa. VOR	2300

§95.6143 VOR FEDERAL AIRWAY 143
Is amended to delete:

FROM	TO	MEA
Martinsburg, W. Va. VOR Via N alter.	Hampton INT, Pa. Via N alter.	5000
Hampton INT, Pa. Via N alter.	Lancaster, Pa. VOR Via N alter.	3000

§95.6143 VOR FEDERAL AIRWAY 143
Is amended by adding:

FROM	TO	MEA
Martinsburg, W. Va. VOR Via S alter.	Westminster, Md. VOR Via S alter.	4000
Westminster, Md. VOR Via S alter.	Lancaster, Pa. VOR Via S alter.	3000

XUM 37 NS GCA 0618 3V

§95.6160 VOR FEDERAL AIRWAY 160
is amended to read in part

FROM	TO	MEA
Richmond, Va. VOR	Lynchburg, Va. VOR	5000
Lynchburg, Va. VOR	Flat Rock, Va. VOR	4000

§95.6245 VOR FEDERAL AIRWAY 245
is amended to delete

FROM	TO	MEA
Reno INT, Md.	Dayton INT, Md.	2000
Dayton INT, Md.	Westminster, Md. VOR	2600
Westminster, Md. VOR	Hampton INT, Pa.	2000
Hampton INT, Pa.	Harrisburg, Pa. VOR	3100

§95.6265 VOR FEDERAL AIRWAY 265
is amended by adding

FROM	TO	MEA
Reading INT, Md.	Dayton INT, Md.	2000
Dayton INT, Md.	Westminster, Md. VOR	2600
Westminster, Md. VOR	Harrisburg, Pa. VOR	3400

§95.6286 VOR FEDERAL AIRWAY 286
is amended to delete

FROM	TO	MEA
Linden, Va. VOR	Casanova, Va. VOR	3500

§95.6286 VOR FEDERAL AIRWAY 286
is amended by adding

FROM	TO	MEA
Mansfield INT, W.Va.	Riceyville INT, Va.	*9000

§95.6174 VOR FEDERAL AIRWAY 174
is amended to delete

FROM	TO	MEA
Linden, Va. VOR	Huntly INT, Va.	5000
*Huntly INT, Va.	Blue Ridge INT, Va.	4000
*2700—MCA Huntly INT, W.bound		
Blue Ridge INT, Va.	Manassas INT, Va.	2800

§95.6197 VOR FEDERAL AIRWAY 197
is amended to read in part

FROM	TO	MEA
Grand Junction, Colo. VOR	Plateau INT, Colo.	10000

§95.6210 VOR FEDERAL AIRWAY 210
is amended to read in part

FROM	TO	MEA
Blanca INT, Colo.	*Garden INT, Colo.	*14000
*13500—MCA Garden INT, SW-bound		
**13600—MOCA		

§95.6213 VOR FEDERAL AIRWAY 213
is amended to read in part

FROM	TO	MEA
Patuxent, Md. VOR	Kenton, Del. VOR	2000

§95.6218 VOR FEDERAL AIRWAY 218
is amended to read in part

FROM	TO	MEA
Naperville, Ill. VOR	*Sorl INT, Ill.	*2100
*3100—MCA Sorl INT, W.bound		

§95.6222 VOR FEDERAL AIRWAY 222
is amended to delete

FROM	TO	MEA
Riceyville INT, Va.	Casanova, Va. VOR	5500

§95.6308 VOR FEDERAL AIRWAY 308
is amended to delete

FROM	TO	MEA
Mansfield INT, W.Va.	Riceyville INT, Va.	*9000
*5300—MOCA		
Riceyville INT, Va.	Casanova, Va. VOR	5500
Casanova, Va. VOR	Manassas INT, Va.	2400
Manassas INT, Va.	Nottingham, Md. VOR	3900
Nottingham, Md. VOR	Hobbs INT, Md.	2000

§95.6375 VOR FEDERAL AIRWAY 375
is added to read:

FROM	TO	MEA
Roanoke, Va. VOR	Parkway INT, Va.	5000
Parkway INT, Va.	Clifford INT, Va.	6000
Clifford INT, Va.	Gordonsville, Va. VOR	5000
Gordonsville, Va. VOR	Brady INT, Va.	2800
Roanoke, Va. VOR	Montebello, Va. VOR	6000
Via N alter.		
Montebello, Va. VOR	Gordonsville, Va. VOR	6000
Via N alter.		

§95.6376 VOR FEDERAL AIRWAY 376
is added to read:

FROM	TO	MEA
Richmond, Va. VOR	Goshen INT, Va.	2000
Goshen INT, Va.	Lousiden INT, Va.	2500

§95.6377 VOR FEDERAL AIRWAY 377
is added to read:

FROM	TO	MEA
Kessel, W.Va. VOR	Int. 061M rad Kessel VOR & 274M rad Hagerstown VOR	4300
Int. 061M rad Kessel VOR & 274M rad Hagerstown VOR	Hagerstown, Md. VOR	4000
Hagerstown, Md. VOR	Harrisburg, Pa. VOR	5000

§95.6378 VOR FEDERAL AIRWAY 378
is added to read:

FROM	TO	MEA
Baltimore, Md. VOR	Modena, Pa. VOR	2300

§95.6379 VOR FEDERAL AIRWAY 379
is added to read:

FROM	TO	MEA
Nottingham, Md. VOR	North Beach INT, Md.	3700
North Beach INT, Md.	Kenton, Del. VOR	1800

§95.6433 VOR FEDERAL AIRWAY 433
is amended to delete

FROM	TO	MEA
Washington, D.C. VOR	INT 231 M rad Baltimore VOR & 221 M rad Kenton VOR	2000

§95.6474 VOR FEDERAL AIRWAY 474
is amended to read in part

FROM	TO	MEA
St. Thomas, Pa. VOR	Big Flat INT, Pa.	5000
Big Flat INT, Pa.	Sayr INT, Pa.	2800

§95.6501 VOR FEDERAL AIRWAY 501
is amended to delete

FROM	TO	MEA
Martinsburg, W.Va. VOR	St. Thomas, Pa. VOR	4500

§95.6551 VOR FEDERAL AIRWAY 551
is amended by adding

FROM	TO	MEA
Martinsburg, W.Va. VOR	Hagerstown, Md. VOR	3500
Hagerstown, Md. VOR	St. Thomas, Pa. VOR	4500

§95.6174 VOR FEDERAL AIRWAY 174
is amended to delete

FROM	TO	MEA
Blue Ridge INT, Va.	Manassas INT, Va.	2800

§95.6197 VOR FEDERAL AIRWAY 197
is amended to read in part

FROM	TO	MEA
Grand Junction, Colo. VOR	Plateau INT, Colo.	10000

§95.6210 VOR FEDERAL AIRWAY 210
is amended to read in part

FROM	TO	MEA
Blanca INT, Colo.	*Garden INT, Colo.	*14000
*13500—MCA Garden INT, SW-bound		
**13600—MOCA		

§95.6213 VOR FEDERAL AIRWAY 213
is amended to read in part

FROM	TO	MEA
Patuxent, Md. VOR	Kenton, Del. VOR	2000

§95.6218 VOR FEDERAL AIRWAY 218
is amended to read in part

FROM	TO	MEA
Naperville, Ill. VOR	*Sorl INT, Ill.	*2100
*3100—MCA Sorl INT, W.bound		

§95.6222 VOR FEDERAL AIRWAY 222
is amended to delete

FROM	TO	MEA
Hunlo, Tex. VOR	Dayton INT, Tex.	2300
Via N alter.	Via N alter.	
*1600—MOCA		
Dayton INT, Tex.	Deirette, Tex. VOR	2000
Via N alter.	Via N alter.	
*1400—MOCA		
Deirette, Tex. VOR	Silsbee INT, Tex.	*2000
Via N alter	Via N alter	
Silsbee INT, Tex.	Orange INT, Tex.	
Via N alter.	Via N alter.	
Orange INT, Tex.	Sulphur INT, Tex.	
Via N alter.	Via N alter.	
*1400—MOCA		
Sulphur INT, La.	Lake Charles, La. VOR	
Via N alter	Via N alter	
*1400—MOCA		

§95.6222 VOR FEDERAL AIRWAY 222
is amended by adding

FROM	TO	MEA
Lynchburg, Va. VOR	Gordonsville, Va. VOR	*1700
Via N alter.	Via N alter.	
Gordonsville, Va. VOR	Ironsides INT, Md.	MAA-7000
Via N alter.	Via N alter.	2300

§95.6223 VOR FEDERAL AIRWAY 223
is amended to read

FROM	TO	MEA
Flat Rock, Va. VOR	Brady INT, Va.	*7500

§95.6243 VOR FEDERAL AIRWAY 243
is amended to read in part

FROM	TO	MEA
McMinnville INT, Tenn.	Hartsville INT, Tenn.	7500
*3500—MOCA		5000

§95.6144 VOR FEDERAL AIRWAY 144
is amended to delete

FROM	TO	MEA
Linden, Va. VOR	Huntly INT, Va.	5000
*Huntly INT, Va.	Blue Ridge INT, Va.	4000
*2700—MCA Huntly INT, W.bound		
Blue Ridge INT, Va.	Manassas INT, Va.	2800

§95.6155 VOR FEDERAL AIRWAY 155
is amended to delete

FROM	TO	MEA
Flat Rock, Va.	Gordonsville, Va. VOR TAC	2300
Gordonsville, Va. VOR	*Linden, Va. VOR	5000
*4300—MCA Linden VOR, S-bound		
Linden, Va. VOR	Front Royal, Va. VOR	4500

§95.6155 VOR FEDERAL AIRWAY 155
is amended by adding

FROM	TO	MEA
Flat Rock, Va. VOR	Brooks, Va. VOR	2000

§95.6155 VOR FEDERAL AIRWAY 155
is amended to read in part

FROM	TO	MEA
Chesterfield, S.C. VOR	Pinehurst, N.C. VOR	*2100
*2000—MOCA		

§95.6157 VOR FEDERAL AIRWAY 157
is amended to delete:

FROM	TO	MEA
Richmond, Va. VOR	Grabs INT, Va.	2000
Grabs INT, Va.	Ironsides INT, Md.	2300
Ironsides INT, Md.	Doncaster INT, Md.	2000
Doncaster INT, Md.	Washington, D.C. VOR	1800
Washington, D.C. VOR	Baltimore, Md. VOR	2000
Baltimore, Md. VOR	Bel Air INT, Md.	2000
Bel Air INT, Md.	New Castle, Del. VOR	*2000
*1700—MOCA		

§95.6157 VOR FEDERAL AIRWAY 157
is amended by adding

FROM	TO	MEA
Richmond, Va. VOR	Toppahannock INT, Va.	1900
Toppahannock INT, Va.	Patuxent, Md. VOR	2000
Patuxent, Md. VOR	Kenton, Del. VOR	2000
Kenton, Del. VOR	New Castle, Del. VOR	1800

§95.6159 VOR FEDERAL AIRWAY 159
is amended to read in part

FROM	TO	MEA
Greenville, Fla. VOR	Greenville, Fla. VOR	*1700
Via E alter.	Via E alter.	
*2000—MOCA		MAA-7000
*Gilmore INT, Ala.	Walnut Ridge, Ark. VOR	2300
*3000—MRA		

§95.6160 VOR FEDERAL AIRWAY 160
is amended to read in part

FROM	TO	MEA
Rogue INT, Colo.	Silvery, Neb. VOR	*7500
*6700—MOCA		

§95.6162 VOR FEDERAL AIRWAY 162
is amended by adding

FROM	TO	MEA
Lucinda INT, Va.	Big Flat INT, Pa.	7500
Big Flat INT, Pa.	Harrisburg, Pa. VOR	5000

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

FROM	TO	CHANGEOVER POINT DISTANCE FROM	
V-16 is amended to delete:			
Roanoke, Va. VOR	Gordonsville, Va. VOR	48	Roanoke
V-16 is amended by adding:			
Lynchburg, Va. VOR	Flat Rock, Va. VOR	33	Lynchburg
Patuxent, Md. VOR	Kenton, Del. VOR	33	Patuxent
V-39 is amended to delete:			
Casanova, Va. VOR	Herndon, Va. VOR	20	Casanova
Herndon, Va. VOR	Westminster, Md. VOR	19	Herndon
V-140 is amended to delete:			
Casanova, Va. VOR	Herndon, Va. VOR	20	Casanova
V-157 is amended to delete:			
Richmond, Va. VOR	Washington, D. C. VOR	52	Richmond
V-157 is amended by adding:			
Patuxent, Md. VOR	Kenton, Del. VOR	33	Patuxent
V-223 is amended to delete:			
Herndon, Va. VORTAC	Harrisburg, Pa. VORTAC	41	Herndon

(Secs. 307 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510.)

Issued in Washington, D.C., on August 13, 1973.

JAMES O. ROBINSON,
Acting Chief,
Aircraft Programs Division.

[FR Doc.73-17130 Filed 8-17-73;8:45 am]

[Docket No. 12115; Amdt. No. 121-106]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Inspection of Emergency Equipment

The purpose of these amendments to Part 121 of the Federal Aviation Regulations is to require inspection periods for certain emergency equipment carried aboard aircraft operated under that part.

Interested persons have been afforded an opportunity to participate in the making of this amendment by a Notice of Proposed Rule Making (Notice 72–20) issued on July 26, 1972, and published in the FEDERAL REGISTER on August 2, 1972 (37 FR 15436). Due consideration has been given to all comments presented in response to the Notice. Except for minor editorial changes, and except as specifically discussed hereinafter, these amendments and the reasons therefor are the same as those in Notice 72–20.

The FAA received seven public comments in response to Notice 72–20. All of the comments generally favored the adoption of the proposed amendments. However, some commentators recommended certain changes that are discussed hereinafter. Several commentators made suggestions that were not within the scope of the notice, and, accordingly, those comments are not discussed, but will be retained by the FAA for consideration with regard to future rule-making proceedings.

The Air Transport Association (ATA) in its comment objected to the phrase "must be inspected regularly" in proposed § 121.309(b)(2) in that it could be interpreted as meaning that "hard times" must be established for detailed inspection of items such as life vests and life rafts. However, the intent of the proposed rule is to provide for regular inspection of each item of safety equipment at specific time intervals as provided by the inspection periods set out in each certificate holder's operations specifications. As stated in Notice 72–20, the FAA deems it appropriate to extend the requirement for regular inspection of the additional emergency equipment to assure its condition for continued serviceability and immediate readiness to perform its intended use. Accordingly, the wording of the proposal objected to by the ATA is retained in this amendment.

In addition, the ATA pointed out that, although the proposed wording of § 121.309(b)(2) would require that all items of equipment specified in §§ 121.309, 121.310, 121.339, and 121.340 be readily accessible to both the crew and passengers, some of the required items may be located in the crew compartment which is not accessible to passengers. Upon further consideration in the light of this comment, § 121.309(b)(2), as adopted, has been changed to provide that only that emergency equipment located in the passenger compartment must be readily accessible to passengers. In addition, the rule, as adopted, specifically provides that each item of emergency equipment must be clearly identified to facilitate access to that equipment.

The ATA also objected to the requirement of proposed § 121.309(b)(4), which provided that when the items of equipment required by §§ 121.310, 121.339, and 121.340 are carried in a compartment or container, that compartment or container must be marked as to contents and date of last inspection. It noted that one compartment may contain more than one item of emergency equipment, and that life rafts may be frequently transferred from airplane to airplane making the labeling of containers as to date of last inspection impractical. The FAA believes that each compartment containing emergency equipment must be marked as to its contents to facilitate access to that equipment. However, the FAA considers the ATA comment with respect to the date of last inspection to have merit, and the rule, as adopted, has been changed to allow the placing of the date of last inspection on the item of emergency equipment itself instead of on the compartment or container.

Finally, §§ 121.25(b)(6), 121.45(b)(6), 121.135(b)(17), 121.363(a)(2), and 121.369(b) have been amended to make it clear that maintenance provisions contained therein apply to emergency equipment, and the word "emergency" has been added to the title of §§ 121.353 and 121.339 to clarify the nature of the equipment described in those sections.

(Secs. 313(a), 601, and 604, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1424. Sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c).)

In consideration of the foregoing, and for the reasons stated in Notice 72–20, Part 121 of the Federal Aviation Regulations is amended, effective September 19, 1973, as follows:

1. By amending paragraph (b)(6) of § 121.25, paragraph (b)(6) of § 121.45, and paragraph (b)(17) of § 121.135 by striking out the word "and" after the word "propellers", and adding the words "and emergency equipment" after the word "appliances."

2. By amending paragraphs (a) and (b) of § 121.309 to read as follows:

§ 121.309 Emergency equipment.

(a) General: No person may operate an airplane unless it is equipped with the emergency equipment listed in this section and in § 121.310.

(b) Each item of emergency and flotation equipment listed in this section and in §§ 121.310, 121.339, and 121.340—

(1) Must be inspected regularly in accordance with inspection periods established in the operations specifications to ensure its condition for continued serviceability and immediate readiness to perform its intended emergency purposes;

(2) Must be readily accessible to the crew and, with regard to equipment located in the passenger compartment, to passengers;

(3) Must be clearly identified and clearly marked to indicate its method of operation;

(4) When carried in a compartment or container, must be carried in a compartment or container marked as to contents and the compartment or container, or

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the item itself, must be marked as to date of last inspection.

• • • • •

3. By amending § 121.339 by changing the title to read as follows:

§ 121.339 Emergency equipment for extended over-water operations.

• • • • •

4. By amending § 121.353 by changing the title to read as follows:

§ 121.353 Emergency equipment for operations over uninhabited terrain areas: flag and supplemental air carriers and commercial operators.

• • • • •

5. By amending paragraph (a)(2) of § 121.363 to read as follows:

§ 121.363 Responsibility for airworthiness.

(a) • • •

(2) The performance of the maintenance, preventive maintenance, and alteration of its aircraft, including airframes, aircraft engines, propellers, appliances, emergency equipment, and parts thereof, in accordance with its manual and the regulations of this chapter.

6. By amending the lead-in portion of paragraph (b) of § 121.369 by inserting the words "emergency equipment," after the word "appliances."

Issued in Washington, D.C., on August 9, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-17202 Filed 8-17-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is amended to show that the Foundation's current Schedule A authorities are extended until June 30, 1976. This section is further amended to show that until June 30, 1976, the following additional positions are excepted under Schedule A: In the National Endowment for the Arts—one Director, Interdisciplinary Programs, one Director of Special Projects, one Assistant Director of Expansion Arts Programs, one Assistant Director of Public Media Programs, one Assistant Director of Architecture and Environment Arts Programs, one Assistant Director of Dance, one Assistant Director of Visual Arts, one Assistant Director of Museum, and one Assistant Director of Special Projects; and in the National Endowment for the Humanities—one Special Assistant to the Deputy Chairman, one Program Analyst, Office of Planning and Analysis, one Program Officer, Division of Fellowships and Stipends, one Program Officer, Division of Research Grants, two Program Officers, State-based Programs, one Media Programs Officer, Division of Public Programs, one Bicentennial Coordinator, Division of Public Programs, one Program Officer, Museum Programs, and one Deputy Director of Public Programs.

Effective August 20, 1973, § 213.3182 is amended as set out below.

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.*

(1) Until June 30, 1976, one Special Assistant to the Chairman.

(2) Until June 30, 1976, Director of State and Community Operations, when filled at GS–15 and below.

(3) Until June 30, 1976, eight Program Directors.

• • • • •

(11) Until June 30, 1976, four Project Evaluators.

(12) Until June 30, 1976, one Director of Museum Programs.

(13) Until June 30, 1976, two Assistant Directors for State and Community Operations.

(14) Until June 30, 1976, one Assistant Director of Music Programs.

(15) Until June 30, 1976, one Director of Developing Arts Programs.

(16) Until June 30, 1976, one Director for Public Media Programs.

(17) Until June 30, 1976, one Assistant to the Chairman.

(18) Until June 30, 1976, one Director of Planning and Management.

(19) Until June 30, 1976, one Director, Interdisciplinary Programs.

(20) Until June 30, 1976, one Director of Special Projects.

(21) Until June 30, 1976, one Assistant Director of Expansion Arts Programs.

(22) Until June 30, 1976, one Assistant Director of Public Media Programs.

(23) Until June 30, 1976, one Assistant Director of Architecture and Environment Arts Programs.

(24) Until June 30, 1976, one Assistant Director of Dance.

(25) Until June 30, 1976, one Assistant Director of Visual Arts.

(26) Until June 30, 1976, one Assistant Director of Museum.

(27) Until June 30, 1976, one Assistant Director of Special Projects.

(b) *National Endowment for the Humanities.*

• • • • •

(3) Until June 30, 1976, Director of Planning and Analysis, when filled at GS–15 and below.

(4) Until June 30, 1976, Director of Fellowships and Stipends.

(5) Until June 30, 1976, Director of Research and Grants.

(6) Until June 30, 1976, one Special Assistant to the Chairman.

(7) Until June 30, 1976, two Program Officers, Division of Education Programs.

(8) Until June 30, 1976, three Program Officers, Division of Fellowships and Stipends.

(9) Until June 30, 1976, two Program Officers, Division of Research and Grants.

(10) Until June 30, 1976, one Assistant to the Director of Planning and Analysis.

(11) Until June 30, 1976, Director of Education Programs.

(12) Until June 30, 1976, one Program Officer, Division of Public Programs.

(13) Until June 30, 1976, Director of Public Programs.

(14) Until June 30, 1976, five Program Officers, State-Based Programs, Division of Public Programs.

• • • • •

(17) Until June 30, 1976, one Program Officer, Special Projects, Division of Public Programs.

(18) Until June 30, 1976, two Program Officers, Museum Programs, Division of Public Programs.

(19) Until June 30, 1976, one Special Assistant to the Deputy Chairman.

(20) Until June 30, 1976, one Program Analyst, Office of Planning and Analysis.

(21) Until June 30, 1976, one Media Programs Officer, Division of Public Programs.

(22) Until June 30, 1976, one Bicentennial Coordinator, Division of Public Programs.

(23) Until June 30, 1976, one Deputy Director of Public Programs.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-17251 Filed 8-17-73;8:45 am]

Title 9—Animal and Animal Products

CHAPTER II—PACKERS AND STOCKYARDS ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 202—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE PACKERS AND STOCKYARDS ACT

Miscellaneous Amendments

Pursuant to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), the rules of practice governing proceedings under that Act (9 CFR Part 202) are hereby amended and revised to change the title of "Hearing Examiner" to "Administrative Law Judge" in accordance with the Civil Service Commission's amendment to Subpart B, Part 930, Title 5, Code of Federal Regulations (37 FR 16787) and to provide for the issuance of initial decisions and the disposition of appeals therefrom in adjudication and rate proceedings that are subject to the provisions of sections 556 and 557 of Title 5, United States Code. The amendments and revisions are as follows:

1. Paragraphs (p) and (q) of § 202.2 are amended to read, respectively, as follows:

§ 202.2 Definitions.

• • • • •

(p)(1) In connection with disciplinary and rate proceedings, the term "judge" means any Administrative Law Judge appointed pursuant to the provisions of 5 U.S.C. 3105 and assigned to the proceeding involved.

(2) In connection with reparation proceedings, the terms "examiner" and "presiding officer" mean any attorney employed by the Office of the General Counsel of the Department.

(q)(1) In connection with disciplinary and rate proceedings, the term "decision" means the judge's initial decision made in accordance with the provisions of 5 U.S.C. 556 and 557, and includes the judge's (i) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (ii) order, and (iii) rulings on proposed findings, conclusions and orders submitted by the parties.

(2) In connection with reparation proceedings, the term "examiner's report" (presiding officer's report) means the examiner's report to the Secretary, and includes the examiner's (i) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (ii) order, and (iii) rulings on proposed findings, conclusions and orders submitted by the parties.

2. The last sentence of paragraph (b) of § 202.5 is amended to read as follows:

§ 202.5 Stipulation and consent orders.

• • • • •

(b) *Consent order.* • • • Upon a record composed of the complaint and the stipulation or agreement consenting to the order, the judge may enter the order consented to by the respondent, which shall have the same force and effect as an order made after oral hearing.

§§ 202.6, 202.8, 202.10, 202.11, 202.12, 202.13, 202.15, 202.17, 202.20, 202.22, 202.25, 202.26, 202.29, 202.33, 202.35 [Amended]

3. The terms "judge(s)," "decision(s)," and "appeal(s)" are substituted for the terms "examiner(s)," "report(s)," and "exception(s)," respectively, wherever the terms "examiner(s)," "report(s)," and "exception(s)" appear in the above sections.

4. Paragraph (c) of § 202.9 is amended to read as follows:

§ 202.9 The answer.

• • • • •

(c) *Procedure upon admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the moving paper shall constitute a waiver of hearing. Upon such admission of facts, complainant shall file in triplicate a proposed decision, along with a motion for the adoption thereof, which such motion and proposed decision shall be served upon the respondent by the hearing clerk. Within 20 days after service of such motion and proposed decision, the respondent may file with the hearing clerk objections thereto. In not less than 30 days after service of complainant's motion and proposed decision, the judge shall issue a decision without further procedure or hearing. Absent a waiver by the parties of service of the judge's decision, it shall be served upon them in the manner provided in § 202.22. The parties shall be given an opportunity to file appeals to the decision, to file briefs in support of such appeals, and to make oral argument thereon before the Secretary in accordance with § 202.18.

5. With respect to § 202.11, the last sentence of paragraph (a) thereof, the first sentence of paragraph (b) thereof, the last sentence of paragraph (c)(2) thereof, and the first sentence of paragraph (e)(2) thereof, are amended to read respectively, as follows:

§ 202.11 Oral hearing before judge.

(a) *Request for oral hearing.* • • • Such argument will be allowed in accordance with the provisions of § 202.18.

(b) *Time and place.* If and when the proceeding has reached the stage where an oral hearing is to be held, the judge, upon motion of any of the parties, jointly or individually, stating that the matter is at issue and is ready for hearing, shall set a time and place for hearing, giving careful consideration to the convenience of the parties, and shall file with the hearing clerk a notice stating the time and place of hearing. • • •

(c) *Appearances.* • • •

(2) *Failure to appear.* • • • Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the judge's decision and to file appeals and make oral argument before the Secretary with respect thereto, in the manner provided in §§ 202.16 and 202.18.

• • • • •

(e) *Evidence.* • • •

(2) *Objections.*—If a party disagrees with the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, or any other ruling of the judge, he shall state briefly the grounds of such disagreement. An automatic objection will thereafter follow, which may be pursued in an appeal in accordance with § 202.18 by the party adversely affected by the judge's ruling. • • •

• • • • •

6. The first sentence of § 202.14 is amended to read as follows:

§ 202.14 Fees of witnesses.

Witnesses summoned before the judge or the Secretary shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken, and the persons taking the same, shall be entitled to the same fees as are paid for like services in the courts of the United States. • • •

7. The caption and paragraphs (c) and (d) of § 202.16 are revised to read, respectively, as follows:

§ 202.16 The judge's decision.

• • • • •

(c) *Judge's decision.*—The judge, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions and orders, and briefs in support thereof, shall prepare upon the basis of the record and shall file with the hearing clerk his decision, a copy of which shall be served upon each of the parties. Such decision shall become final without further proceedings 35 days after service thereof, unless there is an appeal to the Secretary by a party to the proceeding: *Provided, however,* That no decision shall be final for purposes of judicial review except a final order issued by the Secretary pursuant to an appeal by a party to the proceeding.

(d) *Appeal.*—Within 30 days after service of the judge's decision, any party who disagrees with the decision, or any part thereof, may file an appeal of the decision to the Secretary in the manner specified in § 202.18.

8. Section 202.18 is revised to read as follows:

§ 202.18 Appeals to Secretary; transmittal of record.

(a) *Filing of appeal.* Any party who desires to appeal a decision of the judge shall transmit his appeal in writing to the hearing clerk within 30 days after service upon such party of said decision. Each issue set forth in the appeal, and the arguments thereon, shall be separately numbered; shall be plainly and concisely stated; and shall contain detailed citations of the record, statutes, regulations and authorities being relied upon in support thereof.

(b) *Argument before Secretary.*

(1) *Oral Argument.* A party bringing an appeal may request, within the prescribed time period for filing such appeal, an opportunity for oral argument before

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the Secretary. Failure to make such request in writing, within the prescribed time period, shall be deemed a waiver of oral argument. The Secretary, in his discretion, may grant, refuse or limit any request for oral argument on appeal.

(2) *Scope of argument.* Argument to be heard on appeal, whether oral or on brief, shall be limited to the issues raised by the appeal, except that if the Secretary determines that additional issues should be argued, the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate arguments on all issues to be argued.

(c) *Response.* Within 20 days after service of an appeal brought by a party to the proceeding, any other party may file a response in support of or in opposition to such appeal.

(d) *Orders denying appeal after review.* If the Secretary decides on appeal, after reviewing the entire record, that no change or modification of the judge's decision is warranted, he may adopt the judge's decision as the final order of the Secretary, preserving any right of the party bringing the appeal to seek judicial review of such decision in the proper forum.

(e) *Transmittal of record.* Whenever an appeal is filed by a party to the proceeding, the hearing clerk shall transmit to the Secretary the record of the proceeding. Such record shall include: the pleadings; any motions and requests filed and the rulings thereon; the transcript of the testimony taken at the hearing, as well as the exhibits filed in connection therewith; any statements filed under the shortened procedure; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the hearing; the judge's decision; and such statements of objections, and briefs in support thereof, as may have been filed in the proceeding.

§ 202.19 [Deleted]

9. Section 202.19 is deleted.

10. Paragraphs (a) and (b) of § 202.36 are amended to read, respectively, as follows:

§ 202.36 Transmittal of record and issuance of order.

(a) *Transmittal of record.* Whenever an appeal is filed by a party to the proceeding, the hearing clerk shall transmit to the Secretary the record of the proceeding. Such record shall include: the pleadings; any motions and requests filed, and the rulings thereon; the transcript of the testimony taken at the hearing, as well as the exhibits filed in connection therewith; any statements filed under the shortened procedure; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the hearing; the judge's decision; and such statements of objections and briefs in support thereof, as may have been filed in the proceeding.

(b) *Argument before Secretary.* The provisions of § 202.18 shall be applicable in rate proceedings.

* * * * *

10. Paragraph (d) of § 202.44 is amended to read as follows:

§ 202.44 Examiners.

* * * * *

(d) *Who may act in absence of examiner.* In case of the absence of the examiner or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding assigned to him may, without abatement of the proceeding unless otherwise directed by the Secretary, be assigned to any other examiner.

12. Paragraphs (b) and (e) of § 202.48 are amended to read, respectively, as follows:

§ 202.48 Oral hearing before the examiner.

* * * * *

(b) *Time and place.* If and when the proceeding has reached the stage where an oral hearing is to be held, the examiner, giving careful consideration to the convenience of the parties, shall set a time and place for hearing and shall file with the hearing clerk a notice stating the time and place of hearing. If any change in the time or place of the hearing is made, the examiner shall file with the hearing clerk a notice of such change, which notice shall be served upon the parties, unless it is made during the course of an oral hearing and made a part of the transcript.

* * * * *

(e) *Evidence.*—(1) *In general.* The testimony of witnesses at a hearing shall be upon oath or affirmation and subject to cross-examination. Any witness may, in the discretion of the examiner, be examined separately and apart from all other witnesses except those who may be parties to the proceeding. The examiner shall exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the examiner. The transcript shall not include argument or debates thereon except as ordered by the examiner. The ruling of the examiner on any objection shall be a part of the transcript. Only objections made before the examiner may subsequently be relied upon in the proceeding.

(3) *Depositions.* The deposition of any witness shall be admitted, in the manner provided in and subject to the provisions of § 202.49.

(4) *Affidavits.* Except as is otherwise provided in this part, affidavits may be admitted only if the evidence is otherwise admissible and the parties agree that affidavits may be used.

(5) *Proof of documents.* A true copy of every written entry in the record of the Department, made by an officer or employee thereof in the course of his official duty, and relevant to the issues involved in the hearing, shall be admissible as prima facie evidence of the facts stated therein, without the production of such officer or employee.

(6) *Exhibits.* Except where the examiner finds that the furnishing of copies is impracticable, a copy of each exhibit, in addition to the original, shall be filed with the examiner for the use of each other party to the proceeding. The examiner shall advise the parties as to the exact number of copies which will be required to be filed and shall make and have noted on the record the proper distribution of the copies.

(7) *Official notice.* Official notice will be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical or scientific fact of established character: *Provided,* that the parties shall be given adequate notice, after the hearing or by reference in the examiner's report or tentative order or otherwise, of matters so noticed, and shall be given adequate opportunity to show that such facts are erroneously noticed.

(8) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Secretary decides that the examiner's ruling in excluding the evidence was erroneous. The examiner shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the examiner's ruling in excluding the evidence was erroneous, the hearing shall be reopened to permit the taking of such evidence.

13. The first sentence of § 202.60 is amended to read as follows:

§ 202.60 Hearings before Secretary.

The Secretary may act in the place and stead of a judge, examiner or presiding officer in any proceeding hereunder. * * *

Effective date. The foregoing amendments and revisions shall become effective August 20, 1973.

(Sec. 407, 42 Stat. 169; 7 U.S.C. 228)

Done at Washington, D.C., this 9th day of August 1973.

CLAYTON YEUTTER,
Assistant Secretary for Marketing and Consumer Services.

[FR Doc.73-17310 Filed 8-17-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY EXCHANGE AUTHORITY (INCLUDING COMMODITY EXCHANGE COMMISSION), DEPARTMENT OF AGRICULTURE

PART 0—RULES OF PRACTICE

Miscellaneous Amendments

Pursuant to the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), the rules of practice governing proceedings under that Act (17 CFR Part 0) are hereby amended and revised to change the title of "Hearing Examiner" to "Administrative Law Judge" in accordance with the Civil Service Commission's amendment to Subpart B, Part 930, Title 5, Code of Federal Regulations (37 FR 16787) and to provide for the issuance of initial decisions and the disposition of appeals therefrom in adjudication proceedings that are subject to the provisions of sections 556 and 557 of Title 5, United States Code. The amendments and revisions are as follows:

1. With respect to § 0.2, paragraph (p) thereof is deleted and paragraphs (m) and (n) thereof are amended to read, respectively, as follows:

§ 0.2 Definitions.

* * * * *

(m) The term "judge" has reference to the term "referee" as it appears in 7 U.S.C. 9 and 15, and means any Administrative Law Judge appointed pursuant to the provisions of 5 U.S.C. 3105 and assigned to the proceeding involved.

(n) The term "decision" means the judge's initial decision made in accordance with the provisions of 5 U.S.C. 556 and 557, and includes the judge's (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on proposed findings, conclusions and orders submitted by the parties.

* * * * *

2. The last sentence of paragraph (b) of § 0.4 is amended to read as follows:

§ 0.4 Stipulations and consent orders.

* * * * *

(b) *Consent order.* * * * Upon a record composed of the complaint and the stipulation or agreement consenting to the order, the judge may enter the order consented to by the respondent, which shall have the same force and effect as an order made after oral hearing.

§§ 0.5, 0.7, 0.8, 0.10, 0.11, 0.12, 0.13, 0.14, 0.15, 0.17, 0.20, 0.22 [Amended]

3. The terms "judge(s)," "decision(s)," and "appeal(s)" are substituted for the terms "referee(s)," "report(s)," and "exception(s)," respectively, wherever the terms "referee(s)," "report(s)," and "exception(s)" appear in the above sections.

4. Paragraph (c) of § 0.9 is amended to read as follows:

§ 0.9 The answer.

* * * * *

(c) *Procedure upon admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the moving paper shall constitute a waiver of hearing. Upon such admission of facts, complainant shall file in triplicate a proposed decision along with a motion for the adoption thereof, which such motion and proposed decision shall be served upon the respondent by the hearing clerk. Within 20 days after service of such motion and proposed decision, the respondent may file with the hearing clerk objections thereto. In not less than 30 days after service of complainant's motion and proposed decision, the judge shall issue a decision without further procedure or hearing. Absent a waiver by the parties of service of the judge's decision, it shall be served upon them in the manner provided in § 0.22. The parties shall be given an opportunity to file appeals to the decision, to file briefs in support of such appeals, and to make oral argument thereon before the Secretary in accordance with § 0.18.

5. With respect to § 0.11, the last sentence of paragraph (a) thereof, the first sentence of paragraph (b) thereof, the last sentence of paragraph (c)(2) thereof, and the first sentence of paragraph (e)(2) thereof, are amended to read, respectively, as follows:

§ 0.11 Oral hearing before judge.

(a) *Request for oral hearing.* * * * Such argument will be allowed in accordance with the provisions of § 0.18.

(b) *Time and place.* If and when the proceeding has reached the stage where an oral hearing is to be held, the judge, upon motion of any of the parties, jointly or individually, stating that the matter is at issue and is ready for hearing, shall set a time and place for hearing, giving careful consideration to the convenience of the parties, and shall file with the hearing clerk a notice stating the time and place of hearing. * * *

(c) *Appearances.* * * *

(2) *Failure to appear.* * * * Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the judge's decision and to file appeals and make oral argument before the Secretary with respect thereto, in the manner provided in §§ 0.16 and 0.18.

* * * * *

(e) *Evidence.* * * *

(2) *Objections.* If a party disagrees with the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, or any other ruling of the judge, he shall state briefly the grounds of such disagreement. An automatic objection will thereafter follow, which may be pursued in an appeal in an accordance with § 0.18 by the party adversely affected by the judge's ruling. * * *

* * * * *

6. The caption and paragraphs (c) and (d) of § 0.16 are revised to read, respectively, as follows:

§ 0.16 The judge's decision.

* * * * *

(c) *Judge's decision.* The judge, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions and orders, and briefs in support thereof, shall prepare upon the basis of the record and shall file with the hearing clerk his decision, a copy of which shall be served upon each of the parties. Such decision shall become final without further proceedings 35 days after service thereof, unless there is an appeal to the Secretary by a party to the proceeding: *Provided, however,* That no decision shall be final for purposes of judicial review except a final order issued by the Secretary pursuant to an appeal by a party to the proceeding.

(d) *Appeal.* Within 30 days after service of the judge's decision, any party who disagrees with the decision, or any part thereof, may file an appeal of the decision to the Secretary in the manner specified in § 0.18.

7. Section 0.18 is revised to read as follows:

§ 0.18 Appeals to Secretary; transmittal of record.

(a) *Filing of appeal.* Any party who desires to appeal a decision of the judge shall transmit his appeal in writing to the hearing clerk within 30 days after service upon such party of said decision. Each issue set forth in the appeal, and the arguments thereon, shall be separately numbered; shall be plainly and concisely stated; and shall contain detailed citations of the record, statutes, regulations and authorities being relied upon in support thereof.

(b) *Argument before Secretary.*

(1) *Oral argument.* A party bringing an appeal may request, within the prescribed time period for filing such appeal, an opportunity for oral argument before the Secretary. Failure to make such request in writing, within the prescribed time period, shall be deemed a waiver of oral argument. The Secretary, in his discretion, may grant, refuse or limit any request for oral argument on appeal.

(2) *Scope of argument.* Argument to be heard on appeal, whether oral or on brief, shall be limited to the issues raised by the appeal, except that if the Secretary determines that additional issues should be argued, the party shall be given reasonable notice of such determination, so as to permit preparation of adequate arguments on all issues to be argued.

(c) *Response.* Within 20 days after service of an appeal brought by a party to the proceeding, any other party may file a response in support of or in opposition to such appeal.

(d) *Orders denying appeal after review.* If the Secretary decides on appeal, after reviewing the entire record, that no

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change or modification of the judge's decision is warranted, he may adopt the judge's decision as the final order of the Secretary, preserving any right of the party bringing the appeal to seek judicial review of such decision in the proper forum.

(e) *Transmittal of record.* Whenever an appeal is filed by a party to the proceeding, the hearing clerk shall transmit to the Secretary the record of the proceeding. Such record shall include: the pleadings; any motions and requests filed, and the rulings thereon; the transcript of the testimony taken at the hearing, as well as the exhibits filed in connection therewith; any statements filed under the shortened procedure; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the hearing; the judge's decision; and such statements of objections, and briefs in support thereof, as may have been filed in the proceeding.

§ 0.19 [Deleted]

9. Section 0.19 is deleted.

10. The first sentence of § 0.28 is amended to read as follows:

§ 0.28 Hearings before the Secretary.

The Secretary may act in the place and stead of a judge or presiding officer in any proceeding hereunder. • • •

§§ 0.11, 0.27 [Amended]

11. The term "General Counsel" is substituted for the term "Solicitor" wherever the term "Solicitor" appears in the above sections.

Effective date. The foregoing amendments and revisions shall become effective August 20, 1973.

(Sec. 8a(5), 49 Stat. 1500; 7 U.S.C. 12a(5))

Done at Washington, D.C. this 9th day of August, 1973.

CLAYTON YEUTTER,
Assistant Secretary for Marketing, and Consumer Services.

[FR Doc.73-17311 Filed 8-17-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 73-221]

PART 1—GENERAL PROVISIONS

Change in the Customs Field Organization

AUGUST 9, 1973.

In order to provide better Customs service to carriers, importers, and the public, it is considered desirable to extend the existing port limits of Charleston, West Virginia.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), the port limits of Charleston, West Virginia, in the Norfolk, Virginia, Customs district (Region III), are hereby extended to include all of Cabell, Putnam and Kanawha Counties, West Virginia, the city of Huntington, West Virginia, and the Tri-State Airport located in Wayne County, West Virginia.

To reflect this change, the table in § 1.2(c) of the Customs Regulations is amended by substituting "Charleston, West Virginia (including the territory described in T.D. 73-221)" for "Charleston, West Virginia (including the territory described in T.D. 73-170)," in the column headed "Ports of Entry" in the Norfolk, Virginia, district (Region III).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U.S.C. 1, 2)

The purpose of this extension of the existing port of entry limits is to provide better service to importers, carriers and the public. Therefore, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. August 20, 1973.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

AUGUST 9, 1973.

[FR Doc.73-17282 Filed 8-17-73;8:45 am]

[T.D. 73-220]

PART 7—CUSTOMS RELATIONS WITH INSULAR POSSESSIONS AND GUANTANAMO BAY NAVAL STATION

Change in Administration of Wake Island

AUGUST 9, 1973.

Pursuant to General Headnote 3(a), Tariff Schedules of the United States (19 U.S.C. 1202), certain articles imported into the Customs territory of the United States from insular possessions of the United States, are exempt from duty. Section 7.8, Customs Regulations, sets forth procedures governing such importations other than from Puerto Rico. Paragraph (a) of § 7.8 relates to establishing the origin of such articles. Footnote 15 to paragraph (a) specifies the names of the insular possessions and identifies the governmental agencies responsible for their administration. The present footnote 15 indicates that the Customs administration of Wake Island is under the jurisdiction of the Department of Commerce (Civil Aeronautics Administration). However, responsibility for the civil administration of Wake Island was transferred to the Secretary of the Interior by Executive Order No. 11048 dated September 4, 1962 (3 CFR, 1959-1963 Comp. p. 632). In accordance with that Order, which also gave the Secretary of the Interior authority to enter into agreements with the Secretary of any other agency for the transfer of administrative responsibility over Wake Island, an agreement was signed on June 13, 1972, by the Secretary of the Interior and on June 19, 1972, by the Secretary of the Air Force (37 FR 13486), whereby the former yielded and the latter accepted civil administration of Wake Island. The Secretary of the Air Force simultaneously delegated authority for that administration to the General Counsel of the Air Force. It is, therefore, necessary to correct footnote 15 to paragraph (a) of § 7.8, Customs Regulations. In addition, the citation of authority for § 7.8 is amended to make it current and to conform it with present format.

Accordingly, to conform the Customs Regulations to the cited agreement, footnote 15 of § 7.8(a) is amended to read as follows:

§ 7.8 Insular possessions of the United States other than Puerto Rico.

[15] Guam, Wake Island, Midway Islands, Kingman Reef, Johnston Island, and American Samoa are American territory, but not within the Customs territory of the United States. Importations into those islands are not governed by the Tariff Act of 1930 or these Customs Regulations. The Customs administration of American Samoa is under the jurisdiction of the Department of the Interior (Office of Territories). The Customs administration of Wake Island is under the jurisdiction of the Department of the Air Force (General Counsel). The Customs administration of Midway Islands is under the jurisdiction of the Department of the Navy. The Customs administration of Guam is under the Government of Guam. A certificate signed by the Commander at the Johnston Island Air Force Base, or his assistant, shall be acceptable as proof of origin. Kingman Reef is understood to be uninhabited. The citation of authority for § 7.8 is amended to read:

(Secs. 309, 313, 482(f), 557, 46 Stat. 690, as amended, 693, as amended, 720, as amended, 744, as amended, 77A Stat. 11; 19 U.S.C. 1202 (Gen. Hdnte. 3(a)), 1309, 1313, 1482(f), 1557).

• • • • •

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

These amendments merely conform the Customs Regulations with certain changes in governmental administration and in the manner of citing legal authorities, and in no way place or extend responsibility on the public. Therefore, good cause exists for dispensing with notice and public procedure thereon as unnecessary, and good cause is found for the amendment to become effective on the earliest date possible under 5 U.S.C. 553.

Effective date. August 20, 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: August 9, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-17281 Filed 8-17-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-73-230]

PART 275—LOW RENT PUBLIC HOUSING

Prototype Cost Limits for Public Housing; Corrections and Revisions

In the FEDERAL REGISTER issued on Friday, June 8, 1973 (38 FR 15051), the annual updated prototype per unit cost schedules were published pursuant to section 209(a) of the Housing and Urban Development Act of 1970. Certain of these prototype per unit cost schedule figures and listings were incorrect and are being changed. The correct figures are set forth in List 1 below.

In addition, the overall prototype per unit cost schedules are currently being evaluated in light of public comments received pursuant to invitation in the June 8 order. Consideration of subsequent factual project cost data received from the Albuquerque, New Mexico Insuring Office indicates that certain prototype per unit cost schedules should be revised for the State of New Mexico. Inasmuch as the new prototype cost schedules cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requires the immediate publication of this material. Accordingly, it is impracticable to provide notice and public procedure with respect to those cost limits in accordance with the Department's recently adopted Publications Policy (24 CFR Part 10), and good cause exists for making them effective on the date of publication in the FEDERAL REGISTER.

For the foregoing reasons, the revised figures set forth as List 2 are adopted in lieu of the previous figures for the indicated New Mexico areas.

List 1

1. Page 15053, Region I, New Hampshire, Nashua
   Detached and semidetached; Number of bedrooms 4; 23,200.
2. Page 15056, Region IV, Alabama, Huntsville
   Detached and semidetached; Number of bedrooms 0; 8,100.
3. Page 15056, Region IV, Alabama, Huntsville
   Walk-up; Number of bedrooms 3; 12,400.
4. Page 15058, Region IV, Kentucky, Ashland
   Row dwellings; Number of bedrooms 4; 18,150.
5. Page 15064, Region VI, Oklahoma, Muskogee
   Walk-up; Number of bedrooms 4; 14,550.
6. Page 15065, Region VI, Iowa, Cedar Rapids
   Detached and semidetached; Number of bedrooms 4; 18,700.
7. Page 15068, Arizona, should be listed under Region IX.
8. Page 15069, "Region VIII—Continued" should be listed as "Region IX—Continued."
9. Page 15069, Region IX, Arizona, Window Rock
   Walk-up; Number of bedrooms 6; 20,700.
10. Page 15071, Region IX, Alaska, Fairbanks
    Detached and semidetached; Number of bedrooms 1; 16,500.

List 2

1. On page 15063 delete the Dulce, Isleta, Jemez and Laguna, New Mexico schedules under Region VI and substitute in lieu thereof the revised prototype per unit costs shown on the table set forth hereinafter, entitled Prototype Per Unit Cost Schedules (Sec. 7(d) of Department of HUD Act; 42 U.S.C. 3535(d)).

2. On page 15064 delete the Mescalero, Penasco and Pojoaque, New Mexico schedules under Region VI and substitute in lieu thereof the revised prototype per unit costs shown on the table set forth hereinafter entitled Prototype Per Unit Cost Schedules (Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d)).

Effective date. The amendments in List 2 are effective on August 20, 1973.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE
REGION VI

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Dulce, N. Mexico							
Det. & Semi-Det.	11,000	13,200	14,700	17,500	21,100	23,600	24,550
Row Dwellings	10,550	12,650	14,100	16,800	20,100	22,400	23,450
Walk-up	9,050	11,200	12,700	15,050	17,450	19,200	20,150
Elevator-Structure	17,000	19,800	25,000				
Isleta, N. Mexico							
Det. & Semi-Det.	9,800	11,750	13,100	15,600	18,850	21,050	21,900
Row Dwellings	9,400	11,300	12,505	15,000	17,900	19,950	20,900
Walk-up	8,100	10,000	11,350	13,450	15,550	17,100	18,000
Elevator-Structure	15,150	17,650	22,300				
Jemez, N. Mexico							
Det. & Semi-Det.	10,050	12,100	13,500	16,050	19,350	21,600	22,500
Row Dwellings	9,700	11,600	12,950	15,400	18,450	20,500	21,500
Walk-up	8,300	10,300	11,650	13,800	16,000	17,600	18,500
Elevator-Structure	15,550	18,150	22,950				
Laguna, N. Mexico							
Det. & Semi-Det.	10,250	12,300	13,700	16,350	19,700	22,000	22,900
Row Dwellings	9,850	11,800	13,150	15,700	18,750	20,900	21,900
Walk-up	8,450	10,450	11,850	14,050	16,300	17,900	18,800
Elevator-Structure	15,850	18,500	23,350				
Mescalero, N. Mexico							
Det. & Semi-Det.	10,500	12,650	14,100	16,800	20,250	22,600	23,500
Row Dwellings	10,100	12,150	13,500	16,100	19,250	21,450	22,500
Walk-up	8,700	10,750	12,200	14,450	16,750	18,400	19,300
Elevator-Structure	16,250	19,000	24,000				
Penasco, N. Mexico							
Det. & Semi-Det.	10,700	12,850	14,350	17,100	20,600	23,000	23,950
Row Dwellings	10,300	12,350	13,750	16,400	19,600	21,800	22,850
Walk-Up	8,850	10,950	12,400	14,700	17,000	18,700	19,650
Elevator-Structure	16,550	19,300	24,400				
Pojoaque, N. Mexico							
Det. & Semi-Det.	10,500	12,650	14,100	16,800	20,250	22,600	23,500
Row Dwellings	10,100	12,150	13,500	16,100	19,250	21,450	22,500
Walk-Up	8,700	10,750	12,200	14,450	16,750	18,400	19,300
Elevator-Structure	16,250	19,000	24,000				

[FR Doc.73-17145 Filed 8-17-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PRINTED STAMPED ENVELOPES

Return Address

Regulations in Part 141 dealing with printed stamped envelopes sold by the Postal Service have been amended to indicate the new style of printing return addresses on such envelopes and to indicate the type of information that may be included in the return address, as well as the number of characters, spaces, and lines that may be included.

Regulations in Part 142 have been amended to update information on the denominations of adhesive stamps available.

Regulations in Part 144 dealing with Postage Meters and Meter Stamps have been amended with respect to "drop shipments" of mail and with respect to the examination of postage meters which have not been set for a period of six months.

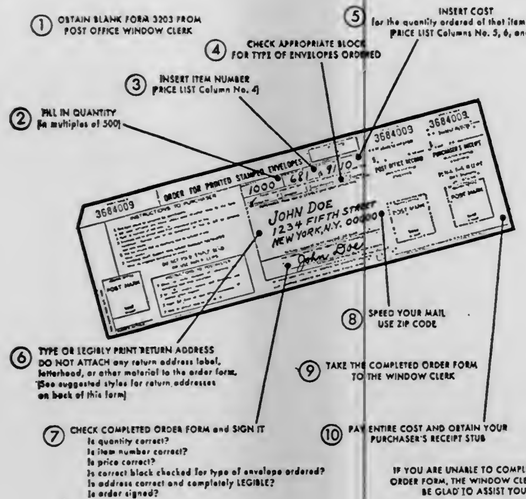
Regulations in Part 154 relative to conditions of delivery have been amended to indicate certain prerequisite procedures when mail is to be delivered to a commercial mail receiving agency.

Accordingly, publication of the following amendments in the FEDERAL REGISTER is effective immediately:

PART 141—ENVELOPES, POSTAL CARDS, AEROGRAMMES

1. Form 3203, Order for Printed Stamped Envelopes, and the instructions which are shown, as cited in paragraph (b) of § 141.2 are amended as set forth below.

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CAUTION: ILLEGIBLE OR INCORRECT ORDERS DELAY RECEIPT OF ENVELOPES

2. Paragraphs (c)(1) and (c)(2) of § 141.2 are amended to read as follows:

(c) *Style of printing return address.* (1) All lines of the return address will be printed in capitals and lower case letters with flush left margin using 8-point Helvetica type.

(2) Sample style of printing:

Charles Jones
610 Seventh Avenue
New York, NY 00000

3. Paragraph (d)(1) of § 141.2 is amended to read as follows:

(d) *Required printing*—(1) *Local address.* The printed address must include the local address. The adequacy of the address, to insure return of undeliverable mail, will be determined by the postmaster. Any one of the following may be used:

(i) Street address.

(ii) Post office box number.

(iii) Rural route number and box number.

(iv) Name of building and room number, including street address.

(v) A street address and a post office box number may be shown in the return address. When both addresses are shown, mail will be returned to the address indicated in the line immediately preceding the city, State, and ZIP code. The ZIP code must be that of the delivery unit serving the address shown in the line immediately preceding the city and State.

4. Paragraph (e)(1) of § 141.2 is amended to read as follows:

(e) *Optional Printing*—(1) Name. (i) The name may be that of an individual, firm, corporation, institution, association, or society. It may include the name and title of an officer of the concern (as John Doe, Treasurer, Washington Educational Association) and such titles as M.D., D.D.S., Rev., and L.L.D.

(ii) Descriptive words, such as "Druggist", "Attorney at Law", "Esquire", or "C.P.A." are not considered titles, but represent business or professional names, which may also be printed. Such descriptive words are printed subject to the conditions set forth in paragraph (e)(2) of this section.

(iii) The name of a branch or department of a business may be printed only when necessary to insure return of undeliverable mail, i.e., when other branches or departments are located at the same post office address.

5. A new paragraph (e)(2) is added to § 141.2 to read as follows:

(2) *Advertising.* (i) A brief statement or descriptive phrase devoted to advertising may be printed either following the name or on a separate line. There may not be more than two such lines devoted to permissible advertising matter.

(ii) An individual or organization engaged in business, professional, educational, social, cultural, charitable, political, or other endeavors, may advertise. The advertisement may describe the nature of the business of the individual or organization or refer to the goods, services or works provided by the individual or organization.

(iii) Statements or descriptive phrases which describe the nature of a business and contain a reference to the quality of the goods or services produced such as "Best Tires in Town" or "Complete Insurance" will be permitted.

(iv) Nothing will be printed which would make the envelope nonmailable under 18 U.S.C. 1463, which prohibits the mailing of indecent matter on wrappers or envelopes.

6. Existing paragraph (e)(2) of § 141.2 is redesignated as paragraph (e)(4). The second sentence of paragraph (e)(4), as redesignated, is amended to read as follows: "The request to return endorsement in § 141.2(a)(4)(i) shall appear above the name and address." Subparagraphs (i) through (v) of § 141.2(e)(4), as redesignated, remain the same.

7. A new paragraph (e)(3) is added to § 141.2 to read as follows:

(3) *Phone numbers.* The phone number of any individual or group may be printed on the envelope.

8. A new paragraph (f) is added to § 141.2 to read as follows:

(f) *Other requirements.* (1) No line of either required or optional printing may exceed 47 characters and spaces.

(2) The total number of lines of required and optional printing may not exceed seven.

(3) The last two lines of printing shall be reserved for the street address or P.O. box number where mail is to be delivered, and the city, State, and ZIP code.

9. Existing paragraph (f) of § 141.2 is redesignated as paragraph (g) and is amended to read as follows:

(g) *Prohibited printing.* No matter may be printed other than that permitted by paragraph (d) and (e) of this section.

10. Existing paragraph (g) of § 141.2 is redesignated as paragraph (h).

PART 142—STAMPS (ADHESIVE)

11. Paragraph (a) of § 142.1 is amended to read as follows:

(a) *Types.*

Purpose	Form	Denomination and prices
Ordinary postage.	Single or sheet.	1, 2, 3, 4, 5, 6, 8, 10, 12, 13, 14, 15, 16, 20, 25, 30, 40, and 50 cents; $1 and $5.
	Books	32 6-cent & 8 1-cent ($2)* 25 8-cent ($2).
	Coil of 100	6,* 8, and 25* cents: (Dispenser to hold coils of 100 stamps may be purchased for 5 cents additional.)
	Coils of 500 and 3,000.	1, 2, 5, 6, and 8 cents.
	Coils of 3,000.	25 cents.
Commemorative stamps.	Single or sheet.	Various denominations as announced.
Airmail postage (for use on airmail only. See 141.12).	Single or sheet.	9, 11, 15, 17, and 21 cents. $1 airlift.
	Books	8 11-cent & 8 2-cent ($1).
	Coils of 100, 500, and 3,000.	11 cents.
Precanceled postage.	Single or sheet, coils of 500 and 3,000.	Available to permit holders only. (See part 143.)
Postage-due (for post office use only).	Single or sheet.	1, 2, 3, 4, 5, 6, 7, 8, 10, 30, and 50 cents; $1 and $5.
Special delivery. (See part 166.)	Single or sheet.	60 cents. Good only for special delivery fee.

*Will be discontinued when stock is exhausted.

PART 144—POSTAGE METERS AND METER STAMPS

12. The first sentence of paragraph (d)(4)(i) of § 144.1 is amended to read as follows:

(i) The postmaster must obtain confirmation from the sectional center facility where the post office of mailing is located, that the post office of mailing has adequate facilities for handling the mail.

13. Paragraph (b) of § 144.6 is redesignated as paragraph (c).

14. A new paragraph (b) is added to § 144.6 to read as follows:

(b) *Examination.* Review Forms 3610 quarterly. If no settings have been made during the previous 6 months advise local meter licensees to bring in meters which have not been set within this period for examination as required by paragraph (d)(1) of this section. When the meter is set at another office, request the office which sets the meter to have it called in for examination. The office where the meter is set will then advise the office where Form 3610 is maintained of the results of the examination, including register readings at the time of examination, so a suitable entry can be made on Form 3610.

PART 154—CONDITIONS OF DELIVERY

15. Paragraph (a)(2) of § 154.2 is amended to read as follows:

(2) When mail is to be delivered to a commercial mail receiving agency, Form 1583, *Application for Delivery of Mail through Agent,* must be signed by both the commercial agency and the addressee. The commercial agent must witness the signature of the addressee. The addressee shall be required to furnish two items of identification, the particulars of which shall be included on Form 1583. The original of the completed Form 1583 must be filed with the postmaster and a duplicate copy of the completed Form 1583 must be kept on file by the commercial agency. The original copy of Form 1583 will be filed without verifying the addressees shown thereon and without obtaining statements from the references given unless the postmaster is specifically requested to do so by the inspector in charge, or when there is reason to believe the mail will be, or is being, used for unlawful purposes. In consideration of delivery of the mail to the commercial agent, the addressee and the agent are considered to agree that:

(i) No change of address order will be filed with the post office when the agency relationship is terminated;

(ii) The forwarding of mail intended for the addressee is the responsibility of the agent; and

(iii) When remailed by the commercial agent, the mail is subject to payment of new postage since delivery is deemed to have been made when the mail was delivered to the commercial agent.

(39 U.S.C. 401)

ROGER P. CRAIG,
Acting General Counsel.

[FR Doc.73-17146 Filed 8-17-73;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19451]

RADIO SERVICES

Non-Government Fixed and Land Mobile Telemetering Operations; Correction

AUGUST 9, 1973.

Amendment of Parts 2, 89, 91 and 93 of the Commission's Rules to Permit non-Government Fixed and Land Mobile Telemetering in the Band 1427–1435 MHz on a secondary basis.

In the Report and Order in Docket 19451, FCC 73–757, released July 24, 1973, and published in the FEDERAL REGISTER on August 1, 1973 (38 FR 20435), § 91.504(b) was amended by adding limitation (35). This is corrected to specify limitation (36).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-17287 Filed 8-17-73;8:45 am]

[Docket No. 19712; FCC 73-861]

PART 73—RADIO BROADCAST SERVICES

Frequency Monitors

In the matter of amendment of §§ 73.40, 73.49, 73.60, 73.63, 73.89, 73.113, 73.114, 73.252, 73.255, 73.283, 73.284, 73.295, 73.297, 73.317, 73.330, 73.331, 73.552, 73.555, 73.583, 73.584, 73.595, 73.596, 73.672, 73.687, 73.690, 73.692 and 73.693 of the rules, concerning frequency monitors and the maintenance of the operating frequency of stations.

1. In its continuing effort concerning the re-regulation of the broadcast services the Commission released a Notice of Proposed Rule Making in this proceeding on March 26, 1973 (FCC 73–322). The closing dates for comments and reply comments were May 3, 1973, and May 14, 1973, respectively. Publication was made in the FEDERAL REGISTER on March 30, 1973 (38 FR 8280).

2. Comments were filed by standard broadcasting station KTIX, Time and Frequency Technology, Inc., KITN–KITI Corporation, Westinghouse Broadcasting Company, Inc., American Broadcasting Companies, Inc., Summit Radio Corp., Group One Broadcasting Co., Inc. and Lake Huron Broadcasting Corporation. No reply comments were filed.

3. The Notice looked toward amending the Commission's rules as follows: (1) Deleting the requirement that AM and FM stations be equipped with type approved frequency monitors (this requirement was deleted from the TV rules in 1964); (2) deleting provisions for type approval of frequency monitors; (3) deleting requirements concerning three-hour and daily frequency checks; and (4) requiring that carrier and subcarrier frequencies be actually measured at least once a month. These amendments were proposed on the basis that automatic frequency control of transmitters, which is required by our rules, has provided an inherent frequency stability which substantially exceeds requirements; and this inherent capability, coupled with actual performance of modern-vintage transmitters, should be reflected in our rules.

4. The comments of KTIX, Westinghouse, ABC, Summit, Group One and Lake Huron urge adoption of the rules as proposed. Time and Frequency Technology, Inc., urges that the Commission retain the existing frequency monitor requirements; that they be expanded to include television; and that provisions for type approval of frequency monitors be revised to require tighter frequency accuracy than presently specified. KITN–KITI Corporation objects to the proposed requirement that frequencies be measured at least once a month and suggested that it would be sufficient to prescribe a maximum frequency tolerance and let the licensee bear responsibility for proper operation, with citations being issued for violations.

5. The position taken by Time and Frequency Technology, Inc., must be rejected on the ground it tends toward unnecessary over-regulation. The suggestion that the Commission should require continuous frequency monitoring and that provisions for type approval of frequency monitors should be revised to require tighter frequency accuracy would, if adopted, have no direct effect on actual transmitter performance, and it is on the basis of transmitter performance that the subject rule amendments are being considered. The record in this proceeding confirms that frequency instability is simply no longer a significant problem; certainly not one which warrants requiring that frequency be continuously monitored.

6. The suggestion of KITN–KITI must also be rejected. The Commission's regulatory responsibility goes beyond merely detecting and penalizing licensees who do not comply with its rules. It must establish any reasonable standards which tend to assure performance in the interest of preserving the integrity of existing service. While the performance record of some stations may support adoption of a standard prescribing annual or semi-annual frequency measurements, given some 8,300 licensed broadcasting stations, the Commission's rules must include such provisions as will reasonably assure adequate performance of all stations. In the Commission's view, such assurance requires adoption of the standard we have proposed, i.e., frequency measurements once each month. This conclusion is based upon the record established in this proceeding and the Commission's experience with a similar standard already included in its rules governing the television service.

7. In taking action in this proceeding, the Commission directs attention to two matters which should be emphasized. First, the rules being adopted do not preclude the use of frequency monitors. Licensees who wish to use such devises may do so. Secondly, many frequency monitors do not possess a capability for providing an accurate measurement of the actual transmitter frequency. Whatever procedure a licensee elects to

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employ, what is clearly required is an accurate measurement of the actual carrier and subcarrier frequencies.

8. We believe that the rule amendments adopted herein are in the public interest. They are, in all essential respects, as set forth in the Notice. Departures from the proposal are principally editorial, except for two provisions. First, the Notice proposed to amend § 73.638, "Auxiliary transmitters", to provide expressly that frequency measurements be made on such transmitters. It is unnecessary to adopt this proposal since it merely reiterates the requirements of § 73.690 which prescribes that frequency measurements be made on whatever transmitter is being used. Second, the language of the existing rules concerning the use of modulation monitors at auxiliary transmitters (§§ 73.89, 73.330) does not reflect the fact that remote control operation of such transmitters, as well as of main transmitters, is authorized pursuant to other provisions of the Commission's rules. Sections 73.89 and 73.330 will be amended to reflect that fact. These amendments, which are minor and noncontroversial, merely conform the sections with other existing rules and outside participation in their adoption is clearly not a prerequisite. Therefore, prior notice of rule making and public procedure on §§ 73.89 and 73.330 are unnecessary, pursuant to the Administrative Procedure and Judicial Review provisions of 5 U.S.C. 553(b)(3)(B).

9. Having considered all of the information before it, and in accordance with the foregoing discussion, *it is ordered*, That, effective November 21, 1973, the Commission's rules and regulations are amended as set forth in the attached Appendix.

10. Authority for the action taken herein is contained in sections 4(i), and 303 (j) and (r) of the Communications Act of 1934, as amended.

11. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: August 8, 1973.

Released: August 14, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

1. Section 73.40(a)(10) is amended to read as follows:

§ 73.40 Transmitter: design, construction, and safety of life requirements.

(a) • • •

(10) Means are provided for connection and continuous operation of an approved modulation monitor.

§ 73.49 [Deleted]

• • • • • •

2. Section 73.49 is deleted.

3. Section 73.60 and headnote are amended to read as follows:

§ 73.60 Frequency measurements.

(a) The carrier frequency of the transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. However, in no event shall the interval between successive measurements exceed 31 days.

(b) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of stations WWV, WWVB, WWVH and WWVL of the National Bureau of Standards.

4. Section 73.63 is amended by adding a new paragraph (g) and redesignating existing paragraphs (g) and (h) as (h) and (i) respectively to read as follows:

§ 73.63 Auxiliary transmitter.

• • • • • •

(g) The carrier frequency of the auxiliary transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. If the transmitter is used daily for a period of more than 31 days, the interval between successive measurements shall not exceed 31 days.

(h) The authorized antenna input power of an auxiliary transmitter may be less, but not more, than that of the regular transmitter. If it is less, the actual operating power is not limited to 105 percent of the authorized antenna input power of the auxiliary transmitter but shall in no event exceed the authorized antenna input power produced by the regular transmitter.

(i) All regulations as to safety requirements and spurious emissions applying to broadcast transmitting equipment shall apply also to an auxiliary transmitter.

5. Section 73.89 and headnote are amended to read as follows:

§ 73.89 Use of modulation monitors at auxiliary transmitters.

(a) The following shall govern the installation of approved modulation monitors at auxiliary transmitters:

(1) Installation of an approved modulation monitor at the location of the auxiliary transmitter, when different from that of the main transmitter, is optional with the licensee. However, when it is necessary to operate the auxiliary transmitter beyond two (2) calendar days, a modulation monitor shall be installed and operated at the auxiliary transmitter control point. The monitor, if taken from the main transmitter control point shall be reinstalled at that point immediately upon resumption of operation of the main transmitter.

(2) In all cases where the auxiliary transmitter and the main transmitter have the same location, the same modulation monitor may be used for monitoring both transmitters, provided the installation permits ready switching from one transmitter to the other.

6. Section 73.113 is amended by deleting paragraph (a)(1)(iv)(b) and redesignating paragraph (a)(1)(iv)(c) as (a)(1)(iv)(b) and amending it to read as follows:

§ 73.113 Operating log.

(a) • • •
(1) • • •
(iv) • • •
(b) Antenna current or remote antenna current (for non-directional operations); common point current or remote common point current (for directional operation).

• • • • • •

7. Sections 73.114 (a)(1)(iii) and (a)(2)(ii) are amended to read as follows:

§ 73.114 Maintenance log.

(a) • • •
(1) • • •
(iii) A notation of the results of all frequency measurements, including date performed and description of method used.

• • • • • •

(2) • • •
(i) Modulation monitor.
(ii) Final stage plate voltmeter.
(iii) Final stage plate ammeter
(iv) Base current ammeter(s)
(v) Common point ammeter
(vi) Antenna monitor

• • • • • •

8. Section 73.252 and headnote are amended to read as follows:

§ 73.252 Frequency measurements.

(a) The carrier frequency of the transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. However, in no event shall the interval between successive measurements exceed 31 days.

(b) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of Station WWV, WWVB, WWVH and WWVL of the National Bureau of Standards.

9. Section 73.255 is amended by adding a new paragraph (f) and redesignating existing paragraph (f) as paragraph (g) to read as follows:

§ 73.255 Auxiliary transmitter.

• • • • • •

(f) The carrier frequency of the auxiliary transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. If the transmitter is used daily for a period of more than 31 days, the interval between successive measurements shall not exceed 31 days.

(g) The authorized operating power of an auxiliary transmitter may be less, but not more, than that of the regular transmitter. If it is less, the actual operating power is not limited to 105 percent of the authorized operating power of the auxiliary transmitter, but shall

in no event exceed the authorized operating power of the regular transmitter.

§ 73.283 [Amended]

10. Section 73.283 is amended by deleting paragraphs (a)(3)(iii) and (a)(6).

11. Sections 73.284(a)(2) and (a)(4) are amended to read as follows:

§ 73.284 Maintenance log.

(a) • • •

(2) A notation of the results of all frequency measurements, including date performed and description of method used.

• • • • • •

(4) • • •
(i) Modulation monitor
(ii) Final stage plate voltmeter
(iii) Final stage plate ammeter
(iv) Transmission line radio frequency voltage, current, or power meter.

• • • • • •

12. Section 73.295 is amended by deleting paragraph (f)(5) and (i), adding a new paragraph (g), redesignating existing paragraphs (g) and (h) as (h) and (i), to read as follows:

§ 73.295 Operation under Subsidiary Communications Authorizations.

• • • • • •

(g) The frequency of each SCA subcarrier shall be measured as often as necessary to ensure that it is kept at all times within 500 Hz of the authorized frequency. However, in no event shall the interval between successive measurements exceed 31 days.

(h) Program and operating logs for SCA operation may be kept on special columns provided on the station's regular program and operating log sheets.

(i) Technical standards governing SCA operation (§ 73.319) shall be observed by all FM broadcasting stations engaging in such operation.

13. Section 73.297(b) is revised to read as follows:

§ 73.297 Stereophonic broadcasting.

• • • • • •

(b) Each licensee or permittee engaging in stereophonic broadcasting shall measure the pilot subcarrier frequency as often as necessary to ensure that it is kept at all times within 2 Hz of the authorized frequency. However, in no event shall the interval between successive measurements exceed 31 days.

14. In § 73.317 subparagraphs (a)(10) and (c)(5) are amended to read as follows:

§ 73.317 Transmitters and associated equipment.

(a) • • •

(10) Means should be provided for connection and continuous operation of an approved modulation monitor.

• • • • • •

(c) • • •

(5) The modulation monitor and radio frequency lines to the transmitter shall be thoroughly shielded.

• • • • • •

15. Section 73.330 and headnote are amended to read as follows:

§ 73.330 Use of modulation monitors at auxiliary transmitters.

(a) The following shall govern the installation of approved modulation monitors at auxiliary transmitters:

(1) Installation of an approved modulation monitor at the location of the auxiliary transmitter, when different from that of the main transmitter, is optional with the licensee. However, when it is necessary to operate the auxiliary transmitter beyond two (2) calendar days, a modulation monitor shall be installed and operated at the auxiliary transmitter control point. The monitor, if taken from the main transmitter control point shall be reinstalled at that point immediately upon resumption of operation of the main transmitter.

(2) In all cases where the auxiliary transmitter and the main transmitter have the same location, the same modulation monitor may be used for monitoring both transmitters, provided the installation permits ready switching from one transmitter to the other.

§ 73.331 [Deleted]

16. Section 73.331 is deleted.

17. Section 73.552 and headnote are amended to read as follows:

§ 73.552 Frequency measurements.

(a) The carrier frequency of transmitters licensed for transmitter power output greater than 10 watts shall be measured as often as necessary to ensure that it is maintained within the prescribed tolerance. However, in no event shall the interval between successive measurements exceed 31 days.

(b) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of Stations WWV, WWVB, WWVH and WWVL of the National Bureau of Standards.

(c) The licensee of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall provide for the measurement of the station frequency by a means independent of the frequency control of the transmitter. The station frequency shall be measured (1) when the transmitter is initially installed, (2) at any time the frequency determining elements are changed, and (3) at any time the licensee may have reason to believe the frequency has shifted beyond the tolerance specified by the Commission's rules.

18. Section 73.555 is amended by adding a new paragraph (f) and redesignating existing paragraph (f) as paragraph (g) to read as follows:

§ 73.555 Auxiliary transmitter.

• • • • • •

(f) The carrier frequency of the auxiliary transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. If the transmitter is used daily for a period of more than 31 days, the interval between successive measurements shall not exceed 31 days.

(g) The authorized operating power of an auxiliary transmitter may be less, but not more, than that of the regular transmitter. If it is less, the actual operating power is not limited to 105 percent of the authorized operating power of the auxiliary transmitter, but shall in no event exceed the authorized operating power of the regular transmitter.

§ 73.583 [Amended]

19. Section 73.583 is amended by deleting paragraphs (a)(3)(iii) and (a)(6).

20. Sections 73.584(a)(2) and (a)(4) are amended to read as follows:

§ 73.584 Maintenance log.

(a) • • •

(2) A notation of the results of all frequency measurements, including date performed and description of method used.

• • • • • •

(4) • • •
(i) Modulation monitor
(ii) Final stage plate voltmeter
(iii) Final stage plate ammeter
(iv) Transmission line radio frequency voltage, current, or power meter.

• • • • • •

21. Section 73.595 is amended by deleting paragraph (f)(5) and (i), adding a new paragraph (g), redesignating existing paragraphs (g) and (h) as (h) and (i) to read as follows:

§ 73.595 Operating under Subsidiary Communications Authorizations.

• • • • • •

(g) The frequency of each SCA subcarrier shall be measured as often as necessary to ensure that it is kept at all times within 500 Hz of the authorized frequency. However, in no event shall the interval between successive measurements exceed 31 days.

(h) Program and operating logs for SCA operation may be kept on special columns provided on the station's regular program and operating log sheets.

(i) Technical standards governing SCA operation (§ 73.319) shall be observed by all FM broadcasting stations engaging in such operation.

22. Section 73.596 is amended by revising paragraph (b) to read as follows:

§ 73.596 Stereophonic broadcasting.

• • • • • •

(b) Each licensee or permittee engaging in stereophonic broadcasting shall measure the pilot subcarrier frequency as often as necessary to ensure that it is kept at all times within 2 Hz of the authorized frequency. However, in no event shall the interval between successive measurements exceed 31 days.

23. Section 73.672(a)(3) is amended and subparagraphs (i) and (ii) deleted to read as follows:

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§ 73.672 Maintenance log.

(a) • • •

(3) An entry whenever frequency measurements are made including the date performed and description of method used.

• • • • •

24. In Section 73.687 subparagraph (e)(5) is amended to read as follows:

§ 73.687 Transmitters and associated equipment.

• • • • •

(e) • • •

(5) The modulation monitors and radio frequency lines to the transmitters shall be thoroughly shielded.

• • • • •

25. Section 73.690 is amended by deleting paragraphs (a) and (b), amending paragraph (c) and redesignating paragraphs (c) and (d) as (a) and (b) to read as follows:

§ 73.690 Frequency measurements.

(a) The visual carrier frequency and the difference between the visual carrier frequency and the center frequency of the aural transmitter shall be measured as often as necessary to ensure that they are maintained within the prescribed tolerance. However, in no event shall the interval between successive measurements exceed 31 days.

(b) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of Stations WWV, WWVB, WWVH and WWVL of the National Bureau of Standards.

26. Section 73.692(a) and (b) and headnote are amended to read as follows:

§ 73.692 General requirements for type approval of modulation monitors.

(a) Any manufacturer desiring to submit a monitor for type approval shall supply the Commission with full specification details (two sworn copies) as well as the test data specified in § 73.694. If this information appears to meet the requirements of the rules shipping instructions will be issued to the manufacturer. The shipping charges to and from the Laboratory at Laurel, Maryland, shall be paid for by the manufacturer. Approval of a monitor will only be given on the basis of the data obtained from the sample monitor submitted to the Commission for test.

(b) In approving a monitor upon the basis of tests conducted by the Laboratory, the Commission merely recognized that the type of monitor has the inherent capability of functioning in compliance with the rules, if properly constructed, maintained, and operated.

• • • • •

§ 73.693 [Deleted]

27. Section 73.693 is deleted.

[FR Doc.73-17285 Filed 8-17-73;8:45 am]

Title 49—Transportation

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 32]

PART 85—CARGO SECURITY ADVISORY STANDARDS

High Value Commodity Storage

By notice published in the FEDERAL REGISTER of June 5, 1973 (38 FR 14760), the Department of Transportation proposed the issuance of its second Cargo Security Advisory Standard, on High Value Commodity Storage, and invited public comment on the advisory standard. Numerous comments were received and the advisory standard has been changed in light of some of the comments.

The Air Transport Association of America (ATA) suggests that during certain "off" hours the availability of either a custodian or supervisory personnel to monitor the security crib would impose an unnecessary restraint upon the operations of its members. ATA suggests that the advisory standard be relaxed with respect to crib accessibility to the extent that when the size or nature of a particular operation does not warrant the designation of a custodian, supervisory or other predesignated responsible personnel should be authorized access to the crib. This suggestion has merit so long as access to the security crib is properly documented, and § 85–2.31(b) and other pertinent sections have been amended accordingly.

The Association of American Railroads (AAR) suggests four substantive changes to the advisory standard, ranging from renaming the advisory standard itself to amendments of specific provisions relating to security crib access, lock control, and alternate storage in lieu of a security crib.

AAR suggests that the advisory standard be renamed "High Value Commodity Storage of LCL–LTL [Less than Car Load-Less than Truck Load] Merchandise". The advisory standard is intended to have applicability to the entire transportation industry. Were AAR's suggestion adopted, the advisory standard would be addressed to only a segment of the industry. This would not serve the overall purpose of the advisory standard, which is to promote uniformity of treatment of high value cargo among all parts of the transportation industry; hence, this suggestion has not been adopted.

Section 85–2.31 Custodian—AAR's comment with respect to this section is similar to that of ATA, discussed above.

Section 85–2.51 Lock—AAR has two suggestions with respect to this section. The first is the addition of the following language: "Locks should be of a type for which duplicate keys can only be obtained from the manufacturer." The Department feels that this restriction would place too great an expense upon the industry, it has not been adopted. AAR's second suggestion with respect to § 85–2.31 concerns subparagraph (b)(2) thereof. AAR feels that this provision would be strengthened by revising it to read: "(b) The lock should be changed . . . (2) immediately whenever a key to the lock is missing or otherwise unaccounted for." This suggestion has merit and has been adopted.

Section 85–2.59 Procedures in lieu of a security crib—AAR recommends that this section be amended to recognize that an acceptable procedure in lieu of a security crib is the backing up to a solid barrier, such as a wall, of a properly sealed or locked trailer, container, or truck, so as to restrict access to the cargo doors. Although it is believed that this is a common practice in the trucking industry, the Department feels that it is not germane to the concept of a security crib as described in the advisory standard and has not adopted the suggestion.

McDonnell Douglas Corporation suggests adding a new section entitled "Protective lighting". It is urged that protective lighting would enhance visual surveillance and deter the theft of items from security cribs. Adequate lighting should be provided both within and without the crib and should be sufficient to permit detection and later identification of intruders by electronic surveillance or by security guards. The Department agrees with this suggestion and has adopted it as a new § 85–2.61.

McDonnell Douglas further recommends that this advisory standard include provisions concerning document control of shipping papers. This topic will be treated in a subsequent advisory standard.

In consideration of the foregoing, effective (publication date), the Appendix to Part 85 of Title 49 of the Code of Federal Regulations is amended by adding a new Part 85–2, to read as follows:

APPENDIX—CARGO SECURITY ADVISORY STANDARDS

PART 85–2—HIGH VALUE COMMODITY STORAGE

SUBPART A—GENERAL

Sec.
85–2.1 Purpose.
85–2.3 Definitions.

SUBPART B—LOCATION OF SECURITY CRIB

85–2.11 Location.
85–2.13 Separation from over, short, and damaged crib.
85–2.15 Small facilities.

SUBPART C—CONSTRUCTION OF SECURITY CRIB

85–2.21 Materials.
85–2.23 Size.
85–2.25 Visual observation.
85–2.27 Portable security crib.

SUBPART D—ACCESS AND CONTROL

85–2.31 Custodian.
85–2.33 Entrance in absence of custodian.

SUBPART E—ACCOUNTABILITY

85–2.41 Control log.
85–2.43 Physical inventory.
85–2.45 Theft or pilferage.
85–2.47 Discrepancies.
85–2.49 Completed logs.

SUBPART F—SECURITY

85–2.51 Lock.
85–2.53 Keys.
85–2.55 Surrounding area.
85–2.57 Electronic surveillance.
85–2.59 Procedures in lieu of a security crib.
85–2.61 Protective lighting.

AUTHORITY: Section 9(e)(1), Department of Transportation Act (80 Stat. 944, 49 U.S.C. 1657(e)(1)); § 85.3 of the Regulations of the Office of the Secretary of Transportation (49 CFR 85.3).

APPENDIX—CARGO SECURITY ADVISORY STANDARDS

PART 85–2—HIGH VALUE COMMODITY STORAGE

Subpart A—General

Sec. 85–2.1 *Purpose.* (a) The purpose of this Part is to set forth minimum procedures and guidelines that should be observed in order to minimize the risk of loss of high-value cargo.

(b) The provisions herein are general and each may not apply to every transportation mode.

Sec. 85–2.3 *Definitions.* As used in this Part—

"Custodian" means a person having direct day-to-day control of a security crib, including custody of and responsibility for the contents thereof.

"High-value cargo" means cargo handled at a facility, which cargo, because of its monetary value, utility, desirability, or history of frequent theft, requires greater protection than other commodities normally handled at the facility.

"Security crib" means an enclosure for temporary storage of high-value cargo; also referred to as "cage", "corral", "vault", or "lockup".

Subpart B—Location of Security Crib

Sec. 85–2.11 *Location.* (a) A security crib should be located in the vicinity of and, ideally, within sight of, the terminal or dock office. It should not be located in a remote area of the facility.

(b) The location should be conducive to frequent, if not continuous, surveillance by supervisory personnel.

(c) Large facilities may require two security cribs, one at each end, provided there is opportunity for reasonable surveillance of both security cribs.

Sec. 85–2.13 *Separation from over, short, and damaged crib.* A security crib should be separate from an over, short, and damaged crib. Over and damaged freight should not be stored in a security crib unless it is of high value.

Sec. 85–2.15 *Small facilities.* (a) In a small facility space limitations may prevent the use of a security crib. In such an instance high-value cargo should be stored in an area specifically designated and reserved for this purpose.

(b) The area described in paragraph (a) of this section should be—

(1) clearly marked;

(2) made off-limits to unauthorized personnel;

(3) within sight of the dock office; and

(4) capable of constant supervisory observation.

Subpart C—Construction of Security Crib

Sec. 85–2.21 *Materials.* A security crib should be constructed of substantial materials which make the crib resistant to forced entry on all sides, underneath, and overhead.

Sec. 85–2.23 *Size.* (a) A security crib should be of a size adequate for storage of all high-value cargo present at the facility at any time. It should not be so large, however, as to encroach upon space necessary for normal operations, thereby resulting in the use of security crib space for other than high-value cargo.

(b) The walls of a security crib should extend to the ceiling of the room in which it is located or be at least 10 feet high with a substantial top or roof resistant to forced entry.

(c) When a shipment of high-value cargo is too large to be stored entirely within a security crib, it should be—

(1) segregated from other cargo;

(2) stored within sight of supervisory personnel; and

(3) physically inspected at least daily by a supervisor for indication of theft or pilferage.

Sec. 85–2.25 *Visual observation.* Construction should permit visual observation of the entire security crib from the outside to deter unauthorized entry and covert tampering with the high-value cargo therein.

Sec. 85–2.27 *Portable security crib.* In the event that use of a portable security crib is necessary, its sides should be securely fastened to the ground to prevent entry underneath by raising of the security crib with a forklift, jack, or other lift equipment.

Subpart D—Access and Control

Sec. 85–2.31 *Custodian.* (a) When size of an operation or volume of high-value cargo requires extensive use of a security crib, a custodian should be designated as the one person directly responsible for control of the security crib. At all times access to the security crib should be under the direct control of the custodian and should be limited to those persons having legitimate business in the security crib.

(b) If the size or nature of the particular operation does not warrant the designation of a custodian, supervisory or other predesignated responsible personnel should be authorized to conduct necessary business at the security crib so long as access is properly documented.

Sec. 85–2.33 *Entrance in absence of custodian.* (a) Where the volume of business conducted at a security crib is substantial and a custodian has been designated, any additional duties assigned to the custodian should be limited to minimize the necessity to enter a security crib in his absence.

(b) If entrance to a security crib in the absence of the custodian is unavoidable, the entrance should be—

(1) conducted in the presence of supervisory personnel;

(2) subsequently reported to the custodian; and

(3) entered on appropriate records.

Subpart E—Accountability

Sec. 85–2.41 *Control log.* (a) A control log should be maintained at a security crib, listing all cargo transferred into and out of the security crib.

(b) The log should contain information sufficient to identify positively—

(1) the cargo transferred;

(2) the time of the transfer; and

(3) the identity of the persons involved in the transfer.

(c) Every transfer should be observed by a supervisor or other predesignated responsible person, or the custodian if one has been designated, and entered in the log.

Sec. 85–2.43 *Physical inventory.* (a) Consistent with the size of the security crib and the amount of cargo stored therein, a physical inventory of all freight in the security crib should be made periodically. Comparison should then be made with the log described in section 85–2.41 of the Part or with a running inventory.

(b) The interval between inventories should not exceed 30 days. Cleared inventory records should remain on file.

Sec. 85–2.45 *Theft or pilferage.* Whenever there is evidence of theft or pilferage from the security crib an immediate and thorough investigation should be conducted. Proper records will indicate when a loss occurred and the persons involved.

Sec. 85–2.47 *Discrepancies.* A security crib should be inspected daily by the facility manager or his representative with discrepancies investigated immediately and errors in procedures brought to the attention of supervisors concerned as quickly as possible.

Sec. 85–2.49 *Completed logs.* Completed logs should be kept in a secure place for at least one year or such other period of time as the company feels they may be needed for investigation of claims.

Subpart F—Security

Sec. 85–2.51 *Lock.* (a) A security crib should be securely locked when unattended.

(b) The lock should be changed—

(1) periodically to minimize the effect of unauthorized duplication of the key; and

(2) immediately whenever a key to the lock is missing or otherwise unaccounted for.

(c) Serial numbers should be removed from the lock and all keys.

Sec. 85–2.53 *Keys.* (a) Keys to the lock on a security crib should be kept by authorized supervisory or other predesignated responsible personnel, or the custodian if one has been designated, and be placed in a locked key box or other secure place at the close of business.

(b) To preclude surreptitious duplication, keys should never leave the facility nor be given, even temporarily, to unauthorized persons.

(c) The number of duplicate keys should be kept to a minimum, and duplicate keys should be accorded the same protection as the original keys.

Sec. 85–2.55 *Surrounding area.* Floor space immediately adjacent to a security crib should be kept clear of stocked cargo which can reduce visibility.

Sec. 85–2.57 *Electronic surveillance.* Depending upon the value of cargo stored in a security crib, the number of transfers thereto and from, and other variables, continuous electronic surveillance of a security crib may be advisable. In such a case, a responsible person or persons should be assigned responsibility of monitoring the television receivers. The versatility of closed circuit television combined with a video tape recorder is ideal for electronic surveillance of a security crib when continuous monitoring of the television receivers is not possible. If tapes are used, they should be reviewed periodically to determine whether unauthorized entry occurs.

Sec. 85–2.59 *Procedures in lieu of a security crib.* The size of an operation, the geographic area in which a facility is located, and the prior loss record may indicate that a security crib is not needed at a particular facility. Special procedures for controlling high-value cargo should still be used and may include—

(a) storage in a special area;

(b) storage in the over, short, and damaged crib;

(c) daily inventories; and

(d) continuous surveillance.

Sec. 85–2.61 *Protective lighting.* To enhance visual surveillance of and to deter the theft of items from security cribs, adequate lighting should be provided within and without the crib. Such lighting should be sufficient

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to permit detection and later identification of intruders by electronic surveillance or by security guards.

Issued in Washington, D.C., on August 14, 1973.

DANIEL A. WARD,
Acting Director
of Transportation Security.

[FR Doc.73-17279 Filed 8-17-73;8:45 am]

[Docket No. 70-27; Notice 9]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Hydraulic Brake Systems; Date for Response to Petitions for Reconsideration

The purpose of this notice is to announce a date by which a response will be issued to the petitions for reconsideration of Motor Vehicle Safety Standard No. 105a, *Hydraulic Brake Systems*, 49 CFR 571.105a, published May 18, 1973 (38 FR 13107).

The NHTSA has found that it is not practicable to take action by August 16, 1973, the date by which action would ordinarily be taken under the agency's policy on petitions for reconsideration. Action on the above petitions and notice is planned for issuance not later than October 15, 1973.

(Secs. 103, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on August 14, 1973.

ROBERT L. CARTER,
Associate Administrator
Motor Vehicle Programs.

[FR Doc.73-17298 Filed 8-17-73;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION DEPARTMENT OF TRANSPORTATION

[Docket No. 72-6; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motorcycle Helmets

The purpose of this amendment to Part 571 of Title 49, Code of Federal Regulations, is to add a new Motor Vehicle Safety Standard No. 218, Motorcycle Helmets, 49 CFR § 571.218, that establishes minimum performance requirements for motorcycle helmets manufactured for use by motorcyclists and other motor vehicle users.

A notice of proposed rulemaking on this subject was published on May 19, 1972 (37 FR 10097). The comments received in response to the notice have been carefully considered in this issuance of a final rule.

In the previous notice, the NHTSA proposed that, effective September 1, 1974, the performance levels for the impact attenuation requirements be upgraded to that of the Head Injury Criterion (HIC) required by Motor Vehicle Safety Standard No. 208. A number of comments on this subject sought to defer a final determination until further research and additional tests could be conducted. The agency has carefully reviewed the issues raised by these comments and has determined that technical data presently being generated on this matter by several investigations should be considered in upgrading the impact attenuation requirements. Accordingly, a decision on the upgrading will be deferred until after this research has been completed and the results evaluated, and after any appropriate data have been reviewed.

Comments to the docket on the initial impact attenuation requirement ranged from abolishing the time duration criteria of 2.0 milliseconds and 4.0 milliseconds at the 200g and 150g levels, respectively, to increasing these criteria to 2.8 milliseconds at the 200g level and 5.6 milliseconds at the 150g level. One approach taken in regard to this requirement contends that the available test data are insufficient for quantifying time limits for the relatively short duration accelerations which are involved in helmet testing. Several comments questioned the validity of the proposed time duration limits, since these limits were based on the optional swing-away (as opposed to fixed anvil) test of the American National Standards Institute (ANSI) Standard Z90.1-1966, which was omitted from the most recent issues of the Z90.1 Standard (1971 and 1973) and was not contained in the proposed motorcycle helmet standard. An additional comment points out that helmets designed to meet higher energy impacts than the initial impact attenuation requirement occasionally have difficulty meeting a 2.0 millisecond requirement at the 200g level.

A review of available biomechanical data indicates that the head impact exposure allowed by the 2.0 and 4.0 millisecond limits at the 200g and 150g levels, respectively, is greater than that allowed by other measures of head injury potential. It is the agency's view, moreover, that the best evidence indicates that an increase in the time duration criteria would permit a substantial reduction in the protection provided to the helmet wearer. Since the comments to the docket did not provide any new data or sufficiently compelling arguments which would justify relaxing the proposed limits for tolerable head impact exposure, the 2.0 and 4.0 millisecond criteria are retained as part of the initial impact attenuation criteria.

In response to comments recommending that the allowable weight of the supporting assembly for the impact attenuation drop test be changed to 20 percent instead of the proposed 10 percent of the weight of the drop assembly, the NHTSA has determined that such a change would enable more durable testing equipment to be used without any significant effect on test results. Accordingly, this weight limitation has been raised to 20 percent.

Several comments expressed concern that the proposed 0.04-inch indentation limit included under the penetration test would create problems of measurement. The agency has determined that the intent of this 0.04-inch indentation limit is sufficiently accomplished by the requirement that the striker not contact the surface of the test headform, and the 0.04-inch indentation limit is therefore deleted from the final rule. Further, in consideration of the need to readily detect any contact by the striker, the agency has determined that the contactable surfaces of the penetration test headforms should be constructed of a metal or metallic alloy which will insure detection. Several minor changes in the test conditions for the penetration test have also been made, without altering the substance of those conditions.

A number of comments recommended that where the retention system consists of components which can be independently fastened without securing the complete assembly, such components should not have to individually meet the retention test requirements. Since helmets have a tendency to be thrown off by a crash and motorcyclists sometimes only partially fasten the retention system where such an option exists, the agency has concluded that retention components as well as the entire assembly should meet the test requirements in every fastening mode as specified in the notice of proposed rulemaking.

A number of comments requested that the 105° minimum peripheral vision clearance to each side of the midsagittal plane be increased to 120°. The 105° minimum requirement was proposed because it satisfies a demand by the public for the availability of some helmets which provide added protection to the temporal areas in exchange for a minimal reduction in peripheral vision capability without compromising the safe limits of peripheral vision clearance. A review of available field-of-vision studies and the lack of any evidence to the contrary indicate that 105° minimum clearance to each side of the midsagittal plane provides ample peripheral vision capability. Since the requests for increasing the minimum clearance to 120° were not accompanied by any supporting data or arguments, the agency has concluded that the standard should allow the additional protection which the 105° minimum clearance would permit and, accordingly, this requirement is retained.

With respect to providing important safety information in the form of labeling, one comment recommended that, due to possible label deterioration, both the manufacturer's identification and the helmet model designation should be permanently marked by etching, branding, stamping, embossing, or molding on the exterior of the helmet shell or on a permanently attached component so as to be visible when the helmet is in use. The NHTSA has determined that the practical effect of this recommendation is accomplished by requiring each helmet to be permanently and legibly labeled. The method to be used to permanently and legibly affix a label for each helmet is therefore left to the discretion of the manufacturer. However, in order that there may be some external, visual evidence of conformity to the standard, the labeling requirement has been further

modified to require manufacturer certification in the form of the DOT symbol to appear in permanent form on the exterior of the helmet shell.

One comment recommended that the preliminary test procedures include the application of a 10-pound static test load to the apex of a helmet after it is placed on the reference headform and before the "test line" is drawn to insure that the reference marking will be relatively uniform, thus reducing variances in test results of identical helmets. The agency concurs in this recommendation and it has been included in the standard.

A number of comments objected to the location of the test line. With respect to the proposed requirement that the test line on the anterior portion of a helmet coincide with the reference plane of its corresponding reference headform, it was pointed out that the helmet's brow area would have to be excessively thick in order to meet the impact attenuation criteria at any point less than approximately 1 inch from the brow opening. The data indicate that this objection is valid, and the location of the anterior testline has been modified by placing it 1 inch above and parallel to the reference plane.

A number of comments objected to the proposed requirement that the test line on the posterior portion of a helmet coincide with the basic plane of its corresponding reference headform. The principal objection expressed concern that, by extending the posterior test line to the basic plane, the resulting increase in the posterior surface of a helmet could cause the helmet to impact the wearer's neck where rearward rotation of the head occurs, thereby increasing the potential for injury in certain cases. After further consideration of this aspect of helmet safety, the agency has determined that the location of the test line on the posterior portion of a helmet should be modified by placing it 1 inch below and parallel to the reference plane.

Several comments questioned the sufficiency of the anatomical dimensions and diagrams provided for the reference headforms in the Appendix of the notice of proposed rulemaking. Of these comments, two proposed adopting the dimensional specifications of the existing ANSI Z90.1 headform, while a third recommended the inclusion of an additional reference headform to accomodate their smallest child helmet. The agency has concluded that, in order to promote greater uniformity in testing and more repeatable results, one of the reference headforms should have the dimensional specifications of the readily available Z90.1 headform, the others being scaled proportionally, and that a reference headform for smaller child helmets should be added. Accordingly, the Appendix has been revised to reflect these changes.

Effective date: March 1, 1974.

In consideration of the foregoing, a new Motor Vehicle Safety Standard No. 218, Motorcycle Helmets, is added as § 571.218 of Title 49, Code of Federal Regulations, as set forth below.

(Secs. 103, 112, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407; delegation of authority at 49 CFR 1.51.)

Issued on August 9, 1973.

JAMES B. GREGORY,
Administrator.

A new § 571.218 is added as follows:

§ 571.218 Standard No. 218; Motorcycle helmets.

S1. *Scope.* This standard establishes minimum performance requirements for helmets designed for use by motorcyclists and other motor vehicle users.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries to motorcyclists and other motor vehicle users resulting from head impacts.

S3. *Application.* This standard applies to helmets designed for use by motorcyclists and other motor vehicle users.

S4. *Definitions.*

"Basic plane" means a plane through the centers of the right and left external ear openings and the lower edge of the eye sockets (Figure 1) of a reference headform (Figure 2) or test headform.

"Midsagittal plane" means a longitudinal plane through the apex of a reference headform or test headform that is perpendicular to the basic plane (Figure 3).

"Reference plane" means a plane above and parallel to the basic plane on a reference headform or test headform (Figure 2) at the distance indicated in the Appendix.

"Reference headform" means a measuring device contoured to the dimensions of one of the four headforms described in the Appendix, with surface markings indicating the locations of the basic, midsagittal, and reference planes, and the centers of the external ear openings.

"Test headform" means a test device contoured to the dimensions of one of the four reference headforms described in the Appendix for all surface areas that contact the helmet, with surface markings indicating the locations of the basic, midsagittal, and reference planes.

"Retention system" means the complete assembly by which the helmet is retained in position on the head during use.

"Helmet positioning index" means the distance in inches, as specified by the manufacturer, from the lowest point of the brow opening at the lateral midpoint of the helmet to the basic plane of a reference headform, when the helmet is firmly and properly positioned on the reference headform.

S5. *Requirements.* Each helmet shall meet the requirements of S5.1 through S5.3 when subjected to any conditioning procedure specified in S6.3, and tested in accordance with S7.

S5.1 *Impact attenuation.* When an impact attenuation test is conducted in accordance with S7.1, all of the following requirements shall be met:

(a) Peak accelerations shall not exceed 400g;

(b) Accelerations in excess of 200g shall not exceed a cumulative duration of 2.0 milliseconds; and

(c) Accelerations in excess of 150g shall not exceed a cumulative duration of 4.0 milliseconds.

S5.2 *Penetration.* When a penetration test is conducted in accordance with S7.2, the striker shall not contact the surface of the test headform.

S5.3 *Retention system.*

S5.3.1 When tested in accordance with S7.3:

(a) The retention system or its components shall attain the loads specified without separation; and

(b) The adjustable portion of the retention system test device shall not move more than 1 inch measured between preliminary and test load positions.

S5.3.2 Where the retention system consists of components which can be independently fastened without securing the complete assembly, each such component shall independently meet the requirements of S5.3.1.

S5.4 *Configuration.* Each helmet shall have a protective surface of continuous contour at all points on or above the test line described in S6.1.3. The helmet shall provide peripheral vision clearance of at least 105° to each side of the midsagittal plane, when the helmet is adjusted as specified in S6.2. The vertex of these angles, shown in Figure 3, shall be at the point on the anterior surface of the reference headform at the intersection of the midsagittal and basic planes. The brow opening of the helmet shall be at least 1 inch above all points in the basic plane that are within the angles of peripheral vision (see Figure 3).

S5.5 *Projections.* A helmet shall not have any rigid projections inside its shell. Rigid projections outside any helmet's shell shall be limited to those required for operation of essential accessories, and shall not protrude more than 0.19 inch.

S5.6 *Labeling.*

S5.6.1 Each helmet shall be permanently and legibly labeled, in a manner such that the label(s) can be easily read without removing padding or any other permanent part, with the following:

(1) Manufacturer's name or identification.

(2) Precise model designation.

(3) Size.

(4) Month and year of manufacture. This may be spelled out (e.g., June 1974), or expressed in numerals (e.g., 6/74).

(5) The symbol DOT, constituting the manufacturer's certification that the helmet conforms to the applicable Federal Motor Vehicle Safety Standards. This symbol shall appear on the outer surface, in a color that contrasts with the background, in letters at least $\frac{3}{8}$ inch high, centered laterally approximately $1\frac{1}{4}$ inches from the bottom edge of the posterior portion of the helmet.

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(6) Instruction to the purchaser as follows:

"Shell and liner constructed of (identify type(s) of materials).

"Helmet can be seriously damaged by some common substances without damage being visible to the user. Apply only the following: (Recommended cleaning agents, paints, adhesives, etc., as appropriate).

"Make no modifications. Fasten helmet securely. If helmet experiences a severe blow, return it to the manufacturer for inspection, or destroy and replace it." (On an attached tag, brochure, or other suitable means, any additional, relevant safety information should be supplied at the time of purchase.)

S5.7 *Helmet positioning index.* Each manufacturer of helmets shall establish a positioning index for each helmet he manufactures. This index shall be furnished immediately to any person who requests the information, with respect to a helmet identified by manufacturer, model designation, and size.

S6. *Preliminary test procedures.* Before subjecting a helmet to the testing sequence specified in S7., prepare it according to the following procedures.

S6.1 *Reference marking.*

S6.1.1 Use a reference headform that is firmly seated with the basic and reference planes horizontal. Place the complete helmet to be tested on the reference headform of the largest size specified in the Appendix whose circumference is not greater than the internal circumference of the headband when adjusted to its largest setting, or if no headband is provided to the corresponding interior surface of the helmet.

S6.1.2 Apply a 10-pound static load normal to the helmet's apex. Center the helmet laterally and seat it firmly on the reference headform according to its helmet positioning index.

S6.1.3 Maintaining the load and position described in S6.1.2, draw a line (hereinafter referred to as "test line") on the outer surface of the helmet coinciding with portions of the intersection of that surface with the following planes, as shown in Figure 2:

(a) A plane 1 inch above and parallel to the reference plane in the anterior portion of the reference headform;

(b) A vertical transverse plane 2.5 inches behind the point on the anterior surface of the reference headform at the intersection of the midsagittal and reference planes;

(c) The reference plane of the reference headform;

(d) A vertical transverse plane 2.5 inches behind the center of the external ear opening in a side view; and

(e) A plane 1 inch below and parallel to the reference plane in the posterior portion of the reference headform.

S6.2 *Helmet positioning.* Prior to each test, fix the helmet on a test headform in the position that conforms to its helmet positioning index. Secure the helmet so that it does not shift position prior to impact or to application of force during testing.

S6.2.1 In testing as specified in S7.1 and S7.2, place the retention system in a position such that it does not interfere with free fall, impact, or penetration.

S6.3 *Conditioning.* Immediately prior to conducting the testing sequence specified in S7., condition each test helmet in accordance with any one of the following procedures:

(a) *Ambient conditions.* Expose to a temperature of 70°F. and a relative humidity of 50 percent for 24 hours.

(b) *Low temperature.* Expose to a temperature of −20°F. for 24 hours.

(c) *High temperature.* Expose to a temperature of 122°F. for 24 hours.

(d) *Water immersion.* Immerse in water at a temperature of 77°F. for 24 hours.

If during testing, the time out of the conditioning environment for a test helmet exceeds 5 minutes, return the helmet to the conditioning environment for a minimum of 3 minutes for each minute out of the conditioning environment or 24 hours, whichever is less, prior to resumption of testing.

S7. *Test conditions.*

S7.1 *Impact attenuation test.*

S7.1.1 Impact attenuation is measured by determining acceleration imparted to an instrumented test headform on which a complete helmet is mounted as specified in S6.2, when it is dropped in guided free fall upon fixed hemispherical and flat steel anvils.

S7.1.2 Each helmet is impacted at four sites with two successive, identical impacts at each site. Two of these sites are impacted upon a flat steel anvil and two upon a hemispherical steel anvil as specified in S7.1.7 and S7.1.8. The impact sites are at any point on the area above the test line described in S6.1.3, and separated by a distance not less than one-sixth of the maximum circumference of the helmet.

S7.1.3 The guided free fall drop heights for the helmet and test headform combination onto the hemispherical anvil and flat anvil are 54.5 inches and 72 inches, respectively.

S7.1.4 Test headforms for impact attenuation testing are constructed of magnesium alloy (K–1A), and exhibit no resonant frequencies below 3,000 Hz.

S7.1.5 Weight of the drop assembly, as specified in Table I, is the combined weight of the instrumented test headform and supporting assembly for the drop test. The weight of the supporting assembly does not exceed 20% of the weight of the drop assembly. The center of gravity of the combined test headform and supporting assembly lies within a cone with its axis vertical and forming a 10° included angle with the vertex at the point of impact.

S7.1.6 The acceleration transducer is mounted at the center of gravity of the combined test headform and supporting assembly with the sensitive axis aligned to within 5° of vertical when the test headform is in the impact position. The acceleration data channel complies with SAE Recommended Practice J211 requirements for channel class 1,000.

S7.1.7 The flat anvil is constructed of steel with a 5-inch minimum diameter impact face, and the hemispherical anvil is constructed of steel with a 1.9-inch radius impact face.

S7.1.8 The rigid mount for both of the anvils consists of a solid mass of at least 300 pounds, the outer surface of which consists of a steel plate with minimum thickness of 1 inch and minimum surface area of 1 ft².

S7.2 *Penetration test.*

S7.2.1 The penetration test is conducted by dropping the penetration test striker in guided free fall, with its axis aligned vertically, onto the outer surface of the complete helmet, when mounted as specified in S6.2, at any point above the test line, described in S6.1.3, except on a fastener or other rigid projection.

S7.2.2 Two penetration blows are applied at least 3 inches apart, and at least 3 inches from the centers of any impacts applied during the impact attenuation test.

S7.2.3 The height of the guided free fall is 118.1 inches, as measured from the striker point to the impact point on the outer surface of the test helmet.

7.2.4 The contractable surfaces of the penetration test headforms are constructed of a metal or metallic alloy having a Brinell hardness number no greater than 55, which will readily permit detection should contact by the striker occur. The surface is refinished if necessary prior to each penetration test blow to permit detection of contact by the striker.

S7.2.5 The weight of the penetration striker is 6 pounds, 10 ounces.

S7.2.6 The point of the striker has an included angle of 60°, a cone height of 1.5 inches, a tip radius of 0.019 inch (standard 0.5 millimeter radius) and a minimum hardness of 60 Rockwell, C-scale.

S7.2.7 The rigid mount for the penetration test headform is as described in S7.1.8

S7.3 *Retention system test.*

S7.3.1 The retention system test is conducted by applying a static tensile load to the retention assembly of a complete helmet, which is mounted, as described in S6.2, on a stationary test headform as shown in Figure 4, and by measuring the movement of the adjustable portion of the retention system test device under tension.

S7.3.2 The retention system test device consists of both an adjustable loading mechanism by which a static tensile load is applied to the helmet retention assembly and a means for holding the test headform and helmet stationary. The retention assembly is fastened around two freely moving rollers, both of which have a 0.5 inch diameter and a 3-inch center-to-center separation, and which are mounted on the adjustable portion of the tensile loading device (Figure 4). The helmet is fixed on the test headform as necessary to ensure that it does not move during the application of the test loads to the retention assembly.

S7.3.3 A 50-pound preliminary test load is applied to the retention assembly, normal to the basic plane of the test headform and symmetrical with respect to the center of the retention assembly for 30 seconds, and the maximum distance from the extremity of the adjustable portion of the retention system test device to the apex of the helmet is measured.

S7.3.4 An additional 250-pound test load is applied to the retention assembly, in the same manner and at the same location as described in S7.3.3, for 120 seconds, and the maximum distance from the extremity of the adjustable portion of the retention system test device to the apex of the helmet is measured.

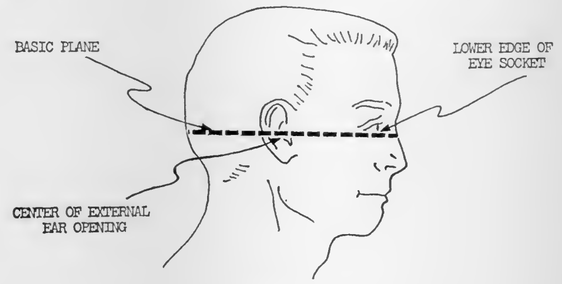


Figure 1

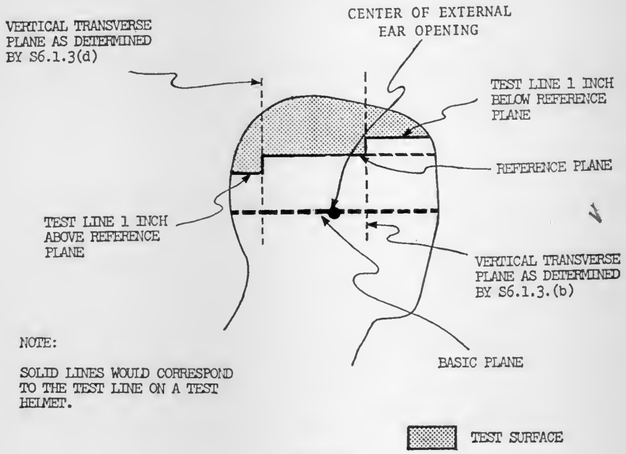


Figure 2

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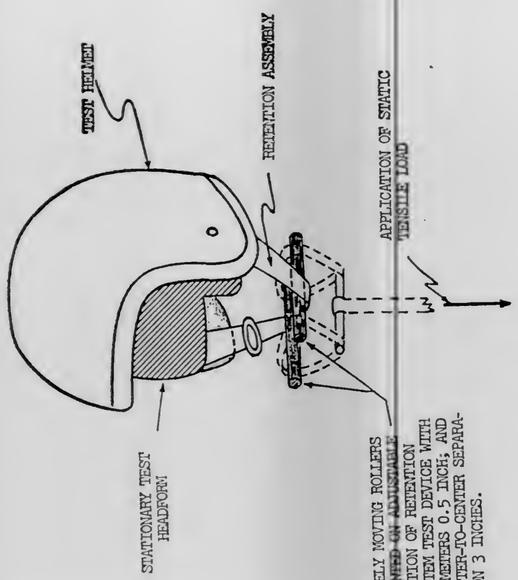


Figure 4

TABLE I.—*Weights for impact attenuation test drop assembly*

Reference headform size:	*Weight (lbs)* *	Reference headform size:	*Weight (lbs)* *
A	7.8	C	11.0
B	8.9	D	13.4

*Combined weight of instrumented test headform and supporting assembly for drop test.

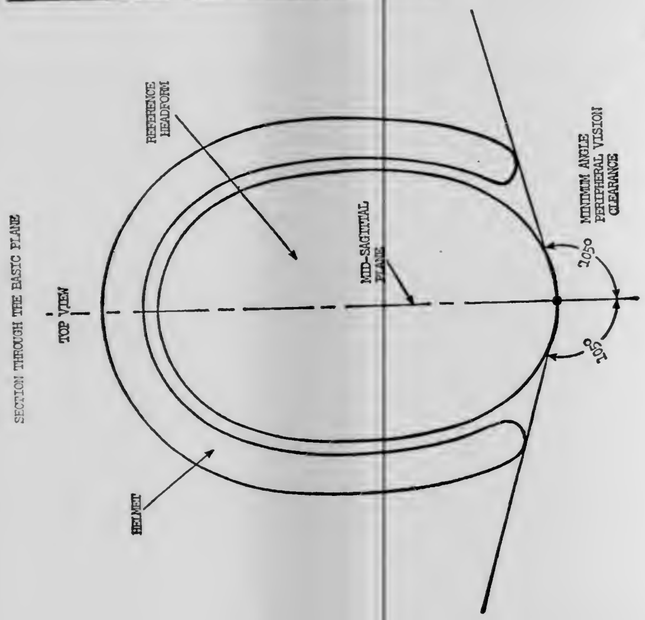
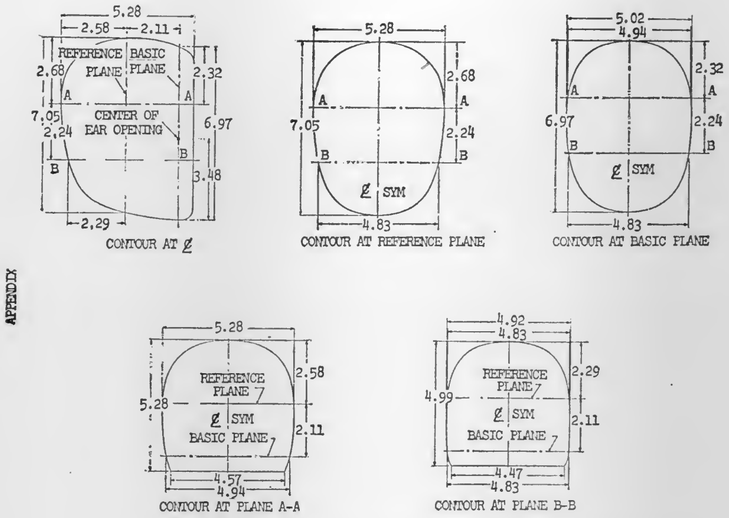


Figure 3

APPENDIX

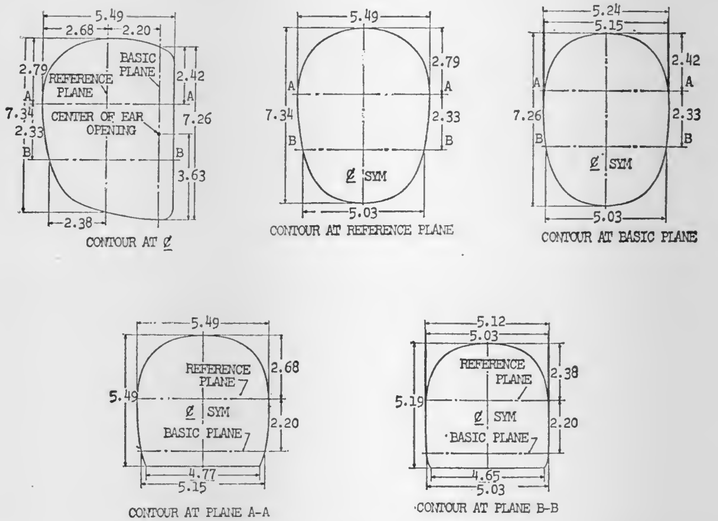
i



HEADFORM A

ALL DIMENSIONS IN INCHES

ii

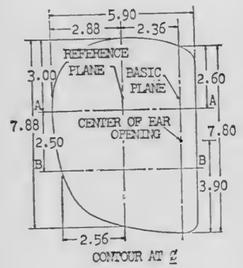


HEADFORM B

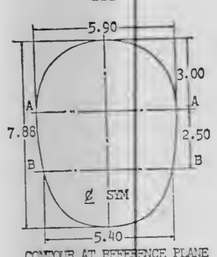
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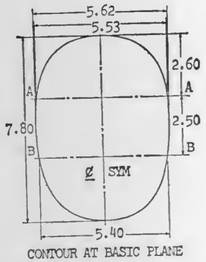
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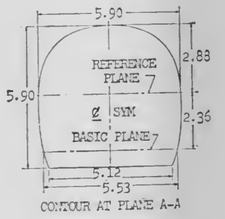
CONTOUR AT ℄



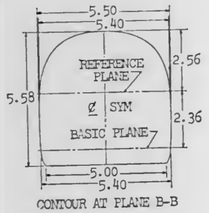
CONTOUR AT REFERENCE PLANE



CONTOUR AT BASIC PLANE



CONTOUR AT PLANE A-A

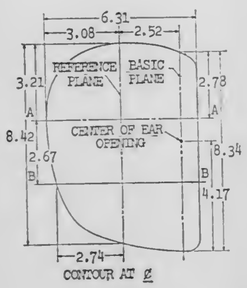


CONTOUR AT PLANE B-B

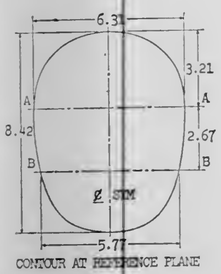
HEADFORM C

ALL DIMENSIONS IN INCHES

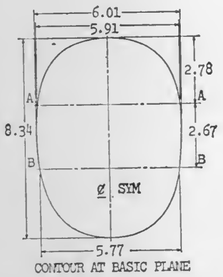
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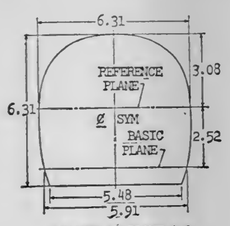
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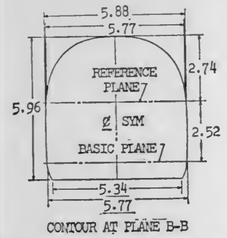
CONTOUR AT REFERENCE PLANE



CONTOUR AT BASIC PLANE



CONTOUR AT PLANE A-A



CONTOUR AT PLANE B-B

HEADFORM D

ALL DIMENSIONS IN INCHES

[FR Doc.73-17102 Filed 8-17-73;8:45 am]

[Docket No. 70-20; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Fuel System Integrity

This notice amends Motor Vehicle Safety Standard No. 301 on fuel system integrity to specify static rollover requirements applicable to passenger cars on September 1, 1975, and to extend applicability of the standard to multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less on September 1, 1976.

The NHTSA proposed amending 49 CFR 571.301, *Fuel Tanks, Fuel Tank Filler Pipes, and Fuel Tank Connections,* on August 29, 1970, (35 FR 13799). Under the proposal the standard would be extended to all vehicles with a GVWR of 10,000 pounds or less. No fuel spillage would be permitted during the standard's tests. As proposed, these would include a spike stop from 60 mph, and a 30 mph frontal barrier crash. Additional tests for vehicles with a GVWR of 6,000 pounds or less would include a rear-end collision with a fixed barrier at 30 mph, and a static rollover test following the frontal barrier crash. With respect to the proposal: the frontal impact and static rollover tests are adopted but with an allowance of fuel spillage of 1 ounce per minute; the spike stop test is not adopted; and the rear-end fixed barrier collision test is being reproposed in a separate rule making action published today (38 FR 22417) to substitute a moving barrier.

The proposal that there be zero fuel spillage was almost universally opposed for cost/benefit reasons. The NHTSA has concluded that the requirement adopted, limiting fuel spillage to 1 ounce per minute, will have much the same effect as a zero-loss requirement. The standard will effectively require motor vehicles to be designed for complete fuel containment, since any spillage allowed by design in the aftermath of testing could well exceed the limit of the standard. At the same time, the 1-ounce allowance would eliminate concern over a few drops of spillage that in a functioning system may be unavoidable.

Fuel loss will be measured for a 15-minute period for both impact and rollover tests.

The NHTSA proposed a panic-braking stop from 60 mph to demonstrate fuel system integrity. Many commented that this appeared superfluous, increasing testing costs with no performance improvements, since the proposed front and rear impact tests represented considerably higher deceleration loadings than could be achieved in braking. The NHTSA concurs, and has not adopted the panic stop test. The frontal barrier crash at 30 mph has been retained for passenger cars, and extended to multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less as of September 1, 1976.

The static rollover test was adopted as proposed. It applies to passenger cars as of September 1, 1975, and to multipurpose passenger vehicles, trucks, and buses with a GVWR of 6,000 pounds or less, as of September 1, 1976. The rollover test follows the front barrier crash, and consists of a vehicle being rotated on its longitudinal axis at successive increments of 90°. A condition of the test is that rotation between increments occurs in not less than 1 minute and not more than 3 minutes. After reaching a 90° increment, the vehicle is held in that position for 5 minutes.

The proposed rear-end crash test incorporated a fixed collision barrier. Manufacturers generally favored a moving barrier impact as a closer simulation of real world conditions. The NHTSA concurs and is not adopting a rear-end fixed barrier test. Instead, it is proposing a rear-end moving barrier collision test as part of the notice of proposed rulemaking published today.

Under the proposal the vehicle would be loaded to its GVWR with the fuel tank filled to any level between 90 and 100 percent of capacity. Many commenters objected on the grounds that full loading of a vehicle represents an unrealistic condition in terms of actual crash experience. The NHTSA does not agree. Although full loading of a vehicle is not the condition most frequently encountered, it certainly occurs frequently enough that the vehicle should be designed to give basic protection in that condition. The vehicle test weight condition has been adopted as proposed. It should be noted that, in the parallel notice of proposed rulemaking issued today, vehicles would be tested under the weight conditions specified in Standard No. 208, effective September 1, 1975.

In consideration of the foregoing, 49 CFR 571.301, Motor vehicle Safety Standard No. 301, is amended to read as set forth below.

Effective date: September 1, 1975. Because of the necessity to allow manufacturers sufficient production leadtime it is found for good cause shown that an effective date later than 1 year after issuance of this rule is in the public interest.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on August 15, 1973.

JAMES B. GREGORY,
Administrator.

§ 571.301 Standard No. 301; fuel tanks, fuel tank filler pipes, and fuel tank connections.

S1. *Scope.* This standard specifies requirements for the integrity of motor vehicle fuel systems.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes.

S3. *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less.

S4. *Definition.* "Fuel spillage" means the fall, flow, or run of fuel from the vehicle but does not include wetness resulting from capillary action.

S5. *General requirements*

S5.1 *Passenger cars.* Each passenger car manufactured on or after September 1, 1975, shall meet all the requirements of this standard.

S5.2 *Vehicles with GVWR of 6,000 pounds or less.* Each multipurpose passenger vehicle, truck, and bus with a GVWR of 6,000 pounds or less manufactured on or after September 1, 1976, shall meet all the requirements of this standard.

S5.3 *Vehicles with GVWR of more than 6,000 pounds but not more than 10,000 pounds.* Each multipurpose passenger vehicle, truck, and bus, with a GVWR more than 6,000 pounds and not more than 10,000 pounds manufactured on or after September 1, 1976, shall meet the requirements of S6.1.

S5.4 *Fuel spillage: barrier crash.* Fuel spillage in any barrier crash test shall not exceed 1 ounce from impact until motion of the vehicle has ceased, and shall not exceed 1 ounce per minute in the 15-minute period following cessation of motion.

S5.5 *Fuel spillage: rollover.* Fuel spillage in any rollover test shall not exceed 1 ounce per minute.

S6. *Test requirements.* Each vehicle shall meet the following requirements in sequence.

S6.1 *Frontal barrier crash.* When the vehicle traveling longitudinally forward at any speed up to and including 30 mph impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, fuel spillage shall not exceed the limits specified in S5.4.

S6.2 *Rollover.* When the vehicle is rotated on its longitudinal axis at each successive increment of 90°, fuel spillage shall not exceed the limits specified in S5.5.

S7. *Conditions.* The requirements of S5. and S6. shall be met under the following conditions. Where a range of conditions is specified, the vehicle must be capable of meeting the requirements at all points within the range.

S7.1 *Vehicle weight.* The vehicle is loaded to its GVWR, and the fuel tank is filled to any level between 90 and 100 percent of capacity.

S7.2 *Vehicle weight distribution.* Weight in excess of unloaded vehicle weight is distributed to each axle in proportion to the vehicle's gross axle weight ratings, and is firmly fixed to the vehicle so that it absorbs no significant portion of the vehicle's kinetic energy.

S7.3 *Engine.* The engine is at ambient temperature.

S7.4 *Fuel system.* The fuel tank contains the fuel normally used to operate the vehicle or Stoddard solvent, having the physical and chemical properties of Type 1 solvent, Table 1 ASTM Standard D484-71, "Standard Specifications for Hydrocarbon Dry Cleaning Sol-

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vents," and the remainder of the fuel system is filled to its normal operating levels with this fuel.

S7.5 *Parking brake and transmission.* The parking brake is disengaged and the transmission is in neutral.

S7.6 *Tires.* Tires are inflated to manufacturer's specifications.

S7.7 *Static rollover test condition.* The vehicle is rotated to each successive increment at a uniform rate, with 90° of rotation taking place in not less than 1 minute and not more than 3 minutes. After reaching a 90° increment the vehicle is held in that position for 5 minutes.

[FR Doc.73-17300 Filed 8-16-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1120; 2nd Revision]

PART 1033—CAR SERVICE

Distribution of Covered Hopper Cars

AUGUST 15, 1973.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of August 1973.

It appearing, That an acute shortage of covered hopper cars for transporting shipments of grain, grain products, soybeans, or soybean meal exists in certain sections of the country; that some carriers have placed substantial numbers of large-capacity covered hopper cars in unit-train service for the movement of grain under tariff provisions which require that these cars remain in this service for five or more consecutive trips in the service of a single shipper; that such practices are depriving shippers, unable to ship to the destinations to which such services are available or unable to comply with tariff provisions applicable to such movements with respect to availability of tonnage in a single day or ability to receive grain in such quantities, of an equitable share of the supply of large covered hoppers; that entire areas of the country are unable to secure shipments of vitally needed feed grains because of these car distribution practices, thus creating great economic loss; that present regulations and practices with respect to the use, supply, control, movement, and distribution of covered hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1120 Service Order No. 1120.

(a) *Distribution of covered hopper cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Restrictions on Use of Covered Hopper Cars.* Effective September 1, 1973, no common carrier by railroad shall permit the use in unit-grain-train services of more than twenty percent (20 percent) of its ownership of jumbo covered hopper cars. (See exception.)

*(2) *Exception.* Newly acquired cars which represent net additions to a carrier's ownership of jumbo covered hopper cars when authorized by R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423.

*(3) *Increased Use in Unit Trains Prohibited.* No common carrier by railroad shall increase the proportion of its ownership of covered hopper cars operated in unit-grain-train services above the proportion operated in unit-grain-train services on February 1, 1973.

(4) *Substitution of Small Cars for Jumbo Cars Prohibited.* No common carrier shall substitute smaller covered hopper cars for jumbo covered hopper cars for use in unit-grain-train services.

(5) *Monthly Reports Required.* Each common carrier by railroad owning jumbo covered hopper cars shall report to Mr. R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423, on or before the tenth day of each month the number of jumbo covered hopper cars owned, as of the first of the month, the number in unit-grain-train services, the number in general grain services, the number in other services, the number of unit-grain-trains operated during the previous month, and the number of trips made by such trains.

(b) *Definitions.*—(1) *Unit-grain-trains.* Unit-grain-trains are hereby defined as trains of fifty (50) or more covered hoppers organized and operated as a unit from a single point of origin, in-transit loading point, or concentration point and consigned to one destination or distribution point in order to comply with published tariff requirements.

(2) *Jumbo covered hopper cars of railroad ownership.* Jumbo covered hopper cars of railroad ownership are hereby defined as cars listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 388, issued by W. J. Trezise, or successive issues thereof as bearing reporting marks issued to a railroad and having mechanical designation "LO" and having cubical capacities of 4,000 cu. ft. or larger and weight-carrying capacities of 180,000 lbs. or greater.

(c) *Rules and regulations suspended.* In the event that the operation of any unit-grain-train is discontinued prior to September 1, 1973, as a result of this order, the discontinuance of such a train shall be deemed to have completed the tariff responsibility as to the number of consecutive trips required to be made by such unit-grain-train. The operation of all other tariff provisions or of other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(e) *Effective date.* This order shall become effective at 11:59 p.m., August 26, 1973.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 15, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-17317 Filed 8-17-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Crescent Lake National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of antelope and deer on the Crescent Lake National Wildlife Refuge, Nebraska is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,900 acres, is delineated on maps available at refuge headquarters, Ellsworth, Nebraska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting of antelope and deer shall be in accordance with all applicable State regulations covering the hunting of antelope and deer subject to the following conditions:

(1) Vehicle entrance and travel will be permitted only on designated well-defined trails. No vehicle travel is permitted beyond posted points, or off the designated trails in the hills or meadows.

(2) No overnight camping is permitted.

(3) No open fires are permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

RONALD L. PERRY,
Refuge Manager, Crescent Lake Nat'l Wildlife Refuge, Ellsworth, Nebraska.

AUGUST 8, 1973.

[FR Doc.73-17248 Filed 8-17-73;8:45 am]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge

The following special regulation is issued and is effective August 20, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and ring-necked pheasants on the Crescent Lake National Wildlife Refuge, Nebraska, is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,900 acres, is delineated on maps available at refuge headquarters, Ellsworth, Nebraska 69340, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting of sharp-tailed grouse and ring-necked pheasants is permitted during the established State seasons. Hunting shall be in accordance with all applicable State regulations covering the hunting of sharp-tailed grouse and ring-necked pheasants subject to the following special conditions:

(1) Vehicle entrance and travel will be permitted only on designated well-defined trails. No vehicle travel is permitted beyond posted points, or off the designated trails in the hills or meadows.

(2) No overnight camping is permitted.

(3) No open fires are permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1974.

RONALD L. PERRY,
Refuge Manager, Crescent Lake Nat'l Wildlife Refuge, Ellsworth, Nebraska.

AUGUST 8, 1973.

[FR Doc.73-17326 Filed 8-17-73;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PART 240—REGULATED COMMERCIAL FISHERIES

On July 24, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 19832) to revise existing regulations under Part 240 to include 1973 annual catch quotas for mackerel, pollock, redfish and other flounders in their respective subparts. In addition, Part 242—Herring Fisheries, was deleted and incorporated under this Part 240, as Subpart E—Pelagic Fisheries.

Interested persons were given 20 days in which to submit written comments, suggestions, or objectives regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date: These regulations shall be effective as of August 20, 1973.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

At the midyear meeting held in Rome, Italy, January 16–26, 1973, the International Commission for the Northwest Atlantic Fisheries recommended that member governments adopt revised catch quotas for herring for 1973 in the areas presently regulated by the Commission and to implement annual catch quotas adopted for mackerel, pollock, redfish, and other flounders, except yellowtail flounders, in Subareas 4 and 5.

At the present time, annual catch quotas for herring are published in the FEDERAL REGISTER under Title 50 CFR, Part 242—Herring Fisheries, while other Northwest Atlantic commercial fish species are regulated under Title 50 CFR, Part 240—Groundfish Fisheries. Recognizing that this arrangement may be confusing to fishermen who catch more than one species or change during the year from one fishery to another, it is proposed to transfer the provisions of 50 CFR Part 242 to 50 CFR Part 240 and reserve Part 242 for future use.

Therefore, it is proposed to incorporate the new regulated species into the existing regulations, thereby providing a single document that will provide easier reference. The proposed changes and inclusions are as follows:

1. Change the title of present Part 240 from "Groundfish Fisheries" to "Regulated Commercial Fisheries."

2. Add to § 240.1(c)(5), the new regulated species; pollock, redfish, mackerel, other flounders.

3. In Subpart B—Groundfish Fisheries, it is proposed to include the 1973 catch quotas for pollock and redfish. The 1973 annual catch quota for redfish for vessels under the jurisdiction of the United States in Subarea 5 shall not exceed 24,550 metric tons and for pollock, 11,275 metric tons.

4. In Subpart C—Flatfish Fisheries, it is proposed to include the 1973 catch quota for other flounders. The 1973 annual aggregate catch quota for other flounders, excluding yellowtail flounder, for vessels under the jurisdiction of the United States shall not exceed 21,700 metric tons.

5. It is proposed to add a new Subpart E—Pelagic Fisheries, which would include the regulations for herring presently published under Part 242 and mackerel recently adopted as a regulated species. The 1973 catch quotas for herring for vessels under the jurisdiction of the United States shall be as follows:

Division 5Z of Subarea 5, 5,250 metric tons; Division 5Y of Subarea 5, 19,750 metric tons; and Division 4X and 4W of Subarea 4, 400 metric tons. The 1973 catch quota for mackerel in Subarea 5 is 26,200 metric tons.

6. It is proposed to make other minor editorial changes to provide consistent language within each subpart.

The proposed amendments are to be issued under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986) as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 FR 15627).

Prior to final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before August 13, 1973.

Issued at Washington, D.C., and dated July 17, 1973.

T. P. GLEITER,
Assistant Administrator for Administration.

PART 240—REGULATED COMMERCIAL FISHERIES

Subpart A—General Provisions

Sec.
240.1 Definitions.
240.2 Licensing.
240.3 Persons and vessels exempted.
240.4 Reports and records.

Subpart B—Groundfish Fisheries

Sec.
240.10 Definitions.
240.11 Catch quota.
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240.13 Closed season and areas.
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Subpart C—Flatfish Fisheries

240.20 Definitions.
240.21 Catch quota.
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Subpart D—Hake Fisheries

240.30 Definitions.
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240.32 Open season.
240.33 Closed season and areas.
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Subpart D—Pelagic Fisheries

240.40 Definitions.
240.41 Catch quota.
240.42 Open season.
240.43 Closed season and areas.
240.44 Gear restrictions.
240.45 General restrictions.
240.46 Size limits.

AUTHORITY: Subsection (A) of section 7, Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986) Reorganization Plan No. 4, effective October 3, 1970 (35 FR 15627).

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Subpart A—General Provisions

§ 240.1 Definitions.

(a) *Convention area.* The term "Convention area" means and includes all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40′ west longitude; thence due south to 39°00′ north latitude; thence due east to 42°00′ west longitude; thence due north to 50°00′ north latitude; thence due west to 44°00′ west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78°10′ north latitude; thence southward to a point in 75°00′ north latitude and 73°30′ west longitude, thence along a rhumb line to a point in 69°00′ north latitude and 50°00′ west longitude; thence due south to 61°00′ north latitude; thence due west to 64°30′ west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island, to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts and Rhode Island to the point of beginning.

(b) *Regulatory area.* The term "Regulatory area" means and includes the whole of those portions of the Convention area which are separately described as follows:

(1) *Subarea 1.* The term "Subarea 1" means that portion of the Convention area, including all waters except territorial waters, which lies to the north and east of a rhumb line from a point in 75°00′ north latitude and 73°30′ west longitude to a point in 69°00′ north latitude and 59°00′ west longitude; east of 59°00′ west longitude; and to the north and east of a rhumb line from a point in 61°00′ north latitude and 59°00′ west longitude to a point in 52°15′ north latitude and 42°00′ west longitude.

(2) *Subarea 2.* The term "Subarea 2" means that portion of the Convention area, including all waters except territorial waters, lying to the south and west of Subarea 1, as defined in subparagraph (1) of this paragraph, and to the north of the parallel of 52°15′ north latitude.

(3) *Subarea 3.* The term "Subarea 3" means that portion of the Convention area, including all waters except territorial waters, lying south of the parallel of 52°15′ north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15′ north latitude; to the north of the parallel of 39°00′ north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 42°30′ north latitude, 55°00′ west longitude in the direction of a point in 47°50′ north latitude, 60°00′ west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

(4) *Subarea 4.* The term "Subarea 4" means that portion of the Convention area, including all waters except territorial waters, lying to the west of Subarea 3 as described in subparagraph (3) of this paragraph, and to the east of a line described as follows: Beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°40′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude.

(5) *Subarea 5.* The term "Subarea 5" means that portion of the Convention area, including all waters except territorial waters, bounded by a line beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel at a point in 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude; thence due west to the meridian of 71°40′ west longitude; thence due north to a point 3 statute miles off the coast of the State of Rhode Island; thence along the coasts of Rhode Island, Massachusetts, New Hampshire, and Maine at a distance of 3 statute miles to the point of beginning.

(c) *Regulated species.* The regulations in this part shall apply to the following species by the subareas they are included in and wherever in the regulations in this part the term "regulated species" is used, it shall apply to those in this list.

(1) *In Subarea 1.* (i) Cod (*Gadus morhua* (L.)).
(ii) Haddock (*Melanogrammus aeglefinus* (L.)).
(iii) Ocean perch (redfish) (*Sebastes*).
(iv) Halibut (*Hippoglossus hippoglossus* (L.)).
(v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).
(vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).
(vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(2) *In Subarea 2.* (i) Cod (*Gadus morhua* (L.)).
(ii) Haddock (*Melanogrammus aeglefinus* (L.)).
(iii) Ocean perch (redfish) (*Sebastes*).
(iv) Halibut (*Hippoglossus hippoglossus* (L.)).
(v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).
(vi) Dab (american plaice) (*Hippoglossoides platessoides* (Fab.)).
(vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(3) *In Subarea 3.* (i) Cod (*Gadus morhua* (L.)).
(ii) Haddock (*Melanogrammus aeglefinus* (L.)).
(iii) In aggregate: ocean perch (redfish) (*Sebastes*), except in the statistical division 3N, 30, and 3P, halibut (*Hippoglossus hippoglossus* (L.)), grey sole (witch) (*Glyptocephalus cynglossus* (L.)), yellowtail flounder (*Limanda ferruginea* (Storer), dab (American plaice) (*Hippoglossoides platessoides* (Fab.)), Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)), pollock (saithe) (*Pollachius virens* (L.)), white hake (*Urophycis tenuis* (Mitch.)).

(4) *In Subarea 4.* (i) Cod (*Gadus morhua* (L.)).
(ii) Haddock (*Melanogrammus aeglefinus* (L.)).
(iii) In aggregate: Flounders: grey sole (witch) (*Glyptocephalus cynoglossus* (L.)), yellowtail flounder (*Limanda ferruginea* (Storer)), blackback or lemon sole (winter flounder) (*Pseudopleuronectes americanus* (Walb.)), dab, *American plaice*) (*Hippoglossoides platessoides* (Fab.)).

(5) *In Subarea 5,* (i) Cod (*Gadua morhua* (L.)).
(ii) Haddock (*Melanogrammus aeglefinus* (L.)).
(iii) Yellowtail flounder (*Limanda ferruginea* (Storer)).
(iv) Silver hake (*Merluccius bilinearis* (Mitch.)).
(v) Red hake (*Urophycis chuss* (Walb.)).
(vi) Herring (*Clupea harengus* (L.)).
(vii) Mackerel (*Scomber scombrus* (L.)).
(viii) Pollock (*Pollachius virens* (L.)).
(ix) Redfish (*Sebastes marinus* (L.)).
(x) In aggregate: Flounders: grey sole (witch) (*Glyptocephalus cynoglossus* (L), dab (American plaice) (*Hippoglossoides platessoides* (Fab) fluke (summer flounder) (*Paralichthys dentatus* (L), blackback or lemon sole (winter flounder) (*Pseudopleuronectes americanus* (Walb.).

(d) *Chafer.* A protective covering of canvas, netting, or other material attached to the underside of the cod end only of the net to reduce and prevent damage, and a rectangular piece or pieces of netting attached to the upper side of the cod end only of the net to reduce and prevent damage, so long as the netting attached to the upper side of the cod end conforms to the specifications of either the "ICNAF-type chafer," the "multiple flap-type chafer," or the "Polish-type chafer," described below. For the purposes of this paragraph, the required mesh size, when measured wet after use, shall be deemed to be the average of the measurements of 20 consecutive meshes in a series across the nettings.

(1) *ICNAW chafer.* A chafer having the following characteristics:

(i) The width of the netting shall be at least 1½ times the width of the area of the cod end which is covered, such width to be measured at right angles to the long axis of the cod end.

(ii) Such netting may be fastened to the cod end of the trawl net only along the forward and lateral edges of the netting and at no other place in the netting.

(iii) On cod ends having a splitting strap, the netting shall be fastened in such a manner that it extends forward of the splitting strap no more than four meshes and ends not less than four meshes in front of the cod line mesh.

(iv) On cod ends not having a splitting strap, the netting shall not extend to more than one-third the length of the cod end measured from not less than four meshes in front of the cod line mesh.

(v) The netting shall not have a mesh size less than that specified for the cod end to which it is attached.

(2) *Multiple flap-type chafer.* A chafer having the following characteristics:

(i) Each piece of netting shall not exceed 10 meshes in length; each shall be at least the width of the cod end, such width being measured at right angles to the long axis of the cod end at the point of attachment; each shall be fastened by its forward edge only across the cod end at right angles to its long axis.

(ii) The aggregate length of all pieces of neeting shall not exceed two-thirds the length of the cod end.

(iii) The netting shall not have a mesh size less than that specified for the cod end to which it is attached.

(3) *Polish-type chafer.* A chafer having the following characteristics:

(i) The rectangular piece of netting attached to the upper side of the cod end shall have a mesh size at least twice as large as that specified for the cod end to which it is attached and shall have a width the same as that for the cod end.

(ii) It shall be fastened to the cod end only along the forward, lateral, and rear edges of the netting so that the meshes exactly overlay the meshes of the cod end.

(iii) The netting shall be the same twine size and material as that of the cod end.

(e) *Closed season.* The time during which regulated species in specified areas may not be taken in quantities exceeding the amounts specified as incidental fisheries.

(f) *Cod end.* The bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

(g) *Commission.* The International Commission for the Northwest Atlantic Fisheries established pursuant to the Convention.

(h) *Convention.* The International Convention for the Northwest Atlantic Fisheries signed at Washington, D.C., February 8, 1949, and amendments.

(i) *Contracting governments.* Governments party to the Convention.

(j) *Demersal species.* Fishes living at the bottom of the sea.

(k) *Executive Secretary.* The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries.

(l) *Fishing.* The catching, taking or fishing for, or the attempted catching, taking, or fishing for any regulated species.

(m) *Incidental fisheries.* The inadvertent taking of regulated species while conducting fishing operations primarily for other species.

(n) *Mesh size.* Any part of the net, the average of the measurements of any 20 consecutive meshes in any row located at least 10 meshes from the side lacings measured when wet after use.

(o) *License.* A license issued by the National Marine Fisheries Service to enable the holder thereof to fish for, possess, transport, or deliver, by means of any fishing vessel, any regulated species.

(p) *Official or authorized official.* Any representative of the National Marine Fisheries Service (NMFS), U.S. Coast Guard, or U.S. Bureau of Customs, authorized to enforce this part.

(q) *Open season.* The time during which regulated species may lawfully be captured and taken on board a fishing vessel without limitation of the quantity permitted to be retained during each fishing voyage, except as otherwise provided in this part.

(r) *Person.* Any owner, master, or operator of a vessel.

(s) *Regional Director.* The Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone number: Area code (617) 281–0640.

(t) *Service.* The National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(u) *Service Director.* The Director of the National Marine Fisheries Service.

(v) *Trawl net.* Any large bag net dragged in the sea by a vessel or vessels for the purpose of fishing.

(w) *Vessel.* Every kind, type or description of watercraft subject to the jurisdiction of the United States, used, or capable of being used, as a means of transportation on water.

(x) *Trip.* As used in connection with the trip exemption provided in § 240.3(b) means a departure from port, transit to the Convention area, participation in the fisheries, including incidental fisheries, and discharges any part of the catch on board.

§ 240.2 Licensing provisions.

(a) Any person or vessel desiring to fish for any regulated species within the Convention area, or possess, transport, or deliver for sale, any regulated species taken within the Convention area, must first obtain a license for that purpose.

(b) The owner or operator of a vessel may obtain the appropriate license by furnishing, on a form supplied by the National Marine Fisheries Service, information specifying the names and addresses of the owner and operator of the vessel and the name, official number, and home port of the vessel. The form shall be submitted, in duplicate, to the Regional Director, National Marine Fisheries Service, Gloucester, Massachusetts, who shall grant the requested license, without fee, for the calendar year in which the license is issued. New licenses shall be issued to replace expired, lost, or mutilated licenses. An application for replacement of an expiring license shall be made in like manner as the original application, not later than 10 days prior to the expiration date of the expiring license.

(c) The owner or operator of any licensed vessel which is proposed to be used in fishing outside the Convention area may obtain a temporary suspension of the license until such time that the vessel returns to fish within the Convention area.

(d) The temporary suspension or modification of the license shall be granted upon either an oral or a written request, specifying the period of suspension or modification desired by an authorized State official or by an authorized official of the National Marine Fisheries Service, or Coast Guard. Such official shall make appropriate endorsement on the license evidencing the duration of its suspension or modification.

(e) The license issued by the National Marine Fisheries Service must be carried, at all times, on board the vessel for which it is issued and such license, the vessel, its gear and equipment shall be subject to inspection, at reasonable times, by authorized officials.

(f) Licenses issued under this part may be revoked by the Regional Director for violations of this part.

§ 240.3 Persons and vessels exempted.

(a) *Scientific investigations.* Any person operating a vessel authorized by the Secretary of Commerce to engage in fishing for scientific purposes is exempt from all the requirements of this part.

(b) *Trip exemption.* (1) Any person operating a vessel in the course of fishing for nonregulated species in Subareas 3, 4, and 5, is exempt from the requirements of this part, and may take and possess, on any one trip, an incidental catch of regulated species not to exceed, for each species, 5,000 pounds or 10 percent (10%) by weight of all the fish on board, whichever is greater, taken from the same subarea.

(2) Any person or vessel fishing for regulated species, using gear required for that fishery, may take and possess, on any one trip, other regulated species, not to exceed 5,000 pounds or 10 percent (10%) by weight of all fish on board, whichever is greater: *Provided,* That a valid license issued under the provisions of § 240.2 is in force.

(c) *Annual exemption.* Any person operating a vessel engaged in fishing for nonregulated species within Subarea 3, 4, or 5, who does not take in any period of 12 months more than 10 percent (10%) by weight of regulated species de-

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scribed in the immediately preceding paragraph may avail himself of the exemption provided in this paragraph by obtaining a license for exemption under the provision of § 240.2(a).

§ 240.4 Reports and records.

(a) *Dealers.* (1) All persons, individuals, firms or corporations, at any port or place within the United States, that buy from other U.S. flag vessels or from a carrier licensed as a common carrier engaged in either interstate or intrastate commerce, any regulated species taken within the Convention area by any fishing vessel, shall make and shall furnish to an authorized officer of the National Marine Fisheries Service, within 72 hours of sale or within 72 hours after buying or receiving, or upon the vessel's return to any port of the United States, a complete record of each purchase, on forms supplied by the National Marine Fisheries Service.

(2) All persons purchasing or receiving any regulated species in the Convention area for transport to any port of the United States must maintain records identical to those required under paragraph (a)(1) of this section.

(3) The possession by any person, firm or corporation of regulated species which such person, firm, or corporation knows to have been taken by a vessel of the United States without a valid license, is prohibited.

(b) *Owner or master.* (1) In the case of a vessel licensed under § 240.2, and fishing for any of the regulated species, the owner or master of vessels of 50 gross tons or more must maintain an accurate log of fishing operations showing date, type and size of gear used, locality fished, duration of fishing time or tow, and the estimated weight in pounds of each species taken at 12-hour intervals. Such logbooks shall be available for inspection by an authorized official in accordance with the ICNAF International Inspection Scheme adopted at the Twenty-first Annual Meeting, May 27–June 4, 1971. At the conclusion of each fishing trip, such logbook shall be delivered to an authorized official of the United States or, if no official is available, such logbook must be mailed in the envelope provided for that purpose. These forms will be furnished without cost by the National Marine Fisheries Service. Such logbooks shall be used for statistical and biological purposes only.

(2) In the case of vessels of less than 50 gross tons licensed under § 240.2, and fishing for any of the regulated species, the owner or master may be required to maintain the logbook for sampling purposes at the option of an appropriate official of the United States.

(3) In the case of vessels desiring to fish for nonregulated species on a trip basis, no reports are required of the owner or master.

Subpart B—Groundfish Fisheries

§ 240.10 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in § 240.1.

(b) Regulations in this subpart will apply to haddock (*Melanogrammus aeglefinus* (L.)), cod (*Gadus morhua* (L.)), pollock (*Pollachius virens* (L.)), and redfish (ocean perch) (*Sebastes marinus* (L.)).

§ 240.11 Catch quota.

(a) An annual catch limitation is placed upon the quantity of haddock permitted to be taken in Division 4W and 4X of Subarea 4 and Subarea 5. The aggregate catch of haddock during 1973, by persons or fishing vessels under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of haddock by persons or fishing vessels fishing in Division 4W of Subarea 4, in the year 1973, shall not exceed 4,000 metric tons.

(2) The annual catch of haddock by persons or fishing vessels fishing in Division 4X of Subarea 4, in the year 1973, shall not exceed 9,00 metric tons.

(3) The annual catch of haddock by persons or fishing vessels fishing in Subarea 5, shall not exceed 6,000 metric tons.

(b) An annual catch limitation is placed upon the quantity of cod permitted to be taken in Subdivision 4Vs and Division 4W of Subarea 4, Division 5Y of Subarea 5, and Subdivisions 5Ze and 5Zw of Subarea 5. The aggregate catch of cod during 1973, by persons or fishing vessels under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of cod in Subdivision 4Vs and Division 4W of Subarea 4 shall not exceed 1,050 metric tons.

(2) The annual catch of cod in Division 5Y or Subarea 5 shall not exceed 9,400 metric tons.

(3) The annual catch of cod in Subdivision 5Ze and 5Zw of Subarea 5 shall not exceed 10,600 metric tons.

(c) An annual catch limitation is placed upon the quantity of pollock permitted to be taken in Division 4X of Subarea 4 and Subarea 5. The catch of pollock in the above area during 1973 by persons or fishing vessels under the jurisdiction of the United States, shall not exceed 11,275 metric tons.

(d) An annual catch limitation is placed upon the quantity of redfish (ocean perch) permitted to be taken in Subarea 5. The catch of redfish (ocean perch) in the above area during 1973 by persons or fishing vessels under the jurisdiction of the United States shall not exceed 24,550 metric tons.

§ 240.12 Open season.

(a) The open season for regulated groundfish species in Subdivision 4Vs, Division 4X and Division 4W of Subarea 4, and Subarea 5, shall begin at 0001 hours of the 1st day of January 1973, and terminate at a time and a date to be determine and announced in the FEDERAL REGISTER: *Provided*, That the areas described in § 240.13 shall be closed to any vessel using gear capable of catching demersal species.

§ 240.13 Closed seasons and areas.

(a) The Director shall announce the closure of the season by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishing for regulated groundfish species in Subarea 4 or 5, or any division thereof. The closure is determined in the following manner:

(1) The National Marine Fisheries Service maintains records of the catches of regulated groundfish species, except haddock, made in Subdivision 4Vs, Division 4X and Division 4W of Subarea 4 and Subarea 5, during the open season, by vessels under the jurisdiction of the United States participating in the fishery.

(2) When the accumulative and estimated prospective catch of regulated groundfish species, except haddock in each subarea, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.11, the Director shall promptly publish the notice, in the FEDERAL REGISTER, required in paragraph (a) of this section, and shall notify the Executive Secretary of the date on which vessels subject to the jurisdiction of the United States have ceased a specialized fishery.

(b) The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries maintains records of the catches of haddock made in Division 4X and Division 4W of Subarea 4 and Subarea 5 during the open season by the vessels of all Contracting Governments participating in the fishery.

(1) When the accumulative and estimated prospective catch of haddock, in each subarea, making allowance for the incidental catch for the remainder of the year, equal 100 percent of the allowable catch permitted under § 240.10, the Executive Secretary shall notify each Contracting Government of that fact.

(2) If, after having given the notification provided in paragraph (b)(1) of this section, the Executive Secretary determines, on the basis of new or further information, that the total catch will be less than 100 percent of the allowable catch, he may so inform each Contracting Government, stating the number of additional days haddock fishing may be permitted in each subarea.

(3) Within 10 days of the receipt of the notification specified in paragraph (b) (1) or (2) of this section, the Director shall announce by publication in the FEDERAL REGISTER, the time and date for the termination of fishing, or the number of days that a previously announced closure shall be extended, as appropriate.

(c) It shall be unlawful for any person to use, during the period from 0001 hours, March 1, to 2400 hours May 31, 1973, fishing gear capable of catching demersal species, including any trawl gear or similar devices, gillnet, or hook and line, in:

(1) Division 4X of Subarea 4, bounded by straight lines connecting the following coordinates in the order listed: 65°44′W.—42°04′N., 64°30′W.—42°40′N., 64°30′W.—43°00′N., 66°32′W.—43°00′N., 66°32′W.—42°20′N., 66°00′W.—42°20′N.

(2) Subarea 5, two areas bounded by lines connecting the following coordinates:

(i) 69°55′W.—42°10′N., 69°10′W.—41°10′N., 68°30′W.—41°35′N., 68°45′W.—41°50′N., 69°00′W.—41°50′N.

(ii) 67°00′W.—42°20′N., 67°00′W.—41°15′N., 65°40′W.—41°15′N., 65°40′W.—42°00′N., 66°00′W.—42°20′N.

(iii) except that vessels using hooks having a gap of not less than 3 cm (1⅛″) may fish in Subarea 5, without restriction.

§ 240.14 Gear restrictions.

(a) In Subareas 1, 2, and 3, no person shall fish for regulated species with a trawl net or nets, parts of nets, or netting of manila or of the trade named twines, under the chemical category of polypropylene, having a mesh size of less than 5⅛ inches (130 mm.), or a trawl net or nets or parts of nets, or netting of material other than manila or polypropylene twine, unless it shall have a selectivity equivalent to that of a 5⅛ inch (130 mm.) manila trawl net.

(b) In Subareas 4 and 5, except as provided in § 240.23(a), no person shall fish for haddock or cod with a trawl net or nets, parts or nets, or netting of manila or of the trade named twines, under the chemical category of polypropylene, having a mesh size of less than 4½ inches (114 mm.) or a trawl net or nets, or netting of material other than manila or polypropylene twine, unless it shall have a selectivity equivalent to that of a 4½ inch (114 mm.) manila trawl net.

(c) The use in fishing for haddock or cod within the Regulatory area of any device or method which would, or otherwise, have the effect of diminishing the size of said meshes of the trawl net is prohibited: *Provided*, That an approved chafer described in § 240.1(d) may be used.

§ 240.15 General restrictions.

(a) Except as provided in paragraphs (b), (c), and (d), of this section, after the dates announced in the manner provided in § 240.13(a), for the closing of the unrestrictive fishing for certain species in Division 4X or Division 4W of Subarea 4 and Subarea 5, it shall be unlawful for any master or other person in charge of a fishing vessel to possess such regulated ground fish species on board such vessel in those areas or to land such regulated ground fish species in those areas in any port or place until the next succeeding fishing season reopens on January 1 next.

(b)(1) Any fishing vessel which had departed port to engage in fishing for regulated groundfish species under the provisions of § 240.2, prior to the date of the closure for such regulated species in either Division 4X or 4W in Subarea 4, or Subarea 5, may continue to take and retain such species in the Division or Subarea for which the closure has been announced, for a period of time not to exceed 10 days, at which time fishing for such species in the closed Division or Subarea shall be prohibited. Within 48 hours after the expiration of the 10-day period, each such vessel must return to a port or place in the United States, and the master or person in charge must immediately, on his return, notify any officer of the National Marine Fisheries Service, U.S. Bureau of Customs or Coast Guard, of his arrival.

(2) Any master or person in charge of a fishing vessel, licensed pursuant to § 240.2, may continue to fish after the date of closure, in any subarea or division, the provisions of the next preceding paragraph notwithstanding, but should he elect to do so, the quantity of such regulated species in his possession on each trip must not exceed 5,000 pounds or 10 percent (10%) by weight of all other fish on board.

(c) Any master or person in charge of a fishing vessel, which has departed port after the date of closure of unrestrictive fishing for certain regulated groundfish species in Division 4X or 4W in Subarea 4, or Subarea 5, may take, possess on board, and land in any port or place, such regulated species as may be taken incidentally to a fishery for nonregulated species: *Provided*, That the master of the said vessel has on board the appropriate license as required under § 240.2(a) and complies with the limitations specified in § 240.3, and the reporting requirements, where required, in § 240.4(b): *Provided further*, That nothing contained herein shall be construed to amend, modify, or repeal those portions of the regulations relating to areas closed to all demersal fishing, which may be found in § 240.13(d).

(d) The provisions of this subpart shall apply to all fishing trips begun during the current calendar year, whether completed before January 1, or not.

Subpart C—Flatfish Fisheries

§ 240.20 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in § 240.1.

(b) Regulations in this subpart will apply to American plaice (*Hippoglossoides platessoides* (Fab.)), Yellowtail flounder (*Limanda ferruginea* (Storer)), and other flounders in aggregate grey sole or witch (*Glyptocephalus gynoglosdab* or American plaice (*Hippoglossoides sus* (L)), dab or American plaice (*Hippoglossoides platessoides* (Fab.)), fluke or summer flounder (*Paralichthys dentatus* (L), blackback, lemon sole or winter flounder (*Pseudopleuronectes americanus* (Walb.))

§ 240.21 Catch quota.

(a) An annual catch limitation is placed upon the quantity of American plaice permitted to be taken in Divisions 3L, 3N, and 3O, of Subarea 3. The aggregate catch of American plaice in the above Divisions during 1973, by persons or fishing vessels, under the jurisdiction of the United States, shall not exceed 100 metric tons.

(b) An annual catch limitation is placed on the quantity of yellowtail flounder permitted to be taken in Divisions 3L, 3N, and 3O, in subarea 3, and in the areas east and west of 69° West longitude in Subarea 5, as follows:

(1) The annual catch of yellowtail flounder in Divisions 3L, 3N, and 3O, of Subarea 3, shall not exceed 100 metric tons.

(2) The annual catch of yellowtail flounder in Subarea 5, in the area east of 69° West longitude shall not exceed 15,000 metric tons and shall be taken in quarterly increments as follows:

Quarter	Catch quota	Expected accumulative catch
Jan. 1—Mar. 31	2,950	2,950
Apr. 1—June 30	3,850	6,800
July 1—Sept. 30	4,900	11,700
Oct. 1—Dec. 31	3,300	15,000

(3) The annual catch of yellowtail flounder in Subarea 5, in the area west of 69° longitude shall not exceed 9,000 metric tons and shall be taken in quarterly increments as follows:

Quarter	Catch quota	Expected accumulative catch
Jan. 1-Mar. 31	2,750	2,750
Apr. 1-June 30	1,500	4,250
July 1-Sept. 30	2,000	6,250
Oct. 1-Dec. 31	2,750	9,000

(c) The Director may adjust the quarterly increments in either area by publication of a notice in the FEDERAL REGISTER

(d) An annual catch limitation is placed upon the aggregate quantity of flounders other than yellowtail flounder, permitted to be taken in Subarea 5. The aggregate catch of flounders, other than yellowtail flounder, in the above Subarea during 1973, by persons or fishing vessels under the jurisdiction of the United States, shall not exceed 21,700 metric tons.

§ 240.22 Open season.

(a) The open season for regulated flatfish species in areas under quota in § 240.21, shall begin at 0001 hours local time on the 1st day of January 1973, and terminate at a time and date to be announced by the Director, by publication of a notice in the FEDERAL REGISTER. In the event of a closure during any quarter, open season fishing for yellowtail flounder shall resume on the first day of the next quarter.

§ 240.23 Closed season and areas.

(a) The Director shall announce the closure of the season by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishery for certain regulated flatfish species in Subarea 3, and Subarea 5.

(b) The National Marine Fisheries Service maintains records of the catches of regulated flatfish species made during the open seasons in those areas under quota limitations specified in § 240.21 by vessels under the jurisdiction of the United States, participating in the fishery.

(c) When the accumulative and estimated catch of certain regulated flat-

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fish species, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.21, the Director shall promptly notify the Executive Secretary of the date on which vessels subject to the jurisdiction of the United States have ceased a specialized fishery.

(d) Announcement shall also be made by publication of a notice in the FEDERAL REGISTER of the closing time and date of the first, second, and third quarters when the Director has determined, on the basis of catch data and catch rates, that the accumulative catch (landings plus discards) of yellowtail flounder in Subarea 5, in either area (east or west of 69°00W.), will equal the quarterly quota established in § 240.21(b).

§ 240.24 Gear restrictions.

(a) In Subarea 5, no person shall fish for yellowtail flounder with a net of manila or of the trade named twines, under the chemical category of polypropylene, having a mesh size of less than 5⅛ inches (130 mm.), or a trawl net or nets, parts of nets, or netting of material other than manila or polypropylene twine, unless it shall have a selectivity equivalent to that of a 5⅛ inch (130 mm.) manila net.

(b) The use in fishing for regulated species within the Regulatory area of any device or method which would have the effect of diminishing the size of said meshes or obstruct the meshes of the trawl net, is prohibited: *Provided*, That an approved chafer, described in § 240.1(d), may be used.

§ 240.25 General restrictions.

(a) Except as provided in paragraphs (a)(1) or (2) and (b) of this section, after the dates announced in the manner provided in § 240.23 for the closing of the fishing season or seasons, it shall be unlawful for any master or other person in charge of a fishing vessel to possess such regulated flatfish species in the closed Regulatory areas or to land such species taken in those areas in any port or place until the next succeeding open season.

(1) In the event of a closure of any of the first three quarters, as provided under § 240.23(d), any fishing vessel which had departed port to engage in yellowtail flounder fishing in Subarea 5 prior to the date of the closure, may continue to take and retain yellowtail flounder in the area subject to the closure for a period of time not to exceed 5 days, at which time fishing for yellowtail flounder in the closed area shall be prohibited.

(2) In the event of an annual closure as provided under § 240.23, any fishing vessel which had departed port to engage in fishing for regulated flatfish species in Subarea 5, prior to date of the closure, may continue to take and retain such species in the area subject to the closure, for a period of time not to exceed 10 days, at which time fishing in the closed area shall be prohibited. Within 24 hours after the expiration of either the 10-day or 5-day period, provided under the preceding paragraph, each such vessel much return to a port or place in the United States and the master or person in charge must immediately, on the return, notify any appropriate official of the National Marine Fisheries Service, U.S. Bureau of Customs or Coast Guard, of his arrival.

(b) Any master or person in charge of a fishing vessel which has departed port after the date of closure in Subarea 5, may take, possess on board, and land in any port or place, such regulated flatfish species as may be taken incidentally in such closed area to a fishery for nonregulated species: *Provided*, That the owner or operator of the said vessel has on board the appropriate license as required under § 240.2(a) and complies with the limitations specified in § 240.3 and the reporting requirements, where required, in § 240.4(b): *Provided further*, That nothing contained herein shall be construed to amend, modify, or repeal those portions of the regulations relating to areas closed to all demersal fishing which may be found in § 240.13(d).

(1) The provisions of this subpart shall apply to all fishing trips begun during the calendar year 1973, whether completed before January 1, 1974, or not.

Subpart D—Hake Fisheries

§ 240.30 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in § 240.1.

(b) Regulations in this subpart will apply to silver hake, (*Merluccius bilinearis* (Mitch.)), and red hake, (*Urophycis chuss* (Walb.)).

§ 240.31 Catch quota.

(a) An annual catch limitation is placed the quantity of silver hake permitted to be taken in Division 5Y and Subdivision 5Ze and 5Zw of Subarea 5. The aggregate catch of silver hake during 1973, by persons or fishing vessels, under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of silver hake in Division 5Y of Subarea 5, shall not exceed 9,500 metric tons.

(2) The annual catch of silver hake in Subdivision 5Ze of Subarea 5, shall not exceed 17,000 metric tons.

(3) The annual catch of silver hake in Subdivision 5Zw, shall not exceed 25,000 metric tons.

(b) An annual catch limitation is placed upon the quantity of red hake permitted to be taken in Subdivision 5Zw of Subarea 5. The aggregate catch of red hake during 1973, by persons or fishing vessels, under the jurisdiction of the United States, in each area is as follows:

(1) The annual catch of red hake in Subdivision 5Zw of Subarea 5, shall not exceed 15,000 metric tons.

§ 240.32 Open season.

(a) The open season for silver hake fishing in Division 5Y and 5Z of Subarea 5, and red hake fishing in Division 5Z of Subarea 5, shall begin at 0001 hours of the 1st day of January 1973 and terminate at a time and a date to be determined pursuant to § 240.33.

§ 240.33 Closed season and areas.

(a) The Director shall announce the closure of the season by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishery for silver hake or red hake in Subarea 5.

(b) The National Marine Fisheries Service maintains records of the catches of silver hake or red hake made in each Division of Subarea 5 during the open season by vessels, under the jurisdiction of the United States, participating in the fishery.

(c) When the accumulative and estimated prospective catch of silver hake and red hake in each Division of Subarea 5, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.31, the Director shall promptly notify the Executive Secretary of the date on which its vessels have ceased a specialized fishery.

(d) It shall be unlawful for any person to conduct a specialized fishery for silver hake or red hake from 0001 hours, April 1 to 2400 hours, April 30, 1973, in the area bounded by 69°00'W., 39°50'N., 71°40'W., and 40°20'N., however, groundfish vessels may be permitted to take on each trip, during this period, in the said area, red and silver hake in amounts not to exceed 10 percent each of the total catch taken in the said area, on that trip.

§ 240.34 Gear restrictions.

There are no gear restrictions regarding fishing for silver or red hake in 1973.

§ 240.35 General restrictions.

(a) Except as provided in paragraphs (b), (c), and (d), of this section, after the dates announced in the manner provided in § 240.33(a), for the closure of silver or red hake fishing seasons in Division 5Y or 5Z of Subarea 5, it shall be unlawful for any master or other person in charge of a fishing vessel to possess silver or red hake on board such vessel in those areas or to land silver or red hake taken in those areas in any port or place until the silver or red hake fishing season reopens on January 1 next, following the close of the season.

(b)(1) Any fishing vessel which had departed port to engage in silver or red hake fishing under the provisions of § 240.2(a), prior to the date of closure of silver or red hake fishing in either Division 5Y or 5Z of Subarea 5, may continue to take and retain silver or red hake in the Divisions for which the closure has been announced for a period of time not to exceed 5 days, at which time fishing for silver or red hake in the closed Division shall be prohibited. Within 48 hours after the expiration of the 5-day period, each such vessel must return to a port or place in the United States and the master or person in charge must immediately, on his return, notify any appropriate officer of the National Marine Fisheries Service, U.S. Bureau of Customs, or Coast Guard, of his arrival.

(2) Any master or person in charge of a fishing vessel licensed to take silver or red hake from waters of the Convention area may continue to fish after the date of closure in any Subarea or Division, the provisions of the next preceding paragraph notwithstanding, but should he elect to do so, the quantity of silver or red hake in his possession must not exceed 5,000 pounds or 10 percent (10%) by weight of all other fish on board.

(c) Any master or person in charge of a fishing vessel which has departed port after the date of closure of silver or red hake fishing in Division 5Y or 5Z of Subarea 5, may take and possess on board, and land in any port or place, such silver or red hake as may be taken incidentally to a fishery for nonregulated species: *Provided*, That the master of the said vessel has on board the appropriate license as required under § 240.2(a) and complies with the limitations specified in § 240.3 and the reporting requirements, where required, in § 240.4(b): *Provided further*, That nothing contained herein shall be construed to amend, modify, or repeal those portions of the regulations relating to areas closed to all demersal fishing, which may be found in § 240.13(d).

(d) The provisions of this subpart shall apply to all fishing trips begun during the current calendar year, whether completed before January 1, or not.

Subpart E—Pelagic Fisheries

§ 240.40 Definitions.

(a) Unless otherwise defined herein, the terms used in this Subpart will have the meanings ascribed to them in Subpart A, § 240.1.

(b) Regulations in this Subpart will apply to herring (*Clupea harengus* (L)), and mackerel (*Scomber scombrus* (L)). (L)).

§ 240.41 Catch quota.

(a) An annual catch limitation is placed upon the quantity of herring permitted to be taken in Division 5Z of Subarea 5 and in the adjacent waters to the west and south from Division 5Y of Subarea 5 and from that portion of Division 4W south of 44°52' N. latitude and in Division 4X of Subarea 4. The catch of herring during 1973, by persons or fishing vessels under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of herring in Division 5Z of Subarea 5 and in the adjacent waters to the west and south shall not exceed 5,250 metric tons.

(2) The annual catch of herring in Division 5Y of Subarea 5 shall not exceed 19,750 metric tons.

(3) The combined annual catch of herring by member countries in that portion of Division 4W south of 44°52' N. latitude and in Division 4X of Subarea 4, for which specific allocations have not been assigned, shall not exceed 600 metric tons.

(b) An annual catch limitation is placed upon the quantity of mackerel permitted to be taken in Subarea 5 and in the adjacent waters to the west and south. The catch of mackerel in the above area during 1973 by persons or fishing vessels under the jurisdiction of the United States, shall not exceed 26,200 metric tons.

§ 240.42 Open season.

The open season for herring or mackerel shall begin at 0001 hours of the first day of January each year and terminate in each subarea at a time and date to be determined and announced as provided in § 240.43.

§ 240.43 Closed season and areas.

(a) The Service Director shall maintain records of the catches of herring or mackerel by fishing vessels subject to quota allocations in Subareas 4 and 5, and Statistical Area 6 during the open season. The Service Director shall announce the closure dates for herring or mackerel fishing in Divisions 5Y and 5Z of Subarea 5, when the accumulated catch and estimated catch of herring or mackerel, the quantity estimated to be taken before closure could be introduced, and the likely incidental catch for the remainder of the year, equal 100 percent of the allowable catch permitted under § 240.41. Such announcement of the season closure dates shall be made by publication of a notice in the FEDERAL REGISTER.

(b) The Executive Secretary shall maintain records of the catches by fishing vessels, of all contracting governments participating in fishing for herring, subject to quota regulations in Subarea 4, during open seasons for which specific allocations have not been assigned. The Executive Secretary shall notify the United States when the accumulated catch and estimated catch of herring in Divisions 4W and 4X of Subarea 4, the quantity estimated to be taken before closure could be introduced, and the likely incidental catch for the remainder of the year, equal 100 percent of the allowable catch permitted under § 240.41. The Service Director shall announce the closure dates for the Divisions 4W and 4X of Subarea 4, herring fishing season, within 10 days of the receipt of such notification from the Executive Secretary. Such announcement of the season closure dates shall be made by publication of a notice in the FEDERAL REGISTER.

§ 240.44 Gear restrictions.

There are no gear restrictions regarding fishing for herring or mackerel in 1973.

§ 240.45 General restrictions.

(a) Except as provided in § 240.3, and as provided below, after the date announced in manner provided in § 240.43, for the closing of the herring or mackerel fishing season, it shall be unlawful for any master or other person in charge of a fishing vessel to possess herring or mackerel taken in the closed subareas or to land herring taken in those subareas in any port or place until the next succeeding open season for herring or mackerel.

(b) In the event of an annual closure in Division 5Y or 5Z in Subarea 5, as provided in § 240.43(a), any fishing vessel, which had departed port to engage in herring or mackerel fishing in Subarea 5 prior to the date of closure, may continue to take and retain herring or mackerel in that subarea after the closure, for a period of time not to exceed 2 days, at which time fishing for herring or mackerel in the closed subarea shall be prohibited. Within 24 hours after the expiration of the 2-day period, each fishing vessel must return to a port or place in the United States, and the master or person in charge of the fishing vessel must then immediately notify an authorized official of the vessel's arrival in port.

(c) In the event of an annual closure in Division 4W or 4X in Subarea 4 as provided in § 240.43(b), any fishing vessel, which had departed port to engage in herring fishing in Subarea 4 prior to the date of closure, may continue to take and retain herring in that subarea after the closure, for a period of time not to exceed 4 days, at which time fishing for herring in the closed subarea shall be prohibited. Within 24 hours after the expiration of the 4-day period, each fishing vessel must return to a port or place in the United States, and the master or person in charge of the fishing vessel must then immediately notify an authorized official of the vessel's arrival in port.

(d) For the purposes of inspection, NMFS officials shall have reasonable access to any area on board a fishing vessel, transport, or shore facility where fish are landed, handled, stored, or processed, and to areas where fishing gear or parts of fishing gear are used, assembled, or stored.

§ 240.46 Size limits.

A size limit is placed on the length of herring permitted to be taken by persons or fishing vessels, under the jurisdiction of the United States, in those portions of Division 4W south of 44°52'N. latitude and Division 4X south of 43°50'N. latitude of Subarea 4 and in Subarea 5.

(a) The taking or possession of herring less than 9 inches (22.7 cm), measured from the tip of the snout to the end of the tail, is prohibited except as provided in paragraph (b) of this section.

(b) A person may take herring in any year, less than 9 inches (22.7 cm), measured as specified in paragraph (a) of this section: *Provided*, That the total amount taken does not exceed 10 percent by weight of all herring caught in the areas above, specified by that fishing vessel during such year.

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

STANDARDS FOR GRADES OF FROZEN CONCENTRATED APPLE JUICE

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Frozen Concentrated Apple Juice. This new grade standard would be issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090 as amended, 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such service.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in duplicate not later than October 1, 1973 with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submittals made pursuant to this notice will be available for public review at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Statement of consideration leading to the proposed standards. There is, at present, no United States Standards for Grades of Frozen Concentrated Apple Juice.

The American Frozen Foods Institute, representing a large portion of the frozen concentrated apple juice industry, requested that the Department establish U.S. Standards for Grades of Frozen Concentrated Apple Juice.

During 1972, a team established by the Department of Agriculture investigated problems associated with the marketing of apples. The report of the study group indicated that there is a potential for new product development, such as apple concentrate, and a need to improve the quality standards for apple juice.

In recognition of the report of the apple marketing team, the Department is proposing to establish United States Standards for Grades of Frozen Concentrated Apple Juice, to facilitate the marketing of this product.

The standard as herein proposed would cover two quality grades above Substandard: U.S. Grade A (or U.S. Fancy) and U.S. Grade B (or U.S. Choice).

The following quality factors would be rated on a scoring system: Color and Clarity; Defects; and Flavor and Aroma.

In the judgment of the Department the quality factor of flavor and aroma has by far the most impact on the consumer, and therefore this quality factor was assigned a maximum of 60 score points as opposed to 20 each for the other quality factors. In addition to the subjective organoleptic evaluation of the degree of excellence of this factor, objective requirements for the brix and acid balance are also specified.

The proposed standard is as follows:

Subpart—United States Standards for Grades of Frozen Concentrated Apple Juice

PRODUCT DESCRIPTION AND GRADES

Sec.
52.6321 Product description.
52.6322 Brix requirement.
52.6323 Grades.

FILL OF CONTAINER

52.6324 Recommended fill of container.

FACTORS OF QUALITY

52.6325 Ascertaining the grade.
52.6326 Ascertaining the rating for the factors which are scored.
52.6327 Color and Clarity.
52.6328 Defects.
52.6329 Flavor and Aroma.

EXPLANATIONS

52.6330 Explanation of terms.

LOT COMPLIANCE

52.6331 Ascertaining the grade of a lot.

SCORE SHEET

52.6332 Score sheet.

PRODUCT DESCRIPTION AND GRADES

§ 52.6321 Product description.

Frozen concentrated apple juice is prepared from the unfermented, unsweetened, unacidified liquid obtained from the first pressing of properly prepared, sound, clean, mature, fresh apples. The juice is clarified and concentrated to at least 23.8 degrees Brix. The apple juice concentrate so prepared is packed and frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.6322 Brix requirements.

Brix value of the finished concentrate shall be not less than the following for the respective dilution factor of frozen concentrated apple juice:

Dilution Factor	Minimum Brix value of concentrate (Degrees)
1 plus 1	23.8
2 plus 1	34.2
3 plus 1	43.8
4 plus 1	52.6
5 plus 1	60.8
6 plus 1	68.5

§ 52.6323 Grades.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of frozen concentrated apple juice which, when reconstituted according to § 52.6325(b), has the following attributes:

(1) Good color and clarity;
(2) Is practically free from defects;
(3) Very good flavor and aroma; and
(4) Scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of frozen concentrated apple juice which, when reconstituted according to § 52.6325(b), has at least the following attributes:

(1) Reasonably good color and clarity;
(2) Is reasonably free from defects;
(3) Good flavor and aroma; and
(4) Scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen concentrated apple juice that fails to meet the requirements of U.S. Grade B.

FILL OF CONTAINER

§ 52.6324 Recommended fill of container.

Recommended fill of container is not incorporated in the grades of the finished product since the fill of the container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be filled with frozen concentrated apple juice to not less than 90 percent of the capacity of the container.

FACTORS OF QUALITY

§ 52.6325 Ascertaining the grade.

(a) The grade of frozen concentrated apple juice is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors which are scored. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points which may be given such factors are:

Factors	Points
Color and clarity	20
Defects	20
Flavor and aroma	60
Total score	100

(b) The scores for the factors of color and clarity, defects, and flavor and aroma are determined immediately after reconstituting according to label directions or other appropriate directions.

§ 52.6326 Ascertaining the rating for the factors which are scored.

The essential variations, within each scoreable factor, are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example: "18 to 20 points" means 18, 19, or 20 points).

§ 52.6327 Color and clarity.

(a) (*A*) *classification.* Frozen concentrated apple juice which has a good color and clarity may be given a score of 18 to 20 points. "Good color and clarity" means that the color is bright and transparent and of a light golden appearance, but not darker than USDA Honey Color Standards "White" designation.

(b) (*B*) *classification.* Frozen concentrated apple juice which has a reasonably good color and clarity may be given a score of 16 or 17 points. "Reasonably good color and clarity" means the color is slightly dull or slightly turbid; may be light golden to light amber in appearance but not darker than USDA Honey Color Standards "Light Amber" designation. Frozen concentrated apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(c) (*SStd.*) *classification.* Frozen concentrated apple juice that is dull, turbid or otherwise fails the requirements of U.S. Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6328 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from sediment or other residues, dark specks, or any other defects which affect the appearance or palatability of the product.

(b) (*A*) *classification.* Frozen concentrated apple juice which is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that the frozen concentrated apple juice after reconstitution may have a slight amount of sediment or residue of an amorphous nature; may have not more than a trace of dark specks or of sediment or residue of a nonamorphous nature, or of any other defects; *Provided*, That all defects present do not more than slightly affect the appearance or palatability of the product.

(c) (*B*) *classification.* Frozen concentrated apple juice which is reasonably free from defects may be given a score of 16 or 17 points. "Reasonably free from defects" means that the frozen concentrated apple juice after reconstitution may have a slight amount of sediment or residue of an amorphous or nonamorphous nature, of dark specks, or of any other defects; *Provided*, That all defects present do not materially affect the appearance or palatability of the product. Frozen concentrated apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(d) (*SStd.*) *classification.* Frozen concentrated apple juice which fails to meet the requirements for U.S. Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6329 Flavor and Aroma.

(a) General. The factor of flavor and aroma refers to the degree of excellence and palatability of a distinct apple juice flavor and aroma typical of apple juice that has been properly processed.

(b) (*A*) *classification.* Frozen concentrated apple juice which has a very good flavor and aroma may be given a score of 54 to 60 points. "Very good flavor and aroma" means that the apple juice has a fine, distinct fruity flavor and bouquet, that is free from astringent flavors, flavors due to overripe apples, oxidation, caramelization, ground or musty flavors or any other undesirable flavors and aromas; and, in addition, shall meet the following requirement:

Brix-Acid Ratio—
Minimum—21:1
Maximum—46:1

(c) (*B*) *classification.* Frozen concentrated apple juice which has a good flavor and aroma may be given a score of 48 to 53 points. "Good flavor and aroma" means that the frozen concentrated apple juice has a normal flavor and bouquet, may be slightly astringent; or may be slightly affected by overripe apples, caramelization, or ground or musty flavors, but is free from objectionable flavors or objectionable aromas of any kind; and, in addition, meets the following requirement:

Brix-Acid Ratio—
Minimum—19:1
Maximum—52.5:1

Frozen concentrated apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(d) (*SStd.*) *classification.* Frozen concentrated apple juice that fails to meet the requirements of U.S. Grade B may be given a score of 0 to 47 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS

§ 52.6330 Explanation of terms.

(a) "Brix" means soluble solids of the concentrated apple juice as measured on the Refractometer, expressed as percent by weight sucrose (degrees Brix) with correction for temperature to the equivalent at 20° C (68° F.), but without correction for invert sugar or other substances. The Brix of frozen concentrated apple juice may be determined by any other method which gives equivalent results.

(b) "Acid" means grams of acid (calculated as malic acid) per 100 grams of concentrated juice determined by titration with a standard sodium hydroxide solution, using phenolphthalein as an indicator or any other satisfactory indicator and using an acid factor of .067.

(c) "Brix-Acid ratio" means the ratio of the Brix of the concentrated juice in degrees Brix to the grams of acid (calculated as malic acid) per 100 grams of concentrated juice.

(d) The USDA Honey Color Comparator, referenced in § 52.6327, and information concerning procurement and use is available from:

Chief, Processed Products Standardization and Inspection Branch
Fruit & Vegetable Division, AMS
U.S. Department of Agriculture
Washington, D.C. 20250

LOT COMPLIANCE

§ 52.6331 Ascertaining the grade of a lot.

The grade of a lot of frozen concentrated apple juice covered by these standards is determined by the procedures set forth in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.6332 Score sheet.

Size and kind of container.....
Container mark or identification.....
Label.....
Net contents (fluid ounces).....
Brix (degrees).....
Acid (malic grams/100 grams).....
Brix-Acid Ratio.....

Factors		Score points	
Color and clarity	20	(A)	18–20
		(B)	[1] 16–17
		(SStd)	[1] 0–15
Defects	20	(A)	18–20
		(B)	[1] 16–17
		(SStd)	[1] 0–15
Flavor and aroma	60	(A)	54–60
		(B)	[1] 48–53
		(SStd)	[1] 0–47
Total Score	100		

Grade.....

[1] Indicates limiting rule.

Dated: August 13, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-17184 Filed 8-17-73;8:45 am]

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DEPARTMENT OF LABOR

Office of the Secretary

[41 CFR Part 50–201]

EXEMPTION OF CERTAIN SERVICE CONTRACTS FROM WALSH-HEALEY ACT

Notice of Termination of Proposed Rulemaking

No action having been taken to adopt the rule proposed in the FEDERAL REGISTER of July 22, 1966 (31 FR 9998), with respect to exemption of certain service contracts from the Walsh-Healey Act, it is hereby determined that no such rule should be adopted at this late date on the basis of the notice published in 1966. If further consideration is to be given to the adoption of such a rule, a new notice of proposed rulemaking will be published in order to obtain currently pertinent comment on any proposal that may be formulated for the purpose. Accordingly, no further action will be taken on the proposal published at 31 FR 9998 and the rulemaking there proposed is terminated.

Signed at Washington, D.C., this 15th day of Aug. 1973.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.73–17260 Filed 8–17–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

PASTEURIZED PROCESS CHEESE, PASTEURIZED PROCESS CHEESE FOOD, AND PASTEURIZED PROCESS CHEESE SPREAD

Proposed Use of Lecithin as an Optional Anti-Sticking Agent

Notice is given that a petition has been filed by the National Cheese Institute, Inc., 110 North Franklin St., Chicago, IL 60606, proposing an amendment to the standards of identity for pasteurized process cheese (21 CFR 19.750), pasteurized process cheese food (21 CFR 19.765), and pasteurized process cheese spread (21 CFR 19.775) to allow optional addition of lecithin for the functional purpose of aiding in the separation of slices of the product in the same package and in the removal of the wrapper from such products.

Grounds set forth by the petitioner in support of the proposal are as follows:

1. Lecithin, besides being a normal constituent in milk and milk products, has been generally recognized as safe by the Food and Drug Administration under 21 CFR 121.101(d)(8), "Miscellaneous and/or General Purpose Food Additives," without tolerance or limitation.

2. Consumers frequently find it difficult to separate slices of the various processed cheese products; in addition, consumers experience the problem of such products sticking to wrapping material.

3. The addition of 0.03 percent of lecithin to the various pasteurized process cheese products reduces the tendency of the slices to stick together and to the wrapping material.

4. Consumers who prefer nonindividually wrapped slices will benefit by the availability of stacked slices of processed cheese products with improved separation characteristics. Also, a reduction in the use of wrapping material for individual slices may have an ecological benefit.

5. Based on a temporary marketing permit authorized by the Food and Drug Administration, notice of which was published in the FEDERAL REGISTER of October 14, 1971 (36 FR 19995), it was determined by the petitioner that the addition of lecithin to process cheese products was effective and desirable when utilized in the amount considered in this proposed amendment.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Part 19 be amended:

1. In § 19.750(d) by adding a new subparagraph (8) as follows:

§ 19.750 Pasteurized process cheese; identity; label statement of optional ingredients.

* * * * * *

(d) * * *

(8) Pasteurized process cheese in the form of slices or cuts in consumer-sized packages may contain lecithin as an optional anti-sticking agent in an amount not to exceed 0.03 percent by weight of the finished product.

* * * * * *

2. In § 19.765(e) by adding a new subparagraph (8) as follows:

§ 19.765 Pasteurized process cheese food; identity; label statement of optional ingredients.

* * * * * *

(e) * * *

(8) Pasteurized process cheese food in the form of slices or cuts in consumer-sized packages may contain lecithin as an optional anti-sticking agent in an amount not to exceed 0.03 percent by weight of the finished product.

* * * * * *

3. In § 19.775(f) by adding a new subparagraph (9) as follows:

§ 19.775 Pasteurized process cheese spread; identity; label statement of optional ingredients.

* * * * * *

(f) * * *

(9) Pasteurized process cheese spread in consumer-sized packages may contain lecithin as an optional anti-sticking agent in an amount not exceed 0.03 percent by weight of the finished product.

* * * * * *

This proposal makes no reference to the label declaration required when lecithin is used; it is not necessary because recent amendments published in the FEDERAL REGISTER of July 7, 1972 (37 FR 13339), and April 23, 1973 (38 FR 9996), require that the common name of each ingredient used shall be declared on the labels of the cheese products covered by this proposed amendment.

Interested persons may, on or before October 19, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 10, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73–17278 Filed 8–17–73;8:45 am]

[21 CFR Part 27]

CANNED GRAPEFRUIT

Proposed Amendment to Standards of Identity, Quality, and Fill of Container

The Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission has submitted to the United States for consideration for acceptance a "Recommended International Standard for Canned Grapefruit." The United States, as a member of the Food and Agriculture Organization of the United Nations and of the World Health Organization, is under obligation to consider all Codex Standards. The rules of procedure of the Codex Alimentarius Commission state that a Codex Standard may be accepted by a participating country in one of three ways: Full acceptance; target acceptance; and acceptance with minor deviations. A participating country which concludes that it cannot accept the standard in any of these ways is requested to indicate the reasons for the ways in which its requirements differ from the Codex Standard. Members of the Commission are requested to notify the Secretariat of the Codex Alimentarius Commission—Joint FAO/WHO Food Standards Programme, FAO, Rome, Italy, of their decision. For several years the United States has had definitions and standards of identity (21 CFR 27.90), quality (21 CFR 27.91), and fill of container (21 CFR 27.92) for canned grapefruit, as promulgated by the Commissioner of Food and Drugs differing in several respects from the Recommended International Standard. The basis of this proposal to amend the Food and Drug Administration canned grapefruit standards is the fact that, in the opinion of the Commissioner of Food and Drugs, it will promote honesty and fair dealing in the interest of consumers and facilitate international trade to adopt as far as practicable the recommended worldwide standard for canned grapefruit hereinafter referred to as the Codex Standard.

The Codex standard references the Codex "Sampling Plans for Pre-packaged Foods, 1969," that were developed by the Codex Committee on Processed Fruits and Vegetables that are being considered by the Codex Committee on Sampling and Analysis. The Codex sampling plans, although they are included in the Codex standard, have not reached the final step of development and therefore may be subject to further modification. The Commissioner, however, believes that this is an opportune time to elicit comments on sampling plans. The Commissioner proposes to limit the sampling plans to Codex Inspection Level II, which is appropriate where settlement of disputes, enforcement or need for better lot estimate is necessary. Definitions for "lot" and "sample unit" have been expanded to make them more applicable to a wider range of size of primary containers.

In its provisions for packing media, the FDA proposal corresponds closely but is not identical to those of the Codex standards. The principal difference is the provision in the FDA proposal for the continued use of sirups prepared from grapefruit juice and nutritive sweeteners. The Codex standard provides for grapefruit juice or grapefruit juice and a lesser quantity of water as a packing medium, but does not provide for the addition of sweeteners to these liquids. In this connection it is to be noted that in developing standards for certain other canned fruits the Codex Commission has recently approved the principle that juices other than that of the fruit being canned, or combination of juices, or such juice or juices with added water and/or nutritive sweeteners should be authorized with suitable indications on the label of the composition of the packing medium used. It is not unlikely that at some future time the Codex standard for canned grapefruit and those already adopted for other fruits may be amended to apply this principle more fully to them also. However, at the present time this has not been done and it appears preferable to have the proposed revisions in the FDA standard for canned grapefruit correspond as closely as possible to those of the present Codex standard. This is the case except for permitting the sweetened grapefruit juices as packing media. Since this was provided for in the present FDA standard for canned grapefruit and is in line with other Codex standards now being developed, there appears to be no sound reason for eliminating it.

The units of measurements in the FDA standard of quality are stated in the United States customary system (e.g. ounces, inches, pounds), whereas the Codex standard uses only the metric system. The Commissioner recognizes that the international (metric) system is used throughout the world and in the United States for technical purposes and may eventually be adopted by this country as common usage for measurements. The Commissioner, therefore, proposes that the metric system be used in the FDA standards of quality and fill of container with the equivalent units of the U.S. customary system shown parenthetically.

The Codex standard also includes hygiene requirements and certain basic labeling requirements that are not considered a part of food standards under section 401 of the Federal Food, Drug, and Cosmetic Act which is the legal basis for the promulgation of food standards. Hygiene and the other factors are, however, a concern of FDA under other sections of the Federal Food, Drug, and Cosmetic Act and, therefore, are not discussed further in this proposal.

Amendment of the FDA standards of identity, quality, and fill of container for canned grapefruit will be based upon consideration of the following Codex standard, comments and supporting data received, and other available information.

CAC/RS 15–1969

RECOMMENDED INTERNATIONAL STANDARD FOR CANNED GRAPEFRUIT

1. *DESCRIPTION*

1.1 *Product Definition*

Canned grapefruit is the product (a) prepared from sound, ripe grapefruit, conforming to the characteristics of the nutritive of *Citrus paradisi Macfadyen*, (b) packed with a suitable liquid packing medium, nutritive sweeteners, and suitable seasoning or flavouring ingredients appropriate to the product, and (c) processed by heat, in an appropriate manner, before or after being sealed in a container, so as to prevent spoilage. Before processing, the fruit shall have been properly washed and peeled and the membrane, seeds and core shall have been substantially removed from the sections.

1.2 *Colour Types*

1.2.1 White—produced from white-fleshed grapefruit.

1.2.2 Pink—produced from pink or red-fleshed grapefruit.

1.3 *Styles*

Canned grapefruit may be packed as either:

1.3.1 Sections or Segments; or

1.3.2 Broken Sections or Broken Segments.

2. *ESSENTIAL COMPOSITION AND QUALITY FACTORS*

2.1 *Packing Media*

2.1.1 Canned grapefruit may be packed in any one of the following:

2.1.1.1 Water—in which water or a mixture of water and juice (less than 50% juice) is the liquid packing medium.

2.1.1.2 Juice—in which grapefruit juice is the sole liquid packing medium and to which no water has been added directly or indirectly.

2.1.1.3 Juice and Water—in which grapefruit juice and water are combined as a liquid packing medium with not less than 50% juice.

2.1.1.4 Syrup—in which water and sucrose, invert sugar, dextrose, glucose syrup, or dried glucose syrup are combined as a liquid packing medium and are classified on the basis of cut-out strength as specified below:

Liquid Media	*"Cut-out" Brix Measurement*
Slightly sweetened syrup	not less than 12° Brix
Light syrup	not less than 16° Brix
Heavy syrup	not less than 18° Brix

2.1.2 The "cut-out" strength shall be determined on average, but no container may have a Brix value lower than that of the next category below.

2.2 *Other Ingredients*

Lemon juice, spices.

2.3 *Quality Criteria*

2.3.1 Definitions

2.3.1.1 Whole segment: a section or portion of section in which its length is at least 75% of the apparent length of the original segment. A segment which is split in one place only and is not prone to disintegrate shall be considered whole, but parts of a segment joined by a "thread", or by membrane only shall not be considered "whole".

2.3.1.2 Developed seed: a seed that measures more than 9 millimetres in any dimension.

2.3.2 Colour

The colour shall be typical of grapefruit of the colour-type concerned which has been properly prepared and properly processed.

2.3.3 Flavour

Canned grapefruit shall have a normal flavour and odour free from flavours or odours foreign to the product and canned grapefruit with special ingredients shall have a flavour characteristic of that imparted by the grapefruit and the other substances used.

2.3.4 Texture

The texture shall be firm and characteristic of the product and shall be reasonably free from dry cells or fibrous cells affecting the appearance or the edibility of the product. Segments shall be practically free from signs of disintegration.

2.3.5 Wholeness

In the style of Sections or Segments not less than 65% by weight of drained fruit shall be in whole segments.

2.3.6 Defects

The finished product shall be prepared from such materials and under such practices that it shall be reasonably free from extraneous fruit matter such as peel or core or albedo and shall not contain excessive defects whether specifically mentioned in this standard or not. Certain common defects shall not be present in amounts greater than the following limitations:

2.3.6.1 The total surface covered by membrane shall not exceed 20 square centimetres per 500 grammes of total contents;

2.3.6.2 developed seeds shall not exceed 4 per each 500 grammes of total contents.

2.3.7 Classification of "Defectives"

A container that fails to meet one or more of the applicable quality requirements, as set out in subsections 2.3.2 through 2.3.6 shall be considered a "defective".

2.3.8 Acceptance

A lot will be considered as meeting the applicable quality requirements referred to in sub-section 2.3.7, when the number of "defectives", as defined in subsection 2.3.7 does not exceed the acceptance number (c) of the appropriate sampling plan (AQL–6.5) in the Sampling Plans for Prepackaged Foods (1969).

3. *FOOD ADDITIVES*

3.1 *Firming Agents*		*Maximum level of use*
Calcium chloride Calcium lactate	used singly or in combination	0.035% calcium, derived from added calcium salts, in the final product
3. *Flavours*		
Natural flavours and their identical synthetic equivalents except those which are known to represent a toxic hazard [1]		Not limited
3.3 *Acidifying Agent*		
Citric Acid		Not limited

[1] Temporarily endorsed.

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4. *HYGIENE*

4.1 It is recommended that the product covered by the provisions of this standard be prepared in accordance with the International Code of Hygienic Practice for Canned Fruit and Vegetable Products recommended by the Codex Alimentarius Commission (Ref. CAC RCP 2–1969).

4.2 To the extent possible in good manufacturing practice the product shall be free from objectionable matter.

4.3 The product shall not contain any pathogenic microorganisms or any toxic substance originating from microorganisms.

5. *WEIGHTS AND MEASURES*

5.1 *Fill of Container*

5.1.1 Minimum Fill

The container shall be well filled with grapefruit and the product (including packing medium) shall occupy not less than 90% of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20°C which the sealed container will hold when completely filled.

5.1.2 Classification of "Defectives"

A container that fails to meet the requirement for minimum fill (90% container capacity) of sub-section 5.1.1 shall be considered a "defective".

5.1.3 Acceptance

A lot will be considered as meeting the requirement of sub-section 5.1.1 when the number of "defectives", as defined in subsection 5.1.2, does not exceed the acceptance number (c) of the appropriate sampling plan (AQL–6.5) in the Sampling Plans for Prepackaged Foods (1969).

5.1.4 Minimum Drained Weight

5.1.4.1 The drained weight of the product shall be not less than 50% of the weight of distilled water at 20°C which the sealed contained will hold when completely filled.

5.1.4.2 The requirements for minimum drained weight shall be deemed to be complied with when the average drained weight of all containers examined is not less than the minimum required, provided that there is no unreasonable shortage in individual containers.

6. *LABELLING*

In addition to Sections 1, 2, 4 and 6 of the General Standard for the Labelling of Prepackaged Foods (Ref. CAC/RS 1–1969), the following specific provisions apply:

6.1 *The Name of the Food*

6.1.1 The name of the product shall include:

(a) the designation "grapefruit", and

(b) if the grapefruit is "pink", the colour type "pink".

6.1.2 The following shall be included as part of the name or in close proximity to the name of the product:

(a) the style: "sections", "segments", "broken sections", or "broken segments", as appropriate;

(b) the packing medium: "water", "juice", "juice and water", "slightly sweetened syrup", "light syrup", or "heavy syrup", as appropriate.

6.2 *List of Ingredients*

A complete list of ingredients shall be declared on the label in descending order of proportion in accordance with sub-sections 3.2(b) and (c) of the General Standard for the Labelling of Prepackaged Foods, except that water need not be declared.

6.3 *Net Contents*

The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement as required by the country in which the product is sold.

6.4 *Name and Address*

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

6.5 *Country of Origin*

6.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.5.2. When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

7. *METHODS OF ANALYSIS AND SAMPLING*

The methods of analysis and sampling referred to hereunder are international referee methods.

7.1 *Method of Sampling*

Sampling shall be in accordance with the Sampling Plans for Prepackaged Foods (1969).

7.2 *Determination of Drained Weight*

According to the FAO/WHO Codex Alimentarius method (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and Vegetables, CAC/RM 36–1970, *Determination of Drained Weight*—Method I). Results are expressed as % m/m calculated on the basis of the mass of distilled water at 20°C which the sealed container will hold when completely filled.

7.3 *Syrup Measurements (Refractometric Method)*

According to the A.O.A.C. (1965) method (Official Methods of Analysis of the A.O.A.C., 1965, *29.011:* (Solids) by Means of Refractometer (4) Official, Final action (and 43.009 and 43.008).

Results are expressed as % m/m sucrose ("degrees Brix") with correction for temperature to the equivalent at 20°C.

In many respects the provisions of the present FDA standards and the Codex standard are identical, but in certain instances there are significant variations. The following is a comparison of what, in the opinion of the Commissioner, are the primary differences between the FDA standards and the Codex standard on which the Commissioner particularly requests comments with available supporting data. Following each item of comparison is the action the Commissioner proposes to take if no comments are received.

COMPARISON OF IDENTITY ASPECTS AND PROPOSED COURSE OF ACTIONS

1. *Artificial flavoring.*—21 CFR 27.90(a)(2) provides for the use of flavoring, other than artificial flavoring. Codex (3.2) provides for natural flavors and their identical synthetic equivalents except those which are known to represent a toxic hazard. The Commissioner proposes that 21 CFR 27.90(a)(2) be amended to provide for safe and suitable artificial flavoring as well as natural flavoring.

2. *Botanical name.*—21 CFR 27.90(b) contains the botanical or scientific name of grapefruit *Citrus paradisi*. The Commissioner proposes that the botanical or scientific name be the current internationally accepted nomenclature, *Citrus paradisi Macfadyen* as provided for by Codex (1.1(a)).

3. *Varietal group.*—21 CFR 27.90(b) provides for grapefruit of the white-, pink-, or red-fleshed varietal group (color type) whereas Codex (1.2) provides for white defined as produced from white-fleshed grapefruit and pink as produced from pink or red-fleshed grapefruit. The Commissioner proposes that the Codex definitions be adopted.

4. *Styles of pack.*—(a) *"Sections" or "segments."*—21 CFR 27.90(b)(1)(i) presently requires that for the optional grapefruit ingredient "sections" or "segments" 50 percent or more of the drained weight of the food consist of whole sections whereas Codex (2.3.5) requires that not less than 65 percent of the drained weight be in whole segments. The Florida Canners Association (FCA), which represents all Florida citrus processors, including all six packers of canned grapefruit, commented regarding this aspect of the Codex standard that to increase the minimum percentage of whole sections from 50 percent to 65 percent would be detrimental to the Florida grapefruit grower and processor. The FCA stated that several years ago when it had endorsed the Codex proposal, practically all of the product at that time was hand sectionized and packing 65 percent wholeness was not a problem. Today, according to the FCA, the situation is different. More than 50 percent of the pack is mechanically sectionized and this percentage is expected to continue upward. Mechanization results in more broken sections than with the hand operation. For this reason, the present 50 percent tolerance must be maintained, FCA stated, if the Florida canners are to continue producing this product. The trend to mechanization, the FCA continued, came about primarily because of insufficient and undependable sectionizers. A lesser factor was that of economics. In view of this comment the Commissioner proposes no change in the minimum percentage requirement.

(b) *"Broken sections"* or *"broken segments."*—21 CFR 27.90(b)(1)(ii) presently provides that the name of the optional grapefruit ingredient is "broken sections" or "broken segments" if less than 50 percent of the drained weight of the food consists of whole sections. Codex (1.3.2 and 2.3.5) provides for such style of pack where less than 65 percent of the product is whole sections. In view of the FCA comment on the minimum 65 percent requirement for whole sections in "sections" or "segments" (item 4(a)), the Commissioner proposes no change in the requirement for whole sections in "broken sections" or "broken segments."

5. *Optional packing media.*—(a) *Water.*—21 CFR 27.90(c)(1) defines water as water or any mixture of water and grapefruit juice. Codex (2.1:1.1) defines water as water or a mixture of water and juice (less than 50 percent juice) as the liquid packing medium. The Commissioner proposes that the definition for water in 21 CFR 27.90(c)(1) be redefined on the basis of the Codex definition.

(b) *Grapefruit juice.*—21 CFR 27.90(c)(1) defines grapefruit juice as the fresh or canned expressed juice of mature grapefruit to which no water is added directly or indirectly. Codex (2.1.1.2) provides that grapefruit juice be the sole liquid packing medium to which no water has been added directly or indirectly. The Commissioner proposes no change as the present definition is more explicit than the Codex.

(c) *Juice and water.*—There is no provision for such in the FDA standard. Codex (2.1:1.3) defines juice and water as grapefruit juice and water combined as a liquid packing medium with not less than 50 percent juice. The Commissioner proposes that "grapefruit juice and water" be an additional optional packing medium defined on the basis of the Codex definition. The Commissioner, therefore, also proposes that "slightly sweetened grapefruit juice and water," "lightly sweetened grapefruit juice and water," and "heavily sweetened grapefruit juice and water" be optional packing media when one or more nutritive sweeteners are added to grapefruit juice and water, or when grapefruit juice alone is sweetened with a liquid nutritive sweetener.

6. *Corn sirup or dried corn sirup.*—21 CFR 27.90(c)(2) includes corn sirup or dried corn sirup as optional sweetening ingredients. Codex does not provide for corn sirup or dried corn sirup in that it considers glucose sirup or dried glucose sirup as including corn sirup or dried corn sirup. The Commissioner proposes no change in that corn sirup and dried corn sirup are the common or usual names of such sweeteners in the United States.

7. *Sirup density.*—(a) *Analytical procedure.*—21 CFR 27.90(c)(3) states that the determination of the densities of sirup packing media be made by Brix hydrometer 15 days or more after the grapefruit are canned. Codex (7.3) states that the determination be according to the "Official Methods of Analysis of the Association of Official Agricultural Chemists" (AOAC), 1965 Ed., 29.011, (Solids) "By Means of Refractometer (4) Official, Final Action" (and 43.009 and 43.008). Further, Codex states that the results are to be expressed as percent m/m sucrose (degrees Brix) with correction for temperature to the equivalent at 20° C. The symbol m/m in Codex means mass/mass or by weight. The Commissioner proposes that the procedure be updated in accordance with Codex except the reference (now the "Official Methods of Analysis of the Association of Official Analytical Chemists") be that in the 1970 Ed. and that there be no correction for invert sugar or other substances. In addition, the Commissioner proposes that the density of the sirup packing medium be based on the blended homogenized slurry of the comminuted entire contents of the container if canned for less than 15 days.

(b) *Classifications (cut - out strength).*—21 CFR 27.90(c)(3)(i) requires that "slightly sweetened water" and "slightly sweetened grapefruit juice" have a Brix measurement of 12° or more, but less than 16°. Codex (2.1.1.4) provides for "slightly sweetened sirup" having not less than 12° Brix. The Commissioner proposes that "slightly sweetened sirup" be an optional name to "slightly sweetened water". The Commissioner also proposes that "slightly sweetened grapefruit juice and water" be an additional optional packing medium and that the cut-out strength be 12 percent or more, but less than 16 percent expressed as sucrose.

21 CFR 27.90(c)(3)(ii) presently provides for "sirup" and "grapefruit juice sirup" having a Brix measurement of 16° or more. Codex (2.1.1.4) provides for "light sirup" having not less than 16° Brix and "heavy sirup" with not less than 18° Brix. The Commissioner proposes that the names "sirup" and "grapefruit juice sirup" be changed to "light sirup" and "lightly sweetened grapefruit juice", "lightly sweetened grapefruit juice and water" be an additional optional packing medium and the cut-out strength be 16 percent or more but less than 18 percent expressed as sucrose. The Commissioner also proposes that "heavy sirup", "heavily sweetened grapefruit juice", and "heavily sweetened grapefruit juice and water" be additional optional packing media having a cut-out strength of 18 percent or more.

(c) *Compliance for cut-out strength.*—The FDA standard does not include a procedure for determining compliance for cut-out strength. Codex (2.1.2) provides that compliance be based on the average value of all samples analyzed but no container may have a Brix value lower than the cut-out strength of the next lower category. The Commissioner proposes the FDA procedure be based on Codex except that where no lower category for cut-out strength exists, the cut-out strength for any one container in the sample be not more than 2 percentage points lower than its lowest designated density.

8. *Labeling*—(a) *Grapefruit ingredient.*—21 CFR 27.90(d) requires that the name of the food be preceded or followed by the name of the optional form of the grapefruit ingredient whereas Codex (6.1.2) states that it be included as part of the name or in close proximity to the name of the product. The Commissioner proposes adoption of Codex.

(b) *Packing medium.*—21 CFR 27.90(d) requires that whenever the optional packing media are sweetened, the sweetening ingredients from which they are prepared shall be declared on the label in order of predominance by weight by their common or usual names. Codex (6.2) requires a complete listing of ingredients on the label in descending order of proportion except that water need not be declared. The Commissioner proposes that the declaration of sweetening ingredients as required by 21 CFR 27.90(d) be deleted in view of the proposed complete listing of optional ingredients used in the product (item 8(h)). 21 CFR 27.90(d) also requires that the name of the optional packing medium used, preceded by "in" or "packed in", be on the principal display panel. Codex (6.1.2) states that it be as part of the name or in close proximity to the name of the product. The Commissioner proposes adoption of Codex.

(c) *Spices and flavorings.*—21 CFR 27.90(d)(1) presently requires that when spices are used, the label shall bear the words "spiced" or "spice added" or "with added spice", or in lieu of the word "spice", the common name of the spice. 21 CFR 27.90(d)(2) presently requires that when flavoring, other than artificial flavoring which is presently not permitted, is used, the label shall bear the words "flavoring added" or "with added flavoring", or in lieu of the word "flavoring", the common name of the flavoring. Codex (6.2) requires a complete listing of ingredients with the exception of water on the label in descending order of proportion. Subsection 3.2(c) of the "Recommended International General Standard for the Labeling of Prepackaged Foods" referenced in Codex (6.2) provides that in the ingredient statement added spice may be declared as "spices" and added flavoring as "flavors" in lieu of the common or usual names. Codex (2.2.3) provides that canned grapefruit with special ingredients shall have a flavor characteristic of that imparted by the grapefruit and other substances used. The Commissioner proposes that 21 CFR 27.90(d)(1) and (d)(2) be deleted in view of the proposed (item 8(h)) complete listing of optional ingredients. In addition, the Commissioner proposes that the name of the product include a declaration of any flavoring that characterizes the product as specified in 21 CFR 1.12 (published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2139)) and a declaration of any spice that characterizes the product. If a spice or flavoring has been added in such a quantity that it does not characterize the product, then the fact that a spice or flavoring has been added would only be stated in the ingredient statement (item 8(h)).

(d) *Lemon Juice.*—21 CFR 27.90(d)(3) presently requires that when lemon juice is used, the label bear the words "seasoned with lemon juice". Codex (6.2) includes declaration of lemon juice as part of the ingredient statement. Lemon juice is used in canned grapefruit as an acidulant. When lemon juice is added as an acidulant to low acid grapefruit, it decreases the sweetener-acid ratio. In the opinion of the Commissioner, the amount of lemon juice that may be added as an acidulant may be sufficient to characterize the flavor of the product. The Commissioner proposes that 21 CFR 27.90(d)(3) be deleted in view of the proposed (item 8(h)) complete listing of optional ingredients. The Commissioner, further, proposes that if lemon juice has been added in such quantity as to characterize the food, the name of the product be accompanied by a statement disclosing that fact.

(e) *Citric acid.*—21 CFR 27.90(d)(4) presently requires that when used, the label bear the words "citric acid added" or "with added citric acid" whereas Codex (6.2) includes declaration as "citric acid" as part of the ingredient statement. An acidulant such as citric acid may be added to low acid grapefruit to decrease the sweetener-acid ratio; however, sufficient citric acid is not added to impart a characterizing effect to the product. The Commissioner, therefore, proposes that 21 CFR 27.90(d)(4) be deleted. Citric acid will continue to be re-

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quired to be included in the optional ingredient statement (item 8(h)) when used.

(f) *Calcium chloride, calcium lactate.*—21 CFR 27.90(d)(5) presently requires that when used, the label shall bear the words "calcium ---------- added to improve firmness", the blank being filled in with the word "salt" or "salts", or in lieu thereof, the word "chloride" or "lactate" or the words "chloride and lactate", as the case may be. Codex (6.2) includes declaration as "calcium chloride" and "calcium lactate" as part of the ingredient statement. The Commissioner proposes that the declaration presently provided for in 21 CFR 27.90(d)(5) be deleted in view of item 8(h).

(g) *Combining optional ingredients.*—21 CFR 27.90(d) presently provides that when two or more of the optional ingredients, items 8(c) through 8(e), are used such words may be combined; for example, "with added cloves, cinnamon oil, and citric acid and seasoned with lemon juice" whereas Codex contains no such provision. The Commissioner proposes that the provision of 21 CFR 27.90(d) for the combining of optional ingredients only apply to items 8(c) and (d), as appropriate.

(h) *Listing of ingredients.*—21 CFR 27.90(e) presently requires that the words and statements specified in 21 CFR 27.90(d) showing the optional ingredients present shall be listed on the principal display panel or panels or any appropriate information panel without obscuring design, vignettes or crowding. The declaration shall appear in conspicuous and easily legible letters of boldface print or type the size of which shall be not less than one-half of that required by 21 CFR Part 1 for the statement of net quantity of contents appearing on the label, but in no case less than one-sixteenth of an inch in height. In addition, 21 CFR 27.90(e) requires that the entire ingredient statement appear on at least one panel of the label and in lines, generally parallel to the base on which the container rests as it is designed to be displayed. Codex (6.2) requires a complete listing of ingredients with the exception of water on the label in descending order of proportion. The Commissioner proposes that 21 CFR 27.90(e) be amended to reference the applicable sections of 21 CFR Part 1 for the label declaration of optional ingredients including the requirement that, with the exception of spices and flavorings which may be so declared, the common name of each of the optional ingredients used shall be declared on the label in the order of decreasing predominance.

COMPARISON OF QUALITY ASPECTS AND PROPOSED COURSE OF ACTIONS

1. *Color.*—The FDA standard has no specific provision for color criteria. Codex (2.3.2) states that the color be typical of the grapefruit of the color type concerned which has been properly prepared and properly processed. The Commissioner proposes no change as Codex is not specific enough for use as a legal requirement.

2. *Flavor.*—The FDA standard has no provision for flavor criteria. Codex (2.3.3) states that the food shall have a normal flavor and be free of odors foreign to the product. The Commissioner proposes no change because abnormal odor or flavor would make the food adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act.

3. *Texture.*—The FDA standard has no general statement on texture as in Codex (2.3.4) which states that the texture shall be firm and characteristic of the product and shall be reasonably free from dry cells or fibrous cells affecting the appearance or the edibility of the product. Segments shall be practically free from signs of disintegration. The Commissioner proposes no change as Codex is not specific enough for use as a legal requirement.

4. *Extraneous material.*—21 CFR 27.91(a)(1) requires that the food be free from extraneous material such as leaves, portions of leaves, and pieces of peel. Codex (2.3.5) states that the finished product shall be prepared from such materials and under such practices that it shall be reasonably free from extraneous fruit matter such as peel or core or albedo and shall not contain excessive defects whether specifically mentioned in this standard or not. The Commissioner proposes no change as the FDA quality requirement is more specific than Codex.

5. *Membrane.*—21 CFR 27.91(a)(2) requires that each 20 ounces (567 grams) of the food not contain more than 3 square inches (19.4 square centimeters) of tough membrane or albedo on the units. Codex (2.3.6.1) states that the total surface covered by membrane shall not exceed 20 square centimeters per 500 grams of total contents. The Commissioner proposes adoption of the Codex requirement.

6. *Seeds.*—21 CFR 27.91(a)(2) provides that each 20 ounces (567 grams) of the food contain not more than 12 seeds including not more than three large seeds. A seed is considered a seed when any portion thereof measures more than three-sixteenths inch (4.76 millimeters) in any dimension. A seed is considered a large seed when it measures more than three-eighths inch (9.53 millimeters) in any dimension. Codex (2.3.6.2) states that developed seeds shall not exceed 4 per each 500 grams of total content. A developed seed is defined as measuring more than 9 millimeters in any dimension. The Commissioner proposes adoption of the Codex requirement.

7. *Blemished units.*—21 CFR 27.91(a)(3) permits not more than 15 percent by weight of the drained grapefruit to be blemished units. A unit is considered blemished when a grapefruit section or any portion thereof is damaged by lye peeling, discoloration, or by other visible injury. Codex (2.3.2) states that the color of the product shall be typical of grapefruit of the colortype concerned which has been properly prepared and properly processed. The Commissioner proposes no change as the FDA requirement is more specific.

8. *Compliance.*—Not covered in the FDA standard. Codex (2.3.7 and 2.3.8) states that a container that fails to meet one or more of the applicable quality requirements, as set out in subsections 2.3.2 through 2.3.6 shall be considered a "defective" and that a lot will be considered as meeting the applicable quality requirements, when the number of "defectives" does not exceed the acceptance number (c) of the appropriate sampling plan (AQL 6.5) in the "Sampling Plans for Prepackaged Foods (1969)". The Commissioner proposes that the procedure for determining the acceptability of a lot for quality factors (namely membrane, seeds and blemished units) be based on Codex.

9. *Substandard in quality labeling provision.*—21 CFR 27.91(b) contains specific labeling provision for canned grapefruit that fails to meet the standard of quality. Codex is silent on what disposition is to be made of canned grapefruit that does not meet the quality standard. This is left entirely to the individual country accepting the standard. The Commissioner proposes no change as the provision provides a means of disposing of canned grapefruit that does not meet the quality standard.

COMPARISON OF FILL OF CONTAINER ASPECTS AND PROPOSED COURSE OF ACTIONS

1. *Drained weight.*—21 CFR 27.92(a)(2) requires that drained weight of the grapefruit ingredient be not less than 53 percent of the water capacity of the container whereas Codex (5.1.4.1) states that it be not less than 50 percent of the water capacity of the container. The Commissioner proposes adoption of the Codex requirement.

2. *Determination of drained weight.*—21 CFR 27.92(b), the method for determining drained weight, references a 1940 publication for the specifications of the No. 8 sieve. Codex (7.2) provides for the procedure in the "Official Methods of Analysis of the Association of Official Agricultural Chemists" (AOAC), 1965 Ed. which is the same as the FDA procedure except for the reference for the specifications of the No. 8 sieve. The AOAC is now the "Official Methods of Analysis of the Association of Official Analytical Chemists." The Commissioner proposes to update the specifications for the No. 8 sieve by referencing the specifications for such sieve set forth in the "Definitions of Terms and Explanatory Notes", page xviii, of the "Official Methods of Analysis of the Association of Official Analytical Chemists", 11th Ed., 1970, except that the nominal sieve size opening be 2.36 millimeters instead of 2.38 millimeters.

3. *Sampling and acceptance procedure for minimum fill.*—Not provided for in the FDA standard. Codex (5.12 and 5.13) states that a container that fails to meet the requirement for minimum fill (90 percent of container capacity) shall be considered a "defective". A lot will be considered acceptable when the number of "defectives" does not exceed the acceptance number (c) of the appropriate sampling plan (AQL–6.5) in the "Sampling Plans for Prepackaged Foods (1969)". The Commissioner proposes that compliance for minimum fill be based on the Codex procedure.

4. *Sampling and acceptance procedure for minimum drained weight.*—Not provided for in the FDA standard. Codex (5.1.4.2) states that the requirements for minimum drained weight shall be deemed to be complied with when the average drained weight of all containers examined is not less than the minimum required, provided there is no unreasonable shortage in individual containers. The Commissioner proposes that compliance for minimum drained weight be based on the average drained weight of the sample drawn according to the proposed sampling plans. The Commissioner recognizes that basing the minimum drained weight on sample average will allow for considerable variability in the amount of grapefruit among the individual cans within a given lot. However, there is no evidence of excessive slack filling and in the absence of actual data on industry fill practices for individual containers within a lot the proposed approach is deemed to be the most practical.

5. *Substandard in fill labeling provision.*—21 CFR 27.92(c) provides specific labeling requirements for substandard in minimum fill. Codex is silent on disposition of canned grapefruit that does not meet the standard.

The Commissioner proposes no change as the provision provides a means of dealing with canned grapefruit that does not meet the fill of container standard.

Accordingly, the Commissioner proposes, on his own initiative, to amend the existing canned grapefruit standards of identity (21 CFR 27.90), quality (21 CFR 27.91), and fill of container (21 CFR 27.92), as set forth below, to provide for certain features, based on consideration of the Codex Standard that would, in his opinion promote honesty and fair dealing in the interest of consumers.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 1055, as amended; 21 U.S.C. 341, 371(e)), and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed to amend Part 27 by revising §§ 27.90, 27.91, and 27.92 to read as follows:

§ 27.90 Canned grapefruit; identity; label statement of optional ingredients.

(a) Canned grapefruit is the food prepared from one of the optional grapefruit ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one or more of the following safe and suitable optional ingredients:

(1) Spices.

(2) Natural and artificial flavoring.

(3) Lemon juice.

(4) Citric acid.

(5) Calcium chloride or calcium lactate or a mixture of the two calcium salts in a quantity reasonably necessary to firm the grapefruit sections, but in no case in a quantity such that the calcium contained in such calcium salt or mixture is more than 0.035 percent by weight of the finished food. Such food is sealed in a container and, either before or after sealing, is so processed by heat as to prevent spoilage.

(b) The optional grapefruit ingredients referred to in paragraph (a) of this section are prepared from sound, mature grapefruit (Citrus paradisi Macfadyen) of the color types white—, produced from white-fleshed grapefruit, and pink—produced from pink or red-fleshed grapefruit and are in the following forms of units: Whole sections or broken sections. Each such form of units or a mixture of such forms of units prepared from a single varietal group (color type) is an optional grapefruit ingredient. The core, seeds, and major portions of membrane of such ingredient are removed. For the purpose of this section, a grapefruit section is considered whole when the unit is intact or an intact portion of such unit is not less than 75 percent of its apparent original size and is not excessively trimmed.

(1) For the purpose of paragraph (d) of this section, the name of the optional grapefruit ingredient is:

(i) "Section" or "segments", if 50 percent or more of the drained weight of the food consists of whole sections.

(ii) "Broken sections" or "broken segments", if less than 50 percent of the drained weight of the food consists of whole sections.

(2) The drained weight is determined by the method prescribed in the standard of fill of container for canned grapefruit set forth in § 27.92(b).

(c)(1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.

(ii) Grapefruit juice and water.

(iii) Grapefruit juice.

(iv) Slightly sweetened sirup or slightly sweetened water.

(v) Light sirup.

(vi) Heavy sirup.

(vii) Slightly sweetened grapefruit juice and water.

(viii) Lightly sweetened grapefruit juice and water.

(ix) Heavily sweetened grapefruit juice and water.

(x) Slightly sweetened grapefruit juice.

(xi) Lightly sweetened grapefruit juice.

(xii) Heavily sweetened grapefruit juice.

As used in this subparagraph the optional packing medium "water" means, in addition to water, any mixture of water and grapefruit juice in which there is less than 50 percent grapefruit juice; the optional packing medium "grapefruit juice and water" means the liquid packing medium in which juice of mature grapefruit and water are combined as a liquid packing medium with not less than 50 percent grapefruit juice and "grapefruit juice" means the fresh or canned expressed juice of mature grapefruit to which no water is added directly or indirectly.

(2) Each of the packing media in subdivisions (iv) to (xii) of subparagraph (1) of this paragraph is prepared with a liquid ingredient and a nutritive sweetening ingredient. Water is the liquid ingredient from which packing media in subdivisions (iv) to (vi) of subparagraph (1) of this paragraph are prepared. "Grapefruit juice and water are the liquid ingredients from which the packing media in subidivisions (vii) to (ix) of subparagraph (1) of this paragraph are prepared." Grapefruit juice is the liquid ingredient from which the packing media in subidivisions (x) to (xii) of subparagraph (1) of this paragraph are prepared. The nutritive sweetening ingredients from which the packing media in subdivisions (iv) to (xii) of subparagraph (1) of this paragraph are prepared is one or more of the following: Sugar, invert sugar sirup, dextrose, corn sirup, dried corn sirup, glucose sirup or dried glucose sirup. However, if one or more of the liquid nutritive sweetening ingredients and grapefruit juice are combined as a liquid packing medium with not less than 50 percent grapefruit juice, the packing medium is as set forth in subdivisions (vii) to (ix) of subparagraph (1) of this paragraph.

(3) The respective densities of packing media in subparagraph (1) (iv) to (ix) inclusive, of this paragraph as measured on the refractometer, expressed as percent by weight sucrose (degrees Brix) with correction for temperature to the equivalent at 20° C. (68° F.), 15 days or more after the grapefruit are canned or the blended homogenized slurry of the comminuted entire contents of the container if canned for less than 15 days, according to the "Official Methods of Analysis of the Association of Official Analytical Chemists",[1] 11th Ed., 1970, page 526, section 31.011 (Solids) "By Means of Refractometer—Official Final Action" (and 47.012 and 47.015) without correction for invert sugar or other substances, are as follows:

(i) Packing media in subdivisions (iv), (vii), and (x) of subparagraph (1) of this paragraph: Twelve percent or more but less than 16 percent.

(ii) Packing media in subdivisions (v), (viii), and (xi) of subparagraph (1) of this paragraph: Sixteen percent or more but less than 18 percent.

(iii) Packing media in subdivisions (vi), (ix), and (xii) of subparagraph (1) of this paragraph: Eighteen percent or more. A lot shall be deemed to be in compliance for packing medium density based on the average value for all the

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samples analyzed according to § 27.91(b) but no container may have a value lower than that of the next lower category or 2 percentage points lower if no lower category exists.

(d) The name of the food is "grapefruit" or "pink grapefruit", as appropriate for the color type of the grapefruit used. The optional form or style of the grapefruit ingredient as set forth in paragraph (b)(1) of this section and the optional packing medium used as designated in paragraph (c) of this section shall be included as part of the name or in close proximity to the name of the food. The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.13 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "with added spice". Whenever the word "sirup" is used, it may be alternatively spelled "syrup". When two or more of the optional ingredients specified in subparagraphs (1), (2) and (3) of paragraph (a) of this section are used, such words may be combined; for example, "with added cloves and cinnamon oil".

(e) Except for spices and flavorings which may be declared as such, the common name of each of the optional ingredients used shall be declared on the label as required by the applicable sections of 21 CFR Part 1.

§ 27.91 Canned grapefruit; quality; label statement of substandard quality.

(a) The standard of quality for canned grapefruit is as follows:

(1) The food is free from extraneous material such as leaves, portions of leaves, and pieces of peel.

(2) The finished food contains per 500 grams (17.6 ounces) not more than:

(i) An aggregate area of 20 square centimeters (3.1 square inches) of tough membrane or albedo on the units.

(ii) Four developed seeds. A seed is considered a developed seed when it measures more than 9.0 millimeters (0.35 inches) in any dimension.

(3) Not more than 15 percent by weight of the drained grapefruit may be blemished units. A blemished unit is a grapefruit section or any portion thereof which is damaged by lye peeling, by discoloration, or by other visible injury. The drained weight is determined by the method prescribed in the standard of fill of container for canned grapefruit set forth in § 27.92(b).

(b) *Sampling and acceptance procedure.* A lot is to be considered acceptable when the number of "defectives" does not exceed the acceptance number in the sampling plans given in subparagraph (2) of this paragraph.

(1) Definitions of terms to be used in the sampling plans in subparagraph (2) of this paragraph are as follows:

(i) *Lot.* A collection of primary containers or units of the same size, type, and style manufactured or packed under similar conditions and handled as a single unit of trade.

(ii) *Lot size.* The number of primary containers or units in the lot.

(iii) *Sample size (n).* The total number of sample units drawn for examination from a lot.

(iv) *Sample unit.* A container, the entire contents of a container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for the examination or testing as a single unit.

(v) *Defective.* Any sample unit shall be regarded as defective when any of the defects or conditions specified in the quality standard (paragraph (a) of this section) and § 27.92(c)(1) for minimum fill of container are present in excess of the stated tolerances.

(vi) *Accepted number (c).* The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements.

(vii) *Acceptable quality level (AQL).* The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

(2) Sampling plans and acceptance procedure:

Lot size (primary containers)	Size of container: Net weight equal to or less than 1 kilogram (2.2 pounds)	
	n	c
4,800 or less	13	2
4,801–21,000	21	3
21,001–48,000	29	4
48,001–84,000	48	6
84,001–144,000	84	9
144,001–240,000	126	13
over 240,000	200	19

	Net weight greater than 1 kilogram (2.2 pounds) but not more than 4.5 kilograms (10 pounds)	
	n	c
2,400 or less	13	2
2,401–15,000	21	3
15,001–24,000	29	4
24,001–42,000	48	6
42,001–72,000	84	9
72,001–120,000	126	13
over 120,000	200	19

	Net weight greater than 4.5 kilograms (10 pounds)	
	n	c
600 or less	13	2
601–2,000	21	3
2,001–7,200	29	4
7,201–15,000	48	6
15,001–24,000	84	9
24,001–42,000	126	13
over 42,000	200	19

n = number of primary containers in sample
c = acceptance number

(c) If the quality of canned grapefruit falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.7(a) of this chapter, in the manner and form therein specified; however, if the quality of the canned grapefruit falls below standard with respect to only one of the factors of quality specified by subparagraphs (1), (2), or (3) of paragraph (a) of this section, there may be substituted for the second line of such general statement of substandard quality, "Good Food—Not High Grade", a new line as specified after the corresponding designation of paragraph (a) of this section which the canned grapefruit fail to meet:

(1) "Contains extraneous material".
(2)(i) "Excessive tough membrane".
(2)(ii) "Excessive seeds".
(3) "Excessive blemished units".

§ 27.92 Canned grapefruit; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned grapefruit is:

(1) The fill of grapefruit and packing medium, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter, is not less than 90 percent of the total capacity of the container.

(2) The drained weight of grapefruit ingredient is not less than 50 percent of the water capacity of the container, as determined by the method prescribed in paragraph (b) of this section and the general method for water capacity of containers prescribed in § 10.6(a) of this chapter.

(b) Drained weight is determined by the following method: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve is 20.3 centimeters (8 inches) if the quantity of contents of the container is less than 1.4 kilograms (3 pounds) and 30.5 centimeters (12 inches) if such quantity is 1.4 kilograms (3 pounds) or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such sieve set forth in the "Definitions of Terms and Explanatory Notes," page xviii, of the "Official Methods of Analysis of the Association of Official Analytical Chemists",[2] 11th Ed., 1970, except that the nominal sieve size opening for the No. 8 sieve shall be 2.36 millimeters instead of 2.38 millimeters. Without shifting the material on the sieve, incline the sieve at an angle of 17° to 20° to facilitate drainage. Two minutes after the drainage begins, weigh the sieve and drained grapefruit. The weight so found, less the weight of the sieve, shall be considered to be the weight of the drained grapefruit.

(c)(1) A container that falls below the requirement for minimum fill prescribed in paragraph (a)(1) of this section shall be considered a "defective". The food will be deemed to fall below the standard of fill when the number of defectives exceeds the acceptance number (c) in the sampling plans prescribed in § 27.91(b).

(2) Canned grapefruit will be deemed to fall below the standard of fill when the average drained weight of all containers analyzed when sampled according to the sampling plans prescribed in § 27.91(b) is less than that prescribed in paragraph (a)(2) of this section.

(d) If canned grapefruit falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form therein specified.

Interested persons may on or before (October 19, 1973), file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 3, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73–17153 Filed 8–17–73;8:45 am]

[2] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

Social and Rehabilitation Service

[45 CFR Part 250]

MEDICAID; SUSPENSION OF PAYMENTS TO PROVIDERS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement section 290 of P.L. 92–603, Social Security Amendments of 1972, which provides authority for suspension of Medicaid payments to providers who previously participated in the Medicare programs and who have not refunded overpayments or submitted cost reports under that program. The proposed regulations specify the circumstances under which Medicaid payments will be suspended, the procedure for notifying State agencies, and the conditions for resuming payments.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue, SW, Washington, D.C. 20201, on or before September 9, 1973. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street, SW, Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–963–7361).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Dated: June 8, 1973.

FRANCIS D. DEGEORGE,
Acting Administrator, Social and Rehabilitation Service.

Approved: August 13, 1973.
CASPAR W. WEINBERGER,
Secretary.

A new Subpart C and § 250.220 thereunder are added to Part 250 to read as follows:

Subpart C—Fiscal Administration

§ 250.220 Withholding of Federal payments under Medicaid with respect to certain health care facilities.

(a) *Conditions for withholding Federal payments.*

(1) Effective October 30, 1972, no payment shall be made to a State (except as provided under this section) with respect to expenditures incurred by it for services provided by any institution during any period that an order for suspension of payment (as authorized by this section) is effective with respect to such institution.

(2) The Administrator may issue a suspension of payment order with respect to any institution if such institution:

(i) Does not, at the time such order is issued, have in effect an agreement with the Secretary of Health, Education, and Welfare, which is entered into pursuant to section 1866 of the Social Security Act; and

(ii) Did, prior to the time such order is issued, have in effect such an agreement; and

(iii)(A) Has not made repayment or made satisfactory arrangements with the Social Security Administration for the repayment of amounts due on account of overpayments made to it under title XVIII of the Act; or

(B) Has not submitted appropriate data and information to the Social Security Administration for determination of the amount (if any) of the overpayments made to it under title XVIII.

(b) *Application.*

(1) Whenever the Administrator issues any order for suspension of payment to any institution, after having received a notice for suspension of payment from the Commissioner, Social Security Administration, he shall submit a notice of such order to the single State agency of each State which he has reason to believe does or may utilize the services of such institution under an approved title XIX plan.

(2) Any order for suspension of payment shall become effective on the 60th day after the date the State agency receives notice of such order.

(3) Any such order shall cease to be effective at such time as the Administrator receives written notice from the Commissioner, Social Security Administration, that:

(i) The institution is participating in substantial negotiations which seeks to remedy the conditions which gave rise to the order for suspension of payments; or

(ii) The amounts referred to in paragraph (a)(2) of this section are no longer due from such institution; or

(iii) A satisfactory arrangement has been made for the payment by such institution of any such amounts.

(4) Upon receipt of such notice the Administrator shall notify each State agency to which he has theretofore submitted a notice of order of suspension of payments to such institution.

(c) *Resumption of Federal financial participation.* Whenever any order which has been issued by the Administrator under the preceding provisions of this section with respect to an institution ceases to be effective, any Federal financial participation to which any State would have been entitled on account of services provided by such institution shall be made to such State for the month in which such order ceases to be effective.

[FR Doc.73–17303 Filed 8–17–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit Federal Housing Commissioner—(Federal Housing Administration)

[24 CFR Part 200]

[Docket No. R–73–233]

MULTIFAMILY PREVIOUS PARTICIPATION REVIEW AND CLEARANCE

Enforcement Remedies

The Department of Housing and Urban Development is considering amending Part 200 of Title 24 of the Code of Federal Regulations, Subpart H—Enforcement Remedies, to set forth the procedure for multifamily Previous Participation Review and Clearance. This procedure is applicable to all project proposals to be financed with a mortgage insured under the National Housing Act. The purpose of the procedure is to review the previous HUD experience of all principals involved in a proposed project in order to determine the acceptability for mortgage insurance of the proposal with respect to the participation of such principals.

The regulations are to be issued under the authority of section 7(d) of the Department of Housing and Urban Development Act of 1965, 42 U.S.C. 3535(d).

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views or statements with regard to the proposed regulations. Communications should be filed in triplicate, using the above docket number and title, with the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C., 20410. All relevant material received on or before September 21, 1973, will be considered by the Secretary before adoption of a final rule. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

The proposed amendment is as follows:

PREVIOUS PARTICIPATION REVIEW AND CLEARANCE

§ 200.210 Applicability of Procedure.

The Previous Participation Review and Clearance procedure set forth in §§ 200.211 through 200.218 is applicable to every project to be financed with a mortgage insured under the National

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Housing Act and with respect to every purchase of a project subject to a mortgage insured under the National Housing Act. The procedure does not apply to any other Department programs in which a previous participation certificate may be required.

§ 200.211 Previous participation certificate.

(a) A previous participation certificate, on a form prescribed by the Commissioner, shall be filed with respect to every project to be financed with a mortgage insured under the National Housing Act and with respect to every purchase of a project subject to a mortgage insured under the National Housing Act. The certificate must be filed by the applicant with the Request for Feasibility Analysis or Application for Project Mortgage Insurance, Application for Transfer of Physical Assets or Bid to Purchase a Secretary-Owned Project. The certificate shall be executed by each of the principals involved in the project.

(b) Each person who executes the certificate shall, by such execution, certify:

(1) That the persons executing the certificate are the only principals involved in the project or that any principal who has not executed the certificate has filed a separate certificate for the project;

(2) That he has listed every HUD project in which he has participated or had any interest; and

(3) That no project in which he has participated or has had any interest was ever in default or received mortgage relief, except as shown in the certificate.

§ 200.212 Definition of principal.

For the purpose of filing a previous participation certificate under § 200.211, of this title, the term "principal" includes individuals, corporations, joint ventures and partnerships having any interest in a project or participating as a sponsor, owner, general contractor, project manager or management agent, and packager or consultant. The term "principal" also includes architects and attorneys who have any interest in the project other than an arms-length fee arrangement for professional services. If the principal is a partnership or a corporation, the term also includes all general partners and all limited partners having a 10 percent or more interest in the organization or all corporate officers and directors and all stockholders having a 10 percent or more interest in the organization.

§ 200.213 Determination by Director, Participation Control Staff.

(a) *Approval.* The Director, Participation Control Staff, shall, consistent with the authority delegated to him by § 200.59a of this part, approve projects upon a determination that there is no information concerning past HUD program experience involving the previous participation of the principals that is not clearly consistent with the acceptability of new proposals involving their participation.

(b) *Withholding of action.* The Director, Participation Control Staff shall withhold action pending resolution of any problems indicated under the following circumstances:

(1) When an authorized HUD official has requested an audit of a principal or of a project in which a principal has participated and the audit has not yet been completed.

(2) When an audit contains adverse findings that have not been satisfactorily resolved.

In addition, the Director, Participation Control Staff, may withhold action for such other causes as may be authorized by the Multifamily Participation Review Committee.

(c) *Disapproval.* The Director, Participation Control Staff, shall disapprove a project with respect to the participation of a principal under the following circumstances:

(1) When the principal has been refused the benefits of participation under section 512 of the National Housing Act and §§ 200.190 through 200.194 of this part or is the subject of an Unsatisfactory Risk Determination under §§ 200.200 through 200.202 of this part, or debarment or suspension under Part 24 of this Title.

(2) When a principal who has previously been disapproved for participation submits a new proposal and there has been no change in the causes for disapproval and no request for reconsideration.

(d) *Referral to Multifamily Participation Review Committee.* Whenever the Director, Participation Control Staff, cannot make a determination of a case under paragraphs (a) through (c) of this section, he shall refer the case to the Multifamily Participation Review Committee, together with all available information and his recommendation of the action to be taken.

§ 200.214 Determination by Multifamily Participation Review Committee.

The Multifamily Participation Review Committee shall, consistent with its functions as described in 200.93 of this part, make one of the following determinations:

(a) *Approval.* The Multifamily Participation Review Committee shall approve projects upon a determination that there is no information concerning past HUD program experience involving the previous participation of the principals that is not consistent with the acceptability of new proposals involving their participation.

(b) *Withholding of action.* The Multifamily Participation Review Committee shall withhold action when a principal is the subject of an HUD or other governmental investigation and the available information indicates that the investigation, upon completion, may disclose adverse information of the nature described in paragraph (c) of this section or may result in the application of any of the administrative actions described in § 200.213(c)(1) of this part. In addition, the Multifamily Participation Review Committee may, when adverse information of the nature described in paragraph (c) of this section exists, withhold action pending correction of the deficiencies.

(c) *Disapproval* (1) The Multifamily Participation Review Committee may disapprove a project when the following adverse information exists in connection with any HUD project in which a principal has previously participated, provided that the Committee may consider mitigating circumstances in making a determination:

(i) Improper distribution of project funds, diversion of project income, unfunded security deposits or any other use of project assets contrary to HUD requirements that has not been corrected to the satisfaction of the Committee at the time of its consideration;

(ii) Violation of regulatory agreement or noncompliance with any other obligation to HUD that has not been corrected to the satisfaction of the Committee at the time of is consideration;

(iii) One or more foreclosures or defaults on an insured mortgage or mortgages, except when caused by circumstances beyond the principal's control.

(iv) Any serious violation of HUD regulations;

(v) Other noncompliance with program requirements in any HUD program.

(2) The Multifamily Participation Review Committee may also disapprove a project when the following adverse information exists in connection with a principal:

(i) A United States Attorney has advised the Department that prosecution of the principal for a felony is imminent or probable;

(ii) Failure to respond to HUD inquiries or instructions;

(iii) Failure to disclose previous participation.

§ 200.215 Notice of Disapproval.

(a) Whenever a proposed project is disapproved, the Previous Participation Review Officer shall give written notice of the disapproval to the area or insuring office. The notice shall set forth the reasons for disapproval.

(b) The area or insuring office shall give written notice of the disapproval to the applicant and to each principal whose participation was disapproved. The notice to the principal whose participation was disapproved shall set forth the reasons for disapproval.

§ 200.216 Reconsideration.

A principal whose participation in a proposed project has been disapproved may request reconsideration by the Multifamily Participation Review Committee. Such request shall be made in writing and shall contain a statement fully setting forth the action taken by the principal to correct the causes that led to his disapproval.

§ 200.217 Appeal.

A principal whose participation in a proposed project has been disapproved and whose request for reconsideration has resulted in confirmation of the disapproval may appeal under § 24.10 of this title.

§ 200.218 Effect of Procedure.

Approval or disapproval of principals, under §§ 200.210 through 200.217 of this part, shall not be considered as determinative of the feasibility of a project or its acceptability for mortgage insurance purposes except as to the participation of such principals in the project.

Issued at Washington, D.C., August 15, 1973.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner.

[FR Doc.73-17307 Filed 8-17-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 221]

[Docket No. PC-1; Notice 2]

PASSENGER TRAIN VISIBILITY

Extension of Time for Filing Comments; New Date for Public Hearing

On July 16, 1973, the Federal Railroad Administration (FRA) published in the FEDERAL REGISTER a notice of proposed rulemaking to add a new Part 221 to Title 49 of the Code of Federal Regulations to require markings on the rear end of passenger trains to enhance their visibility and protect against rear end collisions (38 FR 18906). The closing date for comments and for public hearing provided in that notice was August 30, 1973.

The Association of American Railroads (AAR) has filed a request for additional time to submit the views and arguments of its member railroads and to make an oral presentation. This request was made due to the complexity of problem areas which have appeared as a result of the preparatory work of several member railroads. The AAR believes that much additional work needs to be done in order for it to make the type of presentation which will be most helpful to the FRA in developing the final rule.

For good cause shown in the AAR request, the FRA has decided to extend the closing date for filing written comments and to set a new time for the public hearing. The new deadline for filing written comments is September 28, 1973. The new time and place for the public hearing are 10:00 a.m., September 28, 1973, in Room 5332, Nassif Building, 400 Seventh St., SW, Washington, D.C. 20590. Persons wishing to make an oral presentation should notify the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW, Washington, D.C. 20590 before September 28. Participants should refer to the original notice (38 FR 18906) for a brief statement of the procedures to be followed at the hearing:

(Sec. 202, 84 Stat. 971, 45 U.S.C. 431, § 1.49(n), 49 CFR 1.49(n)).

Issued in Washington, D.C. on August 14, 1973.

HENRI F. RUSH, JR.
Deputy Administrator.

[FR Doc.73-17036 Filed 8-17-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73-20; Notice 1]

MOTOR VEHICLE SAFETY STANDARDS

Fuel System Integrity Proposal

This notice proposes rear moving barrier, lateral crash, and dynamic rollover requirements to test fuel system integrity.

Motor vehicle collisions accompanied by fire account for between 2,000 and 3,500 fatalities annually. Regulations of the Environmental Protection Agency for fuel evaporative emission control will increase the number of components related to fuel systems in all new vehicles with a GVWR of 6,000 pounds or less, and a corresponding increase in points of potential system failure that could result in the loss of fuel in crashes. Future changes for reduced engine emissions may include the use of afterburners and catalytic converters which will increase engine compartment temperatures and result in exhaust system components operating at temperatures up to 1400°F, well above the ignition temperature of the fuel used to propel the vehicle. Improved fuel containment is therefore essential to traffic safety.

Motor Vehicle Safety Standard No. 301 (9–1–75) published today (38 FR 22397) applies to passenger cars manufactured on or after September 1, 1975, and to multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less manufactured on or after September 1, 1976. This notice proposes additional requirements that would apply to different vehicle categories as of September 1, 1976, and September 1, 1977. Because fire prevention is an essential part of occupant protection during and after crashes, the NHTSA, in its movement towards a systems approach to motor vehicle safety, proposes to incorporate the lateral barrier and dynamic rollover test conditions of Standard No. 208, *Occupant Crash Protection*, into Standard No. 301. As a result, vehicles would be tested under both standards with anthropomorphic dummies installed conforming to 49 CFR Part 572. These effective dates and requirements are discussed in detail below.

Fuel spillage. The basic requirement of the standard is that fuel spillage shall not exceed 1 ounce per minute when a vehicle is tested under specified impact and rollover conditions. The reasons in support of this value are discussed in the preamble to the amendment of Standard No. 301 issued today (38 FR 22397). This notice does not propose a change in the value, but would add more tests under which this limitation must be met.

Frontal barrier crash. The frontal impact test of the amended Standard No. 301 (9–1–75) specifies a perpendicular impact only. The NHTSA believes that the impact range should also include any angle up to 30° in either direction from the perpendicular, since serious frontal crashes occur throughout this range. Under the proposal, passenger cars would meet the angular-crash requirement as of September 1, 1976, and all other vehicles up to 10,000 pounds GVWR a year later.

Rear moving barrier crash. The probability of occurrence of fuel spillage is high in rear-end collisions due to the usual location of the fuel tank and filler pipe. A recent study of rural collisions indicated that fuel spillage occurred in 26 percent of all rear-end car-to-car collisions, as compared with 3.5 percent of front-end impacts. Therefore, the NHTSA considers a rear crash test of primary importance. The rear moving barrier test conditions would be those specified for the lateral moving barrier crash of Standard No. 208 except for the positioning of the barrier and the vehicle. The barrier would impact the vehicle at 30 mph from the rear. Passenger cars and vehicles with a GVWR of 6,000 pounds or less would meet this requirement on September 1, 1976, and heavier vehicles a year later.

Lateral moving barrier crash. The test would be identical to that specified in Standard No. 208—a side impact at 20 mph. Passenger cars would meet this requirement as of September 1, 1976, and all other vehicles a year later, the same date that these vehicles must meet the requirements of Standard No. 208.

Dynamic rollover. The test would be identical to that specified in Standard No. 208—a rollover test at 30 mph. The requirements would become applicable to all vehicles manufactured on or after September 1, 1977. Because occupant entrapment from collapsed vehicle structure minimizes the capability for escape, the NHTSA considers fuel containment in rollovers to be highly important.

Static rollover. This test, an existing requirement of Standard No. 301 (9–1–75), would be extended to vehicles with a GVWR of more than 6,000 pounds but not more than 10,000 pounds, on September 1, 1977. In addition the test, which requires rotation of a vehicle on its longitudinal axis in successive increments of 90°, would be repeated following each impact test. This means that any given vehicle must meet the requirements of a barrier crash from either the front, side, or rear, followed by a static rollover test. Fuel spillage would not exceed 1 ounce per minute at any point in the sequence.

Test conditions. Several new general test conditions are proposed. The vehicle weight condition would be that specified in Standard No. 208. The amendment issued today allows the use of either operating fuel or Stoddard solvent, in accordance with the proposal of August 29, 1970 (35 FR 13799). Alterna-

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tive procedures are generally undesirable from an enforcement standpoint, however, because of the possibility of at least arguable differences in test results between different testing agencies. Under the present proposal, the engine would be idling during all tests. Only its normal operating fuel would be allowed for purposes of realistic testing, although it is recognized that this may increase the cost of testing due to necessary safety precautions. This agency is interested in receiving comments on the extent to which testing costs would be increased by this change.

In consideration of the foregoing, it is proposed that 49 CFR § 571.301, Motor Vehicle Safety Standard No. 301, as effective September 1, 1975, be amended as set forth below.

Interested persons are invited to submit comments on the proposed amendment. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the address above, both before and after the closing date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Comment closing date: October 15, 1973.

Proposed effective date: September 1, 1975, with additional requirements effective September 1, 1976 and September 1, 1977 as indicated.

(Sec. 103, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on August 15, 1973.

JAMES B. GREGORY,
Administrator.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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§ 571.301 Standard no. 301; fuel system integrity. (effective Sept. 1, 1975).

S1. *Scope.* This standard specifies requirements for the integrity of motor vehicle fuel systems.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes.

S3. *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less.

S4. *Definition.* "Fuel spillage" means the fall, flow, or run of fuel from the vehicle but does not include wetness resulting from capillary action.

S5. *General requirements.*

S5.1 *Passenger cars.* Each passenger car manufactured from September 1, 1975, to August 31, 1976, shall meet the requirements of S6.1 in a perpendicular impact only, and S6.5. Each passenger car manufactured on or after September 1, 1976, shall meet all the requirements of S6.1, S6.2, S6.3, and S6.5. Each passenger car manufactured on or after September 1, 1977, shall meet all the requirements of S6.

S5.2 *Vehicles with GVWR of 6,000 pounds or less.* Each multipurpose passenger vehicle truck, and bus with a GVWR of 6,000 pounds or less manufactured from September 1, 1976, to August 31, 1977, shall meet the requirements of S6.1 in a perpendicular impact only, S6.2, and S6.5. Each of these types of vehicles manufactured on or after September 1, 1977, shall meet all the requirements of S6.

S5.3 *Vehicles with GVWR of more than 6,000 pounds but not more than 10,000 pounds.* Each multipurpose passenger vehicle, truck, and bus with a GVWR of more than 6,000 pounds but not more than 10,000 pounds manufactured from September 1, 1976, to August 31, 1977, shall meet the requirements of S6.1 in a perpendicular impact only. Each vehicle manufactured on or after September 1, 1977, shall meet all the requirements of S6.

S5.4 *Fuel spillage: barrier crashes.* Fuel spillage in any barrier crash shall not exceed 1 ounce from impact until motion of the vehicle has ceased, or 1 ounce per minute in the 15-minute period following cessation of motion.

S5.5 *Fuel spillage: rollover.* Fuel spillage on any rollover test shall not exceed 1 ounce per minute.

S6. *Test requirements.*

S6.1 *Frontal barrier crash.* When the vehicle traveling longitudinally forward at any speed up to and including 30 mph impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, or at any angle up to 30° in either direction from the perpendicular to the line of travel of the vehicle, under the applicable conditions of S7, with test dummies as specified in Part 572 of this chapter at each front outboard designated seating position, fuel spillage shall not exceed the limits of S5.4.

S6.2 *Rear moving barrier crash.* When the vehicle is impacted from the rear by a barrier moving at 30 mph, with test dummies as specified in Part 572 of this chapter at each front outboard designated seating position, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.4.

S6.3 *Lateral moving barrier crash.* When the vehicle is impacted laterally on either side by a barrier moving at 20 mph with test dummies as specified in Part 572 of this chapter at the outboard designated seating positions adjacent to the impacted side, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.4.

S6.4 *Dynamic rollover.* When the vehicle is subjected to a rollover test in either lateral direction at 30 mph with test dummies as specified in Part 572 of this chapter in the outboard designated seating positions on its lower side as mounted on the test platform, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.5.

S6.5 *Static rollover.* When the vehicle is rotated on its longitudinal axis to each successive increment of 90°, following each impact crash of S6.1, S6.2, and S6.3, fuel spillage shall not exceed the limits of S5.5.

S7. *Test conditions.* The requirements of S5 and S6 shall be met under the following conditions. Where a range of conditions is specified, the vehicle must be capable of meeting the requirements at all points within the range.

S7.1 *General test conditions.* The following conditions apply to all tests.

S7.1.1 The engine is idling at normal operating temperature.

S7.1.2 The fuel tank is filled to any level between 90 and 100 percent of capacity with the fuel recommended by the manufacturer for operation of the vehicle.

S7.1.3 The fuel system other than the fuel tank is filled with fuel to its normal operating level.

S7.1.4 If the vehicle has an electrically driven fuel pump, it is operating at the time of a barrier crash.

S7.1.5 The parking brake is disengaged and the transmission is in neutral, except during S6.2 when the parking brake is set.

S7.1.7 The vehicle, including test devices and instrumentation, is loaded as follows:

(a) A passenger car is loaded to its unloaded vehicle weight plus its rated cargo and luggage capacity weight, secured in the luggage area, plus the weight of the necessary test dummies.

(b) A multipurpose passenger vehicle, truck, or bus is loaded to its unloaded vehicle weight plus 300 pounds or its rated cargo and luggage capacity weight, whichever is less, secured in the load carrying area and distributed as nearly as possible in proportion to its gross axle weight ratings, plus the weight of the necessary test dummies.

S7.1.8 Tires are inflated to manufacturer's specifications.

S7.2 *Lateral moving barrier crash test conditions.* The lateral moving barrier crash test conditions are those specified in S8.2 of Standard No. 208, 49 CFR 571.208.

S7.3 *Rear moving barrier test conditions.* The rear moving barrier test conditions are those specified in S8.2 of Standard No. 208, 49 CFR 571.208, except for the positioning of the barrier and the vehicle. The barrier and test vehicle are positioned so that at impact—

(a) The vehicle is at rest in its normal attitude;

(b) The barrier is traveling at 30 mph with its face perpendicular to the longitudinal centerline of the vehicle; and

(c) A vertical plane through the geometric center of the barrier impact surface and perpendicular to that surface coincides with the longitudinal centerline of the vehicle.

S7.4 *Static rollover test conditions.* The vehicle is rotated to each successive increment at a uniform rate with 90° of rotation taking place in not less than 1 minute and not more than 3 minutes. After reaching a 90° increment the vehicle is held in that position for 5 minutes.

[FR Doc.73-17301 Filed 8-16-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

PREVENTION OF SIGNIFICANT AIR QUALITY DETERIORATION

Public Hearing

On Monday, July 16, 1973 the Administrator of the Environmental Protection Agency published proposed regulations for preventing significant deterioration of air quality in areas where air pollution levels currently are below the national ambient air quality standards (38 FR 18986). The proposal included notice of public hearings in a number of cities, including one to be held in Washington, D.C. on August 27 and 28, 1973.

Notice is hereby given that the hearing scheduled for Washington, D.C. will be convened at 9:30 am (e.d.t.) in Room 3906 at Waterside Mall, 401 M Street, SW., Washington, D.C. The hearing is intended to provide an opportunity for interested persons to state their views or arguments or to provide information on the July 16, 1973 proposals. As stated in said proposal, relevant comments on all aspects of the impact of restrictions on deterioration are invited. Particular attention is directed to what might appropriately be considered "deterioration" and what degree of deterioration might be appropriately considered "significant".

Mr. Robert L. Baum is hereby designated the Presiding Officer for the Hearing. He will have responsibility for maintaining order, excluding irrelevant or repetitious material, scheduling presentations and, to the extent possible, notifying participants of the time at which they may appear. The hearings will be conducted informally. Technical rules of evidence will not apply.

Persons wishing to make a statement at such hearing are requested to file a notice of such intention not later than 12 days prior to the hearing and, not later than 5 days prior to the hearing, if practicable, to submit three copies of the proposed statement to Mr. Robert L. Baum, Associate General Counsel, Office of Air Quality and Radiation Division, Waterside Mall, Room 509 West Tower, 401 M Street, SW., Washington, D.C. 20460, 202/755-0744.

Date August 3, 1973.

ALAN G. KIRK II,
Acting General Counsel.

[FR Doc.73-17239 Filed 8-17-73;8:45 am]

V 38-160 AUG 20 73 XUM

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ASSISTANT COMMISSIONER (STABILIZATION), ET AL.

Delegation of Authority Implementing Initial Phase IV Functions

AUGUST 13, 1973.

1. The authority granted the Commissioner of Internal Revenue by Cost of Living Council Order No. 37 and Treasury Department Order No. 150–82 is hereby redelegated to the Assistant Commissioner (Stabilization), Regional Commissioners, Assistant Regional Commissioners (Stabilization), and District Directors and also to Key District Directors to exercise in and for the related Associate Districts. Key District Directors will exercise functional supervision over Stabilization activities in related Associate Districts.

Key districts	*Associate districts*
Boston	Augusta
	Burlington
	Portsmouth
Brooklyn	None
Buffalo	Albany
Hartford	Providence
Manhattan	None
Baltimore	None
Richmond	None
Newark	None
Philadelphia	Wilmington
Pittsburgh	None
Atlanta	Birmingham
Jacksonville	None
Greensboro	Columbia
Nashville	Jackson
Cincinnati	Louisville
Indianapolis	None
Cleveland	Parkersburg
Detroit	None
Chicago	None
St. Louis	Springfield
Des Moines	Omaha
St. Paul	Aberdeen
	Fargo
Milwaukee	None
Austin	New Orleans
Dallas	Albuquerque
Oklahoma City	Cheyenne
	Denver
	Little Rock
	Wichita
Los Angeles	Honolulu
	Phoenix
San Francisco	Reno
	Salt Lake City
Seattle	Anchorage
	Boise
	Helena
	Portland

2. This authority may be redelegated by the Assistant Commissioner (Stabilization), Regional Commissioners, Assistant Regional Commissioners (Stabilization) and District Directors and may not be further redelegated.

Effective date: August 13, 1973.

[SEAL] DONALD C. ALEXANDER,
Commissioner.

[FR Doc.73-17283 Filed 8-17-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

GRAINS AND SIMILARLY HANDLED COMMODITIES

Notice of Deferred Repayment Option for Warehouse Stored Loans on Barley, Corn, Grain Sorghum, Oats, Rye, Soybeans, and Wheat

Notwithstanding the notice of final date for redemption of warehouse storage loans made under 1970, 1971, and 1972 Commodity Loan Programs as published in the FEDERAL REGISTER (38 FR 10649–10650) and (38 FR 14114 and 14417), notice is hereby given that in Colorado, Kansas, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, Ohio, South Dakota, Texas, Washington, Wisconsin, and Wyoming, in accordance with the announcement previously made by the Department of Agriculture, producers of barley, corn, grain sorghum, oats, rye, soybeans, and wheat mortgaged to the Commodity Credit Corporation (CCC), under its regular warehouse storage loan program and extended warehouse storage loan program, may arrange to defer the final date for repayment of such loans for an initial period of 30 days beyond their regular maturity date and for such additional 30 day periods as may be authorized by CCC. Additional requirements are more fully set forth below.

Notwithstanding the terms and conditions for liquidation of warehouse storage loans as contained in the program regulations and the Warehouse Storage Note and Security Agreement, the county ASC committee may designate areas and authorize deferment of the final date for repayment of current and extended loans for an initial period of 30 days beyond the maturity date.

The deferment option is available only to producers who intend to repay their loans. The county ASC committee may authorize additional extensions of the deferred payment period beyond such initial 30 day period when deemed necessary.

Producers who elect the deferred repayment option will be required to sign an agreement with CCC wherein the producer is responsible for the storage on both current year and extended warehouse loans from the maturity date until the loan has been liquidated. All other terms and conditions of the program regulations and Warehouse Storage Note and Security Agreement shall continue to apply. Except that no interest will be charged for the deferment period for warehouse stored oat loans that are repaid by producers selecting the deferment option.

Effective date: August 13, 1973.

Signed at Washington, D.C. on August 13, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-17265 Filed 8-17-73;8:45 am]

Forest Service

1973 VEGETATION MANAGEMENT PROGRAM ON THE MT. HOOD, ROGUE RIVER & WILLAMETTE NAT'L FORESTS, OREGON

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a final environmental statement for the 1973 Vegetation Management Program on the Mt. Hood, Rogue River and Willamette National Forests, Oregon. USDA–FS–FES (Adm) 73–43.

The environmental statement concerns a proposed use of the herbicides 2, 4–D; 5–T; Amitrole, Dicamba, Silvex and Picloram on three National Forests located in the Cascade Mtns. of Oregon. These herbicides would be used for reforestation, site preparation, utility and road right-of-way maintenance, range revegetation and noxious weed control.

This final environmental statement was filed with CEQ on August 13, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 SW Pine Street
Portland, Oregon 97204

Mt. Hood Nat'l Forest
340 NE 122nd Avenue
Portland, Oregon 97216
Willamette National Forest
210 E. 11th Avenue
Eugene, Oregon 97401
Rogue Rivers Nat'l Forest
Federal Building
Medford, Oregon 97501

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA. 22151.

Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

AUGUST 15, 1973.

[FR Doc.73-17313 Filed 8-17-73;8:45 am]

MULTIPLE USE PLAN—UPPER WEST FORK PLANNING UNIT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Multiple Use Plan—Upper West Fork Planning Unit, Forest Service Report Number USDA–FS–DES (Adm) 73–95.

The environmental statement concerns the proposed implementation of a revised Multiple Use Plan for the Upper West Fork Planning Unit, West Fork Ranger District, Bitterroot National Forest, Ravalli County, Montana. About 157,000 acres of National Forest land are affected. The planning unit is divided into eight subunits (management units) of similar resource potential and limitations to management. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

The draft environmental statement was filed with C.E.Q. on August 13, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building, Room 3077
Missoula, Montana 59801

USDA, Forest Service
Bitterroot National Forest
316 North Third Street
Hamilton, Montana 59840

USDA, Forest Service
West Fork Ranger Station
Darby, Montana 59829

A limited number of single copies are available upon request to:

Orville L. Daniels, Forest Supervisor
Bitterroot National Forest
316 North Third Street
Hamilton, Montana 59840

Dean Byrne, District Ranger
West Fork Ranger District
Darby, Montana 59829

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been specifically requested.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Orville L. Daniels, Bitterroot National Forest, 316 North Third Street, Hamilton, Montana 59840. Comments must be received by October 15, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

AUGUST 15, 1973.

[FR Doc.73-17314 Filed 8-17-73;8:45 am]

PROPOSAL FOR VEGETATION CONTROL WITH HERBICIDES IN THE STATE OF ARIZONA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement of a Proposal for Vegetation Control with Herbicides in the State of Arizona, Apache and Coconino National Forests, USDA–FS–FES (Adm) 73–61.

The purpose of the statement is for the control of invading snakeweed and iris. There should be no significant environmental impact, and careful site selection should minimize adverse environmental effects on water organisms and the air.

The final environmental statement was filed with CEQ on August 13, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
14th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Southwestern Region
517 Gold Avenue, S.W.
Albuquerque, New Mexico 87101

Apache National Forest
Federal Building
Springerville, Arizona 85938

Coconino National Forest
114 North San Francisco
Flagstaff, Arizona 86002

Copies are available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151; and Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement above when ordering.

A limited number of single copies are available upon request to William D. Hurst, Regional Forester, Southwestern Region, U.S. Forest Service, 517 Gold Avenue, SW., Albuquerque, New Mexico 87101.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

AUGUST 15, 1973.

[FR Doc.73-17312 Filed 8-17-73;8:45 am]

Packers and Stockyards Administration

SAND MOUNTAIN LIVESTOCK MARKET KILPATRICK, ALABAMA, ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AL–155	Sand Moutain Livestock Market Kilpatrick, Alabama
AZ–106	Snowflake Livestock Auction Snowflake, Arizona
NM–115	Socorro Livestock Commission Socorro, New Mexico
NC–145	Breeders Livestock Sales Asheboro, North Carolina
NC–146	R. H. Lanier Horse Auction Chinquapin, North Carolina
OK–191	Beeline Auction Yards, Inc. Glenpool, Oklahoma

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Wash-

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ington, D.C. 20250, by September 4, 1973.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 13th day of August, 1973.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.73-17263 Filed 8-17-73;8:45 am]

Soil Conservation Service

BAKER LAKE WATERSHED PROJECT, MONTANA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Baker Lake Watershed Project, Fallon County, Montana, USDA-SCS-ES-WS-(ADM)-73-30(F).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment and a floodwater retarding structure.

This final environmental statement was transmitted to CEQ on

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, SW., Washington, D.C. 20250

Soil Conservation Service, USDA, Room 474, Federal Building, Bozeman, Montana 59715

Baker Lake Watershed Project, Montana Notice of Availability of Final Environmental Statement

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please order by name and number of statement. The estimated cost is $4.50.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Service.)

WM. B. DAVEY,
Deputy Administrator for Water Resources Soil Conservation Service.

AUGUST 10, 1973.

[FR Doc.73-17261 Filed 8-17-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION; NATIONAL COUNCIL SEARCH COMMITTEE

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) that the National Council Search Committee will hold one meeting in August, 1973. The National Council Search Committee will meet at the Cosmopolitan Hotel, 18th & Broadway, Denver, Colorado, August 21, 22, and 23 from 8:00 a.m. to 5:00 p.m. daily local time. The purpose of the meeting will be to review and screen applications submitted for the position of Deputy Commissioner for Indian Education in the U.S. Office of Education.

Because of limited space for the meeting, all persons wishing to attend should request reservations from the National Advisory Council on Indian Education, 490 L' Enfant Plaza, East, SW, Washington, D.C. 20202, phone 554-2350.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council address above.

Signed at Washington, D.C. on August 10, 1973.

FRANK B. MCGETTRICK,
Acting Deputy Commissioner on Indian Education.

[FR Doc.73-17295 Filed 8-17-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) that the National Advisory Council will meet at the Cosmopolitan Hotel, 18th & Broadway, Denver, Colorado, August 23 and 24 and possibly the 25th from 8:00 a.m. to 5:00 p.m. daily, local time. The purpose of the meeting will be to interview applicants for the position of Deputy Commissioner for Indian Education, and to prepare a list of nominees for such position which will be forwarded to the U.S. Commissioner of Education for his consideration.

Because of limited space for the meeting, all persons wishing to attend should request reservations from the National Advisory Council on Indian Education, 490 L'Enfant Plaza, East, SW., Washington, D.C. 20202, phone 554-2350.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council address above.

Signed at Washington, D.C. on August 10, 1973.

FRANK B. MCGETTRICK,
Acting Deputy Commissioner on Indian Education.

[FR Doc.73-17296 Filed 8-17-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Notice of Meeting

Notice is hereby given, pursuant to PL-92-463, that the next meeting of the National Advisory Council on Vocational Education will be held on September 6, 1973, from 8:00 p.m. to 10:00 p.m., local time, and on September 7, 1973, from 9:00 a.m. to 5:00 p.m., local time, at the L'enfant Plaza Hotel, Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meetings of the Council shall be open to the public. The proposed agenda includes:

Report from the White House by James Cavanaugh, Associate Director, Domestic Council

Discussion of Future legislation related to vocational education with Congressmen William Steiger (R, Wisconsin) and Orval Hansen (R, Idaho)

Report from the Office of Education Committee Reports

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Council's Executive Director, located in Suite 412, 425-13th Street, N.W., Washington, D.C. 20004

Signed at Washington, D.C., on August 7, 1973.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.73-17252 Filed 8-17-73;8:45 am]

National Institutes of Health

ADVISORY COMMITTEES

Notice of Establishment and Renewals

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the National Institutes of Health announces the following actions by the Secretary, DHEW:

1. The establishment on June 30, 1973, of the Maternal and Child Health Research Committee. The function of the committee is to advise the Director, National Institute of Child Health and Human Development on research in perinatal biology, infant mortality, growth and development. It also reviews applications for program project grants in the fields of perinatal biology, infant mortality, growth and development and forwards recommendations to the National Advisory Child Health and Human Development Council.

Authority for this committee will expire January 4, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

2. Extending the life of the following advisory committees on June 30, 1973: Board of Scientific Counselors, National Eye Institute. The function of this committee is to advise the Director, NIH, the Institute Director, and the Director of Intramural Research, on the intramural research programs through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists. Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Board of Scientific Counselors, National Heart and Lung Institute. The function of the committee is to advise the Director, NIH, the Institute Director, and the Director of Intramural Research, on the intramural research programs through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases. The function of the committee is to advise the Director, NIH, the Director, NIAID, and the Scientific Director, NIAID, on the intramural research programs through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Cardiovascular and Pulmonary Study Section, Division of Research Grants. The function of the committee is to advise the Director, NIH, regarding applications for grants-in-aid relating to the basic and clinical aspects of function in normal and disease states. The functional areas include all aspects of the Cardiovascular system and most aspects of the respiratory system. It will assume full responsibility for those proposals involving the respiratory system formerly shared with the Cardiovascular Pulmonary Research B Study Section. Surveys, as scientific leaders, the status of research in their field.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Communicative Sciences Study Section, Division of Research Grants. The function of the committee is to advise the Director, NIH, regarding applications for grants-in-aid involving research in hearing, speech, language development, linguistics, tactile perception, gustation, olfaction, and all modes of sensory communication and perception, other than visual. Surveys as scientific leaders the status of research in their field.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Experimental Psychology Study Section, Division of Research Grants. The function of the committee is to advise the Director, NIH, regarding applications for grants-in-aid relating to the study of behavior ranging from purely behavioral studies (response rate as a function of reinforcement schedule) to those in which neurophysiological substrates of behavior play an important role. Surveys as scientific leaders the status of research in their field.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Immunobiology Study Section, Division of Research Grants. The function of the committee is to advise the Director, NIH, regarding applications for grants-in-aid relating to multidisciplinary problems of tissue and organ transplantation involving tissue-specific antagonisms, tolerance, and immunosuppression as well as studies directed toward tumor immunity, autoimmunity, allergy and all processes involving immediate and cell-mediated hypersensitivities. Surveys as scientific leaders, the status of research in their field.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Neurology A Study Section, Division of Research Grants. The function of the committee is to advise the Director, NIH, regarding applications for grants-in-aid relating to the following multidisciplinary areas of neurological science: biomedical physics, clinical neurology, neuroanatomy, neurochemistry, neuroendocrinology, neuropathology, neurophysiology, neuroradiology, neurosurgery, and physiological psychology. Surveys as scientific leaders, the status of research in their field.

Authority for the committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Physiological Chemistry Study Section, Division of Research Grants. The function of the committee is to advise the Director, NIH, regarding applications for grants-in-aid relating to studies of the chemical reactions, in vivo and in vitro which take place in biological systems and which deal with biochemical mechanisms of function, assimilation, transport, metabolism, and excretion of exogenous and endogenous substances, in single and multiple cell systems. Surveys as scientific leaders, the status of research in their field.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Radiation Study Section, Division of Research Grants. The function of the committee is to advise the Director, NIH, regarding applications for grants-in-aid relating to the diagnostic and therapeutic aspects of ionizing radiation applied clinically or to basic research problems. Surveys as scientific leaders, the status of research in their field.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Sickle Cell Disease Advisory Committee, Office of the Secretary, DHEW. The function of the committee is to advise the Secretary, HEW, or his designee, on the sickle cell disease program and its implementation. Also makes recommendations concerning the planning, execution and evaluation of the program.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Surgery A Study Section, Division of Research Grants. The function of the committee is to advise the Director, NIH, regarding applications for grant-in-aid relating to the investigation of the physiological biochemical, pathological, anatomical, immunological, bacteriological, pharmacological, and medical bases of surgical problems. Surveys as scientific leaders, the status of research in their field.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Toxicology Study Section, Division of Research Grants. The function of the committee is to advise the Director, NIH, regarding applications for grants-in-aid relating to the toxicological effects and epidemiology of chemical substances alone or in food, water, or air, and toxicological problems of a forensic nature. Surveys as scientific leaders, the status of research in their field.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

JOHN F. SHERMAN,
Deputy Director, NIH.

AUGUST 10, 1973.

[FR Doc.73-17284 Filed 8-17-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-73-249]

CERTAIN HUD EMPLOYEES IN REGION III (PHILADELPHIA)

Redelegation of Authority To Administer Oaths Under Title VIII (Fair Housing) of Civil Rights Act of 1968

Each of the following named employees in the Department of Housing and Urban Development, Region III (Philadelphia) is hereby authorized to administer oaths under section 811(a)

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of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3611(a):

Theodore M. Daly Jr.	Robert W. Zowney
Leonard D. Schramm	Kathleen V. Manning
Robert H. Myers	Joseph P. Saunders
Walter L. Purnell	Margaret J. Boyle
Benton C. Epps	Maurice A. Coates
Carol A. Sprague	Eate L. Evans

Revocation of prior redelegation. The prior delegation of authority to administer oaths under Title VIII (Fair Housing) of Civil Rights Act of 1968, published in 35 FR 4417, March 12, 1970, is hereby revoked as of the date of publication in the FEDERAL REGISTER.

(Redelegation of authority by Regional Administrator, effective June 17, 1970, 35 FR 9943, June 17, 1970).

Effective Date: August 20, 1973.

WAGNER D. JACKSON,
Assistant Regional Administrator for Equal Opportunity, Region III.

[FR Doc.73-17257 Filed 8-17-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

UNIFORM TRAFFIC CONTROL DEVICES ON NATIONAL PARK SERVICE ROADS

Notice of Memorandum of Understanding

The Memorandum of Understanding between the National Park Service and the Federal Highway Administration set forth below is published as a matter of public record and shall be effective August 20, 1973.

In accordance with this Agreement, the appropriate symbol sizes and usage categories (sec. 4a) will be republished in the FEDERAL REGISTER by the National Park Service and are not included herein.

MEMORANDUM OF UNDERSTANDING BETWEEN THE NATIONAL PARK SERVICE AND THE FEDERAL HIGHWAY ADMINISTRATION

This Memorandum of Understanding between the National Park Service (hereinafter called NPS) and the Federal Highway Administration (hereinafter called FHWA) will serve to conform all discrepancies between the "Manual on Uniform Traffic Control Devices" (hereinafter called MUTCD) and the NPS Sign System Specifications (hereinafter called NPS SSS) until such time as the NPS SSS is revised to reflect necessary changes, and official rulings on requests for interpretation, changes, and experimentations have been published for the MUTCD.

Specific agreements between the NPS and the FHWA are:

1. We agree that brown as presently specified in the NPS SSS shall be the official background color and white the legend color for all NPS informational, directional, guide, and service signs except as noted below:

a. On State-owned and operated highways, such as Interstate 40 traversing Petrified Forest National Park, all signs, pavement markings, and other traffic control devices required for display of regulations, information, warning and guidance shall be in conformance with standards contained in the MUTCD. Where four-lane parkways, operated by the NPS, interchange with Interstate System highways, one advance guide sign and one exit direction sign in each direction, having a white legend on a green background and otherwise conforming to requirements of the MUTCD, Section 2-F, shall be displayed. Such signs are considered to be an integral part of signing for the Interstate System and, therefore, eligible for Federal-Aid Interstate (FAI) fund participation through the respective State Highway Department.

b. On highways owned, constructed and operated by the NPS, such as the East Side Highway in Grand Teton National Park and most other such roads, necessary informational, directional, guide and service signs shall meet the requirements of the NPS SSS.

c. All information and guide signs on the Baltimore-Washington Parkway and on the Suitland Parkway shall have a white legend on a green background in conformance with the MUTCD.

d. All new signs installed subsequent to December 31, 1973, shall be in accordance with this agreement. The conversion of all existing signs on NPS roads, in accordance with this agreement, shall be completed by December 31, 1978.

2. We agree that all warning and regulatory signs installed on all NPS roads open to public vehicular travel shall be as specified in the latest edition of the MUTCD.

3. We agree that NPS modified Clarendon shall be the official alphabet for all NPS informational, directional, guide and service sign legends.

4. We agree that NPS SSS symbols shall be used as below:

a. The symbol sizes and usage category prescribed for use on NPS roads shall be as shown on the attached chart, which will be integrated into Chapter 9 and Appendix B of the NPS SSS. These recreation symbols shall be used with care to avoid confusion with prescribed symbol use on warning and regulatory signs. The symbols and other legend shall be white on brown background and shall be used on all NPS informational, directional, guide and service signs as a legend component, or used singly or in groups of two or three on an individual post.

b. We agree that the FHWA will carefully study the entire group of recreation symbols for additions to, or corrections of, graphics of symbols presently used in the warning and regulatory series of the MUTCD.

c. We agree that elements of the NPS SSS in conflict with current standards, such as the Federal recreation symbols, will be considered, as appropriate, by the FHWA and their National Advisory Committee as a possible supplement to, or the basis for, an official ruling on the MUTCD for appropriate use by other recreational agencies on a National basis.

d. We agree that NPS should republish the symbols in the Federal Register, thereby making these legal for their use on NPS lands.

5. We agree that, when used, and on the recommendation of the NPS Regional Director, roadways will be marked, that markings shall comply with the MUTCD as stated in Mr. Lawrence C. Hadley's December 22, 1972, memorandum to all Field Directors. Under no circumstances shall there be more than two centerline stripes as provided in the latest edition of the MUTCD. Specific policies and regulations governing specific use of pavement markings, in conformance with the principles contained in the MUTCD, will be developed by the NPS. Conformance date shall be December 31, 1974.

6. We agree that, when used, traffic control signals shall conform with the MUTCD. Specific policies or regulations may be developed by the NPS covering traffic signal use. Traffic signals shall be used only on the recommendation of the NPS Regional Director and conformance, where used, shall be by December 31, 1976.

7. We agree that PART VI of the MUTCD, "Traffic Controls for Street and Highway Construction and Maintenance Operations," shall govern the design, application, installation, and maintenance of traffic control devices required for road construction and maintenance operations.

Dated: August 3, 1973.

Recommending:

JOINT CHAIRMEN, INTERAGENCY TASK FORCE,

J. E. N. JENSEN,
Assistant Director, Service Center Operations, National Park Service.

LESTER P. LAMM,
Executive Director, Federal Highway Administration.

RONALD H. WALKER,
Director, National Park Service.

NORBERT T. TIEMANN,
Administrator, Federal Highway Administration.

[FR Doc.73-17277 Filed 8-17-73;8:45 am]

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE; EXECUTIVE SUBCOMMITTEE

Notice of Public Meeting

On September 7, 1973, the National Highway Safety Advisory Committee's Executive Subcommittee will hold an open meeting at the Department of Transportation headquarters building, 400 Seventh Street, SW., Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The Executive Subcommittee will meet from 9 a.m. to 12 noon in room 4238 with the following agenda, subject to approval by the Secretary:

Review of Department responses to Committee recommendations of May 1973

Discussion and formulation of plans for future Committee actions

Subcommittee on Research and Program Development

Subcommittee on Standards Implementation

Ad Hoc Task Force on Adjudication

Full Committee Meeting

New Business

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued on: August 14, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-17299 Filed 8-17-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-329A, 50-330A]

CONSUMERS POWER CO.

Notice and Order for Prehearing Conference

AUGUST 14, 1973.

In the matter of Consumers Power Company (Midland Plant, Units 1 and 2)

TAKE NOTICE that a prehearing conference in the subject proceeding will be held on September 7, 1973, at 10 a.m., local time, in Hearing Room C (first floor), Interstate Commerce Commission, 12th and Constitution Avenue, NW, Washington, D.C. 20423.

The primary purpose of this prehearing conference is to determine the status of compliance by the intervenors and the non-party municipal utilities to the discovery requests of the Applicant. In addition, the Board will discuss other matters that will facilitate the evidentiary hearing.

Issued at Washington, D.C. this 14th day of August 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
J. V. LEEDS, Jr.

HUGH K. CLARK

JEROME GARFINKEL,
Chairman.

[FR Doc.73-17200 Filed 8-17-73;8:45 am]

[Docket No. 50-442]

INSTITUTE FOR RESOURCE MANAGEMENT, INC.

Notice of Application for and Consideration of Insurance of Facility Export License

Please take notice that the Institute for Resource Management, Inc., Bethesda, Maryland, has submitted to the Atomic Energy Commission an application for a license to authorize the export of a research reactor with a power level of 10 watts to the University of the West Indies, Kingston, Jamaica, West Indies, and that the issuance of such license is under consideration by the Atomic Energy Commission.

No license authorizing the proposed reactor export will be issued until the Atomic Energy Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Atomic Energy Commission has found that:

(a) The application complies with the requirements of the Act, and the Atomic Energy Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Atomic Energy Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless on or before September 4, 1973, a request for hearing is filed with the Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may, upon the determinations and findings noted above, cause to be issued to the Institute for Resource Management, Inc., a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If the request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Atomic Energy Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street, NW, Washington, D.C.

Dated at Bethesda, Maryland this 13th day of August, 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials Directorate of Licensing.

[FR Doc.73-17201 Filed 8-17-73;8:45 am]

[Docket No. 50-332]

ALLIED-GULF NUCLEAR SERVICES, ET AL.

Order Extending Completion Date

Allied-Gulf Nuclear Services, Allied Chemical Nuclear Products, Inc., and Gulf Oil Corporation are holders of Construction Permit No. CPCSF-4 issued by the Commission on December 18, 1970, for the construction of the Barnwell Nuclear Fuel Plant, an irradiated fuel processing plant, presently under construction at the applicants' site in Barnwell County, South Carolina, about seven and one-half miles east of the Town of Barnwell, South Carolina.

On May 31, 1973, the applicants filed a request for an extension of the completion date because start of construction had been delayed one year and because construction also has been delayed due to several mutually dependent variables which include (i) too short a completion schedule considering the complexity of the project, (ii) lower than predicted labor productivity, and (iii) inclement weather. The Director of Regulation having determined that this action involves no significant hazards considerations, and good cause having been shown, the bases for which are set forth in a memorandum from D. A. Nussbaumer to S. H. Smiley dated July 31, 1973:

It Is Hereby Ordered That, The latest completion date for CPCSF-4 is extended from January 1, 1974 to December 31, 1976.

Date of Issuance: August 13, 1973.

ATOMIC ENERGY COMMISSION.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Director of Licensing.

[FR Doc.73-17294 Filed 8-17-73;8:45 am]

CAROLINA POWER AND LIGHT CO.

Establishment of Atomic Safety and Licensing Board To Rule on Petitions To Intervene

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (27 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

CAROLINA POWER AND LIGHT COMPANY
(H. B. Robinson Unit No. 2)
Docket No. 50-261

This action is in reference to the "Notice of Opportunity for Hearing Pursuant to 10 CFR Part 50 Appendix D, Section B" published by the Commission on July 18, 1973 in the above matter (38 FR 19148).

The members of the Board are:

James R. Yore, Esq., Chairman
Robert M. Lazo, Esq., Member
Dr. Marvin M. Mann, Member

Dated at: Washington, D.C. this 15th day of August 1973.

ATOMIC SAFETY AND LICENSING BOARD PANEL.
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.73-17291 Filed 8-17-73;8:45 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT (FORT CALHOUN STATION, UNIT NO. 1)

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has

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assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding:

William C. Parler, Chairman
Dr. John H. Buck, Member
Michael C. Farrar, Member

Dated: August 13, 1973.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.73-17292 Filed 8-17-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23333; Order 73-8-61]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of August 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted at a local meeting held in St. Thomas, Virgin Islands on May 9, 1973 between American Airlines, Inc., Eastern Air Lines, Inc., and Pan American World Airways, Inc. The agreement, which relates to storage charges for valuable cargo (i.e. cargo whose value exceeds $8.16 per pound) and which applies only to the Virgin Islands, has been assigned the above C.A.B. agreement number.

The agreement would impose a daily storage charge limited to the Virgin Islands to be assessed three days after notification to the consignee or his agent, for valuable cargo[1] in the amount of $0.50 per $100.00 of value subject to a minimum charge of $5.00.

The currently effective agreement on file with the Board stipulates that the carriers will charge $0.50 per 100 pounds or fraction thereof per day subject to a minimum charge of $4.00 per shipment for storage in excess of three days. It is apparently contemplated that upon effectiveness of the new resolution the application of the current charges would be limited to situations where the declared value of the cargo was not in excess of $8.16 per pound, and that the proposed storage charges for valuable cargo would be in lieu of, but not in addition thereto; however, the carriers' filing is not clear in this regard. Tariffs are currently on file to implement the presently effective resolution with respect to international transportation of cargo. Under the present tariff conditions, for example, a shipment of 2,000 pounds would be assessed storage charges of $10.00 daily regardless of the declared value of the goods. Under the proposed agreement the $10.00 daily charge would continue to apply only if the declared value of the goods was $8.16 per pound or less. If, in fact, the declared value of the 2,000-pound shipment was $16,400 ($8.20 per pound) the total charge assessed would amount to $82.00 per day compared with the present $10.00 assessment.

We shall disapprove this agreement as no justification has been provided to support its approval. Our concern herein is similar to that expressed by the Board on a number of previous occasions regarding excess value charges imposed in international air transportation.[2] No showing has been made justifying the application of higher charges to the Virgin Islands for storage, or that the sum of $0.50 per $100 in declared value is reasonably related to the costs or risks incurred during this holding period under honest, economical and efficient management. Neither have the carriers shown why any charge should be assessed, based on the total value of the shipment, since a declared value of $8.16 coverage is automatically provided under the carriers' tariffs. Moreover, a serious question is further presented as to whether the imposition of this holding charge, based upon declarations of excess-valuation in excess of $8.16 per pound, does not result in a duplication of excess valuation charges, at least with respect to cargo subject to the provision of the Warsaw Convention (49 Stat. 3000). In this regard, Article 18(1) of the Convention imposes liability for loss or damage to goods if the occurrence took place during transportation by air, and under Article 18(2) transportation by air encompasses occurrences during the period which the goods are in charge of the carrier, whether in an airport or on board an aircraft. Accordingly, it would appear that the liability imposed upon the carrier under Warsaw, including liability in excess of 250 francs per kilogram ($8.16 per pound) pursuant to special declaration[3] continues during the time that the goods are in charge of the carrier, and that the shipper having paid an excess valuation charge in connection with the transportation would be subject to a double charge for excess valuation under the instant proposal.

We therefore find that the agreement herein presented for approval is adverse to the public interest and that it should be disapproved.

Accordingly, it is ordered, That:

Pursuant to the provisions of the Federal Aviation Act of 1958, and particularly sections 404, 412, and 414 thereof, Agreement C.A.B. 23775 is hereby disapproved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-17309 Filed 8-17-73;8:45 am]

[Docket 25334]

TRANS-PROVINCIAL AIRLINES, LTD. FOREIGN AIR CARRIER PERMIT APPLICATION PRINCE RUPERT, BRITISH COLUMBIA-KETCHIKAN, ALASKA, SERVICE

Notice of Postponement of Prehearing Conference and Hearing

Notice is hereby given that the prehearing conference and hearing in the above-entitled matter now assigned to be held on August 21, 1973, (38 FR 20361, July 31, 1973) is hereby postponed to September 6, 1973, at 10:00 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. The postponement is at the request of the applicant which has represented by letter that it has recently retained new counsel and cannot have its evidence prepared in time to comply with the present procedural dates.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before August 30, 1973.

Dated at Washington, D.C., August 14, 1973.

[SEAL] WILLIAM H. DAPPER,
Administrative Law Judge.

[FR Doc.73-17308 Filed 8-17-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. F-190]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a gas, electric, and steam rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the California Public Utilities Commission in a proceeding involving the application of the San Diego Gas and Electric Company for an increase in its gas, electric, and steam rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

AUGUST 13, 1973.

[FR Doc.73-17304 Filed 8-17-73;8:45 am]

[1] Value exceeding $8.16 per pound as declared for carriage in the air waybill.

[2] See Order 72-6-137, dated June 29, 1972, where the Board has stated that the carriers have failed to submit justification for a new charge of 50 cents per $100 in excess of the basic liability allowance and while this represents a net improvement over the previous charge of 60 cents per $100 for the total valuation, approval is contingent upon the receipt of appropriate data and justification from U.S. carriers and a finding that the new level of valuation charges is consistent with corresponding expenses.

[3] Article 22(2) of the Convention limits the carriers' liability to 250 francs per kilogram unless the consignor has made, at the time when the package was handed over to the carrier, a special declaration of value at delivery and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum, not exceeding the declared sum unless he proves that that sum is greater than the actual value to the consignor at delivery.

CIVIL SERVICE COMMISSION

LICENSED PRACTICAL NURSE, BROCKTON, MASSACHUSETTS

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11721, the Civil Service Commission has increased special minimum salary rates and rate ranges as follows:

GS-621 LICENSED PRACTICAL NURSE

Geographic coverage: Boston, Massachusetts SMSA
Effective date: First day of the first pay period beginning on or after August 19, 1973

Grade	Per annum rates									
	1	2	3	4	5	6	7	8	9	10
GS-3	$6,944	$7,148	$7,352	$7,556	$7,760	$7,964	$8,168	$8,372	$8,576	$8,780
GS-4	7,569	7,798	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630
GS-5	7,951	8,208	8,465	8,722	8,979	9,236	9,493	9,750	10,007	10,264

All new employees in the specified occupational levels will be hired at the minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the roles in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the prior special or statutory rates shall receive basic compensation at the corresponding numbered rates authorized by this notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723, of new appointees to positions cited.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-17199 Filed 8-17-73;8:45 am]

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

REALIGNMENT OF FEDERAL JUDICIAL CIRCUITS

Notice of Scheduled Hearings

AUGUST 13, 1973.

The Commission on Revision of the Federal Court Appellate System will hold an additional series of hearings in the following cities on the dates indicated:

Aug. 28 Seattle, Washington U.S. Courthouse
Aug. 29 Portland, Oregon Pioneer Courthouse
Aug. 30 San Francisco, Calif. U.S. Court of Appeals.
Aug. 31 Los Angeles, Calif. U.S. Courthouse
Sept. 5 Jacksonville, Florida

The Commission is charged with making recommendations concerning redistricting the judicial circuits. In addition, the Commission is to study the internal procedures and structure of the Federal courts of appeal system, making such recommendations as are appropriate. Because the Commission's first report has a congressionally-mandated deadline of mid-December, priority will be given to testimony relevant to redistricting.

The hearings are open to the public and interested persons are invited to attend. Those wishing to present oral testimony should contact A. Leo Levin, Executive Director of the Commission, at 209 Court of Claims Building, 717 Madison Pl., NW., Washington, D.C. 20005. Phone: (202) 382-2943. Written statements, in lieu of oral testimony, may also be filed with the Commission.

Additional hearings in other parts of the country are being planned. For further information, please contact the office of the Commission.

A. LEO LEVIN,
Executive Director.

[FR Doc.73-17237 Filed 8-17-73;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

DEVELOPMENT OF PROPOSED CONSUMER PRODUCT SAFETY STANDARDS

Notice of Public Meeting

Section 7 of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1212-15; 15 U.S.C. 2056) provides for the promulgation of consumer product safety standards by the Consumer Product Safety Commission. An initial step in such proceeding shall be publication of a notice which, among other things, will include an invitation for any person to offer to develop the proposed consumer product safety standard (section 7(b)(4)(B)). "Any person" includes government agencies, consumer organizations, members of industry, industry associations, research organizations, and standards-writing organizations.

Pursuant to section 7(d) of the act, the Commission may accept one or more offers to develop a proposed consumer product safety standard and may agree to contribute to an offeror's cost in developing a proposed standard under certain conditions.

Section 7(d)(3), however, requires the Commission to prescribe regulations governing the development of proposed consumer product safety standards by persons whose offers are accepted. Prior to proposing such regulations in the FEDERAL REGISTER, with the usual provision for submission of written comments, the Commission wishes to afford all interested parties an opportunity to discuss possible requirements of the regulations.

Accordingly, notice is given that a public meeting will be held at 10 a.m., Tuesday, August 28, 1973, in Room 6802, Department of Commerce, 14th and E Streets NW., Washington, D.C., regarding the contemplated regulations.

Interested persons wishing to participate should contact the Consumer Product Safety Commission, Attention: Mr. Don Early, Office of Standards Coordination and Appraisal, Technical Liaison Division, 5401 Westbard Avenue, Washington, D.C. 20207, Phone 301-496-7197.

A limited number of copies of a discussion paper in the form of a draft regulation can be made available to interested persons on request. Additional copies will be available at the meeting.

The Commission will welcome discussion on any issues pertinent to the regulations to be issued pursuant to section 7(d)(2) and (3) of the act. Some areas that are pertinent to the regulations are:

1. Requirements for acceptable offers.
2. Technical competence of offerors.
3. Requirements of physical and personnel resources of offerors.
4. The ability of offerors to adequately analyze and present statements on the economic and environmental impact of the proposed standard.
5. Methods of providing adequate notice and opportunity for interested persons to participate in the developmental process.
6. The means whereby offerors will acquire necessary technical expertise.
7. The ability of offerors to accurately predict the time frame for the developmental process.
8. The inclusion of test methods measuring compliance with the standard, testing programs, and sampling plans in the proposed standards.
9. The inclusion of statements of technological practicability of proposed standards.
10. The monitoring of the developmental process by Commission personnel.
11. Methods whereby offerors will reconcile differences among participants and submit the most effective, reasonable, and suitable standards possible.
12. Recordkeeping by offerors.

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13. Periodic progress reports on the developmental process to be submitted to the Commission by the offeror.
14. Procedures for terminating an offeror's role in the developmental process where the offeror is not able to make satisfactory progress.
15. Financial contributions by the Commission to an offeror to aid in the developmental process.
16. Resources to be committed by the offeror.
17. Resources to be volunteered by other participants.
18. The desirability of simultaneous development by two or more offerors.

Dated August 15, 1973.

SAMUEL M. HART,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.73–17255 Filed 8–17–73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

4-AMINOPYRIDINE

Notice of Extension of Temporary Tolerance

Avitrol Corp., 7644 East 46th Street, Tulsa, OK 74145, was granted a temporary tolerance for residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodity sunflower seed at 0.1 part per million (the treated sunflower seed is to be of the variety which is not used for human consumption) on August 14, 1972, in connection with Pesticide Petition No. 3G1297 (notice was published in the FEDERAL REGISTER of August 15, 1972 (37 FR 16518)).

The firm has requested a 1-year extension to obtain additional experimental data. It is concluded that such extension will protect the public health. A condition under which this temporary tolerance is extended is that the bird repellent will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Avitrol Corp., name.

As extended, this temporary tolerance expires August 14, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: August 15, 1973.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73–17412 Filed 8–17–73;8:45 am]

CARBOFURAN

Notice of Establishment of Temporary Tolerance

FMC Corp., 100 Niagara Street, Middleport, NY 14105, submitted a petition (PP 1F1150) requesting establishment of a tolerance for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl - 7 - benzofuranyl-*N*-methylcarbamate) and its metabolite 2,3-dihydro-2,2-dimethyl - 3 - hydroxy-7-benzofuranyl-*N*-methylcarbamate in or on the raw agricultural commodity potatoes at 0.1 part per million.

Subsequently, the petitioner amended the petition to propose a temporary tolerance for combined residues of carbofuran; its carbamate metabolite 3-hydroxy carbofuran (2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N* - methylcarbamate); and the phenolic metabolites 2,3-dihydro-2,2 - dimethyl-7-benzofuranol; 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol; and 2,3-dihydro-2,2- dimethyl-3,7-benzofurandiol in or on potatoes at 1 part per million of which no more than 0.1 part per million consists of residues of carbofuran and 3-hydroxy carbofuran.

It has been determined that the temporary tolerance will protect the public health. It is therefore established as requested on condition that the insecticide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the FMC Corp., name.

This temporary tolerance expires August 15, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: August 15, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73–17411 Filed 8–17–73;8:45 am]

E. I. DU PONT DE NEMOURS & CO.

Notice of Extension of Temporary Tolerances

In connection with Pesticide Petition No. 2G1241, E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, was granted temporary tolerances for residues of the insecticide methomyl (*S*-methyl *N*-[(methylcarbamoyl)oxy]thioacetimidate) in or on pineapple forage at 1 part per million and pineapples at 0.2 part per million on July 11, 1972 (notice was published in the FEDERAL REGISTER of July 18, 1972 (37 FR 14252)). These temporary tolerances expire July 11, 1973.

The firm has requested a 1-year extension of the temporary tolerances for residues of methomyl in or on pineapple forage at 1 part per million and pineapples at 0.2 part per million to obtain additional experimental data. It is concluded that this extension of the temporary tolerances for residues of the insecticide in or on pineapple forage and pineapples will protect the public health. They are therefore extended as requested on condition that the insecticide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the E. I. du Pont de Nemours & Co. name

These temporary tolerances as extended expire July 11, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: August 15, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73–17413 Filed 8–17–73;8:45 am]

CIBA-GEIGY CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1415) has been filed by CIBA-GEIGY Corp., Ardsley, NY 10502, proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the insecticide O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate in or on the raw agricultural commodities guar forage and beans at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a flame photometric detector with a phosphorus-specific filter.

Dated: August 2, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73–17240 Filed 8–17–73;8:45 am]

RHODIA, INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3H5038) has been filed by Rhodia, Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, NJ 08903, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the insecticide phosalone (S-[6 - chloro - 3 - (mercaptomethyl) - 2-benzoxazolinone]*O,O*-diethyl phosphorodithioate) in or on dried tea at 8 parts per million resulting from application of the insecticide to growing tea.

Dated: August 2, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73–17241 Filed 8–17–73;8:45 am]

[I.F. & R. Docket No. 293]

MIREX

Notice of Public Hearing

Please Take Notice that the public hearing pursuant to Notice of Intent to Hold Hearing, heretofore appearing in 38 FR 8616 (April 4, 1973), to determine whether or not the registrations of Mirex, numbers 218–495, 218–516, 218–548, 218–564, 218–565, 218–585, 218–586, 218–590, 218–628 and 218–638, should be canceled or amended, will convene at 10:00 o'clock in the forenoon on Monday, September 17, 1973 in Tax Court Room No. 2, 1111 Constitution Avenue, Washington, D.C.

DAVID H. HARRIS,
Administrative Law Judge.

[FR Doc.73–16789 Filed 8–17–73;8:45 am]

POLLUTANTS IN PUBLICLY OWNED TREATMENT WORKS

Pretreatment Guidelines

Pursuant to section 304(f) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92–500), notice is hereby given that the Environmental Protection Agency (EPA) proposes to issue guidelines for pretreatment of wastewaters introduced into publicly owned treatment works. In accordance with section 304(f), these guidelines are designed to assist States in establishing, through the issuance of discharge permits, pretreatment requirements to control and prevent the discharge into the navigable waters, the contiguous zone, or the ocean of any pollutant which interferes with, passes through, or otherwise is incompatible with publicly owned treatment works.

The pretreatment guidelines do not establish regulatory requirements. Nationally applicable regulations dealing with pretreatment would be established by the pretreatment standards to be issued by EPA under section 307(b) of the Act. Proposed standards were published July 19, 1973 (38 FR 19236). In many cases, it will be necessary for States and municipalities to impose additional requirements to take account of local conditions. The guidelines contain technical information to assist the States and municipalities in determining the need for, and establishing, such requirements.

Copies of the proposed guidelines will be available for review upon written request to EPA Regional Offices, as indicated below:

Regional Administrator	*Area Served*
Regional Administrator U.S. Environmental Protection Agency John F. Kennedy Federal Building Boston, Massachusetts 02203	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
Regional Administrator U.S. Environmental Protection Agency 26 Federal Plaza New York, New York 10007	New York, New Jersey, Puerto Rico, Virgin Islands
Regional Administrator U.S. Environmental Protection Agency 6th and Walnut Streets Philadelphia, Pennsylvania 19108	Pennsylvania, Delaware, District of Columbia, Maryland, Virginia, West Virginia
Regional Administrator U.S. Environmental Protection Agency 1421 Peachtree Street, N.E. Atlanta, Georgia 30309	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
Regional Administrator U.S. Environmental Protection Agency 1 North Wacker Drive Chicago, Illinois 60606	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Regional Administrator U.S. Environmental Protection Agency 1600 Patterson Street Dallas, Texas 75201	Arkansas, Louisiana, New Mexico, Oklahoma, Texas
Regional Administrator U.S. Environmental Protection Agency 1735 Baltimore Avenue Kansas City, Missouri 64108	Iowa, Kansas, Missouri, Nebraska
Regional Administrator U.S. Environmental Protection Agency 1860 Lincoln Street Denver, Colorado 80203	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
Regional Administrator U.S. Environmental Protection Agency 100 California Street San Francisco, California 94111	Arizona, California, Nevada, Guam, Hawaii
Regional Administrator U.S. Environmental Protection Agency 1200 Sixth Avenue Seattle, Washington 98101	Alaska, Idaho, Oregon, Washington

Interested parties are encouraged to obtain and review a copy of the proposed guidelines and submit written comments, views, or data concerning the proposed guidelines to the Director, Municipal Waste Water Systems Division, Environmental Protection Agency, Washington, D.C. 20460. All such submissions received on or before October 4, 1973, will be considered prior to publication of final guidelines.

Date: August 3, 1973.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

[FR Doc.73–17243 Filed 8–17–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 661]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 13, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

V 38-160 AUG 20 73 XUM

date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE:

10010–C2–TC–73 Trinity Valley Telephone Company (KLB788) Consent to Transfer of Control from Trinity Valley Telephone Company, Transferor to Great Southwest Telephone Corporation, Transferee. Station: KLB788, Winnie, Texas.

20131–C2–P–74 Airsignal International, Inc. (KAH661) C. P. to relocate facilities to a new Loc. #1 at IDS Building, Minneapolis, Minnesota, to operate on 35.22 MHz.

20132–C2–P–74 West Texas Rural Telephone Cooperative, Inc. (KSV906) C. P. for additional facilities to operate on 152.66 MHz to be located at 5.5 miles S.E. of Friona, Texas, Parmer, Texas.

20133–C2–P–(2)–74 West Texas Rural Telephone Cooperative, Inc. (NEW) C. P. for a new station to operate on 454.400 and 454.525 MHz to be located at 9½ miles north of Hereford, Texas on Highway 385, Deaf Smith, Texas.

20134–C2–ML–74 Mankato Citizens Telephone Company (KAF247) C. P. to relocate facilities to operate on 152.51 MHz to be located at North end of Collette Dr., North Mankato, Minnesota.

20135–C2–P–74 Southern Bell Telephone and Telegraph Company (KIG288) C. P. to add test facilities to operate on 459.475, 459.525, 459.575, 459.625, 459.650, 157.80, 157.95 and 158.07 MHz located at 115 N.E. 3rd Avenue, Ft. Lauderdale, Florida.

201–36–C2–P–74 Buckeye Communications Company (KUO558) C. P. for additional facilities to operate on 158.70 MHz located at 1 Levis Square, Ribre Glas Tower, Toledo, Ohio.

20137–C2–P–74 Radio Telephone of Mississippi, Inc. (NEW) C. P. for a new station to operate on 152.030 MHz to be located at 0.4 mile West of Batesville, Batesville, Mississippi.

20138–C2–P–74 Mobile Radio System of San Jose, Inc. (KMA741) C. P. for additional facilities to operate on 454.250 MHz to be located at a new site described as Loc. #3: Allison Peak, 5.5 miles NE of Milpitas, San Jose, California and for additional facilities to operate on 454.300 MHz to be located at a new site described as Loc. #4: Loma Prieta Mountain, San Jose, California.

20139–C2–P–74 Mobilfone Service, Inc. (KLB779) C. P. to change antenna system and replace transmitter to operate on 459.10 MHz, Repeater located at 5 miles SSW of Bartlesville, Oklahoma, and to change antenna system, antenna location and replace transmitter to operate on 454.10 MHz, Control located at 901 North Elgin Street, Tulsa, Oklahoma.

20140–C2–P–74 Hardin County Telephone Company (NEW) C. P. for a new station to operate on 152.54 MHz to be located at 2.13 miles at 265.2° from Heron, Herod, Illinois.

20141–C2–P–74 Mobile Communications Service, Inc. (NEW) C. P. for a new station to operate on 152.03 MHz to be located at 0.7 mile west of Route 18 on Coal Hill Road, Near Greenville, Pennsylvania.

20142–C2–P–74 John A. Bearden (NEW) C. P. for a new station to operate on 152.21 MHz to be located at 1.8 miles ENE of Nacogdoches, Texas.

20143–C2–P–74 Phenix Communications Company, Inc. (KRS661) C. P. to change antenna system and location to operate on 152.24 MHz to be located at 809 S. Seventh Street, Opelika, Alabama.

20144–C2–P–74 Beep Communication Systems, Inc. (KEC739) C. P. to replace transmitter to operate on 152.12 MHz located at Tower Hill Rd. West of Berkshire Road, Patchogue, New York.

20145–C2–P–74 New England Telephone and Telegraph Company (KCC487) C. P. to remove existing facilities at (10) locations described as: Loc. #1—185 Franklin Street, Boston, Mass., Loc. #2—954 Main Street, Winchester, Mass., Loc. #3—Bear Hill Road, Bear Hill, Waltham, Mass., Loc. #4—387 Washington Street, Dedham, Mass., Loc. #6—61 Exeter Street, Hotel Lenox, Boston, Mass., Loc. #7—35 Binney Street, Jimmy Fund Bldg., Boston, Mass., Loc. #10—67 Pleasant Street, Arlington, Mass., Loc. #12—66 Pickering Street, Needham, Mass., Loc. #13—On Main Avenue, Near SE Corner of Intersection of Main Ave., and Worcester Street, Natick, Mass., and Loc. #14—141 Union Avenue, Framingham, Mass.; for (3) new locations to be described as new locations: (#1) Prudential Tower Building, Boston, Mass., (#2) 140 Cabot Street, Needham, Mass., (#3) Murray Street, Medford, Mass.; and to change antenna system, change frequency, replace transmitter at: old Loc. #11—1070 Hancock Street, Quincy, Mass., to new Loc. #4—1070 Hancock Street, Quincy, Mass., old Loc. #5—115 Middle Street, Weymouth, Mass. to new Loc. #5—115 Middle Street, Weymouth, Mass., old Loc. #8—24 Norman Street, Salem, Mass. to new Loc. #6—24 Norman Street, Salem, Mass., and old Loc. #9—21 City Hall Square, Lynn, Mass. to new Loc. #7—21 City Hall Square, Lynn, Mass.

20146–C2–P–74 Tribune Publishing Company d/b as Radio Page of Tacoma (KOP299) C.P. to change antenna system and add stand-by facilities to operate on 152.06 MHz to be located at 1701 South 11 Street, Tacoma, Washington.

The following renewal applications were timely filed:

Renewal of Licenses expiring July 1, 1973.
TERM: July 1, 1973 to July 1, 1978.

License and Call Sign

Mid-South Telephone Company, Inc., KRM973.
The Ohio Bell Telephone Company, KQA652. Same as above, KQA653.
Same, KQA654.
Same, KQA768.
Same, KQD314.
Same, KQK594.
Tidewater Telephone Company, KIY767.

Corrections

20090–C2–ML–74 Rad Com Electronics, Inc. (KRS650) Change PN to read Mod. Lic. to change the base frequency. All other particulars to remain same as reported on PN #660 dated August 6, 1973.

20097–C2–TC–(18)–74 Fresno Mobile Radio, Inc. Correct PN to list stations and locations: KSV959, Coalinga, California, KLF649, Fresno, California, KMM634, Tranquility, California, KMM 625, Firebaugh, California, KMM622, Riverdale, California, KMM590, San Joaquin, California, KNG54, Temp-Fixed, KMJ225, W. Side of RR track, Firebaugh, California, KMJ217, Firebaugh, California, KME200, Los Banos, California, KNJ79, Dinky Creek, California, KMM580, Coalinga, California, KME451, Mendota, California, KMJ216, Cantua, California, KME450, Hanford, California, KMX39, Temp-Fixed, KMA830, Fresno, California, and KMJ222, NNE of Panoche Mountain, California. All other particulars to remain same as reported on PN #660 dated August 6, 1973.

Major amendments

7140–C2–P–(4)–72 (KQC884) Radio Relay Corporation, Hicksville, L.I., New York. Amend to add an additional location on 35.58 MHz at Novi Road and 10 Mile Rd., Novi, Michigan. All other particulars are to remain the same as reported on PN #593 dated April 24, 1972.

6191–C2–P–68 (NEW) The Chesapeake and Potomac Telephone Company of Maryland, Baltimore, Maryland. Amend to change frequency to 152.84 MHz at all locations. All other particulars are to remain the same as reported on PN #402–1 dated August 28, 1968.

RURAL RADIO SERVICE

60032–C6–P–74 Sidney C. Childers d/b as Communication Equipment and Service Company (NEW) C. P. for a new rural subscriber station to operate on 158.49 MHz to be located at Richard Franks Residence, New Minton, Alaska.

60033–C6–P–74 Communications Equipment and Service Company (NEW) C. P. for a new rural subscriber station to operate on 158.49 MHz to be located at Trading Post, Manley Hot Springs, Alaska.

60034–C6–P–74 Communications Equipment and Service Company (NEW) C. P. for a new rural subscriber station to operate on 158.49 MHz to be located at Chatinika Trading Post, Chatinika, Alaska.

60035–C6–P/ML–74 Sidney C. Childers d/b as Communications Equipment and Service Company (KWX60) C. P. to add frequency 158.55 MHz fixed at temporary locations within reliable communications range of applicant's base station.

60036–C6–P/L–74 Continental Telephone Company of California (NEW) C. P. and License for a new rural subscriber station to operate on 157.83 MHz to be located at Rafter 7 Land and Cattle Co., 23.6 miles SSE of Yerington, Nevada.

POINT-TO-POINT MICROWAVE RADIO SERVICE

366–C1–P–74 Continental Telephone Company. (KNB40). Pratt Mtn., 6 Miles NE of Garberville, California. Lat. 40 07 11 N.—Long. 123 41 29 W. C.P. to replace transmitter operating on frequency 6197.2H MHz.

367–C1–P–74. Same (KNB41). White Thorn, 6.4 Miles SW of Briceland, Calif. Lat. 40 01 26 N.—Long. 123 56 34 W. C.P. to replace transmitter operating on frequency 5945.2H MHz.

368–C1–P–74 Southern Bell Telephone and Telegraph Company. (KIB53). 614 Pendleton Street, Waycross, Ga. Lat. 31 12 46 N.—Long. 82 21 38 W. C.P. to change antenna system and add points of communication and frequency 5974.8H MHz toward Nahunta, Ga. on azimuth 79° 50'.

369–C1–P–74 Same. (New). 4.8 Miles NNW from Nahunta, Ga. Lat. 31 16 02 N.—Long. 82 00 30 W. C.P. for a new station on frequencies: 6226.9H MHz toward Waycross, Ga. on azimuth 260° 01'; 6226.9V MHz toward Everett, Ga. on azimuth 72° 25'.

370–C1–P–74 Same (New). 6.0 Miles SW from Everett, Ga. Lat. 31 20 40 N.—Long. 81 43 24 W. C.P. for new station on frequencies: 5974.8V MHz toward Nahunta, Ga. on azimuth 252° 34'; 5960.0H MHz toward Brunswick, Ga. on azimuth 132° 44'.

371–C1–P–74 Same. (KJN26). 2627 Norwich Street, Brunswick, Ga. Lat. 31 09 55 N.—Long. 81 29 53 W. C.P. to change antenna system and add points of communication and frequency 6271.4V MHz toward Everett, Ga. on azimuth 312° 51'.

372–C1–P–74 Michigan Bell Telephone Company. (KQM41). 309 S. Washington St., Saginaw, Michigan. Lat 43 25 51 N.—Long. 83 56 24 W. C.P. to add frequencies: 4050V & 3970V toward Pine Run, Michigan on azimuth 143° 37'.

373–C1–P–74 Same. (KQF43). 1.5 Miles East of Pine Run, Michigan. Lat. 43 10 20 N.—Long. 83 40 48 W. C.P. to replace transmitter and add frequencies: 4010H, 4090H MHz toward Flint, Michigan on azimuth 183° 20'; 4010V, 4090V MHz toward Saginaw, Michigan on Azimuth 323° 48'.

374–C1–P–74 Same. (KQG59). 502 Beach Street, Flint, Michigan. Lat. 43 00 53 N.—Long. 83 41 33 W. C.P. to change antenna system, add frequencies: 3970H, 3710V MHz toward Atlas, Michigan on azimuth 115° 17'; 3990H, 4050H MHz toward Pine Run, Michigan on azimuth 03° 19'; change polarizations on frequencies: 3730, 3810, 3890, 4130 from V to H toward Atlas, Michigan.

375–C1–P–74 Same. (KQH77). 10389 Hill Road, Atlas, Michigan. Lat. 42 56 52 N.—Long. 83 30 00. C.P. to add frequencies: 4010H, 3750V toward Flint, Michigan; change polarization on frequencies: 3770, 3850, 4170, 3930, 4090 from V to H toward Flint, Michigan.

376–C1–P–74 Newhouse Alabama Microwave, Inc. (New) Oak Mountain, 2.0 Miles West of Oxford, Alabama (Lat. 33 37 14 N.–Long. 85 52 17 W.): C.P. for new station—Frequency 11665V MHz toward Gadsden, Alabama, on azimuth 347 degrees/12 minutes.

377–C1–P–74 Same (New) 3.0 Miles NE of Gadsden, Alabama (Lat. 34 02 59 N.–Long. 85 59 19 W.): C.P. for new station—frequency 10975H MHz toward Negro Mountain, Alabama, on azimuth 319 degrees/34 minutes.

378–C1–P–74 Same (New) Negro Mountain, 1.5 Miles SE of Guntersville, Alabama (Lat. 34 20 02 N.–Long. 86 16 51 W.): C.P. for new station—frequency 11385H MHz toward Huntsville, Alabama, on azimuth 331 degrees/05 minutes.

379–C1–P–74 Same (New) 3.5 Miles ESE of Huntsville, Alabama (Lat. 34 43 10 N.–Long. 86 32 20 W.): C.P. for a new station—frequency 10775H MHz toward Decatur, Alabama, on azimuth 253 degrees/56 minutes.

380–C1–P–74 Same (New) Decatur, Alabama (Lat. 34 36 44 N.–Long. 86 59 08 W.): C.P. for a new station—frequency 11665H MHz toward Spring Creek, Alabama, on azimuth 292 degrees/46 minutes.

381–C1–P–74 Same (New) Spring Creek, 3.3 Miles North of Courtland, Alabama (Lat. 34 43 37 N.–Long. 87 19 04 W.): C.P. for a new station—frequency 10975V MHz toward Florence, Alabama, on azimuth 287 degrees/45 minutes.

382–C1–P–74 United Video, Inc. (New) 0.5 Mile North of High Ridge, Missouri (Lat. 38 28 21 N.–Long. 90 32 18 W.): C.P. for a new station—frequency 11015V MHz toward St. Louis, Missouri, on azimuth 52 degrees/37 minutes.

383–C1–P–74 Midwestern Relay Company (WKR92) Davis Corner, 5.8 miles W of Oxford, Wisconsin, Latitude 43 46 25 N.–Longitude 89 40 52 W. Construction Permit to add (by power split) frequencies 6197.2H and 6404.8V mHz toward Kendall, Wisconsin, on azimuth 270 degrees 43 minutes.

384–C1–P–74 Same (WKR93) 3.7 miles WSW of Kendall, Wisconsin, Latitude 43 46 41 N.–Longitude 90 26 33 W. Construction Permit to add frequencies 6123.1V and 6152.8H mHz toward Sparta, Wisconsin, on azimuth 302 degrees 55 minutes.

385–C1–P–74 Same (WKR94) 3.5 miles NW of Sparta, Wisconsin, Latitude 43 58 29 N.–Longitude 90 51 53 W. Construction Permit to add frequencies 6315.9V and 6404.8H mHz toward Curran, Wisconsin, on azimuth 338 degrees 09 minutes.

386–C1–P–74 Same (WKR95) Curran, 3.5 miles SSW of Northfield, Wisconsin, Latitude 44 24 50 N.–Longitude 91 06 38 W. Construction Permit to add frequencies 6093.5V and 6123.1H mHz toward Montana Ridge, Wisconsin, on azimuth 253 degrees 44 minutes.

387–C1–P–74 Same (WKR96) Montana Ridge, 6.0 miles NW of Arcadia, Wisconsin, Latitude 44 18 35 N.–Longitude 91 36 10 W. Construction Permit to add frequencies 6315.9H and 6404.8V mHz toward Wabasha, Minnesota, on azimuth 277 degrees 31 minutes.

388–C1–P–74 Same (WKR97) 3.2 miles SW of Wabasha, Minnesota, Latitude 44 21 25 N.–Longitude 92 05 29 W. Construction Permit to add frequencies 6004.5H and 6152.8V mHz toward Oak Ridge, Wisconsin, on azimuth 315 degrees 25 minutes.

389–C1–P–74 Same (WKR98) Oak Ridge, 2.2 miles E of Bay City, Wisconsin, Latitude 44 35 05 N.–Longitude 92 24 18 W. Construction Permit to add frequencies 6256.5H and 6404.8V mHz toward River Falls, Wisconsin, on azimuth 327 degrees 28 minutes.

390–C1–P–74 Same (WKR99) 4.2 miles NW of River Falls, Wisconsin, Latitude 44 54 10 N.–Longitude 92 41 27 W. Construction Permit to add frequencies 11425V and 11585V mHz toward a new point of communication at Apple Valley, Minnesota, on azimuth 249 degrees 58 minutes.

392–C1–P–74 Eastern Microwave, Inc. (KEM 35) Ingraham Hill, New York (Lat. 42 03 43 N. -Long. 75 57 03 W.): C.P. to add frequency 6108.3V MHz toward Rogers Knob (KEL89), Vestal, Endicott, and Binghamton, all in New York, on azimuths 54 degrees/23 minutes, 259 degrees/28 minutes, 320 degrees/38 minutes, and 36 degrees/00 minutes, respectively.

393–C1–P–74 Same (KEL89) Rogers Knob, 8.0 Miles NE of Sidney, New York (Lat. 42 23 27 N. -Long. 75 19 42 W.): C.P. to add frequency 6360.3H MHz toward Hatch Hill (KEM36), New York, on azimuth 323 degrees/00 minutes.

394–C1–P–74 Same (KEM36) Hatch Hill, 2.0 Miles SE of Georgetown, New York (Lat. 42 45 10 N. -Long. 75 41 56 W.): C.P. to add frequency 6108.3V MHz toward Stokes (Quaker Hill) (WQP99), New York, on azimuth 18 degrees/31 minutes.

395–C1–P–74 Same (WQP99) Stokes (Quaker Hill), 3.0 Miles NE of Stokes, New York (Lat. 43 20 36 N. -Long. 75 25 36 W.): C.P. to add frequency 6330.7V MHz toward Turin Mountain (KEA29), New York, on azimuth 352 degrees/20 minutes.

396–C1–P–74 Same (KEA29) Turin Mountain, 4.0 Miles NW of Turin, New York (Lat. 43 38 58 N. -Long. 75 29 00 W.): C.P. to add frequency 6078.6H MHz toward Blue Hill (KEA66), New York, on azimuth 24 degrees/07 minutes.

397–C1–P–74 Same (KEA66) Blue Hill, 2.0 Miles SE of Fine, New York (Lat. 44 13 20 N. -Long. 75 07 35 W.): C.P. to add frequency 6182.4V MHz toward Ogdensburg, New York, on azimuth 331 degrees/11 minutes. (NOTE: A waiver of Section 21.701 (i) is requested by Eastern.).

391–C1–P–74 Midwestern Relay Company (New) Apple Valley, Minnesota. Lat. 44 45 48 N. -Long. 93 13 29 W. C.P. for a new station, frequencies: 10735H and 10895H MHz toward Bloomington, Minnesota, on azimuth 329° 46'. (NOTE: Waiver of Section 21.701(i) is requested by Midwestern).

343–C1–P–74 General Telephone Company of Ohio (KQM86). 128 East Eighth St., Cambridge, Ohio. Lat 40 01 33 N. -Long. 81 35 22 W. C.P. to add points of communication, transmitter and frequency: 10715V toward Bloomington, Ohio on azimuth 281° 34'.

344–C1–P–74 General Telephone Company of Florida. (WHU40). In any temporary fixed location within the territory of the grantee. Application for Renewal of Radio Station for Term: September 25, 1973 to September 25, 1974.

398–C1–P–74 General Telephone Company of Northwest, Inc. (New) 108 N. River Street, Enterprise, Oregon. Lat 45 25 33 N. -Long. 117 16 38 W. C.P. for a new station on frequencies: 11,425V, 11,585V MHz toward Trout Creek, Oregon on azimuth 11° 35' via Passive Reflector.

399–C1–P–74 Same. (New). 1101 Adams Street, La Grande, Oregon. Lat 45 19 46 N. -Long. 118 5 37 W. C.P. for a new station on frequency: 5997.1V MHz toward Howard Butte, Oregon on azimuth 32°30'.

400–C1–P–74 General Telephone Company of Northwest, Inc. (New). 5 Miles E of Looking Glass, Oregon. Lat 45 43 28 N. -Long. 117 44 02 W. C.P. for a new station on frequencies: 6249.1V toward La Grande, Oregon on azimuth 212° 45'; 10,895V, 11,055V toward Trout Creek, Oregon on azimuth 127° 47' via Passive Reflector.

Major amendments

7085–C1–P–73 American Telephone & Telegraph Company (KIK38). Change frequency 3990H MHz to 4150H MHz. All other particulars same as in public notice of April 9, 1973.

7086–C1–P–73 Same as above (KJH79). Change frequency 3950H MHz to 4110H MHz. All other particulars same as in public notice of April 9, 1973.

Corrections:

26–C1–P–73 Illinois Bell Telephone Company. (WAD89). Entry should read: 26–C1–P–74 211 N. Oak Street, Centralia. Illinois. Lat. 38 31 48 N. -Long. 89 08 04 W. C.P. to change frequency 5937.8H MHz to 6093.5V MHz and replace transmitter on 5974.8V MHz directed toward St. Rose, Illinois.

27–C1–P–73 Same as above. (KVU30) File No. should read 27–C1–P–74 & coordinates should be Lat. 38 41 19 N. -Long. 89 33 38 W.

29–C1–P–73 Same (KVU32). Entry should read: 29–C1–P–74. 213 E 3rd Street, Alton, Illinois. Lat. 38 53 25 N. -Long. 90 10 56 W. C.P. to change frequencies: 5974.8H, 6093.5H, 10755V, 10915V to 6212.0V, 6330.7V, 11685V and 11365V toward Collinsville, Illinois.

28–C1–P–73 Same (KVU31) File No. should read 28–C1–P–74 and frequency 5060.0V should read 5960.0V MHz.

All other particulars same as reported Public Notice dated July 23, 1973, Report No. 658.

[FR Doc.73–17149 Filed 8–17–73;8:45 am]

[Docket No. 19684]

ITT WORLD COMMUNICATIONS INC.

Order Extending Time

In the matter of ITT World Communications Inc. petition under Section 201(a)

V38-160 AUG 20 73 XUM

of the Communications Act of 1934 for connection with RCA Global Communications, Inc. to enable ITT World Communications Inc. to provide telex and message telegraph services to Guam.

1. By letter dated August 6, 1973 ITT World Communications Inc. (ITTWC) requests an extension of time to September 15, 1973 within which written briefs may be filed with the Commission as required by the Memorandum Opinion and Order released in this proceeding on July 31, 1973 (FCC–811).

2. ITTWC represents that the requested extension is necessary because of the press of other regulatory matters including the hearing in this proceeding. ITTWC also represents that the attorneys for RCA Global Communications, Inc. and Western Union International, Inc. have authorized it to make the same request on their behalf.

3. We find that good cause has been shown for the requested extension of time.

4. Accordingly, It Is Ordered, Pursuant to section 0.303(c) of the Commission's rules pertaining to delegations of authority that the request of ITT World Communications Inc. Is Granted; And

(A) The time in which to file written briefs pursuant to the Commission's Memorandum Opinion and Order released July 31, 1973 is extended until September 15, 1973; and

(B) The time in which to file reply briefs is extended until five days thereafter.

Adopted: August 10, 1973.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.73–17290 Filed 8–17–73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI74–80]

CITIES SERVICE OIL CO.

Notice of Application

AUGUST 10, 1973.

Take notice that on August 6, 1973, Cities Service Oil Co. (Applicant), P.O. Box 300, Tulsa, Oklahoma 74102 filed in Docket No. CI74–80 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Co. from acreage in Cimarron County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas on July 20, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for twelve months from the date of initial delivery within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 5,000 Mcf of gas per day at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Deliveries are estimated to be 15,000 Mcf of gas per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17204 Filed 8–17–73;8:45 am]

[Docket No. CI74–86]

EXXON CORP.

Notice of Application

AUGUST 10, 1973.

Take notice that on August 6, 1973, Exxon Corp., P.O. Box 2180, Houston, Texas 77001, filed in Docket No. CI–74–86 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Columbia Gas Transmission Corp. from the Pecan Island Field, Vermilion Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell for two years up to a daily average of 60,000 Mcf of gas per day at 45.0 cents per Mcf at 15,025 psia, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Deliveries are estimated to be 1,200,000 Mcf of gas per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17205 Filed 8–17–73;8:45 am]

[Docket No. CI74–78]

FREEPORT OIL CO.

Notice of Application

AUGUST 10, 1973.

Take notice that on August 6, 1973, Freeport Oil Co. (Applicant), 210 Chancellor Building, Midland, Texas 79701, filed in Docket No. CI74–78 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Mississippi River Transmission Corp. from the Mills Ranch Field, Wheeler County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell for three years approximately 376,000 Mcf of gas per month at 55.0 cents per Mcf with a 1.0 cent annual escalation at 14.65 psia, subject to upward and downward Btu adjustment from 950 Btu per cubic foot, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17206 Filed 8–17–73;8:45 am]

[Docket No. CI74–79]

PETROLEUM CORP.

Notice of Application

AUGUST 13, 1973.

Take notice that on August 3, 1973, The Petroleum Corp. (Applicant), 3303 Lee Parkway, Dallas, Texas 75219, filed in Docket No. CI74–79 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Co. from acreage in Schleicher County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell for three years approximately 21,000 Mcf of gas per month at an initial rate of 45.0 cents per Mcf at 14.56 psia with 1.0-cent annual escalations, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appeaars reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17207 Filed 8–17–73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT, TASK FORCE ON ENERGY SOURCES RESEARCH

Notice of Meeting and Agenda

Agenda for the third meeting of the Technical Advisory Committee on Research and Development Task Force on Energy Sources Research to be held at the Department of the Interior, 1800 C Street, NW. Washington, D.C., 9:30 a.m., August 24, 1973.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
a. Review and finalization of the preliminary report of the Task Force for the Technical Advisory Committee on R&D.
b. Suggestions on the oral presentation before the TAC on R&D.
c. Other Business.
d. Schedule of future meetings.
3. Adjournment

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17203 Filed 8–17–73;8:45 am]

[Docket No. RP74–5]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Proposed Changes in FPC Gas Tariff

AUGUST 13, 1973.

Take notice that Texas Eastern Transmission Corp., on July 31, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2. The proposed changes would increase revenues from jurisdictional sales and service by $97,100,000 based on the 12 month period ending March 31, 1973, as adjusted.

Texas Eastern states that the principal reasons for the proposed rate increase are: (1) Increased cost of labor, supplies, expenses, plant facilities, and working capital requirements; (2) the need for an increased rate of return of 9.25 percent; (3) the need for an overall rate of depreciation of 5.5 percent; and (4) increased taxes, including income taxes associated with the increased return.

In addition, Texas Eastern states that it is filing revised tariff sheets containing certain revisions to its Purchased Gas Cost Adjustment Provision which were incorporated in Exhibit E to the Second Revised Stipulation and Agreement, dated July 25, 1973, in Docket No. RP72–98. The Company maintains that certain other tariff sheets in this filing are being revised as set forth in Article VII of the above-mentioned Second Revised Stipulation and Agreement. Also, in accordance with Order No. 483 issued April 30, 1973, by the Federal Power Commission in Docket No. R–462 Texas Eastern is filing new tariff sheets containing procedures to track research and development expenditures, according to the Company's statement.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with § 1.8, 1.10 of the Commission's rules of practice and procedure

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(18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17208 Filed 8-17-73;8:45 am]

[Docket No. RI74-15]

AMERADA HESS CORP., ET AL.

Notice of Extension of Time

AUGUST 10, 1973.

On August 9, 1973, Mobil Oil Corporation filed a request for a 30-day extension of time within which to file a response to the show cause order issued on July 31, 1973, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including August 31, 1973, within which all interested parties may file responses, in writing, to the show cause order issued on July 31, 1973, in the above-designated matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17215 Filed 8-17-73;8:45 am]

[Docket No. RP73-115]

CONSOLIDATED GAS SUPPLY CORP.

Order Regarding Tendered Tariff Sheets

AUGUST 8, 1973.

On June 14, 1973, Consolidated Gas Supply Corporation (Consolidated) tendered for filing revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1.[1] Consolidated requests that the tendered sheets be made effective 60 days from the date of filing. Additionally, in its tender, Consolidated requests permission to withdraw its prior filed tariff sheets relating to curtailment upon our accepting for filing its above-designated tariff sheets.

In support of its tender, Consolidated states that the revised sheets are filed pursuant to Commission order issued March 15, 1973, in Docket No. RP72-47. However, Consolidated notes that, while its tender provides for end-use curtailment, there are modifications to the curtailment procedures enunciated by us in our Statement of Policy issued in Docket No. R-469, Order No. 467-B. Accordingly, Consolidated's tender will be accepted for filing, but suspended.[2]

Consolidated also requests permission to withdraw Original Sheet Nos. 53-B, 53-C, and 53-D, which relate to its previously filed curtailment plan, upon our acceptance for filing of the tendered revised tariff sheets. The request to withdraw those tariff sheets should be granted, since retention of those sheets will conflict with Consolidated's proposed plan.

Consolidated's tendered First Revised Sheet No. 51-C[3] contains a fixed cost recovery adjustment therein, which violates § 154.38(d)(3) of our regulations under the Natural Gas Act. Accordingly, First Revised Sheet No. 51-C should be rejected without prejudice to resubmittal of that sheet without the fixed cost recovery provision therein.

The Commission finds. (1) Third Revised Sheet No. 51, First Revised Sheet Nos. 51-A and 51-B, and Original Sheet No. 51-D to Consolidated's FPC Gas Tariff, First Revised Volume No. 1 have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful under the Natural Gas Act.

(2) Good cause exists to accept for filing the tendered tariff sheets referred to in finding paragraph (1) above, that those sheets be suspended and the use thereof deferred, and that a public hearing be initiated in accordance with the procedures set forth below, all as hereinafter ordered.

(3) Good cause exists to permit Consolidated to withdraw Original Sheet Nos. 53-B, 53-C, and 53-D to its FPC Gas Tariff, First Revised Volume No. 1.

(4) Good cause exists to reject the tendered First Revised Sheet No. 51-C to Consolidated's FPC Gas Tariff, First Revised Volume No. 1 as hereinafter ordered.

The Commission orders:

(1) Third Revised Sheet No. 51, First Revised Sheet Nos. 51-A and 51-B, and Original Sheet No. 51-D to Consolidated's FPC Gas Tariff, First Revised Volume No. 1 are hereby accepted for filing.

(2) Consolidated is hereby permitted to withdraw Original Sheet Nos. 53-B, 53-C, and 53-D to its FPC Gas Tariff, First Revised Volume No. 1.

(3) First Revised Sheet No. 51-C to Consolidated's FPC Gas Tariff, First Revised Volume No. 1 is hereby rejected without prejudice to its refiling by Consolidated without the fixed cost recovery provision therein.

(4) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5, and 16 thereof, and pursuant to the Commission's rules of practice and procedure and the regulations under the Natural Gas Act, a public hearing shall be convened at the offices of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426 at 10 a.m. (e.d.t.) on November 6, 1973, concerning the lawfulness of the tendered tariff sheets designated in ordering paragraph (1) above.

(5) Pending such hearing and decision thereon, the tendered tariff sheets designated in ordering paragraph (A) above are hereby suspended and the use thereof deferred until August 15, 1973, and until such further time as they are made effective pursuant to the Natural Gas Act.

(6) Pursuant to the provisions of § 1.18 of our rules of practice and procedure, an informal prehearing conference shall be convened at the offices of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426 at 10 a.m. (e.d.t.) on August 21, 1973, between all parties to this proceeding and Commission staff to discuss means to obtain data for evidentiary presentations and for expediting the decision in this proceeding.

(7) On or before September 18, 1973, Consolidated shall serve its case-in-chief on all parties to this proceeding, including Commission staff. Answering evidence shall be served by all parties on or before October 17, 1973.

(8) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—see Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(9) Notices of intervention and petitions to intervene in this proceeding may be filed with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on or before August 30, 1973, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37).

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-17216 Filed 8-17-73;8:45 am]

[Docket No. CP71-290]

CONSOLIDATED SYSTEM LNG CO.

Notice of Amendment to Application

AUGUST 13, 1973.

Take notice that on August 1, 1973, Consolidated System LNG Company (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP71-290 an amendment to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act by requesting authorization to construct and operate a proposed pipeline from Loudoun County, Virginia, to the vicinity of the Leidy Storage Field in Clinton County, Pennsylvania, along a revised route, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In Commission Opinion No. 622 (47 FPC ——) the Commission authorized Applicant to import into the United States the vaporous equivalent of approximately 350,000 Mcf of liquefied natural gas (LNG) and to construct and operate jointly with Columbia LNG Corporation an LNG terminal at Cove Point, Maryland, and a pipeline from Cove Point to Loudoun County, Virginia. In the same opinion, Applicant was authorized to construct 190.2 miles of 30-inch pipeline from Columbia LNG Corporation's Loudoun Compressor Station near Evergreen Mills in Loudoun County to Consolidated Gas Supply Corporation's Leidy Compressor Station in the vicinity of the Leidy Storage Field in Clinton County, Pennsylvania. In Opinion No. 622-A on October 5, 1972 (48 FPC ——), the Commission stated that the record in Docket No. CI71-290 was inadequate to make findings regarding the actual route of the line between Loudoun and Leidy and alternatives to this proposal and decided to reopen the record in this proceeding for purpose of studying alternatives to the pipeline.

Applicant now seeks authorization to construct the Loudoun-Leidy line along a modified route, which will result in a total of 191.1 miles of 30-inch line. The modified line will follow the route originally proposed to a point west of Purcellville, Virginia, then will head northward along a new route, and will rejoin the originally proposed route at U.S. Highway 30, west of Chambersburg, Pennsylvania. The modified route will cross the Potomac River and the Chesapeake and Ohio Canal between Brunswick and Knoxville, Frederick County, Maryland, in contrast to the originally proposed crossing downstream from Dam No. 4 into Washington County, Maryland. This new proposal also eliminates the necessity for crossing the Shenandoah River, which the original proposal contemplated.

Applicant estimates that the cost of the modified line and its proposed Doylesburg Compressor Station (to be located approximately two miles southwest of Doylesburg, Pennsylvania) at $61,851,175. Applicant states that the estimated costs of this line have increased from its original estimate of $50,371,800 primarily due to inflation. Applicant asserts that the increased construction costs will only add 0.11 cent per Mcf to the unit cost of the gas to be purchased by its affiliate, Consolidated Gas Supply Corporation.

Applicant avers that this proposed Loudoun-Leidy line is necessary to transport regasified LNG to the Leidy Storage Field for use in Consolidated Natural Gas System's market area.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17217 Filed 8-17-73;8:45 am]

[Docket No. E-7769]

DELMARVA POWER & LIGHT CO.

Notice of Further Extension of Time

AUGUST 10, 1973.

On August 2, 1973, Delmarva Power & Light Company, *et al.* filed a motion for a further extension of the procedural dates as fixed by order issued March 2, 1973, in the above matter. The motion states that the proposed dates are acceptable to the Staff and various intervenors. A notice was issued on July 26, 1973, extending the time to and including August 20, 1973, within which intervenors should submit their evidence.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of rate design evidence by all parties	Deferred pending further order of the Commission
Service of Staff's Conjunctive Billing evidence	August 10, 1973
Service of Rebuttal evidence by El Paso and interveners	September 7, 1973
Hearing and Cross-examination	To commence immediately upon conclusion of the hearing in Docket Nos. G-10426, *et al.*, now scheduled for October 23, 1973
Service of rebuttal evidence by Delmarva	September 4, 1973
Prehearing Conference	September 7, 1973 (10 a.m., e.d.t.)
Hearing Date	September 25, 1973 (10 a.m., e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17218 Filed 8-17-73;8:45 am]

EL PASO NATURAL GAS CO.

[Docket Nos. RP71-137 and RP72-151]

Notice of Further Extension and Postponement of Hearing

AUGUST 10, 1973.

On July 31, 1973, Staff Counsel filed a motion for an extension of the dates for the service of evidence and for continuance of the hearing with respect to rate design and conjunctive billing issues. The motion states that none of the active parties to these proceedings had any objection to the motion.

On August 3, 1973, El Paso Natural Gas Company also filed a motion for an extension of the hearing date respecting rate design and conjunctive billing issues. The motion states all parties, Staff Counsel and Judge Southworth have agreed that it would be appropriate to try this proceeding after completion of hearing in Docket Nos. G-10426, et al. On August 6, 1973, Administrative Law Judge Southworth issued a notice in Docket Nos. G-10426, et al. setting the hearing for October 23, 1973.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of rate design evidence by all parties	Deferred pending further order of the Commission
Service of Staff's Conjunctive Billing evidence	August 10, 1973
Service of Rebuttal evidence by El Paso and interveners	September 7, 1973
Hearing and Cross-examination	To commence immediately upon conclusion of the hearing in Docket Nos. G-10426, *et al.*, now scheduled for October 23, 1973

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17219 Filed 8-17-73;8:45 am]

[Docket No. CP74-28]

FLORIDA GAS TRANSMISSION CO. AND SOUTHERN NATURAL GAS CO.

Notice of Application

AUGUST 13, 1973.

Take notice that on August 2, 1973, Florida Gas Transmission Company (Florida), P.O. Box 44, Winter Park, Florida 32789, and Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP74-28 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between them and the construction and operation of facilities to faciliate the proposed exchange, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose that, for 20 years, Southern deliver all the available gas from its producers in the Big Escambia Creek Field, Alabama, estimated initially to be 45,000 Mcf per day, to Florida at a proposed point of interconnection on Florida's mainline in Escambia County, Alabama, and that Florida simultane-

[1] The revised tariff sheets are designated as follows: Third Revised Sheet No. 51, First Revised Sheet Nos. 51-A, 51-B, and 51-C and Original Sheet No. 51-D.

[2] Our acceptance for filing does not include First Revised Sheet No. 51-C which will be dealt with later in this order.

[3] In that sheet, Consolidated alludes to Sheet No. 8-A. However, in reviewing our files, we note that there is no sheet designated as Sheet No. 8-A.

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ously redeliver equivalent volumes of gas to Southern at the existing Franklinton delivery point in Washington Parish, Louisiana. Applicants state that Southern presently owns and operates a metering station at a point of intersection between the pipeline systems of Southern and Florida in Washington Parish and is presently authorized to sell and deliver to Florida up to 50,000 Mcf of gas per day at this point. Florida will redeliver, as part of the instant exchange, on a daily basis the amount of gas at the Franklinton delivery point which is equivalent to the amount which it will receive from Southern at the proposed point of intersection in Escambia County by reducing its takes from Southern at the Franklinton delivery point.

It is stated that although no payment is involved in the proposed exchange, Florida's redeliveries will be adjusted for Btu content and that any imbalances in monthly deliveries will be balanced during the following month insofar as practicable.

To facilitate the proposed exchange of gas, Southern proposes to construct and operate approximately 3 miles of 10-¾ inch pipeline connecting the Big Escambia Creek Field and Florida's system and to construct and operate a new delivery point with a receiving station and a measuring station. Florida proposes to construct and operate a line tap at the new Escambia delivery point.

The estimated cost of Southern's proposed facilities is $299,270 and the estimated cost of Florida's proposed facilities is $5,600, both of which will be financed from funds from current operations.

The purpose of the proposed exchange of gas and construction and operation of facilities is to assist Southern in alleviating and existing supply deficiency on its system and in meeting its customer's requirements. Reserves available to Southern from the Big Escambia Creek Field are estimated to be 229,097,000,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17220 Filed 8-17-73;8:45 am]

[Docket No. E-8121]

GULF STATES UTILITIES CO.

Order Denying Applications for Rehearing and Reserving Decision on an Issue Raised by a Rehearing Application

AUGUST 7, 1973.

By order of June 14, 1973, in this docket the Commission, inter alia, allowed rates proposed by Gulf States Utilities Company (Gulf States) to become effective subject to refund, after a one day suspension, on June 16, 1973, as those proposed rates affected Gulf States' contracts with the City of Caldwell, Texas (Caldwell) and the Sam Rayburn Dam Electric Cooperative and its Members (Sam Dam). The rate application as it would apply to the contract with Welsh, Louisiana, was accepted to be made effective, subject to refund, upon a contractually specified date (November 21, 1973) and proper notice of such being filed with this Commission, or upon such contract being terminated on this date and proper notice thereof being given to this Commission. As to the fixed-rate contracts with the Southwest Louisiana Electric Membership Corporation (Southwest) and the Houston County Electric Cooperative (Houston), the Commission instituted an investigation under section 206 of the Federal Power Act to determine if the rates contained in these contracts are in the public interest, and treated the proposed rates as they relate to amounts exceeding the contract demand amounts as initial rates, to become effective June 15, 1973, and set this matter for investigation under section 206.

On July 13, 1973, timely petitions for rehearing were filed by Southwest, Houston, Sam Dam, Caldwell and Welsh. We shall discuss the various allegations set forth in the petitions seriatim.

Southwest's petition requests that the Commission amend and modify its June 14 order to: 1) Suspend Gulf States' proposed rate increase in its entirety as it applies to Southwest under Gulf States' Rate Schedule FPC No. 72, 2) hold that the practices and deliveries by Gulf States to Southwest of all amounts of power under the rate schedule, whether or not in excess of a maximum contractual commitment, are at a fixed rate not subject to unilateral change by Gulf States, 3) revise the June 14 order so as not to treat as an initial filing deliveries to Southwest in excess of Gulf States' maximum contractual commitment to Southwest, and 4) suspend any increase which might be applicable to Southwest for the full five months statutory period.

In support of its petition, Southwest alleges that during the years 1962 through 1972 Gulf States was delivering to Southwest a total kilowatt demand considerably in excess of the maximum contractual commitment under Rate Schedule FPC No. 72. Southwest contends that such past practice requires that, as to these amounts, the proposed rates should not be treated as initial rates but rather as rate changes. Southwest complains that the "initial rate" treatment affords the company a "windfall" in that the rates so treated cannot be suspended but must await final determination under a section 206 proceeding before they can be altered prospectively. Southwest recites language from the Gulf States' rate increase application which allegedly shows that the Company itself views the proposed rates as a "change in rates" rather than an "initial rate", and further cites several Supreme Court cases, most notably Sunray Mid-Continent Oil Co. v. Federal Power Commission,[1] in support of its contention regarding the treatment of proposed rates as they apply to amounts of energy above contract demand. Finally, Southwest's petition states that on May 4, 1973, Gulf States filed in Docket No. E-8179 a letter agreement with Southwest, dated August 10, 1970, wherein Gulf States proposed a change in its Rate Schedule FPC No. 72 which would, among other things, extend the term of the contract and provide additional load growth at the rates and charges contained in the rate schedule. It is Southwest's view that this "superseding filing" must govern the relationship between it and Gulf States and requires denial in full of any increase in rates and charges as sought by Gulf States in this proceeding.

We do not agree with certain of the contentions presented in Southwest's petition. Whether or not Gulf States has in fact been supplying amounts of electric energy in excess of the maximum contract demand in the Company's FPC Rate Schedule No. 72 does not in any way alter the fact that only the Company's contract as filed with this Commission, along with any properly filed and accepted amendments, can be regarded as embodying the presently effective contractual rates, terms and conditions. Pennsylvania Water & Power Co. v. Federal Power Commission,[2] cited by Southwest, merely holds that the Commission has the power to order a long-existing operational practice (contractually specified, in this instance) to continue. We do not believe that decision supports the proposition that the Commission must

[1] 364 U.S. 137, (1960).
[2] 343 U.S. 414 (1952).

be bound by practices carried on by the parties outside the contractual terms as presently filed with the Commission, where such practices are entirely without Commission knowledge or approval. Since the Company's Rate Schedule FPC No. 72 is a presently effective fixed rate contract, any unilateral rate change proposal affecting this contract must be rejected as violative of the Mobile-Sierra cases.[3] However, where amounts of energy are proposed to be sold outside the contract demand parameters, the rates proposed for such sales may be viewed as an initial rate.

Whether the filing Company views its application as one for a change in rates or an initial rate is, of course, not binding on this Commission. We are, furthermore, not pursuaded that the Sunray case, cited by Southwest, is controlling in this instance. Sunray concerns the Commission's authority under section 7 of the Natural Gas Act to grant a certificate unlimited as to time despite the existence of a contractual provision providing for service for a twenty year period. Here, we are concerned with an existing effective fixed-rate contract and a rate proposal applicable to amounts of energy exceeding that specified in the contract. Our primary concern is therefore the possible application of the Mobile-Sierra rule vis a vis the amounts exceeding the maximum contract demand. This concern was not present in Sunray—as the Court itself stated, "Mobile is * * * simply beside the point."[4]

Finally, as to Southwest's argument concerning the filing of a letter agreement in Docket No. E-8179, we note that this letter agreement has no specifically proposed effective date and the filing is presently the subject of a deficiency notice issued June 1, 1973. Since the letter agreement has not yet been accepted for filing, we shall defer final decision as to Southwest's application until such time as the letter agreement is officially acted upon by the Commission.

The application for rehearing of Houston is directed solely to, and takes issue with, the "initial rate" treatment of Gulf States' proposed rates as to amounts above the contract demand level. As we previously stated, any unilateral change effecting such contracts must be rejected as violative of the Mobile-Sierra cases. However, where amounts of energy are proposed to be sold outside the contract demand parameters, the rates proposed for such sales may be viewed as an initial rate. We shall therefore deny Houston's application.

The application for rehearing of Sam Dam requests that this Commission abrogate or modify its June 14 order, without further hearing, and hold that Gulf States has no unilateral power to raise its rates for the sale of electricity, or, in the alternative, the application requests that the Commission grant a hearing on the matter. Sam Dam states that its application is based on the recent judicial reaffirmation of the Mobile-Sierra doctrine in Richmond Power & Light of the City of Richmond Indiana v. F.P.C.,[5] and on an alleged ambiguity in the Commission's order of June 14. Sam Dam reiterates the argument made in its petition to intervene of May 4, 1973, and which was discussed in our June 14 order, concerning the proper construction of its contract with Gulf States. Attached to the application are affidavits of certain participants in the negotiations which resulted in the contract under question. These affidavits are offered in support of Sam Dam's contention that its contract with Gulf States does not provide for unilateral rate changes pursuant to regulatory order but, rather, fixes a method of change of rates as was the case in the recent Richmond[6] decision. It is Sam Dam's contention that what appears to be a Memphis[7] clause in articles III and IV, section 4, §§ (c) of the contract,[8] is, in fact, merely "boilerplate" language regarding the implementation before the proper regulatory body of whatever agreement might be arrived at through the mechanism of §§ (b), wherein various procedures and time parameters for the renegotiation of rates are specified. Sam Dam contends that our reading of the contract provisions as setting out alternate procedures by which the contract rate may be adjusted by Gulf States (either by negotiations between the parties or through direct application to the proper regulatory body), raises an ambiguity in the meaning of the various provisions because such reading makes the negotiation provisions a nullity. This might be the case if application to a regulatory body did not often involve considerable time and litigation expense. It is apparent that voluntary agreement reached through negotiations might be preferable to litigation before the proper regulatory body. Although the draftsmanship evidenced by this contract leaves much to be desired, we are not convinced that Sam Dam's interpretation of these provisions is either a necessary or proper interpretation. Our experience in reading such contracts inclines us to the view we held in our June 14 order, that these provisions set out alternate procedures by which the contract rates may be adjusted. We shall therefore deny Sam Dam's application.

The Application of Caldwell and Welsh states that, since the Commission's order of June 14 directs Gulf States to file within 60 days of the issuance of the order a revised fuel clause consistent with Opinion No. 633, the fuel clause as filed has been rejected by the Commission and as such, cannot be a part of the rate schedule applicable to wholesale customers. Caldwell and Welsh further suggest that if Gulf States complies with this directive, the filing will be subject to the notice requirements of section 35.8 of the Commission's regulations. Our June 14 order did not deny Gulf States the use of a fuel clause but rather made acceptance of the filing subject to the filing of a clause consistent with Opinion No. 633. Upon proper filing of, and acceptance of, a conforming fuel clause, such clause would become effective as of the permitted effective date of the original filing. Full statutory notice has been given in the original filing.

The Commission finds.

(1) The applications for rehearing of Houston (Sam Dam, Caldwell and Welsh raised no new facts or points of law which were not considered in our order of June 14, 1973, or provide an appropriate basis for modification of that order,

(2) The application of Southwest should be granted pending further consideration and action upon Gulf States' letter agreement with Southwest filed May 4, 1973, in Docket No. E-8179.

The Commission orders.

(A) The applications for rehearing of Houston, Sam Dam, Caldwell and Welsh are denied.

(B) The application for rehearing of Southwest is granted pending further consideration and action upon Gulf States' letter agreement with Southwest filed May 4, 1973, in Docket No. E-8179.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX A

Rate Schedule No. FPC No. 98: *System and Relevant Provisions*—Sam Rayburn Dam Electric Cooperative, Inc.; Contract dated February 13, 1964.

ARTICLE III

"Section 4. *Compensation by the Sam Dam Coop to Gulf States.*

(a) Subject to the provisions of Subsection (b) below, the Sam Dam Coop shall compensate Gulf States monthly for power and energy delivered to Member Municipals pursuant to this Article III, at the schedule of rates set forth in the said Rate Schedule 'SR-1.'

(b) The schedule of rates paid by the Sam Dam Coop to Gulf States for power and energy delivered to Member Municipals under this Article III as set forth in Subsection (a), above, shall be reviewed and redetermined by the parties hereto at the time of any modification, amendment, or supersession, under Section 4, Article II, of the 'SPA-Sam Dam Coop Contract,'' of the then existing schedule of rates and compensation to be paid by the Sam Dam Coop in connection

[3] United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956); F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348 (1956).
[4] 364 U.S. 137, at page 155.
[5] Richmond Power and Light of the City of Richmond, Indiana v. FPC, Slip opinion of May 25, 1973. Docket No. 72-1963 in the U.S. Court of Appeals for the District of Columbia.
[6] *Ibid.*
[7] United Gas Pipe Line Co. v. Memphis Light, Gas & Water Division, 358 U.S. 103 (1958).
[8] See Appendix A for the relevant provision of the Sam Dam contract.

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with the purchase by the Sam Dam Coop from SPA of "Hydro Power and Energy" upon written request of:

(i) the Sam Dam Coop, if such modification, amendment or supersession puts into effect a decrease in the cost to the Sam Dam Coop for Hydro Power & Energy; and if, within five months after the receipt of such notice from SPA, the Sam Dam Coop and Gulf States are unable to agree upon a new schedule of compensation to be paid by the Sam Dam Coop to Gulf States for service rendered by Gulf States under this Article III, the Sam Dam Coop may, at its option terminate this contract in its entirety upon written notice to Gulf States at any time within one year after the end of such five-month period, such termination to be effective on the date specified by the Sam Dam Coop, but not later than thirty-six months from the date of such notice; or

(ii) Gulf States, if such modification, amendment, or supersession puts into effect an increase in the cost to the Sam Dam Coop for Hydro Power & Energy; and if, within five months after the receipt of such notice from SPA, the Sam Dam Coop and Gulf States are unable to agree upon a new schedule of compensation to be paid by the Sam Dam Coop to Gulf States for service rendered by Gulf States under this Article III, Gulf States, may, at its option, terminate this Contract in its entirety upon written notice to the Sam Dam Coop at any time within one year after the end of such five month period, such termination to be effective on the date specified by Gulf States, but not later than thirty-six months from the date of such notice.

During the period until the effective date of termination by Gulf States or the Sam Dam Coop pursuant to parts (1) and (ii), above, the amount of compensation owed by the Sam Dam Coop to Gulf States for service to Member Municipals shall be at the rates and subject to the terms and conditions of Rate Schedule 'SR–1'.

(c) If a rate increase or decrease should be made applicable to the service rendered by Gulf States to the Sam Dam Coop hereunder by final order or by acceptance for filing by Gulf States of any regulatory body having jurisdiction thereof, such increased or decreased rates shall be applicable to such service rendered hereunder from and after the effective date of such rate change."

ARTICLE IV

"Section 4. *Compensation by the Sam Dam Coop to Gulf States.*

(a) Subject to the provisions of Subsection (b), below, the Sam Dam Coop shall compensate Gulf States monthly for power and energy delivered to Member Cooperatives pursuant to this Article IV, at the schedule of rates set forth in the said Rate Schedule 'SR–2'.

(b) The schedule of rates paid by the Sam Dam Coop to Gulf States for power and energy delivered to Member Cooperatives under this Article IV as set forth in Subsection (a), above, shall be reviewed and redetermined by the parties hereto at any time after January 1, 1970, or from time to time thereafter, but not more often than once every five years, upon written request of Gulf States to the Sam Dam Coop. If within ninety days from the date of such request from Gulf States, the Sam Dam Coop and Gulf States are unable to agree upon a schedule of rates to be paid by the Sam Dam Coop for power and energy delivered to Member Cooperatives under this Article IV, Gulf States may by written notice to the Sam Dam Coop at any time within ten days after the end of such ninety-day period, at its sole option, terminate this Contract in its entirety, such termination to be effective on the first day of the month following thirty-six months from the date of receipt of such notice of termination by the Sam Dam Coop. During the period until the effective date of such termination by Gulf States, power and energy sold by Gulf States and purchased by the Sam Dam Coop under this Article IV shall be at the rates and subject to the terms and conditions of Rate Schedule 'SR–2'.

(c) If a rate decrease or increase should be made applicable to the service rendered by Gulf States to the Sam Dam Coop hereunder by final order or by acceptance for filing by Gulf States of any regulatory body having jurisdiction thereof, such increased or decreased rates shall be applicable to such service rendered hereunder from and after the effective date of such rate change."

[FR Doc.73–17221 Filed 8–17–73;8:45 am]

[Docket No. ID–1460]

JOHN T. NEWTON

Notice of Application

AUGUST 13, 1973.

Take notice that on July 25, 1973, John T. Newton (Applicant), filed a supplemental application pursuant to section 305(b) of the Federal Power Act, seeking authority to become Vice President of Kentucky Utilities Company and Old Dominion Power Company.

Applicant presently serves as Secretary of Kentucky Utilities Company, which supplies electric service in 78 counties located in central, southeastern and western Kentucky and one adjoining county in northeastern Tennessee. Applicant also serves as Secretary of Old Dominion Power Company, a wholly owned subsidiary of Kentucky Utilities, which supplies electric service in five counties located in southwestern Virginia.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17230 Filed 8–17–73;8:45 am]

[Docket No. RP73–97]

KENTUCKY WEST VIRGINIA GAS CO.

Notice of Extension of Time and Postponement of Hearing

AUGUST 10, 1973.

On August 3, 1973, Kentucky West Virginia Gas Company filed a motion for an extension of the date for rebuttal testimony and evidence and postponement of hearing as fixed by order issued May 31, 1973, in the above designated matter. The motion states that Staff and Columbia Gas Transmission Corporation are agreeable to these dates.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of rebuttal September 4, 1973 testimony by Applicant.	
Hearing ----------	September 25, 1973 (10 a.m., e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17222 Filed 8–17–73;8:45 am]

[Docket No. CP74–29]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

AUGUST 10, 1973.

Take notice that on August 3, 1973, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP74–29 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline facilities and the sale for resale and delivery to and exchange of natural gas with Natural Gas Pipeline Company of America (Natural) in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 23,500 feet of 12-inch trunkline and appurtenant facilities extending from its gas producing wells in the Mills Ranch Field, Wheeler County, Texas, to a point of interconnection on Natural's 26-inch pipeline.

The total estimated cost of the proposed facilities is $513,500 which will be financed from internally generated funds and short-term borrowings.

Applicant further proposes to deliver up to 90,000 Mcf of gas per day for two years to Natural from the wells in the Mills Ranch Field through the proposed facilities and to sell for two years up to 1/3 of the delivered volumes of gas to Natural at 45.0 cents per Mcf at 14.65 psia the first year and 46.0 cents per Mcf at 14.65 psia the second year, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Equivalent volumes of the 2/3 quantity of gas delivered but not sold to Natural will be redelivered to Applicant at an existing sales point in Clinton County, Illinois. It is stated that the redelivered gas volumes will be adjusted for Btu content and that any imbalances will be balanced after each twelve-month period. Deliveries of the sale gas are to be made primarily during the months of December through March and of the exchange gas during the months from April through November.

The stated purpose of these proposals is to make the gas from the Mills Ranch Field available to the interstate market without the construction of new extensive pipeline facilities and with a minimum delay and to provide Natural with short-term emergency gas to assure adequate service on its system. Applicant states that it intends to use the additional supply of gas for injection into its storage field in the summer for redelivery to its customers on colder spring and fall days when flow gas is sufficient to satisfy firm requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17224 Filed 8–17–73;8:45 am]

[Docket Nos. CI73–715 and CI73–722]

NORRIS OIL CO., ET AL.

Notice of Extension of Time and Postponement of Hearing

AUGUST 10, 1973.

On August 8, 1973, Norris Oil Co. filed a request for an extension of the procedural dates set by the order issued August 1, 1973, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above-designated proceeding are modified as follows:

Applicants and all intervenors supporting applications to serve evidence	August 13, 1973 no later than 10 a.m.
Commission Staff and all intervenors opposing applications to serve evidence	August 17, 1973
All rebuttal testimony and evidence to be served	August 20, 1973
Hearing to commence----------	August 23, 1973
Administrative Law Judge's Initial Decision to be rendered	On or before September 10, 1973
Briefs on Exceptions to be served----------	September 17, 1973
Briefs opposing Exceptions to be served-----	September 24, 1973

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17223 Filed 8–17–73;8:45 am]

[Docket No. CP74–30]

NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 10, 1973.

Take notice that on August 3, 1973, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74–30 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities for an additional delivery point in Sarpy County, Nebraska, and to realign by community, certain firm gas entitlements for its Peoples Natural Gas Division (Peoples), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 0.5 mile of 6-inch pipeline and a sales measuring station to provide an additional delivery point to Peoples for additional service to Millard, Nebraska, and its environs.

The total estimated cost of the proposed facilities is $144,500 which will be financed from funds on hand.

Applicant also proposes to realign by community certain of its firm gas entitlements so as to provide an additional 2,335 Mcf of gas per day to Peoples for delivery in and around Millard. The stated purpose of these proposals is to assure reliable and adequate service to Peoples' for high priority sales in Millard during the 1974–74 heating season through maximum utilization of available gas supplies. The realignments will not result in any increase or decrease in the presently authorized total firm services to Peoples.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17227 Filed 8–17–73;8:45 am]

[Project No. 175]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Annual License

AUGUST 13, 1973.

On June 29, 1970, Pacific Gas and Electric Company, Licensee for Balch Project No. 175 located in Fresno County, near the City of Fresno in Sequoia and Sierra National Forests filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (sections 16.1–16.6).

The license for Project No. 175 was issued effective July 28, 1922, for a period ending July 27, 1972. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company for continued op-

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eration and maintenance of Project No. 175.

Take notice that an annual license is issued to Pacific Gas and Electric Company (Licensee) under section 15 of the Federal Power Act for the period July 28, 1973, to July 27, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Balch Project No. 175 subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17228 Filed 8-17-73;8:45 am]

[Docket No. CP74-31]

NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 13, 1973.

Take notice that on August 6, 1973, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-31 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, during the calandar year 1974, and operation of facilities to take into its certificated pipeline system additional natural gas supplies to be purchased from fields in the general area of its existing system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in the various producing areas coextensive with said system.

The total cost of the facilities proposed herein shall not exceed $7,000,000, with no single project costing in excess of $1,000,000 which will be financed from cash on hand and from funds generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENETH F. PLUMB,
Secretary.

[FR Doc.73-17226 Filed 8-17-73;8:45 am]

[Docket No. CP74-26]

TENNESSEE NATURAL GAS LINES, INC.

Notice of Application

AUGUST 10, 1973.

Take notice that on August 1, 1973, Tennessee Natural Gas Lines, Inc. (Applicant), 2008 Parkway Towers, Nashville, Tennessee 37219, filed in Docket No. CP74-26 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of a liquefied natural gas (LNG) plant with an above ground storage tank and a long term supplemental winter service to be rendered to its wholesale customer by means of the LNG plant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to acquire from its affiliate and wholesale customer, Nashville Gas Company (Nashville), and operate an LNG plant located adjacent to its 12-inch transmission line in Davidson County, Tennessee. The LNG plant is designed to liquefy up to 5,000 Mcf of gas per day for storage in a cryogenic above-ground tank with a capacity of 290,000 barrels of LNG, equivalent to approximately 1 million Mcf of vaporous gas, and has a regasification capability of 100,000 Mcf per day.

The estimated cost of these facilities is $7,200,000 which will be initially financed by revolving credit arrangements.

Applicant also proposes to render supplemental winter service to Nashville from November 1 through May 1 according to its proposed SWS-1 Rate Schedule. Applicant proposes to sell up to 100,000 Mcf of gas per day and up to 1 million Mcf per season at a demand rate of $1.50 per Mcf of gas and an adjusted commodity rate of 28.91 cents per Mcf. Applicant states that it intends to provide the gas for such service by utilization of the LNG facility to liquefy and store summer valley gas for regasification during the winter season.

The purpose of these proposals is to augment Applicant's ability to meet Nashville's requirements for Nashville's residential and small commercial customers in the upcoming years.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17229 Filed 8-17-73;8:45 am]

[Docket No. CI74-82]

TEXACO, INC.

Notice of Application Pursuant to Commission's General Policy and Interpretations

AUGUST 13, 1973.

Take notice that on August 6, 1973, Texaco Inc. (Applicant), P.O. Box 52332, Houston, Texas 77052, filed in Docket No. CI74-82 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Tennessee Gas Pipeline Company (Tennessee), a Division of Tenneco, Inc., from the Eugene Island Block 338 Field, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell approximately 258,000 Mcf of gas per month from Eugene Island Block 338 Field, to Tennessee at an initial rate of 47.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment, pursuant to a contract dated July 5, 1973. Said contract provides for a 2.0-cent per Mcf price escalation every year, for tax reimbusement to the seller for all of any new or additional taxes and for a term of 20 years from the date deliveries commence.

Applicant states that the gas offered for certification pursuant to the contract with Tennessee has not been previously sold in interstate market nor have any applications been previously filed with the Commission for certification of the sales of such gas.

Applicant asserts that the instant sales at the proposed initial rate with escalations will make additional supplies of gas available to the interstate marker where there is currently a shortage and will assist Tennessee alleviate the deficiencies on its system. Applicant further asserts that the proposed rate with escalations is lower than rates for imported liquefied natural gas, synthetic gas from petroleum or coal, gas from Alaska and the price alternative fuels.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 1973 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17231 Filed 8-17-73;8:45 am]

[Docket No. E-6407]

DEPARTMENT OF THE INTERIOR, SOUTHWESTERN POWER ADMINISTRATION

Notice of Request for Approval of Rates and Charges

AUGUST 13, 1973.

Notice is hereby given that the Secretary of the Interior (Secretary), acting on behalf of Southwestern Power Administration (SWPA) and pursuant to section 5 of the Flood Control Act of 1944 (58 Stat. 887, 890), filed with the Federal Power Commission on June 20, 1973, a request in Docket No. E-6407 for confirmation and approval of proposed increased rates and charges for the sale of electric power and energy to Arkansas Power & Light Company (Arkansas Power).

The Agreement dated January 29, 1952 among the United States of America, Arkansas Power, and Reynolds Metals Company (Reynolds), as supplemented and amended, known as the Aluminum Contract (Contract), provides for (1) SWPA to sell 150,000 KW and 30,000,000 KWH of firm hydroelectric power and energy per month to Arkansas Power and (2) Arkansas Power, in turn, to sell 110,000 KW of high-load factor electric power to Reynolds for its aluminum reduction plant at Arkadelphia, Arkansas. In addition, provision is made in the Contract for SWPA to sell up to 25,000,000 KWH of secondary energy per month to Arkansas Power at rates specified therein, including 1.75 mills per KWH for five-year period beginning January 1, 1969 and 2.00 mills per KWH for the ten-year period beginning January 1, 1974. All such contractual rates for secondary energy were approved by the Commission's orders issued April 23 and 28, 1952 in this docket (11 FPC 953, 959) and the above-mentioned request of the Secretary does not seek any further Commission action concerning those rates. The term of the Contract is 30 years, beginning January 1, 1954.

The Commission, by order issued December 30, 1968 in this docket (40 FPC 1519), approved for the five-year period ending December 31, 1973, which is the fourth five-year period of electric service under the Contract, the following "base rate" for SWPA's sales of firm electric energy to Arkansas Power: 7.05 mills per KWH for the first 22,000,000 KWH per month and 3.525 mills per KWH for the remaining 8,000,000 KWH per month, or an average rate of 6.11 mills per KWH. Such "base rate" was 117.5 percent of the initial "base rate" specified in the Contract for the first five-year period of electric service.

In his above-mentioned request, the Secretary states that, in accordance with the provisions of the Contract, he has reviewed SWPA's "base rate" to Arkansas Power for firm electric energy and has redetermined it to be 120 percent of the initial "base rate", the maximum rate increase allowed by the Contract for the 21st through the 25th year of electric service beginning January 1, 1974, which is the fifth five-year period under the Contract. The Secretary seeks Commission approval of such redetermined "base rate" for SWPA's sales of firm energy to Arkansas Power as follows: 7.2 mills per KWH for the first 22,000,000 KWH per month and 3.6 mills per KWH for the remaining 8,000,000 KWH per month, or an average rate of 6.24 mills per KWH, effective as of January 1, 1974. The Secretary represents that in conformity with the Contract's provisions, the "base rate" as so redetermined will not be higher than would be required to meet the standards of Section 5 of the Flood Control Act of 1944 if equally applied to all customers of SWPA that are similarly situated.

The proposed rates and charges, together with repayment studies in support thereof, are on file with the Commission and available for public inspection. Any person desiring to make comments or suggestions for the Commission's consideration with respect to said rates and charges should submit the same in writing on or before September 10, 1973, to the Federal Power Commission, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17232 Filed 8-17-73;8:45 am]

[Project Nos. 2058, 2075]

WASHINGTON WATER POWER CO.

Notice of Application for Change in Land Rights

AUGUST 10, 1973.

Public notice is hereby given that application was filed December 14, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by The Washington Water Power Company (Correspondence to: Mr. Robert L. Strenge, Assistant Secretary, The Washington Water Power Company, P.O. Box 1445, Spokane, Washington 99210) for change in land rights for constructed Project No. 2058, known as the Cabinet Gorge Project, located on the Clark Fork River in Bonner County, Idaho and Sanders County, Montana and for constructed Project No. 2075, known as the Noxon Rapids Project, located on the Clark Fork River in Sanders County, Montana. Project No. 2058 is downstream of Project No. 2075. The location of the lands involved is Sanders County, Montana.

Applicant, The Washington Water Power Company, requests Commission approval to transfer title of 12 parcels of project land totaling 69.54 acres (0.10 acres of P-2058 land and 69.44 acres of P-2075 land) to Burlington Northern, Inc. The conveyance would be pursuant to an agreement with the railroad to secure ownership of lands needed for relocation of the previous right-of-way which was flooded by the construction of Noxon Reservoir. The land, which is totally within relocated railroad right-of-way, was recently ac-

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quired from the U.S. Forest Service. The railroad right-of-way is adjacent to and follows the right bank of the project reservoirs until it crosses the Clark Fork River about 9 miles upstream of the Noxon Rapids Dam.

Relocation of the railroad was shown on Exhibit J Sheet 2 approved by the Commission in the order issuing license dated May 12, 1955, and on Revised Exhibit J Sheet 2 approved September 26, 1962.

Any person desiring to be heard or to make protest with reference to said application should, on or before September 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17233 Filed 8-17-73;8:45 am]

[Docket No. CP74-32]

NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 13, 1973.

Take notice that on August 6, 1973, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-32 a budget-type application pursuant to section 7(c) and 7(b) of the Natural Gas Act, as implemented by §§ 157.7(c) and 157.7(e) of the Commission's regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1974, and operation of certain natural gas sales and transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to supply the natural gas requirements of its distributors and small direct customers and to abandon certain natural gas service and facilities with the least possible delay.

The total cost of the facilities proposed herein is not to exceed $300,000 which Applicant plans to finance from cash on hand and funds generated from operations.

Applicant requests a waiver of § 157.7 (c)(1)(ii) of the regulations which prohibits the filing of a budget-type application when a distributor is required to make a contribution to Applicant for cost of construction of facilities. Applicant states that it has been its practice to require distributors to make a contribution to the cost of constructing measuring and regulating facilities and appurtenances where no additional contract demand is being purchased by such distributors and that such policy is contained in its FPC Gas Tariff, Third Revised Volume No. 1, on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17225 Filed 8-17-73;8:45 am]

[Docket No. CP66-110]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Petition; Correction

JULY 12, 1973.

In the Notice of Petition to Amend Certificate Authorization or Alternatively for Declaratory Order, issued June 25, 1973 and published in the FEDERAL REGISTER July 3, 1973, 38 FR 17763: Second paragraph, first line, change:

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17210 Filed 8-17-73;8:45 am]

[Docket No. CI73-844]

ARMOUR PROPERTIES

Notice of Application; Correction

JULY 3, 1973.

In the Notice of Application, issued June 14, 1973, and published in the FEDERAL REGISTER June 21, 1973, 38 FR 16269:

First paragraph, line 12: Change "Manahulla County" to read "Gollad County."

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17211 Filed 8-17-73;8:45 am]

[Docket No. G-4616, etc.]

APPLICATIONS FOR CERTIFICATES, ABANDONMENT OF SERVICE, AND PETITIONS TO AMEND CERTIFICATES

List of Applicants; Correction

MAY 31, 1973.

In the Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates, issued May 10, 1973 and published in the FEDERAL REGISTER May 24, 1973, 38 FR 13695: Under Docket Number and Date Filed Change:

"CI73-725, A 4-30-73" to read respectively "G-6083, C 4-30-73".

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17212 Filed 8-17-73;8:45 am]

[Docket Nos. CP73-267 and CP73-269, etc.]

TRANSCO ENERGY CO., ET AL.

Notice of Application; Correction

MAY 29, 1973.

In the Notice of Application, issued April 27, 1973 and published in the FEDERAL REGISTER May 3, 1973, 38 FR 11008: First paragraph, line 24: Change "CP73-260" to read "CP73-270."

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17213 Filed 8-17-73;8:45 am]

[Docket No. RP73-94]

VALLEY GAS TRANSMISSION, INC.

Order Accepting for Filing and Suspending Revised Tariff Sheets and Providing for Hearing; Correction

MAY 30, 1973.

In the Order Accepting for Filing and Suspending Revised Tariff Sheets and Providing for Hearing, issued May 14, 1973 and published in the FEDERAL REGISTER May 22, 1973 38 FR 13504: First paragraph, line 4, change "21.33" to "21.32".

Paragraph 6, line 17, change "No. 24" to "No. 2A"

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17214 Filed 8-17-73;8:45 am]

FEDERAL RESERVE SYSTEM

AFFILIATED BANKSHARES OF COLORADO, INC.

Order Approving Merger of Bank Holding Companies

Affiliated Bankshares of Colorado, Inc. ("Affiliated"), Boulder, Colorado, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with First Colorado Bankshares, Inc. ("First Colorado"), Littleton, Colorado, under the certificate of incorporation and name of Affiliated Bankshares of Colorado.

Notice of receipt of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Affiliated, having 14 subsidiary banks with total deposits of $378 million, is the fourth largest banking organization in Colorado and controls 6.4 per cent of the total commercial bank deposits in the State. (Unless otherwise indicated, banking data are as of June 30, 1972, adjusted to reflect acquisitions approved by the Board through May 31, 1973.) First Colorado controls four banks (in and around the City of Denver) with total deposits of $234 million and ranks as the State's seventh largest banking organization controlling about 4 percent of the total deposits in the State. As a result of consummation of the proposal, Affiliated would control 10.3 per cent of the total deposits in commercial banks in Colorado and would become the State's third largest banking organization. The first, second, and third largest banking organizations in the State now control, respectively, about 16, 15, and 9 percent of the total commercial bank deposits.

Affiliated's present subsidiary banks are all located along the populous Eastern Slope of the Rocky Mountains, and operate variously in each of four major banking markets in the State. Affiliated is the only large banking organization in Colorado not now represented in the Denver area. In the Colorado Springs market, where there are 20 banks with $476 million in total deposits, Applicant is the largest banking organization with three subsidiary banks holding 31 per cent of the deposits. Applicant is also the largest banking organization in the Boulder market where Applicant's four subsidiary banks hold 35 per cent of the total of $280 million in deposits held by the 14 banks operating there. In the Greeley market, Applicant's four subsidiary banks hold 39 per cent of the total of $220 million in deposits held by the 16 banks there, making Applicant the largest banking organization in that market. Applicant is the third largest banking organization in the Fort Collins market with its three subsidiary banks holding about 21 per cent of the $219 million in deposits held by the 11 banks there.

In contrast to Affiliated, First Colorado operates solely in the Denver area, with its four subsidiary banks accounting for 6.4 per cent of the over $3 billion in deposits of the 64 commercial banks operating there. Except for one of Affiliated's subsidiaries in Boulder, which derives a little more than $1 million in deposits from the Denver area, there is no existing competition between the subsidiary banks of Affiliated and of First Colorado. The closest banking offices of any subsidiary of either are more than 25 miles apart. It appears, therefore, that no significant existing banking competition would be eliminated as a result of consummation of the proposal.

Affiliated has a mortgage banking subsidiary making 1-4 family mortgage loans and construction loans in the Denver market, as does First Colorado. However, the amount of competition between the two mortgage companies is not regarded as being substantial. The combined share of the two institutions in the 1-4 family mortgage market represents less than 5 per cent of such mortgages in the Denver market. Furthermore, there are some 20 mortgage companies, 17 savings and loan associations, and 63 commercial banks engaged in mortgage lending in the Denver market. In view of the small market share of the two institutions and the large number of competitors in the market, the Board does not consider the amount of existing competition that would be eliminated on 1-4 family residential mortgages to be significant. In addition, since combined they made less than $50 million in the construction loans during 1972 and since the market for construction loans is considered to be regional in scope, the amount of existing competition in this product area that would be eliminated as a result of the proposal is minimal.

In commenting on the subject proposal, the Department of Justice indicated that some existing banking competition and some competition in mortgage lending in the Denver area would be eliminated. It further expressed the view that consummation of the proposal would eliminate significant potential competition since Affiliated and First Colorado may be regarded as significant potential entrants into markets which they both do not presently serve. In particular, the Department indicated that First Colorado was a significant potential entrant into the Boulder, Colorado Springs, Greeley, and Fort Collins banking markets, and that consummation of the proposal would thus eliminate substantial potential competition between Affiliated and First Colorado in those markets. The Department noted also that the number of significant banking organizations in Colorado would be reduced from eight to seven as the result of the removal of First Colorado as an independent banking organization. As discussed more fully above, the Board does not consider the effects of the proposal on existing competition to be significant. Moreover, as discussed below, in the Board's judgment consummation of the proposal would not have adverse effects on potential competition.

First Colorado was originally formed in 1962 with three subsidiary banks. It established its fourth subsidiary bank de novo in 1963, and has not made any acquisitions since that time. Furthermore, taking into account the financial and managerial resources of First Colorado and its subsidiaries, which are discussed below, it is doubtful that it possesses the necessary financial resources or inclination to alter its present status as a Denver area holding company. In view of these considerations, it is unlikely that the Board would approve a plan by First Colorado to expand its operations, even if one were to be submitted, unless extensive measures were adopted to strengthen and improve the financial condition and management of First Colorado.

With respect to the prospect of Affiliated expanding into the Denver area, Affiliated does possess both the financial and managerial resources for such expansion, either de novo or through a foothold acquisition, and to that extent some potential competition between the bank holding companies in the Denver area would be eliminated as a result of this proposal. However, the Board does not regard this elimination of such potential competition to be significant, inasmuch as First Colorado does not appear to be an aggressive competitor in the Denver market, holding only 6.4 per cent of the total deposits in the Denver area.

As a result of the consummation of the proposal, competition in the Denver area should be enhanced since First Colorado's subsidiary banks in Denver, which are not presently significant competitors due to their size and their impaired financial condition, should become more effective competitors as a result of increased financial resources which would be available from Affiliated. This will create a stronger alternative to the four largest Denver banking organizations which control over 60 per cent of market deposits. The proposal should also promote overall banking competition in the State since entrance into Denver, the financial and commercial center of the State, through the subject acquisition should enhance Affiliated's competitive position and make it comparable in size to the State's two larger bank holding companies already headquartered in Denver.

On the basis of the foregoing and the facts of record, it appears that consummation of the proposal would not substantially lessen competition in any relevant area nor have a significantly adverse effect on existing competition, nor foreclose the development of significant competition in any relevant area. The Board concludes, therefore, that competitive considerations are consistent with approval of the application.

The financial conditions of Affiliated and each of its subsidiaries are regarded as generally satisfactory and the prospects of the group appear favorable. As noted previously in connection with the Board's assessment of the prospects of First Colorado expanding into other markets, the financial condition of First Colorado and its subsidiaries is not regarded as strong and is less than the Board regards as desirable for a bank holding company. At the present time three of First Colorado's subsidiary banks

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are in need of additional capital to service present operations, as well as to support future expansion, which capital First Colorado is unable to provide without borrowing and increasing its already high level of debt. In addition, First Colorado lacks the managerial resources to adequately staff its present banking subsidiaries. Absent approval of the present proposal, the Board considers First Colorado's future prospects to be only fair. As a result of the consummation of this proposal, Affiliated will be able to provide management personnel for First Colorado's banking subsidiaries. Moreover, Affiliated plans to raise $6 million for recapitalization of the banks being acquired and for the future expansion of the banking premises of those banks. Implementation of these plans should strengthen and improve the financial condition of First Colorado's subsidiaries and enhance the prospects of the banks for the future. Therefore, the Board finds that considerations relating to financial and managerial resources lend some weight for approval of the application.

There is no evidence indicating that the major banking needs of the areas served by the subsidiary banks of Affiliated or of First Colorado are not being met by the existing institutions. However, as a result of this proposal, the present subsidiaries of First Colorado should become more effective competitors in the Denver market because of their improved financial conditions. Affiliated would also be in a position to develop an effective correspondent banking division in Security National Bank (First Colorado's subsidiary bank in downtown Denver), and thus provide an additional source for such services to Colorado banks. Furthermore, as a result of the acquisition of First Colorado, Affiliated should be able to broaden and generally improve its banking services throughout Colorado, as well as providing larger overall lending limits to meet the needs of larger borrowers. These considerations relating to convenience and needs are regarded as being consistent with, and lending some weight toward, approval of the application.

On the basis of the record,[1] the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective August 9, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-17249 Filed 8-17-73;8:45 am]

CENTRAL BANCSHARES OF THE SOUTH, INC.

Order Permitting Revision in the Method of Acquisition of Shares of the Deposit National Bank of Mobile County, Prichard, Alabama

By Order dated April 19, 1973, the Board approved an application of Central Bancshares of the South, Inc., Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, to acquire not less than 80 per cent of the voting shares of The First National Bank of Auburn, Auburn, Ala.; and to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to The Deposit National Bank of Mobile County, Prichard, Alabama ("Prichard Bank").

Applicant requested approval on July 13, 1973, of a change in the manner of acquiring Prichard Bank from the merger means of acquisition as stated in the application and the Board's Order to a direct exchange of not less than 80 per cent of the voting shares of Prichard Bank for Applicant's stock. Applicant stated that it had experienced delays in meeting its projected timetable for consummation, and the proposed direct method of acquiring this bank would result in a savings in both time and expense.

The Board has concluded that the request should be granted. The Board's Order of April 19, 1973, is hereby amended to permit Applicant to acquire not less than 80 per cent of the voting shares of Prichard Bank directly through an exchange of shares of Prichard Bank for shares of the stock of Applicant.

By order of the Board of Governors,[1] effective August 9, 1973.

CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-17250 Filed 8-17-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

COST OF HOSPITAL AND MEDICAL CARE AND TREATMENT FURNISHED BY THE UNITED STATES

Certain Rates Regarding Recovery From Tortiously Liable Third Persons

By virtue of the authority vested in the President by section 2(a) of the Act of September 25, 1962, (76 Stat. 593; 42 U.S.C. 2652), and delegated to the Director of the Office of Management and Budget by Executive Order No. 11541 of July 1, 1970, (35 FR 10737), the following three sets of rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States (Part 43 of Chapter I of Title 28 of the Code of Federal Regulations) through three separate Federal agencies. These rates have been determined to represent the reasonable value of hospital, nursing home, medical, surgical or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals and nursing homes, administered by any of the three Federal agencies—Department of Defense, Veterans Administration, or Department of Health, Education, and Welfare—with the exception of Canal Zone Government hospitals—

	Effective July 1, 1973 and thereafter		
	DOD	VA	HEW
Hospital care per inpatient day:			
Federal general, surgical, and tuberculosis hospitals	$126	$72	$93
Federal mental hospitals		47	
Veterans Administration nursing home units		31	
Outpaient medical and dental treatment: per facility visit	16	27	19

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be the amounts expended by the United States for such care and treatment;

(c) For such care and treatment at Canal Zone Government hospitals, the rates shall be those established, and in effect at the time the care and treatment is furnished, by the Canal Zone Government for such care and treatment furnished to beneficiaries of other United States Government agencies.

For the period beginning July 1, 1973, the rates prescribed herein supersede those established by the Director of the Office of Management and Budget on June 26, 1973 (38 FR 16806).

Dated: August 8, 1973.

ROY L. ASH,
Director,
Office of Management and Budget.

[FR Doc.73-17236 Filed 8-17-73;8:45 am]

[1] Dissenting Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[2] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, and Holland. Voting against this action: Governor Brimmer. Absent and not voting: Chairman Burns and Governor Daane.

[1] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting Chairman Burns and Governor Daane.

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

COLORADO INTERSTATE CORP.

Order Suspending Trading

AUGUST 13, 1973.

Debentures, 8½ percent, due April 1991, of Colorado Interstate Corporation being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and 8½ percent Debentures due April 1991, First Mortgage 7½ percent Pipeline Bonds due June 1992, First Mortgage 8 percent Pipeline Bonds due June 1989, Preferred 5 percent Cum., Preferred 5.35 percent Cum., and Preferred 5.50 percent Cum. of Colorado Interstate Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19 (a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 14, 1973 through August 23, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-17268 Filed 8-17-73;8:45 am]

[File 500-1]

COLORADO INTERSTATE GAS CO.

Order Suspending Trading

AUGUST 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the First Mortgage 3.35 percent Pipeline Bonds due July 1974, First Mortgage 4.70 percent Pipeline Bonds due March 1979, and 4¾ percent Debentures due April 1984 of Colorado Interstate Gas Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 14, 1973 through August 23, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-17270 Filed 8-17-73;8:45 am]

[File No. 500-1]

COASTAL STATES GAS CORP.

Order Suspending Trading

AUGUST 13, 1973.

The common stock, $.33⅓ par value; $1.19 cumulative convertible preferred Series A, $.33⅓ par value; and $1.83 cumulative convertible preferred Series B, $.33⅓ par value of Coastal States Gas Corporation being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Coastal States Gas Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19 (a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 14, 1973 through August 23, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-17267 Filed 8-17-73;8:45 am]

COASTAL STATES GAS PRODUCING CO.

[File 500-1]

Order Suspending Trading

AUGUST 13, 1973.

First Mortgage Bonds Series E 7¾ percent due 1991 of Coastal States Gas Producing Company being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and First Mortgage Bonds Series A 5 percent due 1983, Series B 5 percent due 1985, Series C 6½ percent due 1986, Series D 7⅝ percent due 1989, and Series E 7¾ percent due 1991; 5½ percent Sinking Fund Debentures due 1977; and 6 percent Sinking Fund Debentures due March 1980 of Coastal States Gas Producing Company being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19 (a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 14, 1973 through August 23, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-17269 Filed 8-17-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

AUGUST 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value and all other securities of First Leisure Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 14, 1973 through August 23, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-17274 Filed 8-17-73;8:45 am]

LEHMAN BROTHERS INC.

Filing of Application

Notice is hereby given that Lehman Brothers Inc. ("Applicant"), on behalf of itself, Bache & Co. Inc., duPont Walston Inc., Shearson, Hammill & Co. Inc., Crowell, Weedon & Co. and Sutro & Co. Inc., as prospective representatives ("Representatives") of a group of underwriters, and all other persons who will be underwriters, (collectively "Underwriters"), of a proposed offering of shares of Bunker Hill Income Securities, Inc. ("Corporation"), a new closed-end diversified management investment company recently registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order exempting the Underwriters in connection with their transactions incident to the distribution of shares of the Corporation, and such transactions, from section 30(f) of the Act to the extent that it adopt section 16(b) of the Securities Exchange Act of 1934 ("Exchange Act"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

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Shares of the Corporation (the "Registered Shares") are to be purchased by the Underwriters pursuant to an Underwriting Agreement to be entered into between the Corporation and the Underwriters represented by Applicant and the other Representatives. It is intended that on the effective date of the Corporation's Regisration Statement under the Securities Act of 1933, the Registered Shares will be offered for sale to the public. Although it is initially proposed to offer 4,000,000 shares of Common Stock of the Corporation under the Registration Statement, the number actually to be offered may be greater or less than 4,000,000 depending upon market conditions and other factors.

It is possible that one or more of the Underwriters, including the Applicant and any of the other Representatives, may acquire, pursuant to the provisions of the Underwriting Agreement, more than 10 percent of the Registered Shares which will be outstanding at the time of the closing of the initial public offering of such shares. Since section 30(f) of the Act subjects every person who is directly or indirectly a beneficial owner of more than 10 percent of any class of outstanding securities of the Corporation to the same duties and liabilities as those imposed by section 16 of the Exchange Act on certain owners in respect of their transactions in certain securities, such Underwriter or Underwriters may, accordingly, become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, become subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b–2 under the Exchange Act exempts transactions in connection with a distribution of a substantial block of securities from the operation of Section 16(b) thereof. Applicant states that the purpose of the purchase by the Underwriters will be for resale in connection with the initial distribution of the Registered Shares. In addition to purchases of shares from the Corporation and sales of shares to customers, there may be the usual transactions of purchase or sale incident to a distribution such as purchases in stabilizing transactions, sales of shares so purchased and purchases to cover over-allotment or other short positions created in connection with the distribution. Such purchases and sales, therefore, will be transactions effected in connection with the distribution of a substantial block of securities within the purpose and spirit of Rule 16b–2.

It is possible, however, that one or more of the Underwriters will not be exempted from section 16(b) by the operation of Rule 16b–2, as they may fail to meet the requirement stated in paragraph (a)(3) of Rule 16b–2 that the aggregate participation of persons not within the purview of Section 16(b) of the Exchange Act be at least equal to the participation of persons receiving the exemption under Rule 16b–2. It is possible that one or more of the Underwriters who, pursuant to the Underwriting Agreement, will purchase more than 10% of the Registered Shares may purchase more than 50 percent of such shares being offered pursuant to the Underwriting Agreement. Moreover, this requirement of Rule 16b–2(a)(3) may not be met because it is possible that one or more of the Underwriters, even though they are obligated by the Underwriting Agreement to purchase less than 10 percent of the aggregate number of Registered Shares to be outstanding upon completion of the initial public offering of such shares, may, as a consequence of defaults by other Underwriters who do not purchase their respective underwriting commitments, become obligated to purchase at the closing of the public offering more than 10 percent of the aggregate number of Registered Shares to be outstanding after the closing.

Therefore, the Applicant submits, that the requested exemption from the provisions of section 30(f) of the Act is necessary The Applicant states that the requested exemption should be granted because there can be no inside information concerning the Corporation since the Corporation will have no assets and will not have commenced the conduct of any business prior to the distribution and sale of its shares. Applicant further states that no partner, director or officer or any of the Representatives, including the Applicant, is a director or officer of either the Corporation or Security Pacific National Bank, the Corporation's investment adviser ("Adviser"), or any affiliate of the Adviser and that it is not anticipated that any partner, director, or officer of any other Underwriter will be a director or officer of the Corporation or the Adviser or any such affiliate.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the requested exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested persons may, not later than September 7, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–17276 Filed 8–17–73;8:45 am]

[File No. 500–1]

LIFE INSURANCE SECURITIES CORP.

Order Suspending Trading

AUGUST 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1. par value, and all other securities of Life Insurance Securities Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.d.t.) on August 13, 1973 and continuing through August 22, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–17271 Filed 8–17–7;8:45 am]

[70–5328]

METROPOLITAN EDISON CO.

Notice Regarding Proposed Amendments of First Mortgage Indenture

In the Matter of Metropolitan Edison Company 2800 Pottsville Pike Muhlenberg Township Berks County, Pennsylvania 19605

Notice is hereby given that Metropolitan Edison Company ("Met Ed"), an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed with this Commission post-effective amendments to the amended declaration, heretofore filed by Met Ed in this proceeding pursuant to sections 6(a), 7 and 12(e) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 62 and 65 promulgated thereunder. Rule 24, promulgated under the Act has been designated as applicable to the post-effective amendments. All interested persons are referred to the declaration, as heretofore amended and as it now proposed to be further amended, summarized below, for a complete statement of the purposed transactions.

By order dated June 12, 1973 (Holding Company Act Release No. 18001), the Commission authorized Met Ed, subject to the affirmative vote of the holders of 75 percent in principal amount of First Mortgage Bonds, to amend its First Mortgage Indenture and Deed of Trust dated as of November 1, 1944 ("Indenture"), to effect two changes in that Indenture relating to the definition of bondable property and the conformance to all valid requirements of any governmental authority with respect to such property. The order also authorized Met Ed to solicit proxies from the bondholders in connection with the proposed amendments pursuant to Rule 62.

On July 23 and August 8, 1973, Met Ed filed post-effective amendments to the amended declaration requesting that the time within which it may seek the consent of its bondholders and enter into the supplemental indenture to give effect to the proposed Indenture changes be extended until February 1, 1974. Under Rule 24(c), unless otherwise indicated in a declaration, a transaction heretofore authorized by an order is to be consummated within 60 days after the effective date of such order. Met Ed does not now have the required consents for the amendments, and the extension of time herein sought is necessary in order for Met Ed to continue its solicitation for such consents. Under the same rule, the Commission has reserved jurisdiction to take further action with respect to unconsummated transactions, upon the request of a declarant, as the Commission shall determine to be appropriate.

It is further stated that on or about July 24 1973, a complaint was filed in the Federal District Court in Philadelphia, Pennsylvania (Civil Action No. 73–1684) by a Met Ed bondholder on behalf of himself and of all others similarly situated against Met Ed and Morgan Guaranty Trust Company of New York, the Indenture trustee. The complaint alleges as to matters therein specified that the Met Ed proxy statement, the subject of the instant declaration and amendments thereto, was false and misleading with respect to material facts and omitted to state material facts necessary in order to make the statements therein not false and misleading. Met Ed states that its expenses with respect to the tranaction will now be increased as a result of the aforesaid civil action, and it requests that the Commission reserve jurisdiction with respect to its expenses until such expenses can be finally determined.

Notice is further given that any interested person may, not later than September 7, 1973, request in writing that a hearing be held on the matters set forth in the declaration, as amended by the post-effective amendments, including the proxy solicitation material which has heretofore been used and which it is proposed to be used to secure the requisite consents to effect the amendments to the Indenture. Any such person shall state the nature of his interest, the reasons for his request, and the issues of fact or law raised by said declaration, as amended by the post-effective amendments, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Met Ed has undertaken to serve a copy of this notice upon attorneys for plaintiff in the above-mentioned civil action. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by the post-effective amendments, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–17275 Filed 8–17–73;8:45 am]

[File No. 500–1]

PELOREX CORP.

Order Suspending Trading

AUGUST 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Pelorex Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 14, 1973 through August 23, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–17273 Filed 8–17–73;8:45 am]

[File No. 500–1]

VAHLSING, INC.

Order Suspending Trading

AUGUST 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Vahlsing, Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.d.t.) on August 13, 1973 and continuing through August 22, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–17272 Filed 8–17–73;8:45 am]

SMALL BUSINESS ADMINISTRATION

STRUTHERS CAPITAL CORPORATION

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to section 107.701 of the Regulations governing Small Business Investment Companies (13 CFR 107.701 (1973)) for the Transfer of Control of Struthers Capital Corporation, (the applicant), License No. 02/02–0270, 630 Fifth Avenue, New York, New York 10020, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act).

The Applicant was licensed on August 5, 1968, with paid-in capital and paid-in surplus of $2,405,760. As of May 31, 1973, its capital and surplus amounted to $2,405,760. It has 1,000 authorized and outstanding shares of common stock. Struthers Wells Corporation (Struthers) owns all of the outstanding stock of the Applicant. Developers Aid, Inc., is a wholly owned subsidiary of the Applicant.

Subsequent to the Change of Control, it is contemplated that the Applicant will transfer from surplus an amount approximating $350,000 to allowance for uncollectibles. The result of such transfer will be a reduction in the total paid-in capital and paid-in surplus of the Applicant to approximately $2,100,000.

FEDERAL REGISTER, VOL. 38, NO. 160—MONDAY, AUGUST 20, 1973

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Pursuant to negotiations between Struthers and Prudential Funds, Inc. (Prudential), subject to necessary regulatory approvals, Prudential has agreed in principle to purchase from Struthers all of Struthers' stock in the Applicant. At the closing, Struthers will purchase from the Applicant, for book or carrying value, its investments in the Majestic Hotel property, Putnam Country Club, and the Pyramid Leasehold.

Prudential proposes to change the name of the Applicant to Pru-Fin Capital Corp. It intends to move the Applicant's office to One New York Plaza, New York, New York 10004. Prudential does not intend to change the plan of operations of the Applicant.

The names and addresses of the contemplated officers, directors and stockholder of the Applicant are as follows:

Victor Harz, One New York Plaza, New York, New York 10004, President and Director.
Anton J. Stasney, One New York Plaza, New York, New York 10004, Treasurer.
Arnold M. Sheidlower, One New York Plaza, New York, New York 10004, Secretary.
Frederick M. Glass, One New York Plaza, New York, New York 10004, Director.
Winston S. McAdoo, One New York Plaza, New York, New York 10004, Director.
Prudential Funds, Inc., One New York Plaza, New York, New York 10004, Owner of all the issued and outstanding stock of the Applicant.

Mr. Nathan M. Shippee, Chairman of the Board of Prudential, and members of his family own or control approximately 25.85 percent of the outstanding voting securities of Prudential.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed purchaser and the probability of successful operation of the Applicant under its control and management in accordance with the Act and Regulations.

Notice is further given that any interested person may submit their comments on the proposed transfer of control to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416, within 10 days.

A similar notice shall be published by the proposed purchaser in a newspaper of general circulation in New York, New York.

Dated: August 15, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-17259 Filed 8-17-73;8:45 am]

VETERANS ADMINISTRATION

ADMINISTRATOR'S EDUCATION AND REHABILITATION ADVISORY COMMITTEE

Notice of Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Education and Rehabilitation Advisory Committee, authorized by section 1792, title 38, United States Code, will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C., on August 30 and 31, 1973, at 9:30 a.m. The meeting will be for the purposes of reviewing the final report of the Independent Study (Public Law 92-540, section 413) submitted by the Educational Testing Service, Princeton, New Jersey, to prepare recommendations on the Study to the Administrator of Veterans Affairs, and to consider other related items.

The meeting will be open to the public up to the seating capacity of the conference room which is about 40 persons. Because of the limited seating capacity and the need for building security, it will be necessary for those wishing to attend to contact Dr. Andrew S. Adams, Deputy Director, Education and Rehabilitation Service, VA Central Office (phone 202-389-2152), prior to August 30.

Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

Dated: August 14, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73-17288 Filed 8-17-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 15, 1973.

An application, as summarized below, have been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the General rules of practice (49 CFR 1100.40) and filed on or before September 4, 1973.

FSA No. 42733—*Liquefied Petroleum Gas from Huntley, Montana.* Filed by Trans-Continental Freight Bureau, Agent, (No. 483), for interested rail carriers. Rates on gas, liquefied petroleum, in tank-car loads, as described in the application, from Huntley, Montana, to points in western trunk-line and southwestern territories.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 248 to Trans-Continental Freight Bureau, Agent, tariff 14-P, I.C.C. No. 1785. Rates are published to become effective on September 15, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-17321 Filed 8-17-73;8:45 am]

[No. 35868]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Order Regarding Arkansas Intrastate Freight Rates and Charges, 1973

ICC to investigate lawfulness of Arkansas intrastate rates and charges—notice to participate due on or before September 21, 1973.

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 2d day of August, 1973.

By joint petition filed July 17, 1973, the Chicago, Rock Island and Pacific Railroad Co., The Kansas City Southern Railway Co., Louisiana & Arkansas Railway Co., Missouri Pacific Railroad Co., St. Louis-San Francisco Railway Co., and St. Louis Southwestern Railway Co., common carriers by railroad, operating within the State of Arkansas, aver that the Arkansas Transportation Commission has refused to permit increases in intrastate rates and charges on freight traffic moving between points within that State corresponding to increases maintained by petitioners on like traffic moving in interstate commerce as authorized by this Commission in Ex Parte No. 281, Increased Freight Rates and Charges, 1972, 341 I.C.C. 288;

It appearing, that petitioners allege that increases were permitted on interstate rates and charges because of revenue needs, and result in rates and charges which are just and reasonable; that interstate and intrastate traffic transported by petitioners in the State of Arkansas is commingled and handled in the same trains; that revenue needs with respect to such intrastate commerce are as great as or greater than they are with respect to interstate commerce; that transportation conditions in Arkansas are no different than those with respect to interstate traffic; that the findings in the above-cited report that the advances in rates and charges were necessary on interstate commerce are equally applicable to the rates and charges on Arkansas intrastate traffic; that as a result of the denial of the increases on Arkansas intrastate traffic, the rates and charges on such traffic are and for the future will be unjustly and unreasonably low, do not produce a fair share of the revenues required by the petitioners to meet their maintenance and operating costs, nor yield a fair return on the value of the properties devoted to transportation, and do not contribute fairly and fully to the need in the public interest of adequate and efficient transportation service; and that the increases sought herein, when applied to intrastate rates and charges, will not divert traffic, but will result in intrastate rates and charges which are just and reasonable and which will produce substantial revenue;

It further appearing, that petitioners further allege that the disparity in the level of the rates and charges between interstate and intrastate commerce within the State of Arkansas caused by the failure of the intrastate rates and charges to bear the increases borne by the interstate rates and charges, results in undue, unreasonable, and unjust discrimination against, and an undue burden on, interstate or foreign commerce, and causes an undue and unreasonable advantage and preference in favor of persons and localities using the intrastate level of rates and charges within the State of Arkansas and against persons engaged in interstate or foreign commerce moving to, from, or through the State of Arkansas; and that, therefore, the petitoners request an investigation, under sections 13 and 15a of the Interstate Commerce Act, of the Arkansas intrastate rates and charges, and the issuance of an order requiring the removal of the unlawfulness;

And it further appearing, that there have been brought in issue by the said petition matters sufficient to require an investigation into the lawfulness of intrastate rate and charges made or imposed by the State of Arkansas;

Wherefore, and good cause appearing therefor:

It is ordered, That the petition be, and it is hereby, granted, and that an investigation be, and it is hereby, instituted under sections 13 and 15a of the Interstate Commerce Act to determine whether the said rates and charges of carriers by railroad, or any of them, operating in the State of Arkansas, for the intrastate transportation of freight traffic made or imposed by the State of Arkansas cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate transportation in Ex Parte No. 281, *Increased Freight Rates and Charges, 1972, supra,* any undue or unreasonable advantage, preference, or prejudice, as between persons or locations in intrastate commerce, on the one hand, and those in interstate or foreign commerce, on the other, or any undue, unreasonable, or unjust discrimination against, or undue burden on, interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum or minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, discrimination, or undue burden, if any, that may be found to exist.

It is further ordered, That all carriers by railroad operating within the State of Arkansas, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding.

It is further ordered, That all persons who wish actively to participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Interstate Commerce Commission, in writing on or before September 21, 1973. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date for indicating a desire to participate in the proceeding has passed, the Commission will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

It is further ordered, That a copy of this order be served upon each of the said petitioners; and that the State of Arkansas be notified of the proceeding by sending copies of this order and of said petition by certified mail to the Governor of Arkansas, Little Rock, Ark., and to the Arkansas Transportation Commission at Little Rock; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

And it is further ordered, That this proceeding be assigned for hearing as may hereafter be designated.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-17322 Filed 8-17-73;8:45 am]

[No. MC-119619 (Sub-No. 7)]

DISTRIBUTORS SERVICE CO. EXTENSION—FOODS AND FOOD PRODUCTS

Order Regarding Transport of Meat

AUGUST 15, 1973.

At a session of the Interstate Commerce Commission, Division 1, acting as an Appellate Division, held at its office in Washington, D.C., on the 13th day of August, 1973.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of Curtis, Inc., protestant, filed July 6, 1973, for reconsideration or oral hearing, embracing request for review by the entire Commission;

(2) Petition of Coldway Food Express, Inc., protestant, filed July 9, 1973, for reconsideration or oral hearing;

(3) Reply by applicant filed July 19, 1973; and good cause appearing therefor:

It is ordered, That the petitions be, and they are hereby, denied, for the reason that the findings of Appellate Division 1, in its report and order on further proceedings of May 29, 1973, (reported at 118 M.C.C. 322), are in accordance with the evidence and the applicable law, and that no sufficient or proper cause appears for reopening the proceeding for reconsideration or oral hearing, or for granting any of the relief sought.

It is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act, within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority shall be considered as null and void, and the application shall stand denied in its entirely upon the expiration of the said compliance time.

By the Commission, Division 1, Acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-17323 Filed 8-17-73;8:45 am]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 10, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74516. By order of August 14, 1973, the Motor Carrier Board approved the transfer to John C. Tietgens and Ellen G. Tietgens, dba J. T. Bus Lines, N. Adams, Mass., of Certificates Nos. MC-96542 and MC 96542 (Sub No. 1) issued to Norman I. Marchegiani, Readsboro, Vt., authorizing the transportation of: Passengers and their baggage, over regular routes, between specified points in Vermont and Massachusetts. Bernard Lenhoff, Attorney, Empire Bldg., North Adams, Mass. 01247

No. MC-FC-74532. By order of August 14, 1973, the Motor Carrier Board approved the transfer to Trojan, Inc., Hyattsville, Md., of Certificate No. MC-82051 issued to Krieg's Express & Stor-

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age Company, Inc., Hyattsville, Md., authorizing the transportation of: Household goods, office furniture, safes, printing presses and cutters, between points in the Washington, D.C. Commercial Zone, as defined by the Commission, and points in Maryland, and Virginia, in radial movements. John R. Bagileo, Attorney, 918 16th St., NW, Wash., D.C. 20006

No. MC–FC–74538. By order of August 13, 1973, the Motor Carrier Board approved the transfer to Thrasher Trucking Company, a corporation, Monahans, Texas, of the operating rights in Certificates No. MC–109101, MC–109101 (Sub-No. 5) and MC–109101 (Sub-No. 3) and the portions of MC–109101 (Sub-No. 4), MC–109101 (Sub-No. 7) and MC–109101 (Sub-No. 10) remaining after consummation of No. MC–F–10774, issued May 20, 1949, August 19, 1957, June 28, 1961, January 26, 1956, December 21, 1962 and August 10, 1967 to J. H. Marks Trucking Co., Inc., Odessa, Texas, authorizing the transportation of various commodities between specified points and areas in New Mexico, Oklahoma, Texas, Arizona, Kansas and Missouri.

Jerry Prestridge, P.O. Box 1148, Austin, Texas, 78767 Attorney for transferee. James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Texas, 75224. Attorney for transferor.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17320 Filed 8-17-73;8:45 am]

Office of Proceedings

[Notice No. 111]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 14, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protest can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 92633 (Sub-No. 23 TA) filed August 2, 1973 Applicant: ZIRBEL TRANSPORT, INC. 420—28th Street North Lewiston, Idaho 83501 Applicant's representative: Donald A. Ericson 708 Old National Bank Bldg. Spokane, Wash. 99201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining and contractors material and supplies, petroleum products* in containers, and *agricultural commodities*, between points in Washington west of the Cascade Mountains and points in Oregon, on the one hand, and, on the other, points in Idaho, for 180 days. Note: Applicant does intend to tack and/or interline. SUPPORTING SHIPPER: Zirbel Transport, Inc., 420—28th Street North, Lewiston, Idaho 83501. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC 100795 (Sub-No. 3 TA) filed August 3, 1973 Applicant: WALLACE HERRINGTON 124 New Abbeville Highway P.O. Box 146 Eufaula, Ala. 36027 Applicant's representative: R. S. Richard 57 Adams Avenue Montgomery, Ala. 36103 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from Eufaula, Ala., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Kentucky, West Virginia, Virginia, Ohio, Louisiana, Mississippi, Indiana, Illinois, Texas, Michigan and Pennsylvania; (2) *lumber and plywood*, from Abbeville, Ala., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Kentucky, Illinois, Indiana, Michigan, Pennsylvania, New Jersey, New York, Virginia, West Virginia, Ohio, and Wisconsin; (3) *pre-cut wooden parts*, from Eufaula, Ala., to points in Alabama, Georgia, Florida, Ohio, Indiana, Nebraska and Tennessee; and (4) *lumber, wooden boxes and wooden pallets*, from Cuthbert, Ga., to points in Florida, Alabama, Mississippi, Louisiana, Texas, Tennessee, Kentucky, North Carolina, and South Carolina, for 180 days. SUPPORTING SHIPPER: Burgin Lumber, Inc., Box 60, Cuthbert, Ga. 31740; Hardwood Dimension & Moulding Co., Inc., P.O. Box 313, Eufaula, Ala. 36027; Garrison Bros. Lumber Co., Box 329, Eufaula, Ala. 36027; and Lakeside Lumber Co., P.O. Box 154, Eufaula, Ala. 36027. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814—2121 Building, Birmingham, Ala. 35003.

No. MC 109689 (Sub-No. 252 TA) filed July 31, 1973 Applicant: W. S. HATCH CO. Off: 643 South 800 West Woods Cross, Utah 84087 and P.O. Box 1825 (Mail) Salt Lake City, Utah 84111 Applicant's representative: Mark K. Boyle 345 South State Street Salt Lake City, Utah 84111 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, from Altamont, Duchesne County, Utah, to Ciniza, N. Mex., for 180 days. SUPPORTING SHIPPER: Shell Oil Company, 1008 W. 6th St., Los Angeles, Calif. 90051 (C. A. Carlson, Traffic Operations Manager WOR). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 144045 (Sub-No. 387 TA) filed August 2, 1973 Applicant: TRANS-COLD EXPRESS, INC. Finley & Belt Line Rd. P.O. Box 5842 (Box zip 75222) Dallas, Tex. 75240 Applicant's representative: J. B. Stuart (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper impregnated with soap or cleansing agent*, from Parsippany, N.J., to Dallas and Gran Prairie, Tex., for 180 days. SUPPORTING SHIPPER: Pfizer, Inc., 235 East 42nd Street, New York, N.Y. 10017. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 114457 (Sub-No. 159 TA) filed August 2, 1973 Applicant: DART TRANSIT COMPANY 780 N. Prior Avenue St. Paul, Minn. 55104 Applicant's representative: Michael P. Zell (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastic resin* (except in bulk), from the plantsite of Interplastic Corporation at Minneapolis, Minn., to Council Bluffs, Iowa and Lincoln, Nebr., for 180 days. SUPPORTING SHIPPER: Interplastic Corporation, 2015 NE Broadway, Minneapolis, Minn. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 117519 (Sub-No. 1 TA) filed August 3, 1973 Applicant: TRANSPORTATION, INC. c/o Fred Bones 1103 Kagold Drive Lawrence, Kans. 66044 Applicant's representative: Frederick L. Bones R.R. 2, Box 109 Lawrence, Kans. 66044 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded shale aggregates*, (1) from Ottawa, Kans., to points in Nebraska, Colorado, Oklahoma and points in Missouri located east at a line beginning at the Missouri-Iowa state line and extending along U.S. Highway 63 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Missouri Highway 5, and thence along Missouri Highway 5 to the Missouri-Arkansas line; and (2) from Marquette, Kans., to points in Nebraska, Colorado, Oklahoma and Missouri, for 180 days. Note: Applicant does not intend to tack with present authority or interline with other carriers. SUPPORTING SHIPPER: Buildex, Inc., P.O. Box 63399, Pittsburg, Kans. 66762. SEND PROTESTS TO:

Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 124154 (Sub-No. 56 TA) filed August 3, 1973 Applicant: WINGATE TRUCKING COMPANY, INC. P.O. Box 645 1004 21st Avenue Albany, Ga. 31702 Applicant's representative: W. Guy McKenzie, Jr. P.O. Box 1200 Tallahassee, Fla. 32302 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, in containers, (1) from Anniston, Ala., to points in Louisiana and Texas; (2) from Greenville and Jackson, Miss., to points in Louisiana, Texas, Tennessee, and Alabama, and (3) from Opelousas, La., to points in Mississippi, Alabama, Georgia, South Carolina, North Carolina, and Arkansas, for 180 days. SUPPORTING SHIPPERS: Monsanto Company, 800 North Lindbergh Blvd., St. Louis, Mo. 63166; Thompson-Hayward Chemical Company, P.O. Box 2383, Kansas City, Kans. 66110; and FMC Corporation—Niagara Division, Suite 737, 6065 Roswell Road, Atlanta, Ga. 30328. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202. Note: Applicant intends to tack with MC 124154 (Sub-No. 19).

No. MC 129885 (Sub-No. 4 TA) filed July 27, 1973 Applicant: CHET'S TOW SERVICE, INC. Off: 504 Campbell Mall: Box 12497 (Box zip 64116) Kansas City, Mo. 64105 Applicant's representative: Lucy Kennard Bell Suite 910 Fairfax Building 101 W. 11th St. Kansas City, Mo. 64105 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled, or repossessed motor vehicles and replacemcnt motor vehicles* for wrecked or disabled motor vehicles, by use of wrecker equipment only, between points in Missouri and Kansas, on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Illinois, Iowa, and Nebraska) and (2) *repossessed motor vehicles and replacement motor vehicles* for wrecked or disabled motor vehicles, by use of wrecker equipment only, between points in Missouri, Kansas, Nebraska, Iowa and Illinois, for 180 days. Note: Applicant intends to tack with MC 129885 (Sub 3) at points in Colorado. SUPPORTING SHIPPERS: Ryder Truck Rental & Leasing, Kansas City, Mo.; Jack Cooper Transport, Inc., Kansas City, Mo.; ICX, Inc., Denver, Colo.; Consolidated Freightways Corp., St. Louis, Mo.; Midway Ford Truck Center, Inc., Kansas City, Kans.; Chemtech Corporation, St. Louis, Mo.; Blue Springs Equipment, Inc., Blue Springs, Mo.; and T.I.M.E.—D.C., St. Louis, Mo. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 133119 (Sub-No. 22 TA) filed August 2, 1973 Applicant: HEYL TRUCK LINES, INC. 235 Mill Street, P.O. Box 206 Akron, Iowa 51001 Applicant's representative: Roger Heyl (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from the plantsite and storage facilities utilized by Yankton-Sioux Industries at Wagner, S. Dak., to points in Arizona, California, Connecticut, Delaware, Idaho, Maryland, Massachusetts, Nevada, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, and Washington, and (2) from points in Arizona, California, Delaware, Connecticut, Idaho, Maryland, Massachusetts, Nevada, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, and Washington, to the plantsite and storage facilities utilized by Yankton-Sioux Industries at Wagner, S. Dak., for 180 days. SUPPORTING SHIPPER: Yankton Sioux Industries, Samuel Rubenstein, General Traffic Manager, 301 No. Fifth Street, Minneapolis, Minn. 55403. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134282 (Sub-No. 10 TA) filed August 2, 1973 Applicant: ENNIS TRANSPORTATION CO., INC. 106 Knight Hurst P.O. Box 447 Ennis, Tex. 75119 Applicant's representative: William D. White 2505 Republic National Bank Tower Dallas, Tex. 75201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt roofing products*, including *shingles, roll roofing, saturated felt and material* used in the installation of such roofing products, in truckload shipments, from the plant site of Daingerfield Manufacturing Company at Daingerfield, Tex., to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma and Tennessee, for 180 days. SUPPORTING SHIPPER: Daingerfield Manufacturing Company, P.O. Box 1946, Ardmore, Okla. 73401. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 134599 (Sub-No. 86 TA) filed July 30, 1973 Applicant: INTERSTATE CONTRACT CARRIER CORPORATION Mail: P.O. Box 748 (Box zip 84115) Off: 265 West 2700 South Salt Lake City, Utah 84110 Applicant's representative: Richard A. Peterson P.O. Box 81849, Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tire fabric*, (1) from Murfreesboro, Tenn., to Chicopee Falls, Mass.; Detroit, Mich.; Eau Claire, Wis.; Opelika, Ala.; and Los Angeles, Calif. and (2) from Shelbyville, Tenn., to Murfreesboro, Tenn., under continuing contract with Uniroyal, Inc., for 180 days. SUPPORTING SHIPPER: Uniroyal, Inc., Oxford Management & Research Center, Middlebury, Conn. 06749. SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 135877 (Sub-No. 12 TA) filed August 3, 1973 Applicant: RONALD R. BRADER doing business as SPECIALIZED TRUCKING SERVICE 1508 South 4th Avenue Yakima Wash. 98902 Applicant's representative: Phil Skofstad 3076 East Burnside Portland, Oreg. 97214 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods; cones, ice cream; forms, puffed or chips, twists; cheese spreads; peanuts*, other than raw; and *display materials* as may be related to the merchandising of same and when in mixed shipments with the above named products, (1) from Portland, Oreg., to points in California and (2) from Buena Park, Calif., to points on and west of Highway 97 in Oregon and Washington, for 180 days. SUPPORTING SHIPPER: Nabisco, Inc., 425 Park Avenue, New York, N.Y. 10022. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Mulnomah Building, 319 S.W. Pine, Portland, Oreg. 97204.

No. MC 136268 (Sub-No. 4 TA) filed August 2, 1973 Applicant: WHITEHEAD SPECIALTIES, INC. 1017 Third Avenue Monroe, Wis. 53566 Applicant's representative: Michael J. Wyngaard 329 W. Wilson St. Madison, Wis. 53703 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk replacers and veal food*, from Minneapolis, Minn., to points in Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Massachusetts, Missouri, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Wisconsin, West Virginia, Virginia and Texas, for 180 days. SUPPORTING SHIPPER: Mutual Products Company, 509 North Fourth Street, Minneapolis, Minn. 55401. SEND PROTESTS TO: Barney L. Hardin, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 136408 (Sub-No. 11 TA) filed August 3, 1973 Applicant: CARGO CONTRACT CARRIER CORP. P.O. Box 206 U.S. Highway 20 Sioux City, Iowa 51102 Applicant's representative: William J. Hanlon 60 Park Place Newark, N.J. 07102 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, polishing and defoaming soaps and compounds, oils, paints, rust and paint removing compounds, and disin-*

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fectant and water treating compounds, (except in bulk, in tank vehicles), for the account of Oakite Products, Inc., between Omaha, Nebr.; Wichita, Kans.; Kansas City, Mo.; Duluth, Minn.; Minneapolis, Minn.; St. Louis, Mo.; Davenport, Iowa; Milwaukee, Wis.; Chicago, Ill.; Indianapolis, Ind.; Grand Rapids, Mich.; Ft. Wayne, Ind.; Detroit, Mich.; Metuchen, N.J.; Cincinnati, Ohio and Cleveland, Ohio, restricted to service between the plants and warehouses of Oakite Products, Inc., for 180 days. SUPPORTING SHIPPER: Oakite Products, Inc., John J. Bailey, Traffic Manager, 50 Valley Road, Berkeley Heights, N.J. 07922. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Bldg., Omaha, Nebr. 68102.

No. MC 138104 (Sub-No. 2 TA) filed August 3, 1973 Applicant: MOORE TRANSPORTATION CO., INC. 3509 N. Grove Fort Worth, Tex. 76106 Applicant's representative: Don D. Moore (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste material*, from Ft. Belvoir, Va., to Barnwell, S.C., for 180 days. SUPPORTING SHIPPER: Frederick P. Bierele, Assistant to President, Chem-Nuclear Systems, Inc., P.O. Box 1866, Bellevue, Wash. SEND PROTESTS TO: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 138868 (Sub-No. 1 TA) filed August 3, 1973 Applicant: ROD TEN KLEY 1305 Van Dyke Road Lynden, Wash. 98264 Applicant's representative: Carl A. Jonson 300 Central Bldg. Seattle, Wash. 98104 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horsemeat*, from Stanwood, Wash., to the United States and Canadian Boundary line located at or near Blaine, Wash. and from Stanwood, Wash., to Seattle, Wash., for 180 days. RESTRICTION: Restricted to shipments having a subsequent movement by water, to points in foreign commerce. SUPPORTING SHIPPER: Florence Packing Co., 24711 Florence Road, Stanwood, Wash. 98292. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 138890 (Sub-No. 1 TA) (CORRECTION) filed July 3, 1973, published in the FEDERAL REGISTER issue of July 27, 1973, and republished as corrected this issue. Applicant: MOODIE, INC. 301 Acorn Street Stevens Point, Wis. 54481 Applicant's representative: Michael J. Wyngaard 329 W. Wilson Street Madison, Wis. 53703 Note: The purpose of this partial republication is to add the state of Ohio as a destination point, which was omitted in the Federal Register in error. The rest of the application remains the same.

No. MC 138931 (Sub-No. 1 TA) filed August 2, 1973 Applicant: LOUIS SENSKE AND JIM SENSKE, doing business as SENSKE & SON TRANSFER 117 Fourth Avenue North Crookston, Minn. 56716 Applicant's representative: Gene P. Johnson 425 Gate City Building Fargo, N. Dak. 58102 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: (1) *Self-propelled skid steer loaders, and related parts and accessories*, from the plantsite and facilities of Hydra-Mac, Inc., at or near Thief Rivers Falls, Minn., to points in Montana, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Minnesota, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Maryland, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, South, Carolina, Georgia, Alabama, Mississippi, Delaware, and Florida; (2) *iron and steel articles*, from the Chicago, Ill., commercial zone, Burns Harbor and Gary, Ind., to the plantsite and facilities of Hydra-Mac, Inc., at or near Wahpeton, N. Dak., and Thief River Falls, Minn.; (3) Hydrostats, from Ames, Iowa, to the plantsite and facilities of Hydra-Mac, Inc., at or near Thief River Falls, Minn.; (4) *Hydraulic cylinders*, from Hays, Kans., to the plantsite and facilities of Hydra-Mac, Inc., at or near Thief River Falls, Minn.; and (5) *Engines, and related parts thereof*, from Detroit, Mich., to the plantsite and facilities of Hydra-Mac, Inc., at or near Thief River Falls, Minn., for 180 days. SUPPORTING SHIPPER: Hydra-Mac, Inc., P.O. Box 339, Thief River Falls, Minn. 56701. SEND PROTESTS TO: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 138946 TA filed August 2, 1973 Applicant: MARKET INDUSTRIES, LTD. 920 S.W. 4th Avenue Portland, Oreg. 97204 Applicant's representative: Peter W. Stott (same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, (and return of empty containers) from Van Nuys and Los Angeles, Calif., to Portland and Beaverton, Oreg., for 180 days. SUPPORTING SHIPPERS: Portland Distributing Company, 607 NE Hancock St., Portland, Oreg. 97212; Columbia Distributing Co., 1500 SW Harbor Drive, Portland, Oreg. 97201; and Maletis, Inc., 8440 SW Hiway 217, Beaverton, Oreg. 97005. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 SW Pine, Portland, Oreg. 97204.

No. MC 138949 TA filed July 31, 1973 Applicant: RITE-WAY DISTRIBUTORS, INC. 2606 Cartwright Street Dallas, Tex. 75212 Applicant's representative: Billy R. Reid, 6108 Sharon Road Fort Worth, Tex. 76116 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products and dairy byproducts*, in cartons, bottles or jugs, from Tulsa, Okla., to Dallas, Tex.; (2) *ice cream and novelties*, in cartons and *empty plastic containers*, in straight or mixed shipments, from Houston, Tex., to Tulsa, Okla.; and (3) *cardboard dairy products containers*, from Fort Worth and Waco, Tex., to Tulsa, Okla., for 180 days. RESTRICTIONS: The above transportation services are to be performed from, to or between facilities of Carnation Company under continuing contract (or contracts). Transportation services to be performed are further restricted to that transported in ship owned or controlled vehicles. SUPPORTING SHIPPER: Carnation Company, 115 North Cheyenne Avenue, P. O. Box 2549, Tulsa, Okla. 74101. SEND PROTESTS TO: Gerald T. Holland, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 138951 TA filed August 1, 1973 Applicant: W. R. MEEKER, INC. 14 Harmich Road South Plainfield, N.J. 07080 Applicant's representative: John K. Antholis 30 East Madison Ave. Florham Park, N.J. 07932 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal roof and floor decking and materials* used in the installation of the same including, but not limited to steel joists, sump plates and pans, and ridge and valley plates, from South Plainfield, N. J., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Maryland, Delaware, Virginia and the District of Columbia; (2) *metal roof and floor decking and material* used in the installation of the same including, but not limited to steel joists, sump plates and pans, and ridge and valley plates, from Pittsburgh, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Delaware, Virginia and the District of Columbia; (3) *cold rolled steel sheets in coils*, from Malvern and Fairless Hills, Pa; Wierton, W. Va.; Youngstown, Ohio; and Sparrows Point, Md., to South Plainfield, N.J.; (4) *cold rolled steel sheets in coils*, from Piers located in the New York, N.Y. Commercial Zone, Port Elizabeth, Port Newark, Port Jersey, and Camden, N.J.; Philadelphia, Pa. and Baltimore, Md., to South Plainfield, N.J.; and (5) *cold rolled steel sheets in coils*, between South Plainfield, N.J., on the one hand, and, on the other, Allentown and Fairless Hills, Pa., for 180 days. SUPPORTING SHIPPER: United Steel Deck, Inc., 12–16 Bank Street, P.O. Box 662, Summit, N.J. 07901. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17324 Filed 8-17-73;8:45 am]

Office of Hearings

[Notice No. 323]

ASSIGNMENT OF HEARINGS

AUGUST 15, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 105566 Sub 90, Sam Tanksley Trucking, Inc., now being assigned September 24, 1973 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC 112822 Sub 256, Bray Lines Incorporated, now being assigned September 26, 1973 (1 day), at St. Louis, Mo., in a hearing room to be later designated.

MC 115331 Sub 342, Truck Transport, Inc., now being assigned September 27, 1973 (2 days) at St. Louis, Mo., in a hearing room to be later designated.

MC 138480, Central Delivery Service, Inc., now being assigned hearing October 9, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-130175, E E & G Inc., DBA Shakespeare Travel Centre, now assigned September 11, 1973, at Hartford, Conn., is postponed indefinitely.

I & S M-26629, Classification Ratings on Collapsible Metal Tubes, Nationwide, now assigned August 23, 1973, at Washington, D.C., is cancelled.

FD 27437, National Railroad Passenger Corporation (amtrak)—Discontinuance of Trains Nos. 52 & 53 Between Chicago and St. Petersburg/Miami, Florida (The Floridian), now assigned September 4, 1973, at Chicago, Ill., will be held in Room 1614, Court of Claims, 219 S. Dearborn Street; now assigned September 7, 1973, at Indianapolis, Indiana, will be held in 221 City County Building, 200 E. Washington Street; now assigned September 10, 1973, at Louisville, Ky., will be held in Room 829 Federal Office Building, 600 Federal Place; now assigned September 11, 1973, at Nashville, Tenn., will be held in Room C–1–110, Cordell Hull Building, 5th Avenue, North; now assigned September 13, 1973, at Birmingham, Ala., will be held in First National Bank-Southern National Gas Building, Conference Room, 5th Avenue & 20th Street; now assigned September 14, 1973, at Montgomery, Ala., will be held in Auditorium, Alabama State Administrative Bldg., 1st Floor, 64 Union Street; now assigned September 17, 1973, at Thomasville, Ga., will be held in Conference Room, Thomas County Federal Savings & Loan Association Building, 131 S. Dawson Street; now assigned September 18, 1973, at Waycross, Ga., will be held in Courtroom, 2nd Floor, U.S. Main Post Office Building, Elizabeth Street; now assigned September 19, 1973, at Jacksonville, Fla., will be held in Room 765, Federal Office Building, 400 W. Bay Street.

MC 72442 Sub 38, Akers Motor Lines, Inc., now assigned September 10, 1973, at Atlanta, Ga., is cancelled and the application is dismissed.

MC–124606 Sub 2, Ford Truck Line, Inc., application is dismissed.

MC 98701 Sub 3, Cleveland Express, Inc., now assigned September 24, 1973, at Knoxville, Tenn., will be held at Admiral Benbor Inn, 317 Ramsey Street, N.W.

MC–138227, Rodney H. Blackwell, DBA Miss-Lou Truck Line, now assigned September 24, 1973, will be held in Room 536, U.S. Courthouse & Post Office Bldg., Capitol & S.W. Street, Jackson, Miss.

FD 27436, National Railroad Passenger Corporation (Amtrak)—Discontinuance of Trains Nos. 30 & 31, 530 & 531—Between New York, New York/Washington, D.C., and Kansas City, Missouri (National Limited), now assigned September 4, 1973, will be held at 221 City County Bldg., 200 E. Washington Street, Indianapolis, Ind., now assigned September 7, 1973, will be held in the Main Court Room, Effingham County Court House, Effingham, Illinois, now assigned September 10, 1973, will be held at the Sheraton-Jefferson Hotel, 415 N. 12th St. St. Louis, Mo., now assigned September 11, 1973, will be held in the Main Hearing Room, 10th Floor—Jefferson Bldg., 101 E. Capitol Ave., Jefferson City, Mo., now assigned September 12, 1973, will be held in Room 302, Federal Office Bldg., 911 Walnut St., Kansas City, Mo., now assigned September 14, 1973, will be held in Hearing Room No. 3, Federal Office Bldg., 65 S. Front St., Columbus, Ohio, now assigned September 17, 1973, will be held in Room 2214, Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa., now assigned September 18, 1973, will be held in Council Room, Old Jr., High School Bldg., 10th & Moore Streets, Huntingdon, Pennsylvania, now assigned September 19, 1973, will be held at the Pennsylvania Liquor Control Board, Capitol and Forster Streets, Harrisburg, Pa., now assigned September 20, 1973, will be held in Conference Room B, 11th Floor, Federal Building, 1421 Cherry Street, Philadelphia, Pa., now assigned September 21, 1973, will be held in Room E–2222, 26 Federal Plaza, New York, New York, now assigned September 24, 1973, will be held at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 121142 Sub 11, J & G Express, Inc., now assigned September 17, 1973, will be held in Room 536, U.S. Courthouse & Post Office Bldg., Capitol & S.W. Streets, Jackson, Miss.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17319 Filed 8-17-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting; Correction

In FR Doc. 73–16310, appearing at p. 21438 of the issue of Wednesday, August 8, 1973, the place of meeting was shown as the Sleepy Cat Inn, State Highway 13, Southeast of Meeker, Colo. This has been changed to Holiday Inn, Glenwood Springs, Colo. The dates of the meeting are unchanged.

DALE R. ANDRUS, *State Director.*

[FR Doc.73-17375 Filed 8-17-73;8:45 am]

SUSANVILLE DISTRICT GRAZING ADVISORY BOARD, CALIFORNIA

Notice of Meeting

Notice is hereby given that the Susanville District Grazing Advisory Board will hold a meeting September 12 and 13, 1973.

The two day meeting will be a field review of a recent timber sale and reforestation projects, cinder pit design and development, and a typical grazing system on medusa head range. Areas to be visited will include the Hayden Hill Unit with an overnight stop scheduled at Alturas.

Further information concerning this field review may be obtained from the District Manager, Susanville District Office, (916) 257–5385.

D. DEAN BIBLES, *District Manager, Susanville.*

[FR Doc.73-17247 Filed 8-17-73;8:45 am]

National Park Service

UNIFORM TRAFFIC CONTROL DEVICES ON NATIONAL PARK SERVICE ROADS

Notice of Memorandum of Understanding

CROSS REFERENCE: For a memorandum of understanding issued jointly by the Federal Highway Administration, Department of Transportation, and the National Park Service, see FR Doc. 73–17277, supra.

Office of the Secretary

JOHN A. McMAHON

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 12, 1973, as Deputy

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Director, DEPA Area 1, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Northeast Utilities

Canadian International Power Co.

Freeport Minerals

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

Dated: July 26, 1973.

JOHN A. MCMAHON.

[FR Doc.73-17253 Filed 8-17-73;8:45 am]

[INT FES 73-46]

PROPOSED ANAHO ISLAND WILDERNESS AREA, NEVADA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement recommending that the Anaho Island National Wildlife Refuge, Washoe County, Nevada, be designated as wilderness within the National Wilderness Preservation System.

Copies of the final statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
1500 Plaza Building, Room 288
1500 N.E. Irving Street
P.O. Box 3737
Portland, Oregon 97208

Area Council of Governments
P.O. Box 1900
Reno, Nevada 89505

Headquarters
Anaho Island National Wildlife Refuge
Box 592
Fallon, Nevada 89406

Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
18th and "C" Streets, NW., Room 2246
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Please refer to the statement number.

JOHN M. SEIDL,
Deputy Assistant Secretary, Program Development and Budget.

AUGUST 14, 1973.

[FR Doc.73-17244 Filed 8-17-73;8:45 am]

[INT FES 73-47]

PROPOSED MOOSEHORN WILDERNESS AREA, MAINE

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement recommending that approximately 4,598 acres of the 22,666-acre Moosehorn National Wildlife Refuge, Washington County, Maine, be designated as wilderness within the National Wilderness Preservation System.

Copies of the final statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
U.S. Post Office and Courthouse
Boston, Massachusetts 02109

Headquarters
Moosehorn National Wildlife Refuge
Box X
Calais, Maine 04619

Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
18th and "C" Streets, NW., Room 2246
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Please refer to the statement number.

JOHN M. SEIDL,
Deputy Assistant Secretary, Program Development and Budget.

AUGUST 14, 1973.

[FR Doc.73-17245 Filed 8-17-73;8:45 am]

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WASHINGTON, D.C.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Associate Attorney General is excepted under Schedule C.

Effective August 21, 1973, § 213.3310 (a) (8) is added as set out below.

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.*

• • • • •

(8) Associate Attorney General.

(5 U.S.C. 3301, 3302; E.O. 10547, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-17772 Filed 8-20-73;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 15—NONDISCRIMINATION

Subpart B—Nondiscrimination—Direct USDA Programs and Activities

PROHIBITION OF SEX DISCRIMINATION

The statement of authority for Subpart B is corrected to delete reference to Sec. 602, 78 Stat. 252, 42 U.S.C. 2000d–1. Subpart B is amended to extend coverage to prohibit discrimination on the basis of sex and to substitute the term religion for the term creed.

As corrected, authority for this Subpart is as follows:

AUTHORITY: 5 U.S.C. 301.

Section 15.51 is revised to read as follows:

§ 15.51 Discrimination prohibited.

(a) No agency, officer, or employee of the United States Department of Agriculture, shall exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States on the ground of race, color, religion, sex, or national origin under any program or activity adminstered by such agency, officer, or employee.

(b) No agency, officer, or employee of the Department shall on the ground of race, color, religion, sex, or national original deny to any person in the United States (1) equal access to buildings, facilities, structures, or lands under the control of any agency of this Department or (2) under any program or activity of the Department, equal opportunity for employment, for participation in meetings, demonstrations, training activities or programs, fairs, awards, field days, encampments, for receipt of information disseminated by publication, news, radio, and other media, for obtaining contracts, grants, loans, or other financial assistance or for selection to assist in the administration of programs or activities of this Department.

Dated August 16, 1973.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.73-17372 Filed 8-20-73;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—FOOD STAMP PROGRAM

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011–2025), regulations governing the operation of the Food Stamp Program are hereby amended.

Public Law 93–86 approved August 10, 1973, includes a number of amendments to the Food Stamp Act. Among the changes in the Food Stamp Program are: 1) imported foods and garden seeds and plants used for the production of food for personal consumption may be purchased with food coupons; and, 2) States are required to submit a plan prior to January 1, 1974, to implement the Food Stamp Program in every political subdivision in the State no later than June 30, 1974, except where they can demonstrate that such implementation is impossible or impracticable.

It is the policy of this Department to give 30 days' notice for comments on amendments to the Regulations. However, Public Law 93–86 mandates the above mentioned provisions.

Further, immediate removal of the restriction on imported foods would allow food stamp participants the flexibility they need to get the most economical and nutritious foods available with their limited food purchasing power. Such immediate freedom is especially necessary because of the various pressures on, and demands for certain foods which affect food prices and availability. Finally, the changes in the eligible foods restrictions require action only by the Department of Agriculture and impose no demands on other cooperating agencies.

Any delay in the publication of the final regulation implementing the requirement that States submit prior to January 1, 1974, a plan for statewide implementation of the Food Stamp Program no later than June 30, 1974, except where impossible or impracticable, would be contrary to the interest of the States. They need time to develop their plans geared to the States' overall administrative organization and welfare programs, and to enable the States and the Department to comply with the law.

Parts 270, 271, and 272 of Chapter II, Title 7, Code of Federal Regulations, are amended as follows:

PART 270—GENERAL INFORMATION AND DEFINITIONS

Paragraph (s) of § 270.2 is revised to read as follows:

§ 270.2 Definitions.

• • • • • •

(s) "Eligible food" means any food or food product for human consumption except alcoholic beverages and tobacco and also includes seeds and plants for use in gardens to produce food for the personal consumption of the eligible household. It shall also mean meals delivered by an authorized nonprofit meal delivery service to elderly persons and their spouses and to households eligible under § 271.3(a) (2) of this subchapter.

• • • • • •

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Paragraph (i) of § 271.1 is revised to read as follows:

§ 271.1 General terms and conditions for state agencies.

• • • • • •

(i) *Plan of Operation requirement.* Each State agency shall submit for approval of FNS a Plan of Operation, prepared in accordance with the provisions of § 271.8. Such plan shall cover a Federal fiscal year and may be extended for succeeding Federal fiscal years at the option of FNS unless sooner terminated or suspended as provided in paragraph (t) of this section. Each State agency shall, prior to January 1, 1974, submit for approval of FNS a plan specifying the manner in which it intends to conduct the Food Stamp Program in every political subdivision in the State, unless such State agency can demonstrate that for any political subdivision it is impossible or impracticable to extend the program to such subdivision. FNS shall make a determination of approval or disapproval

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of such plan in sufficient time to permit institution of such plan by no later than June 30, 1974.

• • • • •

PART 272—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS, NONPROFIT MEAL DELIVERY SERVICES, AND BANKS

Paragraph (b) of § 272.2 is revised to read as follows:

§ 272.2 Participation of retail food stores, and nonprofit meal delivery services.

• • • • •

(b) Coupons shall be accepted by an authorized retail food store only in exchange for eligible food as defined in § 270.2(s) of this subchapter. An authorized food retailer shall not accept coupons in payment for deposit on bottles or other returnable food containers.

• • • • •

(78 Stat. 703, as amended; 7 U.S.C. 2011–2025)

Effective date.—This amendment shall become effective August 21, 1973.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

JAMES H. LAKE,
Acting Assistant Secretary.

AUGUST 17, 1973.

[FR Doc.73–17759 Filed 8–20–73;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of the Plant Protection and Quarantine Programs performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended, February 28, 1973 (38 FR 5340), April 9, 1973 (38 FR 9006), and July 30, 1973 (38 FR 20233), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) or deleting the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

• • • • •

COMMUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served from	Metropolitan area: Within	Metropolitan area: Outside
Delete:			
• • •	• • •		
Pennsylvania: Olmstead AFB, Middletown	Philadelphia		4
Texas: Point Comfort	Corpus Christi		4
Add:			
Hawaii: Kauai	Hilo		1
Michigan: Muskegon	Kalamazoo		3
Montana:			
Butte International Airport	Billings		6
Do	Butte (or vicinity by inspectors temporarily detailed in excess of 12 hr)	1	
Pennsylvania:			
Harrisburg International Airport	Carlisle		1
Do	Philadelphia		5
Do	Schuylkill Haven		2
Do	University Park		4
Tennessee: Nashville	Nashville	1	
Texas:			
Love Field (Dallas)	Denton		2
Point Comfort	Corpus Christi		5

64 Stat. 561; 7 U.S.C. 2260.

Effective date. The foregoing amendment shall become effective on August 21, 1973.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of August 1973.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.73–17316 Filed 8–20–73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1973-Crop Rice Supplement, Amendment 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1973-Crop Rice Loan and Purchase Program

The regulations issued by the Commodity Credit Corporation and published at 38 FR 14088, which sets forth specific requirements with respect to loans and purchases for the 1973 crop of rice, are hereby amended to change certain value factors. It is impracticable to follow the notice of proposed rulemaking with respect to this amendment because 1973-crop rice is being harvested and it is essential that the rates provided for in this subpart be put into effect with respect to such rice on the earliest possible date.

Paragraph (a) of § 1421.328 is hereby amended to increase the value factors for all classes of whole kernel rice, 71 cents per hundredweight, and broken rice, 38 cents per hundredweight. The amended paragraph (a) reads as follows:

§ 1421.328 Basic rates.

• • • • •

VALUE FACTORS FOR WHOLE KERNEL AND BROKEN RICE
[Cents per pound]

Rough rice class	Whole kernels	Broken rice
Long grains	10.33	5.03
Medium grains	9.58	5.03
Short grains	9.58	5.03

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 61 Stat. 1051, as amended 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: August 20, 1973.

Signed at Washington, D.C., on August 15, 1973.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.73–17315 Filed 8–20–73; 8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Re-entry of United States Horses From Canada

Statement of consideration.—The purpose of this amendment of the regulations in Part 92 is to provide for the re-entry into the United States from Canada of horses of United States origin which have been in Canada for temporary periods not exceeding 72 hours when such animals re-enter the United States via the same Customs port of entry through which they entered Canada and are accompanied by the same health certificate with which they entered that country. Similar procedures which provide for the importation and return of Canadian horses entering the United States for temporary periods were placed into effect July 24, 1973 (38 FR 19813).

Pursuant to the provisions of sec. 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), Part 92, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. In the table of sections, the heading of § 92.24 is amended to read:

92.24 Horses from Canada and re-entry of United States horses from Canada.

2. In § 92.24, the heading is amended, the present paragraph is designated as paragraph (a), and new paragraph (b) is added to read:

§ 92.24 Horses from Canada and re-entry of United States horses from Canada.

• • • • •

(b) Horses of United States origin which enter Canada for periods of not more than 72 hours may re-enter the United States without veterinary inspection at the port of entry provided they are accompanied by the health certificate under which they were permitted entry into Canada and that they re-enter the United States via the same Customs port of entry through which they entered Canada.

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 37 FR 28464, 28477.)

Effective date.—The foregoing amendment shall become effective August 21, 1973.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of animal diseases, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of August 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73–17406 Filed 8–20–73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Definition of "Calendar Quarter"

On April 30, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 10641) a proposed amendment to 10 CFR Part 20 of its regulations which would simplify the definition of "calendar quarter." Interested persons were invited to submit written comments and suggestions for consideration within 45 days after publication of the notice of proposed rulemaking in the FEDERAL REGISTER.

Two comments were received, one requesting staggered calendar quarters for different groups of workers, and the other suggesting a change in the period during which a calendar year could start. The Commission did not consider either of the recommended changes to be desirable. A system of staggered calendar quarters does not seem consistent with the Commission's policy to keep exposures to radiation "as low as practicable". Under such a system a licensee would not have to keep some potential worker exposure in reserve for unforeseeable problems at the end of a calendar quarter. A change in the period during which a calendar year could start would make the Part 20 definition inconsistent with the definition given by the Suggested State Regulations for Control of Radiation. The Commission has therefore adopted the amendment as it was set out in the notice of proposed rulemaking.

This amendment makes the definition of "calendar quarter" consistent with the definition given by the Suggested State Regulations for Control of Radiation prepared by The Council of State Governments in cooperation with The U.S. Atomic Energy Commission and The U.S. Public Health Service. The amendment does not prohibit the use of any system of calendar quarters now permitted by Part 20. For example, calendar quarters could be chosen as three month periods with the first quarter beginning on any day in January, the second quarter beginning on the same day in April, and so on. The amendment does, however, give licensees additional flexibility in establishing the length of calendar quarters; for example, it permits licensees to use calendar quarter sequences of 12, 12, 14, and 14 weeks and 12, 13, 14, and 13 weeks, sequences not permitted by the former definition. These variations from formerly allowable sequences are not considered significant from a radiological safety viewpoint.

Pursuant to the Atomic Energy Act of 1954, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendment of Title 10, Chapter 1, Code of Federal Regulations, Part 20 is published as a document subject to codification to be effective September 20, 1973.

1. In § 20.3, 10 CFR Part 20, paragraph (a) (4) is amended to read as follows:

§ 20.3 Definitions.

(a) As used in this part:

• • • • •

(4) "Calendar quarter" means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be such that no day is included in more than one calendar quarter or omitted from inclusion within a calendar quarter. No licensee shall change the method observed by him of determining calendar quarters except at the beginning of a calendar year.

• • • • •

(Sec. 161, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201)).

Dated at Bethesda, Maryland, this sixth day of August 1973.

For the Atomic Energy Commission.

LEE V. GOSSICK,
Acting Director of Regulation.

[FR Doc.73–17327 Filed 8–20–73;8:45 am]

Title 12—Banks and Banking

CHAPTER VI—FARM CREDIT ADMINISTRATION

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

PART 614—LOAN POLICIES AND OPERATIONS

Deletion of Agency Approval Requirements

The Farm Credit Administration, by its Federal Farm Credit Board, took final action on amendments to its regulations and authorized their issuance effective August 6, 1973. These amendments (1) delete the requirement for prior Farm Credit Administration approval of production credit association loans to producers or harvesters of aquatic products, (2) provide for establishing prior loan approval limits on an individual bank basis, (3) delete the requirement for prior Farm Credit Administration approval of certain bank for cooperatives loans, and (4) delete the requirement for prior Farm Credit Administration approval of obligations accepted for discount or as direct loan collateral from another financing institution by a Federal intermediate credit bank. Interested persons were afforded by a notice published in the FEDERAL REGISTER on June 25, 1973, the opportunity to file written comments or suggestions on the proposed amendments not later than July 23, 1973. No comments were received.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by deleting paragraph (c) and renumbering paragraph (d) as paragraph (c) in

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§ 613.3030, by revising § 614.4490, and by deleting §§ 614.4500 and 614.4650. The renumbered paragraph and revised section are as follows:

§ 613.3030 Producers or harvesters of aquatic products.

* * * * *

(c) *Scope of financing.*—Production credit associations are authorized to make loans to producers or harvesters of aquatic products for aquatic needs and other requirements of the borrower. The total credit extended for other requirements shall not exceed the value of assets devoted to the production or harvesting of aquatic products. When the aquatic operation represents less than 50 percent of the borrower's total business, credit extended for other requirements shall be on a conservative basis scaled down proportionately as the aquatic assets become less significant in the total operation.

§ 614.4490 Loans requiring prior approval.

(a) Prior loan approval limits shall be established on an individual bank basis according to the adequacy and administration of policies and procedures relating to credit extension. Consideration shall also be given to performance in making proper credit analysis and decisions and compliance with farm credit law and regulations. For the Federal land banks and Federal intermediate credit banks, particular consideration shall be given to policies and procedures and bank performance relating to delegation of loan-making authority to associations, credit reviews, and association supervision.

(b) The following shall be subject to the prior approval of the appropriate bank board:

(1) Loans to a member of the Federal Farm Credit Board.

(2) Loans to a member of the district board unless the bank board has adopted a policy providing for the submission of such loans to the Farm Credit Administration for prior approval.

(3) Loans to an officer or employee of a bank.

(4) Loans to an employee of the Farm Credit Administration.

(5) Loans to any borrower where officers or employees designated above:

(i) Are to receive proceeds of the loan in excess of an amount prescribed by the appropriate bank board and approved by the Farm Credit Administration, or

(ii) Are stockholders or owners of equity in a legal entity to which a loan is to be made wherein they have a significant personal or beneficial interest in the loan, the proceeds thereof or the security.

(c) The following shall be subject to the prior approval of the district bank:

(1) Loans to a member of an association board.

(2) Loans to an employee of an association.

(3) Loans to any borrower where directors or employees designated above:

(i) Are to receive proceeds of the loan in excess of an amount prescribed by the appropriate bank board and approved by the Farm Credit Administration, or

(ii) Are stockholders or owners of equity in a legal entity to which a loan is to be made wherein they have a significant personal or beneficial interest in the loan, the proceeds thereof or the security.

(4) Any loan which will result in any one borrower being obligated, as defined in section 4360, in excess of an amount established by the district bank under its policies for delegation of authority to associations.

§ 614.4500 [Deleted]

§ 614.4650 [Deleted]

(Secs. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624.)

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.73-17376 Filed 8-20-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SO-8]

PART 73—SPECIAL USE AIRSPACE

Alteration of Joint-Use Restricted Areas

On June 13, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 15525) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would revoke a major portion of Restricted Area R-2909 and include the remaining portion, with an increased altitude limit, in the Eglin AFB, Fla., R-2915B Restricted Area.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. Only one comment was received and it was favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 8, 1973, as hereinafter set forth.

In § 73.29 (38 FR 640), Restricted Area R-2915B, Eglin AFB, Fla., is amended as follows:

R-2915B, EGLIN AFB, FLA.

BOUNDARIES

Beginning at Lat. 30°29'01'' N., Long. 86°38'02'' W.; to Lat. 30°20'50'' N., Long. 86°38'50'' W.; thence 3 nautical miles from and parallel to the shoreline to Long. 86°-51'30'' W.; thence along Long. 86°51'30'' W.; to Lat. 30°23'50'' N., Long. 86°51'30'' W.; to Lat. 30°24'20'' N., Long. 86°48'00'' W.; to Lat. 30°26'30'' N., Long. 86°51'30'' W.; to point of beginning.

Designated altitudes: Surface to FL 1200.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville, ARTC Center.
Using agency: Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

In § 73.29 (38 FR 640), Restricted Area R-2909, Pensacola, Fla., is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 13, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-17366 Filed 8-20-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2427]

PART 13—PROHIBITED TRADE PRACTICES

Foremost-McKesson, Inc.

Subpart—Discriminating in price under Section 5, Federal Trade Commission Act: § 13.892 *Knowingly inducing or receiving discriminating payments.* Subpart—Offering unfair, improper, and deceptive inducements to purchase or deal: § 13.1928 *Customer connection or action.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Foremost-McKesson, Inc., San Francisco, California, Docket C-2427, July 26, 1973]

In the Matter of Foremost-McKesson, Inc., a corporation.

Consent order requiring a San Francisco, California, wholesale distributor of druggists' sundries, among other things to cease inducing or receiving discriminating payments and offering anticompetitive inducements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Foremost-McKesson, Inc., a corporation, and its officers, representatives, agents and employees, successors and assigns, directly or indirectly, through any corporate or other device, in or in connection with the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of products for resale by the respondent, or in connection with any other transactions between respondent and its various suppliers involving or pertaining to the regular business of the respondent in purchasing, promoting, advertising, distributing, and selling commodities and products in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall cease and desist from:

1. Inducing and receiving, receiving or contracting for the receipt of anything of value from any supplier of druggists' sundries as compensation or in consideration for services and facilities furnished by or through respondent in connection with the processing, handling, sale or offering for sale of such supplier's products at respondent's trade shows, when respondent knows or has reason to know that such compensation is not affirmatively offered and otherwise made available by such supplier on proportionally equal terms to all of its other customers competing with respondent, including customers who purchase from intermediaries and compete with respondent in the resale of such supplier's products.

2. Inducing and receiving, receiving or contracting for the receipt of, the furnishing of services or facilities, including but not limited to inducing prizes or gifts awarded to retail druggist customers attending respondent's trade shows connected with respondent's offering for sale or sale of such products so purchased, when respondent knows or has reason to know that such services or facilities are not affirmatively offered or otherwise made available by such supplier on proportionally equal terms to all of its customers competing with the respondent, including customers who purchase from intermediaries and compete with respondent in the resale of such supplier's products.

It is further ordered, That respondent shall cease and desist from offering or providing to its customers, directly or indirectly, any material inducement, monetary or otherwise, to attend its trade shows whenever such customers' receipt of the inducement depends upon their purchases or volume of purchases of merchandise from respondent.

It is further ordered, That a copy of this Order shall be delivered to each person or organization invited to participate in any trade show sponsored, organized, or held by respondent, at the time such invitation is extended, for a period of five (5) years from the date of service of this Order.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergency of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered, That respondent shall forthwith distribute a copy of this Order to each of its operating wholesale drug divisions.

It is further ordered, That respondent shall, within sixty (60) days of service of this Order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the Order.

It is further ordered, That the effective date for compliance with this order shall commence September 1, 1973.

Issued: July 26, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-17365 Filed 8-20-73;8:45 am]

[Docket C-2426]

PART 13—PROHIBITED TRADE PRACTICES

Hall's Furniture Company, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act;—*Prices;* § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly and deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Hall's Furniture Company, Inc., et al., Los Angeles, California, Docket C-2426, July 25, 1973]

In the Matter of Hall's Furniture Company, Inc., et al.

Consent order requiring a Los Angeles, California, seller and distributor of furniture, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Hall's Furniture Company, Inc., a corporation, its successors and assigns, and its officers, and Harry Heller, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with any extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the Annual Percentage Rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b) (2) of Regulation Z.

2. Failing to disclose the number of payments scheduled to repay the indebtedness as required by § 226.8(b)(3) of Regulation Z.

3. Failing to include in the finance charge any charges or premiums for credit life, accident health or loss of income insurance when the customer has not given a specific dated and separately signed affirmative written indication of such desire after receiving written disclosure to him of the cost of such insurance as prescribed by § 226.4(a) (5) (ii) of Regulation Z.

4. Failing to furnish the customer with a duplicate of the instrument containing the disclosures required by § 226.8 or a statement by which the required disclosures are made at the time those disclosures are made, as prescribed by § 226.8(a) of Regulation Z.

5. Failing in any consumer credit transaction to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.7, and 226.8 of Regulation Z.

It is further ordered, That respondents prominently display no less than two signs on each of its premises which will clearly and conspicuously state that a customer must receive a complete copy of the consumer credit cost disclosures as required by the Truth in Lending Act, in any transaction which is financed, before the transaction is consummated.

It is further ordered, That respondents deliver a copy of this order to cease and desist to each operating division and to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: July 25, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-17370 Filed 8-20-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Flumethasone, Neomycin Sulfate, and Polymyxin B Sulfate Ophthalmic Solution, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (49-725V) filed by Syntex Laboratories, Inc., Palo Alto, CA 94304, proposing the safe and effective use of

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flumethasone, neomycin sulfate, and polymyxin B sulfate ophthalmic solution, veterinary in the treatment of certain ophthalmic conditions in dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding a new section as follows:

§ 135a.40 Flumethasone, neomycin sulfate and polymyxin B sulfate ophthalmic solution, veterinary.

(a) *Specifications.*—Each milliliter of the ophthalmic preparation contains 0.10 milligram flumethasone, 5.0 milligrams neomycin sulfate (3.5 milligrams neomycin base), and 10,000 units of polymyxin B sulfate.

(b) *Sponsor.*—See code No. 036 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) The drug is recommended for the treatment of the inflammation, edema and secondary bacterial infections associated with topical ophthalmological conditions of the eye such as corneal injuries, incipient pannus, superficial keratitis, conjunctivitis, acute nongranulomatous anterior uveitis, keratoconjunctivitis, and blepharitis in the dog.

(2) The recommended dosage is 1 to 2 drops in each eye every 6 hours.

(3) In treating ophthalmological conditions associated with bacterial infections, the drug is contraindicated in those cases in which microorganisms are not susceptible to the antibiotics incorporated in the drug.

(4) The drug is contraindicated in infectious tuberculous lesions of the eye, early acute stages of viral diseases of the cornea and conjunctiva, herpes simplex lesions of the eye, and fungal infections of the conjunctiva and eyelids.

(5) The usual precautions and contraindications for corticosteroids and adrenocorticoids are applicable with this drug. Corticosteroids may inhibit essential inflammatory responses intrinsic to the fundamental healing mechanism. Adrenocorticoid compounds have been reported to cause an increase in intraocular pressure. Intraocular pressure should be checked frequently. Ocular reexaminations should be made at frequent intervals during long-term therapy.

(6) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date.—This order shall be effective on August 21, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated August 14, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-17330 Filed 8-20-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5379]

[Sacramento 1805]

CALIFORNIA

Powersite Restoration No. 671; Revocation of Powersite Reserves Nos. 86, 388, and 705 in Whole or in Part

By virtue of the authority contained in section 24 of the Act of June 10, 1920, as amended, 16 U.S.C. 818 (1970), and pursuant to a determination of the Federal Power Commission in DA-1104-California, it is ordered as follows:

1. The Executive Orders of July 2, 1910, July 22, 1913, and August 22, 1919, creating Powersite Reserves No. 86, No. 388, and No. 705, respectively, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN
POWERSITE RESERVE NO. 86

T. 2 N., R. 14 E.,
Sec. 4, lot 8;
Sec. 17, N½NE¼SE¼, SW¼NE¼SE¼.
T. 3 N., R. 14 E.,
Sec. 12, lot 3, SE¼SE¼;
Sec. 13, NW¼NW¼;
Sec. 14, SW¼SW¼;
Sec. 34, NE¼SW¼.

POWERSITE RESERVE NO. 388

T. 2 N., R. 15 E.,
Sec. 2, SE¼SW¼;
Sec. 9, NE¼SE¼SE¼;
Sec. 10, NE¼NW¼, NW¼SW¼SW¼.

POWERSITE RESERVE NO. 705

T. 2 N., R. 15 E.,
Sec. 1, lot 4;
Sec. 2, SW¼SW¼.

The areas described aggregate 435.61 acres in Calaveras and Tuolumne Counties.

2. Of the above described lands, the lands described as the SE¼SW¼, SW¼SW¼, sec. 2, T. 2 N., R. 15 E., are national forest lands within the Stanislaus National Forest, and are withdrawn for a Job Corps Campsite by Public Land Order No. 4007 of May 17, 1966, and will remain so withdrawn. The lands described as lot 4, sec. 1, NE¼NW¼, sec. 10, T. 2 N., R. 15 E., the SW¼SW¼, sec. 14, and NE¼SW¼, sec. 34, T. 3 N., R. 14 E., are patented lands. The lands described as the NE¼SE¼SE¼, sec. 9, and NW¼SW¼SW¼, sec. 10, T. 2 N., R. 15 E., are withdrawn for Federal Power Project No. 1061, and will remain so withdrawn. The lands described as the N½NE¼SE¼, SW¼NE¼SE¼, sec. 17, T. 2 N., R. 14 E., are included in a withdrawal application, Sacramento 1491, filed by the Corps of Engineers, Department of the Army, to which the regulations 43 CFR 2351.3(a) are applicable. The lands described as the N½NE¼SE¼, SW¼NE¼SE¼, sec. 17, T. 2 N., R. 14 E., and the SW¼SW¼, sec. 14, T. 3 N., R. 14 E., were previously restored from the withdrawal made for Powersite No. 86, subject to the provisions of section 24 of the Act of June 10, 1920, *supra*. The effect of this order is to relieve these restored lands of the limitations prescribed by said section 24.

3. At 10 a.m. on September 19, 1973, the unappropriated, unreserved public lands described above as lot 8, sec. 4, T. 2 N., R. 14 E., lot 3, SE¼SE¼, sec. 12, and NW¼NW¼, sec. 13, T. 3 N., R. 14 E., shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on September 19, 1973, shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing. These public lands have been and will continue to be open to location and entry under the United States mining laws, and to leasing under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc.73-17343 Filed 8-20-73;8:45 am]

[Public Land Orders 5158 and 5342]

[Colorado 12101]

COLORADO

Correction of Public Land Orders No. 5158 and No. 5342

The No. 2032 erroneously cited in paragraph 2 of both Public Land Order No. 5158 of February 7, 1972, appearing in 37 FR 3058 of the issue of February 11, 1972, and Public Land Order No. 5342 of March 27, 1973, appearing in 38 FR 8445 of the issue of April 2, 1973, as the number of the Presidential Proclamation of March 2, 1933, establishing the Black Canyon of the Gunnison National Monument, is hereby corrected to read "No. 2033".

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc.73-17344 Filed 8-20-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or he regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
•	•	•	•	•	•	•
Florida	Palm Beach	Lake Park, Town of.				August 20, 1973. Emerg.
Pennsylvania	Columbia	Catawissa, Township of.				Do.
Do.	York	Mount Wolf, Borough of.				Do.
Wisconsin	Milwaukee	Oak Creek, City of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued August 13, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-17256 Filed 8-20-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7196]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Income Averaging; Correction

On Thursday, July 13, 1972, Treasury Decision 7196 was published in the FEDERAL REGISTER (37 FR 13686).

The following correction is made:

In § 1.1304-5 (b) and (d) (column two, page 13689), delete the asterisks between paragraphs (b) and (d) and redesignate section 1.1304-5(d) to read "1.1304-5(c)."

JAMES F. DRING,
Director,
Legislation and Regulations Division.

[FR Doc.73-17339 Filed 8-20-73;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

AIR FORCE ACADEMY PREPARATORY SCHOOL

This update redesignates Part 901a to Part 901, and adds the Precandidate Evaluation by the USAF Academy (§ 901.6b) and explains the eligibility requirements for nomination of a son of a disabled veteran, which was previously omitted through administrative error (§ 901.13(a)(2)); deletes Part 901b; and adds a new Part 903, which states the requirements for enrollment in the Air Force Academy Preparatory School.

Subchapter K, Chapter VII of Title 32 of the Code of Federal Regulations is revised as follows:

PART 901—APPOINTMENT TO THE U.S. AIR FORCE ACADEMY

§ 901.6b Precandidate evaluation by the USAF Academy.

Beginning with the 1973-74 selection cycle, the Air Force Academy will utilize a precandidate evaluation procedure to aid Members of Congress in their screening processes. Once a young man expresses an interest in seeking a nomination to a Member of Congress, the Congressional Assistant will send a card, made available by the Air Force Academy, to the young man. The young man will complete and mail the card to the Academy, which, in turn, will mail him a packet of information, including DD Form 1908, the "Service Academies Precandidate Questionnaire." He will complete this form, have it certified by his high school counselor, and forward it to the Academy. The Academy will evaluate DD Form 1908, and the information will be made available to Congressional offices—unless the Member of Congress has indicated that he would rather not participate in this program. Such information gives the Member of Congress an indication of the individual's current relative strength; it does not, however, reflect the individual's final admission status. It is intended only to aid the Member of Congress in selecting his best qualified applicants.

§ 901.13 Sons of deceased or disabled veterans (competitive).

(a) (1) • • •

(2) His parent has a permanent service-connected disability rated at no less than 100 per cent resulting from wounds or injuries received or diseases contracted in active service, or preexisting injury or disease aggravated by active service.

• • • • •

PART 901b [DELETED]

2. Part 901b is herewith deleted in its entirety.

PART 903—AIR FORCE ACADEMY PREPARATORY SCHOOL

3. Part 903 is added to read as follows:

Sec.
903.1 Purpose.
903.2 School location and schedule.
903.3 Requirements for enrollment.
903.4 Reassignment of Air Force applicants and nominees eliminated or not selected.
903.5 Reassignment of Air Force regular airmen and nominees selected as cadets.

AUTHORITY: 10 U.S.C. 8012, except as otherwise noted.

§ 903.1 Purpose.

This part explains the requirements for enrollment in the Air Force Academy

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Preparatory School and tells how they are reassigned.

§ 903.2 School location and schedule.

The Air Force Academy Preparatory School is located at the United States Air Force Academy near Colorado Springs, Colorado. Classes are conducted annually from August through May. A limited number of Regular Air Force airmen may be enrolled in January of each year.

§ 903.3 Requirements for enrollment.

(a) Applicants and nominees must:

(1) Meet the eligibility requirements specified for the Air Force Academy in Part 901 of this chapter. (These requirements are also in the Air Force Academy catalog, obtainable from the Director of Admissions, USAFA/RR, USAF Academy, Colorado 80840.)

(2) Be on extended active duty. Air Force Reserve or Air National Guard of the United States (ANGUS) military applicants may apply for the preparatory school course while not on extended active duty. If selected they will be called to extended active duty solely for the purpose of attending the Prep School. ANGUS applicants will be transferred to the Air Force Reserve before being called to extended active duty.

(3) Meet the medical requirements for appointment to the Air Force Academy. Authorization for service academy medical examination will be provided the applicant by the Director of Admissions. The applicant will complete the form and send it to the Service Academies Central Medical Review Board (SACMRB), U.S. Academy, Colorado 80840, which schedules him for a medical examination at the nearest available medical facility.

(4) Regular military applicants must agree to extend their enlistment before enrollment if their obligated tours of duty or enlistment contracts expire before July 1 of the following year.

(5) Attain satisfactory scores on either the Airman Classification Test (ACT) or the Airman Qualifying Examination (AQE).

(i) If scores for the Air Force Officer Qualifying Test (AFOQT) are available, a separate authenticated statement of results will be submitted.

(ii) If the applicant previously took any of these tests, the scores recorded on his AF Form 7, "Airman Military Record," or "Uniformed Mechanized Personal Record," may be used.

(iii) Reexamination is not authorized within 1 year of the previous test date.

(6) Attain a satisfactory score on the Air Force Academy Selection Test (AST).

(i) The Associate Director of Admissions schedules the test after all records have been evaluated, including school transcripts and the AF Form 1786, "Application for Appointment to the USAF Academy Under Quota Allotted to Enlisted Men of the Regular and Reserve Components of the Air Force." Exception: USAFA/RRS may waive this requirement if other test data are available and acceptable.

(ii) The base military test control commissioned or noncommissioned officer administers the test.

(7) Have an acceptable academic record as determined by USAFA/RRS.

(b) Individuals who have previously attended a service academy preparatory school normally are not eligible to apply under this part.

(c) Members of the Army, Navy, and Marine Corps are not eligible under the Regular or Reserve competitive categories. Such applicants must be on active duty and have received nominations from Members of Congress or other authorized nominating sources prior to applying for the Air Force Academy Preparatory School.

(d) Headquarters Civil Air Patrol-USAF may nominate annually three primary and three alternate Civil Air Patrol (CAP) Mitchell Award winners to attend the Air Force Academy Preparatory School. The Associate Director of Admissions will review and approve selection criteria for CAP nominees.

§ 903.4 Reassignment of Air Force applicants and nominees eliminated or not selected.

(a) If a Reserve airman should be eliminated from the preparatory school for failure to meet one of the established conditions, or if a Reserve airman who has completed the course will not be selected for a cadet appointment, he will be released from active duty by USAFA and assigned to ARPC (ORS), 3800 York Street, Denver, Colorado 80205.

(b) All Reserve airmen who complete the preparatory school program and receive an appointment to the USAF Academy will be released from active duty immediately before entering the Air Force Academy Cadet Wing as cadets.

(c) The authority for release from active duty of Reserve airmen released under paragraph (a) of this section is Air Force Regulation (AFR) 53–14 and Air Force Manual (AFM) 39–10, Chap. 3, Sec. A, SDN 205. Specific attention is invited to 10 U.S.C. 516.

(d) The authority for release from active duty of Reserve airmen accepting appointment as a Cadet is Pub. L. 84–614, 70 Stat. 333 (now codified as 10 U.S.C. 516, 8201, 8203, and 8214 as it relates to the Air Force) and AFM 39–10.

(e) Nominees from armed forces other than the Air Force who are eliminated from preparatory school or who complete the academic year but fail to receive an appointment to the Air Force Academy will be reported to a designated holding unit.

§ 903.5 Reassignment of Air Force regular airmen and nominees selected as Cadets.

Air Force Regular airmen selected for admission to one of the service academies will be assigned by the Air Force Academy to one of the specified units for required processing. Students selected as Air Force Academy Cadets from other than the Air Force will be reported by the Air Force Academy to the appropriate holding unit.

NOTE: Preparatory School enrollment and successful completion of the course does not guarantee admission to the Academy.

(10 U.S.C. 8012, except as otherwise noted).

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73–17342 Filed 8–20–73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER A—GENERAL

PART 2—PUBLIC INFORMATION

Trade Secrets and Privileged or Confidential Information

By notice of proposed rulemaking published March 23, 1973 (38 FR 7573), the Environmental Protection Agency proposed certain technical amendments to 40 CFR 2.107a. Such amendments dealt with four separate issues:

(1) "Commercial or financial information obtained from a person and privileged or confidential", as that phrase is used in section 10(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135, as amended by the Federal Environmental Pesticide Control Act of 1972, P.L. 92–516;

(2) The form of notice to be served by the Office of General Counsel under 40 CFR 2.107a(a)(2), upon a determination of the status of information claimed to constitute trade secrets by a person submitting it to EPA;

(3) The discretionary authority of the General Counsel to issue such determinations in the absence of a specific request to do so, and the future effect of any such determination;

(4) The form of the pledge of confidential treatment extended by EPA pursuant to 40 CFR 2.107a(b)(2).

Pursuant to the notice of proposed rulemaking, comments were received from interested members of the public, and thorough consideration was given to all such comments that were germane to the issues addressed by the notice of proposed rulemaking. In response to one such comment, § 2.107a(a)(4) of the regulations, as hereby amended, now makes it clear that information determined not to constitute trade secrets will in no event be made publicly available without 30 days' advance notice to the person submitting it.

Although the notice of proposed rulemaking would not have altered the substance of Part 2 as it relates to "trade secrets", several comments were received suggesting that EPA define that term. Whether or not EPA could now do so without first publishing a new notice of proposed rulemaking, a deliberate decision has been made to leave the regulations no more explicit on this score than the several relevant statutes which refer, without elaboration, to "trade secrets". The notion of trade secrecy arises from the common law; although there have been several attempts to codify that common law (e.g., The Uniform Trade Secrets Protection Act, and section 757(b) of the Restatement of Torts), EPA sees no advantage to itself, to persons submitting technical information, or to the public at large in binding itself by regulation to follow any one of several marginally distinguishable definitions of "trade secret". As a practical matter, moreover, it is highly unlikely that EPA would ever release information which satisfies any one of the available definitions, and there appears no good reason to limit at this time any legitimate arguments that may be advanced in the future to support specific claims of trade secrecy.

Accordingly, 40 CFR § 2.107a is hereby amended to read as set forth below. In view of the fact that no member of the public will be required to modify his actions in light of the amendments, which will only affect internal Agency procedures, it is hereby found pursuant to 5 U.S.C. 553(d) that good cause exists for dispensing with the requirement of 30 days' delay in the effective date of the amendments, and they are therefore effective on August 21, 1973.

§ 2.107a Trade secrets and privileged or confidential information.

(a) *Trade secrets.*—(1) In the event records requested under this part may contain trade secrets, the office responsible for maintaining the records requested will forward the request for determination and accompanying materials referred to in § 2.105(b) only to the Office of General Counsel, and the notice referred to in § 2.105(b), unless published in the FEDERAL REGISTER, will be sent by certified mail (return receipt requested): *Provided,* That notice under § 2.105(b) need not be given if similar notice was given prior to referring the matter to the Office of General Counsel.

(2)(i) If a person, to whom notice of a request for records has been given under § 2.105(b), or otherwise, advises the Office of General Counsel, in writing, prior to the expiration of 10 working days following the receipt or publication of such notice, that the requested records contain trade secrets furnished by such person, the portions of such records said to contain trade secrets shall not be disclosed, nor copies provided, unless the General Counsel shall first have made a final written determination that such records do not in fact contain trade secrets, or unless such disclosure is authorized by statute in spite of the provisions of 18 U.S.C. 1905.

(ii) In the event no claim or other response is received by the Office of General Counsel prior to the expiration of the 10 working days specified herein, it will, before reaching a determination with respect to trade secrecy, make prompt inquiries to ensure that the absence of a response hereunder is not attributable to delay or failure of the mails. A claim, including a claim asserted by telephone, made at the time of such inquiries and confirmed in writing will be considered timely for purposes of paragraph (a)(3) of this section. The Office of General Counsel will promptly notify the requesting party whenever a claim is made under this paragraph.

(iii) In making a determination under this paragraph, the General Counsel will consider any additional information submitted to the Office of General Counsel within 30 days of receipt of a claim made hereunder, or within such longer time period requested by the claimant or the requesting party as it may agree to. If authorized by 5 U.S.C. 552(b)(4), the Office of General Counsel may agree to treat any such additional information as confidential at the request of the person submitting it, in which case it will not be disclosed without the express written permission of such person.

(iv) If the General Counsel determines that the records requested do not contain trade secrets, notice of such determination will be served by certified mail (return receipt requested) by the Office of General Counsel upon the person making the claim. No sooner than 30 days following the receipt of such notice, the requested records will be disclosed in accordance with this part.

(3) In the event a timely claim is made under paragraph (a)(2) of this section, the time limits specified in §§ 2.106(a) and 2.109(b) will not apply.

(4) Whether or not a request for information has been made under this part, the General Counsel may issue written determinations as to whether information contained in EPA records does or does not constitute trade secrets. Prior to making any such determination, however, the Office of General Counsel shall give notice of intent to make such a determination to any person who would have received notice under § 2.105(b) if a request for the information in question had been made under this part. The procedures of paragraph (a)(2) of this section shall be applicable, as appropriate, to determinations made by the General Counsel pursuant to the authority of this paragraph, and information determined not to constitute trade secrets will in no event be released to the public sooner than 30 days following the receipt of notice of any such determination, as provided in paragraph (a)(2(iv) of this section, or sooner than EPA notifies the person who submitted the information in question of its intent to release the information to the public, whichever is later. In the event a request is subsequently made under this part for information previously so determined to constitute trade secrets, EPA will be bound by that previous determination, unless the General Counsel: (i) Determines that subsequent events have destroyed the trade secrecy of the information in question, and (ii) gives written notice of such determination, and a full explanation of the basis therefor, to any person making a claim under paragraph (a)(2) of this section.

(b) *Privilegcd or confidential information.*—(1) Privileged or confidential information (other than trade secrets or financial information the disclosure of which is prohibited by 18 U.S.C. 1905), which is referred to in 5 U.S.C. 552(b)(4) and § 2.105(a)(4), and defined in paragraph (b)(2) of this section will not be disclosed under this part without the express written permission of the person providing it to EPA.

(2) For purposes of this subsection, "privileged or confidential information" means:

(i) Commercial or financial information obtained from a person pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135, and privileged or confidential within the meaning of section 10(b) thereof; and

(ii) Information which an agency is authorized (but not required) by law to withhold from the public when it has been:

(A) Submitted to EPA pursuant to, and in reliance on, a pledge of confidentiality (*1*) obtained in writing from EPA, (*2*) contained in any EPA form, (*3*) contained in any request for proposals issued by EPA, or (*4*) extended by grants and procurement regulations under this title or Title 41, Code of Federal Regulations; or

(B) Received from a State or Federal agency which in turn has received the information pursuant to, and in reliance on, a pledge of confidentiality, and which continues to consider itself bound by such pledge (unless EPA is entitled by law to demand such information from the original private source).

(3) No pledge will be made by EPA under paragraph (b)(2)(ii) of this subsection in connection with information which EPA is entitled by law to demand (such as emission data under section 114 of the Clean Air Act, 42 U.S.C. 1857c–9) or which is submitted to EPA to fulfill a requirement imposed by statute or regulation in connection with a regulatory scheme of general applicability (such as information contained in applications for registrations, permits, certifications, and the like). Nothing herein is intended to affect the status of information which is required by law to be treated as confidential.

Dated: August 16, 1973.

JOHN R. QUARLES, Jr.,
Acting Administrator.

[FR Doc.73–17417 Filed 8–20–73;8:45 am]

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revisions

On May 31, 1972 (37 FR 10842), the Administrator approved, with specific

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exceptions, the implementation plan submitted by the State of Maine for attainment and maintenance of national ambient air quality standards.

On March 29, 1973, after proper notification and public hearing, the Governor of the State of Maine submitted a revision to the Maine implementation plan. This revision removes fuel burning sources with a maximum heat input from three million up to, but not including, ten million Btu per hour from the control strategy for the attainment of national primary and secondary ambient air quality standards for particulate matter.

The affected sources are numerous but individually quite small. In the Portland air quality control region, for example, they account for an estimated two percent of total particulate emissions. Furthermore, many of these sources are reported already to be in compliance with the applicable particulate emission limitations. The Administrator has performed an analysis of the impact of this revision on air quality and has determined that the revision will not interfere with the attainment and maintenance of the national ambient air quality standards for particulate matter in the regions of Maine classified Priority I and IA. Therefore, this revision is approved and is incorporated as part of the Maine implementation plan. The purpose of this revision is to relieve the State of Maine and the affected source owners and operators of the administrative burden of developing individual compliance schedules for the many small sources covered by this action.

Copies of the Maine implementation plan, as revised, are available for public inspection at the Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C.; at the Agency's regional office, John F. Kennedy Federal Building, Boston, Massachusetts; and at the Maine Department of Environmental Protection, Augusta, Maine.

This approval is effective on August 21, 1973. The Agency finds that good cause exists for not publishing the regulation as a notice of proposed rulemaking and for making it effective immediately upon publication for the following reasons:

1. The implementation plan revision was adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public participation through notice and public hearings and comments, and further participation is unnecessary and impracticable.

2. Immediate effectivenesss of the action enables the sources involved to proceed with certainty in conducting their affairs and persons wishing to seek judicial review of the actions may do so without delay.

(42 U.S.C. 1957c-5.)

Dated August 16, 1973.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter 1, title 40, of the Code of Federal Regulations is amended as follows:

Subpart U—Maine

1. Section 52.1020 is amended by adding a new paragraph (d) as follows:

§ 52.1020 Identification of plan.

* * * * *

(d) A plan revision was submitted on March 29, 1973.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
All sources subject to Regulation 100.3.1 (b) with a maximum heat input from three million up to but not including ten million Btu per hour.	Maine	100.3.1(b)	3/29/73	Immediately	N/A

3. A new § 52.1025 is added as follows:

§ 52.1025 Control strategy: Particulate matter.

(a) The revisions to the control strategy resulting from the modification to the emission limitations applicable to the sources listed below or resulting from the change in the compliance date for such sources with the applicable emission limitation is hereby approved. All regulations cited are air pollution control regulations of the State unless otherwise noted. (See § 52.1023 for compliance schedule approvals and disapprovals pertaining to one or more of the sources below.)

Source	Location	Regulation involved	Date of adoption
All sources subject to Regulation 100.3.1-(b) with a maximum heat input from three million up to but not including ten million Btu per hour.	Maine	100.3.1(b)	3/29/73

[FR Doc.73-17418 Filed 8-20-73;8:45 am]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Interim Standards for 1976 Model Year Light Duty Vehicles

On July 30, 1973, the Administrator suspended the effective date of the 1976 model year emission standards for oxides of nitrogen for those manufacturers who requested such suspension.

As required by section 202(b)(5)(B) of the Clean Air Act, the decision also established an interim nitrogen oxides emissions standard for light duty vehicles to be sold in the 1976 model year. In order to ensure that this interim standard will be incorporated in proper form in the Code of Federal Regulations, it is being republished in the form set out below.

The interim nitrogen oxides emissions standard prescribed for 1976 model year light duty vehicles of manufacturers who have been granted a suspension is 2.0 grams per mile. The statutorily required 1976 emissions standards of .41 grams per mile of hydrocarbons and 3.4 grams per mile of carbon monoxide remain in effect for all manufacturers. The nitrogen oxides emissions standard of 0.4 grams per mile originally promulgated on July 2, 1971 (36 FR 12664), for the 1976 model year remains in effect for those manufacturers who have not applied for and received a suspension and will become effective for all manufactures beginning with the 1977 model year.

Part 85 of Chapter 1, Title 40, of the Code of Federal Regulations as applicable to 1976 model year light duty vehicles is amended below. These regulations are a restatement of the requirements of the Administrator's decision which is already in effect. Since their substantive requirements have been in effect since July 30, 1973, their publication in this form is made effective on the publication date.

(Sec. 202 of the Clean Air Act, as amended, 42 U.S.C. 1957f-1)

Dated August 16, 1973.

JOHN QUARLES,
Acting Administrator.

Section 85.076-1 of Part 85, Title 40, of the Code of Federal Regulations, applicable to 1976 model year light duty vehicles, is revised to read as follows:

§ 85.076-1 Emission standards for 1976 model year vehicles.

(a) With the exception of the nitrogen oxides exhaust emission standard, the standards and test procedures set forth in § 85.075 remain applicable for the 1976 model year. Exhaust emissions from 1976 model year vehicles shall not exceed:

(1) Hydrocarbons: 0.41 gram per vehicle mile.

(2) Carbon monoxide: 3.4 grams per vehicle mile.

(3) Oxides of nitrogen: 0.40 gram per vehicle mile.

(b) For those manufacturers who have been granted a suspension of the oxides of nitrogen emissions standard specified in pargraph (a), the following standards for exhaust emissions from 1976 model year vehicles shall apply:

(1) Hydrocarbons: 0.41 grams per vehicle mile.

(2) Carbon monoxide: 3.4 grams per vehicle mile.

(3) Oxides of nitrogen: 2.0 grams per vehicle mile.

[FR Doc.73-17419 Filed 8-20-73;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Gibberellic Acid

A petition (PP 3F1296) was filed by Abbott Laboratories, North Chicago, Ill. 60064, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the plant regulator gibberellic acid in or on the raw agricultural commodity sugarcane at 0.15 part per million.

Subsequently, the petitioner amended the petition by proposing a tolerance for residues of the plant regulator in or on sugarcane and sugarcane fodder and forage at 0.15 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The plant regulator is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.224 is revised to read as follows:

§ 180.224 Gibberellic acid; tolerances for residues.

Tolerances are established for negligible residues of the plant regulator gibberellic acid in or on the raw agricultural commodities artichokes, blueberries, citrus fruits, grapes, hops, leafy vegetables, stone fruits, sugarcane, and sugarcane fodder and forage at 0.15 part per million.

Any person who will be adversely affected by the foregoing order may at any time on or before September 20, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective on August 21, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated August 15, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-17423 Filed 8-20-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PURCHASE ORDERS AND SMALL PURCHASES

The following provides updated procedures for the use, preparation, and distribution of purchase orders.

PART 5A-1—GENERAL

The table of contents for Part 5A-1 is amended to add the following new entry:

5A-1.7301-1 Assigning purchase order numbers.

Subpart 5A-1.73—Preparation and Distribution of Contract Documents

Section 5A-1.7301 is revised as follows:

§ 5A-1.7301 Purchase order forms.

(a) *GSA Form 300, Purchase order.*—GSA Form 300, illustrated in § 5A-16.950-300, is available as an 8-part or 15-part form. The 15-part version incorporates as the 2nd, 3rd, and 4th copies, the original and two copies of GSA Form 301, Direct Delivery Invoice, illustrated in § 5A-16.950-301. GSA Form 300a, Purchase Order (Continuation Sheet), illustrated in § 5A-16.950-300a, is also available as an 8-part and 15-part form. GSA Form 300 may be used as a purchase order, a delivery order, or as an award document. Special instructions for preparation of GSA Form 300 are set forth in § 5A-16.950-300-1.

(b) *GSA Form 1430, GSA Stores Direct Delivery Order.*—GSA Form 1430, illustrated in § 5A-16.950-1430, is used for ordering stock items that are to be delivered by the vendor direct to the consignee. See HB, Supply Operations, chap. 9 (FSS P 2900.3). Special instructions for preparation of GSA Form 1430 are set forth in § 5A-16.950-1430-1.

(c) *GSA Form 3003, Order for Supplies or Services.*—GSA Form 3003 is a 6-part form designed for use as a computer prepared direct delivery printout, primarily for single line requisitions. The illustration in § 5A-16.950-3003 identifies the spaces that are filled in by ADP and the spaces that require manual completion by the procurement agent when used as a nonstock purchase order.

(d) *GSA Form 3014, Order for Supplies or Services.*—GSA Form 3014, illustrated in § 5A-16.950-3014, is a 10-part form designed for computer and manual preparation. It is used primarily in the automated delivery order (ADO) system for stock replenishment and nonstock direct delivery purchase orders against established sources.

§ 5A-1.7301-1 Assigning purchase order numbers.

(a) *Applicability.*—The purchase order numbering system prescribed below (see illustrations and codes in § 5A-76.320) applies to all purchase orders issued by FSS except stock replenishment purchase orders. The numbering system prescribed in the HB, Supply Operations (FSS P 2900.3), applies to all stock replenishment orders, whether issued against established source contracts by Inventory Management activities or as definitive quantity purchases by procurement activities.

(b) *Composition of purchase order number.*—The purchase order number is a 4-group, 11-position, hyphenated number, such as 6PN-E-25439-2, composed of the following elements:

(1) *Prefix.*—The prefix consists of a three-position code which identifies the buying activity, buying office, and buying program in that order.

EXAMPLE: The prefix "6PN" means Region 6, Procurement, nonstock program.

(2) *Basic number.*—The basic number is a five-digit case file number plus an alpha code prefix which denotes the type of transaction, such as "E-25439." The prefix "E" indicates it is for "export-nonstock regular surcharge," and the five-digit number "25439" denotes the case file number. To avoid any duplication of surcharge, if the cancellation results in termination charges, where a prefix code was used to make a surcharge applicable and the order is canceled, the replacement purchase order shall be issued using an "F" prefix code to indicate that no surcharge is applicable.

(3) *Suffix.*—The suffix consists of one or two positions, as required. The first position identifies the number of orders written against the case file. The first purchase order number and initial case number shall always be numbered "-1." Subsequent purchase orders on the same case file are to be numbered sequentially through 9. If the number of purchase orders exceed 9, additional orders shall be identified by alpha. The second position (alpha) is used to identify the amendments. Thus, in the example number shown in (b) above, the number "2" indicates that it is the second purchase order against the case. Since there is no alpha position shown in the suffix, the purchase order number does not represent an amendment or cancellation.

PART 5A-3 PROCUREMENT BY NEGOTIATION

Subpart 5A-3.6 Small Purchases

Section 5A-3.605-70 is revised as follows:

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§ 5A-3.605-70 GSA Form 1430.

For use of GSA Form 1430, GSA Stores Direct Delivery Order, see §§ 5A-1.7301 (b) and 5A-72.107.

PART 5A-16—PROCUREMENT FORMS

The table of contents for Part 5A-16 is amended to add the following new entries:

5A-16.950-300-1	Special instructions for preparation of GSA Form 300, Purchase Order.
5A-16.950-1430-1	Special instructions for preparation of GSA Form 1430, GSA Stores Direct Delivery Order.
5A-16.950-3003	GSA Form 3003, Order for Supplies or Services.
5A-16.950-3014	GSA Form 3014, Order for Supplies or Services.

NOTE.—Copies of the above forms identified in this Part 5A-16 are filed with the original document.

PART 5A-76—EXHIBITS

The table of contents for Part 5A-76 is amended to add the following new entries:

5A-76.319	Purchase order forms used by buying programs.
5A-76.320	Composition of purchase order number and applicable codes.
5A-76.321	Guide for determination of billed office and consignee codes from incoming requisition data.

NOTE.—Copies of the above exhibits identified in this Part 5A-76 are filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1-101(c))

Effective date.—These regulations are effective on the date shown below.

Dated August 9, 1973.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR L...73-17380 Filed 8-20-73;8:45 am]

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14-1—GENERAL

Novation Agreements; Correction

FR Doc. 73-15076, published on page 19824 in the issue dated Tuesday, July 24, 1973, which amended Part 2 of Chapter 14 of Title 41 of the Code of Federal Regulations, is corrected by changing the title in § 14-2.407-1 from "Assistant Secretary—Congressional and Public Affairs" to "Assistant Secretary—Congressional and Legislative Affairs."

JAMES T. CLARKE,
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc.73-17352 Filed 8-20-73;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-132]

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Implementation of Federal Information Processing Standards Publications (FIPS PUBS) Into Solicitation Documents

This amendment provides superseded and added standard terminology developed from Federal Information Processing Standards Publications (FIPS PUBS) initiated by the National Bureau of Standards, U.S. Department of Commerce.

The table of contents for Part 101-32 is amended by the following entries:

101-32.1304-3	FIPS PUB 3-1, Recorded Magnetic Tape for Information Interchange (800 CPI, NRZI).
101-32.1304-12	FIPS PUB 25, Recorded Magnetic Tape for Information Interchange (1,600 CPI, Phase Encoded).
101-32.1304-13	FIPS PUB 26, One-Inch Perforated Paper Tape for Information Interchange.
101-32.1304-14	FIPS PUB 27, Take-up Reels for One-Inch Perforated Tape for Information Interchange.
101-32.1305-2	FIPS PUB 24, Flowchart Symbols and Their Usage in Information Processing.

Subpart 101-32.13—Implementation of Federal Information Processing Standards Publications (FIPS PUBS) Into Solicitation Documents

1. Section 101-32.1304-3 is revised to read as follows:

§ 101-32.1304-3 FIPS PUB 3-1, Recorded Magnetic Tape for Information Interchange (800 CPI, NRZI).

(a) FIPS PUB 3-1 supersedes FIPS PUB 3, reflects a change in scope from the earlier version of X3.22-1967, and encompasses the recorded tape requirements only. The unrecorded tape standard will include the requirements for the physical property of the tape and reels that were previously included in FIPS 3. FIPS PUB 3-1 specifies the recorded characteristics of 9-track digital ½-inch-wide magnetic computer tape, including the data format for implementing the Federal Standard Code for Information Interchange at the recording density of 800 characters per inch (CPI). (Technical specifications of the standard are not included with FIPS PUB 3-1.)

(b) The standard terminology to be used in solicitation documents is:

All 9-track digital magnetic tape recording and reproducing equipments resulting from this solicitation employing ½-inch-wide tape at the recording density of 800 characters per inch (CPI), including associated programs, shall provide the capability to accept and generate recorded tapes in compliance with the requirements set forth in FIPS PUB 3-1.

2. Section 101-32.1304-12 is added as follows:

§ 101-32.1304-12 FIPS PUB 25, Recorded Magnetic Tape for Information Interchange (1600 CPI, Phase Encoded).

(a) FIPS PUB 25 specifies the recorded characteristics of 9-track digital ½-inch-wide magnetic computer tape, including the data format for implementing the Federal Standard Code for Information Interchange at the recording density of 1,600 characters per inch (CPI). (Technical specifications of the standard are not included with FIPS PUB 25.)

(b) The standard terminology for use in solicitation documents is:

All 9-track digital magnetic tape recording and reproducing equipments resulting from this solicitation employing ½-inch-wide tape at the recording density of 1,600 characters per inch (CPI, Phase Encoded), including associated programs, shall provide the capability to accept and generate recorded tapes in compliance with the requirements set forth in FIPS PUB 25.

3. Section 101-32.1304-13 is added as follows:

§ 101-32.1304-13 FIPS PUB 26, One-Inch Perforated Tape for Information Interchange.

(a) FIPS PUB 26 specifies the physical dimensions and tolerances of 1-inch-wide paper tape, including the size and location of the perforations used for recording information. (Technical specifications of the standard are not included with FIPS PUB 26.)

(b) The standard terminology for use in solicitation documents is:

All 1-inch-wide perforated tape and related 8-channel paper tape punch and reading equipment resulting from this solicitation utilized in Federal information processing systems, communication systems, and associated terminals employing perforated tape equipment shall provide the capability to accept and generate tapes in compliance with the requirements set forth in FIPS PUB 26.

4. Section 101-32.1304-14 is added as follows:

§ 101-32.1304-14 FIPS PUB 27, Take-up Reels for One-Inch Perforated Tape for Information Interchange.

(a) FIPS PUB 27 specifies the physical dimensions of paper tape take-up (or storage) reels with either fixed or separate flanges. The two types of reels specified differ in the size and shape of the drive hub, but both are intended for use with 1-inch perforated paper tape devices. (Technical specifications of the standard are not included with FIPS PUB 27.)

(b) The standard terminology for use in solicitation documents is:

All 1-inch perforated tape take-up reels and related devices employing such reels, including paper tape readers, punches, and related tape handling equipment, resulting from this solicitation utilized in Federal information processing systems and associated equipment employing such devices shall provide the capability to accept one of the two types of reels specified in FIPS PUB 27.

5. Section 101-32.1305-2 is added as follows:

§ 101-32.1305-2 FIPS PUB 24, Flowchart Symbols and Their Usage in Information Processing.

(a) FIPS PUB 24 establishes standard flowchart symbols and specifies their use in the preparation of flowcharts in documenting information processing systems. (Technical specifications of the standard are not included with FIPS PUB 24.)

(b) The standard terminology for use in solicitation documents is:

All new information processing system documentation involving the use of flowcharts that may result from this solicitation document must comply with FIPS PUB 24.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date.—This regulation is effective on August 21, 1973.

Dated August 10, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73-17381 Filed 8-20-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19073; FCC 73-859]

PART 23—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

Report and Order

1. This proceeding was instituted by the Commission's notice of proposed rulemaking adopted on October 28, 1970 (35 FR 17057) for the purpose of amending certain portions of Part 23 of the Commission's rules and regulations dealing with the International Fixed Public Radiocommunications Services to bring them into conformity with the most recent revisions of the applicable international Radio Regulations and to add rules regarding certain matters which were not previously contained in this part.

2. Comments on the proposed rule revisions were received from the following parties:

All America Cables and Radio, Inc./ITT Communications, Inc.-Virgin Islands (AACR/ITT-CIVI).
American Telephone and Telegraph Company (AT&T).
ITT World Communications Inc./Press Wireless, Inc. (ITTWC).
International Telephone and Telegraph Corporation (ITT).
RCA Global Communications, Inc. (RCAGC).

with reply comments being filed by RCAGC. Except for ITT, who filed comments as a manufacturer of microwave communications equipment, these parties are licensees of radio facilities governed by Part 23, and their comments are concerned with the impact of the proposed rule revisions on the operations of their currently authorized radio facilities.

3. Standards for emission limitations are not presently specified in Part 23 of the Commission's rules and regulations. For high frequency (HF) transmitters operating at frequencies below 30 MHz, it was proposed to incorporate the current international standard for the limitation of spurious emissions set forth in Appendix 4 of the applicable International Radio Regulations in a new § 23.15(a)(2). This standard would require that spurious emissions of HF transmitters be attenuated by at least 40 decibels without exceeding the level of 50 milliwatts. This limit of 50 milliwatts is considered unnecessarily stringent by AT&T, ITTWC and RCAGC. Both AT&T and RCAGC state that they are unaware of any harmful interference resulting from spurious emissions from their HF transmitters, and AT&T proposes that this limit be increased to a level of 200 milliwatts which had been an earlier international standard and a level its HF transmitters were designed to meet. In addition, AT&T, ITTWC, and RCAGC estimate that expenditures of $1.5 million, $200,000 and $750,000, respectively, will be required to bring their HF transmitting facilities into compliance with the proposed standards.

4. The assertions of AT&T and RCAGC that they are unaware of harmful interference resulting from spurious emissions from their HF transmitters is not sufficient to guarantee that such interference has not in fact occurred. Nor do these assertions reflect the possibility that spurious emissions from their HF transmitters may have degraded the quality of the HF radio channels operated by others while not being classified as harmful interference. In view of the congested state of the HF portion of the radio spectrum, and since the operation of United States HF radio stations can have a significant impact on the quality of HF radio channels provided by stations located in other administrations at great distances from the United States, it would not be appropriate to adopt emission limitation standards for HF transmitters operated by the United States carriers which are less stringent than the applicable standards agreed to on an international basis. Moreover, the expenditures required to bring existing HF radio facilities into compliance with this international standard are small when compared to total investment in these facilities and do not justify the adoption of emission limitation standards for United States carriers in derogation of the currently applicable international standards.

5. A small measure of relief can be provided in this regard by incorporating the substance of the following provision from Appendix 4 of the International Radio Regulations into the rules to be adopted:

For transmitters of mean power exceeding 50 kilowatts and which operate below 30 MHz over a frequency range approaching an octave or more, a reduction below 50 milliwatts is not mandatory, but a minimum attenuation of 60 decibels shall be provided and every effort should be made to keep within the 50 milliwatt limit.

However, further relaxation of this standard is not warranted, and the proposed 50 milliwatt limit on spurious emissions, as modified by this provision, will be retained in the rules to be adopted.

6. For transmitters operating at frequencies above 30 MHz, emission limitation standards similar to those adopted in the Commission's Rules and Regulations for other services are proposed in the new § 23.15(b). The only comments on this proposal were filed by AT&T who states that it would be difficult to bring its existing over-the-horizon tropospheric scatter systems into compliance with this standard. Noting the limited area affected by the operations of its tropospheric scatter systems and the absence of international standards for emission limitations on transmitters operating at frequencies above 235 MHz, AT&T proposes the inclusion of a provision exempting over-the-horizon tropospheric scatter systems from compliance with the standard proposed in § 23.15(b).

7. In support of this proposal, AT&T states at one point in its comments that it "has been unable to determine the performance characteristics of these systems with respect to spurious emissions in order to comment upon the proposed limitation," but then concludes that "a special development effort of unknown duration and unknown cost will be required to determine if the necessary equipment can be purchased and modified to conform to the proposed tolerance." While there may be potential difficulties in bringing existing over-the-horizon tropospheric scatter systems into compliance with the proposed emission limitation standard, the comments of AT&T on this matter are clearly insufficient to justify a general provision in the rules exempting these systems from compliance with the emission limitation standard. Therefore, we will not incorporate this proposal in the rules to be adopted, noting that this does not foreclose AT&T from filing requests for a waiver of this requirement on a case-by-case basis, supported by detailed showings of the reasons why compliance is not technically or economically feasible.

8. The proposed rule revisions would replace the present § 23.30 with a new § 23.16 specifying more stringent standards for frequency stability of transmitters operating at frequencies below 30 MHz and establishing new standards for transmitters operating at frequencies between 30 MHz and 40 GHz.

9. RCAGC objects to proposed frequency tolerance of .001 percent applicable to its international control stations in the state of New York. Noting

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that these stations are currently licensed with a frequency tolerance of .05 percent, RCAGC considers this proposed standard an unreasonably drastic tightening of the frequency tolerance standard governing these stations. We find some merit in these comments, and since the particular frequency band in which these stations operate, i.e. 1850–1990 MHz, is shared with stations in the operational fixed service for which a frequency tolerance standard of .02 percent is applicable, we consider it appropriate to adopt the same frequency tolerance standard of .02 percent for stations in the International Fixed Public Radiocommunications Services operating in the 1850–1990 MHz frequency band.

10. As a manufacturer of microwave communications equipment, ITT proposes that the frequency tolerance standard for the 2.2–10.5 GHz band be set at the same level as for stations in the domestic microwave service. We find merit in this proposal, and since the current standard in Part 21 of the Commission's rules and regulations for stations in the domestic common carrier microwave service in the 2.5–10.5 GHz band is currently set at .03 percent, it is this value that will be incorporated in the rules to be adopted.

11. In their joint comments, AACR/ITT–CIVI describe the facility modifications and replacements which they consider necessary to bring their currently authorized facilities into compliance with the proposed frequency stability and emission limitation standards, concluding that a period of approximately two years would be required. AT&T estimates that about six months would be required to bring its HF transmitters into compliance with the proposed frequency stability standard and that between one and two years would be required to develop the necessary equipment to bring its 840 and 880 MHz tropospheric scatter system into compliance with the applicable frequency stability standard. ITTWC and RCAGC estimate that about two and three years, respectively, would be required to bring their HF transmitters into compliance with the proposed emission limitation standard. In addition, ITTWC and RCAGC point to the declining use being made by them of their HF radio facilities in providing their international communications services and suggest that additional time be allowed to permit them to make determinations relating to the long term use to be made of these facilities in an international communications network comprised mainly of underseas cable and communication satellite facilities.

12. However, this latter point concerning the long term use to be made of HF radio facilities should have been addressed by these parties in the formulation of their comments in Docket No. 18875 (An Inquiry into policy to be followed in future licensing of facilities for overseas communications) which was initiated prior to the adoption of the Notice of Proposed Rule Making in this proceeding, and deferral of the effective date of compliance for this purpose is not warranted. We conclude that a period of two years should be sufficient to perform the necessary modifications to existing facilities to bring them into compliance with the frequency tolerance and emission limitations standards to be adopted, without causing interruption to the services being provided by these facilities, and the required date by which existing facilities must be brought into compliance with these standards will be deferred for a period of two years from the effective date of the rule revisions adopted here.

13. With respect to the proposed § 23.13 "Types of emission", both ITTWC and RCAGC propose that this section be modified to allow the use of emissions not centered on the assigned frequency in order to allow a measure of flexibility in avoiding interfering signals and in meeting fluctuating traffic loads. Provisions to this effect are presently contained in several licenses of HF radio stations, and there is merit in the incorporation of this provision in the rules to be adopted. However, use of non-centered emissions is not intended to be a normal operating practice, and the use of non-centered emissions will be subject to conditions that emsissions be contained within the authorized bandwidth centered on the assigned frequency and that a list of reference frequencies be maintained on file with the Commission.

14. ITTWC requests clarification of possible interpretations of certain portions of §§ 23.47 and 23.48 dealing with station record requirements. ITTWC states that it maintains a teleprinter connection between its New York City operating center and its HF radio station at Brentwood, New York, and that each entry of the station records is made on the continuous teleprinter roll together with the printed initials of the person making the entry. Actual signatures of persons making entries on this roll are entered only at the beginning and end of each watch. ITTWC believes that this system provides a complete and accurate record of the information required under Part 23 of the Rules, and ITTWC is concerned that a strict interpretation of the proposed rule revisions would require that each individual entry be signed, which it believes to be an inefficient procedure. ITTWC is also concerned with a strict interpretation of § 23.48 would require the maintenance of a physically separate technical log, which would require that entries made on the teleprinter roll be transferred to the technical log. In its opinion, such a procedure has the potential of introducing errors into the technical log, as well as being inefficient.

15. The intent of the proposed §§ 23.47 and 23.48 was to set forth standards for the maintenance of clear and accurate station records that could be accessed on an efficient basis. To the extent that the technical information specified in § 23.48 can be maintained in such a manner without physically separating this information from other station records, we do not construe the adoption of a separate § 23.48 of the rules dealing with this technical information to necessarily imply that this information has to be maintained in a physically separate log. In addition, we will also modify § 23.47(b) of the rules to be adopted to allow a person to certify a number of entries made by him during his watch by his signature, provided that the identity of the person making each entry is clearly indicated.

16. In addition to the modifications of the proposed rule revisions discussed above, several minor editorial changes will also be incorporated in the rules to be adopted for purposes of clarification. No matters of substance are involved in these changes. In addition, several additional definitions of technical terms referenced in Part 23 will be incorporated in the rules to be adopted.

17. Accordingly, pursuant to the authority contained in sections 4(i) and 303 of the Communication Act of 1934, as amended, *It is ordered*, That Part 23 of the Commission's rules and regulations are amended effective September 19, 1973 as set forth below.

18. *It is further ordered*, That the proceeding in Docket 19073 is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted August 8, 1973.

Released August 15, 1973.

FEDERAL COMMUNICATIONS [1] COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

Part 23 of the Commission's rules and regulations is amended as follows:

1. Section 23.1 and headnote are revised to read as follows:

§ 23.1 Definitions.

Assigned frequency. The frequency coinciding with the center of an authorized bandwidth of emission.

Authorized bandwidth. The maximum bandwidth authorized to be used by a station as specified in the station license. This shall be occupied bandwidth or necessary bandwidth, whichever is greater.

Authorized reference frequency. A frequency having a fixed and specific position with respect to the assigned frequency.

Authorized service. The term "authorized service" of a point-to-point radiotelegraph or radiotelephone station means the transmission of public correspondence to a point of communication as defined herein subject to such special provisions as may be contained in the license of the station or in accordance with § 23.53.

Fixed public service. The term "fixed public service" means a radiocommunication service carried on between fixed stations open to public correspondence.

[1] Commissioners H. Rex Lee, Reid, and Hooks.

Fixed public press service. The term "fixed public press service" means a limited radio communication service carried on between point-to-point telegraph stations, consisting of transmissions by fixed stations open to limited public correspondence, of news items, or other material related to or intended for publication by press agencies, newspapers, or for public dissemination. In addition, these transmissions may be directed to one or more fixed points specifically named in a station license, or to unnamed points in accordance with the provisions of § 23.53.

NOTE.—This section is not intended as a definition of any press classification. Correspondence admissible under any press classification is determined by the tariffs of the various common carriers on file with the Commission.

Fixed station. The term "fixed station" in the fixed public or fixed public press service includes all apparatus used in rendering the authorized service at a particular location under a single instrument of authorization.

Frequency tolerance. The maximum permissible departure by the center frequency of the frequency band occupied by an emission from the assigned frequency or by the carrier, or suppressed carrier, from the reference frequency.

International fixed public radiocommunication service. A fixed service, the stations of which are open to public correspondence and which, in general, is intended to provide radiocommunication between any one of the contiguous 48 states (including the District of Columbia) and the State of Alaska, or the State of Hawaii, or any U.S. possession or any foreign point; or between any U.S. possession and any other point; or between the State of Alaska and any other point; or between the State of Hawaii and any other point. In addition, radiocommunications within the contiguous 48 states (including the District of Columbia) in connection with the relaying of international traffic between stations which provide the above service, are also deemed to be the international fixed public radiocommunications service; provided, however, that communications solely between Alaska, or any one of the contiguous 48 states (including the District of Columbia), and either Canada or Mexico are not deemed to be in the international fixed public radiocommunication service when such radiocommunications are transmitted on frequencies above 72 MHz.

International fixed public control service. A fixed service carried on for the purpose of communicating between transmitting stations, receiving stations, message centers or control points in the international fixed public radiocommunication service.

Occupied bandwidth. The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission.

Point-to-point telegraph station. The term "point-to-point telegraph station" means a fixed station authorized for radiotelegraph communication.

Point-to-point telephone station. The term "point-to-point telephone station" means a fixed station authorized for radiotelephone communication.

Point of communication. The term "point of communication" means a specific location designated in the license to which a station is authorized to communicate for the transmission of public correspondence.

Radiotelegraph. The term "radiotelegraph" as used in this part shall be construed to include types A0, A1, A2, A4, F1, F2, and F4 emission.

Radiotelephone. The term "radiotelephone" as used in this part, with respect to operation on frequencies below 30 MHz, means a system of radiocommunication for the transmission of speech or, in some cases, other sounds by means of amplitude modulation including double sideband (A3), single sideband (A3A, A3H, or A3J) or independent sideband (A3B) transmission.

§§ 23.2—23.10 [Deleted]

2. Sections 23.2 through 23.10 are deleted.

§ 23.11 [Amended]

3. In § 23.11, reference to § 23.10 is changed to § 23.1.

4. Section 23.13 and headnote are revised to read as follows:

§ 23.13 Types of emission.

Stations in the international fixed public radiocommunication services may be authorized to use any of the types of emission or combinations thereof, described in Part 2 of this chapter, as well as new types which may be developed: *Provided*, That harmful interference to adjacent operations is not caused thereby, *And provided further*, That the intelligence to be transmitted will use the bandwidth requested to a degree of efficiency compatible with the current state of the art. A determination of the possibilities of interference will be made as outlined in § 23.20. In certain cases frequencies or emissions may be authorized on a temporary basis to determine if interference will occur. During normal operations, emissions shall be centered about an assigned frequency. Non-centered emissions may be employed for short periods of time as needed to avoid interfering signals or meet fluctuating traffic loading *provided* that the occupied bandwidth of these emissions be contained within the authorized bandwidth, and *provided further* that prior to any such use, the Commission be notified of the reference frequency or frequencies proposed to be used in lieu of the assigned frequency.

5. Sections 23.14 through 23.19 are added to read as follows:

§ 23.14 Emission, bandwidth, modulation and transmission characteristics.

In the services under this part emissions are designated by their classification and their necessary bandwidth in accordance with the following procedures:

(a) Designation of emissions in applications. In applying for new frequency assignments for emissions not presently authorized, the emissions proposed to be used shall be described and their bandwidths specified as outlined in Part 2 of this chapter.

(b) Designation of emissions in authorizations. The emission designations used in authorizations will indicate only the maximum value of the necessary bandwidth in kilohertz for each type of modulation authorized.

(c) New types of emissions. If application is made for a type of emission not covered by Part 2 of this chapter, a full description of the emission must be provided and, if possible, measurements of its occupied bandwidth.

§ 23.15 Emission limitations.

(a) For all transmitters placed into operation after September 19, 1973, and for all transmitters after September 19, 1975, which operate on frequencies below 30 MHz:

(1) The occupied bandwidth of emission shall be confined within the least possible spectrum space consistent with the state of the art and the required quality of transmission, and in no event shall be more than the authorized bandwidth.

(2) Spurious emissions of transmitters of mean power of 50 kilowatts or less shall be attenuated at least 40 decibels below the mean power of the fundamental without exceeding the power of 50 milliwatts.

(3) Spurious emissions of transmitters of mean power exceeding 50 kilowatts shall be attenuated at least 60 decibels below the mean power of the fundamental and every effort should be made to keep the level of spurious emissions below the power of 50 milliwatts.

(b) For all transmitters placed into operation after September 19, 1973, and for all transmitters after September 19, 1975, which operate on frequencies above 30 MHz, the mean powers of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: at least 25 decibels;

(2) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: at least 35 decibels;

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: at least 40 plus 10 log (mean output power in watts) decibels, or 80 decibels, whichever is the lesser attenuation.

(c) When an emission outside of the authorized bandwidth causes harmful interference, the Commission may, at its discretion, require greater attenuation than that specified in this section.

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§ 23.16 Frequency tolerances.

The frequency tolerance for stations in the International Fixed Public Radiocommunications Services shall be maintained as prescribed in the following table:

Frequency range	Tolerances applicable to new transmitters installed after Sept. 19, 1973, and to all transmitters after Sept. 19, 1975	
	Percent	Parts per million
10 to 50 kHz	0.1	1,000
50 to 535 kHz	.02	200
1605 to 30,000 kHz	.0015	15
30 to 50 MHz	.002	20
50 to 1,000 MHz	.0005	5
1,000 to 1,850 MHz	.001	10
1,850 to 1,990 MHz	.02	200
1,990 to 2,500 MHz	.001	10
2,500 to 10,500 MHz	.03	300
10,500 to 40,000 MHz	.05	500

§ 23.17 Frequency measurement.

Each station shall provide for the measurement of all frequencies assigned thereto, and establish a procedure for checking them regularly. These measurements shall be made by means independent of the frequency control of the transmitter and shall be of accuracy sufficient to detect deviation from the assigned frequency within one-half of the allowed tolerance. A record shall be kept of the results and dates of all frequency measurements.

§ 23.18 Authorization of power.

(a) *Authorized power.* Power, when designated in the respective station license for a particular transmitter or transmitters, is peak envelope power for transmitters having full, unkeyed carrier, single sideband or independent sideband emissions, and mean power for transmitters having other emissions, unless specifically expressed otherwise. Designation of effective radiated power may appear in the station license in addition to designation of power for a transmitter or transmitters, when deemed necessary by the Commission.

(b) *Use of minimum power.* In the interest of avoiding interference to other operations, all stations shall radiate only as much power as is necessary to ensure a satisfactory service.

§ 23.19 Use of directional antennas.

Insofar as is practicable, directional antennas, of type consistent with the current state of art, shall be used on all circuits for both transmitting and receiving.

6. Section 23.21 and headnote are revised to read as follows:

§ 23.21 Communications by international control stations.

Stations in the international fixed public control service are authorized to communicate between transmitting stations, receiving stations, message centers or control points operating in the international fixed public radiocommunication services for the purpose of handling service messages or international traffic between these points: *Provided*, That only traffic originating in or destined to points outside the contiguous states may be handled. Frequencies in bands designated for international control stations in Part 2 of this chapter may be assigned to these stations.

§ 23.22 [Deleted]

7. Section 23.22 is deleted.

§ 23.29 [Amended]

8. In § 23.29, substitute the figure 5 for the figure 2 where it appears in the first sentence.

§ 23.30 [Deleted]

9. Section 23.30 is deleted.

§ 23.33—§ 23.34 [Deleted]

10. Sections 23.33 and 23.34 are deleted.

11. Section 23.41 and headnote are revised to read as follows:

§ 23.41 Quarterly report of frequency usage.

(a) Transmitted frequencies: Each licensee in the international fixed radiocommunication services shall submit a report of frequency usage for all authorized frequencies below 30 MHz for each station. If more than one station is operated from a common control point, reports for the stations may be combined into one. This report shall be due 40 days after the close of each calendar quarter and shall contain the following information: Each frequency assigned to the station or stations and the number of hours it was used during the quarter to each point of communication for each class of service rendered (such as telegraph, telephone, program, or radiophoto), the types of emission normally used to each point of communication, and the total hours each frequency was used.

(b) Received frequency report: Upon specific request by the Commission, licensees in the international fixed public radiocommunication services shall furnish promptly the following information regarding frequencies received from all points of communication: All frequencies received, including call signs, location of transmitting station, type and bandwidth of emission normally employed, point of reception, and a symbol from the following table indicating the amount of usage of the particular received frequency.

Symbol	*Usage*
D	Daily regular use during business days.
O	Occasional use; not used daily, but offered frequently when required by propagation or operational conditions.
S	Seldom received; where records indicate light use during the past year.
L	Limited use; limited by solar activity to a part of the solar cycle or to a part of each year.

The following criteria shall be used to determine whether or not a frequency shall be reported as received:

(1) Report all frequencies regularly used during the period under consideration.

(2) Report frequencies received consistently during a substantial part of any cyclical change in frequency usefulness even though they may be unused for considerable periods of time during another part of the cycle.

(3) Do not report any frequency, the use of which is known to have been discontinued or transferred to another operation by a foreign correspondent.

(4) Do not report any frequency which has been inactive for a period of 6 months or longer, except as indicated in paragraph (2) of this section.

12. Section 23.46 and headnote are revised to read as follows:

§ 23.46 Operators, class required and general duties.

(a) The operation and control of all transmitting apparatus licensed at a station in the international fixed public radiocommunication services shall be carried on only by a person holding a valid operator license issued by the Commission, except as provided in other paragraphs of this section.

(b) Classes of operator licenses required are as follows:

(1) Radiotelegraph stations: Radiotelegraph or Radiotelephone first- or second-class license: *Provided, however:*

(i) If manual morse code keying is used for transmitting public correspondence, the person manipulating the telegraph key shall be the holder of a radiotelegraph first- or second-class license except as provided by paragraph (iv of this section;

(ii) If manual morse code keying is used only for the purposes of identification or for sending service messages, the person manipulating the telegraph key shall be the holder of a radiotelegraph third-class permit or higher class of radiotelegraph license except as provided by paragraph (iv) of this section;

(iii) If automatic keying equipment is used, the operator of such equipment may send short service signals (requests for repeats, etc.) by manual morse code without being the holder of a radio operator license.

(iv) Unlicensed telegraph operators of appropriate skill as determined by the radio station licensee may manipulate the telegraph key of radiotelegraph stations provided that properly licensed radiotelegraph operators are on duty at the transmitting station or authorized remote control point and that such licensed operators are fully responsible for the proper operation of the transmitting equipment.

(2) Radiotelephone stations: Radiotelephone first- or second-class license: *Provided, however,* that, if manual morse code keying is employed in accordance with § 23.12, the person manipulating the telegraph key shall be the holder of a valid radiotelegraph third-class permit or higher class of radiotelegraph license.

(3) Radiotelegraph - Radiotelephone stations: Provisions under subparagraph (1) of this paragraph are applicable.

(4) International control stations: Radiotelegraph or radiotelephone first- or second-class license.

(c) One or more licensed operators of the grade specified in paragraph (b) of this section shall be on duty at the place where the transmitting apparatus is located and in actual charge thereof when it is being operated: *Provided, however,* That:

(1) In case of stations in these services operating on frequencies above 30 MHz, the Commission may authorize unattended operation upon application therefor and showing that the equipment is so designed and constructed as to make such operation feasible. When such unattended operation is authorized, properly licensed operators shall be on duty at a terminal of the system of which the unattended station or stations are a part or shall be available on call to perform necessary maintenance duties.

(2) In the case of a station where remote control is used, the Commission may grant authority to employ an operator or operators at the control point in lieu of the place where the transmitting apparatus is located, provided that the following conditions are complied with:

(i) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons.

(ii) A device shall be provided at the remote control point which gives a continuous visual indication whenever the control circuits have been placed in a condition to activate the radio transmitting apparatus.

(iii) Provision shall be made to monitor aurally all transmissions originating under control of the responsible operator at the remote point.

(iv) The radiation of the transmitter shall be suspended immediately when there is a deviation from the terms of the station license or applicable provisions of this chapter.

(v) When remote control of a transmitter is performed from a separate location such as a message center or telephone exchange and manual morse code keying is not used, the operator(s) at that point need not be licensed by the Commission provided that licensed operator(s) are on duty at the transmitter location or authorized remote control point at all times that the station is in operation, and they are fully responsible for the proper operation of the transmitting equipment. If manual morse code keying is used at a remote control point, the provisions of paragraph (b)(1) of this section shall apply.

(3) When a radio station is radiating, all adjustments or tests during or coincident with the installation and servicing or maintenance of the transmitter and its associated equipment which may affect the quality of transmission or possibly cause the station radiation to exceed the limits specified in its instrument of authorization or in the rules pertaining to such station shall be made by or under the immediate supervision and responsibility of a person holding the proper license, who shall be responsible for the proper functioning of the radio facilities. A radiotelephone station must be under the supervision of a person holding a radiotelephone or radiotelegraph first- or second-class license, and a radiotelegraph station must be under the supervision of a person holding a radiotelegraph first- or second-class license.

(4) When a radio station is not radiating, persons of appropriate technical skill, who are not licensed radio operators, may perform the functions described in subparagraph (3) of this section without direct supervision after having been authorized to do so by the responsible licensed operator under whose immediate supervision the facilities shall thereafter initially be placed in operation and be determined to be operating properly.

13. Section 23.47 and headnote are revised to read as follows:

§ 23.47 Station records.

(a) Station records shall be kept in an orderly manner, and in such detail that the data required is readily available. Key letters, abbreviations, or symbols may be used if proper meaning or explanation is set forth in the record.

(b) Each entry in the records of a station shall be made by a person qualified to do so and having actual knowledge of the facts to be recorded, and each entry shall clearly identify the person making the entry. Each entry or group of entries shall be certified by the signature of the person or persons responsible: *Provided,* That each physical page contain such certification: *And provided further,* That any such group of entries contain entries made only during a single daily period of duty.

(c) No record or portions thereof shall be erased, obliterated, or wilfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry, who shall strike out the erroneous portion, initial the corrections made, and indicate the date of correction.

(d) The records required by this part shall be retained for a period of at least 1 year: *Provided, that:*

(1) Records involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them.

(2) Records incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suit upon such claim.

14. Section 23.48 are revised to read as follows:

§ 23.48 Content of station records.

(a) For each station in the services under this part, except stations in the international fixed public control service, the licensee shall maintain a technical log of the station operating showing:

(1) Signature of each licensed operator responsible for the operation of the transmitting equipment and an indication of his hours of duty.

(2) Hours of use of each frequency assignment and type of emission indicating time of beginning and end of each period of operation and points of communication to which each frequency is used (or area if service is pursuant to § 23.53).

(3) Hours of use of each transmitter indicating time of beginning and end of each period of operation.

(4) Power input to the final stage of each transmitter.

(5) Dates and results of each frequency measurement.

(b) For stations in the international fixed public control service, the licensee shall maintain a technical log of the station operating showing:

(1) Normal hours of operation and dates and times of interruptions to service.

(2) Dates and results of each frequency measurement.

(3) When service or mainfenance duties are performed, the responsible operator shall sign and date the station record giving pertinent details of all duties performed by him or under his supervision; his name and the class, serial number, and date of expiration of his license.

(c) For each station having an antenna structure which is required to be obstruction-lighted, appropriate entries shall be made in the station's technical log as required by § 23.39.

§ 23.49 [Redesignated]

15. Section 23.49, "Equal employment opportunities", is redesignated as § 23.55. Former § 23.48, "Discontinuance of operation", is redesignated as new § 23.49.

16. Section 23.50 is added to read as follows:

§ 23.50 Place of filing application; fees and number of copies.

(a) Standard numbered forms applicable to the international fixed public radiocommunication services discussed within the subpart are as follows:

Form No.	*Description*
403	Application for radio station license or modification thereof.
405	Application for renewal of radio station license in specified services.
407	Application for radio station construction permit.
408	Application for temporary authorization in addition to authority contained in license.
408	Application for temporary authorization in addition to authority contained in license.
701	Application for additional time to construct radio station.

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Form No.	Description
702---	Application for consent to assignment of radio station construction permit or license (for stations in services other than broadcast).
704---	Application for consent to transfer of control of corporation holding common carrier radio station construction permit or license.
714---	Supplement to application for new or modified radio station authorization (concerning antenna structure notification to FAA).

These forms may be obtained from the Secretary, Federal Communications Commission, Washington, D.C. 20554, or from any of the Commission's engineering field offices, the addresses of which are listed in § 0.121(a) of this chapter.

(b) Every application for a radio station authorization and all correspondence relating thereto shall be submitted to the Commission's office at Washington, D.C. 20554.

(c) Unless otherwise specified in a particular case, or for a particular form, each application, including exhibits and attachments thereto, shall be filed in duplicate.

(d) Each application shall be accompanied by a non-refundable fee prescribed in Subpart G of Part 1 of this chapter.

CROSS REFERENCE TABLE TO REVISED PART 23

Old Number	New Number
23.1	Revised 23.1
23.2	23.1
23.3	23.1
23.4	23.1
23.5	23.1
23.6	23.1
23.7	23.1
23.8	23.1
23.9	23.1
23.10	23.1
23.11	Amended 23.11
23.12	23.12
23.13	New 23.50
—	New 23.18
—	New 23.19
23.20	23.20
23.21	New 23.13, 23.14, 23.15
—	New 23.21
23.22	New 23.13, 23.14, 23.15
23.23	23.23
23.24	23.24
23.25	23.25
23.26	23.26
23.27	23.27
23.28	23.28
23.29	Amended 23.29
23.30	New 23.16
23.31	23.31
23.32	23.32
23.33	Delete 23.33
23.34	New 23.17
23.35	23.35
23.36	23.36
23.37	23.37
23.38	23.38
23.39	23.39
23.40	23.40
23.41	Revised 23.41
23.42	23.42
23.43	23.43
23.44	23.44
23.45	23.45
23.46	Revised 23.46
23.47	Revised 23.47
—	New 23.48
23.48	Revised 23.49
23.49	New 23.55
23.51	23.51
23.52	23.52
23.53	Revised 23.53
23.54	23.54

[FR Doc.73-17286 Filed 8-20-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1148]

PART 1033—CAR SERVICE

Graham County Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of August 1973.

It appearing, that the Graham County Railroad Company has filed an application with the Interstate Commerce Commission in Finance Docket No. 27463 for a certificate of public convenience and necesssity authorizing the operation over approximately 12.5 miles of existing line of track, not now operated by a common carrier, between a point of connection with the Southern Railroad Company at Topton Junction, North Carolina, located approximately 11.5 miles east of Robbinsville, North Carolina, and a point approximately 1 mile west of Robbinsville, North Carolina, together with approximately 9,500 feet of existing yard, team, and interchange tracks; that this track is the only source of rail service between the aforementioned points; that the Commission is of the opinion that there is immediate need for service over this line pending decision by the Commission in Finance Docket No. 27463, and that the operation of this line by the Graham County Railroad Company is necessary in the interest of the public and the commerce of the people; and that notice and public procedure herein are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1148 Service Order No. 1148.

(a) *Graham County Railroad Company authorized to operate over trackage in Graham County, North Carolina.*—The Graham County Railroad Company be, and it is hereby, authorized to operate over approximately 12.5 miles of existing line of track in Graham County, North Carolina, not now operated by a common carrier, between a point of connection with the Southern Railroad Company at Topton Junction, North Carolina, located approximately 11.5 miles east of Robbinsville, North Carolina, and a point approximately 1 mile west of Robbinsville, North Carolina, together with approximately 9,500 feet of existing yard, team, and interchange tracks.

(b) *Application.*—The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Effective date.*—This order shall become effective at 12:01 a.m., August 21, 1973.

(d) *Expiration date.*—The provisions of this order shall expire at 11:59 p.m., December 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended. 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17391 Filed 8-20-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE AND RECREATION

Upper Mississippi River Wild Life and Fish Refuge, Illinois and Certain Other States

The following special regulations are issued and are effective on August 21, 1973.

§ 28.28 Special regulations, public access, use and recreation; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Public use is permitted on the Upper Mississippi River Wild Life and Fish Refuge in accordance with state laws and subject to the following special conditions:

(1) The cutting of all live trees is prohibited, except that willow may be used for trap stakes, commercial fishing gear and hunting blinds.

(2) No live fire, including hot charcoal, shall be buried and/or left unattended.

(3) The abandonment, burying or placing in the water of garbage, trash, camping and picnic debris, and all other deleterious materials is prohibited.

(4) The use on refuge lands of motorized vehicles of any type is prohibited except on designated public roads and routes of travel as established by the refuge manager.

(5) All state laws on use, possession, transportation and sale of alcoholic beverages which are applicable to the geographic area concerned are adopted and made a part hereof.

(6) The use and/or possession on the refuge of all controlled substances, including but not limited to opiates, cocaine, marijuana, hashish, depressants, stimulants, or hallucinogenic drugs is prohibited except when such use or possession is for the person's own use as authorized by law. All state laws on controlled substances applicable to the geographic area concerned are adopted and made a part hereof.

(7) Camping, defined as the use of tent camps; bedrolls; and all types of floating craft, motorized vehicles, trailers and other shelters for overnight stays for the purpose of sleeping, is permitted on the Upper Mississippi River Wild Life and Fish Refuge subject to the following restrictions:

(a) The period of camping by an individual or group shall not exceed fourteen (14) consecutive days at any one site or within 300 feet of such site.

(b) The leaving of tents, camping equipment or floating craft at an unoccupied campsite for more than 24 hours is prohibited. Such gear will be considered as abandoned and is subject to impoundment.

(c) The erection of tables, fireplaces, latrines and other structures and facilities related to camping is prohibited unless all vestiges of same are removed when the camper departs from the site.

(d) Camping is prohibited on developed access and parking areas and on all other areas posted against camping. Camping on the refuge while engaged in fur animal trapping is prohibited. Camping on land on the refuge while engaged in hunting is prohibited except on sites readily visible from the main commercial navigation channel of the Mississippi River or on designated developed camp sites. Camping while engaged in hunting is prohibited in all areas closed to such hunting.

(8) The placement on the refuge of boathouses, boat docks, boat slips, storage boxes or sheds, stairways, wells, septic systems, sewer systems of any type, and all other kinds and types of construction is prohibited without written authorization of the refuge manager or his authorized representative. All new structures, including boathouses, houseboats, docks, piers and floats authorized by permit to be moored, anchored, or secured along the shoreline and on the waters of the Mississippi River within the Upper Mississippi River Wild Life and Fish Refuge must use flotation methods and devices of a type constructed of polyurethane, high-impact polyethylene fiberglass material, wood timbers, or other inert materials to provide flotation. The use of any iron or steel container not fabricated originally for flotation purposes, including barrels, tanks and other containers originally constructed for the purpose of containing fluids, powders or similar products is prohibited for new structures *or for replacement of flotation devices in existing structures* unless filled with polyurethane.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective until June 30, 1974.

WAYNE E. GUESWEL,
Refuge Manager, Upper Mississippi River Wild Life and Fish Refuge.

JULY 23, 1973.

[FR Doc.73-17351 Filed 8-20-73;8:45 am]

PART 32—HUNTING

Seney National Wildlife Refuge, Michigan

The following special regulation is issued and is effective on August 21, 1973.

§ 32.22 Special regulations; upland game, for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

The public hunting of Ruffed Grouse and Snowshoe Hare on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. This open area, comprising 33,525 acres, is delineated on maps available at refuge headquarters, Seney, Michigan and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable State regulations governing the hunting of these species subject to the following special conditions:

(1) That portion of the refuge designated as Area A is closed to all hunting until November 15.

(2) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes, All-Terrain Vehicles, and snowmobiles are not permitted on the refuge.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1974.

LAWRENCE G. KLINE,
Refuge Manager, Seney National Wildlife Refuge, Seney, Michigan.

AUGUST 9, 1973.

[FR Doc.73-17346 Filed 8-20-73;8:45 am]

PART 32—HUNTING

Sherburne National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on August 21, 1973.

§ 32.22 Special regulations; upland game, for individual wildlife refuge areas.

MINNESOTA

SHERBURNE NATIONAL WILDLIFE REFUGE

The public hunting of ruffed grouse, grey and fox squirrels, rabbits and hares, and pheasants on the Sherburne National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 17,679 acres, is delineated on a map available at refuge headquarters, Box 158, Princeton, Minnesota 55371, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game subject to the following special conditions:

(1) All motorized conveyances are prohibited from traveling off of established roads and parking areas open to such travel.

(2) Parking of vehicles is restricted to designated parking areas.

(3) Snowmobile operation is prohibited on the refuge except within the rights-of-way of County Roads 4, 5, 9, 11, and 48.

(4) Overnight camping and open fires are prohibited.

(5) Boats, without motors, may be used on the St. Francis River only from designated river access sites.

(6) Construction of any permanent artificial scaffold, platform, blind, or other construction is prohibited.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 1, 1974.

JOHN E. WILBRECHT,
Refuge Manager, Sherburne National Wildlife Refuge, Princeton, Minnesota.

AUGUST 14, 1973.

[FR Doc.73-17350 Filed 8-20-73;8:45 am]

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on September 21, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Wheeler National Wildlife Refuge is

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permitted only on the area designated by signs and/or on hunt maps as open to hunting. This open area, comprising that part of the Wheeler National Wildlife Refuge located within the boundaries of the Redstone Arsenal Reservation, is delineated on maps available at the Refuge Headquarters, Box 1643, Decatur, Alabama 35601, the Provost Marshal's Office at Redstone Arsenal, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of white-tailed deer and regulations governing hunting on Redstone Arsenal, subject to the following special conditions:

(1) Hunting shall be by daily permit only, to be obtained from the Provost Marshal's Office, Redstone Arsenal, or his representatives. Civilians will be given parity with military personnel in the issuance of these permits.

(2) Hunting will be limited to the periods October 20–21, 1973, November 3–4, 1973, and November 17–18, 1973, archery only, either sex; November 24–25, 1973, December 8–9, 1973, and December 21–23, 1973, guns only, antlered bucks only; and December 29, 1973, January 5, 1974, and January 12, 1974, guns only, either sex.

(3) Arms are limited to shotguns of gauges 20 to 12 and loaded with single ball only and longbows with broadhead arrows.

The provisions of this special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 12, 1974.

ARKANSAS

HOLLA BEND NATIONAL WILDLIFE REFUGE

Public hunting of deer with longbow and arrow on the Holla Bend National Wildlife Refuge, Arkansas, is permitted. This area, comprising approximately 6,367 acres, is delineated on a map available at Refuge Headquarters, Box 746, Russellville, Arkansas 72801, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting dates: October 1 through November 17, 1973.

(2) Hunters may not enter the refuge earlier than 2 hours before official sunrise daily.

(3) No firearms permitted.

(4) All deer taken must be reported before leaving the refuge.

(5) Only portable tree stands capable of being quickly removed are permitted.

(6) Hunters are prohibited from driving vehicles across or otherwise damaging standing crops and may not park their vehicle so as to block any road or thoroughfare.

(7) All hunters must register upon entering the refuge each day.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 17, 1973.

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting for white-tailed deer on the White River National Wildlife Refuge, Arkansas, is permitted only on the areas designated by signs as open to hunting. These open areas are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations and subject to the following special conditions:

(1) Species permitted to be taken: White-tailed deer, beaver, and feral hogs.

(2) Open season: Archery—October 16–30; Muzzle loading rifle—October 26–27; Gun—November 23–24 and November 30–December 1, 1973.

(3) Bag limits: Muzzle loading rifle—one antlered deer having at least 3 points or forked antlers, beaver, and feral hogs; Archery and Gun—one deer of either sex, beaver, and feral hogs.

(4) Weapons: (a) Gun—in accordance with State regulations.

(b) Archery—longbows only with a minimum pull of 40 pounds and arrows with a ⅞ inch minimum width blade.

(c) Muzzle loading rifles—fired by flintlock or percussion cap, with bore not smaller than forty caliber using a single ball or slug.

(5) Shooting is not allowed from boats, vehicles, or roadways used by vehicles. Dogs and horses are not allowed, and all vehicles, including Jeeps, Scouts, Tote Goats, Hondas, etc., must stay on roads and trails. Shooting hours are 30 minutes before sunrise to 30 minutes after sunset. Camping is permitted in designated areas. Hunters may enter the open hunting area at noon on the date preceding each hunt. Fires can be built only at the campsites.

(6) Deer killed during the 4 days of gun hunting must be tagged immediately with the State and Federal tags and also checked at one of the designated check stations between 7:30 A.M. and 7 P.M.

(7) Hunters may not return to hunt hogs or beaver after they have killed a deer.

(8) No permit required for archery hunt. Permits are required for the gun hunts. Gun hunters under 18 years of age must be accompanied by an adult.

(9) All hunters must exhibit their hunting license, deer tag, game, and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

FLORIDA

LAKE WOODRUFF NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer and feral hogs is permitted on approximately 775 acres of Lake Woodruff National Wildlife Refuge. The area open to hunting includes all of Tick Island as delineated on a map available at the Refuge Headquarters, Post Office Box 488, DeLeon Springs, Fla. 32028, or from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer and hogs, subject to the following special conditions:

(1) Species permitted to be taken: White-tailed deer (either sex on archery hunt; antlered bucks only on primitive gun hunt) and hogs.

(2) Bag limits: White-tailed deer—one per season; hogs and pigs—no limit.

(3) Open seasons: Bow and arrow—November 17–18, 1973, and December 1–2, 1973. Primitive gun—December 15–16, 1973, and December 29–30, 1973.

(4) Methods of hunting—(a) Bow and arrow seasons—longbows capable of casting a 1-ounce hunting arrow 150 yards. Sharp broadhead arrows must be used. Firearms and crossbows are prohibited. Hunters must be on stands from one-half hour before sunrise to 1½ hours after sunrise. No stalking or movement through the woodlands is permitted during the stand hours.

(b) Primitive gun season—Weapons permitted are muzzle loading percussion cap or flint lock rifles with a single or double rifled barrel of .40 caliber (.40 inch) minimum and a .58 caliber (.58 inch maximum bore. Minimum barrel length is 20 inches.

(5) Access and hours of use: No overnight use is permitted on the refuge. No entry will be permitted on the island prior to 1½ hours before sunrise and all hunters must be off the island by 1 hour after sunset. Access to the island is by boat, and hunters must furnish their own transportation. All access shall be through the check station on the north side of the island. Boats must be left at the check station while the hunter is on the island.

(6) Permits: Each participant must have in his possession a valid hunting permit issued by the Lake Woodruff National Wildlife Refuge in addition to any required State permits, licenses, etc. Permits are not transferable.

(7) Scouting: All participants issued a hunting permit by the refuge will be allowed to visit the hunt area on November 9 and 10, 1973, from 8 a.m. to 5 p.m. The hunting permit should be in possession. Weapons or dogs are not allowed. Participants may bring their families or friends while scouting the area.

(8) A red, orange, or yellow outer garment (cap, hat, shirt, coat, vest, etc.,) must be visible while hunting.

(9) Individuals under 18 years of age will not be permitted to hunt unless accompanied by a responsible adult.

(10) All fires are prohibited.

(11) No dogs are allowed on the refuge.

(12) It is unlawful to drive a nail, spike, or other metal object into any tree, or to hunt from any tree in which a metal object has been driven.

(13) Littering, cutting, or blazing live trees; disturbing any other forms of wildlife; or digging in Indian mounds is prohibited.

(14) Apprehension of a participant for any infraction of regulations shall be cause for immediate revocation of his hunting permit.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 30, 1973.

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of deer and wild hogs on the St. Marks National Wildlife Refuge, Florida, is permitted only in the area designated by signs as open to hunting. This open area, comprising approximately 1,200 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer and wild hogs.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

ST. VINCENT NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer, feral (wild) hogs, raccoons, and opossums is permitted on 12,358 acres of St. Vincent National Wildlife Refuge. The open area, including all of St. Vincent Island, is delineated on a map available at the Refuge Headquarters, Post Office Box 447, Apalachicola, Fla. 32320, or from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, wild hogs, raccoons, and opossums, subject to the following special conditions:

(1) Species permitted to be taken: White-tailed deer—either sex on archery hunts. Antlered bucks only on primitive gun hunt. Hogs and pigs (any size) raccoons, and opossums.

(2) Bag limits: White-tailed deer—1 per day, 2 per season. Hogs and pigs, raccoons, and opossums—no bag limits.

(3) Open seasons: Bow and arrow—October 18–21, 1973, and November 22–25, 1973. Primitive gun—December 13–16, 1973.

(4) Methods of hunting: (a) Bow and arrow seasons: Longbows capable of casting a 1-ounce hunting arrow 150 yards and sharp broadhead arrows. Firearms and crossbows are prohibited. Hunters must be on stands from ½ hour before sunrise to 1½ hours after sunrise. No stalking or movement through the woodlands is permitted during the stand hunt hours. There will be no required afternoon stand period although still hunting is encouraged from 4:00 P.M. until sunset.

(b) Primitive gun season: Weapons permitted are muzzle loading percussion cap or flint lock rifles with a single or doubled rifled barrel of .40 caliber (.40 inch) minimum and a .58 caliber (.58 inch) maximum bore. Minimum barrel length is 20 inches. Stand hunting is not required during the hunt season December 13–16, 1973.

(5) Permit requirements: (a) Archery hunts: a nontransferable hunting permit must be obtained at one of the check stations on the island before hunting. This permit must be kept in possession while hunting.

(b) Primitive gun hunt: Each participant must have in his possession a valid hunting permit issued by the St. Vincent National Wildlife Refuge office in Apalachicola. These permits are not transferable.

(6) Access: Initial entry onto St. Vincent Island is restricted to two check stations throughout the hunts. These are designated Campsite 1 and Campsite 2 on the hunting area map. Each hunter must check in upon initial entry and check out before he leaves the island on his last hunting day. The use of boats to gain access at other designated locations is permitted following check-in. Boats to be used to gain access at points other than check stations must first be registered at one of the check stations. The use of boats for ingress and egress at unauthorized locations is prohibited.

(7) A red, orange, or yellow outer garment (cap, hat, shirt, coat, vest, etc.) must be visible while hunting.

(8) Young people under 18 years of age will not be permitted to hunt unless accompanied while on the island by a parent or responsible adult.

(9) Camping and fires are restricted to two designated camping areas. Participants may set up camp one day prior to the opening of each hunt season and must remove all camping equipment from St. Vincent Island by 3:00 P.M. following the last day of each hunt season.

(10) Dogs are not permitted on the island.

(11) No motorized vehicles or equipment such as scooters, tote bikes, beach buggies, jeeps, portable electric generators, chain saws, etc., will be permitted.

(12) Littering and cutting of live trees is prohibited. Only dead wood may be cut.

(13) It is unlawful to drive a nail, spike, or other metal object into any tree or to hunt from any tree in which a nail, spike, or other metal object has been driven.

(14) Any infraction of regulations shall be cause for immediate revocation of hunting permits.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 17, 1973.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting for deer on Blackbeard Island National Wildlife Refuge, Georgia, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,535 acres, is delineated on a map available at the Refuge Headquarters, Route 1, Hardeeville, S.C. 29927, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Deer of either sex may be taken during the following open periods: October 16–19, 1973; November 20–23, 1973; and December 27–29, 1973.

(2) Hunting hours will be from daylight to 9:30 A.M. and from 3:30 P.M. to sunset daily.

(3) The season bag limit is two deer, only one of which may be a doe.

(4) Raccoons may also be taken during the above season.

(5) Only bows and arrows may be used. Bows must have not less than 40 pounds pull and arrows must be broadhead ⅞ inch or more in width. Firearms, crossbows, and mechanical bows are prohibited.

(6) Dogs are prohibited.

(7) Camping and fires will be permitted only at the designated camping area.

(8) Participants must arrange their own transportation to the island and may not enter the refuge more than 2 days in advance of each opening date.

(9) Hunters will be restricted to the camping area until the morning of the first day of each hunt period.

(10) A Federal permit is required. Permit applications must be received by the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927, by the following dates: September 25 for the hunt beginning October 16; October 30 for the hunt beginning November 20; and December 3 for the hunt beginning December 27.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

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PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Piedmont National Wildlife Refuge, Georgia, is permitted on the refuge except in those areas designated by signs as closed. The open area, comprising approximately 32,000 acres, is delineated on the map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Open season and bag limit: (a) Archery Hunt—October 1–13, 1973. Limit two bucks or one buck and one doe.

(b) Trophy Buck Hunt—October 22–27, 1973. Limit one buck with four or more points on one side.

(c) Either Sex Hunt—November 3, November 10, and November 17, 1973. Limit one deer. Same person will not be on two hunts.

(2) Refuge roads open to travel by permit hunters only during the either sex hunts.

(3) Buckshot, handguns, crossbows, and drug-tipped arrows may not be used or possessed. Target practice during the gun hunts is prohibited.

(4) All deer killed must be checked in at refuge headquarters on the same day they are killed and before leaving the refuge area.

(5) All hunters must answer questionnaire on permit and give to refuge official by closing time on the last day of each hunt.

(6) Dogs are prohibited.

(7) Camping and fires are restricted to the designated camping area in Compartment 19 which will be open on the following dates: September 29–30; September 30–October 14; October 21–28; November 2–4; November 9–11; and November 16–18, 1973.

(8) Hunters not having reached their 18th birthday must be under the immediate supervision of a responsible adult.

(9) Hunters must furnish and wear either red, orange, or yellow vests, coats, or coveralls while on the refuge hunting areas.

(10) It is unlawful to drive a nail, spike, or metal object into any tree or to hunt from any tree in which a nail, spike, or other metal object has been driven.

(11) All areas open for hunting may be visited for scouting purposes on September 29–30, 1973, during daylight hours only. Weapons and dogs are not permitted.

(12) A refuge permit is required. Hunt permits are nontransferable. Hunters for the gun hunts will be selected by computer from applications received. Applications for the gun hunts must be made on the form available from the Piedmont National Wildlife Refuge, Round Oak, Georgia 31080. Completed applications must be in the office of the Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329, by 4:30 P.M. on September 7, 1973. Only one application per hunter is allowed. Applications may be submitted individually or as a group of not more than five. Group applications must be mailed stapled together.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 18, 1973.

WASSAW ISLAND NATIONAL WILDLIFE REFUGE

Public hunting for deer and raccoon on Wassaw Island National Wildlife Refuge, Georgia, is permitted on the area designated by signs as open to hunting. This open area, comprising 1,795 acres, is delineated on a map available at Refuge Headquarters, Route 1, Hardeeville, S.C. 29927, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and raccoon subject to the following conditions:

(1) Deer and raccoon may be taken during the following period: November 20 through November 23, 1973, and December 11 through December 14, 1973.

(2) Hunting hours will be from 30 minutes before sunrise to 9:30 A.M. and from 3:30 P.M. until 30 minutes after sunset each day.

(3) The season bag limit is two deer: two bucks or one buck and one doe. There is no bag limit on raccoons.

(4) Only bows and arrows may be used. Firearms, crossbows, and mechanical bows are prohibited. The bows must have a draw weight of 40 pounds or more. Arrowheads must be ⅞-inch wide or wider.

(5) Dogs are prohibited.

(6) All camping will be at designated camping areas on Pine Island. Fires must be confined to the camping areas.

(7) Participants must arrange their own transportation to Pine Island and from Pine Island to Wassaw Island.

(8) Participants may not enter the refuge more than 1 day prior to the hunt. Hunters will be restricted to the camping area until the morning of the first day of each hunt period.

(9) Individuals under 18 years of age will not be permitted to hunt unless accompanied to the island by a parent or a responsible adult.

(10) Blazing trees, driving spikes in trees, or damaging trees and shrubbery in any manner is prohibited.

(11) Litter must be deposited in the proper trash receptacles.

(12) A Federal permit is required. Permit applications must be received by the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927 by October 30 for the November 20 through November 23 hunt, and November 20 for the December 11 through December 14 hunt.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1973.

NORTH CAROLINA

PUNGO NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Pungo National Wildlife Refuge, N.C., is permitted on all areas not designated by signs as closed to hunting. This open area, comprising 7,000 acres, is delineated on maps available at the Refuge Headquarters, Plymouth, North Carolina, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) Deer may be taken from sunrise to sunset during the following open seasons: (a) Bow and arrow only—either sex—September 21 through October 13.

(b) Two 2-day shotgun hunts—bucks only—October 15–16 and October 17–18.

(c) Two 1-day shotgun hunts—either sex—October 19 and 20.

(2) Bag limit: One deer per day, two per season.

(3) Weapons: (a) Bow and arrow as provided for in State regulations.

(b) Shotguns—20 gauge or larger used with rifled slugs or shot no smaller than No. 4 buckshot. Muzzle loading percussion cap or flint lock rifles are permitted.

(4) Permits are required for the gun hunts. Two hundred permits per hunt will be issued. Permittees will be selected by computer drawing.

(5) Modern rifles, pistols, crossbows, dogs, fires, camping, and littering are prohibited.

(6) All deer harvested must be checked out at the refuge subheadquarters on Coulbourn Road before leaving the refuge.

(7) No hunting permitted within 200 yards of the refuge subheadquarters.

(8) Motor vehicular traffic will be confined to established roads.

(9) Weapons must be unloaded while being transported in or on a vehicle.

(10) Hunters under 18 years of age must be accompanied by a responsible adult.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 20, 1973.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Bulls Island Unit of the Cape Romain National Wildlife Refuge, Awendaw, S.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres, is delineated on maps available at the refuge headquarters and from the office

of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer except the following special conditions.

(1) The open season for bow and arrow hunting of white-tailed deer (either sex) is October 29–November 3, November 22–24, and December 10–15, 1973, during daylight hours only.

(2) Only archery equipment which complies with the State laws of South Carolina for deer hunting is permitted. Firearms, crossbows, poison arrows, or any other weapons are prohibited.

(3) Stand hunting only is permitted on the area north of the beach road from 30 minutes before sunrise to 9 A.M. and from 3 P.M. until 30 minutes after sunset. Stalk hunting is permitted at all times on the area south of the beach road.

(4) No dogs allowed on the island.

(5) Hunters must check in with refuge personnel upon arrival and check out upon departure from Bulls Island.

(6) Hunters under 18 years of age must be accompanied by an adult.

(7) There is no limit on the number of deer taken.

(8) Camping for hunters only is authorized in the designated camp area from October 28–November 4, November 21–25, and December 9–16. Fires are restricted to the designated camp area. A camping fee of $1.00 per person per day will be required for use of the camping area during the hunts. Recreational camping by nonhunters is not permitted during the hunts.

(9) Number of hunters is not limited. Permits are required and will be issued upon arrival on Bulls Island.

(10) Arrangements for transportation to the island must be made by the hunters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 17, 1973.

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer is permitted on 97 percent of the Carolina Sandhills National Wildlife Refuge. This open area is designated by signs as open to hunting and delineated on a map available from Refuge Headquarters, McBee, S.C. and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations and subject to the following special conditions:

(1) Season: Archery only—October 15–20, 1973; gun hunts—October 29–November 3 and November 8–10, 1973.

(2) Hunters are allowed on the hunting area from 5:30 A.M. until 6:30 P.M. EST. Hunters must enter the hunting area at designated entrance points and must park their vehicles on the hunting area.

(3) Bag limits: Archery only—one buck with visible antlers and one antlerless deer. Gun hunt—bucks only with visible antlers, limit not to exceed that set by State regulations. It is illegal to pursue or shoot white colored deer.

(4) Deer drives permitted only on designated areas.

(5) Each hunter must sign in and out at a register that will be provided at the checking station.

(6) Weapons: Same as allowed on State Game Management Areas.

(7) Individuals under 18 years of age must be accompanied by a responsible adult.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 13, 1973.

PHILLIP S. MORGAN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1973.

[FR Doc.73–17345 Filed 8–20–73;8:45 am]

PART 32—HUNTING

Seney National Wildlife Refuge, Michigan

The following special regulation is issue and is effective on August 21, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of deer and bear on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. The open area, comprising 85,200 acres, is delineated on a map available at the refuge headquarters, Seney, Michigan, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer and bear subject to the following special conditions:

(1) Bow and arrow hunting is permitted only on 33,525 acres of the refuge, designated as Area B, from October 1 through November 14; and on the 85,200 acres of the refuge, designated as Area A and Area B, from December 1 through December 31.

(2) Bear may be taken by archers only from October 1 through November 14 and by gun hunters only from November 15 through November 30. Bear may not be taken with aid of dogs.

(3) Camping is permitted only west of the Driggs River except in designated Wilderness Area during the gun season. A Camp Registration Permit, obtainable at refuge headquarters, is required.

(4) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes, All-Terrain Vehicles, and snowmobiles are not permitted on the refuge.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

LAWRENCE G. KLINE,
Refuge Manager, Seney National Wildlife Refuge, Seney, Michigan.

AUGUST 9, 1973.

[FR Doc.73–17347 Filed 8–20–73;8:45 am]

PART 32—HUNTING

Sherburne National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on August 21, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

SHERBURNE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Sherburne National Wildlife Refuge is permitted only on the area designated open to hunting. The open area, comprising 17,679 acres, is delineated on a map available at the refuge headquarters, Box 158, Princeton, Minnesota 55371, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) All motorized conveyances are prohibited from traveling off of established roads and parking areas open to such travel.

(2) Parking of vehicles is restricted to designated parking areas.

(3) Snowmobile operation is prohibited on the refuge except within the rights-of-way of County Roads 4, 5, 9, 11, and 48.

(4) Overnight camping and open fires are prohibited.

(5) Boats, without motors, may be used on the St. Francis River only from designated river access sites.

(6) Construction of any permanent artificial scaffold, platform, blind, or other construction is prohibited.

The provision of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50,

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Code of Federal Regulations, Part 32, and are effective through December 16, 1973.

JOHN E. WILBRECHT,
Refuge Manager, Sherburne National Wildlife Refuge, Princeton, Minnesota.

AUGUST 14, 1973.

[FR Doc.73-17349 Filed 8-20-73;8:45 am]

PART 32—HUNTING

Audubon National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on August 21, 1973.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

NORTH DAKOTA

AUDUBON NATIONAL WILDLIFE REFUGE

Public hunting of pronghorn antelope by gun on the Audubon National Wildlife Refuge, North Dakota, is permitted only in the area designated by signs as open to hunting. This open area, comprising 13,837 acres, is delineated on a map available at refuge headquarters and from the Area Manager, Bureau of Sport Fisheries and Wildlife, Federal Building, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of pronghorn antelope, subject to the following special conditions:

(1) Hunting is permitted from 12 noon c.d.t. September 28, 1973, to sunset of that day, and from sunrise to sunset of each day from September 29 through October 7, 1973.

(2) Hunting will be by permit only. The North Dakota Game and Fish Department will determine the number of permits to be issued for Audubon Refuge.

(3) All hunters must exhibit their hunting license, antelope tag and permit, game, and vehicle contents to Federal and State officers upon request.

(4) Vehicular traffic, including the use of boats by hunters, is prohibited on the refuge during the antelope season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 7, 1973.

DAVID C. MCGLAUCHLIN,
Refuge Manager, Audubon National Wildlife Refuge, Colebarbor, North Dakota.

AUGUST 13, 1973.

[FR Doc.73-17348 Filed 8-20-73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Office of Oil and Gas

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

O I REG. 1

Entries of Small Quantities of Crude Oil, Unfinished Oils, or Finished Products

Section 8 of Oil Import Regulation 1 (Revision 5), as amended, provides authority for the District Directors of Customs to permit without license entries of small quantities of crude oil, unfinished oils, or finished products. One type of entry covered by sec. 8 is bonded fuel which is loaded aboard an aircraft scheduled for an international flight but which aircraft is diverted from the international flight for some reason. The privilege of entry without license was provided specifically to cover such a contingency. It now appears, however, that from time to time "international" flights have been routinely diverted to domestic service after fueling with bonded fuel—a definite abuse of the entry without license privilege.

In view of the suspension by Presidential Proclamation 4210 of tariffs on petroleum and petroleum products it is believed that closer control of bonded fuel being used by the airlines is required. Accordingly, it is proposed that entries of jet fuel or motor gasoline made by reason of diverting an aircraft from an international flight be subject to the applicable import license fees. Under the proposed rulemaking the District Director of Customs may still permit the entry without license. However, each aircraft operator must file a certified report with the Director, Office of Oil and Gas, each month listing the diverted flights and the type and amount of fuel entered on each flight. The aircraft operator, not the fuel supplier, will be responsible for the payment of license fees due as the result of diverted international flights.

Failure of the aircraft operator to comply with the provisions of sec. 8 may result in suspension of the privilege of making such entries without license.

Final action upon the proposed amendment is subject to the approval of the Chairman, Oil Policy Committee.

Interested persons are invited to submit written comments on the proposed sec. 8A by September 20, 1973, to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240. Each person who submits comments is asked to provide fifteen (15) copies.

DUKE R. LIGON,
Director.

Paragraph (a) of sec. 8 of Oil Import Regulation 1 (Revision 5), as amended, is amended to read as follows:

Sec. 8 Small quantities.

(a) District Directors of Customs are authorized to permit without a license an entry for consumption of not to exceed 550 U.S. gallons of crude oil, unfinished oils, or finished products which are certified as samples for testing or analysis or which are included in shipments of machinery or equipment and are certified as intended for use in connection therewith, and baggage entries. Unless notified by the Director to the contrary, District Directors of Customs are authorized to permit without a license the entry for consumption of bonded fuel aboard an aircraft diverted from an international flight. Such fuel, however, is subject to the import license fees set forth in paragraph (i) of sec. 32. In such cases, for purposes of this regulation liability for payment of license is deemed to have occurred at the time the aircraft is diverted from an exempt international flight or a non qualifying flight has been misfueled and the owner of the aircraft is the person accruing liability. The owner(s) of aircraft so diverted shall file with the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240, a written report for each calendar month listing each such flight diverted during that month and the type and quantity of fuel involved. Reports must be filed not later than the last working day of the month following the month for which the report is filed and must be accompanied by a certified check or a cashier's check payable to the Treasurer of the United States for the correct amount of license fees due. Each such report will include a statement certifying as to the accuracy and completeness of the information contained and will be signed by an officer or an authorized agent of the owner. Failure to file timely reports of diversions of international flights or misfuelings or to pay license fees as prescribed may result in the suspension or abrogation of the privilege of making such entries.

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[FR Doc.73-17318 Filed 8-20-73;9:54 am]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

[17 CR Part 16]

REPORTS BY CONTRACT MARKETS

Information To Be Furnished and Made Public; Time and Place of Filing Reports and Publication

Notice is hereby given in accordance with Administrative Procedure Provisions of 5 U.S.C. section 553 that the Secretary of Agriculture, pursuant to the authority of sections 5(b) and 8a(5) of the Commodity Exchange Act (7 U.S.C. 7(b) and 12a(5)), is considering revising Part 16 of the regulations (17 CFR Part 16) to read as set forth below. In addition, the Secretary of Secretary of Agriculture is considering revoking paragraph (a) of § 15.01 (17 CFR 15.01(a)) and deleting the column in § 15.02 (17 CFR 15.02) headed "Clearing members."

The purpose of the proposed revision of Part 16 and the changes in §§ 15.01 and 15.02 is to place on contract markets responsibility for assembling and reporting to the Commodity Exchange Authority information currently being reported separately by each clearing member and to shift from the Commodity Exchange Authority to the contract markets responsibility for keeping the public informed with regard to the daily volume of trading and open contracts in commodities traded on each such contract market. Early in the history of regulation of commodity exchanges the Grain Futures Administration found that the public needed to know the daily volume of trading and open contract data. In the 1920's, because the contract markets would not make these data public, the Grain Futures Administration began doing so and the Commodity Exchange Authority currently is continuing to release such data daily. However, all exchanges now recognize the necessity of making the data public and all nonregulated exchanges routinely are doing so. With the contract markets assuming the function of assembling such data, they will be in a position to publish it more expeditiously than will the Commodity Exchange Authority.

PART 16—REPORTS BY CONTRACT MARKETS

Sec.
16.00 Information to be furnished by contract markets.
16.01 Time and place of filing reports.
16.02 Publication of volume of trading and open contracts.
16.03 Errors or omission.

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AUTHORITY: Secs. 5(b) and 8a(5) of the Commodity Exchange Act (7 U.S.C. 7(b) and 12a(5)).

§ 16.00 Information to be furnished by contract markets.

Each contract market shall report for each business day the following information, by commodity, by future, and by clearing member within each such future, in a form and manner approved by the Commodity Exchange Authority Regional Director having local jurisdiction with respect to such contract market:

(a) The total of all long open contracts and the total of all short open contracts carried at the end of the day covered by the report;

(b) The quantity of such contracts bought and the quantity sold during the day covered by the report;

(c) The quantity of purchase transfer trades or office trades and the quantity of sale transfer trades or office trades, which are included in the total quantity of contracts bought and sold during the day covered by the report, and the names of the clearing members who made the transfers;

(d) The quantity of purchases of futures in connection with cash commodity transactions or of futures for cash commodities and the quantity of sales of futures in connection with cash commodity transactions or of futures for cash commodities, which are included in the total quantity of contracts bought and sold during the day covered by the report, and the names of the clearing members who made the exchanges; and

(e) The quantity of the commodity delivered and the quantity received in fulfillment of such contracts during the day covered by the report.

§ 16.01 Time and place of filing reports.

Such reports shall be submitted the business day following the day for which the reports are filed and shall be filed in accordance with the instructions of the Commodity Exchange Authority Regional Director having local jurisdiction with respect to such contract market.

§ 16.02 Publication of volume of trading and open contracts.

Each contract market shall publish for each business day the following information by commodity and by future within each such commodity:

(a) The total volume of trading, excluding transfer trades or office trades;

(b) The total quantity of futures for cash transactions which are included in the total volume of trading;

(c) The total gross open contracts; and

(d) The total quantity of the commodity delivered in fulfillment of such contracts.

Such information shall be made readily available to the news media and the general public in printed form and without charge at the office and trading floor of the contract market not later than the business day following the day for which publication is made.

§ 16.03 Errors or omissions.

Any contract market discovering any errors or omissions in any report which has been filed shall promptly inform the Commodity Exchange Authority with respect thereto.

If any interested person desires a hearing with reference to this proposed regulation, he should make a request to that effect stating the reasons therefor, addressed to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, on or before October 8, 1973.

Written statements with reference to the subject matter of this proposal may be submitted by any interested person. Such statements should be mailed to the Administrator of the Commodity Exchange Authority prior to October 8, 1973.

The transcript of the proceedings at any hearing which may be held and all written submissions made pursuant to this notice will be made available for public inspection in the Office of the Administrator, Commodity Exchange Authority, during regular business hours.

Issued August 15, 1973.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.73-17404 Filed 8-20-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

MARINE MAMMALS

Taking and Importing

Correction

In FR Doc. 73-17013 appearing on page 22133 of the issue of Thursday, August 16, 1973, the following change should be made:

In the fourth line of the introductory text, the words "required by section 103" should read "authorized by Title 1."

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 25]

DRESSINGS FOR FOOD

Identity Standards; Proposed Colorants as Optional Ingredients

Notice is given that a petition has been filed jointly by Mr. Albert J. Finberg, Consultant in Food Technology, 19A Garden Place, Brooklyn, N.Y. 11201, and copetitioners: Thomas J. Lipton, Inc., 800 Sylvan Ave., Englewood Cliffs, N.J. 07632; Hostess Products Corp., 137 Garden Ave., Brooklyn, N.Y. 11237; Supreme Oil Co., 87-11 130th St., Richmond Hill, N.Y. 11418; Purity Condiments, Inc., 3590 NW. 60th St., Miami, Fla. 33142; Venice Importing Co., 66 North 6th St., Brooklyn, N.Y. 11211; Continental Coffee Co., 2550 North Clybourn Ave., Chicago, Ill. 60614; McCormick & Co., Inc., Baltimore, Md. 21202; proposing that the provisions of § 25.2(d) be expanded to allow for optional addition of β-apo-8'-carotenal as an artificial color at a level not to exceed 33 parts per million (ppm) by weight of the finished french dressing.

Label declaration of the ingredients as required under sec. 403(k) of the Federal Food, Drug, and Cosmetic Act would be used.

Grounds given in support of the proposal are:

1. Paprika and/or oleoresin of paprika, although now listed by the standard for french dressing as a seasoning, is usually used by manufacturers of the food to produce a characteristic color for french dressing rather than as a seasoning. This characteristic color has come to be expected by the consumer of french dressing.

2. Supplies of paprika are subject to severe fluctuations in availability and quality, having a like effect on its oleoresin as well. The color intensity, listed as C.V. (color value) units in suppliers' catalogs, is an important consideration for its suitability in french dressing. β-apo-8'-carotenal (hereinafter referred to as apo-carotenal) being a synthetic material is not subject to fluctuating supply and its quality is constant.

3. Apo-carotenal is a listed food color (21 CFR 8.302) exempt from certification under the Color Additive Amendments to the Federal Food, Drug, and Cosmetic Act. It may be used up to a maximum of 15 mg. per pint (33 parts per million by weight of the finished food) in all nonstandardized foods as well as in those foods whose standards permit the use of added color. Synthetic apo-carotenal is readily available commercially and its use would assure a stable supply of pure material at stable cost.

4. The apo-carotenal serves no functional effect other than to provide a uniform, stable color. Flavor and taste are not affected. Extensive laboratory testing, as well as commercial evaluation in nonstandardized dressings, have demonstrated that apo-carotenal produces the "typical" french dressing color consumers prefer. Laboratory and pilot plant results further indicate that apo-carotenal possesses superior color shelf life stability in french dressing as compared to paprika and/or oleoresin of paprika.

The Commissioner of Food and Drugs believes reasonable grounds have been set forth in the petition to warrant publishing the proposed amendment. Having reviewed the good manufacturing practices of french dressing technology and the findings of fact for french dressing standards of identity (15 FR 5227, August 12, 1950), the Commissioner also believes that while the characteristics color for french dressing has been obtained from paprika, other safe and suitable colorants may also be used to obtain the desired color; and thus proposes on his own initiative that the standard provide for the use of any safe and suitable color additive that will impart to french dressing the color traditionally expected of french dressing. The proposed definition of "safe and suitable" to be added separately to 21 CFR 10.1 would be applicable to all food standards (38 FR 10274, April 26, 1973).

The Commissioner recognizes the desire of consumers that complete ingredient information be given on labels of standardized foods. Statutory authority does not exist to require declaration of the mandatory ingredients in such foods, and sec. 403(i) of the Federal Food, Drug, and Cosmetic Act provides that the use of artificial coloring in food need not be declared by common name. Required labeling of artificial coloring in foods is detailed in 21 CFR 1.12.

In accordance with policy set forth in 21 CFR 3.88 (38 FR 2137), included herein is a proposal on the Commissioner's own initiative to amend the standards for french dressing to require declaration of all optional ingredients by common name as required by the applicable sections of Part 1 of this chapter.

The mandatory ingredients of french dressing are a vegetable oil and an acidifying ingredient; however, because within each of these classes of mandatory ingredients more than one option exists in choosing what ingredient to use, the specific vegetable oil and acidifying ingredients used are optional ingredients. Thus, all ingredients of french dressing are required to be declared on the label.

In recently published documents to amend existing standards of identity, the Commissioner has proposed that safe and suitable optional ingredients be permitted in contrast to the more restrictive "recipe" type listing traditionally employed in food standards. However, in considering this approach for french dressing, the Commissioner recognizes that there is in the market a myriad of pourable dressings that are not included in the present standard because they do not purport to be, nor are they represented to be, french dressing. These nonstandardized pourable dressings do contain a broad range of emulsifying and acidifying ingredients which are responsible for the conspicuous differences between these foods and the standardized french dressings. Such differences occur in the appearance, the taste (sourness), and the sensory reaction (mouth-feel) of such dressings in the mouth. The french dressing standard, by restricting the acidifying and emulsifying ingredients, assures that the dressings covered by this standard maintain these characteristics traditional for french dressings.

To provide for the use of "safe and suitable" optional ingredients in place of the presently permitted emulsifying and acidifying ingredients would make these foods less discernible to consumers who now appear to have a clear choice between the french dressings covered by the food standard and other nonstandardized pourable dressings. Due to the potential impact of including the "safe and suitable" provision in the french dressing standard of identity, and because such impact cannot be adequately judged without comment from all interested parties, the Commissioner invites comments on this matter.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 25.2 be amended by revising paragraphs (d) and (e) to read as follows:

§ 25.2 French dressing; identity; label statement of optional ingredients.

* * * * *

(d)(1) French dressing may contain calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) or disodium EDTA (disodium ethylenediaminetetraacetate), singly or in combination. The quantity of such added ingredient or combination does not exceed 75 parts per million by weight of the finished food.

(2) French dressing may contain any safe and suitable color additives that will impart the color traditionally expected.

(e) All ingredients used in the food shall be declared on the label in accordance with the applicable sections of Part 1 of this chapter.

Interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal on or before October 23, 1973. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 2, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-17329 Filed 8-20-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 73-171N]

GREEN RIVER, KENTUCKY

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the Louisville and Nashville Railway bridge across the Green River at Spottsville, Livermore, and Smallhouse to require constant attendance when the vertical clearance is 40 feet or less and at least 4 hours notice at all other times. Present regulations require constant attendance when the vertical clearance is 30 feet or less and at least 8 hours notice at all other times. This proposed amendment is being considered because of an increase in commercial vessel traffic (100 percent during the past 8 years) and because of the use of towboats which require a greater vertical clearance.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan), Second Coast Guard District, Federal Building, 1520 Market Street, St. Louis, Missouri 63103. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Second Coast Guard District.

The Commander, Second Coast Guard District, will forward any comments received before September 25, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by:

1. Revising subparagraph (7) of paragraph (g) of § 117.560 to read as follows:

§ 117.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(g) * * *

(7) Green River, Ky. (i) Louisville and Nashville Railroad bridge at Spottsville. When there is 40 feet or less of vertical clearance beneath the draw, constant attendance is required and the draw shall open on signal. When the vertical clearance is more than 40 feet at least 4 hours notice shall be given, and during this period if a vessel informs the drawtender during its passage through the draw that it will return within 4 hours, the drawtender shall remain on duty until the vessel returns but shall not be required to remain for longer than 4 hours.

(ii) Louisville and Nashville Railroad bridges at Livermore and Smallhouse. The draws of these bridges are normally maintained in the fully open position and when they are open, a vessel may pass through the draw without further signals. When the draws are in the closed position their operation is governed by paragraph (g)(7)(i) of this section.

(iii) The owners of or agencies controlling these bridges shall arrange for ready telephone communication with the authorized representative at any time from the bridges or their immediate vicinity. Copies of these regulations shall be conspicuously posted at Green River Navigation Locks Nos. 1, 2, 3, and 4.

* * * * *

2. Redesignate § 117.560(g)(7)(ii) as § 117.560(g)(7)(iii).

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)

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(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Dated: August 13, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.73-17374 Filed 8-20-73;8:45 am]

[46 CFR Part 160]

[CGD 73-103R]

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Notice of Proposed Rulemaking

The Coast Guard is considering amending the regulations for lifeboat winches for merchant vessels by eliminating a duplication existing in the requirements for power-driven winches and relocating a pertinent sentence applicable to hand cranks.

Written comments. Interested persons are invited to participate in this rule making by submitting written data, views or arguments to the Executive Secretary, Marine Safety Council (GCMC/82), Room 8234, 400 Seventh Street, SW., Washington, D.C. 20590 (Phone 202-426-1477). Written comments should include the docket number of this notice, the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed. (A separate page for each section commented upon and two or more copies are encouraged).

A public hearing is not contemplated for this rule making, but will be held if requested by anyone who raises a genuine issue.

Closing date for comments. All relevant communications received on or before *September 28, 1973*, will be fully considered before final action is taken on this proposal. This proposal may be changed in the light of the comments received; however, acknowledgment of individual comments will not be made. Copies of comments received will be available for examination in Room 8234. Copies of comments will be furnished to interested persons upon request to the Coast Guard (GCMC/82) and payment of the fees prescribed in 49 CFR 7.81.

Under the proposed rulemaking, § 160.015-3(j)(1), appearing in Title 46—Shipping, Parts 150 to 199, would be revoked since it now duplicates part of the requirements for power-driven winches given in § 160.015-3(1). Also in § 160.015-3(1), appearing in the same volume of the code, the last sentence would be rewritten in order to bring forward a particular requirement applicable to hand cranks now erroneously contained in § 160.015-3(j)(1).

In consideration of the foregoing, it is proposed to amend Part 160 of Title 46 of the Code of Federal Regulations as follows:

1. By revoking § 160.015-3(j)(1).

2. By revising the last sentence of § 160.015-3(1) to read:

• • • Mechanical means for accomplishing the above, such as throw-out couplings on the sockets of the hand cranks, will be given special consideration.

(46 U.S.C. 391a, 404, 481, 489; 49 U.S.C. 1655(b)(1), and 49 CFR 1.46(b) and (o)(4)).

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

AUGUST 15, 1973.

[FR Doc.73-17367 Filed 8-20-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-CE-23]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Aurora, Nebraska.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received by September 20, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure is being developed for the Aurora, Nebraska Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Aurora, Nebraska.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is added:

AURORA, NEBRASKA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Aurora Municipal Airport (latitude 40°53'34" N., longitude 97°59'37"W.); and within two miles each side of the 123° radial of the Grand Island VOR, extending from the 5-mile radius to seven miles west of the airport, excluding that portion which overlies the Grand Island, Nebraska transition area.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on August 2, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-17368 Filed 8-20-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 581]

[Docket No. 73-19; Notice 1]

PROPOSED BUMPER STANDARD

Correction of Closing Date

In the notice published at 38 FR 20899 (August 3, 1973) of a Bumper Standard as Part 581 of Title 49, Code of Federal Regulations, the comment closing date was stated to be September 14, 1973. The closing date intended for the comment period is October 14, 1973, and that date is hereby substituted for the September date.

(Sec. 102(e)(1), Pub. L. 92-513, 86 Stat. 947; delegation of authority at 49 CFR 1.51.)

Issued on August 15, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc.73-17377 Filed 8-20-73;8:45 am]

[49 CFR Part 581]

[Docket 73-19; Notice 2]

PROPOSED BUMPER STANDARD

Notice of Public Meeting

On September 13, 1973, the National Highway Traffic Safety Administration will hold a meeting to permit a full public discussion of the bumper standard the agency has proposed under the Motor Vehicle Information and Cost Savings Act, P.L. 92-513. The proposed standard, together with a list of several subjects the agency finds appropriate for comment, was published in the FEDERAL REGISTER on August 3, 1973, (38 FR 20899).

The meeting will convene at 9:30 A.M. in room 2232 of the Department of Transportation Headquarters Building, 400 Seventh Street, SW., Washington, D.C. Persons desiring to make a formal presentation are asked to submit their requests to the Associate Administrator for Motor Vehicle Programs, NHTSA, not later than September 6, 1973. An estimate of the time required for each presentation should be given. If the presentations cannot be completed in one day, the meeting will be continued on September 14, beginning at 9:30 a.m. An agenda of the meeting will be made available by September 11, 1973.

(Sec. 102(e)(1) of the Motor Vehicle Information and Cost Savings Act, Pub. L. 92-513, 86 Stat. 947, 15 U.S.C. 1912(e)(1), and the delegation of authority at 49 CFR 1.51.)

Issued on August 15, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc.73-17378 Filed 8-20-73;8:45 am]

[49 CFR Part 571]

[Docket 1-8; Notice 13]

RETREADED PNEUMATIC TIRES

Physical Dimension and Labeling Requirements

This notice proposes the amendment of the physical dimension and labeling requirements of Motor Vehicle Safety Standard No. 117, "Retreaded Pneumatic Tires".

Standard No. 117 was issued in its present form on March 23, 1972 (37 FR 5950), and subsequently amended on January 31, 1973 (38 FR 2982), March 15, 1973 (38 FR 6999), and April 19, 1973 (38 FR 9668). Petitions for reconsideration were filed in response to the notice of January 31, 1973. Several of the issues raised by the petitions were not, under NHTSA procedural rules, appropriate for reconsideration at that time. The agency indicated, in its response to the petitions of May 3, 1973 (38 FR 10940), that the petitions, insofar as these issues were concerned, were petitions for rulemaking under the procedural rules (49 CFR §§ 553.31, 35). This notice is in part issued in response to those petitions.

Several of the petitions requested that the NHTSA modify its position regarding the physical dimension requirements of the standard, requesting that the standard be amended to allow a 3 percent tolerance from the minimum size factor requirement. The petitions also implicitly request deletion of the 3 percent negative tolerance for tire maximum section width. The agency previously denied the request regarding size factor on the basis of test data which indicated that an extremely small percentage of retreaded tires did not conform to the requirement, and that its relaxation was therefore unnecessary. The industry has presented data showing a larger percentage of tires that would not meet the requirements. Irrespective of these failure rates, the NHTSA has decided to grant the request because the shrinkage of the tire during retreading, which is responsible for its inability to meet the size factor requirement, disappears after the tire is placed in service. Consequently, violations of the size factor requirement, without this amendment, would be only of a technical nature. It is proposed, therefore, that the standard be amended to allow a 3 percent tolerance from the minimum size factor requirement. The 3 percent negative tolerance for tire maximum section width would be deleted, on the grounds that this requirement unnecessarily subjects retreaded tires to a physical dimension restriction greater than that imposed on new tires.

The NHTSA also proposes in this notice that certain amendments be made to the standard's labeling provisions. The NHTSA views these amendments as technical in nature and proposes them primarily to allow comment on the solutions proposed.

The labeling requirements of the standard, both affixed (S6.3.1) and permanent (S6.3.2), provide that the tire be labeled "bias/belted" when a bias/belted tire is retreaded. This requirement is a substitution for the requirement applicable to new tires, that the tire be labeled with the actual number of plies in the sidewall, and the actual number of plies in the tread area if different (S4.3(e), 49 CFR 571.109). The phrase "bias/belted" is, in the opinion of NHTSA, less burdensome to label onto a retreaded tire than the full description of ply construction, but imparts, in the case of the bias/belted tire, essentially the same information. It was also the agency's intention to allow the labeling requirements of Standard No. 117 to be met if the retreaded tire retained through the retreading process the information labeled onto the new tire at the time of manufacture. New tires, however, are not required to be labeled "bias/belted", and consequently that information would have to be relabeled onto each bias/belted retreaded tire irrespective of whether the retreaded tire retained its original new tire labeling. The NHTSA is therefore proposing that the labeling requirements be amended to permit as an alternative to the labeling of the words "bias/belted", the labeling of the actual number of plies in the sidewall and the actual number of plies in the tread area, which will in practice be retainable from the casing.

Amendments are also proposed to make clear which methods may be used to permanently label retreaded tires. Although the standard presently specifies "molding", there was no intention to preclude other satisfactory means of permanently labeling safety information onto retreaded tires. The standard therefore would be amended to make it clear that molding, branding, or any other method that will produce a permanent label are permitted. "Permanent" is used in the sense that one could reasonably expect the label to remain on the tire throughout its useful life.

In the notice of March 15, 1973, the minimum size for labeling in paragraph S6.3.2 was changed from three thirty-seconds of an inch to 0.078 inches. That change should have also been made in paragraph S6.3.1, and is hereby proposed.

In light of the above, it is proposed that Motor Vehicle Safety Standard No. 117, appearing at 49 CFR § 571.117, be amended as follows:

1. S5.1.2 would be revised to read:

S5.1.2 Except as specified in S5.1.3, each retreaded tire, when mounted on a test rim of the width specified for the tire's size designation in Appendix A of § 571.109, shall comply with the requirements of S4.2.2 of § 571.109, except that the tire's section width shall not be more than 110 percent of the section width specified, and the tire's size factor shall be at least 97 percent of the size factor specified, in Appendix A of § 571.109 for the tire's size designation.

2. Paragraphs S6.3.1 would be revised as follows:

S6.3.1 Each retreaded pneumatic tire manufactured on or after June 1, 1973, shall be labeled, in at least one location on the tire sidewall in letters and numerals not less than 0.078 inches high, with the following information:

• • • • • •

(f) If the tire is of bias/belted construction, the words "bias/belted", or the actual number of plies in the sidewall and the actual number of plies in the tread area.

• • • • • •

The information shall either be retained from the casing used in the manufacture of the tire, or may be labeled into or onto the tire during the retreading process, either permanently (through molding, branding, or other method that will produce a permanent label) or by the addition of a label that is not easily removable.

3. Paragraph S6.3.2 would be revised as follows:

S6.3.2 Each retreaded pneumatic tire manufactured on or after February 1, 1974, shall be permanently labeled (through molding, branding, or other method that will produce a permanent label) in at least one location on the tire sidewall, in letters and numerals not less than 0.078 inches high, with the following information:

• • • • • •

(f) If the tire is of bias/belted construction, the words "bias/belted", or the actual number of plies in the sidewall and the actual number of plies in the tread area.

• • • • • •

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will be also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available in the docket after the closing date, and

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it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: September 24, 1973.

Proposed effective date: Thirty days after publication of the final rule.

(Sec. 103, 112, 113, 114, 119 Pub. L. 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421; delegations of authority at 49 CFR 1.51, 49 CFR 501.8.)

Issued on August 15, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.73–17379 Filed 8–20–73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Economic Regs. Docket No. 25800]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Reporting of Certain Data by Commuter Air Carriers and Other Air Taxi Operators

AUGUST 15, 1973.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 298 of the economic regulations (14 CFR Part 298) which would require certain additional statistical data to be reported quarterly by commuter air carriers and require all air taxi operators, including commuter air carriers, to report certain statistical data annually. The principal features of the proposed amendment are described in the attached explanatory statement, and the proposed amendment is set forth in the attached proposed rule. The amendment is proposed under the authority of sections 204(a), 407, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766, and 771; 49 U.S.C. 1324, 1377, and 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter received on or before October 5, 1973, will be considered by the Board before taking final action on the proposed rule. Copies of such comunications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

Under the Board's present regulations, air taxi operators, other than commuter air carriers,[1] are not required to file periodic reports with respect to their operations. Moreover, the reports required of commuter air carriers include information only with respect to their scheduled operations or mail service operations.[2]

The National Transportation Safety Board (NTSB) has issued a document entitled Air Taxi Safety Study,[3] containing, *inter alia*, various data concerning air taxi accidents and the causes of such accidents. In this report NTSB notes that, because of the unavailability of certain basic data with respect to the operations of air taxis, it is not possible to accurately compare the level of air taxi safety with that of other types of air transportation. In order to have such data available, and thereby help make its future air taxi safety reports more meaningful, NTSB requests that the Board do the following:

1. Require those air taxi operators which are commuter air carriers to report the hours flown, the miles flown, and the number of departures in scheduled revenue operations.

2. Require all air taxi operators to report the number of passengers carried, the hours flown and miles flown, and the number of departures in all revenue operations.

In considering the recommendation of NTSB, the Board has reached the tentative conclusion that the suggested reporting requirements might not only help meet the needs of NTSB, but would assist us in fulfilling our direct regulatory responsibilities, with respect to air taxis, in general, and commuter air carriers, in particular. Indeed, we are of the tentative view that certain information, in addition to that requested by NTSB, should also be reported by commuter air carriers. Accordingly, we are herein proposing to require the annual reporting by all air taxis, including commuters, of the information described in the NTSB recommendations, and to expand the present quarterly reports of commuters' scheduled operations to include the additional data requested of them by NTSB, as well as the four following items: revenue passenger-miles, revenue seat-miles available, revenue ton-miles, and revenue ton-miles available.

The commuter air carrier industry has been growing rapidly in recent years. It thus appears desirable that the Board have available to it regularly reported statistics enabling it to make a continuing review of the scheduled operations of these carriers, particularly for the purpose of comparison with those of certificated air carriers. We have tentatively determined that the information which the instant proposal would require is necessary to accomplish these purposes, since it is the kind of basic data needed for analyses of route density, capacity per mile flown, and traffic per mile flown.

Since commuter air carriers are presently required to file with the Board certain operating data with respect to their scheduled operations on a quarterly basis, on CAB Form 298–C,[1] it would be feasible to accommodate on this form all of the additional data which we are proposing herein to require with respect to their scheduled operations. Accordingly, we are proposing to revise Schedule A–1 of Form 298–C in the manner set forth in Appendix A hereto.

As stated above, air taxi operators other than commuters are not presently required to file any statistical data with the Board; nor are commuter air carriers presently required to report as to their nonscheduled operations. Therefore, we propose to establissh a new form, CAB Form 298–D,[1] for the annual reporting of data relating to all revenue operations performed by air taxi operators, including commuter air carriers, whether scheduled or nonscheduled. Thus, under our proposal, commuter air carriers would henceforth have to maintain separate statistics for their scheduled and nonscheduled operations, reporting the former quarterly, on the revised Form 298–C, and reporting both the former and the latter annually on the new CAB Form 298–D.

PROPOSED RULE

It is proposed to amend Part 298 of the Economic Regulations (14 CFR Part 298), as follows:

1. Amend the Table of Contents by adding a new § 298.6—Extension of filing time, under Subpart A—General; deleting and reserving § 298.62 under Subpart F—Reporting of Scheduled Operations by Commuter Air Carriers; and adding a new Subpart F–1—Reporting by Air Taxi Operators, consisting of a new § 298.67—Reporting instructions, the table as amended to read as follows:

298.6 Extension of filing time.
298.62 [Reserved].
298.66 Public disclosure of schedule T–1 data.

[1] Filed as part of original document.

[1] A "commuter air carrier" is defined in § 298.2 as an air taxi operator which (1) performs at least five round trips per week between two or more points and publishes flight schedules which specify the times, days of the week and places between which such flights are performed, or (2) transports mail by air pursuant to a current contract with the Postal Service.

[2] The commuter air carriers' reports, filed on CAB Form 298–C, are described in Subpart F of Part 298. It should be noted that, under the present provisions of Subpart F, commuter air carriers are required to—and under the amended provisions of Subpart F they would continue to be required to—report the required information with respect to all flights performed pursuant to published schedules, even if the frequency of any particular scheduled flights is fewer than five scheduled round trips per week.

[3] Report NTSB–AAS–72–9, adopted September 27, 1972.

Subpart F–1—Reporting by Air Taxi Operators

298.67 Reporting instructions.

2. Amend § 298.2 by adding thereto certain definitions, the section as amended to read as follows:

§ 298.2 Definitions.

• • • • • •

"Air transportation" means • • •

"Aircraft hours" means the airborne hours of aircraft computed from the moment an aircraft leaves the ground until it touches the ground at the end of a flight.

"Aircraft miles" means the miles (computed in airport-to-airport distances) for each flight stage actually completed, whether or not performed in accordance with the scheduled pattern.

• • • • • •

"Competitive market" means • • •

"Departure" means takeoff from an airport.

"Flight stage" means the operation of an aircraft from takeoff to landing.

• • • • • •

"Maximum payload capacity" means • • •

"Mile" means a statute mile *i.e.*, 5,280 feet.

"Noncompetitive market" means • • •

"Passengers carried" means passengers on board each flight stage.

"Point" when used • • •

"Revenue passenger-mile" means one revenue passenger transported one mile. Revenue passenger-miles are computed by summation of the products of the revenue aircraft miles flown on each flight stage multiplied by the number of revenue passengers carried on that flight stage.

"Revenue seat-miles available" means the total of the products of aircraft miles and number of seats available for revenue use on each flight stage, representing the total passenger-carrying capacity offered.

"Revenue ton-mile" means one ton of revenue traffic transported one mile. Revenue ton-miles are computed by summation of the products of the revenue aircraft miles flown on each flight stage multiplied by the number of revenue tons carried on that stage. (A standard weight of 200 pounds per passenger may be used in the computation.)

"Revenue ton-miles available" means the aggregate of the products of the aircraft miles flown on each flight stage multiplied by the capacity in tons available for use on that stage.

"Ton" means a short ton, *i.e.*, 2,000 pounds.

3. Add a new § 298.6, following § 298.5, to read as follows:

§ 298.6 Extension of filing time.

If circumstances prevent the filing of a report within the prescribed time limit, consideration will be given to the granting of an extension upon receipt of a written request therefor, addressed to the Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428. Such a request must give a sufficient reason for granting the extension, set forth the date when the report can be filed, and be submitted sufficiently in advance of the due date to permit proper time for consideration and communication to the carrier of the action taken. Except in cases of emergency, no request for extension will be entertained which is not received in sufficient time to enable the Board to pass thereon before the prescribed due date. If a request is denied, the carrier remains subject to the filing requirements to the same extent as if no request for extension had been made.

4. Delete and reserve § 298.62, as follows:

§ 298.62 [Reserved]

5. Amend paragraph (b) of § 298.64 by adding thereto new subparagraphs (5) and (6), the section as amended to read as follows:

§ 298.64 Reporting instructions.

• • • • • •

(b) • • •

• • • • • •

(5) Columns (5), (6), and (7) shall set forth, respectively, aircraft hours flown, aircraft miles flown and aircraft departures performed during the reporting quarter.

(6) Columns (8), (9), (10), and (11) shall set forth, respectively, revenue passenger-miles, revenue seat-miles available, revenue ton-miles and revenue ton-miles available for the reporting quarter.

6. Amend Part 298 by adding a new Subpart F–1, consisting of a new § 298.67, the caption and text of the subpart to read as follows:

Subpart F–1—Reporting by Air Taxi Operators

§ 298.67 Reporting instructions.

(a) Each air taxi operator (including commuter air carriers) shall file CAB Form 298–D, entitled "Report of All Revenue Operations Performed by Air Taxi Operators and Commuter Air Carriers," in accordance with the provisions of this part and in the manner set forth in said form, which is made a part hereof and annexed hereto.

(b) CAB Form 298–D shall be prepared for the period January 1 through December 31 of each year. It shall be completed in triplicate and filed with the Board (*i.e.*, postmarked) not more than forty (40) days after the end of each calendar year, and shall be addressed to the Civil Aeronautics Board, Attention of the Bureau of Accounts and Statistics, Washington, D.C. 20428.

(c) Items 1 through 4 on CAB Form 298–D shall set forth, respectively, the number of passengers carried, aircraft hours flown, aircraft miles flown and number of aircraft departures performed in all revenue operations, whether scheduled or nonscheduled.

(d) The certificate contained in CAB Form 298–D shall be executed by the officer in charge of the carrier's accounts.

[FR Doc.73–17392 Filed 8–20–73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF PENNSYLVANIA IMPLEMENTATION PLANS

Public Hearing on Proposed Transportation and/or Land Use Control Strategies

On July 23, 1973 the Environmental Protection Agency held a public hearing on the proposed Transportation Control Strategies for the Philadelphia Metropolitan area. Although there was significant response and comment at that hearing, it was decided that the hearing would be reconvened at a later date to allow for the submission of additional comments and testimony by the general public and the City of Philadelphia.

Notice is hereby given that the public hearing concerning the proposed regulations for the Metropolitan Philadelphia Interstate Region will be reconvened on Friday, September 14, 1973 at 10:00 a.m., in the Jefferson Room of the Benjamin Franklin Hotel, 9th & Chestnut Streets, Philadelphia, Pennsylvania 19107.

The Administrator's final promulgation of transportation controls for the Philadelphia area will be significantly influenced by the comments and testimony he receives, as well as by the approvable strategies submitted by the State in mid-April as part of the State plan. These influences, and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulations that differ in important ways from the proposed regulations as published in the FEDERAL REGISTER on July 3, 1973 (38 FR 17793) and as corrected by the Errata Sheet available in the Region III Office.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania, 19106. All comments received by September 14, 1973 will be considered. Proposed regulations and comments will be available for public inspection during normal business hours at the EPA Region III Office.

Dated August 14, 1973.

ROBERT L. SANSOM,
Assistant Administrator for
Air and Water Programs.

[FR Doc.73–17354 Filed 8–20–73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 538]

[General Order 19; Docket No. 73–53]

INCREASES IN CONTRACT RATES

Rules Governing Filing

It has come to the Commission's attention that a number of conferences employing dual rate systems have been considering the possibility of modifying their merchant's contracts to provide

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broader authority for short notice increases due to the devaluation of tariff currency. In fact, one conference has already applied for such increased authority which is being held in abeyance pending finalization of this rulemaking proceeding. These actions obviously stem from the two recent devaluations of the United States dollar, the growing instability among international currencies and the Commission's recent ruling [1] that the contract provision "currency devaluation by governmental action," does not encompass *de facto* devaluation nor devaluation resulting from the actions of governments other than the one issuing the currency under which the terms of the contract are written.

Although the Commission also indicated in conjunction with that ruling its possible rejection of an application to include these two elements as authority for short-notice increases, it is, nevertheless, mindful of the growing impact of currency fluctuations on the operations of conferences and carriers operating in the foreign commerce of the United States, especially those with dual rate systems. Because of this and the actions of the conferences, the Commission has decided to explore the possibility of allowing greater rate flexibility under dual rate contracts with respect to changes in the value of tariff currency relative to other operating currencies. However, to insure that contract signatories are not subjected to a constant barrage of short-notice increases and to preserve the purpose of the dual rate contract, it is considered necessary to impose certain restrictions and safeguards.

In this respect, the Commission has formulated proposed contract provisions and related rules governing the implementation of such provisions which it proposes to add to its rules relating to dual rate contract systems. Comments of all interested persons are sought with respect to the need, desirability and adequacy of these proposed provisions and rules in order that the Commission may proceed in the most enlightened manner. As an aid to analysis, the Commission, in developing these rules and provisions, considered the following criteria:

1. To be adequate and equitable, short notice increases due to currency fluctuations should be allowed on the basis of actual operating experience, therefore, changes in the value of a tariff currency should be calculated on the basis of its actual market value vis-a-vis other operating currencies used in the same trade.

2. Unqualified terms such as "*de facto* devaluation" which can raise issues of fact should be avoided.

3. All operating currencies used must be plainly identified.

4. The total amount of devaluation should not be allowed but only that portion equal to the percent of total expenses incurred in non-tariff currencies.

5. Relief should be sufficient merely to restore the approximate prior relationship of the parties to the contract.

6. A single currency exchange market to be used to evidence changes in currency value should be specified and should be reasonably accessible to the Commission.

7. The operative parts of the contract provisions should not be sensitive to normal market fluctuations.

8. In the event of tariff currency appreciation, contract signatories should be granted the same relief as the carriers.

9. With respect to conferences and rate agreements, the amount of increase allowable should not exceed the average percentage increase in expenses for all the members.

Accordingly, pursuant to section 4 of the Administrative Procedure Act as codified in 5 U.S.C. 553 and Section 14b and 43 of the Shipping Act, 1916, 46 U.S.C. 813a, 841a, notice is hereby given that the Federal Maritime Commission is considering the amendment of Part 538 of Title 46 CFR by:

1. Inserting a new § 538.4 reading as follows:

§ 538.4 Procedures and requirements for making rate adjustments due to changes in the value of tariff currency.

(a) *Rate Increases.* (1) A carrier or conference of carriers desiring to provide for an increase in contract rates on less than statutory notice in the event of a decrease in the value of its tariff currency relative to other currencies accepted in payment of freight must do so by including in its form of dual rate contract language as set forth in Article 14 (d) of the Uniform Merchant's Contract of Subpart B hereof.

(2) Concurrent with the filing of the above provisions the carrier or conference shall file with the Commission and with any other appropriate governmental body a statement listing the percentage of total expenses incurred and payable in each of the currencies which are accepted as payment of freight under the contract. Such currencies are to be identified in the applicable tariff(s) of the carrier or conference. Expenses incurred and payable in currencies which are not accepted as payment of freight are to be excluded from the report and shall not be considered for the purposes of this section. This report shall be updated at the beginning of each calendar quarter.

(3) When the market exchange rate of the tariff currency depreciates relative to the other currencies accepted in payment of freight by 5.0 percent or more compared with levels prevailing not more than 20 days prior thereto, the carrier or conference may advise contract shippers on 15 days' notice as provided in the contract that rates shall be increased by an amount to be determined as set forth below, provided the 5.0 percent depreciation is sustained for 14 days after notice is given. If the 5.0 percent depreciation is not sustained for 14 days thereafter, the notice of increase is void and will not become effective.

(4) The authority for determining fluctuations in the market exchange rates shall be the daily noon rates in the New York currency market.

(5) At the same time it files notice of increase pursuant hereto, the carrier or conference shall file with the Commission a statement showing that such increase meets the criteria set forth herein. Before expiration of the 15-day notice period the Commission will verify the information contained in the statement and notify the carrier or conference whether the announced increase may become effective.

(6) The amount of depreciation and the amount of increase needed to offset such depreciation is to be determined as follows:

(i) The nominal appreciation of each non-tariff currency accepted in payment of freight relative to the tariff currency is to be determined by comparing the daily New York noon quotations on the date of notice to those twenty days prior.

(ii) If the nominal appreciaton of any non-tariff currency is 5.0 percent or more, the nominal appreciation of each is to be weighted in proportion to the percentage of costs, payable in that currency and summed to determine the net depreciation in the tariff currency and the necessary rate increase. Example:

	Tariff currency (U.S. dollars)	Currency "A"	Currency "B"
Percent of Expenses incurred in above currencies		52%	28%	20%
New exchange value		$0.0	$1.17	$1.20
Base value (in terms of tariff currency)	0.0	1.05	1.10
Increase over base value	0.0	0.12	0.10
Percent nominal appreciation	0.0%	$\frac{\$0.12}{\$1.05}$=+11.4%	$\frac{\$0.10}{\$1.10}$=+9.1%
Weighted appreciation (according to the proportion of expenses actually incurred in the indicated currency)	0.0%	28% (11.4%)=3.19%	20% (9.1%)=1.82%
Total weighted percent surcharge		3.19%+1.82%=5.01% or 5.0%	

(b) *Rate reductions.* (1) A carrier or conference making provision in its dual rate contract for rate increases due to currency depreciation is likewise obligated by sec. 14(d)(2) of the uniform contract to provide shippers with corresponding rate relief in the event the value of its tariff currency *appreciates* with respect to the other currencies accepted for the payment of freight. The criteria applicable to rate increases shall also apply to reductions.

2. Inserting a new Article 14(d) to the Uniform Merchant's Contract in § 538.10 to read as follows:

14. (d) (1) In the event of a change in the market exchange rate of any currency or currencies used for the payment of freight under this contract which results in a depreciation of the Carrier's or Carriers' tariff currency of five (5) percent or more whether through action of any government or otherwise, the Carrier or Carriers may *increase* any rates affected thereby on not less than 15 days' written notice to the Merchant, pursuant to procedures and requirements set forth in § 538.4 of the Federal Maritime Commission's General Order 19 or otherwise established. With respect to such increase or increases, the Merchant may notify the Carrier or Carriers in writing not less than ten (10) days before the increases are to become effective of its intention to suspend the contract insofar as such increase or increases is or are concerned, and in such event the contract shall be suspended as of the effective date of such increase or increases, unless the Carrier or Carriers shall give written notice that such increase or increases has or have been rescinded and cancelled.

(2) It is agreed that in the event the Carrier's or Carriers' tariff currency appreciates relative to the other currencies accepted for the payment of freight under this contract, the rates hereunder will be correspondingly reduced using the same criteria applicable to rate increases under (1) above, except that reductions may become effective on the date filed.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, on or before September 17, 1973, an original and 15 copies of their views or comments pertaining to the proposed amendments. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired changes and by comments and arguments supporting the suggested changes.

The Federal Maritime Commission Office of Hearing Counsel shall participate in the proceeding and shall file Reply to Comments on or before October 1, 1973, by serving an original and 15 copies on the Commission and one copy to each party who filed written comments. Answers to the Replies shall be submitted to the Commission on or before October 12, 1973.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-17386 Filed 8-20-73;8:45 am]

[1] Docket 72-5, *Australia/U.S. Atlantic and Gulf Conference, Proposed Imposition of Currency Adjustment Surcharge.* Served 9/12-72.

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

[Administrative Ruling 73-2]

REVENUE SHARING FUNDS

Entitlement Periods in Which Interest on Is Accountable

Section 51.40(b) of the regulations governing Fiscal Assistance to State and Local Governments (31 CFR 51, § 51.40 (b)) requires that interest earned on entitlement funds while in the recipient government's trust fund be used, obligated, or appropriated within 24 months of the end of the entitlement period to which the revenue sharing check is applicable. Advice has been requested by recipient governments whether § 51.40(b) may be construed to permit the use, obligation, or appropriation of such interest within 24 months from the end of the entitlement period during which such interest is actually received or credited to the recipient government's trust fund.

It is the determination of the Department of the Treasury that accounting and financial reporting requirements of recipient governments will be simplified if § 51.40(b) was construed to permit the use, obligation or appropriation of interest within 24 months from the end of that entitlement period during which such interest was actually received or credited. Accordingly, interest actually received or credited on entitlement funds shall be used, obligated or appropriated within 24 months from the end of the entitlement period during which such interest was actually received or credited.

Dated August 15, 1973.

[SEAL] GRAHAM W. WATT,
Director,
Office of Revenue Sharing.

[FR Doc. 73-17369 Filed 8-20-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTICELLO DISTRICT NINE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Monticello District Nine Advisory Board will hold a business meeting on August 23, 1973, commencing at 9:00 a.m. at the Federal Building Conference Room, Moab, Utah. The agenda for the meeting will include consideration of grazing applications, exchange of use applications, applications to transfer grazing privileges, and range improvement program for 1974.

The meeting will be open to the public.

The Advisory Board Chairman is Lawrence Aubert, 211 Country Club Park, Grand Junction, Colorado 81501.

Dated August 13, 1973.

RULON G. MCRAE,
Acting District Manager.

[FR Doc. 73-17337 Filed 8-20-73;8:45 am]

Fish and Wildlife Service

BUREAU OF SPORT FISHERIES AND WILDLIFE

Notice of Meeting

A meeting will be held at 1:30 p.m. on August 28, 1973, in Room 8068 of the U.S. Department of the Interior Building, Washington, D.C. Purpose of the meeting will be to review information pertaining to the use of iron shot for waterfowl hunting in the United States as provided by recent tests and studies and to discuss future program direction.

The meeting will be open to the public. Persons wishing to attend should notify the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, or call AC 202-343-8655. Statements of interested persons must be filed in writing with the Director before or after the meeting. To the extent time permits, the Chairman of the meeting will accept brief oral statements from the public at the close of the agenda providing that such statements are also submitted in writing before or after the meeting.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 16, 1973.

[FR Doc. 73-17396 Filed 8-20-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Texas Inspection Point

Statement of considerations. Because of the low volume of inspection work in the inspection area in which it is operative, the Dallas Grain Exchange, Dallas, Texas, has voluntarily requested that effective August 15, 1973, its designation to operate as an official grain inspection agency under the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.*) be cancelled, in accordance with the voluntary cancellation provision of § 26.101 of the regulations (7 CFR 26.101) under the Act.

It appears that through no fault of the Dallas Grain Exchange, the volume of grain inspection work may not warrant locating an official inspection agency in Dallas. Accordingly, the Agricultural Marketing Service proposes to cancel without prejudice to the Dallas Grain Exchange the designation of the Dallas Grain Exchange to operate as an official inspection agency. Interested organizations and persons are hereby given opportunity to submit comments in writing with respect to the proposed cancellation and to make application for designation to operate as an official inspection agency at Dallas, Texas, according to the requirements in § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act.

The Fort Worth Grain Exchange, Fort Worth, Texas, is designated to operate as an official inspection agency in the Fort Worth inspection area. The Fort Worth Grain Exchange has requested that effective August 15, 1973, the inspection area in which the Dallas Grain Exchange is now operative be reassigned to the Fort Worth Grain Exchange, in accordance with the reassignment provisions of § 26.99 of the regulations (7 CFR 26.99) under the Act. Other official inspection agencies are hereby given opportunity to make application for the reassignment of the Dallas inspection area in accordance with the provisions of § 26.99 of the regulations (7 CFR 26.99) under the Act.

There is no known opposition to the requested reassignment of the Dallas inspection area to the Fort Worth Grain Exchange. Further, there is a need to provide continuing inspection service in the Dallas inspection area. Accordingly, the requested reassignment of the Dallas inspection area to the Fort Worth Grain Exchange is hereby approved on an interim basis pending final determination of this matter.

Opportunity is hereby afforded all interested persons to submit written data, views, or arguments with respect to these matters to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions shall be in duplicate and shall be mailed to the Hearing Clerk not later than September 20, 1973. All submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the written data, views, or arguments so filed with the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to these matters.

Done in Washington, D.C., on: August 16, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-17407 Filed 8-20-73;8:45 am]

Forest Service

BIGHORN NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Bighorn National Forest Multiple Use Advisory Committee will meet at 9:00 a.m., September 22, 1973, at the Buffalo District Ranger's Office in Buffalo, Wyoming for their fall field trip.

The purpose of this meeting is to discuss land management activities and cultural treatments within the Travel Influence Zone.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, P.O. Box 2046, Sheridan, Wyoming 82801 or call (307) 672-2457. Written statements may be filed with the committee before or after the meeting.

The committee has not established rules for public participation. Public members may speak up at any time.

ANTHONY K. QUINKERT,
Forest Supervisor.

AUGUST 13, 1973.

[FR Doc.73-17353 Filed 8-20-73;8:45 am]

MULTIPLE USE PLAN FOR WHITE PINE PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to sec. 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Multiple Use Plan for the White Pine Planning Unit, Forest Service report number USDA-FS-DES (Adm) 73-96.

The environmental statement concerns a proposed long-range multiple use plan for the White Pine Planning Unit on the Palouse Ranger District of the St. Joe National Forest. Effective July 1, 1973, the Palouse District was attached administratively to the Clearwater National Forest.

This draft environmental statement was filed with CEQ on August 15, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Avenue., S.W., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, Montana 59801.
USDA, Forest Service, Clearwater National Forest, Route 3, Orofino, Idaho 83544.
USDA, Forest Service, Palouse Ranger District, Potlatch, Idaho 83855.

A limited number of single copies are available upon request to Kenneth P. Norman, Forest Supervisor, Clearwater National Forest, Orofino, Idaho 83544.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Kenneth P. Norman, Forest Supervisor, Clearwater National Forest, Route 3, Orofino, Idaho 83544. Comments must be received by September 29, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

AUGUST 15, 1973.

[FR Doc.73-17405 Filed 8-20-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

TUITION FEE FOR COLLISION AVOIDANCE RADAR TRAINING COURSE

Notice of Change of Procedures

Notice is hereby given that beginning October 1, 1973, a tuition fee in the amount of twenty five dollars ($25.00) will be assessed for either the eight (8) day or the five (5) day collision avoidance radar training course and a fee of fifteen dollars ($15.00) for the three day simulator refresher course.

These courses are presently being offered at the three Maritime Administration Training Centers, located in New York, N.Y., New Orleans, La., and San Francisco, California.

Payment shall be to the registrar in the form of a check or money order made payable to "Maritime Adm.—Commerce" in the amount of the fee assessed for the course selected. Such receipts will be deposited in an appropriate account as general receipts of the Treasury of the United States.

Dated August 14, 1973.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

AARON SILVERMAN,
Assistant Secretary,
Maritime Administration.

[FR Doc.73-17402 Filed 8-20-73;8:45 am]

National Bureau of Standards

CENTER FOR BUILDING TECHNOLOGY ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770), notice is hereby given that a public meeting of the Department of Commerce Center for Building Technology Advisory Committee will be held on September 11, 1973, at the National Bureau of Standards, Gaithersburg, Maryland. The meeting will convene at 9:00 a.m. and adjourn at 4:00 p.m. in Building 101, Lecture Room A. The meeting is open to the public.

The purposes of this meeting are to be brief the committee members on programs being carried out by the Center, to establish operational committee guidelines and to select topics for study and consideration.

Further information concerning this meeting may be obtained by contacting James L. Haecker, Executive Secretary, Secretary, Center for Building Technology Advisory Committee, Building 226, Room B-206, Washington, D.C. 20234. Interested persons may file written statements with the Committee before or after the meeting.

Dated: August 15, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-17364 Filed 8-20-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 6002; Docket No. FDC-D-309; NDA 9-594 etc.]

CERTAIN ANTI-INFECTIVE DRUGS

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 6002) published in the FEDERAL REGISTER of August 7, 1971 (36 FR 14662), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the subject drugs. Among the drugs included in that announcement were the following:

1. That part of NDA 9-980 providing for Camoprim Infatabs containing amodiaquine and primaquine phosphate; formerly marketed by Parke, Davis and Co., Joseph Campau at the River, Detroit, Mich. 48232

2. NDA 9-594; Perin Syrup containing piperazine calcium edetate; formerly marketed by Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, N.Y. 11530

3. NDA 11-258; Vermizine Syrup containing piperazine gluconate; formerly marketed by Conal Pharmaceuticals Inc.,

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Chicago Pharmacal Division, 5547 North Ravenswood Avenue, Chicago, Ill. 60640.

The notice stated that these drugs were regarded as probably effective for their labeled indications. The drugs have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness has been submitted pursuant to the announcement. The drugs are no longer marketed.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) or pertinent parts thereof and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before September 30, 1973 the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) or pertinent parts thereof.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before September 30, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after September 30, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated August 14, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–17331 Filed 8–20–73;8:45 am]

[DESI 9363; Docket No. FDC–D–653; NDA No. 9–363]

COMBINATION STEROID-SYMPATHOMIMETIC NASAL SPRAY

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 9363) published in the FEDERAL REGISTER of June 8, 1971 (36 FR 11051) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug was regarded as possibly effective for use in the local treatment of acute, chronic, and allergic rhinitis. The drug has been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted pursuant to the notice.

NDA 9–363; Vasocort Spraypak containing hydrocortisone, hydroxyamphetamine hydrobromide, and phenylephrine hydrochloride; Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 F.R. 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before September 30, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before September 30, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of a new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue as soon as practicable after September 30, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday thorugh Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated August 14, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–17332 Filed 8–20–73;8:45 am]

[DESI 6550; Docket No. FDC–D–650; NDA No. 6–550]

UPJOHN CO.

Methoxyphenamine Hydrochloride; Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 6550) published in the FEDERAL REGISTER of April 26, 1972 (37 FR 8405) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug was regarded as possibly effective for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted pursuant to the notice.

The parts of NDA 6–550 pertaining to Orthoxine Hydrochloride Tablets and Syrup (methoxyphenamine hydrochloride); The Upjohn Co., 7171 Portage Road, Kalamazoo, Michigan 49002 (NDA 6–550).

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of pertinent parts of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before September 30, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the pertinent parts of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before September 30, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the

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labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after September 30, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 14, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-17333 Filed 8-20-73;8:45 am]

[FAP 3B2903]

GAF CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2903) has been filed by GAF Corp., 140 W. 51st St., New York, N.Y. 10020, proposing that § 121.2571 *Components of paper and paperboard in contact with dry food* (21 CFR 121.2571) be amended to provide for the safe use of castor oil, polyoxyethylated (42 moles ethylene oxide), as a component of paper and paperboard in contact with dry food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the above-mentioned proposal will not have a significant environmental impact. Copies of the environmental impact analysis report are available from the Assistant Commissioner for Public Affairs, Rm. 15B–42, or the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, Md. 20852.

Dated August 2, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-17335 Filed 8-20-73;8:45 am]

[FAP 3B2920]

SPENCER KELLOGG DIVISION OF TEXTRON, INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2920) has been filed by Spencer Kellogg Division of Textron, Inc., 4201 Genesee St., Buffalo, N.Y. 14225, proposing that § 121.2522 *Polyurethane resins* (21 CFR 121.2522 be amended to provide for the safe use of 3-isocyanatomethyl-3,5,5-trimethylcyclohexyl isocyanate as a reactant under paragraph (a)(1); polybutylene glycol [and caprolactone polyol] as a reactant under paragraph (a)(2); and dibutyltin dilaurate, dibutyltin diacetate, and dibutyltin dichloride as catalysts under paragragh (b), in the manufacture of polyurethane resins intended for use in contact with bulk quantities of dry food.

The environmental impact analysis report, and other relevant material have been reviewed, and it has been determined that the above-mentioned proposal will not have a significant environmental impact. Copies of the environmental impact analysis report are available from the Assistant Commissioner for Public Affairs, Rm. 15B–42, or the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, Md. 20852.

Dated August 9, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-17336 Filed 8-20-73;8:45 am]

ADVISORY COMMITTEE ON FEDERAL PAY

PRESIDENT'S PAY AGENT'S REPORT

Solicitation of Comments and Notice of Meeting

The Advisory Committee on Federal Pay invites any organizations representing Federal employees or any interested government officials to send the Committee their views on the President's Pay Agent's report on the proposed adjustment in Federal pay for Fiscal 1974. The Pay Agent's report is scheduled for completion about August 27. Organizations representing Federal employees can request a copy of that report from the Advisory Committee on Federal Pay, 1016 16th Street NW. (Room 101), Washington, D.C. 20036 (telephone: Area Code 202–382–2296). (The Committee was established in accordance with Section 5306 of Title 5, U.S. Code, as added by the Federal Pay Comparability Act of 1970.)

Written statements about the Pay Agent's report should reach the Advisory Committee by Tuesday, September 4 (five copies should be submitted).

On Monday, September 10, the Committee will meet with any organizations or officials that wish to discuss the report orally. The meetings will be held in the Committee's office (at the above address). Any organization or official wishing to meet with the Committee should notify it of that fact by Tuesday, September 4, either by writing or calling the Committee. Either written submissions or a request for an opportunity to discuss the issues should include a telephone number where the organization or official can be reached.

JEROME M. ROSOW,
Chairman, Advisory Committee on Federal Pay.

[FR Doc.73-17338 Filed 8-20-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS—WORKING GROUP ON PEAKING FACTORS

Notice of Meeting

AUGUST 17, 1973.

In accordance with the purposes of sec. 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Working Group on Peaking Factors will hold a meeting on September 5, 1973, in Room 1046, at 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to discuss calculational techniques and plant operating conditions related to peaking factors, with reference to nuclear reactors designed by Combustion Engineering, Inc., (CE).

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

WEDNESDAY, SEPTEMBER 5, 1973
9 A.M.–2:30 P.M.

Discussion With the AEC Regulatory Staff and CE

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m., which will involve discussion of its preliminary views, and an executive session at approximately 4:30 p.m. to exchange opinions and formulate recommendations to the ACRS. In addition, prior to the executive session at the end of the day, the Subcommittee may hold a closed session with the Regulatory Staff and Applicant to discuss privileged information relating to nuclear fuel design, calculational techniques and plant operating conditions related to peaking factors, if necessary.

I have determined, in accordance with subsec. 10(d) of Public Law 92–463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss certain documents which are privileged, and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alternations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than August 28, 1973 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon CE topical reports and various other related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1 p.m. and 2 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on August 31, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301–973–5651) between 8:30 a.m. and 5:15 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 on or after November 5, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-17329 Filed 8-20-73;9:29 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice and Order for Holding Further Evidentiary Hearings

AUGUST 15, 1973.

In the matter of Northern Indiana Public Service Company (Bailly Generating Station Nuclear 1).

Take notice that further evidentiary hearings in this proceeding shall take place as follows:

Courtroom, Superior Court of Porter County, Valparaiso, Indiana.
September 11–14, 1973, commencing 9:00 a.m. (Local Time).
September 18–21, 1973, commencing 9:00 a.m. (Local Time).
September 25–28, 1973, commencing 9:00 a.m. (Local Time).
October 2–5, 1973, commencing 9:00 a.m. (Local Time).
October 9–12, 1973, commencing 9:00 a.m. (Local Time).

The exact Courtroom will be determined immediately prior to the evidentiary hearing on September 11, 1973.

The Board will appreciate every effort on the part of the parties to complete the taking of evidence in this proceeding no later than the close of business October 5, 1973.

It is so ordered.

Issued at Washington, D.C., this 15th day of August 1973.

ATOMIC SAFETY AND LICENSING BOARD,
JEROME GARFINKEL,
Chairman.

[FR Doc.73-17328 Filed 8-20-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25784]

CONTINENTAL AIR LINES, INC.

Order of Investigation

By tariff revision[1] marked to become effective August 15, 1973, Continental Air Lines, Inc. (Continental), proposes to expand by one hour the availability of adult standby fares from Kansas City to Los Angeles. Adult standby hours, which presently begin at 10:00 p.m. for Los Angeles-bound departures, would be advanced to 9:00 p.m. The fares reflect a 28-percent discount and would continue to be unavailable after 2:30 a.m.

In support of its proposal, Continental alleges that it has been unable to offer adult standby service in the market for over a year because depatures for Los Angeles from Kansas City were scheduled two hours before the fares became available, but that as of June 1, 1973, they now operate a scheduled departure at 9:00 p.m., only one hour earlier; that during the year it has received numerous requests from the public to reinstate the service; and that it expects the 9:00 p.m. departure will generate 10 to 15 passengers each day, five to 10 of which would be adult standby. In further justification, the carrier cites current adult standby hours from Chicago to Los Angeles, where the fares become available at 8:45 p.m., permitting as a result arrival of a TWA flight carrying adult standby passengers at Los Angeles one hour earlier than Continental's present 9:00 p.m. multistop flight from Kansas City.

Trans World Airlines, Inc. (TWA), has requested suspension and investigation of the proposal, alleging that Continental's reliance on its 8:45 p.m. departure from Chicago is unwarranted, since TWA extended adult standby availability to 8:45 p.m. in that market only as a competitive response to identical extensions instituted by United and Continental; that the proposed revision risks undue dilution of yield in view of the discount involved; and that it would be anomalous at best for the Board to permit an extension of adult standby fares in view of its recent action in Phase 5 of the *Domestic Passenger-Fare Investigation (DPFI)*[2] to phase out youth and family fares.

Continental has not answered the complaint.

Upon consideration of all relevant matters, the Board concludes that the complaint does not set forth sufficient facts to warrant suspension and the request therefor will be denied. However, we have concluded that all adult standby fares published by the domestic trunkline and local service carriers may be unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated.

While Continental has not presented evidence to show that a 9:00 p.m. departure in the Kansas City-Los Angeles market is off-peak, we are inclined to believe it is. The latest nonstop flight scheduled at present is a 5:50 p.m. TWA flight,[3] and the latest through flight is a 6:45 p.m. one-stop flight on Continental. It thus seems likely that load factors on the 9:00 p.m. departure will be relatively low and that the risk of yield dilution as a result of the instant proposal is not great. On this basis, we will

[1] Revision to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 142.

[2] Docket 21866-5.

[3] Except for a 12:05 a.m. TWA departure.

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permit the particular revision here proposed by Continental.

Nevertheless, TWA's allegation concerning the relationship of Continental's proposal to the Board's action in Phase 5 of the *DPFI* raises a basic issue. Restriction of adult standby fares to travelers over 22 years of age would appear to be *prima facie* unjustly discriminatory in light of the phase-out of youth fares ordered because of similar age-related application. We will, therefore, institute an investigation of all adult standby fares currently offered, to determine whether or not the age restriction is unlawful or inconsistent with our final decision *vis-a-vis* youth fares. Order 73–5–2 (May 1, 1973).

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Except to the extent granted herein, the complaint in Docket 25694 is dismissed;

3. The investigation ordered herein be assigned before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order be filed with the aforesaid tariff and served upon American Airlines, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., New York Airways, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

TARIFF C.A.B. No. 136 ISSUED BY AIRLINE TARIFF PUBLISHERS, INC., AGENT

On 59th Revised Page 172–A the KU class fare between Chicago and Los Angeles.

On 68th Revised Page 231 the KU class fares between Chicago, on the one hand, and Colorado Springs, Denver, Kansas City, and Los Angeles, on the other.

On 20th Revised Page 234–C the KU class fares between Denver, on the one hand, and Kansas City and Los Angeles, on the other.

On 53rd Revised Page 235 the KU class fares between El Paso, on the one hand, and Houston, Los Angeles and Midland, Tex., on the other.

On 47th Revised Page 239 the KU class fares between Houston, on the one hand, and Los Angeles, Midland, Tex., Phoenix, San Antonio, and Tucson, on the other.

On 47th Revised Page 240 the KU class fare between Kansas City and Los Angeles.

On 35th Revised Page 241 the KU class fares between Los Angeles, on the one hand, and Midland, Tex., Phoenix, San Antonio, and Tucson, on the other.

On 1st Revised Page 242–A the KU class fares between Midland, Tex., on the one hand, and Phoenix, San Antonio, and Tucson, on the other.

On 32nd Revised Page 244 the KU class fares between Phoenix, on the one hand, and San Antonio and Tucson, on the other.

On 21st Revised Page 245 the KU class fare between San Antonio and Tucson.

On 17th Revised Page 397 the U class fare between Albuquerque and Chicago.

On 17th Revised Page 398 the U class fare between Albuquerque and El Paso.

On 16th Revised Page 400 the U class fare between Amarillo and Denver.

On 17th Revised Page 403 the U class fare between Billings and Chicago.

On 15th Revised Page 411 the U class fares between Chicago, on the one hand, and Colorado Springs and Denver, on the other.

On 15th Revised Page 412 the U class fares between Chicago, on the one hand, and Grand Junction, Las Vegas, Phoenix, Pueblo, and Salt Lake City, on the other.

On 17th Revised Page 413 the U class fares between Chicago and Tucson.

On 20th Revised Page 419 the U class fares between Dallas/Ft. Worth, on the one hand, and St. Louis and Wichita, on the other.

On 20th Revised Page 420 the U class fares between Denver, on the one hand, and El Paso, Little Rock, and Memphis, on the other.

On 16th Revised Page 421 the U class fares between Denver, on the one hand, and Oklahoma City and Tulsa, on the other.

On 18th Revised Page 442 the U class fares between Kansas City, on the one hand, and Little Rock, Oklahoma City, Tulsa, and Wichita, on the other.

On 18th Revised Page 454 the U class fares between Oklahoma City and Wichita.

On 44th Revised Page 511 the KU class fares between Houston and Los Angeles/Long Beach.

On 18th Revised Page 529 the AU class fares between John F. Kennedy Int. APT., New York, on the one hand, and LaGuardia APT., New York, Morristown, and Newark APT., on the other.

Between LaGuardia APT., New York, on the one hand, and Morristown and Newark APT., on the other, and between Morristown and Newark APT.

On 46th Revised Page 778–A, the KU class fares between Chicago, on the one hand, and Denver, Kansas City, and Los Angeles, on the other.

On 47th Revised Page 782, the KU class fare between Kansas City and Los Angeles.

On 58th Revised Page 833, the KU class fare between Chicago and Denver.

On 58th Revised Page 834, the KU class fare between Chicago and Los Angeles.

On 28th Revised Page 842, the KU class fare between Denver and Los Angeles.

TARIFF C.A.B. No. 142 ISSUED BY AIRLINE TARIFF PUBLISHERS, INC., AGENT

On 26th Revised Pages 83 and 84, all provisions

[FR Doc.73-17389 Filed 8-20-73;8:45 am]

[Docket No. 25630]

SURINAAMSE LUCHTVRACHT ONDERNEMING N.V. (SURINAM AIR CARGO CORPORATION)

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on **September 18, 1973, at** 10:00 a.m. local **time, in Room 701, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Alexander N. Argerakis.**

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 11, 1973.

Dated at Washington, D.C., August 15, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-17388 Filed 8-20-73;8:45 am]

[Docket No. 25535]

TRANS WORLD AIRLINES, INC.

Order Authorizing Discussions

Trans World Airlines, Inc. (TWA), requests that the Board issue an order authorizing all carriers legally permitted to engage in air passenger transportation on a scheduled basis to engage in discussions looking toward the establishment of a new Commercial Credit Card Program. It is contemplated that the new program would replace the current Universal Air Travel Plan (UATP) agreement.[1]

To support its application, TWA states that UATP, also sometimes referred to as the Plan, a credit program which in many respects preceded adoption of the Civil Aeronautics Act of 1938, has become obsolete; that as UATP is constituted today, certain participating carriers do not equitably share in defraying the cost of the plan thereby placing the largest financial burden upon certain "contractor" [2] carriers; [3] and that efforts to modernize the plan through a modest expansion of benefits and a proposal which would put the distribution of the Plan's costs among the UATP members [4] on a more equitable footing have been defeated since any member, no matter what the level of its participation in the plan, may veto final passage of an amendment to the agreement.

TWA believes the time has come for discussion of the present obstacles to the continued efficient administration of the Plan with a view toward establishing a new Commercial Card Program in a manner which will assure that the relationships among the participating member carriers are based upon principles of fundamental fairness and equity. In sum, TWA states that the areas that require a change are basically three-fold: (1) the new plan must provide for an equitable sharing of costs, (2) the present unanimity voting procedures, which in point of fact permitted the inequities noted above to continue, must be supplanted, and (3) the new plan should be expanded to include travel-related services because this, among other things, will also offset the inequities in cost burden.

Answers supporting TWA's application have been filed by American Airlines, Inc. (American), United Air Lines, Inc. (United), the American Society of Travel Agents, Inc. (ASTA), and the National Passenger Traffic Association, Inc. (NPTA).[5]

In addition to expressing support of TWA's proposal, United requests that the permissible scope of any discussion authority granted by the Board be expanded somewhat beyond that defined by TWA, stating that an obvious corollary to a new commercial credit card program would be an industrywide personal credit card program to replace the numerous individual carrier programs now in effect. It believes that the carrier parties to the discussions will find it desirable simultaneously to consider such a program which would probably incorporate many of the same features as the contemplated commercial credit card program; *i.e.*, equitable sharing of costs and applicability to additional travel-related services. Thus, United urges the Board to authorize the carriers to discuss establishing an industry-wide personal credit card program at the same time they consider a new commercial credit card program pursuant to TWA's application. However, United states that its support of TWA's request for discussions is in no manner contingent upon the Board's authorizing the expansion of such discussions to cover a personal credit card system.

ASTA, in favoring the discussions, urges the Board to condition its approval of the discussions in the same manner it conditioned approval of the application of United to engage in capacity reduction discussion in Docket 22908.[6] It believes that imposition of these conditions will impose no hardship upon the participating carriers and will encourage participation by individuals and groups which may well result in a credit card plan which more clearly represents the interests of the carriers and the traveling public.

NPTA expresses no objection to granting TWA's request, but believes any authorization by the Board should require (a) prior notice of the carrier meeting, (b) the opportunity for NPTA representatives to attend, to raise appropriate questions on an orderly basis at the conclusion of the meeting as to the impact of the discussions, possible changes, and other matters related to the concepts there discussed, and (c) official written notification to NPTA by the carrier participants as to the results of the meeting, including any agreement or agreements reached as a result thereof. Also, like ASTA, NPTA requests that the additional protective conditions imposed in Order 73–4–98 be imposed herein.

Upon consideration of the foregoing, we have decided to grant TWA's request. On the basis of representations by TWA, there is some question whether UATP has not in fact become obsolete due in large part to the passage of time since its inception. Questions have been raised as a result of the members' inability to reach unanimity on modifications of the plan designed to achieve a more equitable sharing of costs by all participating carriers, and to expand the plan to include travel-related services.[7]

While the public benefits of a common personal credit card program have not been made entirely clear and we have little information on industry views favoring or opposing such a program, we have decided in the interest of possible industry economies to grant United's request that the discussions authorized herein also embrace the question of an industry-wide personal credit card system.

Turning now to the requests of ASTA and NPTA, we have decided to condition our approval of the discussions essentially along the lines of those conditions imposed in Order 73–4–98, except that we will not in this instance require that a full transcript be maintained of all meetings. In the context of the latter, we are unable to envision that the contemplated discussions will raise anti-competitive issues of the degree and importance of those envisioned in our approval of the discussions authorized by Order 73–4–98. It has been determined therefore to follow the Board's usual practice of requiring the carriers to keep complete and accurate minutes of all discussions and to file such with the Board.[8] Also, we have decided, along the lines requested by NPTA, to permit limited participation by interested persons in the proposed discussions in the manner and to the extent provided for herein.

Accordingly, it is ordered, That:

1. The request of Trans World Airlines, Inc., for an order authorizing all carriers legally permitted to engage in air passenger transportation on a scheduled basis to engage in discussions looking toward establishment of a new Commercial Credit Card Program be and it it hereby is granted;

2. The request of United Air Lines, Inc., that the permissible scope of the discussions be expanded to include the subject of an industrywide Personal Credit Card System be and it hereby is granted;

3. The foregoing authorizations shall be subject to the following conditions:

(a) discussions shall be held in Washington, D.C., the hour and date of such meetings to be determined by the carriers. A notice of such meetings shall be served upon the Civil Aeronautics Board at least three business days prior to such meetings;

(b) representatives of the Civil Aeronautics Board and any other Federal Government Agency, shall be permitted to attend and view the discussions as observers;

(c) any interested person may advise the applicant herein of his interest in these discussions and upon request all meeting notices and agendas shall be mailed to such interested third person with such notice to include an invitation to submit comments upon the agenda matters and to request appointments for personal appearance;

(d) the carriers shall keep complete and accurate minutes of such discussions and a true copy of such minutes and all documentation shall be filed with the Board's Docket Section not later than two weeks after close of each meeting;

(e) any agreement reached as a result of the discussions authorized herein shall be filed with the Board for approval under sec. 412 of the Act within fifteen days of consummation thereof, accompanied by an explanatory statement and a statement of justification; *provided*, that no agreement shall be implemented without having been previously approved by the Board; *provided further*, that upon filing with the Board such agreement shall be served upon the persons stated in subparagraph (c) *supra;*

(f) comments pertaining to any agreements filed pursuant to subparagraph (e) shall be filed within fifteen days from the date of the filing of such agreements with the Board;

(g) comments in reply to any previously filed document authorized to be filed in subparagraphs (e) and (f) shall be filed within ten days of the date of filing of such document;

(h) the relief granted herein shall expire 120 days from the date of this order and may be revoked or amended at any time in the discretion of the Board; and

(i) this authorization does not extend to discussions of rates, fares, charges, or inflight or other services pertaining to air transportation, other than as specifically authorized.

4. Copies of this order shall be served on the Departments of Justice and Transportation; all certificated scheduled air carriers; The American Society of Travel Agents, Inc.; and the National Passenger Traffic Association, Inc.; and

5. To the extent not granted herein all outstanding requests be and they hereby are dismissed.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-17390 Filed 8-20-73;8:45 am]

[1] Universal Air Travel Plan Case, 12 C.A.B. 601 (1951).

[2] A "contractor" carrier is defined as any party having a contract with any subscriber pursuant to the UATP.

[3] Thus when a card issuing carrier's card is accepted by a ticketing airline for purchase of air transportation the ticketor is reimbursed for the sale at face value. The card issuing carrier must then absorb the cost of billing and collecting the sale. Non-contractor carriers do not absorb any of these costs.

[4] At present, there are approximately 70 members of the Plan.

[5] NPTA's answer is accompanied by a motion for leave to file a late answer to TWA's application. We have decided pursuant to 14 CFR 302.17, to grant NPTA's motion.

[6] Order 73–4–98, April 24, 1973.

[7] We do not mean to intimate views concerning UATP's merits under 49 U.S.C. 1382 since that very question is soon up for decision in CAB Agreement 22333.

[8] Cf. Orders 73–7–7 and 73–6–79 dated July 3, 1973, and June 19, 1973, respectively.

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[Docket No. 25009]

WILMINGTON SERVICE INVESTIGATION

Notice of Hearing

Having the objections of Allegheny Airlines, Inc., and Eastern Air Lines, Inc., in mind, notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held before the undersigned Administrative Law Judge commencing on September 18, 1973, at 10 a.m., local time, in Room 1031N, North Universal Building, 1875 Connecticut Avenue NW, Washington, D.C. Hearing will resume on September 25, 1973, at 10 a.m., local time, in the Court of Chancery, Court Room No. 2, Public Building, 11th and King Streets, Wilmington, Delaware.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 16, 1973.

[SEAL] JOHN E. FAULK,
Administrative Law Judge.

[FR Doc.73-17387 Filed 8-20-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal from Warehouse for Consumption

AUGUST 17, 1973.

On October 3, 1972, there was published in the FEDERAL REGISTER (37 FR 20746), a letter dated September 28, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period beginning October 1, 1972. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 6 of the bilateral cotton textile agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of Korea, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of August 17, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Category 50 for the twelve-month period which began on October 1, 1972.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

AUGUST 17, 1973.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On September 28, 1972, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning October 1, 1972 of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph 6 of the bilateral cotton textile agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the level of restraint established in the aforesaid directive of September 28, 1972 for cotton textile products in Category 50 to 67,157 dozen for the twelve-month period beginning October 1, 1972.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-17817 Filed 8-20-73;8:45 am]

[1] The term "adjustment" refers to those provisions of the bilateral cotton textile agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

ENVIRONMENTAL PROTECTION AGENCY

EFFLUENT LIMITATIONS GUIDELINES

Public Review Procedures; Correction

There appeared in the FEDERAL REGISTER of August 6, 1973 (38 FR 21202-206), an advance notice of public review procedures concerning regulations to be promulgated under secs. 304(b), 306, and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; "the Act"). The purpose of the notice was to facilitate public comment and generally explain EPA's overall plans for development of regulations required to be promulgated under the Act.

This supplemental notice corrects certain technical or typographical errors which appeared in the August 6, 1973, notice as follows:

1. To insure understanding that the regulations referred to in the notice apply to both existing sources ("effluent limitations guidelines" under sec. 304(b)) and new sources ("standards of performance" under sec. 306) discharging pollutants into the waters of the United States, the title has been changed to more clearly reflect the applicability of the regulations to be promulgated.

2. The list of contractors' studies set forth on page 21203 of the notice inadvertently repeated the beet sugar and insulated fiberglass categories and omitted the asbestos manufacturing and rubber processing categories. The correct list of categories covered by the technical studies and for which EPA plans to propose regulations under secs. 304(b), 306, and 307 of the Act is as follows:

1. Pulp, Paper and Paperboard Mills.
2. Builders Paper and Board Mills.
3. Meat Product and Rendering Processing.
4. Dairy Product Processing.
5. Grain Mills.
6. Canned and Preserved Fruits and Vegetables Processing.
7. Canned and Preserved Seafood Processing.
8. Beet Sugar Processing.
9. Cane Sugar Processing.
10. Textile Mills.
11. Cement Manufacturing.
12. Feedlots.
13. Electroplating.
14. Organic Chemicals Manufacturing.
15. Inorganic Chemicals Manufacturing.
16. Plastics and Synthetic Materials Manufacturing.
17. Soap and Detergent Manufacturing.
18. Fertilizer Manufacturing.
19. Petroleum Refining.
20. Iron and Steel Manufacturing.
21. Nonferrous Metals Manufacturing.
22. Phosphate Manufacturing.
23. Steam Electric Powerplants.
24. Ferroalloy Manufacturing.
25. Leather Tanning and Finishing.
26. Glass Manufacturing.
27. Insulation Fiberglass Manufacturing.
28. Timber Products Processing.
29. Asbestos Manufacturing.
30. Rubber Processing.

3. The list of states which have been sent copies of contractors' draft technical reports inadvertently omitted the State of Illinois. The agency of that state and the correct address is as follows:

Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Dated August 15, 1973.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

[FR Doc.73-17421 Filed 8-20-73;8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of July 1, 1973, and July 15, 1973.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA order, setting forth the policies and procedures for EPA's review of agency actions, may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated August 2, 1973.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I. DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JULY 1, 1973 AND JULY 15, 1973

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture			
D-AFS-38001-NC	Wilson Creek Unit (Drainage), Pisgah National Forest, Avery and Caldwell Counties, North Carolina.	LO-1	E
D-AFS-60077-WA	Landownership Adjustment Plan, Gifford National Forest, Washington.	LO-1	K
D-AFS-61446-AK	Communication Sites on Tongass and Chugach National Forests, Alaska.	LO-1	K
D-AFS-65018-MT	Warland Planning Unit Multiple Use Plan, Montana	ER-2	I
D-AFS-65026-UT	Pinyon Juniper Chaining Program on National Forest-land, Utah.	LO-1	I
D-SCS-36280-SC	Beaverdam Creek Watershed Project, Oconee County, South Carolina.	LO-2	E
Corps of Engineers			
D-COE-07076-MA	Brayton Point Electric Generating Station, Massachusetts.	ER-2	B
D-COE-30061-FL	Virginia Key Beach Erosion Control Project, Florida	LO-1	E
D-COE-32425-MS	Dredging, Wolf and Jourdan Rivers, St. Louis Bay, Mississippi.	ER-2	E
D-COE-32426-MS	Pearl River (Navigation), Pearl River County, Louisiana and Mississippi.	ER-2	E
D-COE-34075-AR	Maintenance and Operation for Greers Ferry Lake, Arkansas.	LO-2	G
D-COE-36275-WV	Flood Protection, Limestone Run, Wilsonburg, West Virginia.	ER-2	D
D-COE-39020-GA	Savannah Harbor, Sediment Basin and Tidegate Structure, Georgia.	ER-2	E
D-COE-39022-PA	Delaware River Project, Delaware River, Pennsylvania to New Jersey.	3	D
D-COE-39029-PA	Pennypack Marine Terminal, Philadelphia, Pennsylvania.	3	D
	Department of Defense		
D-USN 10036-CT	Naval Submarine Base, New London, Connecticut	ER-2	B
	General Services Administration		
D GSA-81129-NC	Courthouse and Federal Building, Winston-Salem, North Carolina.	LO 2	E
	Department of Health, Education, and Welfare		
RD-FDA-99018-00	Rulemaking Order on Selenium in Animal Feeds	LO-2	A
	Department of the Interior		
D-IBR-39011-AZ	Granite Reef Aqueduct, Central Arizona Project, Arizona.	ER-2	J
	Department of Transportation		
D-CGD-81131-HI	Coast Guard Base, Honolulu Waterfront Redevelopment, Hawaii.	ER-2	J
LD-FRA-53021-00	Northeast Railroad Restructuring Act of 1973	LO-2	A
D-FAA-51269-MI	Detroit Metro Runway Addition, Michigan	3	F
D-FAA-51277-IN	Columbus Municipal Airport, Bartholomew County, Indiana.	LO-1	F
D-FAA-51278-MN	Redwood Falls Municipal Airport, Redwood County, Minnesota.	LO-1	F
D-FAA-51279-MO	Boonville Airport, Boonville, Missouri	LO-2	H
D-FAA-51284-NB	Creighton Municipal Airport, Creighton, Nebraska	LO-1	H
D-FHW-41827-SC	Queen-Mulberry Street Project, Greenville County, South Carolina	ER-2	E
D-FHW-41835-ND	Improvement of S. Hwy. 57, Ft. Totten NE., Benson, North Dakota.	LO-1	I
D-FHW-41836-IN	Relocation of S.R. 3 & 46, Decatur County, Indiana	LO-2	F
D-FHW-41837-MO	Route 61, Pike County, Missouri	LO-2	H
D-FHW-41862-OR	Revised, Oregon FH 55, Clackamas Highway, Oregon	LO-1	K
D-FHW-41863-WA	SR 395—Eltopia to Connell, Washington	LO-1	K
D-FHW-41864-PA	LR 1052, Sec. 3, Cross Valley Expressway, Luzerne County, Pennsylvania.	3	D
D-FHW-41891-TX	Loop 9, S.H. 78 near Rowlett Creek, South and West to I-35, Dallas County, Texas.	3	G
D-FHW-41830-TX	S.H. 146 from Red Bluff Road to Harris County to Dickinson Bayou in Galveston County, Texas.	ER 2	G
	Pacific Northwest River Basins Commission		
D-PNR 39038-WA	Main Report of the Columbia-North Pacific Region Framework, Washington.	LO-1	A

Errata.—The Following Draft Environmental Impact Statement Prepared by the Department of the Interior for Which Comments Were Issued Between May 1, 1973, and May 31, 1973 (See 38 FR 15865, Dated June 18, 1973), are Hereby Amended to Properly Reflect the Accurate Location and Source for Copies of Comments:

	Department of the Interior		
D-NPS-24050-MT	Proposed Many Glacier Sewerage System Plan, Montana	LO-1	I
D-NPS-24051-MT	Proposed Lake McDonald Sewerage System Plan, Montana.	LO-1	I
D-NPS-24052-MT	Proposed Sewerage Treatment Facilities for Risingsun, Montana.	LO-1	I

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APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of Objection.—EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations.—EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

EU—Environmentally Unsatisfactory.—EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate.—The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonable available to the project or action.

Category 2—Insufficient Information.—EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate.—EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III. FINAL ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JULY 1, 1973 AND JULY 15, 1973

Identifying No.	Title	General nature of comments	Source for copies of comments
	Federal Highway Administration		
F-FHW-41742-KY:	Louisa-Catlettsburg Road, Lawrence-Boyd County, Kentucky.	EPA generally agreed with the proposed project. However, EPA requested further clarification of air modeling techniques.	E

APPENDIX IV. REGULATIONS, LEGISLATION AND OTHER FEDERAL AGENCY ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN JULY 1, 1973 AND JULY 15, 1973

Agency	Title	General nature of comments	Source for copies of comments
Department of Agriculture			
R-AFS-40075-00	36 CFR Part 221—National Forest Timber.	The proposed rulemaking for compliance with land use plans and applicable environmental quality standards in the conduct of forest service timber sales contracts, permits and other national forest timber disposal actions. EPA generally agrees with the proposed revisions to these rules which will make land use plans and environmental quality standards meaningful requirements in the handling of national forest timber.	A
R-AFS-40017-00	36 CFR Part 221—Timber—cancellation of sales.	Based on the review of the proposed rulemaking, EPA finds nothing objectionable, as the proposed rule was viewed as a forward step in the endeavor to protect the environment. Three comments were offered to assist in clarifying the proposed rulemaking.	A
R-SCS-40029-00	Environmental Quality Program, 7 CFR, Part 636.	EPA's comments suggest that the regulations be modified to include more substantive program information. In addition, the comments suggested that consideration be given to including local and State owned land in the program and that further consideration be given to State program review functions.	A
R-SCS-40268-00	7 CFR, chapter VI, proposed water quality management guidelines.	EPA's comments suggested that the regulation be modified to indicate that the identifiable beneficiaries, who require water quality storage to meet water quality standards, shall pay for costs of construction of such storage. In addition, EPA recommended that water quality storage be provided only after the consideration of alternative to modifying streamflow to improve water quality.	A
	Corps of Engineers		
R-COE-32414-00	33 CFR, Part 209, permits for activities in navigable or ocean waters—proposed policy, practice and procedures.	EPA's review indicated that these regulations are generally thorough and environmentally protective. In particular, the incorporation of specific criteria to protect wetlands is a significant improvement. EPA's comments offer recommended changes to permit issuance, surveillance, reporting and enforcement procedures which strengthen both the corps and EPA roles in these activities.	A

APPENDIX V

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.
B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Massachusetts 02203.
C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, New York 10007.
D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Bldg., 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.
E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, Georgia 30309.
F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.
G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.
H. Director of Public Affairs, Region VI, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.
I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, Colorado 80203.
J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94102.
K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101.

[FR Doc.73-17238 Filed 8-20-73;8:45 am]

GLASSIC INDUSTRIES, INC. AUTOMOBILI' F. LAMBORGHINI S.P.A.

Suspension Request

In the June 4, 1973, FEDERAL REGISTER (38 FR 14708), notice was given of application by Checker Motors Corporation for a one year suspenson of the 1975 light duty vehicle exhaust emission standards. After public hearing, the Administrator on July 16, 1973, granted a one year suspension to Checker and twenty six other manufacturers who had subsequently filed applications. The decision on these applications and the interim standards that will apply to these manufacturers for 1975 model year vehicles were announced at 38 FR 20365 (July 31, 1973).

Subsequently, Glassic Industries, Inc., and Automobili' F. Lamborghini s.p.a. have applied for suspension of 1975 emission standards. Review of these applications indicates that each company has made all good faith efforts to meet the 1975 emission standards. Therefore, I intend to grant suspension of the standards with respect to those manufacturers September 20, 1973, unless by August 24, 1973, any interested person requests in writing a public hearing on the applications. Such written request must be filed with the Director, Mobile Source Enforcement Division, Environmental Protection Agency, Room 3220, 401 M Street SW., Washington, D.C. 20460, no later than August 24, 1973.

Any request for hearing should state the reasons why the announced intention of the Administrator should be considered further at a public hearing. Any person requesting such a hearing may be subpoenaed pursuant to sec. 307(a) of the Clean Air Act to give testimony at the hearing.

The Clean Air Act requires that Interim Standards be set if a suspension is granted. The Interim Standards to apply to 1975 model year light duty vehicles sold by the applicants to whom suspension is granted are set forth at 38 FR 17441.

Dated August 15, 1973.

JOHN QUARLES,
Acting Administrator.

[FR Doc.73-17422 Filed 8-20-73;8:45 am]

Office of Hazardous Materials Control

ELI LILLY AND COMPANY ET AL.

Receipt of Applications

Notice is hereby given of the receipt of applications for registration of pesticides containing DDT for various uses listed below, pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (86 Stat. 973), by the following firms:

Company name, city, and pest involved:

	Application No.
Eli Lilly and Company, Indianapolis, Indiana 46206—Human (Prescription Only), public lice, scabies, pediculosis.	1471-OI
Micro Chemical Company, Inc., Winnsboro, Louisiana 71295—Cotton—Cotton Pest Complex.	4841-AN
Custom Chemicides, Inc., Berkeley, California 94710—Mice and lice.	9319-RI
Bakersfield Ag-Chem, Bakersfield, California 93308—Seed alfalfa—lygus bugs. Citrus (Oranges, Lemons)—Fruit Tree Leafroller, Western Tussock Moth, Beet Army Worm, Orange Dog Caterpillar, Citrus Cut worm.	11369-R
Michigan Pest Control Operators Association, Troy, Michigan 48084—House mice, lice, fleas, bedbugs, batbugs.	28298-R
Michigan Pest Control Operators Association, Troy, Michigan 48084—Lice, fleas, bedbugs, batbugs.	28298-E
Michigan Pest Control Operators Association, Troy, Michigan 48084—Bats, lice, fleas, bedbugs, batbugs.	28298-G
North Carolina Forest Service, Raleigh, North Carolina 27611—Pine Trees—Pales Weevil.	29260-R

Notice is given in order that any Federal agency or other interested party may comment in writing with respect to this request, and solely as a matter of information. It should not be construed as indicating a decision by this Agency on the application. Please address comment to the Director, Registration Division, Office of Pesticides Programs, Environmental Protection Agency, Washington, D.C. 20460, and refer to "DDT-Cotton" or to the application number.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.73-17420 Filed 8-20-73;8:45 am]

TARIFF COMMISSION

[AA1921-121]

ALUMINUM INGOT FROM CANADA

Determination of No Injury or Likelihood Thereof

AUGUST 15, 1973.

On May 15, 1973, the Tariff Commission received advice from the Treasury Department that aluminum ingot from Canada is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of sec. 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-121 to determine whether an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation and of a public hearing to be held on June 26, 1973 in connection therewith was published in the FEDERAL REGISTER of May 29, 1973 (38 FR 14130, 14131). The hearing was subsequently rescheduled and held on July 17, 1973. Notice of the rescheduling was published in the FEDERAL REGISTER of June 7, 1973 (38 FR 14990).

In arriving at a determination in this case, the Commisison gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has unanimously determined [1] that an industry in the United States is not being or is not likely to be injured, or is not prevented from being established, by reason of the importation of aluminum ingot from Canada sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS

The Antidumping Act of 1921, as amended, requires that before an affirmative determination can be made by the Tariff Commission it must find injury or likelihood of injury to an industry in the United States by reason of the sale of imports at less than fair value (LTFV).[2]

Data developed during the course of this investigation show that the Canadian suppliers were not price aggressors in the U.S. market, making no apparent effort to undersell U.S. producers. As a

[1] Commissioners Leonard and Young did not participate in the decision.
[2] The prevention of establishment of an industry is not at issue in this case.

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result of the LFTV sales the Canadian exporters did not increase their share of the U.S. market. To the contrary their share of the nonintegrated fabricator market for aluminum ingot in the United States declined by 34 percent between 1968 and 1972.

In our opinion, the sharp decline in the price of aluminum ingot which occurred in 1971 and 1972 did not result from LTFV sales of Canadian ingot, but was largely attributable to an increase in U.S. productive capacity and the entry of new U.S. producers into the domestic market during a period when demand was leveling off.

Further evidence that the U.S. primary aluminum industry is not being injured by LTFV sales of Canadian ingot is the fact that this industry has operated virtually at full capacity since late 1972 with accompanying full employment, except where production was curtailed due to power shortages. It is evident that many U.S. aluminum fabricators would be unable to obtain an adequate supply of ingot were it not for the availability of Canadian imports and large sales of ingot from the U.S. Government stockpile.

Public notice of the Commission's investigation was given to all of the U.S. industry. The Commission notes that the complainant in this investigation and three other U.S. aluminum producers who collectively account for about 70 percent of total U.S. output of primary aluminum formally advised the Commission that imports of aluminum ingot from Canada are not injuring and are not likely to injure a U.S. industry. No other domestic producers appeared or claimed that an industry is being, or is likely to be, injured as a result of imports sold at LFTV.[1]

On the basis of all the evidence available to the Commission, we conclude that an industry in the United States is not being, and is not likely to be, injured by reason of sales of aluminum ingot from Canada at less than fair value.

By order of the Commission:

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-17395 Filed 8-20-73;8:45 am]

[1] The Commission further notes that a representative of the U.S. Department of Justice entered an apperance at the Commission's public hearing and presented testimony and briefs in support of a negative determination in this investigation.

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN BROADCAST STATIONS

Notification List

AUGUST 7, 1973.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941. Canadian List No. 312

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (ft)	Ground system: Number of radials	Ground system: Length (ft)	Proposed date of commencement of operation
CHNL	Kamloops, British Columbia, N. 50°38'50", W. 120°16'15" (increase in nighttime power).	10	610 kHz DA-N ND-D 181	U	III				
CJIB	Vernon, British Columbia, N. 50°19'26", W. 119°14'42" (now in operation).	10	940 kHz DA-N ND-D-183.5	U	II				
(New)	Musgravetown, Newfoundland, N. 48°24'10", W. 53°55'(0)".	10	980 kHz DA-N ND-D-182	U	III				E.O.I. 7-8-74.
CKGY	Red Deer, Alberta, N. 52°08'56", W. 113°51'30" (assignment of call letters).	10	1170 kHz DA-2	U	II				
CHVD	Dolbeau, Province of Quebec, N. 48°51'48", W. 72°15'06" (increase in daytime power).	10D, 0.25N	1230 kHz ND 190	U	IV	190	120	320	
CJAF	Cabano, Province of Quebec, N. 47°39'52", W. 68°51'14" (in operation).	1D, 0.25N	1240 kHz ND 181	U	IV	125	120	325	
CBOF	Ottawa, Ontario, N. 45°15'23", W. 75°39'38" (change in daytime radiation pattern).	10	1250 kHz DA-2	U	III				
CHPQ	Parksville, British Columbia, N. 49°17'45", W. 124°17'37" (assignment of call letters).	1	1370 kHz DA-1	U	III				
(New)	Renfrew, Ontario, N. 45°27'30", W. 76°41'20"	0.25	1400 kHz ND-180	U	IV	135	120	250	E.I.O. 7-8-74.

[SEAL]

WALLACE E. JOHNSON, *Chief, Broadcast Bureau, Federal Communications Commission.*

[FR Doc.73-17289 Filed 8-20-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 161]

GUARANTEE FINANCIAL CORPORATION OF CALIFORNIA

Notice of Receipt of Application for Permission To Acquire Control of Savings and Loan Institutions

AUGUST 15, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Guarantee Financial Corporation of California, Fresno, California, for approval of acquisition of control of the Fresno Guarantee Savings and Loan Association, Fresno, California and the Guarantee Savings and Loan Association of Visalia, Visalia, California, insured institutions under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a,(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisitions to be effected by an exchange of stock of Guarantee Financial Corporation of California for stock of the associations. Comments on the proposed acquisitions should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before September 20, 1973.

[SEAL] EUGENE M. HERRIN, *Assistant Secretary, Federal Home Loan Bank Board.*

[FR Doc.73-17334 Filed 8-20-73;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY

Notice of Revocation

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and sec. 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessels
01017---	Westfal-Larsen & Co. A/S: *Hallanger.*
01055---	Farrell Lines Incorporated: SS *African Star.*
01103---	Poseidon Schiffahrt G.M.B.H.: *Rheingold.*
01113---	A/S J. Ludwig Mowinckels Rederi: *Palma, Egda.*
01145---	Det Bergenske Dampskibsselskab: *Ursa.*
01211---	Selvaagbygg: *Anne Mildred Brovig.*
01212---	A/S Selvaagbygg: *Andrea Brovig.*
01277---	H & P Shipping I/S: *Inge Frank, Helle Frank.*
01330---	Shell Tankers (U.K.) Ltd.: *Helisoma.*
01368---	Anax Shipping Company, S.A.: *Atlas.*
01429---	Pacific Maritime Services Limited: *Stolt Abadesa.*
01517---	Salamis A/S: *Skaustrand.*
01533---	Henry Nielsen OY/AB: *Monsun.*
01565---	Victoriana Corporation of Panama: *Mautric.*
01576---	Henriksens Rederi A/S: *Brott.*
01818---	The Bowater Steamship Co. Ltd.: *Nicolas Bowater.*
01861---	BP Tanker Company, Ltd.: *British Reliance.*
01905---	Ben Line Steamers Limited: *Benmhor.*
01986---	A/B Transmarin: *Kerstin.*
02131---	Houlder Line Limited: *Stolt Grange.*
02156---	Lorentzens Skibs A/S: *Jane Stove, John Stove.*
02167---	Sartori & Berger: *Sandhorn.*
02194---	Compagnie Generale Transatlantique: *Cuzco, Martinique.*
02239---	Compagnia Marittima Carlo Cameli: *Niasca.*
02270---	Enso-Gutzeit Osakeyhtio: *Finnsailor.*
02286---	China Union Lines, Limited: *Union Companion.*
02361---	The Maurituis Steam Navigation Co., Ltd.: *Belle Rive.*
02393---	Prosperidad Compania Naviera S.A.: *Caltic Trader.*
02429---	G & C Towing Inc.: *Charles R. Stevenson.*
02459---	Dampskibsselskabet Orient Aktieselskab: *Tasmania.*
02479---	Greenville Towing Company Inc.: *Chem-1201, Chem-2003, GTC-3, GTC-4, GTC-5, GTC-8, GTC-9, GTC-10, GTC-11, GTC-1200, GTC-1950, GTC-2002, GTC-2501, GTC-2502, GTC-2503, GTC-2504, GTC-2505, GTC-2506, GTC-2900, Karen, Walter Williamson.*
02510---	Viamerito Compania Naviera S.A.: *Mike.*
02513---	William Baird Mining Limited: *Dalhanna.*
02628---	Schiffahrt-Und Assekuranz-Gesellschaft E. Russ & Co.: *Roland Russ.*
02642---	Fidelity Shipping Co., Ltd.: *Genie.*
02825---	Continental Lines S.A.: *Tecun Uman.*
02870---	Isthmian Lines, Inc.: *Steel Navigator, Steel Traveler.*
02888---	Stolt-Nielsons Rederi A/S: *Stolt Eagle.*
02958---	Kawasaki Kisen K.K.: *Kinokawa Maru.*
02977---	J. Ray McDermott & Co., Inc.: *TJ 512E, TJ 513E.*
03256---	Upper Mississippi Towing Corp.: *UM-90, HTC 101, HTC 102, HTC 103, HTC 104.*
03315---	Afran Transport Company: *Mona Pass.*
03413---	Baba-Daiko Shosen K.K.: *Singapore Maru.*
03420---	Dainichi Kaiun Kabushiki Kaisha: *Nippou Maru, Nikkyou Maru.*
03428---	Hachiuma Kisen K.K.: *Horai Maru.*
03462---	Mitsubishi Koseki Yuso K.K.: *Santa Isabel Maru.*
03467---	Nichiro Gyogyo K.K.: *Kuroshio Maru No. 28, Kaiko Maru No. 1, Meisei Maru No. 2.*
03501---	Osaka Shosen Mitsui Senpaku K.K.: *Yakumosan Maru, Kimi Maru, Havana Maru.*
03505---	Showa Yusen Kabushiki Kaisha: *Mikawa Maru, Misaki Maru.*
03611---	Villain & Fassio E Compagnia Internazionale Di Genova Societa Riunite Di Navigazione S.P.A. *Ginevra Fassio.*
03635---	Hines, Incorporated: *Hines 264.*
03887---	Vest Transportation Co., Inc.: *IBS 30.*
03980---	Moran Towing & Transportation Co., Inc.: *Seaboard 30.*
04050---	A/S Uglands Rederi: *Favorita.*
04093---	Renaissance Shipping Corporation: *Renaissance.*
04214---	Winco Tankers, Inc.: *Abiqua.*
04277---	C. W. Blakeslee & Sons, Inc.: *Major, William P.*
04335--4	Viadoro Compania Naviera, S.A.: *Antiparos, Thera.*
04428---	Franco Compania Naviera, S.A.: *Anette.*
04454---	Satsumaru Kaiun K.K.: *Satsu Maru No. 17.*
04462---	Empresa Nacional "Elcano" De La Marina Mercante S.A.: *Ukola.*
04565---	Consolidated Navigation Corp.: *Consonance, Constor.*
04601---	American Tunaboat Association: *Vivian Ann.*
04803---	Brent Towing Co.: *Wasson 2, Barbara Brent.*
05001---	Wenduyne Shipping Co., Ltd.: *Wenduyne.*
05030---	Wallem & Co. A/S: *Nego Anne.*
05111---	Porto Alegre Compania Naviera S.A.: *Panaghia.*
05148---	Samyang Navigation Co., Ltd.: *Sea Star.*
05522---	Burmah Oil Trading Limited: *Burmah Beryl.*
05531---	Hydraulic Dredging Co., Ltd.: *Papoose, Duwamish.*
05560---	Gann Enterprises, Inc.: *Anna Maria.*
05577---	Far Eastern Shipping Company: *Admiles.*
05605---	Faircape Steamship Corporation: *Stamatios.*
05658---	Naviera Guanche, S.A.: *Guayadeque.*
05780---	Ardas Compania Naviera S.A.: *Ardas.*
05854---	Levin Metals Corporation: *Tinian.*
05877---	Transport Desgagnes, Inc.: *Fort Severn, Mont St Martin.*
05892---	Luedtke Engineering Company: *Duluth.*
06234---	Kokusai Gyogyo Kabushiki Kaisha: *Anyo Maru.*
06312---	Aldebaran Compania Maritima S.A.: *Darrah.*
06421---	Beacons Navigation S.A.: *Beacons.*
06563---	Ragnar Johansen & Co. A/S: *Alderjo.*
06574---	"Brinknes" Schiffahrtsges. Franz Lange Gmbh & Co. K G: *Brinknes.*
06941---	Excelsior Marine Corporation: *Noma.*
06947---	D. M. Picton & Co., Inc.: *El Morro.*
06997---	Kyodo Kisen K.K.: *Horai Maru.*
07019---	Allied Shipping International Corporation: *Trechon, Tigris.*
07142---	Kyselyn Corporation: *Elgy.*
07499---	Naviera Granbahama, S.A.: *Lucaya.*
67502---	Viadoro Armadora S.A.; *Spartan.*

By the Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-17383 Filed 8-20-73;8:45 am]

PORT OF SAN FRANCISCO AND CALIFORNIA STEVEDORE AND BALLAST CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to sec. 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by September 10, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Miss Miriam E. Wolff, Port Director, Port of San Francisco, Ferry Building, San Francisco, California 94111.

Agreement No. T-2813, between the Port of San Francisco (Port) and the California Stevedore and Ballast Company (CS&B), provides for the 10-year

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operation by CS&B of a wharfinger facility and marine terminal at the Port of San Francisco, California. As compensation, Port is to receive a minimum of $34,000 per month of port tariff charges, said charges to include crane rental but exclude utilities or rent for other properties occupied under the agreement. CS&B shall have the nonexclusive and preferential right to use of crane number 2. CS&B will be relieved of the rent due on unused portions of Pier 31, as provided for in a previous non-cancellable lease dated March 13, 1972. Should a possessory interest tax be assessed against CS&B, tariff charges in excess of the guaranteed minimum may be retained by CS&B until the tax payment is fully credited, with all tariff charges thereafter accruing to be paid to the Port. By order of the Federal Maritime Commission.

Dated: August 15, 1973.

FRANCIS C. HURNEY
Secretary.

[FR Doc.73-17385 Filed 8-20-73;8:45 am]

[Independent Ocean Freight Forwarder License No. 1196]

TRI-CITY FORWARDING CO.

Order of Revocation

On August 8, 1973, the Federal Maritime Commission received notification that Walter L. Geis d/b/a Tri-City Forwarding Co., P.O. Box 3525, Beaumont, Texas 77704, wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 1196 for revocation, effective September 1, 1973.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.04(f) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 1196 be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Walter L. Geis d/b/a Tri-City Forwarding Co. be and is hereby revoked effective September 1, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Walter L. Geis d b/a Tri-City Forwarding Co.

AARON W. REESE,
Managing Director.

[FR Doc.73-17382 Filed 8-20-73;8:45 am]

TROPICAL STEAMSHIP CRUISES, INC., AND ARES SHIPPING CORP.

Order of Revocation of Certificates

Whereas, Tropical Steamship Cruises, Incorporated and Ares Shipping Corporation, % EASTERN STEAMSHIP LINES, INC., PIER 2, P.O. BOX 882 MIAMI, FLORIDA 33101, have ceased to operate the passenger vessel *Ariadne;* and

Whereas, Tropical Steamship Cruises, Incorporated, and Ares Shipping Corporation have returned Certificate (Performance) No. P-21 and Certificate (Casualty) No. C-1,048 for revocation.

It is ordered, That Certificate (Performance) No. P-21 and Certificate (Casualty) No. C-1,048 covering the Ariadne be, and are hereby revoked effective August 7, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on the Certificants.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-17384 Filed 8-20-73;8:45 am]

FEDERAL POWER COMMISSION

[Doc. Nos. E-7400, etc.]

BOSTON EDISON CO.

Notice of Extension of Time

AUGUST 14, 1973.

In the matter of Municipal Light Boards of Reading and Wakefield, Massachusetts, Complainants, v. Boston Edison Company, Respondent, (Docket No. E-7400), Norwood Municipal Light Department Norwood, Massachusetts, Complainant, v. Boston Edison Company, Respondent (Docket No. E-7517), and Boston Edison Company (Docket Nos. E-7485 and E-7533).

On July 25, 1973, Boston Edison Company filed a motion for an extension of time to file briefs on exceptions to the decison issued July 19, 1973, in the above-designated matter. On August 8, 1973, The Towns of Concord, Norwood and Wellesley, Massachusetts, filed a response opposing the request.

Upon consideration, notice is hereby given that the time is extended to and including September 19, 1973, within which all participants may file briefs on exceptions. Briefs opposing exceptions may be filed on or before October 9, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17397 Filed 8-20-73;8:45 am]

[Project No. 2732]

CAROLINA POWER & LIGHT CO.

Notice of Application

AUGUST 14, 1973.

Public notice is hereby given that an application for a preliminary permit was filed on June 19, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by the Carolina Power & Light Company (Correspondence to: J. A. Jones, Executive Vice President, Carolina Power & Light Company, 336 Fayetteville Street, Raleigh, North Carolina 27602), for proposed Project No. 2732, to be known as the Jackson County Pumped Storage Project. The proposed project would be located in the region of the towns of Cullowhee and Sylva in Jackson County and near the town of Waynesville in Haywood County, North Carolina. The proposed project would be located on the Caney Fork, a tributary of the Tuckasegee River, and Frady Creek, a branch of Chastine Creek which is a tributary of Caney Fork.

According to the application, the proposed Jackson County Pumped Storage Project would consist of: (1) an upper reservoir having a maximum pool elevation of 4,000 feet (m.s.l.) formed by a rockfill dam on Frady Creek with an approximate height of 420 feet and a crest length of 2,100 feet; (2) a lower reservoir having a maximum pool elevation of 2,640 feet (m.s.l.) formed by a rockfill dam located on the Caney Fork of the Tuckasegee River with an approximate height of 255 feet and a crest length of 1,600 feet; (3) connecting pressure tunnels and penstocks; and (4) a powerhouse (possibly underground) housing an ultimate installation of four reversible pump-turbine motor-generating units, each rated at 250 megawatts, designed to operate under a head range from 1,275 feet to 1,398 feet. The power developed by the project would be used to supplement future load requirements. No construction is authorized under a preliminary permit; its function is to allow the applicant to conduct detailed studies to determine the feasibility of the proposed project.

Any person desiring to be heard or to make protest with reference to said application should on or before October 23, 1973, file with the Federal Power Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be heard but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17399 Filed 8-20-73;8:45 am]

[Project No. 2503]

DUKE POWER CO.

Notice of Application

AUGUST 14, 1973.

Public notice is hereby given that application was filed June 20, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by the Duke Power Company (Correspondence to: Mr. C. J. Blades, Vice President-Real Estate, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28201) for

change in land rights for partially constructed Project No. 2503, known as the Keowee-Toxaway Project, located on the Keowee, Little, Whitewater, Toxaway, Thompson, and Horsepasture Rivers, all tributaries to the Savannah River which is a navigable waterway of the United States in Oconee and Pickens Counties, South Carolina, and Transylvania County, North Carolina.

Licensee seeks Commission approval of an easement conveying a right-of-way to Rochester Real Estate Company, Inc., and Rochester Real Estate of Seneca, Inc., for the purpose of constructing a sewer line across a small arm of Keowee Reservoir located in Oconee County, South Carolina.

Rochester is constructing a new residential subdivision north of Seneca, South Carolina, and desires to provide sewage service to the development. Rochester proposes to construct a sewer line across a small arm of Lake Keowee in order to connect said line to the municipal sewage system of the Town of Seneca.

Any person desiring to be heard or to make protest with reference to said application should on or before September 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17235 Filed 8-20-73;8:45 am]

[Docket No. RI74-23]

FOSTER T. CORP.

Order Regarding Rate Change and Providing for Hearing

AUGUST 9, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI74-23	Foster T. Corporation	1	[1] 11	El Paso Natural Gas Company (certain leases in San Juan and Rio Arriba Counties, New Mexico, San Juan Basin, Rocky Mountain area).	----------	7-16-73	8-16-73	Accepted [6]			
		1	12		(5)	7-16-73	8-16-73	Accepted [6]	11.0	[3] [4] 22.0	
					(5)	7-16-73	8-16-73	(7)	11.0	[3] [4] 28.0	

*Unless otherwise stated, the pressure base is 15.025 psia.
[1] Contract agreement dated May 15, 1973.
[2] For gas delivered from wells completed prior to June 1, 1970.
[3] For gas delivered from wells completed on or subsequent to June 1, 1970.
[4] Subject to Btu adjustment.
[5] Not stated.
[6] Accepted effective as of the date shown in the "Effective Date Unless Suspended" column.
[7] Accepted effective as of the date shown in the "Effective date unless suspended" column insofar as the proposed rate does not exceed the ceiling prescribed in Order No. 435, and suspended until 1-16-74 insofar as the proposed rate exceeds the ceiling in Order No. 435.

The primary term of Foster's contract has expired and an amendatory agreement has been filed providing for higher rates and extending the term of the original contract. Consequently, the vintaging policy set forth in Opinion No. 639 and the ceiling in Order No. 435 are applicable.

We shall therefore accept Foster's rate increases to the extent they do not exceed the ceiling prescribed in Order No. 435 and suspend for five months that portion of its proposed 28.0¢ rate which exceeds the ceiling in Order No. 435.

Nothing contained in this order shall relieve the respondents of any responsibility imposed by the Economic Stabilization Act of 1970, (Pub. L. 91-379, 84 Stat. 799, as amended by Pub. L. 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73-17235 Filed 8-20-73;8:45 am]

[Docket No. RI74-16]

GULF OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

AUGUST 9, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is

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suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI74-16...	Gulf Oil Corporation	395	3	Natural Gas Pipeline Company of America (Lockridge Fld, Ward Co, Texas, Permian Basin).	$6,221	7-16-73		9-19-73	[1] 18.1453	[1] 19.1822	RI69-600

* Unless otherwise stated, the pressure base is 11.65 psia.

[1] Includes quality adjustment.

The proposed rate increase exceeds the applicable area ceiling rate, but does not exceed the rate limit for a one day suspension, and is suspended for one day from the contractual due date which is beyond the expiration of the 60 day notice period.

Gulf's proposed increased rate and charge exceeds the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

Nothing contained in this order shall relieve the respondent of any responsibility imposed by the Economic Stabilization Act of 1970, (Pub. L. 91–379, 84 Stat. 799, as amended by Pub. L. 92–15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73–17234 Filed 8–20–73;8:45 am]

[Docket No. E–8336]

IOWA POWER AND LIGHT CO.

Notice of Application

AUGUST 14, 1973.

Take notice that on July 30, 1973, Iowa Power and Light Company (Applicant) of Des Moines, Iowa, filed an application seeking authority pursuant to sec. 204 of the Federal Power Act to issue on or before December 31, 1974, amounts not exceeding in the aggregate at any one time the sum of $50,000,000, of which an amount not exceeding $25,000,000 in the aggregate at any one time may be in the form of commercial paper, with final maturities not more than one year after date of issuance.

Applicant is incorporated under the laws of the State of Iowa with its principal business office at Des Moines, Iowa, and is engaged in the electric and gas utility businesses within the State of Iowa.

The notes are to be issued from time to time to banking institutions or sold through a commercial paper dealer.

Notes to banking institutions will be issued in accordance with various informal lines of credit agreements. The notes are to have maturities of not more than one year from their dates and are to bear interest at the prime rate in effect at the time of issuance.

Commercial paper will be issued as unsecured promissory notes through an established commercial paper dealer. Commercial paper notes are to have maturities of not more than nine months from their dates and the interest rate will be dependent upon the terms of the notes and money market conditions at the time of issuance.

The proceeds from the issuance of notes will be used as interim financing of the Applicant's construction program.

Any person desiring to be heard or to make any protest with reference to the application should on or before August 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–17400 Filed 8–20–73;8:45 am]

[Project No. 2709–West Virginia]

MONONGAHELA POWER COMPANY ET AL.

Availability of Staff Draft Environmental Impact Statement

AUGUST 17, 1973.

Notice is hereby given in the captioned project, that on August 15, 1973, as required by § 2.81(b) of Commission Order No. 415–C, a draft environmental statement prepared by the Staff of the Federal Power Commission was made available for comments. This statement deals with the environmental impact of an application for license filed pursuant to the Federal Power Act by Monongahela Power Company *et al.*, for the proposed Davis Pumped Storage Project No. 2709 to be located on the Blackwater River and Red Creek in Tucker and Grant Counties, West Virginia.

This statement has been circulated for comments to Federal, State, and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426, and at its New York Regional Office. Copies may be ordered from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

The project would consist of a 600-acre upper reservoir on Cabin Mountain (full pond elevation 4,042 feet m.s.l.), a 7,000-acre lower reservoir (full pond elevation 3,182 feet m.s.l.) located in Canaan Valley, a tunnel and above ground penstocks, and a surface powerhouse which would contain 4–250 mw pump-turbine generating units. Also associated with the project would be 2–500 kv transmission lines about 12 miles long. Proposed recreation facilities include fisherman access areas, a camping area, a marina, an information center and an interpretive center overlooking the lower reservoir. All recreation facilities within Canaan Valley would be day-use types.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before September 29, 1973.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedure. Petitioners must also file timely comments on the draft statement in accordance with § 2.81 (c) of Order No. 415–C.

All petitions to intervene must be filed on or before September 29, 1973.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–17424 Filed 8–20–73;8:45 am]

[Docket No. E–7777]

PACIFIC GAS AND ELECTRIC CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

AUGUST 14, 1973.

On August 7, 1973, Staff Counsel filed a motion for the postponement of the prehearing conference and an adjustment of the other procedural dates accordingly as fixed by notice issued July 11, 1973, in the above designated matter. The motion states that the parties have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Prehearing Conference, August 28, 1973 (10:00 a.m., EDT).
Intervener Service Date, September 4, 1973.
Company Rebuttal Date, September 18, 1973.
Hearing, September 25, 1973 (10:00 a.m., EDT).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–17401 Filed 8–20–73;8:45 am]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Application To Engage in the Underwriting of Credit Life and Credit Accident and Health Insurance

Commerce Bancshares, Inc., Kansas City, Missouri, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of a company to be organized to engage in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance. Notice of the application was published in the following newspapers on the dates listed below:

Date	Newspaper	City and State
May 12, 1973	The Kansas City Star.	Kansas City, Missouri.
May 23, 1973	St. Louis Globe-Democrat.	St. Louis, Missouri.
May 29, 1973	Arizona Weekly Gazette.	Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the activities of underwriting, as reinsurer, credit life and credit accident and health insurance in connection with extensions of credit by its subsidiary banks. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 9, 1973.

Board of Governors of the Federal Reserve System, August 13, 1973.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73–17340 Filed 8–20–73;8:45 am]

WEST DAKOTA CORP.

Formation of Bank Holding Company

West Dakota Corporation, Lead, South Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 84.8 percent or more of the voting shares of Miners & Merchants Bank, Lead, South Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than August 28, 1973.

Board of Governors of the Federal Reserve System, August 12, 1973.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73–17341 Filed 8–20–73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

PEABODY COAL CO.

Application for Renewal Permit; Opportunity for Public Hearing

Correction

In FR Doc. 73–16878 appearing at page 22077 in the issue of Wednesday, August 15, 1973, in the data pertaining to the application following the first paragraph, make the following changes: In the third line, the USBM ID No., now reading "1100535 0", should read "1100585 0". In the 6th line, the number in parentheses, now reading "(1E–1S–5–1/2W–MC)", should read "(1E–1S–5–1/2W–MN)".

SECURITIES AND EXCHANGE COMMISSION

[File 500–1]

CIC INDUSTRIES, INC.

Order Suspending Trading

AUGUST 14, 1973.

The 11 percent Debentures due June 1975 of C I C Industries, Inc., being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of C I C Industries, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 a.m. (EDT) August 14, 1973 through August 23, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–17355 Filed 8–20–73;8:45 am]

[File 500–1]

EQUITY FUNDING CORPORATION OF AMERICA

Order Suspending Trading

AUGUST 15, 1973.

The commonstock, $.30 par value, of Equity Funding Corporation of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the $.30 par value common stock being traded on the American Stock Exchange and the Philadephia - Baltimore - Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent concertible subordinated debtentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

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It is ordered, Pursuant to section 19 (a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 15, 1973 through August 24, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-17357 Filed 8-20-73;8:45 am]

[File No. 500-1]

TRIONICS ENGINEERING CORPORATION

Order Suspending Trading

AUGUST 15, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Trionics Engineering Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 15, 1973 through August 24, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-17358 Filed 8-20-73;8:45 am]

PSA, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 14, 1973.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

PSA, INC---------- File No. 7-4419

Upon receipt of a request, on or before August 29, 1973 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-17359 Filed 8-20-73;8:45 am]

[811-896]

ICM FINANCIAL FUND, INC.

Notice of Proposal To Terminate Registration Pursuant to Section 8(f) of the Act

AUGUST 14, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8 (f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that ICM Financial Fund, Inc., c/o Norbert J. Magrath, 185 Cross Street, Fort Lee, New Jersey 07024 (Fund), registered under the Act as an open-end diversified management investment company, has ceased to be an investment company as defined in the Act.

Fund was organized as a Maryland corporation on July 20, 1959, and registered under the Act by filing a Form N-8A notification of registration on July 30, 1959, and a Form N-8B-1 Registration Statement on September 21, 1959.

At a special meeting held on December 14, 1971, shareholders approved the transfer of business and assets of Fund to Pilgrim Fund, Inc. (Pilgrim), a registered investment company, in exchange for shares of capital stock of Pilgrim. The Pilgrim shares were distributed to Fund shareholders on December 15, 1971, and Fund ceased to act as an investment company as of the close of business on December 21, 1971.

Section 8(f) of the Act, provides, in pertinent part, that when the Commission, on its own motion or upon application, finds a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 7, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-17360 Filed 8-20-73;8:45 am]

[811-1322]

ICM EQUITY FUND, INC.

Notice of Proposal to Terminate Registration Pursuant to Section 8(f) of the Act

AUGUST 14, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that ICM Equity Fund, Inc., c/o Nobert J. Magrath, 185 Cross Street, Fort Lee, New Jersey 07024 (Fund), registered under the Act as an open-end,

diversified management investment company, has ceased to be an investment company.

Fund was organized as a Delaware corporation on May 3, 1965, and registered under the Act by filing a notification of registration on Form N-8A and a Registration Statement on Form N-8B-1 with the Commission on June 28, 1965.

At a special meeting held on December 14, 1971, shareholders approved the transfer of the business and assets of Fund to MagnaCap Fund, Inc. (MagnaCap), a registered investment company, in exchange for shares of capital stock of MagnaCap. The MagnaCap shares were distributed to Fund shareholders on December 15, 1971, and Fund ceased to act as an investment company as of the close of business on December 21, 1971.

Section 8(f) of the Act, provides, in pertinent part, that when the Commission, on its own motion or upon application, finds a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 7, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-17361 Filed 8-20-73;8:45 am]

[811-976]

OXFORD TRUST FUND

Notice of Proposal To Terminate Registration

AUGUST 14, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Oxford Trust Fund (formerly Bankers Mutual Trust Fund), Room 432, Candler Building, Atlanta, Georgia, (Oxford), a trust formed under the laws of the State of Georgia and registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

Oxford was initially organized in Georgia in August, 1960, under the name of Bankers Mutual Trust Fund (Bankers). Bankers filed a Form N-8A Notification of Registration with the Commission on August 31, 1960. On August 30, 1961 Bankers was reorganized in Georgia and changed its name to Oxford, and on September 8, 1961, Oxford filed a Form N-8B-1 Registration Statement with the Commission.

Oxford has never conducted any business operations other than initial organizational activities; it presently has no assets; its registration statement under the Securities Act of 1933 was withdrawn on June 14, 1972; and it has abandoned any intention of making a public offering of its shares.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 7, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Oxford at the address stated above. Proof of service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-17362 Filed 8-20-73;8:45 am]

[811-2056]

ROYDEN FUND, INC.

Notice of Proposal To Terminate Registration

AUGUST 14, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Royden Fund, Inc., (formerly Equitable Growth Fund, Inc.), 7000 East Camelback Road Suite 201, Scottsdale, Arizona 85251, (Royden), a corporation organized under the laws of the State of Maryland and registered under the Act as an open-end diversified management investment company, has ceased to be an investment company.

Royden was initially organized in Maryland on April 1, 1970, under the name of Equitable Growth Fund, Inc. (Equitable). Equitable registered under the Act on April 6, 1970 by filing a Form N-8A Notification of Registration. On May 6, 1970, Equitable filed a Form N-8B-1 Registration Statement under the Act and a Form S-5 Registration Statement under the Securities Act of 1933 ("1933 Act") on May 20, 1970.

On August 20, 1970 Equitable changed its name to Royden, and on that date Royden filed a Form N-8B-1 Registration Statement under the Act and a Pre-effective amendment to the 1933 Act registration statement.

Royden has never conducted any business operations other than initial organizational activities; its registration statement under the 1933 Act was abandoned on September 13, 1972; and it has abandoned any intention of making a public offering of its shares.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 7, 1973, at 5:30 p.m., submit to the Commission in writing a request for

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a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-17363 Filed 8-20-73;8:45 am]

COST OF LIVING COUNCIL

HEALTH INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (P.L. 92-463, 86 Stat. 770), notice is hereby given that the Health Industry Advisory Committee, created by section 6(b) of Executive Order 11695, will meet on August 23, 1973 in Room 204A, Dirkson Building, 219 S. Dearborn, Chicago, Illinois.

The morning portion of the meeting, which will be held from 10 a.m. to 12:30 p.m., will be open to the public. The Chairman and the Staff will present to the Committee alternative control mechanism for hosptitals and practitioners for consideration by the Committee.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Only members of the Committee, and its staff, may question the witnesses. Due to space limitations, it is possible that there will not be enough seating. For that reason, persons will be admitted on a first-come-first-served basis.

While no unscheduled oral presentations will be entertained, anyone may submit a written statement by mailing it to Robert Saner, 2000 M Street NW., Washington, D.C. 20508.

Any statement received three or more days prior to the meeting will be provided to the Committee before the meeting. Any statement over three pages in length should be submitted with twenty copies.

The afternoon portion of the meeting, to run from 12:30 p.m. to 4:30 p.m., will be closed to the public. Since the afternoon meeting will be discussing the substance of Phase IV and other possible governmental actions therewith, I have determined that the meeting will fall within Exemption 5 of 5 U.S.C. 552(b) and it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on August 17, 1973.

HENRY H. PERRITT, JR., *Executive Secretary, Cost of Living Council.*

[FR Doc.73-17867 Filed 8-20-73;11:57 am]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 324]

ASSIGNMENT OF HEARINGS

AUGUST 16, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 77972 Sub 19, Merchants Truck Line, Inc., now assigned September 10, 1973, at Memphis, Tenn., is postponed indefinitely.

I. & S. No. 8851, TOFC, Freight All Kinds, Plan IV, Trans-Continental Territory, now being assigned hearing September 25, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35825, Board of Trade of the City of Chicago-V-The Akron, Canton & Youngstown Railroad Company Et Al., now assigned September 17, 1973, at Chicago, Ill., is postponed to October 23, 1973, at Chicago, Ill., in a hearing room to be later designated.

MC 127669 Sub 5, Cherry Hill Transit, now assigned September 24, 1973, at Trenton, N.J., is postponed to October 29, 1973 (1 week), in Room 407, New Jersey Public Utility Commission, 28 West State Street, Trenton, New Jersey.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc 73-17393 Filed 8-20-73;8:45 am]

[Notice No. 337]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Secs. 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR, Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 10, 1973. Pursuant to sec. 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74309. By order of August 14, 1973, the Motor Carrier Board approved the transfer to BCD Trucking, Inc., Forestville, N.Y., of the operating rights in Permits No. MC-123672, MC-123672 (Sub-No. 1), and MC-123672 (Sub-No. 5) issued December 27, 1961, January 20, 1964, and April 17, 1967, respectively to J. Kenneth Brotz, Silver Creek, N.Y., authorizing the transportation of bakery products from, to and between specified points and areas in Massachusetts, Michigan, New Jersey, New York, and Ohio. Robert G. Gawley, 126 East Fourth St., Dunkirk, N.Y., attorney for applicants.

No. MC-FC-74540. By order of August 15, 1973, the Motor Carrier Board approved the transfer to J. H. Beers, Inc., P.O. Box 266, Male St., Wind Gap, Pa., of Certificate No. MC-47890 (Sub-No. 1) issued to Joseph H. Beers, Bangor, Pa., authorizing the transportation of: Slate and slate products, from Bangor, Pa., and 10 miles thereof to points in New Jersey, New York, Delaware, Connecticut, Maryland, Massachusetts, Virginia, West Virginia, and Dist. of Columbia.

No. MC-FC-74632. By order of August 15, 1973, the Motor Carrier Board approved the transfer to Don's Towing and Automotive Service, Inc., doing business as Bishop Towing Service, St. Paul, Minn., of the operating rights in Certificate No. MC-109741 issued December 8, 1969, to Consolidated Towing Service, Inc., doing business as Bishop Towing Service, St. Paul, Minn., authorizing the transportation of various commodities between points in Illinois, Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. F. H. Kroeger, 2288 University Ave., St. Paul, Minn., 55114, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17394 Filed 8-20-73;8:45 am]

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PART II



ENVIRONMENTAL PROTECTION AGENCY

■

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

User Charges and Industrial Cost Recovery

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—GRANTS

PART 35—STATE AND LOCAL ASSISTANCE

Subpart E—Grants for Construction of Treatment Works, Federal Water Pollution Control Act Amendments of 1972

USER CHARGES AND INDUSTRIAL COST RECOVERY

Notice is hereby given that the Environmental Protection Agency is amending Part 35 of Title 40 to include regulations for user charge systems and industrial cost recovery, pursuant to section 204(b) of the Federal Water Pollution Control Act Amendments of 1972.

The regulations require that a system of user charges be adopted by all applicants for treatment works construction grants. User charges are payments to a grantee by recipients of waste treatment services to offset the cost of operation and maintenance of treatment works provided by the applicant. User charge systems are intended to enable the grantee to be financially self-sufficient with respect to operation and maintenance of treatment works.

The regulations also require that all grantees recover from industrial users that portion of the grant amount allocable to the treatment of wastes from such users. An industrial user's share is to be based on all factors which significantly influence the cost of the treatment works, including strength, volume, and flow characteristics.

The Act provides that a grantee may retain an amount of the revenues recovered from industry equal to (1) the amount of the non-Federal cost of the project paid by the grantee, plus (2) the amount necessary for future reconstruction and expansion of the project. The total amount retained, however, cannot exceed 50 percent of the amount recovered.

In the development of the regulations, it was determined that the 50 percent limitation would be applicable except at an amount for reconstruction and expansion which would not be sufficient to expand and reconstruct the treatment works. Therefore, in the interest of minimizing paper work pursuant to section 101(f) of the Act, the regulations permit a grantee to retain 50 percent of the amounts recovered in all cases. The remainder, together with any interest earned thereon, must be returned to the U.S. Treasury.

On May 22, 1973, notice of this proposed rulemaking was published in the FEDERAL REGISTER (38 FR 13524). Written comments were invited and received from interested parties and are on file with the Environmental Protection Agency. The Agency has carefully considered all submitted comments. Certain of these comments have been adopted or substantially satisfied by editorial changes in, deletions from, or additions to the regulations. The major comments received and principal changes made in the regulations are discussed below:

a. Many comments were made to the effect that existing industrial users should be exempt from cost recovery if a treatment works is expanded to accommodate new industries. No change was made in the regulations because it is the intent of the statute that all industrial users of a treatment works, for which a grant is made, must share in repaying the Federal contribution.

b. Several comments suggested that the definition of an industrial user was too broad (See § 35.905–19), especially with regard to Division I—Services. The intent of including Division I was to ensure that industries contributing significant quantities of process wastes would be subject to cost recovery when appropriate. Industries included in Division I which discharge primarily domestic-type wastes are specifically excluded from the cost recovery requirements.

c. Several comments indicated that the definition of Recovery Period was too restrictive (see § 35.905–20). In accordance with those comments, the section was revised to allow an applicant to commence its cost recovery program prior to the beginning of operation of a treatment works.

d. Section 35.905–22, *User charge*, was interpreted by many responders to prohibit a grantee from including debt service or other local charges in its billings to users of the wastewater treatment system. Such a prohibition was not intended. The terms "user charges" and industrial cost recovery in the regulations refer to specific requirements of the Act and must be included in the charges made by treatment authorities for wastewater collection and treatment. Other charges, such as payments for local debt service for previous construction and debt service for the local share of the treatment works, are not precluded by the Federal requirements and may be included in bills to users. To clarify this section, and remove doubt over any possible preclusion, the sentence "User charges do not include construction costs" was removed.

e. Many comments indicated that it was not clear that domestic users were subject to the user charge requirements. User charges must be paid by all recipients of wastewater collection and treatment services including domestic users, other non-industrial users, and industrial users. In order to provide clarity, this section was divided into two parts: § 35.925–11, user charges, and § 35.925–12, industrial cost recovery.

f. Several comments requested clarification of the length of the commitment period for industry (See § 35.925–12). The letter of intent is required to ensure that industries will use the treatment works when operation begins and that the period of use will be considered in plant design. In the event an industry discontinues use of the treatment works in the future, its payments for cost recovery and user charges would cease and the capacity formerly used by such industry would be available for increases in loading from existing users, or for new industrial users who would assume their proportionate share of the capital costs during the remaining portion of the recovery period.

g. Section 35.925–15, *Treatment of industrial wastes*, was partially revised for clarity of language.

h. Many responders interpreted § 35.925–14, *Federal activities*, to mean that Federal installations were to be excluded from user charges. It was not intended to exclude Federal installations from the user charge requirements. All users—industrial, commercial, institutional, domestic, and governmental—must pay the costs of operation and maintenance of treatment works.

The industrial cost recovery provisions of the Federal Water Pollution Control Act Amendments of 1972 are general conditions for grants made under this subpart. In consequence, the section entitled Federal Activities (and which dealt with these provisions) has been deleted from these regulations, and will be published with the final construction grant regulations.

i. Section 35.925–17 was corrected to conform with § 35.928–2.

j. The following changes were made to § 35.928–1, *Recovered amounts:*

(1) "Service life" was changed to "Useful life."

(2) Section 35.928–1(f) was modified for clarity.

Certain other suggested changes could not be made because, in the Administrator's judgment, they would have made these regulations inconsistent with the language and intent of the statute.

k. A large number of comments were received concerning a grantee's use of retained funds recovered from industry (§ 35.928–2).

Pursuant to the authority of the Administrator under section 204(b)(3) to determine the portion of retained amounts which is necessary for future expansion and reconstruction of treatment works, the regulations state that 80 percent of the retained amounts, together with any interest earned thereon, shall be used solely for eligible costs of reconstruction and expansion of treatment works associated with the project and necessary to meet the intent of the Act. The remainder of retained amounts may be used as the grantee sees fit.

It was determined to distribute the retained amounts in this manner because the 80/20 percent split between trust funds and discretionary funds bears a reasonable relationship to the Federal share of a project for future expansion and reconstruction. That is, the total amount necessary for reconstruction and expansion of the project would be, at a minimum, 100 percent of the eligible costs of the project and the non-Federal share would be 25 percent of the eligible project costs. Thus the ratio between the minimum amount necessary for reconstruction and expansion and the local amount for both reconstruction and expansion and the non-Federal share of the project would be (100)(100)/(100 plus 25)=80 percent. Since the amount retained will be less than the full amount necessary for future reconstruction and expansion plus the non-Federal share, the amount retained for future reconstruction and expansion will bear the same ratio to the amount attributable to the non-Federal share as if the full amount for both purposes were available. This appears to be the most equitable manner of distributing the retained funds.

l. Comments were received objecting to the requirement that quantity discounts not be given to large volume users (See Appendix—(h). Other Considerations). No change was made in the regulations because savings resulting from economies of scale should be shared by all users. However, costs for services, such as meter reading and billing that are not a function of the extent of use of the treatment works, could be the same for all users, with the remaining costs apportioned on the basis of flow and wastewater characteristics.

m. Questions were raised concerning how the costs for stormwater treatment, correction of combined sewer overflows, and infiltration correction or treatment will be apportioned to users of the treatment works. These situations will be handled by guidance to the States in accordance with the principles outlined in the Act and these regulations.

Because of the statutory mandate that all grants awarded after March 1, 1973, shall be subject to the requirements for user charges and industrial cost recovery of Section 204, and because of the importance of promptly making known to States and treatment authorities the content of these regulations, the Administrator finds good cause to declare these regulations effective immediately upon publication.

Dated August 15, 1973.

JOHN QUARLES,
Acting Administrator.

Subpart E—Grants for Construction of Treatment Works, Federal Water Pollution Control Act Amendments of 1972

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1. Section 35.901 is amended to read as follows:

§ 35.901 Authority.

This subpart is promulgated pursuant to sections 201 through 205, 207, 210 through 212, 501(a), and 502(18) of the Act.

2. Sections 35.905–17 through 35.905–22 are added to read as follows:

§ 35.905–17 Useful life.

The estimated period during which a treatment works will be operated.

§ 35.905–18 Industrial cost recovery.

Recovery by the grantee from the industrial users of a treatment works of the grant amount allocable to the treatment of wastes from such users.

§ 35.905–19 Industrial user.

Any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

(a) Division A—Agriculture, Forestry, and Fishing.

(b) Division B—Mining.

(c) Division D—Manufacturing.

(d) Division E—Transportation, Communications, Electric, Gas, and Sanitary Services.

(e) Division I—Services.

A user in the Divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

§ 35.905–20 Industrial cost recovery period.

That period during which the grant amount allocable to the treatment of wastes from industrial users is recovered from the industrial users of such works.

§ 35.905–21 Replacement.

Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

§ 35.905–22 User charge.

A charge levied on users of treatment works for the cost of operation and maintenance of such works.

3. Section 35.925–11 is revised to read as follows:

§ 35.925–11 User charges.

In the case of any grant awarded after March 1, 1973, for a project which includes the preparation of construction plans and specifications (step 2), that the applicant has developed an approvable plan and schedule of implementation for a system of user charges to assure that each recipient of waste treatment services will pay its proportionate share of the costs of operation and maintenance (including replacement) of treatment works provided by the applicant.

§ 35.925–12 Industrial cost recovery.

(a) In the case of any grant awarded after March 1, 1973, for a project which includes the preparation of construction plans and specifications (step 2), that the applicant has received

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signed letters of intent from each significant industrial user to pay that portion of the grant amount allocable to the treatment of its wastes. Each such letter shall also include a statement of the industrial user's intended period of use of the treatment works. A significant industrial user is one that will contribute greater than 10 percent of the design flow or design pollutant loading of the treatment works. In addition, the applicant must agree to require all industrial users to pay that portion of the grant amount allocable to the treatment of wastes from such users.

(b) That the applicant has legal, institutional, managerial, and financial capability to insure adequate construction, operation, and maintenance of treatment works throughout the applicant's jurisdiction.

Grants awarded prior to March 2, 1973, are subject to 40 CFR 35.835–5 requirements in lieu of paragraphs (a) and (b) of this section.

4. Sections 35.925–15 and 35.925–17 are added to read as follows:

§ 35.925–15 Treatment of industrial wastes.

That the allowable costs for the project do not include costs allocable to the treatment for control or removal of pollutants in wastes introduced into the treatment works by industrial users unless the applicant is required to remove the same pollutants introduced from non-industrial sources.

§ 35.925–17 Retained amounts for reconstruction and expansion.

That the allowable costs for the project have been reduced by an amount equal to the unexpended balance of the amounts retained by the applicant for future reconstruction and expansion pursuant to 35.928–2, together with interest earned thereon.

5. Sections 35.928 through 35.928–2 are added to read as follows:

§ 35.928 Industrial cost recovery.

The system for industrial cost recovery shall be approved by the Regional Administrator and shall be implemented and maintained by the grantee in accordance with the following requirements.

§ 35.928–1 Recovered amounts.

(a) Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay its share of the total grant amount divided by the recovery period.

(b) The industrial cost recovery period shall be equal to 30 years or the useful life of the treatment works, whichever is less.

(c) Payments shall be made by industrial users no less often than annually. The first payment by an industrial user shall be made not later than 1 year after such user begins use of the treatment works.

(d) An industrial user's share shall be based on all factors which significantly influence the cost of the treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included to insure a proportional distribution of the grant amount allocable to industrial use to all industrial users of the treatment works. As a minimum, an industry's share shall be based on its flow versus treatment works capacity except in unusual cases.

(e) If there is a substantial change in the strength, volume, or delivery flow rate characteristics introduced into the treatment works by an industrial user, such user's share shall be adjusted accordingly.

(f) If there is an expansion or upgrading of the treatment works, each existing industrial user's share shall be adjusted accordingly.

(g) An industrial user's share shall not include any portion of the grant amount allocable to unused or unreserved capacity.

(h) An industrial user's share shall include any firm commitment to the grantee of increased use by such user.

(i) All unallocated treatment works capacity must conform with the requirements of section 204(a)(5) of the Act and such cost-effectiveness guidelines as may be promulgated by the Administrator pursuant to section 212(2)(C) of the Act.

(j) An industrial user's share shall not include an interest component.

§ 35.928–2 Retained amounts.

(a) The grantee shall retain 50 percent of the amounts recovered from industrial users. The remainder, together with any interest earned thereon, shall be returned to the U.S. Treasury on an annual basis.

(b) A minimum of 80 percent of the retained amounts, together with interest earned thereon, shall be used solely for the eligible costs (in accordance with § 35.940 of this subpart) of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the Act. The grantee shall obtain the written approval of the Regional Administrator prior to commitment of the retained amounts for any expansion and reconstruction. The remainder of the retained amounts may be used as the grantee sees fit.

(c) Pending use, the grantee shall invest the retained amounts for reconstruction and expansion in: (1) Obligations of the U.S. Government or (2) obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof or (3) shall deposit such amounts in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.

6. Section 35.935–13 is added to read as follows:

§ 35.935–13 User charges and industrial cost recovery.

(a) The grantee will maintain such records as necessary to document compliance by the grantee with the Federal guidelines on user charges for operation and maintenance of publicly owned treatment works (see appendix hereto) and § 35.928 of this subpart.

(b) The grantee will obtain the approval of the Regional Administrator of the system of user charges and the system of industrial cost recovery based on the Federal guidelines on user charges for operation and maintenance of publicly owned treatment works (see appendix hereto) and § 35.928 of this subpart. The Regional Administrator shall not pay more than 80 percent of the amount of any Step 3 grant unless the grantee shall have received approval of its system of user charges and industrial cost recovery.

(c) Upon approval of a grantee's system of user charges and industrial cost recovery, such system shall become a condition of the grant and the grantee shall be subject to the provisions with respect to non-compliance with grant conditions of 40 CFR 30.404.

APPENDIX B

FEDERAL GUIDELINES

USER CHARGES FOR OPERATION AND MAINTENANCE OF PUBLICLY OWNED TREATMENT WORKS

(a) *Purpose.*—To set forth user charge guidelines pursuant to Section 204 of the Federal Water Pollution Control Act Amendments of 1972, PL 92–500, hereinafter referred to as the Act.

(b) *Authority.*—The Authority for establishment of the user charge guidelines is contained in section 204(b)(2) of the Act.

(c) *Background.*—Section 204(b)(1) of the Act provides that after March 1, 1973, Federal grant applicants shall be awarded grants only after the Regional Administrator has determined that the applicant has adopted or will adopt a system of charges to assure that each recipient of waste treatment services will pay its proportionate share of the costs of operation and maintenance, including replacement. The intent of the Act with respect to user charges is to distribute the cost of operation and maintenance of publicly owned treatment works to the pollutant source and to promote self-sufficiency of treatment works with respect to operation and maintenance costs.

(d) *Definitions.*—(1) *Replacement.*—Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(2) *User charge.*—A charge levied on users of treatment works for the cost of operation and maintenance of such works.

(e) *Classes of users.*—At least two basic types of user charge systems are common. The first is to charge each user a share of the treatment works operation and maintenance costs based on his estimated or measured proportional contribution to the total treatment works loading. The second system establishes classes for users having similar flows and wastewater characteristics; i.e., levels of biochemical oxygen demand, suspended solids, etc. Each class is then assigned

its share of the waste treatment works operation and maintenance costs based on the proportional contribution of the class to the total treatment works loading. Either system is in compliance with these guidelines.

(f) *Criteria against which to determine the adequacy of user charges.*—The user charge system shall be approved by the Regional Administrator and shall be maintained by the grantee in accordance with the following requirements:

(1) The user charge system shall result in the distribution of the cost of operation and maintenance of treatment works within the grantee's jurisdiction to each user (or user class) in proportion to such user's contribution to the total wastewater loading of the treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).

(2) For the first year of operation, operation and maintenance costs shall be based upon past experience for existing treatment works or some other rational method that can be demonstrated to be applicable.

(3) The grantee shall review user charges annually and revise them periodically to reflect actual treatment works operation and maintenance costs.

(4) The user charge system shall generate sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the grantee.

(5) The user charge system shall be incorporated in one or more municipal legislative enactments or other appropriate authority. If the project is a regional treatment works accepting wastewaters from treatment works owned by others, then the subscribers receiving waste treatment services from the grantee shall have adopted user charge systems in accordance with this guideline. Such user charge systems shall also be incorporated in the appropriate municipal legislative enactments or other appropriate authority.

(g) *Model user charge systems.*—The user charge system adopted by the applicant must result in the distribution of treatment works operation and maintenance costs to each user (or user class) in approximate proportion to his contribution to the total wastewater loading of the treatment works. The following user charge models can be used for this purpose; however, the applicant is not limited to their use. The symbols used in the models are as defined below:

C_T = Total operation and maintenance (O. & M.) costs per unit of time.
C_u = A user's charge for O. & M. per unit of time.
C_s = A surcharge for wastewaters of excessive strength.
V_c = O&M cost for transportation and treatment of a unit of wastewater volume.
V_u = Volume contribution from a user per unit of time.
V_T = Total volume contribution from all users per unit of time.
B_c = O&M cost for treatment of a unit of biochemical oxygen demand (BOD).
B_u = Total BOD contribution from a user per unit of time.
B_T = Total BOD contribution from all users per unit of time.
B = Concentration of BOD from a user above a base level.
S_c = O&M cost for treatment of a unit of suspended solids.
S_u = Total suspended solids contribution from a user per unit of time.
S = Concentration of SS from a user above a base level.
P_c = O&M cost for treatment of a unit of any pollutant.
P_u = Total contribution of any pollutant from a user per unit of time.
P_T = Total contribution of any pollutant from all users per unit of time.
P = Concentration of any pollutant from a user above a base level.

(1) *Model No. 1.*—If the treatment works is primarily flow dependent or if the BOD, suspended solids, and other pollutant concentrations discharged by all users are approximately equal, then user charges can be developed on a volume basis in accordance with the model below:

$$C_u = \frac{C_T}{V_T}(V_u)$$

(2) *Model No. 2.*—When BOD, suspended solids, or other pollutant concentrations from a user exceed the range of concentration of these pollutants in normal domestic sewage, a surcharge added to a base charge, calculated by means of Model No. 1, can be levied. The surcharge can be computed by the model below:

$$C_s = [B_c(B) + S_c(S) + P_c(P)]V_u$$

(3) *Model No. 3.*—This model is commonly called the "quantity/quality formula":

$$C_u = V_cV_u + B_cB_u + S_cS_u + P_cP_u$$

(h) *Other Considerations.*—(1) Quantity discounts to large volume users will not be acceptable. Savings resulting from economies of scale should be apportioned to all users or user classes.

(2) User charges may be established based on a percentage of the charge for water usage only in cases where the water charge is based on a constant cost per unit of consumption.

[FR Doc.73–17403 Filed 8–20–73;8:45 am]

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(Revised as of June 20, 1973)

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WEDNESDAY, AUGUST 22, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 162

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 210—BASIC CONCEPTS AND DEFINITIONS (GENERAL)

Applicability of Regulations; Definitions

Part 210 is amended to revise the definition of the metropolitan area of Washington, D.C., by adding Charles County, Maryland. This makes the definition accord with the current definition of the Washington, D.C., Standard Metropolitan Statistical Area issued by the Office of Management and Budget.

Effective on Aug. 22, 1973, § 210.102 is amended as set out below.

§ 210.102 Definitions.

• • • • • •

(b) In this chapter:

• • • • • •

(7) Metropolitan area of Washington, D.C., means the District of Columbia; Alexandria, Fairfax, and Falls Church Cities, Va.; Arlington, Fairfax, Loudoun, and Prince William Counties, Va.; and Charles, Montgomery, and Prince Georges Counties, Md.

(5 U.S.C. secs. 1302, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–17773 Filed 8–21–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one additional position of Special Assistant to the Director, Community Relations Service, is excepted under Schedule C.

Effective August 22, 1973, § 213.3310(r) (5) is amended as set out below.

§ 213.3310 Department of Justice.

• • • • • •

(r) *Community Relations Service.* • • •

(5) Three Special Assistants to the Director.

• • • • • •

(5 U.S.C. secs. 3301, 3302. E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–17777 Filed 8–21–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Assistant to the Assistant Secretary, Land and Water Resources, is excepted under Schedule C.

Effective on Aug. 22, 1973, § 213.3312 (a) (42) is added as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary* • • •

(42) One Assistant to the Assistant Secretary, Land and Water Resources.

• • • • • •

(5 U.S.C. secs. 3301, 3302, O.E. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–17776 Filed 8–21–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Commissioner General of the International Exposition on the Environment is excepted under Schedule C.

Effective on August 22, 1973, § 213.3314 (m) (15) is added as set out below.

§ 213.3314 Department of Commerce.

• • • • • •

(m) *Office of the Assistant Secretary for Domestic and International Business.* • • •

(15) Commissioner General of the International Exposition on the Environment.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–17887 Filed 8–21–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Special Assistant to the Assistant Secretary for Occuptional Safety and Health Administration.

Effective August 22, 1973, § 213.3315 (a) (22) is amended as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary,* • • •

(22) Four Special Assistants to the Assistant Secretary for Occupational Safety and Health Administration.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–17778 Filed 8–21–73;8:45 am]

PART 451—INCENTIVE AWARDS

Correction

In the document appearing in the FEDERAL REGISTER of July 11, 1973, (FR Doc. 73–14107) on page 18445, § 451.309 was inadvertently omitted. Section 451.309 reads as set out below:

§ 451.309 Award by other benefiting agency.

(a) *Contribution approved.* When the head of an agency approves a contribution which originated in another agency, he shall report the approval to either the originating agency or the Commission, whichever referred the contribution.

(b) *The report.* The approving agency shall report its approval as soon as possible and not later than six months after receipt of the referral except that the report may be made at a later date with prior approval of the Commission. The report shall state the estimated first year net tangible benefits, if any; the intangible benefits, if any; and the incentive award it will grant, under this part.

(c) *Funds for award.* (1) When the head of an agency approves a contribution referred by another agency, he shall arrange with the originating agency for transfer of funds necessary to pay the incentive award.

(2) When more than one agency benefits from a contribution, the Commission shall determine the total interagency first year net measurable benefits, and the total intangible benefits, and recommend to the appropriate benefiting agencies, their proportionate share of the award.

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(3) Within thirty days after receipt of the recommendation referred to in paragraph (c)(2) of this section, each benefiting agency shall notify the Commission in writing of its action on the recommendation.

(5 USC 4506)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-17774 Filed 8-21-73;8:45 am]

PART 511—CLASSIFICATION UNDER THE GENERAL SCHEDULE

PART 534—PAY UNDER OTHER SYSTEMS

Miscellaneous Amendments

Section 511.201(b) is amended to show exclusion from part 511 and from classification under the General Schedule of position of Student Physician's Assistant, Department of Health, Education and Welfare. Section 534.202(b) is amended to show additional maximum stipends prescribed for positions of Student Physician's Assistant, Department of Health, Education and Welfare as set out below.

1. Effective August 19, 1973, the following item is added in alphabetical sequence to paragraph (b) of § 511.201.

§ 511.201 Coverage of and exclusions from the General Schedule.

. . . . . .

(b) *Exclusions.* . . .

Student Physician's Assistant, Department of Health, Education and Welfare, approved first year postgraduate training.

. . . . . .

(5 U.S.C. sec. 5102)

2. Effective August 19, 1973, the following item is added in alphabetical sequence to paragraph (b) of Section 534.202.

§ 534.202 Maximum Stipends.

. . . . . .

(b) . . .

Student Physician's Assistant, Department of Health, Education and Welfare, approved first year postgraduate training-------- L-5

. . . . . .

(5 U.S.C. secs. 5102, 5351, 5352, 5541)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-17775 Filed 8-21-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Petroleum and Petroleum Products

The purpose of this amendment to Part 150 of the Cost of Living Council Regulations is to add Subpart L—Petroleum and Petroleum Products.

On July 19, 1973, the Cost of Living Council established Part 150 and issued Subpart N in final form, 38 FR 19462 (July 20, 1973). On the same day the Council issued a notice of proposed rulemaking, 38 FR 19464 (July 20, 1973) setting out proposed Phase IV regulations, and inviting interested persons to submit written data, views, or arguments. On August 6, 1973, the Council issued Subparts A through K and P in final form, 38 FR 21592, (August 9, 1973). On August 9, 1973, the Council issued Subparts M and O in final form, 38 FR 21978 (August 15, 1973).

The Council stated in the July 19 notice of proposed rulemaking that all comments received before July 31, 1973, would be considered by the Council before taking action on the proposed regulations.

The Council received 272 comments on Subpart L of the proposed Phase IV regulations. This number includes 110 comments which were received after July 31, 1973, all of which the Council considered, notwithstanding the fact that they were filed late. On August 10, 1973, the Council extended the freeze on petroleum and petroleum products for one week, until August 19, 1973, to provide time to consider all of the 272 comments and prepare the Subpart L regulations in the final form, 38 FR 21933 (August 14, 1973).

As in the case of comments on the subparts already issued in final form, each comment on proposed Subpart L was reviewed by the attorneys and economic analysts responsible for the subpart. Staff officials of the Council conducted numerous meetings with affected parties and made an intensive reexamination of the regulations, independently as well as in light of the comments received, in order to assure the maximum degree of clarity and consistency of the policy decisions that were made and of the regulations written to reflect these decisions. As a result of these efforts Subpart L in its final form has been changed extensively from the proposal that was published on July 19, 1973. The substantive policy changes were publicly announced on August 10. These regulations implement those policy decisions and, in addition, incorporate numerous changes to better implement the program.

Subpart L sets forth Phase IV petroleum regulations which apply to all sales and purchases of crude petroleum (Standard Industrial Classification Code 1311, excluding natural gas), natural gas liquids (Standard Industrial Classification Code 1321), and refined petroleum products (Standard Industrial Classification Code 2911), and to leases of gasoline stations used in the retail sales or resellers of gasoline. The Small Business exemption which appears in § 150.60 of the already-published main body of Phase IV price stabilization regulations (38 FR 21602) provides that no firm which produces, manufactures or sells covered products qualifies for the exemption.

The provisions of Subpart L supersede the provisions of Subparts E, F, G, the rules applicable to manufacturers and service organizations, and the provisions of Subpart K which prescribe pricing rules for wholesalers and retailers. The prenotification provisions for prices subject to Subpart L apply only to the extent specified in Subpart L. The loss-low profit rule § 150.201, is not applicable to prices subject to the provisions of Subpart L. To the extent this subpart is inconsistent with any other provisions of this part, the provisions of this subpart govern.

I. *Domestic crude petroleum.* A 2-tier price system has been adopted, providing for a ceiling on domestic crude petroleum prices but allowing new crude and an equivalent amount of old crude to be sold at prices above the ceiling. The system, as published in final form in § 150.354, modifies in several respects the plan as originally proposed on July 19, 1973.

The ceiling price for domestic crude petroleum, as specified in § 150.353, is the highest posted price on May 15, 1973, plus an amount not in excess of 35 cents. Comments received during the rulemaking proceeding indicated that prices of more than a third of the domestic output of crude petroleum had increased on the order of 20 cents to 45 cents per barrel above the May 15 posted prices by June 13, 1973, the date on which the freeze was instituted. Moreover, during this period, the world price of domestic crude continued to increase significantly. The initial authorization of a 35 cent increase above the May 15, 1973 prices will permit continuation up to a maximum of 35 cents, of those posted price increases which were implemented in some fields after May 15, 1973 and prior to the freeze and it will allow domestic crude prices to move toward the world prices. However, it will also require rollbacks in those fields where prices had moved higher than 35 cents above the May 15 level. The Council will continually monitor the ceiling prices of domestic crude petroleum and intends to make periodic upward adjustments in the ceiling price toward the higher world prices for crude petroleum.

II. *Retail sales of gasoline, No. 2 heating oil and No. 2–D diesel fuel.* The ceiling price rules for gasoline, No. 2 heating oil and No. 2–D diesel fuel as set forth in § 150.353 have been modified in several respects. The ceiling prices for No. 2 heating oil becomes effective at 11:59 p.m., e.s.t., August 19, 1973. The ceiling prices for gasoline and No. 2–D diesel fuel become effective at 11:59 p.m., on August 31, 1973. In each case, the ceiling price is computed as the average cost of inventory on August 1, 1973, plus the actual markup as of January 10, 1973. However, for purposes of computing the ceiling prices for gasoline and No. 2 heating oil, retailers may use an actual markup of not less than 7 cents per gallon. This change is intended to avoid undue hardship for those retailers who were engaged in price wars on January 10, 1973, and, as a result, had actual markups of less than 7 cents per gallon on that date.

Effective September 1 retail sellers of gasoline and No. 2–D diesel fuel must post at each pump their selling prices and the minimum octane number for sales of gasoline. Stickers used to post ceiling prices and octane numbers have been prescribed by the Council and may be obtained from local post offices in accordance with instructions being issued by the Council and mailed to each gasoline retailer.

The ceiling price for No. 2 heating oil may be adjusted at the beginning of each month, beginning September 1, 1973, to reflect increased costs of imported No. 2 heating oil. However, the retailer must notify the Council of such upward adjustments by the 5th day of the month in which such an adjustment has been made. If in a subsequent month the cost of the retailer's inventory of No. 2 heating oil decreases, the selling price must be adjusted downward on a dollar-for-dollar basis to reflect the reduced cost of No. 2 heating oil. These monthly adjustments to the ceiling price are intended to assure that the regulations do not restrict importation of No. 2 heating oil which will be vitally needed in the U.S. this winter.

A separate section has been added which sets forth the method by which refiners making retail sales must compute their ceiling prices for gasoline, No. 2 heating oil and No. 2–D diesel fuel. For these "refiner-retailers" the ceiling prices on these products are the May 15, 1973 selling price at each location plus increased costs of imports incurred after May 15 and prior to July 31. The method of computing and allocating the increased costs of imports is set forth in § 150.356.

The Council intends to monitor the ceiling prices of gasoline No. 2 heating oil and No. 2–D diesel fuel and will make periodic upward adjustments in the ceiling prices for those products to account for increased costs of imports and of domestic crude.

III *Refiners.* The base price for sales of covered products by a refiner as set forth in § 150.358 is the May 15 selling price plus an adjustment for (1) increased cost of imports above May 15 costs and (2) increased costs of domestic crude petroleum over May 15 crude prices. Increases above the base price may be made only to reflect on a dollar-for-dollar basis increased costs other than increases in the costs of imports and increases in domestic crude prices. However, a firm making such an increase must prenotify that increase and is subject to the profit margin test.

Section 150.358(c) through (k) prescribes the method for calculating a price increase above base price and is similar to the general rules applicable to other manufacturers. However, the period for determining the base costs with respect to labor, crude petroleum and other input costs is the rate at which those costs were incurred on May 15. For other costs, which cannot be determined as of May 15, 1973, the base cost is the average cost incurred during the last fiscal quarter which ended prior to May 15.

In order to assure that a retailer of gasoline can comply with the octane number posting requirements, the refiner is required to certify the octane number in each sale of gasoline other than a retail sale. In order to allow a retailer of No. 2 heating oil to adjust his ceiling price to reflect increased costs of imports of No. 2 heating oil, the refiner must certify the amount by which the base price of No. 2 heating oil exceeds the May 15 price due solely to increased costs of imported No. 2 heating oil.

The pricing rule also allows a refiner to adjust its May 15, 1973 selling prices to reflect increased costs of imports in computing both base prices and ceiling prices. The specific method of calculating these increased costs is set forth in § 150.356. For purposes of computing ceiling prices, the increased costs of imports is the difference between the landed costs on July 31, 1973, and the landed costs on May 15, 1973. For purposes of adjusting base prices, the increased cost of imports is the difference between current costs and the May 15, 1973 cost.

Increased costs of imports incurred prior to August 1, 1973. Increases in costs of imports incurred prior to August 1, 1973, may be used to compute the base prices for covered products other than gasoline, No. 2–D diesel fuel or No. 2 heating oil. To the extent the refiner does not use these costs to increase base prices of those other products, he may use the balance to adjust both ceiling and base prices of gasoline, No. 2 diesel and No. 2 heating oil subject to the following limitations:

1. The part of increased costs of product or crude oil used to adjust the base and ceiling prices of gasoline may not exceed the fraction which sales of gasoline in the same quarter of the most recently completed fiscal year bears to total sales of covered product in that quarter.

2. The increased costs for gasoline so computed must be allocated between ceiling and base prices of gasoline. The amount used to adjust ceiling prices may not exceed the fraction which the sales of gasoline at retail during the same quarter of the most recently completed fiscal year bear to total sales of gasoline in that quarter. The remainder of the increased costs allocated to gasoline may be applied only to the base price of gasoline.

The same calculations must be made for adjustments to the ceiling and base prices of No. 2 heating oil and No. 2–D diesel.

Increased costs of imports incurred after July 31. The increase costs of imports incurred after July 31, 1973, may be used to adjust the base prices for covered products other than gasoline, No. 2–D diesel fuel or No. 2 heating oil. The balance may be used in computing the base prices for gasoline, No. 2–D diesel fuel and No. 2 heating oil.

The amount of these increased costs of imports which may be applied to gasoline is computed in the same manner as set forth above with respect to increased costs of imports incurred prior to August 1, 1973. Of this amount, the part used to increase base prices of gasoline may not exceed the proportion that sales of gasoline, other than sales at retail, during the same quarter of the most recently completed fiscal year bore to total gasoline sales in that quarter. Moreover, that part of the amount allocated to gasoline which represents the fraction that retail sales of gasoline bore to total sales of gasoline during the same quarter of the most recently completed fiscal year, may not be passed on either in the ceiling price or base price of retail gasoline or in the base price of any other covered product. The same calculations and limitations apply to increases in the base prices of No. 2–D diesel fuel or No. 2 heating oil.

Increased cost of domestic crude petroleum. Increases in the cost of domestic crude petroleum over the May 15, 1973 cost of crude petroleum of the same grade from the same field may be passed on in the base price of products sold by the refiner in a manner consistent with the allocation of increased costs of imports incurred after July 31, 1973. Therefore, increased costs of domestic crude petroleum may not be used to calculate the ceiling prices for retail sale of gasoline No. 2 heating oil or No. 2–D diesel fuel by a refiner. If the increased cost in domestic crude is used to adjust the base prices of gasoline, No. 2–D diesel or No. 2 heating oil, the fraction of the increased costs attributable to those products sold at retail may not be passed on and must be absorbed by the refiner. Any increase in base prices or a ceiling price of a product due to increased costs of crude petroleum or increased costs of imports must be applied equally to all classes of purchasers of that product.

IV. *Resellers and retailers of products other than gasoline, No. 2–D diesel fuel and No. 2 heating oil.* The price rule set forth in the notice of proposed rulemaking which limited these sellers to actual cost plus January 10, 1973 markups has been adopted by the Council. However, in order to enable the retailer of gasoline to post the minimum octane number, these sellers must certify to their retail vendees the octane number for each sale of gasoline. Moreover, in order to allow a retailer of No. 2 heating oil to adjust his ceiling price for increases in the cost of imports, the seller of No. 2 heating oil must certify any increase in prices over the August 10, 1973 prices which reflect an increase in the cost of imported No. 2 heating oil incurred since August 19, 1973.

V. *Leases.* The base rent with respect to the lease of any real property used in the retailing of gasoline is the rent charged for that property on May 15, 1973. The rule substantially as set forth in the proposed rulemaking.

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In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective 11:59 p.m., e.s.t., August 19, 1973.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473, E.O. 11730, 38 FR 19345, Cost of Living Council Order No. 14, 38 FR 1489)

Issued in Washington, D.C., on August 17, 1973.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

1. The table of sections is amended by adding the following items regarding Subpart L:

Subpart L—Petroleum and Petroleum Products

Sec.
150.351 Purpose and scope.
150.352 Definitions.
150.353 Ceiling price determination: Domestic crude petroleum.
150.354 Ceiling price rule: Crude petroleum.
150.355 Retail sales of gasoline, No. 2–D diesel fuel, and No. 2 heating oil.
150.356 Allocation of refiners' increased costs of imports.
150.357 Allocation of refiners' increased costs of domestic crude petroleum.
150.358 Price rule: Refiners.
150.359 Price rule: Resellers and retailers.
150.360 Price rule: Leases.
150.361 New item and lease rule.
150.362 Price information.
150.363 Reports and recordkeeping.

2. The part is amended by adding a new Subpart L to read as follows:

Subpart L—Petroleum and Petroleum Products

§ 150.351 Purpose and scope.

(a) This subpart applies to the sales of products described in the 1972 Industrial Classification Manual, Industry Code 1311 (except natural gas), 1321, or 2911 and the leasing of real property used in the retailing of gasoline. These industry codes include crude petroleum, certain petroleum products, liquefied petroleum gas and other natural gas liquids.

(b) This subpart supersedes the provisions of § 150.11, § 150.201, Subparts E, F, G, and K, and the prenotification provisions of Subpart H except to the extent specifically required, with respect to sales and leases subject to this subpart. To the extent that this subpart may be inconsistent with any other provisions in this part, the provisions in this subpart govern.

§ 150.352 Definitions.

For purposes of this subpart—

"Base price" means the base price determined pursuant to § 150.358 or in the case of a new product § 150.361.

"Ceiling price" means the ceiling price determined pursuant to § 150.355 with respect to No. 2–D diesel fuel, No. 2 heating oil and gasoline and § 150.353 with respect to domestic crude petroleum.

"Class of purchaser" means purchasers or lessees to whom a person has charged a comparable price for comparable property or service pursuant to customary price differentials between those purchasers or lessees and other purchasers or lessees.

"Covered product" means a product described in the 1972 edition, Standard Industrial Classification Manual, Industry Code 1311 (except natural gas), 1321, or 2911.

"Domestic crude petroleum" means a crude petroleum produced in any of the several States, or the District of Columbia or from the "outer continental shelf" as defined in 43 USC 1331.

"Gasoline" means any of the various grades of retail gasoline other than aviation gasoline.

"Item" means a product sold, leased or offered for sale or lease to a class of purchaser as defined in this section.

"No. 2 heating oil" means heating oil grade No. 2 as defined in American Society for Testing and Materials (ASTM) D396–71.

"No. 2–D diesel fuel" means diesel fuel grade No. 2 defined in American Society for Testing and Materials (ASTM) D975–71.

"Octane number" means the octane number derived from the sum of Research (R) and Motor (M) octane numbers divided by two (R+M)/2. The research octane (R) and motor octane number (M) shall be as described in the American Society for Testing and Materials (ASTM) "Standard Specifications for Gasoline" D439–70, and subsequent revisions, and ASTM Test Methods D2699 and D2700. When gasoline of different octane numbers is mixed for sale, "octane number" means the lowest octane number of the gasoline used in this mixture.

"Producer" means a firm or that part of a firm which produces crude petroleum or any firm which owns crude petroleum when it is produced.

"Refiner" means a firm (other than a reseller or retailer) or that part of such a firm which refines covered products or blends and substantially changes covered products, or refines liquid hydrocarbons from oil and gas field gases, or recovers liquefied petroleum gases incident to petroleum refining and sells those products to resellers, retailers, reseller-retailers or ultimate consumers. "Refiner" includes any owner of covered products which contracts to have those covered products refined and then sells the refined covered products to resellers, retailers, reseller-retailers or ultimate consumers.

"Refiner-reseller" means that part of a refiner which carries on the trade or business of purchasing covered products in arms-length transactions and selling those products to other resellers or to retailers without substantially changing their form.

"Refiner-retailer" means a refiner or that part of a refiner which sells covered products to ultimate consumers.

"Reseller" means a firm (other than a refiner or retailer) or that part of such a firm which carries on the trade or business of purchasing covered products, and reselling them without substantially changing their form to purchasers other than ultimate consumers.

"Reseller-retailer" means a firm (other than a refiner) or that part of such a firm which carries on the functions of both a reseller and retailer.

"Retail sales" means sales of covered products to ultimate consumers.

"Retailer" means a firm (other than a refiner or reseller) or that part of such a firm which carries on the trade or business of purchasing covered products and reselling them to ultimate consumers without substantially changing their form.

"Transaction" means an arms-length sale or lease between unrelated persons which are not members of a controlled group (as defined in 26 U.S.C. 1536(c)) and is considered to occur at the time and place when a binding contract is entered into between the parties.

§ 150.353 Ceiling price determination: Domestic crude petroleum.

The ceiling price for a particular grade of domestic crude petroleum in a particular field is the sum of (i) the highest posted price at 6:00 a.m., local time, May 15, 1973, for that grade of crude petroleum at that field, or if there are no posted prices in that field, the related price for that grade of domestic crude petroleum which is most similar in kind and quality at the nearest field for which prices are posted; and (ii) a maximum of 35 cents per barrel.

§ 150.354 Ceiling price rule: Crude petroleum.

(a) *Applicability.* This section applies to the first sale of domestic crude petroleum.

(b) *Definitions.* As used in this section—

"Based production control level" for a particular month for a particular property means:

(1) If crude petroleum was produced and sold from that property in every month of 1972, the total number of barrels of domestic crude petroleum produced and sold from that property in the same month of 1972;

(2) If domestic crude petroleum was not produced and sold from that property in every month of 1972, the total number of barrels of domestic crude petroleum produced and sold from that property in 1972 divided by 12.

"Property" is the right which arises from a lease or from a fee interest to produce domestic crude petroleum.

"New crude petroleum" means the total number of barrels of domestic crude petroleum produced and sold from a property in a specific month less the base production control level for that property.

(c) *Rule.* (1) General. Except as provided in paragraphs (c)(2) and (3) of this section, no producer may charge a price higher than the ceiling price for the first sale of domestic crude petroleum.

(2) *Special release rule.* Notwithstanding paragraph (c)(1) of this section, a producer of new crude petroleum produced and sold from a property may in the month produced, beginning with the month of September 1973, or in any subsequent month, sell that new crude petroleum without respect to the ceiling price. However, if the amount of crude petroleum produced and sold in any month subsequent to the first month in which new crude petroleum was produced and sold, is less than the base production control level for that property for that month, any new crude petroleum produced from that property during any subsequent month may not be sold pursuant to this subparagraph until an amount of the new crude petroleum equal to the difference between the amount of crude petroleum actually produced from that property during the earlier month and the base production control level for that property for the earlier month has been sold at or below its ceiling price.

(3) *Released crude.* Notwithstanding paragraph (c)(1) of this section, if during a particular month new crude petroleum which could be sold at other than the ceiling price pursuant to paragraph (c)(2) of this section is produced from a property, the entire base production control level crude petroleum for that month may be sold at a price which exceeds the ceiling price provided that the maximum price charged per barrel of that base production control level crude petroleum does not exceed the following:

$$P_{max} = P_s + \left[\frac{C_{pr}}{C_{bpc}} - 1\right]\left[P_m - P_s\right]$$

Where:
P_{max} = Maximum price that may be charged for the crude petroleum (other than new crude) purchased from the property (dollars per barrel);
P_s = Ceiling price of the crude petroleum (dollars per barrel);
C_{bpcl} = Base production control level for property (barrels);
C_{pr} = Total amount of crude petroleum produced from the property during the month (barrels); and
P_m = Current free market price of the particular quality and grade of crude petroleum (dollars per barrel).

Application of this formula may be illustrated by the following example:

Example: During September 1973, Firm X produces 8,170 barrels of a single grade of crude petroleum from a particular property. During September 1972, 6,420 barrels of crude petroleum were produced from the same property. The ceiling price for the September 1973 crude petroleum is $4.10 per barrel, and its free market price (i.e., the price X can get on the market for the 1,750 barrels of new crude) is $4.95 per barrel. The maximum price that X may charge for the 6,420 barrels of other than new crude petroleum (i.e., old plus released crude) produced in September 1973 is:

$P_{max} = \$4.10 + (8{,}170/6{,}420 - 1)\ (\$4.95 - \$4.10)$
$P_{max} = \$4.10 + (.27)\ (\$0.85)$
$P_{max} = \$4.10 + \$0.23$
$P_{max} = \$4.33$/barrel.

(4) *Certification.* Each producer of domestic crude petroleum which charges a price above the ceiling price pursuant to the provisions of paragraphs (c)(2) or (3) of this section, must, with respect to each sale of domestic crude petroleum, certify in writing to the purchaser: (i) The ceiling price of domestic crude petroleum, (ii) the amount of the new crude petroleum, and (iii) the amount of the base production control level crude petroleum. The certification shall also contain a statement that the price charged for the domestic crude petroleum is no greater than permitted pursuant to this section.

§ 150.355 Retail sales of gasoline, No. 2–D diesel fuel and No. 2 heating oil.

(a) *Applicability.* This section applies to each retail sale of No. 2–D diesel fuel, No. 2 heating oil and gasoline by a refiner-retailer, reseller-retailer, or retailer.

(b) *Rule.* (1) Prior to 11:59 p.m., local time, August 31, 1973, no refiner-retailer, reseller-retailer, or retailer of gasoline, No. 2–D diesel fuel may charge a price with respect to a retail sale of any such item which exceeds the freeze price or other authorized price for such item established pursuant to the provisions of Part 140 of this chapter.

(2) Effective 11:59 p.m., local time, August 31, 1973, no refiner-retailer, reseller-retailer, or retailer of gasoline, or No. 2–D diesel fuel may charge a price with respect to a retail sale of any such item which it exceeds the ceiling price for that item.

(3) Effective 11:59 p.m., e.s.t., August 19, 1973, no refiner-retailer, reseller-retailer, or retailer of No. 2 heating oil may charge a price with respect to a retail sale of any such item which exceeds the ceiling price for that item.

(c) *Ceiling prices: refiner-retailers.* The ceiling price for retail sales of gasoline of a particular octane number, No. 2–D diesel oil or No. 2 heating oil by a refiner-retailer at each outlet where the refiner-retailer sells such item is (1) the price at which each such item was lawfully priced in transactions on May 15, 1973, at each such outlet plus (2) increased costs of imports incurred after May 15, 1973, and calculated pursuant to § 150.356(d). If the refiner-retailer first offered gasoline, No. 2–D diesel fuel or No. 2 heating oil at a particular outlet after May 15, 1973, the price at which each such item was priced in transactions on May 15, 1973, at the nearest comparable outlet shall be used in computing the ceiling price.

(d) *Ceiling prices: retailers and resellers-retailers.*

(1) *Definitions.* As used in this paragraph—

"Seller" means a retailer or a reseller-retailer.

"Actual cost" means the weighted average unit cost of the seller's inventory of the item concerned on August 1, 1973, incurred in arms-length transactions. If a particular item was not in inventory on August 1, 1973, the date for computing actual cost is the most recent day preceding August 1, 1973, when the seller had the item in inventory. If that item was first offered for sale after August 1, 1973, the date for purposes of computing the actual cost is the first day on which the item is offered for sale.

"Actual markup" means the difference between the weighted average unit price at which the item concerned was lawfully priced in transactions on January 10, 1973, and the weighted average cost of the seller's inventory of that item on January 10, 1973. If no transaction occurred on that date with respect to that item, then the date for the purpose of determining actual markup is the next preceding day in which a transaction occurred with respect to that item. If a seller first offered an item for sale after January 10, 1973, and prior to 11:59 p.m., e.s.t., August 19, 1973, the date for purposes of determining actual markup is the first day on which a transaction occurred with respect to that item. If a seller first offered an item for sale after 11:59 p.m., e.s.t., August 19, 1973, the actual markup is computed as the difference between the average price received for the same or most similar item sold by other sellers in transactions occurring on the same day at the nearest comparable outlet when the seller first offered the item for sale, and the actual cost of the item when first offered for sale.

(2) *Gasoline.* The ceiling price for retail sales of gasoline of a particular octane number by a seller at each outlet where the seller retails that item, is the actual cost to the seller for that gasoline, plus the actual markup applied by the seller at that outlet to the actual cost of that gasoline except that in no event shall the seller be required to use an actual markup of less than 7 cents per gallon for purposes of computing a ceiling price.

(3) *No. 2 heating oil.* The ceiling price for retail sales of No. 2 heating oil by a seller at each outlet where the seller retails that item, is the actual cost to the seller for that No. 2 heating oil, plus the actual markup applied by the seller at that outlet to the actual cost of that No. 2 heating oil, except that in no event shall the seller be required to use an actual markup of less than 7 cents per gallon for purposes of computing a ceiling price. A seller may increase the ceiling price on No. 2 heating oil on the first day of each month to reflect, on a dollar-for-dollar basis, certified increases in the cost of imported No. 2 heating oil incurred since the first day of the preceding month provided that any seller which increases the ceiling price on No. 2 heating oil pursuant to this subparagraph must submit a report in accordance with the forms and instructions issued by the Cost of Living Council by the fifth day of the month in which the ceiling is increased. For any month in which the cost of No. 2 heating oil decreases, the seller's ceiling price of No. 2 heating oil must be decreased to reflect on a dollar-for-dollar basis the decreases in cost of No. 2 heating oil.

(4) *No. 2–D diesel fuel.* The ceiling price for retail sales of No. 2–D diesel fuel by a seller at each outlet where the seller retails that item is the actual cost

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to the seller for that No. 2–D diesel fuel plus the actual markup applied by the seller at that outlet to the actual cost of the No. 2–D diesel fuel.

(e) *Posting.* No later than 11:59 p.m., local time, August 31, 1973, each refiner-retailer, reseller-retailer, or retailer of gasoline or No. 2–D diesel fuel shall post the ceiling price in a prominent place on each pump used to dispense retail sales of gasoline or No. 2–D diesel fuel and the octane number for that gasoline. The ceiling price and octane number must be certified and posted in the form and manner prescribed by the Cost of Living Council.

§ 150.356 Allocation of refiner's increased cost of imports.

(a) *Scope.* This section prescribes the requirements governing the inclusion of a refiner's increased costs of imports in the computation of its—

(1) Base prices for covered products: and

(2) Ceiling prices for retail sales of gasoline, No. 2–D diesel fuel, and No. 2 heating oil. This section does not apply to increased costs of imports of products a refiner resells as a refiner-reseller pursuant to § 150.359.

(b) *Measuring amount of increased costs.* Except as used in paragraphs (e) and (f) of this section, "increased costs of imports" is the difference between the landed cost for the particular imported covered product and the landed cost on May 15, 1973, for that same grade of imported covered product from the same point of origin. For purposes of paragraph (e) and (f) of this section, "increased costs of imports" is the difference between the landed cost for the particular imported covered product on July 31, 1973, or if none was purchased on July 31, 1973, the next preceding day on which that imported covered product was landed and the landed cost on May 15, 1973, of the same grade of imported covered product from the same point of origin. In either case, if no covered product was landed on May 15, 1973, from the particular point of origin, the landed cost for May 15, 1973, shall be computed by reference to the posted or published price for that grade of imported covered product on May 15, 1973, at the point of origin plus transportation at world scale 160.

(c) *Cost incurred before August 1, 1973: inclusion in base prices of covered products other than gasoline, No. 2–D diesel fuel or No. 2 heating oil.* Subject to the limitation of paragraph (g) of this section, a refiner may, in computing its base prices for covered products (other than gasoline, No. 2–D diesel fuel, or No. 2 heating oil) pursuant to § 150.358(g), include an amount to reflect those increased costs of imports incurred between May 15, 1973, and August 1, 1973, which are attributable to imports of all covered products. To the extent that a refiner does not allocate increased costs of imports pursuant to this paragraph, it may include that part of those increased costs of imports attributable to gasoline, No. 2–D diesel fuel, or No. 2 heating oil in computing its ceiling and base prices for those products pursuant to paragraph (d) of this section.

(d) *Cost increases incurred before August 1, 1973: inclusion in ceiling and base prices of gasoline, No. 2–D diesel fuel, and No. 2 heating oil.* (1) Subject to the limitation of paragraph (g) of this section, a refiner may, in computing its ceiling prices for gasoline, No. 2–D diesel fuel, or No. 2 heating oil which it sells at retail as a refiner-retailer pursuant to § 150.355(c) and in computing its base prices for gasoline, No. 2–D diesel fuel, or No. 2 heating oil which it sells as a refiner pursuant to § 150.358(g), include an amount to reflect increased costs of imports of a covered product incurred between May 15, 1973, and August 1, 1973, which are attributable to that product and which have not been otherwise allocated pursuant to paragraph (c) of this section. A refiner may attribute a part of its increased costs of imports of covered products to gasoline, No. 2–D diesel fuel or No. 2 heating oil only if those imported covered products are refined by the refiner or co-mingled for accounting purposes with products refined by the refiner. In no case may the ratio that the attributed part bears to the total increased costs of imports exceed the ratio which sales during the corresponding fiscal quarter of the preceding year of the particular product receiving this allocation bear to the total sales of covered products during the same quarter.

(2) A refiner which elects to include such costs in computing its ceiling prices and base prices for gasoline, No. 2–D diesel fuel and No. 2 heating oil must also allocate those costs between ceiling prices and base prices for the product concerned in accordance with the following rules.

(i) The part of those costs allocated to the ceiling price of any product computed pursuant to § 150.355(c) may not exceed the proportion which the sales of that product at retail during the most recently completed fiscal quarter bears to the total sales of that product during the same quarter.

(ii) The part of those costs allocated to base prices of any product computed pursuant to § 150.358(g) may not exceed the proportion which the sales of that product it sold as a refiner during the most recently completed fiscal quarter bears to total sales of that product during the same quarter.

(e) *Cost incurred after July 31, 1973: inclusion in base prices of covered products other than gasoline, No. 2–D diesel fuel or No. 2 heating oil.* Subject to the limitation of paragraph (g) of this section, a refiner may, in computing its base prices for covered products (other than gasoline, No. 2–D Diesel fuel, or No. 2 heating oil) pursuant to § 150.358(g), include an amount to reflect increased costs of imports incurred after July 31, 1973, which are attributable to imports of all covered products. To the extent that a refiner does not allocate increased costs of imports pursuant to this paragraph, it may include that part of those increased costs of imports attributable to gasoline, No. 2–D diesel fuel, or No. 2 heating oil in computing its base prices for those products pursuant to paragraph (f) of this section.

(f) *Cost increases incurred after July 31, 1973: inclusion in base prices of gasoline, No. 2–D diesel fuel, and No. 2 heating oil.* (1) Subject to the limitation of paragraph (g) of this section, a refiner may, in computing its base prices for gasoline, No. 2–D diesel fuel, or No. 2 heating oil which it sells as a refiner pursuant to § 150.357, include an amount to reflect increased costs of imports incurred after July 31, 1973, which are attributable to that product and which have not been otherwise allocated pursuant to paragraph (e) of this section. A refiner may attribute a part of its increased costs of imports of covered products to gasoline, No. 2–D diesel fuel or No. 2 heating oil only if those imported covered products are refined by the refiner or co-mingled for accounting purposes with products refined by the refiner. In no case may the ratio that the attributed part bears to the total increased costs of imports exceed the ratio which sales during the corresponding fiscal quarter of the preceding year of the particular product receiving this allocation bears to the total sales of covered products during the same quarter.

(2) A firm which elects to include such costs in computing its base prices for gasoline, No. 2–D diesel fuel, or No. 2 heating oil may only include that part of those costs which does not exceed the proportion which the sales of that product it sold as a refiner during the most recently completed fiscal quarter bears to total sales of that product during the same quarter. The part of those costs attributable to gasoline, No. 2–D diesel fuel, or No. 2 heating oil which the refiner sells in retail sales may not be included in the ceiling prices of any of those products or the base price of any covered product.

(g) *General limitation.* The amount of increased costs of imports included in computing ceiling prices and base prices of a particular product must be equally applied to each class of purchasers of that product.

§ 150.357 Allocation of refiner's increased costs of domestic crude petroleum.

(a) *Scope.* This section prescribes the requirements governing the inclusion of a refiner's increased costs of domestic crude petroleum in the computation of its base prices for covered products.

(b) *Measuring amount of increased costs.* As used in this section, "increased costs of domestic crude petroleum" is the difference between the cost for the particular domestic crude petroleum and the cost on May 15, 1973, for that same grade of domestic crude petroleum from the same field. If the refiner did not purchase any domestic crude petroleum of that particular grade from that particular field on May 15, 1973, the cost for May 15, 1973, shall be (1) the posted price for that grade of domestic crude petroleum

on May 15, 1973, in the field concerned or (2) if there is no posted price in that field, the related price for that grade of domestic crude petroleum which is most similar in kind and quality at the nearest field for which the price is posted.

(c) *Inclusion of increased costs in base prices of covered products other than gasoline, No. 2–D diesel fuel or No. 2 heating oil.* Subject to the limitation of paragraph (e) of this section, a refiner may, in computing its base prices for covered products (other than gasoline, No. 2–D diesel fuel, or No. 2 heating oil) pursuant to § 150.358(g), include an amount to reflect increased costs of domestic crude petroleum incurred after May 15, 1973, which are attributable to all of its covered products. To the extent that a refiner does not allocate pursuant to this paragraph that portion of its increased costs of domestic crude petroleum which are attributable to gasoline, No. 2–D diesel fuel, or No. 2 heating oil, it may include those costs in its base prices for those products pursuant to paragraph (d) of this section.

(d) *Inclusion of increased costs in base prices of gasoline, No. 2–D diesel fuel, and No. 2 heating oil.*

(1) Subject to the limitation of paragraph (e) of this section, a refiner may, in computing base prices for gasoline, No. 2–D diesel fuel, or No. 2 heating oil which it sells as a refiner pursuant to section 150.358, include an amount to reflect increased costs of domestic crude petroleum incurred after May 15, 1973, which are attributable to that product and which have not been otherwise allocated pursuant to paragraph (c) of this section. A refiner may attribute a part of its increased costs of domestic crude petroleum to gasoline, No. 2–D diesel fuel or No. 2 heating oil only if the domestic crude petroleum is refined by the refiner. In no case may the ratio that the attributed part bears to the total increased costs of domestic crude petroleum exceed the ratio which sales during the corresponding fiscal quarter of the preceding year of the particular product receiving this allocation bear to the total sales of covered products during the same quarter.

(2) A refiner which elects to include such costs in computing its base prices for gasoline, No. 2–D diesel fuel, or No. 2 heating oil may only include that part of those costs which does not exceed the proportion which the sales of that product it sold as a refiner during the most recently completed fiscal quarter bears to total sales of that product during the same quarter. The balance of those costs may not be included in the ceiling prices of any gasoline, No. 2–D diesel fuel, or No. 2 heating oil which the refiner sells in retail sales; and base price of any gasoline, No. 2–D diesel fuel, or No. 2 heating oil; or in the base price of any other covered product.

(e) *General limitation.* The amount of increased costs of domestic crude petroleum included in computing base prices of a particular product must be equally applied to each class of purchasers of that product.

§ 150.358 Price rule: Refiners.

(a) *Applicability.* This section applies to each sale of a covered product refined by a refiner or co-mingled for accounting purposes with a product refined by the refiner except retail sales of gasoline, No. 2–D diesel fuel, and No. 2 heating oil which are subject to § 150.355.

(b) *Rule.* A refiner may not charge a price for an item in excess of the base price of that item except to the extent permitted pursuant to the provisions of paragraphs (c) through (k) of this section.

(c) *Price increases.* (1) A price in excess of the base price of an item in a product line may be charged only to recover on a dollar-for-dollar basis those net increases in allowable costs that have been incurred with respect to that product line since the period for determining base cost and which the refiner continues to incur.

(2) For the purpose of determining whether net allowable costs have been incurred which permit the charging of a price in excess of the base price, base costs shall be compared with current costs. Current costs which exceed base costs may be used to justify a price in excess of the base price.

(d) *Application of price increases.*

(1) A firm which is subject to the prenotification requirements of Subpart H of this part may not increase prices pursuant to this section until it complies with those requirements.

(2) A firm which is authorized to charge a prenotified percentage price increase pursuant to Subpart H of this part, and any other firm which qualifies to charge a percentage price increase with respect to a product line by virtue of cost justification determined in accordance with this section, shall apply that percentage price increase on a weighted average basis (in accordance with instructions which accompany forms issued pursuant to Subpart H of this part) so that, for any fiscal quarter, the weighted average of all price increases and price decreases in that line does not exceed that percentage price increase. However, the maximum price which may be charged for any one item in that line may not exceed 110% of the base price of that item plus the amount which results from multiplying the base price of that item by the percentage of cost justification determined in accordance with this section with respect to that product line.

(e) *Price reductions.* A price charged in excess of the base price may continue to be charged only as long as the net increases in allowable costs which support that price in excess of the base price continue to be incurred. Price reductions shall be made whenever and to the extent necessary to assure that, for any fiscal quarter, the weighted average of all price increases and price decreases in a product line does not exceed the percentage of cost justification for that line.

(f) *Productivity gains.*

(1) Increases in allowable costs shall be reduced to reflect productivity gains. For the purpose of determining whether a price may be increased under any provision of this section, productivity gains shall be calculated on the basis of the average percentage gain in the applicable industrial category, as set forth in the table in the Appendix to Subpart E. To the extent provided in the table in the Appendix, productivity gains shall be taken into account in the calculation of all price increases during any fiscal year but only until the full productivity offset, derived from the Appendix and calculated under subparagraph (2) of this paragraph, has been used within that fiscal year.

(2) For the purpose of determining the extent to which a price increase is justified, each refiner shall calculate the sum of all of its labor costs (of the type required to be included as costs in reporting and prenotification forms issued pursuant to Subpart H of this part, whether or not such forms are required to be filed) as a percentage of sales for the product line concerned, and shall multiply that percentage by the average annual rate of productivity gain for the applicable industrial category, as set forth in the table in the Appendix to Subpart E. The result is the productivity gain, stated as a percentage, by which the total cost increase must be reduced in order to be an allowable cost for the purposes of a price increase under this section.

(3) If the product line concerned extends to more than one industrial category, the average percentage gain in productivity in each category must be weighted in proportion to the ratio which its estimated sales in each industrial category for the most recently completed fiscal quarter bears to the total sales of that product line for that quarter.

(g) *Base price.* The base price for sales of an item by a refiner is the weighted average price at which that item was lawfully priced in transactions on May 15, 1973, or, if none occurred on that date, in the transaction next preceding May 15, 1973, plus increased costs of imports incured after May 15, 1973, and measured pursuant to § 150.356(b) and increased costs of domestic crude petroleum incurred after May 15, 1973, and measured pursuant to § 150.357(b).

(h) *Base cost.* (1) *Base costs.* Base costs are the net allowable costs incurred with respect to the product line concerned and are calculated as follows:

(i) *Input costs.* The base cost with respect to costs of labor, crude petroleum and other input costs is the rate at which those costs were being incurred on May 15, 1973. If no input costs were incurred on that day, the base cost is the rate at which those costs were being incurred on the next day preceding May 15, 1973, on which input costs were incurred.

(ii) *All other costs.* The base cost with respect to all costs other than input costs is the rate at which those costs were

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being incurred on May 15, 1973. However, if the base cost with respect to any costs other than an input cost cannot reasonably be determined by the method prescribed in the preceding sentence, that base cost is the average cost incurred throughout the last fiscal quarter which ended before May 15, 1973, in which costs were incurred with respect to the product line concerned as calculated in accordance with forms and instructions issued by the Cost of Living Council.

(2) *New items.* The base cost with respect to input costs for each new item, as defined in accordance with § 150.361, is calculated as of the date on which the new item concerned was first sold or leased in arms-length trading between unrelated persons. The base cost with respect to all other costs which cannot be calculated on the first day of sale is the average cost incurred throughout the fiscal quarter in which the new item concerned was first sold or leased in arms-length trading between unrelated persons.

(j) *Current cost.* (1) *Current costs.* Current costs are the net allowable costs incurred during the current cost period with respect to the item concerned excluding increased costs of imports incurred after May 15, 1973, and measured pursuant to § 150.356(b) and increased costs of domestic crude petroleum incurred after May 15, 1973, and measured pursuant to § 150.357(b).

(2) *Input costs.* The current cost with respect to costs of labor, crude petroleum, and other input costs is the rate at which those costs were being incurred on the last full day of business in the current cost period.

(3) *All other costs.* The current cost with respect to all costs other than input costs is the rate at which those costs were being incurred on the last full day of business in the current cost period. However, if the current cost with respect to all costs other than input costs cannot reasonably be determined by the method prescribed in the preceding sentence, that current cost is the average cost incurred throughout the current cost period with respect to those costs as calculated in accordance with forms and instructions issued by the Cost of Living Council.

(4) *Current cost period.* For quarterly reporting purposes, the current cost period is the last accounting month in the current fiscal quarter for which a quarterly report is required to be filed pursuant to Subpart H of this part. The current cost period for price category III firms is the last accounting month in the current fiscal quarter for which compliance is being measured. For prenotification purposes, the current cost period is the last accounting month preceding the date of signature of the prenotification document submitted in accordance with Subpart H of this part except that with respect to input and other costs which may be calculated as of a date certain, the rate at which these costs are incurred on the day which is the date of signature of the prenotification document may be considered the rate on the last full day of the current cost period.

(j) *Profit margin limitation.* A refiner which charges a price for any item in excess of the base price for that item in any fiscal year may not for the fiscal year in which the price increase is charged, exceed its base period profit margin as defined in § 150.31 of this part.

(k) *Certification.* Each refiner of gasoline must with respect to each sale of gasoline certify in writing to the purchaser the octane number of the gasoline sold and, with respect to each sale of No. 2 heating oil the refiner must certify any increase above the May 15, 1973 selling price of the No. 2 heating oil which reflects the increased costs of imported No. 2 heating oil over the May 15, 1973 cost of heating oil from the same origin which has been commingled for accounting purposes with the No. 2 heating oil refined by the firm.

§ 150.359 Price rule: Resellers and retailers.

(a) *Applicability.* This section applies to each sale of a covered product other than a retail sale of gasoline, No. 2–D diesel fuel, or No. 2 heating oil which is subject to § 150.355 and other than a sale by a refiner which is subject to § 150.358. Sellers subject to this section are refiner-resellers, resellers, reseller-retailers and retailers.

(b) *Definitions.*

As used in this section—

"Actual cost" means the weighted average unit cost of the sellers inventory of a particular product.

"Actual markup" means the difference between the weighted average unit price at which the item was lawfully priced in transactions on January 10, 1973, and the weighted average unit cost of the seller's inventory of that item on January 10, 1073. If no transaction occurred on that date with respect to that item, then the date for the purpose of determining actual markup is the next preceding day in which a transaction occurred with respect to that item. If a seller first offered an item for sale after January 10, 1973, and prior to 11:59 p.m., e.s.t., August 19, 1973, the date for purposes of determining actual markup is the first day on which a transaction occurred with respect to that item. If a seller first offered an item for sale after August 19, 1973, the actual markup is computed as the difference between the average price received for the same or most similar item sold by other sellers in transactions occurring on the same day at the nearest comparable outlet when the seller first offered the item for sale, and the actual cost of the item when first offered for sale.

(c) *Rule.* A price may not be charged for any item to which this section applies which is in excess of the seller's actual cost of that item plus the seller's actual markup for that item.

(d) *Certification.* Each seller with respect to each sale of gasoline other than a retail sale must certify in writing to the purchaser the octane number of the gasoline sold. For each sale of No. 2 heating oil other than a retail sale the seller must certify to the purchaser the amount of increased costs of imports certified to him by a refiner, refiner-reseller, or reseller; and for each sale of No. 2 heating oil imported by the seller, the amount of the increased costs of imports of No. 2 heating oil incurred after August 19, 1973.

§ 150.360 Price rule: Leases.

(a) *Applicability.* This section applies to each leased real property used in the retailing of gasoline.

(b) *Base rent.* The base rent with respect to a lease or real property used in the retailing of gasoline is the rent charged for that station pursuant to the contractual terms prevailing on May 15, 1973.

(c) *Rule.* A lessor or lessee of real property used in retailing gasoline may not—

(1) Increase, offer to increase, or give notice of intent to increase the rent for that real property to an amount in excess of the base rent as defined in paragraph (b) of this section.

(2) Increase the retailer's obligation to sell covered products to a level above that which prevailed for that retailer pursuant to the lease provisions which prevailed on May 15, 1973; or

(3) Impose any operating requirements on the retailer which would be unreasonably inconsistent with the standards of goals of the Economic Stabilization Program, including but not limited to a requirement that the retailer extend his hours of operation beyond his customary hours of operation.

§ 150.361 New item and lease rule.

(a) *General—new item.*

(1) An item is a new item if—

(i) The firm concerned did not produce, sell or lease it in the same or substantially similar form at any time during the 1 year period immediately preceding the day on which the firm offers it for sale or lease. (A change in appearance, arrangement, or combination including a change in octane number does not create a new item. Ordinarily, a change in fashion, style, form, or packaging does not create a new item;) and

(ii) It is substantially different in purpose, function, quality, or technology, or its use or service effects a substantially different result from any other item which the firm concerned currently sells or leases or sold or leased at any time during the 1-year period immediately preceding the first date on which the firm offers it for sale or lease.

(2) *New market.* An item which the firm concerned has previously sold is a new item with respect to its offer for sale or lease to any market to which it did not sell or lease it at any time during the 1-year period immediately preceding the first date on which the firm offers it for sale or lease. For the purposes of this section, a "market" is one or more members of any one of the following groups: resellers; retailers; consumers; manufacturers; or service organizations.

(b) *Base price determination*—(1) *Refiners.* A refiner offering a new item shall determine the base price for that item pursuant to the base price provisions of § 150.358(g). However, for purposes of determining the price at which the item was lawfully priced in transactions on May 15, 1973, it shall use the average price received on May 15, 1973, for the same or most nearly similar item sold to the same market by other refiners selling the same or most nearly comparable item in the same marketing area.

(2) *Lessors.* A firm offering a lease in a new real property used in the retailing of gasoline shall determine the base rent for that real property as the average rent charged on May 15, 1973, for the most nearly similar real property used in the retailing of gasoline leased to the same market by other firms leasing real property used in the retailing of gasoline in the same geographic area.

(c) *Base prices and base production control levels upon acquisition.* (1) If a legal entity or a component of a legal entity determines a base price, ceiling price, an actual markup, or an actual cost pursuant to this subpart for a covered product which it sells to a particular market and the entity, or component is subsequently acquired by another firm, that covered product does not become a new item with respect to the same market. The base price, ceiling price, actual markup, or actual cost of the covered product with respect to that market remains the base price, ceiling price, actual markup, or actual cost determined for it by the acquired entity or component.

(2) If a legal entity or component of a legal entity determines pursuant to this subpart a base production control level for a property which produces domestic crude petroleum and the entity or component is subsequently acquired by another firm the domestic crude petroleum produced from that property does not become new crude petroleum. The base production control level for that property remains the base production control level determined for it by the acquired entity or component.

(d) *Quarterly reporting of new items.* A firm subject to the quarterly reporting requirements of Subpart H of this part and which has projected sales and revenues for its current fiscal year of $10 million or more derived from the sale or lease of new items shall, in accordance with instructions which accompany forms issued pursuant to Subpart H of this part, provide information which demonstrates that, with respect to each new item with projected annual sales of $1 million or more which is offered for sale or lease for the first time during the quarter concerned, the item qualifies as a new item as defined in this section and the base price of that item has been determined in accordance with this section.

§ 150.362 Price information.

Each seller of covered products shall maintain records of its base prices, base production control levels, and ceiling prices and shall make available upon request by a customer, the base price, base production control levels or ceiling price of any item being offered for sale to that customer.

§ 150.363 Reports and recordkeeping.

(a) *Reports.*—(1) *Producers.* (i) Each firm which produces as an operator domestic crude petroleum and which derives $50 million or more in annual sales or revenues from sales of covered products shall prepare and file with the Cost of Living Council periodic reports in accordance with forms and instructions issued by the Council.

(ii) Each firm which produces as an operator domestic crude petroleum from a property and which sells the domestic crude petroleum above the ceiling price calculated pursuant to § 150.353 shall prepare and file with the Cost of Living Council periodic reports in accordance with the forms and instructions issued by the Council.

(2) *Refiners, retailers, and resellers.* Each firm which refines covered products and each firm which derives $50 million or more in annual sales or revenues from the retailing or reselling of covered products shall prepare and file with the Cost of Living Council, periodic reports in accordance with forms and instructions issued by the Council.

(b) *Recordkeeping.* Each firm which derives less than $50 million but more than $1 million in annual sales or revenues from the retailing or reselling of covered products shall prepare and maintain at its principal place of business, periodic reports in accordance with forms and instructions issued by the Council.

(c) *Records.*—(1) *General.* Each firm subject to this subpart shall keep such records as are sufficient to demonstrate that the prices charged by the firm are in compliance with the requirements of this subpart.

(2) *Inspection.* Records required to be kept under subparagraph (1) of this paragraph shall be made available for inspection at any time upon the request of a representative of the Economic Stabilization Program.

(3) *Justification.* Upon the request of a representative of the Economic Stabilization Program any firm which has filed a notice of a proposed price increase or increases a price pursuant to this subpart, shall:

(i) Specify the records that it is maintaining to comply with this paragraph; and

(ii) Justify that proposed price increase or increased price.

(4) *Period for keeping records.* Each firm required to keep a record under this paragraph shall maintain and preserve that record for at least 4 years after the last day of the calendar year in which the transactions or other events recorded in that record occurred or the property was acquired by that firm whichever is later.

[FR Doc.73-17440 Filed 8-17-73;11:12 am]

Title 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1973 Crop Wheat Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1973 Crop Wheat Loan and Purchase Program

Correction

In FR Doc. 73-14907 appearing at page 20237 in the issue of Monday, July 30, 1973, make the following changes in the table to § 1421.489, the entries for the State of Texas: Immediately below "DeWitt ----- 1.39", add "Dickens ----- 1.28"; and "Donley ------ 1.28" and "Eastland ----- 1.32" should be reversed.

PART 1427—COTTON

Subpart—Procedures and Factors for Determining Three-Year Average Price for Middling 1-Inch American Upland Cotton in World Markets

The Agriculture and Consumer Protection Act of 1973, P.L. 93–86, approved August 10, 1973, requires the Secretary to determine the three-year average price of American cotton in world markets annually pursuant to a published regulation specifying the procedures and factors to be used in making the determination. The act also requires the Secretary to determine and announce the loan level for the 1974 crop by November 1, 1973. The average price determination is a prerequisite to the loan level determination. Thus, it is essential that this regulation be published as soon as possible. For this reason, it is found and determined that compliance with the notice of proposed rulemaking procedure is impracticable and contrary to the public interest. Therefore, this regulation shall be effective August 21, 1973.

Sec.
1427.1101 Legislative directive.
1427.1102 General statement.
1427.1103 Procedures and factors.

AUTHORITY: Secs. 4, 5, 62 Stat. 1070, as amended, secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421.

§ 1427.1101 Legislative directive.

Section 602 of the Agricultural Act of 1970 as amended by the Agriculture and Consumer Protection Act of 1973, further amended section 103 of the Agricultural Act of 1949, as amended, effective beginning with the 1974 crop of upland cotton, by amending subsection (e) to read in part as follows:

(e)(1) The Secretary shall • • • make available for the 1971 through 1977 crops of upland cotton to cooperators nonrecourse loans • • • at such level as will reflect for Middling one-inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States 90 per centum of the average

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price of American cotton in world markets for such cotton for the three-year period ending July 31 in the year in which the loan level is announced, except that if the loan rate so calculated is higher than the then current level of average world prices for American cotton of such quality, the Secretary is authorized to adjust the current calculated loan rate for cotton to 90 per centum of the then current average world price. The average world price for such cotton for such preceding three-year period shall be determined by the Secretary annually pursuant to a published regulation which shall specify the procedures and the factors to be used by the Secretary in making the world price determination. The loan level for any crop of upland cotton shall be determined and announced not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective. • • •

The Senate-House Conference Report on the Agriculture and Consumer Protection Act of 1973 states that "The Conferees intend that the Secretary shall obtain quotations in world markets for American cotton, supplemented by any other relevant price information available, for use in the determination of average price and in the establishment of the loan level at ninety percent of the three-year average."

§ 1127.1102 **General statement.**

It is generally recognized that prices in world markets for identical grades and staple lengths of American cotton vary because of factors such as the locality where grown, Pressley strength, micronaire reading, storage area and estimated weight gain during ocean shipment. Less than one-half of one percent of the American crop in recent years has been Middling 1-inch cotton, consequently, such quality is not universally quoted in foreign markets. Most foreign market quotations are basis Strict Middling one and one-sixteenth inch cotton. Further, reliable price quotations based on U.S. quality standards are notably meager in all foreign markets. It is generally conceded that quality determinations made in most world markets are more tolerant than those made under evaluations in the United States. The complexity of this situation makes a determination of a precise average price of Middling 1-inch American cotton in world markets extremely difficult.

§ 1127.1103 **Procedures and factors.**

The following procedures and factors shall be used in determining the average price of American cotton in world markets basis Middling 1-inch (micronaire 3.5 through 4.9) at average location in the United States for the three-year period ending July 31 in the year in which the loan level for the following crop of upland cotton is announced.

(a) Monthly average market price quotations per pound of American upland cotton quoted in foreign markets shall be obtained for the principal markets of the world for the applicable three-year period. In selecting the qualities and markets to be examined, there shall be taken into account to the extent that information is available, reliability of quotations, volume of sales, and any other relevant information that may be available.

(b) Monthly average price quotations obtained under paragraph (a) of this section shall be averaged for the applicable three-year period.

(c) The three-year average price of American cotton in world markets determined under paragraph (b) of this section shall be adjusted to a U.S. Middling 1-inch (micronaire 3.5 through 4.9) net weight basis to compensate for any lack of comparability, or for differences in quality evaluation or designation relative to U.S. quality standards.

(d) The average cost per pound of appropriate charges and costs related to marketing, handling, and transporting upland cotton from average U.S. location to world markets shall be determined for the applicable three-year period on the basis of the latest information available at the time.

(e) Such average cost per pound determined under paragraph (d) of this section shall be deducted from the three-year average world price, adjusted as provided under paragraph (c) of this section, to adjust such price to average location in the United States.

Signed at Washington, D.C., on August 17, 1973.

EARL L. BUTZ,
Secretary.

[FR Doc.73-17821 Filed 8-17-73;4:42 pm]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATION

[FHA Instruction 465.2]

PART 1872—REAL ESTATE SECURITY

Management and Sale of Acquired Real Estate

Subpart C of Part 1872, Title 7, Code of Federal Regulations, (38 FR 19210) is amended by adding a new § 1872.65(j), to provide that in exceptional situations on a case by case basis with the approval and assistance of the National Office, arrangements may be made with other agencies of Government, such as the General Services Administration, for disposal of association surplus property.

Section 1872.65(j) as added will read as follows:

§ 1872.65 **Method of sale of property that was security for a loan made under the Consolidated Farm and Rural Development Act.**

• • • • • •

(j) *Other disposition of association property.* In exceptional situations on a case by case basis with approval and assistance of the National Office, arrangements may be made with other agencies of Government such as General Services Administration for disposal of association surplus property.

(7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; 42 U.S.C. 2942; 5 U.S.C. 301; delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14982, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.)

Effective date. This amendment shall become effective August 22, 1973.

Dated: August 9, 1973.

J. R. HANSON,
Acting Deputy Administrator,
Farmers Home Administration.

[FR Doc.73-17823 Filed 8-21-73;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Payment of Time Deposits Before Maturity

1. On July 24, 1973 the Board of Directors of the Federal Deposit Insurance Corporation proposed a number of amendments to Part 329 of the FDIC's rules and regulations (12 CFR Part 329). One of the proposed amendments has to do with the imposition of withdrawal penalties in the event of a change in the interest rate or maturity of a time deposit. This proposal was published along with the other proposed amendments in the FEDERAL REGISTER on July 30, 1973 (38 FR 20279-81) and the public was given until August 13, 1973 to submit its comments on the amendments.

After reviewing the comments on this proposal, the Board of Directors has concluded that its adoption—in modified form—is both desirable and in the public interest. The principal purpose and effect of adoption will be to require a distinction, on the part of depositors and insured nonmember banks, between regular savings accounts and time deposits. The former are easily withdrawable, pay a lesser rate of interest than the latter, and are subject to both increases and decreases in the applicable rate of interest. The latter pay a higher rate of interest in return for a definite commitment of funds by the depositor for a specified period of time ranging from 90 days to four years or more. The rate of interest is generally fixed for the entire period to which the depositor's funds are committed. Adoption of the proposed amendments, in conjunction with similar action by the Board of Governors of the Federal Reserve System with respect to member banks, will also have the desirable effect of eliminating differences in the way in which the penalty provisions are applied to time deposits in federally insured banks as opposed to time accounts in Federally insured savings and loan associations. The Board of Directors has accordingly decided to require the imposition of a penalty for all rate increases made on time deposits on or after September 10, 1973, unless the increase is required by the terms of the original deposit contract.

Effective September 10, 1973, § 329.4 of the FDIC's rules and regulations is amended so as to prevent an insured nonmember bank from increasing the rate of interest paid on an existing time deposit or converting that deposit to one having a longer maturity—if it bears a higher rate of interest after conversion—unless the depositor pays the appropriate penalty for withdrawal prior to maturity. The one exception to this requirement permits increases in the rate of interest paid on a time deposit without penalty where the increase is explicitly authorized by the terms of the original deposit contract and the bank does not retain the option to grant or deny such an increase.

The above amendment represents a change in the traditional FDIC position of allowing an insured nonmember bank to raise the interest rate paid on an existing time deposit without penalizing the depositor. For this reason, among others, the Board of Directors deems it vital that all insured nonmember banks make adequate disclosure of the withdrawal penalties to their customers. The Board has accordingly decided to adopt the proposed amendments regarding disclosure which were published for comment in the FEDERAL REGISTER on July 30, 1973 (38 FR 20280-81).

Effective September 10, 1973, §§ 329.4 and 329.8 of the FDIC's rules and regulations are amended so as to require that all advertisements, announcements, or solicitations by insured nonmember banks which relate to the interest paid on time deposits include a clear and conspicuous statement that a "substantial penalty" will be imposed where a depositor is permitted to withdraw all or part of his time deposit before maturity. In addition, each depositor must be given a separate disclosure statement at the time he enters into a time deposit contract with the bank. Among other things, this statement must clearly describe the penalty for early withdrawal. This penalty may be the minimum penalty prescribed by § 329.4(d), as amended, or a more severe penalty chosen by the bank.

In addition to the above amendments, the Board of Directors has decided to adopt the proposed amendment to § 329.4 which relates to loans secured by time deposits. This amendment was also published for comment in the FEDERAL REGISTER on July 30, 1973 (38 FR 20280). Loans secured by time deposits must currently bear an interest rate which is at least 2 percent per annum in excess of the interest rate paid on the time deposit. The amendment makes it clear that the 2 percent rate differential may, if necessary, be obtained by reducing the interest rate paid on the time deposit. The amendment does not change the substantive requirements of the regulation. However, it will enable banks in some states to make loans secured by time deposits at interest rates which do not exceed the maximum rates established by state usury law for consumer loans. Moreover, the amendment provides that the requirement for a 2 percent rate differential—which is a penalty established by Federal regulation—shall be deemed to be a part of every time deposit contract. This amendment is also effective September 10, 1973.

On July 26, 1973 the Board of Directors of the Federal Deposit Insurance Corporation amended §§ 329.6 and 329.7 of the FDIC's rules and regulations (12 CFR 329.6, 329.7). The amendments became effective August 1, 1973, the date of their publication in the FEDERAL REGISTER (38 FR 20442). They limit the total amount of time deposits of $1,000 or more with maturities of 4 years or more that may be held by any one insured nonmember bank to 5 percent of the bank's total domestic time and savings deposits. Deposits in this category received on or after August 1, 1973 may not bear a rate of interest in excess of the maximum rate for time deposits of 30 months or more 6½% for insured nonmember commercial banks and 6¾ percent for insured nonmember mutual savings banks) if their receipt would cause the total of all such deposits to exceed the 5 percent limitation.

Prior to August 1, 1973, insured nonmember banks were not generally aware that the Board of Directors was considering a change in the traditional FDIC position of allowing them to change the interest rates paid on their existing time deposits without penalizing their depositors nor were such banks aware of the impending 5 percent limitation on time deposits of $1,000 or more with maturities of 4 years or more. Following the introduction on July 5, 1973 of this new category of four-year, $1,000 minimum denomination time deposits with no maximum rate ceilings, a number of insured nonmember banks offered their depositors the opportunity to convert their preexisting time deposits bearing lower interest rates to deposits in this category without penalty. However, some insured nonmember banks which made such offers before the new regulations were issued have been unable to convert the time deposits of those preexisting customers who failed to notify the bank before August 1 that they wanted the new four-year deposits.

The Board of Directors has concluded that it is inequitable to prevent insured nonmember banks from paying higher interest rates on the new four-year deposits to some of their preexisting customers simply because those customers failed to notify the bank before the August 1 deadline. The Board of Directors has accordingly decided to further amend §§ 329.6 and 329.7 of the FDIC's rules and regulations (12 CFR 329.6 and 329.7) to allow any insured nonmember bank which made such an offer to its customers before August 1, to now proceed to transfer or convert their time deposits to time deposits of $1,000 or more with maturities of 4 years or more without regard to the interest rates paid on the new deposits. However, in order to take advantage of this amendment, three conditions must be met:

1. The funds must have been in a time deposit in the same bank prior to July 5, 1973.

2. The bank must have made the offer on or before July 31, 1973.

3. The transfer or conversion must take place on or before September 8, 1973.

The above amendment does not effect the calculation of the 5 percent limitation. Thus, in calculating the percentage of a bank's total domestic time and savings deposits which is represented by time deposits of $1,000 or more with maturities of 4 years or more, all time deposits in this latter category must be counted except those whose interest rates do not exceed the maximum rate prescribed for time deposits of 30 months or more.

The Board of Directors has also concluded that small insured nonmember banks should have more latitude to compete for time deposits of $1,000 or more with maturities of 4 years or more. The Board of Directors has therefore decided to amend sections 329.6 and 329.7 so as to allow an insured nonmember bank to accept time deposits of $1,000 or more with maturities of 4 years or more at negotiated interest rates so long as the total amount of such deposits does not exceed 5 percent of the bank's total domestic time and savings deposits, or $500,000, whichever is greater.

2. Section 329.4 is amended by revising paragraph (e) and adding new paragraphs (f), (g), and (h) as follows:

§ 329.4 **Payment of time deposits before maturity.**

• • • • • •

(e) *Application of penalty to changes in interest rates or maturities.*—(1) *Increases in interest rates on existing time deposits.* Where there is an increase in the rate of interest paid on any time deposit, the deposit will be treated as having been withdrawn by the depositor, prior to maturity, on the date on which the deposit begins to earn interest at the higher rate.

(2) *Conversion of existing time deposits to new deposits with longer maturities.* Where an existing time deposit is converted to one having a longer maturity, the deposit will be treated as having been withdrawn by the depositor, prior to maturity, on the date of conversion if the rate of interest paid on the new deposit exceeds the rate paid on the original deposit.

(3) *Exceptions.* The provisions of this paragraph (e) do not apply to an increase in the rate of interest paid on a time deposit where such increase is explicitly authorized by the terms of the original deposit contract and may not be granted or withheld at the option of the bank.

(f) *Disclosure of penalty.* At the time an insured nonmember bank enters into a new time deposit contract with any depositor, it shall provide the depositor with a separate written statement which clearly states that the depositor may not withdraw all or any part of his deposit prior to maturity except with the consent of the bank which may be given only at the time such request for withdrawal is made, and that if the bank gives its consent at that time, a penalty will be assessed on the amount withdrawn. In

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addition, the statement shall clearly describe the penalty, which shall, at a minimum, be the penalty prescribed in paragraph (d) of this section.[11e]

(g) *Determination of "date of deposit" for multiple maturity time deposits.* As used in paragraph (d) of this section, the words "date of deposit" have the following meanings as applied to multiple maturity time deposits: (1) in the case of automatically renewable mutiple maturity time deposits (or those payable on more than one date), the last maturity date on which the deposit could have been withdrawn, and (2) in the case of multiple maturity time deposits which may only be withdrawn upon written notice to be given prior to the date of withdrawal, the last date on which notice could have been given in order to withdraw the deposit on the date on which it is treated as having been withdrawn (i.e., the date as of which a higher interest rate is paid or the date on which the deposit is converted to one having a longer maturity).

(h) *Loans upon security of time deposits.* An insured nonmember bank may make a loan to a depositor upon the security of his time deposit. However, the rate of interest paid by the bank on such deposit for the period of time it secures the loan shall not be in excess of 2 percent per annum less than the rate of interest charged on the loan. The provisions of this paragraph (h) shall be deemed to be a part of every time deposit contract entered into by any insured nonmember bank whether or not such provisions are expressly set forth therein.

3. Section 329.6 is amended to read as follows:

§ 329.6 Maximum rates of interest payable on time and savings deposits by insured nonmember banks other than insured nonmember mutual savings banks.[12]

* * * * *

(b) *Deposits of less than $100,000.* * * *

(2) *Deposits of $1,000 or more with maturities of 4 years or more.* There is no maximum rate of interest presently prescribed on any time deposit of $1,000 or more with a maturity of 4 years or more, *provided, however,* That the total amount of such deposits in an insured nonmember bank at the time the deposit is made does not exceed 5 percent of its total time and savings deposits subject to this Part 329, or $500,000, whichever is greater. With respect to any such deposit that is received on or after August 1, 1973 during any period when the outstanding amount of all such deposits is at or above the 5 percent level, or $500,000, whichever is greater, the bank shall not pay interest thereon at a rate in excess of 6½ percent per annum.[13a]

* * * * *

4. Section 329.7 is amended to read as follows:

§ 329.7 Maximum rate of interest or dividends payable on deposits by insured nonmember mutual savings banks.

* * * * *

(b) *Maximum rates payable.* * * *

(4) *Time deposits of $1,000 or more with maturities of 4 years or more.* There is no maximum rate of interest presently prescribed on any time deposit of $1,000 or more with a maturity of 4 years or more, *provided, however,* That the total amount of such deposits in an insured nonmember mutual savings bank at the time the deposit is made does not exceed 5 percent of its total time and savings deposits subject to this Part 329, or $500,000, whichever is greater. With respect to any such deposit that is received on or after August 1, 1973 during any period when the outstanding amount of all such deposits is at or above the 5 percent level, or $500,000, whichever is greater, the bank shall not pay interest thereon at a rate in excess of 6¾ percent per annum.[14a]

* * * * *

5. Section 329.8 is amended by adding a new paragraph (h) to read as follows:

§ 329.8 Advertising of interest on deposits.

* * * * *

(h) *Time deposits.* Every advertisement, announcement, or solicitation relating to the interest paid on time deposits shall include a clear and conspicuous statement that in the event the depositor is allowed to withdraw all or part of his deposit before maturity, a "substantial penalty" will be imposed.

(Sec. 9, 18(g); 64 Stat. 881–82, Pub. L. No. 93–100, § 1 (August 16, 1973); 12 U.S.C. 1819, 1828(g))

6. The requirements of sections 553 (b) and (d) of Title 5, United States Code, and §§ 302.1, and 302.2, and 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation, with respect to notice, public participation, and deferred effective date were not followed in connection with the amendments to §§ 329.6 and 329.7 because the Board of Directors found that notice and public procedure thereon would be unnecessary and contrary to the public interest and because the amendments relieve an existing restriction.

The requirements of section 553(d) of Title 5, United States Code, and § 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation, with respect to the publication of a substantive rule not less than 30 days before its effective date were not followed in connection with the amendments to §§ 329.4 and 329.8 because the Board of Directors found that the public interest compelled it to make the action effective no later than September 10, 1973.

7. *Effective dates.* The amendments to §§ 329.6 and 329.7 are effective August 17, 1973.

The amendments to §§ 329.4 and 329.8 are effective September 10, 1973.

By order of the Board of Directors, August 14, 1973.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.73–17815 Filed 8–21–73;8:45 am]

[11e] This paragraph (f) does not apply to any extensions or renewals of existing contracts except where the depositor has not previously been notified of the penalty provisions in paragraph (d). This paragraph also does not apply to "obligations other than deposits" that are otherwise subject to the provisions of this Part 329 (see 12 CFR 329.10(a)).

[12] * * *

[13a] Notwithstanding the 5 percent or $500,000 limitation established by this subparagraph (b)(2), an insured nonmember bank may accept any time deposit of $1,000 or more with a maturity of 4 years or more without regard to the interest rate paid thereon if the deposit consists of funds that were in a time deposit in the same bank prior to July 5, 1973, and if such funds were subsequently transferred or converted to a time deposit of 4 years or more on or before September 8, 1973, provided that the bank made an offer on or before July 31, 1973, to effect such transfers or conversions.

[14] * * *

[14a] Notwithstanding the 5 percent or $500,000 limitation established by this subparagraph (b)(4), an insured nonmember mutual savings bank may accept any time deposit of $1,000 or more with a maturity of 4 years or more without regard to the interest rate paid thereon if the deposit consists of funds that were in a time deposit in the same bank prior to July 5, 1973, and if such funds were subsequently transferred or converted to a time deposit of 4 years or more on or before September 8, 1973, provided that the bank made an offer on or before July 31, 1973 to effect such transfers or conversions.

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR–77]

PART 385—DELEGATIONS AND REVIEW OF ACTIONS UNDER DELEGATION; NONHEARING MATTERS

Revisions of Delegations of Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

The Board's Bureau of Accounts and Statistics recently has been reorganized resulting in abolition of the Statistical Division and transfer of the Audit Division to the Bureau of Enforcement. As a result of this reorganization, the Board is reassigning delegations of authority previously assigned to the Chief, Statistical Division, under § 385.18a to the Chief of the new Statistical Data Division.[1] In addition, an editorial amendment is included to reflect the name change of the Accounting Regulation Division to the Accounting and Statistical Regulation Division.

[1] It should be noted that the transfer of the Audit Division to the Bureau of Enforcement does not affect the authority of the Director, Bureau of Accounts and Statistics, under § 385.17(b) to resolve any disputes on accounting matters which may arise between the Board's auditors and the carriers.

Since the amendments provided for herein are rules of agency organization, the Board finds that notice and public procedure are not necessary, and that the amendments may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends §§ 385.18 and 385.18a of Part 385 of its Organization Regulations (14 CFR Part 385) effective August 16, 1973, as follows:

1. Amend the Table of Contents of Subpart B of Part 385 by changing the heading of §§ 385.18 and 385.18a, the table as amended to read as follows:

Sec.
385.18 Delegation to the Chief, Accounting and Statistical Regulation Division, Bureau of Accounts and Statistics.
385.18a Delegation to the Chief, Statistical Data Division, Bureau of Accounts and Statistics.

2. Amend the title and introductory paragraph of § 385.18 to read as follows:

§ 385.18 Delegation to the Chief, Accounting and Statistical Regulation Division, Bureau of Accounts and Statistics.

The Board hereby delegates to the Chief, Accounting and Statistical Regulation Division, Bureau of Accounts and Statistics, the authority to:

* * * * * *

3. Amend the title and introductory paragraph of § 385.18a to read as follows:

§ 385.18a Delegation to the Chief, Statistical Data Division, Bureau of Accounts and Statistics.

The Board hereby delegates to the Chief, Statistical Data Division, Bureau of Accounts and Statistics, authority to:

* * * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; 49 U.S.C. 1324 (note).)

Adopted: August 16, 1973.

Effective: August 16, 1973.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73–17819 Filed 8–21–73;8:45 am]

CHAPTER III—NATIONAL TRANSPORTATION SAFETY BOARD

[NTSB Reg. PR–3; NTSB Reg. PR–6]

PART 431—RULES OF PRACTICE IN AIRCRAFT ACCIDENT INQUIRIES

PART 440—RULES OF PRACTICE IN SURFACE TRANSPORTATION ACCIDENT HEARINGS

Determination To Hold Hearings

The purpose of these amendments is to make it clear that the authority to order hearings as part of an accident inquiry and to assign a Member to serve as Chairman of the Board of Inquiry are decisions of the National Transportation Safety Board.

Since these regulations are rules of agency practice and procedure, notice and public procedure thereon are not required.

These amendments were approved by the Board of the National Transportation Safety Board on February 7, 1973, and become effective on publication in the FEDERAL REGISTER.

Accordingly, the National Transportation Safety Board hereby amends the provisions of its regulations covering rules or practice in aircraft accident inquiries (Part 431) and its rules of practice in surface transportation accident hearings (Part 440) as follows:

1. Section 431.21 is revised to read as follows:

§ 431.21 Determination to hold hearing.

The National Transportation Safety Board may order a hearing as part of an accident inquiry whenever the Board deems it necessary in the public interest; provided that should a quorum of the Board not be immediately available in the event of a catastrophic accident, then the determination to hold a public hearing may be made by the Chairman.

2. Section 431.22 is revised to read as follows:

§ 431.22 Board of inquiry.

The Board of Inquiry shall consist of a Member of the Board who, when present, will be Chairman of the Board of Inquiry, the Hearing Officer, the Director of the Bureau of Aviation Safety or his designee, and the General Counsel or his designee. Assignments of Members to serve as Chairmen of Boards of Inquiry shall be determined by the National Transportation Safety Board. In the absence of the Chairman, a member of the Board of Inquiry designated by him shall act as chairman. It shall be the duty of the Board of Inquiry to secure in the form of a public record all known facts pertaining to the accident and surrounding circumstances and conditions from which probable cause may be determined and recommendations of corrective action formulated.

3. Section 440.10 is revised to read as follows:

§ 440.10 Determination to hold hearing.

The National Transportation Safety Board may order a hearing as part of an accident hearing whenever the Board deems it necessary in the public interest; provided that should a quorum of the Board not be immediately available in the event of a catastrophic accident, then the determination to hold a public hearing may be made by the Chairman.

4. Section 440.11 is revised to read as follows:

§ 440.11 Board of inquiry.

The Board of Inquiry shall consist of a Member of the Board who shall be Chairman of the Board of Inquiry, a Hearing Officer when assigned, the Director of the Bureau of Surface Transportation Safety or his designee, and, where appropriate, the General Counsel or his designee. Assignments of Members to serve as Chairman of Boards of Inquiry shall be determined by the National Transportation Safety Board. It shall be the duty of the Board of Inquiry to examine witnesses and to secure, in the form of a public record, all known facts pertaining to the accident and surrounding circumstances and conditions from which cause may be determined and recommendations for corrective action may be formulated.

Adopted: February 7, 1973.

Effective: August 22, 1973.

By the National Transportation Safety Board.

JOHN H. REED,
Chairman.

AUGUST 16, 1973.

[FR Doc.73–17746 Filed 8–21–73;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T. D. 73–228]

PART 1—GENERAL PROVISIONS

Customs Regions, Districts and Ports

AUGUST 13, 1973.

On May 18, 1973, notice of a proposal to extend the limits of the port of Omaha, Nebraska, in the Chicago, Illinois, Customs district (Region IX), was published in the FEDERAL REGISTER (38 FR 13027). No comments were received regarding this proposed extension.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), the port limits of Omaha, Nebraska, in the Chicago, Illinois, Customs district (Region IX), are hereby extended to include all of Douglas County and all of Sarpy County in the State of Nebraska, and all of Pottawattamie County west of Iowa Highway 59 in the State of Iowa.

To reflect this change, the table in § 1.2(c) of the Customs regulations is amended by substituting "Omaha, Nebraska (including the territory described in T.D. 73–228)" for "Omaha, Nebr. (including territory described in E.O. 9297, Feb. 1, 1943; 8 FR 1479)." in the column headed "Ports of Entry" in the Chicago, Illinois, district (Region IX).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U.S.C. 1, 2)

It is desirable to make the extended port of entry available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed

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effective date under the provision of 5 U.S.C. 553(d).

Effective date. This amendment shall be effective August 22, 1973.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

AUGUST 13, 1973.

[FR Doc.73-17813 Filed 8-21-73;8:45 am]

[T.D. 73-227]

FOREIGN MILITARY PERSONNEL

Free Entry Privileges

AUGUST 13, 1973.

On April 19, 1973, notice of proposed rule making to amend Part 148 of the Customs regulations by adding to subpart I of Part 148 a new § 148.90 entitled "Foreign military personnel," was published in the FEDERAL REGISTER (38 FR 9670). No comments were received in response to this notice.

Section 148.90 is part of the general revision of the Customs Regulations and replaces present § 10.30c. Changes or additions in language are made to clarify the provisions, eliminate inconsistencies, and conform the Customs Regulations to current administrative practices.

The principal changes in the requirements and procedures in § 148.90 from those set forth in § 10.30c relate to the entry or withdrawal of alcoholic beverages under item 822.20, Tariff Schedules of the United States (19 U.S.C. 1202), for personal or family use. These changes are as follows:

1. The present regulations state that for normal consumption the entry or withdrawal of alcoholic beverages under item 822.20, Tariff Schedules of the United States (19 U.S.C. 1202), is limited to one case per month. In practice, this limitation does not apply to malt beverages. Therefore, the words "(other than malt beverages)" are added to § 148.90(d)(1)(i), to clearly point out that malt beverages are an exception to the limitation.

2. Advance entry or withdrawal of cases of alcoholic beverages under the one case per month limitation, mentioned above, is permitted under the present regulations, but the number of cases advanced is left to the discretion of the district director. This policy has resulted in a lack of uniformity as to the number of cases that can be entered or withdrawn at one time. To establish a uniform policy, § 148.90(d)(1)(ii) permits three cases (the initial one plus two cases in advance) to be entered or withdrawn at any one time. The second sentence of § 148.90(d)(1)(ii) is added to explicitly point out that this advance entry or withdrawal does not broaden the one case per month limitation.

3. Section 148.90(d)(3) sets forth the requirement that the warehouse proprietor must retain the necessary records concerning the entry and withdrawal of alcoholic beverages under item 822.20, Tariff Schedules of the United States (19 U.S.C. 1202), for at least 3 years from the date of such entry or withdrawal. This section also indicates that the district director may have the warehouse proprietor's records verified.

4. Since the requirement that the member of the armed forces be an alien is explicitly set forth in § 148.81, it is omited from § 148.90.

The amendment also sets forth the limitations that the term "articles entered for the personal or family use" does not include articles imported as an accommodation to others or for sale or other commercial use. These limitations are contained in headnote 3 of schedule 8, part 2C, Tariff Schedules of the United States (19 U.S.C. 1202).

Cross-references made by other sections of the Customs Regulations to § 10.30c have been changed to reflect the replacement of that section by § 148.90.

There is included as part of the amendment a parallel reference table which shows the relationship of § 148.90 to superseded § 10.30c of the Customs regulations.

Accordingly, new § 148.90, and conforming changes in Parts 10, 11, 145, and 148 of the Customs Regulations, Chapter I, title 19 of the Code of Federal Regulations, are hereby adopted as set forth below.

Effective date. This amendment shall become effective on September 21, 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: August 13, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Part 10 is amended by deleting § 10.30c and footnotes 33e and 33f appended thereto.

(R.S. 251, as amended, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1202 (Gen. Hdnte. 11), 1624)

PART 11—PACKING AND STAMPING; MARKING

Section 11.3 is amended by deleting "10.30c,".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 145—MAIL IMPORTATIONS

Section 145.39 is amended by deleting "and § 10.30c".

(R.S. 251, as amended, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1202 (Gen. Hdnte. 11), 1624)

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

Section 148.81 is amended to correct its cross-reference to foreign military personnel as follows:

In paragraph (a) substitute "§ 148.90" for "§ 10.30c of this chapter".

In paragraphs (b), (c), and (d) delete "and § 10.30c of this chapter".

Part 148 is amended by adding a new § 148.90 entitled "Foreign military personnel" to subpart I, to read as follows:

§ 148.90 Foreign military personnel.

(a) *Exemptions allowed.*—District directors shall in accordance with the provisions of this section admit the following free of duty and internal revenue tax imposed upon or by reason of importation:

(1) The baggage and effects of persons on duty in the United States as members of the armed forces of any foreign country, and of their immediate families under item 820.40, Tariff Schedules of the United States (19 U.S.C. 1202);

(2) Articles entered or withdrawn from warehouse for consumption by a member of the armed forces of any foreign country on duty in the United States, for his personal use or that of any member of his immediate family but not as an accommodation to others or for sale or other commercial use, under item 822.20, Tariff Schedules of the United States (19 U.S.C. 1202); and

(3) Articles entered or withdrawn from warehouse for consumption for the official use of members of the armed forces of any foreign country on duty in the United States, under item 841.20, Tariff Schedules of the United States (19 U.S.C. 1202).

(b) *Reciprocity limitation.*—When district directors have been advised officially of a finding by the Secretary of the Treasury that a foreign country does not reciprocate to members of the armed forces of the United States on duty in its country and members of their immediate families the privileges accorded its members and their families in the United States, the district directors shall accord to the personnel of such foreign government privileges under the law only to the extent to which the foreign government accords similar treatment to members of the armed forces of the United States and members of their immediate families.

(c) *Status of importer questioned.*—If any question arises as to the status of the importer under item 820.40, 822.20, or 841.20, Tariff Schedules of the United States (19 U.S.C. 1202), or whether articles entered thereunder are for official use or for personal or family use, but not as an accommodation to others or for sale or other commercial use, the district director shall report the available facts to the Commissioner of Customs for instructions.

(d) *Alcoholic beverages for personal or family use.*—(1) *General rule.*—(i) *Limitation stated.*—Except in the case of exceptional circumstances set forth in paragraph (d)(2) of this section, entry of alcoholic beverages (other than malt beverages) for personal or family use but not as an accommodation to others or for sale or other commercial use under item 822.20, Tariff Schedules of the United States (19 U.S.C. 1202), is limited to one case each month.

(ii) *Advance entry or withdrawal.*—A maximum of three cases (the initial one plus two cases in advance) may be entered or withdrawn at any one time in a given 3-month period if the district director is satisfied they are for personal or family use but not as an accommodation to others or for sale or other commercial use. Such advance entry or withdrawal shall not be deemed to broaden the one case per month limitation.

(iii) *Certification.*—At the time of each entry or withdrawal, the member of the Armed Forces must certify that since his last entry or withdrawal there have expired a number of months equal to the numbers of cases last entered or withdrawn.

(2) *Exceptional circumstances.*—In exceptonal circumstances an additional quantity of alcoholic beverages for personal or family use but not as an accommodation to others or for sale or other commercial use, in excess of the one case per month limitation may be allowed under the following procedure:

(i) A statement signed by the member of the Armed Forces and attached to his declaration for free entry will be submitted to the district director, setting forth the reason for requesting the additional quantity;

(ii) The statement of request must be approved by the officer or person in charge of the Armed Forces involved, or a person specifically authorized by such officer or person to approve such requests; and

(iii) The district director must be satisfied that the need for the additional quantity is justified. Questionable cases shall be referred to the Commissioner of Customs for instructions.

(3) *Retention and verification of the warehouse proprietors' records.*—The warehouse proprietor shall retain all records relating to the entry and withdrawal of alcoholic beverages under item 822.20, Tariff Schedules of the United States (19 U.S.C. 1202), for at least 3 years from the date of entry or withdrawal of such beverages. Verification of the warehouse proprietors' records shall be at the discretion of the district director.

(e) *Entry requirements.*—The entry requirements prescribed in the Tariff Act of 1930, as amended (Title 19, United States Code), and the regulations thereunder are applicable to articles for which free entry is claimed under item 820.40, 822.20, or 841.20, Tariff Schedules of the United States (19 U.S.C. 1202). No invoices shall be required.

(R.S. 251, as amended, 77A Stat. 14, secs. 498, 624, 46 Stat. 728, as amended, 756; 19 U.S.C. 66, 1202 (Gen. Hdnte. 11), 1498, 1624)

APPENDIX

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in revised Part 148 to superseded 19 CFR Part 10.)

Revised section:	Superseded section
148.90(a)	10.30c(a).
148.90(b)	10.30c(a).
148.90(c)	10.30c(b).
148.90(d)(1)(i)	10.30c(b).
148.90(d)(1)(ii)	10.30c(b) and new.
148.90(d)(1)(iii)	10.30c(b).
148.90(d)(2)	10.30c(b).
148.90(d)(3)	New.
148.90(e)	10.30c(c) and(d).

[FR Doc.73-17812 Filed 8-21-73;8:45 am]

Title 22—Foreign Relations

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AID Reg. 5]

PART 205—PER DIEM PAYMENTS TO PARTICIPANTS IN NONMILITARY ECONOMIC DEVELOPMENT TRAINING PROGRAMS

Per Diem Payments

The regulation governing per diem payments to participants in non-military economic development training programs is revised to provide increased per diem payments to such participants. This change is based on the amendment to 22 CFR 61.3 set forth at 38 FR 15965 (June 19, 1973) wherein an increased per diem is provided to participants who come to the United States to observe, consult, demonstrate special skills, or engage in specialized programs.

Part 205 of Chapter II of Title 22 of the Code of Federal Regulations (AID Reg. 5), is revised to read as follows:

§ 205.1 Per diem rates.

Participants in any training program under the Foreign Assistance Act of 1961 other than Part II may receive a per diem allowance in accordance with the following rates:

(a) For participants in programs of training in the United States, a per diem allowance not to exceed $35, or, in exceptional circumstances such other rate not to exceed $45, as the Administrator of the Agency for International Development or his designee may prescribe and such designee may be authorized to redelegate such authority.

(b) For participants in programs of training in countries other than the United States, a per diem allowance not to exceed those prescribed by the Standardized regulations (Government Civilian, Foreign Areas).

This revision shall become effective on August 22, 1973.

JAMES F. CAMPBELL,
Assistant Administrator, Bureau for Program and Management Services.

JULY 11, 1973.

[FR Doc.73-17781 Filed 8-21-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7283]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Income Tax Regulations; Amendments Relating to DISC's

Corrections

In FR Doc. 73-16003, appearing at page 20823 for the issue for Friday, August 3, 1973, in the tenth line from the top of § 1.922-1(c), the phrase which now reads "See section 922(a) (1) and (3)", should read "See section 992(a) (1) and (3)".

Title 31—Fiscal Service

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 332—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES H

Amount of Interest Checks and Investment Yields

Correction

In FR Doc. 73-8412, appearing at page 10808 for the issue for Wednesday, May 2, 1973, in Table 26-A, opposite "4 years" in the first column of the table, the first amount of interest which now reads "13.57", should read "13.75".

Title 41—Public Contracts and Property Management

CHAPTER 109—ATOMIC ENERGY COMMISSION

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 109-40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Updating To Reflect Transfer of Certain Functions

This amendment is issued to reflect the Atomic Energy Commission's reassignment and transfer of certain functions and responsibilities from its Division of Construction to its Division of Waste Management and Transportation as follows:

1. Under Part 109-40 of Title 41 CFR, §§ 109-40.106, 109-40.109, 109-40.305-5, and 109-40.307 are amended by deleting from each the words "Division of Construction," and inserting in place thereof the words "Division of Waste Management and Transportation."

This amendment is effective on August 22, 1973.

(Sec. 161 Atomic Energy Act of 1954, as amended, 68 Stat. 948 (42 U.S.C. 2201); sec. 205 Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390 (40 U.S.C. 486).)

Dated at Germantown, Maryland this 13th day of August, 1973.

V 38-162 AUG 22 73 XUM

For the U.S. Atomic Energy Commission.

R. E. HOLLINGSWORTH,
General Manager.

[FR Doc.73-17426 Filed 8-21-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5375]

[New Mexico 12723]

NEW MEXICO

Withdrawal for National Forest Recreation Areas and Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

CARSON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Lagunitas Administrative Site and Campground

T. 31 N., R. 6 E., (unsurveyed)
Sec. 28, S½S½SW¼;
Sec. 33, W½NE¼, NW¼, N½SW¼, NW¼SE¼.

Potrero Box

T. 25 N., R. 7 E.,
Sec. 8, SE¼SE¼SE¼, E½SW¼SE¼SE¼;
Sec. 9, SW¼SW¼SW¼, W½SE¼SW¼SW¼;
Sec. 16, W½NW¼NW¼, W½E½NW¼NW¼, W½NE¼SW¼NW¼, NW¼SW¼NW¼;
Sec. 17, E½NE¼NE¼, E½W½NE¼NE¼.

Laguna Larga Campground

T. 31 N., R. 8 E.,
Sec. 28, S½S½SW¼;
Sec. 33, N½NW¼, N½S½NW¼.

Tres Piedras Administrative Site

T. 28 N., R. 9 E.,
Sec. 15, S½SW¼SE¼, SW¼SE¼SE¼, W½SE¼SE¼SE¼;
Sec. 22, lots 3, 8, 9, 10, 11 and NW¼NE¼.

The areas described aggregate approximately 765 acres in Rio Arriba and Taos Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc.73-17435 Filed 8-21-73;8:45 am]

[Public Land Order 5376]

[Arizona 032148]

ARIZONA

Final Revocation of Withdrawal for Air Navigation Site No. 27

By virtue of the authority contained in section 4 of the Act of May 24, 1928, 49 U.S.C. 214 (1970), it is ordered as follows:

The Secretary's Order of April 4, 1929, withdrawing land for Air Navigation Site No. 27, is hereby revoked as to the remaining lands embraced therein, described as follows:

GILA AND SALT RIVER MERIDIAN

T. 11 S., R. 6 W.,
Sec. 25, NE¼, E½NW¼, S½.

The area described aggregates 560 acres in Pima County.

All of the lands have been patented to Pima County under the Recreation and Public Purposes Act of June 14, 1926, as amended, 43 U.S.C. 869; 869-4 (1970).

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc.73-17436 Filed 8-21-73;8:45 am]

[Public Land Order 5377]

[Arizona 033067]

ARIZONA

Partial Revocation of Withdrawals for National Forest Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. The Secretarial Order of November 10, 1908, and Public Land Order No. 3965 of March 30, 1966, withdrawing national forest lands as administrative sites, are hereby revoked so far as they affect the following described lands:

TONTO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Ashdale Administrative Site

T. 8 N., R. 5 E.,
sec. 31 (unsurveyed tract of land located in central part of section).
Containing approximately 76.60 acres.

Top of the World Administrative Site

T. 1 S., R. 14 E.,
sec. 8, W½SW¼, excluding patented Mineral Survey No. 2337.
Containing approximately 57.00 acres.

The areas described total approximately 133.60 acres in Gila and Maricopa Counties.

2. At 10 a.m. on September 19, 1973, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc.73-17784 Filed 8-21-73;8:45 am]

[Public Land Order 5378]

[New Mexico 13046]

NEW MEXICO

Partial Revocation of National Forest Reserve; Transfer of Administrative Jurisdiction Over Land in the Rio Grande National Wild and Scenic Rivers Area

By virtue of the authority vested in the President by the Act of June 4, 1897, 16 U.S.C. 473 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and the authority contained in section 6(c) of the Act of October 2, 1968, 16 U.S.C. 1277 (1970), it is ordered as follows:

1. The Presidential Proclamation No. 863 of March 2, 1909, withdrawing lands for the Carson National Forest, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 27 N., R. 12 E., secs. 5 and 8, that portion lying west of the Rio Grande River.

The areas described aggregate 280.70 acres in Taos County.

2. The jurisdiction over the land described above is hereby transferred to the Secretary of the Interior to be administered by the Bureau of Land Management as part of the Rio Grande National Wild and Scenic Rivers Area, as provided for by section 3(a)(4) of the National Wild and Scenic Rivers Act of October 2, 1968, supra.

3. At 10 a.m. on September 19, 1973, the land shall be open to such forms of disposition as may by law be made of National Wild and Scenic Rivers lands as provided by sections 8 and 9 of the Act of October 2, 1968, supra, and subject to the provisions of Waterpower Designation No. 1, New Mexico No. 1 of August 7, 1916, and the withdrawals made by Powersite Reserve No. 548 of September 30, 1916, and Powersite Reserve No. 740 of May 21, 1920.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc.73-17785 Filed 8-21-73;8:45 am]

[Public Land Order 5380]

[New Mexico 12530]

NEW MEXICO

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

CARSON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Angostura Recreation Area

T. 22 N., R. 14 E.,
Sec. 29, that portion of lot 9 south and west of State Highway No. 3;
Sec. 30, those portions of lots 3, 4 and 5, (excluding HES 312) south and west of State Highway No. 3, W½SE¼SE¼, E½SW¼SE¼;
Sec. 31, lots 5, 6, 9, 10, E½NW¼NE¼NE¼, SW¼NE¼NE¼, NW¼SE¼NE¼, N½SW¼SE¼NE¼, E½SE¼NW¼NE¼, E½SW¼NE¼, E½SW¼SW¼NE¼.

Rio La Junta Recreation Area

T. 22 N., R. 13 E.,
Sec. 24, S½SE¼NE¼, partially unsurveyed.
T. 22 N., R. 14 E.,
Sec. 9, W½SW¼NE¼, E½SE¼NW¼, NE¼NE¼SW¼, N½NW¼SE¼, E½SW¼NW¼SE¼, SE¼NW¼SE¼, E½SW¼SE¼, E½W½SW¼SE¼, unsurveyed;
Sec. 16, E½NW¼NE¼, E½W½NW¼NE¼, NW¼SW¼NE¼, W½NE¼SW¼NE¼, N½SW¼SW¼NE¼, S½NE¼SE¼NW¼, S½SE¼NW¼, S½S½SW¼NW¼, N½NW¼NE¼SW¼, N½N½NW¼SW¼, unsurveyed;
Sec. 17, S½N½SW¼NE¼, S½SW¼NE¼, S½SE¼NE¼, E½SE¼SE¼NW¼, E½NE¼SE¼SW¼, E½SW¼SE¼SW¼, SE¼SE¼SW¼, N½NE¼NE¼SE¼, W½NW¼SE¼, W½W½SW¼SE¼, partially unsurveyed;
Sec. 19, S½NE¼NE¼, SE¼NE¼NE¼NE¼, SE¼SE¼NW¼NE¼, N½SW¼NE¼, W½SW¼SW¼NE¼, NW¼NW¼SE¼NE¼, S½S½NW¼;
Sec. 20, N½ of lot 1, N½ and N½S½ of lot 2, NW¼NW¼NE¼, N½NE¼NW¼.

Tres Ritos Recreation Area

T. 22 N., R. 13 E.,
Sec. 24, those portions of lots 3, 4, W½SW¼NE¼, W½NW¼SE¼, N½NE¼SE¼NW¼, SE¼NE¼SE¼NW¼, SW¼SW¼SE¼SE¼, E½SW¼SE¼, NE¼NW¼SW¼SE¼, lying south and/or south and west of State Highway No. 3, excluding that part of PLO 725 in lot 3 and that part of S½SE¼NE¼NW¼ (excluding HES 316) lying south and west of State Highway No. 3, partially unsurveyed;
Sec. 25, those portions of lot 1 lying south and west of State Highway No. 3, E½NE¼NW¼NE¼, S½NW¼NE¼NE¼, NE¼SW¼NE¼NE¼, SE¼NE¼NE¼, partially unsurveyed.
T. 22 N., R. 14 E.,
Sec. 30, that portion of lot 1 lying south and west of State Highway No. 3 and S½NW¼NW¼ (excluding HES 312), partially unsurveyed.

Sipapu Ski Area

T. 22 N., R. 13 E.,
Sec. 9, S½SE¼, partially unsurveyed;
Sec. 10, SW¼ (excluding approximately 10 acres in Patent No. 883043), partially unsurveyed;
Sec. 15, N½NW¼, SW¼NW¼, partially unsurveyed;
Sec. 16, NE¼, SE¼NW¼, E½SW¼, W½SE¼, NE¼SE¼, unsurveyed.

The areas described aggregate 1,507.48 acres in Taos County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc.73-17437 Filed 8-21-73;8:45 am]

[Public Land Order 5381]

[AA-8144, AA-8182]

ALASKA

Exclusions of Land From Chugach and Tongass National Forest

By virtue of the authority vested in the President by section 1 of the Act of June 4, 1897, 30 Stat. 34, 36, 16 U.S.C. section 473 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

The following described tracts of land, occupied as homesites, are hereby excluded from the Chugach and Tongass National Forests and restored, subject to valid existing rights, for purchase as homesites under section 10 of the Act of May 14, 1898, 30 Stat. 413, as amended by the Act of March 3, 1927, 44 Stat. 1364, and the Act of May 26, 1934, 48 Stat. 809:

CHUGACH NATIONAL FOREST

[AA-8182]

U.S. SURVEY 2518

Latitude 60°23'47" N., Longitude 149°21' W., lot 3 (Homesite No. 19, Lawing Homesite Group), 3.74 acres.

U.S. SURVEY 2532

Latitude 60°21'24" N., Longitude 149°21'20" W., lot 1E (Homesite No. 223, Lakeview Homesite Group), 2.36 acres.

[AA-8144]

U.S. SURVEY 3533

Latitude 60°21' N., Longitude 149°21½' W., lot "L" (Homesite No. 195, Lakeview Homesite Group), 1.55 acres.

TONGASS NATIONAL FOREST

[AA-8144]

U.S. SURVEY 2414

Latitude 58°06'24" N., Longitude 135°27' W., lot 6 (Homesite No. 706, Cartina Game Creek Homesite Group), 1.31 acres.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc.73-17786 Filed 8-21-73;8:45 am]

[Public Land Order 5382]

[ES-7576]

MISSOURI

Addition to National Forest

By virtue of the authority vested in the President by section 24 of the Act of March 3, 1891, 16 U.S.C. 471 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Subject to valid existing rights, the following described land is hereby added to and made a part of the Clark National Forest, and hereafter shall be subject to all laws and regulations applicable to said national forest.

FIFTH PRINCIPAL MERIDIAN

T. 31 N., R. 4 E.,
Sec. 6, N½ lot 1 of SW¼.

The area described contains 40 acres in Iron County.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc.73-17787 Filed 8-21-73;8:45 am]

[Public Land Order 5383]

[Oregon 8646]

OREGON

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The order of the Bureau of Reclamation of October 25, 1954, concurred in by the Bureau of Land Management on January 24, 1956, withdrawing lands for the Rogue River Project, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 36 S., R. 7 W.,
Sec. 2, lots 8, 9, 10;
Sec. 3, lots 9 and 16;
Sec. 10 SE¼NW¼.

The areas described aggregate 195.89 acres in Josephine County.

Of these lands, those described as lots 8, 9, and 10, sec. 2, and lot 9, sec. 3, are withdrawn from all forms of appropriation under the public land laws, with certain exceptions, and from location and entry under the United States mining laws, but not from leasing under the mineral leasing laws, by Public Land Order No. 1726 of September 3, 1958. The lands described in section 2 are also included within the boundaries of the withdrawal made for the Rogue River Wild and Scenic Rivers System established by section 3 of the Act of October 2, 1968, 82 Stat. 907. All of these lands will remain so withdrawn.

2. The remaining unreserved, unappropriated public lands described as lot 16, section 3, and the SE¼NW¼, section 10, shall at 10 a.m. on September 19, 1973, be open to operation of the public land laws generally, including the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements received on or before 10 a.m. on September 19, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

V 38-162 AUG 22 73 XUM

All of the lands described in paragraph 1 of this order have been and will continue to be open to the filing of applications and offers under the mineral leasing laws, except that the leasing of the lands described in section 2 will be subject to the provisions of section 9(a) of the Act of October 2, 1968, supra.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Portland, Oregon 97208.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc.73-17788 Filed 8-21-73;8:45 am]

[Public Land Order 5384]

[Arizona 6898]

ARIZONA

Withdrawal for National Forest Recreational and Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws in aid of programs of the Department of Agriculture:

SITGREAVES NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

O'Haco Lookout Administrative Site

T. 12 N., R. 12 E.,
Sec. 10, SE¼SE¼NW¼.

Bear Canyon Lake Recreation Area

T. 12 N., R. 13 E.,
Sec. 20, S½SW¼, SW¼SE¼, W½SE¼SE¼;
Sec. 29, W½E½E½, W½NE¼, NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 32, NW¼NE¼, NE¼NW¼.

Chevelon Canyon Lake Recreation Area

T. 13 N., R. 14 E.,
Sec. 14, W½NW¼SW¼, S½S½, E½NW¼SE¼, NE¼SE¼;
Sec. 15, E½E½SE¼;
Sec. 23, lots 1 and 2, NE¼, N½NW¼, E½SE¼NW¼, E½NE¼SW¼, W½SE¼, 14.44 acres of HES 197 in E½E½SE¼;
Sec. 24, lots 1 and 2, S½SW¼NE¼, NW¼, E½SW¼, SW¼SE¼, 14.91 acres of HES 197 in W½W½SW¼;
Sec. 25, 3.07 acres of HES 197 in NW¼NW¼NW¼;
Sec. 26, E½.

Heber Job Corps Conservation Center Administrative Site

T. 12 N., R. 16 E.
Sec. 20, N½SE¼, SW¼SE¼, N½SE¼SE¼, SW¼SE¼SE¼.

The areas described aggregate 2,323.07 acres in Coconino and Navajo Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc.73-17789 Filed 8-21-73;8:45 am]

[Public Land Order 5385]

[Montana 24365]

MONTANA

Partial Revocation of Reclamation Withdrawal Milk River Irrigation Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

The departmental order of August 18, 1902, which withdrew lands for reclamation purposes, is hereby revoked so far as it affects the following described lands:

MONTANA PRINCIPAL MERIDAN

T. 31 N., R. 35 E.,
Sec. 9, NE¼SE¼.

The area described aggregates 40 acres in Valley County.

The lands are embraced in an allowed entry under the homestead laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc.73-17790 Filed 8-21-73;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-99; Amdts. Nos. 173-75 and 178-27]

SPECIFICATIONS 3AX, 3AAX, AND 3T CYLINDERS

Correction

In FR Doc. 73-16737 of the issue of Wednesday, August 15, 1973, page 21989, the following changes should be made:

1. In § 173.302(f) the reference to "1,000 p.s.i." in the eighth line should read "1000 p.s.i.g."

2. § 173.304(a)(2) table of gases, the DOT container corresponding to "Carbon dioxide-nitrous oxide mixture" reading "DOT-3ET2000" should read "DOT-3HT2000."

3. In § 178.45-15(a)(4), the reference to "165,000 p.s.i. (Rc 36)" should read "165,000 p.s.i. (Rc 36)."

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1148]

PART 1033—CAR SERVICE

Graham County Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of August 1973.

It appearing, that the Graham County Railroad Company has filed an application with the Interstate Commerce Commission in Finance Docket No. 27463 for a certificate of public convenience and necessity authorizing the operation over approximately 12.5 miles of existing line of track, not now operated by a common carrier, between a point of connection with the Southern Railway Company at Topton Junction, North Carolina, located approximately 11.5 miles east of Robbinsville, North Carolina, and a point approximately 1 mile west of Robbinsville, North Carolina, together with approximately 9,500 feet of existing yard, team, and interchange tracks; that this track is the only source of rail service between the aforementioned points; that the Commission is of the opinion that there is immediate need for service over this line pending decision by the Commission in Finance Docket No. 27463, and that the operation of this line by the Graham County Railroad Company is necessary in the interests of the public and the commerce of the people; and that notice and public procedure herein are impracticable and contrary to the public interest, and that good cause exists, for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1148 **Service Order No. 1148.**

(a) *Graham County Railroad Company authorized to operate over trackage in Graham County, North Carolina.* (a) The Graham County Railroad Company be, and it is hereby, authorized to operate over approximately 12.5 miles of existing line of track in Graham County, North Carolina, not now operated by a common carrier, between a point of connection with the Southern Railway Company at Topton Junction, North Carolina, located approximately 11.5 miles east of Robbinsville, North Carolina, and a point approximately 1 mile west of Robbinsville, North Carolina, together with approximately 9,500 feet of existing yard, team, and interchange tracks.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Effective date.* This order shall become effective at 12:01 a.m., August 21, 1973.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-17758 Filed 8-21-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

San Andres National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on August 22, 1973.

§ 32.32 **Special regulations; big game; for individual wildlife refuge areas.**

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of deer (either sex) on the San Andres National Wildlife Refuge, New Mexico, is permitted from December 1 through December 2, 1973, inclusive, only on the area designated by signs as open to hunting. This area, comprising 57,215 acres, is delineated on maps available at refuge headquarters, Las Cruces, New Mexico, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State, Federal, and military regulations, subject to the following special conditions.

(1) Hunters must check in and out in person at the check station located on the Jornada road near U.S. 70. The check station will be open 24 hours a day. Hunters may check in during the afternoon of November 30, 1973. Time of entry to the hunting area will be at the discretion of the officers in charge. Any entry permits required by the military authorities will be available at the check station. All hunters must check out no later than 10:00 p.m. December 2, 1973.

(2) No entry into the hunting area from the west will be permitted north of the Rope Springs road. Hunters will not be permitted to enter the hunting area from the east side of the San Andres Range except at the discretion of the officers in charge.

(3) The officers in charge may restrict the number of hunters entering any one area. If required by the firing schedule, hunters will be cleared from all areas where their safety is endangered.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 2, 1973.

JOHN H. KIGER,
Refuge Manager, San Andres National Wildlife Refuge Las Cruces, New Mexico.

AUGUST 14, 1973.

[FR Doc.73-17779 Filed 8-21-73;8:45 am]

PART 32—HUNTING

San Andres National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective August 22, 1973.

§ 32.32 **Special regulations; big game; for individual wildlife refuge areas.**

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of desert bighorn sheep on the San Andres National Wildlife Refuge, New Mexico, is permitted from October 13 through October 21, 1973, inclusive. This area, comprising 57,215 acres, is delineated on maps available at refuge headquarters, Las Cruces, New Mexico, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of desert bighorn sheep.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 21, 1973.

JOHN H. KIGER,
Refuge Manager, San Andres National Wildlife Refuge, Las Cruces, New Mexico.

AUGUST 14, 1973.

[FR Doc.73-17780 Filed 8-21-73;8:45 am]

PART 32—HUNTING

Pathfinder National Wildlife Refuge; Wyoming

The following special regulation is issued and is effective on August 22, 1973.

§ 32.32 **Special regulations; big game; for individual wildlife refuge areas.**

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Pathfinder National Wildlife Refuge, Wyoming, is permitted on the entire refuge in accordance with dates and areas designated in the Wyoming 1973 Orders regulating deer hunting. Portions of the refuge lying in Area No. 87 will be open October 15 through October 24, 1973. Portions of the refuge lying within Area No. 72 will be open October 1 through October 15, 1973. This open area, comprising 16,807 acres, is composed of four separate units and is delineated on maps available at refuge headquarters in Walden, Colorado and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 24, 1973.

V. CARROL DONNER,
Refuge Manager, Pathfinder National Wildlife Refuge, Walden, Colorado.

AUGUST 9, 1973.

[FR Doc.73-17744 Filed 8-21-73;8:45 am]

PART 32—HUNTING

Pathfinder National Wildlife Refuge; Wyoming

The following special regulation is issued and is effective August 22, 1973.

§ 32.32 **Special regulations; big game; for individual wildlife refuge areas.**

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of antelope on the Pathfinder National Wildlife Refuge, Wyoming, is permitted on the entire refuge in accordance with dates and areas designated in the Wyoming 1973 Orders regulating antelope hunting. Portions of the refuge lying in Area No. 63 will be open from September 15 through September 23, 1973. Portions of the refuge lying in Area No. 48 will be open from September 25 through October 15, 1973. This open area, comprising 16,807 acres, is composed of four separate units and is delineated on maps available at refuge headquarters in Walden, Colorado and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of antelope.

The provisions of this regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1973.

V. CARROL DONNER,
Refuge Manager, Pathfinder National Wildlife Refuge, Walden, Colorado.

AUGUST 9, 1973.

[FR Doc.73-16642 Filed 8-21-73;8:45 am]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

U.S. Customs Service

[19 CFR Part 19]

CUSTOMS WAREHOUSES, CONTAINER STATIONS, AND CONTROL OF MERCHANDISE THEREIN

Transfer of Merchandise to a Container Station by a Container Station Operator

AUGUST 13, 1973.

Notice is hereby given that under the authority of Revised Statute 251, as amended (19 U.S.C. 66), and sections 551, 565, and 624 of the Tariff Act of 1930, as amended (19 U.S.C. 1551, 1565, 1624), it is proposed to amend § 19.45 of the Customs regulations (19 CFR 19.45), to permit container station operators to use their own vehicles to cart merchandise from the place of unlading to their stations. Section 19.45, Customs regulations (19 CFR 19.45), added by T.D. 72-68, 37 FR 4186, provides that merchandise may be transferred to a container station only by a bonded cartman or bonded carrier. However, it would facilitate the movement of cargo to continue the previous practice of permitting container station operators to use their own vehicles to cart merchandise from the place of unlading to their stations. The container station bond would amply protect the revenue in such circumstances.

Accordingly, it is proposed to amend § 19.45 of the Customs regulations (19 CFR 19.45) to read as follows:

§ 19.45 Transfer of merchandise, approval and method.

Approval of the application by the district director shall serve as a permit to transfer the container and its contents to the station. Except when the container station operator is moving the merchandise to his own station by his own vehicle, the merchandise may only be transferred to a container station by a bonded cartman or bonded carrier. The station operator, cartman, or carrier shall receipt for the merchandise on both copies of the application.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received in the Bureau on or before Sept. 21, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3(b)), at the Regulations Division, Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved August 13, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-17814 Filed 8-21-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 929]

[Docket No. AO-341-A3]

CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Decision and Referendum Order Regarding Proposed Amendment of the Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), a public hearing was held at Wareham, Massachusetts, on February 14, 1973, at Wisconsin Rapids, Wisconsin, on February 22, and at Long Beach, Washington, on February 27, after notice thereof published in the FEDERAL REGISTER (38 FR 3985) on proposals to amend the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on May 25, 1973, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto through June 15, 1973, was published in the FEDERAL REGISTER (FR Doc. 73-10852; 38 FR 14290). A notice of extension of time for filing such exceptions, through July 31, 1973, was filed with said Hearing Clerk on June 22, 1973, and published in the FEDERAL REGISTER (FR Doc.73-13023; 38 FR 17016). No exceptions were filed.

The material issues, findings and conclusions, and rulings of the recommended decision set forth in the FEDERAL REGISTER (FR Doc. 73-10852; 38 FR 14290) are hereby approved and adopted as the material issues, findings and conclusions, and rulings of this decision as published in full herein.

Material issues.—The material issues presented on the record of the hearing involved amendatory action relating to:

1. Changing the beginning date of the 2-year term of office for the committee from September 1 to August 1; and authorizing the committee to meet earlier than now permitted to formulate its marketing policy, consider the need for regulations and submit its recommendation with respect thereto when it deems the production and marketing situation warrants;

2. Changing the requirements with respect to submission of the names of nominees from two to one or more for each committee position to be filled; and authorizing the Secretary to consider other qualified persons;

3. Providing representation on the committee for all growers in District 4 (Oregon and Washington) who are not affiliated with the major cooperative, and allow them to participate in nomination proceedings;

4. Providing authority for the committee, with the approval of the Secretary, to levy a late-payment charge and an interest charge on assessments that are not paid within the time specified;

5. Clarifying the withholding provisions so that each handler and the committee can more easily and accurately determine the withholding obligation;

6. Liberalizing the provisions dealing with interhandler transfers to permit handlers to transfer cranberries freely to other handlers, and require each handler to report such transfers to the committee twice each year;

7. Elimination of the requirement for inspection of withheld (restricted from marketing) cranberries, when such cranberries are released to the handler in accordance with the special provisions of the order relating to withheld cranberries; and

8. Making conforming changes.

Findings and conclusions.—The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

1. The order should be amended to change the beginning date of the 2-year term of office of committee members from September 1 to August 1. The Crop Reporting Board issues its report of estimated production during the 3d week in August. It is desirable for the committee to meet as soon as practicable after this report is available to formulate its marketing policy and consider the need for regulation of the oncoming crop. Since the term of office begins on September 1, it is not possible for the committee to meet before that date.

The committee whose term of office expires on August 31 of every other year could meet prior to September 1. However, it was testified at the hearing that the committee that will supervise the program during the crop-year should formulate the marketing policy and be responsible for any recommendation for regulation. The language in the order states "Each crop-year prior to making any recommendation • • •; the committee shall submit to the Secretary a report setting forth its marketing policy for the crop-year." This infers that the committee meeting should be held within the crop-year. Since it is desirable for the committee to meet earlier than September 1, the order should be changed to permit the committee to meet as soon as practicable after August 1. Fixing the beginning date of the term of office as August 1 would add the needed flexibility. Accordingly, the order should be amended as hereinafter set forth.

2. The provisions of the order which require the industry to submit two nominees for each position to be filled on the committee should be changed to require the submission of one or more nominees for each position. The order provides that the large cooperative marketing organization may obtain its nominations by means of grower meetings or by resolution of the Board of Directors. The order directs that all other growers will obtain nominees through meetings held in each district. Requiring the submission of two nominees for each position has caused problems in the operation of the order. Attendance at nomination meetings has sometimes been low. In order to comply with the two nominees for each position requirement of the order it has been necessary to nominate growers who are not in attendance. It is not always known whether such nominees are eligible to serve or if they would serve. Usually the industry desires that the person with the most votes be appointed as a member and the person with the next highest votes be the alternate. Presently, the person with the second highest number of votes for member may not be considered for the alternate position as he must be considered for appointment as member and he should not be considered for two positions at the same time. Similar objections exist to requiring the major cooperative to submit two names of nominees for each position it is to fill on the committee.

Amending the order to require submission of the names of one or more nominees for each committee position to be filled should result in greater flexibility in selecting the best qualified individuals for member and alternate positions respectively. The extension of authority to permit the Secretary to consider other eligible persons, in addition to the nominees, would provide sufficient latitude for him to make a choice. The order should therefore be amended as hereinafter set forth.

3. Some growers in District 4 are not affiliated with the major cooperative marketing organization. The order does not currently provide sufficient committee representation for these growers as is the case for growers not so affiliated in other districts. It would be desirable and the order should be amended to specifically provide representation on the committee for these District 4 growers. Such amendment should permit such growers to participate in the selection of nominees as well as make them eligible to serve on the committee. This could be accomplished by treating Districts 3 and 4 growers as one unit for purposes of committee representation for such growers. Hence, the order would provide that all such growers in Districts 3 and 4 may participate together in the selection of nominees to fill positions representing growers not affiliated with the major cooperative. It should provide that each grower in either district would be eligible to serve in such a position on a committee. It should also provide that the member who represents growers in District 3 who are not so affiliated shall also represent such growers in District 4. Because of the distance between Districts 3 and 4 it would not be feasible to require the growers from these two districts to meet in one place to select nominees. In the past it has been the practice to hold a nomination meeting in District 3 and it is desirable to continue to hold meetings in that district. However, District 4 growers should not be required to be present in order to participate in the nominations. A procedure should be provided to permit participation by District 4 growers. Development of an appropriate procedure should be the responsibility of the Cranberry Marketing Committee. Such could be patterned after the following procedure which was outlined at the hearing: Growers in District 4 would be notified by mail of the time and place of the nomination meeting in District 3. District 4 growers would be asked to indicate whether they would attend the meeting. Those indicating that they would not attend the meeting would submit the names of candidates to the Department or the committee. At the nomination meeting in District 3, the names of any candidates submitted by mail would be placed in nomination. This could be done by the Department of Agriculture's representative or by the person conducting the meeting. Growers in attendance could then nominate other eligible persons. All eligible growers present would be permitted to vote. District 4 growers would be provided an opportunity to vote by mail. The combined vote of District 3 and 4 growers would determine the nominee for member and alternate member.

4. The order should be amended, as hereinafter set forth, to permit the committee, with the approval of the Secretary, to levy a late payment charge and interest on overdue assessments. The only source of funds to pay the expenses of the committee is from assessments on handlers. Each handler pays a pro rata share of the committee's expenses in proportion to the volume of cranberries handled. The failure of handlers to pay assessment obligations promptly results in added expense and operational problems for the committee. The committee has frequently encountered difficulty in collecting assessments from some handlers. To attempt to collect, the committee must incur the added expense of sending out additional billings and contacting each delinquent handler by phone, in person, or through one of its field offices. Nonpayment of assessments hampers the operation of the committee and may require it to borrow money and to pay interest to continue operation. Authority for the committee to levy a late payment charge and to add interest to the outstanding delinquent obligation would encourage handlers to pay assessment obligations promptly. By paying the obligation when due, handlers would not be subject to either the late payment charge or interest. It would not be desirable to specify the rate of interest in the order. The rate of interest changes as the availability of money fluctuates. If the interest rate was specified in the order, it would be necessary to amend the order each time the interest rate should be changed. Amending the order involves a considerable amount of time and expense. Therefore, the order should permit the committee to establish the late payment charge, and fix the rate of interest, with the approval of the Secretary, so as to provide the flexibility needed to make such adjustments as are found to be necessary.

5. Handlers acquire cranberries which have been "screened" to remove the extraneous material which is picked up with the berries as they are harvested, and "unscreened" berries from which the extraneous material, including cull berries, has not been removed. Cranberries from which the extraneous material has been removed are referred to as "screened cranberries", and cranberries from which such material has not been removed are referred to as "unscreened cranberries" or "cranberries in the chaff". All cranberries are screened before they are handled.

Under the order, there have been no problems in the application of the withholding percentage to cranberries which were screened before the handler received them. The handler merely applied the percentage to the total quantity so received to ascertain the amount required to be withheld. Likewise, few problems have been experienced in the case of cranberries received in the chaff and

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screened shortly thereafter. The percentage was applied to the quantity of marketable berries screened out of the lot to ascertain the quantity that was required to be withheld.

However, substantial quantities of cranberries are acquired in the chaff and stored for a considerable length of time before they are screened. Such berries deteriorate and diminish (shrink) in quantity in storage so that the quantity of useable berries screened out is less than if the berries had been screened when they were first acquired by the handler. Since some handlers handle berries for growers under a "pool" arrangement, they apply an upward adjustment "shrink factor" to the screened quantity to compensate for the shrink that occurred in storage. Application of the shrink factor is designed to give the grower credit in the pool for the quantity of useable berries in the lot at the time he delivered it to the handler regardless of the length of time the handler kept his berries in storage before screening them. This puts all growers who participate in the pool on an equal footing.

Because of the upward adjustment that is made for pool purposes to compensate for shrinkage in storage, there has been confusion among handlers as to whether or not this same upward adjustment should be made in the screened quantity resulting from the screening of stored cranberries so as to reflect a quantity of screened berries that could have been obtained by screening the berries when they were first received before the withholding percentage is applied.

No such upward adjustment should be made. Since the berries that represent the withholding percentage are contained in the unseparated stored lot, along with the free-market percentage berries, both shrink at the same rate. Therefore, application of the withholding percentage to the screened quantity as determined by actual screening or from a representative sample, regardless of when the determination is made, is fair and equitable. It would not be equitable to require handlers to make an upward adjustment in the screened quantity before the withholding computation is made. This would require the handler to dispose of a quantity of marketable berries equal to that which would result if the percentage were applied to the useable berries contained in the lot before it suffered shrink, and would cause handlers who store berries to withhold a larger proportion of their berries than handlers who do not.

It is true, of course, that a handler which screens its berries at the time of acquisition will derive a larger total for disposition than it would if it stored the same berries for any appreciable length of time prior to screening. This is the necessary result of the fact that stored cranberries shrink in volume over time. However, the time of screening by each handler is a business decision which must be presumed to take into account the various possibilities as to the quantity of berries which will be available for disposition dependent upon when they are screened. That a handler chooses to screen its acquired cranberries after storing them should not alter the basic principle that the quantity of berries which must be withheld is to be determined at the time of screening.

Therefore the order should be amended, as hereinafter set forth, to make it clear that the withholding percentage shall be applied to the quantity of screened cranberries regardless of the time the screening occurs.

Testimony was offered at the hearing contending that the withholding obligation should be based on the quantity of cranberries handled rather than on the quantity acquired by handlers. "Handle" is defined to mean can, freeze, or dehydrate cranberries within the production area or to sell, consign, deliver, or transport cranberries. The order requires restricted percentage cranberries to be withheld from handling. It would, therefore, not be practicable to base the withholding on the volume handled. On this basis, the proposed modification is rejected.

6. The order should be amended so that handlers need report the transfer of cranberries from one handler to another only twice each year. The dates for filing such reports should be specified by the committee. The purpose of the interhandler transfer report, simply stated, is to provide information so the committee can prepare accurate reports with respect to acquisition and disposition of cranberries and levy assessments on each lot of cranberries only once. Thus, the interhandler transfer report provides the committee with the information necessary to make adjustments so that acquisition of any given lot of cranberries will be counted only once regardless of the number of times the lot changes hands among handlers.

The provisions in the order which requires handlers to give notice to the committee prior to such transfer has proved impractical. Cranberries are harvested and handled within a relatively short period of time. Many transactions, including interhandler transfers, are made by telephone. Such rapid transactions are hampered by the requirement that such transactions shall be subject to prior notification to the committee. Experience has shown that such prior notification is not necessary for effective committee operations. Handlers should be permitted to transfer cranberries to any other handler freely. The filing of two interhandler transfer reports each year on dates specified by the committee, probably as January 1 and July 1, of each fiscal period, will enable the committee to function properly and compile statistical data that will meet the needs of the industry and the order should be amended to so provide, as hereinafter set forth.

7. The order should be amended, as hereinafter set forth, to provide that withheld cranberries released to a handler need not be inspected. The inspection requirement is to assure that handlers will meet the withholding obligation with cranberries possessing satisfactory market quality. Such requirements prevent a handler from meeting his withholding obligation with cull or other low quality cranberries which would normally be discarded. The order provides a procedure whereby a handler may obtain release of his withheld cranberries. Upon release such berries may be marketed as free percentage cranberries. Under this procedure, the committee assumes the responsibility of purchasing a like quantity to replace those released. The cranberries purchased by the committee must be inspected and meet the requirements for withheld cranberries because it is the intent of the order that all cranberries withheld from normal marketing channels be of marketable quality. To ascertain that this requirement is met, inspection of the cranberries by the Federal or Federal-State Inspection Service is required. Suppose for example, the quantity of cranberries available is determined by the Secretary to exceed market demands, including a desirable carryover, by 10 percent. He fixes the free and restricted percentage at 90 and 10 percent, respectively. Let us assume that 1,650,000 barrels of cranberries were acquired by all handlers. On that basis 165,000 barrels should be withheld from handling. Inspection of 165,000 barrels should be made. Let us now assume that a particular handler acquired 1,000 barrels of screened cranberries. The restricted percentage is 10 percent. The handler's withholding obligation is 100 barrels. This handler makes application to the committee for the release of 100 barrels, including with the application the required payment which will permit the committee to purchase an equivalent quantity of free percentage berries from other handlers to replace those released. The handler is relieved from any further withholding obligation for the released quantity. The cranberries purchased by the committee replaced those released to the handler and become withheld cranberries. They must be inspected and meet the requirements established for withheld cranberries. Such cranberries may be disposed of only in outlets prescribed for withheld cranberries. The cranberries purchased by the committee fulfill the handlers obligation and no constructive purpose would be served by inspection of the 100 barrels of cranberries that the committee released to the handler. Such cranberries upon release became free percentage cranberries which are not required to be inspected. They are eligible for disposal in any outlet available to free percentage cranberries. They should be subject only to the limitation applicable to free percentage cranberries and the order should be amended accordingly, as hereinafter set forth.

8. The amendments heretofore recommended will make necessary conforming changes in § 929.22(b). Growers are required to be present at nomination meetings and may participate only in the

nomination of members and alternate members to represent the district in which they produce cranberries. Combining Districts 3 and 4 for purposes of representation on the committee and permitting all growers from District 4 not affiliated with the major cooperative to vote for nominees and to serve on the committee to represent such growers makes necessary an exception to such requirements. Such exception has been included in the amendment as hereinafter set forth.

Ruling on proposed findings and conclusions.—March 30, 1973, was fixed as the latest date for interested parties to file proposed findings and conclusions, and written arguments or briefs with respect to the facts presented in evidence at the hearing. No brief was filed.

Further Amendment of the amended marketing agreement and order.—Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York" and "Order Amending the Order, as Amended, Regulating the Handling of Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order.—Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted:

(1) Among the producers who, during the period September 1, 1972, through July 31, 1973 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, in the production of cranberries for market; and

(2) Among processors who, during the aforesaid representative period, canned or froze within the production area cranberries for market, to ascertain whether such producers and processors favor the issuance of said annexed order amending the order, as amended, regulating the handling of cranberries grown in the aforesaid production area.

George B. Dever, Jr. and Robert W. Forney, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250.

Ballots to be cast in the referendum and other necessary forms and instructions may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated August 17, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

ORDER[1] AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

§ 929.0 Fundings and determination.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.*—Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Wareham, Massachusetts, on February 14, in Wisconsin Rapids, Wisconsin, on February 22, and in Long Beach, Washington, on February 27, 1973, upon proposed amendment of the amended marketing agreement and Order No. 929 (7 CFR Part 929) regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. Upon the basis of the evidence adduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and condition thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of cranberries grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production areas would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of cranberries grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of cranberries grown in the production area, as defined in the order, as amended and as hereby further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, all handling of cranberries grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended and as hereby further amended, as follows:

1. Section 929.21 *Term of office* is revised to read as follows:

§ 929.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning August 1 and ending on the second succeeding July 31. Members and alternate members shall serve in such capacity for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

2. Section 929.22 *Nominations* is amended by revising subparagraphs (1), (2), and (3) of paragraph (b) thereof. As amended paragraph (b) reads as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreement and orders have been met.

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§ 929.22 Nominations.

. . . . . .

(b) *Successor members.*—(1) Any cooperative marketing organization that handled more than two-thirds of the total volume of cranberries produced during the fiscal period during which nominations for membership on the committee are made, or the growers affiliated therewith, shall nominate four or more qualified persons for members and four or more qualified persons for alternate members of the committee. At least one such nominee for member and one such nominee for an alternate member shall represent growers in the State of Oregon and the State of Washington. The names and addresses of such nominees shall be submitted to the Secretary not later than July 1 of each even-numbered year.

(2) The committee shall hold or cause to be held, not later than July 1, of each even-numbered year, meetings of growers in Districts 1, 2, and 3, other than those affiliated with the cooperative marketing organization designated in paragraph (b)(1) of this section, to elect nominees for member and alternate member positions on the committee.

(i) With respect to such meeting in District 3, eligible growers in District 4 shall be permitted to attend the meeting and participate in the selection of nominees. Such growers shall be eligible to be nominated for and serve as member or alternate member. Eligible growers in District 4 who do not attend the nomination meeting shall be afforded an opportunity to participate in the selection of nominees by mail. Selection of the nominee for member and the nominee for alternate member from Districts 3 and 4 shall be on the basis of the total vote of the eligible growers who attended the meeting plus any mail ballots cast by District 4 growers.

(ii) Except as hereinbefore provided, the growers in each such district who are present at the meeting, including District 4 growers who are present at the District 3 meeting, shall nominate one or more qualified persons for member and one or more qualified persons for alternate member of the committee. The names and addresses of such nominees shall be submitted to the Secretary not later than July 1 of each even-numbered year. The committee shall prescribe such procedure for the conduct of nomination meetings and for the submission of names of candidates and voting by mail by District 4 growers as shall be fair and equitable to all persons concerned.

(3) Except as set forth in subparagraph (2) of this paragraph, growers shall only participate in the nomination of members and alternate members to represent the district in which they produced cranberries.

(4) When voting for nominees, each grower shall be entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives for each position to be filled.

3. Section 929.23 *Selection* is amended by revising paragraph (b) thereof to read as follows:

§ 929.23 Selection.

. . . . . .

(b) *Successor members.*—From the nominations made pursuant to § 929.22(b)(1), or from other qualified persons, the Secretary shall select four members of the committee and an alternate for each such member. From the nomination made pursuant to § 929.22(b)(2), or from other qualified persons, the Secretary shall select three members of the committee and an alternate for each such member.

4. Section 929.41 *Assessments* is amended by adding a new paragraph (c) reading as follows:

§ 929.41 Assessments.

. . . . . .

(c) If a handler does not pay his assessment within the period of time prescribed by the committee, the assessment may be increased by either or both a late payment charge and an interest charge at rates prescribed by the committee, with the approval of the Secretary.

5. Section 929.46 *Marketing policy* is amended by revising paragraph (b) thereof to read as follows:

§ 929.46 Marketing policy.

. . . . . .

(b) As soon as practicable after August 1 of each crop-year and prior to making any recommendations pursuant to paragraphs (b) (7) and (8) of this section or to § 929.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the crop-year. Such marketing policy shall contain the basis therefor and information relating to:

(1) The estimated total production of cranberries;

(2) The expected general quality of such cranberry production;

(3) The estimated carryover, as of September 1, of frozen cranberries and other cranberry products;

(4) The expected demand conditions for cranberries in different market outlets;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) The recommended desirable total marketable quantity of cranberries including a recommended adequate carryover into the following crop year of frozen cranberries and other cranberry products;

(8) Regulation pursuant to § 929.52 expected to be recommended by the committee during the crop year together with its recommendation of the free and restricted percentages and beginning with 1974–75 crop year, the recommended allotment percentages, if any, for the crop year; and

(9) Other factors having a bearing on the marketing of cranberries.

6. Section 929.54 *Withholding* is amended by revising paragraph (a) thereof to read as follows:

§ 929.54 Withholding.

(a) Whenever the Secretary has fixed the free and restricted percentages for any fiscal period, as provided for in § 929.52(a), each handler shall withhold from handling a portion of the cranberries he acquires during such period: *Provided*, That such withholding requirements shall not apply to any lot of cranberries for which such withholding requirement previously has been met by another handler in accordance with § 929.55. The withheld portion shall be equal to the sum of the products obtained by multiplying each of the following quantities, as applicable, by the restricted percentage:

(1) The quantity of screened cranberries acquired:

(2) The quantity of screened cranberries obtained at the time unscreened lots of cranberries are screened: *Provided*, That, if the cranberries have not been screened by a date specified by the committee, with the approval of the Secretary, as the date by which each handler shall have met the withholding requirement, the quantity of screened cranberries shall be determined as set forth in paragraph (a)(3) of this section; and

(3) The quantity of screened cranberries contained in unscreened lots of cranberries acquired (i) which are destined for disposition without screening, or (ii) but which have not been screened prior to the date referred to in paragraph (a)(2) of this section. The committee, with the approval of the Secretary, shall prescribe uniform rules to be followed in determining the quantity of screened cranberries in each lot of unscreened cranberries.

. . . . . .

(7) Section 929.55 *Interhandler transfer* is revised to read as follows:

§ 929.55 Interhandler transfer.

(a) Transfer of cranberries from one handler to another may be made without prior notice to the committee. If such transfer is made between handlers who have packing or processing facilities located within the production area, the assessment and withholding obligations provided under this part shall be assumed by the handler who agrees to meet such obligation. If such transfer is to a handler whose packing or processing facilities are outside the production area, such assessment and withholding obligations shall be met by the handler within the production area.

(b) All handlers shall report all such transfers to the committee, on a form provided by the committee, twice a year each at a time specified by the committee.

(8) Section 929.56 *Special provisions relating to withheld (restricted) cranberries* is amended by adding new paragraphs (e) and (f) reading as follows:

§ 929.56 Special provisions relating to withheld (restricted) cranberries.

. . . . . .

(e) Cranberries purchased by the committee to replace released cranberries shall be inspected and shall meet such standards as are prescribed for withheld cranberries.

(f) Inspection of withheld cranberries released to a handler is not required.

[FR Doc.73-17825 Filed 8-21-73;8:45 am]

[7 CFR Part 1002]

[Docket No. AO–71–A65]

MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

Decision and Order To Terminate Proceeding on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the New York-New Jersey marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at New York City and Syracuse, New York, on November 16–17 and November 20–21, 1972, respectively, pursuant to the notice thereof which was issued on October 12, 1972, and November 14, 1972 (37 FR 22000, 37 FR 24357), and was reconvened in Syracuse, New York, on December 19, 1972, pursuant to the notice thereof which was issued on December 4, 1972 (37 FR 26116).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on July 2, 1973 (38 FR 18033), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, and rulings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issue on the record relates to:

1. Whether increased hauling costs from farm to plant of first receipt justify an increased allowance to processors of Class II milk to cover such increased costs and, if so, how such increased allowances shall be implemented under the order.

Specifically, Northeast Dairy Cooperative Federation, Inc., and Dairylea Cooperative, Inc., proposed that to offset increased transportation costs: (1) the Class II transportation credit provided in § 1002.55 of the order be increased from "10 cents" to "15 cents," (2) the provision in § 1002.80 allowing a negotiable tank truck service charge of up to 10 cents per hundredweight be deleted, and (3) provision be made whereby a farm stop-charge of not more than one dollar and fifty cents ($1.50) for each stop of a tank truck at a producer's farm could be assessed against the producer.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof.

No change should be made in the order on the basis of this record.

The order presently provides for a recovery of hauling costs up to 20 cents per hundredweight on Class II bulk milk and 10 cents per hundredweight on Class I bulk milk. This is accommodated through (1) a pool transportation credit to the responsible handler of 10 cents per hundredweight on bulk milk picked up at the farm and disposed of for Class II use, and (2) a permissive (when authorized) hauling deduction from producer payments not to exceed 10 cents per hundredweight.

In their hearing petition proponents alleged that farm-to-plant hauling costs had increased about 5 cents per hundredweight since the hearing of April 1970, the record of which showed such costs then to be about 20 cents per hundredweight. The proposed amendments, they indicated, are needed to "update the application of the order to the increased costs of providing bulk tank milk transportation service to producers and the impact of such costs on variable production and marketing characteristics."

A Professor of Marketing at Cornell University presented the results of a hauling cost survey he had conducted at the request of proponent cooperatives. He stated that the principal purpose of his testimony was "to provide current information on farm-to-plant hauling costs incurred by handlers for Class II milk under the New York-New Jersey milk marketing order." His survey covered hauling costs for the month of July 1972 for more than 322 million pounds of direct delivery bulk milk at 35 major manufacturing plants. This represented more than 90 percent of the total Class II direct delivery bulk milk received at such plants. In addition, hauling cost data were collected for direct delivery bulk milk for seven smaller manufacturing plants and for 18 transfer plants or fluid processing plants. In total, the data collected covered more than 397 million pounds of direct delivery bulk milk, equivalent to 78 percent of the total Class II milk volume in July and nearly 85 percent of the Class II volume receiving the transportation credit. The volumes of milk reported by handlers in the survey were verified by the market administrator.

The hauling costs for the seven smaller manufacturing plants and 18 transfer plants were not included in the summary data. However, the witness reported that the additional hauling cost data for the nearly 25 million pounds of direct delivery Class II milk to these plants would not have changed the average hauling cost figure in his survey by as much as 0.1 cent per hundredweight.

The hauling costs for direct delivered bulk milk at the 35 major plants varied from an average of 15.3 cents per hundredweight for the nine plants having the least hauling cost to an average of 27.3 cents per hundredweight for the nine plants having the highest hauling cost. The average cost for all 35 plants was 21.1 cents per hundredweight, an increase of 0.8 cents from the 20.3-cent average reported in 1970, on which data the existing 10-cent Class II transportation credit provision was adopted in conjunction with the already existing 10-cent permissive deduction from the individual producer.

Witnesses for the proponent cooperatives did not support the proposal for an allowable farm stop-charge of up to $1.50 per pickup as set forth in the hearing notice. Instead, they supported imposition of a mandatory $1.50 stop-charge for each pickup. They testified that their proposal to increase the transportation credit (applicable only on Class II milk) from 10 to 15 cents in conjunction with the application of a mandatory $1.50 farm stop-charge and deletion of the 10-cent permissive hauling deduction provisions, would provide a transportation cost recovery of 20.74 cents per hundredweight on Class II bulk milk. They held that such provisions would be effective in insuring recovery of average transportation costs on Class II milk and hence would better accommodate the market than the existing order provisions.

Competition in the market for milk supplies seemingly has limited the use of the 10-cent permissive hauling deduction provision by both cooperatives and proprietary handlers. Consequently, their cost for milk has been more than the minimum prices required by the order. However, use of the permissive hauling deduction provision has been increasing. In August 1969, only 357 producers had authorized a hauling deduction, whereas in January 1972, there were 920 active authorizations.

Since 1961, when the township pricing provisions were initially adopted, producers several times have asked reconsideration of the level of Class II milk pricing in the New York-New Jersey market. In his 1970 decision (35 FR 15927) on the matter of Class II price level in the then six northeastern markets, the Assistant Secretary reviewed and restated the Department's position with respect to the matter of hauling cost between farm and plant of first receipt, as expressed in previous decisions. His findings and conclusions in this regard as set forth in that decision are hereby reaffirmed and adopted as a part of this decision as if set forth in full herein.

The conditions of pickup of farm bulk tank milk vary greatly. Consequently, there must be means for adjusting handlers' obligations to compensate for these variations. The deduction of an authorized hauling charge, if used as now permitted, could provide the needed flexibility to this end and result in greater parity of costs for milk among New York-New Jersey order handlers. On the other hand, the modifications proposed would leave the order inflexible to accommodate the varying conditions and costs of bulk tank pickup.

While proponents' current position reflects an abandonment of their previously held "free hauling" concept in the handling of Class II milk, there has been no change in this concept with respect

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to Class I milk. They continue to maintain that producers should not bear any of the cost of transporting Class I milk from farm to plant, pointing out that handlers generally have borne such cost since adoption of the township pricing provisions. They suggest that Class I handlers generally compete in a local market unencumbered by intermarket competition and, therefore, are not faced with the equity problem faced by Class II milk handlers who necessarily compete in a national market. For this reason, they believe that appropriately handlers can recover their hauling costs on Class I milk in the marketplace.

Proponents' proposals are directed toward amendment of the order in a manner that would assure for handlers of Class II milk a recovery of farm-to-plant hauling costs to essentially the same degree envisioned by the existing order (i.e., 20.74 vs. 20.0 cents) while, at the same time, reducing the degree of hauling cost recovery possible by handlers on Class I milk.

Notwithstanding proponents' position, there are today no clear-cut boundaries with respect to the marketing of milk. Modern transportation and processing facilities and applicable health regulations encourage milk movements whenever price differences exceed transportation costs. There is, therefore, an urgency for intermarket Class I price alignment in the interest of continuing orderly marketing. This has long been recognized in the pricing structure of the Federal orders.

The Order 2 Class I price has been established in accordance with the pricing standards of the Act and has been found by the Secretary to be appropriately aligned with prices in the adjacent New England markets with which Order 2 handlers compete in substantial measure for Class I sales. To the extent that handlers have not used the permissive hauling deduction provision, they have paid in excess of the amount required under the order minimum price provisions. It would be inappropriate to incorporate any of such amount in the Class I price, which would be the result of deletion of the permissive deduction provision and adoption of the proposed stop-charge.

The order modifications that proponents support would provide at best only "average equity" for Order 2 handlers in relation to other northeastern handlers in their costs for Class II milk, but no greater equity than that that results from the existing provisions. Such modifications would not reduce the existing differences among Order 2 handlers in their relative costs of Class II milk under the order since some would recover full transportation costs while others would receive only partial compensation.

In any event, the prices prescribed by the order are minimum prices, and we may not appropriately require handlers to make deductions from producer pay prices. There is therefore no basis for invoking a mandatory stop-charge. As to the proposed increased pool credit, the record fails to demonstrate any significant increase in hauling cost since the 1970 hearing on the record of which the present 10-cent per hundredweight pool credit on Class II milk was adopted. Since proponents failed to substantiate the increase in hauling cost which was the basis for the hearing call, there is no justification for increasing the pool credit for Class II milk from 10 to 15 cents, and the proposal to do so also is denied.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

On the record of the hearing, an offer of proof was made with respect to a ruling of the presiding officer that the statements of individual producers had become unduly repetitious and he would receive no further statements therefrom except that, if those producers present who were unrepresented desired to select one spokesman, he would hear that spokesman.

Counsel for one proponent, as an offer of proof, read into the record the names of three dairy farmers supporting the proposal, which offer of proof the Administrative Law Judge ruled was redundant. The transcript of the hearing discloses that the offer of proof was included in the record notwithstanding.

We hold that the Administrative Law Judge's decision was correct. Section 900.8(d)(1) allows the presiding officer at a promulgation hearing to "exclude evidence which is * * * unduly repetitious * * *." The testimony which counsel presented as an offer of proof was simply a further listing of producers supporting proponents' position. As the Administrative Law Judge pointed out, the hearing was being conducted to receive evidence relevant to the economic and marketing conditions affecting the proposal and was not a forum for conducting a referendum. The notice of reconvened hearing stated that evidence already received in previous sessions of the hearing would not be repeated or duplicated.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusion and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of his decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

TERMINATION ORDER

In view of the foregoing, it is hereby determined that the proceeding with respect to proposed amendments to the tentative marketing agreement and to the order should be and is hereby terminated.

Signed at Washington, D.C., on August 17, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

[FR Doc.73-17822 Filed 8-21-73;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 722]

UPLAND COTTON

Proposed Determinations Regarding 1974 Crop

The Secretary of Agriculture is preparing to make the following determinations with respect to the 1974 crop of upland cotton (referred to as "cotton"):

a. Amount of the national production goal.

b. Amount of the national base acreage allotment.

c. Apportionment of the national base acreage allotment to States and counties.

d. Unrestricted use sales policy.

The first three determinations listed above are to be made pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.):

(a) *National production goal.*—Section 342a of the act requires the Secretary to proclaim a national production goal for the 1974 crop by November 15, 1973. Such production goal (in terms of standard bales of 480 pounds net weight) shall be the number of bales of cotton equal to the estimated domestic consumption and estimated exports for the 1974–75 marketing year, which begins August 1, 1974, plus an allowance of not less than five percent of such estimated consumption and estimated exports for market expansion. Section 342a further provides that the Secretary shall make such adjustments in the amount of the production goal as he determines necessary after taking into consideration the estimated stocks of cotton in the United States (including the qualities of such stocks) and stocks in foreign countries, which would be available for the 1974–75 marketing year, to assure the maintenance of adequate but not excessive carryover stocks in the United States (not less than 50 percent of the average offtake for the three preceding marketing years) to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton-consuming countries and, in addition, to provide an adequate reserve for purposes of national security.

(b) *National base acreage allotment.*—Section 350(a) requires the Secretary to establish and announce a national base acreage allotment for the 1974 crop of cotton by November 15, 1973. Section 350(a) provides that the national base acreage allotment for any crop of cotton shall be the number of acres which the Secretary determines on the basis of the expected national yield will produce an amount of cotton equal to the estimated domestic consumption of cotton (standard bales of four hundred and eighty pounds net weight) for the marketing year beginning in the year in which the crop is to be produced, plus not to exceed 25 per centum thereof if the Secretary, taking into consideration other actions he may take under the Agricultural Act of 1970, as amended, determines that such additional amount is necessary to provide for a production which will equal the national cotton production goal except that the national base acreage allotment for the 1974 through 1977 crops shall be in such amount as the Secretary determines necessary to maintain adequate supplies. The national base acreage allotment for the 1974 through 1977 crops shall not be less than eleven million acres.

(c) *Apportionment of the national base acreage allotment to States and counties.*—Sections 350 (b) and (c) provide that the national base acreage allotment for 1974 shall be apportioned to States and counties on the basis of the acreage planted (including acreage regarded as having been planted) to cotton within the farm acreage allotment during 1968, 1969, and 1970, and the farm base acreage allotment during 1971 and 1972, adjusted for abnormal weather conditions or other natural disasters during such period. Section 350(c) further provides that the State committee may reserve not to exceed two percent of its State allotment to adjust county allotments for trends in acreage, for counties adversely affected by abnormal conditions affecting plantings or for small or new farms, or to correct inequities in farm allotments and to prevent hardships.

The following determination will be made pursuant to the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1421 *et seq.*):

(d) *Unrestricted use sales policy.*—Section 407 provides that the sales price cannot be less than 110 percent of the loan rate for Middling 1-inch cotton (micronaire 3.5 through 4.9), adjusted for such current market differentials reflecting grade, quality, location, and other value factors determined appropriate, plus reasonable carrying charges, except that a quantity of cotton equal to any "shortfall" (amount by which 1974 production is less than estimated requirements for domestic use and for export for the 1974–75 marketing year) must be made available at current market prices.

Prior to making any of the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Cotton, Rice, and Oilseeds Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received not later than August 28, 1973. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday in Room 4091, South Building, 14th and Independence Avenue SW., Washington, D.C.

Signed at Washington, D.C., on August 17, 1973.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-17820 Filed 8-17-73;4:41 pm]

NATIONAL TRANSPORTATION SAFETY BOARD

[14 CFR Part 421]

AIR SAFETY ENFORCEMENT PROCEEDINGS

Extension of Comment Period

This notice extends the period for comments to the notice published on July 18, 1973 (38 FR 19133), proposing a revision to the Board's rules of practice in Air Safety Enforcement Proceedings. The proposal provided for consideration of comments received within 30 days from the day of publication of the proposal in the FEDERAL REGISTER. Requests for an extension of time have been submitted and considered. Accordingly, it has been decided that as a result of the comprehensive nature of the revision affecting Board practice, an additional 30 days' time within which to receive comments, or until September 18, 1973, has been granted.

Adopted by the National Transportation Safety Board on August 15, 1973.

Dated August 16, 1973.

[SEAL] JOHN H. REID,
Chairman.

[FR Doc.73-17745 Filed 8-21-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Proposed Definition of Small Business Special Trade Contractor (Construction); Extension of Comment Period

On July 5, 1973, the Small Business Administration published in the FEDERAL REGISTER (38 FR 17850) a notice that it proposed to establish separate definitions of small business for special trade contractors for the purpose of bidding on Government procurement. In effect, the proposal would lower the size standards for these industries from average annual receipts not exceeding $7½ million to average annual receipts not exceeding $1 million or $2 million, depending on the special trade industry involved.

Interested parties were given until August 6, 1973, to submit written comments.

An association representing a large number of special trade contractors has indicated that in order to provide meaningful data, it will need more time to prepare comments.

We believe it is in the public interest to base our decision on the best available information. Accordingly, we are extending the deadline for submitting comments until September 4, 1973.

(Catalogue of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Business)

Dated: August 13, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-17438 Filed 8-21-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

SERVICE-CONNECTED BURIAL BENEFIT

Plot or Interment Allowance

Public Law 93–43, enacted June 18, 1973, established a National Cemetery System within the Veterans Administration. This system will have jurisdiction over cemeteries under jurisdiction of the Veterans Administration on date of enactment, certain cemeteries to be transferred from the Department of the Army, and such additional cemeteries as the Administrator determines are required to be established to provide interment space for eligible veterans.

Section 5 of Public Law 93–43 amended section 903 of title 38, United States Code, to provide for payment of an amount not exceeding $150 as a plot or interment allowance when a veteran eligible for the statutory burial allowance provided by sections 902 and 903 of title 38, United States Code, is not buried in a national cemetery or other cemetery under the jurisdiction of the United States. This allowance is payable as reimbursement for the costs of a burial plot or other costs of interment and is in addition to the $250 statutory allowance for funeral and burial expenses. The $250 statutory burial allowance is payable regardless of whether an eligible veteran is buried in a national cemetery. Section 5 also added section 907 to title 38, United States Code, which provides a larger burial allowance when the veteran's death is service-connected. Under this section, burial and funeral expenses may be paid in an amount not exceeding that provided in 5 U.S.C. 8134(a) where the death of a Federal employee is the result of injury incurred in the course of his employment. The current limitation is $800.

Section 8 of Public Law 93–43 amended section 3505 of title 38, United States Code, to specify the right to burial in a national cemetery as a benefit which will be forfeited upon conviction of subversive activities enumerated in that section.

To implement the provisions of the act relating to the plot or interment allowance, the service-connected death burial benefit and forfeiture of rights, it is proposed to amend Part 3, Title 38, Code of Federal Regulations, as set forth below.

FEDERAL REGISTER, VOL. 38, NO. 162—WEDNESDAY, AUGUST 22, 1973

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Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration, Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before Sept. 21, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address and the above room number.

The changes pertaining to plot or interment allowance will be effective August 1, 1973, those pertaining to the service-connected burial benefit will be effective September 1, 1973, and the change pertaining to forfeiture will be effective June 18, 1973, to conform with the effective dates of the related provisions of Public Law 93–43.

1. In § 3.903, paragraph (b)(1) would be amended to read as follows:

§ 3.903 Subversive activities.

* * * * *

(b) *Effect on claim.*—(1) Any person who is convicted after September 1, 1959, of subversive activities shall from and after the date of commission of such offense have no right to gratuitous benefits (including the right to burial in a national cemetery) under laws administered by the Veterans Administration based on periods of military, naval, or air service commencing before the date of the commission of such offense and no other person shall be entitled to such benefits on account of such person.

* * * * *

2. In § 3.904, paragraph (b) and (c) would be amended to read as follows:

§ 3.904 Effect of forfeiture after veteran's death.

* * * * *

(b) *Treasonable acts.*—Death benefits may be authorized as provided in paragraph (a) of this section where forfeiture by reason of a treasonable act was declared before September 2, 1959. Otherwise, no award of gratuitous benefits (including the right to burial in a national cemetery) may be made to any person based on any period of service commencing before the date of commission of the offense which resulted in the forfeiture unless the veteran had been granted a pardon of the offense by the President of the United States. If pardoned, his surviving dependents upon proper application may be paid pension, compensation or dependency and indemnity compensation, if otherwise eligible, and be restored to a right to burial in a national cemetery (38 U.S.C. 3505(a)).

3. In § 3.1600, paragraphs (a) and (b)(4) would be amended and paragraph (f) would be added to read as follows:

§ 3.1600 Payment of burial expenses of deceased veterans.

* * * * *

(a) *Wartime veterans.*—When a veteran of any war dies, an amount not to exceed $250 ($800 if he dies of a service-connected disability) (where entitlement is based on § 3.8 (c) or (d), at a rate in Philippine pesos equivalent to $125 or $400 if death is service-connected) is payable on the burial and funeral expenses and transportation of the body to the place of burial, if otherwise entitled within the further provisions of §§ 3.1600 through 3.1611. For this purpose the period of any war is as defined in § 3.2, except that World War I extends only from April 6, 1917, through November 11, 1918, or if the veteran served with the United States military forces in Russia, through April 1, 1920 (38 U.S.C. 902; 907; 107(a); Public Law 93–43, 87 Stat. 75).

(b) *Peacetime veterans.*—The statutory burial allowance authorized by paragraph (a) of this section is payable based on service of a veteran rendered during other than a war period:

* * * * *

(4) If he dies of a service-connected disability (38 U.S.C. 902).

* * * * *

(f) *Plot or interment allowance.*—Where a veteran dies for whom eligibility for the burial allowance under this section is warranted and is not buried in a national cemetery or other cemetery under the jurisdiction of the United States (except where the higher rate of burial allowance is payable because of service-connected death), there may be paid an additional amount not to exceed $150 (where entitlement is based on § 3.8 (c) or (d), at a rate in Philippine pesos equivalent to $75), as a plot or interment allowance for expenses actually incurred. The allowance will be payable to the person or entity who incurred the expenses (38 U.S.C. 903(b); Public Law 93–43, 87 Stat. 75).

4. Section 3.1601 would be revised to read as follows:

§ 3.1601 Claims and evidence.

(a) *Claims.*—Claims for reimbursement or direct payment of burial and funeral expense, transportation of the body, and plot or interment allowance, must be received by the Veterans Administration within 2 years after the permanent burial or cremation of the body. Where the burial allowance was not payable at the death of the veteran because of the nature of his discharge from service, but after his death his discharge has been corrected by competent authority so as to reflect a discharge under conditions other than dishonorable, claim may be filed within 2 years from date of correction of the discharge. (38 U.S.C. 904; Public Law 93–43, 87 Stat. 75).

(1) Claims for burial allowance may be executed by:

(i) The funeral director, if entire bill or any balance is unpaid (if unpaid bill is under $250 only amount of unpaid balance will be payable to the funeral director); or

(ii) The individual whose personal funds were used to pay burial, funeral, and transportation expenses; or

(iii) The executor or administrator of the estate of the veteran or the estate of the person who paid the expenses of the veteran's burial or provided such services. If no executor or administrator has been appointed then by some person acting for such estate who will make distribution of the burial allowance to the person or persons entitled under the laws governing the distribution of intestate estates in the State of the decedent's personal domicile.

(2) Claims for the plot or interment allowance may be executed by:

(i) The funeral director, if he provided the plot or interment services, or advanced funds to pay for them, and if the entire bill for such or any balance thereof is unpaid (If unpaid balance is less than $150 only the amount of the unpaid balance thereof will be payable to the funeral director); or

(ii) The person(s) whose personal funds were used to defray the cost of the plot or interment expenses; or

(iii) The person or entity from whom the plot was purchased or who provided interment services if the bill for such is unpaid in whole or in part. An unpaid bill for a plot will take precedence in payment of the plot or interment allowance over an unpaid bill for other interment expenses or a claim for reimbursement for such expenses. Any remaining balance of the $150 allowance may then be applied to interment expenses; or

(iv) The executor or administrator of the estate of the veteran or the estate of the person who bore the expense of the plot or interment expenses. If no executor or administrator has been appointed, claim for the plot or interment allowance may be filed as provided in paragraph (a)(1)(iii) of this section for the burial allowance.

(3) For the purposes of the plot and interment allowance "plot" or "burial plot" means the final disposal site of the remains, whether it is a grave, mausoleum vault, columbarium niche, or other similar place. Interment expenses are those costs associated with the final disposition of the remains and are not confined to the acts done within the burial grounds but may include the removal of bodies for burial or interment.

(b) *Supporting evidence.*—Evidence required to complete a claim for the burial allowance and the plot or interment allowance, when payable (including a reopened claim filed within the 2-year period), must be submitted within 1 year from date of the Veterans Administration's request for such evidence. In addition to the proper claim form, the claimant is required to submit:

(1) *Statement of account.*—Preferably on funeral director's or cemetery owner's billhead showing name of the deceased veteran, the plot or interment costs, and the nature and cost of services rendered, and unpaid balance.

(2) *Receipted bills.*—Must show by whom payment was made and show receipt by a person acting for the funeral director or cemetery owner.

(3) *Proof of death.*—In accordance with § 3.211.

(4) *Waivers from all other distributees.*—Where expenses of a veteran's burial, funeral, plot, interment and transportation were paid from funds of the veteran's estate or some other deceased person's estate and the identity and right of all persons to share in that estate have been established, payment may be made to one heir upon unconditional written consent of all other heirs.

5. In § 3.1602, paragraphs (a), (b), and (d) would be amended to read as follows:

§ 3.1602 Special conditions governing payments.

(a) *Two or more persons expended funds.*—If two or more persons have paid from their personal funds toward the burial, funeral, plot, interment and transportation expenses, the burial and plot or interment allowance will be divided among such persons in accordance with the proportionate share paid by each, unless waiver is executed in favor of one of such persons by the other person or persons involved. The person in whose favor payment is waived will not be allowed a sum greater than that which was paid by him. (See § 3.1601(a)(3).)

(b) *Person who performed services.*—A person who performed burial, funeral, and transportation services or furnished the burial plot will have priority over claims of persons whose personal funds were expended.

* * * * *

(d) *Escheat.*—No payment of burial allowance or plot or interment allowance will be made where it would escheat.

6. Section 3.1603 would be revised to read as follows:

§ 3.1603 Unclaimed bodies.

If the body of a deceased veteran is unclaimed, there being no relatives or friends to claim the body, the amount provided for burial and plot or interment allowance will be available for the burial upon receipt of a claim accompanied by a statement showing what efforts were made to locate relatives or friends. The question of escheat of any part of such deceased veteran's estate is not a factor in such a claim. Burial allowance may be authorized for cost of disinterment and reburial of unclaimed remains originally accorded pauper burial but not for initial expenses of a burial in a potter's field. Burial in a prison cemetery is not considered a pauper burial.

7. In § 3.1604, paragraph (c) would be added to read as follows:

§ 3.1604 Payments from non-Veterans Administration sources.

* * * * *

(c) *Payment of plot or interment allowance by public or private organization.*—Where any part of the plot or interment expenses have been paid or assumed by a State, any agency or political subdivision of a State, or the employer of the deceased veteran, only the difference between the total amount of such expenses and the amount paid or assumed by any of these agencies or organizations, not to exceed $150, will be authorized.

8. In § 3.1605, the introductory portion preceding paragraph (a), paragraph (a), and the introductory portion of paragraph (b) would be amended to read as follows:

§ 3.1605 Death while traveling under prior authorization or while hospitalized by the Veterans Administration.

An amount may be paid not to exceed the amount payable under § 3.1600 for the funeral, burial, plot, or interment expenses of a person who dies while in a hospital, domiciliary, or nursing home to which he was properly admitted under authority of the Veterans Administration. In addition, the cost of transporting the body to the place of burial may be authorized. The amount payable under this section is subject to the limitations set forth in paragraph (b) of this section, and §§ 3.1604 and 3.1606.

(a) *Death enroute.*—When a veteran while traveling under proper prior authorization and at Veterans Administration expense to or from a specified place for the purpose of:

(1) Examination; or

(2) Treatment; or

(3) Care

dies enroute, burial, funeral, plot, interment, and transportation expenses will be allowed as though death occurred while properly hospitalized by the Veterans Administration. Hospitalization in the Philippines under 38 U.S.C. 631, 632, and 633 does not meet the requirements of this section.

(b) *Transportation.*—Except for retired persons hospitalized under section 5 of Executive Order 10122 (15 FR 2173; 3 CFR 1950 Supp.) issued pursuant to Public Law 351, 81st Congress, and not as Veterans Administration beneficiaries, the cost of transportation of the body to the place of burial in addition to the burial and plot or interment allowance will be provided by the Veterans Administration where death occurs:

* * * * *

9. Section 3.1609 would be revised to read as follows:

§ 3.1609 Forfeiture.

(a) Forfeiture of benefits for fraud by a veteran during his lifetime will not preclude payment of burial and plot or interment allowance if otherwise in order. No benefits will be paid to a claimant who participated in the fraud which caused the forfeiture by the veteran (38 U.S.C. 3503(c)).

(b) Burial and plot or interment allowance is not payable based on a period of service commencing prior to the date of commission of the offense where either the veteran or claimant has forfeited the right to gratuitous benefits under § 3.902 or § 3.903 by reason of a treasonable act or subversive activities, unless the offense was pardoned by the President of the United States prior to the date of the veteran's death (38 U.S.C. 3504(c)(2), 3505(a)).

By direction of the Administrator.

Approved August 10, 1973.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-17811 Filed 8-21-73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

[Contracting Function 99.1.4]

JOHN F. KEYES

Redelegation of Authority

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1 (38 FR 12836), dated May 1, 1973 from the Assistant Administrator for Program and Management Services, I hereby redelegate:

A. To John F. Keyes, Overhead and Special Cost Branch, Support Division, Office of Contract Management, authority to sign or approve:

(1) U.S. Government contracts financed in whole or in part by A.I.D.

(2) Grants (other than grants to foreign governments or agencies of foreign governments) for Technical Assistance Activities.

B. Nothing herein shall be construed to derogate from the authority of the Chief, Overhead and Special Cost Branch, or Support Division or the Director, Office of Contract Management, in their discretion, at any time to exercise any of the functions herein delegated.

The authority herein redelegated may not be further redelegated.

The authority redelegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated with the Agency for International Development.

This redelegation of authority shall be effective immediately, and shall remain in effect as long as John F. Keyes is assigned to the Overhead and Special Costs Branch, unless earlier revoked.

Dated: July 19, 1973.

JOHN F. OWENS,
Director,
Office of Contract Management.

[FR Doc.73-17782 Filed 8-21-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[INT-DES 73-51]

TRANSMISSION DIVISION, COLORADO RIVER STORAGE PROJECT; PROPOSED CURECANTI-SHIPROCK TRANSMISSION LINE

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on the proposed Curecanti-Shiprock No. 2, 230-kv transmission line. This line would essentially parallel an existing 230-kv line between the Curecanti Unit powerplants in west-central Colorado and the Shiprock Substation in northwestern New Mexico. It would provide for delivery of an additional 200 mw of power to expanding markets in southwestern Colorado and Arizona.

Written comments may be submitted to the Regional Director (address below) on or before Oct. 9, 1973. Copies are available for inspection at the following locations:

Office of Communications, Room 7220, Department of the Interior, Washington, D.C. 20240, Telephone 202-343-9247.
Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone 202-343-4991.
Division of Engineering Support, Technical Services Branch, E. & R. Center, Denver Federal Center, Denver, Colorado 80225, Telephone 303-234-3007.
Office of the Regional Director, Bureau of Reclamation, Room 7203, Federal Bldg., 125 South State Street (Mailing address: P.O. Box 11568, Salt Lake City, Utah 84111, Telephone 801-524-5409.
CRSP Power Operations Office, Bureau of Reclamation, 1200 South Rio Grande (Mailing address: P.O. Box 1069), Montrose, Colorado 81401, Telephone 303-249-4551.

Single copies of the draft statement may be obtained by request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated August 15, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-17434 Filed 8-21-73;8:45 am]

Office of the Secretary

[INT FES 73-49]

PROPOSED CHASSAHOWITZKA WILDERNESS AREA, FLA.

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement recommending that 16,900 acres of the Chassahowitzka National Wildlife Refuge, located in Citrus and Hernando Counties, Florida, be designated as wilderness within the National Wilderness Preservation System. The proposed wilderness area is located entirely within Citrus County.

Copies of the final statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Room 411, Atlanta, Georgia 30329.
Headquarters, Chassahowitzka National Wildlife Refuge, Route 1, Box 153, Homosassa, Florida 32646.
Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, 18th and C Streets NW., Room 2246, Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Please refer to the statement number.

Dated August 15, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary,
Program Development and Budget.

[FR Doc.73-17433 Filed 8-21-73;8:45 am]

[INT FES 73-48]

PROPOSED OREGON ISLANDS WILDERNESS AREA, OREG.

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement recommending that 28 undisturbed Oregon coastal islands and island groups, located in Clatsop, Tillamook, Lincoln, Lane, Coose, and Curry Counties, Oregon, be designated wilderness within the National Wilderness Preservation System. The statement further recommends that 27 additional islands, 25 in the public domain and two withdrawn as sea lion refuges, be made wilderness when withdrawal as part of the Oregon Islands National Wildlife Refuge is completed. The additional islands are located in the above listed counties, Oregon, and contain approximately 108 acres.

Copies of the final statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, 1500 Plaza Building, Room 288, 1500 N.E. Irving Street, P.O. Box 3737, Portland, Oregon 97208.
Lane Council of Governments, 135 6th Avenue East, Eugene, Oregon 97401.
Headquarters, Oregon Islands National Wildlife Refuge, Box 208, Route 2, Corvallis, Oregon 97330.
Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, 18th and C Streets NW., Room 2246, Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Please refer to the statement number.

Dated August 15, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary,
Program Development and Budget.

[FR Doc.73-17432 Filed 8-21-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

BOUNDARY WATERS CANOE AREA PLAN SUPERIOR NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and Title 8400 of the Forest Service Manual, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Boundary Waters Canoe Area Plan USDA-FS-DES (Adm) 73-97.

The environmental statement concerns a proposed Land Use Management Plan containing management objectives, direction, and policies for the administration of the 1,030,000 acre Boundary Waters Canoe Area within the Superior National Forest in Northern Minnesota.

This draft environmental statement was filed with CEQ on August 15, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.
USDA, Forest Service, Superior National Forest, Federal Building, Duluth, Minnesota 55801.
USDA, Forest Service, North Central Forest Experiment Station, Folwell Avenue, St. Paul, Minnesota 55101.
USDA, Forest Service, Northeastern Area State and Private Forestry, Federal Building, 316 Roberts Street, St. Paul, Minnesota 55101.
USDA, Forest Service, Aurora Ranger District, Aurora, Minnesota 55705.
USDA, Forest Service, Gunflint Ranger District, Grand Marais, Minnesota, 55604.
USDA, Forest Service, Halfway and Kawishiwi Ranger Districts, Ely, Minnesota 55731.
USDA, Forest Service, Isabella Ranger District, Isabella, Minnesota 55607.
USDA, Forest Service, Tofte Ranger District, Tofte, Minnesota 55615.
USDA, Forest Service, Two Harbors Ranger District, Two Harbors, Minnesota 55616.
USDA, Forest Service, LaCroix Ranger District, Cook, Minnesota 55723.
USDA, Forest Service, Virginia Ranger District, Virginia, Minnesota 55792.

A limited number of single copies are available upon request to the Forest Supervisor, Superior National Forest, P.O. Box 338, Duluth, Minnesota 55801.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Written comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to the Forest Supervisor, Superior National Forest, P.O. Box 338, Duluth, Minnesota 55801. Written comments must be received on or before October 15, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

AUGUST 21, 1973.

[FR Doc.73-17441 Filed 8-21-73;8:45 am]

FREEZEOUT ROAD N-38, OREGON

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Freezeout Road, N-38, Oregon USDA-FS-FES-(Adm) 73-16.

The environmental statement concerns the proposed construction of a modern standard road from the Imnaha River Road to the Hat Point area in Wallowa County, Oregon.

This final environmental statement was filed with CEQ on August 15, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, So. Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, DC 20250.
Wallowa-Whitman National Forest, Federal Building, Baker, Oregon 97814.
USDA, Forest Service, Pacific Northwest Region, 319 SW Pine Street, Portland, Oregon 97204.

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

AUGUST 21, 1973.

[FR Doc.73-17442 Filed 8-21-73;8:45 am]

Office of the Secretary

INTERNATIONAL COMMERCIAL EXCHANGE, INC.

Order Vacating the Designations as a Contract Market Under the Commodity Exchange Act

Pursuant to section 7 of the Commodity Exchange Act (7 U.S.C. 11), I hereby vacate the designations of the International Commercial Exchange, Inc., of New York, New York, as a contract market effective immediately. The said exchange, which was designated as a contract market for cottonseed oil and soybeans on April 9, 1970, and for frozen pork bellies on May 10, 1971, has requested that such designations be vacated.

Issued this 16th day of August, 1973.

EARL L. BUTZ,
Secretary.

[FR Doc.73-17824 Filed 8-21-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

FORDHAM UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before Sept. 11, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary

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Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00028–98–77065. Applicant: Fordham University, Physics Department, Bronx, New York 10458. Article: Mossbauer Spectrometer, Model AME–30. Manufacturer: Elscint, Ltd., Israel. Intended use of article: The article will be used to study the magnetic fields, electric field gradients, isomer shifts, curie temperatures, and phase transitions of materials containing iron, tin, and other Mossbauer isotopes by means of high resolution Mossbauer transmission and scattering experiments. Application received by Commissioner of Customs July 9, 1973.

Docket number: 74–00044–33–46040. Applicant: The Ohio State University, College of Medicine, Columbus, Ohio 43210. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article will be used as part of an interdisciplinary program concerned with the study of the effect of traumatic and metabolic injuries on the ultrastructure of the spinal cord. Such factors as changes which occur that determine whether or not function of the cord can recover, nature and explanation of cellular ultrastructural changes in the cord following injury, and the role of impairment of the endothelial junctions in increased permeability and edema of the cord will be investigated. Following study of the many factors in spinal cord injury, the effect of various therapeutic procedures will be investigated. The ultimate goal will be to determine which ultrastructure alterations are preventable or at least reversible in order to restore function to the spinal cord and forestall severe and permanent paralysis. Application received by Commissioner of Customs July 26, 1973.

Docket number: 74–00045–00–46040. Applicant: Northwestern University, Purchasing Department, B605 Morton Bldg., 303 East Chicago Avenue, Chicago, Illinois 60611. Article: Universal Camera for Elmiskop I Electron Microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory to an existing electron microscope to be used primarily to make permanent photographic records of research findings resulting from such studies as the etiology of cataract, development of various parts of the nervous system, protein synthesis in developing systems, etc. Application received by Commissioner of Customs July 24, 1973.

Docket number: 74–00046–33–54500. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Connecticut 06520. Article: Goldman Perimeter, Model 950. Manufacturer: Haag-Streit AG, Switzerland. Intended use of article: The article will be used to observe visual fields in patients with suspected glaucoma in a study aimed at the earliest possible detection of the disease. Application received by Commissioner of Customs July 24, 1973.

Docket number: 74–00047–33–46040. Applicant: William Paterson College of New Jersey, 300 Pompton Road, Wayne, New Jersey 07470. Article: Electron Microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is to be used primarily for teaching undergraduate students in a course entitled Cell Ultrastructure to familiarize the uninitiated with the practical application of electron microscope in the routine of a research biologist. Application received by Commissioner of Customs July 24, 1973.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73–17428 Filed 8–21–73;8:45 am]

National Oceanic and Atmospheric Administration

IMPORTERS OF HALIBUT FROM JAPAN

Undersized Fillets

Notice is hereby given to importers of halibut from Japan that inspections of several samples of recent imports contained fillets which were determined to be from undersized halibut. The National Marine Fisheries Service has reason to believe that the halibut, from which some fillets were obtained, were caught in contravention of Japanese domestic law including regulations. United States law prohibits the importation of such fillets from undersized halibut which were taken in violation of the laws or regulations of Japan.

The Japanese Government has a (66 cm) 26-inch minimum size limit on halibut caught in the North Pacific Ocean, Bering Sea, and Okhotsk Sea, inclusive, throughout the year. This minimum size limit is identical with size limits established in the eastern Bering Sea pursuant to the International Convention for the High Seas Fisheries of the North Pacific Ocean.

The results of random samples taken of recent imports from Japan have shown that some fillets have come from halibut smaller than the minimum length.

Under the provisions of 16 U.S.C. 851–856, inter alia, it is unlawful for any person to deliver or receive for transportation, or to transport, by any means whatsoever, in interstate or foreign commerce, any fish, if such person knows or in the exercise of due care should know that (1) such delivery or transportation is contrary to the law of any foreign country from which such fish is found or transported, or (2) such fish has been either caught, killed, taken, sold, purchased, possessed, or transported, at any time, contrary to the law of the foreign country, in which it was caught, killed, taken, sold, purchased, or possessed, or from which it was transported. In addition, it is unlawful to purchase or receive any fish, if such person knows, or in the exercise of due care should know, that such fish had been transported in violation of the above.

The National Marine Fisheries Service is now in the process of establishing procedures under which imports will be examined and tests conducted to determine if fillets from illegal fish are contained in the shipment.

In order to avoid a violation of this law, importers of halibut or halibut fillets are accordingly advised to notify their vendors and consignors of this Notice and to take such other measures as may be necessary to prevent the importation of undersized halibut or fillets from undersized halibut from Japan.

Issued at Washington, D.C., and dated August 17, 1973.

ROBERT M. WHITE,
Administrator.

[FR Doc.73–17748 Filed 8–21–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–122; FDAA–396–DR]

COLORADO

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Colorado, dated July 9, 1973, and published July 16, 1973 (38 FR 18918) is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 6, 1973:

The County of:

Alamosa

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

Dated: August 15, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73–17816 Filed 8–21–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 73–13; Notice 2]

AIR BRAKE SYSTEMS

Notice of Public Meeting

On November 7 and 8, 1973, the National Highway Traffic Safety Administration will conduct a public evaluation of the performance of vehicles conforming to the requirements of Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, especially as used in combination with older vehicles that do not conform to the standard. The evaluation will be conducted between the hours of 9:00 a.m. and 4:00 p.m. at the Transportation Research Center of Ohio, U.S. Highway 33, East Liberty, Ohio.

The evaluation is being conducted in response to a petition by the American Trucking Association for the purpose of detecting any unusual performance characteristics resulting from the intermixing of new and old equipment. The evaluation will consist of a series of braking tests, including straight-line stops and lane-changing stops, on both wet and dry surfaces. The vehicle combinations to be tested will include new vehicles combined with new vehicles, as well as new combined with old. Particular emphasis will be placed on tests involving the secondary braking systems.

The test drivers and a representative group of older vehicles will be provided by ATA. Any person who has equipped a vehicle so that it conforms to the requirements of Standard No. 121 is invited to submit his vehicle for evaluation.

Persons who intend to submit vehicles for evaluation or who plan to attend the evaluation should advise the agency of their intent not later than September 14, 1973. All communications should be addressed to the Associate Administrator for Motor Vehicle Programs, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

Comments are requested as to specific tests that should be included. Comments received by the Associate Administrator before September 14, 1973, will be considered in the preparation of a test agenda. The agenda will be made available to interested persons on or before October 24, 1973.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on August 16, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.73–17747 Filed 8–21–73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTORS SAFEGUARDS

Notice of Meeting

AUGUST 21, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on September 6–8, 1973, in Room 1046, at 1717 H Street NW., Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

(1) *Thursday, September 6, 1973.*—9:30 a.m.–1:00 p.m.—Rancho Seco Nuclear Generating Station Unit No. 1 (located in Sacramento County about 25 miles southeast of Sacramento, California)—Review application for an operating license. The Committee will hear presentations by representatives and consultants of the AEC Regulatory Staff and the Sacramento Municipal District and will hold discussions with these groups.

The Committee will hold closed sessions during this period, if required, under the authority of subsection 10(d) of Public Law 92–463 (the Federal Advisory Committee Act) to discuss security plans for this facility and privileged information related to fuel element design, fabrication, performance, and loss of coolant accident analysis.

(2) *Friday, September 7, 1973.*—10:30 a.m.–12:30 p.m. and 1:30 p.m.–3:30 p.m.—Atlantic Nuclear Generating Station (proposed location approximately 3 miles offshore of the southeast coast of New Jersey, approximately 11 miles northeast of Atlantic City, New Jersey.)—Preapplication site review. The Committee will hear presentations by representatives and consultants of the AEC Regulatory Staff and the Public Service Company of New Jersey and will hold discussions with these groups.

It should be noted that, in addition to the agenda items noted above, the Committee will hold Executive Sessions not open to the public under the authority of section 10(d) of Public Law 92–463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined that it is necessary to close such Executive Sessions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than August 29, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written comments shall be based on materials related to the above agenda items, which materials are contained in the application for an operating license or preliminary site description report and related documents, on file, and available for public inspection in the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and as follows:

Rancho Seco Nuclear Generating Station, Unit No. 1, librarian, Sacramento City County Library, 1930 T Street, Sacramento, California 95814.

Atlantic Nuclear Generating Station, Wallace R. Host Community Library, North School, Lafayette and Evans Avenue, Brigantine, New Jersey 08203.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons jusifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on September 5, 1973, to the office of the Executive Secretary of the Committee (telephone: 301–973–5651) between 8:30 a.m. and 5:15 p.m. Eastern Daylight Time.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C., on or after November 7, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.73–17921 Filed 8–21–73;10:29 am]

[Docket Nos. 50–416, 50–417]

MISSISSIPPI POWER & LIGHT CO.

Notice of Availability of AEC Final Environmental Statement for the Grand Gulf Nuclear Station Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed Grand Gulf Nuclear Station, Units 1 and 2, to be constructed by the Mississippi Power & Light Company, in Claiborne County, Mississippi, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Harriet Person Memorial Library, Municipal Building, Port Gibson, Mississippi 39150. The Final Environmental Statement is also being made available at the Office of the Coordinator, Federal State Programs, Office of the Governor, 510 Lamar Life Building, Jackson, Mississippi 39201, and the Southwest Mississippi Planning and Development District, P.O. Box 686, McComb, Mississippi 39648.

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The notice of availability of the Draft Environmental Statement for the Grand Gulf Nuclear Station, Units 1 and 2, and requests for comments from interested persons was published in the FEDERAL REGISTER on April 23, 1973 (38 FR 10036). The comments received from Federal, State and local officials, and interested members of the public have been included in an appendix to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 16th day of August 1973.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Directorate of Licensing.

[FR Doc.73-17427 Filed 8-21-73;8:45 am]

[Docket Nos. 50-445 and 50-446]

TEXAS UTILITIES GENERATING CO. ET AL.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Availability of Applicants' Environmental Report, etc.

The Texas Utilities Generating Company, Dallas Power and Light Company, Texas Electric Service Company, and Texas Power and Light Company (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed an application, which was docketed July 20, 1973, for authorization to construct and operate two generating units utilizing pressurized water reactors. The application was tendered on June 5, 1973. Following a preliminary review for completeness, it was accepted on July 18, 1973, for docketing.

The proposed nuclear facilities, designated by the applicants as the Comanche Peak Steam Electric Station, Units 1 and 2, are located on the applicants' site in Somervell County, Texas, approximately 4½ miles north of Glen Rose, Texas, and approximately 40 miles southwest of Fort Worth in North Central Texas. Each reactor is designated for initial operation at approximately 3411 megawatts (thermal), with a net electrical output of approximately 1159 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 30, 1973. The request should be filed in connection with Docket Nos. 50-445-A and 50-446-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Somervell County Public Library, On the Square, P.O. Box 417, Glen Rose, Texas 76043.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated June 5, 1973. The report has been made available for public inspection at the aforementioned locations. The report which discusses environmental considerations related to the proposed construction of the Comanche Peak Steam Electric Station, Units 1 and 2 is also being made available at the North Central Texas Council of Governments, P.O. Box 5888, Arlington, Texas 76011.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 24th day of July, 1973.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Pressurized Water Reactors, Branch No. 1, Directorate of Licensing.

[FR Doc.73-15673 Filed 7-31-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 23133, 24488; Order 73G8-80]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Currency Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of August, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at Mexico City and has been assigned the above-designated C.A.B. agreement number.

The agreement would revise the IATA-agreed exchange rate for Japanese yen, set forth in Resolution 021b, from 308 yen = 1 U.S. dollar to 296 yen = 1 U.S. dollar.[1] This rate is used for conversion of specified dollar fares rates into local currency selling fares and rates in Japan, as well as for clearinghouse transactions among carriers. The subject change was necessitated by currency fluctuations resulting in undervaluation of the yen in the 021b designated parties, and will effect a reduction of approximately 3.9 percent in published yen fares and rates for transportation originating in Japan.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find that the following resolution, incorporated in Agreement C.A.B. 23733 as indicated, is adverse to the public interest or in violation of the Act:

Agreement	*IATA Resolution*
C.A.B. 23733	021b-Rates of Exchange Special Panel Meeting on Japanese Yen rates of exchange—Mexico City—28 May 1973)

Accordingly, it is ordered, That:

Agreement C.A.B. 23733 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-17818 Filed 8-21-73;8:45 am]

[1] The yen/U.K. pound parity would also be revised, from 802.556 to 771.287=1 U.K. pound.

COMMISSION ON CIVIL RIGHTS

MARYLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a planning meeting of the Maryland State Advisory Committee to this Commission will convene at 7:00 p.m. on August 22, 1973, in Room 3R-13 at the Social Security Administration Operations Building, 6401 Security Boulevard, Woodlawn, Maryland 21235.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20425.

The purpose of this meeting shall be to discuss a first draft of the Lumbee Indian Report.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., August 15, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-17827 Filed 8-21-73;8:45 am]

VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a planning meeting of the Virginia State Advisory Committee to this Commission will convene at 7:00 p.m. on August 23, 1973, in Room 506, at the Sheraton Motor Inn, Belvedere and Franklin Streets, Richmond, Virginia 23220.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20425.

The purpose of this meeting shall be to discuss a first report of the study on the Selection of Judges in Virginia.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., August 15, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-17828 Filed 8-21-73;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

FINDING OF IMMINENT HAZARD

Order Deeming Certain Spray Adhesives To Be Banned Hazardous Substances Due to Finding of Imminent Hazard to the Public Health

Effective May 14, 1973, section 30(a) of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1231, 15 U.S.C. 2079(a)) transferred to the Consumer Product Safety Commission the functions of the Secretary of Health, Education, and Welfare under the Federal Hazardous Substances Act (hereinafter referred to as the "act").

Section 2(q)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (q)(2)) provides that where the Commission finds that the distribution for household use of a hazardous substance presents an imminent hazard to the public health, it may by order published in the FEDERAL REGISTER give notice of such finding, and thereupon such substance when intended or offered for household use, or when so packaged as to be suitable for such use, shall be deemed to be a "banned hazardous substance" pending the completion of proceedings relating to the issuance of regulations under section 2(q)(1)(B) of the act. Said section defines the term "banned hazardous substance" to include a hazardous substance which the Commission by regulation classifies as a "banned hazardous substance" on the basis of a finding that, notwithstanding such cautionary labeling as is or may be required under the act for that substance, the degree or nature of the hazard involved in the presence or use of such substance in households is such that the objective of the protection of the public health and safety can be adequately served only by keeping such substance, when so intended or packaged, out of the channels of interstate commerce.

Section 2(f)(1)(A) of the act defines the term "hazardous substance" to mean, among other things, any substance or mixture of substances which is toxic. Section 2(g) of the act provides that the term "toxic" shall apply to any substance (other than a radioactive substance) which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface.

Information submitted to the Consumer Product Safety Commission by J. Rodman Seely, M.D., Ph.D., Associate Professor of Pediatrics, Biochemistry, Molecular Biology, and Cytotechnology, of the University of Oklahoma Health Sciences Center, Oklahoma City, Oklahoma, indicates a causal connection between exposure to certain spray adhesives and chromosome damage leading to genetic birth defects. Staff members expert in this area from the Consumer Product Safety Commission, as well as the Food and Drug Administration, have reviewed Dr. Seely's research and agree that his findings strongly suggest such a causal relationship.

Three products are included in Dr. Seely's report. All are intended or packaged in a form suitable for use in the household for art, hobby, craft, and other bonding purposes. These products are:

(1) "Foil Art Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota (distributed by Decorator Crafts, Inc., Oklahoma City, Oklahoma).

(2) "Scotch Brand Spra-Ment Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota.

(3) "Krylon Spray Adhesive" manufactured by Borden, Inc., Columbus, Ohio, and New York, New York.

A fourth product, "3M Brand Spray Adhesive 77", manufactured by the Minnesota Mining and Manufacturing Company, is packaged in a form suitable for use in the household but was not referred to by Dr. Seely. This product, however, has the same formulation as "Scotch Brand Spra-Ment Adhesive".

The particular chemical component or components, or combination thereof, believed to be responsible for the chromosome damage has not been identified. It is therefore possible that exposure to other similar products may produce like results. However, additional research is necessary and has been instituted to permit the Commission to make these determinations.

Although the connection between the above products and chromosome damage leading to genetic birth defects has not been positively established, the strength of the connection based on the research to date, plus the alarming potential for serious personal injury or illness to children of a parent or parents exposed to these products, leads the Commission to conclude that their distribution for household use presents an imminent hazard to the public health.

The finding by the Commission that the above spray adhesive products present an imminent hazard to the public health results in their being deemed to be "banned hazardous substances" under the Federal Hazardous Substances Act. As such, the act prohibits their introduction or delivery for introduction into interstate commerce and the sale, holding for sale, delivery, or proffered delivery thereof for pay or otherwise. Violation of any of these prohibitions is criminally punishable under section 5 of the act.

Pursuant to 21 CFR 3.73, the Consumer Product Safety Commission finds that the evidence referred to in the preceding discussion is sufficient to show that the above-mentioned spray adhesives pose a significant threat of danger to health and create a public health situation (1) that should be corrected immediately to prevent injury and (2) that should not be permitted to continue while a hearing or other formal proceeding is being held. The Commission considers the number of possible injuries from these products and the nature, severity, and duration of anticipated injuries to be significant.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(q)(2), 74 Stat. 374, as amended 80 Stat. 1305; 15 U.S.C. 1261(q)(2)) and under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission hereby finds that the distribution for household use of the following products presents an imminent hazard to the public health and that such products are therefore deemed to be "banned hazardous substances" pending the completion of proceedings relating to the issuance of regulations for such products under section 2(q)(1)(B) of the Federal Hazardous Substances Act:

(1) "Foil Art Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota (distributed by Decorator Crafts, Inc., Oklahoma City, Oklahoma).

(2) "Scotch Brand Spra-Ment Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota.

(3) "Krylon Spray Adhesive" manufactured by Borden, Inc., Columbus, Ohio, and New York, New York.

(4) "3M Brand Spray Adhesive 77" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota.

Dated: August 20, 1973.

SAMUEL M. HART,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.73-17869 Filed 8-20-73;1:59 pm]

COST OF LIVING COUNCIL

PROPOSED AUTOMOBILE PRICE INCREASE

Notice of Public Hearing

Notice is hereby given that the Cost of Living Council will hold a public hearing beginning at 9:30 a.m. on Tuesday, August 28, 1973 in the Cost of Living Council Auditorium, Room 2105, 2000 M Street, N.W., Washington, D.C. to receive comments from interested persons on price increase prenotifications filed with

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the Cost of Living Council by automobile manufacturers. The hearing will examine the potential impact which the proposed price increases could have on the total economy, and will center on each company's justification for increased prices. The justification which the auto companies have used on each prenotification is based on increased costs to cover government mandated safety and environmental features. These mandated equipment changes include the ignition interlock system for lap and shoulder belts, improved energy absorbing bumpers, and improved emission systems to meet rigid environmental standards.

This public hearing will be conducted under the authority of section 207(c) of the Economic Stabilization Act of 1970, as amended, which requires that to the maximum extent possible, formal hearings be conducted for the purpose of acquiring information bearing on a change or a proposed change in prices which have or may have a significantly large impact upon the national economy.

The Cost of Living Council is inviting public participation in the form of written submissions as well as oral presentations. The Council requests all interested persons to submit written suggestions and comments on the subject for Council consideration not later than August 29, 1973.

All written submissions should be sent to Auto Hearing, Executive Secretariat, Cost of Living Council, 2000 M Street, N.W., Washington, D.C. 20508. All written submissions received before 5:00 p.m. e.s.t., August 29, 1973 will be made part of the official records of the hearing.

Any information or data considered by the person furnishing it to be confidential must be submitted in writing, one copy only, before the person's scheduled appearance, or by August 29, 1973, as applicable. The Cost of Living Council reserves the right to determine the confidential status of the information or data and to treat it accordingly.

Any person who has an interest in the subject of the hearings, or who is a representative of a group or class of persons which has an interest in the subject of the hearings, may request the opportunity to make an oral presentation by telephoning the Executive Secretariat of the Cost of Living Council at (202) 254–8610 before 5:00 p.m. e.s.t., Thursday, August 23, 1973. The person making the request should be prepared to describe the interest concerned; if appropriate to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through August 27, 1973. Oral presentations may be supplemented by written submissions filed with the Council not later than August 29, 1973.

The Council reserves the right to select the persons to be heard at the hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. Each presentation may be limited, based on the number of persons requesting to be heard.

Each person selected to be heard will be so notified by the Council before 5:00 p.m. e.s.t., August 24, 1973 and must send 50 copies of his statement to the Executive Secretariat before 5:00 p.m. e.s.t., August 27, 1973.

A Cost of Living Council official will be designated to preside at the hearings. They will not be judicial- or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the Council with respect to the subject matter of the hearings will be based on all information available to the Council, from whatever source received. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and may not exceed 10 minutes each.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, before 5:00 p.m. e.s.t., August 27, 1973. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The Council, or the presiding officer if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the Council and made available for inspection at the Public Reference Facility of the Council, Room 2313, 2000 M Street, N.W., Washington, D.C. between the hours of 8:30 a.m. and 5:30 p.m. Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Issued at Washington, D.C. on August 20, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-17903 Filed 8-20-73;4:14 pm]

PROPOSED STEEL PRICE INCREASES

Notice of Public Hearings

Notice is hereby given that the Cost of Living Council will hold public hearings beginning at 9:30 a.m. on Thursday, August 30, 1973, and on Friday, August 31, 1973 in the Cost of Living Council Auditorium, Room 2105, 2000 M Street, NW., Washington, D.C. to receive comments from interested persons on price increase prenotifications filed with the Cost of Living Council by steel producers. The hearings will explore facts relating to cost justification, the relationship of prices, profits, capital investment and plant capacity, and the effect of productivity and volume improvement on costs and profits.

These public hearings will be conducted under the authority of section 207(c) of the Economic Stabilization Act of 1970, as amended, which requires that to the maximum extent possible, formal hearings be conducted for the purpose of acquiring information bearing on a change or proposed change in prices which have or may have a significantly large impact upon the national economy.

The Cost of Living Council is inviting public participation in the form of written submissions as well as oral presentations. The Council requests all interested persons to submit written suggestions and comments on the subject for Council consideration not later than September 5, 1973.

All written submissions should be sent to Steel Hearings, Executive Secretariat, Cost of Living Council, 2000 M Street, N.W., Washington, D.C. 20508. All written submissions received before 5:00 p.m., e.s.t., September 5, 1973 will be made part of the official record of the hearings.

Any information or data considered by the person furnishing it to be confidential must be submitted in writing, one copy only, before the person's scheduled appearance, or by September 5, 1973, as applicable. The Cost of Living Council reserves the right to determine the confidential status of the information or data and to treat it accordingly.

Any person who has an interest in the subject of the hearings, or who is a representative of a group or class of persons which has an interest in the subject of the hearings, may request the opportunity to make an oral presentation by telephoning the Executive Secretariat of the Cost of Living Council at (202) 254–8610 before 5:00 p.m., e.s.t., Friday, August 24, 1973. The person making the request should be prepared to describe the interest concerned; if appropriate to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through August 27, 1973. Oral presentations may be supplemented by written submissions filed with the Council not later than September 5, 1973.

The Council reserves the right to select the persons to be heard at the hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. Each presentation may be limited, based on the number of persons requesting to be heard.

Each person selected to be heard will be so notified by the Council before 5:00 p.m., e.s.t., August 26, 1973 and must send 50 copies of his statement to the Executive Secretariat before 5:00 p.m., e.s.t., August 29, 1973.

A Cost of Living Council official will be designated to preside at the hearings. They will not be judicial- or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the Council with respect to the subject matter of the hearings will be based on all information available to the Council, from whatever source received. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and may not exceed 10 minutes each.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, before 5:00 p.m., e.s.t., August 29, 1973. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The Council, or the presiding officer if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the Council and made available for inspection at the Public Reference Facility of the Council, Room 2313, 2000 M Street, NW., Washington, D.C. between the hours of 8:30 a.m. and 5:30 p.m. Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Issued at Washington, D.C. on August 20, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-17904 Filed 8-20-73;4:14 pm]

FEDERAL MARITIME COMMISSION

FARRELL LINES, INC., AND DELTA STEAMSHIP LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before Sept. 11, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Hans Unterwiener, Manager, Freight Documentation and Inward Freight Farrell Lines, Incorporated, One Whitehall Street, New York, New York 10004.

Agreement No. 10069, between Farrell Lines, Incorporated, and Delta Steamship Lines, Incorporated, establishes a through billing arrangement for the transportation of cargo moving in the trade from United States Gulf ports to the Liberian Port of Sinoe, with transshipment at Monrovia or Buchanan, Liberia, or in the roadstead outside the Port of Sinoe, with the actual port or point of transshipment to be determined by mutual agreement under terms and conditions set forth in the agreement.

By Order of the Federal Maritime Commission

Dated August 16, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-17751 Filed 8-21-73;8:45 am]

GEORGIA PORTS AUTHORITY AND J. R. SHIPPING CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before Sept. 11, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

James I. Newsome, Jr., Director of Operations, Georgia Ports Authority, P.O. Box 2406, Savannah, Georgia 31402.

Agreement No. T-2833, between the Georgia Ports Authority (Port) and J. R. Shipping Company, Inc., as agents for Central Gulf Lines, Inc. (CGL), is a letter agreement whereby the Port will charge special dockage rates on CGL LASH vessels docking at the Port's LASH facility and Fleeting Area, and on CGL LASH barges loaded and unloaded at the Port's Bulk Facility and General Cargo Terminals in the Port of Savannah, Georgia. The agreement also provides for the scheduling of a minimum of 30 barges inbound and 30 barges outbound for every two calls of the mother vessels.

By Order of the Federal Maritime Commission.

Dated August 16, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-17752 Filed 8-21-73;8:45 am]

[Independent Ocean Freight Forwarder License No. 1270]

TERMINAL OPERATORS INC.

Order of Revocation

By letter dated June 27, 1973, Terminal Operators Incorporated, 50 Terminal Street, Boston, Massachusetts 02129, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1270 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before July 25, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that license will be automatically revoked or suspended for failure of a licensee to maintan a valid bond on file.

Terminal Operators, Incorporated, has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 7.04(g) (dated 5/1/72):

It is ordered, That Independent Ocean Freight Forwarder License No. 1270 of Terminal Operators, Incorporated, be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No.

V 38-162 AUG 22 73 XUM

1270 be and is hereby revoked effective July 25, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Terminal Operators, Incorporated.

AARON W. REESE,
Managing Director.

[FR Doc.73-17754 Filed 8-21-73;8:45 am]

[Nos. 73-28; 73-29]

DISCRIMINATORY RATES IN THE U.S. WEST COAST/JAPAN TRADE AND U.S. ATLANTIC AND GULF/JAPAN TRADE

Revised Publication Procedures

These proceedings were instituted by orders to show cause requiring respondent conferences and carriers to explain by affidavits and memoranda why the Commission should not order elimination of unjust discrimination resulting from disparities in their import/export rate structures.

On June 22, 1973, the Commission indefinitely postponed the date for responding to the show cause order, pending action on request for alternative procedures submitted by respondents.

Respondents and Hearing Counsel have filed various pleadings regarding suggested procedures to be followed in this proceeding, which resulted in their agreement on a course these proceedings should follow.

We are disposed to permit proceedings in these matters to be conducted according to the agreed revised procedures with the exception that the proposed 15 month time period for resolution of the issues be reduced to 12 months.

Accordingly the following procedures are adopted in these proceedings in lieu of the previously ordered show cause procedure.

1. Three months from the date of this order, respondents shall file a report to Hearing Counsel detailing the procedure developed for resolving the issues; ten days after said report, Hearing Counsel shall report to the Commission respecting such procedure;

2. At 90 day intervals after Hearing Counsel's initial report, Hearing Counsel shall file periodic reports to the Commission setting forth their recommendation;

3. Twenty days before each Hearing Counsel report, respondents shall report to Hearing Counsel stating the steps proposed to resolve the issues;

4. All reports required herein of respondents shall be full and complete, shall include all proposals and available supporting economic and statistical data, and upon request of Hearing Counsel, shall be reasonably clarified and/or reasonably enlarged upon;

5. Unless otherwise extended, the procedure adopted herein shall terminate upon the expiration of a 12 month period from the date of this order.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-17753 Filed 8-21-73;8:45 am]

FEDERAL POWER COMMISSION

[Project 2204]

CITY AND COUNTY OF DENVER

Application for Approval of Exhibit R

AUGUST 14, 1973.

Public notice is hereby given that application was filed on December 18, 1972, and supplemented on May 9, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by the city and county of Denver (Correspondence to: Board of Water Commissioners, city and county of Denver, 144 West Colfax Avenue, Denver, Colorado 80202) for approval of Exhibit R for constructed Project No. 2204, known as the Williams Fork Project, located on the Williams River (also known as Williams Fork River) a tributary of the Colorado River, and affecting public lands of the United States in Grand County, Colorado, near the villages of Hot Sulphur Springs and Parshall.

The Exhibit R would provide for general outdoor recreation at Williams Fork Reservoir. The major recreational activity would center around fishing. Bird watching, photography, sightseeing, picnicking, boating, and duck hunting would also be available to the public. A lake fishery would be provided and the habitat improved for wildlife through the creation of several small impoundments and small open water areas.

Initially five parking lots with sanitary facilities and a boat ramp are proposed for recreational development.

Any person desiring to be heard or to make protest with reference to said application should on or before October 1, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17792 Filed 8-21-73;8:45 am]

[Docket No. CI74-90]

COASTAL STATES GAS PRODUCING CO.

Notice of Application

AUGUST 15, 1973.

Take notice that on August 6, 1973, Coastal States Gas Producing Company (Applicant), P.O. Drawer 521, Corpus Christi, Texas 78403, filed in Docket No. CI74-90 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the Albrecht Field, Goliad County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas on June 13, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell an average daily quantity of up to 2,500 Mcf of gas at 50.0 cents per Mcf at 14.65 psia. It is stated that Applicant will accept a certificate conditioned to a rate of 45.0 cents per Mcf but reserves the right to file for its full contractual entitlement.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17794 Filed 8-21-73;8:45 am]

COLORADO INTERSTATE GAS CO.

Proposed Changes in FPC Gas Tariff

AUGUST 15, 1973.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on August 6, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 2. CIG states that the proposed change will effect Initial Rate Schedule X–42, which is a Gas Sales and Exchange Agreement (Exchange Agreement) between CIG and Panhandle Eastern Pipe Line Company (Panhandle), providing for CIG to receive into its pipeline system certain gas controlled by Panhandle. CIG will purchase a portion of the gas and redeliver the balance, on a thermally equivalent basis, to Panhandle, according to CIG's statement.

CIG further states that the proposed change is required to effectuate the Exchange Agreement between CIG and Panhandle as authorized by the Federal Power Commission's Order issued March 30, 1973, in Docket Nos. CP72–181 and CP73–44, as amended by FPC Order issued July 19, 1973.

CIG maintains that copies of the filing were served upon CIG's jurisdictional customers, the Colorado Public Utilities Commission, the city and county of Denver, and Panhandle.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17793 Filed 8-21-73;8:45 am]

[Docket No. RP73-65]

COLUMBIA GAS TRANSMISSION CORP.

Proposed PGA Rate Adjustment

AUGUST 14, 1973.

Take notice that Columbia Gas Transmission Corporation (Columbia), on August 3, 1973 tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. Columbia states that this filing amends the previous July 16, 1973, filing while preserving the effective date of September 1, 1973, proposed therein. Columbia states that the amended filing will provide a purchased gas adjustment to recover increased cost of gas purchased of $9,487,768 annually, and surcharges to recover deferred gas purchase costs of $5,396,756 which surcharges are to be effective for the six-month period September, 1973, through February, 1974.

Columbia's transmittal letter states the following reasons as support for this filing:

(1) To correct an error in the calculation of the cost of Appalachian purchases in Zone 1 resulting in a reduction in the amount originally filed for as set forth on Sheet 1 under Zone 1 tab of $285,037.

(2) To reflect the balance of $5,396,650 in Account 191 (unrecovered Purchased Gas Cost Account) as of May 31, 1973, rather than $4,244,408 included in the original filing, which represented only the deferred charges for the six-month period December, 1972, through May, 1973.

Columbia requests waiver of the Commission's Rules and Regulations under the Natural Gas Act in order to permit the tariff sheets to become effective September 1, 1973.

Columbia states that copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 23, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17795 Filed 8-21-73;8:45 am]

[Project 2646]

CONNECTICUT LIGHT AND POWER CO.

Application for License for Constructed Project

AUGUST 14, 1973.

Public notice is hereby given that application for a major license was filed April 28, 1967, and supplemented July 14 and August 10, 1967, June 9, 1969. December 14, 1970, and January 8, May 13, July 19 and August 2, 1971, under the Federal Power Act (16 U.S.C. 791a–825r) by The Connecticut Light and Power Company (Correspondence to: Mr. Edwin L. Johnson, Vice President, The Connecticut Light and Power Company, P.O. Box 2010, Hartford, Connecticut 06101) for Stevenson Project No. 2646, located in the towns of Oxford and Southbury, New Haven County, and the towns of Monroe and Newtown, Fairfield County, Connecticut, on the Housatonic River.

The Stevenson Project, which has an installed capacity of 30,500 kw, consists of: (1) a concrete gravity dam 1,250 feet long and 124 feet high, supporting Connecticut State Highway Route No. 34, with a 630-foot overflow spill way section, topped by flashboards 3 feet high, a gated overflow spillway, a skimming gate section, a power intake section and three non-overflow sections; (2) a reservoir known as Lake Zoar 27 miles in length with a surface area of 1,063 acres, a total storage capacity of 26,900 acre-feet, and a usuable storage capacity of 5,038 acre-feet with a drawdown of five feet below the normal water surface elevation of 101.3 feet, U.S.G.S. datum; (3) an indoor powerhouse integral with the dam containing four generating units with a total capacity of 30,500 kw; and (4) all other facilities and interests appurtenant to the operation of the project.

The recreational features of the Stevenson Project include former Company land on Lake Zoar made available to the towns of Oxford, Southbury, Monroe and Newtown for town parks and to the State for Kettletown State Park, the latter providing picnicking, swimming and camping areas; a boat-launching facility and also a picnic site administered by the State Board of Fisheries and Game; a YMCA camp and privately owned waterfront homes. Applicant proposes to develop and operate a roadside rest area providing picnic sites, open shelters, sanitary facilities, parking and access, and 20 boat picnic sites at several locations along the reservoir shoreline.

Any person desiring to be heard or to make protest with reference to said application should on or before October 19, 1973, file with the Federal Power Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17796 Filed 8-21-73;8:45 am]

[Docket No. CP74-34]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

AUGUST 15, 1973.

Take notice that on August 7, 1973, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP74-34 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas

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pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 2.5 miles of 6-inch transmission line and measuring facilities extending from the newly-discovered East Emporium Oriskany production pool (East Emporium) in Potter County, Pennsylvania, to a proposed sales delivery point at United Natural Gas Company's (United) No. F–M100 pipeline in Potter County.

The total estimated cost of the proposed facilities is $248,534 which will be financed from funds on hand and funds to be obtained from Applicant's parent, Consolidated Natural Gas Company.

The purpose of the proposed construction and operation of facilities is to augment Applicant's ability to fulfill its contract with United to deliver up to 21,500 Mcf of gas per day and up to 16,500 Mcf of gas per day during the periods from November 1 through April 30 and May 1 through October 31, respectively. Applicant estimates that the proposed pipeline will be able to deliver initially 8,500 Mcf of gas per day from East Emporium which is estimated to contain 12 million Mcf of recoverable natural gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17797 Filed 8–21–73;8:45 am]

[Docket No. CI73–751 etc.]

EXXON CORP. ET AL.

Postponement of Hearing

AUGUST 15, 1973.

In the matter of Exxon Corp., Shenandoah Oil Corp., and SOC Gas Systems, Inc. Dockets Nos. CI73–751, CI73–799, CI73–800, CI73–801.

The Commission order issued on July 23, 1973, set the above-designated matter for hearing on August 22, 1973. It now appears that calendar conflicts in the Office of Administrative Law Judges require that the hearing be postponed.

Notice is hereby given that the hearing in the above-designated matter is postponed to September 5, 1973, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17798 Filed 8–21–73;8:45 am]

[Docket No. CP74–35]

EXXON PIPELINE CO. OF CALIFORNIA

Notice of Application

AUGUST 14, 1973.

Take notice that on August 7, 1973, Exxon Pipeline Company of California (Applicant), P.O. Box 2220, Houston, Texas 77001, filed in Docket No. CP74–35 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and other facilities from the Outer Continental Shelf in the Santa Barbara Channel, offshore California, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 6.7 miles of offshore and approximately 1.3 miles of onshore 12-inch pipeline extending from Exxon Corporation's (Exxon) drilling platform to be constructed in the Santa Ynez Unit; Santa Barbara Area, offshore California to Applicant's proposed onshore natural gas treating and processing plant in Las Flores Canyon approximately 1 mile north of the existing Capitan Oil Field and Marine Terminal in Santa Barbara County. The nominal capacity of the proposed pipeline is 90,000 Mcf of gas per day.

The total estimated cost of the proposed pipeline and gas treating and processing plant is $5,800,000 which will be initially financed by Exxon Pipeline Company through the purchase of Applicant's common stock and short-term notes.

It is stated that Exxon is currently developing certain offshore oil and gas leases in the Hondo Field Area of offshore California. After completion of 32 exploratory wells in said area, Exxon is said to estimate that approximately 170 to 240 million Mcf of recoverable gas reserves are in the area initially proposed to be developed.

The purpose of the proposed construction and operation of facilities is to transport for 30 years the volumes of natural gas, up to 90,000 Mcf per day, made available to Applicant by Exxon from the said leases in the Hondo Field Area. It is estimated that the proposed pipeline will carry an average of 10,100 Mcf of gas per day at the end of the platform, in excess of 26,000 Mcf of gas per day during the second year and upon completion of Exxon's offshore drilling platform, in excess of 26,00 Mcf of gas per day in the third year. Following treatment of the gas and extraction of the liquefiable hydrocarbon at the proposed plant, Applicant will deliver residue gas to Exxon at the plant's tailgate, estimated to be approximately 21,000 to 25,000 Mcf per day in the third year. Applicant is advised that Exxon intends to sell said gas to a California purchaser.

Applicant proposes to charge Exxon a flat annual rate of $575,000 per year upon completion of the pipeline facilities and $1,200,000 per year upon completion of the treating and processing plant herein.

Applicant state that a draft environmental statement concerning, among other things, the proposals in the instant application has been prepared and distributed by the United States Geological Survey of the Department of the Interior. Notice of a public hearing for the purpose of receiving comments relating to the draft statement was published in the FEDERAL REGISTER on July 27, 1973 (38 20112).

Any person desiring to be heard or to make any protest with references to said application should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17799 Filed 8–21–73;8:45 am]

FLORIDA GAS TRANSMISSION CO.

Proposed Changes in FPC Gas Tariff

AUGUST 15, 1973.

Take notice that on August 6, 1973, Florida Gas Transmission Company (Florida Gas) tendered for filing First Revised Sheet No. 16 to its FPC Gas Tariff, Original Volume No. 1. Florida Gas states that the revision changes the time period for the retention of certain records regarding gas measurement to conform such period of retention to the Commission's Regulations related thereto and that this change applies to section 5 of the General Terms and Conditions of the Tariff. Florida Gas requests that the effective date of the change be made September 5, 1973.

Florida Gas states that a copy of its filing has been served upon all customers purchasing gas under its FPC Gas Tariff, Original Volume No. 1 and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17800 Filed 8–21–73;8:45 am]

[Docket No. CI72–832]

MONSANTO CO. (OPERATOR), ET AL.

Petition To Amend

AUGUST 15, 1973.

Take notice that on August 7, 1973, Monsanto Company (Petitioner), 1300 Post Oak Tower, 5051 Westheimer, Houston, Texas 77027, filed in Docket No. CI72–832 a petition to amend the order in said docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the continued sale for resale and delivery of natural gas in interstate commerce to United Gas Pipeline Company (United) from the Bryceland Field, Bienville Parish, Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner, as successor to Harvey Broyles, was authorized by the order issued August 1, 1972, as amended June 25, 1973, in said docket to sell average daily volumes of 2,500 Mcf of gas at 35.0 cents per Mcf at 15.025 p.s.i.a. for one year ending August 7, 1973, pursuant to § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Petitioner now proposes to continue said sale for an additional one year to United at an increased rate of 45.0 cents per Mcf of gas at 15.025 p.s.i.a. within the contemplation of § 2.70.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protest and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or to protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17801 Filed 8–21–73;8:45 am]

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE ON ENERGY CONVERSION RESEARCH

Notice of Meeting

For a meeting of the Technical Advisory Committee on Research and Development Task Force on Energy Conversion Research, to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, D.C., August 28, 1973, 9:30 a.m., Room 5200.

1. Meeting called to order by FPC Coordinating Representative.
2. Approval of minutes of previous meeting.
3. Objectives and Purposes of meeting.
A. Review status of editing reports on energy conversion technologies.
B. Review summary of members' priority assessments of the various technologies.
C. Review draft of Task Force report to the TAC on Research and Development.
D. Assignment of responsibilities for presentation of Task Force results and conclusions at September meeting of the TAC.
E. Other business.
F. Dates for future meetings.
4. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17791 Filed 8–21–73;8:45 am]

[Docket No. RP72–132]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Filing Revised Tariff Sheets To Reflect Reduction in Advance Payment Tracking Filing

AUGUST 14, 1973.

Take notice that on August 6, 1973, Natural Gas Pipeline Company of America (Natural) tendered for filing revised tariff sheets to be effective August 1, 1973, reflecting a reduction in an Advance Payment tracking adjustment filed June 15, 1973, as revised July 27, 1973, to comply with Commission Order of July 18, 1973.

Natural states that the current revision in the advance payment tracking filing reflects receipt on August 3, 1973, of $21,985,000 from Trunkline Gas Company in connection with assignment to Trunkline of the right to acquire a portion of the reserves which may become available as a result of certain advance payments which Natural had previously made and which were reflected in the tracking filing.

Natural requests that the applicable regulations and orders of the Commission be waived to the extent necessary to permit the withdrawal of Second and Third Substitute Ninth Revised Sheets No. 5, effective August 1, and September 1, 1973 respectively, and substitution of the revised sheets reflecting the lower rates.

Natural states that copies of this filing have been mailed to Natural's customers and all interested parties to Docket No. RP72–132.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 29, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17755 Filed 8–21–73;8:45 am]

[Docket No. CI74–89]

PHILLIPS PETROLEUM CO.

Notice of Application

AUGUST 15, 1973.

Take notice that on August 6, 1973, Phillips Petroleum Company (Applicant), Bartlesville, Oklahoma 74004, filed

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in Docket No. CI74–89 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of residue natural gas in interstate commerce to Panhandle Eastern Pipe Line Company at its Cimarron Plant in Woodward County, Oklahoma, from production in Major County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas on August 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 30,000 Mcf of gas per month at 50.0 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17756 Filed 8–21–73;8:45 am]

[Docket No. CI73–350]

G. PHIL ROBERTS & GLYNN D. BUIE

Amendment to Application

AUGUST 15, 1973.

Take notice that on July 19, 1973, G. Phil Roberts and Glynn D. Buie (Applicants) (Successors to Anadarko Production Company), 861 The Main Building, Houston, Texas 77002, filed in Docket No. CI73–350 an amendment to their application in said docket filed pursuant to section 7(b) of the Natural Gas Act by requesting authorization to continue sales of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) at a new price pursuant to section 7(c) of the Natural Gas Act and § 2.76 of the Commission's general policy and interpretations (18 CFR 2.76),[1] all as more fully set forth in the application, as amended, which is on file with the Commission and open to public inspection.

Anadarko Production Company (Anadarko) was issued a certificate of public convenience and necessity in Docket No. CI70–624 authorizing the sale of natural gas to Texas Eastern from acreage in the Skull Creek Field, Colorado County, Texas. Applicants purchased these properties from Anadarko and on November 9, 1972, filed their application in this docket for permission and approval to abandon this sale because the subject well was no longer capable of producing gas in commercial quantities.

Applicants now by the instant amendment to their application request authorization to continue the sale of gas to Texas Eastern from the Skull Creek Field at 45.0 cents per Mcf at 14.65 p.s.i.a. in lieu of the original contract rate of 17.8 cents per Mcf. Applicants state that this increase in price above the area rate will provide the funds necessary to produce the gas and a cash flow sufficient to drill for additional volumes of gas while maintaining operational expenses. Applicants assert that if this special relief is not granted, then they will have to abandon the subject acreage with approximately 2 million Mcf of gas reserves lying thereunder.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it on determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

[1] Commission Order No. 481 Docket No. R–458, Policy With Respect to Sales Where Reduced Pressures, Need for Reconditioning: Deeper Drilling Or Other Factors Make Further Production Uneconomical at Existing Prices, order issued April 12, 1973 (49 FPC ——).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17802 Filed 8–21–73;8:45 am]

[Docket No. G–12671]

RESERVE OIL AND GAS CO.

Amendment to Petition To Amend

AUGUST 15, 1973.

Take notice that on July 30, 1973, Reserve Oil and Gas Company (Petitioner), 1806 Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. G–12671 an amendment to its petition to amend filed on May 15, 1973, pursuant to section 7(c) of the Natural Gas Act to amend the order of December 5, 1963, issuing a certificate of public convenience and necessity in said docket so as to authorize the sale for resale and delivery of additional volumes of gas to Natural Gas Pipeline Company of America (Natural) from the LaGloria Field, Brooks and Jim Wells Counties, Texas, all as more fully set forth in the amendment to the petition which is on file with the Commission and open to public inspection.

In its petition to amend filed on May 15, 1973, Petitioner requests authorization to sell gas formerly dedicated to Transcontinental Gas Pipe Line Corporation (Transco) to Natural at a rate of 19.0 cents per Mcf, subject to downward Btu adjustment. Deliveries are estimated at approximately 65,000 Mcf per month. Concurrently, Petitioner filed in Docket No. CI73–808 an application for permission to abandon sales to Transco from the La Gloria Field.

Petitioner now proposes in its amendment filed on July 30, 1973, to sell approximately 65,000 Mcf of gas per month to Natural from the reserves formerly dedicated to Transco, plus other additional volumes, at a rate of 24.0 cents per Mcf, subject to downward Btu adjustment.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17803 Filed 8–21–73;8:45 am]

[Docket No. RP73–47]

SEA ROBIN PIPELINE CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

AUGUST 15, 1973.

On August 10, 1973, Sea Robin Pipeline Company filed a motion for a further extension of time to file testimony and to reset the hearing dates as fixed by notice issued July 25, 1973, in the above-designated matter. The motion states that neither staff counsel nor interveners have any objection to the motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Prehearing Conference, September 5, 1973.
Sea Robin Rebuttal Evidence, September 7, 1973.
Hearing, September 18, 1973 (10:00 a.m., EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17804 Filed 8–21–73;8:45 am]

[Docket Nos. CP73–27, etc.]

STINGRAY PIPELINE CO. ET AL.

Postponement of Prehearing Conference

AUGUST 15, 1973.

In the matter of Stingray Pipeline Co., Sun Oil Co., and Pennzoil Offshore Transmission Co. Dockets Nos. CP73–27, CI73–878, CI73–879, CI73–880, CP72–292.

The Commission order issued on July 13, 1973, set the above-designated matter for hearing, commencing with a prehearing conference on August 28, 1973. It now appears that calendar conflicts in the Office of Administrative Law Judges require that the prehearing conference be postponed.

Notice is hereby given that the prehearing conference in the above-designated matter is postponed to September 4, 1973, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17805 Filed 8–21–73;8:45 am]

[Docket No. CP72–182]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND TEXAS GAS TRANSMISSION CORP.

Petition To Amend

AUGUST 16, 1973.

Take notice that on August 8, 1973, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP72–182 a petition to amend the order in said docket so as to authorize the additional exchange of gas between the applicants, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued June 27, in said docket (47 FPC 1621), Transco and Texas Gas were authorized, among other things, to exchange up to 15,000 Mcf of gas per day at points of interconnection in the Simon Pass Field, St. Martin Parish, and in the Dog Lake Field, Terrebonne Parish, Louisiana. It is now proposed that, for 20 years, Transco deliver or cause to be delivered up to 20,000 Mcf of gas per day to Texas Gas at the existing delivery point in Simon Pass Field and up to 2,000 Mcf of gas per day at the Church Point Field, Acadia Parish, Louisiana, and that Texas Gas simultaneously redeliver to Transco up to 2,000 Mcf of gas per day at Transco's pipeline in Block 100, Eugene Island Area, offshore Louisiana, and redeliver equivalent volumes of the remainder of the gas delivered to Texas Gas at the Dog Lake Field delivery point. Any imbalances in monthly deliveries will be adjusted in the following month. Transco proposes to charge Texas Gas 1.5 cents per Mcf for transportation of all gas delivered at the Block 100 delivery point.

The stated purpose of the increased exchange of gas is to assist each Applicant to receive additional gas production to which it is entitled but not connected without construction of costly additional facilities.

Any person desiring to be heard or to make any protest with references to said petition to amend should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17806 Filed 8–21–73;8:45 am]

[Docket No. CP74–33]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

AUGUST 14, 1973.

Take notice that on August 6, 1973, Transcontinental Gas Pipeline Corporation (Applicant), P.O. Box 1396 Houston, Texas 77001, filed in Docket No. CP74–33 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of the Cockfield "D" reservoir in Washington Field, St. Landry Parish, Louisiana as a storage reservoir and the construction and operation of certain facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the Washington Field contains gas producing wells connected to its system and that it has contracted with Sohio Petroleum Company and Gulf Oil Corporation to acquire their leasehold interests in the Cockfield "B" and "D" reservoirs and certain of their facilities. It is estimated that on January 1, 1974, the remaining reserves in the Cockfield "B" reservoir will be 3.2 million Mcf of gas which Applicant will transfer to the Cockfield "D" reservoir which is estimated to contain on that date 22 million Mcf of gas. Applicant proposes to develop the Cockfield "D" reservoir as a storage reservoir so as to contain a total inventory of 120 million Mcf of gas which 60,000 million Mcf will be base gas and the other 60 million Mcf will be top storage gas. The field will have a design deliverability of approximately 667,000 Mcf of gas per day when 80 percent of the top storage gas has been withdrawn.

To develop the Cockfield "D" reservoir Applicant proposes to drill an additional 59 wells and construct and operate additional field pipeline facilities and a 44,000 horsepower compressor station.

The total estimated cost of the proposal is $78,500,000 which will be financed initially from temporary bank loans and company funds, with permanent financing to be arranged as part of an overall financing program.

Applicant states that the proposed storage reservoir will be used to provide protection for high priority markets of its customers in the winter seasons; but as supplemental supplies of gas are received and it has additional mainline capacity, the storage field may be used to offer supplemental storage service to its customers to attach new high winter loads.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20436, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission wil be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure,

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a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17807 Filed 8-21-73;8:45 am]

FEDERAL RESERVE SYSTEM

BANKAMERICA CORP.

Order Granting Request for Reconsideration and Approving Acquisition of GAC Finance, Inc.

BankAmerica Corporation, San Francisco, California, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under sections 4 (c) (8) and (13) of the Act and § 225.4 (b) (2) of the Board's Regulation Y, to acquire voting shares of GAC Finance, Inc., Allentown, Pennsylvania. GAC Finance, Inc., through its subsidiaries, engages in the activities of making direct loans to consumers; purchasing sales finance paper; financing inventory of distributors of, and dealers in, various consumer durable goods through agreements with manufacturers in the case of distributors and with distributors in the case of dealers; servicing manufacturer-funded receivables arising from inventory financing by certain manufacturers of consumer durable goods; rediscount financing for non-affiliated consumer sales finance companies; and sale to its direct consumer borrowers of credit life and credit health and accident insurance and of insurance coverage against damage to personal property securing extensions of credit made by the subsidiary to its direct consumer borrowers. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 6103). The time for filing comments and views has expired, and the Board has considered all comments received, including those of the Department of Justice, in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

By Order dated July 27, 1973, the Board denied the application, the statement of reasons therefore to be issued at a later date.[1] On August 3, 1973, Applicant filed a request for reconsideration of the Board's Order of denial, predicated upon more current information with respect to the financial condition of Finance and upon commitments to divest substantially more assets and offices of Finance than originally proposed.

Reconsideration was granted pursuant to § 262.3(f)(6) of the Board's rules of procedure (12 CFR 262.3(f)(6)) and the Board's Order of July 27, 1973, is hereby vacated.

During the course of its initial consideration of this application, the Board received adverse comments and a request for a formal hearing from a member of the public. The request for hearing was denied by the Board, based on its conclusion that Protestant had failed to allege the existence of material factual issues particular to the application and for other reasons communicated to Protestant. An invitation was extended to Protestant to submit further written comments on the application for the Board's consideration, but Protestant failed to respond. Subsequent to the Board's action denying the application, and while Applicant's request for reconsideration was pending, Protestant again wrote to the Board urging that it either reaffirm its denial or grant a formal hearing on the application. This request for hearing, in the Board's view, did not present any relevant facts or considerations not presented in earlier correspondence from this Protestant. Accordingly, the request was denied.

After reconsideration of the entire record in this matter and for the reasons summarized in the Board's Statement of this date, the section 4(c)(8) application is hereby approved on condition that Applicant cause Finance to accomplish the following plan of divestiture at the earliest practicable time and, in any event, within the time periods set forth below:

1. Finance will cause to be liquidated and paid, on the date of consummation of the proposed transaction, all receivables from GAC Corporation and its retained subsidiaries.

2. Finance will sell within one year, as going concerns, all of its consumer loan offices located in the States of California, Oregon, Washington, Arizona, New Mexico, Montana, Wyoming, Idaho, North Dakota, South Dakota, Colorado, and Texas and will not reenter the consumer loan business in any of these States until such withdrawal from all has been fully consummated. Any such reentry would require the Board's prior approval pursuant to section 4(c)(8) of the Bank Holding Company Act.

3. Finance will sell within one year, as a going concern, its business of rediscounting receivables of smaller finance companies.

4. Finance will sell, within one year, the business and receivables of its Albuquerque, New Mexico, sales finance office and will close this office.

5. Finance will, within 18 months, dispose of an additional $25 million in sales finance receivables.

6. Finance will sell or otherwise dispose of, within two years, the business and assets of Trailer Industries, Inc., and all of the receivables of Finance's Business Finance and Lease Division.

7. Finance will segregate on its books as soon as possible after consummation of this proposal all of the receivables subject to disposition in paragraphs 4, 5, and 6.

8. Finance will file a written report with the Board not later than six months following consummation of this proposal and further written reports at not more than six months intervals thereafter, setting forth all dispositions accomplished during the proceeding period and dispositions then under negotiation.

The acquisition shall not be consummated later than three months after the effective date of this Order, unless such period is extended for good cause by the Board. This approval is subject further to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. Applicant's application to acquire the foreign offices of Finance under section 4(c)(13) and § 225.4(f) of Regulation Y is also approved subject to the condition that its subsidiaries shall confine their activities to international or foreign banking and other international or foreign financial operations.

By order of the Board of Governors,[2] effective August 14, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

STATEMENT[1]

BankAmerica Corporation, San Francisco, California, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under sections 4(c) (8) and (13) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire voting shares of GAC Finance, Inc., Allentown, Pennsylvania (Finance). Finance, through its subsidiaries, engages in the activities described in the Board's Order of this date, which activities have been specified by the Board in § 225.4 (a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Notice of the application, affording opportunity for interested persons to submit

[1] Voting for that action: Chairman Burns and Governors Brimmer, Bucher, and Holland. Voting against that action: Governors Mitchell, Daane, and Sheehan.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

[1] A Concurring Statement of Governor Sheehan will be issued shortly and will be available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or the Federal Reserve Bank of San Francisco.

comments and views on the public interest factors, has been duly published (38 FR 6103) and the time for filing comments and views has expired.

In its Order of July 27, 1973, the Board denied Applicant's application to acquire Finance and stated that its reasons for the denial would be set forth in a Statement to be issued at a later date. Subsequently, on August 3, 1973, prior to issuance of the Statement, Applicant filed a request for reconsideration by the Board of its application to acquire Finance, proposing a plan of divestiture of certain additional assets and businesses of Finance within stated time periods if the application, on reconsideration, was approved by the Board. On August 8, 1973, the Board granted Applicant's request for reconsideration and vacated its Order of July 27 denying Applicant's proposed acquisition of Finance. The Board has reconsidered this application, all original and supplementary materials received in connection therewith, and all comments received, including those of the Department of Justice, in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a one-bank holding company controlling the largest commercial bank in the world, Bank of America N.T. & S.A., San Francisco, California (Bank). As of December 31, 1972, Bank had total domestic deposits of $23.4 billion, representing 36.6 per cent of the total deposits in commercial banks in California, and an additional $12 billion in foreign deposits. Applicant currently has nonbanking subsidiaries engaged principally in computer services, software and leasing activities, investment advisory services, insurance and sale of travelers checks, and mortgage banking. Applicant does not currently have a consumer finance subsidiary. Finance had total assets of more than $719 million as of December 31, 1972, and operates 459 offices in 41 States and four offices in Canada. As measured by total assets, Finance is the eleventh largest independent finance company in the United States.

In connection with its analysis of the original proposal, the Board had taken into account comments received from the United States Department of Justice concerning the proposed transaction. In its comments, Justice concluded that, even considering Finance's proposed divestiture of its California consumer loan offices, discussed below, the transaction would have an adverse effect on existing competition in the State of California. The Justice Department further found that the proposal would have possible adverse effects on potential competition between Finance and Bank in the consumer finance field. Additionally, the Department viewed the proposal with concern as to its effects on concentration of resources. In its analysis, the Department found that these adverse effects were not outweighed by an affirmative showing of positive public benefits.

It appears that Applicant and Finance engage in only a minimal amount of direct competition outside the State of California. With the exception of Applicant's recently established de novo mortgage banking subsidiaries in Colorado and Texas, Applicant does not presently engage, to any significant extent, in consumer oriented financing at locations outside the State of California. Applicant does, however, have five Edge Corporations scattered throughout the country. Within California, Finance operates 36 consumer loan offices and two sales finance offices. In its original proposal, Applicant committed Finance to divest the 36 consumer loan offices to an outside party promptly after consummation of the proposal. Applicant proposed, however, to acquire and retain the two California sales finance offices offering dealer floor plan financing. The Department of Justice, in commenting on the application, stated that in its opinion, the proposal could have an adverse effect on competition in California, even assuming the divestiture, because a sale of such offices to a substantial bank or nonbank competitor could lead to similar competitive problems. Divestiture to a smaller nonbank or banking organization might decrease the competitive presence of Finance's offices in California. The Board concluded that the proposed initial divestiture would eliminate most of the adverse competitive consequences of the initial proposal in the consumer finance product market. The two California "private brands" sales finance offices of Finance compete to a very limited extent with Applicant's banking subsidiary in making floor plan loans to finance household items. This is due to the fact that the private brand contracts entered into by these two offices are generally on a nationwide basis and thus only a very small volume of the California receivables represents direct competition between Applicant and such offices.

The Board next considered the question whether consummation of the original proposal would eliminate any significant competition in the future between Applicant, its subsidiaries, and Finance. As indicated above, Finance is one of the nation's significant competitors in the consumer finance industry, having a competitive presence in 41 States. Applicant has recently established a presence in home mortgage lending outside the State of California in the States of Colorado and Texas. Moreover, Bank has a long tradition of significant innovation in the consumer credit field in California. An analysis of its deposits and loans shows that, among United States banks, it is more heavily consumer oriented than any other bank with over $10 billion in assets. It thus appears quite possible in the light of its traditional service emphasis as well as its size and competitive ability, that Applicant would, absent this proposal, commence an expansion into other States in the consumer lending field, either through establishment of consumer finance offices *de novo* or through means of foothold entry. Moreover, the likelihood would seem to be greatest in the western part of the United States, in those States in close proximity to California. The Board concluded that consummation of the initial proposal would have eliminated a substantial possibility that Applicant, its subsidiaries, and Finance would compete in various markets outside California in the future. The Board further concluded that this constituted a possible adverse effect to be considered under section 4(c)(8). However, with respect to any individual market, the Board cannot determine that such entry is probable or that the market is sufficiently concentrated that the elimination of the possibility of such entry would have substantially adverse effects. Further, the Board does not regard the consumer finance industry as so lacking in competition across the nation that it supports the judgment that any acquisition can be presumed per se to affect competition adversely.

In addition to the above possible adverse effects of the original proposal, the Board was deeply concerned with the question of whether an undue concentration of resources would result from approval of this application. The Conference Report accompanying the 1970 Amendments, in discussing this factor, states:

> The danger of undue concentration of economic resources and power is one of the factors which led to the enactment of this legislation, and constitutes a significant threat to the continued healthy evolution of our free economy. American trade has always operated on the principle that relationships between businessmen, large and small, should be founded on economic merit rather than monopoly power. Our national policies of limited governmental regulation and interference in trade and commerce, however, do make it possible for undue concentrations of resources and economic power to override fundamental fairness and economic merit when responding to the profit motive. This possibility is enhanced when concentrations of power are centered about money, credit and other financial areas, the common denominators of the economy * * *. The dangers of undue concentration of resources include, but are not limited to, specific competitive effects, which are themselves relevant factors under the Act. It should be clear that this legislation directs the Board to consider all reasonable ramifications of the concentration of resources in fulfilling its responsibilities under section 4.[3]

Congress did not provide specific criteria with respect to the size of acquisitions which should be disallowed to avoid an undue resources concentration. Rather, it has pointed to the dangers involved, particularly those involving concentration of power relating to money and credit, and has directed the Board to consider "all reasonable ramifications" in applying the standard of section 4(c)(8). It was the Board's judgment that approval of the original application, involving acquisition by the nation's largest bank holding company of a major consumer finance company with a nationwide network of offices, although a close question, raised issues of concentration in credit-granting resources that were inconsistent with the intent of Congress in enacting the 1970 Amendments. The expression of legislative intent contained in the Conference Report, measured against the facts of record in the case, warranted the conclusion that the concentration of resources in this instance weighed against approval of the original application.

In support of the application, Applicant contended that consummation of the proposal would produce public benefits in the form of significant improvements to Finance's consumer credit services. Among such public benefits would be an overall strengthening and revitalization of Finance as a consumer lending institution resulting in an increase in competition in that market. Because of the financial strength of Applicant, a proposed expansion of Finance's lending services could be expected in such areas as small business loans, loans to municipalities, financial counseling, and loans to professionals and students. Other stated public benefits include possible reduction in certain loan rates, due to Applicant's easier access to funds, probably at lower cost. Information reaching the Board suggested that Finance was in serious financial difficulties, and that its ability to continue operations was in some question if it were not to become affiliated with a financially strong organization. The Board judged that while

[3] H.R. Report No. 91-1747, p. 17.

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most of the benefits cited would affirmatively serve the public interest, the same benefits should be achieved through a proposal which did not evidence the possible adverse effects inherent in the original proposal. The Board concluded, applying the balancing test of section 4(c)(8), that Applicant's showing of public benefits had not outweighed the possible adverse effects of the proposed acquisition and that, therefore, the application should be denied.

Subsequent to the issuance of the Board's Order and prior to release of the Statement, Applicant petitioned the Board for reconsideration of its original Order. Applicant submitted a plan it believed to be more acceptable to the Board, proposing divestiture of certain assets, offices, and businesses of Finance substantially beyond that in the initial proposal. The plan contemplates a divestiture by Finance within the time periods following consummation as set forth below:

1. Finance will cause to be liquidated and paid, on the date of consummation of the proposed transaction, all receivables from GAC Corporation and its retained subsidiaries.

2. Finance will sell within one year, as going concerns, all of its consumer loan offices located in the States of California, Oregon, Washington, Arizona, New Mexico, Montana, Wyoming, Idaho, North Dakota, and South Dakota and will not reenter the consumer loan business in any of these States until such withdrawal has been fully consummated.

3. Finance will sell within one year, as going concerns, 15 of its 31 consumer loan offices located in the State of Texas and 8 of its 16 consumer loan offices located in the State of Colorado, the offices to be divested in each State to be selected so as to assure that the receivables being divested represent not less than one-half of the receivables of all of Finance's consumer loan offices in each State as of June 30, 1973.

4. Finance will sell within one year, as a going concern, its business of rediscounting receivables of smaller finance companies.

5. Finance will sell within one year the business and receivables of its Albuquerque, New Mexico, sales finance office and will close this office.

6. Finance will, within 18 months, dispose of an additional $25 million in sales finance receivables.

7. Finance will sell or otherwise dispose of within two years the business and assets of Trailer Industries, Inc., and all of the receivables of Finance's Business Finance and Lease Division.

8. Finance will segregate on its books as soon as possible after consummation of this proposal all of the receivables subject to disposition in paragraphs 5, 6, and 7.

9. Finance will file a written report with the Board not later than six months following consummation of this proposal and further written reports at not more than six month intervals thereafter setting forth all dispositions accomplished during the preceding period and dispositions then under negotiation.

Applicant has requested that its petition for reconsideration be taken up by the Board on an emergency basis because of the exigent financial condition of Finance. In responding to the comments of the Department of Justice, Applicant pointed to the fact that Finance's position in the consumer loan industry has seriously eroded in recent years, with the company experiencing substantial declines in assets, net income, and shareholders' equity during the period from 1970 to 1972. More recent data confirm that the trend has continued to the present, as earnings for the first five months of 1973, compared to the same period in 1972, are down sharply. Of greater immediate consequence has been the downgrading of credit ratings on debt issues of Finance by two national credit-rating agencies since the Board's denial of the original application. The credit rating of Finance's senior debentures was lowered by one agency because of inadequate earnings protection for bond holders and lack of financial flexibility, while, in a separate action, a second agency withdrew its "prime" rating for commercial paper issued by Finance. The latter action is of particular significance to the financial condition of Finance since many corporate and municipal investors either cannot or will not purchase commercial paper not carrying a prime rating. Finance's financial condition and its ability to meet its near term obligations is further impaired by excessive lending to its parent organization in an attempt to ameliorate the parent's cash flow problems. This sequence of events, together with other financial information brought to the Board's attention concerning Finance and its parent organization, evidences the fact that Finance must be sold for cash, and sold promptly, to a buyer of considerable financial strength to avoid the collapse of Finance and its parent, and possibly serious financial repercussions of a more general nature. The Board regards these circumstances to be of a sufficiently serious nature as to warrant immediate consideration of Applicant's revised proposal. The Board therefore granted reconsideration under § 262.3(f)(6) of its rules of procedure.

To aid in its analysis and determination on the revised proposal, the Board asked the Department of Justice for its comments. The Department continued to oppose the proposal, submitting that it involves potential adverse competitive and concentration of resources considerations and is lacking in significant public benefits. However, it appears that the Department was not fully aware of the immediate financial emergency confronting Finance and its possible consequences.

Applicant's proposal to sell within one year all consumer loan offices of Finance in nine western States besides California and one-half of Finance's consumer loan offices in the States of Colorado and Texas in large measure eliminates the Board's earlier expressed concern over the question of probable future competition between Applicant, its subsidiaries, and Finance. Applicant must be regarded as a likely entrant into the consumer finance industry and this is particularly true in those States closest to California where the competitive presence of Applicant's banking subsidiary is most keenly felt. While this proposal substantially diminishes the Board's concerns regarding adverse competitive effects, retention of any offices in Colorado or Texas would continue to raise competitive problems due to Applicant's present competitive presence in those States exemplified by Applicant's present mortgage subsidiaries in those States. Divestiture of all consumer loan offices held by Finance in California and in all 11 western States closest to California, including all such offices in Colorado and Texas, would achieve a significant geographic separation between Applicant and the office facilities of the company to be acquired. Therefore, consummation of the proposal on condition that a divestiture of this nature takes place would reduce substantially the possible adverse effect on probable future competition as a factor to be considered under section 4(c)(8). Furthermore, the Board believes that such a divestiture is practical as finance company offices and their assets are more readily marketable than banks, for example.

In its consideration of the original proposal, the Board was also concerned with the question of undue concentration of resources. The initial proposal, if approved, would have permitted affiliation of Applicant's banking subsidiary, which operates more than 1,000 branches in California, with a company retaining 423 consumer loan offices in 40 States from coast to coast. The instant proposal constitutes a substantial reduction in the resources to be acquired by Applicant; it will accomplish significant geographic separation of office facilities and significant reductions in both assets and offices acquired by Applicant. As conditioned by the Board's Order of this date, Applicant must sell, as going concerns, all of Finance's 128 consumer loan offices in 12 western States and must close its sales finance offices in New Mexico. In addition, Applicant will be required to sell, as a going concern, the entire rediscount business of Finance and to divest an additional $25 million in sales finance receivables and approximately $77 million in commercial financing receivables. As a consequence of these actions, Finance's total net receivables, using June 30, 1973, data, will be reduced from $575.7 million to $296 million and its national rank, in terms of total net receivables, among all independent finance companies would drop from eleventh to twentieth position. In light of the extensive divestitures to be accomplished by Applicant in this case, the possible dangers of an undue concentration of resources are significantly lessened and the Board no longer views this factor as warranting the degree of adverse weight initially assigned.

The public benefits reasonably expected to result from approval of the revised proposal remain essentially the same as when first considered by the Board with the exception of those related to the condition of Finance and its parent. Developments in the intervening days have demonstrated the validity of the previously expressed fears as to the fragility of the structure of borrowed funds relied upon by Finance. It is imperative that Finance be sold immediately to avoid possible severe economic consequences and to insure its continuation as a viable competitor. Acquisition and subsequent partial divestiture by Applicant will insure that survival as well as preserve the existing number of possible competitors in the western United States. Additionally, entry of Applicant with its record of innovation in the consumer field should produce public benefits in the eastern United States. The Board concludes that the reasonably expected public benefits from this revised proposal outweigh possible adverse effects.

This statement is published by order of the Board of Governors, August 14, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-17429 Filed 8-21-73;8:45 am]

CENTRAL MORTGAGE CO., INC.

Order Granting Determination Under Bank Holding Company Act

In the matter of the request by Central Mortgage Co., Inc. (Central), Springfield, Missouri, for a determination pursuant to section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)).

Central, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act (12 U.S.C. 1841(a)) on the basis of its ownership of voting shares of Citizens Bank of Warrensburg, Warrensburg, Missouri,[1] seeks a determination that Central will not, in fact, be capable of controlling Mr. Adrian Harmon, to whom Central proposes to transfer shares of a subsidiary corporation to be formed, the assets of which will be comprised of the present farming assets of Central. Mr. Harmon is president and a director of Central and will be a director of the farming corporation to be formed.

Notice of an opportunity for hearing with respect to Central's request for a determination pursuant to section 2(g)(3) was published in the FEDERAL REGISTER on April 5, 1973 (38 FR 8692). The time provided for requesting a hearing has expired and no such request has been received by the Board, nor has any evidence been received to show that Central is in fact capable of controlling Mr. Harmon.

It is hereby determined that Central is not, in fact, capable of controlling Mr. Harmon. This determination is based upon the evidence of record in this matter, including (1) the applications of Central Mortgage Co. to acquire 50 per cent or more of the voting shares of Farmers Bank of Stover, Stover, Missouri, and Jackson County State Bank, Kansas City, Missouri, and to merge with Harmon Oil Company, Warrensburg, Missouri, and (2) an affidavit of April 17, 1973, of Mr. Harmon stating that he and his wife, as of that date, own all of the shares of Central, and that Central Mortgage will not be capable of controlling the farming assets which will be solely controlled by Mr. Harmon and his wife.

Accordingly it is ordered, That the request of Central Mortgage Co. for a determination pursuant to section 2(g)(3) be and hereby is granted.

By order of the Board of Governors, acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2), August 14, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-17430 Filed 8-21-73;8:45 am]

MARINE BANCORPORATION

Order Approving Acquisition of Certain Assets of Triway Finance Co.

Marine Bancorporation, Seattle, Washington, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire indirectly certain assets of Triway Finance Co. (Triway), Portland, Oregon, through Applicant's wholly-owned subsidiary, Commerce Credit Company, Seattle, Washington. Applicant's subsidiary would acquire the small loan business of Triway and, operating under the name of Commerce Finance Company, would thereby engage in the activity of making small secured and unsecured loans not in excess of $5,000, subject to the restrictions and limitations specified in the Oregon Consumer Finance Act (Oregon Revised Statutes, Chap. 725). Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 16677). The time for filing comments and views has expired, and none has been timely received.

Applicant, the largest bank holding company in the State, has one subsidiary bank, The National Bank of Commerce of Seattle, Seattle, Washington, which is the second largest bank in Washington with approximately $1.4 billion in deposits, representing 20.2 per cent of total deposits in commercial banks in the State.[1]

Triway has total assets of $457,000, and operates a small loan and accounts receivable financing business in the Portland, Oregon, area. Applicant proposes to acquire approximately 90 per cent of the portfolio of small loan accounts originated by Triway, together with the furniture and fixtures located at Triway's single office. The accounts receivable financing business will be retained by the present owners of Triway Finance Co.

In its small loan activities, Triway competes with over 30 consumer finance companies, many of which are national corporations, and with other lenders which make consumer-type loans in the Portland area. The overall market for consumer credit in Portland appears to be reasonably competitive, and it is unlikely that the proposed acquisition would have any significant adverse effect on competition or on existing competitors in the market.

Applicant's subsidiary, Commerce Credit Company (CCC), operates two small loan businesses in the State of Washington both of which were recently established de novo. In addition, Applicant has received approval for CCC to establish two de novo offices in the Portland, Oregon, area that will engage in making and acquiring loans and other extensions of credit and in leasing personal property. These offices will not be licensed to engage in the small loan business under the Oregon Consumer Finance Act (ORS Chap. 725), while Triway's business is confined to that of making small loans under the Oregon Consumer Finance Act. Since the de novo offices are not and will not be licensed to engage in the small loan business, the proposed acquisition would not appear to eliminate any existing or future competition. The Board concludes that competitive considerations are consistent with approval of the application.

It is anticipated that by providing access to the greater financial and managerial resources of Applicant, Applicant's acquisition of Triway's small loan business will result in a greater availability of credit than can be provided by the present owners of Triway. There is no evidence in the record indicating that consummation of the proposed acquisition would result in undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective August 14, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-17431 Filed 8-21-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

AMBULANCE, SEDANS AND STATION WAGONS

Industry Specification Development Conference

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold an Industry Specification Development Conference in connection with the following specifications and standard:

Federal Specification KKK-A-1822, Ambulance.
Federal Specification KKK-A-811M, Automobiles, Sedans.
Federal Specification KKK-A-850K, Automobile, Station Wagons.
Federal Standard No. 122N, Automobiles, Sedans and Station Wagons.

The purpose of the conference is to provide a forum for considerations of suggestions, ideas, or ways and means to improve the specifications to: (1) Promote mutual understanding by both the Government and industry of the Government's technical requirements for the items, and (2) enhance the

[1] On May 3, 1973, the Board announced approval of the applications of Central Mortgage Co. to acquire voting shares of Farmers Bank of Stover, Stover, Missouri, and Jackson County State Bank, Kansas City, Missouri. The Board also approved Central's application to merge with Harmon Oil Company, Warrensburg, Missouri, thereby acquiring voting shares of Barton County State Bank, Lamar, Missouri (38 FR 12256).

[1] All banking data are as of December 31, 1972.

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

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quality of the products shipped to the Government. It will be open to all those in the private sector who have an interest or concern for these matters and all other Government departments or agencies having an interest therein are also invited to send their representatives.

The conference will be held October 2 through 4, 1973, at 10 a.m., Room 508, Building 3, Crystal Mall, 1931 Jefferson Davis Highway, Arlington, Virginia. Anyone who wants to attend or desires further information, should contact Mr. Carl M. Medved, General Services Administration, Federal Supply Service, at telephone number (Area Code 703) 557-7874 or write General Services Administration, Federal Supply Service (FMA), Washington, D.C. 20406.

Issued in Washington, D.C. on August 15, 1973.

M. J. TIMBERS,
Commissioner.

[FR Doc.73-17783 Filed 8-21-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-62]

NASA SOUNDING ROCKETS PROGRAM

Availability of Final Environmental Impact Statement

Notice is hereby given of the public availability of the final Environmental Impact Statement for the NASA Sounding Rockets Program.

Comments on the draft Environmental Statement were previously solicited from State and local agencies and members of the public through a notice in the FEDERAL REGISTER of April 21, 1971.

Copies of the draft and final statement have been furnished to the Council on Environmental Quality, the Office of Management and Budget, and the Environmental Protection Agency.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Ave. S.W., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.

(h) Lewis Research Center, NASA (Building, Administration, Room 120), 21000 Brookpark Rd., Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, AL 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, MS 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Dr., Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, VA 23337.

Done at Washington, DC, this 15th day of August 1973.

By direction of the Administrator.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73-17425 Filed 8-21-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5372]

DELMARVA POWER & LIGHT CO.

Proposed Issue and Sale of Short-Term Notes

AUGUST 17, 1973.

Notice is hereby given that Delmarva Power & Light Company ("Delmarva"), 800 King Street, Wilmington, Delaware 19899, a registered holding company and a public-utility company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50(a)(2) and 50(a)(5)(C) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated December 28, 1971 (Holding Company Act Release No. 17412), the Commission authorized Delmarva to make bank borrowings (on unsecured short-term notes) and to issue and sell commercial paper, through December 31, 1973, in an aggregate principal amount at any one time outstanding not to exceed $40,000,000. This order was later amended on July 24, 1972 (Holding Company Act Release No. 17655), at which time Delmarva was temporarily authorized to increase its sales of commercial paper to an aggregate principal amount at any one time outstanding not to exceed $50,000,000, until such time as the $30,000,000 First Mortgage and Collateral Trust Bonds, 7½ percent Series, due August 1, 2002, were successfully sold and the proceeds thereof made available to Delmarva. The order was further amended on March 20, 1973 (Holding Company Act Release No. 17910), at which time Delmarva was authorized to increase through July 31, 1974 its borrowings on notes up to an aggregate principal amount at any time not to exceed $56,000,000, with the notes issued and sold to banks aggregating not in excess of $16,500,000 outstanding at any one time.

Delmarva states that at its annual meeting of stockholders, held on April 17, 1973, it obtained the required consent of the holders of preferred stock and common stock, each group voting separately as a class, to amend Delmarva's Certificate of Incorporation to liberalize the unsecured debt limitation to permit issuance, without further consent of preferred stockholders, of up to 20 percent of capitalization as long as no more than 10 percent of such indebtedness has maturities of less than ten years. At the same meeting Delmarva obtained the consent of preferred stockholders to waive the 10 percent limitation on indebtedness with maturities of less than ten years, provided the total unsecured debt does not exceed 20 percent of capitalization.

Delmarva now proposes to issue, from time to time until December 31, 1974, short-term securities in an aggregate principal amount not to exceed $75,000,000 outstanding at any one time and to increase the portion of such notes which may be issued to banks and outstanding at any one time from $16,500,000 to $43,000,000. Such securities will be in the form of short-term notes issued to banks, or commercial paper issued to a dealer in such securities or issued directly to investors in commercial paper. Issues of commercial paper will be limited only to the extent that, when added to short-term notes to banks actually outstanding on the date of issuance, the total will not exceed $75,000,000. Delmarva requests that, for the period commencing on September 10, 1973 and ending on December 13, 1974, the exemptions from the provisions of Section 6(a) of the Act afforded to it by the first sentence of Section 6(b) thereof, relating to the sale of short-term notes, be increased from 5 percent to approximately 16.5 percent of the principal amount and par value of the other securities of Delmarva at the time outstanding.

Delmarva expects to borrow from the following banks up to the maximum amounts listed:

Irving Trust Company, New York, N.Y.	$5,000,000
Wilmington Trust Company, Wilmington, Delaware	5,400,000
Bank of Delaware, Wilmington, Delaware	3,500,000
Farmers Bank of the State of Delaware, Wilmington, Delaware	2,000,000
Delaware Trust Company, Wilmington, Delaware	1,800,000
First National Bank of Maryland, Salisbury and Baltimore, Maryland	5,300,000
Total	$23,000,000

Delmarva will maintain average daily operating balances with each of the above banks, in the aggregate averaging approximately $2,000,000. These balances are part of Delmarva's normal operating funds. If such balances were maintained solely to satisfy compensating balance requirements, the effective interest cost on such bank lines of credit when fully utilized, assuming a 9 percent prime rate, would be 9.86 percent per annum. The proposed bank notes will be in the form of unsecured promissory notes bearing interest at the prime rate in effect at the lending bank at the date of issue and adjusted from time to time depending upon the requirements of the lender and subject to prepayment at Delmarva's option without premium or penalty.

Although no firm arrangements have yet been made, Delmarva plans to establish additional bank lines aggregating $20,000,000 with certain major banks in New York, Philadelphia and Chicago (as set forth below), which bank lines will be administered by Wilmington Trust Company for Delmarva. While it is not expected that a problem in refinancing will occur, Delmarva states that establishment of these lines would be evidence of sound financial management and would tend to support the top credit rating presently assigned to Delmarva's commercial paper.

Delmarva is contemplating establishing the following additional bank lines of credit:

Manufacturers Hanover Trust Company, New York, N.Y.	$8,000,000
Bankers Trust Company, New York, N.Y.	3,000,000
Chemical Bank, New York, N.Y.	3,000,000
Philadelphia National Bank, Philadelphia, Pennsylvania	3,000,000
Continental Illinois National Bank and Trust Company of Chicago, Chicago, Illinois	3,000,000
Total	$20,000,000

Since Delmarva will not maintain operating balances in any of the banks referred to above, it will be required to pay a commitment fee of ½ of 1 percent per year on the unused amount of the bank lines per bank. When a bank line is in use, the commitment fee will be discontinued and Delmarva will pay 1 percent over the prime rate in effect at the lending bank. At the time a bank note is issued, Delmarva will not be required to maintain compensating balances with the lending bank. Since Delmarva states it does not anticipate use of these lines of credit, a commitment fee amounting to $100,000 per year will be incurred and charged to the operating expenses of Delmarva. Delmarva feels the additional cost is justified by the flexibility in financing obtained through establishment of this alternative source of credit. In the event the lines are used, the effective interest rate on the borrowings under this arrangement, assuming a 9 percent prime rate, could range from 10 percent when 100 percent of the lines are in use to approximately 11 percent when 25 percent of the lines are in use.

These arrangements with banks, totalling up to $43,000,000 in bank lines of credit, can be used to provide an alternative source of credit for somewhat in excess of 50 percent of Delmarva's total commercial paper at any one time outstanding. All of the bank loans will be evidenced by notes maturing not more than 180 days from the date of issuance and will bear interest at the rates described above in effect as of the dates the notes are executed. The notes may be prepaid at any time without penalty except that Delmarva may not prepay any note in whole or in part from the proceeds of any subsequent bank loan at a lower rate of interest. Repayment of bank loans may also be made out of the proceeds from the issuance and sale of short-term commercial paper.

Delmarva further proposes to issue and sell, from time to time, commercial paper (in the form of short-term promissory notes payable to bearer and to mature not later than December 31, 1974), in the aggregate principal amount not to exceed $75,000,000 outstanding at any one time, to A. G. Becker & Co., Incorporated ("Becker"), a dealer in commercial paper. Such commercial paper will have varying maturities of not more than 270 days after date of issue and will be issued and sold in varying denominations of not less than $50,000 nor more than $1,000,000 directly to Becker, at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturities sold to commercial paper dealers. No commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which Delmarva could borrow from banks. No commission or fee will be payable in connection with the issue and sale of such notes. Becker, as principal, will reoffer such notes at a discount not to exceed ⅛ of 1 percent per annum less than the prevailing discount rate available to Delmarva and in such manner as not to constitute a public offering. Such notes will be reoffered to not more than 200 identified and designated customers in a list (non-public) prepared in advance by Becker and furnished to the Commission either by Delmarva or directly by Becker. However, since the list consists initially of less than 200 customers, additions but no deletions may be made to the list upon approval of the Commission so long as the customers designated in the list do not exceed 200 in number. It is anticipated that the commercial paper will be held by customers to maturity. However, if any commercial paper is repurchased by Becker pursuant to a verbal repurchase agreement, such paper will be reoffered only to others in the group of not more than 200 customers. Delmarva desires the flexibility of using commercial paper borrowings to supplement its bank borrowings. In accordance with the customary practices in the commercial paper market, commercial paper issued and sold by Delmarva will not be payable prior to maturity. However, prior to the final retirement of commercial paper borrowings, certain of the notes having maturities earlier than December 31, 1974, the termination date of the effective period requested by this application, may be repaid at maturity through the application of proceeds from the issuance and sale of other commercial paper notes.

Delmarva intends to appoint Irving Trust Company, New York, New York, agent for the purpose of holding in its custody short-term promissory notes of Delmarva, signing such notes and delivering them to Becker in connection with the issuance and sale thereof by Delmarva.

In addition, Delmarva desires the privilege of placing its commercial paper directly with investors in commercial paper, without the assistance of a broker, in order to take advantage of special investment situations which may be available to it due to Delmarva's broadly based activities in the financial community. These "direct placements" could be with the trust departments of large commercial banks or with the investment departments of large insurance companies and would be in accordance with the terms and conditions of a "master note" agreement. Historically, the effective interest cost to the issuer of commercial paper placed directly has been lower than that placed through a dealer. Delmarva is requesting permission to place commercial paper directly not as a replacement of, but as a supplement to, its normal outlets and it feels substantial interest costs could be saved for its customers and stockholders if it were authorized to do so.

It is stated the borrowings on unsecured bank loans and/or commercial paper, aggregating up to $75,000,000, will be used to finance, in part, Delmarva's construction program for the remainder of 1973 and all of 1974 (approximately $213,408,000). Delmarva proposes to repay such borrowings from the net proceeds of the sale of first mortgage bonds and/or equity securities prior to December 31, 1974, a subject of future filings with this Commission.

Delmarva requests exemption from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraphs (a)(5) and (a)(5)(C) thereof because: (i) The commercial paper to be issued thereunder will consist of short-term maturities of nine months or less; (ii) such commercial paper having a maturity of more than 90 days will not be sold except at effective interest costs which will not exceed the cost of borrowings from commercial banks; (iii) current rates for commercial paper for such prime borrowers as Delmarva are published daily in financial publications; and (iv) it is not practical to invite competitive bids for commercial paper. Delmarva also requests authority to file certificates of notification under Rule 24 with respect to the issue and sale of commercial paper within 30 days after the end of each calendar quarter.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated to be $10,500, including counsel fees of $2,000.

Notice is further given that any interested person may, not later than September 10, 1973, request in writing that

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a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-17808 Filed 8-21-73;8:45 am]

[812-3483]

duPONT-WALSTON INCORPORATED

Filing of Application

AUGUST 17, 1973.

Notice is hereby given that duPont-Walston Incorporated ("Applicant"), 833 Wilshire Boulevard, Los Angeles, California 90017, a registered broker-dealer, in connection with a proposed public offering of shares of Common Stock (the "Shares") of Ameribond Shares, Inc. (the "Company"), a newly registered, closed-end, diversified management investment company has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant and its co-underwriters from section 30(f) of the Act to the extent that such section adopts section 16(b) of the Securities Exchange Act of 1934 ("Exchange Act") with respect to their transactions incidental to the distribution of the Company's shares. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is the prospective representative ("Representative") of a group of underwriters ("Underwriters") to be formed in connection with the proposed public offering. Applicant contemplates that each underwriter, including the Representative, will execute an Agreement Among Underwriters and that the Representative, acting both for itself and as Representative of the several Underwriters, will execute an Underwriting Agreement with the Company, Financial Programs, Inc., the Company's investment adviser ("Adviser") and The Gates Rubber Company, the Adviser's parent.

The application also states that on July 5, 1973 the Company filed with the Commission a Registration Statement on Form S-4 under the Securities Act of 1933 ("Registration Statement") covering the Shares. The proposed public offering price of the Shares is $25.00 per share with underwriting discounts of $2.00 per share.

Applicant states that it is not possible to determine until just prior to the effective date of the Registration Statement the exact number of Shares to be offered by the underwriting group and by each Underwriter. Although 1,000,000 Shares have been included for registration in the Registration Statement, the actual number of Shares which may be the subject of the proposed public offering may be increased or decreased by the Representative and the Company, because of market conditions or otherwise, shortly before the effective date of the Registration Statement and the proposed public offering, and thereafter depending upon the exercise of an over-allotment option granted to the Underwriters. In addition to purchases of Shares from the Company and sales of Shares to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover over-allotments or other short positions created in connection with such distribution, and sales of Shares purchased in stabilization.

Applicant also states that it is possible that the Underwriter Commitment of any one or more of the Underwriters, including the Representative, will exceed 10 percent of the aggregate number of shares of the Company's Common Stock. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by section 16 of the Exchange Act, such Underwriter or Underwriters would become subject to the filing requirements of Section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b-2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b). Applicant states that the purpose of the purchase of the Shares by the Underwriters will be for resale in connection with the initial distribution of the Shares. Applicant also states that such purchases and sales, therefore, will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b-2.

Applicant further states that although it is anticipated that the requirements of Rule 16b-2(a)(1) and (2) will be met, one or more of the Underwriters, through their participation in the distribution of the Shares of the Company, may not be entitled to rely upon Rule 16b-2 to exempt them from section 16(b) of the Exchange Act. The requirements in Rule 16b-2(a)(3) that the aggregate participation of Underwriters not within section 16(b) of the Exchange Act be at least equal to the participation of Underwriters exempted therefrom under Rule 16b-2 may not be met because it is possible that one or more of the Underwriters may purchase more than 10 percent of the aggregate number of the Shares of the Company's Common Stock to be outstanding after the closing, as a result of obligations to purchase additional Shares due to defaults by other Underwriters. Moreover, one or more of the Underwriters who are obligated through the Underwriting Agreement to purchase more than 10 percent of the aggregate number of Shares of the Company's Common Stock to be outstanding after the closing, may, as Underwriters and as selected dealers, distribute more than 50 percent of the aggregate number of Shares being offered. Such a distribution would not meet the requirement of Rule 16b-2(a)(3).

Applicant states that there is no inside information in existence since the Company, prior to the initial distribution of the Shares, will have no assets other than cash and certain contract rights described in the preliminary prospectus, or business of any sort, and all material facts with respect to the Company will be set forth in the prospectus pursuant to which the Shares will be offered and sold. No partner, director or officer of Applicant is a director or officer of either the Company or the Adviser or The Gates Rubber Company, and Applicant states that it is not anticipated that any partner, director or officer of any other Underwriter will be a director or officer of the Company, the Adviser or The Gates Rubber Company.

Applicant maintains that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. It further asserts that the transactions sought to be exempted cannot lend themselves to the practices to which section 16(b) of the Exchange Act and section 30(f) of the Act were enacted to apply.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act and Rules and Regulations promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 6, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-17810 Filed 8-21-73;8:45 am]

[812-3452]

NATIONAL HOUSING PARTNERSHIP-II ET AL.

Filing of Application

AUGUST 16, 1973.

Notice is hereby given that The National Housing Partnership-II (NHP-II), a District of Columbia limited partnership, and its general partners, National Corporation for Housing Partnerships ("Corporation"), a District of Columbia corporation, and The National Housing Partnership ("NHP-I"), 1133-15th Street, NW., Washington, D.C. 20006, a District of Columbia limited partnership (collectively referred to hereinafter as "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting NHP-II from all provisions of the Act and the Rules and Regulations promulgated thereunder. All interested persons are referred to the application on file with the Commission, as amended, for a statement of the representations therein which are summarized below.

NHP-II's principal activity will be to purchase from NHP-1 a substantial portion of NHP-I's equity interests in governmentally assisted rental housing projects which are being, or are about to be, constructed pursuant to section 221(d)(3), section 221(d)(4), or section 236 of the National Housing Act, and administered by the Federal Housing Administration ("FHA"), or pursuant to comparable state housing programs.

Corporation and NHP-I, which are the general partners of NHP-II, were formed pursuant to Title IX of the Housing and Urban Development Act of 1968 ("Title IX") in order to carry out the purpose of Title IX that private investors be provided a means to acquire equity interests in, and thereby provide equity financing for, governmentally assisted low and moderate income housing projects. Three of the Corporation's fifteen directors are appointed by the President of the United States, and the Corporation is required to report to the President annually.

Investment Units in Corporation and NHP-I have previously been offered at a price of $50,000 per Unit. Each Unit consisted of 250 shares of stock of Corporation (for $2,500) and a $47,000 limited partnership interest in NHP-I. The minimum investment was two Units, and subscriptions were accepted only from corporations and other organizations having substantial assets, but not from individuals. In connection with this offering, NHP-I applied for and was granted complete exemption from the Act. Subscriptions were received from 268 investors for Units aggregating $42,050,000. Of each $100,000 investment, $25,000 was paid in cash upon subscription, the balance to be subject to call. Since that time, two additional installments of $6,250 each per $10,000 minimum subscription have been paid in so that a total of $15,768,750 of the $42,050,000 total commitment has been paid in cash to Corporation and NHP-I. NHP-I investors were originally obligated until December 31, 1974, to contribute the balance, $26,281,250, upon call. After it was determined that NHP-II should be created, this date was extended to December 31, 1979. Unless programs established by the governments of the states and of the United States to stimulate the production of low and moderate income housing are modified so as to virtually eliminate investment incentives, NHP-I will require its investors to contribute the balance of their subscriptions.

Since its formation, NHP-I has committed investment funds to 122 housing projects for families and individuals of low and moderate income. During the summer of 1972, the point was rapidly being reached at which all of NHP-I's available capital would be committed to projects and there would be no capital available to pay for the services of the Corporation in overseeing the projects, or to enable NHP-I to stand ready with cash to assist local partnerships that encounter difficulties during the development stage. NHP-II was created for the purpose of serving as a medium to obtain new capital from individual public investors to be used in the enterprise in which Corporation and NHP-I were engaged.

NHP-II has filed a registration statement under the Securities Act of 1933 covering the sale of up to 6,000 "Units," each consisting of two limited partnership interests ("1973 LPI's") and rights to purchase three additional limited partnership interests ("1974 LPI's"). These interests are to be sold only to qualified investors with a minimum subscription of five Units per investor (ten in Texas and 20 in Michigan and Wisconsin). Units are to be offered at a maximum price of $1,000 per Unit, and rights are to be exercisable at a maximum price of $500 per right. The proceeds to NHP-II of the sale of all the Units registered will be $5,550,000, and the proceeds to NHP-II, if all rights are exercised, will be $8,325,000, for a total of $13,875,000. The minimum investment, assuming exercise of all rights, is $12,500. NHP-I will at all times have a 5% general partnership interest in NHP-II, and NHP-I will acquire its interest for cash at the same price as the public, net of selling commissions. NHP-I will also purchase any 1974 LPI's covered by unexercised rights.

Units will be sold only to a person who represents in writing, among other things that (1) he has a net worth of at least $50,000 ($100,000 in California, Illinois, or Michigan and $200,000 in Pennsylvania) exclusive of the value of homes, furnishings, and personal automobiles, (2) he anticipates that during his current tax year he will have income a portion of which will be subject to federal income taxation at a rate not less than 50 percent (48 percent in the case of a corporation) after taking into account losses from his investments in Units, and (3) he recognizes that he may not be able to sell or dispose of his investment. The prospectus describing the Units states that they are suitable only for persons who have adequate financial means and substantial taxable income and who have no need for liquidity with respect to their investment. The prospectus also states that Units should be purchased only as a long-term investment primarily for tax benefits and not in anticipation of cash distributions or capital appreciation.

NHP-II, like NHP-I, was organized as a limited partnership because applicable legislation limits the cash return to investors in subsidized projects to an amount less than can be had in other investments. The principal advantages to investors, therefore, are operating losses which only a partnership can pass through to investors as an offset against taxable income. A limited partnership structure is necessary in order to provide the centralization of management necessary for a publicly held partnership, and to insure that public investors are protected from personal liability for any obligations of NHP-II.

NHP-II will invest in the housing projects by becoming a limited partner in a subsidiary partnership ("local partnership") in which the sponsor or developer of the project will, along with NHP-I (or,

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in one case, Corporation), be general partners. NHP–II will acquire its interests in local partnerships from NHP–I. NHP–II will usually have a majority and frequently 70 percent-80 percent interest in the local partnership. Each local partnership will own the entire equity interest in the project, but neither it nor any partner will be liable for the mortgage loan on the project, which will in each case be a non-recourse loan. The Corporation and NHP–I have agreed to retain their remaining interests in each local partnership in which NHP–II invests for as long as NHP–II retains an interest in such local partnership, and to sell or otherwise dispose of their interests only on terms no more favorable than those on which NHP–II disposes of its interest.

To the extent of its available capital, NHP–II will invest in all of NHP–I's projects, in the order in which they reach the start of construction, except projects that were partially or wholly occupied on February 1, 1973, projects that had not, as of June 1, 1973, received letters of feasibility or similar assurances from FHA or a state agency, and projects in which neither the Corporation nor NHP–I is a general partner. NHP–II may invest only up to 10 percent of its available funds in projects that are not identified in the prospectus of NHP–II if NHP–I acquires additional projects that meet the criteria for NHP–II investment before the projects identified in the prospectus have done so.

In purchasing interests from NHP–I, NHP–II will pay a base price that is either equal to NHP–I's cost for the interest being sold or (where this cost cannot be calculated because NHP–I bears certain risks) a figure (which may be more than cost) established by a formula in lieu of actual cost. In addition, NHP–II will pay a markup equal to 5 percent of the base price.

In addition to the amount payable to NHP–I as the purchase price for interests in local partnerships, NHP–II will pay the following three fees to Corporation: a Development Supervisory Fee, a Management Fee, and a Disposition Fee. For the period from September 1, 1973 through December 31, 1975, NHP–II will pay the Corporation a Development Supervisory Fee of $600,000, payable $240,000 on September 1, 1973, $240,000 on August 1, 1974, and $120,000 on August 1, 1975. For the period from September 1, 1973 through December 31, 1975, NHP–II will pay the Corporation a Management Fee of $900,000. This fee will be paid in three installments: $360,000 on September 1, 1973, $360,000 on August 1, 1974, and $180,000 on August 1, 1975. To the extent that fewer than the 6,000 Units being offered by NHP–II are sold, the Development Supervisory Fee and the Management Fee will be reduced proportionately. Beginning with the year 1976, NHP–II will normally pay the Corporation an annual Management Fee equal to one-half of NHP–II's net cash flow for the year from local partnerships, subject to a maximum of $15 per rental unit and a maximum of 2 percent of NHP–II's allocable share of stated equity in projects.

If the Corporation is able to arrange the sale or refinancing of a project on terms that enable NHP–II to recover cash in addition to the amount needed to permit investors in NHP–II to pay the income taxes they incur on the transaction, NHP–II will pay Corporation a Disposition Fee equal to 30 percent of the net cash proceeds of the sale of refinancing of a project after deducting such taxes.

With respect to each sale by NHP–I to NHP–II of a portion of NHP–I's interest in a project, NHP–I will undertake to assure that the local partnership will receive a certificate from the appropriate authority to the effect that construction is substantially complete and in compliance with applicable regulations, that the project is at least partially occupied by a specified date, and that all of the local partnership's obligations incurred during the two years following the completion of construction are met. Beginning at the end of this two year period, NHP–II may be required, along with NHP–I, to lend funds to the project if it incurs an operating deficit and if Corporation, acting as the general partner of NHP–I, concludes that such funds should be lent. NHP–II will make such loans only out of the operating revenues from its projects, and if NHP–I does not have sufficient funds to make any loan that may be required, NHP–I will advance to NHP–II sufficient funds to make the loan.

Without conceding that NHP–II is an investment company, Applicants request that NHP–II be exempted from the provisions of the Act pursuant to section 6(c) of the Act. Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants contend that the exemption of NHP–II from the provisions of the Act is both necessary and appropriate in the public interest because the form of organization of NHP–II, i.e., a limited partnership, which is necessary to provide private investors with certain tax advantages without which investment in subsidized low and moderate income housing would not be attractive, is not compatible with the Act. For example, the Act requires annual approval by investors of investment advisory agreements, election of directors and other action by investors that might, if applicable to investors who are limited partners, cause such partners to incur general liability.

Applicants contend that to defeat the limited partnership arrangement by application of the Act would be to eliminate the only available means of attracting private equity capital into government assisted housing and would frustrate the national policy declared by Congress to encourage the widest possible participation by private enterprise in the provision of housing for low and moderate income families.

Applicants also contend that the exemption would be consistent with the protection of investors and the purposes and policies underlying the Act because interests in NHP–II are being sold only to sophisticated investors and also because the investments in which NHP–II will participate, and the terms under which NHP–II will acquire such investments, are fully stated in the prospectus and are not subject to the discretion of management. Furthermore, Applicants state that NHP–II's investments will be governed by policies which may not be changed except by the vote of the holders of at least a majority of its outstanding interests, and that the limited partner investors in NHP–II will have voting rights with respect to, among other things, the dissolution of NHP–II, amendments to NHP–II's Limited Partnership Agreement and the Management Contract, and, under certain circumstances, the withdrawal of the general partners.

Applicants also state that the Corporation is required, as a general partner of both NHP–I and NHP–II, to act in a fiduciary capacity with respect to both NHP–I and NHP–II, and that while NHP–II or the local partnerships may engage in transactions with persons or entities affiliated with the general partners, or their directors, officers, employees or the limited partners in NHP–I, no significant transaction with any such person or entity is currently contemplated and any such transaction would be made only if the Corporation, as a fiduciary for NHP–II, has determined that the terms are reasonable and fair and consistent with the policies and purposes of NHP–II, do not involve overreaching on the part of any party, and are no less favorable to NHP–II than those offered by others in the same vicinity. NHP–II will have the right to terminate any contract with any such affiliated person or entity without penalty on 60 days' notice.

Notice is hereby given that any interested person may, not later than September 4, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application therein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-17809 Filed 8-21-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 06/06–5165]

SOUTHWEST URBAN VENTURES, INC.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Southwest Urban Ventures, Inc. (applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1973).

The officers and directors of the applicant are as follows:

Bernard E. Brooks, President, Director, General Manager, 6666 Chetwood No. 265, Houston, Texas 77036.

James D. Crow, Vice President, Treasurer, Director, 720 Expressway Tower, Dallas, Texas 75206.

Melvin L. Rice, Secretary, Director, 6010 Elm, Apt. 1039, Houston, Texas 77036.

The applicant, a Texas corporation, with its principal place of business located at 4801 Richmond, Houston, Texas 77027, will begin operations with $500,000 of paid-in capital consisting of 2,000 shares of common stock of which 1,700 shares were sold to James D. Crow and 300 shares sold to Bernard E. Brooks, at $250 per share.

Applicant will not concentrate its investments in any particular industry. As an applicant for a license pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Any person may, on or before, submit to SBA written comments on the proposed licensee. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Houston, Texas.

Dated August 13, 1973.

JAMES THOMAS PHELAN, *Deputy Associate Administrator for Investment.*

[FR Doc.73-17439 Filed 8-21-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO., ET AL.

[Ex Parte No. 241; Seventh Revised Exemption No. 43]

Exemption Under the Mandatory Car Service Rules

AUGUST 16, 1973.

TO: The Atchison, Topeka and Santa Fe Railway Co., Burlington Northern Inc., Chicago and North Western Transportation Co., Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Chicago, Rock Island and Pacific Railroad Co., Illinois Central Gulf Railroad Co., Missouri Pacific Railroad Co., Norfolk and Western Railway Co., Soo Line Railroad Co., Union Pacific Railroad Co.

It appearing, that there are massive movements of grain in progress in the states of Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming; that present supplies of plain boxcars owned by the railroads serving these states are inadequate to move the newly harvested grain to terminal elevators for safe storage; that use of available plain boxcars owned by other carriers for movements of this grain will substantially augment the car supplies of the railroads named herein.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the railroads named herein, and their short line connections, are hereby authorized to use and to accept from shippers shipments of grain originating at stations located in Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, when loaded into plain 40-ft. narrow-door boxcars of various ownerships without regard to the requirements of Car Service Rule 2.

Exception: This exemption shall not apply to plain boxcars subject to Association of American Railroads' Car Relocation Directive No. 44.

Effective 11:59 p.m., August 15, 1973.

Expires 11:59 p.m., August 31, 1973.

Issued at Washington, D.C., August 13, 1973.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-17762 Filed 8-21-73;8:45 am]

[Notice 325]

ASSIGNMENT OF HEARINGS

AUGUST 17, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC–C–8073, Piggy-Back Service Co. and C. L. "Bill" Shupe—Investigation of Operations and Practices, now assigned September 24, 1973; MC 113678 Sub 484, Curtis, Inc., now assigned September 25, 1973; MC 125433 Sub 42, F–B Truck Line Company, now assigned September 26, 1973, will be held in Room 504, Post Office Building, 350 S. Main St., Salt Lake City, Utah.

MC 27500 Sub 6, Mishak Truck Line, Inc., now being assigned hearing October 31, 1973 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC 21455 Sub 31, Gene Mitchell Co., now being assigned hearing October 29, 1973 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 119656 Sub 13, North Express, Inc., now being assigned hearing October 26, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 109172 Sub 10, National Transfer, Inc., now assigned September 19, 1973, at Olympia, Washington, will be held in the Highway Licenses Bldg., 6th Floor, 12th and Washington Streets.

MC 128648 Sub 3, Trans-United, Inc., now assigned September 24, 1973, will be held in Room 705, 610 S. Canal Street, Chicago, Ill.

MC 111375 Sub 67, Pirkle Refrigerated Freight Lines, Inc., now assigned September 26, 1973, will be held in Room 705, 610 S. Canal Street, Chicago, Illinois.

MC 118959 Sub 100, Jerry Lipps, Inc., now assigned October 1, 1973, will be held in Room 705, 610 S. Canal St., Chicago, Ill.

MCC 8048, Forlow Travel Bureau, Inc., -V- Mrs. Leland (Romine) Hostetler and Mrs. Hugh (Orpha) Easterday, DBA Wana Go Club, Et Al, now assigned September 25, 1973, will be held in Room 705, 610 S. Canal Street, Chicago, Illinois.

MC 133316 Sub 7, Frank R. Givigliano, Dba Givigliano Transport, now assigned September 10, 1973, at Denver, Colo., will be held in Room 571, Court Bldg., 1929 Stout Street.

MC–133276 Sub 7, Berry Transport, Inc., now assigned September 10, 1973, will be held on 6th Floor, Highway Licenses Bldg., 12th and Washington Street, Olympia, Washington.

V 38-162 AUG 22 73 XUM

W–1266, Marine Exploration Company, Inc., now assigned August 28, 1973, at Washington, D.C., is postponed to November 5, 1973, at Miami, Fla., in a hearing room to be later designated.

MC–105566 Sub 90, Sam Tanksley Trucking, Inc., now assigned September 24, 1973, will be held in Room 448, 210 North 12th Street, St. Louis, Mo.

MC–112822 Sub 256, Bray Lines, Incorporated, now assigned September 26, 1973, will be held in Room 448, 210 North 12th Street, St. Louis, Mo.

MC–115331 Sub 342, Truck Transport, Inc., now assigned September 27, 1973, will be held in Room 448, 210 North 12th Street, St. Louis, Mo.

MC–71459 Sub 30, O. N. C. Freight Systems, now assigned October 1, 1973, at Salt Lake City, Utah, is cancelled and application dismissed.

MC–72442, Sub 39, Akers Motor Lines, Inc., now assigned September 24, 1973, will be held in Hrg. Room, North West Office Bldg., Capital & Foster Street, Harrisburg, Pa.

MC–F–11784, Coastal Industries, Inc.—Control—P. B. Mutrie Motor Transportation, Inc., FD 27401, Coastal Industries, Inc., now assigned September 17, 1973, at Boston, Mass., will be held in Room 402, Boston-Statler Hotel, Park Square, instead of Room 1112, John F. Kennedy Building, Government Center.

I&S 8875, Increased Fares, Port Authority Trans-Hudson Corporation, now being assigned hearing September 24, 1973 (1 week), at New York, New York, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–17770 Filed 8–21–73;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 17, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 54219, filed August 2, 1973. Applicant: FRANK'S TRUCKING, 2575 Williams Street, San Leandro, Calif. 94577. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except the following: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (2) Automobiles, trucks, and buses, viz, new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz, bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Cement; (8) Logs; and (9) Commodities of unusual or extraordinary value. Between all points and places in the San Francisco Territory, as described hereafter, and all points within ten miles of any point therein; Between all points on and within ten miles of the points on the following routes:

(a) Interstate Highway 680, between Mission San Jose and Martinez, inclusive; (b) Interstate Highway 80, between San Francisco and Vallejo, inclusive; (c) State Highway 4, between Pinole and Stockton, inclusive; (d) State Highway 24, between Oakland and Antioch, inclusive; and (e) U.S. Highway 50, between Oakland and Stockton, inclusive. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service. SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive, and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif., 94102, and should *not* be directed to the Interstate Commerce Commission.

Missouri Docket No. T–32,708, filed August 9, 1973. Applicant: DADSON, INC., Anderson, Mo. 64831. Applicant's representative: Richard M. Webster, 112 N. Webb Street, Webb City, Mo. 64870. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* except the following, to-wit: Explosives, chemicals in bulk, fertilizer in bulk, motor fuel in bulk, and any other commodity or product in bulk, and household furishings from residential property to residential property. Applicant proposes to serve all points within each of the following counties and all points between each of the following counties, to-wit: Jasper, Newton, McDonald, Barry, Lawrence, Dade, Barton, Stone, and Christian, Mo. Applicant seeks authority to accept property for transportation between points on the routes of

existing regular route common carriers and between points on the routes of any two or more regular route common carriers where through or joint service has been authorized or established. Intrastate, interstate, and foreign commerce authority sought.

HEARING: September 26, 1973, at the Circuit Court Room, McDonald County Court House, Pineville, Mo., at 10:00 A.M. Requests for procedural information should be addressed to the Missouri Public Service Commission, Jefferson City, Mo. 65101, and should *not* be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 21834 (Sub-No. 4), filed July 31, 1973. Applicant: MAURICE SMITH AUSLEY II, doing business as AUSLEY MOTOR FREIGHT, 1911 NW. 1st Street, Oklahoma, Okla. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, restricted against the transportation of commodities in tank trucks, over the following routes: (1) between Ft. Cobb and Verden, Okla., via State Highway 9, serving no intermediate points not presently authorized to be served by applicant; (2) between Anadarko and Richards Spur, Okla., via State Highway 8, to its intersection with U.S. Highway 277 at Cyril, Okla., thence south on U.S. Highway 277 to Richards Spur, Okla., serving the intermediate points of Cyril, Fletcher and Elgin, and the off-route point of Cement, Okla.; (3) between Richards Spur and Anadarko, Okla., via U.S. Highway 62, serving the intermediate point of Apache, Okla.; (4) between Apache and Cyril, Okla., via State Highway 19; (5) between Gotebo and Snyder, Okla., via State Highway 9 to its intersection with State Highway 30, west of Vinson, Okla., thence south on State Highway 30 to its intersection with U.S. Highway 62, at Hollis, Okla., thence east on U.S. Highway 62 to Snyder, Okla., serving the intermediate points of Lone Wolf, Granite, Hollis, Duke, and Altus, Okla., and the off-route points of Hobart, Mangum, Olustee, and Eldorado, Okla.; (6) between Gotebo and Frederick, Okla., via State Highway 9 to its intersection with U.S. Highway 183, west of Gotebo, thence south on U.S. Highway 183 to Frederick, Okla., serving the intermediate points of Babbs, Roosevelt, Mountain Park, and Snyder, in addition to those points presently authorized to be served; (7) between Mangum and Duke, Okla., via State Highway 34; (8) between Lone Wolf and Altus, Okla., via State Highway 44, serving the intermediate points of Blair and Lugert, Okla.; (9) as an alternate route, for operating convenience only, between Oklahoma City and Elgin, Okla., via U.S. Highway 62 to its intersection with the H. E. Bailey Turnpike, thence south on the H. E. Bailey Turnpike to its intersection with U.S. Highway 277, thence via U.S. Highway 277 to Elgin, Okla., serving no intermediate points; (10) as an alternate route, for operating convenience only, between Oklahoma City and Altus, Okla., via U.S. Highway 62, to its intersection with the H. E. Bailey Turnpike thence south on the H. E. Bailey Turnpike to its intersection with State Highway 36 north of Geronimo, Okla., thence west on State Highway 36 to its intersection with State Highway 5, south of Chattanooga, Okla., thence west on State Highway 5, to its intersection with U.S. Highway 283, south of Altus, thence north on U.S. Highway 283 to Altus, Okla., serving no intermediate points. Applicant requests authority to conduct operations in both intrastate and interstate and foreign commerce over the above routes and to serve the points set forth on the above routes. Applicant requests his entire authority including the above routes be unitized to allow a complete service between the points requested to be served on the above routes, and all points on the routes which applicant is presently authorized to serve. Intrastate, interstate, and foreign commerce authority sought.

HEARING: September 17, 1973, at the Jim Thorpe Office Bldg., Oklahoma City, Okla., at 9:00 A.M. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–17764 Filed 8–21–73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 17, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

FSA No. 42734—*Joint Water-Rail Container Rates—Seatrain International, S.A.* Filed by Seatrain International, S.A. (No. WEE–2), for itself and interested rail carriers. Rates on general commodities between rail carriers' terminals in Beaumont and Houston, Texas, and ports in Europe as named in the application.

Grounds for relief—Water competition.

Tariffs—Seatrain tariffs I.C.C. Nos. 9, 10, 11, 12, 13, and 14. Rates are published to become effective on September 16, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–17765 Filed 8–21–73;8:45 am]

[Notice 29]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 17, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application) to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIER OF PROPERTY

No. MC–128319 (Deviation No. 1), DOWDA MOTOR FREIGHT, INC., P.O. Box 204, Centre, Alabama 35960, filed June 27, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Centre, Ala., over U.S. Highway 411 to junction approximately 2 miles south of Rome, Ga., with Georgia Highway 344 (U.S. Highway 411—applicant's presently authorized service route), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Centre, Ala., over Alabama Highway 9 to the Alabama-Georgia State line, thence over Georgia Highway 20 to Rome, Ga., thence over U.S. Highway 411 to junction U.S. Highway 41, thence over U.S. Highway 41 to Marietta, Ga., thence over Interstate Highway 75 to Atlanta, Ga., and return over the same route, serving all intermediate points between Centre, Ala., and Rome, Ga.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–17766 Filed 8–21–73;8:45 am]

[Notice 65]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 17, 1973.

The following publications (except as otherwise specifically noted, each

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applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application) are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice published in the Federal Register, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

NOTICE OF FILING OF PETITIONS

No. MC–C–8133 (NOTICE OF FILING OF PETITION FOR RELIEF FROM THE PROVISIONS OF 49 CFR 1090.5 (a) TO PERMIT PARTICIPATION IN JOINT INTERMODAL TOFC SERVICE), filed August 3, 1973. Petitioner: O.N.C. FREIGHT SYSTEMS, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Petitioner's representative: Eldon E. Bresee (same address as petitioner). Petitioner seeks to participate in joint intermodal TOFC Service which is to be provided in lieu of its line-haul transportation over its authorized service route between Los Angeles, Calif., and Salt Lake City, Utah. If the distance from origin to destination over the route including the TOFC movement is less than 85 percent of the distance between such points over a motor carrier's authorized service route, participation in such intermodal TOFC service is not permitted under the provisions of 49 CFR 1090.5 (a). Petitioner states that the distance of its proposed intermodal TOFC service is less than 85 percent of the distance over its authorized service route and therefore seeks relief from the provisions of 49 CFR 1090.5(a). Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before Aug. 22, 1973.

No. MC 118288 (Sub-No. 30) (NOTICE OF FILING OF PETITION FOR ELIMINATION OF GATEWAYS), filed July 24, 1973. Petitioner: STEPHEN F. FROST, 14750 Boyle Avenue, Fontana, Calif. 92335. Petitioner presently holds a motor *common carrier* certificate in No. MC 118288 (Sub-No. 30), issued August 22, 1972, authorizing transportation, over irregular routes, of (1) *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses (except fertilizer and salt), and *equipment, materials, and supplies* used in the conduct of such business; and (2) *fertilizer and salt*, when moving in mixed loads with the commodities described in (1) above, (A) from Burley, Idaho, Salina, Utah, and points in California and Washington, to points in Carbon and Valley Counties, Mont., and points in Big Horn, Campbell, Fremont, Hot Springs, Johnson, Sheridan Park, Washakie, and Weston Counties, Wyo.; and (B) from points in Idaho (except Burley), Utah (except Salina), and Oregon, to Glasgow, Mont. By tacking the authority described above with the authority contained in its Sub-No. 33 Certificate issued June 8, 1971, authorizing transportation of the same commodities between points in Montana, petitioner can serve all points in Montana, using points in Carbon or Valley Counties, Mont., and Glasgow, Mont., as gateways. By the instant petition, petitioner seeks to eliminate the gateways of Carbon and Valley Counties, Mont., and Glasgow, Mont., in its Sub-No. 30 Certificate and substitute in lieu thereof, all points in Montana. Any interested person or persons desiring to participate may file an original and six copies of his wrtten representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE TO BE PROCESSED CONCURRENTLY WITH THE APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 59728 (Sub-No. 25), filed June 27, 1973. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 Jenkins Boulevard, Akron, Ohio 44306. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle over regular or irregular routes, transporting: *General Commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving points in Ohio as off-route points in connection with applicant's regular-route operations, or, in the alternative, applicant requests irregular route authority between Cleveland, Ohio, on the one hand, and, on the other, points in Ohio. NOTE.—The instant application is a matter directly related to MC–F–11919 published in the FR issue of July 11, 1973. Inasmuch as applicant has requested regular or irregular route authority protests should be directed accordingly. Applicant states that the requested authority can be tacked with its existing authority at Cleveland, Ohio, to serve points in Illinois, Indiana, Kansas, Missouri, New York, and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210(a)(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11490. (Petition for Modification) (CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE—POOLING—SILVER WHEEL FREIGHTLINES, INC.), published in the March 29, 1972, issue of the FEDERAL REGISTER. By petition filed May 24, 1973, Garrett Freightlines, Inc., seeks modification of the order of February 12, 1973, as modified by order of February 15, 1973, which approved the pooling agreement in the above-entitled proceeding, in order to permit Garrett to join in the pooling arrangement for all points involved therein except the points of Adams, Athena, Baker, Milton-Freewater, Pendleton, and Weston, Oreg., which Garrett would continue to serve direct. Garrett would participate under the same terms and conditions that applies to Consolidated Freightways.

No. MC–F–11882 (Correction) (CLARK TRANSFER, INC.—PURCHASE (PORTION)—ROBERTS CARTAGE COMPANY), published in the May 31, 1973, issue of the FEDERAL REGISTER on page 14324. Prior notice should be modified to include *store, restaurant, and bar fixtures and equipment, when moving as displays and display materials to and from conventions, shows, expositions, exhibitions, and similar gatherings for exhibition purposes*, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, all points in the United States.

No. MC–F–11953. Authority sought for purchase by CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021, of the operating rights of DEERFIELD MOTOR EXPRESS, INC., P.O. Box 31, Aurora, IL 60507. Applicant's attorney: Carl L. Steiner, 39 S. La Salle St., Chicago, IL 60603. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–120884 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in North Carolina, Georgia, South Carolina, Florida, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Virginia, Pennsylvania, Alabama, Ohio, Delaware, Illinois, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–2253 (Sub-No. 60), is a matter directly related.

No. MC–F–11954. Authority sought for purchase by ALL-AMERICAN, INC., 900 W. Delaware Ave., Sioux Falls, SD 57101, of a portion of the operating rights of MIDWEST COAST TRANSPORT, INC., and for acquisition by ALL-AMERICAN TRANSPORT, INC., both of 900 W. Delaware Ave., Sioux Falls, SD 57101, of control of such rights through the purchase. Applicants' attorney: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes, between Lakefield, Minn., and points within 25 miles thereof, on the one hand, and, on the other, Sioux Falls, S. Dak., and points in Iowa and Minnesota, between Sioux Falls, S. Dak., on the one hand, and, on the other, Ocheyedan, Iowa, and points within ten miles thereof, between Ocheyedan, Iowa, and points within ten miles thereof, on the one hand, and, on the other, points in Minnesota within 25 miles of Ocheyedan; *livestock*, between Reading, Minn., and points within ten miles thereof, on the one hand, and, on the other, Sioux City, Iowa, and Sioux Falls, S. Dak., between Ocheyedan, Iowa, and points within ten miles thereof, on the one hand, and, on the other, Sioux Falls, S. Dak.; *farm machinery*, from Sioux Falls, S. Dak., to points in the territory specified above; *farm machinery and hardware*, between Reading, Minn., and points within ten miles thereof, on the one hand, and, on the other, Sioux City, Iowa; *lumber, laths, shingles, fencing material, millwork, brick, cement, plaster, paint, linseed oil, roofing, roofing and building paper, and builders hardware*, between Reading, Minn., on the one hand, and, on the other, Brookings, Howard, and Colman, S. Dak. Vendee is authorized to operate as a *common carrier* in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Michigan, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11955. Authority sought for control by O.N.C. FREIGHT SYSTEMS, 2800 W. Bayshore Rd., Palo Alto, CA 94303, of (1) C–B TRUCK LINES, INC., 1401 E. Brady St., P.O. Box 1774, Clovis NM 88101, and (2) C.B. MOTOR FREIGHT COMPANY, 122 Eddie St., P.O. Box 71, Lovington, NM 88260, and for acquisition by ROCOR INTERNATIONAL, and, in turn, by DAVID P. ROUSH, and DIANE G. ROUSH, all of 2800 W. Bayshore Rd., Palo Alto, CA 94303, of control of C–B TRUCK LINES, INC., and C.B. MOTOR FREIGHT COMPANY, through the acquisition by O.N.C. FREIGHT SYSTEMS. Applicants' attorneys: Roland Rice, 111 E St. NW., Suite 618, Washington, DC 20004, and Edwin Piper, 1115 Simms Bldg., Albuquerque, NM 87101. Operating rights sought to be controlled: (1) *Livestock, stock and poultry feed, grain, baled cotton, cotton seed, agricultural machinery and equipment*, and *building materials*, as a *common carrier* over irregular routes, from El Paso, Tex., and points in Gaines, Reeves, Culberson and Dawson Counties, Tex., to points in Eddy, Lea, Chaves, Curry, Roosevelt, and Otero Counties, N. Mex.; *livestock*, from points in Eddy, Lea, Chaves, Curry, Roosevelt, and Otero Counties, N. Mex., to points in Reeves, Culberson and Dawson Counties, Tex.; *malt beverages*, in kegs, bottles and cans, from Golden, Colo., to El Paso, Tex.; *animal feed and feedstuffs*, from El Paso, Tex., to points in Colorado and New Mexico (except points in Eddy, Lea, Chaves, Curry, and Otero Counties, N. Mex.); *manganese ore*, in bulk, from Deming, N. Mex., to El Paso, Tex.; *general commodities*, between points in Grant, Hidalgo, and Catron Counties, N. Mex.; *commodities in bulk*, except in tank or hoppertype vehicle, over regular routes, between Silver City, N. Mex., and El Paso, Tex., serving various intermediate and off-route points, between Silver City, N. Mex., and Santa Rita, N. Mex., serving various intermediate and off-route points; *commodities in bulk*, between Silver City, N. Mex., and Lordsburg, N. Mex.; serving all intermediate points, between Silver City, N. Mex., and Reserve, N. Mex., serving all intermediate points, and the off-route points of Mogollon, N. Mex.; (2) *General commodities*, with exceptions, as a *common carrier* over irregular routes, between points in Lea and Eddy Counties, N. Mex. (except service is not authorized to or from potash mine located approximately 16 miles east of Carlsbad, N. Mex., nor is service authorized between Carlsbad and Hobbs, N. Mex.). O.N.C. FREIGHT SYSTEMS is authorized to operate as a *common carrier* in Arizona, California, Nevada, Oregon, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11956. Authority sought for purchase by BEAUFORT TRANSFER COMPANY, P.O. Box 102, Gerald, MO 63037, of the operating rights of ABEL'S TRANSFER SERVICE, INC., P.O. Box W, Belle, MO 65013, and for acquisition by OLIN FLOTTMANN, AND JOHN H. MEYER, also of Gerald, MO 63037, of control of such rights through the purchase. Applicants' attorney: Thomas F. Kilroy, 6914 Conservation Dr., Springfield, VA 22153. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Belle, Mo., and St. Louis, Mo., serving various intermediate points, between Belle, Mo., and the plant site of the Kingsford Charcoal Company located approximately six miles southwest of Belle, serving no intermediate points; *fresh meats and packing-house products*, from East St. Louis, Ill., to Meta, Mo., serving all intermediate points between Union and Meta, Mo., including Union, from Meta, Mo., to East St. Louis, Ill., serving all intermediate points between Meta and Belle, Mo., including Belle; *livestock*, over irregular routes, between Belle, Mo., and points within 15 miles of Belle, on the one hand, and, on the other, National Stock Yards, Ill.; *mixed feed and fertilizer*, from East St. Louis, Ill., to Belle, Mo., and points within 15 miles of Belle; *charcoal*, in bulk, from points in a defined area of Osage, Maries, Gasconade, Phelps, Dent, Reynolds, Carter, Texas, and Shannon Counties, Mo., to the plant site of Cumberland Corporation near Burnside, Ky., from points in Osage, Maries, and Gasconade Counties, Mo., to the plant site of Cumberland Corporation near Burnside, Ky. Vendee is authorized to operate as a *common carrier* in Missouri, Nebraska, Illinois, Kentucky, Tennessee, Alabama, Mississippi, Lousiana, Texas, Georgia, Wisconsin, Minnesota, Colorado, and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11957. Authority sought for purchase by GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, P.O. Box 851, LaCrosse, WI 54601, of the operating rights of COURTESY EXPRESS, INC., 1040 Fifth Avenue, P.O. Box 1243, Aurora, IL 60507. Applicant's attorneys and representative: Jack Goodman, 39 S. LaSalle St., Chicago, IL 60603, Joseph E. Ludden, 455 Park Plaza Drive, LaCrosse, WI 54601, and Joseph Zefran, 1040 Fifth Ave., Aurora, IL 60507. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–99026 (Sub-No. 2), covering the transportation in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Missouri, Iowa, Wisconsin, Minnesota, Ohio, Indiana, Pennsylvania, West Virginia, Florida, Georgia, Tennessee, Kentucky, Alabama, New York, New Jersey, Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11958. MACHISE INTERSTATE TRANSPORTATION CO., 500 N. Egg Harbor Rd., Hammonton, NJ 08037, of a portion of the operating rights of MACHISE EXPRESS COMPANY, INC., and for acquisition by ANTHONY BUCCI, and JOSEPH INGEMI, all of Hammonton, NJ 08037, of control of such rights through the purchase. Applicants' attorney: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Duck Island, N.J., to Pendell, Pa. Vendee is authorized to operate as a *common carrier* in Delaware, New Jersey, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

NOTICE

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY, 139 West Van Buren Street, Chicago, Illinois 60605, represented by Mr. James E. Skyes of the above address, on July 23, 1973, filed an application under Section 5(2)(a)(ii) to acquire trackage rights over 45.46 miles of the main line of the Burlington Northern, Inc., between Kansas City and Rushville, Missouri. On the same date, applicant filed

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an application under Section 1(18) of the act, to construct a 543 foot connection at Rushville, Buchanan County, Missouri, between the aforementioned main line of the Burlington Northern, Inc., and the applicant's branch line. The trackage rights application has been assigned Finance Docket No. 27453 and the construction application is docketed Finance Docket No. 27454. The trackage rights sought by the applicant are for the purpose of the continuation of its service to St. Joseph, Missouri, in conjunction with the exercise of permission granted to the applicant by the Commission in Finance Docket No. 26593 to abandon its branch line between Jamesport and St. Joseph, Missouri.

In the opinion of applicant, the relief sought herein is not a major federal action significantly affecting the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act*, 1969, 340, I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B)(1)(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protest submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

NOTICE

LAKE SUPERIOR & ISHPEMING RAILROAD COMPANY, 105 E. Washington Street, Marquette, Michigan 49855, by its attorney, Mr. L. B. Coleman, Lake Superior & Ishpeming Railroad Company, 105 East Washington Street, Marquette, Michigan 49855, hereby gives notice that on the 22nd day of June, 1973, it filed with the Interstate Commerce Commission at Washington, D.C., an application for authority to acquire trackage rights over Soo Line Railroad Company tracks east of Marquette, Michigan, from approximately Mile Post 50.23 to Mile Post 47.83, a distance of approximately 2.40 miles. The line for which the application has been filed includes no stations and the closest agency station is Marquette. This application has been assigned Finance Docket No. 27428. In the opinion of the applicant, the relief sought by this application is not a major Federal action significantly affecting the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B)(1)-(5), 340 I.C.C. 431, 461. Any person opposed to this application should advise the Commission promptly, with an original and six copies, identifying the docket number, and send a copy to the above-cited attorney. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. All protest submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

LAKE SUPERIOR & ISHPEMING RAILROAD COMPANY

NOTICE

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY, 400 West Madison Street, Chicago, Illinois 60606, represented by Mr. George H. Brant of the same address, hereby gives notice that on the 8th day of August 1973, it filed with the Interstate Commerce Commission at Washington, D.C., an application seeking approval and authorizaiton for the CNW to lease all of the property and facilities of the Minneapolis Industrial Railway Company, and, particularly all of the lines of railroad which the MIR now operates upon, that being, rail lines extending approximately 11.7 miles from Minneapolis to Golden Valley, Hennepin County, Minnesota, consisting of approximately 3.1 miles of trackage rights over the Burlington Northern, Inc., 0.7 miles of trackage rights over the Minneapolis, Northfield and Southern Railway Company; and approximately 7.9 miles over the MIR from Milepost 3.1 (beginning of line) to Milepost 11.0 (end of line).

MIR is wholly-owned by CNW and the railroads have common officers and directors. CNW alleges that no shippers or receivers will be adversely affected by the proposed lease. CNW further alleges that the Commission's approval of the lease will not constitute a major federal action and, in any event, will not have any impact upon nor adversely affect the quality of the human environment. This application has been assigned Finance Docket No. 27464. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B)(1)-(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17767 Filed 8-21-73;8:45 am]

[Notice 338]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 11, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74518. By order of August 15, 1973, the Motor Carrier Board approved the transfer to State Moving and Storage, Inc., Fayetteville, N.C., of a portion of the operating rights in Certificate No. MC-134257 (Sub-No. 1) issued to Carroll's Transfer, Inc., Dublin, N.C., authorizing the transportation of: Household goods as defined by the Commission, between Lumberton, N.C., and points in Virginia, North Carolina, and South Carolina, in a radial movement—Vaughan S. Winborne, Attorney, 1108 Capitol Club Bldg., Raleigh, N.C. 27601.

No. MC-FC-74535. By order of August 15, 1973, the Motor Carrier Board approved the transfer to Syracuse Rigging Company, Inc., Syracuse, N.Y., of Certificate No. MC-4426 issued April 16, 1965, to James L. Ryan Machinery Moving Corp., Syracuse, N.Y., authorizing the transportation of: Machinery, telephone and telegraph equipment, and contractors' equipment, between Syracuse, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and New York—Herbert M. Canter, Attorney, 201 E. Jefferson St., Syracuse, N.Y. 13202.

No. MC-FC-74587. By order of August 15, 1973, the Motor Carrier Board approved the transfer to Guelph Transportation Commission, Guelph, Ontario, Canada, of the operating rights in Certificate No. MC-136333 issued December 1, 1972, to Georgetown Transportation, Limited, Georgetown, Ontario, Canada, authorizing the transportation of passengers and their baggage, in charter and special operations, in sightseeing and pleasure tours, beginning and ending at ports of entry on the United States-Canada Boundary line and extending to points in the United States (including Alaska but excluding Hawaii)—S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005, Attorney for applicants.

No. MC-FC-74621. By order of August 15, 1973, the Motor Carrier Board approved the transfer to Kramer Trucking Co., Inc., Elizabeth, N.J., of the operating rights in Certificate No. MC-83322 issued August 4, 1970, to Links Trucking, Inc., Brooklyn, N.Y., authorizing the transportation of various commodities between specified points and areas in Alabama, Connecticut, Delaware, Georgia, Illinois, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, and Vermont—Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, Representative for applicants.

No. MC-FC-74635. By order entered August 16, 1973, the Motor Carrier Board approved the transfer to Barre Granite Transfer, Inc., Barre, Vt., of the operating rights set forth in Certificate No. MC-2032 issued December 8, 1953, to Lawrence Andrew LaFountain, doing business as Barre Granite Transfer, Barre, Vt., authorizing the transportation of granite from Barre, Vt., and points in Vermont within 22 miles of Barre, to points in New York and New Jersey—John P. Monte, Box 568, Barre, VT 05641, attorney for applicants.

No. MC-FC-74629. By order of August 15, 1973, the Motor Carrier Board approved the transfer to Wee Haul Express, Inc., Van Wert, Ohio, of the operating rights in Permit No. MC-128606 (Sub-No. 3) issued February 12, 1968, to Wilma F. Gehron, doing business as Frosty's Delivery Service, Celina, Ohio, authorizing the transportation of business and accounting records and forms between specified points and areas in Ohio, New Jersey, Illinois, Georgia, Texas, Pennsylvania, Indiana, Kentucky, and Michigan—David L. Pemberton, 50 West Broad St., Columbus, Ohio 43215, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17771 Filed 8-21-73;8:45 am]

[Notice 112]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 15, 1973.

The following are notices of filing of application (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application) for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before Sept. 6, 1973. One copy of such protests must be served on the applicant or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2253 (Sub-No. 62 TA), filed August 7, 1973. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, N.C. Highway 150 East, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose acetate flake*, in bulk, from Celriver, S.C., to Amcelle, Md., for 180 days. SUPPORTING SHIPPER: Celanese Corporation, New York, N.Y. SEND PROTESTS TO: District Supervisor Price, Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Rd., Rm. CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 16903 (Sub-No. 36 TA), filed August 6, 1973. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: William E. Benckart (same address as above). Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite slabs and granite quarry blocks*, from Mifflintown, Pa., to points in Washington County, Vt., for 180 days. SUPPORTING SHIPPER: Walter Quarries Company, Main & Bridge Streets, Mifflintown-Pa. 17059. SEND PROTESTS TO: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 27817 (Sub-No. 108 TA), filed August 6, 1973. Applicant: H. C. GABLER, INC., P.O. Box 220, R.D. #3, Chambersburg, Pa: 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, (1) from the plant or warehouse facilities of Heinz U.S.A. at Salem, N.J., and Mechanicsburg and Chambersburg, Pa., to the distribution facility of Heinz U.S.A. at Greenville, S.C., and (2) from the distribution facility of Heinz U.S.A. at Greenville, S.C., to points in Alabama, restricted to traffic originating at and destined to the points and territories shown, for 180 days. SUPPORTING SHIPPER: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. SEND PROTESTS TO: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 30844 (Sub-No. 471 TA) (CORRECTION), filed July 25, 1973, published in the FEDERAL REGISTER issue of August 10, 1973, and republished as corrected this issue. Applicant: HROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as applicant).

NOTE.—The purpose of this partial republication is to add Kansas as a destination state which was omitted in previous publication. The rest of the application remains the same.

No. MC-44875 (Sub-No. 2 TA), filed August 3, 1973. Applicant: KNIGHT'S EXPRESS & WAREHOUSE, INC., 7 Ninigret Avenue, Providence, R.I. 02907. Applicant's representative: Russell B. Curnett, P.O. Box 366, 826 Orleans Road, Harwich, Mass. 02645. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* which is dealt in by retail department stores and mail order houses, in retail delivery service, between points in Rhode Island, on the one hand, and, on the other, points in Connecticut, for 180 days. SUPPORTING SHIPPER: Jordan Marsh Co., 500 Commander Shea Blvd., Quincy, Mass. 02171. SEND PROTESTS TO: Gerald H. Curry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 187 Westminster St., Providence, R.I. 02903.

No. MC-52704 (Sub-No. 103 TA), filed August 6, 1973. Applicant: GLENN MCCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, Opelika Highway, Lafayette, Ala. 36862. Applicant's representative: John W. Cooper, 1301 City Federal Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Laurens, S.C. and Henderson, N.C., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Laurens Glass Company, P.O. Drawer 9, Laurens, S.C. 29360. SEND PROTESTS

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TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC–74695 (Sub-No. 12 TA), filed August 3, 1973. Applicant: SOUTHERN TRUCKING COMPANY, Route 169 Greenville Station, P. O. Box 5008, Jersey City, N. J. 07305. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Compressed industrial gases*, in gas cylinders and tube trailers, under a continuing contract with Industrial Gases Division of Chemtron Corporation and *empty cylinders and tube trailers* on return, from Linden and Newark, N. J., to points in Connecticut, for 180 days. SUPPORTING SHIPPER: Industrial Gases Division of Chemetron Corporation, 111 East Wacker Drive, Chicago, Ill. 60601. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N. J. 07102.

No. MC–94570 (Sub-No. 4 TA), filed August 6, 1973. Applicant: DEAN RESLER, P.O. Box 309, Sterling, Colo. 80751. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, between points in Colorado, on the one hand, and points in Nebraska and Kansas, on the other, for 180 days. SUPPORTING SHIPPERS: Gulf Oil Co., U.S.P.O. Box 10, Commerce City, Colo. 80022; Colorado Petroleum Marketers Association, 328 Majestic Building, Denver, Colo. 80202; Plains Oil and Gas Co., Inc., Box 230, Sterling, Colo. 80751; and Harpel Oil Company, Denver, Colo. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC–97830 (Sub-No. 3 TA), filed August 1, 1973. Applicant: BOWEN TRUCKING CO., INC., 319 E. 4th South, Vernal, Utah 84078. Applicant's representative: William S. Richards, 900 Walker Bank Bldg., P. O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery and equipment and parts and accessories* when moving with the equipment or machinery which will utilize the parts and accessories, between points in Duchesne, Uintah, Grand, and San Juan Counties, Utah, on the one hand, and points in Colorado and Wyoming, on the other hand, for 180 days. SUPPORTING SHIPPERS: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D. C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Bldg., 125 South State Street, Salt Lake City, Utah 84138.

No. MC–111045 (Sub-No. 104 TA), filed August 2, 1973. Applicant: REDWING CARRIERS, INC., 7809 Palm River Road, Post Office Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste liquor*, in bulk, in tank vehicles, between the plantsite of Union Camp Corporation at or near Montgomery, Ala., on the one hand, and, on the other, Panama City, Fla., Cedar Springs, Ga., and Moss Point, Miss., for 180 days. SUPPORTING SHIPPER: Union Camp Corporation, 1600 Valley Road, Wayne, N. J. 07470. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Bureau of Operations, Interstate Commerce Commission, 5720 S. W. 17th St., Room 105, Miami, Fla. 33155.

No. MC–115022 (Sub-No. 25 TA), filed August 1, 1973. Applicant: CHAMBERLAIN MOBILEHOME TRANSPORT, INC., 64 East Main Street, Thomaston, Conn. 06787. Applicant's representative: Bernard J. Hasson, Jr., 927 15th St., NW., Suite 306, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and semitrailers*, low-bed, equipped with pintle hooks on fifth wheel, from points in Gloucester County, N.J., to points in the United States (except Hawaii), for 180 days. SUPPORTING SHIPPER: General Engines Co., Inc., Route 130, Thorofare, N.J. 08086. SEND PROTESTS TO: David J. Kiernan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 High Street, Room 324, Hartford, Conn. 06101.

No. MC–115215 (Sub-No. 21 TA), filed August 6, 1973. Applicant: NEW TRUCK LINES, INC., P.O. Box 639, Highway 27 South, Perry, Fla. 32347. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the plant site of Abitibi Corporation, Blountstown, Fla., to points in Alabama, North Carolina, and Georgia, for 180 days. SUPPORTING SHIPPER: Abitibi Corporation, 1400 N. Woodward Ave., Birmingham, Miss. 48011. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC–119777 (Sub-No. 262 TA), filed July 30, 1973. Applicant: LIGON SPECIALIZED HAULERS, INC., P.O. Drawer L, Highway 85 East, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic tubing*, from the plantsite of Can-Tex Industries at Sparta, Tenn., to points in New Mexico and points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to the transportation of shipments originating at the named origin and destined to indicated destinations, for 180 days. SUPPORTING SHIPPER: Willard Hutchings, Traffic Manager, Can-Tex Industries, P.O. Box 426, Sparta, Tenn. 38583. SEND PROTESTS TO: Wayne L. Merillatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC–123314 (Sub-No. 18 TA), filed August 6, 1973. Applicant: JOHN F. WALTER, INC., P.O. Box 175, Newville, Pa. 17241. Applicant's representative: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, (1) from the plant or warehouse facilities of Heinz U.S.A. at Toledo, Bowling Green, Geneva, and Fremont, Ohio; Mechanicsburg, Chambersburg, Leetsdale, and Pittsburgh, Pa.; and Salem, N.J., to the distribution facility of Heinz U.S.A. at Greenville, S.C. and (2) from the distribution facility of Heinz U.S.A. at Greenville, SC., to points in Georgia, restricted to traffic originating at and destined to the points and territories shown, for 180 days. SUPPORTING SHIPPER: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. SEND PROTESTS TO: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC–123405 (Sub-No. 32 TA), filed August 6, 1973. Applicant: FOOD TRANSPORT, INC., 1100 Lafayette Street, P.O. Box 1041, York, Pa. 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, (1) from the plant or warehouse facilities of Heinz U.S.A. at Salem, N.J.; Toledo, Bowling Green and Fremont, Ohio; and Chambersburg, Mechanicsburg, Leetsdale, and Pittsburgh, Pa., to the distribution facility of Heinz U.S.A. at Greenville, S.C. and (2) from the distribution facility of Heinz, U.S.A. at Greenville, S.C., to points in Alabama, Georgia, Mississippi, Tennessee, and the New Orleans, La. Commercial Zone, restricted to traffic originating at and destined to the points and territories shown, for 180 days. SUPPORTING SHIPPER: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. SEND PROTESTS TO: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC–124078 (Sub-No. 556 TA), filed August 6, 1973. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulp mill waste, liquid*, in bulk, between the plant site of Union Camp Corporation at or near Montgomery, Ala., on the one hand, and, on the other, Jesup and Savannah, Ga. and Fernandina Beach, Fla., for 180 days. SUPPORTING SHIPPER: Union Camp Corporation, 1600 Valley Road, Wayne, N.J. 07470 (Roger L. Schoening, Manager, Truck Traffic). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC–124813 (Sub-No. 107 TA), filed August 1, 1973. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from the facilities of Rockwell Lime Company in Manitowoc County, Wis., to points in Franklin, Jefferson, St. Charles, and St. Louis Counties, Mo. and points in Madison, St. Clair, Champaign, Montgomery, Logan, McLean, Peoria, Tazewell, Sangamon, and McDonough Counties, Ill., for 180 days. SUPPORTING SHIPPER: Rockwell Lime Company, Route 4, Manitowoc, Wis. 54220. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC–126600 (Sub-No. 8 TA), filed August 6, 1973. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, Kans. 67441. Applicant's representative: Bob W. Storey, 820 Quincy, Topeka, Kans. 66612. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *transformers, electrical, used*, having value only for reconditioning or salvage and allied line equipment and (B) *transformers, electrical, or parts thereof*, reconditioned and allied line equipment, between Solomon, Kans., on the one hand, and all points within the states of Indiana, Illinois, Iowa, Virginia, California, Arizona, Texas, Colorado, Oklahoma, Kansas, Missouri, Wyoming, Nebraska, and Montana, on the other hand, for 180 days. SUPPORTING SHIPPER: Solomon Electric Supply, Inc., Solomon, Kans. 67480. SEND PROTESTS TO: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC–129480 (Sub-No. 7 TA), filed August 1, 1973. Applicant: TRI-LINE EXPRESSWAYS LTD., 550 71st Avenue SE., P.O. Box 5245, Station A, Calgary, Alberta, Canada. Applicant's representative: Hugh Sweeney, P.O. Box 1321, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap*, from points in North Dakota, South Dakota, Wyoming, and Montana, to the International Boundary line between the United States and Canada situated in Montana and North Dakota, for 180 days. SUPPORTING SHIPPER: Interprovincial Steel and Pipe Corporation, Ltd., P.O. Box 1670, Regina, Saskatchewan, Canada. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC–129510 (Sub-No. 8 TA), filed August 6, 1973. Applicant: ENGLUND EQUIPMENT COMPANY, 740 Old Stage Road, Salinas, Calif. 93901. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal tar dyes*, (except in bulk) from Branchburg, N.J., to Akron, Ohio; Elk Grove Village, and Chicago, Ill.; St. Louis, Mo.; Texas City and Kennedy, Tex.; and North Hollywood, Calif.; (2) *dye intermediates* (except in bulk), from Branchburg, N.J., to Elk Grove Village and Chicago, Ill.; and North Hollywood, Calif.; (3) *chemicals* (except in bulk), from Branchburg, N.J., to Chicago and Elk Grove Village, Ill.; Texas City and Kennedy, Tex.; North Hollywood, Los Angeles and San Leandro, Calif.; and (4) *plastics, plastic film or sheeting* (except in bulk), from Branchburg, N.J., to Menasha and New London, Wis.; Des Moines, Iowa; Rockford, Elk Grove Village, and Chicago, Ill.; North Hollywood, Los Angeles, Visalia, and San Leandro, Calif.; (5) *printing plates*, from Branchburg, N.J., to Chicago and Elk Grove Village, Ill.; North Hollywood, Los Angeles, and San Leandro, Calif.; (6) *food preservatives* (except in bulk), from Branchburg, N.J., to North Hollywood, Calif.; and (7) *reproduction paper*, from Branchburg, N.J., to Elk Grove Village and Chicago, Ill.; Los Angeles and San Leandro, Calif., for 180 days. RESTRICTION: Service shall be rendered for the account of American Hoechst Corporation and its affiliates. SUPPORTING SHIPPER: American Hoechst Corporation, Route 202–206 North, Somerville, N.J. 08876. SEND PROTESTS TO: District Supervisor Claud W. Reeves, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC–129870 (Sub-No. 12 TA), filed August 1, 1973. Applicant: GAS INCORPORATED, 95 East Merrimack St., Lowell, Mass. 01853. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied natural gas* (LNG), from Philadelphia, Pa., to Easton, Ludlow, Boston, Tewksbury, and Marshfield, Mass., for 180 days. SUPPORTING SHIPPERS: Springfield Gas Light Co. and Brockton Taunton Gas Co., 25 High Street, Boston, Mass. SEND PROTESTS TO: District Supervisor Darrell W. Hammons, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., 5th Floor, Boston, Mass. 02114.

No. MC–133796 (Sub-No. 18 TA), filed August 2, 1973. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic pipe fittings*, together with *materials and accessories* used in the installation thereof, from Nazareth, Pa., to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland, Delaware, North Carolina, Virginia, West Virginia, Pennsylvania, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Carlon Division, Indian Head Inc., 23200 Chagrin Blvd., Cleveland, Ohio 44122. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC–135007 (Sub-No. 33 TA), filed August 2, 1973. Applicant: AMERICAN TRANSPORT, INC., Off: 7850 F Street, Omaha, Nebr. 68127, and P.O. Box 37406, Millard, Nebr. 68137.

Applicant's representative: Frederick J. Coffman, 521 So. 14 Street (P.O. Box 81849), Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding, materials and supplies* used in the installation thereof, from Waterbury, Conn., to points in Iowa, Missouri, Arkansas, South Dakota, Louisiana, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Oregon, Washington, Nevada, and California, under continuing contract with William Volker & Company, for 180 days. SUPPORTING SHIPPER: William Volker & Company, W. Paul Tarter, Vice Pres., Transportation, 945 California Drive, Burlingame, Calif. 94010. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Bldg., Omaha, Nebr. 68102.

No. MC–135874 (Sub-No. 21 TA), filed July 31, 1973. Applicant: LTL PERISHABLES, INC., 132nd & Q Streets. Mlg: P.O. Box 37468 (Box zip 68152), Omaha, Nebr. 68137. Applicant's representative: Bill White (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* requiring refrigeration, from New Prague,

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Menn., to points in Nebraska, South Dakota, and Iowa, for 180 days. SUPPORTING SHIPPER: Ingredient Supply Company, Bruce M. Dvorak, President, New Prague, Minn. 56071. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Bldg., Omaha, Nebr. 68102.

No. MC–135874 (Sub-No. 22 TA), filed July 31, 1973. Applicant: LTL PERISHABLES, INC., 132nd & Q Streets. Mlg: P.O. Box 37468 (Box zip 68152), Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* requiring refrigeration, from Kansas City, Kans., Kansas City, Mo. and their commercial zones, to points in Iowa, Nebraska, Minnesota, Wisconsin, and South Dakota, for 180 days. SUPPORTING SHIPPER: Boyle's Famous Corned Beef Company, Tommy L. Stratton, Traffic Mgr., 416 E. 3rd St., Kansas City, Mo. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Bldg., Omaha, Nebr. 68102.

No. MC–136232 (Sub-No. 2 TA), filed August 6, 1973. Applicant: FRALEY'S INCORPORATED, Route 1, Big Stone Gap, Va. 24219. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Duffield, Va., on the one hand, and, on the other, Birmingham, Decatur, and Dora, Ala., for 180 days. SUPPORTING SHIPPER: Virginia Birmingham Bolt, Inc., Drawer CC, Big Stone Gap, Va. 24219. SEND PROTESTS TO: Clatin H. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue, S.W., Roanoke, Va. 24011.

No. MC–136318 (Sub-No. 11 TA), filed August 7, 1973. Applicant: COYOTE TRUCK LINE, INC., 395½ West Fleming Drive, Morganton, N.C. 28655. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Lenoir, Shelby, Statesville, and Troutman, N.C., to points in California, for 180 days. SUPPORTING SHIPPER: Bernhardt Industries, Inc., Lenoir, N.C. SEND PROTESTS TO: District Supervisor Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Rd., Rm. CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC–136474 (Sub-No. 3 TA), filed August 6, 1973. Applicant: ALLIED DELIVERY AND INSTALLATION, INC., P.O. Box 40017, Nashville, Tenn. 37203. Applicant's representative: Lloyd Ledsinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps, lighting fixtures, or parts thereof*, between points in Alabama, Kentucky, Mississippi, and Tennessee, for 180 days. SUPPORTING SHIPPER: The Lawrin Company, P.O. Box 728, Kosciusko, Miss. 39090. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC–138685 (Sub-No. 2 TA), filed August 2, 1973. Applicant: DOUDELL TRUCKING COMPANY, 545 Queen's Row, P.O. Box 842, San Jose, Calif. 95106. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from points in California, on the one hand, to the Mescalero Indian Reservation, Mescalero, N. Mex., on the other, for 180 days. SUPPORTING SHIPPER: Mescalero Apache Tribe, Mescalero Indian Reservation, Mescalero, N. Mex. SEND PROTESTS TO: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

MOTOR CARRIERS OF PASSENGERS

No. MC–138915 (Sub-No. 1 TA), filed August 2, 1973. Applicant: TAXI, INC., 118 West Main Street, White Sulphur Springs, W. Va. 24986. Applicant's representative: Erwin S. Solomon, P.O. Box R, Hot Springs, Va. 24445. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, using airport limousine type buses, between White Sulphur Springs, W. Va. and Clifton Forge, Va., serving no intermediate points, for 180 days. SUPPORTING SHIPPER: Burlington Industries, Inc., 3330 West Friendly Avenue, Greensboro, N.C., Attention: Mr. Arthur E. Weiner. SEND PROTESTS TO: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., 500 Quarrier Street, Charleston, W. Va. 25301.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17768 Filed 8-21-73;8:45 am]

[Notice 113]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 16, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before September 6, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 87 TA), filed August 8, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, 201 West Park, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Dave Kemp (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, from the plant site and warehouse facility of Monsanto Company near Muscatine, Iowa, to the port of entry on the United States and Canadian order in Montana, North Dakota, and Minnesota, for 180 days. SUPPORTING SHIPPER: Monsanto Company, 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 30887 (Sub-No. 193 TA), filed August 8, 1973. Applicant: SHIPLEY TRANSFER, INC., P.O. Box 55, Reisterstown, Md. 21136. Applicant's representative: Theodore Polydoroff 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten liquid polypropylene*, in bulk, in tank vehicles, from Neal, W. Va., to Chicago, Ill., for 180 days. SUPPORTING SHIPPER: Thomas G. Damron, Novamont Corporation, P.O. Box 189, Kenova, W. Va. 25530. SEND PROTESTS TO: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 92068 (Sub-No. 9 TA), filed August 8, 1973. Applicant: MUTUAL TRANSPORTATION, INCORPORATED, President and Fleet Sts., Baltimore, Md. 21202. Applicant's representative: Walter T. Evans, 1111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount department stores, from the facilities of Mutual Transportation, Incorporated, at Baltimore, Md., to the Store and Facilities of Zayre Corp., in Prince William County, Va., near the intersection of the Fairfax County and Prince William County Boundary near Interstate 95, for 180 days. SUPPORTING SHIPPER: Anthony M. Guerino, Traffic Manager, Zayre Corp., Framingham, Mass. 01701. SEND PROTESTS TO: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 106117 (Sub-No. 17 TA), filed August 8, 1973. Applicant: RUMPF TRUCK LINE, INC., 424 South Maumee St., Tecumseh, Mich. 49286. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the off-route points of Addison, Camden, Litchfield, Montgomery, Moscow, North Adams, Somerset, and Waldron, Mich., in connection with authorized service at Hillsdale, Mich., for 60 days.

NOTE.—Interline service is proposed to be offered at Toledo, Ohio, for further transportation to interstate points, or for subsequent transportation at Toledo, Ohio from interstate points.

SUPPORTED BY: There are approximately 9 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 116763 (Sub-No. 263 TA), filed August 8, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, (1) from the plant or warehouse facilities of Heinz U.S.A. at Holland, Mich.; Iowa City and Muscatine, Iowa; Salem, N.J.; Toledo, Bowling Green, and Fremont, Ohio; Mechanicsburg, Leetsdale, Chambersburg, and Pittsburgh, Pa.; and Henderson, N.C., to the distribution facility of Heinz U.S.A. at Greenville, S.C., and (2) from the distribution facility of Heinz U.S.A. at Greenville, S.C., to points in Alabama, Georgia, Mississippi, Tennessee, and the New Orleans, La., Commercial Zone, for 180 days. RESTRICTION: Restricted to traffic originating at and destined to the points and territories named. SUPPORTING SHIPPER: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main Street, Cincinnati, Ohio 45202.

No. MC 117344 (Sub-No. 226 TA), filed August 6, 1973. Applicant: THE MAXWELL COMPANY, 10380 Evendale Drive, P.O. Box 15010, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning compounds*, in bulk, in rubber-lined tank vehicles, from Cincinnati, Ohio, to Mechanicsburg, Pa., for 180 days. SUPPORTING SHIPPER: Herbert-Verkamp-Calvert Chemical Company, 300 Murray Road (St. Bernard), Cincinnati, Ohio 45217. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Bldg., 550 Main Street, Cincinnati, Ohio 45202.

No. MC 118831 (Sub-No. 106 TA), filed August 8, 1973. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5044 (Box zip 2726), Unharrie Road, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, from points in Spartanburg County, S.C., to points in North Carolina, for 180 days. SUPPORTING SHIPPER: Chrislon Corporation, P.O. Box 1143, Asheboro, N.C. 27203. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 119789 (Sub-No. 175 TA), filed August 7, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 E. Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James R. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, other than in bulk, in mechanically refrigerated trailers, from the plant site and storage facilities of Monsanto Company, at or near Texas City, Tex., to points in California, Louisiana, Missouri, Illinois, Wisconsin, Michigan, Ohio, Pennsylvania, and New York, for 180 days. SUPPORTING SHIPPER: Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, Mo. 63166. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 123067 (Sub-No. 121 TA), filed August 9, 1973. Applicant: M & M TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, from Savannah, Ga., to points in Florida, for 180 days. SUPPORTING SHIPPER: Koppers Company, Inc., P.O. Box 6098, Charleston, S.C. 29405. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 124878 (Sub-No. 6 TA), filed August 8, 1973. Applicant: LAPADULA AIR FREIGHT TRANSFER, INC., 149–04 New York Boulevard, Jamaica, N.Y. 11434. Applicant's representative: John L. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives and commodities in bulk, in tank vehicles), between J. F. K. International Airport at New York, N.Y.; Logan International Airport, at Boston, Mass.; Atlanta Municipal Airport, at Atlanta, Ga.; Douglas Municipal Airport, at Charlotte, N.C.; Greensboro/High Point/Winston-Salem Airport, at or near Greensboro, N.C., and Orangeburg, S.C.; Dayton Municipal Airport, Montgomery County, Ohio; Columbus Municipal Airport, Franklin County, Ohio; Greater Cincinnati Airport, Boone County, Ky.; Cleveland Hopkins International Airport, Coyahoga County, Ohio; Youngstown Municipal Airport, Trumbull County, Ohio; Akron-Canton Airport, Summit County, Ohio; Detroit Metropolitan Airport, Detroit, Mich.; Willow Run Airport, Wayne County, Mich.; Detroit City Airport, Detroit, Mich.; and Chicago-O'Hare International Airport, Chicago, Ill., for 180 days. RESTRICTION: Restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by air. SUPPORTING SHIPPER: Sebena Belgian World Airlines, Cargo Bldg. No. 82, J. F. K. International Airport, Jamaica, N.Y. 11430. SEND PROTESTS TO: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 128345 (Sub-No. 2 TA), filed August 7, 1973. Applicant: OTTO SCOTT, doing business as OTTO SCOTT TRUCKING CO., 517 Tenn Avenue, Chickasha, Okla. 73018. Applicant's representative: Otto Scott (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *TOFC Trailers*, having prior or subsequent movement by rail, between El Reno, Okla., and Weatherford, Okla., for 180 days. SUPPORTING SHIPPER: Rock Island Railroad, L. W. Kirtley, Dist. Mgr., 2000 Classen Center, Suite 116 East, Oklahoma City, Okla. SEND PROTESTS TO: C. L. Phillips, District Supervisor,

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Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old Post Office Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 129600 (Sub-No. 14 TA), filed August 8, 1973. Applicant: POLAR TRANSPORT, INC., 176 King Street, P.O. Box 44, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Decatur, Ind., to points in Alabama, Connecticut, Delaware, Georgia, Florida, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Central Soya Company, Inc., of Fort Wayne, Ind. SUPPORTING SHIPPER: Central Soya Company, Inc., 1300 Fort Wayne National Bank Bldg., Fort Wayne, Ind. 46802. SEND PROTESTS TO: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., Boston, Mass. 02114.

No. MC 134280 (Sub-No. 2 TA), filed August 7, 1973. Applicant: YOUNG'S EXPRESS, INC., 1217 Lexington, Baltimore, Md. 21223. Applicant's representative: Charles McD. Gillan, 113 Montrose Avenue, Baltimore, Md. 21228. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities* used by packinghouses (except commodities in bulk, in tank vehicles), as described in Section A of Appendix I to the report of the I.C.C. in *Descriptions in Motor Carrier Certificates*, 67 M.C.C. 209 and 766, *seasonings or spices, advertising matter, forms, racks, signs, and store displays, and commodities* used in the manufacture, sale, or distribution of meats and packinghouse products, as described above, between Baltimore, Md., and Wilmington, N.C., restricted to a transportation service to be performed under a continuing contract or contracts with H. G. Parks, Inc., for 180 days. SUPPORTING SHIPPER: H. G. Parks, Inc., 501 W. Hamburg Street, Baltimore, Md. 21230. SEND PROTESTS TO: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 134501 (Sub-No. 7 TA), filed August 8, 1973. Applicant: UFT TRANSPORT COMPANY, a Corporation, P.O. Box 906, 618 Belt Line Road, Irving, Tex. 75060. Applicant's representative: T. M. Brown, 600 Leininger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial and institutional furniture and fixtures*, from the plantsite of St. Charles Manufacturing Co., near Sanford, N.C., to points in the United States east of the Mississippi River, excluding Louisiana and Minnesota, for 180 days. SUPPORTING SHIPPER: St. Charles Manufacturing Company, 1611 East Main Street, St. Charles, Ill. 60174. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 135895 (Sub-No. 3 TA), filed August 7, 1973. Applicant: DON RAY BOYD AND JACKIE ROGERS, doing business as B & R DRAYAGE COMPANY, 525 Julienne Street, Jackson, Miss. 39204. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, sand products, commercial technical, and industrial sands, and mineral fillers*, in bags and in containers, and in bulk, from the plant sites, warehouse, and shipping points of Mississippi Valley Silica Company, in St. Tammany Parish, La., to points in Mississippi, Alabama, and Florida, for 180 days. SUPPORTING SHIPPER: F. B. Bogran, President, Harvest Silica, Inc., d.b.a. Mississippi Valley Silica Company, Covington, La. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 136285 (Sub-No. 5 TA), filed August 8, 1973. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., 137 Fair Street, P.O. Box 9165, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bagged clay*, in cargo containers, from points in Gadsden County, Fla., to Savannah, Ga., restricted to the transportation of traffic having a subsequent movement by water; and (2) *empty cargo containers* to be used in the transportation of bagged clay, from Savannah, Ga., to points in Gadsden County, Fla., for 180 days. SUPPORTING SHIPPER: Floridin Company, 3 Penn Center, Pittsburgh, Pa. 15235. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 136384 (Sub-No. 4 TA), filed August 8, 1973. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 103, Savannah, Ga. 31402. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nails, screws, and fasteners*, from Savannah, Ga., to points in Georgia, Florida, North Carolina, South Carolina, Virginia, Tennessee, Alabama, Kentucky, and West Virginia, for 180 days. SUPPORTING SHIPPER: Wilmod Company, Inc., 3147 Boxwood Drive, Atlanta, Ga. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 138375 (Sub-No. 6 TA), filed July 23, 1973. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Mo. 65251. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, periodicals, printed matter, and advertising and displays*, from the plant site and warehouse facilities utilized by Triangle Publications, Inc., at or near Philadelphia, Pa., to points in California, Washington, Oregon, Idaho, Nevada, Wyoming, and Montana, for 180 days. SUPPORTING SHIPPER: Triangle Publications, Inc., Philadelphia, Pa. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 600 Federal Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 138919 (Sub-No. 1 TA), filed August 6, 1973. Applicant: SPRING & TOUSAND TRANSPORTATION, INC., 11055 Airline Highway, Baton Rouge, La. 70816. Applicant's representative: Frank Simoneaux, P.O. Box 3197, Baton Rouge, La. 70821. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and concrete building products and related accessories* when transported in the same vehicle, between points in Texas and Louisiana, restricted to a transportation service to be performed under a continuing contract with the supporting shipper, for 180 days. SUPPORTING SHIPPER: Acme Brick Co./Lacrete, Inc., a Division of Justin Industries, Inc., P.O. Box 425, Fort Worth, Tex. 76101, Mr. Roy M. Delao, Traffic Manager. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, T–9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 138926 (Sub-No. 1 TA), filed August 7, 1973. Applicant: GENCOM, INC., R.R. #4, Marshall, Mo. 65340. Applicant's representative: Thomas P. Rose, Jefferson Building, P.O. Box 205, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *inedible animal fat*, in bulk, between points in Saline County, Mo., on the one hand, and, on the other, points in Illinois, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Texas, Kentucky, and Wisconsin and (b) *dry meat and bone meal*, in bulk, between points in Carroll County, Mo., on the one hand, and, on the other, points in Illinois, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Texas, Kentucky, and Wisconsin, all under a continuing contract with Alvin Hahn and Bill Phillips, doing business as Hahn & Phillips Grease Co. of Marshall, Mo. 65340, for 180 days. SUPPORTING SHIPPER: Alvin Hahn and Bill Phillips, doing business as Hahn & Phillips Grease Co., Marshall, Mo. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 600 Federal Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 138927 (Sub-No. 1 TA), filed August 8, 1973. Applicant: TRI-CEE TRANSPORTATION, INC., 434 Cindy Jo Avenue, Huntley, Ill. 60142. Applicant's representative: Frank J. Belline, McDonald's Plaza, Suite S304, Oak Brook, Ill. 60521. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, non-alcoholic (including those packaged in polyethylene containers) and *materials, equipment, and supplies* related thereto, from the plantsites of the shipper located within a 750-mile radius of Chicago, Ill., for 180 days. SUPPORTING SHIPPER: William F. O'Rourke, Executive Vice President, Chicago Seven-Up Bottling Co., 4544 West Carroll Avenue, Chicago, Ill. 60624. SEND PROTESTS TO: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 138950, TA filed August 1, 1973. Applicant: FOR-TRUCKS, INC., P.O. Box 297, Henniker, N.H. 03242.. Applicant's representative: Francis P. Barrett, P.O. Box 238, Milton (Boston), Mass. 02187. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated lumber, treated and untreated wooden poles, treated and untreated ties, treated and untreated wooden piling, and crossarms and related forest products and contractors supplies*, from N. Billerica, Mass., to points in Massachusetts, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and points in Orange, Rockland, Putnam, Westchester, Bronx, Kings, Queens, Manhattan, and Nassau Counties, N.Y., and Bergen, Hudson, Union, and Essex Counties N.J., for 180 days. SUPPORTING SHIPPER: Tek Division, George McQuestem Co. Inc., Iron Horse Park, N. Billerica, Mass. 01862. SEND PROTESTS TO: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Bldg., Concord, N.H. 03301.

No. MC 138959 TA, filed August 6, 1973. Applicant: TROY SULLIVAN, Rt. 1, Box 160, Ardmore, Okla. 73401. Applicant's representative: Troy Sullivan (same adress as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Non-Alcoholic beverages*, in cans and non-returnable bottles, from Dallas and Ft. Worth, Tex., to Ardmore, Okla., over Interstate Highway 35, for 180 days. SUPPORTING SHIPPER: Dr. Pepper Bottling Co. of So. Okla., Inc., Ben E. Mobley, President, 21 W. Broadway, Ardmore, Okla. 73401. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 138963 TA, filed August 7, 1973. Applicant: RAY ROZELL, doing business as, ROZELL TRUCK LINES, 1003 Cedar, Minco, Okla. 73059. Applicant's representative: R. H. Lawson, 2400 NW 23d, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable cattle feeders*, on wheels, and *component parts* for portable cattle feeders, from points in Canadian and Grady Counties, Okla., to points in Alabama, Arizona, Arkansas, Colorado, Florida, Kansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Tennessee, Texas, Utah, and Wyoming, for 180 days. SUPPORTING SHIPPER: Dale's Mfg. Co., James C. Bass, V.P., Box 868, El Reno, Okla. 73036. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old Post Office Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 138966 TA, filed August 6, 1973. Applicant: SUTCO, INC., 680 N. Main Avenue Scranton, Pa. 18504. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precut buildings, materials, and hardware* used in the erection of precut buildings, from Scranton, Pa., and Scherervile, Ind., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Lindal Cedar Homes, P.O. Box 120, West Station, Scranton, Pa. 18504. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

MOTOR CARRIERS OF PASSENGERS

No. MC 138962 TA, filed August 7, 1973. Applicant: CHESAPEAKE TRANSIT, INC., 113 Rear Second Avenue, Chesapeake, Ohio 45619. Applicant's representative: John Stone (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Pasengers and their baggage*, between a point one mile west of the city limits of the village of South Point, Ohio, and the eastern city limits of the village of Rome, Ohio, serving all intermediate points: (1) From a point one mile west of South Point, over old U.S. Highway 52, to Chesapeake, Ohio; (2) from Chesapeake over Ohio Routes 7 and 243, to Rome, Ohio; and (3) from Chesapeake over U.S. Highway 52 over the Sixth Street bridge across the Ohio River to Huntington, W. Va., and return over the same route, for 180 days. SUPPORTING SHIPPERS: Robert M. Templeton, Mayor, Village of Chesapeake, 623 Second Avenue, Chesapeake, Ohio; Chester Null, Mayor, Village of Proctorville, Ohio, 211 Wilgus Street, Proctorville, Ohio; and William L. Fitzpatrick, Mayor, Village of South Point, Ohio, Route 3, Box 233, South Point, Ohio 45680. SEND PROTESTS TO: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., Charleston, W. Va. 25301.

No. MC 138964 TA, filed August 8, 1973. Applicant: PROFESSIONAL SPORTSMAN CLUB, INC., 1016 Dean Place, Oklahoma City, Okla. 73117. Applicant's representative: Louis D. Jenkins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers (including private members of the Professional Sportsman Club, Inc., and charter service for special private groups such as churches, clubs, and civic organizations), in special and charter operations, (1) between Oklahoma City and Tulsa, Okla.; St. Louis and Kansas City, Mo.; and Houston and Dallas, Tex.; and (2) between points in the United States, under contract with the above-indicated private groups, for 180 days. SUPPORTING SHIPPERS: There are approximatey 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 240, Old P.O. Bldg., Oklahoma City, Okla. 73102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17769 Filed 8-21-73;8:45 am]

[Drought Order 69 (Sub. No. 2)]

MONTANA AND IDAHO

Transportation of Hay by Rail

AUGUST 16, 1973.

In the matter of Relief under section 22 of the Interstate Commerce Act.

It appearing, that by reasons of drought conditions existing in certain portions of the States of Montana and Idaho, hereinafter referred to as the disaster area, the Deputy Assistant Secretary of the United States Department of Agriculture has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates:

It is ordered, That carriers by railroad participating in the transportation of hay to the counties of:

V 38-162 AUG 22 73 XUM

Deer Lodge	Meagher
Flathead	Mineral
Glacier	Missoula
Granite	Pondera
Jefferson	Powell
Lake	Sanders
Lewis and Clark	Silver Bow
Liberty	Teton
Lincoln	Toole
Madison	Wheatland

all located in the State of Montana; and

Idaho

located in the State of Idaho, referred to herein as the disaster area, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until October 31, 1973, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in Section 6 of the Interstate Commerce Act except that they may be effective one day after publication and filing instead of thirty.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drought.

It is further ordered, That, during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of the order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That, subject to the conditions in the succeeding paragraphs hereof, the use of reduced rates established by authority of this order may be conditioned upon the release by the shipper of the value of the commodity, which released value, in its relation to the invoice value of the property at time of shipment, shall be in the same percentage relation which the reduced rates bear to the rates which otherwise would apply.

And it is further ordered, That, tariffs containing released rates filed under authority of this order shall show in connection with such rates the following notation:

The released value must be entered on shipping order and bill of lading in the following form:

> The agreed or declared value of the property is hereby specifically stated by the shipper to be not in excess of (show percent) of the invoice value of the property herein described.

If the shipper fails or declines to execute the above statement, shipments will not be accepted for transportation at the rates subject hereto. Rates published elsewhere in other tariffs lawfully filed with the Interstate Commerce Commission will apply in such a case. Rates herein published on released value have been authorized by the Interstate Commerce Commission in Drought Order No. 69 of August 8, 1973.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, New York; the Chairman of the Southern Freight Association, Atlanta, Georgia; the Chairman of the Executive Committee, Western Railroads Traffic Association, Chicago, Illinois; the Vice President and Director, Economics and Finance Department, Association of American Railroads, Washington, D.C.; and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 16th day of August, 1973.

By the Commission, Vice Chairman Brewer.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17761 Filed 8-21-73;8:45 am]

[Ex Parte No. 299]

FREIGHT RATES AND CHARGES—1973

Increase to Offset Retirement Tax Increases

AUGUST 16, 1973.

Petition by railroads to permit increases to offset retirement taxes effective October 1, 1973, and January 1, 1974. By petition filed on August 15, 1973, the Nation's railroads, in accordance with the amendments to the Interstate Commerce Act effected by the Railroad Rate Adjustment Act of 1973, and the requirements and procedures promulgated thereunder in Ex Parte No. 298 (49 CFR 1107), request the Commission to permit the filing of a proposed tariff and the establishment of interim increases in freight rates and charges to offset increases in taxes under the Railroad Retirement Act, as amended. The increases in taxes become effective on October 1, 1973, and on January 1, 1974. The increases in rates and charges sought to offset those tax increases are 2 percent and 2.7 percent, respectively, to become effective on the same dates, the latter to be applied in lieu of the former beginning January 1, 1974. The petition was accompanied by verified statements intended to provide the data and information required in Ex Parte No. 298.

Rates and charges for services which are generally excluded from proposed general increases would be exempt, except that charges for lighterage and protective services would be increased since employees performing those services are covered by railroad retirement provisions. Certain other specific exceptions are made, generally involving unit-train, trainload, and annual volume rates of a quasi-contractural nature which, the railroads state, will be adjusted to reflect the same increase when renewed.

In accordance with the provisions of section 15a(4)(a) and (b) of the Interstate Commerce Act, added by the recent statute, the order required to be issued within 30 days will be based solely on the Commission's analysis and verification of the data and information submitted by the railroads in accordance with Ex Parte No. 298. However, that order will be published in the FEDERAL REGISTER and will provide for notification to the Commission by all persons who are interested in participating in the subsequent hearings to be held under the provisions of section 15a(4)(c).

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17763 Filed 8-21-73;8:45 am]

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PART II



ENVIRONMENTAL PROTECTION AGENCY

■

EFFLUENT LIMITATION GUIDELINES AND STANDARDS

Insulation Fiberglass Manufacturing, and Beet Sugar Processing Industries

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 401, 426]

GLASS MANUFACTURING POINT SOURCE CATEGORY; INSULATION FIBERGLASS MANUFACTURING SUBCATEGORY

Proposed Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources

Notice is hereby given that effluent limitations guidelines for existing sources and, standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by Environmental Protection Agency ("EPA") for the insulation fiberglass manufacturing subcategory pursuant to sections 304(b), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1314, 1316(b) and 1317(c), 86 Stat. 816 et seq.; P.L. 92-500) (the "Act"). Insulation fiberglass manufacturing is a subcategory of the glass manufacturing category of point sources. In addition to the specific proposed regulations concerning the insulation fiberglass subcategory, proposed regulations are set forth below providing generally applicable definitions and describing the legal authorities for all regulations subsequently to be issued under Parts 402 to 699, 40 CFR concerning effluent limitations guidelines, standards of performance and pretreatment standards for new sources pursuant to sections 304(b), 306 and 307(c) of the Act.

1. *Legal Authority.* a. *Existing point sources.* Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulations proposed herein set forth effluent limitations guidelines, pursuant to section 304(b) of the Act, for the insulation fiberglass manufacturing subcategory of the glass manufacturing point source category.

b. *New sources.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(A) of the Act requires the Administrator to propose regulations establishing Federal standards of performances for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624) a list of 27 source categories, including the glass manufacturing source category. The regulations proposed herein set forth the standards of performance applicable to new sources within the insulation fiberglass manufacturing subcategory of the glass manufacturing source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Section 426.15 proposed below provides pretreatment standards for new sources within the insulation fiberglass subcategory.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under Section 306 of the Act. The report referred to below provides, pursuant to section 304(c) of the Act, preliminary information on such processes, procedures or operating methods.

2. Summary and basis of proposed effluent limitations guidelines, standards of performance and pretreatment standards for new sources.

a. *General methodology.* The effluent limitations guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of (1) the source, flow and volume of water used in the process employed and the sources of waste and waste waters in the plant and (2) the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations guidelines and standards of performance were identified.

Next, the control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact was identified, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," the "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data on which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standard proposed for existing sources under Part 128 of 40 CFR. The basis for such standards are set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters except for section 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires the application

of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, Section 426.15 below amends § 128.133 to require application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

b. *Summary of conclusions with respect to insulation fiberglass manufacturing subcategory.* A draft report entitled the "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards—Insulation Fiberglass Manufacturing Segment of the Glass Manufacturing Point Source Category" which details the analysis undertaken in support of the regulations being proposed herein is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C.; at all EPA regional offices; and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulations is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulations, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

The following summarizes the principal conclusions of the above listed draft report.

The insulation fiberglass manufacturing segment of the glass manufacturing industry serves as a single subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. Factors such as age, size of plant, process employed, waste water constituents and waste control technologies substantiate this determination.

The known significant pollutants, characteristics or properties of waste waters resulting from the insulation fiberglass manufacturing process include phenols, biochemical oxygen demand, chemical oxygen demand, dissolved solids, suspended solids, oil and grease, ammonia, pH, color, turbidity, and heat.

Because of the large amounts of water required in the manufacturing process, the insulation fiberglass industry has employed recirculation systems. Historically, highly caustic chain wash water, the primary source of pollutants, was difficult to recirculate and treat. Technological changes and improvements allowed the change from a caustic chain wash solution to a high pressure spray chain wash. Waste chain wash waters could then be filtered or similarly treated and reused as chain wash water. Because of the accumulation of solids, however, a blowdown from this system was necessary. Biological treatment of the blowdown from these recirculation systems has at one plant achieved in excess of 90 percent removal of phenol, suspended solids, chemical oxygen demand and biochemical oxygen demand. Despite the high removal efficiencies, however, high concentrations of phenol, chemical oxygen demand and color were still present in the effluent.

Additional tertiary treatment of effluent from the process described above by carbon adsorption was investigated. It was found that the costs of such treatment exceeded that for a total recirculation system in which the process water blowdown is reused in the process as binder dilution water or overspray. The total recirculation system eliminates pollutants in the blowdown by fixing them in the product when the water evaporates in the curing ovens.

The non-water quality environmental impacts from total recirculation systems consist of increased sludges resulting from increased waste water treatment and increased noise levels due to the addition of high energy pumps. Technology exists to properly dispose of the solid wastes, and the small incremental increase in noise due to high energy pumps does not affect the hearing protection measures already practiced in the high level noise areas of an insulation fiberglass plant. The industry will require an additional 38.6 million kilowatt hours of power annually to operate recycling systems. This is less than a 5 percent increase relative to estimated current industry power requirements for furnaces and processing equipment. The solid waste generated by total recirculation is no greater than if alternate waste water treatment technologies were applied.

The total capital investment for the industry to achieve no discharge of process waste water pollutants is estimated to be less than $7,000,000. These costs could increase the capital investment for a given plant by 1.2 to 3.8 percent. Annual operating costs are estimated at $3,700,000 for the industry, increasing the manufacturing costs for a given plant by 0.6 to 3.8 percent relative to selling price. Smaller plants will pay more per unit of production than large plants. However, the economic viability of any plant in the industry is not threatened.

Total recirculation of process waste water is being successfully accomplished at 6 of the total of 19 plants in the industry. The study of the insulation fiberglass subcategory of point sources concluded that the best practicable technology currently available for this category of sources is total recirculation of process waste waters. The degree of effluent reduction attainable through the application of this technology is no discharge of process waste water pollutants to navigable waters.

3. *Summary of Public Participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of the effluent limitations guidelines and standards of performance for the insulation fiberglass manufacturing subcategory. The draft report on insulation fiberglass manufacturing referred to above includes, as a supplement, a description of consultations and other participation by the public which has taken place and the nature and disposition of the comments received. The following are the principal agencies and groups consulted: Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); All State and U.S. Territory Pollution Control Agencies; Ohio River Valley Sanitation Commission; New England Interstate Water Pollution Control Commission; Delaware River Basin Commission; Hudson River Sloop Restoration, Inc.; Conservation Foundation; Businessmen for the Public Interest; Environmental Defense Fund, Inc.; Natural Resources Defense Council; The American Society of Civil Engineers; Water Pollution Control Federation; National Wildlife Federation; The American Society of Mechanical Engineers; U.S. Department of Commerce; Water Resources Council; U.S. Department of the Interior; Certain-Teed Products Corporation; Johns-Manville Corporation; and Owens-Corning Fiberglas Corporation.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

1. The Effluent Standards and Water Quality Information Advisory Committee questioned whether it is appropriate to establish 1985 standards (no discharge of pollutants national goal) by 1977. EPA has reached the conclusion that in the case of the insulation fiberglass subcategory, the best practicable control technology currently available constitutes total recirculation of process waste waters. In section 101(a)(2) of the Federal Water Pollution Control Act Amendments of 1972, Congress established as a national goal the elimination of the discharge of pollutants into navigable waters by 1985. However, Congress also set requirements for technology based standards in sections 301, 304(b) and 306 which require the maximum degree of reduction of pollutant discharges prior to 1985, which is consistent with the technical and economic factors to be taken into account under sections 304(b) and 306 of the Act (notably, standards are to be set for 1977 and 1983 compliance, but no regulations are to be promulgated for 1985). Currently 6 of 19 plants achieve no discharge of process waste water pollutants. It has been determined that this technology costs less than equivalent or nearly equivalent end-of-process treatment technologies. The Agency will require the effluent reduction attainable

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by the best practicable control technology when establishing regulations under section 304(b) of the Act, whether that reduction is down to "no discharge" or to some greater degree of permitted discharge. For the insulation fiberglass subcategory, the degree of effluent reduction attainable through the application of the best practicable control technology currently available is no discharge of process waste waters pollutants.

2. The Effluent Standards and Water Quality Information Advisory Committee also questioned whether disposal of blowdown on the hot fiberglass would increase air emissions because of the presence of volatile matter. The binder solution, which contains orders of magnitude more of the same volatile matter, is applied at the same time as the blowdown. No measurable increase in air emissions has been noted. The blowdown will not affect emission control devices used to control binder volatilization.

3. Industry was concerned that regulations requiring no discharge of process waste water pollutants would be applied to insulation plants where some textile products are also made. Insulation fiberglass is a separate subcategory from textile fiberglass. The regulations proposed herein apply only to the insulation fiberglass manufacturing subcategory.

4. The State of Nebraska expressed concern that ground water contamination could result from infiltration where evaporation ponds are used. The proposed limitations and standards can be achieved without use of evaporation or seepage ponds.

5. Some industry representatives requested that noncontact cooling waters be omitted from the no discharge requirements. The regulations call for no discharge of process waste water pollutants, not waters. If the industry can treat waste waters, such as to remove all process waste water pollutants, a discharge will be permitted. Existing exemplary facilities incorporate noncontact cooling waters into the total recirculation systems, demonstrating its feasibility. Six plants presently achieve no discharge of process waste water pollutants, including noncontact cooling water and in EPA's judgment, elimination of such discharge is within the scope of the best practicable control technology currently available.

6. Industry requested that provisions be allowed for emergency discharges during system upsets. Due to the nature of the waste waters, discharge of untreated waste waters cannot be allowed.

7. Industry requested that boiler blowdown and water softening backwash be omitted from the no discharge of pollutants requirement. It is not technologically feasible to totally recycle these nonprocess waste waters in all cases because of chemical interference problems with the phenolic resin. Therefore, EPA has excluded boiler blowdown and water softening backwash from the requirement of no discharge. Plants in this industy currently discharge these wastes to publicly owned treatment works and no reported treatability problems have been encountered. Boiler blowdown and water softening backwash will be covered under the categories of steam supply and water supply respectively.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460. Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. All comments received not later than September 21, 1973, will be considered.

Dated August 15, 1973.

JOHN QUARLES,
Acting Administrator.

Part 401 is proposed to read as follows:

PART 401—GENERAL PROVISIONS

Sec.
401.10 Scope and purpose.
401.11 General definition.
401.12 Law authorizing establishment of effluent limitations guidelines, standards of performance and pretreatment standards for new sources.
401.13 Test procedures for measurement.

§ 401.10 Scope and purpose.

Regulations promulgated under Parts 402 to 699 of this subchapter prescribe guidances for effluent limitations, standards of performance for new sources and pretreatment standards for new sources pursuant to sections 301, 304(b), 306 and 307(c) of the Federal Water Pollution Control Act, as amended, ("the Act", 33 U.S.C. 1251, 1311, 1314(b), 1316 and 1317 (c); 86 Stat. 816; Pub. L. 92-500). Point sources of discharges of pollutants are required to comply with these regulations, where applicable, and permits issued by States or the Environmental Protection Agency ("EPA") pursuant to section 402 of the Act must be conditioned upon under the National Pollutant Discharge Elimination System ("NPDES") established pursuant to section 402 of the Act must be conditioned upon compliance with applicable requirements of section 301 and 306 (as well as certain other requirements). This Part 401 sets forth the legal authority and general definitions which will apply to all regulations issued concerning specific classes and categories of point sources under Parts 402 through 699 which follow. In certain instances the regulations applicable to a particular source category will contain more specialized definitions. In the case of any conflict between regulations issued under this Part 401 and regulations issued under Parts 402 through 699, the latter more specific regulations will prevail.

§ 401.11 General definitions.

For the purposes of Parts 402 through 699:

(a) The term "Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., 86 Stat. 816, P.L. 92-500.

(b) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(c) The term "Environmental Protection Agency" means the United States Environmental Protection Agency.

(d) The term "point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

(e) The term "new source" means any building, structure, facility or installation from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance under Section 306 of the Act which will be applicable to such source if such standard is thereafter promulgated in accordance with section 306 of the Act.

(f) The term "pollutant" means dredged spoil, solid waste, incinerated residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water. It does not mean (1) sewage from vessels or (2) water, gas or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well, used either to facilitate production or for disposal purposes, is approved by authority of the State in which the well is located, and if such State determines that such injection or disposal will not result in degradation of ground or surface water resources.

(g) The term "pollution" means the man made or man induced alteration of the chemical, physical, biological and radiological integrity of water.

(h) The term "discharge of a pollutant" and the term "discharge of pollutants" each means (1) any addition of any pollutant to navigable waters from any point source and (2) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source, other than from a vessel or other floating craft. The term "discharge's includes a discharge of a pollutant and a discharge of pollutants.

(i) The term "effluent limitation" means any restriction established by the Administrator on quantities, rates, and concentrations of chemical, physical, biological and other constituents which are discharged from point sources, other than new sources, into navigable waters, the waters of the contiguous zone, or the ocean. The term "effluent limitations guidelines" means a regulation issued by the Administrator pursuant to section 304(b) of the Act.

(j) The term "standard of performance" means any restriction established by the Administrator pursuant to section 306 of the Act on quantities, rates, and concentrations of chemical, physical, biological and other constituents which are or may be discharged from new sources into navigable waters, the waters of the contiguous zone or the ocean.

(k) The term "navigable waters" includes: all navigable waters of the United States; tributaries of navigable waters of the United States; interstate waters; intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce; and intrastate lakes, rivers, and streams which are utilized for industrial purposes by industries in interstate commerce.

(l) The terms "state water pollution control agency", "interstate agency", "State," "municipality," "person," "territorial seas," "contiguous zone," "biological monitoring," "schedule of compliance," and "industrial user," shall be defined in accordance with section 502 of the Act unless the context otherwise requires.

§ 401.12 Law authorizing effluent limitations guidelines, standards of performance and pretreatment standards for new sources.

(a) Section 301(a) of the Act provides that "except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."

(b) Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b)(2) of the Act.

(c) Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

(d) Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives.

(e) Section 306(b)(1)(B) of the Act requires the Administrator, after a category of sources is includes in a list published pursuant to section 306(b)(1)(A) of the Act, to propose regulations establishing Federal standards of performances for new sources within such category. Standards of performance are to provide for the control of the discharge of pollutants which reflect the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable a standard permitting no discharge of pollutants.

(f) Section 307(c) of the Act provides that the Administrator shall promulgate pretreatment standards for sources which would be "new sources" under section 306 (if they were to discharge pollutants directly to navigable waters) at the same time standards of performance for the equivalent category of new sources are promulgated.

(g) Section 402(a)(1) of the Act provides that the Administrator may issue permits for the discharge of any pollutant upon condition that such discharge will meet all applicable requirements under sections 301, 302, 306, 307, and 403 of this Act. In addition, section 402(b)(1)(A) of the Act requires that permits issued by States under the National Pollutant Discharge Elimination System ("NPDES") established by the Act must insure compliance with any applicable requirements of sections 301, 302, 306, 307 and 403 of the Act.

§ 401.13 Test procedures for measurement.

The test procedures for measurement which are prescribed in Part 130, 40 CFR shall apply to expressions of pollutant amounts, characteristics or properties in effluent limitations guidelines and standards of performance set forth in Parts 402 through 699, 40 CFR, unless otherwise specifically noted.

Part 426 is proposed to read as follows:

PART 426—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE GLASS MANUFACTURING SOURCE CATEGORY

Subpart A—Insulation Fiberglass Subcategory

Sec.
426.10 Applicability; Description of insulation fiberglass manufacturing subcategory.
426.11 Special definitions.
426.12 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the practicable control technology currently available.
426.13 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.
426.14 Standards of performance for new sources.
426.15 Pretreatment standards for new sources.

Subpart A—Insulation Fiberglass Subcategory

§ 426.10 Applicability; description of insulation fiberglass manufacturing subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which molten glass is either directly or indirectly made, continuously fiberized and chemically bonded with phenolic resins into a wool-like material.

§ 426.11 Specialized definitions.

For the purposes of this Subpart:

(a) The term "process waste water" shall mean (1) any water which comes into contact with any glass, fiberglass, phenolic binder solution, or any other raw material, intermediate or final material or product used in, or resulting from, the manufacture of insulation fiberglass and (2) non-contact cooling water.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

§ 426.12 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best practicable control technology currently available.

(a) The effluent limitation representing the degree of effluent reduction obtainable by the application of the best practicable control technology currently available is no discharge of process waste water pollutants.

(b) Application of the factors listed in section 304(b)(1)(B) does not require variation from the effluent limitation set forth in this section for any point source subject to such effluent limitation.

§ 426.13 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.

(a) The effluent limitation representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable is no discharge of process waste water pollutants.

(b) Application of the factors listed in section 304(b)(2)(B) does not require variation from the effluent limitation set forth in this section for any point source subject to such effluent limitation.

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§ 426.14 Standards of performance for new sources.

(a) The standard of performance representing the degree of effluent reduction obtainable by the application of the best available demonstrated control technology, processes, operating methods, or other alternatives is no discharge of process waste water pollutants.

(b) Application of the factors listed in Section 306 does not require variation from the standard of performance set forth in this section for any point source subject to such standard of performance.

§ 426.15 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the insulation fiberglass manufacturing subcategory which is an industrial user of a publicly owned treatment works, (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128, 40 CFR, except that for the purposes of this section, 128.133, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in section 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 426.14, 40 CFR Part 426; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

[FR Doc.73-17414 Filed 8-21-73;8:45 am]

[40 CFR Part 409]

SUGAR PROCESSING CATEGORY; BEET SUGAR PROCESSING SUBCATEGORY

Proposed Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources

Notice is hereby given that effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency ("EPA") for the beet sugar processing subcategory of the sugar processing category pursuant to sections 304(b), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1314, 1316(b) and 1317(c), 86 Stat. 816 et seq.; P.L. 92-500) (the "Act").

a. Legal authority. 1. Existing point sources. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) to the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulations proposed herein set forth effluent limitations guidelines, pursuant to section 304(b) of the Act, for the beet sugar processing category.

2. *New sources.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(A) of the Act requires the Administrator to propose regulations establishing Federal standards of performances for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624) a list of 27 source categories, including the sugar processing category. The regulations proposed herein set forth the standards of performance applicable to new sources within the beet sugar processing subcategory of the sugar processing category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Section 409.15 proposed below provides pretreatment standards for new sources within the beet sugar processing subcategory of the sugar processing category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report referred to below provides, pursuant to section 304(c) of the Act, preliminary information on such processes, procedures or operating methods.

b. *Summary and Basis of Proposed Effluent Limitations Guidelines, Standards of Performance and Pretreatment Standards for New Sources.* 1. *General methodology.* The effluent limitations guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of (1) the source, flow and volume of water used in the process employed and the sources of waste and waste waters in the plant; and (2) the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations guidelines and standards of performance were identified.

Next, the control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problem, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved, from such

application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data on which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standard proposed for existing sources under Part 128 of 40 CFR. The basis for such standards are set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources" under section 306 if they were to discharge pollutants directly to navigable waters except for section 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, Section 409.15 below amends § 128.133 to require application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to beet sugar processing subcategory of the sugar processing category.

The beet sugar processing industry serves as a single subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. Factors such as age, size of plant, process employed, waste water constituents and waste control technologies substantiate this determination.

The known significant pollutant properties or constituents of waste water resulting from beet sugar processing include biochemical oxygen demand, chemical oxygen demand, suspended solids, dissolved solids, coliform bacteria, ammonia, pH and heat.

The control and treatment technologies which are available include in-plant control measures and techniques and end-of-process treatment techniques. In-plant control measures include minimization of the intake of water by reuse of the waste waters in the process. The principal treatment methods include screening to remove solid material, coagulation, and sedimentation with ultimate disposal of excess waste water in holding ponds, waste stabilization lagoons, or by irrigation.

The three major sources of waste water resulting from beet sugar processing plants include lime mud slurry, flume (beet transport) water, and barometric condenser water. Lime mud slurry resulting from the clarification of impure sugar solutions is disposed of without discharge to navigable water by all plants in the beet sugar processing subcategory. A total pollutant reduction of 28.6 kg BOD5/kg refined sugar (28.6 lb BOD5/1000 lb) results. Flume (beet transport) water originates from beet fluming, washing, and miscellaneous plant uses. A total of 44 plants presently employ extensive recycling of flume waters, 6 employ partial recycling, and 2 employ no recycling of flume (beet transport) waters. Thirty-two plants presently accomplish no discharge of flume (beet transport) waters with excess waste water discharged to navigable waters. All beet sugar processing plants presently practice, have planned, or propose extensive recycling of flume (beet transport) waters with land disposal of the excess waste water within several years. Cumulative pollutant reduction by no discharge of lime mud slurry and flume (beet transport) water is 48.48 kg BOD5/kg refined sugar (48.48 lb BOD/5 1000 lb) (a cumulative reduction of 94 percent of BOD5). Barometric condenser water results from the process of evaporation and crystallization of sugar solution at reduced temperature. A total of 16 plants employ recycling and reuse of barometric condenser water, and 19 employ partial recycling and reuse of barometric condenser waters.

Complete land disposal of all excess process waste water without discharge to navigable waters is practiced at 11 beet sugar processing plants. Partial land disposal of condenser water is accomplished by a total of 22 plants with excess waste water discharged to navigable waters. Thirty-two of the 52 plants employ cooling devices for cooling of barometric condenser water either prior to reuse, land disposal, or discharge to navigable waters. Cumulative pollutant reduction by zero discharge of lime mud slury, flume (beet transport) water, and barometric condenser water is 50.6 kg BOD[5] kkg refined sugar (50.6 lbs. BOD[5] 1000 lb). Other treatment methods such as trickling filters and activated sludge processes have been used with limited success. Substantial reductions of pollutants may be achieved through use of these conventional treatment processes (approaching 0.25 kg BOD[5] 1000 lb (0.5 lbs BOD[5] ton of beets sliced)). However, the successful application of these processes has been limited by the seasonal nature of the beet sugar processing industry and the high cost of treating short-term large waste volumes.

The following table sets forth the total estimated capital costs required by an average-sized 3265 kkg of beets sliced/day (3600 tons/day) beet sugar processing plant to achieve from 55 percent to 100 percent reduction of BOD[5] utilizing in the order set forth below, (i) land disposal of lime mud slurry, (ii) extensive recycling of flume water with land disposal of excess waste water and (iii) extensive recycling of barometric condenser water with land disposal of excess waste water.

Cumulative percent Reduction of total waste		Cumulative estimated Source load (BOD5) Capital costs.
Lime mud slurry	55	$50,000.
Flume water (beet transport)	94	$278,000–$360,000.
Condenser water	100	$454,000–$360,000.

The cost figures given above were derived from actual cost data on existing plants and other cost estimates for equipment, facilities, piping, and other related items associated with pollution control measures. The cost figures for the average-sized plant presume no inplace pollution control measures presently existing within the beet sugar processing subcategory. The range of cost results from investigation of alernative measures of pollution control for the identified waste sources. Percent reduction of BOD[5] indicates the cumulative percent of waste load reduction relative to the total potential BOD[5] load from beet sugar processing. Based on existing inplace plant facilities, increased capital cost to achieve zero discharge of beet sugar processing wastes is estimated at 06. to 1.0 percent of present capital investment. The average-sized beet sugar processing plant is estimated to incur an increased capital investment of $176,000 to $298,000. These cost figures are based upon availability of suitable land under ownership of the plant, its representatives or its agents, and adjacent to the plant site. If it is necessary to purchase land, and/or transport waste waters to suitable land not adjacent to the plant site, an average-sized beet sugar processing plant under these circumstances may incur an increased capital cost of up to $460,000. Due to the land based control technology for reaching zero discharge to navigable water, suitable land area must be available for waste water disposal as described by the equation given in § 409.11 in Subpart A of Part 409.

Processing sugar beets to refined sugar normally requires 4320 kilowatts (5800 horsepower) for the average-sized plant with no pollution control practices or about 1.2 kilowatts per kkg (1.61 horsepower per ton) of beets sliced per day. The added power requirements for pollution control without discharge to navigable waters approximate 748 kilowatts (1000 horsepower) which is equally divided between recycle of flume waters and condenser waters. Pollution control thus would consume about 15 percent of the total electrical power usage of a non-polluting beet sugar refining operation.

Removal of solid material from incoming beets in the flume (beet transport) system contributes large amounts of solid waste which must be disposed of at the plant site. The majority of the present beet sugar processing plants retain the solid material in earthen holding ponds with or without periodic removal and

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placement on adjacent land. Solids removal and disposal is an integral part of a flume water recycling system.

Air pollution aspects of importance in beet sugar processing include those attributable to suspended particulate matter, sulfur oxide and odor. Odor originates primarily from waste holding ponds. It may be controlled by utilization of shallow pond depths, screening of waste before discharge to solids settling devices, use of aerators on pond surfaces, and bacterial cultures. Odor control in flume water recycling systems can be achieved by maintaining alkaline conditions (pH above 8.0) in the recirculation system. Mechanical devices are available to satisfactorily limit suspended particulate matter resulting from beet sugar processing. Particulate matter results primarily in emissions from pulp driers and steam boilers. Sulfur dioxide emissions may result from burning of high sulfur containing fuel oils and coal in boilers.

The principal nonwater quality environmental impact resulting from proposed water related pollution control technology recommended herein are odors and solids (primarily soil particles) associated with flume (beet transport) water recirculation. Fogging may occur as a result of evaporative water losses in cooling towers and other cooling devices employed in condenser water recirculation systems. Increased requirements for solids removal in flume (beet transport) water recycling systems, and cooling devices in condenser water recycling systems increase the potential impact of solids disposal and fogging.

The degree of effluent reduction attainable through the application of the best practicable control technology currently available for the beet sugar processing subcategory has been determined to be no discharge of process waste water pollutants to navigable waters. It can be accomplished through maximum in-plant water reuse and recycle, and controlled land disposal of excess waste water. At present, 11 of 52 beet sugar processing plants accomplish no discharge of process waste water pollutants to navigable waters through in-plant water reuse and land disposal procedures. In addition, the majority of the industry through treatment, recycling and land disposal presently handles flume (beet transport) water without discharge to navigable waters. The technology is currently available and demonstrated to be reliable and effective in achieving no discharge of process waste water pollutants to navigable waters. The best practicable control technology currently available for the subcategory on which the degree of effluent reduction was determined is: (1) Recycling of flume waters with land retention of excess waste waters including the specific features of screening; suspended solids removal and control in the recycling system; pH control for minimization of odors, bacterial populations, foaming, and corrosive effects; (2) recycling of condenser water using cooling devices for condenser or other in-plant uses; (3) containment of lime mud slurry or reuse in the plant process; (4) reduction of moisture in the lime mud cake conveyance or transport with minimum quantities of water added in slurrying; (5) return of pulp press water to the diffuser; (6) use of continuous diffusers in beet processing; (7) use of pulp driers in beet processing; (8) concentration of Steffen waste for disposal on beet pulp, use for reclamation purposes or spreading of unconcentrated Steffen waste in thin layers on land excluded from surface runoff (such as earthen holding ponds); (9) dry conveyance of beet pulp from diffusers to pulp driers; and, (10) containment of all general wastes, e.g., floor and equipment washes, filter cloth washes, and other miscellaneous waste waters by discharge to flume water systems or containment in earthen holding ponds without discharge to navigable waters.

The effluent limitation of no discharge of process waste water pollutants to navigable waters is based upon the availability of suitable land for controlled filtration of the excess process waste water. If suitable land is not available for controlled filtration, the effluent limitation may be varied to allow the discharge of barometric condenser water derived from sugar concentration. The availability of suitable land is determined by application of the formula given in § 409.11 of Subpart B of Part 409 hereof. The application of the formula considers variable factors such as soil filtration rate, capacity of production plant, and length of production period for determining land availability. Barometric condenser waters are relatively unpolluted, containing only BOD5, pH and heat as significant pollutants. Properties and constituents of such wastes are readily separable from the other two major sources of waste water discharged from a beet sugar processing plant.

The effluent reduction attainable through the application of the best available technology economically achievable is no discharge of process waste water pollutants to navigable waters without variance. Factors by which the effluent limitation may be varied are no longer applicable due to the extended time period available for obtaining the land resources with which to meet the requirement of no discharge of process waste water pollutants to navigable waters.

The standard of performance for new sources representing the degree of effluent reduction obtainable through the application of the best available demonstrated control technology has been determined to be no discharge of process waste water pollutants to navigable waters. An allowance for a variation of the standard is not needed since land availability requirements should be considered in site selection for a new point source.

A report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the beet sugar Processing Segment of the Sugar Processing Point Source Category" which details the analysis undertaken in support of the regulations being proposed herein is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulations is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulations, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

c. *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of the effluent limitations guidelines and standards of performance for the beet sugar processing subcategory. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under Section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) Ohio River Valley Sanitation Commission; (4) New England Interstate Water Pollution Control Commission; (5) Delaware River Basin Commission; (6) Hudson River Sloop Restoration, Inc.; (7) Conservation Foundation; (8) American Crystal Sugar Company; (9) American Sugar Company; (10) Beet Sugar Development Foundation; (11) Businessmen for the Public Interest; (12) Environmental Defense Fund, Inc.; (13) Natural Resources Defense Council; (14) The American Society of Civil Engineers; (15) Water Pollution Control Federation; (16) National Wildlife Federation; (17) The American Society of Mechanical Engineers; (18) U.S. Department of Health, Education, and Welfare; (19) U.S. Department of Commerce; (20) U.S. Department of Agriculture; (21) Water Resources Council; (22) U.S. Department of the Interior; (23) Great Western Sugar Company; (24) U.S. Beet Sugar Association; and (25) Utah-Idaho Sugar Company;

The primary issues raised in the development of these proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows. Public comments on all these suggestions are solicited.

1. Industry, states, other Federal agencies, and the Effluent Standards and Water Quality Information Advisory Committee questioned the ability to accomplish no discharge of process waste water pollutants to navigable waters where soil filtration rates, land availability, climatic conditions, age of facilities, and location are less favorable to controlled land disposal of waste waters. All such factors have been considered in establishment of the proposed levels of technology, effluent limitation guidelines and standards of performance. Land availability is a problem in urban areas, particularly where soil and climatic conditions are less favorable to land disposal of waste waters. EPA has determined that it is not practicable to require no discharge of process waste water pollutants where suitable land is not available adjacent to the point source and presently under the ownership of the point source discharger. Therefore, § 409.12 provides that where suitable land is not available, the best practicable control technology currently available (to be achieved by 1977) results in a maximum discharge of 3.3 kg BOD5/kkg (3.3 lb/1000 lb) of refined sugar, rather than no discharge. The no discharge requirement is, however, to be achieved by all plants by July 1, 1983.

It has been suggested that seepage rates could replace land availability as the criterion for allowing a reduction in the degree of treatment being required. Such a provision would change the economic impact and degree of waste disposal, raising it for those plants without available land in areas of high seepage rates and lowering it for plants in low seepage rate areas. The net effect is likely to be a higher degree of waste disposal at the cost of higher economic impact. In addition, there may also be alternative ways of reducing economic impact in areas with low seepage, through increased use of recycling.

It has also been suggested that the size of plants be used as a criterion for requiring complete elimination of waste, either by itself or in combination with seepage rate or land availability. Since very small plants have not achieved complete elimination of waste it may be more consistent with industry practice not to require them to achieve no discharge. In combination with one of the land criteria, segmentation by size could be used to modify the tradeoffs between economic impact and degree of waste disposal. On the other hand, some small plants have the capability to meet a no discharge requirement while others may already be exempt from doing so because of lack of available land. In considering these alternative criteria, it was concluded that land availability would serve as a reasonable surrogate for reducing economic impact.

2. Industry felt that the cost data for pollution control reduction given in Section VIII of the Report is underestimated and stems from lack of inclusion of land costs and underestimation of required waste water blowdown volume from a recirculating waste water system. The cost data utilized in the cost-effectiveness variations of alternative treatment and control technologies are outlined in Section VIII of the Report and are based on actual data supplied by the industry and verified for specific technological features at operational beet sugar processing plants visited by EPA personnel.

3. Industry, states and the Effluent Standards and Water Quality Information Advisory Committee were concerned that water rights in some Western states may present possible conflicts with the limitation of no discharge of process waste water pollutants to navigable waters. To the extent any conflict is presented with the prior appropriation doctrine by the reduction in discharge of treated waste effluent, such a conflict would appear to be presented by any such reduction whether or not a reduction is to zero discharge or to some greater permitted discharge. Congress has in the Federal Water Pollution Control Act Amendments of 1972 set as a national goal the elimination of the discharge of pollutants. In addition sections 301, 304 (b) and 306 of the Act provide for the application of effluent limitations and standards which will require the reduction of discharges of pollutants to the maximum extent possible (consistent with the technological and economic factors which are to be taken into consideration). A preliminary evaluation by EPA's Office of General Counsel has concluded that to the extent of a conflict with State laws concerning appropriated water rights, the Federal doctrine of preemption nevertheless requires the application of treatment requirements established under the Act.

4. Industry was concerned about odors emanating from prolonged storage of beet sugar processing waste waters with related nuisance problems. Various mechanisms are available and are practiced within the industry for minimizing odor problems. Significant reduction in odors at beet sugar processing plants can be accomplished through dry-lime cake handling and disposal and other measures as described in section VII of the Report.

5. States felt that additional attention needed to be given to prevention of possible ground water pollution from controlled land disposal of waste waters. Contamination of underlying aquifers can best be prevented through proper disposal site selection, waste water management practices, and application of ground water hydrologic and geologic factors. The soil media is in itself an effective and reliable means for reduction of waste water pollutant levels. A detailed discussion of the role of soil as a waste water disposal medium is included within Section VII of the Report. With widespread use of land disposal of beet sugar processing waste waters, no serious ground water pollution problems are known to have resulted from or can be attributed to these land disposal practices. Responsibility for maintaining ground water quality lies primarily with the States. State authority may be used to prevent contamination where it appapers to be a problem by controlling pond location and requiring sealing as necessary.

6. States were concerned that fogging resulting from evaporative cooling of barometric condenser waters may present a visibility problem at some locations. Fogging problems are subject to control. Also, there are only one or two locations in the industry where this problem may occur. A more detailed discussion of possible alternatives for fogging control is given in section VIII of the Report.

7. The Effluent Standards and Water Quality Information Advisory Committee felt that total dissolved solids content in recirculated waste water (flume and barometric condenser water) is of pollutional concern in land disposal of these waste waters. Total dissolved solids pose some largely aesthetic problems for human consumptive purposes, require treatment for removal for some industrial water supply purposes, and present deleterious effects on irrigation of some crops at high concentration levels. No economic method exists for removal of dissolved solids on a large scale basis. A detailed discussion of the origin, effects, and control of total dissolved solids in beet sugar processing waste waters is given in section IX of the Report.

Interested persons may participate in this rulemaking by submitting written comments to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. All comments received not later than September 21, 1973 will be considered.

Dated August 15, 1973.

JOHN QUARLES,
Acting Administrator.

PART 409—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE SUGAR PROCESSING CATEGORY

Subpart A—Beet Sugar Processing Subcategory

Sec.
409.10 Applicability; description of beet sugar processing subcategory.
409.11 Special definitions.
409.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
409.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
409.14 Standards of performance for new sources.
409.15 Pretreatment standards for new sources.

Subpart A—Beet Sugar Processing Subcategory

§ 409.10 Applicability; description of beet sugar processing subcategory.

The provisions of this subpart are applicable to any operation existing for the primary purpose of processing of sugar

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beets for the production of refined sugar for commercial or domestic use.

§ 409.11 Specialized definitions.

For the purposes of this Subpart:

(a) The term "process waste water" shall mean (1) all water used in or resulting from the processing of sugar beets to refined sugar, including process water, barometric condenser water, beet transport or flume water and (2) all other liquid wastes including cooling waters.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "availability of suitable land" shall mean that amount of land which is (1) adjacent to the point source and (2) under the ownership or control of the owner or operator of the point source as determined by the formula set forth below. The amount of land is determined by the application of the following formula:

$A=0.001426(CL/s)+0.0536C$ (for metric system units) where A=land area requirements for controlled waste water disposal expressed in hectares, C=processing rate of capacity of plant in metric tons of refined sugar production per day, L=length of sugar production per campaign of plant (including extended use campaign) expressed in terms of days, s=actual soil filtration rate for waste water to be applied to land expressed in terms of centimeters per day, not to exceed 0.635 centimeters per day.

$A=0.000631(CL/S)+0.0601C$ (for English system units) where A=land area requirements for controlled waste water disposal expressed in terms of acres, C=processing rate or capacity of plants in tons of refined sugar production per day, L=length of sugar production campaign of plant (including extended use campaign) in terms of total number of days, s=actual soil filtration rate for waste water to be disposed of on land expressed in terms of inches per day, not to exceed ¼ inch per day.

(d) For the purposes of this subpart, the following abbreviations shall have the following meaning: (1) kg shall mean kilogram(s); (2) kkg shall mean 1000 kilograms; and, (3) lb shall mean pound(s).

§ 409.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The effluent limitation representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available is no discharge of process waste water pollutants to navigable waters.

(b) The effluent limitation of no discharge of process waste water pollutants to navigable waters is based upon the availability of suitable land for controlled filtration of the excess process waste waters. If suitable land is not available for controlled filtration, the effluent limitation may be varied to allow the discharge of barometric condenser water derived from sugar evaporation and crystallization within the effluent limitations set forth in the following table:

Effluent Characteristics	*Limitation*
BOD5	Maximum for any one day 3.3 kg/kkg refined sugar (3.3 lb/1000 lb) Maximum average of daily values for any period of 30 consecutive days 2.2 kg/kkg refined sugar (2.2 lb/1000 lb)
Temperature [1]	6.0 to 9.0 units
pH.	

[1] No discharge of heat from waste waters to navigable waters at a temperature greater than the temperature of cooled water returned to the heat producing process.

§ 409.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The effluent limitation representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable is no discharge of process waste water pollutants to navigable waters.

(b) Application of the factors listed in section 304(b)(2)(b) does not require variation from the effluent limitation set forth in this section for any point source subject to such effluent limitation.

§ 409.14 Standards of performance for new sources.

(a) The standard of performance representing the degree of effluent reduction obtainable by the application of the best available demonstrated control technology, processes, operating methods, or other alternatives is no discharge of process waste water pollutants to navigable waters.

(b) Application of the factors listed in section 306 does not require variation from the standard of performance set forth in this section for any point source subject to such standard of performance.

§ 409.15 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the beet sugar processing subcategory which is an industrial user of a publicly owned treatment works, (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128, 40 CFR, except that for the purposes of this section, § 128.131 40 CFR shall read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 409.14, 40 CFR, Part 409; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

[FR Doc.73-17415 Filed 8-21-73;8:45 am]

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1973)

Title 32—National Defense (Parts 400–589)---------- $4.50

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[*A Cumulative checklist of CFR issuances for 1973 appears in the first issue of the Federal Register each month under Title 1*]

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federal register

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WASHINGTON, D.C.
Volume 38 ■ Number 163
Pages 22615–22758
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Rules and Regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

Standard of Composition for Frankfurters and Certain Other Cooked Sausage Products; Postponement of Effective Date

On June 5, 1973, there were published in the FEDERAL REGISTER (37 FR 14741–14743) amendments to Part 319 of the Federal meat inspection regulations (9 CFR 319.180) establishing new standards for frankfurters and other cooked sausage products, in accordance with the order of the U.S. District Court for the District of Columbia in connection with the case of the Federation of Homemakers v. Earl L. Butz, et al. The reasons for those amendments were set forth in the June 5 notice. The notice provided that the amendments would become effective September 7, 1973, in accordance with the court order.

After publishing the June 5, 1973, amendments, the Department and the court received requests from frankfurter and similar cooked sausage processors to postpone the September 7 effective date on the basis that it would result in considerable economic dislocation. Information and data were made available to the Department to substantiate their request. At the direction of the court, the Department submitted information to the court regarding this matter. On August 8, 1973, the Department received notice of modified judgment from said court which read as follows:

"The Court, having received correspondence from persons not parties to this litigation and being advised that the order of the Court heretofore entered on March 9, 1973, could cause prejudicial economic injury to such persons, does this 8th day of August, 1973,

Order and adjudge that the effective date of the mandate of this Court entered on May 5, 1973, as extended by the JUDGMENT entered on March 9, 1973, is hereby further extended to and including December 31, 1973. After that date the defendants may not permit the movement from any official establishment of any sausage product within the standard in 9 CFR 319.180, as amended, bearing the label designation 'All Meat' or 'All (Species)'. Rather, as mandated by the Court of Appeals (No. 71–1611, decided August 18, 1972), the defendants shall direct the use of labels by such establishments that accurately and without deception distinguish the different types of such sausage products from each other and from competitive meats."

Accordingly, the amendments to the regulations (9 CFR 319.180) establishing new standards for frankfurters and other cooked sausage products (37 FR 14741–14743) shall become effective January 1, 1974.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 37 FR 28464, 28477)

This action complies with the modified judgment of the court. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public rulemaking procedure on this action are impracticable and unnecessary, and good cause is found for making this action effective less than 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., on August 20, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-17902 Filed 8-22-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 13132; Amdt. 39-1706]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation Model BH–125 and DH–125 Airplanes

There have been reports that a number of overhauled oxygen cylinders installed on Hawker Siddeley Model BH–125 and DH–125 airplanes have had the overhaul identification markings applied in critical locations. Such a cylinder could burst in flight. Since this condition is likely to exist or develop in other Hawker Siddeley Model BH–125 and DH–125 airplanes with overhauled oxygen cylinders installed, an airworthiness directive is being issued to require inspection of the oxygen cylinders for overhaul stamp impression location, and replacement, if necessary, on Hawker Siddeley Model BH–125 and DH–125 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to to Hawker Siddeley Model BH–125 and DH–125 airplanes equipped with overhauled oxygen cylinders.

Compliance is required within the next 14 days after the effective date of this AD, except as provided in paragraph (c), and thereafter at each replacement of an oxygen cylinder with an overhauled oxygen cylinder.

To prevent the possible burst failure of overhauled oxygen cylinders, P/N WKA 29396/GR14, WKA 29396/GR22, WKA 31393, and WKA 31394, due to the overhaul stamp impression being located on a critical area of the cylinder, accomplish the following:

(a) Visually inspect the surface of the oxygen cylinder for evidence of stamp impressions indicating the date of the overhaul or letters designating the overhaul agency.

(b) If stamp impressions are found during an inspection required by paragraph (a), on the cylinder shoulder, either (1) outboard of a radius of 3 inches from the cylinder center, or (2) inboard of a 3-inch radius and accompanied by local distortion in the hemispherical profile at the stamp impression, before further flight, replace the cylinder with a serviceable part of the same part number, or an FAA-approved equivalent.

(c) If the oxygen system is to be recharged before accomplishment of the inspection provisions of this AD, the oxygen system charge must be limited to not more than 50 percent of normal full quantity, and a placard must be installed adjacent to the oxygen system charging point, stating, "System Contents Must Not Exceed ½ Full At Any Time."

(d) The placard required by paragraph (c) may be removed when it is determined by an inspection in accordance with paragraph (a) that the oxygen cylinders have no stamp impressions on the cylinder shoulder, outboard of a radius of 3 inches from the cylinder center, and if there is a stamp impression inboard of a 3-inch radius, that there is no local distortion in the hemispherical profile at the stamp impression.

This amendment becomes effective August 28, 1973.

Issued in Washington, D.C., on August 15, 1973.

C. R. MELUGIN, Jr.,
Acting Director, Flight Standards Service.

[FR Doc.73-17834 Filed 8-22-73;8:45 am]

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[Airspace Docket No. 73-NW-08]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On July 3, 1973 a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 17734) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation regulations that would alter the description of the Medford, Oregon Transition Area.

Interested persons were given thirty days in which to submit written data, views, or arguments. No objections were received, and the proposed amendment is hereby adopted without change.

Effective date.—This amendment shall be effective 0901 G.m.t., October 11, 1973.

This amendment is issued under the authority of section 307(a) of the Federal Aviation Act of 1958 as amended (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, August 15, 1973.

C. B. WALK, Jr.,
Director.

In § 71.181 (38 FR 435) the description of the Medford, Oregon, Transition Area, as amended, (38 FR 13730) is further amended as follows:

MEDFORD, OREGON

That airspace extending upward from 700 feet above the surface within 7-miles northeast and 5-miles southwest of the Medford ILS localizer northwest course extending from 3-miles northwest of the Pumic LOM (Latitude 42°27'03.8" N., Longitude 122° 54'44.1" W.), to 24 miles northwest of the LOM; within 3.5 miles each side of the Medford ILS localizer southeast course extending from the LOM to 24 miles southeast of the LOM; that airspace extending upward from 1200' above the surface, bounded on the east by V-452, on the southeast by the 40 mile-arc centered on Klamath Falls VORTAC, on the south by V-122, on the west by V-23; that airspace southeast of Medford bounded on the north by the south edge of V-122, on the east by the 40 mile-arc centered on Klamath Falls VORTAC, on the south by the 7-mile-radius area centered on the Siskiyou County Airport, on the west by the east edge of V-27E; and that airspace extending upward from 6,200 feet MSL within 5 miles each side of the Medford VORTAC 271° radial extending from the west edge of V23-E to the east edge of V-27.

[FR Doc.73-17835 Filed 8-22-73;8:45 am]

[Docket No. 13129; Amdt. 878]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5, and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, *effective October 4, 1973.*

Jamestown, N.D.—Jamestown Municipal Arpt., VOR Rwy 30, Amdt. 3.
Rochester, N.Y.—Rochester-Monroe Co. Arpt., VOR Rwy 22, Orig.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, *effective September 6, 1973.*

Jackson, Tenn.—McKellar Field, LOC Rwy 2, Orig., Canceled.
• • • *effective August 30, 1973.*
Kinston, N.C.—Stallings Field, LOC Rwy 4, Orig., Canceled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, *effective October 4, 1973.*

Florence, S.C.—Florence Municipal Arpt., NDB Rwy 9, Amdt. 4.
Jamestown, N.D.—Jamestown Municipal Arpt., NDB Rwy 30, Amdt. 1.
• • • *effective August 30, 1973.*
Kinston, N.C.—Stallings Field, NDB Rwy 4, Amdt. 1.
• • • *effective August 9, 1973.*
Kosciusko, Miss.—Kosciusko-Attala County Arpt., NDB Rwy 14, Amdt. 3.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, *effective October 4, 1973.*

Florence, S.C.—Florence Municipal Arpt., ILS Rwy 9, Amdt. 4.
Jamestown, N.D.—Jamestown Municipal Arpt., ILS Rwy 30, Amdt. 1.
• • • *effective September 6, 1973.*
Jackson, Tenn.—McKellar Field, ILS Rwy 2, Orig.
• • • *effective August 30, 1973.*
Kinston, N.C.—Stallings Field, ILS Rwy 4, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAP's, *effective September 6, 1973.*

Springfield, Ill.—Capital Arpt., RADAR-1, Orig.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1).)

Issued in Washington, D.C., on August 17, 1973.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the FEDERAL REGISTER on May 12, 1969 (35 FR 5610).

[FR Doc.73-17833 Filed 8-22-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

Gentamicin Sulfate Injection, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (47-486V) filed by American Scientific Laboratories, A Division of Schering Corp., Bloomfield, N.J. 07003, proposing the safe and effective use of gentamicin sulfate injection, veterinary in 1- to 3-day-old turkey poults as an aid in the prevention of early mortality due to Arizona paracolon infections susceptible to gentamicin sulfate. The application is approved.

The Commissioner further concludes that the new animal drug regulations should be amended to provide for the establishment of a tolerance for negligible residues of gentamicin sulfate in the edible tissues of turkeys.

To facilitate referencing, the firm is being assigned a code number and placed in the list of sponsors in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135, 135b, and 135g are amended as follows:

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

1. Section 135.501 is amended in paragraph (c) by adding a new code number as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

• • • • • •

(c) • • •

Code No.	*Firm name and address*
• • •	• • •
081	American Scientific Laboratories, a Division of Schering Corp., Bloomfield, N.J. 07003.
• • •	• • •

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

2. Part 135b is amended in § 135b.19 by revising paragraphs (a) and (b), by revising the heading for paragraph (c) from "Conditions of use" to "Conditions of use in dogs and cats", and by adding a new paragraph (d) as follows:

§ 135b.19 Gentamicin sulfate injection, veterinary.

(a) *Specifications.*—Conforms to the standards of identity, strength, quality, and purity prescribed by § 148q.4 of this chapter, except that each milliliter of the drug contains gentamicin sulfate equivalent to 50 milligrams of gentamicin base if intended for use in dogs and cats or gentamicin sulfate equivalent to 5 milligrams of gentamicin base if intended for use in turkeys.

(b) *Sponsor.*—(1) See code No. 032 in § 135.501(c) of this chapter for conditions of use provided for in paragraph (c) of this section.

(2) See code No. 081 in § 135.501(c) of this chapter for conditions of use provided for in paragraph (d) of this section.

(c) *Conditions of use in dogs and cats.*

• • • • • •

(d) *Conditions of use in turkeys.*—(1) It is used in 1- to 3-day-old turkey poults as an aid in the prevention of early mortality due to Arizona paracolon infections susceptible to gentamicin sulfate.

(2) It is administered subcutaneously in the neck of 1- to 3-day-old turkey poults at a rate of 1 milligram per poult.

(3) For use in 1- to 3-day-old turkey poults only. Injected poults must not be slaughtered for food for at least 9 weeks following treatment.

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

3. Part 135g is amended by adding the following new section:

§ 135g.80 Gentamicin sulfate.

A tolerance of 0.1 part per million is established for negligible residues of gentamicin sulfate in the uncooked edible tissues of turkeys.

Effective date.—This order shall be effective on August 23, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated August 15, 1973.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.73-17831 Filed 8-22-73;8:45 am]

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Combination Drug for Treatment of Cats

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (12-890V) filed by Schering Corp., 86 Orange St., Bloomfield, N.J. 07003, proposing the safe and effective use of an otic suspension containing various drugs for the treatment of otitis externa in cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding a new section thereto as follows:

§ 135a.47 Dexamethasone acetate, nitrofurathiazide, griseofulvin, undecylenic acid, tetracaine hydrochloride otic suspension.

(a) *Specifications.*—Dexamethasone acetate, nitrofurathiazide, griseofulvin, undecylenic acid, tetracaine hydrochloride otic suspension contains in each milliliter 0.25 milligram dexamethasone acetate (equivalent to 0.226 milligram dexamethasone alcohol), 2 milligrams nitrofurathiazide, 15 milligrams griseofulvin, 10 milligrams undecylenic acid, 10 milligrams tetracaine hydrochloride.

(b) *Sponsor.*—See code No. 032 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) The drug is indicated for the treatment of acute otitis externa and as adjunctive therapy in the treatment of chronic otitis externa complicated by organisms sensitive to griseofulvin, undecylenic acid or nitrofurathiazide in cats.

(2) Four to 10 drops of the drug are instilled into the ear canal. Treatment should be repeated 2 or 3 times daily.

(3) The drug should not be used in conditions where corticosteroids are contraindicated. Do not administer parenteral corticosteroids during treatment with the drug.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date.—This order shall be effective August 23, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360(b)(i).)

Dated August 15, 1973.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.73-17832 Filed 8-22-73;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Dichlorvos

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (40-848V) filed by Shell Chemical Co., a division of Shell Oil Co., Agricultural Division, 2401 Crow Canyon Rd., San Ramon, CA 94583, proposing that finished swine feeds processed from feed supplements containing up to 0.768 percent dichlorvos not be required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.54 is amended by revising paragraph (d)(4) to read as follows:

§ 135e.54 Dichlorvos.

• • • • • •

(d) • • •

(4) Finished feeds conforming to the requirements of this section processed from feed supplements containing up to 0.768 percent of dichlorvos are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

• • • • • •

Effective date.—This order shall be effective August 23, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated August 15, 1973.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.73-17830 Filed 8-22-73;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1903—INSPECTIONS, CITATIONS AND PROPOSED PENALTIES

Delegations of Authority; Definitions

Part 1903 of Title 29, Code of Federal Regulations, is amended in the manner indicated below in order to change the definitions of the terms "Area Director" and "Assistant Regional Director".

One purpose of the change is to clarify what are the permissible delegations of authority for the issuance of citations and proposed penalties and for the performance of other duties under Part 1903 in the absence of officers or employees who are regularly or temporarily assigned the duties of an Area Director or Assistant Regional Director. For example, a Compliance Safety and Health Officer may be specifically delegated duties of the Area Director which are to be exercised in the absence of an Area Director.

V 38-163 AUG 23 73 XUM

Also, the changes would permit a Compliance Safety and Health Officer to perform on a regular basis duties of the Area Director at a field station, when the distance of the field station from the office of the Area Director may make it impractical for the Area Director to exercise the duties involved. In addition, the changes would permit a broader authorization of Compliance Safety and Health Officers to exercise the duties of an Area Director either generally or for the limited purpose of issuing citations or notices of de minimis violations. Operating instructions for such authorization are being developed, and will be made available to the public.

The changes also make clear that persons supervising Area Directors or Assistant Regional Directors may exercise concurrent authority with them in the performance of the duties of the Secretary of Labor which are carried out in Part 1903.

The amendments shall be effective August 23, 1973.

Part 1903 is hereby amended by revising paragraphs (e) and (f) of § 1903.21 to read as follows:

§ 1903.21 Definitions.

* * * * *

(e) "Area Director" means the employee or officer regularly or temporarily in charge of an Area Office of the Occupational Safety and Health Administration, U.S. Department of Labor, or any other person or persons who are authorized to act for such employee or officer. The latter authorizations may include general delegations of the authority of an Area Director under this part to a Compliance Safety and Health Officer or delegations to such an officer for more limited purposes, such as the exercise of the Area Director's duties under § 1903.14(a). The term also includes any employee or officer exercising supervisory responsibilities over an Area Director. A supervisory employee or officer is considered to exercise concurrent authority with the Area Director.

(f) "Assistant Regional Director" means the employee or officer regularly or temporarily in charge of a Region of the Occupational Safety and Health Administration, U.S. Department of Labor, or any other person or persons who are specifically designated to act for such employee or officer in his absence. The term also includes any employee or officer in the Occupational Safety and Health Administration exercising supervisory responsibilities over the Assistant Regional Director. Such supervisory employee or officer is considered to exercise concurrent authority with the Assistant Regional Director. No delegation of authority under this paragraph shall adversely affect the procedures for independent informal review of investigative determinations prescribed under § 1903.12 of this part.

* * * * *

(Sec. 8(g)(2), Public Law 91-596, 84 Stat. 1600 (29 U.S.C. 657).)

Signed at Washington, D.C., this 17th day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-17914 Filed 8-22-73;8:45 am]

Title 32—National Defense

CHAPTER XX—INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

PART 2000—APPEALS PROCEDURES

Establishment of Appeals Procedures

The Interagency Classification Review Committee was established by the National Security Council Directive Governing Classification, Downgrading, Declassification and Safeguarding of National Security Information (37 FR 10053, May 19, 1972), pursuant to section 7 of Executive Order 11652, Classification and Declassification of National Security Information and Material" (37 FR 5209, March 10, 1972), both of which became effective June 1, 1972. Among the duties assigned to the Committee was the responsibility to "consider and take action on complaints from persons within or without the government with respect to the general administration of the Order including appeals from denials by Departmental Committees or The Archivist of declassification requests." The purpose of this regulation is to establish the conditions and procedures under which the denial of a request for the declassification of classified documents ten (10) or more years old may be appealed to the Interagency Classification Review Committee.

Therefore, a new Chapter XX and Part 2000, as titled above, are added to Title 32 of the Code of Federal Regulations, to read as set forth below.

Effective date.—This regulation is effective August 23, 1973.

Dated August 17, 1973.

JAMES B. RHOADS,
Archivist of the United States, Acting Chairman.

Sec.
2000.1 Purpose.
2000.3 Establishment and jurisdiction of the Committee.
2000.5 Request for declassification.

AUTHORITY.—Executive Order 11652 (37 FR 5209); N.S.C. Directive (37 FR 10053).

§ 2000.1 Purpose.

This regulation establishes the conditions and procedures under which the denial of a request for the declassification of classified documents ten (10) or more years old may be appealed to the Interagency Classification Review Committee, hereinafter referred to as the Committee.

§ 2000.3 Establishment and jurisdiction of the Committee.

(a) *Establishment and composition.*—Pursuant to section 7 of Executive Order 11652, "Classification and Declassification of National Security Information and Material" (37 FR 5209, March 10, 1972), hereinafter referred to as the Order, the Committee has been established by the National Security Council Directive Governing Classification, Downgrading, Declassification and Safeguarding of National Security Information (37 FR 10053, May 19, 1972), hereinafter referred to as the Directive, which both became effective on June 1, 1972. The Committee is composed of a Chairman designated by the President, the Archivist of the United States, and one senior representative from each of the Departments of State, Defense and Justice, the Atomic Energy Commission, the Central Intelligence Agency and the National Security Council staff. Representatives of other Departments in the executive branch may be invited to meet with the Committee on matters of particular interest to those Departments, but shall have no vote. The Committee shall meet regularly at a time and place designated by the Chairman. In the absence or incapacity of the Chairman, an Acting Chairman chosen by the Committee will act as Chairman for all purposes. A quorum of seven members, or their designated alternates, is required to consider or act on appeals to the Committee. Committee decisions in favor of declassification, in whole or in part, of information or material determined by the Departmental Committee to require continued classification shall require a majority vote of the members or their designated alternates present. In the absence of a majority vote, the determination of the Departmental Committee shall stand.

(b) *Jurisdiction.*—The Committee shall have jurisdiction to consider and act upon appeals from a determination by a Departmental Committee or the Archivist of the United States that information or material classified by action taken pursuant to E.O. 11652, or its predecessor Orders, requires continued classification under section 5 of the Order. The Committee shall have no jurisdiction of appeals involving information classified by the Atomic Energy Act of 1954, as amended. Hereafter the terms "Departmental Committee" and "Department" include the Archivist, where appropriate.

§ 2000.5 Request for declassification.

(a) *Notice of an appeal.*—An appeal from a Departmental Committee's denial of a declassification request involving classified documents which are ten (10) or more years old must be submitted to the Executive Director, Interagency Classification Review Committee, Executive Office Building, Washington, D.C. 20506, within sixty (60) days of the date the Departmental Committee's denial of a declassification request is received. The appeal shall include the following information: an identification or description of the document or documents for which declassification was requested and a statement of the Department's action denying the request. Whenever possible, copies of all correspondence to and from the department concerned and a statement of the reasons why the requester's appeal should be granted should also be included.

(b) *Exhaustion of other remedies.*—No appeal will be considered until the requester has exhausted all administrative remedies afforded him by the regulations of the Department concerned; provided however, that if the Departmental Committee has not acted at the expiration of thirty (30) days of the date the request is appealed to the Departmental Committee the requester may apply within sixty (60) days thereafter to this Committee for appropriate relief.

(c) *Acceptance of appeal.*—An appeal of a determination denying a declassification request involving classified documents which are ten (10) or more years old, shall be accepted for review by the Committee if, in the discretion of the Committee, the appeal raises substantive issues. The following indicate, but do not limit, the character of the reasons for accepting an application for review which the Committee will consider: (1) The nature of he documents whose declassification is sought; (2) the relationship of the documents to other classified documents; (3) the likelihood of an early public release as a result of declassification; (4) and disagreement between Departments as to the proper classification of the information involved. To the extent required for this determination, the Chairman may request the Department concerned to furnish copies of the documents, a summary of their contents or other pertinent information. Requests for declassification which have been denied because the document has not been described with sufficient particularity to enable it to be identified, or because the record cannot be obtained with a reasonable amount of effort, will not be accepted by the Committee, as the denial is based on reasons other than its continuing classification.

(d) *Consideration of appeal.*—The requester will be promptly notified whether his appeal has been accepted for review. The Department from whose decision the appeal has been taken and accepted by the Committee shall, upon request of the Chairman, furnish to the Committee ten (10) copies of the following: all correspondence to and from the requester, the decision of the Departmental Committee denying the request, and the classified documents in question.

(e) *Committee review.*—Normally, appeals to the Committee will be considered in the order that they are accepted for appeal. The Committee's review of the record will be in closed session in order to facilitate full inquiry into matters that are still classified. The burden of persuasion is on the Department to show that continued classified is required under the provisions of section 5 of the Order. Upon the Committee's determination that the requested material no longer warrants classification in whole or in part, the Chairman shall, in consultation with the affected Department or Departments, assure that appropriate action is taken.

(f) *Decision.*—The requester whose appeal has been accepted shall be notified in writing as to the Committee's decision. Should the appeal be denied in whole or in part, the notification shall include a statement, in unclassified form, explaining the reason for the decision.

[FR Doc.73-17841 Filed 8-22-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5386; (Colorado 17286)]

COLORADO

Withdrawal for Protection of Scenic and Primitive Values

By virtue of the authority vested in the President and pursuant in Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of disposition under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, for protection of their scenic and primitive values:

NEW MEXICO PRINCIPAL MERIDIAN

a. Beginning at the northeast corner of Sec. 20, T. 46 N., R. 2 W.,

Thence southerly up the east bank of the East Fork of Powderhorn Creek approximately 6½ miles to its intersection with the north boundary of Sec. 21, T. 45 N., R. 2 W.; thence easterly approximately 2¾ miles to the southwest corner of Sec. 13, T. 45 N., R. 2 W.; thence south ½ mile, west ¾ mile, south ¼ mile, east ½ mile, south ¼ mile, east ¾ mile, south ¼ mile, east ¼ mile, south ¾ mile, and west ¾ mile to the northwest corner of Sec. 36, T. 45 N., R. 2 W., thence south one mile, and east approximately one mile to Cebolla Creek; thence southerly approximately ¼ mile along the west bank of Cebolla Creek; thence west ¼ mile to the southwest ¼ mile to the southwest corner of the NE¼NE¼ of Sec. 1, T. 44 N., R. 2 W.; thence south approximately 1¼ miles; thence northwesterly approximately one-eighth mile to a point where Cebolla Creek crosses the Cathedral Road; thence northwesterly and then southwesterly ½ mile along the north bank of Cebolla Creek; thence approximately ¼ mile west to the west quarter corner of Sec. 12, T. 44 N., R. 2 W.; thence west ¼ mile, south ¼ mile, west ½ mile, south ½ mile, west ¼ mile, south ¼ mile, west ¼ mile, and south ¼ mile, west ¼ mile, south ¼ mile, west ¼ mile, and south ¼ mile to the boundary of the Gunnison National Forest; thence 1½ miles west along said boundary, north three miles along said boundary, west eight miles along said boundary to the southeast corner of Sec. 36, T. 45 N., R. 4 W.; thence north 2½ miles to the west quarter corner of Sec. 19, east ¾ mile, north ¼ mile, west ¼ mile, north ½ mile, west ¼ mile, north ¾ mile, east ½ mile, south ¼ mile, east ¼ mile, south ¼ mile, east ¼ mile, north ¼ mile, east ¼ mile, north 1¼ miles to the north quarter corner of Sec. 8, T. 45 N., R. 3 W.; thence east approximately 2½ miles to the northeast corner of Sec. 10, T. 45 N., R. 3 W.; thence south approximately one-eighth mile to the northwest corner of Sec. 11; thence east approximately 2¼ miles to the West Fork of Powderhorn Creek; thence northerly along the west bank of the West Fork of Powderhorn Creek to the north section line of Sec. 20, T. 46 N., R. 2 W.; thence east approximately ¾ mile to the point of beginning.

The area described aggregates approximately 40,400 acres.

b. The minerals reserved to the United States in the following described patented lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws:

NEW MEXICO PRINCIPAL MERIDIAN

T. 45 N., R. 3 W.,
Sec. 21, N½NE¼;
Sec. 22, N½N½, SW¼NW¼;
Sec. 34, W½SW¼.
The area described aggregates 360 acres.

The total of the areas described in paragraphs a and b above aggregate approximately 40,760 acres in Gunnison and Hinsdale Counties.

2. Any party having need for lands within this area under the provisions of R.S. 2477, 43 U.S.C. 932 (for road rights-of-way), must file a request with the State Director, Bureau of Land Management, for consideration of an amendment of this order.

3. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing disposal of the vegetative resources, except under the mining laws, and as to sale or disposal of forest products.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 17, 1973.

[FR Doc.73-17865 Filed 8-22-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1100, Amdt. 3]

PART 1033—CAR SERVICE

Union Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 16th day of August 1973.

Upon further consideration of Service Order No. 1100 (37 FR 12324; 38 FR 878, 14754), and good cause appearing therefor:

It is ordered, That: § 1033.1100 *Service Order No. 1100* (Union Pacific Railroad Company authorized to operate over tracks of Agricultural Products Corporation between Epco, Caribou County, Idaho, and Dry Valley, Caribou County, Idaho) Service Order No. 1100 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.*—This order shall expire at 11:59 p.m., November 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

V38-163 AUG 23 73 XUM

Effective date.—This amendment shall become effective at 11:59 p.m., August 31, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-17893 Filed 8-22-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 20—MIGRATORY BIRD HUNTING

Miscellaneous Amendments

Correction

In FR Doc. 73-16914 appearing at page 22015 in the issue of Wednesday, August 15, 1973, the text of § 20.23 and § 20.24 should read as follows:

§ 20.23 Shooting hours.

No person shall take migratory game birds except during the hours open to shooting as prescribed in Subpart K of this part.

§ 20.24 Daily limit.

No person shall take in any 1 calendar day, more than the daily bag limit or aggregate daily bag limit, whichever applies.

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective August 23, 1973.

§ 32.32 Special regulations; deer, bobcat and coyote; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of deer, bobcat, and coyote with bow and arrows on the Flint Hills National Wildlife Refuge, Kans., is permitted October 1 through November 25, inclusive and from December 15 through December 31, inclusive, by special use permit. The open area is delineated on maps provided at the time of permit issuance or otherwise available at refuge headquarters, Burlington, Kansas, and from the Regional Director, Bureau of Sports Fisheries & Wildlife, 10597 W. 6th Avenue, Denver, Colorado 80215. Persons interested in receiving a special use permit should contact: Refuge Manager, Flint Hills National Wildlife Refuge, P.O. Box 213, Burlington, Kans. 66839. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer, bobcat, and coyote to the following special conditions:

(1) Permittee must have permit in his possession at all times while engaged in hunting activities on the refuge.

(2) Entrance to portions of the refuge closed to other activities will be via established roads. Gates will be closed and locked upon entering or leaving.

(3) Permittee will confine his activities to hunting and will refrain from any unnecessary wildlife disturbance.

(4) Permittee will return gate key and completed permit within two weeks following the close of the bow hunting season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

Dated August 16, 1973.

MICHAEL J. LONG,
Acting Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kansas.

[FR Doc.73-17882 Filed 8-22-73;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Oregon; Correction

In FR Doc. 73-16294, appearing on pages 21414 and 21415 of the issue for Wednesday, August 8, 1973, the last sentence of the last paragraph should read as follows:

"• • • and are effective through June 30, 1974."

L. EDWARD PERRY,
Acting Regional Director, Portland, Oregon.

AUGUST 14, 1973.

[FR Doc.73-17863 Filed 8-22-73;8:45 am]

PART 32—HUNTING

Sequoyah National Wildlife Refuge, Oklahoma

The following special regulation is issued and is effective August 23, 1973.

§ 32.22 Special regulations; upland game, for individual wildlife refuge areas.

OKLAHOMA

SEQUOYAH NATIONAL WILDLIFE REFUGE

Public hunting of quail, rabbit, squirrel, coyote, and bobcat on the Sequoyah National Wildlife Refuge, Oklahoma, is permitted on three areas designated by signs as open to hunting. These open areas, comprising a total of 10,500 acres, are delineated on maps available at refuge headquarters, Sallisaw, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Quail on Mondays, Tuesdays, Thursdays, Saturdays, and legal holidays, November 20, 1973, through the last day of the regular 1973–74 duck season, inclusive; rabbits, October 6, 1973, through the last day of the regular 1973–74 duck season, inclusive; squirrel, September 1, 1973, through January 1, 1974, inclusive; coyote, bobcat, September 1, 1973, through the last day of the regular 1973–74 duck season, inclusive.

Hunting shall be in accordance with all applicable State and Federal Regulations covering the hunting of quail, squirrel, rabbits, bobcat, and coyote, subject to the following special conditions:

(1) Only shotguns without slug ammunition or longbow and arrow are permitted.

(2) Hunting weapons of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where weapons must be cased or broken down.

(3) Dogs may be used for hunting quail or rabbit, but must be under immediate control or supervision and restrained from pursuit of protected species.

(4) Camping or possession of firearms on the refuge at night is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1974.

MORRIS C. LEFEVER,
Refuge Manager, Sequoyah National Wildlife Refuge, Sallisaw, Oklahoma.

AUGUST 9, 1973.

[FR Doc.73-17862 Filed 8-22-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER IV—SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

PART 401—SEAWAY REGULATIONS AND RULES

Speed Limits

The purpose of this document is to further amend § 401.104–9, Speed, of the Seaway Regulations and Rules by reverting, in part, to the speed limits that were in effect prior to the amendment of this section in 38 FR 9667–9668 on April 19, 1973. Since water levels in Lake Ontario and the Upper St. Lawrence River are now receding to more normal conditions, the speed limits, as temporarily reduced, will be removed in part. However, it is anticipated that levels in Lake St. Louis and Lake St. Francis will continue to be above normal and some temporary limits will remain in effect in these areas.

In view of the fact that reversion is being made to a matter previously offered for comment on February 1, 1973, a period for public comment is deemed unnecessary. Further, because the purpose of this amendment is to provide immediate guidance and information to vessels transiting the Seaway, I find that good cause exists for making this amendment effective in less than 30 days.

Section 401.104–9 is amended as follows:

§ 401.104–9 Speed.

Maximum speed for vessels in excess of 40 feet in overall length shall not exceed that shown for designated areas in the following table and every vessel under way shall proceed at a reasonable speed, so as not to cause undue delay to other vessels.

From	To	Maximum speed over the bottom (m.p.h.)
Lower entrance South Shore Canal	Upper entrance South Shore Canal	7 (6.1 knots).
Upper entrance South Shore Canal	Lake St. Louis Buoy 13A	12 (10.4 knots).
Lake St. Louis Buoy 13A	Lower Beauharnois Lock entrance	18 (15.5 knots).
Upper Beauharnois Buoy 5B	Lake St. Francis Buoy 27F	10 upbound (8.6 knots). 12 downbound (10.4 knots).
Lake St. Francis Buoy 7F	Lake St. Francis Buoy 87F	18 (15.5 knots).
Lake St. Francis Buoy 87F	Snell Lock	9 upbound (7.8 knots). 12 downbound (10.4 knots).
Snell Lock	Eisenhower Lock	7 (6.1 knots).
Eisenhower Lock	Richards Point Light 55	13 (11.3 knots).
Richards Point Light 55	Morrisburg Buoy 84	15 (13 knots).
Morrisburg Buoy 84	Ogden Island Buoy 99	13 (11.3 knots).
Ogden Island Buoy 99.	Blind Bay ½ mile east of Light 162	15 (13 knots).
Blind Bay ½ mile east of Light 162	Deer Island Light 186	13 (11.3 knots).
Deer Island Light 186	Bartlett Point Light 227	10 upbound (8.6 knots). 12 downbound (10.4 knots).
Bartlett Point Light 227	Tibbetts Point	15 (13 knots).
Junction of Canadian Middle Channel and Main Channel abreast of Ironsides Island	Open waters between Wolfe and Howe Islands through the said Middle Channel	13 (11.3 knots).
Lock 1, Welland Canal	Outer Piers, Port Weller Harbor	9 (7.8 knots).
Port Robinson	Ramey's Bend through the Welland By-Pass	9 (7.8 knots).
All other canals		7 (6.1 knots).

(68 Stat. 92–97, 33 U.S.C. 981–990, as amended, and Sec. 104, Pub. L. 92–340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943).)

Effective date.—August 15, 1973.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
D. W. OBERLIN,
Administrator.

[FR Doc.73-17864 Filed 8-22-73;8:45 am]

Title 7—Agriculture

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER I—DETERMINATION OF PRICES

[Docket No. SH–315]

PART 876—SUGARCANE; HAWAII

Fair and Reasonable Prices for 1973-Crop

The Sugar Act of 1948, as amended, requires producers who also process sugarcane grown by other producers to pay prices or rates determined by the Secretary of Agriculture to be fair and reasonable as one of the conditions for receiving Sugar Act payments on their own production.

Such determination may not be made until after investigation and opportunity for interested persons to testify on the fair and reasonable prices to be paid under either purchase or toll agreements. A public hearing was held in Hilo, Hawaii, on April 27, 1973.

The determination, which is applicable to the 1973 crop of Hawaiian sugarcane, continues all provisions of the 1972 crop determination including the maximum rates producer-processors may charge under a tolling agreement for processing sugarcane grown by other producers.

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as act), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii, on April 27, 1973, the following determination is hereby issued.

The regulations previously appearing in these sections under "Determination of Prices; Sugarcane; Hawaii" remain in full force and effect as to the crops to which they were applicable.

Sec.
876.21 General requirements.
876.22 Toll agreements.
876.23 Purchase agreements.
876.24 Sugarcane weight and quality determination.
876.25 Overhead charges for services furnished to producers.
876.26 Reporting requirements.
876.27 Applicability.
876.28 Subterfuge.
876.29 Procedures for checking compliance.

AUTHORITY.—Secs. 876.21 to 876.29 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 876.21 General requirements.

A producer of sugarcane in Hawaii who is also a processor of sugarcane, to which this part applies as provided in § 876.27 (herein referred to as processor) shall have paid, or contracted to pay, for sugarcane of the 1973 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements.

§ 876.22 Toll agreements.

(a) The rate for processing sugarcane under a toll agreement at Olokele Sugar Company, Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the prior crop.

(b)(1) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed below shall be not more than that established for each such processor.

Processor	Rate for processing (percentage of gross proceeds from sugar and molasses)	Delivery point for sugarcane
Puna Sugar Co., Ltd.	34	Mill.
Kohala Sugar Co.	34	Do.
Laupahoehoe Sugar Co.	49	Loaded in trucks.
Ka'u Sugar Co., Inc.	49	Do.
Honokaa Sugar Co.	49	Do.

(2) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Company (a cooperative agricultural marketing association herein referred to as C. & H.), except that for purposes of calculating the amount due producers, all items of raw sugar and molasses marketing expenses that were charged to producers under the marketing contracts in effect prior to January 1972, but are now deducted by C. & H. under the revised marketing contracts that became effective January 1, 1972, to obtain proceeds due producers, shall be added back to such proceeds to obtain gross proceeds: *Provided*, That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rates for processing.

(3) The applicable rate for processing established in this section for sugarcane of the producer shall cover (i) all transporting, handling, and processing costs applicable to the producers' sugarcane from the delivery point specified herein until the raw sugar and molasses recovered therefrom leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (ii) the cost of insuring such sugarcane against loss by fire to the same extent that sugarcane of the processor is insured; (iii) the costs of weighing, sampling, and taring such sugarcane; (iv) the cost of general weed and rodent control other than in sugarcane fields of producers and alongside the roads ad-

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jacent thereto; and (v) the cost of all research and experimental work applicable to the production and processing of such sugarcane.

(4) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent for the producer, shall handle and deliver to C. & H. the raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to C. & H. of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of the gross proceeds received from the sugar and molasses recovered from the sugarcane of the producer, as defined in subparagraph (2) of this paragraph, less the applicable processing rate, less the shipping and handling expenses added to and made a part of the gross proceeds as provided in subparagraph (2) of this paragraph, and less any expenses, such as inland transportation, paid by the processor, as agent for the producer, pursuant to the toll agreement. Handling and delivery expenses shall be limited to those direct expenses paid by the processor as agent for the producer, but shall not include overhead charges of the processor.

§ 876.23 Purchase agreements.

(a) The price for sugarcane under adherent planter agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(b) The price for the producers' share of sugarcane under cultivation contracts at Laupahoehoe Sugar Company shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(c) The price for sugarcane under independent grower purchase agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop: *Provided*, That the items of expense which may be deducted in computing net returns for the 1973 crop shall be limited to the same items as for the 1972 crop, except that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions, such expenses also may be deducted subject to written approval from the Hawaii State ASCS Office upon a determination by the Hawaii State ASC Committee that the incurrence of such expenses is justified.

§ 876.24 Sugarcane weight and quality determination.

The determination of the net weight and quality of the sugarcane received from the producer, and the allocation of sugar and molasses recoveries to the producer shall be made in accordance with the methods customarily used by the processor; methods which have been approved by the Experiment Station of the Hawaiian Sugar Planters' Association; or methods agreed upon between the processor and the producer, which will reflect the true weight and quality of sugarcane and the quantities of sugar and molasses recovered from the sugarcane of the producer.

§ 876.25 Overhead charges for services furnished to producers.

If the processor, at the producer's request, furnishes labor, materials, or services used in producing, harvesting, or transporting the producer's sugarcane, or transports the producer's sugar or molasses from the mill to the port in the processor's own equipment, the processor may charge in addition to the direct costs of such labor, materials, or services, the applicable overhead expenses. If equipment is charged at standard or budgeted rates which include repair and maintenance charges, and such rates are applied equally to both the processors' and producers' producing, harvesting, and transporting operation, and if the standard or budgeted rates are adjusted periodically to reflect current conditions, such rates shall be considered as the direct costs for use of equipment. Charges for applicable overhead expenses shall be based on estimated current budgets and adjusted after the end of the calendar year so as not to exceed the actual costs for such year. In addition, the processor may also charge a profit not to exceed 5 percent of the sum of the direct and overhead charges for such labor, materials, or services. Overhead expenses shall be limited to those which are properly apportionable under generally accepted accounting principles as approved by the State Committee.

§ 876.26 Reporting requirements.

The processor shall submit to the State Committee a certified statement of the gross proceeds and handling and delivery expenses paid under (a) purchase agreements providing for payment for sugarcane based upon net returns from sugar and molasses, and (b) toll and agency agreements providing for the deduction of handling and delivery expenses on sugar and molasses from the gross proceeds obtained therefrom.

§ 876.27 Applicability.

The requirements of this part are applicable to all sugarcane grown by a producer and processed under either a purchase or toll agreement by a processor who also produces sugarcane (a processor-producer is defined in § 821.1 of this chapter); and to sugarcane processed by a cooperative processor for nonmembers. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

§ 876.28 Subterfuge.

The processor shall not reduce returns to the producer below those determined in accordance with the requirements herein through any subterfuge or device whatsoever.

§ 876.29 Procedures for checking compliance.

The procedures to be followed by the State ASCS office in checking compliance with the requirements of this part are set forth under the heading Part 6—Fair Price Determination in Handbook 6–SU, issued by the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service. Handbook 6–SU may be inspected at the State ASCS office and copies may be obtained from the Hawaii State ASCS Office, 1833 Kalakaua Avenue, Honolulu, HI 96815.

STATEMENT OF BASES AND CONSIDERATIONS

General.—The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1973 crop grown by other producers.

Requirements of the fact.—Section 301(c)(2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Public hearing.—A public hearing was held in Hilo, Hawaii, on April 27, 1973, at which interested persons were afforded the opportunity to present testimony relating to all aspects of fair and reasonable prices for 1973-crop sugarcane including processing rates for sugarcane delivered under a toll agreement.

Kohala Corporation.—A representative of this company testified with respect to certain changes in Kohala's position since the last hearing. He stated that they have extended the phase-out of sugar operations through December 1975, and recommended that the processing fee of 34 percent which has been in effect for several crops be continued through December 31, 1975.

Olokele Sugar Company, Ltd., and Ka'u Sugar Company, Inc.—A representative of these companies testified that the tolling agreement between Olokele Sugar and Gay and Robinson was renewed in 1968 for a period of 33 years and no changes have been made in the agreement.

With respect to Ka'u Sugar, the representative testified that Ka'u is the surviving company of the merger on December 29, 1972, of Hawaiian Agricultural Company and Hutchinson Sugar Company, Ltd. He recommended a 50 percent processing fee, based on the old California and Hawaiian Sugar Co. marketing agreement, or a 55 percent fee if the Department should change its determination to a basis consistent with the new marketing agreement. He further recommended that a 10 percent fee for profit be allowed on labor, material, and services provided to growers. In support of this recommendation, he pointed out that the company realizes a return of 2½ percent on the present allowable margin of 5 percent, and this is not adequate compensation for the services provided. In support of the recommended processing fees, the witness submitted actual cost ratios for the 1972 crop which indicated a processing fee of 55.08 percent under the current California and Hawaiian Sugar Co. contract or 50.69 percent under the prior contract.

Puna Sugar Company.—A representative of this company recommended that a 5-year average be used for the development of cost ratios and processing fees to eliminate abnormal results in any one crop year; that the 1973 determination establish a processing fee of 45 percent (the 5-year average for 1968–72), and that existing profit margins on services performed by processors for producers be continued. In support of the recommended processing fee, the witness submitted annual cost ratios based on company data for 1968 through 1972 which indicated a 5-year average processing ratio of 45.56 percent under the new marketing agreement and 42.57 percent if computed on the old agreement.

The representative of independent growers at Puna recommended a processing fee of 32 percent and elimination of the 5 percent profit allowance on services furnished growers by the processor. He also recommended that any agency fee paid to the parent company be considered profit for the processor and reflected as such in calculating the cost ratio. The witness submitted data on costs of producing and processing sugarcane for the 1972 crop which indicated a processing rate of 32.39 percent.

Honokaa Sugar Company and Laupahoehoe Sugar Company.—Representatives of these companies testified that Honokaa purchased Paauhau Sugar Company at the end of 1972, and that independent growers in the former Paauhau area have signed independent grower tolling agreements with Honokaa. They further testified that efforts are being made to make the language of grower tolling agreements identical for Honokaa and Laupahoehoe. The witnesses recommended a 50 percent processing fee based on the prior C&H marketing agreement, or a 55 percent fee if the determination is based on the new agreement; that a profit on services furnished by processors to producers be continued; and that all other applicable provisions of the 1972 determination remain in effect. They presented data relating to the final costs of producing and processing 1972-crop sugarcane. They testified that the data indicate a fair and reasonable processing rate of 51.9 percent for Laupahoehoe, but that since 1973 will be the first year that Honokaa will be processing tolling agreement cane, there are as yet no meaningful cost data with which to develop a cost ratio to reflect the producer-processor relationship at Honokaa.

The representative of independent growers at Laupahoehoe recommended that the processing ratio be decreased from 49 percent to 45 percent; that the processor be ordered to furnish an annual harvesting schedule to producers beginning January 1974; and that the profit allowance on services furnished growers by plantations be allowed on materials but not on labor and services.

Lihue Plantation Company and Oahu Sugar Company.—A representative of these companies testified that each company has one grower agreement and they do not contemplate any change in the coming year. He requested that their agreements be approved for the 1973 crop.

1973 price determination.—This determination continues the provisions of the 1972-crop determination. Tolling fees remain the same.

Consideration has been given to the recommendations and information submitted at the public hearing; to the returns, costs, and profits of producing and processing sugarcane obtained by the Department in a recent field survey and recast in terms of price and production conditions likely to prevail for the 1973 crop; and to other relevant data customarily considered in fair price determinations.

The recommendations of both producers and processors for changes in the applicable processing rates for the respective companies have been thoroughly studied. Analysis of the comparative costs of producing and processing sugarcane indicates that changes occurring in the relationship of producing and processing costs have not been of sufficient magnitude to justify adjustments in the processing rates. It is believed that the processing rates provided in this determination will maintain an equitable sharing between producers and processors of total returns based on their sharing of total costs.

The recommendations by both producers and processors for changes in the rate of profit allowed on services furnished to producers by processors have again been reviewed. The Department continues to believe that the profit charge of five percent is adequate and reasonable, and it is therefore continued in this determination.

A recommendation made by the representative of Puna growers for elimination of agency fees paid by the processor from the computation of the cost ratio has not been adopted. Such fees are compensation to the agency for services, such as technical, legal, accounting, and marketing, performed for the processor.

The recommendation of Laupahoehoe growers that the processor be required to furnish its annual harvesting schedule to the growers association has not been adopted. It is believed that the processor has complied in all respects over the years with the provision of the price determination which requires processors to handle and process the sugarcane received from producers in a manner no less favorable than the handling and processing of their own sugarcane. However, the Department does encourage processors to keep their independent growers fully informed of factors affecting the business relationship between the parties, and suggests that harvesting schedules be made available to growers in order to enhance a harmonious relationship.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

Effective date.—This determination shall become effective August 23, 1973, and is applicable to the 1973 crop of Hawaiian sugarcane.

Signed at Washington, D.C., on August 17, 1973.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-17866 Filed 8-22-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 446]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period August 24–30, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.746 Valencia Orange Regulation 446.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from Dis-

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trict 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is slow. Prices f.o.b. averaged $3.41 per carton on a sales volume of 517 carlots during the week ended August 16, 1973, compared with $3.46 per carton on sales of 585 carlots a week earlier.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 21, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 24, 1973, through August 30, 1973, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: 475,000 cartons;

(iii) District 3: Unlimited."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 22, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-18062 Filed 8-22-73;12:19 pm]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Price Support Regulations—1973-Crop Flaxseed Supplement, Amdt. 1]

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—1973-Crop Flaxseed Loan and Purchase Program

The regulations issued by the Commodity Credit Corporation and published at 38 FR 14960, which contain program provisions for loans and purchases applicable to the 1973-crop of flaxseed are amended by changing the schedule of deductions for storage to reflect similar changes made with respect to other commodities in order to comply with the provisions of Executive Order No. 11723. Inasmuch as loans and purchases are currently being made with respect to 1973-crop flaxseed, it is hereby found and determined that compliance with the notice of proposed rulemaking procedure is impracticable and contrary to the public interest. Therefore, this amendment is being issued without following such proposed rulemaking procedure.

Accordingly, the table in § 1421.176 is amended to read as follows:

§ 1421.176 Warehouse charges.

* * * * *

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of April 30, 1974	Deduction (cents per bushel)	Maturity date of May 31, 1974
(1)	14	(1).
Prior to May 28, 1973	13	Prior to June 28, 1973.
May 28 to June 21	12	June 28 to July 22.
June 22 to July 16	11	July 23 to Aug. 16.
July 17 to Aug. 10	10	Aug. 17 to Sept. 10.
Aug. 11 to Sept. 4	9	Sept. 11 to Oct. 5.
Sept. 5 to Sept. 29	8	Oct. 6 to Oct. 30.
Sept. 30 to Oct. 24	7	Oct. 31 to Nov. 24.
Oct. 25 to Nov. 18	6	Nov. 25 to Dec. 19.
Nov. 19 to Dec. 13	5	Dec. 20, 1973 to Jan. 13, 1974.
Dec. 14, 1973 to Jan. 7, 1974	4	Jan. 14 to Feb. 7.
Jan. 8 to Feb. 1	3	Feb. 8 to March 4.
Feb. 2 to Feb. 26	2	March 5 to March 29.
Feb. 27 to March 23	1	March 30 to April 23.
March 24 to April 30, 1974		April 24 to May 31, 1974.

(1) Date storage charges start, all dates inclusive.

(Secs. 4 and 5, 62 Stat. 1070, as amended, secs, 301, 303, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1449, 1421.)

Effective date.—August 23, 1973.

Signed at Washington, D.C., August 15, 1973.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-17443 Filed 8-22-73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[S–73–6]

STANDARD FOR OCCUPATIONAL EXPOSURE TO CARBON MONOXIDE

Advance Notice of Proposed Rulemaking

The National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health, Education, and Welfare, has submitted to the Secretary of Labor, pursuant to the Williams-Steiger Occupational Safety and Health Act of 1970, criteria for a recommended standard on occupational exposure to carbon monoxide. The Office of Standards, Occupational Safety and Health Administration, U.S. Department of Labor, is studying the criteria and would appreciate public participation on the issues of whether a new standard for carbon monoxide should be issued on the basis of the criteria or any other information, and, if so, what should be the contents of a proposed standard for carbon monoxide. The issues are set forth with greater particularity below.

Accordingly, interested persons are invited to submit written data, views, and arguments concerning a standard on occupational exposure to carbon monoxide. Comments are specifically requested concerning:

(1) Whether a new standard on occupational exposure to carbon monoxide should be issued;

(2) Each section of the standard recommended by NIOSH;

(3) Suitable alternatives to the recommendations of NIOSH;

(4) Work injury and illness experience with carbon monoxide;

(5) Supported cost data of the estimated costs of coming into compliance with the standard recommended by NIOSH;

(6) Supported data on any possible environmental impact of the recommended standard, and specifically (a) any adverse environmental effects which cannot be avoided should the standard be adopted, (b) alternatives to such standard, (c) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and (d) any irreversible commitments of resources which would be involved if the standard should be implemented; and

(7) Any other related issues.

Communications should be submitted to the Office of Standards, Occupational Safety and Health Administration, U.S. Department of Labor, Room 507 Railway Labor Building, 400 First Street NW., Washington, D.C. 20210, before November 23, 1973. The communications will be available for public inspection and copying at the Office of Standards.

The NIOSH document containing the criteria and the recommended standard on occupational exposure to carbon monoxide will be available for inspection and copying, upon request, at the Office of Standards in Washington, D.C., and at any of the following regional or area offices:

REGIONAL OFFICES

U.S. Department of Labor, Occupational Safety and Health Administration, Fourth Floor, 18 Oliver Street, Boston, Massachusetts 02110.

U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building, 3535 Market Street, Room 15220, Philadelphia, Pennsylvania 19104.

U.S. Department of Labor Occupational Safety and Health Administration, 300 South Wacker Drive, Room 1201, Chicago, Illinois 60606.

U.S. Department of Labor, Occupational Safety and Health Administration, 823 Walnut Street, Waltower Building, Room 300, Kansas City, Missouri 64106.

U.S. Department of Labor, Occupational Safety and Health Administration, 9497 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, California 94102.

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway, 1 Astor Plaza, New York, New York 10036.

U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree Street, N.E., Suite 587, Atlanta, Georgia 30309.

U.S. Department of Labor, Occupational Safety and Health Administration, 7th Floor, Texaco Building, 1512 Commerce Street, Dallas, Texas 75201.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 15010, P.O. Box 3588, 1961 Stout Street, Denver, Colorado 80202.

U.S. Department of Labor, Occupational Safety and Health Administration, 506 Second Avenue, 1808 Smith Tower Building, Seattle, Washington 98104.

AREA OFFICES

U.S. Department of Labor, Occupational Safety and Health Administration, Custom House Building, State Street, Boston, Massachusetts 02109.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 617, 450 Main Street, Hartford, Connecticut 06103.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building-Room 425, 55 Pleasant Street, Concord, New Hampshire 03301.

U.S. Department of Labor, Occupational Safety and Health Administration, 90 Church Street-Room 1405, New York, New York 10007.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 203, Midtown Plaza, 700 East Water Street, Syracuse, New York 13210.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, 970 Broad Street, Room 1435C, Newark, New Jersey 07102.

U.S. Department of Labor, Occupational Safety and Health Administration, 370 Old Country Road, Garden City, Long Island, New York 11530.

U.S. Department of Labor, Occupational Safety and Health Administration, Condominium San Alberto Building, Santurce, Puerto Rico 00907.

U.S. Department of Labor, Occupational Safety and Health Administration, William J. Green, Jr. Federal Building, 600 Arch Street, Philadelphia, Pennsylvania 19106.

U.S. Department of Labor, Occupational Safety and Health Administration, Charleston National Plaza, Suite 1726, 700 Virginia Street, Charleston, West Virginia 25301.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 8081, 400 N. 8th Street, P.O. Box 10186, Richmond, Virginia 23240.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 1110A, 31 Hopkins Plaza, Baltimore, Maryland 21201.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 802, Jonnet Building, 4099 William Penn Highway, Monroeville, Pennsylvania 15146.

U.S. Department of Labor, Occupational Safety and Health Administration, 1371 Peachtree Street NE., Room 723, Atlanta, Georgia 30309.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 204, Bridge Building, 3200 E. Oakland Park Boulevard, Fort Lauderdale, Florida 33308.

U.S. Department of Labor, Occupational Safety and Health Administration, 2809 Art Museum Drive, Suite 4, Jacksonville, Florida 32207.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 561, 600 Federal Building, Louisville, Kentucky 40202.

U.S. Department of Labor, Occupational Safety and Health Administration, Commerce Building, Room 801, 118 North Royal Street, Mobile, Alabama 36602.

U.S. Department of Labor, Occupational Safety and Health Administration, 1361 East Morehead Street, Charlotte, North Carolina 28204.

U.S. Department of Labor, Occupational Safety and Health Administration, 1600 Hayes Street, Suite 302, Nashville, Tennessee 37203.

U.S. Department of Labor, Occupational Safety and Health Administration, Todd Mall, 2047 Canvon Road, Birmingham, Alabama 35216.

U.S. Department of Labor, Occupational Safety and Health Administration, Enterprise Building, Suite 204, 6605 Abercorn Street, Savannah, Georgia 31405.

U.S. Department of Labor, Occupational Safety and Health Administration, 300

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South Wacker Drive, Chicago, Illinois 60606.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 224—Bryson Building, 700 Bryden Road, Columbus, Ohio 43215.
U.S. Department of Labor, Occupational Safety and Health Administration, Clark Building—Room 400, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.
U.S. Department of Labor, Occupational Safety and Health Administration, U.S. Post Office and Courthouse, Room 423, 46 East Ohio Street, Indianapolis, Indiana 46204.
U.S. Department of Labor, Occupational Safety and Health Administration, 847 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.
U.S. Department of Labor, Occupational Safety and Health Administration, Michigan Theatre Building, Room 626, 220 Bagley Avenue, Detroit, Michigan 48226.
U.S. Department of Labor, Occupational Safety and Health Administration, 110 South Fourth Street, Room 437, Minneapolis, Minnesota 55401.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 5522 Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 734 Federal Office Building, 234 N. Summit Street, Toledo, Ohio 43604.
U.S. Department of Labor, Occupational Safety and Health Administration, Adolphus Tower—Suite 1820, 1412 Main Street, Dallas, Texas 75202.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 421 Federal Building, 1205 Texas Avenue, Lubbock, Texas 79401.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 512—Petroleum Building, 420 South Boulder, Tulsa, Oklahoma 74103.
U.S. Department of Labor, Occupational Safety and Health Administration, 307 Central National Bank Building, Houston, Texas 77002.
U.S. Department of Labor, Occupational Safety and Health Administration, 546 Carondelet Street, 4th Floor, New Orleans, Louisiana 70130.
U.S. Department of Labor, Occupational Safety and Health Administration, 1627 Main Street, Room 1100, Kansas City, Missouri 64108.
U.S. Department of Labor, Occupational Safety and Health Administration, 210 North 12th Boulevard, Room 554, St. Louis, Missouri 63101.
U.S. Department of Labor, Occupational Safety and Health Administration, City National Bank Building, Room 803, Harney and 16th Streets, Omaha, Nebraska 68101.
U.S. Department of Labor, Occupational Safety and Health Administration, Suite 505, 333 Queen Street, Honolulu, Hawaii 06913.
U.S. Department of Labor, Occupational Safety and Health Administration, Hartwell Building, Room 514, 19 Pine Avenue, Long Beach, California 90802.
U.S. Department of Labor, Occupational Safety and Health Administration, Squire Plaza Building, 8527 W. Colfax Avenue, Lakewood, Colorado 80215.
U.S. Department of Labor, Occupational Safety and Health Administration, Suite 309, Executive Building, 455 East 4th South, Salt Lake City, Utah 84111.
U.S. Department of Labor, Occupational Safety and Health Administration, Suite 525—Petroleum Building, 2812 1st Avenue North, Billings, Montana 59101.
U.S. Department of Labor, Occupational Safety and Health Administration, 100 McAllister Street, Room 1706, San Francisco, California 94102.
U.S. Department of Labor, Occupational Safety and Health Administration, Suite 318—Amerco Towers, 2721 North Central Avenue, Phoenix, Arizona 85004.
U.S. Department of Labor, Occupational Safety and Health Administration, 1203 South Carson Street, Carson City, Nevada 89701.
U.S. Department of Labor, Occupational Safety and Health Administration, 121—107th Street NE., Bellevue, Washington 98004.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 227, 605 West 4th Avenue, Anchorage, Alaska 99501.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 526 Pittock Block, 921 SW. Washington St., Portland, Oregon 97205.

NATIONAL OFFICE

U.S. Department of Labor, Occupational Safety and Health Administration, Office of Standards, Room 507, Railway Labor Building, 400 First Street, NW., Washington, D.C. 20210.

The NIOSH document will also be available for inspection at the national and regional offices of NIOSH at the following locations:

U.S. Department of HEW, National Institute for Occupational Safety and Health, Room 10–A–22, 5600 Fishers Lane, Rockville, Maryland 20852.
U.S. Department of HEW, National Institute for Occupational Safety and Health, John F. Kennedy Federal Bldg., Government Center, Boston, Massachusetts 02203.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 26 Federal Plaza, New York, New York 10007.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 401 North Broad Street, Philadelphia, Pennsylvania 19108.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 50 Seventh Street, NE., Atlanta, Georgia 30323.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 300 South Wacker Drive, Chicago, Illinois 60607.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 1100 Commerce Street, Room 8–C–53, Dallas, Texas 75202.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 9017 Federal Building, 19th and Stout Streets, Denver, Colorado 80202.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 254 Federal Office Building, 50 Fulton Street, San Francisco, California 94102.
U.S. Department of HEW, National Institute for Occupational Safety and Health, Arcade Building, 1321 Second St., Seattle, Washington 98101.
U.S. Department of HEW, National Institute for Occupational Safety and Health, 601 East 12th Street, Kansas City, Missouri 64106.

Finally, copies of the NIOSH document may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

This advance notice of proposed rulemaking is issued under section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) and Secretary of Labor's Order No. 12–71 (36 FR 8754).

Signed at Washington, D.C., this 17th day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73–17910 Filed 8–22–73;8:45 am]

[29 CFR Parts 1915, 1916, 1917, 1918]

[S–73–7]

MARITIME STANDARDS

Proposed Amendments to Regulations Governing Protection From Drowning

Because the U.S. Coast Guard has amended its regulations on the approval of life saving equipment (38 FR 8114), and because the Coast Guard is the approving agency for all such devices required under the Department of Labor Maritime Standards, it is proposed to amend these latter standards to conform with the Coast Guard regulations. Accordingly, pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 USC 655), Secretary of Labor's Order No. 12–71 (36 FR 8754), and 29 CFR Part 1911, it is hereby proposed to amend 29 CFR 1915.43(d), 1915.47(d), 1915.84(a), 1916.43(d), 1916.47(d), 1916.84(a), 1917.47, 1917.84(a), and 1918.106 to read as set forth below.

The proposal would change references to "work vests" or "buoyant vests" or "buoyant work vests" to "personal flotation devices" to reflect the change in terminology already adopted by the Coast Guard.

The proposal further provides that any "personal flotation devices" used after November 1, 1973 shall be approved by the Coast Guard as a Type I PFD (personal flotation device), Type II PFD, Type III PFD, or Type V PFD, pursuant to 46 CFR 160, or their equivalent. Equivalent devices are listed in 33 CFR 175.23.

The proposal is less restrictive than the present standards, which refer only to vests. The proposal recognizes that jacket type life preservers and certain special purpose water safety buoyant devices would serve the purposes of protecting maritime workers against drowning as adequately as the vests presently required.

Written data, views, and arguments concerning the proposal may be mailed to the Office of Standards, Room 504, 400 First Street NW., Washington, D.C. 20210. All written submissions received before September 24, 1973, will be considered. The data, views, and arguments will be available for public inspection and copy at the above address.

Pursuant to 29 CFR 1911.11 (b) and (c), interested persons may, in addition to filing written matter as provided above, file objections to the proposal requesting an informal hearing with respect thereto in accordance with the following conditions:

(1) The objections must include the name and address of the objector;
(2) The objections must be postmarked on or before September 24, 1973;
(3) The objections must specify with particularity the provision of the proposed rule to which the objection is taken, and must state the grounds therefore;
(4) Each objection must be separately stated and numbered; and
(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

1. In § 1915.43, paragraph (d) is proposed to be revised to read as follows:

§ 1915.43 Guarding of deck openings and edges.

. . . . . .

(d) When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by personal flotation devices meeting the requirements of § 1915.84(a).

. . . . . .

2. In § 1915.47, paragraph (d) is proposed to be revised to read as follows:

§ 1915.47 Working surfaces.

. . . . . .

(d) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of § 1915.84(a).

3. In § 1915.84, paragraph (a) is proposed to be revised to read as follows:

§ 1915.84 Lifesaving equipment.

(a) *Personal flotation devices.* (1) Any personal flotation device used after November 1, 1973, shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(2) Prior to each use, personal flotation devices shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective personal flotation devices shall not be used.

. . . . . .

4. In § 1916.43, paragraph (d) is proposed to be revised to read as follows:

§ 1916.43 Guarding of deck openings and edges.

. . . . . .

(d) When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by personal flotation devices meeting the requirements of § 1916.84(a).

. . . . . .

5. In § 1916.47, paragraph (d) is proposed to be revised to read as follows:

§ 1916.47 Working surfaces.

. . . . . .

(d) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of § 1916.84(a).

6. In § 1916.84, paragraph (a), is proposed to be revised to read as follows:

§ 1916.84 Lifesaving equipment.

(a) *Personal flotation devices.* (1) Any personal flotation device used after November 1, 1973, shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(2) Prior to each use, personal flotation devices shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective personal flotation devices shall not be used.

. . . . . .

7. Section 1917.47 is proposed to be revised to read as follows:

§ 1917.47 Working surfaces.

When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of § 1917.84(a).

8. In § 1917.84, paragraph (a) is proposed to be revised to read as follows:

§ 1917.84 Lifesaving equipment.

(a) *Personal flotation devices.* (1) Any personal flotation device used after November 1, 1973, shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(2) Prior to each use, personal flotation devices shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective personal flotation devices shall not be used.

. . . . . .

9. Section 1918.106 is proposed to be revised to read as follows:

§ 1918.106 Protection against drowning.

(a) *Personal flotation devices.* Any personal flotation device used after November 1, 1973, shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(b) Employees working on log booms shall be protected by personal flotation devices meeting the requirements of § 1918.106(a).

(c) Except when engaged in loading or discharging ocean going vessels, employees walking or working on the decks of barges on the Mississippi River System and the Gulf Intracoastal Waterway shall be protected by personal flotation devices meeting the requirements of § 1918.106(a).

(d) Personal flotation devices shall be maintained in good condition and shall be considered unserviceable when damaged so as to affect their buoyant properties or capability of being fastened.

(Sec. 6, Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655), Secretary of Labor's Order No. 12–71, 36 FR 8754.)

Signed at Washington, D.C., this 18th day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73–17908 Filed 8–22–73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

ALCATRAZ ISLAND

Golden Gate National Recreation Area Boat Landings

Notice is hereby given that pursuant to the authority contained in section 4 of the Act of October 27, 1972 (86 Stat. 1299, 16 U.S.C. 460bb–3), section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), as amended, 245 DMI (34 FR 13879), as amended, and National Park Service Order No. 77 (38 FR 7478), it is proposed to amend Part 7 to add a new § 7.97 as set forth below.

The purpose of the amendment is to ensure visitor safety on Alcatraz Island and to restrict visitation to manageable numbers by limiting boat landings on the Island to those holding valid permits for such landings.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulation to the Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, California 94123, by August 23, 1973.

The new section reads as follows:

§ 7.97 Golden Gate National Recreation Area.

(a) Boat landings—Alcatraz Island. Except in emergencies, the docking of any privately-owned vessel, as defined in Part 3.1 of this Title, or the landing of any person at Alcatraz Island without a permit or contract is prohibited. The Superintendent may issue a permit upon a determination that the applicant's needs cannot be provided by authorized commercial boat transportation to Alcatraz Island and that the proposed activities of the applicant are compatible with the preservation and protection of Alcatraz Island.

JOSEPH C. RUMBERG, JR.,
Deputy Associate Director.

[FR Doc.73–17871 Filed 8–22–73;8:45 am]

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National Park Service

[36 CFR Part 7]

LAVA BEDS NATIONAL MONUMENT, CALIFORNIA

Wilderness

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), section 3 of the Act of October 13, 1972 (86 Stat. 811), section 4 of the Act of September 3, 1964 (78 Stat. 892; 16 U.S.C. 1133), 245 DM1 (34 FR 13879) as amended, and National Park Service Order No. 77 (38 FR 7478), it is proposed to amend Part 7 of Title 36 of the Code of Federal Regulations to add § 7.96 as set forth below.

The purpose of the amendment is to establish special regulations for visitor use in that area within the monument which has been set aside for administration as a part of the national wilderness preservation system.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Lava Beds National Monument, Tulelake, California 96134, on or before September 24, 1973.

Section 7.96 is added as follows:

§ 7.96 Lava Beds National Monument.

(a) *Wilderness.* A map of the park portion designated as wilderness may be inspected at the Office of the Superintendent. Except in emergencies involving the health and safety of persons within the area, the following special regulations apply in the designated wilderness area: (1) The possession or use of a vehicle, motor vehicle, snowmobile, portable motor, or engine-driven equipment or machine is prohibited. (2) The possession or use of any device moved by animal or human power, on one or more wheels, in, upon, or by which any person or property is or may be transported or drawn on land, is prohibited.

PAUL F. HARTEL,
Superintendent, Lava Beds National Monument.

[FR Doc.73-17872 Filed 8-22-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 73-SW-55]

BELL MODEL 206A AND 206B HELICOPTERS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 206A and 206B helicopters. There have been reports of fatigue cracks in the vertical fin support forgings, P/N's 206-031-417 and -418, on Bell Models 206A and 206B, that could possibly result in damage to the tail rotor, if allowed to progress beyond certain limits. Since this condition is likely to exist or develop in other helicopters of the same type design, the proposed airworthiness directive would require repetitive inspections of the vertical fin support forging for cracks and thread marks and replacement as necessary on Bell Models 206A and 206B.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before September 24, 1973 will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Forth Worth, Tex.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Model 206A and 206B helicopters, serial numbers 4 through 1097, certificated in all categories, equipped with vertical fin support forgings, P/N's 206-031-417 and -418.

Compliance required within the next 50 hours' time in service after the effective date of this A.D., unless already accomplished within the last 50 hours' time in service, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection.

To detect possible fatigue cracks in the vertical fin support forgings in the area of the fin attachment nut plates, accomplish the following:

(a) Remove the vertical fin in accordance with paragraph 8-47, Section VIII of the 206A/B Maintenance and Overhaul Instructions.

(b) Remove the paint in the area of the fin attachment nut plates (4 places).

(c) Inspect for cracks, using a dye penetrant or equivalent inspection method.

(d) If cracks are found in either support forging, the cracked forging must be removed and replaced prior to further flight.

(e) If no cracks are found, inspect the four holes for thread marks. Any marks must be removed in accordance with Bell Helicopter Company Service Bulletin No. 206-01-73-5, Part I, paragraph 5, dated June 27, 1973, or later FAA approved revision. Apply a coating of zinc chromate primer or other suitable corrosion protection.

(f) Reinstall the fin in accordance with paragraph 8-49, Section VIII of the 206A/B Maintenance and Overhaul Instructions.

(g) This A.D. is no longer applicable when the vertical fin support forgings are replaced in accordance with Bell Helicopter Company Service Bulletin No. 206-01-73-5, Part II, dated June 27, 1973, or later FAA approved revision.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Tex. 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Tex., and at FAA Headquarters, 800 Independence Avenue SW, Washington, D.C. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Tex.

Issued in Fort Worth, Texas on August 13, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-17836 Filed 8-22-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-CE-19]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Spencer, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received by September 24, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Spencer, Iowa, a new public use instrument approach procedure is being developed for the Spencer Municipal Airport. Accordingly, it is necessary to alter the transition area at Spencer, Iowa, to adequately protect aircraft executing this new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is amended to read:

SPENCER, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Spencer, Iowa Municipal Airport (latitude 43°09'45" N., longitude 95°11'30" W.); and within three miles each side of the Spencer VOR 320° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; within 3.5 miles each side of the Spencer VOR 129° radial, extending from the 5-mile radius zone to 15 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles northeast and 9.5 miles southwest of the Spencer VOR 320° radial, extending from 6.5 miles southeast of the VOR to 18.5 miles northwest of the VOR; and within 5 miles northeast and 9.5 miles southwest of the Spencer VOR 129° radial, extending from 6.5 miles northwest of the VOR to 22.5 miles southeast of the VOR.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on August 6, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-17837 Filed 8-22-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 39]

ENVIRONMENTAL FINANCING

Loan Assistance From the Environmental Financing Authority

Notice is hereby given that the Environmental Protection Agency proposes to amend Subchapter B of Chapter I of Title 40 to include a new Part 39 to implement section 12 of the Federal Water Pollution Control Amendments of 1972.

Section 12 authorizes the Environmental Financing Authority to purchase State or local public body obligations which finance the non-Federal share of the cost of a project for the construction of waste treatment works.

Under the proposed regulations the Regional Administrators of the Environmental Protection Agency: (1) Will certify to the Environmental Financing Authority that the public body is unable to obtain on reasonable terms sufficient credit to finance its actual needs, (2) will approve the project as eligible for grant support under the FWPCA, and (3) will guarantee the timely payment by the public body of principal and interest on the obligation.

The proposed regulations would require the public body to develop a request for Environmental Financing Authority financing in conjunction with a Step 3 (building and erection of a treatment works) grant application or a Step 2-3 (design/construct) grant application. The request must contain documentation, such as letters from responsible municipal bond brokers, that the public body cannot obtain credit on better terms than the rate and repayment period specified by the Environmental Financing Authority. In addition the public body must agree to conditions which guarantee the loan.

Interested parties are encouraged to submit written comments, views, or data concerning these proposed regulations to the Chief, Water Programs Branch, Office of Planning and Evaluation, Environmental Protection Agency, Washington, D.C. 20460. All such submissions received on or before September 24, 1973, will be considered prior to promulgation of final regulations.

JOHN QUARLES,
Acting Administrator.

AUGUST 17, 1973.

PART 39—ENVIRONMENTAL FINANCING

Sec.
39.100 Purpose.
39.105 Definitions.
39.105-1 The authority.
39.105-2 Federal share.
39.105-3 Non-Federal share.
39.105-4 Public body.
39.105-5 Reasonable terms.
39.110 Application.
39.115 Limitation on assistance.
39.120 Certification.
39.125 Guarantee.

AUTHORITY.—Sec. 12 of the Act.

§ 39.100 Purpose.

This part establishes policies and procedures—(a) to assure that inability to borrow necessary funds on reasonable terms does not prevent the construction of any waste treatment works for which a grant has been awarded in compliance with the Federal Water Pollution Control Act and (b) to assure timely repayment of the principal and interest on the obligation.

§ 39.105 Definitions.

Words and terms used in this part which have been defined in § 35.905 of this chapter shall have the meaning set forth therein. The following words and terms shall have the meaning set forth below.

§ 39.105-1 The authority.

The Environmental Financing Authority established pursuant to section 12 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500).

§ 39.105-2 Federal share.

The amount of any grant awarded under Subpart E of Part 35 of this chapter for construction of waste treatment works.

§ 39.105-3 Non-Federal share.

The amount remaining after the Federal share is subtracted from the total costs which the Regional Administrator determines are associated with the project and eligible for financing, excluding State or other assistance pursuant to § 39.115.

§ 39.105-4 Public body.

A public body is a municipality, a State, or an interstate agency as defined in § 35.905 of this chapter.

§ 39.105-5 Reasonable terms.

Reasonable terms are an interest rate less than or equal to the lending rate at which the Authority will buy municipal bonds or a repayment period equal to or longer than the repayment period established by the Environmental Financing Authority.

§ 39.110 Application.

(a) A public body which has applied for a grant under section 8 regulations (§ 35.800 of this chapter) or under § 35.930-1(a) (3), (4), or (5) of this chapter, or which has committed itself to finance the non-Federal share of any project(s) awarded such a grant, may apply through the Regional Administrator for a commitment from the Environmental Financing Authority to purchase or participate in any obligation issued by the public body.

(b) Such application must establish and document to the satisfaction of the Regional Administrator—(1) Efforts on the part of the public body to obtain long-term financial aid on reasonable terms for the cost of construction of the project (including projects for Steps 1 or 2), (2) the nature and extent of Environmental Financing Authority financing required by the public body for the project, and (3) such other financial information as may be requested by the Regional Administrator.

(c) Such application will normally be included with the application for a Step 3 or combination Step 2 and Step 3 grant application for a construction project and must contain documentation, such as letters from local or regional brokers, providing evidence that funds are not available from private sources at a reasonable rate. Such application may be submitted at a later date if the public body determines, after attempts to obtain private financing, that it needs EFA funding.

(d) Such application shall be submitted through the Regional Administrator on such forms as may be prescribed by the Board of Directors of the Authority.

§ 39.115 Limitation on assistance.

The amount of any State or other assistance available for the non-Federal share of a project will be deducted from the amount of assistance by the Authority, unless such assistance is not available on reasonable terms.

§ 39.120 Certification.

(a) The Regional Administrator may certify to the Authority that the public body is unable to obtain on reasonable terms sufficient credit to finance the non-Federal share of a project which has been awarded a grant under section

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8 regulations or § 35.930–1(a) (3), (4), or (5) of this chapter for the Federal share of the project, provided that no such certification may be made in the case of a project for which the permanent financing occurred prior to October 18, 1972.

(b) The public body receiving certification will be subject to the following conditions:

(1) Agrees to maintain the facilities in good repair and operating condition for the duration of financial assistance by the Authority.

(2) Has legal authority to inspect and maintain the facilities in good repair and operating condition if the operating agency fails to do so.

(3) Has agreed to maintain insurance and bonding adequate to protect the guarantor.

(4) Has agreed to maintain and to preserve for the duration of financial assistance financial records (including annual operating budgets) necessary to reflect receipt of revenues for repayment.

(5) That the repayment period will be over a reasonable term not to exceed 40 years.

(6) Agrees to notify the Environmental Protection Agency Regional Administrator or his successor whenever projected annual revenues are insufficient to meet payments for principal, interest, or operating costs.

(7) That the public body has adopted a capital cost recovery system which will include revenues adequate to assure payment of principal and interest of the Environmental Financing Authority obligations.

(8) Agrees to revise its rates or rate structure in accordance with recommendations of the Environmental Protection Agency Regional Administrator or his successor whenever such revisions are required to assure that annual revenues will be sufficient to meet projected operating costs or required payments of principal and interest.

(c) The Environmental Protection Agency certification or financial assistance from the Authority may be revoked in the event of noncompliance with the foregoing conditions.

§ 39.125 Guarantee.

Certification by the Regional Administrator pursuant to § 39.120 constitutes a guarantee of the timely payment of interest and principal by the public body for a project for which financial assistance is obtained from the Authority.

[FR Doc.73-17889 Filed 8-22-73;8:45 am]

[40 CFR Part 162]

LABELING CLAIMS FOR RESIDUAL BACTERIOSTATIC AND/OR SELF-SANITIZING ACTIVITY IN LABELING OF PESTICIDE PRODUCTS

Proposed Statement of Policy

Notice is hereby given pursuant to the authority in sections 3 and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 979, 997), that consideration is being given to the issuance of a Statement of Policy with respect to claims for residual bacteriostatic and/or self-sanitizing activity in labeling of pesticides. All persons who desire to submit written data, views, or arguments in connection with this matter should file the same in duplicate within 60 days after the date of publication of this notice in the FEDERAL REGISTER with the Director, Registration Division, Office of Pesticides Programs, Environmental Protection Agency, Room 2134, South Agriculture Building, 12th and Independence Avenue SW., Washington, D.C. 20250. All written submissions filed pursuant to this notice will be made available for public inspection in the above office during working hours Monday through Friday.

It is the intention of this Agency to require that all currently registered products be brought into compliance within 180 days from the date of publication of a final notice in the FEDERAL REGISTER. The Agency further intends to require that new products proposed for registration comply with the provisions of the established policy prior to registration. At the end of the 180-day period allowed for bringing currently registered products into compliance, notices of intent to cancel registration of noncomplying products will be issued.

The rationale for this proposed change in policy and the proposed Statement of Policy follows.

Dated: August 17, 1973.

JOHN QUARLES,
Acting Administrator.

The Environmental Protection Agency in the exercise of its responsibility with regard to protection of public health and the environment must make continuing judgments relative to the safety and efficacy of pesticide products. These judgments must be based on constant reviews of available data and close surveillance of currently registered products to assure that they meet the statutory test relative to effectiveness and safety.

The Agency also recognizes its responsibility to assure that for any introduction of pesticide chemicals into the environment there is a commensurate and clearly demonstrable useful benefit to man and his environment. It is of prime importance that the benefit that can be expected to accrue from such usages be clearly spelled out in pesticide labeling.

The Federal Insecticide, Fungicide, and Rodenticide Act as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 973 et seq.) provides that a pesticide product is considered misbranded if among other things:

1. Its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular (86 Stat. 977).

2. The labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 3(d) of this Act, are adequate to protect health and the environment; (86 Stat. 977).

A number of antimicrobial products currently registered with the Registration Division, Office of Pesticide Programs, of the Environmental Protection Agency bear claims for residual bacteriostatic, fungistatic, and/or self-sanitizing activity against pathogenic bacteria and fungi. Products of this type include both liquid and pressurized spray formulations, and materials (such as various types of fabrics, fibers, coatings, rubber, plastics, resins, and paper) that have been impregnated or treated with antimicrobial pesticides.

Few meaningful, standardized tests exist to assess the efficacy of products, articles, or materials bearing bacteriostatic, fungistatic, or self-sanitizing claims. However, to substantiate current label claims, data have been submitted to show that residual bacteriostatic, fungistatic, and/or self-sanitizing activity occurs under ideal laboratory conditions that are suitable for the growth of bacteria and fungi, and for the activation of chemicals against these microorganisms. These ideal and critical conditions include appropriate nutrients, moisture temperature, pH, and other environmental factors.

The stability or retention of a chemical in or on an inanimate surface varies, depending upon both physical and chemical factors. Abrasion, sunlight, heat, chemical neutralization, or degradation, vaporization, presence of soil, dust, and water, migration, or physical transport of the chemical to another area, all tend to reduce the active concentration of the antimicrobial chemical from the site of original application.

From a practical, or public health view point, insignificant killing of potentially harmful micro-organisms occurs on dry objects or surfaces treated with antimicrobial pesticides when they (a) settle on the object or surface from the air, (b) are transported to the surface by means of some inanimate vehicle, or (c) are deposited either by contact or by fallout from a human or animal source (sputum, exudates, nasal discharge, excrement, etc.). In some instances where micro-organisms from human sources contaminate the treated surface, these micro-organisms generally are in the presence of serum components or other carbohydrate, lipid, or protein complexes present in tissues fluids or body exudates and thus are protected from the normally destructive chemical. The organisms, still viable, are able to grow and multiply when transported at a later time to a suitable environment and are capable of infecting susceptible hosts.

Antimicrobial activity generally is found at four levels of efficacy: sterilizers (the killing of all living organisms), disinfectants (total kill of target infectious organisms), sanitizers (significant reductions of bacterial numbers), and bacteriostats (inhibition of bacterial growth in the presence of moisture without effect on organism viability). Only by the total elimination of a specific species of infectious micro-organism from a surface (sterilization or disinfection) can it be assumed that the likelihood of cross-infection from the surface will not occur. In an unprotected environment, this state of sterility or disinfection is transient.

The practical value of impregnating various materials with antimicrobial chemicals for the purpose of preserving the material itself from microbial deterioration is recognized. Similarly, the treatment of surfaces, materials, or articles with antimicrobial chemicals to prevent the growth of and/or reduce the numbers of bacteria which may cause odors appears to have obvious practical significance. Additionally, a measure of protection is provided to perishable commodities by impregnating or treating papers or cartons with pesticides to prevent the growth of contaminants that might cause deterioration and spoilage. However, it is unlikely that any significant destruction of micro-organisms occurs when relatively dry bacteria or fungi found in the air, dust, or dirt in the environment come in contact with dry impregnated materials or dry treated surfaces in the absence of adequate moisture.

Based on these considerations, test methods currently available to evaluate residual antimicrobial activity against infectious micro-organisms do not adequately simulate conditions of use and fail to assess public health benefits that may be expected.

PROPOSED STATEMENT OF POLICY

§ 162.200 Claims for residual bacteriostatic and/or self-sanitizing activity in labeling of pesticides; statement of policy.

(a) Residual chemicals which are effective against infectious micro-organisms at the mitigating level only ("bacteriostatic," "fungistatic," "self-sanitizing") cannot be represented as providing any measure of public health protection, either stated or implied, and references to any infectious micro-organism in connection with residual antimicrobial activity are, therefore, unwarranted and no longer acceptable. Any such claims shall be removed from the label.

(b) Claims for antimicrobial activity of chemical residues must therefore be restricted to practical values which are likely to be provided and which can be associated with actual in-use situations, assuming adequate data to substantiate such claims are submitted to the Registration Division, Office of Pesticides Programs, Environmental Protection Agency.

(c) Any claims of value for residual effectiveness against infectious micro-organisms or micro-organisms of public health significance whether stated or implied must be supported by adequate clinical evidence developed from actual in-use studies before acceptance on the labeling of a pesticide will be considered. Affidavits or endorsements from users are not acceptable as "clinical evidence" of effectiveness.

[FR Doc.73-17890 Filed 8-22-73;8:45 am]

[41 CFR Part 15–60]

GOVERNMENT PROPERTY

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Environmental Protection Agency is considering an amendment to 41 CFR Chapter 15 by adding a new Part 15–60, Government Property. Part 15–60 enunciates policy and procedures for providing Government owned property to contractors and for allowing contractors to acquire property at Government expense.

Interested parties may submit written comments concerning the proposed amendment to the Contracts Management Division, AMAC, Environmental Protection Agency, Washington, D.C. 20460. Communications received on or before September 21, 1973 will be considered prior to adoption of the final regulation. A copy of each communication received will be placed on file for public inspection in the Contracts Management Division, Room W415–B, Waterside Mall, Washington, D.C. 20460.

Dated: August 17, 1973.

JOHN QUARLES,
Acting Administrator.

PART 15–60—GOVERNMENT PROPERTY

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Subpart 15–60.7—Contract Clauses

15–60.700 Scope of subpart.
15–60.701 Government property clause for fixed-price contracts.
15–60.702 Government property clause for cost-reimbursement contracts.
15–60.703 Government property clause for "no-fee" cost-reimbursement contracts with educational or nonprofit institutions and State and local Governments.

AUTHORITY: 40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended.

Subpart 15–60.1—General

§ 15–60.000 Scope of part.

This part sets forth policy and procedures with respect to providing property for use by contractors in performance of EPA contracts and prescribes appropriate contract clauses. This part does not apply to the lease of property to contractors or to property to which the Government has acquired a lien or title solely as a result of advance, progress, or partial payments.

§ 15–60.100 Scope of subpart.

This subpart 15–60.1 contains (a) definition of terms used throughout this Part 15–60 and (b) certain statements of general policy.

§ 15–60.101 Definitions.

As used in this subpart, the following terms have the meaning stated below. Additional definitions applicable to property administration are set forth in EPA publication entitled "Guide for Control of Government Property by Contractors."

§ 15–60.101–1 Property.

Property includes all property, both real and personal, severable and nonseverable, and expendable material and nonexpendable equipment.

§ 15–60.101–2 Government property.

Government property means all property owned by or leased to the Government or acquired by the Government under the terms of a contract. Government property includes both Government-furnished property and contractor-acquired property as defined below:

(a) Government-furnished property is property in the possession of, or ac-

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quired directly by, the Government and subsequently delivered or otherwise made available to the contractor; and

(b) Contractor-acquired property is property procured or otherwise made available by the contractor for performance of a contract, title to which is vested in the Government.

§ 15–60.101–3 Provide.

Provide means to furnish Government-owned property or to allow a contractor to acquire property at Government expense.

§ 15–60.101–4 Nonseverable.

Nonseverable, when related to Government property, means that such property cannot be removed after erection or installation without substantial loss of value or damage thereto, or to the premises where installed.

§ 15–60.101–5 Dollar value.

This is the amount determined by the Government and recorded in inventory records as the price or cost of an item of Government-owned property.

§ 15–60.101–6 Procurement contract.

Procurement contract means a Government contract for the acquisition of property or services of any description; e.g., research and development, construction, scientific, educational, medical, etc

§ 15–60.101–7 Material.

Material means property which may be consumed or expended in the performance of a contract or which may be incorporated into or attached to an end item to be delivered under a contract. It includes, but is not limited to, raw and processed material, parts, components, assemblies, small tools and supplies which may be consumed in normal use during performance of a contract.

§ 15–60.101–8 Nonprofit organization.

Nonprofit organization means any corporation, foundation, trust, or institution operated for scientific, educational, or medical purposes, not organized for profit, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

§ 15–60.102 Responsibility and liability for Government property.

§ 15–60.102–1 Prime contractors.

Except for the conditions specified in paragraph (g), Risk of Loss, of the Government Property clause set out in § 15–60.702 of this chapter, it is EPA policy not to hold a contractor responsible for loss of or damage to Government property when such property is provided under:

(a) A negotiated, fixed-price type procurement contract for which the price is not based on (1) adequate price competition, (2) established catalog or market prices of commercial items sold in substantial quantities to the general public (see § 1–3.807–1(a)(2)), or (3) prices set by law or regulation; or

(b) Cost-reimbursement type procurement contracts.

§ 15–60.102–2 Subcontractors.

(a) If Government property is provided to a subcontractor directly by the Government § 15–60.102–1 shall apply.

(b) If Government property is provided to a subcontractor by a prime contractor, the latter shall be required to hold the subcontractor liable for any loss of or damage to such property; provided, however, the prime contractor may, with the prior approval of the Contracting Officer:

(1) include in any cost-reimbursement type subcontract thereunder provisions similar to those contained in paragraph (g) of the section in § 15–60.702; and

(2) include in any fixed-price subcontract meeting the criteria set forth in § 15–60.102–1(a) a provision similar to that contained in § 15–60.701(b) of this chapter.

Contracting Officers shall, prior to approving the inclusion of the provisions referred to above in any subcontract, balance the need for the protection and care of Government property against the cost thereof. A prime contractor who provides Government property to a subcontractor shall not be relieved of any responsibility to the Government that he may have under the terms of his contract.

§ 15–60.103 Use for or by contractors of test facilities owned and operated by the Government.

The on-site use for or by contractors of existing Government-owned test facilities located at installations owned and operated by the Government may be authorized in connection with the performance of Government contracts only when:

(a) There is no commercial test capability adequate for the testing needs, or

(b) Substantial cost savings will result from use of the Government-owned test facilities.

Whenever any such use is authorized, adequate consideration comparable to commercial charges, if any, shall be obtained under any affected contract.

Subpart 15–60.2—Material

§ 15–60.200 Scope of subpart.

This subpart prescribes policy and procedure for furnishing material (see § 15–60.101–7) to contractors for performance of EPA formally advertised and negotiated contracts.

§ 15–60.201 Policy.

Contractors normally are expected to furnish all material required for performance of EPA contracts. However, it may be in the Government's interest to furnish such material when justified by reason of economy, to expedite contract performance, to achieve standardization, or under other appropriate conditions.

§ 15–60.202 Procedure.

(a) Solicitation documents shall describe material to be furnished by the Government, in detail sufficient for evaluation by prospective contractors.

(b) Whenever material is to be furnished by the Government the contract shall specify whether the contracting activity or the contractor is to prepare requisitioning documents. If the contractor is to be responsible for preparing requisitioning documents, the EPA Property Administrator will instruct the contractor to prepare such documents in accordance with the Federal Standard Requisitioning and Issue Procedure (FEDSTRIP) system, prescribed by Subpart 101–26.2 of the Federal Property Management Regulations. (See FPR, Subpart 1–5.9 for "Use of GSA Supply Services by Contractors Performing Cost-Reimbursement Type Contracts").

(c) The appropriate Government Property clause prescribed in Subpart 15–60.7 shall be incorporated into all contracts which provide for Government-furnished material.

§ 15–60.203 Contract changes.

(a) Contracts may be modified:

(1) Bilaterally to provide for material to be furnished by the Government and to increase the amount of Government-furnished material; provided, adequate consideration flows to the Government for such modifications; and

(2) Unilaterally to make substitutions or decreases in material to be furnished by the Government, subject to equitable adjustment of the contract in accordance with the Government Property clause.

§ 15–60.204 Disposal.

Residual Government material (including scrap and salvage) shall be disposed of in accordance with instructions of the EPA Property Administrator and as directed by the Contracting Officer. (See FPMR, EPA Property Management Regulations, FPR, Part 1–8, and EPA publication entitled "Guide for Control of Government Property by Contractors").

Subpart 15–60.3—Providing Government Property to Contractors

§ 15–60.300 Scope of subpart.

This subpart enunciates policy to guide the decision making process when property (other than material) is to be provided a contractor for performance of an EPA contract and to insure that such decisions are properly documented.

§ 15–60.301 Providing property.

§ 15–60.301–1 General.

(a) Contractors are expected to provide all resources necessary for performance of EPA contracts. Every effort must be made to locate and select Contractors that demonstrate a willingness and ability to provide their own resources. However, during procurement planning, solicitation of prospective contractors, evaluation of proposals, contract negotiations, or during postaward performance of the contract, EPA may determine that it is in the Government's interest to furnish Government-owned property or to allow the contractor to acquire property at Government expense.

(b) Providing property at Government expense can create an expensive and burdensome inventory that may have to

be disposed of at a fraction of its cost. EPA personnel must insure that (1) providing property is justified, (2) the Government receives adequate consideration, and (3) one contractor or prospective contractor does not receive a competitive advantage over others. A decision to provide property at Government expense must be supported by a comprehensive "determination and findings."

(c) Items of property to be furnished by the Government or acquired by the contractor must be identified as specifically as possible in the original contract Schedule or in a Change Order or Supplemental Agreement, as appropriate. When acquisition of property at Government expense is authorized in a contract Schedule, Change Order, or Supplemental Agreement, purchase orders or subcontracts issued by the contractor for acquisition of individual items of property are subject to the requirements of the Subcontracts clause incorporated into the contract. Authorization to acquire property should not be construed as consent to placement of a subcontract or vice-versa, unless so specified in the contract or in a written determination by the Contracting Officer.

§ 15–60.301–2 Justification for providing property.

(a) The Contracting Officer shall not authorize a contractor to (1) acquire property at Government expense, (2) obtain Government-furnished property, or (3) use Government-owned property in his possession until the Chief Officer, at Division level or above, responsible for management of the program/project involved, submits a written justification of need to provide the property to the Contracting Officer. If the Contracting Officer concurs in the justification of need, he will prepare and sign a separate "determination and findings" which identifies the property to be provided and sets forth the facts and circumstances which support providing the property. The "determination and findings" shall be approved by the Chief Officer responsible for procurement at the contracting activity involved. A similar approved "determination and findings" is required when changes are made in the kind or amount of property provided or acquired. However, a separate "determination and findings" is not mandatory if the justification of need fully supports providing the property and contains the minimum information prescribed by § 15–60.301(b). In such case, concurrences by the Contracting Officer and Chief Officer responsible for procurement may be stated on the justification of need.

(b) As a minimum, the justification of need and/or "the determination and findings" must:

(1) Identify the specific program and project for which the property is required.

(2) Describe the kind, quantity, and estimated cost (including transportation and installation costs) of the individual item of property required to be furnished or acquired.

(3) Explain why the property is essential for contract performance.

(4) Explain why it is in the Government's interest to provide the property; why other alternatives (e.g., renting the property, use of subcontractors, modification of program/project requirements, procurement from another contractor, etc.); are impractical or uneconomical and why providing the requested property is likely to result in lower cost to the Government for products delivered or services rendered, when all costs are considered (e.g., purchase price of the property, transportation, modification, installation, maintenance, and administration costs by the Contractor and the Government.)

(5) Identify, if known, location of the contractor's facility at which the property will be used and the contractor's personnel assigned responsibility for acquisition and management of the property.

(c) A justification of need is required regardless of when the need for the property is determined; thus:

(1) A written justification of need must be transmitted with EPA Form 1900.8, Procurement Request/Requisition, whenever the program/project manager is aware, prior to preparation of EPA Form 1900.8, that it will be necessary to authorize use of Government-owned property in contractor's possession, furnish Government-owned property, or allow contractor to acquire property at Government expense. Known requirements of this kind must be specified in the solicitation document as prescribed in Subpart 15–60.5.

(2) When the need to authorize use of existing Government-owned property or to authorize the furnishing or acquisition of property does not become known until evaluation of contractor's proposals or during contract negotiations, the Contracting Officer shall obtain a justifictaion of need prior to execution of the procurement contract. In order to maintain the integrity of the competitive procurement process, other proposers that have submitted proposals will be offered the opportunity to amend their proposals as contemplated by § 1–3.805 of this title and § 15–3.805 of this chapter.

(3) After award of a contract, the Contracting Officer shall not authorize the use, furnishing, or acquisition of property until a justification of need is furnished by the appropriate program manager. Also, the Contracting Officer must insure that consideration for such authorization flows to the Government in the form of a reduction in contract price/cost, payment of rent for use of property, or other legal consideration determined to be adequate in terms of improved performance, increased quality, faster delivery, etc.

§ 15–60.301–3 Special and general purpose property.

(a) Generally, only special purpose property (i.e., equipment and facilities items whose usefulness, without need for substantial modification, is limited to a particular operation or project) may be provided to a contractor. Standard or general purpose items of administrative equipment (e.g., office furniture and equipment, cafeteria equipment, lockers, shelving, etc.), and technical equipment (e.g., laboratory furniture and fixtures, microscopes, oscilloscopes, gauges, etc.), shall be provided only when justified under the most exceptional circumstances.

(b) Items of property having a unit cost of less than $1,000.00 shall not be provided contractors except as authorized under contracts with:

(1) Nonprofit institutions of higher education or other nonprofit organizations whose primary purpose is the conduct of scientific research;

(2) State and local Government agencies; or

(3) Contractors operating a Government-owned plant or performing on-site at Government installations.

§ 15–60.301–4 Providing property when disposal is limited.

(a) *Nonseverable property.*—Nonseverable property, other than foundation and similar improvements necessary for the installation of equipment, shall not be installed or constructed on land not owned by the Government, in such fashion as to be nonseverable, unless approved by the Director, Contracts Management Division, AMAC, or the Deputy Assistant Administrator for Administration, AMA, in accordance with EPA Order 1960.1. The determination to locate such nonseverable property on land not owned by the Government shall be made only when all of the conditions in paragraphs (a) (1) through (4) of this section have been met:

(1) Consideration has been given to any nonrecoverable costs involved, including transportation and installation.

(2) Consideration has been given to (i) locating the Government property where it can be segregated from existing contractor-owned and Government-owned property and where it is readily accessible from public thoroughfares and (ii) obtaining a written agreement by the contractor on whose land the property is to be placed that either the Government or another Government contractor will have a right to use and operate the property upon termination or completion of the work for which it was provided. (In cases where such an agreement is not obtained, the negotiation effort shall be documented accordingly);

(3) The contractor agrees that the Government (i) will have the right to abandon in place all nonservable Government property provided and (ii) will not have any obligation to disassemble or remove the property or to restore or rehabilitate the premises on which the property is located, unless otherwise provided in the contract and approved by the Director, Contracts Management Division, AMAC, or the Deputy Assistant Administrator for Administration, AMA, as required by EPA Order 1960.1

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(this approval authority shall not be delegated); and

(4) One of the circumstances in paragraph (a)(4)(i) through (iv) of this section has been met—

(i) The Government obtains an option to acquire the underlaying land;

(ii) The property is disposable, after the Government's need therefor has ceased, to parties other than the Contractor and the Government acquires from the owner a right to retain title and to dispose of all facilities it has constructed, without regard to the laws of real property in the jurisdiction in which the facility is located. Such right of disposition must be unencumbered, and will be evidenced by written agreement or other legal instrument signed by the Contractor or other owner of the real property;

(iii) The Contractor agrees in writing that he will purchase the property upon the termination or completion of the contract under which the property is provided, or within a specified reasonable time thereafter, at a price to be determined by appraisal, or at a price equal to the acquisition cost of the property less depreciation at the rate or rates specified in the contract (which rate or rates shall take into account the estimated useful life of the property) or for the scrap and salvage value of the property if it is determined that the estimated useful life of the property will not extend beyond the completion of the work for which the property was provided. Any such purchase agreement must permit the Government to credit any amounts due the Contractor under the contract against the purchase price; or

(iv) The Deputy Assistant Administrator, AMA, specifically approves other provisions which he considers adequate to protect the interests of the Government in regard to the property.

(b) Property subject to patent or other proprietary rights. If patent or other proprietary rights of a Contractor may restrict the disposal of Government property, the condition in either paragraph (a)(4)(ii) or (iii) of this section shall be satisfied before such property is provided.

§ 15–60.301–5 Changing Government property to be provided.

Increases in the amount of Government property specified in a contract shall be made under the contract "Changes" clause by issuance of an appropriate Change Order or Supplemental Agreement. Such increases shall be made only when approved in accordance with the policies prescribed in this Subpart 15–60.3 and when the Government receives adequate consideration therefor. Unilateral decreases in or substitutions for the Government property specified in a contract to be provided by the Government may be ordered by the Contracting Officer pursuant to the Government Property clause incorporated into the contract.

§ 15–60.301–6 Contract schedule articles.

(a) *General.* Whenever a Contractor is authorized to acquire property at Government expense, is furnished Government-owned property, or is authorized to use Government-owned property in his possession, such property will be identified, as specifically as possible, in the contract Schedule and the appropriate Government Property clause prescribed in Subpart 15–60.7 will be included in the contract. Also, the Schedule will include the appropriate Article prescribed in § 15–60.301–6(b).

(b) *Contract Schedule Articles.*—(1) When property is to be acquired or fabricated by a contractor, the estimated cost of such property and the following Article will be included in the Contract Schedule:

PROPERTY TO BE ACQUIRED OR FABRICATED (1973)

Subject to the approval of the Contracting Officer, the Contractor may acquire or fabricate (the property listed below) (the property listed in Appendix "A," attached hereto and made a part hereof). The Government will reimburse the contractor for the cost of such property as determined allowable by the Contracting Officer in accordance with Part 1–15 of the Federal Procurement Regulations as in effect on the date of this contract. The contractor shall have no obligation to acquire or fabricate property and the Government shall have no obligation to reimburse any amount for such property in excess of the total estimated cost of such property set forth in this Schedule, unless this contract is amended to increase such amount. All property acquired or fabricated, for which the contractor is reimbursed, shall be subject to the provisions of the Government Property clause of this contract.

(2) If a procurement contract is negotiated on the basis that Government-owned property will be provided the contractor, the following Article will be included in the contract Schedule. If the Government is to pay the cost of transportation and installation of such property the Schedule will so state. The dollar value of each item of property listed will be shown.

GOVERNMENT-FURNISHED PROPERTY (1973)

The terms and conditions of this contract are based on the Government furnishing the property (listed below) (listed in Appendix "A" attached hereto and made a part hereof). Title to property furnished shall remain in the Government and is subject to the provisions of the Government Property clause of this contract. The Contractor is authorized to use the Government-owned property (on a no-charge basis) (at the rental rates specified herein), in performance of this contract.

(3) The following Article will be included in the contract Schedule when a Contractor is authorized to use Government property in his possession. Also, the appropriate Government Property clause prescribed in Subpart 15–60.7 of this part must be incorporated into the procurement contract. The dollar value of each item of property listed will be shown and if the Government is to pay the cost of installing or modifying such property the Schedule will so state.

USE OF GOVERNMENT PROPERTY IN CONTRACTOR'S POSSESSION (1973)

The Contractor is authorized to use in performance of this contract (on a no-charge basis) (at the rental rates specified herein), the Government property (listed below) (listed in Appendix "A" attached hereto and made a part hereof), provided to him under (this contract) (the following contracts):

(4) The following Article will be included in all contracts under which the Contractor must pay rent for use of Government-owned property:

USE AND CHARGE

(a) Subject to the payment of a rental therefor, the Contractor may use in the performance of this contract the property specified in the Schedule or authorized in writing by the Contracting Officer. The amount of rental to be paid for the right to use the property under this paragraph (a) shall be determined in accordance with the following procedures:

(1) The following bases are or shall be established in writing for the rental computation prescribed in subparagraph (2) of this clause in advance of any use of the property under this paragraph:

(i) The rental rates for the right to use the property shall be those set forth in paragraph (e) of this clause.

(ii) The cost of the property shall be the total cost to the Government, as determined by the Contracting Officer of each item of property, including the cost of transportation and installation, if such costs are borne by the Government.

(iii) For the purpose of determining the amount of rental due under subparagraph (2) of this clause, the rental period shall be not less than one (1) month nor more than six (6) months, as may be mutually agreed to.

(iv) For the purpose of computing any credit under subparagraph (2) of this clause, the measurement unit for determining the amount of use of the property by the Contractor shall be hours of actual use, direct labor hours, or any other measurement unit which will result in an equitable apportionment of the rental charge, as may be mutually agreed to.

(2) The Contractor shall compute the amount of rentals to be paid for each rental period, using the bases established pursuant to subparagraph (1) of this clause. The rental rates shall be applied to the cost of such of the property as may have been authorized for use in advance pursuant to paragraph (a) of this clause, for each rental period. The full charge for each rental period, so determined, shall be reduced by a credit in the amount of such rental as would otherwise be properly allocable to work with respect to which the use of the property without charge is authorized. Such credit shall be computed by multiplying the full rental for the rental period by a fraction whose numerator is the amount of use of the property by the Contractor without charge during such period, and whose denominator is the total amount of use of the property by the Contractor during such period.

(3) The Contractor shall submit to the Contracting Officer within ninety (90) days after the close of each rental period a written statement of the use made of the property by the Contractor and the rental due the Government hereunder, and shall make available such records and data as are determined by the Contracting Officer to be necessary to verify the information contained in the statement.

(4) If the Contractor fails to submit the statement within the prescribed ninety (90) day period, the Contractor shall be liable for the full rental for the period in question, subject to the exception stated in subparagraph (5) of this clause.

(5) If the Contractor's failure to submit the statement within the prescribed ninety (90) day period arose out of causes beyond the control and without the fault or negligence of the Contractor, the Contracting Officer shall grant to the Contractor in writing a reasonable extension of time in which to make such submission.

(b) Unless otherwise authorized in writing by the Contracting Officer, the Contractor shall use the property only in performance of contracts and subcontracts of the Environmental Protection Agency.

(c) Concurrently with the submission of the written statement prescribed by paragraph (a)(3) of this clause, the Contractor shall pay the rental due the Government under this clause by check made payable to the Treasurer of the United States. Each check shall be mailed or delivered to the Contracting Officer. Receipt and acceptance by the Government of the Contractor's checks pursuant to this paragraph shall constitute an accord and satisfaction of the final amount due the Government hereunder unless the Contractor is notified in writing within one-hundred-eighty (180) days following such receipt that the amount received is not regarded by the Government as the final amount due.

(d) If the Contractor uses any item of the property without authorization, the Contractor shall be liable for the full monthly rental, without credit, for such item for each month or part thereof in which such unauthorized use occurs: Provided, however, that the Director, Contracts Management Division, AMAC, may, in writing, waive the Contractor's liability for such unauthorized use if he determines that the Contractor exercised reasonable care to prevent such unauthorized use. In this latter event, the Contractor shall be liable only for the rental that would otherwise be due under this clause. The acceptance of any rental by the Government hereunder shall not be construed as a waiver or relinquishment of any rights it may have against the Contractor growing out of the Contractor's unauthorized use of the property or any other failure to perform this contract according to its terms.

(e) The following rental rates shall be used when rent is to be charged, or an evaluation factor (equivalent to rent) is computed:

(1) For land and land preparation, buildings, building installations, and land installations, a fair and reasonable rental based on sound commercial practice;

(2) For personal property (equipment and facilities) not covered in paragraph (1) of this clause; not less than the prevailing commercial rate for like property, if any, or in the absence of such rate, not less than two percent (2%) of the dollar value per month for electronic test equipment and automotive equipment; and not less than one percent (1%) of the dollar value per month for all other property and equipment.

(5) When a contractor is permitted to authorize his subcontractors to use Government property in the subcontractor's possession, on a no-charge basis, the following Article will be included in the contract Schedule:

USE OF GOVERNMENT PROPERTY BY SUBCONTRACTORS (1973)

(a) The following subcontractors having Government-owned property provided under the contracts set forth below, in effect on the date of this contract, are authorized to use such property on a no-charge basis for the subcontract items listed below, and the subcontract shall so provide:

Subcontractor	Contract No.	Subcontract Item

(b) If the Contractor enters into other subcontracts with subcontractors who have Government-owned property provided to them under contracts which provide that no-charge use may be authorized, the Contracting Officer may authorize the use of such property on a no-charge basis: *Provided:*

(1) He determines that such use will not give the subcontractor a favored competitive position; and

(2) This contract is amended to reflect adequate consideration to the Government for the use of such facilities on a no-charge basis. Such subcontracts shall specifically authorize the no-charge use, and require the written approval of the Contracting Officer. No modification to this contract will be required, as provided in (2) of this clause, if the Contracting Officer determines that an elimination of charge for use of such property will, of itself, result in an adequate decreased cost to the Government under this contract.

(c) If the Government-owned property provided to the Contractor or any subcontractor hereunder on a no-charge basis are increased or decreased or do not remain available during the performance of this contract, or if any change is made in the terms and conditions under which they are made available, such equitable adjustments as may be appropriate will be made in the terms of this contract, unless such increase or decrease was contemplated in the establishment of the price of this contract or a subcontract.

(d) The Contractor agrees that he will not directly or indirectly, through overhead charges or otherwise, include in the price of this contract, or seek reimbursement under this contract for any rental charge paid by the Contractor for the use on other contracts of the property referred to herein. Any subcontract hereunder which authorizes the subcontractor to use Government property on a no-charge basis shall contain a provision to the same effect as this paragraph (d) of this clause.

Subpart 15–60.4—Use and Charges

§ 15–60.400 Scope of subpart.

This subpart deals with the authority for a contractor or subcontractor to use Government property and the charge for such use.

§ 15–60.401 General.

Authority for a contractor to use Government property must be granted by the Contracting Officer responsible for the contract under which the property is accountable and the contract file must be documented accordingly. If use without charge is granted, the contract file must be documented with a description of the consideration to the Government for such "no-charge" use and the Article prescribed in § 15–60.301–6(b)(3) must be included in the contract Schedule. The Article prescribed in § 15–60.301–6(b)(3) and the "Use and Charges" Article set out in § 15–60.301(b)(4) will be included in all contracts involving Government property when rent is charged for such use.

§ 15–60.402 Use without charge.

(a) A contractor may use Government property without charge in the performance of:

(1) Prime contracts which specifically authorize use without charge, and

(2) Subcontracts of any tier if the Contracting Officer having cognizance over the prime contract concerned has:

(i) Determined that the Government will receive adequate consideration, and

(ii) Authorized use without charge by:

(*a*) Including such authorization in the prime contract;

(*b*) Approving a subcontract specifically authorizing such use; or

(c) By otherwise approving such use in writing.

(b) A prime contractor may authorize subcontractors to use Government property in the subcontractor's possession, on a no-charge basis, when (1) the price or fee of the prime contract is negotiated with the specific understanding that the use of property by subcontractors on a no-charge basis will be permitted in the performance of specific subcontracts with specific subcontractors and (2) the "Use of Government Property by Subcontractors" clause, prescribed in § 15–60.301–6(5), is included in the prime contract Schedule.

§ 15–60.403 Rent.

(a) The following rental rates shall be used when rent is to be charged or an evaluation factor (equivalent to rent) is computed:

(1) For land and land preparation, buildings, building installations, and land installations, a fair and reasonable rental based on sound commercial practice;

(2) For personal property (equipment and facilities) not covered in paragraph (a)(1) of this section not less than the prevailing commercial rate for like property, if any, or in the absence of such rate, not less than two percent (2%) of the dollar value for electronic test equipment and automotive equipment; and not less than one percent (1%) of the dollar value per month for all other property and equipment.

Subpart 15–60.5—Competition

§ 15–60.500 Scope of subpart.

This subpart sets forth guidance designed to preclude one prospective contractor from receiving a competitive advantage over others when Government property is provided.

§ 15–60.501 General.

It is incumbent upon the Contracting Officer to insure that genuine competi-

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tion prevails and that adequate consideration flows to the Government whenever and however Government property is to be provided a contractor for contract performance. Willingness and ability to provide all resources necessary for contract performance should be an important factor in evaluating competitive contractors.

§ 15–60.502 Solicitation documents.

Contracting Officers shall make certain that solicitation documents:

(a) Require prospective contractors to specify additional facilities and equipment which must be acquired for contract performance, the estimated cost of individual items, and whether acquisition of such property will be financed by the prospective contractor or whether the Government will be requested to provide the required items.

(b) Explain whether it is the Government's intention to provide property, when it is known prior to solicitation that contract performance will require additional facilities or equipment.

(c) Require prospective contractors to list items (including dollar value) of Government-owned property in their possession which they propose to use in performance of the prospective contract and identify the contract or other instrument under which the property is accountable. (Written permission from the Contracting Officer having cognizance of the property is a prerequisite to use in performance of the prospective contract.)

(d) Include a statement that the user will assume all costs related to making the property available for use (e.g., transportation, installation, rehabilitation, modification, etc.), unless, the Government is to assume such costs.

(e) Include a statement which explains the consideration to be given Government property during evaluation of bids and proposals. This is to insure that all prospective bidders and offerors understand that Government property will be an important consideration in evaluating their bids and proposals.

§ 15–60.503 Evaluation of bids and proposals.

The following policy shall be considered during evaluation of bids and proposals:

(a) In a competitive procurement, a prospective contractor provided Government property or authorized to use Government-owned property in his possession receives some degree of competitive advantage. When evaluating bids and proposals, such an advantage must be precluded through use of an equalizing factor in establishing the competitive range for negotiation and in arriving at the lowest bid. Any equitable equalizing factor may be used; e.g., rent equivalent, value of property, depreciation, etc.

(b) Government property to be furnished or acquired need not be assigned a weighted factor or criterion for evaluating bids and proposals. However, the evaluation narrative shall explain the importance that was placed upon Government property in rating and ranking bids and proposals.

(c) If a contractor is to be allowed to retain Government property at contract completion, the bid or proposal price shall be increased by an evaluation factor equivalent to:

(1) the cost to be reimbursed by the Government for property acquired at Government expense; and

(2) the current dollar value (cost less depreciation) of Government-furnished property.

Subpart 15–60.6—Administration of Government Property

§ 15–60.300 Scope of subpart.

This subpart sets forth policy and procedures governing administration of Government-furnished property and property acquired by contractors at Government expense for performance of EPA contracts.

§ 15–60.601 General.

(a) Responsibility within EPA for administering Government property in a contractor's possession rests primarily with EPA Property Administrators and is defined in an "Agreement of Understand Covering Contract Property Administration" executed by the Directors of the Contracts Management Division, AMAC, Facilities and Support Services Division, AMAF, and Financial Management Division, AMRF.

(b) The contractor's responsibility regarding the management and use of Government property is delineated in an EPA publication entitled "Guide for Control of Government Property By Contractors," instructions from EPA Property Administrators, and as specified in the contract.

(c) The Contracting Officer shall furnish the Property Administrator a copy of each contract, contract modification, or other written authorization to a contract which involves Government property in any manner. Also, the Contracting Officer shall furnish the Property Administrator a copy of all determinations and findings which support a decision to authorize permanent improvements to private property as contemplated in EPA Order 1960.1A.

§ 15–60.602 Property Administrator.

(a) The Property Administrator is the EPA "Accountable Officer" for Government property in a contractor's possession and maintains the official records of such property.

(b) EPA Property Administrators are appointed and assigned by the Director, Facilities and Support Services Division, AMAF.

(c) A Property Administrator shall be designated as Representative of the Contracting Officer for property administration for every cost-reimbursement type contract and for each fixed-price type contract under which Government property is involved. Contracting Officers shall designate the Property Administrator in the contract Schedule or by a letter of designation and furnish a copy to the Property Administrator.

(d) As the Representative of the Contracting Officer the Property Administrator performs all transactions and handles all matters concerning Government property in the contractor's possession. However, the Contracting Officer must execute sales contracts and determinations of liability for lost, damaged, or destroyed Government property and will resolve disputes with contractors that cannot be settled by the Property Administrator.

(e) The Property Administrator will review and determine the adequacy of contractor's property policy and procedures concerning:

(1) Receiving and inspection;

(2) Accounting, control, and reports;

(3) Utilization, including reporting excess property;

(4) Maintenance, i.e., protection, preservation, service, repair, warranties and guaranties, etc.

(5) Scrap and salvage of material, parts, etc.; and

(6) Disposal, including preparation for shipment and shipping procedures.

§ 15–60.603 Insurance.

Consideration will be given to requiring a contractor to procure and maintain insurance against loss of or damage to Government property in his possession whenever less than 75% of the total use of such property is for Government work.

§ 15–60.604 Risk of loss or damage liability.

When justified by the circumstances of a particular procurement, the contract may require the contractor to assume greater risks than those enumerated in the applicable "Government Property" clause set forth in Subpart 15–60.7 of this part. (See § 15–60.102.)

Subpart 15–60.7—Contract Clauses

§ 15–60.700 Scope of subpart.

(a) This subpart prescribes Government Property clauses to be used in EPA contracts.

(b) As used throughout this subpart, the term "fixed-price contract" shall include any advertised or negotiated fixed-price type contract and any letter conclude any advertised or negotiated fixed-price type definitive contract, but shall exclude small purchases made under Subparts 1–3.6 and 15–1.6 of this title.

(c) As used throughout this subpart, the term "cost-reimbursement contract" shall include any cost-reimbursement type contract and any letter contract which wil be converted to a cost-reimbursement type definitive contract.

§ 15–60.701 Government Property Clause for Fixed-Price Contracts.

(a) The following clause shall be used in fixed-price contracts under which the Government is to furnish or the Contractor is to acquire Government property:

GOVERNMENT PROPERTY (FIXED-PRICE) (1973)

(a) *Government-Furnished Property.* The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use will be delivered to the Contractor at the times stated in the Schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay, if any, occasioned the Contractor, and shall equitably adjust the contract price or delivery or performance dates or any other contractual provisions affected by any such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes." In the event that Government-furnished property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (1) return such property at the Government's expense or otherwise dispose of the property or (2) effect repairs or modifications. Upon completion of paragraphs (a) (1) and (2) of this clause, the Contracting Officer upon written request of the Contractor shall equitably adjust the contract price, or delivery or performance dates, or both, and any other contractual provision effected by the return or disposition, or the repair or modification in accordance with the procedures provided for in the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) *Changes in Government-Furnished Property.* (1) By notice in writing, the Contracting Officer may (i) decrease the property furnished or to be furnished by the Government under this contract, and/or (ii) substitute other Government-owned property for property to be furnished by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to paragraph (b) (1) of this clause, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the Schedule to make available for the performance of this contract, the Contracting Officer, upon the written request of the Contractor (or, if the substitution of property causes a decrease in the cost of performance, on his own initiative), shall equitably adjust such contractual provisions as may be affected by the decrease, substitution or withdrawal, in accordance with the procedures provided for in the "Changes" clause of this contract.

(c) *Title.* Title to all property furnished by the Government shall remain in the Government. In order to define the obligations of the parties under this clause, title to each item of property acquired by the Contractor for the Government pursuant to this contract shall pass to and vest in the Government when its use in the performance of contract commences, or upon payment therefor by the Government whichever is earlier, whether or not title previously vested. All Government-furnished property, together with all property acquired by the Contractor, title to which vests in the Government under this paragraph, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government Property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(The following paragraph shall be substituted for paragraph (c) above when the contract is with an educational institution.)

(c) *Title.* Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor with the prior approval of the Contracting Officer shall be vested in the Contractor without further obligation to the Government except as provided below, unless it is determined by the Contracting Officer that such vesting is not in furtherance of the objectives of the Government or unless there is not proper authority to vest title in the Contractor. Such title shall be vested in the Contractor upon acquisition of the property or as soon as feasible thereafter provided that:

(1) The Contractor shall not under any Government contract, or subcontract thereunder, charge for any depreciation, amortization, or use of such property.

(2) At any time prior to twelve (12) months after completion or termination of the contract, the Contracting Officer reserves the right to require the Contractor to transfer title to property costing $1,000.00 or more per unit to the Government or to a third party named by the Contracting Officer.

(3) The Contractor shall, at the end of the calendar year, and within thirty (30) days after completion of the contract, furnish the Contracting Officer a list of all property where title is vested in the Contractor. If no such property has vested, the report shall so state.

All Government furnished property, together with all property title to which vests in the Government under this clause, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government Property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reasons of affixation to any realty.

(d) *Property administration.* The Contractor agrees to maintain and administer a property control system in accordance with EPA publication "Guide for Control of Government Property by Contractors," in effect as of the date of this contract, supplied by the Government. While the Contractor is responsible for the Government property (Government furnished and Contractor acquired), the Government will maintain the official accountability records.

(e) *Use of government property.* The Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(f) *Maintenance and repair of government property.* The Contractor shall maintain and administer, in accordance with sound industrial practice, a program for the maintenance, protection, and preservation of Government property until disposed of by the Contractor in accordance with this clause. In the event that any damage occurs to Government property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs: *Provided*, However, that if the Contractor cannot effect such repair within the time required, the Contractor shall dispose of such property in the manner directed by the Contracting Officer. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in any contractual provisions affected by such repair or replacement of Government property made at the direction of the Government, in accordance with the procedures provided for in the "Changes" clause of this contract. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at his own expense.

(g) *Risk of loss.* Unless otherwise provided in this contract, the Contractor assumes the risk of, and shall be responsible for, any loss of or damage to Government property provided under this contract upon its delivery to him or upon passage of title thereto to the Government as provided in paragraph (c) of this clause, except for reasonable wear and tear and except to the extent that such property is consumed in the performance of this contract.

(h) *Access.* The Contractor agrees to make available to the Contracting Officer, at all reasonable times, at the office of the Contractor, all its property records under this contract, and the Government shall at all reasonable times have access to the premises where any of the Government property is located for the purpose of inspecting the Government property.

(i) *Final accounting and disposition of government property.* Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit to the Contracting Officer in a form acceptable to him, inventory schedules covering all items of the Government property not consumed in the performance of this contract, or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government property as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct. The foregoing provisions shall apply to scrap from Government property; provided, however, that the Contracting Officer may authorize or direct the Contractor to omit from such inventory schedules any scrap consisting of faulty castings or forgings, or cutting and processing waste, such as chips, cuttings, borings, turnings, short ends, circles, trimmings, clippings, and remnants, and to dispose of such scrap in accordance with the Contractor's normal practice and account therefor as a part of general overhead or other reimbursable cost in accordance with the Contractor's established accounting procedures.

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(j) *Restoration of Contractor's premises and abandonment.* Unless otherwise provided herein, the Government:

(1) may abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease; and

(2) has no obligation to the Contractor with regard to the disassembly or removal of the property or to the restoration or rehabilitation of the Contractor's premises, neither in case of abandonment (paragraph (j) (1) of this clause), disposition on completion of need or of the contract (paragraph (1) of this clause), nor otherwise, except for restoration or rehabilitation costs caused by removal of Government property pursuant to paragraph (b) of this clause.

(k) *Communications.* All communications issued pursuant to this clause shall be in writing.

(b) *Contracts requiring cost and pricing data.* In negotiated fixed-price contracts for which the price is not based on (1) adequate price competition, (2) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (3) prices set by law or regulation, substitute the following for paragraph (g) of the clause in paragraph (a) of this section:

(g) *Risk of Loss.* (1) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) which results from willful misconduct or lack of good faith on the part of any one of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of—

(A) all or substantially all of the Contractor's business; or

(B) all or substantially all of the Contractor's operations at any one plant or separate location, in which this contract is being performed; or

(C) a separate and complete major industrial operation in connection with the performance of this contract;

(ii) which results from a failure on the part of the contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in paragraph (g) (1) (i) of this clause.

(A) to maintain and administer, in accordance with sound industrial practice, the program for utilization, maintenance, repair, protection, and preservation of Government property as required by paragraph (f) of this clause, or to take all reasonable steps to comply with any appropriate written direction of the Contracting Officer under paragraph (f) clause; or

(B) to establish, maintain, and administer, in accordance with paragraph (d) of this clause, a system for control of Government property;

(iii) for which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule;

(iv) which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement.

(2) If more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception. The Contractor shall obtain the approval of the Contracting Officer prior to transferring any Government property to a subcontractor. If the Contractor transfers Government property to the possession and control of a subcontractor, the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to the property as set forth above. However, the Contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the property while in the latter's possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, provides for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(3) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provisions of this contract.

(4) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order and furnish to the Contracting Officer a statement of—

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The contractor shall make repairs and renovations of the damaged Government property or take such other action, as the Contracting Officer directs.

(5) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, he shall use the proceeds to repair, renovate, or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction, or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where the subcontractor has not been relieved from liability for any loss or destruction of or damage to Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

§ 15–60.702 Government Property Clause for Cost-Reimbursement Contracts.

The following clause shall be used in cost-reimbursement contracts (except those with educational or other nonprofit institutions and State and local Governments when no payment of fee is contemplated) under which the Government is to furnish or the Contractor is to acquire Government property:

GOVERNMENT PROPERTY (COST-REIMBURSEMENT) (1973)

(a) *Government-furnished property.*— The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use will be delivered to the Contractor at the times stated in the Schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay, if any, occasioned the Contractor and shall equitably adjust the estimated cost, fixed fee, or delivery or performance dates, or all of them, and any other contractual provisions affected by any such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes." In the event that Government-furnished property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, upon receipt thereof notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (1) return such property at the Government's expense or otherwise dispose of the property or (2) effect repairs or modifications. Upon completion of paragraphs (a) (1) or (2) of this clause, the Contracting Officer upon written request of the Contractor shall equitably adjust the contract price, or delivery or performance dates, or all of them, and any other contractual provision effected by the return or disposition, or the repair or modification in accordance with the procedures provided for in the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) *Changes in government-furnished property.*—(1) By notice in writing, the Contracting Officer may (i) decrease the property furnished or to be furnished by the Government under this contract, and/or (ii) substitute other Government-owned property for property to be furnished by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to paragraph (b) (1) of this clause, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the Schedule to make available for the performance of this contract, the Contracting Officer, upon the written request of the Contractor (or, if the substitution of property causes a decrease in the cost of performance, on his own initiative), shall equitably adjust such contractual provisions as may be affected by the decrease, substitution or withdrawal, in accordance with the procedures provided for in the "Changes" clause of this contract.

(c) *Title.*—Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under the contract, shall pass to and vest in the Government upon (1) issuance for use of such property in the performance on this contract, or (2) commencement of processing or use of such property in the performance of this contract, or (3) reimbursement of the cost thereof by the Government in whole or in part, whichever first occurs. All Government-furnished property, together with all property acquired by the Contractor, title to which vests in the Government under this paragraph, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(The following paragraph shall be substituted for (c) above when the contract is with an educational institution.)

(c) *Title.*—Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor with the prior approval of the Contracting Officer shall be vested in the Contractor without further obligation to the Government except as provided below, unless it is determined by the Contracting Officer that such vesting is not in furtherance of the objectives of the Government or unless there is not proper authority to vest title in the Contractor. Such title shall be vested in the Contractor upon acquisition of the property or as soon as feasible thereafter provided that:

(1) The Contractor shall not under any Government contract, or subcontract thereunder, charge for any depreciation, amortization, or use of such property.

(2) At any time prior to twelve (12) months after completion or termination of the contract, the Contracting Officer reserves the right to require the Contractor to transfer title to propery costing $1,000 or more per unit to the Government or to a third party named by the Contracting Officer.

(3) The Contractor shall, at the end of the calendar year, and within 30 days after completion of the contract, furnish the Contracting Officer a list of all property where title is vested in the Contractor. If no such property has vested, the report shall so state.

All Government furnished property, together with all property title to which vests in the Government under this clause, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government Property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(d) *Property administration.*—The Contractor agrees to maintain and administer a property control system in accordance with EPA publication "Guide for Control of Government Property by Contractors," in effect as of the date of this contract, supplied by the Government. While the Contractor is responsible for the Government Property (Government furnished and Contractor acquired), the Government will maintain the official accountability records. For Government furnished property and Contractor acquired property to which the Government takes title.

(e) *Use of government property.*—The Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(f) *Maintenance and repair of government property.*—The Contractor shall maintain and administer, in accordance with sound business practice, a program for the maintenance, repair, protection, and preservation of Government property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection and disposition of Government property.

(g) *Risk of loss.*—(1) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any one of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of—

(A) All or substantially all of the Contractor's business; or

(B) All or substantially all of the Contractor's operations at any one plant or separate location, in which this contract is being performed; or

(C) A separate and complete major industrial operation in connection with the performance of this contract;

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in paragraph (g) (1) (i) of this clause—

(A) To maintain and administer, in accordance with sound industrial practice, the program for utilization, maintenance, repair protection, and preservation of Government property as required by paragraph (f) of this clause, or to take all reasonable steps to comply with any appropriate written direction of the Contracting Officer under paragraph (f) of this clause; or

(B) To establish, maintain, and administer, in accordance with paragraph (d) of this clause, a system for control of Government property;

(iii) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule;

(iv) Which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement.

(2) If more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception. The Contractor shall obtain the approval of the Contracting Officer prior to transferring any Government property to a subcontractor. If the Contractor transfers Government property to the possession and control of a subcontractor, the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to the property as set forth above. However, the Contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the property while in the latter's possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, provides for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(3) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provisions of this contract.

(4) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order and furnish to the Contracting Officer a statement of—

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovations of the damaged Government property or take such other action, as the Contracting Officer directs.

(5) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, he shall use the proceeds to repair, renovate, or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction, or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining

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recovery. In addition, where the subcontractor has not been relieved from liability for any loss or destruction of or damage to Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

(h) *Access.*—The Contractor agrees to make available to the Contracting Officer, at all reasonable times, at the office of the Contractor, all its property records under this contract, and the Government shall at all reasonable times have access to the premises where any of the Government property is located.

(i) *Final accounting and disposition of Government Property.*—Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit to the Contracting Officer in a form acceptable to him, inventory schedules covering all items of the Government property not consumed in the performance of this contract, or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government property as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct. The foregoing provisions shall apply to scrap from Government property; provided, however, that the Contracting Officer may authorize or direct the Contractor to omit from such inventory schedules any scrap consisting of faulty castings or forgings, or cutting and processing waste, such as chips, cuttings, borings, turnings, short ends, circles, trimmings, clippings, and remnants, and to dispose of such scrap in accordance with the Contractor's normal practice and account therefor as a part of general overhead or other reimbursable cost in accordance with the Contractor's established accounting procedures.

(j) *Restoration of contractor's premises and abandonment.*—Unless otherwise provided herein, the Government:

(1) May abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease; and

(2) Has no obligation to the Contractor with regard to restoration or rehabilitation of the Contractor's premises, neither in case of abandonment (paragraph) (j)(1) of this clause), disposition on completion of need or of the contract (paragraph (1) of this clause), nor otherwise, except for restoration of rehabilitation costs caused by removal of Government property pursuant to paragraph (b) of this clause.

(k) *Communications.*—All communications issued pursuant to this clause shall be in writing. .

As provided in paragraph (1) of the above clause, the Contracting Officer may authorize or approve use of the Contractor's established scrap disposal and accounting procedures whenever the amount and recoverable value of scrap from Government property are relatively minor and the Contractor's established procedures for accumulating and disposing of scrap and crediting the proceeds thereof to general overhead or other general cost will permit the Government to to share equitably in such scrap recovery through a reduction of overhead or other cost factor affecting reimbursement under the contract.

§ 15-60.703 Government Property Clause for "No-Fee" Cost-Reimbursement Contracts with Educational or Nonprofit Institutions and State and Local Governments.

Cost-reimbursement contracts which provide only for reimbursement of cost to educational or nonprofit institutions and State and local Governments shall incorporate the "Government Property" clause prescribed in § 15-60.702, modified to delete all reference to fee.

[FR Doc.73-17826 Filed 8-22-73;8:45 am]

FARM CREDIT ADMINISTRATION

[12 CFR Parts 611, 612, 613, 614, 615 and 618]

FARM CREDIT SYSTEM

Notice of Proposed Rule Making

Notice is hereby given that the Farm Credit Administration, by its Federal Farm Credit Board, has under consideration proposed amendments of its regulations as set forth below in tentative form. These amendments would (1) clarify the provision for compensation of district board members, (2) clarify that special assignments of district board members may be requested by the Farm Credit Administration, (3) provide for the exclusion of certain special assignments of district board members from the 30-day limitation thereon, (4) provide for the establishment by the district board of policies regarding the compensation of association directors and members, (5) provide for the reemployment of annuitants under certain circumstances, (6) specify the circumstances under which certain bank or association facilities and resources may be used in the interest of candidates for certain offices, (7) substitute the designation "finance committee or subcommittee" for the former "bond or debenture committee," (8) authorize the supervisory bank in place of the bank board to act in possible conflict of interest cases where the employee interest is trivial, (9) broaden the authority for first lien determinations, (10) substitute the designation "consolidated obligations" for "bond and debenture" as a change in terminology, (11) provide for approval by the supervising bank in place of the bank board of the purchase, construction, or sale of association buildings, with a report to the board and within board guidelines, (12) require annual review by the supervising bank of association investment portfolios instead of the annual listing by the association, (13) authorize associations also to deposit current funds with savings institutions insured by the Federal Deposit Insurance Corporation, (14) authorize a bank for cooperatives to retire equities in accordance with bank board policy in places of board action, (15) revise the land bank provision for losses, (16) provide for approval by the land bank of Federal land bank association declaration of dividends, (17) include the premium rate for the shipment of valuables by registered airmail, (18) provide for mailing of negotiable securities by registered insured mail, (19) provide for the development and adoption by an association board of travel regulations subject to approval by the supervising bank, (20) clarify the circumstances under which access to association borrower records by certain agency representatives will be authorized, (21) authorize the supervising bank to approve association records disposal schedules, (22) delegate to the district bank authority to make prior determinations of eligibility of subsidiaries of certain legal entities subject to post review by the Farm Credit Administration, (23) omit the provision dealing with the financing of other requirements of eligible borrowers and incorporate guidelines therefor in a revised section dealing with lending objectives, (24) require bank board to adopt policies subject to the approval of the Farm Credit Administration to achieve System lending objectives, (25) provide for making special intermediate term loans to producers and harvesters of aquatic products, (26) remove the present expiration date of the provision for production credit association lending limits, (27) restate loan approval requirements. Prior to final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (10 copies) no later than September 21, 1973, to E. A. Jaenke, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the Office of the Director of Information, Farm Credit Administration.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising §§ 611.1020, 611.1030, 611.1031, 611.1080, 612.2050, paragraph (b) of § 612.2130, paragraph (i) of § 612.2160, § 612.2170, revising paragraph (d) and deleting paragraph (g) of § 613.3020, revising §§ 614.4160, paragraph (c) of § 614.4200, 614.4353, 614.4450, deleting § 614.4490, adding §§ 614.4460, 614.4470, deleting § 614.4501, revising paragraph (a) of § 615.5060, paragraph (o) and the unlettered last paragraph of § 615.5140, §§ 615.5150 (a) and (b), 615.5180, 615.5190, 615.5260, 615.5340, 615.5410, 615.5500, 615.5530, 618.8270, paragraph (b)(2) of 618.8320, and 618.8370. These amendments are as follows:

PART 611—ORGANIZATION

§ 611.1020 Compensation of district board members.

Directors may be compensated for attendance at board meetings and special assignments, including reasonable travel time from and to their residences. Such compensation shall not exceed $75 per day plus reasonable travel, subsistence,

and other related expenses incurred in connection with such meetings and assignments.

§ 611.1030 Special assignments of district board members.

Special assignments requiring the services of a director shall be authorized under a policy established by either the district board or the board of one of the banks, whichever is appropriate. Special assignments also may be requested by the Farm Credit Administration.

§ 611.1031 Limitation on special assignments.

Special assignments requiring service in one calendar year totaling more than 30 days (not counting time needed for attendance at board meetings) must have the prior approval of the Farm Credit Administration. Prior approval is hereby given for the following and they may be excluded from the 30 day limitation: Attendance at the National Farm Credit Directors Conferences; meetings of the Fiscal Agency Committee; meetings of the District Directors Policy Coordinating Committee; and attendance at a particular time or place requested by the Farm Credit Administration.

§ 611.1080 Association establishment, election of directors, and compensation of members.

As used throughout these regulations, the term "association" is restricted to Federal land bank associations and production credit associations. Section 1.13 of the Act provides for the establishment of Federal land bank associations and section 1.14 provides for the election of their boards of directors. Section 2.10 of the Act provides for the establishment of the production credit associations and section 2.11 provides for the election of their boards of directors. The district board shall establish policies regarding the compensation of association directors and members performing special services for the association which include the amount and number of honoraria which may be paid to one individual for service on one day and the manner in which reasonable travel, subsistence and other related expenses will be paid. Additional provisions are contained in the bylaws for both.

PART 612—PERSONNEL ADMINISTRATION

§ 612.2050 Reemployment of annuitants.

As a general policy, plans should be made in advance by banks and associations to recruit and train qualified replacements for prospective vacancies because of approaching retirements or other reasons which can be anticipated. When definite recruiting efforts have failed to produce other qualified applicants for the positions, an annuitant may be reemployed as follows:

(a) An annuitant may be reemployed on a temporary basis to any position, including a position in which he will assume the full range of duties and responsibilities that he had prior to retirement. A temporary appointment is defined as an appointment not to exceed one year.

(b) An annuitant may be reemployed on a permanent basis, provided he does not assume the full range of duties and responsibilities that he had prior to retirement.

(c) A former senior officer may not be reemployed in a position having senior officer responsibilities.

(d) If the annuitant has retired under the Civil Service Retirement Act, he may be appointed as provided in (a) and (b) above, only after a break in service of more than three consecutive calendar days.

(e) Other cases require prior approval of the Farm Credit Administration.

§ 612.2130 Soliciting support in polls for district or Federal Farm Credit Board membership.

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(b) No bank or association property, transportation, communications and official stationery shall be used in the interest of any candidate, unless the same facilities and resources are simultaneously made known to and are available for use by all candidates.

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§ 612.2160 Prohibited acts for salaried employees.

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(i) Shall, while he serves on a finance committee or subcommittee thereof, purchase or acquire, directly or indirectly, ownership of or any interest in any such obligations of the bank of which he is such an officer; or

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§ 612.2170 Cases involving trivial interest or relationship.

If the degree of interest, relationship or benefit in any case, as determined by the supervisory bank, is so trival as to create little probability that officer's or employee's impartiality of judgment and action has been affected, no question under section 2160 shall be deemed involved. Each case shall be determined on its own facts, proper weight being given to the nature, amount and importance of the benefit involved. The degree or kind of relationship in question, and the character of the person concerned. Each determination made by the bank shall be reported to the bank board at its next meeting for consideration.

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

§ 613.3020 Farmers and ranchers.

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(d) In addition, any loan to a legal entity in which at least 50 percent of ownership or the control is vested in another legal entity that does not meet at least one of the preceding three requirements shall be subject to prior approval of the appropriate bank and submitted to the Farm Credit Administration for post review. Unless it can be found that such owned or controlled legal entity can operate its business as a counterpart to the normal farm businesses eligible to borrow without jeopardy to such normal farm businesses or the general agricultural economy, approval will not be granted. Submissions shall fully document the ownership structure, the business affiliations of those owning or controlling the applicant, and the compatibility of the applicant's farming business to the normal farm business operating in the area or to the general agricultural economy.

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(g) [Deleted]

PART 614—LOAN POLICIES AND OPERATIONS

§ 614.4160 Lending objective.

It is the objective of the Farm Credit System to ensure the availability of:

(1) Full credit, to the extent of credit worthiness, to the full-time bona fide farmer (farming is his primary business and vocation) and

(2) Conservative credit to less than full-time farmers for agricultural enterprises, and more restricted credit for other credit requirements as needed to ensure a sound credit package or to accommodate a borrower's needs as long as the total credit results in being primarily an agricultural loan.

Loans to farmers shall be on an increasingly conservative basis as the emphasis moves away from the full-time bona fide farmer, to the point where agricultural needs only will be financed for the applicant whose business is essentially other than farming. Credit shall not be extended where investment in agricultural assets for speculative appreciation is a primary factor.

It is also the objective of the Farm Credit System to provide a full range of credit services to farmer cooperatives to assist them in increasing the income of their members as patrons. The type of farmer cooperative operation, quality of management, and basic financial factors shall be carefully evaluated as to their effect upon the long-range benefit to members. Bank boards shall establish policies and banks for cooperatives, develop procedures for administration of quality standards that fully consider the needs of, support by, and service performed for members, and risk protection afforded the lender.

Each bank board shall adopt policies adequate to provide the direction it desires management to follow in administering credit and lending standards to ensure attainment of the System's objective. Bank management shall prescribe operating procedures to effectively administer board policies including provision that proper weight be given the infinite combination of person, property, and purpose which can exist. Guidelines shall be included which provide for identification of that portion of mixed value (agricultural and nonagricultural) assets

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which may be considered agricultural for lending purposes.

§ 617.4200 Production credit associations.

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(c) Special intermediate-term loans, exclusive of loans to nonfarm rural residents, and farm-related businesses, may be made with maximum maturity not to exceed 7 years realizing, however, when establishing repayment that forbearance or extension may be necessary under the following circumstances.

(1) When specific capital items are being financed, such as new equipment, new or remodeled buildings, or facilities with a useful life and value, after normal depreciation and obsolescence, which exceeds the term of the loan at all times.

(2) When real estate mortgage credit is unavailable, not acceptable to the applicant, or impractical for reasons such as cost or delay in availability.

(3) When earnings' history, repayment record and net earnings projections satisfactorily support the loan and provide assurance for final repayment within three additional years if forbearance or extension is granted.

(4) Before any special intermediate-term loans shall be made, the district board shall adopt a policy, and the Federal intermediate credit bank and the Federal land bank of the district shall develop procedures regulating the making of such loans, all of which shall be subject to approval of the Farm Credit Administration. Such policies and procedures shall include but are not limited to the following:

(i) Provisions for cooperation between production credit association and Federal land bank associations in the consideration of any loans bordering on the long-term mortgage category.

(ii) Procedures to be followed in credit reviews and credit examinations whereby loans of this type, made during the period covered by the examination, will be reviewed and commented upon as to compliance with policy and procedures.

(iii) Provisions for adequate reporting on loans of this type to enable timely supervision by the bank.

§ 614.4353 Production credit associations.

Production credit associations shall have a lending limit (including participations) of 50 percent of the capital and surplus of the lending association. A lending limit of 100 percent of the capital and surplus of the lending association shall apply whenever an approved loss-sharing agreement is in force.

§ 614.4450 General requirements.

Authority for loan approval is primarily vested in the Farm Credit banks and associations. However, to provide proper supervision of the System's lending functions, the Act vests in the Farm Credit Administration the authority to prescribe the loans which can be made only with the prior approval of the Farm Credit Administration or the respective banks. Prior loan approval limits shall be established on an individual bank basis according to the adequacy and administration of policies and procedures relating to credit extension. Consideration shall also be given to performance in making proper credit analysis and decisions and compliance with Farm Credit law and regulations. For the Federal land banks and Federal intermediate credit banks particular consideration shall be given to policies and procedures and bank performance relating to delegation of loan-making authority to associations, credit reviews and association supervision.

§ 614.4460 Approval of the following loans is the responsibility of each district board of directors.

The responsibility may be discharged by prior approval of such loans by the appropriate bank board, or establishment of a policy under which such loans are to be submitted to the Farm Credit Administration for prior approval. If a board chooses to discharge its responsibility by approving these loans as a matter of normal practice, it may authorize the submission of such loans to the Farm Credit Administration for prior approval to meet emergency situations and avoid harmful delays in credit service.

(a) Loans to a member of the Federal Farm Credit Board.

(b) Loans to a member of the district board.

(c) Loans to a cooperative of which a member of the district bank or Central Bank board of directors or a member of the Federal Farm Credit Board is a member of the board of directors, an officer, or employee.

(d) Loans to the President of a Farm Credit bank.

(e) Loans to employees of the Farm Credit Administration.

(f) Loans where directors, officers, or employees designated above (i) are to receive proceeds of the loan in excess of an amount prescribed by an appropriate bank board and approved by the Farm Credit Administration or (ii) are stockholders or owners of equity in a legal entity to which the loan is to be made wherein they have significant personal or beneficial interest in the loan proceeds thereof or the security.

§ 614.4470 The following loans shall be subject to prior approval of the district bank.

(a) Loans to a member of an association board.

(b) Loans to an officer or employee of a Farm Credit bank or an employee of an association.

(c) Loans to any borrower where the directors or employees designated above (i) are to receive proceeds of the loan in excess of amount prescribed by the appropriate bank board and approved by the Farm Credit Administration or (ii) are stockholders or owners of equity in a legal entity to which a loan is to be made wherein they have significant personal or beneficial interest in the loan, the proceeds thereof or the security.

(d) Any loan which will result in any one borrower being obligated, as defined in section 4360, in excess of an amount established by the district bank under its policies for delegation of authority to associations.

§ 614.4501 [Deleted].

PART 615—FUNDING AND FISCAL AFFAIRS

§ 615.5060 Federal land bank loans eligible as collateral.

(a) Net asset value of notes and other obligations representing loans, purchase money mortgages, or sales contracts made or acquired under these regulations is eligible as collateral for long-term notes, bonds, debentures, or similar obligations. When the bank attorney, or another attorney designated to act for the bank, determines that the bank procedures for appraisal, loan approval, title examination, and loan closing provide sufficient safeguards to assure (1) in the case of the bank attorney, that a loan made by the bank will be secured by a first lien or equivalent from a security standpoint on the real estate which is the primary security for the loan; or (2) in the case of the designated attorney, that a loan made thereunder will be secured by a first lien except for liens of irrigation, water and grazing districts, public utility easements, or other liens specified by the bank; the bank attorney or the designated attorney, as the case may be, or a title examiner acting under the supervision of either the bank or designated attorney and deemed qualified by the bank attorney, may so certify. Security for which such certification is made may be accepted as collateral. However, with regard to security for which a certification has been made by a title examiner, either the bank attorney shall, within one year from the date of certification, certify that the interest of the bank therein is a first lien or equivalent, or it shall be withdrawn as collateral.

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§ 615.5140 Investment eligibility.

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(o) Other types of obligations authorized by the Farm Credit Administration.

Any eligible investment with a maturity of 12 months or less from the date of pledge shall be valued at face value for collateral purposes supporting consolidated obligations issues. Any eligible investment with a maturity of over 12 months from the date of pledge shall be value at market value for collateral purposes supporting consolidated obligations issues.

§ 615.5150 Real and personal property.

(a) Real estate and personal property may be acquired, held or disposed of by any Farm Credit institution for the necessary and normal operations of its business. The purchase or construction of office quarters shall be limited to facilities reasonably necessary to meet the foreseeable requirements of the institution. Property shall not be acquired if it involves, or appears to involve, to a substantial degree, a bank or association in the real estate or other unrelated business.

(b) The purchase, construction, or sale of Farm Credit bank buildings and appurtenances shall have approval of the Farm Credit Administration. Likewise, purchase, construction, or sale of Federal land bank association or production credit association buildings and appurtenances shall have the approval of the appropriate supervising bank which shall keep the bank board currently advised of such actions. In the case of joint association office buildings, these actions shall be approved jointly by the supervising banks. It shall be the responsibility of the district board to approve guidelines for all associations in the district to follow regarding the purchase, construction, or sale of office space. Within the framework of said guidelines, the Federal land banks and Federal intermediate credit banks may prescribe criteria which can include giving limited prior approval to an association board of directors for office facilities actions.

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§ 615.5180 Association investment portfolios.

The Federal land banks and the Federal intermediate credit banks shall review annually as of June 30 or December 31 the investment portfolio and investment objectives of each association. Associations shall own such securities selected from approved investments in section 5140 as the supervising bank shall require. The banks shall assist the associations in the management of their investment portfolios.

§ 615.5190 General.

All institutions of the Farm Credit System may deposit securities and current funds with and receive interest from any member bank of the Federal Reserve System, or any savings institution insured by the Federal Savings and Loan Insurance Corporation. Associations may deposit funds with their supervising bank, any commercial bank insured by the Federal Deposit Insurance Corporation, or any savings institution insured by the Federal Savings and Loan Insurance Corporation.

§ 615.5260 Retirement of capital stock and allocated equities of banks for cooperatives.

(a) In case of liquidation or dissolution of a present or former borrower, the bank may, but shall not be required to, retire and cancel at book value, not exceeding par, all or a part of the capital stock or any allocated equity in the bank owned by or allocated to such borrower. Before any such retirement shall be made, the banks shall have reasonable assurance that the liquidation or dissolution is or soon will be completed and the business of the borrower is not being continued under circumstances in which it would be appropriate and feasible for any successor to acquire and hold the investment interests of the present or former borrowers in the bank. Retirements under this provision shall be authorized in accordance with bank board policy.

§ 615.5340 Land bank system provision for losses.

(a) Each bank shall establish and maintain a provision for losses account on loans, participations purchased, real estate sales contracts, advances, accrued interest on loans, acquired property, and loans in the process of liquidation or foreclosure, and judgments.

(b) Each association shall establish and maintain a provision for losses to the extent that it shows assets of the above type on its books of account or has a contingent liability to restore losses on such assets by reason of its endorsement, loss sharing agreement(s), or pledge. The amount of the association's indemnity account credits may be used to meet an equal amount of its provisions for losses requirement.

(c) The provision for losses shall be in such reasonable amounts as, in the judgment of the bank and association, are considered adequate to meet such losses, subject to the following minimum fiscal year end requirements:

(1) The total of each association's provision for losses and indemnity account shall equal at least one percent of the amount of its contingent liability on the unmatured balance of loans outstanding.

(2) Each bank's provision for losses shall include:

(i) The amount of any association indemnity account credits used by associations to meet their provision for losses requirements, plus

(ii) One percent of that portion, not guaranteed by the endorsement liability, of the unmatured balance of its loans outstanding, plus

(iii) The aggregate amount that each association's provision for losses and indemnity account credits are less than the minimum amounts required by this section.

An association's provision for losses program and changes therein shall be approved by the association board of directors and the bank. The bank's provision for losses program and changes therein shall be approved by the bank board of directors and the Farm Credit Administration.

§ 615.5410 Federal land bank system.

(a) Noncumulative dividends may be paid out of earnings or from earned surplus on stock and participation certificates at varying rates on different classes and issues on a basis of the compartive contribution of the holders to the capital or earnings, but otherwise dividends shall be paid without preference.

(b) Dividends as in (a) above may be paid in accordance with the provisions of the bylaws after the establishment and maintenance of the provisions for losses required in section 5340 of these regulations, the reserve described in section 1.17(a) and 1.18(a) and (b) of the Act and after the payment of its franchise tax to the U.S. Government, if any.

(c) Declarations of Federal land bank dividends are subject to the approval of the Farm Credit Administration.

(d) Declarations of Federal land bank association dividends are subject to the approval of the bank.

§ 615.5500 Shipment of valuables.

Shipments of valuables by the Federal land banks, Federal land bank associations, Federal intermediate credit banks, banks for cooperatives, and production credit associations, when made to or by other for the account of the assured, shall be covered by an insurance policy issued in the name of five companies, through John L. Swan & Co., Inc., broker, copies of which have been furnished the land banks, credit banks, and banks for cooperatives. Premium rates per $1,000 on general shipments of securities and other valuables shall be $0.04 by registered mail or registered airmail, and on shipments of canceled coupons and canceled securities shall be $0.01 by registered mail or express ($0.02 by registered airmail).

§ 615.5530 Mail shipments.

Negotiable securities shall be declared at their market value on the date of mailing and shipped by registered insured mail. Nonnegotiable or canceled securities, warehouse receipts, and valuable papers such as checks, drafts, deeds, abstracts and similar documents may be declared at no value and sent by registered mail. If it is determined that no indemnity from the post office will be required should such papers be lost or destroyed, the shipper may send them by certified mail or first class mail in his discretion.

PART 618—GENERAL PROVISIONS

§ 618.8270 Travel.

Travel and subsistence expenses of officials and employees of the banks shall be allowed in accordance with travel regulations adopted by the district board. Similar travel regulations shall be prescribed for associations by the supervising bank under policy established by the district board or shall be developed and adopted by the board of directors of the associations and approved by the bank. The regulations shall contain a statement of policy on the use of official cars for private use and will take into consideration regulations issued by the Internal Revenue Service which are applicable to the employer.

§ 618.8320 Data regarding borrowers and loan applicants.

• • • • •

(b) • • •

(2) Accredited representatives of the offices named in section 7080 may, upon presentation of official identification and a written request identifying the individual case on which information is sought, the particular information desired and a certification that such information is pertinent to the official in-

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formation of the case and is requested for confidential use of the investigating office, be given access to information pertinent to their official investigations of individual cases.

§ 618.8370 Records Disposal.

Each bank shall maintain an up-to-date records disposal schedule which has the approval of its board. Each association shall maintain an up-to-date records disposal schedule which has the approval of its supervising bank.

(Secs. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624)

JEROME P. WEISS,
Acting Governor,
Farm Credit Administration.

[FR Doc.73-17840 Filed 8-22-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR, Part 3]

PENSION, COMPENSATION, AND DEPENDENCY AND INDEMNITY COMPENSATION INCOME AND NET WORTH

Failure To Return Questionnaire

The Administrator of Veterans' Affairs proposes regulatory changes relating to discontinuance of awards of pension or dependency and indemnity compensation because of the claimant's failure to complete and return the annual income questionnaire. Currently provision is made for retroactive termination of the award as of the first day of the year for which income was to be reported. These terminations create overpayments for the amounts paid during that year. Under the proposed change the termination will be effective as of the end of the year for which income was to be reported. This change reflects the fact that under 38 U.S.C. 3012(b) if there had been a change in income or dependency status which would have required termination of the award, the termination would not have been effective until the end of the year in which the change occurred. A change is also proposed to provide that, where a termination has been effected for failure to return an income questionnaire, payments may be resumed from the date of last payment if the required evidence is submitted within 1 year from the date of termination. To effect these changes it is proposed to amend Part 3, Title 38, Code of Federal Regulations, as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (232H), Veterans Administration, Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before September 24, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m., and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address of the above room number.

Notice is given that it is proposed to make these changes effective the date of final approval.

In § 3.661, paragraph (b) is amended to read as follows:

§ 3.661 Income and net worth questionnaires.

* * * * *

(b) *Failure to return questionnaire*—(1) *Discontinuance.*—Discontinuance of pension or dependency and indemnity compensation will be effective the last day of the year for which the actual income received or net worth was to be reported.

(2) *Resumption of benefits.*—Payment may be made, if otherwise in order, from the date of last payment if evidence of entitlement is received within 1 year from the date of termination of payments; otherwise benefits may not be paid for any period prior to date of receipt of the new claim.

Approved: August 17, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-17880 Filed 8-22-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1241]

[No. 35345 (Sub-No. 1)]

RAILROAD QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS

AUGUST 17, 1973.

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 1st day of August 1973.

In our report and order in Quarterly Report of Freight Loss and Damage Claims, 339 I.C.C. 678, 679-680, we stated:

Settlement of loss and damage claims between shippers and carriers is a problem as old as the first established for-hire transportation service. In recent years, this vexing problem has been further aggravated by ever increasing losses associated with theft, pilferage, and robbery. The theft problem has drawn the attention of Congress, and specifically the Select Committee on Small Business, United States Senate. The chairman of that committee called the Commission's attention to the demonstrable lack of hard statistical facts relative to the extent and scope of losses sustained by industry as a result of theft of goods moving in the Nation's various commercial channels.

The Commission has long recognized that claims from all causes, including theft, has resulted in increased concern by the users of public transportation service. The Commission has instituted various proceedings establishing rules and regulations for claims matters; however, there is no uniform reporting system which adequately shows the results obtained. This resulted in the institution of this proceeding.

With these factors in mind, this proceeding is being instituted on our own motion to consider the adoption of a requirement for the filing of quarterly reports of freight loss and damage claims by all class-I rail common carriers, excepting switching and terminal lines, effective with the first quarterly period ending March 31, 1974. Classification of rail carriers will be determined according to the provisions of the Commission's rules and regulations set forth at 49 CFR 1240.1.

The report under consideration would be in all essential respects similar to those prescribed for motor carriers in Quarterly Report of Freight Loss and Damage Claims, supra. They would call for a quarterly summary of (1) all freight claims received, paid, denied, or closed, and other information analyzing freight claims processed, and (2) an analysis of each theft-related claim paid in the amount of $100 or more after investigation and settlement between carriers, including claim identification, amounts involved, cause of loss, and loss location data. The quarterly reports would be filed in duplicate in the office of the Commission's Bureau of Accounts within 30 days after the close of the quarter and be prepared in accordance with the instructions and format of the attached proposed form (Form QL&D-R).

It is intended that the report will provide the Congress, the Commission, other government agencies, shippers, and the general public with information regarding the processing of freight loss and damage claims filed with the railroads, the emphasis being on commodities lost or presumed lost because of theft and theft-related activities. Benefits to the transportation and the shipping public should more than compensate for any burden imposed by the systematic reporting of data. To minimize any burden, the Commission will consider making arrangements for carriers to report the data on magnetic tape or card decks suitable for computer processing, as an alternate reporting procedure.

This proceeding is not expected to have any impact upon the quality of the environment. However, should any person desire to comment on the impact of this proceeding, we will consider environmental matters in accordance with Implementation, Natl. Environmental Policy Act, 1969, 340 I.C.C. 431.

Upon consideration of these matters, and for good cause:

It is ordered, That a rulemaking proceeding be, and it is hereby, instituted under the authority of sections 12 and 20 of the Interstate Commerce Act, and pursuant to section 553 of the Administrative Procedure Act (5 U.S.C. § 553), with a view of prescribing for application to all class-I rail common carriers, except switching and terminal railroads, Form QL&D-R, Quarterly Report of Freight Loss and Damage Claims-Railroads, which is set forth in the Appendix hereto with pertinent instructions, and for the purpose of taking such other further actions as the facts and circumstances may warrant.

It is further ordered, That all class-I common carriers by railroad, excluding switching and terminal carriers, operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That any person intending to participate in this proceeding shall so notify this Commission by filing with the Commission's Office of Proceedings, Room 5342, 12th Street and Constitution Avenue NW., Washington, D.C. 20423, on or before August 29, 1973, an original and one copy of a statement of his intention to participate; that a service list shall then be prepared and made available to those persons responding to this order, containing the names and addresses of the parties to this proceeding, upon whom service of all pleadings must be made; and that thereafter the nature of further proceedings will be designated.

And it is further ordered, That notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Commission's Secretary and by delivering a copy to the Director, Office of the Federal Register.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX

QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS, RAILROADS—GENERAL INSTRUCTIONS

1. Under order of the Commission, all class I Line-Haul Railroads are required to file quarterly reports of freight loss and damage claims, Form QL&D-R. Railroads should complete and file Schedules A and B of Form QL&D-R. Reports must be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within thirty days after the close of each quarter.

2. The order contemplates the inclusion of all claims incurred in connection with interstate and intrastate shipments. Reports should be prepared on a quarterly basis beginning with the first day of January, April, July and October.

3. Dollar amounts reported should be rounded to the nearest whole number. Omit cents.

4. The certification must be completed by an officer of the respondent.

5. The first of the three enclosed copies of the report contains the mailing label attached to the top of Schedule A, and is to be considered as the "original" copy of the two reports filed. To assure proper identification in the automatic data processing operation, the mailing label should not be altered in any way. Your company's name and address, as they appear on the mailing label, plus the computer processing identification code, which is the top line of the mailing address, must be copied in the same block on the duplicate copy. If the name and address on the mailing label are incorrect, the correct name and address should be inserted on the original and duplicate copies of Schedule A in the space provided to the left. The carrier's mailing address is the address where correspondence relating to accounting and reporting is to be directed, including P.O. Box number, if applicable.

INSTRUCTIONS FOR SCHEDULE A

1. Include in Schedule A all claims filed with respondent carrier by shippers, consignees, or other persons contracting for transportation.

2. Report the number of all claims on hand at the beginning of the quarter, and the number received or reopened during the quarter, on lines 1 and 2, Column A; report the total dollar amounts of the claims as specified by the claimant in Column B. The total number and amounts of claims on hand at the beginning of the quarter should agree with the totals on hand at the end of the quarter of the prior report. Line 3, Column B, is provided for reporting dollar increases applicable to claims filed for uncertain amounts, such as, "$100 more or less", or other increases in dollar amounts made by claimants to previously filed claims.

3. Report the number and dollar amounts of all claims paid to claimants during the quarter on lines 5 and 6. Line 5 should show claims paid in the full amount specified by the claimant; line 6 should show claims paid in an amount less than the amount specified by the claimant.

4. Report the number and dollar amounts of all claims denied in full or closed without payment during the quarter on lines 7 through 9, distributed according to the reasons specified. Excess dollar amounts of claims paid in part, i.e., the difference between amounts claimed as reported on line 4, and the amounts actually paid, should be shown on line 10, Column B.

5. The details called for by lines 13 through 23 should be completed, as applicable. Where the word *none* truly and completely states the fact, it should be given as the answer to any particular inquiry. Cancellations, arbitrary check marks, and the like, must not be used as answers to inquiries unless specifically authorized in writing by the Commission.

INSTRUCTIONS FOR SCHEDULE B

1. Schedule B should show individually each claim settled during the quarter where the amount paid to the claimant was $100, or more, because of shortage, theft and pilferage, or robbery. The reporting of settled claims is the obligation of the carrier making payment to claimants. Claims included in Schedule B are those where investigation of cause and responsibility is complete to the maximum extent feasible.

2. The following definitions should be used when classifying claims according to cause of loss for inclusion in Schedule B:

Shortage.—Failure to deliver all or part of shipment to consignee for unknown reasons, including error by carrier's employee in loading, waybilling, diverting or reconsigning, receipting for or delivery of freight, issuing bill of lading or requiring surrender thereof, and failure to make proper report of freight over, refused, reclaimed, etc.

Theft and Pilferage.—All loss or damage, without use of or threat of force, as a result of known stealing, or under circumstances indicating the probable cause was stealing, when it is known that cargo was in carrier's custody.

Robbery.—All loss or damage from stealing, including hijacking of TOFC or COFC, and grand larceny of piggyback trailers, containers, and trucks.

3. Column B should show the appropriate five-digit Standard Transportation Commodity Code number for the commodity shown on the claim document. Claims due to shortage for commodities shipped in bulk, such as, grain (code 0113), coal (code 11), etc., need not be reported in Schedule B.

4. Report the month and year the goods were shipped per waybill in Column C, using four-digit numerical code, i.e., January, 1973, would read 0173; November, 1974, would read 1174, etc. Report the dollar amount of the claim as filed by claimant in Column D, and the dollar amount paid to claimant in Column E (omit cents). Show the cause of loss in Column F, using codes as follows:

Shortage	Code 1
Theft and Pilferage	Code 2
Robbery	Code 3

5. Columns G and H are to be used to indicate the location where each loss occurred to the best of your belief by showing State or zone code numbers using standard codes shown in Table 1. Where the exact location is determinable, report a single location code number in Column G; otherwise, report the locations of the last good and the first bad freight seal records in Column H. Always report a pair of code numbers in Column H. The commercial zones should be shown whenever the loss occurred or seal record is known to be within the zones listed in Table 1. The zones are defined by the Commission in 49 CFR 1048. Otherwise show the appropriate State codes.

6. Claims involving shortage, theft and pilferage, or robbery from "piggyback" traffic should be identified by placing a 1 for TOFC, or a 2 for COFC, in Column I.

7. If necessary, attach extra pages following the format of the schedule. Lines and pages should be numbered consecutively.

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Page 1

QUARTER 19 [ ] 1ST [ ] 2ND [ ] 3RD [ ] 4TH

INTERSTATE COMMERCE COMMISSION
QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS - RAILROADS
Schedule A Analysis of Claims Processed

FORM APPROVED OFFICE OF MANAGEMENT AND BUDGET NO.
FORM QLAD-R

CORRECT NAME AND ADDRESS, IF DIFFERENT THAN SHOWN:

FULL NAME AND ADDRESS OF REPORTING CARRIER:

NO	ITEMS	A NUMBER	B AMOUNT (Dollars-omit cents)
1	Claims on hand at beginning of quarter		
2	Claims received or reopened during quarter		
3	Amount of increases during quarter		
4	TOTAL (Lines 1 through 3)		
	Claims disposed of during quarter:		
5	Paid in full to claimants		
6	Paid in part to claimants		
	Claims denied or closed:		
7	No evidence rail carrier liability		
8	Not timely filed		
9	Other		
10	Denied in part		
11	TOTAL (Lines 5 through 10)		
12	Claims on hand at end of quarter (Line 4 less line 11)		

	ITEMS	A NUMBER	B AMOUNT (Dollars-omit cents)
13	Number of claims disposed of within 30 days		
14	Number of claims disposed of 30 to 90 days		
15	Number of claims disposed of 90 to 120 days		
16	Number of unpaid claims on hand more than 120 days at close of quarter		
	Amounts recovered during quarter:		$
17	Salvage		
18	From interline carriers		
19	TOTAL (Line 17 + 18)		
20	Amount paid to interline carriers		
21	Net amount paid during quarter (Line 5 + 6, Col. B; less Line 19, + Line 20)		
22	Total freight revenues for quarter (Accounts 101 and 110)		
23	Ratio net claims paid to revenue, percent (Line 21 ÷ 22 x 100, two decimal places)		%

I, the undersigned, _____ (Print or type name and title of officer making the certification) of _____ (Full name of reporting company) certify that this report was prepared by me or under my supervision; that I have carefully examined it; and, on the basis of my knowledge, belief, and verification (where necessary) I declare it to be a full, true and correct statement of the financial loss and damage statistics named, and that the various items here reported were determined in accordance with effective rules promulgated by the Interstate Commerce Commission.

Signature _____ Telephone No. (Include area Code) _____ Date _____, 19____

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QUARTER 19 [ ] 1ST [ ] 2ND [ ] 3RD [ ] 4TH

INTERSTATE COMMERCE COMMISSION
QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS - RAILROADS
Schedule B Analysis of Theft Related Claims Settled

FORM APPROVED OFFICE OF MANAGEMENT AND BUDGET NO.
FORM QLAD-R

THIS SCHEDULE TO BE USED FOR REPORTING CLAIM PAYMENTS OF $100, OR MORE, DUE TO SHORTAGE, THEFT AND PILFERAGE, OR HIJACKING.

FULL NAME OF REPORTING CARRIER: *(If system report, show names of all operating roads included)*

LINE NO	A CLAIM NO.	B STCC CODE	C DATE SHIPPED	D AMOUNT OF CLAIM (Dollars)	E AMOUNT PAID (Dollars)	F LOSS CODE	G KNOWN LOCATION CODE	H SEAL RECORDS LAST GOOD	H SEAL RECORDS FIRST BAD	I TOFC/COFC

Page 4

TABLE - LOCATION CODE NUMBERS FOR COLUMNS G AND H, SCHEDULE B (See Instructions)

NAME	CODE
A. COMMERCIAL ZONES (See 49 CFR 1048)	
Baltimore, Maryland	60
Boston, Massachusetts	61
Chicago: Illinois Area	62
Chicago: Indiana Area	63
Cleveland, Ohio	64
Detroit, Michigan	65
Los Angeles, California	66
New York: New Jersey Area	67
New York: New York Area	68
Philadelphia: New Jersey Area	69
Philadelphia: Pennsylvania Area	70
St. Louis: Illinois Area	71
St. Louis: Missouri Area	72
Seattle, Washington	73
Washington, D.C.: Virginia Area*	74
B. STATES (Incl. District of Columbia)	
Alabama	01
Alaska	02
Arizona	04
Arkansas	05
California *(Except Code 66)*	06
Colorado	08
Connecticut	09
Delaware	10
District of Columbia	11
Florida	12
Georgia	13
Hawaii	15
Idaho	16
Illinois *(Except Codes 62, 71)*	17
Indiana *(Except Code 63)*	18
Iowa	19
Kansas	20
Kentucky	21
Louisiana	22
Maine	23
Maryland *(Except Code 60)*	24
Massachusetts *(Except Code 61)*	25
Michigan *(Except Code 65)*	26
Minnesota	27
Mississippi	28
Missouri *(Except Code 72)*	29
Montana	30
Nebraska	31
Nevada	32
New Hampshire	33
New Jersey *(Except Codes 67, 69)*	34
New Mexico	35
New York *(Except Code 68)*	36
North Carolina	37
North Dakota	38
Ohio *(Except Code 64)*	39
Oklahoma	40
Oregon	41
Pennsylvania *(Except Code 70)*	42
Rhode Island	44
South Carolina	45
South Dakota	46
Tennessee	47
Texas	48
Utah	49
Vermont	50
Virginia *(Except Code 74)*	51
Washington *(Except Code 73)*	53
West Virginia	54
Wisconsin	55
Wyoming	56
C. FOREIGN	
Canada	81
Mexico	82

*Includes Potomac Yard

[FR Doc.73-17760 Filed 8-22-73;8:45 am]

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[49 CFR Part 1310]

[Docket No. 35867]

COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE AND WATER

Construction, Filing, and Posting of Tariffs

Correction

In FR Doc. 73-15957 appearing on page 20852 in the issue of Friday, August 3, 1973, the following changes should be made:

1. On page 20854, the second line in paragraph 9, reading "other emergency transportation operat-" should be deleted.

2. On page 20854 in the third column, the date "1989" in the last line of the penultimate paragraph should read "1969".

3. In the table of contents on page 20856, in the entry for § 1310.31, the words "(Rule 30)" should read "(Rule 31)".

4. On page 20861, in the penultimate line of § 1310.5(a), "§ 1810.21" should read "§ 1310.21".

5. On page 20864, in § 1310.6(n)(1), the word "code" should be inserted after the words "and/or".

6. On page 20868, in § 1310.7(n)(4), in the fourth line of the first Note 1 the word "be" should read "the".

7. On page 20868, in § 1310.7(p)(3) the word "tariff" should read "traffic".

8. On page 20873, in the seventh line of § 1310.10(f)(1), insert the mark ↓ before the words "or(R)".

9. On page 20875, in § 1310.10(j)(8), the word "or" in the fifth line should read "of".

10. On page 20876, in § 1310.13(c), the word "of" in the 14th line should read "or".

11. On page 20893, in § 1310.28(h)(6), the word "staff" in the second line should read "tariff".

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

STANDARDS FOR GRADES OF CANNED APRICOTS AND CANNED SOLID-PACK APRICOTS

Second Notice of Proposed Rule Making

A notice of proposed rule making to revise the United States standards for grades of canned apricots (7 CFR 52.2641–52.2657) and a notice of proposed rule making to promulgate separate standards for canned solid-pack apricots was published in the FEDERAL REGISTER of April 26, 1972, 37 FR 8389 and 37 FR 8395, respectively. After consideration of all relevant matters pertaining to the proposals and in view of the changes which have been proposed, the U.S. Department of Agriculture desires further consideration by interested parties.

These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided for under this Act upon request of the applicant and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments in connection with the proposals should file the same in duplicate not later than October 1, 1973, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submittals made pursuant to this notice will be available for public review at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and Regulations.

STATEMENT OF CONSIDERATION LEADING TO THE SECOND PROPOSALS

The Canners League of California, representing a large number of the canners of apricots, requested that the USDA amend the United States Standards for Grades of Canned Apricots to allow Canned Solid-Pack Apricots to be assigned score points commensurate with the actual quality level, for color, defects, and character, while maintaining the present grade restriction.

The current grade standards include the Canned Solid-Pack apricots with the regular pack but restrict the solid-pack to the Grade C score point range as well as a maximum grade classification of Grade C Solid-pack. This pack is used only for remanufacturing purposes.

A study performed by the Department during the processing season of 1971 indicated that quality levels higher than the current maximum Grade C classification were being packed.

On the basis of this study, the Department proposed grade standards for canned solid-pack apricots separate from the regular pack. In addition, two quality levels above Substandard were proposed, the highest to be designated as U.S. Grade B or U.S. Choice. The Department felt that with separate standards and by reflecting a higher quality above Grade C through a grade designation as well as score points, the marketing of canned solid-pack apricots would be better served.

Formal objections to this approach were filed by the California Canners League on the grounds that:

(1) The addition of a "Grade B" classification is not wanted by canners and is also reportedly objected to by buyers.

(2) The difference between solid-pack apricots and the regular pack is not sufficient to adopt separate standards.

The California Canners League again requested the solid-pack portion of the current standards be modified to reflect a higher quality level by increasing the score points allotted to the applicable quality factors but retaining the currently restricted grade designation. To comply with this request would require assigning score points for the applicable quality factors for solid-pack apricots in the Grade B and Grade A classification while there are no such classifications for this type of pack.

The Department contends that since a Grade B or Grade A classification does not or would not exist for solid-pack apricots, it would be misleading to use the same score point ranges above Grade C for the solid-pack as are used for the regular pack.

In an informal discussion with the California Canners League it was decided the following would be proposed:

(1) Separate grade standards would be promulgated for solid-pack apricots as an appendix to the grade standards for the regular pack;

(2) A higher quality level would be reflected for the solid-pack through score points only, using a separate scoring system from the regular pack;

(3) The current restriction to the Grade C classification would be retained;

(4) The requirements for the various quality factors for the Grade C classification would remain unchanged; and

(5) A standard sample unit size to determine compliance with quality requirements would be included.

The California Canners League stated they had no objections to the proposed revision of the grade standards for canned apricots (regular pack) except for the exclusion of the solid-pack.

In reviewing that proposal and the current grade standards, however, it was found that the style of "mixed pieces of irregular sizes and shapes" is permitted to be assigned score points in the Grade A classification for the applicable quality factors while there is no such classification for this style. It is restricted to a top quality level of U.S. Grade B. Therefore, the Department proposes to realign the score points for this style to reflect a quality higher than Grade B by score points only.

The factor of color is not scored for canned spiced apricots in the current grade standards. In the past the spices used caused a rather marked change in the color of the product. Packers now are using mostly spice oils which cause little if any change in the finished product. Therefore, the Department is proposing to score the factor of color for canned spiced apricots, taking into consideration any effect the added spices may contribute.

No other changes from the first proposal of April 26, 1972, are proposed.

No other comments were received regarding the aforementioned proposals.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.2641 Product description.
52.2642 Styles.
52.2643 Grades.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, & FILL WEIGHTS

52.2644 Liquid media and Brix measurements.
52.2645 Fill of container.
52.2646 Recommended minimum drained weights.
52.2647 Recommended minimum fill weights.

SAMPLE UNIT SIZE

52.2648 Sample unit size.

FACTORS OF QUALITY

52.2649 Ascertaining the grade.
52.2650 Ascertaining the rating for the factors which are scored.
52.2651 Color.
52.2652 Uniformity of size and symmetry.
52.2653 Defects.
52.2654 Character.

ALLOWANCES FOR QUALITY FACTORS

52.2655 Allowances for quality factors.

LOT INSPECTION AND CERTIFICATION

52.2656 Ascertaining the grade of a lot.

SCORE SHEET

52.2657 Score sheet.

APPENDIX

APPENDIX—United States Standards for Grades of Canned Solid-Pack Apricots.

AUTHORITY: §§ 52.2641–52.2657 issued under Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.2641 Product description.

(a) *Canned apricots.*—"Canned apricots" is the product represented as defined in the Standards of Identity for canned apricots (21 CFR 27.10) issued pursuant to the Federal Food, Drug, and Cosmetic Act, and prepared in one of the styles specified in § 52.2642; in one of the liquid media specified in § 52.2644; and is sealed in a container and so processed by heat as to prevent spoilage.

The food may be seasoned with one or more of the optional ingredients permitted in the aforementioned standards of identity.

§ 52.2642 Styles.

(a) "Halves" are pitted apricots cut approximately in half along the suture from stem to apex.

(b) "Slices" are pitted apricots cut into thin sectors or strips.

(c) "Whole" is unpitted apricots with stems removed.

(d) "Mixed pieces of irregular sizes and shapes" are cut apricot units that are predominantly irregular in size and shape which do not conform to a single style or which are a mixture of two or more of such styles.

(e) When the apricots are unpeeled the name of the style is preceded or followed by the word "unpeeled."

(f) When the apricots are peeled, the name of the style is preceded or followed by the word "peeled."

§ 52.2643 Grades.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of halves, slices, and whole canned apricots, that:

(1) Have similar varietal characteristics;

(2) Have normal flavor and odor;

(3) Have at least a reasonably good color that scores not less than 17 points;

(4) Are at least reasonably uniform in size and symmetry for the applicable styles except for limits of off-suture cuts in the style of halves;

(5) Are reasonably free from defects;

(6) Have at least a reasonably good character; and

(7) For those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of canned apricots of any style that:

(1) Have similar varietal characteristics;

(2) Have a normal flavor and odor;

(3) Have at least a reasonably good color;

(4) Are at least fairly uniform in size and symmetry for the applicable styles except for the limits of off-suture cuts in the style of halves;

(5) Are at least reasonably free from defects;

(6) Have at least a reasonably good character; and

(7) For those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points.

(c) "U.S. Grade C" or "U.S. Standard" is the quality of canned apricots of any style that:

(1) Have similar varietal characteristics;

(2) Have a normal flavor and odor;

(3) Have at least a fairly good color;

(4) Are at least fairly uniform in size and symmetry for the applicable style;

(5) Are at least fairly free from defects;

(6) Have at least a fairly good character; and

(7) For those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(d) "Substandard" is the quality of canned apricots that fail to meet the requirements of U.S. Grade C.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS AND FILL WEIGHTS

§ 52.2644 Liquid media and Brix measurements.

"Cut-out" requirements for liquid media in canned apricots are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The designations of liquid packing media and the Brix measurements, where applicable, are as follows:

Designations	*Brix measurement*
"Extra heavy sirup" or "Extra heavy apricot juice sirup".	25° or more but not more than 40°.
"Heavy sirup" or "Heavy apricot juice sirup".	21° or more but less than 25°.
"Light sirup" or "Light apricot juice sirup".	16° or more but less than 21°.
"Slightly sweetened water" or "Slightly sweetened apricot juice".	Less than 16°.
"In water"	Not applicable.
"In apricot juice"	Not applicable.
"Artificially sweetened"	Not applicable.

§ 52.2645 Fill of container.

The standard of fill of container for canned apricots is the maximum quantity of the apricot units which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient. Canned apricots that do not meet this requirement are "Below Standard in Fill."

§ 52.2646 Recommended minimum drained weights.

(a) *General.*—(1) The minimum drained weight recommendations for the various styles in Table II are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) The recommended minimum drained weights are based on equalization of the product 30 days or more after the product has been canned.

(b) *Definitions of symbols.*—(1) $\bar{X}_d$—the minimum average drained weight of all the sample units in the sample.

(2) LL—Lower limit for the drained weight of an individual sample unit.

(c) *Method for ascertaining drained weight.*—The drained weight of canned apricots is determined by emptying the contents of the container, turning the pit cavities down in halves upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch ± 3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and apricots less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(c) *Compliance with recommended minimum drained weights.*—A lot of canned apricots is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended average drained weight (designated as $\bar{X}_d$ in Table II; and

(2) The number of sample units which fail to meet the recommended minimum drained weight for individuals (designated as LL) in Table II does not exceed the applicable acceptance number specified in Table I.

TABLE I.—SINGLE SAMPLING PLAN FOR DRAINED WEIGHTS

Sample size (number of sample units)	3	6	13	21	29	39	48	60
Acceptance number	0	1	2	3	4	5	6	7

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TABLE III—RECOMMENDED FILL WEIGHT VALUES FOR CANNED APRICOTS

Container size (metal unless otherwise stated)		Unpeeled or peeled halves—Fill weight values						Sampling allowance code
Designation	Dimensions	$\bar{X}_{min}$	LWL$_{\bar{X}}$	LRL$_{\bar{X}}$	LWL	LRL	$\bar{R}'$	Rmax
		Ounces	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
5Z	211 x 200	3.0	2.6	2.4	2.2	1.8	0.9	2.0
6Z	211 x 202	3.8	2.9	2.7	2.5	2.1	0.9	2.0
7Z	211 x 212	4.4	3.9	3.7	3.4	2.9	1.2	2.6
8Z tall	211 x 301	5.3	4.8	4.6	4.3	3.8	1.2	2.6
No. 300	300 x 407	9.4	8.9	8.6	8.3	7.7	1.3	2.0
No. 303 glass	303 x 406	10.4	9.9	9.6	9.2	8.6	1.4	3.0
No. 2	307 x 409	12.6	12.0	11.6	11.2	10.5	1.6	3.4
No. 2½ glass	401 x 411	18.0	17.2	16.8	16.2	15.3	2.1	4.4
No. 10	603 x 700	68.4	67.2	67.5	66.5	65.0	3.5	7.4
		Whole unpeeled—Fill weight values						
5Z	211 x 200	4.6	4.1	3.8	3.5	2.9	1.3	2.7
6Z	211 x 202	5.9	5.4	5.1	4.8	4.1	1.5	3.2
7Z	211 x 212	9.2	8.6	8.2	7.8	7.1	1.6	3.4
8Z tall	211 x 301	11.4	10.7	10.3	9.8	9.0	2.3	4.9
No. 300	300 x 407	16.2	15.5	15.1	14.7	13.9	2.3	4.9
No. 303 glass	303 x 406	16.5	15.6	15.1	14.5	13.5	2.3	4.9
No. 2	307 x 409	25.0	24.0	23.4	22.7	21.2	4.0	8.4
No. 2½ glass	401 x 411	35.0	33.8	33.2	32.4	30.9	4.0	8.4
No. 10	603 x 700	68.5	66.4	65.8	64.2	63.1	4.0	8.4
		Peeled or unpeeled sliced—Fill weight values						
5Z	211 x 200	3.2	2.9	2.7	2.5	2.1	0.8	1.7
6Z	211 x 202	3.5	3.2	3.0	2.8	2.4	0.8	1.7
7Z	211 x 212	4.7	4.3	4.1	3.8	3.3	1.1	2.2
8Z tall	211 x 304	5.6	5.2	5.0	4.7	4.2	1.1	2.2
No. 300	300 x 407	9.9	9.4	9.2	8.9	8.2	1.3	2.7
No. 303 glass	303 x 406	11.0	10.6	10.2	9.9	9.3	1.3	2.7
No. 2	307 x 409	13.3	12.8	12.6	12.1	11.5	1.4	3.0
No. 2½ glass	401 x 411	19.0	18.2	18.0	17.5	16.7	1.7	3.7
No. 10	603 x 700	72.4	71.3	70.7	69.9	68.6	3.0	6.4
		Mixed pieces of irregular sizes and shapes—Fill weight values						
No. 2½		18.7	17.9	17.5	16.9	16.0	2.1	4.4
No. 10		70.5	69.2	68.5	67.5	66.0	3.5	7.4

Container size (metal unless otherwise stated)		In extra heavy and heavy syrups					
		Unpeeled or peeled halves; sliced; mixed pieces of irregular sizes and shapes		Whole unpeeled		Whole peeled	
Designation	Dimensions	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$
		Ounces	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
5Z	211 x 200	2.1	2.7				
6Z	211 x 202	2.4	3.0				
7Z	211 x 212	3.4	4.0				
8Z tall	211 x 301	4.2	5.0				
No. 300	300 x 407	7.5	8.6	6.8	7.8	7.2	8.0
No. 303 glass	303 x 406	8.2	9.5	7.6	8.5	8.0	8.9
No. 2	307 x 409	10.6	11.5	9.6	10.5	10.2	10.7
No. 2½ glass	401 x 411	13.5	14.3	13.6	14.9	15.3	15.7
No. 10	603 x 700	55.7	62.0	53.8	60.0	57.9	60.4
		In any other liquid medium					
5Z	211 x 200	2.2	2.8				
6Z	211 x 202	2.5	3.1				
7Z	211 x 212	3.6	4.0				
8Z tall	211 x 301	4.3	4.9	4.5	4.9	4.6	4.6
No. 300	300 x 407	8.1	8.8	7.0	7.8	7.4	8.2
No. 303 glass	303 x 406	8.9	9.7	7.8	8.7	8.2	9.1
No. 303	307 x 409	9.9	11.3	8.9	9.7	10.1	11.1
No. 2	307 x 409	11.3	12.3	10.3	11.2	10.7	11.8
No. 2½ glass	401 x 411	15.7	16.8	14.0	15.3	14.3	15.6
No. 2½	401 x 411	16.0	17.2	14.2	15.5	14.8	16.1
No. 10	603 x 700	61.7	64.0	59.0	61.5	59.5	62.0

§ 52.2647 **Recommended minimum fill weights.**

(a) *General.*—The minimum fill weight recommendations for the various styles in Table III are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining fill weight.*—The fill weight of canned apricots is determined in accordance with the U.S. Department of Agriculture's U.S. Standards for Inspection by Variables and the U.S. Standards for Determination of Fill Weights.

(c) *Definitions of terms and symbols.*—"Subgroup means a group of sample units representing a portion of a sample. $\bar{X}_{min}$ means the minimum lot average fill weight. $LWL_{\bar{X}}$ means the lower warning limit for subgroup averages. $LRL_{\bar{X}}$ means the lower reject limit for subgroup averages. LWL means the lower warning limit for individual fill weight measurements. LRL means the lower reject limit for individual fill weight measurements. $\bar{R}'$ means a specified average range value. R_{max} means a specified maximum range for a subgroup.

(d) *Compliance with recommended fill weights.*—Compliance with the recommended fill weights for canned apricots shall be in accordance with the acceptance criteria specified in the U.S. Department of Agriculture's U.S. Standards for Inspection by Variables and U.S. Standards for Determination of Fill Weights.

SAMPLE UNIT SIZE

§ 52.2648 **Sample unit size.**

Compliance with requirements for the various quality factors is based on the following sample unit sizes:

(a) Halves—50 halves.

(b) Whole—25 whole apricots. In the case of the factors of color and defects only with respect to minor defects a whole apricot shall be considered halved along the suture and each half therefrom is a unit and the sample unit size thereby becomes 50 halves.

(c) Slices—50 slices.

(d) Mixed pieces of irregular sizes and shapes—30 ounces drained fruit of finished product or 33 ounces raw fruit for in-plant control.

FACTORS OF QUALITY

§ 52.2649 **Ascertaining the grade.**

(a) *General.*—In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(1) *Factors not rated by score points.*—(i) Varietal characteristics.

(ii) Flavor and odor.

(2) *Factors rated by score points.*—The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Halves, slices, whole	Mixed pieces of irregular sizes and shapes
	Points	*Points*
(i) Color	20	20
(ii) Uniformity of size & symmetry	20	
(iii) Defects	30	40
(iv) Character	30	40
Total score	100	100

(b) *Definition of flavor and odor.*—"Normal flavor and odor" means that the canned apricots are free from objectionable flavors and objectionable odors of any kind.

§ 52.2650 **Ascertaining the rating for the factors which are scored.**

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.2651 **Color.**

(a) *General.*—(1) The color of canned apricots refers to the characteristic color of the outer, uncut surfaces of the units; and the varying degrees of pale yellow areas, light greenish-yellow areas, and light green areas.

(2) In evaluating the factor of color for canned spiced apricots consideration is given to any effect the added spices may contribute to the color.

(b) *Definitions.*—(1) *Well colored.*—Well colored means that the units have a bright typical color characteristic of well-matured apricots. The units may have pale yellow areas not exceeding one-fourth of the outer surface area and are free from brown color due to oxidation, improper processing, or other causes.

(2) *Reasonably well colored.*—Reasonably well colored means that the units have a color typical of reasonably well matured apricots. The units may have pale yellow areas not exceeding one-half of the outer surface area or may have light greenish-yellow areas not exceeding one-fourth of the outer surface area and are free from brown color due to oxidation, improper processing, or other causes.

(3) *Fairly well colored.*—Fairly well colored means that the units have a typical color characteristic of fairly well matured apricots. The units may have pale yellow areas, may have light greenish-yellow areas not exceeding one-half of the outer surface area, or have light green areas not exceeding one-fourth of the outer surface areas. The units may have a slight brown color due to oxidation, improper processing, or other causes.

(4) *Poorly colored.*—Poorly colored means that the units have light greenish-yellow areas exceeding one-half of the outer surface area, or light green areas exceeding one-fourth of the outer surface area, and/or may have more than a slight brown color due to oxidation, improper processing, or other causes.

(c) (*A*) *classification.*—Halves, slices, and whole canned apricots that possess a good color may be given a score of 18 to 20 points. "Good color" means that the apricots are well colored; the sample unit as a mass is practically uniform in color, and the number of units that may be reasonably well colored does not exceed the number specified for the style in § 52.2655.

(d) (*B*) *classification.*—Halves, slices, and whole canned apricots that possess a reasonably good color may be given a score of 16 to 17 points. Canned apricots of these styles that score 16 points shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). Canned apricots of mixed pieces or irregular sizes and shapes that have at least a reasonably good color may be given a score of 16 to 20 points. "Reasonably good color" means that the apricots are at least reasonably well colored; the sample unit as a mass is reasonably uniform in color; and the number of units that may be fairly well colored does not exceed the number specified for the style in § 52.2655.

(e) (*C*) *classification.*—Canned apricots of any style that possess a fairly good color may be given a score of 14 or 15 points. Canned apricots that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the apricots are fairly well colored; the sample unit as a mass is fairly uniform in color, and the number of poorly colored units does not exceed the number specified for the style in § 52.2655.

(f) (*SStd*) *classification.*—Canned apricots that fail to meet the color requirements for Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2652 **Uniformity of size and symmetry.**

(a) *General.*—The factor of uniformity of size and symmetry for the style of slices is not based on any detailed requirement and is not scored; the other three factors (color, defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score. Uniformity of size and symmetry for the styles of halves and whole pertains to the percent by which the weight of the largest full-sized unit exceeds the weight of the smallest full-sized unit, and the number of off-suture cuts and detached or partially detached pieces in the style of halves. A unit that possesses an off-suture cut and is scoreable as such and in addition possesses a partially detached piece is scoreable either as an off-suture cut or a partially detached piece but not both.

(b) *Definitions.*—(1) *Off-suture cut.*—"Off-suture cut" in the style of halves means a halved unit which has been cut at a distance from the suture greater than one-fourth inch at the widest measurement from the suture.

(2) *Detached piece.*—Detached piece is a piece in the style of halves which has the appearance of a slice resulting from an off-suture cut or improper cutting that is completely separated from the half from which cut.

(3) *Partially detached piece.*—A partially detached piece in the style of halves, is a piece which has the appearance of a slice resulting from an off-suture cut or improper cutting and is detached more than one-third the length of the half along the suture or approximately parallel with the suture.

A partially detached piece, together with the unit to which it is attached is considered as one unit.

(c) (*A*) *classification.*—The styles of halves and whole canned apricots that are practically uniform in size and symmetry may be given a score of 18 to 20 points. "Practically uniform in size and symmetry" means that the units are very symmetrical; and that the number of units that exceed the maximum weight variation, the number of detached or partially detached pieces in the style of halves, and/or the number of units of halves that possess off-suture cuts do not exceed the applicable number specified in § 52.2655.

(d) (*B*) *classification.*—The styles of halves and whole canned apricots that are reasonably uniform in size and symmetry may be given a score of 16 or 17 points. A sample unit of the style of halves that possess more than 5 units which have off-suture cuts shall not be graded above U.S. Grade B, regardless of

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the total score for the product (this is a partial limiting rule). "Reasonably uniform in size and symmetry" means that the units are reasonably symmetrical; and that the number of units that exceed the maximum weight variation, the number of detached or partially detached pieces, and/or the number of units of halves that possess off-suture cuts do not exceed the applicable number specified in § 52.2655.

(e) (*C*) *classification.*—The styles of halves and whole canned apricots that are fairly uniform in size and symmetry may be given a score of 14 or 15 points. Except for off-suture cuts in the style of halves, canned apricots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product; a sample unit of halves style that possesses more than 8 units that have off-suture cuts shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size and symmetry" means that the units may vary in size, thickness, and symmetry; and that the number of units that exceed the maximum weight variation, the number of detached or partially detached pieces, and/or the number of units of halves style that possess off-suture cuts do not exceed the applicable number specified in § 52.2655.

(f) (*SStd*) *classification.*—Canned apricots that fail to meet the uniformity of size and symmetry requirements for Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2653 Defects.

(a) *General.*—The factor of defects refers to the degree of freedom from pit material, loose pits, harmless extraneous material, short stems, peel, minor blemishes, major blemishes, and crushed or broken units.

Canned whole apricots shall be considered as halved along the suture and each half therefrom is considered a separate unit in evaluating the factor of defects with respect to minor blemishes only. Each whole apricot shall be considered as a separate unit in ascertaining compliance with allowances for major blemishes.

(b) *Definitions.*—(1) *Harmless extraneous material.*—"Harmless extraneous material" means any harmless vegetable substance (such as, but not limited to, a leaf or portion thereof, or a large stem) that is harmless.

(2) *Short stem.*—A "short stem means the short, thick, woody, stem which attaches the apricot to the twig of the tree or other stem material of equivalent woodiness and shortness.

(3) *Pit material.*—"Pit material" means any whole pit in all styles other than whole styles or any portion of an apricot pit, regardless of size, except when whole apricot pits or apricot kernels are permitted as seasoning ingredients in other than whole styles.

(4) *Loose pit.*—A "loose pit" means a whole, unbroken pit not adhering to the flesh of a unit in the styles of whole apricots.

(5) *Minor blemish.*—"Minor blemish" in unpeeled styles includes "freckles" and also means:

(i) Light brown to brown surface areas which, singly or in combination on a unit, exceed in the aggregate the area of a circle ⅛ inch in diameter but do not exceed in the aggregate the area of a circle ¼ inch in diameter; or

(ii) Single dark brown surface areas that do not exceed the area of a circle ⅛ inch in diameter but which, singly or in combination with other "minor blemishes" on a unit, affect materially but not seriously the appearance of the unit. Light brown to brown surface areas and "freckles" that are insignificant and less than the area of a circle ⅛ inch in diameter and which do not affect materially the appearance of the unit are not considered "defects."

(6) *Major blemish.*—"Major blemish" in canned apricots includes units affected by scab, hail injury, discoloration, or other abnormalities in the following degree:

(i) Light brown to brown surface areas in unpeeled styles which, singly or in combination on a unit, exceed in the aggregate the area of a circle ¼ inch in diameter;

(ii) Blemishes that extend into the fruit tissue regardless of area or depth;

(iii) Single dark brown surface areas in unpeeled styles that exceed the area of a circle ⅛ inch in diameter, whether or not the unit is affected by minor blemishes; or

(iv) Any blemish whether or not specifically defined or mentioned in this subparagraph which affects seriously the appearance of the unit but is not a filthy or decomposed substance.

(7) *Crushed or broken.*—"Crushed or broken" means that:

(i) A unit in halves or whole style of canned apricots is "crushed" if the unit has definitely lost its normal shape and is crushed not due to ripeness; and

(ii) A unit in halves or whole style of canned apricots is "broken" if severed into definite parts; halves of canned apricots that are slightly or partially split or mashed from the edge to the pit cavity are not considered broken, or units in the style of peeled whole apricots that are mashed or very soft due to ripeness to the extent that the pit cavity is exposed or a seed missing therefrom is not crushed or broken. Portions equivalent to a full-size unit that has been broken are considered as one unit in determining compliance with the allowances for this defect.

(c) (*A*) *classification.*—Halves, slices, and whole canned apricots that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that:

(1) The amount of peel that may be present in peeled styles does not exceed the amount specified in § 52.2655; and

(2) The number of other defects that may be present does not exceed the number specified for the applicable style in § 52.2655.

(d) (*B*) *classification.*—Halves, slices, and whole canned apricots that are reasonably free from defects may be given a score of 24 to 26 points. Canned apricots of mixed pieces that are at least reasonably free from defects may be given a score of 32 to 40 points. Canned apricots of any style that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) The amount of peel that may be present in peeled styles does not exceed the amount specified in § 52.2655;

(2) With respect to all styles, the number of other defects that may be present does not exceed the number specified for the applicable style in § 52.2655.

(e) (*C*) *classification.*—Halves, slices, and whole canned apricots that are fairly free from defects may be given a score of 21 to 23 points. Canned apricots of mixed pieces and irregular sizes and shapes that are fairly free from defects may be given a score of 28 to 31 points. Canned apricots of any style that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that:

(1) The amount of peel that may be present in peeled styles does not exceed the amount specified in § 52.2655; or

(2) With respect to all styles, the number of other defects that may be present does not exceed the number specified for the applicable style in § 52.2655.

(f) (*SStd*) *classification.*—Canned apricots that fail to meet the defect requirements for Grade C may be given a score of 0 to 20 points for the styles of halves, slices, and whole and 0 to 27 points for mixed pieces of irregular sizes and shapes, and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2654 Character.

(a) *General.*—The factor of character refers to the degree of ripeness, the texture, and condition of the flesh, the firmness and tenderness of the canned apricots and their tendency to retain their apparent original conformation and size without disintegration.

(b) *Definitions.*—(1) *Good character.*—"Good character" means that the units have a practically uniform tender, fleshy texture, typical of well-ripened, properly prepared and properly processed canned apricots; the units may be soft but hold their original conformation and size without material disintegration.

(2) *Reasonably good character.*—"Reasonably good character" means that the units have a reasonably uniform, reasonably tender texture typical of properly ripened canned apricots that

are properly processed; the texture is reasonably fleshy, and the units are reasonably thick but the tenderness may be variable within the unit or among the units; the units may be soft to slightly firm or slightly ragged but are not mushy.

(3) *Fairly good character.*—"Fairly good character" means that the units have a texture of properly processed apricots which may be variable in fleshiness but the texture is fairly fleshy; the units may be lacking uniformity of tenderness; the units may be very soft to moderately firm or markedly ragged with frayed edges.

(4) *Poor character.*—"Poor character" means the units may be lacking in fleshiness; may be not tender or may be very firm or may be mushy.

(c) (*A*) *classification.*—Halves, slices, and whole canned apricots that have a good character may be given a score of 27 to 30 points. To score in this classification, the number of units that possess reasonably good character does not exceed the number specified for the style in § 52.2655.

(d) (*B*) *classification.*—Halves, slices, and whole canned apricots that possess a reasonably good character may be given a score of 24 to 26 points. Canned apricots of mixed pieces of irregular sizes and shapes that possess at least a reasonably good character may be given a score of 32 to 40 points and shall not be graded above U.S. Grade B, regardless of the total score for the product. To score in this classification, the number of units that possess fairly good character does not exceed the number specified for the style in § 52.2655.

(e) (*C*) *classification.*—Halves, slices, whole canned apricots that possess a fairly good character may be given a score of 21 to 23 points. Canned apricots of mixed pieces of irregular sizes and shapes that possess a fairly good character may be given a score of 28 to 31 points. Canned apricots that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). To score in this classification, the number of units that possess poor character does not exceed the number specified for the style in § 52.2655.

(f) (*SStd*) *classification.*—Canned apricots that fail to meet the character requirements for Grade C may be given a score of 0 to 20 points for the styles of halves, slices and whole, and 0 to 27 points for mixed pieces of irregular sizes and shapes, and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

ALLOWANCES FOR QUALITY FACTORS

§ 52.2655 Allowances for quality factors.

TABLE IV.—STYLES: HALVES AND WHOLE

Factors	Maximum allowances permitted					
	A		B		C	
	Individual[1]	Average[2]	Individual	Average	Individual	Average
Color (Number of units):						
Reasonably good	2		No limit		No limit	
Fairly good	0		5		No limit	
Poor	0		0		5	
Weight Variation						
Uniformity of size (number of units):						
Whole:						
More than 50%	1		No limit		No limit	
More than 75%	0		1		No limit	
More than 100%	0		0		3	
Halves:						
More than 50%	3		No limit		No limit	
More than 75%	0		3		No limit	
More than 100%	0		0		5	
Halves:						
Off-suture cuts and/or	2	and	7	Including	15	Including
Detached and partially detached pieces	2		7		15	
Defects:						
Harmless extraneous material (number of pieces)	0		1	0.5	2	
Short stem (count)	2		3		5	
Peel	¾ sq. in.		¾ sq. in.		1¼ sq. in.	
Loose pits (whole style only-count)	3		5		6	
Pit material (halves-count)	3	1	3	1	3	1
Crushed or broken-halves	2		2		2	
Whole	1		1		1	
Blemished-halves—Minor	5		10		20	
	Including		Including		Including	
Major	2		5		10	
Whole—Minor	5		10		20	
	Including		Including		Including	
Major	1		2		5	
Character (halves):						
Reasonably good	2		No limit		No limit	
Fairly good	0		5		No limit	
Poor	0		0		5	
(Whole):						
Reasonably good	1		No limit		No limit	
Fairly good	0		2		No limit	
Poor	0		0		2	

[1] Individual—means individual sample unit.
[2] Average—means average of all the sample units in the sample.

TABLE V—STYLE: SLICED

Factor	Maximum allowances permitted					
	A		B		C	
	Individual[1]	Average[2]	Individual	Average	Individual	Average
Color:						
Reasonably good	2		No limit		No limit	
Fairly good	0		5		No limit	
Poor	0		0		5	
Defects:						
Harmless extraneous material (number of pieces)	0		1	0.15	1	0.5
Short stems	1	0.5	1		2	1.5
Peel	3/32 sq. in.		3/16 sq. in.		5/16 sq. in.	
Pit material (count)	1	.3	1	.3	1	.3
Blemished:						
Minor	3		6		10	
	Including		Including		Including	
Major	1		3		5	
Character:						
Reasonably good	2		No limit		No limit	
Fairly good	0		5		No limit	
Poor	0		0		5	

[1] Individual—means individual sample unit.
[2] Average—means average of all the sample units in the sample.

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TABLE VI—STYLE: MIXED PIECES OF IRREGULAR SIZES AND SHAPES

Factor	Maximum allowances permitted					
	A		B		C	
	Individual[1]	Average[2]	Individual	Average	Individual	Average
Color (ounces):						
Reasonably good	2		No limit		No limit	
Fairly good	0		3		No limit	
Poor	0		0		3	
Defects:						
Harmless extraneous material (Number of pieces).	0		1	0.6	2	
Short stems (count)	4		4		6	
Peel (peeled style only)	½ sq. in.		½ sq. in.		1 sq. in.	
Pit material (count)	2	0.7	2	0.7	2	0.7
Blemished—Minor (oz.)	1.5 including		3 including		6 including	
Major (oz.)	0.75		1		3	
Character (ounces):						
Reasonably good	1.5		No limit		No limit	
Fairly good	0		3		No limit	
Poor	0		0		3	

[1] Individual—means individual sample unit.
[2] Average—means average of all the sample units in the sample.

LOT INSPECTION AND CERTIFICATION

§ 52.2636 Ascertaining the grade of a lot.

The grade of a lot of canned apricots covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.2637 Score sheet.

Size and kind of container
Container mark or identification
Label
Net weight (ounces)
Vacuum (inches)
Drained weight (ounces); ( ) Heavy pack
Brix measurement
Sirup designation (Extra heavy, heavy, etc.)
Style
Count (halves, whole)

Factors	*	**	Score points
Color	20	0	(A) 18-20; (B) [1]16-17; (B) Mixed pieces 16-20; (C) [1]14-15; (SStd) 10-13
Uniformity of size and symmetry.	20		(A) 18-20; (B) [1]16-17; (C) [1]14-15; (SStd) 10-13
Defects	30	40	(A) 27-30; (B) [1]24-26; (B) Mixed pieces 32-40; (C) [1]21-23; (C) Mixed pieces [1]28-31; (SStd) 10-20; (SStd) Mixed pieces 10-27
Character	30	40	(A) 27-30; (B) [1]24-26; (B) Mixed pieces [1]32-40; (C) [1]21-23; (C) Mixed pieces [1]28-31; (SStd) 10-20; (SStd) Mixed pieces 10-27
Total score	100	100	

Varietal characteristics: ( ) Similar; ( ) Dissimilar
Normal flavor and odor
Grade

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.
*Halves, slices, whole.
**Mixed pieces of irregular sizes and shapes.

APPENDIX

PROPOSED UNITED STATES STANDARDS FOR GRADES OF CANNED SOLID-PACK APRICOTS

The proposed standard is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.6241 Product description.
52.6242 Styles.
52.6243 Grades.

FILL OF CONTAINER, DRAINED WEIGHTS

52.6244 Recommended fill of container.
52.6245 Recommended minimum drained weights.

SAMPLE UNIT SIZE

52.6246 Sample unit size.

FACTORS OF QUALITY

52.6247 Ascertaining the grade of a sample unit.
52.6248 Ascertaining the rating for the factors which are scored.
52.6249 Color.
52.6250 Defects.
52.6251 Character.

LOT INSPECTION AND CERTIFICATION

52.6252 Ascertaining the grade of a lot.

SCORE SHEET

52.6253 Score sheet.

AUTHORITY: §§ 52.6241 to 52.6253 issued under Sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.6241 Product description.

Canned solid-pack apricots are prepared from mature, sound apricots (Prunus armeniaca), pitted and peeled or unpeeled or any combination of peeled and unpeeled. The product is packed with or without dry nutritive sweetening ingredients, and is sufficiently processed by heat in hermetically sealed containers to assure its preservation.

§ 52.6242 Styles.

(a) "Halves" are apricots cut approximately in half along the suture from stem to apex.

(b) "Slices" are apricots cut into thin sectors or strips.

(c) "Mixed pieces of irregular sizes and shapes" are apricot units that are predominantly irregular in size and shape which do not conform to a single style or which are a mixture of halves and slices.

§ 52.6243 Grades.

(a) "U.S. Grade C" or "U.S. Standard" is the quality of the product that:

(1) Has normal flavor and odor;

(2) Has at least a fairly good color;

(3) Has at least a fairly good character;

(4) Is at least fairly free from defects; and

(5) Scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(b) "Substandard" is the quality that fails to meet the requirements of "U.S. Grade C".

FILL OF CONTAINER, DRAINED WEIGHTS

§ 52.6244 Recommended fill of container.

The recommended fill of container for canned solid-pack apricots is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be as full of apricots as practicable without impairment of quality and that the product occupy not less than 90 percent of the volume of the container.

§ 52.6245 Recommended minimum drained weight.

(a) *General.*—The minimum drained weight recommendations in Table I are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades.

(b) *Definitions of symbols.*—(1) LL—Lower limit for individual drained weights.

(2) $\bar{X}_d$—Minimum sample average drained weight value.

(c) *Method for ascertaining drained weight.*—The drained weight is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937±3 percent, square openings) so as to distribute the product evenly, including the sieve to approximately a 17- to 20-degree angle to facilitate drainage, and allowing the product to drain for two minutes.

The drained weight is the weight of the sieve and apricots less the weight of the dry sieve. A sieve 12 inches in diameter is used.

(d) *Compliance with recommended minimum drained weights.*—A lot of canned solid-pack apricots is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended average drained weight (designated as $\bar{X}_d$) in Table I; and

(2) The number of sample units which fail to meet the recommended minimum drained weight for individuals (designated as LL) in Table does not exceed the applicable acceptance number specified in Table II.

TABLE I—RECOMMENDED DRAINED WEIGHTS FOR CANNED SOLID-PACK APRICOTS

Container designation	Dimensions	LL	$\bar{X}_d$
No. 10	603 x 700	*Ounces* 80.5	*Ounces* 92.0

TABLE II—ACCEPTANCE NUMBERS FOR RECOMMENDED DRAINED WEIGHT

Sample size (number of sample units)	3	6	13	21	29	38	48	60
Acceptance number	0	1	2	3	4	5	6	7

SAMPLE UNIT SIZE

§ 52.6246 Sample unit size.

For purposes of evaluating quality factors, the sample unit size shall be the entire contents of a No. 10 container or equivalent.

FACTORS OF QUALITY

§ 52.6247 Ascertaining the grade of a sample unit.

In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(a) *Factors not rated by score points.*—(1) Flavor and odor.

(b) *Factors rated by score points.*—The relative importance of each factor which is scored is expressed numerically on the scale of 100. Score points are assigned the various quality factors in accordance with the scoring guide in Table III. The maximum number of points that may be given such factors are:

	Points
Color	20
Defects	40
Character	40
Total score	100

(c) *Definition of flavor and odor.*—"Normal flavor and odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.6248 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which are scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "14 to 20 points" means 14, 15, 16, 17, 18, 19, or 20 points).

§ 52.6249 Color.

(a) *General.*—The color of canned solid-pack apricots refers to the characteristic color of the outer, uncut surfaces of the units, the varying degrees of "pale yellow areas", "light-greenish yellow areas", and "light green areas"; and the uniformity of the individual sample unit when viewed in mass.

(b) *Definitions.*—(1) *Well colored.*—"Well colored" means that the units have a typical color characteristic of well-matured apricots. The units may have pale yellow areas not exceeding one-fourth of the outer surface area and are free from brown color due to oxidation, improper processing, or other causes.

(2) *Reasonably well-colored.*—"Reasonably well colored" means that the units may possess pale yellow areas not exceeding one-half of the outer surface area, or may possess light greenish-yellow areas not exceeding one-fourth of the outer surface area. The units may possess a light brown color due to oxidation, or other causes.

(3) *Fairly well-colored.*—"Fairly well-colored" means that the units may be pale yellow or may possess light greenish-yellow areas not exceeding one-half of the outer surface area, or greenish areas not exceeding one-fourth of the outer surface and/or may possess more than a slight brown color due to oxidation, or other causes, but not off-color.

(4) *Poorly colored.*—"Poorly colored" means that the units may possess light greenish-yellow areas exceeding one-half of the outer surface area, or green areas exceeding one-fourth of the outer surface area, or are off-color for any reason.

(c) *(C) classification.*—Canned solid-pack apricots that possess a fairly good color may be given a score of 14 to 20 points. "Fairly good color" means that (1) the sample unit, in mass, may be variable in color; and (2) the apricots are at least fairly well colored, *except* that the weight of the units that are poorly colored does not exceed the weight specified in Table III.

(e) *(SStd) classification.*—Canned solid-pack apricots that fail to meet the requirements of U.S. Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6250 Defects.

(a) *General.*—The factor of defects refers to the degree of freedom from pit material, harmless extraneous material, short stems, minor blemishes and major blemishes, and from any other defect not specifically mentioned.

(b) *Definitions and explanations of defects.*—(1) *Harmless extraneous material.*—Any vegetable substance (such as, but not limited to, a leaf or portion thereof or a large stem) that is harmless.

(2) *Short stem.*—The short, thick, woody stem which attaches the apricot to the twig of the tree or other stem material of equivalent woodiness and shortness.

(3) *Pit material.*—Any whole pit or any hard portion of an apricot pit, regardless of size.

(4) *Minor blemish.*—(i) Light brown or brown surface areas, including "freckles" which singly or in combination on a unit, exceed in aggregate the area of a circle ⅛ inch in diameter but do not exceed in the aggregate the area of a circle ¼ inch in diameter.

(ii) Any blemish or abnormality whether or not specifically defined which materially but not seriously affects the appearance or eating quality of the product.

(5) *Major blemish.*—(i) Light brown to brown surface areas which, singly or in the aggregate on a unit, exceed the area of a circle ¼ inch diameter.

(ii) Blemishes that extend into the fruit tissue regardless of the area or depth.

(iii) Single dark brown surface areas that exceed the area of a circle ⅛ inch in diameter, whether or not the unit is affected by minor blemishes; or

(iv) Any blemish whether or not specifically defined which seriously affects the appearance and/or eating quality of the unit but is not a filthy or decomposed substance.

(c) *(C) classification.*—Canned solid-pack apricots that are at least fairly free from defects may be given a score of 28 to 40 points. "Fairly free" from defects means that the defects present do not exceed the allowances specified in Table III.

(e) *(SStd) classification.*—Canned solid-pack apricots that fail to meet the defect requirements of U.S. Grade C may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6251 Character.

(a) *General.*—The factor of character refers to the degree of ripeness, the texture and condition of the flesh, the firmness, and tenderness of the canned solid-pack apricots.

(b) *Definitions.*—(1) *Good character.*—"Good character" means that the units have a practically uniform tender, fleshy texture typical of well-ripened, properly prepared, and properly processed canned solid-pack apricots; the units may be soft but hold their original conformation and size without material disintegration.

(2) *Reasonably good character.*—"Reasonably good character" means that the units possess at least a reasonable uniform, reasonably tender texture typical of properly ripened apricots that are properly processed; the texture is at least reasonably fleshy, and the units are at least reasonably thick but the tenderness may be variable within the unit or among the units; the units may be soft to slightly firm or ragged, but are not mushy.

(3) *Fairly good character.*—"Fairly good character" means that the units possess a texture of properly processed apricots which may be variable in fleshiness but the texture is fairly fleshy and the units may be lacking uniformity of tenderness or may be markedly ragged with frayed edges or may be very soft or mushy, or may be moderately firm.

(4) *Poor character.*—"Poor character" means that the units may be very mushy or may be very firm.

(d) *(C) classification.*—Canned solid-pack apricots that possess a fairly good character may be given a score 28 to 40

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points. To score in this classification, the weight of units that possess poor character does not exceed the weight specified in Table III.

(e) *(SStd) classification.*—Canned solid-pack apricots which fail to meet the requirements of U.S. Grade C may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE III

Allowances for Quality Factors

Quality Factors	Maximum Allowances			
	Grade C			Substandard
Score points	18-20	16-17	14-15	0-13[1]
Color. Ounces of apricots that are: Well colored.	All	Unlimited	Unlimited	Unlimited.
Reasonably well colored	5	All	do	Do.
Fairly well colored	2	9	All	Do.
Poorly colored	0	2	14	All.
Score points	36-40	32-35	28-31	0-27[1]
Defects (numbers of defects) Harmless extraneous material.	0	1	3	More than 3.
Short stems	1	3	6	More than 6.
Pit material	1	3	6	Do.
Units affected by minor and major blemishes.	9	18	36	More than 36.
Major blemishes	1	9	18	More than 18.
Score points	36-40	32-35	28-31	0-27[1]
Character. Ounces of apricot units that possess: Good character.	All	Unlimited	Unlimited	Unlimited.
Reasonably good character	5	All	do	Do.
Fairly good character	3	9	All	Do.
Poor character	0	2	9	Do.

SCORE SHEET

§ 52.6253 Score sheet for canned solid-pack apricots.

Size and kind of container
Container mark or identification
Label
Net weight (ounces)
Vacuum (inches)
Drained weight (ounces)
Degrees Brix (if sweetened)

Factors		Score points	
Color	20	{(C)	14-20
		{(SStd)[1]	0-13
Defects	40	{(C)	28-40
		{(SStd)[1]	0-27
Character	40	{(C)	28-40
		{(SStd)[1]	0-27
Total score	100		

Normal flavor and odor
Grade

[1] Indicates limiting rule.

Dated: August 15, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-17373 Filed 8-22-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1973 Rev., Supp. No. 1]

FREMONT INDEMNITY CO.

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $242,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Fremont Indemity Co.
Los Angeles, California
CALIFORNIA

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated August 17, 1973.

[SEAL] DAVID MOSSO,
Deputy Fiscal Assistant Secretary.

[FR Doc.73-17888 Filed 8-22-73;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON REFORM OF THE INTERNATIONAL MONETARY SYSTEM

Notice of Meeting

Notice is hereby given that the Advisory Committee on Reform of the International Monetary System will meet at the Treasury Department in Washington, D.C., on August 29, 1973.

The meeting is called for the purpose of considering the basic issues involved in the current international negotiations for the reform of the international monetary system.

A determination as required by section 10(d) of the Federal Advisory Committee Act (Public Law 92-463) has been made that this meeting is for the purpose of considering matters falling within one or more of the exemptions to public disclosure set forth in 5 U.S.C. 552(b) and that the public interest requires such meeting be closed to public participation.

[SEAL] PAUL A. VOLCKER,
Under Secretary for Monetary Affairs.

[FR Doc.73-18025 Filed 8-22-73;9:41 am]

[Public Debt Series No. 7-73]

TREASURY NOTES OF SERIES G-1975

Notice of Offering

AUGUST 20, 1973.

Dated and bearing interest from September 4, 1973. Due September 30, 1975.

I. OFFERING OF NOTES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 99.51 percent of their face value for $2,000,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series G-1975. The interest rate for the notes will be publicly announced by the Secretary of the Treasury on August 22, 1973. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving time, Friday, August 24, 1973, under competitive and noncompetitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes will be dated September 4, 1973, and will bear interest from that date, payable on a semiannual basis on March 31 and September 30, 1974, and March 31 and September 30, 1975. They will mature September 30, 1975, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20222, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Friday, August 24, 1973. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 99.51 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. The Secretary of the Treasury expressly reserves the right to accept or

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reject any or all tenders, in whole or in part, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated price from any one bidder will be accepted in full at the average price[1] (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., Eastern Daylight Saving time, Friday, August 24, 1973.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before September 4, 1973, at the Federal Reserve Bank or Branch or at the Office of the Treasurer of the United States, Washington, D.C. 20222, in cash or other funds immediately available by that date. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.73-18005 Filed 8-22-73;8:45 am]

U.S. Customs Service

FOREIGN CURRENCIES

Certification of Rates

AUGUST 15, 1973.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 73-190 for the Malaysian dollar. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Malaysian dollar:	
August 6, 1973	$0.4440
August 9, 1973	.4440

[SEAL] JAMES D. COLEMAN,
Acting Director, Appraisement and Collections Division.

[FR Doc.73-17868 Filed 8-22-73;8:45 am]

[1] Average price may be at, or more or less than $100.00.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CRAIG (NO. 1) GRAZING DISTRICT ADVISORY BOARD

Notice of Tour

AUGUST 17, 1973.

Notice is hereby given that the Craig (No. 1) Grazing District Advisory Board, Bureau of Land Management will tour the south segment of Piceance Creek Unit on August 29, 1973. The tour will commence 8 a.m., August 29, 1973, at Kilowatt Korner meeting room in Meeker, Colorado.

The agenda for the tour includes discussion of proposed programs for Fiscal Year 1974 that reflect on grazing problems in the oil shale area of the Piceance Creek Unit.

The tour is open to the public, but interested persons must provide their own transportation, food, and lodging. Those wishing to attend the tour should contact the District Manager at the Bureau of Land Management, 455 Emerson Street, Craig, Colo., prior to August 29 for information regarding the tour route and schedule.

Those wishing to make an oral statement concerning agenda items must so inform the Advisory Board Chairman in writing prior to August 29, 1973. Written statements will be accepted, but must also be submitted to the advisory Board Chairman prior to August 29. Statements should be mailed to: Chairman, Craig District Advisory Board, c/o District Manager, Bureau of Land Management, 455 Emerson Street, Craig, Colo. 81625.

DALE R. ANDRUS,
State Director.

[FR Doc.73-17883 Filed 8-22-73;8:45 am]

National Park Service

CONSULTING COMMITTEE TO THE NATIONAL SURVEY OF HISTORIC SITES AND BUILDINGS

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Consulting Committee to the National Survey of Historic Sites and Buildings will be held at 9:00 a.m., e.d.t., on September 6 and 7, 1973, in conference room 3446 in the Department of the Interior Building, Washington, D.C.

The purpose of the Consulting Committee is to review and evaluate studies of potential national historic landmarks prepared by the National Survey. The Committee's evaluation is the initial screening of potential historic landmarks. Their recommendations are forwarded to the Secretary of the Interior's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments for a final review.

The members of the Consulting Committee are:

Dr. Richard H. Howland (Chairman), Washington, D.C.
Dr. John O. Brew, Cambridge, Massachusetts.
Mr. Herbert E. Kahler, Alexandria, Virginia.
Dr. Walter L. Creese, Urbana, Illinois.
Professor Frederick D. Nichols, Charottesville, Virginia.
Dr. Henry A. Millon, Cambridge, Massachusetts.
Mr. James Biddle, Washington, D.C.
Mr. Charles E. Lee, Columbia, South Carolina.
Dr. Dorothy B. Porter, Washington, D.C.
Dr. John W. Huston, Annapolis, Maryland.

The subjects that are to be evaluated are:

1. A portion of the subtheme "The War for Independence" presenting studies of potential landmark properties in the States of Florida, Georgia, Kentucky, Maryland, North Carolina, South Carolina, Virginia, and West Virginia.

2. A portion of the subtheme "Political and Military Affairs, 1828-1860" in the States of Alabama, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and the District of Columbia.

3. A study of potential landmark properties for "Signers of the Constitution" in the States of Delaware, New Hampshire, and New York.

4. A study of the Central Synagogue in New York City to be considered under the subtheme "Architecture."

5. Studies in the field of Black history.

The meeting will be open to the public. However, facilities and space for accommodating the public are limited. It is expected that not more than 15 persons will be able to attend the sessions. Any member of the public may file with the Consulting Committee a written statement on the subjects to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Mr. Robert M. Utley, Director, Office of Archeology and Historic Preservation, 202-343-7550. Minutes of the meeting will be available for public inspection six weeks after the meeting at the Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, Washington, D.C.

Dated: August 13, 1973.

STANLEY W. HULETT,
Associate Director, National Park Service.

[FR Doc.73-17874 Filed 8-22-73;8:45 am]

GEORGE WASHNGTON MEMORIAL PARKWAY, MOUNT VERNON, VA.

Notice of IntentionTo Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice was given in the FEDERAL REGISTER, Vol. 38, Number 127 on Tuesday, July 3, 1973, Page 17743, advising that thirty (30) days after the date of publication of that notice, the Department of the Interior, through the Director of the National Park Service, proposed to negotiate a concession contract with Almours Securities, Inc., authorizing it to provide concession facilities and services for the public on the George Washington Memorial Parkway at Mount Vernon, Virginia, for a period of 20 years from January 1, 1974, through December 31, 1993.

The aforementioned publication advised that the foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. Further, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of such public notices. Any proposal to be considered and evaluated was to be submitted within thirty (30) days after the publication date of that notice, which was August 2, 1973. Subsequent to the July 3, 1973, publication, however, it has been determined that the public interest would be best served if an additional 30-day period of time is provided so that interested parties could have reasonable opportunity to submit proposals. Therefore, any offers submitted on or before September 24, 1973, will be considered and evaluated. Interested parties may obtain information as to the requirements of the proposed contract from, and submit their proposals to the Chief of Concessions Management, National Park Service, Washington, D.C. 20240.

Dated: August 8, 1973.

LAWRENCE C. HADLEY,
Assistant Director, National Park Service.

[FR Doc.73-17873 Filed 8-22-73;8:45 am]

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 10:30 a.m. on September 27, 1973, at 313 Walnut Street, Philadelphia, Pennsylvania.

The Commission was established by Public Law 80-795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman), Philadelphia, Pa.
Mr. John P. Bracken, Philadelphia, Pa.
Hon. Michael J. Bradley, Philadelphia, Pa.
Hon. James A. Byrne, Philadelphia, Pa.
Mr. William L. Day, Philadelphia, Pa.
Hon. Edwin O. Lewis, Philadelphia, Pa.
Mr. Filindo B. Masino, Philadelphia, Pa.
Mr. Frank C. P. McGlinn, Philadelphia, Pa.
Mr. John B. O'Hara, Philadelphia, Pa.
Mr. Howard D. Rosengarten, Villanova, Pa.
Mr. Charles R. Tyson, Philadelphia, Pa.

Matters to be considered at this meeting include the following:

1. Review of Graff House Plan
2. Progress Report on Development

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons desiring further information concerning this meeting, or who wish to submit written statements, may contact Hobart G. Cawood, Superintendent, Independence National Historical Park, Philadelphia, Pennsylvania at 215-597-7120.

Minutes of the meeting shall be available for inspection two weeks after the meeting at the office of the Independence National Historical Park, 313 Walnut Street, Philadelphia, Pennsylvania.

Dated: August 10, 1973.

STANLEY W. HULETT,
Associate Director, National Park Service.

[FR Doc.73-17877 Filed 8-22-73;8:45 am]

MIDWEST REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Midwest Regional Advisory Committee will be held at 9 a.m. m.d.t., on September 11, 12, and 13 at the Beaver Creek Recreation Building near Moose, Wyoming, in Grand Teton National Park.

The committee was established pursuant to Public Law 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Midwest Region of the National Park Service.

Members of the committee are:

Honorable Robert W. Berrey III (Chairman); Mrs. Harold Fryslie (Secretary); Mr. Harry Barker, Jr.; Mr. Ralph M. Clark; Mr. John J. Franke, Jr.; Dr. John D. Hunt; Mr. William W. Robinson; Mr. Erwin D. Sias; and Mr. Webster A. Two Hawk.

The matters to be discussed at this meeting include:

1. The environmental impact statement for the Grand Teton Airport. (The Committee will adjourn to the Virginian Motel in Jackson on September 11 so that members may attend the public hearing on the airport environmental impact statement.)
2. Concessions policies.
3. Park signing.
4. Problems relating to the management of river use.
5. Recent NPS developments about which the committee should be informed.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come first-served basis. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Bill W. Dean, Assistant Regional Director, Cooperative Activities, Midwest Regional Office, at Area Code 402-221-3481. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Midwest Region, 1709 Jackson Street, Omaha, Nebraska 68102.

Dated August 14, 1973.

STANLEY W. HULETT,
Associate Director, National Park Service.

[FR Doc.73-17876 Filed 8-22-73;8:45 am]

U.S. TERRITORIAL EXPANSION MEMORIAL COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the U.S. Territorial Expansion Memorial Commission will be held at 9:30 a.m., on Friday, September 21, at the Old Courthouse, 11 North Fourth Street, St. Louis, Missouri.

The Commission was established by the Act of June 15, 1934, for the purpose of considering and formulating plans for the design and construction of a permanent memorial on the Mississippi River at St. Louis, Missouri.

Members of the Commission are as follows:

Hon. Leonor K. Sullivan, House of Representatives (Chairman); Hon. Thomas B. Curtis, St. Louis, Missouri (Vice Chairman); Mr. Ronald J. Foulis, Washington, D.C. (Secretary); Hon. John N. Camp, House of Representatives; Dr. Eldon G. Chuinard, Portland, Oregon; Hon. Frank Church, United States Senate; Mr. William W. Crowdus, St. Louis, Missouri; Mr. Chester C. Davis, Laguna Hills, California; Dr. Harold W. Dodds, Princeton, New Jersey; Hon. James M. Douglas, St. Louis, Missouri; Hon. Roman L. Hruska, United States Senate; Hon. Walter Huddleston, United States Senate; Mr. Morton D. May, St. Louis, Missouri; Hon. William R. Roy, House of Representatives.

The Commission will consider the projects, and the funds for them, which are necessary to complete the Memorial, and will prepare recommendations concerning those matters.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons desiring further information concerning this meeting, or who wish to file written statements, may contact Ivan

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Parker, Superintendent, Jefferson National Expansion Memorial, at 314, 622-4468.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the offices of the Jefferson National Expansion Memorial, 11 North 4th Street, St. Louis, Missouri 63102.

Dated August 10, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-17875 Filed 8-22-73;8:45 am]

[Order No. 3, Amdt. 1]

SUPERINTENDENTS ET AL., PACIFIC NORTHWEST REGION

Delegation of Authority

Pacific Northwest Region Order No. 3, approved March 6, 1972, and published in the FEDERAL REGISTER of March 28, 1972 (37 FR 6325), is amended as follows:

Section 1 is hereby amended by adding paragraph (n) to read as follows:

(n) Authority to conduct archeological investigations and salvage activities.

Section 2, paragraphs (e) and (f) are hereby added as follows:

(e) *Procurement Agent.*—The Regional Procurement Agent may execute and approve purchase orders not in excess of $2,000.

(f) *State Director, Alaska.*—The State Director, Alaska, is authorized to execute, approve, and administer contracts for supplies, equipment, and services, including construction, not in excess of $100,000.

Section 3 is amended as follows:

Section 3. *Redelegation.*—The authority delegated in this Order No. 3 may not be redelegated, except that a Superintendent and the State Director, Alaska, may, in writing, redelegate to any officer or employee the authority delegated to him by this order and may authorize written redelegation of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

(National Park Service Order No. 77, 38 FR 7478, published March 22, 1973, as amended, 38 FR 16789, published June 26, 1973.)

Dated July 20, 1973.

EDWARD J. KURTZ,
Acting Regional Director,
Pacific Northwest Region.

[FR Doc.73-17870 Filed 8-22-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-12]

INDIAN CREEK COAL COMPANY

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Indian Creek Coal Company, located at Ten Mile, Tennessee, has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 1.

Section 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the addition of berms or guardrails would make it impossible to maintain proper drainage and would hamper snow removal. The road would ice over during winter months and the grader now used for maintenance could no longer be used. Petitioner also states that additional man-hours and equipment would be needed for road maintenance which would result in an increased accident potential during snow and ice conditions. The installation of guardrails would not be effective because they would have to be built on fill material.

As an alternative method petitioner wishes to continue maintaining its roads by its currently existing methods. Petitioner states that by using its current methods of maintenance, its roads, are as safe as possible.

Petitioner contends that the application of the mandatory standard will result in a diminution of safety to miners in the affected area. Petitioner contends that berms and guardrails would create a drainage hazard by creating improper drainage which would cause washouts and hazardous conditions in wet weather. The road is too narrow to build berms, therefore, solid rock would have to be blasted, resulting in a highwall which would be a new hazard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before September 22, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of
Hearings and Appeals.

[FR Doc.73-17851 Filed 8-22-73;8:45 am]

[Docket No. M 73-72]

P & M COAL COMPANY

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), P & M Coal Company, located at Muir, Pennsylvania, has filed a petition to modify the application of 30 CFR 75.900 to its Orchard Slope Mine.

Section 75.900 reads as follows:

§ 75.900 Low- and medium-voltage circuits serving three-phase alternating current equipment; circuit breakers. Low- and medium-voltage power circuits serving three-phase alternating current equipment shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against undervoltage, grounded phase, short circuit, and overcurrent.

In support of its petition, petitioner states that the only electrical equipment operating underground consists of 3 low-voltage, 440 AC, three-phase motors which operate stationary water pumps. The power to these motors is supplied by a small motor-generator set located on the surface.

As an alternative method, petitioner requests that the mandatory standard be modified to permit the use of fused magnetic switches on the low voltage motors.

Petitioner contends that the alternative method will at all times guarantee no less than the same protection afforded the miners by the mandatory standards due to the fact that the motors are stationary, the voltage is low and the pumps which the motors operate are not used in mining, but only in pumping. Petitioner also contends that the mine has no history of methane ever being recorded and that the mine is located above the water table.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before September 22, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of
Hearings and Appeals.

[FR Doc.73-17853 Filed 8-22-73;8:45 am]

[Docket No. M 73-73]

P & M COAL COMPANY

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), P & M Coal Company, located at Muir, Pennsylvania, has filed a petition to modify the application of 30 CFR 75.901 to its Orchard Slope Mine.

Section 75.901 reads as follows:

§ 75.901 Protection of low- and medium-voltage three-phase circuits used underground. (a) Low- and medium-voltage three-phase alternating-current circuits used underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the power center, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all the electrical equipment supplied power from that circuit, except that the Secretary or his authorized representative may permit ungrounded low- and medium-voltage circuits to be used underground to feed such stationary electrical equipment if such circuits are either steel armored or installed in grounded rigid steel conduit throughout their entire length. The grounding resistor, where required, shall be of the proper ohmic value to limit the ground fault current to 25 amperes. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the prase-to-phase voltage of the system.

In support of its petition, petitioner states that the only electrical equipment operating underground consists of 3 low-voltage, 440 AC, three-phase motors which operate stationary water pumps. The power to these motors is supplied by a small motor-generator set located on the surface.

As an alternative method, petitioner requests that the mandatory standard be modified to permit the use of a direct ground from the equipment to the surface by well insulated wires as required on an interconnected and continuous grounding. All of the switchboxes, motors and other equipment are grounded underground and tied to the surface.

Petitioner contends that the alternative method will, at all times, guarantee no less than the same measure of protection afforded the miners at the affected mine by the application of the mandatory standard. Petitioner avers that all of the equipment is stationary and there is no moving equipment whatsoever, therefore the ground is safe from exposure. Petitioner also states that there is no cable used inside the mine and the alternative system is approved by the Commonwealth of Pennsylvania as being safe.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before September 22, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of
Hearings and Appeals.

[FR Doc.73-17852 Filed 8-22-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-383]

WATERMAN STEAMSHIP CORP.

Notice of Application

Notice is hereby given that Waterman Steamship Corporation has applied for amendment of its Operating-Differential Subsidy Agreement, Contract No. MA/MSB-253, which contract is effective for at least calendar years 1973 and 1974 but not in excess of 3 years, to include the following areas in its service description applicable to its subsidized service on Trade Route No. 21 between U.S. Gulf ports and ports in the United Kingdom, Republic of Ireland, and Continental Europe from the northern border of Portugal to the southern border of Denmark,

"Scandinavia and the Baltic countries (including ports in the U.S.S.R.) and U.S.S.R. ports East of the border with Finland in the Barents Sea."

Waterman Steamship Corporation has also requested that if, in accordance with its request of June 25, 1973 (designated Docket S-396), published in the FEDERAL REGISTER of July 23, 1973 (38 FR 19706), permission is granted to make annually twelve (12) calls inbound and outbound at U.S. Atlantic ports with its subsidized ships operating on its Trade Route No. 21 service, permission also be granted to include service between U.S. Atlantic ports and ports in Scandinavia and Baltic countries (including ports in the U.S.S.R.) and U.S.S.R. ports east of Finland in the Barents Sea.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on September 4, 1973, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated August 20, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-17920 Filed 8-22-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health

CONTROLLED—ENVIRONMENT CULTURE CHAMBER FOR HIGH RESOLUTION LIGHT MICROSCOPY

Notice of Proposed Issuance of Exclusive License

Pursuant to § 6.3, 45 CFR, Part 6, notice is hereby given of intent to issue a limited-term, revocable, exclusive patent license in and to an invention of James A Dvorak and Woodrow F. Stotler entitled "A Controlled-Environment Culture Chamber for High Resolution Light Microscopy."

Any objection thereto together with request for opportunity to be heard, if desired, should be directed to the Assistant Secretary for Health, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, on or before September 24, 1973. Interested parties may obtain a copy of the patent application directed to this invention upon request in writing to the party hereinabove named.

(45 CFR 6.3.)

Dated July 28, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

[FR Doc.73-17897 Filed 8-22-73;8:45 am]

Office of the Secretary

OFFICE OF THE GENERAL COUNSEL

Statement of Organization, Functions, and Delegations of Authority

Paragraph A.6 entitled "Public Health Division" of sec. 1S-22 of the Department's statement of organization, functions, and delegations of authority published at 38 FR 10732 is revised to read as follows:

6. *Public Health Division.*—The Public Health Division shall provide legal services for programs administered by the Office of the Assistant Secretary for Health (except to the extent such programs involve the Food and Drug Administration) which include programs administered by the Center for Disease Control, the Health Resources Administration, the Health Services Administration, and the National Institutes of Health.

Dated August 13, 1970.

THOMAS S. MCFEE,
Acting Assistant Secretary for
Administration and Management.

[FR Doc.73-17898 Filed 8-22-73;8:45 am]

OFFICE OF BUDGET

Statement of Organization, Functions and Delegations of Authority

Part I of the Statement of Organization, Functions and Delegations of Authority of the Department of Health, Education, and Welfare is hereby amended to revise the statement for the Office of the Deputy Assistant Secretary, Budget, Office of the Assistant Secretary, Comptroller. The revisions include modifications to update the statement and to revise names of the Divisions as follows:

a. The former Division of Budget becomes the Division of Budget Formulation;

b. The former Division of Operations Analysis becomes the Division of Budget Operations.

c. The former Division of Financial Management becomes the Division of OS Budget Services.

The FEDERAL REGISTER statement (37 FR 5264, Mar. 11, 1972) of the Division of Consolidated Funding is revised to include a Mission statement and to remove the second sentence under E: "Approves or disapproves changes and reprogramming subject to the grantmaking authority of agency heads."

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SECTION 1W10–00 *Mission.*—The Deputy Assistant Secretary, Budget, is the principal advisor to the Assistant Secretary, Comptroller on matters pertaining to formulation, analysis, presentation, and execution of budgets, apportionments, reprogrammings, and other mechanisms relating to the optimum direction and coordination of the financial resources of the Department.

SEC. 1W10–10 *Organization.*—The Deputy Assistant Secretary, Budget, reports to the Assistant Secretary, Comptroller, and his Office consists of:

1. Division of Budget Formulation.
2. Division of Budget Operations.
3. Division of Consolidated Funding.
4. Division of OS Budget Services.

SEC. 1W10–20 *Functions.*—The following functions are the principal responsibilities of the Deputy Assistant Secretary, Budget:

A. The encouragement of sound budgetary practices throughout the Department, including the provision of technical guidance and training to agency budget staffs.

B. The preparation and issuance of Department-wide budgetary policies.

C. The promulgation of uniform budgetary standards, classifications, and terminologies.

D. The evaluation of budgetary proposals, including the identification of major issues, and the formulation, where appropriate, of alternative budgetary strategies.

E. The development of the annual budget, and other budgetary and financial documents as required.

F. The explanation and interpretation of the budget and other appropriations matters to the Office of Management and Budget, committees of the Congress, and other interested parties.

G. The maintenance of the Department-wide systems for budget execution, expenditure reporting, and administration of employment ceilings.

H. The conduct of special studies and analyses of the budgetary and related processes.

I. The review and approval of requests for Treasury warrants, apportionments, reprogrammings, transfers of funds, and other mechanisms relating to the funding of approved programs.

J. The planning and implementation for a Department-wide system of consolidated funding designed to provide a single funding source for the support of integrated social services projects.

K. The formulation, preparation and execution of the budget and grade employment ceilings for the Office of the Secretary.

SEC. 1W10.30 *Delegations of authority.*—In the absence of the Assistant Secretary, Comptroller, the Deputy Assistant Secretary, Budget is designated the Acting Assistant Secretary, Comptroller, with all the powers normally accruing to that position.

CHAPTER 1W1002—DIVISION OF BUDGET FORMULATION

SECTION 1W1002–00 *Mission.*—The Division of Budget Formulation directs and coordinates the development and preparation of budgets, estimates, and forecasts of resources required to support programs and activities of the Department. The Division provides staff assistance to the Secretary, the Under Secretary, the Comptroller and the appropriate program-oriented Assistant Secretaries in evaluating and acting upon program and budget proposals. The Division assists the Secretary in the presentation and justification of budgets submitted to the Office of Management and Budget and the Committees on Appropriations of the Congress.

SEC. 1W1002–10 *Organization.* The Division of Budget Formulation is headed by a Director who reports directly to the Deputy Assistant Secretary, Budget. The Director is assisted by a staff of budget analysts and supporting personnel organized into several branches, each of which is responsible for coordinating the budgeting activities of designated operating agencies. A separate branch exists for the coordination and presentation of the total Department budget.

SEC. 1W1002–20 *Functions.*—A. The Division of Budget Formulation provides staff assistance to the Secretary, the Under Secretary, the Comptroller and the appropriate program-oriented Assistant Secretaries in the budgetary management of the Department; and in the performance of this function:

1. Directs and coordinates: (a) The preparation of budgets, estimates, and forecasts of resources required to support programs and activities of the Department. (b) The planning and development of policies and procedures relating to budgeting. (c) The establishment of uniform terminology, classifications, and standards to be used throughout the Department in budgeting activities. (d) The development of the regular annual budget, and, in conjunction with the Office of the Assistant Secretary for Program Coordination, the five-year program and financial plan, and other long-range financial plans and revisions.

2. Assists the Deputy Assistant Secretary, Budget, the Assistant Secretary, Comptroller, the appropriate program-oriented Assistant Secretaries, the Under Secretary and the Secretary in the evaluation of programs and budgetary proposals with emphasis given to the identification of issues, the development of alternative proposals, and the appraisal of proposals in terms of their relative cost and their consistency with approved plans and policies.

3. Develops a uniform system for the formulation and presentation of budgets and program estimates, forecasts and proposals to be followed by staff offices and by operating agencies.

4. Encourages sound financial planning and budgetary management in the staff offices and operating agencies.

5. Advises and assists agency heads in the establishment and organization of budget staffs.

6. Provides technical guidance, advice, asistance and training to budget management staffs in the staff offices and operating agencies.

7. Prepares special budget analyses.

8. Keeps staff offices and operating agencies currently informed on developments in the field of budgetary management.

B. Coordinates and consolidates, for the Department, the budget estimates of the operating agencies and serves as the primary liaison for the Department in the presentation and interpretation of the estimates and other appropriation matters to the Office of Management and Budget and the Congressional Committees on Appropriations.

C. Assists the Secretary and operating agency heads in the oral presentation of budget and program estimates to the Office of Management and Budget and the Congressional Committees on Appropriations.

CHAPTER 1W1003—DIVISION OF BUDGET OPERATIONS

SECTION 1W1003.00 *Mission.*—The Division of Budget Operations has Department-wide responsibility for the review, analysis and appraisal of the financial elements of program execution, and for the development and execution of policies related to the efficient and effective allocation, expenditure, and control of funds.

SEC. 1W1003.10 *Organization.*—The Division of Budget Operations is headed by a Director who operates under the general direction of the Deputy Assistant Secretary, Budget. The Director is assisted by a staff of analysts and supporting secretarial staff organized into two major functional areas: Expenditure and manpower control, and special projects.

SEC. 1W1003.20 *Functions.*—The Division of Budget Operations

A. Develops and executes Department-wide policies for efficient and effective allocation and expenditure of funds administered by the Department. Performs special studies of organizations and processes for the purpose of improving methods and procedures, from the standpoint of better financial management and of more effective HEW operations.

B. Establishes and maintains a Department-wide budget execution system. Develops and issues uniform standards, classifications, and procedures which will (1) distribute and apply resources consistent with Departmental policy and with the budget as approved by the Congress; (2) assure adequate controls of such resources at the operating agency level; and (3) provide adequate opportunity for shifts in direction or scope and for financing needs not anticipated at the time the original budget was presented to the Congress.

C. Establishes and maintains a system of cost estimates and projections. Develops and maintains a Department-wide system of controls over outlays to assure adherence to Congressional and Presidential ceilings and cutbacks on outlays. Prepares cutback plans, as required, which minimize adverse impact on the Department's programs and the Secretary's priorities.

D. Develops and administers policies and procedures for Departmental operations under Continuing Resolutions pending enactment of regular appropriations.

E. Reviews agency Treasury warrant requests and apportionment and reapportionment schedules and develops recommendations to the Deputy Assistant Secretary, Budget before their submission to the Department of the Treasury and the Office of Management and Budget, respectively. Reviews and recommends action on agency requests for reprogramming and/or redistribution of funds.

F. Plans, organizes, and directs intense studies of program operations, needs and objectives in order to identify alternative bases for long-range financial planning. Conducts special studies and analyses in support of the budget process as the need arises and in the interest of sound financial management. Coordinates and stimulates the development of recommendations for improved program operation, efficient and economical performance and effective program coordination.

G. Prepares periodic and special reports on the status of Departmental budget execution. Develops sound reporting practices.

H. Develops and administers policies and procedures for interagency and interdepartmental arrangements and agreements for transfer of funds.

I. Establishes agency employment ceilings, monitors agency staffing levels, reviews, and recommends action on proposed changes in agency staffing levels, and monitors agency progress in conducting management studies to identify manpower savings.

J. Responds to inquiries from the Congress, the Executive Branch, and the public for information concerning funds expended by the Department, the status of programs or projects, etc.

CHAPTER 1W1004—DIVISION OF CONSOLIDATED FUNDING

SECTION 1W1004–00 *Mission.*—The Division of Consolidated Funding is responsible for developing and maintaining a Department-wide system which will allow a prospective grantee seeking support for a project requiring funding from several DHEW sources to submit one application, obtain approval and funding through one system, and be subject to one set of reporting and monitoring requirements.

SEC. 1W1004–10 *Organization.*—The Director, Division of Consolidated Funding, is under the supervision of the Deputy Assistant Secretary, Budget, who reports to the Assistant Secretary, Comptroller.

SEC. 1W1004–20 *Functions.*—The Division of Consolidated Funding:

A. Plans and implements a Department-wide system of consolidated funding designed to provide a single funding source for the support of integrated social services projects.

B. Develops policy and procedures for application, reporting, management, and appraisal of projects funded through this system.

C. Reviews and evaluates consolidated funding applications; assures that consultation is provided to prospective grantees; identifies programs with interest in the proposal; develops funding matrix; and assigns applications to appropriate agencies and staff elements for review.

D. Administers a formal departmental review and approval process for consolidated funding projects, including establishment of priorities for the types of projects to be funded. Approves or disapproves applications subject to the grantmaking authorities of the agency heads.

E. Assigns management responsibilities for approved grants and oversees execution of award documents.

F. Establishes liaison with various components of the Department as well as other Federal agencies.

CHAPTER 1W1005—DIVISION OF OS BUDGET SERVICES

SECTION 1W1005.00 *Mission.*—The Division of OS Budget Services is responsible for the formulation, presentation, and execution of the Office of the Secretary budget and is the focal point for all budget and fiscal matters for the various offices that comprise the Office of the Secretary.

SEC. 1W1005.10 *Organization.*—The Director, Division of OS Budget Services, reports directly to the Deputy Assistant Secretary, Budget.

SEC. 1W1005.20 *Functions.*—A. The Director, Division of OS Budget Services, serves as budget officer and principal financial management advisor to Office and Division Chiefs within the Office of the Secretary.

B. In the performance of its function the Division:

1. Participates in the planning, directing and coordinating of financial and budgetary programs of the Office of the Secretary.

2. Directs and provides technical guidance to the administrative officers in preparing budgets. Coordinates individual budgets for preparation of a single budget document for presentation to the Department Review Committee, the Office of Management and Budget and the Congress.

3. Assists in the planning and presentation of the budget before the Office of Management and Budget and the Congress and develops materials for key members of the Office of the Secretary in testimony at hearings before these bodies.

4. Reviews the budget as approved by Congress and recommends a financial plan for its execution. Makes allocations to constituent offices within the guidelines of the approved financial plan.

5. Allocates employment ceilings for OS components and develops and monitors the Office of the Secretary average grade plan.

6. Develops and maintains budgetary controls to insure the observance of established ceilings on both funds and personnel.

7. Prepares requests for apportionment of appropriated funds. Maintains control of allotted funds against current obligations. Maintains and monitors subsidiary expenditure controls for appropriations in the Office of the Secretary, including separate plans for each of the Regional Offices.

8. Provides analysis and coordination of accounting reports of the various accounting points in the Office of the Secretary.

9. Develops financial operating procedures and manuals. Assures implementation within the Office of the Secretary of Departmental and Federal fiscal policies and procedures.

Dated August 14, 1973.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.73-17900 Filed 8-22-73;8:45 am]

OFFICE OF HUMAN DEVELOPMENT AND OFFICE OF YOUTH DEVELOPMENT

Statement of Organization and Functions

1R20.00 *Mission.* The mission of the Office of Youth Development is to provide leadership in the planning, development, and coordination of those Federal programs that provide services to youth in danger of becoming delinquent. The Office coordinates its activities with other concerned Federal organizations to assure unified approach to common target groups and to afford comprehensive services to the individual.

Within the authorities delegated to it, the Office of Youth Development administers, under the Juvenile Delinquency Prevention Act, Public Law 92–381, Federal grants and contracts designed to help States and local communities in providing community based preventive services, including diagnosis and treatment to youths who are in danger of becoming delinquent, to provide assistance in the training of personnel employed or preparing for employment in fields related to the provision of such services, and to provide technical assistance in such field.

1R20.10 *Organization.* The Office of Youth Development consists of the following organizational elements which report to the Office of the Commissioner:

1. Division of Youth Services System, 2. Division of Youth Activities, 3. Division of Program Coordination, 4. Office of Planning, Research and Development.

1R20.20 *Functions*—A. *Office of the Commissioner.*—The Commissioner and his deputy would have primary responsibility for maintaining overall coordination of the elements of OYD. The Commissioner reports directly to the Assistant Secretary for Human Development. He is responsible for determining OYD priorities including research, and establishing and guiding youth development teams. The Public Affairs and Legislative Affairs functions reside in this Office, and placement of these functions in the Office of the Commissioner ensures the

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assessability of this expertise in these areas.

B. *Division of Youth Service Systems.*—This Division is concerned with juvenile delinquency prevention through the implementation of the Youth Services Systems concept. Their specific mission is to prevent juvenile delinquency through the Youth Services Systems which coordinate all services available to young people at the local level. In addition, DYSS seeks proper rehabilitation of youthful offenders through discouraging inappropriate institutionalization and labeling of youth. The DYSS develops policy, procedures and regulations and priorities for funds appropriated under Title I of the Juvenile Delinquency Prevention Act.

C. *Division of Youth Activities.*—The Division of Youth Activities is concerned with problems in the general youth population which adversely affect or concern young people. It will facilitate a reciprocal communication flow between youth and youth-servicing organizations including the Department as well as other major institutions inside and outside of the Federal Government. Their function is to involve youth in major government, public and private institutional policy-making, and in program designs which affect their daily lives. This Office provides technical assistance to youth groups organized to deal with institutions affecting them. In addition it will strive to create new roles for youth. It will arrange meetings between key HEW offices and youth and brief Departmental executives on youth attitudes. It will act as a clearinghouse for youth organization inquiring with the Department about funding and other HEW activities. It will work closely with State agencies and youth groups to encourage youth in the decision-making and funding process. It will advocate funding of youth initiated proposals, and it will ensure Department responsiveness in needs and concerns of young people.

D. *Division of Program Coordination.*—Functions of the Division of Program Coordination include: maintaining a library of information on DHEW programs for youth; providing the Department with a center for information on youth; catalyzing and institutionalizing, throughout the Department, a concern for how DHEW's policies and programs affect the development and socialization of youth; chairing the Interagency Youth Liaison Committee; establishing a network of communications with agencies that can react to new problems with respect to youth or new priorities affecting youth as set by the Administration, and monitoring the progress of the agencies, ensuring that the Department's planning process (i.e., policy development, long range planning, operational planning, legislative developments, budgeting) take into account the concerns of youth; and examining the feasibility of formulating a Department-wide youth development strategy.

E. *Office of Planning, Research and Development.*—This Office reports directly to the Office of the Commissioner. The Office operates at the discretion of the Commissioner and has responsibility for all research and development activities conducted in OYD. Under his preview the Office will investigate, design and modify programs which would motivate action to remove barriers affecting the development of youth. It will study disturbances in the socialization of young people which result in delinquent behavior. In addition the Office will be responsible for the planning activities including OPS and will serve as the liaison office with OHD in this area. The Office will be responsible for providing technical assistance in the areas of research and development.

Dated: August 14, 1973.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.73-17899 Filed 8-22-73;8:45 am]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 FR 5834-35 dated April 16, 1968) is hereby amended as follows:

8-B "Bureau of Hearings and Appeals" (BHA), "Appeals Council" (BHA), and "Office of the Regional Hearings Representative" (BHA) are superseded by the following:

8-B *Bureau of Hearings and Appeals* (BHA). Provides broad direction to the SSA hearings and appeals process. Directs a nationwide organization of Administrative Law Judges who conduct independent, impartial hearings and make decisions on appealed determinations involving retirement, survivors, disability, health and supplemental security income benefits under the Social Security Act, as amended; and disability and survivors benefits under the Federal Coal Mine Health and Safety Act of 1969, as amended. Considers and reviews orders and decisions of Administrative Law Judges and renders the Secretary's final action or decision through the Bureau's Appeals Council. Reviews appeals filed in federal courts from such action or decision and recommends whether to defend or to request remand for further action. Provides medical and vocational specialist services to Administrative Law Judges and Appeals Council members. Develops substantive and administrative operating instructions to assure uniform and fair appellate review. Conducts liaison with other components of SSA, DHEW, and other governmental, professional, and private organizations.

8-B *Appeals Council* (BHA). Reviews decisions of Administrative Law Judges involving retirement, survivors, disability, health insurance, and supplemental security income benefits under the Social Security Act, as amended, and disability and survivors benefits under the Federal Coal Mine Health and Safety Act of 1969, as amended, on motion of appellants or on its own motion. Examines case records, obtains additional evidence and renders a written decision or order which is the Secretary's final decision or order, or may remand the case to an Administrative Law Judge. Determines and recommends action in relation to the decisions appealed to the courts. Obtains additional evidence and prepares supplemental decisions on remanded cases. Recommends whether appeals should be taken to higher courts on judicial reversals of the Secretary's decisions.

8-B *Office of the Regional Chief Administrative Law Judge* (BHA). Represents the Director of the Bureau of Hearings in the region in all matters pertaining to the hearings process. Plans, organizes, and administers a regional program for scheduling and conducting independent and impartial hearings on appealed determinations involving retirement, survivors, disability, health and supplemental security income benefits under the Social Security Act, as amended; and disability and survivors benefits under the Federal Coal Mine Health and Safety Act of 1969, as amended. Provides substantive guidance and administrative direction and leadership to the Regional Development Center and to Administrative Law Judges and their staffs. Coordinates operations and administrative activities with the DHEW Regional Office, other SSA components, State agencies, and other parties, as required. Exercises general administrative supervision over Administrative Law Judges and their supporting staff within the region and provides administrative support to the Regional Appeals Center.

(Sec. 6, Reorganization Plan No. 1 of 1953)

Dated: August 14, 1973.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.73-17901 Filed 8-22-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-188; OILSR 0-485-60-16]

KAREN DEVELOPMENT

Order of Suspension

Notice is hereby given that on June 21, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a notice of Proceedings and Opportunity for Hearing, pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's Statement of Record. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said notice. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Order of Suspension is being issued as follows:

ORDER OF SUSPENSION

1. Overseas Investors and Developers Corporation, hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701, et seq.) and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision, located in Canada (OILSR No. 0-0485-60-16), which became effective September 5, 1969, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for Administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A notice of Proceedings and Opportunity for Hearing was published in the FEDERAL REGISTER on June 21, 1973, pursuant to 44 U.S.C. 1508 informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of August 23, 1973. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., August 20, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-17915 Filed 8-22-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety

[Waiver No. 4A; Docket No. OPS-19]

TENNESSEE GAS PIPELINE CO.

Amendment To Grant of Waiver

By letters dated April 23, 1973, and May 1, 1973, the Tennessee Gas Pipeline Company (Tennessee) of Houston, Texas, petitioned for an amendment to Waiver No. 4 to permit the use of certain pipe in addition to, and transported under the same conditions as, the pipe covered in the original grant of waiver.

Waiver No. 4, issued July 11, 1972 (37 FR 14246) authorized the petitioner to use, subject to certain stated conditions, approximately 99 miles of 36-inch pipe that had been transported by railroad but not in compliance with § 192.65 of the Federal gas pipeline safety standards.

The two letters constituting the current petition request amendment of the waiver to cover an additional 53.6 miles of 36-inch pipe and 14.4 miles of 42-inch pipe. With respect to the 36-inch pipe, Tennessee asserts that the same situation exists as with the pipe involved in the original grant of waiver, while for the 42-inch pipe the rail car loading will be in accordance with API RP 5L1 (1972 edition) and the loading diagram submitted with the petition. In addition, the petitioner has reported that the pipe previously shipped pursuant to Waiver No. 4 experienced no damage during shipment and that no failures occurred on that pipe during hydrostatic testing.

A public hearing on Waiver No. 4 was held at the Office of Pipeline Safety on June 22, 1972. The safety issues involved in the present petition are identical with those addressed at that hearing in connection with the original petition.

Based on all the information available to the Department, it appears that the pipe identified by the petitioner in his letters of April 23, 1973, and May 1, 1973, will be shipped by rail in the same manner as the pipe specified in Waiver No. 4 and will involve the same type of loading conditions.

In consideration of the foregoing, I have determined that a further waiver of compliance with § 192.65, as requested by Tennessee, is not inconsistent with gas pipeline safety. Waiver No. 4 is therefore amended to grant a waiver from § 192.65 of the Federal gas pipeline safety standards to the extent necessary to permit the use of an additional 53.6 miles of 36-inch pipe and 14.4 miles of 42-inch pipe shipped in approximately 80-foot lengths by rail with an overhang from the end bearing strips in excess of that permitted under API RP 5L1 (1967 edition), subject to the conditions of Waiver No. 4 which are as follows:

1. Each rail carload of pipe shall be loaded in accordance with API RP 5L1, 1972 edition. An inspection must be made after loading to assure it has been accomplished in this manner.

2. During car unloading, each length of pipe must be inspected for visible damage. A detailed report of any damage discovered, other than damage to pipe bevels, must be made promptly to the Office of Pipeline Safety.

3. Each length of pipe used must be strength tested after installation to at least 90 percent of specified minimum yield strength and each failure that may have been related to transportation damage must be separately reported in a detailed supplementary statement, in addition to furnishing Form DOT-F-7100.2.

4. Tennessee shall notify the Office of Pipeline Safety upon completion of the testing of the pipeline for which the shipment is intended and shall furnish that Office with any additional information which it secures related to the safety of this manner of shipment.

Issued in Washington, D.C., on August 16, 1973.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.73-17879 Filed 8-22-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WESTINGHOUSE SUBCOMMITTEE

Notice of Meeting

Correction

In FR Doc. 73-17172 appearing in the issue of Thursday, August 16, 1973, 3rd paragraph, 3rd line, the first word "boiling" should read "pressurized".

[Dockets Nos. 50-443 and 50-444]

PUBLIC SERVICE COMPANY OF NEW NEW HAMPSHIRE ET AL.

Seabrook Station, Units 1 and 2

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matter

Public Service Company of New Hampshire, The United Illuminating Company, Central Maine Power Company, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Montaup Electric Company, New Bedford Gas and Edison Light Company, New England Power Company, Vermont Electric Power Company, Inc., Ashburnham Municipal Light Plant, Burlington Electric Light Department, Eastern

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Maine Electric Cooperative, Inc., Holyoke Gas and Electric Department, Hudson Light and Power Department, Hull Municipal Light Plant, Marblehead Municipal Light Department, Middleborough Gas and Electric Cooperative, Inc., North Attleborough Electric Department, South Norwalk Electric Works, and Templeton Municipal Light Plant (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed an application dated June 29, 1973, which was docketed on July 9, 1973, for authorization to construct and operate two electric generating units utilizing pressurized water reactors. The application was initially tendered on March 25, 1973. Following a preliminary review for completeness, it was rejected on May 7, 1973 for lack of sufficient information. The applicants submitted additional information on June 15, 1973 and the application was found acceptable for docketing.

The proposed nuclear facilities, designated by the applicants as the Seabrook Station, Units 1 and 2, are to be located at the applicants' site in Rockingham County, in the township of Seabrook, New Hampshire. Each unit is to be designed for initial operation at approximately 3411 megawatts thermal, with a net electrical output of approximately 1194 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 8, 1973. The submittal should reference Docket Nos. 50-443-A and 50-444-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Exeter Public Library, Front Street, Exeter, New Hampshire 03833.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated June 29, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Seabrook Station is also being made available at the Office of Comprehensive Planning, Office of the Governor, State House, Concord, New Hampshire 03301, and at the Southeastern New Hampshire Regional Planning Commission, 10 Front Street, Exeter, New Hampshire 03833.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 26th day of July 1973.

For the Atomic Energy Commission.

KARL R. GOLLER, CHIEF,
Pressurized Water Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.73-16347 Filed 8-22-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 25567; Order 73-8-84]

AIR PANAMA INTERNATIONAL, S.A.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of August 1973.

By tariffs filed May 2, 1973, for June 1, 1973, effectiveness, Air Panama International, S.A. (Air Panama) established fares to implement its newly authorized service between New York and Panama. The filings included, inter alia, a 150-day round-trip excursion fare of $268.00, and round-trip group inclusive-tour fares of $185.00, $150.00, and $130.00 for groups of 2-39, 40-79, and 80 or more passengers, respectively,[1] as well as an adult tourist passenger fare of $186.00 one way. The group inclusive-tour fares provide for a 21-day maximum duration of travel and require a minimum purchase of $42.00 in ground accommodations.

A complaint requesting suspension and investigation of Air Panama's round-trip excursion and GIT fares has been filed by Pan American World Airways, Inc. (Pan American).[3] In support of its complaint, Pan American alleges that the GIT fares proposed for groups of 40 and 80 passengers ($185.00 and $150.00, respectively) are uneconomically low in that they cover only one-half of Pan American's operating costs,[3] and are in fact at or below existing charter rates. Since the proposed round-trip excursion fare is limited only by a return within 150 days of departure and is not subject to a minimum stay, it is allegedly nothing more than an attempt to subvert the normal economy round-trip fare in the market. The normal economy fare is $372.00, more than $100.00 above Air Panama's virtually "unrestricted" excursion fare, which is itself lower than Pan American's present excursion fare.

Pan American alleges that the proposed group inclusive-tour fare of $185.00 available to groups of from 2-39 passengers is likewise nothing more than a blatant attempt to divert traffic from existing fares in the market since the proposed fare, which would be available to as small groups as two, would undercut Pan American's existing fare for groups of ten by $15.00. When it is recognized that a vast amount of travel is by persons traveling as couples, the high potential for diversion allegedly becomes obvious. Pan American further contends that a fare for groups of two, where there is no clear distinction from standard-fare service, constitutes an unjust discrimination against individual passengers and has been so found by the Board, citing Group Excursion Fares Investigation, 25 CAB 41 (1957).

An answer to Pan American's complaint was filed by Air Panama on June 1, 1973. Air Panama points out that the tariffs at issue were filed for the purpose of establishing fares between New York and Panama pursuant to a recent amendment to its permit; that several of the fares complained against were previously effective without complaint or action by the Board; that the fare for the groups of two was changed by subsequent tariff filing to establish a minimum group size of six passengers; that the other GIT fares alleged to be uneconomically low are, in fact, profitable to Air Panama; and that imposition of a minimum-stay requirement on an excursion fare is not a prerequisite to the establishment of such a fare.

In support of the inclusive-tour fares for groups in excess of 40 passengers, Air Panama states that its operating costs are significantly lower than those of Pan American and that it estimates its total operating expense per passenger to be $128.00 round trip. Air Panama points out that, if Pan American's operating cost is $294.00 per round trip at a 55 percent load factor as alleged, it is difficult to understand how Pan American can justify its round-trip excursion fare of $282.00. Air Panama further contends that the proposed GIT fares are not out of line with similar fares in other markets served by United States carriers, whose operating costs exceed Air Panama's.

The GIT fares proposed for the carriage of groups of two or more passengers have subsequently been revised to increase the minimum group size to six passengers, and to this extent Pan American's complaint is moot. The balance of the complaint is directed to the

[1] Local Passenger Tariff No. 1, CAB No. 1, 7th Revised Page 44 with respect to the 150-day round-trip excursion fare, and 1st Revised Page 46, issued May 2, 1973 for effectiveness June 1, 1973, with respect to the GIT fares.

[3] Pan American states that its round-trip the 8th Revised Page 44 issued May 16 and marked for effect June 15 which made changes in certain minimum fares and the 2nd Revised Page 46 which made certain language changes. On May 24 Air Panama filed a 3rd Revised Page 46 for effectiveness June 23 which, inter alia, changed the minimum group size from 2 to 6.

[3] Pan American states that it round-trip operating cost per passenger on scheduled service in the New York-Panama market in 1972 was $294.00, assuming a 55-percent load factor.

alleged unreasonableness of the other GIT fares and the fact that the proposed excursion fare, by not requiring a minimum stay, is nothing more than an attempt to subvert the normal economy-fare structure in the market.

Air Panama's fares, based on a routing over Miami, range from 8.3 cents per revenue passenger mile (adult tourist) to 2.9 cents per revenue passenger mile (for groups of 80). The $268.00 excursion fare, which is expected to be that most heavily used, would produce a yield of 6.0 cents per revenue passenger mile.

Air Panama is providing service with B-727 equipment, configured with 108 seats operating over average stage lengths in excess of 1,100 miles.[4] From data available to the Board,[5] B-727 aircraft operating expense per available seat mile for U.S. domestic trunkline carriers was 1,687 cents, for the year ended June 30, 1972. The average stage length was 532 miles, with a configuration of 107 seats and an average load factor of 53 percent. Assuming for present purposes that direct aircraft operating costs represent 50 percent of total costs, the total cost would be in the neighborhood of 3.4 cents per available seat mile at an average stage length one-half that of the service here in question. Even assuming some higher costs for international service, the 3.4 cents is overstated in terms of Air Panama's operations. Considering the range of the proposed fares offered by Air Panama, it would appear that the fare structure is compensatory for that carrier and not *per se* uneconomic or unreasonable as Pan American contends.[6]

Upon consideration of the tariffs, the complaint and answer thereto, and other relevant matters, the Board concludes that the complaint does not state facts which warrant suspension or investigation and the request will be denied and the complaint dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

The complaint of Pan American World Airways, Inc. in Docket 25567 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-17907 Filed 8-22-73;8:45 am]

[4] Pan American, on the other hand, provides service in this market with B-707 and B-747 aircraft, the operating costs of which cannot be considered representative for purposes of evaluating the fares at issue.

[5] Aircraft Operating Cost and Performance Report for Fiscal Year 1971 and 1972, CAB, March 1973.

[6] Only the group-of-80 fares fall below this total cost, although they exceed direct operating costs. In any event, we do not see this particular fare as a significant factor in the market.

[Docket No. 25700, Order 73-8-85]

BRANIFF AIRWAYS, INC. AND PAN AMERICAN WORLD AIRWAYS, INC.

Order Disapproving Fare Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of August, 1973.

By an application filed July 13, 1973, Braniff Airways, Inc. (Braniff) and Pan American World Airways, Inc. (Pan American) request that the Board permit limited fare discussions among air carriers operating in the United States-Panama/Colombia/Ecuador/Peru markets.

The applicants point out that although fares, rates and attendant conditions in these markets are generally determined through agreement among the members of Traffic Conference 1 of the International Air Transport Association (IATA), the proliferation of individual tariff filings by non-IATA carriers has seriously undermined the overall rate structure in the areas described. Any competitive advantage gained through these low, non-IATA fares has been shortlived due to the application of IATA Resolution 115, which permits IATA members to match non-IATA tariff filings. Braniff and Pan American cite particular difficulties with inclusive-tour fares for groups as small as six persons, and 150-day excursion fares with no minimum-stay requirement. The two carriers contend that these fares, in the absence of meaningful restrictions, will tend to become the regular fare, and cite yields to demonstrate that the result is a clearly unacceptable dilution of revenue for all carriers, IATA and non-IATA alike. The failure of the non-IATA Peruvian carriers APSA is given as an illustration of the marginal economics of operations in these markets. Finally, the applicants note that, in 1959 (Order E-13608), the Board approved an agreement among Pan American, Panagra and Braniff to participate in discussions with other Western Hemisphere carriers to resolve similar difficulties in the U.S.-South America markets.[1]

Three answers have been filed in reply to the petition. LAN Chile, an IATA carrier, supports the joint request; Air Panama urges neither approval nor disapproval but indicates that it is willing to engage in discussions in Panama and that the discussions should be expanded to include scheduling practices and capacity; and Aerocondor opposes the application.

Aerocondor alleges that the application is basically concerned with two factors, (1) group fares for small groups of passengers and (2) the 150-day excursion fares, both of which are at variance with most IATA fares and were initiated by Air Panama, a non-IATA carrier; that Aerocondor, the only other interested non-IATA carrier in this proceeding, does not utilize either of the practices complained of; and that its yields are compensatory and its fares competitive considering the nature of its equipment and operations. This carrier alleges that its flights depart from Miami in the early morning (5 a.m. and 6 a.m.), and therefore represent night operations at lower fares which conform to common industry practice; that it provides only one class of service without the luxuries normally offered by its IATA competitors; and that its one B-720B aircraft may be removed for maintenance or technical reasons, thus requiring substitution of piston aircraft. Finally, Aerocondor alleges that traditional procedures and remedies are available to deal with these matters, and that antitrust considerations require denial of the application.

Upon consideration of the application and all the relevant facts, we are not persuaded that the requested discussions are necessary or that the public interest will ultimately benefit from such discussions. Accordingly, the application will be denied.

A careful reading of the petition indicates that although authority is requested to engage in discussions with all carriers operating in the United States-Colombia/Panama/Ecuador/Peru markets, the essential thrust is directed toward the fares filed by Air Panama, not Aerocondor. Furthermore, although Air Panama's fares to/from Miami are cited, it appears that the petitioners' primary interest centers around the fares to/from New York, a point not served by Aerocondor.

By Order 73-8-84, issued concurrently, we are dismissing a complaint filed by Pan American against various tariffs filed by Air Panama. The Board's order concludes that the fare structure advanced by Air Panama appears compensatory for that carrier and that the complaint does not state facts which would warrant suspension or investigation. For this reason, we are not convinced that continuation of the fares and practices at issue would impose such a significant adverse economic effect on the IATA carriers as to warrant the granting of the petition.

Although lower Air Panama fares have existed in the past, both Pan American and Braniff have resisted meeting them in spite of the possible risk of resulting competitive disadvantage. Since the inauguration of services by Air Panama at New York, however, and the subsequent introduction of non-IATA fares in this market, matched by other IATA carriers providing similar service, the competition which was previously considered acceptable by both Pan American and Braniff is now such that these carriers believe they must likewise reduce their fares or suffer a loss of traffic. In other words, the request for relief suggested by Pan American and Braniff in their petition stems primarily not from the action of Air Panama whose fares appear reasonable to the Board, but rather from the actions of various IATA carriers which have chosen to meet those

[1] Braniff and Pan American also believe the Board should impose the same conditions as it did in that order.

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fares. Accordingly, it would appear that the best solution to any existing problem rests within the confines of IATA and not through the discussions herein sought.[2]

An evaluation of current schedules from New York/Miami to Panama tends to corroborate this conclusion. In August 1973, a total of 36 non-stop flights are being offered weekly from Miami to Panama. Of these, all but three of which are with jet equipment, only seven are operated by Air Panama, and entirely with B–727 equipment. The other 29 flights are operated by IATA carriers, whose equipment includes B–747, DC8 and B–707 aircraft. As to schedules from New York to Panama, a total of 25 flights are currently offered, of which only four (again entirely B–727) are by the non-IATA carrier, Air Panama. All Air Panama's service is one-stop. Only Braniff offers non-stop services, in DC8 equipment; Pan American requires a change of plane at Miami, from a B–707 aircraft to a B–747 aircraft. It is apparent that the IATA carriers are by far the dominant carriers in the market, offering more frequencies with more modern aircraft. Thus it would appear that if there is in fact any serious problem it is one among the IATA carriers and one that could be resolved among them without resort to extraordinary relief from the Board.

The petitioners also contend that precedent for similar meetings has previously been established by Board Order E–13608 dated March 12, 1959. We disagree. The conditions which existed at the time of issuance of Order E–13608 were significantly different in terms of the magnitude, nature and scope of the problems than those which exist in the instant case.

For the reasons set forth above, the Board finds that the grant of the subject petition would not be in the public interest and it will therefore be denied.

Accordingly, It is ordered, That:

The application of Braniff Airways, Inc., and Pan American World Airways, Inc., for authority to engage in joint discussions in Docket 25700 is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73–17906 Filed 8–22–73;8:45 am]

[Docket No. 24717, Order 73–8–88]

U.S. CERTIFICATED CARRIERS

Order Regarding Amenities and Services for Delayed Passengers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of August, 1973.

In response to our Order of Investigation [1] and in light of our subsequent dismissal of Wien Air Alaska, Inc. (Wien), and United Air Lines, Inc. (United) as parties herein,[2] Hughes Air Corp. d/b/a Air West (Air West), Aloha Airlines, Inc. (Aloha), American Airlines, Inc. (American), Continental Air Lines, Inc. (Continental), Delta Air Lines, Inc. (Delta), Eastern Air Lines, Inc. (Eastern), Frontier Airlines, Inc. (Frontier), National Airlines, Inc. (National), North Central Airlines, Inc. (North Central), Northwest Airlines, Inc. (Northwest), Ozark Air Lines, Inc. (Ozark), Piedmont Aviation, Inc. (Piedmont), Southern Airways, Inc. (Southern), Texas International Airlines, Inc. (Texas International), Trans World Airlines, Inc. (TWA), and Western Air Lines, Inc. (Western), have filed motions to be dismissed as parties to this proceeding.

In support of the motions, the petitioners state that they have amended their respective tariff provisions to conform with the policy announced by the Board in its order of investigation, and see no need for their continued participation in the proceeding. The carriers contend that they now provide identical amenities for all interrupted-trip passengers regardless of class of travel, and undertake the initiative in informing passengers as to the amenities available to them.

With the exception of Texas International, the motions will be granted. Each of the carriers specifically provides that the amenities will be identical for all passengers, and will be provided to standby passengers cleared for boarding, and that the carrier will notify passengers as to the amenities available to them. Our action herein is consistent with that previously taken in the case of United and Wien. While Texas International has similarly revised its tariff provisions [3] the carrier continues to specify certain circumstances under which amenities and services will not be offered, which we believe is inconsistent with the public interest.[4]

Several carriers continue to maintain tariff provisions which are not compatible with the Board's stated policy in this area. Alaska Airlines, Inc. (Alaska), and Pan American World Airways, Inc. (Pan American), do not make provision for standby passengers who have been cleared to board the aircraft. Alaska, and Allegheny Airlines, Inc. (Allegheny), do not provide that passengers will be advised by the carrier of the amenities available. Braniff Airways, Inc. (Braniff), continues to offer different treatment to passengers, depending upon class of service and/or type of fare. Accordingly, we intend to press forward with the investigation of all remaining infirmities in the carriers' governing rules.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The motions of Hughes Air Corp., d/b/a Air West, Aloha Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc., to be dismissed as parties to Docket 24717 are hereby granted;

2. The motion of Texas International Airlines, Inc., to be dismissed as a party to Docket 24717 is hereby denied; and

3. Copies of this order will be served upon Hughes Air Corp., d/b/a Air West, Aloha Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., Western Air Lines, Inc.,

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73–17907 Filed 8–22–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19801 and 19802; File Nos. 1970–C2–P–72 and 3443–C2–P–72; FCC 73–858]

AIRSIGNAL INTERNATIONAL, INC. AND MAHAFFEY MESSAGE RELAY, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Airsignal International, Inc. for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Memphis, Tennesse; and Mahaffey Message Relay, Inc., for a construction permit to establish additional facilities for Station KRS 656 in the Domestic Public Land Mobile Radio Service at Memphis, Tenn.:

1. The Commission has before it for consideration an application filed October 6, 1971, by Airsignal International, Inc. (Airsignal), and an application filed December 9, 1971, by Mahaffey Message Relay, Inc. (Mahaffey). Airsignal's application is for a construction permit to establish a new one way signalling (paging) service in the Domestic Public Land Mobile Radio Service (DPLMRS) at Memphis, Tenn., which would operate on 158.70 MHz. Mahaffey's application is for a construction permit to establish an additional one-way signalling service at Memphis, Tenn., in the DPLMRS using the same frequency of 158.70 MHz.

2. The applicants are each seeking to provide communications service on the same frequency in the same geographical area, and since a grant of both applications would result in harmful electrical interference, the applications are mutually exclusive. Moreover, since both applicants appear to be legally, financially, and otherwise qualified to construct and operate the proposed facilities a comparative hearing is necessary to determine which of the two applicants is better qualified to operate the proposed facilities in the public interest.

3. It appears from the application of Airsignal that it is a Delaware corporation, with its principal office located at 201 E. Ogden Avenue, Hinsdale, Illinois. Airsignal is the licensee of one station in Memphis operating in the DPLMRS. The station, KIF 653, is a low-band paging station operating on 35.22 MHz. Airsignal is a subsidiary of Western Union International, Inc. (WUI). While the 1972 Form L for Airsignal has yet to be received by the Commission it appears the company, as a subsidiary of WUI, is more than capable of meeting the $38,850 cost that will be incurred in carrying out its proposed construction.

4. Mahaffey is a Tennessee corporation, with its principal office located at 2972 Sandbrook Avenue, Memphis, Tenn., and is the licensee of one station in Memphis, operating in the DPLMRS. The station, KRS 656, is a VHF paging station operating on 152.24 MHz. Mahaffey's combined Annual Report (Form L) for its station indicates that its total assets are $112,005 with a net income of $28,262.26. Modification cost as stated in the instant application is $2,500.00. Mahaffey, therefore, appears to be financially qualified to complete this proposed modification. The stockholders of Mahaffey owning 10% or more, of the stock are Bell S. Mahaffey (50 percent) and John W. Mahaffey (50%). Both of the foregoing reside in Memphis, Tenn.

5. Technically, Airsignal proposes a General Electric Model ET–70–C base station transmitter with both 16F3 and 15F2 emissions, to be located in Memphis. Input/Output powers will be 375 and 250 watts, respectively; and the antenna will be at a height of 300 feet above ground. Regular and emergency maintenance of the system will be provided on a full time basis by Logan and Lesh Communications of Memphis, which employs at least one person with a Second Class Radiotelephone license. Mahaffey proposes a General Electric Model ET–9–C–5 base station transmitter with 16F3 and 15F2 emissions to be located in Memphis. Input/Output powers will be 500 and 250 watts respectively, and the antenna will be at a height of 336.5 feet above the ground. Regular and emergency maintenance will be provided by Mahaffey.

6. Both applicants allege that there is presently a growing need for signalling service in Memphis, and while the justifications of each are dissimilar in basis they are compatible in kind. Airsignal, in response to a Commission letter of April 19, 1973, indicates that a telephone survey of the Memphis area resulted in no less than 681 potential subscribers to its proposed new service.

7. Mahaffey bases its justification on what it alleges to be the basic incompatibility of tone-only and tone-plus-voice paging. In other words, Mahaffey proposes to devote one channel to tone-only paging and the other channel to tone-plus-voice paging only. Mahaffey proposes this arrangement as a solution to frequency congestion problems which it says are the result of an ever-increasing load of customers and the non-compatibility of its two services. Since the Commission has found that tone-only paging is compatible with tone-plus-voice paging, the alleged incompatibility of the two modes does not provide justification for the grant of an additional radio channel. Empire Communications Co., 31 F.C.C. 2d 477 (1971). Therefore, there is a question of whether the traffic load study and other data submitted by Mahaffey, sans any consideration of mode incompatibility, will support its request for an additional channel.

8. The applicants have been unable to agree on a time sharing arrangement for use of the radio channel applied for.

9. In view of the foregoing, *It is ordered,* That pursuant to sections 309(d) and (e) of the Communications Act of 1934, as amended, (47 U.S.C. §§ 309(d) and (e)) that the captioned applications of Airsignal International, Inc. and Mahaffey Message Relay, Inc. are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine the nature and extent of services proposed by each applicant, including the rates, charges, personnel, practices, classifications, regulations, and facilities pertaining thereto.

2. To determine the total area and population to be served by Airsignal International, Inc., within the 43 dBu contour of its proposed station, based upon the standards set forth in § 21.504 of the FCC rules and regulations and to determine the need for its proposed service in that area.[1]

3. To determine the total area and population to be served by Mahaffey Message Relay, Inc., within the 43 dBu contour of its proposed station, based upon the standards set forth in § 21.504 of the FCC Rules and Regulations; and to determine the need for the proposed service in that area.[1]

4. To determine, in light of the evidence, adduced pursuant to the foregoing issues, which, if either, of the above-captioned applicants would better serve the public interest, convenience, and necessity.

10. *It is further ordered,* That the hearing shall be held at the Commission offices in Washington, D.C., at a time and place, and before an Administrative Law Judge, to be specified in a subsequent order.

11. *It is further ordered,* That the burden of proof upon Issue 2 is upon Airsignal Inc.; the burden of proof upon Issue 3 is upon Mahaffey Message Relay, Inc.; and the burden of proof upon Issues 1 and 4 is upon both applicants.

12. *It is further ordered,* That the Chief, Common Carrier Bureau, is made a party to the proceeding.

13. *It is further ordered,* That applicants and party respondent may avail themselves an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Commission's rules within twenty days of the release date hereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

Adopted August 8, 1973.

Released August 15, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73–17884 Filed 8–22–73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E–7674]

ALABAMA POWER CO.

Notice of Change in Rate

AUGUST 20, 1973.

Take notice that on August 6, 1973, Alabama Power Company filed: (1) An unsigned service agreement dated July 16, 1973, with the City of Luverne, Alabama, pursuant to the Company's Rate Schedule Mun–1, currently under review in this proceeding, and (2) a Fourth Revised Sheet No. 35 to its Tariff which reflects a change in the applicable rate schedule to the City of Luverne. Alabama Power Company requests an effective date of September 2, 1973, for both the unexecuted service agreement and revised tariff sheet.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR

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[1] Order 72–9–1, September 1, 1972.

[2] Order 72–11–17, dated November 3, 1972, and Order 73–2–49, dated February 12, 1973, respectively.

[3] We will not require Texas International to file provisions for standby passengers as the carrier does not provide standby services.

[4] Texas International's tariff provides that "none of the amenities or services shall be allowed for passengers whose flight cancellation, delay or interruption is caused by weather conditions, air traffic, interline misconnections, acts or omissions of the passengers or other third parties or other reasons outside of the control of TT • • •" We note that Allegheny, Braniff, and Pan American have similar conditions in their tariffs.

[2] We might add that grant of the instant petition to hold discussions could establish a precedent for similar discussions in other troubled areas.

[1] Section 21.504(a) of the Commission's rules and regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limit of the reliable service area for base stations engaged in the one-way communications service. Propagation data set forth in § 21.504(b) are a proper basis for establishing both the location of the service contours and the areas of harmful interference for the facilities involved in this proceeding.

[2] By the Commission, Commissioners H. Rex Lee, Reid, and Hooks absent.

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1.8, 1.10). All such petitions or protests should be filed on or before August 23, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the tender are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17939 Filed 8-22-73;8:45 am]

FEDERAL RESERVE SYSTEM

ASB INVESTMENT COMPANY

Order Approving Acquisition of Banks

ASB Investment Company, Flint, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied in separate applications for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire between 10.9 and 12.2 percent of the voting shares of Great Lakes Bancorp., Inc., Kalamazoo, Michigan, and thereby acquire, indirectly, 90 percent or more of the voting shares of Industrial State Bank & Trust Company, Kalamazoo (Industrial Bank), The Owosso Savings Bank, Owosso (Owosso Bank), and Alpena Savings Bank, Alpena (Alpena Bank), all located in Michigan.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a registered one bank holding company presently controlling 40.2 percent of the voting shares of Alpena Bank, proposes to exchange these shares for shares of Great Lakes Bancorp., Inc., a bank holding company whose formation has been approved by the Board as of this date. As a result of this exchange of shares, Applicant would relinquish its direct share ownership of Alpena Bank and would obtain indirect ownership of the voting shares of Industrial Bank, Owosso Bank, and Alpena Bank.

On the basis of the record, the applications are approved for the reasons summarized in the Order approving the formation of Great Lakes Bancorp, Inc. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] effective August 14, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-17842 Filed 8-22-73;8:45 am]

CENTRAL TEXAS FINANCIAL CORPORATION

Order Approving Formation of Bank Holding Company

The Central Texas Financial Corporation, Brownwood, Texas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the First National Bank in Brownwood, Brownwood, Texas (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a newly organized corporation. Bank, with deposits of $32.4 million,[2] controls 53.4 pecent of commercial bank deposits in the Brownwood banking market, and is the largest of four banks in the market. Consummation of the proposal herein would neither alter existing banking competition nor significantly affect potential competition and would not result in an increase in the concentration of banking resources in any relevant area.

The financial and managerial resources of Applicant and Bank are consistent with approval, particularly in view of Applicant's commitment to strengthen Bank's capital position.

Considerations relating to the convenience and needs of the community to be served, although consistent with approval, are not a major factor in this case since the proposal is essentially a corporate reorganization. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above, provided that the transaction shall not be consummated (a) before the thirtieth calendar day after the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority, and provided further that the transaction shall be in compliance with the provisions of § 3(e) of the Act (12 U.S.C. 1842(e)) regarding status as an insured bank as defined in § 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)).

By order of the Board of Governors,[3] effective August 16, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-17843 Filed 8-22-73;8:45 am]

CHEMICAL NEW YORK CORPORATION

Acquisition of Bank

Chemical New York Corporation, New York, New York, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Chemical Bank-Buffalo, Buffalo, New York. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than September 4, 1973.

Board of Governors of the Federal Reserve System, August 16, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17844 Filed 8-22-73;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of May 15, 1973

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on May 15, 1973.[1]

The information reviewed at this meeting suggests that growth in real output of goods and services is likely to moderate somewhat in the current quarter from an exceptionally rapid pace in the two preceding quarters. Over the first 4 months of this year, employment rose considerably but the unemployment rate remained about 5 percent. Retail prices of foods continued upward at an extraordinary pace in March, and in April average wholesale prices of consumer foods rose further. Increases in wholesale prices of industrial commodities were large and widespread in April, as in the two preceding months. In foreign exchange markets, which had been relatively quiet since mid-March, speculative pressures have developed in recent days and exchange rates for major European currencies have appreciated against the dollar. The U.S. merchandise trade balance improved considerably in the first quarter, reflecting in part an especially large increase in agricultural exports.

In April, growth in the narrowly defined money stock picked up from its low first-quarter rate, and growth in the broadly defined money stock also increased. Growth in business loans at banks slowed, and banks reduced the pace at which they issued large-denomination CD's; consequently, the bank credit proxy expanded somewhat less than in other recent months. In recent weeks Federal Reserve Bank discount rates have been increased in two steps of one-quarter point to 6 percent by May 11. Most short-term market interest rates, which had risen sharply earlier, have advanced slightly further. Interest rates on long-term market securities have been relatively stable.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to abatement of inflationary pressures, a more sustainable rate of advance in economic activity, and progress toward equilibrium in the country's balance of payments.

To implement this policy, while taking account of international and domestic financial market developments, the Committee seeks to achieve bank reserve and money market conditions consistent with somewhat slower growth in monetary aggregates over the months immediately ahead than occurred on average in the past 6 months.

By order of the Federal Open Market Committee, August 14, 1973.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.73-17845 Filed 8-22-73;8:45 am]

GREAT LAKES BANCORP, INC.

Order Approving Formation of Bank Holding Company

Great Lakes Bancorp, Inc., Kalamazoo, Michigan, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 90 percent or more of the voting shares (and 90 percent or more of the nonvoting shares) of Industrial State Bank & Trust Company, Kalamazoo (Industrial Bank), and 90 percent or more of the voting shares of both the Owosso Savings Bank, Owosso (Owosso Bank), and Alpena Savings Bank, Alpena (Alpena Bank), all located in Michigan. As an incident to the formation proposed herein, two bank holding companies, Great Lakes Holding Company, Kalamazoo, Michigan (Holding Company), and ASB Investment Company, Flint, Michigan (ASB), which hold shares of Industrial Bank and Alpena Bank, respectively, will exchange those shares for shares of Applicant. Both of these holding companies were organized and are controlled by principals of Applicant.[1] Accordingly, Holding Company and ASB have each filed separate applications under § 3(a)(3) of the Act for permission to acquire shares of Applicant and thereby acquire, indirectly, ownership of Applicant's three proposed subsidiary banks. The Board's Orders approving these related applications have been issued concurrently with this order as of this date.

Notice of this application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a recently organized corporation, was formed at the direction of the present management of its three proposed subsidiary banks for the purpose of becoming a bank holding company. Upon consummation of the proposal herein, Applicant would directly control three banks with aggregate deposits of $236 million, representing less than 1 percent of total commercial bank deposits in Michigan.[2]

Industrial Bank (deposits of $104.5 million) is the third largest of five banks in the Kalamazoo County banking market with 22 percent of deposits therein. Owosso Bank (deposits of $81.2 million) is the largest of six banking organizations in the Shiawassee County banking market with 56 percent of market deposits. Alpena Bank (deposits of $50.3 million) is the largest of two banks in its banking market[3] controlling 55 percent of deposits. The record indicates that none of the proposed subsidiary banks competes with each other due to the distances separating them as well as their existing common shareholder control. This transaction together with those referred to above represent a corporate reorganization of the existing ownership of the proposed subsidiary banks under a new bank holding company structure. Consequently, the Board concludes that the proposed formation of Applicant as a bank holding company would have no adverse effects on competition in any area of the State.

The financial condition of Applicant, its proposed subsidiary banks, Holding Company and ASB is considered to be generally satisfactory, their common managerial resources appear satisfactory and future prospects for all seem favorable. The financial condition of Industrial Bank will be enhanced in light of Applicant's commitment to inject an additional $2 million of equity capital. Consummation of the transaction would provide the proposed subsidiary banks with better access to capital and would provide additional expertise in trust services at Owosso Bank and Alpena Bank. Considerations relating to the convenience and needs of the communities to be served are consistent with, and lend some weight toward, approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[4] effective August 14, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-17849 Filed 8-22-73;8:45 am]

GREAT LAKES HOLDING COMPANY

Order Approving Acquisition of Banks

Great Lakes Holding Company, Kalamazoo, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied in separate applications for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire between 28.6 and 31.8 percent of the voting shares of Great Lakes Bancorp, Inc., Kalamazoo, Michigan, and thereby acquire, indirectly, 90 percent or more of the voting shares of Industrial State Bank & Trust Company, Kalamazoo (Industrial Bank), The Owosso Savings Bank, Owosso (Owosso Bank), and Alpena Savings Bank, Alpena (Alpena Bank), all located in Michigan.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a registered one bank holding company presently controlling 91.3 percent of the voting shares of Industrial Bank, proposes to exchange these shares for shares of Great Lakes Bancorp, Inc.,

[1] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

[2] Banking data are as of December 31, 1972.

[3] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

[1] The Record of Policy Actions of the Committee for the meeting of May 15, 1973, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

[1] Three individuals own 75 percent of the voting shares of Holding Company which in turn owns more than 90 percent of the voting shares of Industrial Bank. These individuals also control ASB, a partnership, controlling approximately 40 percent the voting shares of Alpena Bank. In addition, these individuals each owns approximately 14 percent of the voting shares of Owosso Bank.

[2] All banking data are as of December 31, 1972; all market data are as of June 30, 1972.

[3] The relevant banking market consists of Alpena county, Alcona county, and approximately the southern five mile portion of Presque Isle county.

[4] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

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a bank holding company whose formation has been approved by the Board as of this date. As a result of this exchange of shares, Applicant would relinquish its direct control of Industrial Bank and would obtain indirect ownership of the voting shares of Industrial Bank, Owosso Bank, and Alpena Bank.

On the basis of the record, the applications are approved for the reasons summarized in the Order approving the formation of Great Lakes Bancorp, Inc. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] effective August 14, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board

[FR Doc.73-17846 Filed 8-22-73;8:45 am]

PAYNE COUNTY BANCSHARES, INC.

Formation of Bank Holding Company

Payne County Bancshares, Inc., Perkins, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The Payne County Bank, Perkins, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 4, 1973.

Board of Governors of the Federal Reserve System, August 16, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17847 Filed 8-22-73;8:45 am]

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Peoples National Bank, Naples, Florida. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 10, 1973.

Board of Governors of the Federal Reserve System, August 14, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17848 Filed 8-22-73;8:45 am]

WAVERLY INVESTMENT COMPANY

Formation of Bank Holding Company

Waverly Investment Company, Waverly, Missouri, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of up to 100 percent of the voting shares of Bank of Waverly, Waverly, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 13, 1973.

Board of Governors of the Federal Reserve System, August 17, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17850 Filed 8-22-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-64]

ESTABLISHMENT OF ADVISORY COMMITTEE

Notice of Determination

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, I have determined that the establishment of the following advisory committee is in the public interest in connection with the performance of duties imposed upon NASA by law:

Lunar Planning Committee.

The functions of this committee will include the review of the objectives and strategy of NASA's Lunar Exploration Program and the development of guidelines for the continuing acquisition, handling, analysis and synthesis of lunar data. The reason for establishing this Committee is to obtain advice for NASA in connection with conducting a scientifically balanced lunar program and assuring optimal use of the Apollo and automated spacecraft data.

Dated August 17, 1973.

JAMES C. FLETCHER,
Administrator.

[FR Doc.73-17838 Filed 8-22-73;8:45 am]

[Notice 73-63]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON SPACE VEHICLES

Notice of Meeting

The NASA Research and Technology Advisory Council, Committee on Space Vehicles will meet on August 30 and 31, 1973, at NASA Headquarters, Washington, D.C. 20546. The meeting will be held in Room 625, Federal Office Building 10B, 600 Independence Avenue SW., Washington, D.C. Members of the public will be admitted to the meeting with the exception of the closed session described below. The meeting will begin at 8:30 a.m. as indicated on the agenda below and admission is on a first come first served basis up to the seating capacity of the room, which is about 40 persons. All visitors may proceed directly to the meeting location.

The NASA Research and Technology Advisory Council, Committee on Space Vehicles serves in an advisory capacity only. In this capacity, the Committee's principal function is the overall consideration and assessment of those technologies applicable to space vehicles—both launch and spacecraft—with emphasis on their integration into the total space vehicle system. In this context, the purview of the Committee encompasses some areas of technology considered in programmatic detail by other Research and Technology Advisory Council Committees. Among the technological areas of concern to the Committee are launch vehicle and spacecraft aerothermodynamics; structures, materials and dynamics; propulsion and power; space environmental effects, their control and alleviation; electrical and electronic systems; and environmental control, life support and protection systems. Also of concern to the Committee are those aspects of operations that affect integration of or interfaces among the launch vehicle, spacecraft, equipment, and experiments during all phases of mission performance from launch to completion.

The current Chairman is Dr. Ronald Smelt. There are 14 members. The following list sets forth the approved agenda and schedule for the August 30–31, 1973, meeting of the Space Vehicles Committee. For further information please contact Mr. William C. Hayes, Jr., area code 202-755-2243.

Time	Topic
	Thursday, August 30
8:30 A.M.	*Chairman's and Executive Secretary's Reports.*—(The Chairman will review results of the last Research and Technology Advisory Council meeting and intercommittee joint actions as they pertain to the Committee's area of cognizance. The Executive Secretary will review Committee responsibilities and operations.)
9:00 A.M.	*Space Shuttle Program Update.*—(Purpose: The status of design and development activity on the major Shuttle system elements and the performance and operational characteristics of the current configuration will be reviewed and evaluated.)
10:00 A.M.	*Space Tug Status and Technology Requirements.*—(Purpose: Phase A and B Tug studies will be reviewed, with consideration of alternative configurations and identification of technology requirements for Committee assessment.)
1:30 P.M.	*Cryogenic Engine.*—(Purpose: Technology for a reusable high-pressure staged-combustion oxygen/hydrogen rocket engine, suitable for future applications such as the Space Tug, has been under development for the past several years. Plans for an experimental engine project to demonstrate the performance and operation of a 20,000-pound thrust class engine based on this technology will be discussed and Committee recommendations obtained.)
2:30 P.M.	*Cryogenic Storage.*—(Purpose: Lewis Research Center activities related to space storage and use of cryogenic propellants, with emphasis on their utilization in the Space Tug, will be reviewed to obtain recommendations on the continuing technology program and any needed program changes.)
	Friday, August 31
9:30 A.M.	*Sortie Lab Program Update.*—(Purpose: The status and plans of the Sortie Lab program, including both the NASA activity and the ESRO (European Space Research Organization) Spacelab efforts, will be reviewed for Committee recommendations.
10:30 A.M.	*Report on Joint Ad Hoc Panel on Aerospace Vehicle Dynamics and Control.*—(Purpose: This Panel was established by four Research and Technology Advisory Council Committees—Aeronautics; Guidance, Control and Information Systems; Materials and Structures; and Space Vehicles—to determine technology needs for the integration of structural dynamic behavior and control system characteristics. The Committee will review Panel activities, and will evaluate the efforts.)
1:00 P.M.	*Executive Session.*—(Purpose: The Space Transportation Systems Technology steering organization and operations will be outlined for the Committee as related to inter-office and contractor planning, operations and management decisions. Members' discussion of current NASA efforts will be considered and any related Committee recommendations formulated.) (Closed session to discuss management operations, including personnel qualifications, proposed funding levels, programmatic detail and classified data relative to inter-Agency planning.)

Dated August 17, 1973.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73-17839 Filed 8-22-73;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

ADVISORY COMMITTEE EDUCATION PANEL

Notice of Meeting

AUGUST 27, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Education Panel will take place in Washington, D.C., on September 10–11, 1973.

The purpose of the meeting is to review Humanities Program Grant proposals that have been submitted to the Endowment for possible grant funding.

Based on section b(4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee, Management Officer.

[FR Doc.73-17885 Filed 8-22-73;8:45 am]

ADVISORY COMMITTEE, SCIENTIFIC KNOWLEDGE AND HUMAN VALUES PANEL

Notice of Meeting

AUGUST 20, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Scientific Knowledge and Human Values Panel will meet from 9:45 a.m. to 1:45 p.m., on September 10–11, 1973, in room 1120, 806 15th Street NW., Washington, D.C.

The agenda is as follows:

Preliminary reports
Election of co-Chairman
Program Scope
Program Priorities
Collaborative roles of National Endowment for the Humanities and the National Science Foundation.

The meeting will be open to the public. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee, Management Officer.

[FR Doc.73-17886 Filed 8-22-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meetings.

The Commission's Advisory Committee on a Model Compliance Program for Broker-Dealers, established on October 25, 1972 (Securities Exchange Act Release No. 9835), will hold meetings on August 28–30, 1973, at the office of the National Association of Securities Dealers, Inc., 75 Federal Street, Boston, Massachusetts. The meetings will commence at 9:00 a.m., local time.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by this Committee's work, the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the market place is to be warranted and sustained. The Committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers, but to inform broker-dealers as to the existing requirements and how they may comply with them.

The Committee's scheduled meetings will be for the purpose of reviewing drafts and proposals concerning the Committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

These meetings are open to the public. Any interested person may attend and appear before or file statements with the Advisory Committee—which statements, if in written form, may be filed before or after the meeting or, if oral, at the time and in the manner and extent permitted by the Advisory Committee.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

AUGUST 17, 1973.

[FR Doc.73-17855 Filed 8-22-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

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[File 500-1]

COLLINS RADIO CO.

Order Suspending Trading

AUGUST 16, 1973.

The common stock, $1.00 par value, of Collins Radio Co., being traded on the New York, Boston, Midwest, Philadelphia-Baltimore-Washington, and Pacific Coast Stock Exchanges and the 4.75 percent convertible subordinated debentures due 1987 of Collins Radio Co., being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all securities of Collins Radio Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:10 a.m., e.d.t., August 16, 1973, through August 25, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

[FR Doc.73-17856 Filed 8-22-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 17, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10¢ par value, of Continental Vending Machine Corporation, and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 18, 1973, through August 27, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

[FR Doc.73-17857 Filed 8-22-73;8:45 am]

[70-5352]

EASTERN UTILITIES ASSOCIATES ET AL.

Post-Effective Amendment Regarding Proposed Issuance and Sale of Debentures and Common Stock by Subsidiary to Stockholder Companies

In the matter of Eastern Utilities Associates, P.O. Box 2333, Boston, Massachusetts 02107; Blackstone Valley Electric Company, P.O. Box 1111, Lincoln, Rhode Island 02865; Brockton Edison Company, 36 Main Street, Brockton, Massachusetts 02403; Fall River Electric Light Company, 85 North Main Street, Fall River, Massachusetts 02722, and Montaup Electric Company, P.O. Box 391, Fall River, Massachusetts 02722.

Notice is hereby given that Eastern Utilities Associates (EUA), a registered holding company, and its four electric utility subsidiary companies, Blackstone Valley Electric Company (Blackstone), Brockton Edison Company (Brockton), Fall River Electric Light Company (Fall River), and Montaup Electric Company (Montaup), have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, and 12(f) of the Act and Rule 43(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding dated June 29, 1973 (Holding Company Act Release No. 18012), the Commission authorized that, during the period ending January 21, 1974, EUA, Blackstone, Brockton, Fall River, and Montaup could issue and sell short-term, unsecured promissory notes to banks, and in the cases of Blackstone, Brockton, and Fall River to also receive certain open-account advances from EUA, in the maximum aggregate amounts to be outstanding at any one time as follows: EUA—$35,930,000; Blackstone—$26,870,000; Brockton—$33,090,000; Fall River—$7,990,000; and Montaup—$33,900,000. The filing stated that some of the proceeds of said notes and advances were to be used to make investments in permanent securities of Montaup by Blackstone, Brockton, and Fall River.

Montaup now proposes to increase its common stock by 82,000 shares with an aggregate par value of $8,200,000 and to issue and sell such additional shares together with $12,800,000 principal amount of — percent Debenture Bonds to be dated October 1, 1973, and maturing October 1, 2003. Montaup's sole common stockholders, Brockton, Blackstone, and Fall River, propose to acquire such common stock and Debenture Bonds at prices equal, respectively, to the par value and principal amount thereof, and in proportions conforming with the terms of an agreement dated as of September 11, 1923, as amended, among Montaup and its stockholder companies. Pursuant to said agreement, and reflecting an assignment by Blackstone and Fall River to Brockton of a portion of their preemptive rights to subscribe to their proportionate shares of the 82,000 additional Montaup shares, Brockton will acquire 59,340 shares and $8,556,000 principal amount of Debenture Bonds; Blackstone will acquire 22,620 shares and $3,688,000 principal amount of Debenture Bonds; and Fall River will acquire 40 shares and $556,000 principal amount of Debenture Bonds. As a result of the foregoing transactions, the proportions of Montaup's total outstanding securities held by Brockton, Blackstone, and Fall River will become 48 percent, 33 percent, and 19 percent, respectively. The interest rate of the Debenture Bonds is to be supplied by further amendment. Brockton, Blackstone, and Fall River will deposit and pledge the acquired common stock and Debenture Bonds with their respective indenture trustees. The proceeds to Montaup from the sale of the common stock and Debenture Bonds will be used to reduce its short-term bank indebtedness incurred for the construction of additions and improvements to its plant and system or for investments in the capital stock of nuclear generating companies (or to repay borrowings so incurred).

It is stated that the proposed issue and sale of the Debenture Bonds and common stock by Montaup and the acquisition thereof by Brockton and Fall River are subject to the jurisdiction of the Department of Public Utilities of the Commonwealth of Massachusetts and that no other state commission or federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are to be filed by further amendment.

Notice is further given that any interested person may, not later than September 12, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. And any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

[FR Doc.73-17854 Filed 8-22-73;8:45 am]

[File No. 500-1]

HOME-STAKE PRODUCTION CO.

Order Suspending Trading

AUGUST 17, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $2.50 par value, and all other securities of Home-Stake Production Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 18, 1973, through August 27, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

[FR Doc.73-17858 Filed 8-22-73;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Order Suspending Trading

AUGUST 14, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 15, 1973, through August 24, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

[FR Doc.73-17859 Filed 8-22-73;8:45 am]

[File No. 500-1]

JEROME MACKEY'S JUDO, INC.

Order Suspending Trading

AUGUST 17, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Jerome Mackey's Judo, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 18, 1973, through August 27, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

[FR Doc.73-17860 Filed 8-22-73;8:45 am]

[File No. 500-1]

KORACORP INDUSTRIES, INC.

Order Suspending Trading

AUGUST 17, 1973.

The common stock, $1 par value, of Koracorp Industries, Incorporated being traded on the New York Stock Exchange and the Pacific Coast Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Koracorp Industries, Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 18, 1973 through August 27, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

[FR Doc.73-17861 Filed 8-22-73;8:45 am]

VETERANS ADMINISTRATION

CENTRAL OFFICE EDUCATION AND REVIEW PANEL

Notice of Meeting

The Veterans Administration gives notice pursuant to PL 92-463 that a meeting of the Central Office Education and Review Panel, authorized by section 1790(b), Title 38, United States Code, will be held in Room 139, at the Veterans Administration Central Office, 810 Vermont Avenue NW, Washington, D.C., on September 11, 1973 at 9:00 a.m. The meeting will be held for the purpose of reviewing the June 19, 1973 decision of the Director, Veterans Administration Regional Office, Manila, Republic of Philippines, that no further applications for benefits be approved for attendance by VA beneficiaries in the Excella Academy of Fashion and Arts, Dagupan City, C-318, Republic of Philippines.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Halsey A. Dean, Chief, Appraisal and Compliance, Education and Rehabilitation Service, VA Central Office (phone 202-389-2850), prior to September 11, 1973.

Dated: August 17, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73-17881 Filed 8-22-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-73-19]

BEAR BRAND HOSIERY COMPANY ET AL.

Notice of Applications for Variances

I. *Bear Brand Hosiery Company*—(a) *Notice of Application.*—Notice is hereby given that Bear Brand Hosiery Co., 205 W. Monroe Street, Chicago, Ill. 60606, has made application, pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11, for a permanent variance from the standard prescribed in 29 CFR 1910, 219(f)(3), concerning sprockets and chains.

The addresses of the places of employment affected by the application are as follows:

Bear Brand Hosiery Company, Fayetteville, Arkansas.
Bear Brand Hosiery Company, Bentonville, Arkansas.
Bear Brand Hosiery Company, Rogers, Arkansas.
Bear Brand Hosiery Company, Siloam Springs, Arkansas.

The applicant certifies that employees who would be affected by the variance have been notified by posting a copy of the application where notices to employees are normally posted. In addition, it has informed its employees of their

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right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant states that it is providing a place of employment as safe as this would be if it complied with 29 CFR 1910.219(f)(3), which requires that all sprocket wheels and chains shall be enclosed unless they are at least seven feet above the floor or platform.

The applicant states that it has in operation several Zodiac Knitting Machines that utilize a chain and sprocket arrangement which is not enclosed. The exposed portion of the chain is located on the side of the machine opposite the normal working position of the employee. The employee normally works at the front of the machine while the chain is in motion, but on occasion, also while the chain is in motion, he must work at the rear of the machine.

The applicant contends that there is no safety hazard to his employees because of the configuration and speed of the chain and sprocket. The applicant states that the sprocket and chain links are constructed of plastic; the tension at each chain sprocket is less than 10 pounds; the running speed of the chain is 1⅜ inch per second (or two links per second); it has been demonstrated that employees' fingers may become lodged between the chain and sprocket without harmful effects; and that from the date of installation of the machinery, in April of 1965, to the date of application there had been no employee injury resulting from this chain arrangement.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Room 508, Washington, D.C. 20210, at the following regional and area offices:

Occupational Safety and Health Administration, U.S. Department of Labor, 7th Floor, Texaco Bldg., 1512 Commerce Street, Dallas, Texas 75201.

Occupational Safety and Health Administration, U.S. Department of Labor, 546 Carondelet Street, 4th Floor, New Orleans, Louisiana 70130.

II. *The Crom Corporation*—(a) *Notice of Application.*—Notice is hereby given that The Crom Corporation, 250 SW. 36th Terrace, Office Park West, Gainesville, Florida 32601, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11, for a permanent variance from the standards prescribed in 29 CFR 1926.451(e)(1), with respect to height-base dimension limits for manually propelled mobile scaffolds; in 29 CFR 1926.451(e)(7)(ii), with respect to minimum base-dimension to height ratios for mobile scaffolds on which employees are allowed to ride; and in 29 CFR 1926.451(a)(4), with respect to the installation of toeboards on scaffold platforms more than ten feet above ground.

The places of employment affected by this application may be any construction site on which the applicant's employees work.

The applicant certifies that all affected employees have been notified, by posting summaries of the application for the variance on bulletin boards, and by giving a copy of the application to the authorized employee representative. The applicant also certifies that it has informed its employees of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant states that it is a constructor of prestressed circular concrete structures, principally tanks, and uses mobile scaffolds to move employees around the structure for various duties, such as installation of load-bearing wire and supports thereof, and for application of concrete by pneumatic means.

The applicant proposes to use a special manually propelled scaffold, with a height to minimum base dimension ratio not exceeding five (5), instead of the maximum ratio of four (4) required by 29 CFR 1926.451(e)(1). The applicant states that the proposed scaffolds would have an over-turning moment of approximately 30,000 foot-pounds along an axis perpendicular to the scaffold wheel axis and horizontal to the ground. This is stated to be the only direction in which the scaffold could overturn. The applicant also states that lateral tipping about an axis parallel to the scaffold wheel axis cannot occur because of the large size of the wheels and the wide spacing of the axles.

The applicant also proposes alternatives to the § 1926.451(e)(7)(ii) requirement that a scaffold height be not more than twice the minimum dimension of the scaffold base when ready for rolling and when moved with men aboard. One proposed alternative is to counter-balance the scaffold in such a way that the overturning moment would not exceed that of a scaffold with a base ratio of one-half the height. Another proposed alternate method is to secure the scaffold at the top of the tank wall, by means of hooks over the wall or by cables hooked to a center pin, to prevent tipping of the scaffold. Additionally, it proposes that where a scaffold is prevented from overturning by either adjacent tank walls or adequately braced formwork, no height to base ratio be required.

With respect to 29 CFR 1926.451(a)(4), which requires that toeboards be placed on scaffold platforms more than ten feet above the ground, the applicant proposes to substitute a tool basket suitably anchored to the scaffolding to prevent falling of the basket and its contents. The applicant states that due to the nature of the work done while on the scaffold, neither full width regular scaffolds or toeboards are practicable. The applicant states that the provision of a tool basket is a safe and suitable alternative to toeboards.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, Room 508, 400 First Street NW., Washington, D.C. 20210, and the following regional and area offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree Street NE., Suite 587, Atlanta, Georgia 30309.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 561-600, Federal Place, Louisville, Kentucky 40202.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 204, Bridge Building, 3200 E. Oakland Park Boulevard, Ft. Lauderdale, Florida 33308.

U.S. Department of Labor, Occupational Safety and Health Administration, 7th Floor, Texaco Building, 1512 Commerce Street, Dallas, Texas 75201.

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Place), Room 3445, New York, New York 10036.

U.S. Department of Labor, Occupational Safety and Health Administration, 1361 East Morehead Street, Charlotte, North Carolina 28204.

U.S. Department of Labor, Occupational Safety and Health Administration, Enterprise Building, Suite 201, 6605 Abercorn Street, Savannah, Georgia 31405.

U.S. Department of Labor, Occupational Safety and Health Administration, 400 West Bay Street, Box 35063, Jacksonville, Florida 32202.

U.S. Department of Labor, Occupational Safety and Health Administration, 1371 Peachtree Street NE., Room 723, Atlanta, Georgia 30309.

U.S. Department of Labor, Occupational Safety and Health Administration, Commerce building, Room 801, 118 North Royal Street, Mobile, Alabama 35502.

U.S. Department of Labor, Occupational Safety and Health Administration, Todd Mall, 2047 Canyon Road, Birmingham, Alabama 35216.

U.S. Department of Labor, Occupational Safety and Health Administration, 546 Carondelet Street, 4th Floor, New Orleans, Louisiana 70130.

U.S. Department of Labor, Occupational Safety and Health Administration, Condiminium San Alberto Building, 605 Condado Avenue, Room 328, Santurce, Puerto Rico 00907.

Interested persons, including employers and employees who believe they would be affected by the grant or denial of either of the above applications for variances, are invited to submit written data, views, and arguments regarding the relative application by September 24, 1973. In addition, employers and employees who believe they would be affected by a grant or denial of either application may request a hearing on the application by September 24, 1973, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Standards, U.S. Department of Labor, Railway Labor Building, Room 508, 400 First Street NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 17th day of August, 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-17911 Filed 8-22-73;8:45 am]

[V-73-17]

PRINEVILLE MOULDINGS, INC. ET AL.

Notice of Applications for Variances and Interim Orders; Grants of Interim Orders

I. *Prineville Mouldings, Inc. and Consolidated Pine, Inc.*—(a) *Notice of applications.*—Notice is hereby given that Prineville Mouldings, Incorporated, 215 Metuchen Road, South Plainfield, New Jersey 07080, and Consolidated Pine, Incorporated, Post Office Box 428, Prineville, Oregon 97754, have made applications pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for permanent variances, and for interim orders pending decisions upon the applications for variances, from the requirements prescribed in 29 CFR 1910.213 (d)(1) concerning the guarding of circular crosscut table saws.

The addresses of the places of employment affected by these applications are:

Prineville Moulding Plant, Post Office Box 548, Lamonta Road, Prineville, Oregon 97754.

Consolidated Pine Sawmill and Moulding Plant, Post Office Box 428, Lamonta Road, Prineville, Oregon 97754.

The applicants certify that all employees who would be affected by the variances have been notified of the applications, by posting copies in conspicuous places at their places of employment. Employees have also been informed of their right to petition for a hearing.

Regarding the merits of the applications, the applicants contend they are providing a place of employment as safe as it would be if they complied with the requirements of 29 CFR 1910.213(d)(1), that circular crosscut table saws must be guarded by a specified kind of hood.

The applicants state that the end trim saws are used to trim linear moulding to various lengths. The operator of a trim saw stands several feet from the saw, with a working table between him and the blade. There are marks on the table in front of him showing various distances from the saw. Using the marks on the table as a guide, the operator trims the ends off the moulding by bringing the mould down onto the saw. Consolidated Pine, Inc., states that its method of guarding consists in placing a metal guard on each side of the cutting blade of the saw and over a portion of the top of the saw, and in placing a barrier 50 inches by 60 inches and 50 inches high of one inch steel pipe around the saw, so that it is impossible for a workman passing by to accidentally come in contact with the saw.

The operator of the saw stands several feet from the blade. This guarding mechanism, it is contended, is as safe as the guarding required by the applicable regulation, without materially reducing production. Prineville Mouldings, Inc., states its method of guarding consists in placing a metal guard on each side of the cutting blade of the saw, and in placing a barrier 36 inches by 72 inches and 59 inches high in places, of ½-inch steel reinforcing bar, around the saw so that it is impossible for a workman passing by to accidentally come into contact with the saw. The operator of the saw stands several feet from the blade. This guarding mechanism, it is contended, is as safe as the guarding required by the applicable regulation, without materially reducing production.

Copies of the applications will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, Room 508, 400 First Street NW., Washington, D.C. 20210, and at the following regional and area offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 506 Second Avenue, 1808 Smith Tower Building, Seattle, Washington 98104.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 526, Pittock Block, 921 SW. Washington Street, Portland, Oregon 97205.

The application by Prineville Mouldings, Inc., will also be available at the following regional and area offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10036.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, 970 Broad Street, Room 635, Newark, New Jersey 07102.

(b) *Interim orders.*—It appears from the applications for variances and interim orders, and supporting data, filed by Consolidated Pine, Inc., and Prineville Mouldings, Inc., that the saw arrangements presently in use at the Consolidated Pine Sawmill and Moulding Plant, Lamonta Road, Prineville, Oregon, and Prineville Moulding Plant, Lamonta Road, Prineville, Oregon, provide employments and places of employment as safe as those which would prevail if the applicants were to comply with the requirements of 29 CFR 1910.213(d)(1). Therefore, in order to prevent undue hardships:

It is ordered, Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 and 29 CFR 1905.11(c), That Consolidated Pine, Inc., and Prineville Moulding, Inc., be, and they are hereby, authorized to use at their Consolidated Pine Sawmill Moulding Plant, Lamonta Road, Prineville, Oregon, and Prineville Moulding Plant, Lamonta Road, Prineville, Oregon, the guarding arrangements described above and in their respective applications.

As soon as possible, each of the applicants shall give notice to its affected employees of the terms of these interim orders by the same means required to inform them of the application for variance.

II. *Western Wood Products Association*—(a) *Notice of application.*—Notice is hereby given that Western Wood Products Association, 1500 Yeon Building, Portland, Oreg. 97204, has on behalf of its members listed below, made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and for an interim order pending a decision on the application for a variance, from the requirement prescribed in 29 CFR 1910.265(d)(1)(ii)(b), that lifting cylinders of all hydraulically operated log handling machines shall be equipped with a positive device for preventing the uncontrolled lowering of the load or forks in case of a failure in the hydraulic system.

The addresses of the places of employment affected by this application are:

PLACES OF EMPLOYMENT

WESTERN WOOD PRODUCTS ASSOCIATION

SEATTLE CEDAR LUMBER MFG. COMPANY, Box 5308, Ballard Station, Seattle, Washington 98107.

WEYERHAEUSER COMPANY, Cascade Branch, Snoqualmie Falls Operation, Snoqualmie Falls, Washington 98066.

WEYERHAEUSER COMPANY, Cascade Branch, White River Operation, Enumclaw, Washington 98022.

LINDAL CEDAR HOMES, INC., 18601 Pacific Highway South, Seattle, Washington 98188.

BROOKS, FRANK, MFG. COMPANY, P.O. Box 7, Bellingham, Washington 98225.

EVERETT LUMBER COMPANY, P.O. Box 449, Everett, Washington 98201.

WEYERHAEUSER COMPANY, P.O. Box 1228, Everett, Washington 98201.

SUMMIT TIMBER COMPANY, P.O. Box 419, Everett, Washington 98206.

ST. REGIS PAPER COMPANY, Lumber, Plywood & Door Division, P.O. Box 1593, Tacoma, Washington 98402.

WEYERHAEUSER COMPANY (Executive Offices), Tacoma, Washington 98401.

WEYERHAEUSER COMPANY, Twin Harbors Branch, Aberdeen, Washington 98520.

WEYERHAEUSER COMPANY, Twin Harbors Branch, Raymond, Washington 98577.

SIMPSON TIMBER COMPANY, 2000 Washington Building, Seattle, Washington 98101.

POPE AND TALBOT, INC. (Executive Offices), P.O. Box 8171, Portland, Oregon 97207.

CASCADE POLE COMPANY, P.O. Box 1496, Tacoma, Washington 98401.

POPE & TALBOT, INC., Port Gamble, Washington 98364.

CROWN ZELLERBACH CORPORATION, Northwest Lumber & Plywood Div., P.O. Box 397, St. Helens, Oregon 97051.

INTERNATIONAL PAPER COMPANY, Long-Bell Division, P.O. Box 579, Longview, Washington 98632.

IDAHO FOREST INDUSTRIES, Industrial Sales Division, 3850 S.W. 209th, Aloha, Oregon 97006.

BOISE CASCADE CORPORATION, Lumber Division, P.O. Box 97, St. Helens, Oregon 97051.

CROWN ZELLERBACH CORPORATION, (Executive Offices), 1500 S.W. First Avenue, Portland, Oregon 97201.

COLUMBIA RIVER LUMBER CORP., P.O. Box 239, Longview, Washington 98632.

STIMSON LUMBER COMPANY, P.O. Box 68, Forest Grove, Oregon 97116.

PUBLISHERS PAPER COMPANY, Dwyer Division, 6637 SE. 100th, Portland, Oregon 97266.

WEYERHAEUSER COMPANY, P.O. Box 188, Longview, Washington 98632.

DIAMOND LUMBER COMPANY, P.O. Box 192, Tillamook, Oregon 97141.

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EXETER LUMBER SALES COMPANY, P.O. Box 277, Longview, Washington 98632.
BURKLAND LUMBER COMPANY, P.O. Box 78, Turner, Oregon 97392.
GEORGIA-PACIFIC CORPORATION, P.O. Box 580, Toledo, Oregon 97391.
BOISE CASCADE CORPORATION, Valsetz, Oregon 97393.
WILLAMETTE INDUSTRIES, INC., Sweet Home Division, P.O. Box 128, Sweet Home, Oregon 97386.
GEORGIA-PACIFIC CORPORATION (Executive Offices), 900 SW. Fifth Avenue, Portland, Oregon 97205.
WILLAMINA LUMBER COMPANY, 901 Terminal Sales Building, Portland, Oregon 97205.
STAYTON LUMBER SPECIALTIES, INC., 1525 W. Washington Street, Stayton, Oregon 97383.
WILLAMETTE INDUSTRIES, INC. (Sales Office), P.O. Box 907, Albany, Oregon 97321.
WILLAMETTE INDUSTRIES, INC. (Executive Offices), 811 S.W. Sixth Avenue, Portland, Oregon 97204.
WILLAMETTE INDUSTRIES, INC., Dallas Division, P.O. Box 488, Dallas, Oregon 97338.
INTERNATIONAL PAPER COMPANY, Long-Bell Division, P.O. Box 308, Veneta, Oregon 97487.
GIUSTINA BROS. LUMBER & PLYWOOD CO., P.O. Box 989, Eugene, Oregon 97401.
RUBLE FOREST PRODUCTS, INC., P.O. Box 1929, Eugene, Oregon 97401.
MILLER, I. P., LUMBER, INC., Route 1, Monroe, Oregon 97456.
WEYERHAEUSER COMPANY, P.O. Box 275, Springfield, Oregon 97477.
AMERICAN CAN COMPANY, P.O. Box 215, Halsey, Oregon 97348.
RICKINI LUMBER COMPANY, Saginaw, Oregon 97472.
WEYERHAEUSER COMPANY, Coos Bay Branch P.O. Box 389, North Bend, Oregon 97459.
BOHEMIA LUMBER COMPANY, INC., 2280 Oakmont Way, Eugene, Oregon 97401.
INTERNATIONAL PAPER COMPANY, Long-Bell Division, P.O. Box 43, Gardiner, Oregon 97441.
KIMBALL BROS. LUMBER COMPANY, Star Route 1, Box 107, Dexter, Oregon 97431.
GEORGIA-PACIFIC CORPORATION, P.O. Box 789, Eugene, Oregon 97401.
PEIRCE, AL, LUMBER COMPANY, P.O. Box 300, Coos Bay, Oregon 97420.
POPE & TALBOT, INC., P.O. Box 58, Oakridge, Oregon 97463.
ALL-AMERICAN STUD COMPANY, P.O. Box 267, Springfield, Oregon 97477.
AMERICAN CAN COMPANY, Brownsville, Oregon 97327.
ELKSIDE LUMBER COMPANY, P.O. Box 45, Lakeside, Oregon 97449.
GEORGIA-PACIFIC CORPORATION, P.O. Box 248, Springfield, Oregon 97477.
DAVIDSON INDUSTRIES, INC., P.O. Box 7, Mapleton, Oregon 97543.
WEYERHAEUSER COMPANY, P.O. Box 667, Cottage Grove, Oregon 97424.
HINES, EDWARD, LUMBER COMPANY, Westfir, Oregon 97492.
CONE LUMBER COMPANY, Goshen, Oregon 97401.
SEQUOIA FOREST INDUSTRIES, INC., P.O. Box 305, Dinuba, California 93618.
SETZER FOREST PRODUCTS, INC., P.O. Box 22607, Sacramento, California 95822.
AMERICAN FOREST PRODUCTS CORP., Mt. Whitney Division, Johnsondale, California 93236.
AMERICAN FOREST PRODUCTS CORP., P.O. Box 338, North Fork, California 93643.
SNIDER LUMBER PRODUCTS COMPANY, P.O. Box 670, Turlock, California 95380.
AMERICAN FOREST PRODUCTS CORP., General Box Division, P.O. Box 112, Fresno, California 93707.
ROSEBURG LUMBER COMPANY, P.O. Box 1088, Roseburg, Oregon 97470.
LORENZ LUMBER COMPANY, P.O. Box 190, Burney, California 96013.
AMERICAN FOREST PRODUCTS CORP., Stockton Division, Foresthill Operation, P.O. Box 685, Foresthill, California 95631.
AMERICAN FOREST PRODUCTS CORP. (Executive Offices), P.O. Box 3498, San Francisco, California 94119.
AMERICAN FOREST PRODUCTS CORP., Mt. Whitney Division, Route 5, Box 305, Porterville, California 93257.
KING'S RIVER PINE INDUSTRIES, INC., P.O. Box 227, Auberry, California 93602.
U.S. PLYWOOD-CHAMPION PAPERS, INC., P.O. Box 2317, Redding, California 96001.
AMERICAN FOREST PRODUCTS CORP., Stockton Division, Stockton Operation, P.O. Box 8368, Stockton, California 95204.
SIERRA PACIFIC INDUSTRIES, Redding Division, P.O. Box 479, Redding, California 96001.
PUBLISHERS FOREST PRODUCTS, P.O. Drawer AA, Burney, California 96013.
SIERRA PACIFIC INDUSTRIES, Eagle Lake Division, P.O. Box 820, Susanville, California 96130.
AMERICAN FOREST PRODUCTS CORP., Amador-Calaveras Division, Martell, California 95654.
U.S. PLYWOOD-CHAMPION PAPERS, INC., Anderson, California 96007.
CRANE MILLS, INC., P.O. Box 318, Corning, California 96021.
DOUGLAS COUNTY LUMBER COMPANY, P.O. Box 1306, Roseburg, Oregon 97470.
GEORGIA-PACIFIC CORPORATION, Covelo Operation, P.O. Box 327, Covelo, California 95428.
HYAMPOM LUMBER COMPANY, P.O. Box 70, Hyampom, California 96046.
LAS PLUMAS DEVELOPMENT CORP., P.O. Box 1447, Oroville, California 95965.
MAIN INDUSTRIES, INC., P.O. Box 8, Bieber, California 96009.
DIAMOND INTERNATIONAL CORP., P.O. Box D, Red Bluff, California 96080.
COLLINS PINE COMPANY, Chester, California 96020.
DIAMOND INTERNATIONAL CORP., P.O. Box 391, Oroville, California 95965.
GEORGIA-PACIFIC CORPORATION, Oroville Operation, P.O. Box 1879, Oroville, California 95965.
KIMBERLY-CLARK CORPORATION, P.O. Box 697, Anderson, California 96007.
COMMANDER INDUSTRIES, INC., M B & C Division, P.O. Box 629, Red Bluff, California 96080.
ANDERSON LUMBER INDUSTRIES, INC., P.O. Box 216, Redding, California 96001.
B AND D LUMBER COMPANY, INC., P.O. Box 1438, Redding, California 96001.
COIN LUMBER COMPANY, P.O. Box 1270, Susanville, California 96130.
PLUMAS LUMBER COMPANY, P.O. Box 51, Crescent Mills, California 95934.
COLLINS PINE COMPANY (Executive Offices), 909 Terminal Sales Building, Portland, Oregon 97205.
GEORGIA-PACIFIC CORPORATION, Ukiah Operation, P.O. Box 120, Ukiah, California 95482.
COMMANDER INDUSTRIES, INC., Elk Creek Division, P.O. Box 98, Elk Creek, California 95939.
OLSON-LAWYER LUMBER, INC., P.O. Box 847, Medford, Oregon 97501.
GEORGIA-PACIFIC CORPORATION, Samoa Operation, P.O. Box 248, Samoa, California 95564.
MEDFORD CORPORATION, P.O. Box 550, Medford, Oregon 97501.
SPALDING & SON, INC., P.O. Box 438, Grants Pass, Oregon 97526.
DIAMOND INTERNATIONAL CORP., P.O. Box 38, Stirling City, California 95978.
GEORGIA-PACIFIC CORPORATION, P.O. Box 607, Coquille, Oregon 97423.
BOISE CASCADE CORPORATION, P.O. Box 100, Medford, Oregon 97501.
LITTLE RIVER BOX COMPANY, P.O. Box 88, Glide, Oregon 97443.
WILSON, STEVE, LUMBER COMPANY, P.O. Box 116, Medford, Oregon 97501.
ROUGH & READY LUMBER COMPANY, P.O. Box 326, Cave Junction, Oregon 97523.
PAUL BUNYAN LUMBER COMPANY, P.O. Box 487, Anderson, California 96007.
HINES, EDWARD, LUMBER COMPANY, Grant County Division, P.O. Box 227, John Day, Oregon 97845.
GEORGIA-PACIFIC CORPORATION, Walla Walla Division, P.O. Box 15, Walla Walla, Washington 99362.
ARDEN LUMBER COMPANY, Colville Branch, P.O. Box 391, Colville, Washington 99114.
LAYMAN LUMBER COMPANY, P.O. Box 12, Goldendale, Washington 98620.
LAYMAN LUMBER COMPANY, P.O. Box 235, Naches, Washington 98937.
FEATHER RIVER LUMBER COMPANY, Auburn Division, P.O. Box 608, Auburn, California 95603.
MOUNTAIN MEADOW RANCH TREE FARM, 182 Commonwealth Avenue, San Francisco, California 94118.
BOISE CASCADE CORPORATION, Chief Joseph Division, P.O. Box E, Joseph, Oregon 97846.
WHITE SWAN LUMBER COMPANY, P.O. Box 431, White Swan, Washington 98952.
BRUNSWICK TIMBER PRODUCTS COMPANY, P.O. Box 2027, Grass Valley, California 95945.
CRAIK, EVERETT, LUMBER COMPANY, P.O. Box 1242, Walla Walla, Washington 99362.
SIERRA MOUNTAIN MILLS, P.O. Box 3, North San Juan, California 95960.
LAUSMANN LUMBER & MOULDING CO., P.O. Box 65, Loomis, California 95650.
BRAUNER LUMBER COMPANY, INC., Route 2, Kettle Falls, Washington 99141.
TYGH VALLEY TIMBER CO., INC., P.O. Box 158, Tygh Valley, Oregon 97063.
ST. REGIS PAPER COMPANY, Lumber, Plywood & Door Division, Klickitat, Washington 98628.
LONG LAKE LUMBER COMPANY, Div. of The Pack River Company, 3202 E. Mallon Avenue, Spokane, Washington 99208.
G. L. PINE, INC., P.O. Box 585, John Day, Oregon 97845.
JAFCO INDUSTRIES, P.O. Box 2752—Terminal Anne, Spokane, Washington 99202.
GEORGIA-PACIFIC CORPORATION, P.O. Drawer AA, Pilot Rock, Oregon 97868.
OCHOCO LUMBER COMPANY, P.O. Box 668, Prineville, Oregon 97754.
BENNETT, GUY, LUMBER COMPANY, P.O. Box 231, Clarkston, Washington 99403.
HATHAWAY LUMBER COMPANY, Route 1—Box 39, Republic, Washington 99166.
BILES-COLEMAN LUMBER COMPANY, P.O. Box 128, Twisp, Washington 98856.
WARM SPRINGS FOREST PRODUCTS INDUSTRIES, Warm Springs, Oregon 97761.
TRUMARK INDUSTRIES, INC., P.O. Box 3045, Spokane, Washington 99220.
BOISE CASCADE CORPORATION, P.O. Box 610, LaGrande, Oregon 97850.
BLACK CONSTRUCTION CORPORATION, Ardenvoir, Washington 98811.
PESHASTIN FOREST PRODUCTS CORP., Peshastin, Washington 98847.
NORTHPORT LUMBER COMPANY, P.O. Box 203, Northport, Washington 99157.
ELLINGSON LUMBER COMPANY, P.O. Box 549, Baker, Oregon 97814.
MICHIGAN-CALIFORNIA LUMBER COMPANY, Camino, California 95709.
HINES, EDWARD, LUMBER COMPANY, P.O. Box 557, Hines, Oregon 97738.
BILES-COLEMAN LUMBER COMPANY, P.O. Box 273, Omak, Washington 98841.

SCHMITTEN LUMBER COMPANY, 104 Cottage Avenue, Cashmere, Washington 98815.
CHOPOT, JOHN, LUMBER CO., INC., Route 2, Colville, Washington 99114.
ZOSEL LUMBER COMPANY, P.O. Box 580, Oroville, Washington 98844.
LINCOLN MILL CORPORATION, P.O. Box 273, Omak, Washington 98841.
ARDEN LUMBER COMPANY, P.O. Box 82, Colville, Washington 99114.
SAN POIL LUMBER COMPANY, INC., P.O. Box 357, Republic, Washington 99166.
GEORGIA-PACIFIC CORPORATION, P.O. Box 257, Ione, Washington 99139.
BROOKS WILLAMETTE CORP., P.O. Box 758, Redmond, Oregon 97756.
AVEY BROS. LUMBER COMPANY, Div. of The Pack River Co., Kettle Falls, Washington 99141.
MATNEY LUMBER COMPANY, INC., Route 2, Kettle Falls, Washington 99141.
LAKESIDE LUMBER COMPANY, P.O. Box 545, Gardnerville, Nevada 89410.
BROOKS-SCANLON, INC., P.O. Box 1111, Bend Oregon 97701.
JONES, L. S., TIMBER PRODUCTS, P.O. Box 207, Soulsbyville, California 95372.
GILCHRIST TIMBER COMPANY, Gilchrist, Oregon, 97737.
YUBA RIVER LUMBER COMPANY, INC., Bear River Division, 12391 Tommyknocker Road, Grass Valley, California 95945.
PLACERVILLE LUMBER COMPANY, P.O. Box 752, Placerville, California 95667.
FEATHER RIVER LUMBER COMPANY, P.O. Box 97, Loyalton, California 96118.
NEILSEN & SMITH LUMBER COMPANY, P.O. Box 426, Placerville, California 95667.
FOUNTAIN LAM-LOC COMPANY, 6218 S. Hooper Avenue, Los Angeles, California 90001.
ERICKSON LUMBER COMPANY, P.O. Box 30, Marysville, California 95901.
BOISE CASCADE CORPORATION, Klamath Basin Operation, P.O. Box 70, Chemult, Oregon 97731.
DOUGLAS LUMBER COMPANY, A Division of Fibreboard, P.O. Box 278, Truckee, California 95734.
BLACK DIAMOND LUMBER CO., THE, 7701–17th Avenue, Sacramento, California 55820.
BOISE CASCADE CORPORATION, Cascade Lumber Division, P.O. Box 51, Yakima, Washington 98901.
PICKERING LUMBER CORPORATION, A Division of Fibreboard Standard, California 95373.
BOISE CASCADE CORPORATION, Cascade Lumber Division, P.O. Box 8, Ellensburg, Washington 98926.
GOLDEN STATE BUILDING PRODUCTS (Executive Offices), P.O. Box 214096, Sacramento, California 95821.
DIAMOND INTERNATIONAL CORP., P.O. Box 428, Marysville, California 95901.
BOISE CASCADE CORPORATION, Elgin, Oregon, 97827.
KINZUA CORPORATION, Heppner, Oregon 97836.
KINZUA CORPORATION, P.O. Box 273, Kinzua, Oregon 97849.
LANDRETH TIMBER COMPANY, INC., P.O. Box 125, Tonasket, Washington 98855.
GOLDEN STATE BUILDING PRODUCTS, dba Wetsel-Oviatt Lumber Co., Omo Ranch, California 95661.
GOLDEN STATE BUILDING PRODUCTS, dba Big Bear Timber Company, P.O. Box 1028, Redlands, California 92374.
SIERRA FOREST PRODUCTS, P.O. Box 608, Terra Bella, California 93270.
THOMAS LUMBER COMPANY, INC., P.O. Box 1196, Klamath Falls, Oregon 97601.
U.S. PLYWOOD-CHAMPION PAPERS INC., P.O. Box 485, McCloud, California 96057.
PINE MOUNTAIN LUMBER COMPANY, P.O. Box 535, Yreka, California 96097.
LAKEVIEW LUMBER PRODUCTS CO., P.O. Box 229, Lakeview, Oregon 97630.
ELLINGSON TIMBER COMPANY, Plywood Division, P.O. Box 744, Baker, Oregon 97814.
EASTERN OREGON PINE COMPANY, P.O. Box 711, Lakeview, Oregon 97630.
KLAMATH LUMBER COMPANY, P.O. Box 127, Klamath Falls, Oregon 97601.
FRUIT GROWERS SUPPLY COMPANY, P.O. Box 108, Hilt, California 96043.
LAXAGUE BROS. LUMBER CO., INC., P.O. Box 206, Cedarville, California 96104.
WEYERHAEUSER COMPANY, P.O. Box 9, Klamath Falls, Oregon 97601.
KINBERLY-CLARK CORPORATION, Shasta Operation, P.O. Box 7, Mt. Shasta, California 96067.
LOVENESS COMPANY, Star Route—P.O. Box 14, Malin, Oregon 97632.
LAKESIDE CORPORATION, P.O. Box 998, Klamath Falls, Oregon 97601.
FREMONT SAWMILL COMPANY, P.O. Box 1340, Lakeview, Oregon 97630.
PRAIRIE CITY TIMBER COMPANY, P.O. Box 386, Prairie City, Oregon 97869.
INTERNATIONAL PAPER COMPANY, Long-Bell Division, P.O. Drawer A, Weed, California 96094.
CALANDOR PINE COMPANY, P.O. Box 1010, Alturas, California 96101.
MODOC LUMBER COMPANY, P.O. Box 257, Klamath Falls, Oregon 97601.
PEACOCK LUMBER COMPANY, P.O. Box 46, Alicel, Oregon 97811.
MOUNTAIN FIR LUMBER CO., INC., Mount Hood Division, P.O. Box 188, Maupin, Oregon 97037.
FRUIT GROWERS SUPPLY COMPANY (Executive Offices), P.O. Box 7888, Valley Annex, Van Nuys, California 91409.
FOREST RECOVERY, INC., P.O. Box 1024, LaGrande, Oregon 97850.
BLUE MT. FOREST PRODUCTS, INC., P.O. Box 661, Heppner, Oregon 97836.
PINE PRODUCTS CORPORATION, P.O. Box 460, Prineville, Oregon 97754.
PRINEVILLE STUD COMPANY, P.O. Box 476, Prineville, Oregon 97754.
EDGERTON LUMBER, P.O. Box 177, Adin, California 96006.
HEPPNER LUMBER COMPANY, P.O. Box 453, Heppner, Oregon 97836.
HARRIS PINE MILLS, Drawer 1168, Pendleton, Oregon 97801.
CONSOLIDATED PINE, INC., P.O. Box 428, Prineville, Oregon 97754.
HUDSPETH PINE, INC., P.O. Box 628, Prineville, Oregon 97754.
DIAMOND INTERNATIONAL CORP., P.O. Box 280, Newport, Washington 99156.
IDAHO FOREST INDUSTRIES, INC., Coeur d'Alene Stud Division, P.O. Box 1030, Coeur d'Alene, Idaho 83814.
BURNS-YAAK, INC., Div. of The Pack River Company, P.O. Box X, Osburn, Idaho 83849.
DIAMOND INTERNATIONAL CORP., P.O. Box 116, Fernwood, Idaho 83830.
KONKOLVILLE LUMBER COMPANY, INC., P.O. Box 1208, Orofino, Idaho 83544.
BENNETT LUMBER PRODUCTS, INC., P.O. Box 49, Princeton, Idaho 83857.
POTLATCH FORESTS, INC., P.O. Box 370, Coeur d'Alene, Idaho 83814.
GEM LUMBER, INC., P.O. Box 539, Smeiterville, Idaho 83868.
BONNERS FERRY LUMBER COMPANY, Div. of The Pack River Company, P.O. Box 897, Bonners Ferry, Idaho 83805.
CHANNEL LUMBER COMPANY, P.O. Box 35–A, Craigmont, Idaho 83523.
EAST RIVER LUMBER COMPANY, INC., P.O. Box 357, Priest River, Idaho 83856.
LINFOR LUMBER COMPANY, P.O. Box 479, Kellogg, Idaho 83837.
KAMIAH MILLS, INC., P.O. Box 638, Kamiah, Idaho 83536.
RIVERSIDE LUMBER COMPANY, P.O. Box 1300, Orofino, Idaho 83544.
IDAHO FOREST INDUSTRIES, INC., Atlas Division, P.O. Box 1030, Coeur d'Alene, Idaho 83814.
GEORGIA-PACIFIC CORPORATION, P.O. Box 108, Moyie Springs, Idaho 83845.
IDAHO FOREST INDUSTRIES, INC., Fernwood Division, P.O. Box 1, Fernwood, Idaho 83830.
EAST RIVER LUMBER COMPANY, INC., Kootenai Branch, P.O. Box 357, Priest River, Idaho 83856.
GEORGIA-PACIFIC CORPORATION, Post Falls Division, P.O. Box 188, Post Falls, Idaho 83854.
GEORGIA-PACIFIC CORPORATION, P.O. Box 249, Sandpoint, Idaho 83864.
IDAHO FOREST INDUSTRIES, INC., DeArmond Division, P.O. Box 1030, Coeur d'Alene, Idaho 83814.
POTLATCH FORESTS, INC., (Executive Offices), P.O. Box 3591, San Francisco, California 9411.
GEM STATE LUMBER COMPANY, P.O. Box 298, Juliaetta, Idaho 83535.
KANIKSU LUMBER COMPANY, INC., P.O. Box 191, Priest River, Idaho 83856.
POTLATCH FORESTS, INC., P.O. Box 397, Potlatch, Idaho 83355.
POTLATCH FORESTS, INC., P.O. Box 1016, Lewiston, Idaho 83501.
POTLATCH FORESTS, INC., P.O. Box 757, Kamiah, Idaho 83536.
STEED ENTERPRISES, INC., P.O. Box B, Escalante, Utah 84726.
INTERMOUNTAIN COMPANY, THE, P.O. Box 185, Clayton, Idaho 83227.
U.S. PLYWOOD-CHAMPTION PAPERS, INC., Teton Division, P.O. Box 673, Riverton, Wyoming 82501.
HOFF LUMBER COMPANY, P.O. Box 97, Horseshoe Bend, Idaho 83629.
SIMPER LUMBER COMPANY, Route 1, Box 161–P, Vernal, Utah 84078.
BEAR RIVER LUMBER COMPANY, INC., P.O. Box 744, Logan, Utah 84321.
CROFTS LUMBER COMPANY, P.O. Box 667, Vernal, Utah 84078.
UINTAH PLANING MILL, P.O. Box 265, Heber City, Utah 84032.
BOISE CASCADE CORPORATION, P.O. Box 217, Emmett, Idaho 83617.
SAWTOOTH LUMBER COMPANY, P.O. Box 598, Mountain Home, Idaho 83647.
WENDELL MILL & LUMBER COMPANY, INC., P.O. Box 375, Fairfield, Idaho 83327.
BOISE CASCADE CORPORATION, P.O. Box 729, McCall, Idaho 83638.
LUCAS PLANING & DRY KILN COMPANY, P.O. Box 445, Ogden, Utah 844
BOISE CASCADE CORPORATION, P.O. Box 88, Council, Idaho 83612.
MERIDIAN PINE COMPANY, P.O. Box 366, Meridian, Idaho 83642.
INTERMOUNTAIN COMPANY, THE, P.O. Box 1208, Salmon, Idaho 83467.
LEAVITT LUMBER COMPANY, INC., Kamas, Utah 84036.
ROBINSON LUMBER COMPANY, P.O. Box 762, Salmon, Idaho 83467.
REXBURG LUMBER COMPANY, P.O. Box 185, Rexburg, Idaho 83440.
HARRIS, GUY, & SON, INC., P.O. Box 4306, Boise, Idaho 83705.
PACK RIVER LUMBER COMPANY, Div. of The Pack River Co., P.O. Box 278, Sandpoint, Idaho 83864.
KAIBAB INDUSTRIES, P.O. Box 602, Panguitch, Utah 84759.
SHEARER LUMBER PRODUCTS, INC., P.O. Box 185, Kooskia, Idaho 83539.
BOISE CASCADE CORPORATION (Executive Offices), P.O. Box 200, Boise, Idaho 83701.

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SALMON RIVER LUMBER CO., INC., P.O. Box 992, Riggins, Idaho 83549.
IDAHO STUD MILL, Div. of Edward Hines Lumber Company, P.O. Box 167, St. Anthony, Idaho 83445.
IDAHO FOREST INDUSTRIES, INC., Industrial Sales Division, P.O. Box 7442, Boise, Idaho 83707.
CLEARWATER LUMBER COMPANY, Spalding, Idaho 83551.
PRODUCERS LUMBER COMPANY, 200 S. Wise Way, Boise, Idaho 83706.
IDAHO WESTERN MILLS, INC., P.O. Box 356, Grangeville, Idaho 83530.
EVERGREEN FOREST PRODUCTS, P.O. Box 325, New Meadows, Idaho 83227.
IDAPINE MILLS, INC., P.O. Box 153, Grangeville, Idaho 83530.
BLAZZARD LUMBER COMPANY, P.O. Box 65, Kamas, Utah 84036.
NORTHWEST TIMBER COMPANY, Div. of The Pack River Company, P.O. Box 610, Coeur d'Alene, Idaho 83814.
CARDINAL OF ADRIAN, P.O. Box 551, Weiser, Idaho 83672.
IDAHO POLE COMPANY, P.O. Box 426, Sandpoint, Idaho 83864.
REGULUS STUD MILL, INC., P.O. Box 337, St. Maries, Idaho 83861.
DIAMOND INTERNATIONAL CORP., P.O. Box 1119, Coeur d'Alene, Idaho 83814.
MITCHELL, VERN, SAWMILL, P.O. Box 907, Tensed, Idaho 83870.
DONY MOUNTAIN STUDS, INC., P.O. Box 287, Duchesne, Utah 84021.
CLEARWATER LUMBER COMPANY, Pierce Division, Pierce, Idaho 83546.
NORTH FORK LUMBER COMPANY, P.O. Box 810, North Fork, Idaho 83466.
BOISE CASCADE CORPORATION, P.O. Box 777, Cascade, Idaho 83611.
KAMAS VALLEY LUMBER COMPANY, Kamas, Utah 84036.
TIMBER PRODUCTS COMPANY, Midvale, Idaho 83645.
LANGENDORF, INC., P.O. Box 56, Walden, Colorado 80480.
BIGHORN LUMBER COMPANY, INC., P.O. Box 479, Laramie, Wyoming 82070.
CARR LUMBER & MILLING COMPANY, P.O. Box 516, Montrose, Colorado 81401.
COLORADO FOREST PRODUCTS, INC., P.O. Box 623, Dolores, Colorado 81323.
U.S. PLYWOOD–CHAMPION PAPERS, INC., Silver City Division, P.O. Box 854, Helena, Montana 59601.
FLODIN LUMBER & MFG. COMPANY, P.O. Box 308, Plains, Montana 59859.
HINES, EDWARD, LUMBER COMPANY, Saratoga Division, P.O. Box 808, Saratoga, Wyoming 82331.
BUCKINGHAM LUMBER COMPANY, P.O. Box L, Buffalo, Wyoming 82834.
NORTHERN TIMBER COMPANY, INC., Philipsburg Plant #2, P.O. Box P, Philipsburg, Montana 59858.
CUSTER LUMBER COMPANY, P.O. Box 191, Custer, South Dakota 57730.
DENVER WOOD PRODUCTS COMPANY, 1945 West Third Avenue, Denver, Colorado 80223.
BRANDT & WICKLUND FOREST PRODUCTS, Fox Park, Wyoming 82057.
COOK LUMBER COMPANY, INC., P.O. Box 553, Fort Collins, Colorado 80521.
DICKSON, J. U., SAWMILLS, P.O. Box 269, Sturgis, South Dakota 57785.
CONNER, DEL, LUMBER, INC., P.O. Box 415, Darby, Montana 59829.
CRAIK, EVERETT, LUMBER COMPANY, Centennial, Wyoming 82055.
REED MILL & LUMBER COMPANY, INC., 4505 Wynkoop Street, Denver, Colorado 80216.
FLOGAUS LUMBER COMPANY, 1026 Palmer, Glenwood Springs, Colorado 81601.
MISSOULA WHITE PINE SASH COMPANY, P.O. Box 1247, Missoula, Montana 59801.
BURKEY LUMBER COMPANY, P.O. Box 233, Delta, Colorado 81416.
PLUM CREEK LUMBER COMPANY, P.O. Box 247, Pablo, Montana 59855.
PLUM CREEK LUMBER COMPANY, P.O. Box 160, Columbia Falls, Montana 59912.
THREE D LUMBER COMPANY, Division of The Pack River Company, Maudlow, Montana 59742.
SUPERIOR BUILDINGS COMPANY, P.O. Box 316, Columbia Falls, Montana 59912.
VOLLSTEDT KERR COMPANY, P.O. Box J, White Sulfur Springs, Montana 59640.
EVANS PRODUCTS COMPANY, P.O. Drawer L, Missoula, Montana 59801.
U.S. PLYWOOD-CHAMPION PAPERS, INC., P.O. Box 177, Browning, Montana 59417.
CRAIG LUMBER COMPANY, P.O. Box 697, Craig, Colorado 81626.
CAMBRIA FOREST INDUSTRIES, INC., P.O. Box 490, Newcastle, Wyoming 82701.
PYRAMID MOUNTAIN LUMBER, INC., P.O. Box 20, Seeley Lake, Montana 59868.
DIAMOND INTERNATIONAL CORP., P.O. Box 548, Superior, Montana 59872.
STOLITZE, F. H., LAND & LUMBER CO., P.O. Box 490, Columbia Falls, Montana 59912.
NORTHERN TIMBER COMPANY, INC., P.O. Box 348, Deer Lodge, Montana 59722.
BURKLAND STUDS, INC., P.O. Box 498, Livingston, Montana 59047.
BERKLUND LUMBER COMPANY, Hall, Montana 59837.
ANACONDA FOREST PRODUCTS, P.O. Drawer E, Missoula, Montana 59801.
ELK STUDS COMPANY, P.O. Box 400, West Yellowstone, Montana 59758.
DUPUIS BROS. LUMBER COMPANY, Div. of The Pack River Company, Route 1—Box 43, Polson, Montana 59860.
THOMPSON FALLS LUMBER COMPANY, Div. of The Pack River Company, P.O. Box 368, Thompson Falls, Montana.
TOWNSEND LUMBER COMPANY, P.O. Box L, Townsend, Montana 59644.
DIEHL LUMBER COMPANY, Div. of The Pack River Company, P.O. Box 188, Plains, Montana 59858.
INTERMOUNTAIN COMPANY, THE, P.O. Box 1347, Missoula, Montana 59801.
PLEASANT WESTERN LUMBER, INC., P.O. Box 71, Monte Vista, Colorado 81144.
KSANKA LUMBER COMPANY, INC., P.O. Box 68, Eureka, Montana 59917.
BRAND-S LUMBER COMPANY, P.O. Box 1033, Livingston, Montana 59047.
FOREST PRODUCTS COMPANY, P.O. Box 1039, Kalispell, Montana 59901.
PARK LUMBER COMPANY, P.O. Box 751, Livingston, Montana 59047.
ANACONDA FOREST PRODUCTS, P.O. Drawer 2, Bonner, Montana 59823.
EVANS PRODUCTS COMPANY, Trout Creek Operation, P.O. Drawer L, Missoula, Montana 59801.
ST. REGIS PAPER COMPANY, Lumber, Plywood & Door Division, P.O. Box V–X, Libby, Montana 59923.
ASHLAND LUMBER COMPANY, P.O. Box 78, Ashland, Montana 59003.
MICHIGAN RIVER TIMBER COMPANY, P.O. Box 778, Walden, Colorado 80480.
KREMMLING TIMBER COMPANY, P.O. Box 484, Kremmling, Colorado 80459.
HOMESTAKE MINING COMPANY, P.O. Box 472, Spearfish, South Dakota 57783.
ROCKY MOUNTAIN LUMBER CO., INC., P.O. Box A, Columbia Falls, Montana 59912.
KAIBAB INDUSTRIES, P.O. Box 654, Eagle, Colorado 81631.
YELLOWSTONE PINE COMPANY, P.O. Box 325, Belgrade, Montana 59714.
DOUGLAS STUDS, INC., P.O. Box 18, South Fork, Colorado.
WALESWOOD, INC., P.O. Box 375, Darby, Montana 59829.
PLUM CREEK LUMBER COMPANY, Fortine, Montana 59918.
S & W SAWMILL, INC., P.O. Box 395, Darby, Montana 59829.
BELLE FOURCHE SAW MILLS, Belle Fourche, South Dakota 57717.
INDUSTRIAL WOOD COMPONENTS, INC., P.O. Box 25021, Albuquerque, New Mexico 87125.
KAIBAB INDUSTRIES (Executive Offices), P.O. Box 20506, Phoenix, Arizona 85036.
DUKE CITY LUMBER COMPANY, INC., Sub. of U.S. Industries, Inc., P.O. Box 518, Espanola, New Mexico 87532.
SOUTHWEST FOREST INDUSTRIES, P.O. Box 418, McNary, Arizona 85930.
SAN JUAN LUMBER COMPANY, P.O. Box 3313, Durango, Colorado 81301.
SOUTHWEST FOREST INDUSTRIES (Executive Offices), P.O. Box 7548, Phoenix, Arizona 85011.
FORT APACHE TIMBER COMPANY, P.O. Box 1098, Whiteriver, Arizona 85941.
CALDWELL LUMBER COMPANY, INC., P.O. Box 107, Ponderosa, New Mexico 87044.
PIONEER LOGGING & MILLING CO., INC., P.O. Box 1798, Taos, New Mexico 87571.
NAVAJO FOREST PRODUCTS INDUSTRIES, P.O. Box 1280, Navajo, New Mexico 87328.
MONTEZUMA PLYWOOD COMPANY, Drawer YY, Cortez, Colorado 81321.
STAUTER LUMBER COMPANY, INC., P.O. Box 168, Hill City, South Dakota 57745.
SOUTHWEST FOREST INDUSTRIES, P.O. Box 1809, Flagstaff, Arizona 86001.
NEW MEXICO MILL & LUMBER CO., P.O. Box 28, Las Vegas, New Mexico 87701.
REIDHEAD LUMBER COMPANY, P.O. Box E, Show Low, Arizona 85901.
STAR STUDS, INC., P.O. Box 517, Afton, Wyoming 83110.
KAIBAB INDUSTRIES, P.O. Box 218, Fredonia, Arizona 86022.
LINDE, HARRY, LUMBER COMPANY, P.O. Box 296, Grass Creek, Wyoming 82425.
WHITE SANDS FOREST PRODUCTS, INC., P.O. Box 209, Alamogordo, New Mexico 88310.
DUKE CITY LUMBER COMPANY, INC., Sub. of U.S. Industries, Inc., P.O. Box 25807, Albuquerque, New Mexico 87125.
SKYLINE LUMBER COMPANY, P.O. Box 427, Chama, New Mexico 87520.
BATES LUMBER COMPANY, P.O. Box 7095, Albuquerque, New Mexico 87104.
SAN JUAN LUMBER COMPANY, P.O. Box 547, Pagosa Springs, Colorado 81147.
DUKE CITY LUMBER COMPANY, INC., Sub. of U.S. Industries, Inc., P.O. Box 1273, Winslow, Arizona 86047.
WYOMING SAWMILLS, INC., P.O. Box 6088, Sheridan, Wyoming 82801.
MORENO LUMBER COMPANY, P.O. Box 27, Eagle Nest, New Mexico 87718.
OTERO MILLS, INC., P.O. Box 51, Alamogordo, New Mexico 88310.
WESTERN PINE SALES, INC., P.O. Box 2657, Globe, Arizona 85501.
COCONINO FOREST PRODUCTS, Route 1, Box 820, Flagstaff, Arizona 86001.
WESTERN PINE SALES, INC., P.O. Box 40, Snowflake, Arizona 85937.
SOUTHWEST FOREST INDUSTRIES, P.O. Box 408, Eagar, Arizona 85925.
THE TIMBER COMPANY, P.O. Box 3308, Albuquerque, New Mexico 87110.
BAUMAN SAWMILLS, INC., P.O. Box 188, Lebanon, Oregon 97393.
KAIBAB INDUSTRIES, P.O. Box 430, Flagstaff, Arizona 86001.
WASATCH FOREST PRODUCTS, INC., P.O. Box 748, Evanston, Wyoming 82930.
NEW MEXICO TIMBER, INC., P.O. Box 3424, Albuquerque, New Mexico 87110.
KAIBAB INDUSTRIES, P.O. Box D, Payson, Arizona 85541.
SAGEBRUSH SALES, INC., P.O. Box 25021, Albuquerque, New Mexico 87125.
WILLAMETTE INDUSTRIES, INC., Foster Division, P.O. Box 128, Sweet Home, Oregon 97386.

The applicant states that all affected employees of its members have been notified of the application by posting a summary of the application where notices to employees are normally posted and by giving a copy of the application to the employees' authorized representatives. The applicant also states that all affected employees have been advised of their right to petition for a hearing.

Regarding the merits of the application, the applicant contends that either of the procedures described below, one of which is adhered to in every place of employment, provides a place of employment as safe as that would be if its members complied with the requirements of 29 CFR 1910.265(d)(1)(ii)(b). The procedures allegedly used by the association members are as follows:

PROCEDURE 1

(1) When a log truck arrives at a dry-deck storage area from the woods, it is parked adjacent to a set of safety stanchions (or rack). By prior determination the log truck driver knows on which sides of his load the binder releases should be placed so that he will be afforded maximum safety when releasing them. He releases his bindings by reaching through the openings between the uprights. If a log should become dislodged when the binding pressure is released the log truck driver is protected by the stanchions.

(2) At the end of the rack, instructions are posted for the truck drivers. State codes as well as company rules cover the subject in detail.

(3) After the binders are released, the driver pulls his truck into a predetermined unloading position where a stacker awaits.

(4) The stacker clamps the load, lifts it vertically and away (90 degrees to the longitudinal axis of the truck). The driver is in the cab out of the line of danger. After the stacker removes the load, the truck departs for another trip to the woods.

(5) The load that the stacker removed is positioned on the ground, or, in some cases on skids, for subsequent scaling by a scaler.

(6) Working at the far end of the yard a small stacker repositions the scaled logs into stacks by species.

(7) There is no foot or vehicular traffic in the yard. There are only workers operating stackers, normally one scaler, and individual truck drivers bringing in loads of logs. None of these workers are under or near a load where they would be in jeopardy if a malfunction should occur.

PROCEDURE 2

(1) This procedure differs from the previous one in that no rack is used. When a log truck arrives at the storage area, it parks at a predetermined unloading spot and waits until a stacker comes to secure the load. Instructions to truck drivers are posted, which direct the driver not to loosen the binders until the stacker has the load secured.

(2) When the load is secured, the driver loosens the binders. The binder releases are placed on the side of the load that will afford maximum safety and work room.

(3) When the binders are free, the driver moves clear and signals the stacker operator to remove the load from the truck.

(4) The stacker deposits the load on the ground for subsequent scaling.

(5) After scaling, a smaller stacker moves the logs to stacks arranged by species. There is no foot or vehicular traffic aside from that which is absolutely necessary to perform the function, and again, there are no workers under or near a load where their safety might be jeopardized.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, Room 508, 400 First Street NW., Washington, D.C. 20210, and at the following offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 506 Second Avenue, 1906 Smith Tower Building, Seattle, Washington 98104.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 526, Pittock Block, 921 SW. Washington Street, Portland, Oregon 97205.
U.S. Department of Labor, Occupational Safety and Health Administration, 100 McAllister Street, Room 1706, San Francisco, California 90802.
U.S. Department of Labor, Occupational Safety and Health Administration, Hartwell Building, Room 514, 19 Pine Avenue, Long Beach, California 90802.
U.S. Department of Labor, Occupational Safety and Health Administration, Suite 910-Amerco Towers, 2721 North Central Avenue, Phoenix, Arizona 85004.
U.S. Department of Labor, Occupational Safety and Health Administration, Squire Plaza Building, 8527 W. Colfax Avenue, Lakewood, Colorado 80202.
U.S. Department of Labor, Occupational Safety and Health Administration, Suite 525, Petroleum Building, 2812 First Avenue North, Billings, Montana 59101.
U.S. Department of Labor, Occupational Safety and Health Administration, Suite 309, Executive Building, 455 East Fourth South, Salt Lake City, Utah 59101.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 421, Federal Building, 1205 Texas Avenue, Lubbock, Texas 79401.

(b) *Interim Order.*—It appears from the application for a variance and interim order, and supporting data filed by Western Wood Products Association, that either of the procedures used by Western Wood Products Association members would provide employments and places of employment as safe as those which would prevail if the members were to make the changes necessary in order to comply with the requirements of 29 CFR 1910.265(d)(1)(ii)(b).

Therefore, in order to prevent undue hardships:

It is ordered, Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 and 29 CFR 1905.11(c), that each member of the Western Wood Products Association, listed above, be, and it is hereby, authorized to use either of the two outlined procedures, in lieu of complying with the requirement prescribed in 29 CFR 1910.265(d)(1)(ii)(b).

As soon as possible each member of the Western Wood Product Association shall give notice to all its affected employees of the terms of this interim order by the same means required to inform them of the application for variance.

III. Interested persons, including employers or employees who believe they would be affected by the grant or denial of any of the above applications for variances, are invited to submit written data, views, and arguments regarding the relative application by September 24, 1973. In addition, employers and employees who believe they would be affected by a grant or denial of any of the variances may request a hearing on the relative application by September 24, 1973, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing should be in quadruplicate, and shall be addressed to the Office of Standards, U.S. Department of Labor, Railway Labor Building, Room 508, 400 First Street NW., Washington, D.C. 20210.

IV. *Effective date.*—The above interim orders shall be effective as of August 23, 1973, and shall remain in effect until decisions are rendered on the respective applications for variances.

Signed at Washington, D.C., this 17th day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-17912 Filed 8-22-73;8:45 am]

[V-73-18]

NATIONAL INSULATION CONTRACTORS ASSOCIATION

Notice of Application for Variance and Interim Order; Denial of Interim Order

I. *Notice of application.* Notice is hereby given that the National Insulation Contractors Association, 8630 Fenton Street, Silver Spring, Maryland 20910, on behalf of its members, has made application pursuant to section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1594), and 29 CFR 1905.10 for a temporary variance, and interim order pending a decision on the application for a variance, from the standards in 29 CFR 1910.93a(f) and (j), which require monitoring and medical examinations in areas of asbestos exposure.

The addresses of the places of employment affected by the application are as follows:

AC and S. Inc., 120 North Lime Street, Lancaster, Pennsylvania 17604.
Aad Thermal Insulation, Co., 122 Bel Air Street, Anaheim, California 90281.
Advance-Universal Insulation Eng. Corp., 11628 W. Dixon Street, Milwaukee, Wisconsin 53214.
All-Field Insulation Co., Inc., Post Office Box 25586, Albuquerque, N.M. 87125.

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American Insulation Contractors, Inc., Post Office Box 2699, Jacksonville, Florida 32203.
Chicago Pipe & Boiler Covering Co., 5840 W. Irving Park Road, Chicago, Illinois 60610.
A & K Midwest Insulation Company, Post Office Box 806, Paducah, Kentucky 42001.
Adams Insulation, Inc., 132 Hu Esta Drive, Tempe, Arizona 85281.
Allied Services, Inc., Post Office Box 6249, Charleston, W. Va., 25303.
Alloyd Insulation Co., Inc., Post Office Box 14185, Northridge Br., Dayton, Ohio 45414.
Atlantic Insulation Corp., 18 John Street, North Quincy, Mass. 02171.
Close Insulation Co., Inc., Post Office Box 5134, Fort Wayne, Indiana 46805.
Construction Specialties Co., Post Office Box 927, Denver, Colorado 80201.
Crow's Insulation Co., 2102 S. Evans Avenue, Evansville, Indiana 47713.
Cummings Insulation Co., Inc., 198 State Street, Meriden, Conn. 06450.
A. Ball Insulation, Inc., 13 Hobby House Lane, Oakland, N.Y. 07436.
A. H. Bennett Company, 3201 Brighton Blvd., Denver, Colorado 80216.
Borinquen Insulation, Inc., G.P.O. Box 4804, San Juan, Puerto Rico 09936.
Brennan Insulation Co., Inc., Post Office Box 205, Knoxville, Tennessee 37901.
American Insulation Corp., 138 Kansas Street, Hackensack, N.Y. 07602.
Arnold Insulation Inc., 505 Harvester Court, Wheeling, Illinois 60090.
Asbestos & Insulating Company, Post Office Box 9275, So. Charleston, W. Va. 25309.
Asbestos Products, Inc., 2366 Rose Place, St. Paul, Minnesota 55113.
A C and S. Inc., Post Office Box 7236, 401 Delgado Street, San Antonio, Texas 78207.
Complete Insulation Service, Inc., 90 Vermont Avenue, Dayton, Ohio 45404.
Covil Insulation Co., Post Office Box 1804, Greenville, South Carolina 29602.
Culp Industrial Insulation Co., 134 Page Avenue, Kingston, Pennsylvania 18704.
B & B Insulation, Inc., Post Office Box 2531, Houston, Texas 77001.
E. J. Bartells Company, 700 Powell Avenue, S.W., Renton, Washington 98055.
Booher Insulation, Inc., 1970 Neva Drive, Dayton, Ohio 45414.
Breeding Insulation Company, Inc., Post Office Box 184, Nashville, Tennessee 37202.
Earl E. Bright, Inc., 970 Higgs Avenue, Columbus, Ohio 43212.
Arctic Insulation, Inc., Box 431, Fairbanks, Alaska 99701.
Asbestos Covg. & Roofing Co., Inc., 6215 Blair Road NW., Washington, D.C. 20011.
Asbestos & Magnesia Materials Co., 2614 N. Clybourn Avenue, Chicago, Illinois 60614.
The Asbestos Service Company, Post Office Box 1167, Youngstown, Ohio 44501.
Breeding Insulation Co., Inc., Post Office Box 1005, Little Rock, Arkansas 72201.
Atlas Insulation, Inc., Post Office Box 450, Carnegie, Pittsburgh, Pa. 15106.
W. J. Donahoe Company, 1820 Pickwick Avenue, Glenview, Illinois 60025.
Eastern Refractories Co., Inc., Post Office Box 156, Belmont, Massachusetts 02178.
Fuller-Austin Insulation Co., Post Office Box 36305, Houston, Texas 77036.
The Brower Company, 818 S. Dakota Street, Seattle, Washington 98108.
Burnett-Nobel Corporation, 11262 Old Baltimore Pike, Beltsville, Maryland 20705.
Central Insulation & Engineering, 2020 Wyandotte Street, Kansas City, Missouri 64108.
General Insulation, Inc., 129 McKinley Street, East Peoria, Illinois 61611.
George V. Hamilton, Inc., River Avenue, McKees Rocks, Pennsylvania 15136.
Herbert Construction Corp., 1425 Emerson Street, Rochester, New York 14606.
Hinman Asbestos Corporation, 24 Cross Street East, Somerville, Mass. 02145.
Industrial Insulation Company, 2211 W. Almeria Rd., Phoenix, Arizona 85009.
Elmer W. Davis, Inc., 195 Mt. Hope Avenue, Rochester, N.Y. 14620.
Douglass Insulation Co., Inc., 2233 Ingalls Street, San Francisco, California 94124.
Eagle Company, Inc., Post Office Box 1045, Lincoln, Nebraska 68501.
Frontier Insulation Contractors, Inc., 46–48 Leroy Avenue, Buffalo, New York 14214.
General Insulation Co., Inc., 5650 Second Street N.E., Washington, D.C. 20011.
Bullough Asbestos Supply Company, P.O. Box 16066, Salt Lake City, Utah 84116.
The Walter E. Campbell Company, 10721 Tucker Street, Beltsville, Maryland 20705.
Champaign A & K Insulation Co., P.O. Box 522, Champaign, Illinois 61820.
General Insulation & Supply Co., 531 South 15th Street, Louisville, Kentucky 40203.
Edward R. Hart Company, 437 McGregor Avenue, N.W., Canton, Ohio 44703.
Hickory Insulation Company, 704 Vandalia Street, St. Paul, Minnesota 55114.
Hunter Insulations, P.O. Box 15092, Salt Lake City, Utah 84115.
Industrial Insulations, Inc., 3142 Bellaire, P.O. Box 7935, Kansas City, Missouri 64129.
Insulation Engineers, Inc., P.O. Box 1883, Mobile, Alabama 36601.
Insulation Service, Inc., P.O. Box 7726, Tulsa, Oklahoma 74105.
Insulcon, Inc., 1911 West 45th Street, Kansas City, Kansas 66103.
Johns-Manville Sales Corp., 11525 Rock Island Ct., Maryland Heights, Missouri 63043.
Johns-Manville Sales Corp., 832 Fischer Building, Detroit, Michigan 48024.
Johns-Manville Sales Corp., 506 South Third Avenue, Mt. Vernon, New York 10550.
John Sore, Inc., 1726 East 172nd Street, New York, New York 10472.
Robert A. Keasbey Company, 320 Adams Street, Newark, New Jersey 07105.
R. E. Kramig & Co. Inc., 323 S. Wayne Avenue, Cincinnati, Ohio 45215.
L & L Insulations, Inc., 107 Third Street, Des Moines, Iowa 50305.
Ludeman Insulations, Inc., P.O. Box 888–235 N Waco, Wichita, Kansas 67201.
MacArthur Company, 936 Raymond Avenue, St. Paul, Minnesota 55114.
Insulation Distributors, Inc., P.O. Box 721, Buffalo, New York 14240.
Insulco, Inc., P.O. Box 375, Lima, Ohio 45801.
Iowa Asbestos Company, 112 S.W. Second Avenue, Des Moines, Iowa 50309.
Johns-Manville Sales Corp., Greenwood Plaza, Denver, Colorado 80217.
Johns-Manville Sales Corp., P.O. Box 1035, Tampa, Florida 33601.
Johnson Asbestos Corporation, P.O. Box 301, 164 Western Ave., West Springfield, Mass. 01101.
Robert A. Keasbey Company, 149 W. 19th Street N. New York, New York 10011.
Keene Corporation, U.S. Route 1—Box 145 Princeton, New Jersey 08450.
Paul J. Krez Company, 7333 N. Oak Park Avenue, Niles, Illinois 60648.
Louisville Insulating & Supply Co., 818 West Main Street, Louisville, Kentucky 40202.
Luse-Stevenson Company, 2050 N. 15th Avenue, Melrose Park, Illinois 60160.
The McCormick Asbestos Co., 3620 Woodland Avenue, Baltimore, Maryland 21215.
McLaughlin Insulation, Inc., P.O. Box 492, Niagara Falls, New York 14302.
Mar-Par Insulation Co., Inc., P.O. Box 189, Marietta, Ohio 45750.
Mechanical Insulation Co., P.O. Box 423, Kewanee, Illinois 61443.
Midwest Insulation Service, Inc., 1018 Douglas Street, Omaha, Nebraska 68134.
Mountain States Insulation Co., P.O. Box 1781, Albuquerque, N.M. 87103.
North Bros. Co., P.O. Box 252, Atlanta, Georgia 30301.
R. E. Orchard, Inc., P.O. Box 302, Fredonia, New York 14063.
Owens-Corning Fiberglas Corp., 15300 W. Eight Mile Road, Detroit, Michigan 48237.
Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.
Ozark Insulation Co., Inc., P.O. Box 4033, Asher Station, Little Rock, Arkansas 72204.
E. H. Parker Company, Inc., 2621 Nova Drive, Dallas, Texas 75229.
Porter-Hayden Company, 32 South Street, Baltimore, Maryland 21202.
Mancini-Klimchuck Co., Inc., 129 Odell Avenue, Endicott, New York 13760.
McCarty Contracting Co., P.O. Box 6658, Lqiza Station, Santurce, Puerto Rico 00914.
Metalclad Insulation Co., P.O. Box 178, Torrance, California 90507.
Midwest Materials Co., Inc., P.O. Box 5, Joplin, Missouri 64801.
New England Insulation Company, P.O. Box 376, Canton, Massachusetts 02021.
Ohio Valley Insulating Co., Inc., 823 Adams Avenue, Huntington, W. Va. 25701.
Owens-Corning Fiberglas Corp., 5933 Telegraph Road, Los Angeles, California 90022.
Owens-Corning Fiberglas Corp., P.O. Box 89, Santa Clara, California 95052.
Owens-Corning Fiberglas Corp., 592 W. Swedesford Road, Berwyn, Pennsylvania 19312.
PACOR, Inc., 2010 North 10th Street, Philadelphia, Pennsylvania 19122.
Polytherm Insulation Co., Inc., 45–39 Davis Street, Long Island City, New York 11101.
Porter-Hayden Company, 68 Brunswick Ave., P.O. Box 476, Edison, New Jersey 08817.
Homer C. Porter Company, P.O. Box 4422, Jackson, Mississippi 39216.
Preston Insulation, 602 E. 24th Street, Tucson, Arizona 85716.
Rochester Industrial Insulators, 16–31 Dewey Avenue, Rochester, New York 14615.
F. O. Rutherford Insulation, 5701 Manchester Avenue, St. Louis, Missouri 63155.
Willard A. Selle, Inc., 215 Poplar Street, El Paso, Texas 79901.
Shook & Fletcher Insulation Co., P.O. Box 7496, Birmingham, Alabama 35223.
Starr Davis Co., Inc., 502 Guilford Avenue, P.O. Box 22022, Greensboro, North Carolina 27420.
William Summerhays Sons Corp., 620 Clinton Avenue, South Rochester, New York 14620.
Tempco Contracting & Supply Corp., P.O. Box 1332, Boise, Idaho 83701.
P. S. Thorsen Company of Mass., 45 L Street, South Boston, Massachusetts 02127.
Triangle Insulation Company, Route No. 7, Paducah, Kentucky 42001.
The Trybee Company, Inc., South 85 Farview Avenue, Paramus, New Jersey 07652.
Phoenix Insulation Company, P.O. Box 9516, Phoenix, Arizona 85020.
Ratican Insulation Company, 6324 Bartmer Avenue, St. Louis, Missouri 63130.
L. H. Rogero, Inc., 2711 Lance Drive, Dayton, Ohio 45409.
B. E. "Bud" Rymer Insulation Co., 2229 West Meadow Drive, Phoenix, Arizona 85023.
Service Products, Inc. of Toledo, 57 North Westwood Avenue, Toledo, Ohio 43607.
Sprinkmann Sons Corp., 12110 West Silver Spring Rd., Milwaukee, Wisconsin 53225.
State Insulation Company, 11120 S. Sante Fe Avenue, Lynwood, California 90262.
Taylor Insulation Company, 1609 2nd Avenue, Moline, Illinois 61265.
Thermal Products, P.O. Box 736, Wichita, Kansas 67202.
C. E. Thurston & Sons, Inc., P.O. Box 2411–850 Tidewater Drive, Norfolk, Virginia 23501.

Tri-City Insulation Company, Inc., 121 Troy Road, Menands, Albany, New York 12204.
Turpins, 738 S. Third West, Salt Lake City, Utah 84101.
Universal Insulation Co., Inc., P.O. Box 7594, Fort Worth, Texas 76111.
United Insulation Co., 13526½ Lakewood Blvd., Bellflower, California 90706.
Valley Asbestos Insulation Co., 801 1st Street, Richland, Washington 99352.
Wallace & Gale Company, 2832 Maisel Street, Baltimore, Maryland 21230.
Western State Insulation, Inc., P.O. Box 5332, Roanoke, Virginia 24012.
Woolsulate Corporation, 3 Just Road, Fairfield, New Jersey 07006.
Sussman Asbestos Co., P.O. Box 1285, Toledo, Ohio 43624.
A C and S, Inc., P.O. Box 10761, 2919 Third Avenue, N., Birmingham, Alabama 35202.
A C and S, Inc., 611 Cowan Street, Nashville, Tennessee 37207.
A C and S, Inc., 980 Silas Deane Highway, Wethersfield, Connecticut 06109.
A C and S, Inc., 246 Montcalm Street, Fairview, Massachusetts 01020.
Universal Insulation Co., Inc., 2621 Christian Street, Philadelphia, Pennsylvania 19146.
Vaughn Insulation Company, 2815 N. 22nd Street, East Omaha, Nebraska 68110.
Walker Jamar Company, 365 South First Ave. East, Duluth, Minnesota 55802.
Waters Asbestos & Supply Co., 401 Eagle Rock, Idaho Falls, Idaho 83401.
Williams Insulation Material, Inc., 3775 N. 36th Avenue, Phoenix, Arizona 85019.
Young Sales Corporation, 1054 Central Industrial Drive, St. Louis, Missouri 63110.
A C and S, Inc., P.O. Box 8363, Station F., 501 Amsterdam Avenue, N.E., Atlanta, Georgia 30306
A C and S, Inc., 6941–B North Trenholm Road, Columbia, South Carolina 29206.
A C and S, Inc., 808 Providence Highway, Dedham, Massachusetts 02026.
A C and S, Inc., Building Number 4, 530 Wellington Avenue, Cranston, Rhode Island 02910.
A C and S, Inc., 50 North Mohawk Street, Cohoes, New York 12047.
A C and S, Inc., 9620 Gerwig Lane, Guilford, Industrial Center, Columbia, Maryland 21046.
A C and S, Inc., 3113 Classen Boulevard, Oklahoma City, Oklahoma 73118.
A C and S, Inc., P.O. Box 38, 466 East Manlius Street, Dewitt, E. Syracuse, N.Y. 13057.
A C and S, Inc., 1708 MacTavish Avenue, Richmond, Virginia 23230.
A C and S, Inc., 107 Watts Street, P.O. Box 2027, Jacksonville, Florida 32201.
A C and S, Inc., Number 6 Enterprise Drive, P.O. Box 213, Savannah, Georgia 31402.
A C and S, Inc., 317 East Sixth Street, Des Moines, Iowa 50309.
A C and S, Inc., 4340 District Boulevard, Los Angeles, California 90058.
A C and S, Inc., 15 East 21st Street, Linden, New Jersey 07036.
A C and S, Inc., P.O. Box 4316, Harrisburg, Pennsylvania 17111.
A C and S, Inc., 3315 Capitol Trail, Wilmington, Delaware 19808.
A C and S, Inc., 223 Archer Street, Tulsa, Oklahoma 74103.
A C and S, Inc., 721 Jordan Parkway, Whitehall, Pennsylvania 18052.
A C and S, Inc., 80 Skillen Street, Buffalo, New York 14207.
A C and S, Inc., P.O. Box 14009, 7310 Ardmore, Houston, Texas 77021.
A C and S, Inc., P.O. Box 1347, 612 West Romana Street, Pensacola, Florida 32502.
A C and S, Inc., 1809 Liberty Street, Kansas City, Missouri 64102.
A C and S, Inc., 4229 Lafayette Avenue, Omaha, Nebraska 68131.
A C and S, Inc., 488 Park Avenue South, New York, New York 10016.
A C and S, Inc., 428 Pennsylvania Avenue, Fort Washington, Pennsylvania 19034.
A C and S, Inc., 4485 Campbells Run Road, Parkway West, Pittsburgh, Pennsylvania 15205.
A C and S, Inc., 6800 Odell Street, St. Louis, Missouri 63139.
A C and S, Inc., 25 East 76th Street, Cincinnati, Ohio 45216.
A C and S, Inc., 421 East Woodbine Street, Louisville, Kentucky 40208.
A C and S, Inc., 304 Shaw Road, S. San Francisco, Calif. 94080.
A C and S, Inc., 1902 Blank Street, Denver, Colorado 80202.
A C and S, Inc., 89 Main Street, Northboro, Massachusetts 01532.
A C and S, Inc., N57 W13252 Shenandoah Drive, P.O. Box 8207–P, Milwaukee, Wisconsin 53225.
A C and S, Inc., 7700 Wall Street, Valley View, Cleveland, Ohio 44125.
A C and S, Inc., 21357 West Eight Mile Road, Detroit, Michigan 48219.
A C and S, Inc., 9140 Premier Row, Dallas, Texas 75247.
Atlas Insulation Co., Inc., 1026 Goodale Boulevard, Columbus, Ohio 43212.
B & B Insulation, Inc., Post Office Box 3287, Port Arthur, Texas 77640.
E. J. Bartells Company, Post Office Box 948, Anchorage, Alaska 99501.
A C and S, Inc., 749 South Grant Street, Indianapolis, Indiana 46203.
A C and S, Inc., 504 Cumberland Street, Memphis, Tennessee 38112.
A C and S, Inc., 2356 N.W. 21st Place, Portland, Oregon 97210.
A C and S, Inc., 1206 Andover Park East, Tukwila, Washington 98188.
A C and S, Inc., 7112 North Barry Avenue, Rosemont, Illinois 60018.
A C and S, Inc., Mr. Hawley Industrial Park, 922 Detweiller Drive, Peoria, Illinois 61614.
A C and S, Inc., 1515 Delashmut Avenue, Columbus, Ohio 43212.
A C and S, Inc., 352 Morris Street, Toledo, Ohio 43602.
The Asbestos Service Company, P.O. Box 1446, Huntington, W. Va. 25700.
Atlas Insulation Co., Inc., 22 Helen Street, New Martinsville, W. Va. 26155.
E. J. Bartells Company, 1467 South 6th West, Salt Lake City, Utah 84110.
E. J. Bartells Company, 542 N. Tillamook Street, Portland, Oregon 97227.
E. J. Bartells Company, 1203 W. College Street, Spokane, Washington 99201.
A. H. Bennett Company, P.O. Box 142, Sioux City, Iowa 51102.
Breeding Insulation Company, P.O. Box 4031, 2431, 29 Avenue North, Birmingham, Alabama 35206.
Covil Insulation Company, Post Office Box 6174, Summit Station, Greensboro, North Carolina 27405.
Covil Insulation Company, Post Office Box 1934, Albany, Georgia 31705.
Eastern Refractories Co., Inc., 52 Plain Street, Pawtucket, R.I. 02178.
Johns-Manville Sales Corporation, 701 S. Main Street, Wilkes-Barre, Pennsylvania 18703.
Johns-Manville Sales Corporation, 1222 Quebec Street, N. Kansas City, Missouri 64116.
Johns-Manville Sales Corporation, P.O. Box 18307, Serna Station, San Antonio, Texas 78217.
Johns-Manville Sales Corporation, Post Office Box 1035, Tampa, Florida 33601.
Johns-Manville Sales Corporation, 2300 Cardigan Avenue, Columbus, Ohio 43215.
Johns-Manville Sales Corporation, 1407 Lake Lansing Road, Lansing, Michigan 48912.
Compac Corporation, Old Flanders Road, Netcong, New Jersey 07857.
Breeding Insulation Company, P.O. Box 1307, Knoxville, Tennessee 37901.
Breeding Insulation Company, P.O. Box 5307, Chattanooga, Tennessee 37406.
Covil Insulation Company, P.O. Box 265, Wilson, North Carolina 27893.
Covil Insulation, Post Office Box 1285, Augusta, Georgia 30903.
Fuller Austin Insulation Company, Post Office Box 323, Lake Charles, Louisiana 70601.
Johns-Manville Sales Corporation, 2825 W. 11th Street, Houston, Texas 77028.
Johns-Manville Sales Corporation, 16 Vatrano Road, Albany, New York 12205.
Johns-Manville Sales Corporation, 1161 Empire Central, Dallas, Texas 75247.
Johns-Manville Sales Corporation, Post Office Box 45350, Tulsa, Oklahoma 74145.
Johns-Manville Sales Corporation, 361 Norway Avenue, Post Office Box 8097, Huntington, West Virginia 25705.
Johns-Manville Sales Corporation, 2293 North 7th Street, Harrisburg, Pennsylvania 17110.
Johns-Manville Sales Corporation, 4859 Victor Street—P.O. Box 5730, Jacksonville, Florida 32207.
Johns-Manville Sales Corporation, 8741 American Blvd., Indianapolis, Indiana 46268.
Johns-Manville Sales Corporation, 2825 V Street N.E., Washington, D.C. 20018.
Robert A. Keasbey Company, 425 Orange Street, Albany, New York 12205.
Keene Corporation, 3449 A Hamilton Blvd. S.E., Hapeville, Georgia 30354.
Keene Corporation, 1300 E. Belnap Street, Fort Worth, Texas 76102.
Keene Corporation, P.O. Box 805, Buffalo, New York 14240.
Keene Corporation, P.O. Box 1378, Maryland Heights, Missouri 63042.
Keene Corporation, P.O. Box 7886 Lyell Station, Rochester, New York 14606.
Keene Corporation, 4206 North Orange Blossom Trail, Orlando, Florida 32804.
Keene Corporation, 807 38th Avenue, Long Island City, N.Y. 11101.
Luse Stevenson Co., Inc., 4934 West Fifth Avenue, Gary, Indiana 46406.
Johns-Manville Sales Corporation, 255 E. 69th Street, Miami, Florida 33138.
Johns-Manville Sales Corporation, 7 Parkway Center, Pittsburgh, Pennsylvania 15220.
Robert A. Keasbey Company, P.O. Box 185, Mattydale, New York 13211.
Keene Corporation, 14401 Prairie Avenue, Detroit, Michigan 48238.
Keene Corporation, P.O. Box 9448, Houston, Texas 77011.
Keene Corporation, P.O. Box 36, Station G, Jacksonville, Florida 32206.
Keene Corporation, 504 Swede Street, Norristown, Pa. 19404.
Keene Corporation, P.O. Box 6126, Cincinnati, Ohio 45206.
Keene Corporation, 3211 8th Avenue North, Birmingham, Alabama 35203.
LaCrosse Insulation Co., 316 Lang Drive, La Cross, Wisconsin 54601.
Louisville Insulating & Supply Co., Station B, Box 6137, Evansville, Indiana 47712.
Metaclad Insulation Corp., 17 S. Nevada Street, Seattle, Washington 98134.
Metalclad Kircher Asbestos, P.O. Box 6652, Phoenix, Arizona 85005.
Milwaukee Insulation Company, 16800 W. Glendale Avenue, New Berlin, Wisconsin 53151.
North Bros. Co., Ruffner Road (Irondale), Birmingham, Alabama 35210
North Bros. Co., P.O. Box 1788, Savannah, Georgia 31402.
North Bros. Co., Post Office Box 2205, Charleston, S. Carolina 29403.
North Bros. Co., 5641 N.W. 6th Avenue, Ft. Lauderdale, Florida 33309.

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North Bros. Co., Post Office Box 7817, Orlando, Flordia 32804.
North Bros. Co., P.O. Box 8443-995 Hollywood Street, Memphis, Tennessee 38108.
North Bros. Co., P.O. Box 883, Knoxville, Tennessee 37901.
Owens-Corning Fiberglas Corp., P.O. Box 19093, Indianapolis, Indiana 47219.
Owens-Corning Fiberglas Corp., P.O. Box 138, Boise, Idaho 83701.
Owens-Corning Fiberglas Corp., P.O. Box 328, Houston, Texas 77008.
Metclad Pacific Asbestos, 5716 N.E. Massalo Street, Portland, Oregon 97213.
Mechanical Insulation Company, Inc., 2012 E. Lincoln Street, Apt. 208, Box 623, Bloomington, Illinois 61701.
North Bros. Co., P.O. Box 2659, Jackson, Mississippi 39207.
North Bros. Co., 1202 North 19th Street, Tampa, Florida 33605.
North Bros. Co., Post Office Box 1442, Lexington, Kentucky 40501.
North Bros. Co., Post Office Box 1451, Spartanburg, S. Carolina 29301.
North Bros. Co., Post Office Drawer 3338, Columbia, S. Carolina 29203.
North Bros. Co., 357 Oak Street, Macon, Georgia, 31201.
Owens-Corning Fiberglas Corp., P.O. Box 13188, San Diego, California 92112.
Owens-Corning Fiberglas Corp., 2987 Exon Drive, Cincinnati, Ohio 45241.
Owens-Corning Fiberglas Corp., 6601 Moravia Park Drive, Baltimore, Maryland 21237.
Owens-Corning Fiberglas Corp., 2462 Schuetz Road, Maryland Heights, Missouri 63043.
Owens-Corning Fiberglas Corp., 907 Post Road, Anchorage, Alaska 99501.
Owens-Corning Fiberglas Corp., P.O. Box F, Sacramento, California 95813.
Owens-Corning Fiberglas Corp., Thermal Box 2945, Spokane, Washington 99216.
Owens-Corning Fiberglas Corp., G-4099 Dolan Drive, Flint, Michigan 48504.
Owens-Corning Fiberglas Corp., 1207 Macon Street North Kansas City, Missouri 64116.
Owens-Corning Fiberglas Corp., 1055 36th Street SE., Grand Rapids, Michigan 49508.
Philadelphia Asbestos Corp., 1737 Fifth Street, Bethlehem, Pennsylvania 18017.
Porter-Hayden Company, 715 S. Haven Street, Baltimore, Maryland 21224.
Porter-Hayden Company, 4108 W. Clay St., P.O. Box 6205, Richmond, Virginia 23219.
Shook & Fletcher Insulation Co., P.O. Box 1363, Pascagoula, Mississippi 39567.
Shook & Fletcher Insulation Co., P.O. Box 7337, Mobile, Alabama 36607.
Shook & Fletcher Insulation Co., P.O. Box 7496, Birmingham, Alabama 35223.
Owens-Corning Fiberglas Corp., 320 N.W. Hoyt Street, Portland, Oregon 97209.
Owens-Corning Fiberglas Corp., 719 E. St. Joseph Street, Lansing, Michigan 48911.
Owens-Corning Fiberglas Corp., 477 Forbes Blvd. South, San Francisco, California 94080.
Owens-Corning Fiberglas Corp., P.O. Box 758, San Antonio, Texas 78206.
Owens-Corning Fiberglas Corp., 456 Industrial Road, San Bernardino, California 92110.
Philadelphia Asbestos Corp., 74 Parker Avenue, Trenton, New Jersey 08609.
Porter Hayden Company, P.O. Box 10002, Charlotte, North Carolina 28201.
Shook & Fletcher Insulation Co., P.O. Box 6664, Station G, Atlanta, Georgia 30315.
Mono-Therm Insulation Systems, Inc., 551 South Yosemite Avenue, Oakdale, California 95361.
Shook & Fletcher Insulation Co., P.O. Box 1822, Decatur, Alabama 35601.
Sprinkman Sons, Corporation, 1010-28 S. Washington Street, Peoria, Illinois 61602.
Starr Davis Company, Inc., P.O. Box 584, Charlotte, North Carolina 28201.
Syracuse Insulation Distributors, Inc., Old Liverpool Road, Liverpool, New York 13088.
C. E. Thurston & Sons, Inc., P.O. Box 1481, Roanoke, Virginia 24007.
Young Sales Corporation, 195 Washington Avenue, Memphis, Tennessee 38103.
Young Sales Corporation, P.O. Box 9187, Melrose Branch, Nashville, Tennessee 37204.
H. I. C., Inc., P.O. Box 26127, Dallas, Texas 75226.
Service Products Columbus, Inc., 3494 East Seventh Avenue, Columbus, Ohio 43219.
Otto Castrow Company & Associates, 2648 North Interstate, Portland, Oregon 97227.
R. L. Lawler, Inc., 6411 77th Avenue, S.E., Mercer Island, Washington 98040.
Insulation Services Company, 12037½ Regentview Avenue, Downey, California 90241
Thermogard Insulation Co., East 8207 Trent Avenue, Spokane, Washington 99200.
B & B Engineering & Supply Co., 4831 Lakawana, Dallas, Texas 75232.
Allegheny Insulation Co., Inc., 126 Lincoln Avenue, Pittsburgh, Pennsylvania 15209.
Mid-West Insulation, Inc., 8815 Manderlay Drive, Indianapolis, Indiana 46240.
C. E. Thurston & Sons, Inc., P.O. Box 968, Richmond, Virginia 23207.
Tacoma Asbestos Company, P.O. Box 1135, Tacoma, Washington 98401.
Young Sales Corporation, P.O. Box 5098, Amarillo, Texas 79107.
Insulation, Inc., 3201 South Byers, Oklahoma City, Oklahoma 73129.
B&B Engineering & Supply Co., 4831 Lakawana, Dallas, Texas 75232.
Metro Insulation Corporation, 90 Clarendon Avenue, Somerville, Mass. 02144.
B&T Insulation, Inc., 11542 Anabel Avenue, Garden Grove, California 92643.
Norport Supply Co., Inc., 3441 Mangrove Avenue, Norfolk, Virginia 23502.
Phoenix Insulation Company, 3053 North 30th Avenue, Phoenix, Arizona 85020.
The McCarty Corporation, 3101 37th Street, Metairie, Louisiana 70802.
The McCarty Corporation, P.O. Box 53277, Baton Rouge, Louisiana 70805.
A. W. Kuettel & Sons, Inc., 38 E. Michigan Street, Duluth, Minnesota 55802.
Wolverine Insulation, Inc., 111 South Cedar, Lansing, Michigan 48933.
Valley Insulating Company, Inc., P.O. Box 414, Mishawaka, Indiana 46544.
Building Sprinkler Company, Inc., P.O. Box 2864, Fargo, North Dakota 58102.
Hinchliffe and Keener, Inc., P.O. Box 15007, Pittsburgh, Pennsylvania 15237.
AICO of Florida, Inc., 2160 Premier Row, Orlando, Florida 32809.
JAM Industries, Inc., 413 Stokes Avenue, Trenton, New Jersey 08638.
Thompson Company, P.O. Box 26, Edenville, Michigan 48620.
Parkway Insulation, Inc., 265 Huyler Street, So. Hackensack, New Jersey 07606.
George L. Simonds Company, P.O. Drawer 32, Winter Haven, Florida 33880.

The applicant, on behalf of its members, certifies that employees who would be affected by the variance have been notified by posting a copy of the application where notices to employees are normally posted. The applicant also states that all affected employees have been advised of their right to petition for a hearing.

Regarding the merits of the application, the applicant, on behalf of its members, states that additional time, until December 31, 1973, is necessary for them to comply with the requirements of the monitoring and medical examination provisions of 29 CFR 1910.93a(f) and (j).

The applicant states that the majority of its members are small business organizations without technical personnel to guide them or the knowledge of how to avail themselves of technical assistance. When 29 CFR 1910.93a was promulgated on June 7, 1972, the applicant established a special OSHA Task Force to facilitate compliance for its members on a national basis.

The applicant states that this OSHA Task Force has concluded that the only practical way of enabling insulation contractors to comply with the monitoring and medical examination requirements was for the applicant Association: (1) To identify or train persons who would be competent and available in all parts of the country to do monitoring for the contractors; (2) to identify or train persons who would be qualified and available to make the examination of the filter samples and identify and count the asbestos fibers; (3) to identify and arrange for the availability in all parts of the country of medical personnel who are qualified to make the necessary medical examinations and properly take and interpret the necessary roentgenograms; and (4) to employ a technical director or directors who would establish, coordinate and supervise these programs, check the validity of the results, review the opinions of the different medical examiners and provide for the retention and availability of the records.

The applicant further states that its OSHA Task Force has reported that certain conditions make it impossible to establish the above-mentioned program within the time limits imposed by the standard, and that by the time any such program could be established, the need therefor would no longer exist. The applicant contends that (1) trained professional and technical personnel are not available in all parts of the country to perform the required monitoring; (2) construction materials containing asbestos are being phased out with the result that by the end of 1973 contractors will be using asbestos-free materials; (3) the expected elimination of asbestos makes it impractical, if not impossible, to interest new people in the necessary training; (4) it is impossible to arrange a program for making available in all parts of the country medical personnel qualified to make the required medical examinations; and (5) the rapid elimination of asbestos materials from the market makes a medical examination program of limited use.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Room 508, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor Occupational Safety and Health Administration, Fourth Floor, 18 Oliver Street, Boston, Massachusetts 02110.
U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza), New York, New York 10036.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 617, 450 Main Street, Hartford, Connecticut 06103.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, 970 Broad Street, Room 635, Newark, New Jersey 07102.
U.S. Department of Labor, Occupational Safety and Health Administration, Condiminium San Alberto Building, 605 Condado Avenue, Room 328, Santruce, Puerto Rico 00907.
U.S. Department of Labor, Occupational Safety and Health Administration, 9470 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, California 94102.
U.S. Department of Labor, Occupational Safety and Health Administration, 506 Second Avenue, 1808 Smith Tower Building, Seattle, Washington 98104.
U.S. Department of Labor, Occupational Safety and Health Administration, 333 Queen Street, Suite 505, Honolulu, Hawaii 96813.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 227, 605 W 4th Avenue, Anchorage, Alaska 99501.
U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building, 3535 Market Street, Room 15220, Philadelphia, Pennsylvania 19104.
U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree Street NE., Suite 587, Atlanta, Georgia 30309.
U.S. Department of Labor, Occupational Safety and Health Administration, 300 South Wacker Drive, Room 1201, Chicago, Illinois 60606.
U.S. Department of Labor, Occupational Safety and Health Administration, 7th Floor, Texaco Building, 1512 Commerce Street, Dallas, Texas 75201.
U.S. Department of Labor, Occupational Safety and Health Administration, 823 Walnut Street, Waltower Building, Room 300, Kansas City, Missouri 64106.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 15010, P.O. Box 3588, 1961 Stout Street, Denver, Colorado 80202.
U.S. Department of Labor, Occupational Safety and Health Administration, 1371 Filbert Street, Suite 1010, Philadelphia, Pennsylvania 19107.
U.S. Department of Labor, Occupational Safety and Health Administration, 3661 Virginia Beach Boulevard, Stanwick Building, Room 111, Norfolk, Virginia 23502.
U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 1110A, 31 Hopkins Plaza, Charles Center, Baltimore, Maryland 21201.
U.S. Department of Labor, Occupational Safety and Health Administration, 1371 Peachtree Street NE., Room 723, Atlanta, Georgia 30309.
U.S. Department of Labor, Occupational Safety and Health Administration, 847 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.
U.S. Department of Labor, Occupational Safety and Health Administration, Room 6B1, Federal Building, 1100 Commerce Street, Dallas, Texas 75202.
U.S. Department of Labor, Occupational Safety and Health Administration, City National Bank Building, Room 803, Harney and 16th Streets, Omaha, Nebraska 68102.
U.S. Department of Labor, Occupational Safety and Health Administration, Suite 309, Executive Building, 455 East 4th South, Salt Lake City, Utah 84111.

Interested persons, including employers and employees who believe they would be affected by the grant or denial of the above application for temporary variance, are invited to submit written data, views, and arguments regarding the application by September 24, 1973. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application by September 24, 1973, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Standards, U.S. Department of Labor, Railway Labor Building, Room 508, 400 First Street NW., Washington, D.C. 20210.

II. *Denial of interim order.*—The applicant has also requested, on behalf of all its members listed above, an interim order deferring the monitoring and medical examination requirements until a decision is made on the application for a variance.

Paragraph (f)(1) of § 1910.93a requires every employer to cause every place of employment where asbestos fibers are released to be monitored so as to determine whether every employee's exposure is below the prescribed limits. If the limits are exceeded the employer is required to undertake immediately the prescribed compliance program.

Paragraph (j) requires that preemployment, annual, and postemployment medical examinations be provided for each employee engaged in an occupation exposed to airborne concentrations of asbestos fibers. Records of the examinations are required to be kept.

The applicant contends that the supply of trained personnel available to the contracting industry to do the monitoring and analysis of samples is inadequate; that training programs are necessary to make available trained personnel in all parts of the country; that such programs are impossible because of the anticipated elimination of asbestos from insulation materials; and that a program to arrange for the availability in all parts of the country of medical personnel qualified to make the required medical examination is impossible and, if it were possible, it would serve its purpose only for a limited period of time.

It seems to us that the justification for the relief requested must be substantially as broad as the relief. The fact that an employer may find it impossible to comply with a standard would not warrant a variance for another employer who, for all that appears, may be able to comply.

The request for an interim order is made on behalf of hundreds of employers located all over the country, some in large metropolitan areas. There is no clear allegation in the application that none of the listed employers is able to comply. Moreover, even if such allegation were made, it does not seem probable that the petitioner would prove it.

In addition, monitoring and medical examinations are an essential part of an effective compliance program. In many cases, monitoring is necessary to determine whether any compliance program is to be implemented. A medical examination may reveal, not only a condition which would be aggravated by continued exposure to absestos fibers, but also conditions which would preclude normal functioning with the use of a respirator. To issue an interim order deferring the requirements for monitoring and medical examinations would be to the detriment of affected employees.

Accordingly, the petition for an interim order is denied, without prejudice to the application for a temporary variance.

Signed at Washington, D.C., this 17th day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-17913 Filed 8-22-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 326]

ASSIGNMENT OF HEARINGS

AUGUST 20, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 19105 Sub 37, Forbes Transfer Company, Inc., now assigned September 18, 1973, at Raleigh, N.C., will be held in Room 209, Federal Building, 310 Newbern Avenue.
MC 56553 Subs 15 and 24, Pulaski Highway Express, Inc., now being assigned hearing October 9, 1973 (2 weeks), at Columbia, Tenn., in a hearing room to be later designated.
MC-C-8039, P. C. White Truck Line, Inc., et al v. Ross Neely Express, Inc., now assigned September 18, 1973, will be held in G. S. A., Conference Room, 8th Floor, Aronov Bldg., 474 South Court Street, Montgomery, Ala.
MC-C-8075, Absco, Inc., The Collins Packing Company, the Selected Meat Company, The

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Waldock Company, and Thomas Industries, Inc.—Investigation of Operations and Practices and Revocation of Permit, now assigned September 24, 1973 will be held in Room 2, State Office Bldg., 65 South Front Street, Columbus, Ohio.

MC–116763 Sub 233, Carl Subler Trucking, Inc., now assigned September 25, 1973, will be held in Room 4, State Office Bldg., 65 South Front Street, Columbus, Ohio.

MC–C–8088, Point Express, Inc.—Investigation and Revocation of Certificates—now assigned September 27, 1973, will be held in Room 255, Federal Office Bldg., 85 Marconi Boulevard, Columbus, Ohio.

MC–F–11804, Dallas & Mavis, Inc.—Control and Merger—Dallas & Mavis Forwarding Co., Inc., now assigned October 1, 1973, will be held in Room 1743, Tax Court, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC–F–11813, Brown Transport Corp—Control—Harper Motor Lines, Inc., FD 27338, Harper Motor Lines, Inc. Notes, now assigned September 24, 1973, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street NW.

MC 114290 Sub 64, Exley Express, Inc., now assigned October 9, 1973, at Olympia, Washington, is canceled and the application is dismissed.

MC–F–11885, United Truck Service—Control—Ephraim Freightways, Inc., now being assigned October 24, 1973 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC 17094 Sub 1, Nate's Truck Line, Inc. Conversion Proceeding now reentitled: Nebraska Illinois Colorado Express, Inc. Conversion Proceeding, MC 113678 Sub 63, Curtis, Inc., now being assigned October 29, 1973 (1 week), at Denver, Colo., in a hearing room to be later designated.

MC 138100, Mellow Truck Express, Inc., now being assigned November 5, 1973 (1 week), in Portland, Oreg., in a hearing room to be later designated.

No. 35400, Increased Charges for Perishable Protective Service—1971, now being assigned hearing October 2, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35839, Chelsea Milling Company v. The Baltimore and Ohio Railroad Company, Et Al, now assigned September 18, 1973, at Washington, D.C., is canceled and transferred to modified procedure.

No. 35791, General Increase, February 1973, Bulk Carrier Conference, now assigned August 21, 1973, at Washington, D.C., is postponed to October 9, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-17895 Filed 8-22-73;8:45 am]

[Notice 339]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 12, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74603. By order of August 17, 1973, the Motor Carrier Board approved the transfer to Tiona Truck Line, Inc., Butler, Mo., of Certificates Nos. MC–118535 and numerous subs thereunder issued to Jim Tiona, Jr., Butler, Mo., authorizing the transportation of fertilizer, feed grade urea, animal and poultry feeds, chemicals, and similar commodities from and to points in 25 States. Mr. David E. Kinton, Attorney at Law, 1111 United Missouri Bank Building, Kansas City, Mo. 64106.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-17896 Filed 8-22-73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 108, Amdt. 2]

CANADIAN RAILROADS

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 108 (Canadian Railroads) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 108 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.*—This order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 15, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 15, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-17894 Filed 8-22-73;8:45 am]

[Notice No. 66]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

AUGUST 17, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application) are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended) published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER of a notice that the proceeding has *been assigned for oral hearing.*

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 808 (Sub-No 47), filed July 16, 1973. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks, new chassis, automobile parts, and automobile show equipment* in initial movements, in truckaway and driveaway service from points of manufacture and assembly at Norwood, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, under continuing contract or contracts with General Motors Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2202 (Sub-No. 452), filed June 22, 1973. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William Slabaugh (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Rhea and Hamilton Counties, Tenn., as off-route points in connection with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chattanooga, Tenn., Knoxville, Tenn., or Washington, D.C.

No. MC 2230 (Sub-No. 17) (AMENDMENT), filed April 26, 1973, and published in the FEDERAL REGISTER issue of June 28, 1973, and republished and amended, this issue. Applicant: MACK'S TRANSPORT SERVICE, INC., 1215 No. 17th, Lincoln, Nebr. 68501. Applicant's representative: Earl Stewart (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in secondary movements, in truckaway service, between Omaha, Nebr., and points in South Dakota (except Lawrence, Custer, Mead, Pennington, Butte, and Falls River Counties, S. Dak.) RESTRICTION: Service is restricted against traffic having had an immediately prior movement from the plant site of the Ford Motor Company.

NOTE.—Applicant indicates that tacking is not intended, and requests that the grant of authority be restricted against tacking. The purpose of this republication is: (1) to further restrict the requested operations against all traffic having a prior movement, in lieu of the restriction of prior movement "by rail" only; and (2) to indicate tacking information. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Lincoln, Nebr.

No. MC 10345 (Sub-No. 93), filed July 3, 1973. Applicant: C & J COMMERCIAL DRIVEAWAY, INC., 1905 West Mt. Hope Avenue, P.O. Box 689, Lansing, Mich. 48903. Applicant's representative: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements in truckaway service, from Janesville, Wis., to points in the lower peninsula of Michigan.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 11220 (Sub-No. 132), filed June 27, 1973. Applicant: GORDONS TRANSPORT, INC., 185 W. McLemore Avenue, P.O. Box 59, Memphis, Tenn. 38101. Applicant's representative: W. F. Goodwin (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) Between Cincinnati, Ohio, and Toledo, Ohio, serving the intermediate point of Dayton: From Cincinnati over Interstate Highway 75 to Toledo and, return over the same route. RESTRICTION: Service at Toledo, Ohio, is restricted to traffic moving to or from Louisville, Ky., or points beyond Louisville, and at Dayton, Ohio, service is restricted to traffic moving to or from Cincinnati, Ohio, or points beyond Cincinnati.

NOTE.—Common control may be involved. The purpose of this application is to eliminate the necessity of serving the gateway of Hamersville, Ohio, and to provide through service between Cincinnati and Toledo, Ohio. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn, Washington, D.C., or Columbus, Ohio.

No. MC 11722 (Sub-No. 36), filed July 13, 1973. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper containers*, not corrugated, from Renton, Wash., to Patterson, Modesto, Turlock, Santa Clara, and Watsonville, Calif.

NOTE.—Applicant also holds contract carrier authority in MC 124658 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 19105 (Sub-No. 42), filed July 2, 1973. Applicant: FORBES TRANSFER COMPANY, INC., P.O. Box 3544, S. Goldsboro St. Ext., Wilson, N.C. 27893. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 706, in vehicles equipped with mechanical refrigeration, (1) between points in North Carolina on and east of North Carolina Highway 18, on the one hand, and, on the other, Wilson, N.C., and Kinston, N.C., restricted to shipments having a continuing or subsequent movement via this carrier, and (2) from points in North Carolina on and east of North Carolina Highway 18, to points in Virginia.

NOTE.—Applicant states that the requested authority can be tacked in (1) above with its present authority in MC 19105 (Sub-Nos. 19, 23, and 24) at Wilston and Kinston, N.C., to serve points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, West Virginia, Massachusetts, Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 29120 (Sub-No. 164), filed July 6, 1973. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Michael J. Ogborn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities which by reason of size or weight require the use of special equipment or special handling), between Broomfield, Colo., and Aberdeen, S. Dak.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls or Aberdeen, S. Dak.

No. MC 32166 (Sub-No. 8), filed August 6, 1973. Applicant: BRONAUGH MOTOR EXPRESS, INC., 1025 Nandino Blvd., Lexington, Ky. 40511. Applicant's representative: Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Corbin, Ky., and Knoxville, Tenn., serving no intermediate points: (a) From Corbin over U.S. Highway 25–E to Tazewell, Tenn., thence over Tennesee Highway 33 to Knoxville, Tenn,. and return over the same route; and (b) From Corbin over U.S. Highway 25–W to Knoxville, and return over the

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same route, with service at Knoxville, Tenn., and points in its respective commercial zone restricted against the transportation of traffic originating at, destined to, or interchanged at Lexington and Louisville, Ky., and Cincinnati, Ohio, and points in their respective commerical zones; and (2) *used pallets*, from Berea, Ky., to Lynchburg, Va., Sunbury, Pa., and Plattsburgh, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 35807 (Sub-No. 40), filed July 16, 1973. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Melvin E. Ballet, P.O. Box 4313, Atlanta, Ga. 30302. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, negotiable and non-negotiable items, checks, deposit tickets, reports, and computer data*, between Denver, Colo., and Laramie and Cheyenne, Wyo., under a continuing contract or contracts with banks or banking institutions.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 52460 (Sub-No. 124), filed June 21, 1973. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant).

NOTE.—The Notice in the above-referenced application was previously published in the FEDERAL REGISTER issue of August 9, 1973, under Docket No. MC-52460 (Sub-No. 122). This notice serves to advise all interested parties that this application has been reassigned No. MC-52460 (Sub-No. 124).

No. MC 59856 (Sub-No. 54), filed May 17, 1973. Applicant: SALT CREEK FREIGHTWAYS, a Corporation, 3333 West Yellowstone, Casper, Wyo. 82601. Applicant's representative: John R. Davidson, Rm. 805, Midland Bank Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, commodities which because of size or weight require special equipment, and articles of unusual value) between Newcastle, Wyo., and Rapid City, S. Dak.: From Newcastle over U.S. Highway 16 to Rapid City, and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak.

No. MC 78040 (Sub-No. 9), filed July 9, 1973. Applicant: BOYD TRANSFER COMPANY, a Corporation, 4600 E. Fayette Street, Baltimore, Md. 21224. Applicant's representative: William J. Augello, 120 Main Street, P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copying and duplicating equipment, and materials and supplies*, necessary for operation and maintenance of such equipment, crated and uncrated, from Pennsauken and Moorestown, N.J., to points in Maryland, Virginia, and the District of Columbia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 78092 (Sub-No. 4), filed June 18, 1973. Applicant: TAYLOR FREIGHT SYSTEM, INC., H & Lycoming Streets, Philadelphia, Pa. 19124. Applicant's representative: Ronald N. Cobert, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, and *materials, equipment, and supplies* used in the manufacture and distribution of tires and tubes (except in bulk), between points in Chester and Montgomery Counties, Pa., on the one hand, and, on the other, Philadelphia, Pa., restricted to traffic having a prior or subsequent movement by rail, and moving from or to the plants or facilities of Lee Tire & Rubber Co. and its affiliated companies.

NOTE.—Applicant states that the requested authority can be tacked with applicant's existing authority at Philadelphia, Pa., and points in Montgomery County, Pa., to serve Camden and Trenton, N.J., Wilmington, Del., and points in Delaware, Montgomery, and Bucks Counties, Pa., on and east of U.S. Highway 202. Applicant indicates it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 83539 (Sub-No. 374) (AMENDMENT), filed July 1, 1973, published in the FEDERAL REGISTER issue August 16, 1973, and republished as amended, this issue. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled commodities*, weighing less than 15,000 pounds, from Nunda, N.Y., to points in the United States including Alaska (and excluding Hawaii), restricted to traffic originating at Nunda, N.Y.

NOTE.—The purpose of this republication is to add a restriction to the point or origin. This application is further restricted against tacking with any existing authority held. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 88300 (Sub-No. 33), filed July 16, 1973. Applicant: DIXIE TRANSPORT COMPANY, a Corporation, P.O. Box 395, Chicago Heights, Ill. 60411. Applicant's representative: Charles W. Singer, 2440 E. Commercial Blvd., Ft. Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in initial movement, in truck-a-way service, from West Palm Beach, Fla., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Chicago, Ill.

No. MC 104430 (Sub-No. 38), filed July 9, 1973. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, Highway 24 West, McComb, Miss. 39648. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed and liquid animal feed ingredients*, in bulk, in tank vehicles, from McComb, Miss., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Louisiana, Tennessee, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 105045 (sub-No. 42) (CORRECTION), filed May 4, 1973, published in the FEDERAL REGISTER issue July 26, 1973, and republished as corrected, this issue. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes, and highway freight trailers;* and (2) *parts, attachments, and accessories* of the commodities named in (1) above, between the plantsites of Hyster Company at or near Crawfordsville, Ind., on the one hand, and, on the other, points in the District of Columbia, Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, restricted to shipments originating at or destined to the above named plantsites.

NOTE.—The purpose of this republication is to add the destination States of Louisiana, Maryland, Michigan, Mississippi, Missouri, and Nebraska which were inadvertently omitted in the original notice. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 105813 (Sub-No. 188), filed July 12, 1973. Applicant: BELFORD TRUCKING CO., INC., 3500 N.W. 79th Avenue, Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Pana, Ill., to points in Georgia and Florida.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105813 (Sub-No. 189), filed July 13, 1973. Applicant: BELFORD TRUCKING CO., INC., 3500 NW. 79th Avenue, Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from South Edmeston and Walton, N.Y., Hagerstown, Md., and Elizabeth, N.J., to points in North Carolina, South Carolina, Georgia, Florida, Tennessee, and Alabama.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106674 (Sub-No. 111), filed July 11, 1973. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 122, Delphi, Ind. 46923. Applicant's representative: Carl L. Steiner, 39 So. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, from Tuscola, Ill., to points in Indiana; and (2) *dry fertilizer* in bags, and *pesticides* in containers, from the facilities and warehouses of W. R. Grace & Co., at Henry, Ill., to points in Indiana.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107012 (Sub-No. 170) (Amendment), filed December 8, 1972, published in the FEDERAL REGISTER issue of February 15, 1973, and republished, as amended this issue. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East & Meyer Rd., Fort Wayne, Ind. 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from points in North Carolina, Georgia, Mississippi, South Carolina, Virginia, and Morristown, Tenn., to points in Alabama, Louisiana, Florida, Virginia, North Carolina, South Carolina, Mississippi, Tennessee, and Georgia.

NOTE: The purpose of this republication is to indicate applicant's request to serve additional destination points in Georgia. Common control may be involved. Applicant states that the requested authority can be tacked with portions of its existing authority as follows: In No. MC 107012 it would be able to transport (a) *New Furniture*, uncrated, from Oklahoma City, Okla., to points in Alabama, Virginia, Georgia, North Carolina, and South Carolina via North Carolina and Mississippi; (b) *New Furniture*, from points in Mississippi, to points in Maine and New Hampshire via points within 150 miles of High Point, North Carolina, and West Virginia; (c) *New furniture*, from Galax, Roanoke, Damascus, Stanleytown, Bassett, Martinsville, and Pulaski, Va., and points in North Carolina and South Carolina, to points in Illinois, Indiana, Michigan, and Ohio via Tennessee; in MC-107012 (Sub-No. 61), *New furniture*, from points in Virginia, North Carolina, South Carolina, Georgia, and Mississippi, to points in the United States via Tennessee; and in MC 107012 (Sub-No. 90), *New furniture*, from Monroe, La., to points in Florida, South Carolina, North Carolina, and Virginia via Mississippi. The hearing originally scheduled for September 17, 1973, has been postponed indefinitely.

No. MC 107515 (Sub-No. 857), filed June 15, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meat, meat products, meat byproducts, and articles distributed by meatpacking houses*, (1) from points in North Carolina, to points in the United States (except Alaska and Hawaii); and (2) from points in Virginia, to points in the United States (except Virginia, Kentucky, North Carolina, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, Alaska, and Hawaii), restricted to traffic originating at the named origins.

NOTE.—Common control was approved in MC-F-11600. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 109478 (Sub-No. 127), filed June 26, 1973. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable juices*, from Sodus and Lawton, Mich., to points in New York, New Jersey, and Pennsylvania.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 109478 (Sub-No. 128), filed June 26, 1973. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Banquet Foods Corporation at or near Wellston, Ohio, to points in Illinois, Indiana, Iowa, Minnesota, Missouri, and Wisconsin.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 109533 (Sub-No. 53) (AMENDMENT), filed June 12, 1973, published in the FEDERAL REGISTER issue of August 9, 1973, and republished as amended, this issue. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Charleston, W. Va., and Lexington, Ky.: (a) From Charleston over U.S. Highway 60 to Lexington, Ky.; and (b) From Charleston over U.S. Highway 60 to Huntington, W. Va., thence over Interstate Highway 64 to Lexington, Ky.; and return over the same routes in (a) and (b) above, serving all intermediate points and the off-route points of Campton, Clay City, and Stanton, Ky.

NOTE.—The purpose of this republication is to eliminate the request for authority to operate over Interstate Highway 64 between Charleston and Huntington, W. Va., as stated in previous notice. If a hearing is deemed necessary, applicant requests it be held at either Lexington, Ky., Charleston, W. Va., or Washington, D.C.

No. MC-109584 (Sub-No. 151), filed July 19, 1973. Applicant: ARIZONA-PACIFIC TANK LINES, a Corporation, 5773 South Prince Street, P.O. Box 192, Littleton, Colo. 80120. Applicant's representative: Kenneth E. Stolz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate*, in bulk, in tank vehicles, from Salinas, Calif., to Salt Lake City, Utah.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo. or San Francisco, Calif.

No. MC-111476 (Sub-No. 3), filed June 28, 1973. Applicant: JOHN S. WISNESKI, 39 Avenue C, Bayonne, N.J. 07002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in New York, New Jersey, Connecticut, Massachusetts, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Maine, Vermont, New Hampshire, and Rhode Island.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at New York, N.Y., to serve additional points in Connecticut, and the destination states named above. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

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No. MC–112223 (Sub-No. 91), filed June 27, 1973. Applicant: QUICKIE TRANSPORT COMPANY, a Corporation, 501 11th Avenue South, Minneapolis, Minn. 55415. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, from points in Dakota, Ramsey, and Hennepin Counties, Minn., to points in Illinois and Michigan.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC–112822 (Sub-No. 282), filed July 12, 1973. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 N. Little St., Cushing, Okla. 74023. Applicant's representative: Jim R. Gardner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Wisconsin to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 113908 (Sub-No. 271), filed May 20, 1973. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour and blends of flour*, in bulk, in tank and hopper vehicles, from Millstadt, Ill., to Portsmouth, N.H.; (2) *alkaline etching compounds, cleaning compounds and chemicals*, in bulk, in tank and hopper vehicles, from Dallas, Tex., to Colorado Springs and Loveland, Colo.; Joplin and Springfield, Mo., and Salt Lake City, Utah (except (a) liquid silicate of soda, from Dallas, Tex., to Colorado Springs and Loveland, Colo. and (b) etchants, from Garland, Tex., to Joplin and Springfield, Mo.); (3) *spent commodities* in (2) above, from the destinations in (2) above, to Dallas and Houston, Tex. (except (c) spent dry chemicals, to Houston, Tex. and points within 50 miles thereof and (d) spent etchants, from Joplin and Springfield, Mo., to Garland, Tex.); (4) *liquid soap, cleaning commodities, and ingredients*, in bulk, in tank and hopper vehicles, from Denver, Colo., to points in Ohio on a line beginning at Kenton, Ohio, and extending easterly on U.S. Highway 30–S to its intersection with Ohio Highway 95, thence easterly along Ohio Highway 95 to its intersection with Ohio Highway 13, thence southeasterly along Ohio Highway 13 to its intersection with U.S. Highway 36, thence southerly along U.S. Highway 36 to its intersection with Ohio Highway 206, thence southerly along Ohio Highway 206 to its intersection with Ohio Highway 60, thence southerly along Ohio Highway 60 to its intersection with Ohio Highway 93, thence southerly along Ohio Highway 93 to its intersection with U.S. Highway 50, thence westerly along U.S. Highway 50 to Ohio Highway 72, thence northerly along Ohio Highway 72 to its intersection with U.S. Highway 68, thence northerly along U.S. Highway 68 to the point of beginning, including those points in the commercial zones of Marion, Mount Vernon, Zanesville, Chillicothe, Springfield, Urbana, and Bellefontaine, Ohio (except chemical and petroleum product ingredients, and soap and cleaning commodities classified as chemical or petroleum products); and (5) *distilled spirits*, in bulk, in tank and hopper vehicles, from Bardstown, Ky., to Lakeland, Fla.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Springfield or St. Louis, Mo.

No. MC–114004 (Sub-No. 134), filed July 10, 1973. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark, 72209. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water craft*, exceeding 23 feet in length, from points in Arkansas, to points in the United States, including Alaska (but excluding Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 114290 (Sub-No. 69), filed June 7, 1973. Applicant: EXLEY EXPRESS, INC., 2610 SE. 8th Avenue, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from points in Oregon and Washington, to points in Arizona and Nevada; and (2) from points in Yakima County, Wash., to points in Arizona, California, Nevada, and Oregon.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either (1) Portland, Oreg.; (2) Seattle, Wash.; or (3) Spokane, Wash.

No. MC 115036 (Sub-No. 23), filed July 9, 1973. Applicant: VAN TASSEL, INCORPORATED, 5th and Grand, Pittsburg, Kans. 66762. Applicant's representative: Dean Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials* used in the manufacture of urethane and (2) *equipment* used in the mixture and distribution of the commodities described in (1) above, between Pittsburg, Kans., on the one hand, and, on the other points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with W. S. Dickey Clay Manufacturing Company, Pittsburg, Kans.

NOTE.—Applicant also holds common carrier authority in MC 119630 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 115273 (Sub-No. 13), filed July 17, 1973. Applicant: ACME CARRIERS, INC., 216 Third Street, Brooklyn, N.Y. 11215. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bomb bodies*, from Garden City, N.Y., to the Naval Ammunition Depot at McAlester, Okla.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 115841 (Sub-No. 455), filed July 5, 1973. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner, P.O. Box 10327, Birmingham, Ala. 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and related products* (except in bulk), and (2) *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities of M&M/Mars, Division of Mars, Incorporated, located at Doraville, Decatur, Atlanta, and Albany, Ga., to points in Alabama, Arkansas, Arizona, California, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, and Wisconsin, restricted to the transportation of traffic originating at the plant site and warehouse facilities of M&M/Mars, Division of Mars, Incorporated.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 116073 (Sub-No. 281), filed July 9, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and (2) *buildings*, complete and in sections, transported on wheeled undercarriages, from points in Crawford, Huron, Williams, and Wood Counties, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, New York, and West Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116073 (Sub-No. 282), filed July 5, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements and (2) *buildings*, complete or in sections, transported on wheeled undercarriages, from points in Burt County, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, Montana, North Dakota, South Dakota, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 116073 (Sub-No. 283), filed July 27, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and (2) *buildings*, complete or in sections, transported on wheeled undercarriages, from points in Dakota County, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 116073 (Sub-No. 285), filed July 27, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, transported on wheeled undercarriages, from points in Vance County, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 117088 (Sub-No. 3), filed June 11, 1973. Applicant: ASPHALT TRANSPORT, INC., 3600 France Road, P.O. Box 26204, New Orleans, La. 70126. Applicant's representative: Henry F. O'Connor, Jr., 1440 Oil & Gas Building, New Orleans, La. 70112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blasting sand and mineral fillers*, in bulk and in bag, from Sun, La., to points in Mississippi on and south of U.S. Highway 82 and points in Mobile, Baldwin, and Escambia Counties, Ala.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 118159 (Sub-No. 134), filed June 14, 1973. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Emporia, Kans., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the plantsite and storage facilities utilized by Iowa Beef Processors, Inc., and destined to the named destination states.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Tulsa, Okla.

No. MC 119441 (Sub-No. 37), filed July 12, 1973. Applicant: BAKER HIWAY EXPRESS, INC., Box 484, Dover, Ohio 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubbish and trash compactors and containers* for compacted rubbish and trash, from Sugar Creek, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119489 (Sub-No. 31), filed July 6, 1973. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, P.O. Box 249, Norfolk, Nebr. 68701. Applicant's representative: Gailyn L. Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Kansas City, Mo., and the Williams Brothers Pipe Line Company, at or near Doniphan, Nebr., to points in Kansas, restricted to traffic originating at the named origins points.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha, Nebr., or Chicago, Ill.

No. MC 119789 (Sub-No. 169), filed July 2, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 E. Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture* (other than uncrated), *furniture parts, and materials and supplies*, used in the production and distribution of furniture, between Little Rock, Ark., on the one hand, and, on the other, points in the United States (except Alaska, Arkansas, and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Dallas, Tex.

No. MC 119789 (Sub-No. 170), filed July 5, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC. P.O. Box 6188, 1612 E. Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James Q. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in drums, in mechanically refrigerated equipment, from LaPorte, Tex., to points in New Jersey.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 119789 (Sub-No. 173), filed July 25, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 E. Irving Blvd., Dallas, Tex. 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Electrical appliances, equipment and parts, tools, paints, stains and varnish, solvents and compounds, wire, magnets and parts thereof*, (except commodities requiring special equipment), between Columbus, Ohio, on the one hand, and, on the other, points in Washington, California, Oregon, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Georgia, and Florida.

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NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119917 (Sub-No. 35), filed July 13, 1973. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, Ga. 30316. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and shipping facilites of Nabisco, Inc., located in Henrico County, Va., to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Tennessee, North Carolina, South Carolina, Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and shipping Facilities of Nabisco, Inc., located in Henrico County, Va., and destined to points in the above-described destination territory.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 121060 (Sub-No. 25), filed June 28, 1973. Applicant: ARROW TRUCK LINES, INC., P.O. Box 5568, Birmingham, Ala. 32507. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, parts and accessories; paint; plastic light diffusers; adhesive; furring; fasteners; lighting systems, parts and supplies; moldings; channels, steel, applicators and roofing caps; and materials and supplies* useful in the installation of any commodity named above, from the facilities of Litecraft-Luminous Ceilings, Division of The Celotex Corporation at or near Scottsboro, Ala. to points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 6 at Scottsboro, Ala., but no new service will be rendered by tacking the authority requested herein, and therefore applicant has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Tampa, Fla., or Birmingham, Ala.

No. MC 123048 (Sub-No. 273), filed July 25, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 W. Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic fittings*, from Grinnell, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123407 (Sub-No. 131), filed July 2, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway #6, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, couplings, connections, valves and materials and supplies* for the installation thereof, from the plantsites of the Clow Corporation, at or near Bensenville, Ill., to points in Minnesota, Wisconsin, North Dakota, South Dakota, Iowa, Missouri, Nebraska, and the Upper Peninsula of Michigan.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123685 (Sub-No. 18), filed June 4, 1973. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon, Suite 1022, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, and products used in agriculture, water treatment, food processing, wholesale grocery, and institutional supply industries*, when shipped in mixed shipments with salt and salt products, (1) from St. Clair, Mich., to points in Virginia, Maryland, New York, Pennsylvania, and the District of Columbia, and (2) from Akron, Ohio to points in Virginia, Maryland, Michigan, Pennsylvania, New York, and the District of Columbia.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority under part (2) above, to provide a through service from points in Stark, Wayne, Franklin, Cuyahoga, and Richland Counties, Ohio, to destination points named in (2) above, via Akron, Ohio gateway. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124174 (Sub-No. 97), filed June 13, 1973. Applicant: MOMSEN TRUCKING CO., a Corporation, 2405 Hiway Boulevard, Spencer, Iowa 51301. Applicant's representative: Marshall D. Becker, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant site of Bethlehem Steel Corporation at Lackawanna, N.Y., to Ft. Smith and Little Rock, Ark., Beatrice, Grand Island and Omaha, Nebr., and points in Illinois, Indiana, Iowa, Minnesota, Missouri, and Wisconsin.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at Auburn, Nebr., and points in Missouri and Iowa which are within 60 miles of Auburn, to serve points in Kansas within 60 miles of Auburn, and tack at Portage, Ind., to serve additional territory in Nebraska, but indicates that it has no *present* intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 124328 (Sub-No. 55), filed June 26, 1973. Applicant: BRINK'S, INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: John G. O'Keefe, O'Hara Plaza, Suite 650, 5725 East River Road, Chicago, Ill. 60631. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion, precious metals, coin and rare earths*, between points in the Chicago, Ill., Commercial Zone and Indiana, on the one hand, and, on the other, New York City and West Point, N.Y., Newark, N.J., and points in Essex, Middlesex, and Union Counties, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126154 (Sub-No. 11), filed June 6, 1973. Applicant: HERMAN SCHOMER, doing business as SCHOMER TRUCKING, P.O. Box 111, Iron Mountain, Mich. 49801. Applicant's representative: Robert W. Hansley, 120 North Sixth Street, Escanaba, Mich. 49829. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Minneapolis, and St. Paul, Minn., to points in Alger County, Mich.

NOTE.—Applicant indicates that the requested authority could be tacked at Minneapolis-St. Paul, Minn., and points in Alger County, Minn., but no new service could be performed. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at either Lansing, or Detroit, Mich., or Chicago, Ill., or Milwaukee, Wis.

No. MC 127042 (Sub-No. 117) (AMENDMENT), filed May 3, 1973, published in the FEDERAL REGISTER issue of June 14, 1973, and republished, as amended, this issue. Applicant: HAGEN, INC., 4120 Floyd Blvd., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring, washing, buffing and polishing compounds, sodium hypoclorite solution*, and *soap base lubricants* (except commodities in bulk), from Joliet and Chicago, Ill., to points in Washington, Oregon, California, Montana, Idaho, Utah, Nevada, New Mexico, Arizona, Colorado, Iowa, North

Dakota, South Dakota, Nebraska, Missouri, Kansas, Minnesota, and Wyoming.

NOTE.—**The purpose of this republication is to: (1) Indicate applicant's request for a restriction against the transportation of bulk commodities; and (2) indicate the tacking possibilities. Applicant states that the requested authority can be tacked at Eldora, Iowa, with its Sub-64 to serve points in the instant application on cleaning compounds.** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128215 (Sub-No. 15), filed July 9, 1973. Applicant: MARTIN TRAILER TOTERS, INC., P.O. Box 39, Bogalusa, La. 70427. Applicant's representative: Fred W. Johnson, Jr., 717 Deposit Guaranty Bank Building, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger vehicles, in secondary movements, between points in Mississippi, Texas, Arkansas, Alabama, Louisiana, and Florida.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Jackson, Miss., Shreveport, La.; or Birmingham, Ala.

No. MC 128685 (Sub-No. 15), filed July 5, 1973. Applicant: DIXON BROS., INC., P.O. Box 636, Newcastle, Wyo. 82701. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar ore, rock and stone*, from points in Natrona and Converse Counties, Wyo. to points in Custer and Pennington Counties, S. Dak.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing auhority. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Cheyenne, Wyo.

No. MC 128988 (Sub-No. 25), filed July 9, 1973. Applicant: JO/KEL, INC., P.O. Box 1249, 159 South Seventh Avenue, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), from the warehouse and distribution center of Westinghouse Electric Corporation at or near Irwin, Pa., to points in Arizona, California, Nevada, Oregon, and Washington, under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129282 (Sub-No. 18), filed June 11, 1973. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 1824, Longview, Tex. 75601. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Malt beverages and materials and supplies* necessary in the manufacture, sales and distribution thereof, between Galveston and Houston, Tex. and points in Louisiana.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority (1) at New Orleans, La., to serve Blytheville and Paragould, Ark., and (2) at points in Louisiana to provide a through service from Memphis, Tenn., to Galveston and Houston, Tex., But has no *present* intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 129631 (Sub-No. 37), filed April 19, 1973. Applicant: PACK TRANSPORT, INC., 3795 S. 300 West Street, Salt Lake City, Utah 84107. Applicant's representative: Max D. Eliason, P.O. Box 2602, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sea coal*, from points in Summit County, Utah, to points in Idaho, Montana, Oregon, and Washington; and (2) *stone, cast stone, brick, clay, and masonry products*, between points in Utah, Idaho, Montana, Oregon, and Washington.

NOTE.—Applicant currently holds contract carrier authority in MC 101741, therefore dual operations may be involved. Common control was approved in MC-F-74248. Applicant states that the requested authority can be tacked with its existing authority at points in Idaho and Utah to serve points in Wyoming as specified in the base certificate and Sub-No. 4, but has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 129784 (Sub-No. 6), filed July 10, 1973. Applicant: DAVISON TRANSPORT, INC., Farmerville Highway, P.O. Box 23, Ruston, La. 71270. Applicant's representative: James E. Davison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oil*, from Monroe, La.; Greenville and Vicksburg, Miss.; to the plantsites of International Paper Company, located at Pine Bluff and Camden, Ark.; Bastrop and Springhill, La.; Natchez and Vicksburg, Miss.; and Atlanta, Tex.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Shreveport or Monroe, La.

No. MC 134922 (Sub-No. 47) (AMENDMENT), filed July 2, 1973, published in the FEDERAL REGISTER issue of August 16, 1973, and republished as amended, this issue. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and related products* (except in bulk) and (2) *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of M&M/Mars, Division of Mars, Incorporated, at or near Atlanta, Decatur, Albany, and Doraville, Ga., to points in Alabama, Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of M&M/Mars, Division of Mars, Incorporated.

NOTE.—The purpose of this republication is to indicate the specific locations in Georgia of the origin plantsite and warehouse facilities of M&M/Mars, Division of Mars, Incorporated. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or Little Rock, Ark.

No. MC 135124 (Sub-No. 4), filed April 26, 1973. Applicant: DRESSING TRANSPORT, INC., Lake Street, Wilson, N.Y. 14172. Applicant's representative: Ronald W. Maline, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14172. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salad dressing, sauces and loganberry juice concentrates* (except in bulk) from Wilson, N.Y. and Paramount, Calif. to points in the United States (except Alaska and Hawaii); (2) *materials, supplies and equipment* used in the manufacture or distribution of the commodities named in (1) above, from points in the United States (except Alaska and Hawaii) to Wilson, N.Y. and Paramount, Calif., in (1) and (2) above under a continuing contract with Pfeiffer's Foods Inc.; (3) *canned goods*, from Gorham, N.Y., to points in the United States (except Alaska and Hawaii); and (4) *materials, supplies and equipment* used in the manufacture or distribution of canned goods, from points in the United States (except Alaska and Hawaii) to Gorham, N.Y., in (3) and (4) above under a contract with Lohmann Foods, Inc.

NOTE.—Applicant states that MC-135124 Sub 1 may duplicate the requested authority, and will, therefore, submit that portion of the Sub 1 Certificate for revocation if the instant authority is granted. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 136640 (Sub-No. 4) (AMENDMENT), filed June 19, 1973, published in the FEDERAL REGISTER issue of August 9, 1973, and republished in part as amended, this issue. Applicant: ROBERT L. ALLEN, doing business as R. ALLEN TRANSPORT, P.O. Box 321, Pocomoke

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City, Md. 21851. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen onion rings*, made from diced, fresh onions, when moving in mixed shipments with agricultural commodities otherwise exempt from economic regulations under section 203 (b)(6) of the Act, from Boston, Mass., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Michigan, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia, and part (2) of the application will remain the same as previously published.

NOTE.—The purpose of this republication is to reflect the addition of 14 distination states to be served under part (1) of the notice. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 136987 (Sub-No. 5), filed July 11, 1973. Applicant: REMINGTON FREIGHT LINES, INC., 604 North Main Street, Remington, Ind. 47977. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds, pots scourers, steel or plastic, with or without soap, and steel wool*, from London, Ohio, to points in Illinois, Maryland, New Jersey, New York, Connecticut, Pennsylvania, and Massachusetts; Salem, Va., and St. Louis, Mo. under contract with Purex Corporation, Ltd., St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 138039 (Sub-No. 2), filed June 14, 1973. Applicant: BAY DELIVERY CORP., 105 Price Parkway, Farmingdale, N.Y. 11735. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in or used by wholesale, retail and chain juvenile toy, sporting good and discount houses; (1) between Farmingdale, N.Y., on the one hand, and, on the other, points in Bergen, Burlington, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Sommerset, Sussex, Union and Warren Counties, N.J., and Fairfield County, Conn.; and (2) between points in Fairfield County, Conn., Bergen, Burlington, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J.; and points in Nassau, Suffolk, Westchester, and Rockland Counties, under continuing contract with Greenman Brothers, Inc., of Farmingdale, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138679 (Sub-No. 1), filed June 29, 1973. Applicant DENNIS BRATSCH, doing business as BRATSCH TRUCKING, Route I, Olivia, Minn. 56277. Applicant's representative: F. H. Kroeger, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*. from Milwaukee, Wis., to Olivia, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 138741 (Sub-No. 2), filed July 9, 1973. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, Suite 910, Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Building and construction materials and supplies, and commodities* used in the manufacture, distribution and shipping thereof, between the plantsite and warehouse facilities of The Celotex Corporation located at or near Wilmington, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin.

NOTE.—Applicant holds contract carrier authority MC 107129 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 138766 (Sub-No. 2), filed May 30, 1973. Applicant: THOMAS JOHNSON, doing business as: TEE JAY DELIVERY, 644 Chestnut Place, Secaucus, N.J. 07094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Knitwear*, (1) between the facilities of Lady Barbara at or near Carlstadt, N.J., on the one hand, and, on the other, New York, N.Y.; and (2) between the facilities of Vargish Knitwear at or near Carlstadt, N.J., on the one hand, and, on the other, New York, N.Y., under continuing contracts with Lady Barbara Knitting Mills, Inc. and Vargish Knitwear.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 138788 (Sub-No. 1), filed July 20, 1973. Applicant: DALLAS TRANSPORTATION CO., INC., 2001 Jeff Davis Avenue, Selma, Ala. 36701. Applicant's representative: J. Douglas Harris, Sr., 1110 Union Bank Bldg., Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by hardware stores, (1) from Birmingham, Ala., to the plantsite of Tissler Hardware at Selma, Ala.; (2) from Montgomery, Ala., to the plantsite of Tissler Hardware at Selma, Ala.; and (3) from the plantsite of Tissler Hardware at Selma, Ala., to points in Alabama, Crestview, Jay, Baker Hill and Walnut Hill, Fla., and State Line and Waynesboro, Miss.; restricted to shipments originating at or destined to the plantsite of Tissler Hardware Co., Inc., at Selma, Ala.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Montgomery of Birmingham, Ala., or Atlanta, Ga.

No. MC 138885 (Sub-No. 1), filed July 3, 1973. Applicant: BALDWIN LEASING COMPANY, INC., 801 Industrial Boulevard, Bay Minette, Ala. 36507. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the plantsite of Standard Furniture Mfg. Co., Inc., located at Bay Minette, Ala., to points in the United States (except Hawaii and Alaska); and (2) *new furniture, and equipment, materials and supplies* used in the manufacture and distribution of new furniture (except commodities in bulk), from points in the United States (except Hawaii and Alaska), to the plantsite of Standard Furniture Mfg. Co., Inc., under a continuing contract with Standard Furniture Mfg. Co., Inc. at Bay Minette, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Mobile or Montgomery, Ala.

No. MC 138921, filed July 11, 1973. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster, Shelbyville, Ind. 46176. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool and mineral wool products, insulating material, and insulated air duct*, from Shelbyville and Indianapolis, Ind., to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, under contract with Certain-Teed Products Corp.

NOTE.—Applicant also holds common carrier authority in MC 135052 and Subs 3, 4, 5, and 6 thereunder, therefore dual operation may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 138940, filed July 9, 1973. Applicant: COSMOPOLITAN CANINE CARRIERS, INC., 5 Brook Street, Darien, Conn. 06820. Applicant's representative: George R. Oleyer, 637 West Avenue, P.O. Box 206, Norwalk, Conn. 06852. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dogs and cats, containers* for such animals and *supplies and equipment* incidental to the transportation thereof, between points in the United States, including Alaska and Hawaii, restricted to tariff having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., Hartford, Conn., or Boston, Mass.

No. MC 138941, filed June 27, 1973. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1315 E. Seventh Street, Los Angeles, Calif. 90021. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from the plantsite and warehouse facilities of Mobil Chemical Company, Division Mobil Oil Corporation at or near (1) Macedon and Canandaigua, N.Y., to points in California, Texas, Kentucky, Tennessee, Louisiana, Arkansas, Oklahoma, Missouri, Arizona, and New Mexico, (2) Jacksonville, Ill., to points in Texas, Arkansas, Oklahoma, New Mexico, Arizona, California, and Colorado, and (3) Temple, Tex., to points in Arizona, New Mexico, and California, under contract with Mobil Chemical Company, Division Mobil Oil Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 138943, filed June 28, 1973. Applicant: DECORATORS FURNITURE DELIVERY AND WAREHOUSE CORP., 9125 Southwest 77th Avenue, Miami, Fla. 33156. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, and carpets*, having a prior movement by motor, rail or water carriers, from points in Broward and Dade Counties, Fla., to points in Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Miami, Fla.

MOTOR CARRIER OF PASSENGERS

No. MC 74 (Sub-No. 9), filed July 1, 1973. Applicant: VALLEY TRANSIT COMPANY, INC., P.O. Box 1870, Harlingen, Tex. 78550. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between the ports of entry on the International Boundary line between the United States and the Republic of Mexico located at or near Hidalgo, Tex., and San Antonio, Tex.: From the ports of entry on the International Boundary line between the United States and the Republic of Mexico located at or near Hidalgo, Tex., over U.S. Highway 281 to San Antonio and return over the same route, serving the intermediate points of McAllen and Edinburg, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harlingen, Brownsville, or McAllen, Tex.

MC 107638 (Sub-No. 2), filed July 11, 1973. Applicant: EVERGREEN TRAILS, INC., 1936 Westlake Avenue, Seattle, Wash. 98101. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing or pleasure tours, beginning and ending at points in King and Snohomish Counties, Wash., and extending to points in the United States, including Alaska (but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 138828, filed June 11, 1973. Applicant: MAPLEWOOD EQUIPMENT COMPANY, a Corporation, 419 Anderson Avenue, Fairview, N.J. 07022. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Passaic, N.J., and New York, N.Y., serving Clifton as an intermediate point: From the junction of Van Houton Avenue and River Road over River Road to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction Interstate Highway 495, thence over Interstate Highway 495 via the Lincoln Tunnel to New York, N.Y., and return over Interstate Highway 495 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction New Jersey Highway 21 (also known as the Freeway), thence over New Jersey Highway 21 to junction the exit ramp of Van Houton Avenue, thence over the exit ramp to Van Houton Avenue.

NOTE.—Common control may be involved. Applicant proposes to join the above route between Paterson, N.J., and New York, N.Y., to provide service to and from Passaic and points on such route between Passaic and Paterson including Paterson and New York, N.Y., with the authority to be acquired in MC-F-11644. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 138943, filed July 9, 1973. Applicant: JOHN H. WOLFF, doing business as AURORA EDUCATIONAL TOURS, 731 South Highland, Aurora, Ill. 60507. Applicant's representative: Patrick H. Smyth, Suite 1000, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Kane and Kendall Counties, Ill., and extending to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATION FOR FILING BROKERAGER LICENSES

No. MC 130205, filed June 25, 1973. Applicant: MAUPINTOUR, INCORPORATED, doing business as MAUPINTOUR, 900 Massachusetts Street, Lawrence, Kans. 66044. Applicant's representative: John W. Lungstrum, 502 1st National Bank Tower, Lawrence, Kans. 66044. Authority sought to engage in operation, in interstate or foreign commerce as a *broker* at Lawrence and Topeka, Kans.; and Kansas City, Mo., to sell or offer to sell the transportation of *groups of passengers and their baggage* in roundtrip pleasure and sightseeing tours in passenger vehicles, in special and charter operations, from points in Kansas and points in Jackson, Clay, and Platte Counties, Mo., to points in the United States (including Alaska but excluding Hawaii) and points of entry on the international boundary lines.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lawrence, Topeka, or Kansas City, Kans., or Kansas City, Mo.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.73-17757 Filed 8-22-73;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

AIR PROGRAMS

Approval and Promulgation of Compliance Schedules

No. 163—Pt. II——1

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval and Promulgation of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations in 40 CFR Part 51, require each State to submit plans which provide for the implementation, maintenance, and enforcement of national ambient air quality standards throughout the State. These implementation plans are required to contain compliance schedules meeting the requirements of § 51.15, including the requirement that any compliance schedule extending over a period of more than 1 year and extending beyond January 31, 1974, contain legally enforceable increments of progress (37 FR 26310, December 9, 1972). A compliance schedule consists of dates by which specified actions are to be taken by an air pollution source toward meeting applicable emission limiting regulations.

Pursuant to § 51.15(a)(2), States were required to submit compliance schedules including increments of progress by no later than February 15, 1973. The Clean Air Act provides for a period of 4 months for review and approval or disapproval by the Administrator of any submission by a State of any portion of an implementation plan. If the Administrator disapproves a portion of an implementation plan, the Administrator is directed to promptly prepare and propose a substitute portion.

On June 20, 1973, the Administrator published approvals and disapprovals of compliance schedules submitted by the States (38 FR 16144). At the same time, he proposed substitute compliance schedules where the State submissions did not fully satisfy the requirements of § 51.15 (38 FR 16171). After a review of all relevant comments on the proposed compliance schedules, those submitted in writing as well as testimony at public hearings, the final regulations, with modifications based on the comments, are promulgated below.

Much of the comment on the proposed regulations related to the schedules applicable to fuel-burning sources of sulfur oxides emissions. There was conflicting testimony as to the availability of control equipment and the possibilities of meeting the regulations in all States by the final compliance dates, generally mid-1975. While these concerns are recognized by this agency, no major changes have been made to the proposed regulations for the following reasons.

In these regulations, the Administrator is authorized only to promulgate incremental steps towards final compliance where State regulations did not contain such steps. Under section 110 of the Act, the Administrator may not on his own initiative change an emission limiting regulation, either as to the limitation prescribed or the final compliance date, if such regulation is adequate for attainment and maintenance of the national ambient air quality standards. Thus, as a legal matter, the Administrator cannot delay final compliance dates as some companies requested merely because compliance by the date specified in the State regulations presents a hardship.

However, it is apparent that there is not enough low sulfur coal and stack gas cleaning equipment available to meet the regulations in all areas of all States in 1975. In recognition of this, the Administrator, on December 18, 1972, in a letter to the governors of the States in the areas where this fuels deficit exists, recommended that the States consider deferral of the effective dates of regulations affecting coal-burning sources of sulfur oxides where such deferral can be made without affecting attainment of the primary standards by the date required by the Act. Analysis shows that if this is done, adequate fuels and control equipment will be available for meeting all regulations necessary for attainment of the national primary ambient air quality standards by mid-1975, or mid-1977 where two-year extensions have been granted.

States are encouraged again to consider the alternatives available to them within the framework of the Clean Air Act. Modification of unnecessarily restrictive emission regulations, relaxation of final compliance dates for sources which need not be controlled to meet the primary standards, and requests for postponements under section 110(f) are all mechanisms to alleviate the short-term fuels problem. Any State needing further information on this subject is urged to contact this agency through the appropriate Regional Office.

Some changes were made in the sulfur oxides compliance schedules, however. The language "any facility" was changed to any "boiler or furnace" for greater clarity. In response to comments, some additional time was allowed for submission of plans for any boiler modifications and for the contracting for such modifications; the final compliance date is not affected, however.

One question of significance with respect to the proposed sulfur oxides schedule was the minimum length of the contract for fuels required. While each company affected obviously has to comply with the emission limitations as long as they remain applicable, it is recognized that a fuels contract will be for some finite period of time. It has been determined that one year is a reasonable period of time to specify as a minimum length of a contract, i.e., the contract must be sufficient to guarantee that the source will have available substantially all the low sulfur fuel necessary to enable compliance with the applicable regulation for at least one year past the final compliance date. The term "substantially" is used in recognition of the fact that while it is reasonable to require a substantial commitment by a company towards insuring at this time that it will have an adequate supply of low sulfur fuel when it is required, some flexibility should be allowed to companies to contract for the minimum reasonable projection of fuel needs and to supplement it later, as necessary, through spot orders.

In a few instances, States have revised or are expected to revise the State regulations which are presently part of the implementation plan. In these instances, noted specifically in the summary below, additional time has been allowed for meeting the first increment to allow the State to make the necessary changes to the applicable implementation plan before sources need to take any action based on the present plan. It should be noted, however, that until the State revises the implementation plan in accordance with 40 CFR 51.6, the regulation in the present plan remains in effect and enforceable as part of the plan, and sources will be required to comply with the promulgated schedule until it is revoked.

Various changes were made to schedules proposed for other classes of sources in certain States. Major changes, indicated by State, are as follows.

In Rhode Island, an opinion issued by the State attorney general now indicates that the compliance schedules submitted for the cities of Providence, Pawtucket, and Newport are legally enforceable. The agency concurs in this opinion. Since the only reason for their prior disapproval by the Administrator was the question of legal enforceability, these schedules are now being approved. No acceptable schedule for the city of Woonsocket has been submitted, however, and so the proposed schedule is being promulgated for Woonsocket at this time.

The schedule for coke ovens in New York has been modified slightly to change the final compliance date from October 31, 1974 to December 31, 1974. Testimony at the hearing indicated that even this date may be unrealistic but that is the date in the State regulation and, as indicated earlier, EPA cannot unilaterally change a final compliance date to extend it past the date approved in the implementation plan.

In West Virginia, the schedule has been modified to clarify that the recommended percentage fuel levels in section 9.02 of Regulation X are inapplicable to sections 3.01 and 3.03 of the regulation. In addition, the date for election between the alternative methods to be used to meet the 1978 requirements has been delayed to July 31, 1975, since the proposed date of September 15, 1973 required an election much earlier than was reasonably necessary. In addition, four sources for which a request for a one-year postponement has been submitted by the Governor pursuant to section 110(f) of the Act have been exempted from the sulfur oxides compliance schedule pending a decision on the approval of the request. At that time, an appropriate compliance schedule will be established.

Preliminary data indicates that air quality in the State of Maryland may already be better than the national secondary sulfur oxides standards. However, additional data is required to establish this with sufficient certainty to allow for a revision of the State regulation. To prevent the requiring of possibly unnecessary commitments by sources in the State before this issue is resolved, the first incremental date in the Maryland schedule has been delayed until January 1, 1974. Suggestions that no schedule be promulgated at this time were rejected as being incompatible with the Administrator's obligation to establish compliance schedules for all regulations presently in the plan for which increments of progress are required and for which the State has not submitted approval compliance schedules.

Since the proposal of the compliance schedule for Kentucky, the United States Court of Appeals for the Sixth Circuit, in the case of Buckeye Power, Inc., et al. v. Environmental Protection Agency (No. 72-1628), vacated the Administrator's approval of the Kentucky implementation plan. Although the Administrator has petitioned for a rehearing in this case, promulgation of the proposed schedule for Kentucky would not be appropriate in light of this decision and further action on the Kentucky plan is being deferred.

The State of Florida has submitted compliance schedules for some, but not all, sources for which they are required. Many of these schedules may be approvable and approval of such schedules will be promulgated shortly. Since schedules have not been submitted for all sources, and EPA has not completed its review of the schedules submitted, the proposed schedules are being promulgated. Under the terms of the Federal compliance schedules, they are inapplicable to any source for which the Administrator has approved a State schedule.

The Tennessee proposal of May 10, 1973 (38 FR 12238) covered fuel-burning particulate sources, incinerators, sulfuric acid plants, and fuel-burning sulfur oxides sources. A revised State regulation (Chapter IX, Section 5 of the Tennessee air pollution control regulations) establishing acceptable increments of progress for the first three of these categories has been submitted and is approved by the Administrator in the regulations set forth below. Therefore, the Administrator is promulgating a schedule only for the State sulfur oxides regulation. In recognition of the fact that the State has repealed the sulfur oxides regulation presently in the applicable implementation plan and adopted a substitute regulation, the date for the first increment has been delayed until January 1, 1974, to allow time for the Administrator to complete his review of the revised regulation to determine its approvability as a plan revision. As to compliance schedules for local regulations, they are being promulgated essentially as proposed with certain corrections, most significantly a change in the final compliance date from July 1, 1975 to July 1, 1974 in Hamilton County to reflect the proper date in the approved local regulations.

In South Carolina, the sulfur oxides compliance schedule as proposed for sources outside the Charleston Intrastate Air Quality Control Region had a final compliance date of July 31, 1975, although the State regulation had a final compliance date of July 1, 1977. This was necessary for certain air quality control regions because the plan implied that the regulation was necessary for attainment of the secondary standards and the attainment date for secondary standards in those regions is July, 1975. State officials have now presented data indicating that the regulation may not be necessary for attainment of the secondary standards outside the Charleston Air Quality Control Region and that sources outside that region can therefore be allowed the full period under the State regulation. To permit the State to make necessary changes in the implementation plan before sources must submit control plans based upon the 1975 date, the date for the first requirement under the Federal schedule has been set back to January 1, 1974. In addition, for those regions where the original plan shows that air quality levels are presently below the secondary standards, the use of the July, 1975, date was in error since there is no attainment date limiting the final compliance date. Therefore, the July 1, 1977, date has been used in the promulgated regulation instead. Finally, the final compliance date for the regulation applicable to asphalt batch plants has also been changed to 1977 to properly reflect the final compliance date in the State regulation and the State's intent in submitting this regulation for purposes of maintenance of the standards only.

The proposed regulation for hydrocarbons in Wisconsin did not specifically recognize that one of the methods for meeting the requirements, and the one that testimony at the hearing seems to indicate is the option most sources will elect, is the switching of solvents. Therefore, the schedule as it is being promulgated today requires the source to notify the Administrator of his election to meet the regulations through either installation of control equipment or solvent switching and establishes a compliance schedule for each option.

The compliance schedule being promulgated for Colorado reflects the regulation which is presently part of the State's implementation plan for attainment and maintenance of the national secondary ambient air quality standards for sulfur oxides. However, the State has now promulgated a revised sulfur oxides regulation with a final compliance date of January 1, 1978 instead of January 1, 1975. The date for the first increment in the compliance schedule has been set back to January 1, 1974 to allow the State to formally revise the implementation plan requirements before any source is compelled to take any action based upon the 1975 date presently in the plan.

The Administrator proposed schedules for sources in Oregon in the following categories: Kraft pulp mill recovery furnaces, Kraft pulp mill lime kilns, sulfite pulp mills, primary aluminum plants, ferronickel plants, and gasoline tanks. The State has now submitted an acceptable compliance schedule for ferronickel plants and this schedule is being approved and the Federal proposal withdrawn. No schedules were submitted by the State for the regulations for primary aluminum plants and gasoline tanks. The regulation relating to gasoline tanks was not submitted as part of the State's implementation plan and, therefore, no compliance schedule is being promulgated for sources subject to that regulation. The schedule for primary aluminum plants is being promulgated essentially as proposed.

Permits submitted by the State of Oregon for sulfite and Kraft mills may adequately regulate some, but not all, point sources for which compliance schedules are required. In some instances, where the State has communicated to EPA its belief that a point source within a mill is in compliance with the applicable emission regulation, the permit in fact does not contain a requirement for immediate compliance by that point source, and thus does not satisfy the requirements of 40 CFR § 15.15. To meet the statutory deadline, EPA is today promulgating regulations broad enough to cover all point sources within the mill. It is expected that changes to the regulations promulgated below will be made following additional evaluation.

In Washington, regulations relating to combustion and incineration sources, general process sources and sources of sulfur oxides have been determined not to be part of the implementation plan and therefore no compliance schedule is being promulgated for sources subject to those regulations. Approvable compliance schedules have now been received for Kraft pulp mill recovery furnaces, Kraft pulp mill lime kilns, sulfite pulp mills and primary aluminum plants and these State schedules are being approved and the Federal proposal withdrawn. Prior disapprovals for schedules which have now been corrected are being revoked.

The State of Idaho has submitted an approvable compliance schedule for Kraft pulp mill lime kilns thereby obviating the need for a Federal compliance schedule for this source category. Schedules have not been submitted for all Kraft pulp mill recovery furnaces and sulfuric acid plants. The Federal compliance schedules are being promulgated substantially as proposed and are applicable to all sources for which no State schedule has been approved.

Based upon the testimony at the public hearing, certain modifications have been made to the proposed schedule for pulp mills in Alaska which utilize a recovery system to control particulate emissions. An additional four months has been allowed to complete testing of a new control system before a final control plan is required to be submitted. In addition, because of the submission of certain acceptable State schedules and the general applicability of the schedule being promulgated for industrial process and fuel-burning equipment, no separate schedule for wood-waste burners is being

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promulgated. Other compliance schedules proposed for Alaska are being promulgated as proposed.

In addition, compliance schedules for the States of New Hampshire, the District of Columbia, Illinois, and Michigan, are being promulgated without significant changes, although there are some clarifications, corrections, and minor changes to the dates as they were proposed for certain increments, based upon comments received.

A more detailed analysis of comments and an explanation of the changes made to the proposals, as well as copies of all written comments received and transcripts of the public hearings held, are available for public inspection during normal business hours at the appropriate Regional Office.

Addresses of the Regional Offices, and the States covered by these regulations in each Region, are as follows:

Region	Address	States covered by regulation
I	JFK Federal Bldg., Boston, Mass. 02203.	New Hampshire and Rhode Island.
II	26 Federal Plaza, New York, N.Y. 10007.	New York.
III	6th and Walnut Sts., Curtis Bldg., Philadelphia, Pa. 19106.	District of Columbia, Maryland, and West Virginia.
IV	1421 Peachtree St. NE., Atlanta, Ga. 30309.	Florida, South Carolina, and Tennessee.
V	1 North Wacker Dr., Chicago, Ill. 60606.	Illinois, Wisconsin, and Michigan.
VIII	Lincoln Tower, 1860 Lincoln St., Denver, Colo. 80203.	Colorado.
X	1200 Sixth Ave., Seattle, Wash. 98101.	Alaska, Oregon, Idaho, and Washington.

Promulgation of these compliance schedules does not affect the ability of States to develop schedules for any or all sources covered by the schedules promulgated herein and States are encouraged to do so. Any schedule submitted by the State and approved by the Administrator will supersede the Federal schedule for the affected source or sources.

These regulations are effective September 24, 1973.

(42 U.S.C. 1857c-5)

Dated August 15, 1973.

JOHN QUARLES,
Acting Administrator.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Alaska

1. In § 52.70, paragraph (c) is revised to read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) June 22, 1972, and

(2) August 2, 1973, by the State of Alaska Department of Environmental Conservation.

2. In § 52.84, paragraph (b) is revised and paragraphs (c) and (d) are added as follows:

§ 52.84 Compliance schedules.

* * * * *

(b) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the Alaska Administrative Code, Title 18, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance
Golden Valley Electric Association, Inc.	Fairbanks	18AAC 50.030 50.040 50.050 50.120	June 18, 1973	Immediately	July 1, 1975
Municipal Utilities System	do	18AAC 50.030 50.040 50.050 50.120	do	do	Do.
University of Alaska	College	18AAC 50.030 50.040 50.050 50.120	do	do	Do.

(c) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the Alaska Administrative Code, Title 18, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption
Alaska Lumber & Pulp Co.	Sitka	18AAC 50.060(a)(1) (2)	June 18, 1973
Ketchikan Pulp Co.	Ketchikan	do	Do.

(d) *Federal compliance schedules.* (1) Except as provided in subparagraph (9) of this paragraph, the owner or operator of any incinerator subject to the following emission-limiting regulation shall comply with the compliance schedule in subparagraph (2) of this paragraph: Alaska Administrative Code, Title 18, § 50.040 (appendix 1, section III of the Alaska Implementation Plan).

(2) Compliance schedule for incinerators, defined as any furnace used in the process of burning solid waste for the primary purpose of reducing the volume of the waste by removing combustible matter:

(i) Within 30 days' after promulgation of the compliance schedule, submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) October 29, 1973—Negotiate and sign all necessary contracts for emission-control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) August 5, 1974—Complete on-site construction or installation of emission-control equipment or process modification.

(iv) September 2, 1974—Achieve compliance with applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by September 2, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Within five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(3) Except as provided in subparagraph (9) of this paragraph, the owner or operator of any pulp mill subject to the following emission-limiting regulation and permit regulation in the Alaska Implementation Plan shall comply with the applicable compliance schedule in subparagraph (4), (5), or (6) of this paragraph; Alaska Administrative Code, Title 18, § 50.060(a)(1) (Sulfur oxides) and (2) (Particulate matter), § 50.120(a) (permits) (appendix III, 1 of the Alaska Implementation Plan).

(4) Any owner or operator of a recovery system or other source within a pulpmill subject to the sulfur oxide emission limitation of subparagraph (3) who elects to utilize a process modification not requiring installation of additional control equipment shall be subject to the following compliance schedule:

(i) October 1, 1973—Notify the Administrator of the intent to utilize a process modification.

(ii) November 30, 1973—Negotiate contract for achieving desired modification.

(iii) July 1, 1974—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(iv) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(5) Any owner or operator of a recovery system or other source within a pulp mill subject to the sulfur oxide emission limitation of subparagraph (3) who elects to utilize a control system requiring installation of additional control

equipment shall be subject to the following compliance schedule:

(i) October 1, 1973—Submit to the Administrator a final control plan which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) January 20, 1974—Negotiate and sign all necessary contracts for emission-control systems, or issue orders for the purchase of component parts to accomplish emission control.

(iii) December 31, 1974—Complete on-site construction or installation of emission control equipment.

(iv) July 1, 1975—Achieve compliance with the applicable regulations.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments in subdivisions (ii), (iii), and (iv) in this subparagraph, certify to the Administrator whether the increment has been met.

(6) Compliance schedule for recovery system particulate matter emissions:

(i) January 1, 1974—Submit to the Administrator a final control plan which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) March 1, 1974—Negotiate and sign all necessary contracts for emission-control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) April 1, 1975—Complete onsite construction or installation of emission-control equipment or process modification.

(iv) July 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Within five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(7) Except as provided in subparagraph (9) of this paragraph, the owner or operator of any industrial process or fuel-burning equipment subject to the following emission-limiting regulation and permit regulation in the Alaska Implementation Plan shall comply with the compliance schedule in subparagraph (8) of this paragraph: Alaska Administrative Code, Title 18, § 50.050 (industrial processes and fuel-burning equipment) and § 50.120 (a) and (e) (permits), (appendix, section III, 1 of the Alaska Implementation Plan).

(8) Compliance schedule for industrial process for fuel-burning equipment:

(i) Within 30 days after promulgation of the compliance schedule submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 18, 1973—Negotiate and sign all necessary contracts for emission-control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) May 31, 1975—Complete onsite construction or installation of emission-control equipment or process modification.

(iv) July 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Within five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(9) (i) The requirements of subparagraphs (1) through (8) of this paragraph shall not apply to any source which is presently in compliance with the applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule above may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final date of compliance in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(10) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart G—Colorado

3. Section 52.327 is amended by adding a new paragraph (b), as follows:

§ 52.327 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.*

(1) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of Regulation 1, III.B.3., shall notify the Administrator, no later than January 1, 1974, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulation.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects low-sulfur fuel shall be subject to the following compliance schedule:

(i) January 31, 1974—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Regulation 1, III.B.3 on January 1, 1975, and for at least one year thereafter.

(ii) March 31, 1974—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) April 30, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) May 31, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) December 1, 1974—Complete on-site modifications, if applicable.

(vi) January 1, 1975—Final compliance with the low-sulfur fuel requirements of Regulation 1, III.B.3.

(3) Any owner or operator of a stationary source subject to paragraph (1) of this section who elects to utilize stack gas desulfurization or any owner or operator of a stationary source subject to subparagraph (2) of this paragraph shall be subject to the following compliance schedule:

(i) January 31, 1974—Let necessary contracts for construction.

(ii) March 31, 1974—Initiate onsite construction.

(iii) December 1, 1974—Complete construction.

(iv) January 1, 1975—Final compliance with the requirements of Regulation 1, III.B.3.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by January 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(4) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule, whether or not the increment has been met.

(5) (i) The requirements of subparagraphs (1) through (4) of this paragraph shall not apply to any source which is presently in compliance with the requirements of Regulation 1, III.B.3 and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

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(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule above may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after January 1, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart J—District of Columbia

4. Section 52.476 is amended by adding a new paragraph (b), as follows:

§ 52.476 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.*—(1) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of section 8-2:705 of the Air Quality Control Regulations of the District of Columbia shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulation.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects low-sulfur fuel and the owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of section 8-2:704 of the Air Quality Control Regulations of the District of Columbia shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with sections 8-2:704 and 8-2:705 of the Air Quality Control Regulations of the District of Columbia on July 1, 1975, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) May 15, 1974—Initiate onsite construction, if applicable.

(vi) March 1, 1975—Complete onsite construction, if applicable.

(vii) July 1, 1975—Final compliance with the low-sulfur fuel requirements of either section 8-2:704 or section 8-2:705 of the Air Quality Control Regulations of the District of Columbia.

(3) Any owner or operator of a stationary source subject to subparagraph (2) of this paragraph who elects stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Let necessary contracts for construction.

(ii) March 1, 1974—Initiate onsite construction.

(iii) March 1, 1975—Complete onsite construction.

(iv) July 1, 1975—Final compliance with the requirements of section 8-2:705 of the Air Quality Control Regulations of the District of Columbia.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(4) Any owner or operator subject to the compliance schedule in either subparagraph (2) or (3) of this paragraph shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(5) (i) The requirements of subparagraphs (1) through (4) of this paragraph shall not apply to any source which is presently in compliance with the requirements of section 8-2:704 or section 8-2:705 of the Air Quality Control Regulations of the District of Columbia and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to the compliance schedule in either subparagraph (2) or (3) of this paragraph may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after July 1, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirement of this paragraph for the affected source.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (2) or (3) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart K—Florida

5. In § 52.520 paragraph (c) is revised as follows:

§ 52.520 Identification of plan.

* * * * *

(c) Supplemental information was submitted on April 10 and May 5, 1972, and on June 1 and August 6, 1973, by the State of Florida Department of Pollution Control.

6. Section 52.524 is amended by adding a new paragraph (b), as follows:

§ 52.524 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.*—(1) Except as provided in subparagraph (6) of this paragraph, the owner or operator of any stationary source subject to the following emission limiting regulations in the Florida implementation plan shall comply with the compliance schedule in subparagraph (2) of this paragraph: Rules of the State of Florida, Department of Pollution Control, Air Pollution, subsections 17-2.04 (2); 17-2.04(3); 17-204(6)(a); 17-204 (6)(b); 17-2.04(6)(d); 17-2.04(6)(e) 2.a; 17-2.04(6)(e)3.b; 17-2.04(6)(f); and 17-2.04(6)(h).

(2) Compliance schedule.

(i) November 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) January 1, 1974—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) February 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1975—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(vi) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Five days after the deadline for completing increments (ii) through (iv) in this subparagraph, certify to the Administrator whether the increment has been met.

(3) Except as provided in subparagraph (6) of this paragraph, the owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of Rules of the State of Florida, Department of Pollution Control, Air Pollution, subsections 17-2.04(6)(e)2.c. and d. contained as part of the Florida Implementation Plan shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(4) Any owner or operator of a stationary source subject to subparagraph (3) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on July 1, 1975, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) June 15, 1974—Initiate onsite modifications, if applicable.

(vi) March 31, 1975—Complete onsite modifications, if applicable.

(vii) July 1, 1975—Achieve compliance with the requirements of Florida Air Pollution Rules subsections 17-2.04 (6)(e)2. c. and d. and certify such compliance to the Administrator.

(viii) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(ix) Five days after the deadline for completing increments (ii) through (vi) of this subparagraph, certify to the Administrator whether the increment has been met.

(5) Any owner or operator subject to subparagraph (3) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the compliance schedule in subparagraph (2) of this paragraph.

(6) (i) None of the above subparagraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(7) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (2) or (4) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart N—Idaho

7. In § 52.670, paragraph (c) is revised to read as follows:

§ 52.670 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 23 and April 12, 1972, by the Idaho Air Pollution Control Commission and

(2) March 2, May 5, and June 9, 1972, and February 15, and July 23, 1973.

8. Section 52.677 is revised to read as follows:

§ 52.677 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since the compliance schedules for the control of sulfur oxides from smelters are not legally enforceable. In addition, the requirements of § 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for sulfuric acid plants and Kraft pulp mill recovery furnaces.

(b) The compliance schedule for the source identified below is approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the "Rules and Regulations for the Control of Air Pollution in Idaho."

Source	Location	Regulation Involved	Date of Adoption	Effective Date	Final Compliance
Potlatch Forest, Inc.[1]	Lewiston	Reg. O, Sec. 3 F	June 28, 1973	Immediately	Jan. 1, 1974

[1] Compliance schedules for the recovery furnaces are disapproved and promulgated in (c) and (d) respectively, below.

(c) The compliance schedule for the source identified below is disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the "Rules and Regulations for the Control of Air Pollution in Idaho."

Source	Location	Regulation Involved	Date of Adoption
Potlatch Forest, Inc.[2]	Lewiston	Reg. O, Sec. 3 E.	June 28, 1973

[2] The compliance schedule for lime kilns is approved in (b) above.

(d) *Federal compliance schedules.*

(1) Except as provided in subparagraph (5) of this paragraph, the owner or operator of any Kraft pulp mill subject to the following emission limiting regulation in the Idaho Implementation Plan shall comply with the compliance schedule in subparagraph (2) of this paragraph: "Rules and Regulations for the Control of Air Pollution in Idaho," regulation O, section 3, subsection E (chapter VII of the Idaho implementation plan).

(2) Compliance schedule for recovery furnaces.

(i) January 1, 1974—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(ii) If a performance test is determined necessary by the Administrator to certify compliance, such a test must be completed by January 15, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(3) Except as provided in subparagraph (5) of this paragraph, the owner or operator of any sulfuric acid plant subject to the following emission limiting regulation in the Idaho implementation plan shall comply with the compliance schedule in subparagraph (4) of this paragraph: "Rules and Regulations for the Control of Air Pollution in Idaho," regulation R, section 2, subsection A (chapter VII of the Idaho implementation plan).

(4) Compliance schedule for sulfuric acid plants.

(i) January 1, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) April 1, 1974—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) June 1, 1975—Complete on-site construction or installation of emission control equipment or process modification.

(iv) July 31, 1975—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 31, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Within five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(5) (i) The requirements of subparagraphs (1) through (4) of this paragraph shall not apply to any source which is presently in compliance with the applicable regulation and which has certified such compliance to the Adminis-

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trator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule above may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of §§ 51.15(b) and (c) of this chapter.

Subpart O—Illinois

9. Section 52.730 is amended by adding a new paragraph (b), as follows:

§ 52.730 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.*—(1) Except as provided in subparagraph (3) of this paragraph, the owner or operator of any stationary source subject to the following emission limiting regulations in the Illinois implementation plan shall comply with the applicable compliance schedule in subparagraph (2) of this paragraph: Illinois Air Pollution Control Regulations Rule 203 (d)(4), 203(d)(6)(B)(ii)(bb), 203(g)(1)(B), 203(g)(2), 203(g)(3), 203(g)(4), 204(c)(1)(A), 204(c)(2), 204(d), and 204(e).

(2) *Compliance schedules.*—(i) The owner or operator of any stationary source subject to Illinois Air Pollution Control Regulation Rule 203(d)(4) shall take the following actions with respect to the source no later than the date specified.

(*a*) September 30, 1973—Advertise for bids for purchase and construction or installation of equipment, or for materials requisite for process modification sufficient to control particulate emissions from the source.

(*b*) November 15, 1973—Award contracts for emission control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(*c*) May 31, 1974—Initiate onsite construction or installation of emission control system or process modification.

(*d*) March 31, 1975—Complete onsite construction or installation of emission system or process modification.

(*e*) May 31, 1975—Complete shakedown operation and performance test on source, submit performance test results to the Administrator; achieve full compliance with State agency regulation.

(ii) The owner or operator of any stationary source subject to Illinois Air Pollution Control Regulation Rule 203(d)(6)(B)(ii)(bb) shall take the following actions with respect to the source no later than the date specified.

(*a*) September 30, 1973—Advertise for bids for purchase and construction or for modification of equipment sufficient to control particulate emissions from the source.

(*b*) November 15, 1973—Award contracts for emissions control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(*c*) March 31, 1974—Initiate onsite construction or installation of emission control system.

(*d*) October 31, 1974—Complete onsite construction or installation of emission control system.

(*e*) December 31, 1974—Achieve final compliance with Illinois Air Pollution Control Regulations Rule 203(d)(6)(B)(ii)(bb).

(iii) (*a*) The owner or operator of any boiler or furnace of more than 250 million BTU per hour heat input subject to Illinois Air Pollution Control Regulation Rule 204(c)(1)(A), 204(c)(2), 204(d), and 204(e) shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to the requirements of said regulation.

(*b*) Any owner or operator of a stationary source subject to subparagraph (2)(iii)(*a*) of this paragraph who elects to utilize low sulfur fuel shall take the following actions with respect to the source no later than the date specified.

(*1*) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Illinois Air Pollution Control Regulations Rule 204(c)(1)(A), 204(c)(2), 204(d), and 204(e) on May 31, 1975, and for at least one year thereafter.

(*2*) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(*3*) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(*4*) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(*5*) June 15, 1974—Initiate onsite modifications, if applicable.

(*6*) March 31, 1975—Complete onsite modifications, if applicable.

(*7*) May 31, 1975—Final compliance with the emission limitation of Rules 204(c)(1)(A), 204(c)(2), 204(d), and 204(e).

(*c*) Any owner or operator of a fuel combustion source subject to subparagraph (2)(iii)(*a*) of this paragraph who elects to utilize stack gas desulfurization shall take the following actions with respect to the source no later than the date specified.

(*1*) November 1, 1973—Let necessary contracts for construction.

(*2*) March 31, 1974—Initiate onsite construction.

(*3*) March 31, 1975—Complete onsite construction.

(*4*) May 31, 1975—Complete shakedown operations and performance test on source, submit performance test results to the Administrator; achieve full compliance with Rule 204(c)(1)(A), 204(c)(2), 204(d), and 204(e).

(iv)(*a*) The owner or operator of any stationary source subject to Illinois Air Pollution Control Regulations Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4) shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low ash fuel or a stack gas cleaning system to meet the requirements of said regulation.

(*b*) Any owner or operator of a stationary source subject to subparagraph (2)(iv)(*a*) of this paragraph who elects to utilize low ash fuel shall take the following actions with respect to the source no later than the date specified.

(*1*) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Illinois Air Pollution Control Regulations Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4) on May 31, 1975, and for at least one year thereafter.

(*2*) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(*3*) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(*4*) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(*5*) June 15, 1974—Initiate onsite modifications, if applicable.

(*6*) March 31, 1975—Complete onsite modifications, if applicable.

(*7*) May 31, 1975—Final compliance with the emission limitation of Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4).

(*c*) Any owner or operator of a stationary source subject to subparagraph (2)(iv)(*a*) of this paragraph who elects to utilize a stack gas cleaning system shall take the following actions with respect to the source no later than the date specified.

(*1*) January 15, 1974—Let necessary contracts for construction.

(*2*) April 1, 1974—Initiate onsite construction.

(*3*) April 1, 1975—Complete onsite construction.

(*4*) May 31, 1975—Complete shakedown operations and performance tests on source, submit performance test results to the Administrator; achieve full compliance with Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4).

(v) Ten days prior to the conduct of any performance test required by this

paragraph, the owner or operator of the affected source shall give notice of such test to the Administrator to afford him the opportunity to have an observer present.

(vi) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule, whether or not the increment has been met.

(3)(i) The requirements of subparagraphs (1) and (2) of this paragraph shall not apply to any source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule above may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance date in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(4) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules in subparagraph (2) of this paragraph fail to satisfy the requirements of § 51.15(b) and (c) of this chapter.

Subpart V—Maryland

10. Section 52.1080 is amended by adding a new paragraph (b), as follows:

§ 52.1080 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.*—(1) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of regulation 10.03.36.04B(3) or 10.03.36.04D(1), 10.03.37.04B(3) or 10.03.37.04D(1), 10.03.38.04B(3) or 10.03.38.04D(1), 10.03.39.04B(3) or 10.03.39.04D(1), 10.03.40.04B(3) or 10.03.40.04D(1), or 10.03.41.04B(3) or 10.03.41.04D(1) of the Maryland State Department of Health and Mental Hygiene, whichever is applicable in the air quality control region in which the source is located, shall notify the Administrator, no later than January 1, 1974, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulation.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects low-sulfur fuel shall be subject to the following compliance schedule:

(i) January 31, 1974—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the requirement of subsection .04B(3) of the applicable Maryland regulation referred to in subparagraph (1) of this paragraph on July 1, 1975, and for at least one year thereafter.

(ii) March 31, 1974—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) April 30, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) May 31, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) October 31, 1974—Initiate onsite modifications, if applicable.

(vi) June 1, 1975—Complete onsite modifications, if applicable.

(vii) July 1, 1975—Final compliance with the low-sulfur fuel requirement of subsection .04B(3) of the applicable Maryland regulation referred to in subparagraph (1) of this paragraph.

(3) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize stack gas desulfurization, as specified in subsection .04D(1) of the applicable Maryland regulation referred to in subparagraph (1) of this paragraph, shall be subject to the following compliance schedule:

(i) February 28, 1974—Let necessary contracts for construction.

(ii) May 1, 1974—Initiate onsite construction.

(iii) April 1, 1975—Complete onsite construction.

(iv) July 1, 1975—Final compliance with the requirements of subsections .04B(3) or .04D(1) of the applicable Maryland regulations referred to in subparagraph (1) of this paragraph.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(4) Any owner or operator subject to the compliance schedule in either subparagraph (2) or (3) of this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(5)(i) The requirements of subparagraphs (1) through (4) of this paragraph shall not apply to any source which is presently in compliance with the requirements of subsections .04B(3) or .04D(1) of the Maryland regulations referred to in subparagraph (1) of this paragraph and which has certified such compliance to the Administrator no later than thirty days after the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to the compliance schedule in either subparagraph (2) or (3) of this paragraph may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after July 1, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirement of this paragraph for the affected source.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (2) or (3) of this paragraph fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

Subpart X—Michigan

11. Section 52.1175 is amended by adding a new paragraph (d), as follows:

§ 52.1175 Compliance schedules.

* * * * *

(d) *Federal compliance schedules.*—(1) Except as provided in subparagraph (3) of this paragraph, the owner or operator of any stationary source subject to the following emission-limiting regulations in the Michigan implementation plan shall comply with the applicable compliance schedule in subparagraph (2) of this paragraph: Air Pollution Control Commission, Department of Public Health, Michigan Rule 336.49.

(2) *Compliance schedules.*—(i) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to Rule 336.49 and located in the Central Michigan Intrastate AQCR, South Bend-Elkhart-Benton Harbor Interstate AQCR, or Upper Michigan Intrastate AQCR (as defined in Part 81 of this title) shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to comply with the limitations effective July 1, 1975, in Table 3 or Table 4 of Rule 336.49.

(ii) Any owner or operator of a stationary source subject to subparagraph (2)(i) of this paragraph who elects to utilize low-sulfur fuel shall take the following actions with respect to the source no later than the dates specified.

(*a*) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Table 3 of Rule 336.49 on July 1, 1975, and for at least one year thereafter.

(*b*) December 31, 1973—Sign contracts with fuel suppliers for projected fuel requirements.

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(c) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(d) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(e) June 15, 1974—Initiate onsite modifications, if applicable.

(f) March 31, 1975—Complete onsite modifications, if applicable.

(g) July 1, 1975—Achieve final compliance with the applicable July 1, 1975, sulfur-in-fuel limitation listed in Table 3 of Rule 336.49.

(iii) Any owner or operator of a stationary source subject to subparagraph (2)(i) of this paragraph who elects to utilize stack gas desulfurization shall take the following actions with respect to the source no later than the dates specified.

(a) November 1, 1973—Let necessary contracts for construction.

(b) March 1, 1974—Initiate onsite construction.

(c) March 31, 1975—Complete onsite construction.

(d) July 1, 1975—Achieve final compliance with the applicable July 1, 1975, emission limitation listed in Table 4 of Rule 336.49.

(e) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(iv) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to Rule 336.49 and located in the Central Michigan Intrastate AQCR, South Bend-Elkhart-Benton Harbor Interstate AQCR, or Upper Michigan Intrastate AQCR shall notify the Administrator, no later than January 31, 1974, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to comply with the limitation effective July 1, 1978, in Table 3 or Table 4 of Rule 336.49.

(v) Any owner or operator of a stationary source subject to subparagraph (2)(iv) of this paragraph who elects to utilize low-sulfur fuel shall take the following actions with respect to the source no later than the dates specified.

(a) October 15, 1976—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Table 3 of Rule 336.49 on July 1, 1978, and for at least one year thereafter.

(b) December 31, 1976—Sign contracts with fuel suppliers for projected fuel requirements.

(c) January 31, 1977—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(d) March 15, 1977—Let contracts for necessary boiler modifications, if applicable.

(e) June 15, 1977—Initiate onsite modifications, if applicable.

(f) March 31, 1978—Complete onsite modifications, if applicable.

(g) July 1, 1978—Achieve final compliance with the applicable July 1, 1978, sulfur-in-fuel limitation listed in Table 3 of Rule 336.49.

(vi) Any owner or operator of a stationary source subject to subparagraph (2)(iv) of this paragraph who elects to utilize stack gas desulfurization shall take the following actions with regard to the source no later than the dates specified.

(a) November 1, 1976—Let necessary contracts for construction.

(b) March 1, 1977—Initiate onsite construction.

(c) March 31, 1978—Complete onsite construction.

(d) July 1, 1978—Achieve final compliance with the applicable July 1, 1978, emission limitation listed in Table 4 of Rule 336.49.

(e) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1978. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule, whether or not the increment has been met.

(3)(i) The requirements of subparagraphs (1) and (2) of this paragraph shall not apply to any source which is presently in compliance with Table 3 or Table 4 of Rule 336.49 and which has certified compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in subparagraph (2) of this paragraph may submit to the Administrator by no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(4) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (2) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart EE—New Hampshire

12. Section 52.1524 is amended by adding a new paragraph (d), as follows:

§ 52.1524 Compliance schedules.

* * * * *

(d) *Federal compliance schedules.*—The compliance schedules for the sources identified below are promulgated herein in satisfaction of the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Effective date	Final compliance date
Brown Co.:				
(a) No. 11 Kraft recovery	Berlin, N.H.	15	Immediately	January 1973.
(b) No. 11 Kraft recovery	do	15	do	January 1974.
(c) No. 8 Kraft recovery boiler main stack	do	15	do	July 1974.
(d) No. 8 Kraft recovery smelt tank vent	do	15	do	December 1974.
(e) Heavy black liquor oxidation	do	15	do	June 1974.
(f) No. 1 lime kiln stack	do	15	do	January 1973.
(g) No. 2 lime kiln stack	do	15	do	December 1974.

Subpart HH—New York

13. Section 52.1677 is amended by adding a new paragraph (d) as follows:

§ 52.1677 Compliance schedules.

* * * * *

(d) *Federal compliance schedules.*—(1) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of §§ 225.3(c) and 230.2(c) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulation.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects low-sulfur fuel shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with sections 225.3(c) and 230.2(c) of the codes, rules, and regulations cited in subparagraph (1) of this paragraph on June 30, 1975, and October 1, 1975, respectively, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) June 15, 1974—Initiate onsite modifications, if applicable.

(vi) February 28, 1975—Complete onsite modifications, if applicable.

(vii)(a) June 30, 1975—Final compliance with the low-sulfur fuel requirements of section 225.3(c) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(b) October 1, 1975—Final compliance with the low-sulfur fuel requirements of section 230.2(c) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(3) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Let necessary contracts for construction.

(ii) March 31, 1974—Initiate onsite construction.

(iii) February 28, 1975—Complete onsite construction.

(iv)(a) June 30, 1975—Final compliance with the requirements of section 225.3(c) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(b) October 1, 1975—Final compliance with the requirements of section 230.2(c) of subchapter A, title 6 of New York State's official compilation of codes, rules, and regulations.

(v) If a performance test is necessary for a determination as to whether compliance with subpart (3)(iv)(a) or (b) has been achieved, such a test must be completed by June 30, 1975, or October 1, 1975, respectively. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(4) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirement of section 230.2(d) of subchapter A, chapter III, title 6 of the New York State's official compilation of codes, rules, and regulations shall notify the Administrator no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulation.

(5) Any owner or operator of a stationary source subject to subparagraph (4) of this paragraph who elects low-sulfur fuel shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with section 230.2(d) of the codes, rules, and regulations cited in subparagraph (4) of this paragraph on October 1, 1974, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) June 15, 1974—Initiate onsite modifications, if applicable.

(vi) September 3, 1974—Complete onsite modifications, if applicable.

(vii) October 1, 1974—Final compliance with the low-sulfur fuel requirements of section 230.2(d) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(6) Any owner or operator of a stationary source subject to subparagraph (5) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Let necessary contracts for construction.

(ii) December 31, 1973—Initiate onsite construction.

(iii) September 1, 1974—Complete onsite construction.

(iv) October 1, 1974—Final compliance with the requirements of section 230.2(d) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by October 1, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(7) The owner or operator of any petroleum refinery subject to the requirements of section 223.1(a) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations shall comply with the compliance schedule in subparagraph (8) of this paragraph.

(8) Any owner or operator of a petroleum refinery subject to subparagraph (7) of this paragraph shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit final control plan to the Administrator.

(ii) February 28, 1974—Let necessary contracts for construction or installation of emission control equipment.

(iii) June 30, 1974—Initiate onsite construction or installation of emission control equipment.

(iv) November 30, 1974—Complete onsite construction or installation of emission control equipment.

(v) December 31, 1974—Final compliance with the requirements of § 223.1 (a) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(9) The owner or operator of any coke oven battery subject to the requirements of part 214, sections 214.2 and 214.4, of subchapter A, chapter III, title 6 of the New York State's official compilation of codes, rules, and regulations for a facility with an environmental rating B as determined by part 212 of subchapter A, chapter III, title 6 of the New York State official compilation of codes, rules, and regulations, shall comply with the compliance schedule in subpargaraph (10) of this paragraph.

(10) Any owner or operator of a coke oven battery subject to subparagraph (9) of this paragraph shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit final control plan to the Administrator.

(ii) February 1, 1974—Let necessary contract for construction or installation of control equipment.

(iii) April 15, 1974—Initiate onsite construction or installation of control equipment.

(iv) November 30, 1974—Complete onsite construction or installation of control equipment.

(v) December 31, 1974—Final compliance with the requirements of part 214, sections 214.2 and 214.4, of the subchapter A, chapter III, title 6 of the New York State's official compilation of codes, rules, and regulations.

(11) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule, whether or not the increment has been met.

(12)(i) The requirements of subparagraphs (1) through (11) of this paragraph shall not apply to any source which is presently in compliance with the applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule above may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(13) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraphs (2), (3), (5), (6), (8), and (10) of this

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paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart MM—Oregon

14. In § 52.1970 paragraph (c) is revised to read as follows:

§ 52.1970 Identification of plan.

• • • • •

(c) Supplemental information was submitted on:

(1) May 3, and October 26, 1972, and February 9, April 13, May 30, June 8, June 22, June 25, July 17, and August 3, 1973.

15. Section 52.1975 is amended by adding new paragraphs (b) and (c), as follows:

§ 52.1975 Compliance schedules.

• • • • •

(b) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the Oregon Administrative Rules, Chapter 340, unless otherwise indicated.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Crown Zellerbach Corp.	Wauna	OAR 340 Sec 25-170	Aug. 2, 1972	Immediately	May 1, 1975
Georgia Pacific Corp.	Toledo	do	do	do	Jan. 1, 1975
Hanna Nickel Co.	Riddle	OAR 340 Sec 25-415	Jan. 26, 1973	do	July 1, 1974

(c) *Federal compliance schedules.*—(1) Except as provided in subparagraph (11) of this paragraph the owner or operator of any primary aluminum plant subject to the following emission limiting regulation in the Oregon implementation plan shall comply with the compliance schedule in subparagraph (2) of this paragraph: Oregon Administrative Rules, chapter 340, section 25-265 (app. 2-A of the Oregon Implementation Plan).

(2) Compliance schedule for primary aluminum plants:

(i) December 1, 1973—Submit to the Administrator a final control plan which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) January 31, 1974—Negotiate and sign all necessary contracts for emission control systems or process modifications or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) December 9, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(iv) January 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(3) Except as provided in subparagraph (11) of this paragraph, the owner or operator of any Kraft pulp mill subject to the following emission limiting regulation in the Oregon Implementation Plan shall comply with the compliance schedules in subparagraphs (2) and (3) of this paragraph: Oregon Administrative Rules, chapter 340, section 25-170 (2)(a) (recovery furnaces) and (b) (lime kilns) (app. 2-A of the Oregon Implementation Plan).

(4) Compliance schedule for recovery furnaces:

(i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 17, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) May 26, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(iv) July 1, 1975—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(5) Compliance schedule for lime kilns:

(i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) November 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) July 29, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(iv) August 26, 1974—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(6) Except as provided in subparagraph (11) of this paragraph, the owner or operator of any sulfite pulp mill subject to the following emission-limiting regulation in the Oregon Implementation Plan shall comply with the compliance schedule in subparagraph (5) and (6), as applicable, of this paragraph: Oregon Administrative Rules, chapter, 340, section 25-36 (app. 2-A of the Oregon Implementation Plan).

(7) Compliance schedule for sulfite mills of 110 tons or greater of air dried unbleached pulp per day:

(i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) November 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) May 20, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(iv) July 1, 1974—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(8) Compliance schedule for sulfite mills of less than 110 tons of air dried unbleached pulp per day:

(i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) February 1, 1974—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) August 1, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(iv) November 1, 1974—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(9) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by the final compliance date in the applicable compliance schedule. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(10) Within five days after the deadline for completing increments (ii) and (iii) in a compliance schedule above, certify to the Administrator whether the increment has been met.

(11)(i) The requirements of subparagraphs (1) through (10) of this paragraph shall not apply to any source which is presently in compliance with the applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule above may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(12) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart OO—Rhode Island

16. In § 52.2077, paragraph (b) is amended by deleting from the table of sources the Providence, Pawtucket, and Newport Municipal Incinerators, and by adding new paragraphs (c) and (d) as follows:

§ 52.2077 Compliance schedules.

• • • • •

(c) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Providence Municipal Incinerator	Providence	12.2.2(c)	Apr. 24, 1973	Immediately	Jan. 31 1974
Pawtucket Municipal Incinerator	Pawtucket	12.2.2(c)	do	do	May 31, 1975
Newport Municipal Incinerator	Newport	12.2.2(c)	do	do	Dec. 31, 1973

(d) *Federal compliance schedules.*—The compliance schedules for the sources identified below are promulgated herein in satisfaction of the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Effective date	Final compliance date
Woonsocket Municipal Incinerator	Woonsocket	12.2.2(c)	Immediately	May 31, 1975

Subpart PP—South Carolina

17. Section 52.2123 is amended by adding new lines to the table in paragraph (b), and by adding a new paragraph (c), as follows:

§ 52.2123 Compliance schedules.

• • • • • • •

(b) • • •

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Duke Power Co., Lee Plant Unit 1.	Anderson County, S.C.	S2A-I R4A-II	Jan. 12, 1973	Immediately	Dec. 31, 1973
E. I. Dupont de Nemours and Co., May Plant.	Camden, S.C.	S1A S2A-I R4A-III	Jan. 11, 1973	do	July 1, 1974
W. R. Grace and Co.	Charleston, S.C.	S5A-I R4A	Oct. 19, 1973	do	July 1, 1973
J. P. Stevens and Co., Inc., Victor Plant.	Greer, S.C.	S2A-I S2A-II R4A	Jan. 11, 1973	do	July 12, 1973
U.S. Atomic Energy Commission, Savannah River Plant, Area 400-D Units 1, 2, 3, and 4.	Aiken County, S.C.	S2A-I R4A-II	Jan. 24, 1973	do	July 1, 1974

(c) *Federal compliance schedules.*—(1) Except as provided in subparagraph (14) of this paragraph, the owner or operator of any stationary source subject to emission limiting regulations of the South Carolina Implementation Plan shall comply with the applicable compliance schedule in subparagraphs (2) through (11) of this paragraph.

(2) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of South Carolina standard 2A, section II B and C, and located in an AQCR listed at the end of this subparagraph, shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements. Camden-Sumter AQCR; Charleston Intrastate AQCR; Columbia Intrastate AQCR; Florence Intrastate AQCR; Georgetown Intrastate AQCR; Greenville-Spartanburg Intrastate AQCR; Greenwood Intrastate AQCR.

(3) Any owner or operator of a stationary source subject to subparagraph (2) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on July 1, 1977, and for at least one year thereafter, as well as a statement as to whether boiler modifications will be required. If so, final plans must be submitted for such modifications.

(ii) May 1, 1974—Sign contracts with fuel supplier for fuel requirements as projected above.

(iii) May 1, 1975—Let contracts for necessary boiler modifications, if applicable.

(iv) January 1, 1976—Initiate onsite modifications, if applicable.

(v) May 1, 1977—Complete onsite modifications, if applicable.

(vi) July 1, 1977—Achieve compliance with the requirements of South Carolina standard 2A, section II B and C, and certify such compliance to the Administrator.

(4) Any owner or operator of a stationary source subject to subparagraph (2) of this paragraph, who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a final control plan which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulation.

(ii) May 1, 1974—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) May 1, 1975—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1977—Complete onsite construction or installation of emission control equipment process modification.

(v) July 1, 1977—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(5) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of South Carolina standard 2A, section II B and C, and located in an AQCR listed at the end of this subparagraph, shall notify the Administrator, no later than January 1, 1974, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulations: Augusta-Aiken Interstate AQCR; Metropolitan Charlotte Interstate AQCR; Savannah-Beaufort Interstate AQCR.

(6) Any ower or operator of a stationary source subject to subparagraph (5) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) January 31, 1974—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on July 1, 1975, and for at least one year thereafter.

(ii) March 31, 1974—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) April 30, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) May 31, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) October 31, 1974—Initiate onsite modifications, if applicable.

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(vi) June 1, 1975—Complete onsite modifications, if applicable.

(vii) July 1, 1975—Achieve compliance with the requirements of South Carolina standard 2A, section II B and C, and certify such compliance to the Administrator.

(7) Any owner or operator of a stationary source subject to subparagraph (5) of this paragraph, who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) January 31, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) February 28, 1974—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) May 1, 1974—Initiate onsite construction of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(8) Compliance schedule for sources subject to standard 5A, section II of the air pollution regulations and standards for the State of South Carolina.

(i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue order for the purchase of component parts to accomplish emission control or process modification.

(iii) January 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 31, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(9) Any owner or operator of a stationary source subject to the requirements of standard 5A, sections I and VI B and C of the air pollution control regulations and standards for the State of South Carolina shall be subject to the compliance schedule in subparagraph (4) of this paragraph.

(10) Compliance schedule for primary and secondary metals plants subject to standard 5A, section VII of the air pollution control regulations and standards for the State of South Carolina:

(i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) January 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) March 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) May 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(11) Compliance schedule for sources subject to standard 2A, section I and standard 5A, sections III, IV, and V of the air pollution control regulations and standards for the State of South Carolina:

(i) September 15, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) November 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component part to accomplish emission control or process modification.

(iii) December 1, 1973—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) June 1, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1974—Achieve compliance with the applicable regulations and certify such compliance with the Administrator.

(12) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed on or before the final compliance dates listed in each subparagraph (2) through (11) of this paragraph. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(13) Five days after the deadline for completing increments (ii) through (v) in subparagraph (3), increments (ii) through (vi) in subparagraph (6), and increments (ii) through (iv) in subparagraphs (4), (7), (8), (10), and (11) of this paragraph, certification as to whether the increments were met shall be made to the Administrator.

(14) (i) None of the above subparagraphs shall apply to a source which is presently in compliance with the applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than thirty days after the effective date of this paragraph a proposed alternative compliance schedule. No such compliance schedule may provide final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(15) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart RR—Tennessee

18. Section 52.2220 is amended by adding a new paragraph (c)(4), as follows:

§ 52.2220 Identification of plan.

(see) • • •

• • • • • •

(4) June 27, 1973, from the Division of Air Pollution Control, Tennessee Department of Public Health.

19. Section 52.2223 is amended by adding new paragraphs (a) and (e), as follows:

§ 52.2223 Compliance schedules.

(a) *Federal compliance schedules—State program.*—(1) Except as provided in subparagraph (4) of this paragraph, the owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of Tennessee air pollution control regulation chapter VI, section 4.B.1, as contained in the Tennessee implementation plan, shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on July 1, 1975, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) May 31, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) October 31, 1974—Initiate onsite modifications, if applicable.

(vi) June 1, 1975—Complete onsite modifications, if applicable.

(vii) July 1, 1975—Achieve compliance with the requirements of Tennessee air pollution control regulations chapter VI, section 4.B.1, and certify compliance to the Administrator.

(viii) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed on or before July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(ix) Five days after the deadline for completing increments (ii) through (vi) in this subparagraph certification as to whether the increments were met shall be made to the Administrator.

(3) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) January 31, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) February 28, 1974—Negotiate and sign all necessary contracts for emission-control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) May 1, 1974—Initiate onsite construction or installation of emission-control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission-control equipment or process modification.

(v) July 1, 1975—Achieve compliance with the requirements of Tennessee air pollution control regulation chapter VI, section 4.B.1, and certify compliance to the Administrator.

(vi) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed on or before July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Five days after the deadline for completing increments (ii) through (iv) in this subparagraph, certification as to whether the increments were met shall be made to the Administrator.

(4) (i) None of the above subparagraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than thirty days after the effective date of this paragraph a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(5) The compliance schedules in subparagraphs (2) and (3) of this paragraph shall not excuse a source from complying with any interim emission limitations on the date prescribed in the Tennessee air pollution control regulation listed in subparagraph (1) of this paragraph.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules in the above subparagraphs of this paragraph fail to satisfy the requirements of § 51.15(b) and (c) of this chapter.

• • • • • •

(e) *Federal compliance schedules—Local programs.*—(1) Except as provided in subparagraph (16) of this paragraph, the owner or operator of any stationary source subject to the following emission limiting regulations of the Knox County Air Pollution Control Regulations and the City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code contained as part of the Tennessee implementation plan shall comply with the compliance schedule in subparagraph (2) of this paragraph: Knox County Air Pollution Control Regulations, Sections 18.2C; 19.4B; 20.1D; and 23.1; City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code Section 3-24(d).

(2) *Compliance schedule.*—(i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) January 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) June 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(3) Except as provided in subparagraph (16) of this paragraph, the owner or operator of any stationary source subject to the following emission limiting regulation of the Knox County Air Pollution Control Regulations contained as part of the Tennessee implementation plan shall comply with the compliance schedule in subparagraph (4) of this paragraph: Knox County Air Pollution Control Regulations, Section 19.2C.

(4) *Compliance schedule.*—(i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) January 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) June 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(5) Except as provided in subparagraph (16) of this paragraph, the owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of Knox County Air Pollution Control Regulations, section 18.4B; and City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code, Section 3-24(b), contained as part of the Tennessee implementation plan shall notify the Administrator no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(6) Any owner or operator of a stationary source subject to subparagraph (5) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on July 1, 1975, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) June 15, 1974—Initiate onsite modifications, if applicable.

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(vi) March 31, 1975—Complete onsite modifications, if applicable.

(vii) July 1, 1975—Achieve compliance with the requirements of Knox County Air Pollution Control Regulations, section 18.4B, and City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code Section 3-24 (b) and certify such compliance to the Administrator.

(7) Any owner or operator of a stationary source subject to subparagraph (5) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulation.

(ii) January 1, 1974—Negotiate and sign all necessary contracts for emission control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) February 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1975—Achieve compliance with the applicable regulation and certify such compliance to the Administrator.

(8) Except as provided in subparagraph (16) of this paragraph, the owner or operator of any stationary source subject to the following emission limiting regulation of the Hamilton County Air Pollution Control Regulations contained as part of the Tennessee implementation plan shall comply with the compliance schedule in subparagraph (9) of this paragraph: Hamilton County Air Pollution Control Regulations, rule 10 (particulate emissions from process operations).

(9) Compliance schedule. (i) September 15, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) November 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) December 1, 1973—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) June 1, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1974—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(10) Except as provided in subparagraph (16) of this paragraph, the owner or operator of any process (non-fuel burning) source of sulfur dioxide subject to the emission limiting requirements of the Hamilton County Air Pollution Control Regulations, rule 13, contained as part of the Tennessee implementation plan shall comply with the compliance schedule in subparagraph (9) of this paragraph.

(11) Except as provided in subparagraph (16) of this paragraph, the owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the sulfur dioxide emission limiting requirements of the Hamilton County Air Pollution Control Regulations, rule 13, contained as part of the Tennessee implementation plan shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(12) Any owner or operator of a fuel burning facility subject to subparagraph (11) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on July 1, 1974, and for at least one year thereafter.

(ii) December 1, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 1, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) February 1, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) February 15, 1974—Initiate onsite modifications, if applicable.

(vi) June 15, 1974—Complete onsite modifications, if applicable.

(vii) July 1, 1974—Achieve compliance with the requirements of Hamilton County Air Pollution Control Regulations, rule 13, and certify such compliance to the Administrator.

(13) Any owner or operator of a fuel burning facility subject to subparagraph (11) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) December 15, 1973—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) June 15, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1974—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(14) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by the final compliance date in the applicable regulation. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(15) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule, whether or not the increment has been met.

(16) (i) None of the above subparagraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than thirty days of the effective date of this paragraph a proposed alternative compliance schedule. No such compliance may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(17) No compliance schedule in this paragraph shall excuse a source from complying with an interim emission limitation that is applicable to such source.

(18) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart WW—Washington

20. In section 52.2460, paragraph (c) is revised to read as follows:

§ 52.2460 Identification of plan.

* * * * * *

(c) Supplemental information was submitted on. (1) January 28, May 5, July 19, September 11, and December 12, 1972, February 15, April 13, and July 31, 1973, by the Department of Ecology.

21. Section 52.2481 is amended as follows: Paragraphs (a) and (b) are revised, paragraph (c) is revoked and reserved, and paragraph (d) is added. As amended, § 52.2481 reads as follows:

§ 52.2481 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since a compliance schedule for control of sulfur oxides from a petroleum refinery has not been formally adopted and submitted.

(b) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the Washington Administrative Code (WAC) Title 18, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance
Crown Zellerbach Corp.	Port Townsend.	WAC 18-36-030	July 17, 1973	Immediately	June 30, 1975
Do	Camas	do	do	do	Do.
Weyerhaeuser Co	Longview	do	do	do	Mar. 1, 1975
Do	Everett	do	do	do	Jan. 31, 1976
St. Regis Paper Co	Tacoma	do	do	do	Jan. 1, 1976
Boise Cascade Papers	Wallula	do	do	do	Do.
Longview Fibre Co	Longview	do	do	do	Jan. 1, 1974
Georgia Pacific Corp	Bellingham	WAC 18-38-030	Dec. 18, 1972	do	Immediately
Crown Zellerbach, Co	Camas	do	July 17, 1973	do	July 1, 1974
ITT Rayonier, Inc	Port Angeles	do	do	do	July 17, 1973
Do	Hoquiam	do	do	do	July 1, 1974
Weyerhaeuser Co	Everett	do	Feb. 9, 1973	do	May 31, 1974
Do	Longview	do	July 17, 1973	do	Dec. 1, 1973
Do	Cosmopolis	do	do	do	July 1, 1974
Scott Paper Co	Everett	do	do	do	Do.
Kaiser Aluminum & Chemical Corp.	Tacoma	WAC 18-52-030	Dec. 18, 1972	do	Sept. 1, 1974
Do	Mead	do	Jan. 22, 1973	do	July 1, 1974
Intalco Aluminum	Ferndale	do	Dec. 18, 1972	do	May 1, 1973
Martin-Marietta Aluminum	Goldendale	do	Feb. 9, 1973	do	Sept. 30, 1973
Reynolds Metal Co	Longview	do	Dec. 18, 1972	do	Nov. 1, 1974
Aluminum Co. of America	Vancouver	do	July 17, 1973	do	Do.
Do	Wenatchee	do	do	do	July 17, 1973
Witco Chemical Corp	Quincy	WAC 18-04-060	Feb. 9, 1973	do	Feb. 28, 1974
Lehigh Cement Co	Metaline Falls	do	do	do	Dec. 31, 1974
Shell Oil Co	Anacortes	NWAPA 2.12	do	do	Sept. 1, 1973

(c) [Reserved]

(d) *Federal compliance schedules.*—(1) Except as provided in subparagraph (9) of this paragraph, the owner or operator of any petroleum refinery subject to the following emission limiting regulation in the Washington Implementation Plan shall comply with the compliance schedule in subparagraph (2) of this paragraph: Northwest Air Pollution Authority, Regulation II, section 2.12, Paragraph E, where applicable (appendix B of the Washington Implementation Plan).

(2) Compliance schedule for petroleum refineries.

(i) March 1, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(ii) July 1, 1974—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(iii) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(iv) Within five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(3) (i) The requirements of subparagraphs (1) and (2) of this paragraph shall not apply to any source which is presently in compliance with the applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule above may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulations. If promulgated by the Administrator, such schedules shall satisfy the requirements of this paragraph for the affected source.

(4) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart XX—West Virginia

22. Section 52.2524 is amended by adding a new paragraph (b), as follows:

§ 52.2524 Compliance schedules.

* * * * * *

(b) *Federal compliance schedules.*—(1) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the emission limitation requirements of West Virginia Administrative Regulations, Chapter 16-20, Series X (hereinafter regulation X), section 3.01(a) or section 3.03(a), shall notify the Administrator, no later than October 1, 1973, of his intent to meet the requirements of said regulation by utilizing low-sulfur fuel, stack gas desulfurization, or a combination of stack gas desulfurization and low-sulfur fuel.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize low-sulfur fuel, either alone or in combination with stack gas desulfurization, shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on June 30, 1975, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) May 15, 1974—Initiate onsite modifications, if applicable.

(vi) February 28, 1975—Complete onsite modifications, if applicable.

(vii) June 30, 1975—Final compliance with the requirements of regulation X, section 3.01(a) or section 3.03(a).

(3) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize stack gas desulfurization, either alone or in combination with low-sulfur fuel, and any owner or operator of a stationary source subject to the emission limitation requirements of regulation X, section 3.05, shall be subject to the following compliance schedule:

(i) October 15, 1973—Let necessary contracts for construction.

(ii) February 28, 1974—Initiate onsite construction.

(iii) February 28, 1975—Complete onsite construction.

(iv) June 30, 1975—Final compliance with the requirements of regulation X, section 3.01(a), section 3.03(a), or section 3.05.

(4) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the emission limitation requirements of regulation X, section 3.01(b) or section 3.03(b) shall notify the Administrator, no later than July 31, 1975, of his intent to meet the requirements of said regulation by utilizing low-sulfur fuel, stack gas desulfurization, or a combination of stack gas desulfurization and low-sulfur fuel.

(5) Any owner or operator of a stationary source subject to subparagraph (4) of this paragraph who elects to utilize low-sulfur fuel, either alone or in combination with stack gas desulfurization, shall be subject to the following compliance schedule:

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(i) August 31, 1975—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on June 30, 1978, and for at least one year thereafter, as well as a statement as to whether boiler modifications will be required. Submit final plans for modifications if they will be required.

(ii) October 31, 1975—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) December 31, 1975—Let contracts for necessary boiler modifications, if applicable.

(iv) April 30, 1976—Initiate onsite modifications, if applicable.

(v) April 30, 1977—Complete onsite modifications, if applicable.

(vi) June 30, 1978—Final compliance with the requirements of regulation X, section 3.01(b) or section 3.03(b).

(6) Any owner or operator of a stationary source subject to subparagraph (4) of this paragraph who elects to utilize stack gas desulfurization, either alone or in combination with low-sulfur fuel, shall be subject to the following compliance schedule:

(i) October 30, 1975—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) February 28, 1976—Let necessary contracts for construction.

(iii) August 31, 1976—Initiate onsite construction.

(iv) December 31, 1977—Complete onsite construction.

(v) June 30, 1978—Final compliance with the requirements of regulation X, section 3.01(b) or section 3.03(b).

(7) Any owner or operator subject to the compliance schedule in subparagraph (2), (3), (5) or (6) of this paragraph shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(8) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by the final compliance date in the applicable regulation. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(9) (i) The requirements of subparagraphs (1) through (8) of this paragraph shall not apply to any source which is presently in compliance with the requirements of the applicable regulation and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule above may submit to the Administrator, no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(iv) The requirements of this paragraph shall not apply to the following sources for which a request for a postponement of the applicability of regulation X had been submitted pursuant to section 110(f) of the Act prior to the date of publication of this regulation:

Source	*Location*
Kammer Station, Ohio Power Company.	Moundsville
Mitchell Station, Ohio Power Company.	Moundsville
Harrison Station, Monongahela Power Company.	Haywood
Fort Martin Station, Monongahela Power Company.	Maidsville

(10) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraphs (2), (3), (5), or (6) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart YY—Wisconsin

23. Section 52.2578 is amended by relettering a paragraph and adding a new paragraph (c) as follows:

§ 52.2578 Compliance schedule.

* * * * *

(b) The document revising Part 52 of Chapter 1 of Title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on June 20, 1973, at 38 FR 16170, is corrected by relettering the paragraph designation from "§ 52.2578 (a)" to "§ 52.2578(b)."

(c) *Federal compliance schedules.*—(1) Except as provided in subparagraph (3) of this paragraph, the owner or operator of any stationary source in the Southeast Wisconsin AQCR subject to the following emission limiting regulation in the Wisconsin implementation plan shall comply with the applicable compliance schedule in subparagraph (2) of this paragraph: Wisconsin Air Pollution Control Regulation NR 154.13.

(2) (i) Compliance schedules. The owner or operator of any stationary source in the Southeast Wisconsin AQCR subject to NR 154.13 shall notify the Administrator no later than October 1, 1973, of his intent either to install necessary control systems per Wisconsin Air Pollution Control Regulation NR 154.13(2) or to switch to an exempt solvent per Wisconsin Air Pollution Control Regulation NR 154.13(3) to comply with the requirements of Wisconsin Air Pollution Control Regulation NR 154.13.

(ii) Any owner or operator of a stationary source subject to subparagraph (c)(2)(i) of this paragraph who elects to comply with the requirements of NR 154.13 by installing a control system shall take the following actions with respect to the source no later than the specified dates.

(*a*) November 1, 1973—Advertise for bids for purchase and/or construction of control system or purchase of requisite material for process modification sufficient to control hydrocarbon emissions from the source.

(*b*) December 15, 1973—Award contracts or issued order for purchase and/or construction of control system or purchase of requisite material for process modification sufficient to control hydrocarbon emissions from the source.

(*c*) April 15, 1974—Initiate onsite construction or installation of control system or process modification.

(*d*) November 1, 1974—Complete onsite construction or installation of control system or process modification.

(*e*) January 1, 1975—Achieve final compliance with Wisconsin Air Poliution Control Regulation NR 154.13.

(iii) Any owner or operator of a stationary source subject to subparagraph (c)(2)(i) of this paragraph, who elects to comply with the requirements of Wisconsin Air Pollution Control Regulation NR 154.13 by switching to an exempt solvent, shall take the following actions with respect to the source no later than the dates specified.

(*a*) April 1, 1974—Begin testing exempt solvents.

(*b*) June 1, 1974—Issue purchase orders for exempt solvents.

(*c*) December 1, 1974—Convert to complete use of exempt solvent.

(*d*) January 1, 1975—Achieve full compliance with Wisconsin Air Pollution Control Regulation NR 154.13.

(iv) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule, whether or not the increment has been met.

(3) (i) The requirements of subparagraphs (1) and (2) of this paragraph shall not apply to any source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator within thirty days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to the compliance schedule in subparagraph (2) of this paragraph may submit to the Administrator no later than thirty days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after January 1, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(4) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (2) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

[FR Doc.73-17416 Filed 8-22-73;8:45 a.m.]

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THURSDAY, AUGUST 23, 1973
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PART III

ENVIRONMENTAL PROTECTION AGENCY

■

WATER PROGRAMS

Public Participation in Water Pollution Control

No. 163—Pt. III——1

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—WATER PROGRAMS

PART 105—PUBLIC PARTICIPATION IN WATER POLLUTION CONTROL

Minimum Guidelines

On February 23, 1973 (38 FR 5038), the Administrator of the Environmental Protection Agency proposed regulations specifying minimum guidelines for public participation in certain processes under the Federal Water Pollution Control Act, as amended. Section 101(e) of the Act requires the Administrator, in cooperation with the States, to develop and publish such regulations, and to provide for, encourage, and assist public participation in the development, revision, and enforcement of any regulation, standard effluent limitation, plan, or program established by the Administrator or by any State under the Act.

The regulations are a general statement of policy, setting forth objectives in public participation. They describe the provisions required in a minimum public participation program at State and Federal levels of governmental activity for water pollution control, call for a summary report on public participation efforts in relation to certain actions, and give minimum procedural guidelines for public hearings. Other regulations in Chapter 40 provide more explicit requirements for public hearings and other procedures related to particular programs under the Act (for examples, see Part 135 on Citizen Suit procedures, § 124.31 thru 124.37 and §§ 125.31 thru 125.35 on the National Pollutant Discharge Elimination System, § 35.556 on the State Program Grants, § 130.14 on the State Continuing Planning Process, among other provisions).

The regulations are based on the evident intent of Congress that public participation under the 1972 Act is to be accorded new significance, and that special attention and resources will be required. Emphasis for public involvement is placed at three levels: First, in development of statewide programs, including priority lists for allocation of resources; second, in preparation of basin and areawide plans involving selection among alternative systems and projects; and third, in the case-by-case consideration of local projects and permit applications.

The proposed regulations published had been developed with informal participation of and suggestions from numerous persons, including representatives of several citizen and conservation groups, trade organizations, governments, and other interests. The States had an opportunity to comment on the proposed regulations in draft form.

Further public and government comment was sought upon publication of the proposed rules. More than fifty sets of written comments, as well as a number of verbal comments, were received and reviewed. The Environmental Protection Agency has carefully considered all submitted comments. All written comments are on file with the Agency. Many suggestions have been adopted or substantially satisfied by editorial changes in, deletion from, or addition to, the guidelines. These and other principal comments are discussed below.

1. Several commenters expressed concern that the guidelines did not provide sufficient opportunity for public participation in establishment of the state program for public participation. The language of § 105.3, "Required Program and Reports", has been modified to clarify the concept that this is an integral part of the overall state program for water pollution control, subject to continuing public scrutiny and consideration, as well as to annual review and approval by the Regional Administrator.

2. In § 105.4, "Guidelines for Agency Programs", each of the §§ 105.4(a) through 105.4(c) has been edited in response to comment by citizens and conservation groups to describe more precisely the elements that should make up an agency public participation program.

3. In § 105.4(d), "Notification", some redundant language was deleted at the suggestion of several states.

4. In § 105.4(e), "Access to Information", the listing of specific material to be made available for public reference has been deleted. Specifying material increases the possibility that other relevant material might be overlooked or omitted. Certain information, such as grant applications, is more useful in final submission form than as working materials.

5. An industry group requested language protecting trade secrets be inserted in §§ 105.4(e) and 105.4(f), "Enforcement." This reference was not included since such safeguards are provided adequately in the Act and in Part 2 of this chapter, dealing with freedom of information.

6. Numerous commenters questioned the negative language originally proposed in § 105.4(f), "Enforcement." This has been changed to read: "Public efforts in reporting violations shall be encouraged * * *" Additional provision has been made to ensure followup to such reporting.

7. Conservation and citizen groups argued for stronger provision for prior public notice on out-of-court settlements under § 105.4(g) "Legal Proceedings." This provision has been modified to reflect the July 17, 1973, Statement of Policy by the Department of Justice providing for public comments on consent decrees involving discharge of pollutants in the environment.

8. An additional provision has been added to § 105.4(h), "Rulemaking," pertaining to the availability of information about proposed rulemaking.

9. Numerous comments, notably from State governments, called attention to the burden placed on their resources in efforts to meet the public participation requirements. These regulations have been prepared with full consideration for section 101(f) of the Act which focuses on the need for minimization of paperwork and the best use of available manpower and funds. The simple device of a public statement or "Summary of Public Participation" as called for in § 105.5, "Guidelines for Reporting," was strongly endorsed by many citizen groups as a means of encouraging agency efforts to improve public participation without generation of excessive paperwork.

10. Almost all citizen groups responding to publication of the proposed regulations called for stronger provision in § 105.6, "Guidelines for Evaluation," for action on the Summary of Public Participation. The opening paragraph has been revised to indicate clearly that a Regional Administrator may reject a plan or grant application if he finds inadequate public participation. Although many commenters wanted a separately published evaluation of the Summary of Public Participation, this was felt to be contrary to the objective of section 101 (f) of the Act. The findings on public participation, however, are to be incorporated into the action documents on a plan, grant application, or other matter.

11. Paragraphs (a) through (g) of the Evaluation section, § 105.6 have been omitted. To include these in the regulations would invite excessive legal interpretation, resulting in voluminous paperwork and records. These paragraphs proposed in the published guidelines as suggested measures of evaluation, will be incorporated into material for regional office guidance. The supplementary material, of less rigid format than regulations, will include additional points suggested in comments received.

12. Section 105.7(c), "Opportunity for Hearing," has been retitled and restated for consistency with language of the Act, and includes a provision responding to a number of comments calling for holding public hearings in cases of doubt.

13. In commenting on § 105.7(d), "Hearing Notices," numerous groups representing both industry and conservation interests stressed a need for more adequate time to prepare organizational response to proposed agency actions. Their comments recommended notice of 45 to 60 days in advance of hearings. The stated 30-day advance notice, however, is consistent with established practice.

14. A new § 105.9, "Applicability," has been added to make it clear that these guidelines cannot be retroactive, nor used to delay programs already under way.

15. Many commenters proposed funding support for state and local workshops similar to the previous effort under the Clean Air Act. This was felt to be inappropriate for coverage in these regulations since it is essentially a question of resources rather than procedures.

16. Several commenters raised questions on the right of appeal when citizen views had been ignored or not adequately provided for. This right is not separable from other aspects of the water pollution control programs in which normal channels of communication to administrators are open and provisions for citizen suit are available.

17. A few commenters representing varied interests requested specifically naming industrial groups or representatives of the urban poor and minorities in relation to certain provisions for access or participation. It was felt that naming such interests would imply exclusion of other interests and it would be unwise to attempt to narrow the definition of "public" in any way.

Accordingly, the regulations providing guidelines for public participation in water pollution control programs are hereby promulgated, to take effect upon publication.

Dated August 17, 1973.

JOHN QUARLES,
Acting Administrator.

A new Part 105 is added to Subchapter D, Chapter 1, CFR, Title 40, as follows:

PART 105—PUBLIC PARTICIPATION IN WATER POLLUTION CONTROL

Sec.
105.1 Scope.
105.2 Policy and objectives.
105.3 Required program and reports.
105.4 Guidelines for agency programs.
105.5 Guidelines for reporting.
105.6 Guidelines for evaluation.
105.7 Guidelines for public hearings.
105.8 Coordination and non-duplication.
105.9 Applicability.

AUTHORITY.—Sec. 101(e), Federal Water Pollution Control Act (Sec. 2, Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500; 86 Stat. 816; 33 U.S.C.).

§ 105.1 Scope.

This part sets forth minimum guidelines for public participation in the processes of development, revision and enforcement of any regulation, standard, effluent limitation, plan or program under the Federal Water Pollution Control Act, as amended (Public Law 92-500; 86 Stat. 816; 33 U.S.C. 1251), in accordance with section 101(e) of the Act. This part is applicable to all Environmental Protection Agency (EPA) components concerned with the Federal Water Pollution Control Act, including EPA Headquarters program offices and divisions, and EPA Regional Offices, and to States and interstate agencies. These guidelines contain general requirements applicable to regulations, standards, effluent limitations, plans and programs. More specific requirements applicable in specific areas are contained in existing regulations on Public Information (Part 2 of this chapter) and in other regulations that have been or will be issued pertaining to various specific programs under the Act, as well as State and local laws pertinent to the subject.

§ 105.2 Policy and Objectives.

Participation of the public is to be provided for, encouraged, and assisted to the fullest extent practicable consistent with other requirements of the Act in Federal and State government water pollution control activities. The major objectives of such participation include greater responsiveness of governmental actions to public concerns and priorities, and improved popular understanding of official programs and actions. Although the primary responsibility for water quality decision-making is vested by law in public agencies at the various levels of government, active public involvement in and scrutiny of the intergovernmental decision-making process is desirable to accomplish these objectives. Conferring with the public after a final agency decision has been made will not meet the requirements of this part. The intent of these regulations is to foster a spirit of openness and a sense of mutual trust between the public and the State and Federal agencies in efforts to restore and maintain the integrity of the Nation's waters.

§ 105.3 Required Program and Reports.

Each agency cited in § 105.1 carrying out activities under the Act shall provide for and conduct a continuing program for public participation comprising substantially the elements listed in § 105.4. Staff responsibility and budgetary provisions shall be identified for such program in the administration element of the annual State program submission under Part 35 Subpart B of this chapter. Public participation activities shall be reported on annually and in relation to certain documents and actions as called for in § 105.5.

§ 105.4 Guidelines for Agency Programs.

The continuing agency program for public participation shall contain mechanisms or activity for each of the elements listed in this section. The exact mechanism and extent of activity may vary in relation to resources available, public response, and the nature of issues involved.

(a) *Informational Materials.*—Each agency shall provide continuing policy, program, and technical information at the earliest practicable times and at places easily accessible to interested or affected persons and organizations so that they can make informed and constructive contributions to governmental decision-making. News releases, newsletters and other publications may be used for this purpose. Special efforts shall be made to summarize complex technical materials for public and media use.

(b) *Assistance to Public.*—Each agency shall have an arrangement for providing technical and informational assistance to public groups for citizen education, community workshops, training, and dissemination of information to communities. Requests for information shall be promptly handled.

(c) *Consultation.*—Each agency shall have standing arrangements for early consultation and exchange of views with interested or affected persons and organizations on development or revision of plans, programs, or other significant actions prior to decision-making. Advisory groups, ad hoc committees, or workshop meetings may serve this purpose.

(d) *Notification.*—Each agency, for its appropriate geographic area, shall maintain a current list of interested persons and organizations, including any who ask to be on such list, for the periodic distribution of materials in paragraph (a) of this section. Each agency shall additionally comply, in connection with any public hearing or other proposed action, with any formal or specific requirements for public notice called for in the Act or in other regulations, to be supplemented wherever possible with informal notice to all interested persons or organizations having requested in advance such notice.

(e) *Access to Information.*—Each agency shall provide, either directly or through others, in an appropriate location or locations, one or more central public collections or depositories of water quality reports and data pertinent to the geographic area concerned. Examples of the materials available for public reference could include grant and permit applications, permits, effluent discharge information, compliance schedule reports, and materials specified in section 308(b) of the Act. Copying facilities at reasonable cost shall be available.

(f) *Enforcement.*—Each agency shall develop internal procedures for receiving and ensuring proper consideration of information and evidence submitted by citizens. Public effort in reporting violations of water pollution control laws shall be encouraged, and the procedures for such reporting shall be set forth by the agency. Alleged violations shall be promptly investigated by the agency.

(g) *Legal Proceedings.*—Each agency shall provide full and open information on legal proceedings under the Act, to the extent not inconsistent with court requirements, and where such disclosure would not prejudice the conduct of the litigation. Actions of the Environmental Protection Agency shall support and be consistent with the Statement of Policy issued by the Department of Justice with regard to affording opportunities for public comment before the Department of Justice consents to a proposed judgment in an action to enjoin dischargers of pollutants into the environment. (See Title 28, Code of Federal Regulations, Chapter 1, § 50.7.)

(h) *Rule Making.*—In addition to providing an opportunity for public hearings on proposed regulations, where appropriate or required under applicable statutes or regulations, agencies shall invite, receive, and consider comments in writing from any interested or affected persons and organizations. All such comments shall be part of the public record, and a single copy of each comment shall be routinely available for public inspection. Notices of proposed rule making, as well as final rules and regulations, shall be distributed to interested or affected persons as quickly as possible after publication. Each notice of proposed rule making shall include information as to the availability of the full texts of proposed rules and regulations (where these are not set forth in the notice itself) and as to the designated places where copying facilities shall be available at reasonable cost to the public.

(i) *Other Measures.*—The listing of specific measures in this section shall not preclude additional techniques for ob-

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taining, encouraging, or assisting public participation.

§ 105.5 Guidelines for Reporting.

The annual report of each EPA unit or office, and the annual State program submission under Section 106 of the Act as required under Part 35 of this Chapter, shall include a description of public participation provisions and activities. In addition, and in order that the public and reviewing or approving officials may be fully aware of the actual extent of public input and involvement, a Summary of Public Participation related to particular actions or documents shall be publicly presented as follows:

(a) In the case of regulations and standards required to be published by the Administrator in the FEDERAL REGISTER or required to be published by a State agency in an official form, the Summary of Public Participation shall be published as part of the introductory material.

(b) In the case of Statewide or areawide plans or portions thereof (including the continuing planning process under section 303(e) of the Act and plans developed under such process), or comparable matters required to be approved by the Administrator, the Summary of Public Participation shall be submitted as a part of the plan or of the public transmittal document.

(c) In the case of applications for grants for construction projects other than those under section 206 of the Act, or for planning or annual program grants (including grants under sections 102(c), 106, and 208 of the Act), the Summary of Public Participation shall be a part of the application.

(d) Each Summary of Public Participation shall describe the measures taken by the agency to provide for, encourage, and assist public participation in relation to the matter; the public response to such measures; and the disposition of significant points raised.

§ 105.6 Guidelines for Evaluation.

The Administrator, Regional Administrator, or other approving official shall review and evaluate each Summary of Public Participation in relation to the matter submitted. He may call for additional information, or for the records of meetings or hearings. If he finds that there has been inadequate opportunity for public participation on the matter, he may disapprove or suspend action; or alternatively take measures, or require the sponsoring agency to take measures, to obtain additional public participation, prior to final action. Such final action shall include a statement of findings in regard of public participation.

§ 105.7 Guidelines for Public Hearings.

Any public hearing, whether mandatory or discretionary, to be held under the Act shall be in conformity with this section. If conflict exists between the minimum guidelines of this section and requirements of State or Federal law or other regulations pertaining to a particular hearing, the more stringent requirements shall be observed.

(a) *Purpose.*—Generally, a public hearing gives persons and organizations a formal opportunity to be heard on a matter prior to decision-making. Although public hearing testimony may focus on the prospective action to be taken in the form of a tentative plan or decision, the final actions shall benefit from and reflect consideration of the public hearing content.

(b) *Public Meetings.*—Agencies are encouraged to hold public meetings or workshops, jointly where feasible, on significant matters or proposed actions. Such meetings shall not supplant public hearings when such are required, and shall be informational in nature with opportunity for public response.

(c) *Opportunity for Hearings.*—Where the opportunity for public hearing is called for in the Act, and in other appropriate instances, a public hearing shall be held if the hearing official finds significant public interest (including the filing of requests or petitions for such hearing) or pertinent information to be gained. Instances of doubt should be resolved in favor of holding the hearing, or if necessary, of providing alternative opportunity for public participation.

(d) *Hearing Notices.*—In addition to any other formal legal requirements, a notice of each hearing or public meeting shall be well publicized and be mailed to interested or affected persons and organizations as soon as the hearing or meeting is scheduled by the agency and in the case of a hearing, at least thirty calendar days before the hearing is to take place. If it should be necessary to allow less than thirty days' notice prior to a hearing, the hearing notice shall state the reasons for such shorter time period.

(e) *Location and Time.*—In determining the locations and times for hearings, consideration shall be given to easing travel hardship and to facilitating attendance and testimony by a cross-section of interested or affected persons and organizations. Accessibility of hearing sites by public transportation shall be considered.

(f) *Documents.*—Reports, documents, and data to be discussed at the public hearing shall be available to the public for a reasonable time prior to the hearing. For complex matters, a Fact Sheet outlining major issues, tentative staff determinations if appropriate, bibliography, and procedures for obtaining further information, for requesting a public hearing, and for other appropriate actions shall be prepared and its availability made known in the notice called for in paragraph (d) of this section.

(g) *Agenda.*—The elements of the public hearing, proposed time schedule, and any constraints on statements shall be specified in the notice of the hearing.

(h) *Scheduling.*—Witnesses at public hearings shall be scheduled in advance when necessary to ensure maximum participation and allotment of adequate time for testimony, provided that such scheduling is not used as a bar to unscheduled testimony. Blocks of time shall be considered for major categories of witnesses. Evening and weekend schedules shall be considered.

(i) *Statements.*—Public hearing procedures shall not inhibit free expression of views by requirements of more than one legible copy of any statement submitted, or for qualification of witnesses beyond that needed for identification.

(j) Records.—A record of public hearing proceedings shall be made promptly available to the public at cost.

§ 105.8 Coordination and Non-Duplication.

In accordance with the policy of section 101(f) of the Federal Water Pollution Control Act, public participation activities and materials required under the Act or these regulations may be combined with closely related programs or activities of the agencies concerned, wherever such combination will enhance the economy, the effectiveness, or the timeliness of the effort, enhance the clarity of the issue, and not be detrimental to participation by the widest possible public. Hearings and meetings may be held jointly by more than one agency on the same matter under the Act, where such procedure does not conflict with other provisions. Interstate agencies particularly are encouraged to develop combined proceedings on behalf of the States concerned.

§ 105.9 Applicability.

The provisions of this part shall apply only to actions taken after the effective date of this part.

[FR Doc.73-17892 Filed 8-22-73;8:45 am]

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER XIV—FEDERAL LABOR RELATIONS COUNCIL AND FEDERAL SERVICE IMPASSES PANEL

SUBCHAPTER B—FEDERAL LABOR RELATIONS COUNCIL

PART 2410—COUNCIL INTERPRETATIONS OF THE ORDER AND STATEMENTS ON MAJOR POLICY ISSUES

On May 21, 1973, there was published in the FEDERAL REGISTER (38 FR 13390) a notice of proposed amendments of rules governing the Council's issuance of interpretations of the order and statements on major policy issues.

Interested persons were invited to submit their views and suggestions in writing on or before June 20, 1973. All relevant matter which was submitted has been carefully considered, and the Council has decided to adopt the proposed amendments, with changes, as set forth below.

Accordingly, the Council amends Title 5 of the Code of Federal Regulations, Chapter XIV, Subchapter B, Part 2410, to read as follows:

2410.1 Definitions.
2410.2 Scope.
2410.3 Considerations governing issuance of interpretations and policy statements.
2410.4 Requests for interpretations and policy statements.
2410.5 Content of request.
2410.6 Submissions from interested parties.
2410.7 Effect of interpretations and policy statements.
2410.8 Issuance and publication of interpretations and policy statements.

AUTHORITY: 5 U.S.C. 3301, 7301; 3 CFR, E.O. 11491, as amended.

§ 2410.1 Definitions.

(a) "Order" means Executive Order 11491 of October 29, 1969, entitled "Labor-Management Relations in the Federal Service," 34 FR 17605, as amended by Executive Order 11616 of August 26, 1971, 36 FR 17319, and by Executive Order 11636 of December 17, 1971, 36 FR 24901.

(b) "Executive Director" means the Executive Director of the Council.

(c) Terms defined in the order are used in this part with the meaning attached to them in the order.

§ 2410.2 Scope.

This part sets forth the procedures under which the Council, as provided in sec. 4(b) of the order, will issue interpretations of the order and statements on major policy issues.

§ 2410.3 Considerations governing issuance of interpretations and policy statements.

(a) The Council shall, in its discretion, issue interpretations of the order and statements on major policy issues which it deems to have general applicability to the overall program in assuring the effectuation of the purposes of the order. The Council may act on its own initiative or upon request as provided in § 2410.4.

(b) In deciding whether to issue an interpretation or a policy statement, the Council shall consider:

(1) Whether the question presented can more appropriately be resolved by other means available under law, other Executive orders, regulation or the order;

(2) Where other means are available, whether Council action would prevent the proliferation of cases involving the same or similar question of interpretation or major policy issue;

(3) Whether the resolution of the question presented would have general applicability to the overall program;

(4) Whether the issue currently confronts parties in the context of a labor-management relationship;

(5) Whether the question is presented jointly by the parties involved; and

(6) Whether Council resolution of the question of interpretation or major policy issue would promote constructive and cooperative labor-management relationships in the Federal service and would otherwise promote the purposes of the order.

§ 2410.4 Requests for interpretations and policy statements.

(a) The head of an agency (or his designee), the national president of a labor organization (or his designee), or the president of a labor organization not affiliated with a national organization (or his designee) may separately or jointly ask the Council for an interpretation of the order or a statement on a major policy issue. The head of any lawful association not qualified as a labor organization may also ask the Council for such an interpretation or statement, provided the request is consistent with the principles set forth in secs. 7(d) (2) and (3) of the order.

(b) The Council will not consider a request related to a pending petition, application, charge, or complaint which the Council is advised has been filed pursuant to the Assistant Secretary's regulations unless the party involved in the case filing the request with the Council has first secured the prior approval of the Assistant Secretary.

§ 2410.5 Content of request.

(a) A request for an interpretation or policy statement shall be in writing and must contain:

(1) A concise statement of the major policy issue to be determined or provision of the order to be interpreted together with background information necessary to an understanding of the issue;

(2) A statement of the considerations under § 2410.3 upon which the request is based;

(3) A full and detailed statement of the position or positions of the requesting party or parties;

(4) Identification of any cases or other proceedings known to bear on the issue which are pending under other provisions of the order; and

(5) Identification of other known interested parties.

(b) Unless otherwise provided by the Executive Director, any document filed with the Council under this part shall be submitted in an original and three copies. A copy of each document also shall be served on all known interested parties, the Assistant Secretary, the Federal Service Impasses Panel, and the Federal Mediation and Conciliation Service.

(c) A request shall be addressed to the Executive Director, Federal Labor Relations Council, 1900 E Street NW., Washington, D.C. 20415.

§ 2410.6 Submissions from interested parties.

Prior to issuance of an interpretation or major policy statement, the Council, as it deems appropriate, will afford an opportunity to interested parties to express their views at a formal hearing or in writing.

§ 2410.7 Effect of interpretations and policy statements.

Council interpretations and major policy statements issued under this part shall be binding on all parties under the order including those responsible for administering the order.

§ 2410.8 Issuance and publication of interpretations and policy statements.

Interpretations and statements on major policy issues provided under this part shall be distributed to agencies and labor organizations and made available

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to other interested persons at the Office of the Council.

For the Council.

ROBERT E. HAMPTON,
Chairman.

[FR Doc.73-17878 Filed 8-23-73;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT, DEPARTMENT OF AGRICULTURE)

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 2]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Termination of the Program

The following amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see sections 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j) to provide for the termination of requirements for the acquisition of domestic marketing certificates under the Processor Wheat Marketing Certificate Program as to wheat processed on and after July 1, 1973. It also provides for transition relief from these requirements with respect to wheat processed into food products prior to such date if the food product was still in inventory or in transit on such date as hereinafter described.

The authority to terminate the program and to facilitate the transition from the certificate program provided for under section 379d of the Agricultural Adjustment Act of 1938, as amended, to a program under which no certificates are required is contained in the Agriculture and Consumer Protection Act of 1973. The Act provides that "sections 379d, 379e, 379f, 379g, 379h, 379i, and 379j of the Agricultural Adjustment Act of 1938 (which deal with marketing certificate requirements for processors and exporters) shall not be applicable to wheat processed or exported during the period July 1, 1973, through June 30, 1978. It also amends section 379g by adding the following new subsection (c):

"(c) The Secretary is authorized to take such action as he determines to be necessary to facilitate the transition from the certificate program provided for under section 379d to a program under which no certificates are required. Notwithstanding any other provision of law, such authority shall include, but shall not be limited to the authority to exempt all or a portion of wheat or food products made therefrom in the channels of trade on July 1, 1973, from the marketing restrictions in subsection (b) of section 379d, or to sell certificates to persons owning such wheat or food products made therefrom at such price and under such terms and conditions as the Secretary may determine. Any such certificate shall be issued by the Commodity Credit Corporation. Nothing herein shall authorize the Secretary to require certificates on wheat processed after June 30, 1973."

This amendment also recognizes that industrial users and distributors of flour second clears may have a supply of such clears on hand as of the termination date of the program. Therefore industrial users shall be permitted to continue filing claims for refunds through September 30, 1973. Likewise distributors will be permitted to continue issuing distributor certifications on Form CCC–165–1 through September 15, 1973, for flour second clears for which certifications on Form CCC–165 have been obtained for flour second clears processed prior to July 1, 1973.

Since the provisions of this amendment are to the advantage of the participants under the program and certificate requirements under the program have been terminated by legislation retroactively as to wheat processed on and after July 1, 1973, it is hereby found and determined that compliance with the notice, public procedure and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is unnecessary and contrary to the public interest and that this amendment shall be effective upon publication in the FEDERAL REGISTER.

The Processor Wheat Marketing Certificate Regulations, 7 CFR Part 777, as amended (36 FR 21256, 38 FR 14959) are amended as follows:

Section 777.5 is amended by changing the third sentence and inserting a new fourth sentence to read as follows:

§ 777.5 Applicability of certificate requirements.

(a) *General.*—* * * The cost of domestic certificates shall be 75 cents a bushel during the marketing years covered by the period July 1, 1965, through June 30, 1973. Domestic certificates shall not be required for wheat processed on and after July 1, 1973. * * *

* * * * *

A new § 777.21 is added to read as follows:

§ 777.21 Transition relief at termination of the program.

(a) *General.*—It has been determined necessary to facilitate the transition from a program requiring marketing certificates to be acquired by food processors to a program under which no certificates are required, by providing that no certificates need be acquired by food processors as to certain wheat processed into food products prior to July 1, 1973, as described in paragraph (b) of this section.

(b) *Type of relief.*—(1) Except as provided in paragraph (b) (2) of this section, transition relief shall be provided for wheat processed into food products, as follows:

(i) Flour or other food products in inventory as of 11:59 p.m. local time June 30, 1973, in the processor's plant and such food products which the processor owns and has in storage in a warehouse as of such time.

(ii) Flour or other food products in transit from the processor's plant as of 11:59 p.m. local time June 30, 1973, and not received until after such time at the destination indicated on the bill of lading, manifest, or other similar document issued on shipment from the plant. "Received" shall mean arrival at such destination or, in the case of rail cars, actual or constructive placement of the car at such destination.

(2) Relief under this paragraph (b) shall not apply to (i) flour second clears processed prior to July 1, 1973, for which a certification on Form CCC–165 has been issued; (ii) wheat processed into food products which are destined for export; (iii) wheat processed into food products sold to the United States Government or any agency thereof; and (iv) wheat processed into beverage distilled spirits.

(c) *Reports.*—To obtain relief as provided in paragraph (b) of this Section, corrected processing reports shall be filed as provided in the following subparagraphs on or before September 30, 1973 or such later date as may be approved by the Director, Prairie Village ASCS Commodity Office for good cause shown.

(1) *Reports on Form CCC–160, Processing Report, Weight of Wheat Basis.*—Processors reporting on the weight of wheat basis shall include in the remarks section of the form a schedule showing the respective quantities of food products claimed as a deduction under paragraph (b) of this section. (Use the reverse side of the form, if necessary.) Deductions claimed for food products in transit under paragraph (b) (2) of this section shall be supported with a certification on Form CCC 87, Wheat Food Product Transit Certification. The following conversion factors shall be used to determine the bushel equivalent of the food products which are claimed as deductions.

Type of Product	*Bushels per 100 pounds*
Wheat flour (including clears) derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction rate operation	2.218
Whole wheat flour or graham flour	1.700
Semolina and Farina	2.218
Bulgur (87 percent type of extraction operation)	1.838
Rolled Wheat (92.8 percent type of extraction operation)	1.796

For food products not listed above, the processor shall use his latest monthly conversion factor which may be determined by dividing the total bushels of wheat used to process such products by the hundredweights of products produced during the final reporting period. In the event the processor is unable to compute the applicable conversion factor for certain food products, he may use such other basis as may be approved by the Director.

(2) *Reports on Form CCC–159, Processing Report, Conversion Factor Basis.*—Processors reporting on the conversion factor basis shall include in the remarks section of the form a schedule showing the quantity of food products claimed as a deduction as provided in paragraph (b) of this section. (Use the reverse side of the form if necessary.) Deductions claimed for food products in transit under paragraph (b) (2) of this section shall be supported with a certification on Form CCC–87, Wheat Food Product Transit Certification. Conversion factors listed in § 777.14(c) shall apply.

(d) *Refunds.*—Refunds shall be made, if applicable, to processors submitting corrected processing reports as provided in paragraph (c) of this section.

(e) *Industrial users of flour second clears.*—All claims for refund shall be filed on or before September 30, 1973, or such later date as may be approved by the Director, Prairie Village ASCS Commodity Office for good cause shown. Flour second clears covered by certifications on Form CCC–165 which designate the marketing year in which processed as the marketing year beginning July 1, 1973, shall not qualify for refund.

(f) *Distributors of flour second clears.*—Distributors registered under § 777.20 may continue issuing certifications on Form CCC–165–1, Distributor Certification, Flour Second Clears, for flour second clears covered by a Form CCC–165, Processor Certification, Flour Second Clears, through September 15, 1973. Flour second clears covered by certifications on Form CCC–165 which designate the marketing year in which processed as the marketing year beginning July 1, 1973, shall not be included on any certifications on Form CCC–165–1.

Subparagraph 13 of Appendix II is amended by adding the following sentences:

APPENDIX II—INSTRUCTIONS FOR PREPARATION OF PROCESSING REPORT—WEIGHT OF WHEAT BASIS

* * * * * *

(13) * * * For purposes of the report to cover the final reporting period, the quantity of wheat reported may be reduced by the wheat equivalent of food products eligible for deduction under provisions of Section 777.21. Show in the remarks section, the quantity of wheat deducted under such provision.

* * * * * *

Subparagraph 5 of Appendix III is amended by adding the following sentence:

APPENDIX III—INSTRUCTIONS FOR PREPARATION OF PROCESSING REPORT—CONVERSION FACTOR BASIS

* * * * * *

(5) * * * For purposes of the report to cover the final reporting period, the quantity of food products processed may be reduced by the quantity of food products which may be deducted under provisions of Section 777.21. Processors reporting on the basis of sales or removals from the plant shall deduct only that quantity of food products which are in transit as provided in § 777.21(b)(2). Show in the remarks section, the total quantity of food products processed during the final reporting period.

* * * * * *

Signed at Washington, D.C. on August 20, 1973.

GLENN A. WEIR,
Acting Administrator, ASCS.

[FR Doc.73-17968 Filed 8-23-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 600]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period August 26–Sept. 1, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.900 Lemon Regulation 600.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continued strong last week, exceeding supplies for 165's and larger sizes but eased somewhat on 200's and cooler weather this week may cause demand to ease.

Average f.o.b. price was $7.30 per carton the week ended August 18, 1973, compared to $6.66 per carton the previous week.

Track and rolling supplies at 120 cars were down 33 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 21, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 26, 1973, through September 1, 1973, is hereby fixed at 250,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 22, 1973.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-18188 Filed 8-23-73;2:36 pm]

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CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1973-Crop Supplement to Cotton Loan Program Regulations

Correction

In FR Doc. 73-14845 appearing at page 19381 in the issue of Friday, July 20, 1973, and corrected at page 20317 in the issue of Tuesday, July 31, 1973, and page 21995 in the issue of Wednesday, August 15, 1973, make the following changes:

1. In the table to § 1427.101, under Georgia the first entry reading "Sylvester ------ Worth ------ 25.40", should read "Sylvester ------ Screben ------ 21.40". Under Louisiana the figure for "Lake Providence ------ East Carroll", reading "20.95", should read "20.85".

2. In the table to § 1427.102 on page 19383, the sixth entry in the column headed 1⅜6 reading "—175" should read "+175". In the portion of that table on page 19384, the second entry in the column headed ⅞, reading "—460" should read "—480"; and the first entry in the column headed 1$^{7}/_{32}$, reading "+330" should read "+380".

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 71—GENERAL PROVISIONS

Interstate Movement of Cattle; Identification

Statement of consideration.—On November 11, 1972, there was published in the FEDERAL REGISTER (37 FR 24040–24041), in accordance with the administrative procedure provisions in 5 U.S.C. 553, a notice of proposed rulemaking under the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905 (21 U.S.C. 111–113, 114a, 114a–1, 115–117, 120–126), with respect to animal identification under the regulations contained in Part 71, Title 9, Code of Federal Regulations. The purpose of the proposal was to (1) require the identification by backtag or other approved means of all cattle 2 years of age or over moving interstate, except steers and spayed heifers (and certain cattle moving directly to slaughter); (2) permit cattle being moved interstate for dairy or breeding purposes to be identified by eartags in lieu of backtags; (3) exempt registered purebred animals being moved interstate for purposes other than slaughter from the backtagging or eartagging requirements; (4) exempt animals being moved interstate for any purpose other than slaughter, provided, they are branded and are moved with an official brand inspection certificate; and (5) minimize removal or tampering with an identification backtag or eartag as required by this Part. Interested persons were given 30 days in which to submit data, views or arguments regarding the proposed amendment.

Twenty-one letters of comment were received, 14 of which opposed the proposal with emphasis in opposition to the identification requirement for feeder and breeding cattle. Those favoring the amendment made recommendations that the age limit for requiring identification be lowered from "two years and over" to "six months and over."

After due consideration of all relevant material, including that submitted in connection with such notice, the amendment has been adopted as proposed, with the exception that in § 71.18(a) (1) (iii) the provision whereby eartags may be used in lieu of backtags for the identification of cattle, moving interstate for breeding or dairy purposes has been broadened to include cattle for any purpose other than slaughter.

Great progress has been made in the control and eradication of communicable diseases of livestock, such as brucellosis, scabies, and tuberculosis. However, it is known that the contagion of brucellosis still exists in domestic animals in most States and Puerto Rico and there is reason to believe that communicable diseases of livestock may exist throughout the United States. The threat of the introduction of foot-and-mouth disease or other exotic diseases is ever present. The rapid transportation of animals in commercial channels makes it essential to locate and suppress foci of infection in the most rapid manner possible. The most efficient way to do this is to identify livestock in marketing channels and to trace diseased animals directly to farms of origin. In this manner, continued progress in disease eradication programs can be achieved; the interstate spread of diseases can be minimized by isolation and eradication of infection where found; and the probability of rapidly tracing diseases of foreign origin will be greatly strengthened.

Section 71.18 is amended to read:

§ 71.18 Individual identification of certain cattle 2 years of age or over for interstate movement.

(a) No cattle 2 years of age or over, except steers and spayed heifers, shall be moved interstate other than in accordance with the requirements of this section. All interstate movements of any cattle shall also comply with the other applicable provisions in this part and other parts of this subchapter.

(1) When permitted under such other provisions, cattle subject to this section:

(i) May be moved interstate from any point to any destination, if such cattle, when moved interstate, are identified by a Department-approved backtag[1] affixed a few inches from the midline and just behind the shoulder of the animal, or by such other means approved by the Deputy Administrator, Veterinary Services, upon request in specific cases, and if such cattle are accompanied by a statement signed by the owner or shipper of the cattle, or other document[2] stating: (*a*) The point from which the animals are moved interstate; (*b*) the destination of the animals; (*c*) the number of animals covered by the statement, or other document; (*d*) the name and address of the owner or shipper, and (*e*) the identifying numbers of the backtags or other approved identification applied: *Provided,* That identification numbers are not required to be recorded on such statement or document for cattle moved from a stockyard posted under the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*),[3] directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or slaughtering establishment specifically approved under § 78.16(b) of this subchapter; or

(ii) May be moved interstate only from a farm, ranch, or feedlot to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or slaughtering establishment specifically approved under § 78.16(b) of this subchapter; or to a stockyard posted under the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), for sale and shipment to such a slaughtering establishment, if such cattle are identified upon arrival at such slaughtering establishment or stockyard by the application of Department-approved backtags or by other approved identification as prescribed in subdivision (i), and when moved interstate, are accompanied by a statement signed by the owner or shipper of the cattle, or other document[2] stating: (*a*)

[1] Department-approved backtags are available at slaughtering establishments operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), at stockyards and slaughtering establishments specifically approved under § 78.16(b) of this subchapter, and from Federal and State inspectors as defined in § 78.1 of this subchapter. Information with respect to the federally inspected slaughtering establishments, specifically approved slaughtering establishments, and specifically approved stockyards may be obtained as indicated in §§ 78.14 and 78.15 of this subchapter.

[2] Other document means a shipping permit, an official health certificate, an official brand inspection certificate, a bill of lading, a waybill, or an invoice on which is listed the required information.

[3] Posted stockyards are designated by posting notice at such stockyards and by publication in the FEDERAL REGISTER. Information concerning posted stockyards may also be obtained from the Washington office or the area offices of the Packers and Stockyards Administration.

the point from which the animals are moved interstate; (*b*) the destination of the animals; (*c*) the number of animals covered by the statement or other document; and (*d*) the name and address of the owner or shipper: *Provided,* That the application of backtags is not required if such cattle are moved interstate to a federally inspected or specifically approved slaughtering establishment and if, when moved interstate, such cattle are identified by a brand registered with an official brand inspection agency and are accompanied by an official brand inspection certificate: *And provided, further,* That the application of backtags is not required when such cattle are moved interstate to a federally inspected or specifically approved slaughtering establishment, which maintains records of ownership of cattle by slaughter lot number;[4] or

(iii) May be moved interstate for any purpose other than slaughter if such cattle, when moved interstate, are identified by Animal and Plant Health Inspection Service-approved eartags in lieu of backtags, and are accompanied by an owner's statement or other document[2] stating: (*a*) the point from which the animals are moved interstate, (*b*) the destination of the animals, (*c*) the number of animals covered by the statement or other document, (*d*) the identifying numbers of the eartags, and (*e*) the name and address of the owner or shipper: *Provided,* That identification by eartag is not required if such animals are registered purebred animals which are moved interstate for any purpose other than slaughter and are identified in a manner acceptable to the appropriate breed association for registration purposes; or are identified by a brand registered with an official brand inspection agency and are accompanied by an official brand inspection certificate as prescribed in paragraph (a)(1)(ii) of this section.

(2) The owner's or shipper's statement or other document[2] or registered purebred identification required by this section for cattle moved under paragraph (a)(1) (i) or (ii) of this section shall be delivered to the management of the stockyard or slaughtering establishment at the time of delivery of the cattle;[5] and documents accompanying animals moved under paragraph (a)(1)(iii) of this section for breeding or dairy purposes shall be delivered to the consignee. All such documents shall be made available for inspection on request by a State or Federal inspector or an accredited veterinarian, as defined in § 78.1, at any time within the year from the date of such delivery.

(3) Each person who ships, transports, or otherwise causes the movement of the cattle interstate is responsible for the identification of the animals as required by this section. No such person shall remove or tamper with or cause the removal of or tampering with an identification backtag or eartag required in this section for interstate movement of animals, except as be authorized by the Deputy Administrator, Veterinary Services, upon request in specific cases and under such conditions as he may impose to insure continuing identification.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791, as amended; secs. 1–4, 33 Stat. 1264, 41 Stat. 899, as amended; sec. 11, 58 Stat. 734, as amended; sec. 13, 65 Stat. 693, as amended; sec. 3, 76 Stat. 130; 21 U.S.C. 111–114, 114a, 114a–1, 115–117, 120, 121–126, 134b; 37 FR 28464, 28477.)

Effective date.—The foregoing amendment shall become effective October 23, 1973.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of livestock diseases. It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendment are impracticable and unnecessary.

Done at Washington, D.C., this 20th day of August 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-18010 Filed 8-23-73;8:45 am]

[4] It is the responsibility of the person who causes the interstate movement to determine whether the establishment maintains such records. As evidence that the establishment does maintain such records such person should obtain a statement to that effect from the management of the establishment and retain it for a period of five years from the date of shipment.

[5] The backtag or other identification numbers should be included on the receiving document of the stockyard or establishment for all such cattle identified by backtags or other identification after arrival at such stockyard or establishment.

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

[No. 73–1157]

PART 584—REGULATED ACTIVITIES

Management Interlocks

AUGUST 15, 1973.

The Federal Home Loan Bank Board considers it desirable to amend § 584.9 (b)(1) of the Regulations for Savings and Loan Holding Companies (12 CFR 584.9(b)(1)) governing management interlocks under sec. 408(1)(2) of the National Housing Act, as amended.

Under sec. 408(1)(2) of the Act it is unlawful for any director, officer, or person owning, controlling, or holding with power to vote, or holding proxies representing more than 25 percent of the voting shares of a savings and loan holding company, except with prior approval of the Corporation, to serve at the same time as a director, officer, or employee of an insured institution or another savings and loan holding company not a subsidiary of such holding company. This provision is designed to be consistent with others in the Act which control further holding company acquisitions of insured institutions. This provision is implemented in § 584.9(b)(1).

Based upon the Board's experience in reviewing applications for prior approval under § 584.9(b)(1), the Board considers it desirable to set forth the standards upon which it may approve an application. Approval of an otherwise prohibited management interlock may be granted upon a showing that the service of the officer, director, or person in question would be consistent with the public interest, taking into account, among other factors: the degree of his involvement in the affairs of each insured institution and of other financial institutions, the degree of business relationship existing between or among the insured institutions involved, the physical proximity of the insured institutions involved, and the percentage of consolidated net income and assets of any applicant holding company represented by its subsidiary insured institutions.

Accordingly, the Board hereby amends Part 584 of the Regulations for Savings and Loan Holding Companies (12 CFR Part 584) by revising said § 584.9(b)(1) thereof to read as set forth below, effective August 24, 1973.

Since the above amendment states existing Board policy and is for the purpose of clarification, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

§ 584.9 Prohibited acts.

. . . . . .

(b) *Management interlocks.*—No director or officer of a savings and loan holding company, or any person owning, controlling, or holding with power to vote, or holding proxies representing more than 25 percent of the voting shares of such holding company may:

(1) Serve at the same time as a director, officer, or employee of an insured institution or of another savings and loan holding company, not a subsidiary of such holding company, except with the prior written approval of the Corporation. Such approval may be granted upon a showing that the service of such officer; director or person would be consistent with the public interest, taking into account, among other factors: the degree of involvement of the officer, director or person in the affairs of each insured institution and of other financial institutions, the degree of business relationship existing between or among the insured

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institutions involved, the physical proximity of the insured institutions involved, and the percentage of consolidated net income and assets of any applicant holding company represented by its subsidiary insured institutions.

* * * * *

(Sec. 402, 48 Stat. 1256, as amended, sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730a, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73–17973 Filed 8–23–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73–WE–15–AD; Amdt. 39–1705]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics 340/440/580/640 (Convair) Series, and All Model C–131E Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted July 27, 1973, and made effective immediately by airmail letter dated July 30, 1973, to all known operators or owners of General Dynamics 340/440/580/640 (Convair) Series and all Model C1–131E airplanes. The airworthiness directive requires external initial and repeat inspections of nose landing gear drag strut upper left hand segments for crack development, and replacement with new or reworked parts, as necessary. The directive provides for equivalent inspections and installations approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately to all known operators of General Dynamics 340/440/580/640 (Convair) Series and Model C–131E airplanes. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

GENERAL DYNAMICS. Applies to General Dynamics 340/440/580/640 (Convair) Series and Model C–131E airplanes certificated in all categories.

Compliance required as indicated.

To prevent possible collapse of the nose landing gear due to fatigue cracks in the drag strut upper left hand segments, accomplish the following.

(a) Within ten landings after the effective date of this A.D., unless already accomplished within the last 590 landings prior to this A.D., and at one additional interval not to exceed 600 landings thereafter, perform an external visual inspection of all P/N 340–5210103, 340–5215103 or 340–7310231 nose landing gear drag strut upper left hand segments for crack development in the area depicted by Figure 1, View A–A, General Dynamics Service Bulletin 640(340D) No. 32–7 dated June 20, 1973, by dye penetrant, eddy current or ultrasonic methods, per the accomplishment instructions in S.B. 32–7, dated June 20, 1973, or later FAA-approved revisions. (Disassembly of strut is not required).

(1) If crack development is noted, replace the drag strut prior to further flight, with new P/N 340–7310231–1, or serviceable parts (Items 1 through 4, Convair Service Engineering Report No. 340–44A/440–44A, dated June 16, 1961).

(2) If crack development is not indicated after the accomplishment of the foregoing inspections, repeat the inspection thereafter at intervals not to exceed 2,400 landings. If cracks are discovered, replace the drag strut, prior to further flight per a(1) above.

(3) If new P/N 340–7310231–1 is used as a replacement, the inspections of this A.D. may be discontinued, and normal maintenance practices will be observed.

(4) If a reworked part (cf: Convair Service Engineering Report, No. 340–44A/440–44A) is used as a replacement, perform an inspection for crack development prior to an additional 600 landings after installation per a, above. Repeat the inspections per a and (2) above.

(5) Any parts removed for crack development per this A.D., or as a result of any other inspection indicating a like condition, may not be returned to service unless a specific rework procedure has been approved by the Chief, Aircraft Engineering Division, FAA Western Region, and accomplished as to said parts.

(6) Aircraft may be operated per FAR 21.197 to a base for accomplishment of maintenance per this A.D.

(b) Equivalent inspections and installations may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) For the purpose of complying with this A.D., subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

This amendment is effective Aug. 27, 1973 except those to whom it was made effective immediately by airmail letter dated July 30, 1973.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, California on August 15, 1973.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.73–17935 Filed 8–23–73;8:45 am]

[Airspace Docket No. 73–AL–18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Amendments to Colored Federal Airways, Additional Control Areas, Control Zones, and Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations (FARs) is to redescribe, in part, Red Federal Airway 39, Green Federal Airway 9, Blue Federal Airway 27, Bethel, Alaska, control zone, low altitude reporting points, and additional control area 1483.

This action is based on the need to eliminate the duplication of navaid location names at Bethel, Alaska. The VOR TAC will retain the name "Bethel VOR TAC" with the identification "BET". The Bethel, Alaska, nondirectional radio beacon, formerly "BEA" was converted to an ILS middle marker compass locator, and assigned the identifier "ET". The ILS system was commissioned July 6, 1973. The Bethel, Alaska, nondirectional radio beacon "BET" is being renamed "Oscarville" with a new identifier "OSE" to become effective October 11, 1973.

Since these amendments are minor in nature and do not assign or reassign the use of domestic or off-shore navigable airspace presently coordinated under the Federal Action Act of 1958 and Executive Order 10854, notice and public procedure hereon are unnecessary. However, in order to allow sufficient time to make appropriate editorial changes to aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 11, 1973, as hereinafter set forth.

1. Section 71.103 (38 FR 305) in G–9 * * * "Bethel, Alaska, RBN (BET)" is deleted and "Oscarville, Alaska, RBN" is substituted therefor.

2. Section 71.107 (38 FR 306) in R–39 * * * "Bethel, Alaska, RBN (BET)" is deleted and "Oscarville, Alaska, RBN" is substituted therefor.

3. Section 71.109 (38 FR 306) in B–27 * * * "Bethel, Alaska, (BET) RBN" is deleted and "Oscarville, Alaska, RBN" is substituted therefor.

4. Section 71.163 (38 FR 344) in Control 1483, "Bethel, Alaska, RBN" and "Bethel RBN" are deleted wherever they appear and "Oscarville, Alaska, RBN" is substituted therefor.

5. Section 71.171 (38 FR 351) in Bethel, Alaska, * * * "Bethel RBN (BEA)" is deleted and * * * "Bethel compass locator (ET)" is substituted therefore, and * * * "northeast of the RBN;" is deleted and * * * "northeast of the compass locator;" is substituted therefor.

6. Section 71.211 (38 FR 618), Alaskan low altitude reporting points, are amended as follows:

a. "Bethel, Alaska, RBN" is deleted and "Oscarville, Alaska, RBN" is substituted therefor.

b. In Fluke INT, "Bethel, Alaska, RBN" is deleted and "Oscarville, Alaska, RBN" is substituted therefor.

7. Section 71.213 (38 FR 620), Alaskan high altitude reporting points. In Fluke INT, "Bethel, Alaska, RBN" is deleted and "Oscarville, Alaska, RBN" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); E.O. 10854)

Issued in Anchorage, Alaska, on August 17, 1973.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.73–17936 Filed 8–23–73;8:45 am]

[Airspace Docket No. 73–NW–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On July 11, 1973 a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 18470) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Burley, Idaho Control Zone and Transition Area.

Interested persons were given thirty days in which to submit written data, views, or arguments. No objections have been received, and the proposed amendments are hereby adopted without change.

Effective date.—These amendments shall be effective 0901 G.m.t., November 8, 1973.

(Sec. 307(a) of the Federal Aviation Act of 1958 as amended (49 U.S.C. 1348(a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Seattle, Washington on August 17, 1973.

C. B. WALK, JR.,
Director.

In § 71.171 (38 FR 351) the description of the Burley, Idaho control zone is amended by adding the following: "* * * and within 1.5 miles each side of the 036 degree bearing from the Burley Municipal Airport extending from the 5-mile radius zone to 8 miles northeast of the airport."

In § 71.181 (38 FR 435) the description of the Burley, Idaho transition area is amended to read as follows:

BURLEY, IDAHO

That airspace extending upward from 700 feet above the surface within 5.5 miles each side of the Burley VORTAC 121 degree radial, extending from the VORTAC to 27 miles southeast of the VORTAC; within 5.5 miles each side of the Burley VORTAC 292 degree radial extending from the VORTAC to 17 miles west of the VORTAC; within 4.5 miles each side of the Burley VORTAC 344 degree radial extending to the north edge of V–500; and within 2.5 miles southeast and 6 miles northwest of the 036 degree bearing from the Burley Municipal Airport, extending to 9.5 miles north of the Burley Municipal Airport; and that airspace extending upward from 1200 feet above the surface within 8 miles south of the Burley VORTAC 074° radial extending from the VORTAC 19 miles east; within 10 miles southeast of the 223° radial extending from the VORTAC 19 miles southwest; that airspace southeast of Burley bounded on the north by V–4, on the southeast by a 33.5 mile arc centered on the Burley Airport, on the southwest by northeast edge V–101; that airspace northeast of Burley bounded on the north by V–500, on the east by an arc of a 23 mile radius circle centered on Pocatello, Idaho VORTAC, on the south by V–269 and on the west by V–365; and that airspace north of Burley bounded on the west by a line parallel to and 8 miles northwest of the centerline of V–365 extending from the Burley VORTAC to the south edge of V–500.

[FR Doc.73–17937 Filed 8–23–73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATION

[Reg. 815; Amdt. 3]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Authority of Direct Air Carriers To Charter Aircraft to Foreign Air Freight Forwarders

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

In EDR–245 [1] the Board issued a notice of proposed rulemaking to amend Parts 207, 208 and 212 of the Board's Economic Regulations (14 CFR Parts 207, 208 and 212) so as to authorize certificate route air carriers, supplemental air carriers and foreign route air carriers, respectively, to charter aircraft to foreign air freight forwarders. The purpose of the proposed rule is to make the authority of these direct air carriers to charter to such forwarders correlative with the latter's section 402 permit chartering authority.

Pursuant to the notice, comments have been filed by Emery Air Freight, J. D. Kaye International Limited (New Zealand), The Flying Tiger Line Inc., Japan Air Lines, Pan American World Airways, Inc., and Saturn Airways, Inc. Upon consideration, the Board has determined to adopt the proposed rule with a modification. The tentative findings and conclusions set forth in EDR–245 are incorporated and made final, except as modified. Except to the extent indicated herein, all requests contained in the comment are denied.

In its comment Pan American requests the Board to defer action in this rulemaking proceeding until final decision is reached on "essentially the same subject" in the *Air Freight Forwarders' Charter Investigation*, Docket 23287.[2] Flying Tiger takes a similar position. These requests are denied.

[1] April 26, 1973, 38 FR 10816 (Docket 25473).

[2] The investigation referred to was instituted by Order 72–4–116 to determine what the Board's policy should be with respect to the chartering of aircraft by domestic and international air freight forwarders; what amendments, if any, should be made in Part 296 (classification and exemption of indirect air carriers) and Part 297 (classification and exemption of international air freight forwarders) of the Board's Economic Regulations to implement the chosen policy; and whether the Board should continue to permit joint loading on charters on an unrestricted basis by domestic and international air freight forwarders.

The Board's decision in the *Investigation* may have an impact on chartering by foreign air freight forwarders.[3] Nevertheless, the Board's ultimate decision in that case is far from imminent.[4] Furthermore, the rule herein does not expand the authority to charter aircraft, which is contained in the foreign forwarders' permits, but rather, implements that authority by granting correlative authority to direct air carriers. As indicated in EDR–245,[5] the absence of such authority for the direct air carriers appears to have resulted from inadvertence rather than design. Under these circumstances we shall not grant the requests for deferral.

In its comment, Japan Air Lines points out that by IATA Resolution 045a the IATA carriers may not charter to air freight forwarders, and it sets forth certain problems which would arise if cargo charters by freight forwarders were to be permitted the IATA carriers. The carrier further points out that the Japanese Government has long approved IATA Resolution 045a and has also prohibited air freight forwarders from chartering aircraft of non-IATA carriers.

Notwithstanding the impediment of the resolution to forwarder chartering by IATA carriers, we consider it most unlikely that this rule will materially affect the route carriers vis-a-vis the supplementals. While we take note of the effect of Resolution 045a, we shall no longer allow our own rules to impede implementation of the permit authority which we ourselves have granted to foreign air freight forwarders.

Kaye International and Saturn support the proposed rule. Emery does not object to it, but requests a modification. Emery takes note that permits to foreign air freight forwarders are made subject to §§ 297.21,[6] 297.22,[7] and 297.23 [8] of Part 297 (Classification and Exemption of In-

[3] The authority of U.S. international forwarders to charter aircraft, including the limitations of § 297.23, *infra*, are at issue in the *Investigation*, and the permits of the foreign air freight forwarders incorporate by reference these restrictions.

[4] The hearing is scheduled to commence on September 11, 1973.

[5] Mimeo, pp. 4–5.

[6] Section 297.21 limits shipments to aircraft operated by direct air carriers which have effective tariffs for the services on file with the Board and prohibits international air freight forwarders from shipping by air except in aircraft operated by a direct air carrier.

[7] Section 297.22 prohibits international air freight forwarders from directly engaging in the operation of aircraft in air transportation.

[8] Section 297.23 prohibits international air freight forwarders from chartering aircraft from a direct air carrier for overseas or foreign air transportation between points for which other direct air carriers are authorized to engage in scheduled air transportation unless the direct air carrier is similarly authorized or either (1) has the consent in writing of the authorized direct air carriers or (2) has specific Board authority granted upon a showing of hardship.

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ternational Air Freight Forwarders). However, these provisions apply only to shipments outbound from the United States, since the Board has refrained from exercising jurisdiction over foreign forwarders with respect to inbound shipments.[3] The result is that while the inbound operations of U.S. international air freight forwarders are subject to these provisions, those of foreign forwarders are not. Emery requests that the Board overcome this competitive disadvantage by attaching to the proposed amendment a proviso requiring that on inbound charters, foreign forwarders must comply with § 297.23 and other appropriate limitations.

We shall modify the rule substantially as requested by Emery. As Emery points out, without this limitation inbound foreign forwarders are not subject to the first-refusal and veto rights of on-route scheduled carriers set forth in that section, whereas Emery and other U.S. forwarders are subject to those rights. Hence the inbound foreign forwarders may charter aircraft from U.S. supplemental carriers and other carriers, free of these restrictions, while U.S. international forwarders may not. To eliminate this disadvantage to U.S. forwarders, we are therefore revising the proposed amendment by providing that, with respect to flights to the United States in foreign air transportation, the authority to charter to foreign air freight forwarders is limited to those forwarders who have complied with the provisions of § 297.23.

Accordingly, the Civil Aeronautics Board hereby amends Part 207 of its Economic Regulations (14 CFR Part 207) effective September 24, 1973, as follows:

Amend § 207.11 to read in part as follows:

§ 207.11 Charter flight limitations.

* * * * *

(b) Air transportation performed * * *

(3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under Part 296 or Part 297 of this subchapter for the carriage of property in air transportation; by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; or, with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit issued by the Board under section 402 of the Act, and, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder who has complied with the provisions of § 297.23 of this chapter;

(4) [Reserved].

* * * * *

(Secs. 204(a) and 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, as amended by 76 Stat. 143, 82 Stat. 869; 49 U.S.C. 1324, 1371)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-18007 Filed 8-23-73;8:45 am]

[3] See International Airfreight Forwarder Investigation 27 C.A.B., 658, 720-22 (1958).

[Reg. ER-816; Amdt. 2]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Authority of Direct Air Carriers To Charter Aircraft to Foreign Air Freight Forwarders

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

In EDR-245 [1] the Board issued a Notice of Proposed Rulemaking to amend, *inter alia*, Part 208 of the Board's Economic Regulations (14 CFR Part 208) so as to authorize supplemental air carriers to charter aircraft to foreign air freight forwarders. For the reasons set forth in ER-815, issued simultaneously herewith, the Board has determined to adopt the proposed rule with a modification providing that, with respect to flights to the United States in foreign air transportation, the authority to charter to foreign air freight forwarders is limited to those forwarders who have complied with the provisions of § 297.23.

Accordingly, the Civil Aeronautics Board hereby amends Part 208 of its Economic Regulations (14 CFR Part 208) effective September 24, 1973, as follows:

Amend § 208.6 to read as follows:

§208.6 Charter flight limitations.

Charter flights in air transportation performed by supplemental air carriers shall be limited to the following:

* * * * *

(b) * * *

(3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under Part 296 or Part 297 of this subchapter for the carriage of property in air transportation; by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; or, with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit issued by the Board under section 402 of the Act, and, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder who has complied with the provisions of § 297.23 of this chapter;

* * * * *

(Secs. 204(a) and 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, as amended by 76 Stat. 143, 82 Stat. 867; 49 U.S.C. 1324, 1371.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-18008 Filed 8-23-73;8:45 am]

[1] April 26, 1973, 38 FR 10616 (Docket 25473).

[Reg. R-817; Amdt. 14]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Authority of Direct Air Carriers to Charter Aircraft to Foreign Air Freight Forwarders

Adopted by Civil Aeronautics Board at its office in Washington, D.C.

In EDR-245 [1] the Board issued a Notice of Proposed Rulemaking to amend, *inter alia*, Part 212 of the Board's Economic Regulations (14 CFR Part 212) so as to authorize foreign route air carriers to charter aircraft to foreign air freight forwarders. For the reasons set forth in ER-815, issued simultaneously herewith, the Board has determined to adopt the proposed rule with a modification providing that, with respect to flights to the United States in foreign air transportation, the authority to charter to foreign air freight forwarders is limited to those forwarders who have complied with the provisions of § 297.23.

Accordingly, the Civil Aeronautics Board hereby amends Part 212 of its Economic Regulations (14 CFR Part 212) effective September 24, 1973, as follows:

Amend § 212.8 to read as follows:

§212.8 Charter flight limitations.

* * * * *

(a) * * *

(3) By an international air freight forwarder holding a currently effective operating authorization under Part 297 of this subchapter for the carriage of property in foreign air transportation; by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; or, with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit issued by the Board under section 402 of the Act, and, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder who has complied with the provisions of § 297.23 of this chapter;

* * * * *

(Secs. 204(a) and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-18009 Filed 8-23-73;8:45 am]

[1] April 26, 1973, 38 FR 10616 (Docket 25473).

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-195]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Connecticut	Hartford	New Britain, City of.				Aug. 22, 1973, Emergency.
New York	Rockland	Ramapo, Town of.	I 36 087 5077 01 through I 36 087 5077 03	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and 324 State St., Albany, N.Y. 12210.	Engineering Office, Town of Ramapo, Ramapo Town Hall, Route No. 59, Suffern, N.Y. 10901.	Oct. 29, 1971, Emergency. Aug. 31, 1973, Regular.
Do	do	Spring Valley, Village of.	I 36 087 5030 01	do	Office of the Village Administrator, Village Hall, 95 North Main St., Spring Valley, N.Y. 10977.	Oct. 29, 1973, Emergency. Aug. 31, 1973, Regular.
Pennsylvania	Indiana	Center, Township of.				Aug. 22, 1973, Emergency.
Do	Lancaster	Denver, Borough of.				Do.
Do	Snyder	Shamokin Dam, Borough of.				Do.
Wisconsin	Manitowoc	Two Rivers, City of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 15, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-17916 Filed 8-23-73;8:45 am]

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[Docket No. FI-197]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Florida	Pinellas	Indian Rocks Beach, City of.				July 17, 1970. Emergency. May 7, 1971. Regular. Sept. 15, 1972. Suspension. Aug. 17, 1973. Reinstated.
Pennsylvania	Clearfield	Clearfield, Borough of.				Aug. 24, 1973. Emergency.
Do	Luzerne	Conyngham, Borough of.				Do.
Do	McKean	Liberty, Township of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 17, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-17917 Filed 8-23-73;8:45 am]

[Docket No. FI-198]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Florida	Pinellas	Unincorporated areas.				June 19, 1970. Emergency. June 18, 1971. Regular. Apr. 15, 1973. Suspension. Aug. 20, 1973. Reinstated.
Illinois	Cook	Evergreen Park, Village of.				Aug. 27, 1973. Emergency.
Michigan	Muskegon	Montague, City of.				Do.
Pennsylvania	Lebanon	Heidelberg, Township of.				Do.
Do	do	Millcreek, Township of.				Do.
Do	do	Myerstown, Borough of.				Do.
Do	do	Spring Garden, Township of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 17, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-17918 Filed 8-23-73;8:45 am]

V 38-164 AUG 24 73 XUM

[Docket No. FI-196]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective on August 24, 1973. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New Jersey	Bergen	Northvale, Borough of.	H 34 003 2270 01 through H 34 003 2270 02	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Borough Clerk, Borough of Northvale, Borough Hall, Northvale, N.J. 07647.	Aug. 31, 1973.
Do	do	Paramus, Borough of.	H 34 003 2480 01 through H 34 003 2480 04	do	Borough Clerk's Office, Borough of Paramus, Jockish Square, Paramus, N.J. 07652.	Do.
Do	do	Ridgewood, Village of.	H 34 003 2790 01 through H 34 003 2790 04	do	Office of the Village Manager, Ridgewood Municipality Bldg., 131 North Maple Ave., Ridgewood, N.J. 07451.	Do.
Do	Gloucester	Clayton, Borough of.	H 34 015 0620 01	do	Municipal Building, Borough Clerk's Office, 125-127 North Dr., Clayton, N.J. 08312.	Do.
Do	Middlesex	Dunellen, Borough of.	H 34 023 0770 01	do	Borough Clerk's Office, Municipal Bldg., 333 North Ave., Dunellen, N.J. 08812.	Do.
Do	Monmouth	Brielle, Borough of.	H 34 025 0408 01	do	Bbrough of Brielle, 601 Union Lane, Brielle, N.J. 08730.	Do.
Do	do	Little Silver, Borough of.	H 34 025 1740 01 through H 34 025 1740 02	do	Borough of Little Silver, Borough Hall, 480 Prospect Ave., Little Silver, N.J. 07739.	Do.
Do	Morris	East Hanover, Township of.	H 34 027 1295 01 through H 34 027 1295 03	do	Municipal Clerk's office, Township of East Hanover, 411 Ridgedale Ave., East Hanover, N.J. 07936.	Do.
Do	Passaic	Passaic, City of	H 34 031 2500 01 through H 34 031 2500 01	do	Office of the City Manager, 101 Passaic Ave., Passaic, N.J. 07055.	Do.
New York	Chemung	Elmira, City of	H 36 015 1850 01 through H 36 015 1850 03	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., 321 State St., Albany, N.Y. 12210.	City Manager's Office, City Hall, 319 E. Church St., Elmira, N.Y. 14901.	Do.
Do	do	Elmira, Town of	H 36 015 1851 01 through H 36 015 1851 01	do	Office of the Town Clerk, 1212 W. Water St., Elmira, N.Y. 14905.	Do.
Do	Rockland	Ramapo, Town of	H 36 087 5077 01 through H 36 087 5077 03	do	Engineering office, Town of Ramapo, Ramapo Town Hall, Route No. 59, Suffern, N.Y. 10901.	Do.
Do	do	Spring Valley, Village of.	H 36 087 5930 01	do	Office of the Village Administrator, Village Hall, 95 North Main St., Spring Valley, N.Y. 10977.	Do.
Do	Wayne	Sodus Point, Village of.	H 36 117 5791 01	do	Office of the Village Clerk, Lake Road, Sodus Point, N.Y. 14555.	Do.
Pennsylvania	Allegheny	McKees Rocks, Borough of.	H 42 003 4720 01 through H 42 003 1720 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough of McKees Rocks, Municipal Building, Bell and Linden Ave., McKees Rocks, Pa. 15136.	Do.
Do	Bucks	Bridgeton, Township of.	H 42 017 0705 01 through H 42 017 0705 02	do	Bridgeton Township Supervisors, Post Office Box 161, Upper Black Eddy, Pa. 18972.	Do.
Do	Crawford	West Mead, Township of.	H 42 039 5000 01 through H 42 039 5000 03	do	West Mead Township, P.O. Box 491, Meadville, Pa. 17043.	Do.
Do	Cumberland	Wormleysburg, Borough of.	H 42 041 9480 01	do	The Municipal Bldg., Second and Market St., Wormleysburg, Pa. 17043.	Do.
Do	Dauphin	Steelton, Borough of.	H 42 043 8110 01 through H 42 043 8110 03	do	Office of the Secretary, Borough of Steelton, Municipal Building, 123 North Front St., Steelton, Pa. 17113.	Do.
Do	Lackawanna	Moosic, Borough of.	H 42 069 5180 01 through H 42 069 5180 05	do	Moosic Borough, Borough Bldg., 715 Main St., Moosic, Pa. 18507.	Do.
Do	Lancaster	Ephrata, Borough of.	H 42 071 2630 01 through H 42 071 2630 05	do	Ephrata Borough, 114 East Main St., Ephrata, Pa. 17522.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Lancaster	Lancaster, City of.	H 42 071 4180 01 through H 42 071 4180 04	do	Municipal Building, 120 North Duke, Lancaster, Pa. 17604.	Do.
Do	Lebanon	East Hanover, Township of.	H 42 075 2232 01 through H 42 075 2232 07	do	Lebanon County-City Planning Department, Room 3, Municipal Bldg., East Hanover Township, Lebanon, Pa. 17042.	Do.
Do	Luzerne	Nescopeck, Township of.	H 42 079 5730 01 through H 42 079 5730 05	do	Nescopeck Township Fire Hall, Nescopeck, Pa. 18635.	Do.
Do	do	Pittston, City of	H 42 079 6610 01	do	City Hall, Broad St., Pittston, Pa. 18940.	Do.
Do	Lycoming	Old Lycoming, Township of.	H 42 081 938 01 through H 42 081 9380 03	do	Municipal Bldg., Township of Lycoming, 1951 Green Ave., Williamsport, Pa. 17701.	Do.
Do	Burnham	Burnham, Borough of.	H 42 087 1010 01	do	Borough of Burnham, 200 First Ave., Burnham, Pa. 17009.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 15, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-17919 Filed 8-23-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 534-73]

PART 17—REGULATIONS RELATING TO THE CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL PURSUANT TO EXECUTIVE ORDER NO. 11652

Procedures for Review of Requests for Declassification of Documents

The following amendments to the regulations governing the classification and declassification of national security information and material originating in or coming under the jurisdiction or control of the Department of Justice (the "Department") prescribe, *inter alia*, procedures for the review of requests for the declassification of Department documents.

By virtue of the authority vested in me by Executive Order No. 11652 of March 8, 1972 (the "Order"), sections 509 and 510 of title 28, United States Code, Chapter I of title 28 of the Code of Federal Regulations is amended as follows:

§ 17.1 [Amended]

(1) In § 17.1(a) the word "require" is substituted for the word "requires" in line 5, the word "are" is substituted for the word "is" in line 6 and the word "are" is substituted for the word "is" in line 8.

§ 17.50 [Amended]

(2) § 17.50, the article "a" is substituted for the article "the" appearing before the title "Division Security Officer".

§ 17.56 [Amended]

(3) In § 17.56, the phrase "or of such of his subordinates as he may designate in writing", is inserted at the end of the first sentence.

§ 17.67 [Amended]

(4) In § 17.67, the word "category" is substituted for the word "categories" appearing in line 5 of the first sentence and the words "and Confidential" are deleted from lines 6, 9-10, and 15.

§ 17.75 [Amended]

(5) In § 17.75, the reference "§ 17.76" is substituted for the reference "section 1303".

(6) Paragraph (c) of § 17.36 is amended to read as follows:

§ 17.36 Mandatory review of material over 30 years old.

* * * * *

(c) Procedure: (1) Requests for classification review under this section for documents originating within the Department of Justice should be directed to the Office of the Deputy Attorney General, Washington, D.C. 20530. The Office of the Deputy Attorney General shall assign the request to the appropriate division within the Department for action, and the latter shall immediately acknowledge receipt of the request to the requester in writing. If the requester is a member of the public and the request calls for the rendering of services requiring the charging of fees pursuant to 31 U.S.C. § 483a (1970), the requester shall be so notified, and fees shall be charged in accordance with the schedule set forth in § 16.9 of this Chapter. The division shall thereafter make a determination within 30 days of receipt of the request by the Office of the Deputy Attorney General or shall give an explanation to the requester as to why further time is necessary, and provide a copy of the explanation to the Office of the Deputy Attorney General. If at the end of 60 days from receipt of the request for review no determination has been made, the requester may treat his request as having been denied as of that date and may appeal to the Department Review Committee for a determination in accordance with the procedures established by § 17.38.

(2) If the division determines that continued classification is required, the requester shall promptly be notified, and to the extent consistent with national security, provided with a brief statement as to why the requested information or material cannot be declassified. The notification shall also advise the requester that he has the right to appeal the determination and that if he wishes to exercise that right, he must submit his appeal to the Chairman, Department Review Committee, Department of Justice, Washington, D.C. 20530 within 30 days of the receipt by the requester of the determination. The procedures under which an appeal may be submitted are set forth in § 17.38(b).

(3) If the division determines that continued classification is not required, the information or material shall be declassified. If the requester is a member of the public, the division shall then determine whether the information or material is otherwise available for public release under the Freeedom of Information Act (5 U.S.C. 552) and Subpart A of Part 16 of this Chapter ("Production or Disclosure Under 5 U.S.C. 552(a)").

(i) If the division determines that the information or material is not exempt from disclosure under the Freedom of Information Act or that, even though exempt, it should be made available as a matter of discretion, the requester shall be advised that it has been declassified and is available. If the request involves the furnishing of copies and a fee is to be assessed the requester shall be so advised pursuant to § 16.9(c) of Part 16 of this Chapter and the schedule of fees in § 16.9(b) shall be controlling.

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(ii) If the division determines that the information or material is exempt under the Freedom of Information Act and should not be disclosed, the requester shall be advised that it has been declassified but that it will not be disclosed. The requester shall also be advised that he may appeal to the Attorney General the denial of his request pursuant to § 16.7 of the Freedom of Information Act procedure, Part 16 of this Chapter.

(7) Section 17.38 is amended to read as follows:

§ 17.38 Department review committee.

(a) *Purpose.*—A Department Review Committee is hereby established. The Committee is responsible for the continuing review of the administration of these regulations with respect to classification and declassification of information or material originated within the Department. It shall have the authority and responsibility to—

(1) Review and act upon all appeals from denials of requests for declassification;

(2) Review all appeals of requests for information or material under the Freedom of Information Act, 5 U.S.C. 552, when the proposed denial is based on continued classification under the order;

(3) Overrule on behalf of the Attorney General classification determinations in whole or in part, when in its judgment, continued protection is not required;

(4) Recommend to the Attorney General appropriate administrative action to correct abuse or violation of any provision of the order, the directives or these regulations, including but not limited to notifications by warning letter, formal reprimand, and to the extent permitted by law, suspension without pay or removal.

(b) *Procedure for appeal.*—(1) When a division has determined that continued classification of information or material is necessary, the requester may, within 30 days of its receipt, appeal the determination to the Chairman, Department Review Committee, Department of Justice, Washington, D.C. 20530. The appeal shall be in writing, shall identify or describe the information or material for which declassification was requested, and, whenever possible, should state the reasons why the requester believes that it should be declassified.

(2) Upon receipt of an appeal, the Department Review Committee shall immediately acknowledge receipt and act on the matter within 30 days.

(3) If the Committee determines that continued classification is required it shall promptly so notify the requester and to the extent consistent with national security provide him with a brief statement as to why the requested information or material cannot be declassified. It shall also advise him that he may appeal the denial to the Interagency Classification Review Committee, Executive Office Building, Washington, D.C. 20506.

(4) If the Committee determines that continued classification is not required, it shall declassify the information or material and the requester shall be so notified. The Committee shall thereupon refer the request to the appropriate division within the Department to determine if the material is otherwise available for public release under the Freedom of Information Act (5 U.S.C. 552) and Part 16 of this Chapter ("Production or Disclosure of Material or Information") and the procedures set forth in § 17.36(c) (3) shall apply.

Dated: August 15, 1973.

ELLIOT RICHARDSON,
Attorney General.

[FR Doc.73-17963 Filed 8-23-73;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 40—FARM LABOR CONTRACTOR REGISTRATION

Change of Officer to Represent Administrator at Hearings

The Farm Labor Contractor Registration Act of 1963 (78 Stat. 920) and regulations issued thereunder (29 CFR Part 40) provide that a farm labor contractor shall have an opportunity for a hearing before an administrative law judge in cases where it is proposed to refuse to issue or renew, or to suspend or revoke, a certificate of registration. The regulations provide that the Secretary of Labor will rule on exceptions to a decision of the administrative law judge.

It is deemed necessary to amend the rules governing these proceedings to change a present provision under which the Solicitor or his designee is specified as the officer to represent the Administrator in proceedings before the administrative law judge pursuant to 29 CFR 40.21. In the event exceptions are taken by either party to a decision of the administrative law judge in accordance with 29 CFR 40.25, it is desirable that the entire record, including such exceptions, be reviewed impartially by the Solicitor in his capacity as legal advisor to the Secretary, in preparation for the issuance of an order by the Secretary in the matter pending. To avoid a dual role of the Solicitor as advocate of the Administrator's position before the administrative law judge and as advisor to the Secretary in the same proceeding, it is deemed necessary to assign the legal representation of the Administrator to the Associate Solicitor, Division of General Legal Services, of the United States Department of Labor, or his designee.

Notice of proposed rulemaking is unnecessary in this instance since the revision merely involves a change in the rules of department organization and procedures. A delay in the effective date is not necessary because public business will be expedited by making it effective immediately and those persons who followed the former procedures will not be adversely affected thereby. The amendment made hereby shall accordingly be effective August 24, 1973.

Part 40 of Title 29 is amended by revising paragraph (a) of § 40.21 to read as follows:

§ 40.21 The hearing—appearances.

(a) Each party shall have the right to appear in person, through an authorized agent, or by or with counsel. The Associate Solicitor, Division of General Legal Services, of the United States Department of Labor or his designee shall represent the Administrator in each proceeding before the Administrative Law Judge.

* * * * *

(5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 5 U.S.C. Appendix; sec. 14, 78 Stat. 924; 7 U.S.C. 2053.)

Signed at Washington, D.C., this 16th day of August 1973.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.73-17992 Filed 8-23-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 3-73-8R]

PART 127—SECURITY ZONES

Establishment of Security Zone at Christina River, Wilmington, Delaware

This amendment to the Coast Guard's Security Zone Regulations establishes the Christina River, Wilmington, Delaware, as a security zone. This security zone is established due to construction work on the highway bridge carrying Interstate Highway 495 across the Christina River.

This amendment is issued without publication of a notice of proposed rulemaking and this amendment is effective in less than 30 days from the date of publication because good cause exists and public procedures on this amendment are impracticable due to lack of advance notice of construction activity.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.309 to read as follows:

§ 127.309 Christina River, Wilmington, Delaware.

The waters within an area extending 100 yards either side of the highway bridge carrying Interstate Highway 495 across the Christina River, which bridge is located at 39°43'30" North, 75°32'0" West.

(46 Stat. 220, as amended, § 8(b), 80 Stat. 937; 50 U.S.C. § 191, 49 U.S.C. § 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR, 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 146(b).)

Effective date.—This amendment is effective at the following times and dates: From 8:00 a.m., e.d.t., until 5:30 p.m., e.d.t., Monday, 27 August 1973, through Friday, 31 August 1973, and Tuesday, 4 September 1973, through Friday, 7 September 1973.

Dated August 21, 1973.

B. F. ENGEL,
Vice-Admiral, United States Coast Guard, Commander, Third Coast Guard District, Governors Island, New York.

[FR Doc.73-17971 Filed 8-23-73;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 223—SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Adoption of Hearing Procedures

In the FEDERAL REGISTER of July 16, 1973, there was published at page 18897 a notice of proposed rulemaking to amend the regulations at 31 CFR Part 223 (Treasury Department Circular No. 297, Revised) governing surety companies doing business with the United States. The amendments were proposed to provide a surety company with an opportunity for a hearing to explain and justify its reasons for not settling claims made against it by Federal agencies prior to a determination by the Secretary of the Treasury to revoke its certificate of authority to do business with the United States for failure to perform its obligations to such agencies. Interested persons were given until August 15, 1973, to submit written comments on the proposed amendments and no such comments have been received.

Because the amendments to 31 CFR Part 223 establish a procedure for allowing surety companies to make their views known in disputed cases, the Department finds in accord with 5 U.S.C. 553 (d)(3), that there is good cause not to postpone the effective date of the amendments. Accordingly, the proposed amendments are hereby adopted, effective August 24, 1973.

Dated August 20, 1973.

[SEAL] DAVID MOSSO,
Deputy Fiscal Assistant Secretary.

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(1) As amended, the table of contents for §§ 223.17 through 223.22, reads:

Sec.
223.17 Revocation.
223.18 Performance of agency obligations.
223.19 Informal hearing on agency complaints.
223.20 Final decisions.
223.21 Reinstatement.
223.22 Schedule of fees.

(2) As amended, § 223.6 reads:

§ 223.6 Requirements applicable to surety companies.

Every company now or hereafter authorized to do business under the act of Congress referred to in § 223.1 shall be subject to the regulations contained in this part.

§§ 223.17, 223.18 [Redesignated]

(3) Section 223.18 would be redesignated as § 223.17; § 223.17 would be redesignated as § 223.18 and the heading changed to read as follows: § 223.18 *Performance of agency obligations.*

(4) As newly added, §§ 223.19 through 223.21 reads:

§ 223.19 Informal hearing on agency complaints.

(a) *Request for informal hearing.* If a company determines that the opportunity to make known its views, as provided for under § 223.18(b), is inadequate, it may, within 20 business days of the date of the notice required by § 223.18(b), request, in writing, that the Secretary of the Treasury convene an informal hearing.

(b) *Purpose.* As soon as possible after a written request for an informal hearing is received, the Secretary of the Treasury shall convene an informal hearing, at such time and place as he deems appropriate, for the purpose of determining whether revocation of the company's certificate of authority is justified.

(c) *Notice.* The Company shall be advised, in writing, of the time and place of the informal hearing and shall be directed to bring all documents, records and other information as it may find necessary and relevant to substantiate its refusal to settle the claims made against it by the Federal agency making the report under § 223.18(a).

(d) *Conduct of hearings.* The hearing shall be conducted by a hearing officer appointed by the Secretary. The company may be represented by counsel and shall have a fair opportunity to present any relevant material and to examine the agency's evidence. Formal rules of evidence will not apply at the informal hearing.

(e) *Report.* Within 30 days after the informal hearing, the hearing officer shall make a written report to the Secretary setting forth his findings, the basis for his findings, and his recommendations. A copy of the report shall be sent to the company.

§ 223.20 Final decisions.

If, after review of the case file, it is the judgment of the Secretary that the complaint was unfounded, the Secretary shall dismiss the complaint by the Federal agency concerned and shall so notify the company. If, however, it is the judgment of the Secretary that the company has not fulfilled its obligations to the complainant agency, he shall notify the company of the facts or conduct which indicate such failure and allow the company 20 business days from the date of such notification to demonstrate or achieve compliance. If no showing of compliance is made within the period allowed, the Secretary shall either preclude renewal of a company's certificate of authority or revoke it.

§ 223.21 Reinstatement.

If, after one year from the date of the expiration or the revocation of the certificate of authority, as the case may be, a company can show that the basis for the non-renewal or revocation has been eliminated and that it can comply with the requirements of 6 U.S.C. 6–13 and the regulations in this part, a new certificate of authority shall be issued without prejudice.

(5 U.S.C. 301; 6 U.S.C. 8.)

[FR Doc.73-17969 Filed 8-23-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 25—RELOCATION ASSISTANCE AND LAND ACQUISITION UNDER FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

The Veterans Administration is adding a new Part 25 to implement the provisions of Public Law 91-646 (84 Stat. 1894), the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The purpose of the act is to provide uniform and equitable land acquisition policies and relocation assistance for displaced persons in connection with Federal or federally assisted programs. Section 213 of the act authorizes the heads of Federal agencies to establish regulations that are necessary to carry out the purpose of the act and directs them to consult together to insure uniform implementation and administration of the act.

Pursuant to sec. 213 of the act and a memorandum from the President to all agency heads, dated January 4, 1971, guidelines for the issuance of regulations were developed by interagency task force in conjunction with the Office of Management and Budget.

In consideration of the foregoing, Chapter I of Title 38, Code of Federal Regulations, is amended by adding a new Part 25, Relocation Assistance and Land Acquisition Under Federal and Federally Assisted Programs.

Effective date.—Since these regulations are in accord with those promulgated by other Federal agencies and consist of interpretative rules and statements of policy under Public Law 91-646, it has been determined that notice and public procedure thereon are impracticable, unnecessary and contrary to the public interest, therefore, the regulations of this part shall become effective August 24, 1973.

Subpart A—General

Sec.
25.1 Purpose and coverage.
25.2 General considerations.
25.3 Review of activities for compliance Titles II and III.
25.4 Public information.

Subpart B—Assurance of Adequate Replacement Housing Prior to Displacement

25.21 Assurance of availability.
25.22 Housing provided as a last resort.
25.23 Loans for planning and preliminary expenses.

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Subpart C—Moving and Related Expenses

25.31 Eligibility.
25.32 Actual reasonable expenses in moving.
25.33 Exclusions.
25.34 Expenses in searching for replacement business or farm.
25.35 Actual direct losses by business or farm operation.

Subpart D—Payments in Lieu of Moving and Related Expenses

25.41 Dwellings; schedules.
25.42 Businesses; eligibility.
25.43 Farms; partial taking.
25.44 Nonprofit organizations.
25.45 Net earnings.
25.46 Amount of business fixed payment.

Subpart E—Replacement Housing Payment for Homeowners

25.51 Eligibility.
25.52 Comparable replacement dwelling.
25.53 Computation of replacement housing payment.

Subpart F—Replacement Housing Payments for Tenants and Certain Others

25.61 Eligibility.
25.62 Computation of replacement housing payments for displaced tenants.
25.63 Computation of replacement housing payments for certain others.

Subpart G—Relocation Assistance Advisory Services

25.71 Relocation assistance advisory program.
25.72 Coordination of planned relocation activities.
25.73 Contracting for relocation services.

Subpart H—Federally Assisted Programs

25.81 Assurances.
25.82 Administration; relocation assistance programs.

Subpart I—Uniform Real Property Acquisition Policy

25.101 Applicability.
25.102 Acquisition procedures.
25.103 Condemnation.
25.104 Improvements owned by tenants.
25.105 Expenses incidental to transfer of title to the United States.
25.106 Lease to former owner or occupant.
25.107 Litigation expenses.

Subpart J—Definitions

25.121 Applicability.
25.122 General.
25.123 Definitions.
25.124 Financial means.

Subpart K—Administrative Review

25.131 Administrative review.

AUTHORITY: Sec. 213, PL 91-646, 84 Stat 1900; 38 U.S.C. 210.

Subpart A—General

§ 25.1 Purpose and coverage.

(a) Part 25 prescribes the policies and procedures governing the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646, 84 Stat. 1894, approved January 2, 1971) hereinafter referred to as the Act, to assure the fair, equitable, and uniform treatment of persons displaced by Federal and federally assisted programs. All references in this part to sections or subsections are references to sections or subsections of the Act. In the event of any conflict between this part and the provisions of the Act, or any other applicable law, the statutory provision shall prevail.

(b) Provisions of this part are applicable to projects which are part of a Federal or federally assisted program administered by the Veterans Administration and which after January 1, 1971, cause the displacement of persons or the acquisition of real property, including acquisition by a State agency without Federal financial assistance.

§ 25.2 General considerations.

(a) Consideration has been given to the following in the development of this part.

(1) House Report 91-1656 of December 2, 1970, A Report to Accompany S. 1, Committee on Public Works, House of Representatives, 91st Congress, 2nd Session, and

(2) Provisions of other applicable law, including Title VI of the Civil Rights Act of 1964 (Public Law 88-352), Title VIII of the Civil Rights Act of 1968 (Public Law 90-284), OMB Circular A-103, and good faith and reasonableness.

(b) The Act shall be applied and administered to promote its underlying purposes and policies.

(c) Veterans Administration officials responsible for programs under this Act will assure that;

(1) A written notice of displacement be given to each individual, family, business, or farm operation to be displaced. Such notice shall be served personally or by certified (or registered) first-class mail.

(2) In order to qualify for benefits under Title II of the Act as a displaced person, either of two conditions be fulfilled:

(i) The person must have moved (or moved his personal property) as a result of the receipt of a written notice to vacate which notice may have been given before or after initiation of negotiations for acquisition of the property as prescribed by this part. When negotiations are initiated prior to issuance of a written notice, all persons contacted by the negotiating agency should be advised that the benefits of the Act are available only when the person moves subsequent to receipt of a written notice; or

(ii) The subject real property must in fact have been acquired, and the person must have moved as a result of its acquisition (except in those instances covered by secs. 217 and 219).

(3) In addition, certain of the benefits provided by Title II of the Act are available as follows:

(i) Whenever the acquisition of, or notice to move from, real property used for a business or farm operation causes any person to move from other real property used for his dwelling, or to move the personal property from such other real property, such person may receive the benefits provided by secs. 202 (a) and (b) and 205.

(ii) If the Administrator determines that any person, occupying property immediately adjacent to the real property acquired, is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under sec. 205(c).

(4) For real property acquisitions under Federal law, contracts or options to purchase real property shall not incorporate provisions for making payments for relocation costs and related items in Title II of the Act. Appraisers shall not give consideration to or include in their real property appraisals any allowances for the benefits provided by Title II. In the event of condemnation with a declaration of taking, the estimated compensation shall be determined solely on the basis of the appraised value of the real property with no consideration being given to or reference contained therein to the payments to be made under Title II of the Act.

(5) Applications for benefits under the Act are to be made within 18 months from the date on which the displaced person moves from the real property acquired or to be acquired; or the date on which the displacing agency makes final payment of all costs of that real property, whichever is the later date. The Administrator may extend this period upon a proper showing of good cause.

(6) The provisions of the Act apply to the acquisition of all real property for, and the relocation of all persons displaced by, Federal programs and projects and programs and projects undertaken by State agencies which receive Federal financial assistance for all or part of the cost. It is immaterial whether the real property is acquired by a Federal or State agency or whether Federal funds contribute to the cost of the real property.

§ 25.3 Review of activities for compliance with Titles II and III.

The Administrator shall provide for periodic review of all Federal and federally assisted programs to insure compliance with the provisions of Titles II and III of the Act.

§ 25.4 Public information.

The Administrator will make available to the public full information concerning the agency's relocation programs and he shall insure that persons to be displaced are fully informed, at the earliest possible time, of such matters as available relocation payments and assistance; the specific plans and procedures for assuring that suitable replacement housing will be available for homeowners and tenants, in advance of displacement; the eligibility requirements and procedures for obtaining such payments and assistance; and the right of administrative review by the head of the agency concerned as provided in § 25.131.

Subpart B—Assurance of Adequate Replacement Housing Prior to Displacement

§ 25.21 Assurance of availability.

(a) *Availability.*—The Veterans Administration may not proceed with any phase of a project or authorize a State agency to proceed with any phase of a project which will cause the displacement of any person until the Administrator has determined, or received satisfactory assurances from the displacing State agency, that within a reasonable period of time prior to displacement, there will be available on a basis consistent with the requirements of Title VIII of the Civil Rights Act of 1968 (Public Law 90-284), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as described in paragraph (d) of this section, equal in number to the number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment.

(b) *Support.*—The determination or assurances shall be based on a current survey and analysis of available replacement housing by the Veterans Administration or the displacing State agency. Such survey and analysis must take into account the competing demands on available housing.

(c) *Waiver.*—Pursuant to sec. 205(c)(3), the Administrator may waive the assurances prescribed by this section whenever, in his judgment, the immediate possession of real property is of overriding importance. Each waiver of assurance of replacement housing shall be supported by appropriate findings and a determination of the necessity for the waiver. Determinations so made shall be included in the annual report required by sec. 214.

(d) *Decent, safe, and sanitary housing.*—A decent, safe, and sanitary dwelling is one which is found to be in sound, clean, and weathertight condition, and which meets local housing codes. The Administrator shall consider the following criteria in determining if a dwelling unit is decent, safe, and sanitary. Adjustments may only be made in the cases of unusual circumstances or in unique geographical areas.

(1) *Housekeeping unit.*—A housekeeping unit must include a kitchen with fully usable sink; a cooking stove, or connections for same; a separate complete bathroom; hot and cold running water in both the bathroom and the kitchen; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(2) *Nonhousekeeping units.*—A nonhousekeeping unit is one which meets local code standards for boarding houses, hotels, or other congregate living. If local codes do not include requirements relating to space and sanitary facilities, standards will be subject to the approval of the Administrator.

(3) *Occupancy standards.*—Occupancy standards for replacement housing shall comply with agency approved occupancy requirements or comply with local codes.

(4) *Absence or inadequacy of local standards.*—In those instances where there is no local housing code or a local housing code does not contain certain minimum standards or the standards are inadequate, the Administrator may establish the standards.

(5) *Facilities.*—A dwelling unit meeting the physical and occupancy standards stated in this section shall only be considered as suitable replacement housing when it is reasonably convenient to such community facilities as schools, stores, and public transportation.

§ 25.22 Housing provided as a last resort.

When it is determined under § 25.21 that adequate replacement housing is not available, and cannot otherwise be made available, the Administrator will take action or approve action by a State agency to develop replacement housing as authorized by sec. 206(a). The Administrator in taking or approving such action for replacement housing will be guided by the criteria and procedures issued by the Secretary of Housing and Urban Development. A State agency taking such action will comply with the requirements and procedures of the Veterans Administration.

§ 25.23 Loans for planning and preliminary expenses.

The Administrator will be guided by the criteria and procedures developed by the Secretary of Housing and Urban Development when providing loans to eligible borrowers for planning and other preliminary expenses authorized under sec. 215. A State agency providing such loans will comply with the requirements and procedures of the Federal agency providing the Federal financial assistance.

Subpart C—Moving and Related Expenses

§ 25.31 Eligibility.

(a) Any displaced person (including one who conducts a business or farm operation) is eligible to receive a payment for moving expenses. A person who lives on his business or farm property may be eligible for both moving and related expenses as a dwelling occupant in addition to being eligible for payments with respect to displacement from a business or farm operation.

(b) Any person who moves from real property or moves his personal property from real property, as a result of the acquisition of such real property in whole or part, or as a result of a written notice of the Veterans Administration to vacate real property, or solely for the purposes of secs. 202 (a) and (b) as a result of the acquisition of, or a written notice of the Veterans Administration to vacate, other real property on which such person conducts a farm or business, is eligible to receive a payment for moving expenses.

§ 25.32 Actual reasonable expenses in moving.

(a) *Allowable moving expenses.*—(1) Transportation of individuals, families and personal property from the acquired site to the replacement site, not to exceed a distance of 50 miles, except where the Administrator determines that relocation beyond the 50-mile area is justified.

(2) Packing and unpacking, crating and uncrating of personal property.

(3) Advertising for packing, crating, and transportation when the Administrator determines that it is necessary.

(4) Storage of personal property for a period generally not to exceed 12 months when the Administrator determines that storage is necessary in connection with relocation.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, reestablishment, including such modifications as deemed necessary by the Veterans Administration, of and reconnection of utilities for, machinery, equipment, appliances, and other items, not acquired as real property. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personalty and that the displacing agency is released from any payment for the property.

(7) Property lost, stolen or damaged (without the fault or negligence of the displaced person, his agent or employees) in the process of moving where insurance to cover such loss or damage is not available.

(8) Such other reasonable expenses determined to be allowable by the Administrator.

(b) *Limitations.*—(1) When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of moving commercially, unless the Administrator determines a greater amount is justified.

(2) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, reimbursement shall not exceed the replacement cost minus the proceeds received from the sale, or the estimated cost of moving, whichever is less.

(3) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, in the judgment of the Administrator, the allowable reimbursement for the expense of moving the personal property shall not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving of junk yards, stock-piled sand, gravel, minerals, metals, and similar type items of personal property.

(4) If the cost of moving or relocating an outdoor advertising display or displays is determined to be equal to or in excess of the in-place value of the display, consideration should be given to acquiring such display or displays as a part

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of the real property, unless such acquisition is prohibited by State law.

§ 25.33 Exclusions.

A displaced person is not entitled to be paid for

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures or other improvements in which the displaced person reserved ownership except as otherwise provided by law.

(c) Improvements to the replacement site, except when required by law.

(d) Interest on loans to cover moving expenses.

(e) Loss of good will.

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Payment for search cost in connection with locating a replacement dwelling.

(k) Such other items as the Administrator determines should be excluded.

§ 25.34 Expenses in searching for replacement business or farm.

(a) *Allowable.*—(1) Actual travel costs.

(2) Extra costs for meals and lodging.

(3) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed $10 per hour.

(4) In the discretion of the Administrator, necessary broker, real estate, or other professional fees to locate a replacement business or farm operation.

(b) *Limitation.*—The total amount a displace person may be paid for searching expenses may not exceed $500, unless the Administrator determines that a greater amount is justified based on the circumstances involved. The justification for such an exception will be documented.

§ 25.35 Actual direct losses by business or farm operation.

When the displaced person does not move personal property, he should be required to make a bona fide effort to sell it, and should be reimbursed for the reasonable costs incurred.

(a) When the business or farm operation is discontinued, the displaced person is entitled to the difference between the fair market value of the personal property for continued use at its location prior to displacement and the sale proceeds, or the estimated costs of moving 50 miles, whichever is less.

(b) When the personal property is abandoned, the displaced person is entitled to payment for the fair market value of the property for continued use at its location prior to displacement or the estimated cost of moving 50 miles whichever is less.

(c) The cost of removal of the personal property shall not be considered as an offsetting charge against other payments to the displaced person.

Subpart D—Payments in Lieu of Moving and Related Expenses

§ 25.41 Dwellings; schedules.

(a) Any displaced person eligible for payments under sec. 202(b), who is displaced from a dwelling and who so elects, may receive a moving expense allowance determined according to the moving expense allowance schedules set forth in Appendix B, Part 25, Title 49, Code of Federal Regulations, not to exceed $300, and a dislocation allowance of $200.

(b) When said schedules are not applicable, the heads of Federal agencies undertaking or providing Federal financial assistance to a project causing displacement in such areas shall cooperate in the development of a single moving expense schedule for the use of all these displacing agencies.

(c) A displaced person, who elects to receive a payment based on a schedule, shall be paid under the schedule used in the jurisdiction in which the displacement occurs regardless of where he relocates.

§ 25.42 Businesses; eligibility.

(a) A person displaced from his business, as defined in sec. 101(7) (A), (B), and (C) is eligible under sec. 202(c) to receive a fixed payment in lieu of moving and related expenses. Care must be exercised, in each instance, however, to assure that such payments are made only in connection with a bona fide business. The Administrator will make a determination with respect to whether a given activity constitutes such a business.

(b) Those businesses described in sec. 101(7)(D) are not eligible under sec. 202(c) for a fixed payment in lieu of moving and related expenses.

(c) Where a displaced person is displaced from his place of business, no payment shall be made under sec. 202(c) until after the Administrator determines that the business is not part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, and that the business cannot be relocated without a substantial loss of existing patronage. The determination of loss of existing patronage shall be made by the Administrator only after consideration of all pertinent circumstances, including but not limited to the following factors:

(1) The type of business conducted by the displaced concern.

(2) The nature of the clientele of the displaced concern.

(3) The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person.

§ 25.43 Farms; partial taking.

Where a displaced person is displaced from only a part of his farm operation, the fixed payment provided by sec. 202(c) shall be made only if the displacing agency determines that the farm met the definition of a farm operation prior to the acquisition and that the property remaining after the acquisition can no longer meet the definition of a farm operation.

§ 25.44 Nonprofit organizations.

Where a nonprofit organization is displaced, no payment shall be made under sec. 202(c) until after the Administrator determines:

(a) That the nonprofit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage" as used in connection with a nonprofit organization includes the persons, community or clientele served or affected by the activities of the nonprofit organization.

(b) That the nonprofit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

§ 25.45 Net earnings.

The term "average annual net earnings" as used in sec. 202(c) means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the 2 taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the Administrator determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such period. If a business or farm operation has no net earnings, or has suffered losses during the period used to compute "average annual net earnings" it may nevertheless receive the $2,500 minimum payment authorized by such sec. 202(c).

§ 25.46 Amount of business fixed payment.

The fixed payment to a person displaced from a farm operation, or from his place of business, including nonprofit organizations, shall be in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than $2,500 nor more than $10,000.

Subpart E—Replacement Housing Payment for Homeowners

§ 25.51 Eligibility.

(a) A displaced owner-occupant is eligible for a replacement housing payment authorized by sec. 203(a), not to exceed $15,000, if he meets both of the following requirements:

(1) Actually owned and occupied the acquired dwelling from which displaced for not less than 180 days prior to the initiation of negotiations for the property, or owned or occupied the property covered or qualified under sec. 217 for not less than 180 days prior to displacement. The term "initiation of negotiations" means the day on which the acquiring agency makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property.

(2) Purchases and occupies a replacement dwelling, which is decent, safe and sanitary, not later than the end of the 1-year period beginning on the date on which he receives from the displacing agency the final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

(b) A displaced owner-occupant of a dwelling who is determined to be ineligible under this section may be eligible for a replacement housing payment under § 25.61.

§ 25.52 Comparable replacement dwelling.

(a) For the purposes of rendering relocation assistance by making referrals for replacement housing and for computation of the replacement housing payment, a comparable replacement dwelling is one which is:

(1) Decent, safe, and sanitary.

(2) Functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.

(3) Adequate in size to meet the needs of the displaced family or individual. However, at the option of the displaced person, a replacement dwelling may exceed his needs when the replacement dwelling has the same number of rooms or the equivalent square footage as the dwelling from which he was displaced.

(4) Open to all persons, regardless of race, color, religion, or national origin, consistent with the requirements of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968.

(5) Located in an area not generally less desirable than the one in which the acquired dwelling is located, with respect to:

(i) Neighborhood conditions, including but not limited to municipal services and other environmental factors,

(ii) Public utilities, and

(iii) Public and commercial facilities.

(6) Reasonably accessible to the displaced person's place of employment or potential place of employment.

(7) Within the financial means of the displaced family or individual.

(8) Available on the market to the displaced person.

(b) If housing meeting the requirements of this section is not available on the market, the Administrator shall, upon a proper finding of the necessity therefor, consider available housing exceeding these basic criteria.

§ 25.53 Computation of replacement housing payment.

The replacement housing payment of not more than $15,000 comprises the following:

(a) *Differential payment for replacement housing.*—The Administrator shall determine the amount, if any, which when added to the acquisition cost of the dwelling acquired by the displacing agency, is necessary to purchase a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.*—The Veterans Administration shall establish a schedule of reasonable acquisition costs for comparable replacement dwellings of the various types of dwellings to be acquired and available on the private market. The schedule shall be based on a current market analysis sufficient to support determinations of the amount for each type of dwelling to be acquired. When more than one Federal agency is causing displacement in a community or an area, the heads of the agencies concerned shall coordinate the establishment of a schedule for replacement housing payments.

(2) *Comparative method.*—The Veterans Administration shall determine the price of a comparable replacement dwelling by selecting a dwelling or dwellings most representative of the dwelling unit acquired, available to the displaced person, and which meets the definition of comparable replacement dwelling. A single dwelling shall be used only when additional comparable dwellings are not available.

(3) *Alternate method.*—The Administrator may develop criteria for computing replacement housing payments when neither the schedule method nor the comparative method is feasible. An alternate method proposed by a State agency shall be subject to prior concurrence of the Veterans Administration.

(4) *Limitations.*—The amount established as the differential payment for the replacement housing sets the upper limit of this payment.

(i) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the upper limit set, the comparable replacement housing payment will be reduced to that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(ii) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment shall be made.

(b) *Interest payment.*—The Administrator shall determine the amount, if any, necessary to compensate a displaced person for any increased interest costs, including points paid by the purchaser. Such amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage. The following shall be considered:

(1) The payment shall be equal to the excess of the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the bona fide mortgage on the acquired dwelling, at the time of acquisition, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value.

(2) The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(3) A "bona fide mortgage" is one which was a valid lien on the acquired dwelling for not less than 180 days prior to the initiation of negotiations.

(4) The interest payment shall be based on the present value of the reasonable cost of the interest differential, including points paid by the purchaser, on the amount financed not to exceed the amount of the unpaid debt on the acquired dwelling for its remaining term.

(c) *Incidental expenses.*—(1) The Administrator shall determine the amount, if any, necessary to reimburse a displaced person for actual costs incurred by him incident to the purchase of the replacement dwelling (but not including prepaid expenses such as:

(i) Legal, closing and related costs including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation.

(ii) Lenders', FHA, or VA appraisal fees.

(iii) FHA application fee.

(iv) Certification of structural soundness when required by lender, FHA, or VA.

(v) Credit report.

(vi) Title policies or abstracts of title.

(vii) Escrow agent's fee.

(viii) State revenue stamps or sale or transfer taxes.

(2) No fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, Title I, Public Law 90-321 (82 Stat. 146), and Regulation Z (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System.

Subpart F—Replacement Housing Payments for Tenants and Certain Others

§ 25.61 Eligibility.

(a) A displaced tenant or owner-occupant of a dwelling for less than 180 days is eligible for a replacement housing payment not to exceed $4,000, as authorized by sec. 204, if he meets both of the following requirements:

(1) Actually occupied the dwelling for not less than 90 days prior to the initiation of negotiations for acquisition of the property or actually occupied the property covered or qualified under sec. 217 for not less than 90 days prior to displacement. The term "initiation of negotiations" means the date the acquiring agency makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property. The Administrator shall advise tenants and other persons occupying the property to be acquired when negotiations for the property are initiated with the owner thereof.

(2) Is not eligible to receive a payment under sec. 203.

(b) An owner-occupant of a dwelling for not less than 180 days prior to the initiation of negotiations is eligible for a replacement housing payment as a tenant, as authorized by sec. 204, when he rents a decent, safe and sanitary replacement dwelling instead of purchasing and occupying a replacement dwelling, which is decent, safe and sanitary

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not later than the end of the 1-year period beginning on the date on which he receives from the displacing agency final payment for all costs for the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

§ 25.62 Computation of replacement housing payments for displaced tenants.

A displaced tenant is eligible for a rental replacement housing payment; or, if he purchases replacement housing within 1 year from displacement, he is eligible for a downpayment including expenses incidental to closing not to exceed $4,000.

(a) *Rental replacement housing payment.*—The Administrator shall determine the amount necessary to rent a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.*—The Administrator may establish a rental schedule for renting comparable replacement dwellings as described in § 25.52 and which are available in the private market for the various types of dwellings to be acquired. The payment shall be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (the average monthly cost from the schedule) and subtracting from such amount forty-eight times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiation if such rent was reasonable, and, if not reasonable, forty-eight times the economic rent for the dwelling unit established by the displacing agency. Economic rent is defined as the amount of rent the displaced tenant would have had to pay for a comparable dwelling unit in an area similar to the neighborhood in which the dwelling unit to be acquired is located. The schedule will be based on current analysis of the market to determine an amount for each type of dwelling required. When more than one Federal agency is causing the displacement in a community or an area, the respective agency heads shall cooperate in choosing the method for computing the replacement housing payment and shall use uniform schedules of average rental housing in the community or area.

(2) *Comparative method.*—The Administrator may determine the average month's rent by selecting one or more dwellings most representative of the dwelling unit acquired which is available to the displaced person and meets the definition of a comparable replacement dwelling as described in § 25.52. The payment will be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years and subtracting from such amount forty-eight times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiations, if such rent was reasonable.

(3) *Exceptions.*—The Administrator may establish the average month's rent paid by the displaced person by using more than 3 months, if he deems it advisable. If rent is being paid to the displacing agency, economic rent shall be used in determining the amount of the payment to which the displaced tenant is entitled.

(4) *Alternate to paragraphs (a)(1) and (a)(2) of this section.*—When neither the schedule nor the comparative method of computing the rental differential payment is feasible, the Administrator shall develop criteria for computing the payment.

(5) *Exception to lump-sum payment rule.*—As a general rule, payment of the rental replacement housing differential payment authorized by § 25.63(a) shall be made in a lump-sum payment. Exceptions to this general rule may be made only when deemed advisable in consideration of the displaced person's present status as to decent, safe, and sanitary conditions, income, and the wishes of the displacee.

(b) *Purchases; replacement housing payment.*—If the tenant elects to purchase instead of renting, the payment shall be computed by determining the amount necessary to enable him to make a downpayment and to cover incidental expenses on the purchase of replacement housing as follows:

(1) The downpayment shall be the amount necessary to make a downpayment on a comparable replacement dwelling. Determination of the amount necessary for such downpayment shall be based on the amount of downpayment that would be required for purchase of the dwelling using a conventional loan.

(2) Incidental expenses of closing the transaction are those as described in § 25.53(c).

(3) The maximum payment may not exceed $4,000, except that if more than $2,000 is required, the tenant must match any amount in excess of $2,000 by an equal amount in making the downpayment.

(4) The full amount of the replacement housing payment must be applied to the purchase price and incidental costs shown on the closing statement.

§ 25.63 Computation of replacement housing payments for certain others.

(a) A displaced owner-occupant who does not qualify for a replacement housing payment under § 25.51 because of the 180-day occupancy requirement and elects to rent is eligible for a rental replacement housing payment not to exceed $4,000. The payment will be computed in the same manner as shown in § 25.62(a) except that the present rental rate for the acquired dwelling shall be economic rent as determined by market data.

(b) A displaced owner-occupant who does not qualify for a replacement housing payment under § 25.51 because of the 180-day occupancy requirement and elects to purchase a replacement dwelling is eligible for a replacement housing downpayment and closing costs not to exceed $4,000. The payment will be computed in the same manner as shown in § 25.62(b).

Subpart G—Relocation Assistance Advisory Services

§ 25.71 Relocation assistance advisory program.

Whenever the acquisition of real property for a program or project undertaken by the Veterans Administration will result in the displacement of any person, the Administrator shall establish a relocation assistance advisory program for the displaced person or persons. If the Administrator determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under this program. Where a federally assisted project is involved in the displacement, the State agency shall provide the advisory services. Each relocation assistance advisory program shall include such measures, facilities, or services as may be necessary or appropriate to:

(a) Determine the need, if any, of displaced persons, for relocation assistance;

(b) Provide current continuing information on the availability, prices, and rentals of comparable decent, safe, and sanitary sales and rental housing and of comparable commercial properties and locations for displaced businesses;

(c) Insure the availability of adequate replacement housing prior to displacement as prescribed in § 25.21;

(d) Assist a person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(e) Supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons; and

(f) Provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

§ 25.72 Coordination of planned relocation activities.

(a) *Federal coordination.*—Whenever the Veterans Administration, in conjunction with one or more other Federal agencies, plans displacement activities in a given community or area, the heads of such agencies responsible for the planned activities shall arrange for appropriate channels of communication between each other for the purpose of planning relocation activities and coordinating available housing resources. The agencies involved shall:

(1) Consult with the appropriate Housing and Urban Development Regional or Area Office within the jurisdictional area concerning the availability of housing. (A directory of such Regional and Area Offices is maintained on a current basis by the Department of Housing and Urban Development and subsequent updated directories will be furnished upon request.);

(2) Provide the Housing and Urban Development Regional or Area Offices with information regarding the projects which will cause displacement; and

(3) Designate at least one representative who will meet periodically with the representatives of other Federal agencies causing displacement in the community to review the impact of their respective programs on the community or area.

(b) *Local coordination.*—To further insure maximum coordination of relocation activities in a given community or area, the Administrator shall consult with appropriate local officials prior to approving any proposed project in the community, consistent with the requirements of the procedures promulgated by the Office of Management and Budget Circular A–95 (Revised).

§ 25.73 Contracting for relocation services.

(a) *Contracting with central relocation agency.*—Whenever, in his judgment, the Administrator deems it advisable, he may consider contracting with the central relocation agency in a community or area for the purpose of carrying out the relocation activities described in this part. Such services will be performed in strict accordance with Public Law 91–646 and this part. The appropriate Housing and Urban Development Regional/Area Office shall be consulted for information and assistance concerning contracts for these services.

(b) *Contracting with others.*—When a centralized relocation agency is not available in a community or if the centralized agency does not have the capacity to provide the necessary services, within the time required by the Veterans Administration's program, the Veterans Administration may contract with another public agency or a private contractor who can provide the necessary relocation services. Such services will be performed in strict accordance with Public Law 91–646, and this part.

Subpart H—Federally Assisted Programs

§ 25.81 Assurances.

(a) *Information.*—The assurances required of State agencies by secs. 210 and 305 will include a statement that the affected persons will be adequately informed of the benefits, policies and procedures described in the assurances.

(b) *Inability to provide assurances for programs or projects causing displacement on or after July 1, 1972.*—If a State agency is unable to provide the assurances required by secs. 210 and 305 on or after July 1, 1972, with regard to any program or project that will result in the displacement of any person or the acquisition of any real property, the Administrator shall not approve any grant to, or contract or agreement with, such State agency under which Federal financial assistance will be available to pay all or part of the cost of such program or project, until such time as assurances applicable to all persons to be displaced and owners of real property to be acquired are provided.

(c) *Compliance with secs. 301 and 302.*—A State agency, as part of the assurances required by sec. 305, shall provide a statement indicating the extent to which it can comply with the provisions of secs. 301 and 302. If the State agency indicates that it is unable to comply fully with any of such policies, its statement shall be supported by an opinion of the chief legal officer of the State agency. The opinion shall contain a full discussion of the issues involved, and shall cite legal authority in support of the conclusion of legal inability to comply with any of the provisions set forth in secs. 301 and 302. State agencies will comply with secs. 301 and 302 if, under State law, compliance is legally possible.

(d) *Monitoring assurances.*—The Administrator shall take continuing action to insure that State agencies are acting in accordance with the asurances they have provided.

§ 25.82 Administration; relocation assistance programs.

(a) *Approval.*—A State agency electing to contract for services pursuant to sec. 212 will enter into a written contract consistent with this part. The Administrator shall take affirmative action to assure that the contract is administered so as to provide uniform and effective relocation for all displaced persons, consistent with this part.

(b) *Contract for services by State agencies.*—Contracts shall include, as a minimum, the following provisions:

(1) That payments and assistance shall be provided in accordance with this part.

(2) That records required by this part will be retained by the State agency for a period of at least 3 years and shall be available for inspection by representatives of the Veterans Administration.

(3) Clauses implementing Title VI of the Civil Rights Act of 1964 (Public Law 88–352); and any other provisions required by the Administrator to assure that the project is performed in a manner consistent with this part.

Subpart I—Uniform Real Property Acquisition Policy

§ 25.101 Applicability.

The provisions of Title III of the Act apply to the acquisition of real property for Federal and federally assisted programs or projects.

§ 25.102 Acquisition procedures.

(a) *Just compensation.*—Section 301(3) requires that, before initiation of negotiations for the acquisition of real property, the Administrator shall establish an amount which he believes to be just compensation therefor. In no event shall such amount be less than the Veterans Administration's approved appraisal of the fair market value of the property.

(b) *Appraisal standards.*—For the purpose of promoting uniformity under sec. 301(3), the Administrator shall establish, for all Federal or federally assisted programs under his jurisdiction, standards for appraisals used in such programs, criteria for determining the qualifications of appraisers, and a system of review by qualified appraisers, consistent with the Uniform Appraisal Standards for Federal Land Acquisition published in 1972 by the Interagency Land Acquisition Conference.

(c) *Initiation of negotiations.*—When negotiations for the acquisition of real property are initiated, the owner shall be provided with a written statement concerning the proposed acquisition. This statement shall include, as a minimum, the following:

(1) Identification of the real property and the estate or interest therein to be acquired including the buildings, structures, and other improvements on the land, as well as the fixtures considered to be a part of the real property, and

(2) The amount of the estimated just compensation for the property to be acquired, as determined by the Veterans Administration, and a statement of the basis therefor. In the case of a partial taking, damages, if any, to the remaining real property shall be separately stated.

(d) *Offer to purchase.*—The Administrator shall make a prompt offer to purchase the property for the amount contained in the statement.

(e) *Notice to move.*—Section 301(5) provides for a notice to move and is applicable only in those instances where actual displacement of persons, businesses or farm operations occurs. To the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling or to move his business or farm operation without at least 90 days' written notice from the Administrator of the date by which such move is required.

(f) *Federally assisted programs.*—In administering Federal financially assisted programs carried out by State agencies the Administrator shall require that State agencies reimburse owners for necessary expenses as specified in secs. 303 and 304. The Administrator also shall require that all State agencies comply with the provisions of secs. 301 and 302 if compliance is legally possible under State law.

§ 25.103 Condemnation.

(a) The time of condemnation will neither be advanced, nor negotiations or condemnation and the deposit of funds in court be deferred, nor any other action coercive in nature taken, in order to compel an agreement on price.

(b) If real property is to be acquired by condemnation, proceedings will be instituted promptly. No action will intentionally be taken which will make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

§ 25.104 Improvements owned by tenants.

(a) Whenever any interest is acquired for a Federal or federally assisted program in any State, the agency will acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property,

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including advertising signs, unless they are excluded as personal property:

(1) Which the agency requires to be removed from the real property, or

(2) Which the agency determines will be adversely affected by the use to which such real property will be put.

(b) The following apply in determining the just compensation for any such buildings, structures, or other improvements:

(1) They will be deemed to be part of the real property to be acquired, notwithstanding the right or obligation of the tenant as against the owner of any other interest in the real property to remove them at the expiration of his term.

(2) The fair market value which such structures, buildings, or other improvements contribute to the fair market value of the real property to be acquired, or the fair market value of such buildings, structures or other improvements for removal from the real property, whichever is greater, will be paid the tenant.

(c) Payments under paragraphs (a) and (b) of this section will not be made:

(1) Which result in duplication of any payments otherwise authorized by law.

(2) Unless the owner of the land involved disclaims all interest in such buildings, structures, or other improvements.

(3) Unless the tenant agrees that in consideration of any such payment he will assign, transfer, and release to the acquiring agency all his right, title and interest in and to such buildings, structures and improvements.

(d) The tenant may reject payment under this section and obtain payment for the buildings, structures, or other improvements in accordance with any other applicable law.

§ 25.105 Expenses incidental to transfer of title to the United States.

As soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award in a condemnation to acquire real property, the owner will be reimbursed to the extent the Administrator determines fair and reasonable, for expenses he necessarily incurred for:

(a) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property to the United States;

(b) Costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(c) The prorated portion of real property taxes paid which are allowable to a period subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is earlier.

§ 25.106 Lease to former owner or occupant.

If an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short term, or for a period subject to termination by the Government on short notice, the amount of rent required will not exceed the fair market rental value of the property to a short term occupier.

§ 25.107 Litigation expenses.

In any condemnation proceeding brought by the Veterans Administration to acquire real property, it shall reimburse the owner of any right, title, or interest in the real property for his reasonable costs, disbursements, and expenses, including attorney, appraisal, and engineering fees actually incurred because of the condemnation proceeding if:

(a) The final judgment is that the Veterans Administration cannot acquire the real property by condemnation; or

(b) The proceeding is abandoned by the United States. The court rendering a judgment for the plaintiff in a proceeding brought under sec. 1346(a)(2) or 1491 of Title 28, United States Code awarding compensation for the taking of property by a Federal agency, or the Attorney General effecting a settlement of any such proceeding, will determine and award or allow to such plaintiff, as part of such judgment or settlement, such sum as will in the opinion of the court, or the Attorney General, reimburse such plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.

Subpart J—Definitions

§ 25.121 Applicability.

The definitions set forth in § 25.123 are intended to implement the Act and the guidelines as set forth in OMB Circular No. A–103, dated May 1, 1972. In the event of any deviation the definitions set forth in the Act will be controlling.

§ 25.122 General.

The following definitions are contained in other sections of this part and shall be applied as indicated in § 25.121.

(a) Comparable replacement housing, § 25.52.

(b) Decent, safe, and sanitary housing, § 25.21(d).

(c) Economic rent, § 25.62(a)(1).

(d) Incidental expenses, § 25.53(c).

(e) Initiation of negotiations, §§ 25.51(a)(1) and 25.61(a)(1).

(f) Interest payment, § 25.53(b).

(g) Net earnings, § 25.45.

§ 25.123 Definitions.

(a) *The Act.*—The term "the Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646), approved January 2, 1971.

(b) *Displacing agency.*—The term "displacing agency" means a Federal agency in the case of a direct Federal project or a State agency in the case of a project receiving Federal financial assistance.

(c) *Dwelling.*—The term "dwelling" means the place of permanent or customary and usual abode of a person. It includes a single family building; a one-family unit in a multifamily building; a unit of a condominium or cooperative housing project; or any other residential unit, including a mobile home, which is either considered to be real property under State law, or cannot be moved without substantial damage or unreasonable cost.

(d) *Family.*—The term "family" means two or more individuals who are related by blood, adoption, marriage or legal guardianship who live together as a family unit, or other individuals who consent to live together as a family unit for the purpose of determining benefits under Title II of the Act.

(e) *Owner.*—The term "owner" means a person who holds fee title, a life estate, a 99-year lease, or an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit, or is the contract purchaser of any such estates or interests or who is possessed of such other proprietary interest in the property acquired as, in the judgment of the Administrator, warrants consideration as ownership. In the case of one who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law, the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

(f) *Federal agency.*—The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve banks and branches thereof.

(g) *State.*—The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(h) *State agency.*—The term "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(i) *Federal financial assistance.*—The term "Federal financial assistance" means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

(j) *Person.*—The term "person" means any individual, partnership, corporation, or association.

(k) *Displaced person.*—The term "displaced person" means any person who, on or after January 2, 1971, moves from real property, or moves his personal property from real property, as a result of acquisition of such real property, in whole or in part, or as a result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance; and solely for the purposes of secs. 202(a) and (b) and 205 as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

(l) *Business.*—(1) The term "business" means any lawful activity, excepting a farm operation, conducted primarily:

(i) For the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(ii) For the sale of services to the public;

(iii) By a nonprofit organization; or

(iv) Solely for the purposes of sec. 202(a) for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(2) Occupations which do not contribute materially to the income of the displaced person are not considered to come within the definition of business.

(3) For the purpose of sec. 202(c), and § 25.31 where a warehouse or other storage facility which is acquired by the Government is operated in conjunction with a business, and the business is not so acquired, the warehouse or storage facility is not considered to be a business. An example is a warehouse owned by a furniture store. A lot for the storage of automobiles, which was acquired, and the related car sales business or garage which was not acquired would fall in the same category.

(m) *Farm operation.*—The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(n) *Mortgage.*—The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

§ 25.124 Financial means.

For the purpose of determining financial means of families and individuals in accordance with sec. 205(c)(3), a "financial means" test (ability to pay) must be made to satisfy the requirement set forth in § 25.52(a)(7). In order to meet a financial means test a determination will be made as to the displaced person's ability to afford the replacement dwelling. In making this determination, the average monthly rental or housing cost (e.g., monthly mortgage payments, insurance for the dwelling unit, property taxes and other reasonable recurring related expenses) which the displaced person will be required to pay, in general, should not exceed 25 percent of the monthly gross income or the present ratio of housing payment to the income of the displaced family or individual, including supplemental payments made by public agencies. The Administrator may provide for determinations that 25 percent of monthly gross income for housing costs or the present ratio of housing payment to the individual income is or is not excessive to the other needs of the displaced family or individual, such as food, clothing, child care, medical expenses, etc. In these cases, the Administrator shall establish criteria for determining the financial means of the displaced family or individual.

Subpart K—Administrative Review

§ 25.131 Administrative review.

(a) Any applicant, whether in connection with a direct Federal program or project or with a State program or project receiving Federal financial assistance who is aggrieved by a determination as to eligibility for a payment authorized by the Act, or the amount of a payment, is entitled to have his application reviewed by the Administrator, or by the head of the State agency, respectively.

(b) The procedures pertaining to administrative review whether by the Administrator or the head of a State agency, shall insure:

(1) Prompt consideration of all requests for administrative review.

(2) Prompt written notice to a claimant of any determination made in connection with his application. This written notice must include a full explanation concerning any amount claimed which has been disallowed.

(3) Prompt payment of any amounts which are determined to be due the claimant.

These VA Regulations are effective August 24, 1973.

Approved: August 17, 1973.

By direction of the Administration.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73–17974 Filed 8–23–73;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 71–161 CR]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

PART 12—CERTIFICATION OF SEAMEN

PART 31—INSPECTION AND CERTIFICATION

PART 71—INSPECTION AND CERTIFICATION

PART 91—INSPECTION AND CERTIFICATION

PART 105—COMMERCIAL FISHING VESSELS DISPENSING PETROLEUM PRODUCTS

PART 175—GENERAL PROVISIONS

PART 176—INSPECTION AND CERTIFICATION

PART 187—LICENSING

PART 188—GENERAL PROVISIONS

PART 189—INSPECTION AND CERTIFICATION

Pollution Prevention Inspection of Vessels and Deck and Engineer Officers' Licenses; Change of Effective Date

FR Doc. 72–21817 published in the December 21, 1972 issue of the FEDERAL REGISTER (37 FR 28261) promulgated new regulations which included the requirement for more frequent hull inspection (drydocking) of tank barges operating in fresh water service.

It was the intent of the regulations that the tank barges which were affected would be on a 3-year drydocking cycle by July 1, 1974. Since promulgation of the regulations, it has become apparent to the Coast Guard that primarily due to the heavy flooding throughout the central part of the nation which has interfered with the operation and capabilities of drydocking and gas freeing facilities, the 3-year drydocking cycle will be physically impossible to universally attain by July 1, 1974. With the present energy shortage, a resultant lay up of a large number of barges due to insufficient drydocking and gas freeing facilities is not prudent.

Accordingly, an extension to the period allowed for existing equipment to be phased into the new drydocking schedule is appropriate. Such action would assure progress toward the 3-year cycle and provide first attention to barges that have operated the longest period since last drydocking.

By changing the effective date of § 31.10–20, all tank barges will be on a 3-year drydocking/internal examination cycle by July 1, 1975; however by July 1, 1974, a tank barge is required to be drydocked or, if appropriate, inspected internally if the vessel was constructed or drydocked before July 1, 1970.

V 38-164 AUG 24 73 XUM

In consideration of the foregoing, the effective date of the regulations is changed to read as follows: "These amendments shall become effective on July 1, 1974, except as follows: The amendments to Parts 10, 12, 105, and 187 shall become effective on July 30, 1973; The amendments to § 31.10–20 shall become effective on July 1, 1974 for all barges drydocked or constructed before July 1, 1970, and on July 1, 1975 for all barges drydocked or constructed after July 1, 1970."

(R.S. 4405, as amended, R.S. 4462, as amended, sec. 311(j)(1)(C) and (D), Federal Water Pollution Control Act, 86 Stat. 816, 868; National Environmental Policy Act of 1969, 83 Stat. 852; sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 33 U.S.C. 1161 (j)(1)(C) and (D), 42 U.S.C. 4321, et seq.; 49 U.S.C. 1655(b)(1); E.O. 11548; 3 CFR, 1966–1970 Comp., p. 949; 49 CFR 1.46 (b) and (m))

Dated: August 20, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.73–17933 Filed 8–23–73;8:45 am]

[CGD 73–107R]

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Registration of Staff Officers

The purpose of these amendments to the Coast Guard regulations governing the issuance of Certificates of Registry to Staff Officers is to change the endorsement of pharmacist's mate to marine physicians assistant and to provide for the endorsement of hospital corpsman.

During World War II, the endorsement "pharmacist's mate" was authorized, under 46 U.S.C. 242, on each Certificate of Registry issued in the several grades of purser to persons who had completed the U.S. Maritime Service Training Program. This rating was established in § 10.25–9 of Title 46, Code of Federal Regulations, in the June 1, 1967 issue of the FEDERAL REGISTER (32 FR 7915), following the institution of a nine month course of instruction at the United States Public Health Service Hospital, Staten Island, New York.

Responding to requests by pharmacologists, the Navy and the Coast Guard changed the name of the rate from "pharmacist's mate" to "hospital corpsman" after World War II. Under the same aegis and to provide a more descriptive title to the training program, the United States Public Health Service, starting with the class commencing September 8, 1969, used the title "marine physician assistant." Those persons successfully completing that and subsequent classes have been issued certificates by Public Health as Marine Physician Assistants.

The Coast Guard, in recognition of the special qualifications of persons completing this training and under authority of 46 CFR 10.25–9(d) which allows for the issuance of Certificates of Registry to applicants presenting such qualifications, has granted a supplemental Certificate of Registry to each person who has successfully completed the prescribed course of training at the United States Public Health Service Hospital, Staten Island, New York. The course of training offered there since January 1973 has been increased to 13 months and has been approved by the State of New York and the American Medical Association.

The purpose of this document is to grant formal recognition of the training program at the Staten Island Public Health Service Hospital. Ancillary purposes are to provide for the rating of "hospital corpsman" for persons with Armed Service experience to provide for the elimination of the term "pharmacist's mate" and to retitle § 10.25–9 to more fully explain the intent of that section.

Since the amendments in this document concern matters relating to agency management, they are excepted from notice of proposed rule making and may be made effective in less than 30 days from the publication date.

In consideration of the foregoing, Part 10 of Title 46, Code of Federal Regulations, is amended as follows:

1. By deleting § 10.25–9(a)(6) and revising the heading of § 10.25–9 to read as follows:

§ 10.25–9 Experience requirements for registry.

* * * * *

2. By adding a new § 10.25–11 to read as follows:

§ 10.25–11 Experience requirements for ratings endorsed on certificates of registry.

An applicant for a rating to be endorsed on a certificate of Registry must submit evidence of experience as follows:

(a) *Marine physician assistant.*—Successful completion of a course of training for the rating of marine physician assistant that is conducted by the United States Public Health Service at Staten Island Public Health Service Hospital.

(b) *Hospital corpsman.*—(1) A rating of at least hospitalman, first-class in the U.S. Navy, U.S. Coast Guard, U.S. Marine Corps, or an equivalent rating in the U.S. Army (not less than staff sergeant, Medical Department U.S.A.), or in the U.S. Air Force (not less than technical sergeant, Medical Department, U.S.A.F.), and a period of service of at least 1 month in a military or U.S. Public Health Service Hospital;

(2) Successful completion of a course of training for rating of hospital corpsman that is approved by the Commandant; or

(3) A Certificate of Registry with an endorsement as pharmacist's mate.

(Sec. 7, 53 Stat. 1147, as amended, Sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 247, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Effective date.—These amendments are effective on August 27, 1973.

Dated: August 17, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.73–17932 Filed 8–23–73;8:45 am]

SUBCHAPTER J—ELECTRICAL ENGINEERING

[CGD 73–6R]

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

Wiring Methods and Materials for Hazardous Locations

The purpose of this amendment to Part 111, Subchapter J of Chapter I, Title 46, Code of Federal Regulations is to bring the list of certain air mixtures of hazardous gases, vapors, or dusts into conformity with the recently revised Article 500–2 of the National Electric Code.

A notice of proposed rulemaking was published in the FEDERAL REGISTER on February 14, 1973 (38 FR 4414) proposing the addition of several chemicals to table § 111.80–5(a)(7).

During the period of February 14, 1973 to March 16, 1973, written comments from interested persons were received. The Coast Guard has considered these comments in preparing the final rule.

One comment questioned the ommission of the footnote of table 500–2(c) of the National Electric Code in the proposed change. Footnotes (1), (2), and (4) will be included at the end of Table 111.80–5(a)(7), Hazardous Atmospheres, as these footnotes modify the group classification of some chemicals. The subject matter of footnote (3) does not relate to the group classification and is adequately addressed in other parts of this chapter.

Two comments supported the proposed rule while none opposed it. In consideration of the foregoing, § 111.80–5(a)(7) is revised to read as follows:

§ 111.80–5 Wiring methods and materials for hazardous locations.

(a) * * *

(7) Electrical equipment is approved for location and for specific hazardous atmospheres of gas, vapor, or dust, that are present. Hazardous air mixtures that are not oxygen enriched are grouped on the basis of their characteristics in Article 500 of the National Electric Code, which is reproduced in Table § 111.80–5(a)(7). Other chemicals and materials which generate hazardous atmospheres and are not listed in Table 111.80–5(a)(7) are listed in Table 151.05 of this chapter.

TABLE 111.80–5(a)(7) HAZARDOUS ATMOSPHERES

GROUP A

Acetylene.

GROUP B

Butadiene.[1]	more than 30 percent hydrogen (by volume).
Ethylene oxide.[2]	
Hydrogen.	
Manufactured gases containing	Propylene oxide.[2]

GROUP C

Acetaldehyde.	Unsymmetrical dimethyl hydrazine (UDHM 1, 1-dimethyl hydrazine).
Cyclopropane.	
Diethyl ether.	
Ethylene.	
Isoprene.	

GROUP D

Acetone.	Methyl isobutyl ketone.
Acrylonitrile.	2-methyl-1-propanol (isobutyl alcohol).
Ammonia.	2-methyl-2-propanol (tertiary butyl alcohol).
Benziene.	Petroleum naptha.[3]
Butane.	Octanes.
1-butanol (butyl alcohol).	Pentanes.
2-butanol (secondary butyl alcohol).	1-pentanol (amyl alcohol).
n-butyl acetate.	Propane.
Isobutyl acetate.	1-propanol (propyl alcohol).
Ethane.	2-propanol (isopropyl alcohol).
Ethanol (ethyl alcohol).	Propylene.
Ethyl acetate.	Styrene.
Ethylene dichloride.	Toluene.
Gasoline.	Vinyl acetate.
Heptanes.	Vinyl chloride.
Hexanes.	Xylenes.
Methane (natural gas).	
3-methyl-1-butanol (isoamyl alcohol).	
Methyl ethyl ketone.	

GROUP E

Metal dust, including aluminum, magnesium, and their commercial alloys,	and other metals of similar hazardous characteristics.

GROUP F

Carbon black.	Coke dust.
Coal.	

GROUP G

Flour.	Grain dust.
Starch.	

* * * * *

Effective date.—This amendment becomes effective November 27, 1973.

* * * * * *

(R.S. 4405, as amended, sec. 5, 49 Stat. 1384, as amended, sec. 3, 70 Stat. 152, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4491, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 369, 390b, 391a, 416, 489, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: August 21, 1973.

C. R. BENDER,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc.73–17934 Filed 8–23–73;8:45 am]

[1] Group D equipment may be used for this atmosphere if such equipment is isolated as required by paragraph (b)(10) of this section.

[2] Group C equipment may be used for this atmosphere if such equipment is isolated as required by paragraph (b)(10) of this section.

[3] A saturated hydrocarbon mixture boiling in the range of 20–135° C (68–275° F). Also known by the synonyms benzine, ligroin, petroleum ether or naphtha.

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19735, RM–1883; FCC 73–803]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

Report and order. In the Matter of amendment of section 73.202(b), Table of Assignments, FM Broadcast Stations. (Lyons, Kansas).

1. On May 9, 1973, the Commission issued a Notice of Proposed Rulemaking (FCC 73–489, 38 Fed. Reg. 13386) in the above-entitled matter, proposing the substitution of Channel 291 for Channel 288A at Lyons, Kansas. The proceeding was instituted on the basis of a petition filed by Rice County Broadcasting Co., Inc., licensee of Station KLOQ(FM), Lyons, Kansas. Station KLOQ is presently operating on Channel 288A which is the sole assignment in Lyons. Interested parties were invited to comment on the proposal on or before June 22, 1973, and could reply to such comments on or before July 3, 1973. There were no oppositions to the proposal. Supporting comments were filed by petitioner.

2. Lyons, population 4,355, is the seat of Rice County, population 12,320.[1] There are no standard broadcast stations in Rice County.

3. Petitioner points out that it desires to switch from a Class A to a Class C assignment so that it may increase the power and antenna height of its station (KLOQ) to enlarge its present service area. It maintains that the increased coverage is necessary for competitive position in the market, and if the switch is made, it immediately intends to increase power to 25 Kw and tower height to 500 feet. It contends that based on the FCC method of prediction of service, this increase in facilities would bring a first FM service to 193 people and a second to 23,374. Preclusion areas occur in the cochannel and five of the six pertinent adjacent channels as a result of the assignment of Channel 291 to Lyons. However, most of the communities located within these areas either have or can be assigned FM broadcast channels. In supporting comments, petitioner states that through a number of carefully planned steps over a period of years as the audience responds to this new medium, he intends to build Station KLOQ to 100 Kw circular polarization with a tall tower.

4. The Commission would ordinarily assign a Class A channel to a community the size of Lyons, but under the above circumstances the proposal to substitute Channel 291 for Channel 288A at Lyons, has public interest value and is worthy of adoption, in our view, because it is a reasonable means to provide a first and second FM service to 193 and 23,374 persons, respectively. Since Channel 291 can be assigned to Lyons and used at the present site without any other changes in the Table and in full conformity with all spacing requirements, we believe it should be granted.

5. The authority for the action taken herein is contained in Sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

6. Accordingly, *it is ordered,* That effective September 7, 1973, the Table of FM Assignments (section 73.202(b) of the Rules) is amended with respect to the city listed below as follows:

City	*Channel No.*
Lyons, Kansas	291

7. *It is further ordered,* That effective September 7, 1973, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Rice County Broadcasting Co., Inc., for Station KLOQ(FM), Lyons, Kansas, is modified to specify operation on Channel 291 in lieu of Channel 288A subject to the following conditions.

(a) The licensee shall inform the Commission in writing by no later than September 7, 1973, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by September 27, 1973, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KLOQ(FM) on Channel 291 at Lyons, Kansas.

(c) The licensee may continue to operate on Channel 288A under its outstanding authorization until it is ready to operate on the new frequency. Ten days prior to commencing operation on Channel 291, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(d) The licensee shall not commence operation on Channel 291 until the Commission specifically authorizes it to do so.

8. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: July 26, 1973.

Released: August 20, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73–17995 Filed 8–23–73;8:45 am]

[1] Population figures cited are from the 1970 U.S. Census.

[2] Commissioner H. Rex Lee absent.

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 32]

PART 85—CARGO SECURITY ADVISORY STANDARDS

High Value Commodity Storage

Correction

In FR Doc. 73–17279 appearing at page 22388 for the issue of Monday, August 20,

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1973, in the last paragraph of column three on page 22388, line 2, following the word "effective" insert "August 20, 1973".

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 70–20; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Fuel System Integrity

Correction

In FR Doc. 73–17300, appearing on page 22397 of the issue for Monday, August 20, 1973, the heading of § 571.301 is incorrect. As corrected, the section heading should read:

§ 571.301 Standard No. 301; fuel system integrity. (Effective Sept. 1, 1975).

* * * * *

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1033—CAR SERVICE

[S.O. 1126; Amdt. 1]

Baltimore and Ohio Railroad Company Authorized To Operate Over Tracks of Penn Central Transportation Co. et al.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of August 1973.

Upon further consideration of Service Order No. 1126 (38 FR 6999), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1126 (*The Baltimore and Ohio Railroad Company authorized to operate over tracks of Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees*) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.*—The provisions of this order shall expire at 11:59 p.m., February 28, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date.—This amendment shall become effective at 11:59 p.m., August 31, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73–18003 Filed 8–23–73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Certain National Wildlife Refuges in Alaska

The following regulations are issued and are effective on August 24, 1973. These regulations apply to public hunting on portions of certain national wildlife refuges in Alaska.

General conditions.—Hunting shall be in accordance with applicable State regulations. Information relative to hunting may be obtained from Refuge Managers addressed to respective refuges.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game may be hunted on the following refuge areas:

Aleutian Islands National Wildlife Refuge, Pouch 2, Cold Bay, Alaska 99571.

Special conditions.—(1) Exception Amchitka Island.

(2) Landing of aircraft on Unimak Island or taking aircraft off from Unimak Island, while transporting upland game or upland game hunters, is restricted to the following areas:

Area No. 1.—The airstrip situated at the village of False Pass.

Area No. 2.—The airstrip situated at Cape Sarichef.

Area No. 3.—The waters of all lakes, bays, and lagoons on or adjacent to Unimak Island.

Izembek National Wildlife Range, Pouch 2, Cold Bay, Alaska 99571.

Special conditions.—(1) The landing of aircraft is prohibited except in the event of emergency.

(2) The use of motorized vehicles is restricted to the established road system.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Aleutian Islands National Wildlife Refuge, Pouch 2, Cold Bay, Alaska 99571.

Special conditions.—(1) Species permitted to be taken: Caribou on the islands of Atka, Unimak, and Adak; brown bear on the island of Unimak.

(2) A federal permit is required to take brown bear on Unimak Island. Permits may be obtained from the Refuge Manager, Aleutian Islands National Wildlife Refuge, Pouch 2, Cold Bay, Alaska 99571.

(3) Landing of aircraft on Unimak Island or taking aircraft off from Unimak Island, while transporting big game or big game hunters, is restricted to the following areas:

Area No. 1.—The airstrip situated at the village of False Pass.

Area No. 2.—The airstrip situated at Cape Sarichef.

Area No. 3.—The waters of all lakes, bays, and lagoons on or adjacent to Unimak Island.

Izembek National Wildlife Range, Pouch 2, Cold Bay, Alaska 99571.

Special conditions.—(1) The landing of aircraft is prohibited except in the event of emergency.

(2) The use of motorized vehicles is restricted to the established road system.

(3) The Cold Bay closed area, partly within the Izembek National Wildlife Range, beginning at the peak of Frosty Mountain running in a straight line approximately northwest to the tip of Cape Glazenap in Izembek Lagoon, thence north-eastward along the mean high tide line to the north end of Neumann Island (at app. 55°25'N, 162°41'W), thence on a straight line running approximately south to the tip of the spit at the western entrance to Kinzarof Lagoon in Cold Bay (at app. 55°76'N, 162°41'W), thence generally southward along mean high tide line to the head of Old Mans Lagoon in Cold Bay (at app. 55°04'N, 162°38'W), thence on a straight line to the point of beginning, is closed by State of Alaska regulation to the taking of brown and grizzly bear only.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

ROBERT D. JONES, JR.,
Refuge Manager, Izembek NWR, Cold Bay, Alaska.

AUGUST 8, 1973.

[FR Doc.73–17957 Filed 8–23–73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Stage A Amendments

The purpose of these amendments is to make corrections and clarifications in the Phase IV Stage A food regulations.

Price adjustments for food items sold at a loss formerly were permitted only in situations where the freeze cost exceeded the freeze price and were restricted to increases only up to the freeze cost in the case of wholesalers and retailers purchasing directly from a producer of raw agricultural products sold for ultimate consumption in their original physical form and processors purchasing raw agricultural products. Section 140.93 (d)(1) which governs these adjustments is amended by substituting the term "average cost" for "freeze cost". Therefore, the price of these items may be increased to the average cost of the item if the average cost of the food item purchased during the freeze base period exceeded the freeze price. This amendment makes this treatment of this situation uniform for both adjustments for items sold at a loss and inventory price adjustments under § 140.93.

Section 140.14 governing imports is also amended to conform its provisions with the Stage A regulations. Sellers of imported food could previously pass on increases in the landed cost of a food item if the food item were not physically transformed or did not become a component of another item. Thus, sellers of any food item which did not go through further processiing after its arrival in the U.S. could pass on dollar-for-dollar increases in the landed cost of the food in the same manner as resellers of other imports without any certification requirement. Persons importing semi-processed food for further processing, however, could not take advantage of the dollar-for-dollar pass-through provisions of Subpart I because they could not obtain a certification of an increase in the raw agricultural costs of the food item as required in Subpart I nor did they meet the requirements of § 140.14. This amendment will now permit processors of semi-processed imported food to pass on increases in the cost of the imported food items in the same manner as processors using food of domestic origin, except that no certification will be required for these price increases.

The Stage A food regulations have previously been modified to eliminate the provision in 6 CFR 140.99 which limited the food recordkeeping requirements to those food firms with annual sales or revenues in excess of $50 million derived from sales of food. Section 130.129(c) of the meat ceiling regulation is now amended to conform the Stage A recordkeeping requirements for sellers of pork and lamb with the requirements which are now imposed on sellers of food under Subpart I of the freeze regulations.

Because the purpose of this amendment is to provide immediate guidance and information with respect to Cost of Living Council decisions, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1473, E.O. 11730, 38 FR 19345, Cost of Living Council Order No. 14, 38 FR 1489)

In consideration of the foregoing, Chapter I of Title 6 of the Code of Federal Regulations is amended as follows, effective August 22, 1973.

Issued in Washington, D.C., on August 22, 1973.

JAMES W. MCLANE,
Deputy Director, Cost of Living Council.

1. The first sentence of paragraph c of § 130.129 is amended to read as follows:

§ 130.129 Requirements for sellers of swine and sheep.

* * * * *

(c) *Recordkeeping requirements.* Each firm shall maintain comprehensive records of all price adjustments made pursuant to § 130.127 and § 130.128.

* * * * *

2. Section 140.14 is amended to read as follows:

§ 140.14 Imported commodities and services.

Notwithstanding the provisions of § 140.10, any person who imports and sells a commodity or service from outside the several States and the District of Columbia and each reseller of such a commodity or service may pass on increases in the landed cost for such imported commodity or service incurred after June 12, 1973, on a dollar-for-dollar basis so long as the commodity or service is neither physically transformed by the seller nor becomes a component of another product except that when the imported commodity is food, as defined in subpart I of this Part, increases in the landed cost of the commodity may be passed on without regard to the commodity's physical transformation or inclusion as a component of another product. However, this section shall not apply to commodities or services which were originally purchased in the United States but exported and subsequently imported in any form.

3. Section 140.93(d)(1) is amended to read as follows:

§ 140.93 Special price rules.

* * * * *

(d) *Adjustment for items sold at a loss.* * * *

(1) In the case of wholesalers and retailers which purchase directly from a producer for resale raw agricultural products sold for ultimate consumption in their original physical form and manufacturers and processors which purchase raw agricultural products for processing, if the average cost of a food item purchased during the freeze base period exceeds the freeze price of a food item, the seller may charge a price in excess of the freeze price for that food item to reflect on a dollar-for-dollar basis increases in raw agricultural product costs incurred between January 10, 1973, and the freeze base period with respect to that food item which are not otherwise reflected in the freeze price. However, a price charged pursuant to this paragraph may not exceed the average cost of the food item during the freeze base period except to the extent that it reflects allowable cost increases.

[FR Doc.73–18158 Filed 8–23–73;10:27 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Nutrition Labeling; Notice of Extension of Effective Date

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6951), the Commissioner of Food and Drugs promulgated a new regulation, § 1.17 (21 CFR 1.17). The regulation requires that all labeling ordered after December 31, 1973, must comply with its provisions. In paragraph 34 of the preamble of the March 14, 1973, order, the Commissioner gave notice that temporary extensions from the December 31, 1973, compliance date will be considered, upon a showing of good cause, based upon an ongoing program of nutrition research.

The Milk Industry Foundation, 910 Seventeenth St. NW., Washington, D.C. 20006, the American Dry Milk Institute, Inc., 130 North Franklin St., Chicago, Ill. 60606, and the Evaporated Milk Association, 910 Seventeenth St. NW., Washington, D.C. 20006 have joined in requesting an extension of the December 31, 1973, label printing requirement for the labeling of milk, lowfat milk, skim milk, evaporated milk, evaporated skim milk, nonfat dry milk, cottage cheese, lowfat cottage cheese, and dry curd cottage cheese. The extension is needed to allow time for completion of studies now being carried out to obtain nutritional data on which to base nutrition labeling for these foods. These studies will not be completed in time to permit manufacturers to develop labels to meet the December 31, 1973, effective date.

The Commissioner has reviewed this program and fully supports it. Notice is hereby given that the requested extension is granted until December 31, 1974, at which time all labeling used for products shipped in interstate commerce shall comply with § 1.17.

Dated August 16, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–17928 Filed 8–23–73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Sodium Thiopental, Sodium Pentobarbital

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (10–346V) filed by Amdal Co., Division of Abbott Laboratories, North Chicago, Ill. 60064, pro-

V 38-164 AUG 24 73 XUM

posing revised labeling regarding the safe and effective use of sodium thiopental with sodium pentobarbital as an anesthetic for use in cats and dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), part 135b is amended by adding the following new section:

§ 135b.54 Sodium thiopental, sodium pentobarbital for injection, veterinary.

(a) *Specifications.*—Each gram of the drug contains 750 milligrams of sodium thiopental and 250 milligrams of sodium pentobarbital sterile powder for dilution with sterile water for injection.

(b) *Sponsor.*—See code No. 003 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) It is used as an anesthetic for intravenous administration to dogs and cats during short to moderately long surgical procedures.

(2) It is administered as follows:

(i) For total anesthesia, it is given at approximately 10 to 12 milligrams per pound of body weight over a period of 3.5 to 5 minutes.

(ii) When preanesthetic medication is used, it is important to wait at least an hour before administering thiopental and sodium pentobarbital for injection, and the dosage necessary for anesthesia is reduced. Usually ½ to ⅔ the normal amount is adequate.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date.—This order shall be effective August 24, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated August 17, 1973.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.73-17927 Filed 8-23-73;8:45 am]

CHLORAMPHENICOL INJECTION AND SOLUTION FOR VETERINARY USE

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications No. 55-002V and 55-003V filed by Tevcon Industries, Inc., 8904 J St., Omaha, Nebr. 68127, covering use of chloramphenicol for administration orally or by injection to dogs. The supplemental applications are approved.

Said drug was approved under section 507 of the Federal Food, Drug, and Cosmetic Act prior to the effective date of the New Animal Drug Amendments of 1968 and has been subject to batch release under sec. 507(a) of the act. Since the drug is now to be certified under the provisions of sec. 512(n) of the act, this order provides for an appropriate amendment to the antibiotic certification regulations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i) and (n), 82 Stat. 347; 350–351; 21 U.S.C. 360b (i) and (n)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135b, 135c, and 151c are amended as follows:

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

1. Part 135b is amended by adding a new section as follows:

§ 135b.77 Chloramphenicol injection, veterinary.

(a) *Specifications.*—The product complies with the requirements of § 151c.19 of this chapter.

(b) *Sponsor.*—See code No. 076 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) It is used in dogs for the treatment of infections of the respiratory tract, the urinary tract, and enteritis and tonsillitis caused by organisms susceptible to chloramphenicol.

(2) It is administered intramuscularly or intravenously at a dosage level of 5 to 15 milligrams per pound of body weight every 6 hours. In severe infections, 4 to 6 hour treatment intervals may be desirable the first day of treatment. If no response to treatment is obtained in 3 to 5 days, use should be discontinued and the diagnosis reviewed.

(3) The label bears a statement that the product is not to be used in animals which are raised for food production.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

2. Part 135c is amended by adding a new section as follows:

§ 135c.99 Chloramphenicol oral solution, veterinary.

(a) *Specifications and special considerations.*—The product complies with the requirements of § 151c.20 of this chapter.

(b) *Sponsor.*—See code No. 076 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) It is used in dogs for the treatment of infections of the respiratory tract, the urinary tract, and enteritis and tonsillitis caused by organisms susceptible to chloramphenicol.

(2) It is administered orally to dogs at a dosage level of 25 milligrams per pound of body weight every 6 hours. In severe infections, 4 to 6 hour treatment intervals may be desirable the first day of treatment. If no response is obtained in 3 to 5 days, discontinue use of the drug and review the diagnosis.

(3) The label bears a statement that this produce is not to be used in animals which are raised for food production.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

PART 151c—CHLORAMPHENICOL

3. Part 151c is amended by adding two sections as follows:

Sec.
151c.19 Chloramphenicol injection, veterinary.
151c.20 Chloramphenicol oral solution, veterinary.

§ 151c.19 Chloramphenicol injection, veterinary.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.*—Chloramphenicol injection, veterinary is a solution containing chloramphenicol and one or more suitable and harmless buffers and preservatives in ethyl alcohol and propylene glycol base. Each milliliter contains 100 milligrams of chloramphenicol. The chloramphenicol content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of chloramphenicol that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine or histaminelike substances. Its pH is not less than 6.5 and not more than 8.5. The chloramphenicol used conforms to the standards prescribed by § 151c.1(a)(1).

(2) *Packaging.*—It shall be packaged in accordance with the requirements of § 148.2 of this chapter.

(3) *Labeling.*—It shall be labeled in accordance with the requirements of § 148.3 and 135b.77 of this chapter.

(4) *Requests for certification; samples.*—In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The chloramphenicol used in making the batch for potency, pH, specific rotation, melting point, absorptivity, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, histamine content, and pH.

(ii) Samples required:

(*a*) The chloramphenicol used in making the batch: 10 packages each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 8 immediate containers.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay.*—(1) *Potency.*—Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Transfer an accurately measured portion of the sample into a volumetric flask and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(2) *Sterility.*—Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except transfer 1 milliliter from each container directly to the dry filter, thus eliminating the preliminary solubilization step.

(3) *Pyrogens.*—Proceed as directed in § 141.4(a) of this chapter.

(4) *Safety.*—Proceed as directed in § 141.5 of this chapter.

(5) *Histamine.*—Proceed as directed in § 141.7 of this chapter, omitting the application of heat.

(6) *pH.*—Proceed as directed in § 141.503 of this chapter, diluting the sample with an equal volume of distilled water.

§ 151c.20 Chloramphenicol oral solution, veterinary.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.*—Chloramphenicol oral solution, veterinary is a solution containing chloramphenicol and one or more suitable and harmless buffers and preservatives in a suitable and harmless solvent. Each milliliter contains 100 milligrams of chloramphenicol. The chloramphenicol content is satisfactory if it not less than 90 percent and not more than 120 percent of the number of milligrams of chloramphenicol that it is represented to contain. The pH is not less than 6.5 and not more than 8.5. The chloramphenicol used conforms to the standards prescribed in § 151c.2(a)(1) of this chapter.

(2) *Packaging.*—It shall be packaged in accordance with the requirements of § 148.2 of this chapter.

(3) *Labeling.*—It shall be labeled in accordance with the requirements of § 148.3 and 135c.99 of this chapter.

(4) *Requests for certification; samples.*—In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The chloramphenicol used in making the batch for potency, safety, pH, specific rotation, melting point, absorptivity, and crystallinity.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The chloramphenicol used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(5) *Tests and methods of assay.*—(1) *Potency.*—Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Transfer an accurately measured portion of the sample into a volumetric flask and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Further dilute with solution #1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(2) *pH.*—Proceed as directed in § 141.503 of this chapter, diluting the sample with an equal volume of distilled water.

Effective date.—This order shall be effective August 24, 1973.

(Sec. 512 (i) and (n), 82 Stat. 347, 350-351; 21 U.S.C. 360b (i) and (n).)

Dated August 17, 1973.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.73-17926 Filed 8-23-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 151c—CHLORAMPHENICOL

Chloramphenicol Tablets, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (55-052V) filed by EVSCO Pharmaceutical Corp., 3345 Royal Ave., Oceanside, N.Y. 11572, covering the use of chloramphenicol tablets for the oral treatment of dogs. The application is approved.

As said drug is subject to batch certification under the provisions of sec. 512 (n) of the Federal Food, Drug, and Cosmetic Act, this order provides for an appropriate amendment to the antibiotic certification regulations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i) and (n), 82 Stat. 347; 350–351; 21 U.S.C. 360b(i) and (n)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135c and 151c are amended as follows:

1. Part 135c is amended by adding a new section as follows:

§ 135c.102 Chloramphenicol tablets, veterinary.

(a) *Specifications.*—Chloramphenicol tablets, veterinary contain 100 milligrams of chloramphenicol and conform to the certification requirements of § 151c.21 of this chapter.

(b) *Sponsor.*—See code No. 053 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) The drug is administered to dogs for oral treatment of bacterial pulmonary infections, bacterial infections of the urinary tract, bacterial enteritis, and bacterial infections associated with canine distemper caused by susceptible organisms.

(2) The drug is administered at 25 milligrams per pound of body weight every 6 hours.

(3) Laboratory tests should be conducted including in-vitro culturing and susceptibility tests on samples collected prior to treatment. If no response to chloramphenicol therapy is obtained in 3 to 5 days, discontinue its use and review diagnosis.

(4) The label bears a statement that the product is not to be used in animals which are raised for food production.

(5) Chloramphenicol products must not be used in meat, egg, or milk-producing animals. The length of time that residues persist in milk or tissues has not been determined. Because of potential antagonism, chloramphenicol should not be administered simultaneously with penicillin or streptomycin.

(6) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

2. Part 151c is amended by adding a new section as follows:

§ 151c.21 Chloramphenicol tablets, veterinary.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.*—Chloramphenicol tablets, veterinary are composed of chloramphenicol with or without one or more suitable diluents, lubricants, binders, colorings and coating substances Each tablet contains 100 milligrams of chloramphenicol. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of chloramphenicol that it is represented to contain. Tablets shall disintegrate within 1 hour. The chloramphenicol used conforms to the standards prescribed by § 151c.2(a)(1).

(2) *Labeling.*—It shall be labeled in accordance with the requirements of §§ 148.3 and 135c.102 of this chapter.

(3) *Requests for certification; samples.*—In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The chloramphenicol used in making the batch for potency, safety, pH, specific rotation, melting range, absorptivity, and crystallinity.

(*b*) The batch for potency and disintegration time.

(ii) Samples required.

(*a*) The chloramphenicol used in making the batch: 10 packages each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay.*—(1) *Potency.*—Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(i) *Microbiological turbidimetric assay.*—Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar containing 100 milliliters of 95 percent ethyl alcohol. Blend for 2 minutes. Add 400 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), and blend again for 2 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(ii) *Spectrophotometric assay.*—(*a*) *Preparation of working standard solution.*—Dissolve approximately 50 milligrams of the working standard in 100 milliliters of distilled water. Warm if necessary to hasten dissolution. Transfer 10 milliliters into a 250-milliliter volumetric flask and fill to volume with distilled water.

(*b*) *Procedure.*—Weigh accurately a counted number of not less than 10 tablets and determine the average weight per tablet. Reduce 10 tablets to a fine powder in a mortar and transfer an

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1973, in the last paragraph of column three on page 22388, line 2, following the word "effective" insert "August 20, 1973".

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 70–20; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Fuel System Integrity

Correction

In FR Doc. 73–17300, appearing on page 22397 of the issue for Monday, August 20, 1973, the heading of § 571.301 is incorrect. As corrected, the section heading should read:

§ 571.301 Standard No. 301; fuel system integrity. (Effective Sept. 1, 1975).

* * * * *

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1033—CAR SERVICE

[S.O. 1126; Amdt. 1]

Baltimore and Ohio Railroad Company Authorized To Operate Over Tracks of Penn Central Transportation Co. et al.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of August 1973.

Upon further consideration of Service Order No. 1126 (38 FR 6999), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1126 (*The Baltimore and Ohio Railroad Company authorized to operate over tracks of Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees*) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.*—The provisions of this order shall expire at 11:59 p.m., February 28, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date.—This amendment shall become effective at 11:59 p.m., August 31, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73–18003 Filed 8–23–73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Certain National Wildlife Refuges in Alaska

The following regulations are issued and are effective on August 24, 1973. These regulations apply to public hunting on portions of certain national wildlife refuges in Alaska.

General conditions.—Hunting shall be in accordance with applicable State regulations. Information relative to hunting may be obtained from Refuge Managers addressed to respective refuges.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game may be hunted on the following refuge areas:

Aleutian Islands National Wildlife Refuge, Pouch 2, Cold Bay, Alaska 99571.

Special conditions.—(1) Exception Amchitka Island.

(2) Landing of aircraft on Unimak Island or taking aircraft off from Unimak Island, while transporting upland game or upland game hunters, is restricted to the following areas:

Area No. 1.—The airstrip situated at the village of False Pass.

Area No. 2.—The airstrip situated at Cape Sarichef.

Area No. 3.—The waters of all lakes, bays, and lagoons on or adjacent to Unimak Island.

Izembek National Wildlife Range, Pouch 2, Cold Bay, Alaska 99571.

Special conditions.—(1) The landing of aircraft is prohibited except in the event of emergency.

(2) The use of motorized vehicles is restricted to the established road system.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Aleutian Islands National Wildlife Refuge, Pouch 2, Cold Bay, Alaska 99571.

Special conditions.—(1) Species permitted to be taken: Caribou on the islands of Atka, Unimak, and Adak; brown bear on the island of Unimak.

(2) A federal permit is required to take brown bear on Unimak Island. Permits may be obtained from the Refuge Manager, Aleutian Islands National Wildlife Refuge, Pouch 2, Cold Bay, Alaska 99571.

(3) Landing of aircraft on Unimak Island or taking aircraft off from Unimak Island, while transporting big game or big game hunters, is restricted to the following areas:

Area No. 1.—The airstrip situated at the village of False Pass.

Area No. 2.—The airstrip situated at Cape Sarichef.

Area No. 3.—The waters of all lakes, bays, and lagoons on or adjacent to Unimak Island.

Izembek National Wildlife Range, Pouch 2, Cold Bay, Alaska 99571.

Special conditions.—(1) The landing of aircraft is prohibited except in the event of emergency.

(2) The use of motorized vehicles is restricted to the established road system.

(3) The Cold Bay closed area, partly within the Izembek National Wildlife Range, beginning at the peak of Frosty Mountain running in a straight line approximately northwest to the tip of Cape Glazenap in Izembek Lagoon, thence north-eastward along the mean high tide line to the north end of Neumann Island (at app. 55°25'N, 162°41'W), thence on a straight line running approximately south to the tip of the spit at the western entrance to Kinzarof Lagoon in Cold Bay (at app. 55°76'N, 162°41'W), thence generally southward along mean high tide line to the head of Old Mans Lagoon in Cold Bay (at app. 55°04'N, 162°38'W), thence on a straight line to the point of beginning, is closed by State of Alaska regulation to the taking of brown and grizzly bear only.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

ROBERT D. JONES, Jr.,
Refuge Manager, Izembek NWR, Cold Bay, Alaska.

AUGUST 8, 1973.

[FR Doc.73–17957 Filed 8–23–73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Stage A Amendments

The purpose of these amendments is to make corrections and clarifications in the Phase IV Stage A food regulations.

Price adjustments for food items sold at a loss formerly were permitted only in situations where the freeze cost exceeded the freeze price and were restricted to increases only up to the freeze cost in the case of wholesalers and retailers purchasing directly from a producer of raw agricultural products sold for ultimate consumption in their original physical form and processors purchasing raw agricultural products. Section 140.93 (d) (1) which governs these adjustments is amended by substituting the term "average cost" for "freeze cost". Therefore, the price of these items may be increased to the average cost of the item if the average cost of the food item purchased during the freeze base period exceeded the freeze price. This amendment makes this treatment of this situation uniform for both adjustments for items sold at a loss and inventory price adjustments under § 140.93.

Section 140.14 governing imports is also amended to conform its provisions with the Stage A regulations. Sellers of imported food could previously pass on increases in the landed cost of a food item if the food item were not physically transformed or did not become a component of another item. Thus, sellers of any food item which did not go through further processing after its arrival in the U.S. could pass on dollar-for-dollar increases in the landed cost of the food in the same manner as resellers of other imports without any certification requirement. Persons importing semi-processed food for further processing, however, could not take advantage of the dollar-for-dollar pass-through provisions of Subpart I because they could not obtain a certification of an increase in the raw agricultural costs of the food item as required in Subpart I nor did they meet the requirements of § 140.14. This amendment will now permit processors of semi-processed imported food to pass on increases in the cost of the imported food items in the same manner as processors using food of domestic origin, except that no certification will be required for these price increases.

The Stage A food regulations have previously been modified to eliminate the provision in 6 CFR 140.99 which limited the food recordkeeping requirements to those food firms with annual sales or revenues in excess of $50 million derived from sales of food. Section 130.129(c) of the meat ceiling regulation is now amended to conform the Stage A recordkeeping requirements for sellers of pork and lamb with the requirements which are now imposed on sellers of food under Subpart I of the freeze regulations.

Because the purpose of this amendment is to provide immediate guidance and information with respect to Cost of Living Council decisions, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1473, E.O. 11730, 38 FR 19345, Cost of Living Council Order No. 14, 38 FR 1489)

In consideration of the foregoing, Chapter I of Title 6 of the Code of Federal Regulations is amended as follows, effective August 22, 1973.

Issued in Washington, D.C., on August 22, 1973.

JAMES W. MCLANE,
Deputy Director, Cost of Living Council.

1. The first sentence of paragraph c of § 130.129 is amended to read as follows:

§ 130.129 Requirements for sellers of swine and sheep.

* * * * *

(c) *Recordkeeping requirements.* Each firm shall maintain comprehensive records of all price adjustments made pursuant to § 130.127 and § 130.128.

* * * * *

2. Section 140.14 is amended to read as follows:

§ 140.14 Imported commodities and services.

Notwithstanding the provisions of § 140.10, any person who imports and sells a commodity or service from outside the several States and the District of Columbia and each reseller of such a commodity or service may pass on increases in the landed cost for such imported commodity or service incurred after June 12, 1973, on a dollar-for-dollar basis so long as the commodity or service is neither physically transformed by the seller nor becomes a component of another product except that when the imported commodity is food, as defined in subpart I of this Part, increases in the landed cost of the commodity may be passed on without regard to the commodity's physical transformation or inclusion as a component of another product. However, this section shall not apply to commodities or services which were originally purchased in the United States but exported and subsequently imported in any form.

3. Section 140.93(d)(1) is amended to read as follows:

§ 140.93 Special price rules.

* * * * *

(d) *Adjustment for items sold at a loss.* * * *

(1) In the case of wholesalers and retailers which purchase directly from a producer for resale raw agricultural products sold for ultimate consumption in their original physical form and manufacturers and processors which purchase raw agricultural products for processing, if the average cost of a food item purchased during the freeze base period exceeds the freeze price of a food item, the seller may charge a price in excess of the freeze price for that food item to reflect on a dollar-for-dollar basis increases in raw agricultural product costs incurred between January 10, 1973, and the freeze base period with respect to that food item which are not otherwise reflected in the freeze price. However, a price charged pursuant to this paragraph may not exceed the average cost of the food item during the freeze base period except to the extent that it reflects allowable cost increases.

[FR Doc.73–18158 Filed 8–23–73;10:27 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Nutrition Labeling; Notice of Extension of Effective Date

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6951), the Commissioner of Food and Drugs promulgated a new regulation, § 1.17 (21 CFR 1.17). The regulation requires that all labeling ordered after December 31, 1973, must comply with its provisions. In paragraph 34 of the preamble of the March 14, 1973, order, the Commissioner gave notice that temporary extensions from the December 31, 1973, compliance date will be considered, upon a showing of good cause, based upon an ongoing program of nutrition research.

The Milk Industry Foundation, 910 Seventeenth St. NW., Washington, D.C. 20006, the American Dry Milk Institute, Inc., 130 North Franklin St., Chicago, Ill. 60606, and the Evaporated Milk Association, 910 Seventeenth St. NW., Washington, D.C. 20006 have joined in requesting an extension of the December 31, 1973, label printing requirement for the labeling of milk, lowfat milk, skim milk, evaporated milk, evaporated skim milk, nonfat dry milk, cottage cheese, lowfat cottage cheese, and dry curd cottage cheese. The extension is needed to allow time for completion of studies now being carried out to obtain nutritional data on which to base nutrition labeling for these foods. These studies will not be completed in time to permit manufacturers to develop labels to meet the December 31, 1973, effective date.

The Commissioner has reviewed this program and fully supports it. Notice is hereby given that the requested extension is granted until December 31, 1974, at which time all labeling used for products shipped in interstate commerce shall comply with § 1.17.

Dated August 16, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–17928 Filed 8–23–73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Sodium Thiopental, Sodium Pentobarbital

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (10–346V) filed by Amdal Co., Division of Abbott Laboratories, North Chicago, Ill. 60064, pro-

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posing revised labeling regarding the safe and effective use of sodium thiopental with sodium pentobarbital as an anesthetic for use in cats and dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), part 135b is amended by adding the following new section:

§ 135b.54 Sodium thiopental, sodium pentobarbital for injection, veterinary.

(a) *Specifications.*—Each gram of the drug contains 750 milligrams of sodium thiopental and 250 milligrams of sodium pentobarbital sterile powder for dilution with sterile water for injection.

(b) *Sponsor.*—See code No. 003 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) It is used as an anesthetic for intravenous administration to dogs and cats during short to moderately long surgical procedures.

(2) It is administered as follows:

(i) For total anesthesia, it is given at approximately 10 to 12 milligrams per pound of body weight over a period of 3.5 to 5 minutes.

(ii) When preanesthetic medication is used, it is important to wait at least an hour before administering thiopental and sodium pentobarbital for injection, and the dosage necessary for anesthesia is reduced. Usually ½ to ⅔ the normal amount is adequate.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date.—This order shall be effective August 24, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated August 17, 1973.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.73-17927 Filed 8-23-73;8:45 am]

CHLORAMPHENICOL INJECTION AND SOLUTION FOR VETERINARY USE

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications No. 55-002V and 55-003V filed by Tevcon Industries, Inc., 8904 J St., Omaha, Nebr. 68127, covering use of chloramphenicol for administration orally or by injection to dogs. The supplemental applications are approved.

Said drug was approved under section 507 of the Federal Food, Drug, and Cosmetic Act prior to the effective date of the New Animal Drug Amendments of 1968 and has been subject to batch release under sec. 507(a) of the act. Since the drug is now to be certified under the provisions of sec. 512(n) of the act, this order provides for an appropriate amendment to the antibiotic certification regulations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i) and (n), 82 Stat. 347; 350-351; 21 U.S.C. 360b (i) and (n)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135b, 135c, and 151c are amended as follows:

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

1. Part 135b is amended by adding a new section as follows:

§ 135b.77 Chloramphenicol injection, veterinary.

(a) *Specifications.*—The product complies with the requirements of § 151c.19 of this chapter.

(b) *Sponsor.*—See code No. 076 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) It is used in dogs for the treatment of infections of the respiratory tract, the urinary tract, and enteritis and tonsillitis caused by organisms susceptible to chloramphenicol.

(2) It is administered intramuscularly or intravenously at a dosage level of 5 to 15 milligrams per pound of body weight every 6 hours. In severe infections, 4 to 6 hour treatment intervals may be desirable the first day of treatment. If no response to treatment is obtained in 3 to 5 days, use should be discontinued and the diagnosis reviewed.

(3) The label bears a statement that the product is not to be used in animals which are raised for food production.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

2. Part 135c is amended by adding a new section as follows:

§ 135c.99 Chloramphenicol oral solution, veterinary.

(a) *Specifications and special considerations.*—The product complies with the requirements of § 151c.20 of this chapter.

(b) *Sponsor.*—See code No. 076 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) It is used in dogs for the treatment of infections of the respiratory tract, the urinary tract, and enteritis and tonsillitis caused by organisms susceptible to chloramphenicol.

(2) It is administered orally to dogs at a dosage level of 25 milligrams per pound of body weight every 6 hours. In severe infections, 4 to 6 hour treatment intervals may be desirable the first day of treatment. If no response is obtained in 3 to 5 days, discontinue use of the drug and review the diagnosis.

(3) The label bears a statement that this produce is not to be used in animals which are raised for food production.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

PART 151c—CHLORAMPHENICOL

3. Part 151c is amended by adding two sections as follows:

Sec.
151c.19 Chloramphenicol injection, veterinary.
151c.20 Chloramphenicol oral solution, veterinary.

§ 151c.19 Chloramphenicol injection, veterinary.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.*—Chloramphenicol injection, veterinary is a solution containing chloramphenicol and one or more suitable and harmless buffers and preservatives in ethyl alcohol and propylene glycol base. Each milliliter contains 100 milligrams of chloramphenicol. The chloramphenicol content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of chloramphenicol that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine or histaminelike substances. Its pH is not less than 6.5 and not more than 8.5. The chloramphenicol used conforms to the standards prescribed by § 151c.1(a)(1).

(2) *Packaging.*—It shall be packaged in accordance with the requirements of § 148.2 of this chapter.

(3) *Labeling.*—It shall be labeled in accordance with the requirements of § 148.3 and 135b.77 of this chapter.

(4) *Requests for certification; samples.*—In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The chloramphenicol used in making the batch for potency, pH, specific rotation, melting point, absorptivity, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, histamine content, and pH.

(ii) Samples required:

(*a*) The chloramphenicol used in making the batch: 10 packages each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 8 immediate containers.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay.*—(1) *Potency.*—Proceed as directed in § 141.-111 of this chapter, preparing the sample for assay as follows: Transfer an accurately measured portion of the sample into a volumetric flask and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(2) *Sterility.*—Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except transfer 1 milliliter from each container directly to the dry filter, thus eliminating the preliminary solubilization step.

(3) *Pyrogens.*—Proceed as directed in § 141.4(a) of this chapter.

(4) *Safety.*—Proceed as directed in § 141.5 of this chapter.

(5) *Histamine.*—Proceed as directed in § 141.7 of this chapter, omitting the application of heat.

(6) *pH.*—Proceed as directed in § 141.503 of this chapter, diluting the sample with an equal volume of distilled water.

§ 151c.20 Chloramphenicol oral solution, veterinary.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.*—Chloramphenicol oral solution, veterinary is a solution containing chloramphenicol and one or more suitable and harmless buffers and preservatives in a suitable and harmless solvent. Each milliliter contains 100 milligrams of chloramphenicol. The chloramphenicol content is satisfactory if it not less than 90 percent and not more than 120 percent of the number of milligrams of chloramphenicol that it is represented to contain. The pH is not less than 6.5 and not more than 8.5. The chloramphenicol used conforms to the standards prescribed in § 151c.2(a)(1) of this chapter.

(2) *Packaging.*—It shall be packaged in accordance with the requirements of § 148.2 of this chapter.

(3) *Labeling.*—It shall be labeled in accordance with the requirements of § 148.3 and 135c.99 of this chapter.

(4) *Requests for certification; samples.*—In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The chloramphenicol used in making the batch for potency, safety, pH, specific rotation, melting point, absorptivity, and crystallinity.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The chloramphenicol used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(5) *Tests and methods of assay.*—(1) *Potency.*—Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Transfer an accurately measured portion of the sample into a volumetric flask and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Further dilute with solution #1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(2) *pH.*—Proceed as directed in § 141.503 of this chapter, diluting the sample with an equal volume of distilled water.

Effective date.—This order shall be effective August 24, 1973.

(Sec. 512 (i) and (n), 82 Stat. 347, 350-351; 21 U.S.C. 360b (i) and (n).)

Dated August 17, 1973.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.73-17926 Filed 8-23-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 151c—CHLORAMPHENICOL

Chloramphenicol Tablets, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (55-052V) filed by EVSCO Pharmaceutical Corp., 3345 Royal Ave., Oceanside, N.Y. 11572, covering the use of chloramphenicol tablets for the oral treatment of dogs. The application is approved.

As said drug is subject to batch certification under the provisions of sec. 512 (n) of the Federal Food, Drug, and Cosmetic Act, this order provides for an appropriate amendment to the antibiotic certification regulations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i) and (n), 82 Stat. 347; 350-351; 21 U.S.C. 360b(i) and (n)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135c and 151c are amended as follows:

1. Part 135c is amended by adding a new section as follows:

§ 135c.102 Chloramphenicol tablets, veterinary.

(a) *Specifications.*—Chloramphenicol tablets, veterinary contain 100 milligrams of chloramphenicol and conform to the certification requirements of § 151c.21 of this chapter.

(b) *Sponsor.*—See code No. 053 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) The drug is administered to dogs for oral treatment of bacterial pulmonary infections, bacterial infections of the urinary tract, bacterial enteritis, and bacterial infections associated with canine distemper caused by susceptible organisms.

(2) The drug is administered at 25 milligrams per pound of body weight every 6 hours.

(3) Laboratory tests should be conducted including in-vitro culturing and susceptibility tests on samples collected prior to treatment. If no response to chloramphenicol therapy is obtained in 3 to 5 days, discontinue its use and review diagnosis.

(4) The label bears a statement that the product is not to be used in animals which are raised for food production.

(5) Chloramphenicol products must not be used in meat, egg, or milk-producing animals. The length of time that residues persist in milk or tissues has not been determined. Because of potential antagonism, chloramphenicol should not be administered simultaneously with penicillin or streptomycin.

(6) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

2. Part 151c is amended by adding a new section as follows:

§ 151c.21 Chloramphenicol tablets, veterinary.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.*—Chloramphenicol tablets, veterinary are composed of chloramphenicol with or without one or more suitable diluents, lubricants, binders, colorings and coating substances Each tablet contains 100 milligrams of chloramphenicol. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of chloramphenicol that it is represented to contain. Tablets shall disintegrate within 1 hour. The chloramphenicol used conforms to the standards prescribed by § 151c.2(a)(1).

(2) *Labeling.*—It shall be labeled in accordance with the requirements of §§ 148.3 and 135c.102 of this chapter.

(3) *Requests for certification; samples.*—In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The chloramphenicol used in making the batch for potency, safety, pH, specific rotation, melting range, absorptivity, and crystallinity.

(*b*) The batch for potency and disintegration time.

(ii) Samples required.

(*a*) The chloramphenicol used in making the batch: 10 packages each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay.*—(1) *Potency.*—Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(i) *Microbiological turbidimetric assay.*—Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar containing 100 milliliters of 95 percent ethyl alcohol. Blend for 2 minutes. Add 400 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), and blend again for 2 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(ii) *Spectrophotometric assay.*—(*a*) *Preparation of working standard solution.*—Dissolve approximately 50 milligrams of the working standard in 100 milliliters of distilled water. Warm if necessary to hasten dissolution. Transfer 10 milliliters into a 250-milliliter volumetric flask and fill to volume with distilled water.

(*b*) *Procedure.*—Weigh accurately a counted number of not less than 10 tablets and determine the average weight per tablet. Reduce 10 tablets to a fine powder in a mortar and transfer an

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amount of powder containing 500 milligrams (estimated) of chloramphenicol to a 1,000-milliliter glass-stoppered volumetric flask. Add 50 milliliters of redistilled methanol to the flask and shake for at least 1 minute. Fill to volume with distilled water and mix thoroughly. Transfer exactly 10 milliliters of this solution into a 250-milliliter glass-stoppered volumetric flask. Fill to volume with distilled water and mix thoroughly. Determine the absorbance of this solution on a suitable spectrophotometer in a 1-centimeter quartz cell at 278 nanometers against a blank of distilled water. Calculate the potency of the sample as follows:

$$\text{Milligrams of chloramphenicol per tablet} = \frac{\text{Absorbance of sample}}{\text{Absorbance of standard}} \times \frac{\text{Average weight of the tablet}}{\text{Weight of powder tested in milligrams}} \times 250{,}000$$

(2) *Disintegration time.*—Proceed as directed in § 141.540.

Effective date.—This order shall be effective August 24, 1973.

(Sec. 512(i) and (n), 82 Stat. 347, 350–351; 21 U.S.C. 360b(i) and (n))

Dated: August 17, 1973.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.73–17925 Filed 8–23–73;8:45 am]

PART 121—FOOD ADDITIVES

PART 122—UNAVOIDABLE CONTAMINANTS IN FOOD AND FOOD-PACKAGING MATERIAL

Polychlorinated Biphenyls; Notice of Partial Confirmation of Effective Date and Stay of a Provision of the Final Order

In the FEDERAL REGISTER of July 6, 1973 (38 FR 18096), a final order was published limiting the sources by which polychlorinated biphenyls (PCB's) may contaminate animal feed, food, and food-packaging materials during manufacturing, handling, and storage and limiting the levels of PCB's that may be present in animal feed, food, and food-packaging materials as a result of unavoidable, environmental contamination. The order provided for the filing of objections to §§ 121.2546 and 122.10 within 30 days after the date of publication.

No objections to the amendment of § 121.2546 and to the provisions of § 122.10(a) (1) through (8) were filed. Therefore, this amendment and these provisions of the final order will become effective for paper food packaging materials, foods, and feeds initially shipped in interstate commerce after September 4, 1973.

Objections to § 122.10(a)(9), which establishes a temporary tolerance of 10 parts per million for PCB's in paper food-packaging material, were filed by eleven paperboard manufacturers, three paper industry trade associations, and one food manufacturer. The paperboard manufacturers and paper industry trade associations also requested a public hearing on their objections. Pursuant to sec. 701(e) of the Federal Food, Drug, and Cosmetic Act, § 122.10(a)(9) is hereby stayed pending full review of the objections and requests for hearing. This review will be the subject of a future FEDERAL REGISTER notice.

In the interim, as stated in the final order, the Food and Drug Administration will enforce the temporary tolerance level established by § 122.10(a)(9) by seizing any paper food-packaging material shipped in interstate commerce after September 4, 1973 containing higher than the specified level of PCB's as adulterated in violation of sec. 402 of the Act.

(Secs. 402(a), 406, 409, 701, 52 Stat. 1046 as amended, 1049, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948, 72 Stat. 1785–1788 as amended; 21 U.S.C. 342(a), 346, 348, 371).

Dated: August 22, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–18148 Filed 8–23–73;9:55 am]

Title 19—Customs Duties

CHAPTER I—U.S. CUSTOMS SERVICE

[T.D. 73–233]

PART 153—ANTIDUMPING

Determination on Printed Vinyl Film From Argentina

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that printed vinyl film from Argentina is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of April 19, 1973 (38 FR 9677).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on July 18, 1973, it notified the Secretary of the Treasury that an industry in the United States is likely to be injured by reason of the importation of printed vinyl film from Argentina sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of July 24, 1973 (38 FR 19878).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to printed vinyl film from Argentina.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Printed vinyl film	Argentina	73–233

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73–18082 Filed 8–23–73;8:45 am]

PART 153—ANTIDUMPING

[T.D. 73–232]

Determination on Printed Vinyl Film From Brazil

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that printed vinyl film from Brazil is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of April 19, 1973 (38 FR 9678).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on July 18, 1973, it notified the Secretary of the Treasury that an industry in the United States is likely to be injured by reason of the importation of printed vinyl film from Brazil sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of July 24, 1973 (38 FR 19878).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to printed vinyl film from Brazil.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Printed vinyl film	Brazil	73–232

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73–18081 Filed 8–23–73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DEPRECIATION ALLOWANCE FOR PROPERTY OF CERTAIN PUBLIC UTILITIES

Notice of Public Hearing on Proposed Regulations

Proposed regulations under section 167(l) of the Internal Revenue Code of 1954, relating to depreciation allowance for property of certain public utilities, appear in the FEDERAL REGISTER for May 31, 1973 (38 FR 14287).

A public hearing on the provisions of such proposed regulations will be held on September 25, 1973, beginning at 10 a.m., e.d.s.t., in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202–964–3935. Under such § 601.601(a)(3) persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by September 11, 1973. Such outlines should be submitted to the Commissioner of Internal Revenue, attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by September 18, 1973. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($0.10) per page, subject to a minimum charge of $1.00.

An agenda showing the order of the hearing on the proposed regulations and the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on September 24, 1973, by telephoning (Washington, D.C.) 202–964–3935.

LAWRENCE B. GIBBS,
Acting Chief Counsel.

[FR Doc.73–18110 Filed 8–23–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 73–180P]

ANCHORAGE GROUNDS, PUGET SOUND AREA, WASHINGTON

Termination of Blake Island Explosives Anchorage

The Coast Guard is considering terminating the Blake Island Explosives Anchorage in Puget Sound, Washington. To effect the termination, Part 110 of Title 33 of the Code of Federal Regulations would be amended by revoking § 110.230(a)(12). The reason for terminating this anchorage is that it no longer meets the Department of Defense ammunition and explosives safety standards because of the construction of a public marina nearby at State Park on Blake Island.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Thirteenth Coast Guard District, 618 Second Avenue, Seattle, Washington 98104. Each person submitting comments should include his name and address, identify the notice (CGD 73–180P) and give any reasons in support of the comments made. Copies of all submissions received will be available for examination by interested persons at the Office of the Commander, Thirteenth Coast Guard District.

The Commander, Thirteenth Coast Guard District will forward any comments received before September 28, 1973, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal.

This amendment is being considered under the authority contained in Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1), 33 CFR 1.05–1(c)(1).

Dated: August 21, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.73–17972 Filed 8–23–73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73–RM–23]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the control zone and transition area at Kalispell, Mont.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station P.O. Box 7213, Denver, Colorado 80207. All communications received on or before September 19, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

An instrument landing system serving Runway 01 at Glacier Park International Airport, Kalispell, Mont., will be commissioned in December 1973. Concurrent with the ILS, the FAA will provide an NDB which will be used in conjunction with the instrument approach procedure to be developed. Alteration of the existing control zone and transition areas is necessary to provide airspace protection for aircraft executing a VOR

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Runway 29 approach or an ILS Runway 01 approach to Glacier Park Airport.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (38 FR 390), the description of the Kalispell control zone is amended to read:

Within a 5-mile radius of the Glacier Park International Airport (latitude 48°18'49" N., longitude 114°15'16" W.); within 2 miles each side of the 035° bearing from the Smith Lake NDB (latitude 48°06'26" N., longitude 114°27'37"); extending from the 5-mile radius zone to 4 miles northeast of the NDB (12.5 miles southwest of the airport).

In § 71.181 (38 FR 510), the description of the transition area is amended to read:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Glacier Park International Airport (latitude 48°18'49" N., longitude 114°15'16" W.); within 5.5 miles each side of the 035° and 215° bearings from the Smith Lake NDB (latitude 48°06'26" N., longitude 114°27'37" W.); extending from the 8-mile radius area to 12 miles southwest of the NDB. That airspace extending upward from 1200 feet above the surface within 5.5 miles east and 9.5 miles west of the Kalispell VOR 166° radial extending from the 700-foot transition area to 18.5 miles south of the VOR; within 5.5 miles southeast and 9.5 miles southwest of the 035° and 215° bearings from the Smith Lake NDB extending from 7.5 miles northeast of the NDB to 18.5 miles southwest of the NDB excluding the 700-foot transition area.

These amendments are proposed under authority of section 307(a), of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colorado, on August 15, 1973.

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

[FR Doc.73-17938 Filed 8-23-73;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 50, 115]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES; PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Amendments for Facility Licenses and Authorizations

The Atomic Energy Commission has under consideration certain amendments to its regulations, 10 CFR Part 50, Licensing of Production and Utilization Facilities, and 10 CFR Part 115, Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements, which would simplify the procedural process for AEC authorization of changes in production and utilization facilities and technical specifications relating to such facilities.

Section 189 of the Atomic Energy Act of 1954, as amended (the Act), provides that in cases where a construction permit for a facility under secs. 103 or 104b. of the Act, or a testing facility under sec. 104c. of the Act, has been issued following a hearing, the Commission may, in the absence of a request therefor by any person whose interest may be affected, issue an amendment to the operating license without a hearing, upon thirty days' notice and publication of its intent to do so in the FEDERAL REGISTER. Such notice may be dispensed with, however, upon a determination that the amendment does not involve a significant hazards consideration.

Under existing provisions of § 50.59 of Part 50, changes may be made in a facility and in the procedures described in the safety analysis report, and tests and experiments not described in the safety analysis report may be conducted, without prior Commission approval, unless the proposed change, test or experiment involves a change in the technical specifications or an unreviewed safety question. A change which involves a change in technical specifications or an unreviewed safety question must be authorized by the Commission, and the Commission may authorize such a change, test or experiment, upon finding that there is reasonable assurance that the health and safety of the public will not be endangered. If a proposed change in a facility of a type described in §§ 50.21(b) or 50.22 or a testing facility (i.e., a power or test reactor or a fuel reprocessing plant), presents a significant hazards consideration, the Commission may refer the request to the Advisory Committee on Reactor Safeguards. Part 115 contains similar provisions with respect to operating authorizations for power reactors subject to that part.

Part 2 contains provisions which state that a notice of proposed action on an amendment to a facility license which "involves a significant hazards consideration" will be published in the FEDERAL REGISTER, and will provide that, by September 24, 1973, or such lesser period authorized by law as the Commission may specify, the applicant may request a hearing or any person whose interest may be affected by the proceeding may file a petition for leave to intervene (§ 2.105). Section 2.106 provides for FEDERAL REGISTER notice, after issuance, of amendments to facility licenses.

The Commission believes that the separate procedures now in effect for "amendments" and "changes" can be simplified by the establishment of a uniform system for authorization of such actions.

The proposed amendments to Part 50 which follow would continue to permit facility licensees to make changes and perform tests and experiments not described in the safety analysis report without prior Commission approval unless the change, test or experiment involves an unreviewed safety question or a change in the technical specifications. For proposed changes, tests or experiments which involve an unreviewed safety question or a change in technical specifications, an amendment to the operating license would be required, pursuant to § 50.90. With respect to an application for amendment of a license which involves a significant hazards consideration, the Commission would act upon the application for the amendment after giving notice of its proposed action, pursuant to the applicable provisions of 10 CFR Part 2. Similar changes would be made in the pertinent provisions of Part 115.

Section 50.58 would be amended to reflect the discretion given the Commission in sec. 182 of the Atomic Energy Act to refer applications for license amendments to the Advisory Committee on Reactor Safeguards.

Pursuant to the Atomic Energy Act of 1954, as amended, and sec. 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 50 and 115 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by September 24, 1973.

Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

1. Paragraph (a) of § 50.58 would be revised to read as follows:

§ 50.58 Hearings and report of the Advisory Committee on Reactor Safeguards.

(a) Each application for a construction permit or an operating license for a facility which is of a type described in § 50.21(b) or § 50.22, or for a testing facility, shall be referred to the Advisory Committee on Reactor Safeguards for a review and report. An application for an amendment to such a construction permit or operating license may be referred to the Advisory Committee on Reactor Safeguards for review and report. Any report shall be made part of the record of the application and available to the public, except to the extent that security classification prevents disclosure.

* * * * *

2. Section 50.59 would be revised to read as follows:

§ 50.59 Changes, tests and experiments.

(a) (1) The holder of a license authorizing operation of a production or utilization facility may (i) make changes in the facility as described in the safety analysis report, (ii) make changes in the procedures as described in the safety analysis report, and (iii) conduct tests or experiments not described in the safety analysis report, without prior Commission approval, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety question.

(2) A proposed change, test, or experiment shall be deemed to involve an unreviewed safety question (i) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased; or (ii) if a possibility for an accident or malfunction of a different type than any evaluated previously in the safety analysis report may be created; or (iii) if the margin of safety as defined in the basis for any technical specification is reduced.

(b) The licensee shall maintain records of changes in the facility and of changes in procedures made pursuant to this section, to the extent that such changes constitute changes in the facility as described in the safety analysis report or constitute changes in procedures as described in the safety analysis report. The licensee shall also maintain records of tests and experiments carried out pursuant to paragraph (a) of this section. These records shall include a written safety evaluation which provides the bases for the determination that the change, test or experiment does not involve an unreviewed safety question. The licensee shall furnish to the Commission, annually or at such shorter intervals as may be specified in the license, a report containing a brief description of such changes, tests and experiments, including a summary of the safety evaluation of each. Any report submitted by a licensee pursuant to this paragraph will be made a part of the public record of the licensing proceeding. In addition to a signed original, 39 copies of each report of changes in a facility of the type described in §§ 50.21(b) or 50.22 or a testing facility, and 12 copies of each report of changes in any other facility, shall be filed.

(c) The holder of a license authorizing operation of a production or utilization facility who desires (1) a change in technical specifications or (2) to make a change in the facility or the procedures described in the safety analysis report or to conduct tests or experiments not described in the safety analysis report, which involve an unreviewed safety question or a change in technical specifications, shall submit an application for amendment of his license pursuant to § 50.90.

3. A sentence would be added at the end of § 50.91 to read as follows:

§ 50.91 Issuance of amendment.

* * * In determining whether an amendment to a license or construction permit will be issued to the applicant, the Commission will be guided by the considerations which govern the issuance of initial licenses or construction permits, to the extent applicable and appropriate. If the application involves the material alteration of a licensed facility, a construction permit will be issued prior to the issuance of the amendment to the license. If the amendment involves a significant hazards consideration, the Commission will give notice of its proposed action pursuant to § 2.105 of this chapter before acting thereon. The notice will be issued as soon as practicable after the application has been docketed.

4. Paragraph (a) of § 115.46 would be amended to read as follows:

§ 115.46 Hearings and report of the Advisory Committee on Reactor Safeguards.

(a) Each application for an authorization to construct or operate a nuclear reactor subject to this part shall be referred to the Advisory Committee on Reactor Safeguards for a review and report. An application for an amendment to such a construction authorization or operating authorization may be referred to the Advisory Committee on Reactor Safeguards for review and report. Any report shall be made part of the record of the application and available to the public, except to the extent that security classification prevents disclosure.

* * * * *

5. Section 115.47 would be revised to read as follows:

§ 115.47 Changes, tests and experiments.

(a) (1) The holder of an operating authorization may (i) make changes in the facility as described in the safety analysis report, (ii) make changes in the procedures as described in the safety analysis report, and (iii) conduct tests and experiments not described in the safety analysis report, without prior Commission approval, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety question.

(2) A proposed change, test, or experiment shall be deemed to involve an unreviewed safety question (i) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased; or (ii) if a possibility for an accident or malfunction of a different type than any evaluated previously in the safety analysis report may be created; or (iii) if the margin of safety as defined in the basis for any technical specification is reduced.

(b) The holder of the authorization shall maintain records of changes in the facility and of changes in procedures made pursuant to paragraph (a) of this section, to the extent that such changes constitute changes in the facility as described in the safety analysis report or constitute changes in procedures described in the safety analysis report. The holder of the authorization shall also maintain records of tests and experiments carried out pursuant to paragraph (a) of this section. These records shall include a written safety evaluation which provides the bases for the determination that the change, test or experiment does not involve an unreviewed safety question. The holder of the authorization shall furnish to the Commission, annually or at such shorter intervals as may be specified in the authorization, a report containing a brief description of such changes, tests and experiments, including a summary of the safety evaluation of each. Any report submitted by a holder of an authorization pursuant to this paragraph will be made a part of the public record of the authorization proceeding. In addition to a signed original 39 copies of each report shall be filed.

(c) The holder of an authorization who desires a change in technical specifications or who desires to make a change in the facility or the procedures described in the safety analysis report, or conduct tests or experiments not described in the safety analysis report, which involve an unreviewed safety question or a change in technical specifications, shall submit an application for amendment of his authorization pursuant to § 115.60.

6. Section 115.61 would be revised to read as follows:

§ 115.61 Issuance of amendment.

In determining whether an amendment to an authorization will be issued to the applicant, the Commission will be guided by the considerations which govern the issuance of authorizations, to the extent applicable and appropriate. If the application involves the material alteration of a nuclear reactor, a construction authorization will be issued prior to issuance of the amendment to the authorization. If the amendment involves a significant hazards consideration, the Commission will give notice of its proposed action pursuant to § 2.105 of this chapter before acting thereon. The notice will be issued as soon as practicable after the application has been docketed.

(Sec. 161, Pub. Law 83-703, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 2, 3, Pub. Law 87-615, 79 Stat. 409; 42 U.S.C. 2232, 2239.)

Dated at Germantown, Maryland this 16th day of August 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-17750 Filed 8-23-73;8:45 am]

COST OF LIVING COUNCIL

[6 CFR Part 150]

STAGE B FOR FOOD

Notice of Proposed Rulemaking

INTRODUCTION

In Executive Order 11730, July 18, 1973, President Nixon directed that the freeze on food prices be removed in a two-stage process which would re-establish a flexible controls system. Stage A, which became effective on July 18, 1973, and which continues in effect until September 12, 1973, provides a means by which the food industry can charge prices above the general freeze or meat ceiling price levels in order to pass through on a dollar-for-dollar basis increases in costs of agricultural products.

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Stage B, which is to become effective on September 12, 1973, will complete the transition of the food industry from Phase III to Phase IV of the Economic Stabilization Program. The freeze on beef prices also ends on September 12, 1973.

The purpose of this notice of proposed rulemaking is to elicit public comment on the Cost of Living Council's proposed "Stage B" price rules for the food industry. These are set forth in a proposed Subpart Q to the Phase IV regulations. Interested persons are invited to participate by submitting written data, views, or comments with respect to the proposed regulations set forth in this notice to the Executive Secretariat, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508. Submissions should be identified with the designation "Stage B Food Regulations" and comments should be organized either on a section-by-section or issue-by-issue basis, with only one section or issue discussed on a page. At least 10 copies should be submitted. All comments received by noon on September 4, 1973, will be considered by the Council before taking final action on the proposed regulations, and the proposed regulations may be changed in light of the comments received. All comments received in response to this notice will be available for examination and copying by interested persons during the hours 9:00 a.m. to 5:00 p.m., Monday through Friday, at the Council's Press Room at the above address.

In promulgating the "Stage A" food regulations, the Council stated that on September 12, 1973, the food industry will become subject to regulations similar to the Phase IV controls applied to the wholesale, retail, service and industrial sectors. The proposed "Stage B" food regulations as set forth herein are essentially the same as the Phase IV regulations now in effect, except that a gross margin rule is proposed for the food manufacturing sector. This rule and other significant differences are outlined below.

Food Wholesaling and Retailing

With respect to food wholesaling and food retailing, the proposed regulations adopt the Phase IV, Subpart K regulations applicable to wholesaling and retailing. (Subpart K essentially permits a firm to apply the customary initial percentage markup (category basis) to cost of goods sold, or to realize a percentage gross margin (category basis) on cost of goods sold, which does not exceed the base period markup or margin. The profit margin rules apply if a price above the adjusted freeze price is charged.) However, firms engaged in food retailing are provided the option under the proposed regulations of choosing either one of the last two fiscal years which ended prior to February 5, 1973, for purposes of establishing a pricing base period. The Subpart K option with respect to the pricing base period is restricted to the last fiscal year ending prior to February 5, 1973, or the last four fiscal quarters ending prior to February 5, 1973. This modification is proposed in view of the exceptionally low level of profitability which prevailed in 1972 among food retailers.

In addition, the proposed regulations redefine "adjusted freeze price" for purposes of food wholesaling and food retailing to take into account prices charged in excess of the freeze price pursuant to the "Stage A" rules.

Food Service Activities

Food service activities are made subject to Subpart E of the Phase IV regulations ("Manufacturing and Service Activities"). This will permit dollar-for-dollar passthrough of all net allowable cost increases, including not only increases in cost of raw agricultural products but also increases in cost of labor and other costs.

Firms engaged in food service activities are permitted under the proposed regulations to compute an "adjusted freeze price" which takes into account prices charged in excess of the freeze price pursuant to the "Stage A" rules.

The proposed regulations waive the prenotification requirement with respect to food service activities. There are only a handful of price category I food service organizations, and the Phase IV rules (unlike those in Phase II) require all price category I firms to report their price increases on a quarterly basis. Moreover, the large restaurant and "fast food" chains, although classified as food service organizations, have some of the characteristics of a retail business, and retail activities have never been subject to prenotification requirements.

Food Manufacturing

Food manufacturing activities are subject under the proposed regulations to a gross margin rule with respect to food raw materials on a product line basis. This is similar to the gross margin rule to which firms engaged in the slaughtering and processing of livestock or the manufacturing of meat items were subject under § 130.57(d) of the Phase III rules prior to July 18, 1973. Cost increases with respect to costs other than food raw material costs are subject to prenotification and cost-justification.

Under the gross margin rule, increases and decreases in food raw material costs (costs which often fluctuate more than others) can be passed through on a dollar-for-dollar basis without the need for prenotification and "volatile" pricing authorization. Pricing is controlled not on the basis of the base price of a unit plus cost but on the basis of total revenues for the product line concerned in the current month. Total revenues may not exceed an amount derived under a formula which takes into account (1) the food raw material costs during the current month, (2) the base period gross margin rate (revenues less food raw material costs divided by volume) at the volume of food raw material units during the current month, and (3) the net allowable cost increases with respect to costs other than food raw material costs during the current month on a dollar-for-dollar basis.

The base period for gross margin purposes remains the same for meat manufacturers as in Phase III—any four consecutive fiscal quarters which began after May 25, 1970, and which ended prior to May 11, 1973. For other food manufacturers, the base period is any four consecutive fiscal quarters of the eight fiscal quarters which ended prior to September 12, 1973. However, for purposes of measuring net increases in allowable costs other than food raw material costs the base cost period is the quarter which next follows the four consecutive quarters selected by the firm concerned for gross margin purposes.

Increases in costs other than food raw materials costs are subject to prenotification (price category I firms only) and the rules contained in Subpart E of the Phase IV regulations. The profit margin rule applies when any price is charged which exceeds the adjusted freeze price, but the adjusted freeze price is computed in such a way as to take into account prices charged in excess of the freeze price pursuant to the "Stage A" rules.

Compliance with the gross margin rule is tested on a monthly basis after submission of an initial report which determines the base period gross margin for each product line involved, whether an input or output basis was used, which four consecutive fiscal quarters were selected for the base period and other information.

The maximum permissible sales revenues under the gross margin formula may be exceeded only if the firm concerned can demonstrate, to the satisfaction of the Council, that the excess is justified on the basis of seasonal patterns or is attributable to revenues derived from the sale of exempt items or from allowable prices under certain contracts as provided in § 150.76 of the Phase IV regulations. An exception may be requested if an excess results from unforseen change in product mix.

A firm which derives both less than 20 percent of its annual sales or revenues from food manufacturing and less than $50 million of annual sales or revenues from food manufacturing may elect to price with respect to food manufacturing activities entirely in accordance with the Subpart E rules or under the proposed gross margin rule.

The proposed regulations also republish the Phase II rules respecting regulated milk and milk products. Those rules are modified, however, to apply the gross margin concept of control. Similarly, the rules for marketing cooperatives and market risk-sharing transactions are made subject to the gross margin control under the proposed regulations.

In consideration of the foregoing, it is proposed to amend Part 150 of Title 6, Code of Federal Regulations, as set forth below, effective 11:59 p.m., e.s.t., September 11, 1973.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14; 38 FR 1489)

Issued in Washington, D.C., on August 22, 1973.

JOHN T. DUNLOP,
Director, Cost of Living Council.

1. The table of sections is amended by adding the following items regarding Subpart Q:

Subpart Q—Food Industry

Sec.
150.601 Purpose and scope.
150.602 Applicability.
150.603 Definitions.
150.604 Food wholesaling and retailing.
150.605 Food service activities.
150.606 Food manufacturing: Gross margin for food raw materials.
150.607 Food manufacturing: Other pricing rules.
150.608 Regulated milk and milk products.
150.609 Marketing cooperatives and market risk-sharing transactions.

2. The part is amended by adding a new Subpart Q to read as follows:

Subpart Q—Food Industry

§ 150.601 Purpose and scope.

This subpart provides the "Stage B" price rules whereby the food industry completes the transition from Phase III to Phase IV of the Economic Stabilization Program. This subpart supersedes Subparts F and M of Part 130 and Subpart I of Part 140 of this title effective 11:59 p.m., e.s.t., September 11, 1973. To the extent that this subpart may be inconsistent with any other provisions of this part, the provisions of this subpart govern.

§ 150.602 Applicability.

This subpart applies to all firms engaged in food manufacturing, food service activities, food wholesaling and food retailing.

§ 150.603 Definitions.

For purposes of this subpart—

"Adjusted freeze price" means:

(1) With respect to food subject to Subpart I of Part 140, the adjusted freeze price as defined in Subpart E of this part, except that in the case of an item priced in excess of the freeze price of that item pursuant to the Stage A rules for food provided in Part 140 of this chapter, the adjusted freeze price of that item is the last price lawfully charged for that item prior to the effective date of this subpart; or

(2) With respect to meat subject to Subpart M of Part 130:

(a) The ceiling price as defined in § 130.123 of this chapter;

(b) In the case of an imported meat item priced in accordance with § 130.121 (b) of this chapter, the highest price lawfully charged for that item before September 12, 1973;

(c) In the case of a meat item priced in accordance with § 130.127 or § 130.128 of this chapter, the highest price lawfully charged for that item before September 12, 1973; and

(d) In the case of a meat item priced in accordance with an exception granted pursuant to the provisions of Part 130 of this chapter, the highest price lawfully charged for that item before September 12, 1973.

"Base period" means:

(1) With respect to the slaughtering and processing of livestock or the manufacturing of meat products, any four consecutive fiscal quarters, at the option of the firm concerned, which began after May 25, 1970, and which ended prior to May 11, 1973; and

(2) With respect to all other food manufacturing activities, any four consecutive fiscal quarters, at the option of the firm concerned, of the eight fiscal quarters which ended prior to September 12, 1973.

"Base period conversion cost rate" means the difference between (1) total sales revenues for a product line during the base period and (2) the total food raw material costs plus the operating profit for that product lined during the base period, divided by the volume of food raw material units for that product line during the base period. This computation is illustrated by the following equation:

$$B = \frac{R - (P + M)}{V}$$

Where
B = base period conversion cost rate.
R = total sales revenues during the base period.
M = food raw material costs during the base period.
P = operating profit during the base period.
V = volume of food raw material units during the base period.

"Base period gross margin rate" means the total operating profit for the product line concerned during the base period divided by the volume of food raw material units during the base period.

"Conversion costs" means total sales revenues less the sum of operating profit and food raw material costs.

"Conversion cost increase" means the difference between the conversion costs during the base cost period (as defined in § 150.607(b)(2)) and the conversion costs in the current cost period (as defined in Subpart G of this part), expressed as a percentage of the conversion costs in the base cost period.

"Food" means (1) items which are manufactured for human or animal ingestion except alcoholic beverages, tobacco products, or drugs, and

(2) Items which are not manufactured for human or animal ingestion but which as byproducts of food raw materials are required by this section to be treated as food for purposes of this section.

"Food manufacturing" means the trade or business of preparing, processing, making, fabricating or assembling a food item by manual labor or machinery for sale and includes the slaughtering and processing of livestock.

"Food raw material" means, in the form in which they are received, raw, semi-processed or processed agricultural and marine products, including crops, livestock, poultry and catch from fresh water and the sea, and other edible products such as flavorings and preservatives, which are incorporated into the food item concerned.

"Food raw material costs" means the dollar amount, calculated in accordance with the customary accounting practice of the firm with respect to the product line concerned, derived from adding the total cost of inventory of food raw material on the first day of the period concerned and the total cost of food raw material purchased during that period, and subtracting from that sum the total cost of food raw material remaining in inventory of the first day after the period concerned.

"Food raw material units" means, at the option of the firm concerned and calculated in accordance with its customary accounting practice, either:

(1) The total units of food raw material in inventory on the first day of the period concerned, plus the total units of food raw material purchased during the period concerned, less the total units of food raw material remaining in inventory on the first day after the period concerned (input basis); or

(2) The total units of food sold during the period concerned (output basis).

"Meat" means food of the following description:

(1) Any "Meat", as defined in 9 CFR 301.2(tt); and

(2) Any "Meat byproduct", as defined in 9 CFR 301.2(uu); and

(3) Any "Meat food product", as defined in 9 CFR 301.2(vv).

"Product line" means (1) with respect to the slaughtering and processing of livestock or the manufacturing of meat products, (i) a product or (ii) an aggregation of products categorized by a four-digit Standard Industrial Classification (SIC) code if that is the customary pricing unit (e.g., cost or profit center) with respect to that aggregation of products. An aggregation of products which includes more than one four-digit SIC code or an aggregation of products of less than one four-digit SIC code may be used provided the level of aggregation reflects the entity's customary pricing unit (e.g., cost or profit center) with respect to that level of aggregation chosen.

(2) With respect to all other food manufacturing activities (i) a product or (ii) an aggregation of products categorized by a four-digit Standard Industrial Classification (SIC) code if that is the customary pricing unit (e.g., cost or profit center) with respect to that aggregation of products. An aggregation of products of less than one four-digit SIC code (but not more than one four-digit SIC code) may be used provided the level of aggregation reflects the customary pricing unit (e.g., cost or profit center) with respect to that level of aggregation chosen.

"Total sales revenues" means the aggregate revenue from the sale of food.

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§ 150.604 Food wholesaling and retailing.

(a) *General Rule.*—Except as provided in paragraph (b) of this section, Subpart K of this part applies to the wholesaling and retailing activities of firms subject to this subpart.

(b) *Subpart K modifications.*—(1) A firm engaged in food retailing and which derives 75 percent or more of its annual sales or revenues from retail food sales may, at its option, use as a pricing base period either one of the last two fiscal years which ended prior to February 5, 1973, and may apply the pricing base period chosen to both its food and nonfood retail activities.

(2) "Adjusted freeze price" means adjusted freeze price as defined in § 150.603.

§ 150.605 Food service activities.

(a) *General rule.*—Except as provided in paragraph (b) of this section, Subpart E of this part applies to the food service activities of firms subject to this subpart.

(b) *Subpart E modifications.*—"Adjusted freeze price" means adjusted freeze price as defined in § 150.603 of this subpart.

(c) *Prenotification.*—Section 150.151 does not apply with respect to the food service activities of firms subject to this subpart.

§ 150.606 Food manufacturing: Gross margin for food raw materials.

(a) *Purpose and scope.*—The purpose of this section is to apply to food manufacturing activities, on a product line basis, a gross margin rule of the type previously applicable only to firms engaged in the slaughtering and processing of livestock or the manufacturing of meat items. Except as provided in paragraph (b) of this section, the gross margin rule is applicable with respect to all food manufacturing activities. Under the gross margin rule, increases and decreases in food raw material costs (costs which generally fluctuate significantly) can be passed through on a dollar-for-dollar basis without prenotification and without "volatile" pricing authorization. Price increases to recover net allowable increases in costs other than food raw material costs are subject to Subpart E of this part as modified by § 150.607.

(b) *Applicability.*—This section applies to the food manufacturing activities of all firms, except that a firm which both derives less than 20 percent of its annual sales or revenues from food manufacturing and less than $50 million of annual sales or revenue from food manufacturing may elect to price with respect to its food manufacturing activities in accordance with this section or in accordance with Subpart E of this part. A firm engaged in food manufacturing which also produces non-food by-products of food raw materials, such as leather, tallow, and industrial oils, shall treat those by-products as food items for purposes of this section.

(c) *Gross margin rules.*—(1) Except as provided in paragraph (c)(2) of this section, any price may be charged with respect to any item as long as total sales revenues for a product line for any accounting month ending after September 11, 1973, do not exceed the amount derived by (i) multiplying the base period conversion cost rate for that product line by the volume of food raw material units for that product line in the accounting month concerned; (ii) multiplying the product in (i) by the conversion cost increase for that product line plus 100 percent and (iii) adding to the product in (ii) the food raw material costs for that product line in the accounting month concerned plus the base period gross margin rate for that product line times the volume of food raw material units for that product line in the accounting month concerned. This computation is illustrated by the following equation:

$$R=(B\times V)\ (C+100\%)+M+(P\times V)$$

Where

R = total sales revenues for the accounting month concerned
B = base period conversion cost rate
V = volume of food raw material units during the accounting month concerned
C = conversion cost increase
M = food raw material costs during the accounting month concerned
P = base period gross margin rate

(2)(i) Sales revenues for any accounting month may exceed the total sales revenues calculated in accordance with paragraph (c)(1) of this section only if the firm concerned demonstrates, to the satisfaction of the Council, that the excess is justified on the basis of seasonal patterns or is attributable to revenues derived from the sale of exempt items or from allowable prices pursuant to § 150.76.

(ii) Total sales revenues in any product line in the accounting month which includes September 11, 1973, may exceed the amount specified in paragraph (c)(1) of this section. However, total sales revenues in any product line in the next succeeding accounting month may not exceed the amount specified in paragraph (c)(1) of this section less the amount of revenue excess experienced in the accounting month which includes September 11, 1973, which is not justifiable on the basis of seasonal patterns or attributable to revenues derived from the sale of exempt items or from allowable prices pursuant to § 150.76.

(3)(i) Notwithstanding paragraph (c)(1) and (2) of this section, a firm subject to this section which charges a price for any item in excess of the adjusted freeze price for that item may not, for the fiscal year in which that price in excess of the adjusted freeze price is charged, exceed its base period profit margin as defined in § 150.31.

(ii) The Council shall excuse a profit margin excess for any fiscal year to the extent that the firm concerned demonstrates, to the satisfaction of the Council, that the excess is attributable to the sale of exempt items or to the charging of allowable prices pursuant to § 150.76.

(4)(i) Food raw material purchased and resold without change in form may be excluded in computing the base period conversion cost rate. Food raw material purchased and resold without change in form shall be excluded in computing food raw material units and food raw material costs for any accounting month ending after September 11, 1973.

(ii) The cost of freight and insurance in connection with the purchase of food raw material ("freight-in") may either be included in or excluded from food raw material costs during the base period but the treatment of "freight-in" shall be consistent as between the base period and each accounting month ending after September 11, 1973. The cost of freight and insurance in connection with food sales ("freight-out") may either be included in or excluded from food sales revenues during the base period but the treatment of "freight-out" shall be consistent as between the base period and each accounting month ending after September 11, 1973.

(iii) A firm which uses the futures markets in a non-speculative manner to hedge against price risks may include as a food raw material cost during the base period any net loss as a result of non-speculative hedging activities with respect to the food raw material concerned during the base period, and may include as an offset to food raw material costs any net gain as a result of non-speculative hedging activities with respect to the food raw material concerned during the base period. Similarly, any net hedging losses by that firm with respect to food markets during the base period may be included as an offset to total sales revenues during the base period and any net hedging gains by that firm with respect to food markets during the base period may be included in total sales revenues during the base period. However, a firm which includes any net loss pursuant to the preceding two sentences shall include as an offset any net gain as a result of non-speculative hedging activities in accordance with the preceding two sentences. Any net hedging losses with respect to the food raw material concerned during the accounting month concerned may be included as a food raw material cost for the fiscal quarter concerned and any net hedging gains with respect to the food raw material concerned during the accounting month concerned shall be included as an offset to food raw material costs for the fiscal quarter concerned. Any net hedging losses with respect to the food market concerned during the accounting month concerned may be included as a food raw material cost for the accounting month concerned and any net hedging gains with respect to the food market concerned during the accounting month concerned shall be included as an offset to food raw material costs for the accounting month concerned.

(5) For purposes of the gross margin rule, the base period with respect to a new product line shall be the accounting month following the month in which the first sale occurs. The gross margin rules of this section apply with respect to that new product line beginning with the first day after the base period. However, if a firm acquires another firm, the base period conversion cost rate established by the acquired firm with respect to each of its product lines shall remain the base period conversion cost rate of each of those product lines and the gross margin rules of paragraph (c) of this section apply with respect to each of those product lines immediately upon acquisition.

(d) *Options and business practices.*—(1) The exercise of the options with regard to the use of the gross margin rule, the determination of the base period, the exclusion of certain food raw materials in the computation of the base period conversion cost rate, and the method of calculating food raw material units shall be made as follows:

(i) In the case of a price category I or II firm, the option selected in each case shall be set forth in the initial report submitted to the Council pursuant to paragraph (e) of this section; and

(ii) In the case of a price category III firm, the option selected in each case shall be recorded in a document placed among the firm's records.

No change in the exercise of any of these options may be made without the prior written approval of the Council or the Internal Revenue Service.

(2) Any calculations made pursuant to this section must be reconciled with any change in customary business practices adopted and implemented by the firm.

(e) *Reporting and recordkeeping.* (1) *Initial report.*—Each price category I and II firm to which this section applies shall submit to the Cost of Living Council within 15 days of the effective date of this section an initial report which provides the following information:

(i) A description of the product lines of the firm and related four-digit SIC codes;

(ii) Information which demonstrates how the gross margin was calculated for each product line;

(iii) A statement as to whether an input or output basis was used in calculating food raw material costs;

(iv) The nature of the food raw materials included in the computation of each base period conversion cost rate;

(v) The four consecutive fiscal quarters selected for the base period;

(vi) A statement as to whether certain food raw materials were excluded from the computation of each base period conversion cost rate pursuant to paragraph (c)(4)(i) of this section.

(2) *Monthly report.*—Each price category I and II firm to which this section applies shall submit monthly reports with information on costs, sales and profits in accordance with forms and instructions issued by the Council. A monthly report shall be submitted within 30 days after the close of each accounting month.

(3) *Recordkeeping.*—Each price category III firm to which this section applies shall prepare and maintain at its principal place of business sufficient records to determine compliance with this section.

§ 150.607 Food manufacturing: Other pricing rules.

(a) *General rule.*—Except as provided in paragraphs (b) and (c) of this section and in § 150.606, Subpart E of this part applies to the manufacturing activities of firms subject to this section.

(b) *Subpart E modifications for firms using gross margin rules.*—(1) Food raw materials may not be used as allowable costs for purposes of price adjustments pursuant to Subpart E of this part.

(2) The base cost period is the next succeeding fiscal quarter following the base period as defined in § 150.603 in which costs other than food raw materials costs were incurred with respect to the product line concerned. The base cost period with respect to a new product is the fiscal quarter for which the new product concerned was first sold in arms-length trading between unrelated persons.

(3) Calculation of costs other than food raw material costs shall be made on the same basis (input or output) used in calculating food raw material units pursuant to § 150.603.

(4) "Product" is a product line as defined in § 150.603.

(5) The price of an item which qualifies as a "new product" pursuant to § 150.103, or as "custom product" pursuant to § 150.104, shall be determined in accordance with the rules for determining base price provided in those sections, subject to the limitation that the total sales revenues for the product line within which the new product or custom product falls may not, for any accounting month, exceed the amount prescribed under the gross margin rules in § 150.606(c).

(6) "Adjusted freeze price" means adjusted freeze price as defined in § 150.603.

(c) *Subpart E modifications for other firms.*—Subpart E of this title applies with respect to the food manufacturing activities of firms which elect pursuant to § 150.606(b) to price in accordance with that subpart, except that "adjusted freeze price" means adjusted freeze price as defined in § 150.603.

§ 150.608 Regulated milk and milk products.

(a) *Definitions.*—For purposes of this section:

"Regulated milk and milk products" means milk and milk products with respect to which the minimum price is established or the minimum and maximum prices are established by a regulatory agency.

"Regulatory agency" means any commission, board, or other legal body established in any State or the District of Columbia, which has jurisdiction to order increases, or reductions, or both, in the prices charged for fluid milk and milk products.

"Milk and milk products" includes fluid milk (other than raw milk), low-fat milk, nonfat (skim) milk, buttermilk, cream, half-and-half, chocolate milk, and cottage cheese.

"Regulated seller of milk and milk products" means any seller of milk and milk products whose minimum selling prices are fixed by a regulatory agency and includes a firm engaged in processing, distributing, wholesaling, or retailing.

(b) *General rule.*—Notwithstanding any other provision of this part, but subject to paragraph (c) of this section, a regulated seller of milk and milk products may charge any price with respect to any item if that price has been approved as a minimum price by a regulatory agency. A regulated seller of a fluid milk and milk products which is a prenotification firm, whose minimum prices for such products to its customers are established by that regulatory agency, may sell milk and milk products at the minimums so established without prenotifying.

(c) *Report by regulatory agency.*—A regulatory agency which establishes minimum prices for sellers of milk and milk products must furnish to the Council at least 15 days before the proposed increases are to be effective—

(1) A statement of the types of price increases subject to its jurisdiction and generally describing the method used for establishing prices;

(2) A certification as to each price increase it approves (in the order granting the increase or in a separate document) of the following:

(i) The former price, the date is was established, the new price, the percentage increase, and the proposed effective date of the new price;

(ii) That the increase is the minimum required to assure a continued, adequate supply of pure and wholesome milk and milk products; and

(iii) That, excluding price increases paid for raw milk (which is exempt from this title) and partially processed products made therefrom, the increases established by the regulatory agency will not result in total sales revenues which exceed the amount permitted under § 150.606(c).

(d) *Industry averages.*—If a price increase by the regulatory agency is premised on cost or other data compiled on the basis of industry averages or samples of the industry which it regulates, compliance with § 150.606(c) may be based on that industry data. However, the Council reserves the right to require the regulatory agency to submit, or to require any regulated seller of milk and milk products to provide, any additional information that the Council considers relevant, including requesting the regulatory agency to obtain from the industry or the same sample on which its increases were predicated, the following information:

(1) For processors—the base period profit margin and the profit margin in a period reflecting the new prices; or

(2) For wholesalers or retailers—the customary initial percentage markup applied during the pricing base period; the percentage markup reflected by the allowed price increases; the gross margin realized during the pricing base period; the gross margin realized by the allowed price increases; the profit margin in the

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base period, and the profit margin in the period reflecting the new prices.

(e) *Effective date of price increases.*—At any time within 10 days after receiving a report under paragraph (c) of this section the Council may take any action provided in paragraph (f) of this section, or it may take no action in which case the price increases permitted by this section may become effective on the date specified in the regulatory agency order.

(f) *Council actions.*—With respect to any price increase permitted by this section, the Council may—

(1) Require the regulatory agency to furnish additional information concerning the increase;

(2) Delay the effective date of the increase pending further Council action, but not for longer than 15 days after receiving the additional information requested under paragraph (f)(1) of this section;

(3) Suspend all or part of the increase pending further action by the Council or the regulatory agency; or

(4) Approve, reject, limit, rescind, reduce, or modify the increase.

§ 150.609 Marketing cooperatives and market risk-sharing transactions.

(a) A marketing cooperative as defined in § 150.204(b) is subject to the operations of the gross margin rule in § 150.605 with respect to its food manufacturing activities. For purposes of computing food raw material costs, marketing cooperatives shall use the imputed allowable costs determined in accordance with § 150.204(d).

(b) Firms which are engaged in market risksharing transactions as defined in § 150.204(b), and which are not otherwise marketing cooperatives as defined in § 150.204(b) shall treat such transactions as a separate product line. For purposes of computing raw material costs, such firms shall use the imputed allowable costs determined in accordance with § 150.204(d).

[FR Doc.73-18045 Filed 8-22-73;11:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y]

BANK HOLDING COMPANIES

Application To Acquire Company Engaged in the Operation of a Savings and Loan Association and Possible Rulemaking With Respect Thereto

The Board of Governors has received the following application filed pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)) for prior approval to acquire shares of a company engaged in the operation of a savings and loan association:

American Fletcher Corporation, Indianapolis, Indiana, has applied to acquire voting shares of Southwest Savings and Loan Association, Phoenix, Arizona.

The activity of operating a savings and loan association has not heretofore been found by the Board to be closely related to banking. Applicant states that the proposed activity essentially involves the receipt of deposits and extension of credit, and is, in Applicant's opinion, closely related to banking. The Board therefore publishes this notice pursuant to § 225.4(a) of Regulation Y.

In connection with this application, the Board will also consider possible rulemaking to add the proposed activity to the list of activities the Board has previously determined to be closely related to banking. In its deliberations on the activity proposed in the present application and the proposed rulemaking related thereto, the Board will also consider possible imposition of certain restrictions and requirements upon bank holding company entry into the proposed activity. Among the possible restrictions and requirements the Board will consider are that: (1) the proposed subsidiary may not operate in any geographic market in which any banking subsidiary of the holding company system of which it would be a member operates and (2) a bank holding company would not be permitted to operate more than one savings and loan association.

Interested persons may express their views on the question of whether the operation of a savings and loan association is so closely related to banking or managing or controlling banks as to be a proper incident thereto, and on the restrictions which are being considered in connection with the proposed activity and on any other appropriate restrictions.

Interested persons may also express their views on the question of whether consummation of the subject proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

In order to explore these issues, the Board has directed that an oral presentation be held before available members of the Board in the Board Room of its building on 20th Street and Constitution Avenue, NW., Washington, D.C. commencing at 10:00 a.m. on October 30, 1973. Interested persons are invited to participate by presenting their views on all issues raised by the pending proposal. Interested persons need not participate in the oral presentation to have their views considered, and may do so by written comment. Written comments as they are received will be made available for inspection and copying in Room 1020 of the Board's building, 20th Street and Constitution Avenue, NW., Washington, D.C. The application may be inspected and copied at the offices of the Board of Governors or at any of the Federal Reserve Banks.

Any requests to participate orally in the hearing should be submitted in writing accompanied, if possible, by a brief summary of the proposed testimony, and should be received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 1, 1973. Each person orally participating in the hearing would normally be expected to limit their presentation to thirty minutes. Anyone wishing to submit written comments on this matter, on testimony received at the oral presentation, or on other comments received by the Board may do so at any time before the close of business November 30, 1973.

By order of the Board of Governors, effective August 20, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17987 Filed 8-23-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definitions of Small Business for Services Including Services Requiring Use of Helicopters or Fixed Wing Aircraft

In the following notice, the Small Business Administration proposes to revise the definitions of a small business applicable to services for which no specific definition is provided, so as to make such definitions applicable to any service not elsewhere defined, rather than being applicable only to services set forth in Division I, *Services*, of the Standard Industrial Classification Manual. It also proposes to establish a $1.5 million average annual receipts size standard for the purpose of Government procurements for services requiring the utilization of helicopters or fixed wing aircraft.

For several years the definition, in § 121.3-8(e) of the Small Business Size Standards Regulation (Part 121 of Chapter I of Title 13 of the Code of Federal Regulations), of a small business for the purpose of bidding on a Government contract for services not elsewhere defined in § 121.3-8(e), was considered to apply to any type of service for which no specific definition was set forth in the regulation. However, several months ago, the Small Business Size Appeals Board determined that the term "services" as used in § 121.3-8(e), applies only to services set forth in Division I, *Services*, of the Standard Industrial Classification Manual, prepared and published by the Office of Management and Budget, Executive Office of the President.

Many kinds of services procured by the Government are not classified in Division I. For example, agricultural, forestry and fishing services are classified in Division A, *Agriculture, Forestry and Fishing*, and transportation, communications, electric, gas and sanitary services are classified in Division E, *Transportation, Communications, Electric, Gas and Sanitary Services*. Since the Small Business Administration has no specific definition for most of these services, they are subject to the catch-all 500-employee size standard set forth in the first paragraph of § 121.3-8.

On May 20, 1971 the Small Business Administration published a notice in the FEDERAL REGISTER (36 FR 9144), that it proposed to establish a $1 million annual receipts procurement size standard for *SIC Industry No. 0851, Forestry Services*. During the period allowed for public comment, it was argued that $1 million in annual receipts was too low at least for the purpose of forestry services requiring the use of helicopters and fixed wing aircraft. Because of difficulty in obtaining data, we have had that issue under study for some time, but now have concluded that the proposed $1 million is too low for the purpose of forestry services requiring the use of helicopter or fixed wing aircraft. Further, we have concluded that procurement and SBA loan size standards also should be adopted for all the other services not presently covered by § 121.3-8(e) or elsewhere in § 121.3-8.

In view of the above, the notice published on May 30, 1971 is hereby rescinded and the following proposal made in lieu therefor:

It is hereby proposed to:

(1) Revise the first paragraph of § 121.3-8(e) of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

* * * * *

(e) *Services.*—Any concern bidding on a contract for services (including but not limited to services set forth in Division I, *Services*, of the Standard Industrial Classification Manual) not elsewhere defined in this section, is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $1 million.

(2) Revise the first clause of § 121.3-10(d) to read as follows:

§ 121.3-10 Definition of small business for SBA loans.

* * * * *

(d) *Services.*—Any concern primarily engaged in a service industry (including but not limited to service industries set forth in Division I, *Services* of the Standard Industrial Classification Manual) is classified: * * *

(3) Adding new § 121.3-8(h) to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

* * * * *

(h) *Services.*—Any concern bidding on a contract for services requiring the use of one or more helicopters or fixed wing aircraft is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $1.5 million.

Interested persons may file with the Small Business Administration by September 24, 1973, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington, Director, Office of Industry Studies and Size Standards, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Dated: July 11, 1973.

THOMAS S. KLEPPE,
Administrator.

(Catalog of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Businesses.)

[FR Doc.73-17961 Filed 8-23-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

RURAL ELECTRIFICATION PROGRAM

Estimates of Borrowers Power Requirements

Notice is hereby given that, pursuant to the Rural Electrification Act as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Bulletin 120-1, Estimates of Consumption and Power Requirements. A general revision of this bulletin is contemplated to provide that all REA electrification borrowers shall be responsible for preparing and updating estimates of their future power requirements used for system planning and financing purposes. The bulletin will be retitled as "Development, Approval and Use of Power Requirement Studies."

Persons interested in the proposed revision of REA Bulletin 120-1 may submit written data, views or comments to the Power Survey Officer, Office of Assistant Administrator-Electric, Room 3861, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than September 24, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Power Survey Officer during regular business hours.

A copy of the proposed revision of REA Bulletin 120-1 may be secured in person or by mail from the Office of the Power Survey Officer.

A summary of the principal changes planned to be made in REA Bulletin 120-1 are as follows:

1. All REA electric borrowers and power-type groups are to be responsible for developing and maintaining up-to-date forecasts of estimated power requirements for their systems to be used for system planning and financing purposes. The estimates would be subject to REA approval.

2. Certifications of future kWh consumption for individual distribution borrowers will no longer be made by REA.

3. The borrowers' forecasts are to be revised and updated at least every three years instead of every two years.

4. Specific provision is made for coordination between the power-type organizations and their member distribution systems in the preparation of power requirements studies.

5. Specific guidelines and instructions for preparation and coordination of the power requirements studies by borrowers are included as part of the bulletin.

Dated: August 16, 1973.

GEORGE P. HERZOG,
Acting Administrator.

[FR Doc.73-18011 Filed 8-23-73;8:45 am]

Agricultural Marketing Service

[7 CFR PARTS 1062, 1001, 1002, 1004, 1006, 1007, 1011, 1012. 1013, 1015, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1060, 1061, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096, 1097, 1098, 1099, 1101, 1102, 1104, 1106, 1108, 1120, 1121, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137, 1138, and 1139]

[Docket No. AO-10-A47, etc.]

MILK IN THE ST. LOUIS-OZARKS AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1002	St. Louis-Ozarks	AO-10-A47.
1001	Boston Regional	AO-14-A52.
1002	New York-New Jersey	AO-71-A66.
1004	Middle Atlantic	AO-160-A49.
1006	Upper Florida	AO-356-A11.
1007	Georgia	AO-366-A10.
1011	Appalachian	AO-251-A15.
1012	Tampa Bay	AO-347-A16.
1013	Southeastern Florida	AO-286-A23.
1015	Connecticut	AO-305-A30.
1030	Chicago Regional	AO-361-A10.
1032	Southern Illinois	AO-313-A24;
1033	Ohio Valley	AO-166-A43.
1036	Eastern Ohio-Western Pennsylvania.	AO-179-A38.
1040	Southern Michigan	AO-225-A27.
1044	Michigan, Upper Peninsula	AO-299-A20.
1046	Louisville-Lexington-Evansville.	AO-123-A40.
1049	Indiana	AO-319-A21.
1050	Central Illinois	AO-355-A15.
1060	Minnesota-North Dakota	AO-360-A8.
1061	Southeastern Minnesota-Northern Iowa (Dairyland)	AO-367-A7.
1063	Quad Cities-Dubuque	AO-105-A38.
1064	Greater Kansas City	AO-23-A45.
1065	Nebraska-Western Iowa	AO-86-A30.
1068	Minneapolis-St. Paul, Minn	AO-178-A30.
1069	Duluth-Superior	AO-183-A21.
1070	Cedar Rapids-Iowa City	AO-229-A28.
1071	Neosho Valley	AO-227-A29.
1073	Wichita	AO-173-A30.
1075	Black Hills, S. Dak	AO-248-A15.
1076	Eastern South Dakota	AO-260-A19.
1078	North Central Iowa	AO-272-A22.
1079	Des Moines, Iowa	AO-295-A27.
1090	Chattanooga, Tenn	AO-366-A17.
1094	New Orleans, La	AO-103-A35.
1096	Northern Louisiana	AO-257-A23.
1097	Memphis, Tenn	AO-219-A28.
1098	Nashville, Tenn	AO-184-A33.
1099	Paducah, Ky	AO-183-A29.
1101	Knoxville, Tenn	AO-195-A22.
1102	Forth Smith, Ark	AO-237-A23.
1104	Red River Valley	AO-268-A22.
1106	Oklahoma Metropolitan	AO-210-A35.
1108	Central Arkansas	AO-243-A36.
1120	Lubbock-Plainview, Tex	AO-328-A16.
1121	South Texas	AO-364-A7.
1124	Oregon-Washington	AO-368-A6.
1125	Puget Sound, Wash	AO-226-A26.
1126	North Texas	AO-231-A40.
1127	San Antonio, Tex	AO-232-A26.
1128	Central West Texas	AO-238-A29.
1129	Austin-Waco, Tex	AO-256-A22.
1130	Corpus Christi, Tex	AO-259-A26.
1131	Central Arizona	AO-271-A17.
1132	Texas Panhandle	AO-262-A25.
1133	Inland Empire	AO-275-A26.
1134	Western Colorado	AO-301-A14.
1136	Great Basin	AO-309-A19.
1137	Eastern Colorado	AO-326-A18.
1138	Rio Grande Valley	AO-335-A21.
1139	Lake Mead, Nevada	AO-374-A1.

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Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Colony Hotel, 7730 Bonhomme Avenue, Clayton, Missouri, beginning at 9:00 a.m., central daylight time, on August 28, 1973, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforelisted marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions anticipated in the forthcoming fall and winter months.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions that relate to the appropriate level of Class I price to be established for the forthcoming fall and winter months under each of the aforesaid orders. Proponents of various price proposals, within the price range indicated by the proposals set forth below, point out that production throughout the country generally is progressively decreasing below the level of last year and, unless appropriate price adjustments are immediately initiated to provide assurance of returns sufficient to offset spiraling production costs, severe shortage in milk supplies will result.

Relevant to consideration of proposals for price increases at this time is the propriety of the operation of Class I base plans and other quota plans. Accordingly, evidence also will be received with respect to the need for discontinuance, at least temporarily, of: (1) the existing Class I base plans now provided under the Georgia order (No. 7) and Puget Sound order (No. 125), and (2) any base or quota plan, including any operated outside of the orders, that may limit milk production by individual dairy farmers.

In addition, evidence will be received with respect to prospective "premium" (overorder) pricing arrangements during the forthcoming fall and winter months in each of the markets being considered as they might affect market price levels in conjunction with any amendments that might result from this hearing.

Evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in conjunction with any emergency amendatory actions that may result with respect to any of the aforesaid orders.

Proposal No. 1 contemplates price adjustments for each of the markets effective with respect to September deliveries. Since the remaining time obviously does not allow for consummation of amendatory action by September 1, evidence will be received with respect to the propriety of suspension action to establish Class I prices on and after September 1 on a more current basis relative to advancing manufacturing milk prices.

The proposed amendments set forth below have not received the approval of the Secretary of Agriculture.

All orders.

Proposal No. 1.—Amend each of the respective orders to provide that prices currently being generated by the Minnesota-Wisconsin series shall be immediately applicable in determination of Class I prices.

Proposal No. 2.—Amend each of the respective orders to provide that the "late fall" basic formula price (Minnesota-Wisconsin pay price) shall be the minimum basic formula price for the period November 1973 through June 1974.

Proposal No. 3.—Amend each of the respective orders to increase the Class I price level within the range of $2.00 a hundredweight.

Proposal No. 4.—Delete during the period of any emergency price adjustment effected, Class I base plans now provided under the Georgia order (No. 7) and Puget Sound order (No. 125).

Proposal No. 5.—Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators of the respective orders, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on: August 23, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-18167 Filed 8-23-73;11:30 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTY PROGRAM FOR MOROCCO

Information for Investors

The Agency for International Development (AID) has advised the Government of Morocco (the Borrower), that upon execution by an eligible U.S. investor acceptable to AID of an agreement to loan the Borrower an amount not to exceed $10 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, AID will guaranty repayment to the investor of the principal and interest on such loan. The guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority contained in section 221 of the Foreign Assistance Act of 1961, as amended (the Act). Proceeds of the loan will be used to construct housing projects in Morocco.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Mr. Abdelkrim Belkora
Economic Counselor
Embassy of Morocco
1601 21st St. NW.
Washington, D.C. 20009

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

The loan will be disbursed in approximately 36 months beginning on or about January 1, 1974. This disbursement schedule is approximate and will depend upon the progress of the housing projects.

To be eligible for a guaranty, the loan must be repayable in full no later than the 28th anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be established by AID. AID will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the AID housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, room 300E, SA-2, Washington, D.C. 20523.

This notice is not an offer by AID or by the Borrower. The Borrower and not AID will select a lender and negotiate the terms of the proposed loan.

Dated August 17, 1973.

DONALD A. GARDNER,
Acting Director of Housing,
Agency for International Development.

[FR Doc.73-17964 Filed 8-23-73;8:45 am]

HOUSING GUARANTY PROGRAM FOR REPUBLIC OF NICARAGUA

Information for Investors

The Agency for International Development (AID) has advised Banco de la Vivienda de Nicaragua (the Borrower), an instrumentality of the Government of Nicaragua, that upon execution by an eligible U.S. investor acceptable to AID of an agreement to loan the Borrower an amount not to exceed $15 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, AID will guaranty repayment to the investor of the principal and interest on such loan. The guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority, contained in section 222 of the Foreign Assistance Act of 1961, as amended (the Act). Proceeds of the loan will be used to construct housing projects in Nicaragua.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Mr. Fausto Zelaya
Presidente
Banco de la Vivienda de Nicaragua
Apartado No. 553
Managua, Nicaragua

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

The loan will be disbursed in approximately 30 months beginning on or about January 1, 1974. This disbursement schedule is approximate and will depend upon the progress of the housing projects.

To be eligible for a guaranty, the loan must be repayable in full no later than the 28th anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be established by AID. AID will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the AID housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, room 300E, SA-2, Washington, D.C. 20523.

This notice is not an offer by AID or by the Borrower. The Borrower and not AID will select a lender and negotiate the terms of the proposed loan.

Dated August 17, 1973.

PETER M. KIMM,
Director of Housing,
Agency for International Development.

[FR Doc.73-17965 Filed 8-23-73;8:45 am]

MISSION DIRECTOR AND DEPUTY MISSION DIRECTOR, USAID/INDONESIA

Delegation of Authority

Pursuant to Delegation of Authority, No. 5, dated December 29, 1961, as amended by Delegation of Authority, No. 94, dated February 1, 1972, I hereby delegate to the individuals listed above with respect to the country of Indonesia the authority to review and approve documents and other evidence submitted by borrowers in satisfaction of conditions precedent to financing under loan agreements for Commodity Import Programs.

This Delegation of Authority is effective immediately and includes ratification of all acts taken prior hereto by the officials which are consistent with the terms and scope of this Delegation of Authority.

Dated July 31, 1973.

A. D. WHITE,
Acting Assistant Administrator,
Bureau for Asia.

[FR Doc.73-17966 Filed 8-23-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

PAPERMAKING MACHINERY AND PARTS THEREOF FROM CANADA

Antidumping Proceeding Notice

On March 5, 1973, information was received in proper form pursuant to the provisions of §§ 153.26 and 153.27 of the Customs Regulations [19 CFR 153.26, 153.27] indicating a possibility that papermaking machinery and parts thereof from Canada, manufactured by or sold through a Canadian firm, are being, or

V 38 - 164 AUG 24 73 XUM

are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended [19 U.S.C. 160 *et seq.*].

For the purpose of this notice, the term "papermaking machinery and parts thereof" means an entire papermaking machine and the constituent components of a papermaking machine from and including the headbox to and including the reels. It refers to papermaking machinery and parts thereof purchased or agreed to be purchased as an entire papermaking machine.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations [19 CFR 153.29] and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States will be less than the home market prices or the constructed value as appropriate.

This notice is published pursuant to § 153.30 of the Customs Regulations [19 CFR 153.30].

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-18072 Filed 8-23-73;8:45 am]

Office of the Secretary

[Public Debt Series—No. 7-73]

8⅜ PERCENT TREASURY NOTES OF SERIES G–1975

Supplement to Department Circular

AUGUST 22, 1973.

In the matter of 8⅜ percent Treasury Notes of Series G–1975, dated and bearing interest from September 4, 1973 and due September 30, 1975.

Pursuant to the provision in Sec. I of Department Circular—Public Debt Series—No. 7–73, dated August 20, 1973, the Secretary of the Treasury announced on August 22, 1973, that the interest rate on the notes described in the circular will be 8⅜ percent per annum. Accordingly, the notes are hereby redesignated 8⅜ percent Treasury Notes of Series G–1975. Interest on the notes will be payable at the rate of 8⅜ percent per annum.

[SEAL] DAVID MOSSO,
Deputy Fiscal Assistant Secretary.

[FR Doc.73-18147 Filed 8-23-73;9:20 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD GUIDANCE AND CONTROL PANEL

Notice of Meeting

AUGUST 22, 1973.

The Scientific Advisory Board Guidance and Control Panel will hold closed meetings on August 29 and 30, 1973, from 9 a.m. until 9 p.m. The meeting on August 29 will be held at Trans World Airlines, Kansas City, Missouri. The meeting on August 30 will be held at American Airlines, Tulsa, Oklahoma.

The Panel will receive competition-sensitive information from the airlines on their experience with aircraft inertial systems.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–4648.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-17962 Filed 8-23-73;8:45 am]

Office of the Secretary

ADVISORY GROUP ON ELECTRON DEVICES

Notice of Meetings

The Department of Defense Advisory Group on Electron Devices, and various working groups thereof, will meet in closed sessions at 201 Varick Street, New York, New York, on dates indicated below:

Advisory Group on Electron Devices	Sept. 11, 1973
Working Group on Special Devices	Sept. 11, 1973
Working Group on Passive Devices	Sept. 18, 1973
Working Group on Low Power Devices	Sept. 21, 1973
Working Group on High Power Devices	Sept. 26–27, 1973

The purpose of the DoD Advisory Group on Electron Devices is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective research and development programs in the field of electron devices, e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Public Law 92–463, section 10d, the Director of Defense Research and Engineering has determined, on 28 Feb 1973, that the meetings of the Advisory Group are matters which fall within policies analogous to those recognized in section 552(b) of Title 5 of the United States Code and that the public interest requires such activities to be withheld from disclosure insofar as the requirements of subsection (a) (1) and subsection (b) of section 10, Public Law 92–463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

AUGUST 21, 1973.

[FR Doc.73-17994 Filed 8-23-73;8:45 am]

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, September 4, 1973
Tuesday, September 11, 1973
Tuesday, September 18, 1973
Tuesday, September 25, 1973

These meetings will convene at 9:30 a.m. and will be held in Room 1E–801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92–392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92–463 and 5 U.S.C. 552 (b) (2) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D–281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

AUGUST 21, 1973.

[FR Doc.73-17993 Filed 8-23-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

PROPOSED CURECANTI-SHIPROCK NO. 2 230-KV TRANSMISSION LINE, COLORADO RIVER STORAGE PROJECT

Notice of Public Hearing Regarding Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, a draft environmental statement has been prepared for the proposed Curecanti-Shiprock No. 2 230-kv transmission line—a feature of the Colorado River Storage Project to be located in southwestern Colorado and northwestern New Mexico. The statement was filed with the Council on Environmental Quality on August 15, 1973, and is available to the public.

The draft environmental statement is available for public review in the Regional Office of the Bureau of Reclamation, Room 7223, Federal Building, 125 South State (P.O. Box 11568), Salt Lake City, Utah 84111; or at the CRSP Power Operations office, 1200 South Rio Grande (P.O. Box 1069), Montrose, Colorado 81401. Individual copies of the statement may also be obtained without charge by writing to the above offices.

The proposed transmission line would be approximately 152 miles in length, would have steel tower construction, and would essentially parallel the existing No. 1 line between the Curecanti and Shiprock Substations. It would provide additional electrical transmission facilities between these two substations when proposed generating plants at Hayden and Craig, Colorado, are completed.

A public hearing will be held in Montrose, Colorado, to receive comments relating to the draft environmental statement. The hearing will be held in the auditorium of the Colorado-Ute Electric Association on Woodgate Road (U.S. 550 South) beginning at 2:00 p.m. on September 25, 1973. The hearing will continue until all applicants have been heard that evening.

Interested individuals, representatives of organizations, and public officials desiring to testify at the hearing are requested to contact the Regional Director, Bureau of Reclamation, at the above address, or telephone 801–524–5592 before 4:30 p.m. September 21, 1973. Written comments from those unable to attend the hearing or those wishing to supplement their oral presentation at the hearing may be submitted to the Regional Director until October 8, 1973. Statements submitted in connection with the hearing will be included with the hearing transcript, but will not be included with comments submitted in direct review of the draft environmental statement and which are made a part of the environmental statement.

Oral testimony at the hearing will be limited to 10 minutes. Any person desiring additional time must secure prior approval. An oral statement, however, may be supplemented by a written statement which may be submitted to the hearing officer at the time of presentation of the oral statement or may be mailed to the Bureau of Reclamation as provided above. Each organization wishing to present testimony will be limited to one individual unless prior approval is obtained. Approval for additional time or witnesses must be obtained from the Regional Director. All such requests must be received prior to 4:30 p.m. September 21, 1973. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After all the testimony and comments have been received and analyzed a final environmental statement will be prepared.

Dated August 21, 1973.

WARREN D. FAIRCHILD,
Acting Commissioner of Reclamation.

[FR Doc.73-18014 Filed 8-22-73;8:45 am]

Office of the Secretary

[INT DES 73–45]

OUTER CONTINENTAL SHELF OFFSHORE CALIFORNIA

Public Hearings Regarding Proposed Development of the Santa Ynez Unit, Santa Barbara Channel

The public hearing which was announced in the FEDERAL REGISTER July 27, 1973, for 9 a.m. p.d.t. on August 28, 1973, in Santa Barbara for the purpose of receiving comments and suggestions relating to the proposed plan of development of the Santa Ynez Unit has been rescheduled by the Department of the Interior. The hearing as rescheduled will begin at 9 a.m. p.d.t. on October 2, 1973, in the Lobero Theater, 33 East Cannon Perdido, Santa Barbara, California. The hearing is now scheduled to extend through October 4, if necessary. Interested individuals, representatives of organizations, and public officials who wish to testify at the hearing are requested to so inform, in writing, the Area Oil and Gas Supervisor, U.S. Geological Survey, 7744 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012, by 4 p.m. p.d.t., September 21, 1973.

Time limitations make it necessary to limit the length of oral presentations to 10 minutes. Exceptions to this time limitation may be authorized for the proponent of the plan of development (for the purpose of fully explaining the proposal) and to other persons presenting testimony who represent more than one group or organization if a formal request is presented to the Area Oil and Gas Supervisor prior to 4 p.m. p.d.t., September 21, 1973. Oral testimony may be supplemented by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral testimony. Written statements presented in person at the hearing and supplemental materials submitted by October 19, 1973, to the Director, U.S. Geological Survey, U.S. Department of the Interior, Washington, D.C. 20244, will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral testimony by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

Written comments from those unable to attend the hearing should be addressed to the Director, U.S. Geological Survey, U.S. Department of the Interior, Washington, D.C. 20244. The Department will accept written comments on the draft environmental impact statement until October 19, 1973. This will allow ample time for those unable to testify at the hearing to make their views known. Written comments on the draft environmental impact statement will be considered for inclusion in the final statement.

The hearing will provide the Department with additional information from both the public and private sectors to help evaluate fully the potential effects of the proposed development on the total environment, aquatic resources, aesthetics, recreation and other resources in the Santa Barbara Channel Area. The hearing will also provide the Department, under section 102(2)(C) of the National Environmental Policy Act of 1969, the opportunity to receive additional comments and views of interested State and local agencies.

After all testimony and comments have been received and analyzed, a final environmental statement will be prepared. The draft environmental statement, issued July 23, 1973, is available for public review in the following U.S. Geological Survey Public Inquiries Offices: Room 7638, Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012; Room 504, Customs House, 555 Battery Street, San Francisco, California 94111; U.S. Geological Survey Library, 345 Middlefield Road, Menlo Park, California 94025; Room 1012, Federal Building, Denver, Colorado 80202; and U.S. Geological Survey, Map Information Office, Room 1040, GSA Building, 1800 F Street NW., Washington, D.C. 20244. The draft statement will also be available for public review at the Santa Barbara City library, Anapamu and Anacapa Streets, Santa Barbara, California.

Copies of the three-volume statement are available for purchase from the Los Angeles and Washington, D.C. offices at $5.00 per set.

Dated: August 22, 1973.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-18118 Filed 8-23-73;8:45 am]

V 38-164 AUG 24 73 XUM

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1974)

The CCC Monthly Sales List for the fiscal year ending June 30, 1974, published in 38 FR 19259, is amended as follows:

1. The second sentence of section 25 entitled "Rice, Rough—unrestricted use sales—FOB warehouse" is revised to read as follows:

The formula price for August 1973 is the 1973 loan rate plus 5 percent plus 12 cents per hundredweight.

2. The last sentence of section 1(b) entitled "General" is revised to read as follows:

Interest at 9 percent will be charged for delinquent payments on consignment and track grain sales from the date of sale to the date payment is received.

3. The fifth sentence of section 1(c) entitled "General" is revised to read as follows:

Interest to date of payment will be at 9 percent.

4. Sales items 1, 2, 3A, 3B, and 3C of section 32 entitled "Peanuts, shelled or farmers stock—restricted use sales" are revised and merged into two sales items which read as follows:

1. Shelled graded peanuts equal to or exceeding requirements of U.S. grades may be purchased for export without limitations on their use.

2. Farmers Stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts to be exported and the balance crushed domestically.

Effective date.—2:30 p.m., e.d.t., July 31, 1973.

Signed at Washington, D.C., on August 20, 1973.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-17967 Filed 8-23-73;8:45 am]

Rural Electrification Administration

ARKANSAS ELECTRIC COOPERATIVE CORPORATION

Negative Determination on Environmental Statement

Notice is hereby given that the Rural Electrification Administration (REA), in connection with the release of loan funds to Arkansas Electric Cooperative Corporation, 8000 Scott Hamilton Drive, Little Rock, Arkansas 72209, has determined that it will not be necessary to publish an environmental statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969.

The release of loan funds will allow the borrower to install equipment at its existing Bailey Plant (Augusta, Arkansas) which consists of one 125 MW unit, necessary to store No. 6 fuel oil and burn such fuel oil during periods of curtailment of deliveries of natural gas. Arkansas Electric Cooperative Corporation has facilities to store and burn lighter grades of fuel oil and, due to recent efforts to conserve natural gas for domestic consumption, is utilizing fuel oil when its gas supply is curtailed. Availability and price differentials of No. 6 fuel oil, as compared to the lighter oil, necessitates the installation of equipment suitable for No. 6 fuel oil.

The Environmental Protection Agency has notified Arkansas Electric Cooperative Corporation by letter that the addition of equipment required to burn No. 6 oil will be considered a modification of an existing source. The Arkansas Pollution Control Commission has notified AECC that its plan is acceptable.

REA has concluded that its approval of the proposed action will not constitute a major Federal action having a significant effect upon the environment, and has determined that an Environmental Impact Statement is not required. Available loan funds for the necessary equipment will be released from Conditional Agreement on or after September 7, 1973.

Detailed information concerning this action is available for examination at the office of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., in Room 4312.

Dated at Washington, D.C., August 10, 1973.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.73-18012 Filed 8-22-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL CANCER INSTITUTE, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to sec. 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00529-33-46040. APPLICANT: National Cancer Institute, NIH, Frederick Cancer Research Center, Fort Detrick, Frederick, Md. 21701. ARTICLE: Electron microscope, model HU-12A. MANUFACTURER: Hitachi, Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used in a study of the attachment of virus particles to specific site locations on the surface of cells. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: May 16, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: August 9, 1973.

Docket number: 73-00538-33-46040. APPLICANT: Veterans Administration, 109 Bee Street, Charleston, S.C. 29403. ARTICLE: Electron microscope, model HU-12A. MANUFACTURER: Hitachi, Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used in the study of renal fine structure in patients with acute glomerulonephritis, chronic sclerosing glomerulonephritis, membranous glomerulonephritis, lipid nephrosis, lupus erythematosus, diabetic glomerulosclerosis, amyloidosis and arteriolar nephrosclerosis. Liver tissue from patients who would normally be candidates for diagnostic biopsy will be studied by electron microscopy to determine the ultrastructural alterations in such diseases as cirrhosis, hepatitis, iron storage and hepatomas. These studies will also be compared to the light microscopic and physiological findings. In addition, the article will be used in the graduate level course Introduction to Electron Microscopy to teach the theory of electron optics, electron diffraction, use of bright and dark field electron microscopy, and high resolution electron microscopy. Cell Biology is the title of an undergraduate course that will be taught using this article in demonstration and laboratory practice. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: May 30, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: August 9, 1973.

Docket number: 73-00537-33-46040. APPLICANT: University of Iowa, Department of Ophthalmology, University Hospitals, Iowa City, Iowa 52242. ARTICLE: Electron microscope, model JEM 100B. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used in diversified studies of the ultrastructure of the eye and ocular adnexa. The interests are varied and include: anatomy (embryology, neuroanatomy), experimental and clinical pathology and microbiology (virology, mycology, immunology and bacteriology). The article will also be used by both faculty and residents in the department as well as qualified graduate and medical students engaged in research. Residents in ophthalmology wishing to obtain M. S. Degrees in ophthalmology will be instructed in the use of the electron microscope if their projects require this knowledge. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: May 25, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: August 9, 1973.

Docket number: 73-00539-33-46040. APPLICANT: University of Southern California, School of Medicine, 2025 Zonal Avenue, Los Angeles, Calif. 90033. ARTICLE: Electron microscope, model EM 301. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used to investigate the ultrastructure of the liver cell intranuclear virus-like particles, the morphologic changes in the liver and the possible replication of the particles in both liver explants and tissue cultures of other cell lines. It will also be used to study the particles which can be isolated from serum and which we shall use for immunological studies.

In addition the article will be used to study tissues, both surgical and autopsy submitted to the histopathology laboratory for pathologic diagnosis. The article will also be used in the training of faculty, other staff members and graduate students in Applied Electron Microscopy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: May 29, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: August 9, 1973. COMMENTS: No comments have been received in regard to any of the foregoing applications. DECISION: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. REASONS: Each foreign article has a specified resolving capability of 3.0 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forgflo Corporation (Forgflo). The Model EMU-4C has a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-17975 Filed 8-23-73;8:45 am]

SUNY-DOWNSTATE MEDICAL CENTER

Decision on Application

The following is a decision on an application for duty-free entry of a scientific article pursuant to sec. 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00456-33-46040. APPLICANT: State University of New York, Downstate Medical Center, 450 Clarkson Avenue, Brooklyn, N.Y. 11203. ARTICLE: Electron microscope, model HS-9. MANUFACTURER: Hitachi Perkin-Elmer, Japan. INTENDED USE OF ARTICLE: The article is intended to be used to teach medical students, interns and residents, faculty and research associates the principles of electron microscopy in biological research. The research interests include examination of tumor cells of blood; tumor cells of lung, bone-forming cells; embryonic development of the pancreas; secretion of insulin from specialized cells of the pancreas; and human biopsy tissue from a variety of sources. The article will also be used in formal courses in Electron Microscopy to medical students and graduate students and in the training of post-doctoral research associates and technicians in the use of techniques of electron microscopy.

COMMENTS: No comments have been received with respect to this application. DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corporation. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated August 9, 1973, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-17978 Filed 8-23-73;8:45 am]

UNIVERSITY OF CONNECTICUT HEALTH CENTER

Decision on Application

The following is a decision on an application for duty-free entry of a scientific article pursuant to sec. 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00462-33-46040. APPLICANT: University of Connecticut Health Center, Route 4, Farmington, Conn. 06032. ARTICLE: Electron Microscope, Model EM-10. MANUFACTURER: Carl Zeiss, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used for study of sections of biological materials, macromolecular aggregates isolated from cells or synthesized in cell free systems and freeze-etched material. Studies of the development of teeth, as well as the synthesis of collagen by cells both abnormal and normal in culture, and the structure of isolated bone cells are being conducted. In addition, the article is to be used for educational purposes by undergraduate students pursuing research during their free summers and on a limited basis during the school year, graduate students pursuing fulltime research, and in a course in electron microscope techniques offered to undergraduate students in medicine and dental medicine.

COMMENTS: No comments have been received with respect to this application. DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article has a specified resolving capability of 3.5 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corporation. The Model EMU-4C has a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 9, 1973 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to

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the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Divisions.

[FR Doc.73-17979 Filed 8-23-73;8:45 am]

UNIVERSITY OF CONNECTICUT HEALTH CENTER

Decision on Application

The following is a decision on an application for duty-free entry of a scientific article pursuant to sec. 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00548-33-46500. APPLICANT: University of Connecticut Health Center, School of Dental Medicine, Farmington, Connecticut 06032. ARTICLE: Ultramicrotome, Model Om U3. MANUFACTURER: C. Reichert Optische Werke AG, Austria. INTENDED USE OF ARTICLE: The article is intended to be used to prepare animal and human tissue for electron microscopic study of naturally occurring pathology and of the biologic effects of methods and materials used in the oral cavity including bacterial plaque, soft tissue, teeth, and bone. The experiments consist of a number of clinical procedures involved in the treatment of caries, the dental pulp, and the periapical tissue. The article will also be used in the course Oral Pathobiology to teach students the biological aspects of naturally occurring pathology and that of iatrogenic etiology.

COMMENTS: No comments have been received with respect to this application. DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: Examination of the applicant's thin sections under the electron miscroscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of a similar foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is . . . a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of August 9, 1973 that cutting speeds in the excess of 4 mm/sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific valuc to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-17976 Filed 8-23-73;8:45 am]

UNIVERSITY OF IOWA, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to sec. 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00527-33-46500. APPLICANT: University of Iowa, Department of Urology, University Hospitals, Newton Road, Iowa City, Iowa 52242. ARTICLE: Ultramicrotome, Model LKB 8800A. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended for experiments to evaluate the localization of the radioisotopes within prostatic cancer cells. The studies also include an evaluation of dose-related response within cancer cells and an investigation of the relationship of time to the effects of the antineoplastic agents. The article will allow the consistent attainment of serial sections so that sections are comparable when different techniques of investigation, including the anatomic studies and autoradiographic studies can be compared from section to section. The article will also be used as part of pathologic research studies in urology to familiarize senior medical students with subcellular investigations in urology, to demonstrate the tools and techniques necessary for these investigations, and to allow the student to obtain quality sections for electron microscopy. A second course is a research fellowship in urology for residents which represents a program of research experience and demonstrations involving subcellular investigations into a variety of disease processes, notably carcinoma of the prostate, carcinoma of the bladder and smooth muscle physiology in the ureter and bladder. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: May 16, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: August 9, 1973.

DOCKET NUMBER: 73-00528-33-46500. APPLICANT: Hamilton College, Clinton, N.Y. 13323. ARTICLE: Ultramicrotome, Model LKB 8800A and accessories, MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used to study the fine structural relations between germ cells and somatic cells in different classes of vertebrates, at different times in the life cycle of the animal, and under different environmental conditions, particularly in relation to the endocrine system. The emphasis of the studies will be an attempt to correlate the changes in the fine structure of the germ cells (primordial germ cells, spermatocytes, oocytes) with that of the immediately adjacent somatic cells (mesenchymal cells, sertoli cells, follicular cells) and of both cell types as they are influenced by hormones, and other pharmacological agents. The article will also be used in the course "Biology 35F Cellular Ultrastructure," with emphasis on the preparation and interpretation of electron micrographs in the understanding of the cellular level of biological organization. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: May 16, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: August 9, 1973.

COMMENTS: No comments have been received with respect to any of the foregoing applications. DECISION: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States. REASONS: Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket No. 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket No. 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-17977 Filed 8-23-73;8:45 am]

V.A. HOSPITAL—IOWA CITY

Decision on Application

The following is a decision on an application for duty-free entry of a scientific article pursuant to sec. 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00543-33-46500. APPLICANT: Veterans Administration Hospital, Chief, Supply Service, Highway 6 West, Iowa City, Iowa 52240. ARTICLE: Ultramicrotome, model Om U2. MANUFACTURER: C. Reichert Optische Werke AG, Austria. INTENDED USE OF ARTICLE: The article is intended to be used to prepare sections of calcifying human and rodent tooth (dentin and enamel) for electron microscopic examination in studies of mineralizing dental tissues to obtain basic knowledge concerning its ultrastructure in its normal form, which shall be used to characterize the changes which occur during the destructive process of dental caries.

COMMENTS: No comments have been received with respect to this application. DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is . . . a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of August 9, 1973 that cutting speeds in the excess of 4 mm/sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-17980 Filed 8-23-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Hemorrhoidal Drugs.	Sept. 6 and 7, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Sept. 6, 9 a.m. to 10 a.m., closed Sept. 6 after 10 a.m., closed Sept. 7, Thomas DeCillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products for hemorrhoidal application.

Agenda. Continuing review of over-the-counter drug products under investigation.

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Committee name	Date, time, place	Type of meeting and contact person
2. Radiological Health Research and Training Grants Review Committee.	Sept. 7 and 8, 9 a.m., Room 400, 12720 Twinbrook Parkway, Rockville, Md.	Open Sept. 7, 9 a.m. to noon, closed Sept. 7 after noon, closed Sept. 8. Norman C. Telles, Room 7-67, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-1357

Purpose.—Provides scientific and technical review of all research and training-grant applications in the areas of individual and public health hazards which may be associated with exposure to radiation; makes recommendations concerning scientific merit of grant applications.

Agenda.—Status report on BRH activities, report on radiation health directors meeting, subcommittee report on technologists training, and review of grant applications.

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Ophthalmic Drugs.	Sept. 10, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 11 a.m., closed after 11 a.m. Gary L. Yingling, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960

Purpose.—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products for ophthalmic application.

Agenda.—Organizational meeting, orientation of members and distribution of material on over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
4. Medical Radiation Advisory Committee.	Sept. 13 and 14, 9 a.m., Room 400, 12720 Twinbrook Parkway, Rockville, Md.	Open—William S. Cole, M.D., (RH-4), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-6220.

Purpose.—Advises and consults with the Bureau of Radiological Health in the formulation of policy and the development of a coordinated program related to application of ionizing radiation in the healing arts.

Agenda.—Chairman's report, Bureau of Radiological Health report, proposed survey of nuclear medicine uses, status of XES 1964 and 1970 Data Analysis, diagnostic X-ray equipment standard, evaluation of educational efforts, X-ray technology program emphasis, and guidelines for X-ray procedures.

Committee name	Date, time, place	Type of meeting and contact person
5. Panel on Review of Bacterial Vaccines and Bacterial Antigens.	Sept. 14 and 15, 9 a.m., Room 121, Bldg. 29, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md.	Open Sept. 14, 9 a.m. to 11 a.m., closed Sept. 14 after 11 a.m., closed Sept. 15. Jack Gertzog (BI-5), 5600 Fishers Lane, Rockville, Md. 20852, 301-496-1676.

Purpose.—Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and bacterial antigens and of combinations thereof whose labels are required to state "No U.S. Standard of Potency."

Agenda.—Continuing review of bacterial vaccines and bacterial antigens under investigation.

Committee name	Date, time, place	Type of meeting and contact person
6. Drug Experience Advisory Committee.	Sept. 17 and 18, 8:30 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Allen C. Rossi, D.D.S., Room 16B-17, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4580.

Purpose.—Advises the Commissioner of Food and Drugs on methods currently in use or on proposed methods for the collection of data on adverse drug reactions, recommends changes as appropriate, and evaluates the significance of information received in the system.

Agenda.—An in-depth review of spontaneous reporting programs, further consideration of intensive surveillance programs with particular reference to inpatient systems, and consideration of appropriate drug experience feedback from ongoing program efforts.

Committee name	Date, time, place	Type of meeting and contact person
7. Panel on Review of Dental Devices.	Sept. 17 and 18, 9 a.m., Room 6821, 200 C St. SW., Washington, D.C.	Open Sept. 17, 9 a.m. to 10 a.m., closed Sept. 17 after 10 a.m., closed Sept. 18. Robert S. Kennedy, Ph. D. (CM-100), 5600 Fishers Lane, Rockville, Md 20852, 301-443-2376.

Purpose.—Reviews and evaluates available data concerning safety, effectiveness, and reliability of dental devices currently in use.

Agenda.—Consideration of multiple-use materials, prosthetic, surgical, and "other use" devices which come into physical contact with the patient and are used for dental treatment procedures; classification of operative materials and devices, prosthetic material, endodontic and operative devices which are used in the dental laboratory as an adjunct to dental treatment.

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs.	Sept. 17 and 18, 9 a.m., Room 4137, HEW Bldg., 330 Independence Ave. SW., Washington, D.C.	Open Sept. 17, 9 a.m. to 10 a.m., closed Sept. 17 after 10 a.m., closed Sept. 18. Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose.—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing sedative, tranquilizer, or sleep aid drugs.

Agenda.—Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
9. Cardiovascular and Renal Advisory Committee.	Sept. 20 and 21, 1 p.m., Conference Room E, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Sept. 20, 1 p.m. to 2 p.m., closed Sept. 20 after 2 p.m., closed Sept. 21. John B. MacGregor, M.D., Room 16B-20, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4731.

Purpose.—Advises the Commissioner of Food and Drugs regarding the safety and efficacy of drugs employed in the field of cardiovascular and renal disorders.

Agenda.—Bretylium, assessment as anti-arrhythmic agent and pros and cons in the use of atropine in the early phases of acute myocardial infarction.

Committee name	Date, time, place	Type of meeting and contact person
10. Panel on Review of Laxative, Antidiarrheal, Emetic, and Antiemetic Drug Products.	Sept. 21 and 22, 9 a.m., Conference Room J, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Sept. 21, 9 a.m. to 10 a.m., closed Sept. 21 after 10 a.m., closed Sept. 22. Gary L. Yingling, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose.—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing laxative, antidiarrheal, emetic, and antiemetic drug products.

Agenda.—Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on Review of Bacterial Vaccines and Toxoids.	Sept. 24 and 25, 9 a.m., Room 121, Bldg. 29, Natl. Inst. of Health, 9000 Rockville Pike, Bethesda, Md.	Open Sept. 24, 9 a.m. to 11 a.m., closed Sept. 24 after 11 a.m., closed Sept. 25. Jack Gertzog (BI-5), 5600 Fishers Lane, Rockville, Md. 20852, 301-496-1676.

Purpose.—Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and toxoids with standards of potency.

Agenda.—Continuing review of bacterial vaccines and toxoids under investigation.

Committee name	Date, time, place	Type of meeting and contact person
12. Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drugs.	Sept. 25 and 26, 9 a.m., Room 4173, HEW Bldg., 330 Independence Ave. SW., Washington, D.C.	Open Sept. 25, 9 a.m. to 10 a.m., closed Sept. 25 after 10 a.m., closed Sept. 26. Thomas DeGillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose.—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing cold, cough, allergy, bronchodilator, and antiasthmatic drug products.

Agenda.—Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
13. Panel on Review of Internal Analgesic Including Antirheumatic Drugs.	Sept. 25 and 26, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Sept. 25, 9 a.m. to 10 a.m., closed Sept. 25 after 10 a.m., closed Sept. 26. Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose.—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing internal analgesic including antirheumatic drugs.

Agenda.—Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
14. Skeletal Muscle Relaxant Subcommittee Neuropharmacology Advisory Committee.	Sept. 26, 9:30 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m. Frederick Jordon, Room 10B-30, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3870.

Purpose.—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the field of neuropharmacology.

Agenda.—Discussion of NAS/NRC evaluation of these drugs as less than effective and discussion regarding suitable protocols for evaluating this class of drugs.

Committee name	Date, time, place	Type of meeting and contact person
15. Panel on Review of Topical Analgesics.	Sept. 27 and 28, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Sept. 27, 9 a.m. to 10 a.m., closed Sept. 27 after 10 a.m., closed Sept. 28. Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose.—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing topical analgesic agents.

Agenda.—Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
16. Panel on Review of Antimicrobial Agents.	Sept. 27-29, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Sept. 27, 9 a.m. to 10 a.m., closed Sept. 27 after 10 a.m., closed Sept. 28 and 29. Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose.—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing antimicrobial agents.

Agenda.—Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
17. Panel on Review of Contraceptives and Other Vaginal Drug Products.	Sept. 28 and 29, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Sept. 28, 9 a.m., to 10 a.m., closed Sept. 28 after 10 a.m., closed Sept. 29. Armond M. Welch, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose.—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

Agenda.—Continuing review of over-the-counter drug products under investigation.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluattion of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which non-confiden-

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tial information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: August 21, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-18074 Filed 8-23-73;8:45 am]

Health Resources Administration

ANNOUNCEMENT OF RENEWALS

Correction

In FEDERAL REGISTER Document 73-16580 appearing at page 21681 in the issue for Friday, August 10, 1973, the last paragraph concerning the date of authority for the expiration of the U.S. National Committee on Vital and Health Statistics and the Health Services Research Training Committee should be changed from "Authority for these committees will expire June 30, 1975, unless the Secretary, DHEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, formally determines that continuance is in the public interest." to "Authority for the U.S. National Committee on Vital and Health Statistics will expire June 30, 1975, and authority for the Health Services Research Training Committee will expire June 30, 1974, unless the Secretary, DHEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, formally determines that continuance is in the public interest."

Dated August 20, 1973.

KENNETH M. ENDICOTT,
Administrator, Health Resources Administration.

[FR Doc.73-17930 Filed 8-23-73;8:45 am]

NATIONAL ADVISORY COMMITTEES

Notice of Public Meetings

The Administrator, Health Resources Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble the month of September 1973:

Committee Name	Date, time, place	Type of meeting and/or contact person
Long-Term Care for the Elderly Research Review and Advisory Committee.	September 13-14, 9 a.m., Conference Room L, Parklawn Bldg., 5600 Fishers Lane Rockville, Md.	Closed on September 13. Open on September 14. Contact Elliott Lesser, Ph.D., Room 15-29, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-2350 or Julius Pellegrino, Jr., Room 15A-35, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-2840.

Purpose: The Committee is charged with the review of research grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development relating to research on long-term care, including research approaches for studying and improving the delivery of care in nursing homes and other long-term care facilities and for identifying alternatives to institutional care.

Agenda: The Committee will be performing a review of grant applications for Federal assistance on September 13 and will not be open to the public in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Public Law 92-463, Section 10(d). On September 14 the Committee will consult with Federal employees concerned with preparation of issue papers in the areas of quality care, alternatives to institutionalization, and baseline data production and collection. The Committee will be functioning in its advisory role on this day.

Committee name	Date, time, place	Type of meeting and/or contact person
Health Service Research Study Section.	September 18-20; 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open September 18, 9 a.m. to 3 p.m. Closed—remainder of meeting. Contact Dr. Alan E. Mayers, Room 15-19, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-2920.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development and makes recommendations to the National Advisory Councils for final review.

Agenda: The morning of September 18 will be devoted to a business meeting, remarks of the Acting Director of the Bureau, and a discussion of the program of the Social and Economic Analysis Division. The first half of the afternoon will be devoted to a discussion of recurrent issues in the review of grant applications. The remainder of the meeting will be devoted to a review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Health Resources Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee Name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Comprehensive Health Planning Programs.	September 19-20, 9:30 a.m. Quality Inn-Capitol Hill, 415 New Jersey Ave., N.W., Washington, D.C.	Open—Contact Robert E. Griffiths, Room 7-31, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-2390.

Purpose: The Council advises and assists the Secretary, Department of Health, Education, and Welfare in the preparation of general regulations for, and as to policy matters arising with respect to the administration of Section 314 of the Public Health Service Act; and the relationship between the improved organization and delivery of health services and financing of such services. The Council advises the Secretary on matters related to section 1122 of the Social Security Act.

Agenda: Agenda items include a discussion with the Seventh Annual Conference of State Comprehensive Health Planning Agencies; a presentation by Under Secretary Frank Carlucci; an explanation of regulations for Section 1122 under the Social Security Act; and a discussion of the role of the National Advisory Council on Comprehensive Health Planning Programs relevant to section 1122.

Committee Name	Date, time, place	Type of meeting and/or contact person
Dental Health Research and Education Advisory Committee.	September 20-21, 8:30 a.m. Holiday Inn, 8120 Wisconsin Ave., Bethesda, Md.	Open September 20, 8:30 a.m. to 9:15 a.m. Closed—remainder of meeting. Contact Solomon Levy, Room 308, Federal Bldg., 7550 Wisconsin Ave., Bethesda, Md. Code 301-496-4535.

Purpose: The Committee is charged with the initial review of grant applications for the support of special dental student training programs; and advises the Director, Division of Dental Health, on matters of dental public health and education and related matters.

Agenda: Agenda items will include (a) discussion of the new Health Resources Administration reorganization and (b) initial review of grant applications, which will not be open to the public in accordance with the determination by the Administrator, Health Resources Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee Name	Date, time, place	Type of meeting and/or contact person
Health Services Developmental Grants Study Section.	September 20-21, 8:30 a.m. Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed—Contact David McFall, Room 15-29, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-2930.

Purpose: The Study Section is charged with the initial review of developmental grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development.

Agenda: The Study Section will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Public Law 92-463, section 10(d).

Committee Name	Date, time, place	Type of meeting and/or contact person
Health Care Technology Study Section.	September 24-25, 9 a.m. Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open September 24, 9 a.m. to 11:30 a.m. Closed—remainder of meeting. Contact John R. Hall, Room 15-19, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., Code 301-443-2920.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development which relate to the use of systems analysis, operations research and computer sciences in the broad fields of community health services, hospital medicine, and patient care. It makes recommendations to the National Advisory Councils on the scientific merits of such applications.

Agenda: During the open session the Study Section will conduct necessary administrative and informational business. During the closed sessions the study section will review grant applications for Federal assistance, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Emergency Medical Services Administrator's Advisory Committee.	September 17-18, 1 p.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open September 17, 1 to 5 p.m. and September 18, 9 a.m. to 4 p.m. Contact John Reardon, Room 10-15, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-2030.

Purpose: Advises and makes recommendations to the Administrator, Health Resources Administration, on the basic design and implementation of the Initiative on Emergency Medical Services and the evaluation of the results on new initiatives of emergency health services.

Agenda: September 17 will be devoted to a discussion of progress made by the Emergency Medical Service (EMS) staff on inquiries and recommendations made by the Committee in June. There will be a staff presentation and discussion of process and impact evaluation for EMS demonstrations. September 18 will begin with a presentation and discussion of the EMS demonstration in Northeast Florida. The remainder of the day will be devoted to developing Committee recommendations for EMS problems and demonstrations of national interest during 1975-1979.

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the open/closed sessions may be obtained from the contact persons listed above.

Dated: August 20, 1973.

KENNETH M. ENDICOTT,
Administrator, Health Resources Administration.

[FR Doc.73-17929 Filed 8-23-73;8:45 am]

Office of Education

LIBRARY RESEARCH AND DEMONSTRATION PROGRAM

Notice of Closing Date for Proposals

The United States Office of Education invites proposals for library research and demonstration projects under the authority contained in Part B of Title II of the Higher Education Act of 1965, as amended, by Public Law 92-318, 86 Stat. 238 (20 U.S.C. 1031-1033).

Period.—Proposals with completed application forms will be eligible for receipt from the date of this issue of the Federal Register to the close of business on the 30th calendar day thereafter.

Funding.—The total sum available for grants is $114,000. This amount must be obligated by September 30, 1973.

Purpose of the program.—The purpose of financial assistance to eligible institutions is to sponsor and support research and demonstration projects relating to the improvement of libraries or the improvement of training in librarianship, including the development of new techniques, systems, and equipment for processing, storing, and distributing information and for the dissemination of information derived from such research and demonstration. For this purpose programs of Federal assistance are provided to institutions of higher education and other public or private agencies, institutions, and organizations for research and demonstration projects relating to the improvement of training in librarianship.

Eligible parties.—An eligible party is a university or college or other public or private agency, institution, or organization provided that no private agency, or organization, or institution other than a non-profit one may receive a grant.

Priorities.—Funding priorities will be given to proposals dealing with:

(a) *Libraries.*—Activities supported will be designed to bring together the total information, educational and cultural resources of communities and organizations into new and effective patterns of service. The activities will center on more efficient use of resources, innovative techniques, and fulfillment of comprehensive information needs of the users: As a basis for the development of new services and delivery systems or concurrent with it, a limited number of needs assessment studies will be supported. Emphasis is on special target groups such as the underemployed, undereducated, culturally or geographically isolated groups, and others who have been minimally served in the past.

(b) *Information science.*—To support the total system efforts in paragraph (a) above a limited number of studies could be funded to develop new techniques and technological innovations and services and new applications of existing ones.

(c) *Training of library personnel.*—Investigation of training needs and design of training programs can be performed to support the activities outlined in paragraph (a) above.

Types of activities supported.—Activities assisted may include projects for research, dissemination, demonstration, and library curriculum development.

Review of proposals.—The Commissioner will not approve any application for a grant unless and until such application has been reviewed by a panel of experts who are competent to evaluate various types of research or demonstration projects, and the Commissioner has

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secured the advice and recommendations of such panel.

Cost sharing.—No recipient of a grant under this part may receive the entire cost of the program or project assisted under such grant. However, the amount of the potential grantee's contribution to the cost of such program or project will not affect the disposition of such grantee's application for assistance under this part.

Applications.—Proposal should be accompanied by completed application forms. Prospective applicants should insure that their requests be in order by writing for application forms and proposal instructions from:

Mr. Paul Janaske, Library Research and Demonstration Program, Bureau of Libraries and Learning Resources, U.S. Office of Education, Washington, D. C. 20202.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

AUGUST 8, 1973.

[FR Doc.73-18015 Filed 8-23-73;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL, SUBCOMMITTEE ON POLICY DEVELOPMENT

Notice of Meeting

The National Professional Standards Review Council Subcommittee on Policy Development will meet on Sunday, August 26. This Subcommittee was formed to review issues of importance in the implementation of Title XI, Part B, Social Security Act with respect to the policy ramifications of the PSRO program. The meeting will be held at 8:45 p.m. in the Holiday Inn, Bethesda, Maryland. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The Subcommittee's agenda will consist of a review of the minutes of August 15 meeting and discussion of long range concerns of Policy Development Subcommittee. The meeting is open to the public.

Dated August 17, 1973.

WILLIAM I. BAUER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.73-18060 Filed 8-23-73;8:45 am]

Office of the Secretary

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL, SUBCOMMITTEE ON EVALUATION

Notice of Meeting

The National Professional Standards Review Council Subcommittee on Evaluation will meet on August 26. This Subcommittee was formed to review issues of importance in the implementation of Title XI, Part B, Social Security Act with respect to program evaluation of PSROs. The meeting will be held in Library No. 5 at 8:30 p.m. on August 26, 1973, at the Holiday Inn, Bethesda, Maryland. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The Subcommittee's agenda will consist of discussion of Preliminary Evaluation Plan and Subcommittee function. The meeting is open to the public.

Dated August 17, 1973.

WILLIAM I. BAUER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.73-18061 Filed 8-23-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-348A, 50-364A]

ALABAMA POWER CO.

Rescheduling of Prehearing Conference and Discovery Incidents

In the Matter of Alabama Power Company (Joseph M. Farley Nuclear Plant Units 1 and 2).

Upon the joint motion of the parties dated August 9, 1973,

It Is Ordered: 1. The Prehearing Conference scheduled for September 10, 1973 be canceled and a conference be held September 24, 1973 at a time and place to be set forth in a subsequent notice.

2. That the times agreed upon by the parties in such joint motion are approved provided that all motions are served and filed to be received no later than August 31, 1973, and all responses no later than September 14, 1973.

Issued at Washington, D.C. this 20th day of August, 1973.

For the Atomic Safety and Licensing Board.

WALTER W. K. BENNETT,
Chairman.

[FR Doc.73-17924 Filed 8-23-73;8:45 am]

[Docket No. 50-366A]

GEORGIA POWER CO.

Rescheduling of Prehearing Conference and Discovery Incidents

In the matter of Georgia Power Company (Hatch Nuclear Plant—Unit 2).

Upon the joint motion of the Parties dated August 10, 1973.

It is ordered: 1. The Prehearing Conference scheduled for September 6, 1973 be canceled and a conference be held September 20, 1973 at a time and place to be set forth in a subsequent notice.

2. That the times agreed upon by the Parties in such joint motion are approved provided that all motions are served and filed to be received no later than August 29, 1973 and all responses no later than September 12, 1973.

Issued at Washington, D.C. this 20th day of August 1973.

For the Atomic Safety and Licensing Board.

WALTER W. K. BENNETT,
Chairman.

[FR Doc.73-17923 Filed 8-23-73;8:45 am]

[Docket Nos. 50-315, 50-316]

INDIANA AND MICHIGAN ELECTRIC CO. AND INDIANA AND MICHIGAN POWER CO.

Notice of Reconstitution of Board

In the matter of Indiana and Michigan Electric Company and Indiana and Michigan Power Company (Donald C. Cook Nuclear Plant, Units 1 and 2).

Jerome Garfinkel, Esq., was Chairman and Thomas W. Reilly, Esq., was Alternate Chairman of the Atomic Safety and Licensing Board established to consider the above application. Because of schedule conflicts, they are unable to continue their service on this Board.

Accordingly, Max D. Paglin, Esq., an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Rules of Practice, as amended.

Issued at Washington, D.C. this 20th day of August 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.73-17922 File 8-23-73;8:45 am]

[Docket Nos. 50-438 and 50-439]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Draft Environmental Statement; Time for Submission of Views on Antitrust Matter

The Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed June 21, 1973, for authorization to construct and operate two generating units utilizing pressurized water nuclear reactors. The application was tendered on May 14, 1973. Following a preliminary review for completeness, it was accepted on June 14, 1973 for docketing.

The proposed nuclear facility, designated by the applicant as the Bellefonte Nuclear Plant, Units 1 and 2, is located at the Bellefonte site in Jackson County, Alabama, approximately six miles northeast of Scottsboro, Alabama. Each unit is designed for initial operation at a core power level of 3413 megawatts (thermal), and a gross electrical output of 1329 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 4, 1973. The request should be filed in connection with Docket Nos. 50-438-A and 50-439-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Alabama 35768.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, a Draft Environmental Statement (in lieu of an environmental report) since TVA like other Federal agencies is subject to the requirements of Section 102 of the National Environmental Policy Act of 1969. The Statement (report) has been made available for public inspection at the aforementioned locations. The Statement, which discusses environmental considerations related to the proposed construction of the Bellefonte Nuclear Plant, Units 1 and 2, is also being made available at the Alabama Development Office, State Office Building, Montgomery, Alabama 36104 and Top of Alabama Regional Council of Governments, P.O. Box 308, City Hall 6th Floor, Huntsville, Alabama 35801.

After TVA's Statement has been analyzed by the Commission's Director of Regulation or his designee, an AEC Draft Environmental Statement will be prepared in accordance with the Commission's procedures in Appendix D to 10 CFR Part 50. Upon preparation of the AEC Statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of its availability requesting comments from interested persons. The summary notice will also state that comments of Federal agencies and State and local officials on the AEC Statement will be made available when received.

Dated at Bethesda, Maryland, this 23rd day of July 1973.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Pressurized Water Reactors Branch No. 4 Directorate of Licensing.

[FR Doc.73-15782 Filed 8-22-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 24421]

SERVICE TO SAIPAN CASE

Notice of Postponement of Oral Argument

Due to a conflict in the Board's calendar, the oral argument in this proceeding, previously set for September 12, 1973 (38 FR 20116, July 27, 1973), is postponed. It is planned that the argument will be reset for a time in November to be announced in a future notice.

Dated at Washington, D.C., August 20, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-18006 Filed 8-23-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Public Availability

Environmental impact statements received by the Council on Environmental Quality from August 13 through August 17, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

West Fork Ranger District, Bitterroot N. F., Ravalli County, Montana, August 15: The statement refers to a proposed revised management plan for 157,075 acres of the West Fork Ranger District of the Forest. The planning unit has been subdivided into eight smaller units which will be managed for such values as timber production, wildlife habitat enhancement, and recreational values. Of the 157,075 acres in the unit, 111,240 are inventoried as roadless. Implementation of the plan will result in management keyed to road development of 75,946 acres. The remaining 81,129 acres will continue to be managed in a roadless condition. (ELR order No. 31344) (NTIS order No. EIS 73 1344D).

Final

Vegetation Manipulation with Herbicides, Yavapai and Apache Counties, Arizona, August 13: The proposal is for the use of the chemical herbicide 2,4-D on lands of the Apache and Coconino National Forests, in order to control the spread of snakeweed, iris, and rabbitbrush. There may be adverse effects on water organisms, and the air. The White Mountain Reservoir lies within one-half mile of one spot which is proposed for treatment (101 pages) Comments made by: DOI, HEW and State and local agencies, and concerned citizens (ELR order No. 31325) (NTIS order No. EIS 73 1325F).

SOIL CONSERVATION SERVICE

Final

Baker Lake Watershed, Falcon County, Montana, August 13: The proposal is for a watershed protection project on the 4,128 acre Baker Lake Watershed. Project measures include one flood water retarding structure and land treatment. One hundred and twenty-two acres of rangeland and six acres of wetland will be permanently inundated; 82 acres will be periodically inundated. Because of active oil and gas exploration in the area, the possibility of oil waste pollution in the floodwater retarding basins will be increased by the project. (45 pages) Comments made by: USA, EPA, and DOI, State agencies (ELR Order No. 31327) (NTIS Order No. EIS 73 1327F).

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202-973-5391. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, 202-973-7373, Washington, D.C. 20545.

Draft

Limerick Generating Station, Units 1 and 2 (2), Montgomery County, Pennsylvania, August 15: The statement refers to the proposed issuance of construction permits to the Philadelphia Electric Co. for the Station. Each of the units will employ a boiling water reactor to produce 3,293 MWt and 1,055 MWe (net). Future outputs of 3,440 MWt and 1,100 MWe each are anticipated. The cooling system will utilize two natural-draft towers, with water being drawn from the Schuylkill River and Perkiomen Creek at a consumptive maximum rate of 65 cfs. An earlier statement was issued by AEC in December, 1972. The second statement adds information on the consumptive use of Delaware River water. (ELR Order No. 31343) (NTIS Order No. EIS 73 1343D).

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-343-4161.

Final

Courthouse and Federal Office Building, Winston-Salem, North Carolina, August 13: The proposed project consists of the construction of a new courthouse and Federal office building in Winston-Salem. Gross area, which includes a basement, sub-basement, eight stories and a penthouse is 322,686 sq. ft.; total land site area is 67,636 sq. ft. The facility will house approximately 740 employees, and provide 210 interior parking spaces. Increased air and noise pollution levels will occur during construction. (80 pages) Comments made by: AEC, USDA, FPC, COE, HEW, HUD, AHP, EPA, DOI, and DOT (ELR Order No. 31332) (NTIS Order No. EIS 73 1332F).

DEPARTMENT OF HEW

Contact: Mr. Paul Cromwell, Acting Director, Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Room 3718, HEW-North, Washington, D.C. 20202, 202-963-4456.

Draft

Lister Hill National Center for Biomedical Communications, Montgomery County, Maryland, August 14: The statement refers to the proposed construction of an additional facility adjacent to the NLM building at the National Institutes of Health. The facility will consist of offices, conference rooms, computer and communications apparatus, an electronic laboratory, and related measures. There will be construction disruption. (33 pages) (ELR Order No. 31340) (NTIS Order No. EIS 73 1340D).

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-5980.

Draft

Urban Renewal Project, Iowa City, Iowa, August 14: The statement refers to a conventional urban renewal project which is intended to eliminate present environmental deficiencies, replan and rebuild a vital section

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of the City, reinforce the central business district, and permit the University of Iowa to expand. Concern is focused on automobile circulation, and the boundary of a historic site. (109 pages)
(ELR Order No. 31339) (NTIS Order No. EIS 73 1339D).

DEPARTMENT OF DEFENSE,

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-7168.

Draft

Savannah Harbor, Georgia, August 15: The project provides for additional improvements to Savannah Harbor, by widening and deepening the existing channel from deep water to the Savannah Sugar Refinery, providing wideners at the bends, and providing turning basins within the harbor. Twenty-four million cubic yards of spoil will be dredged. There will be adverse impact to marine biota. (Savannah District) (67 pages) (ELR Order No. 31347) (NTIS Order No. EIS 73 1347D).

Kaskaskia Valley Flood Control, Clinton, Fayette and Bond Counties Illinois, August 15: The statement refers to the proposed continuation of operation and maintenance measures of a multi-purpose reservoir which provides flood control for the Kaskaskia Valley. Adverse impact results from water level fluctuations. (St. Louis District) (53 pages) (ELR Order No. 31352) (NTIS Order No. EIS 73 1352D).

Peg's Eye Coal Terminal, St. Paul, Ramsey County, Minnesota, August 13: The project involves the construction by the St. Paul Port Authority, of a terminal to receive low-sulfur coal by unit train from Montana to reship to public utilities in the Upper Mississippi Valley. Disturbance to, or loss of 221 acres of terrestrial floodplain will disturb wildlife habitat. Discharge from the storage area will increase water pollution. Other adverse impacts of the action are loss of open space and recreational use of the Peg's Eye Area; and increased barge traffic on the river and rail service. Social effects consist of a degradation of aesthetics and a shift of coal mining from the east to the west. (110 pages) (ELR Order No. 31326) (NTIS Order No. EIS 73 1326D).

Town Creek Small Navigation Project, South Carolina, August 10: Proposed is a navigation project which will involve the deepening of the natural channel in Town Creek, and the construction of an entrance channel in the Atlantic Ocean. Adverse impact will include the temporary disruption of benthic communities and oyster banks, and the conversion of irregularly flooded marsh to a terrestial environment. (Charleston District), (14 pages). (ELR Order No. 31317) (NTIS Order No. EIS 73 1317D).

Final

New Haven Harbor, Connecticut, August 16: The proposed navigational maintenance project consists of dredging the main channel from Long Island Sound to the Tomlinson Bridge to its authorized depth of 35 feet and disposal of an estimated 800,000 cubic yards of spoil material. Spoil will be deposited in the New Haven Dump Grounds. Adverse environmental effects include alteration of pelagic and benthic habitats, temporary increases in turbidity and siltation, and resuspension of non-biodegradable chemical pollutants. (210 pages) Comments made by: DOC, DOI, HEW, HUD, USCG, (ELR Order No. 31337) (NTIS Order No. EIS 73 1357F).

New Bedford Barrier, Massachusetts, August 15: The proposed project involves the operation and maintenance of the main harbor barrier and dike in order to protect residential and commercial areas from tidal flooding (Waltham District) (34 pages) Comments made by: EPA, DOI, DOC, HUD, USCG, and State and loacl agencies. (ELR Order No. 31333) (NTIS Order No. EIS 73 1353F).

Bronx River, Bronx County, New York, August 15: The navigation project involves the dredging of the Federal channel of the Bronx River to its authorized dimensions. Spoil (83,000 cu. yds.) will be dumped in the New York Bight, with adverse impact to marine biota. (New York District) (33 pages) Comments made by: USDA, DOC, USN, DOT, HEW, EPA, and one regional agency. (ELR Order No. 31349) (NTIS Order No. EIS 73 1349F).

Mamaroneck Harbor, New York, August 15: The statement considers the maintenance dredging of the Federal channel of the harbor. Spoil would be disposed of in approved dumping grounds in the New York Bight. Temporary turbidity will damage marine ecosystems. (New York District) (38 pages) Comments made by: DOI, USN, DOT, EPA, USCG, 2DOC, and State and local agencies. (ELR Order No. 31350) (NTIS Order No. EIS 73 1350F).

Port Chester Harbor, Westchester County, New York, August 15: The statement refers to the proposed maintenance dredging of the harbor and Byram River, for navigational purposes. Approximately 60,000 cu. yds. of dredged material will be dumped in the New York Bight. (New York District) (44 pages) Comments made by: USDA, DOC, USN, HEW, DOI, and agencies of Connecticut and New York. (ELR Order No. 31351) (NTIS Order No. EIS 73 1351F).

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Final

Anaho Island Wilderness Area, Washoe County, Nevada, August 16: The statement refers to the proposed legislative designation of the 247 acre Anaho Island National Wildlife Refuge (located in Pyramid Lake) as wilderness within the National Wilderness Preservation System. The island is of special significance as one of only a few known white pelican colonies in North America. Other birds of the island include the California gull, the double-crested cormorant, the great blue heron, and the Caspian Tern. (41 pages) Comments made by: USDA, DOD, DOI. (ELR Order No. 31360) (NTIS Order No. EIS 73 1360F).

NATIONAL PARK SERVICE

Final

Guadalupe National Park, Texas, August 13: The statement refers to the proposed designation of 46,850 acres of the Park as wilderness within the National Wilderness Preservation System. The statement discusses social, scientific, cultural, and economic aspects of the action. (89 pages) Comments made by: USDA, COE, DOI, DOT, EPA, FPC, and State agencies. (ELR Order No. 31324) (NTIS Order No. EIS 73 1324F).

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street, SW., Washington, D.C. 20590, 202-466-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

DuPage County Airport, DuPage County, Illinois, August 15: Proposed is the extension of the existing 4000' E/W runway (10-28) by 1000' x 75' on the east end, and constructing connecting taxiways to the northside of the E/W runway. Adverse impacts include increased noise and air pollution and loss of wildlife habitat. (67 pages). (ELR Order No. 31345) (NTIS Order No. EIS 73 1345D).

Boston-Logan International Airport, Suffolk County, Massachusetts, August 13: The proposed project entails the construction of a new runway 15-33, 100' x 3,830'; extension of runway 9, 150' x 1,855'; extension of runway 4L, 150' x 2,020', with associated taxiways, lighting and marking. The improvements will be located on the existing Bird Island Flats. Increases in air and noise pollution will occur. (Approximately 300 pages). (ELR Order No. 31330) (NTIS Order No. EIS 73 1330D).

Poplarville-Pearl River County Airport, Pearl River County, Mississippi, August 13: Proposed is the development of a new general aviation airport which will accommodate substantially all propeller aircraft of less than 12,500 pounds. Development will consist of acquiring leasehold interest in 123.1 acres of land and easement interest in 48.10 acres; constructing a 4,000' x 100' runway with aircraft parking apron and connecting taxiway; constructing an access road; installing a medium intensity lighting system including a lighted wind cone, a segmented circle, rotating beacon and visual approach slope indicator. Increased noise and air pollution levels due to aircraft operations and construction disruption will occur. (26 pages). (ELR Order No. 03132) (NTIS Order No. EIS 73 1328D).

Alma Municipal Airport, Harlan County, Nebraska, August 13: The proposed project is the acquisition of 308 acres-fee and 8 acres-easement to construct a turf landing strip (4100' x 150'), connecting taxiway (30' x 150'), including grading, seeding and drainage structures; construction of vehicle parking area (100' x 200') and access road (25' x 500'); installation of segment circle, wind cone, and perimeter and safety fencing. Adverse impacts stemming from the project include the taking of private land and the introduction of high air and noise pollution levels into a new area. (33 pages). (ELR Order No. 31329) (NTIS Order No. EIS 73 1329D).

Eppley Airfield, Omaha, Douglas County, Nebraska, August 13: Proposed is the relocation of approximately 22,100 lineal feet of the Missouri River Levee and construction of a fire/rescue training facility. Construction of the levee will allow approximately 610 acres to be reclaimed for future airport expansion and development. Adverse impacts include temporary construction dust and noise. (75 pages). (ELR Order No. 31331) (NTIS Order No. EIS 73 1331D).

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 81, Kansas, Sedgwick County, Kansas, August 15: Proposed is the improvement of three miles of U.S. 81, including right-of-way acquisition, drainage, grading, bridge construction, and landscaping. Adverse impacts include temporary air and surface water pollution; displacement of families and businesses; and loss of natural growth (60 pages). (ELR Order No. 31348) (NTIS Order No. EIS 73 1348D).

Route 9—Speen Street Interchange, Middlesex County, Massachusetts, August 14:

Proposed is the construction of a grade separated highway interchange to replace the existing at-grade intersection at State Route 9 (FAP Route 47) and Speen Street in the Town of Natick. Route 9 will be depressed and Speen Street will be relocated at existing grade. Adverse impacts include possible degradation of water quality in adjacent Lake Cochituate by increased deposition of salts and nutrients; and displacement of 20 businesses and four families. (234 pages). (ELR Order No. 31337) (NTIS Order No. EIS 73 1337D).

U.S. 95, Nevada 08/14

Nevada

County: Esmeralda Nye

Proposed is the construction and partial relocation of a 24-mile section of U.S. 95 between the Cities of Goldfield and Tonopah. The existing two-lane facility will be reconstructed for the southbound lanes of the ultimate four-lane rural freeway. Adverse impacts include the removal of approximately 100 acres of land from the tax rolls; scarring of the desert landscape; creation of dust during construction; loss of vegetation and minor disturbance of underground water flows. (93 pages)

(ELR ORDER # 31341) (NTIS ORDER # EIS 73 1341D)

State Route 800, Ohio 08/13

Ohio

County: Monroe Belmont

Proposed is the relocation and improvement of a portion of State Route 800 between Barnesville and Woodsfield. The project consists of a two-lane highway, approximately 16.5 miles in length. Adverse effects of the action are the loss of farmland; loss of a small amount of woodland; and the taking of 22 residences, 7 farm operations, and 1 business. Five acres of Section 4(f) land are required from the Monroe Lake State Wildlife Area. (33 pages)

(ELR ORDER # 31336) (NTIS ORDER # EIS 73 1336D)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-18004 Filed 8-22-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10:00 a.m., Wednesday, August 29, 1973, at 2025 M Street NW., Washington, D.C.

The agenda will consist of discussions leading to recommendations on specific Phase II and Phase III wage cases in the food area, and future wage policy.

Since the above stated meeting will consist of discussions of future food wage policy and Phase II and III cases for decision, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on August 22, 1973.

HENRY H. PERRITT, Jr.,
Executive Secretary.

[FR Doc.73-18121 Filed 8-22-73;4:46 pm]

ENVIRONMENTAL PROTECTION AGENCY

E. I. DU PONT DE NEMOURS AND CO., INC.

Notice of Filing of Pesticide and Food Additive Petitions

Correction

In FR Doc. 73-16747 appearing on page 21812 in the issue for Monday, August 13, 1973, the petition number "(PP 3F410)" in the fifth line should read "(PP 3F1410)".

UNION CARBIDE CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Correction

In FR Doc. 73-16748 appearing on page 21813 in the issue for Monday, August 13, 1973, the signature reading "Henry J. Korn" should read "Henry J. Korp".

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 662]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 20, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20147-C2-P-(2)-74—Answerite Professional Answering Service (New), C. P. for a new 2-way station to operate on 454.075 and 454.175 MHz at 10612 Tanner Road, Tampa, Florida.

20148-C2-P-(2)-74—W. L. & R. L. Meadow d/b/as Jacksonville Radio Dispatch Service (KIB388), C. P. to change antenna system and additional facilities to operate on 152.15 and 152.18 MHz at 1510 Montana Avenue, Jacksonville, Florida.

20149-C2-P-74—Vernon H. Johnson (New), C. P. for a new 1-way signaling station to operate on 152.24 MHz at 0.33 Mile North of Gallup, New Mexico.

20150-C2-P-74—Vernon H. Johnson (New), C. P. for a new 2-way station to operate on 152.06 MHz at 0.33 mile N. of Gallup, New Mexico.

20151-C2-P-74—Southern Radio-Phone, Inc. (New), C. P. for a new 2-way station to operate on 152.09 MHz at 0.6 miles N.E. of mile marker 86 westside of U.S. No. 1, Plantation Key, Florida.

20152-C2-P-74—Southwestern Communications Service (New), C. P. for a new 2-way station to operate on 152.12 MHz at 0.5 mile S. of Uvalde on Batesville Hwy., Uvalde, Texas.

20153-C2-P-(5)-74—WUI/TAS of Las Vegas, Nevada, Inc. (KOK344), C. P. for additional facilities to operate on 152.09, 152.12, 152.15, 152.18, and 152.21 MHz at First National Bank Bldg., 300 E. Carson Street, Las Vegas, Nevada. (Loc. No. 2.)

20154-C2-P-(3)-74—James L. Adams, Jr. (New), C. P. for a new 2-way, repeater, and control stations. Base and repeater stations to be located at City water tank, Altha, Florida, operating on 454.200 (Base) and 459.025 MHz (repeater), and the control station will be located at RFD 1, Box 287, 2 miles N. Bountstown, Florida operating on 454.025 MHz.

20156-C2-P-(3)-74—Airsignal International, Inc. (KKG561), C. P. to add antenna locations No. 2: 2901 Frick Road, Houston, Texas, Loc. No. 3: 401 Mayo Shell Road, Houston, Texas and Loc. No. 4: East Hampton Circle, Houston, Texas and operating

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

V38-164 AUG 24 73 XUM

on 35.22 MHz at each location. (1-way signaling.)

20157–C2–P–74—General Telephone Co. of the Southwest (KKO996), C. P. to change antenna system, location and power. Also to relocate Loc. No. 1 to Location No. 2 operating on 152.51 MHz at 301 South Amherst Street, Perryton, Texas.

Renewal of License expiring July 1, 1973. TERM: July 1, 1973 to July 1, 1978.

Licensee	*Call Sign*
Millington Telephone Co., Inc.	KIY442

CORRECTION

5401–C2–P–(2)–73—Auto Phone Service (KIB384). Correct to read: Major Amendment to 1766–C2–P–72. All other particulars are to remain as reported on PN No. 633 dated January 29, 1973.

RURAL RADIO SERVICE

60026–C6–P–74—Southern Radio-Phone, Inc. (New), C.P. for a new rural subscriber station to operate on 158.55 MHz at a temporary-fixed location.

60038–C6–P/L–74—RCA Alaska Communications, Inc. (New), C.P. and License for a new rural subscriber station to operate on 459.45 MHz at Bristol Bay, Borough Bay, Naknek, Alaska.

60039–C6–P/L–74—RCA Alaska Communications, Inc. (New), C.P. and License for a new central office station to operate on 454.45 MHz at King Salmon, King Salmon (RCA), Alaska.

60040–C6–P–74—Continental Telephone Company of California (New), C.P. for a new rural subscriber station to operate on 157.80 MHz at No. 10 Waver Place, Lucerne Valley, California.

60041–C6–P–74—Bruce Graham (New), C.P. for a new rural subscriber station to operate on 158.55 MHz at a temporary-fixed location.

POINT TO POINT MICROWAVE RADIO SERVICE

401–C1–P–74—United Video, Inc. (New), 3.0 Miles SW. of Taylorville, Illinois (Lat. 39°30'43" N., Long. 89°15'02" W.), C.P. to add (reinstate) frequency 6152.8V MHz toward Springfield, Illinois, on azimuth 313°37'. (NOTE: A waiver of Section 21.701 (i) is requested by United.)

402–C1–P–74—General Telephone Company of the Southwest (New), 249 South Houston Street, Aransas Pass, Texas. Lat. 27°-54'14" N., Long. 97°08'45" W., C.P. for new station on frequency: 6197.2V MHz toward Port Aransas, Texas on azimuth 135°6'.

403–C1–P–74—Same. (New), 219 Avenue C, Port Aransas, Texas. Lat. 27°49'48" N., Long. 97°03'47" W., C.P. for new station on frequency: 5945.2V MHz toward Aransas Pass, Texas on azimuth 315°9'.

404–C1–P–74 (KNK45)—Frank K. Spain d/b/a Microwave Service Company, Edom Hill, 4 miles NW. of Thousand Palms, California. Lat. 33°51'58" N., Long. 116°26'03" W., C.P. to change frequency 6512.5V MHz to 10875H MHz toward Palm Springs, Calif. (KMIR Studio) Part 21.100(d) waived.

7944–C1–P–73 (KNK45)—Frank K. Spain d/b/a Microwave Service Company, Edom Hill, 4 Miles NW. of Thousand Palms, California. Lat. 33°51'58" N., Long. 116°26'03" W., C.P. to change frequency 6475.0H MHz to 10955V MHz toward Palm Springs, Calif. (KPLM Studio) Part 21.100 (d) waived.

405–C1–R–74—Michigan Bell Telephone Company (KQM40), State of Michigan. Application for Renewal of Radio Station for Term: September 28, 1973 to September 28, 1974.

407–C1–P–74—Southern Bell Telephone and Telegraph Company (KIV59), 111 East 5th Street, Panama City, Fla. Lat. 30°09'26" N., Long. 85°39'34" W., C.P. to change antenna system, add pts, of communication, transmitter and frequency 3710V MHz toward Lullwater Beach, Fla. on azimuth 288°28'.

408–C1–P–74—Same. (New), Junction of S. Rd. 30–A and St. Rd. S–30–F, NW. of Panama City Beach, Fla. Lat. 30°12'56" N., Long. 85°51'40" W., C.P. for a new station on frequencies: 3750V MHz toward Panama City, Fla. on azimuth 108°22'; 3750V, 3830V MHz toward Bruce, Fla. on azimuth 325°34'; 6152.8V toward San Blas, Fla. on azimuth 120°06'.

409–C1–P–74—Continental Telephone Company of California. (KNL62), Orleans, Calif. Lat. 41°18'03" N., Long. 123°32'34" W., C.P. to replace transmitter and change freq. 6215H MHz to 6197.2H MHz toward Orleans Passive Reflector on azimuth 65°49'.

410–C1–P–74—Same. (KMZ75), Horse Mountain, SW. of Willow Creek, California. Lat. 40°52'29" N., Long. 123°43'55" W., C.P. to replace transmitter and change freq. 6095H MHz to 6093.5H MHz toward Orleans Passive Reflector on azimuth 22°25'.

411–C1–P–74—Northwestern Bell Telephone Company. (KAJ75), 16th Avenue and 7th Street SW., Minot, North Dakota, C.P. to add frequency: 5974.8V toward Benedict, N.D. on azimuth 152°47' and change antenna location to Lat. 48°13'07" N., Long. 101°18'13" W.

412–C1–P–74—Same. (KAM33), 1823 16th Street North, Bismarck, North Dakota. Lat. 46°49'32" N., Long. 100°46'00" W., C.P. to add frequency 3990H MHz toward Wilton, North Dakota on azimuth 355°43'.

413–C1–P–74—Same. (KAX41), 1.5 Miles SW. of Wilton, North Dakota, Lat. 47°08'32" N., Long. 100°48'05" W., C.P. to add frequencies: 3950H MHz toward Underwood, North Dakota on azimuth 329°02'; 3870H MHz toward Bismarck, North Dakota on azimuth 175°42'.

414–C1–P–74—Same. (KAX42), 2 Miles NE. of Underwood, North Dakota, Lat. 47°28'43" N., Long. 101°05'58" W., C.P. to add frequencies: 3990H MHz toward Benedict, North Dakota on azimuth 1°57'; 3910H MHz toward Wilton, North Dakota on azimuth 148°49'.

415–C1–P–74—Same. (KAX43), 6.5 Miles N. of Benedict, North Dakota, Lat. 47°55'20" N., Long. 101°04'37" W., C.P. to add frequencies: 3870H MHz toward Underwood, North Dakota on azimuth 181°58'; 63.5.9H MHz toward Minot, North Dakota on azimuth 332°57' and relocation of antenna.

416–C1–P–74—Eastern Microwave, Inc. (KEM58), Helderberg Mtn., 1.75 Miles NW of New Salem, New York. Lat. 42°38'12" N., Long. 73°59'35" W., C.P. to add frequencies 11625.0H MHz and 11305.0H MHz toward Schenectady, New York, via Passive Reflector at Schenectady, New York on azimuth 50°101'.

417–C1–P–74—TelePrompter Transmission of Oregon, Inc. (KPC73), Roman Nose, 6.75 Miles SSW. of Richardson, Oregon. Lat. 43°54'44" N., Long. 123°44'14" W., C.P. to add frequencies: 5997.1V MHz and 6056.4V MHz toward Baldy Butte, Ore., on azimuth 210°53'; make changes in antenna system.

418–C1–P–74—Same. (KPC72), Baldy Butte, 7 miles NE. of North Bend, Oregon, Lat. 43°28'42" N., Long. 124°06'24" W., C.P. to add frequencies: 6204.7H MHz and 6382.6H MHz toward Reservoir Hill, Oregon, on azimuth 221°19'. (NOTE: A waiver of Section 21.701(1) is requested by TelePrompter.)

Corrections

311–C1–P–74—American Telephone and Telegraph Company. (KKN22). Correct to read C.P. to add frequency 3870H toward Star, Mississippi. (All other particulars same as reported in Public Notice No. 660, dated August 6, 1973.)

[FR Doc.73–17996, Filed 8–23–73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP74–36]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

AUGUST 14, 1973.

Take notice that on August 8, 1973, Arkansas Louisiana Gas Company (Applicant), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP74–36 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Mississippi River Transmission Corporation (Mississippi), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Mississippi is currently authorized to sell approximately 3,480 Mcf of gas per day to it at an existing delivery point near Crossett, Ashley County, Arkansas. Pursuant to a contract dated August 8, 1972, Mississippi will deliver up to an additional 500 Mcf of gas per day to Applicant at the Crossett delivery point and Applicant proposes simultaneously to redeliver thermally equivalent volumes to Mississippi at an existing point of interconnection between Applicant's and Mississippi's pipelines near Sherrill, Jefferson County, Arkansas.

The purpose of the proposed exchange of gas is to permit Applicant to render additional gas distribution to Crossett, Arkansas, pursuant to the order issued May 29, 1973, by the Arkansas Public Service Commission directing said additional service.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17941 Filed 8–23–73;8:45 am]

[Project No. 2534]

BANGOR HYDRO-ELECTRIC CO.

Notice of Application for Amendment of License

AUGUST 15, 1973.

Public notice is hereby given that application for amendment of license was filed March 13, 1973, supplemented May 15, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by Bangor Hydro-Electric Company (Correspondence to: Mr. Earle R. Webster, Executive Vice President, Bangor Hydro-Electric Company, 33 State Street, Bangor, Maine 04401), for its Milford Project No. 2534, located on the Penobscot River, a navigable waterway of the United States, in the City of Old Town and Town of Milford, Penobscot County, Maine.

Applicant proposes to convey in fee to the State of Maine, Department of Transportation, and exclude from the project 0.17 acre of project lands to widen a State highway right-of-way (Gilman Falls Road). The land involved is part of the Gilman Falls Damsite at the Milford Project and is presently used as a roadside ditch. In addition, Applicant proposes to grant a slope easement of 0.16 acre and grading rights of 408 square feet (.0025 acre) on adjacent project property.

The roadway would be 40 feet wide comprising two 12' wide bituminous travel lanes with an 8' wide gravel shoulder on each side.

Any person desiring to be heard or to make protest with reference to said application should on or before October 1, 1973, file with the Federal Power Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17944 Filed 8–23–73;8:45 am]

[Docket No. RP72–113]

COLORADO INTERSTATE GAS CO.

Notice of Filing of Gas Tariff

AUGUST 16, 1973.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on August 3, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. CIG states that Substitute Original Sheet Nos. 5, 6, and 66, replacing Original Sheet Nos. 5, 6, and 66, were filed pursuant to the Commission's Order Approving Settlement Agreement with a Condition and Rejecting a Protest which was issued July 5, 1973. In accordance with Ordering Paragraph E of the Commission's July 5, 1973 Order, the substitute sheets reflect rates which exclude the jurisdictional portion of coal option payments totaling $200,000, according to CIG's statement.

The Company states that revenues collected in excess of the adjusted settlement rates since October 1, 1972, will be refunded, with interest at 7 percent, to its jurisdictional customers.

CIG further states that copies of the filing were served upon the Company's jurisdictional customers and certain public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17942 Filed 8–23–73;8:45 am]

[Docket No. RP73–86]

COLUMBIA GAS TRANSMISSION CO.

Notice of Extension of Time

AUGUST 16, 1973.

On August 13, 1973, Cincinnati Gas and Electric Company, The Dayton Power and Light Company, The Union Light, Heat and Power Company and West Ohio Gas Company filed a request for an extension of time to file a reply to the motion filed August 3, 1973, by Staff Counsel to initiate proceedings.

Upon consideration, notice is hereby given that the time is extended to and including August 31, 1973, within which answers may be filed to the above motion.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17943 Filed 8–23–73;8:45 am]

[Dockets Nos. RP71–16, RP71–56, RP72–3 and RP 72–52]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Extension of Time and Postponement of Hearing

AUGUST 15, 1973.

On August 2, 1973, Midwestern Gas Transmission Company filed a request for a change in the procedural dates fixed by order issued July 24, 1973, in the above designated matter. The request states that the proposed schedule is concurred in by staff counsel and the customer interveners.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Midwestern's Case-In-Chief, October 1, 1973.
Service of Staff's Case, October 29, 1973.
Service of Interveners' Cases, November 5, 1973.
Service of Midwestern's Rebuttal Case, December 3, 1973.
Hearing, December 18, 1973 (10:00 a.m., est).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–17946 Filed 8–23–73;8:45 am]

[Docket No. RP71–107 Phase I]

NORTHERN NATURAL GAS CO.

Notice of Petition for Declaratory Order

AUGUST 16, 1973.

Take notice that on August 8, 1973, Northwestern Public Service Company (Northwestern) filed in the above-entitled proceeding pursuant to section 1.7(c) of the Commission's Rules of Practice and Procedure a petition for a declaratory order requiring the inclusion in the "Directory of Communities Served" of Northern Natural Gas Company (Northern) of two industrial customers of Northwestern, each of whom is currently entitled to receive from Northwestern maximum daily firm gas of 199.9 Mcf (in addition to certain interruptible volumes). Northwestern states that such order would assure that these firm sales will not be treated as interruptible sales under the curtailment provisions of section 9 of the General Terms and Conditions of Northern's FPC Gas Tariff.

In connection with the Commission's March 30, 1973, order herein stating that the intent of its October 2, 1972, order

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approving Northern's settlement agreement regarding curtailment provisions was to preclude any shifting of interruptible loads to firm loads and directing implementation of Northern's curtailment on the basis of certified firm service set forth in Northern's "Directory of Communities Served," Northwestern states that without the same understanding of the Commission's October 2, 1972, order as stated in the aforesaid March 30, 1973, order, it contracted with two industrial customers for firm gas service. Northwestern further states that it did not understand the October 2, 1972, order as affecting its contracts for retail service if Northwestern's contract demand from Northern was not changed, which is here the case.

According to Northwestern, it consummated a contract on October 6, 1972, for a maximum daily firm gas sale of 199.9 Mcf (in addition to interruptible volumes) to the Peavey Company for its plant at De Smet, South Dakota. The contract was agreed upon in principle in September 1972, when service commenced, but the formal contract was not executed until October 6, 1972. On December 20, 1972, Northwestern contracted to sell an identical maximum daily volume of firm gas to the 3M Company for its medical products plant at Brookings, South Dakota. The December 20, 1972, contract superseded a 1970 contract and reflected an increase in the daily firm gas volumes. Northwestern states that Northern has refused to include the firm service to these two customers in its "Directory of Communities Served" because the contract dates are after the October 2, 1972, deadline prescribed by the March 30, 1973, order.

Northwestern asserts that it undertook the above-mentioned firm services from its contract demand in effect on October 2, 1972, and that the firm service provided to these two customers does not affect the "delicate balance of the equities and economics" of Northern's curtailment program with which the Commission was concerned in its March 30, 1973, order when it fixed the October 2, 1972, deadline.

Any person desiring to be heard or to make any protest with reference to said filing of Petition for Declaratory Order should on or before August 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17947 Filed 8-23-73;8:45 am]

[Docket No. ID-1566 et al.]

MICHAEL R. WHITLEY ET AL.

Notice of Applications

AUGUST 16, 1973.

Take notice that the following applications were filed on the stated dates, pursuant to section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 3, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Docket No.	Name of applicant	Date filed	Name of company
ID-1566..	Michael R. Whitley.	Aug. 25, 1973	Kentucky Utilities Co: Old Dominion Power Co.
ID-1625..	James W. Bradley.	----do----	Kentucky Utilities Co: Old Dominion Power Co.
ID-1706..	Orlon M. Goodlett.	----do----	Kentucky Utilities Co: Old Dominion Power Co.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17945 Filed 8-23-73;8:45 am]

[Rate Schedule No. 12, et al.]

TEXACO INC., ET AL.

Notice of Rate Change Filings

AUGUST 16, 1973.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before August 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17948 Filed 8-23-73;8:45 am]

Filing date	Producer	Rate schedule No.	Buyer	Area
8-2-73...	Texaco, Inc., P.O. Box 2420, Tulsa, Okla. 74102.	12	Northern Natural Gas Co.....	Hugoton-Anadarko.
8-8-73...	HNG Oil Co., P.O. Box 767, Midland, Tex. 79701.	9	Transcontinental Gas Pipe Line Corp.	Texas Gulf Coast.

[Docket No. CP74-38]

TEXAS EASTERN TRANSMISSION CO.

Notice of Application

AUGUST 16, 1973.

Take notice that on August 9, 1973, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP74-38 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional point in Westmoreland County, Pennsylvania, for the delivery of natural gas in interstate commerce to T. W. Phillips Gas and Oil Company (Phillips), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is presently authorized to deliver up to 7,000 Mcf of gas per day to Phillips at two existing delivery points in Westmoreland County. Applicant proposes to construct and operate an additional delivery point consisting of two taps, valves, and measuring and regulating stations. It is stated that deliveries through the existing and proposed delivery points will not exceed the total volume presently authorized nor will the volumes of gas delivered exceed Phillips' quantity under Applicant's currently effective curtailment plan.

The total cost of the proposed facilities is $54,000 which will be initially financed by Applicants with reimbursement by Phillips.

The purpose of the proposed facilities is to enable Phillips to implement its storage project by which gas purchased from Applicant will be injected in Phillips' storage well in Westmoreland County and withdrawn to meet winter peak demands on Phillips' system.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission in this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17949 Filed 8-23-73;8:45 am]

[Project No. 2722]

UTAH POWER AND LIGHT CO.

Notice of Application for License for Constructed Project

AUGUST 16, 1973.

Public notice is hereby given that application for a major license was filed May 3, 1972, under the Federal Power Act (16 U.S.C. 791a–825r) by Utah Power and Light Company (Correspondence to: Mr. Sidney G. Baucom, P.O. Box 899, Salt Lake City, Utah 84110) for Pioneer Project No. 2722, located in the City of Ogden, Weber County, Utah, on the Ogden River.

The Pioneer Project is operated by diverting water from the impoundment of the U.S. Reclamation Bureau's Pineview Dam through a wood stave pipeline to a surge tank. The pipeline, which is 6¼ feet in diameter and approximately 5.5 miles long, is jointly owned by Applicant and the U.S. Bureau of Reclamation.

The project, which has an installed capacity of 5,000 kw, consists of: (1) a surge tank at the mouth of Ogden Canyon where the power water enters the penstock; (2) a riveted steel penstock 6 feet in diameter and 4,000 feet long, which bifurcates near the powerhouse; (3) a concrete and brick powerhouse containing two 2,500 kw units; (4) transformer facilities located within the powerhouse; (5) a tailrace canal approximately 3,000 feet long; and (6) all other facilities appurtenant to the operation of the project.

Applicant states that, because of its limited property ownership, there are no plans for recreational facilities at the Pioneer plant. Applicant further submits that there is no way in which recreational use could be made of project waters. Two upstream reservoirs owned by the U.S. Bureau of Reclamation feature a variety of recreational uses and serve as fishery resources.

The power generated at the Pioneer Project is distributed by Applicant to customers in Idaho, Utah, and Wyoming.

Any person desiring to be heard or to make protest with reference to said application should on or before October 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17950 Filed 8-23-73;8:45 am]

[Docket No. R-405]

RELIABILITY OF ELECTRIC AND GAS SERVICE

Order Updating Nationwide Investigation; Correction

AUGUST 14, 1973.

Attached is a page from Appendix B-8 which was inadvertently omitted from the order issued August 1, 1973, in Docket No. R-405.

KENNETH F. PLUMB,
Secretary.

APPENDIX B-8

Consistent with procedures of the Committee on Natural Gas Reserves of the American Gas Association, Proved Reserves do not include the "portions of the reservoir hydrocarbon gas recovered in liquid form in surface separators or plant facilities."

Proved Natural Gas Reserves Available for Sale shall be reported as the reporting company's working interest including royalty. The volumes held "available for sale" are those which are not covered by gas purchase contracts and are not reserved for direct industrial contracts, company use-warranty gas or company use-fuel and feedstock.

[2] Arkansas is divided between North and South by base line separating townships North and South.

[3] Offshore areas shall be measured from the coastline seaward.

[4] Oklahoma is divided between Eastern and Western Oklahoma by the central Oklahoma Indian Meridian separating Ranges E and W. Western Oklahoma is further divided between Hugoton and Anadarko by the Panhandle Meridian separating Ranges E and W.

[5] Includes Alabama, Arizona, Florida, Iowa, Maryland, Minnesota, Missouri, South Dakota, Tennessee, and Washington.

[FR Doc.73-17940 Filed 8-23-73;8:45 am]

FEDERAL RESERVE SYSTEM

FORT WORTH NATIONAL CORP.

Order Approving Acquisition of Bank

The Fort Worth National Corporation, Fort Worth, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent all of the voting shares (less directors' qualifying shares) of The First State Bank of Stratford, Stratford, Texas.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received.

Applicant controls six banks[1] with aggregate deposits of about $878 million, representing 2.5 per cent of the total deposits of commercial banks in the State. Applicant ranks as the fifth largest bank holding company and the sixth largest

[1] Bank of Fort Worth, Riverside State Bank, and Tarrant State Bank, all located in Fort Worth, are deemed subsidiaries for purposes of the Bank Holding Company Act by virtue of Applicant's fiduciary holdings in said banks and Section 2(a)(5)(A) of the Act.

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banking organization in Texas and the largest in the Fort Worth Banking market, where it controls approximately 31 per cent of the total commercial bank deposits in that market. (All banking data are as of December 31, 1972, and reflect bank holding company formations and acquisitions approved by the Board through July 15, 1973.) In addition, Applicant controls between 24.4 per cent and 24.9 per cent of the voting shares of two other banks located in the Fort Worth market, holding aggregate deposits of $74.1 million. Applicant also owns in excess of 5 per cent of the shares of the First National Bank, Paducah, Texas. Upon consummation of the acquisition of Bank ($21.6 million in deposits), Applicant's share of commercial bank deposits in the State would increase by 0.06 per cent and its rank would remain unchanged.

Bank is the sole banking organization in its market, which is approximated by Sherman County with a population of 3,657. Applicant's closest subsidiary is located approximately 80 miles south of Bank in Amarillo, Texas. Due to the distances involved, it appears that no meaningful competition exists between any of Applicant's subsidiary banks and Bank.

In view of Applicant's intention to expand into banking markets across the State, and since Bank is the only bank in the market, it would appear that conditions are attractive for *de novo* entry by Applicant. The attractiveness is diminished, however, by the fact that the ratio of population to banking offices in the Sherman County market is only 3,657, well below the Statewide average of 9,052, despite a 40 per cent increase in population from 1960 to 1970. In addition, Applicant is only one of a number of potential entrants into Bank's market and consummation of the proposal herein would have no adverse effect on the development of competition in this market in the future. On the basis of the record before it, the Board concludes that consummation of the proposed transaction will not have an adverse effect on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant and its subsidiaries appear satisfactory. The financial condition and managerial resources of Bank are fair; as a subsidiary of Applicant, Bank's prospects for future growth and service would be enhanced. Applicant has the financial and managerial resources to assist Bank in meeting the financial requirements of the larger businesses in Bank's market, such as those engaged in the cattle industry. The convenience and needs considerations of the community served by Bank are consistent with and lend some support for approval of this application. It is the judgment of the Board that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Board approves the application, provided that the transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective August 16, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-17953 Filed 8-23-73;8:45 am]

GENERAL FINANCIAL SYSTEMS

Order Approving Retention of Bank

General Financial Systems, Riviera Beach, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to retain[1] 12,450 (24.9 per cent) of the voting shares of Tri-City Bank, Palm Beach Gardens, Florida (Bank).[2]

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank, First Marine Bank & Trust Company (Riviera Bank), with deposits of about $58 million, which represents approximately 6.5 per cent of total deposits in commercial banks in the West Palm Beach County banking market[3] and only about three-tenths of 1 per cent of all such deposits in commercial banks in Florida. In addition, Applicant owns between 15 per cent and 24.9 per cent of the voting shares of each of eight other banks, with aggregate deposits of $152 million, including four which are located in the West Palm Beach County banking market. In addition to the 12,450 shares of Bank which Applicant is applying to retain, two of Applicant's directors each own 100 shares (.2 per cent) of the outstanding voting shares of Bank.

Bank, with deposits of about $7 million, is the 22nd largest of 27 commercial banks in the West Palm Beach County banking market. Although some service overlap exists between Bank and the other West Palm Beach County banks in which Applicant owns voting shares, such overlap involves chiefly commercial loans and real estate loans and apparently results, in large measure, from loan participations between Bank and such other banks. Riviera Bank and Bank are situated more than five miles apart, and there is but minimal competition between these two banks. Moreover, Bank, due to its size and location, does not appear to be an attractive vehicle for entry into the West Palm Beach County banking market, nor does it preempt an attractive entry site. Retention by Applicant of shares of Bank will not alter Applicant's market standing or enable Applicant to dominate any relevant market area.

The Board is advised that Applicant has previously engaged in certain nonbanking activities through corporate interests which were spun off to its shareholders on September 30, 1972. However, certain director interlocks and indebtedness relationships continue to exist, with respect to the transferee of such interests. Under section 2(g)(3) of the Bank Holding Company Act, such relationships give rise to a presumption of control of the transferee by Applicant unless the Board, after opportunity for hearing, determines that Applicant is not, in fact, capable of controlling the transferee. Applicant has expressed a willingness to terminate those interlocks, and no significant competitive factors arise in relation to such nonbanking activities and Applicant's banking interests through the instant application. Accordingly, the Board believes that the instant application may be approved without first determining the section 2(g)(3) control issue; such determination shall be made at a later date.

The financial and managerial resources of Applicant, Riviera Bank, and Bank are generally satisfactory. Considerations relating to the convenience and needs of the community are consistent with approval. It is the Board's judgment that retention is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.

[3] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

[1] Applicant acquired subject shares on August 9, 1971, without prior Board approval. On June 30, 1971, the Board, in order to avoid impositions of undue hardship, published notice that any company which acquired a bank between December 31, 1970, and June 22, 1971, without first securing prior Board approval because of lack of knowledge of that requirement might file for such approval by August 31, 1971. Applicant, which became a bank holding company on December 31, 1970, apparently lacked knowledge of the Act's requirements at the time it acquired the shares of bank. Accordingly, the application was accepted and appropriate notice was published in the FEDERAL REGISTER.

[2] Applicant first submitted this application in June 1972. On December 14, 1972, the Board permitted withdrawal of the application on condition that an updated application be resubmitted by March 22, 1973 (subsequently extended to May 22, 1973).

[3] Approximated by the upper two-thirds of Palm Beach County. Banking data are as of June 30, 1972, unless otherwise indicated.

By order of the Board of Governors,[4] effective August 16, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-17952 Filed 8-23-73;8:45 am]

SOUTH CAROLINA NATIONAL CORP.

Order Approving Acquisition of Provident Financial Corporation

South Carolina National Corporation, Columbia, South Carolina, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of the successor by merger to Provident Financial Corporation, Sanford, North Carolina, (Company) a company that engages in the activities of (1) consumer finance activities through wholly owned subsidiaries licensed in North Carolina and South Carolina, and in connection therewith acting as agent or broker in (a) the sale of credit life and credit accident and health insurance and (b) the sale of casualty insurance protecting property securing the subsidiaries' extensions of credit; (2) reinsuring credit life and credit accident and health insurance sold by the operating subsidiaries as agent or broker; (3) financing second mortgages and sale of monthly reducing term life insurance related thereto; and (4) financing insurance premiums for individuals on policies issued by unaffiliated insurance companies. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), (9) and (10)). The company into which Company is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Company. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Company.

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 10512). The time for filing comments and views has expired, and none has been timely received.

Applicant controls one bank with aggregate deposits of $664.6 million, representing 20.7 per cent of the total South Carolina commercial bank deposits. (All banking data are as of December 31, 1972). Applicant also controls one nonbanking subsidiary, South Carolina Mortgage Corporation which makes second mortgage real estate loans.

Company has total assets of $17 million. Its principal active subsidiary is First Provident Company, Inc. (First Provident) which engages in consumer finance activities through 25 subsidiaries located in North and South Carolina and had total loans outstanding of about $13 million as of June 30, 1972. Two other subsidiaries of Company, both of which operate in North Carolina only, are Provident Mortgage Company, Inc., a second mortgage real estate lender that makes loans to individuals only up to $7,500, and Motor Credit Company of Dunn, Inc., which is licensed to make loans up to $5,000 secured by motor vehicles. In addition, Company is engaged, through Premium Acceptance Company (a single office company located in Richmond, Virginia), in financing insurance premiums in Virginia for individuals on policies issued by unaffiliated agents and unaffiliated insurance companies. Company, through Southern Provident Life Insurance Company, Phoenix, Arizona, also reinsures credit life and credit accident and health insurance policies issued by unaffiliated companies to customers of Provident's lending subsidiaries. The insurance agency activities of all of Company's subsidiaries are as follows: First Provident, Motor Credit Company of Dunn, and Provident Mortgage Company all act as agents in the sale of credit life insurance in connection with their extensions of credit; the former two sell credit accident and health insurance, and First Provident also sells casualty insurance on pledged collateral.

Applicant is not engaged in consumer finance lending activities in North Carolina. In South Carolina, Applicant's banking subsidiary has offices in four counties in which First Provident also has offices. (In those counties, one office of First Provident opened in October 1972 and the other three offices had total approximate outstanding loans ranging from $190,000 to $270,000.) It appears that First Provident is engaged in making small, high risk, personal loans.[1] Consummation of the proposal would not appear to eliminate significant, existing competition or affect adversely the competitive situation in any relevant area. In view of First Provident's relatively small amount of total receivables, the number and size of intervening finance companies, and banks, and ease of entry in the consumer finance field, it appears that consummation will not likely have a significantly adverse effect on future competition, even though Applicant appears to possess resources to enter the market *de novo*. Nor does it appear that consummation will adversely affect the availability of funds to other consumer finance companies. Accordingly, the Board concludes that approval of the application insofar as it relates to the finance company subsidiaries of Company would not appear to have any significant adverse effect on existing or future competition.

There is no existing competition between Applicant and any of Company's subsidiaries engaged in insurance premium financing, reinsurance activities, and second mortgage real estate lending. Applicant does not appear to be a likely *de novo* entrant into these activities and, in any event, the share of business held by the subsidiaries is very small and significant future competition apparently will not develop. Accordingly, the Board concludes that approval of the application insofar as it relates to the reinsurance, premium financing, and second mortgage subsidiaries of Company would appear to have no significant adverse effect on existing or future competition.

Applicant's greater access to financial resources may assure Company of more ready access to funds and enable it to become a more effective competitor, and thus increase public convenience and stimulate competition with affiliates of larger regional and national financial organizations active in both the finance company and mortgage company industries in the relevant markets. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable with respect to the proposed finance company, mortgage company and insurance agency activities.

As in past cases where credit life and credit accident and health insurance underwriting activities were acquired, the Board must be satisfied that the public interest is met. Applicant has stated that the reinsurance subsidiary and the direct insurer, will (1) reduce the rates charged and (2) eliminate certain exclusions,[2] so as to achieve combined actuarily perceived benefits amounting to 20 per cent. It is the Board's judgment that these benefits to the public are consistent with approval of the application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. This transaction shall not be consummated later than three months after the effective date of this Order, unless such period is extended for good cause by the Board.

[4] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

[1] The maximum permissible interest charge in South Carolina for small loan companies apparently starts at a 36 per cent add-on rate for a $100 loan, and drops steadily until the loan size reaches $1,000. The effective add-on rate remains constant at 12 per cent for any loan up to $4,000. For a 24-month installment loan, the annual percentage rate of interest is roughly 1¾ times the add-on rate.

[2] Applicant will: (1) increase the age limit or remove it; (2) remove restrictions and exceptions on geographical limitations, military service, or intentionally self-inflicted injury, air travel, and use of narcotics and alcohol; (3) reduce or remove the incontestability clause; and (4) modify or remove the policy provisions relating to preexisting conditions.

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By order of the Board of Governors,[2] effective August 16, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-17954 Filed 8-23-73;8:45 am]

UNITED BANKS OF COLORADO, INC.

Order Approving Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of United Bank of Skyline, National Association, Denver, Colorado (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 13 banks with aggregate deposits of $880.5 million representing about 14.5 per cent of deposits of commercial banks in Colorado and is the second largest banking organization in the State.[1] Acquisition of Bank (deposits of $4.5 million) would not significantly increase the concentration of banking resources in Colorado.[2]

Applicant has four banking subsidiaries including its lead bank in the relevant banking market.[3] However, existing competition between Applicant's banking subsidiaries and Bank is not substantial.

Bank was chartered on March 30, 1973, by the Comptroller of the Currency under emergency conditions as a successor organization to Skyline National Bank (Skyline) which had experienced financial difficulties and was closed on March 26, 1973. The present management of Bank was brought in from other subsidiary banks of Applicant in contemplation of the acquisition of Bank by Applicant. Bank is located in the Skyline urban renewal area of Denver where extensive construction is already under way or planned, and as this area develops there will be increased need for Bank's services. On the other hand, during an interim period, it is important that Bank be supported by a strong organization such as Applicant since its growth potential is limited.

For all practical purposes, Bank may be considered a *de novo* bank; its deposits were $6 million as of April 1973, but they declined to $4.5 million in two months' time. Even this deposit figure may be overstated since a large part of this deposit base is made up of public funds and there is no certainty of renewal. Applicant controls about 18.5 per cent of the deposits in the relevant market, and the acquisition of Bank's deposits would add less than one-half of 1 per cent of market share to Applicant's control. Applicant would not be obtaining a dominant position in the market through acquisition of Bank since it would remain as the second largest banking organization in a market which has several other banking organizations of moderate size. Moreover, numerous independent banks would remain available in the market for acquisition by holding companies located outside the Denver area. The Board concludes that competitive considerations are consistent with approval of the acquisition.

The financial condition, managerial resources, and future prospects of Applicant and its subsidiary banks are regarded as satisfactory. Bank is entirely dependent upon the financial and managerial support of Applicant and with this support its prospects are favorable. This factor lends strong weight in support of approval. Factors related to the convenience and needs of the community to be served lend weight for approval of the acquisition since Applicant's acquisition of Bank will ensure that Bank will be able to provide continued service in a developing area of Denver. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[4] effective August 16, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-17955 Filed 8-23-73;8:45 am]

BARNETT BANKS OF FLORIDA, INC.

Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of Barnett Bank of North Pensacola, Pensacola, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 13, 1973.

Board of Governors of the Federal Reserve System, August 17, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17991 Filed 8-23-73;8:45 am]

Proposed Acquisition of Ison Finance Corp.

CITIZENS AND SOUTHERN NATIONAL BANK AND CITIZENS AND SOUTHERN HOLDING CO.

The Citizens and Southern National Bank and Citizens and Southern Holding Company, both of Atlanta, Georgia, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Ison Finance Corporation, Atlanta, Georgia. Ison Finance Corporation does business, through various subsidiaries, as State Mortgage Company, Local Finance Company, Motor Credit Company, Employees Finance Company, Advance Loan and Finance Corporation, Dawson Loan Company, Bay Loan Corporation, Modern Credit Company, Alabama Industrial Finance Company, Central Finance Company, and Delta Loan Company, or variations of the foregoing. Notice of the applications was published on May 3, 4, 5, 6, 7, 8, or 17 respectively in the Daily Sentinel, a newspaper circulated in Scottsboro, Alabama;

Newspaper	*City and State*
The Times-Picayune	New Orleans, Louisiana.
The Mobile Press	Mobile, Alabama.
The Tuscaloosa News	Tuscaloosa, Alabama.
The Birmingham News	Birmingham, Alabama.
The Atlanta Constitution	Atlanta, Georgia.
The Montgomery Advertiser.	Montgomery, Alabama.
The Tampa Tribune	Tampa, Florida.
The Miami Herald	Miami, Florida.
The Winston-Salem Journal.	Winston-Salem, North Carolina.
The Charlotte Observer	Charlotte, North Carolina.
The State	Columbia, South Carolina.
The Macon News	Macon, Georgia.
The Florida Times-Union	Jacksonville, Florida.
The Sentinel Star	Orlando, Florida.
The Huntsville News	Huntsville, Alabama.
The Palm Beach Post	West Palm Beach, Florida.

Ison Finance Corporation's subsidiaries operate in each of the foregoing communities.

Applicant states that the proposed subsidiary would engage in the activities of making consumer loans and purchasing retail installment sales contracts from dealers in consumer goods. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or grains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 13, 1973.

Board of Governors of the Federal Reserve System, August 17, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17984 Filed 8-23-73;8:45 am]

DAWSON CORP.

Revised Proposal for Formation of Bank Holding Company

Dawson Corporation, Lexington, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 83.3 per cent or more of the voting shares of The Farmers State Bank, Lexington, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Dawson Corporation has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act, 12 U.S.C. 1843(c)(8) and § 225.4(b)(1) of the Board's Regulation Y for permission to engage *de novo* in certain insurance activities to be conducted at the office of Applicant's proposed subsidiary, The Farmers State Bank, Lexington, Nebraska. Notice of such proposed activities was published in the May 14, 1973 edition of the *Dawson County Herald*, Lexington, Nebraska.

Applicant states that it will act as agent or broker with respect to insurance for itself and its subsidiaries and will engage in the sale of credit life and credit accident and health insurance and hail insurance directly related to extensions of credit by, or to other financial services of, Applicant's proposed banking subsidiary. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question of whether consummation of the proposal filed pursuant to section 4(c)(8) of the Act can "reasonably be expected to produce benefits to the public such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence which the requesting party proposes to submit or elicit at the hearing and a statement of the reasons why the matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 29, 1973.

Board of Governors of the Federal Reserve System, August 17, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17985 Filed 8-23-73;8:45 am]

DOMINION BANKSHARES CORP.

Acquisition of Bank

Dominion Bankshares Corporation, Roanoke, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all the voting shares (less directors' qualifying shares) of The First National Exchange Bank of Montgomery County, Blacksburg, Virginia (Bank), a proposed new bank. The application is to be acted upon by the Federal Reserve Bank of Richmond (Reserve Bank) under authority delegated by the Board of Governors (12 CFR 265).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act and the time for filing comments and views has expired. The Reserve Bank has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

As of December 31, 1972, Applicant controlled six banks operating 68 offices with aggregate deposits of $807 million or 7.5 percent of total commercial bank deposits in Virginia. It has since opened one *de novo* bank. Inasmuch as Bank is a proposed new bank, no existing competition would be eliminated, nor would concentration be increased in any relevant area. Bank would be located in the Town of Blacksburg, Montgomery County, Virginia. The latter includes the Town of Christiansburg, the City of Radford and constitutes the relevant geographic market. Seven banks operate in the area, including two branches of Applicant's lead bank, The First National Exchange Bank of Virginia. These branches are located in the Town of Blacksburg and enjoy approximately 13 percent of total market deposits. Applicant proposes to cause The First National Exchange Bank of Virginia to spin off the assets of its Blacksburg branches which Bank will then acquire. Bank would be permitted to branch throughout the market. The First National Exchange Bank of Virginia cannot now and

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, and Bucher. Absent and not voting: Governors Brimmer and Holland.

[1] All banking data are as of December 31, 1972, except where otherwise noted, and represent bank holding company formations and acquisitions approved by the Board through June 30, 1973.

[2] Deposit figures for Bank are as of June 1, 1973.

[3] The relevant banking market is approximated by Denver, Adams, Arapahoe, and Jefferson Counties.

[4] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

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will not be able to do so following the proposed transaction. Thus it appears that consummation of the proposal will not alter the competitive situation in the market nor the concentration of resources therein.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as generally satisfactory. Prospects for Bank appear favorable. While Bank will not immediately offer a local alternative banking source within the area, it will under State law be able to expand within the geographic market, for which significant future growth is forecast. Considerations relating to the convenience and needs of the area to be served are consistent with approval of the application. It is the Reserve Bank's judgment that the proposed acquisition would be in the public interest and that the application may be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after that date, and (c) The First National Exchange Bank of Montgomery County, Blacksburg, Montgomery County, Virginia, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective August 16, 1973.

[SEAL] ROBERT P. BLACK,
President.

[FR Doc.73-17981 Filed 8-23-73;8:45 am]

FIRST WYOMING BANCORP.

Order Approving Formation of Bank Holding Company

First Wyoming Bancorporation, Kemmerer, Wyoming, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of the First National Bank of Kemmerer, Kemmerer, Wyoming ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a newly organized company formed for the express purpose of acquiring Bank ($20.7 million deposits). (Banking data are as of December 31, 1972.) Bank, located in Kemmerer, Wyoming (population approximately 2,200), is the only commercial bank within 50 miles of Kemmerer. Since the purpose of the proposed transaction is to effect corporate ownership of Bank, there would be no adverse effects on competition in any relevant area, and competitive considerations are consistent with approval of the application.

The financial condition, managerial resources and future prospects of Applicant are dependent upon those same conditions as they exist in Bank. Although the financial condition of Bank is regarded as generally satisfactory, Applicant plans to provide Bank with additional equity capital, which should strengthen Bank. Managerial resources and future prospects of Bank are regarded as satisfactory, and consistent with approval of the application. There is no evidence that the proposal would have any immediate effect on the convenience and needs of the area served by Bank. However, Applicant's injection of equity capital will enable Bank to make larger loans. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] effective August 17, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17990 Filed 8-23-73;8:45 am]

KEMMERER CORP.

Order Approving Transaction Under Bank Holding Company Act

The Kemmerer Corporation, New York, New York ("Kemmerer"), a registered bank holding company owning 46.7 percent of the voting shares of The First National Bank of Kemmerer, Kemmerer, Wyoming ("Bank"), has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to exchange the interest it holds in Bank for 50 percent or more of the voting shares of First Wyoming Bancorporation ("First Wyoming").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Kemmerer and its subsidiaries apparently engage in impermissible nonbanking activities, not eligible for grandfather privileges under the Act. Kemmerer has indicated to the Board its intention to cease to be a bank holding company. Accordingly, on the basis of the record, the application is approved for the reasons summarized in the Board's Order of this date relating to the application of First Wyoming to become a bank holding company, provided that Kemmerer cease to be a bank holding company within one year from the date of this Order. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] effective August 17, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17988 Filed 8-23-73;8:45 am]

NBS FINANCIAL CORP.

Acquisition of Bank

NBS Financial Corporation of Southfield, Michigan, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of National Bank of Royal Oak, Royal Oak, Michigan. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 13, 1973.

Board of Governors of the Federal Reserve System, August 17, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17982 Filed 8-23-73;8:45 am]

NORTHWEST BANCORP.

Order Conditionally Approving Acquisition of T. G. Evensen & Associates, Inc.

Northwest Bancorporation, Minneapolis, Minnesota, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of T. G. Evensen & Associates, Inc., Minneapolis, Minnesota ("Evensen"), a company that engages in the activity of providing financial advice to State and local governmental units. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(5)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 F.R. 5775). The time for filing comments and views has expired, and the Board has considered all comments received, including those received at an oral presentation on the application, held at the Federal Reserve Bank of Minneapolis on October 17, 1972, in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant controls 79 banks[1] located in Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Iowa, with aggregate deposits of $4.8 billion. Forty-nine of the banks are located in the State of Minnesota and together hold total deposits amounting to $2.78 billion or approximately 24 percent of total commercial bank deposits in the State.[2] Applicant is the second largest banking organization in the State of Minnesota.

Evensen advises State and local governmental units in Minnesota, Wisconsin, North Dakota, South Dakota, Iowa, and Nebraska. More than 70 percent of its business derives from clients in the State of Minnesota, and, during 1971, Evensen advised on 20.8 percent of the bonds issued by State and local government units in Minnesota, based on the face amount of such bond issues. Evensen, with gross receipts of $315,000 for its fiscal year ended September 30, 1971, ranks as the largest such bond adviser in Minnesota.

Although subsidiaries of Applicant engage in the underwriting of certain State and local government bond issues and the provision of related services to issuers of such securities, neither Applicant nor any of its subsidiaries engage in the business of providing advice concerning bond issuance to State and local governments. Evensen does not engage in the underwriting of bond issues nor any other activity engaged in by Applicant. Accordingly, consummation of the proposed transaction would have no adverse effect on existing competition in any line of commerce. To the contrary, such consummation may have a beneficial effect on existing competition by foreclosing the possibility of a merger of Evensen with one of its existing competitors. Each of Evensen's principal competitors, prior to the making of this application, separately offered to acquire the shares that Applicant here seeks to acquire.

In the Board's opinion, Applicant is not a likely *de novo* entrant into State and local governmental bond issuance advising. The economic incentive for such entry is not great, as may be adduced from the fact that there are only six firms in the nation engaged solely in this line of commerce. Evensen itself has been in the business for forty-four years and is considered a major bond consultant in the Minneapolis area. Yet, its average annual earnings over the last five years approximate only $47,000. The barriers to entry into the bond consultant business are high, not in terms of capital and licenses, but rather in terms of the degree of highly specialized expertise necessary to properly advise State and local governmental units on the issuance of bonds. It appears that successful advising requires a combination of skills in the assessment of financial needs of clients, familiarity with public finance, and tax laws, and a thorough and current knowledge of bond markets. In brief, considerably more is required of a qualified bond adviser than is required of a bond salesman. The Board has no doubt that Applicant has the financial and managerial resources to eventually develop the required expertise within its own organization. However, absent the hiring away of qualified personnel from existing firms, it may take a considerable time to do so and significant losses may be expected to be incurred during the start-up period. Given the lack of significant profit potential described above, it is the Board's judgment that the likelihood that Applicant will pursue the *de novo* route is remote.

Three competitors of Evensen and one bank engaged in the underwriting of State and local governmental bond issues (hereinafter collectively referred to as "the protestants") have opposed the subject application asserting that consummation of the proposed transaction would have the possible adverse effects of conflicts of interests, misuse of confidential information, and unfair competition. However, the protestants have expressly indicated that they in no way question the ethics or integrity of either Applicant or Evensen, which are of the highest order. Rather, their concern, as is that of the Bank Holding Company Act, is with "possible adverse effects". Briefly stated, the protestants contend that any affiliation between a bond issuance adviser and a bank holding company creates conflicts of interests, primarily between the advisory role and the roles of subsidiaries of the holding company as potential underwriters, paying agents, depositories of bond proceeds, and investment outlets for bond proceeds. In the case of any such affiliation, they contend, an economic incentive is present for the affiliated adviser to falsify, distort or withhold information from, and color or frame advice to, State and local governmental units in such a way as to encourage those clients either to utilize the services of the affiliates of the adviser where independent advice and information would suggest otherwise or to take those services on terms or conditions less favorable to the client than might be obtainable by the client were it to receive objective advice. The protestants further contend that, as a result of the affiliation, Applicant's subsidiaries possibly would have access to confidential information, provided to Evensen by State and local governments, and that access to such information could give Applicant's subsidiaries unfair advantages over their competitors, particularly in the area of bidding on bond issues and the formation of underwriting syndicates. The consequence of such possibilities, should they come to fruition, would enable Applicant to subsidize the fees of Evensen with the revenues derived from such activities, according to the protestants, with the ultimate consequence of threatening the survival of the protestants that compete with Evensen. Thus, they contend, the affiliation creates a possibility for unfair competition.

Section 4(c)(8) of the Act directs the Board to consider "possible" adverse effects of proposed acquisitions. However, the amount of weight to be accorded to "possible" adverse effects in the balancing process that is contemplated by section 4(c)(8) depends directly upon the likelihood of the occurrence of such effects.[3] Presumably the business ethics of both Evensen and Applicant and the likelihood, attested to by both sides of the instant controversy, that, should an affiliated adviser engage in any of the questionable practices asserted by the protestants, its reputation would be so damaged as to bring into question its future business survival,[4] lessen the likelihood that possible conflicts of interest would be realized.

Of the more than 2,500 issues on which Evensen has advised over the past 43 years, 98 percent were sold on the basis of published invitation for competitive sealed bids. The competitors of Evensen that have objected to this application have admitted that they have had a similar experience. In fact, even where competitive bids are not required by law, it is Evensen's general practice, as well as that of the adviser industry generally, to recommend the use of competitive bid procedures in the case of all issues with general market appeal. Where such procedures are used, the ability of the adviser to unfairly influ-

[1] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

[1] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

[1] There is presently pending before the Board an application by Applicant to acquire one bank located in the State of Iowa, with aggregate deposits of approximately $75 million. Applicant recently received approval to acquire two other banks in Iowa with deposits of $43 million.

[2] Deposit data are as of December 31, 1972.

[3] Statement of Board accompanying Order Conditionally Approving Proposal of NCNB Corporation to Operate a Trust Company in South Carolina, 1973 *Fed. Res. Bulletin* 305, at 306 (March 9, 1973).

[4] This may account for the fact that, despite the provision of advice to tax-exempt bond issuers by many municipal bond underwriters, the protestants, under direct questioning at the oral presentation, cited no actual instance of the abuses alleged.

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ence the issuer in the selection of an underwriter is therefore considerably diminished. However, where competitive bid procedures are not used, that is, where issues are sold by negotiation between the issuer and possible underwriters, the possibility of undue influence by the adviser is both obvious and real. The Board, therefore, in approving this application, conditions such action on Applicant and its subsidiaries refraining from participation in the sale of Evensen-advised issues that are not sold pursuant to competitive bids. In addition, in order to ensure the confidentiality of information in Evensen's possession, the Board conditions its approval on Evensen refraining from making any information with respect to its clients available to Applicant or its subsidiaries not available at the same time to others.

Conflicts of interests between Applicant's dual role as adviser-paying agent, adviser-depository, and adviser-investment outlet may arise if Evensen, as a subsidiary of Applicant, advises issuers as to the selection of paying agents, depositories, or investment outlets. However, it is Evensen's general practice and that of the adviser industry, generally, to recommend that the purchaser of the bonds, rather than the issuer, designate the paying agent. This being the case, it appears that Evensen has no influence over such designation. Similarly, it is Evensen's general practice to refrain from participation in the selection of depositories for the proceeds of bond issues, and, rather than recommend a particular interim investment for the proceeds of an issue until needed, to recommend that the issuer seek informal competitive bids for such proceeds and accept that bid providing the highest return. However, there is nothing to assure that Evensen's present practices in these regards would continue if the proposed transaction is consummated. Therefore, the Board conditions its approval of the instant application upon the continuation of these practices. Further, the Board believes that prospective clients should be alerted to the affiliation of Evensen and Applicant and also conditions its approval upon the requirement that such affiliation be clearly disclosed on all advertising and letterheads. In addition, in order to obviate any possibility that Evensen will compete unfairly with its other competitors, the Board conditions its approval upon the requirement that Evensen shall continue to offer its services on an explicit fee basis.

In accordance with the Congressional directive contained in section 4(c)(8), the Board has examined the public benefits that may be expected to result from approval of the application and finds that they outweigh any "possible adverse effects", especially in view of the conditions that the Board is imposing as part of its approval. In the Board's judgment, Applicant's acquisition of Evensen will enable Evensen to geographically expand into areas where issuers are not presently served by advisers. The benefit to the public from sound financial management of State and municipal finances is obvious, and needs no detailed explanation here; an expansion in the supply of competent financial advice to meet such needs is, therefore, a strong public benefit. Furthermore, consummation would make available to Evensen capital and other resources to maintain and increase Evensen's specialized staff, improve and expand its product market and, in some measure, provide an orderly solution to a management succession problem occasioned by the age of Evensen's founder and sole owner.

Before, during, and after the oral presentation held at the Federal Reserve Bank of Minneapolis, referred to above, protestants raised two procedural objections to the Board's processing of this application: (1) They contended the Board should have held a formal trial-type hearing with right to cross-examine and subpoena witnesses; and (2) that the Board's regulations (§ 225.4(a)(5) of Regulation Y) which permits bank holding companies, subject to the provisions of § 225.4(b), to provide financial advice to State and local governments, was improperly adopted and should be declared invalid. The Board believes that both of such contentions are without substance and, for the reasons hereinafter stated, protestants' requests that a formal hearing be held and for invalidation of § 225.4(a)(5) are denied.

Prior to 1970, section 4(c)(8) permitted the Board to act only "after due notice and hearing, and on the basis of the record made at such hearing by order • • •". That section was specifically amended by the Bank Holding Company Act Amendments of 1970 to delete the requirement that the Board act only after a hearing and "on the basis of the record" at such hearing. Accordingly, since the hearing requirements of the Administrative Procedure Act apply only to a "case of adjudication required by statute to be determined on the record" (5 U.S.C. 554(a)), the Board does not believe a formal trial-type hearing is required where protests are filed to an application under section 4(c)(8) of the Act. Further, a review of the 196-page transcript of the oral presentation that was held at the Federal Reserve Bank of Minneapolis and the voluminous additional exhibits and briefs submitted by participants leads the Board to conclude that the Board's procedures in this case met the Congressional intention of providing "opportunity for hearing" in section 4(c)(8) of the Act and did not deprive the protestants of their "due process of law" rights provided by the Fifth Amendment to the United States Constitution. *Commercial National Bank of Little Rock* v. *Board of Governors of the Federal Reserve System*, 451 F. 2d 86 (8th Cir. 1971); *Kirsch* v. *Board of Governors of the Federal Reserve System*, 353 F. 2d 353 (6th Cir. 1965); and *Northwest Bancorporation* v. *Board of Governors of the Federal Reserve System*, 303 F. 2d 832 (8th Cir. 1962). In addition, protestants misconstrue the Board's Rules of Practice for Formal Hearings (12 CFR 263) as authorizing subpoena of witnesses. Those Rules (12 CFR 263.7) authorize the subpoena of witnesses only where the statute, pursuant to which a formal hearing is held, authorizes subpoena of witnesses; the Bank Holding Company Act contains no such authorization.

The Board has also considered protestants' claim that they need the right of cross-examination to bring out certain information with respect to the application (transcript pages 157–59, and 172; protestants' Memorandum in Opposition to Application, pages 8, 13, and 19). The Board concluded that such issues are either immaterial to the Board's decision, are not susceptible to cross-examination, or have been rendered moot in light of the Board's conditional approval.

In sum, the Board concludes that protestants were given ample opportunity to be heard, that their views were fully considered and understood by the Board in reaching its decision, that they are not legally entitled to a formal trial-type hearing, and that it would have served no useful purpose to hold such a hearing in connection with this application.

In addition, protestants question the validity of the Board's action of June 6, 1972 (37 FR 11771) when it amended § 225.4(a)(5) of Regulation Y to, *inter alia*, specifically provide that bank holding companies may, subject to the procedures of § 225.4(b), "act as investment or financial adviser to the extent of . . . (v) providing financial advice to State and local governments, such as with respect to the issuance of their securities. Prior to the amendment, the Regulation was more generally worded and contained the word "including" after "acting as investment or financial adviser" rather than the more limiting term "to the extent of". At the time of the 1972 amendment, the Board stated that its purpose was "to indicate in more precise terms [the Board's] intent in permitting bank holding companies to act 'as investment or financial adviser'" and that the Administrative Procedure Act requirements of notice and public participation "were not followed with respect to this matter because it clarifies rather than changes a substantive rule". A review of the history of this regulatory provision indicates that the requirements of the Administrative Procedure Act for notice and public comment and hearing were clearly followed by the Board with respect to the adoption of section 225.4(a) in 1971 and that the regulation, as then adopted, would have permitted the activity in question. Accordingly, and for other reasons, the Board is of the opinion that its 1972 action was within the exemption provided by section 553(b) of the Administrative Procedure Act for "interpretive rules" and that prior notice and public participation was unnecessary. *Continental Oil Co.* v. *Burns*, 317 F. Supp. 194 (D.C. Del 1970); *Garelick Mfg. Co.* v. *Dillon*, 313 F. 2d 899 (D.C.D.C. 1963); *Sav-On Drugs, Inc.* v. *Cunes*, 12 P & F Admin. Law 2d 848 (D.C.N.J. 1962). Furthermore, even assuming *arguendo* that the Board's 1972 action was invalid, protestants may not be heard

to complain because the Board has the authority to proceed with respect to applications under section 4(c)(8) "by order or regulation" and, as indicated above, protestants have had ample opportunity to participate in this proceeding.

Based upon the foregoing and other considerations reflected in the record,* the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved, provided: (1) Evensen shall not make available to Applicant or its other subsidiaries any information with respect to its clients not available at the same time to others; (2) the affiliation of Evensen and Applicant shall be clearly disclosed on all advertising and letterheads; (3) Evensen shall continue to offer its services on an explicit fee basis; (4) where Evensen-advised issues are not to be sold pursuant to competitive bids, Applicant and its other subsidiaries may not participate in their sale; and (5) Evensen shall continue its practices of (i) recommending that the purchaser of the bonds be authorized to name the paying agent; (ii) refraining from participation in the selection of a depository for the bond proceeds; and (iii) recommending that the issuer obtain bids before selecting an interim investment outlet for bond proceeds. This order is also subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. The transaction shall not be consummated later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis, pursuant to delegated authority granted herewith.

By order of the Board of Governors,[5] effective August 16, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17986 Filed 8-23-73;8:45 am]

PALMER BANK CORP.

Acquisition of Bank

Palmer Bank Corporation, Sarasota, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the following banks all located in Florida: Bradenton Palmer National Bank, Bradenton; Fort Myers Palmer National Bank, Fort Myers Palmer National Bank, Fort Myers; and Naples Palmer Bank and Trust Company, N. A., Naples, all proposed new banks. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than September 5, 1973.

Board of Governors of the Federal Reserve System, August 17, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17983 Filed 8-23-73;8:45 am]

PAN AMERICAN BANCSHARES, INC.

Order Approving Acquisition of Atico Financial Corp.

Pan American Bancshares, Inc., Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Atico Financial Corporation, Miami, Florida ("Atico Financial"), and thereby to indirectly acquire shares of Atico Advisory Corporation ("Atico Advisory"), and Construction Supervisory Services ("Construction Supervisory"), wholly owned subsidiaries of Atico Financial.[1] Atico Advisory engages in the activity of acting as investment adviser to Atico Mortgage Investors, a publicly-owned real estate investment trust. Construction Supervisory engages in the activity of inspecting the progress of real estate construction projects and disbursing progress payments principally in connection with loans originated or serviced by bank or nonbank subsidiaries of Applicant. Such activities have been determined by the Board to be closely related to the business of banking. (12 CFR 225.4(a)(5), (1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors has been duly published (38 FR 3013).[2]

Applicant controls eleven banks with aggregate deposits of approximately $437 million representing 2.2 percent of the total commercial bank deposits in Florida. Applicant's lead bank, Pan American Bank of Miami, holds $144 million in deposits. (All banking data are as of December 31, 1972.) One of Applicant's banking subsidiaries has a nonbanking subsidiary engaged in mortgage banking.

Atico Financial, which has total assets of $21.4 million, is primarily a holding company with its operating activities conducted through its four subsidiaries.

Atico Advisory, with its only office in Miami (Dade County), Florida, acts as the sole investment adviser to Atico Mortgage Investors ("Investors"), a publicly-owned, real estate investment trust primarily engaged in the business of making large construction and development loans for its own portfolio. Since Atico Advisory performs solely under an exclusive agreement with Investors, there is no competition from other investment advisory firms. However, Atico Advisory does compete with many other real estate investment trust advisory firms on a national scale in respect to the solicitation of mortgage loan applications and competes to a lesser extent with mortgage bankers and commercial banks with respect to the solicitation of real estate construction and development loans. Neither Applicant nor any of its subsidiaries are currently engaged in providing investment adviser services.

Construction Supervisory, with its only office located in Miami (Dade County), Florida, engages in the activity of inpecting the progress of real estate construction projects and disbursing progress payments principally in connection with loans originated or serviced by bank or nonbank subsidiaries of Applicant, for Atico Advisory, or for the public. Neither Applicant nor any of its subsidiaries are currently engaged in providing such services.

The relevant product market in which the Board analyzes the competitive aspects of the proposed transaction is construction and development lending

* Dissenting Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

[5] Voting for this action: Chairman Burns and Governors Daane, Sheehan, Bucher, and Holland. Voting against this action: Governor Brimmer. Absent and not voting: Governor Mitchell.

[1] Applicant has also submitted a section 4(c)(13) application for the acquisition of another subsidiary of Atico Financial, Aseguradora Suizo Americana, S.A., a general insurance underwriter in Guatemala City, Guatemala. By a separate letter of this date, Applicant was informed that if Atico is acquired, Applicant will be required to divest itself of this insurance company within one year from the date of consummation.

[2] The published notice of this application included notice of a related application to acquire Atico Insurance Agency, Inc. "(Atico Insurance"), another subsidiary of Atico Financial, and thereby to engage in certain insurance activities. However, in light of objections to these insurance activities, Applicant requested that the Board consider the applications separately. Atico Financial has arranged a divestiture to an independent purchaser with a repurchase agreement to become effective upon Board determination that the agency may be owned by Applicant. Applicant's request for Board approval to acquire Atico Insurance is pending the outcome of hearings ordered by the Board. Accordingly, the Board's Order herein deals only with the proposed acquisition of Atico Financial and two of its subsidiaries, Atico Advisory and Construction Supervisory.

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since both Investors[4] and several of Applicant's Subsidiaries make large construction loans on income property. Investors and Applicant's lead bank both originated large construction loans in Dade County in 1971. Approximately one-third of Investors' total commitments in 1971 were in Dade County. Investors' average loan commitment in Dade County in 1971 was more than $2.0 million; Applicant's lead bank's average commitment on similar types of loans was $1.2 million. Because the relevant market for those loans is broader than Dade County[4] and because many large organizations compete in that market,[4] consummation of the proposal would have no significantly adverse effect on competition. The proposed transaction would eliminate Investors as a competitor of Applicant in Dade County only; other than Dade County, Investors did not originate loans in areas where Applicant's subsidiaries operate.

Since Atico Financial is already closely related to Applicant and its subsidiaries,[4] its acquisition by Applicant is not likely to affect the services offered by Applicant's subsidiaries. Financial factors are consistent with and, in fact, lend some weight to approval in view of the beneficial effect Atico Financial's portfolio of high-grade marketable securities should have on the liquidity and earnings capacity of Applicant. As a result thereof Applicant's ability to provide contributions of capital to its subsidiaries to the extent needed will be strengthened. There is no evidence in the record indicating that consummation of the proposed acquisition would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. The transaction shall be consummated not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[7] effective August 16, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17989 Filed 8-23-73;8:45 am]

[4] Although Investors is not a subsidiary of Atico Financial, Atico Financial has considerable influence over Investors' decisions due to the fact that Investors' sole adviser, Atico Advisory, is a subsidiary of Atico Financial.

[4] The market for such loans is at least regional.

[4] Applicant's lead bank and Investors are both small in comparison with other construction and development lenders in the Nation. The combined total of Investors and Applicant's lead bank's commitments in Dade County in 1971 ($52.6 million) was only 11 percent of the total of approximately $500.8 million of construction contracts awarded for nonresidential and multifamily residential buildings.

[4] Applicant was organized in April 1968 as a wholly-owned subsidiary of Atico Financial. By order dated February 3, 1969, the Board approved Applicant's application to become a bank holding company through the acquisition of control of three Florida banks from Atico Financial. Atico Financial presently owns approximately 19 percent of the shares of Applicant and directors of Applicant own approximately 61 percent of the voting shares of Atico Financial. In addition, certain directors and officers of Atico Financial serve in similar capacities with Applicant and its lead bank.

[7] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-439]

AIRCRAFT ACCIDENT AT BOSTON, MASS.

Notice of Hearing

In the matter of investigation of accident involving Delta Air Lines, Inc., Douglas DC-9-31 of United States Registry N975NE at Boston, Massachusetts, July 31, 1973, Docket No. SA-439.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m. (local time), on September 18, 1973, in the Suburban Ballroom of the Holiday Inn, Peabody, Massachusetts.

Dated this 20th day of August 1973.

[SEAL] JAMES W. KUEHL,
Hearing Officer.

[FR Doc.73-17970 Filed 8-23-73;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

FREQUENCY MANAGEMENT ADVISORY COUNCIL

Notice of Public Meeting

Notice is hereby given that the Frequency Management Advisory Council will meet at 10:00 a.m. on Wednesday, September 5, 1973, in Room 712, 1800 G Street NW., Washington, D.C.

The principal agenda items will be a continued discussion of the progress of preparation for the 1974 ITU Maritime WARC, the development of an FMAC study program in support of its advisory role to OTP, and a briefing on Department of Commerce (Office of Telecommunications) support to OTP in the frequency management area.

The meeting will be open to the public; any member of the public will be permitted to file a written statement with the Council, before or after the meeting.

The names of the members of the Council, a copy of the agenda, a summary of the meeting and other information pertaining to the meeting may be obtained from Mr. L. R. Raish, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202-395-5623).

Dated: August 21, 1973.

BRYAN M. EAGLE,
Advisory Committee Management Officer.

[FR Doc.73-17958 Filed 8-23-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-V; Amdt. 2]

CHIEFS, DISTRICT BORROWER SERVICES DIVISION, ET AL.

Delegation of Authority

Delegation of Authority No. 30-V (37 FR 17607), as amended (38 FR 8022) is hereby further amended to read as follows:

PART IV—LOAN ADMINISTRATION (LA) PROGRAM

SECTION A. Loan administration, servicing, collections, and liquidation authority.

1. • • •
a. • • •

(5) Chiefs, District Borrower Services Division.

(6) Branch Managers, Springfield, Illinois, Milwaukee, Wisconsin, and Cincinnati, Ohio.

b. • • •

(2) Supervisory Loan Officers, District offices, if assigned.

(3) Branch Manager, Marquette, Michigan.

(4) Deleted
c. • • •
2. • • •
3. • • •

f. Chiefs, District Borrower Services Division.

SEC. B. Loan administration, servicing and collection authority.

1. • • •
a. • • •
(1) Deleted
2. • • •
h. • • •
(1) • • •

(c) Branch Loan Officers.

(2) Concerning all direct and participation loans. Not applicable.

SEC. C. Lease guarantee administration and servicing authority.

• • • • •

SEC. D. Section 406 contract management authority.

• • • • •

Effective date.—August 13, 1973.

ROBERT A. DWYER,
Regional Director Region V.

[FR Doc.73-17959 Filed 8-23-73;8:45 am]

[License No. 05/05-5095]

MVC, INC.

Issuance of License To Operate as a Small Business Investment Company

On July 5, 1973, a notice was published in the FEDERAL REGISTER (38 FR 17887) stating that MVC, Inc., located at Suite 402, First Bank Building, 133 South Main, South Bend, Indiana 46601, had filed an application with the Small Business Administration, pursuant to 13 CFR 107.701 (1973) for a license to operate as a small business investment company under the provisions of sec. 301(d) of the Small Business Investment Act of 1958 (the Act).

The period for comment ended July 20, 1973.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 05/05-5095 to MVC, Inc., pursuant to said Sec. 301(d) of the Act.

Dated: August 16, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-17958 Filed 8-23-73;8:45 am]

WESTERN CAPITAL CORP.

[License No. 06/10-0075]

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701) (1973) for transfer of control of Western Capital Corporation (Western) 2123 First National Bank Tower, Dallas, Texas 75202, a Federal Licensee under the Small Business Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.).

Western which was licensed on October 9, 1961, will have paid-in capital and paid-in surplus from private sources of approximately $307,356. The transfer of control is being made pursuant to purchase and sales agreements between Western, acting as trustee for its stockholders and Harold L. Knop, 1319 Davis Building, 1309 Main Street, Dallas, Texas 75202.

The proposed transfer of control is subject to and contingent upon approval of SBA.

After the proposed transfer of control, the officers, directors and principal stockholders are as follows:

Harold L. Knop, 5110 Redbrook Place, Dallas, Texas 75220, Director, President, Treasurer.
Doris R. Knop, 5110 Redbrook Place, Dallas, Texas 75220, Director, Vice President, and Secretary.
William H. Hollweg, 4327 Bobbitt Drive, Dallas, Texas 75229, Director, Assistant Secretary.

Harold L. Knop will own 100% of the Licensee's stock.

It is contemplated that the Licensee's office will be transferred to 1319 Davis Building, 1309 Main Street, Dallas, Texas 75202.

Matters involved in SBA's consideration of the application include the general business reputation and character of the new owners, and the probability of successful operations of the company in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than September 10, 1973, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1440 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the transferee in a newspaper of general circulation in Dallas, Texas.

Dated: August 16, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-17960 Filed 8-23-73;8:45 am]

TARIFF COMMISSION

REPORTS TO THE PRESIDENT ON BALL BEARINGS

Notice of Affirmative Determination

The U.S. Tariff Commission today reported to the President that it had made an affirmative determination in part in its investigation (TEA-I-27) of antifriction balls, ball bearings, and parts thereof under section 301(b)(1) of the Trade Expansion Act of 1962. The investigation was made in response to a petition filed in January 1973 by the Anti-Friction Bearing Manufacturers Association, Inc.

In the investigation the majority of the Commission (Chairman Bedell, Vice Chairman Parker, and Commissioner Moore) found (1) ball bearings (except radial ball bearings having an outside diameter of under 9 millimeters (the so-called miniature bearings) and except ball bearings imported from Canada under the duty-free entry provided by the Automotive Products Trade Act of 1965) are, as a result in major part of concessions granted thereon under trade agreements, being imported in such increased quantities as to cause serious injury to the domestic industry or industries producing like or directly competitive products; and (2) that, in order to prevent serious injury, the rates of duty must be increased on ball bearings with integral shafts provided for in item 680.33 of the Tariff Schedules of the United States (TSUS) to 12 percent ad valorem and on ball bearings (except radial ball bearings having an outside diameter of under 9 millimeters) provided for in item 680.35 of the TSUS to 3.4 cents per pound plus 15 percent ad valorem. The rates of duty found by the majority of the Commission to be necessary are those that were in effect before the Kennedy Round of trade-agreement negotiations under the General Agreement on Tariffs and Trade (GATT). The present rates are 6 percent ad valorem (item 680.33 and 1.7 cents per pound plus 7½ percent ad valorem (item 680.35).

The Commission majority also found that antifriction balls provided for in item 680.30 and ball bearings, radial, having an outside diameter of under 9 millimeters provided for in item 680.35 of the TSUS are not, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products. They made no finding with respect to antifriction balls and ball bearings imported from Canada under the duty-free entry provided by the Automotive Products Trade Act of 1965, as provided for in items 680.31, 680.34, and 680.36 of the TSUS or parts provided for in 680.35 of the TSUS.

The findings of Commissioner Young differed in part from those of the majority of the Commission. He found that ball bearings and parts thereof provided for in item 680.35 of the TSUS and antifriction balls and ball bearings that enter duty-free from Canada as provided for in items 680.31, 680.34, and 680.36 are, as a result in major part of concessions granted thereon under trade agreements, being imported in such increased quantities as to cause serious injury to the domestic industry or industries producing like or directly competitive products. In order to prevent serious injury, Commissioner Young found (1) that a tariff quota must be imposed on imports of ball bearings and parts thereof classifiable under 680.35, providing for each of the pertinent 7-digit TSUS classes in item 680.35 that the present rate of duty shall be applicable to imports of articles each calendar year until a volume equivalent to that entered in 1970 is imported, and the statutory rate of duty shall be applicable to imports of articles entered in excess of that volume; (2) that the tariff quotas should be adjusted each subsequent calendar year to amounts that would be equivalent to the same share of current U.S. consumption as in 1970; and (3) that the rates of duty on antifriction balls and ball bearings that enter duty free from Canada must be increased to 4 cents per pound plus 12.5 percent ad valorem for such articles classified under item 680.31, 12

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percent ad valorem for those classified under item 680.34, and 3.4 cents per pound plus 15 percent ad valorem for those classified under item 680.36.

Commissioner Young also found that antifriction balls provided for in item 680.30 and ball bearings with integral shafts provided for in item 680.33 of the Tariff Schedules of the United States are not, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products.

Commissioners Leonard and Ablondi did not participate in the decision in this case.

Copies of the public report (TC Publication 597), which contains statements of the reasons for the Commissioners' findings, will be released as soon as possible. Copies will be available on request as long as the supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, 8th and E Sts., NW., Washington, D.C. 20436.

By order of the Commission.

Released July 30, 1973.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-17998 Filed 8-23-73;8:45 am]

[AA1921-129]

POLYCHLOROPRENE RUBBER FROM JAPAN

Rescheduling of Hearing Date

Notice is hereby given that the hearing in Investigation No. AA1921-129, scheduled to be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D.C., beginning at 10 a.m. e.d.t., on September 20, 1973, has been rescheduled for 10 a.m. e.d.t., on Friday, September 28, 1973. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon, Friday, September 21, 1973.

The hearing is being held in connection with a Commission investigation under the provisions of section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is being prevented from being established, by reason of the importation of polychloroprene rubber from Japan which the Assistant Secretary of the Treasury has determined is being, or is likely to be, sold at less than fair value. Notice of the investigation was published in the FEDERAL REGISTER of Friday, August 17, 1973 (38 FR 22258).

By order of the Commission.

Issued August 21, 1973.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-17999 Filed 8-23-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 327]

ASSIGNMENT OF HEARINGS

AUGUST 21, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after August 24, 1973.

MC-113855 Sub 267, International Transport, Inc., now assigned September 17, 1973, will be held at the Los Angeles Hilton Hotel, 930 Wilshire Blvd., Los Angeles, Calif., instead of in Room 8544, 300 North Los Angeles Street.

MC 263 Sub 205, Garrett Freightlines, Inc., now assigned October 29, 1973, at Denver, Colo., is advanced to October 1, 1973, at Denver, Colo., in a hearing room to be later designated.

MC 136420 Sub 1, Oklahoma Border Express, Inc., now assigned September 24, 1973 (2 weeks), at Oklahoma City, Okla., will be held in Room 4212, U.S. Courthouse & Office Building, 4th & Robinson Streets.

MC 109172 Sub 10, National Transfer, Inc., now assigned September 19, 1973, at Olympia, Wash., is postponed indefinitely.

MC-F-11673, Reliance Truck Company—Purchase—Daigh & Stewart Truck Co., and MC 54567 Sub 12, Reliance Truck Company, now assigned September 17, 1973, at Phoenix, Arizona, will be held in Room 2, Arizona Corporation Commission, 1688 West Adams Street.

MC 136564 Sub 1, Shippers Leasing, Inc., now assigned September 24, 1973, at San Francisco, Calif., will be held in Room 15018, 15th Floor, 450 Golden Gate Avenue.

MC 127042 Sub 113, Hagen, Inc., now assigned September 26, 1973, at Seattle, Wash., will be held in Judge Wrights Court Room 815, U.S. Courthouse, 1010 5th Avenue.

MC-C-7866, Puget Sound Truck Line, Inc., Investigation and Revocation of Certificates, now assigned October 1, 1973, MC 117304 Sub 29, Don Paffile, Dba Paffile Truck Lines, Extension Buildings and Component Parts, now assigned October 3, 1973, MC 113855 Sub 272, International Transport, Inc., now assigned October 2, 1973, and MC 113678 Sub 480, Curtis, Inc., now assigned October 4, 1973, at Seattle, Wash., will be held in the U.S. Customs Court Room 1057, 909 First Avenue.

No. 35820, Big Mac Trucking Co., Thunderbird Cartage Corporation, and Thyssen Steel Corporation—Investigation of Operations and Practices, now assigned September 10, 1973 (2 days) at Houston, Texas, will be held in Room 7006, Federal Building & U.S. Courthouse, 515 Rusk Avenue.

I&S No. 8863, Switching and Minimum Carload Charges, Houston, Texas, now assigned September 12, 1973 (3 days), at Houston, Texas, will be held in Room 7006, Federal Building & U.S. Courthouse, 515 Rusk Avenue.

MC-F-11796, Canada Steamship Lines, Limited—Control — Strickland Transportation Co., Inc., now assigned September 17, 1973 (1 week), at Dallas, Texas, will be held in Room 310, Baker Hotel, 1400 Commerce Street.

MC-92633 Sub 22, Zirbel Transport, Inc., now assigned October 29, 1973, at Portland, Oreg., is postponed indefinitely.

MC 95876 Sub 135, Anderson Trucking Service, Inc., now being assigned hearing September 26, 1973 (3 days), at Court Room 2, Federal Bldg., 316 N. Robert Street, St. Paul, Minn.

MC 26396 Sub 51, Popelka Trucking Co., DBA The Waggoners, MC 26396 Sub 63, Popelka Trucking Co., DBA The Waggoners, now assigned continued hearing September 26, 1973, at Missoula, Mont., is postponed to October 15, 1973 (3 days), Missoula, Mont.

MC-C-7777, Allied Van Lines, Inc.—Investigation and Revocation of Certificates—, now being assigned October 9, 1973 (4 days), at Chicago, Ill., in a hearing room to be later designated.

MC 105045 Sub 40, R. L. Jeffries Trucking Co., Inc., now being assigned October 15, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 22278 Sub 43, Takin Bros. Freight Line, Inc., now being assigned October 16, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 107012 Sub 179, North American Van Lines, Inc., now being assigned October 17, 1973 (3 days), at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-18000 Filed 8-23-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 21, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of sec. 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed by September 10, 1973.

FSA No. 42735—*Asphalt (Asphaltum) to Points in Southern Territory.* Filed by Southwestern Freight Bureau, Agent, (No. B-430), for interested rail carriers. Rates on asphalt (asphaltum), natural byproduct of petroleum, other than paint, stain or varnish, in carloads, as described in the application, from points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma and Texas, to points in southern territory.

Grounds for relief—Rate relationship and market competition.

Tariff—Supplement 72 to Southwestern Freight Bureau, Agent, tariff 126-L, ICC No. 4789. Rates are published to become effective on September 18, 1973.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-18001 Filed 8-23-73;8:45 am]

[Notice No. 340]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 21, 1973.

Application filed for temporary authority under sec. 210a(b) in connection with transfer application under sec. 212 (b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74679. By application filed August 16, 1973, R. C. VAN LINES, INC., 1004 Northside Drive, NW., Atlanta, GA. 3318, seeks temporary authority to lease the operating rights of TRANS-WORLD MOVERS, INC., 1462 Elmira St., Aurora, CO, under section 210a(b). The transfer to R. C. VAN LINES, INC., of the operating rights of TRANS-WORLD MOVERS, INC., is presently pending.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-18002 Filed 8-23-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

EASTERN COAL CORP. AND KENTLAND-ELKHORN COAL CORP.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20018, Eastern Coal Corporation, F-1 Mine, USBM ID No. 15 03793 0, Stone, Kentucky, Section ID No. 001 (Mains).

(2) ICP Docket No. 20019, Eastern Coal Corporation, Stone No. 7 Mine, USBM ID No. 15 04315 0, Stone, Kentucky, Section ID No. 006 (Section No. 25).

(3) ICP Docket No. 20136, Kentland-Elkhorn Coal Corporation, Kentland No. 3 Mine, USBM ID No. 15 02104 0, Mouthcard, Kentucky, Section ID No. 002 (1 left).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

AUGUST 20, 1973.

[FR Doc.73-17931 Filed 8-23-73;8:45 am]

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federal register

FRIDAY, AUGUST 24, 1973
WASHINGTON, D.C.
Volume 38 ■ Number 164
PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes these procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federation Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 C.F.R., Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original general wage determination decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

New General Wage Determination Decision Nos. AQ–4003; AQ–4004; AQ–4005; and AQ–4006, for the State of Florida.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications to general wage determination decisions for the following States (the number of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Iowa:	
AM–448; AM–2458	Aug. 25, 1971
AQ–11; AQ–12; AQ–13; AQ–14; AQ–15; AQ–16; AQ–17	Aug. 3, 1973
Kansas:	
AM–6708	Apr. 7, 1972
AP–503	Aug. 25, 1972
AP–516	Dec. 8, 1972
AP–531	May 25, 1973
Maryland:	
AQ–2004	Aug. 10, 1973
Montana:	
AP–914	June 29, 1973
New Jersey:	
AP–809	May 11, 1973
New Mexico:	
AQ–18	Aug. 10, 1973
New York:	
AP–400	July 14, 1972
AP–469	Feb. 9, 1973
AP–487	Mar. 9, 1973
AP–800	Mar. 30, 1973
AP–860	July 6, 1973
Pennsylvania:	
AP–479	Mar. 2, 1973
AP–481; AP–482; AP–495	Mar. 23, 1973
AP–830; AP–831; AP–832	May 25, 1973
AP–843	June 6, 1973
Virginia:	
AP–858	June 29, 1973
Washington, D.C.:	
AQ–2005	Aug. 10, 1973

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Supersedeas decisions to general wage determination decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; supersedeas decision numbers are in parentheses following the number of the decision being superseded):

Iowa:	
AM–2452(AQ–20)	Aug. 25, 1971
AP–529(AQ–19)	May 4, 1973
Pennsylvania:	
AP–486(AQ–2018); AP–467 (AQ–2017)	Jan. 26, 1973
Rhode Island:	
AP–484(AQ–2007)	Mar. 16, 1973
AP–496(AQ–2009); AP–497 (AQ–2010)	Apr. 6, 1973

Signed at Washington, D.C. this 17th day of August 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage & Hour Division.

NEW DECISION
STATE: Florida
DECISION NUMBER: AQ-4001
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION.
COUNTY: See Below
DATE: Date of Publication

L-FHA-3-B

*Counties:
Baker, Clay, Duval, Flager, Nassau, Putnam, and St. Johns.

	Basic Hourly Rates	Fringe Benefit Payments: H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers	$3.00					
Carpenters	3.61					
Cement finishers	3.11					
Electricians	7.25	.30	6%+5.5%	4%	1%	
Form setters	2.66					
Ironworkers, reinforcing	2.35					
Laborers:						
Asphalt raker	2.45					
Laborers, unskilled	2.00					
Air tool op. (jackhammer, vib.)	3.50					
Landscapers	2.25					
Mortar mixers	2.25					
Pipelayers	2.66					
Painters, structural steel	4.27					
Truck drivers	2.27					
Welders - Rate for craft						
Power Equipment Operators:						
Asphalt paving machine	2.63					
Backhoe	3.16					
Bulldozer	2.86					
Concrete finishing machine	3.15					
Crane, derrick, dragline	3.24					
Earth mover	2.75					
Front end loader	2.75					
Mechanic	3.19					
Mixer (over 80 H.P.)	2.80					
Motor grader	3.25					
Motor patrol, finish.	3.15					
Oiler	2.90					
Piledriver	4.21					
Roller	2.50					
Roller, finish	2.18					
Scraper	2.75					
Tractor	2.57					

NEW DECISION
STATE: Florida
DECISION NUMBER: AQ-4003
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION.
COUNTY: See Below
DATE: Date of Publication

10-SWA-3-B

*Counties:
Broward, Dade, Martin, Monroe, Palm Beach, and St. Lucie.

	Basic Hourly Rates	Fringe Benefit Payments: H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers	$3.50					
Carpenters	5.92					
Cement finishers	4.90					
Electricians	6.50	3%	.20	6%	1%	
Form setters	3.50					
Ironworkers, reinforcing	6.58					
Laborers:						
Asphalt rakers	4.70					
Laborers	2.88					
Mortar mixers	3.00					
Pipelayers	5.15					
Painters, steel, bridge	5.25					
Piledrivermen	5.65					
Truck drivers	3.50					
Welders	4.18					
Power Equipment Operators:						
Asphalt distributor, spreaders	3.25					
Asphalt paving machine	3.95					
Asphalt plant	3.15					
Backhoe	3.50					
Bulldozer	4.16					
Cranes, derricks, draglines	4.82					
Drills, trenching	5.66					
Front end loaders	3.50					
Grader	4.00					
Mechanics	4.30					
Motor graders	4.38					
Motor patrols	4.00					
Oilers - Greasers	3.68					
Piledrivers	4.77					
Pump	3.00					
Rollers, base	3.00					
Rollers, finish	3.00					
Scrapers	3.75					
Tractor	3.00					

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NEW DECISION

STATE: Florida — COUNTY: See Below
DECISION NUMBER: AQ-4005 — DATE: Date of Publication
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION.

1-FLA-3-B

*Counties: Escambia, Okaloosa, and Santa Rosa.	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
	$3.14					
Carpenters	2.97					
Concrete finishers	3.79					
Ironworkers, reinforcing						
Laborers:	2.00					
Asphalt raker	2.00					
Laborers	2.35					
Pipelayers	2.25					
Truck drivers	3.58					
Welders						
Power Equipment Operators:	3.25					
Asphalt paving machine	3.20					
Backhoe	2.50					
Bulldozer	3.70					
Crane, derrick & dragline	2.61					
Front end loader	3.50					
Mechanic	2.75					
Mixer, subgrade, self-prop.	3.50					
Motor grader	2.25					
Oiler - Greaseman	2.22					
Roller - base	3.00					
Roller - finish	2.50					
Scraper	3.00					
Screed	2.15					
Tractor						

NEW DECISION

STATE: Florida — COUNTY: See Below
DECISION NUMBER: AQ-4006 — DATE: Date of Publication
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION.

6-FLA.-3-B

*Counties: Brevard, Indian River, Lake, Orange, Osceola, Seminole, & Volusia.	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
	$3.15					
Bricklayers	3.77					
Carpenters	3.30					
Cement finishers	5.25					
Electricians	2.86					
Form setters	2.31					
Ironworkers, reinforcing						
Laborers:	2.26					
Laborers	2.50					
Asphalt rakers	2.95					
Pipelayers	2.50					
Truck drivers	3.36					
Welders						
Power Equipment Operators:	3.13					
Air compressors	2.66					
Asphalt distributors, spreaders	3.00					
Asphalt mixers	2.94					
Asphalt paving machine	2.80					
Asphalt plant	3.66					
Backhoe	3.21					
Bulldozers	3.81					
Cranes, derricks, draglines	3.11					
Earth mover	3.02					
Front end loaders	3.55					
Gradall	3.63					
Mechanics	2.90					
Mixers, self-propelled	3.50					
Motor graders	3.38					
Motor patrols	2.82					
Oilers - Greasers	4.28					
Piledrivers	2.50					
Pump	2.58					
Rollers, base	2.79					
Rollers, finish	3.75					
Scrapers	2.30					
Tractors						

MODIFICATIONS P. 1

DECISION #AM-2,448 - Mod. #6
(36 FR 16796 - August 25, 1971)
Carro Gordo County (Mason City), Iowa

Change:

Building Construction:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Carpenters	$7.07				.01	
Millwrights; Piledrivermen	7.32				.01	
Cement masons	7.07					
Ironworkers:						
Fence erector; Ornamental; Reinforcing; Structural	7.405	.26	.50		.02	
Plasterers	7.12					
Roofers	5.55					
Power Equipment Operators:						
Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators	6.50	.40	.30		.01	
Tractors (under 35 hp) with or without attachments; End loaders (under 35 hp) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or more; Welding machine 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than below Classification #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tamper; Air and electric tuggers (other than below); Ditching machine under 8"	6.75	.40	.30		.01	

MODIFICATIONS P. 2

DECISION #AM-2,448 (CONT'D)

Power Equipment Operators (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	$7.40	.40	.30		.01	
Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen)	7.50	.40	.30		.01	

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MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AN-2,458 (CONT'D)						
Power Equipment Operators (Cont'd):						
Tractors (under 35 hp) with or without attachments; End loaders (under 35 hp) with or without attachments; Air compressors (one or a combination of 255 cfm or more); Pumps 3" or more; Welding machine 600 amps or combination thereof; Conveyors; Firemen (boiler); Generator (75 KW and over); Fork lifts (other than above classifications #2); Gunite machine; Self-propelled rollers; Stump chippers; Air and electric tuggers (other than above); Ditching machine under 8"	$6.75	.60	.30		.01	
Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators	6.50	.60	.30		.01	

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AN-2,458 - Mod. #7 (38 FR 16830 - August 23, 1971) Webster County (Fort Dodge), Iowa						
Change:						
Building Construction:						
Electricians	$7.50	.30	1%		1%	
Ironworkers:						
Ornamental;	7.405	.26	.50		.02	
Structural						
Power Equipment Operators:						
Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoist; Welders; Mechanics; Locomotive	7.50	.40	.30		.01	
Dredge (levermen)						
1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (tournapull, etc.); End loaders						
Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Second man on locomotive	7.40	.40	.30		.01	

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-11 (CONT'D)						
Power Equipment Operators (Cont'd):						
1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobile; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (tournapull, etc.); End loaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete Pump; Temporary hoist cage operated; Second man on locomotive	$6.85	.40	.30		.01	
Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rig; Side boom winch truck used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman)	6.95	.40	.30		.01	

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-11 - Mod. #1 (38 FR 21055 - August 3, 1973) Woodbury County (City of Sioux City & abutting municipalities), Iowa						
Change:						
Building Construction:						
Bricklayers-Stonemasons	$7.71		.20		.01	
Cement masons	7.455					
Laborers:						
Common laborers	5.39	.37	.20		.02	
Mortar mixer; Plasterers' mixers; Air tool operators; Mechanical tampers; Concrete saw; Gunite nozzle; Chain saw; Wrecking torch; Sand pot & blasting	5.49	.37	.20		.02	
Marble setters	7.71		.20		.01	
Terrazzo workers	7.71		.20		.01	
Power Equipment Operators:						
Oilers; Mechanical heaters; Truck crane driver; Permanent elevators	5.95	.40	.30		.01	
Tractors (under 35 hp) with or without attachments; End loaders (under 35 hp) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or more); Welding machine 600 amps or combination thereof; Conveyors; Fireman (Boiler); Generator (75 KW and over); Fork lifts (other than below Classification #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tamper; Air and electric tuggers (other than below); Ditching machine under 8"	6.20	.40	.30		.01	

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MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AO-12 - Mod. #1 (38 FR 21059 - August 3, 1973) Clinton County (City of Clinton & abutting municipalities), Iowa						
Change: Building Construction: Carpenters: Carpenters; Soft floor layers	$6.84	.35	.25			
Piledrivermen	7.24	.35	.25			
DECISION #AO-13 - Mod. #1 (38 FR 21062 - August 3, 1973) Dubuque County (City of Dubuque & abutting municipalities), Iowa						
Change: Building Construction: Ironworkers (Remainder of County)	8.22		.13			
Roofers	6.40					
Power Equipment Operators: Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators	6.50	.40	.30		.01	
Tractors (under 35 hp) with or without attachments; End loaders (under 35 hp) with or without attachments; Air compressors (one of a combination of 250 cfm or more); Pumps 3" or more; Welding machine 600 amps or combination thereof; Conveyors; Fireman (boiler); Generator (75 KW and over); Fork lifts (other than below Classification #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than below); Ditching machine under 8"	6.75	.40	.30		.01	

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AO-13 (CONT'D)						
Power Equipment Operators (Cont'd): 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	$7.40	.40	.30		.01	
Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman)	7.50	.40	.30		.01	

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AO-14 - Mod. #1 (38 FR 21066 - August 3, 1973) Story County (City of Ames & abutting municipalities), Iowa						
Change: Building Construction: Ironworkers: Ornamental; Reinforcing;		.26	.50		.02	
Structural	$7.405	.30	.25		.04	
Soft floor layers	7.00					
Power Equipment Operators: Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch truck (used for erection of structural steel and moving and setting of heavy machinery); 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman)	7.50	.40	.30		.01	
1 and 2 drum hoist; Air and electric tuggers (on power plants or setting steel or grating); Economobile; Plant mixers; Farm type tractors (with loaders, backhoe attachments, etc.); Scrapers (tournapull, etc.); End loaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck crane & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	7.40	.40	.30		.01	

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MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AO-15 - Mod. #1 (38 FR 21077 - August 3, 1973) Polk County (City of Des Moines & abutting municipalities), Iowa						
Change:						
Building Construction:						
Ironworkers:						
Ornamental; Reinforcing; Structural	$7.405	.26	.50		.02	
Laborers:						
General laborers	6.335	.325	.325			
Mortar mixers; motor buggies, when pouring concrete; power tool ops. (air tools, concrete vibrator, gunite nozzleman, electric drills & hammers)	6.435	.325	.325			
Plasterers' tenders	6.46	.325	.325			
Powderman	6.485	.325	.325			
Air tool, power tampers & other similar self-powered tools weighing 30 lbs. & over	6.535	.325	.325			
All tunnel work	6.585	.325	.325			
Paving breakers weighing 50 lbs. and over	6.635	.325	.325			
Power Equipment Operators:						
Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators	6.50	.40	.30		.01	
Tractors (under 35 hp) with or without attachments; End loaders (under 35 hp) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or more; Welding machine 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than below Classification #2); Gunite machine; Self-propelled rollers; Self-propelled tamper; Air and electric tuggers (other than below); Ditching machine under 8'	6.75	.40	.30		.01	

MODIFICATIONS P. 14

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AO-17 (CONT'D)						
Power Equipment Operators (Cont'd): 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoe attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck crane & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over) Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	$7.40	.40	.30		.01	
Tractors (under 35 hp) with or without attachments; End loaders (under 35 hp) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or more; Welding machine 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tamper; Air and electric tuggers (other than above); Ditching machine under 8"	6.75	.40	.30		.01	
Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators	6.50	.40	.30		.01	

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AO-16 - Mod. #1 (38 FR 21074 - August 3, 1973) Des Moines County (City of Burlington & abutting municipalities and Burlington Ordnance Plant), Iowa						
Change:						
Building Construction:						
Cement masons	$7.55					
Ironworkers:						
Ornamental; Reinforcing; Structural	7.65	.30	.30			
Plasterers	7.20					
Roofers	5.85					
Plumbers-Steamfitters	7.30	.30	.60		.05	
DECISION #AO-17 - Mod. #1 (38 FR 21078 - August 3, 1973) Black Hawk County (City of Waterloo & abutting municipalities), Iowa						
Change:						
Building Construction:						
Bricklayers-Stonemasons	7.43	.31	.50			
Ironworkers:						
Ornamental; Reinforcing; Structural	8.22					
Roofers	6.56					
Power Equipment Operators:						
Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman)	7.50	.40	.30		.01	

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MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
DECISION #AM-6,708 - Mod. #6 (37 FR 7031 - April 7, 1972) Leavenworth County, Kansas						
Change: Building Construction Carpenters	$ 8.12	.33	.30	.25	.05	
Ironworkers: Structural; Ornamental	8.50	.40	.40	.80	.05	
Reinforcing	8.50	.40	.40	.80	.05	
DECISION #AP-503 - Mod. #5 (37 FR 17349 - August 25, 1972) Douglas, Jefferson, Leavenworth, Miami and Shawnee Counties, Kansas						
Change: Carpenters & Piledrivermen: Douglas & Shawnee Counties: Includes Forbes Air Force Base and within the City of Topeka and the City of Lawrence and within 3 miles of the city limits of these cities	$ 6.575	.35	.25		.05	
Remainder of Counties	6.175	.35	.25		.05	
Jefferson County	5.60	.35	.25		.05	
Leavenworth County	8.12	.33	.30	.25	.05	
Carpenters (Miami County): Carpenters	7.745	.33	.30	.25	.05	
Piledrivermen	8.12	.33	.30	.25	.05	
Ironworkers	8.50	.40	.40	.80	.05	

MODIFICATIONS P. 16

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
DECISION #AP-516 - Mod. #5 (37 FR 26206 - December 8, 1972) Cass, Clay, Jackson, Platte & Ray Counties, Missouri and Johnson & Wyandotte Counties, Kansas						
Change: Building Construction: Jackson, Platte, Ray, Clay & Cass Counties, Missouri Carpenters (Jackson, Platte, Ray & Clay Counties): Carpenters; Millwrights; Piledrivermen	$ 8.12	.33	.30	.25	.05	
Carpenters (Cass County): Carpenters	7.87	.33	.30	.25	.05	
Millwrights & Piledrivermen	8.12	.33	.30	.25	.05	
Ironworkers: Structural; ornamental; riggers	8.50	.40	.40	.80	.05	
Reinforcing	8.50	.40	.40	.80	.05	
Wyandotte & Johnson Counties, Kansas Building Construction: Carpenters: Carpenters; Millwrights; Piledrivermen	8.12	.33	.30	.25	.05	
Ironworkers: Ornamental; Reinforcing; Riggers; Structural	8.50	.40	.40	.80	.05	

MODIFICATIONS P. 17

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
DECISION #AP-531 - Mod. #5 (38 FR 13929 - May 25, 1973) Cass, Clay, Jackson, Platte and Ray Counties, Missouri; and Johnson and Wyandotte Counties, Kansas						
Change: Cass, Clay, Jackson, Platte and Ray Counties, Missouri Building Construction: Carpenters (Cass County)	$ 7.87	.33	.30	.25	.05	
Carpenters: Carpenters; millwrights; piledrivermen	8.12	.33	.30	.25	.05	
Ironworkers: Structural; ornamental; riggers	8.50	.40	.40	.80	.05	
Reinforcing	8.50	.40	.40	.80	.05	
Johnson & Wyandotte Counties, Kansas Building Construction: Carpenters: Carpenters; Millwrights; Piledrivermen	8.12	.33	.30	.25	.05	
Ironworkers: Ornamental; Reinforcing; Riggers; Structural	8.50	.40	.40	.80	.05	
Heavy & Highway Construction Cass, Clay, Jackson, Platte and Ray Counties, Missouri Carpenters & Piledrivermen (Cass County)	7.92	.33	.30		.03	
Carpenters & Piledrivermen (Clay, Jackson, Platte & Ray Counties)	8.12	.33	.30	.25	.05	
Ironworkers	8.50	.40	.40	.80	.05	
Site Preparation & Grading, Heavy & Highway Construction Johnson & Wyandotte Counties, Kansas Carpenters; Millwrights; Piledrivermen	8.12	.33	.30	.25	.05	
Ironworkers	8.50	.40	.40	.80	.05	

MODIFICATIONS P. 18

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Decision #AQ-2004 Mod. #1 (38 FR 21711 - August 10, 1973) Anne Arundel County, Maryland						
CHANGE (Building & Heavy Construction): Carpenters, Piledrivermen & Soft Floor Layers: All areas north of a line starting at Priest Bridge and continuing northeast to Benfield, Pasadena, Arminger and Ft. Smallwood	$7.79	.44	.35		.05	
Millwrights: All areas north of a line starting at Priest Bridge and continuing northeast to Benfield, Pasadena, Arminger and Ft. Smallwood	7.89	.60	.45		.05	
Millwrights remainder of County	8.41	.30	.34		.07	
Laborers: Unskilled	5.60	.275	.30		.05	
Hod Carriers	5.90	.275	.30		.05	
Plasterers' Laborers	5.65	.275	.30		.05	
Power Tool Operator	5.70	.275	.30		.05	
Pipelayers	5.80	.275	.30		.05	
Wagon Drill Operator	5.85	.275	.30		.05	
ADD (Building & Heavy Construction): Laborers: Mason Tenders	5.80	.275	.30		.05	
Scaffold Builders	6.05	.275	.30		.05	
ADD (to increase legibility): Asbestos Workers	7.85	.50	.40		.02	
Lead Burners	8.25	.30		c	.01	
Lathers	8.59		.35		.01	
LINE CONSTRUCTION: Linemen, Cable Splicers	8.95	.25	1%		½ of 1%	

XUM 37 FR 22850-22851 8-24-73

DECISION #AP-914 - Mod. #3
(38 FR 17396 - June 29, 1973)
Statewide, Montana

Change:

MODIFICATIONS P. 19

	EASTERN COUNTIES	WESTERN COUNTIES	MON-LAB-2-3-b ALL COUNTIES			
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App.
LABORERS:						
Asphalt Raker	$5.53	$5.68	.37	.27		.03
Axeman	5.37	5.52	.37	.27		.03
Car and Truck Loaders, Scissorman	5.37	5.52	.37	.27		.03
Caisson Workers (Free Air)	5.53	5.68	.37	.27		.03
Carpenter Tender	5.37	5.52	.37	.27		.03
Cement Handlers	5.53	5.68	.37	.27		.03
Choker Setter	5.53	5.68	.37	.27		.03
Chuck Tender & Nipper (above ground)	5.37	5.52	.37	.27		.03
Concrete Laborers (wet or dry), Bucketman, Signalman and Cement Mason Tender	5.53	5.68	.37	.27		.03
Concrete or Asphalt Saw	5.47	5.62	.37	.27		.03
Concrete Vibrator (5" and over)	5.58	5.73	.37	.27		.03
Creosote Material Handler, Epoxy, other chemically injurious material	5.53	5.68	.37	.27		.03
Cosmolene applying and removing	5.37	5.52	.37	.27		.03
Core Drill	5.97	6.12	.37	.27		.03
Curb Machine	5.47	5.62	.37	.27		.03
Drills, Air-Tract, self-propelled, Cat or Truck mounted air operated	5.63	5.78	.37	.27		.03
~~Drills, Air-Tract, with Dual Masts~~	~~5.73~~	~~5.88~~	.37	.27		.03
Drills, Air-Tract, self-propelled, Mustang type or similar	5.68	5.83	.37	.27		.03
Dumpman (Spotter)	5.37	5.52	.37	.27		.03
Dumpman (Grademan)	5.53	5.68	.37	.27		.03
Fence Erector and Installer (Incl. installation & erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers)	5.37	5.52	.37	.27		.03
Form Stripper	5.37	5.52	.37	.27		.03
Form Setter	5.47	5.62	.37	.27		.03
Grade Setter	5.63	5.78	.37	.27		.03
General Laborer	5.37	5.52	.37	.27		.03
Hand Faller	5.45	5.60	.37	.27		.03
High Scaler	5.73	5.88	.37	.27		.03
High Pressure Machine Nozzleman	5.57	5.72	.37	.27		.03
Heater Tender	5.37	5.52	.37	.27		.03
Jackhammer, Pavement Breaker, Wagon Drills, Vibrator, Mechanical Tamper, Cat or Truck Mounted Air Operated Drills, Vibrating Roller hand steered and other Air Tools	5.53	5.68	.37	.27		.03
Landscape Laborer	5.37	5.52	.37	.27		.03
Nozzleman-Air and Water, Gunite and Placo Machine	5.47	5.62	.37	.27		.03
Pilot Car	5.37	5.52	.37	.27		.03
Pipe Layer (all types)	5.53	5.68	.37	.27		.03
Pipe Wrapper	5.53	5.68	.37	.27		.03
Post Hole Digger (Power Auger)	5.47	5.62	.37	.27		.03

DECISION # AP-914(Cont'd)

MODIFICATIONS P. 20

	EASTERN COUNTIES	WESTERN COUNTIES	MON-LAB-2-3-b ALL COUNTIES			
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App.
Power Saw, Bucking	$5.53	$5.68	.37	.27		.03
Power Saw, Falling	5.63	5.78	.37	.27		.03
Powderman	5.63	6.08	.37	.27		.03
Powderman Helper	5.47	5.62	.37	.27		.03
Power Driven Wheelbarrow	5.47	5.62	.37	.27		.03
Riprapper	5.53	5.68	.37	.27		.03
Riprap Helper	5.37	5.52	.37	.27		.03
Rodder and Spreader (concrete)	5.53	5.68	.37	.27		.03
Scaleman	5.53	5.68	.37	.27		.03
Sandblaster	5.47	5.62	.37	.27		.03
Sandblaster Tailhose Man, Pot Tender	5.37	5.52	.37	.27		.03
Sodcutter-Hand Operated	5.37	5.52	.37	.27		.03
Stake Jumper for Equipment	5.37	5.52	.37	.27		.03
Tar Pot	5.47	5.62	.37	.27		.03
Tool Checker, Toolhouseman	5.37	5.52	.37	.27		.03

* Eastern Counties: Blaine-Carter-Custer-Daniels-Dawson-Fallon-Garfield-McCone-Petroleum Phillips-Powder River-Prairie-Richland-Roosevelt-Sheridan-Valley and Wibaux

* Western Counties: Beaverhead-Big Horn-Broadwater-Carbon-Cascade-Choteau-Deerlodge-Fergus Flathead-Gallatin-Glacier-Golden Valley-Granite-Hill-Jefferson-Judith Basin-Lake-Lewis & Clark-Liberty-Lincoln-Madison-Meagher-Mineral-Missoula-Musselshell-Park-Pondera-Powell-Ravalli-Rosebud-Sanders-Silverbow-Stillwater-Sweetgrass-Teton-Toole-Treasure-Wheatland and Yellowstone

DECISION #AP-809 - Mod. #2
(38 FR 12561 - May 11, 1973)
Atlantic and Cape May Counties, New Jersey

Change:
Line Construction, Cape May Co., & Remainder:

MODIFICATIONS P. 21

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Linemen, cable splicer	$8.60	.25	17%+.25		½ of 1%	
Truck drivers	6.61	.25	17%+.25		½ of 1%	
Groundmen	6.19	.25	17%+.25		½ of 1%	

MODIFICATIONS P. 22

DECISION #AQ-18 - Mod. #1
(38 FR 21714 - August 10, 1973)
Statewide, New Mexico

Change:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Distributor (asphalt)	$3.80	.26				
Dumpster or dumptor	3.88	.26				
Dump or batch truck:						
Under 8 cy	3.59	.26				
8 cy and under 16 cy	3.69	.26				
16 cy and under 20 cy	3.83	.26				
20 cy and over	3.88	.26				
Diesel-powered transport (non-self-loading) 10 yds. & over	4.11	.26				
Flatbed:						
1-½ ton or under	3.59	.26				
Over 1-½ ton	3.74	.26				
Lumber carrier	3.62	.26				
Lowboy, heavy equipment	4.21	.26				
Lowboy, light equipment	3.83	.26				
Off-highway hauler	3.86	.26				
Pick-up truck 3/4 ton or under	3.44	.26				
Service station attendant	3.48	.26				
Spreader box	3.53	.26				
Spreader box (self-propelled)	3.77	.26				
Swamper or rider helper	3.40	.26				

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MODIFICATIONS P. 23

DECISION #AP-400 - Mod. # 4
(37 FR 13913 - July 14, 1972)
Bronx, Kings, Queens, New York and Richmond Counties, New York

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
Residential Construction:						
Electricians & linemen	$ 9.43	7%	1%+a	5%+b		
Laborers:						
Plasters' helpers (NY-Bronx-Richmond)	7.50	.70	.50			
Plasterers:						
Queens	8.05	.95		1.40	.01	
Bronx-NY-Richmond	8.15	.95	.65	.90	.01	
Roofers:						
Composition, damp & waterproofers	8.40	6%	1.83	.63		
Sheet metal workers	10.87	3%+.25	3%+.25	3%+.05	.02	
Sprinkler fitters	8.655	7%+.85	.13%	10%	.04	
Steamfitters	8.655	7%+.85	.13%	10%	.04	

DECISION #AP-469 - Mod. #1
(37 FR 4169 - February 9, 1973)
Broome County, New York

Change:
Roofers

DECISION #AP-487 - Mod. #3
(37 FR 6608 - March 9, 1973)
Bronx, Kings, Queens, New York and Richmond Counties, New York

Change:						
Building, Heavy and Highway Construction:						
Bricklayers	$9.05	.87	2.83	.30		
Carpenters, Building:						
Millwrights	9.15	.85	1.48	.50	.02	
Carpenters, Heavy:						
Carpenters	9.15	.85	1.48	.50	.02	
Ironworkers:						
Ornamental finisher	8.10	.60	.65+1.235	.73	.03	
Plasterers:						
Queens	8.05	.95		1.40	.01	
Bronx-NY-Richmond	8.15	.95	.65	.90	.01	
Roofers:						
Composition, damp & waterproofers	8.40	6%+5%	1.83	.63		
Sheet metal workers	10.87	3%+.25	3%+.25	3%+.05	.02	
Sprinkler fitters	8.655	7%+.85	13%	10%	.04	
Steamfitters	8.655	7%+.85	13%	10%	.04	

MODIFICATIONS P. 24

DECISION #AP-800 - Mod. #3
(38 FR 8804 - March 30, 1973)
Erie County, New York

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
Bricklayers:						
Tonawanda and Gran Island Twps:	$9.61		.75			
Cement masons	10.09	.35	1%+.40+.20			
Electricians						
Ironworkers, structural, ornamental & reinforcing:						
Remainder of County	9.07	.75	.74			
Marble, tile & terrazzo workers' - helpers	7.36	.40	.40+1			
Piledrivermen, etc:						
Divers	15.84	1.05	1.00			
Sprinkler fitters	9.99	.30	.50		.05	
Steamfitters	9.70	.62	.73		.06	

DECISION #AP-860 - Mod. # 2
(38 FR 18160 - July 6, 1973)
Rensselaer County, New York

Change:						
Laborers, Building:						
Begin at Hudson River extending easterly along Washington Ave., Rensselaer to West Sand Lake to Cherry Plains into the Mass., Line:						
~~Laborers~~	6.65	.50	.65			
Pipelayers (2 man team), hod carriers, mortar mixers (hand or machine), jackhammer op., well point ing, all air or gas driven tools, vibrators, power driven buggies	6.80	.50	.65			
Asphalt rakers	6.75	.50	.65			
Demolition	6.90	.50	.65			
Form setters (curb)	6.825	.50	.65			
Wagon drill op.	6.875	.50	.65			
Acetylene burners	6.925	.50	.65			
Blasters	7.125	.50	.65			
Omit:						
Laborers:						
Heavy & Highway Construction						
Add:						
Heavy & Highway construction						

AP-860 Cont'd

MODIFICATIONS P. 25

NY-1-1AB-2-3-H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Gra
LABORERS:						
Laborers and driller helpers	$ 6.26	.50	.65	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	6.46	.50	.65	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.66	.50	.65	a		
Blasters, form setters, stone or granite curb setters	6.86	.50	.65	a		
PAID HOLIDAYS:						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
FOOTNOTE:						
a. Holidays A through F, providing the employee works the day before and after the holiday.						

MODIFICATIONS P. 26

Decision #AP-479 - Mod. #5
(38 FR 765 - March 2, 1973)
Mercer County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CHANGE:						
Building Construction						
Carpenters	$8.31	.30	.50		.02	
Electricians	9.30	.35	1%+.25		.01	
Millwrights	9.01	.30	.50		.02	
Piledrivermen	9.01	.30	.50		.02	
Soft floor layers	8.13	.30	.50		.02	
Heavy & Highway						
Carpenters	7.37	6%	6%			
Carpenters welder	7.61	.45½	.45½			
ADD:						
Heavy & Highway						
Ironworkers	6.505	.435	.62		.01	

Decision #AP-481 - Mod. #5
(38 FR 7757 - March 23, 1973)
Washington County, Pennsylvania

CHANGE:						
Building Construction						
Ironworkers	8.515	.785	.775		.015	
Heavy & Highway						
Carpenters	7.71	6%	6%			
Carpenter welder	7.94	.47½	.47½			
ADD:						
Heavy & Highway						
Ironworkers	6.505	.435	.62		.01	

Decision #AP-482 - Mod. #5
(38 FR 7764 - March 23, 1973)
Westmoreland County, Pennsylvania

CHANGE:						
Building Construction						
Ironworkers	8.515	.785	.775		.015	
Heavy & Highway						
Carpenters	7.71	6%	6%			
Carpenter welder	7.94	.47½	.47½			
ADD:						
Heavy & Highway						
Ironworkers	6.505	.435	.62		.01	

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MODIFICATIONS P. 27

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Decision #AP-495 - Mod. #4 (38 FR 7771 - March 23, 1973) Allegheny County, Pennsylvania						
CHANGE:						
Building Construction						
Ironworkers	$8.515	.785	.775		.015	
Piledrivermen	8.95	5%	6%		.50 of	1%
Heavy & Highway						
Carpenters	7.71	6%	6%			
Carpenter Welder	7.94	47½	.47½			
ADD:						
Heavy & Highway						
Ironworkers	6.505	.435	.62		.01	
Decision #AP-830 - Mod. #2 (38 FR 14053 - May 25, 1973) Butler Cambria, Fayette and Somerset Counties, Pennsylvania						
CHANGE:						
Carpenters (counties)						
Butler	7.71	6%	6%			
Fayette	7.37	6%	6%			
Cambria & Somerset	7.03	6%	6%			
Carpenter - Welder (counties)						
Butler	7.94	.47½	.47½			
Fayette	7.61	.45½	.45½			
Cambria & Somerset	7.26	.43½	.43½			
ADD:						
Ironworkers	6.505	43½	.62		.01	
Decision #AP-831 - Mod #2 (38 FR 14055 - May 25, 1973) Armstrong, Blair, Crawford, Indiana, McKean, Venango and Warren Counties, Pennsylvania						
CHANGE:						
Carpenters by Counties						
Armstrong	7.37	6%	6%			
Blair, Crawford, Indiana, McKean, Venango and Warren	7.03	6%	6%			
Carpenter - Welder by Counties						
Armstrong	7.61	.45½	.45½			
Blair, Crawford, Indiana, McKean, Venango and Warren	7.26	.43½	.43½			
ADD:						
Ironworkers	6.505	.43½	.62		.01	

MODIFICATIONS P. 28

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Decision #AP-832 - Mod #1 (38 FR 14058 - May 25, 1973) Bedford, Cameron, Clarion, Clinton, Elk, Forest, Fulton, Huntington, Mifflin, and Patter						
CHANGE:						
Carpenters	$7.03	6%	6%			
Carpenter - Welder	7.26	.43½	.43½			
ADD:						
Ironworkers	6.505	.435	.62		.01	
Decision #AP-843 - Mod. #1 (38 FR 13352 - June 8, 1973) Franklin County, Pennsylvania						
CHANGE:						
Building Construction						
Carpenters	8.04	5%	5%	5%	1%	
Soft Floor Layers	8.04	5%	5%	5%	1%	
Piledrivermen	8.95	5%	6%		.50 of	1%
Millwrights	7.325	4%	29½%		1%	
Heavy & Highway						
Carpenter	7.03	6%	6%			
Carpenter - Welder	7.26	.43½	.43½			
ADD:						
Heavy & Highway						
Ironworkers	6.505	.435	.62		.01	

MODIFICATIONS P. 29

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Decision #AP-858 - Mod. #3 (38 FR 17390 - June 29, 1973) Montgomery and Prince Georges Counties, Maryland; City of Alexandria, Virginia; Arlington and Fairfax Counties, Virginia and Dulles International Airport						
CHANGE:						
Millwrights	$8.41	.30	.34		.07	
Decision #AQ-2005 - Mod. #1 (38 FR 21721 - August 10, 1973) Washington, D. C.						
ADD (to increase legibility):						
Marble Setters	8.60	.35	.25			
Marble Setters' Helpers	7.35					
Millwrights	8.41	.30	.34		.07	
Plasterers	8.015	.45	.25		.06	
Plumbers	8.96	.50	.50		.15	
Sewer & Water Lines:						
Footnote:						
d. Employer contributes .40 per day to Apprnetic Traning						

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Linn (City of Cedar Rapids & abutting municipalities)

DECISION NO.: AQ-19 DATE: Date of Publication

Supersedes Decision No. AP-529, dated May 4, 1973, in 38 FR 11271.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

57-IOWA-LIN-1 n (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$8.05	.25	.25		.10	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS-STONEMASONS	7.885		.55			
CARPENTERS:						
Carpenters	7.23	.30			.02	
Millwrights; Piledrivermen	7.60	.30			.02	
CEMENT MASONS	6.84	.25				
ELECTRICIANS	8.25	.33	1%		1%	
ELEVATOR CONSTRUCTORS	6.54	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.8548	.35	.50			
IRONWORKERS:						
Ornamental; Reinforcing; Structural	8.22					
LABORERS:						
Common laborers	5.59	.20	.15			
All water service, Mortar mixers; Sewer tile layers	5.715	.20	.15			
Air, electric or gasoline powered jackhammers, chipping hammers; Machine rock drills; Power driven buggies; Tampers; Vibrators; Well point work	5.79	.20	.15			
LATHERS	7.2795					
PAINTERS:						
Brush	6.93					
Paperhengers; Structural steel; Swing stege to 55 feet	7.18					
Spray	7.58					
PLASTERERS	7.28					
PLUMBERS-STEAMFITTERS	7.50	.30	.30		.05	
ROOFERS	6.28					
SOFT FLOOR LAYERS	7.23	.30			.02	
SPRINKLER FITTERS	8.75	.30	.50		.05	
TRUCK DRIVERS	5.64					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

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AQ-19 P. 2 — 57-ICWA-LIN-1 (2 - 2)

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other

FOOTNOTE:
a - Employer contributed 4% of basic hourly rate for over 5 years' service; 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AQ-19 P. 3 — 5-ICWA-PEO-1 h (1 - 2)

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
CLASSIFICATION 1 Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch trucks (used for erection of structural steel and moving and setting of heavy machinery); 3-drum hoist; Welders; Mechanics; Locomotive Dredge (leverman)	$7.50	.40	.30		.01	
CLASSIFICATION 2 1 and 2 drum hoist; Air and electric tuggers (on power plants or setting steel or grating); Economobile; Plant mixers; Farm type tractors (with loaders, backhoe attachments, etc.); Scrapers (tournapull, etc.); End loaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck crane & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	7.40	.40	.30		.01	
CLASSIFICATION 3 Tractors (under 35 HP) with or without attachments; End Loaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or more; Welding machine 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Gunite machine; self-propelled rollers; stump chippers; self-propelled tamper; Air and electric tuggers (other than above); Ditching machine under 8".	6.75	.40	.30		.01	

AQ-19 P. 4 — 5-ICWA-PEO-1 h (2 - 2)

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
CLASSIFICATION 4 Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators	6.50	.40	.30		.01	

AQ-19 P. 5 — (1 - 3)

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS & PILEDRIVERMEN	$ 5.91	.25				
CEMENT MASONS	5.65					
LABORERS: Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air tracs, wagon drills and similar drills	5.50	.30	.10			
Tree climber; Form setters, Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade Checker and cutting torches on demolition work	5.25	.30	.10			
Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers	5.00	.30	.10			
Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sandblaster helper; Concrete processing material and monitors; Cement finishers helpers	4.85	.30	.10			
Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers, Water boy; Common labor; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	4.75	.30	.10			

AQ-19 P. 6 (2 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS: Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator	6.40	.30	.30		.01	
Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator	6.25	.30	.30		.01	
Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.	6.00	.30	.30		.01	

AQ-19 P. 7 (3 - 3)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D): Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator	$5.80	.30	.30		.01	
Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck	5.60	.30	.30		.01	
Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller	5.30	.30	.30		.01	
TRUCK DRIVERS: Truck-drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles	4.65	.25				
Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavment breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	4.75	.25				

NOTICES

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Johnson (City of Iowa City & abutting municipalities)

DECISION NO.: AQ-20

DATE: Date of Publication

Supersedes Decision No. AM-2,452, dated August 25, 1971, in 36 FR 16809.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

52-IOWA-JOH-1 M (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$ 8.05	.25	.25		.10	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS-STONEMASONS	7.885		.55			
CARPENTERS: Carpenters; Soft floor layers	6.49	.25	.30		.03	
Piledrivermen	6.74	.25	.30		.03	
Millwrights	7.55	6%	6%		2%	
CEMENT MASONS	6.84	.25				
ELECTRICIANS	8.25	.33	1%		1%	
ELEVATOR CONSTRUCTORS	6.54	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.8548	.35	.50			
IRONWORKERS: Ornamental; Reinforcing; Structural	8.22					
LABORERS: Common laborers	5.72	.30	.25			
Mason mortar mixers	5.92	.30	.25			
All jack & chipping hammers; All water & sewer tile layers; Chain saw; Cutting torches; Power buggies; Rock drills; Tampers; Vibrators; Well point work	6.02	.30	.25			
LATHERS	7.2795					
PAINTERS: Brush	6.93					
Paperhangers; Structural steel; Swing stage to 55 ft.	7.18					
Spray	7.58					
PLASTERERS	7.28					
PLUMBERS-STEAMFITTERS	7.50	.30	.30		.05	
ROOFERS	6.28					
SPRINKLER FITTERS	8.75	.30	.50		.05	
TRUCK DRIVERS	4.63					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

AQ-20 P. 2

52-IOWA-1 M (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other

FOOTNOTE:

a - Employer contributes 4% of the basic hourly rate for over 5 years service and 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

NOTICES

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AQ-20 P. 3 — 5-IOWA-PEO-1 h (1 - 2)

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
CLASSIFICATION 1 Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Side boom and winch trucks (used for erection of structural steel and moving and setting of heavy machinery); 3-drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman)	$7.50	.40	.30		.01	
CLASSIFICATION 2 1 and 2 drum hoist; Air and electric tuggers (on power plants or setting steal or grating); Economobile; Plant mixers; Farm type tractors (with loaders, backhoe attachments, etc.); Scrapers (tournapull, etc.); End loaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck crane & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	7.40	.40	.30		.01	
CLASSIFICATION 3 Tractors (under 35 HP) with or without attachments; End Loaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or more; Welding machine 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Gunite machine; self-propelled rollers; stump chippers; self-propelled tamper; Air and electric tuggers (other than above); Ditching machine under 8".	6.75	.40	.30		.01	

AQ-20 P. 4 — 5-IOWA-PEO-1 h (2 - 2)

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
CLASSIFICATION 4 Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators	$6.50	.40	.30		.01	

AQ-20 P. 5 — (1 - 3)

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
CARPENTERS & PILEDRIVERMEN	$ 5.91	.25				
CEMENT MASONS	5.65					
LABORERS: Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air tracs, wagon drills and similar drills	5.50	.30	.10			
Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade Checker and cutting torches on demolition work	5.25	.30	.10			
Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechenical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers	5.00	.30	.10			
Form tamper; Air, gas and electric tool operatora, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sandblaster helper; Concrete processing material and monitors; Cement finishers helpers	4.85	.30	.10			
Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common labor; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	4.75	.30	.10			

AQ-20 P. 6 — (2 - 3)

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS: Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator	6.40	.30	.30		.01	
Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator	6.25	.30	.30		.01	
Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operstor, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.	6.00	.30	.30		.01	

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HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D): Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator	$5.80	.30	.30		.01	
Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck	5.60	.30	.30		.01	
Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller	5.30	.30	.30		.01	
TRUCK DRIVERS: Truck-drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles	4.65	.25				
Truck drivers for semi and tandem: Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	4.75	.25				

SUPERSEDEAS DECISION

STATE: Pennsylvania
COUNTY: Beaver
DECISION NO.: AQ-2,017
DATE: Date of Publication
Supersedes Decision AP-467, dated January 26, 1973, in 38 FR 2618.
Description of work: Heavy and Highway Constructions

PA-4-LAB-2-3- K

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Laborers: Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Shorters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.76	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator					

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HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Laborers (cont'd): Signal man, Whacker	$5.93	.30	.30			
All Railroad Track Work: Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.93	.30	.30			
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	6.24	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.36	.30	.30			
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Welder (pipeline	7.70	.30	.30			
Tunnel and Shaft Work (Inside) Change house attendant	5.69	.30	.30			
Muckers, Brakemen and all other labor (includes installation of utility lines), Signal man, Drill runner helper	5.93	.30	.30			
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	6.24	.30	.30			
Caisson and tunnel men under pressure (0-18 pounds)	6.36	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Carpenters	7.71	6¾	6¾			
Carpenter-welder	7.94	.47½	.47½			
Cement masons	7.17	.43	1.08			
Piledrivermen	8.41	5¾	6¾			
Ironworkers	6.505	.435	.62			.01

PA-2-PEO-2-3- I (1-2)

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS: Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$8.23	.35	.50		.04
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (160° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)					

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PA-2-PEO-2-3- I (2-

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$ 7.97	.35	.50		.04
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.61	.35	.50		.04
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Traccor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.16	.35	.50		.04
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	5.01	.35	.50		.04

PA-2-TD-2-3-G 1 of 1

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$6.16	6%	3.5%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	6.30	6%	3.5%			
Tri-axle trucks	6.39	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	6.39	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.48	6%	3.5%			
Heavy duty trailer, such as low boy, bi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.46	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.21	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.30	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.39	6%	3.5%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additional to respecitve size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	6.30	6%	3.5%			
Tar and Asphalt Trailer Trucks	6.39	6%	3.5%			
Trucks with Dolly or Trailer	6.26	6%	3.5%			
Bottom or Belly-Dump Trucks	6.48	6%	3.5%			

NOTICES

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Centre, Clearfield, Jefferson and Greene

DECISION NO.: AQ-2,018 DATE: Date of Publication

Supersedes Decision No. AP-466, dated January 26, 1973, in 38 FR 2615.

Description of work: Heavy and Highway Construction.

PA-5-1ah-2-3-N

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Ot
Construction laborer (including tenders handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spors-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.39	.30	.30			
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete), (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Bin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle), (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator, Signal man, Whacker	5.64	.30	.30			

PA-5-1AB-1-2-3- N

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App.
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakeman, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.64	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar), operators Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper Walk behind ditching machine (trencher or similer)	5.93	.30	.30		
Blacksmith, Balster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.05	.30	.30		
Multi-plate pipe (aligning and securing) Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30		
Welder (pipeline)	7.70	.30	.30		
Tunnel and Shaft Work (Inside):					
Change house attendant	5.36	.30	.30		
Muckert, Brakemen and all other labor (includes installation of utility lines), Signal man, Drill runner helper	5.64	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.93	.30	.30		
Caisson and tunnel men under pressure (0-18 pounds)	6.05	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30		
Carpenters by counties: Centre, Clearfield, Jefferson	7.03	6%	6%		
Greene	7.37	6%	6%		
Carpenter-welder by counties: Centre, Clearfield, Jefferson	7.26	.43½	.43½		
Greene	7.61	.45½	.45½		
Cement masons	7.71	.43	1.08		
Piledrivermen	8.41	5%	6%		
Ironworkers	6.305	.435	.62		

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MUX 38 FR 22866-22867

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. life) Helicopter (under 1500 lb. life) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Gauge) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$8.23	.35	.50		.04
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)					

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PA-2-PEO-2-3- I (2-

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Jumbo Operator, Locomotive (narrow gauge) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$ 7.97	.35	.50		.04
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.61	.35	.50		.04
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Hester (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.16	.35	.50		.04
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	5.01	.35	.50		.04

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HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$6.16	6%	3.5%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	6.30	6%	3.5%			
Tri-axle trucks	6.39	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	6.39	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.48	6%	3.5%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.46	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.21	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.30	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.39	6%	3.5%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additional to respective size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	6.30	6%	3.5%			
Tar and Asphalt Trailer Trucks	6.39	6%	3.5%			
Trucks with Dolly or Trailer	6.26	6%	3.5%			
Bottom or Belly-Dump Trucks	6.48	6%	3.5%			

SUPERSEDEAS DECISION

STATE: Rhode Island COUNTY: Newport
DECISION NO.: AQ-2007 DATE: Date of Publication
Supersedes Decision No.: AR/484, dated March 16, 1973, in 38 FR 7199
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction and marine construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$8.80	.505	.45		.005	
Boilermakers	8.705	.50	10%		.01	
Bricklayers, stonemasons	8.57	.25	.35		.01	
Carpenters:						
Little Compton, Tiverton:						
Carpenters & soft floor layers	7.40	.30	.30			
Millwrights	8.20	.30	.50		.02	
Remainder of County:						
Carpenters and soft floor layers	8.15	.35	.35		.02	
Millwrights and Piledrivermen	8.75	.35	.35		.02	
Cement masons	7.95	.50	.35			
Electricians:						
Little Compton, Tiverton	8.10	.32	1%+.25	.32	½%	
Remainder of County	8.40	.38	1%+.25		.02	
Elevator constructors	6.87	.17	.185	½%a+b	.005	
Elevator constructors' helpers	4.81	.17	.185	½%a+b	.005	
Elevator constructors' helpers (Prob.)	3.435					
Glaziers	7.74	.42	.30	e	.01	
Ironworkers:						
Str., orn., & reinf.	7.70	.45	.80+.50		.02	
Laborers:						
Laborers, Building:						
Laborers, carpenters tender, cement finisher tender, mason tender	6.80	.40	.40		.05	
Jackhammers, paving breaker, chain saw Pipelayers, mechanical grinder, all other pneumatic tools, barco type jumping tampers	7.05	.40	.40		.05	
Plasterer tenders	7.05	.40	.40		.05	
Powdermen Blasters	7.55	.40	.40		.05	
Laborers, Wrecking:						
Laborers, signalmen	6.80	.40	.40		.05	
Adzman, burner, jackhammer	7.05	.40	.40		.05	
Lathers	5.75	.25	.20			
Lead burners	8.25	.30		c	.01	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Line Construction	$7.14	.20	1%	d		
Linemen	5.07	.20	1%	d		
Groundmen	6.31	.20	1%	d		
Equipment operator	5.58	.20	1%	d		
Driver groundman						
Painters:						
Little Compton & Tiverton Twps.:						
Brush	5.35	.30	.20	.20		
Structural steel	7.70	.30	.20	.20		
Structural steel spray	7.70	.30	.30	.20		
Spray (other than steel)	6.35	.30	.20	.20		
Remainder of County:						
Brush & roller	7.20	.40	.40			
Structural steel & steam cleaning	7.45	.40	.40			
Spray & sand or water blasting	8.20	.40	.40			
Air power brush	7.70	.40	.40			
Marble setters, terrazzo worker and tile setters	8.55	.25	.35			
Marble, tile and terrazzo helpers	7.23		.50			
Plasterers	8.15	.50	.35			
Plumbers	9.17	.35	.35			
Roofers:						
Composition, waterproofers	7.85	.20	.25			
Slate, tile, precast concrete	8.05	.20	.25			
Helpers, Class "A"	7.00	.20	.25			
Helpers, Class "B"	6.45	.20	.25			
Sheet metal workers	8.73	.56	.55		.05	
Sprinkler fitters	9.07	.30	.50		.01	
Steamfitters	8.82	.35	.80		.03	
Truck Drivers, Building:						
Dumps & 2-axle equipment	5.31	.30	.50			
Trailers & 3-axle equipment	5.39	.30	.50			
Low bed trailers (24 tons & over, I-Beam trailers, Special earth moving equipment (Euclid type)	5.64	.30	.50			
Euclid type equipment over 35 ton capacity	5.89	.30	.50			

Welders - received rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; E-Christmas Day.

BUILDING CONSTRUCTION

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years of more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Bunker Hill Day provided employee has been employed 10 working days prior to the holiday and provided the employee works the scheduled work day immediately preceding and following the holiday.

e. Paid Holiday: "D".

HEAVY, HIGHWAY & MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Bricklayers, stone masons, catch basin, manhole builders	$8.57	.25	.35		.01	
Carpenters, dock builders, piledrivers:						
Little Compton, Tiverton	8.85	.30	.30			
Remainder of County	8.75	.25	.25		.01	
Cement masons	6.85	.35				
Electricians:						
Little Compton, Tiverton	8.10	.32	1%+.25	.32	½%	
Remainder of County	8.40	.38	1%+.25		.02	
Ironworkers:						
Structural, ornamental, reinforcing	7.70	.45	.80+.50		.02	
Laborers:						
Laborers	6.80	.40	.40		.05	
Adzemen, asphalt rakers, barcotype jumping tampers, chain saw operators, concrete and power buggy operators, concrete saw operators, demolition burners fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, morter mixers, pipelayers, pipe trench bracers, pneumatic tool operators, riprap and dry stonewall builders, setters of metal forms for roadways, stumper operators, tree toppers, tree trimmers, wagon drill operators, wood chipper operators	7.05	.40	.40		.05	
Air track drill op.	7.30	.40	.40		.05	
Blasters & powdermen	7.55	.40	.40		.05	
Pavers, rammers, curb setters	7.30	.40	.40		.05	
Line Construction:						
Linemen	7.14	.20	1%	a		
Groundman	5.07	.20	1%	a		
Equipment operator	6.31	.20	1%	a		
Driver groundman	5.58	.20	1%	a		
Painters:						
Little Compton & Tiverton Twps:						
Brush	5.35	.30	.20	.20		
Structural steel	7.70	.30	.20	.20		
Structural steel spray	7.70	.30	.20	.20		
Spray (other than steel)	6.35	.30	.20	.20		
Remainder of County:						
Brush & roller	7.20	.40	.40			
Spray & sand or water blasting	8.20	.40	.40			
Structural Steel & steam cleaning	7.45	.40	.40			
Air power brush	7.70	.40	.40			

HEAVY, HIGHWAY & MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Plumbers	$9.17	.35	.35			
Waterproofers	7.85	.20	.25			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, Bunker Hill Day provided the employee has been employed 10 working days prior to the holiday and provided the employee works the scheduled work day immediately preceding and following the holiday.

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	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUBBASEMENTS, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS						
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders 3 yds. and over	$10.05	.40	.40		.05	
Firemen and Oilers	8.05	.40	.40		.05	
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders less than 3 yds.	8.65	.40	.40		.05	
Maintenance Engineers	8.13	.40	.40		.05	
Well-point Installation Crews	8.85	.40	.40		.05	
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.65	.40	.40		.05	
Boat and Tug Operators	10.05	.40	.40		.05	
Apprentices (Deckhands)	8.13	.40	.40		.05	

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth.
BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS						
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	$9.35	.40	.40		.05	
Economobile type equipment	9.10	.40	.40		.05	
Fork lift	8.85	.40	.40		.05	
Firemen and Oilers	7.45	.40	.40		.05	
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.00	.40	.40		.05	
Pippin type backhoes	8.30	.40	.40		.05	
Maintenance Engineers	7.90	.40	.40		.05	
Well-point Installation	8.05	.40	.40			
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.20	.40	.40		.05	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHE
HEAVY & HIGHWAY CONSTRUCTION						
Truck Drivers:						
2 axle	$3.97	.24	.35	a+b		
3-axle, Ready Mix Equipment	4.02	.24	.35	a+b		
4-5 axle Dump	4.12	.24	.35	a+b		
Low bed trailer equipment-specialized earth moving equipment other than conventional type	4.22	.24	.35	a+b		
Helpers on low bed	3.97	.24	.35	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Columbus Day, Veteran's Day providing employee has worked at least two days in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive: 1 week's vacation; 5 years or more - 2 weeks vacation.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
BRIDGE (Incidental to Highway) and HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATOR						
Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers and front-end loaders 3 to 4 yds. and economobile & ross carriers	$9.15	.40	.40			
Fork lifts	8.35	.40	.40			
Firemen and apprentices	7.75	.40	.40			
Bulldozers, spreaders, rollers and front-end loaders, less than 3 yds., tractors	6.90	.40	.40			
Scrapers and graders & dozer operators	7.65	.40	.40			
Pippin type backhoe operator	7.775	.40	.40			
Maintenance engineers	8.00	.40	.40			
Gas and electric driven heaters, pumps, concrete mixers, stone crushers, air compressors, light plants and welding machines and concrete pumps	7.50	.40	.40			
Test boring machine operators	7.775	.40	.40			
Well point installation crews	6.625	.40	.40			
Operators of truck crane with booms of 130 to 150 feet	7.60	.40	.40			
over 150 feet	9.65	.40	.40			
Operators of ort cranes with booms of 150 to 180 feet	9.90	.40	.40			
over 180 feet	9.65	.40	.40			
	9.90	.40	.40			

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SUPERSEDEAS DECISION

STATE: Rhode Island
DECISION NO.: AQ-2009
Supersedes Decision No. AP-496, dated April 6, 1973 in 38 FR 8862.
DESCRIPTION OF WORK: Residential Construction (consisting of single family homes and garden type apartments up to and including 4 stories).

COUNTY: Providence
DATE: Date of Publication

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RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$8.80	.505	.45		.005	
Bricklayers, cement masons and stone masons:						
Ashton, Berkeley, Central Falls, Cumberland, Lincoln, Lonsdale, Pawtucket and Valley Falls	8.70	.25	.25		.01	
Bricklayers, cement masons, plasterers, stone masons, marble, tile and terrazzo workers:						
Woonsocket, N. Smithfield, Burrillville and Cumberland Hill	8.67	.25	.30		.01	
Remainder of Providence County:						
Bricklayers and stone masons	8.57	.25	.35		.01	
Cement masons	7.95	.50	.35			
Marble, tile and terrazzo workers	8.55	.25	.35			
Plasterers	8.15	.50	.35			
Carpenters, soft floor layers, piledrivermen:						
Burrillville, N. Smithfield, Woonsocket Townships,	6.35	.35	.35			
Remainder of Providence County:						
Carpenters, soft floor layers and piledrivermen	8.25	.35	.35		.01	
Electricians	8.40	.38	1¼+.25		.02	
Glaziers	7.74	.42	.30	a	.01	
Ironworkers: Str., Orn., Reinforcing	7.70	.45	.80+.50		.02	
Laborers:						
Laborers, Building						
Laborers, carpenters tender, cement finisher tenders, mason tenders	6.80	.40	.40		.05	
Jackhammers, paving breaker, chain saw pipelayers, mechanical grinder, all other pneumatic tools, barco type jumping tampers	7.05	.40	.40		.05	
Plasterers tenders	7.05	.25	.40		.05	
Powdermen blasters	7.55	.40	.40		.05	
Laborers, Wrecking:						
Laborers, signalmen	6.80	.40	.40		.05	
Adsman, burner, jackhammer	7.05	.40	.40		.05	

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1-RI-PROV-1-B

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Lathers	$7.40	.45	.50		.01	
Marble, tile and terrazzo workers' helpers	7.23		.50			
Painters:						
Brush & roller	7.20	.40	.40			
Structural steel & steam cleaning	7.45	.40	.40			
Spray & sand or water blasting	8.20	.40	.40			
Air power brush	7.70	.40	.40			
Plumbers	9.17	.35	.35			
Roofers:						
Composition, waterproofers	7.85	.20	.25			
Slate, tile and precast concrete	8.05	.20	.25			
Helpers, Class A	7.00	.20	.25			
Helpers, Class B	6.45	.20	.25			
Sheet metal workers	8.73	.56	.35		.05	
Steamfitters, piprfitters	8.82	.35	.80		.03	
Truck Drivers: Residential						
2-Axle; dumps	5.31	.30	.50			
3-Axle; trailers	5.39	.30	.50			
Low beds, trailers (24 tons and over); trailers (I-Beam), specialized earth moving equipment	5.64	.30	.50			
Euclid type equipment over 35 ton capacity	5.89	.30	.50			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
A. Paid Holiday: "D".

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RESIDENTIAL CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	$9.35	.40	.40		.05	
Economobile type equipment	9.10	.40	.40		.05	
Fork lift	8.85	.40	.40		.05	
Firemen and Oilers	7.45	.40	.40		.05	
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.00	.40	.40		.05	
Pippin type backhoes	8.30	.40	.40		.05	
Maintenance Engineers	7.90	.40	.40		.05	
Well-point Instsllation	8.05	.40	.40		.05	
Gass or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.20	.40	.40		.05	

SUPERSEDEAS DECISION

STATE: Rhode Island
DECISION NO. AQ-2010
Supersedes Decision No. AP-497 dated April 6, 1973, in 38 FR 8864
DESCRIPTION OF WORK: Residential Construction (consisting of single family homes and garden type apartments up to and including 4-stories).

COUNTY: Washington
DATE: Date of Publication

5-RI-1-D

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	C
Asbestos workers	$8.80	.505	.45		.005	
Bricklayers and stone masons:						
Westerly, Hopkington, So. Kingstown, Charlestown, Richmond, Wakefield, Peace Dale, Kingston	8.02	.25	.35			
Exeter, Johnson, No. Kingstown, Narragansett (including the Pier of Point Judith)	8.57	.25	.35		.01	
Carpenters and soft floor layers:						
North Kingston:						
Carpenters, soft floor layers & piledrivermen	8.25	.35	.35		.01	
Remainder of County:						
Carpenters, soft floor layers & piledrivermen	8.25	.35	.35			
Cement masons:						
Westerly, Hopkington, So. Kingstown, Charlestown, Richmond, Wakefield, Peace Dale, Kingston	6.075	.15	.20			
Exeter, Narragansett, No. Kingstown, Gould	7.95	.50	.35			
Electricians:						
Westerly Township	8.80	.75	1¼+.20		½	
Remainder of County	8.40	.38	1¼+.25		.02	
Glaziers	7.74	.42	.30	a	.01	
Ironworkers: Structural, Ornamental, and Reinforcing	7.70	.45	.80+.50		.02	
Laborers, Building:						
Laborers, carpenters' tenders, cement finisher tenders, mason tenders	6.80	.40	.40		.05	
Jackhammer, paving breaker, chain saw, pipelayers, mechanical grinder, all other pneumatic tools, barco type jumping tampers	7.05	.40	.40		.05	
Plasterer's tenders	7.05	.40	.40		.05	
Powdermen blasters	7.55	.40	.40		.05	
Laborers, Wrecking:						
Laborers, signalman	6.80	.40	.40		.05	
Adsman, Burner, Jackhammer	7.05	.40	.40		.05	

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RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
	$7.40	.45	.50		.01	
Lathers						
Marble, Tile and Terrazzo workers:						
Exeter, N. Kingstown, Narragansett, (including the Pier of Point Judith)	7.50	.25	.35			
Marble, Tile and Terrazzo helpers	7.23		.50			
Painters:						
Brush & Roller	7.20	.40	.40			
Structural steel & steam cleaning	7.45	.40	.40			
Spray & Sand or water blasting	8.20	.40	.40			
Air Power Brush	7.70	.40	.40			
Plasterers, Exeter, Narragansett, N. Kingston	8.15	.50	.35			
Plasterers (Westerly, Hopkington, S. Kingston, Charlestown, Richmond, Wakefield and Peace Dale)	8.02	.25	.35			
Plumbers	8.55	.35	.35			
Roofers:						
Composition, waterproofers	7.85	.20	.25			
Slate, tile, precast concrete	8.05	.20	.25			
Helpers, Class "A"	7.00	.20	.25			
Helpers, Class "B"	6.45	.20	.25			
Sheet metal workers	8.73	.56	.55		.05	
Steamfitters	8.82	.35	.80		.03	
Truck Drivers: Building						
Two-axle; dumps	5.31	.30	.50			
Three-axle; trailers	5.39	.30	.50			
Low-bed trailers (24 tons & over) Trailers (I-Beam), specialized earth moving equipment (Euclid type)	5.64	.30	.50			
Euclid type equipment over 35 ton capacity	5.89	.30	.50			

Welders - received rate prescribed for craft performing operation to which welding is incidental.

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•. Paid Holiday: "D"

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Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pevers, and front-end loaders 3 yds. and over	$9.35	.40	.40		.05	
Economobile type equipment	9.10	.40	.40		.05	
Fork lift	8.85	.40	.40		.05	
Firemen and Oilers	7.45	.40	.40		.05	
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.00	.40	.40		.05	
Pippin type backhoes	8.30	.40	.40		.05	
Maintenance Engineers	7.90	.40	.40		.05	
Well-point Installation	8.05	.40	.40		.05	
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.20	.40	.40		.05	

[FR Doc.73-17749 Filed 8-23-73;8:45 am]

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federal register

MONDAY, AUGUST 27, 1973
WASHINGTON, D.C.
Volume 38 ■ Number 165
Pages 22877–22947
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PROCLAMATION 4237

Citizenship Day and Constitution Week

By the President of the United States of America

A Proclamation

For nearly two centuries, generations of Americans have cherished the blessing of self-government under the Constitution of the United States—that great charter which William Gladstone called "the most wonderful work ever struck off at a given time by the brain and purpose of man."

Borrowing what seemed best from other representative democracies and devising other elements out of their own genius, the framers of our Constitution erected the balanced and durable system that has weathered so many national crises so well over the decades since. The wise principles they built on—including a federal union of States, a bill of individual rights, and a division of powers among three coequal and independent branches of government—remain as vital today as they were in 1787 for the vigorous pursuit of public purposes and the restraint of arbitrary rule.

Experience has also taught us that constitutional government and democratic citizenship must go hand in hand, for only an informed and active citizenry can breathe life into the institutions of government. It is fitting, then, that the Congress by joint resolutions of February 29, 1952, and August 2, 1956, has ordained that we honor the two together each September, by observing the anniversary of the signing of the Constitution as Citizenship Day and the week following that day as Constitution Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, call upon appropriate Government officials to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1973. I urge Federal, State, and local officials, as well as leaders of civic, educational and religious organizations to conduct appropriate ceremonies and programs on that day.

I also designate as Constitution Week the period beginning September 17 and ending September 23, 1973. I urge all Americans to observe

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the week with such commemorative and educational activities as may foster a better understanding of, and deeper reverence for, the Constitution of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of August, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

[FR Doc.73-18244 Filed 8-24-73;10:15 am]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

Correction

In FR Doc. 73-16573, appearing at page 21639 for the issue for Friday, August 10, 1973, make the following corrections:

1. In the first column on page 21640 under "Georgia", in the second line of the entry for Jasper County, "George Militia District", should read "Georgia Militia District".

2. The entry which now reads "Jackson County", should read "Johnson County".

3. The effective date which appears in the second paragraph from the bottom of the first column on page 21641, which now reads "August 9, 1973", should read "August 10, 1973".

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Bartlett Pear Reg. 8, Amdt. 1]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Limitation of Shipments

This amendment extends during the period September 3, 1973, through August 31, 1974, the requirements that pears in several commonly used containers grade U.S. No. 1 and be 180 size, although U.S. No. 2 grade pears may be handled if at least 150 size. Bartlett pears in the western lug shall grade at least U.S. No. 2, and have a minimum size of 2¼ inches. Pears in 14 to 15 pound, net weight, containers shall grade at least U.S. No. 2 and have a minimum size of 2⅛ inches.

On August 7, 1973, notice of proposed rule-making was published in the FEDERAL REGISTER (38 FR 21271) regarding a proposed amendment of Bartlett Pear Regulation 8 which was issued pursuant to the marketing agreement and Order No. 931 (7 CFR, Part 931) regulating the handling of fresh Bartlett Pears grown in Oregon and Washington. This notice allowed interested persons until August 16, 1973, to submit written data, views, or arguments pertaining to this proposed amendment. None were submitted. The proposed amendment was recommended by the Northwest Fresh Bartlett Pear Marketing Committee established pursuant to the said marketing agreement and Order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). It is hereby found that the amendment, as hereinafter set forth, would tend to effectuate the declared policy of the Act.

This action reflects the Department's appraisal of the need for continued regulation on and after September 3, 1973, based on current and prospective market conditions. The Washington-Oregon Bartlett Pear crop is estimated at 191,000 tons, compared with last season's production of 150,000. Total fresh shipments are expected to total 54,112 tons. Last season's fresh shipments totalled 53,600 tons. This amendment to Bartlett Pear Regulation 8 is designed to prevent the handling on and after September 3, 1973, of lower quality and smaller size Bartlett pears and provide orderly marketing of an adequate supply of acceptable quality Bartlett pears in the interest of producers and consumers, consistent with objectives of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such pears are expected to continue on and after September 3, 1973, when Bartlett Pear Regulation 8 would terminate without amendment and Bartlett Pear Regulation 8 should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this amendment to Bartlett Pear Regulation 8, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (38 FR 21271), and no objection to either this amendment or such effective date was received; and (3) compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 931.308 Bartlett Pear Regulation 8.

(a) *Order.* During the period August 1, 1973, through August 31, 1974, no handler shall handle any lot of Bartlett pears unless such pears meet the following applicable requirements, or are handled in accordance with paragraphs (a)(4) or (5) of this section:

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: August 22, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-18101 Filed 8-24-73;8:45 am]

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Expenses and Rate of Assessment

This document authorizes the State of Washington Potato Committee to spend not more than $10,050 for its operations during the fiscal period ending June 30, 1974, and to collect one-tenth cent per hundredweight on assessable potatoes handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 113 and Order No. 946, both as amended, regulating the handling of Irish potatoes grown in Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the August 10 FEDERAL REGISTER (38 FR 21648) regarding the proposals. It afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than August 19, 1973. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice, it is hereby found and determined that the following budget and rate of assessment should be issued:

§ 946.226 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1974, by the State of Washington Potato Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to $10,050.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one-tenth cent ($0.001) per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during the fiscal period, except potatoes for canning,

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freezing, and "other processing" as defined in the act shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) the relevant provisions of this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began July 1, 1973, and the rate of assessment herein will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: August 22, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–18102 Filed 8–24–73;8:45 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Change in List of Varietal Types

Notice was published in the August 3, 1973, issue of the FEDERAL REGISTER (38 FR 20898), regarding a proposal, pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR, Part 989), hereinafter referred to collectively as the "order", regulating the handling of raisins produced from grapes grown in California, to change the list of varietal types of raisins set forth in § 989.10 of the order by deleting "Alicante Bouschet", "Cardinal", "Carignane", "Italia", "Malaga", and "Zinfandel" from the list. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The changed list of varietal types would be set forth as a new § 989.110 in the Subpart—Administrative Rules and Regulations (7 CFR 989.101–989.176, 38 FR 10074, 13012, 14959, 20236).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received.

Section 989.10 defines "varietal type" to mean raisins generally recognized as possessing characteristics differing from other raisins in a degree sufficient to make necessary or desirable separate identification and classification. In addition to listing the varietal types, that section also provides that the Raisin Administrative Committee may from time to time, subject to the approval of the Secretary, change this list of varietal types.

Cardinal, Italia, and Malaga grapes are primarily marketed fresh as table grapes and only limited quantities are made into raisins. It is not necessary to have separate identifications and classifications for raisins produced from these varieties of grapes because the raisins possess characteristics which are similar to Muscat (natural (sun-dried) Muscat or Layer Muscat) or Valencia (bleached Muscat) raisins. "Natural (sun-dried) Muscat", "Layer Muscat" and "Valencia" raisins are listed as varietal types in § 989.10. Hence, the Committee unanimously recommended that the list of varietal types of raisins be changed to delete "Cardinal", "Italia", and "Malaga" from the list and that raisins produced from these varieties of grapes be considered to be the applicable Muscat or Valencia raisins for purposes of regulation under the order.

Alicante Bouschet, Carignane, and Zinfandel grapes are wine variety grapes. There have been only insignificant quantities of these grapes dried to raisins since they were included in the order as varietal types of raisins (in 1960). It is not likely that production of raisins from these grape varieties will be in quantities expected to be of any commercial significance which would warrant separate identification and classification. Therefore, these three varietal types are being deleted from the list of varietal types of raisins in § 989.10.

After consideration of relevant matter presented, including that in the notice, the information and recommendation of the Committee, and other available information, the amendment of Subpart—Administrative Rules and Regulations (7 CFR 989.101–989.176, 38 FR 10074, 13012, 14959, 20236) as hereinafter set forth is approved.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) and for making this action effective September 1, 1973, in that: (1) Handlers are aware that this action has been proposed and require no additional time beyond September 1, 1973, to comply; (2) the 1973–74 crop year begins September 1, 1973, and the changed list of varietal types should be effective with the beginning of the crop year; and (3) no useful purpose would be served by postponing the effective time of this action.

Therefore, Subpart—Administrative Rules and Regulations (7 CFR 989.101–989.176, 38 FR 10074, 13012, 14959, 20236) is amended by adding a new § 989.110 reading as follows:

§ 989.110 Changed list of varietal types.

Pursuant to § 989.10, the list of varietal types of raisins contained in that section is changed to read: Natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, natural (sun-dried) or artificially dehydrated Zante Currant, Layer Muscat, Golden Seedless, Sulfur Bleached, Soda Dipped Valencia and Monukka.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated August 22, 1973, to become effective September 1, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc.73–18103 Filed 8–24–73;8:45 am]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Non-French Prunes

Notice was published in the August 3, 1973, issue of the FEDERAL REGISTER (38 FR 20899) of a proposal to modify the definition of "non-French prunes" set forth in § 993.6 by adding "Moyer" to that definition. The definition, as so modified, would be set forth as a new § 993.109 in Subpart—Administrative Rules and Regulations (7 CFR 993.101–993.174).

The proposal was unanimously recommended by the Prune Administrative Committee pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order, hereinafter referred to as the "order", are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received.

Section 993.6 of the order defines the term non-French prunes to mean prunes produced from varieties of plums listed in that definition. Section 993.6 also provides that this definition may be modified by the Committee with the approval of the Secretary.

Section 993.7 of the order defines "French prunes" to mean: (a) Prunes produced from plums of the following varieties of plums: French (Prune d'Agen, Petite Prune d'Agen), Coates (Cox, Double X, Saratoga); and (b) any other prunes which possess taste, flesh texture, and other characteristics similar to those of the prunes named in that section. Thus, any prunes which do not possess characteristics similar to French prunes would be considered non-French prunes.

Because prunes made from Moyer variety of plums do not possess characteristics similar to French prunes, the Committee recommended that "Moyer" be included in the definition of non-French prunes.

Under the order, certain regulations are applied to non-French prunes and French prunes, or by variety (i.e., French, Imperial, Sugar, Robe de Sargent, etc.). Minimum size requirements for non-French prunes are prescribed in § 993.50 (c), and for French prunes in § 993.50 (d). Whenever reserve control regulations are effective for a crop year, handlers' reserve obligations are based on their receipts of prunes from producers and dehydrators by variety, grade, and size categories.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Committee, and other available information, amendment of Subpart—Administrative Rules and Regulations (7 CFR 993.101—993.174) by adding a new § 993.109, as hereinafter set forth, is approved.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) and for making the effective time August 27, 1973, in that: (1) Handlers are aware that this action has been recommended by the Committee and need no additional time beyond August 27, 1973, to comply; (2) the 1973–74 crop year began August 1, 1973, and handlers will begin receiving prunes from 1973 production in volume in September, and therefore, in order to apply regulations to all non-French prunes uniformly and consistently, this change should become effective prior to such receipt; and (3) no useful purpose would be served by postponing the effective time of this action.

Therefore, Subpart—Administrative Rules and Regulations (7 CFR 993.101–993.174) is amended by adding a new § 993.109 reading as follows:

§ 993.109 Modified definition of non-French prunes.

The definition of non-French prunes set forth in § 993.6 is modified to read as follows: "Non-French Prunes" means prunes commonly known as Imperial, Sugar, Robe de Sargent, Burton, Standard, Jefferson, Fellenberg, Italian, President, Giant, Hungarian (Gross), and Moyer, produced from such varieties of plums.

(Sec. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated August 21, 1973, to become effective August 27, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc.73–18063 Filed 8–24–73;8:45 am]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Salable and Reserve Percentages for the 1973–74 Crop Year

Notice was published in the July 27, 1973, issue of the FEDERAL REGISTER (38 FR 20093) on establishment of salable and reserve percentages for California dried prunes of 100 percent and 0 percent, respectively, for the 1973–74 crop year beginning August 1, 1973.

These percentages were unanimously recommended by the Prune Administrative Committee pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The marketing agreement and order program are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received.

The proposal was based on the Committee's estimate of 1973 California dried prune production of 160,000 tons, natural condition weight, and carryin of 6,000 tons, natural condition weight. This would result in an estimated supply of 166,000 tons.

The Committee also estimated 1973–74 domestic trade demand at 106,800 tons (natural condition weight) and foreign trade demand at 34,000 tons (natural condition weight), leaving a carryout on July 31, 1974, of 25,200 tons. A carryout of 25,000 tons is deemed desirable. Therefore, the Committee recommended that the salable and reserve percentages for the 1973–74 crop year be 100 percent and 0 percent, respectively.

California's 1973 prune production is now estimated at 170,000 tons. However, it is not expected that the additional 10,000 tons will prove burdensome in view of the supplies existing at all trade levels due to the very short 1972 production of California prunes.

After consideration of the Committee's recommendation and supporting information, and other available information, it is found that to establish the salable and reserve percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of the marketing agreement and this part require that the salable and reserve percentages established for a crop year be applicable to all prunes received by handlers from producers and dehydrators during that crop year; (2) the current crop year began on August 1, 1973, and the percentages herein established will automatically apply to all such prunes beginning with that date; (3) this action places no restrictions on handlers; and (4) no useful purpose would be served by delaying this action.

Therefore, the salable and reserve percentages for prunes for the 1973–74 crop year are established as follows:

§ 993.209 Salable and reserve percentages for prunes for the 1973–74 crop year.

The salable and reserve percentages for the 1973–74 crop year shall be 100 percent and 0 percent, respectively.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: August 20, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc.73–18064 Filed 8–24–73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 1]

PART 1446—PEANUTS

Subpart—1973–Crop Peanut Warehouse Storage Loans

The regulations issued by the Commodity Credit Corporation, and published in 38 FR 18453, which set forth specific requirements with respect to warehouse storage loans for the 1973 crop of peanuts are hereby amended to increase the support values for farmers stock peanuts. It is impracticable to follow the notice of proposed rule making procedure with respect to this amendment, because 1973 crop peanuts are being harvested and it is essential that the rates provided in this subpart be put into effect with respect to such peanuts on the earliest possible date.

1. Sections 1446.9 and 1446.10 are amended to read as follows:

§ 1446.9 National average support value.

The National average support value for 1973-crop peanuts is $328.50 per ton.

§ 1446.10 Average support values by type.

The support values by type per average grade ton of 1973-crop peanuts are:

Type	Dollars per ton
Virginia	$334.90
Runner	331.90
Southeast Spanish	322.94
Southwest Spanish	319.23
Valencia, in the Southwest area suitable for cleaning or roasting	334.90

The price for all Valencia type peanuts in the Southeast and Virginia-Carolina areas and those in the Southwest area which are not suitable for cleaning and roasting will be in the same as for Spanish type peanuts in the same area.

2. Subparagraph (a)(1) of § 1446.11 is amended to read as follows:

§ 1446.11 Calculation of support values.

* * * * * *

(a) *Kernel value per net ton excluding loose shelled kernels.* (1) Price for each percent of sound mature and sound split kernels shall be:

Type	Dollars per ton
Virginia	4.671
Runner	4.632
Southeast Spanish	4.632
Southwest Spanish	4.632
Valencia:	
Southwest area—suitable for cleaning and roasting	5.102
Southwest area—not suitable for cleaning and roasting	4.632
Areas other than Southwest	4.632

* * * * *

(Secs. 4 and 5, 62 Stat. 1070 as amended; (15 U.S.C. 714 b and c); Interpret or apply

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secs. 101, 401, 63 Stat. 1051, as amended; (7 U.S.C. 1441, 1421))

Effective date.—August 27, 1973.

Signed at Washington, D.C. on August 20, 1973.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-18065 Filed 8-24-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SW-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On July 20, 1973, FR Document No. 73-14876 was published as a final rule in the FEDERAL REGISTER (38 FR 19360). This document designated the Stratford, Tex., 700-foot transition area effective 0901 G.m.t., September 13, 1973.

A review by the National Ocean Survey indicated that the airport coordinates provided for the Stratford Municipal Airport, i.e., latitude 36°21'32" N., longitude 102 02'55" W., needed to be changed to latitude 36°20'45" N., longitude 102°02' 50" W. Necessary action is taken hereby to effect this change.

As this correction is considered minor in nature and will not impose an additional burden on person or persons, notice and public procedures are not considered necessary.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on August 16, 1973.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.73-18018 Filed 8-24-73;8:45 am]

[Airspace Docket No. 73-SW-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to designate a 700-foot transition area at Port Isabel, Tex.

On June 27, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 16914) stating the Federal Aviation Administration proposed to designate the Port Isabel, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., November 8, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added:

PORT ISABEL, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Port Isabel, Cameron County Airport (Latitude 26°10'00" N., longitude 97°-20'45" W.) and within 2 miles each side of the Brownsville, Tex., VORTAC 006° radial extending from the 5-mile radius area to 10 miles north of the Brownsville VORTAC.

(Sec 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Forth Worth, Tex., on August 16, 1973.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.73-18019 Filed 8-24-73;8:45 am]

[Airspace Docket No. 73-SW-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Change of Effective Date

On June 19, 1973, FR Doc. 73-12108 was published in the FEDERAL REGISTER (38 FR 15943). This docket amended Part 71 of the Federal Aviation regulations and contained the deletion of the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field), control zone; designation of the Dallas-Fort Worth, Tex. (Regional Airport), control zone; and alteration of the Dallas, Tex. (Love Field), (NAS Dallas), (Redbird Airport), and (Addison Airport), control zones and was to be effective September 30, 1973, which was concurrent with the opening date of the new Dallas-Fort Worth Regional Airport. Subsequent to publication of the effective date, the opening of the new Dallas-Fort Worth Regional Airport has been delayed until October 28, 1973. This will delay the effective date of the amendments to Part 71 of the Federal Aviation regulations. Action is taken herein to amend the effective date.

Since this amendment will impose no undue burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, FR Doc. No. 73-12108 is amended to change the effective date of Airspace Docket No. 73-SW-2 from 0901 G.m.t., September 30, 1973, to 0901 G.m.t., October 28, 1973.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on August 16, 1973.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.73-18020 Filed 8-24-73;8:45 am]

[Airspace Docket No. 72-CE-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On Page 3525 of the FEDERAL REGISTER dated February 7, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation regulations so as to alter the control zone and transition area at Emporia, Kansas. The reason for the proposal was to provide airspace protection for aircraft that would use two RNAV public use instrument approach procedures being established at the Emporia, Kansas, Municipal Airport.

Interested persons were given 30 days to submit written comments, suggestions and objections regarding the proposed amendments. Two comments were received. The Air Transport Association concurred with the proposal. The Department of the Air Force objected to the proposal in that the proposed RNAV instrument approach procedure from the south conflicted with a Military High Speed Low Level Route. Subsequent to the issuance of the proposal the agency has re-evaluated the situation and determined that the establishment of only one RNAV instrument approach procedure at the Emporia Municipal Airport is appropriate rather than the two as originally proposed. That procedure being deleted is the one that would have conflicted with military operations. Accordingly, a final rule is being issued to alter the Emporia, Kansas, control zone and transition area to reflect this change.

Since the alterations will in part reduce the amount of designated airspace in the Emporia, Kansas, terminal area from that originally proposed, no additional burden will be imposed on any person. Consequently, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended effective 0901 G.m.t., November 8, 1973, as hereinafter set forth:

In § 71.171 (38 FR 351), the following control zone is amended to read:

EMPORIA, KANSAS

Within a 5-mile radius of the Emporia, Kansas Municipal Airport (latitude 38°20'00" N., longitude 96°11'15" W.); and 1.5 miles either side of the 010° bearing from the airport extending from the 5-mile radius to 6 miles north.

In § 71.181 (38 FR 435), the following transition area is amended to read:

EMPORIA, KANSAS

That airspace extending upward from 700' above the surface within 2 miles either side of the Emporia VORTAC 134° radial, extending from the 5-mile radius of the airport (latitude 38°20'00" N., longitude 96°11'15" W.); to 8 miles southeast of the VORTAC and 5 miles either side of the 010° bearing from the airport extending from the 5-mile radius to 12.5 miles north, and that airspace extending upwards from 1,200' above the surface within 5 miles southwest and 8 miles northeast of the Emporia VORTAC 134° radial, extending from the VORTAC to 18.5 miles southeast of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on August 9, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-18021 Filed 8-24-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Apricots, Prunes, Seedless Grapes, Cherries, Berries, Plums and Figs; Confirmation of Effective Date of Order Amending Standards of Identity

In the matter of amending the definitions and standards of identity for canned apricots, canned prunes, canned seedless grapes, canned cherries, canned berries, canned plums, and canned figs (21 CFR 27.10, 27.15, 27.25, 27.30, 27.35, 27.45 and 27.70) to provide for the optional use of packing media prepared from a single fruit juice that is fresh, canned, frozen, or concentrated or a blend of two or more such juices, one of which may be the juice of the fruit being packed or all of which may be juices from different fruits and to provide for slightly sweetened water or an optional packing medium in canned prunes (21 CFR 27.15):

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1057 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 31, 1973 (38 FR 14252). Accordingly, the amendments promulgated by that order became effective July 30, 1973.

Dated: August 20, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-18076 Filed 8-24-73;8:45 am]

PART 121—FOOD ADDITIVES

Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SURFACE LUBRICANTS USED IN THE MANUFACTURE OF METALLIC ARTICLES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 2B2778) filed by Shell Chemical Co., 1700 K St. NW., Washington, D.C. 20006, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of an additional synthetic primary alcohol mixture of straight- and branched-chain alcohols for use as a component of surface lubricants used in the manufacture of metallic articles.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2531(a)(2) is amended by alphabetically inserting in the list of substances the following new item:

§ 121.2531 **Surface lubricants used in the manufacture of metallic articles.**

* * * * * *

(a) * * *

(2) * * *

List of Substances	*Limitations*
* * *	* * *
Synthetic primary alcohol mixture of straight- and branched-chain alcohols that contain at least 99 percent primary alcohols consisting of the following: not less than 70 percent normal alcohols; not less than 96.5 percent C_{12}—C_{15} alcohols; and not more than 2.5 percent alpha, omega C_{12}—C_{15} diols. The alcohols are prepared from linear olefins from a purified kerosene fraction, carbon monoxide and hydrogen using a modified oxo process, such that the finished primary alcohol mixture meets the following specifications: Molecular weight, 207±4; hydroxyl number, 266–276.	For use at a level not to exceed 8 percent by weight of the finished lubricant formulation.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before September 26, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–86, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date.—This order shall become effective on August 27, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1)))

Dated: August 20, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-18079 Filed 8-24-73;8:45 am]

PART 121—FOOD ADDITIVES

Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

FILTERS, RESIN-BONDED

Notice was given in the FEDERAL REGISTER of April 4, 1972 (37 FR 6773), that a petition (FAP 2B2773) had been filed by Celanese Fibers Marketing Co., Post Office Box 1414, Charlotte, N.C. 28201, proposing that § 121.2536 (21 CFR 121.2536) be amended to provide for the safe use of polyethylene terephthalate fibers in the manufacture of resin-bonded filters. Notice was also given in the FEDERAL REGISTER of April 12, 1973 (38 FR 9256) that the petition had been amended to propose additionally the safe use of 4-ethyl-4-hexadecyl morpholinium ethyl sulfate as a lubricant employed during the fiber finishing of polyethylene terephthalate.

The Commissioner of Food and Drugs having evaluated the data in the petition, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of polyethylene terephthalate as fibers, and 4-ethyl-4-hexadecyl morpholinium ethyl sulfate as a lubricant employed during the finishing of such fibers, in the manufacture of resin-bonded filters.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2536(d) (1) and (2) are amended by alphabetically adding to the List of Substances and limitations the following new items:

§ 121.2536 **Filters, resin-bonded.**

* * * * * *

(d) * * *

List of substances and limitations

(1) *Fibers:*

* * * * * *

Polyethylene terephthalate complying in composition with the provisions of § 121.2524; for use in inline filtration only as provided for in paragraphs (e) and (f) of this section.

* * * * * *

(2) *Substances employed in fiber finishing:*

* * * * * *

4-ethyl-4-hexadecyl morpholinium ethyl sulfate for use only as a lubricant in the manufacture of polyethylene terephthalate fibers specified in paragraph (d)(1) of this section at a level not to exceed 0.03 percent by weight of the finished fibers.

* * * * * *

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Any person who will be adversely affected by the foregoing order may at any time on or before September 26, 1973 file with the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Rm. 6-86, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date.—This order shall become effective on August 27, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1)))

Dated: August 20, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 73-18077 Filed 8-24-73;8:45 am]

PART 121—FOOD ADDITIVES

Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

FILTERS, RESIN-BONDED

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 3B2819) filed by American Cyanamid Co., Wayne, N.J. 07470, and other relevant material, concludes that the food additive regulations (21 CFR Part 121) should be amended to provide for the safe use of melamine-formaldehyde chemically modified with methyl alcohol as a component of resin-bonded filters in food-contact use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.2536(d)(3) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2536 Filters, resin-bonded.

* * * * * *

(d) * * *

(3) *Resins:*

* * * * * *

Melamine-formaldehyde chemically modified with methyl alcohol.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before September 26, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date.—This order shall become effective on August 27, 1973.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))

Dated: August 20, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-18078 Filed 8-24-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

LUBRICANTS WITH INCIDENTAL FOOD CONTACT

Notice was given in the FEDERAL REGISTER of August 3, 1971 (36 FR 14279), that a petition (FAP 2B2707) was filed by Standard Oil Company of California, 225 Bush St., San Francisco, Calif. 94120, proposing that § 121.2553 *Lubricants with incidental food contact* (21 CFR 121.2553) be amended to provide for the safe use of magnesium ricinoleate, sodium metaborate, and polyurea (produced by reacting tolylene diisocyanate and amines) as components of lubricants with incidental food contact.

Subsequently, the petitioner amended the petition by withdrawing the requests for use of the compounds magnesium ricinoleate and sodium metaborate.

Having considered the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the food additive regulations (21 CFR Part 121) should be amended to provide for the safe use of polyurea, as set forth below, as a component of lubricants with incidental food contact.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2553(a)(3) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2553 Lubricants with incidental food contact.

* * * * *

(a) * * *

(3) * * *

Substances	*Limitations*
* * *	* * *
Polyurea, having a nitrogen content of 9–14 percent based on the dry polyurea weight, produced by reacting tolylene diisocyanate with tall oil fatty acid (C_{18} and C_{18}) amine and ethylene diamine in a 2:2:1 molar ratio.	For use only as an adjuvant in mineral oil lubricants at a level not to exceed 10 percent by weight of the mineral oil.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before September 26, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date.—This order shall become effective on August 27, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1)))

Dated: August 20, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-18075 Filed 8-24-73;8:45 am]

PART 121—FOOD ADDITIVES

2,4-Dinitro-6-Octylphenyl Crotonate and 2,6-Dinitro-4-Octylphenyl Crotonate

A petition (FAP 3H5019) was filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of a food additive tolerance (21 CFR Part 121) of 0.3 part per million for residues of the fungicide and insecticide that is a mixture of 2,4-dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate in apple pomace resulting from application of the fungicide and insecticide to growing apples.

Subsequently, the petitioner amended the petition by changing the request to read "dried apple pomace" instead of "apple pomace". (For a related document, see this issue of the FEDERAL REGISTER, page 22893.)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under section 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, 348).

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerance should be established.

Therefore pursuant to provisions of the act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 121 is amended by adding a new section to Subpart C, as follows:

§ 121.347 2,4-Dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate.

A tolerance of 0.3 part per million is established for combined residues of the fungicide and insecticide that is a mixture consisting of 2,4-dinitro-6-octylphenyl crotonate and 2,6 - dinitro - 4-octylphenyl crotonate and related nitro-octylphenols (principally dinitro, calculated as the ester) in dried apple pomace when present as a result of application of the fungicide and insecticide to the growing crop apples.

Any person who will be adversely affected by the foregoing order may at any time on or before Sept. 26, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective on Aug. 27, 1973.

(Sec. 409(c)(1), (4), 72 Stat. 1786; (21 U.S.C. 348(c)(1), (4)).)

Dated August 21, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-18144 Filed 8-24-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION)

[Docket No. R-73-234]

INTEREST RATES

Notice of Increase

The following amendments are being made to this chapter to change the maximum interest rate which may be charged on a mortgage insured by this Department from 7 percent to 7¾ percent. The Secretary has determined that such change is necessary to meet the mortgage market, in accordance with his authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public procedure are unnecessary and that said cause exists for making this amendment effective August 10, 1973.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

1. In § 203.20 paragraph (a) is revised to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7¾ percent per annum with respect to mortgages insured on or after August 10, 1973.

* * * * *

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b); Interpret or apply Sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. In § 203.74 paragraph (a) is revised to read as follows:

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 7¾ percent per annum with respect to loans insured on or after August 10, 1973.

* * * * *

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interpret or apply Sec. 203, 52 Stat. 10, as amended; (12 U.S.C. 1709).)

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

In § 207.7 paragraph (a) is revised to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7¾ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 10, 1973.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

1. In § 213.10 paragraph (a) is revised to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, which rate shall not exceed 7¾ percent per annum with respect to mortgages or supplementary loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 10, 1973.

* * * * *

2. In § 213.511 paragraph (a) is revised to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7¾ percent per annum with respect to mortgages insured on or after August 10, 1973.

* * * * *

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b); Interpret or apply sec. 213, 64 Stat. 54, as amended (12 U.S.C. 1715e))

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

In § 220.576 paragraph (a) is revised to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 7¾ percent per annum with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 10, 1973.

* * * * *

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b); Interpret or apply sec. 220, 68 Stat. 596, as amended (12 U.S.C. 1715k))

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

In § 221.518 paragraph (a) is revised to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7¾ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases in-

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volving insurance upon completion) on or after August 10, 1973. Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

. . . . .

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 17151)

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

In § 232.29 paragraph (a) is revised to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7¾ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 10, 1973.

. . . . .

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

In § 234.29 paragraph (a) is revised to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7¾ percent per annum with respect to mortgages insured on or after August 10, 1973.

. . . . .

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Section 235.540 is revised to read as follows:

§ 235.540 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7¾ percent per annum with respect to mortgages insured on or after August 10, 1973.

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies Sec. 235, 82 Stat. 477; (12 U.S.C. 1715z))

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS

Section 236.15 is revised to read as follows:

§ 236.15 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7¾ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 10, 1973.

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies Sec. 236 52 Stat. 498; (12 U.S.C. 1715z-1))

PART 241—SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

Section 241.75 is revised to read as follows:

§ 241.75 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 7¾ percent per annum with respect to loans insured on or after August 10, 1973. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies Sec. 241, 82 Stat. 508; (12 U.S.C. 1715z-b))

PART 242—NONPROFIT HOSPITALS

Section 242.33 is revised to read as follows:

§ 242.33 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7¾ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 10, 1973. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 242, 82 Stat. 5999; 12 U.S.C. 1715z-7)

PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Section 1000.50 is amended to read as follows:

§ 1000.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7¾ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 10, 1973.

(Sec. 1011, formerly Sec. 1010, 79 Stat. 464 (12 U.S.C. 1749jj); renumbered P.L. 89–754; sec. 401(a), 80 Stat. 1271)

PART 1100—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

In § 1100.45 paragraph (a) is amended to read as follows:

§ 1100.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7¾ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 10, 1973.

(Sec. 1104, 80 Stat. 1275; 12 U.S.C. 1749aaa–3)

Effective date.—These amendments are effective as of August 10, 1973.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

[FR Doc.73–18068 Filed 8–24–73;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI–196]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

. . . . . .

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
.	.	.	.	.	.	.
Michigan	Alpena	Alpena, City of				Aug. 28, 1973, Emergency.
Do.	Genesee	Flint, City of				Do.
Do.	Grand Haven	Ottawa				Do.
Mississippi	Le Flore	Unincorporated areas.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 20, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73–18069 Filed 8–24–73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Directive 73–1, Supp. No. 1]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Redelegation of Functions

By virtue of the authority vested in me by the Attorney General in Order 520–73 and Subpart R, Directive 73–1 is hereby supplemented by providing that in addition to Regional Administrators and the Acting Chief Counsel, the authority to sign and issue subpoenas under 21 U.S.C. 875 and 876 is granted to Deputy Regional Administrators in the absence of the Regional Administrators, and Special-Agents-In-Charge of district offices with the concurrence of the Regional Administrator or the Deputy Regional Administrator.

Dated August 21, 1973.

JOHN R. BARTELS, JR.,
Acting Administrator, Drug Enforcement Administration.

[FR Doc.73–18046 Filed 8–24–73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 122—REVISION OF WATER QUALITY STANDARDS

Notice of Revocation

Regulations, codified in 40 CFR Part 122, were promulgated on November 25, 1971, by the Administrator of the Environmental Protection Agency establishing procedures required by the Federal Water Pollution Control Act as in effect prior to October 18, 1972, for the revision of water quality standards. Section 303 of the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, establishes new procedures for the revision of water quality standards which supersede the procedures in Part 122. However, section 4(b) of the Amendments, which provides that all regulations under the former law will continue in full force until modified or rescinded in accordance with the new Amendments, requires that these regulations be formally rescinded.

Part 122 established procedures for hearings which were required under the old law. Under the Amendments, no hearings are required in connection with revisions of water quality standards, and the procedures for revision are set forth in considerable detail in the statute. Thus, it is not considered that new procedural regulations are required.

Because of the purely technical nature of this action, the Administrator finds that notice and consideration of public comments would be unnecessary. In order for the Agency to comply with statutory deadlines for approval of water quality standards, it is necessary that these regulations be made effective immediately. Accordingly, part 122 of Chapter 40 of the Code of Federal Regulations is revoked, effective August 27, 1973.

Dated August 20, 1973.

JOHN QUARLES,
Acting Administrator.

[FR Doc.73–18084 Filed 8–24–73;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,4-Dinitro-6-Octylphenyl Crotonate and 2,6-Dinitro-4-Octylphenyl Crotonate

A. A petition (PP 9F0847) was filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined negligible residues of the fungicide and insecticide that is a mixture of 2,4-dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate in or on the raw agricultural commodity groups cucurbits, pome fruits, small fruits, and stone fruits and in or on the raw agricultural commodity strawberries at 0.05 part per million.

Subsequently, the petitioner amended the petition by (1) withdrawing the tolerances requested for negligible residues of the fungicide and insecticide in or on the aforementioned commodity groups and (2) proposing tolerances for negligible residues of the fungicide and insecticide that is a mixture of 2,4-dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate and the related nitrooctylphenols (principally dinitro, calculated as the ester) in or on the raw agricultural commodities apples, pears, apricots, nectarines, peaches, cucumbers, grapes, summer and winter squash, cantaloupe, honeydew melons, muskmelons, pumpkins, watermelons at 0.1 part per million. (For a related document, see this issue of the FEDERAL REGISTER, page 22891.)

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Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide and insecticide is useful for the purposes for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 180 is amended by adding the following new section to Subpart C:

§ 180.341 2,4-Dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate; tolerances for residues.

Tolerances are established for combined negligible residues of a fungicide and insecticide that is a mixture consisting of 2,4-dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate and related nitrooctylphenols (principally dinitro, calculated as the ester) in or on the raw agricultural commodities apples, apricots, cantaloupes, cucumbers, grapes, honeydew melons, muskmelons, nectarines, peaches, pears, pumpkins, summer squash, watermelons, and winter squash at 0.1 part per million.

B. In the FEDERAL REGISTER of August 30, 1972 (37 FR 17554), interim tolerances were established for residues of the fungicide and insecticide that is a mixture of 2,4-dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate in or on apples, apricots, cucurbits, grapes, peaches, and pears at 0.1 part per million. These interim tolerances were established pending final review and evaluation of the data on the subject pesticide.

§ 180.319 [Amended]

Since the review and evaluation on the subject pesticide have been completed and permanent tolerances are being established by this order on apples, apricots, cucurbits, grapes, peaches, and pears; the listing of interim tolerances for the subject pesticide on these raw agricultural commodities is no longer necessary, and § 180.319 *Interim tolerances* is amended by deleting the item: "2,4-Dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate, mixture of * * *" from the list of items in the table.

NOTE.—Not all the raw agricultural commodities that constitute the group cucurbits are included in this order. Nevertheless, it is concluded that the item cucurbits be deleted since the petitioner has not proposed the establishment of tolerances on any of the remaining commodities in the group.

Any person who will be adversely affected by the foregoing order may at any time on or before Sept. 26, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective on Aug. 27, 1973.

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2)))

Dated August 21, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-18145 Filed 8-24-73;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Silvex

In response to a petition (PP 3E1339) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Washington, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of July 3, 1973 (38 FR 17511), proposing establishment of a tolerance for residues of the plant regulator silvex (2-(2,4,5-trichlorophenoxy) propionic acid) in or on the raw agricultural commodity pears at 0.05 part per million resulting from postharvest application of the triethanolamine salt of silvex to pear trees. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 180 is amended by adding the following new section to Subpart C:

§ 180.340 Silvex; tolerances for residues.

A tolerance of 0.05 part per million is established for residues of the plant regulator silvex (2-(2,4,5-trichlorophenoxy) propionic acid) in or on the raw agricultural commodity pears resulting from postharvest application of the triethanolamine salt of silvex to pear trees.

Any person who will be adversely affected by the foregoing order may at any time on or before September 26, 1973 file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective on August 27, 1973.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e).)

Dated AUGUST 21, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-18085 Filed 8-24-73;8:45 am]

Title 41—Public Contracts and Property Management

[Departmental Reg. 108.692]

CHAPTER 6—DEPARTMENT OF STATE FOREIGN PURCHASES AND CONTRACT CLAUSES

Miscellaneous Amendments

Parts 6-1, 6-6, and 6-7 of Title 41 of the Code of Federal Regulations are amended and revised to reflect certain organizational changes within the Department and to redesignate contract clauses to conform with Amendment 112 of the Federal Procurement Regulations.

PART 6-1—GENERAL

1. In Subpart 6-1.4, § 6-1.404-2 is amended by revising paragraphs (c)(6) and (c)(7) to read as follows:

§ 6-1.404-2 Designation.

* * * * *

(c) * * *

(6) *Language Services Division.*—The authority to enter into and administer contracts (except grants) for translating, interpreting, and related linguistic and escort services is delegated to the Chief, Assistant Chief, and Staff Assistant.

(7) *Office of Communications.*—The authority to enter into and administer contracts (except grants) for leasing wire service circuits is delegated to the Executive Officer and the Chief, Networks Staff.

* * * * *

PART 6-6—FOREIGN PURCHASES

2. In subpart 6-6.10, § 6-6.1000 is revised to read as follows:

§ 6-6.1000 Scope.

The Examination of records by Comptroller General clause, referred to in § 6-7.103-3 of this chapter, and set forth in § 1-7.103-3 of this title, shall be omitted from negotiated contracts only in accordance with the provisions set forth in this subpart and subpart 1-6.10 of this title.

PART 6-7—CONTRACT CLAUSES

3. In Part 6-7, section headings and text for § 6-7.100 through § 6-7.101-28 are revised to read as follows:

Sec.
6-7.000 Scope of part.

Subpart 6-7.1—Fixed-Price Supply Contracts

6-7.100 Scope of subpart.
6-7.101 Applicability.
6-7.102 Required clauses.
6-7.102-1 Definitions.
6-7.102-8 Assignment of claims.
6-7.102-10 Federal, State and local taxes.
6-7.102-12 Disputes.
6-7.102-18 Covenant against contingent fees.
6-7.102-19 Termination for convenience of the Government.
6-7.103 Clauses to use when applicable.
6-7.103-3 Examination of records by Comptroller General.
6-7.104 Additional clauses.
6-7.104-1 Liquidated damages.

AUTHORITY: Sec. 205(c), 63 Stat. 390, as amended (40 U.S.C. 486(c)); sec. 4, 63 Stat. 111, (22 U.S.C. 2658).

§ 6-7.000 Scope of part.

This part sets forth contract clauses for use in connection with the procurement of personal property and nonpersonal services (excluding construction).

Subpart 6-7.1—Fixed-Price Supply Contracts

§ 6-7.100 Scope of subpart.

This subpart sets forth or refers to contract clauses and clause alterations for use, in addition to those set forth or referred to in subpart 1-7.1 of this title, in fixed-price supply and nonpersonal service contracts entered into and performed outside the United States.

§ 6-7.101 Applicability.

(a) The use of clauses set forth or referred to in §§ 6-7.102 and 6-7.150 is mandatory, in addition to or, where specified in this subpart, in lieu of those set forth or referred to in § 1-7.102 of this title under conditions described; *Provided*, That except as otherwise specified in this subpart, any such clause need not be used if:

(1) Its use is prohibited by or inconsistant with local laws; or

(2) The supplies or services could not be obtained if the clause were included.

(b) Justification for the exclusion of clauses shall be included in the contract file.

§ 6-7.102 Required clauses.

§ 6-7.102-1 Definitions.

The following definition shall be added to those contained in § 1-7.102-1 of this title:

The term "Government" means the Government of the United States of America.

§ 6-7.102-8 Assignment of claims.

A Contracting Officer may in no event authorize a transfer or assignment prohibited by 31 U.S.C. 203 or 41 U.S.C. 15.

The following clause may be used in lieu of the clause set forth in § 1-30.703 of this title, when it is desirable to provide explicitly against an attempted transfer or performance responsibility.

ASSIGNMENT OF CLAIMS AND DELEGATIONS OF RESPONSIBILITY

The Contractor shall not assign, transfer, pledge, nor make other disposition of this contract, or any part thereof, or of any rights, claims, or obligations of the Contractor arising from this contract, nor shall the Contractor transfer or otherwise delegate the performance of any functions hereunder except with the prior written approval of the Contracting Officer.

§ 6-7.102-10 Federal, State, and local taxes.

The following clause is applicable in lieu of the clauses referred to in § 1.7-102-10 of this title. The Contracting Officer shall obtain and make a part of the contract file detailed information concerning the specific taxes, normally applicable to the transaction, for which there is an exemption.

TAXES, DUTIES, AND CHARGES FOR DOING BUSINESS

(a) As used throughout this clause, the words and terms defined in this paragraph shall have the meanings set forth herein.

(i) The term "country concerned" means any country in which expenditures under this contract are made.

(ii) The words "tax" and "taxes" include fees and charges for doing business that are levied by the government of the country concerned or by political subdivisions thereof.

(iii) The term "contract date" means the date of this contract or, if this is a formally advertised contract, the date set for bid opening; as to additional supplies or services procured by modification to this contract, the term means the date of the modification.

(b) Except as may be otherwise provided in this contract, the contract price includes all taxes and duties in effect and applicable to this contract on the contract date, except taxes and duties (1) from which the Government of the United States, the Contractor, any subcontractor, or the transactions or property covered by this contract are exempt under the laws of the country concerned or political subdivision thereof, or (ii) which the Government of the United States and the government of the country concerned have agreed shall not be applicable to expenditures in such country by or on behalf of the United States.

(c) (1) If the Contractor is required to pay or bear the burden—

(i) of any tax or duty which either was not to be included in the contract price pursuant to the requirements of paragraph (b) hereof, or was specifically excluded from the contract price by a provision of this contract; or

(ii) of an increase in rate of any tax or duty, whether or not such tax or duty was excluded from the contract price; or

(iii) of any interest or penalty on any tax or duty referred to in (i) or (ii) above, the contract price shall be correspondingly increased; provided that the Contractor warrants in writing that no amount of such tax, duty, or increase therein was included in the contract price as a contingency reserve or otherwise; and provided further, that liability for such tax, duty, increase therein, interest or penalty was not incurred through the fault or negligence of the Contractor or his failure to follow instructions of the Contracting Officer or to comply with the provisions of subparagraph (d)(1) below.

(2) If the Contractor is not required to pay or bear the burden, or obtains a refund or drawback, in whole or in part, of any tax, duty, increase therein, interest or penalty which (i) was to be included in the contract price pursuant to the requirements of paragraph (b), (ii) was included in the Contract price, or (iii) was the basis of an increase in the contract price, the contract price shall be correspondingly decreased or the amount of such relief, refund, or drawback shall be paid to the Government of the United States, as directed by the Contracting Officer. The contract price also shall be correspondingly decreased if the Contractor, through his fault or negligence or his failure to follow instructions of the Contracting Officer or to comply with the provisions of subparagraph (d)(1) below, is required to pay or bear the burden, or does not obtain a refund or drawback of any such tax, duty, increase therein, interest or penalty. Interest paid or credited to the Contractor incident to a refund of tax or duties shall inure to the benefit of the Government of the United States to the extent that such interest was earned after the Contractor was paid or reimbursed by the Government of the United States for such taxes or duties.

(3) If the Contractor obtains a reduction in his tax liability under the United States Internal Revenue Code of 1954, as amended (Title 26, U.S. Code), on account of the payment of any tax or duty which either (i) was to be included in the contract price pursuant to the requirement of paragraph (b) of this clause, (ii) was included in the contract price, or (iii) was the basis of an increase in the contract price, the amount of the reduction shall be paid or credited to the Government of the United States as the Contracting Officer directs.

(4) Invoices or vouchers covering any adjustment of the contract price pursuant to this paragraph (c) shall set forth the amount thereof as a separate item and shall identify the particular tax or duty involved.

(5) No adjustment in the contract price or payment or credit to the United States is required pursuant to this paragraph (c) if the total amount thereof for the contract period will be less than one hundred dollars ($100).

(6) Subparagraphs (1) and (2) of this paragraph (c) shall not be applicable to social security taxes; income and franchise taxes, other than those levied on or measured by (i) sales or receipts from sales, or (ii) the Contractor's possession of, interest in, or use of property, title to which is in the Government; excess profits taxes; capital stock taxes; transportation taxes; unemployment compensation taxes; or property taxes, other than such property taxes, allocable to this contract, as are assessed either on completed supplies covered by this contract, or on the Contractor's possession of, interest in, or use of property, title to which is in the Government.

(d) (1) The Contractor shall take all reasonable action to obtain exemption from or refund of any taxes or duties, including interest or penalty, from which the United States Government, the Contractor, any subcontractor, or the transactions or property covered by this contract are exempt under the laws of the country concerned or political subdivisions thereof, or which the

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Government of the United States and the government of the country concerned have agreed shall not be applicable to expenditures in such country by or on behalf of the United States.

(2) The Contractor shall promptly notify the Contracting Officer of all matters pertaining to taxes or duties which reasonably may be expected to result in either an increase or decrease in the contract price.

(3) Whenever an increase or decrease in the contract price may be required under this clause, the Contractor shall take action as directed by the Contracting Officer, and the contract price shall be equitably adjusted to cover the cost of such action, including any interest, penalty, and reasonable attorney's fees.

§ 6–7.102–12 Disputes.

The following clause shall be used in lieu of the clause set forth in § 1–7.102–12 of this title:

DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive to the extent permitted by United States law. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: *Provided*, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

§ 6–7.102.18 Covenant against contingent fees.

The clause set forth in § 1–1.503 of this title shall not be excluded from any contract.

§ 6–7.102.19 Termination for convenience of the Government.

The following clause shall be inserted in lieu of that referred to in § 1–7.102.19 of this title for all contracts for "commercial items" as defined in § 1–3.807–1 (b) (2) (B) of this title:

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

The Government shall have the right to terminate this contract at any time by giving written notice to the Contractor not less than 10 days prior to the effective date of termination. Should this contract be terminated pursuant to this clause prior to the date it would otherwise expire, the following shall apply:

(a) The Government shall complete all payments which shall then be due;

(b) The Contractor shall deliver to the Government all work in process under this contract requested by the Government;

(c) The Government shall pay to the Contractor any sum which is determined by the Contracting Officer as equitable for any work in process, which sum shall include any costs incurred by the Contractor in terminating any subcontract.

(d) Should the Contractor be unwilling to accept the sum so determined by the Contracting Officer the matter shall be treated as a dispute concerning a question of fact within the meaning of the clause entitled "Disputes" in the General Provisions of this contract.

§ 6–7.103 Clauses to be used when applicable.

§ 6–7.103–3 Examination of Records by Comptroller General.

The clause set forth in § 1–7.103–3 of this title may be excluded from negotiated contracts only in accordance with procedures provided in subpart 1–6.10 of this title and subpart 6–6.10 of Part 6–6 of this chapter.

§ 6–7.104 Additional clauses.

§ 6–7.104–1 Liquidated damages.

The clause set forth in § 1–1.315–3 of this title shall be inserted under the conditions and in the manner prescribed in § 1–1.315 of this title. The clause shall be altered to refer to FS–565 rather than Standard Form 32.

4. In section 6–7.150, § 6–7.150–1 is revised to read as follows:

§ 6–7.150–1 Prohibition against items from certain areas.

PROHIBITION AGAINST ITEMS FROM CERTAIN AREAS

(a) No supplies, however processed, which are or were located in or transported from or through North Vietnam, North Korea, or Cuba may be used in the performance of this contract.

(b) The Contractor agrees to insert the provisions of this clause, including this paragraph (b) in all subcontracts hereunder.

* * * * *

(Sec. 205(c), 63 Stat. 390, as amended (40 U.S.C. 486(c)); sec. 4, 63 Stat. 111, (22 U.S.C. 2658).)

Effective date.—These amendments are effective August 27, 1973.

Dated: July 23, 1973.

[SEAL] CURTIS W. TARR,
Acting Deputy Under Secretary for Management.

[FR Doc.73–18080 Filed 8–24–73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 20—MIGRATORY BIRD HUNTING

Miscellaneous Amendments

Correction

In FR Doc. 73–16914 appearing at page 22015 in the issue of Wednesday, August 15, 1973, on page 22022, immediately after the third line of § 20.21(e), insert "has been completely shut off and/or the sails furled, and its progress therefrom".

PART 32—HUNTING

Muscatatuck National Wildlife Refuge, Ind.

The following special regulation is issued and is effective on August 27, 1973.

§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.

INDIANA

MUSCATATUCK NATIONAL WILDLIFE REFUGE

Public hunting of upland game (rabbit and quail only) on the Muscatatuck National Wildlife Refuge, Indiana, is permitted only on the area designated by signs as open to hunting on the southeast corner of the refuge. This area, comprising 1,320 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of rabbit and quail.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1974.

AUGUST 20, 1973.

ROBERT E. NAGEL,
Acting Refuge Manager, Muscatatuck National Wildlife Refuge, Seymour, Indiana.

[FR Doc.73–18051 Filed 8–24–73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 3860, 9180]

SURVEYS

Mineral Surveyors

The purpose of this amendment is to conform the regulations to existing delegations of authority and procedures relating to the appointment of mineral surveyors and to remove provisions of the regulations which limit surveyors to performing surveys in specified States only.

In §§ 3861.5–1 and 9185.1–3(b) of 43 CFR the references to "State Director" are changed to "Director or his delegate." Current regulations provide that State Directors of the Bureau of Land Management appoint mineral surveyors. In addition, § 3861.5–1 sets forth procedures which limit eligibility of appointed surveyors to the region where they were appointed. This amendment removes that restriction and provides for the maintenance of a list of all eligible mineral surveyors in each State office of the Bureau of Land Managment.

In accordance with the Department's policy on public participation in rulemaking (36 FR 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until September 24, 1973.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.–4:15 p.m.).

Chapter II of Title 43 of the Code of Federal Regulations is amended as follows:

1. Section 3861.5–1 of Subpart 3861 of 43 CFR Part 3860 is revised to read:

§ 3861.5–1 Appointment.

Pursuant to section 2334 of the Revised Statutes (30 U.S.C. 39), the Director or his delegate will appoint only a sufficient number of surveyors for the survey of mining claims to meet the demand for that class of work. Each appointee shall qualify as prescribed by the Director or his delegate. Applications for appointment as a mineral surveyor may be made at any office of the Bureau of Land Management listed in § 1821.2–1 of these regulations. A roster of appointed mineral surveyors will be available at these offices. Each appointee may execute mineral surveys in any State where mineral surveys are authorized.

2. Paragraph (b) of § 9185.1–3 of Subpart 9185 of 43 CFR Part 9180 is revised to read:

§ 9185.1–3 Mining claims.

* * * * *

(b) *Mineral surveyors.*—See §3861.5–1 for the appointment of mineral surveyors pursuant to section 2334 of the Revised Statutes (30 U.S.C. 39).

August 20, 1973.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.73–18087 Filed 8–24–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CANNED GRAPEFRUIT

Proposed United States Standards for Identity

Correction

In FR Doc. 73–16508 appearing at page 21785 of the issue for Monday, August 13, 1973, make the following changes:

1. The second line of § 52.1149(b), reading "canned grapefruit that consist of less", should read "canned grapefruit that consist of not".

2. In Table IV, the entry under "Defects" reading "Albedo and Touch Membrane" should read "Albedo and Tough Membrane"; and the second entry to the right of this, reading "3/ square inch" should read "¾ square inch".

[7 CFR Part 930]

CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA AND MARYLAND

Proposed Revision of Percentages and Release Period

This notice invites written comments relative to a change in the 10-day restricted percentage adjustment and reserve pool release period from September 15–25 to November 1–11. The proposal was submitted by the Cherry Administrative Board, established pursuant to Marketing Order No. 930, regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia and Maryland. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The board, in proposing such amendment, reports that currently the time between the completion of the cherry harvest and when the recommendation must be made to the Secretary for an adjustment or release is insufficient for the compilation and verification of crop data and marketing information.

The proposal is to amend the rules and regulations of the order to establish a new 10-day revision of percentages and release period—November 1–11. Changing this 10-day period is authorized in § 930.53 of the order. This would supersede the currently provided period of September 15–25.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 5, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

As proposed a new § 930.110 will read as follows:

§ 930.110 After harvest adjustment and release period.

The 10-day period provided in § 930.53 paragraphs (a) and (b)(1) for the revision of percentages and release of reserve pool cherries shall be November 1–11, of the fiscal period.

Dated: August 21, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–18067 Filed 8–24–73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

SODIUM CHLORATE

Proposed Exemption From Requirement of a Tolerance

The California Department of Agriculture, 1220 N Street, Sacramento, CA 95814, submitted a petition (PP 2E1286) proposing establishment of an

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exemption from the requirement of a tolerance for residues of sodium chlorate in or on the raw agricultural commodity chili peppers.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the exemption is proposed.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry and § 180.6(a)(3) applies.

3. The proposed exemption will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.1020 be revised to read as follows:

§ 180.1020 Sodium chlorate; exemption from the requirement of a tolerance.

Sodium chlorate is exempted from the requirement of a tolerance for residues in or on cottonseed and chili peppers when used in accordance with good agricultural practice as a defoliant, desiccant, or fungicide on cotton and as a defoliant on chili peppers.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before September 26, 1973, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, on or before September 26, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: August 21, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-18143 Filed 8-24-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-474]

UTILIZATION AND CONSERVATION OF NATURAL RESOURCES

Natural Gas; Correction

APRIL 11, 1973.

In the notice of proposed rulemaking and request for comments, issued March 26, 1973 and published in the FEDERAL REGISTER March 28, 1973, 38 FR 8069: In definition #7, Change: FEDERAL REGISTER March 28, 1973, 38 *"Feedstock Gas:* Is defined as gas used for its chemical Properties, of natural gas as a raw material in creating an end product." To read as follows:

§ 2.78 Utilization and conservation of natural resources—natural gas.

* * * * *

(7) *Feedstock Gas:* Is defined as natural gas used as a raw material for its chemical properties in creating an end product.

* * * * *

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18044 Filed 8-24-73;8:45 am]

[18 CFR Parts 2, 154]

[Docket No. R-478]

NATURAL GAS PRODUCED FROM WELLS COMMENCED BEFORE JANUARY 1, 1973

Just and Reasonable Rates; Order Prescribing Further Procedure

AUGUST 17, 1973.

By notice issued May 23, 1973 (38 FR 14295), in the above-entitled proceeding, the Commission proposed to amend Parts 2 and 154, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations by issuing rules fixing the just and reasonable rate for jurisdictional sales by producers of natural gas in the United States (excluding Alaska and Hawaii) from wells commenced prior to January 1, 1973, except for those sales certificated under Order Nos. 428, 431, or 455.

Data collection forms prepared by the Commission's staff were appended to the May 23 notice, and interested parties were given an opportunity to file comments as to the sufficiency of these forms. Comments were filed by the Major Producer Group (consisting of 32 major producers), 20 individual producers, 27 pipeline companies and one gas distributors group. We have reviewed these comments, and as a result, have made some modifications to the original forms. The forms, as modified, are attached to this order.[1]

We shall require that Schedules 1, 2, 3, 4, and 4-A of the data collection forms be filed by all respondents set forth in Appendix A and also by the pipeline respondents in Appendix B of the May 23 notice on or before October 12, 1973, and that Schedule 5 of the data collection forms be filed by these respondents on or before November 9, 1973.[2] The Commission's staff shall reconcile and composite the data from Schedules 1, 2, 3, 4, and 4-A, and on or before November 23, 1973, shall make copies of its composite available to any party hereto.

Further orders shall issue with respect to the procedures for the submission of further evidence in this rulemaking proceeding.

The Commission orders:

Each respondent listed in Appendix A and Appendix B of the notice issued herein on May 23, 1973, is hereby ordered and directed to complete, verify, and file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, three copies of Schedules 1, 2, 3, 4, and 4-A of the data collection forms attached to this order on or before October 12, 1973, and three copies of Schedule 5 of the data collection forms attached to this order on or before November 9, 1973. The Commission's staff shall reconcile and composite the data submitted by the respondents in Schedules 1, 2, 3, 4, and 4-A and shall make copies of its composite available to any party hereto on or before November 23, 1973.

By the Commission.[3]

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A—PRODUCERS

Seller Code	Producers—Excess of 10 million Mcf
016975	Amerada Hess Corporation
017970	American Petrofina Co. of Texas (Code as Amer Petrofina of Texas)
018168	Amoco Production Company
029490	Ashland Oil, Inc. (Code as Ashland Oil Inc)
032020	The Atlantic Richfield Company (Code as Atlantic Richfield Company)
032600	Austral Oil Co., Inc. (Code as Austral Oil Co Inc)
034500	Aztec Oil and Gas Company
050550	Bass Enterprises Production Company (Code as Bass Enterprises Prod Co)
050800	Perry R. Bass (Code as Perry R Bass)
057580	Belco Petroleum Corporation (Code as Belco Petroleum Corp)
063280	Beta Development Company
108600	Cabot Corporation
112125	California Company, a Division of Chevron Oil Company (Code as California Co Div Chevron)
133975	Champlin Petroleum Company
137265	Chevron Oil Co., Western Division (Code as Chevron Oil Co Western Div)
148240	Clinton Oil Company
148350	Coastal States Gas Producing Company (Code as Coastal States Gas Prod Co)
157000	Coltexo Corporation
157240	Columbia Gas Development Corporation (Code as Columbia Gas Dev Corp)
165000	Continental Oil Company
175500	Cox, Edwin L. (Code as Edwin L Cox)

[1] Filed as part of the original document.

[2] Each respondent must submit the forms contained in Schedule 5. In addition, to assist the Commission Staff in preparing the data contained in Schedule 5, those respondents utilizing computers in their operation are requested to submit the Schedule 5 data on magnetic tape. Producers submitting data on magnetic tape should follow the instructions contained on Sheet 3A of Schedule 5.

[3] Appendix C, Continental United States Cost and Operational Data (Test Year 1972), Docket No. R-478, forms and instructions, are filed as part of the original document. Copies may be obtained upon written request from the Secretary of the Commission.

212605	Diamond Shamrock Corporation (Code as Diamond Shamrock Corp)	867250	Texas Oil and Gas Corporation (Code as Texas Oil & Gas Corp)	563700	Michigan Wisconsin Pipe Line Company (Code as Michigan Wis Pipe Line Co)
219560	Dorchester Gas Production Company (Code as Dorchester Gas Prod Co)	881285	Transocean Oil, Inc. (Code as Transocean Oil Inc)	565550	Mid Louisiana Gas Company
252170	Exchange Oil and Gas Company (Code as Exchange Oil & Gas Co)	895000	Union Oil Company of California (Code as Union Oil Co of Calif)	576330	Mississippi River Transmission Corporation (Code as Miss River Trans Corp)
252327	Exxon Corporation	896070	Union Texas Petroleum, Division of Allied Chemical (Code as Union Texas Petr Dv Allied)	581400	Montana-Dakota Utilities Company (Code as Montana Dakota Utilities Co)
273500	Forest Oil Corporation	914515	Warren Petroleum Corporation, A Division of Gulf Oil Corp. (Code as Warren Petr Corp Div Gulf)	597500	Mountain Fuel Supply Company (Code as Mountain Fuel Supply Co)
294500	General American Oil Co. of Texas (General Amer Oil Co of Tex)	PIPELINE AFFILIATES		610870	Natural Gas Pipeline Company of America (Code as Natural Gas PL Co of Amer)
297390	Getty Oil Company	018260	Anadarko Production Company (Code as Anadarko Production Co)	625300	North Penn. Gas Company (Code as North Penn Gas Co)
329000	Gulf Oil Corporation	141000	Cities Service Oil Company	625400	Northern Natural Gas Company (Code as Northern Natural Gas Co)
368700	Helmerich & Payne, Inc. (Code as Helmerich & Payne Inc)	156500	Colorado Oil and Gas Company (Code as Colorado Oil and Gas Co)	626200	Northern Utilities, Inc. (Code as Northern Utilities Inc)
404500	J. M. Huber Corporation (Code as J M Huber Corp)	158000	Columbia Fuel Corporation (Code as Columbia Fuel Corp)	658900	Panhandle Eastern Pipe Line Company (Code as Panhandle Eastern P L Co)
411500	Hassle Hunt Trust	237255	El Paso Products Company	672650	Pennsylvania Gas Company
415000	Hunt Oil Company	477000	La Gloria Oil and Gas Company (Code as La Gloria Oil and Gas Co)	813580	Southern Natural Gas Corporation (Code as Southern Natural Gas Corp)
423815	Imperial American Management Company[1] (Code as Imperial American Mgnt Co)	506870	Lone Star Gathering Company (Code as Lone Star Gathering Co)	852500	Sylvania Corporation
447610	The Jupiter Corporation	507000	Lone Star Producing Company (Code as Lone Star Producing Co)	860800	Tenneco Inc. (Code as Tenneco Inc)
456400	Kerr-McGee Corporation	626300	Northwest Production Corporation (Code as Northwest Prod Corp)	864700	Texas Eastern Transmission Corp. (Code as Texas Eastern Trans Corp)
463725	King Resources Company	635750	Odessa Natural Gasoline Company (Code as Odessa Natural Gasoline Co)	866200	Texas Gas Transmission Corporation (Code as Texas Gas Transmission Corp)
475895	LVO Corporation	658525	Pan Eastern Exploration Company (Code as Pan Eastern Expl Co)	884200	Trunkline Gas Company
509620	Louisiana Land and Exploration Company (Code as Louisiana Land & Expl Co)	673053	Pennzoil Producing Company	897450	United Natural Gas Company (Code as United Natural Gas Co)
521850	McCulloch Gas Processing Corporation (Code as McCulloch Gas Process Corp)	673051	Pennzoil Offshore Gas Operators (Code as Pennzoil Offshore Gas Op)	928380	Western Gas Interstate
521895	McCulloch Oil Corporation	673054	Pennzoil Louisiana and Texas Offshore (Code as Pennzoil Louisiana & Texas)	APPENDIX B—PIPELINE RESPONDENTS	
521900	McCulloch Oil Corporation of California (Code as McCulloch Oil Corp of Cal)	813590	Southern Natural Gas Company Joint Venture (Code as Southern Nat Gas Co Joint)	Arkansas Louisiana Gas Company	
521925	McCulloch Oil Corporation of Texas (Code as McCulloch Oil Corp of Tex)	860900	Tenneco Oil Company	Arkansas Oklahoma Gas Corporation	
541750	MAPCO Inc. (Code as MAPCO Inc)	865500	Texas Gas Exploration Corporation (Code as Texas Gas Exploration Corp)	Baca Gas Gathering System, Inc.	
543050	Marathon Oil Company	868700	Texoma Production Company	Bluebonnet Gas Corporation	
577990	Mobil Oil Corporation	PIPELINE PRODUCTION		Caprock Pipeline Company	
581050	Monsanto Company	026100	Arkansas Louisiana Gas Company (Code as Arkansas Louisiana Gas Co)	Carnegie Natural Gas Company	
610600	Natural Gas & Oil Company	026200	Arkansas Oklahoma Gas Corporation (Code as Arkansas Oklahoma Gas Corp)	Cascade Natural Gas Corporation	
625500	Northern Natural Gas Producing Company (Code as Northern Natural Gas Prod)	119000	Carnegie Natural Gas Company (Code as Carnegie Natural Gas Co)	Cimarron Transmission Company	
635680	Ocean Drilling & Exploration Company (Code as Ocean Drilling & Expl Co)	156285	Colorado Interstate Gas Corporation (Code as Colo Interstate Gas Co)	Cities Service Gas Company	
673040	Pennzoil Company	157270	Columbia Gas Transmission Corporation (Code as Columbia Gas Trans Corp)	Colorado Interstate Corporation	
678500	Petroleum Inc. (Code as Petroleum Inc)	163650	Consolidated Gas Supply Corporation (Code as Consolidated G Supply Corp)	Columbia Gas Transmission Corporation	
683000	Phillips Petroleum Company	237200	El Paso Natural Gas Company (Code as El Paso Natural Gas Co)	Columbia Gulf Transmission Company	
687100	Pioneer Production Corporation (Code as Pioneer Production Corp)	247400	Equitable Gas Company	Consolidated Gas Supply Corporation	
689500	Placid Oil Company	426275	Inland Gas Company, Inc., The (Code as Inland Gas Co Inc)	Delta Gas, Inc.	
706600	Pubco Petroleum Corp. (Code as Pubco Petroleum Corp	426800	Iroquois Gas Corporation	El Paso Natural Gas Company	
736400	River Corporation	447610	Jupiter Corporation, The (Code as Jupiter Corp The)	Equitable Gas Company	
743375	The Rodman Corporation	455100	Kentucky West Virginia Gas Company (Code as Kentucky West Va Gas Co)	Florida Gas Transmission Company	
781500	Shell Oil Company	478015	Lake Shore Pipe Line Company (Code as Lake Shore Pipe Line Co)	Gas Transport, Inc.	
786000	Signal Oil and Gas Company			Grand Valley Transmission Company	
796500	Skelly Oil Company			Great Lakes Gas Transmission Co.	
807500	Sohio Petroleum Company			Inland Gas Company, Inc., The	
809440	The South Coast Corporation			Inter-City Minnesota Pipelines Ltd., Inc.	
81500	Southern Union Gathering Company (Code as Southern Union Gath Co)			Iroquois Gas Corporation	
815100	Southern Union Production Company (Code as Southern Union Prod Co)			Jupiter Corporation, The	
846500	Sun Oil Co			Kansas-Nebraska Natural Gas Company, Inc.	
848000	Superior Oil Company			Kentucky West Virginia Gas Company	
860960	Tennessee Gas Company (Code as Tennessee Gas Supply Co)			Lake Shore Pipe Line Co.	
861930	Terra Resources, Inc. (Code as Terra Resources Inc)			Lone Star Gas Company	
863150	Texaco Inc. (Code as Texaco Inc)			Louisiana-Nevada Transit Co.	

[1] Complete Form 459-B only for those recent Rate Schedules which made the total Annual Sales Volume greater than 10 million Mcf.

McCulloch Interstate Gas Corporation
Michigan Wisconsin Pipe Line Company
Mid Louisiana Gas Company
Midwestern Gas Transmission Company
Mississippi River Transmission Corporation
Montana-Dakota Utilities Company
Mountain Fuel Supply Company
Mountain Gas Company
Natural Gas Pipeline Company of America
North Penn. Gas Co.
Northern Natural Gas Company
Northern Utilities, Inc.

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Oklahoma Natural Gas Gathering Corporation
Pacific Gas Transmission Company
Panhandle Eastern Pipe Line Company
Pennsylvania Gas Company
Plaquemines Oil and Gas Company
Sea Robin Pipeline Company
South Texas Natural Gas Gathering Company
Southern Natural Gas Corporation
Sylvania Corporation
Tennessee Gas Pipeline Company
Texas Eastern Transmission Corp.
Texas Gas Pipe Line Corporation
Texas Gas Transmission Corporation
Transcontinental Gas Pipe Line Corp.
Transwestern Pipeline Company
Trunkline Gas Company
United Gas Pipe Line Company
United Natural Gas Company
Valley Gas Transmission, Inc.
West Texas Gathering Company
Western Gas Interstate
Western Transmission Corporation
Zenith Natural Gas Co.

[FR Doc.73-18028 Filed 8-24-73;8:45 am]

[18 CFR Parts 2, 154]

[Docket No. R-478]

NATURAL GAS PRODUCED FROM WELLS COMMENCED BEFORE JANUARY 1, 1973

Just and Reasonable Rates; Correction

JUNE 21, 1973.

In the notice instituting proposed rulemaking and order prescribing procedure, issued May 23, 1973 and published in the FEDERAL REGISTER May 31, 1973 FR 38(14295):

APPENDIX A, PRODUCERS—EXCESS OF 10 MILLION MCF

Line	Correction
75----------	Change "Tennessee Gas Company" to read: "Tennessee Gas Supply Company".
Between 79 and 80-----	Insert "867550 Texas Pacific Oil Co., Inc. (Code as Texas Pacific Oil Co. Inc)".

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18036 Filed 8-24-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-CE-26]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations so as to designate a transition area at Pocahontas, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before September 26, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure is being developed for the Pocahontas, Iowa, Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Pocahontas, Iowa.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation regulations as hereinafter set forth:

In § 71.181 (38 F.R. 435), the following transition area is added:

POCAHONTAS, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Pocahontas Municipal Airport (latitude 42°44'45'' N., longitude 94°38'45'' W.); within 3 miles each side of the 280° bearing from the Pocahontas Municipal Airport, extending from the 5-mile radius to 8 miles west of the airport; within 2 miles each side of the 116° bearing from the Pocahontas Municipal Airport; extending from the 5-mile radius to 6 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 41-mile arc of the Fort Dodge VORTAC (latitude 42°38'40'' N., longitude 94°17'41'' W.); starting at the 268° radial of the Fort Dodge VORTAC and extending clockwise to the 315° radial of the Fort Dodge VORTAC, excluding that portion which overlies the Fort Dodge, Iowa, Spencer, Iowa and Storm Lake, Iowa transition areas.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on August 9, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc 73-18022 Filed 8-24-73; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-54]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to alter the Tulsa, Okla. (Riverside Airport), control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before September 26, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

A new TVOR is proposed to be installed at latitude 35°57'44'' N., longitude 95°58'21'' W., to serve the Tulsa, Okla., Riverside Airport. Alteration of the control zone is necessary to provide controlled airspace for instrument approach procedures in conformance with Standard Terminal Instrument Procedures (TERPs) criteria predicated on the new TVOR.

It is proposed to amend Part 71 of the Federal Aviation regulations as hereinafter set forth.

In § 71.171 (38 FR 351), the Tulsa, Okla. (Riverside Airport), control zone is amended to read:

TULSA, OKLA. (RIVERSIDE AIRPORT)

Within a 3-mile radius of Riverside Airport (latitude 36°02'19'' N., longitude 95°59'00'' W.) within 2.5 miles each side of the Tulsa VORTAC 223° T (215° M) radial extending from the 3-mile radius zone to 21 miles southwest of the VORTAC and within 2 miles each side of the Riverside TVOR 350° T (342° M) radial extending from the 3-mile radius zone to 4 miles south of the Riverside Airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on August 16, 1973.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.73-18023 Filed 8-24-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-CE-10]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations so as to designate a transition area at Chillicothe, Missouri.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before September 26, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure is being developed for the Chillicothe Municipal Airport, Chillicothe, Missouri. Consequently it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Chillicothe, Missouri.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is added:

CHILLICOTHE, MISSOURI

That airspace extending upwards from 700' above the surface within a 5-mile radius of the Chillicothe Municipal Airport (latitude 39°46'45'' N., longitude 93°30'00'' W.); and within 3 miles either side of the 337° bearing from the MHW facility extending from the 5-mile radius to 8.5 miles northwest, and that airspace extending upwards from 1,200' above the surface 5 miles southwest and 9.5 miles northeast of the 337° bearing from the Chillicothe MHW facility extending from 6.5 miles southeast to 18.5 miles northwest of the Chillicothe MHW facility, excluding that portion which overlies the Trenton, Missouri, transition area.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on August 10, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-18024 Filed 8-24-73;8:45 am]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 177]

[Docket No. HM-110; Notice No. 73-5]

HANDLING OF HAZARDOUS MATERIALS ON MOTOR VEHICLES

Miscellaneous Amendments

The Hazardous Materials Regulations Board is considering amendment of several sections of the Department's Hazardous Materials regulations. Commenters need only identify the particular proposal on which they wish to comment when responding. The proposals covered in this document are:

A. Emergency discharge controls on MC 330 cargo tanks.

B. Cargo tank certificate retention.

C. Hydrostatic and pneumatic testing of cargo tanks.

D. Cargo heaters with explosives and flammable commodities.

E. Attendance of tank vehicles during loading and unloading.

F. Openings on cargo tank to be closed during transportation.

G. Repairs and maintenance to vehicles in closed garages.

H. Warning devices on vehicles containing hazardous materials.

PROPOSAL A

EMERGENCY DISCHARGE CONTROLS ON MC 330 CARGO TANKS

The Hazardous Materials Regulations Board is considering amendment of § 173.33 of the Department's Hazardous Materials regulations to require that all Specification MC 330 cargo tanks used for the transportation of flammable compressed gases and anhydrous ammonia be equipped with emergency discharge controls as is now required on Specification MC 331 cargo tanks. At the time Specification MC 331 cargo tank specification was adopted, the Interstate Commerce Commission decided not to require an updating of the standards for Specification MC 330 cargo tanks.

The Board believes that it is now necessary to require that these tanks conform to the same emergency discharge control standards as are required for MC 331 cargo tanks to assure the same degree of safety. A recent accident involving an MC 330 cargo tank has demonstrated the need to require that these tanks be retrofitted with remote controlled internal shutoff valves. In this accident, the propane from an MC 330 cargo tank provided fuel to a fire which resulted from the accidental rupture of a manifolded storage tank intake line into which the cargo tank was unloading. The escaping propane from the cargo tank was not discharging at a rate high enough to activate the excess flow valve. The fire was directed to another cargo tank that eventually exploded. As a result of the fire and explosion, one person was killed and over $200,000 in property damage occurred. There is little doubt that if an internal valve, as specified in section 178.337-11(c) had been installed on the cargo tank, the flow of propane could have been shutoff by manual means, if not automatically by the melting of the fusible element.

In order not to impose an undue burden on tank owners, the Board is proposing that the emergency discharge controls may be installed when the cargo tanks are scheduled for the 5-year retest required in § 173.33.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.33, paragraph (l) would be added as follows:

§ 173.33 Cargo tank use authorization.

* * * * * *

(l) MC 330 cargo tanks used for flammable compressed gas or anhydrous ammonia must be equipped with an emergency discharge control that conforms to the requirements of § 178.337-11(c) of this subchapter at each liquid or vapor discharge opening. The control must be installed not later than the date the tests prescribed by paragraph (e) of this section are required.

PROPOSAL B

CARGO TANK CERTIFICATE RETENTION

The Hazardous Materials Regulations Board is considering an amendment to clarify the requirement for retention of the manufacturer's certificate for specification cargo tanks.

The Board has found that many motor carriers are not aware of a requirement that the manufacturer's certificate for a specification cargo tank must be retained by the motor carrier for as long as the tank is in service and for 1 year thereafter. The confusion may be caused by the fact that the certificate-retention requirements are presently contained in the cargo tank specifications in Part 178, and many of the specifications no longer appear in the published codification of the regulations, although the tanks may be continued in use. The Board believes that a general retention provision is needed in Part 177 to resolve this problem. In addition, the Board is proposing to require carriers to retain all retest and inspection reports in the same file with the manufacturer's certificate.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 177 as follows:

(A) In Part 177 Table of Contents, § 177.814 would be added to read as follows:

Sec.
177.814 Retention of manufacturer's certificate

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(B) Section 177.814 would be added to read as follows:

§ 177.814 Retention of manufacturer's certificate.

(a) Each motor carrier who uses a cargo tank vehicle shall have in his files a certificate signed by a responsible official of the manufacturer or fabricator of the cargo tank, or a competent testing agency, certifying that the cargo tank has been designed, constructed, and tested in accordance with, and complies with, the requirements contained in the specification for the tank set forth in this subchapter. The certificate and any other data furnished as required by the specification must be retained at the principal office of the carrier during the time that the cargo tank is used by the carrier and for 1 year thereafter. However, the motor carrier may himself perform the tests and inspections to determine whether the tank meets the requirements of the specification. If the motor carrier does so and determines that the tank conforms to the specification, he may use the tank if he retains the test data, in place of a certificate in his files at his principal office for as long as he uses the tank and 1 year thereafter. Each motor carrier who uses a specification cargo tank which he does not own and has not tested or inspected shall obtain a copy of the certificate and retain it in his files at his principal office during the time he uses the tank and for 1 year thereafter.

(b) Upon a written request to, and with the approval of, the Director, Regional Motor Carrier Safety Office, for the region in which a motor carrier has his principal place of business, a motor carrier may retain the certificate and other data specified in paragraph (a) of this section at a regional or terminal office. The address and jurisdictions of the Directors of Regional Motor Carrier Safety Offices are shown in § 390.40 of Chapter III of this title.

(c) *Withdrawal of certification.*—See § 177.824(i).

(d) A copy of retest and inspection reports required by §§ 173.33 and 177.824 and all records of repairs to each cargo tank must be retained in the same file with the manufacturer's certificate for that tank as specified in paragraph (a) of this section.

PROPOSAL C

HYDROSTATIC AND PNEUMATIC TESTING OF CARGO TANKS

The Hazardous Materials Regulations Board is considering amendment of § 177.824 of the Department's Hazardous Materials Regulations to clarify the hydrostatic and pneumatic testing procedures for cargo tanks.

Present requirements specify hydrostatic or pneumatic testing of cargo tanks under certain conditions. But the procedures for pneumatic testing are not contained in the regulations. Therefore, the Board is proposing that these procedures be incorporated into the regulations.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 177 as follows:

In § 177.824, subparagraph (d)(2) would be revised to read as follows:

§ 177.824 Retesting and inspection of cargo tanks.

* * * * *

(d) * * *

(2) For hydrostatic testing, the tank (including its domes, if any) must be completely filled with water or a liquid having a viscosity similar to water and the pressure must be gaged at the top of the tank. Pressure must be applied in accordance with the following chart and increased for pneumatic testing by a pressure equivalent to the static head in the tank when fully loaded with the heaviest lading authorized to be transported or water, whichever is heavier. The tank must hold the prescribed pressure for at least 10 minutes. All tank valves, piping, and other accessories in communication with the lading must be pressure tested and proved tight at the tank design pressure. During the pneumatic test the entire surface of all joints under pressure must be coated with a solution of soap and water, heavy oil, or other materials suitable for the purpose of foaming or bubbling to indicate the presence of leaks. Other methods equally sensitive for determining leaks may be used.

* * * * *

PROPOSAL D

CARGO HEATERS WITH EXPLOSIVES AND FLAMMABLE COMMODITIES

The Hazardous Materials Regulations Board is considering amendment of § 177.834 of the Department's Hazardous Materials regulations, to clarify the prohibition against the use of certain heaters in a transport vehicle which is loaded with explosives or flammable commodities.

There has been much confusion concerning the use of catalytic cargo heaters in vehicles transporting flammable liquids and flammable gases. The Federal Highway Administration has taken the position that, for the purposes of these regulations, a catalytic heater is a combustion heater. This proposal would specifically state that catalytic heaters are considered as such, and not permitted in vehicles transporting flammable materials. However, commenters are invited to submit test data and other evidence in support of the use of catalytic heaters as a safe means of heating the cargo spaces of motor vehicles.

The Board also feels that the precautions against the loading of explosives into transport vehicles containing a heater should be the same as that pertaining to flammables, and that the specific provision should be included under general requirements.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 177 as follows:

(A) In § 177.834, paragraph (l) would be amended to read as follows:

§ 177.834 General requirements.

* * * * *

(l) *Use of cargo heaters with explosives and flammable commodities.*—(1) *Flammable liquids and flammable gases.*— Except as provided in paragraph (l)(2) of this section, a flammable liquid or a flammable gas must not be loaded into a truck body or a trailer containing a combustion heater or equipped with operable automatic temperature control equipment. For purposes of this section, a catalytic heater is a combustion heater. Fuel tanks for automatic temperature control equipment must be empty or removed from the vehicle, except that liquefied petroleum gas fuel tanks exterior to the vehicle body may have their valves closed and disconnected from the fuel feed lines instead of being emptied or removed.

(2) *Exception for certain automatic temperature control equipment.*—A flammable liquid or a flammable gas may be transported in a vehicle equipped with automatic temperature control equipment, if (i) the lading space is equipped with no electrical apparatus or electrical apparatus of the nonsparking or explosion-proof type, (ii) no combustion apparatus is in the lading space; and (iii) there is no connection for return of air from the lading space to any combustion apparatus. The heating system must prevent heating of any part of the lading to a temperature of more than 130°F. and must conform to the requirements of § 393.77, of this title.

(3) *Explosives.*—An explosive must not be loaded into a truck body or trailer which contains a combustion heater or is equipped with operable automatic temperature control equipment. For the purposes of this paragraph, catalytic heaters are combustion heaters. All fuel tanks for a heater or automatic temperature control equipment with which a truck body or trailer is equipped must be drained. All automatic heating or refrigeration machinery must be rendered inoperative by disconnection of the automatic controls and sources of power for its operation.

(B) In § 177.835, paragraph (e)(1) would be deleted as follows:

§ 177.835 Explosives.

* * * * *

(e) * * *

(1) [deleted].

* * * * *

PROPOSAL E

ATTENDANCE OF TANK MOTOR VEHICLES DURING LOADING AND UNLOADING OPERATIONS

The Hazardous Materials Regulations Board is considering amendment of § 177.834 to clarify the meaning of "attendance" as it pertains to a tank motor vehicle being loaded or unloaded.

The Board has found that several dangerous incidents have occurred during the loading or unloading of tank motor vehicles which could have been avoided, if there had been someone near the cargo tank to take corrective or precautionary action. The Board feels that there may be some confusion as to the intent of the term "attendance" as it is used in § 177.834(l).

In consideration of the foregoing, it is proposed to amend 49 CFR Part 177 as follows:

In § 177.834, paragraph (i) would be revised as follows:

§ 177.834 General requirements.

* * * * *

(i) *Tank motor vehicles must be attended during loading and unloading.*— Each tank motor vehicle must be attended at all times by its driver or a qualified representative of the motor carrier that operates it during the loading or unloading of the tank motor vehicle. For the purposes of this subsection—

(1) A tank motor vehicle is attended when the person in charge of the vehicle is awake and not in a sleeper berth, and is within 25 feet of the tank motor vehicle and has it within his unobstructed field of view;

(2) A "qualified representative" of a motor carrier is a person who has been designated by the carrier to attend the vehicle, is aware of the nature of the hazardous material contained in the tank motor vehicle he attends, has been instructed on the procedures he must follow in emergencies, is authorized to move the vehicle, and has the means to do so; and

(3) The delivery hose, when attached to the tank motor vehicle, is a part of the vehicle.

* * * * *

PROPOSAL F

OPENINGS ON CARGO TANKS TO BE CLOSED DURING TRANSPORTATION

The Hazardous Materials Regulations Board is considering amendment of § 177.839 by adding a requirement that internal valves and manholes be in a closed and secured position during transportation. A similar provision was added during recent rule making pertaining to the transportation of compressed gases, and the Board now proposes to add similar requirements for the transportation of flammable liquids, poisons and corrosive materials in cargo tanks. In consideration of the foregoing, it is proposed to amend 49 CFR Part 177 as follows:

(A) In § 177.837, paragraph (e) would be added to read as follows:

§ 177.837 Flammable liquids.

* * * * *

(e) *Manholes and valves closed.*—A person shall not drive a tank motor vehicle and a motor carrier shall not require or permit a person to drive a tank motor vehicle containing a flammable liquid unless—

(1) All manhole closures on the cargo tank are closed and secured; and

(2) All valves and other closures on liquid discharge openings are closed and free of leaks.

(B) In § 177.839, paragraph (d) would be added to read as follows:

§ 177.839 Corrosive liquids.

* * * * *

(d) *Cargo Tanks.*—A person shall not drive a tank motor vehicle and a motor carrier shall not require or permit a person to drive a tank motor vehicle containing a corrosive liquid unless—

(1) All manhole closures on the cargo tank are closed and secured; and

(2) All valves and other closures on liquid discharge openings are closed and free of leaks.

(C) In § 177.841, paragraph (d) would be added to read as follows:

§ 177.841 Poisons.

* * * * *

(d) *Poisons in cargo tanks.*—A person shall not drive a tank motor vehicle and a motor carrier shall not require or permit a person to drive a tank motor vehicle containing poisons unless—

(1) All manhole closures on the cargo tank are closed and secured; and

(2) All valves and other closures on liquid discharge openings are closed and free of leaks.

PROPOSAL G

REPAIRS AND MAINTENANCE TO MOTOR VEHICLES CONTAINING HAZARDOUS MATERIALS

The Hazardous Materials Regulations Board is considering amendment of § 177.854 of the Department's Hazardous Materials Regulations to authorize repairs to a motor vehicle containing hazardous materials in a closed garage.

This proposal is based, in part, on a petition from Consolidated Freightways Corp. of Delaware. Petitioner states that "* * * minor repairs as adjustment of brakes, changing of tires, replacing burned out lamps, etc., would necessarily have to be made in the open or under a shed-type building * * * this rule causes undue hardship on our, or any motor carrier's operation, especially during the hours of darkness and also inclement weather.

The Board has concluded that the petitioner's request may have merit. A carrier faced with the prohibition in § 177.854(g) might well choose to delay making necessary, though perhaps minor, repairs until after the vehicle has reached its destination and has been emptied. By doing so, a greater hazard may exist than the potential hazard posed by the making of repairs in a garage, especially since many repairs do not involve any particular risk of explosion or fire.

However, the Board believes that the prohibition should be removed only if adequate safeguards against explosion are maintained. The safeguards proposed include protecting the vehicle from open flames or welding devices in use, and requiring every vehicle to have a means of motive power while it is in the garage.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 177 as follows:

In § 177.854, paragraph (g) would be revised to read as follows:

§ 177.854 Disabled vehicles and broken or leaking packages; repairs.

* * * * *

(g) *Repairs and maintenance to vehicles.*—(1) No maintenance or repair using open flame or any type of welding may be performed on vehicles containing hazardous materials.

(2) When a vehicle containing hazardous materials is inside a building for repairs or other reasons—

(i) There must be no flame-producing or welding devices in operation within the same enclosed area of the building; and

(ii) The vehicle must have an operable means of motive power or must be connected to an operable truck or truck tractor to facilitate its quick removal from the building.

* * * * *

PROPOSAL H

WARNING DEVICES FOR STOPPED VEHICLES

The Hazardous Materials Regulations Board is considering editorial changes to §§ 177.854, 177.856, and 177.859 to reflect recent changes to the Motor Carrier Safety regulations (49 CFR Parts 390–397) pertaining to warning devices for stopped vehicles.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 177 as follows:

(A) In § 177.854, the last sentence in paragraph (a) and the entire subparagraph (f)(1) would be amended to read as follows:

§ 177.854 Disabled vehicles and broken or leaking packages; repairs.

(a) * * * Sections 392.22, 392.24, and 392.25 of this title for signals required to be displayed on the highway.

* * * * *

(f) * * *

(1) For motor vehicles other than cargo tank motor vehicles used for the transportation of flammable liquids or flammable compressed gases and not transporting explosives, Class A, or Class B, flares (pot torches), fusees, red electric lanterns, red emergency reflectors, red emergency reflective triangles, or red flags must be set out in the manner prescribed by §§ 392.22, 392.24, and 392.25 of this title.

* * * * *

(B) In § 177.865, the second sentence in paragraph (d) would be amended to read as follows:

§ 177.856 Accidents; flammable liquids.

* * * * *

(d) * * * In such cases red electric lanterns, red emergency reflectors, red emergency reflective triangles, or red flags must be set out in the manner prescribed by §§ 392.22, 392.24, and 392.25 of this title. * * *

* * * * *

(C) In § 177.859, the third sentence in paragraph (b) would be amended to read as follows:

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§ 177.859 Accidents; compressed gases.

• • • • • •

(b) • • • Red electric lanterns, red emergency reflectors, red emergency reflective triangles, or red flags must be set out in the manner prescribed in §§ 392.22, 392.24, and 392.25 of Chapter III of this title. • • •

• • • • • •

Interested persons are invited to give their views on these proposals. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Communications received on or before October 30, 1973, will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, Room 6215, Buzzards Point Building, Second and V Streets SW., Washington, D.C., both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on August 21, 1973.

ROBERT A. KAYE,
Board Member for the
Federal Highway Administration.

[FR Doc.73-18142 Filed 8-24-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 4–2; Notice 9]

WARNING DEVICES

Optional Labeling With Manufacturer or Distributor Name

This notice proposes to amend Standard 125, Warning Devices, 49 CFR 571.125, to permit the use of the manufacturer's or distributor's name on the device to satisfy identification requirements.

The standard (effective date January 1, 1974) presently requires marking with the manufacturer's name. A recent proposal (38 FR 14968, June 7, 1973) would also require the use of manufacturer codes on all regulated vehicles and equipment other than tires, including warning devices. A manufacturer of warning devices, Miro-Flex Co. of Wichita, Kansas, has proposed the use of such a code instead of the manufacturer's name to permit merchandizing of its device through private label programs.

The NHTSA has determined that this petition for rulemaking should be granted in part. The use of a code would aid in distinguishing manufacturers with nearly identical names and permit rapid retrieval of identification information in the event of notification and recall. At the same time, notification and recall would be further aided by a manufacturer or distributor's brand name which the purchaser would be likely to remember and recognize as the source of his warning device. Because the code has already been proposed elsewhere and should be evaluated as one part of a uniform labeling system (NHTSA Docket 73–14; No. 1, comment closing date September 7, 1973), this notice only proposes that the manufacturer be permitted the option of marking the device with his name or a distributor's name.

Accordingly, it is proposed that Standard No. 125, Warning devices, 49 CFR 571.125, be amended by changing subparagraph S5.1.4(a) to read:

(a) Name of manufacturer or distributor;

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: November 22, 1973.

Proposed effective date: January 1, 1974.

(Secs. 103, 112, 119, Pub. L. 89–563, 80 Stat. 718, (15 U.S.C. 1392, 1401, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on August 21, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Prpgrams.

[FR Doc.73–18097 Filed 8–24–73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Parts 1, 17]

NATIONAL CEMETERY SYSTEM

Eligibility for Interment; Memorial Services

Public Law 93–43 (87 Stat. 75), enacted June 18, 1973, established a National Cemetery System within the Veterans Administration. This system will have jurisdiction over cemeteries under jurisdiction of the Veterans Administration as well as certain cemeteries to be transferred from the Department of the Army. Accordingly, §§ 17.200, 17.205, and 17.206 are revoked and is is proposed to add §§ 1.600 and 1.606 to provide for eligibility for interment and memorial services conducted in national cemeteries.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (232H), Veterans Administration, Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before September 26, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address of the above room number.

The provisions relating to interment in the former Veterans Administration cemeteries (now a part of the National Cemetery System) will be effective June 18, 1973. Eligibility for interments in those cemeteries of the Department of the Army being transferred to the Veterans Administration on September 1, 1973, will be effective on that date. The effective date of § 1.606 relating to memorial services conducted in national cemeteries will be effective June 18, 1973.

1. In 38 CFR Part 1, a center title and §§ 1.600 and 1.606 are added to read as follows:

NATIONAL CEMETERIES

§ 1.600 Interment in national cemeteries.

The National Cemetery System established by Public Law 93–43, the National Cemeteries Act of 1973 (87 Stat. 75) consists of all cemeteries under the jurisdiction of the Veterans Administration on June 18, 1973, and the national cemeteries transferred on September 1, 1973, from the Department of the Army to the Veterans Administration. The following rules of eligibility for interment in national cemeteries apply to all former Veterans Administration cemeteries as of June 18, 1973. These rules of eligibility for interment also apply to all cemeteries transferred on September 1, 1973, from the Department of the Army to the Veterans Administration, and to any other cemetery later acquired or developed by the Veterans Administration. Burial is authorized in national cemeteries of the remains of the following:

(a) Any person who served in the active military, naval, or air service who was discharged or released therefrom under conditions other than dishonorable.

(b) Any member of the Armed Forces who died in the active military, naval, or air service.

(c) Any member of a Reserve component of the Armed Forces, the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while he is hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

(d) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is

(1) Attending an authorized training camp or on an authorized practice cruise,

(2) Performing authorized travel to or from that camp or cruise, or

(3) Hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is

(i) Attending that camp or on that cruise,

(ii) Performing that travel, or

(iii) Undergoing that hospitalization or treatment at the expense of the United States.

(e) Any citizen of the United States who, during any war in which the United States is or has been engaged, served in the Armed Forces of any government allied with the United States during that war, and whose last such service terminated honorably.

(f) The wife or husband of any person listed in paragraph (a) through (e) of this section, and any interred veteran's unremarried widow, unremarried widower, minor child or unmarried adult child who was physically or mentally disabled and incapable of self-support, in the same grave with the veteran.

(g) Such other persons or classes of persons as may be designated by the Administrator.

§ 1.606 Memorial services in national cemeteries.

(a) Memorial services conducted in national cemeteries are subject to the following limitations:

(1) Services and all activities connected therewith in a national cemetery must be conducted with proper decorum. Organizations must provide assurance that their members will obey all rules in effect in the cemetery and act in a dignified and proper manner at all times while within the cemetery grounds.

(2) Services must be purely memorial in purpose and dedicated to the memory of those interred in the cemetery, or to all those dying in the military service of the United States or its allies.

(3) Partisan activiites are inappropriate in national cemeteries, and all services or any activities inside the cemetery connected therewith must be nonpartisan in nature. A service will be considered partisan and therefore inappropriate if it includes commentary in support of, or in opposition to, or attempts to influence, any current policy of the Government of the United States or any State of the United States. If the service, although itself purely memorial, is closely related to partisan activities being conducted outside the cemetery, it will be considered partisan and therefore inapproriate.

(b) Requests for permission to hold memorial services will be addressed to the Director, National Cemetery System, or the superintendent of the national cemetery involved. Such applications will describe the proposed ceremony in sufficient detail to enable a determination as to whether the proposed service meets the standards set forth in paragraph (a) of this section. If permission is granted, the Director or superintendent will assign an appropriate time and render assistance where appropriate. No organization will be given exclusive permission to use any cemetery on any particular occasion. Where several requests are received for separate services, the Director or superintendent will schedule each so as to avoid overlapping or interference, or require appropriate modifications in the scope or timing of the services.

§§ 17.200, 17.205, 17.206 [Revoked]

2. In 38 CFR Part 17, the center title "VETERANS ADMINISTRATION CEMETERIES" is deleted and §§ 17.200, 17.205 and 17.206 are revoked.

Approved: August 14, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73–18070 Filed 8–24–73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-54]

SHIPPING COORDINATING COMMITTEE SUBCOMMITTEE ON CODE OF CONDUCT FOR LINER CONFERENCES

Notice of Meeting

A meeting of the Subcommittee on the Code of Conduct for Liner Conferences will be held at 10:00 a.m. on Thursday, September 6, 1973, in Room 1207, Department of State, to discuss provisions of the draft consolidated text of the Code, developed at the 2nd session of the United Nations Conference on Trade and Development (UNCTAD) Preparatory Committee of the Code of Conduct for Liner Conferences held in Geneva, June 4–29, 1973.

The meeting will be closed to the public, under a determination to do so, made under the provisions of section 10(d) of Public Law 92–463 in that the above meeting will necessarily involve discussion of matters concerned with those recognized as not subject to public disclosure under 5 U.S.C. 552(b)(1).

For information regarding the meeting, contact Mr. Richard K. Bank, Secretary, Shipping Coordinating Committee, Department of State, Washington, D.C. 20520, telephone (area code 202) 632–0704.

Dated August 7, 1973.

RICHARD K. BANK,
Executive Secretary,
Shipping Coordinating Committee.

[FR Doc.73-18057 Filed 8-24-73;8:45 am]

[Public Notice CM-56]

STUDY GROUP 5 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 5 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on September 6, 1973, at 10 a.m. in Conference Room D, Department of Commerce Main Building, 14th Street (between E Street and Constitution Avenue NW.), Washington, D.C.

Study Group 5 deals with matters relating to the propagation of radio waves (including radio noise) at the surface of the earth, through the nonionized regions of the earth's atmosphere, and in space where the effect of ionization is negligible. The meeting on September 6 will consider new draft texts which are proposed as U.S. contributions to the international meeting of Study Group 5 in 1974.

Members of the general public who desire to attend the meeting on September 6 will be admitted up to the limits of the capacity of the meeting room.

Dated August 23, 1973.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.73-18059 Filed 8-24-73;8:45 am]

[Public Notice CM-55]

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Notice of Meeting

The Department of State announces a scheduled meeting of the United States Study Group on U.S. Government Regulatory Problems concerned with preparation for meetings of Study Groups of the International Telegraph and Telephone Consultative Committee of the International Telecommunication Union. The meeting will take place on Thursday, October 4, 1973, at 10 a.m. in Room 502 of the Federal Communications Commission, 1919 M Street NW., Washington, D.C.

The agenda of this second preparatory meeting will include plans for the development of U.S. Contributions on questions assigned for study during the 1973–1976 period to CCITT Study Group III, "General tariff principles: lease of telecommunication circuits," and the development of U.S. positions on questions where it is decided not to submit U.S. Contributions.

Members of the general public who desire to attend the meeting on October 4 will be admitted up to the limit of the capacity of the meeting room.

Dated August 9, 1973.

RICHARD T. BLACK,
Chairman,
U.S. National Committee.

[FR Doc.73-18058 Filed 8-24-73;8:45 am]

[Public Notice CM-52]

STUDY GROUP 5 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Notice of Meeting

The Department of State announces a scheduled meeting of the United States Study Group on Data Transmission concerned with preparation for meetings of Study Groups of the International Telegraph and Telephone Consultative Committee of the International Telecommunication Union. The meeting will take place on Thursday, September 6, 1973, at 10 a.m. in Room A–110 of the Federal Communications Commission Annex, 1229 20th Street NW., Washington, D.C.

U.S. CCITT Study Group 5 deals with matters in telecommunications relating to the development of the international digital data transmission service. The agenda for the meeting on September 6 will include consideration of the following:

(1) modem above 2400 bps for switched network
(2) modem above 4800 bps for leased lines
(3) 64 kbps or 48 kHz and synchronous 600 bps full-duplex on switched network
(4) a new interface compatible with LSI
(5) error control
(6) comparative tests of modems
(7) maintenance methods
(8) user requirements
(9) functional interface between network and terminals
(10) synchronous networks
(11) packet switching
(12) transmission quality

Members of the general public who desire to attend the meeting on September 6 will be admitted up to the limit of the capacity of the meeting room.

Dated August 9, 1973.

RICHARD T. BLACK,
Chairman,
U.S. National Committee.

[FR Doc.73-18055 Filed 8-24-73;8:45 am]

[Public Notice CM-53]

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Friday, September 14, 1973, at the Department of State, Room 1410, from 2 p.m. to 3 p.m. The agenda will include a final review of the Commission's column for Exchange Magazine; and a discussion of orientation plans under consideration for new members. For purposes of fulfilling building security requirements, anyone wishing to attend the open session must advise the Staff Director by telephone in advance of the meeting. Telephone: 632–2764.

From 9:00 a.m. to 12:00 noon the Advisory Commission will meet in closed session, as provided for by U.S.C. 552(b)(1).

Dated August 9, 1973.

MARGARET G. TWYMAN,
Staff Director,
Commission Secretariat.

[FR Doc.73-18056 Filed 8-24-73;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 73-13]

QUALITY MEDICAL PHARMACY, ET AL.

Notice of Hearing

A notice of hearing in the matter of John Gardner d.b.a. Quality was published in the FEDERAL REGISTER of August 7, 1973, (38 FR 21278), setting a hearing date of August 7, 1973. By agreement of the parties this date was used for a prehearing conference. Also by agreement of the parties a hearing date was set for August 27, 1973, commencing at 10 a.m. in the Tax Court Hearing Room, No. 8541, 300 North Los Angeles Street, Los Angeles, California.

Dated: August 21, 1973.

JOHN R. BARTELS, JR.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-18047 Filed 8-24-73;8:45 am]

[Docket No. 73-5]

THOMAS E. WOODSON

Revocation of Certificates of Registration

A notice was published in the FEDERAL REGISTER of July 26, 1973 (38 FR 19976) in the above entitled matter. That Order is hereby amended by striking the words "September 24, 1973" in paragraph eleven of said notice, and substituting in lieu thereof "August 27, 1973;" the word "sixty" in paragraph thirteen, is hereby deleted, and "thirty" is substituted therefor.

Dated: August 21, 1973.

JOHN R. BARTELS, JR.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-18048 Filed 8-24-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[INT DES 73-52]

HAYDEN-AULT 345-KV TRANSMISSION LINE AND AULT SUBSTATION; COLORADO RIVER STORAGE PROJECT, COLO.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Draft Environmental Statement for the proposed Hayden-Ault 345-kv Transmission Line and the Ault Substation. This Environmental Statement concerns the recommended corridor for the line; its construction and operation and the construction of the substation. The function of the joint-use line is to transmit power from hydro resources in the Colorado River Basin and thermal resources from the western Colorado coal fields to municipal and rural loads in eastern Colorado. A 45-day review period is requested.

Copies are available from:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone (202) 343-4991.
Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225. Telephone (303) 234-3007.
Office of the Regional Director, Bureau of Reclamation, Building 20, Denver Federal Center, Denver, Colorado 80225. Telephone (303) 234-4441.
Construction Engineer, Cheyenne Construction Office, P.O. Box 507, Cheyenne, Wyoming 82001. Telephone (307) 778-2465.

Single copies of the Draft Environmental Statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

Please refer to the Statement number above.

Dated: August 21, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-18088 Filed 8-24-73;8:45 am]

[INT DES 73-50]

PROPOSED BIG THICKET NATIONAL BIOLOGICAL RESERVE, TEX.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement on the proposed Big Thicket National Biological Reserve, Texas, and invites written comment within forty-five (45) days of this notice. Written comments should be addressed to the Regional Director, National Park Service, Southwest Region, at the address listed below.

The draft statement considers the effects on the natural and social environment of establishing a 68,000-acre reserve in Hardin, Jefferson, Orange, Jasper, Polk and Tyler counties, Texas for the purpose of preserving representative units of the Big Thicket ecosystem complex.

Copies of the statement are available from or for inspection at the following location.

Southwest Regional Office, National Park Service, Old Santa Fe Trail at Camino Del Monte Sol, Post Office Box 728, Santa Fe, New Mexico 87501.

Dated: August 20, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-18052 Filed 8-24-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

NATIONAL SHIPPING CORP.

Notice of Filing

Notice is hereby given that National Shipping Corporation has filed an application dated July 3, 1973, pursuant to Title V of the Merchant Marine Act, 1936, as amended, for construction-differential subsidy to aid in the construction of a 40,000 DWT hatchless bulk carrier of 14 knots speed to be used in the carriage of packaged lumber and flowable cargoes between the West Coast of Canada and the United States East Coast ports including Florida.

Interested parties may inspect this application in the office of the Secretary, Room 3099–B, Maritime Administration, Commerce Department Building, Fourteenth and E Streets NW., Washington, D.C. 20235.

Dated August 22, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.73-18120 Filed 8-24-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Assistant Secretary for Education

NATIONAL ADVISORY COUNCIL ON EQUALITY

Emergency School Aid; Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), that the National Advisory Council on Equality of Educational Opportunity will meet from 1:30 p.m. until 4:30 p.m. Thursday, September 13 and 8 a.m. until 12:30 p.m. Friday, September 14, in the RKO Building, O.C.R. Conference Room, Fifth floor, Government Center, Boston, Masachusetts.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (P.L. 92–318, Title VII). The Council is established to advise the Assistant Secretary for Education with respect to the operation of programs under the Act, and to review the operation of such programs.

The meeting of the Council shall be open to the public. The proposed agenda includes approval of the first interim re-

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port and recommendations for Fiscal Year 74 revision of regulations.

Signed at Washington, D.C. on August 21, 1973.

HERMAN R. GOLDBERG,
Associate Commissioner, Bureau of Equal Educational Opportunity.

[FR Doc.73-18017 Filed 8-24-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA-Pet-No. 89]

PORTLAND TRACTION CO.

Petition for Exemption From Hours of Service Act

The Portland Traction Company, Portland, Oregon, has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. secs. 61, 62, 63, and 64.

Interested persons are invited to participate by submitting written data, views or comments. Communications should identify the docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket FRA-Pet-No. 89, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before September 25, 1973, will be considered by the Federal Railroad Administrator before taking final action. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C.

EDWARD F. CONWAY, Jr.,
Acting Assistant Chief Counsel for Safety Regulation.

[FR Doc.73-18016 Filed 8-24-73;8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

On September 12 and 13, 1973, the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C. The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Secretary of Transportation consults with the Advisory Council on motor vehicle safety standards promulgated under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.).

The following meetings are subject to the approval of the Secretary of Transportation.

On September 12 at 9 a.m. in room 4238 the Ad Hoc Committee on Research Funding will meet with the following agenda:

Ad Hoc Committee Goals and Objectives
Review of NHTSA Research Goals, Priorities, Policies, and Budgets

On September 12 at 9 a.m. in room 2232 the Awards Committee will meet with the following agenda:

Guidelines for Excalibur Award and Review of Speno Award

At 1:30 p.m. on September 12 in room 2232 the Accident Avoidance and Operating Systems Committee will meet with the following agenda:

Recommendations on Visibility Proposals for Council's Consideration
Review of Status of FMVSS 108-A (Lighting)
Future Activities of Committee
New Business

The Executive Committee will meet with the following agenda on September 12 at 4 p.m. in room 4238:

Plans for Third International Congress on Automotive Safety
New Business

On September 13 at 9 a.m. to 12 noon the full Council will meet in room 4238 with the following agenda:

Remarks by Dr. Gregory, NHTSA Administrator
Status Report on ESV Program
Executive Committee Report
Accident Avoidance and Operating Systems Committee Report
Ad Hoc Committee on Research Funding Report
Awards Committee Report
New Business

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA) effective January 5, 1973.

For further information, contact Executive Secretariat, Room 5215, 400 Seventh Street SW., Washington, D.C., telephone 202-426-2872.

Issued on August 21, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-18073 Filed 8-24-73;8:45 am]

National Highway Traffic Safety Administration

YOUTHS HIGHWAY SAFETY ADVISORY COMMITTEE

Notice of Public Meeting

On September 7-8, 1973, the Youths Highway Safety Advisory Committee will hold open meetings at the DOT Headquarters Building, 400 Seventh Street SW., Room 5332, Washington, D.C. The Committee is composed of persons appointed by the National Highway Traffic Safety Administrator to consult with and advise him concerning programs and activities to attract and sustain the participation of young people in the national effort to combat highway deaths and injuries.

The meeting will be in session from 9 a.m. to 5 p.m. on September 7 and from 9 a.m. to 12 noon on September 8. The agenda is as follows:

Briefing of new members on NHTSA's safety programs.
Swearing-in by Administrator, NHTSA.
Orientation and selection of Chairperson.
NHTSA Public Education Campaign on Drinking/Driving.
Presentation on mandatory seat belt usage.

This notice is given pursuant to section 10(a)(2) of Public Law 42-463, Federal Advisory Committee Act (FACA) effective January 5, 1973.

For further information, contact Executive Secretariat, Room 5215, 400 Seventh Street SW., Washington, D.C., telephone 202-426-2872.

Issued on August 21, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-18146 Filed 8-24-73;8:45 am]

ATOMIC ENERGY COMMISSION

URANIUM HEXAFLORIDE

Charges, Enriching Services, Specifications and Packaging; Revisions

Corrections

In FR Doc. 73-16531, appearing at page 21519 in the issue for Thursday, August 9, 1973; in the table, the entry reading "60.00 ---- 177.025 ---- 148.235" should read "60.00 ---- 117.025 ---- 148.235".

CIVIL AERONAUTICS BOARD

[Docket No. 25630]

SURINAAMSE LUCHTVRACHT ONDERNEMING N.V. (SURINAM AIR CARGO CORPORATION)

Postponement of Prehearing Conference and Hearing; Foreign Air Carrier Permit Renewal

Counsel for the applicant has requested a postponement of the prehearing conference and hearing in this proceeding to October 2, 1973, because of conflicting commitments in other matters.

Accordingly, notice is hereby given that the prehearing conference and hearing now scheduled for September 18, 1973 (38 FR 22504, August 20, 1973), is hereby postponed to October 2, 1973, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

Dated at Washington, D.C., August 22, 1973.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.73-18099 Filed 8-24-73;8:45 am]

[Docket No. 24961 etc.]

UNIVERSAL AIRLINES, INC.

Hearing on Transfer of Certificates to Phoenix Airline, Inc., Fitness Investigation

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding will be held on September 18, 1973, at 10 a.m. (local time) in Room 701, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details of the proceeding interested persons are referred to the Prehearing Conference Report and other documents which are in the docket of the proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 21, 1973.

[SEAL] LOUIS W. SORNSON,
Administrative Law Judge.

[FR Doc.73-18100 Filed 8-24-73;8:45 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order 40]

ADMINISTRATOR FOR PAY BOARD MATTERS, ET AL.

Delegations of Authority

Pursuant to the authority vested in me as Director of the Cost of Living Council by Cost of Living Council Order No. 14, it is hereby ordered as follows:

1. (a) There is hereby delegated to the Administrator for Pay Board Matters authority to:

(i) Process, consider, decide and issue decisions and orders with respect to actions pending before the Pay Board on February 28, 1973, including exception requests, pay challenges, executive compensation submissions, appeals from Internal Revenue Service adverse actions, and related matters, which were filed with the Pay Board or its delegate on or before January 10, 1973, and which involve pay adjustments, or other matters appropriate for Pay Board action, to be effective on or before January 10, 1973; and

(ii) Rule on any request for review or reconsideration of a decision issued by the Pay Board prior to January 11, 1973, or pursuant to the interim authority delegated to the Chairman of the Pay Board by Cost of Living Council Order No. 17.

(b) The actions referred to in subparagraph (a) of this paragraph shall be processed, acted on, and decided in accordance with Pay Board procedures, policies, rulings, and regulations in effect on January 10, 1973. Actions pursuant to this delegation shall be taken in the name of the Administrator for Pay Board Matters and shall be reviewable only by the Administrator for Pay Board Matters under the procedures provided by Pay Board regulations in effect on January 10, 1973, with respect to actions taken in the name of the Chairman of the Pay Board.

2.(a) There is hereby delegated to the Administrator for Phase III Matters authority to:

(i) Process, consider, decide, and issue decisions and orders with respect to individual cases involving pay adjustments presented to the Cost of Living Council under the policies, rulings, and regulations of the Council in effect from January 11, 1973, through July 11, 1973; and

(ii) Rule on requests for review or reconsideration of initial decisions made pursuant to this subparagraph.

(b) The authority delegated pursuant to this paragraph shall extend only to matters in which a submission was received by the Council or its delegate prior to July 12, 1973, relating to a pay adjustment to be effective on or before July 11, 1973. For purposes of this subparagraph, the furnishing of information concerning a proposed or negotiated pay adjustment, in response to a request by the Council, shall not be considered a submission to the Council if a challenge to such pay adjustment was not issued by the Council prior to July 12, 1973.

3. There is hereby delegated to the Counselor to the Director authority to:

(a) Process, consider, decide, and issue decisions and orders with respect to individual cases involving pay adjustments affecting employees of State or local governments, presented to the Cost of Living Council under the policies, rulings, and regulations of the Council in effect on and after January 11, 1973; and

(b) Rule on requests for review or reconsideration of initial decisions made pursuant to subparagraph (a) of this paragraph.

4.(a) There is delegated to the Administrator, Office of Wage Stabilization, authority to:

(i) Issue challenges with respect to pay adjustments as provided in Cost of Living Council Regulations;

(ii) Process, consider, decide, and issue decisions and orders with respect to individual cases involving pay adjustments presented to the Cost of Living Council under the policies, rulings, and regulations of the Council in effect on and after July 12, 1973;

(iii) Rule on requests for review or reconsideration of initial decisions made pursuant to this paragraph;

(iv) Monitor pay adjustments.

(b) The authority delegated pursuant to this paragraph does not include any authority which has been delegated to the Administrator for Pay Board Matters, the Administrator for Phase III Matters, or the Counselor to the Director pursuant to paragraph (1), (2), or (3) of this Order.

(c) In the consideration of any pay adjustment under this paragraph, the Administrator, Office of Wage Stabilization, shall, except as otherwise directed by the Director or his delegate, take final action only after consulting with and receiving recommendations as to disposition from the appropriate tripartite industry wage and salary committee as heretofore or hereafter may be established by the Council.

5. An official of the Cost of Living Council exercising authority pursuant to this Order may solicit and receive the advice and recommendations of any appropriate individual, group, panel, or committee.

6. An official of the Cost of Living Council exercising authority pursuant to this Order may request information and conduct hearings with respect to functions delegated in this Order.

7. The authority delegated in this Order does not include any authority which has been delegated to the Construction Industry Stabilization Committee pursuant to Cost of Living Council Orders No. 16 and 20, or which may subsequently be delegated to the Construction Industry Stabilization Committee.

8. Each official to whom authority is delegated by this Order may redelegate that authority.

9. In exercising the authority delegated by this Order or redelegated pursuant thereto, officials of the Cost of Living Council shall be governed by the regulations and rulings of the Cost of Living Council and by the policies, procedures, and controls prescribed by the Director or his delegate.

10. Actions taken by officials of the Cost of Living Council on review or reconsideration pursuant to this Order are administratively final. Review of these actions may be sought in the appropriate Federal district court pursuant to section 211 of the Economic Stabilization Act of 1970, as amended.

11. Cost of Living Council Order No. 21 and paragraph (4) of Cost of Living Council Order No. 25 are hereby superseded.

12. This Order is effective July 12, 1973.

JOHN T. DUNLOP,
Director, Cost of Living Council.

[FR Doc.73-18159 Filed 8-24-73;8:45 am]

[Cost of Living Council Order 39]

DIRECTOR, ENERGY POLICY OFFICE

Delegation of Authority

Pursuant to the authority vested in me by Executive Order No. 11695, it is hereby ordered as follows:

1. The authority with respect to petroleum products under section 203(a)(3) of the Economic Stabilization Act of 1970, as added by section 2(b) of the Economic Stabilization Act Amendments of 1973 is delegated to the Director of the Energy Policy Office established by Executive Order 11726, including, without limitation, the power and duty to make the determinations and take the actions required or permitted by the Act and the power to redelegate any of the authority thereunder.

2. Nothing herein shall be deemed to to delegate any authority with respect to the stabilization of prices under section 203(a)(1) of the Act.

V 38 - 165 AUG 27 73 XUM

3. Cost of Living Council Order No. 33 is hereby rescinded.

4. This Order shall be effective immediately.

Date: August 21, 1973.

GEORGE P. SHULTZ,
Chairman, Cost of Living Council.

[FR Doc.73-18160 Filed 8-24-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

CELANESE CHEMICAL CO.

Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346(d)(1)), notice is given that a petition (PP 3F1411) has been filed by Celanese Chemical Co., 245 Park Avenue, New York, N.Y. 10017, proposing establishment of tolerances (40 CFR Part 180) for residues of the fungicides acetic acid at 5,000 part per million and propionic acid at 20,000 parts per million in or on the raw agricultural commodities alfalfa, Bermuda grass, bluegrass, brome grass, clover, cowpea hay, fescue, lespedeza, lupines, orchard grass, peanut hay, peavine hay, soybean hay, sudan grass, rye grass, timothy, and vetch from postharvest application.

The analytical method proposed in the pesticide petition for determining residues of the fungicides is a gas chromatographic procedure using a flame ionization detector.

Dated: August 21, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-18086 Filed 8-24-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI67-248]

BEACON GASOLINE CO.

Notice of Petition to Amend

AUGUST 21, 1973.

Take notice that on August 13, 1973, Beacon Gasoline Company (Petitioner), P.O. Box 396, Minden, Louisiana 71055, filed in Docket No. CI67-248 a petition to amend the order heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to gather and transport natural gas produced by Oliver M. Clegg, Trustee, in the Walker Creek Field, Columbia County, Arkansas, for processing and delivery to the gas purchaser, Texas Gas Transmission Corporation (Texas Gas), in Columbia County, Arkansas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner proposes to transport, process and deliver gas to Texas Gas for two years or until the gas is used in cycling operations in the Walker Creek Field. Oliver M. Clegg, Trustee, has filed an application for a certificate of public convenience and necessity in Docket No. CI74-98 authorizing the sale for resale of natural gas in interstate commerce to Texas Gas within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) and the delivery of said gas to Petitioner for transportation and processing. Petitioner proposes to charge 1.5 cents per Mcf for processing the gas, which will be reduced to 0.25 cent per Mcf when the initial gathering system costs are recovered, plus a 0.25 cent per Mcf gathering charge.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18122 Filed 8-24-73;8:45 am]

[Docket No. CI74-101]

C & K PETROLEUM, INC.

Notice of Application

AUGUST 21, 1973.

Take notice that on August 13, 1973, C & K Petroleum, Inc. (Applicant), 608 First City National Bank Building, Houston, Texas 77002, filed in Docket No. CI74-101 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation from the Lake des Allemands Field, St. Charles Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on August 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for three years from the end of the sixty-day emergency period within the contemplation of section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 3,000 Mcf of gas per day at 50.0 cents per Mcf at 15.025 p.s.i.a. plus tax reimbursement to the seller for ¾ of any additional gas severance taxes levied one year after the proposed sales commence.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18116 Filed 8-24-73;8:45 am]

[Docket No. CI74-49]

CITIES SERVICE OIL CO.

Notice of Application; Correction

AUGUST 15, 1973.

In the Notice of Application, issued July 30, 1973 and published in the FEDERAL REGISTER August 6, 1973, 38 FR 21213:

Second paragraph, line 2, Change "July 22, 1973" to read "July 2, 1973."

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18028 Filed 8-24-73;8:45 am]

[Docket No. CI74-98]

OLIVER M. CLEGG, TRUSTEE

Notice of Application

AUGUST 21, 1973.

Take notice that on August 14, 1973, Oliver M. Clegg, Trustee (Applicant), P.O. Drawer A, Magnolia, Arkansas 71753, filed in Docket No. CI74-98 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation from the Walker Creek Field, Columbia County, Arkansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell for two years or until the gas is used in the cycling of the Walker Creek Field, all the available gas, estimated to be approximately 21,000 Mcf per month at 35.0 cents per Mcf at 15.025 p.s.i.a., subject to downward Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18117 Filed 8-24-73;8:45 am]

[Docket No. CP74-39]

COLUMBIA GULF TRANSMISSION CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

AUGUST 20, 1973.

Take notice that on August 10, 1973, Columbia Gulf Transmission Company, P.O. Box 638, Houston, Texas 77001, and Michigan Wisconsin Pipe Line Company, One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP74-39 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of gas between them, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to exchange unspecified volumes of natural gas whenever a shortage exists on one Applicant's system which can be alleviated by deliveries of gas from the system of the other Applicant. Such exchanges would be effected at an existing point of interconnection in the Eugene Island Block 250, offshore Louisiana; an existing point of interconnection near Calumet, St. Mary Parish, Louisiana; producing fields, natural gas processing plants and other common points where Applicants take delivery of gas from others; producing fields, natural gas processing plants and other common points where Applicants and/or one or more other pipeline companies take delivery of natural gas, so that gas can be exchanged by Applicants in whole or in part via the facilities of other companies; and such additional points of interconnection between the pipeline systems of Applicants as may be established in the future pursuant to Commission authorization. It is stated that exchange gas will be delivered only when in the judgment of the delivering party it can make them without impairment of its service to its customers and redeliveries will be made as soon as feasible and in any event within 60 days unless a longer period is mutually agreed to.

Any person desiring to be heard or to make any protests with reference to said application should on or before September 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18132 Filed 8-24-73;8:45 am]

[Docket No. E-8350]

DUKE POWER CO.

Supplement to Agreement

AUGUST 20, 1973.

Take notice that on August 8, 1973, Duke Power Company (Company) tendered for filing a Supplement to the Company's Electric Power Contract (designated as FPC No. 201) with the City of Seneca, South Carolina (City).

The Company states that the new contract, dated April 28, 1971, to become effective September 20, 1973, provides for an increase in contract demand from 7,000 KW to 12,000 KW.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18136 Filed 8-24-73;8:45 am]

[Docket Nos. RP71-137, RP72-151]

EL PASO NATURAL GAS CO.

Extension of Time

AUGUST 17, 1973.

On August 10, 1973, El Paso Natural Gas Company filed a motion for an extension of time to file an answer to the motion filed August 6, 1973, by Commission Staff Counsel for the institution of a proceeding related to conjunctive billing issues.

Upon consideration, notice is hereby given that the time is extended to and including August 27, 1973, within which answers may be filed to the above motion.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18029 Filed 8-24-73;8:45 am]

V38-165 AUG 27 73 XUM

[Dockets Nos. CI72-605, CI73-7]

FLORIDA GAS EXPLORATION CO.

Notice of Redesignation

AUGUST 21, 1973.

By a letter filed with the Commission on November 20, 1972, Florida Gas Exploration Company advises that it has changed its corporate name from Coastal Production Company.

Accordingly, the temporary certificates issued and the rate schedules on file with the Commission, set forth in the Appendix hereto, are designated as those of Florida Gas Exploration Company in lieu of Coastal Production Company.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Former designation	New designation	Related Docket No.
Coastal Production Co., FPC Gas Rate Schedule No. 1—Supp. Nos. 1-7, thereto.	Florida Gas Exploration Co., FPC Gas Rate Schedule No. 2—Supp. Nos. 1-7, thereto.	CI72-605
Coastal Production Co., et al. FPC Gas Rate Schedule No. 2.	Florida Gas Exploration Co., et al. FPC Gas Rate Schedule No. 3.	CI73-7

[FR Doc.73-18140 Filed 8-24-73;8:45 am]

[Docket No. E-8323]

FLORIDA POWER AND LIGHT CO.

Extension of Time

AUGUST 17, 1973.

On August 14, 1973, Counsel for the City of Homestead, Florida, requested an extension of time within which to file a comment, protest or petition to intervene on the notice of agreement and proposed changes in rates and charges issued on July 27, 1973.

Upon consideration, notice is hereby given that the time is extended to and including August 22, 1973, within which protests or petitions to intervene may be filed in the above matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18030 Filed 8-24-73;8:45 am]

[Docket No. E-6730]

GEORGIA POWER CO.

Filing by Licensee; Correction

JUNE 29, 1973.

In the Notice of Filing by Licensee Agreeing to Pay Certain Sums for Headwater Benefits, issued June 27, 1973 and published in the FEDERAL REGISTER July 2, 1973, 38 FR 17536:

The following corrections should be made to said Notice:

(1) Second paragraph, line 13, strike the comma after 797 and replace with a period so the figures shall read $585,797.00.

(2) Third paragraph, line 1, strike "not" after the word "would".

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18031 Filed 8-24-73;8:45 am]

[Project 2336]

GEORGIA POWER CO.

Application for Change in Land Rights

AUGUST 17, 1973.

Public notice is hereby given that application was filed June 22, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by the Georgia Power Company (Correspondence to: Mr. I. S. Mitchell III, Vice President and Secretary, Georgia Power Company, P. O. Box 4545, Atlanta, Georgia 30302) for change in land rights for Lloyd Shoals Project No. 2336, located near the Towns of Monticello and Jackson in Jasper, Butts, and Newton Counties, Georgia, on the Ocmulgee River.

Applicant requests Commission approval of a 22-year lease of project lands to the Turtle Cove Property Owners Association, Inc. The land is a discontinuous strip extending for about 13 miles along the Jasper County shoreline of Jackson Lake from a point about a mile upstream of the project dam to a point about one-half mile upstream of Waters Bridge (Georgia Highway No. 212). The strip, which varies in width from zero to fifty feet, lies between the normal high water line (elevation 530 feet M.S.L.) and the project boundary.

The proposed lease provides that owners of lots contiguous to the strip may build docks, piers and swimming floats thereon subject to the approval of Georgia Power Company. Applicant submits that boathouses, lifts, and cribs, as well as sewage releases to the reservoir, will be prohibited.

Any person desiring to be heard or to make protest with reference to said application should on or before October 8, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18032 Filed 8-24-73;8:45 am]

[Dockets Nos. CP71-222, CP71-223]

GREAT LAKES GAS TRANSMISSION CO.

Further Extension of Time and Postponement of Hearing

AUGUST 20, 1973.

On August 15, 1973, Great Lakes Gas Transmission Company requested a further extension of the procedural dates fixed by notice issued May 18, 1973, in the above-designated matter. The request states that the interveners concur in this request.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of Great Lakes Case-In-Chief, September 21, 1973.
Hearing, October 9, 1973 (10:00 a.m., E.D.T.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18138 Filed 8-24-73;8:45 am]

[Docket No. E-8121]

GULF STATES UTILITIES CO.

Order Suspending Proposed Rate Increase, Setting Matter for Hearing, and Instituting Investigation; Correction

JULY 19, 1973.

In the Order Suspending Proposed Rate Increase, Setting Matter for Hearing, and Instituting an Investigation Under section 206, Issued June 14, 1973, and published in the FEDERAL REGISTER June 22, 1973, FR 38(16429): In footnote 3, the terminable date of the Kirbyville Light and Power Company Contract (FPC No. 81) is given as June 1, 1974.

This date should be August 21, 1973. In this same regard, of Appendix A, add under "FPC No. 81, Kirbyville Light and Power Company", after the text of Article IV, the following language:

September 26, 1951, contract amended by letter of August 28, 1952, to change the "not later than" date in Article I to August 21, 1952.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18033 Filed 8-24-73;8:45 am]

[Docket Nos. RP72-118 and RP73-14]

MICHIGAN WISCONSIN PIPE LINE CO.

Tariff Changes Pursuant to Order Approving Rate Settlement

AUGUST 17, 1973.

Take notice that on August 3, 1973, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing revised tariff sheets to its F.P.C. Gas Tariffs, Second Revised Volume No. 1 and First Revised Volume No. 2 as follows:

Volume No. 1 Tariff:
Substitute Third Revised Sheet No. 27F
Fourth Revised Sheet No. 27F
Substitute Fourth Revised Sheet No. 27F
Fourth Revised Sheet No. 8
First Revised Sheet No. 9K

Volume No. 2 Tariff:
Substitute Fourth Revised Sheet No. 92
Substitute Fourth Revised Sheet No.110
Substitute Fourth Revised Sheet No. 129
Substitute Fourth Revised Sheet No. 130
Substitute Third Revised Sheet No. 141
Substitute Third Revised Sheet No. 142
Substitute Third Revised Sheet No. 171
Substitute First Revised Sheet No. 214
Substitute First Revised Sheet No. 215
Substitute Original Sheet No. 231
Substitute Original Sheet No. 232

Michigan Wisconsin states that the above revised tariff sheets and the rates and tariff changes therein contained are being filed in compliance with the Commission's Order Approving Rate Settlement issued July 24, 1973.

Michigan Wisconsin further states that copies of the filing have been mailed

to its customers and all interested parties in Docket Nos. RP72-118 and RP73-14.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 29, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18035 Filed 8-24-73;8:45 am]

[Project 346]

MINNESOTA POWER AND LIGHT CO.

Issuance of Annual License

AUGUST 21, 1973.

On August 13, 1970, Minnesota Power and Light Company, Licensee for Blanchard Project No. 346 located on the Mississippi River below Pike Rapids in Morrison County, Minnesota, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for Project No. 346 was issued effective August 25, 1923, for a period ending August 24, 1973. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual License to Minnesota Power and Light Company for continued operation maintenance of Blanchard Project No. 346.

Take notice that an annual license is to Minnesota Power and Light Company (Licensee) under section 15 of the Federal Power Act for the period August 25, 1973, to August 24, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Blanchard Project No. 346 subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18141 Filed 8-24-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY

Notice of Meeting

Agenda for a meeting of the Technical Advisory Committee on Power Supply, to be held at the Federal Power Commission Offices, 825 North Capitol Street NE., Washington, D.C., at 8:30 a.m., September 11, 1973, Room 5200.

1. Meeting opened by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
a. Additions and corrections to minutes of meeting of July 24, 1973.
b. Review Abstract of Report on Generation Installations Study Area (Mr. Hanrahan).
c. Review Abstract of Report on Power Operations Study Area (Mr. Dille).
d. Review Abstract of Report on Task Force on Forecast Review (Mr. Lloyd).
e. Other Business.
f. Date of Next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18027 Filed 8-24-73;8:45 am]

[Docket No. E-8349]

NIAGARA MOHAWK POWER CORP.

Amendment to Agreements

AUGUST 17, 1973.

Take notice that Niagara Mohawk Power Corporation (Niagara) on August 8, 1973, tendered for filing an amendment (Third Amendment) to its Export Rate Schedule FPC No. 12 as supplemented.

According to Niagara, the supplement constitutes the Third Amendment to an agreement of July 1, 1954, between Niagara and the Hydro-Electric Power Commission of Ontario (Ontario).

Niagara states that, "the agreement of May 11, 1973, incorporates a change in the rate for emergency power and energy delivered by one party in the case of an emergency by the other party." Niagara further states that, "the existing rate for emergency power and energy is no longer adequate in relation to current costs and conditions and is not consistent with rates charged for equivalent sales by (Ontario) to other parties in the United States.

Niagara, in its letter of transmittal, requests a waiver of notice requirement contained in section 35.3 of regulations under the Federal Power Act.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18039 Filed 8-24-73;8:45 am]

[Docket No. CI74-91]

NORRIS OIL CO. ET AL.

Notice of Application

AUGUST 20, 1973.

Take notice that on August 9, 1973, Norris Oil Company (Applicant), P.O. Box A-1, Ventura, California 93001, filed in Docket No. CI74-91 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the Logansport Field, DeSoto Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell all the available gas at 50.0 cents per Mcf at 15.025 p.s.i.a., subject to downward Btu adjustments, pursuant to a contract dated June 8, 1973. Said contract provides for a 1.0-cent per Mcf price escalation each year, for reimbursement to the seller for ⅞ of all taxes in excess of 3.3 cents per Mcf, and for a term ending January 1, 1992. The quantity of gas available for sale is presently unknown as Applicant has not completed any wells on the acreage covered by the instant application.

Applicant states that the gas offered for certification has not been previously sold in the interstate market and that no applications have been previously filed with the Commission for certification for the sales of such gas.

Applicant asserts that the sale of gas at the proposed prices with escalations is reasonable as it encourages the development of new domestic gas reserves. Applicant states that recently negotiated intrastate sales in Louisiana call for prices in excess of those proposed in the instant sale. Applicant further asserts that the instant contract prices will be less costly to consumers than other alternative fuel sources. It is noted that rates for imported liquefied natural gas are between 77.0 and 83.0 cents per million Btu, that rates for synthetic gas from liquid hydrocarbons or coal are between 77.0 cents and $1.50 per Mcf, and that rates for delivered Alaskan gas are estimated at $1.00 per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a pro-

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test in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18133 Filed 8-24-73;8:45 am]

[Docket No. RP71-107 (Phase I)]

NORTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

AUGUST 17, 1973.

Take notice that on August 8, 1973, Northern Natural Gas Company (Northern) tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Second Revised Sheet No. 59a, First Revised Sheet No. 59b, and Original Sheet No. 59f. An effective date of September 10, 1973, is requested.

Tariff Sheets 59a and 59b contain revisions to Paragraph 9.5 of the General Terms and Conditions of Northern's FPC Gas Tariff to conform it to the clarification of the Commission's October 2, 1972 order as set forth in the Commission's Order Denying Rehearing issued November 27, 1972, Docket No. RP71-107 (Phase I).

Original Sheet No. 59f contains Northern's proposed procedures to meet emergency situations (including environmental emergencies) that may occur during periods of curtailment. This tariff sheet is being filed in compliance with Commission Order No. 467-A, Docket No. R-469.

Copies of the filing have been served upon all gas utility customers and upon interested State Commissions.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before August 27, 1973. All protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18037 Filed 8-24-73;8:45 am]

[Docket No. E-8346]

NORTHERN STATES POWER CO.

Supplement to Interconnection Coordinating Agreement

AUGUST 20, 1973.

Take notice that on August 6, 1973, Northern States Power Company (Northern) tendered for filing on behalf of Interstate Power Company (Interstate), Iowa Public Service Company (Iowa), St. Joseph Light and Power Company (St. Joseph), and Kansas City Power and Light Company (Kansas) Supplement No. I to the Twin Cities-Iowa-Omaha-Kansas City Interconnection Coordinating Agreement, dated January 22, 1968, and designated as FPC No. 351, 87, 43, 11, and 67 respectively.

According to Northern the Certificate of Concurrence, enclosed with the letter of transmittal, is filed by Northern on behalf of all parties.

Supplement No. 1, dated August 1, 1973, according to Northern, terminates the Service Schedules and replaces them with First Revised Service Schedules. Northern states that, "the service schedules providing for Emergency Energy, Scheduled Outage Energy and Short Term Power were changed to facilitate transactions under the subject agreement by making the rates comparable to the rates provided under other agreements between power suppliers in the area".

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18135 Filed 8-24-73;8:45 am]

[Docket No. RP73-82]

PACIFIC GAS TRANSMISSION CO.

Stipulation and Agreement In Settlement of Proceeding

AUGUST 17, 1973.

Take notice that on August 10, 1973, Pacific Gas Transmission Company (PGT) tendered for filing a stipulation and agreement in settlement of the proceedings in Docket No. RP73-82. PGT states that the purpose of the filing is to make clear that its January 22, 1973, tariff should be accepted upon the condition, and with the express understanding, that the introduction into PGT's facilities of natural gas from any domestic source and/or sale by PGT of the natural gas from any such source shall in all cases be preceded by appropriate proceedings under section 7 of the Natural Gas Act in order to provide the Commission with an opportunity to consider whether such introduction and/or sale of domestic natural gas is consistent with the public convenience and necessity.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 3, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18038 Filed 8-24-73;8:45 am]

[Docket No. CP74-40]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

AUGUST 21, 1973.

Take notice that on August 13, 1973, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP74-40 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during a twelve-month period commencing the date of authorization, and operation of facilities to take into its certificated pipeline system additional natural gas supplies to be purchased from producers thereof in the general area of its existing system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in the various producing areas coextensive with said system.

The total cost of the facilities proposed herein is not to exceed $7,000,000, with no single project costing in excess of $1,000,000. These costs will be financed through funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18129 Filed 8-24-73;8:45 am]

[Docket No. RP74-6]

SOUTHERN NATURAL GAS CO.

Filing of Tariff Revisions Containing Proposed Curtailment Plan

AUGUST 17, 1973.

Take notice that on August 2, 1973, Southern Natural Gas Company (Southern) tendered for filing, pursuant to section 4 of the Natural Gas Act, Seventh Revised Sheet No. 40, Third Revised Sheet No. 40A, Second Revised Sheet No. 40B, Second Revised Sheet No. 40C, Second Revised Sheet No. 40D, Second Revised Sheet No. 40E, and First Revised Sheet No. 40F to its FPC Gas Tariff, Sixth Revised Volume No. 1, relating to proposed curtailment procedures. Southern proposes that the aforesaid tariff sheets become effective October 1, 1973. Southern asserts that the revised tariff sheets modify Southern's existing curtailment plan in Docket No. RP72-74 to provide for curtailments pursuant to the nine priority-of-service categories established by the Commission in Order Nos. 467, 467-A, and 467-B.

The curtailment plan provides for the full curtailment of the lower priority category volumes before curtailment of any higher priority volumes is commenced; that curtailments within each priority category shall be made on a pro-rata basis; and that both the direct and indirect customers of Southern that use gas for similar purposes shall be placed in the same category of priority.

The plan provides that, during the period commencing on April 1 of each year and ending on the next ensuing October 31, curtailment orders issued under the plan shall be on an individual delivery point basis; and that, during the period commencing on November 1 and ending on the next ensuing March 31, curtailment orders issued under the plan shall be on a group basis where a purchaser has more than one delivery point and such delivery points have been grouped in an Exhibit A to an executed service agreement. The plan further provides, however, that on days when the forecast mean temperature at Birmingham, Alabama, is 35° Fahrenheit or lower, curtailment orders issued to multidelivery point customers whose delivery points have been grouped shall be issued on a companywide basis.

The plan states that gas taken under any rate schedule in excess of curtailment orders shall be deemed unauthorized overrun gas, and that a purchaser taking unauthorized overrun gas shall pay for such gas in accordance with the penalty provisions of Southern's respective rate schedules. The plan further provides that variations in the curtailment procedure provided in the plan may be permitted when necessary to respond to emergency situations (including environmental emergencies) where supplemental deliveries are required to forestall irreparable injury to life or property.

The plan states that there will be no adjustment in Demand Charges should Southern be unable to deliver a customer's Contract Demand or Maximum Delivery Obligation as a result of curtailments made pursuant to the plan.

The plan provides that Southern will maintain an Index of Requirements which will specify for each customer at each delivery point the requirements specified in the nine priority-of-service categories established by Order Nos. 467, 467-A and 467-B. Such Index of Requirements will be filed with the Commission as part of Southern's FPC Gas Tariff.

Southern states that copies of the tariff filing have been served upon all jurisdictional customers and upon interested state commissions.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before August 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18040 Filed 8-24-73;8:45 am]

[Docket No. CP74-42]

SOUTHERN NATURAL GAS CO. AND COLUMBIA GULF TRANSMISSION CO.

Notice of Application

AUGUST 20, 1973.

Take notice that on August 13, 1973, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, and Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP74-42 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Southern purchases gas well gas from Amoco Production Company (Amoco) and that Columbia Gulf purchases gas well and oil well gas from Exxon Company, USA (Exxon), and oil well gas from Amoco, all from West Delta Block 73 Field, offshore Louisiana. The gas purchased by Columbia Gulf was transported from the Block 73 Field to shore by a pipeline owned by Exxon and delivered to Columbia Gulf at the tailgate of Exxon's Grand Isle Plant in Grand Isle, Louisiana. Due to the necessity of replacing portions of this system, Exxon's transportation service has been interrupted. In addition, Exxon's pipe replacement has reduced oil production efficiency in this field which has resulted in the flaring of oil well gas.

To prevent the flaring of gas and to receive gas well gas deliveries, Columbia Gulf entered into an emergency exchange of gas arrangement with South-

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ern on June 22, 1973, with regard to the Amoco gas and on July 15, 1973, with regard to the Exxon gas. Applicants propose that Southern receive at its delivery point in the Block 73 Field such volumes of gas for the account of Columbia Gulf that it has available capacity to take, and that Columbia Gulf receive equivalent daily volumes of gas in exchange for the Amoco gas from Sea Robin Pipeline Company (Sea Robin) at or near the terminus of its facilities near Erath, Louisiana, that Southern may direct Sea Robin to deliver. Furthermore, Columbia Gulf will receive equivalent volumes of gas in exchange for the Exxon gas from the tailgate of Exxon's Delta Plant near Venice, Louisiana, that Southern may direct Exxon to deliver. The exchange arrangements are to continue until Exxon's system has been returned to full service. Any imbalances in deliveries are to be corrected monthly, if possible.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18134 Filed 8-24-73;8:45 am]

[Docket No. CP74-37]

TENNESSEE GAS PIPELINE CO.

Notice of Application

AUGUST 17, 1973.

Take notice that on August 9, 1973, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP74-37 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Consolidated Edison Company of New York, Inc. (Con Ed), and Lowell Gas Company (Lowell), both present customers of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to husband and subsequently to sell and deliver approximately 10,000 Mcf of gas per day, up to 50,000 Mcf of gas for the term ending November 1, 1973, which Con Ed is entitled to receive during that period. It is stated that Con Ed will release such volumes of gas for Lowell's account, but Con Ed will be charged for the gas at Applicant's CD-5 commodity rate. From November 1, 1973, to April 1, 1974, Applicant proposes, if operationally feasible, to deliver up to 10,000 Mcf per day of the "banked gas" in addition to the gas Con Ed is presently entitled to receive from Applicant. Should Applicant be unable to deliver the total daily volume of "banked gas" requested by Lowell and Con Ed, the request by Con Ed will be first honored. Should Con Ed be unable to receive its total volume of "banked gas" Lowell will "back off" its takes from Applicant for redelivery of the supplemental volumes to Con Ed. Lowell will pay Applicant's G-6 commodity rate for the "back off" gas delivered to Con Ed. The total volume of "banked" or "backed off gas" delivered to Con Ed will not exceed 334,000 Mcf, nor will the total deliveries of "banked gas" to Lowell and Con Ed exceed the total volume of gas husbanded for Con Ed prior to November 1, 1973. In addition, Applicant proposes to charge Lowell 96.16 cents per Mcf of the "banked gas" delivered to it and/or Con Ed and 25.0 cents per Mcf of the "back off gas" delivered to Con Ed. If any "banked gas" remains undelivered as of April 1, 1974, Applicant proposes to sell and deliver until November 1, 1974, up to 10,000 Mcf of gas per day to Lowell at 96.16 cents per Mcf.

The purpose of these proposals is to augment Lowell's and Con Ed's ability to avoid curtailments of deliveries to their high priority customers during the 1973-1974 winter season by conserving gas which otherwise would be sold and delivered prior to that period to lower priority customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18041 Filed 8-24-73;8:45 am]

[Docket No. E-7929]

TOLEDO EDISON CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

AUGUST 21, 1973.

On August 13, 1973, Commission Staff Counsel filed a motion to extend the service and hearing dates fixed by notice issued April 13, 1973, in the above-designated matter. By letter dated August 16, 1973, Staff Counsel advised that the parties had been contacted and that she had received no objection.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Staff Service, August 28, 1973.
Prehearing Conference, September 7, 1973.
Intervener Service, September 21, 1973.
Company Rebuttal, October 2, 1973.
Hearing, October 16, 1973 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73 18128 Filed 8-24-73;8:45 am]

[Docket No. E-7929]

TOLEDO EDISON CO.

Filing of Revised Fuel Clause

AUGUST 17, 1973.

Take notice that Toledo Edison filed a revised Fuel Clause on April 30, 1973, which purports to comply with Docket No. E-7541, Opinion No. 633, holding that fuel adjustment clauses are lawful under the Federal Power Act, and sound as a matter of regulatory policy.

Toledo Edison proposes service to 15 municipalities at wholesale under two rate schedules: Municipal Resale Service Rate—Small applicable to 11 small municipalities, and Municipal Resale Service Rate—Large, applicable to four municipalities. The proposed revised fuel cost adjustment clause is applicable to Municipal Resale Service Rate—Large. It is proposed that this clause should supersede the clause shown on Original Sheet Nos. 5 and 6 of Toledo Edison Company's Electric Tariff, original volume No. 1.

Any person desiring to be heard or to make any protest with reference to said filing should on or before August 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to protest or comment in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The revised fuel clause is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18042 Filed 8-24-73;8:45 am]

[Docket No. E-7929]

TOLEDO EDISON CO.

Service Agreements

AUGUST 21, 1973.

Take notice that Toledo Edison Company (Toledo) on July 30, 1973, tendered for filing unexecuted service agreements dated July 23, 1973, between Toledo and the City of Bowling Green, Ohio, the Village of Montpelier, Ohio, and the City of Napoleon, Ohio. Toledo states that the aforementioned service agreements supercede the individual expired contracts with those three municipal wholesale customers which were designated as Rate Schedule Nos. 5, 14, and 15, respectively. An effective date of August 12, 1973, is requested.

Any person desiring to be heard or to protest said unexecuted service agreements should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol St., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure be filed on or before August 31, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of these unexecuted service agreements are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18115 Filed 8-24-73;8:45 am]

[Docket Nos. RP71-29, RP71-120]

UNITED GAS PIPE LINE CO.

Proposed Changes in FPC Gas Tariff

AUGUST 20, 1973.

Take notice that on June 29, 1973, United Gas Pipe Line Company (United) tendered for filing revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 in purported compliance with the Commission's Opinion No. 647-A issued in these proceedings on May 30, 1973.

United asserts that the tendered tariff sheets are designed to effectuate the amended priorities and procedures set forth in Opinion No. 647-A and are to supercede the tariff sheets tendered by United on March 13, 1973. No effective date is proposed by United for its tender of June 29, 1973. Instead, United requests the Commission to postpone the effectiveness of those sheets "until sometime after the questionnaire data have been assembled, collated, and incorporated into a concrete curtailment program which all interested parties will at least have an opportunity to examine and comment on."

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before September 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18130 Filed 8-24-73;8:45 am]

[Docket Nos. RP71-29, RP71-120]

UNITED GAS PIPE LINE CO.

Proposed Changes in FPC Gas Tariff

AUGUST 20, 1973.

Take notice that on August 3, 1973, United Gas Pipe Line Company (United) tendered for filing revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1, in purported compliance to Commission order issued in the above-entitled proceedings on July 20, 1973.

United asserts that the tendered tariff sheets are designed to effectuate the amended Priorities 3 and 5-B and the changed definitions of "Interruptible Service" and "Feedstock Gas" set forth in the July 20 order.

Take further notice that these amended tariff sheets are to be substituted for the corresponding sheets included in its filing of June 29, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before September 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18131 Filed 8-24-73;8:45 am]

UNITED GAS PIPE LINE CO.

Filing Cancellation of Tariff Sheet

AUGUST 17, 1973.

Take notice that on August 9, 1973, United Gas Pipe Line Company tendered for filing First Revised Sheet No. 513 to its FPC Gas Tariff. This sheet is the cancellation of an exchange agreement between United Gas Pipe Line Company and Trunkline Gas Company which terminates by its own terms, and it is proposed that this tariff sheet become effective September 2, 1973.

The company states that a copy of the tariff sheet has been mailed to Trunkline Gas Company.

Protests or petitions to intervene are due to be filed with the Federal Power Commission on or before September 3, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18043 Filed 8-24-73;8:45 am]

[Docket No. E-8312]

UTAH POWER AND LIGHT CO.

Service Agreement

AUGUST 20, 1973.

Take notice that on July 11, 1973, Utah Power and Light (Utah) tendered for filing a letter agreement between Utah and Nevada Power Company (Nevada) providing for sale of up to 50Mw of power by Utah to Nevada. The agreement is to be effective from June 1, 1973, to September 15, 1973. Revenues resulting from the agreement amount to $853,690.

Utah states that delivery of the power and energy sold under the agreement will be made at various points on its

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interconnection with the U.S. Bureau of Reclamation.

Utah requests waiver of the notice requirements of § 35.3 of the Commission's regulations. Since service has been rendered by Utah under the agreement since June 1, 1973, that is the requested effective date.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 29, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the tender are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18137 Filed 8-24-73;8:45 am]

[Docket No. E-8344]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Amendment to Agreement

AUGUST 21, 1973.

Take notice that Columbus and Southern Ohio Electric Company (Company) on August 2, 1973, tendered for filing an amendment (Second Amendment) to its Rate Schedule FPC No. 14 as supplemented. The Company states that the supplement constitutes the Second Amendment to an agreement of May 15, 1964, between the Company and the City of Westerville, Ohio (City).

According to the company, the Second Amendment amends the supplemented rate schedule by increasing the capacity from 10,000 KW to 20,000 KW and inserts for the first time a fuel cost adjustment clause.

The proposed fuel cost adjustment clause provides "that the energy charge shall be increased .0056¢ per KWH for each .5¢ increase above 40¢ in the average cost per million Btu of fuel consumed at the Company's generating stations during the second calendar month preceding the billing date".

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 4, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18111 Filed 8-24-73;8:45 am]

[Docket No. RP72-6]

EL PASO NATURAL GAS CO.

Notice of Joint Petition for Extraordinary Relief

AUGUST 21, 1973.

Take notice that on August 2, 1973, the Department of Water and Power of the City of Los Angeles and Southern California Edison Company (Petitioners) filed their joint petition for extraordinary relief from the impact of curtailment plan in effect on the Southern Division System of El Paso Natural Gas Company during 1974.[1]

Petitioners, electric generating agencies servicing central and southern California, allege that they have been unable to contract for sufficient fuel oil to meet their combined requirements in 1974, 1975, and 1976. They state that their combined deficiency for 1974 amounts to 23.1 million barrels of fuel oil. For 1975 and 1976, the estimated deficiencies amount to 44.5 and 44.0 million barrels respectively.

Petitioners state that the 1974 deficiency aproximately corresponds to their anticipated curtailment in gas supplies. They therefore request relief from curtailment to the extent necessary to offset their fuel oil deficiencies. Petitioners state that the Department of Water and Power has on hand or under contract sufficient fuel oil supplies to last until late February or early March, 1974. Thereafter, it would be necessary to curtail its electrical load an average of 35 percent unless additional fuel supplies can be found. Southern California Edison anticipates that it will face a similar situation in October, 1974.

Petitioners allege that their situation is unique in that they have been deprived of the opportunity to obtain additional natural gas supplies from both the existing supplier and other suppliers. They further allege that these unique circumstances expose the electrical energy markets served by petitioners to curtailments which would have a tremendous, adverse effect on the health and welfare of a large segment of the national population as well as a staggering effect on the economy of their service areas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18123 Filed 8-24-73;8:45 am]

[Docket No. CI74-102]

EXXON CORP.

Notice of Application

AUGUST 21, 1973.

Take notice that on August 13, 1973, Exxon Corporation (Applicant), P.O. Box 2180, Houston, Texas 77001, filed in Docket No. CI74-102 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from the South Carlsbad Field, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell for one year approximately 210,000 Mcf of gas per month at 55.0 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Estimated initial downward Btu adjustment is 0.27 cent per Mcf of gas. Upward adjustment is limited to 1,175 Btu per cubic foot.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

[1] Petitioners allege that extraordinary relief will be necessary under either the existing interim curtailment plan or the recommended permanent curtailment plan (See Presiding Judge's Decision on Curtailment Plan, Docket No. RP72-6, issued June 5, 1973).

Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18114 Filed 8-24-73;8:45 am]

[Docket No. CI73-865]

HOOVER & BRACKEN OIL PROPERTIES, INC.

Notice of Application; Correction

JULY 12, 1973.

In the Notice of Application, Issued June 19, 1973 and published in The FEDERAL REGISTER July 2, 1973 FR 38(17532): Second paragraph, Lines 1 through 23: Applicant States that as a small producer certificate holder in Docket No. CS71-484 it is filling the instant certificate application solely to secure pregranted abandonment authorization and that it does not intend to file a rate schedule for the proposed sale. Should read:

Applicant, which is a small producer certificate holder in Docket No. CS73-138, states that it is filing the instant application because of the uncertainty of said certificate procedure as a result of the decision by the United States Court of Appeals in its docket 71-1560, et al., on December 12, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18034 Filed 8-24-73;8:45 am]

[Docket No. CI73-864]

HOOVER & BRACKEN OIL PROPERTIES, INC.

Notice of Application; Correction

JULY 12, 1973

In the Notice of Application, Issued June 19, 1973 and published in The FEDERAL REGISTER July 2, 1973, (38 FR 17531): Second paragraph, lines 1 through 23: Applicant states that as a small producer certificate holder in Docket No. CS71-484 it is filing the instant certificate application solely to secure pregranted abandonment authorization and that it does not intend to file a rate schedule for the proposed sale. Should read:

Applicant, which is a small producer certificate holder in Docket No. CS73-138, states that it is filing the instant application because of the uncertainty of said certificate procedure as a result of the decision by the United States Court of Appeals in its docket 71-1560, et al., on December 12, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18139 Filed 8-24-73;8:45 am]

[Dockets Nos. CP72-26, CP72-184, CP73-282]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Tariff Changes

AUGUST 21, 1973.

Take notice that on August 13, 1973, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing revised and new tariff sheets to its F.P.C. Gas Tariff, First Revised Volume No. 2 as follows:

Second Revised Sheet Nos. 212 and 213.
First Revised Sheet Nos. 229 and 230.
Original Sheet Nos. 336 through 343.

Michigan Wisconsin states that the above revised and new tariff sheets are being filed in compliance with the Commission's Orders Issuing Certificates of Public Convenience and Necessity in Docket Nos. CP72-26, issued July 26, 1973, CP72-184, issued July 26, 1973 and CP73-282 issued July 24, 1973.

Michigan Wisconsin further states that copies of this filing have been mailed to Central Indiana Gas Company, Inc., Wisconsin Southern Gas Company and North Central Public Service Company.

Michigan Wisconsin has requested that the Commission waive its applicable rules and regulations to the extent necessary, under Part 154 of the Natural Gas Act, to permit the proposed tariff sheets to become effective on the date the respective orders issuing certificates of public convenience and necessity were issued.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 31, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18125 Filed 8-24-73;8:45 am]

[Project No. 2301]

MONTANA POWER CO.

Notice of Extension of Time

AUGUST 21, 1973.

On August 8, 1973, The Central Montana Electric Generation and Transmission Cooperative, Inc., and Mid-West Electric Consumers Association, Inc., filed a motion for an extension of time within which to file petitions to intervene or protests to the notice issued July 18, 1973, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including October 9, 1973, within which protests or petitions may be filed in the above-designated matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18126 Filed 8-24-73;8:45 am]

[Docket No. CI74-99]

INVESTORS ROYALTY CO., INC.

Notice of Application

AUGUST 21, 1973.

Take notice that on August 13, 1973, Investors Royalty Company, Inc. (Applicant), 1309 Thompson Building, Tulsa, Oklahoma 74103, filed in Docket No. CI74-99 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation from the Karon Field, Live Oak County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for twelve months from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 1,000 Mcf of gas per day at 55.0 cents per Mcf at 14.65 p.s.i.a. during the sixty-day emergency period and 50.0 cents per Mcf at 14.65 p.s.i.a. during the twelve-month period.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. There, any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by §§ 7 and 15 of

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the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18112 Filed 8-24-73;8:45 am]

[Docket No. CP74-41]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

AUGUST 21, 1973.

Take notice that on August 13, 1973, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-41 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas in interstate commerce with Mississippi River Transmission Company (Mississippi River), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a contract dated July 9, 1973, it will take, for two years, up to 90,000 Mcf of gas per day from reserves dedicated to Mississippi River in the Mills Ranch Field, Wheeler County, Texas, with delivery at a point of interconnection in Wheeler County. It is stated that ⅓ of this volume of gas will be purchased by Applicant at 45.0 cents per Mcf at 14.65 p.s.i.a. during the first year, and at 46.0 cents per Mcf at 14.65 p.s.i.a. during the second year, all subject to upward and downward Btu adjustment. Applicant proposes to exchange with Mississippi River volumes of gas equivalent to ⅔ of the quantity of gas delivered to Applicant, with redelivery to Mississippi River at an existing sales point in Clinton County, Illinois. It is stated that the redelivered volumes will be adjusted for Btu content and that any imbalances will be balanced after each twelve-month period. Deliveries of the exchange gas are to be made primarily during the months from April through November. It is stated that the necessary gas purchase facilities in Wheeler County will be constructed pursuant to Applicant's effective budget-type certificate. Mississippi filed on August 3, 1973, in Docket No. CP74-29 an application requesting authorization to sell gas to and exchange gas with Applicant.

The stated purpose of this proposal is to provide additional gas to augment Applicant's overall gas reserves and to provide Mississippi River with gas for injection into its storage facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18124 Filed 8-24-73;8:45 am]

[Project 2729]

POWER AUTHORITY OF THE STATE OF NEW YORK

Extension of Time for Filing Intervention

AUGUST 21, 1973.

On June 7, 1973, a Notice of application for a major license for the proposed Breakabeen Pumped Storage Project No. 2729 was issued, with August 8, 1973, as the due date for interventions into this proceeding.

Upon consideration, notice is hereby given that the time is extended to and including October 9, 1973, within which petitions to intervene may be filed.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18127 Filed 8-24-73;8:45 am]

[Docket No. CI74-95]

J. G. STONE

Notice of Application

AUGUST 21, 1973.

Take notice that on August 8, 1973, J. G. Stone (Applicant), P.O. Box 178, Lolita, Texas 77971, filed in Docket No. CI74-95 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corporation from the Little Kentucky Field Area, Jackson County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of gas on July 21, 1973, within the contemplation of § 157.29 of the regulation under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 1,000 Mcf of gas per day at 45.0 cents per Mcf at 14.65 p.s.i.a., subject to downward Btu adjustment. Deliveries are estimated to be 30,000 Mcf of gas per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rule.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18113 Filed 8-24-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3479]

EBERSTADT FUND, INC., AND F. EBERSTADT & CO.

Order Exempting Applicants

AUGUST 22, 1973.

Notice is hereby given that The Eberstadt Fund, Inc. (Eberstadt), a Maryland corporation registered as a diversified, open-end management investment company under the Investment Company Act of 1940 (Act), and F. Eberstadt & Co., Managers & Distributors, Inc., 61 Broadway, New York, New York 10006 (Eberstadt M&D), a Delaware corporation registered as an investment adviser under the Investment Advisers Act of 1940 (collectively "Applicants"), have filed an application in connection with the merger of Surveyor Fund, Inc. (Surveyor), a Delaware corporation registered under the Act as a diversified, closed-end management company, with and into Eberstadt. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations contained therein, which are summarized below.

Eberstadt and Surveyor propose to enter into an Agreement and Articles of Merger (Agreement), which will provide for the merger of Surveyor into Eberstadt. Currently Eberstadt has issued 2,649,907 shares of its capital stock and has total net assets of $25,146,565. Shares of Eberstadt are offered to the public at the net asset value per share plus varying sales charges as described in Eberstadt's prospectus. Surveyor has issued 5,668,657 shares of its common stock, including 421,883 treasury shares, and has total net assets of $128,821,812. Surveyor does not have an investment adviser, and its shares are currently traded at a discount from net asset value. Under the terms of the Agreement, the outstanding shares of Surveyor will be converted into shares of Eberstadt according to a ratio based upon the net asset values of the two funds at the time of the merger with a minor adjustment to take account of certain future tax effects. Eberstadt will change its name to Surveyor Fund, Inc. ("surviving fund") and will operate as an open-end, diversified investment company of the management type as defined by the Act. The merger will substantially increase the size of Eberstadt and will eliminate for Surveyor the disadvantage of its shares selling in the market at a discount from net asset value.

Debentures.—As of May 31, 1973, Surveyor had outstanding $20,000,000 principal amount of its 5 percent Convertible Debentures, Series A, due February 1, 1984 (Debentures), which were issued pursuant to an Indenture dated January 1, 1969 (Indenture) between Surveyor and Manufacturers Hanover Trust Company, as Trustee (Trustee). The Debentures, convertible into shares of Surveyor common stock, are redeemable prior to maturity at the option of Surveyor at specified redemption prices and, in addition, are redeemable commencing in 1980 at the principal amount through the operation of a sinking fund. The present conversion ratio is 32.971 shares for each $1,000 principal amount of Debentures, which is equivalent to a conversion price of $30.33 per share; the optional redemption price during the twelve month period ending February 1, 1974 is 105.50 percent of the principal amount. Redeeming Debenture holders are entitled to this amount plus accrued interest to the date of redemption.

Eberstadt and Surveyor have agreed that the Debentures should be called for redemption rather than continued as an obligation of the surviving fund. The Indenture requires that notice be given to Debenture holders not less than 30 days prior to the redemption date. Surveyor does not want the Debentures called prior to the merger because of the loss to that company and its shareholders which would occur if the Debentures were called for redemption but the merger were not effected. In that situation, Surveyor would be obligated to pay a redemption premium of $1,100,000 and would lose the benefit of having outstanding Debentures carrying a 5 percent interest rate. An agreement has been reached, therefore, that the Debentures will be called upon the merger for redemption 30 days after the effective date of the merger.

Surveyor's net assets, for purposes of the merger, will be reduced by an amount equal to the sum of the redemption price of the Debentures and accrued interest to the date of the call, and Eberstadt will enter into a supplemental indenture with the Trustee to assume the obligations of Surveyor under the Indenture and to provide for the issuance of shares of capital stock of the surviving company to Debenture holders upon any conversion of the Debentures on or prior to the redemption date. Any conversion will be at a rate expressed in numbers of Eberstadt shares per $1,000 principal amount of Debentures, determined by multiplying the number of Surveyor shares into which that principal amount of Debentures is convertible on the effective date of the merger by the number of shares of capital stock of Eberstadt into which each share of Surveyor stock is convertible upon the merger. If the merger had occurred on May 31, 1973, for example, 2.483 shares of the surviving fund would have been issued per share of Surveyor. Each $1,000 principal amount of Surveyor Debentures would then have been convertible into 81.867 shares of the surviving fund equivalent to a conversion cost for Debenture holders of approximately $9.63 per share. Thus, the conversion price on that date would have exceeded the net asset value per share of the shares to be received upon conversion by approximately 27 percent. Applicants contend, therefore, that on May 31, 1973, Debenture holders would have preferred to receive the redemption price of $1,055, plus the accrued interest for each $1,000 principal amount of Debentures, rather than to convert such Debentures into shares of the surviving fund having a net asset value of approximately $788. It is not possible to determine what the exchange ratio of shares will be on the effective date of the merger, or to estimate what percentage the conversion price will be of the net asset value per share on that date. However, applicants contend that the conversion of Debentures is not likely to be economically attractive to Debenture holders in the absence of an approximately one-third appreciation in the value of the stock receivable upon conversion between now and a date 30 days after the merger (tentatively scheduled for September 10, 1973).

The agreement of the surviving fund, as successor to Surveyor, to either pay the redemption price or convert the Debentures within 30 days of the effective date of the merger may be considered the issuance of a "senior security" by the surviving fund. Since the surviving fund will be an open-end investment company, it will be prohibited by section 18(f) of the Act from issuing any senior securities, and an exemption from that section pursuant to section 6(c) of the Act is necessary. Moreover, since any conversion of Debentures during the 30 day period would be at a price per share other than the current offering price of the surviving fund, an exemption from section 22(d) of the Act pursuant to section 6(c) is also necessary as section 22(d) requires that the securities of a registered investment company be sold to the public only at the current offering price described in the prospectus of the company.

Sublease.—Upon the effectiveness of the merger and pursuant to an Assignment and Assumption Agreement (Assignment) between Surveyor and Eberstadt M&D, Surveyor will assign to Eberstadt M&D its rights, and Eberstadt M&D will assume the obligations of Surveyor, under the Indenture of Sublease dated August 23, 1972 ("Sublease") between Surveyor and Control Data Corporation. The Sublease provides for the rental of a portion of the twelfth floor of One State Street Plaza, New York, New York for a sixteen-year term.

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The basic annual rent is approximately $84,000 with rental payments beginning August 1, 1973. Since the space is unnecessary for the operation of the surviving fund, it was determined that the sublease should not be included as a part of the merger transaction. Under the Assignment, Eberstadt M&D will assume liability for the rent and other obligations of Surveyor under the Sublease. The surviving fund will remain contingently liable to pay such rentals and perform such obligations in the event of a default by Eberstadt M&D. It is anticipated that Eberstadt M&D will sublease the offices to an unaffiliated third party or parties. Pursuant to an agreement to be entered into between Eberstadt and Eberstadt M&D, Eberstadt M&D will bear all losses resulting from any such arrangements; any profits realized by Eberstadt M&D will be paid over to the surviving fund.

Eberstadt M&D presently acts as investment adviser of and distributor for Eberstadt, and therefore, is an affiliated person of, and principal underwriter for Eberstadt within the meaning of the Act. Eberstadt M&D may be deemed to be participating, as principal, in the merger transaction with Eberstadt, because the assignment to Eberstadt M&D of the rights of Surveyor, and the assumption by Eberstadt M&D of the liabilities of Surveyor under the sublease are subject to the effectiveness of the merger and become operative simultaneously with the merger. Section 17(d) of the Act and Rule 17d–1 thereunder, in the absence of Commission approval, prohibit an affiliated person of a registered investment company, or an affiliated person of such person, from participating in a transaction in connection with a joint enterprise or other joint arrangement in which such registered company is also a participant unless the Commission has granted an application filed pursuant to Rule 17d–1 regarding such participation.

Shares issued in merger.—The exchange ratio to be applied in the proposed merger is similar to that employed in numerous combinations of investment companies. The adjustment to be made in the net asset values of Surveyor and Eberstadt is based on a practice which has evolved over a period of years in connection with the combination of investment companies and is designed to recognize the potential tax effect of the disproportion in realized and unrealized taxable capital gains and losses of the combining companies as well as other tax effects. The method of adjustment customarily used in connection with mergers of investment companies provides for an adjustment solely to the net assets of the non-surviving company. However, the exchange ratio in the proposed merger represents the average of the ratios derived by adjusting the net assets of Surveyor and Eberstadt separately since application of the customary method produces different results depending on which fund survives the merger. The adjustment utilized for the proposed merger more nearly reflects the fact that, although Eberstadt will be the surviving legal entity, Surveyor will be the surviving accounting entity. According to Applicants, the proposed exchange ratio, including the tax adjustment, was arrived at by the parties after arms-length negotiations. The Boards of Directors of the two funds have determined that the exchange ratio is fair and that the granting of this exemption will facilitate the merger, with the resulting benefits to the stockholders of Eberstadt and Surveyor.

The shares of Eberstadt are currently offered to the public at prices consisting of the net asset value per share plus sales charges as described in Eberstadt's prospectus. Therefore, in order to effectuate the proposed merger, an exemption from section 22(d) of the Act pursuant to section 6(c) is necessary.

Applicants represent that the following factors support the granting of the requested exemptions described above:

In determining whether to grant the requested exemptions from sections 18(f) and 22(d) pursuant to section 6(c) of the Act, the Commission must decide if and to what extent such exemptions are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Eberstadt and Surveyor have agreed that the Debentures should be redeemed to facilitate the proposed merger and in recognition of the prohibition of section 18(f) of the Act against a registered open-end company issuing senior securities, except in connection with bank borrowings. The Board of Directors of Eberstadt has determined that the leverage represented by the Debentures would be contrary to the existing investment policies of Eberstadt. They have also determined that the existence of such leverage would require the surviving fund, whose investment objective will be long-term growth of capital, to invest in income-producing securities or otherwise make investment decisions based on the necessity of covering the interest on the Debentures rather than on the overall investment goals of its stockholders. The Indenture requires that Debenture holders be given notice 30 days before the redemption date. Because of the economic losses which Surveyor would incur if the Debentures were redeemed but the merger was not consummated, Surveyor has requested the Debentures be called upon the merger for redemption at a date 30 days after the effective date of the merger. Applicants contend that it is unlikely that the value of the stock receivable upon conversion of the Debentures will appreciate the one-third necessary to make such conversion economically attractive and equally unlikely, therefore, that any dilution will occur as to shares of the surviving fund due to Debenture holders converting their Debentures before the redemption date. The Eberstadt directors have concluded that the benefits of the proposed merger to that company's stockholders, particularly the anticipated lower expense ratio and the greater economic viability of the surviving fund, outweigh the possibility of dilution resulting from the conversion of Debentures.

Under section 17(d) of the Act and Rule 17d–1 thereunder, the Commission, in passing upon an application to permit an affiliated person of a registered investment company to participate in a joint enterprise or joint arrangement in which such registered company is a participant, considers whether such participation is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants. Applicants represent that the Board of Directors of Eberstadt has concluded that the surviving fund will have no use for the space at One State Street in New York and that the Sublease should not be included as a part of the liabilities being transferred to the surviving fund as a result of the merger. Moreover, it is represented that the subleasing of such property to third parties by the surviving fund may be deemed inconsistent with its stated investment objectives and policies, and that any rentals received from such subleasing would not be considered "qualifying income" under Section 851 of the Internal Revenue Code of 1954 ("Code") and might, in future years, jeopardize the status of the surviving fund as a "registered investment company" under the Code. The assumption by Eberstadt M&D of the obligation to pay rentals under the Sublease will relieve the surviving fund of a substantial primary liability, and thus facilitate the merger, with the consequent benefits to the stockholders of Surveyor and Eberstadt. Moreover, the terms of the assignment are, in effect, the same terms that Surveyor negotiated with Control Data Corporation in 1972 for the office space covered by the Sublease. Applicants contend that the terms upon which Eberstadt will participate in the merger are not less advantageous than those upon which Eberstadt M&D will participate. First, the Sublease is an unnecessary liability to the surviving fund. Second, the consideration to be paid by Eberstadt in connection with the merger—the shares to be issued for the assets to be acquired—will be determined by the relative net asset values of the funds pursuant to a formula based on the practice which has evolved over a period of years in connection with the combination of investment companies. Thus, the value given by Eberstadt for the assets to be acquired in the merger will not reflect the positive or negative value, if any, of the Sublease. Third, Eberstadt M&D will bear fully any losses arising from the assignment and will pay over any profits to the surviving fund.

Notice is further given, that any interested person may, not later than September 5, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

The aforementioned notice period has been determined to be fair and reasonable in view of the fact that special meetings of the shareholders of Surveyor and Eberstadt have been called for September 7, 1973, for the purpose of voting upon the proposed merger which is scheduled to take effect on September 10, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-18098 Filed 8-24-73;8:45 am]

[70-5370]

GEORGIA POWER CO.

Notice of Proposed Agreement

AUGUST 20, 1973.

Notice is hereby given that Georgia Power Company (Georgia), 270 Peachtree Street NW., Atlanta, Georgia 30303, an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application-declaration with this Commission designating sections 6, 7, 9(a), and 12(d) of the Public Utility Holding Company Act of 1935 (Act), and Rules 44(b)(3) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Georgia states that in order to comply with prescribed air and water quality control standards of the State of Georgia it has been and will be necessary to construct certain pollution control facilities. By resolution of September 22, 1972, the Development Authority of Bartow County, Georgia (Authority), authorized a proposal to the Company to provide pollution control facilities (Project) for Units Nos. 2, 3, and 4 of Georgia's Bowen electric generating plant located in Bartow County.

Georgia proposes to enter into an agreement of sale (Agreement) with the Authority whereby the Authority will construct and equip the Project. To finance construction, the Authority will issue, pursuant to an indenture (Indenture) to be entered into between the Authority and an indenture trustee (Trustee), pollution control revenue bonds (Revenue Bonds) in a principal amount presently estimated not to exceed $41,000,000. The proceeds from the sale of the Revenue Bonds will be deposited by the Authority with the Trustee and will be applied to the payment of the cost of construction (as defined in the Agreement) of the Project. Under the Agreement, Georgia will complete construction of the Project; to the extent, if any, that the proceeds from the sale of the Revenue Bonds are insufficient to complete construction, Georgia will supply the deficiency.

The Agreement also will provide for the sale of the Project to Georgia at a price payable in semiannual installments over a period of 30 years sufficient to pay the principal of and interest on the Revenue Bonds as they become due and payable. The Agreement further provides that Georgia may prepay the purchase price (a) at any time on or after 10 years from the date of issuance of the Revenue Bonds in whole or in part at the option of Georgia, such payments to be sufficient to redeem or purchase outstanding Revenue Bonds, including applicable premiums, and (b) in whole, without premium, at the option of Georgia, in certain other specified contingencies.

In order to obtain the benefit of a rating for the Revenue Bonds equivalent to the rating enjoyed by the first mortgage bonds outstanding under Georgia's bond indenture (Mortgage), Georgia proposes to issue a series of such first mortgage bonds (Collateral Bonds) under the Mortgage, pursuant to a supplemental indenture (Supplemental Mortgage). The Collateral Bonds, to be issued in a principal amount (not exceeding $41,000,000) equal to the principal amount of the Revenue Bonds, will be deposited with the Trustee as Security for Georgia's obligations under the Agreement. The Collateral Bonds will have a stated interest rate equal to the interest rate per annum to be borne by the Revenue Bonds, will mature on the maturity date of such Revenue Bonds, and will be non-transferrable. The Supplemental Mortgage will provide, however, that until the Trustee shall have demanded mandatory redemption of the Collateral Bonds, no interest in respect of the Collateral Bonds shall accrue or become payable, but that upon accelerations by the Trustee of payments under the Agreement, he may demand the mandatory redemption of the Collateral Bonds at a price equal to the principal amount thereof plus accrued interest, if any, to the date fixed for redemption.

The Indenture will provide that, upon deposit of funds with or direction to the Trustee by Georgia to apply available funds, or upon delivery of outstanding Revenue Bonds sufficient to pay or redeem all or any part of the Revenue Bonds, the Trustee will be obligated to deliver to Georgia Collateral Bonds in an aggregate principal amount equal to that amount of Revenue Bonds for the payment or redemption of which such funds have been deposited or applied or which shall have been so delivered.

In order to comply with applicable statutes of the State of Georgia, it will be necessary for Georgia to sell to the Authority such portions of the Project which have been constructed and are now owned by Georgia (Existing Facilities), relating principally to Unit No. 2 of the Bowen plant which is now in operation. The Agreement states that Georgia will receive, out of the proceeds of the Revenue Bonds, an amount equal to Georgia's original cost (approximately $30,592,000 as of June 30, 1973) for the Existing Facilities at the time of the sale. The Existing Facilities will become a part of the Project which Georgia proposes to purchase as provided in the Agreement. The proceeds to be received by Georgia for the Existing Facilities will be applied initially to obtain their release from the lien of the Mortgage, but may be withdrawn by Georgia in accordance with applicable provisions of the Mortgage.

It is contemplated that the Revenue Bonds will be sold by the Authority pursuant to arrangements with a group of underwriters represented by Blyth Eastman Dillon & Co., Incorporated, and The First Boston Corporation. In accordance with the laws of the State of Georgia, the interest rate to be borne by the Revenue Bonds will be fixed by the board of directors of the Authority. While Georgia will not be a party to the underwriting arrangement for the Revenue Bonds, the Agreement will provide that the terms of the Revenue Bonds and their sale by the Authority shall be satisfactory to Georgia. Application has been made on behalf of Georgia and the Authority to the Internal Revenue Service for its ruling that interest on the Revenue Bonds will be exempt from Federal income taxation, and the transactions proposed are contingent upon receipt of a favorable ruling to such effect. The proposed method of financing the Project will be pursued to the extent permissable under such ruling.

The management of Georgia believes the acceptance of the Authority's proposal and the consummation of the transactions herein proposed to be in the best interest of Georgia's consumers and investors and consistent with sound and prudent financial policy. Georgia has been advised that the annual interest rate on obligations, interest on which is tax exempt, historically have been and can be expected at the time of issue of the Revenue Bonds to be, 1½ percent to 2½ percent lower than the rates on obligations of like tenor and comparable

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quality, interest on which is fully subject to Federal income tax.

The application-declaration states that the fees incident to be proposed disposition of the Existing Facilities and the acquisition of the Project (as distinguished from and excluding fees and expenses incident to the sale of the Revenue Bonds by the Authority payable out of the proceeds of such sale) are estimated to be $76,500, including legal fees of $20,000 and trustee fees of $15,000. It is stated that the issuance of the Collateral Bonds is subject to the jurisdiction of the Georgia Public Service Commission, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction in respect thereof. Georgia states further that the competitive bidding requirements of Rule 50 in respect of the issuance of the Collateral Bonds are inappropriate under the circumstances described herein, inasmuch as the Collateral Bonds are to be issued and pledged solely to secure Georgia's obligations to the Authority and no public offering of the Collateral Bonds is to be made. It is stated that no other aspect of the proposed transactions is subject to the jurisdiction of any State commission or Federal commission, other than this Commission.

Notice is further given that any interested person may, not later than September 11, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-18094 Filed 8-24-73;8:45 am]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASSACHUSETTS MUTUAL VARIABLE ANNUITY FUND 2

Notice of Application

AUGUST 20, 1973.

Notice is hereby given that Massachusetts Mutual Life Insurance Company (Mass Mutual) and Massachusetts Mutual Variable Annuity Fund 2 (Fund), 1295 State Street, Springfield, Massachusetts 01111 (herein collectively called Applicants) have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act), for an order exempting Applicants from the provisions of section 22(c), 22(d), 26(a), and 27(c)(2) of the Act and Rule 22c-1 promulgated thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

On May 12, 1971, Mass Mutual established Fund pursuant to Chapter 175 of the Massachusetts General Laws as a separate account to offer variable annuity contracts to individuals not entitled to special tax treatment with respect thereto (Contracts). Payments made under the Contracts will be invested in shares of MML Investment Company, Inc. (MML Investment), an open-end diversified investment company registered under the Act and managed by Mass Mutual. Fund has registered under the Act as a unit investment trust.

Applicants have previously been granted exemption from sections 22(c), 22(d), and 26(a) of the Act and Rule 22c-1 thereunder with respect to single payment immediate Contracts. Applicants now request comparable exemptions in connection with periodic and single payment deferred Contracts, for the offering of which a registration statement under the Securities Act of 1933 has been filed.

Rule 22c-1.—Rule 22c-1, promulgated pursuant to section 22(c), prohibits a registered investment company issuing a redeemable security, a person designated in such company's prospectus as authorized to consummate transactions in any such security, and a principal underwriter of, or dealer in, any such security, from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. The current net asset value must be computed not less frequently than once daily on each day that the New York Stock Exchange is open for trading as of the time of the close of trading on such Exchange.

Applicants request an exemption from Rule 22c-1 so as to permit the application of purchase payments received, and the determination of death benefits and redemption values, to be based on valuations as of the close of the New York Stock Exchange on the date the purchase payment, notice of death or request for redemption is received, regardless of the time of receipt, except to the extent such payment is made in person or such notice or request is delivered in person at the home office of Mass Mutual. Applicants represent that in almost all instances purchase payments, death notices, and redemption requests will be received by mail and that, therefore, it will be fortuitous whether such receipt is prior or subsequent to the close of the New York Stock Exchange.

Section 22(d).—Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus.

Applicants request an exemption from section 22(d) to permit Contracts which depend in whole or in part on the investment performance of the Fund to be sold without a deduction for sales expenses upon the receipt of proceeds payable under fixed-dollar life insurance or annuity contracts previously issued by Mass Mutual. Applicants represent that sales expenses will be lower with this class of Contract Owners; that such other contracts have already been subject to sales expenses; and that no unfair discrimination between variable annuity Contract Owners would result from the requested exemption.

Section 26(a) and 27(c)(2).—Sections 26(a) and 27(c)(2) of the Act prohibit a depositor of or principal underwriter for a registered unit investment trust from selling any periodic payment plan ceritificate issued by such a trust unless the certificate is issued pursuant to a trust indenture, agreement of custodianship, or other instrument which provides (i) that the securities and other property of the trust shall be held by a custodian or trustee which is a qualified bank; (ii) that the custodian or trustee may collect from income and, if necessary, the corpus of the trust, fees for services theretofore performed and reimbursement for expenses theretofore incurred, except that no payment to the depositor or principal underwriter shall be allowed the custodian or trustee as an expense except as a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping or other administrative services; (iii) that the custodian or trustee shall not resign until either the trust has been liquidated or a qualified successor custodian or trustee has been appointed; and (iv) that certain records be kept.

In support of the requested exemption Applicants stated that as a regulated insurance company Mass Mutual's obligations to the Contract Owners provide substantially the same protections envisioned by the requirements of those sections. Mass Mutual, which had an unassigned surplus of $190,696,000, as of December 31, 1972, is subject to regulation by the Department of Banking and Insurance of the Commonwealth of Massachusetts and the National Association of Insurance Commissioners. Its officers and employees are covered by a fidelity bond in the amount of $2,000,000. The assets of the Fund, equal to the reserves and other liabilities for variable benefits which depend upon the Fund's investment performance, are not chargeable with liabilities arising out of any other business Mass Mutual may conduct.

Applicants also state that while the assets of the Fund will be invested in shares of the MML Investment Company, Inc. (MML Investment) which will be held by the Fund in an open account on the books and records of the Fund and MML Investment without the issuance of transferable stock certificates which might require safekeeping, the portfolio securities and other assets of MML Investment itself will be held in the custody of a qualified bank. They add that there is no substantial risk of abandonment of Contract Owners by Mass Mutual as sponsor of the Fund because of the binding obligation of Mass Mutual under the Contracts to provide lifetime benefits to Contract Owners. they also state that substitution by the Fund of other securities for MML Investment shares is subject to the vote of the Contract Owners.

Applicants have consented that this requested exemption be subject to the conditions that the deductions under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe; that the Commission shall reserve jurisdiction for such purpose; and that the payment of sums and charges out of the assets of the Fund shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the consent of Applicants to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services. Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and Rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, no later than September 12, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. Any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-18095 Filed 8-24-73;8:45 am]

[70-5259]

MIDDLE SOUTH UTILITIES, INC. ET AL.

Notice of Post-Effective Amendment

AUGUST 20, 1973.

In the Matter of: Middle South Utilities, Inc., 280 Park Avenue, New York, New York 10017; System Fuels, Inc., 225 Baronne Street, New Orleans, La. 70112; Arkansas Power & Light Company, Ninth and Louisiana Streets, Little Rock, Ark. 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, La 70174; Mississippi Power & Light Company, Electric Building, Jackson, Miss. 39205; New Orleans Public Service Inc., P.O. Box 60340, New Orleans, La. 70160.

Notice is hereby given that Middle South Utilities, Inc. ("MSU"), a registered holding company, its public utility subsidiary companies, Arkansas Power & Light Company ("Arkansas"), Louisiana Power & Light Company ("Louisiana"), Mississippi Power & Light Company ("Mississippi") and New Orleans Public Service Inc. ("NOPSI") (collectively referred to as "Operating Companies"), and System Fuels, Inc. ("SFI") a joint non-utility subsidiary company and System Fuels, Inc. ("SFI") a joint non-utility subsidiary company of Operating Companies, have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), (7), 12(b) and 12(f) and Rules 45 and 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

The Commission has heretofore by order authorized SFI to issue and sell its unsecured promissory notes ("Notes"), in an aggregate amount not exceeding $12,000,000 outstanding at any one time, to The Hibernia National Bank in New Orleans ("Hibernia") from time to time for a period of two years from the date of an agreement ("Loan Agreement") among Hibernia, SFI, Operating Companies and MSU. Under the Loan Agreement, nine banks ("Participating Banks") are participating to the extent of 80 percent of borrowings made. (See Holding Company Act Release No. 17797, dated December 8, 1972.)

By mutual agreement, the parties to the Loan Agreement now propose to amend said Loan Agreement to effect an increase in the amount of borrowings by SFI under the line of credit with Hibernia from $12,000,000 to $25,090,000 at any one time outstanding. The same Participating Banks specified in the aforesaid declaration, as amended, will continue to participate in the increased borrowings by SFI from Bank, and the percentage of their participation in the increased borrowings at any one time will be increased from 80 percent to 86.1 percent up to a maximum of $21,590,000. The participation of each Participating Bank in the maximum borrowings under the Loan Agreement will be as follows:

Participating bank	Participation in total $25,090,000 borrowing	
	Percent	Amount
Whitney National Bank of New Orleans	31.9	$8,000,000
First National Bank of Commerce New Orleans, La.	15.9	4,000,000
National American Bank of New Orleans	7.4	1,850,000
Deposit Guaranty National Bank, Jackson, Miss.	4.8	1,200,000
First National Bank of Jackson, Miss.	4.8	1,200,000
First National Bank in Little Rock, Ark.	6.0	1,500,000
Commercial National Bank, Little Rock, Ark.	2.4	600,000
Simmons First National Bank of Pine Bluff, Ark.	11.9	3,000,000
Mississippi Bank and Trust Company, Jackson, Miss.	1.0	240,000
	86.1	21,590,000

Hibernia's participation in the total borrowings will be the balance of 13.9 percent, or up to a maximum of $3,500,000. All other terms and conditions of the Loan Agreement and Participation Agreement are to remain unchanged.

As of July 31, 1973, SFI had made borrowings from Hibernia under the line of credit in the aggregate principal sum of $12,000,000, the proceeds of which were applied by SFI toward the purchase of oil for use as fuel by Arkansas, Louisiana, Mississippi, NOPSI, and Arkansas-Missouri Power Company. The declarants state that as a result of curtailments of natural gas deliveries it is necessary to increase the supply of oil as an alternative fuel. Therefore, SFI proposes to use the proceeds from the herein requested additional borrowings to finance

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a larger fuel oil inventory presently estimated to range from 5,000,000 to 9,000,000 bbls.

Pursuant to an order of the Commission, dated December 17, 1971, SFI may borrow from Operating Companies, from time to time through 1973, an aggregate amount not to exceed $30,000,000 outstanding at any one time, for terms of not more than ten years. SFI has represented it will at all times, unless the Commission shall otherwise expressly authorize, maintain the aggregate of its capital stock, surplus, and principal amount of its indebtedness to Operating Companies, at an amount equal to at least 35 percent of SFI's total capitalization.

Declarants state that no special or separate expenses are anticipated in connection with the additional borrowings referred to herein. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 14, 1973, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit, or in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-18089 Filed 8-24-73;8:45 am]

[70-5344]

NATIONAL FUEL GAS CO. ET AL.

Notice of Termination

AUGUST 21, 1973.

Notice is hereby given that National Fuel Gas Company ("National Fuel"), 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, and its subsidiary companies, Iroquois Gas Corporation, Pennsylvania Gas Company, United Natural Gas Company, and NFG Gas Corporation, filed a joint application-declaration with this Commission designating sections 2(a)(4), 2(a)(7), 5(d), 6(a), 7, 9(a), 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act"), and Rules 42, 43, 62, 63, 64 and 65 promulgated thereunder as applicable to the proposed transactions. The application-declaration proposes a series of intra-system transactions ("the Plan") whereby National Fuel will cease to be a holding company, and its successor by merger, NFG Gas Corporation ("NFG"), will acquire all of the System's gas utility distribution properties and related assets, and will have three subsidiary companies that are non-utility companies within the meaning of the Act. All interested persons are referred to said joint application-declaration for a complete statement of the transactions therein proposed, which are summarized below.

National Fuel, a New Jersey corporation, is solely a holding company. It owns all of the outstanding capital stocks of Iroquois Gas Corporation ("Iroquois"), Pennsylvania Gas Company ("Penn Gas") and United Natural Gas Company ("United"); and of two other subsidiary companies, The Mars Company ("Mars") and The Sylvania Corporation ("Sylvania"). It also owns all of the outstanding long-term debt of these companies. On a corporate basis, at December 31, 1972, National Fuel had total assets of $260,074,675, consisting almost entirely of notes payable to its subsidiary companies and of their outstanding capital stocks. Its outstanding long-term securies, all publicly-held, consisted of $167,170,000 principal amount of debentures maturing on various dates through 1997, and 5,122,515 shares of common stock, par value $10 per share.

Iroquois, Penn Gas, and United are engaged in the distribution of natural and mixed gas at retail, and by reason thereof each is a gas utility company as defined in section 2(a)(4) of the Act. They are also engaged in the production, purchase, storage, and transmission of natural and manufactured gas and in the sale of gas-burning equipment and appliances. Mars and Sylvania are nonutility companies engaged in production of oil and gas.

Over 90 percent of the System gas requirements are purchased from a number of non-affiliated pipeline suppliers connected at various points to the System pipeline. The companies coordinate certain of their functions for economy of operations and for long-range planning of gas supply. National Fuel performs administrative functions on behalf of its subsidiary companies, and permanent financing for its subsidiary companies is provided by National Fuel through the public sale of its common stock and debentures.

Iroquois, Penn Gas, and United are interconnected through a System-owned pipeline network extending from southwestern Pennsylvania to the New York-Canadian border at the Niagara River and serve approximately 465 communities located in substantially contiguous areas in northwestern Pennsylvania, western New York and a small section of eastern Ohio bordering on the Pennsylvania service area. These service areas have a combined estimated population of approximately 2,362,000. About 465,000 customers are served in New York State, 181,000 in Pennsylvania, and 4,000 in Ohio.

Iroquois, a New York corporation, operates solely in western New York. The principal communities served by it are Buffalo, Niagara Falls and Batavia. Penn Gas, a Pennsylvania corporation, serves five counties in northwestern Pennsylvania, including the cities of Erie and Warren, and two counties in western New York. United, a Pennsylvania corporation, serves 13 counties in northwestern Pennsylvania, including the cities of Sharon, Oil City, and Bradford, and two counties in Ohio.

Under the Plan, National Fuel will be merged into the newly organized NFG, a New York corporation having its principal office in Buffalo, New York. NFG will be the surviving corporation with powers appropriate to conduct the business of a public-utility company. It will acquire all the assets of National Fuel and assume all its liabilities, and will execute and deliver to the Trustees under National Fuel's Debenture Indentures, supplemental indentures satisfactory to the Trustees whereby NFG will assume the due and punctual payment of principal and interest on the debentures, and the performance of all other obligations and covenants of National Fuel under said Indentures. Holders of common stock of National Fuel may surrender their shares for an equal number of shares of NFG; shares not surrendered will be deemed for all corporate purposes to evidence the ownership of shares of NFG. Shares of NFG common stock will have rights and privileges not less favorable than those attaching to the present shares of National Fuel common stock. The common stock of NFG, like that of National Fuel, will be listed on the New York Stock Exchange.

After all necessary regulatory approvals have been obtained National Fuel proposes to solicit proxies from its shareholders, at a special stockholders' meeting called for that purpose, to vote on the proposed merger into NFG. The proxy material will include a description of the Plan and the transactions related thereto. It is stated that, under New Jersey law, the merger requires the affirmative vote of at least two-thirds of National Fuel's outstanding common stock, and that dissenting stockholders, if any, have no appraisal rights.

Concurrently with the merger, Iroquois, Penn Gas and United will transfer to NFG all of their gas distribution properties, franchises, and other related assets, at the underlying book values thereof on the date of transfer. NFG will thus become a gas utility company, as defined in section 2(a)(4) of the Act, with all rights, privileges and obligations of a public-utility company theretofore vested in the three subsidiary companies. As consideration for these property transfers, NFG will (i) cancel a portion of the debt owed it by each of the three subsidiary companies; (ii) assume a portion of their other liabilities; and (iii) surrender for cancellation part of their outstanding shares of common stocks. Based on data as of December 31, 1971, an engineering study prepared by National Fuel indicates that the proposed property transfers to NFG and the related consideration therefor would have been as shown below, had the transactions been effected on that date.

	Per books at December 31, 1971	Portion (distribution properties) transferred to NFG	(c) Consideration
Iroquois:			
Total assets (a)	$207,922,971	$162,545,503	
Total liabilities:			
Long-term debt (b)	95,263,000		$80,220,500
Other liabilities	27,841,825		11,223,971
Common equity (b)	84,818,146		71,101,032
	207,922,971		162,545,503
United:			
Total assets (a)	88,305,588	38,245,499	
Total liabilities:			
Long-term debt (b)	22,661,000		368,000
Other liabilities	14,443,353		3,022,418
Common equity (b)	51,201,235		34,855,081
	88,305,588		38,245,499
Penn gas:			
Total assets (a)	55,552,533	30,253,494	
Total liabilities:			
Long-term debt (b)	18,102,925		8,167,000
Other liabilities	8,726,939		3,300,772
Common equity (b)	28,722,669		18,785,722
	55,552,533		30,253,494
Combined:			
Total assets (a)	351,781,092	231,044,496	
Total liabilities:			
Long-term debt (b)	136,026,925		88,775,500
Other liabilities	51,012,117		17,547,161
Common equity (b)	164,742,050		124,721,835
	351,781,092		231,044,496

(a) Net of valuation reserves.
(b) All owned by National Fuel.
(c) Represents portions of debt and common stock to be cancelled and other liabilities to be assumed.

The amounts shown in the foregoing table will be adjusted to the extent necessary as of the date of consummation of the transactions reflected therein.

It is further proposed that upon such transfer to NFG of their respective distribution properties, Iroquois, United and Penn Gas will merge. United will be the surviving company, with a change of name to National Fuel Gas Supply Corporation ("Supply Corp."). All of the assets of the three constituent companies will be vested in, and their liabilities will be assumed by, Supply Corp. The then outstanding shares of common stock of Iroquois and Penn Gas will be converted into an equal aggregate par value amount of Supply Corp. common shares, and NFG will own all of the outstanding pro forma common stock of Supply Corp. This merger will consolidate into Supply Corp. all of the gas storage, interstate gas transmission, and related properties of the present National Fuel System.

Upon consummation of the foregoing, NFG will be a public-utility company with two operating divisions—one for New York, and the other for Pennsylvania and the small number of customers in Ohio. Besides Supply Corp., NFG will retain Mars and Sylvania as subsidiary companies without change. After giving effect to all the proposed transactions, the pro forma consolidated assets and liabilities of NFG and its subsidiaries will be the same as those of the present National Fuel Sytem (adjusted for fees and expenses to be incurred in connection with the Plan); all of the long-term debt of the three subsidiary companies will be held by NFG; and the outstanding consolidated long-term debt will consist solely of the present debentures of National Fuel to be assumed by NFG. It is represented that on a consolidated basis as of the date of consummation of the Plan, the long-term debt will not exceed 60 percent of total capitalization and surplus and that, for the 12-month period ending on that date, interest requirements will be earned not less than 2.6 times.

It is stated that the realignment proposed by the Plan will simplify the structure of the National Fuel System and that economies in the future cost of service may be anticipated. It is further stated that the proposed realignment will simplify local regulation as well as future proceedings and filings at the Federal Power Commission in respect of the interstate pipeline operations which will be conducted by Supply Corp.

National Fuel states that, when the Plan is consummated, neither it nor NFG will be a holding company as defined in section 2(a)(7)(A) of the Act. NFG, a gas distribution company, will have three subsidiary companies—Supply Corp., Mars and Sylvania—which will be nonutility companies within the meaning of the Act. It is requested that upon consummation of the Plan, NFG be declared not to be a holding company and that National Fuel's registration as such be terminated pursuant to section 5(d) of the Act.

It is stated that the New York Public Service Commission and the Public Utilities Commission of Ohio have jurisdiction over the transfers of the properties in those respective States to NFG; that the Pennsylvania Public Utility Commission has jurisdiction over the transfer of Pennsylvania properties to NFG and must approve the commencement of utility operations in that State by NFG; and that the Federal Power Commission has jurisdiction over the abandonment of pipeline facilities and related services and the acquisition and operation thereof by Supply Corp. Applications therefor have been filed and the related orders of those commissions will be supplied herein by amendment.

Fees and expenses to be incurred in connection with the proposed Plan are estimated at $382,000, including counsel fees of $150,000 and expenses of $30,000 for the proposed proxy solicitation. In addition, certain State taxes and fees, as well as fees relating to applications filed with the above-mentioned regulatory bodies, are expected to be incurred; a statement of the amounts thereof will be supplied by amendment.

Notice is further given that any interested person may, not later than September 21, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and (100) thereof or take such other action as it may deem appropriate. Persons who re-

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quest a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-18091 Filed 8-24-73;8:45 am]

[811-2027]

NEW ISSUES FUND, INC.

Proposal To Terminate Registration Pursuant to Section 8(f) of the Act

AUGUST 21, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8 (f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that New Issues Fund, Inc. (Fund) % Donald F. French, Esquire, Valicenti, Leighton Reid & Pine, 70 Pine Street, New York, New York 10005, registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

Fund was organized as a Maryland corporation on February 5, 1970, and filed a Notification of Registration on Form N-8A on February 18, 1970. Neither a Registration Statement on Form N-8B-1 nor a registration statement under the Securities Act of 1933 was ever filed, no shares were ever issued, and Fund has no assets or liabilities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 17, 1973, at 5:30 p.m., submit to the Commissioin in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-18090 Filed 8-24-73;8:45 am]

[812-3487]

STATE STREET INVESTMENT CORP.

Notice of Filing of Application

AUGUST 21, 1973.

Notice is hereby given that State Street Investment Corporation (Applicants), 225 Franklin Street, Boston, Massachusetts 02110, a Massachusetts corporation registered under the Investment Company Act of 1940 (Act) as a diversified, open-end management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting Applicant from the provisions of section 22(d) of the Act which, in pertinent part, prohibit a registered investment company from selling any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus. Section 22(d) of the Act would prevent Applicant, which does not have a prospectus describing a current public offering price, from acquiring the assets of North American Realty Corporation (North American) in exchange for the shares of Applicant. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that North American, a New York corporation, was incorporated in 1939 and has, since organization, operated as a family private investment company investing and reinvesting its assets in a diversified portfolio of securities. Substantially all of North American's assets are in the form of investments in marketable securities, cash and cash items. At present North American has 24 stockholders and is a personal holding company for Federal income tax purposes. Applicant asserts that North American is excepted from the definition of an investment company by reason of section 3(c)(1) of the Act.

On July 20, 1973, Applicant and North American entered into an Agreement and Plan or Reorganization (Agreement) whereby substantially all of the assets of North American are to be transferred to Applicant in exchange for shares of Applicant's common stock and the assumption by Applicant of North American's liability to pay to any of its stockholders who dissent from the reorganization the value of their holdings of North American stock. Pursuant to the Agreement, the number of Applicant's shares to be delivered to North American shall be determined by dividing the aggregate value (subject to a possible adjustment described below) of the assets of North American to be transferred to Applicant (less the amount of any liability of North American to its stockholders that is assumed by the Applicant) by the net asset value per share of Applicant. In determining the number of Applicant's shares to be delivered to North American, the aggregate value of the assets of North American will be reduced by the amount, if any, which is determined by the application of a formula (set forth in the Agreement) designed to compensate Applicant for any potential tax liability resulting from any excess in the proportion of the net asset value of North American represented by realized and unrealized appreciation over the proportion of the net asset value of Applicant represented by realized and unrealized appreciation. The amount of any liability to North American's dissenting stockholders that may be assumed by Applicant will be fixed by agreement between North American and such stockholders but may not exceed an amount equal to the net asset value, on the valuation date, of that number of Applicant's shares which such stockholders would have been entitled to receive on the closing date had they not objected to the reorganization. It is a condition precedent to the consummation of the reorganization that the holders of no more than 20 percent of North American's outstanding stock object to the reorganization.

Applicant and North American have applied for a ruling from the Internal Revenue Service (the receipt of which is a condition precedent to the consummation of the proposed transaction, waivable by North American) to the effect that: the contemplated transaction will constitute a tax-free reorganization and consequently, among other things, no gain or loss will be recognized by Applicant as the result of the exchange of its shares for the assets of North American, and the Federal tax basis to Applicant of the assets acquired from North American will be the same basis those assets had in the hands of North American.

As of May 31, 1973, the market value of the assets of North American less the amount of a possible liability to North American's dissenting stockholders (assuming for these purposes a dissent of 20 percent of North American's outstanding stock) was approximately $6,642,000. Prior to the consummation of the transaction, North American intends to sell assets with a market value of $2,703,622. The proceeds of such sales will be either transferred to Applicant as cash or reinvested in securities appropriate for Applicant's portfolio and transferred to Applicant at the closing. Following consummation of the transaction, Applicant intends to sell certain securities transferred to it by North American having a market value up to, and not in excess of, 25 percent of the value of the assets of North American at the closing date. The remainder of the assets received will be retained in Applicant's portfolio. Applicant has been advised that the stockholders of North American have no present intention of redeeming any substantial number of, or otherwise transferring, any of Applicant's shares and that in no event will an amount greater in the aggregate than 20 percent of such shares be redeemed in the first year following the proposed transaction.

Assuming that the closing under the Agreement had taken place on May 31, 1973, when the net asset value of the shares of Applicant was $46.04, 144,282 shares of Applicant would have been transferred to North American, or approximately 1.62 percent of the number of Applicant's shares outstanding immediately after such transfer.

Applicant represents that neither North American nor any shareholder, director or officer of North American is either an "affiliated person" of Applicant, or an "affiliated person" of any "affiliated person" of Applicant. The Agreement was negotiated at arms-length by the principals of North American and Applicant.

Section 6(c) of the Act permits the Commission, upon application, to exempt a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant contends that the proposed transaction will increase its assets and thus reduce its costs per share.

Notice is further given that any interested person may, not later than September 14, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-18092 Filed 8-24-73;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

FEDERAL ADVISORY COUNCIL ON UNEMPLOYMENT INSURANCE

Notice of Meeting

A meeting of the Federal Advisory Council on Unemployment Insurance will be held at 9 a.m. on Friday, September 14, 1973, in Conference Room 107A, Main Labor Building, 14th and Constitution Avenue, NW., Washington, D.C. This meeting will be open to the public.

The agenda of the meeting is as follows:

Morning

9:00 Opening of Meeting.
Swearing in of new Member.
9:15 Developments in the Manpower Administration:
Mr. William H. Kolberg, Council Chairman and Assistant Secretary for Manpower.
10:15 Status Report: Unemployment Insurance Federal Legislative Developments:
Mr. Robert C. Goodwin, Council Vice Chairman and Associate Manpower Administrator for Unemployment Insurance.
10:45 Presentation on Unemployment Insurance Program Administration Concerns.
11:30 Lunch

Afternoon

12:45 Presentation and discussion continues on program administration concerns.
3:30 Summary and Council recommendations.
Adjournment

Any inquiries concerning this meeting should be directed to: Mrs. Sally Ehrle, Executive Secretary, Federal Advisory Council on Unemployment Insurance, Room 5102, Main Labor Building, Washington, D.C. 20210. Mrs. Ehrle's telephone number is Area Code 202, number 961-4097.

Signed at Washington, D.C. this 20th day of August 1973.

WILLIAM H. KOLBERG,
Council Chairman and Assistant Secretary for Manpower.

[FR Doc.73-18049 Filed 8-24-73;8:45 am]

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates were issued to variety-department stores and provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Allen Mercantile Co., 95 East Main Street, Hyrum, Utah; 6-25-74.

Ben Franklin Store: 528 West Main Street, Jackson, Mo., 7-14-74; Berkeley Square Shopping Center, Goose Creek, S.C., 7-13-74.

Crest 5-10-25¢ Stores Co.: Smith Crossroads Shopping Center, Lenoir, N.C., 7-13-74; Town and Country Shopping Center, Lincolnton, N.C., 7-13-74; 519 12th Street, West Columbia, S.C., 7-31-74.

Edward's, Inc., University Ridge, Greenville, S.C.; 8-11-74.

Elmore, Sunset Plaza Shopping Center, Decherd, Tenn.; 7-2-74.

W. T. Grant Co., 139 North Seymour Avenue, Mundelein, Ill.; 6-26-74.

Halls 5 & 10¢ Stores, 122-128 South Main Street, Woodruff, S.C.; 7-2-74.

S. S. Kresge Co.: No. 4052, Fort Smith, Ark., 6-10-74; No. 4415, Daytona Beach, Fla., 6-30-74; No. 4410, Jacksonville, Fla., 7-14-74; No. 4138, Atlanta, Ga., 7-6-74; No. 4140, Atlanta, Ga., 7-9-74; No. 4561, Chicago, Ill., 7-20-74; No. 4591, Chicago, Ill., 6-25-74; No. 4563, Bedford, Ind., 6-23-74; No. 4215, Kansas City, Kan., 7-9-74; No. 4560, Kansas City, Kan., 6-25-73 to 5-28-74; No. 157, Newport, Ky., 7-13-74; No. 4428, Muskegon, Mich., 6-30-74; No. 4350, Columbia, Mo., 6-23-74; No. 4217, Independence, Mo., 7-14-74; No. 555, Jennings, Mo., 7-1-74; No. 249, Joplin, Mo., 6-26-74; No. 4577, Fremont, Nev., 6-20-74; No. 4060, Charlotte, N.C., 6-22-74; No. 4353, Minot, N.D., 7-5-74; No. 4417, Cleveland, Ohio, 7-14-74; No. 4301, Lima, Ohio, 7-13-74; No. 3015, Mentor, Ohio, 7-14-74; No. 4202, Greenville, S.C., 6-18-73 to 6-8-74; No. 4093,

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Madison, Tenn., 7–19–74; No. 4354, Lubbock, Tex., 6–30–74; No. 4219, Green Bay, Wis., 7–4–74; No. 4559, LaCrosse, Wis., 6–22–74; No. 4374, Wausau, Wis., 7–20–74.

McCrory McLellan Green Stores: No. 278, West Helena, Ark., 6–25–74; No. 389, Baltimore, Md., 7–12–74; No. 166, Springfield, Mo., 7–16–73 to 7–14–74; No. 255, Norfolk, Nebr., 7–9–74; No. 168, Camden, N.J., 7–29–74; No. 376, Freehold, N.J., 6–5–74; No. 1152, Irvington, N.J., 7–28–74; Nos. 272 and 7506, Jersey City, N.J., 7–29–74; No. 1034, Manasquan, N.J., 7–29–74; No. 1085, Newark, N.J., 7–31–74; No. 131, Passaic, N.J., 7–31–74; No. 218, Perth Amboy, N.J, 7–31–74; No. 219, Dayton, Ohio, 7–14–74; No. 1071, Allentown, Pa., 6–20–74; No. 397, Kutztown, Pa., 6–26–74; No. 233, Sunbury, Pa., 6–30–74; No. 545, Laredo, Tex., 6–27–74.

G. C. Murphy Co.: No. 433, Anna, Ill., 6–28–74; No. 251, Berwyn, Ill., 4–24–74; No. 77, Fort Wayne, Ind., 6–22–74; No. 427, Winchester, Ind., 6–29–74; No. 338, Raleigh, N.C., 6–30–74; No. 809, McKees Rocks, Pa., 7–14–74; No. 328, York, Pa., 6–30–74; No. 318, Parkersburg, W.V., 7–14–74.

Neisner Brothers, Inc., No. 66, Clermont, Fla., 7–19–74.

J. J. Newberry Co., No. 36, Dover, N.J., 7–30–74.

Rose's Stores, Inc.: No. 173, Tifton, Ga., 6–18–73 to 5–14–74; No. 27, Warrenton, N.C., 7–7–74.

Scott Stores, Co.: No. 9132, Elizabethtown, Ky., 6–29–74; No. 9131, Harlan, Ky., 6–23–74.

Spurgeon's, 903–905 Braden, Charlton, La., 7–13–74.

Sterling Stores Co., 1563 South Highland, Jackson, Tenn., 7–15–74.

T. G. & Y. Stores Co.: No. 249, Fort Smith, Ark., 6–11–74; No. 1312, Longwood, Fla., 6–30–74; No. 1315, Orlando, Fla., 8–31–74; No. 1316, Orlando, Fla., 6–30–74; No. 302, Kansas City, Kans., 6–21–74; No. 309, Manhattan, Kans., 7–15–74; No. 145, Independence, Mo., 6–28–74; No. 483, Kansas City, Mo., 6–30–74; No. 450, Sedalia, Mo., 7–16–74; No. 281, Los Alamos, N.M., 7–6–74; No. 434, Muskogee, Okla., 7–2–74; No. 1012, Oklahoma City, Okla., 7–20–74.

Temple Avenue Department Store, Inc., 143 Temple Avenue, Newman, Ga., 7–9–74.

Terry Farris, No. 5430, San Antonio, Tex., 9–4–74.

The following certificates issued to variety-department stores permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupation listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

G. McNew Stores: No. 10, North Little Rock, Ark., salesclerk, 4 to 12 percent, 7–15–74; No. 6815, Fort Collins, Colo., salesclerk, stock clerk, 28 to 59 percent, 7–4–74; No. 29, Dade City, Fla., salesclerk, office clerk, stock clerk, porter, 11 to 32 percent, 7–11–74; No. 17, East Brunswick, N.J., salesclerk, stock clerk, office clerk, 19 to 37 percent, 7–16–74; No. 6, Concord, N.C., salesclerk, 9 to 39 percent, 7–11–74; No. 12, Tamaqua, Pa., salesclerk, office clerk, stock clerk, 15 to 32 percent, 7–1–74; No. 430, Jackson, Tenn., salesclerk, stock clerk, office clerk, 4 to 17 percent, 7–5–74.

G. C. Murphy Co., for the occupations of salesclerk, office clerk, stock clerk, janitorial: No. 357, Auburn, Ala., 9 to 15 percent, 6–12–74; No. 354, Franklin, Va., 11 to 20 percent, 7–5–74; No. 340, Fond du Lac, Wis., 9 to 20 percent, 7–10–74.

Rose's Stores Inc.: No. 244, Eustis, Fla., stock clerk, salesclerk, checker, window trimmer, merchandise marker, order writer, 13 to 32 percent, 7–4–74; No. 239, Hammond, La., salesclerk, stock clerk, checker, window trimmer, merchandise marker, order writer, 13 to 32 percent, 6–27–74; No. 242, Chapel Hill, N.C., salesclerk, stock clerk, 13 to 28 percent, 6–17–74.

T. G. & Y. Stores Co.: 1802 East 66 Avenue, Gallup, N.M., salesclerk, stock clerk, office clerk, 13 to 24 percent, 7–15–74; No. 1903, Santa Fe, N.M., salesclerk, stock clerk, office clerk, 14 to 24 percent, 7–31–74.

Each certificate has been issued upon the representations of the employer, which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before September 26, 1973.

Signed at Washington, D.C. this 20th day of August 1973.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.73–18050 Filed 8–24–73;8:45 am]

NATIONAL ADVISORY COUNCIL FOR DRUG ABUSE PREVENTION

EVALUATION OF DRUG ABUSE PREVENTION PROGRAMS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the National Advisory Council for Drug Abuse Prevention on September 13 and 14, 1973, at the Indianapolis Museum of Art, Indianapolis, Indiana. The principal purposes of the meeting will be to continue development of projects on evaluation of drug abuse prevention programs and jobs for ex-addicts; to review Council input to Drug Abuse Prevention Week, to the FY 75 Federal Budget and to the revised Federal Drug Strategy document; and to further explore polydrug abuse.

This meeting is open to the public. Any member of the public wishing to attend the Council, V. Rodger Digilio, at 726 Jackson Place NW., Washington, D.C. 20506, telephone (202) 456–6772.

V. RODGER DIGILIO,
Executive Director.

AUGUST 21, 1973.

[FR Doc.73–17997 Filed 8–24–73;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS EXPANSION ARTS ADVISORY PANEL TASK FORCE

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a meeting of the Expansion Arts Advisory Panel Task Force to the National Endowment for the Arts will be held at 9:30 a.m. on August 28, 1973, at the National Endowment for the Arts, 806 15th Street NW., Washington, D.C.

The meeting will be for the purpose of a general policy discussion on the Expansion Arts Program and discussion on the Expansion Arts Touring Program. The meeting will be open to the public on a space available basis. Accommodations are limited. Further information can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street NW., Washington, D.C. 20506, or call Area Code 202–382–2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73–18173 Filed 8–24–73;8:45 am]

RAILROAD RETIREMENT BOARD

RAILROAD RETIREMENT SUPPLEMENTAL ANNUITY PROGRAM

Determination of Quarterly Rate of Excise Tax

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. § 3221(c)) as amended by section 5(a) of Public Law 91–215, the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning October 1, 1973, shall be at the rate of seven and one-half cents.

Dated: August 20, 1973.

By Authority of the Board.

[SEAL] R. F. BUTLER,
Secretary of the Board.

[FR Doc.73–18053 Filed 8–24–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[I.C.C. Order 109; Rev. S.O. 994]

ANN ARBOR RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Lewis R. Teeple, Agent, The Ann Arbor Railroad Company is unable to transport traffic over its car ferry between Frankfort, Michigan, and Manitowoc, Wisconsin, because of a broken crankshaft on its boat Arthur K. Atkinson.

It is ordered, That:

(a) The Ann Arbor Railroad Company being unable to transport traffic over its car ferry between Frankfort, Michigan, and Manitowoc, Wisconsin, because of a broken crankshaft on its boat Arthur K. Atkinson, that line is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 9:00 a.m., August 17, 1973.

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 24, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 17, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.73–18104 Filed 8–24–73;8:45 am]

[Notice 328]

ASSIGNMENT OF HEARINGS

AUGUST 22, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

FD–27438, National Railroad Passenger Corporation, Discontinuance of Trains Nos. 98 & 99 Between Norfolk/Newport News and Richmond, Virginia, now being assigned hearing September 24, 1973 (2 days), at Newport News, Va., in a hearing room to be later designated.

No. 35831, Container Interchange Contracts—Petition for Investigation, No. 35835, American Export Lines, Inc., Et Al. V. The Alabama Great Southern Railroad Company, Et Al., No. 35843, The Maritime Administration, United States Department of Commerce V. Seaboard Coast Line Railroad Company, Et Al., now assigned prehearing conference September 19, 1973, at Washington, D.C., is postponed to October 3, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD–27438, National Railroad Passenger Corporation, Discontinuance of Trains Nos. 98 & 99 Between Norfolk/Newport News and Richmond, Virginia, now being assigned hearing September 26, 1973 (1 day), at Richmond, Virginia, in a hearing room to be later designated.

MC 110689 Sub 6, Airway Trucking Co., now assigned September 24, 1973, at Los Angeles, Calif., is canceled and the application is dismissed.

MC 114789 Sub 41, Nationwide Carriers, Inc., now assigned October 9, 1973, at St. Paul, Minn., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–18107 Filed 8–24–73;8:45 am]

[Notice 341]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 17, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74506. By order of August 20, 1973, the Motor Carrier Board approved the transfer of a portion of the operating rights in Certificate No. MC–21135 to Rico Transportation Co., Inc., South River, N.J., issued to M. L. Kester Transportation, Inc., Phila., Pa., authorizing the transportation of: General commodities, usual exceptions, between points in Philadelphia, Pa.—Alan Kahn, Attorney, 1920 Two Penn Center Plaza, Phila., Pa. 19102; Robert B. Pepper, Practitioner, 168 Woodbridge Ave., Highland Park, N.J. 08904.

No. MC–FC–74507. By order of August 20, 1973, the Motor Carrier Board approved the transfer to Donahue Trucking Co., Inc., Milwaukee, Wis., of Certificate No. MC–134167 issued to Mary Agnes Donahue, d.b.a. Konahue Trucking Co., Butler, Wis., authorizing the transportation of: Hospital materials and supplies, between Milwaukee, Wis., on the one hand, and, on the other, Jackson, Ocomnomowoc, and Lake Geneva, Wis.—Martin J. Leavitt, Attorney, 22375 Hagerty Road, Northville, Mich. 48167.

No. MC–FC–74630. By order of August 20, 1973, the Motor Carrier Board approved the transfer to Jerome R. Coughran, doing business as Holton Truck Line, Holton, Kansas, of Certificate of Registration No. MC–9735 (Sub-No. 2), issued on June 10, 1964, to Cecil W. Leep, doing business as Holton Truck Line, Holton, Kansas, evidencing the authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority granted in certificates issued in Dockets Nos. 8,375 M and 35,669 M by The State Corporation Commission of the State of Kansas—Mr. James E. Parmiter, Attorney at Law, 101 West Fourth Street, Holton, Kansas 66436.

No. MC–FC–74636. By order of August 16, 1973, the Motor Carrier Board approved the transfer to Clarence C. Hatcher and Richard L. Hatcher, a partnership, doing business as C. C. and R. L. Hatcher, Alsey, Ill., of the operating rights in Permit No. MC–128351 (Sub-No. 2) issued June 14, 1967, to William Ross, Winchester, Ill., authorizing the transportation of brick, tile, clay products, and refractory cements between Alsey, Ill., on the one hand, and, on the other, points in Iowa, Indiana, Kentucky, Michigan, Missouri, Nebraska and Wisconsin—Robert T. Lawley, 300 Reisch

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Bldg., Springfield, Ill. 62701, Attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-18106 Filed 8-24-73;8:45 am]

[Notice 114]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 17, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 350 TA), filed August 7, 1973. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste Solvent*, in bulk, in tank vehicles, from Phoenix, Ariz., to Reedley, Calif.; and (2) *petroleum products*, in bulk, in tank vehicles, from Roosevelt, Utah, to Henderson, Nev., for 180 days. SUPPORTING SHIPPER: Safety Kleen Corporation, 3158 Des Plaines Avenue, Des Plaines, Ill. 60018; Sun Oil Company of Pennsylvania, P.O. Box 2039, Tulsa, Okla. 74102. SEND PROTESTS TO: A. J. Rodriquez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 29573 (Sub-No. 6 TA), filed August 8, 1973. Applicant: JOSEPH L. SCHNEIDER, 2023 Rivington Road, Rockford, Ill. 61111. Applicant's representative: Robert M. Kaske 2017 Wisteria Rd. Rockford, Ill. 61107 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising material* when moving in the same load as malt beverages, from La Cross and Sheboygan, Wis., to McHenry, Ill. SUPPORTING SHIPPER: James W. Hetterman, Chas. Herdrich & Son, 1014 N. River Road, McHenry, Ill. SEND PROTESTS TO: William J. Gray, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 50307 (Sub-No. 63 TA), filed August 8, 1973. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Arthur Liberstein, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment* used in the manufacture thereof, between Bridgeport, Montgomery County, Pa., on the one hand, and, on the other, Phillipsburg, N.J., for 150 days. SUPPORTING SHIPPER: Art Shirt Co., Inc., 1407 Broadway, New York, N.Y. SEND PROTESTS TO: Paul W. Assanza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 51146 (Sub-No. 326 TA), filed August 7, 1973. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 54306, 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil DuJardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin pitch* in bags, drums, boxes, or packages, from Oconto Falls, Wis., to Mercersburg, Pa., for 180 days. SUPPORTING SHIPPER: Scott Paper Company, Scott Plaza, Philadelphia, Pa. 19113 (Charles T. Hill, Jr., Staff Transportation Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 97357 (Sub-No. 47 TA), filed August 6, 1973. Applicant: ALLYN TRANSPORTATION COMPANY, 14011 South Central Avenue, Los Angeles, Calif. 90059. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulfur*, liquid, in bulk, in tank vehicles, from points in Contra Costa and Sonoma Counties, Calif., to Wingate Company at or near Wabuska, Nev., for 180 days. SUPPORTING SHIPPER: Wingate Company, 4791 East Date Avenue, Fresno, Calif. 93745. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 106893 (Sub-No. 16 TA), filed August 7, 1973. Applicant: PHILLIP G. WIEDERHOLD AND EDWARD E. WIEDERHOLD, doing business as WIEDERHOLD BROTHERS, P.O. Box 33, 5824 Walen Street, Elkton, Mich. 48731. Applicant's representative: Robert A. Sullivan, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Skids, saddles, pallets, boxes, and other fabricated wood products*, from the plantsite of Michigan Lumber Fabricators, Inc., at Elkton, Mich., to points in Illinois, Indiana, and Ohio, for 180 days. SUPPORTING SHIPPER: Michigan Lumber Fabricators, Inc., Elkton, Mich. 48731. SEND PROTESTS TO: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower Bldg., Detroit, Mich. 48226.

No. MC 113908 (Sub-No. 283 TA), filed August 6, 1973. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propionic acid*, in bulk, in tank and hopper type vehicles, from Sterlington, La., to Des Moines, Iowa, for 180 days. SUPPORTING SHIPPER: Kemin Industries, Inc., 2104 Maury Street, Des Moines, Iowa 50317. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 115273 (Sub-No. 12 TA) (CORRECTION), filed July 26, 1973, published in the FEDERAL REGISTER issue of August 10, 1973, and republished as corrected this issue. Applicant: ACME CARRIERS, INC., 216 3rd Street, Brooklyn, N.Y. 11215. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306.

NOTE.—The purpose of this partial republication is to show the correct commodity description as *Bomb bodies*, in lieu of Bom bodies, which was published in the FEDERAL REGISTER in error. The rest of the application remains as previously published.

No. MC 115524 (Sub-No. 19 TA), filed August 6, 1973. Applicant: BURSCH TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex. 87107. Applicant's representative: Don F. Jones (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Forest products*, including *lumber, plywood, particleboard, hardboard and shingles* (except in bulk), *roofing products and insulating materials*, including *composition or prepared roofing, asphalt shingles and composition or asphalt building board* (except in bulk), between points in Arizona, Colorado, and New Mexico, (1) from points in Arizona, Colorado, and New Mexico, on the one hand, to points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, Texas, and Utah, on the other; (2) from points in McCurtain County, Okla., and Ardmore, Stroud, and Wynnewood, Okla., to points in Arizona, Colorado, and New Mexico; (3) from points in Dallas County, Lubbock County, and Harris County, Tex., to points in Arizona, Colorado, and New Mexico; (4) from Denver, Colo., to points in Arizona and New Mexico; and (5) from points in Bernalillo County, N. Mex., to points in Arizona, Colorado, New Mexico, and Texas, on and north of U.S. Highway 80 and on and west of U.S. Highway 70, for 180 days. SUPPORTING SHIPPER: Sagebrush Sales Company, Post Office Box 25606, Albuquerque, N. Mex. 87125. SEND PROTESTS TO: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 136268 (Sub-No. 3 TA), filed August 2, 1973. Applicant: WHITEHEAD SPECIALTIES, INC., 1017 Third Avenue, Monroe, Wis. 53566. Applicant's representative: Michael J. Wyngaard, 329 W. Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Molded polyurethane foam and molded polyurethane foam products*, from Brodhead, Wis., to points in Minnesota, Michigan, Illinois, Tennessee, Ohio, Iowa, Kentucky, Indiana, and Missouri, and (2) *materials, equipment, and supplies* used or useful in the manufacture, sale, or distribution of molded polyurethane foam and molded polyurethane foam products, from points in Minnesota, Michigan, Illinois, Tennessee, Ohio, Iowa, Kentucky, Indiana, and Missouri, to Brodhead, Wis., for 180 days. SUPPORTING SHIPPER: Janesville Products, Inc., Brodhead, Wis. SEND PROTESTS TO: Barney L. Hardin, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 136987 (Sub-No. 6 TA) (CORRECTION), filed July 13, 1973, published in the FEDERAL REGISTER issue of August 8, 1973, and republished as corrected this issue. Applicant: REMINGTON FREIGHT LINES INC., 604 N. Main Street, Remington, Ind. 47977. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds; pot scourers*, steel or plastic with or without soap; and *steel wool*, from Lond, Ohio, to points in Illinois, Maryland, New Jersey, New York, Connecticut, Pennsylvania, and Massachusetts; Salem, Va., and St. Louis, Mo., for 180 days. SUPPORTING SHIPPER: Purex Corporation, Ltd., 6901 McKissock Avenue, St. Louis, Mo. 63147. SEND PROTESTS TO: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne, Fort Wayne, Ind. 46802.

NOTE.—The purpose of this republication is to show the applicant's correct representative and to change the territorial description to add different destination points.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-18109 Filed 8-24-73;8:45 am]

[Notice 115]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1756 (Sub-No. 26 TA), filed August 13, 1973. Applicant: PEOPLES EXPRESS CO., 497 Raymond Blvd., Newark, N.J. 07105. Applicant's representative: Bert Collins, 5 World Trade Center, New York, N.Y. 10045. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends and materials and supplies and equipment* used in connection therewith, between Passaic County, N.J., on the one hand, and, on the other, New Rochelle, Pelham, New Hyde Park, and Richmond County, N.Y., for 180 days. SUPPORTING SHIPPER: Continental Can Company, Inc., 633 Third Ave., New York, N.Y. 10017. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 2860 (Sub-No. 125 TA), filed August 9, 1973. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Chistian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, (1) from the plant or warehouse facilities of Heinz U.S.A. at Holland, Mich.; Iowa City and Muscatine, Iowa; Salem, N.J.; Bowling Green and Fremont, Ohio; and Mechanicsburg, Chambersburg, Leetdale and Pittsburgh, Pa., to the distribution facility of Heinz U.S.A. at Greenville, S.C.; and (2) from the distribution facility of Heinz U.S.A. at Greenville, S.C., to points in Alabama, Georgia, Mississippi, Tennessee and the New Orleans, La., Commercial Zone, restricted to traffic originating at and destined to the points and territories shown, for 180 days. SUPPORTING SHIPPER: Heinz U.S.A. Divn. H. J. Heinz Co., P.O. Box 57, Pittsburgh, Pa. 15230. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 3252 (Sub-No. 87 TA), filed August 13, 1973. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04103. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from ports of entry on the United States/Canada International Boundary line located at or near Houlton, Vanceboro, and Calais, Maine, to Woodland, Jay, Great Works, Lincoln, Rumsford, and Westbrook, Maine, for 180 days. SUPPORTING SHIPPER: Sobin Chlor-Alkali, Inc., P.O. Box 149, Orrington, Maine 04474. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 307, 76 Pearl Street, P.O. Box 167, PSS, Portland, Maine 04112.

No. MC 26396 (Sub-No. 88 TA), filed August 9, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, 201 W. Park, Livingston, Mont. 59047. Applicant's representative: Dave Kemp (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Elevator legs* (tubular grain elevating equipment), *component parts, attachments and accessories*, from the plant site of Sweet Manufacturing Company at Springfield, Ohio, to points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Montana, Idaho, Wyoming, Colorado, Oklahoma, Texas, Washington, Oregon, and Missouri, for 180 days. SUPPORTING SHIPPER: Sweet Manufacturing Company, 2000 East Leffel Lane, Springfield, Ohio 45501. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Com-

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mission, Rm. 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 32166 (Sub-No. 9 TA), filed August 13, 1973. Applicant: BRONAUGH MOTOR EXPRESS, INC., 1025 Nandino Boulevard, Lexington, Ky. 40511. Applicant's representative: Robert H. Pearce, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Corbin, Ky., and Knoxville, Tenn., serving no intermediate points; (A) from Corbin, Ky., over U.S. Highway 25–E to Taxewell, Tenn., thence over Tennessee Highway 33 to Knoxville, Tenn., and return over the same route; (B) from Corbin, Ky., over U.S. Highway 25–W to Knoxville, Tenn., and return over the same route, for 180 days. RESTRICTION: Service at Knoxville, Tenn., and points in its commercial zone is restricted against the transportation of traffic originating at, destined to, or interchanged at Lexington, Ky., Louisville, Ky., and Cincinnati, Ohio, and points in their respective commercial zones.

NOTE.—Applicant intends to tack the authority here applied for to authority proposed to be purchased from McDuffee Motor Freight in MC–F–10780 at Corbin, Ky.

SUPPORTED BY: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: R. W. Schneiter, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 47171 (Sub-No. 88 TA), filed August 9, 1973. Applicant: COOPER MOTOR LINES, INC., Mlg: P.O. Box 4255, Park Place, 301 Hammett St., Greenville, S.C. 29608. Applicant's representative: Harris G. Andrews (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Baltimore, Md., on the one hand, and, on the other, points in Salem and Cumberland Counties, N.J., and points in that part of Pennsylvania east of the Susquehanna River, for 180 days. SEND PROTESTS TO: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 51146 (Sub-No. 298 TA), filed August 10, 1973. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: David A. Petersen (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferric chloride*, in bulk, in rubber-lined trailers, from plant site of K. A. Steel Chemical Company at or near Lemont, Ill., to points in Wisconsin, for 180 days. SUPPORTING SHIPPERS: K. A. Steel Chemicals, Inc., 2770 Des Plaines Ave., Des Plaines, Ill. (Nat J. Rowell, Vice Pres.); The Chemical Supply Company, P.O. Box 567, Neenah, Wis. 54956 (Robert E. Anderson, Assistant General Mgr.); Hydrite Chemical Co., 1237 W. Bruce Street, Milwaukee, Wis. 53204 (Edward A. Wex, Ex. Vice Pres.). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 71459 (Sub-No. 37 TA), filed August 9, 1973. Applicant: O.N.C. FREIGHT SYSTEMS, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Salt Lake City, Utah and the commercial zone of Salt Lake City, Utah, with the right to tack said authority with authority found in MC 71459 (Sub No. 28 TA), for 180 days. SUPPORTING SHIPPERS: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor Claud W. Reeves, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 87720 (Sub-No. 148 TA), filed August 13, 1973. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail and chain grocery, hardware and drug stores, in containers, and materials and supplies (except in bulk) used in the manufacture and distribution of the commodities described for the account of American Home Products Corporation, from Chicago, Ill., commercial zone to Detroit, Mich., commercial zone, for 180 days. SUPPORTING SHIPPER: American Home Products Corp., 685 Third Avenue, New York, N.Y. SEND PROTESTS TO: District Supervisor Richard M. Regan, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 97357 (Sub-No. 48 TA), filed August 7, 1973. Applicant: ALLYN TRANSPORTATION COMPANY, 14011 South Central Avenue, Los Angeles, Calif. 90059. Applicant's representative: David P. Christianson, 825 City National Bank Bldg., 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Distillate and residual fuel oils*, from points in Kern County, Calif., to Phoenix, Red Rock, and Yuma, Ariz., and from points in Los Angeles County, Calif., to Glendale, Mesa, Phoenix, Red Rock, Yuma, Tempe, and Casa Grande, Ariz., for 150 days. SUPPORTING SHIPPERS: Salt River Project, P.O. Box 1980, Phoenix, Ariz. 85001; Aromalene Oil Co., 2750 East Spring St., Long Beach, Calif. 90806; Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 99780 (Sub-No. 25 TA), filed August 8, 1973. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. Bond St., Mlg: P.O. Box 1345, 61601, Peoria, Ill. 61603. Applicant's representative: John R. Zang (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products and meat byproducts* as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Waterloo, Iowa, and Peoria, Ill., to points in Indiana, for 180 days. SUPPORTING SHIPPER: D. H. Hager, Manager Transportation Services, The Rath Packing Company, Sycamore and Elm, Waterloo, Iowa 50704. SEND PROTESTS TO: Richard Shullaw, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 103498 (Sub-No. 34 TA), filed August 7, 1973. Applicant: W. D. SMITH TRUCK LINE, INC., P.O. Drawer C, DeQueen, Ark. 71832. Applicant's representative: Donald T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used creosoted railway crossties*, from Wright City, Okla., to Somerville, Tex., and Houston, Tex., and from Morris, Okla., to Advance, La., for 180 days. SUPPORTING SHIPPER: L. B. Foster Company, 2000 West Loop South, Houston, Tex. 77027. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 103993 (Sub-No. 775 TA), filed August 13, 1973. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul Borghesana (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen and bathroom modules*, on undercarriages, from Eaton Rapids, Mich., to points in Marion County, Ind., and Fairfax County, Va., for 180 days. SUPPORTING SHIPPER: Westinghouse Housing Systems, 501 Marlin, Eaton Rapids, Mich. 48827. SEND PROTESTS TO: Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 107496 (Sub-No. 903 TA), filed August 9, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, P.O. Box 855, Des Moines, Iowa 50304. Applicant's representative: E. Check (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from Sioux City, Iowa, to points in Nebraska, South Dakota, and Minnesota, for 150 days. SUPPORTING SHIPPER: Power Plant Aggregate of Iowa, Box 1618, Sioux City, Iowa 50302. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 108460 (Sub-No. 48 TA), filed August 9, 1973. Applicant: PETROLEUM CARRIERS COMPANY, P.O. Box 762, 5104 W. 14th St., Sioux Falls, S. Dak. 57106. Applicant's representative: Stanley Mundhenke (Same address as above), Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Mankato, Minn., to points in South Dakota as follows: Sioux Falls, Chamberlain, N. Sioux City, Huron, and Yankton, for 180 days. SUPPORTING SHIPPER: Thomas W. Taylor, President, Taylor Oil Company, Box 818, Sioux Falls, S. Dak. 57101. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 110689 (Sub-No. 7 TA), filed August 9, 1973. Applicant: AIRWAY TRUCKING CO., Mlg: P.O. Box 6967 E.L.A. 90022, Los Angeles, Calif., 1605 Chapin Road, Montebello, Calif. 90640. Applicant's representative: Charles R. Hart, Jr., 1255 Lincoln Boulevard, Suite 300, Santa Monica, Calif. 90401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit and tubing*, from points in California to points in Arizona, for 180 days. SUPPORTING SHIPPERS: Interpace Corporation, 2901 Los Feliz Blvd. Los Angeles, Calif. 90039; Winter Wolff & Co., Inc., 1451 New Dock St., Terminal Island, Calif.; Johns-Manville Prod Corp. P.O. Box 9067, Long Beach, Calif. 90810; Certain-Teed Products Corp., Piping & Plastics Group, P.O. Box 120–A, Santa Clara, Calif. 95052; Cal Metal Corp. 1351 W. Sepulveda, Torrance, Calif. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 112107 (Sub-No. 5 TA), filed August 9, 1973. Applicant: NEW ENGLAND MOTOR FREIGHT, INC., 520 Main Street, Wallington, N.J. 07057. Applicant's representative: Morton E. Kiel, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Chemicals* (except in bulk), serving Branchburg, N.J., as an off route on its regular route, between Paterson, N.J., and Providence, R.I., for 180 days.

NOTE.—Applicant states it does intend to tack with its authority.

SUPPORTING SHIPPER: Azoplate Division of American Hoechst Corporation, Murray Hill, N.J. SEND PROTESTS TO: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 112617 (Sub-No. 306 TA), filed August 7, 1973. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Bruce H. Kraemer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel*, in bulk, in tank vehicles, from the plantsite of Ashland Oil Inc., at Covington, Ky., to the Boeing Aircraft Co., at Wichita, Kans., for 90 days. SUPPORTING SHIPPER: United States Army, Department of Defense, Washington, D.C. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 114301 (Sub-No. 79 TA), filed August 8, 1973. Applicant: DELAWARE EXPRESS CO., P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and vinyl siding and accessories and materials* used in the installation thereof, from Certain-Teed's Plant at or near Hagerstown, Md., to points in Ohio, Pennsylvania, Kentucky, New Jersey, Virginia, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Paul D. Bruno, Traffic Supervisor, Certain-Teed Products Corporation, Valley Forge, Pa. 19481. SEND PROTESTS TO: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 114457 (Sub-No. 160 TA), filed August 13, 1973. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane products*, from Newton, Kans., to points in Arkansas, Missouri, Oklahoma, and Texas, for 180 days. SUPPORTING SHIPPER: Future Foam, Inc., P.O. Box 1017, Downtown Station, Omaha, Nebr. 68101. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Bureau of Operations, Interstate Commerce Commission, 448 Federal Bldg. & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 117940 (Sub-No. 94 TA), filed August 8, 1973. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from South Edmeston and Walton, N.Y., Hagerstown, Md., and Elizabeth, N.J., to points in North Carolina, South Carolina, Georgia, Florida, Tennessee, and Alabama, for 180 days. SUPPORTING SHIPPER: Breakstone Sugar Creek Foods, Division of Kraftco Corporation, 450 East Illinois Street, Chicago, Ill. 60611. SEND PROTESTS TO: District Supervisor A. N. Spath, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 124078 (Sub-No. 557 TA), filed August 13, 1973. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Lipe, Tenn., to High Ridge, Mo., for 180 days. SUPPORTING SHIPPER: H–J Enterprises, Inc., P.O. Box 8507, Sappington, Mo. 63126 (J. F. Shekelton, Pres.). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 125140 (Sub-No. 17 TA), filed August 8, 1973. Applicant: RICHARD B. BRUNZLICK, Augusta, Wis. 54722. Applicant's representative: F. H. Kroeger, 2288 University Ave., St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dairy byproducts, fruit juices and fruit drinks*, from St. Paul, Minn., to Amery, Baldwin, Chippewa Falls, Eau Claire, Galesville, Hudson, Luck, Menomonie, New Richmond, La Crosse, Osceola, Strum, and Tomah, Wis., for 180 days. SUPPORTING SHIPPER: Land O'Lakes, Inc., 614 McKinley Place, Minneapolis, Minn. 55413. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 110 S. 4th St., 448 Federal Bldg. & U.S. Court House, Minneapolis, Minn. 55401.

No. MC 125785 (Sub-No. 22 TA), filed August 10, 1973. Applicant: SATURN EXPRESS, INC., 7800 F St., Omaha, Nebr. 68127. Applicant's representative:

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Robert C. McCandless, 1819 H Street NW., Suite 700, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings and related parts and equipment*, between the plantsites of Stran-Steel Corp., at or near Houston, Tex., and at or near Terre Haute, Ind., from the plantsite of Stran-Steel Corp., at or near Houston, Tex., to points in Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, Oregon, Washington, and California, for 180 days. SUPPORTING SHIPPER: Stran-Steel Corporation, Warner A. Mize, Jr., P.O. Box 14205, Houston, Tex. 77021. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Bldg., Omaha, Nebr. 68102.

No. MC 129480 (Sub-No. 8 TA), filed August 9, 1973. Applicant: TRI-LINE EXPRESSWAYS, ETD., 550 71st Ave. SE., P.O. Box 5245, Station A, Calgary, Alberta, Canada. Applicant's representative: Hugh Sweeney, P.O. Box 1321, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite of Monsanto Co., near Muscatine, Iowa, to the International Boundary line between the United States and Canada, situated in Montana, North Dakota, and Minnesota, for 180 days. SUPPORTING SHIPPER: Monsanto Company, 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133119 (Sub-No. 24 TA), filed August 9, 1973. Applicant: HEYL TRUCK LINES, INC., 235 Mill St., Akron, Iowa 51001. Applicant's representatives: Roger Hyle (Same address as above) and A. J. Swanson, 521 So. 14 St. (Box 81849), Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus concentrate*, from points in Willacy, Starr, Hidalgo, Cameron, and Nueces Counties, Tex., to points of Entry located on the International Boundary line between the United States and Canada located in the State of Washington, restricted to traffic moving in foreign commerce, for 180 days. SUPPORTING SHIPPER: Texas Citrus Exchange, Charles E. Der, Sales Mgr.—Processing Div. P.O. Box 480, 1312 So. Closner, Edinburg, Tex. 78539. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Bldg., Omaha, Nebr. 68102.

No. MC 134534 (Sub-No. 7 TA), filed August 10, 1973. Applicant: LUIS BASTERRECHEA, doing business as BASTERRECHEA DISTRIBUTING, 341 Colorado, Gooding, Idaho 83301. Applicant's representative: Jay L. Depew, P.O. Box 961, Twin Falls, Idaho 83301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat and packinghouse products*, from points in Gooding County, Idaho, to points in Cascade County, Mont., for 180 days. SUPPORTING SHIPPER: Magic Valley Packing Company, E of City, Gooding, Idaho 83301. SEND PROTESTS TO: C. W. Campbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 136786 (Sub-No. 22 TA), filed August 13, 1973. Applicant: ROBCO TRANSPORTATION, INC., 3033 Excelsior Boulevard, Rm. 205, Minneapolis, Minn. 55416. Applicant's representative: K. O. Petrick (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles* distributed by meat packinghouses (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Nebraska, Illinois, Wisconsin, Iowa, Missouri, and Minnesota, for 150 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Bldg., Amarillo, Tex. 79101. SEND PROTESTS TO: District Supervisor A. N. Spath, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 138018 (Sub-No. 1 TA), filed August 8, 1973. Applicant: REFRIGERATED FOODS, INC., 3200 Blake St., P.O. Box 1018, 80205, Denver, Colo. 80205. Applicant's representative: Donald L. Stern, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in California, Oregon, Washington, Colorado, Nebraska, Minnesota, Wisconsin, and Illinois, restricted to traffic originating at the named facilities, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, Tex. 79101. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 138563 (Sub-No. 1 TA), filed August 6, 1973. Applicant: J.M.J. PROJECTS, INC. 2109 West 50th Street, Shawnee Mission, Kans. 66205. Applicant's representative: Erle W. Francis, Suite 719, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used and junk batteries; residues, residuum scale, slimes, sludge, sweepings or washings*, NOI, in packages; and scrap, NOI, loose, from Leavenworth, Kans., to Omaha, Nebr.; and (2) *lead ingots*, antimonial and litharge, from Ohama, Nebr., to Leavenworth, Kans., and Kansas City, Mo., for 180 days. SUPPORTING SHIPPER: Gould, Inc., 1110 Highway 10, Mendota Heights, Minn. SEND PROTESTS TO: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 138804 (Sub-No. 1 TA), filed August 13, 1973. Applicant: GLEN E. DORRITY, doing business as GLEN E. DORRITY TRUCKING, 1104 Industrial Ave., South Lake Tahoe, Calif. 95705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paving materials, rock and sand*, in bulk, in dump trucks, from points in Lyon and Storey Counties, Nev., to points in Alpine, Amador, and El Dorado Counties, Calif., for 180 days. SUPPORTING SHIPPERS: George Reed, Inc., P.O. Box 1756, Modesto, Calif., 95354; Tahoe Asphalt & Paving, 1104 Industrial Ave., South Lake Tahoe, Calif. 95705; Basis Rock Products, Inc., P.O. Box 1300, Susanville, Calif. 96130. SEND PROTESTS TO: District Supervisor Robert G. Harrison, Bureau of Operations, Interstate Commerce Commission, 203 Federal Building, 705 North Plaza Street, Carson City, Nev. 89701.

No. MC 138961 TA, filed August 6, 1973. Applicant: BARNER HEAVY HAULING, INC., 4827 East Illinois Avenue, Fresno, Calif. 93727. Applicant's representative: William H. Kessler, 638 Divisadero Street, Fresno, Calif. 93721. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment* which, because of size or weight, cannot be transported on regular highway equipment, for such transportation applicant maintains what are commonly known as low-bed trailers of different sizes and lengths. The commodities which applicant proposes to transport include, but are not limited to, road making and road building machinery and equipment, tractors, scrapers, graders, rollers, paving machines, log skidders, and front-end loaders, including log loaders. Applicant also proposes to transport on the specialized equipment with the foregoing articles parts thereof and/or incidental thereto, between points in King County, Wash., Multnomah and Jackson Counties, Oreg., and points in Alameda, Fresno, Los Angeles, and San Diego Counties, Calif., for 180 days. SUPPORTING SHIPPER: Consolidated Equipment Sales, Inc., 2740 E. Jensen, Fresno, Calif. SEND PROTESTS TO: District Supervisor Claud W. Reeves, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 138984 (Sub-No. 1 TA), filed August 13, 1973. Applicant: PARADIS TRANSFER AND STORAGE CO., INC., 922 Whitman, Medford, Oreg. 97501. Applicant's representative: Robert R. Hollis, 1121 Commonwealth Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, carbonated or phosphated, NOI, not including extracts, syrups, nor alcoholic beverages, in glass or metal cans, in barrels or boxes, between Grants Pass, Medford and Klamath Falls, Oreg., on the one hand, and, Redding, Calif., on the other, for 180 days. SUPPORTING SHIPPER: Medford Coca-Cola Bottling Co., Inc., 3074 Crater Lake Ave., Medford, Oreg. 97501. SEND PROTESTS TO: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 S.W. Pine, Portland, Oreg. 97204.

No. MC 138985 TA, filed August 10, 1973. Applicant: KEISE McGARY, 80 High Street, Houlton, Maine 04730. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Landscape ties, firring strips, and pallets*, from Smyrna Mills, Maine, to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Guy Friel & Sons, P.O. Box 106, Smyrna Mills, Maine 04780. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 307, 76 Pearl Street, Portland, Maine 04112.

MOTOR CARRIERS OF PASSENGERS

No. MC 138986 TA, filed August 13, 1973. Applicant: PENJERDEL COACHES, INC., 124 W. Fifth St., Chester, Pa. 19013. Applicant's representative: William H. Powelson (Same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: *REGULAR ROUTES: Passengers and their baggage*, in the same vehicle with passengers, between Wilmington, Del., and the Delaware-Pennsylvania state line serving all intermediate points; from Wilmington over U.S. Highway 13 to the Delaware-Pennsylvania State line, and return over the same route; *passengers*, between Darby, Pa., and the Pennsylvania-Delaware State line, serving all intermediate points on the specified routes; Westbound: From Darby, Pa., over Parker Avenue, Collingdale Borough, Pa., to U.S. Highway 13, thence over U.S. Highway 13 to the Borough of Eddystone, Pa., thence over U.S. Highway 13 and Borough Streets to the City of Chester, Pa., thence over City Streets and U.S. Highway 13 to the Borough of Trainer, Pa., thence over U.S. Highway 13 (Post Road) to the Pennsylvania-Delaware State line; Eastbound: From the Pennsylvania-Delaware State line over U.S. Highway 13 (Post Road) to the City of Chester, Pa., thence over U.S. Highway 13 and City Streets to the Borough of Eddystone, Pa., thence over Borough Streets and U.S. Highway 13 to Ridley Township, Pa., thence over U.S. Highway 13 to Springfield Road (the dividing line between the Boroughs of Collingdale and Darby, Pa.,) thence over Springfield Road to the Borough of Darby. *Passengers and their baggage*, in special operations during the season extending from August 1 to October 31, inclusive, of each year, between Chester, Pa., and the Brandywine Raceway, New Castle County, Del., near Brandywine, Del., serving the intermediate point of Marcus Hook, Pa., and points between Marcus Hook and the said Brandywine Raceway; from Chester over U.S. Highway 13 to junction unnumbered highway in New Castle County, Del., known as Naamans Road, thence over said unnumbered highway via Carpenter, Del., to the Brandywine Raceway, and return over the same route. *IRREGULAR ROUTES: Passengers and their baggage*, restricted to traffic originating in the territory indicated, in charter operations, from points in Delaware within 15 miles of Wilmington, Del., to Baltimore, Md., Washington, D.C., Fort Humphreys, Va., points in the New York, N.Y., Commercial Zone, as defined by the Commission, and those in Pennsylvania within 65 miles of Wilmington, Del., and return; from points in Delaware County, Pa., to points in New York, New Jersey, Delaware, Maryland and the District of Columbia, and return. *Passengers and their baggage*, in special operations, during the authorized racing season of each year, beginning and ending at Chester, Pa., and extending to Atlantic City Race Track, at or near McKee City, N.J., Garden State Park Race Track, in Delaware Township, Camden County, N.J., and Monmouth Park Race Track, at or near Oceanport, N.J. *REGULAR ROUTES: Passengers and their baggage, and express newspapers*, in the same vehicle with passengers, in a seasonal operation between May 15 and September 15, both inclusive of each year, between Bridgeton, N.J., and Wildwood, N.J., serving all intermediate points: From Bridgeton over New Jersey Highway 49 to junction New Jersey Highway 27, thence over New Jersey Highway 47 via Rio Grande, N.J., to Wildwood, and return over the same route; *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, between Wilmington, Del., and Atlantic, N.J., serving all intermediate points in New Jersey, except those north of Pennsville, N.J., on New Jersey Highway 49 between the Delaware Memorial Bridge and Pennsville, N.J.; from Wilmington over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 via the Delaware Memorial Bridge to junction New Jersey Highway 49, thence over New Jersey Highway 49 to Pennsville, N.J. (formerly from Wilmington over U.S. Highway 13 to junction Delaware Highway 41, thence over Delaware Highway 41 to New Castle, Del., thence across the Delaware River to Pennsville, N.J.), thence over New Jersey Highway 49 via Salem, N.J., to Bridgeton, N.J., thence over New Jersey Highway 77 to junction unnumbered highway, thence over unnumbered highway to Richland, N.J., thence over U.S. Highway 40 to Atlantic City, and return over the same route; between Pennsville, N.J., and Wilmington, Del., serving all intermediate points: From Pennsville over New Jersey Highway 49 to junction New Jersey Bridge Approach Road, thence over New Jersey Bridge Approach Road and across the Delaware Memorial Bridge, thence over the Delaware Bridge Approach Road to junction Wilmington-New Castle Highway, and thence over Wilmington-New Castle Highway to Wilmington, and return over the same route; between Pennsville, N.J., and Richland, N.J., serving no intermediate points: From Pennsville over New Jersey Highway 49 to junction U.S. Highway 40, thence over U.S. Highway 40 to Richland, and return over the same route. *IRREGULAR ROUTES: Passengers, in round trip, special operations, in each year during the periods of the authorized racing meets at Garden State Race Track located in Delaware Township, N.J., beginning and ending at Wilmington, Del., and extending to Garden State Race Track in Delaware Township, N.J.; passengers and their baggage, in special operations, in round-trip service, restricted seasonally to the authorized racing season of each year at the Pimlico Race Course, beginning and ending at Wilmington, Del., and extending to the Pimlico Race Course, Baltimore, Md., with no pickup or discharge of passengers enroute. Passengers and their baggage in the same vehicle with passengers, between Chester, Pa., and junction New Jersey County Route 581 and U.S. Highway 40, at or near Pole Tavern, from Chester across the Delaware River, via the Chester-Bridgeport Delaware River Ferry, thence over U.S. Highway 322 to junction New Jersey County Route 538, at or near Swedesboro, N.J., thence over New Jersey County Route 538 to junction New Jersey County Route 76, thence over New Jersey County Route 76 to junction New Jersey County Route 581, thence over New Jersey County Route 581 to junction U.S. Highway 40, and return over the same route, for 180 days. SUPPORTING SHIPPERS: Benvenuto, Inc., 2nd & French Sts., Wilmington, Del. 19801; Marlyn Travel Agency, Inc., and Weit Tours, Inc., 27–A N. Lansdowne Avenue, Lansdowne, Pa. 19050; Al Westmand, 2523 Peoples St., Chester, Pa. 19013; Chester Bus Centre, Inc., 124 W. Fifth St., Chester, Pa. 19013. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3238, Federal Bldg., 600 Arch St., Philadelphia, Pa. 19106.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-18108 Filed 8-24-73;8:45 am]

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[Ex Parte 241; Rule 19, Exemption 47]

SEABOARD COAST LINE RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, that there is an emergency movement of military impedimenta from Fort Stewart, Georgia, to Fort Hood, Texas; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Seaboard Coast Line Railroad Company, the railroads designated by the Car Service Division are authorized to move to, and the Seaboard Coast Line Railroad Company is authorized to accept, assemble, and load not to exceed fifty-three (53) empty cars with military impedimenta from Fort Stewart, Georgia, to Fort Hood, Texas, regardless of the provisions of Car Service Rules 1(b), 2(c), 2(d), or 2(e).

Effective August 20, 1973.

Expires August 31, 1973.

Issued at Washington, D.C., August 20, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.73-18105 Filed 8-24-73;8:45 am]

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MONDAY, AUGUST 27, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 165

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

AUTOMOBILE FUEL ECONOMY

Voluntary Labeling Program

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ENVIRONMENTAL PROTECTION AGENCY

AUTOMOBILE FUEL ECONOMY

Voluntary Labeling Program

Notice is hereby given that the Environmental Protection Agency is issuing procedures for a voluntary fuel economy labeling program for automobiles.

In his Energy Message to Congress on April 18, 1973, President Nixon assigned the Environmental Protection Agency, in cooperation with the Department of Commerce and the Council on Environmental Quality, the responsibility to develop a program for informing the public as to the fuel economy characteristics of automobiles. The program calls for voluntary support from automobile manufacturers in labeling each vehicle for fuel economy and providing other useful information in the dealer showroom. This notice sets forth the procedures for participation in the program.

The procedures set forth in this notice shall govern the program. However, with a view toward possible revision, interested persons are invited to express their views on the program by submitting written comments in triplicate to the Director, Technical Support and Special Projects, Office of Air and Water Programs, Room 737, East Tower, U.S. Environmental Protection Agency, Washington, D.C. 20460. The Environmental Protection Agency is particularly interested in receiving comments on the effectiveness of the recommended vehicle label.

Comments received will be available for public inspection and copying at the Freedom of Information Center, Room 227 West Tower, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, during normal working hours.

Purpose and goals.—The purpose of this notice is to establish procedures for the Agency's program for fuel economy labeling of new automobiles. This program is being implemented in response to the direction of President Nixon in his 1973 Energy Message, that the Environmental Protection Agency, in cooperation with the Department of Commerce and the Council on Environmental Quality, develop a voluntary labeling program applicable to automobiles.

The fundamental objective of the program is to reduce energy usage in the transportation sector. The following goals are intermediate to this principal aim: (1) increase public awareness of factors which influence fuel economy; (2) influence consumers to purchase vehicles with good fuel economy; and (3) influence manufacturers to produce vehicles with improved fuel economy.

Definitions.—(a) As used herein, all terms not defined below shall have the meaning given them in the Clean Air Act or in 40 CFR Part 85, Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines.

(b) "Fuel Economy" means the miles a motor vehicle can be driven on a specified driving cycle per gallon of fuel.

(c) "Federal Emission Test Procedure" refers to the dynamometer driving schedule, dynamometer procedure, and sampling and analytical procedures described in 40 CFR Part 85 for the applicable model years.

(d) "Durability Driving Schedule" means the mileage accumulation procedure specified in Appendix IV to 40 CFR Part 85.

(e) "Vehicle Configuration" means a unique combination of engine configuration, inertia weight, transmission type and axle ratio.

(f) "Fuel Economy Data Car" means a vehicle which is selected from a specific vehicle configuration for fuel economy testing for the purpose of this program.

Scope of the program. Automobiles which will be included in the fuel economy labeling program are light duty gasoline fuel vehicles, light duty diesel vehicles, and light duty trucks. Additional types of motor vehicles may be included in the program by the Administrator at a later date. Automobiles which are manufactured to be sold outside the United States are not included in this program.

Program provisions—A. *General.*—The program employs two complementary mechanisms for disseminating vehicle fuel economy data to the consumer: an EPA sponsored public information program and a manufacturers voluntary vehicle labeling program. The public information program is addressed in the section entitled "Consumer Education".

The manufacturers' voluntary program will involve both individual vehicle labels and dealer showroom information. Each participating manufacturer will place a sticker on each automobile. In the 1974 model year, manufacturers may choose whether to label their vehicles with specific or comparative information. Data illustrating the effects of optional equipment on fuel economy, the variation in fuel costs with different vehicles and options, and other explanatory information will be available for display in the dealer showroom.

B. *Schedule.* All aspects of the labeling program will be implemented during the 1974 automotive model year. Initially EPA will bear the primary responsibility for data collection, data dissemination, and program operation. However, there will be a transference of this basic program responsibility to the automobile manufacturers in subsequent years. At program maturity the EPA function will be in certifying test results, performing confirmatory tests, and compiling comparative data on all vehicles tested.

C. *The fuel economy label.*—All manufacturers who participate in the labeling program must provide prospective purchasers with written information describing the fuel economy of their vehicles. This information will be presented on a purchaser-removable label in the form indicated below. The label must be of a reasonable size and must be prominently displayed on the same window as the price sticker. Any alternative location must be approved by EPA. The fuel economy sticker will contain a table which will group automobiles into weight categories and show comparative fuel economy and fuel cost for each category. The format for this label is illustrated in Figure 1. The data necessary for this label will be provided to the participating manufacturers by EPA at the beginning of the model year.

The miles per gallon averages for a given weight category listed on the comparative table will be calculated as a harmonic average of the fuel economy data from emissions certification vehicles of the applicable model year, which are tested by EPA. These miles per gallon averages will serve as a basis for calculation of the comparative fuel costs. The miles driven and per gallon fuel costs used in this calculation will be noted on the label.

A participating manufacturer may also elect to present specific fuel economy results on his vehicle. In addition to comparative data this fuel economy sticker will contain EPA-approved information describing the fuel economy representative of the specific vehicle for the test procedure specified below. The format for this label is illustrated in Figure 2. It is intended that all labels include vehicle-specific information after the 1974 model year.

FIGURE 1

ILLUSTRATIVE LABEL FOR 1974 VEHICLES--COMPARATIVE INFORMATION

The fuel economy values listed below were determined from tests conducted by the U.S. Environmental Protection Agency.

The table shows miles per gallon (MPG) performance and fuel costs for vehicles in different weight categories. These results were developed using a test procedure which simulates commuter-type driving. They are not indicative of highway-type driving.

The fuel economy numbers for the weight category in which this vehicle falls are circled.

Vehicle Test Weight (lbs.)	Range of MPG	Average MPG	Fuel Costs (10,000 mi. and 40¢/gal.)
2,000	22-27	25	$160
2,250	19-23	21	$190
2,500	18-23	20	$200
2,750	14-21	18	$220
3,000	13-18	15.5	$260
3,500	10-18	14	$285
4,000	8-13	11	$365
4,500	8-14	10	$400
5,000	8-11	9.5	$420
5,500	7-10	8.5	$470

The actual fuel economy of this vehicle will depend on factors such as individual driving habits, the maintenance conditions of the vehicle, and the optional equipment chosen. Additional fuel economy information is available from your dealer and from the U.S. Environmental Protection Agency, Washington, D.C.

Vehicle-specific information will be derived from either EPA certification tests or additional manufacturer testing. All testing must be carried out in accordance with procedures set forth in this notice. A manufacturer will not be held liable, under warranty provisions, for information presented on the fuel economy label.

D. *Test procedure.*—The Environmental Protection Agency and the participating manufacturers shall follow a specified test procedure in determining fuel economy for the purpose of the program. For the 1974 model year the 1972 Federal Emissions Test Procedure shall be used. Each vehicle must be driven 4,000 miles according to the Durability Driving Schedule and tested according to the Federal Emissions Test Procedure at that point as set out in 40 CFR 85.073-7. The expression used to calculate fuel economy based upon analyses of the exhaust gas derived from the 1972 Federal Test Procedure is as follows:

$$\text{Fuel economy} = \frac{2423}{(0.866)(\text{HC}) + (0.429)(\text{CO}) + (0.273)(\text{CO}_2)}$$

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FIGURE 2

ILLUSTRATIVE LABEL FOR 1974 VEHICLES--SPECIFIC INFORMATION

Based on the results of tests conducted or certified by the U.S. Environmental Protection Agency, the fuel consumption of this vehicle is estimated to be:

13.5 Miles Per Gallon

on an EPA test cycle which simulates commuter-type driving.

The table below shows miles per gallon (MPG) performance and fuel costs for vehicles in different weight categories. The test weight and the measured fuel economy of this vehicle are circled. These figures are not indicative of performance during highway driving.

Vehicle Test Weight (lbs.)	Range of MPG	Average MPG	Fuel Costs (10,000 mi. & 40¢/gal.)
2,000	22-27	25	$160
2,250	19-23	21	$190
2,500	18-23	20	$200
2,750	14-21	18	$220
3,000 3100	13-18	15.5 13.5	$260 $295
3,500	10-18	14	$285
4,000	8-13	11	$365
4,500	8-14	10	$400
5,000	8-11	9.5	$420
5,500	7-10	8.5	$470

The actual fuel economy of this vehicle will depend on factors such as individual driving habits, the maintenance condition of the vehicle, and the optional equipment chosen. Additional fuel economy information is available from your dealer and from the U.S. Environmental Protection Agency, Washington, D.C.

where

Fuel economy = Fuel economy in miles per gallon.
HC = Hydrocarbon mass emissions expressed in grams per mile.
CO = Carbon monoxide mass emissions expressed in grams per mile.
CO_2 = Carbon dioxide mass emissions expressed in grams per mile.

E. *Test vehicle requirements.*—The EPA records fuel economy measurements made on all emission data vehicles tested at its facility. The manufacturers may use these fuel economy test results to label vehicles of the applicable vehicle configuration. If two vehicles of the same vehicle configuration are tested by EPA, the applicable fuel economy figure shall be the harmonic average of the results for the vehicles involved.

In order that data can be made available for vehicle configurations other than those represented by vehicles tested by EPA, participating manufacturers may elect to test fuel economy data cars representative of other vehicle configurations. Fuel economy results derived from tests on a fuel economy data car will be applicable only to production vehicles of the same vehicle configuration as that represented by the fuel economy data car. However, in conducting these tests, a fuel economy data car which has accumulated at least 4,000 miles but not more than 10,000 miles may, for example, be used to represent other vehicle configurations with the same engine configuration and same transmission type by changing axle ratios and varying inertia weight loadings.

For the purpose of mileage accumulation, emissions testing, and fuel economy testing, manufacturers' fuel economy data cars will be treated to the extent possible, as emission data cars in 40 CFR Part 85. Each configuration of a fuel economy data car must meet the same emission requirements as an emission data vehicle with the same engine/system combination at the time of the fuel economy test, taking into account the deterioration factor established for that engine family as per 40 CFR 85.074-28. Fuel economy data will not be accepted by EPA for the purposes of this program unless accompanying emission data demonstrates that the test vehicle meets applicable emission standards.

F. *Certification of vehicle specific fuel economy results.*—In those situations where a manufacturer elects to provide vehicle specific fuel economy results, such results must be certified by the EPA prior to use on a vehicle label. The information required to be submitted in an application for such certification is specified below. All information should be submitted to the Division of Certification and Surveillance, Ann Arbor, Michigan.

(1) All information furnished for emission data vehicles where not already submitted to EPA for the applicable model year.

(2) Fuel economy and emissions results as measured on the specified test procedure whether derived from EPA emission certification tests or manufacturer conducted tests.

(3) A description of the tests performed and calculations made in order to ascertain compliance with specified procedures.

(4) A listing of all vehicles to which each separate fuel economy test result is applicable.

(5) A statement that the fuel economy data cars with respect to which data are submitted have been tested in accordance with applicable test procedures, that they are representative of the vehicle configuration listed, and that they are in compliance with applicable Federal emission standards.

The EPA will examine fuel economy data submitted as they compare to data on vehicles in the same engine family or of the same inertia weight. The fuel economy results will be examined by the EPA using statistical methods. If in the Administrator's judgment the data are accurate, obtained in accordance with required procedures, and representative of the particular vehicle, the test results will be certified by the EPA and will be available for use describing all vehicles of that vehicle configuration. If the data fail to meet the above criteria, the EPA reserves the right to reject the data or require a confirmatory test.

The EPA fuel economy data certification shall extend for the duration of the model year. In the event of running changes, where such changes require the performance of an emission test, the fuel economy results from such emissions test shall be used on vehicles incorporating that running change. Where running changes are made for which EPA does not require an emissions test, the fuel economy results originally attained shall continue to apply. In a situation where a manufacturer feels these fuel economy results are not representative of the vehicle's fuel economy after the running change he may carry out testing at his own facility and submit the results for EPA's approval.

G. *Provisions for retest.*—A manufacturer may request that EPA retest a vehicle only if the first test is invalid under the provisions of 40 CFR Part 85 for the purpose of emissions performance. If a manufacturer feels the fuel economy results derived from a valid emissions test are not representative he may conduct a retest at his own facility. The results of this retest are subject to the same review and approval process as is specified above for testing of vehicles which EPA does not test. If the fuel economy results meet the criteria outlined, these results will be used in lieu of previous EPA results. If the data do not meet these requirements, the EPA fuel economy results will be utilized. EPA reserves the right to do confirmatory testing on these retests.

H. *Showroom information.*—Participating manufacturers will be asked to encourage their dealers to make certain information available in their dealer showrooms. This information will include but will not be limited to the following:

(1) A description of the fuel economy labeling program;

(2) A general discussion of fuel economy and the factors that influence fuel economy;

(3) A characterization of the effects of optional equipment on vehicle fuel economy;

(4) A calculation of comparative fuel costs for vehicles with different fuel economies;

(5) An explanation of the fuel economy test procedure and an interpretation of results therefrom; and

(6) A listing of sources for additional, more detailed information.

EPA will provide a pamphlet for the showroom in the initial year of the program. Any showroom information on fuel economy should be conveniently located and accessible to consumers.

I. *Consumer education.*—The Environmental Protection Agency, in cooperation with interested government agencies and other public, private, and industry groups, will initiate a program to inform consumers about the labeling program and the fuel economy issue in general.

J. *Participation by manufacturers.*—(1) *Voluntary Participation.*—Manufacturers desiring to participate in the fuel economy program should notify the Administrator of the Environmental Protection Agency. This notification should state that the manufacturer is aware of the responsibilities of participation and will abide by all the conditions specified.

(2) *Conditions for participation.*—The conditions for participation of a manufacturer in the program include the following:

(a) The manufacturer will arrange to display a fuel economy label on the same window as the price sticker or in another location approved by EPA, (See Program Provisions, Section C) on every light duty vehicle and light duty truck which is manufactured by him for sale in the United States.

(b) The manufacturer will include only EPA-approved test results on the vehicle label.

(c) The manufacturer will encourage his dealers to make the appropriate information available in each dealer showroom.

(d) In performing his own testing for the purposes of this program each manufacturer will use only the specified test procedure and will submit both emissions and fuel economy results to EPA for certification.

(e) The manufacturer agrees, at his expense, to comply with any reasonable request of the Environmental Protection Agency to conduct confirmatory tests on a vehicle for which he is submitting fuel economy data. Alternatively, the manufacturer may withdraw the test results from consideration.

K. *Termination of participation.*—(1) *EPA termination.*—The Environmental Protection Agency, upon finding that the manufacturer is not complying with the conditions of participation, may terminate the participation of any manufacturer. The manufacturer will first be given an opportunity to show cause why participation should not be terminated.

(2) *Manufacturer termination.* A manufacturer may terminate his participation and responsibilities under this program at any time by giving written notice to the Administrator.

L. *Amendment or revision of voluntary fuel economy labeling program.*—The Administrator will amend or revise any section above as the need arises. Such amendment or revisions shall take into consideration the automobile manufacturers' lead time which is required to implement the revisions.

Dated August 17, 1973.

JOHN QUARLES,
Acting Administrator.

[FR Doc.73-17891 Filed 8-24-73;8:45 am]

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Title 7—Department of Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Administration of Agreements Regarding the Handling of Wool, Mohair, Sheep, Goats and Products

Part 2, Subtitle A of Title 7, Code of Federal Regulations is amended to transfer the authority, from the Assistant Secretary for International Affairs and Commodity Programs to the Assistant Secretary for Marketing and Consumer Services, for administering agreements under section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787), between the Secretary and marketing cooperatives, trade associations, and others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats or the products thereof, and to redelegate such authority from the Assistant Secretary for Marketing and Consumer Services to the Administrator, Agricultural Marketing Service, as follows:

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries and Directors

§ 2.17 Delegations of authority to the Assistant Secretary for Marketing and Consumer Services.

• • • • •

(a) • • •

(3) • • •

(xxix) Administer section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787), except as delegated to the Assistant Secretary for International Affairs and Commodity Programs in § 2.21(a)(30).

• • • • •

§ 2.21 Delegations of authority to the Assistant Secretary for International Affairs and Commodity Programs.

• • • • •

(a) • • •

(30) Under the authority of Section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787), conduct producer referendums, withhold funds, from payments made to producers under Section 704 of that Act (7 U.S.C. 1783), for promotion and advertising, and transfer such funds to the person or agency designated by the Assistant Secretary for Marketing and Consumer Services.

• • • • •

§ 2.22 Reservations of authority.

(a) • • •

(4) [Deleted]

• • • • •

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Consumer Services

§ 2.50 Administrator, Agricultural Marketing Service.

(a) • • •

(3) • • •

(xxix) Administer section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787), except as specified in § 2.21(a)(30).

• • • • •

Subpart H—Delegations of Authority by the Assistant Secretary for International Affairs and Commodity Programs

§ 2.65 Administrator, Agricultural Stabilization and Conservation Service.

(a) • • •

(30) Under the authority of section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787), conduct producer referendums, withhold funds from payments, made to producers under section 704 of that Act (7 U.S.C. 1783), for advertising and promotion, and transfer such funs to the person or agency designated by the Assistant Secretary for Marketing and Consumer Services.

• • • • •

((5 U.S.C. 301) and Reorganization Plan No. 2 of 1953)

Effective date.—August 28, 1973.

Signed at Washington, D.C. on August 20, 1973.

EARL L. BUTZ,
Secretary of Agriculture.

JAMES H. LAKE,
Acting Assistant Secretary for Marketing and Consumer Services.

RICHARD E. BELL,
Acting Assistant Secretary for International Affairs and Commodity Programs.

[FR Doc.73-18180 Filed 8-27-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 73-1160]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

PART 563—OPERATIONS

Insurance Premiums

AUGUST 15, 1973.

Amendments to section 404 of the National Housing Act, as amended (12 U.S.C. 1727) have been adopted by Congress and signed into law by the President (Pub. L. No. 93-100, section 6). Said section 404 governs the payment of insurance premiums to the Federal Savings and Loan Insurance Corporation by savings and loan associations and other savings institutions whose accounts are insured by the Corporation pursuant to section 403 of the National Housing Act, as amended (12 U.S.C. 1726). A major objective of these amendments is to gradually eliminate the Corporation's secondary reserve. Two techniques are used to accomplish this objective. First, further prepayments of premiums by insured institutions to the secondary reserve are discontinued. Second, the amendments require the Board, under certain conditions, to authorize that a portion of the regular annual insurance premium of each insured institution for a given year be paid from the pro rata share of such institution, if any, in the secondary reserve. The Board is given the authority to determine such portion provided that such portion is between 30 percent and 70 percent of the premium due from each insured institution. Both the discontinuance of premium prepayments and the authorization concerning the regular annual insurance premiums necessitate that the Federal Home Loan Bank Board amend several sections of Parts 561 and 563 of the rules and regulations for Insurance of Accounts (12 CFR Parts 561, 563).

Section 561.9 is amended by revoking the first sentence thereof which defines the term "premium prepayment".

Section 563.15 sets forth the conditions under which insured institutions shall pay their regular annual insurance premiums to the Corporation. Paragraph (b) of said § 563.15 states that no insured institution shall be required to pay an annual insurance premium with respect to its premium year commencing on the May 1 next succeeding any December 31 as of the close of which the Corporation's primary reserve equalled or exceeded the percentage set forth in paragraph (2) of subsection (b) of section 404 of the National Housing Act, as amended. Paragraph (b) of said § 563.15 is amended by inserting the percentage mentioned in said paragraph (2) of subsection (b) of section 404 of the National Housing Act, as amended, (2 percent) and by redesignating said paragraph (b) as subparagraph (1) thereof. Paragraph (b) of said § 563.15 is further amended by adding a new subparagraph (2) thereto. Said new subparagraph (2) states that each insured institution's pro rata share of the Corporation's secondary reserve shall be used, to the extent available, to discharge a percentage, to be determined by the Corporation, of such institution's regular

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annual insurance premium for its premium year beginning after the May 1 next succeeding any December 31 (beginning with December 31, 1972) as of the close of which (1) the aggregate of the Corporation's primary and secondary reserves equalled or exceeded 1¼ percent of the total amount of all accounts of insured members of all insured institutions, and (2) the primary reserve did not equal or exceed 2 percent of such base. Said new subparagraph (2) also states that the percentage to be determined by the Corporation shall be the same for all insured institutions and shall be not more than 70 percent and not less than 30 percent of each insured institution's premium obligation.

Section 563.16–1 sets forth the manner in which premium prepayments must be made. Said § 563.16–1 is revoked in its entirety. The first sentence of § 563.16–2 requires that premium prepayments be credited to the secondary reserve. Said § 563.16–2 is amended by revoking the first sentence thereof.

In addition to the above described amendments necessitated by the amendments to section 404, the Board also considers it desirable to amend paragraph (a) of § 563.15 and to further amend § 563.16–2 in order to clarify existing regulatory provisions and to set forth the Board's practices with respect to particular situations.

An introductory clause is added to paragraph (a) of said § 563.15 to make it clear that the provisions set forth in amended paragraph (b) of that section are exceptions to said paragraph (a). The first sentence of said paragraph (a) presently provides that each institution whose application for insurance is approved by the Corporation shall pay a premium charge for such insurance at the rate fixed by statute. Said paragraph (a) is amended by setting forth the statutory rate presently referred to. Said rate is one-twelfth of one percent of the total amount of all accounts of the insured members of such institution. The present second and third sentences of said paragraph (a) are combined; the term "anniversary year" is also substituted for the phrase "at the beginning of each insurance year." The first sentence of said paragraph (a) presently provides that an institution's initial premium charge shall be determined from "the latest report of the insured institution filed with the Corporation." The fourth sentence thereof now provides that all annual premiums following the above mentioned initial premium shall be determined from "the latest report of the insured institution filed with the Corporation or, if the institution has failed to file such report within 60 days prior to any date upon which its annual premium becomes due, from the latest report of the institution made or published pursuant to the requirements of law or regulations." These two provisions concerning the basis for determining the premium payable by an insured institution are combined in amended paragraph (a) into the following single provision: "[t]he amount of each premium to be paid by an insured institution shall be determined on the basis of the most recent report filed by such institution with the Corporation, except that any insured institution which has not filed such a report within 60 days of any premium anniversary date shall provide more recent information if requested to do so by the Corporation." All of the above mentioned amendments are intended to clarify said paragraph (a) of § 563.15.

As was previously mentioned, the deletion of the first sentence of § 563.16–2 was necessitated by the recent amendments to section 404 of the National Housing Act, as amended. Subparagraph (1) of new paragraph (a) of said § 563.16–2, which paragraph is captioned "Annual credit to secondary reserve," contains the amended versions of the present second and third sentences of said § 563.16–2; however, the order of said sentences is changed. The present third sentence provides that the Corporation shall credit a return to the secondary reserve as of the close of each calendar year; such return shall be "as determined by the Corporation in accordance with subsection (e) of section 404 of the National Housing Act, as amended." Said sentence, which is amended for the purpose of clarification by incorporating therein the text of said subsection (e), now provides that the Corporation's annual credit to the secondary reserve shall be "as determined by the Corporation, at a rate equal to the average annual rate of return to the Corporation during the year ending at the close of November 30 of such calendar year, as determined by the Corporation, on investments held by the Corporation in obligations of, or guaranteed as to principal and interest by, the United States." (This provision of subsection (e) is unchanged by the amendments to section 404.) The present second sentence of said § 563.16–2 is amended by adding an additional provision thereto. Said provision states that the Corporation shall apportion its annual credit to the secondary reserve among all insured institutions on the basis of the average of the daily balances of their respective pro rata shares of the secondary reserve during the calendar year just closed. It has been the Board's practice to apportion the annual credit to the secondary reserve on this basis.

Subsection (e) of section 404 of the National Housing Act, as amended (the substance of which is unchanged by the instant statutory amendments) requires the Corporation to credit a return to the secondary reserve "as of the close of each calendar year." However, the amendments to said section 404 intend that insured institutions' pro rata shares of the secondary reserve will decrease and eventually be exhausted due to the use of such institutions' pro rata shares to discharge a percentage of their regular annual insurance premium obligations. Therefore, the pro rata share of a given insured institution will be exhausted during some future calendar year. Subparagraph (2) of new paragraph (a) of § 563.16–2, which subparagraph is captioned "Exhaustion of pro rata shares of secondary reserve," provides that such an institution, whose accounts are still insured by the Corporation as of the close of the calendar year in which its pro rata share of the secondary reserve is exhausted, is entitled to share in the apportionment of the secondary reserve credit at the end of such calendar year for the period between the date on which such insured institution's pro rata share was exhausted and the previous December 31. An insured institution entitled to a credit pursuant to said subparagraph (2) will be paid such credit in cash as soon as possible after the amount of such credit is determined by the Corporation. This provision is consistent with the intent of the amendments to section 404 to eliminate the secondary reserve and the expectation that insured institutions will exhaust their pro rata shares of such reserve during future calendar years.

Subparagraph (3) of new paragraph (a) of § 563.16–2, which subparagraph is captioned "Termination of insurance," provides that an institution will not be entitled to share in the calendar year end apportionment of this required annual credit, pursuant to subparagraph (1) of said paragraph (a), for any calendar year during which (1) such institution's insurance is terminated prior to the end of such calendar year, and (2) such institution's pro rata share of the secondary reserve is paid out of such reserve. The Board has consistently followed this procedure with respect to terminating institutions since Congress created the secondary reserve in 1961.

The last sentence of present § 563.16–2 is redesignated as paragraph (b) of said section.

Accordingly, the Federal Home Loan Bank Board hereby amends said Parts 561 and 563 by revising §§ 561.9, 563.15 and 563.16–2 thereof to read as set forth below and by revoking § 563.16–1 thereof, effective August 28, 1973.

Since all of the amendments to §§ 561.9, 563.15, 563.16–1 and 563.16–2 are either required by the amendments to section 404 of the National Housing Act, as amended, are for the purpose of clarification, or set forth existing Board policy in regulatory form, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553 (b). The Board hereby finds that publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is also unnecessary for the same reasons and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

§ 561.9 Premium.

The term "premium" means the premium provided for by subsection (b) of section 404 of the National Housing Act, as amended. It does not includes or refer to additional premiums provided for by subsection (c) of said section 404.

§ 563.15 Insurance premiums.

(a) *General provisions.*—Except as provided in paragraph (b) of this section, each institution whose application for insurance is approved by the Corporation shall pay to the Corporation a premium charge for such insurance equal to one-twelfth of one percent of the total amount of all accounts of the insured members of such institution. Each insured institution shall pay such premium at the time its certificate of insurance is issued by the Corporation and thereafter annually on the anniversary of the issuance of such certificate. The amount of each premium to be paid by an insured institution shall be determined on the basis of the most recent report filed by such institution with the Corporation, except that any insured institution which has not filed such a report within 60 days of any premium anniversary date shall provide more recent information if requested to do so by the Corporation. Any amount contained in any such report covering interest accrued, but not due and payable, or dividends declared but not due and distributable, upon an account of an insured member will not be inluded by the Corporation in the computation of premiums.

(b) *Exceptions.* (1) *Primary reserve equals or exceeds 2 percent.*—If, at the close of any December 31, the primary reserve of the Corporation equals or exceeds 2 percent of the total amount of all accounts of insured members of all insured institutions as of such close, no premium required to be paid by paragraph (a) of this section shall be payable by any insured institution with respect to its premium year beginning during the year commencing on the May 1 next succeeding such December 31. The foregoing exception shall not be applicable to any insured institution with respect to any of the twenty premium years beginning with the premium year commencing on the date on which such insured institution was issued a certificate of insurance by the Corporation.

(2) *Primary reserve less than 2 percent.*—If, at the close of December 31, 1972 or any subsequent December 31, the aggregate of the primary reserve of the Corporation (established pursuant to section 404(a)(1) of the National Housing Act, as amended) and its secondary reserve (established pursuant to the former provisions of sections 404(c) and 404(d)(1) of that Act) equals or exceeds 1¼ percent of the total amount of all accounts of insured members of all insured institutions but the primary reserve does not equal or exceed 2 percent of such base, each insured institution's pro rata share of the secondary reserve shall, during the year beginning with the May 1 next succeeding such close, be used, to the extent available, to discharge a percentage, to be determined by the Corporation, of such institution's obligation for its premium under paragraph (a) of this section for the premium year beginning in such year. The percentage to be determined by the Corporation referred to in the next preceding sentence shall be the same for all insured institutions and shall not be more than 70 percent nor less than 30 percent of each insured institution's premium obligation.

§ 563.16–2 Secondary reserve.

(a) *Annual credit to secondary reserve.* (1) *General provisions.*—The Corporation shall credit to the secondary reserve, as of the close of each calendar year, a return on the outstanding balances of the secondary reserve, as determined by the Corporation, at a rate equal to the average annual rate of return to the Corporation during the year ending at the close of November 30 of such calendar year, as determined by the Corporation, on investments held by the Corporation in obligations of, or guaranteed as to principal and interest by the United States. The Corporation shall maintain records showing each insured institution's pro rata share of the secondary reserve and shall apportion the credit mentioned in the next previous sentence among all insured institutions on the basis of the average of the daily balances of their respective pro rata shares of the secondary reserve during the calendar year just closed, except as otherwise provided in this section.

(2) *Exhaustion of pro rata shares of secondary reserve.*—In the event that the remainder of an insured institution's pro rata share of the secondary reserve is used to discharge a percentage of such insured institution's annual insurance premium pursuant to § 563.15(b)(2), such insured institution shall be entitled to share in the credit apportioned pursuant to subparagraph (1) of this paragraph for the period between the date on which the remainder of such insured institution's pro rata share was used to discharge a percentage of that insured institution's annual insurance premium and the December 31 immediately preceding such date. Insured institutions entitled to credit pursuant to this subparagraph (2) shall be paid such credit in cash as soon as possible after the amount of such credit is determined by the Corporation.

(3) *Termination of insurance.*—If, prior to the close of any calendar year, (i) an institution's insurance is terminated, and (ii) such institution's pro rata share of the secondary reserve is paid out of such reserve, such institution shall not receive a return on such pro rata share for such calendar year.

(b) *Transfer of interest in secondary reserve.*—Except as provided in the next following sentence or by action of the Corporation pursuant to the last sentence of subsection (e) of section 404 of the National Housing Act, as amended, no right, title, or interest of any institution in or with respect to its pro rata share of the secondary reserve shall be assignable or transferable, whether by operation of law or otherwise. In the event that an insured institution (hereinafter in this sentence called the merging institution) is merged into another insured institution (hereinafter in this sentence called the surviving institution), the merging institution's pro rata share of the secondary reserve, if any, shall automatically be transferred to the surviving institution.

(Secs. 402, 403, Stat. 1256, 1257, as amended (12 U.S.C. 1725, 1726). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73–16206 Filed 8–27–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Airspace Docket No. 73–SO–41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On July 9, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 18255), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Anniston, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., November 8, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the Anniston, Ala., transition area is amended as follows:

• • • longitude 86°03'36" W.) . . ." is deleted and ". . . longitude 86°03'36" W.); within 9.5 miles southeast and 4.5 miles northwest of Talladega VORTAC 223° radial, extending from the 12-mile radius area to 18.5 miles southwest of the VORTAC; within 9.5 miles south and 4.5 miles north of the Talladega VORTAC 252° radial, extending from the 12-mile radius area to 18.5 miles west of the VORTAC . . ." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on August 16, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73–18156 Filed 8–27–73;8:45 am]

[Airspace Docket No. 73–SO–25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Zone and Alteration of Transition Area

On July 9, 1973, a notice of proposed rulemaking was published in the FEDERAL

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REGISTER (38 FR 18255), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate the Biloxi, Miss., control zone and alter the Gulfport, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 8, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351), the Biloxi, Miss., control zone is amended as follows:

"• • • This control zone is effective from 0600 to 2200 hours, local time, daily . . ." is deleted.

In § 71.181 (38 FR 435), the Gulfport, Miss., transition area is amended as follows:

"• • • within 3 miles each side of the 036° bearing from Keesler RBN, extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN . . ." is deleted.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on August 17, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-18155 Filed 8-27-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Meglumine Diatrizoate and Sodium Diatrizoate Oral Solution

The Commissioner of Food and Drugs has evaluated a new animal drug application (91-327V) filed by E. R. Squibb & Sons, Inc., New Brunswick, NJ 08903, proposing the safe and effective use of meglumine diatrizoate and sodium diatrizoate oral solution for the treatment of dogs and cats. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding a new section as follows:

§ 135c.108 Meglumine diatrizoate and sodium diatrizoate oral solution.

(a) *Specifications.*—Meglumine diatrizoate oral solution is a water soluble radiopaque medium containing 66 percent meglumine diatrizoate and 10 percent sodium diatrizoate.

(b) *Sponsor.*—See code No. 035 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) It is indicated for radiography of the gastrointestinal tract in dogs and cats.

(2) It is administered orally at a dosage level of 0.5 to 1.0 milliliter per pound of body weight by gavage or stomach tube. It is administered rectally at a dosage level of 0.5 to 1.0 milliliter per pound of body weight diluted with 1 part of the drug to 5 parts of water.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date.—This order shall be effective August 28, 1973.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated August 22, 1973.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.73-18154 Filed 8-27-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

Frequency Available; Correction

Editorial amendment of § 83.351(a) of the Commission's rules and regulations.

This is to clarify the Order released June 6, 1973, and published in the FEDERAL REGISTER of June 13, 1973, at 38 FR 15510. With respect to the correction cited in the Order, § 83.351(a) is correct as printed in the Code of Federal Regulations. The correction applies only to the loose-leaf edition of the rules issued by the Federal Communications Commission through the Superintendent of Documents and should not have been published.

Released August 23, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-18210 Filed 8-27-73;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-16; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seatbelt Assemblies; Webbing Width; Retractors

The purpose of this notice is to amend certain requirements of Motor Vehicle Safety Standard No. 209 (49 CFR 571.209), *Seatbelt assemblies*, relating to the width of belt webbing and to the performance of seat belt retractors. The amendments were proposed in a notice published June 20, 1973 (38 FR 16084).

In the June 20 notice, the agency proposed to allow the width of those portions of a combination lap and shoulder belt that do not touch the occupant to be less than the 1.8 inches formerly required by the standard. The Chrysler Corporation, in its comment, suggested that narrower webbing should also be permitted for the type of lapbelt that is used by itself. The agency agrees that a lapbelt in combination with a shoulder belt (known as Type 2 assembly) is indistinguishable from an independent lapbelt (Type 1 assembly), as far as the width of its webbing is concerned, and is therefore amending the standard to permit narrower webbing for noncontract portions of Type 1 belts as well as Type 2 belts.

Chrysler also requested narrower webbing for noncontact portions of children's harnesses (Type 3 assemblies). In view of the close-fitting design of Type 3 assemblies, the agency has not found a benefit to be gained from the use of narrower webbing in the few areas of noncontact. The Type 3 requirements are not being amended at this time. The American Safety Equipment Corporation requested that the contactability of the webbing with occupants be determined with a range of occupants. The agency remains persuaded that the use of a 95th percentile adult male occupant will be sufficient to insure that the narrower webbing will not touch any occupant who uses the seat. The agency therefore declines to adopt American Safety's suggestion.

The proposed amendment of the emergency-locking retractor requirements of S4.3 drew several comments, not all of them relating to the parts of S4.3 that were proposed to be changed. Mercedes Benz requested revision of the requirement of S4.3(j)(2) that the retractor must not lock before the webbing extends 2 inches under an acceleration of 0.3g or less. The 0.3g requirement had been carried over without change from the previous version of S4.3 and was thought to be a reasonable means of preventing retractors from being inconveniently sensitive. The NHTSA does not find sufficient cause at this time to alter its conclusion concerning the most appropriate minimum level and is therefore retaining the minimum level of 0.3g.

A second issue raised by Mercedes Benz concerns the treatment under section S4.3(j) of a retractor having both vehicle sensitive and webbing sensitive features. It has been the NHTSA's position that with respect to the maximum permissible locking level, a dual-action retractor would conform if it met either of the applicable requirements. Thus, a dual-action retractor whose webbing-sensitive mechanism locks within 1 inch at an acceleration of 0.7g will conform, even though its vehicle-sensitive mechanism is not capable of locking at its required level. With respect to the minimum locking level, however, different considerations apply. The agency's intent in providing a minimum level below which the retractor must not lock is to enhance the convenience of the system. The webbing-sensitive mechanism that locks below 0.3g would be no less inconvenient if coupled with a vehicle sensitive mechanism than it would be if used by itself. The agency has therefore concluded that a dual-action retractor may conform to the maximum locking acceleration level of 0.7g (S4.3(j)(1)) with either mechanism, but that it must conform to both minimum locking level requirements (S4.3(j)(2) and (3)).

The tilt angle of 17° proposed as the minimum locking level for vehicle sensitive retractors was stated by several comments to be too high. Although there was general agreement as to the advisability of using a tilt test rather than an acceleration test, lower tilt angles were suggested, ranging downward to 11°. After considering the comments, the NHTSA has concluded that a moderate downward revision to 15° will prevent retractor lockup in normal road operation and has adopted that angle in S4.3(j)(3). The suggestion by Ford and American Motors that the "retractor drum's central axis" may be difficult to determine in complicated mechanisms has been found to have merit and the requirement as adopted refers to the orientation at which the retractor is installed in the vehicle.

The proposed revisions to the minimum retraction force requirements for retractors attached to upper torso restraints encountered several objections, the principal one being that no one was certain about the meaning of the proposed requirement that the retractor should "retract the webbing fully." The quoted language had been proposed in response to a petition by General Motors requesting amendment of the requirement that the retractor exert a retractive force of not less than 0.45 pound. The GM petition had requested a force of 0.2 pound, but the agency's initial intent, as reflected in the notice, was to grant a potentially greater relief by deleting reference to a specific minimum force. It appears from the confusion in the comments that a contrary result might be produced in some cases, and the agency has therefore concluded that a simple reduction in the force level to the level requested by GM is the least complicated and most readily enforceable means of lowering the minimum force level. The suggestion by Ford, that the ability to retract is implicit in the definition of retractor and that no minimum force level is required, has some merit, but the agency prefers to retain a measurable minimum level.

There were several questions of interpretation concerning the point at which the retraction force is to be measured. The test procedures of S5.2 provide that the webbing is to be fully extended, passing over any hardware or other material specified for use with the webbing, and that it is then to be retracted and the retraction force measured as the lowest force within plus or minus 2 inches of 75 percent extension. The procedure is intended to measure the ability of the retractor to retract the webbing as installed in the vehicle, and the point of measurement most consistent with this intent is the most distant point of the webbing from the retractor. The NHTSA intends to conduct its measurements in this fashion.

The proposed amendment to S5.2 that would amend the test procedures to reflect the limitation of the 0.3g acceleration level to webbing-sensitive retractors was not objected to and is adopted as proposed.

In consideration of the foregoing, S4.2(a), S4.3(j), and S5.2(j) of Motor Vehicle Safety Standard No. 209, 49 CFR 571.209, are amended as follows:

1. S4.2(a) is amended to read:

§ 571.209 Standard No. 209; seatbelt assemblies.

• • • • •

S4.2 Requirements for webbing.

(a) *Width.*—The width of the webbing in a seatbelt assembly shall be not less than the following when measured under the conditions prescribed in S5.1(a):

(1) Type 1 and Type 2 assemblies—1.8 inches, except for portions that do not touch a 95th percentile adult male with the seat in any adjustment position and the seat back in the manufacturer's nominal design riding position.

(2) Type 3 seatbelt assembly—0.9 inch.

2. S4.3(j) is amended to read:

S4.3 Requirements for hardware.

• • • • •

(j) *Emergency-locking retractor.*—An emergency-locking retractor of a Type 1 or Type 2 seatbelt assembly, when tested in accordance with the procedures specified in paragraph S5.2(j)—

(1) Shall lock before the webbing extends 1 inch when the retractor is subjected to an acceleration of 0.7g;

(2) Shall not lock, if the retractor is sensitive to webbing withdrawal, before the webbing extends 2 inches when the retractor is subjected to an acceleration of 0.3g or less;

(3) Shall not lock, if the retractor is sensitive to vehicle acceleration, when the retractor is rotated in any direction to any angle of 15° or less from its orientation in the vehicle;

(4) Shall exert a retractive force of at least 1.5 pounds under zero acceleration when attached only to the pelvic restraint;

(5) Shall exert a retractive force of not less than 0.2 pound and not more than 1.1 pounds under zero acceleration when attached only to an upper torso restraint;

(6) Shall exert a retractive force of not less than 0.2 pound and not more than 1.5 pounds under zero acceleration when attached to a strap or webbing that restrains both the upper torso and the pelvis.

3. The fourth sentence of S5.2(j) is amended to read:

S5.2 Hardware.

• • • • •

(j) • • • A retractor that is sensitive to webbing withdrawal shall be subjected to an acceleration of 0.3g within a period of 50 ms. while the webbing is at 75 percent extension, to determine compliance with S4.3(j)(2).

The NHTSA finds it desirable to allow manufacturers to produce seatbelt assemblies under the requirements as hereby amended (which generally are relaxed relative to previous requirements) prior to the effective date of the next phase of Standard No. 208 (49 CFR 571.208). It is therefore found for good cause shown that the amendments contained herein shall become effective on August 28, 1973.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407) delegation of authority at 49 CFR 1.51)

Issued on August 23, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc.73-18209 Filed 8-27-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

PART 33—SPORT FISHING

Upper Mississippi River Wild Life and Fish Refuge, Illinois and Certain Other States

The following special regulations are issued and are effective on August 28, 1973.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The public hunting of migratory game birds on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin is permitted on the areas designated by signs as "open" to hunting. Hunting of migratory game birds is NOT permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres are delineated on maps available at the refuge headquarters, Winona, Minnesota 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be subject to the following conditions:

(1) The hunting of migratory game birds shall be in accordance with all applicable State and Federal regulations and seasons which are adopted herein and made a part of this regulation.

(2) No person shall hunt migratory game birds on the Upper Mississippi River Wild Life and Fish Refuge during any period that person's migratory game bird hunting privileges are suspended or under revocation in any state or Canadian province for game law infractions.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas

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generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until June 30, 1974.

§ 32.22 Special regulations, upland game, for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The public hunting of upland game birds, upland game animals, and raccoon, groundhogs, foxes, and crows on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin is permitted on the areas designated by signs as "open" to hunting. Restricted hunting of these species is also permitted on the areas designated by signs as "closed" to hunting, except that the Goose Island Closed Area in Pool 8 is closed at all times to hunting and the discharge of guns is prohibited thereon. The "open" areas comprising 153,000 acres, and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minnesota 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be subject to the following special conditions:

(1) Hunting on designated "open" areas concurrent with applicable State seasons is permitted, but only during the period from the first day of the earliest fall State GAME bird or GAME animal season applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(2) Except for the Goose Island Closed Area which is closed to hunting at all times, hunting on designated "closed" areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(3) The hunting of upland game birds, upland game animals, and raccoon, groundhogs, fox, and crows shall be in accordance with all applicable state regulations which are adopted herein and make a part of this regulation.

(4) No person shall hunt upland game birds or animals on the Upper Mississippi River Wild Life and Fish Refuge during any period that person's small game hunting privileges are suspended or under revocation in any state or Canadian province for game law infractions.

(5) Except with permission in writing obtained from the Refuge Manager, the discharge of guns of all types is prohibited on all lands and waters of the Upper Mississippi River Wild Life and Fish Refuge during the period from March 1 until the first day of the earliest fall state game bird or game animal season applicable to the geographic area concerned.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until June 30, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS, IOWA MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The public hunting of deer on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin is permitted on the areas designated by signs as "open" to hunting. Restricted hunting of deer is also permitted on the areas designated by signs as "closed" to hunting, except that the Goose Island Closed Area in Pool 8 is closed to all hunting at all times. The "open" areas comprising 153,000 acres, and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minnesota 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be subject to the following conditions:

(1) Bow and gun deer hunting on designated "open" areas is permitted concurrent with applicable State seasons.

(2) Except for the Goose Island Closed Area which is closed to hunting at all times, bow and gun deer hunting on designated "closed" areas concurrent with applicable State seasons is permitted, but only during the period from the first day AFTER the close of the last hunting season for DUCKS applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(3) The hunting of white-tailed deer shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

(4) No person shall hunt deer on the Upper Mississippi River Wild Life and Fish Refuge during any period that person's big game hunting privileges are suspended or under revocation in any state or Canadian province for game law infractions.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until June 30, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Sport fishing, commercial fishing, and the taking of frogs, turtles, crayfish, and clams on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on all water areas of the refuge. The refuge water areas comprising 125,000 acres are delineated on maps available at the refuge headquarters, Winona, Minnesota 55987, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. All fishing is subject to the following conditions:

(1) Unless further restrictions are imposed by this regulation, all fish, frogs, turtles, crayfish, and clams shall be taken in accordance with all applicable state regulations and seasons which are adopted herein and made a part hereof.

(2) All sport and commercial fishing and all travel by boat or any other means across, through, or on the Spring Lake Closed Area of the Upper Mississippi River Wild Life and Fish Refuge in Carroll Co., Illinois is prohibited from October 1 through December 20.

(3) All persons, including their helpers, exercising the privilege of commercial fishing on the Spring Lake Closed Area must possess a valid commercial fishing permit issued by the Refuge Manager authorizing such commercial fishing, and must comply with all conditions as prescribed by the Refuge Manager which are set forth in the permit.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective until June 30, 1974.

Dated August 20, 1973.

CHARLES A. HUGHLETT,
Acting Regional Director.

[FR Doc.73-18169 Filed 8-27-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 771—EMPLOYEE GRIEVANCES AND ADMINISTRATIVE APPEALS

Employee Grievances

Subpart C is amended by revising § 771.302(a) to clarify the coverage of agency grievance systems.

§ 771.302 Grievance Coverage.

(a) Except as provided in paragraphs (b) and (c) of this section, this subpart applies to any matter of concern or dissatisfaction to an employee which is subject to the control of agency management or any matter in which an employee alleges that coercion, reprisal, or retaliation has been practiced against him.

• • • • • •

(5 U.S.C. sec. 3301, 3302)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18225 Filed 8-27-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE IV REGULATIONS

Miscellaneous Amendments Relating to the Food Industry

The purpose of the amendments set forth below is to provide specific rules with respect to the prenotification and reporting of pay adjustments involving low wage employees in the food industry. In addition, an amendment to § 130.58a (a)(3) prescribes that all submissions to the Council relating to pay adjustments affecting employees in the food industry are to be sent to P.O. Box 6185, Washington, D.C. 20044 rather than the former P.O. Box 19100, Washington, D.C. 20508.

In the case of appropriate employee units containing low wage employees, new paragraph (h) of § 130.58a requires that a prenotification or report on the Council's Form PB–3 or Form PB–3A (optional for units containing fewer than 1,000 employees), must include a base compensation rate computed on the basis of wages and salaries actually in effect on the base date and all increases in such rate actually put into effect or proposed to be put into effect for all employees in the unit. This necessarily includes those employees who earn $3.50 or less on the base date. In addition, the prenotification or report is required to include another Form PB–3 or PB–3A, as appropriate, covering separately the base compensation rate and increases thereon for those employees in the unit earning on the base date a straight-time hourly rate of $3.50 per hour or more.

A conforming change is also made to § 130.36(d).

Because the purpose of the publication of these amendments is to provide immediate guidance as to Cost of Living Council decisions, the Council finds that publication in accordance with normal rulemaking procedures is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit comments regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

In consideration of the foregoing, Part 130 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective August 28, 1973.

Issued in Washington, D.C. on August 24, 1973.

WILLIAM N. WALKER,
Acting Deputy Director, Cost of Living Council.

Paragraph 1. In § 130.36, paragraph (d)(2) is revised and paragraph (d)(3) is added. The revised and added provisions read as follows:

§ 130.36 Low wage employees.

• • • • • •

(d) *Employees earning more than $3.50.* • • •

(2) *Food industry.*—For rules with respect to pay adjustments affecting employees in the food industry see § 130.58 a(h).

(3) *Health services industry.*—The Tripartite Health Industry Wage and Salary Committee shall develop one or more methods for reporting and evaluating wage and salary increases paid to employees who are paid straight-time hourly rates in excess of $3.50 and who are members of an appropriate employee unit in which low wage employees are paid wage or salary increases which are exempt under the provisions of paragraph (b) of this section.

• • • • • •

Par. 2. In § 130.58a, the introductory material in paragraph (a)(3) is revised and a new paragraph (h) is added. The revised and added provisions read as follows:

§ 130.58a Prenotification and reporting requirements for pay adjustments made after 9 p.m., e.s.t., March 29, 1973.

(a) *General rule.* • • •

(3) *Content of prenotification and reports.*—Prenotification and reports shall be submitted on forms prescribed by and pursuant to instructions issued by the Council. All forms must be sent to Office of Wage Stabilization, P.O. Box 6185, Washington, D.C. 20044. In addition—

• • • • • •

(h) *Low wage employees.*—If an appropriate employee unit includes an employee earning a straight-time hourly rate on the base date that is equal to or less than $3.50, and a prenotification or report is submitted with respect to such unit pursuant to the provisions of this subpart, then such prenotification or report shall include—

(1) A Form PB–3 or PB–3A (as appropriate) that covers all employees in the appropriate employee unit, and that reflects—

(i) A base compensation rate computed on the basis of wages and salaries actually in effect on the base date; and

(ii) All increases in the base compensation rate actually put into effect or proposed to be put into effect; and

(2) A Form PB–3 or PB–3A (as appropriate) that covers separately those employees whose straight-time hourly rates on the base date (determined individually) are equal to or in excess of $3.50.

[FR Doc.73-18294 Filed 8-24-73;12:57 pm]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 73-243]

PART 153—ANTIDUMPING

Stainless Steel Wire Rods From France

AUGUST 24, 1973.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that stainless steel wire rods from France are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of April 10, 1973 (38 FR 9094).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on July 24, 1973, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of imports of stainless steel wire rods from France sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of July 31, 1973 (38 FR 20382).)

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On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to stainless steel wire rods from France.

Stainless steel wire rods produced by Creusot-Loire of Paris, France, are excluded from this finding of dumping for reasons given in the sales at less than fair value determination.

Section 153.43 of the Customs regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Stainless steel wire rods, except those produced by Creusot-Loire of Paris, France.	France	73-243

(Secs. 201, 407, 42 Stat. 11, as amended, 18 (19 U.S.C. 160, 173))

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-18282 Filed 8-27-73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF STATE

Bureau of Security and Consular Affairs

[22 CFR Part 42]

[Docket No. SD—103]

DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Notice of Proposed Rulemaking

In view of questions raised by the decision of July 5, 1973, in the case of Hou Ching Chow v. The Attorney General (Civil Action 2418–72, United States District Court for the District of Columbia) concerning the validity of the revocation of § 42.91(a)(14)(ii)(*f*) of Title 22, Code of Federal Regulations, on July 22, 1972, (37 FR 14693), notice is hereby given of the proposed issuance of the following rule pertaining to the bases upon which an alien seeking to immigrate to the United States may satisfy the requirements of section 212(a)(14) of the Immigration and Nationality Act, as amended, by establishing that he does not seek to enter the United States for the purpose of performing skilled or unskilled services of labor.

This notice is given solely for the purpose of removing any question of the validity of the action taken on July 22, 1972, and is without prejudice to this Department's position with respect to the applicability of section 553(a)(1) of Title 5 of the United States Code (80 Stat. 383) to the publication of rules pertaining to Parts 41, 42, or 46 of Title 22, Code of Federal Regulations.

Interested persons may submit to the Administrator of the Bureau of Security and Consular Affairs, Room 6811, Department of State, Washington, D.C., 20520, written data, views, or arguments, in duplicate, relative to this proposed rule. Submission of such material may not be made orally. All relevant material received on or before September 18, 1973 will be considered.

Section 42.91(a)(14)(ii)(*f*) of Title 22 Code of Federal Regulations Part 42, as it read prior to July 22, 1972, is revoked.

Dated August 23, 1973.

For the Secretary of State.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs, Department of State.

[FR Doc.73-18189 Filed 8-27-73;8:45 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Parts 202, 203, and 214]

AMENDMENT OF DEPOSITARY CONTRACT PROVISIONS

Notice of Proposed Rule Making

Notice is hereby given that the Department of the Treasury proposes to revise the depositary contract provisions in 31 CFR Parts 202 and 203 in order to implement the provisions of Public Law 92–540, 38 U.S.C. 2012, Executive Order 11701 of January 24, 1973, 38 FR 2675, and the Labor Department regulations published January 31, 1973, 38 FR 2968. Under the provisions cited there is to be included in every contract for $2,500 or more for nonpersonal services a provision that the contractor, in order to provide special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era, list at an appropriate local office of the state employment service system all suitable employment openings.

The Department of the Treasury is also proposing to utilize this amendatory action to amend the depositary contract provisions in 31 CFR Parts 202, 203 and 214 to include specific reference to the amendment of the Equal Employment Opportunity Executive Order 11246 by Executive Order 11375, October 13, 1967, 32 FR 14303, which prohibits discrimination in employment on grounds of sex.

The specific amendments proposed to be made in 31 CFR are as follows:

PART 202—DEPOSITARIES AND FINANCIAL AGENTS OF THE GOVERNMENT

I. Section 202.4 is amended by revising the final sentence to read:

§ 202.4 Contract of deposit.

* * * * *

The terms of the contract include all the provisions of this part and the provisions prescribed in section 202 of Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and the provisions of the Department of Labor regulations for the promotion of employment of disabled and Vietnam era veterans, 41 CFR Part 50–250, except that depositaries which notify the Department of the Treasury that the gross annual earning value on their Federal deposits is less than $2,500 are exempt from the application of the Department of Labor regulations.

PART 203—SPECIAL DEPOSITARIES OF PUBLIC MONEY

II. Section 203.4 is amended by revising the final sentence to read:

§ 203.4 Contract of deposit.

* * * * *

The terms of the contract include all the provisions of this part and the provisions prescribed in section 202 of Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and the provisions of the Department of Labor regulations for the promotion of employment of disabled and Vietnam era veterans, 41 CFR Part 50–250, except that depositaries which notify the Department of the Treasury that the gross annual earning value on their Federal deposits is less than $2,500 are exempt from the application of the Department of Labor regulations.

PART 214—DEPOSITARIES FOR FEDERAL TAXES

III. Section 214.5(c) is amended to read:

§ 214.5 Qualification.

* * * * *

(c) *Agreement.*—Receipt by a depositary of notice of approval of its application by the Federal Reserve Bank completes the depositary's qualification and creates an agreement between it and the Treasury Department under which the depositary agrees to be bound by all the terms and provisions of this part and the provisions prescribed in section 202 of Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375.

IV. § 214.5(d) is amended by revising the final sentence to read:

§ 214.5 Qualification.

* * * * *

(d) *Existing agreements.*

* * * * *

A depositary which accepts a deposit of Federal taxes under an existing agreement thereby agrees to be bound by all the terms and provisions of this part and the provisions prescribed in section 202 of Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375.

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Interested persons are invited to submit written comments, suggestions or objections regarding the aforesaid revisions and amendments to the Fiscal Service, Department of the Treasury, Washington, D.C. 20226, on or before September 27, 1973. In accordance with 31 CFR 1.4(b), 36 FR 13835, comments submitted in response to this notice of proposed rule making are available to the public upon request therefor unless confidential status of the submission has been requested and approved.

Dated August 22, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.73-18162 Filed 8-27-73;8:45 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 212]

LABOR CERTIFICATION EXEMPTION

Notice of Proposed Rule Making

In view of the questions raised by the decision of July 5, 1973 in the case of Hou Ching Chow v. The Attorney General (Civil Action No. 2418–72, United States District Court for the District of Columbia), concerning the validity of the deletion of § 212.8(b) (5) of Title 8, Code of Federal Regulations, on August 2, 1972 (37 FR 15419), pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rule pertaining to the bases upon which an alien seeking to immigrate to the United States may satisfy the requirements of section 212(a) (14) of the Immigration and Nationality Act, as amended, by establishing that he does not seek to enter the United States for the purpose of performing skilled or unskilled services or labor. The proposed amendment deletes the exemption for certain students from the labor certification requirement as it read prior to August 2, 1972.

This notice is published solely for the purpose of removing any question of the validity of the action taken on August 2, 1972, and is without prejudice with respect to the applicability of section 553 (a) (1) of Title 5 of the United States Code (80 Stat. 383) to the publication of that rule or any other rules, conforming to regulations of the Department of State, adopted for the purpose of securing uniform interpretations of the law in accordance with section 104(e) of the Immigration and Nationality Act.

In accordance with section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Acting Commissioner of Immigration and Naturalization, Room 757, 119 D Street, NE, Washington, D.C. 20536, written data, views, or arguments, in duplicate, relative to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received on or before September 18, 1973, will be considered.

In § 212.8 *Certification requirement of section 212(a) (14)*, paragraph (b) *Aliens not required to obtain labor certifications* is amended by deleting therefrom item (5) as it read immediately prior to August 2, 1972.

(Sec. 103, 66 Stat. 173; (8 U.S.C. 1103))

Dated August 23, 1973.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.73-18190 Filed 8-27-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO—AREA NO. 2

Notice of Proposed Handling Regulation

This proposal, designed to promote orderly marketing of Colorado Area No. 2 potatoes, would impose minimum quality standards and would require inspection of fresh shipments to keep undesirable, low quality potatoes from being shipped to consumers.

Consideration is being given to issuing a handling regulation which was recommended by the Colorado Area No. 2 Committee. It is established under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948). This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1973 crop in Area No. 2 and of the marketing prospects for this season. Shipments are expected to be in significant volume by mid-September so the regulation should become effective by that period. The grade, size, and maturity requirements provided herein are necessary to prevent potatoes of lesser maturities, undesirable sizes, or low quality from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments may be made to certain special purpose outlets without regard to the grade, size, maturity, and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Seed is so exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed are likewise exempt. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in four copies, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than September 4, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 948.370 Handling regulation.

During the period September 17, 1973, through June 30, 1974, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d), (e), or (f) of this section. The maturity requirements specified in paragraph (b) shall terminate October 31, 1973, at 11:59 p.m. m.s.t.

(a) *Minimum grade and size requirements.* (1) *Round varieties.*—U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.*—U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1, or better, grade.

(b) *Maturity (skinning) requirements.* (1) *Russet Burbank and Red McClure varieties.*—For U.S. No. 2 grade not more than "moderately skinned" and for other grades not more than "slightly skinned."

(2) *All other varieties.*—Not more than "moderately skinned."

(c) *Inspection.*—(1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.*—(1) The grade, size, maturity, and inspection requirements of paragraphs (a), (b), and (c) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Relief or charity; or

(iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of seed pursuant to § 948.6 but such shipments shall be subject to assessments.

(e) *Safeguards.*—Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (d) for any of the special purposes set forth therein shall,

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee.

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Minimum quantity.*—For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a), (b) and (c) of this section, but this exception shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(g) *Definitions.*—The terms "U.S. No. 1," "U.S. No. 2," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1566 of this title, effective September 1, 1971, as amended), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not contsitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicablity to imports.*—Pursuant to section 8e of the act and § 980.1, *Import regulations* (7 CFR 980.1), Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States during the period September 17, 1973, through June 30, 1974, shall meet the grade, size, and quality requirements specified in paragraph (a) of this section, and during the period September 17, 1973, through October 31, 1973, shall be not more than "moderately skinned."

Dated August 22, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-18178 Filed 8-27-73;8:45 am]

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Proposed Expenses of the Control Board and Rate of Assessment for the 1973–74 Crop Year

Notice is given of proposed expenses of the Almond Control Board, and rate of assessment, for the 1973–74 crop year. The proposal is pursuant to §§ 981.80 and 981.81 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981). The amended marketing agreement and order regulate the handling of almonds grown in California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is based on the unanimous recommendation of the Almond Control Board. Proposed expenses of the Board for the 1973–74 marketing year, beginning July 1, 1973, total $1,945,481. The proposed rate of assessment is 1.250 cent per pound of almonds (kernel weight basis).

All persons who desire to submit written data, views, or arguments on this proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, to be received not later than September 7, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 981.323 Expenses of the Control Board and rate of assessment for the 1973–74 crop year.

(a) *Expenses.*—Expenses in the amount of $1,945,481 are reasonable and likely to be incurred by the Control Board during the crop year beginning July 1, 1973, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said crop year, payable by each handler in accordance with § 981.81, less any amount credited pursuant to § 981.41 but not to exceed 1 cent per pound of almonds (kernel weight basis), is fixed at 1.250 cent per pound of almonds (kernal weight basis).

Dated August 22, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc.73-18179 Filed 8-27-73;8:45 am]

[7 CFR Parts 1050, 1063]

[Docket Nos. AO–355–A14, AO–105–A37]

MILK IN THE CENTRAL ILLINOIS AND QUAD CITIES-DUBUQUE MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice is hereby given of a public hearing to be held at the Holiday Inn, Airport Junction Highways 150, 6, 92, and I–280, Moline, Illinois 61265, beginning at 10:00 a.m., local time, on September 5, 1973, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Central Illinois and Quad Cities-Dubuque marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in each of the aforesaid specified marketing areas which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12(d)) with respect to any or all of the proposals.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY MISSISSIPPI VALLEY MILK PRODUCERS ASSOCIATION, INC.

PROPOSALS TO AMEND THE CENTRAL ILLINOIS ORDER

Proposal No. 1.

In § 1050.61, amend paragraph (a) to read as follows:

§ 1050.61 Plants subject to other Federal orders.

* * * * *

(a) A distributing plant qualified pursuant to § 1050.12(a) which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as Class I in the marketing area regulated by the other order than as Class I in the Central Illinois marketing area: *Provided*, That such a distributing plant which was a pool plant under this

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order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such Class I disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this paragraph;

• • • • •

PROPOSALS TO AMEND THE QUAD CITIES-DUBUQUE ORDER

Proposal No. 2.

Revise § 1063.10(a) (1) and (2) to read as follows:

§ 1063.10 Pool plant.

• • • • •

(a) • • •

(1) The volume of Class I packaged fluid milk products, except filled milk, disposed of during the month either on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets or moved to other plants, less receipts of packaged fluid milk products other than filled milk from other pool distributing plants, is not less than (a) 45 percent during each of the months of September through January and (b) 40 percent during each other month, of the total Grade A fluid milk products, except filled milk, received at such plant, exclusive of receipts of packaged fluid milk products from other order plants which are assigned pursuant to § 1063.46(a)(4)(ii) and the corresponding step of § 1063.46(b); and

(2) Not less than 15 percent of net receipts specified in subparagraph (1) of this paragraph, is so disposed of in the marketing area on routes: *Provided*, That a handler who has disposed of not less than 15 percent of such receipts during each of the preceding months of September through January shall continue to be a pool plant if not less than 10 percent of such receipts are disposed of in the marketing area.

• • • • •

Proposal No. 3

Revise § 1063.14 to read as follows:

§ 1063.14 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer, except that milk received by diversion from other order plants which are assigned pursuant to § 1063.46(a)(4)(ii) and the corresponding step of § 1063.46(b). Milk normally received from a dairy farmer at a pool plant which is diverted from such pool plant by the operator of the plant or a cooperative association handler pursuant to § 1063.12(c) to a nonpool plant that is not an other order plant or to a nonpool plant that is an other order plant if diverted as Class II milk shall also be producer milk and shall be deemed to have been received by the diverting handler at the plant from which diverted, except that milk diverted from a plant located in the Central Illinois marketing areas as defined in Part 1050 shall be priced at the location of the plant to which diverted: *Provided*, That in any of the months of September through January milk diverted from the farm of a producer on more than the number of days that milk was delivered to a pool plant from such farm during the month shall not be deemed to have been received by the diverting handlers.

• • • • •

Proposal No. 4.

Add a new subparagraph (4) to § 1063.52(a) as follows:

§ 1063.52 Location adjustments to handlers.

(a) • • •

(4) At a plant located in that territory beyond 70 miles from the nearer of the City Hall, Rock Island, Illinois, or the Post Office, West Liberty, Iowa, and South of U.S. Highway No. 80, or within the Central Illinois marketing area as specified in Part 1050, add any amount by which the price specified in § 1063.50(b) is exceeded by the applicable Class I price at the same location pursuant to Part 1050 regulating the handling of milk in the Central Illinois marketing area,

• • • • •

Notice of Hearing—Central Illinois and Quad Cities-Dubuque

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

Proposal No. 5

Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrators Fred L. Shipley, P.O. Box 1485, Maryland Heights, Missouri 63043, John B. Rosenbury, 909 Sixth Street NW., Rochester, Minnesota 55901, or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on August 22, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-18177 Filed 8-27-73;8:45 am]

[7 CFR Part 981]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

Notice of Proposed Salable and Reserve Percentages for the 1973-74 Crop Year

Notice is given of proposed salable and reserve percentages of 100 and 0 percent, respectively, for California almonds, for the 1973-74 crop year, which began July 1, 1973. The proposal is in accordance with the provisions of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was unanimously recommended by the Almond Control Board. No export percentage for reserve almonds was recommended by the Board, because of its recommendation for a reserve percentage of 0 percent.

All persons who desire to file written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, to be received not later than September 10, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

In determining the percentages, the Board considered the following estimates (kernel weight basis) for the crop year beginning July 1, 1973;

(1) Production of 155 million pounds;
(2) Trade demand for domestic almonds of 75 million pounds;
(3) Handler carryover of 16 million pounds on July 1, 1973;
(4) Desirable handler carryover of 21 million pounds on June 30, 1974;
(5) Trade demand and desirable handler carryover requirements for 1973 crop almonds of 80 million pounds (item 2 plus 4 minus 3); and
(6) Export requirements of 75.0 million pounds.

In arriving at its recommendation, the Board also took into consideration the strong world demand for almonds and the estimated shortage in available world supplies to meet this demand. Because of this supply and demand situation, demand for California almonds in all markets is very strong, and buyers are actively bidding for California almonds. The Board concluded that handlers may therefore experience difficulty in meeting the needs of all their customers. In order to provide handlers maximum flexibility in disposition of their tonnage, the Board recommended that the percentages for the 1973-74 crop year be established at 100 percent salable and 0 percent reserve.

In view of these circumstances, it is likely that the estimated season average price to producers for 1973 crop almonds will exceed parity. Trade information indicates that much of the 1973 crop has been sold in advance at f.o.b. California prices which would return to growers prices well in excess of the parity level.

The proposal is as follows:

§ 981.223 Salable and reserve percentages for almonds during the crop year beginning July 1, 1973.

The salable and reserve percentages during the crop year beginning July 1, 1973, shall be 100 and 0 percent, respectively.

Dated August 22, 1973.

CHARLES R. BRADER,
Acting Deputy Director,
Fruit and Vegetable Division.

[FR Doc.73-18236 Filed 8-27-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

EXPOSURE OF EMPLOYEES TO ORGANOPHOSPHOROUS PESTICIDES

Consideration of EPA Hearings

On June 29, 1973, the Occupational Safety and Health Administration (OSHA) published a notice of proposed rulemaking concerning exposure to organophosphorous pesticides (38 FR 17245-46). The notice invited interested persons to submit written comments and present oral testimony at hearings in four different cities. On July 31, 1973, the Environmental Protection Agency (EPA) also published a notice of hearings on pesticides (38 FR 20362-65) which schedules hearings in seven different cities and includes, among others, the same issues as those noted in the OSHA proposal. The notice refers to the OSHA June 29 notice of proposed rulemaking and announces the intention of EPA to base its action on the combined record of both agencies.

This document supplements the OSHA June 29 notice of proposed rulemaking by giving notice that OSHA will also consider, in connection with its rulemaking, the record of the EPA hearings which are scheduled in the EPA notice of July 31, 1973.

It is desirable to consider the records of both the OSHA and the EPA hearings for three reasons: (1) It will provide more relevant information upon which to base a decision; (2) it will minimize the possibility of reaching conflicting conclusions; and, above all, (3) it will afford more persons interested in the regulation of pesticides a greater opportunity to participate in the OSHA rulemaking proceeding through an appearance at any one of the hearings scheduled by OSHA or EPA.

Signed at Washington, D.C., this 22nd day of August, 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-18200 Filed 8-27-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 1820]

EXECUTION AND FILING OF FORMS

Place for Filing—Alaska

The purpose of this amendment is to make the boundaries of the Bureau of Land Management land districts in Alaska identical with the BLM's administrative districts. The administrative boundaries conform to natural topographic features which influence the travel and trade patterns of Alaskans. The administrative boundaries have been found to correspond closer to these patterns than the land district boundaries. The change will therefore better serve the convenience of the Alaskan public as well as promote administrative efficiency.

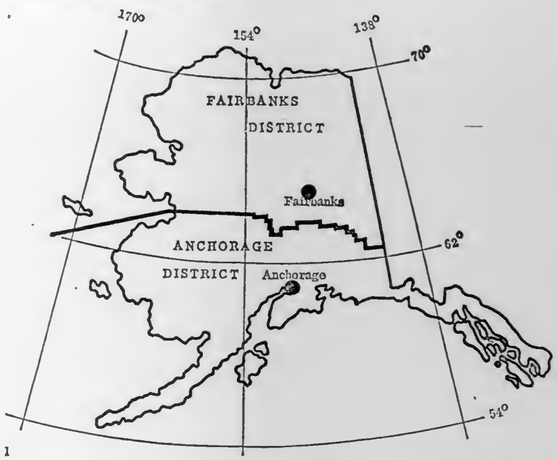
In accordance with the Department's policy on public participation in rulemaking (36 FR 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240, until September 25, 1973.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.-4:15 p.m.)

Section 1821.2-1 would be amended by inserting a revised map of the Alaska Land District boundaries in paragraph (d).

§ 1821.2-1 Office hours of land offices; place for filing.

(d) • • •



Footnote 1

August 21, 1973.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.73-18054 Filed 8-27-73;8:45 am]

Fish and Wildlife Service

[50 CFR Part 18]

MARINE MAMMALS

Extension of Comment Period

This notice extends the period for comments on the notice published August 16, 1973, (38 FR 22143) proposing amendments to 50 CFR Part 18, Marine Mammals.

This extension of the period for comments is made to coincide with that established by the Department of Commerce (NOAA) in their proposed amendments to 50 CFR Part 216 which relate to those marine mammals under their jurisdiction, also published on August 16, 1973 (38 FR 22133).

Accordingly, the period for receiving comments with respect to the notice of proposed rulemaking to amend 50 CFR Part 18, published on August 16, 1973, is extended from September 24 to October 1, 1973.

CHARLES M. LOVELESS,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1973.

[FR Doc.73-18203 Filed 8-27-73;8:45 am]

[50 CFR Part 19]

AIRBORNE HUNTING

Notice of Proposed Rulemaking

Notice is given that the Fish and Wildlife Service proposes to amend its regulations by adding a new Part 19—Airborne Hunting to subchapter B of Chapter 1 of 50 CFR. These regulations would implement the Fish and Wildlife Act of 1956 as amended by Pub. L. 92-159 and Pub. L. 92-502. A new Part 19 is proposed as follows:

PART 19—AIRBORNE HUNTING

Subpart A—Introduction

Sec.
19.1 Purpose of regulations.
19.2 Scope of regulations.
19.3 Conflict with other laws.
19.4 Definitions.

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Subpart B—Prohibitions

19.11 General prohibition.
19.12 Exceptions to general prohibition.

Subpart C—Federal Permits

19.21 Limitation on Federal permits.

Subpart D—State Permits and Annual Report Requirements

19.31 State permits.
19.32 Annual reporting requirements.

AUTHORITY. Fish and Wildlife Act of 1956, 85 Stat. 480, as amended, 86 Stat. 905.

Subpart A—Introduction

§ 19.1 Purpose of regulations.

The regulations contained in this part provide rules for the shooting or harassing of wildlife from any aircraft, provide the requirements for the contents and filing of annual reports by the States regarding permits issued for such shooting or harassing, and provide regulations necessary for effective enforcement of the Fish and Wildlife Act of 1956 as amended (16 U.S.C. 742a–j–1).

§ 19.2 Scope of regulations.

The regulations contained in this part apply to all persons within the territorial jurisdiction of the United States, to all United States citizens whether within the territorial jurisdiction of the United States or on the high seas or on board aircraft in flight over the high seas, and to all persons on board aircraft belonging in whole or in part to any United States citizen, firm, or partnership, or corporation created by or under the laws of the United States, or any State, territory or possession thereof.

§ 19.3 Conflict with other laws.

Nothing in this part nor in the terms of any permit shall be construed to authorize any person to shoot or shoot at from an aircraft or use an aircraft to harass any bald or golden eagle, polar bear, sea otter, manatee, walrus, or migratory bird, except that persons acting under a Federal permit to scare or herd migratory birds issued pursuant to § 12.41 of this subchapter, may use aircraft if authorized in the permit.

§ 19.4 Definitions.

For the purposes of this part:

Harass means to disturb, worry, molest, rally, concentrate, harry, chase, drive, herd or torment.

Subpart B—Prohibitions

§ 19.11 General prohibition.

(a) Except as otherwise authorized by the Fish and Wildlife Act of 1956 as amended, no person shall:

(1) While airborne in any aircraft shoot or attempt to shoot for the purpose of capturing or killing any wildlife;

(2) Use an aircraft to harass any wildlife; or

(3) Knowingly participate in using an aircraft whether in the aircraft or on the ground for any purpose referred to in paragraphs (1) or (2);

(b) The acts prohibited in this section include, but are not limited to, any person who—

(1) Pilots or assists in the operation of an aircraft from which another person shoots or shoots at wildlife while airborne, or

(2) While on the ground takes or attempts to take any wildlife by means, aid, or use of an aircraft.

§ 19.12 Exceptions to general prohibitions.

The prohibitions of the preceding section shall not apply to any person who—

(1) Is acting within the scope of his official duties as an employee or authorized agent of a State or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life or crops; or

(2) Is acting within the limitations of a permit issued pursuant to §§ 19.21 or 19.31 of this part.

Subpart C—Federal Permits

§ 19.21 Limitation on Federal permits.

No Federal permits will be issued to authorize any individual to hunt, shoot, or harass any wildlife from an aircraft, except that Federal permits to scare or herd migratory birds issued pursuant to § 21.41 of this subchapter may authorize such activities.

Subpart D—State Permits and Annual Report Requirements

§ 19.31 State permits.

(a) Except as provided in § 19.3, States may issue permits to individuals to engage in airborne hunting or harassing of wildlife for purposes of administering or protecting land, water, wildlife, livestock, domestic animals, human life or crops. States may not issue permits for the purpose of sport hunting.

(b) Upon issuance of a permit by a State to an individual pursuant to this section, the issuing authority will provide immediate notification to the Special Agent in Charge having jurisdiction according to § 10.22.

§ 19.32 Annual reporting requirements.

(a) Any State issuing permits to individuals to engage in airborne hunting or harassing of wildlife or whose employees or agents participate in airborne hunting or harassing of wildlife for purposes of administering or protecting land, water, wildlife, livestock, domestic animals, human life or crops shall file with the Director, an annual report on or before July 1 for the preceding calendar year ending December 31.

(b) The annual report required by this section shall contain the following information as to each such permit issued:

(1) The name and address of each person to whom a permit was issued.

(2) Permit number and inclusive dates during which permit was valid.

(3) The aircraft number of the aircraft used and the location where such aircraft was based.

(4) Common name and number of the wildlife for which authorization to take was given and a description of the area from which the wildlife were authorized to be taken.

(5) The purpose for which the permit was issued, specifically identifying whether the permit was issued to protect land, water, wildlife, livestock, domestic animals, crops, or human life.

(6) The common name and number of wildlife taken by permittees and State employees or agents.

(c) A compilation of all annual reports required by this section shall be made by the Director and furnished to any State filing such annual report.

Interested persons are invited to submit written comments, suggestions, or objections concerning this proposed new Part 19—Airborne Hunting, to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240. Comments received by October 19, 1973, will be considered.

CHARLES M. LOVELESS,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1973.

[FR Doc.73–18202 Filed 8–27–73;8:45 am]

National Park Service

[36 CFR Part 7]

ALCATRAZ ISLAND

Golden Gate National Recreation Area Boat Landings

Correction

In FR Doc. 73–17871 appearing on page 22633 in the issue for Thursday, August 23, 1973, the last line in the third paragraph reading "by August 23, 1973." should read "by September 24, 1973."

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 54b]

GRANTS FOR DRUG ABUSE PREVENTION, TREATMENT AND REHABILITATION

Notice of Proposed Rulemaking

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise Part 54b of Title 42, Code of Federal Regulations, currently entitled "Grants to States for Drug Abuse Prevention Functions."

Part 54b now establishes only the formula for allotting the sums appropriated under section 409 of the Drug Abuse Office and Treatment Act of 1972 (86 Stat. 80, 21 U.S.C. 1176) to the States (42 CFR 54b.102). The provisions appearing in the current Part 54b and the provisions to be added by this proposed revision which govern formula grants to States would constitute Subpart A of the revised Part 54b. This proposed revision reserves Subpart B of Part 54b for regulations governing project grants authorized by section 410 of the Drug Abuse Office and Treatment Act of 1972.

The principal purpose of the revision is to establish requirements for grants to States under section 409 of the Drug Abuse Office and Treatment Act of 1972 for: (1) The preparation of State plans for planning, establishing, conducting, and coordinating projects for the development of more effective drug abuse prevention functions in the State and for evaluating the conduct of such functions; (2) the expenses of carrying out projects under and otherwise implementing State plans approved by the Secretary and evaluating the results of such implementation; and (3) State administrative expenses for carrying out approved State plans.

Section 54b.105 of the proposed regulations establishes procedures for applying for grants for preparation of the State plan. This section provides that a State may apply for a preparation grant through the single State agency designated by the State as the sole agency for the preparation and administration of the State plan or for supervising such administration and preparation or, if such agency has not been designated, through an agency designated by the State to apply for the grant and begin preparation of the State plan pending designation of the single State agency.

As provided in § 54b.106 a State must submit to and have approved by the Secretary a State plan which meets the statutory and regulatory requirements in order to receive funds for implementing the State plan, evaluating the results of such implementation and meeting the administrative costs of carrying out the plan.

The proposed regulation also includes the uniform administrative requirements for grants-in-aid to State and local governments required by Office of Management and Budget Circular No. A–102. The Department of Health, Education, and Welfare is currently preparing a Department-wide regulation to implement the OMB requirements. Such regulation may contain deviations from the requirements of these proposed regulations. In that event, these proposed regulations will be revised to conform with the applicable provisions of the Department-wide regulation.

These proposed regulations have been developed in consultation with the Special Action Office for Drug Abuse Prevention.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision of 42 CFR Part 54b to the National Institute of Mental Health, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, on or before September 28, 1973: *Provided*, That comments are not invited with regard to § 54b.101 and paragraph (a) of § 54b.103 of the proposed regulations. These provisions are now in effect, respectively, as §§ 54b.101 and 54b.102 of the current Part 54b. These provisions are included in the notice of proposed rule making only for the sake of completeness.

Comments received will be available for public inspection at Room 17–99, Parklawn Building, between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

It is, therefore, proposed to revise Part 54b of Title 42 CFR in the manner set forth below.

Dated June 4, 1973.

HAROLD O. BUZZELL,
Administrator, Health Services and Mental Health Administration.

Approved August 20, 1973.

CASPAR W. WEINBERGER,
Secretary.

Part 54b is revised to read as follows:

PART 54b—GRANTS FOR DRUG ABUSE PREVENTION TREATMENT AND REHABILITATION

Subpart A—Grants to States for Drug Abuse Prevention Functions

Sec.
54b.101 Applicability.
54b.102 Definitions.
54b.103 Allotments.
54b.104 Transfer of allotments.
54b.105 Grants for preparation of State plans.
54b.106 State plan; submission and review.
54b.107 State plan, purpose; consistency with other plans.
54b.108 State plan; coordination.
54b.109 State plan; single State agency.
54b.110 State plan; State advisory council.
54b.111 State plan; survey of need; resource allocation plan.
54b.112 State plan; monitoring and reporting of program performance.
54b.113 State plan; administration.
54b.114 State plan; financial management systems; program income.
54b.115 Property management.
54b.116 State plan; subgrants.
54b.117 Contract procurement standards; States and subgrantees.
54b.118 Records.
54b.119 Reports.
54b.120 Assurances.
54b.121 Nondiscrimination on account of race, color, or national origin.
54b.122 Grant suspension and termination.

Subpart B [Reserved]

AUTHORITY: Sec. 409; 86 Stat. 80; (21 U.S.C. 1176).

Subpart A—Grants to States for Drug Abuse Prevention Functions

§ 54b.101 Applicability.

The regulations of this subpart apply only to grants under section 409 of the Act to assist the States in the preparation of plans for planning, establishing, conducting, and coordinating projects for the development of more effective drug abuse prevention functions in each State; in carrying out projects under and otherwise implementing such plans; in evaluating the results of such plans as implemented; and in paying the administrative expenses of carrying out such plans.

§ 54b.102 Definitions.

All terms not defined herein shall have the same meanings as given them in the Act. As used in this subpart:

(a) "Act" means the Drug Abuse Office and Treatment Act of 1972 (86 Stat. 65; 21 U.S.C. 1101 et seq.).

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority has been delegated.

(c) "State" means the 50 states, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(d) "State plan" means the plan for planning, establishing, conducting, and coordinating projects for the development of more effective drug abuse prevention functions in the State and for evaluating the conduct of such functions which contains the information, proposals, and assurances required by section 409 of the Act and the regulations of this subpart.

(e) "State agency" means the single State agency, which may be an individual agency or an interdepartmental agency, designated by the State as the sole agency for the preparation and administration of the State plan or for supervising the preparation and administration of the State plan.

(f) "Population", with respect to any State or area thereof, means the latest figures of total population certified by the United States Department of Commerce.

§ 54b.103 Allotments.

(a) *Allotments to States.*—The allotments to the several States under section 409 of the Act will be computed by the Secretary as follows:

(1) One-third weight on the basis of total population weighted by financial need, as determined by the relative per capita income for each State for the three most recent consecutive years for which data is available from the Department of Commerce.

(2) One-third weight on the basis of the need for more effective conduct of drug abuse prevention functions as measured by an estimate of chronic drug abusers in each State relative to the total number of chronic drug abusers in the United States, based upon the latest statistical data available to the Secretary.

(3) One-third weight on the basis of the relative additional need for more effective conduct of drug abuse prevention functions as measured by the relative difference between each State's percentage share of the total population of the United States and such State's percentage share of Federal funds which had been obligated for the support of drug abuse prevention functions within all the States as of October 18, 1972, as determined by the Secretary.

Example: A State which has 10 percent of the total population and which had re-

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ceived 5 percent of the total Federal funds obligated for the support of drug abuse prevention functions within all the States as of October 18, 1972, would be allotted, from the one-third of the appropriation distributed pursuant to this factor, an amount equal to twice as much as a State which has 10 percent of the total population and which had received 7½ percent of the total Federal funds obligated for such purposes as of October 18, 1972. A State which had received a percentage of such funds equal to or greater than its percentage share of the total population of the United States would be allotted zero funds under this factor.

(b) If, after determining the amount of the allotment for each State in accordance with paragraph (a) of this section, it appears that any State (with the exception of the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) would receive less than the minimum allotment prescribed by section 409(c)(1) of the Act, the Secretary shall reduce the shares of each State which would receive more than such minimum allotment by an equal percentage and reallocate such sums as required to assure that every State (other than the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) will receive at least the prescribed minimum allotment.

§ 54b.104 Transfer of allotments.

(a) *Allotments to the 50 States, the District of Columbia and the Commonwealth of Puerto Rico.*—Any amount allotted to any of the 50 States, the District of Columbia, or the Commonwealth of Puerto Rico for a fiscal year which remains unobligated at the end of such fiscal year shall remain available to such State, for the purposes for which made, for the next fiscal year and any such amount shall be in addition to the amounts allotted to such State for such next fiscal year; Provided, that any amount remaining unobligated at the end of the sixth month following the end of the fiscal year for which such amount was allotted may be reallotted by the Secretary to any other of the States having need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of the Act, if the Secretary determines that such amounts will remain unobligated at the end of the next fiscal year following the fiscal year for which such amounts were allotted. Funds thus reallotted to any of the States shall be available for the purposes for which made until the close of such next fiscal year. Any amount so reallotted shall be in addition to the amounts allotted and available for the same period.

(b) *Allotments to the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.*—Any amount allotted to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year which remains unobligated at the end of such year shall remain available for the purposes for which made for the next two fiscal years, and any such amount shall be in addition to the amounts allotted for each of such next two fiscal years; *Provided*, That any amount remaining unobligated at the close of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary to any other of the foregoing four States which has a need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of the Act, to be available until the close of the second of such next two fiscal years. Any amount so reallotted shall be in addition to the amounts allotted and available for the same period.

(c) *Reallotment determination.*—In determining whether a reallotment of funds to a particular State would be equitable and consistent with the purposes of the Act, the Secretary will consider:

(1) The extent to which the proposed recipient State has demonstrated a high incidence of drug abuse problems in its general population;

(2) The extent to which the proposed recipient State has demonstrated an urgent need for drug abuse services for a specific target population group;

(3) The extent to which the proposed recipient State is effectively implementing its State plan provisions for drug abuse services; and

(4) Such other factors as the Secretary may find to be relevant.

(d) *Reports.*—In order to assist the Secretary in making the reallotments authorized by the Act and this section each State shall, with respect to each fiscal year for which it receives an allotment, submit a report to the Secretary describing in detail how it plans to obligate funds from the allotment which have not been obligated by the date of the report and what funds, if any, it does not plan to obligate during the period in which such funds are available for obligation.

(1) Each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico shall file such report not later than the end of the sixth month following the end of the fiscal year for which the allotment was made.

(2) The Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands shall each submit such report not later than the end of the first fiscal year following the fiscal year for which the allotment was made.

§ 54b.105 Grants for preparation of State plans.

In order to receive funds from its allotment for the preparation of a State plan a State must submit an application to the Secretary in accordance with the requirements of this section.

(a) *Eligible applicants.*—An application for a grant under this section shall be submitted by the State agency or, if no State agency has been designated or established, by an agency designated and authorized by the State to apply for funds for the preparation of the State plan and to begin preparation of the State plan pending designation of the State agency.

(b) *Application.*—An application for a grant for the preparation of a State plan shall be in such form and shall be submitted at such time and in such manner as the Secretary may prescribe. Each application shall contain:

(1) Evidence that the applicant has been duly designated and authorized to apply for a grant and to prepare the State plan;

(2) A statement of the amount of the State's allotment which is requested for preparation of the State plan;

(3) An assurance that the funds requested will be used for the preparation of a State plan which is intended to meet the requirements of section 409(e) of the Act and the regulations of this subpart and only for payment of the costs incurred in such preparation, and a proposed budget for the expenditure of such funds;

(4) An assurance that the grant funds will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would, in the absence of the grant, be made available to prepare a State plan and will in no event supplant such State, local, and other non-Federal funds; and

(5) An assurance that the views of representatives of State and local governments, public and private agencies or organizations concerned with drug abuse problems, and of the general public will be sought and considered in the development of the State plan.

(c) *Grant award.*—(1) All grant awards under this section shall be in writing and shall, subject to the limitation in paragraph (c)(2) of this section, set forth the amount of funds granted and the period for which such funds will be available for obligation by the State.

(2) No grant award under this section shall exceed $100,000: *Provided, however*, That the Secretary may make a supplemental grant award upon the written request of the applicant if he finds that all funds available under the initial grant award have been obligated, and that the proposed expenditure for planning purposes of the requested additional funds is justified and consistent with the Act and the regulations of this subpart and that sufficient funds are available from the State's allotment.

(d) *Payments.*—The Secretary will from time to time make payments to the State of all or a portion of the grant award, either in advance or by way of reimbursement.

(e) *Expenditure of funds.*—Grant funds awarded under this section may be expended only for the purpose of preparing a State plan which is intended to meet the requirements of section 409(e) of the Act and the regulations of this subpart. Allowability of costs incurred in such preparation shall be determined in accordance with the principles set forth in Chapter 5-60 of the Department of Health, Education, and Welfare Grants Administration Manual.[1]

(1) Examples of allowable costs under this section include costs incurred for conducting demographic and statistical surveys, including salaries for key punch operators and computer time and costs incurred by citizen committees convened to provide advice with respect to the preparation of the State plan.

(2) Examples of costs which are not allowable under this section include general administrative costs not related to the development of the State plan and costs arising from the implementation of an approved State plan such as travel and per diem costs of members of the State Advisory Council incurred in connection with such implementation.

(f) *Participation by other agencies.*—Funds from the grant award may be made available, in accordance with the requirements of § 54b.116, to sub-State regional, county, city, or other planning groups or agencies for input into the overall State plan and for development of a local drug abuse prevention and treatment plan which, upon approval by the chief executive officer of the locality and the applicant, shall be incorporated by reference in the State plan.

(g) *Records and reports.*—(1) All payments made by the Secretary under this section shall be recorded by the State on accounting records separate from the records of all other funds including funds made available from the State's allotment for other purposes. Such records shall conform to the standards set forth in § 54b.114 and shall be retained and subject to inspection as required by § 54b.118.

(2) Each grant awarded pursuant to this section shall be subject to the condition that the State shall file performance and fiscal reports with the Secretary in accordance with the provisions of, respectively, §§ 54b.112(b) and 54b.119.

(h) *Grant closeout.*—Closeouts of grants awarded pursuant to this section shall be made in accordance with the following procedures:

(1) When all work under the grant is completed or upon the date specified in the grant award or any supplement or amendment thereto as the date on which Federal assistance ends, all unobligated balances of cash advanced to the State shall be immediately refunded to the Secretary or otherwise disposed of in accordance with his instructions.

(2) Upon request, the Secretary shall, within the limits of the grant award, make, or arrange for, prompt payment to the State for allowable reimbursable costs not covered by previous payments.

(3) The provisions of § 54b.115 shall be observed by the applicant in accounting for any property acquired with Federal funds or received from the Federal Government in connection with the grant.

(4) Within 90 days of the date of completion of all work under the grant or the end of the grant period, whichever is earlier, the applicant shall furnish all financial, performance, and other reports required by the regulations of this subpart or otherwise required by the Secretary. The Secretary may grant extensions when requested by the applicant. After receipt of these reports, the Secretary shall make a settlement for any upward or downward adjustment of the Federal share of costs, to the extent called for by the terms of the grant.

(5) In the event a final audit has not been performed prior to the closeout of the grant, the Secretary shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

(i) *Grant suspension and termination.*—Grants awarded pursuant to this section may be suspended and terminated by the Secretary in accordance with § 54b.122.

§ 54b.106 State plan; submission and review.

(a) *Submission.*—In order to receive funds from its allotment for the purposes authorized by sections (b)(2) and (b)(3) of section 409 of the Act, a State must submit to and have approved by the Secretary a State plan which meets the requirements specified in the Act and the regulations of this subpart. The initial State plan submitted by each of the States shall contain all of the information, proposals and assurances requires by these regulations. As prescribed in paragraph (b) of this section, changes in the information and proposals contained in the initial State plan shall be incorporated by reference in modifications of the State plan submitted to the Secretary for his approval. Documents incorporated by reference in such modifications become a part of the State plan as though fully set forth therein. Such documents must be:

(1) Clearly identified as to subject, date and location,

(2) Officially adopted and disseminated in accordance with applicable procedures, and

(3) Made available to the Secretary and to the public for inspection.

(b) *Review.*—The State agency shall from time to time, but not less often than annually, review its State plan and submit to the Secretary for approval modifications thereof which shall:

(1) Contain budgetary requirements for the new fiscal year and such updates of the assurances contained in the State plan as may be prescribed by the Secretary; and

(2) Incorporate by reference such changes in the proposals and information contained in the State plan as may be prescribed by the Secretary and such additional changes as the State agency may consider to be necessary.

(c) *Review and comment by the Governor.*—Prior to submission to the Secretary of the State plan or any modification thereof the Governor of the State shall be afforded a reasonable opportunity to review and comment upon such plan or modification. The comments of the Governor, if any, must be submitted to the Secretary with such plan or modification.

(d) *Publicizing the State plan.*—Concurrently with submission to the Secretary of the State plan or any modification thereof, the State agency shall publicize a general description of the proposed plan or modification. The State plan and modifications thereof shall be readily available and accessible for examination and comment by interested persons both prior to and after submission of such plan or modification to the Secretary.

§ 54b.107 State plan; purpose, consistency with other plans.

(a) *Purpose.*—The purpose of the State plan is to provide a rational and more effective basis for the utilization of Federal, State, and all other available resources in establishing, conducting, maintaining, and evaluating all drug abuse prevention activities within the State, and for ongoing planning for improvement or expansion of such activities, as necessary.

(b) The State plan must demonstrate:

(1) That it is, to the extent practicable, consistent with the drug abuse component of the State plan for comprehensive health or mental health planning developed pursuant to section 314(a) of the Public Health Service Act (42 U.S.C. 246(a)), if such a drug abuse component exists, and that cognizance has been taken of other Statewide and local plans for drug abuse planning in the State;

(2) That cognizance has been taken of area-wide or sub-State regional planning in such areas as comprehensive health, vocational rehabilitation, urban development, alcoholism, corrections, and welfare services, including any pertinent plans developed pursuant to section 314(b) of the Public Health Service Act;

(3) That in cases where services or activities are to be provided across State lines, such services or activities are consistent with the drug abuse plan or plans of the State or States concerned; and

(4) That there has been, to the maximum extent practicable coordination with city, metropolitan area, sub-State regional, or interstate planning agencies to achieve consistency in planning for drug abuse prevention activities and other health, vocational rehabilitation, welfare, and physical development plans.

(c) In order to supplement, broaden, and complement State health plans developed under section 314(d)(2) of the Public Health Service Act (42 U.S.C. 246(d)(2)), the State plan shall contain:

(1) Provisions for the licensing or accreditation of treatment and rehabilitation facilities for persons with drug abuse and drug dependence problems required under section 314(d)(2)(K)(i) of the Public Health Service Act (42 U.S.C. 246(d)(2)(K)(i)). Such provisions shall include:

[1] The Department Grants Administration Manual is available for inspection at the Public Information Office of the several Department Regional Offices and available for purchase at the Government Printing Office, GPO Document No. 894-523.

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(i) Minimum standards for maintenance and operation of each type of drug abuse treatment and rehabilitation facility which each such facility must meet in order to qualify for licensure or accreditation;

(ii) A description of the specific methods for licensing or accrediting the facilities which qualify under the standards and identification of the persons or agencies responsible for carrying out such methods; and

(iii) A description of the sanctions or penalties imposed for noncompliance, and the incentives, if any, offered for compliance; and

(2) Provisions for expansion of State mental health programs in the field of drug abuse and drug dependence as required by section 314(d)(2)(K)(ii) of the Public Health Service Act (42 U.S.C. (d)(2)(K)(ii)) which shall be consistent with the action plan required under § 54b.111(d).

§ 54b.108 State plan; coordination.

The State plan must contain policies and procedures for coordinating all drug abuse prevention activities and programs planned or implemented by governmental and nongovernmental agencies, organizations, groups, or individuals within the State to assure that all such efforts are nonduplicative and are consistent with the State plan, including policies and procedures under which the State agency will:

(a) Provide consultation to, and consult with, other State and local agencies concerned with health, vocational rehabilitation, law enforcement, education, and other related planning activities which affect or are related to the State plan, with particular emphasis on assisting the State agencies which administer, respectively, the Comprehensive Health Services Plan (authorized by section 314(d) of the Public Health Service Act) and the Community Mental Health Centers Plan (authorized by section 204 of the Community Mental Health Centers Act) in carrying out the requirements, respectively, of section 314(d)(2)(K) of the Public Health Service Act (42 U.S.C. 246(d)(2)(K)) and section 204(c) of the Community Mental Health Centers Act (42 U.S.C. 2684(c));

(b) Review applications for assistance under section 410 of the Act; *Provided*, That the State plan may contain a written waiver of the right of review with respect to all or certain categories of applications for assistance under section 410. If the State plan does not include a waiver of all such review rights, it must describe policies and procedures for review which shall provide that the State agency will:

(1) Prepare a written evaluation of the project described in the application which shall include comments on the relationship of the project to other projects pending and approved and to the State plan;

(2) Submit such evaluation to the Secretary within 30 days of the date upon which the State agency received the application for assistance; and

(3) Furnish a copy of the evaluation to the applicant;

(c) Review applications for assistance under section 256 of the Community Mental Health Centers Act (42 U.S.C. 2688n-1) and submit to the Secretary within 30 days of the date the State agency received the application either such comments as it deems necessary or a written notification that it has no comments;

(d) Review and comment upon other proposals for drug abuse prevention, treatment, and rehabilitation activities to be conducted within the State which are submitted to it for this purpose by other agencies or organizations;

(e) Ensure that agencies or authorities which have interests or responsibilities related to the project and program proposals developed or reviewed by the State agency have been afforded a reasonable opportunity to review such proposals;

(f) Obtain such data and information from other organizations and individuals as may be necessary to implement and modify the State plan and incorporate such data and information into a management information system at the State level, which shall be, to the extent practicable, consistent with Federal information systems;

(g) Inform interested agencies and organizations and the general public about the agency's activities and recommendations, including information about scientific, technological, and programmatic advances in drug abuse prevention and treatment; and

(h) Provide advice and guidance to State and local governmental officials and legislators in the development of laws, regulations, or policy on all matters pertaining to drug abuse prevention functions.

§ 54b.109 State plan; single State agency.

(a) The State plan must contain documentary evidence of the designation or establishment of a single State agency. Such documentation shall include:

(1) The Executive Order, Statute, resolution, motion or similar action by the State authority which designated or established the State agency; and

(2) Evidence that the State agency has legal authority to apply on behalf of the State for the grants authorized by section 409 of the Act and to carry out all duties and responsibilities required by the Act and by the regulations of this subpart.

(b) The State agency may have designated responsibilities for State alcohol abuse and alcoholism programs as well as State drug abuse programs; *Provided, however*, That the State plan must include documents which identify the officials who will head each area of responsibility, and establish policies and procedures for ensuring that separate records are maintained with respect to the alcohol abuse and drug abuse programs and that all other Federal requirements applicable to each such program are met.

(c) If part or all of the responsibility for preparing or administering the State plan has been or is to be delegated to one or more agencies (under the supervision of the State agency), the State plan must include documents which identify such other agency or agencies, including local governmental agencies, and set forth the responsibilities of each such agency.

§ 54b.110 State plan; State advisory council.

(a) *Establishment; scope of authority.*—The State plan must provide for the establishment of a State Drug Abuse Advisory Council to consult with and advise the State agency in carrying out the State plan.

(b) *Membership; selection.*—The State Advisory Council shall, as a minimum, include representatives of public and nongovernmental organizations or groups, and of agencies concerned with drug abuse prevention functions from different geographical areas of the State.

(1) Representatives of nongovernmental organizations and groups and of public agencies which are in frequent contact with drug abusers are eligible for membership on the Council even though such organizations, groups, or agencies are not engaged in the direct provision of drug abuse prevention, treatment or rehabilitation services. For example, representatives of welfare agencies, vocational rehabilitation agencies, police, schools, courts, citizen groups, employee groups, and employers' organizations would be eligible for Council membership.

(2) The State plan shall contain the policies and procedures for selection of Advisory Council members, and a list of members for the current fiscal year, their names, addresses, occupations, and affiliations.

(c) *Multi-purpose councils.*—The State plan may establish a new Council or designate an existing Council established for some other purpose (for example a planning advisory Council or joint drug abuse and alcoholism council) to perform the duties of the Drug Abuse Advisory Council, provided that the membership, when sitting as a Drug Abuse Advisory Council, must meet the requirements of this section.

(d) *Meetings; recommendations.*—(1) The State plan shall contain guidelines and instructions establishing the time, place, and frequency of meetings of the Council which shall provide, as a minimum, for annual meetings of the Council.

(2) The State agency shall maintain, on an annual basis, records of the recommendations made to it by the State Drug Abuse Advisory Council and, if such recommendations are not adopted, the reasons therefor. Such records shall be retained and subject to inspection in accordance with § 54b.118. Copies of the records for the pertinent year shall be included in the annual report to the Secretary required by § 54b.112.

§ 54b.111 State plan; survey of need; resource allocation plan.

(a) *Need.*—The State plan must contain an assessment of the need for drug abuse programs throughout the State. Such assessment shall include:

(1) An assessment of the extent of the problem of drug abuse and drug dependency in various geographic areas and subareas of the State, including estimates (and the basis for these estimates) of the number of drug abusers as measured by the best available set of drug abuse indicators in the area under consideration. In connection with this assessment each State shall initiate a survey to determine the total number of chronic drug abusers in the State through an unduplicated count.

(2) A description of factors which may relate to the extent and severity of the drug abuse or drug dependence problem including economic factors, special health, vocational, or social problems, special problems of urban and suburban settings, drug abuse in the context of law enforcement and criminal justice, and ethnic and geographic factors.

(3) A description of the special needs of specific high risk or target population groups in the State.

(4) A description of financial support currently provided for drug abuse treatment, vocational rehabilitation, prevention, education, and training, including third party payments, charitable contributions, county bond issues, grants for law eforcement and criminal justice, and all other Federal, State, and local public or private funds provided for drug abuse programs within the State.

(b) *Current Resources.*—The State plan shall contain a description of the present availability and accessibility of all public and private health and related resources and programs for serving the needs of drug abusers and drug dependent individuals within the State, which shall include:

(1) Resources available from and services currently provided by: (i) State and local governments; (ii) Public and private employers for their employees; (iii) Self-help groups; and (iv) Public and private health care facilities such as hospitals, community mental health centers, and neighborhood health centers; and

(2) An estimate of the number of available personnel who are qualified to provide such services and a description of their training and experience.

(c) *Additional resources needed.*—The State plan must contain a description of the additional resources, including facilities and personnel, training, technical assistance, and funds necessary to meet those needs identified pursuant to paragraph (a) of this section which are not being met by the existing resources described pursuant to paragraph (b) of this section.

(d) *Action plan.*—The State plan must contain an action plan which:

(1) Describes the steps necessary to secure and develop the necessary resources described in paragraph (c) of this section;

(2) Establishes priorities for distribution of facilities and services in all geographic areas and subareas of the State;

(3) Sets forth, in order of such priority, the additional projects and programs required to meet the unmet need, the estimated costs of each and the source of financial and other resources expected to support each project or program, including those drug abuse prevention functions to be supported with funds made available under section 409 of the Act and the regulations of this subpart;

(4) Includes a timetable for completing all such projects and programs; and

(5) Includes a long-term plan for expansion or diminution of existing resources or development of new resources in accordance with projected estimates of future needs.

§ 54b.112 State plan; monitoring and reporting of program performance.

(a) *Review; monitoring of performance.*—The State plan shall contain policies and procedures under which the State agency will:

(1) From time to time, but not less often than annually, review its State plan and submit modifications thereof to the Secretary as required by § 54b.106(b); and

(2) Constantly monitor and review the performance of all programs and activities receiving support from the State's allotment in order to assure that time schedules are being met, project work units by time periods are being accomplished, and other performance goals are being achieved and submit, not later than 90 days after the end of each fiscal year (The Secretary may approve a request for an extension of such due date if he determines that the request is justified.), a performance report which shall analyze and evaluate the effectiveness of the prevention and treatment programs and activities carried out under the plan. Copies of the performance report shall be furnished to the agency or agencies having direct responsibility for enforcing the State standards for maintenance and operation of prevention, treatment, and rehabilitation facilities and programs.

(b) *Contents of performance report.*—The performance report shall contain the following information with respect to each program, function, or activity carried out under the State plan:

(1) A comparison of actual accomplishments to the goals established for the fiscal year. Where the output of a particular activity or program can be readily quantified, such quantitative data shall be related to cost data for computation of unit costs;

(2) Reasons for failure to attain established goals; and

(3) Such other pertinent information as the Secretary may prescribe including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(c) *Interim reporting.*—States shall promptly inform the Secretary in writing of events occurring between the scheduled performance reporting dates which have significant impact upon the program or activity supported with funds from the State allotment. The following types of conditions are subject to this prompt reporting requirement:

(1) Problems, delays, or adverse conditions which will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any additional Federal assistance needed to resolve the situation; and

(2) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

(d) *Site visits by the Secretary.*—Site visits will be made by representatives of the Secretary as frequently as practicable to:

(1) Review program accomplishments and management control systems; and

(2) Provide such technical assistance as may be required.

§ 54b.113 State plan; administration.

(a) Upon application by any State on such forms, at such time, and in such manner as the Secretary may prescribe, a portion of any allotment or allotments of such State may be made available in accordance with subsection (b)(3) of section 409 of the Act for payment of the State administrative expenses incurred in carrying out the approved State plan. Allowability of such administrative costs shall be determined in accordance with the principles set forth in Chapter 5-60 of the Department of Health, Education, and Welfare Grants Administration Manual.[1]

(1) *Allowable costs.*—Funds made available under this section may be used to pay costs incurred for the following purposes:

(i) Costs of compensation of personnel, including consultants, and other administrative expenses directly related to administering or supervising the administration of the State plan, in accordance with the applicable provisions of the Act and the regulations of this subpart.

(ii) Expenses of the State advisory council designated pursuant to section 409(e)(3) of the Act, including per diem and travel expenses incurred by council members at rates not exceeding those established under applicable State law.

(iii) Expenses of regional and local drug abuse and drug advisory groups to the extent that such groups provide advice or contractual services related to administering, or supervising the administration of, the State plan.

(2) *Nonallowable costs.*—Funds made available under this section may not be used to pay:

(i) Administrative costs exceeding 10 percent of the State allotment for the fiscal year or $50,000, whichever is less.

[1] The Department Grants Administration Manual is available for inspection at the Public Information Office of the Several Department Regional Offices and available for purchase at the Government Printing Office, GPO Document No. 894-523.

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(ii) Expenses of central administrative departments of State and local governments other than those directly related to administration of the State plan.

(iii) Administrative costs of services which the State is required to provide at its own expense in order to satisfy the maintenance of effort requirement.

(iv) Acquisition of land or construction or acquisition of buildings.

(3) *Applications.*—Each application submitted under this section shall state the amount requested to be made available for expenditures under this section and shall set forth a budget statement which shall list proposed expenditures by general category.

(4) *Records.*—All payments made by the Secretary under this section shall be recorded by the State on accounting records separate from the records of all other funds including other funds made available from the State's allotment for other purposes. Such records shall conform to the standards set forth in § 54b.144 and shall be retained and subject to inspection as required by § 54b.118.

(5) *Reports.*—The State shall file performance and financial reports relating to the expenditure of funds made available under this section in accordance with the provisions of, respectively, §§ 54b.112 and 54b.119.

(b) *Personnel administration.* (1) *Merit system personnel.*—The State plan shall provide for the establishment and maintenance of personnel standards on a merit basis for persons employed by the State agency in the administration or supervision of the administration of the State plan. Conformity with Standards for a Merit System of Personnel Administration, 45 CFR Part 70, issued by the Secretary of Health, Education, and Welfare, including any amendments thereto, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (Public Law 91–648; 84 Stat. 1915) modifying or superseding such standards, will be deemed to meet this requirement as determined by said Commission. Laws, rules, regulations, and policy statements, and amendments thereto, effectuating such methods of personnel administration shall be included in the State plan.

(2) *Equal employment opportunity.*—Equal employment opportunity will be assured in the State merit system and affirmative action provided in its administration. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspect of personnel administration because of political or religious opinions or affiliations or because of race, national origin, or other nonmerit factors will be prohibited. Discrimination on the basis of age or sex or physical disability will be prohibited except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration. The State merit system must include procedures for appeals in cases of alleged discrimination to an impartial body whose determination shall be binding upon a finding of discrimination. The State must develop an affirmative action plan to assure such equal employment opportunity which shall be subject to inspection, comment and approval by the Secretary. Such plan shall contain such information and be completed on such date as the Secretary may prescribe.

(3) *Assurances.*—The State plan shall contain assurances that:

(i) The State agency will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

(ii) The State will establish policies and procedures to assure that no qualified applicant for a position supported in whole or in part from funds made available from the State's allotment will be denied employment solely on the basis of a prior history of drug abuse or drug dependence.

(4) *Other personnel.*—The State plan must include professional standards to be followed in hiring individuals (other than employees under a governmental merit system) to carry out activities related to the implementation of the State plan. Such standards shall include schedules or other bases upon which the salaries of such personnel are determined and paid which shall be in accord with the usual and customary practices in the State.

§ 54b.114 State plan; financial management systems; program income.

(a) *Financial management.* — The State plan shall provide for the establishment of a State financial management system and describe policies and procedures under which subgrantees (public and nonprofit private agencies, institutions and organizations receiving funds from the State's allotment) will be required to establish financial management systems. The State and subgrantee financial management systems shall provide for:

(1) Accurate, current, and complete disclosure of the financial results of expenditures of funds from the State's allotment in accordance with financial reporting requirements prescribed by the Secretary.

(2) Records which identify adequately the source and application of funds for activities supported with funds from the State's allotment. These records shall contain information pertaining to allotments and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(3) Effective control over and accountability for all funds, and property and other assets acquired with funds from the State's allotment. States and their subgrantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(4) Comparison of actual with budgeted amounts for each of the grants from the State's allotment authorized respectively by subsections (b)(1), (b)(2), and (b)(3) of section 409 of the Act, and when specifically required by the Secretary, relation of financial information with performance of productivity data, including the production of unit cost information.

(5) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the State, whenever funds are advanced by the Federal Government. When advances are made by letter-of-credit method, the State shall make drawdowns from the U.S. Treasury through its commercial bank as close as possible to the time of making the disbursements. Subgrantees shall adopt analogous procedures when funds are advanced by the State.

(6) Procedures for determining the allowability and allocability of costs in accordance with the applicable cost principles set forth in Chapter 5–60 of the Department of Health, Education, and Welfare Grants Administration Manual.[1] Costs incurred in the preparation of the State plan and costs of administration of the State plan are allowable in accordance with, respectively, §§ 54b.105 and 54b.113. Funds made available to States under subsection (b)(2) of section 409 of the Act may be expended for the expenses of carrying out projects under and otherwise implementing an approved State plan and evaluating the results of such plan as actually implemented, except that the following costs shall not be included:

(i) Costs incurred in the acquisition of land or construction or acquisition of buildings; and

(ii) Such other costs as the Secretary may find to be inconsistent with the Act or the regulations of this subpart.

(7) Accounting records which are supported by source documentation.

(8)(i) Audits to be made by the State or at its discretion to determine, at a minimum, the fiscal integrity of financial transactions and reports, and compliance with laws, regulations, and administrative requirements applicable to the grant. The State will schedule such audits with reasonable frequency, usually annually, but not less frequently than once every two years, considering the nature, size, and complexity of the activity.

(ii) Subgrantees which are State or local governments shall, with respect to the subgrant, conduct or provide for audits which meet the requirements set forth in paragraph (a)(8)(i) of this section. Subgrantees other than State or local governments are encouraged but not required to comply with the standards set forth in paragraph (a)(8)(i) of this section.

[1] The Department Grants Administration Manual is available for inspection at the Public Information Office of the several Department Regional Offices and available for purchase at the Government Printing Office, GPO Document No. 984–523.

(9) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(b) *Accounting for program income.* (1) *Interest.*—Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213) a State will not be held accountable for interest earned on grant funds pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State.

(2) *Meaning of "program income."*—As used in this paragraph, the term "program income" means earnings by the State realized from grant-supported activities as a result of a grant under this subpart. Such earnings exclude interest income and include, but are not limited to, income from service fees, sale of commodities, usage or rental fees, sale of assets purchased with funds from the State's allotment and royalties on patents and copyrights.

(3) *Sale of personal property.*—Proceeds from the sale of personal property, the acquisition cost of which was borne in whole or in part by funds from the State's allotment, shall be handled in accordance with § 54b.115.

(4) *Royalties.*—Royalties received by States from copyrights on publications developed with funds from the State's allotment and royalties received by States from patents or inventions conceived or first actually reduced to practice in the course of or under a grant to the State under this subpart shall be handled as follows:

(i) Royalties received during the grant period shall be retained by the State which may elect to use such royalties for purposes which further the objectives of section 409 of the Act or to deduct such royalties from total costs for the purpose of determining the net costs on which the Federal share of costs will be based, unless the terms and conditions of the grant specify that one of such alternatives is to be followed.

(ii) In the absence of a specific agreement between the Secretary and the State, the Federal share of copyright royalties in excess of $200 received annually after termination or completion of the grant period shall be paid to the Secretary. The Federal share of such royalties shall be computed on the same ratio basis as the percentage of Federal participation in the cost of the project or program.

(iii) Patents. Disposition of patent royalties received after termination or completion of the grant period shall be governed by agreements between the Secretary and the grantee, pursuant to the Department's patent regulations (Parts 6 and 8 of Title 45.)

(5) *Other program income.*—All program income earned during the grant period except royalties and proceeds from the sale of personal property shall be retained by the State which may elect to use such income for purposes which further the objectives of section 409 of the Act or to deduct such income from total costs for the purpose of determining the net costs on which the Federal share of costs will be based, unless the terms and conditions of the grant specify that one of such alternatives is to be followed.

§ 54b.115 Property management.

(a) *Definitions.*—As used in this section:

(1) "Real property" means land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

(2) "Personal property" means property of any kind except real property. It may be tangible—having physical existence, or intangible—having no physical existence.

(3) "Nonexpendable personal property" means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. A State may use its own definition of nonexpendable personal property provided that such definition includes all tangible personal property as defined by this subparagraph.

(4) "Expendable personal property" refers to all tangible personal property other than nonexpendable property.

(5) "Acquisition" means the obtaining of property through purchase, construction or fabrication.

(6) "Acquisition cost" when applied to the acquisition of nonexpendable personal property by purchase means the net invoice price of the property, including any attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Ancillary charges such as taxes, duty, in-transit insurance, freight, or installation shall be included in or excluded from acquisition cost in accordance with the State's regular accounting procedure.

(b) *Nonexpendable personal property.* (1) *Title.*—When nonexpendable personal property is acquired by a grantee wholly or in part with funds from the State's allotment, title shall be vested in the grantee.

(2) *Use.*—(i) The grantee shall retain such property in the grant-supported activity as long as there is a need for such property to accomplish the purpose of the activity, whether or not the activity continues to be supported by Federal funds.

(ii) When there is no longer a need for the property to accomplish the purpose of the original activity, the grantee shall use the property, as needed, in connection with other Federal awards it has received in the following order of priority:

(A) Other awards under Federal programs administered by the National Institute of Mental Health;

(B) Awards of other components of the Department of Health, Education, and Welfare and other Federal agencies.

(iii) When the grantee no longer has need for such property in any of its Federally financed activities, the property may be used for the grantee's own official activities in accordance with the following standards:

(A) If the property had an acquisition cost of less than $500 per unit and has been used for four years or more, the grantee may use the property without reimbursement to the Federal Government or sell the property and retain the proceeds;

(B) For all such property not covered under subdivision (A) of this subdivision, the grantee may retain the property for its own use provided that a fair compensation is made to the Federal Government for the Federal share of the property. The amount of such compensation shall be computed by applying the percentage of Federal participation in the total cost of the activity to the current fair market value of the property.

(3) *Disposition.*—If the grantee has no need for the property, disposition of the property shall be made as follows:

(i) If the property had an acquisition cost of $1,000 or less per unit (except for property covered under paragraph (b)(2)(iii)(A) of this section), the grantee shall sell the property and reimburse the Federal Government in accordance with paragraph (b)(2)(iii)(B) of this section.

(ii) If the property had an acquisition cost of over $1,000 per unit, the grantee shall request disposition instructions from the Secretary. The Secretary shall issue instructions to the grantee within 120 days following the receipt of such request and the following procedures shall govern:

(A) If the grantee is instructed to ship the property elsewhere, the grantee will be reimbursed by the Federal Government with an amount which is computed by applying the percentage of the grantee's participation in the grant supported activity to the current fair market value of the property.

(B) If the grantee is instructed to otherwise dispose of the property, the grantee will be reimbursed by the Federal Government for the costs incurred in such disposition.

(C) If disposition or other instructions are not issued within the 120-day period the grantee shall sell the property and reimburse the Federal Government with an amount which is computed by applying the percentage of Federal participation in the activity to the sales proceeds. The grantee may retain $100 or 10 percent of the proceeds, whichever is greater, for the grantee's selling and handling expenses.

(c) *Special property.*—Where the Secretary determines that nonexpendable personal property with an acquisition cost of $1,000 or more and financed solely with Federal funds is unique, difficult, or costly to replace, he may reserve the right to require the grantee to transfer title to the property to the Federal Government or to a third party named by the Secretary, subject to the following provisions:

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(1) The right to require transfer of title may be reserved only by means of an express special condition in the grant award document.

(2) The property must be appropriately identified in the award document or otherwise made known to the grantee.

(3) The Secretary may not exercise the right until the grantee no longer needs the property in the activity for which it was acquired. Such need shall be presumed to end on the date of completion or termination of the grant unless the grantee continues to conduct the activity after that date and demonstrates to the Secretary a continued need for the property in such activity.

(4) In order to exercise the right the Secretary must issue dispositon instructions to the grantee not later than 120 days after the grantee no longer needs the property in the project for which it was acquired. If instructions are not issued within that time, the grantee shall act in accordance with paragraphs (b)(1), (b)(2)(ii), (b)(2)(iii), and (b)(3)(i) of this section.

(5) The grantee will be reimbursed for any shipping and interim storage costs it incurs pursuant to the Secretary's disposition instructions.

(d) *Property management standards.*—The State shall establish property management standards for nonexpendable personal property which shall include the following procedural requirements:

(1) Property records shall be maintained accurately and provide for:

(i) A description of the property;

(ii) Manufacturer's serial number or other identification number;

(iii) Acquisition date and cost;

(iv) Source of the property;

(v) Percentage of Federal funds used in the acquisition of the property;

(vi) Location, use, and condition of the property; and

(vii) Ultimate disposition data including sales price or the method used to determine current fair market value if the State reimburses the Federal Government for the Federal share.

(2) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years to verify the existence, current utilization, and continued need for the property.

(3) A control system shall be in effect to ensure adequate safeguards to prevent loss, damage, or theft to the property. Any loss, damage or theft of nonexpendable personal property shall be investigated and fully documented.

(4) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(5) Proper sales procedures shall be established for unneeded property which will provide for competition to the extent practicable and result in the highest possible return.

(e) *Unused expendable personal property.*—If the total inventory value of any unused expendable personal property exceeds $500 and such property is not needed for any Federally sponsored activity, the grantee may retain or sell the property, but must compensate the Federal Government for its share of the cost. The amount of compensation shall be computed in accordance with paragraph (b)(2)(iii)(B) of this section.

(f) *Patents and inventions.*—(1) All inventions conceived or first actually reduced to practice in the course of or under a grant from a State's allotment are subject to the Patent Regulations promulgated by the Secretary (45 CFR Parts 6 and 8). Each such invention shall be promptly and fully reported to the Assistant Secretary for Health, Department of Health, Education, and Welfare.

(2) Determination as to ownership and disposition of rights to such inventions, including whether a patent application shall be filed, and if so, the manner of obtaining, administering, and disposing of rights under any patent which may be issued shall be made:

(i) By the Assistant Secretary for Health of the Department of Health, Education, and Welfare, whose decision will be final, or

(ii) Where the grantee has a separate, formal institutional agreement with the Secretary, by the grantee in accordance with such agreement.

(g) *Copyrights.*—When a book or other copyrightable material is developed under a grant from a State's allotment, the author or grantee is free to copyright the work, but the Secretary reserves a royalty free, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use the work for Government purposes.

(h) *Determining percentage of participation.*—(1) Under this section a determination of the Federal and grantee participation in the cost of the activity or project is required in order to compute the amount of compensation for the value of property or proceeds from the sale thereof. In determining the applicable percentage, there shall first be deducted from the gross cost incurred during the grant period any applicable credits such as purchase discounts, refund, or rebates, and any royalties or other income (except interest income and proceeds from the sale of property) earned by the grant supported activity or project during the grant period.

(2) The deduction of income required by paragraph (h)(1) of this section is independent of, and is not intended to control, the disposition of such income pursuant to § 54b.114(b).

§ 54b.116 State plan; subgrants.

(a) Subgrants of funds made available to the State for carrying out projects under and otherwise implementing its approved State plan and for evaluating the results of such implementation may be made to public and private nonprofit agencies, organizations and institutions. Subgrants of funds made available to the State for the preparation of a State plan may be made to the public agencies specified in § 54b.105. The State shall conform to the following requirements in making all such subgrants.

(1) Subgrants in excess of $10,000 shall include provisions for compliance with Exegutive Order No. 11246 entitled "Equal Employment Opportunity" as supplemented in Department of Labor Regulations (41 CFR Part 60). Each subgrantee shall be required to have an affirmative action plan which declares that it does not discriminate on the basis of race, color, religion, creed, national origin, sex, or age and which specifies goals and target dates to assure the implementation of that plan. The State shall establish procedures to assure compliance with this requirement and to assure that suspected or reported violations are promptly investigated.

(2) Subgrants for remodeling, alteration or repairs shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This Act provides that each subgrantee shall be prohibited from inducing, by any means, any person employed in the repair of public work, to give up any part of the compensation to which he is otherwise entitled. The State shall report all suspected or reported violations to the Secretary.

(3) Subgrants for research or development shall contain a notice to the effect that rights to inventions conceived or first actually reduced to practice in the course of or under the subgrant shall be governed by the Department of Health, Education, and Welfare Patent Regulations (45 CFR Parts 6 and 8) any implementing terms and conditions of the grant to the State, and any pertinent regulations or other requirements issued by the State. The State shall assure that the performer of the research or development work either is given all necessary information regarding these matters, or is advised as to the source of such information. This subparagraph shall also apply to nonresearch and nondevelopment awards in fields of science or technology on which there has been little significant experience outside of work funded by the Federal Government.

(4) Subgrants in excess of $100,000 shall contain a provision which requires the recipient to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970 as amended (42 U.S.C. 1857b et seq.). Violations shall be reported to the Secretary and the regional office of the United States Environmental Protection Agency.

(5) The State shall require all subgrantees to comply with the applicable regulations of this subpart concerning accounting for Federal funds (§ 54b.114) and procurement (§ 54b.117).

(b) In addition to the requirements imposed by paragraph (a) of this section which are applicable to all subgrants, a State which intends to make subgrants of funds made available for implementing the State plan and evaluating the results of such implementation shall include in its State plan policies and procedures which:

(1) Establish criteria of eligibility for applicants for subgrants;

(2) Describe how potential applicants will be made aware of the availability of funds;

(3) Describe the methods established for submittal, evaluation, and approval of applications for subgrants; and

(4) Will ensure that the activities carried out by subgrantees will be:

(i) Carried out in accordance with standards and criteria which will assure that such activities are of no lower quality than those activities which the State undertakes to conduct directly, and

(ii) Evaluated by the State agency for the purpose of ascertaining compliance with such standards and criteria.

§ 54b.117 Contract procurement standards; States and subgrantees.

(a) *General.*—(1) This section provides standards for use by States in establishing procedures for the procurement by contract of supplies, equipment, and other services whose cost is borne in whole or in part by funds from the State's allotment. These standards are furnished to insure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive orders. The requirements of this section apply to contract procurements by States and, as specified, to procurements by public or nonprofit private agencies, institutions, and organizations to which funds from the State's allotment have been made available through subgrants. The requirements for making funds from the State's allotment available through subgrants are set forth in § 54b.116.

(2) Procurement policies which reflect applicable State and local law, rules, and regulations may be used, provided that procurements whose cost is borne in whole or in part by funds from the State's allotment shall adhere to the standards set forth in this section.

(3) The standards contained in this section do not relieve the State or its subgrantees of the responsibilities arising under their contracts. The State is the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of a grant from the State's allotment. This includes but is not limited to: Disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

(b) *Code of conduct.*—The State shall maintain a code or standards of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending Federal grant funds. The State's officers, employees or agents, shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible by State or local law, rules, or regulations, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the State's officers, employees, or agents, or by contractors or their agents.

(c) *Free competition.*—All procurement transactions by the State which involve the expenditure of funds from the State's allotment regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The State should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

(d) *Procedural requirements.*—The State shall establish procurement procedures which provide for, as a minimum, the following:

(1) Proposed procurement actions shall be reviewed by high level State officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(2) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or services to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used, the specific features of the named brand which must be met by offerors should be clearly specified.

(3) Positive efforts shall be made by the State to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed under Federal grants.

(4) The type of procuring instruments used (i.e., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.), shall be appropriate for the particular procurement and for promoting the purposes of the grant project or program involved. The "cost - plus - a - percentage - of - cost" method of contracting shall not be used.

(5) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (e) of this section is necessary to accomplish sound procurement. However, procurements of $2,500 or less need be so advertised unless otherwise required by State or local law or regulations, or by the procurement policies of the State.

(i) The awards shall be made to the responsible bidder whose bid is responsive to the invitiation and is most advantageous to the grantee, price and other factors considered. Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid.

(ii) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the State.

(iii) Any or all bids may be rejected when it is in the State's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations.

(e) *Negotiated procurement.*—Procurements may be negotiated if it is impracticable and unfeasible to use formal advertising; *Provided, however,* That competition shall be obtained to the maximum extent practicable where negotiation is justified. Generally, procurements may be negotiated by the State if one or more of the following conditions prevail:

(1) The public exigency will not permit the delay incident to advertising;

(2) The material or service to be procured is available from only one person or firm; provided that all contemplated sole source procurements where the aggregate expenditure is expected to exceed $5,000 shall be referred to the granting agency for prior approval;

(3) The aggregate amount involved does not exceed $2,500;

(4) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institution;

(5) The material or services are to be procured and used outside the limits of the United States and its possessions;

(6) No acceptable bids have been received after formal advertising;

(7) The purchases are for highly perishable materials or medical supplies, for material or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture; or

(8) Negotiation is otherwise authorized by law, rules or regulations.

(f) *Contractor responsibility.*—Contracts shall be made by States only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Considerations shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

(g) *Records.*—The State's procurements records or files for purchases in amounts in excess of $2,500 shall provide at least the following pertinent information: justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiated.

(h) *Contract administration system.*—A system for contract administration shall be maintained by the State to as-

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sure contractor conformance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely follow-up of all purchases.

(l) *Contract provisions.*—The State shall establish policies which define a sound and complete agreement in all contracts which it awards when the contract costs are to be borne in whole or in part by funds from the State's allotment. In awarding such contracts, the State must comply with the following requirements:

(1) Contracts shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

(2) All contracts in excess of $2,500 shall contain suitable provisions for termination by the State including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe the conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) All negotiated contracts (except those of $2,500 or less) shall include a provision to the effect that the State agency, the Secretary of Health, Education, and Welfare, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purpose of making audit, examination, excerpts, and transcriptions.

(4) All contracts in excess of $10,000 shall include provisions for compliance with Executive Order No. 11246, entitled, "Equal Employment Opportunity," as supplemented in Department of Labor Regulations (41 CFR Part 60). Each contractor shall be required to have an affirmative action plan which declares that it does not discriminate on the basis of race, color, religion, creed, national origin, sex, or age and which specifies goals and target dates to assure the implementation of that plan. The State shall establish procedures to assure compliance with this requirement by contractors and to assure that suspected or reported violations are promptly investigated.

(5) All contracts for remodeling, alteration or repairs shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This Act provides that each contractor shall be prohibited from inducing, by any means, any person employed in the repair of public work, to give up any part of the compensation to which he is otherwise entitled. The State shall report all suspected or reported violations to the Secretary.

(6) All research or development contracts shall contain a notice to the effect that rights to inventions conceived or first actually reduced to practice in the course of or under the agreement shall be governed by the Patent Regulations of the Department of Health, Education, and Welfare (45 CFR Parts 6 and 8), any implementing terms and conditions set forth in the grant from the State's allotment, and any pertinent regulations or other requirements consistent therewith issued by the State. The State shall assure that the performer of the research or development work either is given all necessary information regarding these matters, or is advised as to the source of such information. This subparagraph shall also apply to nonresearch and nondevelopment awards in fields of science or technology in which there has been little significant experience outside of work funded by the Federal Government.

(7) Each contract of an amount in excess of $2,500 awarded by the State or its subgrantees shall provide that the recipient will comply with applicable regulations and standards of the Cost of Living Council in establishing wages and prices. The provision shall advise the recipient that submission of a bid or offer or the submittal of an invoice or voucher for property, goods, or services furnished under a contract or agreement with the grantee or subgrantee shall constitute a certification by him that amounts to be paid do not exceed maximum allowable levels authorized by the Cost of Living Council regulations or standards. Violations shall be reported to the Secretary and the local Internal Revenue Service field office.

(8) Contracts in excess of $100,000 shall contain a provision which requires the recipient to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970 as amended (42 U.S.C. 1857b, et seq.). Violations shall be reported to the Secretary and the regional office of the United States Environmental Protection Agency.

§ 54b.118 Records.

(a) *Assurance.*—The State plan must contain an assurance that all records required by section 409 of the Act and the regulations of this subpart will be kept intact and accessible in accordance with the provisions of this section.

(b) *Retention.*—Except as otherwise provided in paragraphs (c) and (d)(1) of this section, records shall be retained as follows:

(1) Records supporting cost allocation plans of States shall be retained for 3 years after the date of submission of the cost allocation plan to the Secretary or, if such plan is not required to be submitted to the Secretary, for 3 years after the end of the fiscal year covered by the plan.

(2) Records for nonexpendable personal property whose acquisition cost was borne in whole or in part by funds made available under section 409 of the Act shall be retained for 3 years after final disposition of the property.

(3) All other records for each fiscal year shall be retained for 3 years after the date of the submission of the annual expenditure report for that year. The term "expenditure report" means the "Financial Status Report" (or other report equivalent thereto).

(c) *Audit questions.*—All records pertaining to audit questions which have arisen before the end of any such 3-year period shall be further retained until resolution of all such questions: *Provided, however,* That a State is not required to retain records relating to any funds with respect to which actions for recovery by the United States are barred by the statute of limitations (28 U.S.C. 2415(b)).

(d) The Secretary shall request transfer of certain records to his custody when he determines that the records possess long-term retention value. In order to avoid duplicate record-keeping the Secretary may arrange for States to retain for joint use any records which are continuously needed by the State. When records are transferred to or maintained by the Secretary the retention requirements set forth in paragraph (b) of this section are not applicable.

(e) *Microfilm copies.* States may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(f) *Audit and examination.* The Secretary and the Comptroller General of the United States or any of their duly authorized representatives shall have access to any books, documents, papers and records of the State or its subgrantees which are pertinent to the State plan and expenditures thereunder, for the purpose of making audit, examination, excerpts and transcripts.

(g) *Public access.*—All records required by section 409 of the Act and the regulations of this subpart shall be available and accessible to the public except when the records must remain confidential for any of the following reasons:

(1) To prevent a clearly unwarranted invasion of personal privacy;

(2) To comply with an Executive Order or statute which specifically requires the records to be kept secret;

(3) To protect commercial or financial information obtained from a person or firm on a privileged or confidential basis; or

(4) To protect information which can be improperly exploited for personal gains.

(h) *Confidentiality of patient records.* Attention is called to the provisions of section 408 of the Act (21 U.S.C. 1175) which provides that records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function authorized or assisted under the Act or any Act amended thereby shall be confidential and may be disclosed only for the purposes and under the circumstances expressly authorized under section 408. Violations of section 408 of the Act are subject to a criminal penalty. A regulation implementing section 408, has been

issued by the Director of the Special Action Office for Drug Abuse Prevention (21 CFR Part 401). Grants made under this subpart are subject to the provisions of section 408 of the Act and said implementing regulations.

§ 54b.119 Reports.

(a) *Assurance.*—The State plan must contain an assurance that the State agency will make such reports, in such form, and containing such information as are required by the regulations of this subpart and such additional reports in such form and containing such information as the Secretary may from time to time reasonably require.

(b) *Financial reports.*—In addition to any other reports required by these regulations or which may reasonably be required by the Secretary under section 409 of the Act, the State agency shall submit the following reports to the Secretary:

(1) Reports of expenditures under grants for the preparation of the State plan which, as a minimum, shall be filed at the end of the grant period specified in the grant award and annually during such grant period.

(2) Reports of expenditures under grants for the costs of administration of an approved State plan which, as a minimum, are to be filed annually.

(3) Reports of expenditures under grants for carrying out projects under and otherwise implementing the State plan and for evaluating the results of such implementation. As a minimum such reports shall be filed annually.

(c) *Frequency of reports.*—The minimum frequency for filing the respective reports shall be as prescribed in paragraph (b) of this section; *Provided, however,* That the Secretary may, in consideration of the size and complexity of a particular program or activity require more frequent reports, but in no event will filing of the reports specified in paragraph (b) of this section be required more frequently than quarterly.

(d) *Due dates.*—When the reports specified in paragraph (b) of this section are required on a quarterly or semiannual basis, they shall be due 30 days after the end of the specified reporting period. When required on an annual basis, they shall be due 90 days after the end of the fiscal year. Final reports shall be due 90 days after the completion or termination of grant support. The Secretary may approve a request for an extension of a reporting due date upon a determination that such request is justified.

§ 54b.120 Assurances.

In addition to any other assurances required by law and the regulations of this subpart the State plan must contain the following assurances:

(a) *Maintenance of effort.*—An assurance that Federal funds made available under section 409 of the Act and the regulations of this subpart will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in section 409 of the Act and will in no event supplant such State, local, and other non-Federal funds. Substantial compliance with such assurance will be deemed to have been met if the Secretary finds that:

(1) The aggregate level of State funds expended by the State (including State funds allocated to other public or nonprofit private agencies, institutions, and organizations) for drug abuse prevention functions carried out under the State plan with Federal assistance made available under section 409 of the Act is no lower for any fiscal year than the aggregate level of State funds expended by the State for such functions in the immediately preceding fiscal year, except that the Secretary may take into consideration the extent to which the level of such funds for any fiscal year may have included funds for an activity of a nonrecurring nature.

(2) The State plan contains written procedures, including implementation and enforcement mechanisms, for ensuring that the aggregate level of non-Federal funds (other than State funds allocated by the State) expended for drug abuse prevention functions carried out under the State plan with Federal assistance made available under section 409 of the Act by public or nonprofit private agencies, institutions, and organizations is no lower for any fiscal year than the aggregate level of non-Federal funds expended by each such agency, institution or organization for such functions in the immediately preceding fiscal year. Such procedures may provide for consideration of the extent to which the level of such funds for any fiscal year may have included funds for an activity of a nonrecurring nature.

(b) *Community Service.*—Assurances that all facilities, programs, and services supported in whole or in part with funds made available under section 409 of the Act and the regulations of this subpart will be:

(1) Made available without discrimination on the grounds of sex, creed, duration of residence, or ability or inability to pay for services;

(2) So publicized as to be generally known to the population to be served;

(3) Available to, and responsive to the needs of, all members of the population to be served; and

(4) So located as to be readily accessible to the population to be served.

(c) *Admission of drug abusers to hospitals for emergency treatment.*—An assurance that Federal funds made available to the State under section 409 of the Act and the regulations of this subpart will not be made available to public or private general hospitals which refuse admission or treatment to drug abusers suffering from emergency medical conditions solely on the basis of their drug abuse or drug dependence.

(d) *Relocation assistance.*—An assurance that the State agency will comply with the requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs and the applicable regulations issued thereunder (45 CFR Part 15, as added by 36 FR 18838, September 22, 1971).

§ 54b.121 Nondiscrimination on account of race, color, or national origin.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). Such regulation is applicable to the drug abuse prevention and treatment activities and programs receiving funds from the State's allotment under section 409 of the Act and requires receipt and acceptance by the Secretary of the applicable documentation set forth therein.

§ 54b.122 Grant suspension and termination.

(a) *Definitions.*—As used in this section:

(1) "Termination" means the cancellation of Federal assistance in whole or in part, under a grant at any time prior to the end of the period of grant support.

(2) "Suspension" means an action by the Secretary which temporarily suspends Federal assistance under the grant pending corrective action by the State or pending a decision to terminate the grant by the Secretary.

(3) "Applicant" means the State agency or such other unit of State government as may be designated in a grant award for preparation of the State plan.

(b) *Suspension.*—(1) When a State has materially failed to comply with the applicable requirements of the Act, the regulations of this subpart, or other terms and conditions applicable to the grant, the Secretary may, after reasonable notice to the applicant, suspend the grant. No obligations incurred by the State during the period of suspension shall be allowable under the suspended grant, except that the Secretary may at his discretion allow necessary and proper costs which the State could not reasonably avoid during the period of suspension provided that such costs would otherwise be allowable under the applicable cost principles set forth in the Department of Health, Education, and Welfare Grants Administration Manual. Appropriate adjustments to the payments under the suspended grant will be made, either by withholding the payments or by not allowing the State credit for disbursements which it may make in liquidation of unauthorized obligations it incurs during the period of suspension. Suspensions shall remain in effect until the State has taken corrective action to

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the satisfaction of the Secretary, or given assurances satisfactory to the Secretary that corrective action will be taken, or until the Secretary terminates the grant.

(c) *Termination.* (1) *Termination for cause.*—The Secretary may terminate any grant in whole, or in part, at any time before the date of completion, whenever he determines that the State has materially failed to comply with applicable requirements of the Act, the regulations of this subpart or other terms and conditions applicable to the grant. The Secretary will promptly notify the applicant in writing of the determination and the reasons for the termination, together with the effective date. Payments made to States or recoveries by the Secretary under grants terminated for cause shall be in accordance with the legal rights and obligations of the parties.

(2) *Termination on other grounds.*—(i) Except as provided in paragraph (c) (1) of this section grants may be terminated in whole or in part only as follows:

(A) By the Secretary, with the consent of the State, or

(B) By the State, upon written notification to the Secretary, setting forth the reasons for such termination.

(ii) When a grant is terminated pursuant to paragraph (c) (2) (i) of this section, the two parties shall agree upon the termination conditions. The State shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Secretary will allow full credit to the State for the Federal share of noncancellable obligations properly incurred by the State prior to termination.

[FR Doc.73-18096 Filed 8-27-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Regs. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Payment for Services of Physicians in Teaching Hospitals, for Physician Costs to Hospitals and Medical Schools, and for Volunteer Services; Extension of Comment Period

This notice extends the period for comments provided in the notice published July 19, 1973 (38 FR 19230), in which comments were solicited on proposed amendments to Part 405 (Regulations No. 5) relating to payment for services of teaching physicians and certain other related costs.

Comment on the proposed regulations was invited on or before August 20, 1973. Several concerned organizations have requested additional time to submit comments. The time period for comment is hereby extended to October 17, 1973.

Comments on the proposed regulations of the Social Security Administration (20 CFR Part 405) should be submitted in writing, in triplicate, to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201 on or before October 17, 1973.

Copies of all comments received will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

(Catalogue of Federal Domestic Assistance Program Nos. 13.800, Health Insurance for the Aged—Hospital Insurance; and 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: August 17, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved: August 24, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.73-18319 Filed 8-27-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

COAST GUARD

[33 CFR Part 127]

[CGD 73-182P]

NEW LONDON HARBOR, CONNECTICUT

Proposed Establishment of Security Zones

The Coast Guard is considering amending Title 33 of the Code of Federal Regulations to establish two security zones on the Thames River at New London, Connecticut. These security zones are needed to safeguard U.S. Naval vessels under construction at the Electric Boat Division Shipyard and U.S. Naval vessels moored at or near the State Pier #1 from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature. The security zone regulations in 33 CFR 127.15 would not apply to public vessels operating in these two security zones, and they would not apply to vessels owned by, under hire to, or performing work for the Electric Boat Division operating in Security Zone B.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (mps), Third Coast Guard District, Governors Islands, New York 10004. Each person submitting comments should include his name and address, identify the notice (CGD 73-182P), and give reasons for any recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the Office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before September 28, 1973, and his recommendations to the Commandant (GW), U.S. Coast Guard, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in light of comments received.

In consideration of the foregoing, it is proposed to amend Part 127 of Title 33 of the Code of Federal Regulations by adding a new § 127.305 to read as follows:

§ 127.305 New London Harbor, Connecticut.

(a) *Security Zones.* (1) *Security Zone A.*—The waters of the Thames River off State Pier enclosed by a line beginning at the midpoint of the southeast face of State Pier thence to latitude 41°21'24" N., longitude 72°05'21.2" W.; thence to latitude 41°21'26.2" N., longitude 72°05'19.3" W.; thence to latitude 41°21'34" N., longitude 72°05'18.1" W.; thence to latitude 41°21'37.4" N., longitude 72°05'21" W. (Buoy C 15); thence to latitude 41°21'37" N., longitude 72°05'25.1" W. (Winthrop Point Anchorage Buoy A); thence westerly to the shoreline at latitude 41°21'37" N., longitude 72°05'28" W.; thence along the shoreline and pier to the point of beginning.

(2) *Security Zone B.*—The waters of the Thames River west of the Electric Boat Division Shipyard enclosed by a line beginning at a point on the shoreline at latitude 41°20'27" N., longitude 72°04'51.5" W.; thence due west to latitude 41°20'27" N., longitude 72°05'-02" W.; thence to latitude 41°21'03" N., longitude 72°05'06.7" W.; thence easterly to a point on the shoreline at latitude 41°21'103" N., longitude 72°05'00" D.; thence along the shoreline to the point of beginning.

(b) *Special regulations.*—Section 127.15 does not apply to public vessels when operating in Security Zones A or B, or to vessels owned by, under hire to, or performing work for the Electric Boat Division when operating in Security Zone B.

(46 Stat. 220, as amended, sec. 1, 63 Stat. 503, sec. 6(b), 80 Stat. 937 (50 U.S.C. 191, 14 U.S.C. 91, 49 U.S.C. 1655(b)(1)) E.O. 10173, as amended; 3 CFR 1949-1953 Comp. 356, 778, 873, 3 CFR 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Dated August 21, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-18182 Filed 8-27-73;8:45 am]

[46 CFR Part 160]

[CGD 73-130P]

LIFESAVING EQUIPMENT

Proposed Specification

The Coast Guard is considering amending the lifesaving equipment specifications by adding an alternative test for a dee ring and snap hook assembly.

or an assembly of a similar device, that is consistent with the specification for a body strap assembly.

Any interested person may submit written data, views, or arguments concerning this notice to the Executive Secretary, Marine Safety Council (GCMC/82), Room 8234, 400 Seventh Street, SW., Washington, D.C. 20590. Each written comment should include the docket number of this notice (CGD 73-130P), the name and address of the person submitting the comment, the section number of the proposal to which the comment is addressed, any specific wording recommended, and the reason and supporting data for any recommended change.

Each comment received before September 28, 1973, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in room 8234, 400 Seventh Street, SW., Washington, D.C., both before and after the closing date for the receipt of comments. The proposal may be changed in the light of the comments received.

The Coast Guard has received comments pointing out an inconsistency in the breaking strength requirements for body strap and dee ring and snap hook assemblies in the buoyant vest specifications. The specification requires a body strap assembly to withstand 150 pounds for an adult size and 115 pounds for a child size, but the same specification requires a dee ring and snap hook to withstand 300 pounds for an adult size and 230 pounds for a child size.

The higher requirement for a dee ring and snap hook assembly is to compensate for any loss of strength resulting from weathering while in service. The Coast Guard is considering an amendment to §§ 160.047-3, 160.052-3, and 160.060-3 which would allow an alternative assembly specification. This alternative would be an assembly with a lower breaking strength that has passed specified weathering tests and a weight test of 150 pounds for an adult size and 115 pounds for the child size.

In consideration of the foregoing, the Coast Guard proposes to amend 46 CFR Part 160 as follows:

1. By revising § 160.047-3(g) to read as follows:

§ 160.047-3 Materials.

* * * * *

(g) *Dee ring and snap hook assembly and similar assemblies*—(1) *Standards for dee ring and snap hook assemblies made of brass, bronze or stainless steel.* (i) The size of the opening must be consistent with the webbing.

(ii) The assembly may have decorative platings in any thickness.

(iii) The webbing opening of the snap hook must be a continuous ring.

(iv) The snap hook spring must be of phosphor bronze or other corrosion resistant material.

(v) A dee ring must be welded to form a continuous ring or be a one piece casting.

(2) *Standards for dee ring and snap hook assemblies and similar assemblies made of inherently corrosion resistant materials.*—(i) The size of the opening must be consistent with the webbing.

(ii) The assembly may have decorative platings in any thickness.

(3) *Tests.*—(i) An assembly consisting of dee ring and snap hook constructed to the standard contained in subparagraph (1) of this paragraph must pass one of the following tests:

(*a*) The assembly must be attached to a support for 10 minutes and bear 300 pounds for an adult size and 230 pounds for a child size, without breaking or distorting.

(*b*) The test contained in subparagraph (3) (ii) of this paragraph.

(ii) An assembly consisting of a dee ring and snap hook or a similar assembly, constructed to the standard contained in subparagraph (1) or (2) of this paragraph, must be attached to a support for 10 minutes and bear 150 pounds for an adult size and 115 pounds for a child size without breaking or distorting after being tested for weathering by one or more of the following tests selected by the Coast Guard:

(*a*) Application of a 20 percent sodium-chloride solution spray at a temperature of 95°F (35°C.) for a period of 240 hours, in accordance with the procedures contained in method 811 of the Federal Test Method Standard No. 151.

(*b*) Exposure to a carbon-arc weatherometer for a period of 100 hours.

(*c*) Submergence for a period of 100 hours in each of the following:

(*1*) Leaded gasoline.

(*2*) Gum turpentine.

* * * * *

§§ 160.052-3 and 160.060-3 [Amended]

2. By revising §§ 160.052-3(e) and 160.060-3(e) to read the same as the proposed § 160.047-3(g).

(Sec. 17, 54 Stat. 166, as amended, Sec. 5, 85 Stat. 215, sec. 6(b)(1), 80 Stat. 937 (46 U.S.C. 526p, 1454, 49 U.S.C. 1655(b)(1)) 49 CFR 1.46 (b), (o)(1))

Dated August 21, 1973.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.73-18183 Filed 8-27-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-NE-25]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Concord, New Hampshire, control zone (38 FR 367) and 700-foot transition area (38 FR 467).

The establishment of two new Standard Instrument Approach Procedures at Concord Municipal Airport, Concord, New Hampshire, in accordance with the U.S. Standard for Terminal Instrument Procedures, requires the cancellation of the ADF and VOR approaches. These revised procedures will require the alteration of the Concord, New Hampshire, control zone and 700-foot transition area in order to provide controlled airspace protection for aircraft executing these procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received within thirty (30) days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Concord, New Hampshire, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Concord, New Hampshire, control zone and insert the following in lieu thereof:

"Within a 5-mile radius of the center, 43°12'16" N, 71°30'07" W, of Concord Municipal Airport, Concord, New Hampshire; within 1.5 miles each side of the 337° bearing from the Epping, New Hampshire, NDB, 43°07'05" N, 71°27'13" W, extending from the 5-mile radius zone to the Epping NDB."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Concord, New Hampshire, 700-foot transition area and insert the following in lieu thereof:

"That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°23'00" N, 71°11'50" W, to 43°09'00" N, 71°11'50" W, to 42°58'50" N, 71°01'00" W, to 42°53'00", 71°11'30" W, to 42°47'00" N, 71°09'00" W, to 42°38'00" N, 71°20'00" W, to 42°40'00" N, 71°35'00" W, to 42°43'00" N, 71°36'00" W, to 42°45'00" N, 71°38'25" W, to 42°54'00" N, 71°57'00" W, to 43°06'00" N, 71°47'00" W, to 43°23'00" N, 71°47'00" W, to point of beginning. 1,200-foot Transition Area is unchanged.

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(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348]; sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]).

Issued in Burlington, Massachusetts, on August 10, 1973.

FERRIS J. HOWLAND,
Director,
New England Region.

[FR Doc.73-18157 Filed 8-27-73;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 709]

DIVISION OF ASSETS, LIABILITIES, AND CAPITAL

Proposed Rulemaking

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, proposes to revise the entire Part 709 (12 CFR Part 709) as set forth below.

The purpose of the proposed revision is to update Part 709 (12 CFR Part 709) in accordance with recent revisions relating to chartering policies and procedures contained in Part 701. (12 CFR Part 701.)

This part will enable separately identifiable groups of an existing Federal credit union to undertake an equitable division of the Federal Credit Union assets, liabilities and capital, and to charter a new Federal credit union.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision to the Administrator, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456, to be received not later than October 30, 1973.

HERMAN NICKERSON, JR.,
Administrator.

Sec.
709.0 Scope.
709.1 When permissible.
709.2 Approval by board and appointment of committee.
709.3 Preparation of plan.
709.4 Notice of option to transfer.
709.5 Submittal of plan to Administration.
709.6 Investigation and charter and insurance application.
709.7 Approval of plan by Administrator.
709.8 Approval of plan by members of the existing Federal Credit Union.
709.9 Issuance of chapter to the new Federal Credit Union and completion of division.

Authority: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766).

§ 709.0 Scope.

This part prescribes the procedures that will enable members of a Federal credit union who are a separately identifiable group to undertake an equitable division of their assets, liabilities and capital and charter a new Federal credit union.

§ 709.1 When permissible.

A Federal credit union may undertake an equitable division of its assets, liabilities and capital when:

(a) A group of persons within the field of membership of the Federal credit union constitutes a separately identifiable group which is eligible for a Federal credit union charter;

(b) A sufficient number of those in the separately identifiable group have authorized transfer of their share and loan accounts to justify the division; and

(c) The other requirements of the regulations in this part are met.

§ 709.2 Approval by board and appointment of committee.

Upon the board of directors approval of a proposition for the Federal credit union to divide its assets, liabilities and capital between itself and a Federal credit union to be organized to serve persons in a separately identifiable group with the existing Federal credit union's field of membership, the board shall:

(a) Appoint a committee of members of the said group to assist in the preparation and execution of a plan for division and to subscribe to an Organization Certificate for the proposed new Federal credit union; and

(b) Promptly notify the Regional Director of these actions.

§ 709.3 Preparation of plan.

The board of directors shall prepare a plan for division which shall provide that:

(a) The members within the separately identifiable group shall have the option to be exercised in writing by a specified date, of (1) authorizing the transfer of their accounts to the new Federal credit union upon approval of its charter by the Administrator, or (2) maintaining their accounts in the existing Federal credit union, provided, however, the Bylaws of the existing Federal credit union would permit such retention.

(b) The remaining assets, liabilities and capital will be equitably divided; and

(c) The records will be closed and the division effected by a specified date, subsequent to but no later than six months after the date set for members to exercise their options as specified in § 709.3 (a).

§ 709.4 Notice of Options.

The board of directors shall give written notice of the options set forth in § 709.3(a) to each person who would be eligible for membership in the proposed new credit union. The written notice shall contain a summary of the plan and a form for confirmation of account balances and authorization for transfer of accounts. If authorization is given to transfer an account, it shall be valid for six months from the date fixed for the exercise of the option.

§ 709.5 Submittal of Plan to Administration.

If a number of members, sufficient to make the division reasonable and feasible, have authorized the transfer of their accounts by the date fixed for exercising the option to transfer, the board of directors shall submit the following information to the Regional Director:

(a) A copy of the Plan for Division of Assets, Liabilities and Capital;

(b) A current financial and statistical report;

(c) A Certification of Acceptance of Option to Transfer Shares and Loans; summarizing the results of the Notice of Option to Transfer; and

(d) A schedule of the share and loan balances of all members who authorized the transfer of their accounts.

§ 709.6 Investigation and Charter and Insurance Application.

(a) An examiner will make the necessary investigation. If requirements are met and the plan appears acceptable, the examiner will assist in holding the charter-organization meeting and completing the required forms.

(b) The Regional Director will review the proposal and forward it, with his recommendation, to the Administrator for action.

§ 709.7 Approval of Plan by Administrator.

If the Administrator finds that the plan for division complies with this and other parts of these regulations, he will approve the plan and authorize the board of directors of the existing Federal credit union to present the proposal to the members for approval at an annual or special meeting as provided in § 709.8.

§ 709.8 Approval of Plan by Members of the Existing Federal Credit Union.

(a) If the Administrator approves the plan for division, it may be submitted to the members at an annual meeting, if one is to be held at a time which will assure the consummation of the plan within six months after the expiration of the option to transfer, or at a special meeting to be called as provided in the bylaws and held within the six-month period.

(b) The notice of the meeting shall:

(1) State that one of the purposes of the meeting is to vote on the proposed plan;

(2) Be given to each member of the credit union;

(3) Advise the members of the reasons for the proposal, the fact that the Administrator has given his approval, the number of eligible members who have authorized the transfer of their accounts, and the membership vote required for approval; and

(4) Be accompanied by a copy of the Plan for Division of Assets, Liabilities, and Capital.

(c) A majority of the members present and voting at the meeting must approve the plan in order for the board of directors to proceed with the division.

(d) The board of directors will promptly certify the results of the membership vote to the Regional Director.

§ 709.9 Issuance of Charter to the New Federal Credit Union and Completion of Division.

(a) If the plan was approved by the members of the existing Federal credit union as provided in § 709.8, the Administrator will issue the charter and insurance certificate to the new Federal credit union.

(b) The division will be completed as of the date specified in the plan. Upon completion of the division, the new Federal credit union will be vested with all assets received and will be responsible for all liabilities and capital assumed.

(c) The boards of directors for both Federal credit unions will promptly certify the completion of the division to the Regional Director. Financial and statistical reports for both Federal credit unions, before and after the division, will accompany the certification.

[FR Doc.73-18166 Filed 8-27-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 108]

LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Proposed Revision

Notice is hereby given that the Small Business Administration proposes to revise Part 108 (Revision 3) of Chapter I of Title 13 of the Code of Federal Regulations. Prior to adoption of Revision 4, consideration will be given to any comments, suggestions, or objections submitted in writing, in triplicate, to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, on or before September 17, 1973.

Proposed Revision 4 will consolidate Revision 3 and its several amendments, reducing text of some sections by referencing to "Loan Policy," Part 120 of this chapter and other minor changes. Elimination of paragraph (1), Amendment 3, Revision 3, will permit the use of blanket guarantees.

If adopted in final form, the new Revision 4 would read as follows:

GENERAL

Sec.
108.1 Policy.
108.2 Definitions.
108.3 Procedures for loan applications.

LOANS UNDER SECTION 501

Sec.
108.501 Statutory provision.
108.501-1 Section 501 loans.

LOANS UNDER SECTION 502

Sec.
108.502 Statutory provision.
108.502-1 Section 502 loans.

AUTHORITY: The provisions of this Part 108 issued under sec. 5, Pub. L. 85-536, secs. 201, 308, Pub. L. 85-690.

GENERAL

§ 108.1 Policy.

(a) As part of the congressional policy to improve and stimulate the national economy in general, and the small business segment thereof in particular, by establishing a program to stimulate the flow of private equity capital and long-term loans for the sound financing of the operations, growth, expansion, and modernization of small business concerns, the Small Business Administration is authorized to make loans to state and local development companies which will further that policy. This policy shall be carried out in such manner as to insure the maximum participation of private financing sources. No such loan shall be made if the effect thereof will be to cause a substantial increase of unemployment in any area of the country.

(b) The Government of the United States has declared that no person in the United States shall, on the grounds of race, color, religion, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. (Title VI of the Civil Rights Act of 1964.) The President of the United States has also declared in Executive Orders No. 10925 of March 6, 1961 (26 FR 1977), No. 11114 of June 23, 1963 (28 FR 6485), and No. 11246 of September 24, 1965 as amended by No. 11375 of October 13, 1967 (32 FR 14303) that all qualified persons should be given equal employment opportunity without regard to race, color, religion, sex, or national origin, when employed or seeking employment with Government contractors or with contractors performing under Federally assisted construction contracts. Recipients of financial assistance under this part are subject to the nondiscrimination requirements of the laws and policies referred to in this section.

§ 108.2 Definitions.

For purposes of this part:

(a) "Administrator" means the Administrator of the Small Business Administration.

(b) "SBA" means the Small Business Administration.

(c) "Small business concern" means a business concern which would qualify as a small business under § 121.3-10 or § 121.3-11 of this chapter.

(d) "Development company" means an enterprise incorporated under the laws of one of the several states, formed for the purpose of furthering the economic development of its community and environs, and with authority to promote and assist the growth and development of small business concerns in the areas covered by their operations. Such corporation may be organized either as a profit or nonprofit enterprise.

(1) A state development company is a corporation organized under or pursuant to a special legislative act to operate on a statewide basis.

(2) A local development company is a corporation chartered under any applicable state corporation law to operate in a specified area within a state. A local development company shall be principally composed of and controlled by persons residing or doing business in the locality; such local persons shall ordinarily constitute not less than 75 percent of the voting control of the development company. No shareholder or member of the development company may own in excess of 25 percent of the voting control in the development company if he and his affiliated interest have direct pecuniary interest in the project involving the section 502 loan or in the small business concern which is to be assisted. The primary objective of the development company must be of benefit to the community as measured by increased employment, payroll, business volume, and corresponding factors rather than monetary profits to its shareholders or members; any monetary profits or other benefits which flow to the shareholders or members of the local development company must be merely incidental thereto.

(e) "Section 501 loan" means a loan authorized under section 501 of the Small Business Investment Act of 1958, as amended.

(f) "Section 502 loan" means a loan authorized under section 502 of the Small Business Investment Act of 1958, as amended.

(g) "Plant" means any physical facility, including land, buildings, machinery, and equipment owned or acquired by the development company or the small business concern and employed or to be employed by the small business concern in the conduct of its business, whether the business be of an industrial, commercial, or recreational nature.

(h) "Construction contract" as used herein means any contract entered into by the development company or the small business concern being assisted for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

§ 108.3 Procedures for loan applications.

(a) *Relocation.*—No loan shall be made under this part that will result in a substantial increase of unemployment in any area of the country.

(1) In cases where the small business concern to be assisted is relocating its operations, said concern must submit and certify to evidence, prior to the filing of the application by the state or local development company for a section 502 loan or prior to disbursement by the state development company of the proceeds of a section 501 loan previously granted, that its relocation will not result in a substantial increase of unemployment in the area from which it is moving. Said evidence shall be submitted by the state or local development company to the SBA field office as designated in paragraph (c) of this section, and within 30 days SBA will notify the development company whether it may file a section 502 loan application or disburse section 501 loan proceeds.

(2) A substantial increase in unemployment shall be presumed to occur when (i) the relocation would result in the unemployment of one-third of the work force of the small business concern to be assisted, (ii) the unemployment

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would result in making the area affected an area of substantial unemployment as designated by the Department of Labor, or (iii) the area affected is one of substantial unemployment as designated by the Department of Labor.

(b) *Form of application.*—An application for a section 501 loan shall be made upon SBA Form 501 and for a section 502 loan upon SBA Form 502, and shall include all other pertinent information required in supporting schedules and forms. The application and supporting materials shall be submitted in duplicate.

(c) *Place of filing.*—Application shall be made in the SBA field office serving the area in which the applicant is located if no bank participation in the loan is available. If participation is available, the application and supporting materials shall be submitted in duplicate to the lending institution which will submit one complete copy to SBA along with a letter confirming its willingness to participate.

(d) *Nondiscrimination.* — Applicants for section 501 and section 502 loans and identifiable small business concerns, beneficiaries of such loans, will be required to execute when appropriate the compliance forms furnished by SBA.

LOANS UNDER SECTION 501

§ 108.501 Statutory provision.

Section 501. (a) The Administration is authorized to make loans to State development companies to assist in carrying out the purposes of this Act. Any funds advanced under this subsection shall be in exchange for obligations of the development company which bear interest at such rate, and contain such other terms, as the Administration may fix, and funds may be so advanced without regard to the use and investment by the development company of funds secured by it from other sources.

(b) The total amount of obligations purchased and outstanding at any one time by the Administration under this section from any one State development company shall not exceed the total amount borrowed by it from all other sources. Funds advanced to the State development company under this section shall be treated on an equal basis with those funds borrowed by such company after the date of the enactment of this Act, regardless of source, which have the highest priority, except when this requirement is waived by the Administrator.

§ 108.501–1 Section 501 loans.

(a) *Participation.*—To insure participation of private financing sources, the state development company shall agree, unless otherwise notified by SBA, that within 30 days after disbursement of the loan and thereafter during the period in which the loan or any part thereof remains unpaid, it will maintain portfolio investments or loans, or both, meeting the requirements of paragraph (e) of this section, having a stated outstanding principal value equal to no less than 133⅓ percent of the unpaid principal of the loan. Deviation from this ratio will be permitted during intervals between repayment or other disposal of such investments or loans and the prompt reinvestment of funds resulting from such repayment or disposal.

(b) *Loan amount.*—Subject to the limitation contained in section 501(b) of the Small Business Investment Act of 1958, as amended, a loan authorized under this authority shall be in such amount as determined by SBA to be consistent with sound business practice.

(c) *Repayment of loan.*—A section 501 loan shall not be made for a term longer than 20 years. Payment of all or any part of a loan may be anticipated without penalty on any interest payment date. Except when the rate of repayment is waived by SBA, such rate shall be adjusted by SBA so that a section 501 loan shall be repaid at no lesser rate than the other debts of the development company which first become due; but in any event not less frequently than annually. *Provided, however,* That at no time will the outstanding amount of a section 501 loan to a development company exceed the limitation set forth in section 501(b) of the Small Business Investment Act of 1958, as amended.

(d) *Security.*—Except where this requirement is waived by SBA, funds advanced to a development company under a section 501 loan shall be secured on an equal basis with those funds borrowed by such company after August 21, 1958, regardless of source. Equal basis does not require that all SBA funds be secured in the highest degree that any other development company funds are secured; however, SBA funds shall be secured on a ratable basis.

(e) *Use of proceeds.*—(1) The proceeds of loans to state development companies shall be used only to provide equity capital or make long-term loans, or both, to small business concerns. For the purposes of this section, a long-term loan or any debt instrument through which equity may be acquired shall have a final maturity of not less than 5 years. State development companies may use section 501 loan proceeds to acquire capital stock or other equity instruments from, or to relend to, small business concerns in need of assistance to finance their operations, growth, expansion, or modernization: *Provided, however,* That the authority to acquire with such proceeds an equity or other proprietary interest in a borrower shall extend only to state development companies which are wholly owned and controlled by private interests.

(2) The proceeds of loans to state development companies may not be used for:

(i) Relending or reinvesting by the small business concern;

(ii) Purposed contrary to the public interest, including but not limited to gambling enterprises and activities;

(iii) Any purposes which would encourage monopoly or be inconsistent with accepted standards of free enterprise;

(iv) Use outside of the United States: *Provided, however,* That a state development company may provide funds to a small business concern which is subject to state or Federal jurisdiction, (a) for use in the domestic production of products for distribution abroad, or to acquire abroad materials for such operations, or (b) for use in its branch operations abroad or for transfer to its controlled foreign subsidiary in exchange for further equity interest in or the monetary obligation of such foreign subsidiary; so long as the major portion of the assets and activities of such concern, after funds are so employed, remains within the territorial jurisdiction of the United States.

(f) *Interest rate.*—The rate of interest on section 501 loans to state development companies shall be the same rate at which the state development company borrows funds from its members.

(g) *Firm commitment.*—A firm commitment may be given by SBA for a period of 1 year subject to the payment of a commitment fee computed on the basis of 1 percent per annum, beginning with the first day after the first 30 days following the date of the note.

(h) *Disposal of obligations.*—SBA may, in its discretion and upon such terms and conditions and for such consideration as shall be deemed to be reasonable, sell, assign, transfer or otherwise dispose of the note, and all other evidence of debt or security held in connection with the payment of any loan made under section 501 of the Small Business Investment Act of 1958, as amended.

LOANS UNDER SECTION 502

§ 108.502 Statutory provision.

Section 502. The Administration may, in addition to its authority under section 501, make loans for plant construction, conversion, or expansion, including the acquisition of land, to state and local development companies, and such loans may be made or effected either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis: *Provided, however,* That the foregoing powers shall be subject to the following restrictions and limitations:

(1) All loans made shall be so secured as reasonably to assure repayment. In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

(2) The proceeds of any such loan shall be used solely by such borrower to assist an identifiable small-business concern and for a sound business purpose approved by the Administration.

(3) Loans made by the Administration under this section shall be limited to $350,000 for each such identifiable small-business concern.

(4) Any development company assisted under this section must meet criteria established by the Administration, including the extent of participation to

be required or amount of paid-in capital to be used in each instance as is determined to be reasonable by the Administration.

(5) No loans, including extensions or renewals thereof, shall be made by the Administration for a period or periods exceeding 25 years plus such additional period as is estimated may be required to complete construction, conversion, or expansion, but the Administration may extend the maturity of or renew any loan made pursuant to this section beyond the period stated for additional periods, not to exceed 10 years, if such extension or renewal will aid in the orderly liquidation of such loan. Any such loan shall bear interest at a rate fixed by the Administration.

§ 108.502–1 Section 502 loans.

SBA is authorized to make loans to development companies to finance plant construction, conversion, or expansion, including the acquisition of land: *Provided, however,* That such loans will assist an identifiable small business concern in accomplishing a sound business purpose.

(a) *Sound business purpose.*—A loan will not be considered to be for a sound business purpose: (1) If, in any case where the relocation of a small business concern is involved, the relocation will result in the avoidance by such concern of obligations incurred in the location from which the move is to be made or if the primary incentive for such relocation is a local subsidy; (2) if the concern is being relocated from another area unless there is demonstrated to SBA a need to locate closer to the source of basic materials or to major consumers, or to consolidate operations in one location, or unless such relocation is justified by other reasons satisfactory to SBA; (3) if it is to accomplish an expansion or conversion which is unwarranted in the light of the small business concern's past experience and management ability; (4) if it will subsidize inferior management; (5) if it provides funds for speculation; or (6) if its effect will be to encourage monopolies or be inconsistent with accepted standards of the American system of free competitive enterprise.

(b) *Ineligible categories.*—A loan will not be made if the small business concern to be assisted does not qualify as an eligible small business under Part 120 of this chapter, except where inconsistent with specific provisions in this part.

(c) *Collateral.*—All loans made under this section shall be so secured as reasonable to assure repayment. SBA shall determine that all property and rights available as collateral security for such a loan are of a character and value as reasonably to assure repayment of the loan. Collateral shall be insured against such hazards and risks as SBA may require.

(d) *Loan amount.*—(1) Loans made by SBA under this section shall be limited to $350,000 for each identifiable small business concern. The total unpaid amount of any such SBA loan or loan in aid of a particular small business concern shall never exceed $350,000.

(2) Development companies may be eligible to be considered for such additional loans of not more thna $350,000 each, as there may be additional identifiable small business concerns to be assisted.

(e) *Participation by the development company.*—A development company may be required to furnish a reasonable part, as determined by SBA, of the funds necessary to accomplish the plant construction, conversion, or expansion, or the acquisition of land. For the purposes of this paragraph, the furnishing of not less than 20 percent of the necessary funds generally be considered a reasonable part. SBA may require that the funds to be furnished by the development company be derived from paid-in capital or surplus of the development company, as well as from other sources. The amount of paid-in capital to be required will depend in part upon the amount of the loan, the maturity of the loan, the extent to which other borrowings of the development company may be subordinated to the SBA loan and such other factors as the SBA may consider appropriate to the individual case. For the purpose of this section, "paid-in capital" is cash and property actually received in exchange for shares of stock issued by the development company, or cash and property contributed to the development company without obligation therefore, or cash and property for which the development company is indebted on a subordinated basis.

(f) *Other financing.*—(1) A loan will not be made unless the development company and the small business concern shall show to the satisfaction of SBA that the desired financial assistance is not available on reasonable terms.

(2) In the case of a development company, it shall be satisfactorily demonstrated that the desired financing is not available by means of sale of stock or debt securities, or both, in the development company; from funds agreed to be furnished by participating members of the development company; and by means of loans from not less than two lending institutions (where the population of the community exceeds 200,000) which have a sufficient legal and normal lending limit to cover the loan applied for.

(3) In the case of a small business concern, the demonstration of the unavailability of the desired financial assistance on reasonable terms shall be in accordance with Section 120.2(a) of this chapter. SBA will rely on the development company's certification as to the unavailability of such other financial assistance to the small business concern.

(g) *Participation by other financial institutions in loans to development companies.*—In order to stimulate and encourage loans by banks and other lending institutions, the SBA shall require that:

(1) An applicant for a loan show that a participation by another lending institution is not available. No financial assistance shall be extended in participation with another lending institution on an immediate basis unless the applicant shall show that a participation on a deferred basis is not available.

(2) SBA's share of immediate participation loans shall not exceed 75 percent of the loan. Exceptions may be made in cases when the participant's legal lending limit precludes a 25 percent participation. In such cases the participant will be required to share in the loan to the extent of its legal lending limit but in no event less than 10 percent. In guaranteed loans the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(3) Participation charges and service fees shall be in accordance with § 120.3 (b) (1) and (3), respectively, of this chapter.

(h) *Interest rate.*—The interest rate on a direct section 502 loan to a development company and on SBA's share of a section 502 loan made in participation with another lending institution shall be 5½ percent per annum: *Provided, however,* That where the interest on the share of the loan of the bank or other lending institution in a guaranteed or immediate participation loan is less than 5½ percent per annum, then the rate on SBA's share of the loan shall be at the same rate, but not less than 5 percent per annum. For the purposes of this paragraph, bank's share of the guaranteed participation shall be the entire amount of the loan until such time as SBA shall actually purchase its participation.

(i) *Loan maturity.*—The maturity of any loan under this section may not exceed 25 years plus such additional period as is estimated may be required to complete construction, conversion or expansion. It shall be the policy of SBA generally, in the case of a lease agreement between a local development company and an identifiable small business concern, to require that the term of the lease shall not be less than the term of the loan. It shall also be the policy of SBA generally to require repayment in equal periodic installments. Extensions or renewals of the loan for an additional period not to exceed 10 years beyond the stated maturity may be granted by SBA only if such extensions or renewals will aid in the orderly liquidation of such loans.

(j) *Use of proceeds.*—(1) As of the time of approval and the time of disbursement of a section 502 loan, the development company shall submit evidence satisfactory to SBA that the proceeds of such loan will be used for plant construction, conversion, expansion, or the acquisition of land, solely to assist an identifiable small business concern: *Provided, however,* That as of the time of disbursement, with respect to size, evidence need be submitted to show only the fact that the small business concern to be assisted has not adversely affected its status as an identifiable small business concern since the date of approval of loan by reason of any reorganization (including any reorganization under any Federal or state statute, sale of assets, merger, consolidation, purchase,

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sale or exchange of securities, or long-term lease) or franchise agreement.

(2) The identifiable small business concern, under agreement existing at the time of such disbursement, shall be entitled or permitted to possess and use, as owner or tenant, the plant which is constructed, converted, or expanded, with the proceeds of said loan.

(3) Evidence, satisfactory to SBA, shall be submitted prior to approval and disbursement of said loan, that the identifiable small business concern intends or has the right to use the said plant during a period of time equal at least to the maximum contract term of the section 502 loan or 5 years after full disbursement of the section 502 loan, whichever is the longer period; and that use of said proceeds will assist only the identifiable small business concern. Evidence of such intent and purpose shall be deemed to exist where the proceeds of the section 502 loan will be used by the development company to (i) relend to the identifiable small business concern for construction, conversion, or expansion of a plant owned, occupied, and used by said concern; (ii) construct, convert, or expand a plant to be sold immediately to the identifiable small business concern for its occupancy and use; (iii) construct, convert, or expand a plant owned by the development company to be leased to the identifiable small business concern with the right in such concern to apply rentals, under a purchase option arrangement, on the purchase price of the plant; or (iv) construct, convert, or expand a plant owned by the development company to be leased to the identifiable small business concern without a purchase option arrangement, but with the right in such concern to occupy the plant during a period of time equal at least to the maximum contract term of the section 502 loan or 5 years after full disbursement of the section 502 loan, whichever is the longer period; upon terms between the development company and said concern intended to provide the development company with total funds not in excess of those necessary; to repay with interest the section 502 loan; for applicable taxes upon and maintenance of the plant; to recover administrative costs; to provide a reasonable sum as a reserve for contingencies to cover unusual costs or expenses; and to recover capital investments and expenditures of the development company's own funds in the project with a reasonable return on such as may be necessary to attract and maincapital investments and expenditures tain a broad base of ownership or membership and interest in continuing local development projects.

(k) *Compliance.*—(1) All complaints alleging discrimination in construction contracts involving the use of section 502 loan proceeds shall be investigated by SBA. Complaints alleging discrimination must be filed with SBA within 90 days of the alleged discrimination.

(2) SBA may hold informal hearings and make findings regarding the allegation of discrimination in accordance with the rules of the President's Committee on Equal Employment Opportunity. In the event that SBA finds discrimination to have occurred, it may cancel loans approved but not disbursed to an applicant, it may refuse to make further disbursement on account of the loan, or it may accelerate the maturity of the note between borrower and SBA, or it may take any action of a lesser nature. Failure of SBA to invoke or assert any of the aforesaid sanctions or any other sanctions shall not be construed to be a waiver of SBA's right to assert any of such sanctions. See also part 112 of this chapter.

Dated August 17, 1973.

(Catalog of Federal Domestic Assistance Program No. 59.013—State and Local Development Company Loans.)

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-18214 Filed 8-27-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

ANNUAL INCOME

Foster Grandparent Program; Older Americans Community Service Programs

Public Law 93-29 (87 Stat. 55), enacted May 3, 1973, amended the Older Americans Act of 1965. One of the amendments effected by this Act was an extension of the Foster Grandparents Program to provide person-to-person services to disadvantaged persons other than children. These programs utilize the services of volunteers 60 years or older who are out of the normal work force and who have low incomes. A specific provision added by Pub. L. 93-29 prescribes that, notwithstanding any other provision of law, compensation received for services rendered under these programs shall not be considered income for any purpose. To effectuate this provision of the Act, the Administrator of Veterans' Affairs proposes regulatory changes which would exclude compensation under these programs from computation as income of the recipient in determining entitlement to pension, compensation, or dependency and indemnity compensation payable by the Veterans Administration. It is proposed to amend Part 3, Title 38, Code of Federal Regulations, as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (232H), Veterans Administration, Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before Sept. 27, 1973 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address of the above room number.

Notice is given that it is proposed to make these amendments effective May 3, 1973.

1. In § 3.261(a), subparagraph (33) is added to read as follows:

§ 3.261 **Character of income; exclusions and estates.**

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension protected (veterans, widows and children)	Pension; Public Law 86-211 (veterans, widows and children)	See—
(a) *Income:*					§3.262(q).
(33) Foster Grandparent Program and Older Americans Community Services Programs payments (Public Law 93-29).	Excluded	Excluded	Excluded	Excluded	

2. In § 3.262, paragraph (q) is added to read as follows:

§ 3.262 **Evaluation of income.**

(q) *Payments Under Foster Grandparent Program and Older Americans Community Service Programs.*—Effective May 3, 1973, compensation received under the Foster Grandparent Program and Older Americans Community Service Programs (42 U.S.C. 3044b) will be excluded from income in claims for compensation, pension and dependency and indemnity compensation. (Pub. L. 93-29; 87 Stat. 55)

Approved August 22, 1973.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-18174 Filed 8-27-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Baker, Howard Joseph, 59 Lund Street, Eugene, Oregon, convicted on January 14, 1966, and April 15, 1969, in the Circuit Court, County of Lane, State of Oregon.

Beck, Michael W., 2102 South Seventh Street, Temple, Texas, convicted on February 12, 1969, in the District Court, Bell County, Belton, Texas, and on October 15, 1970, in District Court, Bell County, 169th Judicial District of Texas.

Clark, James H., III, P.O. Box 813, Elizabethtown, North Carolina, convicted on November 13, 1967, in the Court of General Sessions, Chesterfield County, South Carolina.

Coleman, George Richard, 5805 S.W. 192nd, Aloha, Oregon, convicted on August 20, 1970, in United States District Court, Portland, Oregon.

Eichner, Leonard, Jr., 4499 Pardee, Dearborn Heights, Michigan, convicted on October 21, 1946, in the District Court, Keith County in Ogallala, Nebraska.

Foss, Clifford Everett, Wentworth, South Dakota, convicted on January 7, 1971, in the Circuit Court, Second Judicial Circuit, Sioux Falls, South Dakota.

Long, Albert Stanley, Peytonsburg, Kentucky, convicted on September 28, 1939 and November 19, 1953, in the United States District Court, Bowling Green, Western District of Kentucky.

Monell, Franklin, 156 Windsor Place, Brooklyn, New York, convicted on May 7, 1962, in Supreme Court, Kings County, New York.

Perry, Darrell Lee, 3117½ W. Maplewood, Bellingham, Washington, convicted on December 11, 1970, in Superior Court for the State of Washington, Bellingham, Whatcom County.

Reid, Irvine J., 2323 North Bond, Saginaw, Michigan, convicted on November 10, 1941, in Saginaw County Circuit Court, Saginaw, Michigan.

Rogers, Charles M., 244 Lansbury Drive, Danville, Virginia, convicted on March 19, 1952, in Corporation Court of Danville, Virginia, and on April 16, 1962, in the United States District Court for the Western District of Virginia.

Sheldon, Wilfred, Jr., Box 71 Brainard Station Road, Brainard, New York, convicted on June 1, 1967, in the Supreme Court, County of Albany, New York.

Signed at Washington, D.C. this 15th day of August, 1973.

[SEAL] REX B. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73-18221 Filed 8-27-73;8:45 am]

Office of the Secretary

REFORM OF THE INTERNATIONAL MONETARY SYSTEM

Establishment of Advisory Committee

Pursuant to Pub. L. 92-463, the Federal Advisory Committee Act, the Treasury Department has established the Advisory Committee on Reform of the International Monetary System. The Committee is composed of leading members of the United States international financial community and will be chaired by former Secretary of the Treasury Henry H. Fowler.

The Committee will consult with and advise the Secretary and his staff with respect to issues arising in the negotiations of international monetary reform and related issues. It has been determined that the function of this Committee could not be performed by an agency of the Government or an existing Committee.

The Under Secretary for Monetary Affairs has certified that the establishment of this Advisory Committee is in the public interest.

Dated August 22, 1973.

[SEAL] J. ELTON GREENLEE,
Acting Assistant Secretary for Administration and Departmental Advisory Committee Management Officer.

[FR Doc.73-18163 Filed 8-27-73;8:45 am]

U.S. Customs Service

[T.D. 73-234]

INSTRUMENTS OF INTERNATIONAL TRAFFIC

Steel Rack Skids, Wooden Shells, and Steel Bars

AUGUST 22, 1973.

It has been established to the satisfaction of the U.S. Customs Service that units composed of a steel rack skid, wooden shells, and steel bars, 65 inches in height by 42 inches by 65 inches, used for the transportation of wire tire cord fabric, are substantial, suitable for and capable of repeated use and will be used in significant numbers in international traffic.

Under the authority of § 10.41a(a)(1), Customs regulations (19 CFR 10.41a(a)(1)), I hereby designate the above-described units as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These units may be released under the procedures provided for in § 10.41a, Customs regulations.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.73-18220 Filed 8-27-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

LAUREL RIVER LAKE, KENTUCKY

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

By virtue of the authority vested in the Secretary of the Army and the Secretary of Agriculture by the Act of July 26, 1956 (70 Stat. 656 (16 U.S.C. 505a, 505b)), it is ordered as follows:

(1) The lands under the jurisdiction of the Department of the Army described in Exhibit A, attached hereto and made a part hereof, which lands are within and adjacent to the exterior boundaries of the Daniel Boone National Forest, Kentucky, are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture, subject to outstanding rights or interest of record and to such continued use by the Corps of Engineers of all of these lands which are necessary for the construction, operation, and maintenance of the Laurel River Lake project for its intended purposes, other than for recreation and fish and wildlife, as presently authorized, or as may be authorized in the future, including, but not limited to the right to perform timber clearing, flooding of the area, to construct and maintain transmission lines and utilities, access roads, and to make improvements in the aid of navigation, and to a reservation by the Corps of Engineers of the privilege of outgranting rights-of-way for power and telephone lines, for roads and pipelines, etc., as necessary to accommodate such facilities as are relocated and reconstructed under certain relocation contracts between the Corps of Engineers and owners thereof. Administration of licenses, permits, and easements for such outgrants of rights-of-way will be transferred to the Secretary of Agriculture.

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(2) The National Forest lands described in Exhibit B, attached hereto and made a part hereof, which are a part of the Daniel Boone National Forest, Kentucky, are hereby transferred from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Secretary of the Army, subject to outstanding rights or interests of record, and to a reservation for and on behalf of the United States Forest Service of the right of access and use necessary to provide for required other uses of National Forest lands, including the sale of timber therefrom prior to clearning actitvties of the Corps of Engineers and access for National Forest purposes.

Pursuant to section 2 of the aforesaid Act of July 26, 1956, the National Forest lands transferred to the Secretary of the Army by this order are hereafter subject only to the laws applicable to the Department of the Army lands comprising the Laurel River Lake project. The Department of the Army lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to lands acquired under the Act of March 1, 1911 (38 Stat. 961), as amended.

Effective Date.—This order will be effective August 28, 1973.

Dated July 9, 1973.

HOWARD H. CALLAWAY,
Secretary of the Army.

EARL L. BUTZ,
Secretary of Agriculture.

EXHIBIT A

Lands transferred from the Secretary of the Army to the Secretary of Agriculture.

The following listed tracts acquired by the Department of the Army for, or, in connection with the Laurel River Lake project in Whitley and Laurel Counties, Kentucky:

Segment 1—Tract 113.

Segment 2—Tracts 200, 201, 202, 203, 207.

Segment 3—Tracts 301, 302, 304, 305, 306, 307.

Segment 4—Tracts 400, 402, 403, 404, 405, 406, 410, 412.

Segment 5—Tracts 500, 501, 503, 506, 508.

Segment 6—Tracts 600, 602, 603, 605, 607, 608, 609, 611, 612, 613–1, 613–2, 613–3, 615, 616, 618, 619, 621.

Segment 7—Tracts 701, 702, 703, 704, 706, 708, 710, 712, 713, 715, 716, 717, 718, 725, 729, 730, 732, 733.

Segment 8—Tracts 800, 801, 802, 804, 805, 806, 808, 809, 810, 811, 812, 814.

Segment 9—Tracts 900, 901, 902, 903, 906, 908, 909, 910, 914, 915, 917, 918, 919, 920, 922, 823, 824, 825, 826, 928.

Segment 10—Tracts 1007, 1008, 1012–1, 1012–2, 1013, 1017, 1021, 1023, 1026, 1029, 1036, 1038, 1043, 1057, 1058, 1061–1, 1061–2, portion of Tract 1037.

The lands listed above consist of 6,337 acres, more or less. Legal descriptions of the transferred tracts and Real Estate Segment Maps depicting their location are on file in the office of the District Engineer, U.S. Army Corps of Engineers, Nashville District, Nashville, Tennessee; and the office of the Forest Supervisor, Daniel Boone National Forest, Winchester, Kentucky.

EXHIBIT B

Lands transferred from the Secretary of Agriculture to the Secretary of the Army.

Tract 1557, consisting of 107 acres, more or less.

Complete legal description of the transferred tract and survey plat depicting the location are on file in the office of the District Engineer, U.S. Army Corps of Engineers, Nashville District, Nashville, Tennessee; and the office of the Forest Supervisor, Daniel Boone National Forest, Winchester, Kentucky.

[FR Doc.73-18181 Filed 8-27-73;8:45 am]

Department of the Navy

ADVISORY COMMITTEE FOR MINORITY AFFAIRS

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 (1972)), notice is hereby given that the Commandant of the Marine Corps Advisory Committee for Minority Affairs will have a closed meeting on September 14, 1973, at Headquarters, United States Marine Corps, Navy Annex, Arlington, Virginia.

The agenda of this meeting consists of matters determined by the Secretary of the Navy to be exempt from disclosure under the provisions of section 552(b) of title 5, United States Code.

MERLIN H. STARING,
Rear Admiral, JAGC, U.S. Navy, Judge Advocate General of the Navy.

AUGUST 20, 1973.

[FR Doc.73-18170 Filed 8-27-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

NEW MEXICO GRAZING DISTRICT ADVISORY BOARDS

Notice of Meetings

Notice is hereby given that four Bureau of Land Management grazing district advisory boards, chartered by the Taylor Grazing Act, will meet at separate locations in New Mexico during September 1973, as follows in chronological order:

Socorro, September 5, at 9 a.m., at the Bureau of Land Management District Office. The agenda contains but one item: Discussion of the regulations and interagency agreement pertaining to the protection and management of wild, free-roaming horses and burros on public lands.

Roswell, September 6, at 9 a.m., at the Bureau of Land Management District Office. The agenda contains but one item: Discussion of the regulations and interagency agreement pertaining to the protection and management of wild, free-roaming horses and burros on public lands.

Las Cruces, September 10, at 9 a.m., at the Bureau of Land Management District Office. The agenda contains but one item: Discussion of the regulations and interagency agreement pertaining to the protection and management of wild, free-roaming horses and burros on public lands.

Albuquerque, September 11, at 9 a.m., at the Bureau of Land Management District Office. The agenda contains two items: (1) Discussion of the regulations and interagency agreement pertaining to the protection and management of wild, free-roaming horses and burros on public lands and, (2) explanation of various aspects of the Bureau of Land Management's planning process and recommendations for the San Juan unit of the Farmington Resource Area. Wild horse regulations will be discussed, beginning at 9 a.m. The BLM planning process will be discussed, beginning at 1 p.m.

All meetings will be open to the public. Written and oral statements are welcome. Written statements should be addressed to advisory board chairmen, as follows:

Socorro—William M. Seis, P.O. Box 1456, Socorro, NM 87801.

Roswell—Carl Johnson, P.O. Box 1397, Roswell, NM 88201.

Las Cruces—Eldon P. Harvey, P.O. Box 1420, Las Cruces, NM 88001.

Albuquerque—Pablo Roybal, 3550 Pan American Freeway, Albuquerque, NM 87107.

MICHAEL T. SOLAN,
Acting State Director.

[FR Doc.73-18168 Filed 8-27-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CHILDRENS HOSPITAL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00463-33-46040. Applicant: Children's Hospital Research Foundation, Elland and Bethesda Avenues, Cincinnati, Ohio 45229. Article: Electron microscope, Model EM-10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the study of lysosomal disease utilizing tissue cultures from patients with such diseases as Type II glycogenosis, Tay Sachs disease, mucopolysarcharidoses, mucosulfatidoses, etc. The morphologic alterations of lysosomes which cells in tissue culture from these diseases demonstrate will be investigated.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a continuous magnification from 100 to 200,000 magnifications, without changing the pole-piece. The most closely comparable domestic instrument is the Model EMU-4C manufactured by the Forgflo Corporation. The Model EMU-4C, with its standard pole-piece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification polepiece should be used. Changing the polepiece on the Model EMU-4C requires a break in the vacuum of the column. We are advised by the Department of Health, Education and Welfare (HEW) in its memorandum dated August 9, 1973, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment.

Therefore, the capability of moving from 100 to 200,000 magnifications without changing pole-pieces, while at the same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-18093 Filed 8-27-73;8:45 am]

PHILADELPHIA GENERAL HOSPITAL, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before September 17, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00041-33-46500. Applicant: Philadelphia General Hospital, 700 Civic Center Boulevard, Philadelphia, Pennsylvania 19104. Article: Ultramicrotome, Model LKB 8800A and 4806A Ultrotome Table. Manufacturer: LKB Produkter AB, Sweden. Intended Use of Article: The article is intended to be used in research on animal brain which has been innoculated with cells believed to contain a virus responsible for the pathogenesis of multiple sclerosis (MS). Objectives are (1) to explore the possibility that a virus is responsible for MS (2) to grow this virus in cell cultures and (3) to create MS lesions in the brains of monkeys and identify the virus. Application received by Commissioner of Customs: July 24, 1973.

Docket Number: 74-00042-33-46500. Applicant: Hospital of the Good Samaritan Medical Center, 1212 Shatto Street, Los Angeles, California 90017. Article: Ultramicrotome, Model LKB 8800A, 14800-1 CryoKit, and 4806A Ultrotome Table. Manufacturer: LKB Produkter AB, Sweden. Intended Use of Article: The article is to be used in studies of normal and pathological human tissue, specifically, normal and malignant cells taken from biopsies of human breast and urinary bladder. Application received by Commissioner of Customs: July 24, 1973.

Docket Number: 74-00043-01-07500. Applicant: Medical University of South Carolina, Biochemistry Department, 80 Barre Street, Charleston, South Carolina 29401. Article: LKB Batch Microcalorimeter, Model 10700-2. Manufacturer: LKB Produkter AB, Sweden. Intended Use of Article: The article is intended to be used for the study of proteins and other biologically important molecules. The protein systems include the enzymes: xanthine oxidase, synthetase, dihydrofolate reductase, serine tranhydroxymethylase, uricase, and ATPase. Whole cell studies will also be conducted. Thermal changes associated with biological reactions undergone by the above both in vitro will be investigated. Application received by Commissioner of Customs: July 23, 1973.

Docket Number: 74-00048-36-46070. Applicant: University of Wisconsin—Oshkosh, Oshkosh, Wisconsin 54901. Article: Scanning Electron Microscope, Model HHS-2R. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended Use of Article: The foreign article is intended to be used in research on (1) The Taxonomy of the genus *chironomus: C: pallidivittatus* and its relationship to various European species (2) the morphology of the Army Cutworm, *Chorizagrotis auxiliaris* and (3) the structure of the Prophase I Nucleus in the mushroom Genus *Mycena*. The article will also be used in a regular undergraduate program in advanced courses in plant morphology, entomology, cytology and bactiology. Application received by Commissioner of Customs: July 27, 1973.

Docket Number: 74-00049-38-64700. Applicant: University of Hawaii, Department of Educational Psychology, 1776 University Avenue, Honolulu, Hawaii 96822. Article: 704 TKK Polygraph for Group Use. Manufacturer: Takei & Company, Ltd., Japan. Intended Use of Article: The article is intended to be used in research studies of psychophysiological changes as concommitants of small group process. Specifically it is intended to measure the psychophysiological aronsol as a function of (1) group leadership styles (2) group membership styles (3) inclusion stage in groups (4) affection stage in groups (5) control stage in groups (6) problem solving stage in groups (7) high verbal times vs. low verbal times for leaders and for members and (8) high ambiguity vs. low ambiguity times in the group. Application received by Commissioner of Customs: July 30, 1973.

Docket Number: 74-00050-75-77025. Applicant: University of California, Purchasing Department, P.O. Box 1500, Berkeley, California 94701. Article: ^{3}He Fast Neutron Spectrometer. Manufacturer: Seforad-Applied Radiation Ltd., Israel. Intended Use of Article: The foreign article will be used in research studies of delayed neutron spectra from decay of short-lived fission products. It is intended the studies will include as many spectra as are accessible under the available experimental conditions.

The article will also be used in teaching courses in Nuclear Engineering. Application received by Commissioner of Customs: July 30, 1973.

Docket Number: 74-00051-33-46040. Applicant: University of Maryland School of Medicine, Department of Anatomy, 29 South Greene Street, Baltimore, Maryland 21201. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electron Instruments NVD, The Netherlands. Intended Use of Article: The article is intended to be used in the following research projects of a biomedical nature:

(1) An intensive study of cellular content of peripheral or prenodal lymph—The overall objective of the project is to correlate the information obtained on the structure and function of these cells in postnodal lymph in an attempt to understand the role which these cells play in the defensive mechanism of the body in general and immune process in particular.

(2) The role of thyrocalcitonin in the induction of tumors—The objectives of the project are (a) to expand the preliminary experiments involving the administration of thyrocalcitonin to potentially leukemic mice to provide further information on the development of neoplastic disease, (b) to investigate the characteristics of any induced neoplasms to determine the site of origin, and (c) to determine by electron microscopy the presence or the absence of viral particles in induced tumors, and if present, to determine whether any apparent relationship exists between this virus and the preexisting virus in the bone cells.

(3) A comparative study of metastasizing and non-metastasizing murine tumors: The role of the Intracisternal. A-particle—The

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objective of this project is to determine if alteration of cellular properties plays a decisive role in malignancy.

In addition the article will be used in the courses: Techniques in Electron Microscopy, Histology for the Medical Students and Histology for graduate students, for training in electron microscopy and for providing the students with a basic knowledge and understanding of the microscopic structure of the human body.

Application received by Commissioner of Customs: August 2, 1973.

Docket Number: 74–00052–33–75300. Applicant: Mental Health Research Institute, University of Michigan, 205 N. Washtenaw, Ann Arbor, Michigan 48104. Article: Semiautomatic Radioautographic Coating Device. Manufacturer: V. Avarlaid, Canada. Intended Use of Article: The foreign article is intended to be used in research on the process of axonal flow (transport along nerve axons) in the goldfish visual system using the technique of electron microscopic radioautography.

The article will also be used in training postdoctoral students in the application of electron microscopic radioautography. Application received by Commissioner of Customs: August 3, 1973.

Docket Number: 74–00053–33–46040. Applicant: Papanicolaou Cancer Research Institute, 1155 N.W. 14th Street, Miami, Florida 33136. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electron Instruments NVD, The Netherlands. Intended Use of Article: The foreign article is intended to be used in research to study the lungs and blood vessels of laboratory animals, specifically, lung sections after perfusion with certain synthesized vasoactive polypeptides and electron microscope auto radiographs made after perfusion of the lung with radioactive analogs of these compounds. The article will also be used in teaching graduate students in cell biology and neurobiology and for training postdoctoral fellows in specialized techniques related to the study of the lungs. Application received by Commissioner of Customs: August 2, 1973.

Docket Number: 74–00054–39–41700. Applicant: University of Virginia Medical Center, Department of Plastic Surgery, P.O. Box 223, Charlottesville, Virginia 22901. Article: Medilase 791 CO, Surgical Laser. Manufacturer: Laser Industries Ltd., Israel. Intended Use of Article: The foreign article is intended to be used in research experiments designed to evaluate the effects of laser beam energy on normal, diseased, and wounded tissue. In addition, an evaluation will be made on the use of the article as a surgical scapel for the debridgement of severely burned patients, for making incisions in human and animal soft tissue and bone, for treatment of tumors and for making bloodless incisions. Application received by Commissioner of Customs: August 2, 1973.

Docket Number: 74–00055–33–46040. Applicant: University of Connecticut, Biobehavioral Sciences, Bldg. #1, Horsebarn Road, Box U–154, Storrs, Connecticut 06268. Article: Electron Microscope, Model EM 10 and accessories. Manufacturer: Carl Zeiss, West Germany. Intended Use of Article: The foreign article is intended to be used for research in high resolution studies of nerve tissue sections and will include: (1) Studies of the morphology of cells in the cerebellum and its related nuclei; (2) the mapping of synapses on the neuronal surface of determined cell types and their distribution in certain portions of tissue; (3) high resolution analysis of the fine structure of synaptic vesicles and synaptic membranes in adult and developing animals (embryos), in thin sections and in freeze-fractured specimens; (4) the fine alterations of synaptic contacts under degenerative phenomena such as those provoked by severance of the cell processes and; (5) studies on the molecular structure of purified enzymes from nervous tissue (such as, acetycholinesterase).

The article will also be used in teaching methods of high resolution electron microscopy to selected graduate students. Application received by Commissioner of Customs: August 2, 1973.

Docket Number: 74–00056–33–46500. Applicant: New York State Institute for Basic Research in Mental Retardation, 1050 Forest Hill Road, Staten Island, New York 10314. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended Use of Article: The foreign article is intended to be used in the study of human murine cytomegalovirus and suitable host cells infected with virions to determine the sequence of events which take place in both abortively and productively infected cells. The article will also be used in training research scientists in specimen preparation for electron microscope studies without the use of a specified course. Application received by Commissioner of Customs: July 5, 1973.

Docket Number: 74–00057–33–46040. Applicant: Baylor College of Medicine, 1200 Moursund Avenue, Houston, Texas 77025. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended Use of Article: The article is intended to be used by senior investigators and selected postdoctoral fellows to examine biological material in a broad-based study of normal and diseased mammalian myocardium. Studies of normal fine structure of mammalian fetal, neonatal and adult heart will be performed, as well as continuing investigation of animal models for myocardial disease. Application received by Commissioner of Customs: August 6, 1973.

Docket Number: 74–00058–33–46040. Applicant: Kansas State University, Division of Biology, Ackert Hall, Manhattan, Kansas 66506. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended Use of Article: The article is intended to be used in studies of biological cells in stages of division, including both mitosis and meiosis; cultured cells in states of differentiation and specialization of function; cells secreting calcium for deposition in extracellular matrices, viruses and virus infected cells. The studies all relate to fundamental research of biological problems, many of which have medical orientation and implications. The article will also be used in the course: Special Topics in Developmental Biology to prepare students and faculty members for research applications of the electron microscope. Application received by Commissioner of Customs: August 4, 1973.

Docket Number: 74–00059–00–14200. Applicant: University of California, Facility for Advanced Instrumentation, Davis, California 95616. Article: Accessory Model Quantimet 720R (Pattern Recognition Unit) for Image Analysing Computer. Manufacturer: Metals Research Ltd., United Kingdom. Intended Use of Article: The foreign article is intended to be used in research on the predator-prey relationship between *Bdellovibrio bacteriovorus* and its bacterial host by detection of the change in shape of the host cell from a rod to a sphere when attacked successfully by *Bdellovibrio*. Detection of induced variations will determine the susceptibility of a given host and possibly determine whether such variations were genetically stable or simply controlled by ambient environmental conditions. Application received by Commissioner of Customs: August 6, 1973.

Docket Number: 74–00060–33–46040. Applicant: North Shore Hospital, 300 Community Drive, Manhasset, New York 11030. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended Use of Article: The foreign article is intended to be used in research using animal and human material on these projects: (1) Alterations in ultrastructural and electron microscopic cytochemical characteristics of intestinal epithelial cells with carbohydrate malabsorption of infections and noninfectious (induced by hypoxia, epinephrine level modification, hypothermia, is chemical, or ischemia) origin; (2) Studies on cultural mammalian central nervous system tissue concerning the flow of membrane associated with synaptic vesicles and the presynaptic surface; (3) Detailed serial section studies on the possible connections between dense-cored catecholamine containing vesicles and the axonal reticulum; (4) Electron microscopic study of blood platelets and white blood cell myoproliferative disease.

The article will also be used in training a limited number of PH.D. and M.D. Students as a preliminary to research work. Application received by Commissioner of Customs: August 6, 1973.

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.73–18165 Filed 8–27–73;8:45 am]

UNIVERSITY OF RHODE ISLAND, ET AL.

Notice of Consolidated Decision on Application for Duty-Free Entry of Scientific Article; Correction

In the Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles appearing at page 1657 in the FEDERAL REGISTER of Wednesday, January 17, 1973, the following docket should be deleted:

Docket Number: 72–00403–33–86500. Applicant: Vanderbilt University, Chemical and Biomedical Engineering, 21st and West End Avenue, Nashville, Tenn. 37203. Article: Rheogoniometer, Model R. 18. Date of denial without prejudice to resubmission: August 31, 1972.

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.73–18164 Filed 8–27–73;8:45 am]

Maritime Administration

[Docket No. S–384]

UNITED STATES LINES, INC.

Notice of Application

Notice is hereby given that United States Lines, Inc. has filed an application for operating-differential subsidy on four (4) proposed converted tankers of approximately 80,000 deadweight tons each. Said vessels will operate in worldwide tanker trades in the foreign commerce of the United States.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must on or before September 10, 1973, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Boards Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible and facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated in such service.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated August 22, 1973.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73–18119 Filed 8–27–73;8:45 am]

National Bureau of Standards

SOFTWARE SUMMARY FOR DESCRIBING COMPUTER PROGRAMS AND AUTOMATED DATA SYSTEMS

Proposed Federal Information Processing Standards

Under the provisions of Public Law 89–306, the Secretary of Commerce is authorized to make appropriate recommendations to the President relating to the establishment of uniform Federal automatic data processing standards. Effective May 9, 1973, Executive Order 11717 transferred to the Secretary of Commerce all functions being performed in the Office of Management and Budget relating to the establishment of government-wide automatic data processing standards, including the function of approving standards on behalf of the President pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended.

A proposed Standard Software Summary for Describing Computer Programs and Automated Data Systems provides a standard software summary form for describing computer programs and automated data systems. These forms will be used to compile an information base for government-wide reference and dissemination and for agency and installation documentation requirements. This proposed standard, developed by Federal Information Processing Standards Task Group 14, Documentation, will be promulgated as a Federal Information Processing Standard at such time as it may be approved by the Secretary of Commerce, on behalf of the President.

Prior to the submission of the final endorsement of this proposal to the Secretary of Commerce, it is essential to assure that proper consideration is given the needs and views of manufacturers, the public, and state and local governments. The purpose of this notice is to solicit such views.

Proposed Federal Information Processing Standards contain two basic sections: (1) An announcement section which provides information concerning the applicability, implementation, and maintenance of the standard, and (2) a specification section which details the technical requirements of the standard. Both sections are provided in their entirety.

Interested parties may submit comments to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, on or before Oct. 26, 1973.

Dated August 22, 1973.

RICHARD W. ROBERTS,
Director.

FEDERAL INFORMATION PROCESSING STANDARDS PUBLICATION

DATE ----------

ANNOUNCING THE STANDARD FOR

SOFTWARE SUMMARY FOR DESCRIBING COMPUTER PROGRAMS AND AUTOMATED DATA SYSTEMS

Federal Information Processing Standards Publications are issued by the National Bureau of Standards under the Provisions of Public Law 89–306 and Executive Order 11717.

Name of Standard.—Software Summary for Describing Computer Programs and Automated Data Systems.

Category of Standard.—Software Standard, Documentation.

Explanation.—This publication provides a standard software summary form for describing computer programs and automated data systems. These forms are to be used to compile an information base for government-wide reference and dissemination.

Background.—Software costs are the most expensive aspect of computer based systems. Software includes the computer programs, procedures and related documentation as distinguished from hardware components and data. Federal ADP users currently, for the most part, acquire separately their computer software. In most instances this is done without benefit of knowing what has been acquired or developed by other Government users. Accordingly, this has led to unnecessary duplications. A need has been identified for a central reference index of computer programs and automated data systems that have been developed or are in use by the Government.

Public Law 89–306 was enacted in 1965 to provide for the economic and effective purchase, lease, maintenance, operation and utilization of automatic data processing equipment by Federal departments and agencies. In implementing this law, the Institute for Computer Sciences and Technology of the National Bureau of Standards was charged with the responsibilities of providing advisory and consulting services to Federal agencies and of developing and maintaining uniform Federal ADP standards. Specifically, NBS is responsible for maintaining a reference index of computer programs to minimize the need for the development of programs already developed, tested and in use elsewhere.

This FIPS PUB establishes procedures and provides standard forms for recording and reporting summary information about computer programs and automated data systems by Federal ADP users.

The central index of programs will be promulgated by NBS. This, in addition to minimizing duplication, should provide new and improved communications among ADP users within the Federal community who are encountering similar system design or operational problems. NBS is also undertaking concurrent standards efforts to facilitate the transferability of programs and data among Federal users.

The successful implementation of this standard through the cooperation of all Federal ADP users and agencies is expected to result in reduced costs and in improved utilization of the Government's ADP resources.

Approving Authority.—Secretary of Commerce.

Maintenance Agency.—Institute for Computer Sciences and Technology, National Bureau of Standards.

Applicability.—The standard Software Summary Form, SF —, provided in the specifications section of this FIPS PUB will be used for describing all current and new computer programs and automated systems developed or revised by Federal Departments and Agencies. This standard also applies to all computer programs and automated data systems developed through Federal Government grant or contract. Excluded are com-

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puter programs or automated systems of a classified nature.

Implementation Schedule.—This standard becomes effective upon publication. New programs and systems will be recorded and reported quarterly to the NBS Institute for Computer Sciences and Technology. The recording and reporting of current programs will be time phased over a two-year period. Revisions and deletions will be recorded and reported as applicable.

Copies of all summaries should be maintained by the agency or installation as part of its program and system documentation.

NBS on a periodic basis will promulgate registries of software summaries for reference purposes for use of Federal departments and agencies.

Special Information.—All automated data systems and independent computer programs will be reported. However, when a computer program is a component of an automated data system, it should be reported only if it has potential use separate and apart from the system.

Specifications.—Federal Information Processing Standard —, Sofeware Summary for Describing Computer Programs and Automated Data Systems (Affixed).

Where to Obtain Copies of the Standard.—Copies of this publication are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Refer to Federal Information Processing Standards Publication (FIPS PUB) —. Price — cents a copy.

Copies of Standard Form —, Federal Information Processing Standard Software Summary are available from established sources within each agency or from the Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. Price — a thousand.

FEDERAL INFORMATION PROCESSING STANDARD — SPECIFICATIONS FOR

SOFTWARE SUMMARY FOR DESCRIBING COMPUTER PROGRAMS AND AUTOMATED DATA SYSTEMS

1. *Name of Standard.*—Software Summary for Describing Computer Programs and Automated Data Systems.

2. *Category of Standard.*—Software Standard, Documentation.

3. *Explanation.*—This publication provides a standard software summary form for describing computer programs and automated data systems. These forms are to be used to compile an information base for government-wide reference and dissemination.

4. *Definitions.*

a. *Computer program.*—An identifiable series of instructions or statements, in a form acceptable to a computer prepared in order to achieve a certain result.

b. *Automated data system.*—An assembly of computer programs designed to accomplish specific objectives or functions.

c. *Software Summary.*—A short form or abstract of a computer program or automated data system.

5. *Specifications.*—The figures contained in the following pages are copies of the referenced Standard Form —, Federal Information Processing Standard Software Summary, together with instructions for completion. For the purpose of illustration in this FIPS PUB, the instructions for completing this form have been placed on the page opposite the form. However, the forms which you receive will have the instructions printed on the back of each.

SF ___ FEDERAL INFORMATION PROCESSING STANDARD SOFTWARE SUMMARY *

I - IDENTIFICATION

DATE SUMMARY PREPARED (01) YEAR	MONTH	DAY	DATE SOFTWARE COMPLETED OR LAST UPDATED (02) YEAR	MONTH	DAY	AGENCY CODE (03)	SOFTWARE TYPE (04)	TYPE OF SUBMISSION (05)

SOFTWARE FUNCTION (09) | SOFTWARE IDENTIFICATION (10)

TITLE (11) | ACRONYM (optional) (12)

ORGANIZATION (13) AND ADDRESS (14) | TECHNICAL CONTACT(S) (15) AND TELEPHONE NUMBER(S) (16)

II - OPERATIONAL REQUIREMENTS

COMPUTER MANUFACTURER AND MODEL (20) | TAPE DRIVES (23)

COMPUTER MEMORY REQUIREMENTS (21) | DISK/DRUM UNITS (24)

COMPUTER OPERATING SYSTEM (22) | KEYBOARD TERMINALS (25)

PROGRAMMING LANGUAGE(S) (26)

OTHER OPERATIONAL REQUIREMENTS (30)

III - DESCRIPTION

NARRATIVE (35)

KEYWORDS (40)

STATUS (45) | SOFTWARE AVAILABILITY (46) | DOCUMENTATION (47)

* In this draft, elements are numbered in groups for identification purposes. In the final form, elements will be numbered sequentially.

Instructions for Completing SF ___, Software Summary *

01. Date Summary Prepared: Indicate in YYMMDD format

02. Date Summary Completed or Last Updated: Indicate in YYMMDD format

03. Agency Code: Insert organization code from Appendix A of latest version of OMB Circular A-11

04. Software Type:
1=individual program
2=automated data system (assembly of computer programs)

05. Type of Submission:
1=initial
2=revision
3=deletion

09. Software Function: Classify software in one of the following categories:
A=systems support/utility applications
B=management/business applications
C=scientific applications
D=data/file handlers
E=bibliographic applications
F=other (specify category)

10. Software Identification: Submitting agency's identification number or code for software. If none assigned, indicate NONE.

11. Title: Software title should be made as descriptive as possible.

12. Acronym: Commonly used abbreviation identifying software. (optional)

13. Organization: Identify organization responsible for software as completely as possible, including Agency (Department), Office, Service, Bureau, Corporation, Commission, or Council.

14. Address: Complete mailing address for responsible organization including building name, street address, city, state, and ZIP code. Include mail stop number if applicable.

15. Technical Contact(s): Name of person(s) to be contacted for technical information. Provide organization name and mailing address if different from those indicated in items 13 and 14.

16. Telephone number(s): Telephone number of technical contact(s). Provide area code, seven-digit commercial number, and extension.

20. Computer Manufacturer and Model: Identify mainframe computer on which software is operational. Use manufacturer, model, and abbreviations and codes provided in OMB Circular A-11.

21. Computer Memory Requirements: Maximum memory required to execute software other than that required for operating system. Specify bytes or words and numbers of bits per word.

22. Computer Operating System: Name, version, and release under which software is operating. Identify any operating system enhancements.

23. Tape Drives: Identify number needed to operate software. Specify, if critical, additional requirements such as manufacturer, model, recording density, number of tracks, etc

24. Disk/Drum Units: Identify number needed to operate software. Specify manufacturer, model, etc., where critical.

25. Keyboard Terminals: Identify number of keyboard terminals used for inquiry and response, and/or remote operations. Specify manufacturer and model.

26. Programming Language(s): Identify programming language(s) used to generate software (include versions) e.g., ANSI COBOL, FORTRAN V, SIMSCRIPT II.5.

30. Other Operational Requirements: Identify other peripheral devices, support software, or related equipment used, but not indicated above, e.g., optical character readers, facsimile, computer-output-microfilm, graphic plotters.

35. Narrative: Describe concisely what the software functionally accomplishes, its design characteristics, specific areas of application, relationship to other software, and other significant features.

40. Keywords: List significant words or phrases which reflect the functions, applications, and features of the software. Separate entries with semicolons.

45. Status: Enter code best describing software status:
1=planned
2=under development
3=operational
4=post operational
5=other (explain in narrative)

46. Software Availability:
1=available
2=proprietary
3=classified
4=other (explain in narrative)

47. Documentation:
1=available
2=in preparation
3=unavailabl

* In this draft, elements are numbered in groups for identification purposes. In the final form, elements will be numbered sequentially.

[FR Doc.73-18071 Filed 8-27-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 6536 Docket No. FDC-D-307; NDA 6-536]

BETHANECHOL CHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

In a notice (DESI 6536) published in the FEDERAL REGISTER of May 22, 1971 (36 FR 9341), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

NDA 6-536; Urecholine Chloride Tablets and Injection containing bethanechol chloride; Merck Sharp & Dohme, Division of Merck and Co., Inc., West Point, PA 19486.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

The notice stated that bethanechol injection was deemed effective for certain indications and the tablets probably effective for these indications and that the other labeled indications were possibly effective and lacking substantial evidence of effectiveness. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness has been received pursuant to the notice.

Based upon reevaluation of available information, the indications previously considered as probably effective are now regarded as effective. Also, the requirement that bioavailability data be submitted has been deferred and abbreviated rather than full new drug applications and supplements may be submitted.

Accordingly, the previous announcement is amended to read as follows:

A. *Effectiveness classification.*—The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Bethanechol chloride injection and tablets are effective for treatment of acute postoperative and postpartum nonobstructive (functional) urinary retention and for neurogenic atony of the urinary bladder with retention.

2. These drugs lack substantial evidence of effectiveness for all their other labeled indications.

B. *Conditions for approval and marketing.*—The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.*—These preparations are in sterile aqueous solution or tablet form suitable for subcutaneous or oral administration, respectively.

2. *Labeling conditions.*—a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug(s). The "Indications" are as follows:

INDICATIONS

For the treatment of acute postoperative and postpartum nonobstructive (functional) urinary retention and for neurogenic atony of the urinary bladder with retention.

3. *Marketing status.*—Marketing of such drugs may be continued under the conditions described in the notice entitled *Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study*, published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

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a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1)(i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. *Notice of opportunity for a hearing.*—Notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto providing for indications lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice on the grounds that new information before him with respect to the drug(s), evaluated together with theevidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to his notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn.

On or before September 27, 1973 the applicant(s) and any other interested person may file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) which have not been supplemented to delete the indication(s) lacking substantial evidence of effectiveness.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before September 27, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claim(s) involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order making findings and conclusions on such data and withdrawing approval of application(s) not supplemented to delete the claim(s) involved.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after September 27, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Communications forwarded in response to this notice should be identified with the reference number DESI 6536, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number):
Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original abbreviated new drug applications (identify as such):
Generic Drug Staff (BD–69), Bureau of Drugs.
Requests for the Academy's report:
Drug Efficacy Study Information Control (BD–66), Bureau of Drugs.
Request for Hearing (identify with docket number):
Hearing Clerk, (CC–20), Room 6–86, Parklawn Building.
All other communications regarding this announcement:
Drug Efficacy Study Implementation Project Manager (BD–101), Bureau of Drugs.

Received requests for a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to the Commisssioner of Food and Drugs (21 CFR 2.120).

Dated August 21, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–18152 Filed 8–27–73;8:45 am]

[DESI 5773 Docket No. FDC–D–642; NDA No. 5–773]

HOLLAND-RANTOS CO., INC.

Nylmerate Jelly; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 5773) published in the FEDERAL REGISTER of July 27, 1972 (37 FR 15030) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug was regarded as possibly effective and as lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effective in that no data have been submitted pursuant to the notice.

Nylmerate Jelly containing nonoxynol 9 (previously listed as polyoxyethylenenonylphenol), phenylmercuric acetate, and boric acid; marketed by Holland-Rantos Co., Inc., Enterprise Avenue, Trenton, N.J. 08638 (NDA 5–773).

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before September 27, 1973 the applicant(s) and any other interested person is required to file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before September 27, 1973 a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will rescind this notice of opportunity for hearing.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after September 27, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), under authority delegated to the Commissioner (21 CFR 2.120).

Dated August 21, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–18151 Filed 8–27–73;8:45 am]

[DESI 4589; Docket No. FDC–D–490; NDA No. 4–589]

McGAW LABORATORIES

Intravenous Solution Containing 5 Percent Alcohol and 5 Percent Dextrose With Vitamins; Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 4589) published in the FEDERAL REGISTER of July 28, 1972 (37 FR 15184), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug was regarded as lacking substantial evidence of effectiveness for promoting water excretion in postoperative or other dilutional hyponatremias and as possibly effective for its other labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted pursuant to the notice.

That part of NDA 4–589 pertaining to 5 percent Alcohol, 5 percent Dextrose with Vitamins, containing alcohol, dextrose, niacinamide, riboflavin, and thiamine hydrochloride; McGaw Laboratories, Inc. (successor to Don Baxter, Inc.), 1016 Grandview Avenue, Glendale, CA 91201.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of pertinent parts of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355), and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before September 27, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other in-

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terested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of pertinent parts of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before September 27, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an application or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after September 27, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated August 21, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-18150 Filed 8-27-73;8:45 am]

[DESI 11926; Docket No. FDC-D-645; NDA 11-926 etc.]

ROCHE LABORATORIES

Triclobisonium Chloride Vaginal Preparations; Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 11926) published in the FEDERAL REGISTER of February 26, 1971 (36 FR 3537), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following drugs containing triclobisonium chloride:

1. NDA 11-926, Trib Vaginal Cream; and

2. NDA 12-523, Trib Vaginal Suppositories;

formerly marketed by Roche Laboratories, Division of Hoffmann-LaRoche, Inc., 340 Kingsland Avenue, Nutley, New Jersey 07110.

The notice stated that these drugs were regarded as probably effective and possibly effective for their labeled indications. The drugs have been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted pursuant to the notice. Roche has stated that the products are no longer marketed.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before September 27, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before September 27, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after September 27, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated August 21, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-18149 Filed 8-27-73;8:45 am]

Office of Education

NEW TRAINING GRANTS

Notice of Closing Dates for Receipt of Applications

Pursuant to the authority contained in section 632 of the Education of the Handicapped Act (84 Stat. 175, 184, 185 (20 U.S.C. 1432)) notice is hereby given that the U.S. Commissioner of Education has established the final closing date of October 1, 1973, for receipt of applications for new training grants and October 15, 1973, for receipt of applications for continuation grants under Part D of the Act by State educational agencies. Such applications must be postmarked on or before the aforementioned dates.

A notice of proposed rulemaking governing grants for teacher training, authorized under Part D of the Act, will soon be published in the FEDERAL REGISTER and will govern the program when republished in the FEDERAL REGISTER as final regulations.

(Catalog of Federal Domestic Assistance No. 13.451 Handicapped Teacher Education)

PETER P. MUIRHEAD,
Acting Commissioner of Education.

AUGUST 20, 1973.

[FR Doc.73-18171 Filed 8-27-73;8:45 am]

Office of the Secretary

DEPUTY GENERAL COUNSEL ET AL.

Delegation of Authority To Certify True Copies

Under the authority delegated by the Secretary to the Assistant Secretary for Administration (34 FR 17346), and redelegated to me by the Assistant Secretary for Administration (34 FR 18049), I hereby redelegate to the Regional Attorneys the authority to certify true copies of any books, records, papers, or other documents on file within the Department, or extracts from such, to certify the complete original record, or to certify the nonexistence of records on file within the Department, and to cause the Seal of the Department to be affixed to such certifications.

These same officials are authorized to cause the Seal to be affixed to agreements, awards, citations, diplomas, and similar documents.

This material supplements the previous redelegation appearing at 35 FR 922 of January 22, 1970.

Dated August 15, 1973.

ST. JOHN BARRETT,
Acting General Counsel.

[FR Doc.73-18207 Filed 8-27-73;8:45 am]

OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION

Statement of Organization, Functions, and Delegations of Authority

Part I of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is revised to delete the Office of Indian Affairs, and to expand the responsibilities of two suboffices of the Office of Special Concerns of the Office of the Assistant Secretary (Planning and Evaluation) (38 FR 13577, May 23, 1973). (Deletion of the Office of Indian Affairs is necessitated by the functional transfer of that office, its responsibilities and associated personnel to the Office of the Assistant Secretary (Human Development). Upon publication, the Statement of Organization, Functions, and Delegations of Authority of the Office of Native American Programs, Office of the Assistant Secretary (Human Development) will reflect this functional transfer.) The revised functional statement is appended to Chapter G. 20H and reads as follows:

1. The Office of Spanish Surnamed Americans serves as the principal advisor on Spanish Surnamed American affairs for the Office of the Secretary; is responsible to the Assistant Secretary (Planning and Evaluation) for participation in the development of Department policies and programs pertaining to Spanish Surnamed Americans; recommends Department goals and policy in the provision of services to Spanish Surnamed Americans; seeks coordinated achievement of Departmental goal by operating agencies, through such mechanisms as DHEW's Program.

Reviews current legislative authorities to determine which Department programs should be of assistance to the Spanish Surnamed American population in the areas of education, health, and social welfare; makes recommendations to various Departmental authorities in the formulation of legislation which impacts upon Spanish Surnamed Americans; provides a central information resource to collect and disseminate materials related to Spanish Surnamed Americans; reflects responsibly the special needs of the Spanish Surnamed American community in operational decisions within the Department by advising the Secretary on ways for building and sustaining effective communication with the Spanish Surnamed American community, and by insuring an appropriate degree of community participation in the implementation and evaluation of DHEW programs.

2. The Women's Action Program is responsible for advising the Secretary on the coordination, development, and implementation of Department policies and programs as they pertain to the status of women in society.

The Women's Action Program serves as the pricipal advisor for the Office of the Secretary on Department policies and programs as they pertain to the status of women in society; is responsible to the Assistant Secretary/Planning and Evaluation for participation in the development of Department policies pertaining to the needs of women; seeks coordinated achievement of Departmental goals by operating agencies, through such mechanisms as DHEW's Program Guidance Memorandum and the Operational Planning System; makes recommendations for strengthening the Department's enforcement of legislation and Executive Orders prohibiting discrimination on the basis of sex in federally funded programs; formulates plans for assessing progress towards meeting designated objectives regarding Department services to women; makes recommendations to various Departmental authorities in the formulation of legislation which impacts upon women; maintains liaison with the offices within the Department whose programs most directly impact on women's concerns.

Dated August 21, 1973.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.73-18208 Filed 8-27-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX72-1; Notice 4]

LOTUS CARS, LTD.

Temporary Exemption From Federal Motor Vehicle Standard

The National Highway Traffic Safety Administration has decided to extend the exemption from compliance with Federal Motor Vehicle Safety Standard No. 214, *Side Door Strength* (49 CFR 571.214) previously granted Lotus Cars, Ltd. The extension expires April 30, 1974. The ground for the extension of exemption is that compliance would cause the petitioner substantial economic hardship. The exemption is for the Europa model only.

Notice of the petition for extension was published in the FEDERAL REGISTER

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on July 25, 1973 (38 FR 19921) and interested persons afforded an opportunity for comment. Only one valid comment was received. It was from Lotus/East, an importer and distributor of Lotus cars, stating that such vehicles are "our only source of income, [and] being out of merchandise [until May 1, 1974] would probably result in our going out of business". An anonymous communication was received, which in accordance with NHTSA procedural rules, 49 CFR 551.35, was not considered.

The NHTSA has decided that Lotus has adequately made and documented its case for continuing substantial economic hardship, on the basis of the discussion contained in the notice of July 25, 1973, as well as those of the original notice and grant of exemption (December 2, 1972, 37 FR 25768; January 11, 1973, 38 FR 1299). The company had intended to phase out the Europa before the January 1, 1973, effective date of Standard No. 214 but encountered developmental delays in the model intended as its successor. The NHTSA considers the fact that Lotus has been able to reengineer the Europa to comply with the new safety requirements that will be met by 1974 model year vehicles, such as roof crush resistance, rear bumper protection, seat belt ignition-interlock and accelerator control, as evidence of general good faith to meet Federal safety standards in a time manner.

In consideration of the foregoing, NHTSA Exemption No. 73-1 granted Lotus Cars, Ltd. is extended to exempt Europa models manufactured on or before April 30, 1974, from compliance with Federal Motor Vehicle Safety Standard No. 214, *Side Door Strength*.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410) delegation of authority at 49 CFR 1.51).

Issued on August 23, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc.73-18222 Filed 8-27-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-293]

BOSTON EDISON CO.

Order for Modification of License

I. The Boston Edison Co. (the licensee) is the holder of Facility License DPR-35. License DPR-35 authorizes operation of the Pilgrim Nuclear Power Station (the plant) in the Town of Plymouth, Plymouth County, Massachusetts. This license expressly provides, inter alia, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. On November 14, 1972, the AEC Regulatory Staff (the Staff) issued a report entitled "Technical Report on Densification of Light Water Reactor Fuels" (the Report). By letter of November 20, 1972, the Staff requested the licensee to submit analyses and data specified in the report related to determining the consequences of fuel densification for normal operation of the plant, for operation of the plant during various maneuvers and transients, and under postulated accident situations, including the design basis loss-of-coolant accidents. On January 4, 1973, the licensee provided the requested information including, by reference, the General Electric Company Report NEDM-10735, "Densification Considerations in BWR Fuel Design and Performance," dated December, 1972. The Staff reviewed the licensee's submission as well as five additional supplements to NEDM-10735 which were submitted by the General Electric Company in response to requests for additional information from the Staff. The latest of these supplements was dated July, 1973. By letter of July 16, 1973, the Staff requested the licensee, inter alia, to furnish additional analyses regarding the calculated peak cladding temperatures during a postulated loss-of-coolant accident. On August 15, 1973, the licensee submitted the requested information including Supplement 6 to NEDM-10735.

On the basis of the Staff's review of the above identified submittals and its evaluation of fuel densification effects upon the operation of boiling water reactors which are reflected in a safety evaluation report relating to the plant dated August 24, 1973, the Staff has determined that changes in the operating conditions for the plant are necessary in order to assure that the calculated peak cladding temperature of the core of the plant following a postulated loss-of-coolant accident will not exceed 2,300°F taking into account fuel densification effects as described in the Staff's safety evaluation identified above, and, therefore, that the Technical Specifications of License DPR-35 should be amended to require: (1) The immediate control of steady-state power operation so that the average linear heat generation of all the rods in any fuel assembly, as a function of planar exposure, at any axial location, shall not exceed the maximum average planar linear heat generation rate of 11.1 kw/ft; and (2) that during steady state power operation, the linear heat generation rate (LHGR) of any rod in any fuel assembly at any axial location shall not exceed the maximum allowable LHGR as calculated using the equation for maximum LHGR provided in Limiting Condition for Operation, section 3.5.K of the attached Appendix I.

III. In view of the foregoing, the Director of Regulation finds that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204 and 50.100 and the license condition noted in Part I above.

It is ordered, That:

The Technical Specifications of License DPR-35 are hereby changed, to include Limiting Conditions for Operation, sections 3.5.J. and 3.5.K., and Surveillance Requirements, sections 4.5.J. and 4.5.K. attached hereto as Appendix I and the plant shall be operated immediately in accordance therewith.

IV. On or before September 27, 1973, the licensee may file a request for a hearing with respect to this order. On or before September 27, 1973, any other person whose interest may be affected may file a request for a hearing with respect to this order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details pertinent to this order see: The Staff Technical Report on Densification of Light Water Reactor Fuels, November 14, 1972; letter to J. M. Carroll from A. Giambusso, November 20, 1972; letter to A. Giambusso from J. M. Carroll, January 4, 1973, with enclosure General Electric topical report, Densification Considerations in BWR Fuel Design and Performance; letter to J. M. Carroll from J. F. Stolz, with enclosure the Staff's GE Model for Fuel Densification, July 16, 1973; letter to A. Giambusso from J. M. Carroll, August 15, 1973; the Staff Technical Report of Densification of General Electric Reactor Fuels, August 23, 1973; the Staff Safety Evaluation of the Fuel Densification Effects on the Pilgrim Nuclear Power Station, August 24, 1973; all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Copies of these documents may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 24th day of August 1973.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

NOTICE OF AVAILABILITY

Copies of Appendix I to Order for Modification of License, dated August 24, 1973, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.73-18301 Filed 8-27-73;8:45 am]

[Docket Nos. 50-254, 50-265]

COMMONWEALTH EDISON CO.

Order for Modification of License

I. The Commonwealth Edison Co. (the licensee) is the holder of Facility Licenses DPR-29 and DPR-30. Licenses DPR-29 and DPR-30 authorize operation of the Quad-Cities Nuclear Power Station, Units 1 and 2 (the plants) in Rock Island County, Illinois. These licenses expressly provide, inter alia, that they are subject to all rules, regulations and orders of the Commission now or hereinafter in effect.

II. On November 14, 1972, the AEC Regulatory Staff (the Staff) issued a report entitled "Technical Report on Densification of Light Water Reactor Fuels" (the Report). By letter of November 20, 1972, the Staff requested the licensee to submit analyses and data specified in the report related to determining the consequences of fuel densification for normal operation of the plants, for operation of the plants during various maneuvers and transients, and under postulated accident situations, including the design basis loss-of-coolant accidents. On January 3, 1973, the licensee provided the requested information including, by reference, the General Electric Company Report NEDM-10735, "Densification Considerations in BWR Fuel Design and Performance" dated December, 1972. The Staff reviewed the licensee's submission as well as five additional supplements to NEDM-10735 which were submitted by the General Electric Company in response to requests for additional information from the Staff. The latest of these supplements was dated July, 1973. By letter of July 16, 1973, the Staff requested the licensee, inter alia, to furnish additional analyses regarding the calculated peak cladding temperatures during a postulated loss-of-coolant accident. On August 15, 1973, the licensee submitted the requested information including Supplement 6 to NEDM-10735.

On the basis of the Staff's review of the above identified submittals and its evaluation of fuel densification effects upon the operation of boiling water reactors which are reflected in a safety evaluation report relating to the plant dated August 24, 1973, the Staff has determined that changes in the operating conditions for the plants are necessary in order to assure that the calculated peak cladding temperature of the core of the plants following a postulated loss-of-coolant accident will not exceed 2,300°F taking into account fuel densification effects as described in the Staff's safety evaluation identified above, and, therefore, that the Technical Specifications of Licenses DPR-29 and DPR-30 should be amended to require: (1) The immediate control of steady-state power operation so that the average linear heat generation of all the rods in any fuel assembly, as a function of planar exposure, at any axial location, shall not exceed the maximum average planar linear heat generation rate defined by the curve in Limiting Condition for Operation, figure 3.5.1, of section 3.5.J. of the attached Appendix I, attached hereto; and (2) that during steady state power operation, the linear heat generation rate (LHGR) of any rod in any fuel assembly at any axial location shall not exceed the maximum allowable LHGR as calculated using the equation for maximum LHGR provided in Limiting Condition for Operation, section 3.5.K. of the attached Appendix I.

III. In view of the foregoing, the Director of Regulation finds that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204 and 50.100 and the license condition noted in Part I above.

It is ordered, That:

The Technical Specifications of Licenses DPR-29 and DPR-30 are hereby changed, to include Limiting Conditions for Operation, section 3.5.J. and 3.5.K., and Surveillance Requirements, sections 4.5.J. and 4.5.K. attached hereto as Appendix I and the plant shall be operated immediately in accordance therewith.

IV. On or before September 27, 1973, the licensee may file a request for a hearing with respect to this order. On or before September 27, 1973, any other person whose interest may be affected may file a request for a hearing with respect to this order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details pertinent to this Order see: The Staff Technical Report on Densification of Light Water Reactor Fuels, November 14, 1972; letter to B. Lee, Jr. from A Giambusso, November 20, 1972; letter to A. Giambusso from L. D. Butterfield, Jr., January 3, 1973, with enclosure General Electric topical report, Densification Considerations in BWR Fuel Design and Performance; letter to B. Lee, Jr., from D. Zieman, with enclosure the Staff's GE Model for Fuel Densification, July 16, 1973; letter to D. Zieman from J. S. Abel, August 15, 1973; the Staff Technical Report for Densification of General Electric Reactor Fuels, August 23, 1973; the Staff Safety Evaluation of the Fuel Densification Effects on the Quad-Cities Nuclear Power Station, Units 1 and 2, August 24, 1973; all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Copies of these documents may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 24th day of August 1973.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

NOTICE OF AVAILABILITY

Copies of Appendix I to Order for Modification of License, dated August 24, 1973, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.73-18302 Filed 8-27-73;8:45 am]

[Docket No. 50-237]

COMMONWEALTH EDISON CO.

Order for Modification of License

I. The Commonwealth Edison Co. (the licensee) is the holder of Facility License DPR-19. License DPR-19 authorizes operation of the Dresden Nuclear Power Station, Unit No. 2 (the plant) in Grundy County, Illinois. This license expressly provides, inter alia, that it is subject to all rules, regulations and orders of the Commission now or hereinafter in effect.

II. On November 14, 1972, the AEC Regulatory Staff (the Staff) issued a report entitled "Technical Report on Densification of Light Water Reactor Fuels" (the Report). By letter of November 20, 1972, the Staff requested the licensee to submit analyses and data specified in the report related to determining the consequences of fuel densification for normal operation of the plants, for operation of the plants during various maneuvers and transients, and under postulated accident situations, including the design basis loss-of-coolant accidents. On January 3, 1973, the licensee provided the requested information including, by reference, the General Electric Company Report NEDM-10735, "Densification Considerations in BWR Fuel Design and Performance" dated December 1972. The Staff reviewed the licensee's submission as well as five additional supplements to NEDM-10735 which were submitted by the General Electric Company in response to requests for additional information from the Staff. The latest of these supplements was dated July 1973. By letter of July 16, 1973, the Staff requested the licensee, inter alia, to furnish additional analyses regarding the calculated peak cladding temperatures during a postulated loss-of-coolant accident. On August 15, 1973, the licensee submitted the requested information including Supplement 6 to NEDM-10735.

On the basis of the Staff's review of the above identified submittals and its evaluation of fuel densification effects upon the operation of boiling water reactors which are reflected in a safety evaluation report relating to the plant dated August 24, 1973, the Staff has determined that changes in the operating conditions for the plant are necessary in order to assure that the calculated peak cladding temperature of the core of the plant following a postulated loss-of-coolant accident will not exceed 2,300°F taking into account fuel densification effects as described in the Staff's safety evaluation identified above, and, therefore, that the Technical Specifications of License DPR-19 should be amended to require: (1) The immediate control of steady-state power operation so that the average linear heat generation of all the rods in any fuel assembly, as a function of planar exposure, at any axial location, shall not exceed the maximum average planar linear generation rate defined by the curve in Limiting Condition for Operation, figure 3.5.1, of section 3.5.I. of the attached Appendix I, attached hereto; and (2) that during steady state power operation, the linear heat generation rate (LHGR) of any rod in any fuel assembly at any axial location shall not exceed the maximum allowable LHGR as calculated using the equation for maximum

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LHGR provided in Limiting Condition for Operation, section 3.5.J. of the attached Appendix I.

III. In view of the foregoing, the Director of Regulation finds that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomc Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204 and 50.100 and the license condition noted in Part I above

It is ordered, That:

The Technical Specifications of License DPR–19 are hereby changed, to include Limiting Conditions for Operation, sections 3.5.I. and 3.5.J., and Surveillance Requirements, sections 4.5.I. and 4.5.J. attached hereto as Appendix I and the plant shall be operated immediately in accordance therewith.

IV. On or before September 27, 1973, the licensee may file a request for a hearing with respect to this order. On or before September 27, 1973, any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details pertinent to this Order see: the Staff Technical Report on Densification of Light Water Reactor Fuels, November 14, 1972; letter to B. Lee, Jr. from A. Giambusso, November 20, 1972; letter to A. Giambusso from L. D. Butterfield, Jr., January 3, 1973, with enclosure General Electric topical report, Densification Considerations in BWR Fuel Design and Performance; letter to B. Lee, Jr., from D. Zieman, with enclosure the Staff's GE Model for Fuel Densification, July 16, 1973; letter to D. Zieman from J. S. Abel, August 15, 1973; the Staff Technical Report of Densification of General Electric Reactor Fuels, August 23, 1973; the Staff Safety Evaluation of the Fuel Densification Effects on the Dresden Nuclear Power Station, Unit 2, August 24, 1973; all of which are available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C

Copies of these documents may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 24th day of August 1973.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

NOTICE OF AVAILABILITY

Copies of Appendix I to Order for Modification of License, dated August 24, 1973, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.73–18297 Filed 8–27–73;8:45 am]

[Docket No. 50–249]

COMMONWEALTH EDISON CO.

Order for Modification of License

I. The Commonwealth Edison Co. (the licensee) is the holder of Facility License DPR–25. License DPR–25 authorizes the operation of the Dresden Nuclear Power Station, Unit No. 3 (the plant) in Grundy County, Illinois. This license expressly provides, inter alia, that it is subject to all rules, regulations and orders of the Commission now or hereinafter in effect.

II. On November 14, 1972, the AEC Regulatory Staff (the Staff) issued a report entitled "Technical Report on Densification of Light Water Reactor Fuels" (the Report). By letter of November 20, 1972, the Staff requested the licensee to submit analyses and data specified in the report related to determining the consequences of fuel densification for normal operation of the plants, for operation of the plants during various maneuvers and transients, and under postulated accident situations, including the design basis loss-of-coolant accidents. On January 3, 1973, the licensee provided the requested information including, by reference, the General Electric Company Report NEDM–10735, "Densification Considerations in BWR Fuel Design and Performance" dated December 1972. The Staff reviewed the licensee's submission as well as five additional supplements to NEDM–10735 which were submitted by the General Electric Company in response to requests for additional information from the Staff. The latest of these supplements was dated July 1973. By letter of July 16, 1973, the Staff requested the licensee, inter alia, to furnish additional analyses regarding the calculated peak cladding temperatures during a postulated loss-of-coolant accident. On August 15, 1973, the licensee submitted the requested information including Supplement 6 to NEDM–10735.

On the basis of the Staff's review of the above identified submittals and its evaluation of fuel densification effects upon the operation of boiling water reactors which are reflected in a safety evaluation report relating to the plant dated August 24, 1973, the Staff has determined that changes in the operating conditions for the plant are necessary in order to assure that the calculated peak cladding temperature of the core of the plant following a postulated loss-of-coolant accident will not exceed 2,300°F taking into account fuel densification effects as described in the Staff's safety evaluation identified above, and therefore, that the Technical Specifications of License DPR–25 should be amended to require: (1) The immediate control of steady-state power operation so that the average linear heat generation rate of all the rods in any fuel assembly, as a function of planar exposure, at any axial location, shall not exceed the maximum average planar linear heat generation rate defined by the curve in Limiting Condition for Operation, figure 3.5.1, of section 3.5.I of the attached Appendix I, attached hereto; and (2) that during steady state power operation, the linear heat generation rate (LHGR) of any fuel assembly at any axial location shall not exceed the maximum allowable LHGR as calculated using the equation for maximum LHGR provided in Limiting Condition for Operation, section 3.5.J. of the attached Appendix I.

III. In view of the foregoing, the Director of Regulation finds that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204 and 50.100 and the license condition noted in Part I above

It is ordered, That:

The Technical Specifications of License DPR–25 are hereby changed, to include Limiting Conditions for Operation, sections 3.5.I. and 3.5.J., and Surveillance Requirements, sections 4.5.I. and 4.5.J. attached hereto as Appendix I and the plant shall be operated immediately in accordance therewith.

IV. On or before September 27, 1973, the licensee may file a request for a hearing with respect to this order. On or before September 27, 1973, any other person whose interest may be affected may file a request for a hearing with respect to this order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details pertinent to this Order see: the Staff Technical Report on Densification of Light Water Reactor Fuels, November 14, 1972; letter to B. Lee, Jr. from A. Giambusso, November 20, 1972; letter to A. Giambusso from L. D. Butterfield, Jr., January 3, 1973, with enclosure General Electric topical report, Densification Considerations in BWR Fuel Design and Performance; letter to B. Lee, Jr., from D. Zieman, with enclosure the Staff's GE Model for Fuel Densification, July 16, 1973; letter to D. Zieman from J. S. Abel, August 15, 1973; the Staff Technical Report for Densification of General Electric Reactor Fuels, August 23, 1973; the Staff Safety Evaluation of the Fuel Densification Effects on the Dresden Nuclear Power Station, Unit 3, August 24, 1973; all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Copies of these documents may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 24th day of August 1973.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

NOTICE OF AVAILABILITY

Copies of Appendix I to Order for Modification of License, dated August 24, 1973, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.73–18298 Filed 8–27–73;8:45 am]

[Docket No. 50–245]

CONNECTICUT LIGHT & POWER CO., ET AL.

Order for Modification of License

I. The Connecticut Light & Power Co., Hartford Electric Light Co., Western Massachusetts Electric Co., and Millstone Point Co. (the Licensees) are the holders of Facility License DPR–21. License DPR–21 authorizes operation of the Millstone Nuclear Power Station, Unit No. 1 (the plant) in the Town of Waterford, New London County, Connecticut. This license expressly provides, inter alia, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. On November 14, 1972, the AEC Regulatory Staff (the Staff) issued a report entitled "Technical Report on Densification of Light Water Reactor Fuels" (the Report). By letter of November 20, 1972, the Staff requested the licensees to submit analyses and data specified in the report related to determining the consequences of fuel densification for normal operation of the plant, for operation of the plant during various maneuvers and transients, and under postulated accident situations, including the design basis loss-of-coolant accidents. On December 29, 1972, the licensees provided the requested information including, by reference, the General Electric Company Report NEDM–10735, "Densification Considerations in BWR Fuel Design and Performance" dated December 1972. The Staff reviewed the licensees' submission as well as five additional supplements to NEDM–10735 which were submitted by the General Electric Company in response to requests for additional information from the Staff. The latest of these supplements was dated July 1973. By letter of July 16, 1973, the Staff requested the licensees, inter alia, to furnish additional analyses regarding the calculated peak cladding temperatures during a postulated loss-of-coolant accident. On August 14, 1973, the licensees submitted the requested information including Supplement 6 to NEDM–10735.

On the basis of the Staff's review of the above identified submittals and its evaluation of fuel densification effects upon the operation of boiling water reactors which are reflected in a safety evaluation report relating to the plant dated August 24, 1973, the Staff has determined that changes in the operating conditions for the plants are necessary in order to assure that the calculated peak cladding temperature of the core of the plants following a postulated loss-of-coolant accident will not exceed 2300°F taking into account fuel densification effects as described in the Staff's safety evaluation identified above, and, therefore, that the Technical Specifications of License DPR–21 should be amended to require: (1) The immediate control of steady-state power operation so that the average linear heat generation rate of all the rods in any fuel assembly, as a function of planar exposure, at any axial location, shall not exceed the maximum average planar linear heat generation rate defined by the curve in Limiting Condition for Operation, figure 3.11.1, of section 3.11.A. of the attached Appendix I, attached hereto; and (2) that during steady state power operation, the linear heat generation rate (LHGR) of any fuel assembly at any axial location shall not exceed the maximum allowable LHGR as calculated using the equation for maximum LHGR provided in Limiting Condition for Operation, section 3.11.B. of the attached Appendix I.

III. In view of the foregoing, the Director of Regulation finds that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204 and 50.100 and the license condition noted in Part I above

It is ordered, That:

The Technical Specifications of License DPR–21 are hereby changed, to include Limiting Conditions for Operation, section 3.11.A. and 3.11.B., and Surveillance Requirements, sections 4.11.A. and 4.11.B. attached hereto as Appendix I and the plant shall be operated immediately in accordance therewith.

IV. On or before September 27, 1973, the licensee may file a request for a hearing with respect to this order. On or before September 27, 1973, period any other person whose interest may be affected may file a request for a hearing with respect to this order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details pertinent to this order see: the Staff Technical Report on Densification of Light Water Reactor Fuels, November 14, 1972; letter to D. C. Switzer from A. Giambusso, November 20, 1972; letter to A. Giambusso from D. C. Switzer, December 29, 1972, with enclosure General Electric topical report, Densification Considerations in BWR Fuel Design and Performance; letter to D. C. Switzer from D. Zieman, with enclosure the Staff's GE Model for Fuel Densification, July 16, 1973; letter to D. Zieman from D. C. Switzer, August 14, 1973; the Staff Technical Report on Densification of General Electric Reactor Fuels, August 23, 1973; the Staff Safety Evaluation of the Fuel Densification Effects on the Millstone Nuclear Power Station, Unit 1, August 24, 1973; all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Copies of these documents may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 24th day of August 1973.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

NOTICE OF AVAILABILITY

Copies of Appendix I to Order for Modification of License, dated August 24, 1973, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.73–18304 Filed 8–27–73;8:45 am]

[Docket No. 50–219]

JERSEY CENTRAL POWER & LIGHT CO.

Order for Modification of License

I. The Jersey Central Power & Light Co. (the licensee) is the holder of Facility License DPR–16. License DPR–16 authorizes operation of the Oyster Creek Nuclear Power Station (the plant) in Ocean County, New Jersey. This license expressly provides, inter alia, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. On November 14, 1972, the AEC Regulatory Staff (the Staff) issued a report entitled "Technical Report on Densification of Light Water Reactor Fuels" (the Report). By letter of November 20, 1972, the Staff requested the licensee to submit analyses and data specified in the report related to determining the consequences of fuel densification for normal operation of the plant, for operation of the plant during various maneuvers and transients, and under postulated accident situations, including the design basis loss-of-coolant accidents. On January 18, 1973, the licensee provided the requested information including, by reference, the General Electric Company Report NEDM–10735, "Densification Considerations in BWR Fuel Design and Performance," dated December, 1972. The Staff reviewed the licensee's submissions, as well as Facility Change Request No. 4 and its supplements No. 1, 3 and 4, and five additional supplements to NEDM–10735 which were

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submitted by the General Electric Company in response to requests for additional information from the Staff. The latest of these supplements was dated July, 1973. By letter of July 16, 1973, the Staff requested the licensee, inter alia, to furnish additional analyses regarding the calculated peak cladding temperatures during a postulated loss-of-coolant accident. On August 15, 1973, the licensee submitted the requested information including Supplement 6 to NEDM–10735 and "Exxon Nuclear Oyster Creek Densification Analysis."

On the basis of the Staff's review of the above identified submittals and its evaluation of fuel densification effects upon the operation of boiling water reactors which are reflected in a safety evaluation report relating to the plant dated August 24, 1973, the Staff has determined that changes in the operating conditions for the plant are necessary in order to assure that the calculated peak cladding temperature of the core of the plant following a postulated loss-of-coolant accident will not exceed 2,300°F taking into account fuel densification effects as described in the Staff's safety evaluation identified above, and, therefore, that the Technical Specifications of License DPR–16 should be amended to require: (1) The immediate control of steady-state power operation so that the average linear heat generation of all the rods in any fuel assembly, as a function of planar exposure, at any axial location, shall not exceed the maximum average planar linear heat generation rate defined by the curves in Limiting Condition for Operation, figure 3.10.1, of section 3.10.A. of the attached Appendix I, attached hereto; and (2) that during steady state power operation, the linear heat generation rate (LHGR) of any rod in any fuel assembly at any axial location shall not exceed the maximum allowable LHGR as calculated using the equation for maximum LHGR provided in Limiting Condition for Operation, section 3.10.B. of the attached Appendix I.

III. In view of the foregoing, the Director of Regulation finds that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204 and 50.100 and the license condition noted in Part I above.

It is ordered, That:

The Technical Specifications of License DPR–16 are hereby changed, to include Limiting Conditions for Operation, sections 3.10.A. and 3.10.B., and Surveillance Requirements, sections 4.10.A. and 4.10.B. attached hereto as Appendix I and the plant shall be operated immediately in accordance therewith.

IV. On or before September 27, 1973, the licensee may file a request for a hearing with respect to this order. On or before September 27, 1973, any other person whose interest may be affected may file a request for a hearing with respect to this order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details pertinent to this Order see: the Staff Technical Report on Densification of Light Water Reactor Fuels, November 14, 1972; letter to R. H. Sims from A. Giambusso, November 20, 1972; letter to A. Giambusso from R. H. Sims, January 18, 1973, with enclosure General Electric topical report, Densification Considerations in BWR Fuel Design and Performance; letter to R. H. Sims from R. J. Schemel, with enclosure the Staff's GE Model for Fuel Densification, July 16, 1973; letter to R. J. Schemel from I. R. Finfrock, Jr., August 15, 1973; the Staff Technical Report of Densification of General Electric Reactor Fuels, August 23, 1973; the Staff Technical Report of Densification of Exxon Nuclear Company Reactor Fuels (to be issued by September 4, 1973), the Staff Safety Evaluation of the Fuel Densification Effects on the Oyster Creek Nuclear Power Station, August 24, 1973; all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Copies of these documents may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 24th day of August 1973.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

NOTICE OF AVAILABILITY

Copies of Appendix I to Order for Modification of License, dated August 24, 1973, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.73-18305 Filed 8-27-73;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Order for Modification of License

I. The Niagara Mohawk Power Co. (the licensee) is the holder of Facility License DPR–17. License DPR–17 authorizes operation of the Nine Mile Point Nuclear Power Station, Unit No. 1 (the plant) in Oswego County, New York. This license expressly provides, inter alia, that it is subject to all rules, regulations and orders of the Commission now or hereinafter in effect.

II. On November 14, 1972, the AEC Regulatory Staff (the Staff) issued a report entitled "Technical Report on Densification of Light Water Reactor Fuels" (the Report). By letter of November 20, 1972, the Staff requested the licensee to submit analyses and data specified in the report related to determining the consequences of fuel densification for normal operation of the plant, for operation of the plant during various maneuvers and transients, and under postulated accident situations, including the design basis loss-of-coolant accidents. On January 3, 1973, the licensee provided the requested information including, by reference, the General Electric Company Report NEDM–10735, "Densification Considerations in BWR Fuel Design and Performance" dated December, 1972. The Staff reviewed the licensee's submission as well as five additional supplements to NEDM–10735 which were submitted by the General Electric Company in response to requests for additional information from the Staff. The latest of these supplements was dated July, 1973. By letter of July 16, 1973, the Staff requested the licensee, inter alia, to furnish additional analyses regarding the calculated peak cladding temperatures during a postulated loss-of-coolant accident. On August 14, 1973, the licensee submitted the requested information including Supplement 6 to NEDM–10735.

On the basis of the Staff's review of the above identified submittals and its evaluation of fuel densification effects upon the operation of boiling water reactors which are reflected in a safety evaluation report relating to the plant dated August 24, 1973, the Staff has determined that changes in the operating conditions for the plant are necessary in order to assure that the calculated peak cladding temperature of the core of the plant following a postulated loss-of-coolant accident will not exceed 2,300°F taking into account fuel densification effects as described in the Staff's safety evaluation identified above, and, therefore, that the Technical Specifications of License DPR–17 should be amended to require: (1) The immediate control of steady-state power operation so that the average linear heat generation rate of all the rods in any fuel assembly, as a function of planar exposure, at any axial location, shall not exceed the maximum average planar linear heat generation rate defined by the curve in Limiting Condition for Operation, figure 3.1.7. of section 3.1.7.a of the attached Appendix I, attached hereto; and (2) that during steady state power operation, the linear heat generation rate (LHGR) of any fuel assembly at any axial location shall not exceed the maximum allowable LHGR as calculated using the equation for maximum LHGR provided in Limiting Condition for Operation, section 3.1.7.b. of the attached Appendix I.

III. In view of the foregoing, the Director of Regulation finds that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204 and 50.100 and the license condition noted in Part I above

It is ordered, That:

The Technical Specifications of License DPR–17 are hereby changed, to include Limiting Conditions for Operation, sections 3.1.7.a. and 3.1.7.b., and Surveillance Requirements, sections 4.1.7.a. and 4.1.7.b. attached hereto as Appendix I and the plant shall be operated immediately in accordance therewith.

IV. On or before September 27, 1973, the licensee may file a request for a hearing with respect to this order. On or before September 27, 1973, any other person whose interest may be affected may file a request for a hearing with respect to this order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details pertinent to this Order see: the Staff Technical Report on Densification of Light Water Reactor Fuels, November 14, 1972; letter to T. J. Brosnan from A. Giambusso, November 20, 1972; letter to A. Giambusso from T. J. Brosnan, January 3, 1973, with enclosure General Electric topical report, Densification Considerations in BWR Fuel Design and Performance; letter to P. D. Raymond from D. Zieman, with enclosure the Staff's GE Model for Fuel Densification, July 16, 1973; letter to D. Zieman from R. R. Schneider, August 14, 1973; the Staff Technical Report on Densification of General Electric Reactor Fuels, August 23, 1973; the Staff Safety Evaluation of the Fuel Densification Effects on the Nine Mile Point Nuclear Power Station, Unit 1, August 24, 1973; all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Copies of these documents may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 24th day of August 1973.

For the Atomic Energy Commission.

L. MANNING MUNTZING.
Director of Regulation.

NOTICE OF AVAILABILITY

Copies of Appendix I to Order for Modification of License, dated August 24, 1973, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.73-18299 Filed 8-27-73;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Order for Modification of License

I. The Northern States Power Co. (the licensee) is the holder of Facility License DPR–22. License DPR–22 authorizes operation of the Monticello Nuclear Power Station, (the plant) in Wright County, Minnesota. This license expressly provides, inter alia, that it is subject to all rules, regulations and orders of the Commission now or hereinafter in effect.

II. On November 14, 1972, the AEC Regulatory Staff (the Staff) issued a report entitled "Technical Report on Densification of Light Water Reactor Fuels" (the Report). By letter of November 20, 1972, the Staff requested the licensee to submit analyses and data specified in the report related to determining the consequences of fuel densification for normal operation of the plant, for operation of the plant during various maneuvers and transients, and under postulated accident situations, including the design basis loss-of-coolant accidents. On December 29, 1972, the licensee provided the requested information including, by reference, the General Electric Company Report NEDM–10735, "Densification Considerations in BWR Fuel Design and Performance" dated December, 1972. The Staff reviewed the licensee's submission as well as five additional supplements to NEDM–10735 which were submitted by the General Electric Company in response to requests for additional information from the Staff. The latest of these supplements was dated July, 1973. By letter of July 16, 1973, the Staff requested the licensee, inter alia, to furnish additional analyses regarding the calculated peak cladding temperatures during a postulated loss-of-coolant accident. On August 15, 1973, the licensee submitted the requested information including Supplement 6 to NEDM–10735.

On the basis of the Staff's review of the above identified submittals and its evaluation of fuel densification effects upon the operation of boiling water reactors which are reflected in a safety evaluation report relating to the plant dated August 24, 1973, the Staff has determined that changes in the operating conditions for the plant are necessary in order to assure that the calculated peak cladding temperature of the core of the plant following a postulated loss-of-coolant accident will not exceed 2,300°F taking into account fuel densification effects as described in the Staff's safety evaluation identified above, and, therefore, that the Technical Specifications of License DPR–22 should be amended to require: (1) The immediate control of steady-state power operation so that the average linear heat generation rate of all the rods in any fuel assembly, as a function of planar exposure, at any axial location, shall not exceed the maximum average planar linear heat generation rate of 11.5 kw/ft; and (2) that during steady state power operation, the linear heat generation rate (LHGR) of any rod in any fuel assembly at any axial location shall not exceed the maximum allowable LHGR as calculated using the equation for maximum LHGR provided in Limiting Condition for Operation, section 3.5.K of the attached Appendix I.

III. In view of the foregoing, the Director of Regulation finds that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204 and 50.100 and the license condition noted in Part I above

It is ordered, That:

The Technical Specifications of License DPR–22 are hereby changed, to include Limiting Conditions for Operation, sections 3.5.J. and 3.5.K., and Surveillance Requirements, sections 4.5.J. and 4.5.K. attached hereto ase Appendix I and the plant shall be operated immediately in accordance therewith.

On or before September 27, 1973, the licensee may file a request for a hearing with respect to this order. On or before September 27, 1973, any other person whose interest may be affected may file a request for a hearing with respect to this order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details pertinent to this Order see: The Staff Technical Report on Densification of Light Water Reactor Fuels, November 14, 1972; letter to A. V. Dienhart from A. Giambusso, November 20, 1972; letter to A. Giambusso from L. O. Mayer, December 29, 1972, with enclosure General Electric topical report, Densification Considerations in BRW Fuel Design and Performance; letter to A. V. Dienhart, with enclosure the Staff's GE Model for Fuel Densification, July 16, 1973; letter to D. Zieman from L. O. Mayer, August 15, 1973; the Staff Technical Report on Densification of General Electric Reactor Fuels, August 23, 1973; the Staff Safety Evaluation of the Fuel Densification Effects on the Monticello Nuclear Power Station, August 24, 1973; all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Copies of these documents may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 24th day of August 1973.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

NOTICE OF AVAILABILITY

Copies of Appendix I to Order for Modification of License, dated August 24, 1973, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.73-18300 Filed 8-27-73;8:45 am]

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[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Order for Modification of License

I. The Vermont Yankee Nuclear Co. (the licensee) is the holder of Facility License DPR-28. License DPR-28 authorizes operation of the Vermont Yankee Nuclear Power Station (the plant) in the Town of Vernon, Windham County, Vermont. This license expressly provides, inter alia, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. On November 14, 1972, the AEC Regulatory Staff (the Staff) issued a report entitled "Technical Report on Densification of Light Water Reactor Fuels" (the Report). By letter of November 20, 1972, the Staff requested the licensee to submit analyses and data specified in the report related to determining the consequences of fuel densification for normal operation of the plant, for operation of the plant during various maneuvers and transients, and under postulated accident situations, including the design basis loss-of-coolant accidents. On January 3, 1973, the licensee provided the requested information including, by reference, the General Electric Company Report NEDM-10735, "Densification Considerations in BWR Fuel Design and Performance" dated December 1972. The Staff reviewed the licensee's submission as well as five additional supplements to NEDM-10735 which were submitted by the General Electric Company in response to requests for additional information from the Staff. The latest of these supplements was dated July, 1973. By letter of July 16, 1973, the Staff requested the licensee, inter alia, to furnish additional analyses regarding the calculated peak cladding temperatures during a postulated loss-of-coolant accident. On August 15, 1973, the licensee submitted the requested information including Supplement 6 to NEDM-10735.

On the basis of the Staff's review of the above identified submittals and its evaluation of fuel densification effects upon the operation of boiling water reactors which are reflected in a safety evaluation report relating to the plant dated August 24, 1973, the Staff has determined that changes in the operating conditions for the plant are necessary in order to assure that the calculated peak cladding temperature of the core of the plant following a postulated loss-of-coolant accident will not exceed 2,300° F taking into account fuel densification effects as described in the Staff's safety evaluation identified above, and, therefore, that the Technical Specifications of License DPR-28 should be amended to require: (1) The immediate control of steady-state power operation so that the average linear heat generation of all the rods in any fuel assembly, as a function of planar exposure, at any axial location, shall not exceed the maximum average planar linear heat generation rate defined by the curve in Limiting Condition for Operation, figure 3.5.1, of section 3.5.J of the attached Appendix I, attached hereto; and (2) that during steady state power operation, the linear heat generation rate (LHGR) of any rod in any fuel assembly at any axial location shall not exceed the maximum allowable LHGR as calculated using the equation for maximum LHGR provided in Limiting Condition for Operation, section 3.5.K of the attached Appendix I.

III. In view of the foregoing, the Director of Regulation finds that the public health, safety, and interest require that the following order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204 and 50.100 and the license condition noted in Part I above.

It is ordered, That:

The Technical Specifications of License DPR-28 are hereby changed, to include Limiting Conditions for Operation, sections 3.5.J. and 3.5.K., and Surveillance Requirements, sections 4.5.J. and 4.5.K. attached hereto as Appendix I and the plant shall be operated immediately in accordance therewith.

IV. On or before September 27, 1973, the licensee may file a request for a hearing with respect to this order. On or before September 27, 1973 any other person whose interest may be affected may file a request for a hearing with respect to this order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details pertinent to this Order see: the Staff Technical Report on Densification of Light Water Reactor Fuels, November 14, 1972; letter to A. A. Cree from A. Giambusso, November 20, 1972; letter to U.S. Atomic Energy Commission from D. E. Vandenburgh, January 3, 1973, with enclosure General Electric topical report, Densification Considerations in BWR Fuel Design and Performance; letter to A. A. Cree from D. Zieman, with enclosure the Staff's GE Model for Fuel Densification, July 16, 1973; letter to D. Zieman from D. E. Vandenburgh, August 15, 1973; the Staff Technical Report on Densification of General Electric Reactor Fuels, August 23, 1973; the Staff Safety Evaluation of the Fuel Densification Effects on the Vermont Yankee Nuclear Power Station, August 24, 1973; all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Copies of these documents may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 24th day of August 1973.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

NOTICE OF AVAILABILITY

Copies of Appendix I to Order for Modification of License, dated August 24, 1973, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.73-18303 Filed 8-27-73;8:45 am]

[Docket Nos. 50-315, 50-316]

INDIANA AND MICHIGAN ELECTRIC CO., ET AL.

Order on Motions Re Scheduling of Prehearing Conference

In the matter of Indiana and Michigan Electric Co., et al., (Donald C. Cook Nuclear Plant, Units 1 and 2).

Take notice that a prehearing conference in the subject proceeding will be held on September 6, 1973, at 11:00 a.m., local time, in Suite 500, Postal Rate Commission Offices at 2000 L Street, NW., Washington, D.C. 20268.

The purpose of this prehearing conference is to discuss, amongst other matters, the key environmental issues in controversy between the parties. In addition, the Board will hear oral argument on a Joint Motion for adoption of hearing schedule.

Issued at Washington, D.C., this 22d day of August 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
MAX D. PAGLIN,
Chairman.

[FR Doc.73-18161 Filed 8-27-73;8:45 am]

[Docket No. 50-410]

NIAGARA MOHAWK POWER CORP.

Notice and Order for Third Prehearing Conference

In the matter of Niagara Mohawk Power Corporation, (Nine Mile Point, Unit No. 2), Docket No. 50-410.

Notice is hereby given, in accordance with § 2.752 of the Atomic Energy Commission's rules of practice, 10 CFR Part 2, the Atomic Safety and Licensing Board (the Board) will hold a third prehearing conference in the above-captioned cause on Wednesday, September 12, 1973 at 10 a.m., local time, in the Legislators Chambers, County Building, 46 East Bridge Street, Oswego, New York 13126.

This third prehearing conference shall consider the following matters:

1. The status of discovery;
2. Further simplification, clarification and specification of the issues;
3. The necessity or desirability or amending the pleadings;
4. The obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;
5. Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;
6. The setting of a hearing schedule; and
7. Such other matters as may aid in the orderly disposition of the proceeding.

The attorneys for the respective parties are directed to confer in advance of this prehearing conference, in such manner as they deem appropriate, and report to the Board at said conference on any stipulations regarding issues or evidence, and on any other mutually agreeable procedures to expedite the evidentiary hearing.

Members of the public are invited to attend this third prehearing conference as well as the evidentiary hearing to be held at a later date to be fixed by the Board.

Dated this 23d day of August 1973 at Washington, D.C.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.73-18191 Filed 8-27-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 25711; Order 73-8-105]

SOUTHERN AIRWAYS, INC., ET AL.

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of August 1973.

By application filed on July 18, 1973 [1] SOADO Venture (SOADO), Southern Airways, Inc. (Southern), and various officers and directors of Southern [2] requested (a) approval pursuant to the third proviso of Section 408(b) of the Federal Aviation Act of 1958, as amended, (the Act) with respect to various control relationships which have arisen or may arise among the above-mentioned applicants, (b) approval pursuant to section 409(a) of the Act with respect to various interlocking relationships which may exist among certain of the applicants, and (c) as an alternative to the approval requested in (a) and (b) above, a disclaimer of jurisdiction with respect to certain control and interlocking relationships among the applicants. In addition to the foregoing, the applicants have requested a declaration by the Board that Section 409(b) of the Act does not prohibit the individual applicants from receiving and retaining the proceeds from the future sale of Southern securities as they may be required to purchase following the offer of such securities to the other common stockholders of Southern.

In brief the application concerns the formation of a joint venture (SOADO) by certain officers and directors of Southern for the purpose of (a) purchasing $7,000,000 principal amount of Southern's 6¼ percent Convertible Subordinated Debentures (Debentures) from the ISI Fund Corporation (ISI); (b) eliminating the warrants attached to such Debentures and converting 16⅔ percent of such Debentures into 116,700 shares of Southern's common stock and (c) offering the holders of Southern's common stock the right to purchase their pro rata portion of the remaining Debentures together with the newly issued common stock.

According to the application, in November 1968, Southern placed an issue of 6½ percent Convertible Debentures (Debentures) in the principal amount of $8,000,000 with three mutual funds managed by ISI. [3] As of April 1973, ISI owned $7,000,000 principal amount of the Debentures. On April 12, 1973, ISI inquired of Southern as to whether Southern was interested in retiring the Debentures at a substantial discount. [4] The application recites that Souhern's management recognized that it would be to Southern's benefit if the Debentures could be removed from the current market and placed with longer-term investors. Thus, according to the application, the convertibility feature with warrants together with a continuing offer by ISI would be injurious to the public market for future issues of Southern's equity securities. Moreover, it was recognized that the availability of the Debentures for retirement at a discount offered an opportunity for improvement of Southern's debt/equity ratio and reduction of its interest burden. Under its principal credit agreements Southern is restricted against commitment of its funds for the retirement of, or underwriting the reissue of, the type of securities discussed herein, and Southern was advised that such restrictions would not be waived. However, a plan was arrived at for a reduction in the outstanding Debentures and a realization of some of the benefits to Southern as described earlier.

On May 25, 1973 the individual applicants entered into a joint venture agreement for the formation of SOADO the functions of which were to borrow $3,200,000 to purchase the Debentures; convert $1,167,000 of the face amount of such Debentures to common stock; make the offer to Southern's shareholders; cancel and surrender to Southern the existing warrants; and dissolve. On May 30, 1973, the Debentures were sold by ISI to SOADO and in turn were pledged by SOADO with the First National Bank of Chicago to secure its loan of $3,200,000 to SOADO.

On June 1, 1973, the applicants filed a Registration Statement with the Securities and Exchange Commission covering the securities to be offered by SOADO to Southern's stockholders. Thus, the aforesaid statement indicates that Southern's common stockholders will be offered the right to purchase their pro rata portion of the Debentures remaining after conversion of $1,167,000 principal amount. The proposed price for the remaining Debentures (in units of $500) would be $2,584,019 (44.3 percent of the face amount), and for the newly issued 116,700 shares of common stock the proposed price would be $516,981 ($4.43 per share).

From the application it appears that the Debentures to be offered by SOADO represent $5,833,000 principal amount and the common stock will represent a little less than 8 percent of the total outstanding voting stock of Southern. In this connection, the application indicates that the offering is to be made to all holders of Southern's common stock. In this regard, the individual applicants, as stockholders, will also have rights to purchase a portion of the securities units to be offered. However, pursuant to the Joint Venture Agreement (Agreement) the individual participants shall transfer their respective rights to a rights pool in the joint venture. Following the offering, the individual participants will purchase out of the joint venture pool their pro rata parts of such rights. Furthermore, the individual applicants are obligated to take up any units which are unsubscribed to by the remaining stockholders.

According to the application, the individual applicants presently own 18.1 percent of the voting stock of Southern. It is expected that the offer will be fully subscribed or substantially fully subscribed by the non-SOADO common stockholders. The application asserts that if the offer is virtually fully subscribed the individual applicants collectively will, after taking up in accordance with their joint obligations the remaining securities, continue to own 18.1 percent of Southern's voting stock. Moreover, the 18.1 percent of ownership by the applicants would not vary even if 100 percent of the Debentures are eventually converted into Southern common stock. The existence of SOADO will terminate 45 days after the offering or on November 1, 1973, whichever first occurs.

No comments or requests for a hearing with respect to the application have been received.

Applicants assert that the transaction here involved should not be regarded as an acquisition of control requiring approval, nor should SOADO be regarded as a company engaged in a phase of aeronautics. To the extent that the acquisition is designed merely as a process by which the outstanding Debentures of

[1] The application was amended on July 30, 1973.

[2] Frank W. Hulse, George M. Gross, Graydon Hall, Cecil A. Beasley, Jr., Alexander J. Brunini, Alton F. Irby, Jr., G. Gunby Jordan, Henry P. Johnston, R. Eugene Orr, G. Frank Purvis, Jr., A. L. Maxson, Victor C. Pruitt, Frank H. Wheeler, T. A. Wiley, Jr., Elton B. Stephens, Richard A. Trippeer, Jr., and Wm. Ben White Jr. (hereinafter referred to as the individual applicants).

[3] Each $1,000 of principal amount of the Debentures carries rights for the purchase of eighteen shares of Southern's common stock at $10 per share.

[4] ISI indicated that it did not wish to retain the Debentures.

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Southern will be acquired and distributed to existing shareholders in roughly the same proportions as their present stockholdings, it does not appear that the control of Southern Airways would be significantly affected.[6] We have concluded, however, that a declination of jurisdiction would not be appropriate.[7]

At the very least, the transaction will result in a transitory change in both the form and extent of control. Through the acquisition of the Debentures, the individual applicants have undertaken significant holdings in the debt securities of Southern (approximately 25 percent of the long-term debt as of April 30, 1973) and, through conversion privileges, acquired the rights to a substantial additional amount of Southern's common stock. Moreover, the individual applicants have introduced a new entity (SOADO) into the previously existing control picture and through this transaction and the current increase in the holding of Southern's securities have created a new control relationship between themselves and Southern. Moreover, SOADO itself plays an integral part in this new control relationship and shares in such control. Even if these changes are transitory, and will cease when the transaction is completed, approval of the acquisition of control of Southern by the individual participants under section 408(a)(5) is required.[8]

Moreover, the Board cannot be certain at this time that all changes of control will be transitory. As noted, the SOADO Agreement obligates the individual participants to purchase any investment units not subscribed to by non-SOADO shareholders. To be sure, if the non-SOADO shareholders fully subscribe to the offering (as contemplated), the SOADO shareholders will not increase their proportionate shareholdings. However, if the unanticipated comes to pass, and the SOADO shareholders are required to purchase a substantial number of unsubscribed investment units, their degree of control could be significantly increased.

Consequently, we will limit our approval to the anticipated transaction—that is, one in which the non-SOADO shareholders substantially subscribe to the offering and the SOADO shareholders do not substantially increase the degree of their control of Southern Airways. In that event, no further Board approval will be required. On the other hand, should there be a significant percentage of the investment units not subscribed to, with the result that the participants will substantially change their present investment holdings in Southern, the applicants will be required to obtain further Board approval with respect to such changed control. (See TWA, Further Control by Hughes Tool Company, 9 CAB 381, 390 (1948).)

As a result of the transaction described herein it appears that Southern may realize a strengthened financial position through (a) a more stable market for the issuance of future equity securities; (b) an improved equity to debt ratio; and (c) the lessening of its interest payment burden. Furthermore, it appears that Southern's existing stockholders have an opportunity to share in the new securities issue on an equitable basis with the individual applicants who, if the offer is virtually fully subscribed, will continue to own 18.1 percent of Southern's common stock as they did before the instant transaction. Moreover, as the application points out, the individual applicants are persons who have been long associated with Southern and it can reasonably be concluded, under the circumstances as described, that such persons are attempting to aid and benefit Southern.

In view of the foregoing, we have tentatively concluded that the transactions described herein and the resulting control relationships will not be inconsistent with the public interest, will not result in creating a monopoly, and will not tend to restrain competition. Our approval, however, will apply only to the interim control relationships herein described, which are necessary for the purpose of acquisition and ultimate distribution of the debentures to existing shareholders roughly in proportion to their existing holdings. Since upon successful consummation of the transaction in this manner, the existing control relationships of Southern will not be significantly affected, the Board finds that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation within the meaning of the third proviso of section 408(b). Furthermore, no person disclosing a substantial interest in the proceedings is currently requesting a hearing, and it does not appear that the public interest requires a hearing. Accordingly, the Board tentatively finds that, to the extent set forth above, the control relationships arising from the proposed transaction should be approved pursuant to the third proviso of section 408(b).

In addition to the control relationships discussed above, it appears that interlocking relationships within the meaning of section 409(a) of the Act have been created between an air carrier (Southern), on the one hand, and a person engaged in a phase of aeronautics (SOADO), on the other hand. However, upon final approval of the control relationships described herein the aforesaid interlocking relationships would appear to come within the scope of the exemption from section 409 afforded by section 287.3 of the Board's Economic Regulations. Accordingly, in our final order we will dismiss the application to the extent it requests approval of such interlocking relationships.

With regard to the applicants' request that the Board include in this order a declaration that section 409(b) of the Act does not prohibit the individual applicants from receiving and retaining the proceeds from the future sale of such securities as they may be required by the Agreement to purchase following the offer of the securities to the other common stockholders of Southern, the Board notes that section 409(b) of the Act reads as follows:

"Profit From Transfer of Securities: (b) It shall be unlawful for any officer or director of any air carrier to receive for his own benefit, directly or indirectly, any money or thing of value in respect of negotiation, hypothecation, or sale of any securities issued or to be issued by such carrier, or to share in any of the proceeds thereof."

The applicants argue that this section applies only to transactions in which the air carrier itself is a party, and not to transactions by officers and directors with third parties in carrier securities which are outstanding. They argue that if the section applied to the latter case, officers and directors would not be able to sell stock in their own air carriers for value, whether at a profit or loss. They point to legislative history of the language of section 409(b) to support their interpretation of it. Since the language of 409(b) is identical to that of section 20a.(12) of the Interstate Commerce Act, 49 U.S.C. 20.a(12), they cite legislative statements of the evil sought to be remedied by that section. That evil, they contend, was the practice of some railroad officers and directors of causing their carriers to make public offerings of securities, the proceeds of which were siphoned off in various ways for the private enrichment of the individuals involved. It is the applicants' position that there is no indication whatsoever that Congress ever intended to concern itself with any problems with respect to officer and director transactions with third persons in outstanding securities of publicly-held carriers. They say this is how the Interstate Commerce Commission had dealt with section 20a.(12) of their Act. Any other interpretation by the Board of section 409(b) would, they say, be so novel that thousands of violations in every air carrier would be found to exist. They contend

[6] The Board notes that the individual participants prior to the formation of SOADO already controlled in excess of 18% of the voting stock of Southern. This fact, together with the facts that there is apparently no other single stockholder holding as much as 5% of the voting stock of Southern and the individual participants constitute 13 of the 17 directors of Southern, indicates that such participants prior to the acquisition shared, in a major way, in the control of Southern.

[7] Various control and interlocking relationships which are included in the instant proceeding were established without Board approval. However, exceptional circumstances appearing to exist, it has been decided not to enforce the doctrine expressed in Sherman, Control and Interlocking Relationships, 15 CAB 876 (1952) and to consider the application on its merits.

[8] We also find approval to be required under section 408(a)(6), since SOADO, as a company whose sole function is holding and distributing securities of an air carrier, must be considered a "phase of aeronautics." The Board does not, as applicants contend, confine the definition of "phase of aeronautics" strictly to companies involved in the science and art of flight. See *e.g.*, Consolidated Airline Purchasing Corporation, Orders E–19721, E–20109; and Allegheny Airlines-Corcoran Thom, Order E–17654.

that the words of that section are aimed at a type of dealing which is harmful to the air carriers' capital structure, not a transaction which will be beneficial to the capital structure, as in this case. Another way of putting this, according to the applicants, is that section 409(b) prohibits a form of breach of fiduciary duty. They say it is because Southern cannot itself take the steps that SOADO is taking that the joint venture was formed to secure the benefits of this transaction for Southern.

Section 409(b) is not so limited in its application as the applicants herein contend. This is demonstrated by reference to the legislative history of the language of that section, and by a comparison of that language with a contemporaneously enacted law.

The applicants are wrong in their contention that there is no indication that Congress intended to concern itself with officers and directors of air carriers dealing in the stock of their companies. The following testimony appears in the hearings that led to enactment of the Civil Aeronautics Act of 1938: [9]

"Mr. WRIGHT • • • we suggest that the meaning is not clear where it says:

It shall be unlawful for any officer or director of any air carrier or airport operator to receive for his own benefit, directly or indirectly, any money, or thing of value in respect of negotiation, hypothecation, or sale of securities, issued or to be issued by such air carrier or airport operator.

Does this mean that no officer or director can buy or sell for his own account stock in his own company?

Senator McCARRAN. That language is taken from the Interstate Commerce Act.

Senator TRUMAN. *That is what it is intended for, to keep the officers of the company from speculating in the stock of their own company.* (emphasis added)

Mr. WRIGHT. That is the point I wanted to bring out. It is conceivable, however, that a man sufficiently interested in a company to be a director of it, and a man who spends his life in the company being an officer and directing the affairs of it, might wish for his own account to purchase securities issued by that company. It is a most normal thing, I should think.

Senator McCARRAN. That is what caused the difficulty with the railroad organizations.

Mr. WRIGHT. Then may I suggest that some amended provision might be put in there to cover the question of speculation, but for legitimate investment give proper protection to the officers and directors. I merely lay that thought before you for your consideration.

Senator McCARRAN. You are giving us a hard problem.

Mr. WRIGHT. We respectfully point out that the stockholdings of all officers and directors of air carriers are not a matter of record with the Securities and Exchange Commission and such holdings are regularly reported to that body • • •"

It seems clear, therefore, that the Congressional intent in enacting section 409(b) included the prevention of speculation by air carrier officers and directors in the stock of their companies. It does not appear that Congress intended to preclude an officer's or director's investment for his own account in the stock of the air carrier, so long as the purpose was investment and not speculation.

A comparison of the language of this section with that of a similar section of a contemporaneous act further supports this interpretation of section 409(b) of the Act. The Natural Gas Act, 15 USC 717 et seq., contains language similar to that of section 409(b) of the Act, and it was enacted at almost the same time as the Civil Aeronautics Act of 1938. Section 717k. of the Natural Gas Act reads as follows:

"Officials Dealing in Securities: It shall be unlawful for any officer or director, of any natural-gas company to receive for his own benefit, directly or indirectly, any money or thing of value in respect of negotiation, hypothecation, or sale *by such natural-gas company* of any security issued, or to be issued, by such natural gas company, or to share in any of the proceeds thereof • • •" (emphasis added)

This language and that of section 409(b) of the Act are identical except for the underlined words of section 717k. of the Natural Gas Act, which clearly show that it applies only to instances where securities are issued by the company itself. If Congress wanted to similarly limit section 409(b) of the Act, it could have done so by the addition of a few words. Since no such limiting words appear in section 409(b) of the Act, it must be concluded that Congress did not intend to limit the applicability of section 409(b) as the applicants herein contend.

However, in the present case, it does not appear that the individual applicants' motivation in participating in the joint venture is speculation in the stock of Southern (see Certifications in Appendix A to the application in Docket 25711).[9] As the previous discussion in this order concluded, it appears that the transactions herein will not be detrimental to Southern, nor do they appear to put the individual applicants in positions of conflict of interest with their fiduciary responsibilities to Southern. Therefore, although the reasons given by the applicants for their request are not correct in that section 409(b) of the Act does not have so restrictive an application as they contend, we will grant their request with respect to interpretation of section 409(b) to the extent indicated above.

In accordance with section 408(b) of the Act, this order, constituting notice of the Board's tentative findings, will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.

Accordingly, it is ordered, That:

1. The control of (a) SOADO by the individual applicants while they control Southern and (b) Southern by the individual applicants and SOADO, resulting from the formation of SOADO by the individual applicants; the purchase of the Debentures by SOADO; and the conversion of $1,167,000 principal amount of such Debentures into shares of Southern's common stock, be and they are hereby tentatively approved pursuant to section 408(b) of the Act insofar as necessary to permit the acquisition of the Debentures, and proportional offering and distribution thereof to Southern's existing shareholders.

2. The request for a disclaimer of jurisdiction by the applicants in Docket 25711 be and it hereby is denied;

3. Applicants' request for an interpretation and declaratory order with respect to section 409(b) of the Act, be and it hereby is granted to the extent indicated herein, and is otherwise denied;

4. Interested persons be and they hereby are afforded a period of 10 days within which to file comments or request a hearing with respect to the Board's proposed action on the application in Docket 25711; [10] and

5. The Attorney General of the United States be furnished a copy of this order within one day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73–18224 Filed 8–27–73;8:45 am]

[9] Hearings on S. 2 and S. 1760 before a subcommittee of the Senate Committee on Interstate and Foreign Commerce, 75th Congress, 1st Session, pp. 651–52 (1937), (Statement of Paul A. Wright, representing the United Air Lines Transport Corporation).

[9] Applicants have certified that the securities being purchased are being purchased for an investment and not with the view to the distribution thereof, and with the ultimate purpose of protecting and aiding Southern.

[10] Comments shall conform to the requirements of the Board's Rules of Practice for filing comments. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

[Dockets 25743, 25748, 25751]

UNITED AIR LINES, INC.

Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22nd day of August 1973.

By tariff revisions [1] marked to become effective September 1, 1973, United Air Lines, Inc. (United) proposes to establish a common-rated roundtrip midweek excursion fare of $166.62 ($179.95 tax included) in markets of 2,000 miles or more in distance. The fare, which provides discounts up to 48 percent, would be available between October 16, 1973 and February 28, 1974 [2] on most United routes in the 48 contiguous states.[3] The fare would be available for travel on Tuesdays, Wednesdays, and Thursdays for passengers who purchase tickets at least seven days in advance of departure

[1] Revisions to Airline Tariff Publisheds, Inc. Agent, CAB No. 136.

[2] The proposed fares will not be valid for traffic originating during Thanksgiving week (November 20, 21, 22) or during the Christmas/New Year's holiday period (December 7, 1973 through January 7, 1974).

[3] The fare will not apply in the Florida, Atlanta, or mainland-Hawaii markets.

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and who agree to a length of stay of between seven and nine days, inclusive. American Airlines, Inc. (American), Northwest Airlines, Inc. (Northwest), and Trans World Airlines, Inc (TWA) have filed to match United's proposal.[4]

United's justification for the proposed fare rests primarily on the traffic results and economic evaluation derived from last year's similar experiment. Based on these data, United expects to board 35,000 roundtrip excursion passengers for the 15-week winter period, and to experience a 42.5/57.5-generation/diversion ratio. Assuming an incremental expense of approximately $392,000, the carrier anticipates a net profit impact of $506,960.

United alleges that the modifications of last year's program are intended to improve profits and reduce risk. In extending the period of availability from six to 15 weeks, United alleges that it will achieve a greater economic impact per advertising and promotional dollar expended, while simultaneously affording the public more time to solidify travel plans. Similarly, based on experience with last year's three-tier fare structure, the carrier has concluded that it should concentrate its efforts only in markets over 2,000 miles where consumer response proved to be greatest. It is also anticipated that the more limited market application will "reduce the need to spend advertising and promotional dollars in as many cities, thereby permitting concentration in major metropolitan areas for maximum impact." Finally, United excludes Hawaii, Florida, and Atlanta from the present filing "because of high load factors, United's circuitous southeast route authority, and the unique market situation which already provides them with an adequate and separate promotional fare structure."

Continental Air Lines, Inc. (Continental), Northwest, and TWA have filed complaints requesting investigation and suspension. Continental and Northwest allege, inter alia, that the proposed fare is anticompetitive since smaller carriers without United's extensive route structure will be unable to match the fare; that the proposal will result in a loss of interline traffic since United does not intend to interline travel at the fare and carriers will be unable to absorb the otherwise excessive prorate dilution; and that the fare violates previously established policy with respect to commonrating.

TWA alleges that United has failed to provide sufficient justification for its proposal and that the fare does not adequately satisfy the profit impact criteria established by the Board in Phase 5 of the Domestic Passenger-Fare Investigation (DPFI). Specifically, TWA alleges that United has grossly understated the degree of "borrowed traffic" which occurred during last year's excursion-fare experiment, since it fails "to differentiate between the traffic moving in the latter three weeks of December (after the fare expired) versus the first week in December (while the fare was still in effect)."[5] TWA contends that treating December as if the whole month lacked the excursion fare results in an inflated traffic level for the post-fare period, and hence understates the degree of diversion caused by the fare. Using the New York-Los Angeles market as its example, TWA alleges that United's traffic growth rate immediately following expiration of last year's fare fell from a positive 25-percent/35-percent growth to a negative 13-percent growth—a swing which would conclusively indicate that United's 17.5-percent "borrowed" factor is significantly understated.

In addition, TWA alleges that United has understated the degree of revenue dilution inherent in its proposal by treating diverted passengers as though they would otherwise have used an alternative discount fare. TWA asserts that, based on submissions made to the Board following last year's excursion fare, TWA and American experienced diversion factors from full coach fares of 30 percent and 44 percent, respectively. Finally, TWA contends that approval of United's fare would be tantamount to withdrawing previous approval of Demand Scheduling, since the two fares offer a comparable discount although the reservation and ticketing requirements for Demand Scheduling are far more restrictive.[6] In TWA's opinion, the public would no longer accept the rather stringent requirements of Demand Scheduling, since it could receive the same discount without them.

United has answered the complaints alleging that, contrary to TWA's opinion, the fare is fully consistent with the Phase 5 decision; that it successfully meets the profit-impact test; and that the Board's approval of TWA's Demand Scheduling does not preclude United or any other carrier from introducing competitive discount fares as long as they are cost justified.

Specifically, United asserts that it has not understated the degree of "borrowed traffic" in its analysis of the results of last year's midweek excursion fare, but merely referenced erroneously as "December" the results for the Christmas travel period following expiration of the fare (December 17 through January 9). The decline in growth rate evidenced in the New York-Los Angeles market was allegedly not simply the result of "borrowed traffic," but representative of a traffic decline experienced by United throughout its system. In any event, United claims to have significantly reduced the danger of "borrowed traffic" in its instant proposal by applying a blackout on originating traffic for the full Thanksgiving week as well as throughout the Christmas/New Year's holiday season.

In response to other arguments advanced by the complainants, United alleges that revenue dilution caused by diversion from the full coach fare will be minimized this year by the fare's limitation to long-haul markets where many other discount fares presently apply; that the fare may well help carriers achieve their load factor objectives under present capacity agreements; that the principle of common-rating is a well-established concept approved by the Board on numerous occasions; and that the argument relating to prorate dilution is an insufficient reason for suspension, since it might be applied to virtually any discount fare which is filed by a long-haul carrier.

Upon consideration of the tariff filing, the justification, complaints, and answer thereto, and all other relevant matters, the Board finds that the complaints do not set forth sufficient facts to warrant investigation of the proposal, and the request therefor and consequently the requests for suspension will be denied and the complaints dismissed.

United's proposal appears to constitute a reasonable attempt to generate additional traffic during a traditionally offpeak season. While the discounts in the longest markets amount to a generous 48 percent, they are not out of line with several types of discount fares presently available in a variety of markets. Nor are we persuaded that United has failed to justify its proposal adequately. It is based substantially on the results of last year's 7–9-day midweek excursion fare, which produced a positive profit impact for the three participating carriers (American, TWA, and United) of $322,832.

TWA has advanced a number of arguments against United's proposal, among them that the traffic generated by the proposed fare, in combination with the recent capacity agreement load factor objective of 60 percent, will result in an inordinate displacement of full-fare passengers, or create an unnecessary demand for extra sections. On the other hand, the fares will be applicable only on three off-peak days of the week, and only during the offpeak season. In our opinion, this should significantly minimize the possibility of insufficient capacity to satisfy demand, notwithstanding the capacity agreement. Furthermore, United and its competitors offer numerous one-stop services in markets over 2,000 miles, which could readily accommodate any displaced passengers.

TWA also alleges that United has failed to compute accurately the generation/diversion ratio which will result from the fare and has, therefore, overstated its profitability. Specifically, TWA asserts that United overstates the generation factor by failing to quantify correctly the amount of "borrowed traffic" manifested by last year's similar fare. However, United has clarified this question in its answer, and its estimate of "borrowed traffic" does not appear to be understated. United points out that last year's estimated 17.5-percent diversionary shift from December was used in calculating the amount of "borrowed traffic" which may be involved in the instant proposal, despite the fact that the entire Thanksgiving week will be blacked out this year, as it was not last year. For this reason, and since the markets considered most diversionary (i.e., 1,000–2,000 miles) have been eliminated in the present filing, it is not unreasonable to assume that actual generation may well be significantly higher than 42.5 percent, which represents last year's experience in all markets. If anything, the profit impact may be more favorable than United projects.

TWA contends that approval of United's proposal would force it to abandon the Demand-Scheduling experiment, and destroy the many public benefits which allegedly will flow from that experiment. While it is only reasonable to anticipate some diversion of traffic from Demand Scheduling, it is not at all clear from the evidence at hand that the two programs cannot coexist on an economic basis. For example, if length of stay or one-way travel are primary factors, United's program will not provide an attractive alternative since the fare is only for round-trip travel and the length of stay is rather severely restricted. In any event, TWA has provided no data regarding the travel characteristics of its Demand-Schedule passengers, information which would do much to answer the question of probable impact on its Demand-Scheduling service.

It is also important to note that reservations for Demand Scheduling are now finalized for travel commencing through at least the second week of November and, on the assumption that United will not actively promote its fare until it receives Board approval around the first of September, they should be virtually finalized through to the year-end blackout period. With reservations already made there would seem to be little or no incentive for passengers to go to the bother of switching to another fare plan, and we are unable to conclude that United's excursion fare would pose a threat until January 8, 1974, after the Christmas/New Year's holiday blackout period. On the other hand, if the 7-9-day midweek excursion fare proves successful in the marketplace after that date, it can then be argued that the public has made its choice.

Finally, Continental and Northwest argue that United's proposal is anticompetitive. Essentially, Continental alleges that, due to the prorate dilution that would be involved, it cannot economically meet United's fares on an interline basis and will thus lose traffic to United. Northwest, on the other hand, alleges that to prevent a total loss of traffic to United it will be compelled to enter into uneconomic joint fares. The evidence presented by these carriers does not convince us that the fares would necessarily be uneconomic on an interline basis. Various other fare proposals at similarly low levels have been permitted in the past, and we are not prepared to suspend United's proposal here on this basis.[7]

In summary, the Board believes that United has adequatedly demonstrated a favorable profit impact in accordance with the criteria established in Phase 5 of the DPFI. In our opinion, each discount-fare proposal is entitled to be considered on its own individual merits. However, we would caution that we have considered this proposal in the context of the limited off-peak period during which it is to be effective, and would be extremely reluctant to permit its extension beyond the tariff's expiration date of February 28, 1974 in the absence of a most convincing showing.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The complaints in Dockets 25743, 25748, and 25751 be and hereby are dismissed; and

2. Copies of this order be served upon Trans World Airlines, Inc., Continental Air Lines, Inc., Northwest Airlines, Inc., American Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-18223 Filed 8-27-73;8:45 am]

[4] TWA has also filed a separate tariff revision effective September 9, 1973, proposing initiation of the plan on October 2, 1973 and eliminating the holiday blackout periods.

[5] By "borrowed traffic," TWA is referring to traffic which would have traveled in any event at a time when the 7–9-day excursion fare was not in effect, but was diverted to take advantage of the lower fare.

[6] Demand-Scheduling fares require reservations 90 days in advance of departure accompanied by a $20 nonrefundable deposit for each one-way booking. The balance of the ticket price is due 60 days in advance, at which time the passenger is notified of the precise flight departure time. Under United's plan, no deposit is required, full refunds are available for missed flights, and the reservation lead time is only a minimum of seven days.

[7] We note that in Phase 4 of the DPFI the Board specifically stated its intention to reserve the matter of joint fares for discount traffic (other than children's-fare traffic) for the proper exercise of managerial discretion.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COSTA RICA

Entry or Withdrawal From Warehouse for Consumption

AUGUST 27, 1973.

On October 11, 1972 and January 29, 1973, there was published in the FEDERAL REGISTER (37 FR 21456 and 38 FR 2714) letters dated October 5, 1972 and January 22, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to cotton textile products in Categories 53 and 51, respectively, produced or manufactured in Costa Rica and exported to the United States during the twelve-month periods beginning October 1, 1972 and extending through September 30, 1973 for Category 53; and beginning November 28, 1972 and extending through November 27, 1973 for Category 51.

These levels of restraint are subject to adjustment pursuant to paragraph 4 of Article 3 of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962. Paragraph 4 of Article 3 provides, in substance, that where more than one product is under restraint, the level of restraint for any one product may be exceeded by 5 percent, provided that the total exports subject to restraint do not exceed the aggregate level for all products so restrained.

The Government of Costa Rica has requested that such an increase be applied to Category 53 with an equivalent reduction effected in Category 51.

Accordingly, there is published below a letter of August 27, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the directives of October 5, 1972 and January 22, 1973 by adjusting the levels of restraint applicable to imports of cotton textile products in Categories 53 and 51 from Costa Rica.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

AUGUST 27, 1973.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directives issued, to you on October 5, 1972, and January 22, 1973, by the Chairman, Committee for the Implementation of Textile Agreements, regarding imports into the United States of cotton textile products in Categories 53 and 51, respectively, produced or manufactured in Costa Rica.

Under the terms of Article 3 of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible and for the twelve-month periods beginning October 1, 1972 and extending through September 30, 1973 for Category 53; and beginning November 28, 1972 and extending through November 27, 1973 for Category 51, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 53 and 51, produced or manufactured in Costa Rica, in excess of the following adjusted levels of restraint:

Category	*Adjusted Twelve-Month Levels of Restraint*[1]
53	32,414 dozen
51	13,817 dozen

[1] These levels have not been adjusted to reflect any entries made in Category 53 on or after October 1, 1972, or in Category 51 on or after November 28, 1972.

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The actions taken with respect to the Government of Costa Rica and with respect to imports of cotton textile products from Costa Rica have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-18363 Filed 8-27-73;10:15 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL RADIATION EXPOSURE ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Environmental Radiation Exposure Advisory Committee will be held on October 2-3, 1973, from 9 a.m. to 5 p.m. each day, in the Executive Conference Room, National Environmental Research Center, 944 East Harmon Avenue, Las Vegas, Nevada 89114.

This is the eleventh meeting of the Committee and will center on the Office of Radiation Programs approach for programmatic efforts in the radiological emergency preparedness area. Some of the specific topics to be covered are Radiation Accidents, Protective Action Guides, Protective Measures, and Emergency Planning.

The meeting will be open to the public. Any member of the public wishing to attend the meeting should contact Mr. Robert I. Chissler, Administrative Officer, Office of Radiation Programs, (202) 755-5482.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.73-18184 Filed 8-27-73;8:45 am]

[I.F. & R. Docket No. 2]

PAX CO.

Determination and Order

This proceeding involves a challenge by the Pax Company of Utah, a corporation, (Pax) pursuant to section 4(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C. 135b (c)), to an order canceling the registration of five arsenical-based products. Subsequently, the petitioner withdrew its petition with respect to four of the products, leaving only PAX 3-Year Crabgrass Control, EPA Reg. No. 3234-3 to be considered in this proceeding. For the reasons set forth herein, the original determination to cancel the registration of this product is hereby vacated, without prejudice to further action in the future by this Agency, if warranted.

On July 18, 1969, the Department of Agriculture notified Pax that the registration of its five products would be canceled, effective 30 days from receipt of said notice, on the basis of the requirements of Interpretation 25 (40 CFR 162.123). That Interpretation provided that "Labeling for economic poisons submitted in connection with registration under the Act bearing directions for use of products containing more than 2-percent sodium arsenite or more than 1.5-percent arsenic trioxide in or around the home is not acceptable." The Interpretation further provided that products bearing otherwise acceptable labeling for commercial, industrial, or agricultural use must bear warnings against use or storage around the home and against allowing domestic or animals grazing treated areas. Pax then filed a petition requesting that the scientific questions raised by the notice of cancellation be referred to a scientific advisory committee.

On May 24, 1973, the Advisory Committee, which was convened at the request of Pax, issued its report and recommended that the registration of the Pax product not be canceled. In so doing, the Committee felt that further research needed to be done not only with respect to the Pax product but with related arsenicals as well.

Based on consideration of the views of the Committee and other data available to me, I concur in the recommendation of the Committee. Such concurrence is based, in part, upon the fact that this Agency has underway a comprehensive review of data with respect to all arsenical based pesticides.

Order. It is ordered that the cancellation of registration number 3234-3 be vacated, without prejudice to any future action that may be taken by this Agency with respect to arsenical based pesticides pursuant to the provisions of the Federal Insecticide, Fungicide and Rodenticide Act as amended (86 Stat. 973).

Done this 22d day of August 1973.

JOHN QUARLES,
Acting Administrator.

[FR Doc.73-18185 Filed 8-27-73;8:45 am]

USE OF PRODUCTS CONTAINING CALCIUM CYANIDE, STRYCHNINE, SODIUM MONOFLUOROACETATE (1080) AND SODIUM CYANIDE FOR HOME, URBAN AND FIELD RODENTICIDES

Notice of Public Hearings

By a Notice of Intent to Hold a Hearing, dated June 19, 1973, this Agency noticed a hearing to determine whether or not the use of products containing calcium cyanide, strychnine, sodium monofluoroacetate (1080), and sodium cyanide as rodenticides in field, home, or urban areas, should be canceled or amended. In order to expedite preparation for this hearing, which this Agency desires to commence by December 1973, it has been decided that it is in the best interest of the orderly administration of government to hold informal public hearings to solicit the views of all interested persons prior to the formal hearings in December.

This notice is published to notify all interested persons that such hearings are to be held in the following cities on the dates indicated:

Washington, D.C.---------September 17, 1973
Denver, Colorado---------September 25, 1973
Dallas, Texas---------September 27, 1973
Sacramento, California------October 2, 1973

The initial hearing of two days duration in Washington, D.C., will be held in Room 3906, Waterside Mall, 401 M Street SW. Specific addresses and number of days duration for other hearings will be published by September 10, 1973.

It should be emphasized that these informal hearings are only in preparation for formal hearings to be held, pursuant to section 6(b)(2) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, by the notice dated June 19, 1973.

While this notice is not intended to limit the views of all interested parties, the views solicited herein should deal with the Statement of Issues dated June 19, 1973, that accompanied the Notice of Intent to Hold a Hearing. The Statement of Issues is published herewith as Appendix A below. Furthermore, any person wishing to present his views in writing other than at these informal hearings in September and October may do so by filing them in duplicate with the Hearing Clerk, Environmental Protection Agency, Waterside Mall East, 401 M Street SW., Washington, D.C. 20460, on or by October 15, 1973.

Dated August 20, 1973.

(86 Stat. 996)

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

ENVIRONMENTAL PROTECTION AGENCY

Before the Administrator.

In regards the use of products containing calcium cyanide, strychnine, sodium monofluoroacetate (1080) and sodium cyanide for home, urban and field rodenticides, I.F. & R. Docket No. 294, statement of issues.

Pursuant to the accompanying Notice of Intention to hold a hearing, issued pursuant to the authority vested in me by section 6(b) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, I desire the following issues to be addressed by such hearing concerning the use of calcium cyanide, strychnine, sodium monofluoroacetate (1080), and sodium cyanide as rodenticides for use in the field, home, or urban areas, in addition to any other the Administrative Law Judge deems relevant, namely:

I. Whether considerations of human health and economics require continued control by these products of rodent species, including, but not limited to house mice, ground squirrels (including the Beechey ground squirrel in Southern California), chipmunks, prairie dogs, field mice, pocket gophers, cotton rats, woodchucks, moles, kangaroo rats, jackrabbits, porcupines, Norway rats, feral pigeons, English sparrows.

II. Whether the present use of rodenticides containing these compounds poses an environmental threat of extinction to certain endangered and target species, and a substantial danger through secondary poisoning to non-target species.

III. Whether the major rodenticides containing these compounds are in fact more effective than their alternatives; whether the alternatives pose in some cases a more substantial environmental hazard, and also in some cases less effective control; whether the use of rodenticides in general can be sufficiently restricted and controlled to render them environmentally safe to a high degree but still effective on target species.

IV. In addressing these general issues, attention should be given to the following specific concerns:

A. *Need for rodent control.*—1. The danger of plague from epizootics (animal die-offs) particularly among ground squirrels and Norway rats;

2. The economic threat from destruction by field mice to reforestation;

3. The economic threat from damage to facilities and underground equipment by tunneling and burrowing activities of rodents, particularly the Beechey ground squirrel in Southern California;

4. The economic threat to rangeland enterprises from competition for forage by prairie dogs, and danger to livestock from holes and tunnels of burrowing animals;

B. *Alternative rodenticides.*—1. The extent to which less hazardous alternatives are available and would achieve equally effective control;

2. The question whether the method of death involved in the use of some alternatives is as inhumane as the effect of the rodenticide compounds herein in question;

C. *Environmental threat.*—1. The danger of species extinction through direct control as on prairie dogs or through secondary poisoning of non-target species, including the California condor;

2. The magnitude of secondary poisoning of non-target species not considered endangered; and

3. The potential for restriction and control on use of certain or all rodenticides, including: (a) Strict recording of sales and shipment; (b) Restricted sales; (c) Application restricted to trained personnel; (d) Use restricted to justified need; (e) Development of alternative application methods, i.e., ground as opposed to aerial; and (f) Development of alternative rodent control or accommodation procedures.

Dated June 19, 1973.

ROBERT W. FRI,
Acting Administrator.

[FR Doc.73-18186 Filed 8-27-73;8:45 am]

Thursday, May 31, 1973.
Friday, October 13, 1972.
Saturday, January 6, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-18211 Filed 8-27-73;8:45 am]

FREQUENCY COORDINATION EXTENDED BEYOND AUGUST 31, 1973 IN CHICAGO

Public Notice

AUGUST 20, 1973.

In the Second Report and Order in Docket No. 19150, the Commission indicated that frequency coordination would not be required of applicants in the Chicago District after August 31, 1973. However, because of unforeseen delays in completing the data base, the requirement for frequency coordination will be continued until further notice. It is expected that the delay will not exceed 60 to 90 days.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-18212 Filed 8-27-73;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE LTD. AND EVERETT ORIENT LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by September 17, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. W. R. Purnell, Assistant Vice President, American Mail Line Ltd., 601 California Street, Suite 610, San Francisco, California 94108.

Agreement No. 10060-1, between American Mail Line Ltd. and Everett Orient Line, Inc., amends Article 1 of their approved Transshipment Agreement to provide for the westbound movement of cargo in addition to the present eastbound movements, in the trade between Thailand and Pacific Northwest ports of the United States, with transshipment at Hong Kong or Japanese ports.

By Order of the Federal Maritime Commission.

Dated August 21, 1973.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-18192 Filed 8-27-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, as amended, and accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46.

Certificate No.	*Owner/Operator and Vessels*
01035---	Ove Skou: *Diana Dkou.*
01085---	Tropwood, A. G.: *Tropwave.*
01244---	Mytilus A.S.: *Condo.*
01565---	Victoriana Corporation of Panama: *Vira.*
01904---	Waterman Steamship Corporation: *John Penn.*
02240---	Mar Ligure Societa Di Navigazione S.P.A.: *Wilyama.*
02246---	Blue Star Line Ltd.: *Mahsuri, Montevideo Star.*
02295---	The Great Eastern Shipping Co., Ltd.: *Jag Manek, Jag Jiwan.*
02301---	Naviera Vizcaina S.A.: *Orduna.*
02332---	Lykes Bros. Steamship Co., Inc.: *LY-192, LY-193, LY-194, LY-196, LY-197, LY-198, LY-199, LY-200, LY-201, LY-202.*
02367---	Canadian Pacific (Bermuda) Ltd.: *E. W. Beatty.*
02578---	Waxler Towing Company, Inc.: *BBC 2001, BBC 2002.*
02958---	Kawasaki Kisen K.K.: *Verrazano Bridge.*
02977---	J. Ray McDermott & Co., Inc.: *McDermott Derrick Barge No. 19, McDermott Jet Barge No. 3.*
03322---	Daiichi Chuo Kisen Kabushiki Kaisha: *Katori Maru.*
03413---	Baba-Daiko Shosen K.K.: *Yakumosan Maru, Kimi Maru.*
03471---	Nippo Kisen Kabushiki Kaisha: *Hoshun Maru.*

FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-881]

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

Public Notice

AUGUST 22, 1973.

The following dates will constitute the composite week for use in the preparation of program log analysis submitted with applications for AM, FM, and TV station licenses which have termination dates in 1974.

Sunday, April 8, 1973.
Monday, December 11, 1972.
Tuesday, March 27, 1973.
Wednesday, August 9, 1972.

[1] Action by the Commission August 22, 1973. Commissioners Burch (Chairman), Robert E. Lee, H. Rex Lee and Wiley.

V38-166 AUG 28 73 XUM

Certificate No.	Owner/Operator and Vessels
03474---	Nippon Suisan K.K.: *Isokaze Maru.*
03505---	Showa Yusen Kabushiki Kaisha: *Jindai Maru.*
03508---	Taiyo Gyogyo K.K.: *Tenyo Maru No. 5.*
04115---	Italcarbo Societa Di Navigazione S.P.A.: *Poseidon.*
04172---	Eklof Marine Corporation: *E 20, E 21.*
04184---	M/G Transport Services, Inc.: *Wasson No. 2, Wasson No. 5.*
M-04218-	Zidell Inc., Zidell Dismantling Inc., & Zidell Explorations, Inc.: *Vessels not over 17,333 gross tons.*
04435---	Gateway Barge Line, Inc.: *GW-104.*
04562---	Okada Kaiun Kabushiki Kaisha: *Kyoshin Maru.*
04565---	Consolidated Navigation Corporation: *New Trust, New Way.*
04601---	American Tunaboat Association: *Calypso.*
04767---	Texaco Inc.: *Texaco Barge 807.*
04880---	Oikekonsumenternas Forbund: *Okturus.*
05098---	Esso Tankers Inc.: *Esso Nagoya.*
05103---	Imperial Oil Limited: *Imperial Tofino.*
M-05257-	Schnitzer Steel Products Co., Schnitzer Steel Products of California and American Ship Dismantlers, Inc.: *Vessels not over 13,000 gross tons.*
05383---	Lineas Pinillos: *Jucar.*
05579---	Black Sea Shipping Co.: *Azov.*
05581---	Latvian Shipping Company: *Otomar Oshkaln, Zenta Ozola.*
05608---	Fekete & Co.: *Orator.*
05854---	Levin Metals Corporation: *Mount Olympus.*
06120---	Plaquemines Bunkers, Inc.: *Sea Bee.*
06818---	Globus-Reederei GMBH: *S.A. Tugelaland.*
06963---	Societe Francaise De Transports Maritimes A.T.A. Walon: *Monaco.*
07230---	Hassel Trading Corporation: *Silver Shelton, Silver Pagoda, Silver Constellation.*
07466---	Ulysses Maritime Company Limited: *Erasmia.*
07550---	Erato Shipping Inc.: *Southern Cross I.*
07828---	Silver Lake Shipping Company S.A.: *Silver Island.*
07834---	Ebro Trading Company, Inc.: *Cape Blanco.*
07843---	Northland Marine Lines Inc.: *ZB 301.*
07854---	Compania Carica S.A.: *Vori.*
07904---	Kabushiki Kaisha Koyo Gyogyo: *Koyo Maru.*
07928---	Partenreederei M/S Carola Reith: *Carola Reith.*
07956---	Sanford Towing Inc: *Grand Turk.*
08007---	Quebec Cartier Mining Company: *Brochu, Vachon.*
08018---	Protoklitos Compania Naviera S.A.: *Platon.*
08093---	Partrederiet for MS Svealand: *Svealand.*
08127---	Cornell Shippers, Inc.: *Fruco.*
08131---	Empresa Nacional De Cabotaje: *5 De Septiembre, 7 De Noviembre. 9 De Abril, 10 De Octubre.*
08137---	Florentine Shipping Inc.: *Nego Dynasty.*
08138---	Asia Logcarriers (Meranti) Inc.: *Endurance Express.*
03142---	Pt Defiance Seafood Co. Inc.: *Defiance.*
08143---	Luna I Compania Naviera S.A. Panama: *Navarchos Miaoulis.*
08145---	Nigerian Green Lines Ltd.: *Ahmadu Tijani.*
08146---	MCL No. 2, Ltd.: *Maritime Champ.*
08147---	Navegacion Granada, S.A.: *Mount Julie.*
08154---	Compania Ady S.A.: *Ady.*
08161---	Cephalonian Shipping Co. S.A.: *Stolt Dimitris.*
08162---	Corrientes Ore Carriers Ltd.: *Garden Green.*
08163---	Dong Won Fisheries Co., Ltd.: *Dong Won No. 503.*
08165---	Dong Won Industrial Co., Ltd.: *Dong Won No. 81.*
08166---	Black Lion Shipping Co., S.A.: *Rena K.*
08168---	Apollonian Glory Co. S.A.: *Apollonian Glory.*
08170---	Nanyo Senpaku Kabushiki Kaisha: *Tarakan Maru.*
08172---	Canadian Overseas Telecommunication Corporation: *CCGS John Cabot.*
08173---	Heiner Braasch Dithmarsia MS "Sandhorn" KG: *Sandhorn.*
08174---	Sanyo Senpaku Shoji Kabushiki Kaisha: *Seiyu Maru, Fukutoku Maru No. 7.*
08175---	Gunther Schulz- Schulauer Schiffahrtskontor, Hamburg: *Uthorn.*
08179---	Sanshin Corporation: *Sanshin Trader.*
08184---	Evimeria Compania Naviera, S.A.: *Evimeria.*
08185---	R/A Diocletian: *Sir Charles Hambro.*
08188---	Western Ocean Products, Inc.: *Mariner, Sea Treasurer, Captain Steven Scott, Atlantis.*
08191---	Athenian Parcel Tankers Incorporated S.A.: *Athenian Victory II.*
08194---	Ogden Fraser Transport, Inc.: *Ogden Fraser.*
08196---	Interessentskavet AF 15, April 1972: *Nordtramp.*
08197---	Kodiak Fishing Company: *Kodiak Queen, Virginia Santos.*
08198---	Shimaya Kaiun K.K.: *Shima Maru.*
08199---	Gulf Shipping Corporation Limited: *Mansoor.*
08200---	Partrederiet of 22.10.71: *Merc Orientalis.*
08201---	General Navigation S.A. Panama: *Dimitrakis.*
08202---	Vamos Line Co., S.A.: *Vamos.*
08203---	Exportacion de Productos Marinos "Expromar" C.A.: *Umina.*
08204---	Coastal Cryogenics, Inc: *Massachusetts.*
08206---	Orient Tanker Transport Inc.: *Oriental Confidence.*
08207---	Bibby Tankers Limited: *Coventry City.*
08208---	Midwest Navigation Co., Ltd.: *Eljumbo.*
08209---	Baltic Navigation Co., Ltd.: *Elpetroil.*
08210---	Opal Shipping Co., Ltd.: *Elgreca.*
08213---	Naviera Costa Vasca, S.A.: *Alonso de Ojeda.*
08214---	Somelas Corporation: *Pantelis A. Lemos.*
08215---	Sparto Maritima, S.A.: *Kyrakatingo.*
08216---	Atlantic Scalanes Corporation: *Andros Antares.*
08217---	Ceasar Shipping Company Limited: *Protomachos.*
08221---	Aethra Shipping Co., Inc.: *Aethra.*
08222---	Rail & Water Terminal (Quebec) Inc.: *Aigle D'Ocean, Aigle Marin, Guard Mavoline.*
08223---	Cotton Corporation: *MCL 790.*
08224---	Eagle Line Inc.: *Elf.*
08225---	Sundial Shipping Inc.: *Madang.*
08226---	Manchester Liners (Transport) Ltd.: *Manchester Zeal.*
08227---	Luigi Mariniello and Michele Lofaro: *Rosario Lofaro.*
08228---	Globemar Compania Naviera S.A. Panama: *Theagenis.*
08230---	Ed Broussard Towing Company, Inc.; Ed Broussard Marine Service, Inc.: *Reb-2502.*
08235---	Kardamila Compania Naviera S.A.: *Marigo M.F.*
08236---	Renaissance Shipping Corp.: *Renaissance.*
08237---	N. Michalos & Sons Maritime Company Limited: *Leonidas Michalos.*
08238---	Ios Maritime Company Ltd., of Famagusta: *Neni.*
08242---	Vanada Compania Limitada: *Vanda.*
08243---	Vall Cargoships Ltd.: *Vall Comet.*
08244---	Interessentskapet Essi Silje: *Essi Silje.*
08247---	Pyramid Sugar Transport, Inc.: *Sugar Islander.*
08248---	Argea Industrie Siciliane Lavorazione Olii Minerali S.P.A.: *Sant' Ambrogio.*
08251---	Monterey Shipping Corp.: *Stolt Spur.*
08253---	Sporades Maritime, Ltd.: *Corona Beach.*
08254---	C. Efstathiou-P. Pappis Shipping Co.: *Elpida.*
08256---	Grand Opal Inc.: *Grand Opal.*
08257---	Grand Slam Venture Inc.: *Siam Venture.*
08258---	Goodmaris Corporation S.A.: *Theoris.*
08259---	Samelet M/S "Belgrano": *Belgrano.*
08260---	Iriquois Shipping Corporation Inc.: *Star Capella.*
08261---	Compania Commercial Anneli S.A.: *Anneli.*
08262---	Ataltanta Shipping Company Limited: *Magda.*
08264---	Brasnamar Cia. Brasileira de Navegacao Maritima: *Santista.*
08266---	Naviera Iberica, S.A.: *Juan de Austria, Luis de Requesens.*
08267---	Karavena Marine Enterprises S.A.: *Byzantion.*
08269---	Transpacific Carriers Limited: *Ariana.*
08270---	Alcobendos Compania Naviera, S.A.: *Falconera.*
08272---	Kados Shipping Company Limited: *Ivory Sun.*
08273---	Ito Senpaku K.K.: *Shinko Maru No. 23.*
08274---	Daiko Boeki Kisen K.K.: *Taisei Maru.*
08275---	Tudor Shipping Co., Ltd.: *Aegis Lion.*

By the Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-18198 Filed 8-27-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessels
01014---	Robert Bornhofen Reederei: *Peter Bornhofen.*
01053---	Orvigs Dampskibsselskap A/S: *Alecto.*
01152---	Neptune Martime Co. of Monrovia: *Thetis.*
01178---	Olaf Pedersen's Rederi A/S: *Sunny Prince, Sunny Queen.*
01307---	Talavera Compania Naviera S.A.: *Michael C.*
01318---	Aug. Bolten, Wm. Miller's Nachfolger: *Barbel Bolten, Karina.*
01330---	Shell Tankers (U.K.) Limited: *Eastgate.*
01331---	Poling Transportation Corporation: *Poling Bros 10.*
01354---	H. E. Hansen Tangan: *Regina, Sunlandia.*
01422---	Booth Steamship Company Limited: *Bernard.*
01533---	Henry Nielsen OY/AB: *Meltemi.*
01653---	Compania Argolla de Navegacion S.A.: *Esperis.*
01758---	Chotin Transportation, Inc.: *Chotin 2842X.*
01810---	Partenreederei M/S Constantia: *Constantia.*
01870---	Italmineral Societa di Navigazione S.P.A.: *Poseidon.*
01874---	A/S Sobral: *Nopal Rex.*
01893---	Silver Line Limited: *Chelsea Bridge, Sealnes.*
01904---	Waterman Steamship Corporation: *Morning Light.*
01934---	Dampskibsselskabet af 1960 Aktieselskab: *Janecke.*
01981---	AB Svenska Orient Linien: *Vingaland.*
01994---	Providence Shipping Company: *Commodore Charles H. Smith.*
02194---	Compagnie Generale Transatlantique: *Fort de France.*
02256---	Sigurd Haavik A/S: *Vikifrio.*
02260---	Garibaldi Soc. Cooperativa di Navigazione a Responsabilita Limitata: *Geremia.*
02282---	Park Steamships Ltd.: *Hyde Park.*
02301---	Naviera Vizcaina S.A.: *Ondarroa, Plencia, Portugalete.*
02306---	Erling H. Samuelsens Rederi A/S: *Anita.*
02329---	Antartic Gas Inc.: *Guy-Lussac.*
02522---	Sugar Line Limited: *Crystal Diamond.*
02583---	Pacific Inland Navigation Company, Inc.: *Bannock.*
02832---	CIA Transtlantica Espanola S.A.: *Covadonga, Guadalupe, Montserrat, Satrustegui, Virginia de Churruca.*
02835---	Hong Kong Shipowners & Managers Co., Ltd.: *Betsy, Jessica.*
02859---	Cosmos Marine Development Corp., Liberia: *Onshun.*
02862---	Ocean Shipping & Enterprises, Ltd.: *Ocean Enterprise.*
02864---	Refineria de Petroleos de Escombreras S.A. (Repesa): *Escombreras, Mequinenza.*
02889---	Showa Kaiun K.K.: *Arabia Maru.*
02917---	Scherkate Sahami Keschtirani Melli Arya: *Arya Pey.*
02922---	Remsen Corporation Compania Mundial de Transports S.A.: *Patignies.*
02958---	Kawasaki Kisen KK.; *Izumigawa Maru.*
03054---	H. Schuldt: *Volta Vigilance.*
03077---	Bulk Food Carriers, Inc.: *Mary Ormston.*
03214---	Salenrederierna Aktiebolag: *Stolt Spur.*
03298---	Kent Navigation, Ltd.: *Kent.*
03315---	Afran Transport Company: *Ceuta, Ragusa.*
03322---	Daiichi Chuo Kisen Kabushiki Kaisha: *Liverpool Maru.*
03333---	Ivory Coast Transport Corp.: *Kriti.*
03397---	Hilmar Reksten: *Cyrpian.*
03484---	Sanko Kisen KK.: *Rinsei Maru.*
03630---	The Sun Shipping Company, Ltd. (Hong Kong): *Nan Shin.*
03632---	A/S Turid: *Garli.*
03846---	Colonial Tankers Corporation: *Western Hunter.*
03848---	National Transport Corporation: *National Defender.*
03895---	Pioneer Maritime Corp.: *Vantage Endeavor.*
04173---	Foss Launch & Tug Company: *Foss 116, Foss 109, Foss 100, Foss 150.*
04207---	Partrederiet for M.T. Stolt Crown: *Stolt Crown.*
04211---	Partederiet for M.T. Stolt Castle: *Stolt Castle.*
04235---	Bollinger & Boyd Barge Service Inc.: *CAGC No. 2, LSC 302.*
04285---	Western Contracting Corp.: *Barge 516 N.*
04300---	Compania Naviera Delantera S.A.: *Marika Venizelos.*
04340---	Alora Compania Naviera, S.A.: *Falconera.*
04356---	Pacific Far East Line, Inc.: *Samoa Bear.*
04357---	Koninklijke Nedlloyd N.V.: *Schiekerk.*
04358---	Holland Bulk Transport N.V.: *Hollands Duin.*
04399---	Armement Deppe S.A.: *Anvers, Gand.*
04564---	Yamashita-Shinnihon Kisen Kaisha: *Shinko Maru.*
04931---	Wolverine Barge Co.: *Wolverine.*
05206---	McDonough Co.: *Joe Lucas Dredge, West Virginian Dredge.*
05275---	Fluor Ocean Services, Inc.: *DB5, DB 6, RB 2, WB 101, WB 102, WB 109.*
05297---	Caribbean Navigation Co., Ltd.: *Fibrook.*
05329---	Gem Shipping Co., S.A.: *Trefontane.*
05369---	Midsea Containership Inc.: *Christine Isle, Gwendoline Isle, Hother Isle.*
05373---	Trans-Sea Shipping Corp.: *Apollo II, Grangefield.*
05379---	River Lines Company: *UT-21, UT-22, UT-24, UT-50, UT-51.*
05685---	World Wide, Inc.: *Conquistador.*
05816---	Allan B. Hyde and Meade D. Hyde: *Hybur.*
05822---	Marcosa Maritima Continental Y De Conercia S.A.: *Marcosa I.*
05880---	Estrella Atlantica Navegacion S.A.: *Malagasy.*
05971---	Kunitake Kaiun Kabushiki Kaisha: *Kunitomo Maru.*
06095---	Helmville Limited: *David Marquess of Milford Haven, Jocelyne.*
06332---	Mid Valley Towing Company Inc.: *Blue Ridge.*
06357---	Port San Juan Towing Company Corporation: *Z102.*
06363---	Verity Marine Corporation: *Hood, Trent.*
06709---	Ahjin Haewoon Jushik Hoesa: *Star March.*
06824---	Ocean Transport, Incorporated: *Aragonite Islander.*
06840---	Luna Navigation Company Limited: *Lunablanca, Lunarosa.*
06885---	Bewa Line A/S: *Jytte Bewa, Kareb Bewa.*
06905---	Condor Reederei: *Inger.*
06925---	Bibby Bulk Carriers Limited: *Coventry City.*
07241---	Bacanamar Compania Naviera S.A.: *Nafsika.*
07852---	Bulkship Corporation of Monrovia: *Protomachos.*
07866---	International Petroleum Carriers, Inc. (Liberia): *Carib Sun.*
08080---	Jacob Compania Naviera S.A.: *Olga.*

By the Commission:

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-18199 Filed 8-27-73;8:45 am]

J. M. SCHIFFINO & CO. ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 (46 U.S.C. 841 (b))).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

J. M. Schiffino & Co., One Broadway, New York, New York 10004.

Darwin H. Liao, P.O. Box 2204, Inglewood, California 90305.

Frank Delgadillo, d/b/a Gateway Forwarders International, 1354 Third Street No. 310, Alameda, California 94501.

Senderex Cargo Company, Inc., 5315 West 102nd Street, Los Angeles, California 90045.

OFFICERS AND DIRECTORS

Philip R. Torres, Director/President/Treasurer; Gene A. Stone, Director/Vice President/Secretary, and Leonard Block, Director.

Herman Schmid, 84-60 123rd Street, Kew Garden, New York 11415.

Forwarding Systems, Inc., 840 Hinckley Road, Suite 151, Burlingame, California 94010.

OFFICERS

John H. Jensen, President; Pamela A. Jensen, Secretary/Treasurer, and Alan K. Farber, Vice President.

By the Commission.

Dated August 23, 1973.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-18197 Filed 8-27-73;8:45 am]

PORT OF OAKLAND AND JAPAN LINE, LTD. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

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amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by September 17, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

J. Kerwin Rooney, Esq., Port Attorney, Port of Oakland, 66 Jack London Square, P.O. Box 2064, Oakland, California 94607.

Agreement No. T-2836, between the Port of Oakland (Oakland) and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., and Yamashita-Shinnihon Steamship Co., Ltd. (the Lines), is a 3-year nonexclusive containership preferential assignment of certain marine terminal facilities in Oakland, California, which the Lines will use primarily for handling containerized traffic. Oakland reserves secondary berthing privileges and all charges in connection therewith will accrue to and be billed by Oakland. The Lines will pay Oakland's terminal tariff charges subject to a certain annual minimum plus a portion of the cost for the construction of improvements by Oakland, as further provided for in the basic agreement. Once the minimum annual guarantee is reached, provision is made for a division of certain revenues from secondary use by the Lines. The Lines agree that if they publish a terminal tariff for services they perform at the terminal, all charges will be identical to the charges appearing in Oakland's tariff.

By Order of the Federal Maritime Commission.

Dated August 23, 1973.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-18193 Filed 8-27-73;8:45 am]

PORT OF OAKLAND AND JAPAN LINE, LTD. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by September 17, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

J. Kerwin Rooney, Esq., Port Attorney, Port of Oakland, 66 Jack London Square, P.O. Box 2064, Oakland, California 94607.

Agreement No. T-2197-2, between the Port of Oakland (Port) and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., and Yamashita-Shinnihon Steamship Co., Ltd. (the Lines), modifies the basic agreement which provides for the lease of a containership crane located at the Seventh Street Terminal Area. The purpose of the modification is: (1) To extend the termination date of the agreement; (2) to adjust the method by which Port is to receive compensation for the use of the crane by secondary users; and (3) to amend the language with respect to cancellation of the agreement by the Lines.

By order of the Federal Maritime Commission.

Dated August 23, 1973.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-18194 Filed 8-27-73;8:45 am]

PORT OF OAKLAND AND MITSUI O.S.K. LINES, LTD. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by September 17, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

J. Kerwin Rooney, Esq., Port Attorney, Port of Oakland, 66 Jack London Square, P.O. Box 2064, Oakland, California 94607.

Agreement No. T-2193-1, between the Port of Oakland (Oakland) and Mitsui O.S.K. Lines, Ltd., and Yamashita-Shinnihon Steamship Co., Ltd. (the Lines) modifies the basic agreement which provides for the lease of land for use solely as a truck and rail terminal for distributing cargo to and from trucks, rail cars, and containers. The purpose of the modification is: (1) To extend the termination date of the agreement; (2) to adjust the monthly rental for the land; and (3) to adjust the monthly rental applicable to the land which by the Lines' option may be utilized as additional area.

By Order of the Federal Maritime Commission.

Dated August 23, 1973.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-18195 Filed 8-27-73;8:45 am]

WEDEMANN & GODKNECHT, INC., AND SOPAC TRANSPORT CORP.

Notice of Agreement Filed

Notice is hereby given that the following Agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by September 7, 1973.

Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

Gerald H. Ullman, Esq., 120 Broadway, New York, New York 10005.

Agreement No. FF 74-1, between Wedermann & Godknecht, Inc. (WGI FMC No. 889), Sopac Transport Corp. (Sopac FMC No. 832) and L. B. Fichtmann, the sole stockholder of Sopac, provides for the purchase of certain assets of Sopac by WGI. Under the terms of the agreement WGI is to acquire all of Sopac's New York ocean export accounts, its goodwill and all rights to the use of the name "Sopac" or any variant thereof on the east coast of the United States, except the State of Florida. In addition, a noncompete clause provides that for a period of five years after the closing, neither L. B. Fichtmann nor Sopac will in any manner, directly or indirectly, compete with or become interested in any competitor of WGI. The covenant applies to the east coast of the United States, except the State of Florida where Sopac operates an ocean forwarding business.

Sopac is to retain its independent ocean freight forwarder license and operate in the State of Florida.

By order of the Commission.

Dated: August 20, 1973.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-18196 Filed 8-27-73;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCSHARES, INC.; NORTH MIAMI, FLORIDA

Order Approving Acquisition of Bank

American Bancshares, Inc., North Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the outstanding voting shares of Executive Bank of Fort Lauderdale, Fort Lauderdale, Florida (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been received. The application has been considered in light of the factors set out in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has seven subsidiary banks, with aggregate deposits of $190.8 million,[1] representing less than one percent of deposits held by banks in Florida. Acquisition of Bank, which has deposits of $4.9 million, will have little effect on statewide concentration and on Applicant's share of deposits.

Bank opened for business in November, 1972, in the north Broward County banking market, extending from Fort Lauderdale to Boca Raton, Florida. Bank is one of the smaller of 48 banks in the market, with less than one percent of bank deposits in the area. Applicant's subsidiary nearest to Bank is Sterling National Bank of Davie, seventeen miles southwest, in the contiguous but separate market of south Broward County. Applicant does not compete with Bank, and Bank does not compete with any of Applicant's subsidiaries. No competition will be eliminated nor is it likely that Applicant will obtain a dominant position in the market by consummating the proposed acquisition.

The area's banking needs are being met by the organizations in the market. This acquisition should aid Bank in meeting the borrowing needs of its larger customers, and Applicant will assist Bank in developing a more diverse loan portfolio. Convenience and needs factors support approval.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank, in view of Applicant's commitments to reduce its debt and to furnish additional capital to Bank, are regarded as satisfactory and consistent with approval of the application. It is this Federal Reserve Bank's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record in this case, the application is approved for the reasons summarized above. However, the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective August 16, 1973.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.73-18219 Filed 8-27-73;8:45 am]

[1] Banking data are as of December 31, 1972, except that deposits of Bank are as of March 28, 1973. Holding company formations and acquisitions approved by the Board through June 28, 1973, are included.

EXCHANGE BANCORPORATION, INC.; TAMPA, FLORIDA

Order Approving Acquisition of Bank

Exchange Bancorporation, Inc., Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire up to 100 percent of the outstanding stock of Madeira Beach Bank, Madeira Beach, Florida (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been received. The application has been considered in light of the factors set out in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has ten subsidiary banks with aggregate deposits of $390.6 million, 2.29 percent of deposits in all banks in Florida, and is the tenth largest banking organization in the state.[1] Acquisition of bank, which as of March 28, 1973, had deposits of $30.9 million, will have only nominal effect on state-wide concentration and on Applicant's share of deposits.

Bank is the 14th largest bank in the relevant banking market, south Pinellas County, Florida, and holds 2.82 percent of aggregate deposits in this market. Applicant has one subsidiary in this market and three existing or proposed subsidiaries within a 25-mile radius of Bank. There is some overlap in the service areas between Applicant's subsidiaries and Bank, and Bank attracts a small percentage of commercial mortgage loans from the service area of Applicant's lead bank, Exchange National Bank of Tampa. Concurrently with this application Applicant is seeking to acquire First Gulf Beach Bank and Trust Company, St. Petersburg Beach, an affiliate of Bank through stockholders in common, and the limited competition between them would remain unchanged if this acquisition is approved. The two banks would also be eliminated as potential entry vehicles into the market for holding companies not present in the market. The effects of approval on competition are viewed as slightly adverse.

The banking needs of the community are being met by organizations in the market. Applicant has stated that improvements will be sought in the data processing operations, trust operations, and investment portfolio management of Bank. Furthermore, Bank has a relatively low loan to deposit ratio, and Applicant intends to improve Bank's lending practices and increase its volume of loans. These factors of meeting the convenience and needs of the community to be served lend sufficient support for approval to offset the slightly adverse competitive effects.

Considerations relating to the financial and managerial resources and future

[1] Banking data are as of June 30, 1972 unless otherwise stated.

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prospects of Applicant, its subsidiaries, and Bank, in view of Applicant's commitment to increase equity capital in one subsidiary, are regarded as satisfactory and consistent with approval. It is this Federal Reserve Bank's judgment that the proposed transaction is in the public interest and the application should be approved.

On the basis of the record in this case, the application is approved for the reasons summarized above. However, the transaction shall not be consummated (a) before the 30th calendar day following the effective date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective August 16, 1973.

[SEAL] MONROE KIMBREL, *President.*

[FR Doc.73-18218 Filed 8-27-73;8:45 am]

EXCHANGE BANCORPORATION, INC.; TAMPA, FLORIDA

Order Approving Acquisition of Bank

Exchange Bancorporation, Inc., Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire up to 100 percent of the outstanding voting shares of First Gulf Beach Bank and Trust Company, St. Petersburg Beach, Florida (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been received. The application has been considered in light of the factors set out in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has ten subsidiary banks with aggregate deposits of $390.6 million,[1] 2.29 percent of deposits in Florida banks. Acquisition of Bank, which has deposits as of March 28, 1973 of $46.3 million, will have only nominal effect on statewide concentration and on Applicant's share of deposits.

Bank is the tenth largest in south Pinellas County, Florida, the relevant banking market, and holds 4.22 percent of bank deposits in this market. Applicant has one subsidiary in this banking market and three existing or proposed subsidiaries within a 25-mile radius of Bank. There is some overlap in service areas between Bank and Applicant's subsidiaries, and Bank attracts a small percentage of commercial mortgage loans from the service area of Applicant's lead bank, Exchange National Bank of Tampa. Concurrently with this application, Applicant is seeking to acquire Madeira Beach Bank, an affiliate of Bank through stock ownership in common. Acquisition of these two banks would leave unchanged the limited competition between them, and would eliminate Bank as a potential entry vehicle into the market for companies not presently in the market. The competitive effects of the proposed acquisition are viewed as slightly adverse.

The Banking needs of the community are being met by organizations in the market. However, Applicant intends to improve Bank's data processing operations, trust operations and investment portfolio management. Bank has a relatively low loan to deposit ratio, and Applicant intends to change Bank's lending practices and increase its loan volume. The convenience and needs factors lending support for approval are sufficient to offset the slightly adverse competitive effects.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank, in view of Applicant's commitment to increase the equity capital in one of its subsidiary banks, are regarded as satisfactory and consistent with approval. It is this Federal Reserve Bank's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record in this case, the application is approved for the reasons summarized above. However, the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective August 16, 1973.

[SEAL] MONROE KIMBREL, *President.*

[FR Doc.73-18217 Filed 8-27-73;8:45 am]

FIRST NATIONAL AGENCY OF AITKIN, INC.

Order Approving Formation of Bank Holding Company and Continuation of Insurance Agency Activities

The First National Agency of Aitkin, Inc., Aitkin, Minnesota, has applied for the Board's approval under § 3(a)(1) of the Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of The First National Bank of Aitkin, Aitkin, Minnesota (Bank).

At the same time, Applicant has applied for the Board's approval under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of Regulation Y to continue to engage in permissible insurance agency activities in Aitkin, Minnesota (population of less than 2,000). The operation by a bank holding company of a general insurance agency in a community with a population not exceeding 5,000 is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of receipt of the applications has been given in accordance with sections 3 and 4 of the Act, and the time for filing comments and views has expired. The Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act, and the considerations specified in section 4(c)(8) of the Act.

Applicant, which is wholly-owned by the president and principal shareholder of Bank, is a general insurance agency whose business operations are conducted from the premises of Bank. Bank ($12.5 million in deposits) the larger of two banks in Aitkin, a rural community in central Minnesota, controls 26.3 percent of the total deposits held by the five banks in the Aitkin banking market and is the largest bank in that market.[1] Since Applicant has no banking subsidiaries, acquisition of Bank by Applicant would not eliminate any existing competition. Moreover, it does not appear that the proposal would have an undue adverse effect on any other bank in the market, nor preclude the establishment of new banks in the area. Therefore, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Bank are regarded as generally satisfactory and consistent with approval. Applicant will incur debt in acquiring Bank; however, its income from Bank and insurance agency activities should provide sufficient revenue to service the debt adequately without impairing the financial condition of Bank. Although consummation of the transaction would have no immediate effect on the area's banking needs, improved services may result in the future under the more flexible corporate structure of the holding company. Considerations relating to the convenience and needs of the community to be served, therefore, are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application to acquire Bank should be approved.

Applicant is one of three insurance agencies located in Aitkin and has been closely associated with Bank through common ownership. Continuation of Applicant's insurance activities would enable Bank's customers to enjoy the continued convenience of obtaining banking and insurance activities in conjuction with each other. There is no evidence in the record indicating consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest. On the basis of the foregoing and other facts reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) in permitting a holding company to engage in an activity on the basis that it is closely related to banking both favor approval of Applicant's proposal.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective August 20, 1973.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73-18216 Filed 8-27-73;8:45 am]

FIRST NEW MEXICO BANKSHARE CORP.

Order Approving Acquisition of Bank

First New Mexico Bankshare Corp., Albuquerque, New Mexico, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Grant County Bank, Silver City, New Mexico (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the largest banking organization in New Mexico with seven subsidiary banks and controls, in the aggregate, approximately $542 million in deposits, representing approximately 25 percent of the deposits in commercial banks in the State. Consummation of this proposal would increase Applicant's share of the deposits in the State by less than one percent and would not significantly increase the concentration of banking resources in New Mexico.

Bank is the slightly larger of two banks in Silver City, New Mexico, controlling approximately $14 million in deposits. Applicant's closest present subsidiary is located more than 238 miles from Bank and there is no existing competition between Bank and any of Applicant's present subsidiaries. Due to the cyclical nature of the economy, which is based on mining, and the fact that deposits per banking office in the Silver City market are lower than the state average, de novo entry does not appear attractive. The Board concludes that consummation of the proposal would have no adverse effects on existing or potential competition.

The financial and managerial resources and future prospects of Applicant (and its subsidiary banks) are satisfactory to excellent. The financial resources and future prospects of Bank are generally satisfactory. Bank appears to have a slight management succession problem as well as a problem in obtaining competent middle management. Applicant would help solve this problem and provide continuous aggressive and competent management. Considerations relating to financial and managerial resources lend slight weight in favor of approval of the application. While there is no evidence that the banking needs of the public in the Silver City market are going unserved, there are public benefits to be derived from this proposal in the form of proposed new services to be offered. Applicant proposes to have Bank offer trust services, payroll accounting services, and placement of real estate loans with permanent investors, as well as raise the passbook savings rate to the maximum. Considerations relating to the convenience and needs of the community therefore also lend slight weight in favor of approval of this application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[3] effective August 20, 1973.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73-18215 Filed 8-27-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (73-65)]

SPACE SHUTTLE MAIN ENGINE COMPONENT AND SUBSYSTEM TESTING, CALIF.

Final Environmental Impact Statement; Public Notice Regarding Availability

Notice is hereby given of the public availability of the final Environmental Impact Statement for the Space Shuttle Man Engine Component and Subsystem Testing, Santa Susana, California.

Comments on the draft Environmental Statement were previously solicited from State and local agencies and members of the public through a notice in the Federal Register of April 16, 1973.

Copies of the draft and final statement have been furnished to the Council on Environmental Quality, Office of Management and Budget, Environmental Protection Agency, Department of Defense, Department of Health, Education, and Welfare, Department of Commerce, Department of Transportation, Department of Housing and Urban Development, and the Department of the Interior.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Ave., SW., Washington, D.C. 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, Calif. 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, Tex. 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.

(h) Lewis Research Center, NASA (Building, Administration, Room 120), 21000 Brookpark Rd., Cleveland, Ohio 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Ala. 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, Mo. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Dr., Pasadena, Calif. 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C., this 22d day of August 1973.

By direction of the Administrator.

HOMER E. NEWELL, *Associate Administrator, National Aeronautics and Space Administration.*

[FR Doc.73-18187 Filed 8-27-73;8:45 am]

[1] Banking data are as of June 30, 1972, unless otherwise indicated.

[1] All banking data are as of December 31, 1972.

[2] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governor Mitchell.

[3] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Governor Mitchell.

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SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 34-10260, 34-10351; File No. 4-168]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Request for Comments on Proposed Tax Shelter Rule

The Commission today announced that it is requesting public comment on proposed rules[1] now being considered for adoption by the National Association of Securities Dealers, Inc. ("NASD") which would establish a system of regulation in connection with the distribution by NASD members of securities of tax sheltered programs.[2]

The NASD published for comment on May 9, 1972 proposals which were substantially similar to the present proposals. The Commission has decided to supplement and update the NASD's publication by requesting all persons interested in this matter (including those who submitted comments to the NASD last May) to submit their views directly to the Commission. The Commission desires comments not only to aid in its possible consideration of the specifics of the NASD's proposed plan of regulation, when it is filed formally under the provisions of section 15A(j) of the Exchange Act, but also to provide itself with a broadened basis for developing its own policy respecting an appropriate regulatory approach in the tax shelter area generally. It should be emphasized that the Commission has not yet officially reviewed the NASD rules and has suggested that the NASD defer further action to establish and implement its program until the Commission and the Association have had an opportunity to examine the responses to this release.

A. *Background.*—For the past few years the NASD, as well as other regulatory and self-regulatory organizations, has been concerned about the expanding number of sales of tax sheltered securities which it believed were not being adequately regulated. The present NASD rule proposals reflect two years of effort on the part of the NASD and its special committees to remedy various significant problems it believes are present in many tax sheltered offerings. During this period the NASD has advised the Commission staff of its progress on a regular basis.

The Commission has also been concerned with tax sheltered programs. For example, it has initiated a proposal for federal legislation which would provide for the protection of participants in oil and gas drilling funds or programs.[3] The proposal is designed to deal with oil and gas programs which provide flow-through federal tax treatment to investors and which generally offer their participation interests to the public. Its regulatory provisions would, among other things, provide controls designed to prevent conflicts of interest and unfair transactions between oil and gas programs and their managers; prohibit changes in fundamental policies of an oil and gas program without the approval of program participants; and require that persons acting as program managers do so pursuant to a written contract, material alterations of which would have to receive the participants' approval.

In another area, the Commission on May 3, 1972 appointed a Real Estate Advisory Committee to study the securities regulatory questions raised by real estate investment programs. The Committee's report which was published on October 12, 1972 emphasized the importance of certain present regulatory tools, such as the disclosure requirements under the Federal securities laws, to ensure that adequate information is available to customers; but, it also expressed caution against extending present Commission regulation over real estate securities.[4] The Committee concluded, however, that if improved disclosure and enforcement policies do not adequately protect the interests of public purchasers in a competitive market, and if the state regulatory agencies and self-regulatory organizations are unable to achieve satisfactory uniformity in their regulatory programs in this regard, then a federal legislative approach may be necessary. The Committee also indicated that if legislation is deemed appropriate it might be modeled after the proposed Oil and Gas Investment Act.

Many of the states and various groups of state securities administrators have also been active in pursuing effective regulatory control over tax sheltered programs. In California, for example, the Real Estate Advisory Committee to the Commissioner of Corporations submitted its findings on February 23, 1973, and proposed rules for the offer and sale of real estate programs covering disclosure, investor suitability and management fees, among other matters. Rule proposals covering real estate syndications comparable to California's have also been adopted by the Midwest Securities Commissioners Association and we understand that they have been implemented in about 24 states represented in that group. These rules are substantially comparable to the NASD's proposals in the real estate area. The North American Securities Administrators Association also has been actively concerned with developing model rules and guidelines for use by its members within their own jurisdictions.

B. *Nature of the NASD proposals.*—The NASD rule proposals, which would prescribe standards governing tax shelters in which its members may participate, are rather lengthy (about 50 pages) and cover a great many aspects of their operations and underwriting arrangements. We have therefore prepared the following summary of them in order to facilitate discussion. The section numbers in parentheses refer to the appropriate sections of the NASD's draft.

1. Expertise (section 2(a) and (b))—NASD members who desire to act as sponsors of a program would be required to have a certain expertise appropriate to such a program (i.e., at least 4 years of experience in such matters).

2. Minimum Program Net Worth and Public Sales (section 2(c) and (d))—a sponsor would have to have a certain net worth before NASD members could underwrite or participate in the distribution of the program.[5] In oil and gas programs, a minimum amount of public sales would have to be effected before the program could be activated. If such an amount were not raised, then all funds received from participants would have to be returned to them.

[1] The full current text of the rules is available for review or copying at the Commission's Public Reference Room, at 500 North Capitol St., Washington, D.C. 20549, or upon request from the NASD's Department of Corporate Financing, 1735 K Street NW., Washington, D.C. 20006, after July 5, 1973. It is suggested that persons wishing to comment on the specifics of these rule proposals utilize this text as the basis for such comments. For those who may be interested only in responding to the policy questions discussed in section C of this release, the May 9, 1972 draft of the rules previously disseminated by the NASD appears to be sufficient for this purpose.

Under section 15A(j) of the Securities Exchange Act of 1934, the NASD is required to submit any change in or addition to its rules for Commission review. Any such rule change or addition automatically takes effect thirty days after filing it with the Commission (or sooner if the Commission permits) unless the Commission enters an order disapproving it; such disapproval is given if the alterations or additions are inconsistent with the requirements of the Securities Exchange Act.

The subject rule proposals, which represent the NASD's most recent draft, are not at this stage a formal NASD filing under section 15A(j). The Commission understands, however, that the NASD is now prepared to make such a filing.

[2] Basically, a "tax shelter" is an investment in which flow-through tax benefits are a material factor affording investors relatively large deductions and lower income tax rates. Because of their tax significance these investments are usually sold to individuals who have substantial incomes.

[3] S.-1050, 93d Cong., 2nd Session (February 28, 1973), as submitted by the Securities and Exchange Commission. This bill was originally introduced on August 7, 1972, S.-3884.

This proposed legislation was drafted by the Commission pursuant to the directive of the Managers on the part of the House in their statement appended to the Report of the Conference Committee on the Investemnt Company Amendment Act of 1970 (Pub. L. 91-547, approved December 14, 1970).

[4] Real Estate Advisory Committee, Report to the Securities and Exchange Commission (October 12, 1972) at pp. 5, 14 and 15.

[5] It should be noted that the NASD uses the concept of net worth based on fair market value whereas the Midwest Securities Commissioners Association guidelines (as referred to above) use book value in computing net worth. Comments are invited as to the relative validity of these two methods for use by the NASD in the real estate area.

In programs other than oil and gas, there would likewise have to be minimum public sales before the program could be activated; however, unlike the oil and gas requirements, there would be no specified minimum dollar standard. Instead, this provision would require that there be sufficient funds to effect the objectives of the program.

3. Tax Benefits (section 2(e))—if the program could not substantiate its favorable tax benefits as described in the prospectus, by presenting a tax ruling or an opinion in respect to such matters by an independent tax counsel, an NASD member could not underwrite or participate in the distribution. Another provision of the proposed rules would require that purchasers have a right of withdrawal if the tax benefit representations in the prospectus were not accurate.

4. Subscriptions (section 2(f))—the amount of a subscription for an oil and gas program could not be less than $5,000. Other types of programs would not be required to have a minimum subscription amount.

Installment Payments (section 2(g))—deferred subscription payments beyond a 12-month period may be permitted only in certain types of offerings, for example, in farming and real estate developments, among others.

5. Assessments[6] (section 2(j)-(p))—proper disclosure would be required by the rules of possible assessments, mandatory or optional, which may be levied against program participants. Also, certain limitations would be placed on the maximum amount of mandatory assessments, and on the amount of certain penalties for failing to pay various assessments.

6. Reinvestment (section 2(g))—an investor would be provided with complete information on the amount of money to which he is entitled under a reinvestment program and with a copy of a prospectus relating to such subsequent program before deciding to participate.

7. Liquidation of Program Interests (section 2(r), (s) and (t))—programs whose sponsors are permitted to liquidate their interests would be required to allow public participants to transfer or sell their program interests on a comparable basis. When the latter possibility is provided, the rules would require that an independent appraisal be made of the liquidation values.

8. Disclosure of Certain Transactions (section 2(u) and (v))—in addition to requirements that all of the above information be fully disclosed in the prospectus, the rules would require specifically that information concerning business transactions of the program with any person would have to be similarly disclosed, if the aggregate amount of such transaction is at least 20 percent of the total dollar value of the participants' interest in the program.

9. Rights of Participants (section 3)—the provisions in this area concern the legal relationships between the program and its participants. If the enumerated standards were not met, an NASD member would be prohibited from participating in the distribution of the program. Some of these requirements would be the right of participants by majority vote to remove the sponsor, to amend the partnership agreement and to dissolve the partnership; the termination of all contracts between the program and the sponsor without penalty on 60 days notice in writing; and the right of a participant to obtain a list of the names, addresses and interests held by all participants in the program (after payment of reproduction costs).

10. Conflicts of Interest (section 4)—all potential conflicts of interest of sponsors and managers would be required to be fully disclosed in the prospectus. Also, if any property is sold to a program by its sponsor, the sale price would have to be established as fair according to the procedures established by the proposed rules; for example, the fair market value of the property would have to be determined by an independent qualified appraiser.

11. Suitability (section 5)—a program would be required to establish and disclose in the prospectus its suitability standards for program participants. In order to determine the suitability of a program for a particular investor, the rules would establish certain minimum guidelines, among which are that the customer should be reasonably anticipated to be in at least a 50 percent tax bracket, in certain high risk situations, and that the customer have a net worth sufficient to sustain the risk inherent in the program, including the loss of his investment.

12. Organization and Offering Expenses[7] (section 6)—the underwriting arrangements, including compensation received by NASD members for underwriting activities, would have to be fair and reasonable and fully disclosed in the prospectus. The rules also would provide that the organization and offering expenses must not exceed 15 percent of the dollar amount of the cash receipts of the offering.

13. Sponsor's Compensation (section 7)—a summary of all compensation to the sponsor would be required to be disclosed in the prospectus and such compensation would have to be fair and reasonable. Also, the amount of compensation to sponsors would be subject to specific guidelines, with separate standards for oil and gas and real estate programs. For example, in the real estate area, the rules would require that programs prohibit the payment of rebates, concessions and comparable forms of compensation to the sponsor by a third party who has rendered services to the program for which he was compensated and would limit property management fees paid to a sponsor to an amount no higher than customary charges for similar services by an non-affiliated person engaged in property management as a regular business.

14. Periodic Reports (section 8)—these provisions would require sponsors and programs to send specified reports to participants—e.g., quarterly reports (by oil and gas programs during the drilling phase of operations only), containing information concerning the receipt and disbursement of revenue and other information, and annual statements after the close of the fiscal year.

15. Sales Literature (section 9)—the proposed rules set forth detailed standards regarding the content of sales literature utilized by members and would require such literature to be filed with the NASD for review in advance of use. The rules would require that certain information be included in all sales literature; for example, a statement of the relevant factors relating to investment suitability of the program, the amount of sales charges and an accurate statement of the tax aspects of the program.

C. *Policy questions.*—While there appears to be wide support for more precise and effective regulation concerning tax sheltered distributions, and while considerable effort has already been devoted to formulating standards, the Commission believes that further discussion of some overall policy issues relating to the NASD proposals would be appropriate. Thus, the Commission requests that interested persons direct comments to the following policy questions.

1. *Scope of NASD regulation.*—a. In many of the areas covered by the proposed rules, the NASD has traditionally regulated the activities of its members. Among other things, it has dealt with qualification requirements for its members (under which would fall the proposed experience requirement referred to in paragraph 1 of the above summary), and it maintains standards for a review of sales literature (comparable to those discussed in paragraph 15).[8] Also in this category are the provisions that would require NASD members adequately to assure themselves that purchasers of tax sheltered securities have sufficient financial resources to undertake the risks of such an investment (paragraph 11).[9] Tax shelter organization and offering ex-

[6] Assessments, as used here, are understood to include additional amounts of capital which a participant may be required or requested to furnish beyond the subscription price.

[7] Such expenses, as defined by the proposed rules, are those "charged directly to the program which are incurred in preparing a tax sheltered program for registration and subsequently offering and distributing it to the public • • •."

[8] See qualification requirements under Article 1, section 12 and Schedule C of its Bylaws (CCH, NASD Manual, Par. 1102A) and standards for sales literature used by member firms pursuant to the Interpretation of the NASD's Board of Governors concerning advertising generally (CCH, NASD Manual, Par. 2151) and investment company securities (CCH, NASD Manual, Par. 5252).

[9] This suitability requirement is comparable in certain respects to the present NASD rule concerning member recommendations to customers. Article III, Section 2 of the NASD's Rules of Fair Practice (CCH, NASD Manual, Par. 2152).

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penses (paragraph 12) and the requirements concerning prospectus disclosures (paragraphs 3, 5, 6, 8, 10, and 11) are additional subjects covered by the proposed rules which are now covered under comparable present NASD provisions for other underwritings.[10]

b. On the other hand, the NASD is also considering rules concerning tax shelters which may indirectly affect non-NASD members (e.g. sponsors and issuers) in ways not thought of heretofore as within the usual scope of the NASD's functions.[11] These include requirements relating to the program's net worth and public sales (paragraph 2), amount of participant subscriptions and arrangements for installment payments (paragraph 4), assessments (paragraph 5), liquidation of program interests (paragraph 7), rights of participants (paragraph 9), conflicts of interest (paragraph 10), sponsor's compensation (paragraph 13) and periodic reports (paragraph 14).[12] The effect of these provisions would be that NASD members would be prevented from underwriting or participating in the distribution of the securities of tax sheltered programs unless such programs (e.g. the issuer and their managers) met the standards and requirements of the proposed rules. To this extent the issuer would be indirectly regulated by the NASD under federally granted powers. Since several of these regulatory standards would appear to go to the merits of tax shelter securities and to the propriety of various policies and practices of the managements of such issuers, they are substantially similar in impact to the "blue-sky" fairness statutes of a number of states. These aspects of the NASD's contemplated regulatory program give rise to a number of important policy issues:

i. The "blue-sky" impact may be in contrast with the underlying philosophy of the federal scheme of regulation of the public distribution by issuers of securities reflected in the Securities Act of 1933, which is basically one of full and fair disclosure. The thrust of the 1933 Act in this regard is "to assure ample and reliable data for decision making by investors and the financial community, as distinguished from the Federal Government assuming the more paternalistic role of passing on the merits of securities." [13] Thus, there is a policy question, on which comments would be appreciated, as to whether the NASD, in the exercise of its broad authority under the Exchange Act over the conduct of its members,[14] would be engaging in a type of issuer-oriented regulation inconsistent with the intent of the 1933 Act. If so, the further question arises whether the Exchange Act affords adequate legislative sanction for such regulation.

ii. The NASD estimates that its members distribute about three-quarters of all registered tax sheltered programs and in about one-half of these, an NASD member or an affiliate is the sponsor. In view of the NASD membership's involvement in the issuer-management phases of the investment products it sells to investors, its issuer-oriented proposals may be appropriate to that extent. Thus, if it is determined that the NASD should not, as a general proposition, pursue its rule proposals insofar as they relate to issuer-quality and management practices, then, in the alternative, it may be deemed appropriate for the NASD to enact the latter rules limiting their applicability to member affiliated issuers. Public comment on the practicality of this approach is invited.

iii. It has been contended by some that if additional regulation of issuers of tax sheltered programs along the lines described in the preceding two paragraphs (i and ii) is necessary, it should be achieved through comprehensive federal regulation rather than NASD rulemaking. The argument here seems to be predicated on concern whether it would be appropriate to give a self-regulatory organization composed of businessmen the authority and responsibility to effectively bar access to the capital markets for specific categories of investment "products." Since it is possible that federal regulation with respect to tax sheltered programs in the areas highlighted by the NASD proposal may be in order ultimately, there is a question as to whether the necessary authority and responsibility to administer such regulation, to the degree required, should reside solely in governmental hands rather than in the hands of distributors of competitive products. Comments on this question are invited.

iv. Considerations of the nature discussed in paragraphs i, ii, and iii above bear on the question of the appropriate allocation of regulatory responsibility, in this instance as between the Commission and the NASD. Interested persons are therefore invited to comment on the NASD's tax shelter proposals from the viewpoint of how this responsibility and authority, with respect to each of the problem areas they would deal with, should be apportioned.

2. *Improved disclosures.*—It should be noted that the Commission has been considering under its present powers possible additional measures in the tax shelter area, including stepped up enforcement of present rules and the need for additional rules to improve prospectus disclosures.[15] Among the recommendations included in the Report to the Commission of the Real Estate Advisory Committee (October 1972) were suggestions that the Commission augment its efforts to ensure that full and proper disclosure is provided in prospectuses under the Securities Act of 1933 relating to real estate tax shelter offerings and to consider promulgating additional disclosure rules which would more adequately treat the individual characteristics of these tax sheltered programs.[16] The Commission intends to pursue this course.

3. *Need for development of a legislative program.*—The information gathered by the Commission through its surveillance programs and the cooperative efforts of the state authorities and the NASD indicates that additional regulation of tax shelters in the general areas included in the NASD rule proposals may well be needed. Many of these problems cannot readily be addressed by the Commission under its present statutory powers. By means of legislation the Commission could acquire full and flexible direct authority to regulate, when necessary. Legislation also may be desirable to help resolve some or all of the legal and policy questions regarding the proper scope of NASD authority considered above. The Commission's views with respect to the formulation of a legislative program will hinge in large part on the conclusions it reaches following consideration of the public comments it receives in response to this release. Accordingly, the Commission also would welcome views of all interested persons on the need for and the appropriate structure and content of such a program.

4. *Partial Regulation by the NASD.*—Commentators also are invited to consider the advisability of the NASD proceeding to implement rules covering one or more of the "traditional" areas discussed above (at p. 7) without going forward, pending possible legislative action, in the other, less traditional areas. The Commission is now inclined to the view that the implementation of the NASD proposals which do not raise the legal and policy issues previously noted should proceed, subject to Commission and NASD consideration of the responses to this release, pending development of a legislative program.

The Commission desires to receive comments from all interested persons and requests that such comments be directed as much as possible to the issues discussed heretofore. While comments with regard to the specifics of the NASD rule proposals are also welcome, the Commission is particularly interested in receiving the views concerning the basic policy questions referred to above as to the proper regulatory approach to tax sheltered programs.

Interested persons are requested to submit their views, any data or other comments or information, in writing with two copies, on the foregoing issues prior to September 15, 1973 [1] to the Office of the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All communications should refer to File No. 4–168.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JULY 2, 1973.

[FR Doc.73–18234 Filed 8–27–73;8:45 am]

[10] See Review of Corporate Financing Interpretation of the (NASD) Board of Governors relating to Section 1 of Article III of the Rules of Fair Practice (CCH, NASD Manual, Par. 2151).

[11] The Commission must also consider the NASD's rule proposals in light of its regulatory responsibilities respecting those nonmember broker-dealers who qualify under section 15(b)(8) of the Exchange Act as "SECO" firms. In this regard, the Commission generally would consider proposing rules comparable to the NASD's in order to maintain the comparability between NASD and SECO firms from a regulatory viewpoint.

[12] It should be noted that several of these sections also include some provisions, such as participant suitability or disclosure standards, where the NASD has had an interest in the past.

[13] Securities and Exchange Commission, Report of the Special Study of the Securities Markets, H.R. Doc. 95, 88th Cong., 1st Sess., pt. 1 (1962) at p. 591; see also section 23 of the Securities Act of 1933 (15 U.S.C. § 77w).

[14] Section 15A(b)(8) of the Exchange Act provides, in pertinent part: "An applicant association shall not be registered as a national securities association unless it appears to the Commission that • • • the rules of the association are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to provide safeguards against unreasonable profits or unreasonable rates of commissions or other charges and, in general, to protect investors and the public interest, and to remove impediments to and perfect the mechanism of a free and open market."

[15] With regard to recent Commission action in the disclosure area, we note that on February 2, 1973 (Release No. 33–5362 and Release No. 34–9984) the Commission announced plans to take the first steps toward integrating projections of sales and earnings of issuers into the disclosure system. The Commission also indicated, among other things, that it recognizes that any rules it may adopt in this area will have to accommodate the different time periods which may be used to formulate projections of tax sheltered programs.

[16] For example, in its report, the Advisory Committee recommended that a prospectus offering real estate securities should contain, among other things:

"(a) A clear exposition of the real and potential conflicts of interest that may be involved in the sale of the securities, the use of the proceeds, and the management of the properties purchased. This section should include a summary of each type of transaction in which an affiliate may engage with the registrant, and the manner of resolving the conflicts."

"(b) A clear statement of the duties that the general partner owes to the limited partners • • • along with an explanation of the various ways of enforcing the duties."

[1] The original deadline of August 15, 1973 is extended by Release No. 34–10351. The Commission has received several requests for such an extention and has determined to extend the deadline in view of the significance of the relevant issues and its desire to afford sufficient time for all interested persons to respond. (August 20, 1973.)

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

WISCONSIN DEVELOPMENTAL PLAN

Notice of Informal Hearing

On January 31, 1973 (38 FR 3019), notice was published of the submission, pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and 29 CFR 1902.11, and availability for public comment of the Occupational Safety and Health Plan for the State of Wisconsin. An initial examination of the plan, reveals that it proposes to meet the standards of section 18(c) of the Act and 29 CFR Part 1902 by extensive use of general administrative rulemaking authority. Under the plan, the following requirements, among others, would be met by regulatory rather than statutory authority: Prohibition of advance notice of inspections, procedures and criteria for granting variances to standards, employee complaint and participation in inspection procedures, and employee protection against discrimination. In addition, the State's penalty and collection provisions are different from those of the Act.

In view of the necessity for the widest information on the effectiveness of these different approaches in meeting the requirements of the Act and the regulations for State plan approval, the Assistant Secretary for Occupational Safety and Health hereby gives notice under 29 CFR 1902.11(e) that an informal hearing will be held on the plan on September 12, 1973, commencing at 9:30 a.m. (c.s.t.). Interested persons are invited to present orally data, views, or arguments concerning the plan and the issues presented thereby at the informal hearing. The informal hearings will be held in the auditorium, Wisconsin Center Building, 702 Langdon Street, Madison, Wisconsin 53706.

Beginning at 9:30 a.m. on September 12, 1973, the administrative law judge will hold abrief prehearing conference in order to establish the order and time for the presentation of statements and settle any other matters which may be relevant to the disposition of the hearing. The informal hearing will begin at the close of the prehearing conference.

Interested persons desiring to appear at the informal hearing shall file in writing a notice of intention to appear with the Acting Director of Federal and State Operations, Room 305, Railway Labor Building, 400 First Street NW., Washington, D.C. 20210. The notice of intention to appear (original and two copies) must be filed no later than September 7, 1973. The notice must state the name and address of the person to appear, and the approximate amount of time required for his presentation. The notice must also include, or be accompanied by, a statement of the position to be taken with regard to the plan and of the evidence to be adduced in support of the position. The use of prepared statements by witnesses is encouraged. All documents intended to be submitted for the record at the hearing should be submitted in duplicate.

The informal hearing will be conducted in accordance with 5 U.S.C. 556 and 557 by an administrative law judge to be appointed pursuant to 5 U.S.C. 3105. The presiding administrative law judge is empowered to:

(1) Rule upon procedural requests, objections, and other procedural matters;

(2) Regulate the course of the hearing and the presentation of oral data, views, or arguments concerning the plan.

The hearing will be reported verbatim, and transcripts will be available for inspection to any interested person on such conditions as the presiding administrative law judge may prescribe. The judge will have discretion to keep the record of the hearing open for a reasonable stated time to receive written recommendations, and additional data, views, and arguments from any person who has participated in the oral proceeding. Within a reasonable time following the close of the record the administrative law judge shall certify the complete record, including the transcript of the hearing, all exhibits filed during the hearing, all written submissions on the proposed rules, and any posthearing presentations to the Assistant Secretary of Labor for Occupational Safety and Health for his decision.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision on the Plan. Signed at Washington, D.C., this 24th day of August, 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73–18365 Filed 8–27–73;10:40 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

RAISIN ADVISORY BOARD

Notice of Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770), notice is given of a meeting of the Raisin Advisory Board at 7:30 p.m., P.d.t., September 10, 1973, in the Press Room of the Fresno Hilton Hotel, Fresno, California.

The purpose of the meeting is to: Develop recommendations to be submitted to the Raisin Administrative Committee regarding marketing policy for the 1973–74 crop year; receive a report of the International Sultana Conference meeting which was held in London in June; and receive a report of a meeting between industry representatives and exporters. The meeting of the Raisin Advisory Board will be open to the public.

The Raisin Advisory Board is established under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674)).

The names of board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Clyde E. Nef, Manager, Raisin Administrative Committee, 732 North Van Ness, Fresno, California 93720; telephone 209–268–5666.

Dated August 22, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73–18175 Filed 8–27–73;8:45 am]

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Animal and Plant Health Inspection Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 391.1, the following table lists the establishments operating under Federal inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.) which were officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. Additions to and deletions from this list will be made from time to time as the facts may warrant, by notices published in the FEDERAL REGISTER. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods uness all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods.

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Armour & Co	2C	(*)					
Do	2H					(*)	
Do	2W					(*)	
Do	2Y					(*)	
Do	2CC	(*)					
Do	2SA			(*)			
Do	2SH					(*)	
Do	2SI	(*)					
Swift & Co	2WN	(*)					
Do	3C					(*)	
Do	3G	(*)					
Do	3H	(*)				(*)	
Do	3L					(*)	
Do	3R	(*)				(*)	
Do	3S					(*)	
Do	3Y	(*)					
Do	3Z	(*)					
Do	3AE					(*)	
Do	3HW			(*)	(*)		
Do	3CN			(*)			
Do	3GW					(*)	
Do	3TA	(*)					
Lykes Brothers, Inc. of Georgia	8	(*)				(*)	
Lykes Brothers, Inc	8B	(*)					
Pauly Packing Co., Inc	10	(*)					
The Evans Packing Co	11	(*)	(*)	(*)		(*)	
Hygrade Food Products Corp	12A					(*)	
Do	12P	(*)					
Do	12FW	(*)					
John Morrell & Co	17A	(*)				(*)	
Do	17D	(*)		(*)		(*)	
Do	17E					(*)	
Do	17U	(*)					
C. Finkbeiner, Inc	18	(*)				(*)	
Wilson Certified Foods, Inc	20A	(*)				(*)	
Wilson-Sinclair Co	20H					(*)	
Wilson Certified Foods, Inc	20L	(*)				(*)	
Wilson-Sinclair Co	20M					(*)	
Wilson Certified Foods, Inc	20N	(*)	(*)	(*)		(*)	
Do	20Q	(*)				(*)	
Wilson-Sinclair Co	20Y	(*)	(*)	(*)		(*)	
Wilson Beef & Lamb Co	20AI			(*)	(*)		
Swift & Co	23	(*)		(*)			
Patrick Cudahy, Inc	28					(*)	
Kreinberg & Krasny, Inc	30	(*)					
Superior's Brand Meats, Inc	31	(*)	(*)			(*)	
Roegelein Provision Co	32					(*)	
Do	32A	(*)					
Valleydale Packers, Inc	34	(*)	(*)			(*)	

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Sunnyland Foods, Inc	43					(*)	
Linden Packing Co., Inc	45	(*)					
Idaho Meat Packers	46	(*)					
Midwestern Beef, Inc	53	(*)	(*)				
Insel and Insel	54	(*)	(*)	(*)	(*)		
Glover Packing Co. of Amarillo	60	(*)					
Glover Packing Co	60A	(*)	(*)	(*)	(*)	(*)	
Gooch Packing Co., Inc	61	(*)				(*)	
Sunflower Beef Packers, Inc	62	(*)					
Sandusky Dressed Beef Co	63	(*)					
Selkirk Realty Co	65					(*)	
Auburn University Meats Laboratory	71	(*)				(*)	
Minch's Wholesale Meats, Inc	72	(*)	(*)	(*)			
Brown Thompson & Sons	73					(*)	
Baltic Corp	74E						(*)
Armour & Co	75				(*)	(*)	
Dinner Bell Foods, Inc	79A	(*)				(*)	
Do	79B	(*)				(*)	
Riviana Foods, Inc.—Hill's Division	83E						(*)
Edgar Packing Co	84		(*)				
Kansas Beef Industries, Inc	86	(*)					
Do	86A	(*)					
Utica Veal Co., Inc	88	(*)					
The E. Kahn's Sons Co	89	(*)	(*)			(*)	
Peet Packing Co	90					(*)	
Laredo Packing Co	91	(*)	(*)				
Sugardale Foods, Inc	92	(*)					
Lane Packing Inc	93	(*)	(*)		(*)		
The Val Decker Packing Co	95	(*)				(*)	
Central Packing Co., Inc	96	(*)					
A. Koch's Sons	98	(*)	(*)				
Armour & Co	100		(*)	(*)			
Liberty Packing Co	101	(*)	(*)				
J. Lynn Cornwell, Inc	107					(*)	
Wilson-Sinclair Co	111	(*)			(*)	(*)	
The Morris Packing Co	113	(*)					
Farmland Foods, Inc	114	(*)					
Pine Burr Packing Co	116	(*)				(*)	
West Coast Meat	117	(*)	(*)	(*)	(*)	(*)	
Marlboefer Packing Co., Inc	124					(*)	
John Morrell & Co	126	(*)					
Cash Brothers Packing Co., Inc	127	(*)	(*)	(*)		(*)	
John Roth & Son, Inc	130	(*)					
Tobin Packing Co., Inc	133					(*)	
Ferrara Meat Co., Inc	134	(*)	(*)				
Nebraska Beef Packers, Inc	135	(*)					
Kluener Packing Co	142	(*)					
R. B. Rice Sausage Co., Inc	144					(*)	
Silver Falls Packing Co., Inc	153	(*)	(*)				
Dallas City Packing, Inc	156	(*)	(*)				
Cornland Dressed Beef, Inc	157	(*)					
Beefland International, Inc	158	(*)					
Missouri Farmers Association Packing Division	159	(*)				(*)	
New York State College of Agriculture	165	(*)	(*)	(*)	(*)	(*)	
E. W. Kneip, Inc	169	(*)					
Bub Davis Packing Co	171	(*)				(*)	
American Meat Packing Corp	180					(*)	
The Rath Packing Co	186					(*)	
Do	186F					(*)	
Carl's Sausage Co	188					(*)	
Cudahy Co	191					(*)	
Krey Packing Co	192					(*)	
Hynes Packing Co	197	(*)	(*)	(*)			
United PackingCo	198	(*)		(*)			
George A. Hormel & Co	199	(*)				(*)	
Do	199A	(*)					
Do	199D					(*)	
Do	199H	(*)					
Do	199I					(*)	
Do	199N	(*)				(*)	
Cavituss Packing Co, Inc	200	(*)					
Cudahy Co	202					(*)	
Platte Valley Packing Co	203	(*)					
Enge Packing Co., Inc	205	(*)				(*)	
National Beef Packing Co	205A	(*)					

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Penn Packing Co	212					(*)	
Lincoln Meat Co	217	(*)					
York Packing Co., Inc	220					(*)	
ITT Gwaltney, Inc	221A					(*)	
Armour & Co	222	(*)				(*)	
De Jong Packing Co	223	(*)	(*)				
Hygrade Food Products Corp	224	(*)				(*)	
Do	224B	(*)	(*)				
John Morrell & Co	234	(*)					
Walt Schilling & Co, Inc	235	(*)					
Raskin Packing Co	237	(*)					
Shreveport Packing Co. Inc. of Kansas	239	(*)					
P. D. & J. Meats	240	(*)	(*)				
Greenwood Packing Plant	242	(*)				(*)	
I. Klayman & Co	243					(*)	
Iowa Beef Processors, Inc	244	(*)					
Do	245	(*)					
Do	245A	(*)					
Do	245B	(*)					
Do	245C	(*)					
John Morrell & Co	246	(*)				(*)	
Harget Realty Corp	247					(*)	
Federal Packing Co., Inc	249	(*)					
Metro Meat Packing, Inc	253	(*)				(*)	
Magic Valley Packing Co	258	(*)					
Hyplains Dressed Beef, Inc	262	(*)					
The Jones Dairy Farm	263					(*)	
Farm Pac Kitcheres, Inc	266	(*)				(*)	
Golden Valley Packing Co	271	(*)					
Tog Packing Co., Inc	273	(*)					
Alpha Beta Acme Markets, Inc	279	(*)					
Monenee Pork Packers Co	282					(*)	
Parnett Packing Corp	283	(*)					
Solano Meat Co	285	(*)	(*)	(*)			
Western Packing Co	288	(*)					
Arbogast and Bastian Co	289					(*)	
The H. H. Meyer Packing Co	290					(*)	
San Jose Meat Co., Inc	291	(*)					
Armour & Co	292					(*)	
Iowa Beef Processors, Inc	292A	(*)					
S. Schweid	295	(*)	(*)	(*)			
Gus Juengling & Son, Inc	298	(*)					
Waldock Packing Co	299					(*)	
Great Falls Meat Co	301	(*)				(*)	
Commercial Packing Co., Inc	302	(*)					
Union Packing Co	305	(*)					
Star Packing Co	306	(*)					
Rudy's Farm Co	315					(*)	
Dutterer's of Manchester	316A	(*)				(*)	
Estes Packing Co	319	(*)	(*)				
Stadler Packing Co., Inc	320	(*)				(*)	
Rudnick Packing Co., Inc	325	(*)					
Frisco Packing Co	327	(*)					
C & M Meat Packing Corp	329	(*)					
Royal Packing Co	331A	(*)					
Shapiro Packing Co., Inc	332	(*)					
Great Western Packing Co., Inc	334	(*)					
Chino Valley Meat Packing Co., Inc	336	(*)					
Sam Kane Packing Co	337	(*)	(*)				
Green & Oliver Sausage Co	338					(*)	
Midland Empire Packing Co., Inc	339	(*)					
Bookey Packing Co	340	(*)					
Puckett Packing Co	343	(*)					
Gold-Pac Meat Co., Inc	344	(*)					
Anza Packing Co	345	(*)					
Fresno Meat Packing Co	351	(*)					
Hernando Packing Co., Inc	355	(*)	(*)				
St. Paul Dressed Beef, Inc	357	(*)					
Clougherty Packing Co	360					(*)	
Meyer's Packing Co	363	(*)					
James Allan & Sons	365	(*)		(*)		(*)	
Cross Brothers Meat Packers, Inc	376	(*)	(*)	(*)			
Beeville Packing Co	377	(*)	(*)				
Salinas Meat Co	378	(*)	(*)	(*)		(*)	
Emge Packing Co., Inc	380	(*)				(*)	
Smithfield Packing Co., Inc	382					(*)	

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Acme Markets, Inc	384	(*)					
Freeman Brothers Packing Co	387	(*)					
Dugdale Packing Co	390	(*)					
Oldham's Farm Sausage Co., Inc	392					(*)	
Robert L. Runtz, Inc	395	(*)					
Boneless Meat Co	395B	(*)	(*)				
Dubuque Packing Co	396	(*)	(*)			(*)	
Do	396C	(*)					
Do	396D	(*)					
Logan Packing Co	397	(*)					
Watsonville Dressed Beef, Inc	398	(*)					
Los Banos Abattoir Co	400	(*)	(*)				
Oakridge Smokehouse	401	(*)	(*)	(*)		(*)	
Owens Country Sausage, Inc	403					(*)	
Williston Packing Co., Inc	405	(*)					
Neuhoff Brothers	406	(*)	(*)			(*)	
Green Bay Dressed Beef, Inc	410	(*)					
Alpine Packing Co	412	(*)	(*)				
The Lundy Packing Co	413					(*)	
Do	413A					(*)	
Frosty Morn Meats	414	(*)				(*)	
S. Bonaccurso & Sons, Inc	418	(*)	(*)				
Murray Packing Co., Inc	421	(*)					
E. W. Kneip Inc. of Iowa	422	(*)					
The Collins Packing Co	423					(*)	
Kenosha Packing Co., Inc	425	(*)					
Fineberg Packing Co	428	(*)	(*)			(*)	
Schneider Packing Co	434	(*)					
Omaha Dressed Beef Co., Inc	441	(*)					
A. Diello & Sons, Inc	448	(*)	(*)				
Dewitt Packing Corp	456	(*)	(*)				
Morris Rifkin & Sons, Inc	460	(*)					
Pioneer Boneless Beef	461	(*)					
Lancaster Packing Co	462	(*)					
Litvak Packing Co	465	(*)					
Beewar Packing Co	467	(*)	(*)			(*)	
Cornhusker Packing	468	(*)					
Missouri Beef Packers, Inc	473	(*)					
Do	473A	(*)					
Armour & Co	477	(*)					
Gothman Provision Co., Inc	481	(*)	(*)				
Robel Beef Packers	485	(*)					
East Tennessee Packing Co	487	(*)				(*)	
Memphis Butchers Association, Inc	488	(*)				(*)	
E. W. Kneip, Inc	489	(*)					
Gold Ring Packing Co	490	(*)	(*)	(*)			
Fairbank Farms, Inc	492	(*)	(*)				
Mid-State Meats, Inc	494	(*)	(*)				
Heim Brothers Packing Co	499	(*)				(*)	
The Hull & Dillon Packing Co	510	(*)				(*)	
Shen-Valley Meat Packers, Inc	511	(*)				(*)	
Snider Brothers	512	(*)	(*)				
Averieh Packing Co, Inc	513	(*)					
Charles Miller & Co	517					(*)	
Pork Packers International Inc	520					(*)	
Oklahoma State University—Meat Laboratory	526	(*)	(*)	(*)	(*)	(*)	
Sebastopol Meat Co., Inc	527	(*)	(*)			(*)	
Armour & Co	528	(*)					
Marysville Meat Packing Co., Inc	533	(*)	(*)				
Pepper Packing Co	536	(*)					
Oscar Mayer & Co., Inc	537A	(*)				(*)	
Do	537B					(*)	
Do	537C					(*)	
Do	537E					(*)	
Midwest Packing Co	538	(*)					
Growers Meat Co., Inc	548			(*)		(*)	
Pride Packing Co., Inc	549	(*)	(*)				
Salter Packing Co	551	(*)					
Black Hills Packing Co	551	(*)				(*)	
Mid-South Packers, Inc	557	(*)				(*)	
D & W Packing Co	560	(*)	(*)			(*)	
Charles Rubin Meat Co	561	(*)	(*)				
Packerland Packing Co., Inc	562	(*)					
Packerland Packing Co	562A	(*)					
Texas Meat Packers, Inc	565C	(*)					

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ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Elmer Bender & Son, Inc.	569		(*)	(*)			
Perretta Packing Co., Inc.	571	(*)					
Coil Inc.	575	(*)	(*)				
Frosty Morn Meats, Inc.	576	(*)				(*)	
Armour & Co.	579	(*)				(*)	
Coffeyville Packing Co., Inc.	583	(*)					
Carr Packing Co., Inc.	593	(*)					
Elk Grove Meat Co.	601	(*)					
San Antonio Packing Co.	602	(*)		(*)	(*)		
Wright Packing Co.	603	(*)	(*)				
Wilson-Sinclair Co.	606					(*)	
Eastern Oregon Meat Co., Inc.	611	(*)		(*)		(*)	
Donner Packing Co.	614	(*)					
Kummer Meat Co., Inc.	617	(*)		(*)		(*)	
Doskocil Sausage, Inc.	623					(*)	
Lumberjack Meats, Inc.	626					(*)	
Big Foot Packing Co., Inc.	627	(*)	(*)				
E. A. Miller & Sons Packing Co.	628	(*)	(*)				
H. H. Keim Co.	630	(*)					
Ebner Brothers Packers	633	(*)					
United Packing Co., Inc.	635	(*)					
Auburn Packing Co., Inc.	636	(*)					
Carteret Abattoir, Inc.	639	(*)	(*)	(*)	(*)		
Flanery Meat, Inc.	643	(*)					
Long Creek Meat Co.	645	(*)					(*)
Transcontinent Packing Co.	E646						
Bird Provision Co.	647					(*)	
Spencer Foods, Inc.	648	(*)					
John Morrell & Co.	650					(*)	
Wilson Beef & Lamb Co.	655	(*)		(*)			
Baum's Bologna, Inc.	657	(*)					
Mc Cook Packing Corp.	660	(*)					
Quality Meat Packing Co.	661	(*)					
Colorado West Packers, Inc.	662	(*)				(*)	
Globe Packing Co.	663	(*)					
Webber Farms, Inc.	665					(*)	
Crowe Packing Co.	666					(*)	
Scottsbluff Packing Co.	667	(*)					
Union Packing Co., Inc.	673	(*)					
S & S Packing Co., Inc.	674	(*)		(*)		(*)	
Cavitess Packing Co., Inc.	675	(*)					
Jacob Bauer's Sons, Inc.	678	(*)	(*)				
Caldwell Packing Co., Inc.	683	(*)					
Callaway Packing Co., Inc.	688	(*)				(*)	
Pierce Packing Co.	691	(*)					
Bryan Meat Co.	693	(*)					
Kansas State University—Animal Science and Industry.	694	(*)	(*)	(*)		(*)	
Kramer Beef Co.	695	(*)					
Gulf Packing Co.	696	(*)					
Triolo Brothers	700					(*)	
Central Nebraska Packing Co.	E713						(*)
Davenport Packing Co., Inc.	716	(*)		(*)			
Farmland Foods, Inc.	717					(*)	
Do.	717A					(*)	
A. Darlington Strode	718						
K-M Co.	719	(*)					
Swift & Co.	726	(*)	(*)	(*)		(*)	
Decker & Sons	727					(*)	
Roode Packing Co., Inc.	729	(*)					
Frosty Morn Meats, Inc.	731	(*)	(*)			(*)	
Pacific Meat C	732	(*)	(*)	(*)		(*)	
Western Packers	733	(*)					
Ohio Packing Co.	736	(*)	(*)			(*)	
Farnell's Packing Co.	738	(*)	(*)	(*)		(*)	
The Jacob Schlachter's Sons Co.	739	(*)	(*)				
Mid-State Meat Co.	741	(*)	(*)				
The O K Packing Co.	749	(*)	(*)				
Monroe Packing Co., Inc.	755	(*)					
Seitz Packing Co., Inc.	756A	(*)					
The American Meat Packing Corp.	760					(*)	
Schnake Packing Co., Inc.	761	(*)					
Sheridan Meat Co., Inc.	768	(*)	(*)	(*)		(*)	
Earl C. Gibbs, Inc.	770	(*)					

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Hanford Meat Packing Co.	773	(*)					
Atlus Packing Co.	775	(*)					
Central Packing Co.	777	(*)	(*)				
The Cudahy Co.	779	(*)	(*)			(*)	
Bryan Packing Co.	780	(*)	(*)			(*)	
Granite State Packing Co.	785	(*)					
Aurora Packing Co., Inc.	788	(*)					
Hatfield Packing Co.	791					(*)	
Haun's Meat Packing Co.	792	(*)	(*)				
Rod Barnes Packing Co.	798	(*)					
American Beef Packers, Inc.	807	(*)					
Do.	807A	(*)					
AMCO-PAC Corp.	808	(*)	(*)	(*)	(*)		
The G. Erhardt Sons, Inc.	810	(*)	(*)				
United Packing of Iowa, Inc.	812					(*)	
Rochester Independent Packer, Inc.	817	(*)					
J. H. Routh Packing Co.	818					(*)	
Sterling Colorado Beef Co.	823	(*)					
Foremost Packing Co.	824					(*)	
Superior Packing Co., Inc.	825			(*)			
Berghem's Meat Co.	830	(*)					
Lee-Johnson, Inc.	835	(*)				(*)	
Frederick County Products, Inc.	838	(*)	(*)	(*)			
Reelfoot Packing Co.	840	(*)				(*)	
G. Bartusch Packing Co.	843	(*)					
Arena Dressed Beef Co.	853	(*)	(*)				
Sioux City Dressed Beef	857	(*)					
Siouxland Dressed Beef Co.	857F	(*)					
Sioux Beef Co.	857O	(*)					
Jordan Meat and Livestock Co., Inc.	858	(*)	(*)	(*)	(*)	(*)	
Wells and Davies, Inc.	860	(*)					
Sierra Meat Co.	862	(*)					
Tennessee Dressed Beef Co.	865	(*)					
American Beef Packers, Inc.	866	(*)					
Hardy and Co., Inc.	869	(*)	(*)				
Santa Ana Packing Co.	874	(*)					
Pahler Packing Corp.	880	(*)					
Swanton Packing Co., Inc.	883	(*)					
Alco Packing Co., Inc.	885	(*)	(*)	(*)		(*)	
Do.	885A	(*)	(*)	(*)			
Walden Packing Co., Inc.	886	(*)					
Sambol Packing Co.	892	(*)					
Tobin Packing Co., Inc.	893					(*)	
Vernon Calhoun Packing Co.	897	(*)					
Meats, Inc.	899	(*)					
Sigman Meat Co., Inc.	901B					(*)	
Party Packing Corp.	902	(*)					
B. Constantino & Sons Co.	918	(*)					
Alice Packing Co.	921	(*)					
Wisconsin Packing Co.	924	(*)					
Parsons Beef Co., Inc.	932	(*)					
E. B. Manning & Son	931	(*)					
Iowa Beef Processors, Inc.	935	(*)					
Veltz Packing Co.	938	(*)					
Cappellino Abattoir, Inc.	939	(*)					
Gentner Packing Co., Inc.	941	(*)					
Diamond Meat Packers, Inc.	944					(*)	
Whitehall Packing Co.	946	(*)					
Mellman Food Industries, Inc.	946B	(*)					
M. Brizer & Co.	948	(*)					
Kennedy's Sausage Co.	950					(*)	
Bob Evans Farms, Michigan, Inc.	952					(*)	
Thompson Farm Co.	959					(*)	
Potter Sausage Product, Inc.	961					(*)	
Virginia Packing Co., Inc.	963	(*)	(*)	(*)			
Lay Packing Co.	967	(*)				(*)	
Monfort Packing Co.	969	(*)		(*)			
Hawaii Meat Co., Ltd.	970	(*)					
Longhorn Meat Packers, Inc.	976	(*)					
National Food Stores, Inc.	981	(*)					
Banner Beef Co.	985	(*)					
Shamrock Beef Co.	987	(*)					
Everett C. Horlein & Son, Inc.	988	(*)					
The Home Pride Provisions, Inc.	1029	(*)					

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Armour & Co.	1085	(*)	(*)				
Landy Packing Co.	1171	(*)					
Forkland Division of Consolidated Foods	1175					(*)	
McCabe Packing Plant	1312	(*)	(*)				
Swift & Co.	1315	(*)				(*)	
Nebraska-Iowa Dressed Beef Co.	1318	(*)					
Associated Meat Packers, Inc.	1472	(*)		(*)		(*)	
Stevens Meat Co., Inc.	1485	(*)					
James Sausage Co.	1718					(*)	
Golden West Meat Co., Inc.	E1796						(*)
C & C Packing Co.	2033	(*)	(*)				
De Luca Packing Co.	2054	(*)	(*)				
Odom Sausage Co. of Kentucky, Inc.	2094					(*)	
Jesse Jones Division of Goodmark, Inc.	2103					(*)	
Ballard's Farm Sausage, Inc.	2198					(*)	
P & H Packing Co., Inc.	2211	(*)	(*)				
Do.	2211A	(*)	(*)				
Greeley Meat Co.	2212	(*)					
Hardy Packing Co., Inc.	2215	(*)		(*)	(*)	(*)	
Yeakum Packing Co., Ltd.	2216	(*)				(*)	
Burlison Packing Co.	2224	(*)					
Pace Packing Co.	2228	(*)				(*)	
Ridley Packing Co.	2229	(*)					
South Texas Packers, Inc.	2238	(*)					
Bryan Sausage Co., Inc.	2249					(*)	
Loveland Packing Co., Inc.	2250					(*)	
G & C Packing Co.	2262	(*)	(*)				
Ridley Packing Co.	2265	(*)	(*)			(*)	
L. A. Frey & Sons, Inc.	2266A	(*)				(*)	
Western Beef Packers, Inc.	2267	(*)					
Wright Packing Co.	2269	(*)	(*)			(*)	
Necona Locker Plant	2270	(*)				(*)	
Centeno Meat Commissary	2271	(*)					
Lamesa Meat Co.	2272	(*)		(*)		(*)	
Amarillo Packing Co.	2273	(*)					
Husband Brothers Packing Co.	2284	(*)					
Ben Grantham Meat Packers	2290	(*)				(*)	
Danhoff Packing Co.	2296	(*)				(*)	
Amana Society Meat Department	2357	(*)				(*)	
Theis Packing Co., Inc.	2367	(*)				(*)	
Grote Meat Co.	2369	(*)	(*)				
Clayton Packing Co.	2375		(*)				
Smit & Sons, Inc.	2376	(*)	(*)			(*)	
Spencer Foods, Inc.	2379	(*)					
Partin Sausage Co.	2385					(*)	
Marshall Packing Co., Inc.	2386	(*)					
Clinton Packing Co.	2387					(*)	
Pony Express Ranch	2398	(*)	(*)			(*)	
Quality Packinghouse, Inc.	2435					(*)	
John R. Daily, Inc.	2450	(*)	(*)			(*)	
Clmpl Packing Co.	2460	(*)					
Link Brothers Enterprises	2472	(*)				(*)	
Wenning Packing Co., Inc.	2533	(*)					
Weyhaupt Brothers Packing Co.	2594	(*)				(*)	
The Teeters Packing Co.	2598					(*)	
Du Quoin Packing Co.	2599	(*)				(*)	
Manassas Frozen Foods	2621A	(*)	(*)	(*)	(*)	(*)	
Yoders Locker Plant	2699	(*)	(*)			(*)	
Wagner Provision Co., Inc.	2770	(*)	(*)			(*)	
Stowers Brothers	2800			(*)			
Blue Mountain Meats	2825	(*)		(*)		(*)	
Lewis & McDermott	2847	(*)					
Zweigart Packing Corp.	2863	(*)	(*)	(*)		(*)	
Armbrust Meats	2912	(*)	(*)			(*)	
Marysville Packing Co.	2922	(*)	(*)	(*)	(*)	(*)	
Runyon Frozen Food Service, Inc.	2932	(*)	(*)			(*)	
Winter Meat Processing	2936	(*)				(*)	
Woods Locker & Abattoir	2938					(*)	
Yontz Packing Co.	2939	(*)					
West Slaughter House	2945	(*)				(*)	
Sutterer's Slaughter House	2946	(*)	(*)	(*)		(*)	
Pemiscot Packing Co.	2948	(*)	(*)	(*)		(*)	
Davis Slaughter Plant	2950	(*)					
Cronch's Locker & Processing	2951	(*)	(*)	(*)	(*)	(*)	
B & E Meat Processing	2952	(*)	(*)	(*)	(*)	(*)	

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Nadler Butchery	2956	(*)				(*)	
Mister Meat	2957	(*)		(*)	(*)	(*)	
Matthew's Locker	2963					(*)	
Francis Packing Co.	2965	(*)					
Swiss Processing Plant	2969	(*)		(*)		(*)	
Murphy Slaughterhouse	2972	(*)					
Singer Locker Service	2975	(*)				(*)	
Delaldye & Sons Meat Packing, Inc.	2977	(*)					
Lebanon Packing Co.	2979	(*)				(*)	
Mirabile Meat Processing	2982	(*)					
Diggs Packing Co.	2985	(*)				(*)	
Highlandville Packing Co.	2987	(*)				(*)	
Holden Locker Plant	2993	(*)				(*)	
Country Butcher Shop	2995	(*)				(*)	
Missouri State Penitentiary for Men	2998	(*)	(*)			(*)	
Fort Plain Packing Co., Inc.	5074	(*)	(*)				
Double A Meat Packing, Inc.	5162	(*)	(*)	(*)	(*)	(*)	
Burton Block	5171A			(*)	(*)	(*)	
Ralph Packing Co., Inc.	5225	(*)		(*)			
Johnston Dressed Beef & Veal Co., Inc.	5300	(*)	(*)	(*)	(*)		
Hayes Packing Corp.	5301	(*)	(*)				
Klinch & Schaller, Inc.	5319	(*)					
Hershey Estates Abattoir	5388	(*)	(*)	(*)		(*)	
Winchester Packing Co., Inc.	5500	(*)				(*)	
Amend Packing Co.	5509	(*)					
Gibbon Packing, Inc.	5511	(*)					
Central Foods, Inc.	5519	(*)					
Mid-Continent Meats, Inc.	5523					(*)	
Hewlett Wholesale Meats	5524	(*)	(*)				
Macon Beef Packers, Inc.	5531	(*)					
Sioux-Preme Packing Co.	5537					(*)	
Jack Polen Beef Co., Inc.	5548	(*)					
Bonne Terre Sausage Co.	5554	(*)				(*)	
Lola Meat Processors, Inc.	5555	(*)					
The Fanestil Packing Co., Inc.	5562	(*)					
Haviland Brothers Frozen Food Lockers	5565	(*)				(*)	
Tama Meat Packing Corp.	5569	(*)					
Allied Packing Co.	5572	(*)					
Butchers Inc.	5575	(*)		(*)		(*)	
Wimmer's Meat Products, Inc.	5601	(*)	(*)	(*)	(*)	(*)	
Herman the German Slaughterhouse	5604	(*)	(*)	(*)		(*)	
Elliott Food Products, Inc.	5608	(*)	(*)	(*)		(*)	
Ord Cold Storage	5610	(*)	(*)	(*)	(*)	(*)	
Johnson's Frozen Foods	5612	(*)	(*)	(*)		(*)	
The Jimmy Dean Meat Co., Inc.	5614			(*)		(*)	
Adams Locker	5621	(*)				(*)	
Alexandria Packing Co.	5623	(*)	(*)	(*)		(*)	
Oberg's Meat Processing	5626	(*)	(*)	(*)		(*)	
Holtzen's Certified Meat Processing and Curing	5630	(*)	(*)	(*)		(*)	
Marr's Locker Service	5631	(*)	(*)	(*)		(*)	
Carlson's Meat & Lockers	5632	(*)	(*)	(*)	(*)	(*)	
Suzuki's Meat & Processing	5633	(*)	(*)	(*)		(*)	
Doty Packing Co., Inc.	5634	(*)	(*)	(*)		(*)	
Grunkemeyer Meats	5635	(*)	(*)			(*)	
Braver Packing Co.	5636	(*)					
Clay Center Meat Co.	5637	(*)	(*)	(*)		(*)	
Otte Packing	5638	(*)	(*)	(*)		(*)	
F & S Sausage Co., Inc.	5640	(*)		(*)		(*)	
Johnson Steak Master	5641	(*)	(*)			(*)	
Peterson's Lockers Inc.	5647	(*)	(*)	(*)		(*)	
Tatum's Processing Plant	5649	(*)		(*)		(*)	
Custom Pack, Inc.	5650	(*)		(*)			
City Meat Market	5652	(*)	(*)	(*)		(*)	
Verling Locker	5653	(*)	(*)	(*)	(*)	(*)	
Belinde's Locker Plant	5654	(*)	(*)	(*)		(*)	
Epler Mercantile Co.	5655	(*)	(*)	(*)		(*)	
Trautman's Meat Center	5657	(*)		(*)		(*)	
University of Nebraska—Loeffel Meat Laboratory.	5658	(*)		(*)			
Butler's Beef Acres	5660	(*)	(*)	(*)	(*)	(*)	
Roman Packing Co.	5662	(*)	(*)				
North Platte Packing Co., Inc.	5663	(*)				(*)	
Six Street Processing Plant, Inc.	5664	(*)		(*)		(*)	
Petersburg Locker	5668	(*)	(*)	(*)		(*)	

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ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Cardel & Son Freezer Meats	5670	(*)	(*)	(*)	...	(*)	...
Dittman's Market	5671	(*)	(*)	(*)	...	(*)	...
Yost Pack, Inc	5672	(*)	...	(*)	(*)	(*)	...
Hollstein Packing Co	5673	(*)	(*)	(*)	...	(*)	...
Cullbertson Locker, Inc	5679	(*)	...	...	...	(*)	...
Kreimer's Store	5681	(*)	...	...	...	(*)	...
Tecumseh Locker	5682	(*)	(*)	(*)	(*)	(*)	...
Valentine Lockers	5683	(*)	(*)	(*)	(*)	(*)	...
Wakefield Locker Service	5685	(*)	(*)	(*)	...	(*)	...
Wausa Lockers	5686	(*)	(*)	(*)	...	(*)	...
Buffalo Lake Meat Co	5689	...	...	...	...	...	...
Nebraska Penal & Correctional Complex	5691	(*)	...	...	...	(*)	...
Havlik's Locker Plant	5730	(*)	(*)	(*)	...	(*)	...
Sherman Custom Slaughtering	5761	(*)	...	...	...	(*)	...
Perryville Packing Co., Inc	5770	(*)	(*)	...	...	(*)	...
Edwards Slaughter Hoiles	5772	(*)	(*)	...	...	(*)	...
Pierce City Locker	5775	(*)	(*)	(*)	(*)	(*)	...
Frigid Food Service	5776	(*)	(*)	(*)	...	(*)	...
University of Missouri—FSAN Dept	5777	(*)	...	...	...	(*)	...
Greenhill Slaughter House	5779	(*)	(*)	(*)	(*)	(*)	...
The Deep-Freeze, Inc	5782	(*)	(*)	(*)	(*)	(*)	...
The Freezer	5786	(*)	(*)	(*)	(*)	(*)	...
Seaton Meat Co	5794	(*)	(*)	(*)	(*)	(*)	...
Paris Locker & Abattoir	5795	(*)	(*)	...	...	...	...
Dale's Packing Co	5797	(*)	(*)	...	...	...	...
Nora's Pork Products	5798	(*)	...	(*)	...	(*)	...
Meiner Packing Co	5841	(*)	(*)	...	...	(*)	...
Sellewig Sausage, Inc	5843	(*)	...	...	...	(*)	...
Leroy's Meat Processors	5849	(*)	(*)	(*)	(*)	(*)	...
Scallon Locker Service	5850	(*)	(*)	...	...	(*)	...
Mott's Food Lockers—Abattoir	5851	(*)	...	...	...	...	...
Sikeston Slaughterhouse	5854	(*)	(*)	...	...	...	...
Poos Brothers, Inc. Slaughter House	5857	(*)	...	...	...	...	...
Anderman & Co	5859	(*)	...	...	...	...	...
A. L. Bester Packing Co., Inc	5832	(*)	(*)	...	...	(*)	...
Levi's Locker Plant	5835	(*)	...	...	...	(*)	...
B&E Processing Plant	5839	(*)	(*)	(*)	(*)	(*)	...
Lynch Packing Plant	5843	(*)	(*)	...	...	(*)	...
Dexter Packing Co., Inc	5845	(*)	(*)	...	...	(*)	...
Miller's Meat Processing	5846	(*)	...	...	...	...	...
Anesi Packing Co	5847	(*)	(*)	...	...	...	...
Tri-State Food Distributors, Inc	5848	(*)	...	...	...	(*)	...
O. K. Meat Packing Co., Inc	6000	(*)	(*)	...	...	...	...
Hohener Meat Co, Inc	6011	(*)	(*)	...	...	(*)	...
University of California—Department of Animal Science	6012	(*)	(*)	(*)	...	...	...
Oakdale Meat Co	6017	(*)	(*)	...	...	(*)	...
Lamb Specialities, Inc	6018	...	...	(*)	...	...	...
Mount Vernon Meat Co., Inc	6030	(*)	(*)	(*)	...	...	...
Pasco Meat Packers, Inc	6040	(*)	(*)	...	...	(*)	...
Weber, Inc	6041	(*)	(*)	(*)	(*)	...	...
McRae Pack, Inc	6042	(*)	(*)	(*)	...	...	...
Florence Packing Co., Inc	E6043	...	...	...	...	...	(*)
Davis Meat Co	6044	(*)	...	...	...	(*)	...
Avila Meat Co	6046	(*)	(*)	...	...	...	...
Safeoy Meat Packing Co	6055	(*)	(*)	(*)	(*)	...	...
Schiesl Packing Co	6056	(*)	(*)	(*)	...	...	...
Tulare Meat Co	6063	(*)	...	...	...	(*)	...
Redwood Meat Co	6066	(*)	(*)	(*)	...	...	...
Armopale Meat Co	6081	(*)	(*)	...	...	...	...
Kratzig Meat Co	6110	(*)	(*)	(*)	(*)	(*)	...
Mid-Cave Meat Packing Co	6114	(*)	(*)	(*)	...	(*)	...
Cuyamaca Meat Co	6129	(*)	...	...	...	...	...
Lewis Meats	6175	(*)	(*)	(*)	...	(*)	...
R & R Locker Plant	6228	...	...	(*)	...	(*)	...
The Evans Meat Co	6243	...	...	...	...	...	...
Columbus Slaughtering & Processing	6271	(*)	...	(*)	...	(*)	...
Rice Packing Co	6413	(*)	(*)	(*)	...	(*)	...
Galbreath Packing Co	6420	(*)	(*)	(*)	...	(*)	...
Foss Brothers	6431	(*)	(*)	(*)	...	(*)	...
Reed Packing Co	6442	(*)	...	...	...	...	...
York's Meat	6482	(*)	(*)	(*)	(*)	(*)	...
Morl Wholesale Meats	6485	(*)	(*)	(*)	(*)	(*)	...
K-Pack Meat Co	6487	(*)	(*)	(*)	(*)	(*)	...

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Carson Valley Meat Co	6490	(*)	(*)	(*)	(*)	(*)	...
Green Hill, Inc	6513	(*)	...	...	...	(*)	...
George H. Meyer Sons, Inc	6524	(*)	(*)	(*)	...	(*)	...
Guard Hill Meats, Inc	6526	(*)	...	(*)	(*)	(*)	...
Gunnoe Sausage Co., Inc	6541	...	...	...	...	(*)	...
Odom Sausage Co., Inc	6544	...	...	...	...	(*)	...
C. Rice Packing Co., Inc	6545	(*)	(*)	...	...	...	...
Penn Haven Meats, Inc	6550	(*)	...	...	...	(*)	...
Roland Packing Co	6563	(*)	...	...	...	(*)	...
Edwards Sausage Co., Inc	6579	...	...	...	...	(*)	...
White Packing Co	6595	(*)	(*)	...	...	(*)	...
Dean Sausage Co., Inc	6621	...	...	...	...	(*)	...
Maecha Municipal	6675	(*)	(*)	...	...	(*)	...
Yauco Municipal Government	6678	(*)	...	(*)	(*)	(*)	...
Manati Slaughter House	6679	(*)	(*)	...	...	...	...
Carolina Municipal Slaughterhouse	6683	(*)	(*)	...	...	...	...
Municipal Abattoir	6684	(*)	...	...	(*)	(*)	...
Peruelas Municipal Abattoir	6685	(*)	...	(*)	(*)	(*)	...
Maecho Municipal De Police	6686	...	...	...	(*)	(*)	...
Maecha De Corozal	6690	(*)	(*)	...	...	(*)	...
Primed Packing Co	6758	(*)	...	...	...	...	...
Walter Packing Co	6760	(*)	...	...	...	(*)	...
Standard Beef, Inc	6770	(*)	...	...	...	...	...
Cullhan & Co	6775	(*)	(*)	...	...	...	...
Helms Slaughterhouse	6777	(*)	...	...	...	...	...
The Ross Abattoir Co	6780	(*)	(*)	...	...	...	...
Rob Evans Farms, Inc	6785	...	...	...	...	(*)	...
Blind Beef Packing Co	6795	(*)	...	...	...	...	...
Bob Evans Farms, Inc	6807	...	...	...	...	(*)	...
Flora Packing Co	6808	...	...	...	...	(*)	...
Marbinger Packing Co	6863	(*)	...	...	...	...	...
Nemeit Packing House	6866	(*)	...	...	...	...	...
Hitch Packing Co	6887	(*)	...	...	...	...	...
Miller Processing Co., Inc	6885	(*)	(*)	(*)	(*)	(*)	...
Western Illinois Ice Co	6924	...	...	...	...	(*)	...
Abe May Packing Co	6965	(*)	...	...	...	...	...
Selected Meats	6979	(*)	...	...	...	...	...
Judson Pack, Inc	6989	(*)	...	(*)	(*)	(*)	...
Deming Packing Co., Inc	7003	(*)	...	...	...	(*)	...
Jimmy Dean Meat Co	7012	...	...	...	...	(*)	...
Muskogee Packing Co., Inc	7015	(*)	(*)	(*)	(*)	...	...
Hatch Packing Co., Inc	7021	(*)	(*)	(*)	...	(*)	...
Sixty-Six Packing Co	7023	(*)	(*)	(*)	(*)	(*)	...
H.A.S. Sweet Meat, Inc	7025	...	...	...	...	(*)	...
Western Meat Packers, Inc	7028	...	...	...	...	(*)	...
Kachina Packing Co	7040	(*)	...	(*)	...	(*)	...
Cruz's Meat Co	7048	(*)	...	(*)	(*)	(*)	...
Chef Reddy Meats Co	7049	(*)	(*)	...	...	...	...
Barthel Packing Co., Inc	7052A	...	...	...	...	(*)	...
Rocking Y Beef, Inc	7054	...	(*)	(*)	(*)	(*)	...
Brown's Meat Locker	7055	(*)	...	(*)	(*)	(*)	...
Interstate Packing Co	7056	(*)	(*)	(*)	(*)	(*)	...
Brown Packing Co	7061	(*)	...	...	...	(*)	...
Community Abattoir, Inc	7073	(*)	(*)	(*)	(*)	(*)	...
Cullbertson Processing Plant	7082	(*)	...	...	...	(*)	...
Fellsmea Meat Supply	7128	(*)	...	(*)	(*)	(*)	...
Osburn Packing Co	7150	(*)	(*)	...	...	(*)	...
Oaklawn Grain & Feed, Inc	7157	...	...	...	...	(*)	...
Single Tree Farms, Inc	7208	...	...	...	...	(*)	...
Texas Meat Packers Co	7235	(*)	...	...	...	...	...
Kentucky Sausage Co., Inc	7300	...	...	...	...	(*)	...
Duffy Boneless Beef Co	7305	(*)	(*)	...	...	...	...
Metzger Packing Co., Inc	7306	(*)	...	...	...	(*)	...
Enterprise Meat Co., Inc	7310	(*)	...	...	...	...	...
Gold Kist, Inc	7312	...	...	...	...	(*)	...
Coleman Sausage Co	7401	...	...	...	...	(*)	...
Henry W. Staph	7102	...	(*)	(*)	...	...	...
Carolina Abattoir, Inc	7404	(*)	(*)	...	...	(*)	...
Harrisonburg Wholesale Meat Co., Inc	7420	(*)	...	(*)	...	(*)	...
Cribbs Sausage Co	7424	...	...	...	...	(*)	...
Dinner Bell Meat Products, Inc	7440	(*)	(*)	(*)	...	...	...
Blue Ridge Beef Plant, Inc	7445	(*)	...	...	...	...	...

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Williams Sausage Co	7455	...	...	...	...	(*)	...
Diamond Meat Co., Inc	7465	...	...	...	...	(*)	...
Brundige Sausage Co	7475	...	...	...	...	(*)	...
Fulton County Packing Co	7485	(*)	...	...	...	(*)	...
Danville Meat Products	7486	(*)	...	...	...	(*)	...
T. M. Landis, Inc	7517	(*)	(*)	(*)	...	...	...
Dealaman Enterprises, Inc	7562	(*)	(*)	(*)	(*)	(*)	...
Gartner-Harl Co	7576	(*)	(*)	(*)	...	...	...
Merwin Packing, Inc	7600	(*)	...	(*)	...	(*)	...
Abercrombie Meat	7601	(*)	(*)	(*)	...	(*)	...
Millner & Swanlek	7602	(*)	...	...	...	...	...
Missouri Valley Meat	7604	(*)	...	...	...	...	...
Schmaltz Meats	7605	(*)	...	(*)	...	(*)	...
Goldades Butcher Shop	7606	(*)	...	(*)	...	(*)	...
Cedar Ridge Meat Service	7607	(*)	...	...	...	(*)	...
Barnes County Lockers	7608	(*)	...	...	...	(*)	...
Hope Locker Plant	7609	(*)	...	(*)	...	(*)	...
Casselton Cold Storage	7611	(*)	(*)	(*)	...	(*)	...
Great Bend Lockers	7614	(*)	(*)	(*)	...	(*)	...
Fairmont Lockers	7615	(*)	(*)	(*)	(*)	(*)	...
Skyberg's	7616	(*)	...	(*)	...	(*)	...
Monteith Meats	7617	(*)	...	(*)	...	(*)	...
Park River Locker Plant	7618	(*)	...	(*)	...	(*)	...
Niagara Lockers	7619	(*)	(*)	(*)	...	(*)	...
Bowdon Locker Plant	7620	(*)	...	...	...	(*)	...
Langdon Lockers	7622	(*)	...	(*)	...	(*)	...
Asfedt's Locker Plant	7623	(*)	...	(*)	...	(*)	...
Rocklake Locker Plant	7624	(*)	...	(*)	(*)	(*)	...
Aneta Meats	7625	(*)	...	(*)	...	(*)	...
Animal Science	7627	(*)	...	...	...	...	...
Stanley Locker Service	7632	(*)	...	...	...	(*)	...
Davidson's Processing Plant	7633	(*)	...	...	...	(*)	...
Lunde Processing	7634	(*)	...	...	...	(*)	...
Dakota Meats, Inc	7636	(*)	(*)	(*)	...	...	...
North Dakota State Hospital	7639	(*)	...	...	...	...	...
Myers Meat Processing	7641	(*)	...	...	...	(*)	...
Hillside Meat Co	7642	(*)	...	(*)	...	(*)	...
City Meat & Locker	7644	(*)	...	(*)	...	(*)	...
Wetsch Jack & Jill	7646	(*)	...	...	...	(*)	...
Bosch Meat Co	7647	(*)	...	...	...	(*)	...
Fred Born	7648	(*)	...	(*)	...	(*)	...
Schafers Butcher Shop	7649	(*)	...	...	...	...	...
K & E Processing and Sales	7655	(*)	...	(*)	...	(*)	...
John Bonn	7656	(*)	...	...	...	(*)	...
Jat Corp	7661	(*)	...	(*)	...	(*)	...
Valley Meat Packing Co., Inc	7676	(*)	...	...	...	(*)	...
City Meat Co	7677	(*)	...	(*)	...	(*)	...
Rahr Meat Service	7678	(*)	...	(*)	...	...	...
Miles City Packing Co	7679	(*)	(*)	(*)	...	...	...
Hardin Meat Market	7684	(*)	...	...	...	...	...
Seitz-Bowers Processing Plant	7685	(*)	...	(*)	...	(*)	...
Timberland Packing Corp	7687	(*)	...	...	...	...	...
Krezelak, Inc. (Havre Abattoir)	7688	(*)	...	...	...	(*)	...
Rocky Mountain Packing Co., Inc	7690	(*)	...	(*)	...	(*)	...
Triangle Packing Co	7691	(*)	...	...	...	...	...
Maria's Packing Co	7692	(*)	...	(*)	...	(*)	...
Stanford Meat Market	7694	(*)	...	(*)	...	...	...
Barsotti's Meat Plant	7695	(*)	...	(*)	...	(*)	...
Montana State Prison	7707	(*)	...	...	...	(*)	...
Roberts Packing Plant	7708	(*)	(*)	...	...	(*)	...
Rick's Packing Co	7710	(*)	...	(*)	...	(*)	...
Fan Mountain Meats	7712	(*)	...	(*)	...	(*)	...
Vollmer & Sons, Inc	7713	(*)	(*)	(*)	...	(*)	...
Kalispell Meat Co	7716	(*)	...	(*)	...	...	...
White's Wholesale Meats	7717	(*)	(*)	...	...	(*)	...
Vandervanter Meats	7718	(*)	(*)	...	...	...	...
Schramm Packing Co	7719	(*)	(*)	(*)	...	(*)	...
Tolman Meat Processing	7724	(*)	(*)	(*)	(*)	(*)	...
Mickey's Packing Plant	7732	(*)	...	(*)	...	...	...
The Modern Locker Co	7745	(*)	(*)	(*)	(*)	(*)	...
Master Meat, Inc	E7755	...	...	...	...	...	(*)
Smith-Wilson Meat Products, Inc	E7766	...	...	...	...	...	(*)
Adams Locker	7774	(*)	(*)	(*)	...	(*)	...
Lindenfelser Meats	7782	(*)	...	...	...	(*)	...

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Sister's of the Order of Saint Benedict	7784	(*)	...	...	...	(*)	...
Huettl's Locker & Dressing Plant	7785	(*)	...	...	...	(*)	...
Wilson's Meat Market	7790	(*)	...	...	...	(*)	...
Carlos Lockers	7796	(*)	(*)	(*)	...	(*)	...
Ungers Garfield Locker	7797	(*)	(*)	(*)	...	(*)	...
Clarissa Meats	7799	(*)	(*)	(*)	...	(*)	...
Bangor Beef Co	7806	(*)	(*)	(*)	...	(*)	...
Conti Packing Co., Inc	7814	(*)	...	...	...	...	...
Kenneth Baker Farms	7845	(*)	(*)	(*)	(*)	...	...
Readfield Abattoir	7871	(*)	(*)	(*)	...	(*)	...
Bovalina Packing Co	7875	(*)	(*)	(*)	...	...	...
Peter D. Villari, Inc	7887	...	...	...	...	(*)	...
Partin's Country Sausage	7923	...	...	...	...	(*)	...
Koch Beef Co	7937	(*)	(*)	...	...	...	...
Southern Packing Corp	7945	(*)	(*)	(*)	...	(*)	...
Charles J. Schmidt & Co	7948	(*)	(*)	(*)	...	...	...
Dreher Packing Co., Inc	7957	...	...	...	...	(*)	...
Louisville Beef Corp	7969	(*)	(*)	...	...	...	...
Farmer's Meat Produces, Inc	7972	...	...	...	...	(*)	...
Kling's Meat Market	7983	(*)	(*)	(*)	...	(*)	...
Metzger Brothers	8000	(*)	...	...	...	...	...
Davidson Meat Market	8024	(*)	...	...	...	(*)	...
Bourbon Packing Co	8027	(*)	...	(*)	...	(*)	...
Walton Locker & Slaughter Plant	8031	(*)	(*)	...	...	(*)	...
Bill Wheeler Slaughter House	8034	...	...	...	...	(*)	...
Farmers Slaughter House	8035	(*)	...	(*)	...	(*)	...
Henry Ross Packing Co	8045	(*)	...	...	...	(*)	...
Slade's Meat Packers, Inc	8054	(*)	...	...	...	...	...
Hughes Market	8055	...	...	...	...	(*)	...
Bowerman Country Sausage	8072	(*)	...	...	...	(*)	...
Gregory Slaughter House, Inc	8083	(*)	...	...	...	(*)	...
Elmore & Payne Packing Co., Inc	8088	(*)	(*)	...	...	(*)	...
Brownsdale Meat Service Inc	8189	(*)	(*)	(*)	...	(*)	...
Bullock's Meats, Inc	8491	(*)	(*)	(*)	...	...	...
Blough Packing	8551	(*)	(*)	(*)	...	(*)	...
Wright Slaughter	8553	(*)	(*)	(*)	(*)	(*)	...
Leali Brothers Meats	8555	(*)	(*)	(*)	(*)	(*)	...
New Holland Meat Market	8556	(*)	(*)	...	...	(*)	...
Skober's & Sons, Inc	8557	(*)	(*)	...	...	...	...
Frank Yakubik	8558	(*)	(*)	(*)	...	(*)	...
S. W. Hart & Sons Packing Co	8559	(*)	(*)	...	...	...	...
Juniata Packing Co	8560	(*)	(*)	(*)	...	(*)	...
Godfrey Brothers	8562	(*)	(*)	(*)	...	(*)	...
W. L. Strayer Locker Plant	8565	(*)	(*)	(*)	...	(*)	...
Wellen's Custom Slaughtering	8569	...	...	...	...	(*)	...
W. W. Snavely	8570	(*)	(*)	(*)	...	(*)	...
Knupp Brothers	8572	(*)	(*)	(*)	...	...	...
James Eberly	8573	(*)	...	...	...	...	...
Charles Hyes	8576	(*)	...	...	...	(*)	...
Peters Brothers Meat Market, Inc	8581	(*)	(*)	...	...	(*)	...
Russie Shado Packing	8583	(*)	(*)	(*)	...	(*)	...
Fritz' Meats	8585	(*)	...	...	...	(*)	...
Maury Packing Co	8587	(*)	(*)	(*)	...	(*)	...
Lloyd & Earl Youndt	8588	(*)	...	...	...	(*)	...
Cunningham Packing Co	8590	(*)	(*)	(*)	...	(*)	...
John F. Peluso & Sons	8592	(*)	(*)	(*)	...	(*)	...
Rose's Slaughter House	8595	(*)	...	...	...	(*)	...
Sechrist Brothers, Inc	8596	(*)	...	...	...	...	...
Robert J. Ishman	8597	(*)	...	...	...	(*)	...
Spurgeon Smith & Sons	8599	(*)	(*)	...	...	...	...
Riley's Meat Processing	8604	(*)	...	...	...	(*)	...
Mox Ham Packing Co	8605	(*)	(*)	...	...	(*)	...
Richard L Beck & Sons, Inc	8607	(*)	...	(*)	...	...	...
Charles Winlek	8608	(*)	(*)	...	...	(*)	...
New Wilmington Slaughter House	8609	(*)	...	(*)	...	(*)	...
James R. McDeavitt	8610	(*)	...	(*)	...	(*)	...
Witman's Meats	8611	(*)	...	...	...	(*)	...
Kovsecvic Brothers Packing Co	8612	...	(*)	(*)	...	(*)	...
Hi Way Meat Market	8615	(*)	...	...	...	...	...
Roble Meat Packers, Inc	8616	(*)	(*)	(*)	...	(*)	...
William Clark Packing Co	8617	(*)	(*)	(*)	...	(*)	...
Paul E. Adams	8623	(*)	...	...	...	(*)	...
C. M. Read's Sons	8624	...	(*)	...	...	...	...
Hoffer Brothers Meat Packing Co	8627	(*)	(*)	...	...	(*)	...

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ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Greenwald Locker Plant	8082						
Hobsaker Brothers Meat Market	8083			(*)			
Teel's Meat Market	8433						
Esperanza Quality Meats	8435						
Birch's Meats	8436						
Edmond Locker Storage Co., Inc	8042						
Cecil F. Traker	8044						
Rehnick Farms	8045						
Rothermel Meats	8046						
Eagle Country Store, Inc	8079						
Dan's Country Meats, Inc	8081						
Cloud Packing Co	8082						
Le Due Packing Co	8083						
Wood Meat Service	8093						
New Franklin Locker service	8097						
Craig's Slaughter House	8097						
Wright City Meat Co	8102						
Warner Locker	8103						
Princeton Food Service	8105						
Oyler's Locker Service	8106						
Crystal Lake Locker	8107						
Hale Locker Plant	8110						
Buy Rite Meat Co	8115						
Bouckaert Packing	8116						
Brown's Processing Plant	8117						
Zeeb Packing Co., Inc	8124						
Groves Packing Co	8125						
Golden City Meat Co	8126						
Uptown Slaughter House	8131						
Pleasant Hill Meat Co	8131						
Pleasant Hill Meat Corp	8135						
Stonyhill Meat	8138						
Baker Packing Co	8143						
Glasgow Locker	8147						
Hamilton Locker Service	8148						
Theriault's Amatoir, Inc	8172						
Clark Packing Co	8179						
Allan Beef Co., Inc	8842						
Hall Packing Co., Inc	8861						(*)
Plainfield Packing Co	E8861						
Orford Abattoir	8866						
John F. Martin & Sons, Inc	8886						
Greggwood Farm	8901						
Eastern Packers, Inc	8906						
McDonald's Food Market	8915						
St. Joseph Meat Market, Inc	8916						
Froz-N-Foods Co	8917						
Gorsuch Food Market	8920						
Kenny's Sanitary Meat Center, Inc	8921						
Schiller's Processing Service	8923						
Melrose Locker	8927						
Rapids Locker	8928						
Froz-N-Food Co	8930						
Froz-N-Food Co	8931						
Ketter's Meats	8937						
Sale's Abattoir	8943						
Heming Locker Plant	8949						
Dave and Ted's Lockers	8950						
Hall Packing Co., Inc	8952						
Lakeland Meats, Inc	8953						
Sykes Lockers	8954						
Herges Meat Market, Inc	8959						
Hy Meat Market	8960						
New Meat Market	8961						
Pepers, Inc	8962						
Do	8963						
Drewes Frozen Food Center	8971						
Drewes Meats & Processing Service	8972						
Trafter Meats	8981						

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Henry Harper Wagner	8831			(*)			
Hobsaker Brothers Meat Market	8832						
Teel's Meat Market	8833						
Esperanza Quality Meats	8835						
Birch's Meats	8836						
Edmond Locker Storage Co., Inc	8042						
Cecil F. Traker	8044						
Rehnick Farms	8045						
Rothermel Meats	8046						
Eagle Country Store, Inc	8079						
Dan's Country Meats, Inc	8081						
Cloud Packing Co	8082						
Le Due Packing Co	8083						
Wood Meat Service	8093						
New Franklin Locker service	8097						
Craig's Slaughter House	8097						
Wright City Meat Co	8102						
Warner Locker	8103						
Princeton Food Service	8105						
Oyler's Locker Service	8106						
Crystal Lake Locker	8107						
Hale Locker Plant	8110						
Buy Rite Meat Co	8115						
Bouckaert Packing	8116						
Brown's Processing Plant	8117						
Zeeb Packing Co., Inc	8124						
Groves Packing Co	8125						
Golden City Meat Co	8126						
Uptown Slaughter House	8131						
Pleasant Hill Meat Co	8131						
Pleasant Hill Meat Corp	8135						
Stonyhill Meat	8138						
Baker Packing Co	8143						
Glasgow Locker	8147						
Hamilton Locker Service	8148						
Theriault's Amatoir, Inc	8172						
Clark Packing Co	8179						
Allan Beef Co., Inc	8842						
Hall Packing Co., Inc	8861						(*)
Plainfield Packing Co	E8861						
Orford Abattoir	8866						
John F. Martin & Sons, Inc	8886						
Greggwood Farm	8901						
Eastern Packers, Inc	8906						
McDonald's Food Market	8915						
St. Joseph Meat Market, Inc	8916						
Froz-N-Foods Co	8917						
Gorsuch Food Market	8920						
Kenny's Sanitary Meat Center, Inc	8921						
Schiller's Processing Service	8923						
Melrose Locker	8927						
Rapids Locker	8928						
Froz-N-Food Co	8930						
Froz-N-Food Co	8931						
Ketter's Meats	8937						
Sale's Abattoir	8943						
Heming Locker Plant	8949						
Dave and Ted's Lockers	8950						
Hall Packing Co., Inc	8952						
Lakeland Meats, Inc	8953						
Sykes Lockers	8954						
Herges Meat Market, Inc	8959						
Hy Meat Market	8960						
New Meat Market	8961						
Pepers, Inc	8962						
Do	8963						
Drewes Frozen Food Center	8971						
Drewes Meats & Processing Service	8972						
Trafter Meats	8981						

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Pierce Custom Slaughter	9567						
Cloverbloom Market	9570						
Dingwall's Meat Market	9572			(*)			
Pete Swatt's Meat Market	9575						
Steve Fichera Wholesale Meats	9576						
Wesley R. Goulding	9577						
G. J. Hynes	9579						
Lavallee Packing Co., Inc	9580						
LaVigne Packing Co	9581						
Jones Abattoir	9584						
Louis Kline, Inc	9589						
Penn Packing Co	9592						
Rapids Meat Co	9593						
Congress Abattoir	9594						
Harold A Domb	9595						
Downingtown Wholesale Meats	9606						
Frank Esposito & Sons	9607						
Hatfield Meat Market	9608						
Samuel W. Hippey	9612						
Harry P. Johnston	9614						
Linton Meats	9616						
Sherto Packing Co	9618						
Hoffman's Meat Market	9620						
Charles J. Prudhon	9622						
Rhodes Meat Market	9623						
Stoltzfus Locker & IGA Food Market	9625						
Fillmore Meat Market	9630						
Hilltop Packing Co	9631						
Burkholder Meat Products	9632						
Turner Farms, Inc	9634						
R. D. Kelly Meat Packing	9635						
Kelly Meat Market, Inc	9636						
Kroll's Meat Market	9638						
F & S Meats	9639						
Glen J. Rosenberry	9640						
Stiles Edith Dublin	9641						
Stoltzfus Meats, Inc	9644						
Yost Quality Meats	9645						
Watson's Home Dressed Meats	9647						
T. W. Harper	9650						
Clair H. Brahm	9658						
Jacob L. Kreider Dressed Beef	9666						
Bradford Brothers	9670						
Cutelli Inc	9673						
Prince's Home Dressed Meats	9674						
Christmann Packing Co	9677						
Collick Brothers Meat Packers, Inc	9682						
Lantzer's Meat Products	9683						
Kenk's Meat Plant	9684						
Ann Packing Co	9685						
Mark Bowman	9686						
Lee Bixler	9687						
Keil's Meat Market	9689						
Pleasant Unity Packing Co., Inc	9692						
Ditzler Brothers	9693						
Robert L. Bingman	9694						
Paul H. Schueck	9695						
Holland Brothers Meat	9696						
Alfred's Sausage Co., Inc	9701						
Springfield Meat Co	9702						
Wilmer Barnhart	9706						
Lantzer's Meat Market	9711						
A. S. Kettering Delicatessen	9712						
Great Valley Meat Market	9713						
Columbus Packing Co	9714						
Thomas Meat Market	9715						
Louis Meat Market	9716						
Louison Packing Co	9717						
Lee Gasbel & Sons, Inc	9718						
American Foods, Inc	9719						

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Stanley F. Skedel	9805						
Dixon's Meats	9806						
Hatfield Packing Co., Inc	9808						
J. V. Taylor, Inc	9400						
Battles Meat Processing Plant	9401						
Joe Deffice & Sons	9402						
Q. C. Brothers	9403						
Quality Custom Meats, Inc	9410						
Shupps Home Dressed Meats	9413						
Gina Guilliam	9414						
Edward Galvanek	9415						
Edgewell Meat Market	9417						
Lewis's Sanitary Market	9420						
Hive's Meat Market	9430						
Charles Kvergas	9427						
Ben's Meat Market	9425						
Edward Hall, Inc	9430						
Zeelman Butcher Shop	9431						
Edwards Brothers Packing Co	9431						
Yaimbrovich Meats	9435						
Rupert's Butcher Shop	9437						
Thomas Meat Market	9438						
Burkholder Meat Market	9440						
Groff's Meats	9442						
Kreisl Co., Inc	9444						
Smith's Supermarket, Inc	9446						
Grill's Butcher Shop, Inc	9448						
Shamokin Packing Co	9451						
Rendulic Packing Co	9457						
R. E. Lee Sales, Inc	9459						
Herfurth Brothers Meat Co	9462						
Myers Brothers	9469						
Ranck's Meat Market	9473						
Eugene Bauer & Sons	9474						
Espy's Meat Market	9482						
Walter Z. Dillon	9484						
Weather Valley Abattoir, Inc	9485						
Wentz's Meat Market	9487						
Werry Provision	9489						
Thornton Meats	9492						
Thornton Packing Co	9496						
Spreckler Brothers Meats	9499						
Burkholder Meat Market	9500						
Ross D. Houser	9502						
John Henry Brubaker	9504						
Price E. Sisk	9509						
R. F. Henry	9513						
Leidy's, Inc	9520						
West Apollo Packing Home	9526						
Kelly Packing Co., Inc	9528						
East Coast Meat Packing	9529						
Bright Byerly	9530						
Christian Martin	9536						
Paul H. Schueck	9538						
Clyde R. Albertson	9540						
Albertson Meat Market	9541						
Emerson Knights Meat Market	9544						
Ezra W. Martin Co	9547						
Wayne & Charles Neil Slaughterhouse	9548						
John J. Kohler	9549						
Lantzer's Meat Market	9550						
A. S. Kettering Delicatessen	9551						
Great Valley Meat Market	9557						
Sterner, Inc	9558						
Hermann C. Kistler	9561						
Louis Meat Market	9562						
Charles T. Heard & Co	9563						
Pottsak Packing Co	9564						
Myers Meat	9565						
Perry Packing	9566						

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ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Smith Frozen Food Bank	9720	(*)					
Heminicked Farms, Inc	9725	(*)	(*)	(*)	-------	(*)	-------
Walter's Meat Packers	9726	(*)	(*)	(*)	-------	(*)	-------
Manieri, Inc	9746	(*)	(*)	(*)	(*)	(*)	-------
Hillcrest Packing	9747	(*)	(*)	(*)	-------	(*)	-------
Frank Madrigale	9753	(*)	(*)	(*)	-------	(*)	-------
Lombeney Butcher Shop, Inc	9755	(*)	(*)	(*)	-------	(*)	-------
Gerge R. Rev	9758	(*)					
Rehrigs	9759	(*)	(*)	(*)		(*)	-------
Frank O. Gilbert & Son	9762	(*)					
Joel and David Heintzelman	9763	(*)					
Delbert E. Haydt	9765	(*)				(*)	-------
William Mutrsch	9766					(*)	-------
John Elmlaski	9767	(*)					
Walter Jurczak	9770	(*)		(*)		(*)	-------
Albert Caruth	9776	(*)					
Howard W. Darling	9777	(*)	(*)	(*)		(*)	-------
Joseph Kundla	9780	(*)					
Leona Meats	9784	(*)	(*)	(*)		(*)	-------
J & B Meat Plant	9785	(*)	(*)	(*)		(*)	-------
William Stopnak	9786	(*)	(*)	(*)		(*)	-------
Mussens, Inc	9788	(*)				(*)	-------
Yoquit Brothers	9789	(*)	(*)			(*)	-------
C. H. Thomas Sons, Inc	9790	(*)				(*)	-------
Stolzfus Meat Market	9792	(*)				(*)	-------
Lawnsdale Packing Co	9799	(*)	(*)	(*)		(*)	-------
Allen L. Romberger	9800		(*)				
Pezzner Brothers	9808	(*)	(*)	(*)			
Robzen's, Inc	9809	(*)					
Hoch's Farms & Markets, Inc	9810	(*)					
Twin Pine Farm	9811	(*)	(*)			(*)	-------
J. A. Handbroad & Sons	9816	(*)	(*)	(*)	(*)	(*)	-------
R. L. Potteiger	9817	(*)	(*)	(*)			
The Country Butcher Shop	9819	(*)		(*)		(*)	-------
Hurvitz Packing Co	9821	(*)	(*)	(*)			
Laudermilch Meats	9823	(*)	(*)			(*)	-------
Burkhold Brothers	9824	(*)					
Phares Z. Longeneckner & Sons, Inc	9827	(*)					
Wellington J. Fischer	9828	(*)	(*)	(*)		(*)	-------
Winner Packing Co	9829	(*)	(*)	(*)		(*)	-------
N. S. & C. H. Troutman	9832	(*)	(*)	(*)			
Mike Levchik	9831	(*)	(*)	(*)		(*)	-------
Norman Zimmerman & Son	9836	(*)					
Eecnroad Meats	9837	(*)				(*)	-------
George E. Garner	9838	(*)	(*)	(*)		(*)	-------
Glenn H. Henry	9841	(*)	(*)	(*)	(*)	(*)	-------
Francis Bonanno Packing Co	9842	(*)	(*)	(*)	(*)	(*)	-------
Hughey (Bobby) Welyandt III	9843	(*)	(*)	(*)		(*)	-------
Pennsylvania State University	9844	(*)	(*)	(*)		(*)	-------
Fentins Meats	9847	(*)	(*)	(*)		(*)	-------
Olczyr Brothers Meat Packing Co	9848	(*)	(*)	(*)		(*)	-------

Done at Washington, D.C., on August 21, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-18013 Filed 8-27-73;8:45 am]

Rural Electrification Administration

SOUTHERN MARYLAND ELECTRIC COOPERATIVE, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(c) of the National Environmental Policy Act of 1969, in connection with a proposed loan application from Southern Maryland Electric Cooperative, Inc., Hughesville, Maryland. This loan application, together with funds from other sources, will include financing for approximately 22.3 miles of 230 kV transmission line with a switching station at one terminal and a 230 kV to 69 kV step down substation at the other terminal.

Additional information may be secured by request submitted to Mr. David H. Askegaard, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW, Washington, D.C., Room 4310, or at Southern Maryland Electric Cooperative, Inc., Hughesville, Maryland.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Askegaard at the address given above. Comments must be received on or before October 12, 1973 to be considered in connection with the proposed use of loan funds.

Any loan which may be made pursuant to this application will be subject to, and release of funds thereunder contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and after compliance with Environmental Statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 22 day of August, 1973.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.73-18237 Filed 8-27-73;8:45 am]

Office of the Secretary

LAUREL RIVER LAKE, KENTUCKY

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

CROSS REFERENCE: For a document issued jointly by the Department of Defense and the Department of Agriculture transferring Army lands and National Forest lands, see FR Doc. 73-18181, Department of Defense, Department of the Army, *supra*.

INTERSTATE COMMERCE COMMISSION

[Notice 329]

ASSIGNMENT OF HEARINGS

AUGUST 23, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MCC 8088, Point Express, Inc.—Investigation and Revocation of Certificates—now assigned September 27, 1973, at Columbus, Ohio, is postponed indefinitely.

MCC 8089, Interstate Motor Freight System—Investigation and Revocation of Certificates—MC 35628 Sub 343, Interstate Motor Freight System, now being assigned prehearing conference September 24, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 20824 Sub 31, Commercial Motor Freight, Inc., now assigned October 23, 1973, at Indianapolis, Ind., will be held in Conference Room, State Office Bldg., 100 N. Senate Avenue.

MC 119493 Sub 100, Monkem Company, Inc., now assigned September 12, 1973, at Kansas City, Mo., is postponed indefinitely.

MC 5623 Sub 22, Arrow Trucking Co., now assigned September 10, 1973, at Kansas City, Mo., is canceled and the application is dismissed.

No. 35717, Southern Railway Company V. Union Pacific Railroad Company and the Denver and Rio Grande Western Railroad Company; No. 35717 Sub 1, Louisville and Nashville Railroad Company V. Union Pacific Railroad Company and the Denver and Rio Grande Western Railroad Company now being assigned further prehearing conference October 2, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-18233 Filed 8-27-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 23, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42736—*Perlite Rock from Antonito, Colorado.* Filed by Western Trunk Line Committee, Agent (No. A-2688), for interested rail carriers. Rates on perlite rock, in carloads, as described in the application, from Antonito, Colorado, to Woodbury, N.J.

Grounds for relief—Rate relationship.

Tariff—Supplement 365 to Western Trunk Line Committee, Agent, tariff 134-Q, ICC No. A-4620. Rates are published to become effective on September 25, 1973.

FSA No. 42737—*Salt to Rittman, Ohio.* Filed by Southwestern Freight Bureau, Agent (No. B-425), for interested rail carriers. Rates on salt, common, in bulk in covered hopper cars, as described in the application, from specified points in Louisiana, to Rittman, Ohio.

Grounds for relief—Market and barge-truck competition.

Tariff—Supplement 2 to Southwestern Freight Bureau, Agent, tariff 137-I, ICC No. 5091. Rates are published to become effective on September 29, 1973.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-18232 Filed 8-27-73;8:45 am]

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CUMULATIVE LISTS OF PARTS AFFECTED—AUGUST

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PART II

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

TELECOMMUNICATIONS

Proposed Standards

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

TELECOMMUNICATIONS

Proposed Safety and Health Standards

Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12–71 (36 FR 8754) and 29 CFR 1911.11, it is hereby proposed to establish Safety and Health Standards relating to work involved in the provision of telecommunications services. The foremost concern of these standards is to assure that telecommunication workers will take proper precautionary measures and have proper training with respect to them and will use appropriate protective equipment in the carrying out of their duties. The primary hazards to which these standards are directed relate to the prevention of injuries caused by electricity and falling.

As helicopters and aerial lifts are frequently used in telecommunication work as well as in other industries, this notice also proposes to make the current standards relating to their use in construction (29 CFR 1926.551 & .556) generally applicable. The standards proposed herein are not intended to apply to construction which is specifically the subject of 29 CFR Part 1926.

The proposed new Subpart T—"Telecommunications" is substantially based on the recommendations of a 28-member telecommunications standards committee. The committee included representatives of telephone companies, communications unions, and other affected groups.

Written data, views, and arguments concerning the proposal may be mailed to the Office of Standards, Occupational Safety and Health Administration, Attention S. Patti, Room 308, 400 First Street, NW, Washington, D.C. 20001, at any time prior to October 12, 1973. The data, views, and arguments will be available for public inspection and copying at the above address.

Oral and written views, and arguments will be received by an administrative law judge to be assigned by the Chief Administrative Law Judge of the United States Department of Labor at a hearing beginning at 10 a.m. on October 24, 1973, in Room 107 of the United States Department of Labor Building, 14th Street and Constitution Avenue, NW, Washington, D.C. Persons desiring to appear at the hearing must file with the Office of Standards a notice of intention to appear, no later than October 15, 1973. The notice must state the name and address of the person to appear, the capacity in which he will appear, and the approximate amount of time required for his presentation. The notice must also include, or be accompanied by, a statement of the positions to be taken and of the evidence to be adduced in support of them.

The hearing shall be conducted and the decision thereafter shall be made in accordance with the rules of procedure in 29 CFR Part 1911.

1. A new § 1910.185 would be added to 29 CFR Part 1910 to read as follows:

§ 1910.185 Helicopters.

(a) *Helicopter regulations.*—Helicopter cranes shall be expected to comply with any applicable regulations of the Federal Aviation Administration.

(b) *Briefing.*—Prior to each day's operation a briefing shall be conducted. This briefing shall set forth the plan of operation for the pilot and ground personnel.

(c) *Slings and tag lines.*—Load shall be properly slung. Tag lines shall be of a length that will not permit their being drawn up into rotors. Pressed sleeve, swedged eyes, or equivalent means shall be used for all freely suspended loads to prevent hand splices from spinning open or cable clamps from loosening.

(d) *Cargo hooks.*—All electrically operated cargo hooks shall have the electrical activating device so designed and installed as to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The hooks shall be tested prior to each day's operation to determine that the release functions properly, both electrically and mechanically.

(e) *Personal protective equipment.*—(1) Personal protective equipment for employees receiving the load shall consist of complete eye protection and hardhats secured by chinstraps.

(2) Loose-fitting clothing likely to flap in downwash and thus be snagged on hoist line, shall not be worn.

(f) *Loose gear and objects.*—Every practical precaution shall be taken to provide for the protection of the employees from flying objects in the rotor downwash. All loose gear within 100 feet of the place of lifting the load, depositing the load, and all other areas susceptible to rotor downwash shall be secured or removed.

(g) *Housekeeping.*—Good housekeeping shall be maintained in all helicopter loading and unloading areas.

(h) *Operator responsibility.*—The size and weight of loads, and the manner in which loads are connected to the helicopter shall be checked. The helicopter operator shall not make a lift if he believes the lift cannot be made safely.

(i) *Hooking and unhooking loads.*—When employees are required to perform work under hovering craft a safe means of access shall be provided for employees to reach the hoist line hook and engage or disengage cargo slings. Employees shall not be permitted to perform work under hovering craft except when necessary to hook or unhook loads.

(j) *Static charge.*—Static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the suspended load, or protective rubber gloves shall be required to be worn by all ground personnel touching the suspended load.

(k) *Weight limitation.*—The weight of an external load shall not exceed the manufacturer's rating.

(l) *Ground lines.*—Hoist wires or other gear, except for pulling lines or conductors that are allowed to "pay out" from a container or roll off a reel, shall not be attached to any fixed ground structure, or allowed to foul on any fixed structure.

(m) *Visibility.*—When visibility is reduced by dust or other conditions, ground personnel shall exercise special caution to keep clear of main and stabilizing rotors. Precautions shall also be taken by the employer to eliminate, as far as practical, the dust or other conditions reducing the visibility.

(n) *Signal systems.*—Signal systems between aircrew and ground personnel shall be understood and checked in advance of hoisting the load. This applies to either radio or hand signal systems. Hand signals shall be as shown in Figure N–1.

(o) *Approach distance.*—No unauthorized person shall be allowed to approach within 50 feet of the helicopter when the rotor blades are turning.

(p) *Approaching helicopter.*—Whenever approaching or leaving a helicopter with blades rotating, all employees shall remain in full view of the pilot and keep in a crouched position. Employees shall avoid the area from the cockpit or cabin rearward unless authorized by the helicopter operator to work there.

(q) *Personnel.*—Sufficient ground personnel shall be provided when required for safe helicopter loading and unloading operations.

(r) *Communications.*—There shall be constant reliable communication between the pilot and a designated employee of the ground crew who acts as a signal man during the period of loading and unloading. This signalman shall be distinctly recognizable from other ground personnel.

(s) *Fires.*—Open fires shall not be permitted in an area that could result in such fires being spread by the rotor downwash.

(Sec. 6, Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655))

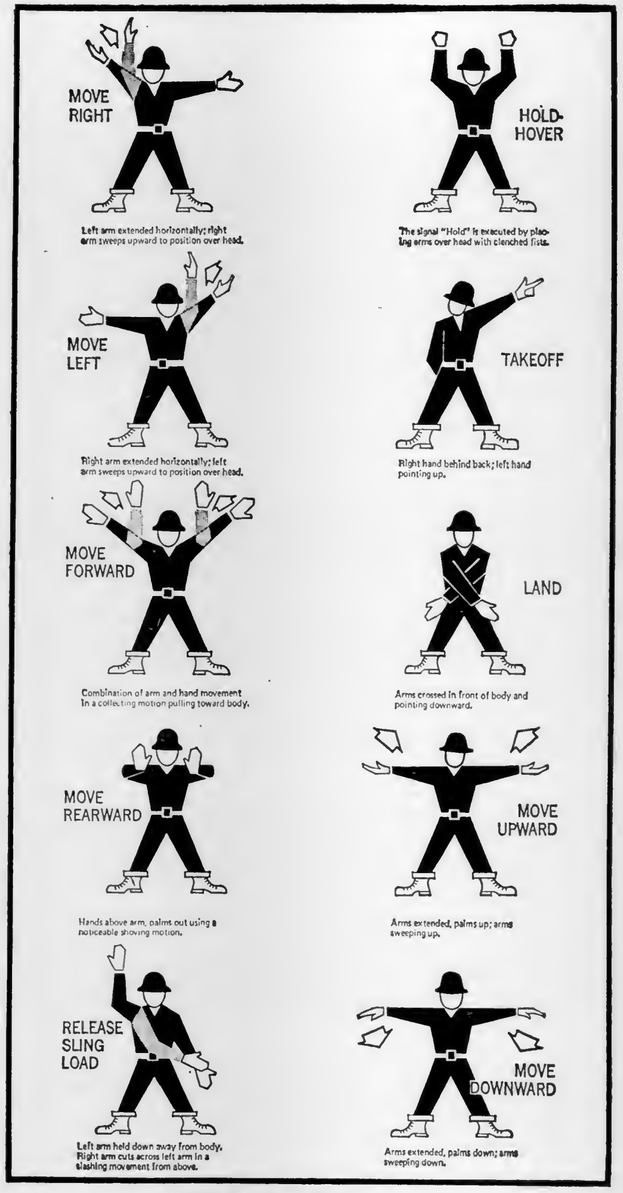


FIGURE N-1 HELICOPTER HAND SIGNAL

2. Paragraph (b) would be revised and a new paragraph (c) would be added to § 1910.67 to read as follows:

§ 1910.67 Vehicle-mounted elevating and rotating platforms.

* * * * *

(b) *General Requirements.*—(1) Unless otherwise provided in this section aerial devices (aerial lifts) acquired for use on or after [the effective date of this provision will be inserted here] must have been designed and constructed in conformance with the applicable requirements of the American National Standard for "Vehicle Mounted Elevating and Rotating Work Platforms," (ANSI) ANSI A92.2–1969, including appendix. Aerial lifts acquired before the effective date, which do not meet the requirements of ANSI A92.2–1969, may not be used after January 1, 1976, unless they shall have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2–1969. Aerial devices includes the following types of vehicle-mounted devices used to elevate personnel to jobsites above ground: (i) Extensible boom platforms, (ii) aerial ladders, (iii) articulating boom platforms, (iv) vertical towers, and (v) a combination of any of the above. Aerial equipment may be made of metal, wood, fiberglass reinforced plastic (FRP), or other material, may be powered or manually operated; and are deemed to be aerial lifts whether or not they are capable of rotating about a substantially vertical axis.

(2) Aerial lifts may be "field modified" for uses other than those intended by the manufacturer provided the modification has been certified in writing by the manufacturer or by any other equivalent entity, such as a nationally recognized testing laboratory, to be in conformity with all applicable provisions of ANSI A92.2–1969 and this section and to be at least as safe as the equipment was before modification.

(3) The requirements of this section do not include any matter relating to firefighting equipment or any matter relating to the vehicles upon which aerial devices are mounted, except in respect to a vehicle being a stable support for the aerial device.

(4) Operating near electric power lines. (i) Except where the electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers not a part of or an attachment to the aerial lift have been erected to prevent physical contact with the lines, aerial lifts shall be operated proximate to, under, over, by, or near powerlines only in accordance with the following:

(A) For lines rated 50 kv. or below, minimum clearance between the lines and any part of the aerial lift shall be 10 feet.

(B) For lines rated over 50 kv., minimum clearance between the lines and any part of the aerial lift shall be 10 feet plus 0.4 inch for each 1 kv. over 50

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kv., or shall be twice the length of the line insulator, but never less than 10 feet.

(ii) Proximity warning devices may be used on aerial lifts, but the use of such devices shall not operate to alter the requirements of subdivision (i) of this subparagraph.

(iii) Before the commencement of operations near electrical lines, the owners of the lines or their authorized representatives shall be notified and provided with all pertinent information. The owner's cooperation shall be requested.

(iv) Any overhead wire shall be considered to be an energized line until the owner of the line or their authorized representative state that it is deenergized.

(c) *Specific requirements.* (1) *Ladder trucks and tower trucks.*—Aerial ladders shall be secured in the lower traveling position by the locking device on top of the truck cab, and the manually operated device at the base of the ladder before the truck is moved for highway travel.

(2) *Extensible and articulating boom platforms.*—(i) Lift controls shall be tested each day prior to use to determine that such controls are in safe working condition.

(ii) Only authorized persons shall operate an aerial lift.

(iii) Belting off to an adjacent pole, structure, or equipment while working from an aerial lift shall not be permitted.

(iv) Employees shall always stand firmly on the floor of the basket, and shall not sit or climb on the edge of the basket or use planks, ladders, or other devices for a work position.

(v) A body belt shall be worn and lanyard attached to the boom or basket when working from an aerial lift.

(vi) Boom and basket load limits specified by the manufacturer shall not be exceeded.

(vii) The brakes shall be set and when outriggers are used, they shall be positioned on pads or a solid surface. Wheel chocks shall be installed before using an aerial lift on an incline.

(viii) An aerial lift truck shall not be moved when the boom is elevated in a working position with men in the basket, except for equipment which is specifically designed for this type of operation in accordance with the provisions of subparagraphs (1) and (2) of paragraph (b) of this section.

(ix) Articulating boom and extensible boom platforms, primarily designed as personnel carriers, shall have both platform (upper) and lower controls. Upper controls shall be in or beside the platform within easy reach of the operator. Lower controls shall provide for overriding the upper controls. Controls shall be plainly marked as to their function. Lower level controls shall not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.

(x) Climbers shall not be worn while performing work from an aerial lift.

(xi) The insulated portion of an aerial lift shall not be altered in any manner that might reduce its insulating value.

(xii) Before moving an aerial lift for travel, the boom(s) shall be inspected to see that it is properly cradled and outriggers are in stowed position except as provided in subdivision (viii) of this subparagraph.

(3) *Electrical tests.*—All electrical tests shall conform to the requirements of ANSI A92.2–1969, Section 5. However, equivalent DC voltage tests may be used in lieu of the AC voltage specified in A92.2–1969. DC voltage tests which are approved by the equipment manufacturer or equivalent entity shall be considered an equivalent test for the purpose of this subparagraph (3).

(4) *Bursting safety factor.*—The provisions of the American National Standards Institute standard ANSI A92.2–1969, Section 4.9 Bursting Safety Factor, shall apply to all critical hydraulic and pneumatic components. Critical components are those in which a failure would result in a free fall or free rotation of the boom. All noncritical components shall have a bursting safety factor of at least two to one.

(5) *Welding standards.*—All welding shall conform to the following standards as applicable:

(i) Standard Qualification Procedure, AWS B3.0–41.

(ii) Recommended Practices for Automotive Welding Design, AWS D8.4–61.

(iii) Standard Qualification of Welding Procedures and Welders for Piping and Tubing, AWS D10.9–69.

(iv) Specifications for Welding Highway and Railway Bridges, AWS D2.0–69.

(Sec. 6, Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655))

3. A new Subpart T—"Telecommunications" would be added to Part 1910 to read as follows:

Subpart T—Telecommunications

Sec.

1910.330 Application.
1910.331 General.
1910.332 Training.
1910.333 Employee Protection in Public Work Areas.
1910.334 Tools and Personal Protective Equipment.
1910.335 Rubber Insulating Equipment.
1910.336 Personal Climbing Equipment.
1910.337 Ladders.
1910.338 Other Tools and Personal Protective Equipment.
1910.339 Vehicle-mounted Material Handling Devices and other Mechanical Equipment.
1910.340 Materials Handling and Storage.
1910.341 Cable Fault Locating and Testing.
1910.342 Grounding for Employee Protection—Pole Lines.
1910.343 Overhead Lines.
1910.344 Underground Lines.
1910.345 Microwave Transmission.
1910.346 Tree Trimming—Electrical Hazards.
1910.347 Definitions.
1910.348 Standards Organizations.

AUTHORITY: Sec. 6, Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655).

§ 1910.330 Application.

(a) This Subpart sets forth Safety and Health Standards that apply to the conditions, practices, means, methods, operations, installations and processes performed at telecommunications centers and telecommunications field work, when performed under the control of employers providing telecommunications services located outdoors or in building spaces used for such field installations. "Field" work includes installations, operation, maintenance, rearrangement, and removal of conductors and other equipment used for signal or communication service, and of their supporting or containing structures, overhead or underground, on public or private rights of way, including buildings or other structures. "Center" work includes installation, operation, maintenance, rearrangement, and removal of communications equipment and other associated equipment in telecommunications switching centers.

(b) These standards do not apply to construction work, as this phrase is defined in § 1910.12; nor to installations under the exclusive control of electric utilities for the purpose of communications or metering, or for generation, control, transformation, transmission, and distribution of electric energy, located in buildings used exclusively by the utilities for such purposes, or located outdoors on property owned or leased by the utilities or on public highways, streets, roads, etc., or outdoors by established rights on private property.

(c) Operations or conditions not specifically covered by this Subpart T are subject to applicable general standards in Subpart D through Q and S of this Part 1910, see § 1910.5(c). The fact that attention is directed in several provisions of this Subpart to the application of sections of other Subparts of this Part 1910 to facilitate their use is not intended to detract from the applicability of any other general standard dealing with matters not covered by this Subpart T.

§ 1910.331 General.

(a) *Buildings containing telecommunications centers.* (1) *Electrical plans.*—Buildings which contain telecommunications centers shall be constructed and equipped in accordance with engineering plans whose electrical specifications for the building power and light shall conform to § 1910.309.

(2) *Illumination.*—Lighting in telecommunication centers shall be provided such that continuing work operations, routine observations, and the passage of employees can be carried out in a safe and healthful manner. Certain specific tasks in centers such as splicing cable and the maintenance and repair of equipment frame lineups may require a higher level of illumination while they are being performed. In such cases, where it is not reasonable to install permanent lighting of that higher level, portable supplemental lighting to attain that higher level shall be provided as needed to safely perform the required task.

(3) *Working surfaces.*—Guard rails and toe boards on distribution frame mezzanine platforms may be omitted to permit access to equipment only on the side facing the frame where the frame is equipped. The general provisions of § 1910.23 shall also be applicable to working surfaces.

(4) *Working spaces.*—"Maintenance aisles," or "wiring aisles," between equipment frame lineups are considered to be working spaces and are not a means of egress as defined in § 1910.35(a).

(5) *Special doors.*—Where provided, blastproof doors and power operated doors in special purpose buildings or spaces shall be installed in accordance with the building plans. However, doors shall be so designed and installed that they will not impede or prevent emergency use of the exit.

(6) *Equipment, machinery and machine guarding.*—Power plant machinery in telecommunications centers may be operated with commutators and couplings uncovered, provided the adjacent housing is clearly marked to alert personnel to the rotating machinery.

(b) *Battery rooms.*—(1) Employees taking battery readings or handling electrolyte shall wear eye protection devices which provide side as well as frontal eye protection. Acid resistant gloves and aprons shall be worn for protection against spattering. Facilities for quick drenching or flushing of the eyes and body shall be provided in battery rooms unless the storage batteries are of the enclosed type (equipped with explosion proof vents) in which case sealed water rinse or neutralizing packs shall be provided. Employees assigned to work with storage batteries shall be instructed in emergency procedures such as coping with accidental acid spills, as well as routine operations.

(2) Electrolyte (acid and distilled water) or sodium hydroxide for battery cells shall be mixed in a well ventilated room. Acid or sodium hydroxide shall be poured gradually while stirring into the water. Water shall never be poured into concentrated (greater than 75 percent) acid solutions. Electrolyte shall never be placed in metal containers nor stirred with metal objects.

(3) When taking specific gravity readings, an acid resistant gloved finger shall be placed over the end of the hydrometer while moving it from cell to cell to avoid splashing or throwing the electrolyte.

(c) *Medical and first aid.*—First aid supplies recommended by a consulting physician shall be placed in weatherproof containers (unless stored indoors) and shall be easily accessible. Expended items shall be replaced.

(d) *Hazardous materials.*—Highway mobile vehicles and trailers stored in garages in accordance with Section 1910.110 may be equipped to carry more than one LP-gas container, but the total capacity of LP-gas containers per work vehicle stored in garages shall not exceed 100 pounds LP-gas. All container valves shall be closed when not in use.

(e) *Compressed gas.*—Nitrogen cylinders may be transported and used in a horizontal position only if special compartments, racks, or adequate blocking to prevent cylinder movement is provided.

(f) *Support structures.*—No employee or any material or equipment shall be supported or permitted to be supported on any portion of a pole structure, platform, ladder, walkway or other elevated structure or aerial device without its first being inspected, determined to be adequately strong, in good condition and properly secured in place.

(g) *Approach distances.*—No employees shall be permitted to approach or take any conductive object closer to any electrically energized parts than prescribed in Table T–1, unless:

(1) The employee is insulated or guarded from the energized parts (insulating gloves rated for the voltage involved shall be considered adequate insulation), or

(2) The energized parts are insulated or guarded from the employee and any other conductive object at a different potential, or

(3) The power conductors and equipment are deenergized and grounded.

TABLE T–1.—APPROACH DISTANCES TO EXPOSED ENERGIZED POWER CONDUCTORS

Voltage Range (nominal, phase to phase):	*Distance Avoid Contact*
300 v and less	12 in.
Over 300, not over 750 v	18 in.
Over 750 v, not over 2 kv	24 in.
Over 2 kv, not over 15 kv	36 in.
Over 15 kv, not over 37 kv	42 in.
Over 37 kv, not over 87.5 kv	48 in.
Over 87.5 kv, not over 121 kv	54 in.
Over 121 kv, not over 140 kv	

(h) When working closer than 6" from exposed energized power conductors the employee shall wear head protection, insulating gloves and safety glasses.

§ 1910.332 Training.

(a) Employees may not be allowed by any employer to engage in the activities to which this Subpart applies until they have received training pursuant to an established written training program in precautions they may be required to take in accordance with this Subpart. In addition, such training shall, where appropriate, include the subjects of avoidance of harmful substances and dangers relating to encounters with animal or plant life and procedures for use in emergency situations. First-aid training which includes artificial respiration shall also be provided.

§ 1910.333 Employee Protection in Public Work Areas.

(a) Before engaging in work in the vicinity of vehicular or pedestrian traffic which may endanger employees, warning signs and/or flags or other traffic control devices shall be placed conspicuously to alert and channel approaching traffic. Where further protection is needed, barriers shall be utilized. At night warning lights shall be prominently displayed and excavations shall be enclosed with protective barricades.

(b) If work exposes energized or moving parts that are normally protected, danger signs shall be displayed and a barricade erected, as necessary, to warn other personnel in the area.

(c) An employee finding any crossed or fallen wires at the work area which create or may create a hazard shall remain on guard or adopt other adequate means to warn other employees of the danger and shall have the proper authority notified at the earliest practical moment.

§ 1910.334 Tools and Personal Protective Equipment. Generally.

Employees shall be required to use the personal protective equipment, the protective devices, and the special tools required for their work. Before use, these devices and tools shall be carefully checked by the employee to make sure that they are in good condition.

§ 1910.335 Rubber Insulating Equipment.

(a) Rubber insulating equipment designed for the voltage levels to be encountered shall be used as required in other Sections of this Subpart. This equipment shall meet the electrical and physical properties requirements contained in ANSI J6.6–1971 and ANSI J6.4–1971 with the exception that a modified (thinner) Class I glove is permitted in telecommunications operations. This "Modified Class I" glove shall meet the following electrical test voltages.

Class of glove	3 minimum proof test voltage-RMS volts	Maximum proof-test current, ma 14-in. glove	Minimum breakdown voltage, RMS volts
Modified Class I	10,000	16	17,000

(b) When these gloves are being used on jobs where they are likely to be torn, they shall be protected with heavy outer canvas or leather gloves, and in pole placing or removal operations, pole insulating devices shall be used in accordance with § 1910.343(k).

(c) Multi-ply construction with contrasting colors may be used with insulating gloves to aid in detecting cuts, cracks, and deep abrasions.

(d) Protective equipment fabricated of material other than rubber shall provide equal or better electrical and mechanical protection.

(e) The employer is responsible for periodic retest of insulating gloves and blankets. This retest shall be electrical, visual and mechanical. The following maximum retest intervals shall apply:

	Natural rubber	Synthetic rubber
New Gloves	12 months	18 months.
Re-issued Gloves	9 months	15 months.
New Blankets	12 months	18 months.
Re-issued Blankets	9 months	15 months.

(f) Gloves and blankets shall be marked in some manner to indicate compliance with the retest schedule. They shall be legibly stamped with the date the next test is due. Gloves found to be

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defective in the field or by electrical test shall be destroyed by cutting open from the finger to the gauntlet.

(g) When not being used, insulating gloves shall be stored in glove bags or their original containers to minimize chances for damage. Insulating blankets shall be stored in a canister or other device which offers equivalent protection.

(h) Insulating gloves and blankets shall be stored away from the direct sunlight, steam pipes, radiators and other excessive heat. Gloves and blankets shall not be folded while in storage, however blankets may be rolled for storage.

§ 1910.336 Personal Climbing Equipment.

(a) No safety belts, safety straps or pole climbers acquired after [effective date of this subpart] shall be used unless they meet the requirements set forth in this section. Safety belts and straps shall be used by employees to protect them in working positions at elevated locations (more than 4 feet above ground) on poles, towers or other outside structures (excluding portable ladders) as discussed further in § 1910.343, *Overhead Lines*. Safety belts and straps shall be checked at least semiannually by the employer to determine that they are in safe working condition.

(b) *Telecommunication lineman's body belts, safety straps, and lanyards.*—(1) *General requirements.*—Hardware for lineman's body belts, safety straps, and lanyards shall be drop forged or pressed steel and have a corrosive resistive finish tested to American Society for Testing and Materials B117–64 (50-hour test). Surfaces shall be smooth and free of sharp edges. Lineman's safety straps, body belts and lanyards shall be approved by a nationally recognized testing laboratory as having been tested in accordance with the requirements of this section.

(2) All buckles shall withstand a 2,000-pound tensile test with a maximum permanent deformation no greater than one sixty-forth inch.

(3) D rings shall withstand a 5,000-pound tensile test without failure. Failure of a D ring shall be considered cracking or breaking.

(4) Snaphooks shall withstand a 5,000-pound tensile test without failure, or a 3,000-pound tensile test and a bend test. Tensile failure of a snaphook shall be distortion sufficient to release the keeper. Failure of the bend test shall be cracking of the snaphook.

(c) *Specific requirements.*—(1) (i) All fabric used for safety straps shall be capable of withstanding an A.C. dielectric test of not less than 25,000 volts per foot "dry" for 3 minutes, without visible deterioration.

(ii) All fabric and leather used shall be tested for leakage current which shall not exceed 1 milliampere when a potential of 3,000 volts is applied to the electrodes positioned 12 inches apart.

(iii) Direct current tests may be permitted in lieu of alternating current tests.

(2) The cushion part of the body belt shall:

(i) Contain no exposed rivets on the inside. This provision shall not apply to belts used by craftsman not engaged in line work.

(ii) Be at least three (3) inches in width;

(iii) Be at least five thirty-seconds ($\frac{5}{32}$) inch thick, if made of leather and and

(iv) Have pocket tabs that extended at least 1½ inches down and three (3) inches back of the inside of the circle of each D ring for riveting on plier or tool pockets. On shifting D belts, this measurement for pocket tabs shall be taken when the D ring section is centered.

(3) A maximum of four (4) tool loops shall be situated on the body belt.

(4) Suitable copper, steel, or equivalent liners shall be used around the bar of D rings to prevent wear between these members and the leather or fabric enclosing them.

(5) All stitching shall be a minimum 42-pound weight nylon or equivalent thread and shall be lock stitched. Stitching parallel to an edge shall not be less than three-sixteenths ($\frac{3}{16}$) inch from edge of narrowest member caught by the thread. The use of cross stitching on leather is prohibited.

(6) The keeper of snaphooks shall have a spring tension that will not allow the keeper to begin to open with a weight of 2½ pounds or less, but the keeper of snaphooks shall begin to open with a weight of four (4) pounds, when the weight is supported on the keeper against the end of the nose.

(7) Safety straps and lanyards shall be tested in accordance with the following procedure:

(i) Attach one end of the safety strap or lanyard to a rigid support, the other end shall be attached to a 250-pound canvas bag of sand:

(ii) Allow the 250-pound canvas bag of sand to free fall 4 feet for (safety strap test) and 6 feet for (lanyard test) in each case stopping the fall of the 250-pound bag:

(iii) Failure of the strap or lanyard shall be indicated by any breakage or slippage sufficient to permit the bag to fall free of the strap or lanyard. The entire "body belt assembly" shall be tested using one D ring. A safety strap or lanyard shall be used that is capable of passing the "impact loading test" as described in subdivision (ii) and attached as required in subdivision (i) of this subparagraph. The body belt shall be secured to the 250-pound bag of sand at a point to simulate the waist of a man and allowed to drop as stated in subdivision (ii) of this subparagraph. Failure of the body belt shall be indicated by any breakage, or slippage sufficient to permit the bag to fall free of the body belt.

(d) *Pole climbers.*—(1) Pole climbers shall not be used after the gaffs are worn to less than 1¼ inches long as measured on the underside of the gaff.

(2) Pole climbers shall be inspected for the following conditions; fractured or cracked gaffs or leg irons, loose or dull gaffs, broken straps or buckles. If found, these conditions shall be corrected before the climbers are used.

(3) Pole climbers shall be inspected before each use and tested at least weekly when in use. The employer shall make at least a semiannual inspection of all climbers in active use in their operations.

(4) Pole climbers shall not be worn when:

(i) Working in trees, however specifically designed tree climbers shall be used for tree climbing.

(ii) Working on ladders.

(iii) working in an aerial lift.

(iv) driving a vehicle.

(v) walking on rocky, brushy or hilly terrain.

§ 1910.337 Ladders.

(a) No employee or any material or equipment, shall be supported or permitted to be supported on any portion of a ladder without its first being determined, by inspections and checks that such a ladder is adequately strong, in good condition, and properly secured in place.

(b) The spacing of steps or rungs permanently installed on poles and towers and fixed ladders on towers when so equipped, shall be no more than 18 inches (36 inches on any given side) and steps shall be uniform above the initial unstepped section except where working, standing or access steps are required. Fixed ladder rungs and step rungs for poles and towers shall have a minimum diameter of ⅝". Fixed ladder rungs shall have a minimum clear width of 12 inches. Steps for poles and towers shall have a minimum clear width of 4½ inches. Spacing of detachable steps shall not exceed 30 inches and steps shall be properly secured when in use.

(c) Portable wood ladders intended for general use shall not be painted but may be coated with a translucent nonconductive coating. They shall not be longitudinally reinforced with metal.

(d) Portable wood ladders that are not being carried on vehicles and are not being used for extended periods shall be stored where they will not be exposed to the elements but where there is good ventilation. Ladders shall not be stored near radiators, stoves, steampipes or in places where the wood may be subjected to excessive heat or dampness.

(e) Rolling ladders used in telephone Communication Centers shall have a minimum width between the side rails, inside of at least eight inches.

(f) Climbing ladders or stairways on scaffolds may be used for access and egress, if affixed or built into the scaffold by proper design and engineering, and located so that its use will not disturb the stability of the scaffold. The rungs of the climbing device shall be equally spaced, but not less than 12 inches nominal or more than 16 inches nominal. Horizontal end rungs used for platform supports may also be used as

the climbing device if they are spaced as provided above, and provided that there is sufficient clearance between the rung and the edge of the platform to afford an adequate handhold. In lieu of these requirements a portable ladder with rungs equally spaced as above may be securely attached to the scaffold. A clearance in the back of the ladder of not less than 6 inches from center of rung to the nearest scaffold structural member shall be provided.

(g) When a ladder is supported by aerial strand and ladder hooks or other supports are not being used the ladder shall be at least 2 feet above the strand and be secured to it (e.g. lashed or held by safety strap around strand and ladder side rail).

(h) *Metal manhole ladders.*—(1) Except as provided herein specific design and construction requirements are not contained in this section because of the wide variety of metals and design possibilities. However, the design shall be such as to produce a ladder without structural defects or accident hazards such as sharp edges and burrs. The metal selected shall be protected against corrosion unless inherently corrosion-resistant.

(2) Because of the varied conditions, and the wide variety of ladder uses, ladders may be designed with parallel side rails, with side rails varying uniformly in separation along the length (tapered), or with side rails flaring at the base to increase stability.

(3) The spacing of rungs or steps shall be on 12-inch centers.

(4) Rungs or steps to side rail connections shall be so constructed as to insure rigidity as well as strength.

(5) Rungs and steps shall be corrugated, knurled, dimpled, coated with skid-resistant material, or otherwise treated to minimize the possibility of slipping.

(6) Hardware shall meet strength requirements of the ladder's component parts, and shall be of a material that is protected against corrosion unless inherently corrosion-resistant. Metals shall be so selected as to avoid excessive galvanic action.

§ 1910.338 Other Tools and Personal Protective Equipment.

(a) *Head protection.*—Helmets for the protection of heads of employees exposed to possible head injury from impact, or from falling or flying objects or exposed to high voltage electrical contact shall be worn and meet the requirements of ANSI Standard Z89.2–1971 (Class B).

(b) *Eye protection.*—Eye protection shall meet the requirement prescribed in § 1910.133 of this part. Eye protection shall be used where foreign objects may enter the eyes due to work operations such as but not limited to:

(1) Drilling or chipping stone, brick or masonry, breaking concrete or pavement, etc., by hand tools (sledgehammer, etc.) or power tools such as pneumatic drill or hammer.

(2) Working on or around high speed emery or other grinding wheels unprotected by guards.

(3) Cutting or chipping terra cotta ducts, tile, etc.

(4) Working under motor vehicles requiring hammering.

(5) Cleaning operations using compressed air, steam, or sand blast.

(6) Acetylene welding or similar operations where sparks are thrown off.

(7) Using powder actuated stud drivers.

(8) Tree pruning or cutting underbrush.

(9) Handling battery cells and solutions such as taking battery readings with a hydrometer and thermometer.

(10) Removing or rearranging strand or open wire.

(11) While performing lead sleeve opening and closing as covered in § 1910.338(1) of this part.

(c) *Hearing protection.*—The provisions of § 1910.95 shall apply.

(d) *LP-gas.*—LP-gas used at work locations shall be transported in DOT approved cylinders and marked in accordance with § 1910.110(c)(2) of this part. NOTE: Section 1910.110(b)(5) does not apply to these cylinders.

(e) *Tent heaters.*—Unless aerial or ground tent covers are constructed of fire resistant material and adequate ventilation is provided, heaters used on platforms and within tents at outdoor locations require an automatic fuel shutoff device.

(f) *Torches.*—Torches may be used on aerial splicing platforms or buckets enclosed by tents provided the tent material is constructed of fire resistant material and torch is turned off when not in actual use. Aerial tents shall be ventilated while the torch is in operation.

(g) *Portable power equipment.*—Nominal 120V, or less, portable generators for providing power at work locations do not require grounding provided the output circuit is completely isolated from the frame of the unit.

(h) *Vehicle-mounted utility generators.*—Vehicle-mounted utility generators for providing nominal 240V AC or less for powering portable tools and equipment need not be grounded to earth provided all of the following conditions met:

(1) One side of the voltage source is solidly strapped to the metallic structure of the vehicle;

(2) Use grounding-type outlets, with a "grounding" conductor between the outlet grounding terminal and the side of the voltage source that is strapped to the vehicle;

(3) All metallic encased tools and equipment that are powered from this system shall be equipped with three-wire cords and plugs, except as designated in § 1910.338 (i) and (j) of this part.

(i) *Portable lights, tools, and appliances.*—Portable lights, tools, and appliances having noncurrent carrying external metal housing may be used with power equipment described in paragraph (g) without the need for a grounding conductor. When operated from commercial power such metal parts of these devices shall be grounded, except as provided in paragraph (j) of this section.

(j) *Portable tools and appliances.*—Portable tools and appliances which are protected by a system of double insulation, or its equivalent, need not be grounded. Where such a system is employed, the equipment shall be distinctively marked.

(k) *Soldering devices.*—Grounding shall be omitted when using soldering irons, guns or power wire-wrap tools on telecommunications circuits.

(l) *Lead work.*—The wiping or unwiping of lead joints using melted solder gas fueled torches, soldering irons or other appropriate heating devices and the soldering of wires or other electrical connections does not constitute welding, cutting, and brazing as covered in Subpart Q of Part 1910. Electric solder pots may be used with power equipment described in (g) without the need for a grounding conductor. When operated from commercial power the metal housing of such pots must be grounded. Eye protection shall be provided by the employer and worn at all times while lead wiping, unwiping, and soldering are being performed. Wiping gloves shall be provided and used in lead wiping or unwiping. A drip pan to catch hot lead dripping shall also be provided and used.

§ 1910.339 Vehicle-mounted Material Handling Devices and other Mechanical Equipment.

(a) *General.* (1) Visual inspections shall be required to be made of the equipment to insure it is in good condition each day the equipment is to be used.

(2) Tests shall be made at the beginning of each shift to insure the vehicle brakes and operating systems are in proper working condition.

(b) *Scrapers, loaders, dozers, graders, and tractors.*—(1) All rubber-tired, self-propelled scrapers, rubber-tired front-end loaders, rubber-tired dozers, agricultural and industrial tractors, crawler tractors, crawler-type loaders, and motor graders, with or without attachments, that are used in telecommunications work shall have rollover protective structures in accordance with Subpart W of Part 1926.

(2) Operators shall wear eye protection when working in areas where flying material is generated.

(c) *Vehicle-mounted elevating and rotating work platforms.*—This equipment shall conform to § 1910.67 of this part. These devices shall not be operated with any conductive part of the equipment closer to exposed energized power lines than the clearances set forth in Table T–1 of § 1910.331(g).

(d) *Derrick trucks and similar equipment.*—(1) This equipment shall not be operated closer to energized parts than permitted in § 1910.331(g) of this part;

(2) When derricks are used to handle poles near energized power conductors, these operations shall comply with § 1910.343(k) and § 1910.331(g) of this part;

(3) Moving parts of telecommunication line trucks may be protected with barricades as specified in § 1910.333(b) of this part;

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(4) Derrick requirements. (i) Manufacturer's specifications, load ratings and instructions for derrick operation shall be strictly observed.

(ii) Rated load capacities and instructions related to derrick operation shall be conspicuously posted on a permanent weather-resistant plate or decal in a location that is plainly visible to the derrick operator.

(iii) Prior to derrick operation the parking brake must be set and the stabilizers extended if the vehicle is so equipped. When the vehicle is situated on a grade, the wheels must be chocked on the downgrade side of the rear wheels.

(iv) Only persons trained in the operation of the derrick shall be permitted to operate the derrick.

(v) All hand signals employed between the operator and other persons directing the work operation shall be thoroughly understood by all persons concerned.

(vi) The derrick and associated equipment shall be inspected at intervals designated by the manufacturer and employer but in no case less than once per year. Records shall be maintained denoting the dates of inspection and necessary repairs made if corrective action is required.

(vii) Modifications or additions to the derrick and associated equipment that alter the capacity or affect its safe operation shall be made only with written certification from the manufacturer, or other equivalent entity such as a nationally recognized testing laboratory. Such changes shall require the changing and posting of revised capacity and instruction decals or plates, the new ratings or limitations being provided by the manufacturer or other equivalent entity. The certification shall state that the modification results in the equipment being as safe as the equipment was before modification.

(viii) Wire rope associated with derricks shall be of improved plow steel grade or equivalent and shall have a maximum rated working load of not more than one-half the published breaking strength of the wire rope.

(ix) Wire rope shall be taken out of service or the effected portion removed when any of the following conditions exist; (A) The rope strength has been significantly reduced due to corrosion, pitting, or excessive heat, or

(B) The thickness of the outer wires of the rope has been reduced by wear to one-half or more of the original thickness, or

(C) There are more than nine broken wires in any one rope lay, or

(D) There is excessive permanent distortion caused by kinking, crushing, or severe twisting of the rope.

(x) Telecommunications derricks are defined in this section as a rotating or nonrotating derrick structure having a working capacity of 2,000 pounds or greater, mounted on a vehicle for the purpose of lifting, lowering the positioning hardware and materials used in telecommunications work.

§ 1910.340 Materials Handling and Storage.

(a) *Poles.*—When working with poles in piles or stacks, employees shall work from the ends of the poles as much as possible, and shall be alert for a man at the other end of the pole. During pole hauling operations, all loads shall be secured to prevent displacement, and lights, reflector and/or flags shall be displayed on the end and sides of the load as necessary. The installation, removal, or other handling of poles in pole lines is governed by § 1910.343 of this part for Overhead Lines. In the case of hoisting machinery equipped with a positive stop load-holding device it shall be permissible for the operator to leave his position at the controls while a load is suspended for the purpose of assisting in positioning the load prior to landing it. Prior to unloading steel, poles, crossarms and similar material the load shall be thoroughly examined to ascertain that the load has not shifted, that binders or stakes have not broken or that the load is not otherwise hazardous to employees.

(b) *Cable reels.*—Cable reels in storage shall be chocked or otherwise restrained when there is a possibility they might accidentally roll from position.

§ 1910.341 Cable Fault Locating and Testing.

When high voltages are used in locating trouble or testing a cable the employer shall instruct the employees involved in steps to be taken for their own and other employee's safety. These include isolating the cable conductors to the extent practical and warning employees, by such techniques as briefing and tagging at all affected locations, to stay clear while the voltage is applied.

§ 1910.342 Grounding for Employee Protection—Pole Lines.

(a) Electric power conductors and equipment shall be treated as energized unless it can be seen that they are bonded to one of the grounds listed in paragraph (e) of this section.

(b) *Nonworking open wire.*—Nonworking open wire communications lines shall be bonded to one of the grounds listed in paragraph (e) of this section.

(c) *Vertical power conduit, power ground wires and street light fixtures.*—(1) Metal power conduit on joint use poles, exposed vertical power ground wires, and street light fixtures which are below communications attachments or less than 20 inches above shall be considered energized and tested for voltage unless it can be seen that they are bonded to the communications suspension strand or cable sheath.

(2) If no hazardous voltage is shown by the voltage test, a temporary bond shall be placed between such street light fixture, exposed vertical power grounding conductor, or metallic power conduit and the communications cable strand. Temporary bonds used for this purpose shall have sufficient conductivity to carry at least 500 amperes for a period of one second without fusing.

(d) *Line installation.*—Installation of telecommunication suspension strands can be considered as deenergized where no energized power conductors are present and no thunderstorm activity is evident.

(e) *Suitable grounds for protective grounding.*—Suitable grounds for protective grounding are as follows:

(1) A vertical ground wire which has been tested, found safe, and is connected to a power system multigrounded neutral or the grounded neutral of a power secondary system where there are at least three services connected.

(2) Communications cable sheath or shield and its supporting strand where the sheath or shield is:

(i) Bonded to underground or buried cable which is connected to a central office ground or,

(ii) Bonded to an underground metallic piping system or,

(iii) Bonded to a power system multigrounded neutral or grounded neutral of power secondary system which has at least three services connected.

(3) Guys which are bonded to (1) or (2) above, and whose continuity is not interrupted by an insulator.

(4) In the absence of any of the preceding grounds, arrays of driven ground rods may be used where the resultant resistance to ground will be less than 25 ohms.

(f) *Attaching and removing temporary bonds.*—When attaching grounds (bonds), the first attachment shall be made to the protective ground. The bond shall be attached while wearing insulating gloves. When removing bonds, the connection to the line or equipment shall be removed first. Insulating gloves shall be worn during this operation.

(g) *Temporary grounding of suspension strand.*—(1) Suspension strand shall be grounded to existing grounds listed in paragraph (e) preceding when being placed

(i) On jointly used poles or

(ii) During thunderstorm activity. Intervals between such grounds need not be closer than ¼ mile.

(2) Where power crossings are encountered on nonjoint lines, the strand shall be bonded to an existing ground (see paragraph (e) of this section) as close as possible to the crossing. This is not required where crossings are made on a common crossing pole unless there is an upward change in grade at the pole.

(3) Where roller type bonds are used, they shall be restrained so as to avoid stressing the electrical connections.

(4) Bonds between the suspension strand and the existing ground shall be at least #6AWG copper.

(5) Temporary bonds shall be left in place until the strand has been tensioned, dead ended, and permanently grounded.

(6) The preceding paragraphs (1 through 5) do not apply to the installation of insulated strand.

(h) Antenna work—radio transmitting stations (3–30 MHZ).—(1) Prior to grounding a radio transmitting station antenna, the rigger in charge shall:

(i) Prepare a danger tag signed with his signature,

(ii) Contact the transmitting technician regarding the transmitter shutdown and the grounding of the antenna with its grounding switch.

(iii) be notified by the transmitting technician that the transmitter has been shutdown. After the antenna has been grounded by the transmitting technician, the rigger shall tag the antenna ground switch personally in the presence of the transmitting technician. Power shall not be applied to the antenna, or the ground switch opened under any circumstance while tag is on. Where no ground switches are provided, ground sticks shall be used, one each side of line, and the tag put on the ground sticks, antenna switch, or plate power switch, in a conspicuous place. In certain cases, ground sticks or short circuits may be needed directly on the transmission lines near the transmitter in addition to the regular ground switches in order to reduce excessive radio frequency pickup. In other cases it may reduce pickup at the point in the field if the antenna lines are disconnected from ground and the transmitter.

(2) Riggers shall test all radio frequency line wires for pickup with an insulated probe before handling with bare hands or metal tools.

(3) Transmitting technicians shall warn the riggers of adjacent lines which are, or may become energized.

(4) When antenna work has been completed, the rigger in charge of the job shall return to the transmitter, notify the transmitting technician in charge and personally remove the tag.

§ 1910.343 Overhead Lines.

(a) *Handling suspension strand.*—(1) Persons handling cable suspension strand being installed on poles carrying exposed energized power conductors shall wear insulating gloves and avoid body contact with the strand until after it has been tensioned, deadened, and permanently grounded.

(2) Strand shall be restrained against upward movement during installation where there is an upward change in grade on joint-use poles, and on nonjoint poles where the line crosses under energized power conductors.

(b) *Need for testing wood poles.*—Unless temporary guys or braces are attached first, poles shall be tested before climbing where one or more of the following conditions exist:

(1) At deadend poles (does not include properly braced or guyed "Y" or "T" cable junction poles).

(2) Straight line poles which are not storm guyed and adjacent span lengths exceed 165 feet.

(3) Where there is a downward change in grade at the pole and it is not a guyed or braced corner pole or a cable junction pole.

(4) Where the pole supports only telephone drop wire.

(5) Where the pole carries less than ten communication line wires (on joint use poles), one power line wire shall be counted as two communication wires.

(c) *Methods of testing wood poles.*—One of the following methods or its equivalent shall be used.

(1) Rap the pole sharply with a hammer weighing about 3 pounds, beginning near the ground line and continuing to a height of about 6 feet, going completely around the pole. The hammer will produce a clear sound and rebound sharply when striking sound wood. Decay pockets will be indicated by a dull sound and the hammer rebound is less pronounced. In this case, the pole shall be considered unsafe. Also, prod the pole as near the ground line as possible using a pole prod or a screwdriver with 5 inch or longer blade. If substantial decay is encountered, the pole shall be considered unsafe.

(2) Apply a horizontal force to the pole and attempt to rock it back and forth in a direction across the line. (Caution must be exercised to avoid causing power wires to swing together.) The force may be applied either by pushing with a pike pole or pulling with a rope. If the pole cracks during the test, it shall be considered unsafe.

(d) *Unsafe poles or structures.*—Poles or structures found to be unsafe by test or observation shall not be climbed until made safe by guying, bracing or other adequate means. Poles found unsafe to climb shall, until they are made safe, be tagged in a conspicuous place to alert and warn all employees of the unsafe condition.

(e) *Testing cable suspension strand.*—Before attaching a splicing platform to cable suspension strand, it shall be tested as follows to make sure it has sufficient strength to support the weight of the platform and the employee, except that where the strand crosses above power wires or railroad tracks, an inspection should be made as described in paragraph (f) of this section below. One of the following methods or its equivalent shall be used:

(1) Throw ⅜ inch rope (or larger) over the strand. On joint lines, pass the rope over the strand using tree pruner handles or a wire raising tool. If two employees are present, both shall grip the double rope and slowly transfer their entire weight to the rope. The feet should not be more than about 12 inches above the ground.

(2) If only one employee is present, one end of the rope shall be tied to the bumper of the truck or other equally secure anchorage; the employee shall then grasp the other end of the rope and attempt to raise himself about a foot above the ground.

(f) *Inspection of strand.*—Where strand passes over electric power wires or major railroad tracks, it shall not be tested, but shall be inspected from a convenient working position at both poles supporting the span in question. If any of the following conditions exist, such strand shall not be used to support any splicing platform, scaffold or cable car.

(1) Corrosion so that no galvanizing can be seen.

(2) One or more wires of the strand are broken.

(3) Any worn spots.

(4) Burn marks such as those caused by contact with electric power wires.

(g) *Outside work platforms.*—Safety straps and body belts shall be used while working on elevated work platforms such as aerial splicing platforms, pole platforms, ladder platforms and terminal balconies unless railings are provided.

(h) *Other elevated locations.*—Safety straps and body belts shall be worn to protect employees working at elevated positions on poles, towers or similar structures, which do not have suitably guarded work areas.

(i) *Installing and removing wire and cable.*—Before installing or removing wire or cable, the pole or structure shall be guyed, braced, or otherwise supported as necessary to prevent failure of the pole or structure.

(j) *Avoiding contact with energized power conductors or equipment.*—When setting, moving, or removing poles using cranes, derricks, or other mechanized equipment, precautions shall be taken to avoid contact with energized power conductors or equipment.

(k) *Handling poles near energized power conductors.*—(1) Joint use poles shall not be set, moved or removed by telecommunication employees where the nominal voltage of open electrical power conductors exceed 34.5kv phase to phase (20kv to ground).

(2) Poles shall not be placed, moved or removed during heavy rain, sleet or wet snow fall in joint lines carrying more than 8.7kv phase to phase voltage (5kv to ground) except that poles which have been cut off two feet or more below the level of the lowest power conductor may be removed where the nominal phase to phase voltage does not exceed 34.5kv provided the pole is also cut off near the ground line.

(3) (i) Wet poles being placed, moved or removed where power voltages are over 750 volts, but not over 34.5kv phase to phase voltage (20kv to ground) shall be insulated with either a rubber insulating blanket, a fiberglass box guide or equivalent protective equipment.

(ii) Dry poles being set, moved or removed where power voltages exceed 8.7kv phase to phase (5kv to ground) but do not exceed 34.5kv phase to phase (20kv to ground) shall be insulated with either a rubber insulating blanket, a fiberglass box guide or equivalent.

(iii) Insulation is not required where wet or dry poles are being removed provided the pole is cut off 2 feet or more below the lowest power wire and cut off near the ground line.

(4) Insulating gloves shall be worn by all persons handling the pole either with their hands or with tools throughout the time that there is a possibility that the pole may contact a power conductor. Where the voltage to ground of the power conductor exceeds 15kv to ground, the gloves shall be Class II (ANSI J–6 Stand-

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ard). For voltages not exceeding 15kv to ground, insulating gloves shall have a breakdown voltage of at least 17kv.

(5) The guard or insulating material used to protect the pole shall meet the appropriate 3 minute proof test voltage requirements contained in the ANSI J-6.4–1971.

(6) During the time that there is a possibility of contact between the pole or the equipment used to handle it, and an energized power conductor, the following precautions shall be observed by the operator of the equipment:

(i) When on the vehicle which carries the derrick, the employee shall avoid all contact with the ground itself, persons standing on the ground, and all grounded objects such as guys, tree limbs, metal sign posts, etc. If possible, the employee shall remain on the vehicle as long as the possibility of contact exists.

(ii) When it is necessary to leave the vehicle, the employee shall step onto an insulating blanket and break all contact with the vehicle before stepping off the blanket and onto the ground. As a last resort if a blanket is not available, the employee may jump cleanly from the vehicle.

(iii) When it is necessary to enter the vehicle, the employee shall first step onto an insulating blanket and break all contact with the ground, grounded objects and other persons before touching the truck or derrick. As a last resort if a blanket is not available, the employee may jump cleanly onto the vehicle, avoiding all contact with the grounded objects and persons.

(l) *Approach distances.*—No employee shall bring any part of his body, or any conductive tools or conductive objects closer to exposed energized power conductors than the distances permitted in § 1910.331(g) of this part.

(m) *Working position on poles.*—Except as provided in this section, employees shall not climb or work above the level of the lowest electric power conductor on the pole (exclusive of vertical runs and street light wiring). This rule does not apply where the communications facilities are attached above the electric power conductors if a rigid fixed barrier has been installed between the electric power facility and the communications facility. This rule does not apply to cabled secondary service drops carrying less than 300v to ground and attached 40 inches or more below the communitions conductors or cables.

(n) *Metal tapes and ropes.*—(1) Metal measuring tapes, metal measuring ropes, or tapes containing conductive strands shall not be used when working near exposed energized parts.

(2) Where it is necessary to measure clearances from energized parts, only non-conductive devices shall be used.

§ 1910.344 Underground Lines.

The following provisions of this section apply to guarding manholes and street openings and ventilation and testing for gas in manholes and unvented vaults for telecommunications field work on or with underground lines:

(a) *Guarding manholes and street openings.*—(1) When covers of manholes or vaults are removed, the opening shall be promptly guarded by a railing, temporary cover, or other suitable temporary barrier substantial enough to prevent an accidental fall through the opening and suitable to protect persons working in the manhole from foreign objects from above.

(2) While work is being performed in the manhole, a person with basic first aid training shall be immediately available to render assistance if there is cause for believing that a safety hazard exists and the requirements listed under §§ 1910.333(a) and 1910.344(a)(1) of this part do not adequately protect the employee(s). Examples of manhole work site hazards deemed to constitute such cause could include, but are not limited to:

(i) Manhole work sites where safety hazards are created by traffic patterns that cannot be corrected by provisions of § 1910.333(a) "Employee Protection in Public Work Areas."

(ii) Manhole work sites that are subject to unusual water hazards that cannot be abated by conventional means.

(iii) Manhole work sites that are occupied jointly with power utilities as described in § 1910.344(c) of this part.

(b) *Requirements prior to entering manholes and unvented vaults.*—(1) Prior to an employee entering a manhole the following shall be complied with.

(i) The internal atmosphere shall be tested for combustible gas and, except when continuous forced ventilation is provided, the atmosphere shall also be tested for oxygen deficiency.

(ii) When unsafe conditions are detected by testing or other means, the work area shall be ventilated and otherwise made safe before entry.

(2) An adequate continuous supply of air shall be provided while work is performed.

(i) Where combustible or explosive gas vapors have been initially detected and subsequently reduced to a safe level by ventilation.

(ii) Where organic solvents are used in the work procedure.

(iii) Where open flame torches are used in the work procedure.

(iv) In that portion of a public right of way open to vehicular traffic and/or exposed to a seepage of gas or gases, or

(v) Where toxic gases or oxygen deficiency is found.

(3) *Central office cable vaults.*—(i) Central office cable vaults that are adequately vented do not need to comply with § 1910.344(b)(1)&(2) of this part.

(ii) Unvented vaults shall comply with the provisions of § 1910.344(b)(1)&(2) of this part.

(c) *Joint power and telecommunication manholes.*—While work is being performed in a manhole occupied jointly, by an electric utility and a telecommunication utility, an employee shall be available in the immediate vicinity to render emergency assistance as may be required. This shall not preclude the employee in the immediate vicinity from occasionally entering a manhole to provide assistance, other than emergency. This requirement does not preclude a qualified employee, working alone, from entering for brief periods of time, a manhole where energized cables or equipment are in service, for the purpose of inspection, housekeeping, taking readings, or similar work if such work can be performed safely.

(d) *Ladders.*—Ladders shall be used when going in or out of manholes in excess of 4 feet deep.

(e) *Flames.*—Where open flames must be used in manholes, the following special precautions shall be taken to provide protection against combustible gas levels during the period in use.

(1) A test for combustible gas shall be made immediately prior to use of the open flame device.

(2) While using the open flame device, not more than one hour shall elapse without repeating the test for combustible gas.

(3) A fuel tank, e.g. acetylene, shall be in the manhole only when in actual use.

§ 1910.345 Microwave Transmission.

(a) *Eye protection.*—Employees shall not look into an open waveguide which is connected to any energized source of microwave radiation.

(b) *Safe area.*—(1) Accessible areas associated with microwave radio systems where the exposed radiated power density exceeds 10mw/cm² shall be posted in accordance with § 1910.97 of this part. The lower half of the warning symbol shall include the following:

"Radiation in this area may exceed hazard limitations and special precautions are required.

See Instruction----------before entering."

Employees shall not enter an area posted according to above unless one of the following is compiled with:

(i) The power is reduced until the radiated power density is equal to or less than 10mw/cm², (prior to restoring normal operating power levels, the operator shall verify that all employees have been cleared from the posted area); or

(ii) Microwave protective garments are worn as described in paragraph (c) of this section.

(2) Power density in front of microwave transmitting antennas is computed by using the Formula Wo=4P/A, where Wo is power density in mw/cm², P is the combined input power in milliwatts and A is the areas of the antenna aperture in square centimeters.

(3) When the temperature is greater than 68°F, a radiation protective garment may be required even with power densities less than 10mw/cm². This is determined by a Temperature Humidity Index (THI) as shown in Table T-2 of this section. When such climatic conditions (THI greater than 70) exist, a microwave radiation protective garment shall be worn if the power density exceeds the value shown in Table T-2 of this section for that THI.

Table T-2

Temperature Humidity Index (THI) (See Note 1)	*Maximum Power Density (mw/cm²)*
70 or less	10
71	9
72	8
73	7
74	6
75	5
76	4
77	3
78	2
79 or more	1

Note 1: An approximation of the THI (within 1%) above 50% relative humidity (the range of concern) may be obtained from the relation:

$$THI = 0.8T + RH/10 + 5$$

Where T is degrees farenheit and RH is relative humidity in percent.

(c) *Protective garments.*—(1) These garments shall be such that the employee shall not be exposed to microwave radiation greater than 10mw/cm².

(2) Employees wearing microwave protective garments shall maintain safe distances from exposed electrically energized conductors and equipment. For the purpose of this paragraph (c) of this section, microwave protective garments shall be considered conductive objects and employees shall comply with the distance requirements § 1910.331(g) of this part.

(3) Microwave protective garments shall be inspected by the employee prior to each use to be sure that they are free from tears or ripped seams. Any such tears or rips shall be repaired before using the suit.

(d) *Hot patching.*—An employee shall wear a radiation protective garment when patching waveguide which is propagating RF energy (a procedure known as "hot patching") unless the following safety precautions are complied with:

(1) The total RF input power to the waveguide is 30 watts or less; and

(2) The employee's head and body (excluding limbs) is not permitted closer to the propagating open end of the waveguide than the following distances:

(i) 24 inches from the propagating open end of the waveguide measured along its axis; and

(ii) 12 inches measured perpendicularly from the axis as projected from the propagating open end of the waveguide.

§ 1910.346 Tree Trimming—Electrical Hazards.

(a) *General.* (1) Tree workers shall consider all overhead and underground electrical conductors and all communications wires and cables to be energized with potentially fatal voltages, never to be touched (contacted) either directly or indirectly.

(2) Every tree worker shall be instructed that:

(i) A direct contact is made when any part of the body touches or contacts an energized conductor, or other energized electrical fixture or apparatus.

(ii) An indirect contact is made when any part of the body touches any object in contact with an energized electrical conductor, or other energized fixture or apparatus.

(iii) An indirect contact can be made through conductive tools, tree branches, trucks, equipment, or other objects, or as a result of communications wires, cables, fences, or guy wires being accidentally energized.

(iv) Electric shock will occur when a tree worker, by either direct or indirect contact with an energized conductor, energized tree limb, tool equipment, or other object, provides a path for the flow of electricity to a grounded object or to the ground itself. Simultaneous contact with two energized conductors will also cause electric shock which may result in serious or fatal injury.

(3) The system operator/owner shall be advised before any work is performed in proximity to energized conductors. This rule shall not apply to persons working on behalf of, or employed by, the system operator/owner.

(b) *Working in proximity to electrical hazards.*—(1) A close inspection shall be made by the tree worker and by the man in charge to determine whether an electrical conductor passes through the tree or passes within reaching distance of the tree worker before climbing, entering, or working around any tree. If any of these conditions are found either directly or indirectly, it shall be considered that an electrical hazard exists, unless the system operator/owner has caused the hazard to be removed by deenergizing or installing protective equipment.

(2) Only a qualified line-clearance tree trimmer or qualified line-clearance tree-trimmer trainee will be assigned to the work if it is found that an electrical hazard exists.

(3) During all tree working operations aloft where an electrical hazard of more than 750 V exists, there shall be a second qualified line-clearance tree trimmer or qualified line-clearance tree-trimmer trainee within normal voice communication. This does not apply to utility workers engaged in tree trimming incidental to their normal occupation or to one-man service crews.

(4) Line-clearance tree trimmers and line-clearance tree-trimmer trainees shall maintain clearances from energized conductors as given in Table T-3.

TABLE T-3.—MINIMUM WORKING DISTANCES FROM ENERGIZED CONDUCTORS FOR LINE-CLEARANCE TREE TRIMMERS AND LINE-CLEARANCE TREE-TRIMMER TRAINEES

Voltage Range (phase to phase) (kv):	*Minimum Working Distance*
2.1 to 15.0	2 ft 0 in
15.1 to 35.0	2 ft 4 in
35.1 to 46.0	2 ft 6 in
46.1 to 72.5	3 ft 0 in
72.6 to 121.0	3 ft 4 in
138.0 to 145.0	3 ft 6 in
161.0 to 169.0	3 ft 8 in
230.0 to 242.0	5 ft 0 in
345.0 to 362.0	7 ft 0 in
500.0 to 552.0	11 ft 0 in
700.0 to 765.0	15 ft 0 in

(5) Tree workers shall maintain a minimum clearance of 10 feet from any conductors rated 50 kv or less. For lines rated over 50 kv, the minimum clearance shall be 10 feet plus 4/10 inch for each kilovolt over 50 kv. If safe clearances cannot be maintained, the system operator/owner shall be contacted to provide adequate protective measures or devices before any work is begun in or near the tree.

(6) Branches hanging on an energized conductor may only be removed using appropriately insulated equipment.

(7) Rubber footwear, including lineman's overshoes, shall not be considered as providing any measure of safety from electrical hazards.

(8) Ladders, platforms, and aerial devices, including insulated aerial devices, shall not be brought in contact with an electrical conductor. Reliance shall not be placed on their dielectric capabilities.

(9) When an aerial lift device contacts an electrical conductor, the truck supporting the aerial lift device shall be considered as energized.

(c) *Storm work and emergency conditions.*—(1) Storm work and emergency conditions create special hazards, and only authorized representatives of the system operator/owner shall perform tree work where conductors are involved.

(2) When an emergency condition develops due to tree operations, work shall be suspended and the system operator/owner shall be notified immediately.

§ 1910.347 Definitions.

(a) *Aerial lift.*—An aerial lift relates to the following types of vehicle-mounted aerial devices used to elevate personnel to job sites above ground:

(1) Extensible boom platforms,
(2) Aerial ladders,
(3) Articulate boom platforms,
(4) Vertical towers,
(5) A combination of any of the above

defined in ANSI A92.2–1969. These devices are made of metal, wood, fiberglass reinforced plastic (FRP), or other material and are powered or manually operated; whether or not they are capable of rotating about a substantially vertical axis.

(b) *Aerial splicing platform.*—This consists of a platform approximately 3 ft. x 4 ft. used to perform aerial cable work. It is furnished with fiber or synthetic ropes for supporting the platform from aerial strand, detachable guy ropes for anchoring it and a device for raising and lowering it with a handline.

(c) *Aerial tent.*—A small tent usually constructed of vinyl coated canvas, usually supported by light metal or plastic tubing. It is designed to protect employees in inclement weather while working on ladders, aerial splicing platforms, or aerial devices.

(d) *Alive or live (energized).*—Electrically connected to a source of potential difference, or electrically charged so as to have a potential significantly different from that of the earth in the vicinity. The term "live" is sometimes used in place of the term "current-carrying," where the intent is clear, to avoid repetition of the longer term.

(e) *Barricade.*—A physical obstruction such as types, cones, or "A" frame

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type wood and/or metal structure intended to warn and limit access to a work area.

(f) *Barrier.*—A physical obstruction which is intended to prevent contact with energized lines or equipment, or to prevent unauthorized access to work area.

(g) *Battery room.*—A room in which batteries are located and whose aggregate capacity at the 8-hour discharge rate exceeds 5 kilowatt hours.

(h) *Bond.*—An electrical connection from one conductive element to another for the purpose of minimizing potential differences or providing suitable conductivity for fault current or for mitigation of leakage current and electrolytic action.

(i) *Cable.*—A conductor with insulation, or a stranded conductor with or without insulation and other coverings (single-conductor cable) or a combination of conductors insulated from one another (multiple-conductor cable).

(j) *Cable sheath.*—A protective covering applied to cables. NOTE: A cable sheath may consist of multiple layers of which one or more is conductive.

(k) *Circuit.*—A conductor or system of conductor through which an electric current is intended to flow.

(l) *Communication lines.*—The conductors and their supporting or containing structures for telephone, telegraph, railroad signal, data, clock, fire, police-alarm, community television antenna and other systems which are used for public or private signal or communication service, and which operate at potentials not exceeding 400 volts to ground or 750 volts between any two points of the circuit, and the transmitted power of which does not exceed 150 watts. When operating at less than 150 volts no limit is placed on the capacity of the system. Specifically designed communications cables may include communication circuits not complying with preceding limitation, where such circuits are also used incidentally to supply power to communication equipment.

(m) *Conductor.*—A material, usually in the form of a wire, cable, or bus bar suitable for carrying an electric current.

(n) *Effectively grounded.*—Intentionally connected to earth through a ground connection or connections of sufficiently low impedance and having sufficient current-carrying capacity to prevent the build-up of voltages which may result in undue hazard to connected equipment or to persons.

(o) *Equipment.*—A general term which includes fittings, devices, appliances, fixtures, apparatus, and the like, used as part of, or in connection with, a supply or communications installation.

(p) *Ground. (Reference).*—That conductive body, usually earth, to which an electric potential is referenced.

(q) *Ground (as a Noun).*—A conductive connection whether intentional or accidental, by which an electric circuit or equipment is connected to reference ground.

(r) *Ground (as a Verb).*—The connecting or establishment of a connection, whether by intention or accident, of an electric circuit or equipment to reference ground.

(s) *Ground tent.*—A small tent usually constructed of vinyl coated canvas supported by a metal or plastic frame. Its purpose is to protect employees from inclement weather while working at buried cable pedestal sites or similar locations.

(t) *Grounded conductor.*—A system or circuit conductor which is intentionally grounded.

(u) *Grounded systems.*—A system of conductors in which at least one conductor or point (usually the middle wire, or neutral point of transformer or generator windings) is intentionally grounded, either solidly or through a current-limiting device (not a current-interrupting device).

(v) *Grounding electrode conductor. (Grounding conductor).*—A conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode.

(w) *Insulated.*—Separated from other conducting surfaces by a dielectric substance (including air space) offering a high resistance to the passage of current.

NOTE: When any object is said to be insulated, it is understood to be insulated in suitable manner for the conditions to which it is subjected. Otherwise, it is within the purpose of these rules, uninsulated. Insulating covering of conductors is one means of making the conductor insulated.

(x) *Insulation (as applied to cable.)*—That which is relied upon to insulate the conductor from other conductors or conducting parts or from ground.

(y) *Joint use.*—The sharing of a common facility such as a manhole, trench or pole by two or more different kinds of utilities (e.g., power and telecommunications).

(z) *Ladder platform.*—Designed to facilitate working aloft from an extension ladder. Consists of a platform (approximately 9" x 18") hinged to a welded pipe frame. The rear edge of platform and the bottom cross-member of the frame are equipped with latches to lock the platform to ladder rungs.

(aa) *Ladder seat.*—A removable seat used to facilitate work at an elevated position on rolling ladders in telecommunication centers.

(bb) *Manhole.*—A subsurface enclosure which personnel may enter and which is used for the purpose of installing, operating and maintaining submersible equipment and/or cable.

(cc) *Manhole platform.*—Consists of separate planks which are laid across steel platform supports. The ends of the supports are engaged in the manhole cable racks.

(dd) *Nominal voltage.*—The nominal voltage of a system or circuit is the value assigned to a system or circuit of a given voltage class for the purpose of convenient designation. The actual voltage may vary above or below this value.

(ee) *Pole balcony or seat.*—This balcony or seat is used as a support for workmen at pole mounted equipment or terminal boxes. It consists of a bolted assembly of steel details and a wooden platform. Steel braces run from the pole to the underside of the balcony. A guard rail (approximately 30" high) may be provided.

(ff) *Pole platform.*—This is intended for use by a workman in splicing and maintenance operations on aerial operations adjacent to a pole. It consists of a platform equipped at one end with a hinged chain binder for securing the platform to a pole. A brace from the pole to the underside of the platform is also provided.

(gg) *Qualified line-clearance tree trimmer.*—A tree worker who through related training and on-the-job experience is familiar with the special techniques and hazards involved in line clearance.

(hh) *Qualified line-clearance tree-trimmer trainee.*—Any worker regularly assigned to a line-clearance tree trimming crew and undergoing on-the-job training who, in the course of such training, has demonstrated his ability to perform his duties safely at his level of training.

(ii) *Qualified personnel.*—Any worker who by reason of his training and experience has demonstrated his ability to safely perform his duties.

(jj) *Qualified tree worker.*—A worker who through related training and on-the-job experience is familiar with the techniques and hazards of tree pruning, trimming, repairing, or removal, and the equipment used in such operations.

(kk) *System operator/owner.*—The person or organization that operates or controls the electrical conductors involved.

(ll) *Telecommunications center.*—An installation of communication equipment under exclusive control of an organization providing telecommunications service, located outdoors, or in a vault, chamber, or building space used primarily for such installations.

NOTE.—Telecommunication centers are facilities established, equipped, and arranged in accordance with engineered plans for the purpose of providing telecommunications service. They may be located on premises owned or leased by the organization providing telecommunication service, or on the premises owned or leased by others. Included in this definition are switch rooms, (whether electromechanical, electronic, or computer controlled), terminal rooms, power rooms, repeater rooms, transmitter and receiver rooms, switchboard operating rooms, cable vaults, and miscellaneous communications equipment rooms. Simulations of telecommunication centers for training or developmental purposes are also included.

(mm) *Telecommunication line truck.*—A truck used to transport men, tools, and material, and to serve as a traveling workshop for telecommunication installation and maintenance work. It is sometimes equipped with a boom and auxiliary equipment for setting poles, digging holes, and elevating material or men.

(nn) *Telecommuncation service.*—The furnishing of a capability to signal or communicate at a distance by means such as telephone, telegraph, police and fire-alarm, community antenna television, or similar system, using wire, conventional cable, coaxial cable, wave guides, or microwave transmission or other similar means.

(oo) *Unvented vault.*—An enclosed vault in which the only openings are access openings.

(pp) *Vault.*—An enclosure above or below ground which personnel may enter and is used for the purpose of installing, operating, and/or maintaining equipment and/or cable which need not be of submersible design.

(qq) *Vented vault.*—An enclosure as described in paragraph (pp) above, with provision for air changes using exhaust flue stack(s) and low level air intake(s), operating on differentials of pressure and temperature providing for air flow.

(rr) *Voltage of an effectively grounded circuit.*—The voltage between any conductor and ground unless otherwise indicated.

(ss) *Voltage of a circuit not effectively grounded.*—The voltage between any two conductors. If one circuit is directly connected to and supplied from another circuit of higher voltage (as in the case of an autotransformer), both are considered as of the higher voltage, unless the circuit of lower voltage is effectively grounded, which case its voltage is not determined by the circuit of higher voltage. Direct connection implies electric connection as distinguished from connection merely through electromagnetic or electrostatic induction.

§ 1910.348 Standards Organizations.

Specific standards of the following organizations have been referenced in this subpart. Copies of the referenced standards may be obtained from the issuing organizations. The names and address of the issuing organizations are as follows:

American National Standards Institute (ANSI), 1430 Broadway, New York, N.Y. 10018.

American Society for Testing & Materials (ASTM), 1916 Race Street, Philadelphia, Pa. 19103.

Signed at Washington, D.C., this 18th day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

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Volume 38 ■ Number 166

PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

NATIONAL DEFENSE STUDENT LOAN PROGRAM

List of Schools Determined to Have a High Concentration of Students From Low Income Families; For Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years

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type wood and or metal structure intended to warn and limit access to a work area.

(f) *Barrier.*—A physical obstruction which is intended to prevent contact with energized lines or equipment, or to prevent unauthorized access to work area.

(g) *Battery room.*—A room in which batteries are located and whose aggregate capacity at the 8-hour discharge rate exceeds 5 kilowatt hours.

(h) *Bond.*—An electrical connection from one conductive element to another for the purpose of minimizing potential differences or providing suitable conductivity for fault current or for mitigation of leakage current and electrolytic action.

(i) *Cable.*—A conductor with insulation, or a stranded conductor with or without insulation and other coverings (single-conductor cable) or a combination of conductors insulated from one another (multiple-conductor cable).

(j) *Cable sheath.*—A protective covering applied to cables. NOTE: A cable sheath may consist of multiple layers of which one or more is conductive.

(k) *Circuit.*—A conductor or system of conductor through which an electric current is intended to flow.

(l) *Communication lines.*—The conductors and their supporting or containing structures for telephone, telegraph, railroad signal, data, clock, fire, police-alarm, community television antenna and other systems which are used for public or private signal or communication service, and which operate at potentials not exceeding 400 volts to ground or 750 volts between any two points of the circuit, and the transmitted power of which does not exceed 150 watts. When operating at less than 150 volts no limit is placed on the capacity of the system. Specifically designed communications cables may include communication circuits not complying with preceding limitation, where such circuits are also used incidentally to supply power to communication equipment.

(m) *Conductor.*—A material, usually in the form of a wire, cable, or bus bar suitable for carrying an electric current.

(n) *Effectively grounded.*—Intentionally connected to earth through a ground connection or connections of sufficiently low impedance and having sufficient current-carrying capacity to prevent the build-up of voltages which may result in undue hazard to connected equipment or to persons.

(o) *Equipment.*—A general term which includes fittings, devices, appliances, fixtures, apparatus, and the like, used as part of, or in connection with, a supply or communications installation.

(p) *Ground. (Reference).*—That conductive body, usually earth, to which an electric potential is referenced.

(q) *Ground (as a Noun).*—A conductive connection whether intentional or accidental, by which an electric circuit or equipment is connected to reference ground.

(r) *Ground (as a Verb).*—The connecting or establishment of a connection, whether by intention or accident, of an electric circuit or equipment to reference ground.

(s) *Ground tent.*—A small tent usually constructed of vinyl coated canvas supported by a metal or plastic frame. Its purpose is to protect employees from inclement weather while working at buried cable pedestal sites or similar locations.

(t) *Grounded conductor.*—A system or circuit conductor which is intentionally grounded.

(u) *Grounded systems.*—A system of conductors in which at least one conductor or point (usually the middle wire, or neutral point of transformer or generator windings) is intentionally grounded, either solidly or through a current-limiting device (not a current-interrupting device).

(v) *Grounding electrode conductor. (Grounding conductor).*—A conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode.

(w) *Insulated.*—Separated from other conducting surfaces by a dielectric substance (including air space) offering a high resistance to the passage of current.

NOTE: When any object is said to be insulated, it is understood to be insulated in suitable manner for the conditions to which it is subjected. Otherwise, it is within the purpose of these rules, uninsulated. Insulating covering of conductors is one means of making the conductor insulated.

(x) *Insulation (as applied to cable.)*—That which is relied upon to insulate the conductor from other conductors or conducting parts or from ground.

(y) *Joint use.*—The sharing of a common facility such as a manhole, trench or pole by two or more different kinds of utilities (e.g., power and telecommunications).

(z) *Ladder platform.*—Designed to facilitate working aloft from an extension ladder. Consists of a platform (approximately 9" x 18") hinged to a welded pipe frame. The rear edge of platform and the bottom cross-member of the frame are equipped with latches to lock the platform to ladder rungs.

(aa) *Ladder seat.*—A removable seat used to facilitate work at an elevated position on rolling ladders in telecommunication centers.

(bb) *Manhole.*—A subsurface enclosure which personnel may enter and which is used for the purpose of installing, operating and maintaining submersible equipment and/or cable.

(cc) *Manhole platform.*—Consists of separate planks which are laid across steel platform supports. The ends of the supports are engaged in the manhole cable racks.

(dd) *Nominal voltage.*—The nominal voltage of a system or circuit is the value assigned to a system or circuit of a given voltage class for the purpose of convenient designation. The actual voltage may vary above or below this value.

(ee) *Pole balcony or seat.*—This balcony or seat is used as a support for workmen at pole mounted equipment or terminal boxes. It consists of a bolted assembly of steel details and a wooden platform. Steel braces run from the pole to the underside of the balcony. A guard rail (approximately 30" high) may be provided.

(ff) *Pole platform.*—This is intended for use by a workman in splicing and maintenance operations on aerial operations adjacent to a pole. It consists of a platform equipped at one end with a hinged chain binder for securing the platform to a pole. A brace from the pole to the underside of the platform is also provided.

(gg) *Qualified line-clearance tree trimmer.*—A tree worker who through related training and on-the-job experience is familiar with the special techniques and hazards involved in line clearance.

(hh) *Qualified line-clearance tree-trimmer trainee.*—Any worker regularly assigned to a line-clearance tree trimming crew and undergoing on-the-job training who, in the course of such training, has demonstrated his ability to perform his duties safely at his level of training.

(ii) *Qualified personnel.*—Any worker who by reason of his training and experience has demonstrated his ability to safely perform his duties.

(jj) *Qualified tree worker.*—A worker who through related training and on-the-job experience is familiar with the techniques and hazards of tree pruning, trimming, repairing, or removal, and the equipment used in such operations.

(kk) *System operator/owner.*—The person or organization that operates or controls the electrical conductors involved.

(ll) *Telecommunications center.*—An installation of communication equipment under exclusive control of an organization providing telecommunications service, located outdoors, or in a vault, chamber, or building space used primarily for such installations.

NOTE.—Telecommunication centers are facilities established, equipped, and arranged in accordance with engineered plans for the purpose of providing telecommunications service. They may be located on premises owned or leased by the organization providing telecommunication service, or on the premises owned or leased by others. Included in this definition are switch rooms, (whether electromechanical, electronic, or computer controlled), terminal rooms, power rooms, repeater rooms, transmitter and receiver rooms, switchboard operating rooms, cable vaults, and miscellaneous communications equipment rooms. Simulations of telecommunication centers for training or developmental purposes are also included.

(mm) *Telecommunication line truck.*—A truck used to transport men, tools, and material, and to serve as a traveling workshop for telecommunication installation and maintenance work. It is sometimes equipped with a boom and auxiliary equipment for setting poles, digging holes, and elevating material or men.

(nn) *Telecommuncation service.*—The furnishing of a capability to signal or communicate at a distance by means such as telephone, telegraph, police and fire-alarm, community antenna television or similar system using wire conventional cable, coaxial cable, wave guides, or microwave transmission or other similar means.

(oo) *Unvented vault.*—An enclosed vault in which the only openings are access openings.

(pp) *Vault.*—An enclosure above or below ground which personnel may enter and is used for the purpose of installing, operating, and/or maintaining equipment and/or cable which need not be of submersible design.

(qq) *Vented vault.*—An enclosure as described in paragraph (pp) above, with provision for air changes using exhaust flue stack(s) and low level air intake(s), operating on differentials of pressure and temperature providing for air flow.

(rr) *Voltage of an effectively grounded circuit.*—The voltage between any conductor and ground unless otherwise indicated.

(ss) *Voltage of a circuit not effectively grounded.*—The voltage between any two conductors. If one circuit is directly connected to and supplied from another circuit of higher voltage (as in the case of an autotransformer), both are considered as of the higher voltage, unless the circuit of lower voltage is effectively grounded, which case its voltage is not determined by the circuit of higher voltage. Direct connection implies electric connection as distinguished from connection merely through electromagnetic or electrostatic induction.

§ 1910.318 Standards Organizations.

Specific standards of the following organizations have been referenced in this subpart. Copies of the referenced standards may be obtained from the issuing organizations. The names and address of the issuing organizations are as follows:

American National Standards Institute (ANSI), 1430 Broadway, New York, N.Y. 10018.

American Society for Testing & Materials (ASTM), 1916 Race Street, Philadelphia, Pa. 19103.

Signed at Washington, D.C., this 18th day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-17951 Filed 8-27-73;8:45 am]

PROPOSED RULES 23049-23170

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PART III

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List of Schools Determined to Have a High Concentration of Students From Low Income Families; For Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL DEFENSE STUDENT LOAN PROGRAM

List of Schools Determined To Have a High Concentration of Students From Low-Income Families

Pursuant to the provisions of section 205(b)(3)(A)(i) of the National Defense Education Act of 1958 as amended (20 U.S.C. 425(b)(3)(A)(i)), notice is hereby given of the public and other nonprofit elementary and secondary schools which have been listed in accordance with the regulations governing the administration of the National Defense Student Loan Program (45 CFR 144.8(i)(2)) as being in school districts of local educational agencies eligible for assistance pursuant to title II of Public Law 874, 81st Congress, as amended (title I of the Elementary and Secondary Education Act of 1965), and as having high concentrations of children from low-income families during the school year 1972–73. Loans made subsequent to June 30, 1972 under the National Direct Student Loan Program (20 U.S.C. 1087aa–1087ff) are not subject to provisions of section 205(b)(3)(A)(i) and as such are not subject to this notice.

Teachers with outstanding indebtedness as a result of loans made prior to July 1, 1972 under the National Defense Student Loan Program are entitled to the 15 percent per annum rate of loan cancellation for each complete academic year (or equivalent) of full-time service performed in a public or other nonprofit elementary or secondary school which for that year has been designated by the U.S. Commissioner of Education as having a high concentration of students from low-income families.

The purpose of the lists published under this notice is to identify those schools in each of the States in which loan cancellation for teaching service during both the 1972–73 and 1973–74 school years is authorized under the special incentive terms and rates provided under section 205(b)(3)(A) of the National Defense Education Act of 1958.

The school lists appear in alphabetical order by State. The entries for American Samoa, Guam, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands appear following the list for the State of Wyoming. The District of Columbia is included in the alphabetical sequence.

Despite the fact that every reasonable precaution has been taken to assure the accuracy of these lists, it is possible that some errors may occur. Should an apparent discrepancy be noted, inquiry may be made to the appropriate State educational agency or the Program Support Branch, Division of Student Assistance, Bureau of Higher Education, U.S. Office of Education, Washington, D.C. 20202.

Dated: June 4, 1973.

S. W. HERRELL,
Acting Deputy Associate Commissioner for Higher Education.

Approved: June 6, 1973.

JOHN R. OTTINA,
Acting U.S. Commissioner of Education.

ALABAMA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Abbeville:
- Abbeville, EL.
- Abbeville, HS.
- Henry County Middle.

Akron; Akron Community, HS.
Alberta; Alberta, JHS.
Albertville; Albertville, HS.
Aliceville:
- Aliceville, EL.
- Aliceville, HS.
- Aliceville, JHS.

Anniston; 12th Street, EL.
Ansley:
- Shellhorn, JHS.
- Shellhorn Primary.

Ardmore (Tennessee); Ardmore, HS.
Athens:
- Clements, HS.
- East Limestone, HS.
- Johnson, JHS.
- Piney Chapel, JHS.
- Reid, EL.

Atmore; Atmore, HS.
Attalla:
- Attalla, EL.
- Curtiston, EL.
- Stowers, EL.

Bakerhill; Bakerhill, HS.
Banks:
- Banks, JHS.
- Banks Primary.

Bay Minette; Baldwin County, HS.
Bayou La Batre; Alba, HS.
Beatrice; Beatrice, HS.
Berry; Berry, HS.
Bessemer:
- Abrams, HS.
- Addison, JHS.
- Red Ore, EL.

Bexar; Gravel Springs, JHS.
Birmingham:
- A. G. Gaston, JHS.
- Alabama Boy's Industrial School.
- Edgewater, JHS.
- Ensley, HS.
- Hayes, HS.
- Hudson, EL.
- Ketona, EL.
- Lewis, EL.
- State Training School for Girls.
- Wenonah, EL.
- Western, HS.
- Woodland, HS.

Blountsville; Summit, EL.
Boaz; Center Point, JHS.
Boligee; Paramount, HS.
Boykin; Boykin, HS.
Brantley; Brantley, HS.
Brewton; Southern Normal, HS.
Bridgeport:
- Bridgeport, EL.
- Bridgeport, HS.

Brilliant:
- Brilliant, EL.
- Brilliant, HS.

Brookwood; Brookwood, EL.
Brundidge:
- New Hope, JHS.
- Pike County, HS.

Bryant; Bryant, JHS.
Buhl; Buhl, EL.
Butler:
- Butler, EL.
- Choctaw County, HS.
- East Choctaw, HS.

Calhoun:
- Calhoun, EL.
- Calhoun, HS.

Camden; Camden Academy, HS.
Carbon Hill:
- Carbon Hill, EL.
- Carbon Hill, HS.
- Carbon Hill, JHS.

Carrollton:
- Carrollton, HS.
- Pickens County, HS.

Castleberry; Conecuh County, HS.
Centre:
- Alexis, EL.
- Centre, JHS.
- Hardin, JHS.

Centreville; Centreville, EL.
Cherokee:
- Cherokee, EL.
- Cherokee, Middle.

Childersburg:
- A. H. Watwood, EL.
- Childersburg, EL.

Clanton; Henry M. Adair, EL.
Clayton; Clayton, HS.
Clio; Clio, HS.
Coatopa; Belmont, JHS.
Coffee Springs; Coffee Springs, HS.
Coffeeville; Coffeeville, EL.
Coker; Westwood, EL.
Collinsville; Collinsville, HS.
Cottondale; Vance, EL.
Courtland; Courtland, HS.
Coy:
- Coy Public, JHS.
- Tate's Chapel, JHS.

Crossville:
- Crossville, HS.
- Kilpatrick, JHS.
- Whiton, EL.

Cuba; Kinterbish, HS.
Cullman; Jones Chapel, JHS.
Cusseta; Cusseta, EL.
Daleville; Daleville, HS.
Danville; Speake, HS.
Decatur:
- Lakeview, EL.
- Westlawn, EL.

Demopolis:
- Demopolis, JHS.
- Eastside, EL.
- John Essex, HS.

Dixons Mill; Marengo, HS.
Dothan:
- East Highland, EL.
- Highlands, EL.
- Lake Street, EL.
- Montana Street, EL
- Rose Hill, EL.
- Stringer Street, EL.
- Wilson Street, EL.

Double Springs; Wilcox County, HS.
Dozier; Dozier, HS.
Duncanville; Duncanville, EL.
Dutton; Dutton, JHS.
East Tallassee; East Tallassee, EL.
Elba:
- Elba, EL.
- Elba, Middle.

Elkmont; Limestone County, HS.
Eufaula; Rebecca Comer, HS.
Eutaw:
- Eatman, JHS.
- Eutaw, HS.
- Eutaw, Middle.

Evergreen:
- Evergreen City, EL.
- Evergreen, HS.
- Lyeffion, HS.
- Marshall, Middle.
- Southside, EL.

Excel; Excel, HS.
Fairhope; Fairhope, HS.
Faunsdale; Faunsdale, EL.
Fayette:
- Fayette, HS.
- Hubbertville, HS.

Five Points:
- Five Points, EL.
- Five Points, HS.

Foley; Foley, HS.
Forkland; Birdine, JHS.
Fort Deposit; Fort Deposit, EL.
Fosters; Myrtlewood, EL.
Frisco City:
- Frisco City, HS.
- Monroe, HS.

Ft. Payne:
- Adamsburg, JHS.
- Fischer, JHS.
- Ruhama, JHS.

Fyffe:
- Fyffe, HS.
- Tenbroeck, JHS.

Gadsden:
- Booker T. Washington, EL.
- Carver, EL.
- Cathey, EL.
- J. F. Drakes, EL.
- Oak Park, EL.
- Robert Colley, EL.

Garden City; Garden City, JHS.
Gaylesville; Gaylesville, HS.
Geneva; Geneva, HS.
Geraldine; Geraldine, HS.
Gilbertown; Gilbertown, JHS.
Gordo; Gordo, HS.
Goshen; Goshen, HS.
Gosport; Mackey Branch, EL.
Greensboro:
- Greensboro Public, HS.
- Hale County, HS.

Greenville:
- Baptist Hill, EL.
- Greenville, EL.

Grove Hill; Grove Hill, EL.
Grove Oak; Grove Oak, JHS.
Gwin:
- Gwin, EL.
- Marion County, HS.

Hackleburg; Hackleburg, HS.
Haleyville:
- Craft, EL.
- Haleyville, EL.

Hamilton; Buttahatchee, JHS.
Hanceville; Hanceville, HS.
Hartford; Geneva County, HS.
Harvest; Harvest, JHS.
Hayneville:
- Central, EL.
- Hayneville, HS.
- Lowndes County Training, HS.
- Russell, EL.
- White Hall, JHS.

Headland:
- Headland, EL.
- Headland, HS.

Henagar; Henagar, JHS.
Highland Home; Highland Home, HS.
Hillsboro:
- Chalybeate, JHS.
- Hillsboro, EL.
- Tennessee Valley, JHS.

Hollywood; Hollywood, JHS.
Holt:
- Boteler, JHS.
- Holt, EL.
- Holt, HS.

Holy Trinity; St. Joseph, EL.
Honoraville; Honoraville, JHS.
Hueytown; Hueytown, HS.
Huntsville:
- Butler, HS.
- Calvary Hill, EL.
- Calvary Hill, JHS.
- Central, JHS.
- Huntsville, HS.
- Lee, HS.
- Lincoln, EL.
- Monrovia, JHS.
- Ridgecrest, EL.
- Terry Heights, EL.
- West Huntsville, EL.

Hurtsboro:
- Russell, EL.
- Russell, HS.

Ider; Ider, HS.
Jamestown; Rinehart, EL.
Jasper:
- T. R. Simmons, EL.
- West Jasper, EL.

Joppa; Joppa, JHS.
Kennedy; Kennedy, HS.
Lafayette:
- Chambers County, HS.
- Lafayette Eastside, EL.
- Plainview, EL.

Leeds; Moton, JHS.
Leesburg; Livingston, EL.
Leighton:
- Leighton, EL.
- Leighton, Middle.

Lester; West Limestone, HS.
Linden:
- Linden, EL.
- Linden, HS.
- Palmetto, EL.

Lisman; Lisman, JHS.
Livingston:
- Livingston, HS.
- Sumner County Training, HS.

Louisville; Louisville, HS.
Luverne; Luverne, HS.
Madison:
- Madison, JHS.
- West Madison, JHS.

Maplesville; Isabella, HS.
Marion:
- Heiberger, EL.
- Marion, EL.
- Marion, HS.
- Westside, HS.

Marion Junction:
- Hazen-Harrell, JHS.
- Westlawn, EL.

McCalla; McAdory, HS.
Mentone; Moon Lake, EL.
Midway; Merritt, HS.
Millbrook:
- Millbrook, EL.
- Robinson Springs, EL.

Millers Ferry; Wilcox County Training, HS.
Millport; Millport, HS.
Mobile:
- A. F. Owens, EL.
- Dunbar, JHS.
- Murphy, HS.

Monroeville; Monroeville, HS.
Montgomery:
- Bellingrath, JHS.
- Booker T. Washington, JHS.
- Carver, HS.
- Chilton, EL.
- Daisy Lawrence, EL.
- Fews, EL.
- Hayneville Road, JHS.
- Lanier, HS.
- Lee, HS.
- Loveless, JHS.
- Madison Park, EL.
- McIntyre, EL.
- McIntyre, JHS.
- Patterson, EL.

Moulton; Midway, EL.
Moundville; Moundville, EL.
Mount Hope; Mount Hope, HS.
Mount Meigs:
- Alabama Industrial, School.
- Georgia Washington, HS.

New Market:
- Buckhorn, HS.
- New Market, JHS.

Newbern:
- Newbern, JHS.
- Sunshine, HS.

Northport:
- Crestmont, EL.
- Matthews, EL.
- Northport, JHS.
- Riverside, JHS.
- Tuscaloosa County, HS.

Notasulga; Notasulga, HS.
Opelika; Dixie, JHS.
Orrville:
- Five Points, EL.
- Keith, HS.
- Salem, EL.

Owens Cross Roads; Owens Cross Roads, JHS.
Panola; North Sumter, JHS.
Phenix City; Central, HS.
Phil Campbell:
- Phil Campbell, HS.
- Union Tharptown, JHS.

Pine Apple:
- Moore Academy, HS.
- W. J. Jones, HS.

Pine Hill:
- Pine Hill Consolidated, HS.
- Pine Hill, HS.

Pisgah:
- Pisgah, EL.
- Pisgah, HS.
- Rosalie, JHS.

Pittsview; Pittsview, HS.
Plantersville; Plantersville, HS.
Prichard:
- Blount, HS.
- Vigor, HS.

Princeton; Paint Rock Valley, HS.
Rainsville; Plainview, HS.
Ramer:
- Montgomery County, HS.
- Dunbar, EL.

Red Bay; Red Bay, HS.
Reform; Reform, EL.
Repton:
- Nichburg, JHS.
- Repton, HS.

Roanoke:
- Handley, EL.
- Handley, HS.
- Knight Enloe, EL.

Roba; South Macon County, HS.
Russellville:
- Belgreen, HS.
- College Avenue, EL.
- Mount Star, JHS.
- Rockwood, JHS.
- West, EL.

Samantha:
- Gorgas, EL.
- Northside, HS.

Samson; Samson, HS.
Sardis:
- Hunter Mission, EL.
- Shiloh, JHS.

Sawyerville; Sawyerville, EL.
Scottsboro:
- Brownwood, EL.
- Caldwell, EL.
- Scottsboro, HS.
- Scottsboro, JHS.
- Skyline, JHS.

Seale:
- Chavala, HS.
- Mount Olive, HS.
- Oliver, EL.

Section:
- Macedonia, JHS.
- Section, HS.

Selma:
- Brantley, HS.
- Byrd, EL.
- Clark, EL.
- East End, EL.
- East Side, JHS.
- Frances Thomas, EL.
- Knox Academy, EL.
- Payne, EL.
- Selma, HS.
- Southside, HS.
- Tipton, HS.
- Valleygrande, EL.
- West Side, JHS.

Sheffield:
- Annapolis Avenue, EL.
- Blake, EL.
- Hatton, EL.
- Southeast, EL.

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Shorter:
Deborah C. Wolfe, HS.
Prairie Farms, EL.
Shorter, EL.
Silas:
Shady Grove, JHS.
Silas, EL.
Southern Choctaw, HS.
Silluria; Thompson, EL.
Slocomb; Slocomb, HS.
Snow Hill; Snow Hill Institute, HS.
Stafford; Martin Station, EL.
Stevenson:
Stevenson, EL.
Stevenson, HS.
Sulligent; Sulligent Consolidated, HS.
Suttle; Suttle Community, HS.
Sweet Water; Sweet Water, HS.
Sycamore; Sycamore, EL.
Sylacauga:
B. B. Comer, HS.
Mountainview, EL.
Sylvania; Sylvania, HS.
Talladega:
C. L. Salter, EL.
Central, EL.
Graham, EL.
Hal Henderson, EL.
R. L. Young, EL.
Tallassee:
Southside, JHS.
Tallassee, HS.
Tanner:
Mooresville-Belle, Middle.
Tanner, HS.
Theodore; Theodore, HS.
Thomaston:
Marengo County, HS.
Marengo County Training, HS.
Thomasville; Thomasville, EL–HS.
Toney:
Madison Cross Roads, JHS.
Toney, JHS.
Town Creek:
Hatton, HS.
Hazelwood, HS.
Troy:
Charles Henderson, HS.
Elm Street, EL.
Oakland Heights, EL.
Spring Hill, JHS.
Troy, EL.
Tuscaloosa:
Central, EL.
Druid, HS.
Englewood, EL.
Hillcrest, EL.
Tuscaloosa, HS.
Twentieth Street, EL.
Tuscumbia:
Littleville, EL.
Spring Valley, JHS.
Tuskegee:
Lewis Adams, EL.
Nichols, JHS.
Tuskegee Public, HS.
Washington Public, EL.
Tuskegee Institute:
Chambliss Childrens, EL.
Tuskegee Institute, HS.
Tyler; Tyler Union, JHS.
Union Springs:
Bullock County, HS.
South Highlands, EL.
Union Springs, EL.
Union Springs, HS.
Union Springs, JHS.
Uniontown; Uniontown Community, HS.
Uriah; J.U. Blacksher, HS.
Valley Head; Valley Head, HS.
Verbena; Verbena, HS.
Vernon; Crossville, EL.
Vina; Vina, HS.
Vredenburgh; Immanuel Lutheran, EL.
Walnut Grove; West End, HS.
Wetumpka:
Wetumpka, HS.
Wetumpka, Primary.
Woodville; Woodville, HS.
York:
Sumter County, HS.
York West End, HS.

ALASKA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

[Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.]

Location (city or town); name of school

Anaktuvuk Pass; Anaktuvuk Pass, EL.
Anchorage:
Denali, EL.
Fairview, EL.
McLaughlin Youth Center, J–SHS.
Angoon; Angoon EL.
Aniak; Aniak, EL.
Arctic Village; Arctic Village, EL.
Atmautluak; Atmautluak, EL.
Birch Creek; Birch Creek, EL.
Buckland; Buckland EL.
Chalkyitsik; Chalkyitsik, EL.
Circle; Circle, EL.
Crooked Creek; Crooked, EL.
Dot Lake; Dot Lake, EL.
Ekwok; Ekwok, EL.
Fort Yukon:
Fort Yukon, EL.
Fort Yukon, HS.
Hoonah:
Hoonah, EL.
Hoonah, HS.
Hydaburg; Hydaburg, EL.
Igiugig; Igiugig, EL.
Kake:
Kake, EL.
Kake, HS.
Kaltag; Kaltag, EL.
Kenai:
Bob Bartlett, EL.
English Bay, EL.
Nikolaevsk, EL.
Port Graham, EL.
King Cove; King Cove, EL.
Klawock; Klawock, EL.
Kodiak:
Akhiok, EL.
Karluk, EL.
Larsen Bay, EL.
Old Harbor, EL.
Ouzinkie, EL.
Port Lions, EL.
Kokhanok Bay; Kokhanok Bay, EL.
Koyuk; Koyuk, EL.
Koyukuk; Koyukuk, EL.
Manokotak; Manokotak, EL.
Minto; Minto, EL.
New Stuyahok; New Stuyahok, EL.
Nikolai; Nikolai, EL.
Nome:
Nome, EL.
Nome, HS.
Nulato; Nulato, EL.
Perryville; Perryville, EL.
Port Heiden; Port Heiden, EL.
Rampart; Rampart, EL.
St. Marys:
St. Marys Kindergarten.
St. Marys, EL.
St. Marys, JHS.
Shishmaref; Shishmaref, EL.
Sleetmute; Sleetmute, EL.
Stevens Village; Stevens Village, EL.
Stony River; Stony River, EL.
Tanacross; Tanacross, EL.
Teller; Teller, EL.
Wasilla; Alcantra Youth Camp, J–SHS.
Yakutat:
Airport, EL.
St. Elias, HS.

ARIZONA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

[Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.]

Location (city or town); name of school

Aguila; Aguila, EL.
Alpine:
Alpine Conservation Center.
Alpine, EL.
Arlington; Arlington, EL.
Avondale:
Avondale, EL No. 1 (K–4).
Avondale, EL No. 2 (7–8).
Lattie Coor, EL (5–6).
Benson; Benson Middle.
Bouse; Bouse, EL.
Bowie; Bowie, EL.
Buckeye:
Buckeye, EL.
Harquahala Valley, EL.
Casa Grande:
Casa Grande, JHS.
Casa Grande, Unified HS.
East, EL.
Eleven-Mile Corner Accomodation School.
South, EL.
Cashion:
Littleton, EL (K–5).
Underdown, JHS.
Chandler:
Chandler Heights, EL.
Denver, EL.
Chinle:
Chinle, EL.
Chinle, HS.
Chinle, JHS.
Many Farms, EL.
Red Mesa, EL.
Round Rock, EL.
Concho; Concho, EL.
Coolidge:
Coolidge, Intermediate.
Coolidge, JHS.
Kenilworth, EL.
North, EL.
South, EL.
West, EL.
Dateland:
Hyder, EL.
Sentinel, EL.
Douglas:
Fifteenth Street, EL.
Loretto, EL.
Pirtleville, EL (K–5).
Sarah Marley, EL (K–4).
Eager; Eager, EL.
Ehrenberg; Quartzsite, EL.
Elfrida; Elfrida, EL.
Eloy:
Central Intermediate.
Curiel, EL Annex.
Curiel, Primary.
Eloy, JHS.
Santa Cruz Valley, Unified HS.

Flagstaff:
East Flagstaff, JHS (Grade 8).
East Flagstaff, JHS (Grade 9).
Emerson, EL.
Flagstaff, JHS (Grade 8).
Flagstaff, JHS (Grade 9).
Kinsey, EL.
Leupp, EL.
Marshall, EL.
Mount Elden, EL.
South Beaver, EL.
Thomas, EL.
Florence; Florence, HS.
Fort Defiance:
Fort Defiance, EL.
Fort Defiance, JHS.
Window Rock, EL.
Window Rock, HS.
Fort Grant; Arizona State Industrial School.
Fort Thomas:
Fort Thomas, EL.
Fort Thomas, HS.
Fredonia:
Fredonia, EL.
Fredonia, HS.
Ganado; Ganado, EL–HS (K–12).
Gila Bend; Gila Bend, EL.
Glendale:
Imes, EL (K–5).
Smith, EL (K–8).
Grand Canyon:
Grand Canyon, EL.
Grand Canyon, HS.
Heber; Sitgreaves, EL.
Higley; Higley, EL.
Holbrook:
Holbrook, JHS.
Holbrook, HS.
Hulet, EL.
Pittman, EL.
Sheldon, EL.
Woodruff, EL.
Joseph City:
Joseph City, EL.
Joseph City, HS.
Kayenta:
Kayenta, EL.
Monument Valley, HS.
Keams Canyon; Keams Canyon, EL.
Lakeside; Pinetop-Lakeside, EL.
Laveen:
Laveen, EL.
M. C. Cash, EL.
Marana:
Marana, EL (K–5).
Marana, JHS (6–8).
Marana, HS.
Maricopa:
Maricopa, EL.
Mobile, EL.
Mayer; Mayer, EL.
McNary; McNary, EL.
Mesa:
Alma, EL.
Franklin, EL (K–6).
Irving, EL (K–6).
Jefferson, EL (K–6).
Lehi, EL (K–6).
Whitman, EL (K–6).
Miami; Inspiration Addition (K–3).
Moccasin; Moccasin, EL.
Nogales:
Elm, EL.
Lincoln, EL.
A. J Mitchell, EL.
Roosevelt, EL.
Sacred Heart, EL (K–3).
Page; Page, EL–HS (K–12).
Palo Verde; Palo Verde, EL.
Parker:
Blake, Primary.
Le Pera, EL.
Parker, HS.
Wallace, EL.
Parks; Maine Consolidated, EL.
Patagonia:
Patagonia, EL.
Patagonia, Unified HS.
Peach Springs; Peach Springs, EL.
Peoria:
Central, EL (3–8).
Dysart, EL.
Dysart, HS.
El Mirage, EL.
Peoria, EL.
Peoria, HS.
Phoenix:
Arizona Girls School.
Barr, EL.
Bethune, EL.
Booker T. Washington, EL.
Capitol, EL.
Court, EL.
Crcighton, EL.
Dunbar, EL.
Edison, Primary.
Fowler, EL.
Garfield, EL.
Grant, EL.
Gray, EL.
Hawkins, EL.
Hayden, HS.
Jackson, EL.
Julian/King, EL.
Lincoln/Herrera, EL.
Longfellow, EL.
Longview, EL.
Lowell, EL.
Machan, EL.
Madison Park (K–8).
Murphy No. 1, EL.
Murphy No. 2, EL.
Ott, EL.
Palmdale, EL.
Patterdell, EL–HS.
Phoenix Union, HS.
Rio Vista, EL.
Roosevelt, EL.
Rose Linda, EL.
Sheraton Park, EL.
Sierra Vista, EL.
Skiff, EL.
South Mountain, HS.
Sullivan, EL.
Sunland, EL.
Picacho; Picacho, EL.
Pima:
Pima, EL.
Pima, HS.
Pinedale; Pinedale, EL.
Queen Creek; Queen Creek, EL.
Roll; Mohawk Valley, EL.
Sacaton; Sacaton, EL.
St. Johns:
Coronado, EL.
Pioneer, EL.
Salome; Vicksburg, EL.
San Carlos:
Rice, EL.
Rice, HS.
St. Charles Mission, EL.
Sanders:
Puerco, EL.
Valley, HS.
San Simon:
Portal, EL.
San Simon, EL.
San Simon, HS.
Sells:
Baboquivari, HS.
Indian Oasis, JHS.
Sells, EL.
Topawa, EL.
Showlow; Showlow, EL.
Snowflake; Snowflake, HS.
Solomon; Solomonville, EL.
Somerton; G. L. Carlisle, EL.
Springerville; Springerville, EL.
Stanfield; Stanfield, EL.
Tempe:
Frank, EL.
Gilliland, EL.
Kyrene, EL.
Mitchell, EL.
Scales, EL.
Thew, EL.
Waggoner, EL.
Tolleson; Union, EL.
Tombstone:
Meyer, EL.
Wyatt, EL.
Tonopah; Ruth Fisher, EL.
Tuba City:
Tuba City, EL.
Tuba City, HS.
Tucson:
Amphitheater, JHS.
Amphitheater, HS.
Appollo, JHS.
Arizona Youth Center, EL–HS.
Borton, EL.
Carrillo, EL.
Cavett, EL.
Davis, EL.
Drachman, EL.
Government Heights, EL.
Holladay, EL.
Keen, EL.
Liberty, EL.
Lynn, EL.
Mansfield, JHS.
Manzo, EL.
Menlo Park, EL.
Miles, EL.
Mission View, EL.
Nash, EL.
Ochoa, EL.
Prince, EL.
Pueblo Gardens, EL.
Richey, EL.
Robison, EL.
Roosevelt, EL.
Rose, EL.
Roskruge, EL.
Safford, EL.
Safford, JHS.
San Fernando, EL.
San Xavier, EL.
Spring, JHS.
Sunnyside, HS.
Tully, EL.
University Heights, EL.
Utterback, JHS.
Van Buskirk, EL.
Wakefield, JHS.
Wetmore, EL.
Vail; Vail, EL.
Wenden; Wenden, EL.
Whiteriver:
Alchesay, HS.
Seven-Mile, EL.
Whiteriver, EL.
Whiteriver, JHS.
Wickenburg; MacLennan, EL.
Wikieup; Owens, EL.
Willcox:
Willcox, EL.
Willcox, Middle.
Willcox, HS.
Williams; Williams, HS.
Winslow:
Bonnie Brennan, EL.
Jefferson, EL.
Washington-Lincoln, EL.
Winslow, JHS.
Winslow, HS.
Wittman; Nadaburg, EL.
Yucca; Yucca, EL.
Yuma:
Carver, EL.
Roosevelt, EL.

ARKANSAS

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Altheimer; Altheimer, 1–12.
Arkansas City; Arkansas City, EL.
Armorel; Armorel, 1–12.

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Aubrey; Aubrey, EL.
Bentonville; Bentonville, 1–12.
Big Flat; Big Flat, 1–12.
Blytheville:
  Blytheville, HS.
  Central, EL.
  East, JHS.
  Fairview, EL.
  Franklin, EL.
  Lange, EL.
  Robinson, EL.
  Sudbury, EL.
  West, JHS.
Bradley; Bradley, 1–12.
Brickeys; Nathan Hale, EL.
Brinkley; Brinkley, 1–12.
Bruno; Bruno, 1–12.
Burdette:
  Burdette, EL.
  Burdette, JHS.
Cabot; Cabot, EL.
Caldwell; Caldwell, EL.
Cale; Cale, 1–12.
Camden:
  Camden, 1–12.
  Fairview, 1–12.
Cherry Valley:
  Cherry Valley, EL.
  Cross County, HS.
Chidester; Chidester, 1–12.
Clinton; Alread, 1–12.
Conway; Conway, JHS.
Corning:
  Corning Central, EL.
  Corning, HS.
  McDougal, EL.
  Success, EL.
Cotton Plant; Cotton Plant, 1–12.
Crawfordsville; Crawfordsville 1–12.
Dalton; Dalton, EL.
Deer; Deer, 1–12.
Delaplaine; Delaplaine, 1–12.
Dermott:
  Dermott, 1–12.
  Morris Booker Memorial, 1–12.
Dumas; Dumas, 1–12.
Dyess; Dyess, 1–9.
Earle; Earle, 1–12.
Edmondson; Wedlock, EL.
Elaine; Elaine, 1–12.
England; England, 1–12.
Eudora:
  Eudora, 1–12.
  Ross Van Ness, EL.
Fifty-Six; Fifty-Six, 1–9.
Forrest City:
  Evans, EL.
  Forrest City, JHS.
  Forrest City, HS.
  McDaniel-Central, EL.
  Stewart, EL.
Fort Smith:
  Belle Grove, EL.
  DuVal, EL.
  Howard, EL.
  Parker, EL.
Gentry; Gentry, 1–12.
Gould; Gould, 1–12.
Grady; Grady, 1–12.
Guy; Guy-Perkins, 1–12.
Harrisburg; Common, 1–12.
Helena:
  Helena, EL.
  Helena Crossing, EL.
  Jefferson, EL.
  North End, EL.
  Wahl, EL.
  White-Lake View, 1–12.
Hindsville; Hindsville, EL.
Hiwasse; Hiwasse, EL.
Holly Grove; Holly Grove, 1–12.
Hope:
  Hope, HS.
  Yerger, JHS.
Hot Springs:
  Goldstein, EL.
  Lee, EL.
  Rix, EL.
Hughes; Hughes, 1–12.
Hulbert; Dabbs, EL.
Huntsville:
  Huntsville, EL.
  Huntsville, HS.
  Watson, EL.
Jasper:
  Compton, EL.
  Jasper, 1–12.
Jerusalem; Jerusalem, EL.
Joiner; Shawnee, 1–9.
Jonesboro; East, EL.
Kelser; Kelser, 1–9.
Kingston; Kingston, 1–12.
Knobel; Knobel, 1–12.
Lake City; Dixie, EL.
Lake Village; Lakeside, 1–12.
Lamar; Lamar, HS.
Lawson; Lawson, EL.
Lepanto; Lepanto, 1–12.
Lewisville; Lewisville, 1–12.
Little Rock:
  Gibbs, EL.
  Pfeifer, EL.
  Stephens, EL.
  Washington, EL.
Lonoke; Lonoke, 1–12.
Luxora; Luxora, 1–12.
McCrory; McCrory, 1–12.
McGehee; McGehee, 1–12.
McNeil; McNeil, 1–12.
Madison; Madison-Butler, EL.
Magnolia; Magnolia, 1–12.
Marianna:
  Anna Strong, EL.
  Anna Strong, JHS.
  Lee, HS.
  T. A. Futrall, JHS.
  Whitten-Nunnally, EL.
Marion; Marion, 1–12.
Marked Tree; Marked Tree, 1–12.
Marshall; Marshall, 1–12.
Marvell; Marvell, 1–12.
Menifee; East Side, 1–12.
Monticello:
  Monticello, 1–12.
  Enon, EL.
Moro; Moro, EL.
Morrilton; Center, EL.
Moscow; Linwood, 1–12.
Mount Judea; Mount Judea, 1–12.
Mountain Home:
  Gamaliel, EL.
  Nelson-Wilkes, EL.
Mountain View:
  Mountain View, EL.
  Mountain View, HS.
Newport:
  Albright, EL.
  Castleberry, EL.
  Newport, JHS.
  Newport, HS.
  Rutherford, EL.
Norman; Caddo Hills, HS.
North Little Rock:
  Glenview, EL.
  Pine, EL.
  Redwood, EL.
  Seventh Street, EL.
Oark; Oark, 1–12.
Okolona; Okolona, 1–12.
Osceola:
  East, EL.
  Osceola, EL
  Osceola, JHS.
  Osceola, HS.
  West, EL.
Palestine; Palestine, 1–12.
Paragould:
  East, EL.
  Elmwood, EL.
  Greene County Tech, JHS.
  Greene County Tech, HS.
  Oakwood, EL.
  West, EL.
Parkdale; Parkdale, 1–9.
Parkin; Parkin, 1–12.
Patmos; Patmos, EL.
Pine Bluff:
  Dollarway, 1–12.
  Greenville, EL.
  Owen, EL.
  Pine Bluff, HS.
  Southeast, JHS.
Pleasant Grove; Pleasant Grove, EL.
Portland; Portland, 1–12.
Prairie View; Prairie View, EL.
Rohwer; Desha Central, EL.
Rosston; Oak Grove, 1–12.
Rushing; Rural Special, 1–12.
St. Paul; St. Paul, 1–12.
Saratoga; Saratoga; 1–12.
Scott; Scott, EL.
Scranton; St. Ignatius, EL.
Selma; Selma, EL.
Sherrill; Barret-Rosenwald, EL.
Snow Lake; Snow Lake, EL.
Springdale; Jones, EL.
Stamps; Stamps, 1–12.
Star City; Star City, 1–12.
Sulphur Springs; Sulphur Springs, EL.
Texarkana; Carver, EL.
Tillar; Prewitt-Tillar, 1–12.
Timbo; Timbo, 1–12.
Trumann; Trumann, 1–12.
Turrell; Turrell, 1–12.
Tyronza; Tyronza, 1–12.
Urbana; Urbana, 1–9.
Van Buren; Sophia Meyer, EL.
Vanndale; Vanndale, EL.
Viola; Viola, 1–12.
Wabbaseka; Wabbaseka, 1–12.
Washington; Lincoln, 1–12.
Watson:
  Watson, EL.
  Delta, JHS.
  Delta, HS.
West Helena:
  Beech Crest, EL.
  Central, HS.
  Miller, JHS.
  Woodruff, EL.
  West Side, EL.
West Memphis:
  Bragg, EL.
  East, JHS.
  Jackson, EL.
  Maddux, EL.
  West, JHS.
  Wonder, EL.
  Wonder, JHS.
West Point; West Point, EL.
West Ridge; Mississippi County, K–12.
Western Grove; Western Grove, 1–12.
Wheatley; Wheatley, K–12.
Widener; DeRossitt, EL.
Wilmar; Wilmar, 1–12.
Wilmot; Wilmot, 1–12.
Wilson:
  Wilson, 1–9.
  Rivercrest, HS.
Wright; Plum Bayou, 1–12.
Wynne; Wynne, 1–12.

CALIFORNIA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

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Location (city or town); name of school

Acampo; Houston, EL.
Adelanto; Adelanto, EL.

Alameda:
  Haight, EL–JHS.
  Mastick, EL.
  Porter, EL–JHS.
Alhambra:
  All Souls, EL.
  Century Continuation, HS.
Alpaugh:
  Alpaugh, EL.
  Alpaugh, HS.
Altadena:
  Altadena, EL.
  Burbank, EL.
  Edison, EL.
  Jackson, EL.
  Sacred Heart, EL.
Alturas; Modoc, JHS.
Alviso; George Mayne, EL.
Amboy; Amboy, EL.
Anaheim:
  Esther L. Walter, EL, Magnolia.
  George Washington, EL.
  Jonas Salk, EL, Magnolia.
  Thomas Jefferson, EL.
Anderson:
  Happy Valley, EL, Happy Valley Union.
  Meadow Lane, EL, Cascade Union.
  North Valley Continuation, HS.
  Verde Vale, EL, Cascade Union.
Antioch; Freemont, EL.
Arbuckle:
  Arbuckle, EL.
  Pierce, HS.
Arcata; St. Mary, EL.
Armona:
  Armona, EL.
  Parkview, EL.
Artesia; John F. Kennedy, EL.
Arvin:
  Haven Drive, EL.
  Meridian, EL.
  Sierra Vista, EL.
Atascadero; West Mall Continuation, HS.
Atherton; Menlo Atherton, HS.
Atwater:
  Alleen Coburn, EL.
  Mitchell, EL.
Auberry; Pine Ridge, EL.
Auburn; Juvenile Hall, EL–HS, Placer County Special Schools.
Avenal; Avenal, EL.
Azusa:
  Center, JHS.
  Longfellow, EL.
  Oak Grove, JHS.
  Slauson, JHS.
Bakersfield:
  Beardsley, EL, Beardsley.
  Beardsley, JHS, Beardsley.
  Casa Loma, EL.
  Colonel Thomas Baker, EL.
  Edison, EL, Edison.
  Fairfax, EL, Fairfax.
  Fremont, EL.
  General Shafter, EL, General Shafter.
  Jefferson, EL.
  Juvenile Hall Central, EL, Kern County Special Schools.
  Juvenile Hall Central, HS, Kern County Special Schools.
  Lerdo, EL, Lerdo
  Lincoln, JHS.
  McKinley, EL.
  Mettler, EL, El Tejon Union.
  Mount Vernon, EL.
  North Beardsley, EL, Beardsley.
  Owens, EL.
  Virginia Avenue, EL, Fairfax.
  Vista Continuation, HS, Kern Joint Union.
  Wayside, EL.
  Williams, EL.
  Wingland, EL, Standard.
Baldwin Park:
  De Anza, EL.
  Ernest R. Geddes, EL.
  North Park Continuation, HS.
  Pleasant View, EL.
  Sierra Vista, HS.
  Tracy, EL.
  Walnut, EL.
Ballico; Ballico, EL.
Bangor; Bangor, EL.
Banning:
  Banning, HS.
  Central, EL.
  Coombs, JHS.
  Hemmerling, EL.
  Hoffer, EL.
  Precious Blood, EL.
  St. John, HS.
  Twin Pines Probation Ranch, HS, Riverside County Special Schools.
Banta; Banta, EL.
Barstow; Mount Saint Joseph, EL.
Beaumont:
  Boys Town of the Desert, EL–HS.
  San Andreas Continuation, HS.
Bell Gardens:
  Bell Gardens, EL.
  Bell Gardens, JHS.
  Bell Gardens, HS.
  Colmar, EL.
  Garfield, EL.
  Live Oak, EL.
  St. Gertrude, EL.
  Suva, EL.
  Suva, JHS.
Bella Vista; Bella Vista, EL.
Bellflower:
  Lincoln, EL.
  St. Bernard, EL.
Belmont:
  Carlmont, HS.
  Hillcrest Juvenile Hall, EL–HS, San Mateo County Special Schools.
Berkeley:
  Berkeley East Campus Experimental, HS.
  Berkeley West Campus, HS.
  Cragmont, EL.
  Emerson, EL.
  Franklin, EL.
  Grizzly Peak, EL.
  Jefferson, EL.
  John Muir, EL.
  LeConte, EL.
  Longfellow, EL.
  St. Joseph, EL.
  Thousand Oaks, EL.
  Tilden, EL.
  Washington, EL.
  Whittier, EL.
  Willard, JHS.
Big Bend: Indian Springs, EL.
Big Sur: Pacific, EL.
Biggs:
  Biggs, EL.
  Biggs, HS
Bloomington:
  Bloomington, HS.
  Bloomington, JHS.
  Crestmore, EL.
  Gerald A. Smith, EL.
  Mary B. Lewis, EL.
  Ruth Grimes, EL.
  Walter Zimmerman, EL.
Blue Lake.
  Blue Lake, EL.
  Green Point, EL.
Blythe:
  Felix J Appleby, EL.
  Ruth Brown, EL.
  Twin Palms Continuation, HS.
Boonville:
  Anderson Valley, EL.
  Anderson Valley, JHS.
  Anderson Valley, HS.
Boyes Hot Springs: Flowery, EL.
Brawley:
  Barbara Worth, JHS.
  J. W. Oakley, EL.
  Miguel Hidalgo, EL.
  Phil Swing, EL.
  Ruth Reid, EL.
Brentwood:
  Liberty Continuation, HS.
  Liberty, HS.
Bridgeville:
  Bridgeville, EL.
  Southern Trinity, HS, Trinity County Joint Union.
Broderick:
  Alyce Norman, EL.
  Elkhorn Village, EL.
  Teen-Age Parent, HS, Yolo County Special Schools.
  Washington, JHS.
Browns Valley: Foothill, EL.
Bryte:
  Bryte, EL.
  Holy Cross, EL.
Buena Park; Charles A. Lindberg, EL.
Burbank:
  Benjamin Franklin, EL.
  Josquin Miller, EL.
  William McKinley, EL.
Burrell; Burrell, EL.
Byron:
  Byron, EL.
  Contra Costa County Boys Ranch, EL–HS, Contra Costa County Special Schools.
Cabazon; Ramsey Continuation, HS.
Calabasas:
  David Gonzales, HS, Los Angeles County Special Schools.
Calexico:
  Allen and Helen Mains, EL.
  Calexico Continuation, HS.
  Calexico, HS.
  Dool, EL.
  Hoffman, EL.
  Jefferson, EL.
  Our Lady of Guadalupe Academy, EL.
  Rockwood, EL.
  Vincent Memorial, HS.
California Hot Springs; Hot Springs, EL.
Calipatria:
  Calipatria, HS.
  Fremont, EL.
Calpella:
  Calpella, EL.
  Live Oaks, EL–HS, Mendocino County Special Schools.
Camarillo:
  Pleasant Valley, EL.
  Ventura, HS, California Youth Authority Schools.
Campbell; Rosemary, EL.
Campo:
  Campo, EL.
  Los Vecinos, HS, San Diego County Special Schools.
  Mountain Empire, JHS.
  Mountain Empire, HS.
  Rancho Del Campo, HS, San Diego County Special Schools.
Camptonville; Camptonville, EL.
Canby; Arlington, EL.
Cantua Creek; Cantua, EL.
Canyon; Canyon, EL.
Capistrano Beach; Serra, EL.
Carlotta; Cuddeback, EL.
Carlsbad:
  Jefferson, EL.
  Pine, EL.
Carpinteria; Aliso, EL.
Caruthers:
  Alvina, EL, Alvina.
  Caruthers, EL.
Casmalia; Casmalia, EL.
Castrella; Castle Rock, EL.
Castroville:
  Castroville, EL.
  Elkhorn, EL.
  Joseph Gambetta, EL.
Cazadero; Montgomery, EL.
Central Valley:
  Central Valley, HS, Shasta Union.
  Deer Creek, EL, Shasta Lake Union.
Ceres:
  Argus Continuation, HS.
  Caswell, EL.
  Ceres, HS.
  Don Pedro, EL.
  Mae Hensley, JHS.
  Walter White, JHS.
  Whitmore, EL.
Cerritos; El Dorado Continuation, HS.
Challange; Yuba Feather, EL.

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Chico:
Chapman, EL.
Chico, JHS.
Continuation Education, HS.
Nord, EL.
Oakdale, EL.
Parkview, EL.
Rosedale, EL.
Chino:
Boys Republic, HS.
Youth Training, EL–HS, California Youth Authority.
Chowchilla:
Alview, EL, Alview Union.
Dairyland, EL, Dairyland Union.
Fairmead, EL.
Merle L. Fuller, EL.
Stephens, EL.
Wilson, EL.
Chula Vista:
Castle Park, JHS, Sweetwater Union.
Castle Park, HS, Sweetwater Union.
Chula Vista Center, HS, San Diego County Special Schools.
Harborside, EL.
John J. Montgomery, EL.
City of Commerce:
Bandini, EL.
Rosewood Park, EL.
City of Industry:
Torch, JHS, Bassett Unified.
Valley Continuation, HS, Hacienda La Puenta Unified.
Clements; Clements, EL.
Cloverdale:
Jefferson, EL.
Muscalacon Continuation, HS.
Clovis; Weldon, EL.
Coachella:
Coachella Valley, HS.
Dateland, JHS.
Palm View, EL.
Peter Pendleton, EL.
Valley View, EL.
Coalinga:
Annie E. Cheney, EL.
Coalinga, JHS.
Henry F. Bishop, EL.
Nell Dawson, EL.
Sunset, EL.
Colfax; Colfax, EL.
Colton:
Alice Birney, EL.
Colton, JHS.
Colton, HS.
Grant, EL.
Lincoln, EL.
Paul J. Rogers, EL.
San Salvador Center, EL.
Slover Mountain Continuation, HS
Washington, EL.
Woodrow Wilson, EL.
Colusa:
Colusa Preschool.
Colusa, EL.
Colusa, JHS.
Colusa, HS.
Comptche; Comptche, EL.
Compton:
Abraham Lincoln, EL.
Ardella, B. Tibby, EL.
Augusta A. Mayo, EL.
Bunche, JHS.
Caldwell Street, EL.
Centennial, HS.
Charles W. Bursch, EL.
Clarence A. Dickison, EL.
Collin P. Kelly, EL.
Compton, HS.
Dominguez, HS.
El Segundo, EL.
Enterprise, JHS.
Frances Willard, EL.
General Benjamin A. Davis, JHS.
General Rosecrans, EL.
George Washington, EL.
Henry Wadsworth Longfellow, EL.
John F. Kennedy, EL.
Laurel Street, EL.
Marian Anderson, EL.
Martin Luther King, EL.
McKinley, EL.
Our Lady of Victory, EL.
Pioneer, EL.
Ralph Waldo Emerson, EL.
Regina Caeli, HS.
Robert F. Kennedy, EL.
Roosevelt, JHS.
Saint Albert The Great, EL.
Stephen C. Foster, EL.
Theodore Roosevelt, EL.
Thomas Jefferson, EL.
Tubman Continuation, HS.
Walton, JHS.
Whaley, JHS.
Willowbrook, JHS.
Corcoran:
Bret Harte, EL.
Corcoran Continuation, HS.
Corcoran, HS.
John C. Fremont, EL.
John Muir, JHS.
Mark Twain, EL.
Westside, EL.
Corning:
Olive View, EL.
Richfield Continuation, HS.
West Street, EL.
Corona:
Home Gardens, EL.
Jefferson, EL.
Lincoln, EL.
Saint Edward, EL.
Costa Mesa:
Canyon, EL.
Whittier, EL.
Covelo:
Round Valley, EL.
Round Valley, HS.
Covina; Sacred Heart, EL.
Crescent City:
Bess Maxwell, EL.
Crescent Elk, EL.
Joe Hamilton, EL.
Pine Grove, EL.
Cressey; Cressey, EL.
Crows Landing; Bonita, EL.
Cucamonga:
Cucamonga, EL.
Los Amigos, JHS.
Cudahy:
Elizabeth Street, EL.
Park Avenue, EL.
Culver City:
Braddock Drive, EL.
St. Augustine, EL.
Stoner Avenue, EL.
Cutler; Cutler, EL.
Daly City:
Crocker, EL.
Woodrow Wilson, EL.
Davis; Pioneer, EL.
Del Rey; Del Rey, EL.
Delano:
Albany Park, EL.
Cecil Avenue, EL.
Delano, HS.
Fremont, EL.
Terrace, EL.
Valle Vista, EL.
Valley Continuation, HS.
Delhi:
El Capitan, JHS.
Schendel, EL.
Denny; Grover Ladd, EL.
Descanso; Descanso, EL.
Diamond Valley; Diamond Valley, EL.
Dinuba:
Dinuba, HS.
Jefferson, EL.
Magnolia Continuation, HS.
Washington, EL.
Wilson, EL.
Dixon:
East Dixon, EL.
Silveyville, EL.
Dobbins; Dobbins-Oregon House, EL.
Dos Palos:
Bryant, JHS.
Dos Palos, EL.
Dos Palos, HS.
Downey:
Los Padrinos Boys Juvenile Hall, EL–HS, Los Angeles County Special Schools.
Los Padrinos Girls Juvenile Hall, EL–HS, Los Angeles County Special Schools.
Our Lady of Perpetual Help, EL.
Pius X, HS.
Duarte:
Andres Duarte, EL.
Maxwell, EL.
Northview, EL.
Royal Oaks, EL.
Ducor; Ducor Union, EL.
Dunlap; Dunlap, EL.
Dunnigan; Dunnigan, EL.
Earlimart:
Allensworth, EL, Allensworth.
Earlimart, EL.
Earlimart, JHS.
East Palo Alto; Ravenswood, HS.
El Cajon:
Bostonia, EL.
Cajon Valley, JHS.
Crest, EL.
John Ballantyne, EL.
Lexington, EL.
Magnolia, EL.
El Centro:
Esther Huff Juvenile Hall, EL–HS, Imperial County Special Schools.
Harding, EL.
Kennedy, JHS.
Lincoln, EL.
McKinley, EL.
Meadows, EL.
St. Mary, EL.
Washington, EL.
El Monte:
Charles T. Krantz, JHS, Mountain View.
Cogswell, EL, Mountain View.
Columbia, EL.
Cortada, EL.
Jenny Tucker Baker, EL, Mountain View.
La Primaria, EL, Mountain View.
LeGore, EL.
Linda Vista, EL, Mountain View.
MacLaren Hall, EL–HS, Los Angeles County Special Schools.
Maxon, EL, Mountain View.
Miramonte, EL, Mountain View.
Mountain View, HS, El Monte Union.
Nativity, EL.
Norwood, EL.
Parkview, EL, Mountain View.
Potrero, EL.
Rio Vista, EL.
Shirpser, EL.
Wilkerson, EL.
Willard F. Payne, EL, Mountain View.
El Nido; El Nido, EL.
El Segundo; St. Anthony, EL.
Elk; Greenwood, EL.
Elsinor; Los Pinos, HS, Orange County Special Schools.
Elsinore:
Elsinore, EL.
Elsinore, JHS.
Elsinore, HS.
Machado, EL.
Emeryville:
Anna Yates, EL.
Emery, JHS–HS.
Ralph Hawley, EL.
Empire:
Empire, EL.
Empire, JHS.
Escondido:
Central, EL.
Escondido Center, HS, San Diego County Special Schools.
Esparto:
Esparto, EL.
Esparto, HS.

Eureka:
Alice Birney, EL.
Catherine L. Zane, JHS.
Eureka Continuation, HS.
Eureka, HS.
Franklin, EL.
George C. Jacobs, JHS.
Grant, EL.
Jefferson, EL.
Lafayette, EL.
Lincoln, EL.
Marshall, EL.
Washington, EL.
Winship, JHS.
Worthington, EL.
Fairfield:
E. Ruth Sheldon, EL.
Juvenile Hall, EL–HS, Solano County Special Schools.
T. C. McDaniel Center, EL, Solano County Special Schools.
Fallbrook; Vallacitos, EL.
Farmersville:
George L. Snowden, EL.
J. E. Hester, EL.
Feather Falls; Feather Falls, EL.
Firebaugh:
Arthur E. Mills, EL.
Firebaugh, JHS.
Las Deltas, EL, Las Deltas.
Oro Loma, EL, Oro Loma.
Parkside, EL.
Fivepoints; Martin P. Gunderson, EL.
Folson; Blanche Sprentz, EL.
Fontana:
Birch, HS.
Juniper, EL.
Jurupa Hills, EL.
Live Oak, EL.
Maple, EL.
North Tamarind, EL.
Oleander, EL.
Poplar, EL.
Randall Pepper, EL.
Redwood, EL.
West Randall, EL.
Fort Bragg; Paul Bunyan, EL–HS, Mendocino County Special Schools.
Fortuna:
Fortuna, EL.
Town, EL.
Fowler:
Fowler Continuation, HS.
Fowler, HS.
Fremont, EL.
Marshall, EL.
Fredericksberg; Clay, EL.
Freedom:
Freedom, EL.
Pajaro Valley Continuation, HS.
Fremont:
David Reynolds, EL.
E. M. Grimmer, EL.
Harvey Green, EL.
J. Haley Durham, EL.
Vallejo Mill, EL.
French Camp; French Camp, EL.
Fresno:
Addams, EL.
Addams, JHS.
American, EL., American Union.
Aynesworth, EL.
Biola-Pershing, EL, Biola-Pershing Union.
Burroughs, EL.
Calwa, EL.
Carver, EL.
Central, HS, Central Union.
Columbia, EL.
Cooper, JHS.
Dewolf Continuation, HS.
Edison, HS.
Emerson, EL.
Franklin, EL.
Fresno Colony, EL, Fresno Colony.
Hamilton, JHS.
Herndon, EL, Herndon.
Houghton-Kearney, EL, Houghton-Kearney Union.
Irwin, JHS.
Ivy, EL., Fresno Colony.
Jackson, EL.
James E. Konkel, EL, Fowler Unified.
Jefferson, EL.
Juvenile Hall, EL–HS, Fresno County Special Schools.
Kirk, EL.
Lafayette, EL.
Lane, EL.
Lincoln, EL.
Lowell, EL.
Madison, EL, Madison.
Malaga, EL, Fowler Unified.
Mayfair, EL.
McKinley, EL, McKinley-Roosevelt Union.
Monroe, EL, Monroe.
Muir, EL.
Orange Center, EL, Orange Center.
Pacific Union, EL, Pacific Union.
Pershing Continuation, HS, Central Union.
Roosevelt, EL, McKinley-Roosevelt Union.
Roosevelt, HS.
Rowell, EL.
Sequoia, JHS.
Sunset, EL, Madison.
Teague, EL, Teague.
Tellman, EL.
Washington, HS, Washington Union.
Webster, EL.
West Park, EL, West Park.
Western, EL, Fresno Colony.
Winchell, EL.
Yosemite, JHS.
Fullerton; Maple Avenue, EL.
Garden Grove; Lincoln Educational Training Center, EL.
Gardena:
Ambler Avenue, EL.
Gardena Community Day Center, EL, Los Angeles County Special Schools.
St. Anthony of Padua, EL.
Geyserville:
Geyserville, EL.
Geyserville Educational Park, EL–HS.
Gilroy:
Brownell, JHS.
Eliot, EL.
El Roble, EL.
Gilroy, HS.
Glen View, EL.
Las Anamas, El.
Mount Madonna Continuation, HS.
Rucker, EL.
San Ysidro, EL.
Glendale:
Cerritos, EL.
Columbus, EL.
Edison, EL.
Franklin, EL.
Jefferson, EL.
Mann, EL.
Marshall, EL.
Muir, EL.
Glendora:
Sutherland, EL.
Whitcomb Continuation, HS.
Goleta:
Goleta, EL.
Isla Vista, EL.
Vista Del Mar, EL, Vista Del Mar Union.
Gompers; Gompers, JHS.
Gonzales:
Fairview, EL.
Gonzales, HS.
La Gloria, EL.
Goshen; Goshen, EL.
Grass Valley; Hennessy, EL.
Greenville; Greenville, EL.
Grenada; Grenada, EL.
Gridley:
Manzanita, EL, Manzanita.
McKinley, EL.
Sycamore, EL.
Wilson, EL.
Grimes; Grand Island, EL.
Grover City:
Grover City, EL.
Grover Heights, EL.
Guadalupe:
Guadalupe, EL.
Main Street, EL.
Guerneville; Guerneville, EL.
Gustine; Gustine, EL.
Hamilton City:
Community Continuation, HS.
Hamilton, EL.
Hamilton Union, HS.
Hanford:
Earl Johnson, HS.
Gardenside, EL, Lakeside Union.
Hanford East Campus, HS.
Hanford West Campus, HS.
Jefferson, EL.
Lakeside, EL, Lakeside Union.
Lee Richmond, EL.
Lincoln, EL.
Roosevelt, EL.
Thomas McCarthy Memorial, EL.
Washington, EL.
Wilson, JHS.
Harbor City:
Harbor City, EL.
Normont, EL.
Hawaiian Gardens:
Bloomfield, EL.
M. T. Killingsworth, JHS.
Venn W. Furgeson, EL.
Hayfork; Hayfork, HS.
Hayward:
Burbank, EL.
Cherryland, EL.
El Rancho Verde, EL, New Haven Unified.
Mohrland Continuation, HS.
Russell Continuation, HS, San Lorenzo Unified.
Sequoia, EL.
Shepherd, EL.
Tyrell, JHS.
Healdsburg:
Fitch Mountain, EL.
Healdsburg, EL.
Healdsburg, HS.
Mountain View Continuation, HS.
St. John, EL.
Heber; Heber, EL.
Helm; Helm, EL.
Hemet; Hemet, EL.
Hickman; Hickman, EL.
Hilmar:
Elim, EL.
Hilmar, JHS–HS.
Hollister:
Ausaymas, EL, North County Joint Union.
Cienega, EL, Cienega Union.
Pacheco, EL, North County Joint Union.
San Benito Boys, EL–HS, San Benito County Special Schools.
San Benito County, HS, San Benito Joint Union.
San Benito County Migrant, EL–HS, San Benito County Special Schools.
Hollywood:
St. Ambrose, EL.
Selma Avenue, EL.
Holt; Rindge, EL.
Holtville:
Emmett S. Finley, EL.
Sam Webb Continuation, HS.
Hoopa:
Hoopa Valley, EL.
Jack Norton, EL.
Hopland; Hopland, EL.
Hughson:
Billy Joe Dickens Continuation, HS.
Emilie J. Ross, JHS.
Hughson, EL.
Lebright, EL.
Huntington Beach:
Guidance Center, HS.
Oak View, EL, Ocean View.

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Huntington Park:
Gage, JHS.
Middleton Street, EL.
Miles Avenue, EL.
Nimitz, JHS.
St. Mathias, EL.
St. Matthias Catholic, HS.
Huron; Huron, EL.
Hydesville; Hydesville, EL.
Igo; Igo-Ono, EL.
Imperial:
Ben Hulse, EL.
Frank M. Wright, JHS.
Imperial Beach:
Bayside, EL.
Central, EL.
Juarez-Lincoln, EL, Chula Vista City.
Los Altos, EL, Chula Vista City.
Montgomery, JHS, Sweetwater Union High.
Montgomery, HS, Sweetwater Union High.
Nestor, EL.
Southwest, JHS, Sweetwater Union High.
Sunnyslope, EL.
Indio:
Andrew Jackson, EL.
Desert Sands Continuation, HS.
Dwight Eisenhower, EL.
Herbert Hoover, EL.
Indio, HS.
Martin Van Buren, EL.
Our Lady of Perpetual Help, EL.
Theodore Roosevelt, EL.
Thomas Jefferson, JHS.
Woodrow Wilson, JHS.
Inglewood:
Bennett, EL.
Buford, EL, Lennox.
Center Park, EL.
Century Park, EL, Los Angeles City Unified.
Larch, EL, Lennox.
Ione; Preston School of Industry, EL–HS, California Youth Authority.
Isleton; Isleton, EL.
Jacumba; Jacumba, EL.
Jamestown; Chinese Camp, EL.
Johnsondale; Johnsondale, EL.
Julian:
Julian, EL.
Julian, HS.
Junction City, Juncton City, EL.
Kerman:
Kerman Continuation, HS.
Kerman, HS.
Kerman-Floyd, EL, Kerman-Floyd Union.
Sun-Empire, EL, Sun-Empire Union.
Kernville; Camp Erwin Owen, HS, Kern County Special Schools.
Kettleman City; Kettleman City, EL.
Keyes; Keyes, EL.
King City; Bitterwater-Tully, EL.
Kingsburg:
Kings River, EL, Kings River Union.
Kingsburg, HS.
Knights Ferry; Knights Ferry, EL.
Knights Landing; Grafton, EL.
Knightsen; Knightsen, EL.
Korbel; Maple Creek, EL.
La Habra:
El Cerrito, EL.
Valencia, EL.
Walnut Street, EL.
La Honda; Glenwood Boys Ranch, EL-HS, San Mateo County Special Schools.
La Puente:
Bassett, EL, Bassett Unified.
Bishop Amat Memorial, HS.
Don Julian, EL, Bassett Unified.
Ethel D. Keenan, EL, Bassett Unified.
Fairgrove, EL, Hacienda La Puente Unified.
Hurley, EL, Rowland Unified.
La Seda, EL, Rowland Unified.
Nogales, HS, Rowland Unified.
Northam, EL, Rowland Unified.
Rorimer, EL, Rowland Unified.
St. Joseph, EL.
St. Louis of France, EL.
Santana Continuation, HS, Rowland Unified.
Sparks, JHS, Hacienda La Puente Unified.
Villacorta, EL, Rowland Unified.
La Verne; Afflerbaugh-Page, JHS–HS, Los Angeles County Special Schools.
Lamont:
Alicant Avenue, EL.
Lamont, EL.
Mountain View, JHS.
Myrtle Avenue, EL.
Sunset, EL, Vineland.
Vineland, EL, Vineland.
Lancaster:
Paraclete, HS.
Sacred Heart, EL.
Lathrop; Lathrop, EL.
Laton:
Laton Continuation, HS.
Laton, EL.
Laton, HS.
Lawndale:
Betsy Ross, EL.
Billy Mitchell, EL.
Jane Addams, EL.
Kit Carson, EL.
Lucille J. Smith, EL.
William Anderson, EL.
William Green, EL.
Le Grand:
Le Grand, EL.
Le Grand, HS.
Lemon Grove; Golden Avenue, EL.
Lemoore:
Central, EL, Central Union.
Island, EL, Island Union.
Lewiston; Lewiston, EL.
Lindsay:
Grove Continuation, HS.
Jefferson, EL.
Lindsay, JHS.
Lindsay, HS.
Washington, EL.
Littlerock:
Almondale, EL.
Alpine, EL.
Antelope, EL.
Livermore; Del Valle Continuation, HS.
Livingston:
Campus Park, EL.
Livingston, HS, Merced Union.
Livingston, JHS.
St. Jude, EL.
Selma Herndon, EL.
Lodi:
Alpine, EL.
Children's Center, EL.
Garfield, EL.
Harmony Grove, EL.
Lafayette, EL.
Lakewood, EL.
Lawrence, EL.
Lincoln, EL.
Live Oak, EL.
Lodi North Campus Continuation, HS.
Needham, EL.
Ray, EL.
Tokay Colony, EL.
Lompoc:
El Camino, EL.
La Purisima Conception, EL.
Long Beach:
Barton, EL.
Burbank, EL.
Burnett, EL.
Edison, EL.
Field, EL.
Franklin, JHS.
Holy Innocents, EL.
Lee, EL.
Lincoln, EL.
Lindbergh, JHS.
Our Lady of Refuge, EL.
Polytechnic, HS.
Reid Continuation, HS.
Roosevelt, EL.
St. Anthanasius, EL.
St. Anthony, EL.
St. Anthony, HS.
St. Barnabas, EL.
St. Joseph, EL.
St. Maria Goretti, EL.
Signal Hill, EL.
Stevenson, EL.
Washington, JHS.
Whittier, EL.
Los Alamos; Los Alamos, EL.
Los Angeles:
Abraham Lincoln, EL, Compton Unified.
Adams, JHS.
Albion Street, EL.
All Saints, EL.
Alta Loma, EL.
Angeles Mesa, EL.
Ann Street, EL.
Aragon Avenue, EL.
Arlington Heights, EL.
Ascension, EL.
Ascot Avenue, EL.
Assumption, EL.
Bellmont Continuation, HS.
Belmont, HS.
Belvedere, EL.
Belvedere, JHS.
Berendo, JHS.
Bethune, JHS.
Bishop Conaty Memorial, HS.
Bishop Mora Salesian, HS (also known as Salesian HS).
Breed Street, EL.
Bridge Street, EL.
Brooklyn Avenue, EL.
Budlong Avenue, EL.
Bushnell Way, EL.
Carver, JHS.
Cathedral, HS.
Central Continuation, HS.
Christ the King, EL.
Cienega, EL.
City Terrace, EL.
Clay, JHS.
Clifford Street, EL.
Commonwealth Avenue, EL.
Compton Avenue, EL.
Cortez Street, EL.
Crenshaw Continuation, HS.
Crenshaw, HS.
Dacotah Street, EL.
Divine Saviour, EL.
Dolores Mission, EL.
Dorsey Continuation, HS.
Dorsey, HS.
Drew, JHS.
Eastman Avenue, EL.
Eastmont, EL, Montebello Unified.
Edison, JHS.
El Sereno, EL.
El Sereno, JHS.
Elysian Heights, EL.
Euclid Avenue, EL.
Evergreen Avenue, EL.
Fifty-Ninth Street, EL.
Fifty-Second Street, EL.
Figueroa Street, EL.
First Street, EL.
Fletcher Drive, EL.
Florence Avenue, EL.
Ford Boulevard, EL.
Forty-Ninth Street, EL.
Forty-Second Street, EL.
Foshay, JHS.
Fremont Continuation, HS.
Fremont, HS.
Garden Gate, JHS–HS.
Garfield Continuation, HS.
Garfield, HS.
Garvanza, EL.
Gates Street, EL.
George Washington Carver, EL, Compton Unified.
Glassell Park, EL.
Glen Alta, EL.
Gompers, JHS.
Graham, EL.

Grant, EL.
Grape Street, EL.
Griffin Avenue, EL.
Griffith, JHS.
Hammel Street, EL.
Harrison, EL.
Harte, JHS.
Hillcrest Drive, EL.
Hillside, EL.
Hobart Boulevard, EL.
Hollenbeck, JHS.
Holmes Avenue, EL.
Holy Cross Middle.
Holy Name of Jesus, EL.
Holy Spirit, EL.
Holy Trinity, EL.
Hooper Avenue, EL.
Hoover Street, EL.
Humphreys Avenue, EL.
Huntington Drive, EL.
Hyde Park, EL.
Immaculate Conception, EL.
Jackson, JHS–HS.
Jefferson, HS.
Jordan, HS.
Juvenile Hall Boys, EL–HS, Los Angeles County Special Schools.
Juvenile Hall Girls, EL–HS, Los Angeles County Special Schools.
La Salle Avenue, EL.
Las Palmas Girls, JHS–HS, Los Angeles County Special Schools.
Latona Avenue, EL.
Lillian Street, EL.
Lincoln Continuation, HS.
Lincoln, HS.
Little Flower of Jesus, EL.
Locke Continuation, HS.
Locke, HS.
Lockwood Avenue, EL.
Logan Street, EL.
Lorena Street, EL.
Loreto Street, EL.
Magnolia Avenue, EL.
Main Street, EL.
Malabar Street, EL.
Manchester Avenue, EL.
Manhattan Place, EL.
Mann, JHS.
Manual Arts, HS.
Mar Vista, EL.
Marianna Avenue, EL.
Mark Twain EL, Compton Unified.
Mark Twain, JHS.
Markham, JHS.
Marvin, EL.
McKinley Avenue, EL.
Menlo Avenue, EL.
Metropolitan, HS.
Miller, EL.
Miramonte, EL.
Montebello Park, EL, Montebello Unified.
Monte Vista, EL.
Mount Carmel, HS.
Mount Vernon, JHS.
Muir, JHS.
Multnomah Street, EL.
Murchison Street, EL.
Nativity, EL.
Nevin Avenue, EL.
Nightingale, JHS.
Ninety-Fifth Street, EL.
Ninety-Ninth Street, EL.
Ninety-Second Street, EL.
Ninety-Seventh Street, EL.
Ninety-Sixth Street, EL.
Ninety-Third Street, EL.
Normandie Avenue, EL.
Norwood Street, EL.
One Hundred Eighteenth Street, EL.
One Hundred Eleventh Street, EL.
One Hundred Ninth Street, EL.
One Hundred Second Street, EL.
One Hundred Seventh Street, EL.
One Hundrd Sixteenth Street, EL.
One Hundred Twelfth Street, EL.
One Hundred Twenty-Second Street, EL.
Our Help of Christians, EL.
Our Lady of Guadalupe (Hazard), EL.
Our Lady of of Guadalupe (Rosehill), EL.
Our Lady of Loretto, EL.
Our Lady of Loretto, HS.
Our Lady of Lourdes, EL.
Our Lady of Soledad, EL.
Our Lady of the Rosary of Talpa, EL.
Our Lady Queen of the Angels, JHS.
Our Mother of the Good Counsel, EL.
Parmelee Avenue, EL.
Pasteur, JHS.
Pater Noster, HS.
Pelletier, HS.
Precious Blood, EL.
Queen Anne Place, EL.
Ramona, EL.
Raymond Avenue, EL.
Resurrection, EL.
Riggin, EL.
Ritter, EL.
Roosevelt, HS.
Rosemont Avenue, EL.
Rowan Avenue, EL.
Russell, EL.
Sacred Heart, EL.
Sacred Heart, HS.
St. Agatha, EL.
St. Agnes, EL.
St. Aloysius, EL.
St. Alphonsus, EL.
St. Anastasia, EL.
St. Anselm, EL.
St. Bernadette, EL.
St. Bernard, EL.
St. Brigid, EL.
St. Cecilia, EL.
St. Columbkill, EL.
St. Frances X Cabrini, EL.
St. Francis of Assisi, EL.
St. Ignatius, EL.
St. John the Evangelist, EL.
St. Lawrence of Brindisi, EL.
St. Malachy, EL.
St. Mary, EL.
St. Mary Magdalen, EL.
St. Michael, EL.
St. Michael, HS.
St. Odilia, EL.
St. Paul, EL.
St. Raphael, EL.
St. Sebastian, EL.
St. Teresa of Avila, EL.
St. Thomas, EL.
St. Turibius, EL.
St. Vincent, EL.
Salesian, HS (also known as Bishop Mora Salesian, HS).
San Antonio de Padua, EL.
San Miguel, EL.
San Pedro Street, EL.
Santa Barbara, EL.
Santa Isabel, EL.
Santa Monica Boulevard, EL.
Santa Teresita, EL.
Saturn Street, EL.
Second Street, EL.
Seventy-Fifth Street, EL.
Seventy-Fourth Street, EL.
Sheridan Street, EL.
Sierra Park, EL.
Siera Vista, EL.
Sixth Avenue, EL.
Sixth-Eighth Street, EL.
Sixty-First Street, EL.
Sixty-Sixth Street, EL.
Soto Street, EL.
South Park, EL.
Stevenson, JHS.
Tenth Street, EL.
Thirty-Second Street, EL.
Thirty-Seventh Street, EL.
Thirty-Sixth Street, EL.
Transfiguration, EL.
Trinty Street, EL.
Twentieth Street, EL.
Twenty-Eighth Street, EL.
Twenty-Fourth Street, EL.
Union Avenue, EL.
Utah Street, EL.
Vanguard, JHS, Compton Unified.
Vermont Avenue, EL.
Vine Street, EL.
Virgil, JHS.
Virginia Road, EL.
Wadsworth Avenue, EL.
Washington Continuation, HS.
Washington, HS.
Weigand Avenue, EL.
West Athens, EL.
West Vernon Avenue, EL.
Western Avenue, EL.
Wilson, HS.
Winter Gardens, EL, Montebello Unified.
Woodcrest, EL.
Los Banos:
Los Banos, EL.
Los Banos, JHS.
R. M. Miano, EL.
Lucerne; Lucerne, EL.
Lynwood:
Abbott, EL.
Fred W. Hosler, JHS.
Lincoln, EL.
Lindbergh, EL.
Vista Continuation, HS.
Will Rogers, EL.
Wilson, EL.
Madera:
Dixieland, EL.
George Washington, EL.
James Madison, EL.
James Monroe, EL.
La Vina, EL.
Madera, HS.
Millview, EL.
Ripperdan, EL.
Sierra Vista, EL.
Sugar Pine Continuation, HS.
Thomas Jefferson, JHS.
Malibu:
Fred Miller, JHS–HS, Los Angeles Special Schools.
Vernon Kilpatrick, EL–HS, Los Angeles County Special Schools.
Manchester; Manchester, EL.
Manteca:
Calla, HS.
Lindbergh, EL.
Sequoia, EL.
Yosemite, EL.
Manton; Manton, EL.
Marina; Marina Del Mar, EL.
Mariposa; Mount Bullion Youth Conservation Camp, EL–HS, California Youth Authority.
Martinez:
Juvenile Hall EL–HS, Contra Costa County Special Schools.
Las Juntas, EL.
Martinez, EL.
Morello, EL.
Mountain View, EL.
St. Catherine of Siena, EL.
Marysville:
Alicia, JHS.
Arboga, EL.
Brophy, EL.
Cedar Lane, EL.
Cordua, EL.
Harry P. B. Carden Juvenile Hall, EL–HS, Yuba County Special Schools.
Linda, EL.
Mary Covillaud, EL.
Marysville, HS.
W. T. Ellis Continuation, HS.
Maywood; Loma Vista Avenue, EL.
McFarland; Browning Road, EL.
McKinleyville:
McKinleyville, HS.
Pacific Coast Continuation, HS.
Mecca; Mecca, EL.
Mendocino:
Mendocino, EL.
Mendocino, JHS–HS.
Mendota:
McCabe, EL.
Washington, EL.

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Menlo Park:
Belle Haven, EL.
Menlo Oaks, JHS.
O'Connor, EL.
Willow, EL.
Merced:
Ada Givens, EL.
Charles Wright, EL.
Franklin, EL.
Fremont Annex, EL.
Herbert Hoover, JHS.
Luther Burbank, EL.
Margaret Sheehy, EL.
Merced, HS.
Plainsburg, EL, Plainsburg Union.
Prekindergarten, EL.
Rudolph Rivera, JHS.
Tenaya, JHS.
Weaver, EL, Weaver Union.
Middletown; Minnie Cannon, EL.
Millbrae:
Chadbourne Avenue, EL.
Green Hills, EL.
Lomita Park, EL.
Milpitas; Robert W. Randall, EL.
Mira Loma; Troth Street, EL.
Modesto:
Bret Harte, EL.
Fairview, EL.
Franklin, EL.
James Marshall, EL.
Josephine Chrysler, EL, Stanislaus Union.
Mark Twain, JHS.
Modesto, HS.
Orville Wright, EL.
Robertson Road, EL.
Shakelford, EL.
Tuolumne, EL.
Washington, EL.
Westport, EL, Ceres Unified.
Monrovia:
Bradoaks, EL.
Canyon Continuation, HS.
Huntington Center, EL.
Monroe, EL.
Plymouth, EL.
Wild Rose, EL.
Montague; Willow Creek, EL.
Montclair; Ramona, EL.
Monte Rio; Monte Rio, EL.
Montebello:
Cantwell Boys, HS.
Eastmont, JHS.
Fremont, EL.
Greenwood, EL.
La Merced, JHS.
Montebello, JHS.
Montebello, HS.
Sacred Heart of Mary, HS.
St. Benedict, EL.
Vail Continuation, HS.
Washington, EL.
Monterey; San Carlos, EL.
Monterey Park; Monterey Vista, EL.
Montgomery Creek; Montgomery Creek, EL.
Montrose; Montrose, EL.
Moorpark:
Flory, EL.
Moorpark Memorial, HS.
Poindexter, EL.
Morgan Hill:
Burnett, EL.
Central Continuation, HS.
Encinal, EL.
Live Oak, HS.
Morgan Hill, EL.
Nordstrom, EL.
P.A. Walsh, EL.
William F. James Boys Ranch I, HS, Santa Clara County Special Schools.
William F. James Boys Ranch II, JHS-HS, Santa Clara County Special Schools.
Mountain View:
Mariano Castro, EL.
Powell, EL, Whisman.
San Ramon, EL, Whisman.
Napa:
Juvenile Hall, EL-HS, Napa County Special Schools.
Napa Childrens Center, EL, Napa County Special Schools.
St. Helena Childrens Center, EL, Napa County Special Schools.
Trancas Childrens Center, EL, Napa County Special Schools.
National City:
Central, EL.
Granger, JHS, Sweetwater Union.
Kimball, EL.
National City, JHS, Sweetwater Union.
Sweetwater Union, HS, Sweetwater Union.
Needles; Grace Henderson, EL.
Nevada City:
Nevada City, EL.
Washington Ridge Conservation Camp, EL-HS, California Youth Authority.
Newark:
August Schilling, EL.
E. L. Musick, EL.
Muller-Silva, EL.
Newman; Von Renner, EL.
Niland; Niland, EL.
Nipomo; Nipomo, EL.
North Columbia; Cherokee, EL.
North Fork; North Fork, EL.
North Highlands:
Center Joint, EL.
Cyril Spinelli, EL.
Oakdale, EL, Rio Linda Union.
North Hollywood:
Camellia Avenue, EL.
Fair Avenue, EL.
Lankershim, EL.
Norwalk:
Centennial, JHS.
Grayland Avenue, EL.
Henry L. Wrights, JHS.
Southern Reception Center, EL-HS, California Youth Authority.
Oak Run; Oak Run, EL.
Oak View; Arnaz, EL.
Oakdale; Cloverland, EL.
Oakland:
Allendale, EL.
Bella Vista, EL.
Brookfield Village, EL.
Burbank, EL.
Castlemont, HS.
Clawson, EL.
Cole, EL.
Dag Hammerskjold, EL.
Dewey Continuation, HS.
Durant, EL.
Edison, EL.
Elmhurst, JHS.
Emerson, EL.
E. Morris Cox, EL.
Franklin, EL.
Fremont, HS.
Frick, JHS.
Fruitvale, EL.
Garfield, EL.
Golden Gate, EL.
Grant Continuation, HS.
Hamilton, JHS.
Havenscourt, JHS.
Hawthorne, EL.
Highland, EL.
Hoover, JHS.
Horace Mann, EL.
Jefferson, EL.
Lafayette, EL.
Lazear, EL.
Lockwood, EL.
Longfellow, EL.
Lowell, JHS.
Madison, JHS.
Manzanita, EL.
Markham, EL.
Martin Luther King, EL.
McClymonds, HS.
Melrose, EL.
Oakland, HS.
Oakland Technical, HS.
Parker, EL.
Prescott, EL.
Ralph J. Bunche, EL.
Roosevelt, JHS.
Sacred Heart, EL.
St. Augustine, EL.
St. Benedict, EL.
St. Bernard, EL.
St. Columba, EL.
St. Elizabeth, EL.
St. Francis de Sales, EL.
St. Louis Bertrand, EL.
St. Mary, EL.
St. Patrick, EL.
Santa Fe, EL.
Sobrante Park, EL.
Stonehurst, EL.
Toler Heights, EL.
Washington, EL.
Webster, EL.
Whittier, EL.
Willow Manor, EL.
Woodland, EL.
Woodrow Wilson, JHS.
Oceano; Oceano, EL.
Oceanside:
Ditmar, EL.
Laurel, EL.
Mission, EL.
Oildale; Standard, EL.
Olivehurst:
Ella, EL.
Olivehurst, EL.
Yuba Gardens, JHS.
Ontario:
Bon View, EL.
Central, EL.
Euclid, EL.
Mariposa, EL.
Mission, EL.
Ontario, HS.
St. George, EL.
Sultana, EL.
Orange:
Esplanade, EL.
La Veta, EL.
Otto A. Fischer & Sitton, EL-HS, Orange County Special Schools.
Sycamore EL.
Orange Cove:
Citrus, JHS.
L. W. McCord, EL.
Sheridan, EL.
Orcutt; May Grisham, EL.
Orland; Plaza, EL.
Oroel:
El Monte EL.
Lovell Continuation, HS.
Orosi, HS.
Palm, EL.
Oroville:
Bird Street, EL.
Burbank, EL.
Central, EL.
Concow, EL, Golden Feather Union.
Eastside, EL.
Helen M. Wilcox, EL, Palermo Union.
Honcut, EL, Honcut.
Nelson Avenue, EL, Thermalito Union.
Oakdale Heights, EL.
Palermo, EL, Palermo Union.
Poplar Avenue, EL, Thermalito Union.
Sierra Avenue, EL, Thermalito Union.
Spring Valley, EL, Golden Feather Union.
Oxnard:
Juanita, EL.
Ocean View Children's Center, EL, Ocean View.
Our Lady of Guadalupe, EL.
Rose Avenue, EL.
Santa Clara, EL.
Santa Clara, HS.
Pacific Grove; Robert Down, EL.
Pacifica; Westview, EL.

Pacoima:
Filmore Street, EL.
Guardian Angel, EL.
Maclay, JHS.
Mary Immaculate, EL.
Pacoima, EL.
Sharp Avenue, EL.
Telfair Avenue, EL.
Pala; Mission San Antonio de Pala Indian, EL.
Palmdale:
Hughes-Elizabeth Lakes, EL, Hughes-Elizabeth Lakes Union.
Yucca, EL.
Palo Alto:
Brentwood, EL, Ravenswood City.
Costano, EL, Ravenswood City.
Garden Oaks, JHS, Ravenswood City.
Green Oaks JHS, Ravenswood City.
Kavanaugh, EL, Ravenswood City.
Runnymede, EL, Ravenswood City.
Saint Albert The Great, EL.
Ventura, EL.
Paradise; De Sabla Continuation, HS.
Paramount:
Abraham Lincoln, EL.
Los Cerritos, EL.
Mark Keppel, EL.
Roosevelt, EL.
Wesley Gaines, EL.
Parlier:
Central, EL.
Mendocino, EL.
Parlier HS.
Riverview, EL, Kings Canyon Joint Unified.
Tuolumne, EL.
Pasadena:
Allendale, EL.
Alternative, EL-HS.
Chandler, EL.
Field, EL.
Foothill Continuation, HS.
Garfield, EL.
Hale, EL.
Hamilton, EL.
Intermediate Opportunity EL-HS.
Jefferson, EL.
Lincoln, EL.
Longfellow, EL.
Madison, EL.
Saint Andrew, EL.
Saint Andrew, HS.
Washington, EL.
Washington, JHS.
Willard, EL.
Wilson, JHS.
Paso Robles:
Georgia Brown, EL.
St. Rose Grammar, EL.
Patterson; Northmead, EL.
Perris:
Good Hope, EL.
Mead Valley Team, EL, Val Verde.
Ferris, EL.
Ferris, HS.
Ferris Valley, JHS.
Val Verde, EL, Val Verde.
Petaluma:
Cherry Valley, EL.
McDowell, EL.
Petaluma Childrens Center, EL, Sonoma County Special Schools.
Waugh, EL.
Petrolia; Mattole Union, EL.
Philo; Clearwater Ranch, EL-HS, Mendocino County Special Schools.
Pico Rivera:
Durfee, EL.
Lawrence T. Magee, EL.
Maizeland, EL.
Mary E. Meller, JHS.
Montebello Gardens, EL, Montebello Unified.
North Park, JHS.
North Ranchito, EL.
Pio Pico, EL.
Rivera, EL.
Rivera, JHS.
St. Hilary, EL.
St. Marianne de Paradee, EL.
Selby Grove, EL.
South Ranchito, EL.
Valencia, EL.
Pine Grove; Pine Grove Conservation Camp, EL-HS, California Youth Authority.
Pinedale:
Nelson, EL.
Pinedale, EL.
Pismo Beach; Frances Judkins, JHS.
Pittsburg:
Ambrose, EL, Mount Diablo Unified.
Bel Air, EL, Mount Diablo Unified.
Central, JHS.
Delta Continuation, HS.
Heights, EL.
Highlands, EL.
Hillview, JHS.
Los Medanos, EL.
Marina, EL.
Martin Luther King, EL.
Parkside, EL.
Pittsburg North Campus, HS.
Pittsburg South Campus, HS.
Riverview, JHS, Mount Diablo Unified.
School of St. Peter Martyr, EL.
Shore Acres, EL, Mount Diablo Unified.
Village, EL.
Pixley; Pixley, EL.
Placentia:
El Camino Real Continuation, HS.
William M. McFadden, EL.
Planada; Planada, EL.
Playa Del Rey; St. Bernard, HS.
Pleasanton; Fairlands, EL.
Pomona:
Alcott, EL.
Arroyo, EL.
Fremont, JHS.
Garey, HS.
Hamilton, EL.
John Marshall, JHS.
Kellogg, EL.
Lexington, EL.
Lincoln, EL.
Madison, EL.
North San Antonio, EL.
Palomares, JHS.
Park Avenue Continuation, HS.
Roosevelt, EL.
Sacred Heart, EL.
Simons, JHS.
Washington, EL.
Pond; Pond, EL.
Porterville:
John J. Doyle, EL.
Monache, HS.
Olive Street, EL.
Pleasant View, EL.
Porterville, HS.
Roche, EL.
Rockford, EL.
Vandalia, EL.
West Putnam, EL.
Woodville, EL.
Princeton:
Codora, EL.
Princeton, EL.
Princeton, JHS-HS.
Project City; Project City, EL.
Quincy; Pioneer, EL.
Raisin; Raisin City, EL.
Ramona; Ramona, EL.
Rancho Cordova:
Cordova Villa, EL.
White Rock, EL.
Raymond; Raymond-Knowles, EL.
Redding:
Buckeye, EL, Buckeye.
Grant, EL, Grant.
Juniper, EL.
Juvenile Hall, EL-HS, Shasta County Special Schools.
Magnolia, EL.
Nova, HS, Shasta Union.
Pioneer Continuation, HS, Shasta Union.
Rocky Point, EL, Buckeye.
Rother, EL, Enterprise.
Shasta Meadows, EL, Enterprise.
Redlands:
Ettie Lee Homes, EL-HS, Beaumont Unified.
Lugonia, EL.
Mission, EL.
Redondo Beach; Birney, EL.
Redway; Redway, EL.
Redwood City:
Fair Oaks, EL.
Garfield, EL.
Girls Day Facility, EL-HS, San Mateo County Special Schools.
Henry Ford, EL.
Hoover, EL.
Sequoia, HS, Sequoia Union.
Washington, EL.
Reedley:
Alta-Smith Mountain, EL.
Jefferson, EL.
Kings Canyon Continuation, HS.
Navelencia-Great Western, EL.
Reedley, HS.
Rialto:
J. P. Kelley, EL.
Roscoe E. Watts, EL.
Richgrove: Richgrove, EL.
Richmond:
Alvarado, EL.
Belding, EL.
Coronado, EL.
Cortez, EL.
Ells, HS.
Ford, EL.
Grant, EL.
Guide Western, EL-HS, Contra Costa County Special Schools.
King, EL.
Lincoln, EL.
Nystrom, EL.
Peres, EL.
Rancho, EL.
Richmond, HS.
Riverside, EL.
St. Cornelius, EL.
Samuel Gompers Continuation, HS.
Stege, EL.
Verde, EL.
Washington, EL.
Woods, EL.
Rio Dell:
Rio Dell, EL.
Rio Dell Primary.
Rio Linda:
Dry Creek, EL.
Orchard, EL.
Rio Linda, EL.
Rio Linda, JHS, Grant Joint Union.
Rio Linda, HS, Grant Joint Union.
Vineland, EL.
Westside, EL.
Riverbank:
California, EL.
Cardozo, EL.
Riverbank, HS, Oakdale Joint Union.
Riverdale:
Riverdale, EL.
Riverdale Primary, EL.
Riverside:
Arlanza, EL, Alvord Unified.
Continuation, HS, Alvord Unified.
Edgemont, EL, Moreno Valley Unified.
F. H. Butterfield Juvenile Hall, EL-HS, Riverside County Special Schools.
Glen Avon, EL, Jurupa Joint Unified.
Ina Arbuckle, EL, Jurupa Joint Unified.
Jurupa, JHS, Jurupa Joint Unified.
Liberty, EL.
Longfellow, EL.
Mission Bell, EL, Jurupa Joint Unified.
Mission, JHS, Jurupa Joint Unified.
Myra Linn, EL, Alvord.
Nueva Vista Continuation, HS, Jurupa Joint Unified.
Pacific Avenue, EL, Jurupa Joint Unified.
Pedley, EL, Jurupa Joint Unified.
Rustic Lane, EL, Jurupa Joint Unified.
Van Buren, EL, Jurupa Joint Unified.
West Riverside, EL, Jurupa Joint Unified.

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Rodeo:
Garretson Heights, EL.
Hillcrest, EL.
Willow Continuation, HS.
Rosemead:
Dan T. Williams, EL.
Fern, EL.
Frances E. Willard, EL.
Margaret Duff, EL.
Ralph Waldo Emerson, EL.
Roseville:
Adelante Continuation, HS.
Kaseberg, EL.
Vernon Street, EL.
Woodbridge, EL.
Round Mountain; Cedar Creek, EL.
Sacramento:
Alethea B. Smythe, EL, North Sacramento.
American Legion Continuation, HS.
Anna Kirchgater, EL, Elk Grove Unified.
Argonaut, EL.
Bell Avenue, EL, Robla.
Ben Ali, EL, North Sacramento.
Bret Harte, EL.
California, JHS.
Camellia, EL.
Coloma, EL.
Del Paso Heights, EL, Del Paso Heights.
Del Paso, JHS, Grant Joint Union.
Donner, EL.
Dos Rios, EL, North Sacramento Elementary.
Earl Warren, EL.
Edward Kemble, EL.
Edward Kemble Annex, EL.
El Centro Juvenile Court, JHS–HS, Sacramento County Special Schools.
Elder Creek, EL.
Esperanza Juvenile Court, HS, Sacramento County Special Schools.
Ethel I. Baker, EL.
Ethel Phillips, EL.
Fairbanks, EL, Del Paso Heights.
Florin, EL, Elk Grove Unified.
Freeport, EL.
Fremont, EL.
Fruit Ridge, EL.
Garden Valley, EL, Del Paso Heights.
Gardenland, EL, North Sacramento.
Grant, HS, Grant Joint Union.
Hagginwood, EL, North Sacramento.
Harmon Johnson, EL, North Sacramento.
Harold A. Cook, EL, North Sacramento.
Holy Angels, EL.
Immaculate Conception, EL.
Isabelle Jackson, EL, Elk Grove Unified.
Jedediah Smith, EL.
Las Palmas, JHS, Grant Joint Union.
Maine Avenue, EL, Robla.
Maple, EL.
Mark Hopkins, EL.
Mark Twain, EL.
Marshall, EL.
McClellan, EL, North Sacramento.
Morey Avenue, EL, Del Paso Heights.
Newton Booth, EL.
Noralto, EL, North Sacramento.
Norte Del Rio, HS, Grant Joint Union.
North Avenue, EL, Del Paso Heights.
Northern Reception Center, EL–HS, California Youth Authority.
Northwood, EL, North Sacramento.
Oakridge, EL.
Pacific, EL.
Peter Lassen, JHS.
Rio Tierra, JHS, Grant Joint Union.
Robla, EL, Robla.
Sacramento, HS.
St. Francis of Assisi, EL.
Sierra, EL.
Sierra-Enterprise, EL, Elk Grove Unified.
Sutter, JHS.
Taylor Street, EL, Robla.
Valle Vista, JHS, Grant Joint Union.
Vista Nueva Continuation, HS, Grant Joint Union.
Washington, EL.
Will C. Wood, JHS.
William Land, EL.
Woodbine, EL.
Woodlake, EL, North Sacramento.
Salida; Salida, EL.
Salinas:
Alisal, EL, Alisal Union.
Alisal, HS.
Boronda, EL.
El Sausal, JHS.
Fremont, EL, Alisal Union.
Graves, EL, Graves.
Lincoln, EL.
Mount Toro Continuation, HS.
Prunedale, EL, North Monterey County Union.
Roosevelt, EL.
St. Mary of the Nativity, EL.
Sanborn, EL, Alisal Union Elementary.
Sherwood, EL.
Salton City; Sea View, EL.
San Anselmo; Sunny Hills, JHS–HS, Marin County Special Schools.
San Benito; Jefferson, EL.
San Bernardino:
Alessandro, EL.
Arrowview, JHS.
Bradley, EL.
Burbank, EL.
Burton Thrall Juvenile Hall, EL–HS, San Bernardino County Special Schools.
Cajon, HS.
California, EL.
Curtis, JHS.
Franklin, JHS.
Fremont, JHS.
Herbert S. Bailey Juvenile Hall, EL–HS, San Bernardino County Special Schools.
Lankershim, EL.
Lincoln, EL.
Lytle Creek, EL.
Monterey, EL.
Mount Vernon, EL.
Muscott, EL.
Muscoy, EL.
Our Lady of Guadalupe, EL.
Richardson, JHS.
Riley, EL.
Rio Vista, EL.
Roosevelt, EL.
St. Anthony, EL.
Vermont, EL.
San Carlos; San Carlos, HS.
San Diego:
Baker, EL.
Balboa, EL.
Bandini, EL.
Brooklyn, EL.
Burbank, EL.
Carson, EL.
Central, EL.
Cholla, EL.
Crockett, EL.
Emerson, EL.
Hillcrest, EL–HS, San Diego County Special Schools.
Horton, EL.
Johnson, EL.
Kennedy, EL.
Knox, EL.
Lincoln, HS.
Linda Vista, EL.
Logan, EL.
Lowell, EL.
Mead, EL.
Memorial, JHS.
Morse, HS.
Nazareth, EL.
O'Farrell, JHS.
Our Lady of Angels, EL.
Our Lady of Guadalupe, EL.
St. Jude Academy, EL.
St. Rita, EL.
Sarah Anthony Juvenile Hall, EL–HS, San Diego County Special Schools.
Sherman, EL.
Stockton, EL.
Valencia Park, EL.
Wright Brothers, JHS–HS.
San Dimas:
Glenn Rockey, HS, Los Angeles County Special Schools.
San Gabriel Valley Community Day Center, JHS–HS, Los Angeles County Special Schools.
San Fernando:
Morningside, EL.
St. Ferdinand, EL.
San Fernando Continuation, HS.
San Fernando, JHS.
San Fernando, HS.
Santa Rosa de Lima, EL.
Vaughn Street, EL.
San Francisco:
All Hollows, EL.
Alvarado, EL.
Argonne, EL.
Benjamin Franklin, JHS.
Bessie Carmichael, EL.
Bret Harte, EL.
Bryant, EL.
Buena Vista, EL.
Burnett, EL.
Cathedral Girls, HS.
Cathedral Parish, JHS.
Cleveland, EL.
Cogswell Buena Vista Annex, EL.
Columbus, EL.
Commodore Stockton, EL.
Convent of the Good Shepherd, HS (also known as University Mound, HS).
Corbet Community, EL.
Daniel Webster, EL.
Diamond Heights, EL.
Douglas, EL.
Dudley Stone, EL.
Edison, EL.
Edward R. Taylor, EL.
Edgewood, EL.
El Dorado, EL.
Emerson, EL.
Everett, JHS.
Fairmont, EL.
Francis Scott Key, EL.
Fremont, EL.
Galileo, HS.
Glen Park, EL.
Golden Gate, EL.
Golden Gate II, EL.
Grattan, EL.
Guadalupe, EL.
Hawthorne, EL.
Hidden Terrace, EL–HS.
Hillcrest, EL.
Homewood Terrace, EL–HS.
Horace Mann, JHS.
Hunters Point II, EL.
Irving M. Scott, EL.
James Denman, JHS.
Jean Parker, EL.
Jedediah Smith, EL.
Jefferson, EL.
John A. O'Connell Vocational & Technical Institute, HS.
John McLaren, EL.
John Muir, EL.
John Swett, EL.
Junipero Serra, EL.
Junipero Serra Annex, EL.
Kate Kennedy, EL.
Laguna Honda, EL.
Le Conte, EL.
Log Cabin, HS.
Longfellow, EL.
Luther Burbank, JHS.
Marshall, EL.
McKinley, EL.
Miraloma, EL.
Mission Dolores, EL.
Mission, HS.
Monroe, EL.
Mount St. Joseph, EL–HS.
Noriega Home, EL.
Notre Dame des Victoires, HS (also known as Our Lady of Victory, HS).
Opportunity, HS.
Opportunity II, HS.
Opportunity, JHS.

Parkside, EL.
Patrick Henry, EL.
Paul Revere, EL.
Paul Revere Annex, EL.
Pelton, JHS.
Polytechnic, HS.
Portola, JHS.
Potrero Hill, JHS.
Redding, EL.
Roosevelt, JHS.
Sacred Heart, EL.
Sacred Heart, HS.
St. Agnes, EL.
St. Anthony, EL.
St. Charles Borromeo, EL.
St. Dominic, EL.
St. Emydius, EL.
St. Joseph, EL.
St. Michael, EL.
St. Paul Intermediate, EL.
St. Paul Primary, EL.
St. Peter, EL.
St. Teresa, EL.
Samuel Gompers, HS.
San Francisco Boys Home, JHS–HS.
San Miguel, EL.
Sanchez, EL.
Sarah B. Cooper, EL.
Sheridan, EL.
Sir Francis Drake, EL.
Sir Francis Drake Annex, EL.
Spring Valley, EL.
Starr King, EL.
Sutro, EL.
Sutro Annex, EL.
Twin Peaks, EL.
Ulloa, EL.
University Mound, HS (also known as Convent of the Good Shepherd, HS).
West Portal, EL.
Winfield Scott, EL.
Woodrow Wilson, HS.
Yerba Buena, EL.
San Gabriel:
Dewey Avenue, EL.
John Marshall, EL.
St. Anthony, EL.
San Jacinto:
Edward Hyatt, EL.
Monte Vista, JHS.
Mountain View Continuation, HS.
San Jacinto, EL.
San Jacinto, HS.
San Joaquin; San Joaquin, EL.
San Jose:
A. J. Dorsa, EL, Alum Rock Union.
Andrew P. Hills, HS, East Side Union.
Anne Darling, EL.
August Boeger, EL, Mount Pleasant.
Belden, EL.
Ben Painter, EL, Alum Rock Union.
Burnett, JHS.
Clyde Arbuckle, EL, Alum Rock Union.
Clyde L. Fischer, JHS, Alum Rock Union.
College Park, EL.
Day Care Center, EL, Santa Clara County Special Schools.
Donald J. Meyer, EL, Alum Rock Union.
Empire Gardens, EL.
Evergreen, EL, Evergreen.
Farnham, EL, Cambrian.
Franklin, EL, Franklin-McKinley.
Fred Marten, EL, Mount Pleasant.
Gardner, EL.
Grandin Miller, EL, Alum Rock Union.
Grant, EL.
G. W. Hellyer, EL, Franklin-McKinley.
Harry Sionaker, EL, Alum Rock Union.
Hester, EL.
Horace Mann, EL.
Jefferson, EL.
J. Wilbur Fair, JHS, Franklin-McKinley.
Katherine R. Smith, EL, Evergreen.
Laurelwood, EL, Evergreen.
Lee Mathson, JHS, Alum Rock Union.
Los Arboles, EL, Franklin-McKinley.
Lowell, EL.
Luther Burbank, EL, Luther Burbank.
Lyndale, EL, Alum Rock Union.
Mayfair, EL, Alum Rock Union.
McKinley, EL, Franklin-McKinley.
Mildred Goss, EL, Alum Rock Union.
Millard McCollum, EL, Alum Rock Union.
Mount Pleasant, EL, Mount Pleasant.
Muriel Wright Girls, HS, Santa Clara County Special Schools.
O. B. Whaley, EL, Evergreen.
Osborne Juvenile Center, EL–HS, Santa Clara County Special Schools.
O. S. Hubbard, EL, Alum Rock Union.
Pala, JHS, Alum Rock Union.
Quimby Oak, JHS, Evergreen.
Richard E. Conniff, EL, Alum Rock Union.
Robert Sanders, EL, Mount Pleasant.
San Antonio, EL, Alum Rock Union.
San Jose, HS.
San Jose Regional Vocational Center, HS.
Santee, EL, Franklin-McKinley.
Selma Olinder, EL.
Seven Trees, EL, Franklin-McKinley.
Sherman Oaks, EL, Campbell Union.
Silver Creek, HS, East Side Union.
Steindorf, EL, Cambrian.
Sylvandale, JHS, Franklin-McKinley.
Sylvia Cassell, EL, Alum Rock Union.
Walter L. Bachrodt, EL.
Washington, EL.
William C. Overfelt, HS, East Side Union.
William L. Sheppard, JHS, Alum Rock Union.
Yerba Buena, HS, East Side Union.
San Juan Bautista:
Olympia, EL, Olympia.
San Juan, EL.
San Leandro:
Chabot Ranch, EL–HS, Alameda County Special Schools.
Fairmont, EL, San Lorenzo Unified.
Juvenile Hall, EL–HS, Alameda County Special Schools.
Los Vista School for Girls, EL–HS, Alameda County Special Schools.
Los Cerros Senior Boys, HS, Alameda County Special Schools.
Snedigar Cottage, EL–HS, Alameda County Special Schools.
San Luis Obispo:
Emerson, EL.
Hawthorne, EL.
Sunnyacres Juvenile Hall, EL–HS, San Luis Obispo County Special Schools.
San Martin:
Raymond Gwinn, EL.
San Martin, EL.
San Miguel; Lillian Larsen, EL.
San Pablo:
Bayview, EL.
Broadway, EL.
Dover, EL.
Downer, JHS.
El Portal, EL.
Helms, JHS.
Lake, EL.
Montalvin Manor, EL.
San Pedro:
Bandini Street, EL.
Barton Hill, EL.
Cabrillo Avenue, EL.
Cooper, JHS–HS.
Fifteenth Street, EL.
Holy Trinity, EL.
Park Western Place, EL.
San Rafael:
Loma Alta Juvenile Hall, EL–HS, Marin County Special Schools.
St. Vincent Boys, EL–HS, Marin County Special Schools.
San Ysidro:
Beyer, EL.
Our Lady of Mount Carmel, EL. (also known as San Ysidro Academy, EL).
Sunset, EL.
Willow, EL.
Willow Preschool, EL.
Sanger:
Centerville, EL.
Jackson, EL.
Jefferson, EL.
Kings River Continuation, HS.
Lincoln, EL.
Madison, EL.
Sanger, HS.
Washington, JHS.
Wilson, EL.
Santa Ana:
Adams, EL.
David R. McMillan, JHS–HS, Orange County Special Schools.
Diamond, EL.
Diamond Annex, EL.
Edison, EL.
Franklin, EL.
Fremont, EL.
Heritage, EL, Garden Grove Unified.
Lincoln, EL.
Lowell, EL.
Martin, EL.
McKinley, EL.
Monroe, EL.
Monte Vista, EL.
Mountain View Continuation, HS.
Rio Contiguo, HS, Orange County Special Schools.
Roosevelt, EL.
School of Our Lady, EL.
Spurgeon, EL.
Wilson, EL.
Santa Barbara:
Dolores, EL.
Franklin, EL.
La Posada Juvenile Hall, EL, Santa Barbara County Special Schools.
La Posada Juvenile Hall, HS, Santa Barbara County Special Schools.
Lincoln, EL.
Las Robles, HS, Santa Barbara County Special Schools.
McKinley, EL.
Our Lady of Guadalupe, EL.
Roosevelt, EL.
Wilson, EL.
Santa Clara:
Agnew, EL.
Brown, EL.
Scott Lane, EL.
Santa Cruz:
Ben Lomond Conservation Camp, EL–HS, California Youth Authority.
Juvenile Hall, JHS–HS, Santa Cruz County Special Schools.
Laurel, EL.
Live Oak, EL, Live Oak.
Santa Fe Springs; Rancho Santa Gertrudes, EL.
Santa Maria:
Cook, EL.
Delta Continuation, HS.
Fairlawn, EL.
Oakley, EL.
Santa Monica:
Edison, EL.
John Muir, EL.
Madison, EL.
St. Anne, EL.
Santa Paula:
Barbara Webster, EL.
Grace S. Thille, EL.
Isbell, EL.
McKevett, EL.
Renaissance Continuation, HS.
Santa Rosa:
Bellevue, EL, Bellevue Union.
Brook Hill, EL.
Burbank, EL.
Doyle Park, EL.
Fremont, EL.
Juvenile Hall, EL–HS, Sonoma County Special Schools.
Lawrence Cook, JHS.
Lincoln, EL.
Los Guilucos, EL–HS, California Youth Authority Schools.

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Luther Burbank Childrens Center, EL, Sonoma County Special Schools.
South Park, EL.
Wright, EL, Wright.
Santee:
Prospect Avenue, EL.
Sierra Vista, HS, San Diego County Special Schools.
Saugus:
Joseph Scott, JHS–HS, Los Angeles County Special Schools.
Kenyon Scudder, HS, Los Angeles County Special Schools.
Sausalito:
Bayside, EL.
Martin Luther King, EL.
Scotia; Bluff Prairie, EL.
Seaside:
Cypress, HS.
Eldon J. Covell, EL.
Fremont, JHS.
Highland, EL.
Juan Cabrillo, EL.
Manzanita, EL.
Martin Luther King, JHS.
Noche Buena, EL.
Ord Terrace, EL.
Sebastopol; Sebastopol Childrens Center, EL, Sonoma County Special Schools.
Selma:
Eric White, EL.
George Washington, EL.
Heartland Continuation, HS.
Indianola, EL.
James Garfield, EL.
Roosevelt, EL.
Thomas Jefferson, EL.
Sepulveda:
Noble Avenue, EL.
Parthenia Street, EL.
Seville; Stone Corral, EL.
Shafter:
Richland, EL.
Richland, JHS.
Richland Primary.
Shandon; Shandon, EL.
Sheridan; Sheridan, EL.
Shingletown; Black Butte, EL.
Sierra Madre; Sierra Madre, EL.
Sloughhouse; Carson Creek Boys Ranch, HS, Sacramento County Special Schools.
Smartville; Pleasant Valley, EL.
Snelling; Snelling Merced Falls, EL.
Solana Beach:
Central, EL.
Skyline, EL
Soledad:
Main Street, EL.
San Vicente, EL.
Somerset; Pioneer, EL.
Sonoma; Sonoma Childrens Center, EL, Sonoma County Special Schools.
Soquel; Soquel, EL.
South Dos Palos; George Christian, EL.
South El Monte:
Epiphany, EL.
Loma, EL.
South Gate:
Liberty Boulevard, EL.
St. Helen, EL.
Spring Valley; Bancroft, EL.
Stevinson; Merquin, EL.
Stewarts Point; Reservation, EL.
Stockton:
August, EL.
Burbank, EL.
Clements, EL, Lodi Unified.
Cleveland, EL.
Collegeville, EL, Escalon Unified.
Continuation, HS.
Delta Island, EL, Delta Island Union.
Edison, HS.
El Dorado, EL.
Elkhorn, EL, Lodi Unified.
Elmwood, EL.
Fillmore, EL.
Franklin, HS.
Fremont, JHS.
Garfield, EL.
Gateway, HS.
Grant, EL.
Grunsky, EL.
Hamilton, JHS.
Hazelton, EL.
Holt, EL, Holt Union.
Jackson, EL.
Jefferson, EL.
Karl Holton, EL–HS, California Youth Authority.
King, EL.
Marshall, JHS.
McKinley, EL.
Monroe, EL.
Montezuma, EL.
Nightingale, EL.
O. H. Close, EL–HS, California Youth Authority.
Roosevelt, EL.
St. George, EL.
St. Gertrude, EL.
San Joaquin, JHS.
Sierra Vista, EL.
Taft, EL.
Taylor, EL.
Tyler, EL.
Van Buren, EL.
Victory, EL.
Washington, EL.
Stonyford; Fouts Springs, JHS–HS, Colusa County Special Schools.
Stratford; Stratford, EL.
Strathmore:
Strathmore, EL.
Strathmore, HS.
Sunnyside, EL.
Suisun:
Crescent, EL.
Opportunity Center, HS, Solano County Special Schools.
Sultana; Monson-Sultana, EL.
Summit City; Toyon, EL.
Sun Valley; Vinedale, EL.
Sunnymead; Sunnymead, EL.
Sunnyvale:
Bishop, EL.
Fairwood, EL.
Terra Bella; Terra Bella, EL.
Thermal:
John Kelley, EL.
Oasis, EL, Oasis Joint.
Westside, EL.
Thornton; New Hope, EL.
Tipton; Tipton, EL.
Torrance:
Bishop Montgomery, HS.
Crenshaw, EL.
Torrance, EL.
Trabuco Canyon:
Joplin, HS, Orange County Special Schools.
Potrero, JHS, Orange County Special Schools.
Tracy:
El Portal, EL.
Jefferson, EL, Jefferson.
Lammersville, EL, Lammersville.
Mountain House, EL, Mountain House.
New Jerusalem, EL, New Jerusalem.
South, EL.
West Park, EL.
Tranquillity; Tranquillity, HS.
Traver; Traver, EL.
Treasure Island; Treasure Island Annex, EL.
Tres Pinos; Tres Pinos, EL.
Trinidad; Trinidad, EL.
Tujunga; Plainview Avenue, EL.
Tulare:
Alice G. Mulcahy, JHS.
Lincoln, EL.
Maple, EL.
Oak Valley, EL, Oak Valley Union.
Palo Verde, EL, Palo Verde Union.
Roosevelt, EL.
Tulare, HS.
Tulare Western, HS.
Valley Continuation, HS.
Wilson, EL.
Tulelake; Newell, EL.
Turlock:
Osborn, EL.
Wakefield, JHS.
Tuolumne; Summerville, EL.
Ukiah:
Frank Zeek, EL.
River, EL.
South Valley Continuation, HS.
Ukiah Juvenile Hall, EL–HS.
Union City:
Alvarado, El.
Decoto, EL.
Henry Barnard, EL.
Manual White, EL.
New Haven Continuation, HS.
Our Lady of the Rosary, EL.
Vacaville:
Development Center, EL–HS, Solano County Special Schools.
Elm, EL.
Ulatis, EL.
Vallejo:
Beverly Hills, EL.
Curry, EL.
Elsa Widenmann, EL.
Farragut, EL.
Franklin, JHS.
Grant, EL.
Highland, EL.
John Davidson, EL.
Lincoln, EL.
Loma Vista, EL.
Work-Study Continuation, HS.
Van Nuys:
San Fernando Community Day Center, JHS–HS, Los Angeles County Special Schools.
Sylvan Park, EL.
Van Nuys, EL.
Venice:
Broadway, EL.
St. Clement, EL.
St. Mark, EL.
Westminster Avenue, EL.
Ventura:
Avenue, EL.
E. P. Foster, EL.
Mill, EL.
Sheridan Way, EL.
Vernon; Vernon City, EL.
Victor; Victor State, EL.
Visalia:
Crowley, EL.
Fairview, EL.
Highland, EL.
Houston, EL.
Juvenile Hall, EL, Tulare County Special Schools.
Liberty, EL, Liberty.
Redwood, HS.
Robert K. Meyers, HS, Tulare County Special Schools.
Sequoia Continuation, HS.
Union, EL.
Webster, EL.
Warner Springs; Warner, EL.
Wasco:
Karl F. Clemens, EL.
Palm Avenue, EL.
Semitropic, EL, Semitropic
Thomas Jefferson, JHS.
Waterford; Waterford, EL.
Watsonville:
E. A. Hall, EL–JHS.
J. W. Linscott, EL.
Moss Landing, EL, North Monterey County Union.
Pajaro, EL–HS.
W. R. Radcliff, EL.
Waukena; Waukena, EL.
Weaverville; Trinity, HS.
Weitchpec; Weitchpec, EL.
West Covina:
Cortez, EL.
Giano, JHS, Rowland.
Monte Vista, EL.

West Point; West Point, EL.
West Sacramento:
Evergreen, EL.
Yolo Continuation, HS.
Westley; Grayson, EL.
Westminster:
Mendenhall Continuation, HS, Garden Grove Unified.
Seventeenth Street, EL.
Webber, EL.
Westmorland; Westmorland, EL.
Westwood; Fletcher Walker, EL.
Wheatland; Wheatland, EL.
Whitehorn; Whitehorn, EL.
Whittier:
Benjamin Franklin, EL.
Evergreen, EL, East Whittier City.
Fred C. Nelles, EL–HS, California Youth Authority.
Loma Vista, EL, South Whittier.
Lydia Jackson, EL.
Wildomar; Wildomar, EL.
Willits:
Baechtel Grove, EL.
Brookside, EL.
Wilmington:
Catskill Avenue, EL.
Fries Avenue, EL.
Holy Family, EL.
Sts. Peter and Paul, EL.
Wilmington Park, EL.
Winchester; Winchester, EL.
Windsor:
Starr, EL.
Windsor, EL.
Winterhaven:
San Pasqual Valley, EL.
San Pasqual Valley, HS.
Winters:
Waggoner, EL.
Winters, EL.
Winters, HS.
Wolfskill, EL.
Winton:
Frank Sparks, EL.
Winton, EL.
Woodlake; Woodlake, EL.
Woodland:
Juvenile Hall-Dan Jacobs, EL–HS, Yolo County Special Schools.
Laugenour, EL.
Lee, EL.
Rhoda Maxwell, EL.
Teen-Age Parent, HS, Yolo County Special Schools.
Woodland, HS.
Yolo County Development Center, EL–HS, Yolo County Special Schools.
Woodside; Woodside, HS.
Woody; Blake, EL.
Yettem; Yettem, EL.
Yolo; Cacheville, EL.
Yuba City:
Andrew Newton, EL–HS, Sutter County Special Schools.
Park Avenue, EL.

COLORADO

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

[Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.]

Location (city or town); name of school

Aguilar:
Aguilar, EL.
Aguilar, J–SHS.
Akron; Akron, EL–JHS.
Alamosa:
Alamosa, JHS.
Boyd, EL.
Evans, Intermediate.
Antonito:
Antonito, EL.
Antonito, J–SHS.
Aurora:
Crawford, EL.
St. Pius Tenth, EL.
St. Therese, EL.
Ault:
Ault, EL.
Highland Middle.
Bethune; Bethune, EL.
Bennett; Bennett, EL.
Blanca; Sierra Grande, EL–HS.
Boulder:
Lincoln, EL.
St. Louis, EL.
Whittier, EL.
Briggsdale; Briggsdale, EL.
Brighton:
Northeast, EL.
North, JHS.
Brush:
Brush, HS.
Central, EL.
Thomson, EL.
Canon City:
Lincoln, EL.
Washington, EL.
Castle Rock; Frontier Boys Village.
Center:
Center, EL.
Center, HS.
Colorado Springs:
Adams, EL.
Bristol, EL.
Buena Vista, EL.
Columbia, EL.
Coronado, HS.
Edison, EL.
Emerson, JHS.
Franklin, EL.
Garfield, EL.
Holmes, JHS.
Hunt, EL.
Ivywild, EL.
Lincoln, EL.
Lowell, EL.
Midland, EL.
North, JHS.
Palmer, HS.
Pike, EL.
Sacred Heart, EL.
Stratton, EL.
South, JHS.
Twain, EL.
Washington, EL.
West, JHS.
Whittier, EL.
Commerce City:
Adams City, JHS.
Adams City, SHS.
Alsup, EL.
Central, EL.
Dupont, EL.
Kemp, EL.
Monaco, EL.
Rose Hill, EL.
Cortez:
Cortez, JHS.
Downey, EL.
Kemper, EL.
Manaugh, EL.
Mesa, EL.
Montezuma-Cortez, HS.
Craig:
Craig, JHS.
Moffat County, HS.
Del Norte; Del Norte, EL–HS.
Delta:
Cedar Ridge, EL.
Crawford, EL.
Delta, EL.
Delta, HS.
Delta, JHS.
Hotchkiss, EL.
Paonia, EL.
Denver:
Alameda, EL.
Annunciation, EL.
Ashland, EL.
Baker, JHS.
Boulevard, EL.
Bryant-Webster, EL.
Cheltenham, EL.
Cole, JHS.
Colfax, EL.
Colorado Youth Center.
Columbine, EL.
Cowell, EL.
Crofton, EL.
Eagleton, EL.
Ebert, EL.
Elyria, EL.
Elmwood, EL.
Emerson, EL.
Fairmont, EL.
Fairview, EL.
Garden Place, EL.
Gilpin, EL.
Greenlee, EL.
Harrington, EL.
Lake, JHS.
Lincoln, EL.
Manual, HS.
Mann, JHS.
Mitchell, EL.
Morey, JHS.
Munroe, EL.
North, HS.
Remington, EL.
Sacred Heart, EL.
St. Anthony, EL.
St. Joseph (Central), HS.
Sherman, EL.
Smedley, EL.
Smith, EL.
Swansea, EL.
Westwood, EL.
West, HS.
Whittier, EL.
Wyatt, EL.
Wyman, EL.
Dolores:
Dolores, EL.
Dolores, JHS.
Dolores, HS.
Dove Creek; Seventh Street, EL.
Durango:
Durango, HS.
Park, EL.
Riverview, EL.
Sacred Heart, EL.
Eads; Eads, EL.
Eagle:
Red Cliff, EL.
Minturn, EL.
Eaton:
Eaton, EL.
Eaton, JHS.
Englewood:
Bishop, EL.
St. Louis, EL.
Scenic View, EL.
Florence; Fremont, EL.
Fort Collins:
La Porte Avenue, EL.
Putnam, EL.
Tavelli, EL.
Fort Lupton:
Fort Lupton, Intermediate.
Leo William Butler, EL.
Fort Morgan:
Fort Morgan, JHS.
Fort Morgan, HS.
Fountain:
East, EL.
Fountain, JHS.
Frederick; Frederick, EL.
Frisco; Summit, EL–HS.
Gilcrest:
La Salle, EL.
Platteville, EL.
Platteville, Middle.
Valley, HS.

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Glenwood Springs; Glenwood Springs, EL.
Golden:
  Golden Gate Youth Camp.
  Lookout Mountain School for Boys.
Granada; Granada, EL–HS.
Grand Junction:
  East, JHS.
  Emerson, EL.
  Lowell, EL.
  Occupational Center, HS.
  Riverside, EL.
  St. Joseph, EL.
  West, JHS.
Greeley:
  Central, HS.
  Chappelow, EL.
  East Memorial, EL.
  John Evans, JHS.
  Franklin, EL.
  Heath, JHS.
  Lincoln-Jefferson, EL.
  Washington, EL.
Gunnison; Blackstock, EL.
Harrison:
  Centennial, EL.
  Chamberlin, EL.
  Monterey, EL.
  Stratton Meadows, EL.
Hoehne:
  Hoehne, EL.
  Hoehne, HS.
  Hoehne, JHS.
Holly; Holly, EL–HS.
Holyoke; Holyoke, EL.
Ignacio:
  Ignacio, EL.
  Ignacio, JHS.
  Ignacio, HS.
Johnstown:
  Lefford, El.
  Milliken, Middle.
  Roosevelt, HS.
Keensburg:
  Hudson, EL.
  Keensburg, EL.
Kersey:
  Platte Valley, EL.
  Platte Valley, J–SHS.
Lafayette; Lafayette, EL.
La Jara:
  Capulin, EL.
  Centauri, JHS.
  La Jara, EL.
  Manassa, EL.
  Romeo, EL.
La Junta:
  Colorado Boys Ranch.
  Columbian, EL.
  East, EL.
  La Junta, JHS.
  La Junta, HS.
  Park, EL.
  Sixth Grade Center.
  South, EL.
  West, EL.
Lakewood:
  Daniel, EL.
  Edgewater, EL.
  Molholm, EL.
  Pleasant View, EL.
Lamar:
  Lamar, JHS.
  Lamar, HS.
  Lincoln, EL.
Las Animas:
  Columbian, EL.
  Las Animas, JHS.
  Las Animas, HS.
  Memorial, EL.
Littleton; St. Mary, EL.
Longmont:
  Central, EL.
  Columbine, EL.
  Longmont, JHS.
  St. John the Baptist, EL.
Loveland:
  Berthoud, EL.
  Berthoud, J–SHS.
  Loveland, HS.
Reed, JHS.
Washington, EL.
Winona, EL.
Louisville; Louisville, EL.
Mancos; Mancos, EL–HS.
Manitou Springs:
  Manitou Springs, EL.
  Manitou Springs, JHS.
Manzanola:
  Manzanola, JHS.
  Manzanola, HS.
Mapleton:
  Bertha Heid/Clayton, EL.
  Highland, HS.
  Mapleton, EL.
  Mapleton, HS.
  Meadow, EL.
  Western Hills, EL.
Monte Vista:
  Monte Vista, EL.
  Monte Vista, JHS.
  Monte Vista, HS.
  Sargent, EL.
  Sargent, JHS.
Montrose:
  Montrose, JHS.
  Morgan, EL.
  Northside, EL.
  Olathe, EL–JHS.
Morrison; Mount View Girls School.
Mosca; Sangre de Cristo, HS.
Meeker; Meeker, EL.
Naturita; Nucla, EL.
Nederland; Nederland, EL.
Northglenn:
  Coronado, JHS.
  Hulstrom, EL.
  Northeast, JHS.
Norwood; Norwood, EL.
Oak Creek; South Routt, EL.
Ordway; Crowley County, EL–HS.
Ovid; Platte Valley, EL.
Pagosa Springs; Pagosa Springs, EL.
Pueblo:
  Avondale, EL.
  Baxter, EL.
  Bessemer, EL.
  Boone, EL.
  Bradford, EL.
  Centennial, HS.
  Central, EL.
  Columbian, EL.
  Corwin, JHS.
  East, HS.
  Eastwood, EL.
  Edison, EL.
  Excelsior, JHS.
  Fountain, EL.
  Freed, JHS.
  Fulton Heights, EL.
  Hinsdale, EL.
  Hyde Park, EL.
  Irving, EL.
  Lake View, EL.
  Minnequa, EL.
  Park View, EL.
  Pueblo County, HS.
  Risley, JHS.
  Rye, J–SHS.
  Seton, Middle.
  South Mesa, EL.
  Spann, EL.
  Thatcher, EL.
  Washington, EL.
  Vineland, EL.
  Vineland, JHS.
Rocky Ford:
  Liberty, EL.
  Lincoln, EL.
  Rocky Ford Kindergarten.
  Washington, EL.
Saguache:
  Mountain Valley, EL.
  Mountain Valley, HS.
Salida:
  Longfellow, EL.
  Salida, HS.
Sanford; Sanford, EL–HS.
San Luis:
  Centennial, EL.
  Centennial, HS.
  Centennial, JHS.
Security:
  North, EL.
  Pinello, EL.
  S.A. Wilson, EL.
  South, EL.
  Sproul, JHS.
  Talbott, EL.
  Widefield, EL.
  Widefield, HS.
Sheridan:
  Fort Logan, EL.
  Petersburg, EL.
  Sheridan, Middle.
Springfield; Springfield, EL.
Sterling:
  Crook, EL.
  Sexson, EL.
Swink; Swink, EL.
Trinidad:
  Eckhart, EL.
  Park Street, EL.
  Rice, Middle.
  East Street, EL.
  Trinidad Catholic, HS.
  Trinidad, JHS.
  Trinidad, HS.
Thornton:
  Thornton, EL.
  McElwain, EL.
  Merritt Hutton, HS.
Walsenburg:
  Gardner, EL.
  Hill, EL.
  Lathrop Park Youth Camp.
  St. Mary, EL.
  Walsenburg, HS.
  Washington, EL.
Walsh; Walsh, EL–HS.
Westminster:
  Baker, EL.
  Berkley Gardens, EL.
  Guardian Angel, EL.
  Harris Park, EL.
  Holy Trinity, EL.
  Mesa, EL.
  Roush, EL.
  Sherrelwood, EL.
  Skyline Vista, EL.
  Westminster, EL.
Weston:
  Primero, HS.
  Weston, EL.
Wiggins; Wiggins, EL–HS.
Windsor; Windsor, EL–HS.
Woodland Park:
  Woodland Park, EL.
  Woodland Park, HS.
Woodrow; Woodlin, EL–HS.
Wray; Wray, EL.

CONNECTICUT

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Ansonia:
  Lincoln, EL.
  Nolan, EL.
  Peck, EL.
  Willis, EL.
Bloomfield:
  Bloomfield, HS.
  Bloomfield, JHS.
  Bloomfield, Middle.
  Laurel, EL.
  Metacomet, EL.
  Vincent, EL.
  Wintonbury, EL.

Branford:
  Branford Hills, EL.
  Eades, EL.
  Stony Creek, EL.
Bridgeport:
  Blessed Sacrament, EL.
  Columbus, EL.
  Cross, EL.
  Franklin, EL.
  Howe, EL.
  Jefferson, EL.
  Johnson, EL.
  Kolbe, HS.
  Longfellow, EL.
  McKinley, EL.
  Newfield, EL.
  Roosevelt, EL.
  Sacred Heart, EL.
  Ss. Cyril and Methodius, EL.
  St. Anthony, EL.
  St. Mary, EL.
  St. Michael, EL.
  St. Stephen, EL.
  Waltersville, EL.
  Whittier, EL.
Bristol:
  Bingham, EL.
  Callen, EL.
  Edgewood, EL.
  O'Connell, EL.
  Patterson, EL.
  South Side, EL.
  St. Stanislaus, EL.
Canaan; Housatonic Valley, HS.
Cheshire:
  Highland, EL.
  La Salette Seminary, HS.
Coventry:
  Coventry, Grammar.
  Robertson, EL.
Danbury:
  Beaver Brook, EL.
  Hayestown, EL.
  Mill Ridge, EL.
  Morris, EL.
  Roberts, EL.
  South, EL.
Darien; Hollow Tree, EL.
Deep River; Mount St. Johns School for Boys.
Derby:
  Bradley, EL.
  Franklin, EL.
  Irving, EL.
  Lincoln, EL.
  St. Michael, JHS.
East Haddam; East Haddam, EL.
East Hartford:
  Center, EL.
  Mayberry, EL.
  Morris, EL.
  Second North, EL.
  South, Grammar.
  Willowbrook, EL.
East Haven:
  Deer Run, EL.
  Gerrish, EL.
  Momauguin, EL.
  Moore, EL.
  Overbrook, EL.
East Windsor:
  Albert Redway School.
  East Windsor, Middle.
  Warehouse Point, EL.
Ellington; Crystal Lake, EL.
Enfield:
  Brainard, EL.
  Crandall, EL.
  Higgins, EL.
  Enfield Intermediate.
  Noah Webster, EL.
  St. Adalbert, EL.
  South, EL.
Fairfield:
  McKinley, EL.
  St. Anthony, EL.
Greenwich:
  Hamilton Avenue, EL.
  Julian Curtiss, EL.
Griswold:
  Griswold, EL.
  St. Mary, EL.
Groton; Claude Chester, EL.
Hamden:
  Hamden-New Haven Cooperative Center.
  Whitney Hall School.
Hartford:
  Arsenal, EL.
  Barbour, EL.
  Barnard Brown, EL.
  Batchelder, EL.
  Bulkeley, HS.
  Burns, EL.
  Burr, EL.
  Cathedral of St. Joseph, EL.
  Children's Village, EL.
  Clark, EL.
  Dwight, EL.
  Euphrasia Hall.
  Fisher, EL.
  Fox, EL.
  Fox, Middle.
  Gray Lodge Shelter for Women.
  Hartford Public, HS.
  Hooker, EL.
  Jones, EL.
  Kennelly, EL.
  Kinsella, EL.
  McDonough, EL.
  New Park Avenue, EL.
  Our Lady of Sorrows, EL.
  Quirk, JHS.
  Rawson, EL.
  Ray Allen School.
  Ss. Cyril and Methodius, EL.
  St. Anne, El.
  St. Augustine, EL.
  St. Justin, EL.
  St. Peter, EL.
  Twain, EL.
  Vine, EL.
  Waverly, EL.
  Weaver, HS.
  Webster, EL.
  West, Middle.
  Wish, EL.
Killingly:
  Central, EL.
  Goodyear, EL.
  Killingly, JHS.
  Memorial, EL.
  St. James, EL.
Litchfield; Connecticut Junior Republic.
Manchester:
  Buckland, EL.
  Nathan Hale, EL.
  St. Bridget, EL.
  St. James, EL.
Meriden:
  Barry, EL.
  Connecticut School for Boys.
  Hanover, EL.
  Sherman, EL.
  St. Stanislaus, EL.
  Trumbull, EL.
Middletown:
  Bielefield, EL.
  Farm Hill, EL.
  Long Lane School.
  MacDonough, EL.
  Snow, EL.
  Stillman, EL.
  Wesley, EL.
Milford:
  Boys' Village Inc.
  Kay, EL.
  Pumpkin Delight, EL.
  Seabreeze, EL.
  Simon Lake, EL.
  St. Gabriel, EL.
Montville:
  Palmer Memorial, EL.
  Uncasville, EL.
Naugatuck:
  Andrew Avenue, EL.
  Central, EL.
  Hop Brook, EL.
  Salem, EL.
New Britain:
  Burritt, EL.
  Camp, EL.
  Childrens' Home.
  DeLoreto, EL.
  Franklin, EL.
  Jefferson, EL.
  Nathan Hale, EL.
  Ray Allen School.
  Smalley, EL.
New Canaan; Center, EL.
New Hartford:
  Bakerville, EL.
  New Hartford, El.
New Haven:
  Baldwin, EL.
  Brennan, EL.
  Clinton, EL.
  Columbus, EL.
  Conte, EL.
  Dwight, EL.
  Grant, EL.
  Highland Heights School.
  Hill Central, EL.
  Hillhouse, HS.
  Ivy, EL.
  Kimberly, EL.
  King, EL.
  Lee, HS.
  Lincoln Bassett, EL.
  Prince, EL.
  Sacred Heart, EL.
  Scranton, EL.
  Sheridan, JHS.
  Sherman, EL.
  St. Aedan, EL.
  St. Francis, EL.
  St. John the Baptist, EL.
  St. Martin De Porres, EL.
  St. Michael, EL.
  St. Peter, EL.
  St. Rose, EL.
  St. Stanislaus, EL.
  Troup, JHS.
  Truman, EL.
  Welch Annex, EL.
  West Hills, EL.
  Winchester, EL.
Newington; Northwest, EL.
New London:
  Harbor, EL.
  Jennings, EL.
  Nameaug, EL.
  Nathan Hale, EL.
  New London, JHS.
  St. Mary, EL.
  Waller, EL.
  Winthrop, EL.
Norfolk (District No. 7); Botelle, EL.
Norwalk:
  Ben Franklin, JHS.
  Brien McMahon, HS.
  Broad River, EL.
  Brookside, EL.
  Columbus, EL.
  Cranbury, EL.
  Ely, EL.
  Fitch, EL.
  Fox Run, EL.
  Honeyhill, EL.
  Jefferson, EL.
  Kendall, EL.
  Magrath, EL.
  Marvin, EL.
  Naramake, EL.
  Nathan Hale, JHS.
  Norwalk, HS.
  Ponus Rocks, JHS.
  Roosevelt, EL.
  Roton, JHS.
  Rowayton, EL.
  Silvermine, EL.
  St. Joseph, EL.
  Tracey, EL.
  Washington, EL.
  West Rocks, JHS.
  Wolfpit, EL.

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Norwich:
Bishop, EL.
Broad Street, EL.
Buckingham, EL.
Elizabeth, EL.
Greeneville, EL.
Smith Avenue, EL.
Veterans, EL.
Wequonnoc, EL.
West Thames Street, EL.
Old Saybrook; Main Street, EL.
Plainfield; Sacred Heart, EL.
Plainville:
All Hallows, EL.
Ervin Trask, EL.
Portland; Portland, JHS.
Putnam:
Israel Putnam, EL.
Putnam, JHS.
Putnam, HS.
St. Mary, EL.
Seymour; Center Annex, EL.
Shelton:
Commodore Hull, EL.
Ferry, EL.
Simsbury; Tarriffville, EL.
Somers; Somersville, EL.
Southington; Holcomb, EL.
Stafford:
Borough, EL.
Pinney, EL.
Stafford, HS.
Stafford, JHS.
Staffordville, EL.
West Stafford, EL.
Stamford; Hart, EL.
Stratford:
Birdseye, EL.
Honeyspot, EL.
Stony Creek, EL.
Thompson; St. Joseph, EL.
Tolland; Meadowbrook, EL.
Torrington:
Forbes, EL.
North, EL.
South, EL.
Southeast, EL.
Southwest, EL.
Vernon:
Center Road, EL.
East, EL.
Maple Street, EL.
Voluntown; Voluntown, EL.
Wallingford:
Stevens, EL.
Washington, EL.
Waterbury:
Bishop, EL.
Bucks Hill, EL.
Croft, EL.
Driggs, EL.
Duggan, EL.
Maloney, EL.
Merriman, EL.
Regan, EL.
Sacred Heart, EL.
Slocum, EL.
St. Ann, EL.
St. Francis Xavier, EL.
St. Mary, EL.
St. Lucy, EL.
St. Thomas, EL.
Walsh, EL.
Webster, EL.
Wilson, EL.
Waterford; Jordon, EL.
Westbrook; Westbrook, J–SHS.
West Hartford:
Charter Oak, EL.
Elmwood, EL.
Plante, JHS.
Smith, EL.
Talcott, JHS.
Whiting Lane, EL.
Whitman, EL.
West Haven:
Noble, EL.
Thompson, EL.
St. Lawrence, EL.
Westport:
Assumption, EL.
Riverview, EL.
Saugatuck, EL.
Winchester:
Batcheller, EL.
Greenwoods, EL.
Hinsdale, EL.
Pearson, JHS.
St. Anthony, EL.
Windham:
Kramer Middle.
Natchaug, EL.
Ss. Joseph and Mary, EL.
Sweeney, EL.
Windsor:
Clover Street, EL.
Deerfield, EL.
Fitch, EL.
Oliver Ellsworth, EL.
Roger Wolcott, EL.
Windsor Locks; Union, EL.
Wolcott; Tyrrell, EL.

DELAWARE

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Bridgeville; Bridgeville, EL.
Clayton; Clayton, EL.
Delaware City; Delaware City, EL.
Dover:
Dover Central, Middle.
Dover, HS.
East Dover, EL.
Fairview, EL.
South Dover, EL.
West Dover, EL.
Felton; Lake Forest North, EL.
Frederica; Lake Forest East, EL.
Greenwood; Greenwood, EL.
Harrington:
Chipman, JHS.
Lake Forest South, EL.
Hartly; Hartly, EL.
Houston; West Milford, EL.
Lincoln; Morris, EL.
Middletown:
Middletown, EL.
Middletown, HS.
Redding, Middle.
Milford:
Banneker, EL.
Milford, HS.
Milford, Middle.
Ross, EL.
New Castle:
Colwyck, EL.
Harry Eisenberg, Middle.
Minquadale, EL.
Rose Hill, EL.
Seaford:
Seaford Central, EL.
West Seaford, EL.
Smyrna; Smyrna, EL.
Townsend; Townsend, EL.
Wilmington:
Burnett, Middle.
Cool Spring, EL.
David Harlan, EL.
Drew-Pyle, EL.
Dunleith, EL.
Elbert-Palmer, EL.
Frederick Douglass Stubbs, EL.
George Gray, EL.
Howard, HS.
Lore, EL.
Mary C. I. Williams, EL.
North East, EL.
Pierre duPont, HS.
Shortlidge, EL.
Thomas Bayard, Middle.
Warner, Middle.
William Bancroft, Middle.
Wilmington, HS.

DISTRICT OF COLUMBIA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (City or Town); Name of School

Washington, D.C.:
Amidon-Bowen-Syphax, EL.
Alton, EL.
Banneker, JHS.
Birney, EL.
Bundy, EL.
Cardozo, HS.
Cleveland, EL.
Cook, (J. F.), EL.
Cooke (H. D.), EL.
Douglass, JHS.
Draper, EL.
Drew, EL.
Dunbar, HS.
Eastern, HS.
Emery, EL.
Evans, JHS.
Garnet-Patterson, JHS.
Garrison, EL.
Giddings, EL.
Goding, EL.
Green, EL.
Grimke, EL.
Hamilton, JHS.
Harris, EL.
Harrison, EL.
Hendley, EL.
Holy Comforter (1–8).
Holy Name (1–8).
Holy Redeemer (1–8).
Houston, EL.
Immaculate Conception (1–8).
Jefferson, JHS.
Kelly-Miller, JHS.
Kenilworth, EL.
Ketcham, EL.
Kramer, JHS.
Lenox, EL.
Logan, EL.
Lovejoy, EL.
Ludlow-Taylor, EL.
McGogney, EL.
Madison, EL.
Meyer, EL.
Miner, EL.
Montgomery, EL.
Morgan, EL.
Moten, EL.
Nalle, EL.
Our Lady of Perpetual Help (1–8).
Perry-Simmong, EL.
Randall, JHS.
Richardson, EL.
Savoy-Nichols Avenue, EL.
Seaton, EL.
Shadd, EL.
Shaw, JHS.
Slater-Langston, EL.
Spingarn, HS.
Ss. Paul and Augustine (1–8).
St. Martin (1–8).
St. Peter (1–8).
Stanton, EL.
Stuart, JHS.
Terrell, JHS.
Thomas, EL.
Thompson, EL.
Tubman, EL.
Turner, EL.
Tyler, EL.
Van Ness, EL.
Walker-Jones, EL.
Watkins, EL.
Weatherless, EL.
Wilson, EL.
Young, EL.

FLORIDA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

[Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.]

Location (city or town); name of school

Alachua:
Alachua, EL.
Mebane, Middle.
Santa Fe, HS.
Alford; Alford, EL.
Altha; Altha K–12.
Alva; Alva, EL.
Apalachicola:
Apalachicola, J–SHS.
Chapman, EL.
Apopka:
Apopka, JHS.
Wheatley, EL.
Arcadia; De Soto, Middle.
Archer; Archer Community, EL.
Avon Park:
Avon Park, EL.
Avon Park, Middle.
Lake Placid, EL.
Lake Placid, J–SHS.
Sebring, HS.
Sebring, Middle.
Woodlawn, EL.
Baldwin; Baldwin, J–SHS.
Bartow:
Bartow, JHS.
Gibbons, EL.
Belle Glade:
Belle Glade, EL.
Gladeview, EL.
Gove, EL.
Lake Shore, EL.
Lake Shore, JHS.
Blountstown:
Blountstown, EL.
Blountstown, HS.
Blountstown, Middle.
Boca Raton; Boca Raton, EL.
Bonifay:
Bethlehem K–12.
Bonifay, EL.
Holmes County, HS.
Bowling Green; Bowling Green, EL.
Boynton Beach:
Poinciana, EL.
Rolling Green, EL.
St. Mark, EL.
Bradenton:
Bradenton, Middle.
Manatee, EL.
Manatee, HS.
Southeast, HS.
Bradon:
Bradon, HS.
McLane, JHS.
Mann, JHS.
Branford; Branford K–12.
Bristol; Bristol, EL.
Bronson:
Bronson, HS.
Levy, HS (K–12).
Brooker; Brooker, EL.
Brooksville:
Brooksville, JHS.
Northside, EL.
Bunnell; Bunnell, EL.
Bushnell; Bushnell, EL.
Campbellton; Graceville, Middle.
Canal Point; Canal Point, EL.
Cantonment; Molino, EL.
Carrabelle; Carrabelle K–12.
Century; Century, EL.
Chaires; Chaires, EL.
Chattahoochee:
Chattahoochee, EL.
Chattahoochee, J–SHS.
Chiefland; Chiefland, HS (K–12).
Chipley:
Chipley, HS.
Chipley, JHS.
Kate Smith, EL.
Citra; Citra, EL.
Clarksville; Carr, EL.
Clermont; Clermont, EL.
Clewiston; Clewiston, EL.
Cooper City; Collins, EL.
Cottondale; Cottondale K–12.
Crawfordville:
Crawfordville, EL.
Wakulla, HS.
Crestview:
Northwood, EL.
Southside, EL.
Cross City:
Anderson, EL.
Dixie County, HS.
Dade City:
Dade City Grammar.
Lacoochee, EL.
Pasco Comprehensive, HS.
Pasco, EL.
Pasco, JHS.
Moor-Mickens, Middle.
Dania:
Dania, EL.
Olsen, JHS.
Daytona Beach:
Bonner, EL.
Campbell Center, JHS.
North Ridgewood, EL.
Riverview, EL.
Deerfield Beach:
Deerfield Beach, EL.
Deerfield Beach, JHS.
Deerfield Park, EL.
De Funiak Springs:
Maude Saunders, EL.
Walton, HS.
Walton, Middle.
West De Funiak, EL.
Delray Beach; Pine Grove, EL.
Eastpoint; Eastpoint, EL.
Eatonville; Hungerford, EL.
Ellenton; Blackburn, EL.
Eustis; Eustis, HS.
Fort Lauderdale:
Croissant Park, EL.
Everglades, JHS.
Hortt, EL.
Lauderdale Manors, EL.
Meadowbrook, EL.
New River, JHS.
North Fork, EL.
North Side, EL.
Parkway, J–SHS.
Riverland, EL.
Rogers, JHS.
Sunland Park, EL.
Sunrise, JHS.
Sunset, EL.
Westwood Heights, EL.
Wilton Manors, EL.
Fort Meade; Lewis, EL.
Fort Myers:
Allen Park, EL.
Heights, EL.
Michigan, EL.
Orange River, EL.
Tice, EL.
Villas, EL.
Fort Myers, North:
Bayshore, EL.
J. Conlin English, EL.
Fort Pierce:
C. A. Moore, EL.
Dan McCarty, Middle.
F. K. Sweet, EL.
Fairlawn, Primary.
Fort Pierce, EL.
Fort Pierce Central, HS.
Garden City, EL.
Lincoln Park, JHS.
St. Lucie, Middle.
Fort White; Fort White, EL.
Frostproof; Frostproof, EL.
Gainesville:
Buchholz, J–SHS.
Duval, EL.
Eastside, J–SHS.
Gainesville, HS.
Howard Bishop, JHS.
Kirby Smith, EL.
Lake Forest, EL.
Prairie View, EL.
Sidney Lanier, EL.
Stephen Foster, EL.
Williams, EL.
Gifford; Indian River, Middle.
Glen St. Mary; Westside, EL.
Goulds:
Goulds, EL.
Mays, JHS.
Pine Villa, EL.
Graceville:
Graceville K–12.
Poplar Springs K–12.
Grand Ridge; Grand Ridge, HS (K–12).
Green Cove Springs; Charles E. Bennett, EL.
Greensboro, Greensboro, J–SHS.
Greenville:
Greenville, Primary.
Greenville, HS.
Greenville, Middle.
Greenwood:
Greenwood, EL.
Greenwood, J–SHS.
Gretna; Gretna, EL.
Groveland; Davis, EL.
Haines City:
Bethune, EL.
Haines City, JHS.
Hastings:
Hastings, EL.
Hastings, HS.
Havana:
Havana, HS.
Havana, Middle.
St. John, EL.
Hawthorne:
Hawthorne, EL.
Hawthorne, J–SHS.
Shell, Middle.
Hialeah; Henry H. Filer, JHS.
High Springs:
High Springs, EL.
Spring Hill, Middle.
Hobe Sound; Hobe Sound, EL.
Hollandale:
Hollandale, EL.
Hollandale, JHS.
Lanier, JHS.
Holly Hill; West Side, EL.
Hollywood:
Bethune, EL.
Colbert, EL.
Driftwood, JHS.
Lake Forest, EL.
McNicol, JHS.
Hollywood, West:
Perry, JHS.
Watkins, EL.
Holt; Holt, EL.
Homestead:
Homestead, JHS.
South Dade, HS.
Immakolee:
Highlands, EL.
Lake Tafford, EL.
Indiantown; Warfield, EL.

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Jacksonville:
Andrew Jackson, HS.
Annie Morgan, EL.
Arlington Heights, EL.
Beuleah Beal, EL.
Biltmore, EL.
Central Riverside, EL.
Corinne Schott, EL.
Dinsmore, EL.
Douglas Anderson, JHS.
Eugene Butler, JHS.
Forest Hills, EL.
Fort Caroline, JHS.
Garden City, EL.
George W. Carver, EL.
Gregory Drive, EL.
Harbor View, EL.
Hendricks Avenue, EL.
Highlands, JHS.
Holy Rosary, EL.
Hyde Park, EL.
J. Allen Axson, EL.
J. E. B. Stuart, JHS.
James Weldon Johnson, JHS.
Jefferson Davis, JHS.
John Gorrie, JHS.
John Lone, EL.
Johnson, JHS.
Joseph Stillwell, JHS.
Lackawanna, EL.
Lake Forest, EL.
Landon, JHS.
Long Branch, EL.
Loretto, EL.
Louis S. Sheffield, EL.
Love Grove, EL.
Mathew Gilbert, JHS.
Mattie Rutherford, EL.
Moncrief, EL.
Morse Avenue, EL.
North Shore, EL.
Norwood, EL.
Oak Hill, EL.
Oceanway, EL.
Oceanway, JHS.
Paxon, JHS.
Paxon, HS.
Picket, EL.
Pine Estates, EL.
Pinedale, EL.
Pine Forest, EL.
Ramona, EL.
Resurrection Parrish, EL.
Reynolds, EL.
Ribault, HS.
Richard Brown, EL.
S. A. Hull, EL.
San Jose Catholic Grammar.
San Jose, EL.
San Mateo, EL.
Smart P. Livingston, EL.
Southside, JHS.
Spring Park, EL.
Stanton, HS.
Stonewall Jackson, EL.
St. Matthew, EL.
St. Patrick, EL.
St. Paul, EL.
St. Pius, EL.
Technical, HS.
West Jacksonville, EL.
Wheatley, HS.
William Raines, HS.
Woodland Acres, EL.
Jasper:
Central Hamilton, EL.
Hamilton County, HS; Complex.
Hamilton County, Middle.
Jennings; North Hamilton, EL.
Key West:
Douglass, EL.
Horace O'Bryant, Middle.
Key West, HS.
Kissimmee; Osceola, HS.
Lake Butler:
Lake Butler, EL.
Lake Butler, Middle.
Lake City:
Columbia, HS.
Eastside, EL.
Five Points, EL.
Kindergarten Center.
Lake City, JHS.
Melrose Park, EL.
Minnie J. Niblack, Middle.
Richardson, JHS.
Summers, EL.
Lakeland:
Jessee, EL.
John Cox, EL.
Lincoln Avenue, EL.
Rochelle, EL.
Lake Wales; Roosevelt, EL.
Lake Worth:
Barton, EL.
Hagen Road, EL.
Lantana; Lantana, EL.
Lauderdale Lakes; Oriole, EL.
Lauderhill; Castle Hill, EL.
Lawtey; Lawtey, EL.
Lee; Lee, JHS.
Leesburg:
Leesburg, HS.
Leesburg, JHS.
Leesburg, Middle.
Skeen, EL.
Live Oak:
Suwannee, EL.
Suwannee, HS.
Suwannee, Middle.
Suwannee, Primary.
Lynn Haven; Lynn Haven, EL.
Macclenny:
Baker County, JHS.
Westside, EL.
Madison:
Madison, HS.
Madison, Middle.
Madison, Primary.
Malone; Malone, HS.
Margate; Margate, JHS.
Marianna:
F. M. Golson, EL.
Marianna, Middle.
Riverside, EL.
Marietta; Thomas Jefferson, EL.
Mascotte; Mascotte, EL.
Matlacha Station; Pine Island, EL.
Mayo; Lafayette, HS (K–12).
Miami:
Ada Merritt, Middle.
Allapattah, EL.
Allapattah, Middle.
B. T. Washington, JHS.
Charles R. Drew, EL.
Charles R. Drew, Middle.
Citrus Grove, EL.
Citrus Grove, Middle.
Comstock, EL.
Douglas, EL.
Earlington Heights, EL.
Eddison, Middle.
Evans, EL.
Floral Heights, EL.
Kelsey Pharr, EL.
Liberty City, EL.
Little River, EL.
Madison, JHS.
Miami Carol City, HS.
Miami Central, HS.
Miami Edison, HS.
Miami Jackson, HS.
Miami Northwestern, HS.
Miami Senior, HS.
Olinda, EL.
Orchard Villa, EL.
Riverside, EL.
Robert E. Lee, JHS.
St. Francis Xavier, EL.
Miami Springs:
Miami Springs, HS.
Miami Springs, JHS.
Miccosukee; Concord, EL.
Midway; Midway, EL.
Monticello:
Howard, Middle.
Jefferson, EL.
Jefferson, HS.
Mamie Scott, EL.
Moore Haven; Moore Haven, EL.
Mount Dora:
Mount Dora, Middle.
Roseboraugh, EL.
Myakka City; Myakka City, EL.
Naples:
Avalon, EL.
Bethune, EL.
Newberry:
Newberry, EL.
Newberry, HS.
New Port Richey:
Gulf, JHS.
Richey, EL.
New Smyrna Beach:
Faulkner Street, EL.
New Smyrna Beach, JHS.
Read-Pattillo, EL.
Nocatee; Nocatee, EL.
Oakland Park; Lloyd Estates, EL.
Ocala:
Fort King, HS.
Fressenden, EL–Middle.
Howard Upper, EL.
Howard, Middle.
Madison Street, Primary.
N. H. Jones, EL.
Okeechobee:
Okeechobee, EL.
Okeechobee, JHS.
Okeechobee, Primary.
Oldtown; Oldtown, EL.
Opa-Locka:
North County, EL.
North Dade, JHS.
Orlando:
Delaney, EL.
Eccleston, EL.
Grand Avenue, EL.
Howard, JHS.
Ivey Lane, EL.
Washington Shores, EL.
Oxford; Oxford, EL.
Pahokee:
East Lake, EL.
Pahokee, EL.
Palatka; Palatka, Middle.
Palm Beach Gardens:
Howell L. Watkins, JHS.
Palm Beach Gardens, EL.
Palmetto:
Memorial, EL.
Palmetto, EL.
Palmetto, HS.
Palm View, EL.
Tillman, EL.
Panama City:
Cedar Grove, EL.
Cove, EL.
Hiland Park, EL.
Lucille Moore, EL.
Millville, EL.
Oakland Terrace, EL.
Springfield, EL.
St. Andrew, EL.
Paxon; Paxon K–12.
Pensacola:
Begg's Educational Center, HS.
Brown-Barge, EL.
Cook, EL.
DeVaugh, EL.
Dixon, EL.
Gibson, EL.
Goulding, EL.
Hallmark, EL.
McMillan, EL.
McReynolds, EL.
Olive, EL.
Semmes, EL.
Spencer-Ribbs, EL.
St. Joseph South, EL.
Weiss, EL.
Yniestra, EL.
Yonge, EL.

Perry:
Gladys Morse, EL.
Perry, EL.
Perry, Primary.
Taylor County, JHS.
Taylor County Vocational-Technical, HS.
Pierson; Pierson, EL.
Pinellas Park; Pinellas Park, EL.
Plant City:
Plant City, HS.
Tomlin, JHS.
Turkey Creek, JHS.
Pompano Beach:
Coconut Creek, EL.
Crestview, EL.
Cypress, EL.
Markham, EL.
Palmview, EL.
Park Ridge, EL.
Teder, EL.
Ponce de Leon; Ponce de Leon, EL.
Port Salerno; Port Salerno, EL.
Port St. Joe:
Port St. Joe, EL.
Port St. Joe, J–SHS.
Quincy:
Carter-Parramore, HS.
George W. Munroe, EL.
Greensboro, EL.
Havana, EL.
James A. Shanks, HS.
Quincy, JHS.
Stewart Street, EL.
Reddick:
Collier, Primary.
North Marion, Upper EL.
Riverview:
East Bay, JHS.
Eisenhower, JHS.
Riviera Beach; Lincoln, EL.
Samoset; Samoset, EL.
Sanford:
Crooms, HS (9).
Goldsboro, EL.
Hopper, EL.
Lakeview, Middle.
Midway, EL.
Sanford, Grammar.
Sanford, Middle.
Seminole, HS.
Sarasota:
Bay Haven, EL.
Booker, Middle.
Booker Marth, EL.
Orange Avenue, J–SHS.
Sarasota, JHS.
Seville; Seville Public, EL.
Sneads; Sneads, K–12.
Sopchoppy; Sopchoppy, EL.
South Bay; Rosenwald, EL.
Southport; Southport, EL.
Sparr:
North Marion, HS.
Sparr, Middle.
Starke:
Bradford, HS.
Bradford, Middle.
Southside, EL.
Starke, EL.
St. Augustine:
Evelyn Hamblin, EL.
Ketterlinus, JHS.
Mill Creek, EL.
St. Augustine, HS.
Webster, EL.
St. Petersburg:
Azalea, JHS.
Child Park, EL.
Diston, JHS.
Euclid, EL.
Glenoak, EL.
Jordan, EL.
Meadowlawn, JHS.
Melrose, EL.
Northeast, HS.
Perkins, EL.
Roser Park, EL.
St. Joseph, EL.
74th Street, EL.
Steinhatchee; Steinhatchee, EL.
Stuart; Parker, EL.
Tallahassee:
Belleview, Middle.
Bond, EL.
Cobb, Middle.
Fairview, Middle.
Godby, HS.
Griffin, Middle.
Leon, HS.
Moore, EL.
Nims, Middle.
Oakridge, EL.
Pineview, EL.
Raa, Middle.
Rickards, HS.
Riley, EL.
Reudiger, EL.
Sullivan, EL.
Wesson, EL.
Tampa:
Adams, JHS.
Blake, JHS.
Buchanan, JHS.
Chamberlain, HS.
Clair Mel, EL.
Coleman, JHS.
Dowdell, EL.
Franklin, EL.
Greco, JHS.
Hillsborough, HS.
Jefferson, HS.
King, HS.
Leto, HS.
Lois, EL.
Madison, JHS.
Middleton, JHS.
Monroe, JHS.
Morgan Woods, EL.
Oak Grove, JHS.
Pierce, JHS.
Robinson, HS.
Sligh, JHS.
Tampa Bay Vocational-Technical, HS.
Twin Lakes, EL.
Van Buren, JHS.
Webb, JHS.
Witter, EL.
Woodbridge, EL.
Young, EL.
Tarpon Springs; Tarpon Springs, EL.
Tavares; Tavares, EL.
Temple Terrace; Temple Terrace, EL.
Umatilla; Umatilla, EL.
Vernon:
Vernon, EL.
Vernon, HS.
Vero Beach:
Clemens, EL.
Sebastian, EL.
Vero Beach, HS.
Wabasso; Douglas, EL.
Waldo; Waldo, EL.
Wauchula:
Hardee, HS.
Wauchula, EL.
Webster; Webster, EL.
Weirsdale:
Stanton, Primary.
Weirsdale, Upper.
West Bay; West Bay, EL.
West Palm Beach:
Palmview, EL.
Roosevelt, EL.
Roosevelt, JHS.
West Gate, EL.
Wynnebrook, EL.
Westville:
Darlington, EL.
Prosperiety, EL.
Wewahitchka:
Wewahitchka, EL.
Wewahitchka, J–SHS.
Whitehouse; Whitehouse, EL.
White Springs; South Hamilton, EL.
Wildwood:
Wildwood, EL.
Wildwood, Middle.
Williston:
Williston, HS (K–12).
Williston, Intermediate.
Winter Garden:
Lakeview, JHS.
Maxey, EL.
Tildenville, EL.
Winter Haven:
Elbert, EL.
Fred G. Garner, EL.
Woodville; Woodville, EL.
Yankeetown; Yankeetown, EL.
Youngstown; Waller, EL.
Zellwood; Zellwood, EL.
Zolfo Springs; Zolfo, EL.

GEORGIA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Adel; Adel, EL.
Adrian; Adrian, EL–HS.
Alley:
Montgomery County, EL.
Montgomery, Primary.
Albany:
Broad Avenue, EL.
Carver, JHS.
Coachman Park, EL.
Flintside, EL.
Hayard, EL.
Highland, EL.
Jackson Heights, EL.
Lincoln Heights, EL.
Madison, EL.
Mamie Brosnan, EL.
Monroe, HS.
River Road, EL.
River Road, JHS.
Southside, JHS.
Alma; Bacon County, EL.
Alto; Georgia Industrial Institution School.
Ambrose; Ambrose, EL.
Americus:
Americus, HS.
Central JHS, Sumter County.
Cherokee, Grammar.
East View, EL.
Furlow, Grammar.
Northeast EL, Sumter County.
Reese Park, Grammar.
Sarah Cobb, EL.
Staley, JHS.
Aragon; Aragon, EL.
Arlington; Calhoun County, EL.
Ashburn:
Turner County, EL.
Turner County, JHS.
Athens:
Cedar Shoals, HS.
Clarke Central, HS.
East Athens Child Development Center.
Atlanta:
Anderson, EL.
Archer, HS.
Atlanta Advancement Center School.
Bethune, EL.
Blair Village, EL.
Bialock, EL.
Boyd, EL.
Briar Vista, EL, De Kalb County.
Brookhaven, EL, De Kalb County.
Brown, HS.
Bryant, EL.
Butler, EL.
Campbell, EL.
Carter, EL.
Carver, HS.
Capitol Avenue, EL.
Carey, EL.
Center Hill, EL.

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Coan, Middle.
Craddock, EL.
Crogman, EL.
D. H. Stanton, EL.
Dobbs, EL.
Drew, EL.
Dunbar, EL.
East Atlanta, HS.
English Avenue, EL.
Forrest, EL.
Fountain, EL.
Fowler, EL.
Gideons, EL.
Gilbert, EL.
Gordon, EL.
Grant Park, EL.
Grove Park, EL.
Hardnett, EL.
Harper, HS.
Herndon, EL.
Hill, EL.
Howard, EL.
Hubert, EL.
J. Cherry, EL.
J. M. Jones, EL.
John Hope, EL.
Kennedy, Middle.
Lee Rusk, EL.
Luckie, EL.
M. A. Jones, EL.
Moreland, EL.
Murphy, HS.
O'Keefe, HS.
Parks, Middle.
Pitts, EL.
Price, HS.
Pryor, EL.
Reynolds, EL.
Robinson, EL.
Scott, EL.
Slater, EL.
Slaton, EL.
Smith, HS.
Thomasville, EL.
Toomer, EL.
Towns, EL.
Tull Waters, EL.
Walden, Middle.
Ware, EL.
Washington, HS.
Wesley, EL.
Williams, EL.

Attapulgus:
L. E. Williams, EL.
Mount Moriah, HS.

Auburn; Auburn, EL.

Augusta:
Bungalow Road, EL.
Collins, EL.
Craig, EL.
Evans, EL.
Hornsby, EL.
Levi White, EL.
Milledge, EL.
Sand Bar Ferry, JHS.
Telfair Street, EL.
Walker, EL.

Bainbridge:
Bainbridge, EL.
Central, EL.
Decatur Correctional Institution School.
Elcan King, EL.
Jones-Wheat, EL.
West Bainbridge, EL.

Barnesville:
Forsyth Road, EL–HS.
Thomaston Street, EL.

Barwick; Barwick, EL.

Baxley:
Appling County, JHS.
Baxley, EL.

Bethlehem; Bethlehem, EL.

Blairsville; Union County, EL.

Blakely:
Early County, EL.
Early County, HS.
Early County, JHS.

Boston; North Boston, EL.

Brooklet:
Brooklet, EL.
South East Bulloch, JHS.
South East Bulloch, SHS.

Broxton; Mary Hayes, EL.

Brunswick:
Altama, EL.
Risley, EL.
Sidney Lanier, EL.

Buchanan; Buchanan, EL.

Buena Vista:
Marion County, EL.
Marion County, HS.

Buford; Georgia Training and Development Center School.

Butler:
Taylor County Boys, EL–HS.
Taylor County Girls, EL–HS.

Byromville; Byromville, EL.

Cairo:
Cairo, HS.
Southside, EL.
Washington, EL.
Washington, JHS.

Camilla:
Mitchell County, EL.
Mitchell County, HS.

Cataula; Cataula, EL.

Cedartown; Cedartown, JHS.

Chauncey; Chauncey, EL.

Chester; Chester, EL.

Clarkston; Indian Creek, EL.

Claxton:
Claxton, EL.
Evans County, JHS.

Cleveland; White County, HS.

Cochran:
Bleckley, EL; Bleckley County.
Cochran, EL.
Cochran, Middle.

College Park; Beavers, EL.

Collins; Collins, JHS.

Colquitt:
Miller County School I.
Miller County School II.
Miller County School III.

Columbus:
Columbus, JHS.
Davis, EL.

Concord; Pike County, JHS.

Cordele:
Blackshear Trail, EL.
Clark, EL.
Crisp County, HS.
Crisp County, JHS.
O'Neal, EL.
Pate, EL.
Southwestern, EL.

Crawfordville:
Taliaferro County, EL.
Taliaferro County, HS.

Cusseta; Cusseta, EL–HS.

Cuthbert:
Randolph County, EL.
Randolph County, HS.

Dallas:
Dallas, EL.
Paulding County, HS.

Darien:
Eulonica, EL.
McIntosh County Academy, HS.
Todd-Grant, EL.

Dawson:
Carver, JHS.
Lillie Cooper, EL.
Terrell Primary.
Terrell County, HS.

Dawsonville:
Dawson County, EL.
Dawson County, HS.

Dearing; Dearing, EL.

Decatur:
Beacon, EL; DeKalb County.
Hooper Alexander, EL.
Leslie J. Steele, EL; DeKalb County.
Oakhurst, EL.

Dererun; Southwest, EL.

Dixie; Brooks County, EL.

Doerun; Doerun, EL–HS.

Donalsonville:
Donalsonville, EL.
Seminole, JHS.
Seminole County, HS.

Douglas:
Central, EL.
Satilla, EL.

Dry Branch:
Antioch, EL.
Smith, EL.

Dublin:
Central, EL.
Dublin, HS.
Dublin, JHS.
East Laurens, Primary.
Saxon Heights, EL.
West Laurens, JHS.

Dudley; Northwest Laurens, EL.

Eastman:
Dodge, EL.
Dodge, JHS.
Eastman, EL.
Rhine, EL.

East Point; East Point, EL.

Eatonton:
Butler-Baker, EL.
Eatonton, Grammar.
Putnam Correctional Institution School.
Putnam County, HS.

Edison; Calhoun County, HS.

Elberton; Blackwell, EL.

Elko; Southside, EL.

Ellabelle; Black Creek, EL.

Ellaville:
Schley County, EL.
Schley County, HS.

Ellijay:
Ellijay, EL.
Gilmer, HS.

Fitzgerald:
Ben Hill County, EL.
Fitzgerald, EL.
Fitzgerald, HS.
Fitzgerald, JHS.

Forsyth:
Hubbard, EL.
Mary Persons, HS.

Fort Gaines:
Clay County, EL No. 1.
Clay County, EL No. 2.
Clay County, HS.

Fort Valley:
Fort Valley, EL.
Fort Valley, JHS.
H. A. Hunt, EL.
Peach County, HS.

Gainesville; Miller Park, EL.

Garden City; Chatham Correctional Institution School.

Geneva; South Talbot, EL.

Georgetown:
Quitman County, EL.
Quitman County, HS.

Girard; Girard, EL.

Glennville:
Glennville, Middle.
Seckinger, Primary.

Gough; Gough, EL.

Gray:
Gray, EL.
Jones County, HS.
Middle Grades.

Greensboro:
Floyd T. Corry, JHS.
Green County, HS.
Greensboro, EL.

Hamilton:
Harris County, HS.
Harris County, JHS.

Hardwick; Georgia Rehabilitation Center for Women School.

Hartwell; Hartwell, EL.

Hawkinsville:
Bozeman, JHS.
Hawkinsville, HS.
Pulaski County, EL.

Hazlehurst; Jeff Davis County, EL.
Hiawassee; Hiawassee-Macedonia, EL.
Hinesville:
Bacon, Primary.
Bradwell Institute, HS.
Hinesville, EL.
Hinesville, Middle.
Hiram; Hiram, EL.
Homer; Banks County, EL–HS.
Homerville:
Clinch County, HS.
Clinch County, JHS.
Homerville, EL.
Ideal; Ideal Modern, EL.
Irwinton:
Wilkinson County, EL–JHS.
Wilkinson County, Primary.
Jackson:
Georgia Diagnostic and Classification Center School.
Henderson, JHS.
Jackson, Primary.
Jasper; Jasper, EL.
Jefferson:
Jefferson, EL.
Jefferson, HS.
Jeffersonville:
Jeffersonville, EL.
South, El, Complex II.
Twiggs County, HS.
Keysville; Palmer, EL.
La Grange:
La Grange Boys, JHS.
La Grange, HS.
Lakeland:
Lanier County, EL.
Lanier County, HS.
Lanier County, Primary.
Leesburg:
Lee Correctional Institution School.
Lee County, EL.
Lee County, HS.
Lee County Upper, EL.
Leslie:
Southwest, EL.
Union, HS.
Lexington:
Oglethorpe County, EL.
Oglethorpe County, HS.
Oglethorpe County, Middle.
Lincolnton:
Lincoln County, JHS.
Lincoln County, HS.
Lithonica; Stoneview, EL.
Louisville:
Jefferson Correctional Institution School.
Louisville Academy.
Louisville, HS.
Ludowici:
Ludowici, EL–HS.
Walker, EL.
Lumber City; Lumber City, EL.
Lumpkin:
Lumpkin, EL.
Stewart County, HS.
McDonough; McDonough, Middle.
McIntosh:
Liberty County, EL.
McIntosh, JHS.
McRae:
Central, Middle.
Helena, EL.
Telfair County, HS.
Workmore, EL.
Macon:
Ada J. Banks, EL.
Alexander, EL, II.
B. S. Ingram, EL.
Ballard-Hudson, HS.
Ballard-Hudson, JHS.
Bibb County Vocational-Technical, HS.
Burdell, EL.
Burke, EL.
Butler, EL.
Charles Bruce, EL.
Eugenia Hamilton, EL.
Fort Hawkins, EL.
G. W. Carver, EL.
Green Street, EL.
L. H. Williams, EL.
Matilda Hartley, EL.
Maude Pye, EL.
Unionville, EL.
Winship, EL.
Madison:
Morgan, EL–JHS.
Morgan County, HS.
Morgan County, Primary.
Marshallville; Lamson Richardson, EL–JHS.
Metter:
Metter, EL.
Metter, HS.
Metter, Primary.
Midville; S. R. Dinkins, EL.
Milan; Milan City, EL.
Milledgeville:
Baldwin, HS.
Boddia, JHS.
Midway, EL.
Sallie Davis, EL.
West End, EL.
Millen:
Jenkins County, EL.
Jenkins County, HS.
Jenkins County, Primary.
Monroe:
Carver, JHS.
Monroe, EL.
Monroe, Primary.
Montezuma:
D. F. Douglass, EL.
D. F. Douglass, HS
Macon County, EL.
Macon County, HS.
Macon County, Primary.
Monticello; Washington Park, EL–JHS.
Morgan; H. T. Singleton, JHS.
Morven; Morven, EL.
Moultrie:
Gray; EL.
Moultrie, HS.
Mount Vernon; Montgomery Correctional Institution School.
Nahunta; Nahunta, EL.
Nashville; Nashville, EL.
Newington; Southside, EL.
Newton:
Baker County, EL.
East Baker, JHS–HS.
Nicholls; Nicholls, EL–HS.
Norman Park; Norman Park, EL–HS.
Norwood; Norwood, EL.
Oak Park; Oak Park, EL.
Ocilla:
Irwin County, EL.
Irwin County, Middle.
Irwin County, HS.
Odum; Wayne Correctional Institution School.
Oglethorpe; Macon County, JHS.
Pavo; Pavo, EL.
Pearson:
Atkinson County, HS.
Atkinson County, JHS.
Pearson, EL.
Pelham:
North, EL.
Pelham, HS.
South, EL.
Pembroke:
Bryan County, EL.
Bryan County, HS.
Perry:
New Hope, EL.
Perry Annex, EL.
Perry, HS.
Perry, JHS.
Pine Mountain; Pine Mountain, EL.
Plains; Westside, EL.
Portal:
Portal, EL.
Willow Hill, EL.
Preston; Webster County, EL–HS.
Quitman:
Brooks County, HS.
Brooks County, JHS.
Quitman, EL.
Quitman Primary I.
Quitman Primary II.
Ray City; Ray City, EL.
Reidsville:
Georgia State Prison School.
Reidsville, HS.
Tattnall, EL.
Reynolds:
Reynolds Boys, EL.
Reynolds Girls, EL.
Richland:
Richland, EL.
Stewart County, JHS.
Richmond Hill; Richmond Hill, EL–HS.
Roberta:
Crawford County, EL.
Crawford County, HS.
Rock Springs; Walker Correctional Institution School.
Rockmart:
Goodyear, EL.
Rockmart, HS.
Rockmart, JHS.
Rome; Southeast, EL.
Sandersville:
Sandersville, EL.
T. J. Elder, EL.
T. J. Elder, HS.
Washington County, HS.
Sardis:
Cousins, EL.
Sardis-Girard-Alexander, HS.
Savannah:
Arnold, HS.
Barnard, EL.
Cuyler, JHS.
Gadsden, EL.
Herty, EL.
Kiley, EL.
Shuman, JHS.
Spencer, EL.
Soperton:
Treutlen, EL.
Treutlen, HS.
Treutlen, Primary.
Sparta:
Hancock Central, EL–HS.
Sparta, EL–HS.
Statenville; Echols, HS.
Statesboro:
James Williams, JHS.
Julia Bryant, EL.
Mattie Lively, EL.
Nevils, EL.
Northside, EL.
Sallie Zetterower, EL.
Statesboro, HS.
Stone Mountain; Stone Mountain Correctional Institution School.
Summertown; Summertown, EL.
Surrency; Fourth District, EL.
Swainsboro:
Swainsboro, EL.
Swainsboro, HS.
Swainsboro, Primary.
Sycamon; Turner County, EL.
Sylvania:
Annie Daniels, EL.
Central, Middle.
Screven County, HS.
Sylvania, EL.
Sylvester:
J. W. Halley, JHS.
Sylvester, EL.
Worth County, HS.
Talbotton:
Central, EL.
Central, HS.
Tallapoosa; Haralson County, HS.
Tennille:
D. D. Crawford, EL.
Tennille, EL.
Thomasville:
Garrison-Pilcher, EL.
Harper, EL.
Magnolia, JHS.
Thomasville, HS.
Thomson:
Laura Jones, EL.
Pine Street, EL.
R. L. Norris, JHS.
Thomson, EL.

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Tifton:
Charles Spencer, EL.
Len Lastinger, EL.
Northside, EL.
Tift County, HS.
Tift County, JHS.
Twin City; Emanuel County Institute.
Unadilla:
Unadilla, EL.
Unadilla, JHS–HS.
Union Point; Union Point, EL.
Valdosta:
Leila Ellis, EL.
Lomax, EL.
Lowndes Correctional Institution School.
Southeast, EL.
West Gordon, EL.
Vienna:
Vienna, EL.
Vienna, HS.
Vienna Intermediate.
Vienna, Primary.
Wadley:
Carver, EL.
Wadley, HS.
Warner Robins:
Elberta, EL.
Watson, EL.
Warrenton:
Warren County,HS.
Warrenton, EL.
Washington:
Washington Central, EL.
Washington Central, JHS.
Washington, Primary.
Washington Wilkes, HS.
Watkinsville; Oconee County, HS.
Waverly Hall:
Waverly Hall, EL.
Waverly Hall, Primary.
Waycross:
Crawford Street, EL.
McDonald Street, EL.
Ware Correctional Institution School.
Waynesboro:
Blakeney, EL.
Blakeney, JHS.
Waynesboro, EL.
Waynesboro, HS.
West Green; West Green, EL.
West Point:
West Point, EL.
West Point, Primary.
Whigham; Whigham, EL–HS.
Willacoochee; Willacoochee, EL.
Winder:
Middle Grades.
Statham, EL.
Winder, EL.
Woodland; North Talbot, EL.
Wrens:
Wrens, EL.
Wrens, HS.
Wrightsville:
Johnson County, HS.
Wrightsville, EL.
Wrightsville, Primary.
Zebulon:
Pike County, EL.
Pike County, Primary.

HAWAII

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Aiea:
Aiea, EL.
Aiea, HS.
Captain Cook; Hookena, EL.
Haiku; Haiku, EL.
Haleiwa; Haleiwa, EL.
Hana; Hana, EL–HS.
Hauula; Hauula, EL.
Hilo:
Haaheo, EL.
Hilo, Intermediate.
Hilo Union, EL.
Kaiolani, EL.
Keaukaha, EL.
Holualoa; Holualoa, EL.
Honaunau; Honaunau, EL.
Honolulu:
Ala Wai, EL.
Anuenue, EL.
Central, Intermediate.
Dole, Intermediate.
Farrington, HS.
Fern, EL.
Jarrett, Intermediate.
Jefferson, EL.
Kaahumanu, EL.
Kaewai, EL.
Kaimuki, HS.
Kaiulani, EL.
Kalaukaua, Intermediate.
Kalihi, EL.
Kalihi-Kai, EL.
Kalihi-Waena, EL.
Kauluwela, EL.
Lanakila, EL.
Likelike, EL.
Linapuni, EL.
McKinley, HS.
Palolo, EL.
Puuhale, EL.
Royal, EL.
Washington, Intermediate.
Kaaawa; Kaaawa, EL.
Kahaluu; Kahaluu, EL.
Kahuku; Kahuku, EL–HS.
Kailua:
Kailua, EL.
Olomana, Secondary.
Kailua-Kona; Kealakehe, EL.
Kalaheo; Kalaheo, EL.
Kaneohe:
Castle, HS.
King, Intermediate.
Parker, EL.
Waiahole, EL–Intermediate.
Kapaa:
Kapaa, EL.
Kapaa, Intermediate–HS.
Kealakekua:
Konawaena, EL.
Konawaena, Intermediate–HS.
Kihei; Kihei, EL.
Koloa; Koloa, EL.
Kula; Kula, EL.
Laie; Laie, EL.
Lanai; Lanai, EL–HS.
Molokai:
Kaunakakai, EL.
Kilohana, EL.
Naalehu; Naalehu, EL.
Nanakuli:
Nanaikapono, EL.
Nanakuli, Intermediate–HS.
Pala; Pala, EL.
Papaikou; Kalanianaole, EL–Intermediate.
Puunene; Puunene, EL.
Wahiawa:
Iliahi, EL.
Kaala, EL.
Lehehua, HS.
Wahiawa, EL.
Wahiawa, Intermediate.
Waialua:
Waialua, EL.
Waialua, Intermediate–HS.
Waianae:
Maile, EL.
Makaha, EL.
Waianae, EL.
Waianae, HS.
Waianae, Intermediate.
Wailuku:
Iao, Intermediate.
Waihee, EL.
Wailuku, EL.
Waimanalo:
Pope, EL.
Waimanalo, EL–Intermediate.
Waipahu; Waipahu, EL.

IDAHO

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Aberdeen:
Aberdeen, EL.
Aberdeen, HS.
Aberdeen, JHS.
Arco; Arco, EL.
Blackfoot:
Blackfoot, HS.
Fort Hall, EL.
I. T. Stoddard, EL.
Irving, EL.
St. Margaret, EL.
West Center, EL.
Boise:
Hillside, JHS.
Lincoln, EL.
Lowell, EL.
Madison, EL.
Sacred Heart, EL.
St. Joseph, EL.
St. Mary, EL.
Whittier, EL.
Bonners Ferry:
Bonners Ferry, HS.
Naples, EL.
Northside, EL.
Valley View, EL.
Buhl:
Buhl, EL.
Buhl, JHS.
Buhl, SHS.
Burley:
Malta, EL.
Miller, EL.
Oakley, EL.
Overland, EL.
Southwest, EL.
Springdale, EL.
Caldwell:
Boulevard Christian, EL.
Caldwell, SHS.
Jefferson, JHS.
Lincoln, EL.
Van Buren, EL.
Washington, EL.
West Canyon, EL.
Woodrow Wilson, EL.
Cottonwood; Prairie, EL.
Council; Council, EL.
Craigmont; Highland, EL.
Culdesac; Culdesac, EL.
Driggs; Tetonia, EL.
Dubois:
Clark County, J–SHS.
Lindy Ross, EL.
Eden:
Eden, EL.
Hazelton, EL.
Valley, J–SHS.
Filer; Filer, EL.
Fruitland; Fruitland, EL.
Glenns Ferry:
Glenns Ferry, EL.
Glenns Ferry, JHS.
Grand View:
Bruneau, EL.
Rimrock, JHS.
Rimrock, SHS.
Hagerman; Hagerman, EL.
Hansen:
Hansen, EL.
Hansen, J–SHS.

Harrison:
Harrison, EL.
Kootenai, J–SHS.
Rose Lake, EL.
Homedale:
Homedale, HS.
Homedale, JHS.
Washington, EL.
Idaho Falls:
Holy Rosary, EL.
Osgood, EL.
Riverside, EL.
Irwin; Swan Valley, EL.
Jerome:
Lincoln, EL.
Washington, EL.
Kendrick; Juliatte, EL.
Kimberly; Kimberly, EL.
Lapwai:
Lapwai, EL.
Lapwai, J–SHS.
Leadore; Leadore, EL.
Lewiston:
Camelot, EL.
Centennial, EL.
Garfield, EL.
McSorley, EL.
Orchard, EL.
Warner, EL.
Webster, EL.
Whitman, EL.
Mackay:
Mackay, EL.
Mackay, HS.
Malad:
Malad, JHS.
Malad, SHS.
Melba:
Melba, EL.
Melba, J–SHS.
Middleton; Middleton, EL.
Moscow; St. Mary, EL.
Murtaugh; Murtaugh, EL.
Nampa:
Central, EL.
Kenwood, EL.
Lakeview-Parkview, EL.
St. Paul, EL.
South, JHS.
New Plymouth:
New Plymouth, EL.
New Plymouth, JHS.
New Plymouth, SHS.
Notus; Notus, EL.
Parma:
Parma, EL.
Parma, JHS.
Payette:
Eastside, EL.
Payette, JHS.
Payette, SHS.
Westside, EL.
Plummer:
Mary Immaculate, EL.
Plummer, EL.
Pocatello:
Bonneville, EL.
Emerson, EL.
Hawthorne, EL.
Saint Anthony, EL.
Tyhee, EL.
Post Falls; Post Falls, EL.
Preston:
Oakwood, EL.
Whitney, EL.
Rathdrum:
Athol, EL.
John Brown, EL.
Sprit Lake, EL.
Rirle:
Rirle, EL.
Rirle, J–SHS.
Roberts; Roberts, EL.
Rupert:
East Minico, JHS.
Heyburn, EL.
Paul, EL.
Pershing, EL.
Pioneer, EL.
Saint Nicholas, EL.
Salmon:
Brooklyn, JHS.
Salmon, EL.
Salmon, HS.
Sandpoint:
Clark Fork, EL.
Farmin, EL.
Kootenai, EL.
Priest River, EL.
Priest River, JHS.
Sugar City; Sugar-Salem, J–SHS.
Twin Falls:
Bickel, EL.
Lincoln, EL.
Washington, EL.
Weiser:
Park, EL.
Pioneer, EL.
Weiser, JHS.
Weiser, SHS.
Wendell:
Wendell, EL.
Wendell, JHS.
Wendell, SHS.
Wilder:
Holmes, EL.
Wilder, J–SHS.

ILLINOIS

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location: (city or town); name of school

Akin; Akin Community Consolidated EL.
Albion; Albion EL.
Aledo; Apollo EL.
Alexis:
Alexis EL.
Alexis HS.
Alsey; Alsey EL.
Alton:
Alton SHS.
Catholic Childrens Home (K–12).
Central JHS.
Clara Barton EL.
East JHS.
Eunice Smith EL.
Horace Mann-Dunbar EL.
Humboldt-Lovejoy EL.
Irving EL.
Lincoln EL.
McKinley-Delmar EL.
Milton EL.
Rufus Easton EL.
Seventh Day Adventist EL.
St. Patrick EL.
Thomas Jefferson EL.
Washington EL.
West JHS.
Amboy; Amboy JHS.
Anna:
Anna JHS.
Anna-Jonesboro HS.
Davie EL.
Lincoln EL.
Antioch; St. Peter EL.
Apple River; Apple River EL.
Arcola; Arcola EL.
Argo; Argo EL.
Arlington; Arlington EL.
Aroma Park; Aroma Park EL.
Arthur:
Arthur EL.
Arthur J–SHS.
Ashland; Ashland EL.
Ashley; Ashley Community Consolidated EL.
Assumption; Bond EL.
Astoria; Astoria HS.
Athens; Athens EL.
Atwood; Atwood-Hammond EL.
Auburn:
Auburn HS.
Auburn JHS.
Aurora:
C. P. Simmons JHS.
Clifford I. Johnson EL.
Freeman EL.
K. D. Waldo JHS.
L. D. Brady EL.
Lincoln EL.
Nancy Hill EL.
Oak Park EL.
Olney C. Allen EL.
Rose E. Krug EL.
Smith EL.
W. S. Beaupre EL.
Ava; Ava EL.
Aviston; Central Community HS.
Avon; Avon J–SHS.
Baileyville; Baileyville EL.
Barry:
Barry EL–JHS.
Barry SHS.
Bartelso; Bartelso EL.
Bath; Bath EL.
Baylis; Baylis EL.
Beardstown:
Lincoln EL.
Washington EL.
Beckemeyer:
Beckemeyer EL.
St. Anthony Beckemeyer EL.
Beecher City; Beecher City HS.
Belle Rive; Belle Rive EL.
Belleville:
Bunsen EL.
Central JHS.
Franklin EL.
Roosevelt EL.
Washington EL.
Benld; Benld EL.
Bentley; Union Douglas EL.
Benton:
Benton Consolidated HS.
Douglas EL.
Grant EL.
Washington EL.
Webster JHS.
Berwyn:
Hiawatha EL.
Irving EL.
Pershing EL.
Bethalto:
Bethalto East EL.
Wilbur Trimpe Jr. JHS.
Birds; Birds EL.
Blandinsville; Blandinsville EL.
Bloomington:
Bent EL.
Bloomington JHS.
Irving EL.
Sheridan EL.
Blue Island:
Blue Island JHS.
Campus Building HS.
Garfield EL.
Hale Primary.
Mann EL.
Mother of Sorrows EL.
Old Main Building HS.
Whittier EL.
Bluffs; Bluffs Community Unit K–12.
Bluford:
Bluford Community Consolidated EL.
Farrington EL.
Bowen; Bowen JHS.
Bradley:
Bradley Central EL.
Bradley East EL.
Braidwood; Reed-Custer Township HS.
Breese:
Breese EL.
Central Community HS.
Mater Dei HS.
Bridgeport:
Bridgeport EL.
Petrolia EL No. 38.
Brighton; Brighton EL.
Brimfield; Brimfield EL.
Brookfield; Congress Park EL.
Brookport:
Brookport K–12.
Unionville EL.
Unity Administration Center EL.

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Brownstown; Brownstown JHS.
Brussels; Brussels-Richwood EL.
Buda; Buda EL.
Buncombe; Lick Creek EL.
Bunker Hill:
  Meissner EL.
  Wolf Ridge Education Center EL.
Bushnell:
  Bushnell-Prairie City HS.
  Bushnell-Prairie City JHS.
Byron:
  Byron HS.
  Mary Morgan EL.
Cahokia:
  Cahokia EL.
  Cahokia SHS.
  Elizabeth Morris EL.
  Jerome EL.
Cairo:
  Bennett EL.
  Cairo HS.
  Cairo JHS.
  Cairo-Egyptian Child Development Center (K–12).
  Emerson EL.
Calhoun; Calhoun EL.
Cambira; Cambira EL.
Cambridge:
  Cambridge Community EL.
  Cambridge Community HS.
Camden; Camden EL.
Camp Point:
  Camp Point EL.
  Central HS.
Canton; Isaac Swan EL.
Carbondale:
  Brush EL.
  Carbondale Community HS Central.
  Carbondale Community HS East.
  Lakeland EL.
  Lewis EL.
  Lincoln JHS.
  Springmore EL.
  Thomas EL.
  Winkler EL.
Carmi:
  Big Prairie EL.
  Brownsville EL.
  Carmi HS.
  Carmi JHS.
  Washington EL.
Carrier Hills:
  Carrier Hills EL.
  Carrier Hills HS.
Carrollton; Carrollton EL.
Carterville:
  Carterville EL.
  Carterville HS.
  Carterville JHS.
Carthage:
  Carthage HS.
  Lincoln EL.
Caseyville:
  Caseyville EL.
  Hollywood Heights EL.
Cave In Rock:
  Cave In Rock EL.
  Cave In Rock HS.
  Shewmaker JHS.
Centralia:
  Bronson EL.
  Central City EL.
  Centralia HS.
  Field EL.
  Franklin EL.
  Grand Prairie EL.
  Lincoln EL.
  Raccoon Consolidated EL.
  Schiller EL.
  Washington EL.
Chadwick; Chadwick Community K–12.
Champaign:
  Bottenfield EL.
  Columbia EL.
  Dr. Howard EL.
  Franklin JHS.
  Garden Hills EL.
  Lottie Switzer EL.
Marquette K–12.
Washington EL.
Westview EL.
Chandlerville; Chandlerville K–12.
Chatsworth; Chatsworth EL.
Chebanse; Chebanse EL.
Chester:
  Chester EL.
  Chester HS.
Chicago:
  Abbott EL.
  Akiba Jewish Day EL.
  Aldridge EL.
  Allen Branch of Gladstone EL.
  Andersen EL.
  Angel Guardian Orphanage EL.
  Armour EL.
  Arnold Upper Grade Center JHS.
  Assumption EL.
  Austin HS.
  Austin Middle.
  Austin Special School (K–12).
  Bass EL.
  Beale EL.
  Beale Upper Grade Center JHS.
  Beethoven EL.
  Beethoven Branch (K–12).
  Bethune EL.
  Birney EL.
  Bond EL.
  Bousfield Girls (K–12).
  Brainard EL.
  Brennemann EL.
  Brennemann Branch EL.
  Bright EL.
  Brown EL.
  Burke EL.
  Burr EL.
  Byrd EL.
  Calhoun North EL.
  Calumet HS.
  Cam Academy K–12.
  Carnegie EL.
  Carter EL.
  Carver EL.
  Carver HS.
  Carver Upper Grades JHS.
  Cathedral HS.
  Cather EL.
  Catherine Ferguson EL.
  Central YMCA HS.
  Chalmers EL.
  Charles Dickens Education Center EL.
  Chase EL.
  Child-Parent Education Center EL.
  Chopin EL.
  Chopin Upper Grade Center JHS.
  Christian Ministry K–12.
  Colman EL.
  Colman Modular Branch EL.
  Columbus EL.
  Cooley Upper Grade Center JHS.
  Cooley Vocational HS.
  Cooper Primary and Intermediate.
  Cooper Upper Grade Center JHS.
  Copernicus EL.
  Crane HS.
  Cregier Vocational HS.
  Crown EL.
  Delano EL.
  Dett EL.
  Dewey EL.
  Dodge EL.
  Doniat EL.
  Donoghue EL.
  Donoghue Child Parent EL.
  Doolittle Intermediate.
  Doolittle Primary.
  Drake EL.
  Drake Education & Vocational Guidance Center JHS.
  Drummond EL.
  Dunbar Vocational HS.
  Dusable HS.
  Dusable Upper Grade Center JHS.
  Dvorak EL.
  Dyett Middle.
  Earle EL.
  East Woodlawn Academy (K–12).
  Ebenezer Lutheran EL.
  Einstein EL.
  Emmet North EL.
  Englewood HS.
  Ericson EL.
  Faraday EL.
  Farragut HS.
  Farren EL.
  Farren Branch EL.
  Felsenthal EL.
  Felsenthal Branch EL.
  Fermi EL.
  Flower Vocational HS.
  Forrestville Upper Grade Center JHS.
  Franklin EL.
  Frazier EL.
  Friedrich HS.
  Fuller EL.
  Gershwin EL.
  Gladstone EL.
  Goethals Education and Vocational Guidance JHS.
  Goldblatt EL.
  Gordon Technical HS.
  Goudy EL.
  Goudy Branch No. 1 EL.
  Grant EL.
  Greeley EL.
  Gregory EL.
  Gresham EL.
  Guggenheim EL.
  Haines EL.
  Haines Branch EL.
  Hales Franciscan HS.
  Hamline EL.
  Hammond EL.
  Hans C. Andersen EL.
  Harrison HS.
  Hartigan EL.
  Harvard EL.
  Haven EL.
  Headley EL.
  Hearst EL.
  Heart of Mary HS.
  Hefferan EL.
  Hendricks EL.
  Hensen EL.
  Herbert EL.
  Herzl EL.
  Herzl Schome EL.
  Hess Upper Grade JHS.
  Hinton EL.
  Holmes EL.
  Holy Angels EL.
  Holy Family EL.
  Holy Innocents EL.
  Holy Rosary EL.
  Holy Trinity EL.
  Hope Middle
  Horner EL.
  Howland EL.
  Hyde Park HS.
  Illinois Childrens Hospital (K–12).
  Immaculate Conception (K–12).
  Industrial Skill Center HS.
  James A. Sexton Vocational Education EL.
  Jefferson EL.
  Jenner EL.
  Jirka EL.
  Johnson EL.
  Jones Commercial HS.
  Judd EL.
  Jungman EL.
  Kershaw EL.
  King Education and Vocational Guidance Center (K–12).
  Komensky EL.
  Kosciuszko EL.
  Lafayette EL.
  Lathrop EL.
  Lawrence Upper Grade Center JHS.
  Lawson EL.
  Lewis-Champlin EL.
  Libby EL.
  Logan Day Care Center K–12.
  Lorraine Hansberry Education Center EL.
  Low Upper Grade Center JHS.

Lowell EL.
Madison EL.
Magellan Education and Vocational Guidance Center EL.
Manierre EL.
Manley Branch HS.
Manley Upper Grade Center JHS.
Marconi EL.
Marshall HS.
Marshall Upper Grade Center JHS.
Martin Luther King Jr. HS.
Mason Child Parent EL.
Mason Intermediate.
Mason Primary.
Mason Upper Grade Center JHS.
May EL.
Mayo EL.
McCorkle EL.
McCormick EL.
McCosh EL.
McCosh Intermediate.
McKinley Upper Grade Center JHS.
McLaren Occupational HS.
Melody EL.
Mitchell EL.
Montefiore Boys (K–12).
Moos EL.
Morton Upper Grade Center JHS.
Moseley Boys (K–12).
Motley Girls (K–12).
Mulligan EL.
Nathaniel Cole Education Center EL.
Nativity of the Blessed Virgin Mary EL.
Newton EL.
Notre Dame EL.
Oakenwald Branch EL.
Oakenwald N. Primary EL.
Oakenwald N. Schome EL.
Oakenwald S. Intermediate EL.
Oakland EL.
Oglesby EL.
Orr HS.
Oscar Depriest EL.
Otis EL.
Our Lady of Gardens EL.
Our Lady of Guadalupe EL.
Our Lary of Lourdes EL (56th Street).
Our Lady of Perpetual Help EL.
Our Lady of Pompeii EL.
Our Lady of Solace EL.
Our Lady of Sorrows K–12.
Overton EL.
Overton Schome EL.
Paderewski EL.
Parker EL.
Parker HS.
Parkman EL.
Parkside EL.
Peabody EL.
PFC Milton L. Olive EL.
Phillips HS.
Phillis Wheatley EL.
Pickard EL.
Pope EL.
Precious Blood EL.
Presentation EL.
Price EL.
Providence-St. Mel HS.
Pulaski EL.
Raymond EL.
Reavis EL.
Reed EL.
Revere EL
Riis EL.
Roentgen Education & Vocational Guidance Center JHS.
Ross EL.
Sabin EL.
Sacred Heart EL (E. 96th Street).
Sacred Heart EL (S. May Street).
Sacred Heart EL (S. Wolcott Avenue).
Schiller EL.
Schley EL.
Schneider EL.
Scott EL.
Scott Child Parent EL.
Seward EL.
Sexton EL.
Shakespeare EL.
Sherman EL.
Sherwood EL.
Shiloh K–12.
Siena HS.
Simpson Family Center HS.
Skinner EL.
Sojourner Truth Schome EL.
Spencer EL.
Spry EL.
Spry Upper Grade Center JHS.
St. Agatha EL.
St. Ambrose EL.
St. Ann EL.
St. Ansel EL.
St. Bonaventure K–12.
St. Boniface EL.
St. Callistus EL.
St. Carthage EL.
St. Casimir Parish HS.
St. Charles Lwanga K–12.
St. Clement EL.
St. Elizabeth EL.
St. Fidelis EL.
St. Francis De Paula EL.
St. Hedwig EL.
St. Helen EL.
St. Hyacinth EL.
St. James EL.
St. Josaphat EL.
St. Joseph K–12.
St. Kevin EL.
St. Leo K–12.
St. Ludmilla EL.
St. Malachy EL.
St. Maria Addolorata EL.
St. Mark EL.
St. Martin EL.
St. Mary HS.
St. Mary Of Providence K–12.
St. Mary Of The Angels EL.
St. Mary Of The Lake EL.
St. Mel EL.
St. Michael EL.
St. Michael Central HS.
St. Nicholas Cathedral EL.
St. Pius V EL.
St. Procopius K–12.
St. Procopius HS.
St. Raphael EL.
St. Roman EL.
St. Sabina EL.
St. Stanislaus Kostka EL.
St. Stanislaus Kostka HS.
St. Teresa K–12.
St. Theodore EL.
St. Therese EL.
St. Thomas Aquinas EL.
St. Thomas Canterbury EL.
St. Vincent De Paul EL.
Stewart EL.
Stockton EL.
Stockton Schome EL.
Stockton Upper Grade Center JHS.
Suder EL.
Sumner EL.
Talcott EL.
Tennyson Education & Vocational Guidance Center K–12.
Terrell EL.
Terrell Branch EL.
Tesla EL.
Tesla Schome EL.
Thomas Branch of Headley EL.
Thorp EL.
Tilden HS.
Tilton EL.
Truth EL.
Tubman Family Center HS.
Tuley HS.
Tuley Branch HS.
Unity HS.
Upper Grade Center JHS.
Victor C. Neumann K–12.
Visitation K–12.
Visitation HS.
Wadsworth EL.
Wadsworth Upper Grade Center JHS.
Waller HS.
Walsh EL.
Webster EL.
Wells HS.
Wentworth EL.
West Garfield Park JHS.
Westcott EL.
Westinghouse Area Vocational HS.
Whittier EL.
Wicker Park EL.
Wicker Park Upper Grade Center JHS.
Willard EL.
Williams EL.
Wirth Experimental JHS.
Woodson S. Schome EL.
Yale EL.
Yates EL.
Yates Upper Grade Center JHS.
Chicago Heights:
  Beacon Hill EL.
  Freshman-Sophomore Division HS.
  Garfield EL.
  Gavin EL.
  Jefferson EL.
  Lincoln EL.
  McKinley EL.
  Washington JHS.
  St. Joseph EL.
Chrisman:
  Chrisman EL.
  Chrisman HS.
Christopher:
  Christopher Community HS.
  Christopher EL.
Cisco; Cisco EL.
Cisne:
  Berry EL.
  Cisne EL.
  Cisne Community HS.
Claremont; Claremont EL.
Clay City; Clay City EL.
Clayton; Clayton EL.
Clifton:
  Central HS.
  Central JHS.
Clinton; Webster EL.
Coal Valley; Briar Bluff EL.
Cobden; Cobden EL.
Collinsville:
  Kreitner EL.
  North JHS.
  State Park EL.
  Webster EL.
  Webster JHS.
Columbia; Unit Building EL.
Cornell; Cornell EL.
Cottage Hills; Forest Homes EL.
Coulterville; Coulterville K–12.
Country Club Hill; Nob Hill EL.
Cowden; Cowden-Herrick EL.
Creal Springs:
  Arnold EL.
  Creal Springs EL.
Creve Coeur:
  Gerber EL.
  LaSalle EL.
  Parkview JHS.
Crossville; Crossville EL.
Cutler; Cutler EL.
Cypress; Cypress EL.
Dahlgren:
  Dahlgren EL.
  Dahlgren Community HS.
Dale; Dale EL.
Danville:
  Cannon EL.
  Collett EL.
  Daniel EL.
  Danville Community Consolidated HS.
  Douglas EL.
  East Park JHS.
  Elmwood EL.
  Fairchild EL.
  Garfield EL.
  Lincoln EL.
  Northeast EL.
  Oaklawn EL.
  South View JHS.
  St. Patrick EL.
  Washington EL.

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Decatur:
Centennial Laboratory EL.
Durfee EL.
E. A. Gastman EL.
Eisenhower HS.
Enterprise EL.
Garfield EL.
Grant EL.
Johns Hill JHS.
Lincoln EL.
Mary W. French EL.
Mound JHS.
Oglesby, EL.
Orville Spencer EL.
Pershing EL.
Roach EL.
Roosevelt JHS.
Seventh-Day Adventist EL.
South Shores EL.
Southeast EL.
Stephen Decatur HS.
Stevenson EL.
Thomas Jefferson JHS.
Ullrich EL.
W. Wilson EL.
Washington EL.
William Harris EL.
Deer Grove; Hahnaman EL.
DeKalb; Ellwood EL.
Deland; Deland-Weldon HS.
Depue; Depue Unit K–12.
Des Plaines; River Road EL.
Dixmoor:
Lincoln EL.
Martin Luther King Jr. JHS.
Dongola; Dongola Unit K–12.
Donnellson; Donnellson EL.
Donovan:
Donovan EL.
Donovan HS.
Downs; Tri-Valley EL.
Du Quoin:
Du Quoin HS.
Lincoln EL.
McKinley EL.
R. A. Wheatley EL.
Dundas; Dundas EL.
Dupo:
Dupo EL.
Dupo J-SHS.
Durand:
Durand EL.
Durand HS.
Dwight:
Dwight EL.
Dwight HS.
East Carondelet; East Carondelet EL.
East Chicago Heights:
Cottage Grove EL.
Medgar Evers EL.
Woodlawn EL.
East St. Louis:
Alta Sita EL.
Attucks EL.
Bluff View EL.
Bluff View Park EL.
Brown EL.
Cannady EL.
Canteen EL.
Centerville EL.
Chenot EL.
Clark JHS.
Dunbar EL.
East St. Louis Lincoln K–12.
East St. Louis SHS.
Easterly EL.
Edgemont EL.
Franklin EL.
Garfield EL.
Garrison EL.
Golden Garden EL.
Harding EL.
Hawthorne EL.
Holy Angels EL.
Hughes Quinn JHS.
Immaculate Conception EL.
Jackson EL.
James Park Slade EL.
East St. Louis
Jefferson EL.
Johnson EL.
Kennedy EL.
King JHS
LaFayette EL.
Lalumier EL.
Lansdowne JHS.
Lilly Freeman EL.
Longfellow EL.
Lucas EL.
Manners EL.
Monroe EL.
Morrison EL.
Park EL.
Parkside EL.
Pitzman EL.
Robinson EL.
Rock JHS.
Rose Lane EL.
St. Adalbert EL.
St. Clair Terrace EL.
St. Cyril EL.
St. Joseph EL.
Washington EL.
Webster EL.
Wilson EL.
Wirth JHS.
Earlville; Rollo EL.
East Alton:
Francis G. Blair EL.
Lincoln EL.
Washington EL.
East Peoria; Richland EL.
Eaton; Porterville EL.
Edgewood; North Larkinsburg EL.
Edwardsville; Columbus EL.
Effingham:
South Side EL.
West Side EL.
El Paso; Centennial EL.
Eldorado:
Beulah Heights K–12.
Eldorado HS.
Hillcrest K–12.
Jefferson K–12.
Washington JHS.
Elgin:
Channing Memorial EL.
Ellis JHS.
Garfield EL.
Grant EL.
Sheridan EL.
Elizabethtown; Karbers Ridge EL.
Elkville; Elkville EL.
Enfield:
Enfield Booth EL.
Enfield HS.
Equality:
Equality EL.
Equality J-SHS.
Evanston:
Central EL.
Childrens Home K–12.
Dawes EL.
Haven Middle.
Nicholas Middle.
Dakton EL.
Roycemore K–12.
Skiles Middle.
Fairfield:
Fairfield EL.
Merriam EL.
New Hope EL.
Northside EL.
Fairview; Fairview EL.
Findlay; Findlay HS.
Flora:
Flora Building JHS.
Flora Township HS.
Lincoln EL.
McEndree Building EL.
Seminary Building EL.
Washington Building EL.
Forreston:
Forreston EL.
Forreston HS.
Freeport:
Douglas EL.
Freeport JHS.
Taylor Park EL.
Fults; Cedar Bluff EL.
Galatia:
Galatia EL.
Galatia HS.
Galesburg:
Allen Park EL.
Cooke EL.
Steele Middle.
Geff; Geff EL.
Geneva; Illinois State Training School for Girls (K–12).
Georgetown; Frazier EL.
German Valley; German Valley EL.
Gillespie; New EL.
Gladstone; Tri Valley Middle.
Glenwood; Glenwood School for Boys K–12.
Golconda:
Pope County EL.
Pope County HS.
Good Hope; Good Hope EL.
Goreville; Goreville Township HS.
Gorham; Gorham K–12.
Grand Chain; Grand Chain EL.
Grand Tower; Grand Tower EL.
Granite City:
Coolidge JHS.
Emerson EL.
Granite SHS.
Grigsby JHS.
Logan EL.
Marshall EL.
McKinley EL.
Prather JHS.
Pre-School Center EL.
Stallings EL.
Washington EL.
Webster EL.
Grantsburg; New Columbia EL.
Grayslake; Dobe K–12.
Grayville:
Grayville HS.
Grayville JHS.
Greenfield; Greenfield EL.
Greenville; Greenville EL.
Griggsville:
Griggsville EL.
Griggsville HS.
Hardin; Hardin EL.
Harrisburg:
Harrisburg HS.
Horace Mann EL.
Independence EL.
Logan EL.
Malan JHS.
McKinley EL.
Phillips EL.
Hartford; Hartford EL.
Harvard:
Central EL.
Harvard HS.
Harvard JHS.
Jefferson EL.
Washington EL.
Harvey:
Elmer G. Kich EL.
Emerson EL.
Lowell-Longfellow EL.
McKinley EL.
Riley EL.
Saint Susanna EL.
Taft EL.
Thornton HS.
Washington EL.
Whittier EL.
Ziebel EL.
Havana:
Riverview EL.
South Fulton EL.
Hebron:
Alden-Hebron EL.
Alden-Hebron HS.
Henry; Henry Community Consolidated EL.

Herrin:
Chittyville EL.
Herrin HS.
Herrin JHS.
Lincoln EL.
North Side EL.
West Side EL.
Heyworth; Heyworth EL.
Hillsboro:
Beckemeyer EL.
Burbank EL.
Hinckley; Hinckley EL.
Hoopeston; John Greer EL.
Hopkins Park:
George Washington Carver EL.
Martin Luther King, Jr. EL.
Whitney Young, Jr. EL.
Hume:
Shiloh EL.
Shiloh HS.
Hurst; Hurst EL.
Hutsonville:
Hutsonville EL.
Hutsonville HS.
Ina; Ina EL.
Indianola; Indianola Consolidated EL.
Ipava; Ipava EL.
Iuka; Iuka Community EL.
Jacksonville:
Armstrong JHS.
Franklin EL.
Lincoln EL.
North Jacksonville EL.
Ray Graham K–12.
Jerseyville; Jerseyville West EL.
Johnsonville; Johnsonville EL.
Johnston City:
Jefferson EL.
Johnston City HS.
Washington EL.
Joliet:
A. O. Marshall K–12.
Central HS.
Edna Keith K–12.
Eliza Kelly K–12.
F. E. Marsh K–12.
Lincoln K–12.
McKinley Park K–12.
Parks K–12.
St. Mary Carmelite EL.
St. Thaddeus EL.
Thompson K–12.
Woodland K–12.
Jonesboro; Jonesboro EL.
Joppa:
Joppa Administration Center EL.
Joppa Administration Center HS.
Joy; Joy EL.
Kankakee:
Abraham Lincoln EL.
Benjamin Franklin EL.
Eastridge HS.
John F. Kennedy JHS.
LaFayette EL.
Longfellow EL.
Mark Twain EL.
Martin Luther King JHS.
Steuben EL.
Thomas Edison EL.
Washington EL.
Westview HS.
William H. Taft EL.
Kansas; Kansas EL.
Karnak; Karnak EL.
Keithsburg; Keithsburg EL.
Kell; Kell Consolidated EL.
Kewanee:
Belle Alexander EL.
Central EL.
Lyle EL.
Wethersfield HS.
Kilbourne; Kilbourne EL.
Kincaid; South Fork Community HS.
Kinmundy:
Alma EL.
Kinmundy EL.
Kinmundy Alma HS.
Kinsman; Kinsman Community Consolidated EL.
Kirkland; Kirkland EL.
Kirkwood; Kirkwood EL.
La Salle:
Dimmick Community Consolidated EL.
Matthiessen EL.
Lake Forest; Lake Forest Academy HS.
Lake Villa:
Allendale K–12.
Avon Center EL.
LaRose; LaRose EL.
Lawrenceville:
Lincoln EL.
Parkview JHS.
Leaf River; Leaf River K–12.
Lebanon; Lebanon EL.
Lee; Lee EL.
Leland; Leland EL.
Lewistown; Prichard-Clark EL.
Liberty; Liberty EL.
Libertyville; Bush K–12.
Lincoln:
Chester-East Lincoln EL
Washington-Monroe EL.
West Lincoln EL.
Litchfield:
Russell EL.
Sihler EL.
Little York:
Little York EL.
Yorkwood Middle.
Lockport:
A. F. Hill EL.
Fairmont EL.
Loda; Loda Grade EL.
Logan; Logan Consolidated EL.
Louisville:
Louisville EL.
Oskaloosa EL.
Love Joy; Love Joy EL.
Macomb; Lincoln EL.
Madison:
Blair EL.
Dunbar EL.
Harris EL.
Louis Baer EL.
Madison JHS.
Madison SHS.
Malden:
Malden EL.
Malden Community HS.
Manlius; Manlius Community K–12.
Mansfield; Mansfield EL.
Maquon; Maquon JHS.
Marion:
Logan EL.
Longfellow EL.
Marion HS.
Marion JHS.
McKinley EL.
Washington EL.
Marissa; Marissa EL.
Markham:
Canterbury EL.
Lemon EL.
Shirley Forbes EL.
Marseilles; Milton Pope EL.
Marshall:
Marshall JHS.
North EL.
South EL.
Martinsville:
City EL.
Martinsville K–12.
South Center EL.
Mason City; Mason City EL.
Mattoon:
Columbian EL.
Hawthorne EL.
Lowell K–12.
Washington EL.
Maywood:
East HS.
Washington EL.
McClure; McClure EL.
McLeansboro:
Flannigan EL.
Knights Prairie Community Consolidated EL.
McLeansboro Community Consolidated EL.
Piopolis EL.
Medora; Medora EL.
Metropolis:
Central EL.
Clark EL.
Franklin Administrative Center EL.
Metropolis JHS.
Naple Grove Administrative Center EL.
Metropolis Community HS.
Washington EL.
Middleton; Middletown EL.
Midlothian; Spaulding EL.
Milford:
Bryce Ash Grove EL.
Milford Community EL.
Milford HS.
Mill Shoals; Mill Shoals Community Consolidated EL.
Milton; East Pike & Milton K–12.
Moline:
Blackhawk EL.
Ericsson EL.
George Washington EL.
Grant EL.
McKinley EL.
Monmouth:
Central JHS.
Harding EL.
Lincoln EL.
Willits EL.
Yorkwood J-SHS.
Montgomery; Nicholson EL.
Montrose; Montrose EL.
Mooseheart; Mooseheart K–12.
Morrison:
Prairie Center JHS.
Union Grove EL.
Morrisonville; Morrisonville EL.
Mound City; Lowell EL.
Mounds:
Meridian HS.
Meridian JHS.
Thistlewood EL.
Titus EL.
Mount Auburn; Mount Auburn EL.
Mount Carmel:
North Middle.
South EL.
Mount Carroll:
Center Hill EL.
Mount Carroll HS.
Mount Erie; Mount Erie EL.
Mount Morris; Mount Morris EL.
Mount Sterling:
Brown County HS.
North EL.
South EL.
Mount Vernon:
Bethel EL.
Casey JHS.
Dodds EL.
Dr. Andy Hall EL.
Edison EL.
Franklin EL.
Horace Mann EL.
Lincoln EL.
Mount Vernon HS.
Old Union EL.
Summersville EL.
Moweaqua; Moweaqua HS.
Mulberry Grove; Mulberry Grove K–12.
Mulkeytown; Mulkeytown Consolidated EL.
Muncie; Muncie Consolidated EL.
Murphysboro:
Carruthers JHS.
Lincoln EL.
Logan EL.
Longfellow EL.
McElvain EL.
Murphysboro HS.
Orchard Hill EL.
Washington EL.

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Naperville; Du Page State Boys School K–12.
Nashville:
  Nashville Community Consolidated EL.
  Nashville Community HS.
Nebo; Nebo EL.
Neoga:
  Neoga EL–JHS.
  Neoga HS.
Neponset; Neponset K–12.
New Berlin; St. John Lutheran EL.
New Boston; New Boston EL.
New Haven; New Haven EL.
New Windsor; New Windsor EL.
Noble; Noble EL.
Nokomis:
  Nokomis HS.
  North EL.
Nora; Nora EL.
Norris City:
  Omaha EL.
  Omaha HS.
North Chicago:
  Martin Luther King Jr. JHS.
  North EL.
  North Chicago HS.
  Novak EL.
  Yeager EL.
Oak Lawn; Chicago South Christian EL.
Oak Park:
  Emerson EL.
  Longfellow EL.
Oakdale; Oakdale Community Consolidated EL.
Oakland; Lake Crest EL.
Oblong:
  Bend EL.
  Hardinville EL.
  Oblong Grade Center EL.
Oconee; Oconee EL.
Odell; Odell K–12.
Ohio; Ohio Community HS.
Ohlman; Ohlman EL.
Olney:
  Central EL.
  East Richland HS.
Onarga; Onarga EL.
Orangeville; Orangeville EL.
Orchardville; Orchardville EL.
Ottawa:
  St. Patrick EL.
  Wallace EL.
Palestine; Palestine EL.
Palmyra; Northwestern EL.
Pana:
  Lincoln EL.
  Washington EL.
Panama; Panama EL.
Paris:
  Crestwood EL.
  Mayo EL.
  Redmon EL.
Park Forest:
  Alogonquin EL.
  Blackhawk EL.
  Blackhawk JHS.
  Dogwood EL.
  Mohawk EL.
Park Ridge; Park Ridge K–12.
Parkersburg; Parkersburg EL.
Patoka; Patoka K–12.
Patterson:
  North Greene EL.
  Patterson EL.
Paw Paw; Paw Paw EL.
Pawnee:
  Pawnee EL.
  Pawnee HS.
Payson; Seymour EL.
Pearl; Pearl EL.
Pearl City; Pearl City EL.
Pecatonica; Pecatonica EL.
Pekin:
  Lincoln EL.
  Roosevelt EL.
  Wilson EL.
Peoria:
  Blaine-Sumner EL.
  Cabrini Hall HS.
  Community Action Agency EL.
  Common Place Pre-School EL.
  Diagnostic Learning Center EL.
  Garfield EL.
  Glen Oak EL.
  Greeley EL.
  Harrison EL.
  Harrison Homes Day EL.
  Heading Avenue, K–12.
  Irving EL.
  Kingman EL.
  Lincoln EL.
  Longfellow EL.
  Manual HS.
  McKinley EL.
  Meads Kiddie Kare EL.
  Neighborhood House Association EL.
  Peoria Park Nursery EL.
  Roosevelt K–12.
  South Side Mission Nursery EL.
  St. Andrews Day Care EL.
  St. Patrick EL.
  St. Stephen Parish EL.
  Trewyn JHS.
  Tyng EL.
  Ward Chapel AME EL.
  Webster EL.
  White EL.
  Whittier EL.
  Woodruff HS.
  YWCA Day Care Center EL.
  YWCA Nursery EL.
Perry:
  Perry EL.
  Perry HS.
Phoenix; Coolidge JHS.
Pinckneyville:
  Pinckneyville Community Consolidated EL.
  Pinckneyville Community HS.
Piper City; Piper City EL.
Pittsburg:
  Lincoln EL.
  Pittsburg EL.
Pittsfield:
  Pittsfield Higbee JHS.
  Pittsfield South EL.
Pleasant Hill:
  Pleasant Hill EL.
  Pleasant Hill HS.
Pontiac; Ladd EL.
Posen:
  Gordon JHS.
  Posen EL.
Potomac; Potomac EL.
Princeville; Princeville EL.
Prophetstown:
  Prophetstown EL.
  Prophetstown HS.
Quincy:
  Berrian EL.
  Dewey EL.
  Franklin EL.
  Highland-Riverside EL.
  Irving EL.
  Jefferson EL.
  Washington EL.
  Webster EL.
Radom; St. Michael EL.
Raleigh; Raleigh K–12.
Ramsey:
  Ramsey Community Unit HS.
  Ramsey EL.
Rardin; Rardin EL.
Red Bud; Beck Area Vocational HS.
Ridgeway; Ridgeway K–12.
Robbins:
  Childs EL.
  Kelly JHS.
  Lincoln Memorial EL.
  Turner EL.
Rock Falls:
  Dillon EL.
  Rock Falls HS.
  Rock Falls JHS.
  Thome EL.
Rock Island:
  Audubon EL.
  Central JHS.
  Earl H. Hanson EL.
  Frances Willard EL.
  Franklin JHS.
  Grant EL.
  Hawthorne-Irving EL.
  Lincoln EL.
  St. Joseph EL.
Rockford:
  Auburn HS.
  Barbour EL.
  Beyer EL.
  Church EL.
  Dennis EL.
  Ellis EL.
  Freeman K–12.
  Haskell EL.
  Henrietta EL.
  Kishwaukee EL.
  Lathrop EL.
  Lincoln JHS.
  Lincoln Park EL.
  Loves Park EL.
  Marquette EL.
  McIntosh EL.
  Montague EL.
  Morris Kennedy JHS.
  Muldoon EL.
  Nashold EL.
  Rock River EL.
  Roosevelt JHS.
  St. Anthony of Padua EL.
  St. James EL.
  St. Stanislaus EL.
  Turner EL.
  Washington JHS.
  West HS.
  Whig Hill EL.
  Wight EL.
  Wilson JHS.
Rockwood; Logan Hollow EL.
Rosiclare:
  Rosiclare EL.
  Rosiclare HS.
  Stone Church EL.
Round Lake:
  Raymond Ellis EL.
  Round Lake JHS.
  Round Lake Beach EL.
  Round Lake Park EL.
  St. Paul Lutheran EL.
Royalton; Royalton EL.
Salem:
  Central EL.
  Oak Park EL.
  Salem HS.
  Salem JHS.
  Selmaville North EL.
Sandoval:
  Sandoval HS.
  Sandoval EL.
  St. Lawrence EL.
Sauget; Chartrand EL.
Scales Mound; Scales Mound Community Unit K–12.
Sciota; Northwestern HS.
Sesser:
  Sesser HS.
  Washington EL.
  Wilson, EL.
Shabbona; Shabbona EL.
Shannon; Shannon EL.
Shawneetown:
  Shawneetown EL.
  Shawneetown J–SHS.
Sheridan; Sheridan EL.
Shipman; Shipman EL.
Shobonier; Shobonier EL.

Sidell:
  Jamaica Consolidated HS.
  Sidell Community Consolidated EL.
Sigel; Lillyville EL.
Skokie; Jeanine Schultz Memorial K–12.
Smithboro; Smithboro EL.
Smithfield; Smithfield EL.
Sorento; Sorento EL.
South Beloit; South Beloit HS.
South Holland:
  Eisenhower EL.
  Madison EL.
South Pekin; South Pekin EL.
Sparta; Lincoln EL.
Springerton; Enfield William Gray EL.
Springfield:
  Douglas EL.
  Edison Middle.
  Enos EL.
  Harvard Park EL.
  Iles EL.
  Immanuel Lutheran EL.
  Lincoln EL.
  Matheny EL.
  McClernand EL.
  Palmer EL.
  Ridgely EL.
  Sacred Heart EL.
  Washington Middle.
  Withrow EL.
St. Anne:
  St. Anne Community HS.
  Wichert CC District 262 EL.
St. Charles; Illinois State Training School for Boys (K–12).
St. Elmo:
  St. Elmo JHS.
  St. Elmo HS.
St. Francisville; St. Francisville K–12.
Staunton; Staunton EL.
Steeleville; Steeleville EL.
Sterling:
  Wallace EL.
  Washington EL.
Stewardson:
  Stewardson EL.
  Stewardson HS.
Stockton:
  Stockton EL.
  Stockton Middle.
Streator:
  Northlawn K–6 EL.
  Streator Township HS.
Stringtown; Stringtown EL.
Sullivan:
  Sullivan HS.
  Sullivan JHS.
Summit; Graves EL.
Sumner; Sumner EL.
Sutter; Sutter EL.
Swanwick; Community Consolidated 203 EL.
Table Grove:
  Table Grove Grade EL.
  Vermont-Ipava-Table Grove K–12.
Tamms; Egyptian Community K–12.
Tampico:
  Tampico EL.
  Tampico HS.
Taylorville:
  Memorial EL.
  Taylorville JHS.
  Taylorville SHS.
Texico; Field EL.
Thompsonville:
  Thompsonville EL.
  Thompsonville Community HS.
Thomson; Thomson K–12.
Toledo:
  Cumberland EL–JHS.
  Cumberland HS.
Toluca:
  Toluca JHS.
  Toluca HS.
  Toluca EL.
Tovey; Tovey EL.
Tower Hill; Tower Hill EL.
Triumph; Ophir Community Consolidated EL.
Ullin:
  Century HS.
  Ullin EL.
Urbana:
  Brookens JHS.
  M. L. King EL.
  Urbana SHS.
  Washington EL.
  Webber EL.
Utica:
  Utica EL.
  Wattham EL.
Valier:
  Valier EL.
  Valier JHS.
Valmeyer; Valmeyer K–12.
Van Orin; Van Orin EL.
Vandalia:
  Central EL.
  Washington EL.
Venice:
  Venice SHS.
  Venice EL.
  Venice-Lincoln Technical K–12.
Vergennes:
  Elverado JHS.
  Vergennes EL.
Vermont; Vermont EL.
Versailles; Versailles EL.
Vienna; Vienna Township HS.
Villa Grove; Villa Grove JHS.
Virginia:
  North EL.
  Virginia HS.
West Frankfort:
  Central JHS.
  Denning EL.
  Frankfort HS.
  Frankfort EL.
  Lincoln EL.
Walnut; Walnut Community Consolidated EL.
Waltonville:
  Waltonville EL.
  Waltonville HS.
Warren:
  Warren EL.
  Warren HS.
Warsaw:
  Warsaw EL.
  Warsaw Middle and HS.
Waterman:
  Waterman EL.
  Waterman HS.
Waukegan:
  Andrew Cooke EL.
  Clearview EL.
  Daniel Webster JHS.
  Gertrude Carmen EL.
  Jackson EL.
  Lyon EL.
  North EL.
  Thomas Jefferson JHS.
  West EL.
  West Campus HS.
Wayne City:
  Oak Grove EL.
  Wayne City EL.
  Wayne City HS.
Weldon; Deland-Weldon EL.
Westfield:
  Westfield EL.
  Judith Giacoma EL.
  McMillan EL.
Wheaton:
  Jefferson EL.
White Hall; White Hall EL.
Williamsville; Williamsville EL.
Willow Hill; Willow Hill EL.
Wilmington; Central EL.
Winchester; Winchester EL.
Winnebago:
  Jean McNair EL.
  Winnebago EL.
Witt; Witt Unit K–12.
Wolf Lake:
  Shawnee J–SHS.
  Wolf Lake EL.
Wonder Lake; Harrison EL.
Wood River:
  Lewis-Clark EL.
  Lincoln EL.
  Washington EL.
  Wood River-East Alton HS.
Woodlawn:
  Woodlawn HS.
  Woodlawn EL.
Woodstock; Greenwood EL.
Wyoming; Wyoming EL.
Xenia; Xenia Community Consolidated EL.
Yates City; Yates City K–12.
Zeigler; Leiter EL.
Zion:
  Beulah Park EL.
  Central JHS.
  Elmwood EL.
  Shiloh Park EL.
  West EL.

INDIANA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and and 1973–74 School Years

Location (city or town); name of school

Albany; Albany EL–HS.
Albion; Central Noble HS.
Alexandria:
  Alexandria EL.
  Cunningham EL.
  Alexandria-Monroe HS.
Anderson:
  Hazelwood EL.
  Westvale EL.
  Shadeland EL.
  Longfellow EL.
  Seventh Street EL.
  Central JHS.
  South Side JHS.
  Riley EL.
  Twenty-Ninth Street EL.
  Washington EL.
  Madison Heights EL.
Andrews; Andrews EL.
Arcola; Arcola EL.
Argos; Argos Community EL–HS.
Attica; Attica EL.
Auburn; McKenney-Harrison EL.
Austin:
  Austin EL.
  Austin JHS.
  Austin HS.
Bedford:
  Lincoln 1–6.
  Parkview 1–6.
  Shawswick 1–12.
  Stalker 1–6.
Beech Grove:
  Beech Grove Central EL.
  Beech Grove JHS.
Berne; Berne K–5.
Bicknell; North Knox Central EL
Bloomfield:
  Eastern EL.
  Bloomfield EL.
Bloomington:
  Fairview EL.
  Templeton EL.
  Alternative HS.
Boonville:
  Boonville JHS.
  Clark EL.
  Boonville HS.
  Oakdale EL.
Bourbon; Triton EL.
Brazil:
  Brazil JHS.
  Brazil HS.
  Forest Park EL.
  Van Buren EL–HS.

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Bremen:
Bremen EL.
Bremen JHS.
Briston; York EL.
Brownsburg; Brownsburg HS.
Brownstown:
Brownstown EL.
Brownstown Central HS.
Bunker Hill; Maconaquah JHS.
Butler; Butler EL.
Cambridge City; Central EL.
Campbellsburg:
West Washington HS.
West Washington EL.
Carlisle; Carlisle EL–JHS.
Cedar Grove; Whitewater EL–HS.
Cedar Lake; Jane Ball EL–HS.
Chandler; Chandler EL.
Charlestown:
Charlestown HS.
Pleasant Ridge EL.
Jonathan Jennings EL.
Chesterton; Liberty EL.
Churubusco:
Churubusco HS.
Churubusco EL.
Clay City; Clay City EL–HS.
Clinton:
Van Duyn EL.
Ernie Pyle EL.
Clinton HS.
Cloverdale; Cloverdale Community EL–HS.
Coalmont; Shakamak JHS.
College Corner (Ohio); Union EL.
Columbia City; Columbia City Joint HS.
Columbus:
Lincoln EL.
McDowell EL.
State Street EL
Central JHS.
Connersville:
Eastview EL.
Fayette Central EL.
Frazee EL.
Maplewood EL.
Corydon:
Corydon EL.
Corydon HS.
Covington; Covington EL.
Crawfordsville; East Union EL.
Culver:
Culver EL.
Culver HS.
Culver JHS.
Dale; David Turnham Education Center EL.
Danville; South EL.
Darlington; Darlington EL.
Decker; Decker EL.
Delphi; Hillcrest EL.
DeMotte; DeMotte EL.
Denver:
Chili EL.
North Miami HS (7–12).
Dublin; Dublin EL.
Dugger; Union EL–HS.
Dunkirk; Westlawn EL.
Dyer:
Kahler EL–JHS.
Protsman EL.
East Chicago:
Joseph Block JHS.
Carrie Gosch EL.
Columbus EL.
Field EL.
Franklin EL.
Lincoln EL.
Riley EL.
Roosevelt HS.
Washington EL.
Washington HS.
Edinburg:
Edinburg HS.
Edinburg Middle EL–JHS.
Eastside EL.
Elberfeld; Elberfeld EL.
Elizabeth; South Central JHS–HS.
Elkhart:
Roosevelt EL.
Hawthorne EL.
Lincoln EL.
Pierre Moran JHS.
Elwood; Edgewood EL.
Emerson; North Knox West EL.
English; English EL–HS.
Evansville:
Baker EL.
Fulton EL.
Cedar Hall EL.
Columbia EL.
Delaware EL.
Glenwood EL.
Howard Roosa EL.
Lincoln EL.
St. Anthony EL.
St. Joseph EL.
Evans EL.
Helfrich EL.
Perry Heights EL.
Tekoppel EL.
Farmersburg:
Farmersburg EL.
North Central HS.
Farmland; Farmland EL.
Fayetteville; Fayetteville 1–12.
Ferdinand:
Ferdinand EL.
Ferdinand Consolidated EL.
Forest Park HS.
Fillmore; Fillmore EL.
Flora:
Carroll HS.
Flora-Carroll EL–JHS.
Fort Wayne:
Hanna EL.
Harmar EL.
Washington EL.
Lindley EL.
Study EL.
Hoagland EL.
Ward EL.
McCulloch EL.
Memorial Park EL.
Bunche EL.
Franklin JHS.
Portage JHS.
Bloomingdale EL.
Young EL.
Sunnymede EL.
Weisser Park EL.
Fowler; Fowler EL.
Francesville:
West Central EL.
West Central JHS–HS.
Franklin:
Northwood EL.
Webb EL.
Southside EL.
Needham EL.
Franklin Community JHS.
Freelandville; North Knox East EL.
French Lick:
Springs Valley EL.
Springs Valley HS.
Fulton; Caston EL.
Gary:
Drew EL.
Duncan EL.
Jefferson EL.
Dunbar EL.
Froebel JHS.
Norton EL.
Ivanhoe EL.
Spaulding EL.
Pulaski JHS.
Lincoln EL.
Douglass EL.
Emerson HS.
Carver EL.
Beckman JHS.
Garnett EL.
Bethune EL.
Williams EL.
Jefferson Intermediate.
Chase EL.
Vohr EL.
Washington EL.
Banneker EL.
Tolleston JHS.
Beveridge EL.
Franklin EL.
Edison JHS.
Evans EL.
Black Oak EL.
Dulles EL.
Grissom EL.
Calumet EL.
Ridge JHS.
Lake JHS.
Gaston; Harrison EL.
Geneva; Geneva EL (K–3, 6–7).
Georgetown; Georgetown EL.
Goshen:
Fairfield J–SHS.
Jefferson EL.
Chamberlain EL.
Whitman JHS.
Greencastle; South Putnam HS.
Greendale; Greendale Middle.
Greenfield:
Riley EL.
Lincoln Park EL.
Greensburg:
Sandcreek EL.
North Decatur HS.
South Decatur HS.
Greensburg Community JHS.
Greensburg SHS.
Guilford:
North Dearborn EL.
Eastern Central HS.
Hagerstown; Hagerstown EL.
Hall; Hall EL.
Hamilton; Hamilton EL.
Hammond:
Riverside EL.
Maywood EL.
Wallace EL.
Lafayette EL.
Spohn Middle.
Wilson (St. John Bosco) EL.
Washington (St. Paul Lutheran) EL.
Columbia EL.
Lincoln (St. Casimir) EL.
Irving EL.
Hanover; Southwestern EL.
Hartford City; Blackford SHS.
Haubstadt; Haubstadt 1–12.
Heltonville; Heltonville 1–12.
Hobart:
River Forest Middle.
Foreman EL.
George Earle EL.
Liberty EL.
Mundell EL.
Ridgeview EL.
River Forest EL.
River Forest JHS.
Meister EL.
Holton; Holton EL.
Huntertown; Huntertown EL.
Huntingburg:
Crestview EL.
Maple Park EL.
Huntingburg Middle.
Huntington:
Horace Hann EL.
Lancaster EL.
Lincoln EL.
Huron; Huron EL.
Hymera; Hymera EL.
Indianapolis:
No. 2 EL.
No. 4 EL.
No. 8 EL.
No. 9 EL.
No. 12 EL.
No. 14 EL.
No. 22 EL.
No. 26 EL.

No. 27 EL.
No. 28 EL.
No. 29 EL.
No. 30 EL.
No. 32 EL.
No. 38 EL.
No. 41 EL.
No. 42 EL.
No. 45 EL.
No. 47 EL.
No. 56 EL.
No. 63 EL.
No. 74 EL.
No. 87 EL.
No. 112 EL.
Keystone Middle (6–8).
Meridian Middle (6–8).
Westlane JHS.
Elizabeth Hendricks JHS–HS.
Rhoades EL.
Clinton Young EL.
Abraham Lincoln EL.
Stephen Decatur EL.
Lynwood EL.
Decatur Township JHS.
Decatur Central HS.
Mars Hill EL.
Maplewood EL.
Garden City EL.
Sanders EL.
Jamestown; Granville Wells EL–HS.
Jasper; Jasper HS.
Jasonville:
Shakamak EL.
Shakamak SHS.
Jeffersonville:
Spring Hill EL.
Rose Hill EL.
Maple EL.
Utica EL.
Northern EL.
Middle Road EL.
Thomas Jefferson EL.
McCulloch EL.
Kendallville; Central EL.
Kingsford Heights; Kingsford Heights EL.
Knightstown:
Knightstown EL.
Morton Memorial 1–12.
Knox:
Palmer EL.
Washington EL.
California EL.
Kokomo:
Bon Air K–3, 8.
Elwood Haynes K–8.
Jefferson EL.
Riley EL.
Roosevelt EL.
Sycamore Middle.
Ladoga; Ladoga EL.
Lafayette:
Linnwood EL.
Miller EL.
Washington EL.
Mayflower Mill EL.
Hershey EL.
Tippecanoe JHS.
Lagro; Lagro EL.
Laketon; Laketon EL.
Lakeville; Lakeville JHS–HS.
Lapaz; LaPaz EL.
La Porte:
Kingsbury EL.
Lincoln EL.
Riley EL.
Laurel; Laurel Township K–12.
Lawrenceburg; Central EL.
Leavenworth; Leavenworth 1–12.
Lebanon; Stokes EL.
Leopold:
Perry Central HS.
Perry Central EL.
Lexington; Lexington EL.
Liberty; Liberty EL.
Ligonier; Ligonier EL.
Logansport:
Franklin EL.
Washington Township EL.
Loogootee:
Loogootee EL.
Loogootee HS.
Lowell:
Lake Prairie EL.
Oak Hill EL.
Lowell JHS.
Lowell HS.
Lynn; Randolph 1–12.
Lynnville; Lynnville EL.
Lyons; L & M 1–12.
Macy:
Macy EL.
Gilead EL.
Madison:
E.O. Muncie EL.
Madison JHS.
Madison HS.
Marengo; Marengo 1–12.
Marion:
Clayton-Brownlee EL.
Thomas Jefferson EL.
Frances Slocum EL.
Lincoln EL.
Martin Boots EL.
Washington EL.
Jones JHS.
McCulloch JHS.
Marshall; Turkey Run HS.
Martinsville:
Martinsville HS.
Martinsville JHS.
Poston Road EL.
East EL.
Central EL.
Mays; Mays EL.
Medora; Carr Township K–12.
Metamora; Metamora Township K–12.
Mexico; Mexico EL.
Michigan City:
Harrison EL.
Nieman EL.
Central EL.
Springfield EL.
Park EL.
Eastport EL.
Riley EL.
Coolspring EL.
Elston JHS.
Kreuger JHS.
Barker JHS.
Elston HS.
Rogers HS.
Milan; Milan EL.
Mill Creek; Mill Creek EL.
Millersburg; Millersburg EL.
Milltown; Milltown 1–12.
Milroy; Milroy EL.
Milton; Milton EL.
Mishawaka:
Battell EL.
Bingham EL.
LaSalle EL.
Phillips EL.
South Side EL.
Mitchell:
Emerson EL.
Burris EL.
Riley EL.
Mitchell HS.
Modoc; Union EL.
Monon:
North White HS.
Monon EL.
Monroe City; South Knox EL.
Monrovia; Monrovia EL.
Montgomery; Barr-Reeve HS.
Mooreland; Blue River No. 1 EL.
Morgantown; Helmsburg EL.
Mount Summit:
Blue River No. 2 EL.
Blue River JHS–HS.
Mount Vernon:
Mount Vernon HS.
Hedges Central EL.
Farmersville EL.
West EL.
Mount Vernon JHS.
Muncie:
Blaine EL.
Claypool EL.
Garfield EL.
Jefferson EL.
Lincoln EL.
Longfellow EL.
Roosevelt EL.
Washington-Carver EL.
McKinley JHS.
Storer JHS.
Wilson JHS.
Franklin JHS.
Central HS.
Northside HS.
Southside HS.
Nappanee; Central EL.
Nashville:
Nashville EL.
Brown County HS.
Needmore; Needmore 1–12.
New Albany:
East Spring Street EL.
S. Ellen Jones EL.
West Spring Street EL.
Lillian Emery-Griffin EL.
Fairmont EL.
Corydon Pike-Pine View EL.
Grant Line EL.
Newburgh:
Castle HS.
Newburgh EL.
J. H. Castle EL.
New Market; New Market EL.
New Paris; New Paris EL.
New Washington; North Washington EL.
Nineveh; Sprunica EL.
Noblesville; Stony Creek EL.
North Judson:
Liberty Middle.
North Judson HS.
North Manchester:
Chester EL.
Central JHS.
North Vernon:
North Vernon EL.
Jennings County HS.
North Vernon JHS.
North Webster; North Webster EL.
Oakland City; Oakland City EL.
Odon; Odon EL.
Oolitic:
Oolitic 4–12.
Dollens EL (1–3).
Orestes; Orestes EL.
Orleans; Orleans EL.
Osgood; Osgood EL.
Ossian:
Ossian EL–JHS.
Norwell HS.
Otwell; Otwell EL–HS.
Oxford; Benton Central J–SHS.
Paoli:
Throop EL (K–4).
Grades 5 and 6 Building EL.
Paoli J–SHS.
Parker; Parker EL.
Patricksburg; Patricksburg EL.
Patriot; Patriot EL.
Pekin; Eastern EL.
Pennville; Pennville EL.
Peru:
Peru JHS.
Lincoln EL.
Central EL.
Elmwood EL.
Holman EL.
South Peru EL.
Victory EL.
Petersburg; Petersburg EL.
Plainfield; Charlton 1–12.
Pleasant Lake; Pleasant Lake EL.

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Plymouth; Washington EL.
Poneto; South Wells EL.
Portland:
  General Shanks EL.
  Judge Haynes EL.
Poseyville; North EL.
Princeton:
  Lowell EL.
  Baldwin Heights EL.
  Franklin EL.
  Princeton HS.
  Princeton Middle.
Ramsey; North Harrison EL.
Redkey; Redkey EL.
Reelsville; Reelsville EL.
Rensselaer:
  Rensselaer HS.
  Rensselaer Middle.
  Monnett EL.
  Van Rensselaer EL.
Richmond:
  Crestdale EL.
  Fairview EL.
  Hibbend EL.
  Highland Heights EL.
  Nicholson EL.
  Richmond SHS.
  Starr EL.
  Test EL.
  Vaile EL.
  Garrison EL.
Rockville; Rockville EL.
Royal Center; Pioneer EL.
Royerton; Delta HS.
Russiaville:
  Western EL.
  Western HS.
Rushville:
  Andersonville EL.
  Havens EL.
  Belle Gregg EL.
  Rushville JHS.
  Graham EL.
Salem:
  Bradie Shrum EL.
  Salem Middle.
Scherervile:
  Homan EL.
  Peifer EL.
Scipio; Scipio EL.
Scottsburg:
  Johnson EL.
  Scottsburg EL.
Shelburn; Shelburn EL.
Sheridan:
  Adams EL.
  Marion-Adams HS.
Shipshewana; Shipshewana-Scott EL.
Shoals:
  Shoals Comm. EL.
  Shoals Middle.
  Shoals HS.
South Bend:
  Central Middle.
  Colfax EL.
  Franklin EL.
  Harrison EL.
  Jefferson EL.
  Kennedy EL.
  Marquette EL.
  Muessel EL.
  Oliver EL.
  Perley EL.
  Studebaker EL.
Spencer; Spencer EL.
St. Joe; Riverdale EL.
St. John:
  Lake Central HS.
  Kolling EL.
Staunton; Staunton EL–HS.
Stillwell; Stillwell EL.
Stinesville; Stinesville EL.
Straughn:
  Tri EL.
  Tri J–SHS.
Sullivan:
  Central EL.
  Sullivan HS.
Sunman; Sunman EL.
Switz City; Central EL–HS.
Taswell; Patoka EL.
Tennyson; Tennyson EL.
Terre Haute:
  Greenwood EL.
  Sandison EL.
  West Vigo EL.
  Crawford EL.
  Cruft EL.
  Franklin EL.
  Deming EL.
  Rea EL.
  Maple Avenue EL.
  Lange EL.
  Warren EL.
  Fuqua EL.
  Meadows EL.
  Fayette EL.
  Concannon Middle.
  Sarah Scott Middle.
  Chauncey Rose Middle.
  West Vigo HS.
Thorntown; Thorntown EL–HS.
Tipton:
  Lincoln EL.
  Washington EL.
  Tipton Middle.
  Tipton HS.
Union City:
  Westside Middle (K, 4–7).
  Union City HS.
Union Mills; South Central EL.
Upland; Upland EL.
Veedersburg:
  Southeast Fountain EL.
  Fountain Central J–SHS.
Versailles; Versailles HS.
Vevay:
  Jefferson-Craig EL.
  Switzerland County JHS.
  Switzerland County HS.
Vincennes:
  Tecumseh EL.
  Vigo EL.
  South Knox HS.
Wabash:
  Northfield JHS–HS.
  Southwood JHS–HS.
  Southwood EL.
  Whites Institute K–12.
Wadesville; South Terrace EL.
Wakarusa; Wakarusa EL–JHS.
Walton; Lewis Cass JHS–HS.
Warsaw:
  Warsaw JHS.
  Washington EL.
Waynetown; Waynetown EL.
West Lafayette; Klondike EL.
West Lebanon:
  Warren Central EL.
  Seeger JHS–HS.
Wheatfield; Wheatfield EL.
Williamsport; Williamsport EL.
Winamac:
  Winamac EL.
  Winamac Middle
Windfall; Windfall EL–JHS.
Winslow:
  Winslow EL.
  Winslow HS.
Worthington; Worthington-Jefferson K–12.
Yorktown; Yorktown EL.
Zionsville; Eagle EL.

IOWA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Adair:
  Adair EL.
  Adair-Casey JHS–HS.
  Casey EL.
Afton:
  Afton EL.
  Arispe EL.
  East Union JHS–HS.
  Lorimor EL.
Albia:
  Albia HS.
  Albia JHS.
  Grant EL.
  Jefferson EL.
  Lovilia EL.
  Melrose EL.
  Washington EL.
Alburnett; Toddville EL.
Allison:
  Allison EL (K–2).
  Allison EL (3–6).
  Allison-Bristow HS.
  Bristow EL.
Alta:
  Alta EL.
  Alta JHS–HS.
Alton:
  Hospers EL.
  Newkirk EL.
Ames:
  Beardshear EL.
  Whittier EL.
Andrew; Andrew EL–HS.
Anita; Anita EL–HS.
Aplington; Aplington EL–HS.
Argyle:
  Argyle EL.
  Central Lee HS.
  Central Lee JHS.
  Donnellson EL.
  Montrose EL.
Arnolds Park; Arnolds Park EL–HS.
Ayrshire; Ayrshire, EL–HS.
Bagley:
  Bagley EL.
  Yale EL.
Bayard; Bayard EL–JHS–HS.
Bedford:
  Bedford EL.
  Belford HS.
  Bedford JHS.
  Conway EL.
Belle Plaine:
  Belle Plaine HS.
  Belle Plaine JHS.
  Lee EL.
  Lincoln EL.
  Longfellow EL.
Belmond; Goodell EL.
Blairsburg:
  Kamrar EL.
  Northeast Hamilton JHS–HS.
  Williams EL.
Boone; Garfield EL.
Boxholm:
  Boxholm EL.
  Pilot Mound EL.
Burlington:
  Flint Hills EL.
  Grimes EL.
  Lincoln EL.
  William Salter EL.
Burt:
  Burt EL.
  Burt JHS–HS.
Bussey:
  Attica EL.
  Bussey EL.
  Tracy EL.
Calmar:
  Ossian EL.
  South Winneshiek HS.
  South Winneshiek JHS.
Cedar Rapids:
  Fillmore EL.
  Harrison EL.
  Immaculate Conception EL.
  Jackson EL.
  Lincoln EL.
  Polk EL.
  St. Patrick EL.
  Taylor EL.
  Tyler EL.

Centerville:
  Administration Center EL.
  Central EL.
  Cincinnati EL.
  Mystic EL.
Clearfield; Clearfield EL–HS.
Clinton:
  Irving EL.
  Roosevelt EL.
College Springs:
  Braddyville EL.
  Coin EL.
  South Page JHS–HS.
Corning:
  Corning EL.
  Corning HS.
Correctionville; Correctionville EL.
Corwith; Wesley EL.
Corydon:
  Allerton EL.
  Corydon EL.
  Wayne HS.
  Wayne JHS.
Council Bluffs:
  Avenue B EL.
  Bloomer EL.
  Bloomer JHS.
  Carter Lake JHS.
  Dodge EL.
  Edison EL.
  Edison JHS.
  Lake EL.
  Longfellow EL.
  Longfellow JHS.
  Peterson EL.
  Pusey EL.
Council Bluffs:
  Roosevelt EL.
  Walnut Grove EL.
Cresco:
  Cresco EL.
  Elma EL.
  Howard-Winneshiek HS.
  Howard-Winneshiek JHS.
  Lime Springs EL.
  Notre Dame HS.
  Ridgeway EL.
Creston:
  Creston HS.
  Creston JHS.
  Cromwell EL.
  Franklin EL.
  Jefferson EL.
Crystal Lake; Woden EL.
Davenport:
  Center for Continuing Education HS.
  Holy Trinity EL.
  Hoover EL.
  Iowa Annie Wittenmyer Home.
  Jefferson EL.
  Lincoln EL.
  Sacred Heart EL.
  St. Alphonsus EL.
  Young JHS.
Decorah:
  East Side EL.
  North Winneshiek, EL; North Winneshiek Community.
  North Winneshiek JHS–HS.
Delmar:
  Delwood EL.
  Delwood JHS.
Des Moines:
  Bird EL.
  Brooks EL.
  Callanan JHS.
  Casady EL.
  Dunlap EL.
  Elmwood EL.
  Findley EL.
  Fort Des Moines EL.
  Grant EL.
  Harding JHS.
  Hiatt JHS.
  Irving JHS.
Des Moines:
  Jackson EL.
  Kirkwood EL.
  Logan EL.
  Longfellow EL.
  Lucas EL.
  McKee EL.
  McKinley EL.
  Mitchell EL.
  Moulton EL.
  Nash EL.
  Norwoodville EL; Saydel Consolidated.
  Phillips EL.
  Sabin EL.
  St. John EL.
  Scott EL.
  Stowe EL.
  Wallace EL.
  Washington EL.
  Willard EL.
Diagonal; Diagonal EL–HS.
Dow City:
  Arion EL.
  Dow City EL.
Dubuque:
  Audubon EL.
  Prescott EL.
  Sacred Heart EL.
  St. Catherine-St. Donatus.
  St. Mary EL.
  St. Raphael EL.
Dumont; Dumont JHS.
Eddyville:
  Eddyville EL.
  Eddyville JHS–HS.
Edgewood:
  Edgewood-Colesburg EL.
  Edgewood-Colesburg JHS–HS.
Eldon:
  Batavia EL.
  Cardinal HS.
  Cardinal JHS.
  Eldon EL.
  Selma EL.
Eldora:
  Eldora EL.
  Eldora HS.
  Eldora JHS.
Elgin:
  Clermont EL.
  Elgin EL.
  Valley HS.
  Valley JHS.
  Wadena EL.
Essex; Essex EL.
Exira:
  Exira EL.
  Exira JHS–HS.
Fairfield:
  Lincoln EL.
  Roosevelt EL.
Farley; Bernard EL.
Farragut:
  Farragut EL.
  Farragut JHS–HS.
Fontanelle:
  Bridgewater EL.
  Bridgewater-Fontanelle HS.
Fort Dodge:
  Arey EL.
  Badger EL.
  Butler EL.
  Carpenter EL.
  Duncombe EL.
  Fort Dodge HS.
  Hawley EL.
  Highland Park EL.
  Hillcrest EL.
  Otho EL.
  Pleasant Valley EL.
  Riverside EL.
  South JHS.
Fredericksburg; Fredericksburg JHS–HS.
Fremont; Fremont EL–HS.
Garnavillo; Garnavillo EL–HS.
Gillett Grove:
  South Clay JHS–HS.
  Webb EL.
Gilmore City:
  Bradgate EL.
  Gilmore City EL.
Goose Lake:
  Charlotte EL.
  Elvira EL.
  Goose Lake EL.
Gowrie:
  Callendar EL.
  Moorland EL.
Graettinger:
  Graettinger EL.
  Graettinger HS.
Grinnell:
  Davis EL.
  Grinnell-Newburg HS.
  Grinnell-Newburg JHS.
Gruver; Dolliver EL.
  Guthrie Center EL.
  Guthrie Center HS.
  Guthrie Center JHS.
Guttenberg; Guttenberg EL–HS.
Hamburg:
  Hamburg JHS–HS.
  Marnie Simons EL.
Hastings; Nishna Valley EL–HS.
Hawarden:
  Hawarden EL.
  Ireton EL.
  West Sioux HS.
  West Sioux JHS.
Hedrick; Hedrick EL–HS.
Huxley:
  Ballard HS.
  Ballard JHS.
  Cambridge EL.
  Kelley EL.
  Slater EL.
Independence:
  East EL.
  Independence HS.
  Independence JHS.
  John Loeck K.
  South EL.
Independence; West EL.
Inwood; West Lyon EL–JHS–HS.
Jackson Junction; Turkey Valley EL–HS.
Jesup:
  Amish EL.
  Jesup EL–HS.
Jewell:
  Ellsworth EL.
  Jewell EL.
  Randall EL.
  Stanhope EL.
Kellerton:
  Grand Valley EL.
  Grand Valley JHS–HS.
Keokuk:
  Lincoln EL.
  Washington-Central EL.
  Wells-Carey EL.
Knoxville; North EL.
Lake Park:
  Harris-Lake Park EL.
  Harris-Lake Park JHS–HS.
Lansing:
  Eastern Allamakee JHS–HS.
  Lansing EL.
  New Albin EL.
Lenox:
  Lenox EL.
  Lenox HS.
Leon; Decatur EL.
Lineville:
  ACL HS.
  Lineville EL.
Little Rock; Little Rock EL–HS.
Logan:
  Logan EL–JHS–HS.
  Magnolia EL.
Lohrville; Lohrville EL–HS.
Lost Nation; Lost Nation EL–HS.
Lowden:
  Lowden EL.
  Lowden JHS–HS.
Malvern:
  Malvern EL.
  Malvern JHS–HS.

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Manchester:
Dundee EL.
Greeley EL.
Lambert EL.
Ryan EL.
West Delaware HS.
West Delaware JHS.
West Delaware Primary.
Manly:
Hanlontown EL.
North Central JHS–HS.
Plymouth EL.
Mapleton:
Maple Valley EL.
Maple Valley JHS.
Marshalltown; Woodbury EL.
Mason City:
Garfield EL.
Grant EL.
Lincoln EL.
McKinley EL.
Massena:
C and M JHS–HS.
Cumberland EL.
Maynard:
Maynard EL–JHS–HS.
Randalia EL.
McGregor:
Mar-Mac JHS–HS.
Marquette EL.
McGregor EL.
Mediapolis; Huron EL.
Melcher; Dallas EL.
Melvin:
Melvin EL.
Melvin HS.
Miles; Miles EL–HS.
Millersburg; Deep River-Millersburg EL–HS.
Milton:
Cantril EL.
Fox Valley HS.
Mondamin; Pisgah EL.
Montezuma; Montezuma EL.
Monticello:
Carpenter EL.
Monticello JHS.
Shannon EL.
Moorhead; East Monona EL.
Moravia:
Moravia EL.
Moravia JHS–HS.
Moulton:
Moulton-Udell HS.
Moulton-Udell JHS.
Udell EL.
Muscatine:
Central JHS.
Franklin EL.
Garfield EL.
Jefferson EL.
Madison EL.
New Market:
New Market EL.
New Market HS.
New Providence; New Providence EL.
New Sharon; North Mahaska EL.
Newell; Newell-Providence EL–HS.
Newton:
Aurora Heights EL.
Emerson Hough EL.
Nora Springs:
Nora Springs EL.
Nora Springs-Rock Falls JHS–HS.
Rock Falls EL.
North English:
English Valleys HS.
Lutton EL.
Webster EL.
Oelwein:
Harlan EL.
Hazelton EL.
Parkside EL.
Stanley EL.
Olin; Olin EL–HS.
Onawa; Blencoe EL.
Osage; Mitchell EL.
Osceola:
Clarke HS.
Clarke JHS.
East EL.
North EL.
Weldon EL.
Oskaloosa:
Garfield EL.
Jefferson EL.
Rose Hill EL.
Webster EL.
Ossian; DeSales HS.
Ottumwa:
Agassiz EL.
Douglas EL.
Fairview EL.
Franklin EL.
Irving EL.
Wilson EL.
Oxford Junction; Oxford Junction EL–HS.
Packwood; Ollie EL.
Panora:
Panora-Linden EL–JHS.
Panora-Linden Primary EL.
Panora-Linden HS.
Peterson:
Linn Grove EL–HS.
Peterson EL–JHS.
Pleasantville:
East EL.
North EL.
Pleasantville JHS–HS.
Pomeroy; Pomeroy EL–JHS.
Postville; Postville EL–HS.
Preston; Preston EL–HS.
Radcliffe; Radcliffe EL–HS.
Red Oak; Washington EL.
Rembrandt; Rembrandt EL–HS.
Riceville:
Riceville EL.
Riceville HS.
Riceville JHS.
Riverside:
Ainsworth EL.
Highland JHS–HS.
Rockwell City; Rockwell City JHS.
Russell; Russell EL–HS.
Ruthven:
Ruthven EL–JHS.
Ruthven HS.
Seymour:
Promise City EL.
Sewal EL.
Seymour EL.
Seymour HS.
Sheffield; Sheffield-Chapin EL.
Shelby; Shelby EL–HS.
Shenandoah:
Broad Street EL.
Central EL.
Lowell Avenue EL.
Shenandoah HS.
Shenandoah JHS.
5th and 6th EL.
Sibley:
Franklin EL.
Sibley HS.
Sibley JHS.
Sidney:
Percival EL.
Sidney EL–JHS.
Sidney HS.
Sigourney:
Delta EL.
North EL.
Sigourney HS.
Sigourney JHS.
South EL.
Sioux City:
Bancroft EL.
Cooper EL.
Crescent Park EL.
Everett EL.
Floyd EL.
Franklin EL.
Grant EL.
Hopkins EL.
Irving EL.
McKinley EL.
Roosevelt EL.
Sacred Heart EL.
Smith EL.
Webster EL.
West JHS.
Woodrow Wilson JHS.
Solon; Solon EL.
Stanton:
Stanton HS.
Valley View EL.
Stanwood; Mechanicsville EL.
State Center:
Clemons EL.
Melbourne EL.
State Center EL.
West Marshall HS.
Strawberry Point:
Arlington EL.
Lamont EL.
Starmont HS.
Strawberry Point EL–JHS.
Stuart; Stuart-Menlo EL–JHS.
Sumner:
Durant EL.
Sumner HS.
Sumner JHS.
Tabor:
Fremont-Mills JHS–HS.
Randolph EL.
Thurman EL.
Tama:
Montour EL.
Tama Intermediate.
Toledo Primary.
Thornburg; What Cheer EL.
Thornton; Meservey-Thornton EL.
Tiffin:
Oxford EL
Tiffin EL.
Titonka:
Titonka EL
Titonka JHS–HS.
Toledo; Iowa State Juvenile Home.
Truro:
New Virginia EL.
St. Charles EL.
Victor; Ladora EL.
Villisca:
Nodaway EL.
Sylvia Emerson EL.
Villisca JHS–HS.
Wall Lake; Wall Lake EL–HS.
Washington; Brighton EL.
Waterloo:
City View EL.
East HS
Emerson EL.
Frances Grout EL.
Grant EL.
Hawthorne EL.
Jewett EL.
Krieg EL.
Lafayette EL.
Logan JHS.
Longfellow EL.
Lowell EL.
Maywood EL.
McKinstry JHS.
Nellie Garvey EL.
Roosevelt EL.
St. Mary EL.
Van Eaton EL.
West HS.
Waukon:
Dorchester EL.
East EL.
Waterville EL.
West EL.
Wayland; Crawfordsville EL.
West Bend:
Rodman JHS.
West Bend EL–HS.
West Des Moines; Phenix EL.

West Liberty:
Nichols EL.
West EL.
Westside:
Arcadia EL.
Vail EL.
Westside EL.
Westside JHS–HS.
Williamsburg; Parnell EL.
Wilton Junction; Wilton EL.
Winterset:
Patterson EL.
Scott EL.
South Ward EL.
Winterset HS.
Winterset JHS.
Winthrop:
Aurora EL.
Central EL.
East Buchanan JHS.
Quasqueton EL.
Wyoming:
Center Junction EL.
Monmouth EL.
Onslow JHS.
Wyoming EL–HS.

KANSAS

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Abilene:
Abilene JHS.
Garfield EL.
Lincoln EL
McKinley EL.
Albert:
Otis-Bison Primary at Timken.
Otis-Bison Primary at Albert.
Otis-Bison Intermediate at Otis.
Otis-Bison JHS at Bison.
Otis-Bison HS at Otis.
Alma:
Alma EL.
Maple Hill EL.
Paxico EL.
Almena:
Almena EL.
Long Island EL.
Northern Valley HS.
Altamont:
Ellis-Fairview-Bartlett EL.
Mound Valley EL.
Arkansas City:
Frances Willard EL.
Pershing EL.
Roosevelt EL.
Washington EL.
Arma:
Arcadia EL.
Arma EL.
Mulberry EL.
Atchison:
Fairground EL.
Martin East EL.
Martin West EL.
Washington EL.
Atwood:
Atwood EL.
Atwood HS.
Augusta:
Augusta JHS.
Garfield EL.
Belleyville:
B and B JHS.
B and B HS.
Belleyville EL.
St. Benedict EL.
Barnes:
Barnes EL.
Hanover EL.
Linn EL.
Palmer EL.
Baxter Springs; Baxter Springs JHS.
Bazine; Bazine EL.
Beloit; Girls Industrial School.
Brookville; Happy Corner EL.
Buhler; Obee EL.
Burlingame:
Burlingame HS.
Lincoln EL.
Schuyler EL.
Burlington; Burlington EL.
Burr Oak; Burr Oak EL.
Caney:
Caney HS.
Havana EL.
Lincoln EL.
Cedar Vale:
Cedar Vale EL.
Cedar Vale JHS–HS.
Chanute:
Alcott EL.
Chanute JHS.
Chanute HS.
Fairfield EL.
Hutton EL.
Murray Hill EL.
Roosevelt EL.
Chapman:
Blue Ridge EL.
Talmage EL.
Cherokee:
Cherokee EL.
McCune EL.
Weir EL.
West Mineral EL.
Cherryvale:
Cherryvale JHS.
Cherryvale HS.
Lincoln Center EL.
McKinley EL.
Chetopa:
Chetopa EL.
Chetopa HS.
Circleville:
Circleville EL.
Soldier EL.
Whiting EL.
Claflin; Claflin EL.
Clay Center; Lincoln EL.
Clifton:
Clifton EL.
Clyde EL.
Coffeyville:
Cleveland EL.
Liberty EL.
Longfellow EL.
Lowell EL.
Roosevelt JHS.
Whittier EL.
Columbus:
Central EL.
Columbus HS.
Green Lawn EL.
Highland EL.
Park EL.
Scammon EL.
Spencer EL.
Concordia; Garfield EL.
Conway Springs; Conway Springs EL.
Council Grove:
Dunlap EL.
Wilsey EL.
Courtland:
Courtland EL.
Courtland HS.
Scandia EL.
Scandia HS.
Cunningham:
Cunningham EL.
Nashville EL.
St. Leo EL.
Willowdale EL.
Zenda EL.
Deerfield; Deerfield EL.
Derby; Cooper EL.
Desoto:
Annex EL.
Desoto JHS.
Sunflower EL.
Dexter; Dexter EL.
Dodge City:
Central EL.
Dodge City JHS.
Dodge City HS.
Lincoln EL.
Miller EL.
Sunnyside EL.
Wilroads Gardens EL.
Effingham:
Effingham EL.
Huron EL.
JU–4 EL.
Lancaster EL.
Muscotah EL.
Potter EL.
El Dorado:
Lincoln EL.
Washington EL.
Ellis; Washington EL.
Ellsworth; Kanopolis EL.
Elwood; Elwood K–12.
Emporia:
Kansas Avenue EL.
Maynard EL.
W. A. White EL.
Eskridge:
Dover EL.
Eskridge EL.
Harveyville EL.
Mission Valley HS.
Eureka:
Eureka EL.
Eureka HS.
Mulberry JHS.
Toronto EL.
Fredonia:
Fredonia JHS.
Fredonia HS.
Lincoln EL.
Paulen EL.
Galena:
Galena HS.
Liberty EL.
Spring Grove EL.
Girard:
Parlington EL.
Girard EL.
Girard Secondary.
Greenbush EL.
Hepler EL.
Walnut EL.
Glasco:
Glasco EL.
Miltonvale EL.
Goodland:
Kanorado EL.
North EL.
West EL.
Grainfield:
Gove EL.
Grainfield EL.
Park EL.
Great Bend:
Park EL.
Riley EL.
Roosevelt JHS.
Washington EL.
Hartford:
Hartford HS.
Neosho Rapids EL.
Olpe EL.
Olpe JHS–HS.
Hays; Washington EL.
Herington; Herington JHS.
Hiawatha; Robinson EL.
Hill City:
Bogue EL.
Bogue HS.
Hill City EL.
Hill City HS.

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Hoisington:
Hoisington HS.
Hoisington JHS.
Lincoln EL.
Roosevelt EL.
Holton:
Central EL.
Colorado EL.
Denison EL.
South Holton EL.
Hope; White City EL.
Horton:
Everest JHS.
Everest EL.
Horton EL.
St. Leo EL.
Humboldt; Humboldt EL.
Hutchinson:
Allen EL.
Avenue A EL.
Grandview EL.
Lincoln EL.
McCandless EL.
Winans EL.
Independence:
Independence JHS
Lincoln EL.
Washington EL.
Iola:
Gas City EL.
Iola JHS.
Jefferson EL.
LaHarpe EL.
Lincoln EL.
McKinley EL.
Jewell:
Jewell EL.
Jewell HS.
Randall Middle.
Junction City:
City JHS.
Franklin EL.
Washington EL.
Westwood EL.
Kansas City:
All Saints Consolidated EL.
Argentine JHS–HS.
Bryant EL.
Central EL.
Central JHS.
Chelsea EL.
Douglass EL.
Emerson EL.
Fairfax EL.
Frank Rushton EL.
Franklin EL.
Grant EL.
Hawthorne EL.
Holy Family EL.
Holy Name EL.
John Fiske EL.
John J. Ingalls EL.
Lowell EL.
Major Hudson EL.
Morse EL.
Noble Prentis EL.
Northeast JHS.
Northwest JHS.
Our Lady and Saint Rose EL.
Our Savior Lutheran EL.
Prescott EL.
Quindaro EL.
Riverview EL.
St. Anthony EL.
St. John the Baptist EL.
St. Peter EL.
Stanley EL.
Sumner HS.
Whittier EL.
Wyandotte HS.
Kinsley:
Kinsley EL.
Kinsley HS.
Kinsley-Offerle JHS.
Offerle EL.
Kiowa:
Hardtner EL.
Hardtner HS.
Kiowa EL.
Kiowa HS.
La Crosse; La Crosse EL.
La Cygne:
Centerville EL.
Fontana EL.
La Cygne EL.
Parker EL.
Langdon; Plevna EL.
Lawrence:
Cordley EL.
India-Kaw Valley EL.
New York EL.
Woodlawn EL.
Leavenworth:
Anthony EL.
North Broadway-Lincoln EL.
Lenora:
Edmond EL.
Lenora EL.
Lenora HS.
New Almelo EL.
Leoti; Leoti EL.
Liberal:
Liberal HS.
South JHS.
Washington EL.
West JHS.
Lincoln:
Beverly EL.
Lincoln EL.
Longton; Elk Valley EL.
Lyndon; Vassar EL.
Lyons:
Lyons JHS.
Park EL.
South EL.
Madison:
Madison EL.
Madison HS.
Mahaska:
North Central Haddam EL.
North Central Mahaska EL.
Manhattan:
Bluemont EL.
Ogden EL.
Theodore Roosevelt EL.
Marion; Florence EL.
Marysville:
Beattie EL.
Central EL.
Lincoln EL.
Marysville JHS.
Marysville HS.
Oketo EL.
Mayetta:
Hoyt EL.
Mayetta EL.
Royal Valley JHS.
Melvern; Quenemo EL.
Meriden; Ozawkie EL.
Minneapolis:
Ada EL.
Wells EL.
Montezuma; Montezuma EL.
Moran:
Elsmore EL.
Marmaton Valley HS.
Moran EL.
Neodesha:
Heller EL.
North Lawn EL.
Ness City; Ness City EL.
Newton:
Cooper EL.
Lincoln EL.
Santa Fe JHS.
Washington EL.
Nickerson:
Nickerson EL.
North Reno EL.
Norton:
Norton EL.
Norton JHS.
Norton HS.
Olathe:
Countryside EL.
Fairview EL.
Washington EL.
Osawatomie:
East EL.
Osawatomie JHS.
West EL.
Oswego:
Neosho Heights EL.
Service Valley EL.
Ottawa:
Eugene Field EL.
Hawthorne EL.
Lincoln EL.
Paradise:
Paradise EL.
Waldo EL.
Parsons:
Garfield EL.
Guthridge EL.
Lincoln EL.
McKinley EL.
Parsons JHS.
Washington EL.
Piper:
Brauer EL.
Maywood EL.
Piper Upper EL.
Pleasant Ridge EL.
Wolcott EL.
Pittsburg:
Eugene Field EL.
Lincoln EL.
Roosevelt JHS.
Washington EL.
Westside EL.
Plainville; Codell EL.
Pleasanton; Pleasanton EL–HS.
Pomona:
Appanoose EL.
Pomona EL.
Williamsburg EL.
Powhattan; Powhattan EL–HS.
Pretty Prairie; Pretty Prairie EL.
Rexford; Selden EL.
Rose Hill; Rose Hill EL.
Russell; Bunker Hill EL.
Salina:
Hawthorne EL.
Oakdale EL.
Sunset EL.
Whittier EL.
Seaman:
Boys Industrial School.
East Indianola EL.
Sedan:
Peru Middle.
Sedan EL.
Sedan HS.
Sharon Springs:
Harrison Flats EL.
Sharon Springs EL.
Wallace EL.
Shawnee Mission:
Greenwood EL.
South Park EL.
Spearville; Spearville EL.
St. Francis; St. Francis EL.
Sterling; Alden EL.
Stockton; Stockton EL.
Sylvan Grove:
Hunter EL.
Sylvan Grove EL.
Tecumseh; Tecumseh North EL.
Topeka:
Assumption EL.
Avondale East EL.
Belvoir EL.
Central Park EL.
Clay EL.
Crane, JHS.
Curtis JHS.
East Topeka JHS.
Grant EL.
Highland Park Central EL.
Highland Park JHS.
Highland Park North EL.

Holliday JHS.
Holy Name EL.
Hudson EL.
Lafayette EL.
Lowman Hill EL.
Lundgren EL.
Monroe EL.
Our Lady of Guadalupe EL.
Parkdale EL.
Polk EL.
Quincy EL.
Quinton Heights EL.
Rice EL.
Sacred Heart EL.
St. Matthew EL.
State Street EL.
Sumner EL.
Troy, Troy EL.
Uniontown:
Bronson EL.
Hiattville EL.
Redfield EL.
Uniontown EL.
Uniontown HS.
Valley Center; West EL.
Vermillion:
Centralia EL.
Corning EL.
Frankfort EL.
Wamego:
Louisville EL.
Zeandale EL.
Washburn; Auburn EL.
Waterville; Valley Heights (Blue Rapids) EL.
Wellington; Kennedy EL.
Westmoreland:
Flush EL.
St. George EL.
St. George HS.
Westmoreland EL.
Westmoreland HS.
Wichita:
Allison JHS.
Arkansas Avenue EL.
Bridgeport EL.
Brooks JHS.
Caldwell EL.
Dodge EL.
Field EL.
Finn EL.
Franklin EL.
Funston EL.
Hamilton JHS.
Harry Street EL.
Horace Mann JHS.
Ingalls EL.
Irving EL.
Jardine JHS.
Kellogg EL.
L'Ouverture EL.
Lawrence EL.
Lincoln EL.
Linwood EL.
Longfellow EL.
MacArthur EL.
Mayberry JHS.
Meridian EL.
Mueller EL.
Munger EL.
Park EL.
Payne EL.
Rogers EL.
Roosevelt JHS.
Stanley EL.
Waco EL.
Washington EL.
Wells EL.
White EL.
Winchester; Jefferson County North JHS.
Winfield:
Irving EL.
Lowell EL.
Yates Center; Yates Center EL.

KENTUCKY

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and and 1973–74 School Years

Location (city or town); name of school

Adams; Norris EL.
Ages; Ages EL.
Albany:
Albany EL.
Clinton County Area Vocational Education Center.
Clinton County EL.
Clinton County HS.
Irwin EL.
Alva; Black Star EL.
Amburgy; Scuddy EL.
Annville; Annville Institute HS.
Arjay; Arjay EL.
Artemus; Artemus EL.
Ary; Robinson EL.
Ashland:
Holy Family EL.
Wylie EL
Auxier; Auxier EL.
Avawam; Big Creek EL.
Banner; Daniel Creek EL.
Barbourville:
Barbourville EL.
Barbourville HS.
Boone EL.
Hampton EL.
Jesse D. Lay EL.
Knox County Area Vocational Education Center.
St. Gregory EL.
Bardstown; St. Thomas EL.
Bear Branch; Big Creek EL.
Bearville; Big Branch Ball EL.
Beattyville:
Beattyville EL.
Canyon Falls EL.
Lee County Area Vocational.
Lee County Middle.
South Side EL.
Benham; Benham EL.
Bethel; Bethel EL.
Betsy Layne; Betsy Layne EL.
Beverly; Red Bird EL.
Bevinsville; W. D. Osborne EL.
Big Clifty; George H. Goodman EL.
Big Creek; Big Creek EL.
Big Laurel; Abners Branch EL.
Blackey; Blackey EL.
Blaine; Blaine EL.
Bledsoe; Green Hills EL.
Bloomfield; Eli H. Brown EL.
Bonnyman; Blue Diamond EL.
Booneville:
Owsley County EL.
Owsley County HS.
Turners EL, Breathitt County.
Bowling Green:
Delafield EL, Warren County.
High Street EL.
Parker-Bennett EL.
St. Joseph EL.
Buckhorn:
Buckhorn EL.
Buckhorn HS.
Otter Creek EL.
Burdine; Burdine EL.
Burkesville:
Burkesville EL.
Cumberland County HS.
Busy; Willard EL.
Cadiz:
Trigg County EL.
Trigg County Middle.
Campton:
Wolfe County EL.
Wolfe County HS.
Caneyville; Caneyville EL.
Cannel City; Cannel City EL.
Carcassonne; Carcassonne EL.
Callisle; Nicholas County EL.
Carpenter; Poplar Creek EL.
Carr Creek; Carr Creek HS.
Carter; Carter EL.
Catlettsburg; Buckanan EL.
Cawood; Cawood EL.
Central City; St. Joseph EL.
Chavies; Chavies EL.
Cherokee:
Twin Branch EL.
Watterson EL.
Clarkson; Peonia EL.
Clifford; Clifford EL.
Cody; Carr Creek EL.
Colson; Colson EL.
Columbia:
Colonel William Casey EL.
Columbia Jamestown SDA EL.
John Adair Middle.
Shepherd EL.
Sparksville EL.
Combs; Combs EL.
Coopersville; Rocky Branch EL.
Corbin:
Felts EL, Laurel County.
Lynn Camp EL, Knox County.
Oak Grove EL, Whitley County.
Cornettsville:
Daisy EL.
Halcomb EL.
Coxton; Coxton EL.
Crane Nest; Bethel EL.
Cranks; Cranks EL.
Creekville; Lower Flat Creek EL.
Crockett; Crockett EL.
Cubbage; Cubbage EL.
Cumberland:
Cumberland EL.
Cumberland HS.
St. Stephen EL.
Dana; Prater Creek EL.
Debord; Venters Branch EL.
Decoy; Decoy EL.
Dewitt; Dewitt EL.
Dorton:
Dorton EL.
Dorton HS.
Dougola; Cowan EL.
Drakesboro; Drakesboro EL.
Drift; Drift EL.
Dundee; Dundee EL.
Dwale; Dwale EL.
East Bernstadt:
East Bernstadt EL.
Hazel Green EL.
Edmonton:
Edmonton EL.
Metcalfe County HS.
Ezel; Ezel EL.
Elizabethtown:
St. James EL.
Valley View EL.
Elkhorn City; Elkhorn City EL.
Emlyn; Emlyn EL.
Emmalena; Emmelena EL.
Endicott; Home Branch EL.
Eolia:
Eolia EL.
Upper Cumberland EL.
Evarts:
Evarts EL.
Evarts HS.
Evarts Middle.
Fallsburg; Fallsburg EL.
Feds Creek; Jackson Rowe EL.
Felty; Lower Teges EL.
Flat Gap; Flat Gap EL.
Flat Lick; Flat Lick EL.

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Fleming:
Fleming-Neon EL.
Fleming-Neon HS.
Fordsville:
Fordsville EL.
Fordsville HS.
Fountain Run; Fountain Run EL.
Four Mile; Lone Jack EL.
Frakes: Frakes EL.
Fredville; John T. Arnett EL.
Freeburn; Freeburn EL.
Frenchburg; Menifee County Botts EL.
Ft. Thomas; Our Lady of the Highlands HS.
Garrard:
Chop Bottom EL.
Lockards Creek EL.
Paces Creek EL.
Garrett; Garrett EL.
Girdler; Girdler EL.
Goose Rock; Goose Rock EL.
Grahn; Grahn EL.
Gray; Gray EL.
Grays Knob; Hall EL.
Greenup:
Greysbranch EL.
Warnock EL.
Gregory; Sinking EL.
Grethel; J. M. Stumbo EL.
Guerrant; Highland EL.
Hager Hill; Porter EL.
Haldeman; Haldeman EL.
Hallie; Campbells Branch EL.
Handshoe:
Joshua EL.
Quicksand EL.
Salt Lick EL.
Happy; Robert W. Comba EL.
Hardshell; Caney EL.
Harlan:
Cawood HS.
Elzo Guthrie EL.
Harlan EL.
Harlan HS.
Harlan State Vocational Technical School.
Holy Trinity EL.
Harold; Harold EL.
Hazard:
Cordia EL, Knott County.
Cordia HS Knott County.
Dennis Wooten EL.
Glomawr EL.
Lost Creek EL.
Open Door EL.
Sulphur Springs EL.
Hazel Green:
Hazel Green Academy HS.
Red River Valley EL.
Heller; Heller EL.
Helton; Beech Fork EL.
Henderson:
Central EL.
Holy Name EL.
Hendricks; Middle Fork EL.
Hickman:
Hickman EL.
Western EL.
Hindman:
Hindman EL.
Hindman HS.
Knott County Area Vocational Education Center.
Hisel; Hisel EL.
Hitchins; Hitchins EL.
Hite; Floyd County Area Vocational Education Center.
Hogue; Hogue EL.
Holmes Mill; Holmes Mill EL.
Honaker; Spruce Pine EL.
Honey Bee; Eagle EL.
Hopkinsville:
Belmont EL.
Booker T. Washington EL.
Durrett Avenue EL.
Highland EL.
Horse Branch; Horse Branch EL.
Horse Cave; LeGrange EL.
Hoskinston; Stinnett EL.
Hulen; Blackmont EL.
Hustonville; Cox EL.
Hyden:
Hyden EL.
Leslie County Area Vocational Education Center.
Inez:
Inez EL.
Martin County Area Vocational Education Center.
Mouth of Turkey EL.
Sheldon Clark HS.
Ingram; Buckeye EL.
Isom; Cow Branch EL.
Isonville; Isonville EL.
Ivyton; Ivyton EL.
Jabez:
Jabez EL, Russell County.
Union EL, Wayne County.
Jackhorn; Hemphill EL.
Jackson:
Breathitt County Area Vocational Education Center.
Breathitt County HS.
Jackson EL.
L.B.J. EL.
Little Red JHS.
Mt. Carmel EL.
Mt. Carmel HS.
Jamestown; Union Chapel EL.
Jellico; Boston EL.
Job; Grassy EL.
Keavy; Keavy EL.
Kenvir; Black Mountain EL.
Kettle; Kettle EL.
Kings Mountain; Kings Mountain EL.
Kite; Beaver Creek EL.
Kona; Martha Jane Potter EL.
Lackey; Lackey EL.
Langley; Maytown EL.
Lawton; Lawton EL.
Lebanon:
St. Augustine EL.
St. Charles EL.
St. Charles JHS.
Leitchfield; St. Paul EL.
Lejunior; Shields EL.
Letcher:
Letcher EL.
Letcher HS.
Lexington:
Ashland EL.
Booker T. Washington EL.
Harrison EL.
Johnson EL.
Lexington JHS.
Russell EL.
St. Peter EL.
Liberty; Douglas EL.
Lily; Lily EL.
Linefork; Kingdom Come Settlement EL.
Livingston; Livingston EL.
London:
Johnson EL.
St. William EL.
Lookout; Lookout EL.
Loretto; Holy Cross EL.
Lost Creek; Marie Roberts EL.
Louisa:
Louisa EL.
Louisa HS.
Summitt EL.
Louisville:
Abraham Lincoln EL.
Booker T. Washington EL.
Byck EL.
Carmichael EL.
Central HS.
Cochran EL.
Coleridge-Taylor EL.
Community Catholic EL.
Cotter EL.
DuValle JHS.
Elizabeth Breckinridge EL.
Englehard EL.
Flaget HS.
Immaculate Heart of Mary EL.
Jones-Marshall EL.
Kennedy EL.
Louisville Male HS.
Manly JHS.
Meyzeek JHS.
Parkland JHS.
Perry EL.
Popes John and Paul EL.
Russell JHS.
Southwick EL.
St. Ann EL.
St. George EL.
St. Joseph EL.
St. Therese EL.
St. Vincent De Paul EL.
Wheatley EL.
Woerner JHS.
Lowmansville; Lowmansville EL.
Loyall; Loyall EL.
Lynn; Lynn EL.
Majestic; Majestic EL.
Manchester:
Burning Springs EL.
Clay County HS.
Hacker EL.
Lower Horse Creek EL.
Manchester EL.
Upper Otter Creek EL.
Marlon:
Fohs Hall EL.
Mattoon EL.
Marrowbone; Marrowbone EL.
Martin; Martin EL.
Mayfield:
Lee EL.
St. Joseph EL.
Mayking; Mayking EL.
McDowell; McDowell EL.
McKee; McKee EL.
McRoberts; McRoberts EL.
McVeigh; Runyon EL.
Melvin; Melvin EL.
Middleburg; Middleburg EL.
Middlesboro:
Ward Chapel EL.
Yellow Creek EL.
Monticello:
Dry Hollow EL.
Lake Cumberland Boys Camp.
Monticello EL.
Wayne County Area Vocational Education Center.
Wayne County EL No. 1.
Wayne County EL No. 3.
Wayne County HS.
Wayne County Middle.
Moores Creek; Moores Creek EL.
Mousie; Jones Fork EL.
Mount Olivet:
Deming EL.
Deming HS.
Mount Vernon:
Blue Springs EL.
Mount Vernon EL.
Rockcastle County Area Vocational Education Center.
Rockcastle County HS.
Roundstone EL.
Naples; Danleyton EL.
Nevisdale; Nevisdale EL.
New Haven:
New Haven EL.
St. Catherine EL.
Newport:
Arnold EL.
Corpus Christi EL.
Fourth Street EL.
Ogle; Lower Otter Creek EL.
Oil Springs; Oil Springs EL.
Olive Hill:
Carter County Area Vocational Education Center.
Clark Hill EL.
Upper Tygart EL.
Oneida:
Oneida EL.
Oneida SDA EL.
Oscaloosa; Kingdom Come Creek EL.

Owensboro:
Goodloe EL.
Immaculate EL.
Lee EL.
Mattingly EL.
Owingsville:
Bath County HS.
Owingsville EL.
Paducah:
Clay EL.
Cooper-Whiteside EL.
St. Thomas More EL.
Paintsville; Mayo State Vocational Technical School.
Paw Paw; Paw Paw EL.
Peabody; Double Creek EL.
Phelps: Phelps EL.
Phyllis; Grapevine EL.
Pikeville:
Island Creek EL.
Millard EL.
Mullins EL.
Pike County Area Vocational Education Center.
St. Francis EL.
Upper Caney EL.
Pilgrim; Mouth of Pigeon Roost EL.
Pine Knot:
Pine Knot EL.
Pine Knot HS.
Pineville:
Dorton Branch EL.
Harmony EL.
Page EL.
Pineville EL.
Pineville HS.
Pippa Passes:
Caney Creek EL.
Knott County HS.
Pittsburg; Pittsburg EL.
Pleasant View; Pleasant View EL.
Powersburg; Powersburg EL.
Ransom; Blackberry EL.
Ravenna; Ravenna EL.
Raywick; Raywick EL.
Revelo; Revelo EL.
Richmond:
Madison Middle.
Mayfield EL.
St. Mark EL.
Roark; Jacks Creek EL.
Rockholds; Rockholds EL.
Rogers; Rogers EL.
Rousseau; Rousseau EL.
Russellville:
Logan EL.
Sacred Heart EL.
Salt Lick; Salt Lick EL.
Salyersville:
Millard Hensley EL.
Prater Borders EL.
Salyers EL.
Salyersville EL.
Salyersville HS.
Sand Gap; Sand Gap EL.
Sassafras; Sassafras EL.
Saul; Lower Leatherwood EL.
Shelbiana:
Greasy Creek EL.
Shelbiana EL.
Sidney; Bevins EL.
Siemp:
Bee Hive EL.
Delphia EL.
Smith; Smith EL.
Smiths Grove; Chalybeate EL.
Smithtown; Smithtown EL.
Somerset:
Memorial EL.
Mount Victory EL.
Southdown:
Middle Colly EL.
Upper Colly EL.
South Irvine; South Irvine EL.
South Portsmouth; South Portsmouth EL.
South Shore; Sunshine EL.
St. Helens; St. Helens EL.
Stoney Fork; Right Fork EL.
Straight Creek; Straight Creek EL.
Sulphur Well; North Metcalfe EL.
Summer Shade; Summer Shade EL.
Tolu; Tolu EL.
Tomahawk; Tomahawk EL.
Tompkinsville:
Joe H. Carter EL.
Monroe County Area Vocational Education Center.
Tompkinsville EL.
Tompkinsville HS.
Turkey Creek; Turkey Creek EL.
Tyner; Tyner EL.
Vanceburg:
Kennicomick EL.
Lewis County Central EL.
Varney; Brushy EL.
Verda; Verda EL.
Vest; Beckham Combs EL.
Viper:
Stratton EL.
Viper EL.
Virgie; George F. Johnson EL.
Wallins; Wallins EL.
Warfield; Warfield EL.
Wayland; Wayland EL.
Webbville; Webbville EL.
Weeksbury; Weeksbury EL.
West Liberty:
Morgan County Area Vocational Education Center.
Morgan County Middle.
West Prestonburg; Charles Clark EL.
Wheelwright; Wheelwright HS.
Whitesburg:
Ermine EL.
Letcher County Area Vocational Education Center.
Whitesburg EL.
Whitesburg HS.
Whitley City:
McCreary HS.
Whitley City EL.
Williamsburg:
Jellico Creek EL.
Liberty EL.
Whitley County HS.
Williamsport; Meade Memorial EL.
Windsor; Phelps EL.
Whittensville; W. R. Castle Memorial EL.
Wofford; Wofford EL.
Woodbine; Woodbine EL.
Woodman; Lower Elk EL.
Wooten; W. B. Muncy EL.
Wrigley; Wrigley EL.
Yeaddiss; Hayes Lewis EL.
Yosemite; Garrett EL.

LOUISIANA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and and 1973–74 School Years

(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)

Location (city or town); name of school

Abbeyville:
Abbeyville HS.
Abbeyville JHS.
Abita Springs; Abita Springs JHS.
Albany; Albany HS.
Alexandria:
Holy Savior Menard HS.
Lincoln Road EL No. 2.
Peabody EL.
Reed Avenue, EL.
Saint Frances Cabrini EL.
South Alexandria EL.
South Alexandria Primary EL.
Allemands; Allemands EL.
Amite:
Amite HS, Tangipahoa.
Fifth Ward EL, St. Helena.
Westside EL, Tangipahoa.
Woodland HS, St. Helena.
Angie; Wesley Ray HS.
Arabi; St. Claude Heights EL.
Arcadia; Crawford EL.
Ashland; Ashland HS.
Bains; Bains EL.
Baldwin; G. W. Hamilton EL.
Barataria; Barataria EL.
Basile; W. W. Stewart EL.
Baskin; Baskin HS.
Bastrop; South Side EL.
Batchelor-Innis; Upper Pointe Coupee HS.
Baton Rouge:
Banks EL.
Beechwood EL.
Belfair EL.
Capitol EL.
Capitol HS.
Eden Park EL.
Harding EL.
Istrouma JHS.
McKinley EL.
McKinley JHS.
Melrose EL.
Nicholson EL.
North Scotlandville EL.
Park EL.
Perkins EL.
Polk EL.
Reddy EL.
Rosenwald EL.
Sacred Heart EL.
St. Agnes EL.
St. Anthony EL.
St. Francis Xavier EL.
St. Joseph Academy HS.
Scott EL.
South Boulevard EL.
South Greenville EL.
South Scotlandville EL.
University Terrace EL.
Valley Park JHS.
Westdale JHS.
Zion City EL.
Belcher; Herndon EL.
Belle Chasse; Scottville HS.
Belle Rose; Belle Rose Middle.
Benton:
Benton EL.
Benton HS.
Berwick; Berwick EL.
Blenville; Blenville HS.
Bogalusa:
Annunciation EL, Washington.
Annunciation EL, City of Bogalusa.
Byrd Avenue EL.
Columbia Street EL.
Long Avenue EL.
Bonita; Bonita EL.
Bordelonville; Bordelonville HS.
Bossier City:
Bossier EL.
Butler EL.
Boyce; Wettermark HS.
Breaux Bridge; Breaux Bridge JHS.
Broussard; Katherine Drexel EL.
Brusly; Brusly HS.
Bunkie; Bunkie EL.
Bush; Fifth Ward JHS.
Calhoun; Central EL.
Cameron; Cameron EL.
Campti; Campti HS.
Carencro; Carencro Heights EL.
Carlisle; Phoenix HS.
Cecilia:
Cecilia JHS.
Cecilia Primary.
Chalmette; St. Mark EL.

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Charenton; Charenton EL.
Chauvin; Boudreaux Canal EL.
Church Point; Church Point HS.
Clayton; Clayton EL.
Clinton:
  Eighth Ward EL.
  Reiley EL.
Cloutierville:
  Cloutierville HS.
  Springhill EL.
Collinston; Collinston EL.
Colfax; Colfax JHS.
Columbia:
  Caldwell Parish HS.
  Central EL.
  Columbia EL.
Convent:
  Romeville HS (Boys).
  Romeville HS (Girls).
Cottonport; Cottonport HS.
Coushatta:
  Springville-Coushatta HS.
  Springville-Coushatta EL.
Covington:
  Covington JHS.
  Pineview JHS.
  St. Peter EL.
Crowley:
  North Crowley EL.
  Notre Dame HS.
  Ross EL.
  St. Michael EL.
Crowville; Crowville HS.
Delcambre; Delcambre HS.
Delhi:
  Central HS.
  Delhi HS.
  Delhi Middle.
  Delhi Primary.
Denham Springs:
  Denham Springs EL.
  Denham Springs JHS.
DeQuincy:
  DeQuincy EL.
  DeQuincy JHS.
DeRidder:
  DeRidder EL.
  Pinewood EL.
Diamond; St. Jude EL.
Donaldsonville:
  Donaldsonville Primary.
  Donaldsonville EL.
  Donaldsonville JHS.
  Donaldsonville HS.
Dubach; Dubach HS.
Dubberly; Central HS.
Duson:
  Duson EL.
  Judice EL.
Edgard:
  Edgard HS.
  Second Ward EL.
  Second Ward HS.
Effie; Lafargue HS
Erath; Erath HS.
Ethel; Spears EL.
Eunice:
  Central EL.
  Eunice EL.
  St. Edmund HS.
Evergreen; Evergreen EL.
Farmerville:
  Farmerville EL.
  Farmerville HS.
  Farmerville 4–8.
Fenton; Fenton HS.
Folsom:
  Folsom EL.
  Folsom JHS.
Forest; Forest HS.
Fort Necessity; Fort Necessity HS.
Franklin; Willow Street EL.
Franklinton:
  Franklinton EL.
  Franklinton HS.
French Settlement; Doyle HS.
Gibson:
  Gibson EL.
  Greenwood EL.
Gilbert; Gilbert HS.
Glenmora; Plainview HS.
Gloster; Second Ward HS.
Goldonna; Goldonna HS.
Gonzales:
  Carver Primary.
  Gonzales EL.
  East Ascension JHS.
  East Ascension HS.
Good Pine; Good Pine Middle.
Grand Coteau; Grand Coteau EL.
Grant; Fairview HS.
Grayson; Grayson EL.
Greensburg; St. Helena EL.
Gretna:
  Frederick Douglas EL.
  McDonough No. 27 EL.
  St. Joseph EL.
Hammond:
  Hammond JHS.
  Holy Ghost EL.
  Woodland Park EL.
Hanna; Hanna EL.
Harvey:
  Elm Grove EL.
  West Jefferson HS.
Haughton; Haughton HS.
Hessmer; Hessmer HS.
Holly Ridge; Holly Ridge HS.
Houma:
  Grand Caillou EL.
  St. Francis de Sales EL.
  Southdown EL.
Jena; Jena EL.
Jennings:
  Jennings Central HS.
  Jennings West End EL.
  Hathaway HS.
Johnson Bayou; Johnson Bayou HS.
Jonesboro:
  Jonesboro-Hodge HS.
  Rundell JHS.
Jonesville; Jonesville EL.
Junction City; (Arkansas) Junction City, EL.
Kaplan; Kaplan EL.
Kelly; Kelly EL.
Kenner:
  G. T. Woods EL.
  Kenner Middle.
  Washington EL.
Kentwood:
  Chesbrough HS.
  Kentwood EL.
  Kentwood HS.
Kilbourne; Kilbourne HS.
Killona; Killona EL.
Labadieville; Labadieville Middle.
Lacombe; Chahta-Ima EL.
Lafayette:
  Carencro Catholic EL.
  Immaculate Heart of Mary EL.
  J. W. James EL.
  St. Antoine EL.
  St. Genevieve EL.
  St. Paul EL.
  Truman EL.
Lafitte:
  Fisher EL.
  Lafitte EL.
Lake Charles:
  Cherry Street EL.
  Eastwood EL.
  Immaculate Heart of Mary EL.
  Jackson Street EL.
  Lincoln EL.
  Mill Street EL.
  Opelousas Street EL.
  Reynaud JHS.
  Riverside EL.
  Sacred Heart EL.
  Washington HS.
Lakeland; St. Alma EL.
Lake Providence:
  Lake Providence JHS.
  Lake Providence HS.
  Monticello HS.
  Northside EL.
  Southside EL.
Lawtell:
  Lawtell EL.
  Lawtell HS.
Lebeau; Immaculate Conception EL.
Lecompte; Rapides HS.
Leesville:
  East Leesville EL.
  Leesville HS.
  West Leesville EL.
Lillie; Lillie EL.
Lisbon; Pineview EL.
Lockport; Lockport Upper EL.
Logansport; Stanley HS.
Loranger; Loranger EL.
Loreauville; Loreauville EL.
Mamou:
  Mamou Lower EL.
  Mamou Upper EL.
Mangham; Mangham HS.
Mansfield:
  DeSoto HS.
  Grand Bayou EL, Red River.
  Johnson EL.
  Mansfield EL.
Mansura; Mansura EL.
Marksville:
  Fifth Ward HS.
  Holy Ghost EL.
  Marksville HS.
Marrero:
  Joshua Butler EL.
  L. W. Higgins HS.
  Percy Julian EL.
  St. Joseph the Worker EL.
Maurepas; Maurepas HS.
Melville:
  Leonville EL.
  Melville-Riverside EL.
  Melville EL.
Meraux; N. P. Trist Middle.
Merryville; Merryville HS.
Minden:
  Jones EL.
  Moore EL.
  Phillips JHS.
Monroe:
  Carroll JHS.
  Carver EL.
  Clark EL.
  Jefferson JHS.
  Lincoln EL.
  Little Flower EL.
  Wossman HS.
Moreauville; Moreauville HS.
Morgan City:
  Central Catholic HS.
  Holy Cross EL.
Morrow:
  Morrow HS.
  Morrow EL.
Napoleonville; Napoleonville Middle.
Natchez; Natchez EL.
Natchitoches:
  North Natchitoches EL.
  St. Mary HS.
Newellton; Newellton HS.
New Iberia:
  Catholic HS.
  Center Street EL.
  Hopkins Street EL.
  North Street EL.
  Railroad Avenue EL.
New Orleans:
  All Saints EL.
  Bauduit EL.
  Chester EL.
  Corpus Christi EL.
  Couvent EL.
  Craig EL.
  Danneel No. 2 EL.
  Dunn EL.
  Edwards EL.
  Fischer EL.
  Fisk EL.
  Guste EL.
  Harney EL.
  Henderson EL.
  Hoffman EL.
  Holy Ghost EL.

Incarnate Word EL.
Jackson EL.
Johnson EL.
Kohn JHS.
Lafon EL.
Lawton EL.
Lewis EL.
Lockett EL.
McDonough No. 10 EL.
McDonough No. 11 EL.
McDonough No. 30 EL.
McDonough No. 36 EL.
McDonough No. 37 EL.
McDonough No. 38 EL.
Moton EL.
Nelson EL.
Our Lady of Good Counsel EL.
Our Lady of the Sea EL.
Phillips EL.
Ricard EL.
Rosenwald EL.
St. Alphonsus EL.
St. Joan of Arc EL.
St. Joseph EL.
St. Louis Cathedral EL.
St. Mary of the Angels EL.
St. Monica EL.
St. Paul the Apostle EL.
St. Peter Clover EL.
St. Philip the Apostle EL.
Wheatly EL.
Williams EL.
New Roads:
  Catholic HS of Pointe Coupee.
  Rosenwald HS.
Noble; Ebarb HS.
Norco; Sacred Heart EL.
Norwood; Norwood EL.
Oak Grove; Oak Grove EL.
Oberlin; Oberlin HS.
Opelousas:
  Courtableau EL.
  Creswell EL.
  East JHS.
  Morrow EL.
  North EL.
  Opelousas JHS.
  Plaisance HS.
  Plaquemine Point EL.
Palmetto; Palmetto HS.
Patterson; H. A. Watts EL.
Pelican; Pelican HS.
Pine Grove; Pine Grove EL.
Pineville: Lakeside EL.
Pitkin; Pitkin HS.
Plaquemine; Iberville JHS.
Plaucheville; St. Joseph EL.
Pleasant Hill; Pleasant Hill HS.
Pollock; Pollock JHS.
Port Barre:
  Port Barre EL.
  Port Barre HS.
Port Allen:
  Chamberlin EL.
  Holy Family EL.
Poydras; J. F. Gauthier EL.
Princeton; Princeton EL.
Provencal; Provencal HS.
Raceland:
  Raceland JHS.
  Raceland Lower EL.
Rayne; South Rayne EL.
Rayville:
  Rayville HS.
  Rayville Middle.
  Rayville Primary.
Reggio; Sebastian Roy EL.
Reserve:
  Godchaux Grammar EL.
  Our Lady of Grace EL.
Roanoke; Welsh Roanoke JHS.
Robeline; Allen HS.
Rosedale; Shady Grove HS.
Roseland:
  Big Zion EL.
  Roseland EL.
Rougon; Rougon HS.
Ruston:
  I. A. Lewis EL.
  Ruston EL.
Saint Bernard; Beauregard HS.
Saint Francisville; St. Francisville HS
Saint Joseph:
  J. M. Davidson HS.
  Tensas EL.
Saint Martinville:
  St. Martinville JHS.
  St. Martinville HS.
Saint Rose; St. Rose EL.
Shreveport:
  Atkins EL.
  Brooks Street EL.
  Central EL.
  Eden Gardens JHS.
  Green Oaks HS.
  Holy Rosary EL.
  Ingersoll EL.
  J. S. Clark JHS.
  Linear JHS.
  Mooretown EL.
  Newton Smith EL.
  Northside EL.
  Notre Dame HS.
  Our Lady of Blessed Sacrament EL.
  Pierre EL.
  Pine Grove EL.
  St. Catherine EL.
  St. John EL.
  St. Theresa EL.
  Walnut Hill EL.
  Washington HS.
Sicily Island:
  Martin JHS.
  Sicily Island EL.
Sikes; Sikes HS.
Simmesport:
  Simmesport EL.
  Simmesport HS.
Slidell; Boyet JHS.
Spring Creek; Spring Creek HS.
Springfield; Springfield EL.
Starks; Starks HS.
Summerfield:
  Summerfield EL.
  Summerfield HS.
Start; Start HS.
Sunset:
  Sunset EL.
  Sunset HS.
Tallulah:
  McCall HS.
  Tallulah EL.
  Thomastown 1–12.
  Wright EL.
Theriot; Dularge EL.
Urania; Urania EL.
Vacherie; St. James Boys HS.
Vidalia; Vidalia EL.
Ville Platte:
  Bayou Chicot EL.
  Hester Heath EL.
  James Stephen EL.
  Vidrine HS.
  Ville Platte Lower EL.
Vinton:
  Vinton EL.
  Vinton Northside EL.
Violet; Borgnemouth EL.
Washington:
  Grand Prairie HS.
  Washington HS.
Waterproof:
  Lisbon EL.
  Waterproof HS.
Welcome; Fifth Ward EL.
Welsh:
  Welsh EL.
  Welsh HS.
Westlake:
  Arnett EL.
  Mossville EL.
West Monroe:
  Crosley EL.
  Riser EL.
  St. Paschal EL.
Westwego; Avondale Gardens EL.
Winnfield; Sikes HS.
Winnsboro:
  Ward III HS.
  Winnsboro JHS.
  Winnsboro HS.
  Winnsboro Lower EL.
  Winnsboro Upper EL.
Wisner; Wisner JHS.
Youngsville; Green T. Lindon EL.
Zachary:
  Chaneyville HS.
  Northwestern JHS.
  Port Hudson EL.
  Zachary EL.
Zwolle; Zwolle Intermediate.

MAINE

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Addison; Stephen S. Nash EL.
Albion:
  Albion Middle.
  Albion EL.
Auburn; Chamberlain EL.
Bath:
  Bath JHS.
  Huse Primary.
Beals; Beals EL.
Belfast:
  Crosby JHS.
  East Belfast EL.
  George Robertson EL.
  Governor Anderson EL.
Belmont; Belmont EL.
Benedicta; Benedicta EL.
Benton; Benton EL.
Berwick:
  Noble JHS.
  Noble HS.
Biddeford:
  St. Andre EL.
  St. Joseph EL.
Brooks; Morse Memorial EL.
Brownfield; Brownfield Consolidated EL.
Buckfield:
  Buckfield EL.
  Buckfield J–SHS.
Bucksport:
  Bucksport HS.
  G. Herbert Jewett EL.
Burnham; Burnham Village EL.
Caswell Plantation; Building No. 33 EL.
Chelsea; Chelsea Consolidated EL.
Cherryfield; Cherryfield EL.
Clinton:
  Clinton EL.
  Clinton Middle.
Columbia Falls; Columbia Falls EL.
Cumberland; Mabel I. Wilson EL.
Danforth; East Grand K–12.
Denmark; Village EL.
Detroit; Dorothy R. Cookson EL.
Dresden; Dresden EL.
Eustis; Stratton Grammar EL.
Fairfield:
  Central EL.
  Fairfield JHS.
  Gould EL.
  Lawrence HS.
Farmington:
  Ingalls EL.
  Mallett EL.
  Mount Blue JHS.
  Mount Blue HS.
  West Farmington EL.
Fayette; Fayette Central EL.
Franklin; Franklin Consolidated EL.

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Preeport:
George C. Soule EL.
Grove Street EL.
Morse Street EL.
Friendship:
Friendship Village EL.
Fort Fairfield Grammar EL.
Hacker EL.
Jenkins EL.
Fort Kent:
Fort Kent Community HS.
Fort Kent EL.
Market Street EL.
Fryeburg:
Sadie F. Adams EL.
C. A. Snow EL.
Gardiner:
Central Street EL.
Gardiner JHS.
Gardiner Area HS.
New Mills EL.
Plummer Street EL.
Pray Street EL.
South Gardiner Grammar EL.
Gorham; Gorham J–SHS.
Gouldsboro; Gouldsboro Grammar EL.
Grand Isle; Lincoln EL.
Hallowell; Stevens Training Center J–SHS.
Harmony; Harmony EL.
Harrington:
Harrington Village EL.
Narraguagus HS.
Harrison; Harrison Village EL.
Hartland:
Hartland Consolidated EL.
Hartland JHS.
Hebron; Hebron EL.
Hodgdon; Hodgdon HS.
Houlton:
Bowdoin Street EL.
Houlton EL.
Houlton J–SHS.
Lambert EL.
Jay:
Jay EL.
Jay HS.
Jonesport:
Cove EL.
Jonesport-Beals HS.
West Jonesport EL.
Kingfield:
Kingfield Grammar EL.
Kingfield Primary.
Mount Abram HS.
Lebanon; Lebanon EL.
Lewiston:
Healy Child Care Center.
St. Patrick EL.
Liberty; Walker Memorial EL.
Lincoln; Ella Burr EL.
Linneus; Roosevelt EL.
Littleton; Littleton EL.
Livermore; Brettuns EL.
Livermore Falls:
Livermore Falls Grammar EL.
Livermore Falls Primary.
Livermore Falls JHS.
Livermore Falls HS.
Long Island Plantation; Frenchboro EL.
Lovell; New Suncook EL.
Machias:
Machias Memorial HS.
Rose M. Gaffney EL.
Washington State Campus EL.
Madawaska; Madawaska HS.
Mars Hill; Fort Street EL.
Milbridge; Milbridge EL.
Milo; Penquis Valley HS.
Monroe; Monroe EL.
Monson:
Monson EL.
Monson Primary.
Monticello:
Monticello EL.
Wellington EL.
Morrill; Morrill Village EL.
Newport:
Newport EL.
Newport JHS.
Nokomis Regional HS.
New Sharon; New Sharon EL.
Northeast Harbor; Mount Desert EL.
Northport; Northport EL.
Norway; Norway School Complex EL.
Old Town:
Helen Hunt EL.
Indian Island EL.
Jefferson Street EL.
Lewis Stairs EL.
St. Joseph Public EL.
Otisfield; Otisfield Central EL.
Owls Head; Owls Head Central EL.
Oxford:
Oxford EL.
Welchville EL.
Palermo; Palermo Consolidated EL.
Palmyra; Palmyra Consolidated EL.
Paris:
Mildred M. Fox EL.
Oxford Hills HS.
Oxford Hills JHS.
Parkman; Carroll L. McKusick EL.
Patten:
Patten Grammar EL.
Patten Primary.
Patten JHS.
Perham; Perham Grade Building EL.
Phillips:
Phillips Grammar EL.
Phillips New EL.
Phippsburg; Phippsburg EL.
Pittsfield:
Manson Park EL.
Pittsfield Grammar EL.
Vickery EL.
Warsaw JHS.
Pittston; Pittston EL.
Pleasant Point; Beatrice Rafferty EL.
Portland:
Adams EL.
Butler EL.
Cathedral Grammar EL.
Cliff Island EL.
Emerson EL.
Hall EL.
Long Island EL.
McLellan EL.
North EL.
Peaks Island EL.
Presumpscot EL.
Sacred Heart EL.
Shailer EL.
Sherman EL.
True EL.
West EL.
Pownal; Pownal EL.
Presque Isle; Pine Street EL.
Princeton; Peter Dana Point EL.
Randolph; Theresa C. Hamlin EL.
Rockland:
McLain EL.
North EL.
Rockland District HS.
Rockland District JHS.
South School EL.
Rumford:
Chisholm EL.
Rumford HS.
Rumford JHS.
Sabattus; Our Lady of the Rosary EL.
Saco:
Notre Dame de Lourdes EL.
Thornton Academy HS.
St. Francis Plantation; St. Francis EL.
Sanford:
Emerson EL.
Hamlin EL.
Lafayette EL.
Lincoln EL.
Roosevelt EL.
Sanford HS.
Sanford JHS.
Sanford Middle.
Searsmont; Searsmont EL.
Sherman:
Sherman EL.
Sherman JHS.
Sommerville Plantation; Sommerville EL.
Sorrento: Sorrento Grammar EL.
South Portland:
Arthur R. Gould Boys Training Center J–SHS.
Mahoney JHS.
Memorial JHS.
South Portland HS.
Stacyville:
Kathahdin HS.
Stacyville EL.
Steuben; Steuben Grammar EL.
St. Albans; St. Albans Consolidated EL.
Strong; Strong Grammar EL.
Sullivan:
Sullivan Grammar EL.
Sumner CSD HS.
Sumner; Hartford-Sumner EL.
Swanville; Swanville EL.
Thorndike:
Mount View EL.
Mount View JHS.
Mount View HS.
Tremont; Tremont Consolidated EL.
Troy; Troy Central EL.
Union; Union Central EL.
Unity; Unity Grammar EL.
Van Buren:
Champlain EL.
Keegan EL.
St. John-Kindle EL.
Van Buren District HS
Van Buren JHS.
Vinalhaven:
Lincoln-Vinalhaven K–12.
Washington EL.
Waldoboro:
A.D.Gray JHS.
Friendship Street EL.
Medomak Valley HS.
Miller Grade EL.
Wales; Central EL.
Warren:
Warren Intermediate.
Warren Primary.
Washburn:
Washburn EL.
W. C. Foster EL.
Washington; Prescott Memorial EL.
Waterford; Waterford Memorial EL.
Waterville:
Brookside EL.
Pleasant Street EL.
South Grammar EL.
Waterville JHS.
Waterville HS.
Weld; Weld Grammar EL.
Wellington; Wellington EL.
Wells:
Wells EL.
Wells J–SHS.
Wesley; Wesley Corner EL.
West Gardiner; West Gardiner Central EL.
West Paris; West Paris EL.
Whitefield; Whitefield Consolidated EL.
Wilton:
Cushing EL.
Wilton Primary.
Wilton Academy EL.

Windsor; Windsor Consolidated EL.
Wiscasset; Wiscasset EL.
Woodland; Woodland Consolidated EL.
Aroostook County.
Yarmouth; Yarmouth J–SHS.

MARYLAND

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Aberdeen:
Aberdeen EL.
Aberdeen HS.
Aberdeen JHS.
Bakerfield EL.
Hall's Cross Roads EL.
Hillsdale EL.
Abingdon:
Old Post Road EL.
William Paca EL.
Adamstown; Carroll Manor EL.
Annapolis:
Annapolis HS.
Annapolis JHS.
Bates JHS.
Eastport EL.
Germantown EL.
Hillsmere EL.
Parole EL.
Tyler Heights EL.
Avenue; Holy Angels EL.
Baltimore:
No. 2, David E. Weglein EL.
No. 3, William Patterson JHS.
No. 4, Steuart Hill EL.
No. 6, William Fell EL.
No. 7, Cecil EL.
No. 8, City Springs EL.
No. 9, Carroll Park JHS.
No. 10, James McHenry EL.
No. 11, Eutaw EL.
No. 13, Tench Tilghman EL.
No. 16, Johnston Square EL.
No. 19, Lexington Terrace EL.
No. 20, Sir Robert Eden EL.
No. 22, George Washington EL.
No. 23, General Wolfe EL.
No. 26, Madison Square EL.
No. 27, Commodore John Rodgers EL.
No. 29, Matthew A. Henson EL.
No. 30, George Street EL.
No. 32, Guilford Avenue EL.
No. 33, Armistead EL.
No. 34, Barrister Charles Carroll EL.
No. 35, Harlem Park EL.
No. 37, Patrick Henry EL.
No. 43, Hampstead Hill JHS.
No. 48, James Monroe EL.
No. 53, Margaret Brent EL.
No. 57, Lombard JHS.
No. 81, John Eager Howard EL.
No. 72, General Henry Lee JHS.
No. 74, Oliver Cromwell EL.
No. 76, Francis Scott Key EL.
No. 78, Harlem Park JHS.
No. 90, Clifton Park JHS.
No. 92, Oliver H. Perry EL.
No. 94, EL.
No. 95, Franklin Square EL.
No. 96, Nathaniel Ramsey JHS.
No. 97, Collington Square EL.
No. 98, Samuel F. B. Morse EL.
No. 99, Columbus EL.
No. 100, Joseph Harrison Lockerman EL.
No. 101, Elmer A. Henderson EL.
No. 102, Thomas G. Hayes EL.
No. 103, Henry Highland Garnet EL.
No. 104, Robert Brown Elliott EL.
No. 107, Gilmor EL.
No. 109, Broadway EL.
No. 111, Frances Ellen Harper EL.
No. 112, William M. Alexander EL.
No. 113, Benjamin Banneker EL.
No. 115, Venable JHS.
No. 116, EL.
No. 118, Harriet Beecher Stowe EL.
No. 119, John M. Murphy EL.
No. 121, Daniel A. Payne EL.
No. 122, Samuel Coleridge Taylor EL.
No. 126, EL.
No. 129, EL.
No. 130, Booker T. Washington JHS.
No. 132, Coppin EL.
No. 135, Samuel Chase EL.
No. 137, Druid Hill EL.
No. 138, Robert Fulton EL.
No. 139, Charles Carroll of Carrollton EL.
No. 140, Mary McLeod Bethune EL.
No. 141, Abraham Lincoln EL.
No. 142, Robert W. Coleman EL.
No. 145, Alexander Hamilton EL.
No. 148, Rosedale EL.
No. 149, Rutland EL.
No. 150, Bentalou EL.
No. 156, Mount Winans EL.
No. 159, Cherry Hill EL.
No. 161, Fannie L. Barbour EL.
No. 162, Josiah Diggs EL.
No. 163, Patapsco EL.
No. 164, Arundel EL.
No. 176, Frances M. Wood JHS.
No. 180, Cherry Hill JHS.
No. 181, Charles Hamilton Houston JHS.
No. 182, Saratoga JHS.
No. 200, EL.
No. 225, Westport EL.
No. 238, Victory EL.
No. 240, Graceland Park-O'Donnell Heights EL.
No. 250, Dr. Bernard Harris EL.
No. 298, Samuel Gompers JHS.
No. 301, William S. Baer EL.
No. 453, Fairmont Hill JHS.
Back River EL.
Baltimore Highlands EL.
Battle Grove EL.
Bear Creek EL.
Berkshire EL.
Brooklyn Park EL.
Brooklyn Park HS.
Brooklyn Park JHS.
Charlesmont EL.
Chase EL.
Chesapeake Terrace EL.
Colgate EL.
Dundalk EL.
Dundalk HS.
Eastwood EL.
Edgemere EL.
Essex EL.
Glenmar EL.
Grange EL.
Gray Manor EL.
Hawthorne EL.
John XXIII EL.
House of Good Shepherd EL.
Kenwood HS.
Landsdowne EL.
Landsdowne HS.
Logan EL.
Mars Estates EL.
Martin Boulevard EL.
Middleborough EL.
Middlesex EL.
Orems EL.
Our Lady of Mount Carmel HS.
Our Lady Queen of Angels EL.
Our Lady Queen of Peace EL.
Overlea HS.
Park EL.
Patapsco HS.
Riverview EL.
Rosedale EL.
Ss. James & John EL.
Ss. Phillip & James EL.
St. Bernard EL.
St. Cecilia EL.
St. Leo EL.
St. Luke EL.
St. Martin HS.
St. Mary Star of the Sea EL.
St. Michael EL.
St. Patrick EL.
St. Peter Claver EL.
St. Pius V EL.
St. Rita EL.
St. Stanislaus EL.
St. Wenceslaus EL.
Sandy Plains EL.
Sparrows Point J–SHS.
Sussex EL.
Victory Villa EL.
Westowne EL.
Barton; Barton EL.
Bel Air; Hickory EL.
Bel Alton:
Bel Alton EL.
Bel Alton JHS.
Berlin; Buckingham EL.
Bladensburg:
Bladensburg HS.
Bladensburg JHS.
Boonsboro: Boonsboro JHS.
Bowie; High Bridge EL.
Boyds; Edward U. Taylor EL.
Brandywine:
Baden EL.
Brandywine EL.
Gwynn Park HS.
Gwynn Park JHS.
Orme EL.
Brunswick:
Brunswick EL.
Brunswick HS.
Brunswick JHS.
Bryantown:
St. Mary EL.
T. C. Martin EL.
Bushwood; Bethune EL.
Capitol Heights; Lyndon Hill EL.
Cecilton; Cecilton EL.
Centreville:
Centreville EL.
Centreville JHS.
Queen Annes HS.
Chaptico; Dynard EL.
Charlestown; Charlestown EL.
Chesapeake Beach; Beach EL.
Chesapeake City; Bohemia Manor J–SHS.
Chestertown:
Chestertown EL.
Chestertown JHS.
Clarksburg; Clarksburg EL.
Clear Spring:
Clear Spring EL.
Clear Spring J–SHS.
College Park:
Holy Redeemer EL.
Paint Branch EL.
Conowingo; Conowingo EL.
Cordova; Upper County EL.
Crisfield:
Crisfield EL.
Woodson EL.
Cumberland:
Braddock JHS.
Columbia Street EL.
East Side EL.
John Humbird EL.
Northeast EL.
Pennsylvania Avenue EL.
St. Mary EL.
St. Patrick EL.
Virginia Avenue EL.
Washington JHS.
West Side EL.
Damascus; Damascus EL.
Davidsonville; Davidsonville EL.
Deal Island; Deal Island EL.
Dickerson; Monocacy EL.
District Heights; District Heights EL.
Dundalk; Norwood EL.
East Riverdale; Templeton EL.

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Easton:
Easton HS.
Easton JHS.
Glenwood EL.
Idlewild EL.
Ss. Peter & Paul HS.
Eckhart; Eckhart EL.
Edgewater:
Central Avenue EL.
Edgewater EL.
Mayo EL.
Elkridge:
Elkridge EL.
Waterloo JHS.
Elkton:
Elkton Christian EL.
Elkton EL.
Elkton HS.
Elkton JHS.
Holly Hall EL.
Immaculate Conception EL.
Leeds EL.
Ellicott City; Howard HS.
Emmitsburg; Emmitsburg EL.
Essex; St. Clare EL.
Faulkner; Glasva EL.
Federalsburg:
Colonel Richardson HS.
Colonel Richardson JHS.
Federalsburg EL.
Fort Meade:
MacArthur JHS.
Manor View EL.
Meade Village EL.
Frederick:
East Frederick EL.
Elm Street EL.
Frederick HS.
Parkway EL.
South Frederick EL.
West Frederick JHS.
Friendsville; Friendsville EL.
Frostburg:
Beall HS.
St. Michael EL.
Thomas G. Pullen EL.
Fruitland; Fruitland EL.
Gaithersburg:
Darnestown EL.
Gaithersburg EL.
Gaithersburg HS.
Gaithersburg JHS.
Montgomery Village JHS.
Travilah EL.
Gambrills; Arundel HS.
Germantown; Germantown EL.
Glen Burnie:
Corkran JHS.
Freetown EL.
Georgetown East EL.
Glen Burnie HS.
Lindale JHS.
Marley JHS.
Point Pleasant EL.
Solley EL.
Grantsville; Grantsville EL.
Greensboro; Greensboro EL.
Hagerstown:
Bester EL.
Emma K. Doub EL.
St. Mary EL.
Salem Avenue EL.
South Hagerstown EL.
Washington Street JHS.
Winter Street EL.
Woodland Way EL.
Hancock:
Hancock EL.
Hancock JHS.
Hancock J–SHS.
Hanover; Harman EL.
Harwood; Southern HS.
Havre de Grace:
Havre de Grace EL.
Havre de Grace HS.
Havre de Grace JHS.
Meadowvale EL.
St. Patrick EL.

Hebron; Westside EL.
Helen:
Margaret Brent JHS.
Mother Catherine Spalding EL.
Hollywood; Hollywood EL.
Hurlock; Hurlock EL.
Hyattsville:
Hyattsville JHS.
Matthew Henson EL.
Northwestern HS.
William Wirt JHS.
Indian Head:
General Smallwood JHS.
J. C. Parks EL.
Matthew Henson JHS.
Pomonkey EL.
Jefferson; Valley EL.
Jessup; Guilford EL.
Kensington:
Kensington EL.
Pleasant View EL.
Kitzmiller; Kitzmiller EL.
Knoxville; Pleasant Valley EL.
La Plata; La Plata HS.
Landover:
Palmer Park EL.
Randolph Village EL.
St. Mary EL.
Thomas Pullen JHS.
Landsdown; St. Clement EL.
Lanham; Glenarden Woods EL.
Laurel; Maryland City EL.
Laytonsville; Laytonsville EL.
Leonardtown EL.
Leonardtown JHS.
Lewistown; Lewistown EL.
Linthicum; Andover HS.
Lisbon; Lisbon EL.
Lonaconing:
Central EL.
Valley JHS.
Lothian:
Lothian EL.
Southern JHS.
Loveville; Banneker EL.
Lutherville; St. Vincent EL.
Marbury; Gall Bailey EL.
Mardela; Mardela HS.
Mason Springs; Lackey HS.
McCoole; McCoole EL.
Mechanicsville:
Mechanicsville EL.
Oakville EL.
White Marsh EL.
Midland; Midland EL.
Millersville; Millersville EL.
Morganza; Chopticon HS.
Mount Airy; Mount Airy EL.
Mount Rainier; Mount Rainier JHS.
Mount Savage:
Mount Savage EL.
Mount Savage J–SHS.
Nanjemoy; Mount Hope EL.
New Windsor; New Windsor JHS.
Newburg; Wayside EL.
Northeast:
Bay View EL.
Northeast EL.
Northeast HS.
Northeast JHS.
Oakland; Center Street EL.
Odenton; Arundel JHS.
Oldtown:
Oldtown EL.
Oldtown J–SHS.
Owings; Mount Harmony EL.
Owings Mills; Owings Mills EL.
Park Hall; Park Hall EL.
Parkton:
Hereford J–SHS.
Seventh District EL.
Pasadena:
George Fox JHS.
High Point EL.
Lake Shore EL.
Northeast HS.
Sunset EL.

Pittsville; Pittsville HS.
Pocomoke City:
Pocomoke EL.
Pocomoke HS.
Pocomoke JHS.
Poolesville; Poolesville EL.
Port Republic; Island Creek EL.
Port Tobacco; Port Tobacco EL.
Prince Frederick; Brooks EL.
Princess Anne:
Greenwood EL.
Princess Anne EL.
Pylesville; North Harford J–SHS.
Reisterstown; Franklin J–SHS.
Ridge:
Ridge EL.
St. Michael EL.
Riverdale:
Riverdale EL.
Riverdale Hills EL.
Rock Hall; Rock Hall EL.
Rockville:
Julius West JHS.
Lone Oak EL.
Maryvale EL.
Park Street EL.
Randolph JHS.
Richard Montgomery HS.
Rock Terrace J–SHS.
St. Mary EL.
Twinbrook EL.
West Rockville EL.
Salisbury:
Salisbury EL.
West Salisbury EL.
Wicomico HS.
Sandy Spring; Sherwood EL.
Seat Pleasant:
Central HS.
St. Margaret EL.
Severna Park:
Severna Park HS.
Severna Park JHS.
Shady Side; Shady Side EL.
Sharpsburg; Sharpsburg EL.
Silver Spring:
East Silver Spring EL.
Eastern JHS.
Glenmont EL.
Holiday Park EL.
Montgomery Blair HS.
New Hampshire EL.
Rosemary Hills EL.
Takoma Park JHS.
Viers Mill EL.
Smithsburg; Smithsburg EL.
Snow Hill:
Snow Hill EL.
Snow Hill HS.
Snow Hill JHS.
St. Michaels:
Frederick Douglass EL.
St. Michaels JHS.
Stevensville; Kent Island EL.
Street; Dublin EL.
Sudlersville; Sudlersville EL.
Suitland:
Benjamin Foulois JHS.
Spaulding JHS.
Suitland HS.
Sykesville; Eldersburg EL.
Takoma Park:
Rolling Terrace EL.
Takoma Park EL.
Tall Timbers; Piney Point EL.
Taneytown:
Taneytown EL.
Taneytown JHS.
Thurmont:
Catoctin HS.
St. John EL.
Thurmont EL.
Thurmont JHS.
Tracys Landing; Tracys EL.
Trappe:
Trappe EL.
White Marsh EL.

Union Bridge:
Elmer A. Wolfe EL.
Francis Scott Key HS.
Upper Marlboro:
Douglass EL.
Frederick Douglass HS.
Largo HS.
Patuxent EL.
St. Mary of the Assumption EL.
Vienna; Vienna EL.
Washington, D.C.:
Beaver Heights EL.
Carmody Hills EL.
Fairmont Heights HS.
Francis Scott Key JHS.
Mary M. Bethune JHS.
Morningside EL.
Westernport:
Bruce J–SHS.
Westernport EL.
Westminster; East End EL.
Westover; Westover EL.
Whaleysville; Whaleysville EL.
Wheaton:
Belt JHS.
Wheaton HS.
Williamsport; Williamsport EL.
Worton:
Kent County EL.
Worton EL.

MASSACHUSETTS

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (City or Town); Name of School

Adams-Cheshire:
Cheshire EL.
Commercial Street EL.
Hoosac EL.
Howland EL.
Plunket Intermediate.
Amesbury:
Amesbury EL.
Sacred Heart EL.
St. Joseph EL.
Arlington; St. Anne EL.
Ashburnham:
Cushing Academy (9–12).
John R. Briggs EL.
Ashfield; Sanderson Academy EL.
Athol:
Athol JHS.
Ellen Bigelow EL.
Pleasant Street EL.
Riverbend EL.
Sanders Street EL.
Attleboro:
Joseph O. Tiffany EL.
Richardson EL.
Barnstable:
Barnstable HS.
Hyannis EL.
Nazareth Hall on the Cape EL.
Barre:
Roger F. Langley EL.
Ruggles Lane EL.
Belchertown:
Belchertown J–SHS.
Cold Spring EL.
Franklin EL.
Memorial EL.
Bellingham:
Bellingham Memorial J–SHS.
James J. Keough EL.
Pinecrest EL.
South EL.
Berkley:
Berkley EL.
Berkley JHS.
Beverly:
Abraham Edwards EL.
Hardie EL.
Landmark EL.
Washington EL.
Blackstone; St. Theresa EL.
Boston:
Abraham Lincoln EL.
Albert Palmer EL.
Alexander Hamilton EL.
Benedict Fenwick EL.
Benjamin Dean JHS.
Bigelow EL.
Blessed Sacrament EL.
Boston HS.
Boston Trade HS.
Bunker Hill EL.
Carter EL.
Chapman EL.
Charles E. Mackey EL.
Charles Logue EL.
Charlestown HS.
Christopher Gibson EL.
Clarence R. Edwards JHS.
Commonwealth Housing Project Kindergarten.
Copley Square HS.
Dante Alighieri EL.
Dearborn Annex EL.
Dennis C. Haley EL.
Dorchester HS.
East Boston Head Start.
Edward Everett EL.
Edward Southworth EL.
Emmanuel House Kindergarten.
English HS.
English Language Center.
Fitton EL.
Fitton HS.
George Bancroft EL.
George F. Hoar EL.
Girls HS.
Grover Cleveland EL.
Hamilton Annex EL.
Horace Mann EL.
Hugh Roe O'Donnell EL.
Jamaica Plain HS.
James Otis EL.
James P. Timilty JHS.
Jeremiah E. Burke HS.
John A. Andrew EL.
John Boyle O'Reilly EL.
John J. Williams EL.
John P. Holland EL.
Joseph J. Hurley EL.
Joshua Bates EL.
Lewis Middle.
Manassah E. Bradley EL.
Manville EL.
Martha Baker EL.
Martin Luther King, Jr. Middle.
Massachusetts Experimental School (EL–Secondary)
Mather EL.
Michael J. Perkins EL.
Nathan Hale EL.
Nathaniel Hawthorne EL.
New England Home for Little Wanderers EL.
North Bennett State Industrial School.
NECAP Head Start.
Oliver Holden EL.
Oliver Wendell Holmes JHS.
Our Lady of Lourdes EL.
Our Lady of Perpetual Help EL.
Patrick F. Gavin JHS.
Phillips Brooks EL.
Quincy E. Dickerman EL.
Quincy EL.
Rafael Hernandez EL.
Ralph Waldo Emerson EL.
Roger Clap EL.
Samuel W. Mason EL.
Savin Hill Relocatable EL.
South Boston HS.
St. Ambrose EL.
St. Anthony EL.
St. Augustine EL.
St. Catherine EL.
St. Kevin EL.
St. Margaret EL.
St. Mary EL.
St. Matthew EL.
St. Patrick EL.
St. Patrick Secondary (9–12).
St. Peter EL (South Boston).
St. William EL.
Theodore Lyman EL.
The Kingsley EL.
Thomas A. Edison JHS.
Thomas N. Hart JHS.
Thompson Academy HS.
Warren-Prescott EL.
Washington Allston EL.
Washington Irving JHS.
W. H. Kent EL.
William Bacon EL.
William E. Russell EL.
William H. Ohrenberger EL.
William Lloyd Garrison EL.
William Monroe Trotter EL.
Woodrow Wilson JHS.
Bourne; Bourne JHS.
Braintree:
Josephine B. Colbert EL.
Noah Torrey EL.
Bridgewater:
Burnell EL.
Dr. A. F. Hunt EL.
William H. McElwain EL.
Williams Middle.
Brockton:
B.B Russell EL.
Downey EL.
Franklin EL.
Gilmore EL.
Goddard EL.
James Edgar EL.
Lincoln EL.
Perkins EL.
Porter Kindergarten.
St. Colman EL.
St. Edward EL.
St. Patrick EL.
Winthrop EL.
Brookfield; Brookfield EL.
Brookline:
Childrens Center Nursery.
Edward Devotion EL.
New Perspectives EL.
Pierce EL.
Pollock School, Inc EL.
Sewall EL.
United Parish Church Head Start.
William H. Lincoln EL.
Winchester Pre-School.
Cambridge:
Cambridge Community HS.
Cambridge Montessori.
Carroll-Hall EL.
Central EL.
Charles G. Harrington EL.
Fletcher EL.
King EL.
KLH Child Development Center Nursery.
Morse EL.
Notre Dame EL.
St. John the Evangelist EL.
St. Mary EL.
Canton:
Dean S. Luce EL.
Hemenway EL.
Carver:
Benjamin Ellis EL.
Governor John Carver EL.
Chelsea:
Shurtleff EL.
Shurtleff JHS.
St. Rose EL.
Williams EL.
Williams JHS.

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Chicopee:
Alvord EL.
Assumption EL.
Barry EL.
Belcher EL.
Bowe EL.
Chapin EL.
Fairview Memorial EL.
Gen. John J. Stefanik EL.
Lambert-Lavoie EL.
Litwin EL.
Chilmark; Chilmark EL.
Dalton (Central Berkshire):
Becket Consolidated EL.
Kittridge EL.
Peru Center EL.
Washington EL.
Danvers:
Danversport EL.
Maple Street EL.
Riverside EL.
Tapley EL.
Dedham:
Avery EL.
St. Mary EL.
Douglas:
Douglas Center EL.
East Douglas EL.
Douglas Memorial HS.
Dracut; Dracut Centre EL.
Dudley-Charlton Region:
Charlton EL.
City Grade EL.
East Bridgewater; Self Help Headstart.
East Brookfield; Memorial EL.
Easthampton:
Notre Dame EL.
Park EL.
Erving; Erving Center EL.
Everett:
Adams EL.
Albert W. Lewis EL.
Benjamin Franklin EL.
Centre EL.
Devens EL.
Edward Everett Hale EL.
George G. Hamilton EL.
Horace Mann EL.
Lafayette EL.
Nichols EL.
Webster EL.
Winslow EL.
Fairhaven:
Job C. Tripp EL.
Leroy Wood EL.
Oxford EL.
Fall River:
Carroll Annex EL.
Charles V. Carroll EL.
Coughlin EL.
Davol EL.
Espirito Santo EL.
Fall River Girls Vocational HS.
Fall River Middle.
George B. Stone EL.
Harriet T. Healy EL.
Hartwell Street EL.
James Madison Morton JHS.
James M. Aldrich EL.
Jerome Dwelly EL.
John J. Doran Annex EL.
Laurel Lake EL.
Leontine Lincoln EL.
Nazareth Hall EL.
Osborn Street EL.
Pine Street EL.
Ralph M. Small EL.
Sacred Heart EL.
Samuel Watson EL.
Slade EL.
Spring Street EL.
St. Anne EL.
St. Jean Baptiste EL.
St. Michael EL.
St. Patrick EL.
St. Vincent EL.
Ss. Peter & Paul EL.
Susan H. Wixon EL.
Westall EL.
William Connell EL.
Falmouth:
East Falmouth EL.
Falmouth Child Development Nursery.
Falmouth Intermediate.
Fitchburg:
Ashburnham Street EL.
Bartley-Nolan EL.
B. F. Brown JHS.
Bond Street Headstart.
Christ Church Headstart.
Crocker EL.
Day Street Nursery.
East Street EL.
Fitchburg HS.
Goodrich Street EL.
Head Start-Snow School.
Laurel Street EL.
McKay Campus JHS.
McKay Campus HS.
Memorial JHS.
Montachusett Vocational Technical School (7–12).
Reingold EL.
Sheridan Street EL.
South Fitchburg EL.
St. Anthony Headstart.
St. Joseph EL.
Walnut Street EL.
West Fitchburg EL.
Framingham:
Title III Bilingual Center.
Woodrow Wilson EL.
Franklin; Four Corners EL.
Gardner; School Street EL.
Gateway:
Chester EL.
Middlefield EL.
Murrayfield EL.
Russell EL.
Gloucester:
Forbes EL.
Hovey EL.
Maplewood EL.
St. Ann EL.
Veterans Memorial EL.
Grafton; Fisherville EL.
Great Barrington; Brookside in Berkshires EL.
Greenfield:
Conway Street EL.
Davis Street EL.
Federal Street EL.
Green River EL.
Newton EL.
North Parish EL.
Pierce Street EL.
Halifax; Halifax EL.
Hanover; Cardinal Cushing EL.
Haverhill:
Bartlett EL.
Burnham EL.
Cogswell EL.
Consentino EL.
Haverhill Trade HS.
Knipe EL.
Moody EL.
St. James EL.
St. Joseph EL.
Tilton EL.
Winter Street EL.
Holliston; Marsalin Institute EL.
Holyoke:
H.B. Lawrence JHS.
Holyoke Trade HS.
Lawrence EL.
Mary Immaculate EL.
Mater Dolorosa EL.
Our Lady of Perpetual Help EL.
Sacred Heart EL.
South Chestnut Street EL.
Springdale EL.
West Street EL.
William Whiting EL.
Hopedale:
Dutcher Street EL.
Memorial EL.
Park Street EL.
Hudson:
High Street EL.
Meadowbrook Adventist EL.
Hudson Middle H.
Hull:
Hull HS.
Leonard L. Damon EL.
Lillian M. Jacobs EL.
Memorial Middle.
Lawrence:
Alexander B. Bruce EL.
Arlington EL.
Charles S. Storrow EL.
Daniel Saunders, EL.
Emily G. Wetherbee JHS.
Francis M. Leahy EL.
James F. Hennessey EL.
James F. Leonard EL.
James I. Lawlor EL.
John Breen EL.
John R. Rollins EL.
Lawrence HS.
Park Street EL.
Robert L. Frost EL.
St. Anne EL.
St. Francis EL.
Lee; Lee Central EL.
Lenox; Rockwood Academy EL.
Leominster:
Fall Brook EL.
Lancaster Street EL.
Lincoln EL.
Priest Street EL.
Lowell:
Abraham Lincoln EL.
Ames Street EL.
Bartlett EL.
Bartlett JHS.
Butler JHS.
Cardinal O'Connell EL.
Central Street EL.
Colburn EL.
Eliot EL.
E. N. Rogers EL.
Franco-American EL.
Green EL.
Greenhalge EL.
Hugh J. Molloy EL.
Laura E. Lee EL.
Lowell Girls Vocational HS.
Moody JHS.
Notre Dame de Lourdes EL.
Oakland EL.
Peter W. Reilly EL.
Pond Street EL.
Riverside EL.
Rogerson EL.
Sacred Heart EL.
Shaughnessy EL.
Ste. Jeanne d'Arc EL.
St. Joseph EL.
St. Joseph HS.
St. Michael EL.
St. Patrick EL.
St. Peter EL.
Tenth Street EL.
Varnum EL.
Lynn:
Breed EL.
Breed JHS.
Burrill EL.
Cobbet JHS.
Eastern JHS.
E. J. Harrington EL.
Highland EL.
Hood EL.
Ingalls EL.
Julia F. Callahan EL.
Junior Vocational Technical School (9).
Lewis EL.
Light Street EL.
Lynn Industrial Shoemaking School (UG).
O'Keefe EL.

St. Jean Baptiste EL.
St. Mary EL.
Tracy EL.
Malden:
Charles A. Daniels EL.
Lincoln EL.
Lincoln JHS.
Marblehead; St. Andrews Cooperative Nursery.
Marlborough:
Bigelow EL.
Hillside EL.
Mary Immaculate J–SHS.
Mattapoisett; Center EL.
Medford:
Hancock EL.
John F. Kennedy EL.
Osgood EL.
Swan EL.
Melrose:
Calvin Coolidge EL.
Lincoln EL.
Methuen:
Corliss EL.
West EL.
Middleborough:
Flora M. Clark EL.
Henry B. Burkland JHS.
Mayflower EL.
School Street EL.
South Middleborough EL.
Milford:
Congress Street EL.
Pine Street EL.
Spruce EL.
Millville; Longfellow EL.
Monson; Hillside EL.
Montague:
Central Street EL.
Highland EL.
Montague Center EL.
Montague City EL.
South End EL.
New Bedford:
Abraham Lincoln EL.
Acushnet Avenue EL.
Clark Street EL.
County Street EL.
Elizabeth Carter Brooks EL.
Elwyn G. Campbell EL.
Horatio A. Kempton EL.
Immaculate Conception Public EL.
John Avery Parker EL.
John Hannigan EL.
John B. Devalles EL.
John H. Clifford EL.
Mount Pleasant EL.
Phillips Avenue EL.
R. C. Ingraham EL.
Roosevelt JHS.
Sarah D. Ottiwell EL.
Sgt. William H. Carney Academy EL.
T. A. Greene EL.
Thomas R. Rodman EL.
Thompson Street EL.
New Salem; New Salem Center EL.
Newbury:
Newbury EL.
Woodbridge EL.
Newburyport:
Davenport EL.
George W. Brown EL.
Kelley EL.
Rupert Knock Middle.
Newton:
Emerson EL.
Lincoln-Eliot EL.
Norfolk:
Alvin J. Freeman EL.
Centennial EL.
North Adams:
Brayton JHS.
Charles H. McCann Technical HS.
East EL.
Freeman JHS.
Greylock EL.
Johnson EL.
Sarah T. Haskins EL.
North Andover:
Bradstreet EL.
Kittredge EL.
Thomson EL.
Northampton:
D. A. Sullivan EL.
King Street EL.
Northbridge:
Cross Street EL.
Plummer EL.
North Middlesex; Ashby EL.
North Reading; Marea J. Murphy EL.
Norton; Norton EL.
Oakham; Oakham Center EL.
Orange:
Butterfield EL.
Dexter Park EL.
Gale Brooks EL.
Ralph C. Mahar Regional J–SHS.
Palmer; Thorndike Grammar EL.
Peabody:
Thomas Carroll EL.
Wallis EL.
Petersham; Petersham Center EL.
Phillipston; Phillipston Memorial EL.
Pittsfield:
Bartlett EL.
Briggs EL.
Crane EL.
Follow Through Program (K–3).
John C. Crosby JHS.
North JHS.
Plunkett EL.
Pontoosuc EL.
Tucker EL.
W. B. Rice EL.
Plymouth:
Hedge EL.
Manomet EL.
Mount Pleasant EL.
Nathaniel Morton EL.
Oak Street EL.
Plymouth-Carver Intermediate.
Quincy:
Adams EL.
Broad Meadows JHS.
Daniel Webster EL.
Quincy Point JHS.
Snug Harbor EL.
Thomas B. Pollard EL.
Willard EL.
Revere:
Abraham Lincoln EL.
Carl Willard Mabie EL.
Liberty EL.
Mary T. Ronan EL.
Paul Revere EL.
Wolcott EL.
Rockland:
Lincoln EL.
McKinley EL.
Memorial Park EL.
Rowe; Rowe EL.
Royalston; South Royalston EL.
Salem:
Bentley EL.
Carlton EL.
Hawthorne EL.
Saltonstall EL.
Salisbury; Memorial EL.
Savoy; Savoy EL.
Shelburne Falls (Hawlemont); Hawlemont Regional EL.
Somerville:
Arthur D. Healey EL.
Baxter EL.
Bingham EL.
Charles G. Pope EL.
Conwell EL.
Cummings EL.
Edgerly EL.
George W. Durell EL.
George O. Proctor EL.
Grimmons EL.
Hodgkins EL.
John F. Kennedy EL.
Mark Burns EL.
Martha Perry Lowe EL.
Martin W. Carr EL.
Oren S. Knapp EL.
Perry EL.
Prescott EL.
S. Newton Cutler EL.
Somerville HS.
Somerville Technical Trade HS.
Southern JHS.
Western JHS.
Southbridge:
Charlton Street EL.
Mary E. Wells JHS.
Pleasant Street EL.
Pre-Vocational School (8).
Springfield:
Acushnet Avenue EL.
Armory Street EL.
Brightwood EL.
Carew Street EL.
Chestnut Street JHS.
Classical JHS.
Eastern Avenue EL.
Elias Brookings EL.
Forest Park JHS.
Glenwood EL.
High School of Commerce.
Hiram L. Dorman EL.
Homer Street EL.
Howard Street EL.
Indian Orchard EL.
Jefferson Avenue EL.
John F. Kennedy JHS.
John J. Duggan JHS.
Kensington Avenue EL.
Learning Disability Center EL.
Lincoln EL.
M. Marcus Kiley JHS.
Margaret C. Ells EL.
Mary O. Pottenger EL.
Memorial EL.
Myrtle Street EL.
Samuel Bowles EL.
School Street EL.
Tapley EL.
Springfield Technical HS.
Title I Reading Center.
Van Sickle JHS.
White Street EL.
Stoneham:
Emerson EL.
North EL.
South EL.
Stoughton:
Clapp EL.
Edwin A. Jones EL.
Kimball EL.
West EL.
Sutton; Manchaug EL.
Taunton:
Caleb Barnum EL.
Cohannet EL.
Elizabeth Pole EL.
Hopewell EL.
James L. Mulcahey EL.
Lowell M. Maxham EL.
School Street EL.
Sheridan Street EL.
Summer Street EL.
Washington EL.
Weir Grammar EL.
Templeton:
East Templeton EL.
Otter River EL.
Tewksbury; Shawsheen EL.
Tyngsborough:
Lakeview EL.
Tyngsborough J-SHS.
Winslow Middle.
Uxbridge:
Earl D. Taft EL.
North Uxbridge EL.
Whitin Intermediate.
Wakefield; Yeuell EL.
Wales; Wales EL.
Waltham:
Chauncey Newhall EL.
Ezra C. Fitch EL.
Henry Whittemore EL.
Nathaniel T. Banks Intermediate.
Royal E. Robbins EL.
School Street EL.
South JHS.
Thomas R. Plympton EL.

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Ware:
Church Street Intermediate.
Mount Carmel Public EL.
South Street EL.
Wareham:
East Wareham EL.
Everett EL.
John William Decas EL.
Minot Forest EL.
Onset EL.
Wareham Intermediate.
Wareham J–SHS.
West Wareham EL.
Watertown:
Coolidge EL.
Marshall Spring EL.
Webster:
Filmer EL.
Morris Street EL.
Thompson EL.
Webster Intermediate.
Wellesley:
Joseph E. Fiske EL.
Otho L. Schofield EL.
Wendell; Wendell Center EL.
Westfield:
Fort Meadow EL.
Franklin Avenue EL.
Southampton Road EL.
Westport:
Alice A. Macomber EL.
Greenwood Park EL.
Westport Middle
West Springfield:
Main Street EL.
Memorial EL.
Park Avenue EL.
West Tisbury; West Tisbury EL.
Weymouth:
James Humphrey EL.
Wessagusset EL.
Whitman:
Frank E. Holt EL.
Regal Park EL.
Wilmington; Glen Road EL.
Winchendon:
Marvin EL.
Old Murdock EL.
Poland EL.
Streeter EL.
Tucker EL.
White EL.
Woodcock EL.
Winthrop:
Edward B. Newton EL.
Preston L. Chase EL.
Woburn:
George I. Clapp EL.
John F. Kennedy JHS.
Linscott-Rumford EL.
Malcolm White EL.
Mary D. Altavesta EL.
Plympton EL.
Shamrock Memorial EL.
Worcester:
Abbott Street EL.
Adams Street EL.
Belmont Hill Community EL.
Bloomingdale EL.
Burncoat HS.
Cambridge Street EL.
Canterbury Street K–8.
Chandler Street EL.
Clark Street EL.
Columbus Park K–8.
Dartmouth Street EL.
Downing Street EL.
Edgeworth Street EL.
Elm Park Community EL.
Freeland Street EL.
Gage Street EL.
Gates Lane EL.
Grafton Street EL.
Granite Street EL.
Harlow Street EL.
Harrington Way JHS.
Lamartine Street EL.
Malvern Road EL.
North HS.
Oxford Street EL.
Providence Street JHS.
Quinsigamond EL.
St. Nicholas Avenue Community EL.
Union Hill Public EL.
Upsala Street EL.
Winslow Street EL.
Woodland Street Community EL.
Worcester East Middle.
Worcester Boys Trade HS.

MICHIGAN

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Adrian:
Adrian Training School (Ungraded).
Comstock EL.
Garfield EL.
Jefferson EL.
Madison K–12.
McKinley EL.
Michener EL.
Alanson; Littlefield K–12.
Alba; Alba EL–JHS–SHS.
Albion:
Crowell EL.
Dalrymple EL.
Harrington EL.
Washington Gardner JHS.
Algonac:
Algonac EL.
Roy T. Gilbert JHS.
Allegan; Southward EL.
Alma:
Pine EL.
Republic EL.
Alpena:
Hinks EL.
Lincoln EL.
Alto; Kettle Lake EL.
Ann Arbor:
Arbor Heights Center (Ungraded).
Clinton I and II EL.
Jones EL.
Mack EL.
Mitchell EL.
Northside EL.
Applegate; Applegate EL.
Ashley; Ashley K–12.
Athens:
Athens JHS.
Athens SHS.
Atlanta; Atlanta K–12.
Atlantic Mine; Redridge EL.
Auburn:
Auburn EL.
John Adams EL.
Auburn Heights; Auburn Heights EL.
Au Gres:
Au Gres-Sims EL.
Au Gres-Sims J–SHS.
Avoca; Avoca EL.
Bach; St. Peter EL.
Baldwin:
Baldwin EL.
Baldwin JHS.
Baldwin SHS.
Nelson EL.
Bangor:
Bangor EL.
Bangor JHS.
Baraga; Philip La Tendresse EL.
Bark River; Ford River EL.
Barryton; Barryton EL.
Barton City; Barton City EL.
Battle Creek:
Ann J. Kellogg EL.
Brownlee Park EL.
Central SHS.
Franklin EL.
Lincoln EL.
McKinley EL.
Northwestern JHS.
Poulsen EL.
Roosevelt EL.
Southeastern JHS.
Southwestern JHS.
Wilson EL.
Bay City:
Bangor JHS.
Central EL.
Dolsen EL.
Dorland EL.
Farragut EL.
Fremont EL.
Garfield EL.
Hampton EL.
John Glenn SHS.
Lincoln (Bangor Township) EL.
Lincoln (Bay City) EL.
Linsday JHS.
MacGregor JHS.
McKinley EL.
Mount Vernon EL.
South EL.
Trombley EL.
Washington JHS.
Wenona EL.
Whittier EL.
Woodside EL.
Bay Port; Bay Port EL.
Beaver Island; Beaver Island EL–JHS–SHS.
Belding:
Cooks Corners EL.
Smyrna EL.
Bellevue; Southeastern EL.
Benton Harbor:
Bard EL.
Benton Harbor JHS.
Benton Harbor SHS.
Boynton EL.
Calvin Britain EL.
Columbus EL.
Continuing Education SHS.
Fair Plain JHS.
Fair Plain East EL.
H.C. Morton EL.
Hull EL.
Johnson EL.
King EL.
La Fayette EL.
North East EL.
North Shore EL.
Seely-McCord EL.
Sterne Brunson EL.
Bergland; Bergland K–12.
Berkley:
Angel EL.
Berkley EL.
Oxford EL.
Pattengil EL.
Bessemer; Washington EL.
Big Bay; Powell EL.
Big Rapids:
Eastwood EL.
Hillcrest EL.
Pineview EL.
Bitely; Bitely EL.
Blanchard; Blanchard EL.
Bloomingdale:
Bloomingdale EL.
Bloomingdale JHS.
Boyne City:
Boyne City EL.
Boyne City J–SHS.
Boyne Falls; Boyne Falls K–12.
Bridgeport:
Hanlon EL.
Schluckebier EL.
Brimley; Brimley K–12.
Bronson:
Anderson EL.
Ryan EL.

Brown City; Brown City (Early) EL.
Bruce Crossing; Paynesville EL.
Buckley; Buckley K–12.
Burlington; Burlington EL.
Burnips; Burnips EL.
Cadillac:
Cass EL.
Kenwood EL.
Lincoln EL.
Caledonia; Caledonia EL.
Calumet:
Calumet SHS.
Centennial EL.
M.M. Morrison EL.
Washington EL.
Camden:
Camden-Frontier EL.
Camden-Frontier J–SHS.
Cannonsburg; Cannonsburg EL.
Capac:
Capac EL.
Capac Middle.
Carney; Carney-Nadeau K–12.
Caro:
Ben H. McComb EL.
Frank E. Schall EL.
Carrollton:
Union EL.
Union Prekindergarten.
Carson City:
Carson City EL.
Carson City-Crystal J–SHS.
Cass City:
Campbell EL.
Cass City JHS.
Cassopolis:
Brookside JHS.
Cassopolis SHS.
Geneva EL.
Geneva (Later) EL.
Red Brick JHS.
Salisbury EL.
Squires EL.
Vandalia EL.
Cedar; Holy Rosary EL.
Cedar River; Cedar River EL.
Cedar Springs; Cedar Springs EL.
Center Line; Miller EL.
Central Lake; Central Lake K–12.
Champion; Ely EL.
Chassel; Chassel K–12.
Cheboygan:
Black River EL.
Cheboygan JHS.
Cheboygan SHS.
East EL.
Inverness EL.
West EL.
Clarkston:
Andersonville EL.
Bailey Lake EL.
Clawson; Parkland EL.
Clayton; Clayton EL.
Coldwater:
Franklin EL.
Lincoln EL.
St. Charles EL.
Coleman:
Coleman EL.
Coleman JHS.
Comstock; East EL.
Cooks; Big Bay de Noc K–12.
Coopersville:
Conklin EL.
Coopersville EL.
Copper City; Copper City EL.
Coral; Coral EL.
Cornell; Cornell EL.
Covert:
Covert EL.
Covert J–SHS.
Croswell; Frostick EL.
Crystal; Crystal EL.
Curtis; Curtis EL.
Custer; Mason County Eastern K–12.
Dafter; Bruce Township EL.
Daggett; Daggett EL.
Dansville; Dansville EL.
Dearborn:
Miller EL.
Salina EL–JHS.
Dearborn Heights; Federal EL.
Decatur:
Decatur EL.
Decatur (Grade) EL.
Decatur (Later) EL.
Decker; Evergreen EL.
Deckerville; Deckerville K–12.
Deerton; AuTrain EL.
Deford; Deford EL.
Delton; Delton-Kellogg K–12.
Detroit:
Alger EL.
Balch EL.
Barbour JHS.
Bell EL.
Bellevue EL.
Berry EL.
Brady EL.
Breitmeyer EL.
Bunche EL.
Burroughs JHS.
Burton EL.
Butzel JHS.
Campau EL.
Campbell and Annex EL.
Carstens EL.
Cary EL.
Central SHS.
Chandler EL.
Channey EL.
Clipert EL.
Columbian EL.
Columbian Primary.
Condon JHS.
Couzens EL.
Craft EL.
Crosman EL.
Dancy EL.
Davison EL.
Dexter EL.
Duffield EL.
Durfee JHS.
Dwyer EL.
East Catholic SHS
Eastside Vicariate EL.
Edmonson EL.
Ellis & Special EL.
Fairbanks EL.
Farrand EL.
Ferry and Annex EL.
Field and Annex EL.
Foch JHS.
Foster EL.
Franklin EL.
George EL.
Glazer EL.
Goldberg EL.
Greusel JHS.
Hancock Primary EL.
Harris EL.
Herman EL.
Hilger EL.
Holmes and Annex EL.
Holy Redeemer EL–SHS.
Howe EL.
Hunter EL.
Hutchins JHS.
Hutchinson EL.
Jamieson EL.
Jefferson JHS.
Jeffries EL.
Jones EL.
Jones and Annex EL.
Joy JHS.
Joyce EL.
Keating EL.
Keidan and Annex EL.
Kennedy EL.
Kettering and Annex SHS.
King SHS.
Knudson JHS.
Krolik EL.
Leland EL.
Lillibridge EL.
Lincoln EL.
Lingeman EL.
Longfellow JHS.
Lyster EL.
Mack EL.
Macomb EL.
Marcy EL.
Marxhausen EL.
Marxhausen Primary.
Maybee EL.
McGraw and Annex EL.
McKerrow EL.
McKinstry EL.
McMichael JHS.
McMillan JHS.
McMillan EL.
Miller JHS.
Mitzner EL.
Monteith EL.
Moore EL.
Moore Special EL.
Morley EL.
Most Holy Trinity EL.
Murray Wright SHS.
Myrtle EL.
Newberry EL.
Nichols EL.
Northeastern SHS.
Northern SHS.
Northwestern SHS.
Norvell EL.
Our Lady of Christians EL.
Owen EL.
Palmer EL.
Parke and Annex EL.
Patronage of St. Joseph EL.
Pattengill EL.
Peck EL.
Pelham JHS.
Pingree EL.
Potter EL.
Preston EL.
Robinson JHS.
Roosevelt EL.
Rose EL.
Ruthruff EL.
Sampson EL.
Sanders EL.
Scripps EL.
Scripps Annex EL.
Servite SHS.
Sherrard JHS.
Sherrill EL.
Sill EL.
Southeastern SHS.
Spain JHS.
Stark EL.
Stephens EL.
Stewart EL.
St. Ambrose EL.
St. Augustine EL.
St. Casmir EL.
St. Cecelia JHS.
St. Clair EL.
St. Clair Annex EL.
St. Gabriel EL.
St. Hyacinth EL.
St. Ignatius EL.
St. John Berchmans EL.
St. Leo EL.
St. Martin de Porres SHS.
St. Stanislaus SHS.
St. Theresa EL.
St. Vincent SHS.
Tappan JHS.
Tendler EL.
Thirkell EL.
Thomas EL.
Transfiguration EL.
Trombley EL.
Trowbridge EL.
Webber JHS.
Western SHS.
Whitney Young JHS.
Williams EL.
Wingert EL.
Winterhalter JHS.
Woodward EL.
Dorr; Dorr EL.

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Dowagiac:
Lincoln EL.
McKinley EL.
East Detroit; Woodland EL.
East Jordan:
East Jordan EL.
East Jordan J–SHS.
East Lansing:
Donley EL.
Whitehills EL.
East LeRoy; East LeRoy EL.
Eaton Rapids:
Eaton Rapids Intermediate.
Eaton Rapids SHS.
King Street EL.
Northwestern EL.
Eau Claire:
Eau Claire J–SHS.
Lybrook EL.
Eben Junction; Rock River K–12.
Ecorse:
Bunche EL.
Ecorse SHS.
Kennedy EL.
Miller EL.
School One EL.
School Two EL.
Edmore; Second Street EL.
Edwardsburg:
Eagle Lake EL.
Edwardsburg EL.
Edwardsburg JHS.
Edwardsburg SHS.
Elberta; Elberta EL.
Elk Rapids; Lakeland EL.
Elkton; Elkton EL.
Elmira; Elmira EL.
Escanaba:
Franklin EL.
Soo Hill EL.
Washington EL.
Webster EL.
Essexville; Verellen EL.
Evart:
Evart EL.
Evart JHS.
Evart SHS.
Ewen:
Ewen EL.
Ewen-Trout Creek SHS.
Falmouth; Falmouth EL.
Farmington:
Edgewood EL.
Gill Road EL.
Larkshire EL.
Shiawasee EL.
Westbrook EL.
William Grace EL.
Farwell:
Farwell EL.
Farwell J–SHS.
Fennville:
Anna Michen EL.
Fennville JHS.
Ferry; Ferry EL.
Flat Rock; Maple Grove JHS.
Flint:
Beecher SHS.
Brownell EL.
Bryant JHS.
Buell EL.
Bunche EL.
Carpenter Road EL.
Cook EL.
Daniel O'Sullivan EL.
Dewey EL.
Dort EL.
Doyle EL.
Eisenhower EL.
Emerson EL.
Emerson Intermediate.
Garfield EL.
Gillespie EL.
Gundry EL.
Gustin EL.
Hamady EL.
Harrow EL.
Holmes EL.
Homedale EL.
Jefferson EL.
Kennedy EL.
King EL.
Kurtz EL.
Lincoln EL.
Longfellow JHS.
Lowell JHS.
Manley EL.
Martin EL.
McKinley JHS.
Messer EL.
Northgate EL.
Oak EL.
Parkland EL.
Pierson EL.
Stevenson EL.
Stewart EL.
Summit JHS.
Washington EL.
West Bendle EL.
Westwood EL.
Whittier JHS.
Williams EL.
Woodland EL.
Zink EL.
Fostoria; Fostoria EL.
Freeport; Freeport EL.
Freesoil; Freesoil K–12.
Fremont; Lordon Pre-kindergarten.
Galien; Galien EL.
Gaylord; Gaylord EL.
Germfask; Germfask EL.
Gladstone; Gladstone K–12.
Gladwin:
Gladwin EL.
Gladwin SHS.
Gladwin Middle.
Glennie; Glennie EL.
Goodells; Ruby EL.
Grand Haven:
Central EL.
Connell EL.
Elliott EL.
Ferry EL.
Robinson EL.
Grand Junction; Grand Junction EL.
Grand Rapids:
Ada EL.
Alexander EL.
Buchanan EL.
Burton EL.
Burton JHS.
Campau Park EL.
Catholic Central SHS.
Central SHS.
Colt EL.
Colbrook Special EL.
Congress EL.
Creston SHS.
Dickinson EL.
East Leonard EL.
Franklin EL.
Fountain EL.
Hall EL.
Harrison Park EL.
Henry EL.
Immanuel Lutheran EL.
Iroquois JHS.
Jefferson EL.
Kelloggsville East EL.
Kelloggsville Southwest EL.
Kelloggsville West EL.
Kensington EL.
Lady of Sorrows EL.
Lexington EL.
Madison Park EL.
Morris EL.
Oakdale EL.
Orchard View EL.
Ottawa Hills SHS.
Ottawa EL.
Palmer EL.
Ridgemoor EL.
Roosevelt EL.
Sacred Heart EL.
Sheldon EL.
Sherwood Park EL.
Sibley EL.
Sigsbee EL.
South Middle.
St. Alphonsus EL.
St. Andrews EL.
St. James EL.
Stocking EL.
Straight EL.
Union SHS.
Vandenberg EL.
West Catholic SHS.
West Middle.
Grandville; Central EL.
Grayling:
Frederick EL.
Grayling EL.
Grayling J–SHS.
Greenville:
Baldwin Heights EL
Cedar Crest EL.
Lincoln Heights EL.
Turk Lake EL.
Walnut EL.
Gulliver; Doyle EL.
Hale; Hale EL.
Hamilton:
Bentheim EL.
Hamilton EL.
Hamtramck:
Dickinson EL.
Hamtramck SHS.
Holbrook EL
Kosciuszko EL.
Harbor Beach:
Harbor Beach EL.
Harbor Beach J–SHS.
Zion Lutheran EL
Harbor Springs; Shay EL.
Harris; Bark River-Harris EL.
Harrison:
C. A. Ambel EL.
Harrison EL.
Harrison Middle.
Harrison SHS.
Hart:
Elbridge K–12.
Spitler EL.
Weare-Crystal EL.
Hartford:
Hartford North EL.
Hartford South EL.
Seventh Day Adventist EL.
Haslett:
Haslett JHS.
Haslett SHS.
Murphy EL.
Vera Raiya EL.
Hastings:
Algonquin Lake EL.
Altoft EL.
Central EL.
Hastings SHS.
Hastings JHS.
Northeastern EL.
Pleasantview EL.
Welcome Corners EL.
Hazel Park:
Beecher JHS.
Clark EL.
Ford EL.
Hazel Park SHS.
Hoover EL.
Jardon J–SHS.
Longfellow EL.
United Oaks EL.
Webb JHS.
Webster EL.
Hermansville; Hermansville EL–JHS.
Hersey; Hersey EL.
Hesperia; Hesperia K–12.
Highland; Apollo EL.
Highland Park:
Barber EL.
Courtland EL.
Ferris JHS.
Ford JHS.
Liberty EL.
Midland EL.
Nursery EL.
St. Benedict EL.
Thompson EL.
Willard EL.

Hillman:
Hillman K–12.
Mount Morency EL.
Rust EL.
Hillsdale; Bailey EL.
Holland:
Blue Star EL.
Federal EL.
Lincoln EL.
Longfellow EL.
Montello EL.
St. Francis De Sales EL.
Sandy View EL.
Van Raalte EL.
Washington EL.
Holton:
Holton EL.
Holton JHS.
Homer:
Homer Community J–SHS.
Lillian Fletcher EL.
Houghton; Houghton K–12.
Houghton Lake; Collins EL.
Howard City; MacNaughton EL.
Hubbard Lake:
Caledonia EL.
Ossineke EL.
Hubbardston; Hubbardston EL.
Hudsonville; Park EL.
Idlewild; Yates EL.
Indian River; Inland Lakes K–12.
Inkster:
Brake EL.
Carver EL.
Daly EL.
Douglass EL.
Fellrath Middle.
Frazier EL.
Hicks EL.
Inkster SHS.
Lincoln C.D.C. EL.
McNair EL.
Parkwood EL.
Woodson EL.
Ionia:
Benedict EL.
Coon EL.
Iron Mountain:
Amidon EL.
East JHS.
Iron Mountain JHS.
Iron Mountain SHS.
North Dickenson County K–12.
Iron River:
Bates EL.
Central EL.
West Iron County SHS.
Ironwood:
Central EL.
Newport EL.
Norrie EL.
Roosevelt EL.
Sleight EL.
Wright SHS.
Ishpeming:
Central EL.
Ishpeming Grammar EL.
Ithaca:
Ithaca J–SHS.
Sumner EL.
Jackson:
Allen EL.
Bennett EL.
East JHS.
Hunt JHS.
McCulloch EL.
McDevitt EL.
Parkside SHS.
Tomlinson EL.
Wilson EL.
Jasper; Jasper EL.
Johannesburg; Johannesburg EL.
Kalamazoo:
Brucker EL.
Central SHS.
Chime EL.
Edison EL.
Edison (Later) EL.
Greenwood EL.
Hillside JHS.
Indian Prairie EL.
Lakewood EL.
Lakewood Kindergarten.
Lincoln EL.
Lincoln (Later) EL.
Loy Norrix SHS.
McKinley EL.
Milwood EL.
Milwood JHS.
Northeastern JHS.
Northglade EL.
Northglade Kindergarten.
Oakwood EL.
Oakwood JHS.
Roosevelt EL.
Roosevelt Kindergarten.
South JHS.
Spring Valley EL.
Vine EL.
Vine Kindergarten.
Washington EL.
Washington Kindergarten.
West Main EL.
Westwood EL.
Wilson EL.
Wilson Kindergarten.
Winchell EL.
Woodward EL.
Woodward Kindergarten.
Kalkaska:
Kalkaska EL.
Kalkaska J–SHS.
Kawkawlin:
Brissette EL.
Franklin EL.
Kawkawlin EL.
Keego Harbor; Roosevelt EL.
Kinde:
North Huron EL.
North Huron J–SHS.
Kingsley; Kingsley K–12.
Kingston; Kingston EL.
L'Anse; C. J. Sullivan EL.
Lake; Lake EL.
Lake City; Lake City K–12.
Lake Linden:
Lake Linden-Hubbell EL.
Lake Linden-Hubbell J–SHS.
Lakeview:
Lakeview EL.
Lakeview JHS.
Lakeview SHS.
Lake Odessa; West EL.
Lansing:
Allen EL.
Attwood EL.
Bingham, EL.
Cavanaugh, EL.
Cedar Street EL.
Everett EL.
Fairview EL.
Forest Road EL.
Forest View EL.
Foster EL.
Genesee EL.
Gier Park EL.
Grand River EL.
Harley Franks EL.
High Street EL.
Holmes EL.
Holy Cross EL.
Kendon EL.
Lewton EL.
Lyons EL.
Main EL.
Maple Grove EL.
Maple Wood EL.
Meryl Colt EL.
Michigan Avenue EL.
Moores Park EL.
Mount Hope EL.
North EL.
Northwestern EL.
Oak Park EL.
Pleasant Grove EL.
Pleasant View EL.
Reo EL.
Sheridan Road EL.
Stoner EL.
Verlinden EL.
Walnut EL.
Wexford EL.
Willow EL.
Windemere Park EL.
Lapeer:
Elba EL.
Irwin EL.
Maple Grove EL.
Mayfield EL.
Turrill EL.
White JHS.
Lawrence; Lawrence EL.
Lawton; Lawton EL.
Le Roy:
Le Roy EL.
Pine River J–SHS.
Lewiston; Lewiston EL.
Lincoln:
Alcona J–SHS.
Black River EL.
Lincoln EL.
Lincoln Park:
Foote EL.
Hoover EL.
Horger EL.
Keppen EL.
Lafayette EL.
Le Blanc EL.
Paun EL.
Raupp EL.
Lowell:
Bushnell EL.
Lowell Middle.
Lowell SHS.
Runciman EL.
Ludington; Poster EL.
Luther; Luther EL.
Mackinac Island; Mackinac Island K–12.
Madison Heights:
Edison EL.
Roosevelt EL.
Manistee; Manistee Catholic J–SHS.
Manistique:
Central J–SHS.
Fairview EL.
Hiawatha EL.
Lakeside EL.
Lincoln EL.
Manton; Manton K–12.
Maple Rapids; Maple Rapids EL.
Marine City:
Marine City Intermediate.
Palms EL.
Ward Cottrell EL.
Washington EL.
Marion:
Marion EL.
Marion J–SHS.
Marquette; Whitman EL.
Marshall; Mar Lee K–12.
Martin; Martin K–12.
Marysville:
Gardens EL.
Marysville JHS.
Marysville SHS.
Mason; North Aurelius EL.
Mass; Mass EL.
Mayville:
Mayville EL.
Mayville JHS.
Mayville SHS.
Mears; Golden EL.
Mecosta; Mecosta EL.
Memphis:
Memphis EL.
Memphis J–SHS.
Mendon:
Mendon EL.
Mendon SHS.

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Menominee:
Boswell EL.
Central EL.
Grant EL.
Lincoln EL.
Menominee JHS.
Menominee SHS.
Roosevelt EL.
Merritt; Merritt EL.
Mesick; Mesick K–12.
Michigan Center:
Arnold EL.
Clement EL.
Middleville:
McFall EL.
Thornapple-Kellogg JHS.
Thornapple-Kellogg SHS.
West EL.
Midland:
Longview EL.
Mapleton EL.
Mills EL.
Pleasantview EL.
State EL.
Milan:
Brainard EL.
Paddock EL.
Milford:
Duck Lake EL.
Lee Brooks EL.
Millersburg; Millersburg EL.
Mio; Mio-AuSable EL.
Mohawk; Mohawk EL.
Monroe:
Cantrick JHS.
Lincoln EL.
Monroe SHS.
Orchard EL.
Moran; Brevort EL.
Morenci:
Morenci EL.
Morenci JHS.
Morenci SHS.
Mount Clemens:
Clemens EL.
Edison EL.
King EL.
Mount Clemens SHS.
Ojibwa EL.
Rainbow EL.
Seminole JHS.
Washington JHS.
William Nicke EL.
Mount Morris:
Buick EL.
Dailey EL.
Dolan JHS.
Klein EL.
Moore EL.
Mount Pleasant:
Beal City K–12.
Ganiard EL.
Mary McGuire EL.
Munising:
Central EL.
Washington EL.
Mungor; Mungor EL.
Munith; Munith EL.
Muskegon:
Angell EL.
Bates EL.
Beach EL.
Carr EL.
Craig-Nelson EL.
Father Marquette EL.
Froebel EL.
Gustafson EL.
Hile EL.
Holy Trinity EL.
Jibson EL.
Jolman EL.
Marquette EL.
McLaughlin EL.
McMillan EL.
Muskegon SHS.
Muskegon Catholic SHS.
Nelson JHS.
Oakridge JHS.
Oakridge SHS.
Orchard View EL.
Our Redeemer Lutheran EL.
Phillips EL.
Reeths-Puffer EL.
St. Michael EL.
Steele JHS.
Wolf Lake EL.
Muskegon Heights:
Central EL.
Central JHS.
King EL.
Lindbergh EL.
Loftis EL.
Muskegon Heights SHS.
Sacred Heart EL.
National Mine; National Mine K–12.
Negaunee; Central Grade EL.
New Haven:
Frank Lemmon EL.
New Haven JHS.
New Haven SHS.
New Hudson; New Hudson EL.
Newberry:
Newberry EL.
Pentland EL.
Niles:
Brandywine SHS.
Central EL.
LaSalle EL.
Northside EL.
Southside EL.
Westside EL.
Winkler EL.
Northport; Northport K–12.
Norway:
Norway EL.
Norway SHS.
Oak Park:
Carver EL.
Frost JHS.
Oakley; Oakley EL.
Onaway; Onaway K–12.
Onekama; Onekama K–12.
Ontonagon:
Ontonagon EL.
Ontonagon JHS.
Ontonagon SHS.
Orchard Lake; Roosevelt EL.
Orleans; Chittle EL.
Ortonville; Belle Ann EL.
Oscoda; County Line EL.
Otsego; Allegan Street EL.
Owendale; Owendale-Gagetown K–12.
Owosso:
Bryant EL.
Lincoln EL.
West Branch EL.
Palmesdale; Jeffers K–12.
Paris; Big Jackson EL.
Paw Paw; Michigan Avenue EL.
Peck; Peck K–12.
Pelkie:
Laird EL.
Pelkie EL.
Pellston; Pellston EL.
Perkins; Baldwin K–12.
Petoskey:
Ottawa EL.
Resort EL.
Sheridan EL.
Pigeon:
Laker JHS.
Laker SHS.
Pigeon EL.
Pickford; Pickford K–12.
Pinconning:
Central EL.
Linwood EL.
Mount Forest EL.
Pittsford; Pittsford EL.
Pontiac:
Alcott EL.
Bagley EL.
Beaumont EL.
Bethune EL.
Children's Village EL.
Crofoot EL.
Eastern JHS.
Elmwood EL.
Emerson EL.
Four Towns EL.
Haviland EL.
Human Resource Center EL.
Jefferson JHS.
Kennedy JHS.
LeBaron EL.
Lincoln JHS.
Madison JHS.
McCarroll EL.
Pontiac SHS.
Pontiac Northern SHS.
Washington JHS.
Webster EL.
Wilson EL.
Wizner EL.
Port Austin; Port Austin K–12.
Port Hope; Port Hope K–12.
Port Huron:
Cleveland EL.
Fillmore EL.
Grant EL.
Jefferson EL.
Negaunee EL.
Woodrow Wilson EL.
Portland; St. Patrick K–12.
Powers; Powers-Spaulding EL–SHS.
Prescott; Prescott EL.
Prudenville; Youth Rehabilitation Camps (ungraded).
Pullman:
Burrows EL.
Pullman EL.
Quincy:
Jennings EL.
Quincy J–SHS.
Quinnesec; Quinnesec EL.
Rapid City; Rapid City EL.
Ravenna:
Ravenna EL.
Updyke EL.
Reed City:
Reed City EL.
Reed City JHS.
Reed City SHS.
Trinity Lutheran EL.
Remus:
Chippewa Hills SHS.
Remus EL.
River Rouge:
Ann Visger EL.
Dunn EL.
Northrup EL.
River Rouge J–SHS.
Walter White EL.
Riverdale; Riverdale EL.
Rock; Rock K–12.
Rockland; Rockland EL.
Rockwood:
Barrow EL.
Rockwood EL.
Romulus:
Cadillac EL.
Hand EL.
Harrison EL.
Romulus EL.
Rose City; Rose City EL.
Roseville:
Arbor EL.
Edgewood EL.
Grandmont EL.
Rothbury; Rothbury EL.
Royal Oak:
Detroit Baptist Children's Home EL.
Franklin EL.
Grant EL.
Lincoln EL.
Oakland EL.
Whittier EL.

Saginaw:
Arthur Eddy JHS.
Baillie EL.
Banner EL.
Brucker EL.
Buena Vista SHS.
Central JHS.
Claytor EL.
Colonial Village EL.
Doerr EL.
Emerson EL.
Havens EL.
Heavenrich EL.
Hess EL.
Highland Park EL.
Houghton EL.
Jerome EL.
Jessie Loomis EL.
Jessie Rouse EL.
Jones EL.
Kaufman EL.
Longfellow EL.
Longstreet EL.
Mahar EL.
Morley EL.
Nelle Haley EL.
Potter EL.
Ricker EL.
Ricker JHS.
Saginaw SHS.
Saginaw Sacred Heart EL.
Salina EL.
Stone EL.
Webber JHS.
Westdale EL.
St. Charles; Miller EL.
St. Clair; St. Clair JHS.
St. Helen; St. Helen EL.
St. Ignace; St. Ignace Township EL.
St. James; Beaver Island K–12.
St. Johns:
Central EL.
East Essex EL.
Eureka EL.
Perrin-Palmer EL.
St. Joseph:
Gard EL.
Washington EL.
St. Louis:
Carrie Knause EL.
Michigan Avenue EL.
Nurnberger JHS.
State Street EL.
Westgate EL.
Salem; Salem EL.
Sand Creek; Ruth McGregor EL.
Sand Lake; Sand Lake EL.
Sanford; Averill EL.
Saranac:
Saranac EL.
Saranac Middle.
Sault Ste. Marie:
Finlayson EL.
Garfield EL.
Jefferson EL.
McKinley EL.
Malcolm EL.
Sault Ste. Marie JHS.
Sault Ste. Marie SHS.
Washington EL.
Scottville:
Riverton EL.
Scottville EL.
Scottville JHS.
Victory EL.
Shelby:
Benona EL.
Shelby EL.
Shelby JHS.
Sheridan:
Sheridan EL.
Sheridan JHS.
Sherwood; Sherwood EL.
Six Lakes; Six Lakes EL.
Skandia; Skandia EL.
South Boardman; South Boardman EL.
South Haven:
Indiana EL.
Lincoln EL.
Maple Grove EL.
South Haven EL.
South Haven JHS.
St. Basil EL.
South Lyon:
Sayre EL.
South Lyon EL.
South Range; South Range EL.
Southfield:
John Grace EL.
Simms EL.
Sparta; Myers EL.
Stambaugh:
Stambaugh Middle.
Stambaugh EL.
Standish:
Standish EL.
Standish-Sterling J–SHS.
Sterling EL.
Stanton:
Stanton EL.
Stanton JHS.
Stephenson:
Stephenson EL.
Stephenson J–SHS.
Stevensville; Baroda EL.
Stockbridge:
Smith EL.
Stockbridge JHS.
Tapiola; John A. Doelle EL.
Taylor:
Eureka Heights EL.
Eurekadale EL.
Treadwell EL.
Tecumseh:
Macon EL.
Sutton EL.
Three Rivers:
Barrows EL.
Huss EL.
Three Rivers JHS.
Three Rivers SHS.
Thompsonville; Betsie Valley EL.
Toivola; Heikkenen EL.
Tower; Tower EL.
Traunik; Limestone EL.
Traverse City:
Central EL.
Cherry Knoll EL.
East Bay EL.
Norris EL.
Sabin EL.
Traverse Heights EL.
Trout Creek; Trout Creek EL–JHS.
Troy; Wattles EL.
Trufant; Trufant EL.
Tustin; Tustin EL.
Twining; Arenac-Eastern K–12.
Ubly; Ubly K–12.
Union City:
Union City EL.
Union City JHS.
Unionville; Unionville EL.
Vassar; Tuscola EL.
Vestaburg; Vestaburg K–12.
Vulcan; Vulcan Middle.
Wakefield; Central EL.
Walkerville; Walkerville K–12.
Wallace; Mellen EL.
Walled Lake:
Commerce EL.
Dublin EL.
Walled Lake EL.
Warren:
County Line EL.
Groesbeck EL.
Harding EL.
Lincoln Park EL.
Little EL.
Macomb Park EL.
Washington EL.
Waterford; Lotus Lake EL.
Wayland:
Baker EL.
Steeby EL.
Wayland Union JHS.
Wayland Union SHS.
Wayne:
Adams JHS.
Beverly EL.
Graham EL.
Hoover EL.
Jefferson EL.
Lincoln EL.
Roosevelt EL.
Sheldon EL.
Vandenburg EL.
Walker EL.
Washington EL.
Weidman; Weidman EL.
Wells; Wells EL.
West Branch; St. Joseph EL.
White Cloud; White Cloud K–12.
Whitehall:
Whitehall EL.
Whitehall JHS.
Whitmore Lake:
Spencer Building EL.
W. J. Maxey School (Ungraded).
Whittemore:
Whittemore EL.
Whittemore-Prescott J–SHS.
Winona; Elm River EL.
Wolverine; Wolverine K–12.
Woodland; Woodland EL.
Wyandotte:
Labadie EL.
McKinley EL.
Wyoming:
East EL.
S. Godwin EL.
Yale:
Farrell EL.
Yale EL.
Yale Middle.
Ypsilanti:
Chaney EL.
Perry EL.
Woodruff EL.
Zeeland:
New Groningen EL.
Roosevelt EL.
Vriesland EL.

MINNESOTA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Adams:
Adams, EL–JHS–HS.
Elkton, EL–JHS–HS.
Rose Creek, EL–JHS–HS.
Adrian; Adrian, EL–JHS–HS.
Aitkin:
Ripplesides, EL.
Aitkin EL–JHS–HS.
Albany; Albany EL–JHS–HS.
Alexandria:
Central, JHS.
Jefferson, SHS.
Lincoln, EL.
Washington, EL.
Amboy-Good Thunder; Amboy-Good Thunder, EL–JHS–HS.
Appleton:
Appleton, EL.
Appleton, JHS–HS.
Ashby; Ashby, EL–JHS–HS.
Askov; Askov, EL–JHS–HS.
Atwater; Atwater, EL–JHS–HS.
Audubon; Audubon, EL–JHS–HS.

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Backus; Backus, EL–HS.
Badger; Badger, EL–JHS–HS.
Bagley; Bagley, EL–JHS–HS.
Balaton; Balaton, EL–JHS–HS.
Barnesville:
  Barnesville, EL.
  Barnesville, JHS–HS.
Barrett; Barrett, EL–JHS–HS.
Battle Lake; Battle Lake, EL–JHS–HS.
Baudette; Baudette, JHS–HS.
Beardsley; Beardsley, EL–JHS–HS.
Belgrade; Belgrade, EL–JHS–HS.
Belle Plaine; Belle Plaine, EL–JHS–HS.
Bellingham; Bellingham, EL–JHS–HS.
Belview; Belview, EL–JHS–HS.
Bemidji:
  Bemidji JHS–HS.
  Central EL.
  Lincoln EL.
  J. W. Smith EL.
Benson:
  Benson JHS–HS.
  Northside EL.
Bertha-Hewitt; Bertha-Hewitt EL–JHS–HS.
Bird Island:
  Bird Island EL–JHS–HS.
  St. Mary EL.
Blackduck; Blackduck EL–JHS–HS.
Blooming Prairie; Blooming Prairie EL–JHS–HS.
Blue Earth; Blue Earth EL–JHS–HS.
Borup; Borup EL–HS.
Brandon; Brandon EL–JHS–HS.
Breckenridge:
  Breckenridge EL.
  Breckenridge JHS–HS.
Brewster; Brewster EL–JHS–HS.
Bricelyn; Bricelyn EL–JHS–HS.
Brooten; Brooten EL–JHS–HS.
Browerville; Browerville EL–JHS–HS.
Buffalo Lake; Buffalo Lake EL–JHS–HS.
Butterfield; Butterfield JHS–HS.
Caledonia; Caledonia EL–JHS–HS.
Campbell; Campbell-Tintah EL–JHS–HS.
Canby:
  Canby EL–JHS–HS.
  St. Peter EL.
Cass Lake:
  Cass Lake EL.
  Cass Lake JHS–HS.
Ceylon; Ceylon EL–JHS–HS.
Chandler; Chandler-Lake Wilson EL–HS.
Chatfield; Chatfield EL–JHS–HS.
Chokio-Alberta; Chokio EL–JHS–HS.
Clara City; Clara City, EL–JHS–HS.
Clarissa; Clarissa, EL–JHS–HS.
Clarkfield; Clarkfield, EL–JHS–HS.
Clearbrook; Clearbrook, EL–JHS–HS.
Cleveland; Cleveland, EL–JHS–HS.
Clinton; Clinton, EL–JHS–HS.
Comfrey; Comfrey, EL–JHS–HS.
Cosmos; Cosmos, EL–JHS–HS.
Cottonwood; Cottonwood, EL–JHS–HS.
Crosby-Ironton; Central, JHS–HS.
Cyrus; Cyrus, EL–JHS–HS.
Danube; Danube, EL–JHS–HS.
Dawson-Boyd:
  Dawson, EL.
  Dawson, JHS–HS.
Deer Creek; Deer Creek, EL–JHS–HS.
Deer River:
  King, EL.
  Deer River, JHS–HS.
Delano; Delano, EL–JHS–HS.
Delavan; Delavan, EL–JHS–HS.
Duluth:
  Bryant, EL.
  Central, HS.
  Denfeld, HS.
  Duluth Cathedral, HS.
  Emerson, EL.
  Franklin, EL.
  Grant, EL.
  Irving, EL.
  Jefferson, EL.
  Lincoln, JHS.
  Lincoln, EL.
McArthur, EL.
Nettleton, EL.
St. Anthony, EL.
St. James, EL.
Washington, EL.
Washington, JHS.
West, JHS.
West End EL.
Eagle Bend; Eagle Bend, EL–JHS–HS.
East Chain; East Chain, EL–JHS–HS.
Echo; Echo, EL–JHS–HS.
Eden Valley; Eden Valley, EL–JHS–HS.
Edgerton:
  Edgerton Christian, EL.
  Edgerton, EL–JHS–HS.
  Southwest Christian, HS.
Elbow Lake; Elbow Lake, JHS–HS.
Ellendale; Ellendale, EL–JHS–HS.
Elmore; Elmore, EL–JHS–HS.
Emmons; Emmons, EL–JHS–HS.
Erskine; Erskine, EL–JHS–HS.
Evansville; Evansville, EL–JHS–HS.
Fairfax; Fairfax, EL–JHS–HS.
Fertile; Fertile, EL–JHS–HS.
Finlayson; Finlayson, EL–JHS–HS.
Floodwood; Floodwood, EL–JHS–HS.
Foley:
  Foley, EL–JHS–HS.
  St. John, EL.
Fosston:
  Fosston, EL.
  Fosston, JHS–HS.
Frazee; Frazee, EL–JHS–HS.
Frost; Frost, EL–JHS–HS.
Fulda; Fulda, EL–JHS–HS.
Gary; Gary, EL–JHS–HS.
Gibbon; Gibbon, EL–JHS–HS.
Glenville; Glenville, EL–JHS–HS.
Glenwood:
  Prospect Park-Central, EL.
  Glenwood, JHS–HS.
Gonvick; Gonvick, EL–JHS–HS.
Goodhue; Goodhue, EL–JHS–HS.
Goodridge; Goodridge EL–JHS–HS.
Graceville; Graceville EL–JHS–HS.
Granada:
  Granada JHS–HS.
  Huntley EL.
Grand Rapids:
  Grand Rapids JHS.
  Grand Rapids HS.
Greenbush; Greenbush EL–JHS–HS.
Grey Eagle; Grey Eagle EL–JHS–HS.
Grove City; Grove City EL–JHS–HS.
Hancock; Hancock EL–JHS–HS.
Harmony; Harmony EL–JHS–HS.
Hawley; Hawley EL–JHS–HS.
Hayfield; Hayfield JHS–HS.
Henderson; Henderson EL–JHS–HS.
Hendricks; Hendricks EL–JHS–HS.
Henning; Henning EL–JHS–HS.
Herman; Herman EL–JHS–HS.
Heron Lake; Heron Lake EL–JHS–HS.
Hills-Beaver Creek; Hills-Beaver Creek EL–JHS–HS.
Hill City:
  Hill City EL.
  Hill City HS.
Hinckley; Hinckley EL–JHS–HS.
Hoffman; Hoffman EL–JHS–HS.
Holdingford; Holdingford EL–JHS–HS.
Houston; Houston EL–JHS–HS.
Howard Lake; Howard Lake EL–JHS–HS.
Humboldt; Humboldt-St. Vincent EL–JHS–HS.
Isle; Isle EL–JHS–HS.
Ivanhoe; Ivanhoe EL–JHS–HS.
Jackson:
  Riverside EL.
  Jackson JHS–HS.
Jasper; Jasper EL–JHS–HS.
Karlstad; Karlstad EL–JHS–HS.
Kelliher; Kelliher EL–JHS–HS.
Kensington; Kensington EL–JHS–HS.
Kenyon; Kenyon EL–JHS–HS.
Kerkhoven:
  Kerkhoven EL
  Kerkhoven JHS–HS.
Kiester:
  Kiester EL.
  Kiester JHS–HS.
Kimball; Kimball EL–JHS–HS.
Laporte; Laporte EL–JHS–HS.
Lake Benton; Lake Benton EL–JHS–HS.
Lake Crystal; Lake Crystal EL–JHS–HS.
Lakefield; Lakefield EL–JHS–HS.
Lake Wilson; Lake Wilson EL–JHS–HS.
Lamberton; Lamberton EL–JHS–HS.
Lancaster; Lancaster EL–JHS–HS.
Lanesboro; Lanesboro EL–JHS–HS.
LeCenter; LeCenter EL–JHS–HS.
LeRoy; LeRoy EL–JHS–HS.
Lester Prairie; Lester Prairie EL–JHS–HS.
Litchfield:
  Litchfield HS.
  Lake Ripley EL.
  Wagner EL.
  Washington JHS.
Little Falls:
  Lincoln EL.
  Lindbergh EL.
  Little Falls JHS–HS.
  St. Mary EL.
Long Prairie; Long Prairie EL–JHS–HS.
Lynd; Lynd EL–JHS–HS.
Mabel-Canton; Mabel-Canton EL–JHS–HS.
Madelia; Madelia EL–JHS–HS.
Madison; Madison EL–JHS–HS.
Magnolia; Magnolia EL–JHS–HS.
Mahnomen:
  Mahnomen EL.
  Mahnomen JHS–HS.
Maple Lake; Maple Lake EL–JHS–HS.
Mapleton; Mapleton EL–JHS–HS.
Marietta; Marietta EL–JHS–HS.
Marshall:
  Eastside EL.
  Westside EL.
  Marshall JHS–HS.
  Holy Redeemer EL.
Maynard; Maynard EL–JHS–HS.
McGregor; McGregor EL–JHS–HS.
McIntosh; McIntosh EL–JHS–HS.
Melrose:
  St. Mary EL.
  Melrose EL–JHS–HS.
Menahga; Menahga EL–JHS–HS.
Mentor; Mentor EL–JHS–HS.
Middle River; Middle River EL–JHS–HS.
Milaca:
  Milaca EL.
  Milaca JHS–HS.
Milan; Milan EL–JHS–HS.
Milroy; Milroy EL–JHS–HS.
Minneapolis:
  Ascension EL.
  Bancroft EL.
  Basilica EL.
  Bethune EL.
  Bremer EL.
  Bryant JHS.
  Calhoun EL.
  Central HS.
  Clinton EL.
  Corcoran EL.
  Douglas EL.
  Emerson EL.
  Franklin JHS.
  Greeley EL.
  Hall EL.
  Harrison EL.
  Hawthorne EL.
  Hay EL.
  Holland EL.
  Holy Cross EL.
  Holy Name EL.
  Holy Rosary EL.
  Immanuel Lutheran EL.
  Irving EL.
  Jefferson JHS.
  Jordan JHS.
  Lincoln JHS.
  Lowell EL.

Lyndale EL.
Madison EL.
Mann EL.
North HS.
Olson JHS.
Phillips JHS.
Prescott EL.
Putnam EL.
Seward EL.
Sheridan EL.
Sheridan JHS.
South HS.
St. Anne EL.
St. Cyril EL.
St. Philip EL.
St. Stephen EL.
Webster EL.
Willard EL.
Whittier EL.
Minnesota Lake; Minnesota Lake EL–JHS–HS.
Montevideo:
  Ramsey EL.
  Sanford-Sibley EL.
  Montevideo JHS–HS.
Montgomery:
  Most Holy Redeemer EL.
  Montgomery EL–JHS–HS.
Morris:
  Morris EL.
  Morris JHS–HS.
Morton; Morton EL–JHS–HS.
Motley; Motley EL–JHS–HS.
Mountain Lake; Mountain Lake EL–JHS–HS.
Murdock; Murdock EL–JHS–HS.
New Richland; New Richland EL–JHS–HS.
New Ulm:
  Central EL.
  Jefferson EL.
  New Ulm JHS.
  New Ulm HS.
  St. Paul Lutheran EL.
  Washington EL.
New York Mills; New York Mills EL–JHS–HS.
Nicollet; Nicollet EL–JHS–HS.
Norwood-Young America; Norwood-Young America EL–JHS–HS.
Ogilvie; Ogilvie EL–JHS–HS.
Okabena; Okabena EL–JHS–HS.
Oklee; Oklee EL–JHS–HS.
Olivia:
  Olivia EL–JHS–HS.
  St. Aloysius EL.
Onamia; Onamia EL–JHS–HS.
Ortonville; Ortonville EL–JHS–HS.
Osakis; Osakis EL–JHS–HS.
Park Rapids:
  Central EL.
  Frank White EL.
  Park Rapids JHS–HS.
Parkers Prairie; Parkers Prairie EL–JHS–HS.
Paynesville; Paynesville EL–JHS–HS.
Pelican Rapids; Pelican Rapids EL–JHS–HS.
Pequot Lakes; Pequot Lakes EL–JHS–HS.
Perham; Perham EL–JHS–HS.
Pierz:
  Harding EL.
  Pierz JHS–HS.
  St. Joseph EL.
Pillager; Pillager EL–JHS–HS.
Pine City; Pine City EL–JHS–HS.
Pine River; Pine River EL–JHS–HS.
Pipestone; Pipestone JHS–HS.
Plainview; Plainview EL–JHS–HS.
Plummer; Plummer EL–JHS–HS.
Raymond; Raymond EL–JHS–HS.
Red Lake:
  St. Mary Mission EL.
  Red Lake EL–JHS–HS.
Red Lake Falls; Red Lake Falls EL–JHS–HS.
Remer:
  Remer EL.
  Remer JHS–HS.
Renville; Renville EL–JHS–HS.
Roseau:
  Roseau EL.
  Roseau JHS–HS.
Rothsay; Rothsay EL–JHS–HS.
Round Lake; Round Lake EL–JHS–HS.
Royalton; Royalton EL–JHS–HS.
Rush City; Rush City EL–JHS–HS.
Ruthton; Ruthton EL–JHS–HS.
Sacred Heart; Sacred Heart EL–JHS–HS.
St. Charles; St. Charles EL–JHS–HS.
St. Clair; St. Clair EL–JHS–HS.
St. James:
  Community EL.
  St. James JHS–HS.
St. Paul:
  Adams EL.
  Ames EL.
  Blessed Sacrament EL.
  Cathedral EL.
  Career Study Center HS.
  Central HS.
  Central Lutheran EL.
  Cleveland JHS.
  Davis EL.
  Deane EL.
  Drew EL.
  East Consolidated EL.
  Farnsworth EL.
  Franklin EL.
  Gorman EL.
  Hancock EL.
  Hill EL.
  Humboldt, HS.
  Jackson, EL.
  Jefferson, EL.
  Johnson, HS.
  Marshall, JHS.
  Maxfield, EL.
  McClellan, EL.
  Mechanic Arts, HS.
  Mississippi, EL.
  Monroe, HS.
  Mound Park, EL.
  Mound Park, JHS.
  North End, EL.
  Open School, HS.
  Our Lady of Guadalupe, EL.
  Phalen Park, EL.
  Roosevelt, EL–JHS.
  Sacred Heart, EL.
  Sibley, EL.
  St. Adelbert, EL.
  St. Agnes, EL.
  St. Andrew, EL.
  St. Bernard, EL.
  St. Casimir, EL.
  St. Columba, EL.
  St. Francis de Sales, EL.
  St. James, EL.
  St. Luke, EL.
  St. Mark, EL.
  St. Matthew, EL.
  St. Patrick, EL.
  St. Stanislaus, EL.
  Van Buren, EL.
  Washington, HS.
  Webster, EL.
  Whittier, EL.
  Wilson, JHS.
Sanborn; Sanborn, EL–JHS–HS.
Sauk Centre:
  Holy Family, EL.
  Sauk Centre, EL–JHS–HS.
Sebeka; Sebeka, EL–JHS–HS.
Sherburn; Sherburn, EL–JHS–HS.
Silver Lake; Silver Lake, EL–JHS–HS.
Sioux Valley; Sioux Valley EL–JHS–HS.
Slayton; Slayton EL–JHS–HS.
Sleepy Eye:
  St. Mary EL–JHS–HS.
  Sleepy Eye EL–JHS–HS.
Spring Grove; Spring Grove EL–JHS–HS.
Spring Valley; Spring Valley EL–JHS–HS.
Staples:
  Northside EL.
  Staples JHS–HS.
Stephen; Stephen EL–JHS–HS.
Stewart; Stewart EL–JHS–HS.
Storden:
  Storden EL.
  Jeffers JHS–HS.
Swanville; Swanville EL–JHS–HS.
Tracy:
  Tracy EL.
  Tracy JHS–HS.
Trimont; Trimont EL–JHS–HS.
Truman; Truman EL–JHS–HS.
Twin Valley; Twin Valley EL–JHS–HS.
Tyler; Tyler EL–JHS–HS.
Underwood; Underwood EL–JHS–HS.
Upsala; Upsala EL–JHS–HS.
Verdi; Verdi EL–JHS–HS.
Verndale; Verndale EL–JHS–HS.
Villard; Villard EL–JHS–HS.
Wabasso:
  Wabasso EL.
  St. Anne EL–JHS–HS.
  Wabasso JHS–HS.
Waldorf-Pemberton; Waldorf-Pemberton EL–JHS–HS.
Walnut Grove; Walnut Grove EL–JHS–HS.
Waterville; Waterville EL–JHS–HS.
Waubun:
  Waubun EL.
  Waubun JHS–HS.
Welcome; Welcome EL–JHS–HS.
Westbrook; Westbrook EL–JHS–HS.
West Concord; West Concord EL–JHS–HS.
Wheaton; Wheaton EL–JHS–HS.
Windom:
  Wilder Highland EL.
  Winfair EL.
  Windom JHS–HS.
Winnebago; Winnebago EL–JHS–HS.
Wood Lake; Wood Lake EL–JHS–HS.
Worthington:
  Central EL.
  West EL.
  Worthington JHS–HS.
Zumbrota; Zumbrota EL–JHS–HS.

MISSISSIPPI

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

[Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.]

Location (City or Town); Name of School

Aberdeen:
  Aberdeen EL.
  Aberdeen Middle.
  Vine Street EL.
Ackerman; Ackerman EL.
Algoma; North Pontotoc EL–JHS–HS.
Angulla; North Sharkey EL.
Arcola; Arcola EL.
Ashland:
  Ashland EL–HS.
  Old Salem EL–JHS.
Avon; Riverside EL–JHS–HS.
Bassfield:
  Bassfield EL.
  Bassfield JHS–HS.
Batesville:
  Batesville EL.
  Batesville JHS.
  South Panola HS.
Bay Springs; Bay Springs EL.
Belmont; Belmont EL–JHS–HS.
Belzoni; Humphreys County Educational Park EL–JHS–HS.
Benoit; Bolivar County District No. 2 EL–JHS–HS.
Benton:
  Benton HS.
  King EL–JHS.
Bentonia:
  Bentonia HS.
  Gibbs EL–JHS.

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Biloxi; Howard II EL.
Bogue Chitto; Bogue Chitto EL–HS.
Bolton; Bolton EL–JHS.
Boyle; Bell EL.
Brookhaven:
  Enterprize EL–HS.
  Eva Harris JHS.
  Loyd Star EL–HS.
  West Lincoln EL–HS.
Brooksville; Wilson EL–JHS.
Bruce; Bruce EL–JHS–HS.
Burnsville; Burnsville EL–JHS–HS.
Byhalia:
  Byhalia HS.
  Henry EL–JHS.
Caledonia; Caledonia EL–JHS–HS.
Calhoun City; Calhoun City EL–JHS–HS.
Camden; Velma Jackson EL–JHS–HS.
Canton:
  Canton EL.
  Luther Branson EL–JHS.
Carthage:
  Carthage EL–JHS–HS.
  Edinburg EL–JHS–HS.
  Thomastown EL–JHS–HS.
Centerville:
  Finch EL.
  William Winans JHS–HS.
Chalybeate; Chalybeate EL–JHS–HS.
Charleston:
  Charleston EL.
  Charleston Middle.
  Tippo EL.
Clarksdale:
  Coahoma Agricultural HS.
  Immaculate Conception HS.
  Lyon EL–JHS.
  Oliver EL.
  Rivertown Intermediate.
  Roundaway EL–JHS.
  Sandy Bayou EL–JHS.
  Sherard EL–JHS.
Cleveland:
  Eastside JHS–HS.
  Nailor EL.
Clinton; Lovitt EL.
Coahoma; Hull EL–JHS.
Coffeeville:
  Coffeeville EL.
  Coffeeville JHS–HS.
Coldwater:
  Coldwater JHS–HS.
  East Tate EL.
  Tate County EL.
Collins:
  Collins EL–JHS–HS.
  Hopewell EL.
Columbia:
  Columbia EL.
  Columbia Primary.
  East Columbia EL–JHS–HS (Mississippi Training Schools).
Columbus:
  Barrow EL.
  Hughes EL.
  Motley EL–JHS–HS.
  New Hope EL–JHS–HS.
  Plum Grove EL–JHS.
  West Lowndes EL.
Como; Como EL.
Crawford:
  Crawford EL–JHS.
  Moor EL–JHS–HS.
Crenshaw; East Crenshaw EL.
Crowder; Crowder EL–JHS.
Decatur:
  Boler EL–JHS.
  Decatur EL–HS.
De Kalb; West Kemper EL–JHS–HS.
Drew:
  Drew JHS–HS.
  Hunter EL–JHS.
  James EL.
Dublin:
  Dublin Attendance Center EL.
  Dublin EL–JHS.
Duck Hill:
  Duck Hill EL–JHS.
  Duck Hill JHS–HS.
Duncan; Brookes EL–JHS.
Dundee; Dundee EL–JHS.
Durant; Durant Attendance Center EL–JHS–HS.
Edwards; Edwards EL–JHS.
Enterprise; Enterprise EL–JHS–HS.
Ethel; Ethel JHS–HS.
Falcon; Falcon EL–JHS.
Falkner; Falkner EL–JHS–HS.
Fayette:
  Jefferson County EL–HS.
  Jefferson County JHS.
Flora:
  East Flora EL–JHS–HS.
  Flora EL–JHS.
Forest; North Scott EL–JHS.
French Camp; French Camp EL–JHS.
Friars Point; Friars Point EL–JHS.
Glen Allan; Glen Allan EL–JHS–HS.
Glendora; Black Bayou EL.
Gloster:
  Amite County Training EL–JHS–HS.
  Gloster Attendance Center EL–JHS–HS.
Goodman; Goodman-Pickens EL–JHS.
Greenville:
  Darling EL.
  Garrett Hall EL.
  McBride EL.
  O'Bannon EL–JHS–HS.
Greenwood:
  Amanda Elzy EL–JHS–HS.
  St. Francis EL–JHS.
Gulfport; Gaston Point EL.
Gunnison; Bob Woods EL–JHS.
Harrisville; Harrisville EL–JHS–HS.
Hattiesburg:
  Central Forrest EL.
  Davis EL–JHS.
  Eaton EL.
  Eureka EL.
  Grace Love EL–JHS.
  Mary Bethune EL.
  W. H. Jones EL–JHS.
  Walthall EL–JHS.
Heidelberg:
  Heidelberg HS.
  South Side EL–JHS.
Hernando; Eudora EL.
Hickory:
  Harris Middle.
  Hickory EL–HS.
Hickory Flat; Hickory Flat EL–JHS–HS.
Hollandale; Simmons EL–JHS–HS.
Holly Bluff; Holly Bluff EL–JHS–HS.
Holly Springs:
  Cadet EL–JHS–HS.
  Galena HS.
  Holly Springs Primary.
  Holly Springs Intermediate.
  Holly Springs HS.
Houlka; Houlka EL–JHS–HS.
Independence; Independence Attendance Center JHS–HS.
Indianola:
  Carver EL.
  Carver Middle.
  Gentry HS.
  Indianola JHS.
  Lockard EL.
Itta Bena:
  L. S. Rogers EL.
  Leflore County EL–JHS–HS.
Jackson:
  Blackburn JHS.
  Brown EL.
  Central HS.
  Christ the King EL.
  Dawson EL.
  Galloway EL.
  Isable EL.
  Isable Interim EL.
  Johnson EL.
  Key Interim EL.
  Lanier HS.
Lester EL.
Lester Interim EL.
Morrison EL.
Poindexter EL.
Poindexter Interim EL.
Power EL.
Rowan JHS.
Smith EL.
Spann EL.
Walton EL.
Westside EL.
Jonestown:
  Jonestown Attendance Center EL.
  Jonestown EL–JHS.
Kilmichael:
  Kilmichael EL–JHS.
  Kilmichael HS.
Kosciusko:
  Kosciusko Lower EL.
  Kosciusko Middle.
  Kosciusko JHS.
  Zama EL–JHS.
Lake Cormorant; Lake Cormorant EL.
Lamar; Slayden JHS.
Lambert:
  Lambert EL–JHS.
  Southside EL–JHS.
Laurel:
  Oak Park EL.
  Sandy Gavin EL.
Leland:
  Dean EL–HS.
  Lincoln EL–JHS.
Lena; Lena EL–JHS.
Lexington:
  Lexington Attendance Center EL–JHS–HS.
  Lexington EL.
Liberty:
  Liberty Attendance Center EL–JHS–HS.
  Liberty Central EL–JHS–HS.
Little Rock; Beulah Hubbard EL–JHS–HS.
Lula; Lula EL–JHS.
Lumberton; Tenth Avenue EL.
Maben:
  Cumberland EL–JHS–HS.
  Maben EL.
Macon:
  Macon EL.
  Noxubee County EL.
Madison:
  Madison-Ridgeland HS.
  Rosa Scott EL–JHS.
Magee; Magee EL–JHS–HS.
Marks:
  Marks EL–JHS.
  Quitman County HS.
  Westside EL–JHS.
McAdams; McAdams JHS–HS.
McCool; Greenlee EL.
Meadville; Franklin EL.
Mendenhall; Mendenhall EL–JHS–HS.
Merigold; Merigold EL.
Minter City:
  Sunnyside EL–JHS.
  T. Y. Fleming EL–JHS.
Money; Wilkes EL–JHS.
Monticello:
  McCullough EL–JHS.
  Topeka-Tilton EL–JHS–HS.
Montpelier; Clay County Vocational EL–JHS–HS.
Moorhead; Moorhead EL.
Morgan City; R. B. Schlater EL–JHS.
Moselle; Moselle EL.
Mound Bayou:
  Kennedy JHS–HS.
  Montgomery EL.
  St. Gabriel EL.
Mount Olive; Mount Olive EL–JHS–HS.
Mount Pleasant; Sand Flat EL–HS.
Natchez:
  Braden EL.
  Brumfield EL.
  Carpenter I EL.
  Holy Family EL.
  Northside EL.
  Prince Street EL.

New Hebron; New Hebron EL–JHS–HS
Newton; Newton EL–JHS–HS.
North Carrollton:
  J. Z. George EL–HS.
  Marshall EL–JHS.
Oakland:
  Oakland EL.
  Oakland EL–JHS.
Oxford; Lafayette County EL–JHS–HS.
Pace; Pace EL.
Pheba; Beasley EL–JHS–HS.
Philadelphia:
  Neshoba Central EL–JHS–HS.
  Philadelphia EL–JHS–HS.
Philipp; Riverview EL.
Pinola:
  Pinola EL–JHS–HS.
  West Union EL–JHS.
Pontotoc; South Pontotoc EL–JHS–HS.
Pope; Pope EL–JHS.
Port Gibson:
  Addison EL–JHS.
  Port Gibson HS.
  Richardson EL.
Potts Camp:
  Mary Reed EL.
  Potts Camp EL–JHS–HS.
Prairie; Prairie JHS.
Prentiss:
  Prentiss EL.
  Prentiss EL–JHS–HS.
Raymond; Oakley Training EL–JHS–HS (Mississippi Training Schools).
Ridgeland; Ridgeland EL.
Rolling Fork:
  Rolling Fork EL.
  Rolling Fork JHS–HS.
  Weathers JHS–HS.
Rosedale:
  Bolivar County District No. 1 JHS.
  Bolivar County District No. 1 HS.
  Rosedale EL.
  West Bolivar EL.
Ruleville:
  Ruleville Central EL–HS.
  Ruleville Public JHS.
Sallis; Long Creek EL–JHS.
Sarah; Strayhorn EL–JHS.
Sardis:
  Greenhill EL.
  Sardis EL.
Satartia; Satartia EL–JHS.
Schlater; Sam Balkin EL–JHS.
Scooba; East Kemper EL–JHS–HS.
Sebastopol; Sebastopol EL–JHS–HS.
Seminary; Seminary EL–JHS–HS.
Shaw:
  McEvans EL–JHS.
  Shaw JHS–HS.
Shelby:
  Broad Street EL–JHS–HS.
  Shelby EL.
Shuqualak; Reed EL–JHS.
Silver Creek:
  Beulah Williams EL.
  Silver Creek EL–JHS.
Sledge; Sledge EL–JHS.
Starkville; Alexander EL–JHS–HS.
Stover; Johnson EL.
Stringer; Stringer EL–JHS–HS.
Sturgis; Sturgis EL–JHS–HS.
Sumner:
  Sumner EL.
  West District EL.
  West District JHS.
Tchula:
  Mileston EL–JHS.
  Tchula EL–JHS–HS.
Tishomingo; Tishomingo EL–JHS–HS.
Tunica:
  Rosa Fort EL–HS.
  Tunica JHS.
Tupelo; Green Street EL.
Tutwiler; Hopson Bayou EL.
Tylertown:
  Dexter EL–JHS–HS.
  Salem EL–JHS–HS.
  Tylertown EL.
  Tylertown JHS–HS.
Utica:
  Hinds County Agricultural HS.
  Mixon EL.
Vaiden:
  North Vaiden EL–JHS.
  Vaiden EL–HS.
Vaughan; Linwood EL–JHS.
Walls; Delta Center EL–JHS.
Walnut; Walnut EL–JHS–HS.
Walnut Grove; South Leake EL–JHS–HS.
Webb:
  Webb-Swan Lake EL.
  West Tallahatchie HS.
Weir; Weir EL–JHS–HS.
Wesson; Copiah County Agricultural HS.
West; Carmack EL–JHS.
Woodland; Woodland EL–JHS–HS.
Woodville; Wilkinson County Training EL–JHS–HS.
Yazoo City:
  Annie Ellis EL.
  Cedar Falls EL–JHS.
  Main Street EL.
  Woolfolk EL.
  Yazoo City JHS.

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List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Albany:
  Albany HS.
  Virginia E. George EL.
Alton:
  Alton EL.
  Alton JHS–HS.
Amazonia; Amazonia EL.
Amity; Amity EL.
Anderson:
  Anderson EL.
  McDonald County HS.
  White Rock EL.
Arbyard; Southland HS.
Aurora:
  Aurora HS.
  Lowell EL.
  Robinson EL.
Ava:
  Ava EL.
  Ava HS.
  Ava JHS.
  Plainview EL, R–VIII Plainview.
Bakersfield:
  Bakersfield EL.
  Bakersfield JHS–HS.
Barnard; South Nodaway JHS–HS.
Bell City:
  Bell City EL.
  Bell City JHS–HS.
Bernie:
  Bernie EL.
  Bernie HS.
  Bernie JHS.
Bethany:
  Bethany EL.
  South Harrison JHS–HS.
Birch Tree; Birch Tree EL.
Bloomfield:
  Bloomfied EL.
  Bloomfield HS.
Bolivar:
  Bolivar HS.
  Leonard EL;
  Mitchell JHS;
  Northward EL;
  Polk EL.
Boonville; John J. Pershing EL–JHS–HS, Missouri State Training School for Boys.
Bowling Green:
  Bowling Green EL.
  Bowling Green HS.
  Bowling Green JHS.
Braggadocia; Pemiscot C–7 JHS.
Breckenridge:
  Breckenridge EL.
  Breckenridge HS.
Brookfield:
  Brookfield EL–JHS.
  Brookfield HS.
Broseley; Broseley HS.
Bucklin:
  Bucklin EL.
  Bucklin HS.
Buffalo:
  Buffalo EL.
  Buffalo JHS–HS.
Bunker:
  Bunker EL.
  Bunker JHS–HS.
Burlington Junction; West Nodaway HS.
Cadet; Cruise EL.
Cainsville:
  Cainsville EL.
  Cainsville JHS–HS.
Campbell:
  Campbell EL.
  Campbell HS.
  St. Teresa EL.
Cape Girardeau:
  Central HS.
  Central JHS.
  May Greene EL.
  Jefferson EL.
  Lorimier EL.
  L. J. Schultz JHS.
  Washington EL.
Cardwell; Southland EL.
Carrollton:
  Adams EL.
  Carrollton JHS–HS.
  Dieterich EL.
  Root EL.
Carthage:
  Carthage HS.
  Carthage JHS.
  Columbian EL.
  Eugene Field EL.
  Fairview EL.
  Hawthorne EL.
  Pleasant Valley EL.
  St. Ann EL.
Caruthersville:
  Caruthersville HS.
  Caruthersville JHS.
  Lee Rood EL.
  Pemiscot EL, R–III Pemiscot County.
  Southside EL.
  Westside EL.
Cassville:
  Cassville EL.
  Cassville HS.
  Cassville JHS.
Centerville; Centerville EL.
Chamois:
  Chamois EL.
  Chamois HS.
Charleston:
  Charleston HS.
  Charleston JHS.
  Warren E. Hearnes EL.
Chillicothe:
  Central EL.
  Chillicothe HS.
  Chillicothe JHS.
  Dabney EL.
  Dewey EL.
  Field EL.
  Arthur M. Hyde EL–JHS–HS, Missouri State Training School for Girls.
Chula; Livingston County R–III EL.
Clarksdale; Clarksdale EL.
Clarkton:
  Clarkton EL.
  Clarkton JHS–HS.
Clearmont; Clearmont EL.
Climax Springs:
  Climax Springs EL–JHS.
  Climax Springs HS.

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Clinton:
Clinton HS.
Clinton JHS.
Jefferson Park EL.
Southeast EL.
Washington EL.
Conran; Conran EL.
Collins; Collins EL.
Columbia:
Benton EL.
Blue Ridge EL.
Field EL.
Grant EL.
Hickman HS.
Jefferson JHS.
Lee EL.
Ridgeway EL.
Shepard Boulevard EL.
West Boulevard EL.
Craig:
Craig EL.
Craig HS.
Curryville; Curryville EL.
Deering:
Delta EL.
Delta HS.
Dexter:
Central EL.
Dexter HS.
Dexter JHS.
Doniphan:
Doniphan EL.
Doniphan HS.
Doniphan JHS.
Fairview EL.
Lone Star EL, R–IV Briar.
Dora:
Dora EL.
Dora JHS–HS.
Dorena; Dorena EL.
Downing; Downing EL.
East Prairie:
R. A. Doyle EL.
East Prairie HS.
A. J. Martin EL.
A. L. Webb JHS.
El Dorado Springs:
El Dorado Springs EL.
El Dorado Springs JHS–HS.
Ellington:
Southern EL.
Southern HS.
Southern JHS.
Ellsinore:
Ellsinore EL.
East Carter HS.
Elmer; Elmer EL.
Elmo; Elmo JHS.
Eminence:
Eminence EL.
Eminence HS.
Essex:
Richland HS.
Richland Middle.
West EL.
Everton:
Everton EL.
Everton HS.
Falcon; Gasconade EL.
Fisk:
Fisk EL.
Fisk JHS.
Frankford; Frankford EL.
Fredericktown:
East Madison EL.
Fredericktown EL.
Fredericktown HS.
Fredericktown JHS.
Mill Creek EL.
Fulton:
Bush EL.
Carver EL.
Center EL.
Fulton HS.
Fulton JHS.
McIntire EL.
St. Peter EL.
Galena:
Abesville EL.
Galena EL.
Galena HS.
Gallatin:
Gallatin EL.
Gallatin HS.
Gallatin JHS.
Gatewood; Gatewood EL.
Gideon:
Gideon EL.
Gideon HS.
Gilman City:
Gilman City EL.
Gilman City JHS–HS.
Glenwood; Glenwood EL.
Goodman; Goodman EL.
Grandin; Grandin EL.
Grant City:
Worth R–I EL.
Worth R–I HS.
Gray Ridge; South EL.
Greenfield:
Greenfield EL.
Greenfield HS.
Greentop; Greentop EL.
Greenville; Greenville EL.
Grove Springs; Grove Springs EL.
Guilford; South Nodaway EL.
Hannibal:
Central EL.
Eugene Field EL.
Hannibal HS.
Hannibal JHS.
Pettibone EL.
Stowell EL.
Hartville:
Hartville EL.
Hartville HS.
Harviell; Hillview EL.
Hayti:
Concord EL, R–I North Pemiscot.
Hayti HS.
Hayti JHS.
North EL.
North Pemiscot JHS, R–I North Pemiscot.
Ross Central EL, R–I North Pemiscot.
South EL.
Holland:
Holland JHS.
Northside EL.
Holcomb:
Holcomb EL.
Holcomb HS.
Hornersville:
Hornersville EL.
Hornersville JHS.
Howardville; Howardville EL.
Hunnewell; Hunnewell EL.
Independence:
Alton EL.
Benton EL.
Bryant EL.
Columbian EL.
Noland EL.
St. Mary HS.
William Chrisman JHS.
Jameson:
Jameson EL.
Jameson JHS–HS.
Jefferson City:
Algoa EL–JHS–HS, Missouri Intermediate Reformatory.
East EL.
Immaculate Conception EL.
Jefferson City HS.
St. Joseph EL.
St. Peter EL.
Simonsen JHS.
South EL.
Southwest EL.
Thorpe Gordon EL.
Joplin:
Alcott EL.
East JHS.
Emerson EL.
Jefferson EL.
Lafayette EL.
Lincoln Special Education EL–JHS–HS.
Memorial HS.
McKinley EL.
North JHS.
Oakland EL.
Parkwood HS.
St. Peter EL.
South JHS.
Washington EL.
West Central EL.
Kansas City:
Allen EL.
Attucks EL.
Bancroft EL.
Benedict Justice EL.
Benjamin Franklin EL.
Booker T. Washington EL.
Brittian Day Nursery EL.
Central HS.
Central JHS.
Chester A. Franklin EL.
Douglass EL.
Dunbar EL.
East HS.
Faxon EL.
Garfield EL.
Garrison EL.
Greenwood EL.
Holmes EL.
Holy Rosary—St. John's Area EL.
Humboldt HS.
Karnes EL.
Kumpf EL.
Lillis HS.
Lincoln HS.
Lincoln JHS.
Linwood EL.
Longfellow EL.
Our Lady of the America's EL.
Mann EL.
Manual HS.
Melcher EL.
Northeast JHS.
Phillips EL.
Richardson EL.
Rockhurst HS.
St. Charles Borromeo EL.
St. Joseph EL.
St. Louis EL.
St. Vincent EL.
Southeast HS.
Switzer EL.
Weeks EL.
West HS.
Westport HS.
Wheatley EL.
Willard EL.
Woodland EL.
Yates EL.
Yeager EL.
Kennett:
Caruth EL, C–8 Senath.
Kennett HS.
Kennett JHS.
Northeast EL.
South EL.
Kewanee; Kewanee EL.
Keytesville:
Keytesville EL.
Keytesville JHS–HS.
Kinloch:
John F. Kennedy JHS.
Kinloch EL.
Kinloch HS.
Kirksville:
Benton EL.
Kirksville HS.
Kirksville JHS.
Upper EL.
Willard EL.
Kirkwood:
Kirkwood HS.
Nipher JHS.
Pitman EL.
Robinson EL.
Rose Hill EL.
St. Clement EL.
Turner EL.

Koshkonong:
Oregon-Howell EL.
Oregon-Howell JHS–HS.
Lancaster; Lancaster JHS.
Lebanon:
Donnelly EL.
Hillcrest EL.
Lebanon JHS–HS.
Mark Twain EL.
Washington EL, No. 62 Washington.
Lesterville:
Lesterville EL.
Lesterville JHS–HS.
Lexington:
Franklin EL.
Leslie Bell EL.
Lexington HS.
Lexington Middle.
Liberal:
Liberal EL.
Liberal HS.
Lilbourn:
Lilbourn EL.
Lilbourn HS.
Long Lane; Long Lane EL.
Louisiana:
Meriwether EL.
Louisiana Middle.
Louisiana Primary EL.
Louisiana HS.
Lowry City:
Lowry City EL.
Lowry City JHS–HS.
Lutesville:
Woodland EL.
Woodland JHS–HS.
Malden:
Malden EL.
Malden JHS–HS.
Marshfield:
Marshfield EL.
Marshfield HS.
Marshfield JHS.
Marston; Marston EL.
Matthews; Matthews EL.
Maysville:
Maysville EL.
Maysville HS.
Mercer:
Mercer EL.
Mercer JHS–HS.
Mexico:
Eugene Field EL.
Garfield EL.
Hardin JHS.
McMillian EL.
Mexico HS.
Milan:
Milan EL.
Milan HS.
Mineral Point; Mineral Point EL.
Moberly:
Bradley EL.
Moberly HS.
Moberly JHS.
North Park EL.
Southeast EL.
West Park EL.
Monroe City:
Monroe City EL.
Monroe City HS.
Monroe City JHS.
Morehouse; Morehouse EL.
Morley:
Morley EL.
Central HS.
Mound City:
Holt County R–II EL.
Holt County R–II JHS–HS.
Mount Moriah; Mount Moriah EL.
Mountain Grove:
Mountain Grove EL.
Mountain Grove HS.
Mountain View:
Mountain View EL.
Mountain View JHS.
Myrtle:
Couch EL.
Couch JHS–HS.
Naylor:
Naylor EL.
Naylor HS.
Neelyville:
Coon Island EL.
Neelyville EL.
Neelyville JHS–HS.
Neosho:
Benton EL.
Central EL.
Field EL.
Neosho Intermediate.
Neosho JHS–HS.
South EL.
Nevada:
Benton EL.
Bryan EL.
Franklin EL.
Jefferson EL.
Nevada HS.
Nevada JHS.
New Hampton; New Hampton EL.
New Madrid:
Main Street EL.
New Madrid HS.
Scott Street EL.
Noel; Noel EL.
Normandy:
Ascension EL.
Concord Lutheran EL.
Garfield EL.
Lincoln EL.
McKinley EL.
Normandy HS.
Normandy JHS.
Our Lady of the Presentation EL.
Lutheran North HS.
St. Paul the Apostle EL.
St. Vincent Home EL.
Norwood:
Norwood EL.
Norwood HS.
Norborne:
Norborne EL.
Norborne HS.
Novinger:
Novinger EL.
Novinger HS.
Old Mines; St. Joachim EL–HS.
Osceola:
Osceola EL.
Osceola JHS–HS.
Overland:
Elmwood EL.
Iveland EL.
Marion EL.
Marvin EL.
Midland EL.
New Overland EL.
Our Redeemer Lutheran EL.
St. Gregory EL.
Parma:
Parma EL.
Parma HS.
Pascola; Pascola EL.
Peace Valley; Peace Valley EL.
Peach Orchard; Peach Orchard EL.
Perryville:
Crosstown EL, No. 26 Crosstown.
Perryville EL.
Perryville HS.
Perryville JHS.
St. Maurus EL.
Piedmont:
Clearwater HS.
Clearwater JHS.
Piedmont EL.
Patterson EL.
Pine; Pine EL.
Pineville; Pineville EL.
Poplar Bluff:
Eugene Field EL.
Kinyon EL.
Poplar Bluff HS.
Poplar Bluff JHS.
Poplar Bluff Youth Center EL–JHS–HS, Missouri State Board of Training Schools.
J. M. Smith EL.
Mark Twain EL.
Wheatly EL.
Williamson-Kennedy EL.
Portageville:
Boekerton EL.
Portageville HS.
Portageville Central EL.
Potosi:
Potosi EL.
Potosi HS.
Potosi JHS.
Sixth Grade Center EL.
Shirley EL.
Hopewell EL.
Queen City; Queen City HS.
Quitman; Quitman EL.
Quin:
Quin EL.
Quin JHS.
Revere:
Revere EL.
Revere JHS–HS.
Rocky Comfort; Rocky Comfort EL.
Rolla:
Benton EL.
Pershing EL.
Rolla HS.
Rolla JHS.
Harry S. Truman EL.
Col. John B. Wyman EL.
Roscoe; Roscoe EL.
St. Charles:
Benton EL.
Coverdell EL.
Jefferson-Hardin JHS.
McKinley EL.
Powell Terrace EL.
St. Charles HS.
St. Joseph:
Boys Home EL.
Benton HS.
Central HS.
Edison EL.
Everett EL.
John Glenn EL, R–III Savannah.
Horace Mann JHS.
Hosea EL.
Humboldt EL.
Hyde EL.
Lafayette HS.
Lake Contrary EL.
LeBlond HS.
Lindbergh EL.
McKinley EL.
Neely EL.
St. James EL.
St. Patrick EL.
South Park EL.
Washington EL.
Webster EL.
St. Louis:
Annie Malone Children's Home EL.
Arlington EL.
Attucks EL.
Banneker EL.
Bates EL.
Beaumont HS.
Blair EL.
Blewett EL.
Bryan Hill EL.
Carr EL.
Carr Lane EL.
Carver EL.
Central HS.
Central Catholic Community EL.
Central Catholic Community JHS.
Central City Lutheran EL.
Chouteau EL.
Clark and Branch EL.
Clinton and Branch EL.
Cole and Branch EL.
Columbia EL.
Compton Heights Catholic EL.

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Cook and Branch EL.
Cote Brilliante EL.
Curtis and Branch EL.
De Andreis HS.
Divoll and Branch EL.
Dozier EL.
Dunbar and Branch EL.
Eliot EL.
Emerson and Branch EL.
Enright Middle.
Euclid and Branches EL.
Farragut and Branches EL.
Field and Branch EL.
Ford and Branch EL.
Franklin EL.
Gundlach EL.
Hamilton and Branches EL.
Harrison EL.
Hempstead and Branch EL.
Henry EL.
Hodgen and Branch EL.
Holy Guardian Angels EL.
Holy Name EL.
Howard and Branch EL.
Irving and Branch EL.
Jackson EL.
Jefferson EL.
Laboure HS.
Laclede EL.
Lafayette EL.
Langston and Branch EL.
Lexington Avenue 7th Day Adventist EL.
Lincoln HS.
L'Ouverture EL.
Madison and Carroll Street EL.
Marquette EL.
Marshall and Branch EL.
McKinley HS.
Mitchell and Branch EL.
Our Lady of Perpetual Help EL.
Peabody EL.
Pruitt EL.
Riddick EL.
Rock Springs EL.
St. Alphonsus HS.
St. Francis de Sales HS.
St. Francis Xavier EL.
St. Joseph Boys Home EL.
St. Mark EL.
St. Mark HS.
St. Matthew EL.
St. Nicholas EL.
St. Paul Lutheran EL.
St. Rose of Lima EL.
Simmons and Branch EL.
Soldan HS.
Stevens EL.
Stowe EL.
Summer HS.
Trinity Lutheran EL.
Turner Middle.
Vashon HS.
Visitation—Holy Ghost EL.
Washington EL.
Webster EL.
Williams and Branchee EL.
Work Study HS.
Wyman EL.
Zion Lutheran EL.

Savannah:
Minnie Cline EL.
Savannah HS.
Savannah JHS.

Sedalia:
Horace Mann EL.
Hubbard EL.
Jefferson EL.
Smith-Cotton HS.
Washington EL.
Whittier EL.

Senath:
Senath EL.
Senath HS.

Sikeston:
Airport Kindergarten EL.
Lee Hunter EL.
Matthews EL.
Morehouse Middle.
Sikeston HS.
Southeast EL.
Southwest EL.

Southwest City; Southwest City EL.

Spickard; Spickard EL.

Springfield:
Berry EL.
Bissett EL.
Bowerman EL.
Boyd EL.
Campbell EL.
Central HS.
Doling EL.
Fairbanks EL.
Hillcrest HS.
Jarrett JHS.
McGregor EL.
Oak Grove EL.
Phelps EL.
Pipkin JHS.
Pleasant View JHS.
Reed JHS.
Ritter EL.
Robberson EL.
St. Joseph EL.
Shady Dell EL.
Sherwood EL.
Study EL.
Study JHS.
Tefft EL.
Watkins EL.
Weaver EL.
Weller EL.
Westport EL.
Williams EL.
York EL.

Steele:
Central EL.
East EL.
Steele HS.

Summersville:
Summersville EL.
Summersville HS.

Thayer:
Thayer EL.
Thayer HS.
Thayer JHS.

Thornfield; Thornfield EL.

Trenton:
Adams JHS.
Brainerd EL.
Garfield EL.
Norton EL.
Rissler EL.
Trenton HS.

Tunas:
Tunas EL.
Tunas HS.

Tuscumbia:
Tuscumbia EL.
Tuscumbia HS.

Unionville:
Unionville EL.
Unionville HS.

University City:
Day Care Center-Jewish Community Centers Association EL.
Delmar-Harvard EL.
Hanley JHS.
Pershing EL.
Sixth Grade Center EL.
Torah Academy for Girls HS.
University Forest EL.

Vanduser; Vanduser EL.

Vienna:
Vienna EL.
Vienna HS.
Vienna JHS.
Visitation EL.

Wardell:
North Pemiscot EL.
North Pemiscot HS.

Warrensburg:
Reese EL.
South East EL.
Warrensburg HS.
Warrensburg JHS.

Weaubleau:
Weaubleau EL.
Weaubleau HS.

Wellston:
Central EL.
Halter HS.
Notre Dame de Lourdes EL.
Spensmar EL.
Wellston Middle.

Westboro; Westboro EL.

West Plains:
Carmical EL.
Central EL.
Foster EL.
Reese EL.
Richards EL, R–V Richards.
South Fork EL.
West Plains HS.
West Plains JHS.

Wheatland:
Wheatland EL.
Wheatland JHS–HS.

Wheaton:
Wheaton EL.
Wheaton HS.

Williamsville; Williamsville EL.

Winston:
Winston EL.
Winston HS.

Wyaconda:
Wyaconda EL.
Wyaconda JHS–HS.

Zalma:
Zalma EL.
Zalma HS.

MONTANA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)

Location (city or town); name of school

Anaconda:
Anaconda HS.
Anaconda JHS.
Beaver Dam EL.
Bryan EL.
Lincoln EL.
Washington EL.
W. K. Dwyer EL.

Arlee:
Arlee EL.
Arlee HS.

Ashland:
Ashland EL.
St. Labre Mission EL.
St. Labre Mission HS.

Babb; Babb EL.

Baker:
Baker EL.
Baker HS.
Lincoln EL.
Longfellow EL.
Washington EL.

Big Timber:
Big Timber EL.
Sweetgrass County HS.

Billings:
Billings Senior HS.
Broadwater EL.
Central Catholic HS.
Garfield EL.
Lewis and Clark JHS.
Lincoln JHS.
Lockwood EL.
McKinley EL.
North Park EL.
Orchard EL.
Riverside JHS.
Taft EL.
Washington EL.

Box Elder:
Box Elder EL.
Box Elder HS.
Rocky Boy EL.

Bozeman:
Bozeman HS.
Bozeman JHS.
Willson EL.

Broadus:
Broadus EL.
Powder River County HS.

Brockton:
Barbara Gilligan EL.
Brockton HS.

Browning:
Browning EL.
Browing HS.
Croff-Wren EL.
K. W. Bergan EL.
Starr EL.
Vina Chattin EL.

Butte:
Blaine EL.
Butte Central HS.
Butte HS.
East JHS.
Harrison EL.
Lincoln EL.
Madison EL.
McKinley EL.
Monroe EL.
Sherman EL.
Washington EL.
Webster-Garfield EL.
West JHS.

Charlo:
Charlo EL.
Charlo HS.

Chinook:
Chinook HS.
Eastside EL.
Meadowlark EL.

Choteau; Choteau EL.

Circle:
Baldwin EL.
Bo Peep EL.
Circle HS.

Colstrip; Colstrip HS.

Columbia Falls:
Columbia Falls EL (1–5).
Columbia Falls EL (6–8).
Columbia Falls HS.
Hungry Horse EL.
Martin City EL.

Conrad:
Conrad EL.
Conrad HS.

Corvallis; Corvallis EL.

Culbertson; Culbertson EL.

Cut Bank:
Cut Bank EL (7–8).
Cut Bank HS.

Darby; Darby EL.

Deer Lodge:
Deer Lodge EL (7–8).
Granville Stuart EL.
O. D. Speer EL.

Dillon:
Beaverhead County HS.
Mary Innes EL.
Parkview EL.
Parkview North EL.

Dixon:
Dixon EL.
Dixon HS.

Edgar; Edgar HS.

Ekalaka:
Carter County HS.
Ekalaka EL.

Fairview; Fairview EL.

Forsyth; Forsyth EL.

Fort Benton:
Fort Benton EL.
Fort Benton HS.
Fort Benton JHS.

Glasgow:
East Side EL.
Glasgow HS.
Glasgow JHS.
South Side EL.

Glendive:
Dawson County HS.
Jefferson EL.
Lincoln EL.
Washington EL.

Great Falls:
C. M. Russell HS.
Collins EL.
Emerson EL.
Franklin EL.
Great Falls HS.
Longfellow EL.
McKinley EL.
Paris-Gibson JHS.
Valley View EL.
West JHS.
Whittier EL.

Hamilton:
Grantsdale EL.
Hamilton HS.
Jefferson EL.
New Daly EL.
Washington EL.
Westview EL.

Hardin:
Crow Agency EL.
Hardin EL.
Hardin HS.
Hardin JHS.

Harlem:
Harlem EL.
Harlem HS.

Havre:
Havre EL (7–8).
Havre HS.
Lincoln-McKinley EL.
Robins EL.
St. Jude Thaddeus EL.
Washington EL.

Hays; Hays EL.

Heart Butte; Heart Butte EL.

Helena:
Bryant EL.
Central EL.
Hawthorne EL.
Helena HS.
Helena JHS.
Lincoln EL.
May Butler EL.
Mountain View School.

Jordan:
Garfield County HS.
Jordan EL.

Kalispell:
Edgerton EL.
Elrod EL.
Flathead HS.
Flathead JHS.

Lame Deer; Lame Deer EL.

Laurel:
Fred W. Graff EL.
Laurel HS.
Laurel JHS.
South EL.
West EL.

Lewistown:
Garfield EL.
Highland Park EL.
Lewis & Clark EL.
Lewistown EL (7–8).
Lincoln EL.

Libby:
Asa Wood EL.
Libby HS.
Libby JHS.
McGrade EL.

Lincoln; Lincoln EL.

Livingston:
B. A. Winans EL.
East Side EL.
Lincoln EL.
Livingston JHS.
Park Senior HS.

Lodge Grass:
Lodge Grass EL.
Lodge Grass HS.

Lodge Pole; Lodge Pole EL.

Malta:
Malta EL.
Malta HS.

Miles City:
Lincoln EL.
Pine Hills School.
Washington EL.

Missoula:
Central EL.
C. S. Porter EL.
Franklin EL.
Hellgate EL.
Hellgate HS.
Jefferson EL.
Lowell EL.
Target Range EL.
Whittier EL.
Willard EL.

Opheim; Opheim EL.

Plentywood; Plentywood EL.

Polson:
Cherry Valley EL.
Lincoln EL.
Linderman EL.
Polson HS.

Poplar:
Poplar EL.
Poplar HS.

Pryor; Pryor EL.

Red Lodge:
Red Lodge EL.
Red Lodge HS.

Ronan:
Ronan EL.
Ronan HS.
Ronan JHS.

Roundup:
Central EL.
Roundup HS.
Roundup JHS.

St. Ignatius:
St. Ignatius EL.
St. Ignatius HS.

St. Xavier; St. Xavier Mission EL.

Scobey; Scobey EL.

Shelby:
Bitteroot EL.
Meadowlark EL.
Shelby EL (7–8).
Shelby HS.

Stevensville:
Stevensville EL.
Stevensville HS.

Terry:
Terry EL.
Terry HS.

Townsend; Cecelia Hazelton EL.

Twin Bridges:
Montana Children's Center.
Twin Bridges EL.

Whitefish:
Central EL.
Seventh Street EL.
Whitefish HS.
Whitefish JHS.

White Sulphur Springs; White Sulphur Springs EL.

Wibaux:
Wibaux EL.
Wibaux HS.

Wolf Point:
New North Side EL.
South Side EL.
Wolf Point EL (7–8).
Wolf Point HS.

Wyola; Wyola EL.

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NEBRASKA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Adams:
Adams EL.
Adams HS.
Albion:
Albion EL.
St. Michael (K–8).
Allen:
Allen EL.
Allen HS.
Alliance:
Alliance HS.
Central EL.
Emerson EL.
Grandview EL.
Arnold:
Arnold EL.
Arnold HS.
Ashland:
Ashland EL.
Ashland HS.
Greenwood EL.
Atkinson:
Atkinson EL.
West Holt HS.
St. Joseph (1–8).
Auburn:
Auburn HS.
Phillips EL.
South EL.
Bartlett; Wheeler Central HS.
Bayard:
Bayard EL.
Bayard HS.
Beatrice:
Beatrice HS.
Beatrice JHS.
Cedar EL.
Lincoln EL.
Paddock Lane EL.
Stoddard EL.
Beemer:
Beemer EL.
Beemer HS.
Bellevue:
Bellevue HS.
Betz EL.
Mission JHS.
Peter Saroy EL.
St. Mary (1–8).
Benkelman:
Benkelman EL.
Benkelman HS.
Bladen; Bladen EL.
Blair:
Blair HS.
Central EL.
North EL.
South EL.
Bloomfield:
Bloomfield EL.
Bloomfield HS.
Brainard:
Assumption EL (Dwight).
Brainard EL.
Dwight EL.
Holy Trinity EL.
Broken Bow:
Broken Bow EL.
Broken Bow HS.
Burwell:
Burwell EL.
Burwell HS.
Cairo:
Centura East EL (Dannenbrog).
Centura HS.
Centura South EL.
Centura West EL (Boelus).
Cambridge; Cambridge EL.
Campbell:
Campbell EL.
Campbell HS.
Cedar Rapids; Cedar Rapids EL.
Central City:
Archer EL. (Archer).
Central City HS.
Central City JHS.
North Ward EL.
South Ward EL.
Chadron:
Chadron Middle.
Chadron HS.
Kenwood EL.
Clarks; Clarks EL.
Clarkson:
Clarkson EL.
Clarkson HS.
Cody:
Cody-Kilgore EL.
Cody-Kilgore HS.
Coleridge:
Coleridge EL.
Coleridge HS.
Columbus:
Columbus HS.
Columbus JHS.
Duncan EL (Duncan).
Field EL.
Lakeview HS.
Williams EL.
Cook:
Nemaha Valley EL.
Nemaha Valley JHS. (Talmage).
Nemaha Valley HS.
Cozad:
Central EL.
Cozad HS.
Cozad JHS.
East EL.
Crawford:
Crawford EL.
Crawford HS.
Creighton:
Creighton EL.
Creighton HS.
Crete:
Crete EL.
Crete HS.
Crete, JHS.
St. James (K–8).
Crofton:
Crofton EL.
Crofton HS.
David City:
Aquinas HS.
David City EL.
David City HS.
St. Mary (1–8).
Dawson; Dawson-Verdon EL.
Decatur:
Decatur EL.
Decatur HS.
Deshler:
Deshler EL.
Deshler HS.
Dodge:
Dodge EL.
Dodge HS.
St. Wenceslaus (1–8).
Elk Creek; Elk Creek EL.
Elm Creek; Elm Creek EL.
Emerson:
Emerson EL.
Emerson-Hubbard HS.
Hubbard EL (Hubbard).
Ewing:
Ewing EL.
Ewing HS.
Exeter:
Exeter EL.
Exeter HS.
Fairbury:
Central EL.
East EL.
Fairbury HS.
Fairbury JHS.
Parks EL.
West EL.
Falls City:
Falls City HS.
Falls City JHS.
North EL.
South EL.
Sts. Peter and Paul (1–8).
Firth:
Norris EL.
Norris HS.
Fort Calhoun:
Fort Calhoun EL.
Fort Calhoun HS.
Fremont:
Clarkson EL.
Fremont HS.
Fremont JHS.
Linden EL.
North Side EL.
Washington EL.
Friend:
Friend EL.
Friend HS.
Fullerton:
Fullerton EL.
Fullerton HS.
Geneva; Geneva North HS.
Genoa:
Genoa EL.
Genoa HS.
Gering:
Cedar Canyon EL.
Central EL.
Gering HS.
Gering JHS.
Lincoln EL.
McKinley EL.
Northfield EL.
Gordon; Gordon EL.
Gothenburg:
Gothenburg EL.
Gothenburg HS.
Grand Island:
Blessed Sacrament EL.
Dodge EL.
Grand Island HS.
Howard EL.
Jefferson EL.
Lincoln EL.
Walnut JHS.
West Lawn EL.
Greeley:
Greeley HS.
Sacred Heart (1–8).
Gretna:
Gretna EL.
Gretna HS.
Harrison:
Harrison EL.
Sioux County HS.
Hartington:
Hartington EL.
Hartington HS.
Holy Trinity EL.
Cedar Catholic HS.
Hastings:
Alcott EL.
Hastings HS.
Hastings JHS.
Lincoln EL.
Longfellow EL.
Morton EL.
Hay Springs; Hay Springs EL.
Hebron; Hebron EL.
Hemingford:
Hemingford EL.
Hemingford HS.
Hildreth:
Hildreth EL.
Hildreth HS.
Homer:
Homer EL.
Homer HS.
Hooper; Logan View RHS.
Howells:
Howells EL.
Howells HS.
Howells Community Catholic (1–6).
Imperial; Imperial EL.
Indianola; Republican Valley EL.

Johnson:
Brock Middle (Brock).
Johnson EL.
Johnson HS.
Kearney:
Bryant EL.
Central EL.
Emerson EL.
Kearney JHS.
West Kearney HS.
Kimball:
Kimball JHS.
Kimball County HS.
Mary Lynch EL.
West EL.
Laurel:
Laurel EL.
Laurel HS.
Lawrence:
Lawrence EL.
Lawrence HS.
Sacred Heart (1–8).
St. Steven (1–8).
Lebanon:
Beaver Valley EL.
Beaver Valley HS.
Lexington:
Bryan EL.
Lexington HS.
Lexington JHS.
Pershing EL.
St. Ann JHS.
Lincoln:
Arnold EL.
Blessed Sacrament (1–8).
Clinton EL.
Elliott EL.
Everett JHS.
Hartley EL.
Havelock EL.
Huntington EL.
Individual Learning Center.
Lake View EL.
Lincoln HS.
Norwood Park EL.
Park EL.
Sacred Heart (1–8).
Saratoga EL.
St. Mary (1–8).
St. Patrick (1–8).
Whittier JHS.
Litchfield; Litchfield HS.
Louisville:
Louisville EL.
Louisville HS.
Loup City:
Loup City EL.
Loup City Middle.
Loup City HS.
Lyman:
Lyman EL.
Lyman HS.
Lynch:
Lynch EL.
Lynch HS.
Macy; Macy (K–12).
Maywood:
Stockville EL.
Wellfleet EL.
McCook; East Ward EL.
Melbeta:
Melbeta EL.
Melbeta HS.
Merna:
Anselmo EL (Anselmo).
Merna EL.
Merna HS.
Milford:
Milford EL.
Milford HS.
Millard:
Bryan EL.
Cather EL.
Central EL.
Cody EL.
Hitchcock EL.
Millard HS.
Millard JHS.
Montclair EL.
Norris EL.
Sandoz EL.
Minatare:
Minatare EL.
Minatare HS.
Mitchell:
Mitchell EL.
Mitchell HS.
Morrill:
Morrill EL.
Morrill HS.
Murray; Murray EL.
Naper; Naper EL.
Nebraska City:
14th Street EL.
Nebraska City HS.
Nebraska City JHS.
Northside EL.
Sixth Street EL.
Union EL (Union).
Neligh:
East Neligh EL.
Neligh HS.
Niobrara:
Niobrara EL.
Niobrara HS.
Norfolk:
Grant EL.
Jefferson EL.
Lincoln EL.
Monroe EL.
Norfolk HS.
Norfolk JHS.
Northern Hills EL.
Washington EL.
North Bend; North Bend EL.
North Platte:
Buffalo EL.
Cleveland EL.
Cody EL.
Jefferson EL.
Lincoln EL.
Madison JHS.
North Platte HS.
Roosevelt EL.
Washington EL.
Omaha:
Assumption (1–8).
Bancroft JHS.
Castelar EL.
Central EL.
Central HS.
Clifton Hill EL.
Conestoga EL.
Dominican HS.
Druid Hill EL.
Franklin EL.
Hawthorne EL.
Highland EL.
Holy Name EL.
Holy Name HS.
Immaculate Conception (1–8).
Indian Hill EL.
Indian Hill JHS.
Jackson EL.
Kellom EL.
Kennedy EL.
Lake EL.
Lincoln EL.
Lothrop EL.
Mann JHS.
Marrs EL.
Marrs JHS.
Mason EL.
McMillan JHS.
Miller Park EL.
Monmouth Park EL.
North HS.
Pershing EL.
Pope Paul VI HS.
Sacred Heart (1–8).
Sherman EL.
South HS.
St. Agnes (K–8).
St. Ann (1–8).
St. Anthony (1–8).
St. Frances Cabrini (1–8).
St. Mary (1–8).
St. Patrick (1–8).
St. Peter (K–8).
St. Theresa (1–8).
Technical HS.
Technical JHS.
Train EL.
Vinton EL.
Walnut Hill EL.
Yates EL.
O'Neill:
O'Neill EL.
O'Neill HS.
St. Mary (1–8).
St. Mary HS.
Orchard; Orchard EL.
Ord:
Comstock EL.
Ord EL.
Ord HS.
Osmond:
Osmond EL.
Osmond HS.
Overton; Overton EL.
Palmer; Palmer EL.
Palmyra; Bennet EL (Bennet).
Papillon:
G. Stanley Hall EL.
LaVista West EL.
Papillon HS.
Papillon JHS.
Papillon Middle.
Parkview Heights EL.
Sacred Heart Academy (1–8).
Trumble Park EL.
Pawnee City:
Du Bois EL (Du Bois).
Pawnee City EL.
Pawnee City HS.
Paxton; Paxton EL.
Pender:
Pender EL.
Pender HS.
Petersburg:
Petersburg EL.
Petersburg HS.
St. John the Baptist (1–8).
Pierce:
Pierce EL.
Pierce HS.
Plainview:
Brunswick EL (Brunswick).
Plainview EL.
Plainview HS.
Plattsmouth:
Central, EL.
Columbian EL.
First Ward EL.
Park EL.
Plattsmouth HS.
St. John (1–8).
Winterstein EL.
Prague; Prague Public (K–12)
Ralston:
Karen Western EL.
Ralston HS.
Ralston Middle.
Randolph:
Randolph EL.
Randolph HS.
Raymond:
Central HS.
Ceresco EL (Ceresco).
Raymond EL.
Valparlso EL.
Ravenna:
Ravenna EL.
Ravenna JHS.
Red Cloud:
Red Cloud EL.
Red Cloud HS.
Red Willow; Republican Valley HS.
Rosalie; Rosalie EL.
Rushville; Rushville EL.
St. Paul:
St. Paul EL.
St. Paul HS.

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Sargent:
Sargent EL.
Sargent HS.
Schuyler:
Schuyler HS.
West Ward EL.
Scotia:
North Loup-Scotia EL.
North Loup-Scotia HS.
Scottsbluff:
Bryant EL.
Lincoln Heights EL.
Longfellow EL.
Roosevelt EL.
Scottsbluff HS.
Scottsbluff JHS.
Westmoor EL.
Seward:
Garland EL.
Goehner EL (Goehner).
Seward EL.
Seward HS.
Seward JHS.
Staplehurst EL (Staplehurst).
Ulysses EL (Ulysses).
Sidney:
Sidney JHS.
Sidney HS.
St. Patrick HS.
South Sioux City:
Dakota City EL (Dakota City).
E. N. Swett EL.
Harney EL.
Lewis and Clark EL.
South Sioux City HS.
South Sioux City JHS.
Walker Island EL.
Spalding:
Spalding EL.
Spalding HS.
Spalding Academy (1–8).
Spalding Academy HS.
Spencer:
Spencer EL.
Spencer HS.
Springview; Keya Paha County HS.
Stanton:
Stanton EL.
Stanton HS.
Stapleton:
Stapleton EL.
Stapleton HS.
Stella:
Southeast Nebraska EL.
Southeast Nebraska HS.
Sterling:
Sterling EL.
Sterling HS.
Stromsburg; Stromsburg EL.
Stuart; Stuart EL.
Sumner; Miller EL (Miller).
Sutton:
Sutton EL.
Sutton HS.
Syracuse:
Avoca EL (Avoca).
Dunbar EL (Dunbar).
Syracuse EL.
Syracuse JHS.
Syracuse HS.
Taylor:
Loup County HS.
Taylor Consolidated Grade.
Tecumseh:
Tecumseh EL.
Tecumseh HS.
Tekamah-Herman:
Tekamah EL.
Tekamah HS.
Tilden:
Elkhorn Valley EL (Meadow Grove).
Elkhorn Valley HS.
Trenton; Trenton EL.
Trumbull; Trumbull EL.
Utica:
Centennial HS.
Waco EL (Waco).
Valentine:
East EL.
Valentine HS.
Valley:
Valley EL.
Valley HS.
Verdigre:
Verdigre EL.
Verdigre HS.
Wahoo:
Wahoo HS.
Wahoo JHS.
West Ward EL.
Wakefield:
Wakefield EL.
Wakefield HS.
Walthill; Walthill EL.
Wauneta; Wauneta EL.
Wausa:
Wausa EL.
Wausa HS.
Waverly:
Waverly EL.
Waverly HS.
Wayne:
Carroll EL (Carroll).
Wayne HS.
Wayne Middle.
Wayne West EL.
West Point:
Central Catholic HS.
Guardian Angel (1–8).
Pebble Valley (1–8).
St. Paul Lutheran (K–8).
West Point EL.
West Point HS.
Wilber; Wilber EL.
Wilcox:
Wilcox EL.
Wilcox HS.
Wilsonville; Wilsonville EL.
Winnebago; Winnebago Public EL–HS.
Wisner:
Pilger EL (Pilger).
Wisner EL.
Wisner HS.
Wood River; Wood River EL.
Wolbach:
Wolbach EL.
Wolbach HS.
Wymore:
Blue Springs EL (Blue Springs).
Holmesville EL (Holmesville).
Southern HS.
Wynot; Wynot Public EL–HS.
York:
Lincoln EL.
Willard EL.
York HS.
Yutan:
Yutan EL.
Yutan HS.

NEVADA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)

Location (city or town); name of school

Alamo; Pahranagat Valley Combined (K–12).
Caliente:
Caliente EL.
Nevada Girls Training Center.
Carson City:
Carson City Middle (6–7).
John C. Fremont EL.
Dayton; Dayton EL.
Elko; Nevada Youth Training Center.
Ely; Ely EL.
Fallon:
Northside EL.
Oats Park EL.
West End EL.
Henderson:
Basic HS.
Chester T. Sewell EL.
Lyal W. Burkholder JHS.
Park Village EL.
Las Vegas:
Crestwood EL.
Cyril Wengert EL.
Frank F. Garside JHS.
Halle Hewetsen EL.
Harley Harmon EL.
Ira J. Earl EL.
J. T. McWilliams EL.
Jim Bridger JHS.
John C. Fremont JHS.
John F. Miller EL.
John S. Park EL.
Kermit Booker EL.
Kit Carson EL.
Las Vegas HS.
Madison EL.
Matt Kelley EL.
Mountain View EL.
Myrtle Tate EL.
North Ninth Street EL.
Paul E. Culley EL.
Rancho HS.
Red Rock EL.
Rex Bell EL.
Robert O. Gibson JHS.
Rose Warren EL.
Ruth Fyfe EL.
Spring Mountain (7–12).
Sunrise Acres EL.
Twin Lakes EL.
Urban HS.
West Charleston EL.
Western HS.
McDermitt; McDermitt Combined (K–12).
North Las Vegas:
C. P. Squires EL.
C. V. T. Gilbert EL.
Ed Von Tobel JHS.
Fay Herron EL.
Jo Mackey EL.
Lois Craig EL.
Marian E. Cahlan EL.
Quannah McCall EL.
Overton; Overton EL.
Owyhee; Owyhee Combined (K–12).
Panaca; Lincoln County HS.
Reno:
Glenn A. Duncan EL.
Kate Smith EL.
Lemmon Valley EL.
Orvis Ring EL.
Stead EL.
Schurz; Schurz EL.
Sparks:
Agnes Risley EL.
Robert Mitchell EL.
Sun Valley EL.
Wadsworth; Natchez EL.
Winnemucca; Winnemucca Grammar EL.

NEW HAMPSHIRE

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Alexandria; Village EL.
Berlin:
Bartlett EL.
Berlin JHS.
Berlin SHS.
Brown-King EL.
Catholic East EL.
Catholic JHS.
Catholic West EL.
Marston EL.

Boscawen; Main Street EL.
Bridgewater; River Road EL.
Bristol:
Bristol Primary.
Newfound Area Memorial HS.
Claremont:
Bluff EL.
Claremont JHS.
North Street EL.
St. Mary EL.
Stevens HS and Annex.
Way EL.
West Terrace EL.
Concord:
Bishop Brady HS.
Concord HS.
Dame-Immaculate Heart of Mary EL.
Garrison EL.
Kimball EL.
Merrimack Valley Central EL.
Merrimack Valley HS.
Rumford EL.
Rundlett JHS.
St. John EL.
Summer Street EL.
Walker-St. Peter EL.
Derry:
Charles M. Floyd EL.
Grinnell EL.
Hood Memorial JHS.
Pinkerton Academy HS.
St. Thomas Aquinas EL.
South Range EL.
Dover:
Dover Catholic Consolidated EL.
Dover JHS.
Dover SHS.
Hanson-Horne EL.
Pierce-Sawyer EL.
St. Thomas Aquinas HS.
Fitzwilliam; Dr. George B. Emerson EL.
Franklin:
Bessie Rowell EL.
Franklin J–SHS.
Parker C. Hancock EL and Annex.
Paul A. Smith EL.
St. Mary EL.
Gilsum; Gilsum EL.
Hampton:
Academy JHS.
Centre EL.
Marston EL.
Sacred Heart EL.
Winnacunnet Cooperative HS.
Hookset:
F.C. Underhill EL.
Memorial JHS.
Village EL.
Hudson:
Alvirne HS.
Dr. H.O. Smith-Memorial-Webster EL.
St. John the Evangelist EL.
Keene:
Franklin EL.
Keene JHS.
Keene SHS.
Keene Learning Community.
Lincoln EL.
Roosevelt EL.
St. Joseph EL.
Wheelock EL.
Laconia:
Academy-Batchelder EL.
Bowman Street-Elm Street-Mechanic Street EL.
Harvard Street-Pleasant Street-Washington Street EL.
Holy Trinity EL.
Laconia HS.
Memorial JHS.
Lebanon:
Lebanon HS.
Lebanon JHS.
Mount Lebanon-Seminary Hill EL.
Sacred Heart-School Street-Hanover Street EL.
Manchester:
Ash Street EL.
Bakersville EL.
Blessed Sacrement EL.
Brown EL.
Chandler Street EL.
Franklin EL.
Gossler Park EL.
Hillcrest EL.
Hillcrest JHS.
Hillside JHS.
Lincoln EL.
Manchester Central HS.
Manchester Memorial HS.
Manchester West HS.
Maynard EL.
New Hampshire State Industrial J–SHS.
Parkside JHS.
St. Anthony JHS.
St. John the Baptist EL.
St. Joseph JHS.
St. Marie HS.
Southside JHS.
Straw EL.
Trinity HS.
Wilson EL.
Milford:
Garden Street-Lt. Jacques-Bales EL.
Milford Area HS.
Milford Area JHS.
Nashua:
Arlington Street EL.
Bishop Guertin HS.
Holy Infant Jesus EL.
James B. Crowley EL.
Ledge Street EL.
Mt. Pleasant EL.
Nashua HS.
Sacred Heart EL.
St. Aloysius EL.
St. Christopher EL.
St. Francis Xavier EL.
St. Joseph EL.
Spring Street JHS.
Temple Street EL.
New Hampton; Community EL.
Newport:
Newport J–SHS.
Richards-Towle EL.
Portsmouth:
Atlantic Heights EL.
Little Harbour EL.
New Franklin EL.
Portsmouth JHS and Annex.
Portsmouth SHS.
St. Patrick EL.
Wentworth Acres EL.
Rochester:
Allen EL.
Gonic EL.
Holy Rosary EL.
Rochester JHS.
St. Mary EL.
School Street EL.
Spaulding HS.
Sanbornton; Central EL.
Salisbury; Salisbury EL.
Sullivan; Central EL.
Surry; Surry EL.
Swanzey:
Cutler EL.
Monadnock Regional HS.
Tilton:
Channing Sanborn-Union EL.
Winnesquam Regional HS.
Troy; Troy EL.
Webster; Central EL.

NEW JERSEY

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Absecon; H. Ashton Marsh EL.
Allentown:
Allentown HS.
Upper Freehold Regional EL.
Alloway; Alloway Township EL.
Asbury Park:
Asbury Park HS.
Asbury Park Middle.
Bangs Avenue EL.
Bond Street EL.
Bradley EL.
Holy Spirit EL.
Our Lady of Mt. Carmel EL.
Atco:
Edgewood Regional HS.
Edgewood Regional JHS.
Atlantic City:
Atlantic City HS.
Brighton Avenue EL.
Central JHS.
Chelsea Heights EL.
Chelsea JHS.
Holy Spirit EL.
Indiana Avenue EL.
Madison Avenue EL.
Massachusetts Avenue EL.
New Jersey Avenue EL.
Our Lady of the Sea EL.
Pennsylvania Avenue EL.
Richmond Avenue EL.
St. Michael EL.
Venice Park EL.
West Side EL.
Barnegat; Barnegat EL.
Bass River Township; New Gretna EL.
Bayonne:
Assumption EL.
Bayonne HS.
Mt. Carmel EL.
Our Lady Star of the Sea EL.
School No. 1 EL.
School No. 2 EL.
School No. 4 EL.
School No. 5 EL.
School No. 7 EL.
School No. 11 EL.
School No. 12 EL.
St. Andrew EL.
St. Henry EL.
St. Joseph EL.
Bayville:
Bayville EL.
Clara B. Worth EL.
Belle Mead:
Woodfern EL.
Woods Road EL.
Belleville:
School No. 1 EL.
School No. 4 EL.
School No. 9 EL.
St. Anthony EL.
Bellmawr; Bellmawr Park EL.
Belmar; South Belmar EL.
Beverly; Beverly EL.
Bloomfield:
Forest Glen EL.
George Morris EL.
Bound Brook:
Lafayette EL.
LaMonte EL.
St. Joseph EL.
St. Mary EL.
Bradley Beach; Bradley Beach EL.
Brick Township:
Drum Point Road EL.
Osbornville EL.
Bridgeton:
Bank Street EL.
Bethany Seventh-day Adventist EL.
Bridgeton HS.
Bridgeton JHS.
Buckshutem Road EL.
Cherry Street EL.
Deerfield Township EL.
Dividing Creek EL.
Downe Township EL.
Fairton EL.
Gouldtown EL.
Haleyville-Mauricetown EL.
Hopewell EL.
Hopewell Crest EL.
Immaculate Conception EL

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Indian Avenue EL.
Irving Avenue EL.
Leesburg EL.
Maurice River Township EL.
Monroe Street EL.
Myron L. Powell EL.
Pearl Street EL.
Port Elizabeth EL.
Port Norris EL.
Quarter Mile Lane EL.
St. Mary EL.
Vine Street EL.
West Avenue EL.
Brigantine:
Brigantine Central EL.
Brigantine North EL.
Budd Lake; Linden Avenue EL.
Buena:
Buena Vista EL.
Collings Lakes EL.
Dr. J. P. Cleary JHS.
Milmay EL.
Mintola No. 2 EL.
Richland EL.
William B. Doulni EL.
Burlington:
Captain James Lawrence EL.
Elias Boudinot EL.
Robert Stacy EL.
Samuel Smith EL.
Wilbur Watts Middle.
Burlington Township:
Beverly Road EL.
Burlington Township Middle.
Pinewald EL.
Shedaker EL.
Springside EL.
Camden:
Bonsall EL.
Broadway EL.
Camden HS.
Cooper EL.
Cooper's Poynt EL.
Cramer EL.
Davis Middle.
Dudley EL.
Fetters EL.
Forest Hill EL.
Hatch Middle.
H. B. Wilson EL.
Holy Name EL.
Lanning Square EL.
Mickle EL.
Morgan Village Middle.
Our Lady of Mt. Carmel EL.
Parkside EL.
Powell EL.
Pyne Poynt Middle.
Read EL.
Sewell EL.
Sharp EL.
St. Mary EL.
Sumner EL.
U.S. Wiggins EL.
Veterans Memorial Middle.
Washington EL.
Whittier EL.
Woodrow Wilson EL.
Yorkship EL.
Cape May; Cape May City EL.
Carteret; Cleveland EL.
Clarksburg:
Clarksburg EL.
Millstone Township EL.
Perrineville EL.
Clifton:
St. Brendan EL.
St. Cyril EL.
Dennis Township; Dennis Township EL.
Deptford:
Blackwood Terrace EL.
Deptford Central EL.
Franklinville Memorial EL.
Good Intent EL.
Jericho EL.
Lake Tract EL.
Main Road EL.
Malaga EL.
New Sharon EL.
Oak Valley EL.
Shady Lane EL.
Westville Grove EL.
East Orange:
Ashland EL.
Clifford Scott HS.
Columbian EL.
East Orange HS.
East Orange Intermediate.
Elmwood EL.
Franklin EL.
Henry E. Kentopp EL.
Lincoln EL.
Nassau EL.
Rutledge Avenue EL.
Stockton EL.
Vernon L. Davey EL.
Washington EL.
East Paterson; St. Ann EL.
East Rutherford:
Faust Intermediate.
George Washington EL.
East Vineland; St. Mary EL.
Egg Harbor:
Buffalo Avenue EL.
Philadelphia Avenue EL.
St. Nicholas EL.
Egg Harbor Township:
Cardiff Annex EL.
Cardiff EL.
Ellmore H. Slaybaugh EL.
Farmington EL.
H. Russell Swift EL.
McKee City EL.
Scullville EL.
West Atlantic City EL.
Elizabeth:
Abraham Lincoln No. 14 EL.
Battin HS.
Benjamin Franklin No. 13 EL.
Christopher Columbus No. 15 EL.
Cleveland JHS No. 1C.
Cleveland JHS No. 1A and B.
Continental No. 3 EL.
Elias Boudinot No. 9 EL.
George Washington No. 1 EL.
Hamilton JHS.
Holy Rosary EL.
James P. Mitchell No. 24 EL.
Jefferson HS.
John Marshall No. 20 EL.
Lafayette JHS No. 3.
Madison-Monroe No. 16 EL.
Marquis de Lafayette No. 6 EL.
Nicholas Murray Butler No. 23 EL.
Robert Morris No. 18 EL.
Sacred Heart EL.
St. Adalbert EL.
St. Anthony EL.
St. Michael EL.
St. Patrick EL.
Ss. Peter & Paul EL.
Theodore Roosevelt EL No. 17.
Theodore Roosevelt JHS No. 4.
Thomas A. Edison Vocational and Technical HS.
William P. Halloran No. 22 EL.
William Penn No. 11 EL.
Winfield Scott No. 2 EL.
Woodrow Wilson No. 19 EL.
Elmer:
Daretown EL.
Monroeville EL.
Norma EL.
Olivet EL.
Englewood:
Cleveland EL.
Donald A. Quarles EL.
Dwight Morrow HS.
Engle EL.
Englewood Middle.
Lincoln EL.
Roosevelt EL.
St. Cecilia EL–HS.
Estell Manor; Estell Manor EL.
Fairlawn; St. Catherine EL.
Farmingdale:
Ardena EL.
Edith Griebling EL.
Farmingdale Public EL.
Land O' Pines EL.
Ramtown EL.
Southard EL.
Florence Township:
Marcella L. Duffy EL.
Roebling No. 5 EL.
Franklin Township; Pine Grove Manor EL.
Freehold:
Bennett Street EL.
Broad Street EL.
Court Street EL.
Freehold HS.
Freehold Intermediate.
Howell HS.
Hudson Street EL.
Manalapan HS.
Galloway Township:
Arthur Rann EL.
Oceanville EL.
Pomona EL.
South Egg Harbor EL.
Garfield:
Columbus EL.
Garfield HS.
Holy Name EL.
Jefferson EL.
Lincoln EL.
Mark Twain EL.
Our Lady of Mt. Verge EL.
Roosevelt EL.
Washington Irving EL.
Woodrow Wilson EL.
Glassboro:
Academy Street EL.
Bozorth Campus EL.
Cecil EL.
J. Harvey Rodgers Memorial EL.
Kingsway Regional HS.
Logan Township EL.
Glen Gardner; Glen Gardner EL.
Gloucester City:
Broadway EL.
Brown Street EL.
Gloucester City J–SHS.
Gloucester Heights EL.
Mary E. Costello EL.
Gloucester Township:
Erial No. 5 EL.
Glendora EL.
Hackensack:
Beech Street EL.
Broadway EL.
Hackensack HS.
Hackensack Middle.
Holy Trinity EL.
Immaculate Conception EL.
Jackson Avenue EL.
St. Francis EL.
Haddon Township:
Holy Savior EL.
Thomas A. Edison EL.
Hamilton Township:
Joseph C. Shaner Memorial EL.
Mays Landing EL.
Hamilton Township:
Albert Grice JHS.
Farmingdale EL.
Greenwood EL.
Hamilton West EL.
Rowan EL.
Willey EL.
Hammonton; Hammonton EL.
High Bridge; High Bridge EL.
Highland Park; St. Paul EL.
Highlands:
Highlands Public EL.
Our Lady of Perpetual Help EL.
Hoboken:
A. J. Demarest JHS.
Daniel S. Kealey EL.
David E. Rue EL.
Hoboken HS.
Joseph F. Brandt EL.
Joseph F. Brandt JHS.

Our Lady of Grace EL.
Sadie F. Leinkauf EL.
St. Cecilia EL.
St. Francis EL.
St. Joseph EL.
Ss. Peter & Paul EL.
Thomas G. Conners Memorial EL.
Wallace EL.
Howell; St. Veronica EL.
Irvington:
Augusta Street EL.
Berkeley Terrace EL.
Florence Avenue EL.
Grove Street EL.
Mount Vernon Avenue EL.
Sacred Heart EL.
Jamesburg:
Memorial EL.
Raymond E. Voorhees EL.
William A. Miller EL.
Jefferson Township; Ellen T. Briggs EL.
Jersey City:
All Saints EL.
Assumption of the Blessed Virgin Mary EL.
Holy Rosary EL.
Lincoln J–SHS.
Mt. Carmel EL.
School No. 2.
School No. 3.
School No. 5.
School No. 6.
School No. 8.
School No. 9.
School No. 11.
School No. 12.
School No. 14.
School No. 15.
School No. 16.
School No. 17.
School No. 18.
School No. 22.
School No. 23.
School No. 24.
School No. 25.
School No. 27.
School No. 28.
School No. 29.
School No. 30.
School No. 33.
School No. 34.
School No. 35.
School No. 37.
School No. 38.
School No. 39.
School No. 40.
School No. 41.
St. Anthony EL.
St. Boniface EL.
St. Bridget EL.
St. Mary EL–HS.
St. Michael EL.
St. Patrick EL.
Keansburg:
Keansburg EL.
Keansburg J–SHS.
Kearny:
Franklin EL.
New Jersey Boystown.
Our Lady of Sorrows EL.
Washington EL.
Keyport:
Central EL.
East Keyport EL.
Keyport HS.
Lakehurst:
Ridgeway EL.
Whiting EL.
Lakewood:
Clifton Avenue EL.
Ella G. Clarke EL.
Lakewood Middle.
Princeton Avenue EL.
Spruce Street EL.
Lambertville:
Lambertville EL.
St. John the Evangelist EL.
Lawnside:
Lawnside Public EL.
St. Mary EL.
Lawrence Township; Eldridge Park EL.
Layton; Sandyston-Walpack Consolidated EL.
Linden:
Linden HS.
McManus JHS.
School No. 2 EL.
School No. 3 EL.
School No. 4 EL.
School No. 5 EL.
Soehl JHS.
Lindenwold:
Lindenwold No. 1 EL.
Lindenwold No. 4 EL.
Lindenwold No. 5 EL.
Our Lady of the Mountain EL.
St. Lawrence EL.
St. Luke EL.
Livingston; Washington EL.
Long Branch:
Broadway EL.
Garfield EL.
Gregory EL.
Lenna W. Conrow EL.
Long Branch HS.
Long Branch JHS.
Morris Avenue EL.
North Long Branch EL.
West End EL.
Lyndhurst:
Columbus EL.
Jefferson EL.
Lincoln EL.
St. Michael EL.
Madison:
Memorial EL.
Cooper EL.
Mahwah; Betsy Ross EL.
Matawan:
Broad Street EL.
Cliffwood EL.
Matawan Avenue Middle.
Middle Township:
Middle Township No. 1 EL.
Middle Township No. 3 EL.
Middle Township HS.
Rio Grande EL.
Middletown Township:
Belford EL.
East Keansburg EL.
Leonardo EL.
Navesink EL.
Port Monmouth EL.
St. Catherine EL.
St. Mary EL.
Millville:
Bacon J–SHS.
Culver-Sensor EL.
Memorial JHS.
Mount Pleasant EL.
R. D. Wood EL.
Rieck Avenue EL.
St. Mary EL.
Western EL.
Montclair; Glenfield EL.
Morristown:
Alexander Hamilton EL.
George Washington EL.
Lafayette JHS.
St. Margaret EL.
St. Michael EL.
Thomas Jefferson EL.
Mount Ephraim; Mary Bray EL.
Mount Holly:
Anna C. Heller EL.
F. W. Holbein EL.
Gertrude M. Folwell EL.
John Brainerd EL.
Samuel Miller EL.
Neptune Township:
Bradley Park EL.
Gables EL.
Green Grove EL.
Holy Innocents EL.
Neptune HS.
Neptune JHS.
Ocean Grove EL.
Ocean Grove Middle.
Our Lady of Mt. Carmel EL.
Ridge Avenue Middle.
Shark River Hills EL.
New Brunswick:
Bayard EL.
Chester Redshaw EL.
Livingston EL.
Lord Stirling EL.
McKinley EL.
Nathan Hale EL.
New Brunswick HS.
New Street EL.
Roosevelt Intermediate.
Sacred Heart EL.
Washington EL.
New Egypt; New Egypt EL.
New Hanover Township; New Hanover Township EL.
New Shrewsbury:
Swimming River EL.
Sycamore EL.
Tinton Falls EL.
Newark:
Abington Avenue EL.
Alexander Street EL.
Alyea Street EL.
Arlington Avenue EL.
Arts HS.
Avon Avenue EL.
Barringer HS.
Belmont-Runyon EL.
Bergen Street EL.
Blessed Sacrament EL.
Boylan Street EL.
Bragaw Avenue EL.
Bragaw Avenue Annex EL.
Branch Brook EL.
Broadway EL.
Broadway JHS.
Bruce Street EL.
Burnet Street EL.
Camden Street EL.
Central Avenue EL.
Central HS.
Chancellor Avenue EL.
Charlton Street EL.
Cleveland EL.
Clinton Avenue EL.
Clinton Place JHS.
Dayton Street EL.
East Side HS.
Eighteenth Avenue EL.
Elliott Street EL.
Fifteenth Avenue EL.
Fourteenth Avenue EL.
Franklin EL.
Garfield EL.
Girls Trade EL.
Harriet Tubman EL.
Hawkins Street EL.
Hawthorne Avenue EL.
Hudson Street EL.
Madison Annex EL.
Madison EL.
Maple Avenue EL.
Maple Avenue Annex EL.
Marcus Garvey EL.
Martin Luther King EL.
McKinley EL.
Miller Street EL.
Montgomery Street EL.
Morton Street EL.
Mt. Vernon EL.
Newton Street EL.
Oliver Street EL.
Peshine Avenue EL.
Queen of Angels EL.
Quitman Street EL.
Ridge Street EL.
Rosa L. Parks EL.
Roseville Avenue EL.
Seventh Avenue JHS.
South Eleventh Street EL.
South Market Street EL.
South Seventeenth Street EL.
South Street EL.
Speedway Avenue EL.

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St. Aloysius EL.
St. Ann EL.
St. Antonius EL.
St. Augustine EL.
St. Charles EL.
St. Columbo EL.
St. Lucy EL.
St. Mary EL.
St. Michael EL.
St. Patrick EL.
St. Rocco EL.
Summer Avenue EL.
Sussex Avenue EL.
Thirteenth Street EL.
Vailsburg HS.
Warren Street EL.
Waverly Avenue EL.
Webster JHS.
Weequahic HS.
West Kinney JHS.
Westside HS.
Wickliffe Street EL.
Wilson Avenue EL.
Woodland Avenue EL.
Newfield; Edgarton Memorial EL.
Newton; Halsted Street EL.
North Plainfield:
Somerset EL.
St. Joseph EL.
Watchung EL.
Northfield; Mt. Vernon Avenue EL.
Ocean City; St. Augustine EL.
Orange:
Central EL.
Forest Street EL.
Lincoln Avenue EL.
Oakwood Avenue EL.
Orange HS.
Park Avenue EL.
Tremont Avenue EL.
Oxford; Oxford Central EL.
Passaic:
Annex No. 6 EL.
Columbia No. 9 EL.
Grant No. 7 EL.
Holy Rosary EL.
Holy Trinity EL.
Lafayette No. 6 EL.
Lincoln No. 4 JHS.
Memorial No. 11 EL.
Our Lady of Mt. Carmel EL.
Passaic Senior HS.
Pulaski No. 8 EL.
Roosevelt No. 10 EL.
St. Anthony EL.
St. Joseph EL.
St. Mary EL.
St. Michael EL.
St. Nicholas EL.
St. Nicholas Ukrainian EL.
St. Stephen EL.
Paterson:
Bunker Hill EL.
Dale Avenue EL.
Eastside HS.
John F. Kennedy HS.
Martin Luther King EL.
Our Lady of Lourdes EL.
School No. 2 EL.
School No. 3 EL.
School No. 4 EL.
School No. 5 EL.
School No. 6 EL.
School No. 7 EL.
School No. 8 EL.
School No. 9 EL.
School No. 10 EL.
School No. 11 EL.
School No. 12 EL.
School No. 13 EL.
School No. 14 EL.
School No. 15 EL.
School No. 16 EL.
School No. 17 EL.
School No. 18 EL.
School No. 21 EL.
School No. 24 EL.
School No. 25 EL.
School No. 26 EL.
School No. 28 EL.
St. Agnes EL.
St. Boniface EL.
St. John HS.
St. Joseph EL.
St. Joseph HS.
St. Michael EL.
Paulsboro; Loudenslager EL.
Pedricktown; Pedricktown EL.
Penns Grove:
Broad Street EL.
Field Street EL.
St. James EL.
West Harmony EL.
Pennsville:
Pennsville EL.
St. Mary EL.
Valley Park EL.
Perth Amboy:
Grammer EL.
Holy Rosary EL.
James Flynn EL.
Perth Amboy HS.
School No. 1 EL.
School No. 2 EL.
School No. 5 EL.
School No. 7 EL.
School No. 8 EL.
School No. 9 EL.
School No. 10 EL.
Shull EL.
St. Mary Grammar EL.
Ukrainian Assumption EL.
Phillipsburg:
Beers EL.
Brensinger EL.
Freeman EL.
Phillipsburg HS.
Reese EL.
Pine Hill:
Albert Bean EL.
John Glenn EL.
St. Edward EL.
Piscataway:
Dwight D. Eisenhower EL.
Our Lady of Fatima EL.
Pitman; W. C. K. Walls EL.
Plainfield:
Charles H. Stillman EL.
Clinton EL.
Emerson EL.
Evergreen EL.
Hubbard JHS.
Jefferson EL.
Maxson EL.
Plainfield HS.
St. Bernard EL.
St. Mary EL.
Washington EL.
Woodland EL.
Pleasantville:
Decatur Avenue EL.
Leeds Avenue EL.
Pleasantville HS.
Pleasantville JHS.
South Main Street EL.
Port Jarvis; Montague EL.
Raritan:
St. Ann EL.
St. Joseph EL.
Red Bank:
Mechanic Street EL.
Red Bank Primary.
Red Bank Regional HS.
River Street EL.
Ringwood; Eleanor G. Hewitt EL.
Roselle:
Lincoln EL.
Locust EL.
Runnemede; Bingham EL.
Salem:
John Fenwick EL.
Salem HS.
Salem JHS.
Sea Bright; Sea Bright Public EL.
Sea Isle City:
Sea Isle EL.
St. Joseph EL.
Somerset; Middlebush EL.
Somerville:
Building No. 1 EL.
Building No. 2 EL.
South Amboy; Monmouth Junction EL.
South Harrison:
Harrisonville EL.
South Gloucester County Regional HS.
South Plainfield; Roosevelt EL.
Springfield; David Brearly Regional HS.
Stratford; Princeton EL.
Sussex; Wantage EL.
Swedesboro:
Margaret C. Clifford EL.
Walter H. Hill EL.
Teaneck:
Avant EL.
Emerson EL.
Teaneck HS.
Thomas Jefferson JHS.
Washington Irving EL.
Toms River:
North Dover EL.
Toms River South HS.
Washington Street EL.
Trenton:
Cadwalader EL.
Cathedral EL.
Columbus EL.
Cook EL.
Franklin EL.
Grant EL.
Gregory EL.
Harrison EL.
Immaculate Conception EL.
Jefferson EL.
JHS No. 1.
JHS No. 2 (EL Division).
JHS No. 3 (EL–JHS).
JHS No. 4.
JHS No. 5 (EL–JHS).
Monument EL.
Mott EL.
Our Lady of Divine Shepherd EL.
Parker EL.
Robbins EL.
Sacred Heart EL.
St. James EL.
St. Joseph EL.
Stokes EL.
Trenton Central HS.
Woodrow Wilson EL.
Tuckerton:
Little Egg Harbor EL.
Tuckerton EL.
Union Beach; Memorial EL.
Union City:
Emerson HS.
Holy Family EL–HS.
Hudson EL.
Jefferson EL.
Robert Waters EL.
Roosevelt EL.
Sara M. Gilmore EL.
St. Anthony EL.
St. Augustine EL.
St. Joseph EL.
St. Michael EL–HS.
Thomas A. Edison EL.
Union Hill HS.
Washington EL.
Vineland:
Christian Day EL.
Cunningham EL.
Dane Barse EL.
East Landis EL.
East Vineland EL.
Ellisin EL.
John H. Winslow Annex EL.
John H. Winslow EL.
Johnstone EL.
Landis JHS.
Maurice Fels EL.
Max Leuchter EL.
Mennies EL.
Micro-Social Learning Center.
Park and East EL.
Reber EL.
Rossi EL.

Salve D'ippolito EL.
South Vineland EL.
Spring Road EL.
St. Francis EL.
St. Mary EL.
West Landis EL.
Wall:
Hurley EL.
West Belmar EL.
Wenonah; Verga EL.
West Cape May; West Cape May EL.
West New York:
Harry L. Bain EL.
School No. 1 EL.
School No. 3 EL.
School No. 4 EL.
School No. 5 EL.
West Orange:
Bloomfield J–SHS.
Irvington J–SHS.
Newark (Boys) J–SHS.
Newark (Girls) J–SHS.
Westwood; Berkeley Avenue EL.
Weymouth Township:
Belcoville EL.
Dorothy EL.
Wickatunk; Morganville EL.
Wildwood:
Glenwood Avenue EL.
St Ann EL.
Wildwood Catholic HS.
Wildwood HS.
Wildwood HS (EL Division).
Wildwood Crest:
Phillip P. Baker EL.
Wildwood Crest Memorial EL.
Woodbine; Woodbine EL.
Woodbury; St. Patrick EL.
Woodlynne; Woodlynne EL.
Woodstown:
Mary S. Shoemaker EL.
Woodstown EL.

NEW MEXICO

List of Schools Determined To Have a High Concentration of Students From Low-Income Families; This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)

Location (city or town); name of school

Alamogordo:
Sacramento EL.
South EL.
Albuquerque:
Albuquerque HS.
Armijo EL.
Atrisco EL.
Coronado-Riverview EL.
Duranes EL.
East San Jose EL.
Ernie Pyle JHS.
Eugene Field EL.
Five Points EL.
Garfield JHS.
Harrison JHS.
John Adams JHS.
John Marshall EL.
Kit Carson EL.
Lew Wallace EL.
Lincoln JHS.
New Mexico Girls' School J–SHS.
Rio Grande HS.
Valley HS.
Washington JHS.
West Mesa HS.
Anthony:
Anthony EL.
Gadsden HS.
Anton Chico; Anton Chico EL.
Artesia:
Artesia HS.
Roselawn EL.
Yucca EL.
Bernalillo:
Algodones EL.
Bernalillo JHS.
Cochiti EL.
Santo Domingo EL–JHS.
Roosevelt EL.
Bloomfield;
Berean Mission EL.
Brethren in Christ Mission EL.
Blanco EL.
Carlsbad:
Craft EL.
Otis EL.
Chama:
Canjilon EL.
Chama EL.
Chama JHS.
Chimayo; John Hyson Memorial EL.
Clovis:
La Casita EL.
Lincoln-Jackson EL.
Crownpoint:
Crownpoint EL.
Crownpoint HS.
Cuba:
Brethren Navajo EL.
Cuba EL.
Cuba HS.
Cuba JHS.
Immaculate Conception EL.
Datil; Datil EL.
Deming:
Bell EL.
Columbus EL.
Deming JHS.
Martin EL.
Dexter:
Dexter EL.
Dexter HS.
Dixon; St. Anthony EL.
El Rito:
El Rito EL.
Mesa Vista HS.
Ojo Caliente EL.
Tres Piedras EL.
Espanola:
Abiquiu EL.
Alcalde EL.
Chimayo EL.
Cordova EL.
Dixon EL.
Espanola EL.
Espanola HS.
Espanola JHS.
Fairview EL.
Hernandez EL.
J. F. Kennedy JHS.
San Juan EL.
Santa Cruz HS.
Sombrillo EL.
Truchas EL.
Velarde EL.
Gallina:
Coronado HS.
Coyote EL.
Lybrook EL.
Gallina EL.
Gallup:
Aileen Roat EL.
Church Rock EL.
Gallup JHS.
Gallup HS.
Kennedy JHS.
Lincoln EL.
Navajo EL.
Sky City EL.
St. Anthony EL.
St. Francis EL.
Sunnyside EL.
Tse Bonito EL.
Washington EL.
Grants:
Cubero EL.
Fence Lake EL.
Laguna-Acoma J–SHS.
San Rafael EL.
Seboyeta EL.
St. Joseph EL.
Hagerman; Hagerman EL.
Hatch:
Hatch EL.
Hatch HS.
Garfield EL.
Hobbs:
Edison EL.
Washington EL.
Hondo:
Hondo EL.
Hondo J–SHS.
Jemez Pueblo:
Jemez Valley EL.
Jemez Valley HS.
San Diego Mission EL.
Kirtland:
Naschitti EL.
Newcomb EL.
Lake Arthur; Lake Arthur EL–HS.
Las Cruces:
Alameda JHS.
Court JHS.
Las Cruces HS.
Lucero EL.
Mayfield HS.
Las Vegas (East):
Douglas Avenue EL.
Gallinas EL.
Memorial JHS.
Mora Avenue EL.
Robertson HS.
Sapello EL.
Las Vegas (West):
Armijo EL.
Bernal, EL.
North Public EL.
South Public EL.
Valley EL–JHS.
Union Street EL.
Villanueva EL.
West Las Vegas HS.
West Las Vegas JHS.
Magdalena:
Magdalena HS.
Roosevelt EL.
Mora:
Holman EL.
Mora EL.
Mora HS.
Ocate EL.
Mountainair; EL–JHS–HS.
Pecos; Pecos EL–HS.
Penasco; Penasco EL–HS.
Portales; Lindsey EL.
Questa; Costilla EL.
Ramah; Ramah EL.
Roswell:
East Grand Plains EL.
Pecos EL.
Roswell HS.
Santa Fe:
Alvord EL.
Manderfield EL.
Santa Fe Community School EL–JHS–HS.
St. Catherine EL.
Shiprock:
Mesa EL.
Shiprock HS.
Shiprock JHS.
Valley EL.
Socorro:
Garfield EL.
Midway EL.
Springer; New Mexico Boys' School J–SHS.
Taos:
Arroyo Hondo EL.
Arroyo Seco EL.
Ranchos-Talpa EL.
Taos EL.
Taos HS.
Taos JHS.

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Thoreau:
Thoreau EL.
Thoreau HS.
Tierra Amarilla:
Escalante HS.
Tierra Amarilla EL.
Tierra Amarilla JHS.
Tohatchi:
Tohatchi EL.
Tohatchi HS.
Truth or Consequences:
Arrey EL.
T or C EL.
Tucumcari; Zia EL.
Tularosa; Bent-Mescalero EL.
Zuni:
Towa Yallane EL.
Zuni EL.
Zuni Christian Reform EL.
Zuni HS.

NEW YORK

List of Schools Determined to Have a High Concentration of Students From Low-Income Families; This List is For Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location (city or town); name of school

Accord; Accord EL, K-4.
Albany:
Albany HS.
Cardinal McCloskey HS, 9–12.
Cathedral Academy, K–8.
Giffen EL.
Hackett JHS.
LaSalle School, 6–11.
Livingston JHS.
Our Lady Help of Christians EL, K–8.
Sacred Heart EL, K–8.
School 6.
School 7.
School 9.
School 17.
School 20.
School 22.
School 24.
Schuyler HS.
St. Ann EL, K–8.
St. Anne Institute, 7–12.
St. Anthony EL, K–8.
St. John Baptist EL, 1–8.
St. Joseph Academy, 1–12.
Street Academy.
Amityville:
Amityville JHS, 6–9 UG.
Amityville Memorial HS, 10–12 UG.
Northeast EL, K UG.
North West EL, 1–5 UG.
Park Avenue EL, 1–5.
Amsterdam:
Academy Street EL, PK–6.
East Main Street EL, PK–K UG.
Fifth Ward EL, K–6 UG.
Aquebogue; Aquebogue EL, K–5.
Arverne:
P.S. 42, K–6 UG (Queens).
P.S. 198, 7–9 (Queens).
Astoria; St. Demetrios EL, K–8.
Auburn:
Central HS, 7–UG.
Thornton Avenue EL, K–5.
Babylon; Babylon EL, K–2.
Bay Shore:
Brook Avenue EL, K–5.
Fifth Avenue EL, K–5 UG.
Mary G. Clarkson EL, K–5.
Bayside:
P.S. 74 (Queens).
P.S. 213, K–5 (Queens).
Beacon:
J.V. Forrestal EL, K–4.
Sargent EL, UG.
South Avenue EL, K–4 UG.
Beaver Dams; Beaver Valley EL, K–6.
Bedford Hills; P–176–M, Hillcrest Center.
Bellport:
Bellport JHS, 6–8 UG.
Hampton Avenue EL, 4–5 UG.
Kreamer Street EL, K–3 UG.
Binghamton:
Benjamin Franklin EL, 7–8.
Christopher Columbus, EL, K–6.
East JHS, 7–9.
North SHS, 9–12.
Ss. Cyril & Methodius EL, K–8.
St. Paul EL, K–8.
Theodore Roosevelt EL, K–6.
Woodrow Wilson EL, K–6.
Brentwood:
Northwest EL, K–6.
Oak Park EL, K–6.
Pine Park EL, K–6 UG.
South EL, PK–6.
Twin Pines EL, K–6 UG.
Brewster; Green Chimneys EL, K–8.
Bridgehampton; Bridgehampton UFS, K–12.
Broad Channel; St. Virgilius EL, 1–8.
Bronx:
Adlai E. Stevenson HS.
Alfred E. Smith HS, 9–12.
Aquinas HS, 9–12.
Beth Jacob-Beth Miriam EL, PK–8.
Cathedral HS, 9–10 (151st Street).
Cathedral HS–Ss. Peter & Paul, 9–10.
Christ the King EL, 1–8.
DeWitt Clinton HS, 9–12.
Grace H. Dodge HS, 9–12.
Greek American Institute, K–8.
Holy Cross EL, 1–8.
Holy Family EL, 1–8.
Holy Spirit EL, 1–8.
Immaculate Conception EL, K–8 (Gun Hill Road).
Immaculate Conception EL, 1–8 UG (151st Street).
Jane Adams HS, 9–12.
Lt. Joseph P. Kennedy, Jr. School, UG.
Lubavitcher Yeshiva, K–8.
Morris HS, 9–12 UG.
Nativity of Our Blessed Lady EL, K–8.
Northeastern Academy, 9–12.
Our Lady of Mercy EL, 1–8.
Our Lady of Mt. Carmel EL, PK–9.
Our Lady of Victory EL, 1–8.
Our Savior EL, 1–8.
P.S. 1, K–6.
P.S. 2, K–6.
P.S. 4, K–6 UG.
P.S. 5, K–6.
P.S. 6, K–6.
P.S. 7, K–6.
P.S. 8, K–6 UG.
P.S. 9, K–6.
P.S. 11, K–6.
P.S. 12, 5–8 UG.
P.S. 16, K–6
P.S. 18, PK–6 UG.
P.S. 19, K–6 UG.
P.S. 20, K–6 UG.
P.S. 21, PK–6 UG.
P.S. 22, 6–8 UG.
P.S. 23, K–6.
P.S. 25, K–6.
P.S. 26, K–6.
P.S. 27, K–6 UG.
P.S. 28, K–6.
P.S. 29, K–6 UG.
P.S. 30, K–6.
P.S. 31, K–6 UG.
P.S. 32, PK–6 UG.
P.S. 33, K–6 UG.
P.S. 35, K–5.
P.S. 36, K–6 UG.
P.S. 37, K–6 UG.
P.S. 39, PK–6.
P.S. 40, K–6.
P.S. 41, K–6.
P.S. 42, PK–6.
P.S. 43, K–6 UG.
P.S. 44, 7–9 UG.
P.S. 45, 7–9 UG.
P.S. 46, K–6 UG.
P.S. 47, K–6.
P.S. 48, K–6.
P.S. 49, K–6.
P.S. 50, K–6 UG.
P.S. 51, K–6 UG.
P.S. 52, 5–8 UG.
P.S. 53, K–5.
P.S. 54, K–6 UG.
P.S. 55, PK–9 UG.
P.S. 56, K–6.
P.S. 57, K–6.
P.S. 58, K–6.
P.S. 59, K–5.
P.S. 60, K–6.
P.S. 61, K–6.
P.S. 62, PK–4.
P.S. 63, PK–6 UG.
P.S. 64, K–6 UG.
P.S. 65, K–6.
P.S. 66, K–6 UG.
P.S. 67, K–6.
P.S. 68, K–6.
P.S. 69, K–5.
P.S. 70, K–6 UG.
P.S. 71, K–6 UG.
P.S. 72, K–6.
P.S. 73, K–8.
P.S. 75, K–6 UG.
P.S. 76, K–6.
P.S. 77, K–6.
P.S. 78, K–6 UG.
P.S. 79, 7–9 UG.
P.S. 80, K–9 UG.
P.S. 82, 6–9.
P.S. 83, PK–6.
P.S. 85, K–6 UG.
P.S. 86, K–6 UG.
P.S. 87, K–6.
P.S. 88, PK–3.
P.S. 89, K–6 UG.
P.S. 90, K–5 UG.
P.S. 91, K–6.
P.S. 92, K–6.
P.S. 93, K–6.
P.S. 94, K–6 UG.
P.S. 95, K–6 UG.
P.S. 96, K–6.
P.S. 97, K–5.
P.S. 99, K–6 UG.
P.S. 100, K–5 UG.
P.S. 101, 7–9 UG.
P.S. 102, PK–6 UG.
P.S. 103, K–6 UG.
P.S. 104, K–5.
P.S. 105, K–6.
P.S. 106, PK–6 UG.
P.S. 107, PK–6 UG.
P.S. 108, K–5.
P.S. 109, K–5.
P.S. 110, PK–6 UG.
P.S. 111, K–6 UG.
P.S. 112, PK–6 UG.
P.S. 113, 7–9 UG.
P.S. 114, K–6 UG.
P.S. 115, 7–9 UG.
P.S. 117, 7–9.
P.S. 118, 7–9.
P.S. 119, K–6 UG.
P.S. 120, 7–9 UG.
P.S. 121, K–5 UG.
P.S. 122, K–6.
P.S. 123, 7–9 UG.
P.S. 124, PK–6.
P.S. 125, 7–9.
P.S. 127, 7–9.
P.S. 130, K–5.
P.S. 131, 6–8 UG.
P.S. 132, PK–6.
P.S. 133, 7–9 UG.
P.S. 134, PK–6 UG.
P.S. 135, 7–9 UG.
P.S. 136, 7–9 UG.
P.S. 138, K–6.
P.S. 139 7–8 UG.
P.S. 140, PK–6 UG.
P.S. 141, 7–9.
P.S. 142, 7–9.
P.S. 143, 7–9 UG.
P.S. 144, 6–9 UG.

P.S. 145, 6–8 UG.
P.S. 146, PK–6 UG.
P.S. 148, 6–8 UG.
P.S. 149, 7–9.
P.S. 150, K–6 UG.
P.S. 153, K–5.
P.S. 154, K–6.
P.S. 155, 6–8 UG.
P.S. 157, K–6.
P.S. 161, K–6 UG.
P.S. 162.
P.S. 185, 5–8.
P–186–X + Annexes.
P.S. 187 + Annex, UG.
P–188–X + Annex.
P.S. 211, 1–4.
P.S. 232.
P.S. 401.
P.S. 402 + Abbott House.
R. T. Hudson EL, 1–8.
Sacred Heart EL, 1–8.
Samuel Gompers HS, 9–12.
Ss. Peter and Paul EL, 1–8.
Ss. Philip and James EL, 1–8.
St. Adelbert EL, 1–8.
St. Angela Merici EL, 1–8.
St. Ann EL, 1–8.
St. Anselm EL, 1–8.
St. Anthony EL, 1–8 (Mansion Street).
St. Anthony EL, K–8 (Matilda Avenue).
St. Anthony of Padua EL, 1–8.
St. Athanasius EL, 1–8.
St. Augustine EL, 1–8.
St. Brendan EL, 1–8.
St. Catherine Academy, 9–12.
St. Clare EL, K–8.
St. Francis De Chantal EL, 1–8.
St. Francis of Assisi EL, 1–5.
St. Francis Xavier EL, 1–8.
St. Helena Boys & Girls Commercial HS, 9–12.
St. Helena EL, K–8.
St. Jerome EL, 1–8.
St. John Chrysostome EL, 1–8.
St. John EL, K–6.
St. John Middle, 6–8.
St. John Vianney EL, 1–8.
St. Joseph EL, 1–8 (Bathgate Avenue).
St. Luke EL, 6–8 (139th Street).
St. Martin of Tours EL, 1–8.
St. Mary EL, K–8 (Carpenter Avenue)
St. Mary Star of the Sea EL, K–8.
St. Philip Neri EL, 1–8.
St. Pius V EL, 1–8.
St. Pius Vocational HS, 9–12.
St. Raymond HS, 9–12.
St. Raymond, K–12 (Tremont Avenue).
St. Simon Stock, 1–12.
St. Thomas Aquinas EL, 1–8.
Trinity Lutheran EL, 1–8.
Walton HS, 9–12.
William H. Taft HS, 9–12 UG.
Yeshiva Torah V'Emanah, PK–8.
Yeshiva Zichron Moshe, PK–9.
Brookhaven:
Bellport HS, 9–12.
Brookhaven EL, K–3 UG.
Brooklyn:
A. Fantis EL, K–8.
Ahi Ezer Yeshiva, PK–6.
Alexander Hamilton Vocational & Technical HS, 9–12.
All Saints EL, 1–8.
Annunciation EL, 1–8.
Automotive HS, 9–12 UG.
Bais Yaakov Dkhal Adas Yereim, 1–8.
Bay Ridge HS, 9–12.
Be'er Mordechai EL, K–2.
Beth Chana EL, K–9.
Bethel EL, 1–8.
Beth Jacob Day School.
Beth Jacob EL, (Rodney Street).
Beth Jacob HS, 9–12 (8th Street).
Beth Jacob of Boro Park EL, PK–8.
Beth Rachel Girls Schools, K–12 (Patchen Avenue).
Beth Rachel School (14th Avenue).
Beth Rivkah School, PK–12.
Beth Sara Girls EL, PK–5.
Bishop Kearney HS.
Bishop Loughlin Memorial HS, 9–12.
Bishop McDonnell Memorial HS, 9–12.
B'nos Israel of Flatbush.
Bnos Yakov School, K–11.
Bobover Yeshiva Bnai Zion, K–12.
Boys HS, 9–12.
Brooklyn Hebrew EL & HS, UG.
Brooklyn Technical, HS, 9–12.
Bushwick HS, 9–12 UG.
Calvary and St. Cyprian EL, PK–8.
Cathedral Preparatory Seminary, 9–12.
Clara Barton Vocational HS, 9–12.
Crown Heights Yeshiva, K–8.
East New York Vocational and Technical HS, 9–12.
Eastern District HS, 9–12.
Eli Whitney Vocational HS 9–12 UG.
Epiphany EL, 1–8 (10th Street)
Epiphany Lutheran EL, PK–8.
Fort Hamilton HS, 9–12.
Fourteen Holy Martyrs EL, K–8.
Franklin D. Roosevelt HS, 9–12.
Franklin K. Lane HS, 9–12 UG.
George W. Wingate HS, 9–12.
Hebrew Institute of Boro Park, PK–8.
Holy Cross EL, 1–8.
Holy Family EL, 1–8 (14th Street)
Holy Family EL, K–8 (98th Street)
Holy Ghost Ukranian EL, K–8.
Holy Innocents EL, 1–8.
Holy Name of Jesus EL, 1–8.
Holy Rosary EL, 1–8.
Immaculate Conception EL, 1–8.
Immaculate Heart of Mary EL, 1–8.
John Dewey HS.
John Jay HS, 9–12.
Lafayette HS, 9–12 UG.
Lubavitcher HS, 9–12.
Mary, Queen of Heaven EL, 1–8.
Mesivia Nachlas Yacov HS, 9–12.
Mesvita HS, 9–12.
Mesvita of Eastern Parkway.
Mesvita Toras Emes Kamenitz.
Midwood HS, 9–12.
Mirrer Yeshiva HS, 9–12 UG.
Mosad Chinuch Oholie Torah.
Most Holy Trinity EL, K–8.
Nativity of Our Blessed Lord EL, 1–8 UG.
New HS (Lewis Avenue).
Ocean Primary (98th Street).
Our Lady of Consolation EL, K–8.
Our Lady of Good Counsel EL, K–8.
Our Lady of Guadalupe EL, 1–8.
Our Lady of Loretto EL, K–8.
Our Lady of Lourdes EL, 1–8.
Our Lady of Mt. Carmel EL, K–8.
Our Lady of Peace EL, K–8.
Our Lady of Perpetual Help EL, 1–8.
Our Lady of Perpetual Help HS, 9–12.
Our Lady of Refuge EL, 1–8.
Our Lady of Solace EL, 1–8.
Our Lady of Victory EL, 1–8.
Prince of Peace EL, K–3.
Prospect Heights HS, 9–12.
Prospect Park Yeshiva, PK+8–12.
P.S. 1, K–6.
P.S. 3, PK–5 UG.
P.S. 5, K–6.
P.S. 7.
P.S. 8, K–6.
P.S. 9, K–6 UG.
P.S. 10, K–5.
P.S. 11, K–6 UG.
P.S. 15, PK–6.
P.S. 16, K–4.
P.S. 17, PK–6 UG.
P.S. 18, K–4.
P.S. 19, K–6.
P.S. 20, K–6.
P.S. 21, PK–6 UG.
P.S. 23, PK–5.
P.S. 25, PK–6 UG.
P.S. 26, PK–6 UG.
P.S. 27, PK–6 UG.
P.S. 28, PK–6.
P.S. 29, PK–5.
P.S. 31, PK–6.
P.S. 32, PK–5.
P.S. 33, 6–8 UG.
P.S. 34, K–6.
P.S. 35, 6–8 UG.
P.S. 36, 5–9.
P.S. 38, PK–5 UG.
P.S. 39, K–5.
P.S. 40, PK–6 UG.
P.S. 41, PK–5.
P.S. 43, 7–9 UG.
P.S. 44, PK–5 UG.
P.S. 45 and Annex, PK–6 UG.
P.S. 46, PK–6 UG.
P.S. 48, K–5.
P.S. 49, 6–8 UG.
P.S. 50, 7–9 UG.
P.S. 51, 7–9 UG.
P.S. 52, K–5 UG.
P.S. 54, K–6.
P.S. 55, 5–8 UG.
P.S. 56, PK–5 UG.
P.S. 57, 7–9.
P.S. 58, K–6.
P.S. 59, PK–5.
P.S. 61, 6–9 UG.
P.S. 62, 7–9 UG.
P.S. 63, PK–6 UG.
P.S. 64, 7–9 UG.
P.S. 65, K–5.
P.S. 67, PK–6.
P.S. 71.
P.S. 73, K–5.
P.S. 75, K–6.
P.S. 76, K–5.
P–77–M and Annexes.
P.S. 80, PK–2.
P.S. 81, PK–6.
P.S. 83, 1–3 UG.
P.S. 84, K–6.
P.S. 85, 9–10.
P.S. 86, K–6.
P.S. 87, K–5.
P.S. 88, 6–9 UG.
P.S. 90, K–4 UG.
P.S. 91, PK–6 UG.
P.S. 92, K–5.
P.S. 93, PK–5 UG.
P.S. 94, K–6.
P.S. 96, 6–9 UG.
P.S. 97, K–6.
P.S. 101, K–6.
P.S. 102, K–6 UG.
P.S. 103, K–5 UG.
P.S. 104, K–8.
P.S. 105, K–6 UG.
P.S. 106, PK–6 UG.
P.S. 107, K–5.
P.S. 108, K–5 UG.
P.S. 110, PK–6 UG.
P.S. 111, 6–8 UG.
P.S. 112, K–5.
P.S. 113.
P.S. 116, K–6.
P.S. 117, 6–8 UG.
P.S. 120, PK–5 UG.
P.S. 121, K–5.
P.S. 122, PK–4
P.S. 123, K–6 UG.
P.S. 124, K–5.
P.S. 125, K–6.
P.S. 126, 7–9 UG.
P.S. 127, K–6.
P.S. 128, K–6.
P.S. 129, PK–6 UG.
P.S. 130, K–6.
P.S. 131, K–6 UG.
P.S. 132, PK–6.
P.S. 133, PK–5.
P.S. 135, K–6 UG.
P.S. 136, 7–9.
P.S. 137, PK–5 UG.
P.S. 138, PK–5 UG.
P.S. 139, K–6.
P.S. 140, K–6.
P.S. 142, 7–9 UG.
P.S. 144, PK–4 UG.
P.S. 145, PK–6.
P.S. 147, PK–6 UG.

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P.S. 148, PK–6.
P.S. 149, K–6.
P.S. 150, PK–6 UG.
P.S. 151, K–6.
P.S. 152, K–6.
P.S. 153, K–6.
P.S. 154, K–5.
P.S. 155, K–5.
P.S. 156, K–6.
P.S. 157, PK–5 UG.
P.S. 158, K–6.
P.S. 159, K–6 UG.
P.S. 160, K–6.
P.S. 161, K–6 UG.
P.S. 162, 7–9 UG.
P–162–M, League School and Annexes.
P.S. 163, K–6 UG.
P.S. 164, K–5.
P.S. 165, PK–5.
P.S. 166, 7–9.
P.S. 167, K–5.
P.S. 168, PK–6 UG.
P.S. 169, K–6.
P.S. 170, K–6 UG.
P.S. 171, K–8.
P.S. 172, K–6.
P.S. 174, PK–5 UG.
P.S. 175, PK–5 UG.
P.S. 176, K–6.
P.S. 177, K–6.
P.S. 178, K–4.
P.S. 179, K–6 UG.
P.S. 180, K–5 UG.
P.S. 181, K–5.
P.S. 182, K–6 UG.
P.S. 183, K–6 UG.
P.S. 184, K–5 UG.
P.S. 185, K–6.
P.S. 186, K–5.
P.S. 188, K–6.
P.S. 189, K–6.
P.S. 190, PK–5 UG.
P.S. 191, K–5 UG.
P.S. 192, K–5.
P.S. 193, K–6.
P.S. 194, K–6 UG.
P.S. 195, K–6
P.S. 196, PK–6.
P.S. 197, K–6.
P.S. 198, K–6.
P.S. 199, K–6 UG.
P.S. 201, K–9.
P.S. 202, K–6 UG.
P.S. 203, K–5.
P.S. 204, PK–6 UG.
P.S. 205, K–5 UG.
P.S. 206, K–6.
P.S. 209, K–6.
P.S. 210, 6–8 UG.
P.S. 211, 7–9.
P.S. 212, K–6.
P.S. 213, K–6.
P.S. 214, K–6.
P.S. 215, K–6.
P.S. 216, K–6.
P.S. 217, K–6.
P.S. 218, 6–8.
P.S. 219, PK–6 UG.
P.S. 220, 7–9.
P.S. 221, K–6 UG.
P.S. 223, 6–8 UG.
P.S. 224, PK–5 UG.
P.S. 225, K–6 UG.
P.S. 226, K–6 UG.
P–226–M & Annexes.
P.S. 227, 6–9.
P.S. 228, 7–9 UG.
P.S. 229, K–6 UG.
P.S. 230, K–5 UG.
P.S. 232, 7–9.
P.S. 233, K–6.
P.S. 234, 7–9.
P.S. 235, K–6 UG.
P.S. 238, K–8 UG.
P.S. 239, 7–9 UG.
P.S. 240, 7–9.
P.S. 241, PK–5.
P.S. 242, K–6 UG.
P.S. 243, PK–5.
P.S. 244, K–6, UG.
P.S. 246, 6–9.
P.S. 247, K–5.
P.S. 248, K–6 UG.
P.S. 249, K–6.
P.S. 250, PK–5 UG.
P.S. 251, K–5.
P.S. 252, 7–9.
P.S. 253, K–6.
P.S. 254, K–5 UG.
P.S. 255, K–6 UG.
P.S. 256, PK–5 UG.
P.S. 257, PK–5 UG.
P.S. 258, 6–8.
P.S. 259, 7–9.
P.S. 260, K–6.
P.S. 261, PK–5 UG.
P.S. 262, PK–5.
P.S. 263, 6–8 UG.
P.S. 265, 7–9 UG.
P.S. 268, K–6 UG.
P.S. 269, K–6.
P.S. 270, PK–5 UG.
P.S. 271, 6–8 UG.
P.S. 273, K–6.
P.S. 274, K–5.
P.S. 275, 6–9 UG.
P.S. 277, K–6.
P.S. 279, K–6.
P.S. 281, 7–9.
P.S. 282, K–6.
P.S. 284, PK–6 UG.
P.S. 285, 7–9.
P.S. 286, K–5 UG.
P.S. 287, PK–6 UG.
P.S. 288, PK–6.
P.S. 289, PK–5.
P.S. 292, 6–8 UG.
P.S. 293, 6–8 UG.
P.S. 294, 7–9 UG.
P.S. 296, 7–9 UG.
P.S. 297, PK–5, UG.
P.S. 298, PK–5.
P.S. 299, PK–6 UG.
P.S. 302.
P.S. 303, 5–7.
P.S. 304, PK–6.
P.S. 305, PK–5 UG.
P.S. 306, PK–6 UG.
P.S. 307, PK–6.
P.S. 309, PK–6 UG.
P.S. 316, PK–5 UG.
P.S. 318, 5–8.
P.S. 320, 6–8.
P.S. 321, K–5 UG.
P.S. 327, 3–6.
P.S. 328, PK–6 UG.
P.S. 332, PK–5 UG.
P.S. 335, PK–5 UG.
P.S. 345, K–6 UG.
P.S. 369, 5–9.
P.S. 370, 5–8.
P.S. 371, UG.
P.S. 396, PK–2.
P.S. 401.
Queen of All Saints EL, 1–8.
Regina Pacis EL, K–8.
Sacred Heart EL, 1–8.
Sara Schenirer HS, 9–11 UG.
Sarah J. Hale Vocational HS, 9–12.
Shulamith Girls EL, K–8.
Soterios Ellenas EL, K–6.
South Shore HS.
Ss. Cyril & Methodius EL, K–8.
Ss. Peter & Paul EL, 1–8.
St. Agnes EL, 1–8.
St. Alphonsus EL, 1–8.
St. Ambrose EL, 1–8.
St. Ann Episcopal EL, 1–8.
St. Anthony of Padua EL, 1–8.
St. Augustine EL, 1–8.
St. Augustine Episcopal School.
St. Barbara EL, 1–8.
St. Benedict EL, 1–8.
St. Brendan HS, 9–12.
St. Catherine of Alexandria EL, 1–8.
St. Catherine of Genoa EL, 1–8.
St. Cecelia EL, 1–8.
St. Charles Borromeo EL, K–8.
St. Fortunata EL, K–8.
St. Francis Assisi EL, 1–8.
St. Francis DeChantal EL, 1–8.
St. Francis Xavier EL, 1–8.
St. Gabriel EL, 1–8.
St. Gregory EL, 1–8.
St. James EL, 1–8.
St. Jerome EL, 1–8.
St. John Cantius EL, 1–8.
St. John the Baptist EL, 1–8.
St. John the Evangelist EL, K–8 (21st Street).
St. Joseph EL, 1–8.
St. Joseph Hall School, UG.
St. Leonard of Port Maurice EL, 1–8.
St. Malachy EL, 1–8.
St. Mark Lutheran EL, K–7.
St. Martin of Tours EL, 1–8.
St. Mary Star of the Sea EL, 1–8.
St. Matthew EL, 1–8.
St. Michael EL, 1–8 (4th Avenue).
St. Michael EL, 1–8 (Liberty Avenue).
St. Nicholas EL, 1–8.
St. Nicholas HS, 9–12.
St. Patrick EL, 1–8.
St. Paul EL, 1–8.
St. Peter Claver EL, 1–8.
St. Peter EL, 1–8.
St. Savior EL, 1–8.
St. Stanislaus Kostka EL, K–8.
St. Teresa EL, 1–8.
St. Thomas Aquinas EL, 1–8 (8th Street).
St. Vincent De Paul EL, K–8.
St. Vincent Hall School, UG.
Thomas Jefferson HS, 9–12 UG.
Tomer Dvora EL, PK–5.
Torah Vodaath HS, 9–12.
Transfiguration EL, 1–8.
United Talmudical Academy, K–12 UG.
Visitation EL, 1–8.
Westinghouse Vocational and Technical HS, 9–12 UG.
William F. Grady Vocational HS, 9–12.
William H. Maxwell Vocational HS, 9–12.
Yeshiva Ahavas Israel, PK–8.
Yeshiva Ateres Yisroel.
Yeshiva Ba'er Shmuel, K–12.
Yeshiva Beth Hilel Krasna, 1–8.
Yeshiva Beth Shearim.
Yeshiva Beth Yehude.
Yeshiva Karlin Stolin, K–8.
Yeshiva Kehilath Yakov, K–12.
Yeshiva Mes. Arugath Habosem.
Yeshiva Minchas Eluzar.
Yeshiva Mogen David.
Yeshiva of Brighton, PK–8.
Yeshiva of Brooklyn, K–12.
Yeshiva of Eastern Parkway, K–12.
Yeshiva of Kings Bay, PK–8.
Yeshiva Ohel Jacob, 1–9.
Yeshiva Ohel Moshe, K–8.
Yeshiva Rabbi Chaim Berlin, PK–8.
Yeshiva Rabbi David Leibowitz, PK–8.
Yeshiva Sharei Zadek Seagate, PK–8.
Yeshiva Solomon Kluger, EL & HS.
Yeshiva Torah Vodaath, K–8 (Ocean Parkway).
Yeshiva Torah Vodaath, K–8, (Wilson Street)
Yeshiva Yazdil Torah.
Yeshiva Yesode Hatorah, K–8.
Yeshiva Yesode Hatorah Vez Chaim, K–11.

Buffalo:
Burgard Vocational HS, 9–12 UG.
Clinton JHS, 7–9 UG.
Corpus Christi EL, K–8.
Diocesan Prep Seminary, 9–12.
East HS, 9–12.
Fillmore Middle, 6–8 UG.
Fosdick Masten Vocational HS, 9–12 UG.
Genasee Humboldt JHS, 7–9 UG.
Grover Cleveland HS, 9–12 UG.
Holy Cross EL, K–8.
H. P. Emerson Vocation HS, 9–12 UG.
Hutchinson Vocational HS, 9–12 UG.
Immaculate Conception EL, K–8.
Immaculate Heart of Mary EL, 1–8.
Lafayette HS, 9–12 UG.

McKinley Vocational HS, 9–12.
Our Lady of Loretto EL, K–8.
Our Lady of Lourdes EL, 1–8.
P.S. 1, PK–8 UG.
P.S. 3, K–8.
P.S. 4, PK–6 UG.
P.S. 6, PK–K UG.
P.S. 8, PK–K UG.
P.S. 12, PK–K UG.
P.S. 16, K–6.
P.S. 17, K–6 UG.
P.S. 18, 1–6 UG.
P.S. 23, K–5.
P.S. 24, UG.
P.S. 26, K–6.
P.S. 31, K–8 UG.
P.S. 32, PK–4.
P.S. 33, PK–K UG.
P.S. 34, K–6 UG.
P.S. 36, PK–6.
P.S. 37, PK–8 UG.
P.S. 38, PK–8 UG.
P.S. 39, PK–5.
P.S. 40, K–6.
P.S. 41, PK–6.
P.S. 45, K–8.
P.S. 47, PK–K UG.
P.S. 48, PK–5.
P.S. 50, UG.
P.S. 53, PK–6.
P.S. 57, K–6.
P.S. 59, K–5.
P.S. 62, K–7.
P.S. 74, K–UG.
P.S. 75, PK–K UG.
P.S. 76, PK–8 UG.
P.S. 77, K–8.
P.S. 79, K–4.
P.S. 82, K–8 UG.
P.S. 84, 1–8 UG.
P.S. 85, K–5.
P.S. 90, PK–6.
P.S. 93, K–3.
Queen of the Most Holy Rosary EL, K–8.
Seneca Vocational HS, 9–12 UG.
Southside JHS, 7–9 UG.
Ss. Peter and Paul EL, K–8.
St. Ann EL, K–8.
St. Brigid EL, K–8.
St. Columba EL, K–8.
St. Mary of Sorrows EL, K–8.
St. Matthew EL, 1–8.
St. Monica & St. Stephen EL, K–8.
St. Stanislaus EL, K–8.
St. Valentine EL, K–8.
St. Vincent DePaul EL, 1–8.
Transfiguration EL, K–8.
Woodlawn JHS, 7–9.
Burt; Olcott EL, K–5.
Calverton; Riley Ave EL, K–6,
Cambria Heights; P.S. 147, K–6 (Queens).
Canaan; Berkshire Farm Boy U.F.S., 7–10.
Cananstota; Peterboro Street EL, 5–6
Carthage; Carthage EL, K UG.
Catskill:
Catskill JHS, 6–8.
Irving EL, K–5.
Center Moriches; Center Moriches UFS, K–12.
Central Islip:
Andrew T. Morrow EL, K–6 UG.
Central Islip HS, 9–12 UG.
Cordelia Avenue EL, K–6.
Francis J. O'Neill EL, K–6 UG.
Ralph G. Reed EL.
Marguerite L. Mulvey EL, K–6.
Mulligan JHS, 7–8 UG.
Wheeler Road EL, K–6.
Chittenango; Chittenango Station EL, K UG.
Cohoes; School 4 and Annex.
Copiague:
Copiague JHS, 6–8 UG.
Copiague SHS, 9–12 UG.
Deauville Gardens EL, K–5.
Great Neck Road EL, K–5.
Scudder Avenue EL, K–5.
Susan E. Wiley EL, K–5 UG.
Coram; Coram EL, K–6.
Corning; Hugh W. Gregg EL, K–6.
Corona:
Our Lady of Sorrows EL, 1–8.
P.S. 19, K–5 UG (Dist. 24 Queens).
P.S. 61, 6–8 (Dist. 24 Queens).
P.S. 92, PK–2 (Dist. 23 Queens).
P.S. 143, K–5 (Dist. 24 Queens).
Transfiguration School, PK–5.
Cortland:
Cortland JHS, 7–9 UG.
Pomeroy EL, K–6.
Randall EL, K–6.
Rosendale EL, K–4.
Deer Park; George Washington EL, K–5 UG.
Dexter; Dexter EL, K UG.
Dobbs Ferry:
Echo Hills Children's Village School.
St. Christopher School, UG.
Dunkirk; School 3.
Durhamville; Durhamville EL, K–6.
East Elmhurst:
P.S. 127, K–5 (Queens).
P.S. 189 and Annex, UG (Bronx).
P–233–X (Bronx).
St. Gabriel (Boys & Girls) EL, 1–8.
East Moriches; East Moriches EL, K–8.
East Patchogue; East Patchogue EL, K–3.
East Quogue; East Quogue EL, K–6.
East Syracuse; Heman Street EL, K–5.
Eastport; Eastport EL, K–6.
Elmhurst:
P.S. 89, K–5 (Queens).
P.S. 102, K–6 (Queens).
St. Bartholomew EL, 1–8 (43rd Avenue).
St. Bartholomew School (Girls).
Elmira:
Arthur W. Booth EL, K–9 UG.
Edgeworth EL, K–6.
Ernie Davis JHS, 7–9 UG.
George M. Diven, K–PK UG.
Harry J. Lagonegro EL, K–6.
J. Sloat Fassett EL, K UG.
Ss. Peter & Paul EL, 5–8.
Thomas K. Beecher, EL, K UG.
Elmont; Clara H. Carlson EL, K–6.
Endicott; Broad Street EL, K–6.
Fallsburgh; Fallsburgh CS, K–12.
Far Rockaway:
Far Rockaway HS, 9–12 (Queens).
P.S. 104, K–6 UG (Queens).
P.S. 105, K–6 UG (Queens).
P.S. 197, K–6 UG (Queens).
P.S. 215, PK–6 (Queens).
Flushing:
John Bowne HS, 9–12 (Queens).
P.S. 20, K–6 (Queens).
P.S. 23, 6–9 (Queens).
P.S. 74, 6–9 (Queens).
P.S. 154, K–6 (Queens).
P.S. 168, 7–9 (Queens).
Forest Hills; Forest Park EL.
Freeport:
Archer Street EL, 1–4 UG.
Bayview Avenue EL, 1–4 UG.
Caroline G. Atkinson EL, 1 UG.
Columbus Avenue EL, PK–K UG.
Freeport HS, 9–12.
John W. Dodd JHS, 7 UG.
Leo F. Giblyn EL, 1–4 UG.
Freeville; George Junior Republic School, UG.
Friendship; Friendship Central School.
Fulton:
Erie Street EL, K–4.
Fairgrieve EL, K–6 UG.
Glen Cove:
Coles EL, K–4.
Deasy EL, K–4.
Landing EL, K–4 UG.
Glen Cove Middle, 5–8 UG.
South EL, PK–4.
Glens Falls:
Abraham Wing EL, K–6.
Big Cross Street, EL, K–6.
Broad Street EL, K–6.
Gloversville; McNab EL, K–6.
Goshen; Goshen Center for Boys, UG.
Great Neck:
Clover Drive EL, K–3.
Cumberland EL, K–3.
John F. Kennedy EL, 1–6.
Greenport; Greenport UFS, K–12.
Hartsdale:
Highview EL, 2–3.
Warburg Mansion, K.
Washington Ave EL, 2–3.
Hastings On Hudson; Graham School, 2–8.
Haverstraw:
Haverstraw EL, K–4 UG.
Haverstraw Middle, 5–8.
Hawthorne; Hawthorne Cedar Knolls School, 3–11.
Hempstead:
Franklin EL, K–8.
Fulton EL, K–8.
Hempstead HS, 10–12.
Hempstead Middle, 8–9.
Jackson Annex EL, 1–3.
Ludlum EL, K–8.
Marshall EL, K–4.
Prospect EL, K–8, UG.
Washington EL, K–8.
Herkimer; Margaret Tuger EL, K–4.
Hollis:
P.S. 35, K–6 (Queens).
P.S. 118, K–6 UG (Queens).
P.S. 134, K–6 UG (Queens).
St. Gerard Majella EL, 1–8.
Horseheads; Breesport EL, K–3.
Howard Beach; P.S. 146, K–6 (Queens).
Hudson:
Charles Williams EL, K–1 UG.
John L. Edwards EL, 2 UG.
New York School for Girls, UG
Huntington:
Madonna Heights Girls HS, 8–12.
Village Green EL.
Woodhull EL.
Huntington Station:
Huntington EL.
Jefferson EL.
Industry; New York State Agricultural and Industrial School, UG.
Island Park:
Audubon Blvd EL, K–6.
Francis X. Hegarty EL, K–6.
Lincoln Orens JHS, 7 UG.
Ithaca:
Central EL, K–6.
Danby EL, K–6.
Enfield EL, PK–6.
Fall Creek EL, PK–6 UG.
Henry St. John EL, K–6.
Jackson Heights:
P.S. 145, 6–9 (Queens).
P.S. 149, K–5 (Queens).
Jamaica:
Jamaica Vocational HS, 9–12 (Queens).
P.S. 8, 6–8 (Queens).
P.S. 30, K–5 UG (Queens).
P.S. 36, PK–6 (Queens).
P.S. 37, PK–5 (Queens).
P.S. 40, PK–5 (Queens).
P.S. 45, K–6 (Queens).
P.S. 48, PK–5 UG (Queens).
P.S. 50, PK–6 (Queens).
P.S. 52, PK–5 UG (Queens).
P.S. 86 (Queens).
P.S. 95, K–6 UG (Queens).
P.S. 116, PK–5 (Queens).
P.S. 140, PK–5 UG (Queens).
P.S. 142, 6–8 (Queens).
P.S. 160, PK–5 UG (Queens).
P.S. 217, 7–9 UG (Queens).
St. Joseph EL, 1–8.
St. Monica EL, 1–8.
St. Nicholas of Tolentine EL, 1–8.
St. Pius V EL, 1–8.
Woodrow Wilson Vocational HS, 9–12 UG (Queens).
Jamestown; Washington JHS, 7–9 UG.
Johnson City:
C. Fred Johnson EL–JHS, K–9.
Lincoln EL, K–6.
Johnstown; Tryon School for Boys, UG.
King Ferry; King Ferry EL, K UG.
Kingston:
John F. Kennedy EL, K–8 UG.
Sojourner EL, K–6.
Sophie G. Finn EL, K–6.

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Lackawanna:
Baker Hall School, UG.
Bethlehem Park EL, UG.
Lincoln JHS, 7–9.
Roosevelt EL, K–6.
Wilson EL, K–6.
Lake Placid; Lake Placid CS, K–12 UG.
Lancaster; Central Avenue EL, UG.
Lewiston; Tuscarora EL, K–4.
Lincolndale; Lincoln Hall School, UG.
Lockport:
Charlotte Cross EL, K–6.
Dewitt Clinton EL, K–6 UG.
Long Beach:
Blackheath Road EL, K.
Central EL, 5–6 UG.
East EL, PK 3–4 UG.
Lido EL-JHS, 2–4 7 UG.
Lindell EL, 5–6 UG.
Long Beach HS, 10–12.
West EL, 1–4.
Long Island City:
P.S. 4, 5–9 (Queens).
P.S. 17, K–5 (Queens).
P.S. 76, PK–6 (Queens).
P.S. 84, K–6 (Queens).
P.S. 111, PK–6 (Queens).
P.S. 112, K–3 UG (Queens).
P.S. 122, K–6 (Queens).
P.S. 126, 6–8 (Queens).
P.S. 141, 7–9 UG (Queens).
P.S. 150, K–6 UG (Queens).
P.S. 166, K–6 UG (Queens).
P.S. 171, PK–5 UG (Queens).
P.S. 199, K–6 (Queens).
P.S. 204, 7–9 UG (Queens).
P–224–Q + Annexes.
St. Mary EL, 1–8 (49th Avenue).
St. Patrick EL, 1–8.
St. Rita EL, 1–8.
Lynbrook:
Atlantic Avenue EL, K–6.
Davison Avenue EL, K–4 UG.
Malone:
Flanders EL, K–6.
G. B. Davis EL, K–6.
Harrison EL, UG.
Lamberton EL, K–3.
Malverne:
Howard T. Herber JHS, 5–8 UG.
Lindner Place EL, K–4 UG.
Malverne HS, 9–12.
Mamaroneck; Mamaroneck Ave EL, K–6 UG.
Manhasset; Munsey Park EL, K–6.
Masonville; Masonville EL, K–5 UG.
Maspeth:
Holy Cross EL, 1–8.
P.S. 9, 5–8 (Queens).
Massena; Jefferson EL, K–6 UG.
Mastic Beach; William Floyd Middle–HS.
Maybrook; Maybrook EL, K–5.
Medford; Eagle Drive EL, K–4.
Middle Island:
Longwood HS, 9–12.
Middle Island Middle.
West Middle Island EL, K–6.
Middle Village; P.S. 401 (Queens).
Middletown; Academy Avenue EL, K–5.
Millbrook; Hope Farm-Greer School, UG.
Monsey:
Bais Rachel EL, K–8.
Elmwood EL, K–6 UG.
Mesifta Beth Shraga, 9–12 UG.
Oakwood EL, K–6 UG.
Yeshiva Beth David, K–5.
Yeshiva of Spring Valley, K–8.
Moriches; Moriches EL, K.
Mount Vernon:
Columbus EL, 1–6.
Graham, EL, K–6.
Hamilton EL, K–6.
Holmes EL, K–6.
Longfellow EL, PK–6.
Mount Vernon HS, 7–12 UG.
Mount Vernon Middle, 6–8.
Nathan Hale EL, K–6 UG.
Our Lady of Mt. Carmel EL, K–8.
Our Lady of Victory EL, K–8.
Robert Fulton EL, K–4.
Sacred Heart EL, 1–8.
Washington JHS, 5–8 UG.
Natural Bridge; Natural Bridge EL, K–6.
Nedrow; Onondaga Indian Reservation EL, K–6.
Newburgh:
Broadway EL, K–6.
Chestnut Street EL, K–6.
Gidney Avenue Memorial EL, K–6 UG.
Liberty St EL, K–6.
Montgomery St EL, K–6.
New Windsor EL, K–6.
South JHS, 7–9 UG.
St. Patrick EL, 1–8.
Temple Hill School.
Union Grove EL, K–6.
Washington St EL, K–6.
West Street EL, K–6.
New City; Summit Park EL, K–6.
New Hampton; New Hampton Training School for Boys, 9–11 UG.
New Lebanon; Darrow School, 9–12.
New Rochelle:
Columbus EL, PK–6 UG.
Henry Barnard EL, K–6 UG.
Isaac E. Young JHS, 7–9 UG.
Stephenson EL, PK–6 UG.
New York:
All Saints Branch Cathedral HS, 9–10.
All Saints EL, 1–8.
Annunciation EL, 1–8.
Ascension EL, 1–8.
Bank Street EL, PK–8.
Benjamin Franklin HS, 9–12 UG.
Beth Jacob and Esther Schoenfeld, K–12.
Bishop Dubois HS, 9–12.
Blessed Sacrament EL, 1–8 (70th Street).
Cathedral HS, 9–12.
Central Commercial HS, 9–12.
Charles Evans Hughes HS, 9–12.
Chelsea Vocational HS, 9–12.
Corpus Christi EL, 1–8.
East Side Hebrew School.
Everett School (75th Street).
George Washington HS, 9–12.
Greek Cathedral EL, K–8.
Guardian Angel EL, 1–8.
Haaren HS, 9–12 UG.
Holy Cross EL, K–8.
Holy Name EL, 1–8.
Holy Rosary EL, K–8.
Holy Trinity EL, 1–8.
HS of Art and Design.
HS of Fashion Industries.
Immaculata HS, 10–12.
Immaculate Conception EL, K–8.
Incarnation EL, 1–8.
Kennedy Child Center, UG.
Louis D. Brandeis HS, 9–12 UG.
Mabel Dean Bacon Voc HS, 9–12.
Manhattan Day School.
Manhattan Voc & Tech HS, 9–12 UG.
Maritime Food HS, 9–12.
Mary Help of Christians EL, 1–8.
Most Holy Redeemer EL, 1–8.
New York School of Printing, 9–12 UG.
Our Lady of Good Counsel EL, 1–8.
Our Lady of Lourdes EL, 1–8.
Our Lady of Mount Carmel EL, 1–8.
Our Lady of Perpetual Help, 1–11.
Our Lady of Sorrows EL, 1–8.
Our Lady Queen of Angels EL, K–8.
P.S. 1, PK–6.
P.S. 2, PK–6 UG.
P.S. 4, PK–6 UG.
P.S. 6, K–6.
P.S. 7, K–6 UG.
P–8–M, Livingston School.
P.S. 9, PK–5 UG.
P.S. 10, 5–8.
P.S. 11, PK–5 UG.
P.S. 13, 7–9 UG.
P.S. 15, PK–6 UG.
P.S. 17, 7–9 UG.
P.S. 19, PK–6 UG.
P.S. 20, PK–6 UG.
P.S. 22, 7–9 UG.
P.S. 23, K–6.
P.S. 28, K–6 UG.
P.S. 30, PK–2 UG.
P.S. 31, 3–4.
P.S. 33, PK–5 UG.
P.S. 34, PK–6.
P–35–M and Annexes UG.
P.S. 36 and 125, PK–6.
P.S. 40, PK–6 UG.
P.S. 41, K–5.
P.S. 42, PK–6.
P.S. 43, 7–9.
P.S. 44, 6–8 UG.
P.S. 45, 7–8.
P.S. 46, K–6 UG.
P.S. 51, K–6.
P.S. 52, 7–9.
P–53–M and Annexes.
P.S. 54, 7–9 UG.
P.S. 56, 7–9 UG.
P.S. 57, PK–5 UG.
P–58–M, The Manhattan School for Boys UG.
P.S. 60, 7–9.
P.S. 61, PK–6.
P.S. 63, PK–6.
P.S. 64, PK–6.
P.S. 65, 7–9 UG.
P.S. 68, PK–5.
P.S. 70, 6–9 UG.
P.S. 71, 7–9.
P.S. 72, PK–6 UG.
P.S. 75, PK–6 UG.
P.S. 76, PK–5 UG.
P.S. 79, PK–6 UG.
P.S. 80, PK–6.
P.S. 82, 5–8.
P.S. 83, PK–6 UG.
P.S. 84, PK–6 UG.
P.S. 87, PK–5 UG.
P.S. 88, 6–8.
P.S. 91, UG.
P.S. 92, PK–6 UG.
P.S. 96, PK–6.
P.S. 97, PK–6 UG.
P.S. 98, K–6.
P.S. 99, 7–9 UG.
P.S. 100, PK–5 UG.
P.S. 101, PK–5.
P.S. 102, PK–6.
P.S. 104, 7–9 UG.
P.S. 107, K–6.
P.S. 108, PK–6 UG.
P.S. 109, PK–6 UG.
P.S. 110, PK–6.
P.S. 111, PK–6 UG.
P.S. 112, K–2.
P.S. 113, PK–5.
P.S. 115, PK–6.
P.S. 116, PK–6.
P.S. 117, 6–8.
P.S. 118, 7–9 UG.
P.S. 120, 7–9.
P.S. 121, PK–6 UG.
P.S. 122.
P.S. 123, PK–5 UG.
P.S. 126, K–6.
P.S. 128, K–6.
P.S. 129, K–6 UG.
P.S. 130, K–6.
P.S. 132, K–6 UG.
P.S. 133, PK–5.
P.S. 134, PK–6 UG.
P.S. 136, 6–8 UG.
P.S. 137, PK–6 UG.
P.S. 140, PK–6.
P.S. 143, 7–9 UG.
P–143–M, Peter Cooper School.
P.S. 144, PK–6 UG.
P.S. 145, PK–6.
P.S. 146, PK–6 UG.
P.S. 148, 5–9.
P.S. 149, PK–2.
P.S. 151, PK–6.
P.S. 152, K–6.
P.S. 155, PK–6 UG.
P.S. 156, PK–2.
P.S. 160, PK–6.
P.S. 161, K–6.
P.S. 163, PK–6.
P.S. 164, 6–8 UG.
P.S. 165, PK–6.
P.S. 166, PK–5 UG.

P.S. 167, 7–9 UG.
P.S. 168, PK–6.
P.S. 169, 5–9.
P–169–M. Robert F. Kennedy School.
P.S. 171, PK–6.
P.S. 173, K–6 UG.
P.S. 175, K–12 UG.
P.S. 179, PK–6 UG.
P.S. 180, PK–5 UG.
P.S. 183, PK–6 UG.
P.S. 185, PK–2 UG.
P.S. 186, PK–5.
P.S. 187, 1–6 UG.
P.S. 188, PK–6 UG.
P.S. 189, K–6.
P.S. 191, PK–3 UG.
P.S. 192, PK–6.
P.S. 194, PK–5.
P.S. 197, PK–6 UG.
P.S. 198, K–6.
P.S. 199, K–5 UG.
P.S. 200, K–4.
P.S. 201 Complex, 5–8 UG.
P–203–M and Annexes.
P.S. 206, 3–6.
P.S. 207, 3–6.
P.S. 208, 3–6.
P.S. 401.
Reading Institute of NYU, K–8 UG.
Resurrection EL, 1–8.
Rice HS, 9–12.
Sacred Heart of Jesus EL, 1–8.
Seward Park HS, 9–12 UG.
Shea Memorial EL, 1–8.
St. Aloysius EL, 1–8.
St. Alphonsus Commercial HS, 9–11.
St. Ann EL, K–8.
St. Anthony, K–10.
St. Bernard EL, K–8.
St. Brigid EL, 1–8.
St. Catherine of Genoa EL, 1–8.
St. Catherine of Siena EL, 1–8.
St. Cecelia EL, 1–8.
St. Charles Borromeo EL, 1–8.
St. Columba EL, 1–8.
St. Emeric EL, 1–8.
St. Francis DeSales EL, 1–8.
St. Francis Xavier EL, K–8.
St. George EL and HS, K–12.
St. Gregory The Great EL, 1–8.
St. James EL, 1–8.
St. John Nepomucene EL, 1–8.
St. Joseph Branch Cathedral HS.
St. Joseph EL, 1–8 (Christopher Street).
St. Joseph EL, K–8 (Monroe Street).
St. Joseph EL, 1–8 (Morningside Avenue).
St. Jude EL, K–8.
St. Lucy School.
St. Luke EL, PK–8.
St. Mark The Evangelist EL, 1–8.
St. Monica EL, 1–8.
St. Patrick EL, K–8.
St. Paul EL, 1–8.
St. Paul The Apostle EL, PK–8.
St. Rose of Lima EL, 1–8.
St. Stanislaus EL, 1–8.
St. Stephen EL, 1–8.
St. Thomas the Apostle EL, 1–8.
The New Lincoln EL–HS.
Transfiguration EL, 1–8.
Washington Irving HS, 9–12.
Yeshiva Chofetz Chaim EL–HS.
Yeshiva Mes Tifereth EL–HS.
Yeshiva Rabbi Joseph Konvitz.
Niagara Falls:
Beech Ave. EL, K–6 UG.
Cayuga Drive EL, K–6.
Charles B. Gaskill JHS, 7–9.
Cleveland Ave EL, K–6.
Ferry Ave EL, PK–6 UG.
Harry F. Abate EL.
Niagara Street EL, K–6 UG.
North JHS, 7–9 UG.
Pacific Ave EL, K–6.
Sacred Heart EL, 1–8.
Seventeenth St EL, K–6.
Sixteenth St EL, PK–6.
Sixty-sixth St EL, K–6 UG.
South JHS, 7–10 UG.
St. Mary of the Cataract EL, K–8.
Thirty-ninth St. EL, K–6.
Trott Vocational HS, 10–12 UG.
Twenty-fourth St EL, K–6 UG.
North Babylon:
Belmont Lake JHS, 7–9.
Phelps Lane EL, K–6.
Weeks Road EL, K–6.
North Bangor; North Bangor EL, 1–3.
North Tonawanda:
Grant EL, K–6.
Spruce EL, K–6.
Norwich; East Main Street EL, K–6.
Ogdensburg:
Lincoln EL, K–4.
Madill EL, K–3.
Notre Dame EL, 1–8.
Washington EL, K–6 UG.
Olmstedville; Minerva CS, K–12.
Oneida:
North Broad Street EL, K–6.
W. F. Prior EL, K–6.
Oneonta; Riverside EL, K–6 UG.
Ossining:
Claremont EL, K–5.
Park, EL, K–5.
Washington EL, K–5.
Otisville; Otisville State Training School for Boys, 1–10.
Ozone Park:
P.S. 202, 7–9 UG (Queens).
P.S. 210, 7–8 UG (Queens).
St. Mary, Gate of Heaven EL, 1–5.
Parishville; Parishville-Hopkinton CS, K–12.
Patchogue:
Barton Ave EL, K–5.
Bay Ave EL, K–5.
Canaan EL, K–5 UG.
Medford Ave EL, K–5.
River Ave EL, K–5.
Saxton Street Middle, 6–8.
South Ocean Avenue Middle, 6–8.
Peekskill:
Assumption EL, K–8.
Drum Hill JHS, 7–8 UG.
Hillcrest EL, K–6 UG.
Oakside EL, K–6.
Peekskill HS, 9–12 UG.
P–94–M, Villa Loretto.
P–138–M, St. Joseph School and Annexes.
Uriah Hill EL, K–6.
Woodside EL, K–6 UG.
Plattsburgh; Monty Street EL, K–5.
Pleasantville; Cottage School, 7–9 UG.
Port Chester:
John F. Kennedy EL, 3–6 UG.
Lavinia M. Horton EL, K–6.
Port Chester JHS, 7–9 UG.
Port Chester HS, 10–12 UG.
Thomas A. Edison EL, K–6.
Port Washington:
Guggenhiem EL, K–6.
Merriman EL, K.
Poughkeepsie:
Charles B. Waring EL, K–4 UG.
Gov. George Clinton EL, K–4.
G. W. Krieger EL, K–4.
Morse EL, K–4 UG.
Poughkeepsie HS, 9–12 UG.
Poughkeepsie Middle, 5–8.
William W. Smith EL, K–4 UG.
Pulaski; Pulaski EL, K–6.
Queens Village:
P.S. 18, K–6 (Queens).
P.S. 109, 7–9 (Queens).
Richmond Hill:
P.S. 51, K–5 (Queens).
P.S. 54, K–6 (Queens).
P.S. 66, K–6 (Queens).
P.S. 90, K–6 UG (Queens).
Ridge; Ridge EL, K–6.
Ridgewood:
Grover Cleveland HS (Queens).
P.S. 68, K–6 (Queens).
P.S. 75, 5–9 (Queens).
P.S. 81, K–6 (Queens).
P.S. 88, K–6 (Queens).
P.S. 93, 7–9 (Queens).
Riverdale: P–205–M + Annexes.
Riverhead:
Phillips Ave EL, K–5.
Pulaski Street EL.
Riverhead HS, 9–12 UG.
Riverhead JHS, 5–8 UG.
Roanoke Ave EL, K–5.
Rochester:
Annunciation EL, 1–8.
Benjamin Franklin HS, 7–12.
Blessed Sacrament EL, K–8.
Corpus Christi EL, 1–8.
East HS, 7–12 UG.
Edison Industrial HS, 9–12.
Frederick Douglas JHS, 7–8.
Holy Apostles EL, K–8.
Holy Family EL, K–8.
Holy Redeemer EL, K–8 UG.
Holy Rosary EL, 1–8.
Immaculate Conception EL, K–8 UG.
Interim JHS.
Jefferson HS, 7 UG.
John Marshall HS, 7–12.
Madison HS, 7–12 UG.
Monroe JHS, 7 UG.
Operation Young Adult School.
Our Lady of Mt. Carmel EL, 1–4 UG.
Our Lady of Perpetual Help EL, K–8.
School 2, K–6.
School 3, K–3 UG.
School 4, K–6.
School 5, K–7 UG.
School 6, K–2 UG.
School 8, K–6.
School 9, 3 UG.
School 10
School 11, K–2 UG.
School 13, K–7 UG.
School 14, PK–6.
School 15, K–7.
School 16, K–6.
School 17, K–7 UG.
School 19, K–5.
School 20, K–5.
School 21, K–7.
School 22, K–7 UG.
School 23, K–7 UG.
School 24, K–6.
School 25, K UG.
School 26, K UG.
School 27, K UG.
School 28, K–6 UG.
School 29, K–6 UG.
School 30, K–6.
School 31, K UG.
School 33, 3–6.
School 34, K–6.
School 35, K–7.
School 36, K–6.
School 44, K–7 UG.
School 58, PK–7.
School Without Walls.
St. Andrew EL, K–8.
St. Anthony of Padua EL, K–8.
St. Augustine EL, K–8.
St. Boniface EL, K–8.
St. Bridget EL, K–7.
St. Francis Xavier EL, 1–8.
St. Joseph Villa School, UG.
St. Lucy EL, K–4.
St. Michael EL, PK–8 UG.
St. Monica EL, 1–8.
St. Philip Neri EL, 1–8.
St. Stanislaus EL, K–8.
West HS, 7–12.
Rockaway Beach:
P.S. 47, K–6 (Queens).
P.S. 114, K–6 UG (Queens).
P.S. 180, 7–9 UG (Queens).
P.S. 183, PK–6 (Queens).
P.S. 225, K–6 UG (Queens).
Rockville Center:
Riverside EL, K–6.
Watson EL, PK–6.
Rocky Point; Rocky Point J-SHS, 9–12.

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Rome:
Alter EL, K–6.
Barringer EL, K–6 UG.
Columbus EL, K–6.
DeWitt Clinton EL, K–6 UG.
Gansevoort EL, K–6 UG.
Mary E. Parmalee EL, K–6.
Stokes EL, K–6.
Ronkonkoma; Cherokee EL, 1–5.
Rosedale; P.S. 38, K–5 UG (Queens).
Rotterdam Junction; Woestina EL, 3–5 UG.
Salamanca:
Prospect EL, K–5.
Seneca EL, K–5.
Schenectady:
Brandywine EL, PK–6 UG.
Central Park JHS, 7–9 UG.
Grout Park EL, PK–6 UG.
Hamilton EL, PK–6 UG.
Horace Mann EL, K–5.
Linton HS, PK, 10–12 UG.
Martin Luther King EL, K–6.
Mont Pleasant HS, PK, 9–12 UG.
Nott Terrace EL, PK–6.
Riverside EL, K–6 UG.
Steinmetz JHS, 7–9 UG.
Yates EL, PK–6 UG.
Shirley:
Nathaniel Woodhull EL.
William Floyd EL, 1–5.
Sodus:
Sodus Intermediate, 4–6 UG.
Sodus Primary, K–3.
South Glens Falls; Ballard EL, K–6.
South Kortright; South Kortright Center for Boys, UG.
South Ozone Park:
P.S. 96, PK–5 (Queens).
P.S. 108, K–6 UG (Queens).
P.S. 121, K–6 UG (Queens).
P.S. 123, K–5 UG (Queens).
P.S. 124, K–5 UG (Queens).
P.S. 155, PK–5 (Queens).
St. Clement Pope EL, 1–8.
Sparkill; St. Agnes EL, UG
Springfield; Christ the King EL, 1–8.
Springfield Gardens:
P.S. 15, K–5 (Queens).
P.S. 59, 6–9 UG (Queens).
P.S. 132, K–5 (Queens).
P.S. 181, K–5 (Queens).
Spring Valley:
Bais Yaakov School.
Fleetwood EL, K–6.
Lakeside EL, 2–8.
North Main St. EL, K–6.
Pre-K School.
South Madison EL, K–6.
St. Joseph EL, 1–8.
Yeshiva of New Square K–12.
St. Albans:
P.S. 136, K–6 UG (Queens).
P.S. 192, 7–9 UG (Queens).
St. Pascal Baylon EL, K–8.
Staten Island:
Assumption EL, K–8.
Countess Moore HS, 9–12.
Immaculate Conception, 1–8.
Our Lady Help of Christians, 1–8.
Our Lady of Mt. Carmel, Benedicta.
P–10–R, St. Elizabeth, UG.
P.S. 14 EL, PK–6.
P.S. 16 EL, PK–6 UG.
P.S. 18 EL, PK–6.
P.S. 20 EL, PK–6 UG.
P.S. 25 + Annex, 1–10 UG.
P.S. 31 EL, PK–6 UG.
P.S. 44 EL, PK–6 UG.
P.S. 49, 7–9.
Ss. Joseph & Thomas EL, 1–7.
St. Aloysius Mission, 1–8.
St. Ann EL, 1–8.
St. Mary EL, 1–8.
St. Mary of the Assumption EL, 1–8.
St. Michael Home School, UG.
St. Paul EL, 1–8.
St. Peter EL, 1–12.
St. Roch EL, 1–8.
St. Regis Falls; St. Regis Falls CS, K–12 UG.
Sylvan Beach; Sylvan Verona Beach EL, K–6.
Syosset; St. Mary of the Angels Home.
Syracuse:
Bellevue EL, K–6 UG.
Blodgett JHS, 7–9.
Cathedral Academy, 1–12.
Central Technical HS, 9–12 UG.
Charles Andrews EL, K–6 UG.
Clary JHS, 7–9.
Cleveland EL, K–6.
Clinton EL, PK–6.
Corcoran HS, 10–12.
Danforth EL, K–6.
Delaware EL, K–6 UG.
Dr. Martin Luther King Jr. EL, K–6 UG.
Eastwood JHS, 7–9.
Edward Smith EL, K–6.
Elmcrest Children's Center.
Elmwood EL, K–6.
Franklin EL, K–6 UG.
Frazer EL, K–6 UG.
Grant JHS, 7–9 UG.
Henninger HS, 10–12.
H. W. Smith JHS, 7–9.
James A. Shea JHS, 7–9.
Jefferson EL, K–5.
Lemoyne EL, K–6.
Lincoln EL, K–9.
McKinley-Brighton EL, K–6.
Merrick EL, K–6.
Nichols EL, K–6.
Nottingham HS, 10–12 UG.
Percy Hughes EL, K–6 UG.
Porter EL, K–6 UG.
Powlesland EL, K–6 UG.
Prescott EL, K–6 UG.
Roosevelt JHS, 7–9.
Salina EL, K–6.
Seymour EL, K–6 UG.
Sumner EL, K–6.
St. Lucy Academy, PK–12.
T. Aaron Levy JHS, 7–9.
Van Duyn EL, K–6 UG.
Tonawanda:
Central EL, K–6 UG.
Fletcher EL, K–6 UG.
Highland EL, K–6.
Parkside EL, K–6.
Robert L. Frost EL, K–4.
Troy:
Carroll Hill EL, K–6 UG.
Pleasantdale EL, K–3.
P.S. 1 EL, K–8.
P.S. 2 EL, K–6.
P.S. 10 EL, K–6.
P.S. 12, K–8 UG.
P.S. 17 EL, K–6.
St. Peter, K–8 UG.
Whipple EL, K–4, UG.
Truxton; Truxton EL, K–6.
Uniondale; Smith Street EL, K–6 UG.
Utica:
Brandegee EL, K–7 UG.
Christopher Columbus EL, K–9.
Kernan EL, K–8 UG.
Lincoln EL, K–6.
Miller EL, K–5.
Potter EL, K–4 UG.
Roscoe Conkling EL, K–8.
St. Agnes EL, K–8.
St. Anthony of Padua EL, K–8.
St. Francis DeSales, 1–12.
St. Joseph-St. Patrick EL, 1–8.
St. Mary EL, K–8.
Thomas R. Proctor HS, 9–12 UG.
Utica Free Academy, 9–12 UG.
Wetmore EL, K–8 UG.
Waddington; Waddington EL, K–6 UG.
Wading River; P–181–M Little Flower School.
Walden; Walden EL, K–5.
Warwick; Warwick State Training School for Boys, 1–11 UG.
Watertown:
Cooper EL, PK–K UG.
Harold T. Wiley School.
Meade EL, K UG.
North JHS, 7–9 UG.
Ohio Street EL, K UG.
Thompson Street EL, K–6.
Watervliet:
School 1.
School 3.
School 9.
St. Colman, K–6 UG.
West Babylon:
Forest Avenue EL, K–5.
Santapogue EL, K–5.
Westbury:
Drexel EL, 1 UG.
Dryden EL, 1–4 UG.
Grand Street Childhood Center, PK K.
Park Intermediate, 5 UG.
Powells Lane EL, 1–4 UG.
Westbury HS, 10–12.
Westbury JHS, 7–9.
West Haverstraw; West Haverstraw EL, K–3.
West Park; P–202–M, Mother Cabrini School.
White Plains:
Cardinal McCloskey School, UG.
Church Street EL, K–6.
East View EL, K–9 UG.
George Washington EL, K–6 UG.
Highlands School, K–9 UG.
Juniper Hill EL, K–1.
Mamaroneck Ave EL, K–6.
North Street EL, K–6 UG.
Post Road EL, K–6.
Ridgeway EL, K–6.
Rosedale EL, K–6 UG.
Woodside:
P.S. 11, K–6 (Queens).
P.S. 12, K–6 (Queens).
P.S. 125, 7–9 UG (Queens).
P.S. 151, K–6 UG (Queens).
P.S. 229, K–6 UG (Queens).
Wyandanch:
La Francis Hardiman Early Childhood Center, PK.
Martin Luther King Jr. EL, K–3 UG.
Milton L. Olive EL, 4–6 UG.
Straight Path EL, 2–3 UG.
Taukomas EL, K–6, UG.
Wyandanch J–SHS, 7–12 UG.
Yonkers:
Franklin JHS, 7–9.
Gorton HS, 7–12.
Hawthorne JHS, 7–9.
Leake and Watts Childrens Home, UG.
Longfellow JHS, 7–9.
Martin Luther King EL, 4–6.
Our Lady of the Rosary EL, 1–8.
P.S. 3, K–6 UG.
P.S. 6, K–3.
P.S. 7, K–6.
P.S. 9, PK–3 UG.
P.S. 12, K–3.
P.S. 18, PK–6 UG.
P.S. 19, PK–6 UG.
P.S. 23, K–6.
P.S. 24, K–6 UG.
P.S. 25, PK–6 UG.
St. Joseph EL, 1–8.
St. Mary EL, K–8.
St. Peter EL, K–8.
Yonkers HS, 10–12 UG.
Yorktown Heights; Wiltwyck Boys School, UG.

NORTH CAROLINA

List of Schools Determined to Have a High Concentration of Students From Low-Income Families; This List is For Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

[Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included in this list.]

Location (city or town); name of school

Aberdeen; Aberdeen Middle.
Ahoskie:
Ahoskie Graded EL.
Robert L. Vann EL.
Andrews:
Andrews EL.
Andrews HS.
Apex:
Apex EL.
A. V. Baucom EL.
Ash; Waccamaw EL.
Asheville:
Randolph EL.
Rankin EL.
Atkinson; Atkinson HS.
Aulander:
Aulander EL.
South Aulander EL.
Aurora:
Aurora HS.
S. W. Snowden EL.
Autryville; Clement HS (K–12).
Ayden:
Ayden EL.
Ayden Grammar EL.
Ayden-Grifton HS.
Bahama; Mangum EL.
Bailey:
Bailey EL.
Southern Nash HS.
Bakersville:
Buladean EL.
Glen Ayre EL.
Tipton Hill EL.
Bald Creek; Bald Creek EL.
Bath; Bath HS (K–12).
Battleboro:
Coker-Wimberly EL.
Phillips EL.
Bayboro; Frederick A. Anderson EL.
Belhaven:
Belhaven EL.
J. A. Wilkinson HS.
Benson; Meadow EL.
Bethel:
Belvoir Primary.
Bethel Middle.
Bethel Primary.
North Pitt HS.
Black Creek; Lee Woodard HS (1–12).
Bladenboro; Bladenboro HS (K–12).
Blanch; High Rock EL.
Bolivia; Bolivia EL.
Bryson City:
Alarka EL.
Almond EL.
Burgaw:
Burgaw HS.
West Pender EL.
Burlington; Anderson EL.
Burnsville:
Bee Log EL.
Burnsville EL.
Cane River HS.
East Yancey HS.
South Toe EL.
Butner; C. A. Dillon School (Juvenile Correction).
Calypso; Calypso EL.
Carthage:
Carthage EL.
Farm Life EL.
Cashiers; Cashiers EL.
Cerro Gordo:
Cerro Gordo EL.
West Columbus HS.
Chadbourn; Chadbourn EL.
Charlotte:
Alexander JHS.
Alexander Graham JHS.
Berean Seventh Day Adventist EL.
Cochrane JHS.
East Mecklenburg HS.
Eastway JHS.
Garringer HS.
Harding HS.
Hawthorne JHS.
Independence HS.
McClintock JHS.
Morgan Child Development Center K.
Myers Park HS.
North Mecklenburg HS.
Olympic HS.
Our Lady of Consolation EL.
Piedmont JHS.
Quail Hollow JHS.
Randolph JHS.
Ranson JHS.
Sedgefield JHS.
South Mecklenburg HS.
Spaugh JHS.
West Charlotte HS.
West Mecklenburg HS.
Williams JHS.
Wilson JHS.
Chinquapin; Chinquapin No. 1 (K, 4–8).
Chocowinity; Chocowinity HS (K–12).
Clarkton:
Booker T. Washington EL.
Clarkton HS (K–12).
Clayton; Cleveland EL.
Cleveland; Cleveland EL.
Clinton:
Halls-Piney Grove JHS.
Union EL.
Union HS.
Clyde; Fine's Creek EL.
Columbia:
Columbia HS.
Tyrrell EL.
Comfort; Comfort EL.
Concord:
Coltrane-Webb EL.
Long EL.
Stonewall Jackson School (Juvenile Correction).
Conway:
Conway EL.
Northampton County HS.
Creedmoor:
Creedmoor EL.
Hawley EL.
South Granville HS.
Creston; Riverview EL.
Crossnore; Crossnore EL.
Culberson; Ranger EL.
Cullowhee; Canada EL.
Deep Run; South Lenoir HS.
Dover; Fort Barnwell EL.
Dublin; Dublin EL.
Dudley:
Brogden JHS.
Southern Wayne HS.
Dunn:
Midway EL.
Midway HS.
Mingo EL.
Plain View EL.
Durham:
Burton EL.
Lyon Park EL.
North Durham EL.
Spaulding EL.
W. G. Pearson EL.
Whitted JHS.
Eagle Springs; Samarkand Manor School (Juvenile Correction).
Edenton:
D. F. Walker EL.
Ernest A. Swain EL.
John A. Holmes HS.
Efland; Efland Cheek EL.
Elizabeth City:
Elizabeth City JHS.
Northeastern HS.
Elizabethtown:
Bladen EL.
East Bladen HS.
Elizabethtown Primary.
Elizabethtown JHS.
Elk Park:
Beech Mountain EL.
Elk Park EL.
Elm City:
Coopers EL.
Elm City EL.
Elm City HS.
Gardners EL.
Enfield:
Dawson EL.
Eastman HS.
Enfield HS.
Inborden EL.
Pittman EL.
White Oak EL.
Englehard; Davis EL.
Eureka; Eureka EL.
Everetts; North Everetts EL.
Evergreen; Evergreen EL.
Fair Bluff; Fair Bluff EL.
Fairmont:
Fairgrove HS (K–12).
Fairmont EL.
Fairmont Middle.
Fairmont HS.
Green Grove EL (K, 4–9).
Faison; Hargrove EL.
Farmville:
Farmville Central HS.
Farmville JHS.
H. B. Sugg EL (K, 4–6).
Sam D. Bundy EL.
Fayetteville:
Cape Fear HS.
J. S. Spivey JHS.
Pauline Jones EL.
Walker EL.
Four Oaks:
Four Oaks EL.
South Johnston HS.
Franklinton:
Franklinton EL.
Franklinton HS.
Wilton EL.
Fremont; Fremont EL.
Fuquay Varina:
Fuquay EL.
Lincoln Heights EL.
Garland:
Clear Run JHS.
Garland EL.
Garland JHS.
Hickory Grove EL.
Garner; Garner EL.
Garysburg; Garysburg EL.
Gaston:
Gaston EL.
Gaston HS.
Squire EL.
Gates; Buckland Primary.
Gatesville:
Central JHS.
Gates County HS.
Gatesville EL.
Gibson:
Gibson JHS.
Pate-Gardner EL.
Glenville; Glenville HS (1–12).
Goldsboro:
Goldsboro High-East HS.
Goldsboro High-West HS.
Goldsboro Middle, North JHS.
Goldsboro Middle, South EL.
School Street EL.
William Street EL.

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Green Mountain; Clearmont EL.
Greensboro:
East Market Street Seventh Day Adventist EL.
Grace Lutheran Day School EL.
Murphey EL.
Peck EL.
Wiley EL.
Greenville:
Aycock JHS.
Belvoir Grammar EL.
Chicod EL.
D. H. Conley HS.
Falkland Grammar EL.
Rose HS.
Grifton:
Grifton EL.
Savannah JHS.
Grimesland; G. R. Whitefield EL.
Gumberry; Gumberry HS.
Hallsboro:
Hallsboro EL.
Hallsboro HS.
Hamilton; Edna Andrews EL.
Hampstead; Topsail HS.
Harrells; Bland EL.
Harrellsville; Amanda S. Cherry EL.
Hayesville:
Ogden EL.
Hayesville EL.
Hayesville HS.
Shooting Creek EL.
Henderson:
Carver EL.
Eaton-Johnson and Annex JHS.
Epson HS (1-12).
Henderson JHS.
Lelia B. Yancey EL.
New Hope EL.
South Henderson EL.
Vance HS.
Hertford:
Hertford Grammar EL.
Perquimans County HS.
Hickory; Ridgeview EL.
Highfalls; Highfalls EL.
Hildebran; Hildebran HS.
Hillsborough:
Cameron Park EL.
C. W. Stanford JHS.
Hobgood; Thomas Shields EL.
Hoffman; Cameron Morrison School (Juvenile Correction).
Hollister; Hollister EL.
Holly Springs; Holly Springs EL.
Hookerton; East Greene EL.
Hot Springs:
Hot Springs Union HS (1-12).
Spring Creek Union HS (1-12).
Jackson:
Eastside EL.
Jackson EL.
Jamesville; Jamesville Township EL.
Kenansville; E. E. Smith JHS.
Kenly; Glendale-Chapel EL.
Kings Mountain:
Central EL.
Kings Mountain HS.
Kinston:
Banks EL.
Contentnea EL.
Dobbs School for Girls (Juvenile Correction).
J. H. Sampson EL.
Lewis, Peyton and Independence EL.
Moss Hill EL.
Southeast EL.
Southwood EL.
Woodington JHS.
Kittrell; Zeb Vance EL.
Knightdale; Lockhart JHS.
Lagrange:
Frink JHS.
North Lenoir HS.
Lake Waccamaw; Boys Home EL.
Lansing; Lansing EL.
Laurinburg:
I. Ellis Johnson JHS.
North Laurinburg EL.
Scotland HS.
Shaw JHS.
South Scotland EL.
Washington Park EL.
Lawndale; Burns HS.
Leland; Lincoln Primary.
Lewiston:
J. B. Bond EL.
West Bertie EL.
Littleton:
Aurelian Springs EL.
Littleton HS.
McIver EL.
Louisburg:
Edward Best EL.
Edward Best HS.
Gold Sand EL.
Gold Sand HS.
Lowgap; Lowgap EL.
Lucama:
Lucama HS (1-12).
Springfield EL.
Lumberton:
Hilly Branch EL.
Janie C. Hargrave EL.
Long Branch EL.
South Lumberton EL.
Macclesfield; Living Hope EL.
Macon; Macon EL.
Maggie; Maggie EL.
Maple Hill; Maple Hill EL.
Marble; Marble EL.
Marietta; Marietta EL.
Marshall:
Laurel Union HS (1-12).
Marshall Union HS (1-12).
Walnut EL.
Mars Hill:
Beech Glen EL.
Ebbs Chapel EL.
Mars Hill Union HS (1-12).
Maury; Maury EL.
Maxton:
Maxton HS.
Prospect HS (K-12).
R. B. Dean EL.
Townsend JHS.
Mayesville; Mayesville EL.
McCain; Samuel Leonard School (Juvenile Correction).
Mebane; Sweet Gum EL.
Micaville; Micaville EL.
Micro; Micro EL.
Middleburg; Middleburg EL.
Mill Spring; Mill Spring EL.
Milton; New Dotmond EL.
Minneapolis; Minneapolis EL.
Morehead City; West Carteret HS.
Morganton; Oak Hill HS (K-12).
Mount Airy; Franklin EL.
Mount Gilead:
Highland EL.
Mount Gilead EL.
West Montgomery HS.
Mount Olive; Carver EL.
Murfreesboro:
Murfreesboro Middle.
Riverview EL.
Murphy:
Hiwassee Dam Union HS (1-12).
Martins Creek EL.
Murphy EL.
Murphy HS.
Peachtree EL.
White Church EL.
Nashville:
Cedar Grove EL.
Nash Central JHS.
Nashville EL.
New Bern; Jasper EL.
New Hope; New Hope EL.
Newland; Riverside EL.
Newton Grove:
Hobbton EL.
Hobbton HS.
Norlina:
Norlina HS.
Northside EL.
North Wilkesboro; Wilkes Central HS.
Norwood; Norwood EL.
Oak City:
Oak City HS.
West Martin EL.
Oxford:
Berea EL.
J. F. Webb HS.
Mary Potter EL.
Orange Street EL.
Pactolus; Pactolus EL.
Pantego:
Beaufort County EL.
Pantego HS.
Parkton; Parkton HS (K-12).
Pembroke; Union Chapel EL.
Pendleton; Willis Hare EL.
Pensacola; Penscola EL.
Pikeville:
Nahunta EL.
Pikeville EL.
Pinehurst:
Pinehurst EL.
Pinehurst Middle.
Pinetops:
Carver EL (K, 3-6).
South Edgecombe HS.
Pinetown; Pinetown EL.
Pink Hill; Pink Hill EL.
Pollocksville:
Alex H. White EL.
J. W. Willie EL.
Powellsville; C. G. White EL.
Princeton; Princeton HS (K-12).
Raeford:
Hoke HS.
J. W. McLaughlin EL.
Raeford EL.
Scurlock EL.
Upchurch EL.
West Hoke EL.
Raleigh:
Barbee EL.
Murphey EL.
Randleman; Randleman EL.
Red Oak; Red Oak EL.
Red Springs:
Peterson EL.
Red Springs JHS.
Red Springs HS.
South Hoke EL.
Reidsville:
Franklin Street EL.
Lawsonville Avenue EL.
Moss Street EL.
North End EL.
Reidsville Middle.
Stoney Creek EL.
Rich Square; Rich Square EL.
Rieglewood:
Acme-Delco EL.
East Arcadia EL.
Roanoke Rapids:
Everetts EL.
Northwest HS.
William R. Davie JHS.
Robbinsville:
Robbinsville HS.
Stecoah HS (1-12).
Robersonville:
East End EL.
Robersonville EL.
Rockingham; Richmond HS.
Rocky Mount:
Bassett EL.
Battle EL.
Bulluck EL.
Gorham K.

Northern Nash HS.
Richard T. Fountain School (Juvenile Correction).
West Edgecombe HS.
Rocky Point; Long Creek-Grady EL.
Rolesville; Rolesville EL.
Roseboro:
Charles E. Perry JHS.
Roseboro-Salemburg HS (1-12).
Roxboro:
Person HS.
Woodland EL.
Roxobel; Roxobel-Kelford EL.
Rowland:
Ashpole Center EL.
Purvis EL.
Rowland HS.
Southside EL (K, 4-8).
Union EL.
St. Pauls:
St. Pauls HS.
St. Pauls EL.
Salemburg; Salemburg EL.
Saluda; Saluda HS (1-12).
Saratoga; Saratoga HS.
Scotland Neck:
Bakers EL.
Brawley EL.
Scotland Neck HS.
Seaboard:
Coates EL.
Seaboard EL.
Selma:
R. B. Harrison JHS.
Selma EL.
Seven Springs; Seven Springs EL.
Seversville; Seversville Child Development Center K.
Shallotte:
Shallotte Middle.
Union Primary.
Shannon; Rex-Rennert EL.
Shelby; Crest HS.
Sims; Sims EL.
Smithfield:
Smithfield JHS.
Smithfield-Selma HS.
Snow Hill:
Greene Central HS.
Snow Hill JHS (7-8).
Snow Hill JHS (9).
Snow Hill Primary.
South Greene EL.
West Greene EL.
Spring Hope:
Southern Nash JHS.
Spaulding JHS.
Spring Hope EL.
Stantonsburg; Stantonsburg EL.
Statesville:
Avery Sherrill EL.
D. Matt Thompson JHS.
N. B. Mills EL.
Statesville HS.
Stem; Stem EL.
Stokes:
Stokes EL.
Stokes-Pactolus EL.
Stovall; Stovall-Shaw EL.
Sunbury:
Sunbury Primary.
T. S. Cooper EL.
Swannanoa; Juvenile Evaluation Center (Juvenile correction).
Swan Quarter:
Mattamuskeet HS.
O. A. Peay EL.
Sylva:
Savannah EL.
Scotts Creek EL.
Sylva EL.
Tabor City:
Guideway EL.
Tabor City EL.
Tapoco; Mountain View HS (1-12).
Tarboro:
North Edgecombe HS.
Roberson EL.
Tar Heel:
Plain View EL.
Tar Heel HS.
Tillery; Tillery Chapel EL.
Todd; Elkland EL.
Trenton:
Jones JHS.
Jones HS.
Trenton Middle.
Trenton Primary.
Troutman; Troutman Middle.
Tryon; Green Creek EL.
Turkey; Turkey EL.
Tyner:
Chowan HS.
White Oak Consolidated EL.
Unaka; Unaka EL.
Vanceboro:
Farm Life EL.
Vanceboro EL.
West Craven HS.
Vass; Vass-Lakeview EL.
Vaughan; Vaughan EL.
Virgilina; (Virginia) Oak Hill-Toler EL.
Wade:
District No. 7 EL.
Wade EL.
Wagram; Wagram EL.
Walnut Cove; South Stokes HS.
Walstonburg:
North Greene EL.
Walstonburg EL.
Warrenton:
Hawkins JHS.
John Graham HS.
Miriam Boyd EL.
South Warren EL.
Warsaw; Warsaw-Douglass EL.
Washington:
Eastern EL.
John C. Tayloe EL.
John Small EL.
Mother of Mercy EL.
P.S. Jones JHS.
Washington HS.
Waynesville; Waynesville JHS.
Weeksville; Weeksville EL.
Weldon:
Andrew Jackson EL.
Halifax EL.
R. J. Bunche Experimental HS (K-12).
Weldon EL.
Weldon HS.
Wendell:
Carver K.
Riley Hill K.
Wendell EL.
West End:
West End EL.
West End Middle.
Whitakers:
North Whitakers EL.
Swift Creek EL.
Willow Grove EL.
White Oak; White Oak EL.
Whiteville:
Edgewood Primary.
Old Dock EL.
Whiteville EL
Whiteville Primary.
Williams EL.
Whittier:
Log Cabin EL.
Qualla EL.
Williamston:
Church Street EL.
E. J. Hayes EL.
Rodgers EL.
Williamston HS.
Wilmington:
Chestnut Middle.
D. C. Virgo HS.
Gregory EL.
J. C. Roe EL.
J. T. Hoggard HS.
Lake Forest EL.
Mary W. Howe EL.
New Hanover HS.
Noble JHS.
Roland-Grise JHS.
Sunset EL.
Sunset Park JHS.
William Hooper EL.
Williston HS.
Wilson:
Lamms EL.
Rock Ridge HS (1-12).
Speight EL.
Windsor:
Bertie JHS.
Bertie HS.
W. S. Etheridge EL.
Windsor EL.
Winfall:
Perquimans County Central Grammar EL.
Perquimans County Union EL.
Winston-Salem; Latham EL.
Winterville:
A. G. Cox EL.
W. H. Robinson EL.
Wise; North Warren EL.
Woodland; Woodland Olney EL.
Woodsdale; Bethel Hill EL.
Yanceyville:
Bartlett Yancey EL.
Bartlett Yancey HS.
Jones EL.
N. L. Dillard JHS.
Oakwood EL.
Zebulon:
Corinth Holders EL.
Zebulon EL.
Zebulon HS.

NORTH DAKOTA

List of Schools Determined to Have a High Concentration of Students From Low-Income Families; This List is For Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

[Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included in this list.]

Location (city or town); name of school

Alexander; Alexander No. 2.
Almont; Sims No. 8.
Amidon; Amidon No. 32.
Anamoose; Anamoose No. 14.
Ashley; Ashley No. 9.
Balfour; Balfour No. 56.
Beach; Beach No. 3.
Balcourt; St. Ann Mission EL.
Beulah; Beulah No. 27.
Bismarck:
Naughton No. 25 EL.
Telfer No. 46 EL.
Blaisdell; Granada No. 110 EL.
Bottineau; Bottineau No. 1.
Braddock; Braddock No. 7.
Butte; Butte No. 62.
Carrington; Estabrook No. 19 EL.
Carson; Roosevelt No. 18.
Cartwright; Horse Creek No. 32 EL.
Cavalier; Cavalier No. 6.
Center; Center No. 18.
Columbus; Columbus No. 34.
Courtenay; Courtenay No. 24.
Crosby; Divide County No. 1.
Deering; Thursby Butte No. 37.
Devils Lake; Devils Lake Central 5-12.
Dodge; Dodge No. 8.
Donnybrook; Donnybrook No. 24.
Drake; Drake No. 57.
Driscoll; Driscoll No. 36.
Dunseith; Dunseith No. 1.
Eckelson; Eckelson No. 45 EL.
Edgeley; Edgeley No. 3.
Elgin; Elgin No. 16.

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Ellendale; Ellendale No. 40.
Epping; Epping No. 88.
Esmond; Esmond No. 25.
Fargo:
  Benjamin Franklin JHS.
  Jefferson EL.
  South SHS.
Flasher:
  Flasher No. 39.
  Oak Coulee No. 35 EL.
Forman; Sargent Central No. 6.
Fort Ransom; Fort Ransom No. 6 EL.
Fort Yates; St. Bernard Mission EL.
Gackle; Gackle No. 14.
Garrison; Garrison No. 51.
Gladstone; Iota No. 18 EL.
Golden Valley; Juzeler No. 20.
Goodrich; Goodrich No. 16.
Glen Ullin; Glen Ullin No. 48.
Grand Forks:
  Belmont EL.
  Valley JHS.
  Washington EL.
  Wilder EL.
  Winship EL.
Hague:
  Bakker No. 10 EL.
  Odessa No. 9 EL.
Hamilton; Hamilton No. 39.
Hankinson; Hankinson No. 8.
Hannover:
  Bismarck No. 7 EL.
  Springbrook No. 14 EL.
Harvey; Harvey No. 38.
Hazelton; Hazelton-Moffit No. 6.
Hazen; Hazen No. 3.
Hebron; Hebron No. 13.
Hoople; Dundee No. 34 EL.
Hurdsfield; Pleasant Valley No. 35.
Jud; Jud No. 5.
Karlsruhe; Karlsruhe No. 54.
Killdeer; Killdeer No. 16.
Kulm; Kulm No. 7.
LaMoure; LaMoure No. 8.
Langdon; Langdon No. 23.
Lehr; Lehr No. 10.
Lemmon; (South Dakota) North Lemmon No. 4 EL.
Lidgerwood; Lidgerwood No. 28.
Linton; Linton No. 36.
Lisbon; Lisbon No. 19.
Luverne; Willow Lake No. 18
Maddock; Maddock No. 9.
Mandan; Marmot HS.
Manfred; Manfred No. 20 EL.
Marmarth; Marmarth No. 12 EL.
Max; Max No. 50.
McClusky; McClusky No. 19.
McLaughlin; (South Dakota) Goose Camp No. 10 EL.
Medora; Billings County No. 1 EL.
Minot:
  Eric Ramstad JHS.
  Harrison No. 2 EL.
  Jim Hill JHS.
  Minot SHS.
  South Prairie No. 70 EL.
Mohall; Mohall No. 9.
Mott; Mott No. 6.
Mylo; Mylo No. 26 EL.
Napoleon; Napoleon No. 2.
New Leipzig; New Leipzig No. 15.
New Rockford; New Rockford No. 1.
New Salem; New Salem No. 7.
New Town; New Town No. 1.
Oakes; Oakes No. 41.
Oberon; Oberon No. 16.
Palermo; Palermo No. 83.
Parshall; Parshall No. 3.
Pettibone; Pettibone No. 11.
Powers Lake; Powers Lake No. 27.
Regan; Regan No. 2 EL.
Robinson; Robinson No. 14.
Rolette; Rolette No. 29.
Rolla; Mt. Pleasant No. 4.
Rugby; Rugby No. 5.
Selfridge; Selfridge No. 8.
Selz; Selz No. 31 EL.
Sentinel Butte; Garner No. 10 EL.
Sidney; (Montana) Earl No. 18 EL.
Solen; Solen No. 3.
St. Anthony; Little Heart No. 4 EL.
St. Michael; St. Michael Tribal K–9.
St. John; St. John No. 3.
Stanley; Stanley No. 2.
Steele; Steele No. 26.
Sykeston; Sykes No. 39.
Tappen; Tappen No. 28.
Taylor; Taylor No. 3.
Towner; Newport No. 4.
Turtle Lake; Turtle Lake-Mercer No. 72.
Valley City; Green No. 99 EL.
Venturia; Johnstown No. 12 EL.
Wales; Dresden No. 9 EL.
Walhalla; Walhalla No. 27.
Warwick; Warwick No. 29.
Washburn; Washburn No. 4.
Watford City; McKenzie County No. 1.
West Fargo; L. E. Berger Middle.
Wildrose; Wildrose No. 91.
Williston; New No. 8 EL.
Wilton; Wilton No. 1.
Wing; Wing No. 28.
Wishek; Wishek No. 19.

OHIO

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List is for Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years.

Location: city or town; name of school

Aberdeen; Aberdeen EL.
Adamsville; Adamsville EL.
Addyston; Addyston EL.
Adena; Adena EL.
Akron:
  Bryan EL.
  Buchtel HS.
  Central-Hower HS.
  Crosby EL.
  Crouse EL.
  East HS.
  Findley EL.
  Fraumfelter EL.
  Garfield HS.
  Glover EL.
  Goodrich JHS.
  Goodyear JHS.
  Grace EL.
  Henry EL.
  Hill EL.
  Jennings JHS.
  Kent JHS.
  Lane EL.
  Leggett EL.
  Lincoln EL.
  Margaret Park EL.
  Mason EL.
  McEbright EL.
  Miller EL.
  North HS.
  Perkins JHS.
  Portage Path EL.
  Rankin EL.
  Robinson EL.
  Sawyerwood EL, Springfield Local.
  Schumacher EL.
  South HS.
  Stewart EL.
  Thornton JHS.
  West JHS.
Albany:
  Albany EL.
  Alexander HS.
Alger; Alger EL.
Alledonia; Washington EL.
Allensville; Allensville EL.
Alliance:
  Franklin EL.
  Liberty EL.
  Maple Ridge EL, West Branch Local.
  Marlington Middle, Marlington Local.
  Morgan EL.
  North Lincoln EL.
  South Lincoln EL.
  Stanton JHS.
  State Street JHS.
Amanda; Amanda K–12.
Amesville; Amesville EL.
Andover:
  Andover EL.
  Richmond EL.
Antwerp; Antwerp K–12.
Ashtabula:
  Ashtabula HS.
  Chestnut EL.
  Mother of Sorrow EL.
  Our Lady of Mt. Carmel EL.
  St. Joseph EL.
  Station EL.
  Washington EL.
  West JHS.
Ashville; Ashville EL.
Athens; Athens Middle.
Athens City; West EL.
Austinburg; Austinburg EL.
Bainbridge; Paint Valley HS.
Baltic:
  Baltic-Garaway EL.
  Meadow Valley EL, East Holmes Local.
Barberton:
  Decker EL.
  Washington EL.
Barnesville; Barnesville K–12.
Bartlett; Bartlett EL.
Batesville; Batesville EL.
Beallsville; Beallsville HS.
Beaver:
  Beaver EL, Eastern Local.
  Jackson EL, Waverly City.
Bellaire:
  Bellaire HS.
  First Ward EL.
  Gravel Hill EL.
  Key Ridge EL.
  Rose Hill EL.
Bellefontaine; Western EL.
Belle Valley; Belle Valley EL.
Bellevue; McKim EL.
Bellville; Bellville EL.
Bentonville; Bentonville EL.
Berlin:
  Berlin-Wise EL.
  Charm EL.
  Flat Ridge EL.
  Hiland HS.
Bethel:
  E. C. Hill East EL.
  E. C. Hill West EL.
Beverly:
  Beverly EL.
  Center EL.
  Fort Frye HS.
Bidwell; Bidwell-Porter EL.
Blackfork; Blackfork EL.
Bladensburg; Bladensburg EL.
Blanchester:
  Blanchester JHS.
  Blanchester HS.
  Main Street EL.
  Putman EL.
Bloomingburg; Bloomingburg EL.
Bloomingdale; Wayne EL.
Blue Creek:
  Cedar Mills EL.
  Jefferson EL.
Bowerston:
  Bowerston EL.
  Conotton Valley HS.
Bowling Green:
  Bowling Green JHS.
  Bowling Green HS.
  Conneaut EL.
  Crim EL.
  Kenwood EL.
  Liberty EL.
  Milton EL.
  Ridge EL.
  South EL.

Brilliant:
  Brilliant EL.
  Lincoln EL.
Bristolville; Bristol K–12.
Bucyrus:
  Carlisle EL.
  Crawford EL.
  Kearsley EL.
  Mt. Zion EL.
Buffalo; Buffalo EL.
Buford; Buford EL.
Cadiz:
  Cadiz Central EL.
  Westgate EL.
Caldwell:
  Caldwell EL.
  Caldwell HS.
Cambridge:
  Garfield EL.
  Lincoln EL.
Cameron; Cameron EL.
Campbell:
  Gordon EL.
  Memorial HS.
  Reed EL.
Canton:
  Allen EL.
  Belden EL.
  Burns EL.
  Clarendon EL.
  Dueber EL.
  Fairmont EL.
  Garfield EL.
  Gibbs EL.
  Hartford EL.
  Lathrop EL.
  Mann EL.
  Martin EL.
  McGregor EL.
  McKinley HS.
  Middlebranch JHS, Plain Local.
  Pleasant View EL, Plain Local.
  Roosevelt EL.
  St. Anthony EL.
  St. Benedict EL.
  St. John the Baptist.
  St. Joseph EL.
  Summit EL.
  Souers JHS.
  Timken HS.
  Trump Rd. EL, Canton Local.
  Waco, EL, Canton Local.
  Washington EL.
  Wells EL.
  Woodland EL.
  Youtz EL.
Cardington; Cardington EL.
Carlisle; Carlisle EL.
Carrollton; Carrollton K–12.
Casstown; Casstown EL.
Centerburg; Centerburg K–12.
Chatfield; Buckeye West EL.
Chauncey; Chauncey EL.
Cherry Fork; Wayne EL.
Chesapeake:
  East EL.
  West EL.
Cheshire:
  Chesire Kyger EL.
  Kyger Creek HS.
Chester; Chester EL.
Chesterhill; Marion EL.
Chesterville; Chesterville EL.
Chillicothe:
  Bainbridge EL, Paint Valley Local.
  Central EL.
  Chillicothe HS.
  Harrison EL, Scioto Valley Local.
  Higby-Pride EL, Scioto Valley Local.
  Huntington EL–HS, Huntington Local.
  Massie EL.
  McArthur EL.
  Mt. Logan EL.
  Sherman School (Chillicothe Correctional)
  Tiffin EL.
  Twin EL, Paint Valley Local.
  Zane Trace EL–HS, Zane Trace Local.
Cincinnati:
  Ach JHS.
  Aiken HS.
  Allison Street EL, Norwood City.
  Anderson EL, Forest Hills Local.
  Anderson HS, Forest Hills Local.
  Arlington Primary, Lockland City.
  Bloom JHS.
  Burdett EL.
  Burton EL.
  Campbell JHS.
  Central Fairmount EL.
  Chase EL.
  Clifton EL.
  Columbian EL.
  Courtier Technical HS.
  Cummins EL.
  Cutter JHS.
  Douglas EL.
  Eastwood EL.
  Evanston EL.
  Fairview EL.
  Garfield-Millvale EL.
  Harrison EL, Oak Hills Local.
  Hays EL.
  Heberle EL.
  Heinold JHS.
  Highlands EL.
  Hoffman EL.
  Hoop-Hunt EL, Mt. Healthy City.
  Hughes HS.
  Kirby Road EL.
  Lincoln EL.
  Lincoln Heights EL, Princeton City.
  Lucas EL, Princeton City.
  Lyon JHS.
  Madisonville-Bramble EL.
  McKinley EL.
  McMillan Center Special EL.
  Merry EL.
  Mt. Adams EL.
  North Avondale EL.
  North Fairmount–Carll EL.
  Oakley EL.
  Oyler EL.
  Parham EL.
  Peaslee EL.
  Pierce EL, New Richmond Exempted Village.
  Porter JHS.
  Princeton JHS, Princeton City.
  Princeton HS, Princeton City.
  Quebec Heights EL.
  Riverside Harrison EL.
  Roberts JHS.
  Rockdale EL.
  Roll Hill EL.
  Roosevelt EL.
  Rothenberg EL.
  Sands EL.
  Sawyer JHS.
  Schiel EL.
  Schwab JHS.
  South Avondale EL.
  Taft EL.
  Taft HS.
  Vine El.
  Walnut Hills HS.
  Washburn EL.
  Washington–Millvale EL.
  Washington Park-6th District EL.
  Western Hills HS.
  Whittier-Osage EL.
  Windsor EL.
  Winton Place EL.
  Winton Terrace EL.
  Withrow HS.
  Woodward HS.
Circleville:
  Circleville JHS.
  Corwin Street EL.
  High Street EL.
  Mound Street EL.
  South Court EL.
Clarksburg; Clarksburg EL.
Clarksville:
  Clarksville EL.
  Clinton-Massie HS.
Cleveland:
  Adams HS.
  Addison JHS.
  Almira EL.
  Attucks EL.
  Audubon JHS.
  Barkwill EL.
  Beehive EL.
  Benesch EL.
  Bethune-Rosedale EL.
  Bolton EL.
  Boulevard EL.
  Brewer EL.
  Brobst EL.
  Buhrer EL.
  Burroughs EL.
  Carver EL.
  Case EL.
  Central JHS.
  Chesterfield EL.
  Chestnutt EL.
  Clark EL.
  Cleaveland EL.
  Cleveland Central Catholic HS.
  Collinwood HS.
  Columbia EL.
  Corlett EL.
  Cranwood EL.
  Davis JHS.
  Denison EL.
  DeSauze EL.
  Dickens EL.
  Diehl JHS.
  Dike EL.
  Doan EL.
  Dunbar EL.
  Dunham EL.
  East HS.
  East Clark EL.
  East Madison EL.
  East Technical HS.
  Eliot JHS.
  Empire JHS.
  Erieview Catholic HS.
  Fruitland EL.
  Fulton EL.
  Giddings EL.
  Gilbert EL.
  Glenville HS.
  Gordon EL.
  Grdina EL.
  Hale JHS.
  Hamilton JHS.
  Hart JHS.
  Harvard-Lee JHS.
  Hay HS.
  Hazeldell EL.
  Henry JHS.
  Herrick JHS.
  Hicks EL.
  Hodge EL.
  Holmes EL.
  Hough EL.
  Howe EL.
  Howells JHS.
  Immaculate Conception EL.
  Iowa-Maple EL.
  Ireland EL.
  Irving EL.
  Jamison JHS.
  Jefferson JHS.
  Kennard JHS.
  Kennedy HS.
  Kentucky-McGuffey EL.
  LaFayette EL.
  Lake EL.
  Landis EL.
  Lawn EL.
  Lincoln JHS.
  Lincoln-West HS.
  Longfellow EL.
  Long Mead EL.
  Longwood EL.
  Marion-Sterling EL.

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Marshall HS.
Martin EL.
Miles EL.
Miles Park EL.
Milford EL.
Morgan EL.
Mound EL.
Mt. Auburn EL.
Mt. Pleasant EL.
Murray Hill EL.
Murray Hill JHS.
Orchard EL.
Orr EL.
Our Lady of Lourdes EL.
Parkway EL.
Parkwood EL.
Pasteur EL.
Quincy EL.
Raper EL.
Rawlings JHS.
Revere EL.
Rice EL.
Rickoff EL.
Rockefeller EL.
Roosevelt JHS.
Roth EL.
Sackett EL.
St. Adalbert EL.
St. Agatha EL.
St. Agnes EL.
St. Aquinas EL.
St. Coleman EL.
St. Joseph (Collinwood) EL.
St. Michael EL.
St. Procop EL.
St. Vitus EL.
Scranton-Mill EL.
Shuler JHS.
South HS.
Sowinski EL.
Spellacy JHS.
Stanard EL.
Standish EL.
Tod EL.
Tremont EL.
Union EL.
Urban Community EL.
Wade Park EL.
Walton EL.
Waring EL.
Waterson-Lake EL.
Waverly EL.
Wayne EL.
West JHS.
West Tech HS.
Willard EL.
Willow EL.
Willson JHS.
Woodland EL.
Woodland Hills EL.
Wooldridge EL.
Wright JHS.
Young JHS.

Cleveland Heights:
Coventry EL.
Roosevelt JHS.

Coal Grove:
Dawson-Bryant EL.
Monitor EL.

Coalton; Coal EL.

Columbus:
Alum Crest EL.
Arlington Park EL.
Avondale EL.
Barrett JHS.
Beatty Park EL.
Beck St. EL.
Beery JHS.
Bellows EL.
Burroughs EL.
C. H. Wilson School (Training Institute of Central Ohio).
Capital School (Ohio Penitentiary)
Central HS.
Champion JHS.
Chicago Avenue EL.
Clarfield EL.
Clearbrook-Garfield EL.
Corpus Christi EL.
Dana EL.
Deshler EL.
Douglas EL.
Duxberry Park EL.
East HS.
East Columbus EL.
Eastgate EL.
Eastwood EL.
Eleventh Avenue EL.
Everett JHS.
Fair Avenue EL.
Fairwood EL.
Felton EL.
Fifth Avenue EL.
Finland EL, Southwestern City.
Franklin JHS.
Franklinton EL.
Fulton EL.
Gladstone EL.
H. H. Goddard School (Juvenile Diagnostic Center).
Hamilton Avenue EL.
Hamilton Central EL, Hamilton Local.
Hamilton Middle, Hamilton Local.
Hamilton HS, Hamilton Local.
Heimandale EL.
Herbert F. Christian Youth Camp School.
Heyl EL.
Highland EL.
Hiltonia JHS.
Hubbard EL.
Hudson EL.
Indianola EL.
Indianola JHS.
John XXIII EL.
Kent EL.
Koebel EL.
Lexington EL.
Lincoln Park EL.
Linden EL.
Linden McKinley HS.
Linmoor JHS.
Livingston EL.
Main Street EL.
Marion-Franklin HS.
Maryland Park EL.
McGuffey EL.
Medary EL.
Michigan Avenue EL.
Mifflin Middle.
Milo EL.
Monroe JHS.
Mohawk JHS–HS.
Ninth Avenue EL.
North HS.
Northwood EL.
Ohio Avenue EL.
Pilgrim EL.
Reeb Avenue EL.
Roosevelt JHS.
Sacred Heart EL.
St. Aloysius EL.
St. Augustine EL.
St. Ladislaus EL.
Second Avenue EL.
Seibert EL.
Shepard EL.
South HS.
South Mifflin EL.
Southmoor JHS.
Southwood EL.
Starling JHS.
Stewart EL.
Sullivant Avenue EL.
Thurber EL.
Trevitt EL.
Weinland Park-6th Avenue EL.
West HS.
West Broad EL.
Westmoor JHS.
Windsor EL.

Conesville; Conesville EL.

Conneaut:
Chestnut EL.
Lakeview EL.
Rowe JHS.
Southeast EL.

Continental; Continental K–12.
Coolville; Coolville EL.
Corning; Corning EL.

Coshocton:
Chestnut EL.
Middle EL.
Pleasant Valley EL, Riverview Local.
South Lawn EL.
Sycamore EL.
Three Rivers EL, Riverview Local.

Crestline; Southeast EL.
Cridersville; Perry 1–12.

Crooksville:
Bearfield EL.
East EL.
McCluney EL.
North EL.
York EL, Morgan Local.

Crown City:
Hannan Trace EL.
Hannan Trace HS.

Cutler; Cutler EL.
Cynthiana; Cynthiana EL.

Dayton:
Addams EL.
Carlson EL.
Cornell Heights EL.
Dunbar HS.
Edison EL.
Emerson EL.
Fairview HS.
Franklin EL.
Gardendale EL.
Greene EL.
Hawthorne EL.
Highview EL.
Huffman EL.
Irving EL.
Jackson Primary.
Jackson EL.
Jefferson Primary.
Jefferson EL.
Kiser HS.
Lincoln EL.
Longfellow EL.
Loos EL.
MacFarlane EL.
Mad River JHS, Mad River Local.
McGuffey EL.
McNary EL.
Miami Chapel-Troy EL.
Morrison EL, Northridge Local.
Olive Hill EL, Madison Township Local.
Patterson EL.
Patterson HS.
Roosevelt HS.
Roth HS.
Ruskin EL.
Stebbins HS, Mad River Local.
Stivers HS.
Townview EL, Madison Township Local.
Van Cleve EL.
Washington EL.
Weaver EL.
Webster EL.
Westwood EL.
Col. White HS.
Whittier EL.
Wogaman EL.
Wright HS.

Decatur; Decatur EL.

Dennison:
Claymont EL.
Northside EL.
Park EL.

Dexter City; Dexter City EL.
Dillonvale; Dillonvale EL.
Dola; Hardin-Northern K–12
Dorset; Dorset EL.
Dublin; Jerome EL.
Dundee; Dundee EL.

East Cleveland:
Caledonia EL.
Chambers EL.
Kirk JHS.
Mayfair EL.
Prospect EL.
Rozelle EL.
Shaw HS.
Superior EL.

East Liverpool; St. Aloysius EL.
East Orwell; Colebrook EL.
East Palestine; East North EL.
Eaton; Jackson EL.
Ellsworth; Ellsworth EL.
Elm Grove; Elm Grove EL.

Elyria:
Elyria HS.
Franklin EL.
Gates EL.
Hamilton EL.
Roosevelt EL.
Vincent EL, Clearview Local.

Euclid; Euclid HS.

Fairborn:
Five Points EL.
Park Hills HS.
South-Palmer EL.
Wright EL.

Felicity; Felicity-Franklin K–12.

Fostoria:
Fostoria HS.
Longfellow EL.

Frankfort:
Adena HS.
Frankfort EL.

Franklin:
Anthony Wayne EL.
Central EL.
Farrell EL.

Franklin Furnace; Green 1–12.
Freeport; Londonderry EL.

Fremont:
Atkinson EL.
Croghan EL.
Fremont JHS.
Otis EL.
Stamm EL.

Friendship; Friendship EL.
Fulton; Fulton EL.
Galion; East EL.

Gallipolis:
Addaville EL, Kyger Creek Local.
Clay EL.
Gallia Academy JHS–HS.
Washington EL.

Geneva:
Assumption EL.
Cork EL.
Geneva EL.
Geneva HS.
Spencer EL.

Germano; Germano EL.
Gibisonville; Gibisonville EL.
Girard; Tod Woods EL.

Glouster:
Glouster HS, Trimble Local.
Homer Union EL, Morgan Local.

Goshen:
Cook EL.
Goshen Primary.
Goshen Middle.

Grand River; Hutchinson EL.

Graysville:
Graysville EL.
Skyview HS.

Graytown; Graytown EL.

Greenfield:
Buckskin EL.
Greenfield EL.
Petersburg EL.

Greenford; West EL.

Grove City:
Grove City HS.
Urbancrest EL.

Hamden; Hamden EL.
Hamersville; Hamersville EL.

Hamilton:
Garfield EL.
Harding JHS.
Harrison EL.
Jefferson EL.
Madison EL.
New Miami EL, New Miami Local.
Roosevelt JHS.

Hanging Rock; Hanging Rock #4 EL.
Hanoverton; United K–12.

Harrison:
Harrison EL.
Harrison JHS.
Harrison HS.

Harrisonville; Harrisonville EL.
Hartford; Hartford EL.
Harveysburg; Harveysburg EL.
Hebron; Hebron EL.
Hemlock; Miller HS.
Higginsport; Higginsport EL.
Highland; Highland EL.

Hillsboro:
Belfast EL, Bright Local.
Hillsboro HS.
Marshall EL.
Washington EL.
Webster EL.

Holland; Irwin EL.
Homerville; Homer EL.
Hooven; Hooven-Etown EL.
Howard; Howard EL.
Hoytville; Jackson Middle.

Ironton:
Campbell EL.
Deering EL, Dawson Bryant Local
Kingsbury EL.
Lawrence Street EL.
Rock Hill #2 EL, Rock Hill Local.

Jackson:
Franklin EL.
Jackson EL.
Jackson HS.
Kinnison EL.
Lick EL.
Scioto EL.
South Street EL.

Jasper; Jasper EL.

Johnstown:
Douglas EL.
Oregon EL.

Junction City; Junction City EL.
Kalida; Kalida 1–12.
Keene; Keene EL.
Kellys Island; Kellys Island 1–12.

Kent:
Brady Lake EL.
St. Patrick EL.

Kenton:
Espy EL.
Westview EL.

Kingston; Zane Trace Middle.
Kitts Hill; Andis EL.
Laings; Laings EL.
Lakeside; Danbury K–12.
Lakewood; Harding EL.

Lancaster:
Lancaster HS.
Reemelin School (Fairfield School for Boys).
South EL.

Langsville; Salem Center EL.
Latham; Western HS.

Laurelville:
Laurelville EL, Logan Elm Local.
South Bloomingville EL, Logan City.

Leavittsburg; Leavitt EL.

Lebanon:
Berry EL.
Dunlavy EL.
Shaker Valley School (Lebanon Correctional).

Leipsic; Leipsic K–12.
Lewisville; Lewisville EL.
Liberty Center; L. C. DeBrosse School (Maumee Youth Camp).

Lima:
Bath EL.
Edison EL.
Emerson EL.
Faurot EL.
Garfield EL.
Irving EL.
Jefferson EL.
Lima HS.
Lincoln EL.
Longfellow EL.
Lowell EL.
North JHS.
South JHS.
Washington-McKinley EL.
Whittier EL.

Lisbon:
Elkton EL, Beaver Local.
Wayne EL, Southern Local.

Logan:
Green-Maxville EL.
Marion EL.

London:
Fairfield EL.
London Adult Experimental School (London Correctional).
Madison Rural EL.

Londonderry; Londonderry EL.

Lorain:
Clearview HS, Clearview Local.
Durling EL, Clearview Local.
Boone-Hawthorne EL.
Charleston EL.
Garfield EL.

Irving EL.
King HS.
Lincoln EL.
Lowell EL.
Southview HS.
Whittier EL.

Loudonville; L. J. Bromfield School (Mohican Youth Camp).
Lowell; Lowell EL.
Lower Salem; Salem EL.

Lucasville:
Camp Creek EL, Scioto Valley Local.
Glendale EL.
Morgan EL, Northwest Local.
Southern Ohio Correctional Institution School.
Valley EL.
Valley Intermediate.

Macon; Eastern HS.
Magnetic Springs; Leesburg-Magnetic EL.

Magnolia:
Magnolia EL.
Sandy Valley HS.

Manchester; Manchester K–12.

Mansfield:
Carpenter EL.
Creveling EL.
Empire EL.
Fields School (Ohio State Reformatory).
Hedges EL.
Mansfield HS.
Newman EL.
Roseland EL.
Sherman JHS.
Simpson JHS.
St. Peter EL.
West 5th Street EL.

Marengo; Marengo EL.

Marietta:
Harmar EL.
Lawrence EL, Frontier Local.
Marietta JHS.
Marion EL.
Phillips EL.

Marion:
Adrean Memorial School (Marion Correctional).
Edison EL.
Glenwood EL.
Harding Freshman HS.
Harding HS.
Mark Street EL.
Meeker EL, Ridgedale Local.
North Main EL.
Oak Street EL.
Olney Avenue EL.
Silver Street EL.
Taft Middle.

Martins Ferry; North EL.
Martinsville; Martinsville-Antioch EL.
Marysville; Clearview School (Ohio Reformatory for Women).

Massillon:
Emerson EL.
Franklin EL.

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Jones EL.
Lincoln EL.
Mann EL.
St. Joseph EL.
Washington HS.
Maumee:
Gateway Middle.
Maumee HS.
McArthur; McArthur EL.
McComb; McComb EL.
McConnelsville; McConnelsville EL.
McDermott:
McDermott EL.
Northwest HS.
Union EL.
Mechanicsburg; Mechanicsburg K–12.
Mentor:
Headlands EL.
Lake EL.
Mentor HS.
Shore EL.
Sterling Morton EL.
Mesopotamia; Mesopotamia EL.
Middleport:
Bradbury EL.
Middleport EL.
Meigs JHS.
Meigs HS.
Middletown:
Amanda Middle.
Central EL.
Garfield EL.
Jefferson EL.
McKinley Middle.
Middletown HS.
Oneida EL.
Taft EL.
Midland; Jefferson EL.
Milledgeville; Jasper EL.
Millersburg:
Millersburg EL, West Holmes Local.
Mt. Hope EL, East Holmes Local.
Millersport; Walnut Township K–12.
Mineral City; New Cumberland EL.
Minersville; Racine JHS.
Minford:
Minford Primary.
Minford Middle, Indian Creek Local.
Mingo Junction:
Harmony EL, Buckeye Local.
New Alexandria EL.
Monroeville; Greenfield EL.
Montville; Montville EL.
Morrow; Morrow EL.
Moscow; Moscow EL.
Mt. Orab:
Mt. Orab EL.
Western Brown HS.
Mt. Pleasant; Mt. Pleasant EL.
Mt. Sterling:
Madison Mills EL, Miami Trace Local.
Monroe EL, Westfall Local.
Mt. Sterling EL, Madison-Plains Local.
Mt. Vernon:
Central EL.
Columbia EL.
Elmwood EL.
Mulberry Street EL.
West EL.
Mt. Victory; Ridgemont EL.
Mowrystown; Whiteoak HS.
Moxahala; Moxahala EL.
Murray City; Murray City EL.
Nashport; Perry EL.
Neffs; Neffs EL.
Nelsonville:
Buchtel-York EL.
Nelsonville EL.
Nelsonville-York JHS.
Nelsonville-York HS.
Poston EL.
Newark:
Central K–12.
Conrad EL.
Hartzler EL.
Hazelwood EL.
Licking Valley HS, Licking Valley Local.
Lincoln K–9.
Madison EL, Licking Valley Local.
Mary Ann EL, Licking Valley Local.
Toboso EL, Licking Valley Local.
New Bloomington; New Bloomington EL.
New Boston:
Glenwood HS.
Oak EL.
Stanton EL.
Newcomerstown; Washington Township EL.
New Holland; New Holland EL.
New Lexington:
Clayton EL.
New Lexington EL.
New Lyme; Deming EL.
New Marshfield; Waterloo EL.
New Metamoras:
Frontier HS.
Metamoras EL.
New Paris; Jefferson EL.
New Philadelphia:
Front Avenue EL.
West EL.
Newport; Newport EL.
New Richmond:
Monroe EL.
New Richmond EL.
New Richmond JHS.
New Straitsville; New Straitsville EL.
New Washington; Buckeye Central HS.
Niles:
Jackson EL.
Jefferson EL.
North Lawrence; North Lawrence EL.
Oak Harbor; Carroll EL.
Oak Hill:
Central EL.
Lewis EL (Jefferson).
Oak Hill EL (Oak View EL).
Old Fort; Old Fort EL.
Ottawa; Ottawa EL.
Ottoville; Ottoville 1–12.
Otway; Otway EL.
Painesville:
Hale Road EL.
Harvey HS.
Huntington EL.
J. R. Williams JHS.
State EL.
St. Clair EL.
Walnut EL.
Palestine; Liberty EL.
Pandora; Pandora-Gilboa HS.
Parma:
Parma HS.
Schaaf JHS.
Thoreau Park EL.
Pataskala; Jersey EL.
Patriot:
Cadmus EL.
Green EL, Gallipolis City.
Southwestern HS.
Pedro:
Decatur No. 1 EL.
Pedro No. 3 EL.
Peebles:
Franklin EL.
Peebles EL.
Pemberton; Pemberton Primary.
Pennsville; Pennsville EL.
Piketon:
Idaho-Parker EL, Western Local.
Piketon No. 1 EL.
Piketon No. 2 EL.
Piketon HS.
Piney Fork; Piney Fork EL.
Piqua:
Bennett JHS.
Central HS.
Favorite Hill EL.
High Street EL.
North Street EL.
South Street EL.
Springcreek EL.
Spring Street EL.
Staunton EL.
Washington EL.
Wilder JHS.
Pomeroy:
Pomeroy EL.
Salisbury EL.
Port Clinton:
Bataan EL.
Erie EL.
Portland; Portland EL.
Portsmouth:
Dry Run EL, Washington Local.
East HS.
Garfield EL.
Grant EL.
Harding EL.
Highland EL.
Lincoln EL.
McKinley EL.
North Moreland EL.
Portsmouth HS.
Scudder EL.
Wilson EL.
Port Washington; Port Washington EL.
Powell:
Riverview School for Girls (Ohio Youth Commission).
Scioto Village School (Ohio Youth Commisson).
Powhatan Point; Powhatan EL.
Proctorville:
Fairland East EL.
Fairland HS.
Fairland West EL.
Racine:
Letart EL.
Racine EL.
Southern HS.
Ravenna:
Brown JHS.
Rausch EL.
Southeast 8–12, Southeast Local.
Rawson; Cory-Rawson 9–12.
Rayland:
Rayland EL.
Smithfield EL.
Reedsville:
Eastern HS.
Riverview EL.
Richmondale; Southeastern HS.
Richwood; Jackson EL.
Ripley:
Ripley EL.
Ripley HS.
Rockford; Rockford EL.
Rootstown; Rootstown K–12.
Roundhead; Roundhead EL.
Russellville; Russellville EL.
Rutland; Rutland EL.
Sabina; Sabina EL.
St. Clairsville; St. Clairsville K–12.
Salineville:
Highlandtown EL.
Salineville EL.
Sandusky:
Mills EL.
Ontario EL.
Sandusky HS.
Sandyville; Sandyville EL.
Sarahsville:
Sarahsville EL.
Shenandoah HS.
Sardinia:
Ash Ridge EL.
Sardinia EL.
Sardis; Midway EL.
Scioto Furnace; Scioto Furnace EL.
Sciotoville; Lindsay EL.
Scottown; Windsor No. 2 EL.
Seaman; Seaman EL.
Shade; Shade EL.
Shaker Height; Moreland EL.
Shawnee; Shawnee EL.
Shelby; Central EL.
Sherrodsville; Sherrodsville EL.
Shiloh; Shiloh EL.
Sidney; Central EL.
Sinking Spring; Sinking Spring EL.
Somerville; Somerville EL.

South Point:
Burlington EL.
Number 1 EL.
Number 2 EL.
Sheridan EL.
South Webster:
Bloom HS.
South Webster EL.
Springfield:
Bushnell EL.
Emerson EL.
Frey EL.
Fulton EL.
Garfield EL.
Hayward JHS.
Highlands EL.
Keifer JHS.
Lagonda EL.
McKinley EL.
North HS.
South HS.
Washington EL.
Steubenville:
Garfield EL.
Grant EL.
Lincoln EL.
Steubenville HS.
Washington EL.
Wells EL.
Stewart:
Federal Hocking HS.
Stewart EL.
Stockdale; Stockdale EL.
Stout; Green EL.
Stoutsville; Stoutsville EL.
Struthers; Coitsville EL.
Sugarcreek:
Garaway HS.
Miller Avenue EL.
Ragersville EL.
3rd Street EL.
Sugartree Ridge; Concord EL.
Summerfield; Summerfield EL.
Summit Station:
Licking Heights HS.
Summit EL.
Summitville; Franklin EL.
Sycamore Valley; Bethel EL.
Syracuse; Syracuse EL.
The Plains:
Athens HS.
Plains EL.
Thompson; Thompson EL.
Thurman; Centerville EL.
Tiltonsville; Tiltonsville EL.
Tipp City; Bethel 1–12.
Tiro; Buckeye East EL.
Toledo:
Birmingham EL.
Chase EL.
Cherry EL.
DeVilbiss HS.
East Side Central EL.
Franklin EL.
Fulton-Temple EL.
Garfield EL.
Glenwood-Temple EL.
Good Shepherd EL.
Gunckel EL.
Hale EL.
Hamilton EL.
Immaculate Conception EL.
Jones EL.
King EL.
LaGrange EL.
Libbey HS.
Lincoln EL.
Marshall EL.
Navarre EL.
Oakdale EL.
Pickett EL.
Riverside EL.
Robinson EL.
Rosary Cathedral EL.
Scott HS.
Sherman EL.
Spring EL.
Stewart EL.
Stickney EL.
St. Teresa EL.
Waite HS.
Walbridge EL.
Warren EL.
Washington EL.
Westfield EL.
Woodward HS.
Trimble; Trimble EL.
Trotwood; Madison Township JHS.
Troy; Forest EL.
Tuppers Plains; Tuppers Plains EL.
Uhrichsville:
Eastport EL.
Rush EL.
Trenton EL.
Union City; Eastside EL.
Union Furnace; Starr Washington 1–12.
Van Wert:
Langley EL.
Marsh EL.
Vinton; Vinton EL.
Wadsworth; Franklin EL.
Walnut Creek:
Farmerstown EL.
Walnut Creek-Chestnut Ridge EL.
Warren:
East JHS.
First Street EL.
Harding HS.
Jefferson EL.
Lordstown 1–12, Lordstown Local.
SS Cyril & Methodius EL.
St. Pius X EL.
Washington EL.
West JHS.
Western Reserve HS.
Willard EL.
Warrensville Heights; L. Ball School (Cuyahoga Hills School for Boys).
Warsaw:
Riverview HS.
Union EL.
Warsaw EL.
Washington C.H.:
Chaffin EL.
Eber EL.
Rose Ave. EL.
Staunton EL.
Washingtonville; Washingtonville EL.
Waterford; Waterford EL.
Waterloo; Waterloo EL.
Watertown; Watertown EL.
Waverly:
East EL.
North EL.
West EL.
Waynesville; Wayne K–12.
Wellston:
Bundy EL.
Central EL.
Wellston HS.
Wellsville; Number Sixteen EL.
Westerville; Central College EL.
West Lafayette; West Lafayette EL.
West Manchester; Monroe EL.
West Mansfield; Byhalia EL.
West Portsmouth:
Jenkins EL.
Nauvoo EL.
West Union:
Liberty EL.
Tiffin EL.
West Union K–12.
Wheelersburg:
Vernon EL, Bloom Local.
Wheelersburg EL.
Wilkesville; Wilton EL.
Willard; East Side EL.
Williamsburg; Williamsburg K–12.
Williamsfield; Williamsfield EL.
Willow Wood:
Mason EL.
Symmes Valley HS.
Windsor No. 1 EL.
Windsor Intermediate.
Wilmington:
Kingman EL, Clinton-Massie Local.
Locust Street EL.
Consolidated South EL.
Smith-Denver EL.
Wilmington HS.
Windsor; Windsor EL.
Winchester; Winchester EL.
Windham; Maple Grove EL.
Winesburg; Winesburg EL.
Wintersville; Wintersville EL.
Wooster:
Pittsburg EL.
Walnut EL.
Xenia:
Ohio Sailor's and Soldier's Orphans School (Ohio Youth Commission).
Warner JHS
Xenia HS.
Yorkville; Yorkville EL.
Youngstown:
Adams EL.
Bennett EL.
Cleveland EL.
Covington EL.
East HS.
Fitch HS, Austintown Local.
Garfield EL.
Grant EL.
Haddow EL.
Harding EL.
Harrison EL.
Hayes EL.
Hillman JHS.
Immaculate Conception EL.
Jefferson EL.
Lincoln EL.
Madison EL.
McKinley EL.
Monroe EL.
North HS.
Princeton JHS.
Rayen HS.
Richey EL.
Roosevelt EL.
St. Patrick EL.
Science Hill JHS.
Sheridan EL.
South HS.
Stambaugh EL.
Thorn Hill EL.
White EL.
Williamson EL.
Zaleski:
Brown-Zaleski EL.
Zaleski Youth Camp School (Ohio Youth Commission).
Zanesville:
Cleveland JHS.
Garfield EL.
Grant EL.
Hancock JHS.
Lincoln EL.
Madison EL.
McIntire EL.
McKinley EL.
Monroe EL.
Munson EL.
Pioneer EL.
Sheridan EL.
Wilson EL.
Zanesville HS.
Zanesville Youth Camp School (Ohio Youth Commission).

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OKLAHOMA

List of Schools Determined to Have a High Concentration of Students From Low-Income Families. This List is for Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years.

(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)

Location: city or town; name of school

Ada:
- Ada JHS.
- Ada HS.
- Byng EL–JHS–HS.
- Latta EL–JHS–HS.

Adair; Adair EL–JHS–HS.
Albion; Albion EL.
Allen; Allen EL–JHS–HS.
Altus:
- Altus HS.
- Central JHS.
- Eugene Field EL.
- Roosevelt EL.
- Will Rogers EL.
- Wilson EL.

Anardarko:
- Anadarko HS.
- East EL.
- West EL–East JHS.

Antlers:
- Antlers EL.
- Antlers JHS–HS.

Apache; Broxton EL–JHS–HS.
Ardmore:
- Ardmore JHS–HS.
- Dickson EL–JHS–HS, Dickson, I–77.
- Washington EL.

Arkoma; Arkoma EL–HS.
Atoka:
- Atoka JHS–HS.
- Mamie Johnson EL.
- Thunderbird EL.

Barnsdall; Barnsdall EL–JHS–HS.
Bartlesville; Central JHS.
Battiest; Battiest EL–JHS–HS.
Beggs; Beggs EL–JHS–HS.
Binger; Binger EL–JHS–HS.
Bluejacket; Bluejacket EL–JHS–HS.
Bokchito; Bokchito EL–JHS–HS.
Bokoshe; Bokoshe EL–JHS–HS.
Boley:
- Boley EL–JHS–HS.
- Chilesville EL., Chilesville, D–7.

Boswell; Boswell EL–JHS–HS.
Bowlegs; Bowlegs EL–JHS–HS.
Boynton; Boynton EL–JHS–HS.
Bromide; Bromide EL.
Bristow:
- Bristow JHS–HS.
- Edison EL.
- Slick EL.
- Washington EL.

Broken Bow:
- Bennett EL.
- Broken Bow HS.
- East Side JHS.

Cache; Cache EL–JHS–HS.
Caddo; Caddo EL–JHS–HS.
Cameron; Cameron EL–JHS–HS.
Caney; Caney EL–JHS–HS.
Canton; Canton EL–JHS–HS.
Carnegie; Carnegie EL.
Castle; Castle EL.
Catoosa; Catoosa EL–JHS.
Centrahoma; Centrahoma EL.
Chandler; Chandler EL–JHS–HS.
Checotah:
- Checotah EL.
- Checotah JHS–HS.
- Longfellow EL.

Chickasha:
- Chickasha Intermediate.
- Chickasha JHS.
- Northwest EL.

Choctaw; Choctaw EL–HS.
Claremore:
- Claremont EL.
- Claremore HS.
- West Side EL.
- Will Rogers JHS.

Clayton; Clayton EL–JHS–HS.
Cleveland:
- Cleveland EL–JHS.
- Cleveland HS.

Coalgate:
- Coalgate EL–JHS–HS.
- Cottonwood EL.
- Cottonwood, D–4.

Colbert; Colbert EL.
Colcord; Colcord EL–JHS–HS.
Commerce; Commerce EL–JHS–HS.
Connerville; Connerville EL.
Coweta; Coweta EL–JHS–HS.
Cromwell; Butner EL–JHS–HS.
Davenport; Davenport EL–JHS–HS.
Dewar; Dewar EL–JHS–HS.
Drumright; Olive EL–JHS–HS.
Duncan; Empire EL–JHS–HS.
Durant:
- Durant HS.
- Silo EL–JHS–HS.
- Silo I–1.

Dustin; Dustin EL–JHS–HS.
Eagletown; Eagletown EL–JHS–HS.
Elgin; Elgin EL–JHS–HS.
Elk City; Elk City JHS–HS.
Enid; Enid HS.
Eufaula; Eufaula JHS–HS.
Fairfax; Fairfax EL–JHS–HS.
Fillmore; Fillmore EL.
Fort Cobb; Fort Cobb EL–JHS–HS.
Fort Gibson; Fort Gibson EL–JHS–HS.
Fort Smith; (Arkansas) Pocola EL–JHS–HS.
Fort Towson; Fort Towson EL–JHS–HS.
Fox; Fox EL–JHS–HS.
Foyil; Foyil EL–JHS–HS.
Frederick:
- Central EL.
- Frederick JHS.

Gore; Gore EL–JHS–HS.
Graham; Graham EL–JHS–HS.
Grandfield; Grandfield EL–JHS–HS.
Grant; Grant EL–JHS–HS.
Grove:
- Grove EL.
- Grove JHS–HS.

Guthrie; Guthrie HS.
Haileyville; Haileyville EL–JHS–HS.
Hanna; Hanna EL–JHS–HS.
Hartshorne:
- Hartshorne JHS–HS.
- North Ward EL.

Haskell; Haskell EL–JHS–HS.
Haworth; Haworth EL–JHS–HS.
Heavener:
- Heavener EL.
- Heavener JHS–HS.

Henryetta:
- Henryetta EL.
- Henryetta JHS–HS.
- Ryal EL, Ryal, D–3.

Hobart:
- Eugene Field EL.
- Francis Willard EL.
- Hobart JHS–HS.

Hodgens; Hodgens EL.
Holdenville:
- Holdenville JHS–HS.
- Park View EL.
- Thomas EL.

Hollis; Hollis EL–JHS–HS.
Hominy; Hominy EL–JHS–HS.
Hugo:
- Eugene Field EL.
- Goodland EL, Goodland, D–13.
- Hugo JHS–HS.

Hulbert:
- Hulbert EL–JHS–HS.
- Lost City EL, Lost City, D–17.
- Shady Grove EL.

Idabel:
- Central EL.
- Idabel JHS–Gray HS.
- Oak Grove EL, Oak Grove, D–63.
- Southeast EL.

Indianola; Indianola EL–JHS–HS.
Jay:
- Jay EL.
- Jay JHS–HS.

Jones; Jones EL–JHS–HS.
Kansas; Kansas EL–JHS–HS.
Kellyville; Kellyville EL–JHS–HS.
Keota; Keota EL–JHS–HS.
Ketchum; Ketchum EL–JHS–HS.
Kingston; Kingston EL–JHS–HS.
Kinta; Kinta EL–JHS–HS.
Konawa:
- Konawa EL–JHS–HS.
- Vamoosa EL, Vamoosa, D–8.

Lawton:
- Central JHS.
- Dunbar EL.
- Eisenhower JHS–HS.
- Lawton HS.
- Lincoln EL.
- St. Mary EL.
- Will Rogers EL.

Leach; Leach EL.
LeFlore; LeFlore EL–JHS–HS.
Leon; Leon EL.
Lindsay:
- Lindsay EL.
- Lindsay JHS–HS.

Locust Grove; Locust Grove EL–JHS–HS.
Lookeba:
- Lookeba-Sickles EL.
- Lookeba-Sickles JHS–HS.

Madill:
- Madill EL.
- Madill JHS–HS.

Mangum:
- Mangum EL.
- Mangum JHS–HS.

Mannford; Mannford EL–JHS–HS.
Marble City; Marble City EL.
Marietta; Marietta EL–HS.
Marlow:
- Marlow EL.
- Marlow JHS–HS.

Maud; Wolf EL.
Maysville; Story EL.
McAlester:
- McAlester HS.
- McAlester JHS.
- Puterbaugh JHS.
- Will Rogers EL.
- McCurtain; McCurtain EL–JHS–HS.

McLoud; McLoud EL–JHS–HS.
Milburn; Milburn EL–JHS–HS.
Moffett; Moffett EL.
Morris; Morris EL–JHS–HS.
Muldrow:
- Belfonte EL.
- Muldrow EL–JHS–HS.

Muskogee:
- Alice Robertson JHS.
- Cherokee EL.
- DuBois EL, DuBois, D–42.
- Muskogee HS.
- West JHS.

Nashoba; Nashoba EL.
New Lima; New Lima EL–JHS–HS.
Nowata:
- Nowata EL.
- Nowata JHS–HS.

Oaks; Oaks Mission EL–JHS–HS.
Okay; Okay EL–JHS–HS.
Okemah:
- Oakes EL.
- Okemah JHS–HS.

Oklahoma City:
- Capitol Hill HS.
- Capitol Hill JHS.
- Central JHS.
- Central Oak EL–Crooked Oak JHS–HS, Crooked Oak I–53.
- Oak JHS–HS, Crooked Oak, I–53.
- Classen HS.
- Columbus EL.
- Corpus Christi EL.
- Douglass-Kennedy JHS–HS.
- Harding JHS.
- Hoover JHS.
- Jackson JHS.
- Mark Twain EL.
- Millwood EL–JHS–HS, Millwood, I–37.
- Northeast HS.
- Northwest Classen HS.
- Rockwood EL.
- Rogers Middle.
- Roosevelt JHS.
- Shidler EL.
- Southeast HS.
- Stand Watie EL.
- St. Joseph EL.
- Star-Spencer HS.
- Taft JHS.
- U.S. Grant HS.
- Webster JHS.
- West Oak EL, Crooked Oak, I–53.
- Wheeler EL.
- Willard EL.
- Wilson EL.

Okmulgee:
- Nuyaka EL, Nuyaka, D–10.
- Horace Mann EL.
- Okmulgee HS.
- Okmulgee JHS.
- Twin Hills EL, Twin Hills, D–11.
- Wilson EL.

Panama; Panama EL–JHS–HS.
Park Hill; Stone Chapel EL.
Pauls Valley:
- Pauls Valley JHS.
- Pauls Valley HS.

Pawhuska:
- Pawhuska EL.
- Pawhuska JHS–HS.

Pawnee; Pawnee JHS–HS.
Perry; Perry EL–JHS–HS.
Picher; Picher-Cardin EL–JHS–HS.
Ponca City:
- Garfield EL.
- McKinley EL.

Porter; Porter EL–JHS–HS.
Porum; Porum EL–JHS–HS.
Poteau; Hower EL-Pansy Kidd JHS.
Preston; Preston EL–JHS–HS.
Pryor:
- Pryor PHS–HS.
- Whitaker Children's Home EL.

Purcell; Purcell JHS–HS.
Quapaw; Quapaw EL–JHS–HS.
Quinton; Quinton EL–JHS–HS.
Rattan; Rattan EL–JHS–HS.
Redbird; Miller Washington EL.
Red Oak; Red Oak EL–JHS–HS.
Red Rock; Red Rock EL–JHS–HS.
Ripley; Ripley EL–JHS–HS.
Roland; Roland EL–JHS–HS.
Salina:
- Kenwood, EL.
- Salina EL–JHS–HS, Salina, I–16.
- Wickliffe EL, Wickliffe, D–35.

Sallisaw:
- Brushy EL, Brushy, D–36.
- Central EL–JHS–HS.
- Liberty EL.
- Sallisaw HS.
- Sequoyah EL.
- Tommie Spear JHS.

Sapulpa:
- Lone Star EL, Lone Star, D–8.
- Sapulpa HS.
- Sapulpa JHS.
- Washington EL.

Sasakwa:
- New Model EL, New Model, D–32.
- Sasakwa EL–JHS–HS.

Seiling; Seiling EL–JHS–HS.
Seminole; Strother EL–JHS–HS.
Sentinel; Sentinel EL–JHS–HS.
Shawnee:
- Shawnee JHS.
- Shawnee HS.
- Washington EL.

Smithville:
- Octavia EL.
- Smithville EL–JHS–HS.

Snyder; Snyder EL–JHS–HS.
Soper; Soper EL–JHS–HS.
Spavinaw; Spavinaw EL.
Spiro; Spiro EL–JHS–HS.
Stigler:
- Stigler EL.
- Stigler JHS–HS.

Stilwell:
- Bell EL, Bell, D–33.
- Cave Springs EL–JHS–HS, Cave Springs, I–30.
- Dahlonegah EL, Dahlonegah, D–29.
- Greasy EL, Greasy, D–12.
- Maryetta EL, Maryetta, D–22.
- Peavine EL, Peavine, D–19.
- Stilwell EL.
- Stilwell JHS–HS.

Stonewall; Stonewall EL–JHS–HS.
Stringtown; Stringtown EL–JHS–HS.
Stroud:
- Stroud EL.
- Stroud JHS–HS.

Sulphur:
- Sulphur JHS–HS.
- Washington EL.

Taft:
- Moton-Taft EL–JHS–HS.
- Taft State Children's Home.
- Taft State Home for Girls.

Tahlequah:
- Cherokee EL.
- Grand View EL, Grand View, D–34.
- Lowrey EL, Lowrey, D–10.
- Sequoyah EL.
- Tahlequah HS.
- Tahlequah JHS.

Talihina; Talihina EL–JHS–HS.
Tecumseh; Girls' Town.
Tipton; Tipton EL–JHS–HS.
Tishomingo:
- Memorial EL.
- Tishomingo JHS–HS.

Tullahassee; C. G. Woodson EL–JHS–HS.
Tulsa:
- Alcott EL.
- Burrough EL.
- Celia Clinton-Bunche EL.
- Central HS.
- Cherokee EL.
- Cleveland JHS.
- Clinton JHS.
- Emerson EL.
- Eugene Field EL.
- Frost EL.
- Gilcrease JHS.
- Hamilton JHS.
- Hawthorne EL.
- Holy Family EL.
- Houston EL.
- Immaculate Conception EL.
- Jackson EL.
- Johnson EL.
- Lindsey-Douglass EL.
- Lowell EL.
- McClain HS.
- Madison JHS.
- Monroe JHS.
- Penn EL.
- Remington EL.
- Riley EL.
- Roosevelt JHS.
- Springdale-Woods EL.
- Washington HS.
- Whittier-Dunbar-Sequoyah EL.

Tuskahoma; Tuskahoma EL.
Valliant; Valliant EL–JHS–HS.
Vian; Vian EL–JHS–HS.
Vinita:
- Vinita HS.
- Will Rogers EL.

Wagoner:
- Central EL.
- Wagoner JHS–HS.

Walters; Walters EL–JHS–HS.
Watonga:
- Watonga EL.
- Watonga JHS–HS.

Watts:
- Skelly EL, Skelly, D–1.
- Watts EL–JHS–HS.

Wayne; Wayne EL–JHS–HS.
Webbers Falls; Webbers Falls EL–JHS–HS.
Weleetka:
- Graham EL–JHS–HS, Graham, I–32.
- Weleetka EL–JHS–HS.

Welling; Tenkiller EL.
Wellston; Wellston EL–JHS–HS.
Westville:
- Christie EL, Christie, D–13.
- Westville EL–JHS–HS.

Wetumka; Wetumka EL–JHS–HS.
Wewoka:
- Justice EL, Justice, D–54.
- Nobletown EL, Nobletown, D–19.
- Wewoka EL.
- Cowart JHS–Wewoka HS.

Whitefield; Whitefield EL.
Wilburton; Wilburton EL–JHS–HS.
Wilson; Wilson EL–JHS–HS.
Wright City; Wright City EL–JHS–HS.
Wyandotte; Wyandotte EL–JHS–HS.
Yeager; Yeager EL.

OREGON

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List Is For Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years.

(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)

Location: city or town; name of school

Adams; Adams EL.
Albany:
- South Albany HS.
- Sunrise EL.
- Central EL.
- Madison EL.

Alpine; Alpine EL.
Amity:
- Amity EL.
- Ballston EL.
- Amity HS.

Applegate; Applegate EL.
Ashland; Pinehurst EL.
Astoria:
- Astor EL.
- Tongue Point Job Corps Center HS.

Athena:
- McEwen HS.
- Athena EL.

Aumsville; North Santiam EL.
Aurora:
- North Marion EL.
- North Marion JHS–HS.

Baker:
- South Baker EL.
- Baker JHS.
- Churchill EL.

Bandon; Bandon Heights EL.
Banks:
- Buxton EL.
- Banks EL.

Bay City; Bay City EL.

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Beaverton:
St. Mary Home for Boys EL–JHS.
Merle Davies EL.
Cedar Park JHS.
Bend:
Tumalo EL.
Thompson EL.
Blachly:
Triangle Lake HS.
Triangle Lake EL.
Bonneville; Bonneville EL.
Brooks; Pioneer EL.
Brownsville; Brownsville EL.
Burns:
Washington EL.
Henry L. Slater EL.
Butte Falls; Butte Falls EL.
Canby; Canby HS.
Cayonville; Cayonville SDA EL.
Carlton; Carton EL.
Cave Junction:
Illinois Valley HS.
Evergreen EL.
Central Point:
Crater HS.
Scenic JHS.
Jewett EL.
Sams Valley EL.
Charleston; Charleston EL.
Chiloquin; Chiloquin EL.
Cloverdale; Cloverdale EL.
Columbia City; Columbia EL.
Coos Bay:
Englewood EL.
Madison Street EL.
Coquille; Lincoln EL.
Cornelius:
Neil Armstrong JHS.
Cornelius EL.
Corvallis:
Franklin EL.
Farm Home JHS–HS.
Corvallis HS.
Cove; Cove HS.
Crabtree; Crabtree EL.
Crane; Crane EL.
Crawfordsville; Crawfordsville EL.
Creswell:
Creslane EL.
Creswell HS.
Creswell JHS.
Culver; Culver EL.
Dallas:
Lyle EL.
Morrison EL.
Whitworth EL.
Days Creek; Days Creek EL.
Dayville; Dayville EL.
Dillard:
Looking Glass EL.
Dillard EL.
Drain; North Douglas EL.
Dufur; Dufur EL.
Eagle Creek; Eagle Creek EL.
Eagle Point; Eagle Point HS.
Eddyville; Eddyville EL.
Elmira; Elmira HS.
Estacada:
Estacada JHS.
Estacada Middle.
Estacada Primary.
Eugene:
Williamette HS.
Cascade JHS.
Fairfield EL.
Clear Lake EL.
Whitaker EL.
Ida Patterson EL.
Lincoln EL.
Malabon EL.
Falls City:
Falls City HS.
Falls City EL.
Florence; Siuslaw EL.
Forest Grove:
Central EL.
Joseph Gale EL.
Dilley EL.
Fort Rock; Fort Rock EL.
Gales Creek; Gales Creek EL.
Garibaldi; Garibaldi EL.
Gervais:
Gervais HS.
Eldriedge EL.
Glendale:
Glendale HS.
Glendale EL.
Gold Hill:
Sams Valley Primary.
Hanby EL.
Patrick EL.
Grand Ronde; Grand Ronde EL.
Grants Pass:
Lincoln Savage JHS.
Fleming JHS.
Manzanita EL.
Grants Pass HS.
Highland EL.
Fruitdale EL.
Redwood EL.
Roosevelt EL.
Madrona EL.
Gresham:
East Gresham EL.
Dexter McCarty EL.
Halfway; Pine Eagle HS.
Hereford; Hereford EL.
Hermiston:
Hermiston HS.
Hermiston JHS.
Sunset EL.
Hillsboro; David Hill EL.
Independence:
Talmadge JHS.
Independence EL.
Henry Hill EL.
Ironside; Ironside EL.
Jacksonville; Jacksonville EL.
Jefferson; Jefferson EL.
Jewell:
Jewell HS.
Jewell EL.
Klamath Falls:
Altamont EL.
Fairhaven EL.
Stearns EL.
Lucile O'Neill EL.
Mills EL.
Altamont JHS.
Klamath HS.
Lakeview:
Lakeview HS.
Arthur D. Hay EL.
Langlois; Langlois EL.
La Pine; La Pine EL.
Lebanon:
Lebanon HS.
Santiam EL.
Sodaville EL.
Cascade EL.
Lincoln City; Taft EL.
Lowell:
Lowell EL.
Lowell HS.
Madras; Madras EL.
Manning; Manning EL.
Mapleton; Mapleton EL.
Marion; Marion EL.
Marylhurst; Christie EL.
Medford:
Griffin Creek EL.
Roosevelt EL.
Jackson EL.
Howard EL.
Washington EL.
Hedrick JHS.
McLoughlin JHS.
Medford Middle.
Medford SHS.
Merrill; Merrill EL.
Metolius; Metolius EL.
Milton-Freewater; Central EL.
Milwaukie:
Lot Whitcomb EL.
Wilbur D. Rowe JHS.
Milwaukie HS.
Mitchell:
Mitchell EL.
Mitchell HS.
Molalla:
Molalla EL.
Molalla HS.
Monmouth; Pedee EL.
Monroe:
Bellfountain EL.
Monroe EL.
Monroe HS.
Monument; Monument HS.
Mosier; Mosier EL.
Mt. Angel; Butte Creek EL.
Mt. Vernon; Mt. Vernon EL.
Murphy; Murphy EL.
Myrtle Creek; Myrtle Creek Primary.
Myrtle Point:
Bridge EL.
Maple EL.
Dora EL.
Nehalem; Nehalem EL.
Newberg:
Newberg HS.
Edwards EL.
Newport:
Yaquina View EL.
Central EL.
North Plains; North Plains EL.
Noti; Noti EL.
Oakridge; Willamette City EL.
Ontario:
Cairo EL.
Lindbergh EL.
May Roberts EL.
Ontario JHS.
Pendleton:
Hawthorne EL.
Washington EL.
Phoenix; Phoenix HS.
Port Orford; Port Orford EL.
Portland:
Abernethy EL.
Applegate EL.
Arleta EL.
Atkinson EL.
Ball EL.
Boise EL.
Buckman EL.
Chapman EL.
Clarendon EL.
Columbia EL.
Couch EL.
Creston EL.
Eliot EL.
Faubion EL.
Fernwood EL.
Humboldt EL.
Irvington EL.
James John EL.
Kelly EL.
Kennedy EL.
Kenton EL.
Kerns EL.
King EL.
Lane EL.
Lent EL.
Ockley Green EL.
Peninsula EL.
Portsmouth Middle.
Richmond EL.
Sabin EL.
Scott EL.
Sellwood EL.
Sacramento EL.
Sitton EL.
Sunnyside EL.
Terwilliger EL.
Vestal EL.
Waverly EL.
Whitman EL.
Wilson Park EL.
Woodstock EL.
Adams HS.
Cleveland HS.
Franklin HS.
Grant HS.

Jefferson HS.
Madison HS.
Marshall HS.
Metro Learning Center EL–HS.
Residential Manpower Project HS.
Roosevelt HS.
Vocational Village HS.
Washington HS.
Continuing Education for Girls HS.
Immaculate Heart EL.
St. Francis of Assisi EL.
Villa St. Rose HS.
Knott EL.
Battin EL.
Earl Boyles EL.
David Douglas Sr. Bldg. HS.
David Douglas Jr. Bldg. HS.
Lincoln Park EL.
Gilbert Middle.
Floyd Light Middle.
Rockwood Davis EL.
Rockwood Alder EL.
Fremont JHS.
Sumner EL.
Woodlawn EL.
Powers:
Powers EL.
Powers HS.
Rainier; Goble EL.
Redmond; John Tuck EL.
Rickreall; Oak Grove EL.
Rogue River:
Evans Valley EL.
Rogue River EL.
Roseburg; Roseburg HS.
Salem:
Hopewell EL.
Roberts EL.
Lake Labish EL.
Garfield EL.
Oregon State Correctional Institution School
Oregon State Penitentiary School.
Baker EL.
South Salem HS.
Whiteaker JHS.
Waldo JHS.
Parrish JHS.
Washington EL.
Richmond EL.
Kelzer EL.
Highland EL.
Grant EL.
Bush EL.
Robert S. Farrell HS.
St. Helens:
John Gumm EL.
Yankton EL.
St. Paul; St. Paul EL.
Scappoose; Scappoose HS.
Seneca; Seneca EL.
Shady Cove; Shady Cove EL.
Siletz:
Siletz HS.
Siletz EL.
Silverton:
North Howell EL.
Silver Crest EL.
Sisters; Sisters EL.
Springfield:
Brattain EL.
Thurston HS.
Springfield JHS.
Hamlin JHS.
Moffitt EL.
Maple EL.
Centennial EL.
Sutherlin; East Sutherlin Primary.
Sweet Home:
Holley EL.
Oak Heights EL.
The Dalles:
Petersburg EL.
Chenowith Primary.
Wahtonka HS.
Chenowith Middle.
Terrebonne; Terrebonne EL.
Tillamook:
Wilson EL.
Liberty EL.
Tiller; Tiller EL.
Toledo:
Mary Harrison EL.
Burgess EL.
Arcadia EL.
Trail; Elk-Trail EL.
Turner:
Turner EL.
Cascade HS.
Cascade JHS.
Tygh Valley; Tygh Valley EL.
Unity:
Unity EL.
Burnt River HS.
Vale:
Vale Middle.
Vale EL.
Willowcreek EL.
Veneta; Veneta EL.
Vernonia:
Mist EL.
Lincoln EL.
Washington EL.
Waldport; Waldport JHS.
Warm Springs; Warm Springs EL.
Willamina; Willamina EL.
Williams; Williams EL.
Wolf Creek; Wolf Creek EL.
Woodburn:
Woodburn HS.
Woodburn JHS.
Washington EL.
Nellie Muir EL.
MacLaren School for Boys.
Yachats; Yachats EL.

PENNSYLVANIA

List of Schools Determined to Have a High Concentration of Students From Low-Income Families. This List is for Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years.

Location: City or Town; Name of School

Albion:
Northwestern EL.
Northwestern J–SHS.
Aleppo; Aleppo EL.
Alexandria:
Juniata Valley EL.
Juniata Valley J–SHS.
Aliquippa:
Aliquippa JHS.
Aliquippa SHS.
Franklin EL.
Jones EL.
Laughlin EL.
New Sheffield EL.
Spaulding EL.
St. Titus EL.
Washington EL.
Central EL.
Allentown:
Dieruff SHS.
Harrison Morton JHS.
Mosser EL.
Our Lady Help EL.
Raub JHS.
Roosevelt EL.
Sacred Heart EL.
Sheridan EL.
South Mountain JHS.
St. Francis EL.
William Allen SHS.
Altoona:
Adams EL.
Altoona Area SHS.
Bishop Guilfoyle HS.
Garfield EL.
Greenwood EL.
Irving EL.
Keith JHS.
Logan JHS.
McKinley EL.
Penn Lincoln EL.
Theodore Roosevelt JHS.
Wright EL.
Alverton:
Alverton EL.
Southmoreland SHS.
Ambler; Forest Avenue EL.
Ambridge:
Ambridge J–SHS.
Anthony Wayne EL.
Apollo:
Apollo Ridge JHS.
Cherry Lane EL.
Jackson EL.
Arcadia; Arcadia EL.
Archbald; Valley View SHS.
Armagh:
Armagh EL.
United HS.
Arnold:
Arnold JHS.
Berkey EL.
Fourth Avenue EL.
Ashland:
Ashland HS.
Barry EL.
Butler JHS.
Estler EL.
Immaculate Heart EL.
Seventh Street EL.
Ashley; Ashley EL.
Atglen:
Octorara Area Intermediate.
Octorara Area HS.
Athens; Athens Area HS.
Atlas; Wilson (Atlas) EL.
Avella:
Avella EL.
Avella J–SHS.
Avonmore; Horrell EL.
Barnesboro:
Kennedy HS.
Lincoln EL.
Northern Cambria Catholic EL.
Roosevelt EL.
Washington EL.
Barnesville; Park Crest EL.
Bath; Moore Township EL.
Beaverdale; Beaverdale EL.
Beaver Falls:
Beaver Falls JHS.
Beaver Falls SHS.
Central EL.
South EL.
Thirty-Eighth Street EL.
Thirty-Seventh Street EL.
Bedford; Bedford J–SHS.
Bellefonte:
Bellefonte EL.
Bellefonte JHS.
Belle Vernon:
Belle Vernon Area HS.
Marion EL.
Bellwood:
Bellwood-Antis J–SHS.
Lewis M. Myers EL.
Bentleyville:
Bentworth JHS.
Main Street EL.
Berlin:
Berlin Brothersvalley EL.
Berlin Brothersvalley HS.
Berwick; Market Street EL.
Bessemer; Mohawk Area J–SHS.
Bethlehem:
Bethlehem AVTS.
Broughal JHS.
Holy Infancy EL.
Liberty HS.
Lincoln EL.
Marvine EL.
Rosemont EL.
St. Anne EL.
Washington EL.

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Biglerville:
Biglerville EL.
Biglerville HS.
Bloomsburg:
Bloomsburg Memorial EL.
Central Columbia Middle.
Bobtown; Bobtown EL.
Bolivar; Bolivar EL.
Boothwyn; Chichester JHS.
Boswell:
Boswell EL.
Jenner-Boswell J–SHS.
Boynton; Boynton EL.
Braddock:
Braddock JHS.
Carnegie EL.
Copeland EL.
St. Brendan EL.
Bradford:
Bradford Area SHS.
Fifth Ward EL.
Floyd C. Fretz JHS.
Hobson Place EL.
School Street JHS.
Branch Dale; Star of the Sea EL.
Brave; Brave EL.
Breezewood; Breezewood EL.
Bristol:
Bristol J–SHS.
Delhaas HS.
Lafayette EL.
Roosevelt Middle.
Warren Snyder EL.
Brookhaven; Our Lady of Charity EL.
Brookville:
Brookville Area EL.
Brookville Area J–SHS.
Brownfield; Brownfield Vocational (10–12) HS.
Brownsville:
Brownsville Area SHS.
Brownsville Catholic EL.
Centerville EL.
Cox Donahey EL.
Hiller EL.
Low Hill EL.
Bruin; Bruin EL.
Burgettstown:
Burgettstown Area J–SHS.
Hanover Township EL.
Burnham; Burnham EL.
Butler:
Butler Area JHS.
Butler Area SHS.
Cairnbrook:
Cairnbrook EL.
Cairnbrook Intermediate.
Shade Central City.
California:
California JHS.
Granville EL.
Cambridge Springs:
Cambridge Springs EL.
Cambridge Springs HS.
Camp Hill; Cedar Cliff HS.
Camptown; Camptown EL.
Canonsburg:
Borland Manor EL.
Canon-McMillan (Canonsburg) JHS.
Canon-McMillan SHS.
South Central EL.
Canton:
Canton Area EL.
Canton Area J–SHS.
Carbondale:
Benjamin Franklin HS.
Marshall EL.
Roosevelt EL.
Washington EL.
Cardale; Cardale EL.
Carlisle:
Letort EL.
Penn EL.
Stevens EL.
Carmichaels:
Carmichaels Area J–SHS.
Central EL.
Carnegie:
Carlynton HS.
Court EL.
Catawissa; Southern Area J–SHS.
Chambersburg:
Benjamin Franklin EL.
Central JHS.
Chambersburg Area Middle.
Chambersburg Area SHS.
Thaddeus Stevens EL.
Charleroi:
Charleroi J–SHS.
Meadow Avenue EL.
Chester:
Chester HS.
Christopher Columbus EL.
Dewey-Mann EL.
Douglass JHS.
Franklin Street EL.
Franklin Township EL.
Immaculate Heart of Mary EL.
Jefferis EL.
Larkin EL.
Lincoln EL.
Pulaski JHS.
Resurrection EL.
Showalter JHS.
Smedley JHS.
Stetser EL.
Toby Farms EL.
Washington EL.
Wetherill EL.
William Penn EL.
Chicora; Chicora EL.
Clairton:
Clairton J–SHS.
Fifth Street EL.
Miller Avenue EL.
Shaw Avenue EL.
Walnut Avenue EL.
Clarion; Boundary Street EL.
Clarksville:
Chartiers EL.
Pitt Gas EL.
Claysburg:
Claysburg-Kimmel J–SHS.
Roosevelt EL.
Claysville:
East-West Finley EL.
McGuffy J–SHS.
Clearfield:
Clearfield Area Middle.
Clearfield Area SHS.
Clearville; Mann-Monroe EL.
Clune; Coal Run EL.
Clymer:
Clymer EL.
Penns Manor J–SHS.
St. Anthony EL.
Coal Center; California SHS.
Coaldale; Panther Valley JHS.
Coalport; Coalport EL.
Cocolamus; East Juniata J–SHS.
Cogan Station; Hepburn Lycoming EL.
Columbia; Park EL.
Commodore; Purchase Line HS.
Conemaugh; Mundys Corner EL.
Confluence:
Turkeyfoot Valley EL.
Turkeyfoot Valley J–SHS.
Conneaut Lake:
Conneaut Lake HS.
Conneaut Lake-Sadsbury EL.
Conneautville:
Conneaut Valley EL.
Conneaut Valley HS.
Connellsville:
Bullskin EL.
Connellsville Area (East) JHS.
Connellsville Area (West) JHS.
Connellsville Area SHS.
Connellsville Township EL.
Crawford EL.
Dawson-Vanderbilt EL.
Dunbar Township EL.
North Fayette County AVTS.
South Side EL.
Zachariah Connell EL.
Conshohocken; Hervey S. Walker EL.
Coraopolis:
Coraopolis EL.
Fern Hollow EL.
Forest Grove EL.
Gilmary Secondary.
McKinley EL.
Moon Crest EL.
Corry:
Corry Area J–SHS.
Wright EL.
Coudersport:
Coudersport EL.
Coudersport J–SHS.
Creighton; Deer Lakes JHS.
Croydon; Mary W. Devine EL.
Crucible; Crucible EL.
Curwensville:
Curwensville Area, J–SHS.
Curwensville EL.
Cyclone; Cyclone EL.
Dallas:
Dallas JHS.
Dallas SHS.
Darby:
Blessed Virgin Mary EL.
Ridge Avenue EL.
Walnut Street EL.
Davidsville:
Central EL.
Conemaugh Area J–SHS.
Dayton:
Dayton EL.
Dayton J–SHS.
Defiance; Defiance EL.
Derry:
Derry Area JHS.
Derry Area SHS.
Dillsburg; Northern Middle.
Dimock; Elk Lake EL–Secondary.
Donora:
Castner EL.
Donora Catholic EL.
Donora JHS.
Donora SHS.
Sampson Star EL.
Sixth Street EL.
Dresher; Sandy Run EL.
DuBois:
DuBois JHS.
Hubert Street EL.
Scribner (7) HS.
Duke Center; Otto-Eldred J–SHS.
Dunbar; Dunbar Boro EL.
Duncannon; Susquenita EL.
Duncansville; Allegheny (One) EL.
Dunmore:
Dunmore EL.
Dunmore J–SHS.
Duquesne:
Duquesne Middle.
Duquesne SHS.
John F. Kennedy EL.
Duryea; Duryea EL.
Dysart; Dysart EL.
East Brady; East Brady J–SHS.
East Millsboro; Central EL.
Easton:
Ada B. Cheston EL.
Easton Area JHS.
Easton Area SHS.
Easton Catholic EL.
Porter EL.
Shull JHS.
Wilson HS.
Wolf EL.
East Prospect; Canadochly EL.
East Smithfield; Smithfield-Ulster HS.
East Stroudsburg; East Stroudsburg Learning Center EL.
Ebensburg:
Bishop Carroll HS.
Central Cambria EL.
Central Cambria SHS.
Eddystone; Eddystone EL.
Edinboro; General McLane Middle.
Elderton:
Elderton EL.
Elderton J–SHS.

Elizabeth:
Elizabeth EL.
Elizabeth Forward JHS.
Elizabeth Forward SHS.
Yough EL.
Elizabethtown:
Elizabethtown Area HS.
Elizabethtown EL.
Elkland:
Elkland (Clark Wood) EL.
Elkland HS.
Elliottsburg; Green Park EL.
Ellsworth; Bentworth SHS.
Ellwood City:
Lincoln HS.
Perry EL.
Elmora; Bakerton EL.
Elverson; Twin Valley J–SHS.
Emporium; Cameron County HS.
Ephrata; Ephrata Area J–SHS.
Erie:
Academy HS.
Burns EL.
Burton EL.
Columbus EL.
Diehl EL.
East JSHS.
Edison EL.
Emerson EL.
Erie City Middle.
Erie City (XY) AVTS.
Garfield EL.
Gridley JHS.
Jones EL.
Longfellow EL.
McKinley EL.
Memorial JHS.
Mount Calvary EL.
Rolling Ridge EL.
Roosevelt JHS.
St. Hedwig EL.
St. James EL.
St. Patrick EL.
St. Paul EL.
Strong Vincent HS.
Washington EL.
Wayne EL.
Wilson JHS.
Etters; Red Land HS.
Everett:
Chaneysville EL.
Everett Area HS.
Everett EL.
Eynon; Roosevelt EL.
Factoryville; Lackawanna Trail J–SHS.
Fairchance; Fairchance Boro EL.
Fairfield; Fairfield Area EL.
Fairless Hills; Neil A. Armstrong Middle.
Farmington; Wharton EL.
Farrell:
Eckles EL.
Farrell Area JHS.
Farrell Area SHS.
J. A. Farrell EL.
John Hetra EL.
Pargny EL.
Fawn Grove:
Fawn Area EL.
Kennard Dale HS.
Fayetteville:
Fayetteville EL.
New Baltimore EL.
Finleyville; Finley JHS.
Fishertown; Chestnut Ridge J–SHS.
Flinton:
Flinton EL.
Glendale J–SHS.
Folsom:
Ridley North JHS.
Ridley SHS.
Ford City:
Ford City J–SHS.
Lenape EL.
Forest City; Forest City Regional EL–Secondary.
Fort Littleton; Fort Littleton EL.
Foxburg; Allegheny-Clarion Valley J–SHS.
Frackville:
Frackville HS.
Franklin EL.
Franklin:
Central EL.
Franklin Area J–SHS.
Fredericktown:
Bethlehem Center JHS.
Bethlehem Center SHS.
Union EL.
Freedom:
Conway-Liberty-Intermediate EL.
Freedom Area JHS.
Union-Big Knob EL.
Freeland:
Daniel Coxe Memorial EL.
Freeland HS.
Friedens; Friedens EL.
Galeton; Galeton Area EL–Secondary.
Gallitzin; Gallitzin EL.
Gap; Salisbury Township EL.
Genesee; Genesee EL.
Gettysburg; Gettysburg JHS.
Girardville; Girardville EL.
Glasgow; Mountaindale EL.
Glen Campbell; Banks-Canoe EL.
Glenolden; Darby Township J–SHS.
Glen Rock; Glen Rock EL.
Glenshaw; Shaler Township JHS.
Granville Summit; Granville Township EL.
Grapeville; Grapeville EL.
Graysville; Graysville EL.
Greencastle:
Greencastle-Antrim Middle.
Greencastle-Antrim SHS.
Greencastle EL.
Greensboro:
Glassworks EL.
Mapletown Middle.
Mapletown SHS.
Penn Pitt EL.
Greensburg:
Fort Allen EL.
Greensburg Central Catholic HS.
Greensburg Salem JHS.
Greensburg Salem SHS.
Hempfield SHS.
Greenville; Reynolds J–SHS.
Grindstone:
Colonial EL.
Madison Central EL.
Grove City:
George Junior Republic J–SHS.
Highland EL.
Park EL.
Guys Mill:
Randolph East Mead HS.
Randolph East Mead EL.
Hadley; Commodore Perry EL–Secondary.
Halifax; Halifax Area HS.
Hanover; Conewago Township EL.
Harborcreek:
Harbor Creek J–SHS.
Harborcreek School for Boys.
Harmony:
Seneca Valley JHS.
Seneca Valley SHS.
Harrisburg:
Benjamin Franklin EL.
Boas EL.
Cameron EL.
Curtin Childhood Center.
Downey EL.
Foose Childhood Center.
Hamilton EL.
Harrisburg HS.
Harrisburg Middle.
Lincoln EL.
Marshall EL.
Melrose EL.
Shimmel EL.
Steele EL.
Woodward EL.
Harrison City; Penn Trafford HS.
Harrison Valley; Harrison Valley EL.
Harrisonville; Greenhill EL.
Hastings; Hastings Middle.
Havertown; St. Denis EL.
Hazel Hurst; Hazel Hurst EL.
Hazleton:
Arthur Street EL.
Grebey Memorial JHS.
Harman JHS.
Hazle EL.
Hazleton SHS.
Hazle Township JHS.
St. Johns Greek EL.
St. Joseph Memorial EL.
Hegins; Tri Valley J–SHS.
Heilwood; Heilwood EL.
Herminie; Henry W. Good EL.
Herndon; Line Mountain SHS.
Hoban Heights; St. Michael School for boys EL.
Hollidaysburg:
Hollidaysburg JHS.
Hollidaysburg SHS.
Home; Rayne Township EL.
Homestead:
Homestead Middle.
Thomas E. Barrett EL.
Honesdale:
Honesdale J–SHS.
Stourbridge EL.
Hookstown; South Side EL.
Hopewell; Robert P. Smith EL.
Houtzdale:
Houtzdale EL.
Moshannon Valley J–SHS.
Hughesville; Hughesville J–SHS.
Hummelstown; Lower Dauphin J–SHS.
Huntingdon:
Huntingdon Area Middle.
Huntingdon Area SHS.
William Smith EL.
Huntington Mills; Huntington Township EL.
Imperial; Wilson EL.
Indiana:
Benjamin Franklin EL.
Indiana JHS.
Indiana SHS.
Irvona; Irvona EL.
Irwin; West Hempfield JHS.
Jeannette:
Jeannette City Middle.
Jeannette City SHS.
Jefferson:
Central EL.
Jefferson-Morgan J–SHS.
Jennerstown; Jennerstown EL.
Jersey Shore:
Jersey Shore Area EL.
Salladasburg EL.
Jim Thorpe:
Jim Thorpe EL.
Jim Thorpe J–SHS.
Johnstown:
Central SHS.
Cochran JHS.
Conemaugh Valley EL.
Conemaugh Valley SHS.
Cypress EL.
East Taylor EL.
Garfield JHS.
Greater Johnstown AVTS.
Meadowvale EL.
Kane:
Chestnut Street EL.
Kane Area SHS.
Kane Area JHS.
Kantner:
Forbes J–SHS.
Kantner EL.
Karns City; Karns City Area J–SHS.
Kemblesville; Kemblesville EL.
Kennett Square:
Greenwood EL.
Kennett Middle.
Mary D. Lang EL.
Kingsley; Mountain View J–SHS.
Kingston; West Side AVTS.
Kinzers:
Pequea Valley HS.
Pequea Valley Intermediate.

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Kittanning:
Central EL.
Kittanning JHS.
Kittanning SHS.
West Hills EL.
Knox:
Keystone EL.
Keystone J–SHS.
Kulpmont:
Roosevelt JHS.
Wilson (Kulpmont) EL.
Lake City; Elk Valley EL.
Lancaster:
Conestoga Valley SHS.
Fulton EL.
Hand JHS.
Higbee EL.
Lafayette EL.
Lincoln JHS.
McCaskey HS.
Reigart EL.
Reynolds JHS.
Ross EL.
Stevens EL.
Washington EL.
Lansdale; North Penn HS.
Lansford; Panther Valley SHS.
LaPorte; Sullivan County HS.
Latrobe
Greater Latrobe JHS.
Greater Latrobe SHS.
Lebanon
Harding EL
Harrison EL
Lebanon JHS
Lebanon SHS
Lincoln Murray EL
South Lebanon EL
Leighton; Leighton Area HS.
Lehman
Lake Lehman J–SHS.
Lehman-Jackson EL.
Levittown:
Benjamin Franklin Middle.
Clara Barton EL.
George Washington EL.
Ralph W. Emerson EL.
Thomas Jefferson EL.
Woodrow Wilson HS.
Lewistown:
Buchanan EL.
Chief Logan HS.
East Derry EL.
Lewistown-Granville SHS.
Seventh Ward EL.
Strodes Mills EL.
Library; South Park J–SHS.
Ligonier:
Ligonier Valley JHS.
Richard K. Mellon EL.
Lilly; Lilly EL.
Linesville; Linesville Conneaut Summit HS.
Lock Haven:
Dickey EL.
Lock Haven HS.
Robb EL.
Lower Burrell:
Burrell JHS.
Wills EL.
Loysburg; Northern Bedford J–SHS.
Luthersburg; Luthersburg EL.
Luzerne:
Charles Street EL.
Wyoming Valley West (7) HS.
Lykens:
Lykens EL.
Upper Dauphin Middle.
Madera; Madera EL.
Mahanoy City:
Mahanoy JHS.
Mahanoy SHS.
Spruce Street EL.
St. Nicholas EL.
Twelfth Street EL.
Mansfield:
Mansfield JSHS.
Warren L. Miller EL.
Mapleton Depot; Mapleton Union EL.
Marianna; West Bethlehem EL.
Marion Center; Marion Center HS.
Markleysburg:
A. J. McMullen Middle.
Marclay EL.
Marstellar; Marstellar HS.
Masontown:
Masontown EL–JHS.
Masontown West End EL.
Mather; Mather EL.
McClellandtown:
Central EL.
German J–SHS.
McClure; Decatur EL.
McConnellsburg:
McConnellsburg EL.
McConnellsburg J–SHS.
McDonald:
Canon-McMillan (Cecil) JHS.
Fort Cherry J–SHS.
McDonald EL.
South Fayette J–SHS.
McGees Mills; McGees EL.
McKeesport:
Centennial EL.
Fifth Avenue EL.
Francis McClure JHS.
George Washington EL.
McKeesport Area JHS.
McKeesport Area SHS.
McKeesport Central Catholic EL.
Model EL.
West Side EL.
McKees Rocks:
Davis EL.
Dewitt C. Fenton EL.
Ellsworth EL.
Hamilton JHS.
Holy Ghost Byzantine EL.
Norwood EL.
Sto Rox JHS.
Sto Rox SHS.
Wilson EL.
McVeytown; Rothrock J–SHS.
Meadville:
Meadville JHS.
Meadville SHS.
Second District EL.
Media; Media EL.
Melcroft; Saltlick EL.
Mercer:
East EL.
Mercer Area J–SHS.
Mercersburg:
James Buchanan HS.
James Buchanan Middle.
Montgomery EL.
Meyersdale:
Meyersdale Area J–SHS.
Meyersdale EL.
St. Paul EL.
Middleburg:
Middleburg EL.
Middleburg J–SHS.
Middletown; Middletown Area HS.
Midland:
Lincoln HS.
Neel EL.
Mifflinburg:
Mifflinburg EL.
Mifflinburg J–SHS.
Mifflintown; Juniata-Tuscarora HS.
Mill Creek; Brady-Henderson-Mill Creek EL.
Millville; Millville HS.
Milmont Park; Our Lady of Peace EL.
Minersville; Minersville Area J–SHS.
Monessen; Monessen J–SHS.
Monongahela; William Penn EL.
Montgomery:
Montgomery EL.
Montgomery J–SHS.
Moosic; Moosic EL.
Morgan; Morgan EL.
Morrisdale:
West Branch Area EL.
West Branch Area J–SHS.
Morton; Kedron-Amosland EL.
Mountaintop; Crestwood HS.
Mount Carmel:
McKinley EL.
Mount Carmel SHS.
Roosevelt HS.
Washington EL.
Mount Morris; Perry EL.
Mount Pleasant:
Hurst JHS.
Mount Pleasant SHS.
Mount Union:
Mount Union EL.
Mount Union J–SHS.
Shirley EL.
Munhall:
Steel Valley Intermediate HS.
St. Michael EL.
St. Rita EL.
Nanticoke:
John S. Fine SHS.
Kosciuszko EL.
Lincoln EL.
Nanticoke JHS.
West Nanticoke EL.
Nanty Glo; Blacklick Valley J–SHS.
Natrona; Wood Street EL.
Natrona Heights:
Fawn Township EL.
Highlands Intermediate HS.
Highlands SHS.
Riverview EL.
Nemacolin; Nemacolin EL.
Nesquehoning:
Nesquehoning One EL.
Sacred Heart EL.
New Albany; New Albany EL.
New Alexandria; James M. Metzgar EL.
New Brighton; Marion Hill EL.
New Castle:
Benjamin Franklin JHS.
George Washington JHS.
Harry Lockley EL.
Lincoln-Garfield EL.
Mount Jackson EL.
New Castle SHS.
North Street EL.
Shenango EL.
Shenango J–SHS.
Thaddeus Stevens EL.
West Side EL.
New Enterprise; J. Leonard Replogle EL.
New Florence; Laurel Valley J–SHS.
New Freeport; Springhill-Freeport EL.
New Holland; Garden Spot J–SHS.
New Kensington:
Fort Crawford EL.
John F. Kennedy EL.
Martin EL.
Mount St. Peter EL.
New Kensington JHS.
Terrace EL.
Third Ward EL.
Valley HS.
New Oxford; Berlin Avenue EL.
Newport:
Newport EL.
Newport HS.
New Wilmington:
Cotton EL.
Ligo EL.
Neshannock Church EL.
Wilmington Area HS.
Wilson EL.
Normalville; Springfield EL.
Norristown:
Bishop Kenrick HS.
Gotwals EL.
Hartranft EL.
Paul V. Fly EL.
Penn Square EL.
Stewart JHS.
Washington EL.
North Apollo; North Apollo EL.
North Braddock:
Ben Fairless EL.
Jones Avenue JHS.
Scott SHS.
Shady Park EL.
North East; Heard Memorial EL.

Northumberland; Shikellamy Middle.
North Versailles:
East Allegheny HS.
Green Valley EL.
Park Terrace Middle.
Norvelt; Norvelt EL.
Oakmont; Riverview SHS.
Ohiopyle; Ohiopyle Stewart EL.
Oil City:
Gay Street EL.
Lincoln EL.
Oil City JHS.
Oil City SHS.
Old Forge:
Old Forge EL.
Old Forge HS.
Olyphant; Mid Valley SHS.
Orbisonia; Southern Huntingdon County HS.
Osceola Mills; Osceola Mills EL.
Oxford:
Jordan Bank-Hopewell EL.
Nottingham EL.
Oxford Area Intermediate.
Oxford Area HS.
Patton:
Cambria Heights SHS.
Patton First Ward EL.
Peckville; Valley View JHS.
Penn Run; Penn Run EL.
Perkasie; Pennridge SHS.
Perryopolis; M. Fuller Frazier HS.
Philadelphia:
Alcorn EL.
Allen EL.
Anderson EL.
Annunciation EL.
Arthur EL.
Audenried JHS.
Bache EL.
Banneker Urban Center School.
Barratt JHS.
Commodore J. Barry EL.
Bartlett JHS.
Barton EL.
Bartram SHS.
Beeber JHS.
Belmont EL.
Bishop Neumann HS.
Blaine EL.
Blankenburg EL.
Bok Vocational-Technical.
Bregy EL.
Brooks EL.
Brown EL.
Bryant EL.
Carnell EL.
Carver EL.
Cathedral EL.
Catherine EL.
Childs EL.
Cleveland EL.
Clymer EL.
Comegys EL.
Conwell EL.
Cooke JHS.
Cook-Wissahickon EL.
Cramp EL.
Creighton EL.
Darrah EL.
Davis EL.
Dick EL.
Dobbins Vocational-Technical.
Dobson EL.
Douglass EL.
Drew EL.
Duckrey EL.
Dunbar EL.
Dunlap EL.
Durham EL.
East Falls EL.
Edison SHS.
Elkin EL.
Emlen EL.
Elverson EL.
Fairhill EL.
Father Judge HS.
Fell EL.
Fels JHS.
Feltonville EL.
Ferguson EL.
Fitzsimons JHS.
Franklin SHS.
Frankford SHS.
Fulton EL.
Furness JHS.
Germantown SHS.
Gesu EL.
Gideon EL.
Gillespie JHS.
Girard College EL.
Girard College HS.
Girard EL.
Gompers EL.
Gratz SHS.
Greenfield EL.
Hackett EL.
Hallahan Catholic Girls HS.
Hamilton EL.
Hanna EL.
Harding JHS.
Harrington EL.
Harrison EL.
Harrity EL.
Hartranft EL.
Hawthorne EL.
Heston EL.
Hill EL.
Holmes EL.
Holy Name of Jesus EL.
Holy Spirit EL.
Huey EL.
Hunter EL.
Immaculate Conception EL.
Jackson EL.
Jefferson EL.
Jones JHS.
Kearny EL.
Kelley EL.
Kelly EL.
Kenderton EL.
Kensington SHS.
Key EL.
King HS.
Kinsey EL.
Kirkbride EL.
Landreth EL.
Lawton EL.
Lea EL.
Leidy EL.
Lehigh EL.
Little Flower Catholic HS.
Locke EL.
Logan EL.
Longstreth EL.
Ludlow EL.
Mann EL.
Marshall EL.
Mastbaum Vocational-Technical HS.
Masterman EL.
Mater Dolorosa EL.
McCall EL.
McClure EL.
McDaniel EL.
McKinley EL.
McMichael EL.
Meade EL.
Meredith EL.
Mifflin EL.
Miller EL.
Mitchell EL.
Moffet EL.
Morris EL.
Morrison EL.
Most Blessed Sacrament EL.
Most Precious Blood EL.
Nebinger EL.
Northeast Catholic HS.
Northeast SHS.
Olney SHS.
Our Lady of Mercy EL.
Our Mother of Sorrows EL.
Overbrook SHS.
Parkway Secondary.
Pastorius EL.
Patterson EL.
Pennell EL.
Penn SHS.
Penn Treaty JHS.
Philadelphia (Girls) SHS.
Pickett Middle.
Pierce (T.M.) EL.
Pierce (W.S.) EL.
Poe EL.
Potter-Thomas EL.
Powel EL.
Pratt-Arnold EL.
Read EL.
Reynolds EL.
Rhodes Middle.
Rhoads EL.
Roman Catholic HS.
Roosevelt JHS.
Roxborough JSHS.
Rush EL–S.
Sacred Heart of Jesus EL.
Sartain EL.
Saul (Agriculture-Horticulture) HS.
Sayre JHS.
Sharswood EL.
Shaw JHS.
Sheppard EL.
Sheridan EL.
Smedley EL.
Smith EL.
Solis-Cohen EL.
South Philadelphia SHS.
Southwark EL.
Spring Garden EL.
St. Agatha EL.
St. Ambrose EL.
St. Anne EL.
St. Anselm EL.
Stanton (E. M.) EL.
Stanton (M.H.) EL.
St. Athanasius EL.
St. Barnabas EL.
St. Bartholomew EL.
St. Bonaventure EL.
St. Boniface EL.
St. Charles Borromeo EL.
St. Clement EL.
St. Columba EL.
Stearne EL.
St. Edward EL.
Steel EL.
St. Elizabeth EL.
Stetson JHS.
Stevens EL.
St. Francis DeSales EL.
St. Gabriel EL.
St. Henry EL.
St. Hubert Catholic HS.
St. Hugh EL.
St. Ignatius Loyola EL.
St. John Cantius EL.
St. Madeline Sophie EL.
St. Malachy EL.
St. Maria Goretti HS.
St. Mary Interparochial EL.
St. Michael EL.
St. Nicholas Tolentine EL.
Stoddart-Fleisher JHS.
Stokley EL.
St. Paul EL.
St. Peter Apostle EL.
Strawberry Mansion JHS.
St. Veronica EL.
St. Vincent DePaul EL.
St. Vincents Orphanage EL.
Sulzberger JHS.
Taggart EL.
Taylor EL.
Teckakwitha Hills EL–Secondary.
Thomas JHS.
Tomas EL.
Tilden Middle.
Vare EL.
Vare JHS.
R Vaux JHS.
Visitation BVM EL.
Wagner JHS.
Walnut Center EL.
Wanamaker JHS.
Waring EL.
Washington (George) EL.
Washington (Martha) EL.
Wayne EL.

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Webster EL.
Welsh EL.
West Philadelphia Catholic Girls HS.
West Philadelphia SHS.
Whittier EL.
Willard EL.
Wilson EL.
Wilson JHS.
Wister EL.
Wolf EL.
Wright EL.

Philipsburg:
North Lincoln Hill EL.
Philipsburg EL.
Philipsburg-Osceola JHS.
Philipsburg-Osceola SHS.

Pittsburgh:
Allerdice J-SHS.
Allegheny SHS.
Annunciation EL.
Arlington EL.
Arsenal EL.
Arsenal Middle.
Baxter EL.
Beechwood EL.
Bellevue Boro J-SHS.
Belmar EL.
Beltzhoover EL.
Boggs Avenue EL.
Brentwood J-SHS.
Brookline EL.
Burgwin EL.
Carrick SHS.
Chartiers EL.
Chatham EL.
Clayton EL.
Columbus Middle.
Conroy EL.
Conroy JHS.
Cowley EL.
Crescent EL.
Dickson JHS.
Dilworth EL.
Dorseyville JHS.
East Hills EL.
East Park EL.
East Street EL.
Educational Medical J-SHS.
Epiphany EL.
Fairywood EL.
Fifth Avenue J-SHS.
Fineview EL.
Forbes EL.
Fort Pitt EL.
Fox Chapel HS.
Frick EL.
Friendship EL.
Fulton EL.
Gladstone EL.
Gladstone J-SHS.
Grandview EL.
Greenfield EL.
Halls Grove EL.
Hays EL.
Herron Hills JHS.
Holmes EL.
Holy Family Institute EL.
Homewood EL.
Horner Middle.
Knoxville EL.
Knoxville JHS.
Langley J-SHS.
Larimer EL.
Latimer JHS.
Lawrenceville Catholic Merged EL.
Lemington EL.
Letsche EL.
Liberty EL.
Lincoln EL.
Madison EL.
Manchester EL.
Mann EL.
McCleary EL.
McKelvy EL.
McNaughter EL.
Miller EL.
Morningside EL.
Morrow EL.
Morse EL.
Mount Lebanon SHS.
Mount Oliver EL.
Murray EL.
Northview Heights EL.
O'Hara JHS.
Oliver SHS.
Overbrook EL.
Peabody SHS.
Perry SHS.
Phillips EL.
Prospect EL.
Prospect JHS.
Rogers EL.
Roosevelt EL.
Sample EL.
Schenley SHS.
Schiller EL.
Sharpsburg EL.
Sheraden EL.
South Hills SHS.
South JHS.
South Side Catholic EL.
South Side Catholic HS.
Spring Garden EL.
Spring Hill EL.
St. Agnes EL.
St. Canice EL.
Stevens EL.
St. Gabriel Archangel EL.
St. Joseph EL.
St. Kieran EL.
St. Peter EL.
St. Richard EL.
Sts. Mary and Cyprian EL.
St. Stephen EL.
Swisshelm EL.
Swissvale SHS.
Vann EL.
Weil EL.
Westinghouse J-SHS.
West Liberty EL.
Whittier EL.
Wilkinsburg HS.
Woolslair EL.

Pittston:
Exeter JHS.
Pittston Area SHS.
Pittston EL.
Pittston JHS.

Plains; Plains JHS.
Pleasant Gap; Pleasant Gap EL.

Plymouth:
Central EL.
St. Stephen EL.
Vine EL.
Washington Avenue EL.
Wyoming Valley West (9-10) HS.

Plymouth Meeting; Martin Luther EL.

Point Marion:
Albert Gallatin EL.
Albert Gallatin SHS.
Point Marion EL-JHS.

Portage:
Portage EL.
Portage J-SHS.

Port Allegany:
Arnold Avenue EL.
Port Allegany J-SHS.

Pottstown:
Jefferson EL.
Pottsgrove HS.
Pottstown Intermediate.
Pottstown JHS.
Pottstown SHS.
West End EL.

Pottsville:
Duncott EL.
Langel EL-Secondary.
Pottsville HS.
St. Joseph Day EL.

Punxsutawney:
Mapleview EL.
Punxsutawney JHS.
Punxsutawney SHS.

Quakertown; Quakertown Community SHS.

Quarryville:
Solanco HS.
Swift JHS.
Queen; Queen EL.

Quincy:
Mowrey (No. 1) EL.
Mowrey (No. 2) EL.

Rankin:
McCrady EL.
Rankin JHS.
Rankin SHS.

Ranshaw; Ranshaw EL.

Reading:
Amanda E Stout EL.
Glenside EL.
Lauers Park EL.
Northwest EL.
Northwest JHS.
Reading SHS.
Southern JHS.
Southwest JHS.
St. Peter EL.
Tenth and Green EL.
Thomas H. Ford EL.
Tyson Schoener EL.

Reedsville:
Brown EL.
Kishacoquillas J-SHS.
Lewistown-Granville JHS.

Renovo:
Bucktail Area HS.
Bucktail EL.

Republic:
Holy Rosary EL.
Redstone JHS.

Reynoldsville:
Charles G. Johnson EL.
Jefferson County-DuBois AVTS.

Ridgway; Ridgway Area J-SHS.
Ridley Park; Ridley South JHS.

Rimersburg:
Rimersburg EL.
Union J-SHS.

Ringtown; Ringtown EL.
Roaring Spring; Spring Cove JHS.
Robertsdale; Robertsdale EL.
Robesonia; Conrad Weiser J-SHS.
Rochester; Rochester Education Complex EL-Secondary.

Rockwood:
Rockwood EL.
Rockwood HS.

Rogersville; West Greene J-SHS.

Rome:
Northeast Bradford EL.
Northeast Bradford J-SHS.

Ruffsdale:
Mendon EL.
Ruffsdale EL.

Rural Valley:
Shannock Valley EL.
Shannock Valley J-SHS.

Russell; Eisenhower HS.

Saegertown:
Saegertown EL.
Saegertown HS.

Saint Clair:
Saint Clair EL.
Saint Clair HS.
St. Mary EL.

Saint Michael; Saint Michael EL.

Salisbury:
Salisbury EL.
Salisbury-Elk Lick J-SHS.

Saltsburg:
Apollo Ridge SHS.
Iselin EL.

Saxonburg; Knoch J-SHS.

Saxton:
Saxton EL.
Saxton Liberty EL.
Stonerstown EL.
Tussey Mountain HS.

Sayre:
Eastside EL.
Milltown EL.
Sayre Area J-SHS.

Schuylkill Haven; Schuylkill Haven Middle.

Scottdale:
Central EL.
South EL.
Southmoreland JHS.

Scranton:
Adams EL.
Armstrong EL.
Central HS.
Garfield EL.
Girard EL.
John F. Kennedy EL.
Lincoln EL.
Madison EL.
North Scranton JHS.
South Scranton JHS.
Stowe EL.
Technical HS.
Webster EL.
West Scranton HS.
Willard EL.

Selinsgrove; Selinsgrove J-SHS.
Seneca; Cranberry HS.
Seward; Seward EL.

Shamokin:
Lincoln EL.
Our Lady of Lourdes Regional HS.
Shamokin JHS.
Shamokin SHS.
Stevens EL.
Uniontown EL.
Washington EL.

Shanksville; Shanksville-Stony Creek EL-Secondary.

Sharon:
C. M. Musser EL.
Sharon City JHS.
Sharon City SHS.
West Hill EL.

Sharon Hill; Studevan EL.
Sheatown; K. M. Smith EL.

Shenandoah:
Annunciation BVM EL.
Jefferson EL.
Shenandoah Heights EL.
Shenandoah Valley HS.
St. Casimir EL.
St. George EL.
St. Stanislaus EL.

Shickshinny:
Garrison Memorial EL.
Northwest HS.

Shinglehouse:
Oswayo Valley EL.
Oswayo Valley J-SHS.

Shippensburg:
Central EL.
J. W. Kline EL.
Rowland Laboratory EL.
Shippensburg Area JHS.

Sidman:
Forest Hills JHS.
Forest Hills SHS.

Simpson; Fell Township EL-Secondary.
Slatington; Slatington J-SHS.
Sligo; Sligo EL.

Slippery Rock:
Slippery Rock Area EL.
Slippery Rock Middle.

Smethport:
Smethport Area J-SHS.
Smethport EL.

Smithfield; Smithfield EL.
Smithton; Barren Run EL.

Somerset:
Maple Ridge EL.
Somerset JHS.
Somerset SHS.

South Connellsville; South Connellsville EL.
South Fork; South Fork Croyle EL.
Spangler; Jefferson EL.
Spartansburg; Spartansburg EL-Secondary.
Spraggs; Wayne Township EL.
Spring Mills; Penns Valley J-SHS.
Springs; Springs EL.
Star Junction; Star Junction EL.

Steelton:
Steelton EL.
Steelton-Highspire J-SHS.
Tri-Community EL.

Stewartstown; Stewartstown EL.

Stoneboro:
Lakeview HS.
Oakview EL.
Strattanville; Clarion-Limestone EL.
Stroudsburg; Stroudsburg Area J-SHS.
Sugar Notch; Sugar Notch EL.
Summitt Hill; St. Josepeh EL.

Sunbury:
Fort Augusta EL.
Grace S. Beck EL.
Maclay EL.
Rohrback EL.
Shikellamy JHS.
Shikellamy SHS.

Susquehanna:
Laurel EL.
Susquehanna J-SHS.

Swiftwater; Pocono Mountain J-SHS.
Sykesville; Sykesville EL.
Tamaqua: R. F. Ditchburn EL.

Tamaqua:
R. F. Ditchburn EL.
Tamaqua Area JHS.
Tamaqua Area SHS.

Tarentumn; Highlands JHS.
Taylor; Riverside HS.

Tioga:
Russel B. Walter EL.
Williamson HS.

Tionesta; West Forest EL-Secondary.

Titusville:
Cherrytree EL.
Main Street EL.
Titusville Area JHS.
Titusville Area SHS.

Toughkenamon; New Garden EL.

Towanda:
Towanda Area Middle.
Towanda Area SHS.

Tower City; Williams Valley J-SHS.

Townville:
Townville EL.
Townville HS.

Troy:
Croman EL.
Troy Area JHS.
Troy Area SHS.

Tunkhannock:
Tunkhannock HS.
Tunkhannock Middle.

Turtle Creek; Turtle Creek SHS.
Twin Rocks; Big Bend EL.

Tyrone:
Lincoln EL.
Logan EL.
Tyrone Area J-SHS.

Ulysses:
Northern Potter J-SHS.
Ulysses EL.

Union City:
Union City Area J-SHS.
Union City EL.

Uniontown:
Berkeley EL.
Clark EL.
East End EL.
Fairchance-George J-SHS.
Franklin JHS.
Hatfield EL.
Hutchinson EL.
Kennedy EL.
Lafayette JHS.
Laurel Highlands SHS.
Marshall EL.
Menallen EL.
North Laurel JHS.
Park EL.
South Laurel JHS.
Swaney EL.
Uniontown Area SHS.

Unionville:
Unionville EL.
Unionville J-SHS.

Upland; Main Street EL.

Upper Darby:
Beverly Hills JHS.
Upper Darby SHS.

Valley View; Hegins-Hubley EL.
Venus; Pinegrove EL.

Volant:
Leesburg EL.
Shepherd EL.
Warfordsburg:
Southern Fulton J-SHS.
Warfordsburg EL.

Warminster:
Independence HS.
Lacey Park EL.
Log College JHS.
McDonald EL.
Willow Dale EL.

Warren:
Beaty JHS.
Warren Area SHS.

Washington:
Clark (Allison and Maple) EL.
Eighth Ward EL.
North Franklin Township EL.
Trinity Area JHS.
Trinity Area Middle.
Trinity Area SHS.
Washington J-SHS.
Wylie EL.

Waymart; Waymart EL-Secondary.

Waynesboro:
Antietam JHS.
East JHS.
Hooverville EL.
Summitview EL.
Waynesboro SHS.

Waynesburg:
East Franklin EL.
East Ward EL.
Lippincott EL.
Margaret Miller EL.
South Ward EL.
Waynesburg Central HS.
Whiteley Township EL.

Wellsboro:
Wellsboro Area EL.
Wellsboro Area JHS.
Wellsboro Area SHS.

West Chester:
East Bradford EL.
East JHS.
Elizabeth Peirce EL.
J. R. Fugett EL.
Learning Research Center.
North JHS.
St. Agnes EL.
West Chester SHS.

West Elizabeth; Lincoln EL.

Westfield:
Cowanesque J-SHS.
Westfield Boro EL.

West Grove:
Avon Grove EL.
Avon Grove HS.
Fred S. Eagle Middle.

West Hazleton:
Ernest A. Encke EL.
West Hazelton J-SHS.

West Lebanon; West Lebanon EL.

West Middlesex:
Oakview EL.
West Middlesex HS.

West Newton; West Newton EL.
Westover; Harmony J-SHS.
West Pittston; Wyoming Area SHS.

West Sunbury:
Dassa McKinney EL.
Moniteau J-SHS.

Wheatland; Wheatland EL.

Wilkes-Barre:
Askam EL.
Bishop Hoban HS.
Boyd Dodson EL.
Daniel J. Flood EL.
GAR Memorial HS.
Jackson Street EL.
James M. Coughlin HS.
Lynwood EL.
Mackin EL.
Newton JHS.
Wyoming Valley West (8) HS.
Wyoming Valley West (11-12) HS.

Wilkinsburg; Kelly EL.

Williamsburg:
Williamsburg EL.
Williamsburg J-SHS.

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Williamsport:
Andrew G. Curtin JHS.
Charles Lose EL.
George Washington EL.
Henry Clay EL.
J. George Becht EL.
J. Henry Cochran EL.
S. Transeau EL.
Thomas Jefferson EL.
Thaddeus Stevens JHS.
Theodore Roosevelt JHS.
Williamsport Area HS.
Willow Hill; Fannett-Metal J-SHS.
Wilmerding; Westinghouse Middle.
Windber:
Windber Area J-SHS.
Windber West End EL.
Wingate:
Bald Eagle J-SHS.
Wingate EL.
Womelsdorf; Womelsdorf EL.
Woodlyn; Woodlyn EL.
Wrightsville; Eastern York HS.
Wyalusing:
Wyalusing EL.
Wyalusing J-SHS.
Wyncote; Cheltenham HS.
Wyoming; Wyoming Memorial JHS.
Wysox; Wysox EL.
York:
Davis JHS.
Ferguson EL.
Franklin EL.
Goode EL.
Jackson EL.
Lincoln EL.
McKinley EL.
Noell EL.
Penn JHS.
Penn SHS.
Smith JHS.
York County AVTS.

RHODE ISLAND

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List is for Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years.

Location: City or Town; Name of School

Barrington; Maple Avenue EL.
Bristol:
Bristol J-SHS.
Colt-Andrews EL.
Guiteras EL.
Reginalds EL.
St. Elizabeth EL.
Burrillville:
Burrillville J-SHS.
Callahan EL.
Levy EL.
Pascoag EL.
St. Joseph EL.
Sweeny EL.
Central Falls:
Broad St. EL.
Central Falls JHS.
Central Falls HS.
Holy Trinity EL.
Notre Dame EL.
Risk EL.
Robertson EL.
St. Mathieu EL.
Washington EL.
Cranston:
Cranston East HS.
Gladstone EL.
Saunders EL.
Norwood Ave.
Cumberland:
Berkeley EL.
Central EL.
Highland Middle.
Norton EL.
East Greenwich; Our Lady of Mercy EL.
East Providence:
Central JHS.
East Providence HS.
Grove EL.
Hennessey EL.
Oldham EL.
Platt-Watters EL.
Sacred Heart EL.
St. Brendan EL.
Exeter:
Lineham EL.
Metcalf EL.
Wawaloam EL.
Hopkinton; Hope Valley EL.
Johnston:
Calef EL.
Graniteville EL.
Thornton EL.
Middletown:
Berkeley-Peckham EL.
Building #44 EL.
Kennedy EL.
Middletown Middle.
Middletown HS.
Newport:
Callender EL.
Carey EL.
Clarke EL.
Lenthal EL.
Mumford EL.
Rogers HS.
Sullivan EL.
Thompson JHS.
New Shoreham; Block Island K-12.
North Kingstown:
Davisville JHS.
Hoskins Park EL.
North Kingstown HS.
Quonset EL.
Wickford EL.
Pawtucket:
Baldwin EL.
Burns EL.
Conception EL.
Cunningham EL.
East Avenue EL.
Jenks EL.
Little EL.
Pawtucket West HS.
St. Mary EL.
Slater JHS.
Winters EL.
Woodlawn Regional EL.
Portsmouth:
Anthony EL.
Coggeshall EL.
Hathaway EL.
Hutchinson EL.
Portsmouth Middle.
Portsmouth HS.
Providence:
Asa Messer EL—Including Althea and Willow Kindergartens.
Bridgham JHS.
Camden EL.
Central HS.
Fogarty EL—Including Flynn Kindergarten.
Fox Point EL.
Holy Ghost EL.
Joslin EL.
Kenyon EL—Including Grove Kindergarten.
Laurel Hill EL—Including Ralph Kindergarten.
Lexington EL.
St. Michael EL.
Stuart JHS.
Vineyard EL—Including Stuart Kindergarten.
Williams JHS.
Richmond; Richmond EL.
Scituate:
Hope EL.
Scituate J-SHS.
South Kingstown:
Monsignor Clarke EL.
Hazard EL.
Peace Dale EL—Including Stepping Stone Kindergarten.
South Kingstown JHS.
Wakefield EL.
Tiverton:
Barker EL.
Hooper-Judson EL.
Nonquit EL.
Pocasset EL.
Ranger EL.
Tiverton J-SHS.
Warren:
Liberty Street EL.
Warren HS.
Warwick:
Conimicut EL.
Conimicut at Hoxie EL.
Greene EL.
Oakland Beach EL.
Warwick Veterans HS.
Woonsocket:
Citizens Memorial EL.
Fifth Avenue EL.
George Street EL.
Globe Park EL.
Grove EL.
Hope Street EL.
Kendrick EL.
McFee EL.
Second Avenue EL.
Social Street EL.
Summer Street EL.
Woonsocket JHS.
Woonsocket HS.

SOUTH CAROLINA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List is for Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years.

Location: City or Town; Name of School

Abbeville:
Sharon EL.
Carver Middle.
Wright Middle.
Aiken:
Mead Hall EL.
St. Angela EL.
Catholic School of Aiken EL.
Allendale:
Allendale JHS.
Allendale Middle.
Allendale Primary.
Fairfax Middle.
Fairfax Primary.
Anderson; West Franklin EL.
Bamberg:
Richard Carrol Middle.
Ehrhardt Middle.
Lewis Butler EL.
Bamberg EL.
Bamberg-Ehrhardt High.
Barnwell:
Barnwell EL.
Guinyard-Butler Middle.
Beaufort:
H. E. McCracken HS.
Dale EL.
Daufuskie EL.
Lady's Island EL.
M. C. Riley EL.
St. Helena EL.
St. Helena JHS.
Bennettsville:
Adamsville EL.
Bennettsville EL.
Bennettsville HS.
Bennettsville JHS.
Bennettsville Middle.
Bennettsville Primary.
Blenheim EL.
Blenheim HS.
Blenheim Primary.

Clio EL.
Clio HS.
Fletcher Memorial EL.
Kollock EL.
McColl HS.
McColl Primary.
Wallace HS.
Wallace Primary.
Bethune:
Bethune Middle.
Bethune HS.
Bishopville:
Ebenezer EL.
Fleming EL.
Lower Lee EL.
Blackville:
Blackville HS.
Blackville Middle.
Bowman:
Bowman EL.
Bowman HS.
Branchville:
Branchville EL.
Branchville HS.
Britton's Neck:
Bethel EL.
Britton's Neck HS.
Blythewood; Blythewood EL.
Boykin; Wateree River Correctional Institute School.
Camden:
Antioch EL.
Baron DeKalb EL.
Camden HS.
Camden Primary.
Midway EL.
Cameron; St. John EL–HS.
Charleston:
Ben Tillman EL.
Buist EL.
Cathedral EL.
Immaculate Conception EL.
Sacred Heart EL.
Chester:
Lewisville Middle.
Lewisville EL.
York Road EL.
Chesterfield:
Chesterfield EL.
Edwards EL.
Columbia:
Carver EL.
Central Correctional Institute School.
Eastover Kindergarten Center.
Gadsden EL.
Gibbs Middle.
Hopkins EL.
John G. Richards School for Boys.
Lyon Street EL.
Manning Correctional Institute.
Ridgewood Kindergarten Center.
St. Martin dePorres EL.
South Carolina School for Girls.
Walden Correctional Institute School.
Waverly Kindergarten Center.
Webber EL.
Webber Middle.
Conway:
Twelfth Avenue EL.
Horry EL.
Kingston EL.
Main Street EL.
North Conway EL.
South Conway EL.
Cordova:
Edisto HS.
Edisto Middle.
Edisto Primary.
Darlington:
Brockington EL.
Cain EL.
Mayo HS.
Pine Middle.
Rosenwald EL.
Rosenwald HS.
St. David EL.
Denmark:
Denmark EL.
Denmark JHS.
Denmark Middle.
Dillon:
Dillon HS.
East EL.
Hamer EL.
Gordon EL.
Hamer-Canaan EL.
J. V. Martin JHS.
Little Rock EL.
Maple EL.
South EL.
Steward Heights EL.
Whittaker EL.
Edgefield:
Our Lady of Peace EL.
Douglas EL.
Elloree:
Elloree EL.
Elloree HS.
Estill:
Gilford Luray EL.
Estill Primary.
Estill HS.
Estill Middle.
Florence; South Carolina School for Boys.
Floyds:
Floyds EL.
Floyds HS.
Georgetown:
Brown's Ferry EL.
Choppee EL–HS.
Plantersville EL.
Pleasant Hill HS.
Sampit EL.
St. Mary-St. Cyprian EL.
Green Sea:
Green Sea EL.
Green Sea HS.
Greenville; St. Anthony Primary.
Hampton:
Brunson EL.
Varnville EL.
Yemassee EL.
Hartsville:
Southside EL.
Washington Street EL.
Hemingway:
Hemingway HS.
Hemingway Middle.
Hemingway Primary.
Holly Hill:
Dantzler EL.
Gaillard EL.
Holly Hill Primary.
Providence EL.
Roberts HS.
St. James EL.
Vance EL.
Irmo; Harbison Correctional Institute School.
Jefferson; Jefferson EL.
Kingstree:
Battery Park EL–HS.
Blakely EL–HS.
Cades EL–HS.
Hebron EL–HS.
Kingstree EL.
Kingstree HS.
Kingstree JHS.
Lane EL.
St. Mark EL–HS.
Williamsburg County Training School.
Williamsburg EL–HS.
W. M. Anderson Primary.
Lancaster; Flat Creek EL.
Lake City:
J. C. Lynch EL.
J. C. Lynch HS.
Lake City EL No. 3.
Lake City EL No. 2.
Lake City JHS.
Olanta EL No. 1.
Olanta EL No. 2.
Olanta HS.
Scranton EL.
Lake View:
Lake View EL.
Lake View HS.
Lake View Middle.
Lamar:
Lamar EL.
Lamar HS.
Spaulding EL.
Spaulding HS.
Latta:
Latimer Middle.
Latta Primary.
Loris:
Daisy EL.
Finklea Middle.
Longs EL.
Loris EL.
Loris HS.
Sweet Home EL.
McBee:
McBee EL.
McBee HS.
Pine Forest EL.
McCormick:
McCormick EL.
McCormick Middle.
Washington EL.
Willington EL.
John de la Howe EL–HS.
Manning:
Alcolu EL.
Manning EL.
Manning HS.
Manning Primary.
Marion:
Easterling EL.
Gilesboro EL.
Marion EL.
Marion HS.
Southside EL.
Spring Branch EL.
Springville EL.
Moncks Corner:
Berkeley HS.
Cainhoy EL.
Cainhoy HS.
J. K. Gourdine EL.
St. Stephen EL.
St. Stephen Middle.
Mullins:
McCormick Primary.
Mullins EL.
Mullins HS.
Mullins JHS.
Nichols EL.
North Mullins Primary.
Murrell's Inlet; Murrell's Inlet EL.
Newberry:
Bush River EL.
Reuben EL.
Silverstreet Middle.
North:
North EL.
North HS.
North Myrtle Beach:
North Myrtle Beach HS.
North Myrtle Beach Primary.
Pageland:
Pageland EL.
Petersburg EL.
Pamplico:
Hannah-Pamplico HS.
Hannah-Pamplico Middle.
Pamplico EL.
Patrick; Plainview EL.
Rains:
Pleasant Grove Primary.
Rains-Centenary EL.
Rains-Centenary HS.
Terrell's Bay Middle.
Ridgeland:
Hardeeville EL.
Jasper EL.
Ridgeland HS.
West Hardeeville HS.
Ridgeville; MacDougall Youth Correctional Institute School.

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Ridgeway; Ridgeway EL.
Rock Hill:
Edgewood EL.
Sunset Park EL.
Sullivan EL.
Spartanburg:
Pre-Vocational JHS.
St. Paul EL.
St. George:
St. George HS.
St. George Primary.
Williams Memorial Middle.
St. Matthews:
Bethlehem EL.
Fort Motte EL.
Guinyard EL.
John Ford HS.
St. Matthews EL.
St. Matthews HS.
Simpsonville; Givens Youth Correctional Institute School.
Springfield; Springfield EL.
Summerton:
Summerton JHS.
Scotts Branch EL.
Scotts Branch HS.
Spring Hill EL.
St. Paul EL.
Sumter:
Bates JHS.
Central EL.
Eastern EL.
Lemira EL.
Mayesville Institute EL.
Mayewood HS.
Rafting Creek EL.
Savage-Glover EL.
St. Anne EL.
St. John EL.
St. Jude HS.
Stonehill EL.
Sumter Pre-Primary.
Delaine EL.
Timmonsville:
Brockington EL.
Johnson JHS.
Timmonsville EL.
Timmonsville HS.
Turbeville:
East Clarendon HS.
East Clarendon Middle.
East Clarendon Primary.
Union:
Central Middle.
Carlsan EL.
West End EL.
Carlisle-Santuc EL.
Jonesville HS.
Lockhard HS.
Wagener; Wagener EL.
Walhalla; Tamassee EL.
Walterboro:
Bells EL.
Black Street EL.
Central EL.
Colleton HS.
Cottageville EL.
Hendersonville EL.
Ivenia Brown EL.
Jonesville EL.
Ritter EL.
Ruffin HS.
Smoaks Middle.
St. Joseph EL.
Winnsboro:
Fairfield JHS.
Geiger EL.
Greenbriar Middle.
Kelley-Miller EL.
McCrorey-Liston EL–HS.
White Hall EL.
Winnsboro HS.
Gordon EL.
Mount Zion EL.
Everett EL.
York:
Sharon Primary.
Sharon EL.

SOUTH DAKOTA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List is for Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years.

(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)

Location: city or town; name of school

Agar:
Buffalo EL.
Farmington EL.
Norfolk EL.
Troy EL.
Alexandria; Hanson HS.
Alpena; Alpena K–12
Amherst; Amherst EL.
Armour:
Armour EL.
Chester EL.
Ruff EL.
Astoria; Astoria K–12.
Avon:
Dahlenberg EL.
Daisy EL.
Drake EL.
Batesland:
Batesland EL.
Rockyford EL.
Belle Fourche; Belle Fourche HS.
Bison; Cash EL.
Bonesteel:
Bonesteel EL.
Bonesteel HS.
Bowdle:
Bowdle EL.
Bowdle HS.
Brandt; Brandt EL.
Brentford; Brentford EL.
Bridgewater; Bridgewater EL.
Bristol:
Bristol EL.
Bristol HS.
Britton:
Britton EL.
Britton HS.
Buffalo; Cox EL.
Canova:
Canova EL.
Canova HS.
Carthage:
Carthage EL.
Carthage HS.
Castlewood:
Castlewood EL.
Castlewood HS.
Chamberlain; Chamberlain EL.
Claremont; Claremont EL.
Claire City; Claire City EL.
Clark; Clark EL.
Colome; Colome EL.
Conde:
Conde EL.
Conde HS.
Corsica:
Beukelman EL.
Corsica EL.
Corsica HS.
Engelland EL.
Grandview EL.
Cresbard:
Cresbard EL.
Cresbard HS.
Dallas; Dallas EL.
Deadwood; Deadwood EL.
Delmont; Greenwood Colony EL.
Dolton; Dolton EL.
Dupree:
Dupree EL.
Dupree HS.
Eagle Butte:
Cheyenne-Eagle Butte EL.
Cheyenne-Eagle HS.
Eden; Eden EL.
Egan; Egan EL.
Emery:
Emery EL.
Emery 5–12.
Erwin; Erwin EL.
Ethan; Ethan EL.
Fairfax; Fairfax EL.
Fairview:
Fairview EL.
Fairview HS.
Faith:
Faith EL.
Faith HS.
Farmer; Farmer EL.
Faulkton; Faulkton EL.
Flandreau:
Flandreau HS.
Flandreau JHS.
Spafford EL.
Florence; Florence EL.
Fort Pierre:
Cheyenne EL.
Fort Pierre EL.
Gumbo EL.
Oahe EL.
Stanley County HS.
Fort Thompson; Fort Thompson EL.
Freeman:
Freeman EL.
Wolf Creek EL.
Fulton; Fulton EL.
Geddes:
Geddes Community EL.
Geddes HS.
Gettysburg; Gettysburg EL.
Glenham; Glenham 1–12.
Gregory:
Gregory EL.
Gregory JHS.
Harrold; Riverdale EL.
Hartford; Hartford EL.
Hecla; Hecla EL.
Highmore:
Highmore EL.
Franklin EL.
Illinois EL.
Peno EL.
Pratt EL.
Rice Lake EL.
Valley EL.
Washington EL.
Hosmer:
Hosmer EL.
Hosmer HS.
Hot Springs; Hot Springs EL.
Hudson:
Hudson EL.
Hudson HS.
Humboldt; Humboldt EL.
Hurley; Hurley # 5 EL.
Huron:
Huron JHS.
Huron HS.
Ideal; Ideal EL.
Ipswich:
Ipswich EL.
Rosette EL.
Isabel:
Isabel EL.
Isabel HS.
Kidder; Kidder EL.
Lake Andes:
Lake Andes HS.
Lake Andes EL.
Langford; Langford EL.
Lantry; Lantry EL.
Lead; Central EL.
Lemmon; Lemmon EL.
Lennox; Lennox HS.

Leola:
Leola HS.
Leola EL.
Spring Creek Colony EL.
Little Eagle; Little Eagle EL.
Long Lake:
Long Lake Colony EL.
Long Lake Town EL.
Ludlow; Ludlow EL.
McIntosh:
McIntosh HS.
McIntosh EL.
McLaughlin; McLaughlin EL.
Madison:
Garfield EL.
Lincoln EL.
Washington EL.
Martin:
Bennett County HS.
Martin EL.
Mellette; Northwestern J–HS.
Milbank; Koch EL.
Miller; Mondamin EL.
Mission:
HeDog EL.
North EL.
South EL.
Todd County HS.
Mitchell:
Bradley Young EL.
Eugene Field EL.
Longfellow EL.
Mitchel JHS.
Whittier EL.
Morristown; Morristown EL.
Mound City; Mound City EL.
Mount Vernon:
Mount Vernon HS.
Mount Vernon EL.
New Effington; New Effington EL.
New Underwood; New Underwood EL.
Northville; Northville EL.
Okaton; Okaton EL.
Okreek; Okreek EL.
Oldham:
Oldham HS.
Oldham EL.
Onaka; Onaka EL.
Orient; Orient EL.
Parkston:
Kulm EL.
Lake City EL.
Milltown EL.
New Elm EL.
Parkston EL.
St. John EL.
Washington EL.
Peever; Peever EL.
Philip; Deep Creek EL.
Pickstown; Pickstown JHS.
Pierpont; Pierpont EL.
Pierre:
McKinley EL.
Pierre JHS.
Pine Ridge:
Pine Ridge JHS.
Pine Ridge K.
Pine Ridge Special Education.
Red Shirt EL.
Ramona; Ramona EL.
Rapid City:
Bergquist EL.
Black Hawk EL.
Central HS.
Garfield EL.
General Beadle EL.
Horace Mann EL.
Jefferson EL.
Knollwood EL.
Lincoln EL.
Rapid City (North) JHS.
Rapid Valley EL.
Raymond; Raymond EL.
Redfield:
Redfield HS.
Redfield JHS.
Redfield EL.
Reliance; Reliance EL.
Ridgeview; Ridgeview EL.
Roscoe:
Roscoe EL.
Roscoe HS.
Rosebud; Rosebud EL.
Rosholt; Hutterite Colony EL.
Roslyn:
Roslyn HS.
Roslyn EL.
Rutland; Rutland EL.
Salem; Salem EL.
Scenic; Scenic El.
Seneca; Seneca EL.
Sioux Falls:
Franklin EL.
Hawthorne EL.
Lowell EL.
Sisseton:
Sisseton JHS.
Sisseton HS.
Westside EL.
Spencer; Spencer EL.
Spring Creek; Spring Creek EL.
Summit:
Summit HS.
Summit EL.
Timber Lake; Timber Lake EL.
Trail City; Trail City EL.
Tripp; DeWald EL.
Tulare:
Glendale Colony EL.
Spink Colony EL.
Tyndall:
Cottonwood EL.
Hutterische EL.
Veblen:
Veblen EL.
Veblen HS.
Vermillion; Austin EL.
Wagner:
Wagner EL.
Wagner HS.
Wakpala:
Wakpala HS.
Wakpala EL.
Watauga; Watauga EL.
Watertown:
Garfield EL.
Grant EL.
McKinley EL.
Roosevelt-Lincoln EL.
Watertown JHS.
Waubay:
Enemy Swim Day EL.
Waubay EL.
Waybay HS.
Waverly; Waverly EL.
White; Deubrook EL.
White Lake:
White Lake HS.
White Lake EL.
White River:
White River HS.
White River EL.
Willow Lake:
Willow Lake HS.
Willow Lake EL.
Wilmot:
Wilmot HS.
Wilmot EL.
Winner:
Central EL.
Sunnyside EL.
Witten; Witten EL.
Wood:
Wood EL.
Wood HS.
Yankton:
Lincoln EL.
Mission Hill EL.
Webster EL.
Yankton JHS.
Yankton HS.

TENNESSEE

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List is for Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years.

Location: City or Town; Name of School

Adamsville:
Adamsville HS.
Adamsville EL.
Alamo:
Alamo EL.
Alamo HS.
Crockett County EL.
Alexandria; Alexandria EL.
Allardt; Allardt EL.
Allons:
Allons EL.
Maple Grove EL.
Alpine; Alpine EL.
Altamont; Altamont EL.
Arlington:
Arlington EL.
Barrets Chapel EL.
Armathwaite; Armathwaite EL.
Auburntown; Auburn EL.
Belleyton Station; Belleyton EL.
Bean Station; Bean Station EL.
Beersheba Springs; Beersheba Springs EL.
Belfast; Belfast EL.
Bells:
Bells EL.
Bells HS.
Crockett County East Bell EL.
Holly Grove EL.
Benton; Benton EL.
Bethel Springs; Bethel Springs EL.
Bloomington Springs; Bloomington EL.
Bogota; Bogota EL.
Bolivar:
Bolivar EL.
Bolivar JHS.
Central HS.
Braden; Braden EL.
Bradyville; Woodland EL.
Brighton:
Brighton EL.
Brighton HS.
Bristol; New EL.
Brownsville:
Anderson EL.
Bailey EL.
Bradford EL.
East Side EL.
Haywood EL–JHS.
Haywood HS.
Sunny Hill EL.
Burlison; Gilt Edge EL.
Butler; Dry Run EL.
Byrdstown:
Pickett County HS.
Pickett County EL.
Caryville:
Caryville EL.
Stony Fork EL.
Cedar Hill; Cedar Hills EL.
Celina:
Celina EL.
Celina HS.
Cerro Gordo; Cerro Gordo EL.
Chattanooga:
Avondale EL.
Bakewell Child Center EL.
Calvin Donaldson EL.
Charles A. Bell EL.
Chattanooga Edward Point Center EL.
Clara Carpenter EL.
Hemlock EL.
Henry Barger EL.
Howard EL—HS
Mary Ann Garber EL.
Oak Grove EL.

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Orchard Knob EL.
Piney Woods EL.
Pre-School Center EL.
Ridgedale EL.
Summitt Child Center EL.
Trotter EL.
Chuckey; South Central EL.
Clairfield; Clairfield EL.
Clarkrange:
Clarkrange EL.
Clarkrange HS.
Clarksville; Clarksville Pre-Kindergarten.
Cleveland:
Allen EL.
Blythe Avenue EL.
Big Springs EL.
Cleveland Kindergarten Center.
East Cleveland EL.
Clifton; Frank Hughes EL.
Clinchport (Virginia); Big Springs EL.
Clinton; North Clinton EL.
Coalmont; Coalmont EL.
Collierville:
Collierville EL.
George R. James EL.
Collinwood; Collinwood EL—HS.
Columbia; College Hill EL.
Conasanga; Conasanga EL.
Cookeville:
Dodson Branch EL.
Hardys Chapel EL.
Sycamore EL.
Cordova:
Cordova EL.
Mt. Pisgah EL.
Cosby:
Cosby EL.
Cosby HS.
Jones Cove EL.
Smoky Mountain EL.
Counce:
South Side EL.
South Side HS.
Covington:
Covington HS.
Covington EL.
Frazier EL.
Garland EL.
Holmes EL.
Tabernacle EL.
Crab Orchard; Crab Orchard EL.
Crawford; Wilson EL.
Crossville:
Big Lick EL.
Crossville EL.
Lantana EL.
Midway EL.
Woody EL.
Crump; Crump EL.
Cumberland Gap; Cumberland Gap EL.
Daisy; Daisy Child Center EL.
Dandridge; Swannsylvania EL.
Decaturville; Decaturville EL.
Del Rio; Del Rio EL.
Delano; Delano EL.
Dowelltown; Dowelltown EL.
Doyle; Doyle EL.
Drummonds; Drummonds EL.
Ducktown; Ducktown EL.
Duff:
Duff EL.
White Oak EL.
Wynn Habersham EL.
Dunlap; Griffith EL.
Dyersburg:
Dyer County Central EL.
Fifth Consolidated EL.
Roellen EL.
Eads; George R. James EL.
Eidson:
Clinch EL.
Clinch HS.
Kyles Ford EL.
Elk Valley:
Elk Valley EL.
Elk Valley JHS.
Fayetteville; Fayette Ware HS.
Finley; Finley EL.
Flag Pond; Flag Pond EL.
Fort Pillow; Fort Pillow EL–HS.
Franklin:
Franklin EL.
Franklin JHS.
Franklin Middle.
Gadsden:
Gadsden EL.
Gadsden HS.
Gainesboro:
Flynns Lick EL.
Gainesboro EL.
Gassaway; Gassaway EL.
Germantown; Germantown EL–HS.
Gibson:
Gibson HS.
Gibson EL.
Grand Junction; Grand Junction EL.
Greeneville:
Camp Creek EL.
Highland EL.
North Greene HS.
West Pines EL.
Grimsley; Grimsley EL.
Halls:
Halls EL.
Halls HS.
Nankipoo EL.
Harrogate:
Big Spring Union EL.
Ellen Myers EL.
Forge Ridge EL.
Forge Ridge HS.
Little Creek EL.
Hartford:
Grassy Fork EL.
Hartford EL.
Henderson:
Chester County HS.
Chester County JHS.
East Chester County EL.
West Chester County EL.
Henning; Henning EL–HS.
Hilham; Hilham EL.
Hohenwald; Hohenwald EL–HS.
Hornsby; Hornsby EL.
Humboldt:
Gibson Annex EL.
Humboldt JHS.
Main Street EL.
Stigall EL.
Huntsville:
Capitol Hill EL.
Huntsville EL.
Huntsville JHS.
Scott HS.
Jacks Creek; Jacks Creek EL.
Jacksboro:
Jacksboro EL–HS.
Pinecrest EL.
Jackson:
Lincoln EL.
Washington Douglas EL.
Parkview EL.
South Jackson EL.
West Jackson EL.
Jamestown:
Banner Roslin EL.
Pine Haven EL.
Sharp EL.
Tinch EL.
West Fentress EL.
York EL.
York Institute HS.
Jellico; Jellico EL–HS.
Joelton; Youth Center HS.
Johnson City; West View EL.
Kingsport:
Arcadia EL.
Long Island EL.
Knoxville:
Austin East HS.
Beardsley JHS.
Beaumont EL.
Cansler EL.
Christenberry JHS.
Eastport EL.
Lennon Memorial EL.
Lockett EL.
Lonsdale K–EL.
College Holmes EL.
Maynard EL.
Midway EL.
Montgomery Village School.
Mt. Olive EL.
Sam Hill EL.
Vestal EL.
Vine JHS.
La Follette:
College Hill EL.
Coolidge EL.
Davis Chapel EL.
Demory EL.
Grantsboro EL.
La Follette JHS.
La Follette East EL.
Pleasant Ridge EL.
La Grange; La Grange Cons EL.
Laurel Bloomery; Laurel EL.
Lavinia:
Lavinia EL.
West View EL.
Lebanon:
Carroll EL.
Tuckers Cross Roads EL.
Lenoir City:
Browder EL.
West Hill EL.
Liberty; Liberty EL.
Linden:
Cedar Creek EL.
Linden EL.
Perry County HS.
Pineview EL.
Pope EL.
Livingston:
Independence EL
Pleasant Valley EL.
Livingston Academy HS.
Lone Mountain; Lone Mountain EL.
Loudon; Davis EL.
Luttrell:
Bull Run EL.
Luttrell EL.
Lynchburg; Eastmoore EL.
Macon; Southwest EL.
Madison; Chadwell EL.
Mason:
Bernard EL.
Mason EL.
Maury City:
Maury City EL.
Maury City HS.
Mayland; Mayland EL.
Maynardville:
Big Ridge EL.
Maynardville EL.
Horace Maynard HS.
Hubbs Grove EL.
McLemoresville; McLemoresville EL.
Medina:
Medina EL.
Medina HS.
Memphis:
A. B. Hill EL.
B. T. Washington HS.
Bolton High HS.
Bruce EL.
Caldwell EL.
Capleville EL.
Carnes EL–JHS.
Carver HS.
Chicago Park EL.
Cummings EL.
Douglass EL.
Dunbar EL.
Florida Street EL.
Geeter EL–HS.
Georgia Ave. EL.
Gordon EL.
Grant EL.
Guthrie EL.
Hanley EL.
Hollywood EL.
Humes JHS.
Hyde Park EL.
Kansas Street EL.
Klondike EL.
Larose EL.
Lauderdale EL.
Leath EL.
Lester EL.
Lester HS.

Lincoln JHS.
Locke EL.
Manassas HS.
Merrill EL.
Oakville EL.
Orleans EL.
Pope EL.
Porter JHS.
Shadowland EL.
Stafford EL.
Vance JHS.
Walker EL.
Weaver Road EL.
Whites Chapel EL.
Woodstock EL.
Michie; Michie EL.
Middleton:
Middleton EL.
Middleton HS.
Millington; E. A. Harrold EL.
Minor Hill:
Minor Hill EL.
Minor Hill JHS.
Monroe; Monroe EL.
Monterey; Uffelman EL.
Morristown:
Judson S. Hill EL.
Roberts EL.
Sherwood EL.
West EL.
Morris Chapel; Morris Chapel EL.
Moscow:
Moscow EL.
Springhill EL.
Moss:
Moss EL.
Union Hill EL.
Munford:
Munford EL–HS.
Munford-Ellis EL.
Murfreesboro; McFadden EL.
Nashville:
River Bend EL–HS.
Spencer Youth Center EL.
Tennessee Preparatory EL–HS.
Tennessee Prison EL–HS.
Tennessee Youth Development School.
Lockeland EL.
Warner EL.
New Tazewell:
Lakeview EL.
Midway EL.
Newbern; Dyer County Central HS.
Newcomb; Newcomb EL.
Newport; West End EL.
Norene; Norene EL.
Norma; Norma EL.
Oakland:
Oakland EL.
Oakland Consolidated EL.
Obion:
Cloverdale EL.
Obion EL.
Ocoee; Ocoee EL.
Old Fort; Old Fort EL.
Oneida; Burchfield EL.
Only; Tourney Center School.
Pall Mall; Pall Mall EL.
Palmer; Palmer EL.
Parsons:
Parsons EL.
Parsons JHS.
Riverside HS.
Pelham; Pelham EL.
Philadelphia; Philadelphia EL.
Pikeville:
Bledsoe County HS.
Cecil B. Rigsby EL.
Dill EL.
Mary V. Wheeler EL.
Pikeville EL.
Taft Youth Center HS.
Pioneer; Straight Fort EL.
Pleasant Hill; Pleasant Hill EL.
Prospect:
Prospect EL.
Prospect HS.
Pulaski:
Pulaski JHS.
West Hill EL.
Ramer; Ramer EL.
Reagan; Reagan EL.
Red Boiling Springs:
Hermitage Springs EL.
Hermitage Springs HS.
Willette EL.
Reliance:
Greasy Creek EL.
Second District EL.
Rickman:
Rickman EL.
Rickman HS.
Ridgely; Lara Kendall EL.
Ridgetop; Watauga EL.
Ripley:
Arp EL.
Central EL.
Curve EL.
Ripley HS.
Ripley JHS.
Ripley Middle.
Ripley Primary.
Robbins; Robbins EL.
Rogersville:
Keplar EL.
Lake View EL.
Rutledge:
Joppa EL.
Rutledge EL.
Rutledge HS.
Saltillo; Saltillo EL.
Savannah:
Hardin County HS.
Nixon EL.
North Savannah EL.
South EL.
Walker EL.
Walnut Grove EL.
Whites EL.
Scotts Hill:
Scotts Hill EL.
Scotts Hill HS.
Selmer:
McNairy Central HS.
Rosecreek EL.
Selmer JHS.
Sevierville:
Boyds Creek EL.
Whites EL.
Wearwood EL.
Sharps Chapel; Sharps Chapel EL.
Shawanee; Shawanee EL.
Shouns; Shouns EL.
Signal Mountain; Lone Oak EL.
Silver Point; Boma EL.
Smithville:
DeKalb County HS.
Smithville EL.
Smithville Middle.
Sneedville:
Flat Gap EL.
Hancock Central EL.
Hancock HS.
Lawson EL.
Mulberry Gap EL.
Ramseys EL.
Seal Mathis EL.
Sunny Side EL.
Vardy EL.
Somerville:
Central EL.
East Side EL.
Fayette Ware JHS.
Garnett EL.
Jefferson EL.
Parks EL.
Somerville EL.
Sparta:
Don De Croft EL.
Sparta East EL.
Finley EL.
White County JHS.
Speedwell:
Bolinger EL.
Bradens EL.
Powell Valley EL.
Powell Valley HS.
Spencer; Mountain View EL.
Springfield:
Bransford EL.
Cheatham Park EL.
Krisle EL.
West Side EL.
Stanton:
Douglas EL.
South Hatchie EL.
Sweetwater; Fork Creek Valley EL.
Taft:
Blanche HS.
Taft EL.
Tazewell;
Alanthus EL.
Clairborne County HS.
Cedar Fork EL.
Highland View EL.
Howards Quarter EL.
Mason Bethel EL.
Soldiers Memorial EL.
Sycamore Hall EL.
Tellico Plains:
Ball Play EL.
Coker Creek EL.
Rural Vale EL.
Tellico Plains EL.
Thompson Station:
Burwood EL.
Thompson Station EL.
Tiptonville:
Lake County HS.
Margaret Newton EL.
Toone; Toone EL.
Tracy City:
Grundy County HS.
Plainview EL.
Shook EL.
Swiss Memorial EL.
Trenton:
Spring Hill EL.
Spring Hill HS.
Trenton East EL.
Trezevant:
Trezevant EL.
Trezevant HS.
Trimble:
Trimble EL.
Trimble HS.
Tullahoma; Highland Rim School for Girls EL–HS.
Union City; Miles JHS.
Walling; Central View EL.
Washburn; Washburn EL–HS.
Whiteville:
Whiteville North Side EL.
Whiteville South Side EL.
Wildersville; Beaver EL.
Winfield; Winfield EL.
Woodbury:
East Side EL.
Short Mountain EL.
Woodbury Grammar EL.
Yorkville:
Yorkville EL.
Yorkville HS.

TEXAS

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List is for Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years.

Location; City or Town; Name of School

Abernathy; Abernathy ISD.
Abilene:
Abilene HS.
College Heights EL.
Fannin EL.
Franklin JHS.
Jefferson JHS.
Mann JHS.
Woodson Kindergarten.
Agua Dulce; Agua Dulce ISD.

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Alice:
Adams JHS.
Dubose Middle.
Memorial Middle.
Nayer EL.
Saenz EL.
Saint Joseph EL.
Salazar EL.
Alpine; Alpine ISD.
Altair; Saint Mary Catholic-Nada EL.
Alta Loma; Santa Fe ISD.
Alto; Alto ISD.
Alvarado; Alvarado ISD.
Amarillo:
Our Lady of Guadalupe EL.
Saint Lawrence EL.
Sanborn EL.
Anton; Anton ISD.
Aransas Pass; Aransas Pass ISD.
Asherton; Asherton ISD.
Athens; Athens HS.
Atlanta; Atlanta ISD.
Austin:
Allan JHS.
Allison EL.
Becker EL.
Blackshear EL.
Brooke EL.
Campbell EL.
Dolores Catholic EL.
Govalle EL.
Johnston HS.
Maplewood EL.
Martin JHS.
Mathews EL.
Metz EL.
Oak Springs EL.
Ortega EL.
Palm EL.
Rosewood EL.
Saint Mary EL.
Saint Jose EL.
Sims EL.
Zavala EL.
Ballinger:
Ballinger ISD.
Saint Joseph (Rowena) EL–HS.
Balmorhea; Balmorhea ISD.
Bandera; Bandera ISD.
Banquete; Banquete ISD.
Barksdale; Nueces Canyon ISD.
Bartlett; Bartlett ISD.
Bastrop; Bastrop ISD.
Batesville; Batesville ISD.
Bay City; Holmes EL.
Baytown:
R. E. Lee HS.
Saint Joseph EL.
San Jacinto EL.
Beaumont:
Bethune EL.
Blanchette EL, South Park ISD.
Carver EL.
Charlton-Pollard HS.
Dowling EL.
Dunbar JHS.
Fehl EL, South Park ISD.
Fletcher EL.
French EL.
Hebert HS, South Park ISD.
Lincoln JHS.
Martin EL.
Odom JHS, South Park ISD.
Our Lady of Mercy EL, South Park ISD.
Saint Anthony EL.
Washington EL.
West Oakland EL, South Park ISD.
Bedford:
Euless JHS.
Midway Park EL.
North Euless EL.
West Hurst EL.
Beeville:
F.M.C. EL.
Hall EL.
Maderra EL.
Our Lady of Victory EL.
Thomas Jefferson JHS.
Ben Bolt; Ben Bolt-Palito Blanco ISD.
Big Spring:
Bauer EL.
Lakeview EL.
Runnels JHS.
Bishop:
Bishop JHS.
Eastside EL.
Blooming Grove; Blooming Grove ISD.
Boerne; Boerne County Line ISD.
Boling; Boling ISD.
Bonham; Bonham ISD.
Boys Ranch; Boys Ranch ISD.
Brackettville; Brackett ISD.
Bremond:
Bremond ISD.
Saint Mary EL.
Brenham; Brenham ISD.
Bridgeport; Bridgeport ISD.
Broaddus; Broaddus ISD.
Brownfield:
Brownfield Intermediate.
Brownfield Middle.
Colonial Heights EL.
Oak Grove EL.
Brownsville:
Brownsville HS.
Canalas EL.
Castanada (Migrant) EL.
Central Middle.
Clearwater EL.
Cromack EL.
Cummings Middle.
El Jardin EL.
Faulk JHS.
Garden Park EL.
Immaculate Conception EL.
Longoria EL.
Pugenat EL.
Resaca EL.
Skinner EL.
Victoria EL.
Webb EL.
Brownwood:
Brownwood JHS.
Brownwood School for Girls.
North West EL.
Bryan:
Saint Joseph EL.
Stephen F. Austin HS.
Ross EL.
Buffalo; Buffalo ISD.
Buna; Buna ISD.
Burkeville; Burkeville ISD.
Burnet; Burnet EL.
Burton; Burton ISD.
Caldwell; Caldwell ISD.
Calvert; Calvert ISD.
Cameron; Cameron ISD.
Canton; Canton ISD.
Canutillo; Canutillo ISD.
Carrizo Springs:
Carrizo Springs JHS.
Central EL.
North EL.
North EL Annex.
Carthage; Carthage ISD.
Castroville; Medina Valley ISD.
Center; Center ISD.
Centerville; Centerville ISD.
Charlotte; Charlotte ISD.
Childress; Childress ISD.
Chilton; Chilton ISD.
Clarksville:
Clarksville EL.
Clarksville Intermediate.
Cleveland:
Cleveland ISD.
Tarkington ISD.
Coldspring; Coldspring-Oakhurst ISD.
Coleman; Coleman ISD.
Colorado City; Colorado ISD.
Columbus: Columbus ISD.
Saint Anthony EL.
Comanche; Comanche ISD.
Commerce; Commerce ISD.
Converse; Our Lady of Perpetual Help EL.
Coolidge; Coolidge ISD.
Cooper; Cooper ISD.
Corpus Christi:
Allen EL.
Austin EL.
Barnes JHS.
Christ The King EL.
Chula Vista EL.
Coles JHS.
Corpus Christi Cathedral EL.
Crockett EL.
Crossley EL.
Cunningham JHS.
Evans EL.
Furman EL.
Garcia EL.
Holy Family EL.
Kennedy EL, West Oso ISD.
Lamar EL.
Los Encinos EL.
Lozano EL.
Martin JHS.
Molina JHS, Oso ISD.
Oak Park EL.
Prescott EL.
Sacred Heart EL.
Shaw EL.
Skinner EL, Oso ISD.
Southgate EL.
South Park JHS.
Travis EL.
Tuloso EL, Tuloso-Midway ISD.
Tuloso JHS, Tuloso-Midway ISD.
Washington EL.
Wynn Seale JHS.
Zavala EL.
Corrigan; Corrigan-Camden ISD.
Corsicana:
Abraham Lincoln EL.
Corsicana HS.
Corsicana Orphans Home.
Drane Middle.
Sam Houston EL.
Cotulla:
Amanda Burks EL.
Deonicio Ramirez EL.
Welhausen EL.
Crockett:
Crockett ISD.
Crockett State School.
Crosby:
Crosby ISD.
Sacred Heart EL.
Crosbytown; Crosbytown ISD.
Crowell; Crowell ISD.
Crystal City; Crystal City ISD.
Cuero:
Cuero ISD.
Saint Michael EL.
Cushing; Cushing ISD.
Dalhart:
Dalhart ISD.
Saint Anthony EL.
Dallas:
Allen EL.
Alta Mesa EL, Wilmer-Hutchins ISD.
Anderson Middle.
Austin EL.
Bishop Heights EL, Wilmer-Hutchins ISD.
Brown EL.
Bryan EL.
Budd EL.
Bushman EL.
Carr EL.
Carver EL.
City Park EL.
Colonial EL.
Comstock JHS.
Crockett EL.
Darrell EL.
Dunbar EL.
Earhart EL.
Edison JHS.
Ervin EL.
Fannin EL.
Frazier EL.
Harllee EL.
Harris EL.
Hassell EL.
Holmes JHS.
Jackson EL.

John XXIII EL.
Johnson EL.
Lanier EL.
Lincoln HS.
Lipscomb EL.
Lisbon EL.
Madison Middle.
Mamie White EL, Wilmer-Hutchins ISD.
Miller EL.
Mills EL.
Navarro EL.
Oliver EL.
Pease EL.
Pinkston HS.
Ray EL.
Rhoads EL.
Rice EL.
Roberts EL.
Saint Ann EL.
Saint Anthony EL.
Saint Mary of Carmel EL.
Saint Peter EL.
Sequoyah JHS.
Spence JHS.
Stone JHS.
Storey JHS.
Thompson EL.
Travis EL.
Tyler EL.
Washington EL.
Wheatley EL.
Wilmer EL.
Wilmer-Hutchins ISD.
Young EL.
Zumwalt JHS.
Dayton; Dayton ISD.
DeKalb; DeKalb ISD.
DeLeon; DeLeon ISD.
Del Rio:
Austin EL.
Lamar EL.
Memorial EL.
Our Lady of Guadalupe EL.
Sacred Heart Academy EL.
Sam Houston EL.
Travis EL.
Del Valle:
Del Valle JHS.
Popham EL.
Smith EL.
Denton; Congress JHS.
Detroit; Detroit ISD.
Devine; Devine ISD.
Diboll; Diboll ISD.
Dickinson; Shrine of True Cross EL.
Dilley; Dilley ISD.
Dimmitt; Dimmitt ISD.
Donna:
Donna EL.
Donna LeNoir JHS.
Donna Migrant.
Donna Primary.
Eagle Pass:
Austin EL.
Benavides EL.
Eagle Pass JHS.
Kennedy Hall EL.
Our Lady of Refuge EL.
Robert E. Lee EL.
San Luis EL.
Webster EL.
Earth; Springlake-Earth ISD.
East Bernard; East Bernard ISD.
Edcouch; Edcouch-Elsa ISD.
Edcouch; Monte Alto ISD.
Edinburg:
Austin EL.
Edinburg HS.
Houston EL.
Jefferson EL.
Lamar EL.
Lincoln EL.
North JHS.
Travis EL.
South JHS.
Edna; Edna ISD.
El Campo:
El Campo JHS.
Louise Hutchins EL.
Northside EL.
Saint Philip EL.
Elgin; Elgin ISD.
Elkhart; Elkhart ISD.
El Paso:
Alamo EL.
Alta Vista EL.
Aoy EL.
Ascarate EL, Ysleta ISD.
Bassett EL.
Beall EL.
Bowie HS.
Burleson EL.
Cedar Grove EL, Ysleta ISD.
Clardy EL.
Cooley EL.
Del Norte EL, Ysleta ISD.
Douglas EL.
Father Yermo EL.
Father Yermo HS.
Guardian Angel EL.
Hacienda Heights EL, Ysleta ISD.
Hart EL.
Hawkins EL.
Henderson JHS.
Houston EL.
Jefferson HS.
Lamar EL.
Loma Terrace EL., Ysleta ISD.
Marian Manor, EL, Ysleta ISD.
Mesa Vista EL, Ysleta ISD.
North Loop EL, Yslete ISD.
Our Lady of Mt. Carmel EL, Ysleta ISD.
Our Lady of the Valley EL, Ysleta ISD.
Pasodale EL, Ysleta ISD.
Ramona EL, Ysleta ISD.
Ranchland Hills EL, Ysleta ISD
Riverside JHS, Ysleta ISD.
Roosevelt EL.
Rusk EL.
Sacred Heart EL.
Sageland EL, Ysleta ISD
Saint Ignatuis EL.
Socorro ISD.
South Loop EL, Ysleta ISD.
Thomas Manor EL, Ysleta ISD.
Vilas EL.
Ysleta EL, Ysleta ISD.
Zavala EL.
Elysian Fields; Elysian Fields ISD.
Emory; Rains ISD.
Fabens; Fabens ISD.
Fairfield; Fairfield ISD.
Falfurrias:
Falfurrias EL.
Falfurrias JHS.
Lasater EL.
Ferris; Ferris ISD.
Flatonia; Flatonia ISD.
Floresville:
Floresville ISD.
Sacred Heart EL.
Floydada; Floydada ISD.
Forney; Forney ISD.
Fort Stockton; Fort Stockton JHS.
Fort Worth:
All Saints EL.
Austin EL.
Carver EL.
Circle Park EL.
Como EL.
Como Middle.
Daggett EL.
Daggett Middle.
Denver Avenue EL.
De Zavala EL.
Diamond Hill EL.
Dillow EL.
Dunbar EL.
Dunbar HS.
Dunbar Middle.
Eastland EL.
Elder Middle.
Green EL.
Guinn EL.
Helbing EL.
James Middle.
Jarvis HS.
Kirkpatrick EL.
Lake Worth ISD.
Meacham Middle.
Mitchell Blvd. EL.
Moore EL.
Morningside EL.
Morningside Middle.
Nash EL.
North Side HS.
Our Mother of Mercy EL.
Parker Middle.
Pate EL.
Peak EL.
Polytechnic HS.
Rosemont Middle.
Saint Mary EL.
Stripling Middle.
Terrell HS.
Trimble Tech. HS.
Van Zandt EL.
Vickery EL.
Worth Heights EL.
Franklin; Franklin ISD.
Fredericksburg; Saint Mary EL.
Friona; Friona ISD.
Gainesville; Gainesville State School.
Galveston:
Alamo EL.
Ball HS.
Carver EL.
Central Middle.
Crockett EL.
Goliad EL.
Holy Rosary EL.
Our Lady of Guadalupe EL.
Rosenberg EL.
Sacred Heart EL.
Saint Mary EL.
Saint Patrick EL.
San Jacinto EL.
Washington EL.
Ganado; Ganado ISD.
Garland:
Austin JHS.
Kimberlin EL.
Garrison; Garrison ISD.
Gatesville:
Gatesville ISD.
Gatesville State School.
Mountain View Boys School.
Georgetown:
Georgetown ISD.
Zion Lutheran EL.
George West; George West ISD.
Giddings:
Giddings ISD.
Immanuel Lutheran EL.
Gilmer; Gilmer ISD.
Gladewater; Gladewater County Line ISD.
Gladewater; Sabine ISD.
Goliad; Goliad ISD.
Gonzales:
East Avenue EL.
Gonzales JHS.
North Avenue EL.
Granbury; Granbury ISD.
Grand Saline; Grand Saline ISD.
Granger:
Granger ISD.
Ss. Cyril and Methodius EL.
Grapeland; Grapeland ISD.
Greenville; Greenville JHS.
Gregory:
Austin EL.
Gregory-Portland HS.
Groesbeck; Groesbeck ISD.
Groveton; Groveton ISD.
Hale Center; Hale Center ISD.
Hallettsville:
Hallettsville ISD.
Sacred Heart EL–HS.
Hallsville; Hallsville ISD.
Hamilton; Hamilton ISD
Hamlin; Hamlin ISD.
Harlingen:
Bowie EL.
Coakley JHS.
Crockett EL.
Gay JHS.
Harlingen HS.

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Jefferson EL.
Lamar EL.
Vernon JHS.
Zavala EL.
Hart; Hart ISD.
Haskell; Haskell ISD.
Hearne; Hearne ISD.
Hebbronville; Jim Hogg County ISD.
Hemphill; Hemphill ISD.
Hempstead; Hempstead ISD.
Henderson:
Henderson JHS.
Hill Intermediate.
Hereford:
Central EL.
La Plata JHS.
Shirley EL.
Stanton JHS.
Tierra Blanca EL.
Hidalgo; Hidalgo ISD.
Hillsboro; Hillsboro ISD.
Hondo; Hondo ISD.
Honey Grove; Honey Grove ISD.
Hooks; Hooks ISD.
Houston:
Alcott EL.
Anderson EL, Aldine ISD.
Annunciation EL.
Atherton EL.
Attucks JHS.
Austin HS.
Bastian EL.
Berry EL.
Bethune EL, Aldine ISD.
Betsy Ross EL.
Blackshear EL.
Blessed Sacrament EL.
Bowie EL.
Brisco EL.
Brock EL.
Bruce EL.
Burnett EL.
Burrus EL.
Carnegie EL.
Carver HS, Aldine ISD.
Chatham EL.
Concord EL.
Crawford EL.
De Zavala EL.
Dodson EL.
Dogan EL.
Douglass EL.
Dow EL.
Drew JHS, Aldine ISD.
Dunbar EL.
Easter EL.
East Houston EL, North Forest ISD.
Eighth Avenue EL.
Elliot EL.
Elmore Middle, North Forest ISD.
Fairchild EL.
Forest Brook HS, North Forest ISD.
Foster EL.
Franklin EL.
Gregory EL.
Grimes EL.
Harper EL.
Harris EL.
Hartsfield EL.
Henderson EL.
Highland Heights EL.
Hilliard EL, North Forest ISD.
Holsten EL.
Holy Name School.
Houston Gardens EL.
Immaculate Heart of Mary EL.
Incarnate Word HS.
Isaacs EL.
Jackson JHS.
Johnson EL, Aldine ISD.
Jones, Anson EL.
Jones, Will EL.
Kashmere Gardens EL.
Kelso EL.
Kennedy EL.
Key JHS.
Lamar EL.
Langston EL.
Lantrip EL.
Lee EL.
Lincoln HS.
Lockhart EL.
Looscan EL.
MacArthur EL.
Mading EL.
Marshall JHS.
McDade EL.
McReynolds JHS.
Miller JHS.
Northwood Middle, North Forest ISD.
Oakwilde EL, Aldine ISD.
Oleson EL, Aldine ISD.
Osborne EL.
Our Lady of Guadalupe EL.
Our Mother of Mercy EL.
Pleasantville EL.
Port Houston EL.
Pugh EL.
Reynolds EL.
Resurrection EL.
Rhoads EL.
Rusk EL.
Ryan EL.
Ryan JHS.
Saint Francis of Assisi EL.
Sanderson EL.
Scott EL.
Shadydale EL, North Forest ISD.
Sherman EL.
Smith JHS.
Southland EL.
Stevenson EL.
Sunny Side EL.
Terrell JHS.
Tidwell EL, North Forest ISD.
Travis EL.
Turner EL.
Washington HS.
Wesley EL.
Wharton EL.
Wheatley HS.
Whidby EL.
Yates HS.
Hughes Springs; Hughes Springs ISD.
Hungerford; Hungerford ISD.
Huntsville; Huntsville ISD.
Idalou; Idalou ISD.
Ingleside; Ingleside ISD.
Italy; Italy ISD.
Itasca; Itasca ISD.
Jacksonville; Joe Wright EL.
Jasper:
Jasper JHS.
Parnell EL.
Jefferson; Jefferson ISD.
Jewitt; Leon ISD.
Jourdanton; Jourdanton ISD.
Junction; Junction ISD.
Karnack; Karnack ISD.
Karnes City; City EL.
Kaufman; Kaufman ISD.
Kendleton; Kendleton ISD.
Kenedy; Kenedy ISD.
Kennard; Kennard ISD.
Kerens; Kerens ISD.
Kilgore; Kilgore ISD.
Killeen; Saint Joseph EL.
Kingsville:
Colston EL.
Gillett JHS.
Kleberg EL.
Saint Martin EL.
Kirbyville; Kirbyville ISD.
Kountze; Kountze ISD.
Kress; Kress ISD.
Kyle; Kyle EL.
Ladonia; Fannindel ISD.
La Ferla; La Ferla ISD.
La Grange; La Grange ISD.
La Joya; La Joya ISD.
Lamesa:
Lamesa Middle.
North EL.
Lampasas; Lampasas ISD.
Laneville; Laneville ISD.
La Pryor; La Pryor ISD.
Laredo:
Bruni EL.
Buenos Aires EL.
Central EL.
Christen JHS.
Dalches EL.
Farlas EL.
Guadalupe EL.
Heights EL.
Leyendecker EL.
Martin HS.
McDonnell EL.
Ochoa EL.
Saint Peter EL.
Sanchez EL.
Santa Maria EL (Migrant)
Santo Nino EL.
Tarver EL.
United Intermediate, United ISD.
Urbahn EL.
Lasara; Lasara ISD.
La Vernia; La Vernia ISD.
La Villa; La Villa ISD.
Levelland:
Levelland JHS.
Saint Michael EL.
Lexington; Lexington ISD.
Liberty; Liberty ISD.
Lindale; Lindale ISD.
Linden; Linden-Kildare ISD.
Littlefield; Littlefield ISD.
Livingston; Livingston ISD.
Lockhart; Lockhart ISD.
Lockney; Lockney ISD.
Lorenzo; Lorenzo ISD.
Los Fresnos:
Los Fresnos EL.
Los Fresnos JHS.
Lovelady; Lovelady ISD.
Lubbock:
Alderson JHS.
Bozeman EL.
Dunbar HS.
Estacado HS.
Harwell EL.
Iles EL.
Lubbock-Cooper ISD.
Matthews JHS.
McWhorter EL.
Parkway EL.
Posey EL.
Roosevelt ISD.
Struggs JHS.
Thompson JHS.
Tubbs EL.
Wheatley EL.
Wolffarth EL.
Luling; Luling ISD.
Lyford; Lyford ISD.
Mabank; Mabank ISD.
Madisonville; Madisonville ISD.
Magnolia; Magnolia ISD.
Malakoff; Malakoff ISD.
Manor; Manor ISD.
Marble Falls; Marble Falls ISD.
Marfa:
Marfa ISD.
Saint Mary EL.
Marlin; Marlin ISD.
Marshall:
Austin-Carver EL.
Marshall HS.
Marshall JHS.
Pemberton JHS.
Mart; Mart ISD.
Mason; Mason ISD.
Mathis:
Hardin EL.
Mathis Intermediate.
Mathis JHS.
Weber EL.
McAllen:
Central EL (Migrant).
Houston EL.
Thigpen EL.
Travis JHS.
Zavala EL.
McGregor; McGregor ISD.
McKinney; East Ward EL.

Memphis; Memphis ISD.
Menard; Menard ISD.
Mercedes; Mercedes ISD.
Mexia:
Mexia Middle.
Ross EL.
Midland:
Crockett EL.
De Zavala EL.
Mineral Wells; Mineral Wells HS.
Mission; Alton ISD.
Mission:
Castro EL.
Guadalupe EL.
Marcell EL.
Mission HS.
Mission JHS.
Pearson EL.
Roosevelt EL.
Wilson EL (Migrant).
Mission; Sharyland ISD.
Monahans; West Texas Children's Home.
Montgomery; Montgomery ISD.
Moody; Moody ISD.
Morton; Morton ISD.
Moulton; Moulton ISD.
Muleshoe; Muleshoe ISD.
Munday; Munday ISD.
Nacogdoches:
Carpenter JHS.
Fredonia EL.
Natalia; Natalia ISD.
Navasota; Navasota ISD.
Needville; Needville ISD.
New Brunfels:
Lone Star EL.
Ss. Peter and Paul EL.
New Deal; New Deal ISD.
Newton; Newton JHS.
Nixon; Nixon ISD.
Oakwood; Oakwood ISD.
Odem; Odem ISD.
Odessa:
Crockett JHS.
Ector HS.
Milam-Carver EL.
Rusk EL.
O'Donnell; O'Donnell ISD.
Olton; Olton ISD.
Omaha; Pewitt ISD.
Orange:
North Middle.
Stark HS.
Orange Grove; Orange Grove ISD.
Paducah; Paducah ISD.
Palacios; Palacios ISD.
Palestine:
Palestine ISD.
Tucker ISD.
Pampa; Saint Vincent EL.
Paris; Delmar ISD.
Paris:
Justiss EL.
Paris HS.
Pawnee; Paynee ISD.
Pearsall; Pearsall ISD.
Pecos; Haynes EL.
Petersburg; Petersburg ISD.
Pettus; Pettus ISD.
Pflugerville; Pflugerville ISD.
Pharr:
Austin JHS.
Buckner EL.
Doedyns EL.
Edison Middle.
Ford EL.
Franklin EL.
Fulton EL.
Jefferson JHS.
Napper EL.
Pharr HS.
Pineland; West Sabine ISD.
Pittsburg; Pittsburg County Line ISD.
Pleasanton:
Pleasanton EL.
Pleasanton JHS.
Port Arthur:
Carver EL.
De Queen EL.
Franklin EL.
Saint Mary EL.
Washington EL.
Wilson JHS.
Port Isabel; Point Isabel ISD.
Post; Post ISD.
Poteet; Poteet ISD.
Poth; Poth ISD.
Powderly; North Lamar HS.
Premont; Premont ISD.
Presidio; Presidio ISD.
Progreso; Progreso ISD.
Quanah; Quanah ISD.
Queen City; Queen City ISD.
Ralls; Ralls ISD.
Ranger; Ranger ISD.
Raymondville:
Central EL (Migrant).
Green JHS.
Pittman EL.
Pittman Intermediate.
Smith EL.
Rio Grande City:
Grulla Primary.
Immaculate Conception EL.
North Grammar EL.
Ringgold Intermediate.
Ringgold JHS.
Ringgold Primary.
West Grammar EL.
Rio Hondo; Rio Hondo ISD.
Riviera; Riviera ISD.
Robstown:
Hutte EL.
Lotspeich EL.
Martin EL.
Saint Anthony EL.
Saint John EL.
Salazar EL.
Seale JHS.
Rockdale; Rockdale ISD.
Rockport; Rockport EL.
Rocksprings; Rocksprings ISD.
Rockwall; Rockwall ISD.
Roma:
Roma EL.
Roma JHS.
Scott EL.
Ropesville; Ropes ISD.
Rosenberg:
Jackson EL.
Lamar JHS.
Lee EL.
Long EL.
Smith EL.
Travis EL.
Rotan; Rotan ISD.
Royse City; Royse City ISD.
Runge; Runge ISD.
Rusk; Rusk ISD.
Sabinal; Sabinal ISD.
San Angelo:
Blackshear EL.
Edison JHS.
Lincoln JHS.
Reagan EL.
Rio Vista EL.
Sacred Heart EL.
San Jacinto EL.
San Antonio:
Athens-Fleming EL, South San Antonio ISD.
Ball EL.
Barkley EL.
Blessed Sacrament EL.
Bowden EL.
Bowie EL.
Brackenridge EL.
Brackenridge HS.
Brewer EL.
Briscoe EL.
Burbank HS.
Burleson EL, Edgewood ISD.
Burnet EL.
Cable EL, Northside ISD.
Cardenas EL, Edgewood ISD.
Carvajal EL.
Cenizo Park EL, Edgewood ISD.
Christ the King EL.
Collier EL, Harlandale ISD.
Collins Garden EL.
Columbia Heights EL, Harlandale ISD.
Connell JHS.
Cooper JHS.
Coronado EL, Edgewood ISD.
Crockett EL.
Davis JHS.
De Zavala EL.
Dwight JHS, South San Antonio ISD.
Edgewood EL, Edgewood ISD.
Edgewood JHS, Edgewood ISD.
Emerson JHS.
Escobar JHS, Edgewood ISD.
Flanders EL, Harlandale ISD.
Forest Hills EL, Northside ISD.
Fox Technical HS.
Frey EL, Edgewood ISD.
Gardendale EL, Edgewood ISD.
Gates EL.
Gerald EL, Harlandale ISD.
Gillette EL, Harlandale ISD.
Gonzalez EL, Edgewood ISD.
Graebner EL.
Guerra EL, Edgewood ISD.
Harris JHS.
Hawthorne JHS.
Highland Park EL.
Hillcrest EL.
Holy Cross HS.
Hutchins EL, South San Antonio ISD.
Irving JHS.
Ivanhoe EL.
Johnson EL.
Johnson EL, Edgewood ISD.
Kindred EL, South San Antonio ISD.
King EL.
Kingsborough EL, Harlandale ISD.
Lanier HS.
Las Palmas EL, Edgewood ISD.
Lincoln EL, Edgewood ISD.
Little Flower HS.
Lowell JHS.
Mann JHS.
Margil EL.
Miller EL.
Mission EL, Harlandale ISD.
Morrill EL, Harlandale ISD.
Navarro EL.
Nelson EL.
Ogden EL.
Our Lady of Guadalupe EL.
Our Lady of Perpetual Help EL.
Our Lady of Victory EL.
Page JHS.
Palo Alto EL, South San Antonio ISD.
Pershing EL.
Pierce EL, Southside ISD.
Poe JHS.
Price EL, South San Antonio ISD.
Providence HS.
Rhodes JHS.
Riley JHS.
Riverside Park EL.
Robbins EL, Alamo Heights ISD.
Rogers EL.
Roosevelt EL, Edgewood ISD.
Ruiz EL.
Saint Ann EL.
Saint Cecilia EL.
Saint Gerard EL.
Saint Gregory EL, North East ISD.
Saint James EL.
Saint John EL.
Saint John Bosco EL, Edgewood ISD.
Saint Joseph EL, South San Antonio.
Saint Leo EL.
Saint Mary EL.
Saint Patrick EL.
Saint Philip EL.
Saint Teresa Academy EL–HS.
Smith EL.
Southcross Middle, Harlandale ISD.
Southside JHS, Southside ISD.

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Southwest EL, Southwest ISD.
Stafford EL, Edgewood ISD.
Stewart EL.
Stonewall EL, Harlandale ISD.
Storm EL.
Sul Ross JHS, Northside ISD.
Tafella JHS.
Twain JHS.
Vestal EL, Harlandale ISD.
Washington EL.
Whittier JHS.
Williams EL, Edgewood ISD.
Wrenn JHS, Edgewood ISD.
San Augustine; San Augustine ISD.
San Benito:
Landrum EL.
North Booth EL.
Roberts EL.
San Benito HS.
San Benito JHS.
San Diego; San Diego ISD.
San Elizario; San Elizario ISD.
San Isidro; San Isidro ISD.
San Marcos:
Bowie EL.
Crockett EL.
Travis EL.
San Saba; San Saba ISD.
Santa Maria; Santa Maria ISD.
Santa Rosa; Santa Rosa ISD.
Schulenburg:
Bishop Forest HS.
Saint Rose EL.
Schulenburg ISD.
Seagraves; Seagraves ISD
Sealy; Sealy ISD.
Seguin:
Burges-Seguin EL.
Our Lady of Guadalupe EL.
Seymour; Seymour ISD.
Shelbyville; Shelbyville ISD.
Shepherd; Shepherd ISD.
Shiner:
Saint Ludmilas Academy EL.
Shiner ISD.
Silsbee; Silsbee ISD.
Sinton:
Lamar EL.
Welder EL.
Skidmore; Skidmore-Tynan ISD
Slaton:
Saint Joseph EL.
Slaton ISD.
Smithville; Smithville ISD.
Snook; Snook ISD.
Snyder; Central EL.
Somerville; Somerville ISD.
Splendora; Splendora ISD.
Spur; Spur ISD.
Stafford:
Fort Bend JHS.
Jones EL.
Stamford; Stamford County Line ISD.
Stanton; Stanton ISD.
Stockdale; Stockdale ISD.
Sulphur Springs; Sulphur Springs HS.
Sweeny; Sweeny ISD.
Taft:
South EL.
Taft JHS.
Tahoka; Tahoka ISD.
Tatum; Tatum ISD.
Taylor:
Saint Mary EL.
Taylor Middle.
Teague; Teague ISD.
Temple:
Meridith EL.
Travis JHS.
Tenaha; Tenaha ISD.
Terrell; Terrell ISD.
Texarkana; Liberty-Eylau RHSD.
Texarkana:
Grim EL.
Pine Street JHS.
Texas City:
Danforth-Washington EL.
Our Lady of Fatima EL.
Thrall; Thrall ISD.
Three Rivers; Three Rivers ISD.
Timpson; Timpson ISD.
Tomball; Tomball ISD.
Trinity; Trinity ISD.
Tulia; Tulia ISD.
Tyler:
Austin EL.
Chapel Hill ISD.
Griffin EL.
Peete EL.
Saint Gregory EL.
Uvalde:
Anthon EL.
Robb EL.
Sacred Heart EL.
Uvalde JHS.
Van; Van ISD.
Van Vleck; Van Vleck ISD.
Vernon; Vernon Intermediate.
Victoria:
Hopkins EL.
Nazareth Academy EL–HS.
Patti Welder JHS.
Stroman HS.
Vidor; Vidor EL.
Waco:
Bell's Hill EL.
Brook Avenue EL.
Gurley EL.
Hines JHS.
Jefferson-Moore HS.
La Vega ISD.
Oakwood EL.
Reicher Catholic HS.
Robinson ISD.
Saint Mary EL.
Sanger Avenue EL.
Smith EL.
South JHS.
South Waco EL.
Sul Ross EL.
Waco State Home.
West JHS.
Wiley JHS.
Waelder; Waelder ISD.
Waller; Waller ISD.
Wallis; Wallis ISD.
Waskom; Waskom ISD.
Waxahachie; Marvin LL.
Weimar:
Saint Michael EL.
Weimar ISD.
Wellington; Wellington ISD.
Weslaco; Weslaco ISD.
Wharton; Wharton ISD.
Whitehouse; Whitehouse ISD.
White Settlement; Central EL.
Wichita Falls; Austin EL.
Willis; Willis ISD.
Wills Point; Wills Point ISD.
Winnsboro; Winnsboro ISD.
Winona; Winona ISD.
Winters; Winters ISD.
Wolfforth; Casey EL.
Woodsboro; Woodsboro ISD.
Woodville; Woodville ISD.
Wortham; Wortham ISD.
Yoakum:
Saint Joseph EL.
Yoakum ISD.
Yorktown; Yorktown ISD.
Zapata; Zapata EL.

UTAH

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List is for Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years.

(Please note that all elementary and secondary schools in this State operated by the Bureau of Indian Affairs are considered to meet the qualification of a high concentration of students from low-income families, and are, therefore, not included on this list.)

Location: City or Town; Name of School

American Fork:
Central EL.
Forbes EL.
Greenwood EL.
Beaver:
Beaver HS.
Belknap EL.
Beryl; Escalante Valley EL.
Bicknell:
Wayne Middle.
Wayne HS.
Blanding:
Blanding/Albert R. Lyman EL.
San Juan HS.
Bluff; Bluff EL.
Bountiful:
Orchard EL.
Stoker EL.
Cedar City; Cedar City East EL.
Circleville; Circleville EL.
Clearfield:
Clearfield (Thiokol) Job Corp Center.
Pioneer EL.
Cleveland; Cleveland EL.
Coalville:
North Summit EL.
North Summit HS.
Copperton; Bingham HS.
Corrine; Corrine EL.
Delta:
Delta EL.
Delta HS.
Enterprise; Enterprise EL.
Eskdale; Eskdale EL.
Fairview; Fairview EL.
Ferron; San Rafeal EL.
Fillmore:
Fillmore EL.
Millard HS.
Garland; Garland EL.
Green River; Green River EL.
Helper:
Helper, JHS.
Sally Mauro EL.
Hinckley; Hinckley EL.
Honeyville; Honeyville EL.
Huntington; Huntington EL.
Hurricane:
Hurricane EL.
Hurricane HS.
Kamas; South Summit EL.
Kanab; Kanab EL.
Kearns:
Oquirrh Hills EL.
West Kearns EL.
Koosharem; Koosharem EL.
Lark; Lark EL.
Layton:
Layton EL.
Vae View EL.
Lehi; Lehi EL.
Lewiston; Lewiston EL.
Loa; Loa EL.

Logan; Woodruff EL.
Magna; Webster EL.
Manila; Manila EL.
Marysvale; Oscarson EL.
Mexican Hat; Mexican Hat EL.
Midvale:
Midvale EL.
Union EL.
Monroe; Monroe EL.
Montezuma Creek; Montezuma Creek EL.
Mt. Pleasant; Mt. Pleasant EL.
Murray:
Arlington EL.
Bonnyview EL.
Hillcrest JHS.
Riverview JHS.
Myton; Myton EL.
Nephi; Nephi EL.
Ogden:
Ben Lomond HS.
Central JHS.
Club Heights EL, Weber.
Dee EL.
Hopkins EL.
Jefferson EL.
Lewis EL.
Ogden, HS.
Park View/Burch Creek EL, Weber.
Pioneer EL, Weber.
Riverdale EL, Weber.
Roosevelt EL, Weber.
State Industrial School.
Washington JHS.
Washington Terrace EL, Weber.
Weber Basin Job Corp Center.
Orem:
Geneva El.
Sharon El.
Windsor El.
Payson:
Park View EL.
Payson Middle.
Payson JHS.
Payson HS.
Taylor EL.
Wilson EL.
Pleasant Grove; Pleasant Grove HS.
Price:
Carbon HS.
Mont Harmon JHS.
Price EL.
Reeves EL.
Provo:
Dixon JHS.
Franklin EL.
Joaquin EL.
Maeser EL.
Sunset View EL.
Timpanogos EL.
Richfield; Ashman EL.
Riverton; Riverton EL.
Roosevelt:
Roosevelt EL, Duchesne.
Roosevelt JHS, Duchesne.
Todd, EL, Uintah.
West JHS, Uintah.
Roy:
Municipal EL.
Roy EL.
Sandy:
Bell View EL.
Copperview, EL.
Sandy EL.
Salina; Salina EL.
Salt Lake City:
Blaine EL, Granite.
Central JHS, Granite.
Franklin EL.
Jackson EL.
Jefferson EL.
Lowell EL.
Madison EL, Granite.
Redwood EL, Granite.
Sumner EL.
Washington EL.
Webster EL.
Wilson EL, Granite.
Spanish Fork:
Rees EL.
Spanish Fork Middle.
Spanish Fork HS.
Spring City; Spring City EL.
Springville:
Grant EL.
Springville Middle.
Westside EL.
St. George:
St. George East EL.
St. George West EL.
Sunnyside; Petersen EL.
Tabiona; Tabiona EL.
Tooele:
Central EL.
Harris EL.
Tremonton; McKinley EL.
Tropic:
Bryce Valley EL.
Bryce Valley HS.
Trout Creek; Partoun EL.
Wellington; Wellington EL.
West Jordan:
West Jordan EL.
Westland EL.
Whiterocks; Whiterocks EL.

VERMONT

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List is for Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years.

Location: City or Town; Name of School

Addison; Central EL.
Albany:
Hilltop EL.
Albany Village EL.
Alburg:
Auburg EL.
Alburg Village EL.
Bakersfield:
Bakersfield Common EL.
Bakersfield Middle.
Barnard; Central EL.
Barre:
Spaulding Graded EL.
Mathewson EL.
Brook Street EL.
Ward Five EL.
North Barre EL.
Barton:
Barton Graded EL.
Lake Region UHS.
Benson; Benson Village EL.
Berkshire; Berkshire EL.
Bridgewater:
Corners EL.
Bridgewater Village EL.
Browington; Browington EL.
Burke:
East Burke EL.
West Burke EL.
Burlington:
Barnes EL.
Edmunds EL–JHS (K–9).
Rock Point School.
St. Joseph Child Center EL.
St. Joseph EL.
Wheeler EL.
Castleton; Castelton Village EL.
Charleston; West Charleston EL.
Chelsea:
Chelsea Village EL.
Chelsea HS.
Colchester:
Colchester Point Primary.
Colchester Point Upper El.
Union Memorial EL.
Union Upper EL.
Colchester Bay JHS.
Corinth:
Cookeville EL.
East Corinth EL.
Craftsbury:
Academy HS.
Cutler Academy HS.
Sterling HS.
Craftsbury Village EL.
Danby; Union School District No. 23 EL.
East Haven; East Haven EL.
East Montpelier; Central EL.
Enosburg Falls:
Enosburg Falls EL.
Enosburg Falls HS.
Fairfax; Bellows Free Academy HS.
Fairfield:
Center EL.
East Fairfield EL.
Ferrisburg; Central EL.
Fletcher; Fletcher EL.
Franklin; Central EL.
Greensboro; Greensboro EL.
Guildhall; Guildhall EL.
Hardwick:
Hardwick EL.
Hazen Union HS.
Highgate:
Central EL.
Highgate EL.
Hinesburg; Central EL.
Huntington; Huntington EL.
Hyde Park; Hyde Park Village EL.
Irasburg; Irasburg Village EL.
Isle LaMotte; Isle LaMotte Standard EL.
Jamaica; Jamaica Village EL.
Jay; Jay Village EL.
Kirby; Brookside EL.
Middletown Springs; Middletown Springs Village EL.
Montgomery; Montgomery EL.
New Haven; Beeman Academy EL.
Newport City; Lakeview EL.
North Bennington; North Bennington Graded EL.
Pittsfield; Pittsfield Village EL.
Plymouth; Plymouth EL.
Richford:
Richford EL.
Richford HS.
Rockingham:
Central EL.
Saxtons River EL.
Bellows Falls Middle.
Rutland:
St. Peter EL.
Park Street EL.
Northwest EL.
Longfellow EL.
St. Johnsbury:
Adams EL.
Arlington EL.
Center EL.
East St. Johnsbury EL.
Lincoln EL.
Portland Street EL.
Summer Street EL.
Shoreham; Shoreham EL.
Starksboro; Robinson EL.
Stockbridge; Stockbridge Village EL.
Swanton:
Missisquoi UHS.
Swanton EL.
Swanton Intermediate.
Tinmouth; Center EL.
Troy:
North Troy EL.
Troy Village EL.
Tunbridge; Tunbridge Central EL.
Vergennes; Harrison Greenleaf JHS.
Walden:
Walden Heights EL.
Noyesville EL.
South Walden EL.
Star EL.
Wardsboro; Central EL.
Warren; Warren Village EL.
Washington; Washington EL.

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Wells; Wells Village EL.
West Fairlee; West Fairlee EL.
West Haven; West Haven Village EL.
West Rutland; Main Street EL.
Westminster:
  Westminster Central EL.
  Kurn Hattin Homes EL.
Windham; South EL.
Windsor; State Street EL.
Winooski:
  Memorial EL.
  J. F. Kennedy EL.
  Winooski HS.
Wolcott; Wolcott Village EL.
Worcester:
  Worcester Village EL.
  Doty EL.

VIRGINIA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List is for Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years.

Location: city or town; name of school

Abingdon:
  Greendale EL.
  Hayter's Gap EL.
Accomack:
  Mary N. Smith JHS.
  Accomac Primary.
Achilles; Achilles EL.
Afton; Rockfish Valley EL.
Alberta; Red Oak EL.
Aldie; Aldie EL.
Amelia; Amelia County EL.
Amherst:
  Central Primary.
  Temperance EL.
Appalachia:
  Appalachia HS.
  Appalachia EL.
Appomattox:
  Appomattox Intermediate.
  Appomatox Primary.
Ararat; Blue Ridge EL.
Arcola; Arcola EL.
Arrington; Nelson JHS.
Arvonia; Arvonia Primary.
Ashburn; Ashburn EL.
Axton:
  Axton EL.
  Irisburg EL.
Bandy; Bandy EL.
Banner; Banner EL.
Bassett:
  Campbell Court EL.
  Mary Hunter EL.
Bedford; Body Camp EL.
Belle Haven; Belle Haven Primary.
Ben Hur; Lee County Vocational HS.
Bent Mountain; Bent Mountain EL.
Bergton; Bergton EL.
Big Island; Big Island EL.
Big Stone Gap:
  Powell Valley HS.
  Big Stone Gap EL.
Birchleaf; Sandlick EL.
Birds Nest; Birds Nest EL.
Blackstone:
  Blackstone JHS.
  Blackstone Primary.
Bloxom; Bloxom Primary.
Bowling Green; Bowling Green Primary.
Boyce; Boyce EL.
Boydton:
  Boydton EL.
  Boydton Primary.
Boykins:
  Boykins EL.
  Boykins Primary.
Breaks; Breaks EL.
Bristol:
  Douglas EL.
  Thomas Jefferson EL.
Brownsburg; Brownsburg EL.
Buckingham:
  Buckingham HS.
  Buckingham Primary.
Buena Vista; Mountain View EL.
Bumpass; Buckner EL.
Burkeville:
  Burkeville Intermediate.
  Burkeville Primary.
Calloway; Calloway EL.
Cana; St. Paul Intermediate.
Cape Charles; Cape Charles EL.
Capeville; Capeville EL.
Capron:
  Capron EL.
  Capron Primary.
Castlewood:
  Castlewood EL.
  Clinch River EL.
  Copper Creek EL.
Cedar Bluff; Belfast EL.
Ceres; Ceres EL.
Charles City:
  Charles City County East EL.
  Charles City County West EL.
Charlotte Court House:
  Randolph Henry HS.
  Central JHS.
  Central EL.
  Charlotte EL.
  J. Murray Jeffress EL.
Charlottesville:
  Stone Robinson EL.
  Virginia L. Murray EL.
  Clark EL.
Chase City:
  Chase City EL.
  Chase City Primary.
Chatham; Spring Garden EL.
Check; Check EL.
Cheriton; Cheriton EL.
Chilhowie; Riverside EL.
Christiansburg; Bethel EL.
Chuckatuck; Chuckatuck Middle.
Church Road:
  Midway EL.
  Northside EL.
Clarksville:
  Bluestone HS.
  Clarksville Primary.
  Clarksville EL.
Cleveland; Cleveland EL.
Clinchco; Clinchco EL.
Clinchport:
  Rye Cove HS.
  Clinchport EL.
  Rye Cove EL.
  Fairview EL.
Clintwood:
  Clintwood EL.
  Long Fork EL.
Clover; Clover EL.
Cluster Springs:
  Cluster Springs EL.
  South of Dan EL.
Coeburn:
  Coeburn HS.
  Coeburn EL.
  Fairview EL.
  Riverview EL.
Concord; Concord EL.
Copper Valley; Indian Valley EL.
Council:
  Council HS.
  Council EL.
Courtland:
  Southampton HS.
  Southampton JHS.
  Courtland EL.
  Courtland Primary.
Crewe; Crewe Primary.
Criglersville; Criglersville EL.
Critz; Hardin Reynolds EL.
Culpeper:
  A. G. Richardson EL.
  Ann Wingfield EL.
Cumberland:
  Cumberland HS.
  Cumberland EL.
Dahlgren; Potomac EL.
Damascus; Holston HS.
Dante; Dante EL.
Danville:
  Bellevue EL.
  Edwin A. Gibson EL.
  Grove Park EL.
  John L. Berkeley EL.
  Westmoreland EL.
  Woodrow Wilson EL.
Dendron; Luther P. Jackson Combined (1–12).
Dillwyn:
  Buckingham JHS.
  Dillwyn EL.
  Dillwyn Primary.
Dinwiddie:
  Dinwiddie JHS.
  Dinwiddie EL.
  Southside EL.
Drakes Branch; Drakes Branch EL.
Drewryville; Drewryville EL.
Driver:
  Driver Middle.
  Florence Bowser Primary.
Dryden; Dryden Combined (K–12).
Duffield; Stickleyville EL.
Dugspur; Dugspur EL.
Dungannon; Dungannon EL.
Duffield; Duffield EL.
East Stone Gap; East Stone Gap EL.
Elkton; Elkton EL.
Emporia:
  Greensville JHS.
  Belfield EL.
  Emporia EL.
  Hicksford EL.
  Zion District EL.
Esmont; Benjamin F. Yancey EL.
Ewing:
  Thomas Walker HS.
  Elydale EL.
  Ewing EL.
Exmore:
  Exmore Willis Wharf EL.
  Hare Valley EL.
Fancy Gap; Fancy Gap EL.
Farmville:
  Prince Edward HS.
  Farmville EL.
  Prince Edward EL.
Farnham; Farnham EL.
Forest; New London Academy EL.
Fork Union; Fork Union EL.
Fort Blackmore; Fort Blackmore EL.
Franklin:
  Hunterdale EL.
  Franklin Upper EL.
  Morton Primary.
Fries; Vaughn Intermediate.
Gladstone; Gladstone EL.
Gladys; Gladys EL.
Glasgow; Glasgow EL.
Gloucester:
  Gloucester Intermediate.
  Botetourt EL.
Goode; Otter River EL.
Goochland:
  Beaumont School for Boys.
  Byrd Primary.
  Goochland EL.
Gordonsville; Gordon Barbour EL.
Goshen; Goshen EL.
Greenwood; Greenwood EL.
Gretna; Mt. Airy EL.
Grundy:
  Big Rock EL.
  Grundy EL.
  Harman EL.
Hague; Cople Primary.
Halifax:
  Halifax JHS.
  Sinai EL.
  Halifax EL.
Hampton:
  Phoebus EL.
  Robert R. Moton EL.

Hanover:
  Dawn EL.
  Hanover School for Boys.
Hayst; Hayst HS.
Heathsville:
  Northumberland HS.
  Northumberland JHS.
Hilton; Hilton Combined (1–8).
Hiwassee:
  Hiwassee EL.
  Snowville EL.
Holland:
  Holland Primary.
  Southwestern Middle.
Honaker:
  Honaker EL.
  Honaker HS.
  Juvenile Vocational Institute.
Hot Springs; Valley EL.
Hurley; Hurley EL.
Independence; Bridle Creek EL.
Ivanhoe; Ivanhoe EL.
Ivor:
  Ivor EL.
  Ivor Primary.
Jarratt:
  Jefferson EL.
  Jarratt EL.
Jonesville:
  Flatwoods Combined (K–12).
  Jonesville HS.
  Jonesville EL.
Kenbridge:
  Kenbridge EL.
  Kenbridge Primary.
Keokee; Keokee Combined (K–12).
Keysville:
  Keysville EL.
  West End EL.
Kilmarnock; Lancaster HS.
King George:
  King George HS.
  King George EL.
Lacrosse:
  Lacrosse EL.
  Lacrosse Primary.
Lambsburg; Lambsburg EL.
Lancaster; Mantua Intermediate.
Lawrenceville; Sturgeon EL.
Lebanon:
  Oak Grove EL.
  Lebanon EL.
Leesburg; Lucketts EL.
Lexington; Effinger EL.
Lively; Lively Primary.
Lottsburg; Lottsburg Primary.
Louisa:
  Louisa Intermediate.
  Louisa EL.
Lovingston; Lovingston EL.
Lynchburg; Robert S. Payne EL.
Machipongo:
  Northampton JHS.
  Machipongo EL.
Madison; Madison EL.
Madison Heights; Madison Heights Primary.
Mappsville; North Accomack EL.
Marshall; Northwestern Washington EL.
Martinsville:
  Figsboro EL.
  Leatherwood EL.
  Albert Harris EL.
  Clearview EL.
  Joseph Martin EL.
  Patrick Henry EL.
Max Meadows; Max Meadows EL.
McDowell; Stonewall EL.
McKenney:
  McKenney EL.
  Sunnyside-McKenney EL.
Melfa; South Accomack EL.
Mendota; Hamilton EL.
Middleburg; Banneker EL.
Millboro; Millboro EL.
Mineral:
  Apple Grove EL.
  Mineral EL.
Monroe:
  Monroe EL.
  Pleasant View EL.
Montross:
  Washington & Lee HS.
  A. T. Johnson JHS.
  Montross EL.
Mosely; Grange Hall EL.
Naruna; William Campbell HS.
Nathalie:
  Meadville EL.
  Syndor Jennings EL.
  Volens EL.
Natural Bridge Station:
  Natural Bridge EL.
  Natural Bridge Forestry Camp.
New Canton; Gold Hill EL.
New Castle:
  Maywood EL.
  McCleary EL.
Newport News:
  Hidenwood EL.
  James Lee EL.
  John Marshall EL.
  Newsome Park EL.
  Paul L. Dunbar EL.
Newsoms:
  Newsoms EL.
  Newsoms Primary.
Nickelsville:
  Nickelsville EL.
  Twin Springs HS.
Nora; Ervington EL.
Norfolk:
  Ballentine EL.
  B. T. Washington HS.
  Bowling Park EL.
  Blair JHS.
  Campostella Heights, EL.
  Chesterfield Heights EL.
  Diggs Park EL.
  East Ocean View Primary.
  Easton EL.
  Fairlawn EL.
  Ingleside EL.
  Jacox JHS.
  James Monroe EL.
  John Marshall EL.
  John T. West EL.
  Lake Taylor JMS.
  Lansdale EL.
  Larchmont EL.
  Larrymore EL.
  Laura E. Titus EL.
  Liberty Park EL.
  Lindenwood EL.
  Madison EL.
  Maury HS.
  Meadowbrook EL.
  Norview EL.
  Oceanview EL.
  Pineridge EL.
  Pretty Lake Primary.
  R. A. Tucker EL.
  Robert Gatewood EL.
  Roberts Park EL.
  Ruffner JHS.
  Sherwood Forest EL.
  St. Helena EL.
  Stuart EL.
  Tidewater Park EL.
  W. H. Taylor EL.
  Willard JHS.
  Young Park EL.
Norge; Norge EL.
Norlina; (North Carolina) Palmer Springs EL.
North Garden; Red Hill EL.
North Tazewell; Springville EL.
Norton:
  Norton EL.
  J. I. Burton HS.
  West Norton EL.
Oak Grove:
  Oak Grove EL.
  Washington District Primary.
Oak Hall; Atlanitc HS.
Oakwood:
  Garden EL.
  Street EL.
Painter; Central HS.
Palmyra:
  Central EL.
  Columbia EL.
  Cunningham EL.
  Palmyra EL.
Pamlin; Pamlin EL.
Peaks; Janie Porter Barrett School for Girls
Pennington Gap:
Pennington EL.
Pennington HS.
Petersburg:
  Eastside EL.
  Roholc EL.
  Stonewall Jackson EL.
  Walnut Hill EL.
  Westview EL.
Phenix; Phenix EL.
Pocahontas; Pocahontas Combined (7–12).
Portsmouth:
  Academy Park, EL.
  Alfred J. Mapp Combined (7–8).
  Brighton EL.
  Churchland Academy EL.
  Churchland EL.
  Douglass Park EL.
  Emily N. Spong EL.
  Harry Hunt JHS.
  Highland Baltimore EL.
  I. C. Norcom HS.
  James Hurst EL.
  John Tyler EL.
  Park View EL.
  Port Norfolk EL.
  Shea Terrace EL.
  Westhaven EL.
Pound:
  Pound EL.
  Pound HS.
  Pound Primary.
Providence Forge; Charles City County Primary.
Reedville:
  Fairfax EL.
  Reedville Primary.
Richmond:
  Bainbridge Middle.
  Bon Air School for Girls.
  Chimborazo EL.
  Clark Springs EL.
  East End Middle.
  Elizabeth D. Redd EL.
  Fairmount EL.
  G. H. Reid EL.
  George Mason EL.
  George W. Carver EL.
  Highland Park EL.
  J. B. Fisher EL.
  J. L. Francis EL.
  J. Andrew Bowler Middle.
  Mary Munford EL.
  Mosby Middle.
  Pinecrest Center.
  Reception and Diagnostic Center.
  Robert Fulton EL.
  Summer Hill Ruffin Road EL.
  Webster Davis EL.
  Woodville Redd EL.
Roanoke:
  Belmont EL.
  Highland Park EL.
  Hurt Park EL.
  Jamison EL.
  Lincoln Terrace EL.
  Melrose EL.
  Monroe JHS.
  Stonewall Jackson JHS.
  Washington Heights EL.
  West End EL.
Rocky Gap; Rocky Gap Combined (1–12).
Rose Hill; Rose Hill EL.
Rosedale; Elk Garden EL.
Roseland; Fleetwood EL.
Ruther Glen; Ladysmith EL.
Rutherville; Charles City Combined (7–12).

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Saltville:
Allison Gap EL.
Saltville EL.
Saxe; Bacon District EL.
Schuyler; Schuyler EL.
Scottsburg:
Clays Mill EL.
Scottsburg EL.
Scottsville; Scottsville Combined (1–9).
Shawsville; Shawsville EL.
Shenandoah; Grove Hill EL.
Shipman; Ryan EL.
Shipwith; Bluestone HS.
South Boston:
C. H. Trend EL.
Washington-Coleman EL.
South Hill:
Park View HS.
Park View JHS.
South Hill EL.
South Hill Primary.
Speedwell; Speedwell EL.
Sperryville; Rappahannock EL.
Spotsylvania:
Berkeley EL.
Livingston EL.
Stacy; Slater EL.
Standardsville:
William Monroe HS.
William Monroe EL.
Greene County EL.
St. Charles; St. Charles EL.
Stony Creek:
Stony Creek JHS.
Agnes H. Jones EL.
St. Paul; St. Paul Combined (K–12).
St. Stephens Church; Lawson-Marriott EL.
Suffolk:
Cypress Middle.
E. Suffolk Middle
E. Suffolk Primary.
Kings Fork Primary.
Mt. Zion Middle.
Oakland Primary.
Andrew J. Brown EL.
John Randolph EL.
Thomas Jefferson EL.
Surry:
Lebanon EL.
Surry EL.
Sussex:
Central EL.
Central HS.
Swords Creek:
Givens EL.
Swords Creek EL.
Tacoma; Tacoma EL.
Tangier; Tangier Combined (K–12).
Tannersville; Tannersville EL.
Tazewell; Cove EL.
Temperanceville; Temperanceville Primary.
Trevilians; A. G. Despot EL.
Turbeville; Turbeville EL.
Union Level:
Buckhorn EL.
Buckhorn Primary.
Unionville:
Lightfoot EL.
Unionville EL.
Vansant:
Prater EL.
Vansant EL.
Vernon Hill; Wilson Memorial EL.
Victoria:
Central HS.
Lunenburg JHS.
Lunenburg Primary.
Victoria EL.
Virgilina; Virgilina EL.
Wakefield:
Ellen W. Chambliss EL.
Wakefield EL.
Warsaw; Warsaw Primary.
Waverly:
Waverly JHS.
Annie B. Jackson EL.
Weber City; Weber City EL.
Whaleyville:
Robertson Middle.
William J. Jones Primary.
White Stone; White Stone Primary.
Whitetop; Mt. Rogers Combined (1–12).
Whitewood; Whitewood Combined (K–12).
Wicomico; Abingdon EL.
Wicomico Church:
Wicomico Primary.
Rehoboth EL.
Wise:
Wise EL.
Wise Primary.
Woodway; Elk Knob EL.
Wyllliesburg; Wyllliesburg EL.

WASHINGTON

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List is for Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years.

Location; City or Town; Name of School

Aberdeen
A. J. West EL.
Stevens EL.
Washington EL.
Anacortes; Secret Harbor Farms 1–12.
Asotin:
Asotin EL.
Asotin HS.
Auburn:
Alpac EL.
Terminal Park EL.
Bellevue
Robinswood EL.
Stevenson EL.
Bellingham; Whatcom Middle.
Black Diamond; Black Diamond EL.
Bremerton:
Crownhill EL.
Haddon EL.
Kegel EL (East Bremerton EL).
Marion EL.
Naval Avenue EL.
Navy Yard City EL.
Olympic View EL.
Summerhill HS.
West HS.
Brewster:
Brewster EL.
Brewster HS.
Bridgeport; Bridgeport EL.
Buena; Buena EL.
Burien; Ruth School for Girls HS.
Burlington:
Roosevelt EL.
West View EL.
Carson; Carson EL.
Cashmere:
Cashmere HS.
Vale EL.
Centralia; Maple Lane HS.
Chehalis:
Evaline EL.
Green Hill HS.
Chelan; Lake Chelan EL.
Chewelah; Chewelah EL.
Chimacum:
Chimacum EL.
Chimacum HS.
Clarkston; Poplar EL.
Clayton; Clayton EL.
Cle Elum:
Cle Elum EL.
Cle Elum HS.
Clearwater; Clearwater EL.
College Place; Davis EL.
Colville:
Aster EL.
Colville HS.
David Thompson JHS.
Hofstetter EL.
Sprute Canyon Youth Camp HS.
Cowiche; Marcus-Whitman, Cowiche EL.
Curtis; Boistfort EL.
Cusick; Cusick 1–12.
Darrington; Darrington EL.
Davenport; Sunrise Hill EL.
Dayton; Dayton EL.
Deer Park:
Deer Park EL.
Deer Park Middle.
Dixie; Dixie EL.
Dryden:
Dryden EL.
DuPont JHS.
Laughbon HS.
Duvall; Cherry Valley EL.
Easton; Easton 1–12.
Eastsound; Nellie Milton K–12.
Edmonds; Alderwood JHS.
Elma:
Elma EL.
Elma HS.
Entiat; Entiat EL.
Ephrata:
Grant EL.
Parkway EL.
Everett:
Everett HS.
Fairmount EL.
Garfield EL.
George Washington Carver Middle.
Hawthorne EL.
Jackson EL.
Lowell EL.
Madison EL.
Port Gardner Middle.
Federal Way:
Brigadoon EL.
Decatur HS.
Federal Way HS.
Kilo JHS.
Lake Grove EL.
Lakota JHS.
Mirror Lake EL.
Olympic View EL.
Panther Lake EL.
Forks:
Forks HS.
Forks Intermediate.
Forks JHS.
Fort Lewis:
Greenwood EL.
Parkway EL.
Four Lakes; Four Lakes EL.
Friday Harbor; Friday Harbor K–12.
Gig Harbor; Purdy Treatment Center for Women School.
Glenwood; Glenwood EL.
Goldendale; Goldendale Primary.
Grand Coulee; Center EL.
Grandview:
Central EL.
Grandview HS.
Grandview JHS.
Smith EL.
Thompson EL.
Granger:
Granger HS.
Liberty EL.
Roosevelt EL.
Grapeview; Grapeview EL.
Hoquiam:
Emerson EL.
Lincoln EL.
Hunters; Columbia EL.
Inchelium:
Inchelium EL.
Inchelium HS.
Ione; Selkirk HS.
Issaquah; Echo Glen EL.
Kahlotus; Kahlotus 1–12.
Kennewick:
Eastgate EL.
Fruitland EL.
Park Middle.
Westgate EL.
Kent:
Catherine Blake 1–12.
Cedar Valley EL.
East Hill EL.
Grass Lake EL.

Kent:
Kent EL.
Meridan EL.
O'Brien EL.
Pine Tree EL.
Springbrook EL.
Thomas Continuation HS.
Kirkland:
Bell EL.
Lakeview EL.
Mark Twain EL.
Muir EL.
Norkirk EL.
Thoreau EL.
Kittitas; Kittitas EL.
Klickitat; Klickitat EL.
LaConner; LaConner EL.
Lakewood:
Lake City EL.
Lakeview EL.
Lakewood EL.
Southgate EL.
Tillicum EL.
Littlerock; Littlerock EL.
Longview; Broadway EL.
Lopez; Lopez 1–12.
Lyle; Lyle K–12.
Lynden; Lynden EL.
Lynnwood:
Brier JHS.
Cedar Valley EL.
Mabton:
Louis Artz EL.
Mabton HS.
Mary E. Fox EL.
Malott; Malott EL.
Manson:
Manson EL.
Manson HS.
Maple Valley; Shadow Lake EL.
Marysville:
Liberty EL.
Marysville Middle.
Shoultes EL.
Tulalip EL.
Matlock; Mary Knight EL.
Mead; Green Bluff HS.
Mesa:
Basin City EL.
Mesa EL.
Moclips; North Beach HS.
Monroe:
Monroe Central EL.
Monroe F. Wagner EL.
Monroe HS.
Monroe Middle.
Washington State Reformatory School.
Montesano; Grisdale EL.
Moses Lake:
Chief Moses JHS.
Frontier JHS.
Garden Heights EL.
Knolls Vista EL.
Lakeview EL.
Larson Heights EL.
Longview EL.
Peninsula EL.
Mount Vernon; Conway EL.
Mountlake Terrace:
Evergreen EL.
Forest Crest EL.
Melody Hill EL.
Mountlake Terrace EL.
Mountlake Terrace JHS.
Moxee City; Moxee EL.
Naches:
Naches EL.
Naches HS.
Naselle; Naselle Youth Camp HS.
Neah Bay; Neah Bay K–12.
Nespelem; Nespelem EL.
Newport; Sadie Halstead EL.
North Bend; North Bend EL.
Oakville:
Oakville EL.
Oakville Primary.
Ocean City; Ocean City EL.
Okanogan:
Okanogan HS.
Okanogan JHS.
V. Granger EL.
Olalla; Olalla EL.
Olympia:
Boston Harbor EL.
Garfield EL.
Madison EL.
McKinley EL.
Olympic View EL.
Reeves JHS.
Rogers EL.
Roosevelt EL.
Saint Michael EL.
South Bay EL.
Washington JHS.
William Winlock Miller HS.
Omak:
East Omak EL.
North Omak EL.
Omak HS.
Omak JHS.
Saint Mary Mission EL.
Oroville:
Oroville EL.
Oroville HS.
Oroville JHS.
Orting:
Edgerton EL.
Orting JHS.
Othello:
Hiawatha EL.
Lutacaga EL.
McFarland JHS.
Othello HS.
Scootney Springs EL.
Pacific Beach; Pacific Beach EL.
Palisades; Palisades EL.
Pasco:
Captain Gray EL.
Emerson EL.
Longfellow EL.
McLoughlin JHS.
Pasco HS.
Pateros:
Pateros EL.
Pateros HS.
Peshastin; Peshastin EL.
Port Angeles:
Dry Creek EL.
Monroe EL.
Port Angeles HS.
Roosevelt JHS.
Stevens JHS.
Washington EL.
Port Orchard:
Cedar Heights JHS.
Givens EL.
Port Townsend:
Grant EL.
Lincoln EL.
Port Townsend HS.
Port Townsend JHS.
Prosser:
Heights EL.
Prosser Middle.
Riverview EL.
Whitstran EL.
Quilcene; Quilcene EL.
Quincy:
Mount View EL.
Pioneer EL.
Rainer:
Rainier EL.
Rainier HS.
Redmond:
Horace Mann EL.
Redmond EL.
Renton:
Hazen HS.
Highlands EL.
Hillcrest EL.
Tiffany Park EL.
Richland:
Lewis and Clark EL.
Marcus Whitman EL.
Riverside; Riverside EL.
Roslyn; Roslyn JHS.
Roy; Roy-Lacamas EL.
Royal City; Red Rock EL.
Satsop; Satsop EL.
Seattle:
Adams EL.
Aldercrest EL.
Allen EL.
Ballard HS.
Beacon Hill EL.
Blessed Sacrament EL.
Boren JHS.
Briarcrest EL.
Brighton EL.
Cascade JHS.
Cascade View EL.
Cleveland HS.
Colman EL.
Columbia EL.
Cooper EL.
Dearborn Park EL.
Evergreen HS.
Fairmont Park EL.
Foster HS.
Franklin HS.
Garfield HS.
Gatzert EL.
Glendale JHS.
Good Shepherd Home HS.
Green Lake EL.
Hamilton Middle.
Harrison EL.
Hawthorne EL.
High Point EL.
Hughes EL.
Immaculate HS.
Immaculate Middle.
Kimball EL.
Leschi EL.
Lowell EL.
Madrona Middle (B Center).
Maple EL.
McGilva EL.
Meany Middle (A Center).
Mercer JHS.
Minor EL.
Monroe JHS.
Mount View EL.
Muir EL.
North City EL.
North Shorewood EL.
Oak Lake EL.
Our Lady of Guadalupe EL.
Our Lady of Mount Virgin EL.
Ridgecrest EL.
Ryther Child Clinic 1–12.
Saint Benedict EL.
Saint George EL.
Saint Joseph EL.
Saint Mary EL.
Salmon Creek EL.
Sanislo EL.
Sealth HS.
Sharples JHS.
Showalter JHS.
South Heights EL.
Southgate EL.
Stevens EL.
Thorndyke EL.
University Heights EL.
Van Asselt EL.
Webster EL.
West Woodland EL.
White Center Heights EL.
Whitworth EL.
Wilson Middle.
Wing Luke EL.
Selleck; Selleck EL.
Sequim; Sequim EL.
Shelton:
Kamilche EL.
Washington State Correctional Center School.
Snohomish; Monroe Maltby EL.
Soap Lake; Soap Lake EL.

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South Bend:
  South Bend EL.
  South Bend HS.
Spanaway:
  Bethel HS.
  Elk Plain EL.
  Spanaway EL.
Spangle; West Liberty EL.
Spokane:
  Audubon EL.
  Bancroft EL.
  Bemiss EL.
  Emerson EL.
  Garfield EL.
  Good Shepherd Home HS.
  Grant EL.
  Holmes EL.
  Logan EL.
  Marian Hall HS.
  Regal EL.
  Saint Aloysius EL.
  Sheridan EL.
  Stevens EL.
  Trentwood EL.
  Trinity EL.
  Whitman EL.
Springdale:
  Mary Walker EL.
  Mary Walker HS.
Starbuck; Starbuck EL.
Sultan:
  Sultan EL.
  Sultan HS.
Sumner: Bonney Lake EL.
Sunnyside:
  Chief Kamiakin EL.
  Lincoln EL.
  Saint Joseph EL.
  Sunnyside HS.
  Sunnyside JHS.
  Washington EL.
Tacoma:
  Bryant EL.
  Cascadia Reception and Diagnostic Center 1–12.
  Christensen EL.
  Clover Creek EL.
  Edison EL.
  Grant EL.
  Larchmont EL.
  Lister EL.
  Madison EL.
  Mann EL.
  McCarver EL.
  McKinley EL.
  Oakland EL.
  Oakwood EL.
  Reed EL.
  Rogers EL.
  Roosevelt EL.
  Ruston EL.
  Sheridan EL.
  Spanaway EL.
  Spanaway JHS.
  Stanley EL.
  Thompson EL.
  Whitman EL.
  Willard EL.
Taholah; Taholah EL.
Toppenish:
  Garfield EL.
  Lincoln EL.
  McKinley EL.
  Mount Adams EL.
  Toppenish HS.
  Toppenish JHS.
Tonasket; Central EL.
Toutle; Toutle River Boys Ranch HS.
Trout Lake; Trout Lake EL.
Tukwila; Tukwila EL.
Twisp:
  Allen EL.
  Twisp HS.
Union Gap:
  Union Gap EL.
  Union Gap JHS.
Vancouver:
  Cascade JHS.
  Covington JHS.
  Evergreen HS.
  Fruit Valley EL.
  George C. Marshall EL.
  Hough EL.
  Marrion EL.
  Orchards EL.
  Shumway JHS.
  Sifton EL.
  Silver Star EL.
  Washington EL.
Waitsburg; Waitsburg EL.
Walla Walla:
  Garrison JHS.
  Jefferson EL.
  Paine EL.
  Walla Walla HS.
  Washington EL.
  Washington State Penitentiary School.
Wapato:
  Parker EL.
  Parker Heights EL.
  Wapato HS.
  Wapato Intermediate.
  Wapato JHS.
  Wapato Primary.
Warden; J. S. Evans EL.
Wellpinit; Wellpinit EL.
Wenatchee:
  Lincoln EL.
  Whitman EL.
Westport; Ocosta EL.
White Swan:
  Robertson EL.
  White Swan HS.
Winthrop:
  Winthrop EL.
  Winthrop HS.
Woodinville; Cottage Lake EL.
Yakima:
  Adams EL.
  Barge-Lincoln EL.
  Broadway EL.
  Castevale EL.
  Davis HS.
  Garfield EL.
  Jefferson EL.
  Lewis and Clark JHS.
  Stanton EL.
  Washington JHS.
Yelm:
  McKenna EL.
  Southwerth EL.
  Yelm HS.
  Yelm Middle.

WEST VIRGINIA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List is for Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years.

Location: city or town; name of school

Accoville; Buffalo EL.
Alderson; Alderson EL.
Alkol; Martin EL.
Ansted:
  Ansted EL.
  Ansted HS.
  Ansted Upper.
Ashton; Mt. Olive EL.
Avondale; Raysal EL.
Baileysville:
  Baileysville EL.
  Baileysville HS.
Ballard; Ballard EL.
Beaver; Shady Spring JHS.
Beckley:
  Central EL.
  Woodrow Wilson HS.
Belington; Belington EL.
Berkeley Springs; Berkeley Springs EL.
Berwind; Berwind EL.
Big Creek; Big Creek EL.
Big Springs; Bell EL.
Bluefield:
  Ramsey EL.
  Wade EL.
Bolair; Sand Run EL.
Bomont; H. E. White EL.
Bradshaw:
  Bradshaw EL.
  Bradshaw JHS.
  Jolo EL.
  Three Forks EL.
Bramwell; Bramwell EL.
Branchland:
  Branchland EL.
  Fex EL.
  Guyan Valley HS.
  McComas EL.
  Pleasant View EL.
Brownton; Mt. Vernon EL.
Buckhannon:
  Buckhannon-Upshur JHS.
  Buckhannon-Upshur HS.
Camden on Gauley; Camden EL.
Capon Bridge; Capon Bridge EL.
Caretta; Caretta EL.
Chapmanville:
  Chapmanville East EL.
  Chapmanville West EL.
  Chapmanville HS.
  Lane EL.
Charleston:
  Chandler EL.
  Charleston HS.
  Lincoln JHS.
  Piedmont EL.
  Ruffner EL.
  Stonewall Jackson HS.
  Thomas Jefferson JHS.
  Woodrow Wilson JHS.
Charles Town; Wright Denny EL.
Chattaroy; Chattaroy JHS.
Christian; Christian EL.
Cinderella; Cinderella EL.
Clay:
  Clay EL.
  Clay County HS.
Clendenin:
  Clendenin EL.
  Clendenin JHS.
  Herbert Hoover HS.
Cove Gap; Cove Gap EL.
Cowen:
  Cowen EL.
  Cowen HS.
Crum:
  Crum EL.
  Crum HS.
Crumpler; Crumpler EL.
Davy; Davy EL.
Delbarton:
  Burch HS.
  Delbarton EL.
Diana; Diana EL.
Dingess:
  Buskirk EL.
  Dingess EL.
Dunlow; Dunlow EL.
Dunmore; Pocahontas County HS.
Earling; Earling EL.
East Bank:
  East Bank JHS.
  East Bank HS.
East Lynn:
  Beech Fork EL.
  East Lynn EL.
East Williamson; East Williamson EL.
Eccles; Eccles EL.
Edgarton; Delorme EL.
Elkins:
  Elkins Central EL.
  Elkins JHS.
  Elkins HS.
  Highland Park EL.
Elkview; Elkview JHS.
Elm Grove; Bridge Street EL–JHS.
English; Bartley EL.
Erbacon; Erbacon EL.
Fairmont:
  Dunbar EL.
  East Park EL.
  Fairmont HS.

Fayetteville:
  Fayetteville EL.
  Fayetteville HS.
Ferrellsburg; Ferrellsburg EL.
Fireco; Fireco EL.
Flat Top; Flat Top EL.
Fort Gay:
  Fort Gay EL.
  Fort Gay HS.
Franklin; Franklin EL.
French Creek; French Creek EL.
Gandeeville; Gandeeville EL.
Gap Mills; Gap Mills EL.
Gary; Gary HS.
Gassaway; Davis EL.
Gauley Bridge; Gauley Bridge HS.
Gay; Aplin Ridge EL.
Genoa; Genoa EL.
Gilbert:
  Gilbert EL.
  Gilbert HS.
Glen Dale; John Marshall HS.
Glenville; Gilmer County HS.
Grafton:
  Anna Jarvis EL.
  Grafton Middle.
  Grafton HS.
Grantsville:
  Grantsville EL.
  Russett EL.
Greenville; Greenville EL.
Griffithsville:
  Duval HS.
  Griffithsville EL.
Grimms Landing; Arbuckle EL.
Hamlin:
  Hamlin EL.
  Hamlin HS.
Hanover; Huff Consolidated EL.
Harpers Ferry; C. W. Shipley EL.
Harrison; Flat Fork EL.
Harts:
  Atenville EL.
  Harts HS.
  Hugh Dingess EL.
Hedgesville; Hedgesville EL.
Herndon; Herndon EL.
Hinton:
  Greenbrier EL.
  Hinton HS.
Huntington:
  Enslow JHS.
  Fetty EL.
  Guyandotte EL.
  Kellogg EL.
  Lincoln EL.
  Monroe EL.
  Simms EL.
  West JHS.
Huttonsville; Huttonsville EL.
Iaeger:
  Iaeger EL.
  Iaeger HS.
  Iaeger Intermediate.
  Lick Branch EL.
  Litware EL.
  Panther EL.
Isaban; Hardy Union EL.
Jolo; Baker Ridge EL.
Kenova; Ceredo-Kenova HS.
Kermit:
  Jennys Creek EL.
  Kermit HS.
  Marrowbone EL.
Kentuck; Goshen EL.
Keyser:
  Keyser EL.
  Keyser HS.
Keystone:
  Eckman EL.
  Keystone EL.
Kimball:
  Kimball EL.
  Kimball JHS.
Kingwood:
  Kingwood EL.
  Kingwood HS.
Kirby; Grassy Lick EL.
Lake; Lake EL.
Leet; Big Ugly EL.
Lenore:
  Lenore EL.
  Lenore HS.
Leon; Leon EL.
Lester; Lester EL.
Lewisburg:
  Greenbrier East HS.
  Lewisburg EL.
Lizemore; Lizemore EL.
Lockwood; Otter Creek EL.
Logan:
  Logan EL.
  Logan JHS.
  Logan Central JHS.
  Logan HS.
Lookout; Nuttall HS.
McComas; Pinnacle EL.
Madison:
  Madison EL.
  Scott HS.
Mallory; Mallory EL.
Man:
  Man JHS.
  Man HS.
Marlinton; Marlinton EL.
Martinsburg:
  Berkeley Heights EL.
  Opequon EL.
  Rosemont EL.
Matewan:
  Matewan EL.
  Matewan HS.
Matoaka:
  Matoaka EL.
  Matoaka HS.
Meadow Bridge; Meadow Bridge HS.
Midkiff; Midkiff EL.
Mill Creek:
  Mill Creek EL.
  Tygarts Valley HS.
Milton:
  Balls Gap EL.
  Milton HS.
Monaville; Monaville EL.
Montcalm; Montcalm EL.
Montgomery:
  Montgomery EL.
  Montgomery HS.
Moorefield; Moorefield HS.
Morgantown:
  Cool Springs EL.
  Morgantown HS.
Moundsville; Moundsville JHS.
Mt. Clare; Mt. Clare EL.
Mt. Hope:
  Mt. Hope EL.
  Mt. Hope HS.
Mullens:
  Mullens EL.
  Mullens JHS.
Myrtle; Myrtle EL.
Naugatuck; Naugatuck EL.
Newhall; Newhall EL.
Newton; Newton EL.
Nolan; Nolan EL.
Normantown; Normantown EL.
Northfork:
  Anawalt EL.
  Switchback EL.
Oak Hill:
  Collins HS.
  Oak Hill EL.
Odd; Odd EL.
Omar; Omar EL–JHS.
Orma; Orma EL.
Oxford; Summers EL.
Parkersburg:
  Jefferson EL.
  McKinley EL.
  Nash EL.
  Parkersburg South HS.
  Washington JHS.
Paynesville; Lester EL.
Petersburg:
  Petersburg EL.
  Petersburg HS.
Peterstown; Peterstown EL.
Philippi:
  Philippi EL (1–5).
  Philippi HS (6–8).
Piedmont; Piedmont EL.
Pine Grove; Valley HS.
Pineville; Pineville JHS.
Point Pleasant:
  Point Pleasant (Central) EL.
  Point Pleasant JHS.
Points; John J. Cornwell EL.
Princeton:
  Knob EL.
  Princeton HS.
  Thorn EL.
Procious; Dulls Creek EL.
Quinwood; Crichton EL.
Ragland; Chafin EL.
Ramage; Ramage EL.
Ranger:
  Cuzzie EL.
  Ranger EL.
Richwood; Richwood HS.
Ripley; Ripley EL.
Roanoke; Roanoke EL.
Rock; Rock EL.
Rock Cave; Rock Cave EL.
Roderfield; Roderfield EL.
Romney:
  Hampshire HS.
  Romney EL.
  Romney JHS.
Ronceverte; Ronceverte EL.
Rowlesburg; Rowlesburg EL.
St. Albans; Anne Bailey EL.
St. Marys; St. Marys EL.
Sandfork; Sandfork EL.
Sandstone; Sandstone JHS–HS.
Scarbro; Scarbro EL.
Servia; Servia EL.
Seth; Sherman HS.
Shady Spring; Richmond EL.
Sharples; Spruce EL.
Shinnston; Shinnston EL.
Sissonville; Sissonville JHS.
Slanesville; Slanesville EL.
Sod; McCorkle EL–JHS.
South Charleston; Spring Hill JHS.
Spencer:
  Spencer EL.
  Spencer HS.
Sprigg; Sprigg EL.
Springfield; Springfield-Green EL.
Stirrat; Stirrat EL.
Stollings; Stollings EL.
Summersville; Nicholas County HS.
Sutton:
  Braxton County HS.
  Sutton EL.
Talcott; Talcott EL–HS.
Tanner; Tanner EL.
Terra Alta:
  Terra Alta EL.
  Terra Alta HS.
Thacker; Thacker EL.
Tunnelton; Tunnelton EL.
Union:
  Union EL.
  Union HS.
Valley Fork; Valley Fork EL.
Valley Head; Valley Head EL.
Varney; Varney EL.
Verdunville; Verdunville EL.
Vulcan; Vulcan EL.
Walton:
  Walton EL.
  Walton HS.
War:
  Big Creek HS.
  War EL.
Wayne:
  Crockett EL.
  Wayne EL.
  Wayne HS.
Webster Springs:
  Webster Springs Advanced EL.
  Webster Springs Primary.
  Webster Springs HS.
Weirton; Cove EL.

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Welch:
Elkhorn JHS.
Hemphill EL.
Premier EL.
Welch EL.
Welch HS.
Wellsburg; Brooke HS.
West Logan; West Logan EL.
Weston:
Weston Central EL.
Weston JHS.
Wheeling:
Clay EL–JHS.
Madison EL–JHS.
Ritchie EL.
Warwood EL.
Wheeling HS.
White Sulphur Springs; White Sulphur EL.
Whitman; Whitman EL.
Wick; Wick EL.
Williamson:
Main Building EL.
Williamson HS.
Wilsie; Wilsie EL.

WISCONSIN

List of Schools Determined to Have a High Concentration of Students From Low-Income Families. This List is for Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years.

Location: City or Town; Name of School

Adams:
Adams EL.
Castle Rock EL.
Albany; Albany EL.
Algoma; Algoma EL.
Alma; Alma EL–HS.
Alma Center; Alma Center EL.
Amberg; Amberg EL.
Amery:
Amery EL.
Amery HS.
Amherst; Amherst EL.
Antigo:
Crestwood EL.
Peace Lutheran EL.
Pleasant View EL.
Spring Valley EL.
St. Hyacinth EL.
St. John EL.
St. Mary EL.
West EL.
Appleton:
East HS.
Huntley EL.
St. Thomas Moore EL.
Arcadia:
Arcadia EL.
Arcadia Catholic EL.
Arena; Arena EL.
Arkansaw; Arkansaw EL.
Arpin; Arpin EL.
Ashland:
Ashland J–SHS.
Beaser EL.
Ellis EL.
Ondossagon HS.
Stagnes EL.
Auburndale:
Auburndale EL.
St. Mary EL.
Augusta; Augusta EL.
Baldwin:
Greenfield EL.
Baldwin Christian EL.
Bangor:
Bangor EL.
St. Paul Lutheran EL.
Baraboo:
South EL.
St. Joseph EL.
St. John Lutheran EL.
Barneveld; Barneveld EL–HS.
Barron; Riverview EL.
Bayfield:
Bayfield EL–HS.
Holy Family EL.
Bear Creek:
Bear Creek EL.
St. Mary EL.
Beaver; Beaver EL.
Belmont; Belmont EL.
Beloit:
Brother Dutton EL.
Burge EL.
Cunningham EL.
Good Shepard Lutheran EL.
Hackett EL.
Lincoln JHS.
Merrill EL.
Our Lady of Assumption EL.
St. John Lutheran EL.
St. Thomas EL.
Waterman EL.
Wright EL.
Benoit; Benoit-Mason EL.
Birchwood; Birchwood EL.
Black River Falls:
Black River Falls SHS.
Forest Street EL.
Gebhardt EL.
St. Joseph EL.
Blair; Blair EL.
Bloomer:
Bloomer EL.
St. Paul EL.
Bloomington; St. Mary EL.
Blue River; Riverdale JHS.
Boscobel:
Boscobel EL.
Immaculate Conception EL.
Bowler; Bowler EL–HS.
Boyceville; Boyceville EL.
Brandon; Brandon EL.
Brownsville; St. Paul Lutheran EL.
Bruce; Bruce EL–HS.
Brussels:
Southern Door HS.
Brussels Middle.
Burlington:
St. Charles EL.
St. John Lutheran EL.
St. Mary EL.
Waller EL.
Butternut; Butternut EL.
Cable; Cable EL.
Cadott:
Cadott EL.
St. Joseph EL.
Cambria; Cambria-Friesland J–SHS.
Cambridge; Cambridge EL.
Campbellsport:
Campbellsport EL.
St. Matthew EL.
Camp Douglas; Camp Douglas EL.
Casco; St. Paul Lutheran EL.
Cashton; Cashton EL.
Cassville:
Cassville EL.
St. Charles EL.
Cataract; Cataract EL.
Catawba; Catawba EL.
Cazenovia; Cazenovia EL.
Centuria; Centuria EL.
Chaseburg; Chaseburg EL.
Chetek:
Chetek J–SHS.
Roselawn EL.
Chilton:
Holy Trinity EL.
St. Peter Lutheran EL.
Chippewa Falls:
Chestnut EL.
Holy Ghost EL.
Notre Dame EL.
St. Charles Borromeo EL.
St. Peter EL.
Clark Mills; St. Mary EL.
Clayton; Clayton EL.
Clyman; Zion Lutheran EL.
Clear Lake:
Clear Lake EL.
Clear Lake J–SHS.
Seventh Day Adventist EL.
Clintonville:
St. Mary Lutheran EL.
St. Rose Catholic EL.
Coleman; Coleman EL.
Colfax; Colfax Area EL.
Columbus:
Fuller Dickson EL.
St. Jerome EL.
Zion Lutheran EL.
Coon Valley; Coon Valley EL.
Cottage Grove; Western Koshkonng Lutheran EL.
Couderay; Couderay EL.
Crandon; Crandon EL.
Crivitz; Crivitz EL.
Cumberland:
City EL.
Cumberland J–SHS.
Darlington:
Darlington EL.
Holy Rosary EL.
Deer Brook; River Grove EL.
Denmark:
Denmark EL.
All Saints EL.
De Pere:
Dickinson EL.
Immaculate Conception EL.
Notre Dame of De Pere EL.
Shirley Immanuel Lutheran EL.
St. Boniface EL.
West De Pere HS.
Westwood EL.
Dodge; Sacred Heart EL.
Dodgeville:
Dodgeville EL.
St. Joseph EL.
Dunbar; Dunbar EL.
Durand:
Caddie Woodlawn EL.
Durand J–SHS.
Lima Sacred Heart EL.
St. Mary EL.
Eastman; Eastman EL.
Eau Claire:
Barstow EL.
Black EL.
DeLong JHS.
Epiphany Lutheran EL.
Immaculate Conception EL.
Little Red EL.
McKinley EL.
Messiah Lutheran EL.
Mt. Washington EL.
Sacred Heart EL.
St. James EL.
Eden; St. Mary EL.
Edgar:
Edgar EL.
St. John EL.
Eland; Eland-Wittenberg EL.
Elcho; Elcho EL.
Elderon; Wittenberg-Birnamwood HS.
Eleva; Eleva EL.
Elkhorn; West Side EL.
Elk Mound; Springbrook EL.
Ellsworth; St. Francis EL.
Elroy; Elroy EL.
Ettrick; Ettrick EL.
Fairchild; Fairchild EL.
Fall River; Fall River EL.
Fennimore:
Fennimore EL.
Fennimore HS.
Ferryville; Ferryville EL.
Florence; Florence EL.
Fond du Lac:
Fahey EL.
Lincoln EL.
St. Patrick EL.
St. Louis EL.
St. Mary EL.
St. Joseph EL.
Faith Lutheran EL.

Footville; Footville EL.
Fountain City; Cochrane-Fountain City EL.
Fox Lake:
Wisconsin Correctional Institution, Lakeview Technical HS.
Francis Creek; St. Anne EL.
Frederic; Frederic EL.
Friesland:
Friesland Primary Center.
East Friesland EL.
Galesville; Galesville EL.
Gays Mills; Gays Mills EL–HS.
Genoa; St. Charles EL.
Gibson; St. John EL.
Gillett:
Gillett EL.
Gillett Middle.
Gilman; Gilman EL.
Gleason; Midway EL.
Glen Flora; Glen Flora EL.
Glenwood City:
Glenwood City EL.
Glenwood J–SHS.
Glidden; Glidden Public EL–HS.
Grand Marsh; Grand Marsh EL.
Granton; Granton EL.
Grantsburg:
Nelson EL.
Village EL.
Gratiot:
Blackhawk JHS.
Gratiot EL.
Greenleaf; Wayside Zion Lutheran EL.
Green Bay:
Annunciation EL.
Cathedral EL.
East HS.
F. D. Roosevelt EL.
Fort Howard EL.
Helen Keller EL.
Holy Cross EL.
Howe EL.
Jefferson EL.
Lannoye EL.
Lincoln EL.
Nicolet EL.
Norwood EL.
Oak Grove EL.
Roosevelt EL.
St. Bernard EL.
St. John the Evangelist EL.
St. Joseph EL.
St. Jude EL.
St. Mary of the Angels EL.
St. Paul Lutheran EL.
Ss. Peter and Paul EL.
St. Phillip EL.
Tank EL.
Wequlock EL.
West EL.
Whitney EL.
Wisconsin State Reformatory, River Valley HS.
Greenwood:
Greenwood EL.
St. Mary EL.
Greenville; St. Mary EL.
Hager City; Prairie View EL.
Hartford; Hartford Union HS.
Hatley; St. Florian EL.
Haugen; St. Joseph EL.
Hawkins; Hawkins EL.
Hayward:
Hayward EL.
St. Francis Indian Mission
Highland; Highland EL.
Hillsboro:
Hillsboro EL.
Hillsboro JHS.
Hillsboro SHS.
Hixton; Hixton EL.
Holcombe; Holcombe EL–HS.
Horicon:
Horicon EL.
St. Stephen Lutheran EL.
St. Malachi EL.
Hortonville:
Hortonville Community School (K–12).
Bethlehem Lutheran EL.
Ss. Peter and Paul EL.
Hustisford; Bethany Lutheran EL.
Independence:
Independence Public EL–HS.
Ss. Peter and Paul EL.
Iola; Iola EL.
Irma; Lincoln Boys School.
Iron Mountain; Hillcrest EL.
Ixonia; St. Paul Evangelical Lutheran EL.
Janesville:
Happy Hollow EL.
Lincoln EL.
Madison EL.
Rock EL.
Roosevelt EL.
St. John Vianney EL.
St. Mary EL.
St. Matthew EL.
St. Patrick EL.
St. Paul Lutheran EL.
St. William EL.
Washington EL.
Wilson EL.
Juneau:
Juneau EL.
St. John Christian Day EL.
Kansasville:
Kansasville Consolidated EL.
St. Mary EL.
Kellnersville; St. Joseph EL.
Kenosha:
Bain EL.
Bethany Lutheran EL.
Bradford SHS.
Durkee EL.
Frank EL.
Friedens Lutheran EL–JHS.
Holy Rosary EL.
Jefferson EL.
Kemper Hall EL.
Lincoln EL.
Lincoln JHS.
Mt. Carmel EL.
St. Anthony EL.
St. Casmir EL.
St. George EL.
St. James EL.
St. Joseph SHS.
St. Mark EL.
St. Peter EL.
St. Therese EL.
Tremper HS.
Washington JHS.
Wilson EL.
Kennan; Kennan Middle.
Keshena:
Keshena EL.
St. Joseph EL.
Lac du Flambeau; Lac du Flambeau EL.
La Court O'Reilles; St. Francis Indian Mission School.
La Crosse:
Blessed Sacrament EL.
Cathedral EL.
Central SHS.
First Lutheran EL.
Franklin EL.
Hamilton EL.
Holy Trinity EL.
Immanuel Lutheran EL.
Jefferson EL.
Lincoln JHS.
Logan JHS.
Logan SHS.
Ss. James and John EL.
St. John Lutheran EL.
St. Michael EL.
Summit EL.
Washburn EL.
Ladysmith:
Ladysmith EL.
Our Lady of Sorrows EL.
La Farge; La Farge EL.
Lake Delton; Lake Delton EL.
Lake Mills:
Prospect EL.
St. Paul Lutheran EL.
Lancaster:
Winskill EL.
St. Clement EL.
Lebanon; St. Peter Lutheran EL.
Lena:
Lena; EL.
St. Charles EL.
Linden; Linden EL.
Lodi:
Lodi EL.
St. Michael EL.
Lomira:
Lomira EL–JHS–SHS.
St. Mary EL.
St. John Lutheran EL.
Lone Rock; Lone Rock EL.
Long Lake; Lincoln-Long Lake EL.
Lowell; Lowell Primary Center.
Loyal:
Loyal J–SHS.
St. Anthony EL.
Lublin; Lublin EL.
Luck; Luck Village EL.
Luxemburg:
Luxemburg EL.
St. Mary EL.
St. Paul Lutheran EL.
St. Louis Catholic EL.
Mackville; St. Edward Catholic EL.
Madison:
East HS.
Emerson EL.
Franklin EL.
Glendale EL.
Hawthorne EL.
Longfellow EL.
Lowell EL.
Marquette EL.
Marquette Middle.
Sherman EL.
St. Bernard EL.
St. James EL.
St. Patrick EL.
Manawa:
Manawa EL–JHS.
St. Paul Lutheran EL.
Manitowoc:
Franklin EL.
Lincoln SHS.
Stangel EL.
Trinity Lutheran EL.
Washington JHS.
Maple; Northwestern J–SHS.
Maple Grove; St. Patrick EL.
Marengo; Marengo Valley EL.
Maribel; St. John Lutheran EL.
Marinette:
Garfield EL.
Marinette Middle.
Merryman EL.
Park EL.
Marion; Marion EL.
Marshfield:
Columbus HS.
Marshfield JHS.
Marshfield SHS.
Mauston; La Crosse EL.
Mazomanie; Mazomanie EL.
Medford:
Brookside EL.
Holy Rosary EL.
Jefferson EL
Medford JHS.
Medford SHS.
Melrose; Melrose EL.
Menasha:
Butte Des Morts JHS.
Menasha SHS.
St. Patrick EL.
Menomonie:
Caddington EL.
North EL.
St. Joseph EL.
Merrill; Washington EL.

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Milwaukee:
Allen-Field EL.
Auer Avenue EL.
Berger EL.
Bethlehem Lutheran EL.
Boniface Community EL.
Brown Street EL.
Bruce Guadalupe EL.
Cass EL.
Clark EL.
Elm EL.
Emmaus Lutheran EL.
Fifth Avenue EL.
Forest Home Avenue EL.
Foulton JHS.
Fourth Street EL.
Francis Community EL.
Franklin EL.
Garfield EL.
Green Bay Avenue EL.
Harambee Community EL.
Holmes EL.
Holy Angels EL.
Holy Ghost Lutheran EL.
Hopkins EL.
Kagel EL.
Keefe EL.
Kilbourn EL.
King HS.
Kosciuszko JHS.
La Follette EL.
Lee EL.
Leo Community EL.
Lincoln J-SHS.
Lincoln Avenue EL.
Lloyd EL.
McKinley EL.
MacDowell EL.
Martin Luther King Community EL.
Meinecke EL.
Michael Community EL.
Mound EL.
Ninth Street EL.
North Division HS.
Notre Dame HS.
Palmer EL.
Parkman JHS.
Peckman JHS.
Pierce EL.
Riley EL.
Riverside HS.
Roosevelt JHS.
Sharon Seventh Day Adventist EL.
Siefert EL.
South Division HS.
St. Anthony EL.
St. Martini Lutheran EL.
Story EL.
St. Phillip Neri EL.
St. Stanislaus EL.
Twelfth Street EL.
Twentieth Street EL.
Twenty-first Street EL.
Twenty-seventh Street EL.
Thirty-first Street EL.
Urban Day EL.
Vieau EL.
Walnut EL.
Washington SHS.
Wells Street JHS.
West Division HS.
Wisconsin Avenue EL.
Mindoro:
Mindoro EL.
Burr Oak Lutheran EL.
Mineral; Mineral Point EL.
Minong; Minong EL.
Mishicot:
Mishicot Community EL–HS.
Holy Cross EL.
Mondovi; Mondovi EL.
Monroe:
Monroe SHS.
Northside EL.
St. Victor Parish EL.
Montello:
Forest Lane EL.
St. John Lutheran EL.
Morrison; Morrison Zion Lutheran EL.
Mosinee:
Mosinee EL.
Mosinee HS.
St. Paul EL.
Mountain; Mountain EL.
Mount Calvary; St. Paul EL.
Mount Sterling; Mt. Sterling EL.
Muscoda:
Muscoda EL.
Riverdale SHS.
Christian Day Mennonite EL.
Neenah:
McKinley EL.
Conant JHS.
Roosevelt EL.
St. Gabriel EL.
Martin Luther Evangelical Lutheran EL.
Nielsville:
Nielsville EL.
Black River Camp School.
Neopit:
Neopit EL.
St. Anthony EL.
New Auburn; New Auburn EL–HS.
New Holstein:
New Holstein EL.
Holy Rosary EL.
Consolidated Catholic EL.
Newburg:
St. John Lutheran EL.
Holy Trinity EL.
New Lisbon; New Libson EL.
New Richmond:
New Richmond EL.
St. Mary EL.
Niagara; Niagara EL.
Norwalk; Norwalk EL.
Oconomowoc:
Oconomowoc JHS.
Oconomowoc SHS.
Oneida; St. Joseph EL.
Ontario; Brookwood HS.
Oregon; Wisconsin State School for Girls.
Orfordville; Orfordville EL.
Osceola; Osceola EL.
Oshkosh; Lincoln EL.
Osseo; Osseo EL.
Owen:
Holy Rosary EL.
Owen EL.
Oxford; Oxford EL.
Palmyra; Palmyra EL.
Patch Grove:
Patch Grove EL.
West Grant J-SHS.
Pembine; Pembine EL.
Pepin; Pepin EL.
Phillips; Phillips EL.
Phlox; St. Joseph EL.
Pittsville; Pittsville EL.
Plain; St. Luke EL.
Plainfield:
Plainfield EL.
Tri-County HS.
Platteville:
Platteville HS.
Platteville Middle.
Westview EL.
St. Mary EL.
Plum City:
Plum City EL.
St. John EL.
Plymouth; Kettle Moraine Boys School.
Polonia; Sacred Heart EL.
Portage:
Central EL.
Central JHS.
St. John Lutheran EL.
St. Mary Catholic EL.
Potosi:
Potosi EL.
Ss. Andrew and Thomas EL.
Prairie du Chien:
Prairie du Chien EL.
St. John EL.
St. Gabriel EL.
Prairie du Sac; Washington Street EL.
Prairie Farm; Prairie Farm EL.
Prentice; Prentice HS.
Pulaski:
Glenbrook EL.
Assumption EL.
Racine:
Bull EL.
Case HS.
Epiphany Lutheran EL.
First Evangelical Lutheran EL.
Franklin EL.
Garfield EL.
Gifford JHS.
Holy Name EL.
Holy Trinity EL.
Horlick HS.
Janes EL.
Jefferson EL.
Knapp EL.
Lincoln EL.
Lutheran HS.
McKinley JHS.
Mitchell JHS.
Park HS.
Prairie EL–HS.
Racine Christian EL.
Sacred Heart EL.
Starbuck JHS.
St. Catherine HS.
St. Edward EL.
St. John Lutheran EL.
St. John Nepomuck EL.
St. Joseph EL.
St. Louis EL.
St. Lucy EL.
St. Rita EL.
St. Sebastian EL.
St. Stanislaus EL.
Trinity at Caledonia EL.
Trinity Lutheran EL.
Washington JHS.
Winslow EL.
Random Lake:
Random Lake EL.
St. Mary EL.
St. John EL.
Reedsburg:
Reedsburg City EL.
St. Peter Lutheran EL.
Sacred Heart EL.
Reedsville:
Reedsville EL.
St. Mary EL.
Ss. John and James EL.
Rewey; Rewey EL.
Rib Lake; Clearview EL.
Rice Lake:
Hilltop EL.
Jefferson EL.
Lincoln EL.
St. Joseph EL.
Richland Center:
Rockbridge EL.
Kennedy EL.
Jefferson EL.
Richland EL.
St. Mary EL.
Seventh Day Adventist EL.
Ithaca EL–HS.
Ridgeway; Ridgeway EL.
Rio; Rio EL.
Rock Springs; Rock Springs EL.
Rosendale; Rosendale EL.
Rosholt:
Rosholt EL.
St. Adelbert EL.
Rudolph; St. Philip EL.
St. Nazianz; St. Gregory EL–HS.
Sauk City; St. Aloysius EL.
Seneca:
Seneca EL.
Seneca HS.
Seymour:
Rock Ledge EL.
St. John the Baptist EL.
Shawano:
Shawano HS.
Franklin Middle.
St. James Lutheran EL.
Sacred Heart EL.

Sheboygan:
Sheridan EL.
Grant EL.
Lincoln EL.
Washington EL.
Longfellow EL.
St. Clement EL.
St. Peter Claver EL.
Sts. Cyril and Methodius EL.
Trinity Lutheran EL.
Bethlehem Lutheran EL.
Sheboygan Falls:
Sheboygan Falls EL.
St. Mary EL.
Shell Lake:
Shell Lake EL.
Shell Lake HS.
Shiocton; Shiocton Community EL–HS.
Shullsburg; Shullsburg EL.
Siren; Siren Consolidated EL–HS.
Soldiers Grove; Soldiers Grove EL–HS.
Solon Springs; St. Croix EL.
Somerset:
Somerset EL.
St. Anne EL.
South Wayne; Black Hawk HS.
Sparta:
St. John Evangelical Lutheran EL.
St. Patrick EL.
Spencer; Spencer EL.
Spooner:
Hammil EL.
Spooner EL.
St. Francis de Sales EL.
Spring Green:
Spring Green EL.
Spring Green JHS.
St. John the Evangelist EL.
Spring Valley; Spring Valley EL.
Star Prairie; Star Prairie EL.
Stevens Point:
P. J. Jacobs JHS.
Ben Franklin JHS.
Jefferson-Emerson EL.
Madison-Grant EL.
St. Peter EL.
St. Joseph EL.
St. Stephen EL.
Saint Paul Lutheran EL.
Stockbridge:
Stockbridge EL–SHS.
St. Mary EL.
Stoddard; Stoddard EL.
Stoughton:
Kegonsa EL.
St. Anne EL.
Stratford:
Stratford EL.
St. Joseph EL.
Strum; Strum EL.
Sturgeon Bay:
Sevastopol EL–HS.
SS. Peter and Paul EL.
Superior:
Ericsson EL.
Superior SHS.
Blaine EL.
Central JHS.
Cathedral JHS.
Cathedral EL.
St. Louis EL.
Suring; Suring EL.
Taylor; Taylor EL.
Theresa; St. Theresa EL.
Thorp:
Thorp EL.
Thorp Catholic EL.
Three Lakes; Three Lakes EL–HS.
Tigerton; Tigerton EL HS.
Tomah:
Tomah JHS.
Miller EL.
St. Mary EL.
St. Paul Lutheran EL.
Tomahawk:
Washington EL.
St. Mary EL.
Tony; Flambeau J-SHS.
Tripoli; Tripoli EL.
Turtle Lake; Turtle Lake EL.
Valders; Valders Public EL–JHS–HS.
Viola; Viola EL.
Viroqua:
Viroqua EL.
Viroqua SHS.
Wales; Wisconsin School for Boys.
Warrens; Warrens EL.
Washburn:
Du Pont EL.
St. Louis EL.
Watertown:
Riverside JHS.
St. Bernard EL.
St. Henry EL.
St. John Lutheran EL.
St. Mark Lutheran EL.
Waukesha:
Philip EL.
Heyer EL.
Butler Middle.
Horning Middle.
Central Campus HS.
Waumandee; St. Boniface EL.
Waupaca; Central EL.
Waupun; Lutheran Academy EL.
Wausau:
Hewitt Texas EL.
Wausau West HS.
Lincoln EL.
Horace Mann JHS.
John Muir JHS.
Wausau East HS.
St. Mary EL.
St. Matthew EL.
Holy Name EL.
Trinity Lutheran EL.
Zion Lutheran EL.
Wausaukee; Wausaukee EL.
Wauwatosa; Milwaukee County Children's Home School.
Wauzeka; Wauzeka Public EL–HS.
Webster; Webster EL.
West Allis:
Pershing EL.
Lincoln EL.
Roosevelt EL.
St. Mary Help of Christian EL.
St. Florian EL.
St. Aloysius EL.
Holy Assumption EL.
Jordan Lutheran EL.
West Bend:
Barton EL.
St. Mary EL.
St. John Lutheran EL.
Westby; Westby EL.
West de Pere; St. Boniface EL.
Westfield:
Westfield EL.
Westfield HS.
West Lima; West Lima EL.
Weyerhauser; Weyerhauser EL.
Wheeler; Wheeler EL.
Whitehall:
Sunset EL.
Memorial HS.
White Law; St. Michael EL.
Wilton:
Wilton EL.
East Ridgeville EL.
Winter; Winter EL–HS.
Wisconsin Dells:
Wisconsin Dells EL.
St. Cecilia EL.
Trinity Lutheran EL.
Wisconsin Rapids:
Woodside EL.
Mead EL.
Howe EL.
Immanuel Lutheran EL.
St. Paul EL.
St. Paul Lutheran EL.
Our Lady Queen of Heaven EL.
St. Lawrence EL.
St. Vincent de Paul EL.
Withee; Withee EL.
Wonewoc:
Wonewoc EL–JHS–SHS.
St. Paul Evangelical Lutheran EL.

WYOMING

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List is for Cancellation Benefits During Both the 1972–1973 and 1973–1974 School Years.

Location: City or Town; Name of School

Afton:
Afton EL.
Holdaway EL.
Star Valley HS.
Star Valley JHS.
Arapahoe; Arapahoe EL.
Basin:
Basin EL.
Basin HS.
Buffalo:
Buffalo EL.
Buffalo HS.
Burns; Burns HS.
Casper:
Dean Morgan JHS.
Lincoln–Roosevelt EL.
Mills EL.
Mountain View EL.
Natrona County HS.
Park EL.
Cheyenne:
Central HS.
Baggs EL.
Cole EL.
Corlett EL.
Dildine EL.
Goins EL.
Hebard EL.
Johnson JHS.
McCormick JHS.
Miller EL.
St. Mary EL.
St. Mary HS.
Cody:
Eastside EL.
Cody JHS.
Cowley; Cowley EL.
Deaver:
Deaver–Frannie EL.
Deaver–Frannie HS.
Douglas:
Converse County HS.
Douglas EL.
Encampment; Encampment K–12.
Ethete:
Mill Creek K–8.
Wyoming Indian HS.
Evanston; Brown EL.
Fort Laramie; Fort Laramie EL.
Fort Washakie; Fort Washakie EL.
Glendo; Glendo HS.
Green River; Roosevelt EL.
Greybull:
Greybull EL.
Greybull HS.
Guernsey; Guernsey-Sunrise EL.
Hanna; Elk Mountain EL.
Hulett:
Hulett EL.
Hulett HS.
Huntley; Huntley HS.
Jackson:
Jackson EL.
Jackson JHS.
Lander:
Northside EL.
South EL.
Starrett JHS.
Laramie:
Laramie JHS.
Laramie HS.
Stanton EL.
Washington-Whiting EL.
Lingle:
Lingle EL.
Lingle-Fort Laramie HS.
Lovell; Lovell EL.

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Lusk:
  Lusk EL.
  Niobrara County HS.
Lyman; Lyman EL.
Manderson; Manderson K–12.
Moorcroft:
  Moorcroft EL.
  Moorcroft HS.
Mountain View; Mountain View EL.
Newcastle:
  Gertrude Burns EL.
  Newcastle HS.
Pavillion:
  Wind River EL.
  Wind River HS.
Pine Bluffs; Pine Bluffs HS.
Powell:
  Parkside EL.
  Powell HS.
  Powell JHS.
Ranchester; Big Horn K–12.
Rawlins:
  Pershing EL.
  Rawlins HS.
  Rawlins JHS.
  Sunnyside EL.
Riverton:
  Jefferson EL.
  Riverton HS.
  Riverton JHS.
Rock Springs; Washington EL.
Saratoga; Platte Valley K–12.
Sheridan:
  Central JHS.
  Coffeen EL.
  Sheridan HS.
  Woodland Park EL.
  Wyoming Girls' School.
St. Stephen; St. Stephen EL.
Sundance:
  Sundance EL.
  Sundance HS.
Ten Sleep; Ten Sleep K–12.
Torrington:
  Torrington EL.
  Torrington HS.
  Torrington JHS.
Upton; Upton K–12.
Veteran; Goshen Hole HS.
Wheatland:
  Wheatland EL.
  Wheatland HS.
Worland:
  West Side EL.
  Worland JHS.
  Wyoming Industrial School.

AMERICAN SAMOA

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location; Island; name of school

Manu'a Island:
  Manu'a, Manu'a HS, 9–12.
  Faleasao, 1–8.
  Fitiuta, 1–8.
  Ofu, 1–8.
  Olosega, 1–8.
Tutuila Island:
  Afono, 1–8.
  Alataua Lua, 1–8.
  Alofau, 1–8.
  Asu, 1–8.
  Aua, 1–8.
  Aunu'ufou, 1–8.
  Early Childhood (3 to 5 years old—All Villages).
  Fagaitua HS, 9–12.
  Fagamalo, 1–8.
  Fagali'i, 1–8.
  Fia Iloa, 1–8.
  Laulii, 1–8.
  Leatele, 1–8.
  Leone HS, 9–12.
  Leone Middle, 1–8.
  Lupelele, 1–8.
  Mapusaga, 7–12
  Marist Brothers, K–8.
  Marist Brothers, 9–12.
  Masefau, 1–8.
  Matafao, 1–8.
  Matatula, 1–8.
  Manulele Tausala, 1–8.
  Mauga-o-Alava, 1–8.
  Olomoana, 1–8.
  Pago Pago, 1–8.
  Pava'la'i, 1–8.
  Saint Francis, K–10.
  Saint Theresa, K–10.
  Samoana HS, 9–12.
  7th Day Adventist, K–8.
  Siliaga, 1–8.
Swains Island; Swains, 1–8.

GUAM

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location; City or Town; Name of School

Agat; Agat EL.
Barrigada:
  Barrigada JHS.
  Carballido, EL.
Dededo; Maria Ulloa, EL.
Inarajan:
  Inarajan EL.
  Inarajan JHS.
Joaquin Torres; Santa Rita, EL.
Mangilao:
  Guam, Vocational & Technical HS.
  Price, EL.
Merizo; Merizo, EL.
Mongmong-Toto; Mongmong-Toto, EL.
Ordot; Chalan Pago, EL.
Talofofo; Talofofo, EL.
Tamuning; Tamuning, EL.
Umatac; F. Q. Sachez, EL.

PUERTO RICO

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location; city or town; name of school

Adjuntas:
  Centro, EL.
  Emajagual, EL.
  Guayabo Dulce, EL.
  Guilarte, EL.
  José Julián Acosta, EL.
  José Pilar González, EL.
  Juan González, EL.
  Juncos, EL.
  Las Maracas, EL.
  Paso Hondo, EL.
  Pellejas Central, EL.
  Pellejas Hoyo, EL.
  Portillo, EL.
  Portugués, EL.
  Rafael Aparicio Jiménez, Secondary.
  Saltillo, EL.
  Segunda Unidad Yahuecas, EL–JHS.
  Severo Cordero Calder (Limani), EL.
  Tanama, EL.
  Tanama Yayales, EL.
  Vacas Saltillo, EL.
  Valle de Tanamá, EL.
  Vegas Abajo, EL.
  Vegas Arriba, EL.
  Yahuecas Arriba, EL.
  Yayales, EL.
Aguada:
  Antonio Sánchez Ruiz (Guayabo), EL.
  Arsenio Martínez, HS.
  Arsenio Martínez, JHS.
  Atalaya Abajo, EL.
  Atalaya Arriba, EL.
  Atalaya 3, EL.
  Cerro Gordo, EL.
  Comunidad Aislada (Cerro Gordo), EL.
  Cruces Abajo, EL.
  Elemental Urbana, EL.
  Guaniquilla, EL.
  Lagunas, EL.
  Mal Paso, EL–JHS.
  Mamey, EL.
  Marías, EL.
  Naranjo Arriba, EL.
  Naranjo Abajo, EL.
  Parcelas Cornelias, EL.
  Piedras Blancas, EL.
  Rio Grande, EL.
  Segunda Unidad Guanábanas, EL–JHS.
  Segunda Unidad Hernández, EL–JHS.
  Segunda Unidad Jaguey, EL–JHS.
  Tablonal, EL.
Aguadilla:
  Agustin Stahl, EL–JHS.
  Agusto Reichard, EL.
  A. J. Ferreris, EL.
  Bda. Cabán, EL.
  Bda. de Diego, EL.
  Bda. Esteves, EL–JHS.
  Borinquen New Building, EL.
  Calmital Altos Sector Jiménez, EL.
  Carmen Gómez Tejera, EL.
  Central Presbiteriana, EL.
  Dr. Rafael del Valle, JHS.
  Eladio J. Vega, EL.
  El Prado, EL.
  Escuela Adventista, EL.
  Extensión Borinquen, EL.
  Guerrero (Ramón Rodriguez), EL.
  José de Diego, HS.
  José de Jesús Esteves, EL.
  Lucía Cubero, EL.
  Manuel Corchado, EL.
  Marina Ramón Añeses Morell, EL.
  Palmar Abajo (Rafael Fablán), EL.
  Playuela, EL.
  Rafael Cordero (Camaseyes), EL.
  Rosa de la Rosa, EL.
  Segunda Unidad Adams, EL–JHS.
  Segunda Unidad Borinquen, EL–JHS.
  Segunda Unidad Montaña, EL–JHS.
  Victoria (Emilia Ferreris), EL.
Aguas Buenas:
  Academia San Alfonso, EL–JHS.
  Bda. Flores, EL.
  Caguitas Carretera, EL.
  Caguitas Centro, EL.
  Camino Verde, EL.
  Dr. Gustavo Muñoz Díaz, JHS–HS.
  Jagueyes Abajo, EL.
  Jagueyes Carretera (Luis Santaella) EL.
  Juan Asencio, EL.
  Las Corujas, EL.
  Luis T. Baliñas, EL.
  Mulitas Alvelo, EL.
  Mulitas Tiza, EL.
  Parcelas Bayamoncito, EL.
  Pueblo Viejo, EL.
  Rafael Nicolau, EL.
  Ramón M. Carazo, EL.
  Segunda Unidad Bayamoncito, EL–JHS.
  Segunda Unidad Sumidero, EL–JHS.
  Sonadora, EL.
  Sumidero I, EL.
  Sumidero III, EL.
Aibonito:
  Bonifacio Sánchez, JHS.
  Campito, EL.
  Caonillas, EL.
  Casa de Salud Rosario Belber, EL.
  Centro Tratamiento Social para Minos, EL.
  Cuyón, EL.

Dr. Jose N. Gándara, HS.
Federico Degetau, EL.
Federico Degetau (Pasto 2), EL.
José de Diego (Robles), EL.
La Parada, EL.
Llanos Adentro, EL.
Llanos Carretera, EL.
Menonita Betania, EL–JHS.
Rabanal, EL.
Sierra, EL.
Sucn. Torres, EL.
Repúblic de Haiti (Algarrobo), EL.
Segunda Unidad Barrio Pasto, EL–JHS.
Segunda Unidad Jose Celso (Asomante), EL–JHS.
Segunda Unidad La Plata, EL–JHS.
Añasco:
  Alcides Figueroa, HS.
  Antonio Gonzáles Suárez, EL.
  Caguabo, EL.
  Caracol Abajo, EL.
  Caracol Arriba, EL.
  Caracol Arriba Nueva, EL.
  Carreteras, EL.
  Casey Abajo, EL.
  Cerro Gordo, EL.
  Corcovada, EL.
  Eugenio María de Hostos, EL.
  Hatillo, EL.
  Humatas, EL.
  Isabel Suárez, JHS.
  La Choza Piñales, EL.
  Marías Arriba, EL.
  Marías Abajo, EL.
  Marta y Orsini, EL.
  Miraflores Abajo, EL.
  Natividad García, EL.
  Ovejas, EL.
  Parcelas Marías, EL.
  Piñales Abajo, EL.
  Piñales Odentro, Caracol, EL.
  Piñales Arriba, EL.
  Quebrada Larga Abajo, EL.
  Quebrada Larga Arriba, EL.
  Ramirez de Arellano, EL.
  Segunda Unidad Espino, EL–JHS.
  Segunda Unidad Playa, EL–JHS.
Arecibo:
  Allende, EL.
  Antonio Luchetti, HS.
  Arrozal Muertos, EL.
  Asomante, EL.
  Ballajá, EL.
  Barrancas, EL.
  Biáfara, EL.
  Barriada Susoni, EL.
  Calichosa Centro, EL.
  Candelaria, EL.
  Canta Gallos, EL.
  Caños, EL.
  Caracoles, EL.
  Carreras, EL.
  Centro de Educacion y Trabajo, EL–JHS–HS.
  Cercadillo, EL.
  Colegio Evangelico Capitan Correa, EL.
  Cotto Anexo, EL.
  Cuesta Biáfara, EL.
  Dolores Gómez, EL.
  Domingo Ruiz, EL.
  Dorothy de Bourne, EL.
  Dos Bocas, EL.
  Dra. María Cadilla Martínez, HS.
  Espino, EL.
  Factor 1, EL.
  Factor 2, EL.
  Guamá, EL.
  Guineos, EL.
  Higuillajes, EL.
  J.G. Padilla, JHS.
  J.W. Harris, EL.
  Jefferson, JHS.
  Jobales, EL.
  Jobos, EL.
  José Limón de Arce Voctional, HS.
  Julio Seijo EL.
  Luis F. Pérez (Islote), EL–JHS.
  Luis M. Rivera, JHS.
  Llanadas, EL.
  Manantiales, EL.
  Montaña, EL.
  Narcisco Varona (Planta), EL.
  Parcela Hato Arriba, EL.
  Programa de Niños Impedidos, EL.
  Puerto Largo, EL.
  Río Arriba, EL–JHS.
  Roosevelt, EL.
  Rosa de León, EL.
  San Rafael, EL.
  Segunda Unidad Dominguito, EL–JHS.
  Segunda Unidad Dr. Cayetano Coll y Toste, EL–JHS.
  Segunda Unidad Esperanza, EL–JHS.
  Segunda Unidad Eugenio María de Hostos, EL–JHS.
  Segunda Unidad Federico Degetau, EL–JHS.
  Segunda Unidad Hato Viejo, EL–JHS.
  Segunda Unidad Ramón E. Betances (Bajadero), JHS.
  Segunda Unidad Sábana Hoyes, EL–JHS.
  Trina Padilla de Sanz, JHS.
  Valle, EL.
  Víbora, EL.
  Víctor Rojas 1, EL.
  Víctor Rojas 2, EL.
  Vigia EL.
  Zenón Rivera, EL.
Arroyo:
  Barriada Marin No. 1, EL.
  Barrio Chardon, EL.
  Carmen Bozello de Huyke, HS.
  Cayetano Sánchez, EL.
  Enrique Huyke, EL.
  José de Choudens, JHS.
  Nicassio Ledee, EL.
  Palmarejo, EL.
  Segunda Unidad Pitahaya, EL–JHS.
  Segunda Unidad Yaurel, EL–JHS.
Barceloneta:
  Agustin Balseiro (Palmas Altas), EL.
  Boca, EL.
  Bufalo I, EL.
  Easton (Cruce Dávila), EL.
  Fernándo Suria Chávez, HS.
  Imbery, EL.
  Jesús M. Rivera, EL.
  José Cordero Rosario, EL.
  Llandas, EL.
  Palenque, EL.
  Primitivo Marchand (Garrochales), EL.
  Quebradas, EL.
  Rafael Balseiro Maceiro, JHS.
  Segunda Unidad Magueyes, EL–JHS.
  Tosas, EL.
Barranquitas:
  Barrancas, EL.
  Cañabón, EL.
  Elemental Urbana, EL.
  El Portón, EL.
  Parallón, EL.
  José Berrios Berdecía, JHS.
  La Tiza, EL.
  La Torres, EL.
  La Vega, EL.
  Mana Abajo, EL.
  Pedro Laboy, JHS.
  Quebrada Grande 1, EL.
  Quebrada Grande 2, EL.
  Quebrada Grande 3, EL.
  Quebradillas 1, EL.
  Segunda Unidad Helechal, EL–JHS.
  Segunda Unidad Lajitas, EL–JHS.
  Segunda Unidad La Loma, EL–JHS.
  Segunda Unidad Palo Hincado, EL–JHS.
  Superior, HS.
Bayamón Norte:
  Braulio Dueño Colón, EL.
  Carrión Maduro, EL.
  Papa Juan XXIII, JHS.–HS.
Bayamón Sur:
  José A. Dávila, JHS.
  Roberto L. Junghann, EL.
Cabo Rojo:
  Ballaja, EL.
  Borinquen, EL.
  Capilla, EL.
  Colegio San Agustín, EL–JHS.
  Collores, EL.
  Corozo, EL.
  Delicias, EL.
  Garfield, EL.
  Garita, EL.
  Guaniquilla, EL.
  Luis M. Marín, HS.
  Luis Muñoz Souffront, EL.
  Pedro F. Colberg, EL.
  Pedro N. Colberg, JHS.
  Plan Bonito, EL.
  Sábana Alta, EL.
  Segunda Unidad Boquerón, EL–JHS.
  Segunda Unidad Llanos Tuna, EL.–JHS.
  Segunda Unidad Monte Grande, EL.–JHS.
  Segunda Unidad Puerto Real, EL.–JHS.
Caguas:
  Abelardo Díaz Morales, (Caguax), EL.
  Antonio Paoli, HS.
  Aguayo Aldea, JHS.
  Amalia H. Mangual, EL.
  Andrés González, EL.
  Anón, EL.
  Antonio Longo, EL.
  Antonio S. Pedreira, JHS.
  Atravesada, EL.
  Bairoa Adentro, EL.
  Beatriz Carretera, EL.
  Benita González, EL.
  Barrio Tomás de Castro, EL.
  Boneville, EL.
  Brisas del Turabo, EL.
  Bunker-Barrio Cañaboncito, EL.
  Caserío Mercado, EL.
  Cipriano Manrique, EL.
  Colegio Bautista, EL–JHS.
  Colegio San Jose, EL.
  Diego Vázquez, EL.
  Dr. Juan J. Osuna, EL–JHS.
  El Hato, EL.
  El Jurado, EL.
  Hormigas, (Ramón Santiago), EL.
  Jardines de Caguas, EL.
  Jesús T. Piñero–La Barra–Río Cañas, EL–JHS.
  José de Diego, EL.
  José G. Benitez, HS.
  Jan J. Osuna, EL.
  Juan Navarro Lasierra, EL.
  Las Changa–Río Cañas, EL.
  La Lima, EL.
  La Veinticinco, EL.
  Lizardi, EL.
  Los Claudios, EL.
  Luis Muñoz Grillo, EL–JHS.
  Luis Muñoz Rivera, EL.
  Luis Ramos González, JHS.
  Maldonado, EL.
  Manuela Toro, HS.
  Manuel Cintrón, EL.
  Mariolga, EL.
  Miguel F. Chiqués, EL.
  Notre Dame, EL.
  Paula Mojica, EL.
  Piñas Bo. Beatriz, EL.
  Pradera, EL.
  Ramón Brugueras, EL.
  Republica de Costa Rica, (Vocational) HS.
  Residencial Bairoa, EL.
  Salvador Rodriguez, EL.
  Santo Domingo, EL.
  Segunda Unidad Francisco Valdés, EL–JHS.
  Segunda Unidad Mercedes Palma, EL–JHS.
  Segunda Unidad Sandalio Marcano, EL–JHS.
  Turabo Gardens, EL.
  Villa Blanca (Pepita Garriga), EL.
  Villa Carmen (Rosa Benitez), EL.
  Villa del Rey (Cuarta Sección), JHS.
  Villa del Rey (John F. Kennedy), EL–JHS.
  Villanueva (Charles E. Miner), EL.
Camuy:
  Abra Honda José M. Hernández, EL.
  Aceitunal, EL.
  Camuy Arriba-Nicolás Hernández, EL.
  Camuy Arriba (Parcelas), EL.
  Cibao Lugo Joaquin Vázquez, EL–JHS.
  Cienagas, EL.
  Dr. Iguina Palomar, EL.
  Echegaray Quebrada, EL.

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Escuela Superior, HS.
José Julián Acosta, JHS.
Julián Blanco Puertos, EL.
Laurentino Estrella, EL.
Membrillo Ralph W. Emerson, EL.
Ocasio Cibao, EL.
Puente Pica, EL.
Puente Zarza Dr., Garcia, EL.
Puertos Arriba, EL.
Santiago Pendula, EL.
Santiago Vega, EL.
Segunda Unidad Antonio Reyes, EL–JHS.
Segunda Unidad Ramón Baldorioty de Castro, EL–JHS.
Segunda Unidad Santiago R. Palmer, EL–JHS.
Yeguada Amador, EL.
Yeguada Arias, EL.
Zanja Plá, EL.

Canóvanas:
Andrés Flores López, HS.
Antonio R. Barceló, JHS.
Cambalache, EL.
Contresana, EL.
Cubuy I y II, EL.
Cubuy Campamento, EL.
Cubuy Marine, EL.
Eugenio María de Hostos, EL.
La Central, EL.
La Central, Anexo, EL.
Las 400, EL.
Las Parcelas Campo Rico, EL.
Lomas Coles, EL.
Lomas Consolidada, EL.
Lomas Tino, EL.
Nuestra Señora del Pilar, EL.
Palma Sola, EL.
Peniel, EL.
San Isidro, EL.
Segunda Unidad Campo Rico, EL–JHS.

Carolina:
Atlantic View, EL.
Pedro Moczo Baniel, EL.

Cataño:
Centro de Artesanias.
Cucharillas II, EL.
Francisco Oller, HS.
Horace Mann, EL.
Isaac del Rosario, EL–JHS.
La Pista, EL.
Maestro Rafael Cordero, EL.
Maria C. Vaello, EL.
Onofre Carballeira, JHS.
Puente Blanco, EL.
Ramón B. López Carlo (Juana Matos 1), EL.
Rosendo Matienzo Cintrón, EL.
San Vicente de Ferrer, EL–JHS.
Segunda Unidad Teodoro Roosevelt, EL–JHS.

Cayey:
Alejandro Tapia (Vegas 1), EL.
B.F. Garcia, JHS.
Benigno Carrión, EL.
Benjamin Harrison, HS.
Campamento, HS.
Cedro, EL.
Cedro Carretera, EL.
Culebras Alto 2, EL.
Cristóbal Colón, EL.
Emérita León, EL.
Emérita León, JHS.
Emeterio C. Warren, EL.
Estela Trias (Lapa), EL.
Felix Lucas Benet, EL.
Franklyn D. Roosevelt (Matón Arriba), EL.
Gautier Benitex (Rincón Morrillo), EL–JHS.
Gerardo Sellés Solá, EL–JHS.
Gildo Masso (Cercadillo), EL.
Guavate 2, EL.
Jájome Alto 2, EL.
José G. Padilla (Pasto Viejo), EL.
Julio Vizcarrondo (Matón Abajo), EL.
Luis M. Rivera, EL.
Manuel Corchado (Jajome Bajo), EL.
Manuel N. Collazo, EL.
Ramón Frades (St. Thomas), EL.
Reparto Montellano, EL.
Rosendo Matienzo Cintrón (Farallón), EL.
Segunda Unidad Agustín Fernández Colón, EL–JHS.
Segunda Unidad Eugenio María de Hosto, EL–JHS.
Segunda Unidad Rexford G. Tugwell, EL–JHS.
Vega 2, EL.
Yumurí, EL.

Ceiba:
A. Vere Ferrau, JHS.
Chupacallos, EL.
Machos, EL.
Parcelas, EL.
Quebrada Seca, EL.
Rio Abajo, EL.
Saco 1, EL.
Saco 2, EL.
Santiago P. Pantin, HS.

Ciales:
Ciales (Juan Ríos Serra), HS.
Cialitos Centro, EL.
Cialitos Chayote, EL.
Cialitos Cruces, EL.
Cordillera (Cristobal Vicens), EL.
Ernesto Valderas, JHS.
Francisco Coiza, EL.
Frontón Sabana, EL.
Frontón Yunez-José Huertas Aponte, EL.
Hato Viejo Cumbre, EL.
Hato Viejo Puente, EL.
Horace Mann, EL.
Jaquas Santa Clara, EL.
Nuestra Señora del Rosario, EL.
Pesa Parcelas, EL.
Pozas Llanadas (Jaime Coira), EL–JHS.
República del Ecuador (Cialitos Porton).
Segunda Unidad Francisco Serrano (Pesa), EL–JHS.
Segunda Unidad Toribio Rivera (Frontón), EL–JHS.
Serafin Otero (Pozas Manicaoba), EL.
Toro Negro Abajo, EL.
Toro Negro Divisoria, EL.

Cidra:
Arenas 1 B, EL.
Barrio Arenas, EL.
Barrio Bayamoncito, EL.
Barrio Beatriz Adentro, EL.
Barrio Ceiba, EL.
Barrio Montellanos, 1 A, EL.
Barrio Rabanal, EL.
Barrio Rio Abajo, EL.
Barrio Salto, EL.
Barrio Sud, EL.
Beatriz Carretera, EL–JHS.
Beatriz Sector Huertas, EL.
Ceiba II, EL.
Certenejas 1A, EL.
Certenejas 1, EL.
Certenejas 2, EL.
Elemental Primaria, EL.
Henia C, EL.
Honduras 1, EL.
Honduras II, EL.
Jesús T. Piñero y Anexos, JHS–HS.
Laberinto EL.
Luis Muñoz Iglesias, EL.
Luis Muñoz Rivera y Anexos, EL.
Montellanos 2, EL.
Parcelas Gándara, EL.
Parcelas Hevia 1A, EL.
Parcelas Santa Clara, 1A, EL.
Parcelas Santa Clara 1B, EL.
Sector Cortés, (Barrio Rabanal), EL.
Segunda Unidad Rincón, EL–JHS.
Segunda Unidad Stubbe, EL–JHS.
Toita, EL.

Coamo:
Anexo Puente, EL.
Coamo Arriba, EL.
Cuyón, EL.
Descalabrado, EL.
F. Santiago, HS.
Guayabo, EL.
Hostos, EL.
Intermedia Urbana, JHS.
José R. Rodríguez, EL.
Meléndez, EL.
P. Rodríguez, EL.
Palmarejo, EL.
Pedro García, EL.
Pulguillas, Adentro, EL.
Pulguillas, Carretera, EL.
Quebrada Grande, EL.
Rio Jueyes, EL.
Rufino Huertas, EL.
Ruiz Belvis, EL.
San Diego, EL.
Santa Ana, EL.
Segunda Unidad Hayales, EL–JHS.
Segunda Unidad Llanos, EL–JHS.
Segunda Unidad Santa Catalina, EL–JHS.
Zanja, EL.

Comerío:
Cedrito, EL.
Cejas, EL.
Cuba Libre, EL.
Doña Elena Abajo, EL.
Doña Elena Alto, EL.
Doña Elena Zamora, EL.
El Verde 1, EL.
El Verde 2, EL.
Escuela Secundaria, JHS–HS.
Higueroa, EL.
Horace M. Towner-Pedro N. Ortiz, EL.
La Prieta, EL.
Manuel Espina, EL.
Palomas, Kl, EL.
Parcelas, EL.
Piñas Abajo, EL.
Piñas Arriba, EL.
Rio Hondo Arriba, EL.
Salto, EL.
Segunda Unidad Ramón Ayala (Palomas), EL–JHS.
Segunda Unidad Río Hondo, EL–JHS.
Segunda Unidad Sabana, EL–JHS.
Vega-Redonda, EL.

Corozal:
Abraham Lincoln-Anexo Rafael Martínez Nadal, EL.
Abras Centro, EL.
Abras Maravilla, EL.
Barrio Negro, EL.
Barrio Pueblo (Fidel López Colón), EL.
Cibuco, EL.
Dos Bocas I, EL.
Dos Bocas II, EL.
Emilio R. Delgado, HS.
Hormigas I, EL.
Hormigas II, EL.
Maná Quebrada Fría, EL.
Maguelles, EL.
Manuel Bou Gali, JHS.
Padilla Ermita, EL.
Palmarito Centro I y II, EL.
Palos Blanco Carretera, EL.
Palos Blanco Centro, EL.
Palos Blanco Cobeo, EL.
Palos Blanco Parcelas, Medina, EL.
Rafael Martinez Nadal, EL.
Segunda Unidad Dr. Jospe Padin, EL–JHS.
Segunda Unidad Julián Marrero, EL–JHS.
Segunda Unidad Nicolás Rodríguez, EL–JHS.
Segunda Unidad Palmarito Carretera, EL–JHS.

Culebra:
Antonio R. Barceló, JHS.
Escuela Nueva, EL–JHS.
Franklin D. Roosevelt, EL.
Luis Muñoz Rivera, EL.

Dorado:
Escuela Secundaria, EL–JHS.
Espinosa Parcela, EL.
Jacinto López Martinez, EL.
José de Diego, EL.
Kullan, EL.
Luis Muñoz Rivera, EL.
Pedro López Canino-Espinosa, EL–JHS.
Río Lajas, EL.
San Antonio, EL.
Santa Rosa, EL.
Segunda Unidad Maguayo, EL–JHS.

Fajardo:
Antonio Valero de Bernabé, JHS.
Cabezas, EL.
Caserío Veve, EL.
Centro de Adultos.
Colegio Iglesia Evángelica Unida, EL.
Escuela Monte Brisas, EL.
Escuela Superior Nueva, HS.
Eugenio Brac, EL.
Florencio, EL.
Gabino Soto, EL.
Pedro Rosario Nieves, EL.
Peñón, EL.
Puerto Real, EL.
Quebrada Vueltas, EL.
Ramón O. Pacheco, EL.
Volantín, EL.

Florida:
Adolfo Eguen (Pajonal), EL.
Ceiba, EL.
Comunidad Arroyo, EL.
Francisco Frias Morales, EL.
Juan Ponce de León, JHS–HS.

Guánica:
Agripina Seda, EL.
Amalia Sanabria, EL.
Ceferino Colón Lucas, EL.
Elsa Couto Anonni, EL.
Escuela Beata Imelda, EL.
Franklin D. Roosevelt, HS.
Fraternidad, EL.
James A. Garfield, EL.
José Rodríguez Soto, EL.
La Luna (Carenero), EL.
Luis Muñoz Rivera, EL.
Magueyes, EL.
María Rosario Cruz Claudio, EL.
Maria L. McDougall, EL.
Salinas, EL.
Teresita N. Siurano, JHS.

Guayama:
Algarrobos, EL.
C. Chino, EL.
C. Cambrene, EL.
Calmital, EL.
Carmen, EL.
Cautiño, EL.
Centros de Estudio y Trabajo, EL–JHS–HS.
Cimarrona, EL.
Corazón, EL.
J. E. Derkes, EL.
López Landón, HS.
Luis A. Rivera, JHS.
Luis Muñoz Rivera, EL.
Luis Palés Matos, EL.
Marin, EL.
Mosquito, EL.
Olimpo, EL.
Palmas, EL.
Pozuelo, EL.
Puerto de Jobos, EL.
Segunda Unidad Guamaní, EL–JHS.
Segunda Unidad Puente de Jobos, EL–JHS.
Simón Madera, JHS.
Urb. Mínima Guamaní, EL.
Vicente Palés, EL.
Washington, EL.

Guayanilla:
A. Cales Quiros, JHS.
Arturo Lluberas, EL.
Cedro, EL.
Colegio Immaculada Concepción, EL.
Consejo, EL.
Francisco Rodriguez López, HS.
Indios, EL.
Jagua Pasto 1, EL.
Jagua Tuna, EL.
Luis Muñoz Rivera, EL.
Llano, EL.
Macana Santoni, EL.
Magas Abajo, EL.
Magas Arriba, EL.
Mario Mercado, EL.
Playa I, EL.
Playa II, EL.
Quebrada Honda Abajo, EL.
Quebradas, EL.
Rafael Dapena, EL.
Segunda Unidad Pasto, EL–JHS.
Sierra Baja, EL.
Sitios, EL.

Guaynabo:
Anexo Mariano Abril, S. U.
Canta Gallo, EL.
Esc. Barrio Camarones-Centro, EL.
Esc. Camarones Carretera III, EL.
Esc. Camarones Carretera IV, EL.
Juana Ramos, EL.
Luis Muñoz Rivera I–II, EL.
Mariano Abril, S. U.
Rafael Hernández, S. U.
Rosalina C. Martinez, JHS–HS.
Santa Rosa II, EL.

Gurabo:
Campamento, EL.
Celada Carretera, EL.
Hato Nuevo, EL.
Jagual, EL.
Jaguas, EL.
Luis Muñoz Rivera, EL.
Mamey 1, EL.
Masas 2, EL.
Matías G. García, JHS.
Navarro, EL.
Rincón, EL.
Segunda Unidad Santa Rita, EL–JHS.
Superior, HS.

Hatillo:
Adrian Martínez Gandía, EL.
Campo Alegre, EL–JHS–HS.
Corcobados, EL.
Eugenio M. de Hostos (Carrizales), EL.
Joaquín Rodríguez Ruiz (Naranjito), EL.
Julio A. Casey, JHS.
Lorenzo-Caballes Gandía, HS.
Luis Muños Rivera (Capaes), EL.
Manuel Corchado (Albonito), EL.
Nuestra Señora del Carmen, EL.
Roosevelt, EL.
Rosa E. Molinary, EL.
Segunda Unidad Bayaney, EL–JHS.
Segunda Unidad Pajuil, EL–JHS.

Hormigueros:
Ana Pagán de Rodriguez (Parcelas), EL.
Gerardo González, EL.
Jaquitas, EL.
Miguel A. Rivera, EL.
Rafael Hernández (Lavandero 1), EL.
Segunda Ruiz Belvis, JHS–HS.

Humacao:
Academia Adventista, EL.
Ana Roque, HS.
Antonia Saez EL.
Asunción V. López (Candelero Abajo), EL.
Candelero Arriba (Cándido Berrios), EL.
José Figueroa (Caserío Mabú), EL.
Caserío Roig (Antonio Roig), EL.
Cataño, EL.
El Junquito, EL.
Escuela Libre de Música, HS.
Julia Hernández, EL.
Jurutungo, EL.
Luis Muñoz Rivera, EL.
Mambel I (Manbiche Blanco 2), EL.
Mambel 3 (Sabina Cádiz), EL.
Mambiche Blanco 2, EL.
Mambiche Prieto, EL.
Mariana 2 (Juan de Dios López), EL.
Mariana 3 (Manuel Zorrillo), EL.
Padre Rivera, EL.
Parcelas Antón Ruiz, EL.
Patagonia, EL.
Ponce de León, JHS.
Punta Brava, EL.
Río Abajo (Carmen A. Martínez), EL.
Segunda Unidad Buena Vista, EL–JHS.
Segunda Unidad Collores, EL–JHS.
Segunda Unidad Pasto Viejo, EL–JHS.
Segunda Unidad Punta Santiago, EL–JHS.
Tejas 2 (Adrián Medina), EL.

Isabela:
A. Geigel Paredes (La Curva), EL.
Academia Presbiterlana, EL.
Colegio San Antonio, EL–JHS–HS.
Emilia C. Vda, Abreu, EL.
Epifanio Estrada (Cotto Parcelas), EL.
Francisco Mendoza, HS.
García (Galao Alto), EL.
Harding (Planas 2), EL.
Hostos (Arenales Altos), EL.
José Gautier Benitez (Arenales Altos), EL.
José G. Padilla (Sector Poncito-Llanadas), EL.
Jose Julian Acosta (Bejucos), EL.
José L. Rafaels, EL.
Korea (Galateo Alto), EL.
La Planta (Arenales Bajo), EL.
Las Cruces (Planas), EL.
Luis Muñoz Rivera, JHS.
Mantilla (Arenales Altos), EL.
Manuel Corchado, EL.
Marcos García (Bo. Guayabo), EL.
Mateos Hernández (Bo. Guayabo), EL.
McKinley (Planas 1), EL.
M. Rosado (Arenales Altos), EL.
Parcelas Huyke (Jobos), EL.
Parcelas Mora-Guerrero, EL.
P. Román (Arenales, Alto), EL.
Segunda Unidad José A. Vargas (Llanadas), JHS.
Segunda Unidad José C. Rosario (Mora), JHS.
Sellés (Arenales Bajo), EL.
Ulsysses S. Grant (Jobos), EL.
V. Pellot (Galateo Bajo), EL.

Jayuya:
Elemental Urbana, EL.
Gripiñas, EL.
Hoyos, EL.
Intermedia Urbana, JHS.
Limón, EL.
Puerto Plata, EL.
Rio Grande, EL.
Saliente, EL–JHS.
Salientito, EL.
San Patricio, EL.
Santa Clara, EL.
Segunda Unidad Coabey, EL–JHS.
Segunda Unidad Collores, EL–JHS.
Segunda Unidad Mameyes, EL–JHS.
Superior Urbana, HS.
Yunes, EL.
Zamas, EL.
Zarzas, EL.

Juana Díaz:
Agullita, EL.
Amuelas, EL.
Carmen Flores, EL.
Centro de Educación y Trabajo, EL–JHS–HS.
Cerro, EL.
Colegio San Ramón, EL–JHS–HS.
Com. Cristina, EL.
Corral Falso, EL.
Cuatro Calles, EL.
Cuevas, EL.
Cuevitas, EL.
Felipe Colón, JHS.
Guaraguao Eladio Pagán, EL.
Hayes, EL.
Jacaguas, EL.
Juan B. Romeu, EL.
Luis Llorens Torres, HS.
Lomas, EL.
Magas, EL.
Manzanilla, EL.
Naranjos, EL.
Rábanos, EL.
Segunda Unidad Carrión (Arús), EL–JHS.
Segunda Unidad Pastillo, EL–JHS.
Segunda Unidad Salvador Busquets, EL–JHS.
Segunda Unidad Zollo García (Collores), EL–JHS.

Juncos:
Agustín Dueño, EL.
Alfonso Díaz Lebrón, HS.
Caimito 1, EL.
Caimito II, EL.
Ceiba Norte Parcelas, EL.
Ceiba Sur, EL.
Fray Angel de la Concepción, EL.
Fulgencio Piñero, JHS.
Lirios, EL.
Lirios Dorados, EL.
Mamey Adentro, EL.

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Placita, EL.
Sector 400, EL.
Segunda Unidad EL Mangó, EL–JHS.
Segunda Unidad Valenciano, EL–JHS.
Teodomiro Delfaus (Mamey), EL.
Tomás Hernández, EL.
Valencia, EL.

Lajas:
A. Grant Pardo y Anexos, EL.
Academia San Luis, JHS.
Alejandro Tapia y Anexo, EL.
Antonio Pagán, EL.
E. Alvarez López, EL.
Escuela Nueva Kennedy, EL.
Luis Muñoz Rivera, JHS–HS.
Olivares-Parcelas, EL.
Perry, EL.
Ricardo Martí y Anexo (Arturo M. Dávila), EL.
R. Matienzo Cintrón (Lajas Arriba), EL.
Santa Rosa, EL.
Segunda Unidad Palmarejo, EL–JHS.
Tomas A. Edison, EL.

Lares:
Aurelio Méndez, EL.
Bernardo Pagán, EL.
Colegio San José, EL–JHS.
Consuelo González (Dr. Sein), EL.
Domingo Aponte, HS.
Domingo Aponte, EL.
Escuela Secundaria Castaner, EL–JHS–HS.
Espino Arrillaga, EL.
Espino Oliver, EL.
Espino S. Lugo, EL.
Espino Tabonuco, EL.
Esteban Vargas, EL.
Francisco Vizcarrondo, EL.
González Bello, EL.
Gregorio Rivera, EL.
Henry Clay, EL.
J. H. Hernández, EL.
Jorge Washington, EL.
Juan C. Pagán, EL–JHS.
La Matilde, EL.
Los Vélez, EL.
Lucas Lugo, EL.
Manuel Rojas, EL.
Mariana Bracetti, EL.
Pedro Cabán, EL.
Pedro Colón, EL.
Piletas Arce, EL.
Piletas Bayron, EL.
Piletas Castro, EL.
Rábanos, EL.
Rafael Martínez Nadal, JHS.
Santiago Delgado, EL.
Santiago R. Palmer, EL.
Segunda Unidad Bartolo, EL–JHS.
Segunda Unidad La América, EL–JHS.
Segunda Unidad Lares, EL–JHS.
Segunda Unidad Piletas, EL–JHS.
Vicente Viñas, EL.
Virgilio Acevedo, EL.

Las Marías:
Altosano, EL.
Anones Rural, EL.
Bryan, EL.
Ducarabones, EL.
Buena Vista Rural, EL.
Casas Novas, EL.
Casey, EL.
Cerrote Justiniano, EL.
Chamarro, EL.
Consumo, EL.
Espino, EL.
Eugenio María de Hostos, JHS–HS.
Furnias, EL.
Guacio, EL.
Lagunas, EL.
Naranjales, EL.
Palma Escrita, EL.
Palmer, EL.
Pura Concepción, EL.
Río Cañas, EL.
Segunda Unidad Anones, EL–JHS.
Segunda Unidad Buena Vista, EL–JHS.

Las Piedras:
Alberto Molina, EL.
Arenas, EL.
Arturo Martínez (Barrio Collores), EL.
Benito Medina (Tejas 2) EL.
Carmen Benitez, EL.
Fernando Roig y Anexo, JHS.
José Collazo, EL.
José de Diego, EL.
Juan Resto, EL.
La Fermina, EL.
La Romana, EL.
Luis Muñoz Rivera, EL.
Matías Rivera, EL.
Moisés Castro (Tejas), EL.
Montones 4, EL.
Paul G. Miller, EL.
Quebrada Grande, EL.
Ramón Power y Giralt, JHS–HS.
Santiago V. Calzada, EL.
Tomás A. Edison, EL.

Loiza Aldea:
Carlos Escobar López, JHS–HS.
Dr. Clemente Fernández, EL.
Las Parcelas (Suárez), EL.
Mediania Alta, EL.
Mediania Alta, JHS.
Mediania Baja, (Jobos), EL.
Parcelas Vieques, EL.
Piñones, EL.

Luquillo:
Canta Gallo, EL.
Esquela Secundaria Urbana, JHS–HS.
Fortuna Carretera Urbana, JHS–HS.
Fortuna Playa, EL.
Juan Martín C. EL.
Las Viudas, EL.
Mata de Plátano, EL.
Pitahaya, EL.
Río Caliquito, EL.
Rosendo Matienzo Cintrón, EL.
Segunda Unidad de Sabana, EL–JHS.
Vallecillo, EL.

Manatí:
Academia Discípulos de Cristo, EL.
Cantera, EL.
Cantillo, EL.
Clemente Ramírez Pueblito, EL.
Cruz Rosa Rivas (Tierras Nuevas), EL.
Evaristo Camacho (Pinzón), EL.
Félix Cordova Dávila, EL.
Fernando Callejo, HS.
Francisco Meléndez Ralbanes, EL.
Jesús T. Piñero, JHS.
José A. Montañez Genaro, HS.
José de Diego, EL.
Josefa Rivera Miranda (San José), EL.
José Meléndez Ayala, (Boquilla), EL.
Palomas, EL.
Rabanos, EL.
Rayo, EL.
Segunda Unidad Antonio Vélez Alvarado (Campo Alegre), EL–JHS.
Segunda Unidad Montebello, EL–JHS.
Tedomiro Taboas, EL.
Trinidad Algarín (Polvorín), EL.

Maricao:
Alerta 1, EL.
Cuebas, EL.
Indiera Alta Km. 27, EL.
Indiera Alta Km. 30, EL.
Indiera Baja, EL.
Indiera Fría 1, EL.
Mariana Bracetti, EL.
Montoso, EL.
Rafael Janer, EL.
Raúl Ibarra, HS.
Segunda Unidad Francisco Vicenti, EL–JHS.
Vizcarrondo 1, EL.

Maunabo:
Alfonso Casta Martínez, EL.
Alfonso Casta Martínez, HS.
Borinqueza, EL.
Cabada, EL.
Corozal, EL.
Escuela Mariani, EL.
José S. Navarro, EL.
Lucila Montes, EL.
Matuyas Alto, EL.
Matuyas Bajo, EL.
Playa, EL.
Quebrada Arena, EL.
Segunda Unidad Manuel Ortiz Suya, EL–JHS.
Talante, EL.
Tumbao, EL.

Mayaguez:
Academia Adventista del Oeste, EL–JHS.
Algarrobos, EL.
Antillian College, JHS–HS.
Asenjo, EL.
Bo. Naranjales, EL.
Castillo, EL.
Centro de Educación y Trabajo, EL–JHS–HS.
Centro de Retardados Adiestrables.
Centro de Retardados Adiestrables, JHS.
Centro de Oportunidades Múltiples, JHS–HS.
Centro Residencial de Oportunidades Educativas, HS.
Charles T. Irizarry, EL–JHS.
Concordia, EL.
Cuesta de Piedras, EL.
Dr. Pedro Pérea Fajardo, HS.
Ernesto Ramos Antonini, JHS–HS.
Escuela Central Presbiteriana, EL.
Escuela Industrial Para Jovenes, EL–JHS.
Escuela Marini, EL–JHS.
Eugenio Ma. de Hosto, HS.
Faragut, EL.
Francisco Bacó Soria, EL.
Francisco Vicenty, EL.
Franklin D. Roosevelt, EL.
Jose de Diego, HS.
Jose Gautier Benitez, JHS.
La Alicia, EL.
Las Mesas, EL.
Limon, EL.
Luis Muñoz Rivera, EL..
Malezas, EL.
Manuel A. Barreto, JHS.
Manual Fernández Juncos, EL.
María D. Faría, JHS.
Mariano Rivera Palmer, EL.
Mar y Sol, EL.
Mayaguez Arriba, EL.
Miradero 1, EL.
Miradero 2, EL.
Neighborhood House (Marina House), EL.
Parcelas La Soledad, EL.
Parcelas Rolón, EL.
Qda. Grande 3—Clemencia, EL.
Qda. Grande 4—Quenepo, EL.
Qda. 5 Y 6 Cruces, EL.
Quemado, EL.
Rafael Martínez Nadal, EL.
Ramón Valle Seda, EL.
Río Cañas Abajo, EL.
Río Cañas Arriba, EL.
Río Honda, EL Sabalos Gardens.
Sabaneta Alemany, EL.
Sabanetas Mani, EL–JHS.
Segundo Ruiz Belvis, EL.
Theodore Roosevelt, EL.

Moca:
Aceitunas, EL–JHS.
Aceitunas, Laguerre, EL.
Aceitunas Reyes Muñoz, EL.
Acetiunas Rodríguez, EL.
Antonio Babilojia Quiñones, JHS.
Antonio S. Pereira, HS.
Capa Bosques, EL.
Capa Laselle, EL.
Centro, EL.
Cerro Gordo 1, EL.
Cerro Gordo M. EL.
Cerro Gordo Parcelas, EL.
Climaco Sánchez, EL.
Cruz Acevedo, EL.
Cruz Santiago, EL.
Cuba, EL.
Cuchillas Cordero, EL.
Cuchillas Ferrer, EL.
Cuchillas Vera, EL.
Félix Valle, EL.
Jorge Washington, EL.
La Loma, EL.
Marías 1, EL.
Marías 2, EL.

Marías 3, EL.
Naranjo, EL.
Naranjo Segui, EL.
Pedro Acevedo Rivera, EL.
Plata Alta, EL.
Plata Baja, EL.
Segunda Unidad Cuchillas, EL–JHS.
Segunda Unidad Voladora, EL–JHS.

Morovis:
Alfonso del Río, JHS.
Barrio Arraljanes, EL.
Barrio Franquez, EL.
Barrio Morovis Norte, EL.
Barrio Pasto Núm. 1, EL.
Barrio Pasto Núm. 2, EL.
Barrio Patrón, EL.
Barrio San Lorenzo, EL.
Barrio Vega No. 1, EL.
Dr. Pedro N. Ortiz, EL.
Elemental Urbana (Durotex) EL.
Escuela Superior, HS.
Esperanza González, EL.
Parcelas Torrecillas, EL.
Perchas Díaz, EL.
Segunda Unidad Barahona, EL–JHS.
Segunda Unidad José Barreras, EL–JHS.
Segunda Unidad Morovis Sur, EL–JHS.
Torrecillas 1, EL.
Torrecillas 2, EL.
Unibón Centro, EL.
Vaga No. 3, EL.

Naguabo:
Barrio Río, EL.
Bo. Florida, EL.
Bo. Maizales, EL.
Duque Quebrada Grande, EL.
Escuela Adventista, EL.
Eugenio Brac, EL.
Intermedia Urbana (Nueva) JHS.
José Ortiz Guzmán, JHS.
La Mina, EL.
Marina Parcelas, EL.
Peña Pobre Abajo, EL.
Peña Pobre Arriba, EL.
Peña Pobre Parcela, EL.
Playa Hucares, EL.
Playa Parcelas, EL.
Rafael Rocca, HS.
Ramón Rodríguez, EL.
Santiago y Lima, EL.
Segunda Unidad Daguao, EL–JHS.
Segunda Unidad Marian, EL–JHS.
Segunda Unidad Río Blanco, EL–JHS.

Naranjito:
Academia Santa Teresita, JHS–HS.
Anones Centro 1, EL.
Anones Centro 2, EL.
Anones Díaz, EL.
Anones Don Tito, EL.
Bo. Cedro Abajo, EL–JHS.
Bo. Cedro Arriba Feijo, EL.
Bo. Lomas Centro, EL–JHS.
Bo. Lomas Valles, EL.
Bo. Nuevo Don Monolo, EL.
Bo. Nuevo Hevia, Naranjito, EL.
Bo. Nuevo Mulitas 1, EL.
Guadiana Altos, EL.
Guanlana Cabrera, EL.
Guadiana Chinea, EL.
José Archilla Cabrera, EL.
Lomas Jaguas, EL.
Mercedes Rosado, JHS.
Mulitas 2, EL.
Segunda Unidad Fidel G. Padilla, EL–JHS.
Segunda Unidad Pedro Fernández, EL–JHS.
Superior Urbana, HS.

Orocovis:
Ala de la Piedra, EL.
Barros 2, EL.
Cacao Alturita, EL.
Cacao Hacienda, EL.
Colegio San Juan Bautista, EL.
Culebras, EL.
Damian Abajo, EL.
Damian Arriba 1, EL.
Damian Arriba 2, EL.
Doña Juana, EL.
Elemental Urbana, EL.
El Guineo, EL.
Gato 2, EL.
Intermedia Urbana, JHS.
José Rojas Cortés, HS.
La Francia, EL.
Mata de Caña, EL.
Ortiga, EL.
Pellejas 2 EL.
Sabana 1, EL.
Saltos Coll, EL.
Segunda Unidad Bauta Arriba, El–JHS.
Segunda Unidad Bermejales, EL–JHS.
Segunda Unidad Botijas 1, EL–JHS.
Segunda Unidad Botijas 2, EL–JHS.
Segunda Unidad Gato 1, EL–JHS.
Segunda Unidad Matrullas, EL–JHS.
Segunda Unidad Saltos Cabra, EL–JHS.
Segunda Unidad Sanamuertos, EL–JHS.
Toningo, EL.

Patillas:
Apeadero, EL.
Cacao Abajo, EL.
Campusu, EL.
Catalino Villafañe, EL.
Cecilio Lebrón Ramos, HS.
Francisco Zenón Gely (Río Arriba), EL.
Guillermo Rielkol (El Bajo), EL.
Intermedia Urbana, JHS.
Jacaboa, EL.
Jagual, EL.
Lamboglia, EL.
Los Barros, EL.
Los Pollos, EL.
Los Ríos, EL.
María Dávila, Semidey, EL.
Marín Alto, EL.
Marín Bajo, EL.
Mulas 1, EL.
Mulas 2, EL.
Oben, EL.
Providencia, EL.
Quebrada Arriba 1, EL.
Quebrada Arriba 2, EL.
Ramón Lebrón (Mamey), EL.
Segunda Unidad Manuel Media Moret (Guardarraya), EL–JHS.
Segunda Unidad Real, EL–JHS.
Tomás Vera (Recio), EL.

Peñuelas:
Adolfo Grana Rivera, HS.
Barreal 1–4, EL.
Coto 1, EL.
Coto 2, EL.
Corozal, EL.
Ismael Maldonado 1–2, EL.
Jaguas 1, EL.
Jaguas 2, EL.
La Gelpa, EL.
Macana 1, EL.
Macana 2, (Mal Paso), EL.
Rucio 1, EL.
Segunda Unidad Encarnación, EL–JHS.
Segunda Unidad Santo Domingo, EL–JHS.
Tallaboa Alta, 1, EL.
Tallaboa Alta 2, EL.
Tallaboa Alta 3, EL.
Tallaboa Alta 4, EL–JHS.
Tallaboa Poniente 1–2, EL.
Webster, EL.
Webster, JHS.

Ponce:
Aristides Chavier, EL.
Baldorioty, EL.
Bautista, EL.
Bda. Borinquen EL.
Capitanejo, EL.
Cárcel del Distrito, EL–JHS–HS.
Cerillo, EL.
Cerrillos Hoyos, EL.
Ciriaco Gonzáles, EL.
Clemente Bartolomey, EL.
Comunidad R. Canas, EL.
Concha Clavell, EL.
Dr. Betances, EL.
Dr. Jose C. Barbosa, EL.
Dr. Pila, HS.
Dr. Rafael López Nussa, JHS.
Dr. Rafael Pujols, JHS.
Eduardo Newmon, JHS.
E. Izcoa Díaz, EL.
Emeterio Colón, JHS.
Ernesto Ramos Antonini, JHS.
Escuela de Educación Especial, EL.
Escuela Industrial para Niñas, EL.
Escuela La Milagrosa, EL.
Escuela López Nussa, EL.
Escuela Libra de Música (J. M. Campos), HS.
Escuela Maternal Dr. Pila, EL.
Escuela Metodista Richardson, EL.
Eugenio M. de Hostos (Pámpanos), EL.
Francisco Bosch, EL.
Federico Degetau, EL–JHS.
Ferrán, EL.
Gándara, EL.
Glenview, EL.
Hogares Seguros, EL.
Instituto Tecnológico.
Isidoro Colón, EL.
Jaime L. Drew, EL.
Juan Cuevas Aboy, EL.
José Gautier Benitez (El Yeso), EL.
José Julián Acosta, EL.
José Pontón Gonzáles, EL.
Juan Morell Campos, EL.
Juan Serrallés, EL–JHS.
Julio S. Rivas, EL.
La Carmelita, EL.
La Ceiba, EL.
Las Mesas, EL.
La Mocha, EL.
Las Monjitas, EL.
Las Raices, EL.
La Yuca, EL.
Lessie Graham, EL.
Librada Net (San Antonio), EL.
Lincoln, EL.
Los Ausubos, EL.
Lucy Grillasca, EL.
Luis M. Rivera 1, EL.
Luis M. Rivera 2, EL.
Mary O. Lake (Educación Trabajo), JHS–HS.
Mercedes P. Serrallés, EL.
Montes, Llanos, EL.
Nuestra Señora del Carmen, EL.
Olimpio Otero, EL.
Palmarejo, EL.
Parcelas de Magueyes, EL.
Parcelas Sabanetas, EL.
Parra Duperón, EL.
Pastillo de Cañas, EL.
Pastillo de Tibes, EL.
Pedro Acevedo, EL.
Pedro Clausells, EL.
Pedro J. Fournier, EL.
Ponce, HS.
Portones Mameyes, EL.
Quebrada Aqua, EL.
Ramiro Colón, EL.
Ramón Marín, EL.
Río Chiquito, EL.
Robinson School (Playa), EL.
Rodolfo del Valle, EL.
Rosalys, EL.
Ruiz Belvis, EL.
Ruiz Marl, EL.
S. Clavell, EL.
Sagrada Familia, EL.
San Anton (Ismael Maldonado), JHS.
San Patricio, EL.
San Vicente de Paul, EL–JHS.
Santa Teresita, EL.
Santas Pascuas, EL.
Santiagos Gonzáles, JHS.
Segunda Unidad Corral Viejo, EL–JHS.
Sergio Torruellas Cortada, EL.
Simón M. Gallart, EL.
Social Treatment for Boys, EL–JHS.
Superior Vocacional, HS.
Távarez, EL.
Tibes 1, EL.
Tomás Armstrong Toro, JHS.
Tomás C. Maduro, EL.
Vallas Torres, EL.
Vicente Usera, EL.
Victoriano Blanco, EL.

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Quebradilla:
Eugenio María de Hostos, EL.
Jorge Washington, EL.
José C. Barbosa, EL.
José De Diego, EL.
José J. Acosta, EL.
Juan Alejo de Arizmendi, HS.
Manuel Ortiz de Renta, JHS.
Ramón Avila, EL.
Ramón Emeterio Betance, EL.
Ramón Saavedra, EL.
Roosevelt, 1, EL.
San Rafael, EL.
Segunda Unidad Honorio Hernández, EL–JHS.
Segunda Unidad Luis Muñis Rivera, EL–JHS.

Rincón:
Adolfo Moreno, EL.
Alfredo Raffucci, JHS.
Barrio Atalaya, EL.
Barrio Barrero, EL.
Córcega, EL.
Gabino Tirado, EL.
Genoveva Perez, EL.
Ismael Sanchez, EL.
Jaguey, EL.
José Pablo Morales, EL.
Juan Ruiz Pedrosa, HS.
Maestro Gandia, EL.
Octavio Cumpiano, EL.
Segunda Unidad Calvache, EL–JHS.

Rio Grande:
Ausubal, EL.
Bartolo, EL.
Carola, EL.
Centro de Educación y Trabajo, HS.
Cerra, EL.
Cienaga Alta, EL.
Cienaga Baja 1, EL.
Cienaga Baja 2, EL.
Corea, EL.
Cuchillas, EL.
Escuela Adventista.
Escuela Vocational, EL Pueblo del Niño.
Guzmán Arriba 1, EL.
Guzmán Arriba 2, EL.
Jiménez, EL.
Juan Gonzalez, EL.
Las Dolores, EL.
Morovis, EL.
Pedro Falú, HS.
Pimentel y Castro, JHS.
Quebrada Grande, EL.
Rafael de Jesús y Anexo.
Segunda Unidad Casiano A. Cepeda, EL–JHS.
Segunda Unidad Palmer, EL–JHS.
Vega Alegre, EL.

Rio Piedras A:
Escuela Libre de Música, JHS–HS.
Gabriela Mistral, HS.
Juan J. Osuna, JHS–HS.
Nemesio R. Canales, EL.
Nemesio R. Canales II, EL.
Sotero Figueroa (University Gardens), JHS–HS.
Trina Padilla de Sanz, HS.

Rio Piedras B:
Antonio Sarriera, JHS–HS.
Bolivar Pagán, EL.
Buena Vista, EL.
Dr. José N. Gándara, JHS.
Dr. Rafael López Sicardó, EL.
Emilio del Toro Curvas, EL.
Felipe Gutierrez (Villa Prades), EL.
Gaspar Vilá Mayans, EL.
Israel, EL.
Juan Ponce de León, JHS–HS.
Juan Ramón Jiménez, JHS.
Las Virtudes, EL.
Manuel A. Pérez, EL.
Pachin Marín A., JHS–HS.
Quintana Gustavo Adolfo Becquer, EL.
Rafael Hernández, EL.
Santiago Iglesias Pantin, EL.
Villa Granada EL–JHS.
Voc. Met. Miguel Such, HS.

Rio Piedras C:
Amalia Marin, El Cinco, JHS.
Amalia Marin, Venezuela, EL.
Caimito Adentro, EL.
Caimito Corea, EL.
Caimito Romeros, EL.
Canejas, EL.
Cocos, EL.
Dr. Luis Pereira Leal, EL.
Esc. Cupey Alto, EL.
José Colombán Rosario, EL–JHS.
República de Colombia, HS.
S.U. Caimito, EL–JHS.
Tortugo Sierra Borinquen, EL.
Vilá Mayo, HS.
Vista Alegre, EL.

Sabana Grande:
David Antongiorgi, EL–JHS.
Dr. Quevedo Báez, EL.
Dr. Santiago Veve, EL.
Eduvigis Ramirez, EL.
F. D. Roosevelt, EL.
Francisco Vázquez, Pueyo (Parcelas Susua), EL.
Herminio Irizarry, EL.
James Cooper, EL.
José A. Castillo, JHS.
José C. Barbosa, EL.
JR. Gartambide, EL.
Juan L. Vega, EL.
Lola R. de Tio, EL.
Luis Muñoz Rivera, HS.
Luis M. Santiago, EL.
Mariano Abril, EL.
Maricao Youth Camp, EL–JHS.
Matienzo Cintrón, EL.
M. F. Juncos, EL.
Rafael Cordero, EL.
Vincente Soltero, EL.

Salinas:
Guillermo Godreau, EL.
Las Mareas, EL.
Luis Muñoz Rivera, HS.
Palmas, EL.
Parcela 80, EL.
Parcelas Coco, EL.
Parcelas Vázquez, EL.
Playa, EL.
Playita, EL.
Poleos, EL.
Privada de Aguirre, EL.
Quebrada Yegua, EL.
Román Baldorioty de Castro, JHS.
San Felipe, EL.
Santiago R. Palmer, EL.
Segunda Unidad Coqui, EL–JHS.
Segunda Unidad Lapa, EL–JHS.
Woodrow Wilson, EL.

San Germán:
Amina Tio de Malaret (Ancone), EL.
Antonia Martínez, EL.
Baldorioty de Castro (Minillas Valle), EL.
Bartolomé Las Casas (Guamá), EL.
Dr. J. S. Cardona, JHS.
Duey Parcelas, EL.
Escuela Enfermería Hospital de la Concepcion.
Francisco Servera Silva (Duey Alto), EL.
Herminia C. Ramírez (Hoconuco Bajo), EL.
José Celso Barbosa (Rosario Alto), EL.
José G. Padilla (Cotuy), EL.
Lola E. de Tió, HS.
Longfellow, EL.
Luis Muñoz Rivera (Duey Bajo), EL.
Manuel Fernández Juncos (Cain Bajo), EL.
Manuel Negrón Collazo (Retiro Tea), EL.
Mariano Abril (Hoconuco Alto), EL.
Padre Rufo (Tuna), EL.
Santiago Veve (Cain Alto 2), EL.
Segunda Unidad Hoconuco, EL–JHS.
Segunda Unidad Minillas, EL–JHS.
Segunda Unidad Rosario, EL–JHS.
Segunda Unidad Sábana Eneas, EL–JHS.

San Juan A:
Abraham Lincoln-Intermedia.
Baldorioty, HS.
Central, HS.
José C. Barbosa, JHS–HS.
José Julián Acosta, JHS.
La Perla (Timothee), EL.
Luchetti, JHS–HS.
Martín G. Brumbaugh, EL.

San Juan B:
A. Einstein, HS.
Cuevas Bacener, JHS.
E. Rincón Plumey, EL.
Gautier Benítez, EL.
Haydee Rexach, EL.
J. M. Quiñones, EL.
Julio H. Henna, EL.
Luis Rodriguez Cabrera, EL.
Luis Llorens Torres, EL.
M. Boada y Anexo, EL.
Ramón Power, HS.
Ramos Antonini, JHS.
Sofia Rexach, EL.
Tapia, EL.

San Lorenzo:
Antonio R. Barceló, EL.
Cayaguas, EL.
Cerro Gordo Arriba, EL.
El Parque, EL.
Espino Adentro, EL.
Espino KM. 12, EL.
Espino KM. 14, EL.
Espino M. Cruz Anexo 1, EL.
Espino M. Cruz, EL.
Espino Morena, EL.
Eugenio María de Hostos, EL.
Florida Arriba, EL.
Gerardo Sellés Solá, EL.
Hato Parcelas KM. 6, EL.
Hato 26, EL.
Intermedia Urbana, JHS.
Jagual Adentro, EL.
Jagual Carretera, EL.
José Campeche, HS.
Josefa Domingo, EL.
Luis M. Rivera Urb., EL.
Luis M. Rievera (Vieja), HS.
Quebrada, EL.
Quebrada Arenas-Carmelo Figueroa, EL.
Quebrada Arenas III, EL.
Quebrada Arenas Felipe Rodriguez, EL.
Quebrada Honda Arriba, EL.
Quemados, EL.
Quemados Arriba, EL.
Quemados Parcelas, EL.
Rafael Colón (Florida), EL.
Segunda Unidad Zayas, EL–JHS.
Segunda Unidad Quebrada Honda, EL–JHS.

San Sebastián:
Aibonita Guerrero, EL.
Aibonito Beitrán, EL.
Aibonito Dexter, EL.
Altozano, EL.
Calabazas Alberty, EL.
Calabazas Infante-Estrada, EL.
Cibao, EL.
Cibao Abrohondas, EL.
Culebrinas, EL.
Escuela Adventista, EL.
Guacio, EL.
Guajataca Collazo, EL.
Guajataca Juanarena, EL.
Guatemala Central, EL.
Guatemala La Vega, EL.
Guillermo Carde, EL.
Hoyamala Lechuza, EL.
Joaquin Oronoz Rondón, EL.
Perchas Rabell, EL.
Perchas Roig, EL.
Perchas Rosario, EL.
Piedras Blancas, EL.
Pozas, EL.
Pozas Central, EL.
Minima Oronoz, EL.
Mirabales Nieves, EL.
Mirabales Orta, EL.
M. Mendez Liciaga, HS.
Narciso Rabell Cabrego, JHS.
Ramón M. Torres, EL.
Robles, EL.
Saltos 2, EL.
Segunda Unidad Hato Arriba, EL–JHS.
Segunda Unidad Hoyamala, EL–JHS.

Segunda Unidad Maximino A. Salas, EL–JHS.
Segunda Unidad, Saltos, EL–JHS.
Sonador 1, EL.
Sonador 2, EL.
Whittier, EL.
Whittier Anexo, EL.

Santa Isabel:
Barbosa, EL.
Brumbaugh, EL.
F. Degetau Descalabrado, EL.
Felicial, EL.
Huyke, EL.
Jauca, EL.
John F. Kennedy, HS.
Manuel Martín Monserrate, JHS.
Ollas, EL.
Paso Seco, EL.
Playa, EL.
Playita Cortada, EL–JHS.
Velázquez, EL.

Toa Alta:
Galateo Parcelas, EL.
José de Diego, EL.
José M. Del Valle, EL.
José Pablo Morales, JHS.
José Pablo Morales, HS.
Luis Muñoz Rivera, EL.
Manuel Villilla Cabrera, EL.
Ortiz Carretera, EL.
Ortiz Mango, EL.
Quebrada Cruz Centro No. 2, EL.
Qda. Cruz Cocos, EL.
Qda Cruz Parcela, EL.
Río Lajas, EL.
Secundino Díaz, EL.
Segunda Unidad Federico Degetau, EL–JHS.
Violanta Jiménez, EL.
Virgilio Morales, EL.

Toa Baja:
Campanillas, EL.
Candelarias Arenas, EL.
Candelaria Macum, EL.
Escuela Levittown 2nda Sec., EL.
Escuela Levittown 3ra Sec., EL.
Escuela Levittown 5ta Sec., EL.
Escuela Levittown 6ta Sec., EL.
Escuela Villa Kennedy, EL.
Ingenio, EL.
J. F. Kennedy (Levittown), EL.
José N. Landron, JHS–HS.
Levittown, HS.
Luis M. Santiago, EL.
Manuel Enrique (Palo Seco), EL.
María L. Gómez (Levittown), JHS.
San Jose, EL.
Segunda Unidad Dávila Semprit (Sabana Seca), EL–JHS.
Segunda Unidad Pájaros, EL–JHS.
Villa Gutierrez, EL.
Villa Marisol, EL.

Trujillo Alto:
Abraham Lincoln, EL.
Adelina Hernández, EL.
Andrés Valcárcel, JHS.
Antonio S. Pedreira, EL.
Baldorioty de Castro, EL.
Colegio Santa Cruz, EL–JHS–HS.
Eugenio María de Hostos, JHS.
Hospital de Niños Mentamente Retardos, EL.
Insular Home for Girls, EL–JHS.
Jesús Silva, EL.
Jesús T. Piñero, EL.
José F. Díaz, EL.
José J. Acosta, EL.
José P. Morales, EL.
Juan J. Osuna, EL.
Lagos Alto, EL.
Medardo Carazo, HS.
Paul G. Miller, EL.
Ramón T. Colón, EL.
Segunda Unidad Alejandro Tapia, EL–JHS.
Segunda Unidad Rafael J. Cordero, EL–JHS.
Tulio Larrinaga, EL.

Utuado:
Angeles Altura, EL.
Angeles Corcho, EL.
Angeles Cordón del Río, EL.
Arenas Abajo, EL.
Arenas Chorreras, EL.
Arenas del Guano, EL.
Arenas Pelliejas, EL.
Caonillas-Ceiba, EL.
Caonilla Morell, EL.
Cayuco, EL.
Consejo, EL.
Don Alonso Abajo, EL.
Don Alonso Limón, JHS.
Félix Seijo, EL.
Francisco Ramos, JHS.
Guaonico, EL.
Jácanas, EL.
Las Palmas, EL.
Limón, EL.
Luis M. Rivera, HS.
María Libertad Gómez, EL.
Monserrate Moreno, EL.
Paso Palmas 1, EL.
Paso Palmas 2, EL.
Paso Palmas Canalizo, EL.
Paso Palmas Jauco, EL.
Rio Abajo 1, EL–JHS.
Rio Abajo, Cerro, EL.
Roncador Arriba, EL.
Sábana Grande Abajo, EL.
Sábana Grande Arriba, EL.
Sábana Grande, El Motor, EL.
Sábana Grande Sabana, EL.
Salto Abajo, EL.
Santa Isabel 2, EL.
Segunda Unidad Angeles, EL–JHS–HS.
Segunda Unidad Caguanas, EL–JHS.
Segunda Unidad Caonillas, EL–JHS.
Segunda Unidad Mameyes, EL–JHS.
Segunda Unidad Salto Arriba, EL–JHS.
Tetuán 1, EL.
Tetuán 2, EL.
Tetúan 3, EL.
Vivi Abajo, EL.
Vivi Arriba, EL–JHS.

Vega Alta:
Apolo San Antonio, JHS–HS.
Bajura Almirante, EL.
Don Antonio Paolim, EL.
Elemental Urbana, EL.
Espinosa Adentro, EL.
Espinosa Parcelas, EL.
Intermedia Urbana, EL.
Mavilla, EL.
Sábana Breñas, EL–JHS.
Sábana Cerro Gordo, EL.
Sábana Hoyos, EL.
Santa Ana, EL.
Segunda Unidad Maricao, EL–JHS.

Vega Baja:
Almirante 1, Sur, EL.
Almirante 2, Sur, EL.
Almirante Central, EL.
Almirantito, EL.
Cabo Caribe, EL.
Centro Comunal, EL.
Colegio Adventista de Vega Baja, EL.
Dr. Jesús M. Armaiz (Carmelita), EL.
Intermedia Urbana, JHS.
Jardines de Vega Baja, Rafael Hernández, EL.
José de Diego, EL.
José Gualberto Padilla, EL.
Lorencita Ramirez de Arellano, de Ferré, EL.
Luis M. Rivera (Algarrobo 1), EL.
Manuel Negrón Collazo (Sabana), EL.
Manuel Padilla Dávila (Puerto Nuevo), EL.
Parcelas Márquez, EL.
Pugnado Adentro, EL.
Quebradas Arenas, EL.
Rosa M. Rodriguez del Valle, EL.
San Vicente, EL.
Segunda Unidad Almirante Norte, EL–JHS.
Segunda Unidad Pugnado Afuera, EL–JHS.
Superior Lino Padró Rivera, JHS–HS.
Trocha, EL.

Vieques:
Ernesto Rosario Soto, EL.
Espeanza, EL.
Eugenio María de Hostos, EL.
Extensión Robinson, EL.
Franklin D. Roosevelt, EL.
Germán Riechoff, JHS–HS.
José Celso Barbosa, EL.
José Gautier Benitez, EL.
Mercedes Luis, EL.
Monte Santo, EL.
Playa Grande, EL.
Segunda Unidad Vocacional, EL–JHS.
Victor Duttell, EL.
Vieques Island Mission, EL.

Villalba:
Aceituna, EL.
Apeaderos, EL.
Camarones, EL.
Caonillas, EL.
Casilla La Julita, EL.
Cerro Gordo, EL.
Chichón, EL.
Dajaos, EL.
Hatillos, EL.
Higuero, EL.
Jagueyes, EL.
José G. Ginorio, EL–JHS.
Julio Olivieri, JHS.
Limón, EL.
Mogote, EL.
Nuestra Señora del Carmen, EL.
Palmarejo, EL–JHS.
Palmasola, EL.
Semil 1 V, EL.
Segunda Unidad EL Pino, EL–JHS.
Sierrita, EL.
Superior Urbana, HS.
Vista Alegre, EL.
Walter McJones, EL.
Walter McJones, JHS.

Yabucoa:
Aguacate Adentro, EL.
Aguacate Arriba, EL.
Barrio Guano, EL.
Calabazas Abajo, EL.
Calabazas Adentro, EL.
Calabazas Arriba, EL.
Calambreña, EL.
Centro de Educatacion y Trabajo, EL–JHS–HS.
El Negro, EL.
Guardarraya, EL.
Guayabo, EL.
Jacanas Abajo, EL–JHS.
Jacanas Granja, EL.
Jacanas Sur, EL.
Jaime C. Rodriguez, EL.
José F. Cintrón y Anexo, EL.
Juan Martin, EL.
Luis Muñoz Rivera, JHS.
Parcelas Martoreil, EL.
Parcelas Trinidad, EL.
Piedra Azul, EL.
Piedra Blanca, EL.
Playa Guayanés, EL.
Quebrada Grande, EL.
Quebradillas Afuera, EL.
Santa Elena, EL.
Segunda Unidad Aguacate, EL–JHS.
Segunda Unidad Camino Nuevo, EL–JHS.
Segunda Unidad Guayabota, EL–JHS.
Segunda Unidad Limones, EL–JHS.
Segunda Unidad Luis Muñoz Rivera (Jagueyes), EL–JHS.
Segunda Unidad Playita, EL–JHS.
Segunda Unidad Tejas Afuera, EL–JHS.
Tejas Adentro, EL.
Teodoro Aguilar Mora, HS.
Varsovia, EL.

Yauco:
Aguas Blancas, EL.
Algarrobos, EL.
Almácigo Alto 1, EL.
Almácigo Alto 2, EL.
Almácigo Bajo 1, EL.
Almácigo Bajo (Parcelas), EL.
Bda. Llubera, EL.

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Caimito, EL.
Gambalache, EL.
Collores 1, EL.
Collores 2, EL.
Collores 3, EL.
Collores 4, EL.
Collores 5, EL.
Diego Hernández, EL.
Diego Hernández (Couti), EL.
Diego Hernández 2, EL.
Emiliano J. Díaz, EL.
Ernesto Ramos Antonini, HS.
Frailes, EL.
Jacanas, EL.
Josefa Cátala, EL.
Luis Muñoz Rivera, EL.
Mogotes, EL.
Naranjo 4, EL.
Naranjo 1, EL.
Naranjo 2, EL.
Naranjo 3, EL.
Nuestra Señora del Rosario, EL–JHS–HS.
Palomas, EL.
Quebradas, EL.
R. Martínez Nadal, EL.
Rafael Martínez Nadal (Elvira Vicente), JHS.
Rancheras 1, EL.
Rancheras 2, EL.
Rancheras 4, EL.
Residencial Santa Catalina, EL.
Rjo Cañas 1, EL.
Rio Cañas 2, EL.
Rio Prieto, EL.
Rublas Km. 21, EL.
Rublas Km. 25, EL.
Santiago Negroni, JHS.
Segunda Unidad De Barinas, EL–JHS.
Segunda Unidad Vegas, EL–JHS.
Sierra Alta 1, EL.
Sierra Alta 2, EL.
Sierra Alta 3, 4, 5, 6, EL.
Susúa Alta (Palmita), EL.
Vegas, EL.
Vegas Km. 17, EL.

TRUST TERRITORY OF THE PACIFIC ISLANDS

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location: Island; Name of School

MARIANA ISLANDS

Agrihan Island; Agrihan, EL.
Alamagan Island; Alamagan, EL.
Pagan Island; Pagan, EL.
Rota Island; Rota, EL–JHS.
Saipan Island:
Chalan Kanoa, EL.
Garapan, EL.
Hopwood, JHS.
Marianas, HS.
Mount Carmel, EL–HS.
Oleai, EL.
San Antonio, EL.
San Roque, EL.
San Vicente, EL.
Tanapag, EL.
Tinian Island; Tinian, EL–JHS.

MARSHALL ISLANDS

Ailinglaplap Atoll:
Airok, EL.
Airok Protestant, EL.
Euoj, EL.
Jeh, EL.
Woja, EL.
Ailuk Atoll; Ailuk, EL.
Arno Atoll:
Arno, EL.
Arno Protestant, EL.
Bikarej, EL.
Ine (Levels), EL.
Kilange, EL.
Longar, EL.
Lukioj, EL.
Tutu, EL.
Ulien, EL.
Aur Atoll; Aur, EL.
Tobal Atoll; Tobal, EL.
Ebon Atoll:
Ebon, EL.
Toka, EL.
Jabat Island; Jabat, EL.
Jaluit Atoll:
Imiej, EL.
Imroij, EL.
Jabor, EL.
Jaluit, EL.
Jaluit Protestant, EL.
Majurirok, EL.
Mejatto, EL.
Narmij, EL.
Sacred Heart, EL.
Imroij Protestant, EL.
Kilii Island; Kilii, EL.
Kwajalein Atoll:
Carlos, EL.
Ebeye, EL.
Ebeye Protestant, EL.
Enniburr, EL.
Lea Atoll; Lae, EL.
Lib Island; Lib, EL.
Likiep Atoll:
Jebal, EL.
Likiep, EL.
Maloelap Atoll:
Aerok, EL.
Jang, EL.
Kaven, EL.
Ollet, EL.
Majuro Atoll:
Assumption, EL.
Assumption, HS.
Ajeltake, EL.
Calvary Bible Institute, HS.
Laura, EL.
Laura Mission School.
Laura Protestant, EL–HS.
Long Island, EL.
Marshall Islands, HS.
Rita, EL.
Seventh Day Adventist, EL.
Uliga Protestant, EL–HS.
Mejit Island; Mejit, EL.
Milli Atoll:
Enejet, EL.
Lukunor, EL.
Milli, EL.
Nallo, EL.
Takewa, EL.
Namdrik Atoll; Namdrik, EL.
Namu Atoll:
Mae, EL.
Majkin, EL.
Namu, EL.
Rong Rong, Majuro; **Marshall Island Christian, HS.**
Rongelap Atoll; Rongelap, EL.
Ujae Atoll; Ujae, EL.
Ujelang Atoll; Ujeland, EL.
Utrik Atoll; Utrik, EL.
Wotje Atoll:
Wormej, EL.
Wotje, EL.
Wotho Atoll:
Nibun, EL.
Wotho, EL.

PALAU

Anguar Island; Anguar, EL.
Babelthaup Island:
Aimeliik, EL.
Airai, EL.
Bethania Seminary, HS.
Chol, EL.
Melekeok, EL.
Ngarasard, EL.
Ngarchelong, EL.
Ngardmau, EL.
Ngaremlengui, EL.
Ngatpang, EL.
Ngchemiangel, EL.
Ngchesar, EL.
Ngersuul, EL.
Ngiwal, EL.
Ngkeklau, EL.
Ollel, EL.
Kayangel Atoll; John F. Kennedy, EL.
Koror:
Bethania Seminary, JHS–HS.
Emmaus, HS.
George B. Harris, EL.
Koror, EL.
Maria Stella, EL.
Meyungs, EL.
Micronesian Occupational Center.
Mindszenty, HS.
Palau Academy, HS.
Palau, HS.
Seventh Day Adventist, EL.
Pelellu Island; Pelellu, EL.
Sonsorol Island; Sonsorol, EL.
Pulo-Anna Island; Pulo-Anna, EL.
Tobi Island; Tobi, EL.

PONAPE

Kapingamarangi Atoll; Kapingamarangi, EL.
Kusaie Island:
Kusaie, HS.
Leiu, EL.
Malem, EL.
Rohi, EL.
Tafunsak, EL.
Utwe, EL.
Walung, EL.
Mokil Atoll; Mokil, EL.
Ngatik Atoll; Ngatik, EL.
Nukuoro Atoll; Nukuoro, EL.
Pingelap Atoll; Pingelap, EL.
Ponape Island:
Awak, EL.
Christ the King (at Kitti), EL.
Enipein, EL.
Kinakapw, EL.
Kolonia, EL.
Lewetik, EL.
Likie, EL.
Lohd Pah, EL.
Lukop, EL.
Lokl, EL.
Mand, EL.
Mwand, EL.
Nanuh, EL.
Nan, EL.
Net, EL.
Ohmine, EL.
Our Lady of Mercy (at Kolonia), EL.
Pacific Island Central, HS.
Palikir, EL.
Parem, EL.
Pehleng, EL.
Ponape Agriculture & Trade, HS.
Rohn Kitti, EL.
St. Joseph (at Awok), EL.
Saladak, EL.
Salapwuk, EL.
Sapwalap, EL.
Seinwar, EL.
Sekere, EL.
Seventh Day Adventist (at Kolonia), HS.
Sokehs Pah, EL.
Sohl, EL.
Sokehs Powe, EL.
Takaiu, EL.
Tenwen, EL.
Wapar, EL.
Wenik, EL.
Wone, EL.

TRUK

Ettal Atoll; Ettal, Ettal, EL.
Losap Atoll:
Losap, EL.
Pis Losap, Pis, EL.
Lukunor Atoll:
Lukunor, EL.
Oneop, EL.
Murilo Atoll:
Murilo, EL.
Ruo, EL.
Nama Island; Nama, EL.
Namoluk Atoll; Namoluk, EL.
Namonwito Atoll:
Magur, EL.
Onary, EL.
Ono, EL.
Piserach, EL.
Ulul, EL.
Weipat (Ulul), HS.
Nomwin Atoll:
Fananu, EL.
Nomwin, EL.
Pulap Atoll:
Pulap, EL.
Tamatam, EL.
Pulusuk Atoll; Pulusuk, EL.
Puluwat Atoll; Puluwat, EL.
Satawan Atoll:
Kuttu, EL.
Moch, EL.
Mortlocki, HS.
Satawan, EL.
Satawan, HS.
Ta, EL.
Truk Lagoon:
Eot, EL.
Etten, EL.
Faichuk, HS.
Fanapangea, EL.
Fano, Fano, EL.
Faro, Tol, EL.
Fason Annex.
Fason, Tol, EL.
Foupu Annex, EL, Tol.
Foupe, Tol, EL.
Foupo, EL.
Iras, Moen, EL.
Messa, Fefan, EL.
Moen, HS.
Mizpah, Moen, HS.
Mochon Annex, Uman Island, EL.
Mwan, Moen, EL.
Neauo, Moen, EL.
Nechap, Dublon, EL.
Neton, Polle, EL.
Parem, EL.
Patta, Patta, EL.
Pis Moen, Pis, EL.
Polle, Polle, EL.
Polle, Annex, EL.
Ramanum, EL.
Saint Anthony, Dublon, EL.
Saint Cecilia, Moen, EL.
Saint Julia, Tol, EL.
Saint Thomas, Fefan, EL.
Sapore, Fefan, EL.
Sapuk, Moen, EL.
Sino Memorial, EL.
Truk, Moen, HS.
Tsis, Tsis, EL.
Udot, EL.
Uman, EL.
Wepon, Uman, EL.
West Fefan, Fefan, EL.
Wonei, EL.
Wonip, Tol, EL.
Xavier, Moen, HS.
Kuchuwa, EL.

YAP

Eauripik Atoll; Eauripik, EL.
Fais Island; Fais, EL.
Faraulep Atoll; Faraulep, EL.
Ifalik Atoll; Ifalik, EL.
Lamotrek Atoll; Lamotrek, EL.
Map Island; Map, EL.
Rumung Island; Rumung, EL.
Satawal Island; Satawal, EL.
Tomil-Gagil Island:
Gagil, EL.
Tomilang, EL.
Woleai Atoll:
Falalap, EL.
Falalis, EL.
Wattagai, EL.
Ulithi Atoll:
Asor, EL.
Falalap, EL.
Fassarai, EL.
Mogmog, EL.
Outer-Island JHS–HS.
Yap Island:
Alaw-Gaanelay, EL.
Bael Waloy, EL.
Dalipebinaw, EL.
Fanif, EL.
Gilman, EL.
Kanifay, EL.
North Fanif, EL.
Saint Mary, EL.
Yap, HS.

VIRGIN ISLANDS

List of Schools Determined To Have a High Concentration of Students From Low-Income Families. This List Is for Cancellation Benefits During Both the 1972–73 and 1973–74 School Years

Location: island; name of school

St. Croix:
Central, HS.
Charles Emanuel, EL.
Christiansted, EL.
Christiansted, JHS.
Claude O. Markoe, JHS.
Concordia, EL.
Frydenborg, EL.
Grove Place, EL.
Insular Training School.
Princesse, EL.
Seventh Day Adventist, JHS.
Sion Farm, EL.
St. Mary, JHS.
St. Peter, EL.
St. John:
Franklin, EL.
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Title 3—The President

PROCLAMATION 4238

Amending Part 3 of The Appendix to The Tariff Schedules of The United States With Respect to The Importation of Agricultural Commodities

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), limitations have been imposed by Presidential proclamations on the quantities of certain dairy products which may be imported into the United States in any quota year; and

WHEREAS, the import restrictions proclaimed pursuant to said section 22 are set forth in part 3 of the Appendix to the Tariff Schedules of the United States; and

WHEREAS, the Secretary of Agriculture has reported to me that he believes that additional quantities of dried milk provided for in item 950.02 of the Tariff Schedules of the United States (hereinafter referred to as "nonfat dry milk") may be entered for a temporary period without rendering or tending to render ineffective, or materially interfering with, the price support program now conducted by the Department of Agriculture for milk or reducing substantially the amount of products processed in the United States from domestic milk; and

WHEREAS, under the authority of section 22, I have requested the United States Tariff Commission to make an investigation with respect to this matter; and

WHEREAS, the Secretary of Agriculture has determined and reported to me that a condition exists with respect to nonfat dry milk which requires emergency treatment and that the quantitative limitation imposed on nonfat dry milk should be increased during the period ending October 31, 1973, without awaiting the recommendations of the United States Tariff Commission with respect to such action; and

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WHEREAS, I find and declare that the entry during the period ending October 31, 1973, of an additional quantity of 100,000,000 pounds of nonfat dry milk will not render or tend to render ineffective, or materially interfere with, the price support program which is being undertaken by the Department of Agriculture for milk and will not reduce substantially the amount of products processed in the United States from domestic milk; and that a condition exists which requires emergency treatment and that the quantitative limitation imposed on nonfat dry milk should be increased during such period without awaiting the recommendations of the United States Tariff Commission with respect to such action;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of section 22 of the Agricultural Adjustment Act, as amended, and the Tariff Classification Act of 1962, do hereby proclaim that subdivision (vi) of headnote 3(a) of part 3 of the Appendix to the Tariff Schedules of the United States is amended to read as follows:

(vi) Notwithstanding any other provision of this part, 25,000,000 pounds of dried milk described in item 115.50 may be entered during the period beginning December 30, 1972, and ending February 15, 1973, 60,000,000 pounds of such milk may be entered during the period beginning May 11, 1973, and ending June 30, 1973, 80,000,000 pounds of such milk may be entered during the period beginning July 19, 1973, and ending August 31, 1973, and 100,000,000 pounds of such milk may be entered during the period beginning the day after the date of issuance of this proclamation and ending October 31, 1973, in addition to the annual quota quantity specified for such article under item 950.02, and import licenses shall not be required for entering such additional quantities. No individual, partnership, firm, corporation, association, or other legal entity (including its affiliates or subsidiaries) may during each such period enter pursuant to this provision quantities of such additional dried milk totaling in excess of 2,500,000 pounds. The 100,000,000 pound additional quota quantity authorized to be entered during the period ending October 31, 1973, shall be allocated among supplying countries as follows:

Supplying Country	*Quantity in Pounds*
Australia	25,000,000
New Zealand	25,000,000
Canada	10,000,000
Member States of the European Economic Community	40,000,000

The 100,000,000 pound additional quota quantity provided for herein shall continue in effect pending Presidential action upon receipt of the report and recommendations of the Tariff Commission with respect thereto.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of August, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

[FR Doc.73-18518 Filed 8-28-73;11:36 am]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 535-73]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart V—The Board of Parole

REORGANIZATION OF THE UNITED STATES BOARD OF PAROLE

The following amendments to subpart V, Part 0, Chapter I, of Title 28 of the Code of Federal Regulations reflect a reorganization agreed upon by the United States Board of Parole.

By virtue of the authority vested in me by 28 U.S.C. 510 and 18 U.S.C. 4201, 5005, subpart V, Part 0, chapter 1, Title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.127 is amended to read as follows:

§ 0.127 Youth Correction Division.

(a) All members of the Board of Parole shall serve as members of the Youth Correction Division, and one member shall be designated by the Attorney General as Youth Division Chairman.

(b) The Youth Correction Division of the Board of Parole shall:

(1) Consult with, and make recommendations to, the Director of the Bureau of Prisons as to general treatment and correctional policies for committed youth offenders.

(2) Make recommendations to the Director of the Bureau of Prisons as to individuals committed under the Federal Youth Corrections Act.

(3) Report, within 60 days to the committing court, the findings as to individuals committed for observation and study.

(4) Prescribe the terms and conditions governing those under supervision.

(5) Order parole for youth offenders committed under the Federal Youth Corrections Act and juvenile delinquents sentenced under the Federal Juvenile Delinquency Act.

(6) Direct Federal probation officers to submit reports as to parole supervision of committed youth offenders and to limit and define the powers and duties of voluntary supervisory agents and sponsors.

(7) Issue warrants for the retaking of parole or mandatory release violators, and order the return to custody for further treatment of committed youth offenders.

(8) Revoke parole or mandatory release, or reparole or re-release under supervision.

(9) Discharge committed youth offenders unconditionally at its discretion after a year of parole supervision.

(2) Subpart V is further amended by adding at the end thereof the following new sections:

§ 0.128 Organization.

(a) The Board of Parole shall consist of eight members appointed by the President with the advice and consent of the Senate (18 U.S.C. 4201).

(b) The Board shall consist of a headquarters office and such regional offices as are needed to efficiently and effectively execute the Board's responsibilities. The Chairman of the Board, who shall be designated by the Attorney General, and at least two Board members shall be designated National Directors and serve in the headquarters office, i.e., Washington, D.C., and each regional office shall be directed by a Board member who shall be designated the Regional Director.

§ 0.129 Chairman of the Board of Parole.

The Chairman of the Board of Parole shall:

(a) Represent the position and policies of the Board to the Attorney General, the Administrative Office of the U.S. Courts, other Federal agencies, and the U.S. Congress.

(b) Assign Board members to serve as Regional Directors.

(c) Call meetings of the entire Board at least quarterly to consider, promulgate and oversee Board of Parole policies, and call special meetings at the written request of three Board members.

(d) Designate a Board member, from the National Directors serving in the headquarters office, as Vice Chairman to assist the Chairman in the execution of his responsibilities.

(e) Assign on a temporary basis, any Board member to act for any Regional Director or National Board member in his absence to ensure the proper functioning of the Board.

(f) Ensure that regional offices comply with established Board of Parole policies and procedures.

(g) Exercise the power and authority vested in the Attorney General to take final action in matters pertaining to the employment, direction and general administration, e.g., including appointment, assignment, training, promotion, demotion, compensation, leave, classification and separation, of Board of Parole personnel, except as provided in 28 CFR 0.135.

(h) Allocate, use, and monitor the expenditure of Board funds.

(i) Direct the preparation of the Board's budget request for submission to the Attorney General.

(j) Perform all other executive functions and duties required to execute the responsibilities and policies of the Board.

§ 0.129-1 Regional Director.

A Board member serving as Regional Director shall:

(a) Implement the policies, regulations, and procedures of the Board in the region.

(b) Serve as initial reviewing officer of parole decisions in the appellate process.

(c) Assign and supervise, subject to Board personnel policies, all personnel employed in the regional office.

(d) Prepare and submit to the Chairman a proposed regional budget for each fiscal year.

(e) Serve as the Board's regional liaison representative with Federal and state agencies, the judiciary, the state legislatures, law enforcement and probation officials, correctional and institutional personnel, and the general public.

§ 0.129-2 Discretionary authority of the Board of Parole to delegate decision-making authority to hearing examiners.

Under authority of sections 4203, 4207, 5017, and 5020 of Title 18 of the United States Code, the Board of Parole may, at its discretion, delegate decision-making authority to its hearing examiners.

Dated: August 21, 1973.

ELLIOTT L. RICHARDSON,
Attorney General.

[FR Doc.73-18293 Filed 8-28-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Mattamuskeet National Wildlife Refuge, North Carolina

The following special regulation is issued and is effective on September 1, 1973.

§ 32.12 Special regulations; migratory birds; for individual wildlife refuge areas.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Mattamuskeet National Wildlife Refuge, North Carolina, is suspended during the 1973-74 waterfowl hunting season owing to the continued serious decline of Canada geese wintering in the Mattamuskeet area.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.73-18259 Filed 8-28-73;8:45 am]

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PART 20—MIGRATORY BIRD HUNTING

Aggregate Possession Limit

Correction

In FR Doc. 73-16914, appearing at page 22015 in the issue of Wednesday, August 15, 1973, in the paragraph beginning *"Aggregate possession limit"* in § 20.11, the words "graphic area for which a possession" should be inserted after the sixth line.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Deputy Assistant Secretary for Rural Development is excepted under Schedule C.

Effective on August 29, 1973, § 213.3313 (a) (36) is added as set out below.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* • • •

(36) Deputy Assistant Secretary for Rural Development.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18325 Filed 8-28-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Deputy Assistant Secretary for Education (Policy Communications) is excepted under Schedule C.

Effective on August 29, 1973, § 213.3316 (r) (3) is added as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

• • • • • •

(r) *Office of the Assistant Secretary for Education.* • • •

(3) One Confidential Assistant to the Deputy Assistant Secretary for Education (Policy Communications).

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18323 Filed 8-28-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Special Assistant to the Assistant Secretary for Program Development and Budget is excepted under Schedule C.

Effective on August 29, 1973, § 213.3312 (a) (43) is added as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(43) One Special Assistant to the Assistant Secretary for Program Development and Budget.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18324 Filed 8-28-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Executive Resources Manager to the Deputy Under Secretary is excepted under Schedule C.

Effective on August 29, 1973, § 213.3394 (a) (45) is added as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(45) One Executive Resources Manager to the Deputy Under Secretary.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18322 Filed 8-28-73;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

PRICE DETERMINATION FOR CERTAIN CHEESE

The subpart, Section 22 Import Quotas, is amended to change the price, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of the Appendix to the Tariff Schedules of the United States, which is used as a basis for establishing import restrictions under section 22 on certain cheese. The change from 69 to 72 cents per pound is required since one of the factors used in determining such price (the Commodity Credit Corporation purchase price for Cheddar Cheese under the milk price support program) has been increased.

The subpart, Section 22 Import Quotas, of Part 6, Subtitle A of Title 7, is amended as follows:

§ 6.16 Price determination.

The price referred to in items 950.10B through 950.10E of part 3 of the Appendix to the Tariff Schedules, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of said part 3, is 72 cents per pound. This price shall continue in effect until changed by amendment of this section.

Group V of Appendix 1, under the heading "Licensing Regulations", is amended by changing the description appearing immediately below "Group V" to read as follows:

Cheese described below, if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 72 cents per pound.

The foregoing amendment shall be effective August 29, 1973. In accordance with headnote 3(a)(v) of part 3 of the Appendix to the Tariff Schedules of the United States, the change in price effected by this amendment will not make the import restrictions contained in items 950.10B through 950.10E of part 3 of the Appendix to the Tariff Schedules of the United States applicable to cheese having a purchase price of 69 or more cents per pound if such cheese had been exported to the United States on a through bill of lading or had been placed in bonded warehouse on or before the date of publication in the Federal Register of this amendment. Since the action taken herewith involves foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553.

(Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202.)

Issued at Washington, D.C., this 23d day of August 1973.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.73-18345 Filed 8-28-73;8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Subpart A—Regulations

VOLUNTARY MEAT GRADING AND RELATED SERVICES

This document, issued pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 19622, 19624), makes several changes needed to update the regulations under which voluntary meat grading and related services are provided. Briefly, the changes concern (1) inspection requirements in plants eligible for grading, (2) the addition of a Carcass Data Service as a kind of service available, (3) certificate forms issued for graded or accepted animals and products, (4) certain class designations for bovine carcasses and cuts, grade designations for swine carcasses, and the use of grade designations on boxes or cartons of fabricated meat, and (5) charges for transportation costs to users of this fee-supported service. The paragraphs that follow contain more detailed explanation of the changes and the reasons for them.

Meat grading or acceptance service has been provided only in plants operated under Federal inspection or another acceptable inspection system. As a result of implementation of the Wholesome Meat Act of 1967, all establishments in a State or organized Territory, engaged in the business of preparing meat products for nonretail sale, must operate under the Federal inspection or a State inspection program determined to impose requirements at least equal to the Federal requirements. Accordingly, provisions in the regulations outlining detailed inspection requirements for eligibility of nonfederally inspected plants for grading service, the procedures followed in surveying such plants to determine eligibility, and the basis for charging for such surveys are deleted.

Detailed information on value-determining carcass characteristics is becoming increasingly important in livestock improvement programs. A readily available means for livestock producers and others to obtain carcass information on specific animals helps speed improvement efforts and facilitates the production and marketing of livestock and meat. Such a service has been available as a part of the grading program on a limited basis in a pilot study in a 4-State midwest area. Because of widespread industry interest and demand for the service, on July 31, 1972, the Department announced expansion of the pilot study to a nationwide test of the Beef Carcass Data Service. The regulations are changed to show the availability of this additional kind of service.

A revision in the "Official U.S. Standards for Carcass Beef," effective July 1, 1973, for the first time provides for a class (sex) identification—Bullock—to distinguish beef from younger and older bulls. This identification will be applied to carcasses and cuts classed as bullocks when they are officially graded. In the same revision, the class designation "Stag" was deleted from the standards as an official class identification. The April 1968 revision of the "Official U.S. Standards for Grades of Pork Carcasses" provided for an additional numerical grade designation—U.S. No. 4. Therefore, all three of these changes are being made to make the regulations consistent with the official U.S. standards.

The paragraph in the regulations concerning grade designations which may not be applied to a carcass unless it has been federally graded does not reference pork carcass grade U.S. No. 4 or yield grades 1, 2, 3, 4, or 5. Therefore, the regulations are being changed to include these grades in addition to those already listed. Also, a statement has been added to include the application of Federal grade designations to containers of meat when their contents have not been federally graded as specified in these regulations as a reason for withdrawal of service.

A single type of certificate has been issued for all animals or products whether graded or accepted under the regulations. The regulations are changed to designate two separate forms of official certificates—one for certifying the official grade and another for certifying compliance with applicable specifications.

The regulations provide that applicants may obtain grading service on a commitment basis—they agree to pay for a full 40 hours of service each week. The regulations are amended so that an applicant who terminates a commitment, and within 1 year after cancellation is granted a new commitment at his request, shall pay the actual moving costs incurred in transferring a grader to service a new commitment. This will permit collection of the costs of the transfer from the particular applicant responsible for the unusual costs. Otherwise, this expense item would affect the regular fee that must be charged to all users of the service. In a related change, provision is made for an applicant to enter into a temporary commitment or agreement for 3 months or less which does not involve a grader's transfer. Also, the basis for assessing per diem charges to applicants who request service away from an official grader's headquarters is changed. Previously, per diem was charged only when the travel extended beyond 1 calendar day. However, graders now may be authorized per diem reimbursement for travel periods of less than 1 calendar day. Accordingly, the regulations are changed to provide that applicants will be charged per diem whenever the grader performing the service is paid per diem under existing travel regulations.

Another amendment changes the name of the Consumer and Marketing Service to Agricultural Marketing Service wherever it appears in the regulations. This change is necessitated by the Agency name change announced by the Secretary of Agriculture, effective April 2, 1972.

Also, other minor changes are made.

Pursuant to the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the regulations in Part 53, Title 7, Code of Federal Regulations are hereby amended in the following respects:

§§ 53.1, 53.30, 53.31 [Amended]

1. Sections 53.1 (d), (e), (f), and (jj); 53.11; 53.29(b); 53.30; and 53.31 are each hereby amended by changing the term, "Consumer and Marketing Service" wherever it appears in said sections to "Agricultural Marketing Service."

2. In § 53.1, paragraph (mm) is amended and a new paragraph (pp) is added to read as follows:

§ 53.1 Meaning of words.

• • • • • •

(mm) *Yield grade.* The designation related to the quantity of trimmed, boneless, major retail cuts to be derived from the carcass or wholesale cuts—rounds or legs, loins, ribs, or racks, and chucks or shoulders—referred to as yield grade in Subpart B of this part.

• • • • • •

(pp) *Carcass Data Service.* The service established and conducted under the regulations to provide producers and other interested persons with data on carcass characteristics.

3. Section 53.4 is hereby amended to read as follows:

§ 53.4 Kind of service.

Grading service under the regulations shall consist of the determination and certification and other identification, upon request by the applicant, of the class, grade, or other quality of livestock or products under applicable standards in Subpart B of this part. Class, grade and other quality may be determined under said standards for livestock or meat of cattle, sheep, or swine in carcass form or for wholesale cuts of such meat, other than pork wholesale cuts. Acceptance service under the regulations shall consist of the determination of the conformity of livestock or products to specifications approved by the Director or Chief and the certification and other identification of such livestock or products in accordance with specifications, upon request by the applicant. Determination as to product compliance with specifications for ingredient content or method of preparation may be based upon information received from the inspection system having jurisdiction over the products involved. The Carcass Data Service, under the regulations, shall consist of the evaluation of carcass characteristics, in accordance with applicable official United States Standards which appear in Title 7, Chapter I, Part 53 of the Code of Federal Regulations (7 CFR Part 53), of carcasses of animals identified with the official eartag as shown in § 53.19, the recording of such data, and transmittal of the data to, or as directed by, the applicant for the service.

4. Section 53.5 is hereby amended to read as follows:

§ 53.5 Availability of service.

Service under these regulations may be made available with respect to livestock or products shipped or received in interstate commerce, and with respect to the livestock or products not so shipped or received if the Director or Chief determines that the furnishing of service for such livestock or products would facilitate the marketing, distribution, processing, or utilization of agricultural products through commercial channels. Also, such service may be made available under a cooperative agreement. Service under these regulations shall be provided without discrimination as to race, color, sex, creed, or national origin. Service will be furnished for products only if they were derived from animals slaughtered in federally inspected establishments or operated under State meat inspection in a State other than one designated in 9 CFR 331.2. Service under these regulations will be furnished for imported meat only if it is marked so that the name of the country of origin appears on most of the major retail cuts. The mark of foreign origin shall be imprinted by roller brand or handstamp and shall be applied so that the imprint is at least 2 inches from the backbone of lamb, 3 inches from the backbone of

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veal and calf, and 4 inches from the backbone of beef carcasses. The mark of foreign origin shall be repeated parallel to the backbone of the carcass so as to appear on each round, rump, full loin, rib, and chuck of each bovine and ovine carcass in letters at least one-fourth of an inch high, with no more than three-fourths of an inch space between impressions. Imprints of each such brand shall be submitted to the Chief for the determination of compliance with these regulations prior to use of the brand on meats offered for Federal grading. It shall be the responsibility of the applicant to notify the meat grader performing the service whenever imported meat is offered for grading.

§§ 53.6, 53.7 [Revoked]

5. Sections 53.6 and 53.7 are revoked and reserved as follows:

6. Section 53.3 is hereby amended to read as follows:

§ 53.8 How to obtain service.

(a) *Application.* Any person may apply to the Director or Chief for service under the regulations with respect to livestock or products in which the applicant is financially interested. The application shall be made on a form approved by the Director. In any case in which the service is intended to be furnished at an establishment not operated by the applicant, the application shall be approved by the operator of such establishment and such approval shall constitute an authorization for any employees of the Department to enter the establishment for the purpose of performing their functions under the regulations. The application shall state: (1) The name and address of the establishment at which service is desired; (2) the name and post office address of the applicant; (3) the financial interest of the applicant in the livestock or products, except where application is made by an official of a Government agency in his official capacity; and (4) the signature of the applicant (or the signature and title of his representative). The application shall indicate the legal status of the applicant as an individual, partnership, corporation, or other form of legal entity. Any change in such status, at any time while service is being received, shall be promptly reported to the Director or Chief by the person receiving the service.

(b) *Notice of eligibility for service.* The applicant for service at any establishment will be notified whether his application is approved.

(c) *Request by applicant for service—*(1) *Noncommitment.* Upon notification of the approval on an application for service, the applicant may, from time to time as desired, make oral or written requests for service under the regulations with respect to specific livestock or products for which the service is to be furnished under such application. Such requests shall be made at an office for grading either directly or through any employee of the Agricultural Marketing Service who may be designated for such purposes.

(2) *Commitment.* If desired, the applicant may enter into an agreement with the Agricultural Marketing Service for the furnishing of service on a weekly commitment basis, whereby the applicant agrees to pay for 8 hours of service per day, 5 days per week, Monday through Friday, as provided in § 53.29(b), and the Agricultural Marketing Service agrees to make an official grader available to perform such service for the applicant. However, the Agricultural Marketing Service reserves the right to use any grader assigned to a plant under such a commitment to perform service for other applicants, when, in the opinion of the Chief, the grader is not needed to perform service for the applicant. An applicant who terminates a commitment, and within 1 year after cancellation is granted a new commitment at his request, shall pay for the moving costs actually incurred by the Agricultural Marketing Service to cover the transfer of the grader who will service the applicant's new commitment. If more than one applicant is involved in the reapplication for a canceled meat grading commitment requiring the transfer of the grader, the moving costs will be prorated among the applicants according to each applicant's committed portion of the grader's services. However, the moving costs will be charged only to those applicants who were parties to the previously canceled commitment. An applicant may, for periods of 3 months or less, enter into an agreement by memorandum with the Agricultural Marketing Service for the furnishing of service on a weekly basis. In the latter case, transfer of graders would not be involved and charges will be made in accordance with § 53.29.

7. Section 53.10 is hereby amended to read as follows:

§ 53.10 When request for service deemed made.

A request for service under the regulations shall be deemed to be made when received by an office of grading. Records showing the date and time of the request shall be made and kept in such office. However, in the case of the Carcass Data Service, the purchase of official USDA eartags shall constitute a request for such service and the requisition form used to purchase the eartags shall be kept in the designated office of record.

8. Section 53.13—Paragraph (a)(1)(vii) is hereby amended, subdivision (viii) is renumbered (ix), and a new subdivision (viii) is added as follows:

§ 53.13 Denial or withdrawal of service.

(a) *For misconduct—*(1) *Bases for denial or withdrawal.* • • • (vii) has applied the designation "Prime," "Choice," "Good," "Standard," "Commercial," "Utility," "Cutter," "Canner," "Cull," "Medium," "No. 1," "No. 2," "No. 3," "No. 4," "Yield Grade 1," "Yield Grade 2," "Yield Grade 3," "Yield Grade 4," or "Yield Grade 5" by stamp, or brand directly on any carcass, wholesale cut, or retail cut of any carcass, as part of a grade designation; or (viii) has applied to immediate containers or shipping containers of carcasses, wholesale cuts, or retail cuts, grade designations specified in paragraph (a)(1)(vii) of this section, when such carcasses, wholesale cuts, or retail cuts contained therein have not been federally graded; or (ix) has in any manner not specified in this paragraph violated subsection 203(h) of the Act: *Provided,* That paragraph (a)(1)(vi) of this section shall not be deemed to be violated if the person in possession of any item mentioned therein notifies the Director or Chief without delay that he has possession of such item and, in the case of an official device, surrenders it to the Chief, and, in the case of any other item, surrenders it to the Director or Chief or destroys it or brings it into compliance with the regulations by obliterating or removing the violative features under supervision of the Director or Chief: *And provided, further,* That paragraph (a)(1)(ii) through (viii) of this section shall not be deemed to be violated by any act committed by any person prior to the making of an application for service under the regulations by the principal person. An application or a request for service may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, any person who operates an establishment for which he has made application for service if, with the knowledge of such operator, any other person conducting any operations in such establishment has committed any of the offenses specified in paragraph (a)(1)(i) through (ix) of this section after such application was made. Moreover, an application or a request for service made in the name of a person otherwise eligible for service under the regulations may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, such a person (*a*) in case the service is or would be performed at an establishment operated (*1*) by a corporation, partnership, or other person from whom the benefits of the service are currently being withheld under this paragraph, or (2) by a corporation, partnership, or other person having an officer, director, partner, or substantial investor from whom the benefits of the service are currently being withheld and who has any authority with respect to the establishment where service is or would be performed, or (*b*) in case the service is or would be performed with respect to any livestock or product in which any corporation, partnership, or other person within paragraph (a)(1)(ix)(*a*)(*1*) of this section has a contract or other financial interest.

9. Section 53.16 is hereby amended to read as follows:

§ 53.16 Official certificates.

(a) *Required; exception.* The official grader shall prepare, sign, and issue either (1) an official Agricultural Products Grading Certificate for products graded by him, or (2) an official Agricultural Products Acceptance Certificate covering products for which he has determined compliance except in the Beef Carcass Data Service as provided for in § 53.4. In the latter case, complete records of the services shall be furnished to the office of grading.

(b) *Form.* (1) The following forms constitute forms of official certificates for products under the regulations.

FORM LS-5 (5-15-72)

AUTHORIZATION NO. | FY | MONTH | DAY

CERTIFICATE NO. LG-

APPLICANT NO. 44

NAME OF APPLICANT

ADDRESS

SUBCENTER NO. 4

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK DIVISION

AGRICULTURAL PRODUCTS GRADING CERTIFICATE

This certificate is receivable by all officers and all Courts of the United States as prima facie evidence of the truth of the statements therein contained. *(This certificate does not excuse failure to comply with any of the regulatory laws enforced by the United States Department of Agriculture.)*

DESCRIPTION OF PRODUCT	GRADE OR OTHER QUALITY	NUMBER SLAUGHTERED BY SPECIES	PIECES GRADED	SEX OR SEX	SPECIES	CAR-CUT	GRADE	YIELD	PRODUCTION TIME
		LG							/4
		LG							/4
		LG							/4
		LG							/4
		LG							/4
		LG							/4
		LG							/4
		LG							/4
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		LG							/4
		LG							/4
		LG							/4
		LG							/4
		LG							/4
		LG							/4
		LG							/4
		LG	WAITING TIME LA				TRAVEL TIME LB		/4

BASE HOURS →	L 1		/4
NIGHT, SAT., SUN. HOURS →	L 2		/4
HOLIDAY HOURS →	L 3		/4
PER DIEM DAYS →	L 6		/4
MILES →	L 7		
TOTAL OTHER EXPENSES →	Z 7 $		R A

I CERTIFY that in compliance with the Federal Meat and Livestock Grading Regulations (7 CFR Subpart 53A, as amended) under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), I examined the product or products described above, at the time and place stated, and found that at said time and place the class, grade, and other quality thereof were as stated above and such product or products complied with any specifications listed, with any qualifications noted above.

WEIGHTS NOT VERIFIED:

SIGNATURE OF GRADER

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FORM LS-5-1 (5-15-72)

AUTHORIZATION NO. | FY | MONTH | DAY | CERTIFICATE NO. LS-

APPLICANT NO. 4 4

NAME OF APPLICANT

ADDRESS

SUBCENTER NO. 4

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK DIVISION

AGRICULTURAL PRODUCTS ACCEPTANCE CERTIFICATE

SHIPPER OR SELLER NAME AND ADDRESS

RECEIVER OR BUYER NAME AND ADDRESS

This certificate is receivable by all officers and all Courts of the United States as prima facie evidence of the truth of the statements therein contained. *(This certificate does not excuse failure to comply with any of the regulatory laws enforced by the U.S. Department of Agriculture.)*

LOCATION / DESCRIPTION OF PRODUCT	SPECIFICATION AND ITEM NUMBER	WEIGHT RANGE	GRADE OR OTHER QUALITY	ACCEPTED UNITS	ACCEPTED POUNDS	PRODUCTION TIME	CAT. CODE
					L S	/4	
					L S	/4	
					L S	/4	

determined to be 4,764 short tons, raw value, is herein determined to be 2,264 short tons, raw value.

On the basis of final outturn weights and polarizations, the Department's records show that Haiti has shipped 295 tons of sugar to the United States in excess of its current quota. Therefore, the total deficit in the quota for Haiti, established under section 202 of the Act, previously determined to be 11,321 short tons, raw value, is herein determined to be 11,026 short tons, raw value.

The combined total deficits and deficit adjustments determined in quotas established under section 202 of the Act for Puerto Rico, Venezuela, Panama, and Haiti are reallocated by allocating 30.08 percent to the Republic of the Philippines and prorating the balance to Western Hemisphere countries that have not declared deficits. The section 202 quota and deficit prorations assigned to Honduras are prorated to other Central American Common Market countries.

It is hereby determined that deficits previously declared and those declared herein constitute all known deficits on which data are currently ascertainable by the Department.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.21, 811.22, and 811.23 as follows:

1. Section 811.21 is amended by amending paragraph (a) (2) to read as follows:

§ 811.21 Quotas for domestic areas.

(a) • • •

(2) It is hereby determined, pursuant to section 204(a) of the Act, for the calendar year 1973, the Domestic Beet Sugar Area and Puerto Rico will be unable by 49,000 and 765,000 short tons, raw value, respectively, to fill the quotas established for such areas in paragraph (a) (1) of this section. Pursuant to section 204(b) of the Act, the determination of such deficits shall not affect the quotas established in paragraph (a) (1) of this section.

• • • • •

2. Section 811.22 is amended by amending paragraph (a) to read as follows:

§ 811.22 Proration and allocation of deficits in quota.

(a) The total deficits determined in quotas established under section 202 of the Act in short tons, raw value, are as follows: Domestic Beet Sugar Area 49,000; Puerto Rico 765,000; the West Indies 114,703; Panama 2,264; Honduras 10,189; Venezuela 20,317 and Haiti 11,026. The deficits for the domestic areas, the West Indies, Venezuela, Haiti, and Panama totalling 962,310 tons are reallocated by allocating 30.08 percent or 289,463 tons to the Republic of the Philippines and by prorating the remaining 672,847 tons to Western Hemisphere quota countries with quotas in effect in accordance with section 204(a) of the Act, except such prorations to the West Indies, Panama, Venezuela, and Haiti are limited so that total quotas for each country will not exceed 114,703, 52,500, 31,902, and 15,295 tons, respectively. The section 202 quota and deficit prorations to Honduras are prorated to other Central American Common Market countries on the basis of quotas determined under section 202 of the Act.

• • • • •

3. Section 811.23 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.23 Quotas for foreign countries.

• • • • •

(b) For the calendar year 1973, the quota for the Republic of the Philippines is 1,426,779 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202(b) of the Act, 289,463 short tons, established pursuant to section 204(a) of the Act and 11,296 short tons, established pursuant to section 202(d) of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202(b) of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1973, the prorations to individual foreign countries other than the Republic of the Philippines, pursuant to section 202 of the Act, are shown in columns (1) and (2) of the following table. Deficits and deficit prorations previously established in this Sugar Regulation 811 are shown in column (3). The deficits and deficit prorations established herein are shown in column (4). Total quotas and prorations are shown in column (5).

Countries	Basic Quotas (1)	Temporary quotas and prorations pursuant to Sec. 202 (d) [1] (2)	Previous deficit prorations (3)	New deficit prorations (4)	Total quotas and prorations (5)
			Short tons, raw value		
Dominican Republic	406,584	137,821	147,219	13,851	704,475
Mexico	358,669	121,885	130,197	12,250	623,021
Brazil	349,817	118,870	126,977	11,946	607,610
Peru	250,322	85,061	90,862	8,549	434,794
West Indies	130,548	44,362	−114,703	0	60,207
Ecuador	51,649	17,552	18,748	1,763	89,712
Argentina	48,480	16,474	17,597	1,656	84,207
Costa Rica	43,727	14,859	19,666	1,569	79,821
Colombia	43,093	14,644	15,642	1,472	74,851
Panama	40,875	13,889	−4,764	2,500	52,500
Nicaragua	40,875	13,889	18,284	1,467	74,515
Venezuela	38,974	13,245	14,147	−34,464	31,902
Guatemala	37,390	12,705	16,816	1,342	68,253
El Salvador	27,250	9,260	12,255	979	49,744
Belize (British Honduras)	21,547	7,321	7,821	736	37,425
Haiti	19,645	6,676	−11,321	295	15,295
Honduras	7,605	2,584	−10,189	0	0
Bolivia	4,119	1,400	1,495	141	7,155
Paraguay	4,119	1,400	1,495	141	7,155
Australia	159,065	44,951	0	0	204,016
Republic of China	66,234	18,715	0	0	84,309
India	63,699	17,999	0	0	81,588
South Africa	44,994	12,715	0	0	57,709
Fiji Islands	34,855	9,850	0	0	44,705
Mauritius	23,448	6,626	0	0	30,074
Swaziland	23,448	6,626	0	0	30,074
Thailand	14,576	4,118	0	0	18,694
Malawi	11,724	3,313	0	0	15,037
Malagasy Republic	9,506	2,686	0	0	12,192
Ireland	5,351	0	0	0	5,351
Total	2,381,188	781,496	498,344	26,193	3,687,221

[1] Proration of the quotas withheld from Cuba, Southern Rhodesia, Bahamas, and Uganda.

• • • • •

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, and 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date.—In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on August 23, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-18205 Filed 8-23-73;3:22 pm]

[Sugar Reg. 814.11]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1973 Quotas

Basis and purpose.—This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926, as amended), hereinafter called the "Act" for the purpose of allotting the 1973 sugar quota for the Mainland Cane Sugar Area among persons who process sugar from sugarcane and market such sugar for consumption in the continental United States.

Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary among other things: (1) to prevent disorderly marketing of sugar or liquid sugar; and (2) to afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on March 20, 1973 (38 FR 7339), of a public hearing to be held in Atlanta, Ga., in the Federal Building, Room 556, on April 13, 1973, beginning at 10 a.m. local time, for the purpose of receiving evidence to enable the Secretary (1) to affirm or revoke the preliminary finding of necessity for allotments, (2) to establish a fair, efficient, and equitable allotment of the 1973 quota for the Mainland Cane Sugar Area, (3) to revise or amend the allotment of the quota for the purposes of (a) allotting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department, and (c) substituting revised or corrected data where such data become a part of the official records of the Department, and (4) to make provision for transfer and exchange of allotments.

The hearing was held at the place and time specified in the notice and testimony was given with respect to all of the issues referred to in the hearing notice. In arriving at the findings, conclusions, and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto.

Omission of the recommended decision and effective date.—The record of the hearing shows that the supply of sugar available for marketing is in excess of the quota of 1,591,000 tons and that 1973 marketings of mainland cane sugar, unless restricted, could exceed the 1973 quota for the Mainland Cane Sugar Area. The proceeding to which this order relates was instituted for the purpose of alloting the quota for the Mainland Cane Sugar Area to prevent disorderly marketing and to afford each interested person an equitable opportunity to market sugar within the quota for the area. In view of the need for allotments, it is imperative that processors know as soon as possible the approximate quantity of sugar each may market within the quota during the balance of the year in order to plan marketings and prevent disorderly marketing that could occur if the effective date of the allotment order is unduly delayed. Accordingly, in order to fully effectuate the purposes of section 205(a) of the Act it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is also hereby further found and determined for the reasons given above for the omission of a recommended decision that compliance with the 30-day effective date requirement of 5 U.S.C. 553 (80 Stat. 378) is impractical and contrary to the public interest, and consequently, this order shall become effective on August 29, 1973.

Basis for findings and conclusions.—Section 205(a) of the Act reads in pertinent parts as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof alloted to him. • • • The Secretary is also authorized in making such allotments of a quota for any calendar year to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings, and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for the reasonably efficient operation of any non-affiliated single plant processor of sugar beets or any processor of sugarcane and as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area: Provided, That • • • marketing allotment of a processor of sugarcane shall not be increased under this provision above an allotment equal to the effective inventory of sugar of such processor on January 1, of the calendar year for which such allotment is made: • • • Provided further, That the total increases in marketing allotments made pursuant to this sentence • • • to processors in the mainland cane sugar areas shall be limited to 16,000 short tons of sugar, raw value, for each calendar year. In making such allotments, the Secretary may also take into consideration and make due allowance for the adverse effect of drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions seriously and broadly affecting any general area served by the factory or factories of such person. • • •

The record of the hearing indicated that the prospective supply of mainland cane sugar available for marketing in 1973 exceeds the quota for that area to an extent that allotment of the quota is necessary (R. 9).

The Government witness introduced for the record annual data on processings, marketing, and inventories for the most recent 5-year period (R. 10 Ex. 5).

The three factors of "processings," "past marketings," and "ability to market," the adverse effect of storm, freeze, and other similar abnormal conditions have been considered by the allotment method herein adopted as set forth in finding 4.

The allotment method adopted herein is the same as that proposed at the hearing by the Government witness with the exception that the fixed allotment for Louisiana State University of 25 short tons, raw value, for 1973 has been reduced to 10 short tons, raw value, and the period for reporting the final 1972 crop production has been extended for Florida processors beyond April 30, 1973, until the completion of the harvest of the 1972 Florida crop. The period for reporting final 1972 production and marketing data of Florida processors was extended to May 31, 1973, at the request of the Florida Sugar Cane League, Inc. and the Sugar Cane Growers Cooperative of Florida in briefs filed May 15, 1973. Any revision in 1972 crop production or marketing data received in reports after this period will be considered as pertaining to the 1973 crop. The fixed allotment for Louisiana State University was reduced to 10 tons according to the joint request made at the hearing by the processors of Louisiana and Florida.

The Government witness proposed that the factor "processings from proportionate shares" should be measured for each processor by the higher of either its production of sugar from 1972 crop sugarcane or 101 percent of his average production from the 1970 and 1971 crops of sugarcane in short tons, raw value, expressed as a percentage of the total of the measure for all processors and weighted by 60 percent. The primary purpose for using an alternative measure of "processings" (101 percent of his average production from the 1970 and 1971 crops of sugarcane), is to give protection against a crop failure or some other unavoidable occurrence which reduced processings of the crop used for the measure of processings.

Giving consideration to "past marketings" by using the average annual marketings for each processor for the 3-year period 1970 through 1972 and giving this factor a weighting of 20 percent in determining allotments contributes to an orderly rate of change in the marketings of each processor relative to others. Measuring the factor "ability to market" as herein adopted and giving this factor a weighting of 20 percent in determining allotments gives recognition to the sugar produced from 1972 crop sugarcane which each processor will have available for marketing within the 1973 quota and also recognizes the relative sharing of each processor in past new-crop marketings within the quota.

An allotment of 10 short tons, raw value, is established herein for Louisiana State University as proposed by the witnesses representing mainland sugarcane processors.

As proposed by the Government witness at the hearing a quantity of the quota is reserved for those processors who released excess deficits in 1972. The purpose of this provision is to encourage allottees to be as accurate as possible in determining deficits and the allotment method used herein provides that a quantity of sugar equal to excess deficits released by allottees in 1972 be reserved and added to 1973 allotments of the applicable processors.

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The Department has been officially notified by the Louisiana State Penitentiary that it will not process any 1973 crop sugarcane and therefore, allotment has been provided for the Penitentiary equal to its January 1, 1973, effective inventory. Since the Penitentiary processes only cane produced at the Penitentiary and no 1973 crop will be grown, all other processors will share in the unused portion of the allotment that would have been provided for the Penitentiary had it continued to operate. No comments or requests other than those noted above were offered by processors at the hearing or subsequent thereto.

Findings and conclusions.—On the basis of the record of the hearing, I hereby find and conclude that:

(1) The quantity of sugar available for marketing in 1973, consisting of January 1, 1973, effective inventories of mainland cane sugar of 851,994 tons plus 1973 crop sugar produced before January 1, 1974, of between 950,000 and 1,050,000 tons would substantially exceed the current 1,591,000 ton quota established for the area.

(2) The supply situation makes necessary the allotment of the 1973 sugar quota for the Mainland Cane Sugar Area to assure an orderly marketing of sugar, and to afford all interested persons equitable opportunities to market sugar within the quota.

(3) Eight-hundred and ninety-eight short tons, raw value, shall be set aside from the quota providing for an allotment of 10 short tons, raw value, for Louisiana State University, 569 tons for the Louisiana State Penitentiary and providing a reserve of 319 tons to be added to the allotment of processors who released excess deficits in 1972. The reserve quantities to be added to 1973 allotments equal to excess allotments released are 127 tons for Alma Plantation, Ltd.; 68 tons for Louisa Sugar Cooperative, Inc. and 124 tons for Milliken and Farwell, Inc., now Smithfield Sugar Cooperative, Inc.

(4) The remainder of the 1973 Mainland Cane Sugar Area quota for consumption within the continental United States, after setting aside 898 tons as provided in finding (3) shall be alloted to processors other than Louisiana State University and Louisiana State Penitentiary by measuring and weighting each of the three factors of "processing," "past marketings," and "ability to market" specified in section 205(a) of the Act; and by determining allotments as follows based on data in the hearing record and any revised or corrected final data of which official notice will be taken:

(a) The factor "processings from proportionate shares," shall be measured for each processor by the higher of either his production of sugar from 1972 crop sugarcane in short tons, raw value, or 101 percent of his average crop-year production from the 1970 and 1971 crops of sugarcane in short tons, raw value, expressed as a percentage of the total of the measure for all processors and weighted by 60 percent.

(b) The factor "past marketings" shall be measured for each processor by his average annual quota marketing for the years 1970 through 1972 in short tons, raw value, expressed as a percentage of the total of the measure for all processors and weighted 20 percent.

(c) The factor "ability to market" shall be measured by the sum of (i) each processor's January 1, 1973, effective inventory, and (ii) his share of the difference between the 1973 quota in short tons, raw value, for the Mainland Cane Sugar Area after deducting 898 tons set aside under finding (3) and the total of the effective inventories of all processors listed in the table in finding (7). Each processor's share of such difference shall be determined by applying to the area total difference the percentage that his avearge 1970 through 1972 new-crop marketings were of the total average new-crop marketings of all processors for such years. The sum of (i) and (ii) in short tons, raw value, expressed for each processor as a percentage of the total of the measure for all processors shall be weighted 20 percent.

(d) To determine each processor's allotment in short tons, raw value, the total percentage for each processor derived by measuring and weighting the three factors as heretofore proposed shall be multiplied by the quota for the Mainland Cane Sugar Area in short tons, raw value, less 898 tons set aside under finding (3).

(e) Any revision in allotments made to give effect to any increase or decrease in the Mainland Cane Sugar Area quota shall be determined by the full application of the formula for determining allotments as provided in paragraphs (a) through (d) of this finding (4).

(f) Any revision in allotments made to give effect to a release of all or a part of an allotment by an allottee shall be determined by prorating such release or deficit to all other allottees to the extent they are able to market additional sugar on the basis of allotments as determined pursuant to preceding paragraphs of this finding (4).

(5) Final adjustments in the data for 1972 crop including January 1, 1973, effective inventories, were made on the basis of sugar production and marketing reports covering the period ending May 31, 1973.

(6) According to official records received by the Department the operations of Poplar Grove Planting and Refining Co., Inc. and Milliken and Farwell, Inc., have been combined into a new company known as Smithfield Sugar Cooperative, Inc. The allotment history of the respective companies, therefore, is combined for purposes of determining the allotment of the new company, Smithfield Sugar Cooperative, Inc.

(7) The quantities of sugar and the percentages referred to in finding (4) and the computation of processor allotments are set forth in the following table:

Processor	Processings of sugar [1]		Average quota marketings [2]		Ability to market					Processor's basic allotment [4]	
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Effective inventory 1-1-73 [3]	New crop quota marketings		Measures used		Percent of total	Short tons, raw value
						Average 1970-1972	"Shares" of [4] difference	Col. (5) plus Col. (7)	Percent of total		
						Short tons, raw value					
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Albania Sugar Co	9,829	0.607	10,535	0.756	1,179	7,207	11,103	12,282	0.772	0.670	10,654
Alma Plantation, Ltd	11,824	.730	12,862	.923	127	8,455	13,025	13,152	.827	.788	12,530
J. Aron & Co., Inc	17,896	1.104	18,842	1.353	0	12,601	19,412	19,412	1.221	1.177	18,716
Billeaud Sugar Factory	13,325	.822	13,713	.985	1,968	9,306	14,336	16,304	1.025	.895	14,231
Breaux Bridge Sugar Co-op	12,900	.796	12,696	.912	4,243	5,482	8,445	12,688	.798	.820	13,039
Wm. T. Burton Industry, Inc	11,231	.693	8,898	.639	2,886	5,984	9,218	12,104	.761	.698	11,067
Caire & Graugnard	7,247	.447	7,847	.563	1,592	3,933	6,059	7,651	.481	.477	7,585
Cajun Sugar Co-op., Inc	33,308	2.057	28,501	2.048	19,718	7,428	11,443	31,161	1.960	2.035	32,359
Caldwell Sugar Co-op., Inc	18,252	1.126	19,427	1.395	6,332	8,816	13,581	19,913	1.252	1.205	19,161
Columbia Sugar Co	8,868	.547	9,334	.669	1,457	5,803	8,940	10,397	.654	.593	9,429
Cora-Texas Manufacturing Co., Inc	13,170	.813	11,318	.813	7,971	2,867	4,417	12,388	.779	.806	12,816
Dugas & Le Blanc, Ltd	21,204	1.309	22,430	1.610	3,456	11,233	17,305	20,761	1.306	1.369	21,769
Duhe & Bourgeois Sugar Co	11,995	.740	12,662	.909	938	7,665	11,808	12,746	.802	.786	12,498
Evan Hall Sugar Co-op., Inc	28,780	1.776	30,616	2.198	2,948	20,398	31,423	34,371	2.162	1.937	30,800
Frisco Cane Co., Inc	1,768	.109	2,088	.150	128	1,632	2,514	2,642	.166	.129	2,051
Glenwood Co-op., Inc	21,063	1.300	22,430	1.610	2,409	12,369	19,055	21,464	1.350	1.372	21,816
Helvetia Sugar Co-op., Inc	15,131	.934	16,925	1.215	2,228	8,626	13,288	15,516	.976	.999	15,885
Iberia Sugar Co-op., Inc	23,795	1.468	23,879	1.714	6,479	11,186	17,232	23,711	1.491	1.522	24,201
Lafourche Sugar Co	27,594	1.703	29,816	2.141	4,518	15,574	23,992	28,510	1.793	1.809	28,765
Harry L. Laws & Co., Inc	18,693	1.154	19,554	1.404	1,088	12,027	18,528	19,616	1.234	1.220	19,399
Levert-St. John, Inc	12,797	.790	13,688	.983	1,397	10,482	16,302	17,689	1.112	.893	14,200
Louisa Sugar Co-op., Inc	13,329	.823	12,519	.899	1,725	8,909	13,724	15,449	.972	.866	13,802

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Meeker Sugar Co-op., Inc	16,454	1.015	12,936	0.929	9,334	3,971	6,117	15,451	0.972	0.989	15,726
M. A. Patout & Son, Ltd	25,163	1.552	22,576	1.621	3,153	15,897	24,490	27,643	1.738	1.603	25,489
Savoie Industries	21,357	1.318	20,152	1.447	5,405	10,541	16,239	21,644	1.361	1.352	21,498
St. James Sugar Co-op., Inc	25,703	1.586	27,280	1.959	13,919	6,634	10,230	24,139	1.518	1.647	26,189
St. Mary Sugar Co-op., Inc	16,848	1.040	18,228	1.309	4,315	10,034	15,457	19,772	1.243	1.134	18,032
Smithfield Sugar Co-op., Inc	23,056	1.423	24,466	1.757	1,633	14,209	21,889	23,522	1.479	1.501	23,867
South Coast Corp	67,448	4.163	75,343	5.409	33,264	19,186	29,556	62,820	3.951	4.349	69,187
Southdown Sugars, Inc	43,217	2.667	49,932	3.585	7,124	23,873	36,777	43,901	2.761	2.869	45,620
Sterling Sugars, Inc	32,999	2.036	34,504	2.477	5,198	19,591	30,180	35,378	2.225	2.162	34,378
J. Supple's Sons Planting Co	5,960	.368	6,498	.467	803	3,575	5,507	6,310	.397	.384	6,365
Valentine Sugars, Inc	14,081	.869	16,858	1.210	373	8,521	13,131	13,504	.849	.933	14,836
Vida Sugars, Inc	4,864	.300	5,315	.382	627	4,615	7,109	7,736	.486	.354	5,629
A. Wilbert's Sons Lumber & Shingle Co	11,678	.721	12,121	.870	0	8,070	12,432	12,432	.782	.763	12,133
Louisiana subtotal	662,817	40.906	686,772	49.309	159,925	316,803	534,254	694,179	43.656	43.137	685,922
Atlantic Sugar Association, Inc	66,477	4.103	39,031	2.803	50,105	9,109	14,033	64,138	4.034	3.829	60,885
Glades County Sugar Growers Co-op. Association	69,228	4.273	51,756	3.716	50,784	8,513	13,114	63,898	4.018	4.111	65,369
Gulf & Western Food Products Co	130,759	8.070	91,006	6.534	97,535	16,751	25,805	123,340	7.756	7.701	122,502
Osceola Farms Co	86,273	5.321	62,146	4.462	63,441	11,210	17,315	80,756	5.079	5.103	81,143
Sugarcane Growers Co-op. of Florida	179,732	11.092	128,887	9.254	133,513	22,763	34,974	168,517	10.598	10.625	168,948
Talisman Sugar Corp	95,007	5.863	75,369	5.404	64,874	14,571	22,447	87,321	5.491	6.597	90,588
U.S. Sugar Corp	330,041	20.369	257,917	18.518	231,487	49,442	76,166	307,653	19.348	19.794	314,745
Florida subtotal	957,517	59.094	706,012	50.691	692,069	132,329	203,851	895,923	56.314	56.863	904,180
Total all mainland cane	1,620,334	100.000	1,392,784	100.000	851,994	479,132	738,108	1,590,102	100.000	100.000	1,590,102

[1] The higher of either the production of sugar from the 1972 crop or 101 percent of the average production for the 1970 and 1971 crops of sugarcane.
[2] Average annual quota marketing for each processor for years 1970 through 1972.
[3] Effective inventory, January 1, 1973 is the physical inventory January 1, 1973 plus processings from 1972 crop cane in 1973.
[4] The difference between 1,590,102 tons (quota for 1973 established by S.R. 811-Amdt. 2, less 10 tons reserved for Louisiana State University, less reserves for processors who released excess 1972 allotments amounting to 127 tons for Alma, 68 tons for Louisa, and 124 tons for Milliken and Farwell, now Smithfield Sugar Cooperative, Inc., and less 569 tons for the Louisiana State Penitentiary which is a quantity equal to their January 1, 1973 effective inventory) and January 1, 1973 effective inventories of listed processors amounting to 851,994 tons. This difference of 738,108 tons prorated on the basis of each processor's average 1970-72 new-crop marketings.
[4] Column (10) was determined by weighting "processings" Col. (2) by 60 percent, "marketings" Col. (4) by 20 percent, and "ability" Col. (9) by 20 percent. Column (11) was determined by multiplying the quota, less total reserves of 898 tons, by Column (10).

(8) The order shall be revised without further notice or hearing for the purpose of (a) allotting any quantity of an allotment to other allottees when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department, (b) revising allotments by the substitution of revised or corrected data which have become a part of the official records of the Department; and (c) revising allotments to give effect to any increase or decrease in the quota made by the Administrator pursuant to the provisions of the Sugar Act of 1948, as amended. Any revision in allotments made to give effect to (a) of this finding (8) shall be made by increasing proportionately the allotments as provided in finding (4) (f), except that the quantity prorated to any allottee releasing allotments in excess of a specified quantity should be limited in accordance with the written statement of release by any such allottee. In making changes under (b) and (c) of this finding (8) allotments shall be determined by the full application of the formula for determining allotments as provided in paragraphs (a) through (d) of finding (4).

(9) Official notice will be taken of (a) written notification to the Agricultural Stabilization and Conservation Service by an allottee that he is unable to fill all or a part of his allotment when the notification becomes a part of the official records of the Department, (b) substitution of revised or corrected data where such data becomes a part of the official records of the Department, and (c) any regulation issued by the Administrator, after publication in the FEDERAL REGISTER, which changes the 1973 Mainland Cane Sugar Area quota.

(10) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest, and under circumstances involving an allottee becoming unable to process sugarcane and such sugarcane as he would normally process, if operating, is processed by other allottees.

(11) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee.

(12) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of any 1973 Mainland Cane Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205(a) of the Act.

Order.—Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: It is hereby ordered:

§ 814.11 Allotment of the 1973 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.*—The 1973 sugar quota for the Mainland Cane Sugar Area of 1,591,000 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co	10,654
Alma Plantation, Ltd	12,657
J. Aron & Co., Inc	18,716
Billeaud Sugar Factory	14,231
Breaux Bridge Sugar Co-op	13,039
Wm. T. Burton Ind., Inc	11,067
Caire & Graugnard	7,585
Cajun Sugar Co-op., Inc	32,359
Caldwell Sugar Co-op., Inc	19,161
Columbia Sugar Co	9,429
Cora-Texas Manufacturing Co., Inc	12,816
Dugas & Leblanc, Ltd	21,769
Duhe & Bourgeois Sugar Co	12,498
Evan Hall Sugar Co-op., Inc	30,800
Frisco Cane Co., Inc	2,051
Glenwood Co-op., Inc	21,816
Helvetia Sugar Co-op., Inc	15,885
Iberia Sugar Co-op., Inc	24,201
LaFourche Sugar Co	28,765
Harry L. Laws & Co	19,399
Levert-St. John, Inc	14,200
Louisa Sugar Co-op., Inc	13,870
Louisiana State Penitentiary	569
Louisiana State University	10
Meeker Sugar Co-op., Inc	15,726
M. A. Patout & Son, Ltd	25,489
Savoie Industries	21,498
St. James Sugar Co-op., Inc	26,189
St. Mary Sugar Co-op., Inc	18,032
Smithfield Sugar Co-op., Inc	23,791
South Coast Corp	69,187
Southdown Sugars, Inc	45,620
Sterling Sugars, Inc	34,378
J. Supple's Sons Planting Co., Ltd	6,365
Valentine Sugars, Inc	14,836
Vida Sugars, Inc	5,629
A. Wilbert's Sons Lumber & Shingle Co	12,133
Louisiana sub-total	686,820
Atlantic Sugar Association, Inc	60,885
Glades County Sugar Growers Co-operative Association	65,369
Gulf & Western Food Products, Co	122,502
Osceola Farms Co	81,143
Sugarcane Growers Co-op. of Florida	168,948
Talisman Sugar Corp	90,588
U.S. Sugar Corp	314,745
Florida sub-total	904,180
Total all mainland cane	1,591,000

(b) *Marketing limitations.*—Marketings shall be limited to allotments as

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established herein subject to the prohibitions and provisions of §§ 816.1 through 816.9 of this subchapter (33 FR 8495).

(c) *Transfer of allotments.*—The Director, Sugar Division, Agricultural Stabilization and Conservation Service of the Department, may permit marketings to be made by one allottee, or other persons, within the allotment established for another allottee upon relinquishment by such allottee of a quantity of its allotment and upon receipt of evidence satisfactory to the Director that (1) a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred, or (2) the allottee receiving such permission will process 1973 crop sugarcane which the allottee relinquishing allotment has become unable to process.

(d) *Exchanges of sugar between allottees.*—When approved in writing by the Director, Sugar Division, Agricultural Stabilization and Conservation Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section may ship, transport, or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it had been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(e) *Revision of allotments.*—Allotments established under this order may be revised without further notice or hearing in accordance with findings and conclusions heretofore made, to give effect to (1) the substitution of revised or corrected data, (2) the reallocation of any quantity of an allotment released by an allottee, and (3) any change in the Mainland Cane Sugar Area quota.

(Secs. 205, 209, 403, 61 Stat. 926, as amended, 928, 932 (7 U.S.C. 1115, 1119, 1153).)

Effective date.—This docket will become effective on August 29, 1973.

Signed at Washington, D.C., on August 20, 1973.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-18066 Filed 8-28-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SO-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of VOR Federal Airways

On June 29, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 17249) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate a segment of V-11 between Greene County, Miss., VORTAC and Richton, Miss., Intersection; also, redesignate a segment of V-70 between Greene County VORTAC and Picayune, Miss., VORTAC.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 11, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307, 5627, and 9488) is amended as follows:

1. In V-11 "28 miles 95 MSL Laurel, MS.," is deleted and "Laurel, Miss.;" is substituted therefor.

2. In V-70 "95 MSL Greene County, Miss.;" is deleted and "Greene County, Miss.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on August 21, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-18239 Filed 8-28-73;8:45 am]

[Airspace Docket No. 73-SW-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Pleasanton, Tex.

On July 13, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 18685) stating the Federal Aviation Administration proposed to designate the Pleasanton, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 8, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added:

PLEASANTON, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pleasanton Municipal Airport (latitude 28°57'00" N., longitude 98°31'20" W.) and within 3 miles each side of the 175° bearing from the Pleasanton NDB extending from the 5-mile radius to 8 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Forth Worth, Tex., on August 21, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-18240 Filed 8-28-73;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER I—BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE

PART 30—FOREIGN TRADE STATISTICS

Exporting Carriers Authorized To Correct Shipping Weights on Shipper's Export Declarations

The following amendment is made to the regulations published in the FEDERAL REGISTER on August 27, 1966 (31 FR 11367) (15 CFR Part 30). In accordance with administrative procedure, 5 U.S.C. 553, notice and hearing on this amendment and postponement of the effective date thereof is unnecessary because the amendment is a change in the substantive rules which grants an exemption and relieves restrictions.

This regulation is issued under authority of Title 13, United States Code, section 302, Department of Commerce Organization Order No. 35-4A, January 1, 1972, 37 FR 3461.

Effective date.—This amendment to the Foreign Trade Statistics Regulations is effective August 29, 1973.

A new subparagraph (e) is hereby added to § 30.22 to read as follows:

§ 30.22 Requirements for the filing of Shipper's Export Declarations by departing carriers.

* * * * *

(e) Exporting carriers are authorized to amend incorrect shipping weights reported on Shipper's Export Declarations, and to prorate total shipping weights among the individual commodities where such carriers are able to do so based upon information in their possession.

Dated August 9, 1973.

VINCENT P. BARABBA,
Director, Bureau of the Census.

I concur:

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-18306 Filed 8-28-73;8:45 am]

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[13th Gen. Rev., Export Regs.]

PART 377—SHORT SUPPLY CONTROLS

Ferrous Scrap

The FEDERAL REGISTER issuance of July 2, 1973, established a licensing system for exports of ferrous scrap under which no licenses were issued for exports of ferrous scrap against orders of 500 short tons or more which were accepted after July 1, 1973, or which called for export after July 31, 1973. Applications to export ferrous scrap against accepted orders for less than 500 short tons were considered, irrespective of the date on which such orders were accepted. A similar licensing system against orders of 500 short tons or more of ferrous scrap for export in August 1973 was announced in the FEDERAL REGISTER of July 27, 1973. The purpose of this issuance is to announce the licensing system for exports in September 1973.

I. *Licensing System Against Orders of Ferrous Scrap for Export in September 1973.*—A. *Orders for 500 short tons or more.*—The licensing system against orders for 500 short tons or more of ferrous scrap for export in September 1973 is hereby announced.

Validated licenses will be issued in the case of applications to export scrap against unfilled or partially filled orders calling for export during the month of September 1973, which were accepted by an exporter on or before July 1, 1973. Such licenses will be granted under the same terms and conditions as apply with respect to validated licenses for export of scrap during the month of August 1973. Thus, the orders must have been reported by the exporter pursuant to the reporting requirement of § 377.1 (c) and the application must be accompanied by the supporting documentation (described in § 377.4(b)(1)) which would be required in the case of license applications for August exports of scrap. Further, in the case of an application for export to Japan, the requirement of § 377.4(b)(2) with respect to a Japanese Import Certificate must be fulfilled. Licenses issued for September exports of scrap to all destinations against orders for 500 short tons or more shall have a validity period of 60 days from the date of issuance.

Special rules are provided in the case of an export order accepted by a U.S. exporter on or before July 1, 1973, to export 500 short tons or more of ferrous scrap to Japan, if such order calls for export during the month of September 1973. In such a case, an Import Certificate (for the full quantity of the export which would be covered by the validated license) must have been issued by the Government of Japan. However, in situations where the ferrous scrap was ordered by a Japanese trading company and the country of ultimate destination was *from the outset* intended to be other than Japan, no import certificate is required.

In those situations where the accepted order or contract initially provided for export to a destination other than Japan and such order was initially so reported by the exporter to the Office of Export Control, no problem arises in establishing that this order was never intended for importation into Japan. However, where the accepted order or contract did not specify ultimate destination, the exporter must establish with the support of satisfactory evidence that Japan was never intended as the country of ultimate destination before an export license can be issued.

In such cases, a problem arises as to what constitutes satisfactory evidence which may be presented to the Office of Export Control to demonstrate that the intent was *from the outset* to export the ferrous scrap to an ultimate destination other than Japan. At present, it is impossible for the Office of Export Control to verify which orders properly fall within that category. The Office of Export Control is not prepared to license for export against an order to a destination other than Japan unless this order was clearly, and in any case before July 1, 1973, intended for such third country destination at the time it was placed.

The Government of Japan has previously advised us that the total amount of orders by Japanese trading companies accepted on or before July 1 for export of ferrous scrap to a destination other than Japan represented approximately 500,000 short tons. The Department of Commerce has requested from the Japanese trading companies involved, a detailed list of all those orders for which Japan was never the intended ultimate destination and which they can document were earmarked for shipment to a third country. Such documentation, for example, might involve the order which they received from a third country importer prior to placing their order in the United States. If the total amount of such orders substantially exceeds 500,000 short tons, the licensing policy with respect to such orders will have to be reconsidered.

B. *Orders for less than 500 short tons.*—As previously, applications to export ferrous scrap against accepted orders for less than 500 short tons will be considered irrespective of the date on which such orders were accepted. Licenses issued for September export of scrap to all destinations against orders for less than 500 short tons shall have a validity period of 30 days from the date of issuance.

II. *Evasion of Licensing Requirements Prohibited.*—Any arrangement which would be used to evade the validated export license requirements with respect to accepted orders of ferrous scrap is prohibited. Such arrangements include, but are not limited to, the substitution of several orders for less than 500 short tons to fill an order for 500 short tons or more which would not be eligible for licensing under the provisions applicable with respect to licensing orders for 500 short tons or more.

III. *Licensing System Against Orders of 500 Short Tons or More for Export in October 1973, to be Announced.*—The licensing system for exports of ferrous scrap against reported orders of 500 short tons or more calling for export during October 1973, which were accepted on or before July 1, 1973, will be announced in a subsequent FEDERAL REGISTER.

Accordingly, § 377.4 of the Export Control Regulations (15 CFR Part 377) is amended to read as follows:

§ 377.4 Ferrous scrap.

(a) *In general.*—Ferrous scrap commodities listed in Supplement No. 1 to this Part 377 require a validated license for export to all foreign destinations, including Canada. Except as provided in paragraph (c) of this section, no license will be issued for export of ferrous scrap during the 1973 calendar year against an order which was accepted after July 1, 1973; and no application for a validated license to export ferrous scrap will be considered until further notice, unless it is against an unfilled or partially filled order calling for export during the month of July, August, or September 1973, which was accepted by an exporter on or before July 1, 1973, and reported by him pursuant to the reporting requirement of § 377.1(c).

(b) *Licensing system against orders of 500 short tons or more for export in July, August, or September 1973.*—(1) *Submission of application with supporting documentation.*—Any exporter who reported (pursuant to § 377.1(c)) an unfilled or partially filled order accepted on or before July 1, 1973, for export during the month of July, August, or September 1973, of 500 short tons or more of any of the ferrous scrap commodities listed in Supplement No. 1 to this Part 377, who wishes to be considered for the issuance of a validated license for export with respect to such order, shall file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation:

(i) A photocopy or certified copy of the contract of sale for export to a foreign buyer, accepted by the applicant on or before July 1, 1973;

(ii) A sworn affidavit by the applicant as to the amount previously exported against each such contract, if any;

(iii) A statement, in the affidavit referred to in the preceding subdivision, that the applicant has the necessary quantity of such commodity earmarked for such accepted order, as of the date of filing such application; and

(iv) In the case of exports to Japan, an Import Certificate issued by the Government of Japan or such other document as may be required by the provisions of paragraph (b)(2) of this section. For purposes of paragraph (b)(1)(iii) of this section, the term "earmarked" refers to commodities which are specifically allocated for export against the accepted order and either in stock or scheduled for timely delivery under binding arrangements. The application shall be submitted on Forms FC-419, *Application for Export License*, and FC-420, *Application Processing Card*. The above-mentioned documentation will serve in lieu of Form FC-842, *Single Transaction Statement by Consignee and Purchaser*, that would otherwise be required pursuant to § 375.2 of this chapter.

(2) *Requirement of Japanese import certificate.*—In the case of an accepted order for export of ferrous scrap to Japan, which calls for export during the month of August or September, an Import Certificate (for the full quantity of the export which would be covered by the validated license) must have been issued

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by the Government of Japan. Such import Certificate, or a photocopy or certified copy thereof, shall be filed with the application pursuant to the procedures specified in paragraph (b) (1) of this section. Where Japan is the destination indicated in the accepted order but the country of ultimate destination was from the outset intended to be another, no Import Certificate shall be required, but the circumstances must be established and documented to the satisfaction of the Office of Export Control for the requirements of this subparagraph to be waived.

(3) *Issuance of licenses for exportation.*—The Office of Export Control will verify the authenticity of the application and supporting documentation referred to in paragraph (b) (1) and (where applicable) (2) of this section and, if they meet the requirements of such subparagraphs, will issue a validated license for 100 percent of the unfilled balance of the accepted order; provided, however, that with respect to orders, which do not specify a country of destination, against which the applicant is seeking a license to export to a destination other than Japan, he must establish to the satisfaction of the Office of Export Control that the ferrous scrap was not originally intended for exportation to Japan.

(4) *Special terms.*—Each license issued under this procedure will only be valid for shipment against the particular contract, allowing shipment:

(i) In the case of a validated license which indicates July as the month for shipment, until August 30, 1973, and

(ii) In the case of a validated license which indicates August or September as the month for shipment, during the 60-day period following the date of issuance of such license.

Any cancellation of a contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant shall file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(5) *Prohibited arrangements.*—Any arrangement used to evade the validated export license requirements with respect to accepted orders for export of ferrous scrap is prohibited. Such arrangements include, but are not limited to, the substitution of several orders for less than 500 short tons to fill an order for 500 short tons or more which would not be eligible for licensing under the provisions of this paragraph.

(c) *Licensing system against orders of less than 500 short tons.*—(1) *In general.*—An application for a license to export ferrous scrap against an accepted order for less than 500 short tons, which is submitted on Forms FC–419 and FC–420, will be considered by the Office of Export Control, irrespective of the date on which the order was accepted, if accompanied by a photocopy or certified copy of the contract of sale for export to a foreign buyer, and a sworn affidavit by the applicant as to the amount previously exported against each such contract, if any. The copy of the contract will serve in lieu of Form FC–842, *Single Transaction Statement by Consignee and Purchaser*, that would be otherwise required pursuant to § 375.2 of this chapter. After verification of the authenticity of the documentation submitted by the applicant, a license will be issued for export during the month specified in the contract for the total amount of the contract or the unfilled balance, whichever is the lesser amount. Such licenses shall expire 30 days after the date of issuance. Any cancellation of the contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant shall file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such a contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(2) *Notice.*—Exporters are hereby placed on notice that in the event the volume of exports under the licensing procedure of this paragraph reaches an unacceptable level, further restrictions may be imposed on exports against orders of less than 500 short tons.

(d) *Reduction of shipping tolerance allowance.*—Paragraph 386.7(b) (1) of the Export Control Regulations states, in part, that commodities listed in Supplement No. 1 to Part 377 are subject to the tolerance set forth in Part 377. Shipping tolerances applicable to the commodities subject to the requirements of this § 377.4(d) are accordingly shown in Supplement No. 1 to Part 377.

Effective date of action: August 24, 1973.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.73-18397 Filed 8-28-73;8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–7926, File No. S7–459]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

New Requirement for Exemptions; Notices and Orders

The Securities and Exchange Commission published notice in Investment Company Act Release No. IC–7535 on December 1, 1972, and in the FEDERAL REGISTER issued on December 21, 1972 (37 FR 28198) that it had under consideration the amendment of Rules 0–2 and 0–5 [17 CFR 270.0–2, 270.0–5] under the Investment Company Act of 1940 (Act) pursuant to Section 38(a) of the Act [15 U.S.C. 80a–37(a)]. The notice invited all interested persons to comment on the proposed amendments on or before January 3, 1973. After taking the letters of comment received into consideration, the Commission has determined to adopt the amendments in the following form:

Rule 0–2.—Rule 0–2 [17 CFR 270.0–2] under the Act, "General Requirements of Papers and Applications," specifies procedures to be followed by persons in filing papers and applications with the Commission and prescribes a format for their preparation. The Commission is now amending this rule by adding a new paragraph (g) which will require applicants under the Act to submit proposed notices which might be used by the Commission in giving public notice of the applications. This procedure is designed to facilitate the processing of applications. To insure that draft notices submitted for this purpose are subject to the verification requirements of Rule 0–2(d) [17 CFR 270.0–2(d)] under the Act, the rule as adopted also makes clear that the proposed notice will constitute a formal exhibit to the application.

The Commission received one comment on this proposed procedure which expressed the hope that the requirement of a draft notice was not "placing a burden on applicants to furnish information which goes beyond what is presently required in the application itself." This is not the intent of the amendment. Notices are designed to inform the public of the nature of the underlying transaction or matter; and, like the applications they accompany, they should contain the relevant, material facts and present factual summaries in a manner that is balanced, complete, and otherwise suitable for issuance as a public notice. Applicants should be aware that proposed notices may not be published by the Commission in the precise form submitted. The amended rule does not contemplate the submission of a proposed Commission order by which the relief sought by the application might be granted because experience with the submission of such orders by applicants seeking "expedited treatment" pursuant to the instructions contained in Investment Company Act Release No. 5632 [34 FR 5547] has demonstrated that such orders may not be particularly helpful.

Accordingly, the Securities and Exchange Commission, pursuant to authority granted to it in section 38(a) of the Act, hereby amends § 270.0–2 of Chapter II of Title 17 of the Code of Federal Regulations by adding a new paragraph (g) reading as follows:

§ 270.0–2 General requirements of papers and applications.

* * * * *

(g) *Proposed notice.*—A proposed notice of the proceeding initiated by the filing of the application shall accompany each application as an exhibit thereto and, if necessary, shall be modified to reflect any amendments to such application.

Rule 0–5. Rule 0–5 [17 CFR 270.0–5] under the Act presently provides, in pertinent part, that

> With respect to any proceeding initiated by the filing of an application, or upon the Commission's own motion, pursuant to any section of the Act or any rule or regulation thereunder, unless in the particular case a different procedure is provided: * * *
>
> (b) An order disposing of the matter will be issued as of course on a date to be specified in the notice, unless prior to such date the Commission orders a hearing on the matter.

It appears to the Commission that the procedure described above is neither appropriate nor practical. Under current practice, notices contain no exact date when "(a)n order disposing of the matter will be issued." Instead as prescribed by Rule 0–5(a) [17 CFR 270.0–5(a)], they merely specify the date by which interested persons who wish to do so must request a hearing on the matter and provide that an order disposing of the matter may be issued at any time after that date. In Release No. IC–7535 [37 FR 28198], the Commission proposed to delete present paragraph (b) of Rule 0–5 and, as a consequence thereof, to redesignate the subsequent paragraphs. One comment received on this proposal suggested that, instead of eliminating paragraph (b), it be modified to eliminate the setting of a specific date as of which an order would be issued. This comment has merit. It was also suggested, however, that the order would be issued, as of course, unless the Commission ordered a hearing prior to the expiration of the period for comment. This feature might be impracticable since a request for a hearing might be received a day or two before the expiration of the period for the receipt of such requests and for ordering a hearing. In such a situation, there would be insufficient time for the Commission to evaluate the request and determine whether a hearing should be held or not. Consequently, paragraph (b) will be retained but revised to simply provide that an order disposing of the matter will be issued as of course, following the expiration of the specified period, unless the Commission thereafter orders a hearing on the matter.

The Securities and Exchange Commission, pursuant to authority granted to it in section 38(a) of the Act, hereby amends § 270.0–5 of Chapter II of Title 17 of the Code of Federal Regulations by revising paragraph (b) thereof. Since paragraph (b) is not to be deleted as was proposed, there is no need to redesignate paragraphs (c) and (d). As so amended § 270.0–5 reads as follows:

§ 270.05 Procedure with respect to applications and other matters.

The procedure herein below set forth will be followed with respect to any proceeding initiated by the filing of an application, or upon the Commission's own motion, pursuant to any section of the Act or any rule or regulation thereunder, unless in the particular case a different procedure is provided:

(a) Notice of the initiation of the proceeding will be published in the FEDERAL REGISTER and will indicate the earliest date upon which an order disposing of the matter may be entered. The notice will also provide that any interested person may, within the period of time specified therein, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, stating his reasons therefor and the nature of his interest in the matter.

(b) An order disposing of the matter will be issued as of course, following the expiration of the period of time referred to in paragraph (a), unless the Commission thereafter orders a hearing on the matter.

(c) The Commission will order a hearing on the matter, if it appears that a hearing is necessary or appropriate in the public interest or for the protection of investors, (1) upon the request of an interested person or (2) upon its own motion.

(d) At the time of filing an application under the Act, the applicant or applicants shall pay to the Commission a total fee of $500 no part of which shall be refunded; however, this fee shall not be applicable to (1) any application for deregistration of an investment company pursuant to section 8(f) of the Investment Company Act if such company has assets of less than $100,000; or (2) any application pursuant to Section 9(c) of such Act.

These amendments of Rules 0–5 and 0–2 will become effective September 21, 1973.

(Sec. 38(a), 54 Stat. 841 (15 U.S.C. 80a–37))

By the Commission, August 7, 1973.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-18286 Filed 7-28-73;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED

Subpart L—Conditions of Participation; Home Health Agencies

WORDS OF ISSUANCE; CORRECTION

In FR Doc. 73–14305 published in the FEDERAL REGISTER of July 16, 1973 (38 FR 18978), §§ 405.1203–405.1208 which were in effect prior to the publication of FR Doc. 73–14305 were inadvertently deleted. It is contemplated that these sections will later be incorporated in a proposed new subpart of Part 405. However, they are to remain in effect in Subpart L until further notice. (For the convenience of the reader, §§ 405.1203–405.1208 are set forth below.)

Accordingly, the Words of Issuance in FR Doc. 73–14305 are corrected to read as follows:

Subpart L of Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows, except that present §§ 405.1203 through 405.1208 will remain in effect:

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§ 405.1203 Standards; general.

As a basis for a determination as to whether or not there is substantial compliance with the prescribed conditions in the case of any particular home health agency, explanations are given under each condition. These explanations provide an indication of the various ways in which such agencies may carry out the functions embodied in the conditions. Reference to these explanations will enable the State agency surveying a home health agency to document the activities of the agency, to establish the nature and extent of its deficiencies, if any, with respect to any particular function, and to assess the agency's need for improvement in relation to the prescribed conditions. In substance, the explanations will help the State agency determine the extent and degree to which a home health agency is complying with each condition.

§ 405.1204 Certification by State agency.

(a) The Health Insurance for the Aged Act provides that the services of State agencies, operating under agreements with the Secretary, will be used by the Secretary in determining whether institutions meet the conditions of participation. Pursuant to these agreements, State agencies will certify to the Secretary home health agencies which are found to be in substantial compliance

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with the conditions. Such certifications shall include findings as to whether each of the conditions is substantially met. The Secretary, on the basis of such certification from the State agency, will determine whether or not an entity is a home health agency eligible to participate in the health insurance program as a provider of services.

(b) The decisions of the State agency represent recommendations to the Secretary. Notice of determination of eligibility or noneligibility made by the Secretary on the basis of a State agency decision will be sent to the home health agency by the Social Security Administration after such review and professional consultation with the Public Health Service as may be required. If it is determined that the home health agency does not comply with the conditions of participation, the home health agency may request that the determination be reviewed. For procedures relating to appeals process, see Subpart O of this Part 405.

§ 405.1205 Principles for the evaluation of home health agencies to determine whether they meet the conditions of participation.

Home health agencies will be considered in substantial compliance with the conditions of participation upon acceptance by the Secretary of findings, adequately documented and certified to by the State agency, showing that:

(a) The home health agency meets the specific statutory requirements of section 1861(o) and is found to be operating in accordance with all other conditions of participation with no significant deficiencies, or

(b) The home health agency meets the specific statutory requirements of section 1861(o) but is found to have deficiencies with respect to one or more other conditions of participation which:

(1) It is making reasonable plans and efforts to correct, and

(2) Notwithstanding the deficiencies, is rendering adequate care and without hazard to the health and safety of individuals being served, taking into account special procedures or precautionary measures which have been or are being instituted.

§ 405.1206 Time limitations on certifications of substantial compliance.

(a) All initial certifications by the State agency to the effect that a home health agency is in substantial compliance with the conditions of participation will be for a period of 2 years, beginning with July 1, 1966, or, if later, with the date on which the home health agency is first found to be in substantial compliance with the conditions. State agencies may visit or resurvey home health agencies where necessary to ascertain continued compliance or to accommodate to periodic or cyclical survey programs. A State finding and certification to the Secretary that an agency is no longer in compliance may occur within a 2-year or subsequent period of certification and will thereby terminate the State's certification as to compliance.

(b) If a home health agency is in substantial compliance under the provisions of § 405.1205(b), the following information will be incorporated in the Secretary's finding and into the notice of eligibility to the home health agency:

(1) A statement of the deficiencies which were found; and

(2) A description of progress which has been made and further action which is being taken to remove the deficiencies; and

(3) A scheduled time for a resurvey of the home health agency to be conducted not later than the 18th month (or earlier, depending on the nature of the deficiencies) of the period of certification.

§ 405.1207 Certification of noncompliance.

The State agency will certify that a home health agency is not in compliance with the conditions of participation, or, where a determination of eligibility has been made, that it is no longer in compliance where:

(a) The home health agency is not in compliance with one or more of the statutory requirements of section 1861(o); or

(b) The home health agency has deficiencies of such character as to seriously limit its capacity to render adequate care or to place health and safety of individuals in jeopardy, and consultation to the home health agency has demonstrated significant improvement as to establish that there is no early prospect of such substantial compliance as of a later beginning date; or

(c) After a previous period or part thereof for which the home health agency was certified under circumstances outlined in § 405.1205(b), there is a lack of progress toward a removal of deficiencies which the State agency finds are adverse to the health and safety of individuals being served.

(d) If, on the basis of a State agency certification, it is determined by the Secretary that the home health agency does not substantially meet, or no longer substantially meets, the conditions of participation, the agreement for participation may not be accepted for filing, or if filed, may be terminated. The agency may request that the determination be reviewed. For procedures relating to the appeals process, see Subpart O of this Part 405.

§ 405.1208 Documentation of findings.

The findings of the State agency with respect to each of the conditions of participation should be adequately documented. Where the State agency certification to the Secretary is that a home health agency is not in compliance with the conditions of participation, such documentation should include a report of all consultation which has been undertaken in an effort to assist the home health agency to comply with the conditions, a report of the home health agency's responses with respect to the consultation, and the State agency's assessment of the prospects for such improvements as to enable the home health agency to achieve substantial compliance with the conditions.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated August 9, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved August 21, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.73-18274 Filed 8-28-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 18—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following revisions to Chapter 18 of Title 41 are prescribed as set forth below. These revisions to Chapter 18 covering changes made by Revision 5 of the NASA Procurement Regulation are effective 60 days from April 20, 1973.

This Revision 5 was prepared through the use of computer technology, and it is the first to be issued under a new NASA policy to issue Procurement Regulation revisions in lieu of Procurement Regulation Directive's, where practicable. This new policy was adopted to relieve the user of the many administrative and other problems associated with the old method of issuing several Directives and periodically consolidating the outstanding Directives and other revised material into one large Procurement Regulation revision. Currently, there is one large Revision to the Regulation in process which uses the traditional approach. In the future, however, we will issue Procurement Regulation Directives only to disseminate that procurement policy or procedure that is temporary,. pending finalization, or is such that it would not be incorporated into the Procurement Regulation at all.

PART 18–1—GENERAL PROVISIONS

1. Section 18–1.315 is revised to read as follows:

§ 18–1.315 Procurement of jewel bearings.

(a) *Definitions.* As used in this paragraph:

(1) "Jewel bearing" means a piece of synthetic sapphire or ruby of any shape, except a phonograph needle, which has one or more polished surfaces and which is suitable for use in an instrument, mechanism, subassembly or part without any additional processing to the synthetic sapphire or ruby. A jewel bearing may be either unmounted, or mounted into a ring or bushing. Examples of types of jewel bearings are: watch hole—olive, watch hole—straight, pallet stones, roller jewels (jewel pins), end stones (caps), vee (cone) jewels, instrument rings, cups, double cups and orifice jewels.

(2) "Price list" is the official U.S. Government Jewel Bearing Price List for jewel bearings produced by the William Langer Jewel Bearing Plant in Rolla, North Dakota, which is issued periodically by the General Services Administration.

(3) "Plant" means the Government-owned William Langer Jewel Bearing Plant, Rolla, North Dakota.

(4) "Military standard jewel bearing" means a jewel bearing conforming to Military Specification No. MIL–B–27497 (latest revision) entitled "Bearings, Jewel, Sapphire or Ruby, Synthetic."

(b) *Policy.* It has been determined that NASA's requirements for jewel bearings must, to the maximum extent practicable, be procured from the Government-owned William Langer Jewel Bearing Plant, Rolla, North Dakota, which is operated through a contractor by the General Services Administration.

(c) *Procedures.* (1) All direct Government purchases of jewel bearings shall be made from the plant where it can meet the requirements.

(2) All procurements of items in the Federal Supply Classes and Groups listed in § 18–1.315(d), or any subassembly, component or part, thereof, shall provide that jewel bearings, in the quantities and of the types and sizes (including tolerances) required to produce the end items to be supplied, be purchased from the plant and incorporated in the items delivered by contractor and subcontractor at every tier. To accomplish this, the clause in § 18–1.315(e) shall be inserted in all contracts for items in paragraph (d) of this section except:

(i) In small purchases using small purchase procedures;

(ii) When the contracting officer knows that the item being procured does not contain jewel bearings;

(iii) When quantity requirements, quality standards, or delivery requirements cannot be satisfied by bearings manufactured by the plant;

(iv) For jewel bearings used in items that are to be procured by a NASA activity outside the United States and the procured items are intended for use outside the United States, its possessions, and Puerto Rico; or

(v) When the urgency of the requirement for all or part of a procurement of a jewelled item is such that delivery of prefabricated end items offers the best possible solution. The required source provision will apply to any quantity in excess of the prefabricated items specified for immediate delivery.

(3) Whenever it is necessary to redesign or re-engineer jewelled items in the Federal Supply Classes and Groups cited in paragraph (d) of this section to satisfy performance requirements, the contractors or subcontractors who manufacture the jewelled items shall be required to use military standard jewel bearings in the redesign. The only exception to this requirement will be when the dimensional tolerances or configurations of military standard jewel bearings are such that their use in the product would prevent attainment of the required level of performance specified for the item. When one or more nonstandard bearings must be used to satisfy performance requirements of the jewelled product but military standard bearings will function satisfactorily for other applications within the same item, the item will be required to be redesigned to provide for the use of military standard bearings in such "other" applications. However, in no case shall a contractor or subcontractor be required to redesign a jewelled item solely for the purpose of converting from the use of nonstandard to military standard jewel bearings. This is not intended to prevent any contractor or subcontractor from voluntarily redesigning a jewelled item solely to accommodate the use of military standard bearings. Such voluntary redesign may be economically advantageous due to the lower unit price of military standard bearings from the plant.

(4) The plant may reject a contractor's or subcontractor's purchase order due to currently outstanding, excessive and overdue indebtedness to the plant by such customer. The plant is required to refuse shipments against purchase orders whenever shipments would increase the indebtedness of a customer beyond a credit limit which may have been set by the General Services Administration. Rejection by the plant of a contractor's or subcontractor's purchase order, or refusal to ship against an accepted purchase order under these circumstances will not be considered justification for a waiver of the purchase requirement and adjustment in the contract price as specified in paragraph (b) of the contract clause in § 18–1.315(e). In the event the contractor or subcontractor whose purchase order is rejected or to whom shipments are refused for the foregoing reasons, and the customer and the management of the plant are in disagreement on whether such indebtedness actually exists or the amount of such indebtedness, the Government will require the plant to accept the contractor's purchase order and to make shipments against such purchase order on a "cash-on-delivery" (C.O.D.) basis for each lot shipped. If necessary, arrangements can be made with the contracting officer for "progress payments" by the Government to finance the C.O.D. requirements. Such measures will be independent of and have no effect on the final disposition of the alleged indebtedness or controversy between the contractor and management of the Langer plant.

(5) The cost differential between Langer-made bearings and imported bearings shall not be used as justification to avoid the purchase and use of bearings from the plant.

(6) Subsequent to award of a contract which includes the clause, the contracting officer will waive the "use" requirement of the clause, when the prime contractor or his subcontractor, whichever is required to place a purchase order on the plant pursuant to the contract or the subcontract, submits a written request for waiver and the contracting officer determines that the contractor or subcontractor has on hand jewelled subassemblies or jewelled end items such as required to be delivered under the contract; and either:

(i) The production of such subassemblies or end items, specifically in performance of all or a part of the contract using Langer bearings would increase his costs or interfere with economical or normal production scheduling of the product under contract or with the production of another item; or

(ii) The delivery schedule under the contract or subcontract is such that the

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use of on hand jewel bearings or jeweled subassemblies or parts is necessary.

(7) A contractor (or subcontractor) will not be authorized to purchase from the plant a quantity of jewel bearings which exceeds the quantity required to satisfy the contract.

(8) A contracting officer may, in his discretion, conduct a special review of the extent of the contractor's compliance with the "purchase" requirement of the clause as evidenced by examination of appropriate contractor records.

(d) *Federal supply classes and groups.* Procurement of items in the following Federal Supply Classes and Groups are subject to the prescribed policy and procedures:

FS Class:	*Description*
6605	Navigational Instruments
6610	Flight Instruments
6615	Auto Pilot Mechanisms & Airborne Gyro Components
6620	Engine Instruments
6625	Electrical & Electronic Properties Measuring & Testing Instruments
6630	Chemical Analysis Instruments
6635	Physical Properties Testing Equipment
6636	Environmental Chambers & Related Equipment
6640	Laboratory Equipment & Supplies
6645	Time Measuring Instruments
6650	Optical Instruments
6655	Geophysical & Astronomical Instruments
6660	Meteorological Instruments & Apparatus
6665	Hazard Detecting Instruments & Apparatus
6670	Scales and Balances
6675	Drafting, Surveying & Mapping Instruments
6680	Liquid and Gas Flow, Liquid Level, and Mechanical Motion Measuring Instruments
6685	Pressure, Temperature and Humidity Measuring and Controlling Instruments
6695	Combination and Miscellaneous Instruments

FS Groups:	*Description*
12	Fire Control Equipment
14	Guided Missiles
15	Aircraft, Airframe Structural Comps.
16	Aircraft Components & Accessories
18	Space Vehicles
23	Motor Vehicles & Cycles
25	Vehicular Equipment Components
42	Fire Fighting, Rescue and Safety Equipment
52	Measuring Tools
58	Communications Equipment
59	Electrical and Electronic Equipment Components
63	Alarm and Signal Systems
65	Medical, Dental and Veterinary Equipment and Supplies
67	Photographic Equipment
69	Training Aids and Devices

(e) In all procurements subject to these procedures the following clause shall be used:

REQUIRED SOURCE FOR JEWEL BEARINGS (MARCH 1973)

(a) For the purpose of this clause:

(1) "Jewel bearings" means a piece of synthetic sapphire or ruby of any shape, except a phonograph needle, which is suitable for use in an instrument, mechanism, subassembly or part without any additional processing to the synthetic sapphire or ruby. A jewel bearing may be either unmounted, or mounted into a ring or bushing. Examples of types of jewel bearings are: watch hole-olive, watch hole-straight, pallet stones (caps), vee (cone) jewels, instrument rings, cups, double cups and orifice jewels.

(2) "Price List" means the official United States Government Jewel Bearing Price List for jewel bearings which are produced by the William Langer Jewel Bearing Plant in Rolla, North Dakota, published periodically by the General Services Administration.

(3) "Plant" means the Government-owned William Langer Jewel Bearing Plant, Rolla, North Dakota.

(4) "Military Standard Jewel Bearing" means a jewel bearing conforming to Military Specification No. MIL–B–27497 (latest revision) entitled "Bearings, Jewel, Sapphire or Ruby, Synthetic."

(b) Jewel bearings required in the performance of this contract shall be procured from the Plant at prices established in the Price List dated (*insert latest effective date*). Each purchase order issued to the Plant under this contract shall include the prime contract number and date of the Price List cited above. The Contractor agrees that the quantities, types and sizes (including tolerances) of jewel bearings so ordered will be those required for the performance of this contract. The Contractor agrees to notify the Contracting Officer promptly of the rejection of his (or any subcontractor's) purchase order in whole or in part by the Plant. The requirement for purchase and use of jewel bearings from the Plant will be waived to the extent of such rejected orders. If such a waiver is granted, an equitable adjustment shall be made in the contract price or delivery schedule, or both, in accordance with the "Changes" clause of this contract. Further, the requirement for use (but not the requirement for purchase from the Plant) of jewel bearings may be waived by the Contracting Officer when such waiver is determined by him to be consistent with established policy.

(c) Whenever it is necessary for the Contractor or any subcontractor to redesign or re-engineer jewelled items in order to satisfy performance requirements, the Contractor or subcontractor shall provide in such redesign for the use of military standard jewel bearings. This requirement does not apply when the dimensional tolerances or configurations of military standard jewel bearings are such that their use in the product would prevent attainment of the required level of performance specified for the item. However, when one or more nonstandard bearings must be used to satisfy performance requirements of the jewelled product but military standard bearings will function satisfactorily for other applications within the same item, the item will be required to be redesigned to provide for the use of military standard bearings in such other applications. The Contractor or subcontractor is not required to redesign a jewelled item solely for the purpose of converting from the use of nonstandard to the use of military standard jewel bearings. Nothing in this contract shall prevent any Contractor or subcontractor from voluntarily redesigning a jewelled item solely to accommodate the use of military standard bearings.

(d) The Contractor agrees to retain until the expiration of three years from the date of final payment under this contract and to make available during such period, upon request of the Contracting Officer, records showing compliance with this clause.

(e) The Contractor agrees to insert this clause, including this paragraph (e), in every subcontract and purchase order issued in performance of this contract unless he knows that the subassembly, component or part being purchased does not contain jewel bearings.

PART 18–2—PROCUREMENT BY FORMAL ADVERTISING

1. Sections 18–2.406–3 and 18–2.406–4 are revised to read as follows:

§ 18–2.406–3 Other mistakes disclosed before award.

(a) In lieu of submission to the General Accounting Office for decision, the Comptroller General, by Decision B–140233, has granted to NASA the authority to make the administrative determinations described below in connection with mistakes in bids, other than apparent clerical mistakes, alleged after opening of bids and prior to award. The authority contained herein to permit correction of bids is limited to bids which, as submitted, are responsive to the invitation for bids, and may not be used to permit correction of bids to make them responsive. This authority is in addition to that in § 18–2.406–2, or that which may be otherwise available.

(1) A determination may be made permitting the bidder to withdraw his bid where the bidder requests permission to do so and clear and convincing evidence establishes the existence of a mistake. However, if the evidence is clear and convincing both as to the existence of a mistake and as to the bid actually intended, and if the bid, both as uncorrected and corrected, is the lowest received, a determination may be made to correct the bid and not permit its withdrawal.

(2) A determination may be made permitting the bidder to correct his bid where the bidder requests permission to do so and clear and convincing evidence establishes both the existence of a mistake and the bid actually intended. However, if such correction would result in displacing one or more lower acceptable bids, the determination shall not be made unless the existence of the mistake and the bid actually intended are ascertainable substantially from the invitation and the bid itself. If the evidence is clear and convincing only as to the mistake, but not as to the intended bid, a determination permitting the bidder to withdraw his bid may be made.

(3) If the evidence does not warrant a determination under subparagraph (1) or (2) of this paragraph, a determination may be made that a bidder may neither withdraw nor correct his bid, and the bid shall be considered for award in the form submitted.

(b) Mistakes in bid cases covered by paragraph (a) (1), (2), or (3) of this section shall be referred by the contracting officer to the Procurement Office, NASA Headquarters (Code DKP–3) for determination.

(c) Each proposed determination shall have the concurrence of the Office of General Counsel prior to issuance.

(d) Suspected or alleged mistakes in bids shall be processed as follows:

(1) Whenever the contracting officer suspects that a mistake may have been made in a bid, he shall immediately request the bidder to verify the bid. Such request shall inform the bidder why the request for verification is made—that a mistake is suspected and the basis for such suspicion; e.g., that the bid is significantly out of line with the next low or other bids or with the Government's estimate. If the time for acceptance of bids is likely to expire before a decision can be made, the contracting officer shall request all bidders whose bids may become eligible for award to extend the time for acceptance of their bids. If the bidder whose bid is believed erroneous does not grant such extension of time and a decision cannot be reached before expiration of the time for acceptance, even if handled by telegraph or telephone as provided in paragraph (a) (4) of this section, the bid shall be considered as originally submitted.

(2) If the bidder verifies his bid, the contracting officer shall consider it as originally submitted. If the bidder alleges a mistake, the contracting officer shall advise him to support his allegation by statements concerning the alleged mistake and by all pertinent evidence, such as the bidder's file copy of the bid, his original worksheets and other data used in preparing the bid, subcontractors' and suppliers' quotations, if any, published price lists, and any other evidence which will serve to establish the mistake, the manner in which it occurred, and the bid actually intended.

(3) Where the bidder furnishes evidence in support of an alleged mistake, the case shall be referred to the Procurement Office, NASA Headquarters (Code DKP–3) together with the following data:

(i) All evidence furnished by the bidder including his written request to withdraw or modify the bid;

(ii) A copy of the signed bid, of the invitation for bids, and any specifications or drawings relevant to the alleged mistake;

(iii) An abstract or record of the bids received;

(iv) A written statement by the contracting officer setting forth—

(*a*) The expiration date of the bid in question and of the other bids submitted;

(*b*) Specific information as to how and when the mistake was alleged;

(*c*) A summary of the evidence submitted by the bidder;

(*d*) In the event only one bid was received, a quotation of a recent contract price for the supplies or services involved, or, in the absence of a recent comparable contract, the contracting officer's estimate of a fair price for the supplies or services and the basis for such estimate;

(*e*) Any additional evidence considered pertinent including copies of all correspondence between the contracting officer and the bidder concerning the alleged mistakes; and

(*f*) The course of action with respect to the bid that the contracting officer considers proper on the basis of the evidence.

(v) Written comments or concurrence of the Office of Chief Counsel.

(4) When time is of the essence, because of the expiration of bids or otherwise, the contracting officer may refer the case by telegraph or telephone to the Procurement Office, NASA Headquarters. Ordinarily, contracting officers will not refer mistake in bid cases by telegraph or telephone, particularly when the determinations set forth in paragraph (a) (2) or (3) of this section are applicable, since actual examination of the evidence is generally necessary to determine the proper action to be taken.

(5) Where the bidder fails or refuses to furnish evidence in support of a suspected or alleged mistake, the contracting officer shall consider the bid as submitted unless the amount of the bid is so far out of line with the amounts of other bids received or with the amount estimated by the Government or determined by the contracting officer to be reasonable, or there are other indications of error so clear, as reasonably to justify the conclusion that acceptance of the bid would be unfair to the bidder or to other bona fide bidders, in which case it may be rejected. The attempts made to obtain the information required and the action taken with respect to the bid shall be fully documented.

(e) Nothing contained in this § 18–2.406–3 shall deprive the Comptroller General of his statutory right to question the correctness of any administrative determination made hereunder nor deprive any bidder of his right to have the matter determined by the Comptroller General should he so request. All doubtful cases will be submitted to the Comptroller General for advance decision.

(f) A record shall be kept of all administrative determinations made in accordance with this § 18–2.406–3, including a complete statement of the facts involved, and the action taken in each case. Copies of all such administrative determinations shall be included in the case file. Where a contract is awarded, a copy of any related determination shall be retained in the contract file.

§ 18–2.406–4 Disclosure of mistakes after award.

(a) When a mistake in a contractor's bid is not discovered until after the award, the mistake may be corrected by supplemental agreement if correcting the mistake would make the contract more favorable to the Government without changing the essential requirements of the contract. All other cases shall be referred to the Procurement Office, NASA Headquarters. They will either be decided by the Director of Procurement under paragraph (b) and (c) of this section, be referred by the Director of Procurement to the Comptroller General, or be processed in accordance with Part 18–17 of this chapter.

(b) In lieu of submission to the General Accounting Office for decision, the Comptroller General, by Decision B–140233, dated February 3, 1961, has granted to NASA the authority to make the administrative determinations described below in connection with mistakes in bids alleged or disclosed after award. This authority is in addition to that provided by Public Law 85–804 (50 U.S.C. 1431–1435) (Part 18–17 of this chapter), or that which otherwise may be available.

(1) A determination may be made to rescind a contract where the original contract price does not exceed $1,000.

(2) A determination may be made to reform a contract, irrespective of amount:

(i) To delete the item or items involved in the mistake where such deletion does not reduce the contract price by more than $1,000; or

(ii) To increase the price where such increase does not exceed $1,000 and if the contract price, as corrected, does not exceed that of the next lowest acceptable bid under the original invitation for bids.

(c) Determinations under paragraph (b) of this section may be made only on the basis of clear and convincing evidence that a mistake in bid was made, and either that the mistake was mutual or that the unilateral mistake made by the contractor was so apparent as to have charged the contracting officer with notice of the probability of the mistake. Relief requested by a contractor due to an alleged mistake may be denied regardless of the monetary amount involved where it is determined the evidence is not clear and convincing.

(i) That a mistake in bid or proposal was made by the contractor, or

(ii) That the mistake was mutual or the contracting officer was or should have been on notice of the error prior to the award of the contract.

(d) The Director of Procurement is the NASA official authorized to make determinations under this § 18–2.406–4. This authority may not be redelegated.

(e) Each proposed determination shall have the concurrence of the Office of General Counsel.

(f) Mistakes disclosed after award shall be processed as follows:

(1) Whenever a mistake in bid is alleged or disclosed after award, the contracting officer shall advise the contractor to support the alleged error by written statements and by all pertinent evidence, such as the contractor's file copy of the bid, his original work sheets and other data used in preparing the bid, subcontractors' and suppliers' quotations (if any), published price lists, and any other evidence which will serve to establish the mistake, the manner in which it occurred, and the bid actually intended.

(2) Where the contractor furnishes evidence in support of an alleged mistake, the contracting officer may either correct the mistake if authorized under paragraph (a) of this section, or refer the case to the Procurement Office, NASA Headquarters (Code DKP–3) together with the following data:

(i) All evidence furnished by the contractor;

(ii) A copy of the contract, including a copy of the bid and any specifications

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or drawings relevant to the alleged mistake, and any change orders or supplement agreements thereto;

(iii) An abstract or record of the bids received;

(iv) A written statement by the contracting officer setting forth—

(*a*) Specific information as to how and when the mistake was alleged or disclosed;

(*b*) A summary of the evidence submitted by the contractor;

(*c*) His opinion whether a bona fide mistake was made in the bid and whether he was, or should have been, on constructive notice of the mistake before the award, together with the reasons or data upon which his opinion is based;

(*d*) In the event that only one bid was received, a quotation of a recent contract price for the supplies or services involved, or, in the absence of a recent comparable contract, the contracting officer's estimate of a fair price for the supplies or services, and the basis for such estimate;

(*e*) Any additional evidence considered pertinent, including copies of all relevant correspondence between the contracting officer and the contractor concerning the alleged mistake;

(*f*) The course of action with respect to the alleged mistake that the contracting officer considers proper on the basis of the evidence, and, if other than a change in contract price is recommended, the manner by which the item will otherwise be procured; and

(*g*) The status of performance and payments under the contract, including contemplated performance and payments.

(v) Written comments or concurrence of the Office of Chief Counsel.

(g) Nothing contained in this § 18–2.406–4 shall deprive the Comptroller General of his statutory right to question the correctness of any administrative determination made hereunder or deprive any contractor of his right to have the matter determined by the Comptroller General should he so request.

(h) The Procurement Office, NASA Headquarters (Code DKP–3) shall maintain a record of all administrative determinations made in accordance with this § 18–2.406–4, the facts involved, and the action taken in each case. A copy of the determination shall be attached to each copy of any contract rescission or reformation resulting therefrom.

(i) When administrative determination is precluded by the limitations set forth in this § 18–2.406–4, the matter may be considered in accordance with Part 18–17, or submitted to the Comptroller General for decision.

(j) Nothing contained in this § 18–2.406–4 shall prevent the submission by the Director of Procurement of any doubtful case to the Comptroller General. If a contractor's request for correction of an alleged mistake is denied by the Director of Procurement, the contracting officer shall so notify the contractor.

2. Section 18–2.407–8 is revised to read as follows:

§ 18–2.407–8 Protests against award.

(a) *General.*

(1) Contracting officers shall consider all protests or objections to the award of a contract, whether received before or after award. If the protest is oral and the matter cannot otherwise be resolved, written confirmation of the protest shall be requested. The protester shall be notified in writing of the final decision on the written protest.

(2) Every effort shall be made to resolve protests at the installation. It is the responsibility of the contracting officer to decide whether a protest has a valid basis and to take appropriate action when possible without referral to NASA Headquarters. Such action may be taken only with the concurrence of local counsel and shall be followed by a written explanation to NASA Headquarters accompanied by a copy of any pertinent correspondence. However, in the following cases written protests received by the contracting officer should be referred to NASA Headquarters:

(i) The protesting party requests referral to higher authority;

(ii) The protest is known to have been lodged directly with the Comptroller General, a member of Congress, the Small Business Administration, or NASA Headquarters;

(iii) The contracting officer entertains some doubt as to proper action regarding the protest or believes it to be in the best interest of the Government that the protest be considered by NASA Headquarters or the Comptroller General.

(3) In referring a protest to NASA Headquarters, a completely documented case shall be submitted to the Procurement Office, NASA Headquarters (Code DKP–3) including the following:

(i) The letter or other document which initiated the protest, together with all supporting evidence submitted by the person making the protest;

(ii) Relevant letters or other written statements, received from other persons or bidders affected by or involved in the protest, that set forth the facts with respect to their position in the matter, together with any additional supporting evidence;

(iii) A copy of the bid of the protesting bidder and a copy of the bid of the bidder to whom award has been made or who is being considered for award, if relevant to the protest;

(iv) A copy of the invitation for bids, including, where practicable, pertinent specifications, if relevant to the protest;

(v) A copy of the abstract of bids;

(vi) Any other documents which are relevant to the protest;

(vii) A statement signed by the contracting officer setting forth his findings, actions, and recommendations in the matter, together with any additional information and evidence considered to be necessary in determining the validity of the protest. If the award of a contract was made pending resolution of the protest, the contracting officer's statement shall include the determination prescribed in § 18–2.407–8(b)(3); and

(viii) Written comments or concurrence of the Office of Chief Counsel.

(4) Where protests are made directly to NASA Headquarters or where NASA Headquarters receives notice of protests made directly to the Comptroller General, a member of Congress, or the Small Business Administration, the contracting officer shall be requested to furnish information. This will usually require submittal of a completely documented case as prescribed in subparagraph (3) of this this paragraph.

(5) Protests received by NASA Headquarters, in accordance with subparagraphs (2) and (4) of this paragraph, will be acted upon by the Procurement Office, NASA Headquarters. Where substantial doubt exists as to the validity of a protest, the views of the Comptroller General will be obtained.

(6) Where a protest affects another bidder, a contractor, or any other party having a legitimate interest, the contracting officer normally should give prompt notice of the protest to such parties in order that they may take appropriate action on their own behalf. The extent of information to be furnished the affected parties in any particular case will be governed by such matters as legal considerations, the interest of the Government, equitable consideration for the interests of affected parties, and mitigation of losses or other injuries to any and all parties concerned. Affected parties shall be advised that such a notice of protest in no way relieves them of any obligations, under a contract or otherwise, but is intended primarily to afford them a fair opportunity to be heard by, and to present evidence for the consideration of, the agency which will render a decision in the case.

(b) *Protests before award.* If award has not been made, the contracting officer may require that written confirmation of an oral protest be submitted by a specified time and inform the protester that award will be withheld until the specified time. If the written protest is not received by the time specified, the oral protest may be disregarded and award may be made in the normal manner unless the contracting officer, upon investigation, finds that remedial action is required, in which event such action shall be taken.

(1) In appropriate cases, notice of a protest will be given to bidders affected thereby. For example, when a protest against the making of an award is received and the contracting officer determines to withhold the award pending disposition of the protest, each bidder to whom award is proposed and each bidder whose bid might become eligible for award should be informed of the protest and requested, before expiration of the time for acceptance of their bids, to extend the time for acceptance (with consent of sureties, if any) in order to avoid the need for readvertisement. In the event of failure to obtain such extension of bids, then consideration should be given to proceeding with award under subparagraph (3) of this paragraph.

(2) Where a protest has been lodged with NASA, the views of the Comptroller General regarding the protest may be obtained before award whenever such action is considered to be desirable. Where it is known that a protest against the making of an award has been lodged directly with the Comptroller General, a determination to make award need not be withheld pending final disposition by the Comptroller General of a protest, but a notice of intent to make award in such circumstances shall be furnished the Comptroller General, and formal or informal advise should be obtained concerning the current status of the case prior to making the award.

(3) Where a written protest against the making of an award is received, or if it is known that a protest has been made to the Comptroller General, a member of Congress, the Small Business Administration, or NASA Headquarters, award shall not be made until the matter is resolved, unless the contracting officer determines that:

(i) The items to be procured are urgently required;

(ii) Delivery or performance will be unduly delayed by failure to make award promptly; or

(iii) A prompt award will otherwise be advantageous to the Government.

If award is made under subpararaph (3)(i), (ii), or (iii) of this paragraph, the contracting officer shall document the file to explain the need for an immediate award, and shall give written notice of the decision to proceed with the award to the protester and, as appropriate, to others concerned.

(4) The determination required by subparagraph (3) of this paragraph shall be referred to the Procurement Office, NASA Headquarters for approval prior to award if an unresolved protest against such award has been, or is expected to be, referred to NASA Headquarters in accordance with paragraph (a)(2) of this section, or if information on a protest is being prepared by the contracting officer at the request of NASA Headquarters in accordance with paragraph (a)(4) of this section.

(c) *Protests after award.* The general instructions in paragraph (a) of this section are applicable to protests received after award.

PART 18–5—INTERDEPARTMENTAL PROCUREMENT

1. Section 18–5.703 is revised to read as follows:

§ 18–5.703 Procurement of helium.

(a) NASA is required under the provisions of Pub. Law 86–777 (50 U.S.C. 167a et seq.) to obtain its major requirements for helium from the Secretary of the Interior.

(b) Each procurement office shall obtain its requirements for gaseous helium from the Department of the Interior (Bureau of Mines) or other Government support activity supplying Bureau of Mines helium.

(c) Requirements for liquid helium, or gaseous helium of a quality not supplied by the Bureau of Mines may be procured from commercial sources, provided such sources are qualified by the Bureau of Mines and included in the Bureau of Mines publication. "List by Shipping Points of Private Distributors Eligible to Sell Helium to Federal Agencies." Copies of this publication may be obtained from Bureau of Mines, Helium Operations, P.O. Box H4372, Herring Plaza, Amarillo, Texas 79101.

(d) Procurement documents for the commercial procurement of helium shall be annotated:

Pursuant to Parts 1 and 2, Subchapter A, Chapter 1, Title 30, Code of Federal Regulations, helium furnished under this contract (purchase order) shall be Bureau of Mines helium, or shall be replaced by the supplier with an equivalent volume of helium purchased from the Bureau of Mines.

(e) A copy of each contract or purchase order for the supply of helium from commercial sources shall be forwarded to the Bureau of Mines, Helium Operations, P.O. Box H4372, Herring Plaza, Amarillo, Texas 79101.

Dated: August 23, 1973.

GEORGE J. VECCHIETTI,
Director of Procurement.

[FR Doc.73–18309 Filed 8–28–73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R–430; Order No. 490]

MISCELLANEOUS AMENDMENTS

AUGUST 22, 1973.

On October 8, 1971, the Commission issued a notice of proposed rulemaking in this proceeding (36 FR 40174, October 16, 1971) proposing to amend its Uniform Systems of Accounts for Public Utilities and Licensees (Classes A, B, C, and D); FPC Report Form No. 1, Annual Report for Electric Utilities, Licensees and others (Class A and Class B); FPC Report Form No. 1–F, Annual Report for Public Utilities and Licensees (Class C and Class D); FPC Report Form No. 1–M, Annual Report for Municipal Electric Utilities Having Annual Electric Operating Revenues of $250,000 or More; FPC Report Form No. 6, Initial Cost Statement for Licensed Projects; FPC Report Form No. 9, Annual Report Form for Licensees of Privately Owned Major Projects (Utility and Industrial); and its Uniform System of Accounts for Natural Gas Companies (Classes A, B, C, and D); FPC Report Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B); and FPC Report Form No. 2–A, Annual Report for Natural Gas Companies (Class C and Class D). Essentially, it was proposed to (1) eliminate Account 271, Contributions in Aid of Construction, from the systems of accounts, (2) prescribe disposition of the related balances, and (3) prescribe accounting treatment for amounts of contributions in aid of construction (CIAC) in the future, since these amounts continue to accumulate with no procedure for the extinguishment and certain amounts found in the account relate to property no longer in existence.

Comments were invited from interested parties to be submitted by November 23, 1971. Due to requests, this date was extended to February 29, 1972, and finally to March 31, 1972, with seventy-five responses being received, Attachment A. No conference was scheduled due to the comprehensiveness of the responses received.

After considering the responses to the rulemaking, it was determined that the preference between the two proposals, Proposal A [1] and Proposal B [2], were about evenly divided. However, the majority of the group preferring Proposal B did so while making major suggested changes to the proposal.

We are convinced that the need to eliminate Account 271, Contributions in Aid of Construction, from the systems of accounts is warranted (as was borne out by respondents). We have concluded that the most practical, simple, direct and effective means to eliminate the CIAC account is by use of Proposal A procedures, with slight modification. We do so in that the present amounts in the CIAC account continues to grow and in some cases are reaching unreasonable proportions. There is every reason to believe the amounts will continue to increase with no procedure for their extinguishment. In so doing, this balance sheet classification, which has often confused investors and other readers of financial statements, will be completely eliminated. Because of the present arbitrary rules surrounding the use and disposition of amounts accumulated in Account 271 it has led, in some instances, to accounting that does not conform to economic facts. Since the CIAC represents construction and property acquisition at no cost to the company it does not seem equitable that customers should pay, as now allowed through depreciation, a recovery of investment not belonging to stockholders. This elimination does nothing to prevent such stockholders from earning upon the actual dollars that they invested.

We are aware that initially there will be certain administrative problems involved in transferring the accumulated balances from Account 271, particularly in the area of transferring such balances to the related plant in service accounts, however, this added effort at the outset, we believe, will be more than offset by the quality of accounting records as well as the ease of record keeping over that of Proposal B.

A few respondents mentioned the necessity for keeping records of CIAC for certain ad valorem taxes and other administrative purposes. However, others pointed out that crediting these amounts

[1] Credit CIAC to plant, essentially.
[2] Credit CIAC to accumulated provisions for depreciation, essentially.

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to plant in service accounts would reduce ad valorem tax payments. It was also mentioned that a reduction in the amount of property available to be pledged under the mortgage indenture agreements would take place. In this connection we understand that it may be advisable to use the contributed amounts for company benefit in some cases. Companies always have the option of maintaining the amounts of CIAC on a memorandum basis for use where the detail is needed for other purposes.

Some respondents suggested that the amounts, if any, of customer advances for construction recorded in Account 252, Customer Advances for Construction, remaining when a customer is refunded the amount to which he is entitled should also be credited to plant accounts, rather than to depreciation accounts as proposed. In this we agree and have so provided.

It was mentioned that Proposal A procedure is contrary to usual accounting practice in commercial and industrial fields. There is no comparison between commercial and utility use of contributions. In other than the regulated industries, contributions become the uncontested property of the company. In the regulated industries, contributions are treated as consumer donated capital on which there is no return allowed to stockholders, and on which we now believe no depreciation should be allowed. We know of no cases in the regulatory field where CIAC is accounted for as presently handled in the commercial and industrial field.

Proposal A, as modified, revokes Account 271, Contributions in Aid of Construction, from the systems of accounts and transfers the account balances therein relating to plant in service to the related property investment account of plant in service, giving rise to the contribution. The amounts accumulated in Account 271 which are related to depreciable property which is no longer in service, or cannot be identified or associated with a plant function, shall be credited to Account 108, Accumulated Provision for Depreciation of Electric (Gas) Utility Plant. Amounts accumulated in Account 271 which are related to nondepreciable type of property that is no longer in service shall be credited to Account 111, Accumulated Provision for Amortization of Electric Utility Plant, for electric utilities, and to Account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant, for natural gas companies.[1] Future CIAC shall be credited to the appropriate plant in service account when booked. Where amounts in Account 271 relate to nonutility plant, the amounts shall be credited to Account 122, Accumulated Provision for Depreciation and Amortization of Nonutility Property.

[1] For Class A and Class B companies, Class C and Class D companies use corresponding accounts.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to Parts 101 and 104 of the Commission's Uniform Systems of Accounts for Public Utilities and Licensees; to Annual Report Form No. 1, prescribed by § 141.1; to Annual Report Form No. 1–F, prescribed by § 141.2; to Annual Report Form No. 1–M, prescribed by § 141.7; to FPC Form No. 6 prescribed by § 141.11; to Report Form No. 9, prescribed by § 141.13; all in Chapter I, Title 18, of the Code of Federal Regulations, herein prescribed are necessary and appropriate for the administration of the Federal Power Act.

(3) The amendments to Parts 201 and 204 of the Commission's Uniform Systems of Accounts for Natural Gas Companies; to Part 154, Rate Schedules and Tariffs; to Annual Report Form No. 2, prescribed by § 260.1; and to Annual Report Form No. 2–A, prescribed by § 260.2; all in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed are necessary and appropriate for the administration of the Natural Gas Act.

(4) Since the amendments prescribed herein, which were not included in the notice of this proceeding, are consistent with the prime purpose of the proposed rulemaking, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(5) Good cause exists for making the amendments to the Uniform Systems of Accounts, Rate Schedules, and Tariffs ordered herein effective January 1, 1974; and the amendments to the report forms ordered herein, effective for the reporting year 1974.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 3, 4, 301–304, 308, 309, 311, (41 Stat. 1063–1066, 1353; 46 Stat. 798; 49 Stat. 838–841, 854–856, 858, 859; 61 Stat. 501; 16 U.S.C. 796, 797, 825, 825a, 825b, 825c, 825g, 825h, 825j; and the Natural Gas Act, as amended, particularly Sections 4, 7–10, 15, 16 (52 Stat. 822, 824–826, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717f, 717g, 717h, 717i, 717n, 717o), orders:

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

A. The Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. General Instruction "16. *Separate Accounts or Records for Each Licensed Project*" is amended by revising paragraphs 16(a) and 16(c) thereof. As so amended, paragraphs 16 (a) and (c) read:

General Instructions

. . . . . .

16. *Separate Accounts or Records for Each Licensed Project.* • • •

(a) The actual legitimate original cost of the project, including the original cost (or fair value, as determined under sec. 23 of the Federal Power Act) of the original project, the original cost of additions thereto and betterments thereof and credits for property retired from service, as determined under the Commission's regulations:

. . . . . .

(c) the credits and debits to the depreciation and amortization accounts, and the balances in such accounts;

. . . . . .

2. The Electric Plant Instructions are amended by:

a. Revising the second and third sentences of paragraph C of instruction "1. *Classification of Electric Plant at Effective Date of System of Accounts.*"

b. Revising paragraph D of instruction "2. *Electric Plant to be Recorded at Cost.*"

c. Revoking paragraph B(4) and recodifying present paragraph B(5) as B(4) of instruction "5. *Electric Plant Purchased or Sold.*"

d. Revising the first sentence in paragraph F of instruction "5. *Electric Plant Purchased or Sold.*"

As so amended, the revised portions of the Electric Plant Instructions read:

Electric Plant Instructions

1. *Classification of Electric Plant at Effective Date of System of Accounts.*

. . . . . .

C. • • • The difference between the original cost, as above, and the cost to the utility of electric plant after giving effect to any accumulated provision for depreciation or amortization shall be recorded in account 114, Electric Plant Acquisition Adjustments. The original cost of electric plant shall be determined by analysis of the utility's records or those of the predecessor or vendor companies with respect to electric plant previously acquired as operating units or systems and the difference between the original cost so determined, less accumulated provisions for depreciation and amortization and the cost to the utility with necessary adjustments for retirements from the date of acquisition, shall be entered in account 114, Electric Plant Acquisition Adjustments.• • •

2. *Electric Plant To Be Recorded at Cost.*

. . . . . .

D. The electric plant accounts shall not include the cost or other value of electric plant contributed to the company. Contributions in the form of money or its equivalent toward the construction of electric plant shall be credited to accounts charged with the cost of such construction. Plant constructed from contributions of cash or its equivalent shall be shown as a reduction to gross plant constructed when assembling cost data in work orders for posting to plant ledgers of accounts. The accumulated gross costs of plant accumulated in the work order shall be recorded as a debit in the plant ledger of accounts along with the related amount of contributions concurrently be recorded as a credit.

. . . . . .

5. *Electric Plant Purchased or Sold.*

. . . . . .

B. • • •

(4) The amount of contributions in aid of • • •

F. When electric plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Electric Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation and amortization and in account 252, Customer Advances for Construction, shall be charged to such accounts and contra entries made to account 102, Electric Plant Purchased or Sold.• • •

. . . . . .

3. The chart of Balance Sheet Accounts is amended by:

a. Revoking subtitle "10. Contributions in Aid of Construction" and account title "271, Contributions in Aid of Construction."

b. Recodifying subtitle "11. Accumulated Deferred Income Taxes" as "10."

As so amended, the chart of Balance Sheet Accounts reads:

Balance Sheet Accounts

. . . . . .

LIABILITIES AND OTHER CREDITS

. . . . . .

10. ACCUMULATED DEFERRED INCOME TAXES

. . . . . .

4. The text of the Balance Sheet Accounts is amended as follows:

a. The last sentence in account "252, Customer Advances for Construction," is revised.

b. Subtitle "10. Contributions in Aid of Construction" and account "271, Contributions in Aid of Construction," are revoked.

c. Subtitle "11. Accumulated Deferred Income Taxes" is recodified as "10."

As so amended, these portions of the text of Balance Sheet Accounts read:

Balance Sheet Accounts

. . . . . .

LIABILITIES AND OTHER CREDITS

. . . . . .

8. DEFERRED CREDITS

. . . . . .

252 **Customer advances for construction.**

• • • When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to the respective plant account.

. . . . . .

10. Accumulated Deferred Income Taxes.

. . . . . .

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

B. The Commission's Uniform System of Accounts for Class C and Class D Public Utilities and Licensees, prescribed by Part 104, Title 18 of the Code of Federal Regulations is amended as follows:

1. General Instruction "14. *Separate Accounts or Records for Each Licensed Project*" is amended by revising paragraphs 14(a) and 14(c) thereof. As so amended, paragraphs "14(a)" and "(c)" read:

General Instructions

. . . . . .

14. *Separate Accounts or Records for Each Licensed Project.* • • •

(a) the actual legitimate original cost of the project, including the original cost (or fair value, as determined under section 23 of the Federal Power Act) of the original project, the original cost of additions thereto and betterments thereof and credits for property retired from service, as determined under the Commission's regulations;

. . . . . .

(c) the credits and debits to the depreciation and amortization account and the balance in such account;

. . . . . .

2. The Electric Plant Instructions are amended by:

a. Revising paragraph "D" of instruction "1. *Electric Plant to Be Recorded at Cost.*"

b. Revoking paragraph B(4) and recodifying present paragraph B(5) as B(4) of instruction "4. *Electric Plant Purchased or Sold.*"

c. Revising the first sentence in paragraph "F" of instruction. "4. *Electric Plant Purchased or Sold.*"

As revised, these portions of the Electric Plant Instructions read:

Electric Plant Instructions

1. *Electric Plant To Be Recorded at Cost.*

. . . . . .

D. The electric plant accounts shall not include the cost or other value of electric plant contributed to the company. Contributions in the form of money or its equivalent toward the construction of electric plant shall be credited to accounts charged with the cost of such construction. Plant constructed from contributions of cash or its equivalent shall be shown as a reduction to gross plant constructed when assembling cost data in work orders for posting to plant ledgers of accounts. The accumulated gross cost of plant accumulated in the work order shall be recorded as a debit in the plant ledger of accounts along with the related amount of contributions concurrently being recorded as a credit.

. . . . . .

4. *Electric Plant Purchased or Sold.*

. . . . . .

B. • • •

(4) The amount remaining in account 102 • • •

. . . . . .

F. When electric plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Electric Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the account for accumulated provision for depreciation and amortization and in account 252, Customer Advances for Construction, shall be charged to such accounts and the contra entries made to account 102, Electric Plant Purchased or Sold. • • •

. . . . . .

3. The chart of Balance Sheet Accounts is amended by:

a. Revoking subtitle "10. Contributions in Aid of Construction" and account title "271, Contributions in Aid of Construction."

b. Recodifying subtitle "11. Accumulated Deferred Income Taxes" as "10."

As so amended, the chart of Balance Sheet Accounts read:

BALANCE SHEET ACCOUNTS

. . . . . .

LIABILITIES AND OTHER CREDITS

. . . . . .

10. Accumulated Deferred Income Taxes.

. . . . . .

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4. The text of the Balance Sheet Accounts is amended as follows:

a. The last sentence of account "252, Customer Advances for Construction," is revised.

b. Subtitle "10. Contributions in Aid of Construction" and account "271, Contributions in Aid of Construction," are revoked.

c. Subtitle "11. Accumulated Deferred Income Taxes" is recodified as "10."

As so amended, these portions of the text of Balance Sheet Accounts read:

Balance Sheet Accounts

. . . . . .

LIABILITIES AND OTHER CREDITS

. . . . . .

8. DEFERRED CREDITS

. . . . . .

252 Customer advances for construction.

• • • When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to the respective plant account.

. . . . . .

10. Accumulated Deferred Income Taxes.

. . . . . .

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

C. Paragraph (d) of § 141.1, Chapter I, Title 18 of the Code of Federal Regulations is amended by revoking the schedule "Contributions in Aid of Construction". As so amended, that portion of § 141.1(d) reads:

§ 141.1 **Form No. 1 Annual report for electric utilities, licensees and others (Class A and Class B).**

. . . . . .

(d) • • •

Contributions in Aid of Construction. [Revoked]

. . . . . .

PART 154—RATE SCHEDULES AND TARIFFS

D. Paragraph (f) in § 154.63, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising the first sentence of *"Statement B—Rate base and return"* and deleting the reference to "Contributions in Aid of Construction." The amended portions of § 154.63(f) read:

§ 154.63 **Changes in a tariff, executed service agreement or part thereof.**

. . . . . .

(f) *Description of statements.* • • •

. . . . . .

Statement B—Rate base and return. This statement shall summarize the overall gas utility rate base from the figures contained in Statement C, D and E. • • •

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

E. The Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Title 18 of the Code of Federal Regulations is amended as follows:

1. The Gas Plant Instructions are amended by:

a. Revising the second and third sentences of subparagraph "C" of Instruction "1. *Classification of gas plant at effective date of system of accounts.*"

b. Revising paragraph D of Instruction "2. *Gas plant to be recorded at cost.*"

c. Revoking paragraph B(4) and recodifying present paragraph B(5) as B(4) of instruction "5. *Gas plant purchased or sold.*"

d. Revising the first sentence in paragraph F of instruction "5. *Gas plant purchased or sold.*"

As so amended, the revised portions of the Gas Plant Instructions read:

. . . . . .

Gas Plant Instructions

1. *Classification of gas plant at effective date of system of accounts.* • • •

C. • • • The difference between the original cost as above, and the cost to the utility of gas plant after giving effect to any accumulated provision for depreciation, depletion, or amortization shall be recorded in account 114, Gas Plant Acquisition Adjustments. The original cost of gas plant shall be determined by analysis of the utility's records or those of the predecessor or vendor companies with respect to gas plant previously acquired as operating units or systems and the differences between the original cost so determined, less accumulated provisions for depreciation, depletion and amortization, and the cost to the utility, with necessary adjustments for retirements from the date of acquisition, shall be entered in account 114, Gas Plant Acquisition Adjustments. • • •

2. *Gas plant to be recorded at cost.* • • •

D. The gas plant accounts shall not include the cost or other value of gas plant contributed to the company. Contributions in the form of money or its equivalent toward the construction of gas plant shall be credited to the accounts charged with the cost of such construction. Plant constructed from contributions of cash or its equivalent shall be shown as a reduction to gross plant constructed when assembling cost data in work orders for posting to plant ledger of accounts. The accumulated gross costs of plant accumulated in the work order shall be recorded as a debit in the plant ledger of accounts along with the related amount of contributions concurrently being recorded as a credit.

. . . . . .

5. *Gas plant purchased or sold.* • • •

B. • • •

. . . . . .

(4) The amount remaining • • •

. . . . . .

F. When gas plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Gas Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation, depletion, and amortization and in account 252, Customer Advances for Construction, shall be charged to such accounts and the contra entries made to account 102, Gas Plant Purchased or Sold. • • •

. . . . . .

2. The chart of Balance Sheet Accounts is amended by:

a. Revoking subtitle "10. Contributions in Aid of Construction" and account title "271, Contributions in Aid of Construction."

b. Recodifying subtitle "11. Accumulated Deferred Income Taxes" as "10."

As so amended, the chart of Balance Sheet Accounts read:

Balance Sheet Accounts

. . . . . .

LIABILITIES AND OTHER CREDITS

. . . . . .

10. ACCUMULATED DEFERRED INCOME TAXES

. . . . . .

3. The text of the Balance Sheet Accounts is amended as follows:

a. The last sentence of account "252, Customer Advances for Construction," is revised.

b. Subtitle "10. Contributions in Aid of Construction" and account "271, Contributions in Aid of Construction," are revoked.

c. Subtitle "11. Accumulated Deferred Income Taxes" is recodified as "10."

As so amended, these portions of the text of Balance Sheet Accounts read:

Balance Sheet Accounts

. . . . . .

LIABILITIES AND OTHER CREDITS

. . . . . .

8. DEFFERED CREDITS

. . . . . .

252 Customer advances for construction.

• • • When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to the respective plant account.

. . . . . .

10. ACCUMULATED DEFERRED INCOME TAXES

. . . . . .

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

F. The Commission's Uniform System of Accounts for Class C and Class D Natural Gas Companies, prescribed by Part 204, Title 18 of the Code of Federal Regulations is amended as follows:

1. The Gas Plant Instructions are amended by:

a. Revising paragraph "D" of instruction "1. *Gas Plant to be Recorded at Cost.*

b. Revoking paragraph B(4) and recodifying paragraph B(5) as B(4) of instruction "4. *Gas Plant Purchased or Sold.*"

c. Revising paragraph F of instruction "4. *Gas Plant Purchased or Sold.*"

As so revised, these portions of the Gas Plant Instructions read:

Gas Plant Instructions

. . . . . .

1. *Gas plant to be recorded at cost.*

. . . . . .

D. The gas plant accounts shall not include the cost or other value of gas plant contributed to the company. Contributions in the form of money or its equivalent toward the construction of gas plant shall be credited to the accounts charged with the cost of such construction. Plant constructed from Contributions of cash or its equivalent shall be shown as a reduction to gross plant constructed when assembling cost data in work orders for posting to plant ledger of accounts. The accumulated gross costs of plant accumulated in the work order shall be recorded as a debit in the plant ledger of accounts along with the related amount of contributions currently being recorded as a credit.

. . . . . .

4. *Gas plant purchased or sold.*

. . . . . .

B. • • •

. . . . . .

(4) The amount remaining in account 102 • • •

. . . . . .

F. When gas plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Gas Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the account for accumulated provision for depreciation, depletion, and amortization and in account 252, Customer Advances for Construction, shall be charged to such accounts and the contra entries made to account 102, Gas Plant Purchased or Sold. • • •

. . . . . .

2. The chart of Balance Sheet Accounts is amended by:

a. Revoking subtitle "10. Contributions in Aid of Construction" and account title "271, Constributions if Aid of Construction."

b. Recodifying subtitle "11. Accumulated Deferred Income Taxes" as "10."

As so amended, the chart of Balance Sheet Accounts read:

Balance Sheet Accounts

. . . . . .

LIABILITIES AND OTHER CREDITS

. . . . . .

10. ACCUMULATED DEFERRED INCOME TAXES

. . . . . .

3. The text of the Balance Sheet Accounts is amended as follows:

a. The last sentence of account "252, Customer Advances for Construction," is revised.

b. Subtitle "10. Contributions in Aid of Construction" and account "271, Contributions in Aid of Construction," are revoked.

c. Subtitle "11. Accumulated Deferred Income Taxes" is recodified as "10."

As so amended, these portions of the Balance Sheet accounts will read:

Balance Sheet Accounts

. . . . . .

LIABILITIES AND OTHER CREDITS

. . . . . .

8. DEFERRED CREDITS

. . . . . .

252 Customer advances for construction.

• • • When a customer is refunded the entire amount to which he is entitled, according to the agreement, or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to the respective plant account.

. . . . . .

10. ACCUMULATED DEFERRED INCOME TAXES

. . . . . .

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

G. Paragraph (c) of § 260.1, Chapter I, Title 18 of the Code of Federal Regulations is amended by deleting schedule "Contributions in Aid of Construction." As so amended, that portion of § 260.1(c) reads:

§ 260.1 **Form No. 2, Annual report for natural gas companies (Class A and Class B).**

. . . . . .

(c) • • •

. . . . . .

Contributions in Aid of Construction. [Revoked]

. . . . . .

H. Schedule pages 111, Comparative Balance Sheet, and 226, Operating Reserves (Accounts 261, 262, 263, 264, 265), in F.P.C. Form No. 1, Annual Report for Public Utilities, Licensees and Others (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, and F.P.C. Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, are amended as set out in Attachment B hereto.

I. Schedule page 3, Comparative Balance Sheet, in F.P.C. Form No. 1–F, Annual Report for Public Utilities and Licensees (Class C and Class D) prescribed by § 141.2, Chapter I, Title 18 of the Code of Federal Regulations, is amended as set out in Attachment C hereto.[1]

J. Schedule page 3, Comparative Balance Sheet, in F.P.C. Form No. 2–A, Annual Report for Natural Gas Companies (Class C and Class D) prescribed by § 260.2, Chapter I, Title 18 of the Code of Federal Regulations, is amended as set out in Attachment D hereto.[1]

K. Schedule page 2, Balance Sheet, in F.P.C. Form No. 1–M, Annual Report for Municipal Electric Utilities Having Annual Electric Operating Revenues of $250,000 or More, prescribed by § 141.7, Chapter I, Title 18 of the Code of Federal Regulations, is amended as set out in Attachment E hereto.[1]

L. Schedule page 16, Project Cost—Account Totals, in F.P.C. Form of Initial Cost Statement for Licensed Projects (Form No. 6), prescribed in § 141.11, Chapter I, Title 18 of the Code of Federal Regulations, is amended as set out in Attachment F hereto.[1]

M. Schedule page 3, in F.P.C. Form No. 9, Annual Report Form for Licensees of Privately Owned Major Projects (Utility and Industrial), prescribed by § 141.13, Chapter I, Title 18 of the Code of Federal Regulations, is amended as set out in Attachment G hereto.[1]

N. The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By direction of the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

ATTACHMENT A

LIST OF RESPONDENTS

ACCOUNTING FIRMS

Arthur Anderson & Company
Haskins & Sells
Lybrand, Ross Bros. & Montgomery

ELECTRIC UTILITIES (JURISDICTIONAL)

Alabama Power Company
Allegheny Power Service Corporation:
  Monongahela Power Company
  Potomac Edison Company, The
  Potomac Edison Company of Pennsylvania, The
  Potomac Edison Company of Virginia, The
  Potomac Edison Company of West Virginia, The
  West Penn Power Company
American Electric Power Service Corporation:
  Appalachian Power Company
  Indiana and Michigan Electric Company
  Kentucky Power Company
  Kingsport Power Company
  Michigan Power Company
  Ohio Power Company
  Wheeling Electric Power Company
Arizona Public Service Company
Central Vermon Public Service Corporation:
  Connecticut Valley Electric Company, Inc.
  Vermont Electric Power Company, Inc.

[1] Filed as part of the original document.

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Cincinnati Gas & Electric Company, The:
Union Light, Heat and Power Company
Cleveland Electric Illuminating Company, The
Columbus and Southern Ohio Electric Company
Commonwealth Edison Company
Consumers Power Company
Detroit Edison Company, The
Duke Power Company
Florida Power Corporation
General Public Utilities Corporation:
Jersey Central Power & Light Company
Metropolitan Edison Company
New Jersey Power & Light Company
Pennsylvania Electric Company
Georgia Power Company
Gulf States Utilities Company
Idaho Power Company
Kansas City Power & Light Company
Mississippi Power Company
Montana Power Company, The
Northern States Power Company:
Northern States Power Company (Minnesota)
Northern States Power Company (Wisconsin)
Northeast Utilities:
Connecticut Light & Power Company, The
Hartford Electric Light Company, The
Western Massachusetts Electric Company
Holyoke Power and Electric Company
Holyoke Water Power Company
Northeast Utilities Service Company
Oklahoma Gas and Electric Company
Pacific Gas and Electric Company
Pacific Power & Light Company
Pennsylvania Power & Light Company
Philadelphia Electric Company
Portland General Electric Company
Public Service Company of Colorado
Public Service Electric and Gas Company
Public Service of Indiana
Puget Sound Power & Light Company
San Diego Gas & Electric Company
Southern California Edison Company
UGI Corporation
Union Electric Company
Utah Power and Light Company
Virginia Electric and Power Company
Washington Water Power Company, The
Wisconsin Electric Power Company
Wisconsin Public Service Corporation

ELECTRIC UTILITIES (NON-JURISDICTIONAL)

Memphis Light, Gas and Water Division
Public Utility District No. 1 of Douglas County

GAS UTILITIES (JURISDICTIONAL)

Arkansas Louisiana Gas Company
Cincinnati Gas & Electric Company, The:
Lawrenceburg Gas Transmission Corporation
Consolidated Gas Supply Corporation
Columbia Gas System Service Corporation:
Columbia Gas Transmission Corporation
Columbia Gulf Transmission Corporation
Kansas-Nebraska Natural Gas Company, Inc.
Michigan Wisconsin Pipe Line Company
Natural Gas Pipeline Company of America
Panhandle Eastern Pipe Line Company
Southern Natural Gas Company
Texas Gas Transmission Corporation
Transcontinental Gas Pipe Line Corporation
Trunkline Gas Company [1]
United Gas Pipe Line Company
United Natural Gas Company

GAS UTILITIES (NON-JURISDICTIONAL)

Southern California Gas Company

STATE COMMISSIONS

Commonwealth of Massachusetts, Department of Public Utilities
Commonwealth of Pennsylvania, Public Utility Comm.
State of Alaska, Public Utilities Commission
State of Colorado, Public Utilities Commission
State of Illinois, Illinois Commerce Commission
State of Kansas, State Corporation Commission
State of Missouri, Public Service Commission
State of New York, Public Service Commission
State of Wisconsin, Public Service Commission

INDIVIDUALS

David Dunlap, Law Offices
Robert E. Stromberg
F. Harvey Pitts

MISCELLANEOUS

NARUC Subcommittee of Staff Experts on Accounting General Waterworks

[FR Doc.73-18335 Filed 8-28-73;8:45 am]

[1] Affiliate of Panhandle Eastern Pipe Line Company.

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 233]

FINANCIAL ASSISTANCE PROGRAMS

Limitation on Institutional Care

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations would implement section 249D of Public Law 92–603, the Social Security Amendments of 1972. They relate to the exclusion from Federal financial participation under the financial assistance titles of any payment for medical or remedial care to an inpatient in an institution if such care is or could be provided under an approved State plan under title XIX, in an institution certified under such title XIX.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, on or before September 28, 1973. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–963–7361).

(Sec. 1102, 49 Stat. 64 (42 U.S.C. 1302))

Dated: June 20, 1973.

FRANCIS D. DEGEORGE,
Acting Administrator, Social and Rehabilitation Service.

Approved: August 9, 1973.

FRANK CARLUCCI,
Acting Secretary.

Section 233.145 of Part 233, Chapter II, Title 45 of the Code of Federal Regulations is amended to add paragraph (c) as follows:

§ 233.145 Expiration of medical assistance programs under titles I, IV–A, X, XIV, and XVI of the Social Security Act.

* * * * *

(c) (1) Under the provisions of section 249D of Public Law 92–603, enacted October 30, 1972, Federal matching is not available for any portion of any payment by any State under titles I, IV–A, X, XIV, or XVI of the Social Security Act for or on account of any medical or any other type of remedial care provided by an institution to any individual as an inpatient thereof, in the case of any State which has a plan approved under title XIX of such Act, if such care is (or could be) provided, under a State plan approved under title XIX of such Act, by an institution certified under such title XIX. The effective date of this proposed provision will be the date of publication of the final regulation in the FEDERAL REGISTER.

(2) For purposes of this paragraph,

(i) An institution (see § 233.60(b) (1) of this chapter) is considered to provide medical or remedial care if it provides any care or service beyond room and board because of the physical or mental condition (or both) of its inpatients;

(ii) An inpatient is an individual who is living in an institution which provides medical or remedial care and who is receiving care or service beyond room and board because of his physical or mental condition (or both).

(iii) Federal financial participation is not available for any portion of the payment for care of an inpatient. It is immaterial whether such payment is made as a vendor payment or as a money payment or other cash assistance payment. It is also immaterial whether the payment is divided into components, such as separate amounts or payments for room and board, and for care or services beyond room and board, or whether the payment is considered to meet "basic" needs or "special" needs. If, however, a money payment (or protective payment) is made to an individual who is living in an institution, and such payment does not exceed a reasonable rate for room, board and laundry for individuals not living in their own homes, and no additional payment is made for such individual's care in the institution, Federal financial participation is available in the money payment (or protective payment) since the individual may spend the funds at his discretion and obtain room and board at the place of his choice.

(iv) Federal financial participation is available in cash assistance payments to meet the needs of an inpatient for specific medical services, such as dental care or prescription drugs, which generally are not delivered in an institutional setting and in fact are not provided by the institution to the inpatient.

[FR Doc.73-18172 Filed 8-28-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73–SO–58]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Lancaster, S.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before September 28, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Lancaster transition area described in § 71.181 (38 FR 435) would be amended as follows:

"* * * long. 80°51'18" W.) * * *" would be deleted and "* * * long. 80°-51'18" W.); within 3 miles each side of the 049° bearing from Lancaster RBN (Lat. 34°43'10" N, Long. 80°51'24" W), extending from the 5-mile radius area to 8.5 miles northeast of the RBN * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the proposed NDB RWY 24 Instrument Approach Procedure, utilizing the Lancaster (private) Nondirectional Radio Beacon, to Lancaster Airport.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

V 38-167 AUG 29 73 XUM

Issued in East Point, Ga., on August 20, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-18242 Filed 8-28-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-CE-22]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at St. Louis, Missouri.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before September 28, 1973, will be considered before action is taken on the the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at St. Louis, Missouri, a public use instrument approach procedure is being developed for Smartt Airfield, St. Charles, Missouri. Accordingly, it is necessary to alter the St. Louis, Missouri, transition area to provide adequate airspace protection for aircraft executing this new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is amended to read:

ST. LOUIS, MISSOURI

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Lambert St. Louis International Airport (latitude 38°44'50" N., longitude 90°21'55" W.); within 5 miles southeast and 8 miles northwest of the Lambert St. Louis International Airport runway 24 ILS localizer northeast course, extending from the 10-mile radius area to 12 miles northeast of the runway 24 OM; within 5 miles southwest and 9 miles northeast of the Lambert St. Louis International Airport runway 12R ILS localizer northwest course; extending from the runway 12R OM to 12 miles northwest of the OM; within a 7-mile radius of St. Charles Smartt Airport, St. Charles, Missouri (latitude 38°56'00" N., longitude 90°-26'00" W.); within an 8-mile radius of Civic Memorial Airport, Alton, Illinois (latitude 38°53'30" N., longitude 90°03'00" W.); and that airspace extending upward from 1,200 feet above the surface within a 33-mile radius of St. Louis International Airport; within 6 miles southwest and 9 miles northeast of the St. Louis VORTAC 328° radial, extending from the 33-mile radius area to 36 miles northwest of the VORTAC; within 5 miles northwest and 8 miles southeast of the Maryland Heights VORTAC 243° radial, extending from the 33-mile radius area to 19 miles southwest of the VORTAC; within the area bounded on the west and northwest by the east and southeast edge of V-14S, on the northeast by the 33-mile radius area, on the southeast by the northwest edge of V-238° and on the south by the north boundary of V-88; within a 40-mile radius of Scott AFB (latitude 38°32'30" N., longitude 89°51'05" W.); excluding the portion overlying the State of Illinois; that airspace extending upward from 2,500 feet MSL within the area bounded on the northeast by the southwest edge of V-335, on the east by the Missouri-Illinois boundary, on the south by the north edge of V-190 and on the west by the east edge of V-9; and that airspace extending upward from 4,500 feet MSL within the area bounded on the north by the south edge of V-88, on the northeast by the southwest edge of V-9W, on the south by the north edge of V-72, on the west by a line 5 miles west of and parallel to the St. Louis VORTAC 200° radial, and on the northwest by the southeast edge of V-238; within the area bounded on the north by the south edge of V-12, on the southeast by the northwest edge of V-14N, on the southwest by the northeast edge of V-175, and on the northwest by a line 5 miles southeast of and parallel to the Jefferson City, Missouri VOR 041° radial, and within the area bounded on the northeast by the southwest edge of V-52 and the Missouri-Illinois boundary, on the south by the north edge of V-4N, and on the northwest by the southeast edge of V-63.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on August 10, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-18241 Filed 8-28-73;8:45 am]

[14 CFR Part 93]

[Docket No. 9974; Notice No. 73-23]

HIGH DENSITY TRAFFIC AIRPORTS

Proposed Extension of Reservation Requirements

The Federal Aviation Administration is considering amending Subpart K of Part 93 of the Federal Aviation Regulations to continue, without a specific date of termination, the special air traffic rules for high density traffic airports that would otherwise expire on October 25, 1973.

Interested persons are invited to participate in the subject rulemaking process by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before September 28, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this Notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Rules to limit the hourly number of operations at certain high density airports were first proposed in Notice No. 68-20 on September 8, 1968. As stated therein, delays encountered in certain terminal areas had become critical, and regulatory action had to be taken to alleviate congestion at five of the largest terminal airports. Twelve notices of proposed rulemaking or withdrawals, and seven regulatory actions, have been issued in prescribing a regulatory solution to this problem. Since that time, the daily number of delays of 30 minutes or more have decreased from a maximum of nearly 650 to 165. The rules have, unquestionably, brought about a marked improvement in the situation at these airports. However, owing to the rising demand for airport use, and the increased use of heavy jet aircraft that require additional separation and handling, it is apparent that if the rules were allowed to terminate, congested conditions with long delays, both airborne and on the surface, would soon be prevalent at these airports. To achieve the most efficient use of the airspace and airport facilities, the FAA believes that it is essential to retain these rules on a continuing basis, and that repeated extensions of termination dates would serve no useful purpose.

However, airspace users are advised that monitoring the need for quotas at each airport would continue, and quotas adjusted where appropriate, to ensure that no unnecessary restrictions are allowed to develop.

Accordingly, it is proposed that § 93.133 providing a termination date for this subpart be deleted, thereby extending the rules in Subpart K indefinitely.

Previous amendments to this subpart have resulted in a need for making three nonsubstantive editorial changes. In § 93.121, reference to aircraft equipment would be deleted since the requirement for that equipment was stricken by Amendment No. 93-25. Similarly, reference to paragraphs (a) and (b) of § 93.125, which no longer exist, would be deleted from §§ 93.130 and 93.133.

AUTHORITY: Sections 103, 307, 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348, 1354(a) and 1421); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and Section 1.4(c) of Part 1 of the Office of the Secretary (49 CFR 1.4(c)).

In consideration of the foregoing, it is proposed that Subpart K of Part 93 be amended as follows:

1. By amending § 93.121 by deleting the words "the aircraft equipment and" between the words "prescribes" and "air traffic rules."

2. By amending § 93.130 by deleting the phrase "§§ 93.125(a) and 93.125(b)" between the words "prescribed in" and "if he finds" and substituting "§ 93.125" therefor.

3. By deleting § 93.131.

4. By amending § 93.133 by deleting the phrase "§ 93.125 (a) and (b)" between the words "and" and "do" and substituting "§ 93.125" therefor.

Issued in Washington, D.C., on August 22, 1973.

ROBERT W. MARTIN,
Acting Director, Air Traffic Service.

[FR Doc.73-18243 Filed 8-28-73;8:45 am]

ENERGY POLICY OFFICE

[32A CFR Chapter XIII]

ESTABLISHMENT OF PRIORITIES OF USE AND ALLOCATIONS OF SUPPLY FOR CERTAIN LOW SULFUR PETROLEUM PRODUCTS

Notice of Public Hearing and Proposed Rulemaking

On June 11-14, 1973, hearings were held concerning the operation of the voluntary allocation program for petroleum products and the need for a mandatory allocation program. These hearings indicated that the voluntary program had done significant good, but that difficulties were being experienced in certain parts of the country and in certain sectors of the industry.

In the Energy Policy Office statement of August 9, 1973, it was indicated that the current fuel situation had led the Administration to consider action which would temporarily prohibit utilities, industrial, and commercial firms from (a) switching from coal to petroleum or petroleum products, (b) switching from residual fuels to home heating fuels, or (c) increasing the quantity of distillates blended into residual fuel oil, except where such actions were absolutely necessary to meet primary (health related) ambient air quality standards.

As there may be insufficient supplies of petroleum products, especially home heating oils, to meet essential needs in certain parts of the country and to insure an adequate supply to the independent distributors and marketers, priorities for use and allocation of supplies for certain petroleum products are being established pursuant to section 203(a)(3) of the Economic Stabilization Act of 1970, as amended. Specifically, this regulation aims to prevent coal-to-oil fuel conversions and to delay shifts to lower sulfur content fuel oils than were in use as of the effective date of this regulation; except where such actions are required to achieve primary air quality standards.

Provisions to prohibit coal-to-oil switching except to achieve primary air quality standards are directly supportive of the Environmental Protection Agency's Clean Fuels Policy. That policy urges the States to delay attainment dates for secondary standards as they apply to coal-fired combustion sources and specifically discourages coal-to-oil switching, except to meet primary air quality standards. Under this proposal, coal burning sources will still be required to comply with State sulfur regulations except that they could not convert to oil unless such conversion is needed to meet primary air quality standards.

In view of the tight market for low sulfur fuel oil, the other provisions of the measure prohibit oil-burning sources from shifting to lower sulfur fuel oils than presently in use except to meet primary air quality standards. This measure does not roll back any gains already made in reducing the sulfur content of fuel oils under the Clean Air Act. It does impose a temporary halt in the trend toward lower sulfur content fuel oil wherever progress toward primary standards is not affected.

As required by section 203(a)(3) of the Economic Stabilization Act, a public hearing will be held on the proposed regulation. If the regulations are to become effective in time to significantly increase the supply of home heating oil available this winter, it is necessary to to shorten the notice period for the public hearing and comment. Therefore, the public hearing will be held in Washington, D.C., beginning at 9 a.m. (e.s.t.) Thursday, September 6, 1973, and continuing through Friday, September 7, 1973, in the auditorium of the United States Department of the Interior main building, 19th and E Streets, NW., Washington, D.C. 20240, for the purpose of receiving comments and testimony on all phases of the Proposed Program to Establish Priorities and Allocate Supply for Certain Low Sulfur Petroleum Products.

In addition, interested persons are invited to submit twenty (20) copies of any written comments on the proposal to the Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240, Attention: Dr. Lisle Reed. Comments received no later than September 7th will be considered.

JOHN A. LOVE,
Director, Energy Policy Office.

AUGUST 24, 1973.

A new chapter XIII is added to Title 32A CFR consisting of the following EPO-Reg. 2:

EPO REG 2—PRIORITIES FOR USE OF CERTAIN LOW SULFUR PETROLEUM PRODUCTS

Sec.
1 Purpose and Intent.
2 Definitions.
3 Boilers not currently burning petroleum products.
4 Boilers currently burning petroleum products.
5 New boilers.
6 Exceptions to meet primary ambient air quality standards.
7 Other exceptions.
8 Termination.

AUTHORITY: Sec. 203(a)(3) of the Economic Stabilization Act as amended by PL 93-28; 12 U.S.C. 1904 (Note); EO 11695, 38 FR 1473; COLC Order 33, 38 FR 20960.

Section 1 Purpose and intent.

The purpose of the regulation is to assure the optimum use of the limited supplies of low sulfur petroleum products in a manner consistent with the provisions of the Clean Air Act, as amended, and the Clean Fuels Policy of the Environmental Protection Agency. This regulation is not intended to affect or preempt the development of individual source compliance schedules or other actions associated with implementation of the Clean Air Act, except with regard to the timing of actual shifts to burning lower sulfur oil during the period this regulation is in effect.

To the extent that provisions of applicable State implementation plans requiring changes in fuel usage are not consistent with this regulation, the provisions of this regulation shall take precedence.

Sec. 2 Definitions.

(a) "Boiler" means any boiler, burner, or other combustor of fuel in any electric power generating plant or industrial or commercial plant having a firing rate of 250 million BTU/hour in commercial operation on or prior to the effective date of this regulation.

(b) "Petroleum Product" means petroleum, distillate fuel, residual fuel oil, or any other petroleum product.

(c) "Primary Air Quality Standards" means the national primary ambient air quality standards provided for in the Clean Air Act, as amended. (42 U.S.C. 1857 *et seq.*)

Sec. 3 Boilers not currently burning petroleum products.

No petroleum product shall be sold or otherwise provided to or accepted by any person for burning under boilers that were not using petroleum products on the effective date of this regulation. Automatic exception is granted for boilers converting from natural gas, provided that alternative fuels, such as coal, cannot practically be utilized.

Sec. 4 Boilers currently burning petroleum products.

(a) Petroleum products may continue to be utilized by persons using them in boilers burning petroleum products on the effective date of this regulation except that:

(1) No petroleum product having a lower sulfur content, by weight, than any petroleum product in use in such a boiler during the month preceding the date hereof shall be sold or otherwise provided or accepted by any person or firm for use in such boiler;

(2) The aggregate quantity of petroleum product utilized by such person in any month subsequent to the date of

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this regulation in any such boiler capable of burning coal and petroleum products shall not exceed the larger of the aggregate quantity of petroleum products consumed in the corresponding month of 1972 or in July 1973, except that the quantity of petroleum products burned may be increased in proportion to the increased output of steam.

(3) The quantity of distillate fuel oil utilized by such person in any month subsequent to the date of this regulation in any such plant shall not exceed the larger of the quantity of distillate fuel oil consumed in the corresponding month of 1972 or in July 1973, except that the quantity of distillate fuel oil burned may be increased in proportion to the increased output of steam.

(4) In order to discourage further increase in the indirect use of distillate fuels in the form of a mixture of distillate and residual fuel oils:

(i) No refiner, fuel dealer, or user, shall blend more distillate fuel oils into residual fuel oil than the greater of the quantities blended in the corresponding month of 1972, or in July 1973, except where essential to meeting primary standards.

(ii) No person shall use under a boiler a blended fuel containing a greater proportion of distillate fuels than the larger of

(A) the proportion included in the corresponding month of 1972, or

(B) the proportion included in July 1973, except where essential to meeting primary air standards.

(iii) Those quantities of fuels containing distillates that constitute plant or firm inventories as of the effective date of this regulation may be consumed by or sold for use in boilers until those quantities are depleted.

(b) This section is intended to preempt, in part, State Implementation Plans and associated individual source compliance schedules required under the Clean Air Act where these measures would:

(1) Cause existing oil burning sources to shift to a lower sulfur content fuel oil during the effective period of this regulation, and

(2) Where such actions are not required for the achievement of primary air quality standards.

Sec. 5 New Boilers.

(a) Any person with boilers which begin commercial operations after the effective date of this regulation shall not utilize any petroleum products with sulfur content by weight lower than that needed to meet primary ambient air quality standards or to comply with EPA new source standards. (b) This section is not intended to preempt the new source performance standards of the Clean Air Act, as amended. In the event this section conflicts with such standards, the provisions of the Clean Air Act prevail and the prohibitions in this section do not apply.

Sec. 6 Exceptions To Meet Primary Ambient Air Quality Standards.

(a) The Office of Oil and Gas in the Department of the Interior shall automatically grant exceptions to the prohibitions contained in these regulations when the use of petroleum products is properly certified by the appropriate State air pollution control agency to be essential to meeting the primary air quality standard of the air quality region in which the plant is located. (b) With respect to § 3, the Office of Oil and Gas shall grant exceptions pursuant to this section only when suitable alternative fuels are not available.

Sec. 7 Other Exceptions.

The Office of Oil and Gas may grant exceptions from the prohibitions of this regulation if:

(a) Any person subject to this regulation can demonstrate that compliance would cause an undue economic hardship; or

(b) Fuels necessary for compliance with this regulation are not available.

Sec. 8 Termination.

The provisions of this regulation shall be in effect for not longer than one year following its effective date, or until the expiration of Section 203(a)(3) of the Economic Stabilization Act of 1970, which ever occurs first.

[FR Doc.73-18444 Filed 8-27-73;2:45 pm]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

ALASKA

Public Hearing on Proposed Transportation and/or Land Use Control Strategies

Proposed transportation control plans for the Northern Alaska Intrastate Region were published in the FEDERAL REGISTER on July 16, 1973 (38 FR 18938). The Administrator intends that any Federal regulations be as responsive as possible to the needs of the Northern Alaska Intrastate Region. Therefore, a public hearing will be held on this and any alternative proposals in Fairbanks at 7 p.m. on Thursday, September 6, 1973. The hearing will be held at the Alaska Land Civic Center Theatre, Airport Road, Fairbanks.

It is preferred that persons desiring to testify notify Ms. Betty Weise, EPA Region X, 1200 Sixth Avenue, Seattle, Washington 98101.

Dated: August 23, 1973.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

[FR Doc.73-18247 Filed 8-28-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice 397; Delegation of Authority No. 128]

INSPECTOR GENERAL, FOREIGN ASSISTANCE

Delegation of Authority

Pursuant to the authority vested in me by section 4 of the Act of May 26, 1949, as amended (22 U.S.C. 2658), I hereby delegate to the Inspector General, Foreign Assistance the authority successively to redelegate any of the functions vested in the Department of State, and not heretofore reserved to the Secretary of State, by section 624(d) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2384(d)).

This Delegation of Authority shall be effective August 29, 1973.

Dated August 21, 1973.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

[FR Doc.73-18307 Filed 8-28-73;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[484.17]

STANDARD NEWSPRINT PAPER

Proposal To Change Minimum Basis Weight

AUGUST 23, 1973.

The purpose of this notice is to advise interested persons that the Customs Service has been requested that the minimum basis weight of standard newsprint paper, provided for in the free provision of item 252.65, Schedule 2, Subpart B, Tariff Schedules of the United States (TSUS), be revised downward to 24.5 pounds.

The test for determining whether a paper is classifiable as standard newsprint paper under item 252.65 is whether as of the time of its importation the paper is of a class or kind chiefly used in the printing of newspapers.

Chief use is determinable by the use in the United States at, or immediately prior to, the date of importation, in accordance with General Headnote 10(e)(i), TSUS, which provides:

10(e) In the absence of special language or context which otherwise requires—

(i) a tariff classification controlled by use (other than actual use) is to be determined in accordance with the use in the United States at, or immediately prior to, the date of importation, of articles of that class or kind to which the imported articles belong, and the controlling use is the chief use, i.e., the use which exceeds all other uses (if any) combined.

Treasury Decision 56349, dated January 22, 1965, as amended by Treasury Decision 68-265(20), October 22, 1968, presently sets out that most papers which conform to the following descriptive specifications:

Weight.—500 sheets each 24 by 36 inches not less than 28½ pounds nor more than 35 pounds (per ream of 432,000 square inches).

Size.—Rolls not less than 13 inches wide and 28 inches in diameter. Sheets not less than 20 by 30 inches.

Thickness.—Not over 0.0042 inch.

Sizing.—Time of transudation of water shall be not more than 10 seconds by the ground glass method.

Ash Content.—Not more than 6.5 percent.

Color and Finish.—White; or tinted shades of pink, peach, or green in rolls; not more than 50 percent glare when tested with the Ingersoll glarimeter.

are classifiable as standard newsprint paper under item 252.65, TSUS, so long as the existing conditions of chief use prevail.

Written comments and proposals are requested from interested parties pertaining to chief use in the United States of paper which conforms to the foregoing descriptive specifications but with lower basis minimum weights within the range of 24½ pounds to 28½ pounds.

Consideration will be given to any relevant data, views, or arguments for or against the tariff classification of a paper with basis weight lower than 28½ pounds under the free provision for standard newsprint paper in item 252.65, TSUS, which are submitted to the Commissioner of Customs, Washington, D.C. 20229, in writing. To assure consideration, these communications must be received not later than Oct. 29, 1973. No hearings will be held.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.73-18317 Filed 8-28-73;8:45 am]

Internal Revenue Service

ORGANIZATION AND FUNCTIONS

This material supersedes statements on organization and functions numbered 1118.8, published at 37 FR 20989.

Dated August 21, 1973.

[SEAL] DONALD C. ALEXANDER,
Commissioner.

1118.8 STABILIZATION DIVISION

(1) Directs and administers the District Economic Stabilization Program involving planning, organizing, coordinating, and evaluating District Stabilization activities which include: responding to inquiries from the public; disseminating information to the public; analyzing and issuing decisions upon application for exceptions and appeals; conducting investigations; resolving complaints of violations by obtaining compliance, where possible, and recommending enforcement action when necessary.

(2) Program management of District Stabilization activities is accomplished through twenty-nine Key Districts which are responsible for technical and managerial guidance to and which exercise functional supervision for Stabilization work performed in the related Associate Districts. The Key District/Associate District relationship is:

Key districts	*Associate Districts*
Boston	Augusta
	Burlington
	Portsmouth
Brooklyn	NONE
Buffalo	Albany
Hartford	Providence
Manhattan	NONE
Baltimore	Do.
Richmond	Do.
Newark	Do.
Philadelphia	Wilmington
Pittsburgh	NONE
Atlanta	Birmingham
Jacksonville	NONE
Greensboro	Columbia
Nashville	Jackson
Cincinnati	Louisville
Indianapolis	NONE
Cleveland	Parkersburg
Detroit	NONE
Chicago	NONE
St. Louis	Springfield
Des Moines	Omaha
St. Paul	Aberdeen
	Fargo
Milwaukee	NONE
Austin	New Orleans
Dallas	Albuquerque
Oklahoma City	Cheyenne
	Denver
	Little Rock
	Wichita
Los Angeles	Honolulu
	Phoenix
San Francisco	Reno
	Salt Lake City
Seattle	Anchorage
	Boise
	Helena
	Portland

(3) The Division structure conforms to one of three established organizational patterns which are:

(a) Two branches: the Compliance and Enforcement Branch and the Technical Services Branch;

(b) A Compliance and Enforcement Branch and a Technical Staff; or

(c) No branch structure—the organization is directly under the Division Chief.

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(4) The particular organizational pattern authorized depends upon: the size of the Key District Office and any related Associate Districts over which functional supervision is exercised; the geographic area encompassed; and the volume and complexity of the workload of the Key District and any related Associate Districts.

(5) In Districts where a two-branch structure has been authorized for the Stabilization Division, the branches will be the Compliance and Enforcement Branch, as defined in 1118.81 below; and the Technical and Services Branch, as defined in 1118.82 below. In Districts where one branch and a staff group have been authorized for the Stabilization Division, the organization structure will be a Compliance and Enforcement Branch, as defined in 1118.81 below; and a Technical Staff which will perform these duties under the Technical and Services Branch in 1118.82 below, without the Branch supervisory structure. In the small Key Districts and all Associate Districts, the functional description of branches in 1118.81 and 1118.82 below, are performed by staff personnel. Associate Districts may use the organizational title of "Stabilization Officer" for the person who will be the primary representative of the District for Stabilization matters.

1118.81 COMPLIANCE AND ENFORCEMENT BRANCH

This branch is responsible for matters involving compliance and enforcement activities under the Economic Stabilization regulations. This branch has operational responsibility for local investigative and industry monitoring programs, and reports on National Office directed pay or price fact-finding investigations and surveys, local enforcement activities as authorized and directed by the National Office and other special projects deemed appropriate by the Regional and/or National Office.

1118.82 TECHNICAL AND SERVICES BRANCH

This branch has operational responsibility for providing technical and general information to the public; analyzing and issuing decisions upon applications for exceptions and appeals; furnishing interpretive support to other organizational components of Key and Associate Districts; assuring program uniformity; operating and maintaining the Stabilization reporting and information system; and other special projects deemed appropriate by the Regional and/or National Office.

1118.9 OFFICES BELOW THE DISTRICT HEADQUARTERS

(1) Offices below the district headquarters (Area, Zone, and Local offices as defined below) perform one or more of certain Collection, Taxpayer Service, Audit, and Intelligence functions such as: the collection of delinquent accounts and the securing of delinquent returns; the receiving and deposit of monies tendered in payment of taxes; conducting taxpayer service and related assistance activities to meet local taxpayer needs; the examination of returns to determine correct liability of taxpayers for tax and penalties; the holding of conferences with taxpayers and their representatives regarding the determination of liability for tax and penalties; and the investigation of alleged criminal violation of the tax statutes. They also contain, to a limited extent, other functions such as administrative support.

(2) Offices below the district headquarters are classified according to these types:

(a) *Area office.*—An Area office is a major subdivision of the District Office and usually contains all of its principal functional elements including one or more groups of Revenue Agents, one or more groups of Revenue Officers, an Office Group, and a Teller. Generally, it also contains one or more Special Agents.

(b) *Zone office.*—A Zone office is an intermediate size office which includes one or more groups of Revenue Agents or one or more groups of Revenue Officers. Generally, it also contains one or more Special Agents. Usually it does not have a Teller and if it has Office Group personnel, they are supervised from some other office.

(c) *Local office.*—All other offices below the district headquarters are classified as Local offices. Primarily, these are small posts of duty where the workload does not warrant the stationing of Revenue Agents and Revenue Officers in group strength.

(3) Program planning and functional supervision for personnel of an Area, Zone, or Local office are the responsibilities of the appropriate divisions of the District Office. However, administrative supervision of such an office may be assigned to an individual upon a determination by the District Director that such a position is needed in order to represent all IRS functions to the public, to coordinate functions, and to provide common administrative services. This position is to be assigned as an additional responsibility to one of the regular functional personnel of the office, usually the ranking or senior officer. Each person assigned this additional responsibility will be designated as the "(inserting name of city) representative" of the District Director.

(4) Generally, offices below the district headquarters do not contain Branch Chiefs in any of the functional activities. However, if the workload of an office (including nearby offices supervised by such office) is sufficient to justify five or more Audit groups, the District Director may determine that the needs for local supervision warrant the stationing of an Audit Branch Chief in the office. Similarly, if the workload justifies five or more Revenue Officer groups (counting less than ten Office Branch employees as the equivalent of a group; of ten or more Office Branch personnel as two groups), the District Director may establish a Field Branch Chief. Recommendations for establishing such positions shall be forwarded to the Regional Commissioner for approval in accordance with regular procedures for effecting changes in organization.

(5) When the personnel of an office below the district headquarters are supervised by Group Managers or Branch Chiefs, all of the functions in such offices will generally receive line supervision from the same city in order to foster functional coordination and efficient utilization of clerical and other manpower. However, when the District Director finds that the best interests of the Service require a different arrangement, he is authorized to make an exception. Exceptions may be particularly needed for those activities, such as Intelligence, which are more thinly represented than the Audit and Collection and Taxpayer Service functions; and for specialists, such as those trained in estate, gift, and excise tax work.

[FR Doc.73-18318 Filed 8-28-73;8:45 am]

Office of the Secretary

RUBBER THREAD FROM ITALY

Tentative Discontinuance of Antidumping Investigation

Information was received on January 22, 1973, that natural rubber thread from Italy was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of February 26, 1973 (38 FR 5195). An amendment to that notice was published in the FEDERAL REGISTER of July 10, 1973 (38 FR 18389). The purpose of the amendment was to expand the scope of the original notice to encompass all rubber thread, natural and synthetic.

I hereby announce a tentative discontinuance of the antidumping investigation concerning rubber thread from Italy.

Statement of Reasons on Which This Tentative Discontinuance of Antidumping Investigation Is Based:

The investigation revealed that the proper basis for comparison, for fair value purposes, is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of the f.o.b. Genoa or the c.i.f. duty-paid delivered price, with deductions, as appropriate, for included U.S. inland freight and insurance, U.S. duty, ocean freight and marine insurance, and Italian inland freight and insurance. An adjustment was made for a special discount where it applied.

Home market price was calculated on the basis of the weighted-average delivered price with a deduction for inland freight. Adjustments were made for trade, quantity and cash discounts as well as for a packing cost differential.

Comparisons between purchase price and the adjusted home market price revealed some instances where purchase price was lower than the adjusted home market price of such or similar merchandise. However, these were determined to be minimal in terms of the volume of export sales involved.

In addition, formal assurances were received from the sole manufacturer investigated that it would make no future sales at less than fair value within the meaning of the Act. That manufacturer is believed to have been the only exporter of rubber thread to the United States during the period of investigation.

The facts recited above constitute evidence warranting the discontinuance of the investigation.

Interested persons may present written views or arguments, or request in writing that the Assistant Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Assistant Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20229, in time to be received by his office by September 10, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than September 28, 1973.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraphs, a final notice will be published discontinuing the investigation.

This notice of tentative discontinuance of antidumping investigation is published pursuant to § 153.15(b) of the Customs Regulations (19 CFR 153.15(b)).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-18450 Filed 8-28-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Notice of Meetings

Notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold closed meetings on September 20 and 21, 1973, at the Pentagon, Washington, D.C. The meetings will commence at 9 a.m. and are scheduled to terminate at 5 p.m. daily. Items to be discussed will include classified information concerning United States strategy *vis-a-vis* North Atlantic Treaty Organization, the Soviet Navy threat, and defense planning methodology.

Dated: August 20, 1973.

MERLIN H. STARING,
Rear Admiral, Deputy Judge Advocate General of the Navy.

[FR Doc.73-18245 Filed 8-28-73;8:45 am]

Office of the Secretary of Defense

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held on:

Friday, August 31, 1973.
Tuesday, October 2, 1973.
Wednesday, October 3, 1973.
Thursday, October 18, 1973.

These meetings commencing at 9:00 a.m. will be to discuss classified matters.

Dated August 24, 1973.

MAURICE W. ROCHE,
Director, Directorate for Correspondence and Directives, OASD (Comptroller).

[FR Doc.73-18314 Filed 8-28-73;8:45 am]

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

NATIONAL CRIME INFORMATION CENTER ADVISORY POLICY BOARD

Notice of Meeting

The National Crime Information Center Advisory Policy Board will meet on September 13 and 14, 1973, at the Prom Sheraton Hotel in Kansas City, Missouri. The meetings will begin at 9:30 a.m. and conclude at 4:30 p.m.

The purpose of this meeting will be to review the minutes of the previous meeting, to consider suggestions concerning NCIC and discuss matters presented as new business.

The meeting will be open to the public. Persons who wish to make statements and ask questions of the Board Members, must file written statements or questions at least twenty-four hours prior to the opening of each meeting. These statements or questions shall be delivered to the person of the Designated Federal Employee or the Assistant Director, Computer Systems Division of the FBI.

To the extent that time permits, public discussion is invited regarding agenda items.

A portion of the meeting dealing with the operational aspects of NCIC will be, of necessity, closed to the public.

The NCIC Advisory Policy Board is constituted according to Public Law 92-463 and its membership is composed of law-enforcement representatives from throughout the United States.

Further information may be obtained from Mr. Norman Stultz, Section Chief, Computer Systems Division, FBI HQ, Washington, D.C.

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date following the adjournment on September 14, 1973, upon request of the above designated FBI Official.

WASON G. CAMPBELL,
Assistant Director, Computer Systems Division.

[FR Doc.73-18257 Filed 8-28-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

ACTING ADMINISTRATOR, SUCCESSION AND AUTHORITY

Redelegations of Authority

Redelegations of Authority published in the FEDERAL REGISTER on July 6, 1968 (33 FR 9784), and amended on September 13, 1968 (33 FR 12974), February 21, 1969 (34 FR 2508), August 9, 1969 (34 FR 12955), September 18, 1969 (34 FR 14534), May 1, 1971 (36 FR 8266), June 8, 1971 (36 FR 11047), July 24, 1971 (36 FR 13799), November 26, 1971 (36 FR 22689), May 6, 1972, (37 FR 9245), July 13, 1972 (37 FR 13721), November 3, 1972 (37 FR 23463), and June 27, 1973 (38 FR 16922), are further amended by revising § 10.1a to read as follows:

SEC. 10.1. *Acting Administrator—succession and authority.*—a. The line of succession as Acting Administrator provides that in the case of death, resignation, or absence of the Administrator, the following officers or employees shall act as Administrator in the order indicated.

(1) Deputy Administrator.

(2) Assistant Administrator for Power Management (Power Manager).

(3) Assistant Administrator for Management Services (Administrative Manager).

(4) Assistant Administrator for Operation and Maintenance (O&M Manager).

(5) Assistant Administrator for Engineering and Construction (Chief Engineer).

* * * * *

Dated July 20, 1973.

DONALD PAUL HODEL,
Administrator.

[FR Doc.73-18256 Filed 8-28-73;8:45 am]

Office of the Secretary

PROPOSED PROTOTYPE OIL SHALE LEASING PROGRAM

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4332(2)(C)) the Department of the Interior has prepared a final environmental statement for a Proposed Prototype Oil Shale Leasing Program which, if implemented, would make available for private development up to six oil shale tracts, two each in Colorado, Utah, and Wyoming. A decision concerning program implementation

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will be reached no sooner than October 29, 1973.

The final statement represents over three years of intensive effort by a multidiscipline Task Force and considers nearly 3,000 pages of comments, oral testimony, and exhibits developed during public review following the Notice of Availability of the draft statement and Notice of Public Hearings which appeared in the FEDERAL REGISTER, on September 7, 1972, Vol. 37, No. 174, pg. 18098. The final statement is published in 6-volumes and may be purchased from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The Map Information Office, Geological Survey, U.S. Department of the Interior, Washington, D.C. 20240.

Bureau of Land Management State Offices at Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202; Federal Building, 124 South State, Salt Lake City, Utah; and Joseph C. O'Mahoney Federal Center, 2120 Capital Avenue, Cheyenne, Wyoming 82001.

The Cost for a complete set is $28.75; each volume may also be purchased individually. The content of each volume and price is as follows:

Volume I.—Assesses the current state of oil shale technology; describes regional environmental impact of mature oil shale development at a rate of 1-million b/d by 1985. Cost: $6.15.

Volume II.—Extends Volume I study with an examination of energy alternatives to the 1-million b/d level of oil shale production. Volumes I and II thus consider regional and cumulative aspects of a mature oil shale industry. Cost: $2.85.

Volume III.—Examines the specific action under consideration—the leasing and development of two prototype oil shale leases in each of the States of Colorado, Utah, and Wyoming. Its focus is on the specific environmental impacts of prototype development on public lands which, when combined, could support a production potential of around 250,000 barrels per day. Cost: $5.90.

Volume IV.—Describes the consultation and coordination with others in the preparation of the final statement and future plans of the Department. Includes analysis of comments received and the Department's responses. Cost: $2.85.

Volume V.—Contains letters received during the review process and describes review process. Cost: $7.25.

Volume VI.—Contains transcripts of the six public hearings held in October 1972. Cost: $3.75.

Inspection copies are available in the Library and the Office of the Oil Shale Coordinator, U.S. Department of the Interior, Washington, D.C., and at depository libraries throughout the Nation.

Inspection copies also are available in the Office of the Deputy Oil Shale Coordinator, Room 237E, Building 56, Denver Federal Center, Denver, Colorado 80225; in Bureau of Land Management State Offices listed above; and the following Bureau of Land Management District Offices: *Colorado*, Canon City, Craig, Glenwood Springs, Grand Junction, Montrose; *Utah*, Vernal, Price, Monticello, Kanab, Richfield; *Wyoming*, Rock Springs, Rawlins, Casper, Lander, Pinedale, and Worland.

Dated August 24, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-18320 Filed 8-28-73;8:45 am]

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 30, 1973.

Dated July 30, 1973.

CHARLES A. CAMPBELL.

[FR Doc.73-18261 Filed 8-28-73;8:45 am]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) FMC Corporation, Howmet Corporation, Morrison-Knudsen Company, General Electric Company, Amalgamated Sugar Company, Idaho Power Company, First Security Bank Corporation, Union Carbide Corp., Pacific Power & Light Company, Utah Power & Lt Company, Union Pacific Corporation, Portland GE Company, Washington Water Power Company, Montana Power Company, Westinghouse Electric Corp., Puget Sound Power & Lt Company, Pfizer Corp., Anaconda, Gulf Oil, AT&TCo., Sawtooth Development Co., Arizona Public Service Co., Boise Cascade Corp.
(3) No change.
(4) No change.

This statement is made as of August 3, 1973.

Dated August 3, 1973.

GLENN J. HALL.

[FR Doc.73-18262 Filed 8-28-73;8:45 am]

ROBERT L. HUFMAN

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 30, 1973.

Dated July 30, 1973.

ROBERT L. HUFMAN.

[FR Doc.73-18263 Filed 8-28-73;8:45 am]

DAVID G. JETER

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Elected Vice President, South Carolina Electric & Gas Company.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 30, 1973.

Dated July 30, 1973.

DAVID G. JETER.

[FR Doc.73-18264 Filed 8-28-73;8:45 am]

J. W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 7, 1973.

Dated August 7, 1973.

J. W. KEPNER.

[FR Doc.73-18265 Filed 8-28-73;8:45 am]

WILLIAM M. KIEFER

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 30, 1973.

Dated July 30, 1973.

WILLIAM M. KIEFER.

[FR Doc.73-18266 Filed 8-28-73;8:45 am]

OWEN A. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 31, 1973.

Dated July 31, 1973.

OWEN A. LENTZ.

[FR Doc.73-18267 Filed 8-28-73;8:45 am]

ROBERT R. McLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 1, 1973.

Dated August 15, 1973.

ROBERT R. MCLAGAN.

[FR Doc.73-18268 Filed 8-28-73;8:45 am]

HARRY H. MOCHON, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Add Thiokol Corp., Tenneco Offshore Inc.
(3) No change.
(4) No change.

This statement is made as of July 30, 1973.

Dated July 30, 1973.

HARRY H. MOCHON, Jr.

[FR Doc.73-18269 Filed 8-28-73;8:45 am]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) New position: Executive Director from Vice Executive Director in the Puerto Rico Water Resources Authority (a public corporation of the Commonwealth of Puerto Rico).
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 1973.

Dated August 6, 1973.

JULIO A. NEGRONI.

[FR Doc.73-18270 Filed 8-28-73;8:45 am]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 8, 1973.

Dated August 8, 1973.

LEROY J. SCHULTZ.

[FR Doc.73-18272 Filed 8-28-73;8:45 am]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 30, 1973.

Dated July 30, 1973.

CHARLES W. WATSON.

[FR Doc.73-18273 Filed 8-28-73;8:45 am]

[INT DES 73-50]

JACKSON HOLE AIRPORT, GRAND TETON NATIONAL PARK, WYOMING

Notice of Extension of Time To Comment on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement concerning possible actions under consideration related to the Jackson Hole Airport within Grand Teton National Park, Wyoming.

Written comments on the environmental statement are invited and will be accepted on or before October 11, 1973. Comments should be addressed to the Superintendent, Grand Teton National Park, P.O. Box 67, Moose, Wyoming 83012.

For additional information regarding this matter see FEDERAL REGISTER of July 30, 1973, Vol. 38, No. 145, pages 20284-85.

Dated: August 24, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-18433 Filed 8-28-73;8:45 am]

WILLIAM K. PENCE

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 8, 1973.

Dated August 6, 1973.

WILLIAM K. PENCE.

[FR Doc.73-18271 Filed 8-28-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

North Carolina Inspection Point

Statement of considerations.—On July 6, 1973, there was published in the FEDERAL REGISTER (38 FR 18050) a notice announcing a request by the North Carolina Department of Agriculture, Raleigh, North Carolina, that its assignment at Elizabeth City, North Carolina, as a designated inspection point be revoked, in accordance with the provisions of § 26.99 of the regulations (7 CFR 26.99) issued under the U.S. Grain Standards Act (sec. 8, 39 Stat. 485, as amended 82 Stat. 768; 7 U.S.C. 87e). The request was made

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because of the low volume of grain inspection work at Elizabeth City. Interested organizations and persons were given until August 6, 1973, to submit written data, views, comments and/or arguments with respect to the proposed revocation.

No comments were received with respect to the July 6, 1973, notice in the FEDERAL REGISTER. Therefore the assignment of Elizabeth City, North Carolina, as a designated inspection point is revoked without prejudice to the North Carolina Department of Agriculture.

Done in Washington, D.C., on August 23, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-18347 Filed 8-28-73;8:45 am]

SHIPPERS ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of § 10(a)(2) of Public Law 92-463, notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., local time, on September 6, 1973.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes consideration of a marketing policy for the 1973-74 shipping season, analysis of information concerning market supply and demand factors, and the need for regulation of shipments of any grade or size of such fruits, including export shipments, and the size, capacity, weight, dimensions or pack of the containers used in export shipments other than to Canada or Mexico.

The names of committee members, agenda, summary of the meeting, and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida, 33802; telephone 813-682-3103.

Dated August 23, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-18346 Filed 8-28-73;8:45 am]

Forest Service

CIBOLA NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Cibola National Forest Multiple Use Advisory Committee will meet on August 31, 1973, at 7:00 a.m. in the Supervisor's Office, Cibola National Forest, 10308 Candelaria NE., Albuquerque, New Mexico 87112.

The purpose of this meeting is to tour and discuss the following areas:

1. A trip over the completed portion of the Lobo Canyon Road.
2. Visit a timber sale and one or more reseeded mining pads.
3. Travel to La Mosca Peak and look over the Mount Taylor Winter Sports Area and Mount Taylor Roadless Area.

The meeting will be open to the public. Persons who wish to attend should notify Supervisor Lloyd through telephone number 766-2185 or at 10308 Candelaria NE., Albuquerque, New Mexico 87112. Written statements may be filed with the committee before or after the meeting.

Dated July 25, 1973.

J. B. ARMSTRONG,
Acting Forest Supervisor.

[FR Doc. 73-18362 Filed 8-28-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-385]

OPERATING-DIFFERENTIAL SUBSIDY FOR CARRIAGE OF BULK CARGO PRINCIPALLY BETWEEN THE U.S. AND U.S.S.R.

Notice of Intent To Extend Existing Agreements

Notice is hereby given that it is the intent of the Maritime Administration to extend, upon application, operating-differential subsidy contracts of operators listed in Appendix A with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, said extension to expire, unless extended, on December 31, 1973 (except for subsidized voyages in progress on that date). Inasmuch as the operators listed in Appendix A and/or related persons or firms, employ ships in the domestic, intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for each operator upon extension of its contract, notwithstanding that a voyage in the above-mentioned bulk carrier service would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

The operators listed in Appendix A have previously been granted written permission with respect to such services in fiscal year 1973.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) concerning any operator listed in Appendix A and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning any operator must, by close of business on August 31, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., September 4, 1973, in Room 4896 Department of Commerce Building, Fourteenth & E Streets NW., Washington, D.C. 20230. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

Dated: August 24, 1973.

By Order of the Maritime Administration.

AARON SILVERMAN,
Assistant Secretary.

APPENDIX A

I. Name of company.—Globe Seaways, Inc. (Globe), Ocean Transportation Company, Inc. (Ocean), Overseas Oil Carriers, Inc. (Overseas), Overseas Bulktank Corporation (Bulktank), Intercontinental Bulktank Corporation, (Intercontinental), Ocean Tankships Corporation (Tankships), Interseas Bulk Carriers, Inc. (Interseas), Intercontinental Carriers, Inc. (Carriers), Ocean Clippers, Inc. (Clippers).

Description of domestic service and vessels.—Globe, Ocean, Overseas, Bulktank, Intercontinental, Tankships, Interseas, Carriers, and Clippers are subsidiaries of Overseas Shipholding Group, Inc. (Shipholding), whose subsidiaries have engaged in domestic coastwise, intercoastal, and noncontiguous petroleum trades with tanker vessels, and each company requires written permission for it and/or related companies to continue such operations. The following tanker vessels are owned by subsidiaries of Shipholding:

Ship	*Owner*
Overseas Alaska	Intercontinental Bulktank Corporation.
Overseas Alice	Intercontinental Bulktank Corporation.
Overseas Aleutian	Ocean Transportation Company, Inc.
Overseas Ulla	Ocean Transportation Company, Inc.
Overseas Arctic	Overseas Bulktank Corporation.
Overseas Valdez	Overseas Bulktank Corporation.
Overseas Joyce	Overseas Oil Carriers, Inc.
Overseas Anchorage	Globe Seaways, Inc.
Overseas Vivian	Ocean Tankships Corporation.
Alpha Reserve	Sea Tankers, Inc.
Beta Reserve	Sea Tankers, Inc.
Gamma Reserve	Sea Tankers, Inc.
Western Hunter	Ocean Tankships Corporation.

II. Name of company.—American Trading Transportation Company, Inc. (Attco).

Description of domestic service and vessels.—Attco is a subsidiary of American Trading and Production Corporation (Atapcorp), which company and other related companies operate in the domestic trades shown below, and requires written permission for the continuance of such services with the right to move any vessel from one domestic trade to another and/or from a foreign trade to a domestic trade.

The following U.S.-flag vessels of Attco, all having coastwise privileges, operate or may operate in various domestic trades, commercially, under charter to the Military Sealift Command (MSC) or others:

American Trader (MSC).
Texas Trader (MSC).
Maryland Trader (MSC).
Baltimore Trader.
Virginia Trader.
Washington Trader.

Atapcorp also has substantial stock interests in Standard Oil Company (Indiana) and Standard Oil Company (New Jersey) and is the largest stockholder of Crown Central Petroleum Corporation. The first two companies and their affiliates own and charter vessels for carriage of petroleum and its products in the domestic trade and the third occasionally charters vessels for domestic carriage of petroleum and its products. Atapcorp exercises no control over the ownership, operation or charter of any tankers by any of these three companies.

III. Name of company.—Texas City Tankers Corporation (Texas City).

Description of domestic service and vessels.—Texas City bareboat charters and operates a number of vessels, including those owned by affiliates and listed hereafter, which vessels have operated in U.S. domestic services. Texas City requires written approval to continue to operate Texas City bareboat chartered vessels in domestic coastwise and/or intercoastal (including Alaska, Hawaii, and Puerto Rico) service with free interchange between trades.

Ship

V. A. Fogg (ex-Four Lakes).
William T. Steele (ex-The Cabins).
William J. Fields (ex-Thalia).

IV. Name of company.—Mount Vernon Tanker Company (Mount Vernon), Mount Washington Tanker Company (Mount Washington).

Description of domestic service and vessels.—Mount Vernon and Mount Washington, subsidiaries of Victory Carriers, Inc., and affiliates of one another, own the Mount Vernon Victory and Mount Washington, respectively, and each requires written permission to, directly or indirectly, own, operate or charter one or more vessels in the domestic, intercoastal, or coastwise service, and to own a pecuniary interest, directly or indirectly, in any person or concern that owns, charters, or operates any vessels in the domestic, intercoastal, or coastwise service. The two companies are also affiliated with Monticello Tanker Company and Montpelier Tanker Company who each own and operate a tanker operating in worldwide trading.

V. Name of company.—Montpelier Tanker Company (Montpelier).

Description of domestic service and vessels.—Montpelier, a subsidiary of Victory Carriers, Inc., owns the Montpelier Victory and American Victory, and requires written permission to, directly or indirectly, own, operate, or charter one or more vessels in the domestic intercoastal or coastwise service, and to own a percuniary interest, directly or indirectly, in any person or concern that owns, charters, or operates any vessels in the domestic intercoastal or coastwise service. Montpelier is also affiliated with Monticello Tanker Company, Mount Vernon Tanker Company, and Mount Washington Tanker Company who each own and operate a tanker operating in worldwide trading.

VI. Name of company.—Monticello Tanker Company (Monticello).

Description of domestic service and vessels.—Monticello, a subsidiary of Victory Carriers, Inc., owns the Monticello Victory and requires written permission to directly or indirectly, own, operate, or charter one or more vessels in the domestic intercoastal or coastwise service, and to own a percuniary interest, directly or indirectly, in any person or concern that owns, charters, or operates any vessels in the domestic intercoastal or coastwise service Monticello is also affiliated with Mount Vernon Tanker Company, Mount Washington Tanker Company, and Montpelier Tanker Company.

VII. Name of company.—Rye Marine Corporation.

Description of domestic service and vessels.—Rye Marine Corporation owns the tanker Thetis and requires written permission for Rye Marine Corporation and affiliated companies to engage in the domestic service as well as the right to move any vessel from one domestic trade to another, and/or from a foreign trade(s) to a domestic trade(s).

VIII. Name of company.—Newport Tankers Corporation (Newport).

Description of domestic service and vessels.—Newport owns the Achilles and requires written permission to continue to engage in the domestic intercoastal or coastwise service as well as the right to move any vessel from one domestic trade to another, and/or from a foreign trade(s) to a domestic trade(s).

IX. Name of company.—Amerada Hess Corporation (Amerada Hess).

Description of domestic service and vessels.—Amerada Hess requires written permission for any of its vessels to operate in coastwise trade between the U.S. Gulf and Atlantic:

Hess Petrol.
Hess Trader.
Hess Bunker.
Hess Voyager.

X. Name of company.—Freighters, Inc. (Freighters).

Description of domestic service and vessels.—Freighters owns and operates the SS American Wheat, which vessel has from time to time tramped in the United States coastwise trade, particularly in the carriage of bulk sugar, from the State of Hawaii to the United States Gulf, and requires written permission to continue domestic coastwise service for that vessel.

XI. Name of company.—Mathiasen's Tanker Industries, Inc. (Mathiasen's).

Description of domestic service and vessels.—Mathiasen's owns or charters a total of five vessels which are eligible to participate in domestic coastwise and intercoastal trades. These vessels are operated in tramp services. Mathiasen's requires written permission for the following vessels owned or bareboat chartered by Mathiasen's:

Praire Grove	Owned.
Tampico	Owned.
Joseph D. Potts	Bareboat Chartered.
Sohio Intrepid	Bareboat Chartered.
Sohio Resolute	Bareboat Chartered.

XII. Name of company.—Cities Service Tankers Corporation (Cities Service Tankers).

Description of domestic service and vessels.—Cities Service Tankers owns and operates tanker vessels engaged in the domestic intercoastal and coastwise service and requires written permission to continue such operations. The following U.S.-flag tanker vessels are owned by Cities Service Tankers:

Cantigny.
Council Grove.
Fort Hoskins.
Cities Service Baltimore.
Cities Service Miami.
Cities Service Norfolk.
Bradford Island.

XIII. Name of company.—Keystone Tankship Corporation (Keystone Tank), Keystone Shipping Co. (Keystone Ship).

Description of domestic service and vessels.—On January 6, 1972, a related company of Keystone Tank and Keystone Ship, Margate Shipping Co. (Margate), was granted written permission for Margate's affiliates to own and operate a total of 31 U.S.-flag vessels to transport liquid bulk cargoes within or between the following coastal areas with free interchange of the vessels among these various domestic trades. The following list shows the maximum number of vessels to be employed in each Domestic Trade at any one time:

	Vessels
U.S. Gulf/Atlantic Coastwise	17
U.S. Gulf/Atlantic, Puerto Rico	2
U.S. Atlantic/Gulf Intercoastal (including Alaska and Hawaii)	5
Pacific Coast-Alaska and Hawaii	10

The following U.S.-flag tankers are owned, managed, or operated by Margate's affiliates:

Chancellorville.	Keystoner.
Perryville.	Keytrader.
Shenandoah.	Valley Forge.
Fort Fetterman.	Golden Gate.
Julesburg.	Edgar M. Queeny.
Gaines Mill.	P. C. Spencer (renamed Birch Coulie).
Mill Spring.	J. E. Dyer (renamed Santa Clara).
Northfield.	Sinclair Texas.
Tullahoma.	David E. Day.
Meadowbrook.	Mobile Gas.
Sandy Lake.	Mobile Power.
Monmouth.	Mobile Fuel.
Spirit of Liberty.	
Catawba Ford.	
Keytanker.	

Written permission is now required by Keystone Tank and Keystone Ship notwithstanding the previous grant to a related company (Margate). Keystone Tank and Keystone Ship are also related to Chas. Kurz & Co., Inc., whose section 805(a) application has been separately noticed.

XIV. Name of company.—Nautilus Petroleum Carriers Corp. (Nautilus).

Description of domestic service and vessels.—Nautilus, for the tanker vessel Sister Katingo which has coastwise privileges and has performed domestic coastwise and intercoastal service in the past, requires written permission to continue such operations as well as the right to move the vessel from one domestic trade to another and/or from a foreign trade(s) to domestic trade(s).

[FR Doc.73-18350 Filed 8-28-73;8:45 am]

[Docket No. H-27]

National Oceanic and Atmospheric Administration

KONA COAST SEAFOOD CO., INC.

Notice of Loan Application

AUGUST 22, 1973.

Kona Coast Seafood Company, Inc., P.O. Box 2106, Kailua-Kona, Hawaii 96740, has applied for a loan from the Fisheries Loan Fund to aid in financing

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the purchase of a new fiberglass vessel, about 48 foot in length, to engage in the fishery for tuna and tuna-like species, wahoo, dolphin (*Coryphaena hippurus*), bottomfish, marlin, mackerel, and Kona crab off the Hawaiian Islands.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 5 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service by September 28, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JOSEPH W. SLAVIN,
Acting Director.

[FR Doc.73-18246 Filed 8-28-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Maryland 20014

Patent 3,710,121 Shipping Container for Radioactive Material Using Safety Closure Devices; filed Aug. 13, 1970, patented Jan. 9, 1973; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP-2, Washington, D.C. 20546

Patent Application 336 319 Solid Medium Thermal Engine; filed Feb. 27, 1973; PC$3.25/MF$1.45.

Patent Application 359 958 Sprag Solenoid Brake; filed May 14, 1973; PC$3.00/MF$1.45.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Maryland 20014

Patent 3,710,121 Shipping Container for Radioactive Material Using Safety Closure Devices; filed Aug. 13, 1970, patented Jan. 9, 1973; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP-2, Washington, D.C. 20546

Patent Application 336 319 Solid Medium Thermal Engine; filed Feb. 27, 1973; PC$3.25/MF$1.45.

Patent Application 359 958 Sprag Solenoid Brake; filed May 14, 1973; PC$3.00/MF$1.45.

[FR Doc.73-18201 Filed 8-28-73;8:45 am]

Patent Office

PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY

Entry Into Force of Articles 1–12

The Director General of the World Intellectual Property Organization announced on May 25, 1973, the deposit by the United States of letters of ratification of Articles 1–12 of the Paris Convention for the Protection of Industrial Property of 1883, as revised at Stockholm on July 14, 1967, with the declaration of applicability to all territories and possessions of the United States, including the Commonwealth of Puerto Rico. By operation of the Convention, Articles 1–12 will enter into force with respect to the United States on August 25, 1973, three months after the date of the above notification by the Director.

To carry into effect provisions of the Stockholm Revision of the Paris Convention, the United States has enacted Public Law 92–358, July 28, 1972, which in section (1) amends 35 U.S.C. 119 to accord under certain circumstances rights of priority to a U.S. patent application based on an earlier filed application for an inventor's certificate and in section (2) amends 35 U.S.C. 102(d) to provide that under certain circumstances an inventor's certificate becomes a statutory bar to the grant of a U.S. patent.

By the terms of this statutory enactment, Section (1) will enter into force with respect to the United States on the date when Articles 1–12 of the Stockholm Revision of the Paris Convention of March 20, 1883 come into force with respect to the United States, which will be August 25, 1973. A Patent Office rule change implementing this section of the public law by the addition of a new paragraph (c) to § 1.55 (37 CFR 1.55(c)) has been adopted and has been published in the FEDERAL REGISTER, Vol. 38, No. 71, on April 13, 1973.

This statutory enactment also provides that section (2) will take effect six months from the date when Articles 1–12 of the Stockholm Revision of the Paris Convention come into force with respect to the United States. Accordingly, this date will be February 25, 1974.

The full text of Public Law 92–358, dated July 28, 1972 together with the implementing Patent Office regulation, are reproduced below:

PUBLIC LAW 92-358, JULY 28, 1972

To carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 119 of title 35 of the United States Code, entitled "Patents," is amended by adding at the end thereof the following paragraph:

"Applications for inventors' certificates filed in a foreign country in which applicants have a right to apply, at their discretion, either for a patent or for an inventor's certificate shall be treated in this country in the same manner and have the same effect for purpose of the right of priority under this section as applications for patents, provided such applicants are entitled to the benefits of the Stockholm Revision of the Paris Convention at the time of such filing."

SEC. 2. Subsection 102(d) of title 35 of the United States Code is amended to read as follows:

"(d) the invention was first patented or caused to be patented; or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or."

SEC. 3. (a) Section 1 of this Act shall take effect on the date when Articles 1–12 of the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm, July 14, 1967, come into force with respect to the United States and shall apply only to applications thereafter filed in the United States.

(b) Section 2 of this Act shall take effect six months from the date when Articles 1–12 of the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm, July 14, 1967, come into force with respect to the United States and shall apply to applications thereafter filed in the United States.

Title 37—Patents, Trademarks and Copyrights

CHAPTER 1—PATENT OFFICE, DEPARTMENT OF COMMERCE

PART 1—RULES OF PRACTICE IN PATENT CASES

§ 1.55 *Serial number and filing date of application.* • • •

(c) An applicant may under certain circumstances claim priority on the basis of an application for an inventor's certificate in a country granting both inventor's certificates and patents. When an applicant wishes to claim the right of priority as to a claim or claims of the application on the basis of an application for an inventor's certificate in such a country under 35 U.S.C. 119, last paragraph (as amended July 28, 1972), the applicant or his attorney or agent, when submitting a claim for such right as specified

in paragraph (b) of this section, shall include an affidavit or declaration including a specific statement that, upon an investigation, he has satisfied himself that to the best of his knowledge the applicant, when filing his application for the inventor's certificate, had the option to file an application either for a patent or an inventor's certificate as to the subject matter of the identified claim or claims forming the basis for the claim of priority.

Dated: August 20, 1973.

RENE D. TEGTMEYER,
Acting Commissioner of Patents.

Approved: August 22, 1973.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.73-18260 Filed 8-28-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 1786 Docket No. FDC-D-643; NDA No. 4-353 etc.]

CERTAIN COMBINATION DRUGS CONTAINING ORGANIC NITRATES

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 1786) published in the FEDERAL REGISTER of February 25, 1972 (37 FR 4001) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drugs described below stating that the drugs were regarded as possibly effective for their various labeled indications. The drugs have been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted pursuant to the notice.

NDA No.	Drug	NDA holder
8-798...	Metamine with Butabarbital Tablets containing trolnitrate phosphate and butabarbital.	Pfizer Laboratories Division, Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.
11-420..	Metamine with Butabarbital Sustained Tablets containing trolnitrate phosphate and butabarbital.	Pfizer Laboratories.
12-749..	Duotrate 45 with Phenobarbital Plateau Caps containing pentaerythritol tetranitrate and phenobarbital.	Marion Laboratories, Inc., 10236 Bunker Ridge Rd., Kansas City, Mo. 64137.
12-538..	Pentaerythritol tetranitrate and phenobarbital (sustained release capsules).	Nysco Laboratories, Inc., 34-24 Vernon Blvd., Long Island City, N.Y. 11106.
12-266..	Peritrate with Phenobarbital SA Tablets containing pentaerythritol tetranitrate and phenobarbital.	Warner Chilcott Laboratories, Division Warner Lambert Pharmaceutical Co., 201 Tabor Rd., Morris Plains, N.J. 07950.
8-852...	Those parts of NDA 8-852 pertaining to Pencard with Phenobarbital and Pencard No. 2 with Phenobarbital Tablets containing pentaerythritol tetranitrate and phenobarbital; and Pencard-A Capsules containing pentaerythritol tetranitrate and theophylline.	Cole Pharmacal Co., Inc., 3721 Leclede Ave., St. Louis, Mo. 63108.
10-072..	Pentraline Tablets containing pentaerythritol tetranitrate, sodium butabarbital, and reserpine.	McNeil Laboratories, Inc., Camp Hill Rd., Fort Washington, Pa. 19034.
4-353...	Nitranitol with Phenobarbital Tablets containing mannitol hexanitrate and phenobarbital.	Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 East Amity Rd., Cincinnati, Ohio 45215.
2-779...	Maxitrate with Phenobarbital Tablets containing mannitol hexanitrate and phenobarbital.	Pennwalt Prescription Products Division, Pennwalt Corp., 755 Jefferson Rd., Rochester, N.Y. 14623.
12-093..	That part of NDA 12-093 pertaining to Isordil with Phenobarbital Tablets containing isosorbide dinitrate and phenobarbital.	Ives Laboratories, Inc., 685 Third Ave., New York N.Y. 10017.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) or pertinent parts thereof and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before September 28, 1973 the applicant(s) and any other interested person is required to file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) or pertinent parts thereof.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before September 28, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after September 28, 1973, a

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written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 21, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-18153 Filed 8-28-73;8:45 am]

USE OF IMPACT-RESISTANT LENSES IN EYEGLASSES AND SUNGLASSES

Notice of Public Meeting

In the FEDERAL REGISTER of February 2, 1972 (37 FR 2503) a final order was published on § 3.84 *Use of impact-resistant lenses in eyeglasses and sunglasses* (21 CFR 3.84). This order became effective on the date of publication in the FEDERAL REGISTER.

Since that time, the Food and Drug Administration has required that most eyeglass lenses be impact-resistant. This regulation applies to prescription lenses, sunglass lenses, and nonprescription lenses. Such lenses may be made impact-resistant by heat or chemical treatment of glass or by shatter-resistant materials such as transparent plastics.

In the course of enforcing these regulations, the Food and Drug Administration has gained experience which suggests that exchange of knowledge with respect to impact-resistant lenses should be promoted.

To encourage open discussion about consumer, professional, and industry interest in this subject, a conference has been scheduled for September 5, 1973, at 9:00 a.m. in Conference Room F, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852.

Interested organizations and individuals are invited to attend and make oral or written presentations on the subject.

Dated: August 24, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-18364 Filed 8-28-73;8:45 am]

National Institutes of Health

BEHAVIORAL SCIENCES RESEARCH CONTRACT REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Behavioral Sciences Research Contract Review Committee of the National Institute of Child Health and Human Development, September 13–14, 1973, at 9 a.m., National Institutes of Health, Landow Building, Conference Room C–418. This meeting will be open to the public from 9 a.m. to 5 p.m., September 13 and 14 to discuss orientation of this new committee to the contract program of the Behavioral Sciences Branch, Center for Population Research. Attendance by the public will be limited to space available.

Ms. Patricia Newman, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Jerry Combs, Executive Secretary of the Committee, Room C–719, Landow Building, National Institutes of Health, 496–1174.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.832, National Institutes of Health.)

[FR Doc.73-18282 Filed 8-28-73;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS, NATIONAL CANCER INSTITUTE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Cancer Institute, September 24 and 25, 1973, National Institutes of Health, Building 31, 1st Floor, "A" Wing, Conference Room 2. This meeting will be open to the public from 9 a.m. to 5 p.m., September 24, 1973 and from 9 a.m. to 12 noon, September 25, 1973, at which time the meeting will adjourn. The nature of contracting will be discussed. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301–496–1911) will furnish summaries of the open meeting and roster of board members.

Dr. Nathaniel I. Berlin, Executive Secretary, Building 31, Room 3A03, National Institutes of Health, Bethesda, Maryland 20014 (301–496–4345), will provide substantive program information.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

[FR Doc.73-18278 Filed 8-28-73;8:45 am]

CANCER CONTROL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a special meeting of the Cancer Control Advisory Committee, National Cancer Institute, September 24–26, 1973 from 9:00 a.m. to 5:00 p.m. each day in the Urban Life Center, American City Building, Columbia, Maryland 20014. This special meeting will be open to the public throughout the entire meeting and will consist of working conferences of the Cancer Control Advisory Committee to discuss, develop, and advise the National Cancer Institute on: (1) More definitive planning to assure the rapid and effective use of research results in the areas of cancer control; (2) establish specific cancer control programs for implementation during the rest of fiscal year 1974; (3) identify other programs to be initiated in subsequent years; (4) prepare an overall conference report for the Cancer Control Advisory Committee to use for advising the National Cancer Institute. Any member of the public wishing to make a statement on this meeting may do so in writing by filing a statement with the Committee's Executive Secretary within ten (10) days after the close of this meeting. Such statements will be provided to the Committee for consideration. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301–496–1911), will furnish minutes of the open meeting and a roster of committee members.

Dr. Robert L. Woolridge, Executive Secretary, Building 31, Room 10A19, National Institutes of Health, Bethesda, Maryland 20014 (301–496–1946), will provide substantive program information.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

[FR Doc.73-18275 Filed 8-28-73;8:45 am]

CONTRACEPTIVE DEVELOPMENT CONTRACT REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Contraceptive Development Contract Review Committee of the National Institute of Child Health and Human Development, September 13–14, 1973, at 9 a.m., National Institutes of Health, Landow Building, Conference Room C–418. This meeting will be open to the public from 9 a.m. to 5 p.m., September 13 and 14, to discuss orientation of this new committee to the contract program of the Contraceptive Development Branch, Center for Population Research. Attendance by the public will be limited to space available.

Ms. Patricia Newman, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Kenneth Savard, Executive Secretary of the Committee, Room B–706, Landow Building, National Institutes of Health, 496–1661.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.832, National Institutes of Health.)

[FR Doc.73-18284 Filed 8-28-73;8:45 am]

CONTRACEPTIVE EVALUATION RESEARCH CONTRACT REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Contraceptive Evaluation Research Contract Review Committee of the National Institute of Child Health and Human Development, September 13–14, 1973, at 9 a.m., National Institutes of Health, Landow Building, Conference Room C–418. This meeting will be open to the public from 9 a.m. to 5 p.m., September 13 and 14 to discuss orientation of this new committee to the contract program of the Fertility Regulating Methods Evaluation Branch, Center for Population Research. Attendance by the public will be limited to space available.

Ms. Patricia Newman, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Heinz Berendes, Executive Secretary of the Committee, Room A–716, Landow Building, National Institutes of Health, 496–4924.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.832, National Institutes of Health.)

[FR Doc.73-18283 Filed 8-28-73;8:45 am]

LIPID METABOLISM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Lipid Metabolism Advisory Committee, National Heart and Lung Institute, September 21, 1973, 8:15 a.m., National Institutes of Health, Building 31, NHLI Conference Room 5A16. This meeting will be open to the public from 8:15 a.m. to 5 p.m., September 21, 1973, to review the status of the Lipid Research Clinic Program and to receive a report on nutritional facets of the Program. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Landow Building, Room C918, phone 496–4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may be obtained from Dr. Basil Rifkind, Deputy Chief, Lipid Metabolism Branch, NHLI, NIH Building 31, Room 4A19, phone 496–1681.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

[FR Doc.73-18281 Filed 8-28-73;8:45 am]

NATIONAL ADVISORY CHILD HEALTH AND HUMAN DEVELOPMENT COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Subcommittee on Adolescence of the National Advisory Child Health and Human Development Council, National Institute of Child Health and Human Development, September 10, 1973, at 9:00 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9 a.m. to 5 p.m., September 10 to discuss the expanded research program in adolescence of the National Institute of Child Health and Human Development. Attendance by the public will be limited to space available.

Ms. Patricia Newman, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Mrs. Marjorie Neff, Executive Secretary of the Council, Room C–633, Landow Building, National Institutes of Health, 496–1756.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health.)

[FR Doc.73-18277 Filed 8-28-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council on Alcohol Abuse and Alcoholism, National Institute of Mental Health, September 17 and 18, 1973, 9:30 a.m. to 5 p.m., RCA Building, National Center for Alcohol Education, 1901 North Lynn St., Rooms 102, 103, & 104 (Lower Lobby), Rosslyn, Arlington, Virginia 22209. This meeting will be open to the public from 9:30 a.m. to 5 p.m. on September 17 and 18, 1973, to discuss Institute policy, Legislative actions affecting the NIMH/NIAAA, budgetary matters, reorganization, and program developments.

Attendance by the public will be limited to space available.

The NIAAA Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Harry C. Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6C 15 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3306.

The Acting Executive Secretary from whom substantive program information may be obtained is Mr. Martin K. Trusty, Acting Executive Officer, NIAAA, Room 16–105, 5600 Fishers Lane, Rockville, Maryland 20852, telephone number, 301–443–4373.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

[FR Doc.73-18279 Filed 8-28-73;8:45 am]

NATIONAL HEART AND LUNG ADVISORY COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a special meeting of the National Heart and Lung Advisory Council, September 17 and 18, 1973, at 9 a.m., Conference Room 6, Building 31, National Institutes of Health, Bethesda, Maryland. This meeting, which will be open to the public, is for discussion of the implementation of the National Heart, Blood Vessel, Lung, and Blood Diseases Program and the Council's Annual Report on the progress of the Program toward the accomplishment of its objectives. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, Landow Building, Room C–918, telephone 301–496–4236, will furnish summaries of the minutes and rosters of the National Heart and Lung Advisory Council members and Dr. Jerome G.

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Green, Director of the Division of Extramural Affairs, NHLI, Westwood Building, Room 5A18, telephone 301–496–7416, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.346, Heart and Lung Research—Research Grants, No. 13.374, Heart and Lung Research—Specialized Research Centers (SCOR), and 13.382, Heart and Lung Research—Pulmonary Academic Awards.)

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18280 Filed 8–28–73;8:45 am]

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Mental Health Council, National Institute of Mental Health, September 10 and 11, 1973, at the Parklawn Building, Room 14–105, 5600 Fishers Lane, Rockville, Maryland. This meeting will be open to the public from 9:30 a.m. September 10 until its adjournment on September 11. The agenda will include a discussion of administrative, legislative, and program developments. The Council will also discuss the law and mental health.

Attendance by the public will be limited to space available.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Ronald E. McMillen, Acting Director, Office of Communications, National Institute of Mental Health, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3600.

The Executive Secretary from whom substantive program information may be obtained is Mr. David F. Kefauver, Assistant Director for Extramural Programs, National Institute of Mental Health, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–4266.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18276 Filed 8–28–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 12881; Reference Notice No. 73–16]

AIR TRANSPORTATION OF HANDICAPPED PERSONS

Notice of Public Hearing

The Federal Aviation Administration will hold a series of six public hearings in order to receive the views of all interested persons regarding the safety aspects of the air carriage of handicapped persons and, in particular, concerning Advance Notice of Proposed Rulemaking (ANPRM) No. 73–16 (38 FR 14757), which concerns the air carriage of handicapped persons. The hearings will be conducted in accordance with the following schedule of dates and at the indicated locations:

September 27, 1973:
Miami Springs Villas, 500 Deer Run, Miami Springs, Florida 33166, Phone: (305) 871–6000 (Florida Room).

October 2, 1973:
Mayo Civic Auditorium, P.O. 895, 30 SE 2nd Avenue, Rochester, Minnesota 55901, Phone: (509) 288–8475.

October 4, 1973:
JFK Federal Building, Government Center, New Cambridge Street, Boston, Massachusetts 02203, Phone: (617) 223–2906 (Room 2003A).

October 10, 1973:
Concord Motor Inn, 6565 Mannheim Road, Rosemont, Illinois 60018, Phone: (312) 827–6121.

October 16, 1973:
Rochelles Motel and Restaurant, 3333 Lakewood Boulevard, Long Beach, California 90808, Phone: (212) 421–9494.

October 18, 1973:
Federal Aviation Administration, Auditorium—3rd Floor, 800 Independence Avenue SW., Washington, D.C. 20591, Phone: (202) 426–8357.

Each meeting is to convene at 9 in the morning.

In the event that there is a response to this notice of public hearing that exceeds the time that has been allocated to any one hearing (each has been planned not to exceed one day in length), the overflow will be accommodated by extending the hearing scheduled for October 18, 1973, at Washington, D.C., to the following day, October 19, 1973.

The hearings will be informal in nature and will be conducted by a designated representative of the Administrator under 14 CFR 11.33. At each hearing an FAA spokesman will make a brief opening statement regarding ANPRM 73–16. Since the hearings will not be of the evidentiary or judicial type, there will be no cross-examination of those persons presenting statements. However, interested persons wishing to make rebuttal statements will be given an opportunity to do so in the same order in which initial statements were made.

All interested persons are invited to attend the hearings and each such person is invited to present oral or written statements concerning ANPRM 73–16 at one of the hearings. Such statements will be made a part of the record of the hearings. Any person who wishes to make an oral statement at one of the hearings must notify the FAA by stating the date and place of the hearing at which he desires to make such statement and stating the amount of time requested for his initial statement. In addition, any person may submit relevant written comments. Written comments must be received by the FAA by October 30, 1973, so that they may be made a part of the record of the hearings. Written comments and all other communications concerning these hearings should be addressed to the Office of General Counsel, Rules Docket, AGC–24, Federal Aviation Administration, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20591, marked "Attention: Presiding Officer, Public Hearing on ANPRM 73–16."

ANPRM 73–16 was issued by the FAA on May 30, 1973, pursuant to the FAA's policy for the early institution of public participation in rulemaking proceedings. An "advance" notice is issued to invite public participation in the identification and selection of a course or alternate courses of action with respect to a particular rulemaking problem. In this instance, the FAA is seeking the comments and recommendations of the public in regard to possible amendments to the Federal Aviation Regulations to permit, to the maximum extent possible, air transportation of physically handicapped persons while maintaining an acceptable level of safety in air carrier and air taxi operations.

ANPRM 73–16 presented background information on the air carriage of handicapped persons and solicited the views of interested persons concerning the establishment of an acceptable level of safety commensurate with the carriage of the maximum number and types of handicapped persons. In that Notice, the FAA expressed a particular interest in receiving comments regarding the following questions:

(1) What types of physical/functional disabilities or limitations should be allowed consistent with present evacuation criteria?

(2) What types of handicapped persons or physical/functional disabilities should be allowed if a special attendant or assistance is provided to accomplish an emergency evacuation from an aircraft?

(3) Should a regulation be adopted which would permit (or limit) the carriage of a number and type of handicapped persons without the accommodation of that number and type in the criteria established for emergency evacuation demonstrations?

(4) How many unassisted handicapped persons may be accepted as passengers on an aircraft without requiring the use of a special attendant or able-bodied helper? Should this limit be a fixed number or should it be a number which is a percentage of the full passenger seating capacity?

(5) For large groups of handicapped passengers what means of emergency evacuation might be employed to provide as acceptable level of safety?

(6) Should the length of the planned flight be a consideration in determining the number and/or type of handicapped persons to be accepted as passengers?

(7) Would an identification card which certifies the ability of a handicapped person to perform certain physical tasks be useful in eliminating uncertainties regarding his acceptance as an unaccompanied passenger? If so, who should issue the card?

(8) If you are a handicapped person, have you considered how you might evacuate an aircraft unassisted by other persons? Would you care to describe your functional limitations and any method by which you could effect an evacuation? (This information may be helpful in developing evacuation procedures and/or evacuation devices.)

(9) If you are a handicapped person, considering the possibility of being involved in an emergency evacuation, does the notion that you could be the last passenger evacuated from an aircraft seriously concern you?

In addition to the foregoing questions, the FAA would appreciate comments regarding the additional questions set forth below as well as in any other areas regarding the safety aspects relating to transportation of handicapped persons by air carriers.

(1) How many persons who are handicapped may be accepted as passengers on an aircraft for any one flight?

(2) Is there any one portion of the aircraft that is more favorable for the seating of handicapped persons than any other?

(3) In case of an emergency evacuation, are there measures that can be taken to minimize the danger that might be created by appliances such as leg braces coming into contact with fiber emergency evacuation chutes?

(4) Is there special equipment available that could aid in the evacuation of handicapped persons in the event of an emergency?

(5) What problems exist in regard to persons who are immobile being accepted as passengers on a commercial flight?

(6) Where aboard the aircraft should handicapped persons be seated in relation to the locations of exits?

(7) The present regulations require that an emergency evacuation demonstration be conducted to show that the aircraft can be evacuated in 90 seconds. The passengers in the evacuation demonstration include a mixture of passengers (male, female, young, and elderly), but do not include handicapped persons. Considering this information, should the number of handicapped persons permitted on any passenger flight be based on a passenger load factor such that the final load, including handicapped persons, can be evacuated in 90 seconds? Should the 90 second evacuation criteria be adjusted upward and, if so, to what level?

The FAA will carefully consider all statements presented at the hearing and relevant written comments received and made a part of the record and, in the light of those statements and comments, may issue an appropriate notice of proposed rulemaking.

A transcript of the hearings will be made and anyone may purchase a copy of them from the reporter.

(Sections 313(a), 601, 603, 604, and 1005 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 1424, and 1485) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 24, 1973.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.73–18176 Filed 8–28–73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS—GAS COOLED FAST BREEDER REACTOR SUBCOMMITTEE

Notice of Meeting

AUGUST 24, 1973

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Gas Cooled Fast Breeder Reactors will hold a meeting on September 11 and 12, 1973 at the La Jolla Village Inn, 3299 Holiday Court, La Jolla, California 92037. The purpose of this meeting will be to review various topics applicable to the conceptual design of a gas cooled fast breeder reactor.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Tuesday, September 11, 1973, 9:00 a.m.–5:00 p.m.

Review of various topics generic to gas cooled fast breeder reactors (presentations by the AEC Regulatory Staff and Gulf General Atomic will be made and discussion with these groups will be held).

Wednesday, September 12, 1973, 8:00 a.m.–12:00 Noon

Continued review of topics relating to the conceptual design of the gas cooled fast breeded reactor (continued discussions with the AEC Regulatory Staff and Gulf General Atomic).

In connection with the above agenda item, the Subcommitte will hold an executive session at 8:00 a.m. on September 11, which will involve a discussion of its preliminary views and an exchange of opinions of the Subcommittee members. At the conclusion of the discussions on September 12, the Subcommittee may hold an executive session to formulate a recommendation to the ACRS.

I have determined, in accordance with subsection 10(d) of Public Law 92–463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than September 4, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon Gulf General Atomic reports and various other documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3 p.m. on September 11, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been canceled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on September 10, 1973 to the office of the Executive Secretary of the Committee (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection on and after September 17, 1973 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, on or after November 12, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.73–18313 Filed 8–28–73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS—SUBCOMMITTEE ON D. C. COOK NUCLEAR PLANT, UNITS 1 & 2

Notice of Meeting

AUGUST 24, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on D. C. Cook Nuclear Plant, Units 1 & 2, will hold a meeting on September 12, 1973, in the Santa Maria Room at the Holiday Inn, 100 Main Street, St. Joseph, Michigan 49085. The purpose of the meeting will be to commence the Operating License review of this project, which is located in Lake Township near Benton Harbor, Michigan.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

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WEDNESDAY, SEPTEMBER 12, 1973,
9:30 a.m.-3:30 p.m.

Presentations by representatives of Indiana Michigan Electric Company and the AEC Regulatory Staff and discussions with these groups.

In connection with the above agenda item, the Subcommittee will hold an executive session beginning at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members present and internal deliberations and formulation of recommendations to the ACRS. I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive session at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than September 5, 1973 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Final Safety Analysis Report for the D. C. Cook Nuclear Plant and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and the St. Joseph Public Library, 500 Market Street, St. Joseph, Michigan 49085.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statements and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been canceled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on September 11, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and within approximately nine days at the St. Joseph Public Library, 500 Market Street, St. Joseph, Michigan 49085. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 on or after November 12, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-18310 Filed 8-28-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS—SUBCOMMITTEE ON REACTOR PRESSURE VESSELS

Notice of Meeting

AUGUST 24, 1973.

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Reactor Pressure Vessels will hold a meeting on September 5, 1973, in Room 1062, at 1717 H Street NW., Washington, D.C. The subject scheduled for discussion is a draft report to the full Committee on light water reactor pressure vessel integrity.

The Subcommittee is meeting with their consultants and a Regulatory Staff participant to formulate recommendations in the form of a report to the full ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the meeting will be to discuss a document which falls within exemption (5) of 5 U.S.C. 552(b) and will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with Committee operation.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-18312 Filed 8-28-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS—SUBCOMMITTEE ON REGULATORY GUIDES

Notice of Meeting

AUGUST 24, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Subcommittee on Regulatory Guides will hold a meeting on September 4, 1973, in Room 1062, at 1717 H Street NW., Washington, D.C. The subjects scheduled for discussion are drafts of proposed Regulatory Guides.

The Subcommittee is meeting to formulate recommendations to the ACRS regarding the above subjects.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the purpose of the meeting will be to discuss draft documents which fall within exemption (5) of 5 U.S.C. 552(b) and will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such meetings to protect the free interchange of internal views and to avoid undue interference with agency and Committee operation.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-18311 Filed 8-28-73;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued one revised and two new guides in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 1, "Power Reactor Guides." Regulatory Guide 1.58, "Qualification of Nuclear Power Plant Inspection, Examination, and Testing Personnel," describes an acceptable method of complying with the Commission's regulations with regard to qualification of nuclear power plant inspection, examination, and testing personnel. Regulatory Guide 1.59, "Design Basis Floods for Nuclear Power Plans," describes an acceptable method of determining for sites along streams or rivers the design basis floods that nuclear power plants must be designed to withstand without loss of safety-related functions. It further discusses the phenomena producing comparable design basis floods for coastal, estuary, and Great Lakes sites. Regulatory Guide 1.29 (Revision 1) "Seismic Design Classification," describes an acceptable method of complying with the Commission's regulations with regard to identifying and classifying those plant features that should be designed to withstand the effects of the Safe Shutdown Earthquake.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Availability of Electric Power Sources
Requirements for Instrumentation to Assess Nuclear Powerplant
Conditions During and Following an Accident for Water-Cooled Reactors
Shared Emergency and Shutdown Power Systems at Multiunit Sites
Physical Independence of Safety Related Electric Systems
Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary
Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors
Assumptions for Evaluating a Control Rod Drop Accident for Boiling Water Reactors
Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants
Requirements for Assessing Ability of Material Underneath Nuclear Powerplant Foundations to Withstand Safe Shutdown Earthquake
Design Phase Quality Assurance Requirements for Nuclear Powerplants
Qualification Tests of Electric Valve Operators for Use in Nuclear Powerplants
Fire Protection Criteria for Nuclear Powerplants
Protective Coatings for Nuclear Reactor Containment Facilities
Additional Material Requirements for Bolting
Inservice Surveillance of Grouted Prestressing Tendons
Design Response Spectra for Seismic Design of Nuclear Power plants
Seismic Input Motion to Uncoupled Structural Model
Primary Reactor Containment (Concrete) Design and Analysis
Preservice Testing of In-Situ Components
Installation of Over-Pressure Devices
Nondestructive Examination of Tubular Products
Category I Structural Foundations
Manual Initiation of Protective Actions
Electric Penetration Assemblies in Nuclear Powerplant Containment Structures
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel
Damping Values for Seismic Design of Nuclear Power plants
Fracture Toughness Requirements for Vessels Under Overstress Conditions
Applicability of Nickel-base Alloys and High Alloy Steels
Material Limitations for Component Supports
Protection Against Postulated Events and Accidents Outside of Containment
Design Basis for Tornadoes for Nuclear Powerplants
Requirements for Auditing of Quality Assurance Programs for Nuclear Powerplants
Preoperational and Initial Startup Test Programs for Water-Cooled Power Reactors
Assumptions used for Evaluating the Potential Radiological Consequences of a Boiling Water Reactor Gas Holdup Tank Failure
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services (5 U.S.C. 552(a))

Dated at Bethesda, Md., this 22nd day of August, 1973.

For the Atomic Energy Commission.

ROBERT B. MINOGUE,
Acting Director of Regulatory Standards.

[FR Doc.73-18308 Filed 8-28-73; 8:45 am]

CIVIL AERONAUTICS BOARD

UNITED STATES POSTAL SERVICE

Notice of Meeting

Notice is hereby given that a meeting with the Postal Service will be held on September 11, 1973, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., to present its plans and objectives, especially as they may relate to the use of air transportation.

Dated at Washington, D.C., August 24, 1973.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-18348 Filed 8-28-73;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

CERTAIN ADDITIONAL SPRAY ADHESIVES

Banning as Imminent Hazard

By order published in the FEDERAL REGISTER of August 22, 1973 (38 FR 22569), the Consumer Product Safety Commission found that the distribution for household use of certain spray adhesives presents an imminent hazard to the public health and that such products are therefore deemed to be "banned hazardous substances" pending the completion of proceedings relating to the issuance of regulations for such products under section 2(q)(1)(B) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(1)(B)). The products thus banned are as follows:

(1) "Foil Art Adhesive" manufactured by the Minnesota Minning and Manufacturing Company, St. Paul, Minnesota (distributed by Decorator Crafts, Inc., Oklahoma City, Oklahoma).

(2) "Scotch Brand Spra-Ment Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota.

(3) "Krylon Spray Adhesive" manufactured by Borden, Inc., Columbus, Ohio, and New York, New York.

(4) "3M Brand Spray Adhesive 77" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota.

The conclusion by the Commission that the distribution of certain spray adhesive products for household use presents an imminent hazard to the public health was based on research indicating a strong causal connection between exposure to such products and the potential for serious personal injury or illness to the subsequent children of a parent or parents so exposed. Such exposure may cause chromosome damage leading to severe genetic birth defects.

Although the particular chemical component or components, or combination thereof, believed to be responsible for the chromosome damage has not been identified, the Commission has determined that certain additional spray adhesive products, which have the same or similar chemical formulations as those spray adhesives heretofore banned, may also cause chromosome damage and resultant genetic birth defects in the children of a parent or parents so exposed.

The Commission finds that available evidence is sufficient to show that the spray adhesives listed below pose a significant threat of danger to health and create a public health situation (1) that should be corrected immediately to prevent injury and (2) that should not be permitted to continue while a hearing or other formal proceeding is being held. The Commission considers the number of possible injuries from these products and the nature, severity, and duration of anticipated injuries to be significant.

Proceedings to issue regulations under section 2(q)(1)(B) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(1)(B)) have been initiated by the commencement of an investigation to determine the precise causative agent or agents. As soon as practicable, the Commission will publish proposed regulations and afford all interested persons an opportunity to present their views in accordance with section 701(e) of the Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)) as prescribed by section 2(q)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(2)).

The finding by the Commission that the spray adhesive products listed below present an imminent hazard to the public health results in their being deemed to be "banned hazardous substances" under the Federal Hazardous Substances Act. As such, the act prohibits their introduction or delivery for introduction into interstate commerce and the sale, holding

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for sale, delivery, or proffered delivery thereof for pay or otherwise. Violation of any of these prohibitions is criminally punishable under section 5 of the act (15 U.S.C. 1264).

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(q)(2), 74 Stat. 374, as amended 80 Stat. 1305; 15 U.S.C. 1261(q)(2)) and under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission hereby finds that the distribution for household use of the following products presents an imminent hazard to the public health and that such products are therefore deemed to be "banned hazardous substances" pending the completion of proceedings relating to the issuance of regulations for such products under section 2(q)(1)(B) of the Federal Hazardous Substances Act:

(1) "Marshall's Photo-Mount Spray Adhesive" manufactured by Borden, Inc., Columbus, Ohio and New York, New York (distributed by the John G. Marshall Manufacturing Company, Brooklyn, New York).

(2) "Sears Multi-Purpose Spray Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota (Sold by Sears, Roebuck and Company, Chicago, Illinois).

(3) "Scotch Brand Multipurpose Spray Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota.

(4) "Scotch-Grip Brand Floral Adhesive 77" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota.

(5) "3M Brand Shipping Mate Palletizing Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota.

(6) "3M Brand Spray Trim Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota.

(7) "Tuf-Bond Spray-Hesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota (distributed by Goodloe E. Moore, Incorporated, Danville, Illinois).

(8) "Bear Brand Spray Trim Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota (distributed by the Norton Company, Troy, New York).

(9) "Tri Chem Spray Mist Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota (distributed by Tri Chem, Incorporated, Distributors, Belleville, New Jersey).

Dated: August 27, 1973.

SAMUEL M. HART,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.73-18398 Filed 8-28-73;8:45 am]

CIVIL SERVICE COMMISSION

MEDICAL TECHNOLOGIST, INDIANAPOLIS, INDIANA

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11721, the Civil Service Commission has increased special minimum salary rates and rate ranges as follows:

GS-644 MEDICAL TECHNOLOGIST SERIES

Geographic Coverage: Indianapolis, Indiana.
Effective Date: First day of the first pay period beginning on or after September 2, 1973.

	(PER ANNUM RATES) [1]									
Grade	1	2	3	4	5	6	7	8	9	10
GS 5	$8,722	$8,979	$9,236	$9,493	$9,750	$10,007	$10,264	$10,521	$10,778	$11,035

[1] This special rate schedule for computer purposes is designated as Table No. 348.

All new employees in the specified occupational level will be hired at the minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the roles in the affected occupational level. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723, of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18226 Filed 8-28-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary—Energy and Minerals (Energy), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18326 Filed 8-28-73;8:45 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Special Litigation Section, Internal Security Division, Office of Litigation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18328 Filed 8-28-73;8:45 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Commissioner, Immigration and Naturalization Service, Office of the Commissioner.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18327 Filed 8-28-73;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Notice of Committee Meetings

Pursuant to the provisions of sec. 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, September 13, 1973.
Thursday, September 20, 1973.
Thursday, September 27, 1973.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public under a determination to do so, made under the provisions of sec. 10(d) of Public Law 92-463.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street NW., Washington, D.C.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

AUGUST 24, 1973.

[FR Doc.73-18321 Filed 8-28-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry or Withdrawal From Warehouse for Consumption

AUGUST 22, 1973.

On May 30, 1973, there was published in the FEDERAL REGISTER (38 FR 14184) a letter dated May 16, 1973, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs establishing an administrative mechanism to exempt from the limitations of the Bilateral Cotton Textile Agreement of May 6, 1970, as amended, between the Governments of the United States and Pakistan, certain traditional Pakistan Items, produced or manufactured in Pakistan and exported to the United States, which had been certified for exemption by the Government of Pakistan. One of the requirements is that each certification for exempt items must include the signature of an official authorized to issue such certifications. The Government of Pakistan has requested that Mr. Shamsuddin Ansari be so authorized, in addition to the eight officials previously designated.

Accordingly, there is published below a letter of August 22, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that Mr. Shamsuddin Ansari be authorized to issue certifications for exempt Pakistan Items. A facsimile of Mr. Ansari's signature is published as an enclosure to that letter.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

AUGUST 22, 1973.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive of May 16, 1973, from the Chairman, Committee for the Implementation of Textile Agreements that directed you, effective as soon as possible and until further notice, to exempt from the levels of restraint applicable to the Bilateral Cotton Textile Agreement of May 6, 1970, as amended, between the United States and Pakistan certain traditional Pakistan Items. One of the requirements is that each certification for exempt items must include the signature of an official authorized to issue such certifications.

Pursuant to the aforementioned authority and in accordance with the procedures of Executive Order 11651 of March 3, 1972, the directive of May 16, 1973, is hereby amended to authorize Mr. Shamsuddin Ansari to issue certifications for exempt items, in addition to the eight officials previously designated. A facsimile of Mr. Ansari's signature is enclosed.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

Specimen Signature of Additional Government of Pakistan Certifying Officer for Traditional Pakistan Items.

Official	Signature
Shamsuddin Ansari, TDP Assistant Director Export Promotion Bureau Karachi	Shamsuddin Ansari

[FR Doc.73-18438 Filed 8-28-73;8:45 am]

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

AUGUST 22, 1973.

Under the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea, the Government of the Republic of Korea has undertaken to limit its exports of wool and man-made fiber textile products to the United States to certain designated levels. On May 29, 1973, the Governments of the United States and the Republic of Korea established an administrative mechanism to exempt from the limitations of the aforementioned bilateral agreement certain traditional Korean Items comprising Annex C of the agreement, produced or manufactured in the Republic of Korea and exported to the United States, which have been certified for exemption by the Government of the Republic of Korea. The purpose of this notice is to announce the implementation of this administrative mechanism.

Accordingly, there is published below a letter of August 22, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that certain traditional Korean Items, certified exempt by the Government of the Republic of Korea, shall henceforth and until further notice not be subject to the levels of restraint established by the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20009.

AUGUST 24, 1973.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on September 28, 1972 by the Chairman of the Committee for the Implementation of Textile Agreements which designated levels of restraint for certain wool and man-made fiber textile products produced or manufactured in the Republic of Korea which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period which began on October 1, 1972. It also amends but does not cancel the directive of May 19, 1972 which established an export visa requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products produced or manufactured in the Republic of Korea.

Pursuant to paragraph 11(a) of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures of Executive Order 11651 of March 3, 1972; effective as soon as possible and until further notice, the traditional Korean Items listed below, produced or manufactured in the Republic of Korea and entered into the United States in accordance with the provisions of this directive shall neither be subject to nor counted in any level of restraint now or hereafter put into effect pursuant to this agreement:

1. Chima—The long, formless and ample skirt portion of the traditional Korean Chima-Chogori dress set;

2. Chogori—The short halter type blouse or top portion of the traditional Korean Chima-Chogori dress set;

3. Bosun—An ankle boot-type article, wholly of cloth, worn by Korean women indoors;

4. Fabrics, not exceeding 24x48 inches in size, containing hand embroidered or hand-painted Korean scenes and used primarily as decorations or art objects;

5. Handmade carpets, i.e., in which the pile was inserted or knotted by hand and classified by the U.S. Customs under TSUSA numbers 360.0500, 360.1000, 360.1500, or 360.7540.

To qualify for exemption from the designated levels of restraint, each shipment of the Korean Items listed above shall be accompanied by a certification issued by the Government of the Republic of Korea. The certification shall be a stamped marking in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or other commercial invoice when such form is used). Each certification will consist of the authorized signature and title of the official issuing the certification; identify the items exempted; indicate the date the certification was signed and certified; and carry the certificate number. A facsimile of the stamp, along with the signature of the official authorized to issue the exempt certification is enclosed.

All merchandise covered by an invoice which has an exempt certification but contains both exempt and non-exempt textile items will be prohibited entry.

In addition to the certification stamp, each shipment of Korean Items will be accompanied by a visa in accordance with the

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visa arrangement agreed to by the Governments of the United States and the Republic of Korea on April 27, 1972, as amended.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.





[FR Doc.73-18437 Filed 8-28-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 313]

CANADIAN BROADCAST STATIONS
Notification List

AUGUST 16, 1973.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (ft.)	Ground system: Number of radials	Ground system: Length (ft.)	Proposed date of commencement of operation
CJLA....	Lachute, Que., N. 45°35'10", W. 74°19'00", (assignment of call letters).	0.5D/1N.....	DA-2	U 650 kHz	III	.....			
CKIQ....	Kelowna, British Columbia, N. 49°50'52", W. 119°27'54" (increase in daytime power and change in mode of operation).	10D/1N.....	ND-D-196 DA-N	U 1150 kHz	III	.....			
(New)....	Mississauga, Ont., N. 43°26'10", W. 79°43'06".....	10.....	DA-D	D 1190 kHz U 1340 kHz	II	.....			E.I.O. 8-20-74.
CKNR....	Elliot Lake, Ont., N. 46°22'40", W. 82°37'58" (Increase in daytime power).	1D/0.25N.....	ND-195	U 1490 kHz	IV	199	120	300	
(New)....	Ste-Anne-des-Monts, Que., N. 49°09'03", W. 66°28'14".	1D/0.25N.....	ND-190	U	IV	165	120	264	E.I.O. 8-20-74.

HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.73-18213 Filed 8-28-73;8:45 am]

FEDERAL MARITIME COMMISSION

NORTH EUROPE-U.S. PACIFIC FREIGHT CONFERENCE
Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 18, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

NORTH EUROPE-U.S. PACIFIC FREIGHT CONFERENCE

MODIFICATION OF AGREEMENT

Notice of agreement filed by:

H. G. Brandt, Secretary, North Europe-U.S. Pacific Freight Conference, Diergaardesingel 73-A, P.O. Box 341, Rotterdam 3, Holland.

Agreement No. 93-9, among the member lines of the above-named conference, expands the scope of the Agreement to include cargo moving from (1) Ports in Eire and (2) Interior points in Sweden, Norway, Denmark, Finland, East Germany, West Germany, The Netherlands, Belgium, Luxemburg, France, Switzerland, Austria, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, and Yugoslavia when moving via conference ports.

By Order of the Federal Maritime Commission.

Dated August 24, 1973.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-18316 Filed 8-28-73;8:45 am]

[Docket No. 73-54]

WINDJAMMER CRUISES, INC. AND WINDJAMMER CRUISES, LTD.
Order of Investigation and Hearing

Windjammer Cruises, Inc. and/or Windjammer Cruises, Ltd d/b/a "Windjammer Cruises" P.O. Box 120, Miami Beach, Florida 33139, with offices at 120 McArthur Causeway, Miami Beach, Florida 33139, is/are the owners and/or operators of the Schooners Yankee Clipper and Yankee Trader and Barquentine Flying Cloud, each having passenger accommodations for more than 50 passengers.

Based upon information and belief, "Windjammer Cruises" is alleged to have embarked passengers on the Flying Cloud at Mayaguez, Puerto Rico on or about December 18, 1972 and to have embarked a passenger or passengers on the Yankee Trader at Miami Beach, Florida on or about February 16, 1973.

Section 2 of Public Law 89-777 requires owners or charterers of American or foreign vessels having berth or stateroom accommodations for 50 or more passengers, and embarking passengers at United States ports, to establish financial responsibility to meet any liability incurred for death or injury to passengers or other persons on voyages to or from United States ports.

Section 3 of Public Law 89-777 provides that no person in the United States shall arrange, offer, advertise, or provide passage on a vessel having berth or stateroom accommodations for 50 or more passengers and which is to embark passengers at United States ports without first establishing financial responsibility for indemnification of passengers for nonperformance of transportation.

Section 540.3 of this Commission's General Order 20 provides as follows:

No person in the United States may arrange, offer, advertise, or provide passage on a vessel unless a Certificate (Performance) has been issued to or covers such person.

Section 540.22 of this Commission's General Order 20 provides as follows:

No vessel shall embark passengers at U.S. ports unless a Certificate (Casualty) has been issued to or covers the owner or charterer of such vessel.

Now, Therefore, It Is Ordered, That, pursuant to Section 22 of the Shipping Act, 1916 (46 U.S.C. 821), Section 2 of Public Law 89-777 (46 U.S.C. 817d) and Section 3 of Public Law 89-777 (46 U.S.C. 817e) the Commission on its own motion enter upon an investigation and hearing to determine whether Windjammer Cruises has violated:

1. Section 2, Public Law 89-777, by embarking passengers, or having embarked passengers, at United States ports without having complied with the financial responsibility requirements of Section 2 of Public Law 89-777, and/or

2. Section 3, Public Law 89-777, by arranging, offering, advertising or providing passage, or having arranged, offered, advertised or provided passage on a vessel without having complied with the financial responsibility requirements of Section 3 of Public Law 89-777, and/or

3. Section 540.3 and/or 540.22 Federal Maritime Commission General Order 20 (46 C.F.R. 540.3 and 540.22) promulgated to implement Sections 2 and 3 of Public Law 89-777.

It Is Further Ordered, That Windjammer Cruises are hereby named respondents in this proceeding and that the matter be assigned for hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges, and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge; and

It Is Further Ordered, That notice of this Order and notice of hearing be published in the FEDERAL REGISTER and that a copy of such Order and notice of hearing be served upon respondents and upon the Commission's Bureau of Hearing Counsel; and

It Is Further Ordered, That any person (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding, and desiring to intervene herein, shall file a petition to intervene in accordance with Rule 5(1) (46 C.F.R. 502.72) of the Commission's rules of practice and procedure, with a copy to all parties; and

It Is Further Ordered, That all future notices, orders and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-18315 Filed 8-28-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-110]

ALGONQUIN GAS TRANSMISSION CO.
Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

AUGUST 22, 1973.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on July 24, 1973, tendered for filing Second Substitute Second Revised Sheet No. 3-A and Third Substitute Second Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1, pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision (PGAC) set forth in sec. 22 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1. The Company maintains that Second Substitute Second Revised Sheet No. 3-A, proposed to become effective August 1, 1973, is being filed to reflect an increase in purchased gas cost to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation (Texas Eastern), effective August 1, 1973, as a result of a rate increase filed by Texas Eastern on July 13, 1973, in Docket No. RP72-98. Algonquin Gas states that the proposed changes would increase revenues from jurisdictional sales and service by $305,055, based on the 12 months ended June 30, 1973.

Algonquin Gas states that Third Substitute Second Revised Sheet No. 3-A proposed to become effective September 1, 1973, is necessary because of the filing of Second Substitute Second Revised Sheet No. 3-A. On July 17, 1973, Algonquin Gas filed Substitute Second Revised Sheet No. 3-A, a 0.02 cents per Mcf rate reduction effective September 1, 1973, to reflect application of the amortization of deferred gas account provision of Algonquin Gas' PGAC. Since the July 17, 1973 filing did not reflect higher cumulative adjustment to the base rate, which is the subject of Second Substitute Second Revised Sheet No. 3-A, the new tariff sheet, designated Third Substitute Second Revised Sheet No. 3-A, is being filed to show such higher cumulative adjustment, according to Algonquin Gas' statement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18338 Filed 8-28-73;8:45 am]

[Docket No. CP73-307]

BROCKTON TAUNTON GAS CO.
Notice of Petition

AUGUST 22, 1973.

Take notice that on August 10, 1973, Brockton Taunton Gas Company (Petitioner), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP73-307, a petition to amend the order authorizing the importation of liquefied natural gas (LNG) pursuant to Section 3 of the Natural Gas Act by extending the time in which Petitioner may import LNG purchases from Gaz Metropolitain, Inc., Montreal, P.Q., Canada, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by order issued July 31, 1973, in the instant docket to import 4,583,440 U.S. gallons of LNG at 12.742 cents per U.S. gallon, equivalent to approximately 400 billion Btu at a price of $1.46 per million Btu between June 15, 1973, and September 15, 1973.

As a result of a delay in commencement of deliveries Petitioner now proposes to complete the authorized importation and to transport said quantities of LNG to its storage facilities at Easton, Massachusetts, by October 31, 1973, in lieu of the September 15, 1973.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene

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in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18329 Filed 8-28-73;8:45 am]

[Docket No. RP73-86]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Amended Rate Filing

AUGUST 23, 1973.

On August 14, 1973, Columbia Gas Transmission Corporation (Columbia) tendered for filing proposed alternative revised tariff sheets to Columbia's FPC Gas Tariff, Original Volume No. 1. The filing is described in the company's letter of transmittal as follows:

(Substitute Eighth Revised Tariff Sheet No. 16) • • • bears an issue date of August 14, 1973, and an effective date of September 14, 1973.

In its "Order Accepting for Filing and Suspending Proposed Revised Tariff Sheets, Providing for Hearing, Permitting Intervention, and Consolidating Proceedings," issued herein on April 13, 1973, the Commission stated, "In accepting the proposed rates for filing, we note that the entire rate increase had been applied to the commodity rate level. However, comparison of Columbia's cost of service classified on unmodified *Seaboard* to the revenues generated by such increased commodity rate indicates that these rates fail to recover the classified commodity rates by some $72 million. To the extent that these rates as filed do not recover fully allocated *Seaboard* costs, as may be determined herein, Columbia may be required to absorb the impact of any undercollections under these rates as may occur.

As a result of the Commission's statement, the aforementioned tariff sheet contains rates which give effect to the originally filed for rate increase in this proceeding, but redesigned to recover Columbia's commodity cost of service on the basis of costs classified on the unmodified *Seaboard* method.

In addition to the redesign of the suspended rates to reflect the unmodified *Seaboard* cost classification, the proposed tariff sheet reflects the Purchased Gas Adjustment increase filed by Columbia on July 16, 1973, as revised on August 2, 1973, which is to become effective on September 1, 1973.

As an alternative, Columbia herewith submits for filing the following revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1:

Alternate Substitute Eighth Revised Sheet No. 16.

Such alternate tariff sheet reflects the rates as originally filed in this docket, adjusted only for the Purchased Gas Adjustment filing to become effective September 1, 1973, and is being submitted in the event the Commission determines that the proposed *Seaboard* redesigned rates cannot replace the suspended rates without an additional suspension period beyond that prescribed by the Commission's Order of April 13, 1973.

Columbia states that it has served a copy of this filing on its jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 7, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18343 Filed 8-28-73;8:45 am]

[Docket Nos. RP72-150, *et al.*]

EL PASO NATURAL GAS CO.

Notice Deferring Procedural Dates

AUGUST 23, 1973.

On August 17, 1973, El Paso Natural Gas Company filed a motion for further postponement of procedural dates fixed by notice issued June 25, 1973. By letter dated August 21, 1973, El Paso Natural Gas Company stated that no party objected to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matters relating to the Southern Division System are deferred pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18342 Filed 8-28-73;8:45 am]

[Docket No. CP73-334]

EL PASO NATURAL GAS CO.

Notice of Extension of Time

AUGUST 23, 1973.

On August 17, 1973, El Paso Natural Gas Company filed a motion for an extension of time to file its case-in-chief as required by the order issued August 7, 1973, in the above-designated matter. The motion states that staff counsel, Tucson Gas and Electric Company, Salt River Project Agricultural Improvement and Power District have no objection to the request.

Upon consideration, notice is hereby given that the date is extended to and including August 31, 1973, within which El Paso may file its case-in-chief in the above-designated matter. The hearing date is unchanged.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18341 Filed 8-28-73;8:45 am]

[Docket No. E-7740]

INDIANA & MICHIGAN ELECTRIC CO.

Order Rejecting Tariff Sheets and Providing for Refunds

AUGUST 8, 1973.

On June 13, 1972, Indiana & Michigan Electric Company (I&M) tendered for filing revised tariff sheets which reflected a proposed increase in its wholesale electric rates to, among others, Richmond Power and Light of the City of Richmond, Indiana (Richmond) and Anderson Power and Light of the City of Anderson, Indiana (Anderson). By order issued August 11, 1972, the Commission accepted the tariff sheets for filing, suspended the effective date for five months, until January 13, 1973, and ordered a hearing. Richmond and Anderson applied for rehearing which was denied by Commission order on October 6, 1972.

As a result of the Petition for Review filed by Richmond and Anderson, the United States Court of Appeals for the District of Columbia Circuit reversed the Commission's orders accepting I&M's filing as to Richmond and Anderson and ordered refunds. *Richmond Power & Light of the City of Richmond, Indiana, et al.* v. *F.P.C.*, —— F2d —— (CADC 1973). In compliance with this decision, we will reject I&M's filing in this docket as it relates to Richmnod and Anderson and order refunds with interest of the incremental amounts collected by I&M from Richmond and Anderson from January 13, 1973, the date the rate schedules for Richmond and Anderson became effective.

The Commission orders:

(A) The tariff sheets filed in this docket by I&M are rejected as to Richmond and Anderson.

(B) I&M shall refund to Richmond and Anderson, respectively, the incremental amounts collected since January 13, 1973, the date the rate schedule became effective, with interest at seven percent per annum.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18331 Filed 8-28-73;8:45 am]

[Docket No. E-8365]

KANSAS CITY POWER AND LIGHT CO.

Notice of Increased Schedules of Rates and Charges

AUGUST 23, 1973.

Take notice that on August 17, 1973, Kansas City Power and Light Company (Company) tendered for filing new increased Schedules of Rates and Charges for Wholesale Firm Power Service to supersede and replace those rate provisions of the Company's contract rate schedules for Wholesale Firm Power Service with the following:

(1) City of Prescott, Kansas (Prescott) FPC No. 30.
(2) Missouri Public Service Company (MPSC) FPC No. 49.
(3) Missouri Power and Light Company (MPLC) FPC No. 51.
(4) City of Higginsville, Missouri Higginsville) FPC No. 60.
(5) City of Salisbury, Missouri (Salisbury) FPC No. 61.
(6) City of Armstrong, Missouri (Armstrong) FPC No. 62.
(7) City of Slater, Missouri (Slater) FPC No. 64.
(8) City of Gardner, Kansas (Gardner) FPC No. 66.
(9) Sugar Valley Electric Cooperative Association, Inc. (Sugar Valley) FPC No. 68.
(10) Coffey County Rural Electric Cooperative Association, Inc. (Coffey County) FPC No. 69.
(11) City of Pomona, Kansas (Pomona) FPC No. 71.

The Company states that the proposed effective date for each new increased Schedule of Rates and Charges is October 17, 1973, or the earliest date thereafter in accordance with the Company's existing contract with the wholesale customer.

According to the Company, the new Schedules of Rates and Charges reflect an increase of $743,773 in annual revenues to the Company based on its cost of service and sales to the wholesale customers during the 12-month test period ending on December 31, 1972. Further, the Company states that the changes embodied in the new Schedules of Rates and Charges include (1) increased rates for Demand and Energy Charges, and (2) a related pricing of the base "fuel cost" in the Fuel Adjustment Clause at 30.0¢ per million Btu to reflect the appropriate average fuel cost to the Company in 1972.

Moreover, the Company states that the new Schedules of Rates and Charges are designed to increase the Company's rate of return to 8.10% on its wholesale service to each class of customers based on its 1972 costs of service and sales to them.

According to the Company, the Company has experienced substantial increases in all elements of its costs, including fuel, labor, interest, taxes and construction to provide additional capacity and meet environmental requirements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 18, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18330 Filed 8-28-73;8:45 am]

[Docket No. E-8354]

LOUISVILLE GAS AND ELECTRIC CO.

Notice of Proposed Cancellation

AUGUST 23, 1973.

Take notice that on August 10, 1973, Louisville Gas and Electric Company (LG&E) tendered for filing the proposed cancellation of its Rate Schedule FPC No. 22, dated August 14, 1968, between LG&E and Salt River Rural Electric Cooperative Corporation (Salt River). According to LG&E, Salt River has contracted with East Kentucky Rural Electric Cooperative Corporation (East Kentucky) to purchase from it beginning September 13, 1973, the requirements heretofore served by LG&E.

LG&E requests that the proposed cancellation become effective September 12, 1973, and states that notice of the proposed cancellation has been served upon Salt River and East Kentucky.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 7, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18340 Filed 8-28-73;8:45 am]

[Docket No. RP73-91]

McCULLOCH INTERSTATE GAS CORP.

Notice of Proposed Purchase Gas Adjustment Clause

AUGUST 23, 1973.

Take notice that McCulloch Interstate Gas Corporation (McCulloch) on August 1, 1973, tendered for filing copies of each of the following revised tariff sheet Nos. 28–31 to its FPC Gas Tariff, Original Volume No. 1, Sheet Nos. 28–31. McCulloch states that the present filing is a *refiling* under the Commission's letter of July 2, 1973.

McCulloch further states that these revised tariff sheets are designed to establish purchased gas cost adjustment provisions (PGAC) in McCulloch's FPC Gas Tariff, Original Volume No. 1, applicable to natural gas service rendered by the McCulloch Wyoming pipeline system. McCulloch requests that the proposed effective date for the tendered revised tariff sheets be September 1, 1973.

McCulloch contends that in view of the increasing natural gas shortage, and a general increase in the prices of natural gas, McCulloch, and its affiliated supplier, McCulloch Gas Processing Corporation, are being forced to pay premium prices in excess of the 22.18¢ per Mcf area price specified in the Commission's Rocky Mountain Area Rate order to continue McCulloch's jurisdictional natural gas service. McCulloch maintains that these natural gas contracts have also required increased prices for extraction and liquids, and will require above ceiling BTU adjustments and limited-term premium priced natural gas purchases. McCulloch further argues that if it, and its affiliated supplier, are to continue to make such purchases, the cost must be passed on as part of McCulloch Interstate's reasonable and prudent cost of continuing its jurisdictional natural gas service.

On August 10, 1973, McCulloch tendered for filing as supplements to the PGAC which was filed on August 1, 1973, the following:

1. A "Cost of Service Study", pursuant to § 154.38(d)(4)(i), for the 12-month period ended December 31, 1972.

2. A copy of McCulloch Interstate's recent rate increase request, filed in Docket No. RP73–103, on April 30, 1973. This filing contains a cost of service study with a test period (1973) ending less than 12 months prior to submission of the PGA clause, as set forth in § 154.38 (d)(4)(i). McCulloch's recent rate increase request in Docket No. RP73–103 is incorporated herein by reference.

3. An Original Sheet No. 32, which supplements Original Sheet Nos. 28 through 32, refiled on August 1, 1973.

4. In connection with Sheet No. 32, McCulloch states that the following amendments should be made to the proposed PGA clause:

(a) The words "Sheet No. 32" should be inserted in lieu of the words "Sheet No. 11" in Paragraph 1.2 of the PGA clause;

(b) The words "Sheet No. 32" should be inserted in lieu of "Sheet No. 11" in Paragraph 1.7;

(c) The words "and a Revised Sheet No. 32" should be inserted after the words "Revised Sheet No. 11" in Paragraph 1.8 of Original Sheet No. 32.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 11, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18332 Filed 8-28-73;8:45 am]

[Docket No. CP72-114]

TENNESSEE GAS PIPELINE CO.

Notice of Proposed Changes Gas Tariff

AUGUST 23, 1973.

Take notice that Tennessee Gas Pipeline Company, a Division of Tenneco

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Inc. (Tennessee), on August 6, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 2, to be effective June 7, 1973.

Tennessee states that the proposed changes reflect an amendatory letter agreement between Columbia Gulf Transmission Company (Columbia) and Tennessee dated August 15, 1972. On September 13, 1972, Tennessee and Columbia filed application in Docket CP72–114 to amend the Commission's order of April 17, 1972, so that Tennessee would be able to utilize its full share of the Western Shore capacity (192,400 Mcf per day). This amendment, approved by Commission order dated June 7, 1973, provides for Columbia's delivery of between 70,000 Mcf and 120,000 Mcf per day to Tennessee at the Cameron delivery point and the redelivery of equivalent volumes by Tennessee to Columbia at the Garden City and/or Erath delivery points, according to the Company's statement.

Tennessee further states that a copy of the filing was served upon Columbia Gulf Transmission Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–18333 Filed 8–28–73;8:45 am]

[Docket No. RP72–128]

TRANSWESTERN PIPELINE CO.

Notice of Proposed Changes Gas Tariff

AUGUST 23, 1973.

Take notice that Transwestern Pipeline Company (Transwestern) on August 15, 1973, tendered for filing as part of its FPC Gas Tariff, First Revised Volume No. 1 the following sheets:

Third Revised Sheet PGA–1.
Thirty-second Revised Sheet No. 4.
Twenty-seventh Revised Sheet No. 6–A.
Eleventh Revised Sheet No. 6–D.
Twenty-first Revised Sheet No. 7.

These sheets are issued pursuant to Transwestern's Purchased Gas Cost Adjustment provision set forth in Section 19 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. According to Transwestern, this provision was approved by order of the Federal Power Commission dated September 19, 1972, in Docket No. RP72–128. This change in Transwestern's rates reflects a cost of gas adjustment to track increased purchased gas costs and a surcharge adjustment to clear the balance of the Gas Cost Adjustment Account.

Transwestern proposes that these tariff sheets become effective on October 1, 1973.

The Company states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file wtih the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–18334 Filed 8–28–73;8:45 am]

[Docket No. RP72–23]

TRUNKLINE GAS CO.

Change in Tariff

AUGUST 22, 1973.

Take notice that on June 15, 1973, Trunkline Gas Company (Trunkline) tendered for filing Eighth Revised Sheet No. 3–A to its FPC Gas Tariff, Original Volume No. 1. Trunkline states that the filing is in accordance with the provisions of Article V of the Stipulation and Agreement in Docket No. RP72–23, *et al.*, approved by the Commssion's Order of April 11, 1972, and pursuant to § 18 of the General Terms and Conditions of Trunkline's FPC Gas Tariff, Original Volume No. 1. The company submits that the foregoing tariff sheet reflects an increase of 0.24¢ per Mcf for advance payment tracking pursuant to the abovementioned Article V and also reflects a decrease in the current cost of gas and recovery of amounts in the deferred purchased gas account pursuant to § 18 of the General Terms and Conditions of Trunkline's FPC Gas Tariff, Original Volume No. 1. An effective date of August 1, 1973, is proposed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–18337 Filed 8–28–73;8:45 am]

[Rate Schedule Nos. 43, *et al.*]

WARREN PETROLEUM CO., ET AL.

Rate Change Filings Pursuant to Commission's Opinion No. 639

AUGUST 23, 1973.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before September 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate Schedule No.	Buyer	Area
Aug. 13, 1973	Warren Petroleum Co., Tulsa, Okla. 74102.	43	El Paso Natural Gas Co.	Permian Basin.
Do	do	44	do	Do.
Aug. 8, 1973	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	22	Mississippi River Transmission Corp.	Other southwest Area.
Aug. 9, 1973	do	104	Arkansas Louisiana Gas Co.	Do.

[FR Doc.73–18339 Filed 8–28–73;8:45 am]

FEDERAL RESERVE SYSTEM

BANC OHIO CORP.

Acquisition of Bank

Banc Ohio Corporation, Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of The Citizens National Bank of Ironton, Ironton, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 17, 1973.

Board of Governors of the Federal Reserve System, August 21, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73–18248 Filed 8–28–73;8:45 am]

FARMER CITY AGENCY, INC.

Acquisition of Bank

Farmer City Agency, Inc., Farmer City, Illinois, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 6.27 percent of the voting shares of National Bank of Chenoa, Chenoa, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 17, 1973.

Board of Governors of the Federal Reserve System, August 21, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73–18249 Filed 8–28–73;8:45 am]

LANDMARK BANKING CORP. OF FLORIDA

Acquisition of Bank

Landmark Banking Corporation of Florida, Fort Lauderdale, Florida, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Bank of North Tampa, Tampa, Florida. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 18, 1973.

Board of Governors of the Federal Reserve System, August 22, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73–18251 Filed 8–28–73;8:45 am]

LANDMARK BANKING CORP. OF FLORIDA

Acquisition of Bank

Landmark Banking Corporation of Florida, Fort Lauderdale, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Northside Bank of Tampa, Tampa, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 18, 1973.

Board of Governors of the Federal Reserve System, August 22, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73–18252 Filed 8–28–73;8:45 am]

FLORIDA NATIONAL BANKS OF FLORIDA, INC.

Acquisition of Bank

Florida National Banks of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Northside Bank of Miami, Miami, Florida. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

NCNB CORP.

Proposed Continuation of Certain Insurance Sales Activities

NCNB Corporation, Charlotte, North Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to continue to engage in insurance sales activities related to extensions of credit by its wholly-owned subsidiary, C. Douglas Wilson & Co., Greenville, South Carolina. Notice of the application was published on:

Date	Newspaper	City and State
Mar. 19, 1973	The State	Columbia, S.C.
Mar. 21, 1973	The Greenville News	Greenville, S.C.
Mar. 18, 1973	The Spartanburg Herald. The Spartanburg Journal and/or Spartanburg Herald-Journal.	Spartanburg, S.C.
Mar. 20, 1973	The News and Courier.	Charleston, S.C.
Do	Anderson Independent Daily.	Anderson, S.C.
Mar. 23, 1973	Florence Morning News.	Florence, S.C.

Applicant proposes to continue to engage in such insurance sales activities at an office located in each of these communities. Applicant proposes to continue to engage, indirectly through C. Douglas Wilson & Co., its wholly-owned subsidiary, in the sale, as agent, of credit life and credit health and accident insurance to mortgage customers of C. Douglas Wilson & Co. Such activity has been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 17, 1973.

Board of Governors of the Federal Reserve System, August 21, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73–18254 Filed 8–28–73;8:45 am]

V 38-167 AUG 29 73 XUM

TENNESSEE NATIONAL BANCSHARES, INC.

Order Denying Acquisition of Maryville Savings and Loan Corporation

Tennessee National Bancshares, Inc., Maryville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire 90 percent or more of the voting shares of Maryville Savings and Loan Corporation (an industrial loan and thrift company), Maryville, Tennessee (Company), a company that engages in the activities of an industrial loan company, including the making of loans, the sale of credit life insurance and credit accident and health insurance in connection therewith, the sale of comprehensive physical damage insurance on certain personal property taken as security in connection with loans, and the borrowing of funds at interest as provided by the applicable law. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(2) and (9)(ii)(a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 10679). The time for filing comments and views has expired, and none has been timely received.

Applicant controls two banks with aggregate deposits of $56.3 million, representing 0.5 percent of total commercial bank deposits in the State.[1] Applicant's lead bank, The Blount National Bank of Maryville (Bank), Maryville, Tennessee (deposits of $50.9 million), is the smaller of two banks in Blount County and controls 45.5 percent of bank deposits therein. Both of the banks in Blount County are located in Maryville, a town of approximately 14,000 persons, situated 15 miles south of Knoxville, Tennessee and falling within the Knoxville SMSA. Bank had outstanding consumer instalment loans of the types made by consumer finance companies of $1.6 million as of June 30, 1972, representing 12.2 percent of outstanding consumer loans held by banks and consumer finance companies located in Blount County as of that date.

Contrary to the implications contained in its corporate title, Company (assets of $1.6 million) does not operate as a savings and loan association. It is an industrial loan and thrift company and has so served the Maryville area for over 40 years. Company issues "certificates of indebtedness" and with funds derived thereby makes signature, personal property, co-signor, and second mortgage loans. Company operates out of a single office in Maryville and had outstanding consumer loans of $939 thousand as of December 31, 1972. Company is the third largest of 10 consumer finance companies in Blount County with 12.7 percent of the outstanding loans of the consumer finance companies. As Company's sole office is located only several blocks from the main office of Bank, both offices draw customers from the same local service area. Approval of this transaction would increase Applicant's share of outstanding consumer loans made in the Maryville area from approximately 12 percent to approximately 19 percent, remove an alternative source of consumer credit, and eliminate direct competition for consumer loans between Applicant's lead bank and Company. Accordingly, the Board finds that the proposed acquisition would have adverse effects on competition.

Section 4(c)(8) of the Bank Holding Company Act requires the Board to find that performance by Company as an affiliate of Applicant "can reasonably be expected to produce benefits to the public such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest or unsound banking practices." The basic balancing test of section 4(c)(8) requires a showing of positive public benefits that outweigh the adverse effects of the proposed acquisition described above. Applicant has the burden of demonstrating that the proposed acquisition will be in the public interest. In seeking to meet this burden, Applicant indicates that affiliation would increase the financial resources available to Company. Also, Applicant anticipates establishing additional offices for Company. However, upon consideration of the aforementioned anticompetitive factors, the Board finds that the public benefits to be derived from this affiliation do not outweigh the adverse competitive effects of the proposal.

Based on the foregoing and other considerations reflected in the record, the Board has determined that public interest benefits which the Board is required to consider under section 4(c)(8) of the Act do not outweigh the adverse effects. Accordingly, the acquisition is hereby denied.

By order of the Board of Governors,[2] effective August 21, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc. 73-18253 Filed 8-28-73;8:45 am]

UNITED FIRST FLORIDA BANKS, INC.

Order Approving Acquisition of Bank

United First Florida Banks, Inc., Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of the First State Bank of Lutz, Lutz, Florida (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fifth largest banking organization in Florida, controls 31 banks with aggregate deposits of $971.5 million, representing 5.69 percent of total deposits in commercial banks in Florida.[1] Approval of the proposed acquisition would not result in a significant increase in concentration of banking resources in Florida.

Bank is located in the town of Lutz, in the northern part of Hillsborough County, which along with the community of Land O' Lakes in Pasco County comprises the relevant banking market. Bank has total deposits of $6.8 million, less than 1 percent of the deposits in the market. While Applicant ranks as the third largest banking organization in the market, with 12.4 percent of aggregate deposits, its three banking subsidiaries are in the southern portion of the market, more than 15 miles away from Bank. Direct competition between Bank and Applicant's subsidiary banks in Tampa is nominal; Bank derives loans and time deposits from Tampa. Bank also competes in making conventional residential loans with Applicant's nonbanking subsidiaries, Marine Mortgage Corporation. The extent of this competition is not regarded as significant. The small size of Bank, the number of intervening banks and the distance between Bank and Applicant's subsidiaries make it unlikely that future competition would develop between them. Applicant will not gain sufficient assets by this acquisition to dominate the market or to foreclose future entry.

Considerations relating to the convenience and needs of the community to be served lend weight toward approval. Applicant proposes to expand Bank's loan portfolio by making instalment loans to consumers and also to offer trust services. The financial and managerial resources of Applicant, its existing subsidiary banks, and Bank are consistent with approval, particularly in view of Applicant's commitment to improve the capital position of several of its other subsidiary banks.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective August 21, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18255 Filed 8-28-73;8:45 am]

[1] All banking data and data pertaining to Company are as of December 31, 1972, unless otherwise indicated.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Daane and Holland.

[1] All banking data are as of June 30, 1972, unless otherwise noted, and include formations and acquisitions approved by the Board through June 12, 1973.

UNITED VIRGINIA BANKSHARES INC.

Acquisition of Bank

United Virginia Bankshares Incorporated, Richmond, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the proposed successor by merger to the Bank of Spotsylvania, Spotsylvania, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than September 17, 1973.

Board of Governors of the Federal Reserve System, August 21, 1973.

[SEAL] THEODORE E. ALLISON,
Assisant Secretary of the Board.

[FR Doc.73-18256 Filed 8-28-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-68]

AEROSPACE CONTRACTS
List of Contractors

The following is a list of aerospace contractors which received direct NASA awards totalling $10 million or more in Fiscal Year 1973. This list is published pursuant to section 6 of Public Law 91-119, as amended by section 7 of Public Law 91-303 (84 Stat. 372; 42 U.S.C. 2462, 1970 Supp.). For related NASA reporting requirements, see 14 CFR Part 1208.

The Bendix Corp., Bendix Center, Southfield, Mich. 48076.
The Boeing Company, 7755 East Marginal Way, Seattle, Wash. 98124.
California Institute of Technology, 1201 E. California Blvd., Pasadena, Calif. 91109.
Chrysler Corp., P.O. Box 757, Detroit, Mich. 48231.
Computer Sciences Corp., 650 Sepulveda Blvd., El Segundo, Calif. 90245.
Fairchild Industries, Inc., Sherman Fairchild Technology Center, Fairchild Drive, Germantown, Md. 20767.
Federal Electric Corp., 621 Industrial Ave., Paramus, N.J. 07652.
General Dynamics Corp., Pierce Laclede Center, St. Louis, Mo. 63105.
General Electric Co., 570 Lexington Ave., New York, N.Y. 10022.
Grumman Aerospace Corp., South Oyster Bay Road, Bethpage, N.Y. 11714.
Honeywell, Inc., 2701-4th Ave. South, Minneapolis, Minn. 55408.
Hughes Aircraft Co., Centinela & Teale Street, Culver City, Calif. 90230.
International Business Machines Corp., Old Orchard Road, Armonk, N.Y. 10504.
Kentron Hawaii, LTD., 233 Keawe Street, Honolulu, Hawaii 96813.
LTV Aerospace Corp., P.O. Box 5003, Dallas, Texas 75222.
Litton Systems, Inc., 360 North Crescent Drive, Beverly Hills, Calif. 90213.
Lockheed Electronics Co., Inc., U.S. Hwy. 22, Plainfield, N.J. 07061.
Lockheed Missiles & Space Co., Inc., P.O. Box 504, Sunnyvale, Calif. 94088.
Martin Marietta Corp., 277 Park Ave., New York, N.Y. 10017.
Massachusetts Institute of Technology, Massachusetts Ave., Cambridge, Mass. 02139.
McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.
Northrop Services, Inc., 500 E. Orangethorpe Ave., Anaheim, Calif. 92801.
Philco-Ford Corp., Parklane Towers East, Suite 728, 1 Parklane, Dearborne, Mich. 48126.
RCA Corporation, 30 Rockefeller Plaza, New York, N.Y. 10020.
Rockwell International Corp., 600 Grant St., Pittsburgh, Pa. 15219.
Sperry Rand Corp., 1290 Ave. of the Americas, New York, N.Y. 10019.
TRW, Inc., 23555 Euclid Ave., Cleveland, Ohio 44117.
United Aircraft Corp., 400 Main Street, East Hartford, Conn. 06118.

GEORGE J. VECCHIETTI,
Director of Procurement, National Aeronautics and Space Administration.

[FR Doc.73-18295 Filed 8-28-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE ON ETHICAL AND HUMAN VALUE IMPLICATIONS OF SCIENCE AND TECHNOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463) notice is hereby given that a meeting of the Advisory Committee on Ethical and Human Value Implications of Science and Technology will be held at 9 a.m. on September 13, 1973, in room 540 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of this Committee is to provide advice and recommendations concerning support of scholarly activities in the field of ethical and human value implications of scientific and technological progress, in conjunction with cooperative programs of the National Endowment for the Humanities and the National Science Foundation.

The agenda for this meeting shall include:

MORNING

Opening Remarks—Director, National Science Foundation.
Introduction of Committee members and selection of interim Chairman.
Background of the program and charge to the Committee.
General discussion of scope of program and areas of emphasis.
Recess for lunch.

AFTERNOON

General discussion of priorities.
Prime target areas of encouragement of proposals.
Typical problem areas in which ethical and human value questions may be raised.
Priorities for typical problem areas for joint funding with NEH
Summary and recommendations of the Committee
Suggestions and consensus for date of next meeting
Adjournment

This meeting shall be open to the public on a space available basis. Individuals who plan to attend should notify Mr. Charles Maechling, Jr., Special Assistant to the Director, by telephone (202/632-5700) or by mail (room 251, 1800 G Street NW., Washington, D.C. 20550) not later than close of business on September 11, 1973.

For further information concerning this Committee, contact Mr. Charles Maechling, Jr., Special Assistant to the Director, room 251, 1800 G Street NW., Washington, D.C. 20550. Summary minutes of this meeting may be obtained from the Management Analysis Office, room K-720, 1800 G Street NW., Washington, D.C. 20550.

ELDON D. TAYLOR,
Acting Assistant Director for Administration.

AUGUST 20, 1973.

[FR Doc.73-18359 Filed 8-28-73;8:45 am]

ADVISORY PANEL FOR EXPERIMENTAL R&D INCENTIVES PRIVATE SECTOR SUBCOMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463) notice is hereby given that a meeting of the Private Sector Subcommittee of the Advisory Panel for Experimental R&D Incentives will be held at 9:30 a.m. on September 13, 1973, and at 9:00 a.m. on September 14, 1973, at the Faculty Club, Massachusetts Institute of Technology, 50 Memorial Drive, Cambridge, Massachusetts 02139. The purpose of this Subcommittee is to provide advice and recommendations as part of the review and evaluation process of major experiments, projects, and studies sponsored by the Experimental R&D Incentives Program.

The agenda for this meeting shall include:

SEPTEMBER 13

MORNING

9:30—Welcome—MIT hosts
9:40—Briefing on Experimental R&D Incentives Program with specifics on Experiment #3—Innovation Center Activities—Experimental R&D Incentives Staff
10:15—Description of goals, plans, and implementation procedure for center program—Principal Investigators of Innovation Center
12:00—Recess for lunch

[2] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governor Mitchell.

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AFTERNOON

1:30—Discussion of plans and programs of Innovation Centers—Principal Investigators, Experimental R&D Incentives Staff, Advisory Panel for Experimental R&D Incentives
4:00—Adjournment

SEPTEMBER 14

MORNING

9:00—Briefing of current activities and plans for FY 1974 of Experimental R&D Incentives Program—Experimental R&D Incentives Staff
10:00—Discussion of potential incentive areas for investigation during FY 1974, especially relating to "start-up" problem
12:00—Recess for lunch

AFTERNOON

1:30—Continuation of discussion of potential incentive areas for FY 1974
2:30—Summary of discussions and plans for next meeting
3:00—Adjournment

The meeting shall be open to the public on a space available basis. Individuals who plan to attend should notify Mr. Robert Colton, Project Officer, Private Sector Office, Office of Experimental R&D Incentives, by telephone (202/632–7724) or by mail (room 543, 1800 G Street NW., Washington, D.C. 20550) not later than close of business on September 11, 1973.

For further information concerning this Subcommittee, contact Mr. Robert Colton, Project Officer, Private Sector Office, Office of Experimental R&D Incentives, room 543, 1800 G Street NW., Washington, D.C. 20550. Summary minutes of this meeting may be obtained by contacting the Management Analysis Office, room K–720, 1800 G Street NW., Washington, D.C. 20550.

ELDON D. TAYLOR,
Acting Assistant Director for Administration.

AUGUST 20, 1973.

[FR Doc.73–18344 Filed 8–28–73;8:45 am]

INTERNATIONAL DECADE OF OCEAN EXPLORATION PROPOSAL REVIEW PANEL

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92–463) notice is hereby given that a meeting of the International Decade of Ocean Exploration Proposal Review Panel will be held at 8:30 a.m. on September 12, 13, and 14, 1973, in room 642 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. This meeting is concerned with matters which are within the exemptions of the Freedom of Information Act, 5 U.S.C. 552(b), and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of Section 10(d) of the Federal Advisory Committee Act.

For further information concerning this Panel, contact Mr. Feenan D. Jennings, Head, Office for the International Decade of Ocean Exploration, room 710, 1800 G Street NW., Washington, D.C. 20550.

ELDON D. TAYLOR,
Acting Assistant Director for Administration.

AUGUST 20, 1973.

[FR Doc.73–18360 Filed 8–28–73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

AZTEC PRODUCTS, INC.

Order Suspending Trading

AUGUST 21, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 4.05 par value, and all other securities of Aztec Products, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 22, 1973 through August 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–18287 Filed 8–28–73;8:45 am]

[File No. 500–1]

BBI, INC.

Order Suspending Trading

AUGUST 21, 1973.

The common stock, $0.10 par value, of BBI, Inc., being traded on the American Stock Exchange and the PBWM Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 22, 1973, through August 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–18288 Filed 8–28–73;8:45 am]

[File No. 500–1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

AUGUST 21, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units, and all other securities of Beneficial Laboratories, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is Ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 22, 1973, through August 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–18289 Filed 8–28–73;8:45 am]

[File No. 500–1]

ROYAL PROPERTIES, INCORPORATED

Order Suspending Trading

AUGUST 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $5. par value and all other securities of Royal Properties Incorporated, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 21, 1973, through August 30, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–18290 Filed 8–28–73;8:45 am]

[File No. 500–1]

TRIEX INTERNATIONAL CORPORATION

Order Suspending Trading

AUGUST 21, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 22, 1973, through August 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–18291 Filed 8–28–73;8:45 am]

[File No. 500–1]

U.S. FINANCIAL INCORPORATED

Order Suspending Trading

AUGUST 21, 1973.

The common stock, $2.50 par value, of U.S. Financial Incorporated being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 22, 1973 through August 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–18292 Filed 8–28–73;8:45 am]

TARIFF COMMISSION

[TEA–W–206]

FEDERAL MOGUL CORP., SOUTHFIELD, MICH.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance: Notice of Hearing

The U.S. Tariff Commission has ordered a hearing in connection with the investigation instituted on August 10, 1973, under section 301(c)(2) of the Trade Expansion Act of 1962 on the basis of a petition filed on behalf of the workers and former workers of the Detroit, Mich., plants of the Bower Roller Bearing Division of the Federal Mogul Corp., Southfield, Mich. Notice of the institution of this investigation was published in the FEDERAL REGISTER on August 17, 1973 (39 FR 22258). The hearing will be held at 10 a.m., E.D.T., on Thursday, September 6, 1973, in the Hearing Room, U.S. Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C. 20436, not later than noon, Friday, August 31, 1973.

By order of the Commission.

Issued August 27, 1973.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73–18480 Filed 8–28–73;8:45 am]

POSTAL RATE COMMISSION

ARTHUR D. LITTLE, INC.

Notice of Commencement of Contract Study

Pursuant to the Commission's request for proposals on the classification study announced in the FEDERAL REGISTER of June 7, 1973, the Commission has entered into a contract with the firm of Arthur D. Little, Inc., to perform the planned study. Members of the staff of the Commission will serve as contracting officers or administrators in monitoring the execution of the contract to ensure that work progress and cost incurrence are in accord with the requirements of the government as set forth in the schedule of work and other provisions of the contract. All conclusions reached by the contractor will reflect the contractor's own independent judgments; such judgments ultimately might or might not be in consonance with the views of or positions takenk by the Commission or its staff. The contractor will visit postal facilities to observe postal operations and to confer with knowledgeable postal personnel. Members of the staff of the Commission may sit in on these meetings or join in the field trips in their capacity as contract monitors or for the purpose of increasing their knowledge of postal operations. Such visits by the contractor and Commission employees to postal facilities will be bound by the prohibitions on *ex parte* communications contained in § 3001.7 of the Commission's rules of practice and procedure and by §§ 3000.735–501 and 502 of the Commission's standards of conduct. A tentative schedule of contractor contacts with the Postal Service is set forth below. Although this schedule reflects present plans, actual timing of meetings and field trips will be subject to the availability of personnel and the evolutionary nature of the work effort.

TENTATIVE SCHEDULE

Location	*Date*
Boston area postal facilities.	August 30–31
USPS Headquarters	September 5–7
New York area facilities	September 10–21
Cleveland area facilities and a visit to the Cincinnati post office.	September 10–21
Wilkes Barre, Pennsylvania data processing facility.	September 19
San Francisco area facilities.	September 17–21
USPS Headquarters	October 1–12

By Direction of the Commission.

Dated: August 28, 1973.

DAVID L. HARRIS,
Acting Secretary.

[FR Doc.73–18508 Filed 8–28–73;11:09 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 330]

ASSIGNMENT OF HEARINGS

AUGUST 24, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35791 sub 1, General Increase, August 1973, Bulk Carrier Conference, now being assigned hearing October 9, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–C–8096, The Squaw Transit Company—Investigation and revocation of Certificates—now assigned September 11, 1973, at Dallas, Tex., is postponed indefinitely.

Finance Docket No. 27438, National Railroad Passenger Corporation Discontinuance of Trains Nos. 98 & 99 Between Norfolk/Newport News and Richmond, Virginia now assigned September 24, 1973, at Newport News, Virginia, will be held in U.S. Post Office & Courthouse Building, Judge Hoffman's Courtroom, 101 25th Street; now assigned September 26, 1973 at Richmond, Va., will be held in Room 1035, 400 N. 8th Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–18355 Filed 8–28–73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 24, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit Common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed by September 13, 1973.

FSA No. 42738—*Compressed Gases (Sulphur Dioxide) from Tacoma, Washington.* Filed by Trans-Continental Freight Bureau, Agent (No. 484), for interested rail carriers. Rates on gases, compressed, viz.: Sulphur Dioxide, in tank carloads, as described in the application, from Tacoma, Washington, to West Norfolk, Virginia.

Grounds for relief—Water competition.

Tariff—Supplement 55 to Trans-Continental Freight Bureau, Agent, tariff 2–K, ICC No. 1852. Rates are published

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to become effective on September 25, 1973.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.73-18352 Filed 8-28-73;8:45 am]

[Exception No. 6]

ILLINOIS CENTRAL GULF RAILROAD CO.

Exception to Car Service Rules

It appearing, that there will be a large shipment of concrete pipe originating at Price, Mississippi, on the Illinois Central Gulf Railroad Company requiring the use of plain flat cars of 140,000 lbs. or greater capacity; that assembly of the necessary cars cannot be accomplished without the holding of a portion of the cars in excess of the time periods authorized by the provisions of Service Order No. 1112, Section (a), Paragraph (2).

It is ordered, That, pursuant to the authority vested in the Railroad Service Board by Service Order No. 1112, Section (a), Paragraph (1), Part (xiv), the Illinois Central Gulf Railroad Company is hereby authorized to assemble and hold for pipe loading at Price, Mississippi, a maximum of thirty-seven (37) empty plain flat cars of mechanical designation FM regardless of the provisions of section (a), paragraph (2) of Service Order No. 1112.

Effective August 24, 1973.

Expires September 6, 1973.

Issued at Washington, D.C., August 22, 1973.

[SEAL] RAILROAD SERVICE BOARD, R. D. PFAHLER, *Agent.*

[FR Doc.73-18356 Filed 8-28-73;8:45 am]

[EX PARTE NO. 241; Exemption No. 48]

ILLINOIS CENTRAL GULF RAILROAD CO.

Exemption Under the Mandatory Car Service Rules

It appearing, that there is an emergency movement of two trainloads of concrete pipe from Price, Mississippi, to Spring City, Tennessee, requiring the use of 37 70-ton flat cars capable of handling concentrated loads; that these shipments will move in two consecutive train-lot movements; that the carriers involved are unable to supply sufficient cars of their own ownerships capable of handling these shipments; and that suitable cars of other ownerships can be made available to transport these shipments.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Illinois Central Gulf Railroad Company be, and it is hereby, authorized to accept from shipper at Price, Mississippi, and transport to Spring City, Tennessee, routed via its line thence Southern Railway Company; and the Southern Railway Company is authorized to return empty cars to Price, Mississippi, via reverse of loaded route, two trains of 37 flat cars of various ownership without regard to the provisions of Car Service Rules 1 and 2.

Effective September 6, 1973.

Expires September 30, 1973.

Issued at Washington, D.C., August 22, 1973.

[SEAL] INTERSTATE COMMERCE COMMISSION, R. D. PFAHLER, *Agent.*

[FR Doc.73-18357 Filed 8-28-73;8:45 am]

[Notice No. 19]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 24, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed by September 28, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-29910 (Deviation No. 25), ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 S. 11th Street, Fort Smith, Arkansas 72901, filed August 17, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Interstate Highway 30 to junction Interstate Highway 40 at Little Rock, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 66 to Vinita, Okla., thence over U.S. Highway 69 to junction U.S. Highway 75, thence over U.S. Highway 75 to Dallas, Tex., serving the intermediate points of Springfield, Mo., and Muskogee and McAlester, Okla., (2) From Wagoner, Okla., over U.S. Highway 69 to Muskogee, Okla., thence over U.S. Highway 64 to Sallisaw, Okla., serving the intermediate point of Muskogee, Okla., (3) From Muskogee, Okla., over U.S. Highway 62 to Westville, Okla., thence over U.S. Highway 59 to Sallisaw, Okla., thence over U.S. Highway 64 to Fort Smith, Ark., serving all intermediate points, (4) From Fort Smith, Ark., over Arkansas Highway 22 to Dardanelle, Ark., thence over Arkansas Highway 7 to Russellville, Ark., thence over U.S. Highway 64 to Conway, Ark., and thence over U.S. Highway 65 to Pine Bluff, Ark., serving all intermediate points, and (5) From St. Louis, Mo., over U.S. Highway 67 to junction U.S. Highway 61, thence over U.S. Highway 61 via Crystal City, Perryville, and Jackson, Mo., to junction Missouri Highway 34, thence over Missouri Highway 34 to Cape Girardeau, Mo., thence over Missouri Highway 74 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction unnumbered highway near Sikeston, Mo., thence over unnumbered highway via Sikeston to junction U.S. Highway 61, thence over U.S. Highway 61 to Blytheville, Ark., thence over U.S. Highway 61 to junction Arkansas Highway 77, thence over Arkansas Highway 77 via Turrell, Clarkedale, Jericho, and Marion, Ark., to W. Memphis, Ark., thence over U.S. Highway 70 to junction U.S. Highway 61, thence over U.S. Highway 61 to Memphis, Tenn., thence over U.S. Highway 70 to Little Rock, Ark., serving the intermediate points of Cape Girardeau and Sikeston, Mo.; Memphis, Tenn.; and Blytheville, West Memphis, Forrest City, Brinkley, Carlisle, Hazen, Lonoke, and North Little Rock, Ark.; and the off-route points of Caruthersville, Ferguson, and Robertson, Mo., points within two miles of Robertson, Mo.; Stuttgart and Camp Joseph T. Robinson, Ark.; Alton, East Alton, and Belleville, Ill.; and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, and return over the same routes.

No. MC-109780 (Deviation No. 45), CONTINENTAL TRAILWAYS, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed June 27, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Brenda Junction, Ariz., over Interstate Highway 10 to Tonopah, Ariz., thence over unnumbered Maricopa County road to junction U.S. Highway 80 south and east of Buckeye, Ariz., thence over U.S. Highway 80 to Phoenix, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Los Angeles, Calif., over U.S. Highway 66 to San Bernardino, Calif., thence over unnumbered highway to junction U.S. Highway 99, thence over U.S. Highway 99 to Beaumont, Calif., thence over U.S. Highway 60 via Aguila, Ariz., to Phoenix, Ariz., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-18353 Filed 8-28-73;8:45 am]

[Notice No. 67]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 24, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

APPLICATION ASSIGNED FOR ORAL HEARING

No. MC 125996 (sub-No. 38), filed August 6, 1973. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, Nebr. 68137. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and rugs, carpet and rug padding, and materials and supplies* used in the installation thereof, from the plantsite and warehouse facilities of General Felt Industries, Inc., at Philadelphia, Pa., to points in Minnesota, Missouri, Michigan, Ohio, Indiana, Illinois, Wisconsin, and Iowa, restricted to traffic originating at the above-named origin and destined to points in the above named destination territory.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority.

HEARING.—October 10, 1973 (2 days) at 9:30 a.m. Daylight Saving Time, (or 9:30 a.m. United States Standard Time, if that time is observed), at Chicago, Ill. Location of hearing room will be by subsequent notice.

No. MC 135535 (sub-No. 4) (republication), filed November 24, 1972, published in the FEDERAL REGISTER issue of January 26, 1973, and republished this issue. Applicant: EL DORADO TRANSPORTATION, INC., 206 North Concord, Minneapolis, Kans. 67467. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. An Order of the Commission, Operating Rights Board, dated August 3, 1973, and served August 15, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1)(a) *fifth wheel travel trailers*, in truckaway service, and (b) *pickup trucks*, when moving in combination with fifth wheel travel trailers, between the plantsite and storage facilities of El Dorado Industries, Inc., at or near Minneapolis, Kans., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming and the District of Columbia and (2) *motor homes*, in driveaway service, between the plantsite and storage facilities of El Dorado Industries, Inc., at or near Salina, Kans., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, and Kansas), under a continuing contract or contracts in both (1) and (2) above with El Dorado Industries, Inc., of Minneapolis, Kans., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 108057 (sub-Nos. 3 and 5) (Notice of filing of petition to modify permit), filed August 16, 1973. Petitioner: McDONNELL BROS., INC., 759 Riverside Avenue, Lyndhurst, N.J. 07071. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Petitioner presently holds *contract carrier* permits in No. MC 108057 (sub-Nos. 3 and 5) issued August 9, 1966 and March 30, 1967 respectively, authorizing transportation, over irregular routes, of *nonferrous scrap metal*, (1) in sub-No. 3 between Newark, N.J. on the one hand, and, on the other, Baltimore, Md., New York, N.Y., and points in Connecticut, Ohio, Pennsylvania, and Rhode Island, under a continuing contract or contracts with Calumet Sales Company, Ben Hirsch, Thomas Coleman, Emil Schroth, Inc., and Maxnor Metal Co., all of Newark, N.J.; (2) in sub-No. 5 between Elizabeth and Newark, N.J., on the one hand, and, on the other, Wilmington, Del., and points in New York, under a continuing contract or contracts with Maxnor Metal Co. of Newark, N.J., Berson Metals Co. and Ben Hirsch, both of Elizabeth, N.J. By the instant petition, petitioner seeks to delete Ben Hirsch as a contracting shipper from each of the permits listed in (1) and (2) above, and substitute in lieu thereof the name of Interstate Metals Separating Corp. of Kearny, N.J., as a contracting shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition by September 28, 1973.

No. MC 124770 and (sub-Nos. 8, 10, and 12) (Notice of filing of petition to modify permits), filed July 23, 1973. Petitioner: TELLERI TRUCKING CO., a corporation, 301 Allen Street, Elizabeth, N.J. 07202. Petitioner's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Petitioner presently holds motor *contract carrier* permits in No. MC-124770 and (sub-Nos. 8, 10, and 12) issued October 12, 1966, October 23, 1968, November 24, 1969, and February 3, 1971, respectively, authorizing transportation, over irregular routes of various meats and meat products, and in the lead permit, returned shipments of meats and meat products from or between specified points in New Jersey, New York, Pennsylvania, to points in Connecticut, New York, Rhode Island, Massachusetts, Maryland, and the District of Columbia, and in the lead permit, returned shipments of meats and meat products from points in New York, Pennsylvania, Connecticut, and Massachusetts to points in New Jersey and New York, restricted to a transportation service to be performed under a continuing contract or contracts (1) in the lead permit with Allen Packing Company of Linden, N.J., Jefferson Packing Company of Hoboken, N.J., and Bronx Independent Meat Co. of Bronx, N.Y.; (2) in sub-No. 8, with Food Fair Stores, Inc., and its subsidiaries, Allen Packing Co., and Midtown Veal & Mutton, Co., Inc.; (3) in sub-No. 10 with the same shippers as listed in (2) above; and (4) in sub-No. 12, with Allen Packing Co. and Midtown Veal & Mutton Co., Inc. By the instant petition petitioner seeks to (A) delete: Jefferson Packing Company, Bronx Independent Meat Co., Food Fair Stores, Inc., and Berliner & Marx, Inc., as contracting shippers in MC-124770; Food Fair Stores, Inc., in sub-Nos. 8 and 10; and (B) add Atalanta Products Corp. of New York, N.Y.; Celebrity Food Products, Inc., of New York, N.Y.; South East Food Products, Inc., of New York, N.Y.; Economy Hotel & Restaurant Purveyors, Inc., of Elizabeth, N.J.; and Linden Packing Co., Inc., of Newark, N.J., as additional contracting shippers to the

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authority in MC–124770 and (sub-Nos. 8, 10, and 12) as described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition by September 28, 1973.

No. MC 135033 (Correction of two notices of filings of petition to add additional contracting shippers) filed May 13 and 16, 1973, published in the FEDERAL REGISTER issue of August 15, 1973, and annotated this issue. Petitioner: SILVEY & COMPANY, a corporation, Highway 275 and Gifford Road, Council Bluffs, Iowa 51501. Petitioner's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106.

NOTE.—The notice previously published August 15, 1973 in these petitions incorrectly listed the assigned docket number in the proceedings as No. MC–130533. The correct number should be No. MC–135033. The rest of the notices remain as previously published.

NOTICE FOR FILING OF PETITION

No. MC–135062 (Sub-No. 1), (notice of filing of petition for cancellation of permit and reinstatement of certificate of registration), filed July 12, 1973. Petitioner: M & T TRUCKING, INC. (successor in interest to Mike Mercure Trucking, Inc.), R.F.D. No. 1, New Waterford, Ohio 44445. Petitioner's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Petitioner holds Permit No. MC–135062 (Sub-No. 1), issued November 15, 1972, authorizing operation as a contract carrier by motor vehicle, over irregular routes, of coal, in bulk, in dump vehicles, from points in Elkrun and Middleton Township (Columbiana County), Ohio, to points in Beaver County, Pa., under a continuing contract, or contracts, with Ferris Coal Company, Inc., of East Palestine, Ohio. Petitioner also holds Ohio Intrastate Certificate No. 5383–I authorizing motor transportation service, on call of the public, in instrastate commerce, over irregular routes, (1) of property from and to Rogers, Ohio, and (2) of crushed limestone, gravel, stone, sand, aggregates, ashes, brick, tile, coal, and clay, in dump trucks, from and to any point in Columbiana County, Ohio. Both the permit and the intrastate certificate were obtained by transfer from petitioner's predecessor in interest, Mike Mercure Trucking, Inc., which formerly held Certificate of Registration No. MC–96995 (Sub-No. 1) authorizing operation in interstate commerce identical to that authorized in Certificate No. 5383–I. The Certificate of Registration was revoked at the request of Mike Mercure Trucking, Inc., to enable it to apply for the permanent contract carrier authority subsequently issued in Permit No. MC–135062 (sub-No. 1). By the instant petition, petitioner seeks to cancel its Permit No. MC–135062 (sub-No. 1), stating that it has become inoperative, and to reinstate the Certificate of Registration No. MC–96995 (sub-No. 1). Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition by September 28, 1973.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 17470 (sub-No. 1) (correction), filed June 7, 1973, published in the FEDERAL REGISTER issue of August 15, 1973, and republished, as corrected, this issue. Applicant: NEW YORK MASSACHUSETTS MOTOR SERVICE, INC., 83 Progress Street, Springfield, Mass. 01103. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Massachusetts.

NOTE.—The purpose of this republication is to indicate the correct assigned number and date of publication of the finance proceeding related to this application. This application is a matter directly related to a Section 5 purchase proceeding in No. MC–F–11907, published in the FEDERAL REGISTER issue of June 20, 1973. Applicant states that the requested authority can be tacked at New York City with its existing authority to serve points in Massachusetts at Springfield, Mass. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Springfield or Boston, Mass.

No. MC 30508 (sub-No.3), filed July 3, 1973. Applicant: DEARBORN'S MOTOR EXPRESS, INC., 140 Epping Street, Exeter, N.H. 03833. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Portsmouth, N.H., and Portland, Maine: From Portsmouth over U.S. Highway 1 to Portland and return over the same route, serving all intermediate points between Portsmouth and Biddeford, restricted to traffic moving to or from points in Massachusetts; and the intermediate and off-route points of Saco, Ocean Park, Pine Point, Dunstan, Scarboro, Thornton Heights, Cash Corner, Old Orchard Beach, Oak Hill, and South Portland, without restrictions.

NOTE.—Common control may be involved. The instant application is a matter directly related to MC–F–11928 published in the FEDERAL REGISTER issue of July 19, 1973. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 107515 (sub-No. 859), filed July 6, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Baked goods, coffee whiteners, dessert base, dessert toppings, dry coffee rich, and dry whipped topping*, in mechanically refrigerated vehicles, from Buffalo, N.Y., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, (2) *baked goods, coffee whiteners, dessert base, dessert toppings, dry coffee rich, and dry whipped topping*, in vehicles equipped with mechanical refrigeration, from Buffalo, N.Y., to points in Texas, Missouri, Minnesota, and Nevada, (3) *frozen foods*, from Appleton, Wis., to points in North Dakota, South Dakota, Wyoming, Montana, Idaho, Oregon, Ohio, Indiana, Pennsylvania, New York, New Jersey, Vermont, Rhode Island, Connecticut, Massachusetts, New Hampshire, and Maine, and (4) *meats, meat products and meat byproducts* as described in Section A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Denison, Des Moines, Fort Dodge, Glenwood, Iowa Falls, Sioux City, Sioux Center, Waterloo, and Spencer, Iowa, Omaha and West Point, Nebr., and Luverne, Minn., to New York, N.Y., and points in its commercial zone, restricted in part (1), (2), and (3) above to traffic originating at the plant sites of Rich Products Corporation and destined to the states named, and in part (4) to traffic originating at and destined to the points named.

NOTE.—The instant application is a matter directly related to MC–F–11932 published in the FEDERAL REGISTER issue of July 19, 1973. Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138958, filed June 27, 1973. Applicant: D'AGATA TRANSPORTATION, INC., 1104 York Road, Cherry Hill, N.J. 19153. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Latrobe, Pa., to points in New Jersey; (2) *malt beverages*, in cans, bottles, and kegs, from Reading, Pa., to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont; and (3) *malt beverage containers*, from points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont, to Reading, Pa.

NOTE.—Common control may be involved. The purpose of this application is to convert

applicant's Permit into a Certificate of Public Convenience and Necessity. The instant proceeding is a matter directly related to the Section 5 purchase application in MC–F 11924, published in the FEDERAL REGISTER issue of July 11, 1973. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11959. Authority sought for purchase by CONTINENTAL VAN LINES, INC., 891 Broadway Street, Seaside, Calif., of a portion of the operating rights of BESTWAY VAN LINES, INC., 400 North Vine Street, North Little Rock, Ark., and for acquisition by NORMAN E. WILEY, 325 Elder Ave., Seaside, Calif., and J. VERNON MYRES, 779 Anita St., Chula Vista, Calif., of control of such rights through the purchase. Applicants' attorney: James W. Hightower, 136 Wynnewood Prof. Bldg., Dallas, Texas. Operating rights sought to be transferred: *Household goods* as defined by the Commission, and *emigrant movables*, as a *common carrier* over irregular routes. Between Hobart, Okla., and points within 20 miles thereof, on the one hand, and, on the other, points in Kansas, Oklahoma, and Texas. Between points in Kiowa County, Okla., and points within 50 miles of Kiowa County (except points on and East of U.S. Highway 281), on the one hand, and, on the other, points in Kansas and Texas. Vendee is authorized to operate as a *common carrier* in Nevada, California, Oregon, Washington, Utah, Idaho, Wyoming, Colorado, Montana, and Arizona. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11960. Authority sought for purchase by MOTOR SERVICE COMPANY, INC., P.O. Box 448, Coshocton, Ohio 43812, of the operating rights and property of RIVER VIEW MARINE SERVICE, INC., 1605 Utica Pike, Jeffersonville, Indiana 47130, and for acquisition by JOHN R. HAFNER, P.O. Box 448, Coshocton, Ohio 43812, of control of such rights through the purchase. Applicants' Attorney: CARL U. HURST, P.O. Box E, Bowling Green, Kentucky 42101. Operating rights sought to be transferred: *Boats*, as a *common carrier* over irregular routes from Louisville, Ky. (except points in the Louisville, Ky., commercial zone, as defined by the Commission, in Floyd County, Ind.), to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin. *Houseboats*, from Algonac, Mich., to Louisville, Ky. (except points in the Louisville, Ky., commercial zone, as defined by the Commission, in Floyd County, Ind.) Vendee is authorized to operate as a *common carrier* in all states in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–11961. Authority sought for purchase by BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Indiana 46901, of a portion of the operating rights of SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Chicago (Riverdale), Illinois 60627, and for acquisition by MOHIO LEASING CORPORATION, 1210 South Union Street, Kokomo, Indiana 46901, of control of such rights through the purchase. Applicants' attorneys: JACK GOODMAN, 39 South La Salle Street, Chicago, 60603 and SEYMOUR GOLDGEHN, 69 West Washington St., Chicago, Ill. 60602. Operating rights sought to be transferred: *General Commodities*, except those of unusual value, class A and B explosives, liquid commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, as a common carrier over irregular routes. Between points in Tipton County, Indiana, on the one hand, and, on the other, St. Louis, Missouri, and Louisville, Kentucky, Piqua and Cincinnati, Ohio, and all points in Ohio located on and south of U.S. Highway 36 from the Indiana-Ohio State line to Piqua, and on and west of U.S. Highway 25 from Piqua to Cincinnati, and Holland, Grand Rapids, and Lansing, Michigan, and all points in Michigan located on and south of Michigan Highway 21 from Holland to Grand Rapids, on and south of U.S. Highway 16 from Grand Rapids to Lansing, and on and west of U.S. Highway 27 from Lansing to the Michigan-Indiana State Line and all points in Illinois. Vendee is authorized to operate as a *common carrier* in Michigan, Ohio, Illinois, Indiana, Kentucky, Pennsylvania, Missouri, West Virginia, Iowa, Wisconsin, Tennessee, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, New York, Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11962. Authority sought for purchase by THE MARYLAND TRANSPORTATION COMPANY, 1111 Frankfurst Avenue, Baltimore, Maryland 21225, of the operating rights of WIEGMANN CO., INC., P.O. Box 44, Florence, Pennsylvania 15040, and for acquisition by FRED A. WEISS AND RALPH W. WEISS, 1111 Frankfurst Ave., Baltimore, Md. 21225, of control of such rights through the purchase. Applicants' attorney: SPENCER T. MONEY, 110 Park Lane Building, Washington, D.C. 20006. Operating rights sought to be transferred: *Milk*, as a *common carrier* over irregular routes from points in Cross Creek and Jefferson Townships, Washington County, Pa., to Follansbee, W. Va., and *Empty milk containers*, from Follansbee, W. Va., to points in Cross Creek and Jefferson Townships, Washington County, Pa. General commodities, except those of unusual value, classes A and B explosives, milk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Cross Creek, Hanover, Hopewill, Independence, Jefferson, Mount Pleasant, Robinson, and Smith Townships, Washington County, Pa., on the one hand, and, on the other, points in Belmont, Carroll, Columbiana, Harrison, and Jefferson Counties, Ohio, and Brooke, Hancock, Marshall, and Ohio Counties, W. Va. Vendee is authorized to operate as a *common carrier* in Maryland, Washington, D.C., Virginia, West Virginia, Pennsylvania, New York, New Jersey, Connecticut, Delaware, Massachusetts, New Hampshire, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11963. Authority sought for purchase by CHURCHILL TRUCK LINES, INC., P.O. Box 250, Chillicothe, Mo. 64601, of a portion of the operating rights and property of STEVENS EXPRESS, INC., 502 North Main Hutchinson, Kans. 67501, and for acquisition by KENNETH F. CHURCHILL, HERBERT V. CHURCHILL, PAUL E. CHURCHILL, and HAROLD L. ATKINS, of P.O. Box 250, Chillicothe, Mo. 64601, and LOUISE A. ATKINS of 1909 Calhoun, Chillicothe, Mo. 64601, of control of such rights through the purchase. Applicants' attorneys: KENNETH F. CHURCHILL, P.O. Box 250, Chillicothe, Mo. 64601, WARREN A. GOFF, 5100 Poplar Avenue Memphis, Tenn. 38137, WENTHWORTH E. GRIFFIN and FRANK W. TAYLOR, JR., 1221 Baltimore Ave., Kansas City Mo. 64105. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Kansas City, Mo., and Hutchinson, Kans., serving no intermediate points but serving the off-route points of Hillsboro, and South Hutchinson, Kans.: Between St. Joseph, Mo., and Newton, Kans., serving the intermediate points of Atchison, Nortonville, Lawrence, Topeka, Manhattan, Junction City, Abilene, Salina, Lindsborg, and McPherson, Kans., between Kansas City, Mo., and Lawrence, Kans., serving the intermediate points of Kansas City, Victory Junction, Shawnes, Merriam, Zarah, De Soto, Eudora, Muncie, Bonner Springs, and Linwood, Kans., and the off-route points of Basehor, Lecompton, Tonganoxie, Stull, and Big Springs, Kans., between Hutchinson, Kans., and Kansas City, Mo., as an alternate route for operating convenience only, in connection with carrier's regular route operations, serving no intermediate points, between Hutchinson, Kans., and Hutchinson Air Base Industrial Tract, serving no intermediate points, between Wichita, Kans., and Clay Center,

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Kans., serving all intermediate points, and the off-route points of Canton, Hillsboro, Tampa, Roxbury, Hope, Ramona, and Navarre, Kans., between Hillsboro, Kans., and Hope, Kans., serving all intermediate points, and the off-route point of Delavan, Kans., between Hope, Kans., and Abilene, Kans., serving all intermediate points, between Council Grove, Kans., and Kansas City, Mo., serving the intermediate and off-route points of Skiddy, Wilsey, Delavan, Allen, and Kansas City, Kans., and off-route points of North Kansas City and Sugar Creek, Mo.; *Dairy products*, from McPherson, Kans., to St. Joseph, Mo., serving the intermediate points of Lindsborg, Salina, Abilene, Junction City, Manhattan, Topeka, Lawrence, and Atchison, Kans.; *Livestock, agricultural machinery and parts, agricultural implements, and parts, binder twine, agricultural commodities, feed, fencing, and building materials, bale ties, fertilizer, filling station equipment, plumbing and heating supplies and equipment, containers* for petroleum products, and *petroleum products* in containers, between Lawrence, Kans., and Kansas City, Mo., serving the intermediate and off-route points of Kansas City, Kans., and those within 10 miles of Lawrence, between North Kansas City, Mo., and Lawrence, Kans., serving the intermediate or off-route points of Kansas City, Mo., and all points within 10 miles of Lawrence, Kans., including Perry, Kans.: *Agricultural machinery and parts*, and *agricultural implements and parts*, between Independence, Mo., and Lawrence, Kans., serving the intermediate or off-route points of Kansas City, Kans., and points within 10 miles of Lawrence, Kans., including Perry, Kans. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kansas, and Iowa. Application has been filed for temporary authority under section 210a (b).

No. MC–F–11964. Authority sought for purchase by O. N. C. FREIGHT SYSTEMS, INC., 2800 West Bayshore Road, Palo Alto, California 94303, of a portion of the operating rights and property of B & W FREIGHT LINES, 200 North Buchanan, Amarillo, Texas 79105, and for acquisition by ROCOR INTERNATIONAL, 2800 W. Bayshore Rd., Palo Alto, Calif. 94303, of control of such rights through the purchase. Applicants' attorney: ROLAND RICE, 1111 E Street NW., Suite 618, Washington, D.C. 20004. Operating rights sought to be transferred: *General commodities* with exceptions, as a *common carrier* over regular routes between Amarillo, Tex., and Lawton, Okla., serving all intermediate points in Oklahoma and the off-route points of Tipton, Mangum, and Frederick, Okla. Vendee is authorized to operate as a *common carrier* in California, Arizona, New Mexico, Texas, Oregon, Washington, and Nevada. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11965. Authority sought for purchase by CUSTOM MOTOR FREIGHT, INC., P.O. Box 551, Columbus, Ohio 43216, of the operating rights of REX FORWARDING, INC., P.O. Box 14363, Cincinnati, Ohio 45214, and for acquisition by KENDALL K. HANNA, P.O. Box 186, Columbus, Ohio 43216, of control of such rights through the purchase. Applicants' attorney: Edward R. Kirk, Suite 1660, 88 E. Broad St., Columbus, Ohio 43215. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes, from Akron, Ohio, to Cincinnati, Ohio, serving no intermediate points; *iron and steel products*, in truckloads, over irregular routes, from points in Kentucky within ten miles of Cincinnati, Ohio, to Butler Pa.; *steel* and *tin plate*, in truckloads, from Weirton and Beechbottom, W. Va., and points within ten miles of Weirton and Beechbottom, W. Va., to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio: *steel, tin plate*, and *hides*, in truckloads, from Wheeling, W. Va., and points within ten miles of Wheeling, W. Va., to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio; *steel, petroleum* and *petroleum products*, in truckloads, from points in Allegheny County, Pa., to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio; *petroleum and petroleum products*, in containers, in truckloads, from Butler and Freedom, Pa., and St. Marys, W. Va., to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio; *antifreeze compounds*, in truckloads, from places of manufacture in that part of Kanawha County, W. Va., known as Belle, to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio; *glass*, in truckloads, from Owens and Huntington, W. Va., to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio; *glass products*, in truckloads, from Washington, Pa., to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio; *waste paper and rags*, in truckloads, from Charleston and Huntington, W. Va., to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio; *oil* in containers, in truckloads, from Cabin Creek, W. Va., to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio; *iron and steel products*, between Covington, Newport and Wilder, Ky., on the one hand, and, on the other, points in Ohio; *machinery and machinery parts*, and etc., between Newport and Wilder, Ky., on the one hand, and, on the other, points in Ohio, between points in Allegheny County, Pa., on the one hand, and, on the other, Newport and Wilder, Ky. Vendee is authorized to operate as a *common carrier* in Ohio, Illinois, Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–18358 Filed 8–28–73;8:45 am]

[Notice No. 342]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 18, 1973, pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74446. By order of August 21, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to Trecho Transport, Inc., Hornell, N.Y., of the operating rights in Certificate No. MC–126109 issued September 3, 1964, to L. E. Hilton Trucking Co., Inc., Geneva, N.Y., authorizing the transportation of fertilizer, in bulk, in dump vehicles, in bags, from points in Livingston and Wayne Counties, N.Y., to points in Bradford, Lackawanna, Potter, Susquehanna, Tioga, Wayne, and Wyoming Counties, Pa. S. Michael Richard, Registered Practitioner, 44 North Avenue, Webster, N.Y. 14580 representative for applicants.

No. MC–FC–74609. By order of August 21, 1973, the Motor Carrier Board approved the transfer to Leon Ledbetter Trucking, Inc., Amarillo, Tex., of Certificates Nos. MC–125000 (sub-No. 3), and MC–125000 (sub-No. 6), issued to Leon Ledbetter, Vega, Tex., authorizing the transportation of: Sand, gravel, stone, rock, dirt, etc., between specified points and areas in Texas, Oklahoma, and Colorado. John S. Fessenden, 618 Perpetual Bldg., Washington, D.C. 20004, attorney for applicants.

No. MC–FC–74643. By order of August 22, 1973, the Motor Carrier Board approved the transfer to Beverage Distributor's, Inc., Yakima, Wash. 98902, of Permit No. MC–135680 (sub-No. 2), issued March 30, 1973, to Fred C. Williams, Yakima, Washington 98902, authorizing the transportation of malt beverages, from Los Angeles and San Francisco, Calif., and Portland, Oreg., to Wenatchee and Ephrata, Wash., under contract with Columbia Distributing Company of Ephrata and Wenatchee, Wash. Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214, attorney for applicants.

No. MC–FC–74666. By order entered August 21, 1973, the Motor Carrier Board approved the transfer to P L Truck Service, Inc., Vancouver, Wash., of the operating rights set forth in Certificates Nos. MC–133333 (sub-No. 1), MC–133333 (sub-No. 4), and MC–133333 (sub-No. 5), issued by the Commission March 16, 1970, March 23, 1973, and November 5, 1971, respectively, to Jack A. Hart, doing business as Parts Locator Service, Vancouver, Wash., authorizing the transportation of used automobile and truck parts, between points in Washington and Oregon; uncrated used automobile and truck parts (except rebuilt parts), between points in Idaho, on the one hand, and, on the other, points in Oregon and Washington; and used automobile and truck parts, uncrated, between points in California, on the one hand, and, on the other, points in Oregon, Washington, and Idaho. Lawrence V. Smart, Jr., 419 Northwest 23d Ave., Portland, Oreg., attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73–18354 Filed 8–28–73;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 24, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 54205, filed July 26, 1973. Applicant: PENINSULA AIR DELIVERY, 2443 Wyandotte St., Mountain View, Calif. 94040. Applicant's representative: Dennis D. Kendall, 3801 Magnolia Dr., Palo Alto, Calif. 94306. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except as hereinafter provided, between all points and places in and within 5 miles of points in the San Francisco Territory, which is described as follows: San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean, thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101, southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive, southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank trailers, tank seimtrailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Cement; (8) Logs; and (9) Commodities of unusual or extraordinary value. Intrastate, interstate and foreign commerce authority sought.

HEARING.—Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Bldg., Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 104 (sub-No. 2), filed August 15, 1973. Applicant: MURFREESBORO FREIGHT LINE CO., INC., P.O. Box 1113, Murfreesboro, Tenn. 37130. Applicant's representative: Val Sanford, 23rd Floor, Life and Casualty Tower, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods, classes A and B explosives, commodities in bulk and those requiring special equipment, between Memphis, Tenn., and Nashville, Tenn., over Interstate Highway 40 and return over the same route serving no intermediate points; to be used in conjunction with applicant's existing authority; but restricted against the transportation of freight originating at, or destined to, or interchanged at Nashville, the latter point being a point for tacking only. For operating convenience only, the following alternate route: From Murfreesboro, Tenn., via Tennessee Highway 96 to its junction with Tennessee Highway Highway 100, thence by Tennessee Highway 100 to its junction with U.S. Highway 64, thence over U.S. Highway 64 to Memphis and return over the same route, serving no intermediate points. Intrastate, interstate and foreign commerce authority sought.

HEARING.—November 13, 1973, at the Commission's Court Room, C–1 Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

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Tennessee Docket No. MC 4978 (sub-No. 2), filed August 9, 1973. Applicant: S & W FREIGHT LINES, INC., 1136 Haley Road, Murfreesboro, Tenn. 37130. Applicant's representative: A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods, classes A and B explosives, commodities in bulk and those requiring special equipment, between Murfreesboro, Tenn., and Memphis, Tenn., as follows: (1) From Murfreesboro over Interstate Highway 24 to its junction with Interstate Highway 40, thence over Interstate Highway 40 to Memphis, and return over the same route, serving no intermediate points, and (2) From Murfreesboro over Tennessee Highway 96 to its junction with Tennessee Highway 100 thence over Tennessee Highway 100 to its junction with U.S. Highway 64, thence over U.S. Highway 64 to Memphis, and return over the same route, serving no intermediate points. Said authority to be used in conjunction with applicant's existing authority subject only to the following restriction: "Restricted against the handling of any traffic which originates at, is destined to, or interchanged at any point in Davidson County, Tenn." Intrastate, interstate and foreign commerce authority sought.

HEARING.—October 17, 1973, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn., at 9:30 A.M. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should *not* be directed to the Interstate Commerce Commission.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-18351 Filed 8-28-73;8:45 am]

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PART II

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

■

METAL AND NONMETALLIC MINE SAFETY

Health and Safety Standards

No. 167—Pt. II——1

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Title 30—Mineral Resources

CHAPTER I—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

SUBCHAPTER N—METAL AND NONMETALLIC MINE SAFETY

PART 55—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC OPEN PIT MINES

Miscellaneous Amendments

Pursuant to the authority vested in the Secretary of the Interior under section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) to develop, revise, and promulgate health and safety standards for metal and nonmetal mines, there was published on Saturday, December 9, 1972, a notice of proposed rulemaking in Part II of the FEDERAL REGISTER (37 FR 26378), to amend Part 55, Subchapter N, Chapter I, Title 30, Code of Federal Regulations, by revising and revoking certain standards currently in force and by adding a new standard. Each of the standards contained in the notice was developed or revised after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726).

The notice further provided that each proposed standard which is to be a mandatory standard was so designated by the word "Mandatory" which appeared at the beginning of the standard and if a standard had been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee, such standard was identified by the letters "MNM SAC." Under the provisions of subsection 6(e) of the Act (30 U.S.C. 725(e)) a standard recommended by the Advisory Committee was not subject to hearings.

Subject to the provisions of subsection 6(e) of the Act and in accordance with the provisions of subsection 6(d) (30 U.S.C. 725(d)) on or before the last day of the period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed standard, which had not been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee, was afforded an opportunity to file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the Administrative Procedure Act) on such objection.

Interested persons were afforded a period of 30 days from the date of publication of the proposed amendments in which to submit written data, views, arguments and requests for a hearing. Such period was subsequently extended to January 31, 1973, by a notice published in the FEDERAL REGISTER on January 23, 1973 (38 FR 2219).

There were no hearings requested on the standards which are promulgated below. All of the data, views or arguments received concerning these standards were given careful consideration by the Department.

In response to a recommendation that proposed mandatory standard 55.4–48 specify the length of time that records are to be kept of employee instruction on fire alarm signals and applicable procedures to be followed in case of fire or other disaster, the proposed standard has been revised to provide that these records shall be retained for two years. In addition, an editorial change substituting "emergency" for "disaster" has been made in the proposed standard. The intention of this standard is to avert disasters by having pre-planned and disciplined response by employees to fires and other emergencies.

In order that the Secretary may carry out his responsibilities under the Federal Metal and Nonmetallic Mine Safety Act, and enforce mandatory health and safety standards by the systematic inspection and investigation of conditions and practices at each open pit mine covered by the Act, it is essential that the Secretary be notified of the approximate or actual date on which operations will commence at new mines or at reactivated mines and the closing of mines so that the Mining Enforcement and Safety Administration may efficiently schedule and conduct inspections and investigations which are required under the Act, and it is for these reasons § 55.26–1 has been proposed. In response to a suggestion received § 55.26–1 has been revised to provide that if an open pit mine is located in a State where a State Plan Agreement, approved by the Secretary under section 16 of the Act (30 U.S.C. 735), is in effect, the owner, operator or person in charge shall notify the appropriate State agency of the opening and closing of the mine.

Part 55 of Chapter I of Title 30 of the Code of Federal Regulations is amended as set forth below:

Effective dates.—The effective dates of the new standards, and amendments, revisions, and revocation of standards are as follows:

1. Standards 55.4–48 and 55.26–1 shall become effective on August 29, 1973.

2. Standard 55.4–32 is revoked effective August 29, 1973.

3. The amendment and revision of standard 55.18–10 shall become effective on October 1, 1973.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

AUGUST 23, 1973.

Part 55, Title 30, Code of Federal Regulations is amended and revised as follows:

§ 55.4 [Amended]

1. Standard 55.4–32, promulgated on July 31, 1969 (34 FR 12505), is revoked.

2. New standard 55.4–48 is added to read as follows:

55.4–48 *Mandatory.*—All employees shall be instructed at least once each calendar year on fire alarm signals and applicable procedures to be followed in case of fire or other emergency. Records of instruction shall be kept for two years.

§ 55.18 [Amended]

3. Standard 55.18–10, promulgated on July 31, 1969 (34 FR 13509), is revised to read as follows:

55.18–10 *Mandatory.*—Selected supervisors shall be trained in first aid. First aid training shall be made available to all interested employees.

4. A new § 55.26, Procedures, and new standard 55.26–1 are added to read as follows:

§ 55.26 Procedures.

NOTIFICATION OF COMMENCEMENT OF OPERATIONS AND CLOSING OF MINES

55.26–1 *Mandatory.*—The owner, operator, or person in charge of any metal or nonmetal mine shall notify the nearest Mining Enforcement and Safety Administration Metal and Nonmetal Mine Health and Safety subdistrict office or the State agency if the mine is located in a State which has a State Plan Agreement in effect, before starting operations, of the approximate or actual date mine operation will commence. The notification shall include the mine name, location, the company name, mailing address, person in charge, and whether operations will be continuous or intermittent.

When any mine is closed, the person in charge shall notify the nearest subdistrict office or State agency as provided above, and indicate whether the closure is temporary or permanent.

[FR Doc.73-18228 Filed 8-28-73;8:45 am]

PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

Miscellaneous Amendments

Pursuant to the authority vested in the Secretary of the Interior under section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) to develop, revise and promulgate health and safety standards for metal and nonmetal mines, there was published on Saturday, December 9, 1972 a notice of proposed rulemaking in Part II of the FEDERAL REGISTER (37 FR 26378), to amend Part 56, Subchapter N, Chapter I, Title 30, Code of Federal Regulations, by revising and revoking certain standards currently in force and by adding a new standard. Each of the standards contained in the notice was developed or revised after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726).

The notice further provided that each proposed standard which is to be a mandatory standard was so designated by the word "Mandatory" which appeared at the beginning of the standard and if a standard has been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee, such standard was identified by the letters "MNMSAC." Under the provisions of subsection 6(e) of the Act (30 U.S.C. 725(e)) the standard recommended by the Advisory Committee was not subject to hearings.

Subject to the provisions of subsection 6(e) of the Act and in accordance with the provisions of subsection 6(d) (30 U.S.C. 725(d)) on or before the last day of the period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed standard, which had not been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee, was afforded an opportunity to file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the Administrative Procedure Act) on such objection.

Interested persons were afforded a period of 30 days from the date of publication of the proposed amendments in which to submit written data, views, arguments and requests for a hearing. Such period was subsequently extended to January 31, 1973, by a notice published in the FEDERAL REGISTER on January 23, 1973 (38 FR 2219).

There were no hearings requested on the standards which are promulgated below. All of the data, views, or arguments received concerning these standards were given careful consideration by the Department. In response to a recommendation that proposed mandatory standard 56.4–48 specify the length of time that records are to be kept of employee instruction on fire alarm signals and applicable procedures to be followed in case of fire or other disaster, the proposed standard has been revised to provide that these records shall be retained for 2 years. In addition, an editorial change substituting "emergency" for "disaster" has been made in the proposed standard. The intention of this standard is to avert disasters by having pre-planned and disciplined response by employees to fires and other emergencies.

In order that the Secretary may carry out his responsibilities under the Federal Metal and Nonmetallic Mine Safety Act, and enforce mandatory health and safety standards by the systematic inspection and investigation of conditions and practices at each sand, gravel, or crushed stone operation covered by the Act, it is essential that the Secretary be notified of the approximate or actual date on which operations will commence at new mines or at reactivated mines and the closing of mines so that the Mining Enforcement and Safety Administration may efficiently schedule and conduct inspections and investigations which are required under the Act, and it is for these reasons § 56.26–1 has been proposed. In response to a suggestion received § 56.26–1 has been revised to provide that if a sand, gravel, or crushed stone operation is located in a state where a State Plan Agreement, approved by the Secretary under section 16 of the Act (30 U.S.C. 735), is in effect, the owner, operator or person in charge shall notify the appropriate State agency of the opening and closing of the sand, gravel or crushed stone operation.

Part 56 of Chapter I of Title 30 of the Code of Federal Regulations is amended as set forth below:

Effective dates.—The effective dates of the new standards, and amendments, revisions and revocations of standards are as follows:

1. Standards 56.4–48 and 56.26–1 shall become effective upon August 29, 1973.

2. Standard 56.4–32 is revoked effective August 29, 1973.

3. The amendment and revisions of standard 56.18–10 shall become effective on October 1, 1973.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

AUGUST 23, 1973.

Part 56, Title 30, Code of Federal Regulations is amended and revised as follows:

§ 56.4 [Amended]

1. Standard 56.4–32, promulgated on July 31, 1969 (34 FR 12512), is revoked.

2. New standard 56.4–48 is added to read as follows:

56.4–48 *Mandatory.*—All employees shall be instructed at least once each calendar year on fire alarm signals and applicable procedures to be followed in case of fire or other emergency. Records of instruction shall be kept for 2 years.

§ 56.18 [Amended]

3. Standard 56.18–10, promulgated on July 31, 1969 (34 FR 12515), is revised to read as follows:

56.18–10 *Mandatory.* — Selected supervisors shall be trained in first aid. First aid training shall be made available to all interested employees.

4. A new § 56.26, Procedures, and a new standard 56.26–1 are added to read as follows:

§ 56.26 Procedures.

NOTIFICATION OF COMMENCEMENT OF OPERATIONS AND CLOSING OF MINES

56.26–1 *Mandatory.*—The owner, operator, or person in charge of any metal and nonmetal mine shall notify the nearest Mining Enforcement in Safety Administration Metal and Nonmetal Mine Health and Safety subdistrict office or the State agency if the mine is located in a State which has a State Plan Agreement in effect, before starting operations, of the approximate or actual date mine operation will commence. The notification shall include the mine name, location, the company name, mailing address, person in charge, and whether operations will be continuous or intermittent.

When any mine is closed, the person in charge shall notify the nearest subdistrict office or State agency as provided above and indicate whether the closure is temporary or permanent.

[FR Doc.73-18227 Filed 8-28-73; 8:45 am]

PART 57—HEALTH AND SAFETY STANDARDS; METAL AND NONMETALLIC UNDERGROUND MINES

Miscellaneous Amendments

Pursuant to the authority vested in the Secretary of the Interior under section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) to develop, revise, and promulgate health and safety standards for metal and nonmetal mines, there was published in the FEDERAL REGISTER on Saturday, December 9, 1972, a notice of proposed rulemaking in Part II of the FEDERAL REGISTER (37 FR 26379–16380), to amend Part 57, Subchapter N, Chapter I, Title 30, Code of Federal Regulations, by revising and revoking certain standards currently in force and by adding new standards. Each of the standards contained in the notice was developed or revised after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726).

The notice further provided that each proposed standard which is to be a mandatory standard was so designated by the word "Mandatory" which appeared at the beginning of the standard and if a standard had been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee, such standard was identified by the letters "MNM SAC." On Friday, December 17, 1971, there was published a notice of proposed rulemaking in the FEDERAL REGISTER (36 FR 24044–24046) proposing to renumber § 57.4–34 to § 57.4–47 and applicable to surface only and to add a new § 57.4–75 which applies to underground only. These revisions were recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee. Under the provisions of subsection 6(e) of the Act (30 U.S.C. 725(e)), standards recommended by the Advisory Committee are not subject to hearings.

Subject to the provisions of subsection 6(e) of the Act and in accordance with the provisions of subsection 6(d) (30 U.S.C. 725(d)) on or before the last day of the period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed standard, which had not been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee, was afforded an opportunity to file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the Administrative Procedure Act) on such objection.

Interested persons were afforded a period of 45 days from the date of publication of the proposed amendments on December 17, 1971, and a period of 30 days from the date of publication of the proposed amendments on December 9, 1972 in which to submit written data, views, arguments, and requests for a hearing (only for those proposed mandatory standards which were not recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee which were published on December 9, 1972). The 30 day period provided in the notice of December 9, 1972, was subsequently extended to January 31, 1973, by a notice published in the FEDERAL REGISTER on January 23, 1973 (38 FR 2219).

There were no hearings requested on the standards which are promulgated below. All of the data, views, or arguments received concerning these standards were given careful consideration by the Department. In response to the data, views, and arguments received, the following changes in the proposed standards have been made:

A. It was recommended that proposed mandatory standard 57.4–48 specify the length of time that records are to be kept of employee instructions on fire alarm

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signals and applicable procedures to be followed in case of fire or other disaster. The proposed standard has been revised to provide that these records shall be retained for 2 years. In addition, an editorial change substituting "emergency" for "disaster" has been made in the proposed standard. The intention of this standard is to avert disasters by having pre-planned and disciplined response by employees to fires and other emergencies.

B. It was recommended that proposed mandatory standard 57.4–74 be clarified. Since the standard applies only to persons working underground and to those surface personnel who are involved in escape and evacuation plans, the phrase "at an underground operation" has been clarified to specify that all employees "involved in the escape and evacuation plans for an underground operation" will be instructed on the plans. In response to a recommendation the proposed standard has been expanded to apply to employees who normally work in more than one area of an underground mine such as maintenance men, electricians, carpenters, laborers, supervisors and others by adding, "However, employees who normally work in more than one area of the underground mine shall be instructed at least once each calendar year in the location of escapeways for all areas of the mine in which they normally work or travel." The proposed standard has also been revised to provide that these records are to be retained for a period of two years.

C. Proposed mandatory standard 57.4–73 is also revised to provide that records of underground mine evacuation drills are to be retained for 2 years.

In order that the Secretary may carry out his responsibilities under the Federal Metal and Nonmetallic Mine Safety Act, and enforce mandatory health and safety by systematic inspection and investigation of conditions and practices at each underground mine covered by the Act, it is essential that the Secretary be notified of the approximate or actual date on which operations will commence at new mines or at reactivated mines and the closing of mines so that the Mining Enforcement and Safety Administration may efficiently schedule and conduct inspections and investigations which are required under the Act, and it is for these reasons § 55.26–1 has been proposed. In response to a suggestion received, § 57.26–1 has been revised to provide that if an underground mine is located in a State where a State Plan Agreement, approved by the Secretary under section 16 of the Act (30 U.S.C. 735), is in effect, the owner, operator, or person in charge shall notify the appropriate State agency of the opening and closing of the mine.

Part 57 of Chapter I of Title 30 of the Code of Federal Regulations is amended as set forth below:

Effective dates.—The effective dates of the new standards, and amendments, revisions, and revocations of standards are as follows:

1. Standards 57.4–48, 57.4–73, 57.4–74, and 57.26–1 shall become effective on August 29, 1978.

2. Standard 57.4–32 is revoked effective on August 29, 1978.

3. Standards 57.11–58, 57.18–10, the renumbering of standard 57.4–34 to 57.4–47, 57.4–76, and the revocation of standard 57.18–27 shall become effective on October 1, 1973.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

AUGUST 23, 1973.

Part 57, Title 30, Code of Federal Regulations, is amended and revised as follows:

§ 57.4 [Amended]

1. Standard 57.4–32, promulgated on July 31, 1969 (34 FR 12519), is revoked.

2. Standard 57.4–34, promulgated on July 31, 1969 (34 FR 12519), which applies to surface and underground operations, is renumbered 57.4–47, and applies to surface operations only.

3. New standard 57.4–48, which applies to surface operations only, is added to read as follows:

57.4–48 *Mandatory.*—All employees shall be instructed at least once each calendar year on fire-alarm signals and applicable procedures to be followed in case of fire or other emergency. Records of instruction shall be kept for 2 years.

4. New standard 57.4–73, which applies to underground operations only, is added to read as follows:

57.4–73 *Mandatory.*—Mine evacuation drills shall be held for each shift once every 6 months. These evacuation drills shall involve all employees on each shift and shall include:

(a) Activation of the fire-alarm system.

(b) Evacuation of all men from their work areas to the surface or to designated central evacuation points at some time other than a shift change.

Records of such drills, showing the time and date, shall be kept for at least 2 years after each drill.

5. New standard 57.4–74, which applies to underground operations only, is added to read as follows:

57.4–74 *Mandatory.*—All employees involved in the escape and evaluation plan for an underground operation shall be instructed at least once each calendar year on current escape and evaluation plans, fire-alarm signals, and applicable procedures to be followed in case of fire or other emergency. New employees shall receive such instructions before going underground. Whenever an employee is assigned to work in another area of the mine he shall be instructed on the escapeway for that area at the time of such assignment. However, employees who normally work in more than one area of the mine shall be instructed at least once each calendar year in the location of escapeways for all areas of the mine in which they normally work or travel. Whenever a change is made in escape and evaluation plans and procedures for any area of the mine, all affected employees shall be instructed of such change. Records of instruction shall be kept for 2 years.

6. New standard 57.4–75, which applies to underground operations only, is added to read as follows:

57.4–75 *Mandatory.*—Belt conveyors shall be equipped with slippage and sequence switches.

§ 57.11 [Amended]

7. New standard 57.11–58, which applies to underground operations only, is added to read as follows:

57.11–58 *Mandatory.*—Each operator of an underground mine shall establish a check-in and check-out system which shall provide an accurate record of persons in the mine. These records shall be kept on the surface in a place chosen to minimize the danger of destruction by fire or other hazards. Every person underground shall carry a positive means of being identified.

§ 57.18 [Amended]

8. Standard 57.18–10, promulgated on July 31, 1969 (34 FR 12524), is revised to read as follows:

57.18–10 *Mandatory.*—Selected supervisors shall be trained in first aid. First aid training shall be made available to all interested employees.

9. Standard 57.18–27, promulgated on July 31, 1969 (34 FR 12524), is revoked.

10. A new § 57.26, *Procedures,* and a new standard 57.26–1 are added to read as follows:

§ 57.26 Procedures.

NOTIFICATION OF COMMENCEMENT OF OPERATIONS AND CLOSING OF MINES

57.26–1 *Mandatory.*—The owner, operator, or person in charge of any metal and nonmetal mine shall notify the nearest Mining Enforcement and Safety Administration Metal and Nonmetal Mine Health and Safety subdistrict office or the State agency if the mine is located in a State which has a State Plan Agreement in effect, before starting operations, of the approximate or actual date mine operation will commence. The notification shall include the mine name, location, the company name, mailing address, person in charge, and whether operations will be continuous or intermittent.

When any mine is closed, the person in charge shall notify the nearest subdistrict office or State agency as provided above and indicate whether the closure is temporary or permanent.

[FR Doc.73–18235 Filed 8–28–73;8:45 am]

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Part 55]

METAL AND NONMETALLIC OPEN PIT MINES

Proposed Health and Safety Standards

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740) to promulgate health and safety standards for metal and nonmetal mines, it is proposed to amend Part 55, Subchapter N, Chapter I, Title 30, Code of Federal Regulations, by adding, revoking, and revising certain standards pertaining to air quality and physical agents, explosives, rotary jet piercing, electricity, personal protection, and man hoisting as set forth below. These standards have been developed after consultation with the Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726).

Each standard which is to be a mandatory standard is so designated by the word "Mandatory" which appears at the beginning of the section in which the standard is prescribed. If the Metal and Nonmetal Mine Safety Advisory Committee has recommended a mandatory standard, the standard will be preceded by the word "Mandatory" and the letters "MNMSAC" in this manner *"Mandatory—MNMSAC."*

Subject to the provisions of subsection (e) of section 6 (30 U.S.C. 725 (e)) and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725 (d)) on or before the last day of the period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which is designated as a mandatory standard and which has not been recommended as a mandatory standard by the Metal and Nonmetal Mine Safety Advisory Committee may file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the provisions of the Administrative Procedure Act) on such objections.

Pursuant to the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725 (e)) proposed mandatory standards which have been recommended by the Advisory Committee, are not subject to hearings.

Interested persons may on or before October 15, 1973, submit written data, views, arguments, or objections to the proposals. All communications should be addressed to the Administrator, Mining Enforcement and Safety Administration, Department of the Interior, Washington, D.C. 20240.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

AUGUST 23, 1973.

§ 55.5 [Amended]

1. It is proposed to revise mandatory standard 55.5–1, promulgated on December 8, 1970 (35 FR 18587), as follows:

55.5–1 *Mandatory—MNMSAC.*—Except as permitted by § 55.5–5:

(a) The exposure to airborne contaminants, excluding asbestos, shall not exceed, on the basis of a time weighted average, the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists, as set forth and explained in the 1972 edition of the Conference's publication, entitled "TLV's Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes for 1972," pages 1 through 52, which are hereby incorporated by reference and made a part hereof. This publication may be obtained from the American Conference of Governmental Industrial Hygienists by writing to the Secretary-Treasurer, P.O. Box 1937, Cincinnati, Ohio 45201, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration. Excursions above the listed thresholds shall not be of a greater magnitude than is characterized as permissible by the Conference.

(b) The time weighted average airborne concentration of asbestos dust to which employees are exposed shall not exceed 5 fibers per milliliter greater than 5 microns in length, as determined by the membrane filter method at 400–450 x magnification (4 millimeter objective) phase contrast illumination, as set forth in the 1972 edition of the Conference's publication, entitled "TLV's Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes for 1972," pages 1 through 52, as incorporated in subsection (a) of this section except that the intended change in TLV's for asbestos (all types) on page 37 shall be the threshold limit value for the purposes of this section. Concentrations above 5 fibers per milliliter, but not to exceed 10 fibers per milliliter, may be permitted up to a total of 15 minutes in an hour for up to 5 hours in an 8-hour day.

(c) Employees shall be withdrawn from areas where there is present an airborne contaminant given a "C" designation by the Conference and the concentration exceeds the threshold limit value listed for that contaminant.

2. It is proposed to revise mandatory standard 55.5–5, promulgated on December 8, 1970 (35 FR 18587), as follows:

55.5–5 *Mandatory.*—Control of employee exposure to harmful airborne contaminants shall be, insofar as feasible, by prevention of contamination, removal by exhaust ventilation, or by dilution with uncontaminated air. However, where accepted engineering control measures have not been developed or when necessary by the nature of work involved (for example, while establishing controls or occasional entry into hazardous atmospheres to perform maintenance or investigation), employees may work for reasonable periods of time in concentrations of airborne contaminants exceeding permissible levels if they are protected by appropriate respiratory protective equipment. Whenever respiratory protective equipment is used a program for selection, maintenance, training, fitting, supervision, cleaning, and use shall meet the following minimum requirements:

(a) Mining Enforcement and Safety Administration approved respirators which are applicable and suitable for the purpose intended shall be furnished, and employees shall use the protective equipment in accordance with training and instruction.

(b) A respirator program consistent with the requirements of ANSI Z88.2–1969, published by the American National Standards Institute and entitled "American National Standards Practices for Respiratory Protection ANSI Z88.2–1969," approved August 11, 1969, which is hereby incorporated by reference and made a part hereof. This publication may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration.

(c) When respiratory protection is used in atmospheres immediately harmful to life, the presence of at least one other person with backup equipment and rescue capability shall be required in the event of failure of the respiratory equipment.

3. It is proposed to revise the heading of § 55.5 to read § 55.5 *Air quality and physical agents* and to add a new mandatory standard 55.5–50, as follows:

55.5–50 *Mandatory—MNMSAC.*—(a) No employee shall be permitted an exposure to noise in excess of that specified in the table below. Noise level measurements shall be made using a sound level meter meeting the specifications contained in ANSI S1.4–1971, published by the American National Standards Institute and entitled "American National Standard Specification for Sound Level Meters, ANSI S1.4–1971," approved April 27, 1971, which is hereby incorporated by reference and made a part hereof, or by a dosimeter with similar accuracy. This publication may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration.

PERMISSIBLE NOISE EXPOSURES

Duration per day, hours of exposure	*Sound level dBA, slow response*
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

NOTE.—When the daily noise exposure is composed of two or more periods of noise exposure at different levels, their combined effect shall be considered rather than the individual effect of each.

If the sum $\frac{C_1}{T_1}+\frac{C_2}{T_2}+\ldots\frac{C_n}{T_n}$ exceeds unity, then the mixed exposure shall be considered to exceed the permissible exposure. C_n indicates the total time of exposure at a specified noise level, T_n indicates the total time of exposure permitted at that level.

No exposure shall exceed 115 dBA. Impact or impulsive noises shall not exceed 140 dB, peak sound pressure level.

(b) When employees' exposure exceeds that listed in the above table, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce exposure to within permissible levels, personal protective equipment shall be provided and used to reduce personnel sound-level exposures to within the values of the table.

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§ 55.6 [Amended]

4. It is proposed to revise mandatory standard 55.6–5, promulgated on December 8, 1970 (35 FR 18587), as follows:

55.6–5 *Mandatory—MNMSAC.*—Areas surrounding magazines and facilities for the storage of blasting agents shall be kept clear of rubbish, brush, dry grass, or trees (other than live trees 10 or more feet tall), for a distance not less than 25 feet in all directions, and other unnecessary combustible materials for a distance of not less than 50 feet.

5. It is proposed to add a new mandatory standard 55.6–12, as follows:

55.6–12 *Mandatory—MNMSAC.*—Prior to interior repair of facilities for storage of explosives, including blasting agents, all materials stored within the facility shall be removed and the interior cleaned. Prior to the exterior repair of such facilities, all materials stored within the facility shall be removed if there exists a possibility that such repairs may produce a spark or flame. The explosives removed from storage facilities to be repaired shall be placed either in other storage facilities appropriate for the storage of such materials under this section or a safe distance from the facilities under repair where they shall be properly guarded and protected until the repairs have been completed and the materials have been returned to storage within the facilities.

§ 55.8 [Amended]

6. It is proposed to add a new mandatory standard 55.8–6, as follows:

55.8–6 *Mandatory—MNMSAC.*—The oxygen intake coupling on jet-piercing drills shall be constructed so that only the oxygen hose can be coupled to it.

7. It is proposed to add a new mandatory standard 55.8–7, as follows:

55.8–7 *Mandatory—MNMSAC.*—The combustion chamber of a jet drill stem which has been sitting unoperated in a drill hole shall be flushed with a suitable solvent after the stem is pulled up.

§ 55.12 [Amended]

8. It is proposed to revise advisory standard 55.12–32, promulgated on July 31, 1969 (34 FR 12507) and to make it mandatory, as follows:

55.12–32 *Mandatory—MNMSAC.*—Inspection and cover plates on electrical equipment and junction boxes shall be kept in place at all times except during testing or repairs.

§ 55.15 [Amended]

9. It is proposed to revoke advisory standard 55.15–12, promulgated on February 25, 1970 (35 FR 3664).

§ 55.19 [Amended]

10. It is proposed to revise mandatory standard 55.19–17, promulgated on July 31, 1969 (34 FR 12509) as follows:

55.19–7 *Mandatory—MNMSAC.*—All man hoists shall be provided with devices to prevent overtravel. When utilized in shafts exceeding 100 feet in depth, such hoists shall also be provided with overspeed devices.

11. It is proposed to add a new mandatory standard 55.19–13, as follows:

55.19–13 *Mandatory — MNMSAC.*—Where any diesel or similar fuel-injection engine is used to power a hoist, the engine shall be equipped with a damper or other cutoff in its air intake system. The control handle shall be clearly labeled to indicate that its intended function is for emergency stopping only.

12. It is proposed to revise mandatory standard 55.19–24, promulgated on February 25, 1970 (35 FR 3665), as follows:

55.19–24 *Mandatory — MNMSAC.* — The rope shall be attached to the load by the thimble-and-clip method, the socketing method, or other approved method. If the socketing method is employed, zinc or its equivalent shall be used. The use of Babbitt metal or lead for socketing wire ropes is prohibited. If the thimble-and-clip method is used, the following shall be observed:

(a) The rope shall be attached to the load by passing one end around an oval thimble that is attached to the load bending the end back so that it is parallel to the long or "live" end of the rope and fastening the two parts of the rope together with clips.

(b) The U-bolt of each clip shall encircle the short or "dead-end" of the rope, and the distance between clips shall comply with the figures in the accompanying table.

(c) The following number of clips and clip nut torques shall be used for right regular or lang lay wire rope, 6 x 19 class or 6 x 37 class, fiber core or independent wire rope core (1WRC):

(Follow manufacturer's recommendation for other kinds of wire rope and clips.)

Wire rope diameter (inches)	Minimum number of clips	Spacing of clips (inches)	Torque required (ft.-lbs.)	
			U-bolt	Flat grip
1/4	3	2	6	30
5/16	3	2 1/4	12	20
3/8	3	2 1/2	20	35
7/16	3	2 3/4	40	65
1/2	3	3	40	65
9/16	3	3 1/2	75	125
5/8	4	3 3/4	75	125
3/4	4	4 1/2	120	220
7/8	4	5 1/4	220	220
1	5	6	220	220
1 1/8	6	6 3/4	220	360
1 1/4	6	7 1/2	360	360
1 3/8	7	8 1/4	360	500
1 1/2	7	9	360	500
1 5/8	7	9 3/4	430	
1 3/4	7	10 1/2	590	
1 7/8	8	11 1/4	750	
2	8	12	750	
2 1/8	8	13	750	
2 1/4	8	14	750	

(d) Apply the initial load and retighten clip nuts to the recommended torque.

(e) When special conditions require the attachment of a sling to the hoisting cable to handle equipment in the shaft, the sling shall be attached by clips or equivalent in accordance with the table in paragraph (c) of this standard.

13. It is proposed to revise advisory standard 55.19–26, promulgated on July 31, 1969 (34 FR 12509) and make it mandatory, as follows:

• • • • •

55.19–26 *Mandatory—MNMAC.*—Safety device attachments to hoist ropes shall be selected, installed, and maintained according to manufacturers' specifications to minimize internal corrosion and weakening of the hoist rope.

14. It is proposed to add a new standard 55.19–109, as follows:

• • • • •

55.19–109 *Mandatory—MNMSAC.*—Shaft inspection and repair work in vertical shafts shall be performed from substantial platforms equipped with bonnets or equivalent overhead protection.

15. It is proposed to add a new standard 55.19–129, as follows:

55.19–129 *Mandatory—MNMSAC.*—Hoistmen shall examine their hoists and shall test overtravel, deadman controls, position indicators, and braking mechanisms at the beginning of each shift.

[FR Doc.73–18229 Filed 8–28–73;8:45 am]

[30 CFR Part 56]

SAND, GRAVEL AND CRUSHED STONE OPERATIONS

Proposed Health and Safety Standards

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740) to promulgate health and safety standards for metal and nonmetal mines it is proposed to amend Part 56, Subchapter H, Chapter I, Title 30, Code of Federal Regulations, by adding, revoking, and revising certain standards pertaining to air quality and physical agents, explosives, rotary jet piercing, electricity, personal protection and man hoisting, as set forth below. These standards have been developed after consultation with the Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726).

Each standard which is to be a mandatory standard is so designated by the word "Mandatory" which appears at the beginning of the section in which the standard is prescribed. If the Metal and Nonmetal Mine Safety Advisory Committee has recommended a mandatory standard, the standard will be preceded by the word "Mandatory" and the letters "MNMSAC" in this manner "*Mandatory—MNMSAC.*"

Subject to the provisions of subsection (e) of section 6 (30 U.S.C. 725(e)) and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725(d)) on or before the last day of the period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which is designated as a mandatory standard and which has not been recommended as a mandatory standard by the Metal and Nonmetal Mine Safety Advisory Committee may file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the provisions of the Administrative Procedure Act) on such objections.

Pursuant to the provisions of section (e) of section 6 of the Act (30 U.S.C. 725(e)) proposed mandatory standards which have been recommended by the Advisory Committee, are not subject to hearings.

Interested persons may, on or before October 15, 1973, submit written data, views, arguments or objections to the proposals. All communications should be addressed to the Administrator, Mining Enforcement and Safety Administration, Department of the Interior, Washington, D.C. 20240.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

AUGUST 23, 1973.

§ 56.5 [Amended]

1. It is proposed to revise mandatory standard 56.5–1 promulgated on December 8, 1970 (35 FR 18589), as follows:

56.5–1 *Mandatory—MNMSAC.*—Except as permitted by § 56.5–5:

(a) The exposure to airborne contaminants, excluding asbestos, shall not exceed, on the basis of a time weighted average, the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists, as set forth and explained in the 1972 edition of the Conference's publication, entitled "TLVs Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes for 1972," pages 1 through 52, which are hereby incorporated by reference and made a part hereof. This publictaion may be obtained from the American Conference of Governmental Industrial Hygienists by writing to the Secretary-Treasurer, P.O. Box 1937, Cincinnati, Ohio 45201, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration. Excursions above the listed thresholds shall not be of a greater magnitude than is characterized as permissible by the Conference.

(b) The time weighted average airborne concentration of asbestos dust to which employees are exposed shall not exceed 5 fibers per milliliter greater than 5 microns in length, as determined by the membrane filter method at 400–450 x magnification (4 millimeter objective) phase contrast illumination, as set forth in the 1972 edition of the Conference's publication, entitled "TLVs Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes for 1972," pages 1 through 52, as incorporated in subsection (a) of this section, except that the intended change in TLV's for asbestos (all types) on page 37 shall be the threshold limit value for the purposes of this section. Concentrations above 5 fibers per milliliter, but not to exceed 10 fibers per milliliter, may be permitted up to a total of 15 minutes in an hour for up to 5 hours in an 8-hour day.

(c) Employees shall be withdrawn from areas where there is present an airborne contaminant given a "C" designation by the Conference and the concentration exceeds the threshold limit value listed for that contaminant.

2. It is proposed to revise mandatory standard 56.5–5, promulgated on December 8, 1970 (35 FR 18589), as follows:

• • • • • •

56.5–5 *Mandatory.*—Control of employee exposure to harmful airborne contaminants, shall be, insofar as feasible, by prevention of contamination, removal by exhaust ventilation, or by dilution with uncontaminated air. However, where accepted engineering control measures have not been developed or when necessary by the nature of the work involved (for example, while establishing controls or occasional entry into hazardous atmospheres to perform maintenance or investigation), employees may work for reasonable periods of time in concentrations of airborne contaminants exceeding permissible levels if they are protected by appropriate respiratory protective equipment. Whenever respiratory protective equipment is used a program for selection, maintenance, training, fitting, supervision, cleaning, and use shall meet the following minimum requirements:

(a) Mining Enforcement and Safety Administration approved respirators which are applicable and suitable for the purpose intended shall be furnished, and employees shall use the protective respiratory equipment in accordance with training and instruction.

(b) A respirator program consistent with the requirements of ANSI Z88.2–1969, published by the American National Standards Institute and entitled "American National Standard Practices for Respirator Protection, ANSI Z88.2–1969," approved August 11, 1969, which is hereby incorporated by reference and made a part hereof. This publication may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration.

(c) When respiratory protection is used in atmospheres immediately harmful to life, the presence of at least one other person with backup equipment and rescue capability shall be required in the event of failure of the respiratory equipment.

• • • • •

3. It is proposed to revise the heading of § 56.5 to read § 56.5 *Air quality and physical agents* and to add a new mandatory standard 56.5–50, as follows:

56.5–50 *Mandatory—MNMSAC.*—(a) No employee shall be permitted an exposure to noise in excess of that specified in the table below. Noise level measurements shall be made using a sound level meter meeting the specifications contained in ANSI S1.4–1971, published by the American National Standards Institute and entitled "American National Standard Specifications for Sound Level Meters, ANSI S1.4–1971," approved April 27, 1971, which is hereby incorporated by reference and made a part hereof, or by a dosimeter with similar accuracy. This publication may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration.

PERMISSIBLE NOISE EXPOSURES

Duration per day, hours of exposure	*Sound level dBA, slow response*
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

NOTE.—When the daily noise exposure is composed of two or more periods of noise exposure at different levels, their combined effect shall be considered rather than the individual effect of each.

If the sum $C_1/T_1+C_2/T_2+\cdots C_n/T_n$

exceeds unity, then the mixed exposure shall be considered to exceed the permissible exposure. C_n indicates the total times of exposure at a specified noise level, and T_n indicates the total time of exposure permitted at that level.

No exposure shall exceed 115 dBA. Impact or impulsive noises shall not exceed 140 dB, peak sound pressure level.

(b) When employees' exposure exceeds that listed in the above table, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce exposure to permissible levels, personal protective equipment shall be provided and used to reduce personnel sound-level exposures to within the values of the table.

§ 56.6 [Amended]

4. It is proposed to revise advisory standard 56.6–5, promulgated on February 25, 1970 (35 FR 3667), and make it mandatory, as follows:

56.6–5 *Mandatory—MNMSAC.*—Areas surrounding magazines and facilities for the storage of blasting agents shall be kept clear of rubbish, brush, dry grass, or trees (other than live trees 10 or more feet tall), for a distance not less than 25 feet in all directions, and other unnecessary combustible materials for a distance of not less than 50 feet.

5. It is proposed to add a new mandatory standard 56.6–12, as follows:

56.6–12 *Mandatory—MNMSAC.*—Prior to interior repair of facilities for storage of explosives, including blasting agents all materials stored within the facility shall be removed and the interior cleaned. Prior to the exterior repair of such facilities, all materials stored within the facility shall be removed, if there exists a possibility that such repairs may produce a spark or flame. The explosives removed from storage facilities to be repaired shall be placed either in other storage facilities appropriate for the storage of such materials under this section or a safe distance from the facilities under repair where they shall be properly guarded and protected until the repairs have been completed and the materials have been returned to storage within the facilities.

§ 56.8 [Amended]

6. It is proposed to add a new mandatory standard 56.8–6, as follows:

56.8–6 *Mandatory—MNMSAC.*—The oxygen intake coupling on jet-piercing drills shall be constructed so that only the oxygen hose can be coupled to it.

7. It is proposed to add a new mandatory standard 56.8–7, as follows:

56.8–7 *Mandatory—MNMSAC.*—The combustion chamber of a jet drill stem which has been sitting unoperated in a drill hole shall be flushed with a suitable solvent after the stem is pulled up.

§ 56.12 [Amended]

8. It is proposed to revise advisory standard 56.12–32, promulgated on July 31, 1969 (34 FR 12513), and to make it mandatory, as follows:

56.12–32 *Mandatory—MNMSAC.*—Inspection and cover plates on electrical equipment and junction boxes shall be kept in place at all times except during testing or repairs.

§ 56.15 [Amended]

9. It is proposed to revoke advisory standard 56.15–12, promulgated on February 25, 1970 (35 FR 3670).

§ 56.19 [Amended]

10. It is proposed to revise mandatory standard 56.19–7, promulgated on July 31,

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56.19-7 *Mandatory—MNMSAC.*—All man hoists shall be provided with devices to prevent overtravel. When utilized in shafts exceeding 100 feet in depth, such hoists shall also be provided with overspeed devices.

11. It is proposed to add a new mandatory standard 56.19-13, as follows:

56.19-13 *Mandatory—MNMSAC.* — Where any diesel or similar fuel-injection engine is used to power a hoist, the engine shall be equipped with a damper or other cutoff in its air intake system. The control handle shall be clearly labeled to indicate that its intended function is for emergency stopping only.

12. It is proposed to revise mandatory standard 56.19-24, promulgated on February 25, 1970 (35 FR 3670), as follows:

56.19-24 *Mandatory — MNMSAC.* — The rope shall be attached to the load by the thimble-and-clip method, the socketing method, or other approved method. If the socketing method is employed, zinc or its equivalent shall be used. The use of Babbitt metal or lead for socketing wire ropes is prohibited. If the thimble-and-clip method is used, the following shall be observed:

(a) The rope shall be attached to the load by passing one end around an oval thimble that is attached to the load bending the end back so that it is parallel to the long or "live" end of the rope and fastening the two parts of the rope together with clips.

(b) The U-bolt of each clip shall encircle the short or "dead-end" of the rope, and the distance between clips shall comply with the figures in the accompanying table.

(c) The following number of clips and clip nut torques shall be used for right regular or lang lay wire rope, 6 x 19 class or 6 x 37 class, fiber core or independent wire rope core (IWRC):

(Follow manufacturer's recommendations for other kinds of wire rope and clips.)

Wire rope diameter (inches)	Minimum number of clips	Spacing of clips (inches)	Torque required (ft.-lbs.)	
			U-bolt	Fist grip
1/4	3	2	6	20
5/16	3	2 1/4	12	30
3/8	3	3 1/2	20	35
7/16	3	3 3/4	40	65
1/2	3	3	40	65
9/16	3	3 1/2	75	125
5/8	4	3 1/4	75	125
3/4	4	4 1/2	120	220
7/8	4	5 1/4	220	220
1	5	6	220	220
1 1/8	6	6 3/4	220	360
1 1/4	6	7 1/2	360	360
1 3/8	7	8 1/4	360	500
1 1/2	7	9	360	500
1 5/8	7	9 3/4	430	----------
1 3/4	7	10 1/2	500	----------
1 7/8	8	11 1/4	750	----------
2	8	12	750	----------
2 1/8	8	13	750	----------
2 1/4	8	14	750	----------

(d) Apply the initial load and retighten clip nuts to the recommended torque.

(e) When special conditions require the attachment of a sling to the hoisting cable to handle equipment in the shaft, the sling shall be attached by clips or equivalent in accordance with the table in paragraph (c) of this standard.

13. It is proposed to revise advisory standard 56.19-26, promulgated on July 31, 1969 (34 FR 12516), and to make it mandatory, as follows:

56.19-26 *Mandatory—MNMSAC.*—Safety device attachments to hoist ropes shall be selected, installed, and maintained according to manufacturers' specifications to minimize internal corrosion and weakening of the hoist rope.

14. It is proposed to add a new standard 56.19-109, as follows:

56.19-109 *Mandatory—MNMSAC.*—Shaft inspection and repair work in vertical shafts shall be performed from substantial platforms equipped with bonnets or equivalent overhead protection.

15. It is proposed to add a new standard 56.19-129, as follows:

56.19-129 *Mandatory—MNMSAC.*—Hoistmen shall examine their hoists and shall test overtravel, deadman controls, position indicators, and braking mechanisms at the beginning of each shaft.

[FR Doc.73-18230 Filed 8-28-73;8:45 am]

[30 CFR Part 57]

HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC UNDERGROUND MINES

Proposed Health and Safety Standards

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740) to promulgate health and safety standards for metal and nonmetal mines it is proposed to amend Part 57, Subchapter N, Chapter I, Title 30, Code of Federal Regulations, by revising the definition of "working level," and by adding, revoking, and revising certain standards pertaining to ground control, air quality, ventilation, radiation, and physical agents, explosives, rotary jet piercing, electricity, personal protection and man hoisting, as set forth below. These standards have been developed after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726).

Each standard which is to be a mandatory standard is so designated by the word "Mandatory" which appears at the beginning of the section in which the standard is prescribed. If the Federal Metal and Nonmetal Mine Safety Advisory Committee has recommended a mandatory standard, the standard will be preceded by the word "Mandatory" and the letters "MNMSAC" in this manner "*Mandatory—MNMSAC.*"

Subject to te provisions of subsection (e) of section 6 (30 U.S.C. 725 (e)) and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725 (d)) on or before the last day of the period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which is designated as a mandatory standard and which has not been recommended as a mandatory standard by the Federal Metal and Nonmetal Mine Safety Advisory Committee may file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the provisions of the Administrative Procedure Act) on such objection.

Pursuant to the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725 (e)) proposed mandatory standards which have been recommended by the Advisory Committee, are not subject to hearings.

Interested persons may, on or before October 15, 1973, submit written data, views, arguments, or objections to the proposals. All communications should be addressed to the Administrator, Mining Enforcement and Safety Administration, Department of the Interior, Washington, D.C. 20240.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

AUGUST 23, 1973.

1. It is proposed to transfer the prefatory statement defining the term "working level" before mandatory standard 57.5–37 and under the headling "Radiation," promulgated on February 25, 1970 (35 FR 3672), to § 57.2 "Definitions" and revised the definition as follows:

§ 57.2 Definitions, MNMSAC.

* * * * *

"Working level" (WL) means any combination of the short-lived radon daughters in one liter of air that will result in ultimate emission of 1.3×10^5 MeV (million electron volts) of potential alpha energy, and exposure to these radon daughters over a period of time is expressed in terms of "working level months" (WLM). Inhalation of air containing a radon daughter concentration of 1 WL for 173 hours results in an exposure of 1 WLM.

* * * * *

§ 57.3 [Amended]

2. It is proposed to revoke advisory standard 57.3–27, promulgated on July 31, 1969 (34 FR 12519).

§ 57.5 [Amended]

3. It is proposed to revise mandatory standard 57.5–1, promulgated on December 8, 1970 (35 FR 18591) which applies to surface and underground, as follows:

57.5–1 *Mandatory—MNMSAC.*—Except as permitted by § 57.5–5:

(a) The exposure to airborne contaminants, excluding asbestos, shall not exceed, on the basis of a time weighted average, the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists, as set forth and explained in the 1972 edition of the Conference's publication, entitled "TLVs Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes for 1972," pages 1 through 52, which are hereby incorporated by reference and made a part hereof. This publication may be obtained from the American Conference of Governmental Industrial Hygienists by writing to the Secretary-Treasurer, P.O. Box 1937, Cincinnati, Ohio 45201, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration. Excursions above the listed thresholds shall not be of a greater magnitude than is characterized as permissible by the Conference.

(b) The time weighted average airborne concentration of asbestos dust to which employees are exposed shall not exceed 5 fibers per milliliter greater than 5 microns in length, as determined by the membrane filter method at 400–450 x magnification (4 millimeter objective) phase contrast illumination, as set forth is the 1972 edition of the Conference's publication, entitled "TLVs Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes for 1972," pages 1 through 52, as incorporated in subsection (a) of this section except that the intended change in TLVs for asbestos (all types) on page 37 shall be the threshold limit value for the purpose of this section. Concentrations above 5 fibers per milliliter, but not to exceed 10 fibers per milliliter, may be permitted up to a total of 15 minutes in an hour for up to 5 hours in an 8-hour day.

(c) Employees shall be withdrawn from areas where there is present an airborne contaminant given a "C" designation by the Conference and the concentration exceeds the threshold limit value listed for that contaminant.

4. It is proposed to revise mandatory standard 57.5–5, promulgated on December 8, 1970 (35 FR 18591), which applies to surface and underground, as follows:

57.5–5 Mandatory.—Control of employee exposure to harmful airborne contaminants shall be, insofar as feasible, by prevention of contamination, removal by exhaust ventilation, or by dilution with uncontaminated air. However, where accepted engineering control measures have not been developed or when necessary by the nature of the work involved (for example, while establishing controls or occasional entry into hazardous atmospheres to perform maintenance or investigation), employees may work for reasonable periods of time in concentrations of airborne contaminants exceeding permissible levels if they are protected by appropriate respiratory protective equipment. Whenever respiratory protective equipment is used a program for selection, maintenance, training, fitting, supervision, cleaning, and use shall meet the following minimum requirements:

(a) Mining Enforcement and Safety Administration approved respirators which are applicable and suitable for the purpose intended shall be furnished, and employees shall use the protective respiratory equipment in accordance with training and instruction.

(b) A respirator program consistent with the requirements of ANSI Z88.2–1969, published by the American National Standards Institute entitled "American National Standard Practices for Respiratory Protection, ANSI Z88.2–1969," approved August 11, 1969, which is hereby incorporated by reference and made a part hereof. This publication may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration.

(c) When respiratory protection is used in atmospheres immediately harmful to life, the presence of at least one other person with backup equipment and rescue capability shall be required in the event of failure of the respiratory equipment.

5. It is proposed to revise the heading of § 57.5 to read § 57.5 *Air quality; ventilation, radiation and physical agents,* and to add a new mandatory standard 57.5–50 which applies to surface and underground, as follows:

57.5 *Mandatory—MNMSAC.*—(a) No employee shall be permitted an exposure to noise in excess of that specified in the table below. Noise level measurements shall be made using a sound level meter meeting the specifications contained in ANSI S1.4–1971, published by the American National Standards Institute and entitled "American National Standard Specifications for Sound Level Meters, ANSI S1.4–1971", approved April 27, 1971, which is hereby incorporated by reference and made a part hereof, or by a dosimeter with similar accuracy. This publication may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration.

PERMISSIBLE NOISE EXPOSURES

Duration per day, hours of exposure	*Sound level dBA, slow response*
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

NOTE.—When the daily noise exposure is composed of two or more periods of noise exposure at different levels, their combined effect shall be considered rather than the individual effect of each.

If the sum $C_1/T_1+C_2/T_2+ \cdots C_n/T_n$

exceeds unity, then the mixed exposure shall be considered to exceed the permissible exposure. C_n indicates the total time of exposure at a specified noise level, and T_n indicates the total time of exposure permitted at that level.

No exposure shall exceed 115 dBA. Impact or impulsive noises shall not exceed 140 dB, peak sound pressure level.

(b) When employees' exposure exceeds that listed in the above table, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce exposure to permissible levels, personal protective equipment shall be provided and used to reduce personnel sound-level exposures to within the values of the table.

§ 57.6 [Amended]

6. It is proposed to revise mandatory standard 57.6–5, promulgated on December 8, 1970 (35 FR 18591), which applies to surface and underground, as follows:

57.6–5 *Mandatory—MNMSAC.*—Areas surrounding magazines and facilities for the storage of blasting agents shall be kept clear of rubbish, brush, dry grass, or trees (other than live trees 10 or more feet tall), for a distance not less than 25 feet in all directions, and other unnecessary combustible materials for a distance of not less than 50 feet.

7. It is proposed to add a new mandatory standard 57.6–12 which applies to surface and underground, as follows:

57.6–12 *Mandatory—MNMSAC.*—Prior to interior repair of facilities for storage of explosives, including blasting agents, all materials stored within the facility shall be removed and the interior cleaned. Prior to the exterior repair of such facilities, all materials stored within the facility shall be removed, if there exists a possibility that such repairs may produce a spark or flame. The explosives removed from storage facilities to be repaired shall be placed either in other storage facilities appropriate for the storage of such materials under this section or a safe distance from the facilities under repair where they shall be properly guarded and protected until the repairs have been completed and the materials have been returned to storage within the facilities.

§ 57.8 [Amended]

8. It is proposed to add a new mandatory standard 57.8–6 which applies to surface only, as follows:

57.8–6 Mandatory—MNMSAC.—The oxygen intake coupling on jet-piercing drills shall be constructed so that only the oxygen hose can be coupled to it.

9. It is proposed to add a new mandatory standard 57.8–7 which applies to surface only, as follows:

57.8–7 Mandatory—MNMSAC.—The combustion chamber of a jet drill stem which has been sitting unoperated in a drill hole shall be flushed with a suitable solvent after the stem is pulled up.

§ 57.12 [Amended]

10. It is proposed to revise advisory standard 57.12–32, promulgated on July 31, 1969 (34 FR 12522) which applies to surface and underground, and to make it mandatory, as follows:

57.12–32 Mandatory—MNMSAC.—Inspection and cover plates on electrical equipment and junction boxes shall be kept in place at all times except during testing or repairs.

§ 57.15 [Amended]

11. It is proposed to revoke advisory standard 57.15–12, promulgated on February 25, 1970 (35 FR 3676) which is applicable to surface and underground.

§ 57.19 [Amended]

12. It is proposed to revise mandatory standard 57.19–7, promulgated on July 31, 1969 (34 FR 12524), as follows:

57.19–7 Mandatory—MNMSAC.—All man hoists shall be provided with devices to prevent overtravel. When utilized in shafts exceeding 100 feet in depth, such hoists shall also be provided with overspeed devices.

13. It is proposed to add a new mandatory standard 57.19–13, as follows:

57.19–13 *Mandatory—MNMSAC.*—Where any diesel or similar fuel-injection engine is used to power a hoist, the engine shall be equipped with a damper or other cutoff in its air intake system. The control handle shall be clearly labeled to indicate that its intended function is for emergency stopping only.

14. It is proposed to revise mandatory standard 57.19–24, promulgated on February 25, 1970 (35 FR 3676), as follows:

57.19–24 *Mandatory—MNMSAC.*—The rope shall be attached to the load by the thimble-and-clip method, the socketing method, or other approved method. If the socketing method is employed, zinc or its equivalent shall be used. The use of Babbit metal or lead for socketing wire rope is prohibited. If the thimble-and-clip method is used, the following shall be observed:

(a) The rope shall be attached to the load by passing one end around an oval thimble

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that is attached to the load bending the end back so that it is parallel to the long or "live" end of the rope and fastening the two parts of the rope together with clips.

(b) The U-bolt of each clip shall encircle the short or "deadend" of the rope, and the distance between clips shall comply with the figures in the accompanying table.

(c) The following number of clips and clip nut torques shall be used for right regular or lang lay wire rope, 6 x 19 class or 6 x 37 class, fiber core or independent wire rope core (IWRC):

(Follow manufacturer's recommendations for other kinds of wire rope and clips.)

Wire rope diameter (inches)	Minimum number of clips	Spacing of clips (inches)	Torque required (ft-lbs)	
			U-bolt	Fist grip
1/4	3	2	6	20
5/16	3	2 1/4	12	20
3/8	3	2 1/2	20	35
7/16	3	2 3/4	30	65
1/2	3	3	50	65
9/16	3	3 1/2	75	125
5/8	4	3 1/4	75	125
3/4	4	4 1/2	130	220
7/8	4	5 1/4	225	220
1	5	6	250	220
1 1/8	6	6 3/4	250	300
1 1/4	6	7 1/2	300	360
1 3/8	7	8 1/4	300	500
1 1/2	7	9	300	500
1 5/8	7	9 3/4	430	
1 3/4	7	10 1/2	490	
1 7/8	8	11 1/4	750	
2	8	12	750	
2 1/8	8	13	750	
2 1/4	8	14	750	

(d) Apply the initial load and retighten clip nuts to the recommended torque.

(e) When special conditions require the attachment of a sling to the hoisting cable to handle equipment in the shaft, the sling shall be attached by clips or equivalent in accordance with the table in paragraph (c) of this standard.

15. It is proposed to revise advisory standard 57.19–26, promulgated on July 31, 1969 (34 FR 12524), and to make it mandatory, as follows:

57.19–26 *Mandatory — MNMSAC.*—Safety device attachments to hoist ropes shall be selected, installed, and maintained according to manufacturers' specifications to minimize internal corrosion and weakening of the hoist rope.

16. It is proposed to add a new standard 57.19–109 as follows:

57.19–109 *Mandatory — MNMSAC.*—Shaft inspection and repair work in vertical shafts shall be performed from substantial platforms equipped with bonnets or equivalent overhead protection.

17. It is proposed to add a new standard 57.19–129 as follows:

57.19–29 *Mandatory — MNMSAC.*—Hoistmen shall examine their hoists and shall test overtravel, deadman controls, position indicators, and braking mechanisms at the beginning of each shift.

[FR Doc.73–18231 Filed 8–28–73;8:45 am]

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Consumer Product Safety Commission

Part 213 is amended to show that one position of Special Assistant for External Affairs and one position of Special Assistant for Internal Affairs to each member of the Commission are excepted under Schedule C.

Effective on Aug. 30, 1973, paragraphs (b) and (c) are added to § 213.3360 as set out below.

§ 213.3360 Consumer Product Safety Commission.

* * * * *

(b) One Special Assistant for External Affairs to each member of the Commission.

(c) One Special Assistant for Internal Affairs to each member of the Commission.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18459 Filed 8-29-73;8:45 am]

PART 213—EXCEPTED SERVICE

U.S. Arms Control and Disarmament Agency

Section 213.3364 is amended to show that one position of Congressional Assistant to the General Counsel and one position of Confidential Assistant to the General Counsel are excepted under Schedule C.

Effective on Aug. 30, 1973, paragraphs (i) and (j) are added to § 213.3364 as set out below.

§ 213.3364 U.S. Arms Control and Disarmament Agency.

* * * * * *

(i) One Congressional Assistant to the General Counsel.

(j) One Confidential Assistant to the General Counsel.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18460 Filed 8-29-73;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 447]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Aug. 31–Sept. 6, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.747 Valencia Orange Regulation 447.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is weak. Prices f.o.b. averaged $3.28 per carton on a sales volume of 464 carlots during the week ended August 23, 1973, compared with $3.41 per carton on sales of 517 carlots a week earlier. Track and rolling supplies at 327 cars were up 32 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the ef-

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fective date hereof. Such committee meeting was held on August 28, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 31, 1973, through September 6, 1973, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section,"handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 29, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–18618 Filed 8–28–73;11:19 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1973-Crop Rice Supplement, Amendment 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1973-Crop Rice Loan and Purchase Program

Correction

In FR Doc. 73–17315 appearing on page 22466 of the issue of Tuesday, August 21, 1973, in the third line of the authority citation to § 1421.328 the reference to "61 Stat. 1051" should be "62 Stat. 1051."

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73–SO–32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airways

On June 26, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 16786) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V–198 between Brookley, Ala., and Crestview, Fla., and extend V–241 from Mobile, Ala., to Crestview, Fla.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 8, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307, 9488) is amended as follows:

1. In V–198 "Brookley; 6 miles wide Navy Saufley, Fla.; 6 miles wide INT Navy Saufley 047° and Crestview, Fla., 251° radials; 6 miles wide Crestview;" is deleted and "Brookley; INT Brookley 056° and Crestview 266° radials; Crestview;" is substituted therefor.

2. In V–241 "From Crestview, Fla.," is deleted and "From Mobile, Ala., via Crestview, Fla.;" is substituted therefor.

(Sec. 307(a); Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c); Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in Washington, D.C., on August 23, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc 73–18373 Filed 8–29–73;8:45 am]

[Airspace Docket No. 73–GL–26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Page 16239 of the FEDERAL REGISTER dated June 21, 1973, the FAA published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the transition area at Madison, Wisconsin.

Interested persons were given 30 days to submit written comments, objections, and data concerning the proposed amendment. Two comments were received. The Air Transport Association concurred with the proposal. The Wisconsin Division of Aeronautics objected to the circular description of the transition area. An eleven-mile radius of the airport and four extensions in the direction of the final approach courses are required to protect the procedure. The Wisconsin Division of Aeronautics believes it would be advantageous to designate only the required extensions which would delete a few small airports from the transition area. Accordingly, the proposed amendment is hereby adopted subject to the paragraph change enclosed.

This amendment shall be effective October 11, 1973.

In § 71.181 (38 FR 435), the following transition area is amended to read:

MADISON, WISC.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Truax Airport (latitude 43°08'21" N., longitude 89°20'17" W.); within 3 miles each side of the 181° bearing from the airport extending from the 11-mile radius area to 16 miles south of the airport; within 3 miles each side of the 315° bearing from the airport extending from the 11-mile radius area to 15.5 miles NW of the airport; within 3 miles each side of the 001° bearing from the airport extending from the 11-mile radius area to 17 miles N of the airport; and within 3.5 miles each side of the 135° bearing from the airport extending from the 11-mile radius area to 17.5 miles SE of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on August 6, 1973.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.73–18360 Filed 8–29–73;8:45 am]

[Airspace Docket No. 73–EA–72]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation regulations is to change the times and dates for Restricted Area R–5802, Indianatown Gap, Pa.

A review was made of the utilization of R–5802 and it was found that the number of hours designated for its use could be reduced. The revised times and dates represent an overall reduction in hours of approximately 2,500 hours annually.

Since this amendment releases airspace back to the aviation user and it is a minor amendment upon which the public would have no particular reason to comment, notice and public procedure thereon are deemed unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective on November 8, 1973.

In consideration of the foregoing, Part 73 of the Federal Aviation regulations is amended, effective 0901 G.m.t., November 8, 1973, as hereinafter set forth.

In § 73.58 (38 FR 667) the time of designation for Restricted Area R–5802, Indiantown Gap, Pa., is amended to read as follows:

Time of designation. 0800–2300 hours local time, Saturdays, February 15 through May 10; 0800–1200 hours local time, Sundays, February 15 through May 10; 0800–2000 hours local time, May 11 through August 31; 0800–2300 hours local time, Saturdays, September 1 through December 15; 0800–1200 hours local time, Sundays, September 1 through December 15. Other times by Notice to Airmen, issued at least 48 hours in advance.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on August 23, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–18371 Filed 8–29–73;8:45 am]

[Airspace Docket No. 73–EA–44]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Routes

On July 2, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 17510) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would redesignate a segment of J–55 between Sea Isle, N.J., and Kennebunk, Maine, and would also redesignate the segment of J–581 southwest of Kennebunk to extend from Kennedy, N.Y., rather than Hampton, N.Y.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation regulations is amended, effective 0901 G.m.t., November 8, 1973, as hereinafter set forth.

Section 75.100 (38 FR 681) is amended as follows:

a. In J–55 "Sea Isle; INT Sea Isle 040° and Putnam, Conn., 217° radials; Putnam; Kennebunk, Maine;" is deleted and "Sea Isle; INT Sea Isle 050° and Hampton, N.Y., 223° radials; Hampton; Providence, R.I.; Boston, Mass.; Kennebunk, Maine;" is substituted therefor.

b. J–581 is amended to read as follows:

Jet Route No. 581 From Kennedy, N.Y., via INT of Kennedy 042° and Putnam, Conn., 236° radials; Putnam; Kennebunk, Maine; Bangor, Maine, to the INT of the Bangor 058° radial and the United States/Canadian border.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on August 23, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–18372 Filed 8–29–73;8:45 am]

[Airspace Docket No. 73–WA–19]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of RNAV Routes and Waypoints

On June 13, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 15525) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would alter several RNAV routes and waypoints and revoke those routes and waypoints deemed unnecessary.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., November 8, 1973, as hereinafter set forth.

Section 75.400 (38 FR 700, 1635, 3589, and 37 FR 26003) is amended as follows:

1. In J–800R (New York, N.Y., to Los Angelcs, Calif.), "Kansas City, Mo, VORTAC, 39°16'46" N., 94°35'28" W., Kansas City, MO, Culver, Kans., 38°51'-00" N., 97°43'31" W., Wichita, Kans." is deleted and "Walcott, Kans., 39°13'06" N., 94°59'28" W., Butler, Mo.; Enterprise, Kans., 38°58'04" N., 96°59'46" W., Wichita, Kans.; Cedar Bluff, Kans., 38°-29'43" N., 100°00'41" W., Garden City, Kans." is substituted therefor.

2. In J–801R (Los Angeles, Calif., to New York, N.Y.), "Rosemont, Colo., 38°-46'01" N., 104°51'03" W., Pueblo, Colo." is deleted and "Goldfield, Colo., 38°42'-44" N., 105°05'24" W., Pueblo, Colo." is substituted therefor.

3. In J–815R (Washington, D.C., to Atlanta, Ga.), J–815R is amended as follows: Casanova, Va., 38°38'28" N., 77°-51'57" W., Gordonsville, Va.; Copper Valley, Va., 36°52'22" N., 80°35'26" W., Greensboro, N.C.; Shining Rock, S.C., 35°18'05" N., 83°02'00" W., Spartanburg, S.C.; Lanier, Ga., 34°19'21" N., 83°40'53" W., Spartanburg, S.C.

4. J–825R (Chicago, Ill., to St. Louis, Mo.) is deleted.

5. In J–842R (Dallas, Tex., to New York, N.Y.), "Watertown, TN., 36°13'-46' N., 86°06'27" W., Bowling Green, KY." is deleted and "Elmwood, Tenn., 36°19'34" N., 85°50'29" W., Nashville, Tenn." is substituted therefor.

6. In J–863R (New York, N.Y., to Atlanta, Ga.), "Rapidan, Va., 38°08'14" N., 77°50'37" W., Richmond, Va." is deleted and "Gordonsville, Va., 38°00'48" N., 78°09'12" W., Richmond, Va.; Galax, Va., 36°28'30" N., 80°34'05" W., Greensboro, N.C." is substituted therefor.

7. J–868R (Kansas City, Mo., to St. Louis, Mo.), is deleted.

8. In J–879R (Cleveland, Ohio, to Atlanta, Ga.), "Crabtree, N.C., 35°54'52" N., 82°58'18" W., Spartanburg, S.C." is deleted and "Rader, Tenn., 36°06'51" N., 82°59'07" W., Knoxville, Tenn." is substituted therefor.

9. In J–885R (St. Louis, Mo., to Memphis, Tenn.), "St. Louis, MO., 38°51'38" N., 90°28'56" W., Centralia, IL." is deleted and "Festus, MO., 38°12'05" N., 90°21'00" W., Centralia, Ill." is substituted therefor.

10. J–895R (Atlanta, Ga., to New York, N.Y.) is deleted.

11. In J–923R (Albuquerque, N. Mex., to Denver, Colo.), "Terryal, CO., 38°32'-20" N., 105°10'50" W., Pueblo, CO." is deleted and "Goldfield, Colo., 38°42'44" N., 105°05'24" W., Pueblo, Colo." is substituted therefor.

12. In J–927R (Chicago, Ill., to Dallas, Tex.), "Roberts, IL., 40°34'54" N., 88°-09'51" W., Capital, IL." is deleted and "Roberts, Ill., 40°34'54" N., 88°09'51" W., Capital, Ill.; Marine, Ill., 38°43'46" N., 89°51'54" W., Capital, Ill." is substituted therefor.

13. In J–929R (Atlanta, Ga., to Houston, Tex.), "Birmingham, AL., 33°40'12" N., 86°53'59" W., Montgomery, AL." is deleted.

14. In J–936R (Phoenix, Ariz., to Chicago, Ill.), "Holcomb, KS., 38°08'16" N., 100°52'42" W., Garden City, KS." is deleted and "Cedar Bluff, Kans., 38°29'43" N., 100°10'41" W., Garden City, Kans." is substituted therefor.

15. In J–952R (New York, N.Y., to Houston, Tex.), "Mt. Mitchell, N.C., 35°-52'49" N., 82°34'35" W., Spartanburg, S.C." is deleted and "Beech Mountain, N.C., 36°05'30" N., 82°04'58" W., Spartanburg, S.C." is substituted therefor.

16. In J–953R (New Orleans, La., to New York, N.Y.), "Texas, Ga., 33°02'35" N., 85°12'27" W., Montgomery, AL.; Kenwood, Ga., 33°32'59" N., 84°28'37" W., Macon, Ga.; Gramling, Ga., 35°04'-19" N., 82°11'18" W., Columbia, S.C.; Sand River, Va., 36°42'42" N., 79°32'36" W., Raleigh-Durham, N.C." is deleted and "Stone Mountain, Ga., 33°39'00" N., 84°01'00" W., Macon, Ga.; Gramling, S.C., 34°57'15" N., 82°06'05" W., Columbia, S.C.; Semora, N.C., 36°31'24" N., 79°25'48" W., Raleigh-Durham, N.C." is substituted therefor.

17. In J–956 (Memphis, Tenn., to Chicago, Ill.), "Memphis, TN., 34°56'34" N., 89°57'35" W., Walnut Ridge, AZ." is deleted and "Memphis, Tenn., 34°56'34" N., 89°57'35" W., Walnut Ridge, Ariz.; Marine, Ill., 38°43'46" N., 89°51'54" W., Capital, Ill." is substituted therefor.

18. In J–958R (Washington, D.C., to Jacksonville, Fla.), "Gordonsville, Va., 38°00'48" N., 78°09'12" W., Richmond, Va." is deleted and "Flat Rock, Va., 37°-31'42" N., 77°49'43" W., Richmond, Va." is substituted therefor.

19. In J–991R (Minneapolis, Minn., to Greater Southwest, Tex.), "Woolstock, IA., 42°34'21" N., 93°42'55" W., Fort Dodge, IA.; Lawson, Mo., 39°30'13" N., 94°05'16" W., Lamoni, IA.; Redfield, MO., 37°53'19" N., 94°56'19" W., Springfield, MO." is deleted and "Kamrar, Iowa, 42°25'45" N., 93°43'56" W., Fort Dodge, Iowa; Kansas City, Mo., 39°16'-46" N., 94°35'28" W., Kansas City, Mo." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on August 22, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–18370 Filed 8–29–73;8:45 am]

[Docket No. 1316; Amdt. 879]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation

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Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending or canceling the following VOR-VOR/DME SIAPs *effective October 11, 1973.*

Chattanooga, Tenn.—Lovell Field, VOR Runway 32, Amdt. 10.
Crestview, Fla.—Bob Sikes Airport, VOR-A (TAC), Amdt. 5.
Durango, Colo.—Durango-La Plata County Airport, VOR-A, Amdt. 1.
Durango, Colo.—Durango-La Plata County Airport, VOR Runway 2, Amdt. 2.
East St. Louis, Ill.—Bi-State Parks Airport, VOR/DME-A, Amdt. 1.
Elko, Nev.—Elko Municipal Airport, VOR/DME A, Original, canceled.
Elko, Nev.—Elko Municipal Airport, VOR/DME B, Original.
Forest City, Iowa—Forest City Municipal Airport, VOR/DME-A, Original.
Fort Collins-Loveland, Colo.—Fort Collins-Loveland Airport, VOR-DME-A, Original.
Jackson, Miss.—Allen C. Thompson Field, VOR Runway 15L, Amdt. 3.
Jackson, Miss.—Allen C. Thompson Field, VOR Runway 15R, Amdt. 2.
Lake Charles, La.—Lake Charles Municipal Airport, VORTAC-B, Amdt. 3.
Lake Charles, La. —Lake Charles Municipal Airport, VORTAC-B, Amdt. 3.
Las Vegas, N. Mex.—Las Vegas Municipal Airport, VOR Runway 2, Amdt. 7.
Las Vegas, N. Mex.—Las Vegas Municipal Airport, VOR Runway 20, Amdt. 2.
Los Angeles, Calif.—Los Angeles International Airport, VOR Runway 25L, Amdt. 4.
Los Angeles, Calif.—Los Angeles International Airport, VOR Runway 25R, Amdt. 4.
Martha's Vineyard, Mass.—Martha's Vineyard Airport, VOR Runway 6, Amdt. 1.
Martha's Vineyard, Mass.—Martha's Vineyard Airport, VOR Runway 24, Amdt. 7.
Memphis, Tenn.—Memphis International Airport, VOR Runway 35L, Original.
Midland, Tex.—Midland Regional Air Terminal, VOR Runway 16R, Amdt. 18.
Midland, Tex.—Midland Regional Air Terminal, VORTAC Runway 34L, Amdt. 5.
Riverton, Wyo.—Riverton Municipal Airport, VOR Runway 10, Amdt. 6.
Riverton, Wyo.—Riverton Municipal Airport, VOR Runway 28, Amdt. 6.
Rockport, Tex.—Aransas County Airport, VORTAC-A, Amdt. 2.
Salt Lake City, Utah—Salt Lake City International Airport, VOR/DME Runway 34L, Amdt. 8, canceled.
Salt Lake City, Utah—Salt Lake City International Airport, VORTAC Runway 34L, Original.
Tulsa, Okla.—Tulsa International Airport, VOR Runway 26, Amdt. 18.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective October 11, 1973.*

Chattanooga, Tenn.—Lovell Field, LOC (BC) Runway 2, Amdt. 12.
Fayetteville, Ark.—Drake Field, LOC Runway 16, Amdt. 2.
Lake Charles, La.—Lake Charles Municipal Airport, LOC (BC) Runway 33, Amdt. 9.
Midland, Tex.—Midland Regional Air Terminal, LOC (BC) Runway 28, Amdt. 8.
Muscle Shoals, Ala.—Muscle Shoals Airport, LOC/DME (BC) Runway 11, Original.

• • • *effective September 13, 1973.*

Beverly, Mass.—Beverly Municipal Airport, SDF Runway 16, Original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective October 11, 1973.*

Abilene, Tex.—Abilene Municipal Airport, NDB Runway 35L, Amdt. 9.
Abilene, Tex.—Abilene Municipal Airport, NDB Runway 35R, Original.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, NDB Runway 8, Amdt. 36.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, NDB Runways 9L and 9R, Amdt. 1, canceled.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, NDB Runway 9L, Orig.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, NDB Runway 9R, Orig.
Chattanooga, Tenn.—Lovell Field, NDB Runway 20, Amdt. 23.
East St. Louis, Ill.—Bi-State Parks Airport, NDB Runway 30, Amdt. 5.
Fort Collins-Loveland, Colo.—Fort Collins-Loveland Airport, NDB Runway 33, Amdt. 2.
Lake Charles, La.—Lake Charles Municipal Airport, NDB Runway 15, Amdt. 12.
Martha's Vineyard, Mass.—Martha's Vineyard Airport, NDB Runway 24, Amdt. 16.
Midland, Tex.—Midland Regional Air Terminal, NDB Runway 10, Amdt. 5.
Omaha, Nebr.—Millard Municipal Airport, NDB Runway 12, Amdt. 2.
Oshkosh, Nebr.—Oshkosh Municipal Airport, NDB Runway 12, Amdt. 1.
Pensacola, Fla.—Pensacola Regional Airport, NDB Runway 16, Amdt. 17.
Rockford, Ill.—Greater Rockford Airport, NDB Runway 36, Amdt. 15.
Rockport, Tex.—Aransas County Airport, NDB Runway 14, Amdt. 1.

• • • *effective September 27, 1973*

Cleveland, Miss.—Cleveland Municipal Airport, NDB Runway 17, Original.

• • • *September 13, 1973*

Asheville, N.C.—Asheville Municipal Airport, NDB Runway 16, Amdt. 10.
Asheville, N.C.—Asheville Municipal Airport, NDB Runway 34, Amdt. 11.
Iowa Falls, Iowa—Iowa Falls Municipal Airport, NDB Runway 31, Original.

• • • *effective August 17, 1973*

Atlantic City, N.J.—NAFEC-Atlantic City Airport, NDB Runway 13, Amdt. 1.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, *effective October 11, 1973.*

Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, ILS Runway 8, Amdt. 43.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, ILS Runway 9L, Amdt. 19.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport ILS Runway 9R, Amdt. 2.
Chattanooga, Tenn.—Lovell Field, ILS Runway 20, Amdt. 23.
Lake Charles, La.—Lake Charles Regional Airport, ILS Runway 15, Amdt. 12.
Martha's Vineyard, Mass.—Martha's Vineyard Airport, ILS Runway 24, Amdt. 1.
Midland, Tex.—Midland Regional Air Terminal, ILS Runway 10, Amdt. 8.
Pago Pago, Tutuila Island, American Somoa—Pago Pago International Airport, ILS/DME Runway 5, Amdt. 1.
Pensacola, Fla.—Pensacola Regional Airport, ILS Runway 16, Amdt. 4.
Rockford, Ill.—Greater Rockford Airport, ILS Runway 36, Amdt. 18.
Salt Lake City, Utah—Salt Lake City International Airport, ILS Runway 34L, Amdt. 29.

• • • *effective September 13, 1973*

Asheville, N.C.—Asheville Municipal Airport, ILS Runway 34, Amdt. 15.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAP's, *effective October 11, 1973.*

Chattanooga, Tenn.—Lovell Field, RADAR-1, Amdt. 4.
Midland, Tex.—Midland Regional Air Terminal, RADAR-1, Original.

• • • *effective September 13, 1973*

Asheville, N.C.—Asheville Municipal Airport, RADAR-1, Original.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, *effective October 11, 1973.*

Nashua, N.H.—Boire Field, RNAV Runway 14, Original.
Nashua, N.H.—Boire Field, RNAV Runway 32, Original.
North Platte, Nebr.—Lee Bird Field, RNAV Runway 12, Original.

Correction:

In Docket Number 12815, Amendment No. 865 to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated May 24, 1973, on page 13636, under § 97.29, effective July 5, 1973, disregard procedure under New York, N.Y.—John F. Kennedy International Airport, ILS Runway 31R, Amdt. 7; Amdt. 6 remains in effect.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on August 23, 1973.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-18368 Filed 8-29-73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Deletion of Schedule D–1 and Elimination of Paid Positioning Flight Data on Schedule P–2 of CAB Form 41

As part of our policy of continuous review of recurrent reports and specific data required of air carriers, the Board has determined that the data currently reported on Schedule D–1—Services Performed for the Defense Establishment and certain information relating the paid positioning flights reflected on Schedule P–2—Notes to Income Statement are no longer necessary to meet our regulatory needs. Accordingly, it is believed desirable to reduce the carrier reporting requirements in the following respects:

1. Schedule D–1, containing information concerning services performed for the defense establishment, will be eliminated. This Schedule is no longer needed since all necessary information concerning operations for the defense establishment is reported under Part 243 of the Board's Economic Regulations which adequately accommodates our needs.

2. The requirement of reporting information relating to paid positioning flights, which includes the airborne hours, aircraft departures and miles of civilian and military charters, will be eliminated from Schedule P–2. Data on paid positioning flights are included in the revenue traffic statistics on the CAB Form 41 traffic schedules, and shall continue to be separately disclosed on Schedule T–41. If it is later determined that there is a need for additional details concerning paid positioning flights, the Board can request the data on an ad hoc basis.

Since this amendment reduces present reporting requirements, the Board finds that notice and public procedure hereon are not required and the rule may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 241 of its Economic Regulations (14 CFR Part 241), effective August 24, 1973, as follows:

1. By revising section 21—Introduction to System of Reports by amending paragraphs (b), (d), and (k) to read as set forth below:

Section 21 Introduction to System of Report.

• • • • • •

(b) The system prescribed provides for the submission by each air carrier of five classes of financial and operating statistics, on individual schedules of the CAB Form 41 report, grouped as follows:

A. Certification.
B. Balance Sheet Elements.
P. Profit and Loss Elements.
T. Traffic and Capacity Elements.
G. General Corporate Elements.

• • • • • •

(d) Each schedule of the prescribed CAB Form 41 report has been assigned a specific code. The prefix alphabetical codes A, B, P, T, and G, respectively, have been employed to denote certification, balance sheet, profit and loss, traffic and capacity, and general corporate elements. The digits immediately following the alphabetical prefix designate the particular schedule.

• • • • • •

(k) Generally, nonscheduled services shall be treated as an integral part of the reporting entity to which most closely related without regard to the geographic area in which such nonscheduled services may actually be performed. However, supplemental reports shall be made of nonscheduled services (including service for the Department of Defense) in areas not encompassed by the prescribed reporting entity in any month in which the available ton-miles of such nonscheduled services exceed 5 percent of the available ton-miles of the reporting entity. Such supplemental reports shall continue until waived by the Board upon a showing that such nonscheduled operations will not in the subsequent 12-month period exceed the 5-percent limit. The supplemental reports to be filed each month or calendar quarter, as applicable, shall be comprised of report Schedules P–5, T–1, and T–2. Transport and nontransport revenues pertaining to such separately reported nonscheduled services shall be reflected on Schedule P–2 each quarter with appropriate cross-references inserted on Schedules P–3 and P–4, as applicable.

• • • • • •

2. By amending paragraph (a) of section 22—General Reporting Instructions as follows:

A. By deleting from the list of schedules in paragraph (a) the following line:

Section 22 General Reporting Instructions.

(a) • • •

D–1	Services Performed for the Defense Establishment---------- Quarterly

• • • • • •

B. By deleting Schedule D–1 under the due dates of February 10, May 10, August 10, and November 10 from the due date list of schedules.

Section 24 [Amended]

3. By deleting paragraph (g) to Schedule P–2 from section 24—Profit and Loss Elements.

Section 27 [Deleted]

4. By deleting section 27—National Defense Elements.

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377.)

By the Civil Aeronautics Board.

Effective August 24, 1973.

Adopted August 24, 1973.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-18478 Filed 8-29-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 4—MISCELLANEOUS RULES

Service

The Commission announces the following amendments to Chapter I of Title 16 of the Code of Federal Regulations: These amendments are effective on August 30, 1973.

Section 4.4(a)(1)(i), (a)(3) and (c)(4) are revised to read as follows:

§ 4.4 Service.

(a)(1) • • •

(i) *By registered or certified mail.*—A copy of the document shall be addressed to the person, partnership, corporation or unincorporated association to be served at his, her or its residence or principal office or place of business, registered or certified, and mailed; or

• • • • • •

(3) All other documents may be similarly served, or they may be served by ordinary first-class mail.

• • • • • •

(c) • • •

(4) The return post office receipt for a document registered or certified and mailed, or the verified return or certificate by the person serving the document by personal delivery or ordinary mail, setting forth the manner of said service, shall be proof of the service of the document.

(Sec. 6, 38 Stat. 721, 74 Stat. 200; 15 U.S.C. 45(f).)

By direction of the Commission dated August 23, 1973.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-18453 Filed 8-29-73;8:45 am]

[Docket No. 8845-o]

PART 13—PROHIBITED TRADE PRACTICES

Adolph Coors Co.

Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers;* § 13.358 *Distributors;* Subpart—Combining or conspiring: § 13.388 *To control allocations and solicitations of customers;* § 13.395 *To enforce marketing practices and conditions;* § 13.425

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To enforce or bring about resale price maintenance; § 13.450 *To limit distribution or dealing to regular, established or acceptable channels or classes;* Subpart—Cutting off access to customers or market: § 13.535 *Contracts restricting customers' handling of competing products;* § 13.560 *Interfering with distributive outlets;* Subpart—Cutting off supplies or service: § 13.610 *Cutting off supplies or service;* § 13.655 *Threatening disciplinary action or otherwise;* Subpart—Maintaining resale prices: § 13.1025 *Maintaining resale prices;* § 13.1130 *Contracts and agreements;* § 13.1140 *Cutting off supplies;* § 13.1145 *Discrimination;* 13.1145–5 Against price cutters 13.1145–20 Distributive channels and outlets generally; § 13.1155 *Price schedules and announcements;* 13.1160 Refusal to sell.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46); Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45).) [Cease and desist order, Adolph Coors Company, Golden, Colorado, Docket 8845, July 24, 1973.]

In the matter of Adolph Coors Company, a corporation.

Order requiring a Golden, Colorado, brewery, among other things to cease illegally restraining competition by fixing prices, imposing territorial and customer restriction upon its distributors, and using unfair short-term termination provisions in its contracts with distributors.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Adolph Coors Company and its subsidiaries, successors, assigns, officers, directors, agents, representatives and employees, individually or in concert with others, directly or indirectly, or through any corporate or other device, in connection with the brewing, distribution, offering for sale or sale of beer in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Entering into, maintaining or enforcing any contract, agreement, combination, understanding or course of conduct which has as its purpose or effect the fixing, maintaining, establishing or setting of the prices at which distributors sell Coors beer to retailers or the prices at which retailers sell Coors beer to consumers.

2. Publishing, disseminating or providing any price list or other document indicating suggested or mandatory prices for the sale of Coors beer by any distributor to any retailer or any price list or other document indicating suggested or mandatory prices for the sale of Coors beer by any retailer to any consumer.

Provided, however, That nothing contained in this paragraph of the Order shall prohibit respondent from complying with the requirements of any state law, provided that when respondent purports to be complying with the state law regarding price suggestions, respondent will specifically advise the Commission of the statute and all court decisions and administrative agency decisions and rulings interpreting said statute pursuant to which it is purporting to act.

3. Publishing, disseminating or providing to any distributor or any retailer any information or suggestions concerning what Coors may believe to be an appropriate or proper mark-up or profit for Coors beer when the distributor sells to the retailer or when the retailer sells to the consumer or a mark-up or profit below which the distributor or retailer is advised not to sell Coors beer.

Provided, however, That nothing contained in paragraphs two (2) and three (3) of the Order shall prohibit respondent from publishing, disseminating, or providing any price list or other document indicating suggested prices for the sale of Coors beer or suggested markups or profits for Coors beer after three years from the effective date of this Order. Two years following the effective date of this Order respondent may petition the Commission, upon a showing that competition in the resale of its products has been restored, to be permitted to publish, disseminate or provide suggested prices, markups, and profits as set forth in this proviso.

4. Refusing to sell beer to any Coors distributor or terminating or threatening to terminate any Coors distributor because:

A. the distributor has in the past or might in the future sell Coors beer at prices, markups, or profits different from those approved or recommended by respondent;

B. one or more of the distributor's customers sold Coors beer or advertised Coors beer for sale at prices, markups, or profits different from those approved or recommended by respondent;

C. the Coors distributor sold Coors beer to another distributor or to a retailer whose business is located outside of the territory granted to the distributor; or

D. the Coors distributor distributes, has distributed, or proposes to distribute in the future the product of another brewer.

5. Entering into, maintaining or enforcing any contract, agreement, combination, understanding or course of conduct to fix, establish, limit or restrict the territory in which or the persons to whom a distributor may sell Coors beer.

Provided, however, That nothing contained in this paragraph of the Order shall prohibit respondent from complying with the requirements of any state law, provided that when respondent purports to be complying with a state law requiring the restriction of territories or customers, respondent will specifically advise the Commission of the statute and all court decisions and administrative agency decisions and rulings interpreting said statute pursuant to which it is purporting to act.

6. Allocating Coors beer among its distributors in times of beer shortage at the Coors brewery, by any means other than by allocating shares to distributors equal to their proportionate purchases of Coors beer from the brewery during the last three months before the allocation or when the distributor has not been in business for more than a year as a Coors distributor, on some other equitable basis.

7. Refusing to deliver all of a distributor's order because the distributor has made sales to customers outside of the territory granted the distributor or because the distributor or the distributor's customer is selling Coors beer at prices, markups or profits lower than those approved by respondent.

8. Prohibiting its distributors from selling for central warehouse delivery; provided, however, that respondent can establish refrigeration standards for the central warehouse which are substantially similar to those established for distributors and can require its distributors to be responsible, directly or indirectly, for maintenance of such refrigeration standards and for rotation of Coors beer in the central warehouse and at the retail delivery locations where the beer is redelivered from the central warehouse, if respondent changes its container dating system so that the retailer and the consumer will recognize the date without reference to a code or measuring stick.

9. Entering into, maintaining or enforcing any contract, agreement, combination, understanding or course of conduct with its distributors which has as its purpose or effect requiring that retailers serve Coors draft beer as their only light-colored draft beer.

10. Entering into, maintaining, or enforcing any contract, agreement or understanding, or taking any action or course of conduct with any of its distributors which has as its purpose or effect the requirement that the distributor eliminate, or refrain from obtaining and handling rival brands of beer in order to become or remain a Coors distributor.

11. Hindering, suppressing or eliminating competition or attempting to hinder, suppress or eliminate competition between or among distributors or between or among retailers handling Coors beer.

12. Canceling any distributor agreement unless and until the respondent has pursued the following procedure:

A. Cancellation With Cause

(a) Respondent has given the distributor sixty days' notice of respondent's intention to cancel its agreement with the distributor;

(b) Said notice, referred to in (a) above, will include in writing an assurance that the contract is being terminated in good faith and for material violation of one or more contract provisions which are relevant to the effective operation of the franchise. Said notice shall further provide a list of the specific reasons for which the franchise is being terminated;

(c) Said notice will include the assurance that the distributor may sell his interest to a third party during the sixty days, subject to the respondent's approval of the buyer as a satisfactory distributor of respondent's products and the further assurance that approval will not be unreasonably withheld;

(d) Said notice will also include the statement that the distributor has the right to have the contract cancellation reviewed in an arbitration proceeding as hereinafter provided, to ascertain whether the termination has been made otherwise than in good faith and otherwise than for material violation of one or more contract provisions which are relevant to the effective operation of the franchise.

B. Cancellation Without Cause

(a) Respondent has given the distributor one hundred and eighty days' notice of respondent's intention to cancel its agreement with the distributor;

(b) Said notice, referred to in (a) above, will include in writing an assurance that the contract is being terminated in good faith. Said notice shall further provide a list of the specific reasons for which the franchise is being terminated.

(c) Said notice will include the assurance that the distributor may sell his interest to a third party during the one hundred and eighty days subject to the respondent's approval of the buyer as a satisfactory distributor of respondent's products, and the further assurance that approval will not be unreasonably withheld;

(d) Said notice will also include the statement that the distributor has the right to have the contract cancellation reviewed in an arbitration proceeding as hereinafter provided to ascertain whether the termination has been made otherwise than in good faith.

13. *It is further ordered,* That respondent, within three (3) months from the date this Order becomes final, shall provide for arbitration, in the city in which a distributor resides, by an independent and neutral arbitrator, to determine in the case of any announced termination, and upon the request of a distributor, whether or not said termination is made in good faith (in the case of termination without cause) or whether or not said termination is made in good faith and for material violation of one or more contract provisions which are relevant to the effective operation of the franchise (in the case of termination with cause). The arbitrator shall find that a cancellation of any distributor agreement is not made in good faith if the arbitrator finds that the termination would constitute a violation of the antitrust laws or this Order.

Said arbitration shall be initiated by respondent within fifteen (15) days from the date of a request by the distributor, which request shall be made not later than fifteen (15) days after notice of proposed cancellation. If respondent fails to provide for arbitration within the time limit, or if the arbitrator finds that cancellation is not proposed in good faith (and for material violation of one or more contract provisions relevant to the effective operation of the franchise in the case of termination for cause), respondent shall reinstate the distributor at the location he held prior to cancellation and shall allow the distributor to reenter into a distributor agreement.

All costs of arbitration, except for the distributor's attorney's fees, shall be borne by respondent, provided, however, that if in the course of the arbitration proceeding it is determined by the arbitrator that the distributor's claims are not brought in good faith, the distributor shall bear the costs of arbitration other than respondent's attorney's fees. The distributor's right to arbitration shall be conspicuously noted in all present and future distributor agreements.

It is further ordered, That respondent corporation shall forthwith distribute a copy of this Order to each of its operating divisions, to its present and future sales representatives, to its present and future distributors.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

In the event that respondent proposes a change in the corporate respondent, as set forth above, respondent shall require said successor or transferee to file, with the Commission, at the time of respondent's notification, a written agreement to be bound by the terms of this Order; *Provided,* that if respondent wishes to present to the Commission any reasons why said Order should not apply in its present form to said successor or transferee, respondent shall submit to the Commission a written statement setting forth said reasons at least sixty (60) days prior to the consummation of said succession or transfer.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

By the Commission. The matter was argued before Commissioner Thompson was sworn in. Therefore, he elected not to participate.

Issued July 24, 1973.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-18392 Filed 8-29-73;8:45 am]

[Docket No. 8862-o]

PART 13—PROHIBITED TRADE PRACTICES

Resort Car Rental System, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 Prices; 13.155–5 Additional charges unmentioned; 13.155–95 Terms and conditions; Subpart—Misrepresenting oneself and goods—Prices: § 13.1778 *Additional charges unmentioned;* § 13.1823 *Terms and conditions;* Subpart—Securing signatures wrongfully: § 13.2176 Written agreements and/or contract [1] Subpart—Using misleading name—Vendor: § 13.2425 Nature, in general.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46); Interprets or applies sec. 5, 38 Stat. 719, as amended, (15 U.S.C. 45).) [Cease and desist order, Resort Car Rental System, Inc., et al., Las Vegas, Nevada, Docket 8862, July 31, 1973.]

In the matter of Resort Car Rental System, Inc., Brooks Rent-A-Car, Inc., Brooks Dollar-A-Day Rent-A-Car, Inc., Metropolitan Leasing, Inc., Bell Rent-A-Car, Inc., and Irving Bell, individually and as an officer of said corporations.

Order requiring a Las Vegas, Nevada, automobile rental agency and several other agencies located in the Southwest, among other things to cease misrepresenting any price, fee, or amount imposed for rental of a motor vehicle; misrepresenting any method of computation of such charges; and using any misleading trade or corporate name. Order also dismisses complaint as to one corporate respondent.

The order to cease and desist, including further order requiring report of compliance therewith, is as follow:

It is ordered:

(1) That the initial decision be, and it hereby is, adopted as the decision of the Commission;

(2) That the appeal of respondents be, and it hereby is, denied; and that the appeal of complaint counsel be, and it hereby is, denied;

(3) That the following order be and hereby is entered:

It is ordered, That the respondents Resort Car Rental System, Inc., Brooks Rent-A-Car, Inc., Brooks Dollar-A-Day Rent-A-Car, Inc., and Metropolitan Leasing, Inc., corporations, trading under the above trade or corporate names or under any other trade or corporate name or names, their respective successors and assigns and their respective officers, and Irvin Bell, individually and as an officer of said corporations (hereinafter referred to as "respondents") and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, renting, or offering for rent of motor vehicles, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, any price, fee, or amount which is imposed for rental of a motor vehicle unless such price, fee, or amount includes all charges or conditions which are imposed for or on rental of such vehicle at such price, fee, or amount.

The term "charges or conditions" means any charge or condition necessary to the rental of a motor vehicle, which

[1] New.

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is not strictly at the option of the person renting the vehicle. Examples of such charges and conditions are:

a. A daily or other periodic charge;

b. A cents per mile charge;

c. A minimum charge at the cents-per-mile charge, whether or not the miles are actually driven;

d. A charge for gasoline, oil, and repairs if such are not included in (a) or (b) above;

e. Any charge for insurance.

Provided, however, That

(i) (a) and (b) above may be stated separately from each other if there is no other charge or condition, and if (a) and (b) are in equally large type and in close proximity to each other;

(ii) Any charge made for collision insurance must be included in said representation if such insurance charge is not strictly at the option of the person renting the vehicle; a charge for collision insurance shall not be deemed to be "strictly at the option of the person renting the vehicle" if any evidence of other insurance must be provided to respondents in order not to purchase said collision insurance;

(iii) The coverage of collision insurance, whether optional, mandatory, or included in the rental agreement price, shall be clearly described in the rental agreement.

2. Misrepresenting, in any manner, any method of computation of a charge, charge, or condition imposed for rental of a motor vehicle.

3. Using any title, corporate name, trade name, or other designation (including but not limited to "Dollar-A-Day") which represents, directly or by implication, any price, fee, or amount which is imposed for rental of a motor vehicle, unless such representation includes all charges or conditions which are imposed for rental of such vehicle, in conformity with the requirements of Paragraph One of this order.

4. Executing or causing to be executed, any written agreement purporting to obligate a consumer to pay at that or any future time any consideration for the rental of a motor vehicle, where the language and format of the written agreement does not conform with the requirements of Paragraphs One through Three of this order. If any minimum mileage charge is imposed at the cents-per-mile charge pursuant to said agreement, said agreement shall contain the following statement in capital letters in at least eight point bold type, next to and clearly associated with that place on said agreement which provides for entry of the cents per mile rate: "NOTICE: A MINIMUM CHARGE OF (e.g., 50) MILES PER (e.g., DAY), AT THE CENTS-PER-MILE CHARGE WILL BE IMPOSED, WHETHER OR NOT THE MILES ARE ACTUALLY DRIVEN."

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall forthwith distribute a copy of this order to each of their respective operating subsidiaries, divisions, and offices, and to each employee, present or future.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of any of his present businesses or employment and of his affiliation with a new business or employment. Such notice shall include said respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the complaint is dismissed as to the respondent Bell Rent-A-Car, Inc., pursuant to complaint counsel's Proposed Finding 25 which has been adopted herein.

It is further ordered, That respondents Resort Car Rental System, Inc., Brooks Rent-A-Car, Inc., Brooks Dollar-A-Day Rent-A-Car, Inc., Metropolitan Leasing, Inc., and Irving Bell shall, within sixty (60) days after service of this Order upon them, file a written report with the Commission, signed by said respondents, setting forth in detail the manner and form of their compliance with the Order to Cease and Desist hereby adopted by the Commission.

By the Commission.

Issued July 31, 1973.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-18391 Filed 8-29-73;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION; DEPARTMENT OF LABOR

PART 608—HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 625 (38 FR 9031), the Secretary of Labor appointed and convened Industry Committee No. 113–E for the Handkerchief, Scarf, and Art Linen Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 113–E are hereby published, amending § 608.2 by revising the various classifications in the pre-1961 coverage in paragraph (a) and increasing the wage rates in paragraphs (b) and (c).

As amended § 608.2 reads as follows:

§ 608.2 Wage rates.

• • • • •

(a) *Pre-1961 coverage classifications:* The classifications for pre-1961 coverage apply to all activities in the industry to which section 6 of the Fair Labor Standards Act would have applied prior to the Fair Labor Standards Amendments of 1961.

(1) *Oblong scarves classification.* (i) The minimum wage for this classification is $1.60 an hour.

(ii) This classification is defined as all work in the handkerchief, scarf, and art linen industry in Puerto Rico on oblong scarves.

(2) *Hand-sewing on products other than oblong scarves classification.* (i) The minimum wage for this classification is 78 cents an hour.

(ii) This classification is defined as hand-sewing, hand-embroidering, hand-embellishing, ornamental stitching, and similar decorative operations on all products of the handkerchief, scarf, and art linen industry in Puerto Rico, except oblong scarves: *Provided, however,* That mending, repairing, sewing of labels, tacking, and similar operations in the industry on articles which are otherwise wholly machine-sewn shall not be included.

(3) *Other operations on products other than oblong scarves classification.* (i) The minimum wage for this classification is 85 cents an hour.

(ii) This classification is defined as all work in the handkerchief, scarf, and art linen industry in Puerto Rico, other than work described in the other classifications of the industry.

(b) *1961 coverage classification.* (1) The minimum rate for this classification is $1.60 an hour.

(2) This classification is defined as all activities in the industry which were brought within the purview of section 6 of the Fair Labor Standards Act solely by reason of the Fair Labor Standards Amendments of 1961.

(c) *1966 coverage classification.* (1) The minimum rate for this classification is $1.60 an hour.

(2) This classification is defined as all activities in the industry which were brought within the purview of section 6 of the Fair Labor Standards Act solely by reason of the Fair Labor Standards Amendments of 1966.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064 as amended (29 U.S.C. 205, 206, 208))

Effective date.—This amendment shall become effective September 15, 1973.

Signed at Washington, D.C., this 23rd day of August, 1973.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.73-18366 Filed 8-29-73;8:45 am]

PART 609—WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 625 (38 FR 9031), the Secretary of Labor appointed and convened Industry Committee No. 113–D for the Women's and Children's Underwear and Women's Blouse Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 113–D are hereby published, amending § 609.2 by combining all activities in the pre-1961 coverage classification into a single classification thereby deleting subparagraphs (1) and (2) of paragraph (a).

As amended § 609.2 reads as follows:

§ 609.2 Wage rates.

• • • • •

(a) *Pre-1961 coverage classification.* (1) The minimum rate for this classification is $1.54 an hour.

(2) This classification is defined as all activities in the industry to which section 6 of the Fair Labor Standards Act would have applied prior to the Fair Labor Standards Amendments of 1961.

• • • • •

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208).

Effective date.—This amendment shall become effective September 15, 1973.

Signed at Washington, D.C., this 23rd day of August, 1973.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.73-18367 Filed 8-29-73;8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 221—TIMBER

Cancellation of Contracts

On April 23, 1973, the FEDERAL REGISTER (38 FR 10010) contained a notice that the Department of Agriculture proposed to amend Part 221 of Title 36, Code of Federal Regulations by amending § 221.17, Cancellation of Contracts.

Interested parties were given 60 days to submit written comments on the proposed amendment.

Fifteen written comments were received. Based on the information available, the proposed amendment will be changed as set forth below:

1. § 221.117(a)(4) will read:

§ 221.17 Cancellation of contracts.

(a) • • •

(4) For conviction of violation of criminal statutes or for violation of civil standards, orders, permits, or other regulations for the protection of environmental quality issued by a Federal agency, state agency, or political subdivision thereof, in the conduct of operations thereunder, on National Forest land, unless compliance with such laws or regulations would preclude performance of other contractual requirements.

• • • • •

2. Add the following citation of authority:

(30 Stat. .34, 35 as amended; 16 U.S.C. 476, 551).

Accordingly, with these changes and additions, the proposed revision is adopted as set forth below.

Effective date.—This amended regulation is effective on September 10, 1973.

PAUL A. VANDER MYDE,
Assistant Secretary for Conservation, Research, and Education.

AUGUST 27, 1973.

[FR Doc.73-18435 Filed 8-29-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Isobutyric Acid

Two petitions (PP 3F1356 and PP 3F1371) were filed in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a).

Pesticide Petition No. 3F1356 was filed by W. R. Grace & Co., Washington Research Center, Clarksville, MD 21029, proposing establishment of a tolerance for residues of the fungicide ammonium isobutyrate in or on the raw agricultural commodity sorghum grain (intended for use as animal feed feed only) at 20,000 parts per million. Subsequently, the petitioner amended the petition to propose establishment of a tolerance for residues of isobutyric acid in sorghum grain at 17,000 parts per million resulting from postharvest application of ammonium isobutyrate; the treated grain is for use only as animal feed.

Pesticide Petition No. 3F1371 was filed by Eastman Chemical Products, Inc., subsidiary of Eastman Kodak Co., Kingsport, TN 37662, proposing establishment of (a) an exemption from the requirement of a tolerance or (b) tolerances of 15,000 parts per million for residues of the fungicide isobutyric acid in or on the raw agricultural commodities grains of barley, corn, oats, sorghum, and wheat resulting from postharvest application of isobutyric acid; the treated grain is for use only as animal feed.

Based on consideration given the data submitted in the petitions and other relevant material, it is concluded that:

1. The fungicides are useful for the purposes for which the tolerances and exemptions are proposed.

2. Levels of isobutyric acid normally occurring in eggs, meat, milk, and poultry will not be increased by the proposed uses.

3. Tolerances of 17,000 parts per million are more appropriate than either an exemption or tolerances of 15,000 parts per million for residues of isobutyric acid in or on the grains of barley, corn, oats, sorghum, and wheat from postharvest application of isobutyric acid.

4. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.320 is revised to read as follows:

§ 180.320 Isobutyric acid; tolerances for residues.

Tolerances are established for residues of isobutyric acid in or on raw agricultural commodities (the treated raw agricultural commodities are for use only as animal feed) from postharvest application of the fungicides ammonium isobutyrate and isobutyric acid as follows:

17,000 parts per million in or on alfalfa, Bermuda grass, brome grass, clover, fescue, lespedeza, orchard grass, sorghum grain, and timothy from postharvest application of ammonium isobutyrate.

17,000 parts per million in or on grains of barley, oats, sorghum, and wheat from postharvest application of isobutyric acid.

17,000 parts per million in or on corn grain from postharvest application of ammonium isobutyrate and/or isobutyric acid.

Any person who will be adversely affected by the foregoing order may at any

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time on or before Oct. 1, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th and M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on Aug. 30, 1973.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2)).)

Dated August 23, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-18389 Filed 8-29-73;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methidathion

A petition (PP 2F1229) was filed by Geigy Agricultural Chemicals (now CIBA-GEIGY Corp.), Ardsley, NY 10502, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide *O,O*-dimethyl phosphorodithioate, *S*-ester with 4-(mercaptomethyl)-2-methoxy-Δ^2-1,3,4-thiadiazolin-5-one in or on the raw agricultural commodities grapefruit and oranges at 2 parts per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

4. The name methidathion is the accepted common name for the insecticide *O,O*-dimethyl phosphorodithioate, *S*-ester with 4-(mercaptomethyl)-2-methoxy-Δ^2-1,3,4-thiadiazolin-5-one.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (36 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.298 is amended by revising the heading and introductory paragraph and by inserting the new paragraph "2 parts per million • • •" after the paragraph "6 parts per million • • •", as follows:

§ 180.298 Methidathion; tolerances for residues.

Tolerances for residues of the insecticide methidathion (*O,O*-dimethyl phosphorodithioate, *S*-ester with 4-(mercaptomethyl) - 2 - methoxy - Δ^2 - 1,3,4 - thiadiazolin-5-one) are established in or on raw agricultural commodities as follows:

• • • • • •

2 parts per million in or on grapefruit and oranges.

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before Oct. 1, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particuarity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on Aug. 30, 1973.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)).)

Dated August 23, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-18388 Filed 8-29-73;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,6-Dichloro-4-Nitroaniline

A petition (PP 3F1365) was filed by the Upjohn Co., Kalamazoo, MI 49001, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing (a) to increase the established tolerance for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity plums (fresh prunes) from 1 part per million to 15 parts per million to allow postharvest as well as preharvest use and (b) to revoke the established tolerance for residues of this fungicide in or on the raw agricultural commodity strawberries at 15 parts per million.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the tolerance is being established.

2. The tolerance of 15 parts per million for residues of the fungicide in or on plums (fresh prunes) is adequate to cover residues resulting from postharvest use as well as the existing preharvest use.

3. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

4. The established tolerance of 15 parts per million for residues of 2,6-dichloro-4-nitroaniline in or on strawberries is not pertinent since the fungicide is no longer registered for use on this commodity.

5. The tolerance established by this order and the revocation will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), (m), 68 Stat. 512, 517; 21 U.S.C. 346a(d)(2), (m)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.200 is amended by revising the paragraph "15 parts per million • • •" to read as follows and by deleting the paragraph "1 part per million • • •":

§ 180.200 2,6-Dichloro-4-nitroaniline; tolerances for residues.

• • • • • •

15 parts per million in or on blackberries, boysenberries, celery, plums (fresh prunes) (from preharvest and postharvest application), and raspberries.

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before Oct. 1, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on Aug. 30, 1973.

(Sec. 408(d)(2), (m), 68 Stat. 512, 517 (21 U.S.C. 346a(d)(2), (m)).)

Dated August 23, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-18387 Filed 8-29-73;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RST-1B]

PART 213—TRACK SAFETY STANDARDS

Classes of Track; Operating Speed Limits

On July 16, 1973, the Federal Railroad Administration published in the FEDERAL REGISTER a notice of proposed rule-making to amend paragraph (a) and add a new paragraph (c) in § 213.9 of Title 49 of the Code of Federal Regulations (38 FR 18905). The proposal set forth the kinds of information which a railroad must furnish in seeking approval from the Administrator to operate a freight or passenger train more than 110 m.p.h. Speeds up to 110 m.p.h. are presently permitted by § 213.9, depending on the class of track involved, without prior authorization.

Interested persons were invited to participate in the rulemaking by submitting written comments before August 16, 1973, and by presenting oral or written statements at a public hearing on August 16, 1973. However, no oral or written comments were received.

There being no objection to the proposed amendment, § 213.9 of Title 49 of the Code of Federal Regulations is amended to read as follows, effective October 1, 1973.

Issued in Washington, D.C., on August 24, 1973.

JOHN W. INGRAM,
Administrator.

The introductory clause in paragraph (a) is amended and a new paragraph (c) is added as follows:

§ 213.9 Classes of track: operating speed limits.

(a) Except as provided in paragraphs (b) and (c) of this section and §§ 213.57 (b), 213.59(a), 213.105, 213.113 (a) and (b), and 213.137 (b) and (c), the following maximum allowable operating speeds apply:

• • • • •

(c) Maximum operating speed may not exceed 110 m.p.h. without prior approval of the Federal Railroad Administrator. Petitions for approval must be filed in the manner and contain the information required by § 211.11 of this chapter. Each petition must provide sufficient information concerning the performance characteristics of the track, signaling, grade crossing protection, trespasser control where appropriate, and equipment involved and also concerning maintenance and inspection practices and procedures to be followed, to establish that the proposed speed can be sustained in safety.

(Sec. 202, 84 Stat. 971 (45 U.S.C. 431); § 1.49(n), regulations of the Office of the Secretary of Transportation 49 CFR 1.49(n))

[FR Doc.73-18434 Filed 8-29-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Certain National Wildlife Refuges in Ariz., Calif., Texas, N. Mex.

The following special regulations are issued and are effective August 30, 1973.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Havasu National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 24,200 acres, is delineated on maps available at refuge headquarters, Needles, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—mourning doves, from September 1 through September 23, 1973, inclusive; and from December 1 through December 27, 1973, inclusive. California—mourning and white-winged doves, from September 1 through September 30, 1973, inclusive; and from November 24 through December 9, 1973, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special condition:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 27, 1973.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 10,500 acres, is delineated on maps available at refuge headquarters, Yuma, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—mourning doves only, from December 1 through December 27, 1973, inclusive. California—mourning and white-winged doves, from November 24 through December 9, 1973, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 27, 1973.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of mourning and white-winged doves on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted from September 1 through September 30, 1973, inclusive; and from November 24 through December 23, 1973, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,220 acres more or less, is delineated on maps available at refuge headquarters, Roswell, New Mexico, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 23, 1973.

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted from September 22 through September 30, 1973, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,220 acres more or less, is delineated on maps available at refuge headquarters, Roswell, New Mexico, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1973.

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Public hunting of mourning and white-winged doves on the Bosque del Apache National Wildlife Refuge, New Mexico, is permitted from September 1 through September 30, 1973, inclusive, and from November 24 through December 23, 1973, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 19,020 acres, is delineated on maps available at refuge headquarters, 7 miles south of San Antonio, New Mexico, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations

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covering the hunting of doves subject to the following special conditions:

(1) Vehicles are permitted only on established roads.

(2) Hunters shall leave the refuge by one-half hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 23, 1973.

OKLAHOMA

SEQUOYAH NATIONAL WILDLIFE REFUGE

Public hunting of doves, teal, woodcock, rails, and snipe on the Sequoyah National Wildlife Refuge, Oklahoma, is permitted on three areas designated by signs as open to hunting. These open areas, comprising 10,500 acres, are delineated on maps available at refuge headquarters, Sallisaw, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: doves, from September 1 through October 30, 1973, inclusive; teal, from September 15 through September 23, 1973, inclusive; rails, from September 1 through November 9, 1973, inclusive; woodcock, from November 20 through the last day of the regular 1973–74 duck season, inclusive; and snipe, from October 20 through December 23, 1973, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves, teal, woodcock, rails and snipe subject to the following special conditions:

(1) Hunting weapons of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where weapons must be cased or broken down.

(2) Only longbow and arrow or shotguns without slug ammunition are permitted.

(3) Camping or possession of firearms on the refuge at night is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through the last day of the regular 1973–74 duck season.

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions:

(1) The open season for hunting mourning doves on the refuge extends from September 1 through September 30, 1973, inclusive.

(2) Dogs may be used for the purpose of hunting and retrieving.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulations of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1973.

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted from September 15 through September 23, 1973, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 23, 1973.

TEXAS

BRAZORIA NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Brazoria National Wildlife Refuge, Texas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,000 acres of Rattlesnake Island on the southeast side of the Intracoastal Waterway and adjacent to Drum, Christmas, and Bastrop Bays, is delineated on maps available at refuge headquarters, Angleton, Texas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) The open season for hunting teal ducks on the refuge extends from September 15 through September 23, 1973, inclusive.

(2) Access to the hunting area is entirely over public water routes. Travel across the refuge mainland to and from the area open to hunting is not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 23, 1973.

HAGERMAN NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Hagerman National Wildlife Refuge, Texas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,644 acres, is delineated on maps available at refuge headquarters, 15 miles northwest of Sherman, Texas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves subject to the following special condition:

(1) The open season for hunting mourning doves on the refuge extends from September 1 through September 30, 1973, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1973.

AUGUST 21, 1973.

WILLIAM M. WHITE,
Acting Regional Director.

[FR Doc.73-18445 Filed 8-29-73;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge; Delaware

The following special regulation is issued and is effective during the period September 1, 1973, through January 31, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of rails and gallinules, mourning doves, woodcock, and common snipe on Bombay Hook National Wildlife Refuge, Delaware, is permitted during the regular State seasons on the South Upland Hunting Area. This open area, comprising 141 acres, is delineated on a map available at the refuge headquarters, Smyrna, Delaware 19977, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of rails and gallinules, mourning doves, woodcock, and common snipe.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1974.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1973.

[FR Doc.73-18400 Filed 8-29-73;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge; New York

The following special regulation is issued and is effective during the period September 1, 1973 through December 31, 1973.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

The public hunting of woodcock on the Iroquois National Wildlife Refuge, New York, is permitted on the area designated by signs as open to hunting. This open area is delineated on maps available at the refuge headquarters, Basom, New York, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of woodcock.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

WILLARD M. SPAULDING, JR.
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 22, 1973.

[FR Doc.73-18402 Filed 8-29-73;8:45 am]

PART 32—HUNTING

Erie National Wildlife Refuge, Penn.

The following special regulation is issued and is effective during the period September 1, 1973 through January 30, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Erie National Wildlife Refuge is permitted in accordance with all applicable State and Federal regulations. Such hunting is permitted only on the designated area, as delineated on maps available at refuge headquarters, Guys Mills, Pennsylvania, or from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 30, 1974.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1973.

[FR Doc.73-18405 Filed 8-29-73;8:45 am]

PART 32—HUNTING

Pocasse National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective August 30, 1973.

§ 32.12 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

POCASSE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Pocasse National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,400 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following conditions:

(1) Firearms season—November 24, 1973 through December 2, 1973, both dates inclusive.

(2) All hunters must exhibit their hunting license, deer tag and vehicle contents to Federal and State officers upon request.

(3) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles outside the refuge and hunt on foot.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

LOUIS S. SWENSON,
Refuge Manager, Sand Lake National Wildlife Refuge.

AUGUST 22, 1973.

[FR Doc.73-18447 Filed 8-29-73;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Washington

The following regulations are issued and are effective August 30, 1973. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Washington.

General Conditions.—Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Northeast Irving, Portland, Oregon 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds except doves and pigeons may be hunted on the following refuge areas:

Columbia National Wildlife Refuge, P.O. Drawer F, Othello, Washington 99344.

McNary National Wildlife Refuge, P.O. Box 19, Burbank, Washington 99383.

Special Conditions: (1) Hunters are required to park vehicles in designated parking areas.

(2) Hunting will be permitted on Wednesdays, Saturdays, Sundays, and November 22, 1973.

Ridgefield National Wildlife Refuge, P.O. Box 467, Ridgefield, Washington 98642.

Special Conditions: (1) Hunting will be permitted on Wednesdays, Saturdays, and Sundays, October 22, 1973, November 22, 1973, and January 1, 1974.

(2) A Federal permit, available from the refuge office, is required to enter the public hunting area. Permits will be issued by mail in advance on a first-come, first-served basis. Only one permit may be held by a hunter at any one time.

(3) Hunters must shoot from assigned blinds drawn at the checking station.

(4) Iron shot only may be possessed or used on the refuge hunting area.

Toppenish National Wildlife Refuge, Route 1, Box 210–BB, Toppenish, Washington 98948.

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882.

Willapa National Wildlife Refuge, Ilwaco, Washington 98624.

Special Condition: (1) Hunting on Riekkola Tract is permitted on Wednesdays, Saturdays, and Sundays and Federal holidays.

Migratory game birds may be hunted on the following refuge area:

Conboy Lake National Wildlife Refuge, Glenwood, Washington. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210–BB, Toppenish, Washington 98948.)

Special Condition: No goose hunting permitted on the refuge.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge areas:

Columbia National Wildlife Refuge, P.O. Drawer F, Othello, Washington 99344.

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Special Conditions: (1) Open to hunting of rabbits in addition to game birds.

(2) Upland game birds may be hunted during State seasons running concurrently with the waterfowl season.

McNary National Wildlife Refuge, P.O. Box 19, Burbank, Washington 99323.

Special Conditions: (1) Hunting will be restricted to pheasants only.

(2) Pheasant hunting will be restricted to Wednesdays, Saturdays, Sundays, and Federal holidays.

(3) Hunters are required to park vehicles in designated parking areas.

Toppenish National Wildlife Refuge, Route 1, Box 210–BB, Toppenish, Washington 98948.

Special Condition: (1) Rabbits may be hunted in addition to game birds during the State season concurrent with the waterfowl season.

Conboy Lake National Wildlife Refuge, Glenwood, Washington. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210–BB, Toppenish, Washington 98948.)

Special Condition: (1) Cottontail rabbit and snowshoe hare may also be hunted during the State season concurrent with the waterfowl season.

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882.

Willapa National Wildlife Refuge, Ilwaco, Washington 98624.

Special Condition: (1) Archery hunting only is permitted on the Long Island unit.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Deer hunting is permitted on the following refuge areas:

Columbia National Wildlife Refuge, P.O. Drawer F, Othello, Washington 99344.

Conboy Lake National Wildlife Refuge, Glenwood, Washington. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210–BB, Toppenish, Washington 98948.)

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882.

Bear, deer and elk may be hunted on the following refuge area:

Willapa National Wildlife Refuge, Ilwaco, Washington 98624.

Special Conditions: (1) Archery hunting only is permitted.

(2) Hunters shall possess hunting permits available at refuge headquarters and at the Nahcotta Dock.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

DONALD J. HANKLA,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.73-18448 Filed 8-29-73;8:45 am]

PART 32—HUNTING

Alamosa National Wildlife Refuge; Colorado

The following special regulation is issued and is effective August 30, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

The public hunting of rabbits, skunk, badger, raccoon, coyote, bobcat, and feral cat on the Alamosa National Wildlife Refuge, Colorado, is permitted from September 29, through October 9, 1973, inclusive, and from November 1, 1973, through January 13, 1974, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,267 acres, is delineated on maps available at refuge headquarters, Alamosa, Colorado and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215.

Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits, skunk, badger, raccoon, coyote, bobcat, and feral cat subject to the following conditions:

(1) Hunting Hours—Shooting hours shall coincide with the most restrictive hours set by Federal or State proclamation for pheasant or migratory waterfowl.

(2) Dogs—Not to exceed two dogs per hunter, may be used in the hunting of the above species.

(3) Admittance—Entrance to the area open to hunting and parking of vehicles will be restricted to designated parking areas.

(4) Hunting with rifles and handguns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 13, 1974.

AUGUST 23, 1973.

ROBERT L. DARNELL,
Refuge Manager, Alamosa National Wildlife Refuge, Alamosa, Colorado.

[FR Doc.73-18440 Filed 8-29-73;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period September 1, 1973 through November 30, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public archery hunting of deer on Bombay Hook National Wildlife Refuge, Delaware, is permitted only on the Deer Hunting Area and South Upland Hunting Area designated by signs as open to hunting. These open deer hunting areas are delineated on maps available at refuge headquarters, Smyrna, Delaware 19977, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering archery hunting of deer subject to the following special conditions:

(1) Hunting by bow and arrow on the Deer Hunting Area is permitted only on Saturdays from September 1 through October 31, excluding October 13.

(2) The number of hunters admitted to the Deer Hunting Area at any one time will be restricted to 80.

(3) Permits are required for the Deer Hunting Area and will be issued on a first-come, first-served basis one hour before shooting time.

(4) Hunters using the Deer Hunting Area and the South Upland Hunting Area must show proof of completion of a weapons qualification test. This test will consist of placing two out of five arrows in the 9 x 14 inch chest area of a standard size deer target at 25 yards.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1973.

[FR Doc.73-18399 Filed 8-29-73;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge; Delaware

The following special regulation is issued and is effective during the period September 20, 1973 through April 30, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Bombay Hook National Wildlife Refuge, Delaware, is permitted during the regular State seasons on the South Upland Hunting Area designated by signs as open to hunting. This open area, comprising 141 acres, is delineated on maps available at refuge headquarters, Smyrna, Delaware 19977, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 30, 1974.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 22, 1973.

[FR Doc. 73-18395 Filed 8-29-73;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge; Delaware

The following special regulation is issued and is effective during the period September 20, 1973, through November 30, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer with primitive weapons on the Bombay Hook National Wildlife Refuge, Delaware, is permitted only on the Deer Hunting Area and South Upland Hunting Area designated by signs as open to hunting. These open deer hunting areas are delineated on maps available at refuge headquarters, Smyrna, Delaware 19977, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer with firearms subject to the following special conditions:

(1) Hunting with primitive weapons on the Deer Hunting Area is permitted only on October 8 through October 16.

(2) The number of hunters admitted to the Deer Hunting Area at any one time will be restricted to 50.

(3) Permits are required for the Deer Hunting Area and will be issued on a first-come, first-served basis one hour before shooting time.

(4) Hunters using the Deer Hunting Area and the South Upland Hunting Area must show proof of completion of a weapons qualification test. This test will consist of placing three consecutive rounds in a 12-inch circle at 50 yards, firing from the offhand position. The type of weapon used for the qualification test must be the same type that is to be used for the hunt—percussion or flintlock.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1973.

[FR Doc.73-18396 Filed 8-29-73;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period September 1, 1973, through April 30, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Prime Hook National Wildlife Refuge, Delaware, is permitted on Hunting Areas A and B within the regularly established 1973–74 hunting seasons of the State of Delaware. This open upland game hunting area, comprising approximately 6,100 acres, is delineated on maps available at refuge headquarters, Rural Delivery No. 1, Box 195, Milton, Delaware 19968, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 30, 1974.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 22, 1973.

[FR Doc.73-18441 Filed 8-29-73;8:45 am]

PART 32—HUNTING

Tamarac National Wildlife Refuge; Minnesota

The following special regulation is issued and is effective August 30, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of ruffed grouse, gray and fox squirrels, cottontail, jack, and snowshoe rabbits on the Tamarac National Wildlife Refuge, Rochert, Minnesota, is permitted in the area designated by signs as open to hunting. This open area comprising 12,500 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

An additional area of 18,000 acres will be open for public hunting of ruffed grouse only. This ruffed grouse only public hunting area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable State regulations during the seasons specified below. The hunting of other upland game species as may be authorized by Minnesota State regulations is prohibited.

Open seasons: Ruffed grouse—September 15, 1973, through October 29, 1973, and the second season opens November 1, 1973, through November 30, 1973, inclusive with shooting hours from sunrise to sunset. Gray and fox squirrels—September 15, 1973, through December 31, 1973, inclusive with shooting hours from sunrise to sunset. Cottontail, jack and snowshoe rabbits—September 15, 1973, through March 1, 1974, inclusive with shooting hours from sunrise to sunset.

No person shall trap on Tamarac National Wildlife Refuge without first obtaining such permits and trap tags as may be required and issued by the Refuge Manager. Portions of Tamarac refuge open to hunting will be posted "Public Hunting Area" except as described in refuge hunting maps for ruffed grouse. In addition, no persons shall, for the purpose of hunting or trapping, enter or leave a refuge except by access roads which may be so designated; and all hunters and trappers shall comply with further regulations which the Refuge Manager may prescribe.

AUGUST 24, 1973.

OMER N. SWENSON,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minnesota.

[FR Doc.73-18442 Filed 8-29-73;8:45 am]

PART 32—HUNTING

Tamarac National Wildlife Refuge; Minnesota

The following special regulation is issued and is effective August 30, 1973.

§ 32.22 Special regulations; big game; for individual refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer with legal firearms on the Tamarac National Wildlife Refuge is permitted over the entire refuge with exception of those areas posted as "Area Beyond This Sign Closed". The open area comprises 40,200 acres. Areas open for deer hunting are

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delineated on maps available at refuge headquarters, Rochert, Minnesota 56578, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions.

(1) The open season for hunting deer with legal firearms is from sunrise to sunset, November 1, 1973, through November 30, 1973. Hunters have the choice of any 2 consecutive days November 1, 1973, through November 4, 1973; or any 3 consecutive days, November 5 through November 15, 1973, or any 5 consecutive days, November 16, 1973, through November 30, 1973.

(2) Hunting deer with legal bow and arrow is permitted from sunrise to sunset, November 1, 1973, through November 30, 1973.

Portions of Tamarac refuge open to hunting is delineated on refuge hunting maps. In addition, no persons shall, for the purpose of hunting, enter or leave a refuge except by access roads which may be so designated; and all hunters shall comply with further regulations which the Refuge Manager may prescribe.

AUGUST 24, 1973.

OMER N. SWENSON,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minnesota.

[FR Doc.73-18443 Filed 8-29-73;8:45 am]

PART 32—HUNTING

Erie National Wildlife Refuge, Penn.

The following special regulation is issued and is effective during the period September 20, 1973, through January 13, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Erie National Wildlife Refuge, Pennsylvania, is permitted. The open hunting area is delineated on maps available at refuge headquarters, Guys Mills, Pennsylvania, and the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 13, 1974.

AUGUST 23, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.73-18404 Filed 8-29-73;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge; New York

The following special regulation is issued and is effective during the period September 20, 1973, through December 31, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Iroquois National Wildlife Refuge, New York, is permitted during the regular State open seasons in 1973, except on areas designated by signs as closed. This open area is delineated on maps available at refuge headquarters, Basom, New York, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack, Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1973.

[FR Doc.73-18401 Filed 8-29-73;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge; New York

The following special regulation is issued and is effective during the period October 1, 1973, through February 28, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds and small game mammals, including foxes, opossums, red squirrels, and woodchucks is permitted from October 1, 1973, through February 28, 1974, during the respective State seasons except on areas designated by signs as closed. This open area comprising 10,383 acres is delineated on maps available at refuge headquarters, Basom, New York, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations subject to the following special condition.

(1) A seasonal permit is required for the night-time hunting of raccoon. Permits may be obtained by applying in person at the refuge office.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1974.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1973.

[FR Doc.73-18403 Filed 8-29-73;8:45 am]

PART 32—HUNTING

Sand Lake National Wildlife Refuge; South Dakota

The following special regulation is issued and is effective August 30, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE RUFUGE

Public hunting of pheasants on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasants subject to the following conditions:

(1) The open season for hunting pheasants on the refuge is from December 3, 1973, through December 31, 1973, both dates inclusive.

(2) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles outside of the refuge and hunt on foot.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

LOUIS S. SWENSON,
Refuge Manager, Sand Lake National Wildlife Refuge.

AUGUST 22, 1973.

[FR Doc.73-18446 Filed 8-29-73;8:45 am]

PART 32—HUNTING

Seedskadee National Wildlife Refuge, Wyo.; Rescission

This emergency rescission is herewith issued because public hunting was authorized in error. This activity was not intended for this refuge. Therefore, it is necessary to publish this recission on short notice.

§ 32.12 Special Regulations; migratory game birds; for individual wildlife refuge areas.

WYOMING

In the FEDERAL REGISTER on August 16, 1973, page 22126, (FR Doc. 73-17206) there appeared an announcement of regulations which provide for the hunting of mourning doves on the Seedskadee National Wildlife Refuge from September 1 to September 16, 1973. That announcement is hereby rescinded.

CHARLES M. LOVELACE,
Acting Director, Bureau of Sports Fisheries and Wildlife.

AUGUST 27, 1973.

[FR Doc.73-18451 Filed 8-29-73;8:45 am]

PART 33—SPORT FISHING

Sand Lake National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effctive on August 17, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 150 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1974, inclusive.

(2) The use of boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1974.

LOUIS S. SWENSON,
Refuge Manager, Sand Lake National Wildlife Refuge, Columbia, S. Dak. 57433.

AUGUST 6, 1973.

[FR Doc.73-18406 Filed 8-29-73;8:45 am]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1875]

[FHA Instruction 471.4]

SECURITY SERVICING AND LIQUIDATIONS

Loss, Theft, Destruction, Mutilation or Defacement of Insured Notes and Insurance Contracts

Notice is hereby given that the Farmers Home Administration has under consideration the amendment of Subchapter F, Security Servicing and Liquidations by adding a new Part 1875, "Loss, Theft, Destruction, Mutilation or Defacement of Insured Notes and Insurance Contracts." This new Part 1875 provides the policies and procedures to be followed when an insured note or insurance contract is lost, stolen, destroyed, mutilated, or defaced while owned by an insured investor.

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed amendment to the Deputy Administrator, Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250. Comments will be received through September 7, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator, Comptroller, during regular business hours 8:15 a.m. to 4:45 p.m.

As proposed, the addition will read as follows:

PART 1875—LOSS, THEFT, DESTRUCTION, MUTILATION OR DEFACEMENT OF INSURED NOTES AND INSURANCE CONTRACTS

Sec.
1875.1 General.
1875.2 Authorization.
1875.3 Policies.

AUTHORITY: 7 U.S.C. 1989, (42 U.S.C. 1480); (40 U.S.C. 442); Order of the Secretary of Agriculture, 38 FR 14944, 14948, 7 CFR 2.23; Order of the Assistant Secretary of Agriculture for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.

§ 1875.1 General.

This part prescribes the authorities, policies, and procedures to be followed when an insured note or insurance contract is lost, stolen, destroyed, mutilated, or defaced while owned by an insured investor.

§ 1875.2 Authorization.

(a) The Director, Finance Office, 1520 Market Street, St. Louis, Missouri 63103, is authorized on behalf of the Government, in connection with insured notes sold through the Farmers Home Administration (FHA) Finance Office to require indemnity bonds from a note holder when a note is lost, stolen, destroyed, mutilated, or defaced while in the custody of the holder or his designee.

(b) The Deputy Administrator, Comptroller, is authorized in connection with block sale insurance contracts to authorize the FHA's fiscal agent to establish requirements for issuance of a replacement insurance contract when the original issued by the Federal Reserve Bank of New York (FHA's fiscal agent) is lost, stolen, destroyed, mutilated, or defaced.

§ 1875.3 Policies.

(a) When a block sale insurance contract is lost, stolen, or destroyed, a duplicate may be issued to the registered holder upon receipt of an acceptable certificate of loss and an indemnity bond without surety. The certificate of loss should include the legal name and present address of the owner and address when issued; the capacity of person certifying, if other than owner; the identity of the insurance contract, including series number, contract number, denomination, issue date, and form of inscription of registry; the full statement of circumstances of the loss. All available portions of an insurance contract that is mutilated, defaced, or partially destroyed should be submitted to the Federal Reserve Bank of New York (FHA's fiscal agent) for determination whether a duplicate insurance contract can be issued without a certificate of loss and posting of an indemnity bond. In the event the holder of a block sales insurance contract obtains possession of the underlying notes, the requirements of paragraph (b) of this section apply.

(b) Notes sold by FHA County Office and Finance Office. When a note is lost, stolen, or destroyed while in the custody of the holder or his designee, the following will apply:

(1) A certificate of loss should be filed with FHA Finance Office. The certificate should include:

(i) Legal name and present address of owner and address of owner when issued, if different from present address.

(ii) Capacity of person certifying, if other than the owner.

(iii) Identity of the note including the name and FHA case number of the maker thereof, issue date, interest rate of obligation, face amount of note, and a full description of any assignment, endorsement, or any other writing.

(iv) A full statement of circumstances of the loss, theft, or destruction of the note.

(2) An indemnity bond in the amount of the unpaid principal and interest will be required except in the following instances:

(i) Substantially the entire note is presented and surrendered by the owner or holder, and the Director of the Finance Office is satisfied as to the identity of the instruments and that any missing portions are not sufficient to form the basis of a valid claim against the United States, or the borrower; or

(ii) The owner or holder is the United States, a Federal Reserve Bank, a Federal Government Corporation, a State or territory, or the District of Columbia.

(3) An indemnity bond without surety will be provided in the following cases:

(i) Cases involving registered unassigned obligations held by banks, trust companies, savings and loan associations, or companies holding certificates of authority from the Secretary of Treasury as acceptable sureties on Federal Bonds (companies listed on Treasury Circular 570) where the financial responsibilities of such claimants are well known or readily ascertainable.

(ii) Cases involving registered unassigned obligations where the evidence reasonably justifies a conclusion that the obligations were destroyed and the unpaid principal and interest amount does not exceed $1,000.

(4) An indemnity bond posted with a qualified surety is required in all cases involving registered unassigned obligations other than those cited in paragraphs (b)(2)(i), (b)(2)(ii), (b)(3)(i), and (b)(3)(ii) of this section. A qualified surety is a company holding a certificate of authority from the Secretary of Treasury as acceptable sureties on Federal Bonds, and listed in Treasury Circular 570.

(5) All indemnity bonds must be payable to both the borrower and FHA. The bond may be posted at the time the note is lost, stolen, destroyed, mutilated, or defaced, or may be posted when the note becomes eligible for repurchase by FHA. If the holder desires to continue to hold the note for the life of the note, an indemnity bond will not be required.

(c) Cases involving bearer obligations and other cases not discussed in this section will be forwarded to the Director, Finance Officer for requirements.

(d) FHA will not attempt to obtain replacement notes from borrowers. If a replacement note is desired the holder may make a request directly to the borrower.

Dated: August 24, 1973.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.73-18393 Filed 8-29-73;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

REA SPECIFICATIONS FOR RURAL TELEPHONE FACILITIES

Equipment for Automatic Number Identification—CAMA, and for Equipment for Direct Distance Dialing

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), including the amendment thereto enacted by P.L. 93-32, REA proposes to issue REA Bulletin 384-3 to announce the revisions in REA Form 537, Specification for Equipment for Automatic Number Identification—CAMA, and REA Form 538, Specification for Equipment for Direct Distance Dialing. On issuance of REA Bulletin 384-3, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revisions of REA Forms 537 and 538 may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before October 1, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised REA Forms 537 and 538 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 384-3 announcing the issuance of the revised forms is as follows:

REA BULLETIN 384-3

SUBJECT: Central Office Equipment Contracts and Specifications

I. *Purpose.*—To announce the revisions of REA Form 537, REA Specification for Equipment for Automatic Number Identification—CAMA and REA Form 538, REA Specification for Equipment for Direct Distance Dialing and list current editions of central office equipment contracts and specifications.

II. *General.*—The standard forms and specifications are to be used by borrowers for all purchases of central office equipment for the initial system. For further detail, see REA Bulletin 344-1, Methods of Purchasing Materials and Equipment Used in Telephone Borrower's Facilities, and REA Bulletin 384-1, Procedure in Connection with Central Office Equipment Contracts.

III. *Contracts and Amendment.*—A. *REA Form 525 (9-66), Central Office Equipment Contract (Including Installation),* for use when the equipment is installed by the supplier.

B. *REA Form 545 (9-66), Central Office Equipment Contract (Excluding Installation),* for use when the equipment is installed by the borrower's own forces or by others under a separate contract.

C. *REA Form 400 (10-65), Telephone Equipment Contract (Installation Only),* for use when the equipment is to be installed by others than the supplier under a separate contract.

D. *REA Form 238 (4-72), Construction or Equipment Contract Amendment,* for use in amending the contracts to provide for any necessary changes in the equipment and materials or specifications and for any additional equipment and materials required in connection with the central offices included in the contract.

IV. *Specifications.*—A. REA Form 524 (2-72), General Specification for Common Control Central Office Equipment.

B. REA Form 528 (2-72), Specification for Private Automatic Branch Exchange.

C. REA Form 537 (9-73), Specification for Equipment for Automatic Number Identification—CAMA.

D. REA Form 538 (9-73). Specification for Equipment for Direct Distance Dialing.

E. REA Form 542 (4-63), Specification for Toll Office Equipment.

F. REA Form 558 (9-66), Specification for Dial Central Office Equipment.

V. *Revision of REA Form 537, Specification for Equipment for Automatic Number Identification—CAMA.*—The principal reasons for the reissue are:

A. To recognize and refer to REA Form 524, General Specification for Common Control Central Office Switching Equipment, (See Application Guide, REA TE & CM-335, which points out ANI equipment required for a new common control central office would be specified in Parts III and IV of REA Form 524 instead of in Part III of Form 537).

B. To rearrange the subject matter.

C. To revise some of the requirements to conform with the latest improvements in system design and changes in working limits.

D. To recognize that new ANI systems may be designed to use electronic circuitry.

VI. *Revision of REA Form 538, Specification for Equipment for Direct Distance Dialing.*—The principal reasons for the reissue are:

A. To call for compliance with the latest issue of "Notes on Distance Dialing."

B. To include reference to Centralized Automatic Message Accounting (CAMA), and Class 4 and Class 5 offices, as defined in "Notes on Distance Dialing."

C. To eliminate use of the specific term "Toll Ticketer" and substitute the more general term "equipment for recording", in order to recognize the possibility of new and improved equipment.

D. To recognize the possibility of tandem operation, where a Class 4 toll office is provided without local dial equipment in the same building.

E. To recognize the possibility of Local Automatic Message Accounting (LAMA) equipment being provided in connecting common control tributary offices, thereby eliminating the need for Automatic Number Identification (ANI) equipment in such offices.

F. To remove requirements for ANI equipment from this specification, and to refer to the revised REA Form 537 for requirements for such equipment.

G. To add reference to REA Form 524, General Specification for Common Control Central Office Equipment, and to define the conditions under which DDD equipment will be specified in Parts III and IV of Form 524, rather than in this specification.

H. To add a Part IV to this specification to cover equipment engineered by the Bidder, and to revise in general the method of specifying DDD equipment.

VII. *Source of Central Office Equipment Contracts, Specifications, Amendment, and Contractor's Bonds.*—A. REA Form 525, Central Office Equipment Contract (A copy of REA Form 558, Specification for Dial Central Office Equipment is attached to each copy of the Form 525 Contract) is to be purchased for $1.50 per copy from the Superintendent of Documents, Public Documents Distribution Center, Pueblo Industrial Park, Pueblo, Colorado 81008. Orders for the purchase of Form 525 should be prepared on REA Form 33. Copies of Form 33 are available from REA upon request.

B. All other forms referred to in this bulletin are available from REA upon request. Each contract Form 400 and 525 contains one copy of the Contractor's Bond, REA Forms 400a and 525a, respectively. Additional copies of these bond forms are available from REA upon request.

C. Questions concerning the revised specifications may be referred to the Chief, Central Office Equipment Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202 447-5773.

Dated August 27, 1973.

C. R. BALLARD,
Acting Assistant Administrator.

[FR Doc.73-18483 Filed 8-29-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1913]

GUIDELINES CONCERNING PUBLIC DISCLOSURE

Monitoring of Certain Hazards

Pursuant to authority in section 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 657), 5 U.S.C. 552, and Secretary of Labor's Order No. 12-71 (36 FR 8754), it is proposed to add a new paragraph (c) to 29 CFR 1913.33 to authorize disclosure of the results of monitoring by inspectors in the course of inspections made under section 8 of the Act to determine compliance with standards relating to such subjects as noise, ionizing radiation, and asbestos and other air contaminants. Our purpose in offering this proposal is to permit the public to be better informed as to monitoring of noise, ionizing radiation, asbestos, and other air contaminants, carried on in the course of inspections conducted by the Occupational Safety and Health Administration.

Interested persons are invited to submit written data, views, or arguments concerning this proposal not later than October 1, 1973, to Mr. Benjamin W. Mintz, Office of the Solicitor, U.S. Department of Labor, Washington, D.C. 20210.

As amended, § 1913.33(c) would read as follows:

§ 1913.33 Information which is partially disclosable.

• • • • •

(c) When a safety and health inspection includes monitoring to determine

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compliance with standards relating to such subjects as noise, ionizing radiation and asbestos, and other air contaminants, the results of the monitoring shall be available for public inspection and copying (see §§ 1910.93, 1910.93a, 1910.95, and 1910.96 of this chapter).

(Sec. 8, Pub. L. 91-596, 84 Stat. 1598 (29 U.S.C. 657); 5 U.S.C. 552.)

Signed at Washington, D.C., this 27th day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-18454 Filed 8-29-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 57]

NURSING STUDENT LOANS

Notice of Proposed Rule Making

Sections 822 and 827 of the Public Health Service Act authorize the Secretary of Health, Education, and Welfare to enter into agreements with schools of nursing for the establishment of student loan funds from which loans are to be made to their students.

Notice is hereby given that the Director, National Institutes of Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to adopt the following regulations set forth in tentative form below, which will revise Subpart D of Part 57.

The proposed regulations would implement four major statutory changes made by the Nurse Training Act of 1971 (P.L. 92-158): (1) an increase in the maximum student loan available to a student for any academic year to $2,500; (2) an expansion of eligibility to include half-time students; (3) a provision whereby an individual is eligible for repayment by the Secretary of a percentage of his educational loans if he signs an agreement with the Secretary to serve for at least two years as a registered nurse in an area designated by the Secretary to have a shortage of and need for nurses; and (4) a new provision whereby the Secretary may repay all or a portion of an individual's educational loans where he determines that the individual has failed his studies leading to the first professional degree and is not expected to resume studies within two years, is in exceptionally needy circumstances and comes from a low income or disadvantaged family. There are also several technical and clarifying changes.

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed and data, views and arguments may be presented in writing, in triplicate, to Associate Director (Program Implementation), Bureau of Health Manpower Education, National Institutes of Health, Building 31, Room 5 C 12, 9000 Rockville Pike, Bethesda, Md. 20014. All comments received in response to this notice will be available for public inspection at the Office of Grants Policy, Bureau of Health Manpower Education, National Institutes of Health, Building 31, Room 5 B 36, 9000 Rockville Pike, Bethesda, Md. 20014, on weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m. All relevant material received on or before Oct. 1, 1973.

It is therefore proposed to repeal Subpart D of Part 57 to substitute in lieu thereof a new Subpart D as set forth below.

Dated January 31, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

Approved August 24, 1973.

CASPAR W. WEINBERGER,
Secretary.

Part 57 would be amended as follows:

(1) Subpart D of the table of contents would read as follows:

Subpart D—Nursing Student Loans

Sec.
57.301 Applicability.
57.302 Definitions.
57.303 Eligibility of schools.
57.304 Application by school.
57.305 Agreements for Federal Capital Contributions and Federal Capital Loans.
57.306 Allotment and payment of Federal Capital Contributions and Federal Capital Loans.
57.307 Federal Capital Loan promissory note.
57.308 Nursing Student Loan Funds.
57.309 Nondiscrimination.
57.310 Eligibility and selection of nursing student loan recipients.
57.311 Maximum amount of nursing student loan.
57.312 Evidence of student indebtedness—promissory note; security.
57.313 Payment of nursing student loans.
57.314 Repayment and collection of nursing student loans.
57.315 Cancellation of nursing student loans for disability and death.
57.316 Loan cancellation or repayment for service.
57.317 Repayment of loans made subsequent to November 17, 1971, for failure to complete course of study.
57.318 Records, reports, inspection and audit.
57.319 Additional conditions.
57.320 Noncompliance.

AUTHORITY: Sec. 215, 58 Stat. 170, as amended (42 U.S.C. 216).

(2) Subpart D would be revised to read as follows:

Subpart D—Nursing Student Loans

§ 57.301 Applicability.

The regulations in this subpart are applicable to Federal Capital Contributions and Federal Capital Loans made by the Secretary to public or other nonprofit schools of nursing under sections 822 and 827 of the Public Health Service Act and to loans made to students by such schools pursuant thereto.

§ 57.302 Definitions.

All terms not defined herein shall have the same meaning as given them under title VIII of the Act. As used in this subpart, the following terms shall have the following meanings:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare, and any other officer or employee to whom the authority involved has been delegated.

(c) "School" means a public or other nonprofit school of nursing as defined in section 843 of the Act.

(d) "Nursing Student Loan Fund or Funds" means a Fund established at a school pursuant to part B of title VIII of the Act, either with Federal Capital Contributions together with Institutional Capital Contributions, or with Federal Capital Loans. Where a school received monies from both sources of payment, reference is made to Funds.

(e) "Federal Capital Contribution" means the capital portion allotted by the Secretary to a school for deposit in a Nursing Student Loan Fund pursuant to section 824 of the Act.

(f) "Institutional Capital Contribution" means the money provided by a school, in an amount not less than one-ninth of the Federal Capital Contribution, and deposited in a Nursing Student Loan Fund.

(g) "Federal Capital Loan" means a loan made by the Secretary to a school pursuant to section 827(a) of the Act; the proceeds of which are to be deposited in a Nursing Student Loan Fund.

(h) "Nursing student loan" means the amount of money advanced to a student by a school from a Nursing Student Loan Fund as defined in paragraph (d) of this section, under a properly executed promissory note.

(i) "Educational loan" means a nursing student loan as defined in paragraph (h) of this section or the amount of money provided to a student under any other bona fide loan which the Secretary determines was reasonably necessary for meeting the student's costs of attending a school of nursing, taking into account the tuition, fees, books, equipment, living expenses, and such other expenses as the Secretary determines were reasonably necessary to enable an individual to attend such school.

(j) "Full-time student" means a student who is enrolled in a school and pursuing a course of study which constitutes a full-time academic workload, as determined by the school, leading to a diploma in nursing, an associate degree in nursing or an equivalent degree, a baccalaureate degree in nursing or an equivalent degree, or an advanced degree in nursing.

(k) "Half-time student" means a student who is enrolled in a school and pursuing a course of study which constitutes at least one-half of a full-time academic workload but less than a full-time academic workload, as determined by the school, leading to a diploma in nursing, an associate degree in nursing, a baccalaureate degree in nursing or an equivalent degree, or a graduate degree in nursing.

(l) "Good standing" means the eligibility of a student to continue in attendance at the school where he is enrolled as a student in accordance with the school's standards and practices.

(m) "Date upon which a student ceases to be a full-time or half-time student" means the first day of the month which is nearest to the date upon which he ceases to be a full-time or half-time student as defined in paragraphs (j) and (k) of this section, respectively.

(n) "Academic year" means the traditional, approximately 9-month September to June annual session. For the purpose of computing academic year equivalents for students who, during a 12-month period, attend for a longer period than the traditional academic year, the academic year will be considered to be of 9 months' duration.

(o) "Fiscal year" means the Federal fiscal year commencing on the first day of July and ending on the 30th day of June.

(p) "Permanently and totally disabled" means the inability to engage in any substantial gainful activity because of medically determinable impairment, which impairment is expected to continue for a long and indefinite period of time, or to result in death.

(q) "Uniformed service" means the Army, Navy, Air Force, Marine Corps, Coast Guard, National Ocean Survey, and the U.S. Public Health Service.

(r) "National of the United States" means (1) a citizen of the United States or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States (8 U.S.C. 1101(a)(22)).

(s) "State health authority" means the Director of the agency responsible for administering or supervising the administration of the State plan for health services under section 314(d) of the Act.

(t) "Registered nurse" means an individual who has been licensed by a State Board of Nursing to practice professional nursing pursuant to State licensing laws requiring as a minimum one of the degrees or diplomas specified in paragraph (j) of this section.

§ 57.303 Eligibility of schools.

To be eligible for a Federal Capital Contribution or a Federal Capital Loan under this subpart, the applicant shall meet the applicable requirements of sections 822(a) and 827(a) of the Act.

§ 57.304 Application by school.

(a) Each school desiring a Federal Capital Contribution or a Federal Capital Loan under Title VIII of the Act shall submit an application in such form and at such time as the Secretary may require.[1] The application shall be executed by an official authorized to act for the applicant school and to assume on behalf of the applicant school the obligations imposed by the terms and conditions of any Federal Capital Contribution or Federal Capital Loan, including the regulations of this subpart.

(b) Each application shall be reviewed to determine institutional eligibility and the reasonableness of the amount requested. When necessary to these ends, the Secretary may require the submission of additional data.

§ 57.305 Agreements for Federal Capital Contributions and Federal Capital Loans.

(a) *Federal Capital Contribution agreements.*—No application for a Federal Capital Contribution shall be approved unless there is in effect an Agreement between the Secretary and the applicant school for Federal Capital Contributions pursuant to section 822 of the Act.

(b) *Federal Capital Loan agreements.*—No application for a Federal Capital Loan shall be approved unless there is in effect an Agreement between the Secretary and the applicant school for Federal Capital Loans containing the terms required by section 827(b) of the Act and such additional terms and conditions, consistent with the applicable provisions of section 822 of the Act, as the Secretary deems appropriate.

§ 57.306 Allotment and payment of Federal Capital Contributions and Federal Capital Loans.

(a) *Annual allotment.*—At a time determined by him, the Secretary shall make allotments to each school with which he has entered into an agreement pursuant to § 57.305. The allotment to each school, whether in the form of Federal Capital Contributions or Federal Capital Loans or a combination of both, shall be an amount which bears the same ratio to the total amount of Federal funds determined by the Secretary at the time of such allotment to be available for such fiscal year for the Nursing Student Loan Program as the number of full-time students in such schools bears to the estimated total number of full-time students in all such schools in all the States during such year.

(b) *Supplementary allotment from revolving fund only.*—From funds which become available during any fiscal year for payment to schools from the revolving fund established by section 827(a) of the Act after the allotments pursuant to paragraph (a) of this section for such fiscal year have been made, the Secretary may, in his discretion and at such time as he shall determine, make supplementary allotments to schools with which he has Federal Capital Loan Agreements and who request funds for such fiscal year in excess of the amounts allotted to them pursuant to paragraph (a) of this section. If the total need for supplementary funds exceeds the amount determined by the Secretary to be available for supplementary allotments, the supplementary allotment to each school shall be reduced to whichever of the following is the smaller: (1) The supplementary amount requested or (2) an amount which bears the same ratio to the amount determined by the Secretary to be available for supplementary allotment as the number of full-time students estimated by the Secretary to be enrolled in such school bears to the estimated total number of full-time students enrolled for such year in all schools which request supplementary allotments. Any amounts remaining after such supplementary allotment may be allotted among schools in such manner as the Secretary determines will best carry out the purposes of the Act.

(c) *Payment.*—The allotment of Federal Capital Contributions and/or Federal Capital Loans to a school shall be paid in such amounts, at such times, and in such installments as will not result in unnecessary accumulation of money in any Nursing Student Loan Fund.

§ 57.307 Federal Capital Loan Promissory note.

Each Federal Capital Loan shall be made subject to the terms of a promissory note which shall be executed by an authorized official on behalf of the borrowing school. Each such note shall include such terms with respect to the payment of interest and the repayment of principal as are consistent with the provisions of seciton 827 of the Act, and shall include such other terms as the Secretary finds reasonably necessary to protect the financial interests of the United States and to promote the purposes of the Act.

§ 57.308 Nursing Student Loan Funds.

(a) *Funds established with Federal Capital Contributions.*—Any fund established by a school with Federal Capital Contributions shall be deposited and carried in a special account of such school. There shall be in such fund at all times monies representing the Institutional Capital Contribution, equal to at least one-ninth of the amount of the balance of the Federal Capial Contributions in such fund.

(1) Except for funds transferred as provided for in paragraph (a)(2) of this section, such fund shall be used by such school only for (i) nursing student loans to students; (ii) capital distribution as provided in section 826 of the Act or as agreed to by the school and the Secretary; and (iii) costs of litigation and, to the extent specifically approved by the Secretary, other collection costs that are in excess of the usual expenses incurred in the collection of nursing student loans.

(2) Not to exceed 20 percent of the amount paid to any such school from the appropriation for any fiscal year ending after June 30, 1969, for Federal Capital Contributions may be transferred to the sums available to the school for scholarship awards under section 860 of the Act, to be used for the same purpose as such sums; *Provided, however,* That where the Secretary finds in a particular case that a school has demonstrated an unusual need for scholarship funds, he may approve the transfer of any amount in excess of 20 percent of the amount so paid.

[1] Applications and instructions are available from the Division of Nursing, Bureau of Health Manpower Education, National Institutes of Health, 9000 Rockville Pike, Building 31, Bethesda, Md. 20014.

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In the case of any transfer pursuant to this subparagraph, the proportionate amount of the Institutional Capital Contribution (i.e., one-ninth of the amount so transferred) may be withdrawn by the school from such fund.

(b) *Funds established with Federal Capital Loans.*—Any fund established by a school with Federal Capital Loans shall be deposited and carried in a special account of such school, and shall be used by such school only for (1) nursing student loans to students; (2) repayments of principal and interest on Federal Capital Loans; and (3) costs of litigation and, to the extent specifically approved by the Secretary, other collection costs that are in excess of the usual expenses incurred in the collection of nursing student loans.

§ 57.309 Nondiscrimination.

(a) No eligible applicant shall be denied a nursing student loan on the grounds of sex or creed.

(b) Attention is called to the requirements of section 845 of the Act and 45 CFR Part 83 which together provide that the Secretary may not enter into a contract under title VIII of the Act with any entity unless he receives satisfactory assurances that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

(c) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d et seq.), which provides that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which is applicable to Federal Capital Contributions and Federal Capital Loans made under Title VIII of the Act, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

§ 57.310 Eligibility and selection of nursing student loan recipients.

(a) *Eligibility.*—Nursing student loans from any fund may be made only to students who are:

(1) Nationals of the United States or who are in a State for other than temporary purposes and intend to become permanent residents of a State;

(2) Enrolled, or accepted for enrollment, in the school as full-time or half-time students, as defined in § 57.302 (j) and (k) respectively;

(3) In need of the amount of the loan to pursue the course of study at the school; and

(4) Capable, in the opinion of the school, of maintaining good standing in such course of study.

(b) *Selection of nursing student loan recipients and determination of need.*—It shall be the responsibility of the school to select qualified applicants and to make reasonable determinations of need.

(1) In selecting nursing student loan recipients, the school shall give preference to licensed practical nurses.

(2) In determining whether a student is in need of a nursing student loan to pursue a full-time or half-time course of study at the school, the school shall take into consideration:

(i) The financial resources available to the student, and

(ii) The costs reasonably necessary for the student's attendance at the school, including any special needs and obligations which directly affect the student's financial ability to attend the school on a full-time or half-time basis.

(c) *Records of approval or disapproval.*—The records of the school shall indicate the basis for approval or disapproval of all or any part of each student application for a nursing student loan.

§ 57.311 Maximum amount of nursing student loan.

(a) *Maximum per academic year.*—Effective on November 18, 1971, the total of the nursing student loans made from a Fund or Funds to any student for an academic year may not exceed $2,500. The maximum amount loaned during a 12-month period to any student enrolled in a school which provides a course of study longer than the 9-month academic year may be proportionately increased.

(b) *Aggregate maximum.*—Effective on November 18, 1971, the aggregate of nursing student loans for all years from a Fund or Funds may not exceed $10,000 in the case of any student.

§ 57.312 Evidence of student indebtedness—promissory note; security.

(a) *Evidence of indebtedness—promissory note.*—Each nursing student loan to a student from any Fund or Funds shall be evidenced by a promissory note executed by the student borrower, in such form as shall be approved by the Secretary.

(1) Any substantive deviations from the promissory note form so approved shall be made only pursuant to approval by the Secretary prior to the making of any nursing student loan evidenced thereby, except that a school which elects to require security or endorsement in cases permitted under paragraph (b) of this section may include a provision reflecting such election without prior approval.

(2) Each promissory note executed subsequent to June 30, 1969, shall include a provision stating that the nursing student loan evidenced thereby shall bear interest, on the unpaid balance of such loan, computed only for periods during which repayment of the loan is required, at the rate of 3 percent per year.

(3) A copy of each executed note shall be supplied by the school to the student maker thereof.

(b) *Security.*—Neither security nor endorsement shall be required except that if the borrower is a minor and if under the applicable State law the note executed by him would not create a binding obligation, then the school is permitted to require security or endorsement.

§ 57.313 Payment of nursing student loans.

(a) Nursing student loans from any Fund or Funds shall be paid to or on behalf of student borrowers in such installments as are deemed appropriate by the school, except that no school shall pay to or on behalf of any borrower more during any given installment period (e.g., semester, term, or quarter) than the school determines that he needs for such period.

(b) No payment shall be made from any Fund to or on behalf of any student borrower if at the time of such payment such borrower is not a full-time or half-time student as defined in § 57.302(j) and (k), respectively.

§ 57.314 Repayment and collection of nursing student loans.

(a) *Repayment of nursing student loans.*—Subject to the provisions of this paragraph, any nursing student loan including interest accrued thereon, shall be repayable in equal or graduated periodic installments in amounts calculated on the basis of a 10-year repayment period. Except as otherwise provided in this paragraph, repayment of any nursing student loan made after June 30, 1969 shall begin 9 months after the student ceases to be a full-time or half-time student: *Provided, however,* That in the case of students who received nursing student loans subsequent to June 30, 1969, but prior to November 18, 1971, repayment shall begin 9 months after the student ceases to be a full-time student.

(1) When a borrower, within such 9-month period, reenters the same or another school of nursing as a full-time or half-time student, the date upon which interest accrual and the repayment period begin shall be related to and determined by the date on which he last ceases to be a full-time or half-time student at any such school: *Provided, however,* That in the case of students who received loans subsequent to June 30, 1969, but prior to November 18, 1971, this provision will apply only if the student reentered such school as a full-time student.

(2) The following periods shall be excluded from the 10-year repayment period:

(i) All periods of up to 3 years of active duty performed by the borrower as a member of a uniformed service;

(ii) All periods of up to a total of 3 years of service as a volunteer under the Peace Corps Act; and

(iii) All periods up to a total of 5 years during which the borrower is pursuing a full-time course of study at a school leading to a baccalaureate degree in nursing or an equivalent degree, or to a graduate degree in nursing, or is otherwise pursuing advanced professional training in nursing. For purposes of this paragraph, "otherwise pursuing advanced professional training in nursing" shall include only full-time training, beyond the first diploma or degree in nursing received by the particular borrower, of at least one academic year which will advance the borrower's knowledge of and strengthen his skills in the provision of nursing services.

(3) With respect to nursing student loans made before July 1, 1969, all periods specified in paragraph (a)(2) of this section after June 30, 1968, may be excluded from such repayment period where so agreed by the school which made such loan and the borrower; *Provided, however,*

(i) That in no such case may the total of the periods excluded from the repayment period pursuant to paragraphs (a)(2)(i) or (a)(2)(ii) of this section and the period between the date on which the borrower ceases to be a full-time student and the date on which, under the terms of the promissory note evidencing such loan, the repayment period is to begin, exceed 3 years and 9 months; and

(ii) That in any such case all periods during which the borrower is pursuing a full-time course of study at a school leading to a baccalaureate degree in nursing or an equivalent degree, or to a graduate degree in nursing, shall be excluded from the repayment period, without limitation; and

(iii) That in no such case may the total of the periods excluded from the repayment period because the borrower is otherwise pursuing advanced professional training in nursing and the period between the date on which the borrower ceases to be a full-time student and the date on which, under the terms of the promissory note evidencing such loan, the repayment period is to begin, exceed 5 years and 9 months.

(4) Each student borrower may (subject to the provisions of paragraph (b)(3) of this section) choose the repayment schedule which he prefers from those in use by the school and approved by the Secretary, but a student borrower may, at his option and without penalty, prepay all or part of the principal and accrued interest at any time.

(b) *Collection of nursing student loans.*—(1) Each school at which a Fund is established shall exercise due diligence in the collection of all nursing student loans due the Fund. The school shall use such collection practices as are generally accepted among institutions of higher education and which are at least as extensive and effective as those used in the collection of other student loan accounts due the school.

(2) With respect to any nursing student loan made after June 30, 1969, the school may assess a charge for failure of the borrower to pay all or part of an installment when it is due, and, in the case of a borrower who is entitled to deferment benefits under section 823(b)(2) of the Act or concellation benefits under section 823(b)(3) of the Act, for any failure to file timely and satisfactory evidence of such entitlement. The amount of such charge may not exceed $1.00 for the first month or part of a month by which such installment or evidence is late and $2.00 for each such month or part of a month thereafter. The school may elect to add the amount of such charge to the principal amount of the nursing student loan as of the first day after the day on which such installment or evidence was due or to make the amount of the charge payable to the school not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

(3) With respect to any nursing student loan made after June 30, 1969, the school may provide that during the repayment period of such loan, payments of principal and interest by the borrower with respect to all the outstanding nursing student loans made to him from any Nursing Student Loan Fund shall be at a rate equal to not less than $15.00 per month.

§ 57.315 Cancellation of nursing student loans for disability and death.

(a) *Permanent and total disability.*—Determinations as to whether or not a student borrower is entitled to cancellation of indebtedness in accordance with section 823(b)(4) of the Act on the basis of permanent and total disability shall be made by the Secretary on the recommendation of the school to whose fund the borrower is indebted, supported by such medical certifications as the Secretary may require relating to the borrower's disability.

(b) *Death.*—The determination as to whether or not a student borrower is entitled to cancellation of indebtedness in accordance with section 823(b)(4) of the Act because of the death of the borrower shall be made by the school to which the borrower is indebted on the basis of a certification of death or such other official proof as is conclusive under State law.

§ 57.316 Loan cancellation or repayment for service.

(a) *Cancellation for full-time employment as a registered nurse.*—(1) Any person who obtained one or more nursing student loans from a loan Fund or Funds established under Title VIII of the Act and who engages in full-time employment as a registered nurse (including teaching in any of the fields of nurse training or service as an administrator, supervisor, or consultant in any of the fields of nursing) in any public or nonprofit private agency, institution, or organization (including neighborhood health centers) shall be entitled upon compliance with the statute, the regulations of this subpart and instructions issued pursuant thereto, to have a portion of such nursing student loans canceled as follows: Fifteen percent of the total of such loans (plus accrued interest thereon) which is unpaid on the first day of such service, for each of the first, second, and third year of such service, and 20 percent of the total of such loans (plus accrued interest thereon) for each complete fourth and fifth year of such service thereafter, up to 85 percent of the total of such loans, plus accrued interest thereon; *Provided, however,* That with respect to nursing student loans made prior to November 18, 1971 a borrower shall only be entitled to cancellation of an amount not to exceed 50 per centum of any such loan at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each complete year of such service.

(2) The determination of whether a borrower is entitled to have any portion of his nursing student loan canceled for such full-time employment as a registered nurse shall be made by the institution to whose fund such loan is payable, upon receipt and evaluation of an application for cancellation from such borrower.

(b) *Repayment and cancellation for service in shortage area.*—(1) Subject to the provisions of section 823(h) of the Act and of this paragraph, any person who has obtained the degree or diploma specified in § 57.302(j) and who has obtained an educational loan as defined in § 57.302(l) of this subpart and who enters into an agreement with the Secretary to serve as a full-time registered nurse for a period of at least two consecutive years in an area in a State determined by the Secretary, after consultation with the State health authority, to have a shortage of and need for nurses, is entitled to have the principal, and interest on, such loans repaid by the Secretary as follows:

(i) Upon completion by the borrower of the first year of service as specified in the agreement, the Secretary shall pay 30 percent of the principal of, and the interest on, each such loan which is unpaid as of the date the borrower began service.

(ii) Upon completion by the borrower of the second year of such service, the Secretary shall pay another 30 percent of the principal of, and the interest on, each such loan which was unpaid as of the date the borrower began such service.

(iii) Upon completion by the borrower of the third year of service, the Secretary shall pay another 25 percent of the principal of, and interest on, each such loan which was unpaid as of the date the borrower began such service.

(2) Notwithstanding the requirement in paragraph (b)(1) of completion of such service, the Secretary shall on or before the due date thereof, pay any loan or loan installment which may fall due within the period of service for which the borrower is eligible to receive such payments. Such payments will be made contingent upon a declaration by the borrower, at such times and in such manner as the Secretary may prescribe, that the borrower is then engaged in service eligible for such payments and will continue to be so engaged for the period required (in the absence of this subparagraph) to entitle the borrower to have such payments made, except that no more than 85 percent of the principal of any such loan shall be paid by the Secretary pursuant to this subparagraph.

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(3) A borrower who fails to complete two years of service pursuant to the agreement entered into with the Secretary shall be liable to reimburse the Secretary for any payments made pursuant to such agreement.

(4) A borrower who fails to complete a third year of service shall be liable to reimburse the Secretary for any payments made pursuant to paragraph (b)(2) of this section in consideration of such service.

(5) In accordance with section 823(h) of the Act, an area in a State shall be determined by the Secretary, after consultation with the State health authority, to have a shortage of and need for nurses, based upon consideration of, among other pertinent factors: (i) The latest reliable statistical data available to him regarding the number of registered nurses in an area and the population to be served by such nurses; (ii) the availability of health services to the residents of the area; (iii) particular local health problems; and (iv) designation of an area under section 329(b) of the Act as one with a critical health manpower shortage. A listing of such areas in which service as a registered nurse would qualify a borrower for repayment under paragraph (b)(1) of this section will be promulgated periodically by the Secretary and published in the FEDERAL REGISTER together with an explanation of the methodology used in determining such areas.

(6) Notwithstanding the above, any person who obtained one or more nursing student loans prior to November 18, 1971, and who engages in full-time employment as a registered nurse in a public or other nonprofit hospital in an area which has been determined by the Secretary pursuant to this subparagraph to have a substantial shortage of nurses at such hospitals shall be entitled, upon compliance with the applicable statute, regulations, and instructions, to have a portion of such loans canceled as follows: Fifteen per centum of the total of such loans (plus accrued interest thereon) which is unpaid on the first day of such service, for each year of such service beginning after August 16, 1968, up to 100 percent of the total of such loans, plus accrued interest thereon.

(i) An area shall be determined to have a substantial shortage of nurses if the number of registered nurse hours of service per patient day in the public or other nonprofit hospital serving such area is lower than the median number of registered nurse hours of service per patient day for all public or other nonprofit hospitals of its category in all States. For purposes of this subparagraph, all public or other nonprofit hospitals in all States shall be grouped by the Secretary according to the following categories:

(A) Short-term general and allied special hospitals,

(B) Psychiatric hospitals,

(C) Tuberculosis hospitals,

(D) Chronic and convalescent hospitals, and

(E) All other hospitals.

(ii) For purposes of this subparagraph, a year of service in a public or other nonprofit hospital means any 12-month period of continuous service (A) after the date the person begins service in such hospital if the area primarily served by the hospital is at that time designated as an area in which there is a substantial shortage of nurses, or (B) after the date as of which the area is designated an area with a substantial shortage of nurses if the area was so designated subsequent to the date that such person began service in the hospital: *Provided*, That, when an area's designation is changed, after a borrower would otherwise be eligible for cancellation of a portion of his loan by serving in the hospital in such area, so that such area no longer has a substantial shortage of nurses, such change in designation shall not affect the eligibility of such borrower to have a portion of his loan cancelled for any year in which he continues to serve as a nurse in the hospital in such area.

(iii) The determination of whether a borrower is entitled to have a portion of his loan cancelled in accordance with this subparagraph shall be made by the institution to whose fund such loan is payable, upon receipt and evaluation of an application for cancellation from such borrower.

(iv) All determinations of the Secretary pursuant to this subparagraph shall be made on the basis of the latest reliable statistical data available to him.

(v) Hospitals in which employment will qualify borrowers for cancellation under the provisions of this subparagraph shall be identified in a list promulgated periodically by the Secretary in the FEDERAL REGISTER.

(7) Nothing in paragraph (b)(6) of this section or paragraph (a) of this section shall be construed to prevent any person from entering into an agreement with the Secretary pursuant to section 823(h) of the Act.

§ 57.317 Repayment of loans made subsequent to November 17, 1971 for failure to complete program of study.

In the event the Secretary undertakes to repay educational loans pursuant to section 830 of the Act, he shall utilize the following criteria in making his determination as to each applicant's eligibility:

(1) An applicant will be considered to have failed to complete the course of study in nursing for which an eligible educational loan was made up certification by a school of nursing that the individual ceased to be enrolled in such school subsequent to November 17, 1971;

(2) An applicant will be considered to be inexceptionally needy circumstances if, upon comparison of the income and other financial resources of the applicant with his expenses and financial obligations, the Secretary determines that repayment of such loan would constitute a serious economic burden on the applicant. In making such determination the Secretary shall take into consideration the net financial assets of the applicant and the relationship of the income available to the applicant to the low-income levels published annually by the Secretary pursuant to paragraph (3) of this section;

(3) An applicant will be considered to be from a low-income family if the applicant comes from a family with an annual income below a level based on low-income thresholds by family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index and multiplied by a factor to be determined by the Secretary for adaptation to this program, and the family has no substantial net financial assets. Such factor and income levels as adjusted will be published annually by the Secretary in the Federal Register;

(4) An applicant will be considered to be from a disadvantaged family if the individual comes from a family in which the annual income minus unusual expenses which contribute to the economic burdens borne by the family does not exceed the low-income levels published by the Secretary pursuant to paragraph (3) of this section and the family has no substantial net financial assets;

(5) An applicant will be considered as not having resumed his nursing studies within two years following the date the individual ceased to be a student upon a certification so stating from the applicant; and

(6) An applicant will be considered as not reasonably expected to resume his nursing studies within two years following the date upon which he terminated such studies based upon consideration of the reasons for the applicant's failure to complete these studies, taking into account such factors as academic, medical, or financial difficulties. *Provided, however*, That the Secretary shall only repay educational loans made subsequent to November 17, 1971.

§ 57.318 Records, reports, inspection and audit.

(a) *Records and reports.*—(1) Each Federal Capital Contribution and Federal Capital Loan shall be subject to the condition that the school shall maintain such records, and file with the Secretary such reports relating to the operation of the Nursing Student Loan Fund or Funds, as the Secretary may find necessary to carry out the purposes of the Act and the regulations. Where any school has both a Fund established with Federal Capital Contributions and a Fund established with Federal Capital Loans, records shall be kept separately for each Fund. All such records shall be retained until such time as agreed upon with the Secretary that there is no further need for retention and must not be destroyed regardless of completion of a Federal audit.

(2) The following individual student records not related to the operation of the Fund must be retained for five years after the individual student has ceased to be at least a half-time student;

(i) Approved or disapproved student applications for assistance;

(ii) Documentation of the financial need of applicants;

(iii) Reasons for approval or disapproval of applications, and

(iv) Such other records as the Secretary may prescribe.

Such individual student records may be destroyed at the end of such five-year period except that in all cases where questions have arisen as a result of Federal audit, such records shall be retained until resolution of all such questions.

(b) *Inspection and audit.*—Any application for a Federal Capital Contribution or a Federal Capital Loan shall constitute the consent of the applicant school to inspection and fiscal audit, by the Secretary and the Comptroller General of the United States or any of their duly authorized representatives, of the fiscal and other records of the applicant school which relate to such Contribution or Loan.

§ 57.319 Additional conditions.

The Secretary may with respect to any agreement entered into with any school pursuant to § 57.305 of this subpart, impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the purposes of the agreement, the interest of the public health or the conservation of funds awarded.

§ 57.320 Noncompliance.

Whenever the Secretary finds that a participating school has failed in a material respect to comply with the applicable provisions of the Act or the regulations of this subpart he may, on reasonable notice to the school, withhold further payments of Federal Capital Contributions or Federal Capital Loans, and take such other action, including the termination of any agreement, as he finds appropriate to carry out the purposes of the applicable provisions of the Act and regulations. In such case no further expenditures shall be made from the Nursing Student Loan Fund or Funds involved until the Secretary determines that there is no longer any such failure of compliance.

[FR Doc.73-18456 Filed 8-29-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-GL-36]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Pellston, Michigan.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before October 1, 1973 will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Since designation of controlled airspace at Pellston, Michigan, a new instrument approach procedure has been developed for the Emmet County Airport, Pellston, Michigan. Accordingly it is necessary to alter the Pellston, Michigan, control zone and transition area to adequately protect the procedure and to contain the transition to the procedure within controlled airspace.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (38 FR 351), the following control zone is amended to read:

PELLSTON, MICH.

Within a 5-mile radius of Emmet County Airport (latitude 45°34'09" N., longitude 84°47'45" W.); within 2½ miles each side of the 132° bearing from Emmet County Airport, extending from the 5-mile radius zone to 5½ miles southeast of the airport; within 5 miles each side of the Pellston VORTAC 238° radial extending from the airport to 21 miles southwest of the VORTAC; and within 1½ miles each side of the 315° bearing from Emmet County Airport, extending from the 5-mile radius zone to 6 miles northwest of the airport.

In § 71.181 (38 FR 435), the following transition area is amended to read:

PELLSTON, MICH.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Emmet County Airport (latitude 45°34'09" N., longitude 84°47'45" W.) and within a 6-mile radius of the Cheboygan Municipal Airport (latitude 45°39'15" N., longitude 84°31'06" W.); within 5 miles each side of the Pellston VORTAC 238° radial, extending from the 11-mile radius area to 22 miles southwest of the VORTAC; within 3½ miles each side of the Pellston ILS localizer northwest course extending from the 11-mile radius area to 14 miles northwest of the airport; and that airspace extending upward from 1200 feet above the surface within a 27-mile radius of the Pellston Airport north of parallel 45°45' excluding the portion overlying the Sault Ste. Marie, Michigan transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on August 6, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.73-18374 Filed 8-29-73;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 72-SO-120]

RESTRICTED AREA

Proposed Establishment; Withdrawal

On January 31, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 2988) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would establish a restricted area, R-5315, in the vicinity of Cape Hatteras, N.C.

Because the request to accommodate Department of the Navy air combat training has been canceled, the FAA has determined that rulemaking action on the proposed amendment is not appropriate at the present time and that the notice should be withdrawn.

In consideration of the foregoing, the proposal contained in Airspace Docket No. 72-SO-120 (38 FR 2988) is hereby withdrawn.

This withdrawal of the notice of proposed rulemaking is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 21, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-18375 Filed 8-29-73;8:45 am]

Office of the Secretary

[49 CFR Part 85]

[Docket No. 32; Notice No. 73-8]

CARGO SECURITY ADVISORY STANDARDS; INTERNAL ACCOUNTABILITY PROCEDURES

Notice of Proposed Advisory Standard Setting

This is the third in a series of Cargo Security Advisory Standards to be proposed by the Department of Transportation's Office of Transportation Security.

Theft-related losses account for almost 49 percent of the dollar amount of claims paid by a major segment of the motor carrier industry and almost 56 percent of the dollar amount of claims paid by the air carrier industry. Complete data are not available for the railroad and maritime industry; such data as are

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available, however, indicate similar percentages. With respect to the motor carrier industry, only 10 percent to 15 percent of claims dollars are paid for "known" theft. (This includes hijacking, robbery, theft, and pilferage.) The remaining theft-related claims dollars go for "shortage", which is defined as "failure to deliver all or part of a shipment to the consignee for unknown reasons." Most theft-related claims dollars, therefore, are paid for losses for which it is not known when, where, or how they occurred.

A basic means of preventing cargo loss is cargo accountability. Each time cargo is handled it should be counted, the count recorded, and the handler identified. Effective cargo accountability begins when a shipment is picked up at the shipper's dock or is accepted by the carrier at its terminal. The cargo count must be accurate and the cargo itself must be continuously traceable to facilitate identification of weaknesses in the chain of custody if a loss occurs. To be effective, accountability procedures must be established, implemented, audited, and followed up.

Accurate checking of cargo against pertinent documents when the cargo moves into or out of a depot introduces into the cargo handling process necessary elements of effective security. Accountability for cargo may change several times between pickup from the shipper and delivery to the consignee. Positive check and control points serve to illuminate where problems are occurring and who is responsible and accountable for the cargo when problems occur. Accurate record keeping and proper issuance of waybills, manifests, and other pertinent documents assist in tracing missing shipments. In order to establish a verifiable chain of custody all such documents should contain legible signatures of all persons having custody of the cargo and accurate and complete details of that custody. To increase opportunity for cross checking, all personnel processing cargo should be thoroughly familiar with not only the cargo itself but also the documents which should accompany the cargo.

It is recognized that there are differences in methods, nomenclature, documents, and procedures among the various modes of transportation. Fundamentally, however, the movement of freight between shipper and consignee involves the same basic elements. The carrier can be a water, rail, air, or motor carrier or any combination thereof. The transportation unit can be a vessel, railcar, aircraft, or truck or any combination thereof. Regardless, freight signed for on pickup is ultimately accounted for with either a clear delivery receipt or a paid claim. Good cargo accountability and control reduce theft and pilferage, shortages, and careless handling and provide quicker discovery of and response to robbery and hijacking.

Carriers striving for reduced operating expenses, greater efficiency, and increased profits should place particular emphasis on this aspect of operations because internal accountability procedures offer the greatest potential for an immediate return with a minimum of cost. Establishing or renewing a system of counting freight, recording the count, and identifying the handler all contribute to increased profits.

The advisory standard which follows suggests procedures and policies intended to assist all parts of the transportation industry in reducing the incidence of loss and theft of cargo entrusted to their care. This advisory standard is not mandatory and nothing in it replaces or modifies any statutory requirement or regulatory authority vested in any Federal, State, or local governmental body.

In consideration of the foregoing, the Department proposes to establish Part 85–3 of the Appendix to Part 85 of Title 49 of the Code of Federal Regulations, to read as follows:

APPENDIX—CARGO SECURITY ADVISORY STANDARDS

PART 85–3—INTERNAL ACCOUNTABILITY PROCEDURES

SUBPART A—GENERAL

Sec.
85–3.1 Purpose.
85–3.3 General.
85–3.5 Definitions.

SUBPART B—SHIPPER'S CARGO ACCOUNTABILITY AND PROCEDURES

85–3.11 Purpose.
85–3.13 General.

SUBPART C—CARRIER CARGO ACCOUNTABILITY AND PROCEDURES

85–3.21 Equipment controls
85–3.23 Outbound freight procedures: pickup (ordinary method).
85–3.25 Outbound freight procedures: stripping and loading.
85–3.27 Return freight.
85–3.29 Inbound freight procedures: stripping and loading.
85–3.31 Inbound freight procedures: delivery.

SUBPART D—EXCEPTIONS

85–3.41 LTL freight.
85–3.43 Dockman responsibilities.
85–3.45 Driver responsibility.
85–3.47 Supervisor responsibility.

SUBPART E—INTERCHANGE

85–3.51 General.
85–3.53 Air cargo.
85–3.55 Marine cargo.
85–3.57 Interchange: truck and rail or vessel and rail.

SUBPART F—CONTAINERS, PALLETIZING, AND UNITIZING

85–3.61 Intermodal containers.
85–3.63 Air cargo containers.

SUBPART G—CONSIGNEE CARGO ACCOUNTABILITY AND PROCEDURES

85–3.71 General.

SUBPART H—"IN BOND" CARGO

85–3.81 General.

AUTHORITY: Sec. 9(e)(1) Department of Transportation Act, 80 Stat. 944; 49 U.S.C. 1657(e)(1), and 85.3 of the Regulations of the Office of the Secretary of Transportation (49 CFR 85.3).

APPENDIX—CARGO SECURITY ADVISORY STANDARDS

PART 85–3—INTERNAL ACCOUNTABILITY PROCEDURES

Subpart A—General

Sec. 85–3.1 *Purpose.*—(a) The purpose of this part is to set forth minimum procedures and guidelines that should be observed in order to account for each step in the cargo movement process and to fix responsibility when exceptions occur.

(b) The provisions herein are general and each may not apply to every transportation mode.

Sec. 85–3.3 *General.*—(a) All areas in which documents necessary for the proper movement or accountability of cargo are processed or handled should be treated as maximum security areas. Specifically, personnel should be restricted from—

(1) Congregating in or using for breaks,
(2) Entering unless authorized, and
(3) Having unlimited and unaccounted access to or egress from—

these areas, and bills of lading and other documents should not be left unattended in these areas.

(b) Personnel preparing or processing the flow of documents and those having access to documents in any way should be included in the chain of accountability of those documents. Generally, such documents should be retained for at least one year; bills of lading should be retained for three years.

Sec. 85–3.5 *Definitions.*—As used in this part—

"Airbill" means the shipping document used for both the air and motor portions of a freight movement.

"Bill of lading" means the document by which a carrier acknowledges receipt of freight and contracts for its carriage.

"Carrier" means a common or contract carrier, but does not mean a private carrier.

"Dock receipt" means the receipt given for a shipment received or delivered at a pier or dock covering cargo for export.

"Freight bill" means the bill rendered by a carrier to a consignee of freight, including the name of the shipper, point of origin, weight, and amount of charges (if not prepaid).

"Manifest" means the document describing a vessel's cargo or the contents of a truck.

"Shipper Load and Count" means that the contents of the transportation unit were loaded and counted by the shipper and not verified by the carrier.

"Shipping container" means any receptacle used for shipping a product.

"Transportation unit" means a trailer, container, truck, vessel, or railcar.

"Waybill" means the document prepared by a carrier at the point of origin of a shipment and forwarded with the shipment, or directly by mail, to the agent at the transfer point or waybill destination, and showing—

(1) Point of origin;
(2) Destination;
(3) Route;
(4) Consignor;
(5) Consignee;
(6) Description of shipment; and
(7) Amount charged for carriage.

Subpart B—Shipper Cargo Accountability and Procedures

Sec. 85–3.11 *Purpose.*—The purpose of this subpart is to set forth minimum procedures and guidelines to assist shippers in preparing cargo for shipment.

Sec. 85–3.13 *General.*—Shippers should—

(a) Number all shipping containers in a shipment and record such numbers on the shipping documents. In addition, each container in a shipment of more than one container should be marked thusly: one of four, two of four, etc.

(b) Place clear and complete delivery and handling instructions on ends, sides, and top of each shipping container.

(c) In marking shipping containers, use indelible inks and paints and water-resistant labels to preclude obliteration or loss of marks, shipping instructions, and handling symbols.

(d) Forward all shipping documents promptly to minimize delay at domestic and international transfer points.

(e) Count the number of pieces in each shipment and retain a record of the count and condition of the pieces, and of the legible signature and employee number of the employee making the count.

(f) When practical, enclose a packing list in each container in a shipment to permit timely and complete investigation of any pilferage or damage.

(g) Consolidate small or non-uniform containers into single-load units. Unitize, palletize, and use intermodal containers whenever possible. Pilfer-proof sealing tape, corrugated fasteners, shrink wrapping, strapping, and banding reduce theft and pilferage.

(h) Require carrier personnel to verify their identity and restrict them to authorized areas. For each shipment, record the names of the driver and carrier, vehicle number, name of consignee, and number of pieces and total weight of the shipment.

(i) Before relasing a shipment to a carrier obtain in ink or indelible pencil the signature of the driver verifying receipt of the freight listed on the manifest.

(j) File in tamper- and theft-proof repository all copies of bills of lading, dock receipts, airbills, waybills, manifests and other documents. Generally, documents should be kept for one year; bills of lading should be kept for three years.

Subpart C—Carrier Cargo Accountability and Procedure

Sec. 85–3.21 *Equipment controls.*—At facilities at which cargo is handled, there should be established and maintained controls on the use on docks and platforms of all handling and moving equipment such as handcarts, forklifts, etc.

Sec. 85–3.23 *Outbound freight procedures: pickup (ordinary method).*—(a)(1) When a dispatcher receives a pickup call he should prepare a pickup order or slip for the pickup driver.

(2) The pickup order should include the date and time of call, the names of the shipper and the consignee, the number of pieces and total weight of the shipment, and the name of the driver.

(b) When the pickup driver arrives at the shipper's facility, he should note the condition of the shipment, count the pieces therein, and compare the count with that shown on the bill of lading. He should then record the date, the number of pieces, and his truck number on the pickup order and the bill of lading and sign his name legibly in ink or indelible pencil.

(c) Upon return to the carrier's terminal, the pickup driver should report to the cashier and surrender all documents and receipts. At this time all documents and receipts should be checked for completeness and accuracy.

(d)(1) The cashier should forward the bills of lading and pickup orders to the manifest clerk who prepares the dock manifest showing the names of the driver, the shipper, and the consignee, the unit number, date, and number of pieces and total weight of the shipment. A copy of the bill of lading should be forwarded to the billing office where the invoice is prepared, the bill of lading is retained, and the line haul manifest is prepared.

(2) Control copies of all bills of lading and other documents used at the terminal should be retained.

(3) Documents for high-value cargo should be specially designated, as by a stamp such as "Supervisor sign". Such cargo itself should be handled in accordance with Part 85–2 of this Appendix, "High-Value Commodity Storage".

Sec. 85–3.25 *Outbound freight procedures: stripping and loading.*—(a) At the carrier's terminal, a separate area should be designated for each of the following types of cargo: outbound, inbound, hold-on-dock, order notify, and OS&D (over, short and damaged).

(b) Upon receiving a dock manifest, a supervisor should code the manifest as to door and unit number and assign a dockman to the particular manifest. Bay doors and equipment should be clearly and properly marked.

(c) The dockman should work from the dock manifest. He should strip the unit and, if freight is docked, note its location on the bill of lading and forward the bill to the office. Bills of lading should not be left with docked freight. If high-value commodities are docked, they should be placed in a security crib pending delivery or transfer.

(d) If freight is loaded the dockman should note on the manifest, in ink or indelible pencil, the number of the outbound trailer, dock number, number of pieces and total weight of the shipment, date, origin number, and his legible signature, and return the manifest to the supervisor.

(e) Exception should be brought to the attention of OS&D and the supervisor immediately. Drivers should be questioned about exceptions as soon as practical. Any trends should be noted, recorded, and acted upon.

(f) The supervisor should compare the manifest with the typed bills of lading, record the line haul unit number on the bills, and sort the bills by destination terminal and line haul unit. Matching bills with freight maintains the audit trail and obviates having bills for which there is no freight and freight for which there are no bills.

(g) The line haul unit should then be closed by a switcher or supervisor. Whoever is authorized to apply seals should then seal the unit and record on the seal log, in ink or indelible pencil, the seal serial number and his legible signature.

(h) The outbound manifest and typed bills by unit should be put together and seal serial numbers recorded in the office by a supervisor.

(i) The outbound manifest and bills of lading should be given to the line haul driver and the unit and seal serial numbers should be checked at the gate upon departure. Both verbally and in writing, the driver should be given instructions regarding handling of any high-value, sensitive, or hazardous cargo.

Sec. 85–3.27 *Return freight.*—(a) Procedures should be established requiring that all returned high-value cargo and other selected commodities be stripped and the appropriate bills of lading returned to the office. Common sense should dictate the handling of bulk cargo.

(b) Return freight and its paperwork should be reinserted into the cargo handling process as soon as possible. The driver's legible signature, the location of the return freight on the dock, and the reason for its return should become permanent records of the carrier. A substantial part of claims paid is attributable to improper handling of return freight.

Sec. 85–3.29 *Inbound freight procedures: stripping and loading.*—(a) When the line haul unit arrives at the destination terminal, the unit number and seal serial number should be checked at the gate and recorded. The driver should take the inbound manifest and bills of lading to the office where the bills should be routed to the delivery unit by door number. One control copy of the manifest and of each bill should be kept in the office.

(b) Only authorized personnel should remove a seal from an inbound trailer. If a hostler has to break and remove a seal on a swing-door trailer before spotting it at the dock, the breaking of the seal should be witnessed from the dock by an authorized person who should check the serial number on the seal against the seal serial number entered on pertinent documents.

(c) The Inbound Supervisor should record on the line haul dispatch sheet the date, arrival time, and unit number. He should also check the number of bills against the manifest and record the date and unit number on each bill.

(d) When the dockman receives the bills he should begin to strip and load. If freight is docked, he should record on the appropriate bill, in ink or indelible pencil, the location of the freight on the dock, his legible signature, and dock number. If high-value commodities are docked, they should be placed in a security crib in accordance with the provisions of Part 85–2 of this Appendix, "High-Value Commodity Storage". If the freight is loaded, the dockman should record on each bill, in ink or indelible pencil, the unit number and his legible signature before returning the bills to the supervisor.

Sec. 85–3.31 *Inbound freight procedures: delivery.*—(a) The supervisor should match the bills of lading signed and returned by the dockman with the control copies and verify the signature of the dockman. He should then prepare the city manifest and put it into the unit "pigeon hole", pouch, or file.

(b) The assigned driver should receive the city manifest and bills from dispatch. He should note and place in the driver pouch the delivery receipt, consignee memo, driver work card, tally sheet, and detention slip.

(c) Upon leaving the terminal, the driver should be checked at the gate for seal or lock, as appropriate. Unit number, time, and date should be recorded.

(d) Upon return to terminal, the city driver should turn in to the cashier the receipts, bills, and city manifests.

Subpart D—Exceptions

Sec. 85–3.41 *LTL freight.*—LTL (Less Than Truck Load) freight should be counted and checked for visible damage at each step of the cargo handling process. This should begin at pickup where the carrier's liability attaches with the driver's signature. This should continue as the freight moves through the carrier's operation and should terminate only when the consignee accepts delivery with a clear receipt.

Sec. 85–3.43 *Dockman responsibilities.*—The dockman who strips the pickup unit, the one who loads the line haul unit, the one who unloads the line haul unit, and the one who loads the delivery unit each should sign for the count and apparent physical condition of each shipment that he handles.

Sec. 85–3.45 *Driver responsibility.*—Drivers should call in any exceptions immediately and a call-in log should be maintained.

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Sec. 85-3.47 *Supervisor responsibility.*—Exceptions should be immediately reported to a supervisor who should attempt to resolve them immediately. Exceptions which should be reported to supervisors include not only those of count and damage but also those of instances of bills of lading for which there is no freight and freight for which there are no bills.

Subpart E—Interchange

Sec. 85-3.51 *General.*—A substantial part of cargo is interchanged between carriers, often in the same mode. Cargo moving by water or air often must be handled at terminals and/or over piers, where cargo moves from railroad or truck to forwarded or stevedoring company and then to aircraft or vessel. At the terminus of the movement, the process is reversed. These transfer points are the most vulnerable places for loss of cargo. The same type of accountability procedures apply equally well to export, import, and domestic cargo.

Sec. 85-3.53 *Air cargo.*—(a) Air carriers should count the number of shipping containers and their condition when receiving or delivering cargo. Cargo going from terminal to ramp via cart should be counted as it enters the belly of the aircraft. At destination, it should again be counted as it comes out of the aircraft prior to arrival at the terminal.

(b) The carrier should manifest all shipments for delivery on a trucking manifest. The manifest should show—

(1) Names of driver and the motor carrier and truck number.

(2) Name of air carrier employee checking cargo into truck.

(3) Date and station preparing manifest.

(4) Names of shipper and consignee, airbill number, number of pieces and total weight of shipment.

(5) Any exceptions and name of agent preparing manifest.

(6) Legible signature of the truck driver, in ink or indelible pencil, verifying receipt of cargo as shown on manifest.

Sec. 85-3.53 *Marine cargo.*—(a) Water carriers should keep a tally of cargo transferred from vessel to terminal and provide a freight release to the terminal operator.

(b) Terminal operators should assign marine checkers to count pieces, verify count, and legibly sign appropriate documents in ink or indelible pencil. The original delivery receipt should be retained as a permanent record.

(c) Cargo should not remain in terminals overly long. Delay in sorting, depalletizing, vanning, or devanning contributes to theft and pilferage.

(d) Cargo handlers should be supervised and cargo checked when loaded from terminals. Marine checkers should be present to count and verify and obtain legible signatures, during loading and tie-down on truck or railcars.

Sec. 85-3.57 *Interchange: truck and rail or vessel and rail.*—Interchange between truck and rail or vessel and rail generally involves movement into a terminal and then to a railcar. Accountability is generally assumed by the terminal operator or stevedoring company that does the loading, counting, and sealing. The rail carrier checks the seal and as long as the seal remains intact, assumes no liability for shortage discovered at destination. In a situation of Shipper Load and Count, if seals remain intact, the shipper assumes liability for shortage.

Subpart F—Containers, Palletizing, and Unitizing

Sec 85-3.61 *Intermodal containers.*—(a) Intermodal containers, adaptable to carriage by truck, railcar, barge, and ocean-going vessel, reduce vulnerability to pilferage and theft and eliminate multiple handling of individual items of cargo. A shipper can use such containers to convey goods directly from his premises to his customers.

(b) Reduced handling requirements simplify accountability for shipper, carrier, and consignee. Shippers assume responsibility for accuracy of the count; so long as containers remain sealed ad intact, carriers are not liable for shortages.

(c) Verification and recording of seal serial numbers in accordance with company procedures (see Part 85-2, "Seal Accountability and Procedures") assures accountability in the chain of custody.

Sec. 85-3.63 *Air cargo containers.*—Air cargo containers designed specifically for the configuration of aircraft offer the same advantages as intermodal containers. They provide for more efficient use of the capacity of the aircraft, reduce the number of pieces that must be counted and handled, and minimize exposure to weather, theft, pilferage, and damage, thereby simplifying accountability.

Subpart G—Consignee Cargo Accountability and Procedures

Sec. 85-3.71 *General.*—Delay in taking delivery of cargo increases the possibility of theft and pilferage and makes recovery of lost shipments and pieces more difficult. Since pilferage from shipping containers can sometimes escape detection at time of delivery, consignees should—

(a) Inspect shipping containers for signs of break-in, opening, crushing, and resealing. Shipping containers should be inventoried in the presence of a carrier employee.

(b) Weigh shipping containers and compare the weights with those recorded on pertinent documents.

(c) Note on the carrier's receipt the number of pieces in each shipping container as well as their condition.

(d) Obtain, in ink or indelible pencil, the legible signature of the driver on consignee's copy of the receipt.

(e) Report concealed loss or damage regardless of the apparent condition of the cargo at time of delivery.

(f) Obtain a copy of the carrier's inspection report and file it with copies of the other documents concerning the cargo.

(g) Retain as a permanent record the legible signature, in ink or indelible pencil, piece count, and condition vertification of the employee accepting the cargo.

(h) Retain all essential documents for at least one year; bills of lading should be retained for three years.

Subpart H—"In Bond" Cargo

Sec. 85-3.81 *General.*—Special care should be taken with "in bond" cargo handled under Customs supervision. United States Customs inspectors count, to the greatest extent possible, merchandise landed and quantities delivered. They also verify selected bills of lading at time of unloading. Ordinarily they do not use tally sheets, OS&D (over, short, and damaged) reports, or other records of the importing carrier to determine quantity.

Before taking final action to issue the proposed advisory standard, the Department will consider the timely comments of all interested persons. Comments should identify the docket or notice number (see above) and be submitted to the Docket Clerk, Office of the General Counsel, TGC, Department of Transportation, Washington, D.C. 20590. Comments received on or before October 19, 1973, will be considered before final action is taken. All docketed comments will be available for public inspection and copying, both before and after the closing date for comments, in the Office of the Assistant General Counsel for Regulation, Room 10100, Nassif Building, 400 Seventh Street SW., Washington, D.C., between 9 a.m. and 5:30 p.m. local time, Monday through Friday, except Federal holidays.

This proposal is issued under authority of section 9(e)(1) of the Department of Transportation Act, 80 Stat. 944 (49 U.S.C. 1657(e)(1)), and § 85.3 of the Regulations of the Office of the Secretary of Transportation (49 CFR 85.3).

Issued in Washington, D.C., on August 28, 1973.

RICHARD F. LALLY,
Director of Transportation Security.

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SMALL BUSINESS ADMINISTRATION

[13 CFR Part 102]

[Rev. 2]

DISCLOSURE OF INFORMATION

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to section 5 of the Small Business Act, 72 Stat. 385, 15 U.S.C. 634, the Small Business Administration proposes to revise Part 102 of Chapter I, Title 13, of the Code of Federal Regulations, revised as of January 1, 1973. Part 102 is the SBA Regulation, which, among other things, implements the Freedom of Information Act, 5 U.S.C. 552.

Prior to final adoption of the proposed revision, consideration will be given to any written comments or suggestions submitted in triplicate to H. Gregory Austin, General Counsel, Small Business Administration, Washington, D.C. 20416, on or before October 1, 1973. Any written material or suggestions submitted will be available for public inspection during regular business hours in the law library of the Office of General Counsel located in Room 714, 1441 L Street NW., Washington, D.C.

Information.—The proposed revision reflects changes in the designation of agency offices, in the official authorized to make final agency decisions on requests for the release of agency records and information, and in the source for summaries of decisions of SBA's Size Appeals Board. A new paragraph in § 102.3 sets forth the agency determination that its mailing lists are not considered public information and are not usually to be made available for commercial or other solicitations.

The revision also includes a new paragraph in § 102.4 to cover the specificity required in identifying requested records as well as the manner in which categorical requests will be handled. Section 102.5 has been changed to allow appeals to the Assistant Administrator for Congressional and Public Affairs of requests for records and information which have not been acted upon within a reasonable time (20 days in normal circumstances) and to provide that appeals will be deemed to include, in the case of information exempt from disclosure, a request that the exemption be waived. Added to the paragraph of this section which governs the agency decision on appeals is a requirement that the notification to the requester include advice on the availability of judicial review.

A new paragraph has also been added to § 102.6 to authorize the waiver of fees when in the public interest to do so and to describe some of the circumstances when it will be so considered.

As proposed to be revised herein, Part 102 would read as follows:

PART 102—DISCLOSURE OF INFORMATION

Sec.
102.1 Purpose and policy.
102.2 Scope.
102.3 Information and records available to the public and exempt from disclosure.
102.4 Public access to information and records.
102.5 Administrative appeal of refusal to disclose.
102.6 Fees.
102.7 Appearances and testimony by SBA officers and employees.

AUTHORITY: Sec. 5, 72 Stat. 385, (15 U.S.C. 634).

§ 102.1 Purpose and policy.

(a) This part establishes policy and procedures governing public access to information contained in the files, documents, and records of the Small Business Administration (SBA). In keeping with the spirit as well as the letter of the Freedom of Information Act, 5 U.S.C. 552, it reflects SBA policy that disclosure is the general rule rather than the exception. This policy in favor of disclosure will be extended to information technically exempt from disclosure under the law where such disclosure would not adversely affect some legitimate public or private interest the protection of which is desirable, would not otherwise violate law or other authority, and would not impose an unreasonable burden upon SBA.

(b) This part is also a recognition that the soundness of many SBA programs depends in large measure upon the reliability of commercial, technical, financial and business information relating to the affairs of applicants for SBA assistance. Much of this information would, if made public, jeopardize the credit and competitive business position of an applicant. It is essential therefore, that applicants be assured that information of this kind is considered confidential. Thus they will be encouraged to make complete disclosure of material bearing upon an application and SBA decisions on whether financial or other assistance should be approved will be made with greater assurance that the interests of the United States will be protected.

§ 102.2 Scope.

(a) This part applies to all files, documents, records, and information obtained or produced by officers and employees of SBA in the course of their official duties as well as all files, documents, records, and other information in the custody or control of any SBA officer or employee. It does not purport to describe or set forth every Agency file, document, record, or item of information which may or may not be disclosed or to incorporate every exemption from disclosure provided by law. Material described is illustrative rather than exclusive.

(b) Moreover, this part deals with the availability of information to the public, including parties involved in litigation affecting the Agency. It does not apply to the disclosure of information to persons, organizations, or institutions participating in SBA programs or activities, or to the executive and legislative branches of the Federal Government.

§ 102.3 Information and records available to the public and exempt from disclosure.

(a) *General.*—(1) All SBA information and records not exempt by law are available for public inspection and copying in, or through, facilities described in § 102.4. Exempt materials may also be made available where disclosure would not adversely affect some legitimate public or private interest, would not otherwise violate law or other authority, and would not impose an unreasonable burden on SBA. Reasonable requests for material not in existence may also be honored where their compilation will not unduly interfere with SBA activities and programs. Requests for information will be answered as promptly as practicable.

(2) SBA Standard Operating Procedure (SOP) 40 03 "Disclosure of Information," which is available in the facilities described in § 102.4, sets forth in detail the information, records, and other data which are, or may be, available to the public as well as those exempt from disclosure. Specific examples of information routinely available in SBA facilities are listed in § 102.4. Examples of information and other materials, available and exempt, in which there should be general interest are discussed in succeeding paragraphs of this section.

(b) *Information and records relating to SBA assistance programs.*—(1) Although SBA assistance programs typically involve the consideration of material constituting in large part trade secrets, commercial or financial information, information submitted in confidence, or information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, the following kinds of information are nevertheless available to the public:

(i) Names of recipients of loans, small business investment company licenses, certificates of competency, grants, lease guarantees, surety bond guarantees, and other assistance.

(ii) Names of officers, directors, stockholders, or partners of recipient firms.

(iii) The kind and amount of assistance.

(iv) The purpose of the approved assistance in general terms.

(v) The extent of outside participation, if any.

(vi) Statistical data on assistance programs.

(vii) Decisions, rulings, and records showing Agency actions in specific factual situations where identifying details exempt from disclosure may be effectively deleted.

(2) Information exempt from disclosure to the public includes:

(i) Information other than statistical on declined, withdrawn, or canceled applications for assistance.

(ii) Financial or other confidential information about applicants or borrowers obtained from any source.

(iii) Individual case files relating to such activities as loans, licenses, lease guarantees, surety bond guarantees, size determinations, facilities inventory, prime and subcontracting, and Service Corps of Retired Executives (SCORE), and other volunteer organizations.

(iv) Internal Agency communications showing, for example, recommendations on applications for assistance.

(v) Information concerning losses, delinquencies and defaults in individual cases.

(vi) Names of participating lending institutions without their consent.

(vii) Information regarding the character of applicants, borrowers, or other persons.

(viii) Financial reports (including the names of portfolio concerns) of small business investment companies and divestiture plans of such companies.

(ix) Examination, audit, investigation, and litigation reports.

(c) *Opinion Digest.*—(1) *Description.*—This Digest which is available for inspection and copying in the facilities described in § 102.4, is largely a compilation of selected advisory legal opinions involving specific facts and specific parties. As such they do not necessarily reflect final Agency opinions, interpretations, or decisions in any given cases. Moreover, the opinions are based on authority in effect at the time the opinions were rendered and such authority may no longer be controlling because of a change in law, regulation, or other directive pertaining to the matter. They do, however, provide guides to the reasoning utilized in analyzing given problems and questions which may have widespread implications and are made available to the public primarily on this basis rather than as authoritative statements of continuing precedent.

(2) *Identifying details omitted.*—Identifying details have been omitted in most cases to avoid the possibility of violations of 18 U.S.C. 1905 which imposes criminal penalties for the disclosure of trade secrets, financial data, and other confidential information. Also avoided is

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the disclosure of other information exempt from disclosure. Absence of identifying details has no bearing or effect on the general public and does not affect the validity of the opinion disclosed.

(d) *Size decisions.*—Agency determinations of the size status of business concerns resulting from appeals to the Size Appeals Board, as provided in Part 121 of this chapter, have been summarized and indexed in the Digest of the Decisions of the Size Appeals Board, available for inspection and copying in the facilities described in § 102.4. Complete decisions will be available on request except that in cases which contain trade secrets, commercial or financial information, or other confidential information, they will be available if identifying details can be deleted without compromising the confidental information.

(e) *Minutes of the Loan Policy Board.*—These are available for inspection and copying in the National Office. The Loan Policy Board was terminated by Reorganization Plan No. 4 of 1965, effective July 27, 1965, and its functions transferred to the SBA Administrator. Despite the Board's abolition, policies adopted by the Board remain in effect until affirmative action by the Administrator changes them. The minutes provide guides to the reasons for many such policies. Part 120 of this chapter contains a statement of SBA's loan policies.

(f) *Personnel and similar files.*—The names, position titles, grades, salaries, and duty stations of SBA employees are public information but their home addresses are not so considered. The disclosure of private or personal information contained in other Agency files, for example, in the files relating to members of SBA advisory boards, committees, or councils and Service Corps of Retired Executives (SCORE) and to applicants for SBA assistance would normally amount to a clearly unwarranted invasion of privacy and thus would be considered exempt.

(g) *Agency staff directives, standard operating procedures, and other instructions to staff.*—All are considered public information except those relating to audits and investigations, internal financial management and fiscal operations, and portions of directives containing confidential standards and instructions, as, for example, instructions concerning negotiations or bargaining in connection with the disposition and liquidation of loans and loan collateral held by SBA.

(h) *Litigation materials.*—Copies of pleadings, motions, orders, transcripts of testimony, and documentary evidence introduced in pending or closed litigation are available once such items are a matter of public record.

(i) *Internal communications.*—Interagency or intra-agency communications not routinely available to a party in litigation with SBA are exempt from disclosure. These would include, among other things, drafts, memoranda between officials or agencies, opinions and interpretations prepared by SBA attorneys and other staff members or consultants for use of the Agency (except as made available in the Opinion Digest referred to in paragraph (c) of this section), research studies performed internally or under contract for internal management purposes, and internal management reports, which relate to the policymaking and decisional processes of the Agency and its officials. However, the exemption does not apply to nonexempt material contained in such communications if severable in such a way as not to compromise the policymaking and decisional processes intended to be protected by this exemption.

(j) *Mailing lists.*—The Agency considers exempt from public disclosure as an unwarranted invasion of privacy mailing lists of its clientele, employees, advisory councils, and other persons and organizations involved or dealing with the Agency. The Agency will not distribute, sell, or otherwise make available the names and addresses of such persons and organizations for purposes of commercial or other solicitation not clearly in the public interest.

§ 102.4 Public access to information and records.

(a) *Facilities.*—Facilities in SBA regional and district offices are available to the public during normal business hours for requesting, inspecting and copying information and records. Reproduction machines will also be available in, or through, such facilities. The Washington, D.C. District Office facilities are available to members of the public in the District of Columbia Metropolitan Area and that office will make necessary referrals to the National Office in appropriate cases. A list of these offices is included in Part 101 of this chapter or may be obtained by writing to the Small Business Administration, Washington, D.C. 20416. Addresses and telephone numbers of SBA offices are also included in the telephone directories for the many cities in which the offices are located.

(b) *Materials routinely available in field office facilities.*—(1) For the convenience of the public certain Agency materials will be maintained and readily available in or through these facilities. These will include:

(i) All SBA directives, policy and procedural issuances, and other staff instructions not exempt from disclosure.

(ii) SBA Rules and Regulations (including Interpretations).

(iii) Opinion Digest.

(iv) Digest of the Decisions of the Size Appeals Board which summarizes decisions resulting from appeals of small business size decisions to SBA's Size Appeals Board.

(v) Public Index of Agency materials and lists of directives, policy and procedural issuances, forms, and reports.

(vi) Names of recipients of SBA assistance, and related information not exempt from disclosure.

(2) Examples of other kinds of materials which, in addition to the above, may also be available, through the field office facilities or in the National Office:

(i) Minutes of the Loan Policy Board (National Office only).

(ii) Management and technical assistance publications issued on a free or for-sale basis, as listed on SBA Forms 115 A and B.

(iii) SBA's Annual Reports to the President and the Congress.

(iv) SBIC Digest and policy procedural releases sent to all small business investment companies.

(v) Press releases.

(vi) Routine statistical reports on Agency activities.

(vii) Pamphlets describing SBA programs.

(viii) Sample SBA forms.

(ix) Comments on proposed rulemaking received from the public (National Office only).

(c) *Other materials.*—Requests for information, records, and other materials not readily available in the field office facilities may be requested through such facilities. Requests will be referred to the proper SBA office and the person making the request will be notified of the availability of the material and any charges involved. If the material requested is the exclusive concern of another agency the request will be referred to that agency. If the material is of concern to more than one agency, the request will be referred to the agency whose interest is paramount for a decision to disclose or withhold the material.

(d) *Identifiable records.*—(1) *Specificity required.*—Requests shall include a reasonably specific description of the particular record sought in order to facilitate its location. A request shall not be denied on the sole ground that the record has not been properly identified if the description and the knowledge Agency personnel have of the contents of their files, together enable the record to be located without unduly burdening the Agency.

(2) *Categorical requests.*—Requests calling for all records falling within a reasonably specific category shall be regarded as "identifiable records" if the Agency can reasonably determine which particular records come within the request, and can retrieve them without undue burden on its operations because of the staff time consumed or the resulting disruption of files. If the Agency determines that there is such an undue burden, the requester shall nevertheless have the opportunity to discuss his request with Agency staff in order to reduce it to manageable proportions.

(e) *Forms for requesting information.*—(1) SBA Form 774, "Request for SBA Forms, Documents, Records and Other Information" is used for processing requests. Any person desiring information or records may be asked to complete Part 1 of the form identifying the material requested and the copies, if any, desired. If requests are received by mail or telephone, Part I will be completed by SBA.

(2) SBA Form 773 is a form letter or notice which will advise the requester of the availability of the material, any charges involved, or the referral of the request to another office or agency.

(3) SBA Form 772 will be used to record transactions involving charges and a copy thereof will serve as a receipt to the purchaser.

§ 102.5 Administrative appeal of refusal to disclose.

(a) *Who may appeal.*—Any person whose request for information or records has been denied, or has not been acted upon within a reasonable time, shall be entitled to submit a written appeal to the Agency. A request shall not have been acted upon within a reasonable time if a decision is not made within 20 working days of receipt of any such request, unless the Agency shall have notified the requester in writing that special circumstances warrant a more extended deadline.

(b) *Form of appeal.*—While no particular form is prescribed, the letter or other written statement utilized for such purpose shall contain a description of the information or record requested, the name and place of employment of the SBA official or employee who denied the request, the reason, if any, given for the denial, and such other pertinent facts and statements as the appellant may deem appropriate. SBA may request additional details where the information submitted is insufficient to support a decison.

(c) *Where to appeal.*—Appeals shall be addressed to the Assistant Administrator for Congressional and Public Affairs, Small Business Administration, Washington, D.C. 20416.

(d) *Nature of appeal.*—An appeal shall be deemed by SBA to constitute a request that the information or records sought are not exempt from disclosure under the law but, if exempt, that they should nevertheless be disclosed in accordance with the policy stated in § 102.1(a).

(e) *Agency decision.*—Final Agency decision on appeals from refusals to disclose information or records shall be made by the Assistant Administrator for Congressional and Public Affairs. He shall promptly review each appeal and provide appellant and other interested parties, if any, with a written notification of the decision. If the decision upholds the refusal to disclose, the notification shall set forth the exemptions from disclosure under the Freedom of Information Act which form the basis of the decision. The notification shall also advise that judicial review is available on complaint to the district court of the United States in the district in which the appellant resides or has his principal place of business, or in which the Agency records are located.

§ 102.6 Fees.

(a) *Basis.*—Factors taken into account in establishing fees for reproducing copies of documents, records search, and compilation of materials include reproduction cost, average salary of employees involved, and overhead cost.

(b) *Method of payment.*—Fees may be paid in cash, by personal check, or by other form of remittance suitable to SBA. Payment shall normally be due at the time the service is rendered. However, where extensive record searches or compilations are involved the person requesting the service shall pay whatever is estimated by SBA to be appropriate before any search or compilation is undertaken. Fees paid in advance shall be held in suspense pending completion of the search or compilation and adjusted when final charges have been determined.

(c) *Prices.*—(1) For documents readily available in SBA facilities the charge for reproduction will be ten (10) cents per page.

(2) For requests requiring a search of SBA records but no compilation, there will be a minimum charge of $2 plus the regular charge of 10 cents per page for reproduction. In addition, the total charge will include a charge based upon employees' time required for the search.

(3) For information which has to be compiled the charge will include the cost of employees' time, cost of computer runs or other equipment use, and other overhead expense. Since there is no obligation on the part of the Agency to compile records or data, requests for compilations must be reasonable and not unduly interfere with normal SBA operations or program activities.

(4) Persons may inspect and copy documents by their own means in the SBA facilities without charge except for search or compilation charges which may be otherwise payable.

(d) *Waiver of fees.*—Fees will be waived when less than $1.00 or when it is in the public interest to do so. Such a waiver will be in the public interest, for example, when in the determination of the Agency the request will not impose an undue burden or expense upon it *and* the request is (1) from another Government organization, Federal, State or local; (2) for the purpose of obtaining information primarily for the benefit of the general public rather than for the primary benefit of the requester, as will be the case with certain requests from news media and from organizations engaged in a nonprofit activity designed for public safety, health, welfare, or education; (3) from employees and former employees seeking information from their own personnel records; (4) from or on behalf of the defending party in connection with a proceeding against such party by the Federal Government; (5) from a low-income person and the fee would impose a financial hardship.

§ 102.7 Appearances and testimony by SBA officers and employees.

Whenever an officer or employee of SBA is served with a subpoena demanding the disclosure of the information or the production of files, documents, and records described in this part, or is requested by any court, committee or other body to disclose such information, the officer or employee shall promptly inform his superior of the requirements of the subpoena or request and shall ask for instructions from the Assistant Administrator for Congressional and Public Affairs with respect thereto. Such officer or employee shall appear before the court, committee or body and, if the Assistant Administrator has not authorized disclosure, the employee shall respectfully decline to disclose the information or produce the files, documents and records demanded or requested, basing such refusal upon this part.

Dated August 23, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-18413 Filed 8-29-73;8:45 am]

V 38-168 AUG 30 73 XUM

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

U.S. Customs Service

[T.D. 73-238]

FOREIGN CURRENCIES

Certification of Exchange Rates

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 73-190 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Norway krone:	
August 14, 1973	$0.1787
August 15, 1973	.1777
August 16, 1973	.1765
August 17, 1973	.1780
Belgium franc:	
August 16, 1973	$0.026375
France franc:	
August 16, 1973	$0.2301
August 17, 1973	.2307
Switzerland franc:	
August 16, 1973	$0.3280

[SEAL] R. N. MARRA,
Director, Appraisement and Collections Division.

[FR Doc.73-18455 Filed 8-29-73; 8:45 am]

Internal Revenue Service

[Order No. 141]

ASSISTANT COMMISSIONER (STABILIZATION) ET AL.

Delegation of Authority in Stabilization Matters

1. The authority granted the Commissioner of Internal Revenue by Cost of Living Council Orders Number 15, 15A, 15B, 15C, 15D, 15E, 15F, and 19 is hereby delegated to the Assistant Commissioner (Stabilization), Regional Commissioners, Assistant Regional Commissioners (Stabilization), and District Directors, and also to the Key District Directors shown below to exercise in and for the related Associate Districts. The Key District Directors will exercise functional supervision over Stabilization activities in the related Associate Districts.

Key districts	*Associate districts*
Boston	Augusta
	Burlington
	Portsmouth
Brooklyn	None
Buffalo	Albany
Hartford	Providence
Manhattan	None
Baltimore	Do.
Richmond	Do.
Newark	Do.
Philadelphia	Wilmington
Pittsburgh	None
Atlanta	Birmingham
Jacksonville	None
Greensboro	Columbia
Nashville	Jackson
Cincinnati	Louisville
Indianapolis	None
Cleveland	Parkersburg
Detroit	None
Chicago	Do.
St. Louis	Springfield
Des Moines	Omaha
St. Paul	Aberdeen
	Fargo
Milwaukee	None
Austin	New Orleans
Dallas	Albuquerque
Oklahoma City	Cheyenne
	Denver
	Little Rock
	Wichita
Los Angeles	Honolulu
	Phoenix
San Francisco	Reno
	Salt Lake City
Seattle	Anchorage
	Boise
	Helena
	Portland

2. This authority may be redelegated by the Assistant Commissioner (Stabilization), Regional Commissioners, Assistant Regional Commissioners (Stabilization), and District Directors and may not be further redelegated.

3. To the extent that any action heretofore taken by the officials specified by this order or their delegates consistent with the delegation set forth in this order may require ratification, such action is hereby affirmed and ratified.

4. The following Delegation Orders are superseded: No. 128, issued February 28, 1973; No. 129, issued March 5, 1973; No. 131, issued April 9, 1973; No. 132, issued April 13, 1973; No. 135, issued May 4, 1973; and No. 138, issued July 2, 1973.

Issued August 21, 1973.

Effective August 21, 1973.

[SEAL] R. F. HARLESS,
Acting Commissioner.

[FR Doc.73-18436 Filed 8-29-73; 8:45 am]

Office of the Secretary

[Treasury Department Order No. 107; (Revision 17)]

DIRECTOR, OFFICE OF ADMINISTRATIVE PROGRAMS ET AL.

Authority To Affix Seal of the Treasury Department

By virtue of the authority vested in the Secretary of the Treasury, including the authority conferred by 5 U.S.C. 301, and by virtue of the authority delegated to me by Treasury Department Order No. 190 (Revised), *it is hereby ordered*, That:

1. Except as provided in paragraph 2, the following officers are authorized to affix the Seal of the Treasury Department in the authentication of originals and copies of books, records, papers, writings, and documents of the Department, for all purposes, including the purposes authorized by 28 U.S.C. 1733(b):

(a) In the Office of Administrative Programs:

1. Director, Office of Administrative Programs.
2. Chief, Communications and Records Management Division.
3. Chief, Printing and Personal Property Division.
4. Records Management Officer, Office of the Secretary.
5. Chief, Directives Control and Distribution.

(b) In the Internal Revenue Service:

1. Commissioner of Internal Revenue.
2. Assistant Commissioner (Compliance).
3. Deputy Assistant Commissioner (Compliance).
4. Chief, Disclosure Staff.
5. Assistant Chief, Disclosure Staff.

(c) In the United States Customs Service:

1. Commissioner of Customs.
2. Deputy Commissioner of Customs.
3. Assistant Commissioner of Customs (Administration).
4. Assistant Commissioner of Customs (Investigations).
5. Assistant Commissioner of Customs (Operations).
6. Assistant Commissioner of Customs (Regulations and Rulings).
7. Assistant Commissioner of Customs (Security and Audit).

(d) In the Bureau of the Public Debt:

1. Commissioner of the Public Debt.
2. Assistant Commissioner of the Public Debt.
3. Director of the Chicago Office.

(e) In the Bureau of Alcohol, Tobacco and Firearms:

1. Director.
2. Deputy Director.
3. Regional Directors.
4. Assistant Director for Technical and Scientific Services.
5. Chief, Technical Services Division.

2. Copies of documents which are to be published in the FEDERAL REGISTER may be certified only by the officers named in paragraph 1(a) of this Order.

3. The Director of Administraitve Programs, the Commissioner of Internal Revenue, the Commissioner of the Public Debt, and the Director, Bureau of Alcohol, Tobacco and Firearms are authorized to procure and maintain custody of the dies of the Treasury Seal.

The officers authorized in paragraph 1(c) may make use of such dies.

Treasury Department Order No. 107 (Revision No. 16) is superseded.

Dated August 23, 1973.

[SEAL] J. ELTON GREENLEE,
Acting Assistant Secretary for Administration.

[FR Doc.73-18435 Filed 8-29-73; 8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

REGIONAL CRIMINAL JUSTICE PLANNING BOARDS

Cancellation of Proposed Guideline

Background. On June 13, 1973, the Law Enforcement Assistance Administration published notice of a proposed guideline on composition of Regional Criminal Justice Planning Boards. See notice of proposed guideline, 38 FR 15535 (1973).

This guideline would have required that a majority of Regional Criminal Justice Planning Boards established pursuant to the Omnibus Crime Control and Safe Streets Act (Public Law 90-351, as amended by Public Law 91-644, 42 U.S.C. 3701 et seq.) be appointed by local elected executive officials.

Cancellation. On August 6, 1973, the President signed into law Public Law 93-83, the Crime Control Act of 1973 (87 Stat. 197).

Section 203(a) provides as follows:

SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, units of general local government, and public agencies maintaining programs to reduce and control crime and may include representatives of citizen, professional, and community organizations. The regional planning units within the State shall be comprised of a majority of local elected officials.

The statutory requirement that a majority of regional planning units be *comprised* of local elected officials supercedes the proposed guideline. LEAA is developing overall guidelines to implement the statutory amendments. These guidelines will be cleared through normal channels with representatives of State and local government.

DONALD E. SANTARELLI,
Administrator.

[FR Doc.73-18411 Filed 8-29-73; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ASSOCIATE STATE DIRECTOR ET AL., CALIF.

Delegation of Authority Regarding Contracts and Leases

AUGUST 21, 1973.

Pursuant to the redelegation of authority contained in BLM Manual 1510.03C:

A. The Associate State Director, Chief, Division of Management Services and Chief, Branch of Administrative Management, State Office, are authorized to enter into contracts for supplies and services and capitalized property within the limits of procurement authority delegated to the State Director.

B. The District Managers and Chief, Division of Administration, District Offices; and the California Desert Planning Director, Riverside, with the exception of capitalized equipment and major noncapitalized property, are authorized:

1. To procure supplies and services available from established sources of supply regardless of amount.

2. To enter into contracts pursuant to section 302(c)(3) of the FPAS Act, for supplies, services and rental of equipment and aircraft not to exceed $2,500 per transaction; and for construction not to exceed $2,000 per transaction; provided that the requirement is not available from established sources of supply.

C. The District Managers and Chief, Division of Administration, District Offices; and Protection Specialists, Division of Technical Services, State Office, are authorized to enter into contracts pursuant to section 302(c)(2) of the FPAS Act, regardless of amount. This authority is to be used for rental of equipment and aircraft and for procurement of supplies and services required for emergency fire suppression and presuppression, where the order exceeds $2,500.

D. The District Managers may redelegate the authority for use of Standard Form 44 Order-Invoice-Voucher to any qualified employees under their jurisdiction. The redelegation must be in writing by name designation and subject to monetary and other limitations as may be prescribed by the District Manager. The designated employee, State Office, and Service Centers shall be furnished with a copy of all such redelegations.

E. Delegation of authority regarding contracts and leases published in the FEDERAL REGISTER on January 17, 1973, Vol. 38, No. 11, is hereby revoked.

J. R. PENNY,
State Director.

[FR Doc.73-18410 Filed 8-29-73; 8:45 am]

[Serial Colorado 18844]

COLORADO

Designation of Powderhorn Primitive Area

AUGUST 20, 1973.

Pursuant to the authority in 43 CFR. Subpart 2070, and the authorization from the Director dated August 20, 1973, I hereby designate the public lands in the following described area as the Powderhorn Primitive Area:

COLORADO

NEW MEXICO PRINCIPAL MERIDIAN

Beginning at the northeast corner of Sec. 20, T. 46 N., R. 2 W.

Thence southerly up the east bank of the East Fork of Powderhorn Creek approximately 6½ miles to its intersection with the north boundary of Sec. 21, T. 45 N., R. 2 W.; thence easterly approximately 2¾ miles to the southwest corner of Sec. 13, T. 45 N., R. 2 W.; thence south ½ mile, west ¾ mile, south ¼ mile, east ½ mile, south ¼ mile, east ¾ mile, south ¼ mile, east ¼ mile, south ¾ mile, and west ¾ mile to the northwest corner of Sec. 36, T. 45 N., R. 2 W.; thence south one mile, and east approximately one mile to Cebolla Creek; thence southerly approximately ¼ mile along the west bank of Cebolla Creek; thence west ¼ mile to the southwest corner of the NE¼NE¼ of Sec. 1, T. 44 N., R. 2 W.; thence south approximately 1¼ miles; thence northwesterly approximately one-eighth mile to a point where Cebolla Creek crosses the Cathedral Road; thence northwesterly and then southwesterly ½ mile along the north bank of Cebolla Creek; thence approximately ¼ mile west to the west quarter corner of Sec. 12, T. 44 N., R. 2 W.; thence west ¼ mile, south ¼ mile, west ½ mile, south ½ mile, west ¼ mile, south ¼ mile, west ¼ mile, south ¼ mile, west ¼ mile, and south ¼ mile to the boundary of the Gunnison National Forest; thence 1½ miles west along said boundary, north three miles along said boundary, west eight miles along said boundary to the southwest corner of Sec. 31, T. 45 N., R. 3 W.; thence north 2½ miles to the west quarter corner of Sec. 19, east ¾ mile, north ¼ mile, west ¼ mile, north ½ mile, west ¼ mile, north ¾ mile, east ½ mile, south ¼ mile, east ¼ mile, south ¼ mile, east ¼ mile, north ¼ mile, east ¼ mile, north 1¼ miles to the north quarter corner of Sec. 8, T. 45 N., R. 3 W.; thence east approximately 2½ miles to the northeast corner of Sec. 10, T. 45 N., R. 3 W.; thence south approximately one-eighth mile to the northwest corner of Sec. 11; thence east approximately 2¼ miles to the West Fork of Powderhorn Creek; thence northerly along the west bank of the West Fork of Powderhorn Creek to the north section line of Sec. 20, T. 46 N., R. 2 W.; thence east approximately ¾ mile to the point of beginning.

The area described aggregates approximately 40,400 acres.

The area described is Bureau of Outdoor Recreation Class V-Primitive.

DALE R. ANDRUS,
State Director.

[FR Doc.73-18409 Filed 8-29-73; 8:45 am]

V 38 168 AUG 30 73 XUM

COOS BAY DISTRICT ADVISORY BOARD

Notice of Meeting and Agenda

Notice is hereby given that the Bureau of Land Management Coos Bay District Advisory Board will meet at 8:30 a.m. on September 21, 1973 at the district office located at 333 South 4th Street, Coos Bay, Oregon.

The agenda for the meeting is a field trip to observe timber lands management operations and environmental considerations. No formal discussion is scheduled.

The meeting will be open to the public, but they will be required to furnish their own transportation and lunches.

EDWARD G. STAUBER,
District Manager.

AUGUST 20, 1973.

[FR Doc.73-18394 Filed 8-29-73;8:45 am]

Office of the Secretary

[INT FES 73-50]

PROPOSED ALLAMUCHY MOUNTAIN STATE PARK LAND ACQUISITION

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement for the proposed Allamuchy Mountain State Park Land Acquisition. Notice of availability of the draft environmental statement inviting comments was announced in the FEDERAL REGISTER on November 6, 1972 (DES 72-112).

The environmental statement considers the acquisition of approximately 3,605 acres of land by the New Jersey Department of Environmental Protection to be added to present State holdings at Allamuchy Mountain State Park in Sussex and Warren Counties. The land will help serve the outdoor recreation needs of New Jersey and the metropolitan New York City area.

Copies are available for inspection at the following locations:

Bureau of Outdoor Recreation, Northeast Region, Federal Office Building, Room 9510, 600 Arch Street, Philadelphia, Pennsylvania 19106.
Department of the Interior, Division of State Programs, Bureau of Outdoor Recreation, Washington, D.C. 20240.
Department of Community Affairs, Division of State and Regional Planning, P.O. Box 2768, Trenton, New Jersey 08625.
Office of the County Planning Director, Sussex County Planning Board, P.O. Box 69, Newton, New Jersey 07860.
Warren County Planning Board, 2340 William Street, Alpha, New Jersey 08866.

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the Statement number above.

Dated August 22, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-18407 Filed 8-29-73;8:45 am]

[INT DES 73-63]

PROPOSED OPERATION, MAINTENANCE AND DEVELOPMENT OF THE TURNBULL NATIONAL WILDLIFE REFUGE, WASH.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for the proposed operation, maintenance and development of the Turnbull National Wildlife Refuge, Washington, and invites written comments within 45 days of this notice.

The proposal recommends continued operation, maintenance and development of the Turnbull National Wildlife Refuge, Spokane County, Washington, including acquisition of 2,795.5 acres of additional lands.

Bureau of Sport Fisheries and Wildlife, 1500 Plaza Building, 1500 N.E. Irving Street, P.O. Box 3737, Portland, Oregon 97208.
Spokane County Regional Planning Conference, Court House, Spokane, Washington 99201.
Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, Room 2246, 18th and C Streets, NW., Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

Dated August 22, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary, Program Development and Budget.

[FR Doc.73-18408 Filed 8-29-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

ALPINE LAKES MANAGEMENT PROPOSAL

Notice of Public Hearing

Notice is hereby given that a public hearing will be held, beginning at 9:00 a.m. on Friday, October 19, 1973, in the Douglas County P.U.D. Auditorium, East Wenatchee, Washington, and continuing at 9:00 a.m. on Saturday, October 20, 1973, in the Rainier Room, Seattle Center, Seattle, Washington. Purpose of the hearing is to consider a recommended land use plan for the Alpine Lakes Area that could result in a recommendation to the Secretary of Agriculture for the establishment of the Alpine Lakes Wilderness, comprised of approximately 285,000 acres. The Alpine Lakes Area is located in portions of the Snoqualmie and Wenatchee National Forests located in Chelan, King, Kittitas and Snohomish Counties in the State of Washington.

A brochure containing a map and information about the proposed Wilderness and management direction for a larger area may be obtained from the following addresses: Forest Supervisor, Snoqualmie National Forest, 1601 Second Avenue Building, Seattle, Washington 98101; Forest Supervisor, Wenatchee National Forest, 3 South Wenatchee Avenue, P.O. Box 911, Wenatchee, Washington 98801; Regional Forester, 319 Southwest Pine Street, P.O. Box 3623, Portland, Oregon 97208. Copies of the draft Environmental Statement for this proposal are available for inspection at the offices listed above.

Individuals or organizations may express their views by appearing at this hearing or may submit written comments for inclusion in the official record to the Regional Forester, 319 Southwest Pine Street, P.O. Box 3623, Portland, Oregon 97208, by November 20, 1973.

JOHN R. MCGUIRE,
Chief, Forest Service.

AUGUST 22, 1973.

[FR Doc.73-18484 Filed 8-29-73;8:45 am]

DESCHUTES NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Deschutes National Forest Advisory Council will meet at 8:00 p.m., September 13, 1973, at Frieda's.

The purpose of this meeting is review of proposed Forest land use issues for preparation of planning area guides.

The meeting will be open to the public.

CARL C. NICHOLS,
Forest Supervisor.

AUGUST 22, 1973.

[FR Doc.73-18449 Filed 8-29-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ATLANTA WEST HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00547-33-43780. Applicant: (DBA) Atlanta West Hospital, the Georgian Villa, Inc., P.O. Box 43566, Atlanta, Ga. 30336. Article: 45 MeV medical type betatron. Manufacturer: Brown Boveri, Switzerland. Intended use of article: The article is intended to be used for investigation in the following projects:

(1) Isolation and identification of viruses or germs causing malignant tumors and study of reaction of such viruses to betatron treatments.

(2) Scientific identification of sources of viruses causing malignant tumors, especially as related to diet.

(3) Development of medically sound treatments for such malignant tumors, especially in the high voltage field, and

(4) Research in the area of cancer prevention.

The article will also be used by medical schools in studying the principles of electron beam therapy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated August 9, 1973 that the extended range in electron energy above 25 million electron volts (MeV) provided by the foreign article is pertinent to the applicant's use in clinical research directed toward the prevention, treatment, and possible causes of some malignant tumors. HEW further advises that it knows of no domestic medical betatrons which provide beam energies exceeding 25 MeV.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-18381 Filed 8-29-73;8:45 am]

MASSACHUSETTS GENERAL HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00531-33-90000. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: EMI computerized axial tomography instrument. Manufacturer: EMI Ltd., United Kingdom. Intended use of article: The article will be used to diagnose certain types of brain disease on patients, particularly acute patients who are unable to cooperate and who may need life-saving treatment, such as those with brain hemorrhage. Investigative experiments to be conducted will be for a study or assessment of comparative results using the new system of transverse axial tomography.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a newly developed system which is designed to provide precise transverse axial tomography. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 9, 1973, that the speed and accuracy of the foreign article in providing information on the nature and location of diseased or damaged brain tissue is pertinent to the research study involving comparison of this new system with more conventional techniques. HEW further advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-18384 Filed 8-29-73;8:45 am]

UNIVERSITY OF CINCINNATI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00536-33-79500. Applicant: University of Cincinnati, Department of Internal Medicine, General Clinical Research Center, Cincinnati General Hospital, 234 Goodman Street, room C2-3, Cincinnati, Ohio 45229. Article: Random zero sphygmomanometer. Manufacturer: Gelman Hawksley Ltd., United Kingdom. Intended use of article: The article is intended to be used to eliminate bias in the measurement of blood pressure in humans in a study involving the relationship between lipids and blood pressure.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a random zero capability which reduces personal bias in accurate blood pressure measurement. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 9, 1973, that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-18385 Filed 8-29-73;8:45 am]

UNIVERSITY OF ROCHESTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00541-00-46040. Applicant: University of Rochester School of Medicine and Dentistry, 260 Crittenden Boulevard, Rochester, NY. 14642. Article: Side entry goniometer model 1B1102. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope to be used for research on the ultrastructure of normal and pathologic spleen and bone marrow from animals and humans; the three-dimensional structure of normal and pathologic blood cells both in suspension and within the hemopoietic tissues and the ultrastructural fine detail of the cell membranes at high resolution. In addition, the article is to be used for research training for hematology trainees.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument

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with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

A. H. STUART,
Director, Special Import, Programs Division.

[FR Doc.73-18383 Filed 8-29-73;8:45 am]

YALE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00546-91-68495. Applicant: Yale University, purchasing department, 260 Whitney Avenue, New Haven, Conn. 06520. Article: Gas mixing pumps. Manufacturer: Heinr, Wosthoff, West Germany. Intended use of article: The article is intended to be used for research focused on photosynthesis of forest tree seedlings. The rate of uptake of carbon dioxide will be investigated in response to variation in temperature, radiation flux density, moisture stress, and the concentration of atmospheric oxygen. The article will also be used in the two courses in Forestry and Environmental Studies, 121b Research Methods in Forest Genetics and 129a, b, Project in Forest Genetics to acquaint graduate students with the principles and applications of photosynthesis measurement.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a capability for accurate metering of three gas streams to ±0.05% using two pumps. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 9, 1973 that the capability described above is pertinent to the applicant's use in studies of photosynthesis of tree seedling's. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-18382 Filed 8-29-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NATIONAL ADVISORY COMMITTEES

Notice of Public Meetings

Correction

In FR Doc. 73-17929 appearing on page 22814 of the issue of Friday, August 24, 1973, in the table for the Health Services Research Study Section, under the heading "Date, time, place," change the date "September 18-20" to read "September 18-19."

Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the National Advisory Council on Adult Education will be held on September 13-14, 1973, from 9:00 a.m. to 5:00 p.m., and on September 15, 1973, from 9:00 a.m. to 1:00 p.m., at the Statler Hilton Hotel, 16th & K Streets, NW., Washington, D.C.

The National Advisory Council on Adult Education is established under section 310 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public. The proposed agenda includes:

Council reorganization and committee assignments.
Committee reports.

USOE rules and regulations—309 (b) & (c).
Other Council organizational plans for FY-74.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 1144, Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004).

Signed at Washington, D.C. on August 24, 1973.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.73-18386 Filed 8-29-73;8:45 am]

Office of the Secretary

OFFICE OF ADMINISTRATION AND MANAGEMENT

Statement of Organization and Functions; Correction

The statement for the Office of Administration and Management of the Office of Human Development as printed in the FEDERAL REGISTER (38 FR 20930), dated August 3, 1973 omitted reference to Office of Human Development. The reprint corrects this omission and provides corrected paragraph coding. The corrected statement is as follows:

1R90.00 *Mission.* The Office of Administration and Management will provide administrative and management services to OS/HD offices. It will develop and recommend to the Assistant Secretary, policy, systems procedures, plans, organizational changes and management improvement strategies and assist with the implementation of approved strategies throughout HD. Will serve as the focal point for ASHD budget estimates; develop budget policies and procedures; and serves as liaison with the Assistant Secretary, Comptroller on matters related to budget, audit and accounting. Will be responsible for financial activities including the review of expenditure plans submitted by program offices and develops expenditure reports and special analysis as requested by the Assistant Secretary and program directors.

Will develop, coordinate and implement grant policy and procedures consistent with DHEW and OMB requirements. Will be responsible for grants administration including the development of procedures and requirements for processing grant applications prior to approval. Serves as liaison with OS Contract Office on matters related to procurement policies, procedures and requirements. Provides technical assistance and support to program offices in implementing, interpreting OSHD contract review procedures and requirements. Will be responsible for management analysis including management and organizational statistics, manpower utilization, methods and cost analysis, management systems and standards. Will provide leadership in the development of a unified data management system for ASHD program offices. Will serve as a focal point for special studies initiated by the Assistant Secretary, Department, OMB, and Congress. Will provide administrative support services including procurement, space management, travel requests and reimbursements claims and other general administrative duties. Will serve as the primary liaison with the OS Personnel Office.

1R90.10 *Organization.* The Office of Administration and Management consists of the following organizational elements which report to the Director: 1. Budget and Financial Management Division, 2. Grants and Contract Management Division, and 3. Administrative and Management Services Division.

1R90.20 *Functions.* A. *Office of the Director.* The Director of the Administration and Management unit is responsible for coordinating all of the elements of the Office of Administration and Management. The Director reports directly to the Assistant Secretary for Human Development. The Division Directors of the various organizational elements of Administration and Management report directly to him. He is responsible for all grants, budget, finance, and administrative and management services for all of the offices in the Office of Human Development.

B. *Budget and Financial Management Division.* The Budget and Financial Management Division will be responsible for the consolidation, preparation, and presentation of ASHD's budget estimates. Will provide staff assistance and technical support to program offices in formulating budget estimates. Will analyze and make recommendations on budget requirements to the Assistant Secretary and program directors. Will develop, implement, and maintain a system for financial management and expenditure controls within OSHD. Serves as liaison with the OSC on matters related to budget planning and accounting. Will coordinate OSP planning with HD Planning and Analysis Staff. Prepares financial analysis and special reports at the request of the Secretary and program offices. Serves as the primary liaison with the Regional Comptroller on matters relating to HD budget.

C. *Grants and Contract Management Division.* The Grants and Contract Management Division will serve as the focal point for planning, implementing and interpreting HD's, DHEW's, and OMB's grants and contract regulations, policies and procedures. Will provide staff support and assistance to HD program offices in grant and contract review activities. Will provide assistance with grant processing for all headquarters grant awards and serve as primary liaison with OS Contract Office, DHEW Audit Agency and the Office of Grants Administration Policy on matters related to grants and contract activities.

D. *Administrative and Management Services Division.* The Administrative and Management Services Division will be responsible for planning and directing the administrative and management support activities of HD headquarters offices. Will provide technical and staff assistance in management analysis, manpower utilization, and information systems development. Will serve as the focal point for DHEW and OMB initiated studies. Will be responsible for personnel liaison services, space management and planning, travel services, supplies and equipment, purchase and procurement activities and other general administrative duties. Will serve as primary liaison with OS Personnel operations and OS Office of Administrative Services.

Dated: August 24, 1973.

BRYAN B. MITCHELL,
Acting Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.73-18457 Filed 8-29-73;8:45 am]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 FR 5832-33 dated April 16, 1968) is hereby amended as follows:

8-B *Office of the Regional Representative, Disability Insurance* (BDI) is superseded by the following:

8-B *Office of the Regional Representative, Disability Insurance* (BDI)—Provides direction and leadership for the disability insurance and assistance programs throughout the Region. Provides guidance and assistance to both SSA organizations and State agencies involved in regional disability operations, and reviews and evaluates the extent to which the quality review of disability determinations is accomplishing established regional and national goals. Reviews State agency budgetary and other administrative matters. Coordinates with the Regional Commissioner, SSA Regional Representatives, and with DHEW regional officials concerned with the disability program. Establishes and maintains relationships with professional organizations. Participates in public information activities for the disability program.

(Section 6, Reorganization Plan No. 1 of 1953)

Dated: August 22, 1973.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.73-18458 Filed 8-29-73;8:45 am]

ADVISORY COUNCIL ON INTERGOVERNMENTAL PERSONNEL POLICY

NOTICE OF PUBLIC MEETING

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that a meeting of the Advisory Council on Intergovernmental Personnel Policy will be held from 1 p.m., Tuesday, September 11 through 12 noon Thursday, September 13, 1973.

The meeting will be held in the Studio Room, Airlie House, Warrenton, Virginia.

The Advisory Council's responsibility is to study and make recommendations regarding personnel policies and programs for the purpose of—

(1) Improving the quality of public administration at State and local levels of government, particularly in connection with programs that are financed in whole or in part from Federal funds;

(2) Strengthening the capacity of State and local governments to deal with complex problems confronting them;

(3) Aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) Aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) Facilitating temporary assignments of personnel between the Federal Government and State and local governments and institutions of higher education.

At this meeting the Council will discuss issues and proposals with respect to (1) Equal Employment Opportunity, and (2) Employee Management Relations in State and local government. The meeting will be open to public attendance.

No time will be devoted during the meeting to participation or presentations by members of the public. However, individuals and groups are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Council's attention. Such material should be addressed to: Chairman, Advisory Council on Intergovernmental Personnel Policy, Room 2315, 1900 E Street NW., Washington, D.C. 20415, Attention: Executive Secretary.

Persons wishing additional information concerning this meeting should contact the Executive Secretary at the above address or by telephone (202) 632-6248.

E. C. WAKHAM,
Executive Secretary, Advisory Council on Intergovernmental Personnel Policy.

[FR Doc.73-18471 Filed 8-29-73;8:45 am]

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ATOMIC ENERGY COMMISSION

[Docket No. 50-323]

PACIFIC GAS AND ELECTRIC CO.

Order Relative to Prehearing Conference and Evidentiary Hearings

In the Matter of Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Unit 2).

By order dated July 27, 1973, the Board scheduled a prehearing conference on September 6, 1973, and the commencement of the evidentiary hearing on September 17, 1973.

The prehearing conference will begin at 10:00 a.m. (local time) at:

The Royal Inn (Jolly King Restaurant Complex), 214 Madonna Road, San Luis Obispo, Calif. 93401.

The evidentiary hearing will commence at 10:00 a.m. (local time) at the:

Golden Tee Resort Lodge (Sky Room), 19 Country Club Road, Morro Bay, Calif. 93442.

The public is invited to attend both the prehearing conference and the evidentiary hearing. Limited appearance statements will be accepted only at the evidentiary hearing. Oral statements will be limited to five (5) minutes, but written statements without limitation on length may be submitted for inclusion in the record.

It is so ordered.

Issued at Washington, D.C., this 23rd day of August 1973.

THE ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc 73-18378 Filed 8-29-73;8:45 am]

[Dockets Nos. 50-443 and 50-444]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE ET AL.

Seabrook Station, Units 1 and 2

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matter

Public Service Company of New Hampshire, The United Illuminating Company, Central Maine Power Company, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Montaup Electric Company, New Bedford Gas and Edison Light Company, New England Power Company, Vermont Electric Power Company, Inc., Ashburnham Municipal Light Plant, Burlington Electric Light Department, Eastern Maine Electric Cooperative, Inc., Holyoke Gas and Electric Department, Hudson Light and Power Department, Hull Municipal Light Plant, Marblehead Municipal Light Department, Middleborough Gas and Electric Cooperative, Inc., North Attleborough Electric Department, South Norwalk Electric Works, and Templeton Municipal Light Plant (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed an application dated June 29, 1973, which was docketed on July 9, 1973, for authorization to construct and operate two electric generating units utilizing pressurized water reactors. The application was initially tendered on March 25, 1973. Following a preliminary review for completeness, it was rejected on May 7, 1973 for lack of sufficient information. The applicants submitted additional information on June 15, 1973 and the application was found acceptable for docketing.

The proposed nuclear facilities, designated by the applicants as the Seabrook Station, Units 1 and 2, are to be located at the applicants' site in Rockingham County, in the township of Seabrook, New Hampshire. Each unit is to be designed for initial operation at approximately 3411 megawatts thermal, with a net electrical output of approximately 1194 megawatts.

A Notice of Hearing with opportunity for public participation is being prolished separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 8, 1973. The submittal should reference Docket Nos. 50-443-A and 50-444-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Exeter Public Library, Front Street, Exeter, New Hampshire 03833.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated June 29, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Seabrook Station is also being made available at the Office of Comprehensive Planning, Office of the Governor, State House, Concord, New Hampshire 03301, and at the Southeastern New Hampshire Regional Planning Commission, 10 Front Street, Exeter, New Hampshire 03833.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 26th day of July 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Pressurized Water Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.73-16347 Filed 8-22-73;8:45 am]

[Order 73-8-119]

CIVIL AERONAUTICS BOARD

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Fares Over North/Central Pacific and Within Pacific

Agreements adopted by the International Air Transport Association relating to fares over the North/Central Pacific and within the Pacific; Docket 24488, Agreement C.A.B. 23600 R-1 through R-14, Agreement C.A.B. 23608 R-9 through R-11, Agreement C.A.B. 23619 R-1, R-2, R-3, R-5, R-7 through R-10, R-14, R-15, R-19, R-24, R-25, R-28 and R-29, Agreement C.A.B. 23642 R-1 and R-3.

By Order 73-7-54 dated July 12, 1973, the Board disapproved certain portions of various IATA agreements relating to fares over the North/Central Pacific. Specifically, the Board disapproved as being adverse to the public interest those portions of the agreements which proposed fare increases of approximately four percent, and an additional increase of five percent for U.S.-originating travel which was intended to offset the impact of devaluation of the dollar.

Petitions for reconsideration have been filed by Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA), and Japan Air Lines Company, Ltd. (JAL). Northwest Airlines, Inc. (Northwest), has filed an answer supporting the petitions insofar as they relate to the five percent currency surcharge on U.S.-originating travel. The petitioners allege various errors in the Board's order of disapproval.

Pan American alleges that it did not overstate its Pacific service revenue need by understating its forecast traffic; that its return on investment on North/Central Pacific services under the proposed fare structure would be 11.5 percent; that its capacity levels are reasonable, efficient, and economic; and that the Board was incorrect in finding that JAL does not suffer a revenue loss because of devaluation of the dollar. Pan American asserts that the Board misinterpreted the data submitted by it in support of the agreements in that a comparison was made between forecasts which were not comparable. Pan American contends that the 1972 forecast of 4,018 million revenue passenger miles upon which the Board relied included revenue passenger miles related to industry discount and military blocked-space traffic, while the present forecast does not include those

categories of traffic. Placing its two forecasts on a comparable basis, Pan American contends, would indicate a projected 16.5-percent increase in traffic over the level earlier forecast for 1972.

Pan American further alleges that the Board erred in stating that its forecast rate of return for the total transpacific operations (10.9 percent) was significantly understated insofar as North/Central Pacific services are concerned. Pan American contends that the Board's conclusions are incorrect as they imply that, if American Airlines is losing money on the South Pacific, Pan American would likewise be losing money. Pan American indicates that it did not provide separate forecasts in justification of the North/Central and South Pacific agreements solely because the Board has in the past treated the entire transpacific area as one ratemaking unit. Pan American now separates the two areas and projects rates of return under the proposed fares of 10.9 and 4.6 percent for North/Central and South Pacific operations, respectively. At the present fare levels, Pan American would realize a return of 10.1 percent on the North/Central Pacific.

With respect to distribution of traffic and the magnitude of noncommercial and very low-yield traffic, Pan American states that military furlough traffic has declined 32 percent in the first six months of 1973 over 1972; that the "all other" category now constitutes only 13 percent of total traffic, down from 25 percent; and that even further declines are anticipated. Other commercial traffic has increased 29 percent and it is this growth, together with the decline in low-yield traffic, which assures the reasonableness of the capacity level being offered. Capacity cannot be reduced, the carrier contends, if it is to continue to provide service in accordance with its certificate obligations. Pan American states that it is unfair for the Board to criticize the carriers for carrying large amounts of low-yield traffic, while at the same time decrying an alleged failure to provide a promotional pattern of fares. Finally, Pan American cites alleged losses to JAL which allegedly warrant the five-percent adjustment sought to compensate for devaluation of the dollar.

TWA contends that the Board's conclusion that it provides excessive capacity to transport certain "non-commercial" traffic, and that it should correct its problems through introduction of promotional fares is in error; and that the Board erred in relying on load-factor and return-on-investment standards applicable to domestic services and failed to adequately consider TWA's loss position. TWA states that more recently available information indicates that it, in fact, overstated its anticipated financial improvement. It now projects an improvement from the proposed fare increases of slightly over $2 million, rather than the $2.8 million initially estimated.

TWA indicates that its markets in the Pacific are by their very nature oriented toward military rather than commercial traffic, and that it is unrealistic to conclude that it is wrong to provide capacity to serve this traffic. TWA points out that over one half of its 1972 military traffic consisted of Categories A and Z traffic at rates established by the Board. The balance of military travel was at fares introduced for national interest reasons. TWA contends that traffic using military fares will decline substantially in the future because of the reduction in the scale of military operations in the Far East. Further, although TWA will cease its "perimeter fare" program as of October 29, 1973, it alleges that such traffic has not burdened other traffic or occasioned the operation of excessive capacity. TWA contends that it is operating minimal frequencies and has not provided capacity to accommodate either military or "perimeter fare" traffic, and that present capacity will continue to be offered despite anticipated reductions in these categories of traffic. Finally, TWA contends that the introduction of additional promotional fares geared to stimulation of tourist travel in the Pacific would worsen rather than improve its financial results, because TWA serves military-oriented rather than recreational areas.

JAL's petition is directed to the Board's denial of the proposed 5-percent increase associated with devaluation of the dollar. JAL contends that the expense data obtained from the Department of Commerce and used by the Board is overstated and misleading since it concludes substantial costs not incurred by JAL in connection with its North/Central Pacific operations. JAL asserts that, while the revenues earned by JAL were $77 million, its expenses incurred in North/Central Pacific services were $52.3 million, thus resulting in a margin of revenues over expenses of $24.7 million. Because of the devaluation of the dollar, the net loss in yen will be 913,000,000, requiring an offset of an additional $3,450,000. If the five-percent fare increase were permitted JAL would realize a gain of $3,850,000. Accordingly, JAL requests the Board to reconsider its decision and approve the IATA resolution proposing a five-percent increase in North/Central Pacific fares.

Northwest, in its answer supporting the petitions, asks the Board to reconsider its decision and approve the five-percent surcharge for U.S. originations on the basis that this adjustment is justified by the revenue/expense relationships for foreign carriers operating in the United States. Here Northwest adverts to the data supplied by JAL in its petition, and further states that the Board was unfair in disapproving the increase based on JAL's situation alone, since the five-percent agreement takes into account the effects of currency realignments on a number of carriers.[1]

[1] Northwest also makes certain statements concerning the Board's adjustment of the carrier's capacity and revenue forecasts in our disapproval of the general fare increase. Northwest makes no request for a review of the Board's decision on the general fare structure, and inasmuch as the capacity arguments do not relate to the currency surcharge these allegations will not be considered herein.

The Board is well aware that IATA agreements represent a compromise of various carriers' individual requirements and views, and that the fares agreed upon do not reflect the economics of any one carrier. The U.S. carriers must justify these agreements to the Board and receive the Board's approval prior to implementation, in a sense acting on behalf of non-U.S. carriers as well. As a result, a substantial burden is placed on the U.S. carriers who, because of the rules governing the IATA machinery, not infrequently find themselves voting affirmatively to secure an agreement with which they themselves are not completely satisfied. This in turn may necessitate the preparation of evaluation and justification, including forecasts, which differ from those which top level airline management would prepare in support of a package offering optimum results for the particular carrier.

Recognizing this situation, the Board, in carrying out its statutory obligations, must analyze the agreements and their supporting justification closely and objectively to satisfy itself that they conform to the public interest. The Board must rely not only on the carriers' justifications as presented, but on prior events and developments in the areas concerned, and on recurrent data reported to the Board in Form 41 reports as well as other special reports.

An amalgamation and objective analysis of the information gleaned from these various sources is often made difficult for various reasons. In the instant case, although the North/Central and South Pacific fare agreements were negotiated separately, the carriers chose to justify them on a composite basis. Moreover, justifications and forecasts often are not consistent in their components, and efforts to compare forecasts from year to year and to reconcile differences with the carriers' Form 41 reports represent a formidable task.

Pan American alleges here that the Board erred in adjusting its passenger forecast upward to reflect the revenue passenger miles the carrier previously forecast in support of the 1972 IATA fare package. The carrier alleges that while its earlier forecast included industry discount and military blocked-space traffic, the present forecast does not; and goes on to state that, in fact, the present forecast projects a significant increase in commercial traffic. The rate of return as adjusted by the Board is, therefore, alleged to be overstated.

We are unable to conclude from the data submitted by Pan American that the Board erred in adjusting the carrier's forecast. The data initially submitted in justification of the subject agreements do not lend themselves to support Pan American's conclusion. Our evaluation of the carrier's forecast for 1972 and that submitted in support of the instant agreements does not suggest the exclusion of any given category of traffic and there is no support in the data presented that in fact the forecasts are not comparable.

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In its justification dated March 30, 1973, Pan American forecasts for the year ending April 30, 1974, a total of 3.56 billion revenue passenger miles in its Pacific sector operations. This figure is stated to exclude Category A and Z and industry discount traffic. In its forecast operating results, Pan American states its total revenue passenger miles to be 3.85 billion. The table including this latter figure does not reflect any exclusions and would, therefore, appear to reflect the total revenue passenger miles to be realized in the forecast period.

In comparison, Pan American's Form 41 reports show that it transported 4.22 billion revenue passenger miles in calendar 1972. Recognizing that these results were inflated because of a Northwest strike, and since Pan American had previously submitted a forecast in support of the 1972 IATA fare agreements, it appeared more logical to adopt that forecast data, thereby eliminating the distortion of actual 1972 operations. In that earlier forecast, Pan American projected a total of 4.02 billion revenue passenger miles. It would appear that the two forecasts, one forecasting the level of traffic to be realized in 1972, and the instant forecast projecting traffic for 1974 are, in fact, comparable and the documents themselves do not suggest otherwise.

Now Pan American alleges that the two forecasts are dissimilar in that the earlier forecast includes industry discount traffic while the latter forecast does not. Pan American's petition suggests that certain adjustments can be made to make proper comparisons between the two forecasts, which conform with the Form 41 reports to the Board.

TOTAL PAN AMERICAN PACIFIC OPERATIONS—ACTUAL 1972

	Actual 1972	Adjusted by PAA to eliminate Northwest Strike	PAA adjusted forecast for year ending April 1974
Seat miles (million)-----	7,747	7,747	7,929
Revenue passenger miles (million)-----	4,217	4,101	4,046
Seat load factor (%)----------	54.4	52.9	51.0

As can be seen, a projected increase in capacity coupled with a reduction in revenue passenger miles produces a reduction in passenger load factor of 1.9 points.

Elimination of much of the military traffic and a substantial curtailment in industry discount traffic, coupled with the alleged growth of commercial traffic should, even at present fares, increase the carriers' profitability. This is to be expected all the more considering the sizeable increases recently approved on the South Pacific, including a currency increase which fully compensates U.S. carriers for increased costs associated with devaluation. Moreover, to the extent U.S. carriers earn revenue in excess of their expenses at foreign stations, additional profits will be realized. Pan American projects a decline of 4.5 percent in traffic, attributable to implementation of the proposed fare package (a fare increase of 4 percent with no currency adjustment). However, this reduction appears to be significantly understated when compared with the traffic anticipated at the lower March fare levels, which likewise excludes the impact of increases associated with currency adjustments.

In our opinion, the capacity offered together with the mix of traffic are critical factors in the evaluation of any fare package. As we have noted, Pan American is projecting a small increase in capacity, despite a declining trend in load factor. While concededly the revenue mix is projected to change significantly, the carrier itself recognizes that increases in fares have an adverse impact on the volume of traffic. In light of the fact that existing fares are among the highest in the world, and involve trips of relatively great distance, it would appear that profitability should be sought not through constant increases in fares, but rather through more meaningful routing controls and a pattern of fares geared to stimulation of tourism. By this we mean promotional fares at compensatory levels, not fares which would yield 0.70 cents and 2.39 cents, as Pan American would seem to suggest.

We believe that, when entering a negotiation, the IATA carriers must look not only to their financial results in the preceding period but to the underlying causes of those results as well. In other words, we do not believe that the appropriate answer to an unsatisfactory financial position always lies in a general revenue increase. To increase fares to compensate for low-yield traffic, albeit in lesser numbers, while at the same time foregoing adjustment in capacity to improve load factors obtained from commercial travel, imposes an unnecessary and unwarranted burden on the commercial passenger.

Both Pan American and TWA contend they cannot reduce frequencies or total seat capacity. We disagree. In Order 73–7–54, Northwest's forecast was affected significantly by the extensive projected use of wide-bodied equipment. We believe that a similar adjustment is appropriate in this case for Pan American, which states that 75 percent of its revenue aircraft miles on the North/Central Pacific are conducted with B–747 equipment. TWA contends that it cannot reduce its present twice-daily B–707 frequencies, and suggests that it is primarily a military carrier whose routes are not geared to tourism. To the contrary, points such as Honolulu, Hong Kong, Bangkok, and various destinations in India are acknowledged major tourist attractions. In any event, we do not subscribe to the theory that an increase in fares for commercial travelers is justified simply because TWA's operations are geared to the carriage of Category A and Z traffic for which the rates are set at compensatory levels, and military discount traffic for which the rates are set by the carrier itself, and which the carrier argues in a different context is top-off in nature. In summary, we are not persuaded that normal-fare passengers should be asked to pay for excess capacity.

Pan American contends that the Board's comments on the adjusted 10.9-percent rate of return for its total transpacific services implied an excess of 12 percent for its operations over the North/Central Pacific. While our statement might be so construed, we merely intended to suggest a significant disparity between the respective returns earned from South Pacific versus North/Central operations; in other words, that the 10.9-percent rate of return is understated in terms of North/Central operations. This statement is, in fact, corroborated by Pan American itself which estimates returns under the proposed fares of 11.5 percent for the North/Central Pacific and 7.4 percent for the South Pacific. Without the proposed fare adjustments, Pan American projects a North/Central Pacific return of 10.1 percent. We believe that various factors, cited elsewhere in this order, would indicate that absent the proposed increases this return at status quo fares may be understated. In any event, in the circumstances generally surrounding world air transportation today, replete with substandard earnings, a 10.1-percent rate of return cannot be considered unreasonable.[3]

We now turn to the matter of the currency adjustment, and primarily to the arguments advanced by Japan Air Lines pertaining to the impact of the dollar devaluation. The Board concluded in Order 73–7–54 that, based on data then available to us, JAL's expenses in the United States exceed its revenues earned. JAL now supplies what appear to be more accurate and factual data, which refute the ratio of revenues and expenses relied upon by the Board and which indicate that, absent an adjustment in U.S.-originating fares, JAL will experience a loss of $3,450,000. JAL contends that the 5-percent proposed adjustment will provide a revenue increase of $3,850,000, or $400,000 in excess of that that lost by devaluation.

The Board is not adverse to increases in U.S.-originating fares arising out of the devaluation of the dollar and, in fact, has recently approved such agreements for application over both the North Atlantic and South Pacific routes. As we have previously acknowledged,[4] the impact of devaluation on foreign carriers is usually more severe than is the impact on the U.S. carriers. Generally, some overcompensation of U.S. carriers results, while the increased revenues to foreign carriers are not fully compensatory. In short, a proposed increase in fares stemming from currency devaluation must, as a practical matter, be uniform for all carriers and should reflect a compromise which does not affect each carrier equally, but should strike a reasonable balance among all carriers.

In the case at hand, the increase in revenues to the U.S. carriers is not in dispute, although certain cost increases are to be expected resulting from devaluation of the dollar. However, the 5-percent adjustment proposed favors not only the U.S. carriers, but the largest single foreign carrier providing service over the routes as well. It too would receive revenue in excess of that required to off-set increased dollar costs. For this reason, we are unable to conclude that the 5-percent adjustment is a reasonable and equitable compromise.[4]

In view of all of the foregoing, the Board finds that the petitions for reconsideration do not establish any error of consequence which would warrant a reversal or alteration of the Board's action in Order 73–7–54, and the petitions for reconsideration will be denied.

Accordingly, *It is ordered*, That:

1. The petitions for reconsideration of Order 73–7–54 filed by Pan American World Airways, Inc., Trans World Airlines, Inc., and Japan Air Lines Company, Ltd. are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-18476 Filed 8-29-73;8:45 am]

[Docket No. 25425]

STARLINE AVIATION LTD.

Notice of Postponement of Prehearing Conference and Hearing

In the matter of foreign air carrier permit application, Canada-United States, casual, occasional, or infrequent service.

Notice is hereby given that the prehearing conference now scheduled for September 14, 1973 (38 FR 22179, August 16, 1973), is hereby postponed to September 25, 1973, at 10:30 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 18, 1973.

Dated at Washington, D.C. August 24, 1973.

[SEAL] THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc.73-18477 Filed 8-29-73;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, August 29, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.73-18470 Filed 8-29-73;8:45 am]

DEPARTMENT OF DEFENSE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Principal Deputy Assistant Secretary (International Security Affairs), Office of the Principal Deputy, Office of the Assistant Secretary of Defense (International Security Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18461 Filed 8-29-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Community Development Research, Assistant Secretary for Policy Development and Research.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18462 Filed 8-29-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Economic Affairs, Assistant Secretary for Policy Development and Research.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18463 Filed 8-29-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary—Mineral Resources (Energy Programs), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18468 Filed 8-29-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary—Energy and Minerals (Power Resources and Regulation), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18464 Filed 8-29-73;8:45 am]

[3] In order to insure accurate analysis in the future, the U.S. IATA carriers will be expected to submit separate justification in support of each major fare and rate agreement, by geographical area at least sixty days prior to the proposed effective date of the agreement. The justification should include, in addition to a complete financial forecast, data on the composition of actual traffic covered by fare and rate category for the most recent 12-month period (such data to conform to the Form 41 reports), a projection of the traffic to be carried, by category, for the following year at status quo fares or rates, and as estimated assuming the proposed new fares or rates.

[4] Order 72–3–104, March 30, 1972.

[4] We do not disagree with Northwest's contention that other countries and carriers than Japan and JAL are involved. However, no U.S. or foreign carrier, including Northwest, has provided information or data in this regard.

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DEPARTMENT OF JUSTICE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Associate Deputy Attorney General, Office of the Deputy Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18465 Filed 8-29-73;8:45 am]

DEPARTMENT OF JUSTICE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General for Legislation & Intergovernmental Relations, Antitrust Division, Office of the Assistant Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18466 Filed 8-29-73;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Special Assistant for National Litigation, Internal Security Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18469 Filed 8-29-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18467 Filed 8-29-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

AUGUST 24, 1973.

On December 30, 1972, there was published in the FEDERAL REGISTER (37 FR 28774) a letter dated December 21, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in the Republic of China and exported to the United States during the twelve-month period beginning January 1, 1973. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 17 which provides in part for the limited carryover of shortfalls in certain categories to the next agreement year.

Accordingly, at the request of the Government of the Republic of China and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of no. 24 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to cotton textiles in Categories 5/6, 9/10, 20/21, 24/25, 30, 32, 34/35, 41/42, 44, 50, 51, 52, 53, 57, and 59 produced or manufactured in the Republic of China and exported to the United States during the twelve-month period which began on January 1, 1973.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

AUGUST 24, 1973.

DEAR MR. COMMISSIONER: On December 21, 1972, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning January 1, 1973 of cotton textiles and cotton textile products in certain specified categories produced or manufactured in the Republic of China, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph 17 of the Bilateral Cotton Textile Agreement of December 30, 1971 between the Governments of the United States and the Republic of China, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the levels of restraint established in the aforesaid directive of December 21, 1972 for cotton textile products in the following categories for the twelve-month period beginning January 1, 1973:

Category	Amended Twelve-Month Levels of Restraint[2]
5/6	2,778,159 square yards.
9/10	32,671,653 square yards.
20/21	1,151,858 square yards.
24/25	3,420,305 square yards.
30	2,828,166 pieces.
32	421,550 dozen.
34/35	318,321 pieces.
41/42	146,498 dozen.
44	28,283 dozen.
50	230,025 dozen.
51	369,547 dozen.
52	235,681 dozen.
53	18,853 dozen.
57	188,544 dozen.
59	47,137 dozen.

[2] These levels have not been adjusted to reflect any entries made on or after January 1, 1973.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-18524 Filed 8-29-73;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of December 30, 1971, between the Governments of the United States and the Republic of China which provide in part that within the aggregate limit, the limits for Groups I and II may be exceeded by not more than five (5) and ten (10) percent, respectively; for limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry or Withdrawal From Warehouse for Consumption

AUGUST 24, 1973.

On September 8, 1970, the United States Government, in furtherance of the objectives of, and under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral agreement with the Government of Malaysia concerning exports of cotton textiles and cotton textile products from Malaysia to the United States. Under this agreement Malaysia has undertaken to limit its exports to the United States of cotton textiles and cotton textile products to specified annual amounts over a four-year period beginning September 1, 1970 and extending through August 31, 1974. Among the provisions of the agreement are those applying specific limitations to cotton textile products in Categories 45, 46, 49, 50, 51, 53, 55, and 60 for the agreement year beginning September 1, 1973.

There is published below a letter of August 24, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that the amounts of cotton textile products in Categories 45, 46, 49, 50, 51, 53, 55, and 60, produced or manufactured in Malaysia, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning September 1, 1973 and extending through August 31, 1974, be limited to certain designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

AUGUST 24, 1973.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral Cotton Textile Agreement of September 8, 1970 between the Governments of the United States and Malaysia, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective September 1, 1973, and for the twelve-month period extending through August 31, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 45, 46, 49, 50, 51, 53, 55, and 60, produced or manufactured in Malaysia, in excess of the following twelve-month levels of restraint:

Category	Twelve-Month Level of Restraint
45	104,186 dozen.
46	23,153 dozen.
49	17,365 dozen.
50	28,941 dozen.
51	28,941 dozen.
53	17,365 dozen.
55	20,837 dozen.
60	32,414 dozen.

In carrying out this directive, entries of cotton textile products in Categories 45, 46, 49, 50, 51, 53, 55, and 60, produced or manufactured in Malaysia and which have been exported to the United States from Malaysia prior to September 1, 1973, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period September 1, 1972 through August 31, 1973. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 8, 1970, between the Governments of the United States and Malaysia, which provide, in part, that within the aggregate and applicable group limits, limits on specific categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above will be made to you by further letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-18525 Filed 8-29-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

METHOMYL

Reextension of Temporary Tolerance

E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, was granted a temporary tolerance (PP 1G1144) for residues of the insecticide methomyl (*S*-methyl *N*-[(methylcarbamoyl)oxy] thioacetimidate) in or on the raw agricultural commodity cottonseed at 5 parts per million on July 12, 1971 (notice was published in the FEDERAL REGISTER of July 15, 1971 (36 FR 13174)). The firm received a 1-year extension of the temporary tolerance on September 26, 1972 (notice was published in the FEDERAL REGISTER of October 7, 1972 (37 FR 21363)).

The firm has requested a 1-year reextension of the temporary tolerance for residues of methomyl in or on cottonseed at 5 parts per million to obtain additional experimental data. It is concluded that such reextension will protect the public health.

The temporary tolerance is therefore reextended as requested on condition that the insecticide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the E. I. du Pont de Nemours & Co., Inc. name.

As reextended, this temporary tolerance expires July 12, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated August 23, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-18390 Filed 8-29-73;8:45 am]

FEDERAL RESERVE SYSTEM

LANDMARK BANKING CORP.

Proposed Acquisition of North American Mortgage

Landmark Banking Corporation, Fort Lauderdale, Florida, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of North American Mortgage Corporation, St. Petersburg, Florida. Notice of the application was published on:

Date:	Newspaper, City and State
August 2, 1973	Sentinal Star, Orange County, Florida
August 2, 1973	Fort Lauderdale News, Fort Lauderdale, Florida
August 3, 1973	St. Petersburg Times, St. Petersburg, Florida
August 3, 1973	Evening Independent, St. Petersburg, Florida
August 4, 1973	Sarasota Harold-Tribune, Sarasota, Florida

Applicant states that the proposed subsidiary would engage in the activities of originating and servicing real estate

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mortgage loans. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 7, 1973.

Board of Governors of the Federal Reserve System, August 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18531 Filed 8-29-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

DRY VALLEY DRILLING PROJECT

Summary Statement of Proposed Federal Action Affecting the Environment

This summary statement is published pursuant to section 102 of the National Environmental Policy Act. (P.L. 91-190) and the Guidelines of the Council on Environmental Quality (36 FR 7724-7729, April 23, 1971).

The proposed Federal activity is in support of the Dry Valley Drilling Project (DVDP) drilling operations during the 1973-1974 austral summer as a part of the U.S. Antarctic Research Program.

The DVDP, which will be accomplished under NSF grants and contracts by the Department of Geology at Northern Illinois University and associated institutions, is planned to study the diverse geological framework of the McMurdo Sound region, Antarctica, which contains rocks and sediments ranging in age from the Precambrian to Recent. The unique setting will permit a series of independent analyses of Antarctic geochronology, paleoclimatology, and paleomagnetism. The retrieval of continuous hard rock and sedimentary rock core will permit a detailed reconstruction of a period of Antarctic history which played a critical role in the geological and climatic history of the world. Ten to fifteen boreholes are scheduled. Cores will be obtained to a depth of 300 meters.

Scientific objectives of the field project are to drill and collect continuous rock and soil samples from the dry valley area, and to make certain geophysical and hydrogeological measurements in and near the holes. The scientific objectives of the DVDP have been endorsed by the National Science Board, a specialist group of NSF geological consultants, and recognized reviewing authorities in New Zealand and Japan. The planned activities are in accord with the provisions of the Antarctic Treaty.

The United States, New Zealand, and Japan are participating in the funding of the project, and scientists of the three nations will participate in the field work in Antarctica.

In DVDP there are some potential operational failures which may affect the environment. A number of these can be effectively controlled by stringent adherence to previously developed, environmentally sound plans and by having an onsite environmental scientist to monitor operations. Contingency measures have been developed to meet the most likely operational occurrences at each drilling site, e.g., unexpected spillage of drilling muds. These data have been analyzed in accordance with the procedures for devepolment of informational matrices for environmental impact assessment. Through careful and conscientious efforts of experienced polar specialists on site during the activity other unforseen circumstances which may arise will be quickly dealt with.

Planned indoctrination of all DVDP personnel will be effective in reducing accidental problems. The operations plans will be continuously evaluated and updated against actual events.

The probably unavoidable environmental effects include some damage to the soil ecosystems in the immediate vicinity of the drill site, some scarring of the land surface, and possibly some pollution or alteration of the ground water by drilling fluids. None of these are considered of great significance because of their highly localized nature.

Copies of the draft environmental impact statement are available from the Deputy Assistant Director for National and International Programs, National Science Foundation, Washington, D.C., 20550. Comments from appropriate state and local agencies, addressed as above, should be submitted on or before Oct. 1, 1973.

Dated August 27, 1973.

EDWARD C. CREUTZ,
Acting Director.

[FR Doc.73-18452 Filed 8-29-73;8:45 am]

POSTAL RATE COMMISSION

ECONOMIES OF SCALE

Notice of Seminar

AUGUST 24, 1973.

Notice is hereby given that on September 18, 1973, a seminar on Economies of Scale will be conducted by the Economic Staff of the Postal Rate Commission. The morning session will deal with defining the concept and measurements of economies of scale. Two staff studies will be the basis of the discussion. The afternoon sessions will be a technical conference on methodology of the measurement of economies of scale.

Members of the general public intertested in this matter are invited to attend and participate. A transcript of the seminar will be on file in the Commission's docket room.

JOSEPH A. FISHER,
Secretary.

[FR Doc.73-18412 Filed 8-29-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

C I C INDUSTRIES, INC.

Order Suspending Trading

AUGUST 23, 1973.

The 11 percent Debentures due June 1975 of CIC Industries, Inc. being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of CIC Industries, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 24, 1973 through September 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-18417 Filed 8-29-73;8:45 am]

[File No. 500-1]

COASTAL STATES GAS PRODUCING CO.

Order Suspending Trading

AUGUST 23, 1973.

First Mortgage Bonds Series E 7¾ percent due 1991 of Coastal States Gas Producing Company being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and First Mortgage Bonds Series A 5 percent due 1983, Series B 5 percent due 1985, Series C 6½ percent due 1986, Series D 7⅝ percent due 1989, and Series E 7¾ percent due 1991; 5½ percent Sinking Fund Debentures due 1977; and 6 percent Sinking Fund Debentures due March 1980 of Coastal States Gas Producing Company being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 24, 1973 through September 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-18418 Filed 8-29-73;8:45 am]

[File No. 500-1]

COASTAL STATES GAS CORP.

Order Suspending Trading

AUGUST 23, 1973.

The common stock, $.33⅓ par value; $1.19 cumulative convertible preferred Series A, $.33⅓ par value; and $1.83 cumulative convertible preferred Series B, $.33⅓ par value of Coastal States Gas Corporation being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Coastal States Gas Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 24, 1973 through September 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-18419 Filed 8-29-73;8:45 am]

[File No. 500-1]

COLORADO INTERSTATE CORP.

Order Suspending Trading

AUGUST 23, 1973.

Debentures, 8½ percent, due April 1991, of Colorado Interstate Corporation being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and 8½ percent Debentures due April 1991, First Mortgage 7½ percent Pipeline Bonds due June 1992, First Mortgage 8 percent Pipeline Bonds due June 1989, Preferred 5 percent Cum., Preferred 5.35 percent Cum., and Preferred 5.50 percent Cum. of Colorado Interstate Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 24, 1973, through September 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-18422 Filed 8-29-73;8:45 am]

[File No. 500-1]

COLORADO INTERSTATE GAS CO.

Order Suspending Trading

AUGUST 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the First Mortgage 3.35 percent Pipeline Bonds due July 1974, First Mortgage 4.70 percent Pipeline Bonds due March 1979, and 4¾ percent Debentures due April 1984 of Colorado Interstate Gas Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 24, 1973 through September 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-18420 Filed 8-29-73;8:45 am]

[File No. 500-1]

COLLINS RADIO CO.

Order Suspending Trading; Amendment

AUGUST 22, 1973.

The Commission having determined to amend its order of August 16, 1973 summarily suspending trading in the securities of Collins Radio Co. for the period 10:10 A.M. (EDT) August 16, 1973 through August 25, 1973.

It is ordered, Pursuant to section 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the common stock, $1.00 par value, of Collins Radio Co. being traded on the New York, Boston, Midwest, Philadelphia-Baltimore-Washington, and Pacific Coast Stock Exchanges and the 4.75% convertible subordinated debentures due 1987 of Collins Radio Co. being traded on the New York Stock Exchange and all securities of Collins Radio Co. being traded otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 A.M. (EDT) August 16, 1973 through midnight (EDT) August 22, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-18421 Filed 8-29-73;8:45 am]

[70-5380]

CONNECTICUT YANKEE ATOMIC POWER CO.

Proposed Issue and Sale of Notes

AUGUST 23, 1973.

Notice is hereby given that Connecticut Yankee Atomic Power Company (Connecticut Yankee), P.O. Box 270, Hartford, CN 06101, an electric utility subsidiary company of Northeast Utilities (Northeast) and of New England Electric System (New England), both of which are registered holding companies, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and rule 50(a)(2) and 50(a)(5)(B) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration as amended, which is summarized below, for a complete statement of the proposed transactions.

Connecticut Yankee proposes to issue and sell, from time to time on or before March 1, 1975, short-term securities in an aggregate principal amount not to exceed $30,000,000 outstanding at any one time. Such securities will be in the form of short-term notes issued to banks (Bank Notes) or commercial paper (Commercial Paper) issued to a dealer in such securities.

The proposed Bank Notes will each be dated as of the date of issue, will have maximum maturity dates of nine months, will bear interest at a rate per annum not in excess of one percent (1 percent) above the prime rate in effect at the lending bank on the date of issue if issued before January 1, 1974, and at a rate to be negotiated if issued after that date, and will be subject to prepayment at any time at Connecticut Yankee's option without premium. The banks which will participate in Connecticut Yankee's short-term borrowing program and the maximum commitment of each bank is as follows:

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The Chase Manhattan Bank, New York, N.Y.	$18,000,000
The Connecticut Bank and Trust Company, Hartford, Connecticut	6,000,000
Total	24,000,000

The lines of credit are to be secured by a deposit of 10 percent of the amount of the line at the time it is committed. In addition, at the time of the first borrowing pursuant to the line of credit, Connecticut Yankee will make an additional deposit (compensating balance) of 10 percent of the entire committed line. Assuming a full 20 percent compensating balance and borrowings at one percent (1 percent) above the prime rate, the effective cost of borrowing would be approximately 13.1 percent, based on an assumed prime interest rate of 9½ percent.

The proposed Commercial Paper notes will be issued in denominations of not less than $50,000 and not more than $1,000,000, will have a maturity of not more than 270 days, will not be repayable prior to maturity, and will be sold by Connecticut Yankee directly to A.G. Becker & Company, Incorporated, a dealer in commercial paper, at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public-utility issuers to commercial paper dealers. No Commercial Paper notes having a maturity of more than 90 days will be issued at an effective interest cost which exceeds the prime commercial bank rate at which Connecticut Yankee could borrow from banks in an amount at least equal to the principal amount of such Commercial Paper. No commission or fee will be payable in connection with the issuance and sale of the Commercial Paper. The commercial paper dealer, as principal, will reoffer the Commercial Paper to institutional investors at a discount of no more than ⅛ of 1 percent per annum less than the prevailing discount rate to Connecticut Yankee in such manner as not to constitute a public offering. The Commercial Paper will be reoffered to not more than 200 identified and designated customers in a list (non-public) prepared in advance by the dealer. It is anticipated that the Commercial Paper will be held by customers to maturity, but if such customers desire to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the Commercial Paper and reoffer the same to others in the group of 200 customers.

As part of Connecticut Yankee's initial plant financing program approved by the Commission, it had outstanding as of June 30, 1973, $3,875,000 principal amount of notes issued under a credit agreement dated November 23, 1964, as amended (Credit Agreement) between Connecticut Yankee and the eleven participating banks named therein. The notes outstanding under the Credit Agreement will remain outstanding and will not be affected by the transactions described above. It is stated that Connecticut Yankee will obtain a waiver of all relevant provisions of the Credit Agreement to permit the short-term borrowings contemplated in this proceeding.

The funds to be derived from the issuance and sale of Bank Notes and Commercial Paper will be applied by Connecticut Yankee (i) to repay $21,000,000 of existing notes to banks presently outstanding, as authorized by the Commission (Holding Company Act Release Nos. 17244 and 17650), which mature on October 1, 1973, (ii) to provide funds for the construction of radiation waste facilities at its nuclear electric generating plant in Haddam, Connecticut, and (iii) for the purchase of additional nuclear fuel. At the time of the authorization to issue the $21,000,000 of notes to banks, Connecticut Yankee indicated that it would propose to repay these notes at maturity with some form of long-term financing. In addition, Connecticut Yankee now proposes to repay all of its outstanding long-term bank loans by October 1, 1974, at which time it expects to have greater flexibility in determining what form of long-term financing will be in its best interest. For this reason, Connecticut Yankee does not deem it feasible to undertake any long-term financing program for the repayment of the existing bank loans at this time and prefers, in lieu thereof, an interim program of short-term loans to March 1, 1975. Furthermore, it is stated that such a program is made necessary by the definitions of Connecticut Yankee's indenture, which would not permit the issuance of any substantial amounts of bonds at this time for the purpose of refunding bank notes. Connecticut Yankee states that on or before March 1, 1975, the Bank Notes and Commercial Paper will be refunded through some form of long-term financing, the nature of which cannot now be determined.

It is stated that no fees or commissions (including counsel fees) will be paid or incurred, directly or indirectly, in connection with the proposed transactions and that incidental services, valued at an estimated $500, will be performed at cost by Northeast Utilities Service Company, an affiliated service company. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Connecticut Yankee requests that the issue and sale of its Commercial Paper notes be excepted from the competitive bidding requirements of rule 50 pursuant to subparagraph (a)(5)(B) thereof in view of the fact that current rates for commercial paper for prime borrowers such as Connecticut Yankee are readily ascertainable by reference to daily financial publications and that it is not practicable to invite competitive bids for commercial paper. Connecticut Yankee further requests that the certificates under rule 24 be filed on a quarterly basis with respect to the Commercial Paper.

Notice is further given that any interested person may, not later than September 13, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration as amended which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such requests should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration as amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-18431 Filed 8-29-73;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP. OF AMERICA

Order Suspending Trading

AUGUST 24, 1973.

The common stock, $.30 par value, of Equity Funding Corporation of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the $.30 par value common stock being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 25, 1973 through September 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-18423 Filed 8-29-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

AUGUST 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of First Leisure Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 24, 1973, through September 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-18424 Filed 8-29-73;8:45 am]

[File No. 500-1]

GIANT STORES CORP.

Order Suspending Trading

AUGUST 24, 1973.

The common stock, $.10 par value, of Giant Stores Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Giant Stores Corp. being traded otherwise than on a national securities; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 25, 1973, through September 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-18425 Filed 8-29-73;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Order Suspending Trading

AUGUST 24, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 25, 1973, through September 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-18426 Filed 8-29-73;8:45 am]

[File No. 500-1]

ORECRAFT, INC.

Order Suspending Trading

AUGUST 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.04 par value, and all other securities of Orecraft, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 23, 1973, through September 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-18427 Filed 8-29-73;8:45 am]

[File No. 500-1]

PELOREX CORP.

Order Suspending Trading

AUGUST 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Pelorex Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 24, 1973, through September 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-18428 Filed 8-29-73;8:45 am]

[File No. 500-1]

PETRO SILVER, INC.

Order Suspending Trading

AUGUST 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.05 par value, and all other securities of Petro Silver, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:15 P.M. (EDT) on August 23, 1973, and continuing through September 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-18429 Filed 8-29-73;8:45 am]

[File No. 500-1]

TRIONICS ENGINEERING CORP.

Order Suspending Trading

AUGUST 24, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Trionics Engineering Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 25, 1973, through September 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-18430 Filed 8-29-73;8:45 am]

[812-3459]

RESIDEX CORP.

Filing of Application

AUGUST 24, 1973.

Notice is hereby given that Residex Corporation (Applicant), Pennbrook Road, R.D. #1 Fair Hills, N.J. 07931, a Delaware corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940

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(Act) for an order of the Commission declaring that Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant was incorporated on April 30, 1970, for the purpose of acquiring, by merger, the stock of Steel Crest Homes, Inc. (Steel Crest). Steel Crest had been engaged in the home building and mortgage businesses prior to its merger with Applicant on July 6, 1970. On March 1, 1971, Applicant acquired Clayton Industries, Inc. (Clayton) expanding Applicant's home building business and allowing it to also engage in the businesses of building waste and water systems and commercial construction. On May 1, 1972, Atlantic Residex Corporation (Atlantic), a wholly owned subsidiary of Applicant merged with Streeper Karr III, Inc., which allowed Applicant to expand further in the areas of residential and commercial construction and community development. Prior to its recent acquisition of 45 percent of the voting shares of Co-Build Companies Inc. (Co-Build), pursuant to a tender offer and purchases made under separate agreement, Applicant, together with Atlantic, was engaged in the business of construction of waste and water systems, primarily in Southern New Jersey and Florida, and in the business of residential and commercial construction and community development in Pennsylvania and New Jersey. Co-Build is engaged in in the development of communities, primarily in the Virgin Islands and New Jersey, and in the construction of homes in such communities. Applicant represents that except for temporary investments of available cash proceeds in commercial paper and its present ownerships of Co-Build's shares, it has not owned nor has proposed to acquire investment securities.

Applicant's total assets (exclusive of Government securities and cash items) were $8,609,395 on an unconsolidated basis as of April 30, 1973. If this figure were adjusted to $15,346,895 to reflect Applicant's subsequent acquisition on May 4 of 1,100,000 Co-Build shares worth $6,737,500 on April 30, such shares would represent 43.9 percent of Applicant's assets.

Section 3(a)(3) of the Act defines an investment company as any issuer which is engaged, or proposes to engage, in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

Because the value of the Co-Build shares held by Applicant is in excess of 40 percent of the value of Applicant's total assets (excluding cash items and Government securities) on an unconsolidated basis, Applicant is an investment company within the definition set forth in Section 3(a)(3) of the Act.

Section 3(b)(2) of the Act, however, excepts from the definition of an investment company any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducting similar types of businesses.

Applicant contends that it is entitled to an order of exemption under section 3(b)(2) of the Act based upon its non-investment activities in its wholly owned subsidiaries, and its activities in Co-Build. Applicant respectfully requests that the Commission find Applicant to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities and that Applicant is not an investment company.

Applicant asserts that no part of its income has ever been derived from investment securities except in connection with temporary investment in commercial paper in 1970. Co-Build has never paid cash dividends since its incorporation in 1964, and Applicant states that it has no present intention of causing Co-Build to pay dividends. Applicant represents that its intention is to merge Co-Build into a wholly owned subsidiary, if such a merger is feasible. All of Applicant's employees devote all their time to Applicant's operating businesses, and Applicant has never employed a securities analyst.

Applicant contends that it controls Co-Build by virtue of its ownership of 45 percent of Co-Build's voting securities. Applicant also has an irrevocable proxy, until March 31, 1974, to vote an additional 12 percent of Co-Build's voting securities. Six of Applicant's directors are also members of the board of directors of Co-Build. Applicant asserts that through its power to vote more than a majority of the voting securities of Co-Build it can elect all the directors of Co-Build.

Notice is further given that any interested person may, not later than September 18, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-18432 Filed 8-29-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1002; Amdt. 1]

COLORADO

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Colorado as a major disaster area following severe flooding and landslides beginning on or about March 28, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional county: Alamosa. (See 38 FR 19294)

Applications may be filed at the:

Small Business Administration Regional Office, 721 19th Street, Room 426A, Denver, Colorado 80202.

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than October 15, 1973.

Date: August 20, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-18416 Filed 8-29-73;8:45 am]

TARIFF COMMISSION

[AA1921-122]

DEFORMED CONCRETE REINFORCING BARS OF NON-ALLOY STEEL FROM MEXICO

Determination of No Injury or Likelihood Thereof

AUGUST 24, 1973.

On May 25, 1973, the Tariff Commission received advice from the Treasury Department that deformed concrete reinforcing bars of non-alloy steel from Mexico are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-122 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation and of a public hearing to be held on July 24, 1973 in connection therewith was published in the FEDERAL REGISTER of June 4, 1973 (38 FR 14731).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has unanimously determined [1] that an industry in the United States is not being or is not likely to be injured, or is not prevented from being established, by reason of the importation of deformed concrete reinforcing bars of non-alloy steel from Mexico sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of Reasons.[2]—The Antidumping Act, 1921, as amended, requires that the Tariff Commission find two conditions satisfied before an affirmative determination can be made. First, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be prevented from being established. Second, such injury, or likelihood of injury, or prevention of establishment of an industry [3] must be "by reason of" the importation into the United States of the class or kind of foreign merchandise the Secretary of the Treasury determined is being, or is likely to be, sold at less than fair value (LTFV).

In the Commission's judgment, the first of the aforementioned conditions is not satisfied in the instant case. The reasons for this determination are set forth below.

Deformed concrete reinforcing bars of non-alloy steel (hereinafter referred to as re-bars) are long, solid, approximately round bars hot-rolled from carbon steel billets that have deformations (protrusions) on their outer surfaces. They are used, as their name implies, in concrete to reinforce the concrete and to limit movement of the concrete in relation to the bars. Imported re-bars, including those found to have been sold at LTFV, do not differ from those produced domestically.

[1] Vice Chairman Parker and Commissioner Young did not participate in the decision.

[2] Commissioner Ablondi concurs in the result.

[3] Prevention of establishment of an industry is not an issue in this investigation and therefor will not be discussed further.

Re-bars are generally sold within a relatively short distance from the producing plant (if domestic) or the port of entry (if imported). In determining the industry which would most feel the impact of the LTFV imports, the Commission considered all facilities in the United States devoted to the production of re-bars. However, inasmuch as the sales of the LTFV imports were concentrated in the State of Texas, the Commission gave special attention to the manufacturing facilities for re-bars situated within and outside of the State of Texas which produced most of the domestic re-bars sold in that State in recent years.

The Treasury Department found LTFV sales of Mexican re-bars during 1972. Imports from Mexico were negligible during 1968–70. In 1971—prior to the finding by Treasury of LTFV sales—imports of re-bars from Mexico rose and supplied 0.8 percent of total U.S. consumption of re-bars and 7.6 percent of consumption in the State of Texas. In 1972—when Treasury found LTFV sales of Mexican re-bars—imports from Mexico were lower than in 1971, supplying 0.4 percent of the U.S. consumption and 4.3 percent of the Texas consumption of re-bars. The beginning of the decline in imports from Mexico antedated the filing of the complaint and the institution of the investigation by Treasury by at least 6 months. In the first 5 months of 1973, imports from Mexico were negligible.

From 1971 to 1972, imports of re-bars into Texas from Mexico, as well as from all other countries, declined substantially—by 46 percent and 48 percent, respectively. In the same period, consumption of re-bars in Texas declined only 3.8 percent, indicating a significant increase in the share of consumption supplied by domestic producers. Shipments by domestic producers within or into the State of Texas increased every year, or from about 295,000 tons in 1968 to 368,000 tons in 1970, to 386,000 tons in 1971, and to 421,000 tons in 1972. The larger portion of such increases in shipments was generally accounted for by re-bar mills located in Texas. The value of sales by producers situated in Texas also increased during the period 1968–72. Net profit (before taxes) remained at a healthy level during the period ranging from 11 percent (1968) to 15 percent (1971). During 1971 and 1972 net profits were in fact higher than during 1968–70, when imports from Mexico were nil or negligible.

Data obtained by the Commission do not indicate price depression or suppression by reason of LTFV imports from Mexico. In 1971 and 1972, when imports from Mexico occurred, average net mill returns—a gage of prices realized—for Texas producers of re-bars shipping to the Texas market were 15 percent and 23 percent higher, respectively, than the average of net mill returns during 1968–70, when imports from Mexico were nil or negligible.

None of the foregoing facts indicate injury by reason of LTFV imports of re-bars from Mexico.

It is also the Commission's judgment that there is no evidence of likelihood of injury to a domestic industry by reason of LTFV imports of re-bars from Mexico. Increasing internal Mexican requirements for re-bars preclude the probability of continual exports from Mexico to the United States. Although Mexican production of re-bars more than doubled between 1962 and 1971, almost all the re-bar production in Mexico was consumed there, and exports were small. The exceptions to this pattern occurred in 1971 and 1972 when Mexico exported re-bars to the United States.

Prospects for the expansion of the market for re-bars in certain parts of the United States, including Texas, are implied in recent announcements of additions to domestic capacity. In mid-1973, construction was begun on a re-bar mill with annual capacity for producing about 150,000 tons, in Auburn, N.Y. In June 1973, announcement was made of plans for construction of another mill with capacity for producing 150,000 tons per year in New Orleans, La. In July 1973, disclosure was made of the formation of a joint venture company to build a modern 220,000-ton-per-year plant near Midlothian, Tex.—Midlothian is in the Ft. Worth-Dallas area—which is designed to produce rolled steel products, principally re-bars, angles, and special bar quality steels, among other products, from scrap materials. Construction of the Texas plant was to have begun soon after the announcement, and initial production was expected in about 18 months.

On the basis of the foregoing, the Commission concludes that a domestic industry is not being, or is not likely to be, injured by reason of imports of deformed concrete reinforcing bars of non-alloy steel from Mexico sold, or likely to be sold, at LTFV.

By order of the Commission:

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-18481 Filed 8-29-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committe Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212 (f) of the Economic Stabilization Act, as amended, section 4 (a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10 a.m., Wednesday, September 5, 1973, at 2025 M Street NW., Washington, D.C.

The agenda will consist of discussions leading to recommendations on specific Phase II and Phase III wage cases in the food area, and future wage policy.

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Since the above stated meeting will consist of discussions of future food wage policy and Phase II and III cases for decision, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552 (b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on August 29, 1973.

HENRY H. PERRITT, JR.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-18622 Filed 8-29-73;12:04 pm]

INTERSTATE COMMERCE COMMISSION

[Notice No. 331]

ASSIGNMENT OF HEARINGS

AUGUST 27, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-121303 Sub 3, O. K. Warehouse Co., Inc., Extension Used Household Goods in Containers, now assigned September 18, 1973, will be held in the Downtowner Motor Inn, La Espada Room, 300 East 11th Street, Austin, Texas.

MC 110563 Sub 94, Coldway Food Express, Inc., now assigned September 25, 1973, at Omaha, Nebraska, in the Sapphire Room, New Paxton Hotel, 14th and Farnam Street.

MCC-6689, Victor Grothaus, dba Grothaus Express—Investigation and Revocation of Certificates, now assigned September 27, 1973, will be held at the Sapphire Room, New Paxton Hotel, 14th and Farnam Street, Omaha, Nebr.

MC 114211 Sub 189, Warren Transport, Inc., now assigned September 28, 1973, will be held at the Sapphire Room, New Paxton Hotel, 14th and Farnam Street, Omaha, Nebraska.

MC-F-11735, Graves Truck Line, Inc.—Purchase—Diamond Freightways Inc., now assigned October 1, 1973, hearing will be held in the Sapphire Room, New Paxton Hotel, 14th and Farnam Street, Omaha, Nebraska.

MC-C-8076, Quick Air Freight, Inc.—Investigation And Revocation of Certificates—now being assigned hearing September 27, 1973 (2 days), will be held in room 255, Federal Office Bldg., 85 Marconi Boulevard, Columbus, Ohio.

MC-F-11805, Quick Air Freight, Inc., Control—Vandalia Air Freight, Inc. & MC-120265 Sub 2, Vandalia Air Freight, Inc., now being assigned hearing September 27, 1973 (2 days), will be held in Room 255, Federal Office Bldg., 85 Marconi Boulevard, Columbus, Ohio.

MC-C-7901, North American Van Lines, Inc.—Investigation and Revocation of Certificates—now being assigned for a Procedural Conference, September 10, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-18473 Filed 8-29-73;8:45 am]

[Drought Order 69 (Sub No. 1)]

IDAHO

Transportation of Hay to Drought Areas at Reduced Rates

AUGUST 10, 1973.

In the matter of Relief under Section 22 of the Interstate Commerce Act.

It appearing, that by reasons of drought conditions existing in certain portions of the State of Idaho, hereinafter referred to as the disaster area, the Assistant Secretary of the United States Department of Agriculture has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates:

It is ordered, That carriers by railroad participating in the transportation of hay to the counties of:

Bonner	Kootenai
Boundary	

all located in the State of Idaho, referred to herein as the disaster area, be, and they are hereby, authorized under Section 22 of the Interstate Commerce Act to establish and maintain until October 31, 1973, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in Section 6 of the Interstate Commerce Act except that they may be effective one day after publication and filing instead of thirty.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drought.

It is further ordered, That, during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one of more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicity so state, making reference to this order by number and date.

And it is further ordered, That, subject to the conditions in the succeeding paragraphs hereof, the use of reduced rates established by authority of this order may be conditioned upon the release by the shipper of the value of the commodity, which released value, in its relation to the invoice value of the property at time of shipment, shall be in the same percentage relation which the reduced rates bear to the rates which otherwise would apply.

And it is further ordered, That tariffs containing released rates filed under authority of this order shall show in connection with such rates the following notation:

The released value must be entered on shipping order and bill of lading in the following form:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not in excess of (show percent) of the invoice value of the property herein described.

If the shipper fails or declines to execute the above statement, shipments will not be accepted for transportation at the rates subject hereto. Rates published elsewhere in other tariffs lawfully filed with the Interstate Commerce Commission will apply in such a case. Rates herein published on released value have been authorized by the Interstate Commerce Commission in Drought Order No. 69 of August 1973.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, New York; the Chairman of the Southern Freight Association, Atlanta, Georgia; the Chairman of the Executive Committee, Western Railroads Traffic Association, Chicago, Illinois; the Vice President and Director, Economics and Finance Department, Association of American Railroads, Washington, D.C.; and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 10th day of August, 1973.

By the Commission, Vice Chairman Brewer.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-18472 Filed 8-29-73;8:45 am]

[Notice No. 343]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 19, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74321. By order of August 24, 1973, the Motor Carrier Board approved the transfer to Nebraska-Iowa-Missouri Express, Inc., Kansas City, Mo., of a portion of Certificate No. MC-9644, issued January 7, 1971, to B. T. L., Inc., Kansas City, Mo., authorizing the transportation of general commodities, with exceptions, between points in Buchanan County, Mo., on the one hand, and, on the other, points in a described area of Missouri and Iowa, and Nebraska City, Nebr., and points in its commercial zone. Frank W. Taylor, Jr., Reeder, Dysart & Taylor, 1221 Baltimore Ave., Kansas City, Mo. 64105, attorney for applicants.

No. MC-FC-74596. By order of August 24, 1973, the Motor Carrier Board approved the transfer to Cohey Trucking Company, a corporation, Baltimore, Md., of that portion of the operating rights in Certificate No. MC-73587 issued January 2, 1968, to Elliott Brothers Trucking Company, Inc., Easton, Md., authorizing the transportation of general commodities, over regular routes, between Baltimore, Md., and Philadelphia, Pa., serving all intermediate points and named off-route points, from Baltimore over U.S. Highway 1 to Philadelphia, and return over the same route, restricted against the transportation of traffic originating at Baltimore and destined to Philadelphia and traffic originating at Philadelphia and destined to Baltimore; general commodities, over irregular routes, between points in Maryland on the above-specified regular route between the Maryland-Pennsylvania State line and Baltimore, on the one hand, and, on the other, points in that part of Pennsylvania bounded by a line beginning at Philadelphia and extending along U.S. Highway 611 to Easton, thence along a line extending from Easton through Albany to Pine Grove, thence along a line extending from Pine Grove through Linglestown to Harrisburg, thence along U.S. Highway 230 to Lancaster, and thence along U.S. Highway 30 to point of beginning; and general commodities, over irregular routes, between Oxford and West Grove, Pa., and points in Pennsylvania within 5 miles of West Grove, on the one hand, and, on the other, points in Delaware and Maryland lying between the Chesapeake Bay and the Atlantic Ocean and on and south of the north bank of the Chesapeake and Delaware Canal, including Chesapeake City, Md. Each of the subject general commodity operating authorities is limited by usual exceptions. John R. Sims, Jr., Suite 600, 1707 H Street NW., Washington, D.C. 20006, attorney for applicants.

No. MC-FC-74659. By order of August 23, 1973, the Motor Carrier Board approved the transfer to People's Storage Warehouse Company, a corporation, Warwick, R.I., of the operating rights in Certificate No. MC-94347 issued October 25, 1967 to Royal Van & Storage, Inc., Providence, R.I., authorizing the transportation of household goods, as defined by the Commission, between specified points and areas in Rhode Island, Connecticut, Massachusetts, New York, Maine, New Hampshire, Vermont, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and the District of Columbia. Allan M. Shine, 915 Hospital Bldg., Providence, R.I., 02903, attorney for transferor, Russell B. Curnett, P.O. Box 366, Harwich, Mass., 02645, representative for transferee.

No. MC-FC-74615. By order of August 23, 1973, the Motor Carrier Board approved the transfer of Leonard Bros. Trucking Co., Inc., of Texas, Grand Prairie, Tex., of portions of Certificates Nos. MC-19227 (sub Nos. 87 and 88) issued to Leonard Bros. Trucking Co., Inc., Miami, Fla., authorizing the transportation of: Self-propelled articles, related machinery, tools, parts, and supplies, and commodities used in or in connection with the natural gas industry, and stringing and picking up of pipelines, and other services in connection therewith, between points in Texas. W. O. Turney, attorney, 2001 Massachusetts Ave., Washington, D.C. 20036.

No. MC-FC-74665. By order of August 24, 1973, the Motor Carrier Board approved the transfer to suburban Coach Lines, Incorporated, P.O. Box 7291, Asheville, N.C., of Certificate No. MC-128306 (Sub-No. 2), issued to Lawrence C. Stoker, d.b.a. Suburban Coach Lines, Asheville, N.C., authorizing the transportation of: Passengers and their baggage, express and newspapers, between Asheville and Brevard, N.C., serving all intermediate points.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-18475 Filed 8-29-73;8:45 am]

[Notice No. 116]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 24, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before Sept. 14, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22278 (sub-No. 44 TA), filed August 15, 1973. Applicant: TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Pre-stressed concrete, precast concrete, and construction elements, concrete,* from Waterloo, Iowa, to points in Illinois on and north of U.S. Highway 36, for 180 days. Supporting shipper: C. W. Shirey Company, 1845 La Porte Road, Waterloo, Iowa 50702. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 30319 (Sub-No. 142 TA), filed August 13, 1973. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, 7600 South Central Expressway, Dallas, Tex. 75216 and Mailing: 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex 75701. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Dolen, Tex., as an off-route point in connection with applicant's present regular route authority to and from Cleveland, Tex., via Texas Highway 105, for 180 days.

NOTE.—Applicant does intend to tack with MC 30319 at all interchange gateways. Supporting shipper: Lone Star Industries, Inc., P.O. Box 98, Houston, Tex. 77001. Send protests to: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 30844 (sub-No. 475 TA), filed August 14, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Box zip 50702, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought

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to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, (1) from Holland, Mich.; Henderson, N.C.; Iowa City and Muscatine, Iowa; Toledo, Fremont, and Bowling Green, Ohio; Salem, N.J.; and Mechanicsville, Chambersburg, Leetsdale, and Pittsburgh, Pa., to Greenville, S.C.; and (2) from Greenville, S.C., to points in Alabama, Georgia, Mississippi, Tennessee, and New Orleans, La., and the commercial zone of New Orleans, restricted to shipments originating at and/or destined to the facilities of H. J. Heinz Co., for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 51146 (sub-No. 327 TA), filed August 6, 1973. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses and upholstered box springs*, from Mason, Ohio, to Detroit, Mich., for 180 days. Supporting shipper: J. L. Hudson Company, 1206 Woodward, Detroit, Mich. 48226 (John A. Stein, Traffic Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 60470 (sub-No. 22 TA), filed August 15, 1973. Applicant: MOTORCAR TRANSPORT COMPANY, 1280 Joslyn Avenue, Pontiac, Mich. 48055. Applicant's representative: Walter N. Bieneman, Suite 1700—One Woodward Ave., Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, from Janesville, Wis., to points in the Lower Peninsula of Michigan, for 180 days. Supporting shipper: General Motors Corporation, 30007 Van Dyke Avenue, Warren, Mich. 48090. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower Bldg., 10 Witherell, Detroit, Mich. 48226.

No. MC 82063 (sub-No. 44 TA), filed August 14, 1973. Applicant: KLIPSCH HAULING CO., 119 E. Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Kansas City, Kans.; Kansas City and North Kansas City, Mo., to points in Virginia, North Carolina, Florida, Louisiana, Nebraska, Alabama, Texas, Indiana, Tennessee, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Montana, New Mexico, North Dakota, Ohio, Oklahoma, South Carolina, Wyoming, Michigan, Minnesota, South Dakota, Wisconsin, and Mississippi, for 180 days. Supporting shippers: Southwest Grease & Oil Co. (Kansas City), Inc., 3148 Roanoke Rd., Kansas City, Mo. 64111; Cook Paint & Varnish Company, P.O. Box 389, Kansas City, Mo. 64141; Thompson-Hayward Chemical Company, 5200 Speaker Road, Kansas City, Mo. 66110; and Rhodia, Inc., Chipman Division, 120 Jersey Ave., New Brunswick, N.J. 08903. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, 210 N. 12th Street, Room 1465, St. Louis, Mo. 63101.

No. MC 97357 (sub-No. 49 TA), filed August 10, 1973. Applicant: ALLYN TRANSPORTATION COMPANY, 14011 South Central Avenue, Los Angeles, Calif. 90059. Applicant's representative: David P. Christianson, 825 City National Bank Bldg., 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Distillate and residual fuel oils*, (1) from points in Kern County, Calif., to points in and within 20 miles of Glendale, Ariz.; to points in and within 20 miles of Tempe, Ariz.; and to points in and within 20 miles of Page, Ariz.; and (2) from points in Los Angeles County, Calif., to points in and within 20 miles of Page, Ariz., for 150 days. Supporting shipper: Aromalene Oil Company, 2750 East Spring Street, Long Beach, Calif. 90806. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 112963 (sub-No. 45 TA), filed August 14, 1973. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients*, in bulk, in tank vehicles, from Reedville, Va.; Harmony, N.C.; Cambridge, Md.; Salisbury, Md.; and Wilmington, Del., to Woburn, Mass., for 180 days. Supporting shipper: Lipton Pet Foods, 209 New Boston St., Woburn, Mass. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., 5th Floor, Boston, Mass. 02114.

No. MC 114045 (sub-No. 387 TA) (Correction), filed August 2, 1973, published in the FEDERAL REGISTER issue of August 20, 1973, and republished as corrected this issue. Applicant: TRANS-COLD EXPRESS, INC., Finley & Belt Line Rd., P.O. Box 5842 (Box zip 75222), Dallas, Tex. 75240. Applicant's representative: J. B. Stuart (same address as above).

NOTE.—The purpose of this partial republication is to show the applicant correct MC number as No. MC 114045 (Sub-No. 387 TA) in lieu of No. MC 144045 (sub-No. 387 TA), which was published in error in the FEDERAL REGISTER. The rest of the application remains the same.

No. MC 124160 (sub-No. 7 TA), filed August 14, 1973. Applicant: SAVAGE BROTHERS, INCORPORATED, 602 East Main Street, American Fork, Utah 84003. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from the mine located approximately 12 miles west of Huntington, Utah, to the railroad head at Price, Utah, and the railroad head at Morhland, Utah, restricted to traffic having a subsequent out-of-State movement, for 180 days. Supporting shipper: Peabody Coal Company, Deer Creek Mine, Huntington, Utah (Neldon Sitterud, Superintendent of Operations). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 124236 (sub-No. 53 TA), filed August 13, 1973. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry silica moulding sand and dry resin coated moulding sand*, from Mill Creek, Okla., to Amarillo, Tex., for 180 days. Supporting shipper: Hydro Corporation, 2200 NE. 3rd, P.O. Box 1006, Amarillo, Tex. 79105. Send protests to: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 125358 (sub-No. 13 TA), filed August 14, 1973. Applicant: MID-WEST TRUCK LINES, LTD., Canadian Corp., 1216 Fife Street, Winnipeg, Manitoba, Canada 14. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, for the account of Monsanto Company, from the plantsite and warehouse facility of Monsanto Company near Muscatine, Iowa, to ports of entry on the International Boundary line, between the United States and Canada located at or near Pembina, N. Dak. and Noyes, Minn., on traffic having a subsequent movement in foreign commerce to the provinces of Saskatchewan, Alberta, and Manitoba, Canada, for 180 days. Supporting shipper: Monsanto Company, 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 128030 (sub-No. 46 TA), filed August 15, 1973. Applicant: STOUT TRUCKING CO., INC., P.O. Box 177, RR #1, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Bleacher seats and parts thereof*, from Champaign, Ill., to points in California, Idaho, Oregon, and Washington and (B) *basketball backstops and parts thereof*, from Champaign, Ill., to points in the United States when shipped with bleacher seats, for 150 days. Supporting shipper: Mr. T. E. Ignasiak, Universal Bleacher Company, 1303 N. McKinley, Champaign, Ill. Send protests to: R. G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128375 (sub-No. 99 TA), filed August 13, 1973. Applicant: CRETE CARRIER CORPORATION, P.O. Box 249, 1444 Main, Crete, Nebr. 68333. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tinplate* moving in van equipment, for the account of Allen Products Co., Inc., a subsidiary of division of Liggett & Myers, Incorporated, New York, N.Y., from Weirton, W. Va., to the plantsite of Allen Products Company at or near Crete, Nebr., for 180 days. Supporting shipper: Mr. Glenn Petrine, Distribution Manager, Allen Products Company, Inc., Allentown, Pa. 18101. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 133168 (sub-No. 3 TA), filed August 6, 1973. Applicant: DELTA EXPRESS, INC., P.O. Box 776, River Road, Natchitoches, La. 71457. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill and forest products, particle board, wallboard, fiberboard, pulpboard, poles, piling, posts, and ties*, from points in Louisiana located on and north of U.S. Highway 190 and on and west of the Mississippi River (except points within East Carroll, West Carroll, Madison, Tensas, Point Coupee, and St. Landry Parishes, La.), to points in Arkansas, Louisiana, Mississippi, Missouri, Alabama, Florida, Georgia, Illinois, Indiana, and Kentucky, for 180 days. Supporting shippers: (1) Paul Bellenger Lumber Company, P.O. Box 189, Jackson, Miss. 39205; (2) Mueth Lumber & Plywood Co., P.O. Box 12786, St. Louis, Mo. 63141; (3) C. A. Reed Lumber Company, Inc., P.O. Box 267, Bernice, La. 71222; (4) Stewart's Forest Products, P.O. Box 2776, Little Rock, Ark. 72203; and (5) Williamette Industries, Inc., P.O. Box 907, Albany, Oreg. 97321. Send protests to: District Supervisor Ray C. Armstrong, Jr., Bureau of Operations, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 134779 (sub-No. 5 TA), filed August 16, 1973. Applicant: JANESVILLE AUTO TRANSPORT COMPANY, 1263 Cherry Street, P.O. Box 959, Janesville, Wis. 53545. Applicant's representative: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, (1) from Pontiac, Mich., to Janesville, Wis. and (2) from Pontiac, Mich., to points in Iowa, Minnesota, and Wisconsin, restricted to the transportation of traffic moving through Janesville, Wis., for 180 days. Supporting shipper: E. R. Wiseman, Traffic Planning and Rates—GM Logistics Operations, General Motors Corporation, 30007 Van Dyke Avenue, Warren, Mich. 48090. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson St., Madison, Wis. 53703.

No. MC 136008 (sub-No. 11 TA), filed August 14, 1973. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, NE., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 2400 Northwest 23d Street, P.O. Box 75124, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Light weight aggregate*, in bulk, (1) from the plantsite of TXI, Dallas, Tex., to (a) plantsite of Day Block Company, Ardmore, Okla.; (b) plantsite of Shawnee Concrete Block & Brick Co., Shawnee, Okla.; (c) plantsite of Ada Block Company, Ada, Okla.; and (d) plantsite of Oklahoma Brick Corp., approximately 3½ miles northwest of Union City, Okla. and (2) from the plantsite of TXI, Eastland, Tex., to (a) plantsite of Thomas Concrete Products Co., Oklahoma City, Okla. and (b) Comanche Concrete Products Company, Lawton, Okla., for 180 days. Supporting shipper: Day Block Company, Thad Day, 1401 Monroe NE., Ardmore, Okla. 73401; Ada Block Co., C. R. Whitwell, 1001 W. 18th Street, Ada, Okla. 74820; Oklahoma Brick Corp., Wm. G. Tait, 2642 Northwest 10th St., Oklahoma City, Okla.; Shawnee Concrete Block & Brick Co., George McLaughlin, 3501 N. Harrison, Shawnee, Okla.; Comanche Concrete Products Co., Jackson J. Russell, 8 Wallock, Lawton, Okla. 73501; and Thomas Concrete Products Co., Tom A. Thomas, Jr., 5500 S. High, Oklahoma City, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240–Old P.O. Bldg., 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 138957 (sub-No. 1 TA), filed August 14, 1973. Applicant: DEVANE HARADON, doing business as B–D–H TRUCKING CO. 9320 Southwest Barbur Blvd., Portland, Oreg. 97219. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages* (beer-wine) and (2) *paper and paper products*, (1) from San Francisco commercial zone, Menlo Park, St. Helena, Madera, and Los Angeles commercial zone, including Van Nuys and Azusa, Calif., to points in Washington, Multnomah, Clackamas, and Lane Counties, Oreg., and (2) from Portland, Oreg., and its commercial zone, to Los Angeles commercial zone, including Buena Park and San Francisco commercial zone, San Jose and Sacramento, for 180 days. Supporting shippers: Spear Beverage Co., 3808 N. William, Portland, Oreg. 97227 and Western Kraft Corp., 5800 Southwest Western Avenue, Beaverton, Oreg. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Bldg., 319 Southwest Pine St., Portland, Oreg. 97204.

No. MC 138963 TA (correction), filed August 7, 1973, published in Notice No. 113 dated August 16, 1973, and republished as corrected this issue. Applicant: JAY ROZELL, doing business as ROZELL TRUCK LINES, 1003 Cedar, Minco, Okla. 73059. Applicant's representative: R. H. Lawson, 2400 Northwest 23d, Oklahoma City, Okla. 73107.

NOTE.—The purpose of this partial republication is to correct the applicant's name to JAY ROZELL, in lieu of RAY ROZELL, which was published in the FEDERAL REGISTER in error. The rest of the application remains the same.

MOTOR CARRIERS OF PASSENGERS

No. MC 138990 (sub-No. 1 TA), filed August 15, 1973. Applicant: INTERSTATE BUS SERVICE, INC., 8675 Northwest 53d Street, Miami, Fla. 33166. Applicant's representative: Richard B. Austin, Suite 123, Koger Building, Miami, Fla. 33166. Authority sought to operate as a *common contract*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in sightseeing bus service as a part of a total package or prearranged air or water and ground transportation movement between Port Everglades, Dodge Island, Miami International Airport, Fort Lauderdale/Hollywood International Airport, Miami Beach, and Fort Lauderdale, Fla., on the one hand, and, Cape Kennedy, Disney World (Orange County), Cypress Gardens, Busch Gardens, Rainbow Springs, Key West, and Silver Springs, Fla., on the one hand, and from the named sightseeing points above set out back to the named origin points above set out. Restricted to traffic moving in a combined, prearranged or packaged tour with an immediate, prior or subsequent movement by air or water, for 180 days. Supporting shippers: Duva

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Travel Agency, 7861 W. Sample Road, Coral Springs, Fla. 33065 and Strachan Shipping Company Post Office Box 13131, Port Everglades, Fla. 33155. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th St., Room 105, Miami, Fla. 33155.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-18474 Filed 8-29-73;8:45 am]

[Notice 68]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

AUGUST 24, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 263 (sub-No. 209), filed June 22, 1973. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Billings, Mont., and points within four miles of Billings, to points in North Dakota and South Dakota.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Billings, Mont.

No. MC 1824 (sub-No. 61), filed July 10, 1973. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Medina, N.Y., as an off-route point in connection with applicant's regular route operations between Baltimore, Md., and Buffalo, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 2253 (sub-No. 59), filed June 25, 1973. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, N.C. Highway 150 East, Cherryville, N.C. 28021. Applicant's representative: W. C. Mauldin, P.O. Box 697, Cherryville, N.C. 28201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose acetate flake*, in bulk, from Celriver, S.C., to Rome, Ga.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., Charlotte, N.C., or Greenville, S.C.

No. MC 2253 (sub-No. 61), filed July 5, 1973. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, N.C. Highway 150, East, Cherryville, N.C. 28021. Applicant's representative: W. C. Mauldin, P.O. Box 697, Cherryville, N.C. 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery, and related products* (except in bulk), and (2) *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of M&M/Mars, Division of Mars, Incorported, located at Doraville, Decatur, Atlanta, and Albany, Ga., to points in Ohio, Illinois, New Jersey, Indiana, Maryland, New York, Pennsylvania, Virginia, and West Virginia, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of M&M/Mars, Division of Mars, Incorporated.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 2860 (sub-No. 124), filed June 19, 1973. Applicant: NATIONAL FREIGHT, INC., 57 W. Park Avenue, Vineland, N.J. 08360. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between Somerville, N.J., and points in Morris County, N.J., on the one hand, and, on the other, points in New York and Pennsylvania, restricted against the transportation of traffic originating at, destined to, or received from or delivered to connecting carriers at Somerville, N.J., or in Morris County, N.J.

NOTE.—Common control may be involved. Applicant is presently authorized and is conducting operations between points in Pennsylvania and New York via Somerville, N.J. The sole purpose of this application is to add Morris County as an additional gateway area so as to permit the use of terminal and fueling facilities proposed to be established in Morris County. Applicant states that the requested authority can be tacked at Somerville, N.J. and Morris County, N.J., to serve points in Southern New England.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 4963 (sub-No. 44), filed July 30, 1973. Applicant: ALLEGHANY CORPORATION, doing business as JONES MOTOR, Bridge Street & Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: Roland Rice, Suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets*, wooden, *parts thereof, counter tops*, with or without vinyl covering or plastic, and *sinks*, setup or knocked down, from the Boise Cascade Corporation plants and warehouses located at Fenwick, Paw Paw, and Moorefield, W. Va., and Berryville, Orange and Winchester, Va., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Iowa, Michigan, Ohio, Missouri, and the District of Columbia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5470 (sub-No. 80), filed June 15, 1973. Applicant: TAJON, INC., R.D. 5, Mercer, Pa. 16137. Applicant's representative: Donald E. Cross, 918–16th Street NW., Suite 700, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals*, in dump vehicles, from New Kensington, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at: (1) New Kensington, Pa. to provide a through service from various points in Ohio, Pennsylvania, New York, Kentucky, West Virginia, Connecticut, New Jersey, and Tennessee to the destination states requested herein; and (2) Alloy, W. Va., and Ashtabula and Marietta, Ohio to serve additional destinations in various southern states and Wisconsin, Kentucky, Missouri, North Carolina, and South Carolina. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 5470 (sub-No. 81), filed June 18, 1973. Applicant: TAJON, INC., R.D. 5, Mercer, Pa. 16137. Applicant's representative: Donald E. Cross, 918–16th Street NW., Suite 700, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in dump vehicles, from Perth Amboy, N.J., to points in New York, Ohio, and Pennsylvania.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in No. MC 5470 at various points in Ohio; (1) to serve additional points in West Virginia and those in New York west of U.S. Highway 15; and (2) to serve additional points in Kentucky, and West Virginia within 40 miles of Ironton, Ohio. Applicant further indicates that tacking may occur at points in Pennsylvania, but no new service could be rendered. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 8600 (sub-No. 32), filed June 21, 1973. Applicant: WERNER CONTINENTAL, INC., 2500 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, livestock, commodities in bulk, commodities requiring special equipment), (1) between Lima, Ohio, and the junction of Ohio Highway 65 and U.S. Highway 30 N; from Lima over Ohio Highway 65 to junction U.S. Highway 30 N, and return over the same route; (2) between the junction of Ohio Highway 65 and U.S. Highway 30 N and Defiance, Ohio: from junction Ohio Highway 65 and U.S. Highway 30 N over Ohio Highway 65 to junction Ohio Highway 15, thence over Ohio Highway 15 to Defiance, and return over the same route; (3) between Lima, Ohio, and the junction of U.S. Highway 25 (also known as Interstate Highway 75) and U.S. Highway 30 N: from Lima over U.S. Highway 25 (also known as Interstate Highway 75) to junction U.S. Highway 30 N, and return over the same route; (4) between the junction of U.S. Highway 25 (also known as Interstate Highway 75) and U.S. Highway 30 N and Toledo, Ohio: (a) from junction U.S. Highway 25 (also known as Interstate Highway 75) and U.S. Highway 30 N over combined U.S. Highway 25 and Interstate Highway 75 to junction U.S. Highway 25 at or near Cygnet, thence over separated U.S. Highway 25 to Toledo, and return over the same route; and (b) from junction U.S. Highway 25 (also known as Interstate Highway 75) and U.S. Highway 30 N over combined U.S. Highway 25 and Interstate Highway 75 to junction Interstate Highway 75 at or near Cygnet, then over separated Interstate Highway 75 to Toledo, and return over the same route; (5) between the junction of U.S. Highway 30 and Ohio Highway 66 at or near Delphos, Ohio and Defiance, Ohio: from junction U.S. Highway 30 and Ohio Highway 66 at or near Delphos over Ohio Highway 66 to Defiance, and return over the same route; (6) between the junction of U.S. Highway 30 and U.S. Highway 127 at or near Van Wert, Ohio, and the junction of U.S. Highway 127 and U.S. Highway 24: from junction U.S. Highway 30 and U.S. Highway 127 at or near Van Wert over U.S. Highway 127 to junction U.S. Highway 24, and return over the same route; and (7) the request in (1) through (6) above as alternate routes for operating convenience only, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 14552 (sub-No. 50), filed May 31, 1973. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a Corporation, 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Paul F. Beery, 88 East Broad St., Suite 1660, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Pittsburgh, Clairton, Homestead, Duquesne, McKeesport, Dravosburg, West Mifflin, Ellwood City, and Vandergrift, Pa., to points in Michigan, Indiana, and New York; and (2) *iron and steel articles, and materials, equipment, and supplies* used or useful in the manufacture of iron and steel and iron and steel articles, (except liquid commodities and commodities in bulk) from points in Michigan, Indiana, and New York to points in Ohio, and those in Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 50, and on and west of U.S. Highway 219, restricted to the transportation of shipments originating at and/or destined to the abovenamed origins and destinations.

NOTE.—Applicant holds contract carrier authority under MC 123991 and Subs 4 and 7, therefore dual operations may be involved. Applicant, further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 17211 (sub-No. 14), filed July 10, 1973. Applicant: JESCO MOTOR EXPRESS, INC., 162 Columbus Road, Mount Vernon, Ohio 43050. Applicant's representative: David A. Turano, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, from Wyandotte, Mich., to Mount Vernon, Ohio, under contract with Chattanooga Glass Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 19227 (sub-No. 191), filed July 19, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: J. F. Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sewage disposal units, water treatment units, assessories* such as tertiary filters, flow splitter boxes, etc., and *component parts that may be used in conjunction with ecology and environmental control systems*, (1) from Charlotte, N.C., to points in Michigan, Illinois, Indiana, Ohio, West Virginia, Virginia, Maryland, Delaware, Kentucky, Tennessee, South Carolina, Georgia, Arkansas, Oklahoma, Kansas, and Texas, (2) from Houston, Tex., to points in Tennessee, North Carolina, Kentucky, Virginia, West Virginia, Delaware, Ohio, Indiana, Illinois, and Michigan, and (3) from Baltimore, Md., to points in Michigan, Illinois, Indiana, Ohio, Virginia, Kansas, Oklahoma, and Texas.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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NOTE.—Common control may be involved. Applicant indicates that to the extent that the commodities for which the instant application is made are commodities requiring special equipment, the requested authority under part (1) can be tacked with its existing authority at points in Texas and Yuma, Ariz., to provide a through service from Charlotte, N.C., to points in Arizona, California, Missouri, Nebraska, and New Mexico, and under part (3) tack at points in Kansas and Yuma, Ariz., to provide a through service from Baltimore, Md., to points in Arizona, California, Nebraska, New Mexico, and Missouri, but indicates that it has no present intention to tack. Applicant further states there are other tacking possibilities into Florida, Arkansas, and Louisiana by tacking through Kansas and Texas, but that these would be too circuitous for practical transportation. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Washington, D.C.

No. MC 19917 (sub-No. 3), filed July 16, 1973. Applicant: E. R. JARRELL, 1422 Smallman Street, Pittsburgh, Pa. 15219. Applicant's representative: Jerome Solomon, 3131 U.S. Steel Bldg., 600 Grant St., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared food products*, from the plantsites and storage facilities of H. J. Heinz Compnay located in Allegheny County, Pa., to points in Massachusetts, Connecticut, Rhode Island, Maine, Vermont, and New Hampshire, under contract with H. J. Heinz Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 19778 (sub-No. 87), filed July 5, 1973. Applicant: MILWAUKEE MOTOR TRANSPORTATION COMPANY, a Corporation, Suite 508–516, West Jackson Blvd., Chicago, Ill. 60606. Applicant's representative: W. E. Gallagher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives), between Billings and Roundup, Mont., restricted to the transportation of shipments having prior or subsequent movement by rail.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Billings or Helena, Mont.

No. MC 25399 (sub-No. 10), filed June 11, 1973. Applicant: A–P–A TRANSPORT CORP., 2100 85th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), between points in Middlesex County, N.J., and Philadelphia, Pa., Commercial Zone as defined by the Commission, on the one hand, and, on the other, points in Salem, Atlantic, Cumberland, and Cape May Counties, N.J.

NOTE.—Applicant states that the above authority can be tacked with applicant's present authority in Docket No. MC 25399 and Subs at points in Middlesex County, N.J., and points in the Philadelphia, Pa., Commercial Zone as defined by the Commission to serve additional points in Camden, Gloucester, Burlington, Mercer, Ocean, Monmouth, Middlesex, and Somerset Counties, N.J. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 25798 (sub-No. 240), filed July 23, 1973. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and related products* (except in bulk), and (2) *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from points in Georgia, to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Louisiana, Minnesota, Missouri, Nebraska, Nevada, North Dakota, South Dakota, Oklahoma, Oregon, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin, restricted to the transportation of traffic originating at the plantsite or warehouse facilities of M&M/Mars, Division of Mars, Inc., located at Doraville, Decatur, Atlanta, and Albany, Ga.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Atlanta, Ga.

No. MC 25798 (sub-No. 241), filed July 24, 1973. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Wagner, S. Dak., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the plantsite and storage facilities of Yankton Sioux Industries.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Washington, D.C.

No. MC 30844 (sub-No. 474), filed July 13, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, from Freehold, N.J., to points in the United States in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 36974 (sub-No. 9), filed July 16, 1973. Applicant: HMIELESKI TRUCKING CORP., 108 New Era Drive, South Plainfield, N.J. 07080. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of elevators and escalators and in connection therewith *materials, supplies, and equipment* used in the maintenance, repair, or installation thereof, from Edison, N.J., to points in Orange, Rockland, Putnam, Dutchess, and Ulster Counties, N.Y., Philadelphia, Bucks, Montgomery, Delaware, Northampton, Monroe, Chester, Lancaster, Berks, and Lehigh Counties, Pa., and New Castle County, Del., and *returned shipments* from points in the above described destination territory to Edison, N.J.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 41404 (sub-No. 110), filed July 5, 1973. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, P.O. Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and related products* (except in bulk), and (2) *advertising matter, premium and display materials*, when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plantsites and warehouse facilities of M&M/MARS, Division of Mars, Incorporated, located at or near Albany, Atlanta, Doraville, and Decatur, Ga., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Dakota, South Dakota, Ohio, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of M&M/MARS, Division of Mars, Incorporated.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Atlanta, Ga., or Chicago, Ill.

No. MC 47693 (sub-No. 13), filed July 20, 1973. Applicant: JOHN R. CALLAHAN, doing business as CALLAHAN TRANSPORTATION, 857 Dounton Way, Pittsburgh, Pa. 15233. Applicant's representative: Joseph I. Lewis, 907 Plaza Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, between points in Pennsylvania on and west of a line formed by the eastern boundaries of McKean, Cameron, Clearfield, Blair, Huntingdon, and Fulton Counties, under contract with Brandywine Distributing Co., South Side Beer Distributing Co., and Duquesne Sales.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 59680 (sub-No. 209), filed July 5, 1973. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, P.O. Box 5689, Dallas, Texas 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk and those requiring special equipment), (1) between Fordyce and Warren, Ark.: from Fordyce over Arkansas Highway 8 to Warren and return over the same route, serving no intermediate points; (2) between Monticello and McGehee, Ark.: from Monticello over Arkansas Highway 4 to McGehee and return over the same route, serving no intermediate points; (3) between Monticello and Dermott, Ark.: from Monticello over Arkansas Highway 35 to Dermott and return over the same route, serving no intermediate points; (4) between Hamburg and Montrose, Ark.: from Hamburg over U.S. Highway 85 to Montrose, and return over the same route ,serving no intermediate points; (5) between Hamburg and Parkdale, Ark.: from Hamburg over Arkansas Highway 8 to Parkdale, and return over the same route, serving no intermediate points; (6) between Parkdale and Eudora, Ark.:

From Parkdale over Arkansas Highway 8 to Eudora, and return over the same route, serving no intermediate points; (7) between Little Rock and Fordyce, Ark.: from Little Rock over U.S. Highway 167 to Fordyce, and return over the same route, serving no intermediate points; (8) between Star City and Gould, Ark.: from Star City over Arkansas Highway 114 to Gould, and return over the same route, serving no intermediate points; (9) between Rison and Calmer, Ark.: from Rison over Arkansas Highway 35 to junction Arkansas Highway 114, thence over Arkansas Highway 114 to Calmer, and return over the same routes, serving no intermediate points; (10) between Calmer and Star City, Ark.:

From Calmer over Arkansas Highway 114 to Star City, and return over the same route, serving no intermediate points; and (11) between Monticello and Dumas, Ark.: from Monticello over Arkansas Highway 83 to junction Arkansas Highway 54, thence over Arkansas Highway 54 to Dumas, and return over the same route, serving no intermediate points; in all of the above as alternate routes for operating convenience only in connection with carrier's regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Little Rock, Ark., Memphis, Tenn., Dallas, Tex., or Washington, D.C.

No. MC 61396 (sub-No. 251), filed July 3, 1973. Applicant: HERMAN BROS., INC., 2501 No. 11th St., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed and liquid animal feed supplements*, in bulk, in tank vehicles, from the plantsite of Land O'Lakes, Inc., at or near Dubuque, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 61396 (sub-No. 252), filed July 19, 1973. Applicant: HERMAN BROS., INC., 2501 No. 11th St., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from points in Sioux City, Iowa Commercial Zone, to points in Minnesota, Nebraska, and South Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 61396 (sub-No. 253), filed July 19, 1973. Applicant: HERMAN BROS., INC., 2501 No. 11th Street, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Doniphan, Nebr., and Kansas City, Mo., to points in Kansas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it to be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 61592 (sub-No. 309), filed June 29, 1973. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: E. A. DeVine (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinyl, asphalt, aluminum and steel siding and vinyl skirting*, and (2) *materials and supplies* used in the manufacture and distribution of the foregoing commodities, from the plantsites and warehouse facilities of Mastic Corp. at South Bend, Ind., and Chicago, Ill., to points in Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Illinois, Indiana, Michigan, Wisconsin, Georgia, Florida, South Carolina, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, Delaware, Maryland, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it to be held at Chicago, Ill.

No. MC 76449 (sub-No. 14), filed June 28, 1973. Applicant: NELSON'S EXPRESS, INC., 675 North Market Street, Millersburg, Pa. 17061. Applicant's representative: Jon M. Musselman, 410 North Third Street, P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automotive and trailer axles and parts thereof, automotive and trailer wheels, hub and drum assemblies and parts thereof, automotive and trailer brake assemblies and parts thereof, rims, tires, and tires mounted on rims*, from Pine Grove, Pa., to points in Maryland, New York, Ohio, Virginia, West Virginia, and the District of Columbia; and (2) *articles, materials, and supplies* used in the

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manufacture and distribution of the commodities named in (1) above from the above destinations, to Pine Grove, Pa.

NOTE.—Applicant states that the requested authority can be tacked with its regular-route authority in No. MC-76449 and sub-Nos. 5, 7, 9, and 10, at Pine Grove, Pa., to serve various points in Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 78118 (sub-No. 23), filed June 28, 1973. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, Pa. 17602. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses and in connection therewith, *equipment, material, and supplies* used in the conduct of such business (except in bulk), between the facilities of Acme Markets, Inc., in the Township of East Lampeter (Lancaster County), Pa., on the one hand, and, on the other, those points in New Jersey, lying on, south and west of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 22 to Alpha, N.J., thence along Interstate Highway 78 to intersection U.S. Highway 22, thence along U.S. Highway 22 to Somerville, N.J., thence southward along U.S. Highway 206 to Princeton, N.J., thence eastward along New Jersey Highway 571 to Hights town, N.J., and thence along New Jersey Highway 33 to Ocean Grove, N.J.; points in Delaware north of the Chesapeake and Delaware Canal; and those points in Pennsylvania in a territory east of the Susquehanna River to its intersection with U.S. Highway 209 at Millersburg, Pa., and on and south of a line beginning at the intersection of the Susquehanna River and U.S. Highway 209, thence along U.S. Highway 209 to Stroudsburg, Pa., and thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Harrisburg, Pa.

No. MC 87720 (sub-No. 146), filed July 6, 1973. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193–5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail and chain grocery, hardware, and drug stores, in containers, and *materials and supplies* (except in bulk) used in the manufacture and distribution of the above described commodities, between Chicago, Ill., and points in its Commercial Zone, on the one hand, and, on the other, Atlanta, Chamblee, and Doraville, Ga., Kansas City, Kans., Kansas City, Mo., Denver, Colo., Arlington, Tex., Detroit, Mich., and Los Angeles, Calif., and points in the respective Commercial Zones thereof, under contract with American Home Products Corporation.

NOTE.—Applicant also holds common carrier authority in MC 135684 (sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 89684 (sub-No. 83), filed June 11, 1973. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 2nd Street, Salt Lake City, Utah 84110. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 71 M.C.C. 467), between points in Salt Lake County, Utah, on the one hand, and, on the other, Alta, Utah, and points in Little Cottonwood Canyon on Utah Highway 210; and Brighton, Utah and points in Big Cottonwood Canyon on Utah Highway 152.

NOTE.—Applicant states that tacking possibilities exist with its sub 63 and 54 to provide through service from the Denver, Colo., area and the Southern Idaho areas. Persons interested in the tacking possibilities are cautioned that failure to oppose them may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 103498 (sub-No. 32) (amendment), filed May 16, 1973, published in the FR issue of June 21, 1973, and republished, as amended, this issue. Applicant: W. D. SMITH TRUCK LINE, INC., P.O. Drawer C, DeQueen, Ark. 71832. Applicant's representative: Donald T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, from Grambling, La., to points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to indicate that applicant seeks to perform operations from Grambling, La., in lieu of Simsboro, La. as originally requested. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 104654 (sub-No. 152), filed June 11, 1973. Applicant: COMMERCIAL TRANSPORT, INC., P.O. Box 469, Belleville, Ill. 62222. Applicant's representative: L. A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from Belleville, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Tennessee, and Wisconsin, restricted to traffic having an immediate prior movement by rail.

NOTE.—Common control may be involved. Applicant indicates that no tacking will be performed, and therefore an appropriate restriction will apply. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Washington, D.C.

No. MC 105159 (sub-No. 30), filed July 5, 1973. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, Minn. 55066. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from points in Minnesota, to points in Illinois, and Nebraska.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 105813 (sub-No. 190), filed July 13, 1973. Applicant: BELFORD TRUCKING CO., INC., 3500 N.W. 79th Avenue, Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *candy and confectionery and related products* (except in bulk), and (2) *advertising matter, premium and display materials*, when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of M&M/MARS, Division of Mars, Incorporated, located at or near Albany, Atlanta, Doraville, and Decatur, Ga., to points in Florida, Illinois, Indiana, Kansas, Missouri, North Dakota, and South Dakota, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of M&M/MARS, Division of Mars, Incorporated.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106398 (sub-No. 675), filed July 2, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel silos, loading and unloading devices, waste storage tanks, livestock scales, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems, and parts and accessories* for the above described commodities, from Dekalb, Ill., to points in South Dakota, Nebraska, and Kansas, and to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, restricted to shipments originating from the plant site of the A. O. Smith Corporation.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106400 (sub-No. 98), filed June 29, 1973. Applicant: KAW TRANSPORT COMPANY, a Corporation, P.O. Box 12628, North Kansas City, Mo. 64116. Applicant's representative: Robert L. Hawkins, Jr., P.O. Box 456, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing asphalt* in bulk, in tank vehicles, from the plant site of Trumbull Asphalt Co., at North Kansas City, Mo., to points in Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 106644 (sub-No. 154), filed June 18, 1973. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW, P.O. Box 916, Atlanta, Ga. 30318. Applicant's representative: Hubert Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic or iron fittings and connections, valves, hydrants and gaskets*, (except oil field commodities as defined in *Mercer-Extension Oil Field Commodities*, 74 M.C.C. 459), from the plantsite and storage facilities of the Clow Corporation at or near Columbia, Mo., to points in the United States (except Alaska and Hawaii), restricted to traffic from the new plant site and storage facilities of the Clow Corporation at Columbia, Mo.

NOTE.—Common control may be involved. Applicant states that the requested authority will not be tacked with its existing authority, and may be restricted appropriately. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 108676 (sub-No. 54), filed June 24, 1973. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE, Knoxville, Tenn. 37917. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailer chassis*, from Birston, Va., to Knoxville, Tenn.; (2) (a) *steel culvert pipe, parts and accessories and (b) steel sheet, guard rails, and parts and accessories* for such commodities, from Jeffersonville, Ind. and Girard, Ohio to points in Tennessee, on and east of U.S. Highway 27; and (3) *self-propelled motor vehicles*, each weighing less than 15,000 pounds, from the plant site of Long-Airdox, Inc. at or near Knoxville, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority in (2) above can be tacked with its existing authority at points in Tennessee to serve points in Alabama, Georgia, North Carolina, South Carolina, and Virginia, but indicates it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 109551 (sub-No. 6), filed June 29, 1973. Applicant: MILLER TRUCKING, INC., 1001 S. Fourth Street, Gas City, Ind. Applicant's representative: Donald W. Smith, 900 Circle Tower Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers, closures therefore, and paper cartons*, from Winchester and Richmond, Ind., to points in Illinois, Kentucky, Michigan, Ohio, and Wisconsin, and (2) *rejected shipments thereof*, from the destination points named in (1) above to Winchester and Richmond, Va.

NOTE.—Applicant also holds contract carrier authority in MC 74598, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 110012 (sub-No. 28), filed July 12, 1973. Applicant: G. B. C., INC., 707 North Liberty Hill Road, Morristown, Tenn. 37814. Applicant's representative: Robert E. Joyner, 2000 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, crated or uncrated, from points in Jefferson and Hawkins Counties, Tenn., to points in the United States (except Alaska and Hawaii), and (2) *materials and supplies* used in the manufacture of furniture (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii) to points in Jefferson and Hawkins Counties, Tenn.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn., or Washington, D.C.

No. MC 110098 (sub-No. 137), filed June 25, 1973. Applicant: ZERO REFRIGERATED LINES, a Corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in California, Arizona, New Mexico, Texas, Kansas, Oklahoma, Missouri, Arkansas, and Louisiana, restricted to traffic originating at the named origins.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Clovis, N. Mex. to serve points in Montana, Wyoming, North Dakota, and South Dakota, however applicant has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 110525 (sub-No. 1063), filed July 19, 1973. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plant site of Dow Chemical, U.S.A., at or near Plaquemine, La., to points in the United States (except Alaska and Hawaii), restricted to shipment originating at the above named plant site.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 111383 (sub-No. 34), filed June 20, 1973. Applicant BRASWELL MOTOR FREIGHT LINES, INC., 3925 Singleton Blvd., P.O. Box 4447, Dallas, Tex. 75208. Applicant's representative: E. Larry Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Birmingham, Ala. and Montgomery, Ala.: From Birmingham over U.S. Highway 31 and also Interstate Highway 65 to Montgomery, as an alternate route for operating convenience only, serving no intermediate points; (2) Between Birmingham, Ala. and Opelika, Ala.: From Birmingham over U.S. Highway 280 to Opelika, as an alternate route for operating convenience only, serving no intermediate points; and (3) Between La Grange, Ga. and Columbus, Ga.: From La Grange over Georgia Highway 219 to junction Georgia Highway 103, thence over Georgia Highway 103 to Columbus, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 111383 (sub-No. 36), filed June 20, 1973. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 3925 Singleton Blvd., P.O. Box 4447, Dallas, Tex. 75208. Applicant's representative: Lawrence A. Winkle, 4645 North Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common*

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carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Alexandria, La. and Monroe, La.: From Alexandria over U.S. Highway 165 to Monroe and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (2) Between Alexandria, La. and Tallulah, La.: From Alexandria over U.S. Highway 165 to junction Louisiana State Highway 28, thence over Louisiana State Highway 28 to junction U.S. Highway 84, thence over U.S. Highway 84 to junction U.S. Highway 65, thence over U.S. Highway 65 to Tallulah, La. and return over the same route, as an alternate route, as an alternate route for operating convenience only, serving no intermediate points and serving Tallulah, La. for the purpose of joinder only; and (3) Between Alexandria, La. and Natchez, Miss.: From Alexandria, La. over U.S. Highway 165 to junction Louisiana State Highway 28, thence over Louisiana State Highway 28 to junction U.S. Highway 84, thence over U.S. Highway 84 to junction U.S. Highway 65, thence over U.S. Highway 65 to Natchez, Miss. and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 112148 (sub-No. 56), filed June 27, 1973. Applicant: WORSTER-IOWA, INC., Gay Road, R.D. #1, North East, Pa. 16428. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co., at Humboldt, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Vrginia, and the District of Columbia; restricted to traffic originating at the above-named plantsite and storage facilities.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112750 (sub-No. 299), filed June 20, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except currency, and negotiable securities) as are used in the business of banks and banking institutions; (1) between Vincennes, Ind., on the one hand, and, on the other, points in Clark, Clay, Crawford, Cook, Cumberland, Edwards, Effingham, Jasper, Lawrence, Wabash, and Wayne Counties, Ill.; (2) between Bedford and Sullivan, Ind., on the one hand, and, on the other, Chicago, Ill.; (3) between points in Worcester, Mass., on the one hand, and, on the other, points in Hartford County, Conn.; (4) from Pittsfield, Mass., to Windsor Locks, Conn.; (5) from Holyoke, Mass., to Windsor Locks, Conn.; and (6) between Berne, Ind., and Cleveland, Ohio, under a continuing contract, or contracts with banks and banking institutions.

NOTE.—Applicant holds common carrier authority under MC 111729 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Indiana or Washington, D.C.

No. MC 113267 (sub-No. 306), filed July 18, 1973. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3385 Airways Blvd., Suite 116, Memphis, Tenn. 38116. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk products* (except in bulk), from the plantsite and storage facilities of Borden, Inc., at or near Starkville, Miss., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Memphis, Tenn.

No. MC 113459 (sub-No. 81), filed July 9, 1973. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Power mowers, and accessories and attachments* for power mowers, from Hesston, Kans. to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 113271 (sub-No. 34), filed July 13, 1973. Applicant: CHEMICAL TRANSPORT, a corporation, 1627 Third Street Northwest, Great Falls, Mont. 59404. Applicant's representative: Ray F. Koby, 314 Montana Bldg., Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients and molasses*, in bulk, between points in Colorado, Idaho, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at any city in Montana or Colorado.

No. MC 114004 (sub-No. 133), filed July 10, 1973. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings and sections of buildings*, on under carriages, from points in Colorado, to points in the United States including Alaska (but excluding Hawaii), restricted against the transportation of buildings in sections, mounted on wheeled undercarriages, from the plantsite of Hallmore Homes, Inc., at Colorado Springs, Colo., to points in Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, and New Mexico, and further restricted against the transportation of trailers designed to be drawn by passenger automobiles, in initial movements, and buildings, in sections, mounted on wheeled undercarriages, from points of manufacture in Pueblo County, Colo., to points in New Mexico, Kansas, Nebraska, Wyoming, Nevada, Utah, Arizona, Texas, Oklahoma, Arkansas, Idaho, Iowa, Louisiana, Minnesota, Missouri, Montana, North Dakota, Oregon, South Dakota, and Washington.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114458 (sub-No. 158), filed July 23, 1973. Applicant: DART TRANSIT COMPANY, a corporation, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters, boilers*, househeating, *hot water storage tanks, and garbage disposals*, from Kankakee, Ill., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming; restricted against the transportation of commodities which because of size or weight, require the use of special equipment.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., Milwaukee, Wis., or St. Paul, Minn.

No. MC 114604 (sub-No. 16), filed July 12, 1973. Applicant: CAUDELL TRANSPORT, INC., State Farmers Market, Bldg. 33, Forest Park, Ga. 30050. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), between the plantsites and warehouse facilities of Sea Pak, Division of W. R. Grace & Co., Golden Shore Seafoods, Inc., King Shrimp Company, and Sea Harvest Packing Company located in Glynn and Chatham Counties, Ga., and the facilities of the Georgia State Docks at Brunswick and Savannah, Ga., on the one hand, and, on the other, points in Alabama, North Carolina, South Carolina, Georgia, Mississippi, Tennessee, Louisiana, Virginia, Daytona Beach, Fla., and points in Florida in and north of Levy, Marion, Putnam, and Flagler Counties, restricted to the transportation of traffic originating at and destined to the plantsites and warehouse facilities of the above-named shippers located in Glynn and Chatham Counties, Ga., and the facilities of the Georgia State Docks at Brunswick and Savannah, Ga.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., Savannah, Ga., or Washington, D.C.

No. MC 115022 (sub-No. 26), filed July 23, 1973. Applicant: CHAMBERLAIN MOBILEHOME TRANSPORT, INC., 64 East Main Street, Thomaston, Conn. 06787. Applicant's representative: Bernard J. Hasson, Jr., 927 15th St. NW., Suite 306, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, in initial movements, from points in Cumberland County, Maine, to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Portland, Maine, or Hartford, Conn.

No. MC 117036 (sub-No. 19), filed July 17, 1973. Applicant: H. M. KELLY, INC., Rural Delivey 1, New Oxford, Pa. 17350. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Concrete products*, from Baltimore, Md., to points in Ohio and New York.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 117068 (sub-No. 23), filed July 9, 1973. Applicant: MIDWEST HARVESTORE TRANSPORT, INC., 2118 17th Ave., NW., Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel silos, loading and unloading devices, waste storage tanks, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems, and parts and accessories* for the above-named commodities, from the plantsite of the A. O. Smith Corporation, at De Kalb, Ill., to points in the United States in and west of Wisconsin, Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 118263 (sub-No. 54), filed July 16, 1973. Applicant: COLDWAY CARRIERS, INC., P.O. Box 38, Clarksville, Ind. 47130. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ingredients and materials* used to produce prepared foodstuffs (except commodities in bulk), from the plantsite and warehouse facility of the Pillsbury Company at New Albany, Ind., to the Pillsbury Company at Minneapolis, Minn.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Cincinnati, Ohio.

No. MC 119493 (sub-No. 103), filed July 9, 1973. Applicant: MONKEM COMPANY, INC., W. 20th Street Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feed ingredients, fertilizer ingredients, ground iron ore, iron oxide, and ground manganese ore*, from the plantsite and warehouse facilities of Prince Manufacturing Company located at Quincy, Ill., to points in Arkansas, Illinois, Iowa, Kansas Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, and Texas, and (2) *paper and paper products* (except commodities in bulk), from West Monroe and Monroe, La., to Kansas City, Mo., Kansas City, Kansas commercial zone, and points in that portion of Arkansas located on and north of U.S. Highway 64 beginning at the Arkansas-Oklahoma State line to the intersection of U.S. Highway 64 and Arkansas Highway 7 at Russellville, thence on and west of Arkansas Highway 7 to intersection of Arkansas Highway 7 and U.S. Highway 65 at Harrison, thence on and west of U.S. Highway 65 to the Arkansas-Missouri State line.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 119777 (sub-No. 260), filed June 18, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities which because of size or weight require the use of special equipment), from Ashland, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Louisiana, Mississippi, Missouri, and Wisconsin.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at Ashland, Ky., to provide a through service from Cleveland, Canton, Youngstown, and Warren, Ohio, and points in Allegheny, Beaver, Mercer, Venango, Washington and Westmoreland Counties, Pa., to points in the destination States named above. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 119777 (sub-No. 265), filed June 29, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Box L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, crates, skids, bases, and parts thereof*, from West Helene, Ark., and points in Mississippi, to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also holds contract carrier authority in MC 126970 subs 1 and 3 thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark. or Lexington, Ky.

No. MC 119777 (sub-No. 266), filed July 2, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Box L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and board*, between points in Washington and Oregon, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant also holds contract carrier authority under MC 126970 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky., or Washington, D.C.

No. MC 119777 (sub-No. 266), filed July 2, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Box L,

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Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and board*, between points in Washington and Oregon, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant also holds contract carrier authority under MC 126970 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky., or Washington, D.C.

No. MC 119777 (sub-No. 267), filed July 10, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities which because of size or weight require the use of special equipment), from Cleveland, Canton, Youngstown, and Warren, Ohio, and points in Allegheny, Beaver, Mercer, Venango, Washington, and Westmoreland Counties, Pa., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Wisconsin.

NOTE.—Applicant also holds contract carrier authority in MC 126970 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Louisville, Ky., Pittsburgh, Pa., or Cleveland, Ohio.

No. MC 118038 (sub-No. 6), filed July 18, 1973. Applicant: EASLEY HAULING SERVICE, INC., P.O. Box 1261, Gun Club Road, Yakima, Wash. 98907. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene forms and shapes*, (1) from Wenatchee, Wash., to the port of entry on the international boundary line between the United States and Canada, near Bonners Ferry, Idaho, and (2) from Wenatchee, Wash., to Lewiston, Richfield, Franklin, and Hagerman, Idaho.

NOTE.—Applicant also holds contract carrier authority in MC 103494 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 119789 (sub-No. 172), filed July 30, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 East Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C 209 and 766 (except commodities in bulk), from Dallas, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 119789 (sub-No. 174), filed 26, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 E. Irving Blvd., Dallas, Tex. 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods, commodities in bulk, meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from Pittsburgh, Leetsdale, and Chambersburg, Pa., Salem, N.J., Fremont and Bowling Green, Ohio, to points in Texas, Oklahoma, Arkansas, Louisiana, Mississippi and Missouri.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 121664 (sub-No. 1), filed June 11, 1973. Applicant: G. A. HORNADY, CECIL M. HORNADY, AND B. C. HORNADY, a partnership, doing business as HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Monroeville, Ala. 36460. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Monroe County, Ala., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, restricted to traffic originating at Monroe County, Ala., and (2) *general commodities* (except commodities in bulk and explosives), (a) between points in Monroe County, Ala.; and (b) between points in Monroe County, Ala., on the one hand, and, on the other, Birmingham, Ala., and points in its commercial zone as defined in 49 CFR 1048.101.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala.

No. MC 123048 (sub-No. 272), filed July 9, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53403. Applicant's representative: Paul C. Gartzke, 121 W. Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wheels, spindles, axles, and rims*, (2) *attachments* for commodities named in (1) above, and (3) *parts* for commodities named in (1) and (2) above, from Davenport and Walcott, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123329 (sub-No. 22), filed May 29, 1973. Applicant: H. M. TRIMBLE & SONS LTD., 4056 Ogden Road South East, Calgary, Alberta, Canada. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from from points in Whatcom County, Wash., to the port of entry on the International boundary line betwen the United States and Canada, at or near Blaine, Wash.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at any location in State of Washington at the Commission's discretion.

No. MC 123476 (sub-No. 18), filed July 12, 1973. Applicant: CURTIS TRANSPORT, INC., 1334 Lonedell Road, Arnold, Mo. 63010. Applicant's representative: O. E. Mueller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam egg cartons*, from the plantsite and warehouse facilities of Dolco Packaging Corp., at or near Lawrenceville, Ga., to points in the United States on and east of U.S. Highway 85.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 123885 (sub-No. 13) (amendment), filed April 6, 1973, published in the FEDERAL REGISTER issue of June 14, 1973, and republished, as amended, this issue. Applicant: C & R TRANSFER CO., a corporation, 1315 West Blackhawk, Sioux Falls, S. Dak. 57101. Applicant's representative: James W. Olson, 506 West Boulevard, Rapid City, S. Dak.

57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bags and bulk, from Sioux Falls, S. Dak., to points in Minnesota, Iowa, Nebraska, and North Dakota; (2) *cement*, in bags and bulk, from points in Codington County, S. Dak., to points in North Dakota, Minnesota, Iowa, and Nebraska; (3) *cement*, in bags and bulk, from points in Pennington County, S. Dak., to points in Minnesota and Iowa; (4) *cement*, in bags, from points in Pennington County, S. Dak., to points in Nebraska (except points in that part of Nebraska located on U.S. Highway 83; those in Brown, Rock, Keya Paha, Blaine, Loup, and Garfield Counties; those in Cherry and Thomas Counties east of U.S. Highway 83; and those in Boyd, Wheeler, and Holt Counties on and west of U.S. Highway 281); and (5) *cement*, in bulk, from points in Pennington County, S. Dak., to points in that part of Nebraska located north and east of a line beginning at the Nebraska-Iowa State line, and extending westerly along U.S. Highway 30 to its intersection with U.S. Highway 83, thence northerly along U.S. Highway 83 to the Nebraska-South Dakota State line (except points on U.S. Highway 83).

NOTE.—The purpose of this republication is to clarify and amend applicant's requests for authority in (4) and (5) above. Dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City or Sioux Falls, S. Dak.

No. MC 123885 (sub-No. 17), filed July 6, 1973. Applicant: C & R TRANSFER CO., a Corporation, 1315 West Blackhawk Street, Sioux Falls, S. Dak. 57101. Applicant's representative: James W. Olson, 506 West Boulevard, Rapid City, S. Dak 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite, clay, and foundry molding sand treating compound*, in bulk, from the plantsite of American Colloid Co., at or near Belle Fourche, S. Dak., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, and Wisconsin.

NOTE.—Applicant also holds contract carrier authority MC 112306 (sub-Nos. 7, 14, and 15) therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City or Sioux Falls, S. Dak.

No. MC 123993 (sub-No. 28), filed July 12, 1973. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages* in containers, from Gretna, La., to points in Alabama, Arkansas, Florida, Mississippi, Missouri, and Texas.

NOTE.—Applicant also holds contract carrier authority in MC 41116 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 124212 (sub-No. 71), filed July 12, 1973. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, (1) from points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, to the plantsites of Lehigh Portland Cement Company located at Alsen, N.Y. and Providence, R.I., (2) from points in Delaware, Maryland, Pennsylvania, New Jersey, Virginia, West Virginia, and the District of Columbia, to the plantsites of Lehigh Portland Cement Company located at Union Bridge and Baltimore, Md., (3) from points in North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia, to the plantsites of Lehigh Portland Cement Company located at Waynesboro and Richmond, Va., and Durham, N.C., (4) from points in Illinois, Indiana, Iowa, Kentucky, Ohio, Tennessee, and Wisconsin, to the plantsites of Lehigh Portland Cement Company located at Mitchell and Anderson, Ind., Decatur, Plainfield and South Beloit, Ill., and Cedar Rapids, Iowa, (5) from points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, to the plantsites of Lehigh Portland Cement Company located at Fargo, N. Dak., Burnsville Township (Dakota County), Minn., and Mason City, Iowa, and (6) from points in Idaho, Montana, Oregon, and Washington, to the plantsites of Lehigh Portland Cement Company located at Metalin Falls, Spokane, and Pasco, Wash., and Missoula, Mont.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124221 (sub-No. 41), filed July 20, 1973. Applicant: HOWARD BAER, P.O. Box 27, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *imitation dairy products* (Melerin), in vehicles equipped with mechanical refrigeration, and (2) *cottage cheese, yogurt, ice cream, ice cream products, sherbets, water ices, and water ice products*, in containers, in vehicles equipped with mechanical refrigeration, from the plant site and storage facilities of the Kroger Co., at Indianapolis, Ind., to points in Georgia, (except points in Atlanta, Ga. and its Commercial Zone), and (3) *refused, rejected, and outdated merchandise*, from points in Georgia, to the original shipping plant and storage facilities at Indianapolis, Ind., under a continuing contract or contracts with The Kroger Co., restricted to shipments originating at the plantsite and storage facilities of The Kroger Co., at Indianapolis, Ind., and destined to stores of The Kroger Co., Super-X Drug Stores, a wholly-owned subsidiary of The Kroger Co., and storage facilities in the state of Georgia; and from the sites of The Kroger Co. stores, Super-X Drug Stores, and storage facilities in Georgia destined to The Kroger Co. plant and storage facilities at Indianapolis, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Cincinnati, Ohio, Indianapolis, Ind., or Washington, D.C.

No. MC 124735 (sub-No. 15), filed July 13, 1973. Applicant: R. C. KERCHEVAL, JR., 2201 Sixth Avenue South, Seattle, Wash. 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of mobile homes and utility trailers, automotive spring suspensions and parts thereof, brake drums, brake assemblies and parts thereof, tailgate hoists and parts thereof, wheels and wheel attaching parts, and parts for motor vehicle chassis and motor vehicle undercarriage*, from points in Missouri, Illinois, Indiana, Kansas, Iowa, Michigan, New York, Ohio, and Alabama, to Boise, Idaho, and Salt Lake City, Utah, under contract with Henderson Rim and Wheel.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 124796 (sub-No. 108), filed July 6, 1973. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* utilized in the installation of floors and floor coverings (except carpet and carpet padding); *floor mats and runners; adhesives; cove base; carpet binding accessories; maintenance equipment and products; and materials, equipment and supplies* utilized in the manufacture, sale, and distribution of the commodities described above, between Huntington, W. Va., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts with Champion International Corporation, restricted against the transportation of commodities in bulk and

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those which by reason of size or weight require the use of special equipment.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 125335 (sub-No. 3), filed June 15, 1973. Applicant: GOOD-WAY, INC., P.O Box 2283, York, Pa. 17405. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hagerstown, Md., to points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Massachusetts, Michigan, Minnesota, Nebraska, Rhode Island, Wisconsin, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, North Carolina, West Virginia, South Carolina, Kentucky, Tennessee, and the District of Columbia.

NOTE.—The purpose of this application is to substitute Hagerstown, Md., as a gateway in lieu of Winchester, Va. Applicant is presently authorized to transport frozen foods from Winchester, Va., to points in the involved destination states. It herein seeks to tack at Hagerstown instead of its present service point of Winchester. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 125996 (sub-No. 37) (correction), filed June 8, 1973, published in the FR issue of August 2, 1973, and republished, as corrected, this issue. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, Nebr. 68137. Applicant's representative: Arnold Burke, 127 North Dearborn St., Suite 1133, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal food ingredients*, from the plantsite and storage facilities utilized by Co-Pet-Co., Inc., at or near Cortland, N.Y., to Columbus, Ohio, restricted to shipments originating at Cortland, N.Y., and destined to Columbus, Ohio.

NOTE.—The purpose of this republication is to indicate that applicant seeks to transport "animal food ingredients" in lieu of "food ingredients", which was inadvertantly previously published in error. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y. or Omaha, Nebr.

No. MC 127238 (sub-No. 8), filed July 9, 1973. Applicant: DOROTHY R. ZUMMO, doing business as AIR DELIVERY SERVICE, P.O. Box 1103, Scranton, Pa. 18501. Applicant's representative: Russell S. Bernhard, 1625 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), between Allentown-Bethlehem-Eastern Airport, located in Lehigh County, Pa., Philadelphia International Airport, at Philadelphia, Pa., Kennedy International Airport, at Jamaica, N.Y., La Guardia Airport, at Flushing, N.Y., and Newark Airport, at Newark, N.J., on the one hand, and, on the other, points in Warren and Hunterdon Counties, N.J. (except Flemington, Frenchtown, Lambertville, and the Commercial Zones thereof), restricted to the transportation of shipments having a prior or subsequent movement by air.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 127505 (sub-No. 58), filed July 24, 1973. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route #2, Mendota, Ill. 61342. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic and iron fittings and connections, valves, hydrants and gaskets* (except Oil Field Commodities as defined in *Mercer-Extension Oil Field Commodities*, 74 M.C.C. 459), from the plantsite and warehouse facilities of the Clow Corporation located at or near Columbia, Mo., to points in Illinois, Indiana, Kentucky, Michigan, Ohio and Wisconsin; restricted to traffic originating at the Clow Corporation plantsite and warehouse facilities located at or near Columbia, Mo.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 127853 (sub-No. 4), filed June 15, 1973. Applicant: COMMERCE CONSULTANTS CORPORATION, 850 Charles Street, Gloucester, N.J. 08030. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the warehouse of John Jeffrey Corporation in Camden, N.J., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, under a continuing contract with John Jeffrey Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Camden, N.J., Philadelphia, Pa., or Washington, D.C.

No. MC 128256 (sub-No. 22), filed July 16, 1973. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 N. Main Street, Middlebury, Ind. Applicant's representative: Alki Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, and accessories and supplies* used in the installation thereof, from the plantsite of the Abitibi Corporation at Chicago, Ill., to points in North Dakota, South Dakota, Nebraska, Minnesota, and Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 128338 (sub-No. 2), filed July 6, 1973. Applicant: RINGER TRUCKING, INC., Route 1; Box 54, Markleysburg, Pa. 15459. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, (1) from the plantsite of Weston Chemical Division of Borg-Warner Corporation at Morgantown, W. Va., to points in Pennsylvania, Ohio, Maryland, Virginia, Kentucky, Delaware, New York, New Jersey, Rhode Island, Massachusetts, North Carolina, Vermont, Connecticut, New Hampshire, Illinois, Missouri, Tennessee, and Louisiana, and (2) from points in Pennsylvania, Delaware, New Jersey, and Louisiana, to the above named plantsite, at Morgantown, W. Va., under a continuing contract with Weston Chemical Division of Borg-Warner Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 128383 (sub-No. 32), filed June 15, 1973. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hock Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, P.O. Box 824, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, and motor vehicles requiring the use of special equipment), between Chicago O'Hare International Airport at or near Chicago, Ill., Kansas City International Airport at or near Kansas City, Mo., Minneapolis-St. Paul International Airport at or near Minneapolis-St. Paul, Minn., Metropolitan International Airport at or near Detroit, Mich., and Cleveland Hopkins International Airport at or near Cleveland, Ohio, restricted to the transportation of traffic having a prior or subsequent movement by air or moving in a substitute for air service.

NOTE.—Applicant states that tacking might be possible with sub 22 (pending) at Cleveland Hopkins Airport to provide service to and from John F. Kennedy International Airport, New York, N.Y.; with sub 25 (pending) at Chicago O'Hare International Airport, Chicago, Ill., to provide service to and from Weir Cook Airport near Indianapolis, Ind.; or with sub 30 (pending) at Detroit Metropolitan Airport at or near Detroit, Mich., to provide service to and from John F. Kennedy International Airport, New York,

N.Y., but indicates that it has no present intention to tack. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128762 (sub-No. 10), filed July 13, 1973. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, Pa. 18603. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except frozen and in bulk), *foodstuff ingredients* (except in bulk), *packing materials and equipment, machinery and parts thereof, dispensing equipment and parts thereof, advertising materials, display equipment and displays, premiums and office equipment, materials and supplies*, between the facilities of Old London Foods Division of Borden Foods, Borden, Inc., located at New York, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, under contract with Wise Foods Division of Borden Foods, Borden, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 129808 (sub-No. 11), filed July 9, 1973. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., West Highway 30, Grand Island, Nebr. 68801. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture and construction of mobile homes, between the plantsites of Chief Industries, Inc., at or near Aurora, Nebr., Russell, Kans., and Gainesville, Tex., restricted to a transportation service to be performed under a continuing contract or contracts with Chief Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 129862 (sub-No. 3) (amendment), filed May 24, 1973, published in the FEDERAL REGISTER issue of August 2, 1973, and republished, as amended and corrected this issue. Applicant: RAJOR, INC., P.O. Box 765, Franklin, Tenn. 37064. Applicant's representative: Ernest D. Salm, 8179 Habasu Circle, Buena Park, Calif. 90621. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Baseball bats, toboggans, toboggan cushions, bat chokes rubber, bat rubber swing rings, bat grip clear pine tar* in aerosol spray cans, *hockey sticks, hockey pucks, skis and poles, ski scooters, and other items* necessary to merchandise this line of sporting goods, from Dolgeville and Gloversville, N.Y., to points in the United States (except Alaska and Hawaii); (2) *baseball bats, components, materials and supplies* used in the manufacture, production and assembly of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to Dolgeville and Gloversville, N.Y., under a contract in (1) and (2) above with Adirondack Division of A–T–O Inc.; (3) *iron and steel pipe hangers, suspension systems and components* for plumbing, heating, powerplant, and process piping systems, from Manasquan, N.J., to points in the United States (except Alaska and Hawaii); (4) *components, materials and supplies* used in the manufacture, production and assembly of the commodities described in (3) above, from points in the United States (except Alaska and Hawaii), to Manasquan, N.J., under a contract in (3) and (4) above with Fee and Mason Division of A–T–O Inc.; (5) *laundrys*, steam or commercials (washing or dry cleaning establishments), including lint collectors or filters, dampeners, dampening presses, dry rooms, dry room appliances, folders, ironer drying cylinders, ironers, marking machines, stackers, starch cookers or kettles, starching machines, tumblers, washer-extractors, washing machine cylinders, washing machines and wringers, from Moline, Ill., to points in the United States (except Alaska and Hawaii);

(6) *Components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (5) above, from points in the United States (except Alaska and Hawaii), to Moline, Ill., under a contract in (5) and (6) above, with Hydraxtor Division of A–T–O Inc.; (7) *airpowered floor polishers and carpet sweepers, vacuum cleaners, die cast products and building alarm systems* to detect smoke and burglars, from Anaheim, Calif., to points in the United States (except California, Alaska and Hawaii); (8) *components, materials and supplies* used in the manufacture, production and assembly of the commodities described in (7) above, from points in the United States (except California, Alaska and Hawaii), to Anaheim, Calif., under a contract in (7) and (8) above, with Interstate Engineering Division of A–T–O Inc.; (9) *conveyors and electronic high-speed automated package sorting systems, and analog memory units* for sortation equipment, from Milwaukee, Wis., to points in the United States (except Alaska and Hawaii); (10) *components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (9) above, from points in the United States (except Alaska and Hawaii), to Milwaukee, Wis., under a contract in (9) and (10) above, with Speaker Sortation Systems Division of A–T–O Inc.; (11) *running gears, hitches, and fenders* used for mobile homes, motor homes, trailers, and recreational vehicles, from Anaheim and Los Angeles, Calif., to points in the United States (except California, Alaska, and Hawaii);

(12) *Components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (11) above, from points in the United States (except California, Alaska and Hawii), to Anaheim, and Los Angeles, Calif.; (13) *electric and gas refrigerators and their parts* for mobile homes, motor homes, and trailers, from Baltimore, Md., Elizabeth, N. J., and Elkhart, Ind. and Los Angeles and Anaheim, Calif., to points in the United States (except Alaska and Hawaii and with no service to California when originating from Los Angeles and Anaheim); (14) *running gears, hitches, and fenders* used for mobile homes, motor homes, trailers, and recreation vehicles, from Tiffin, Ohio, to points in the United States (except Alaska and Hawaii); (15) *components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (14) above, from points in the United States (except Alaska and Hawaii), to Tiffin, Ohio; (16) *outdoor advertising metal poster panels, school furniture and lockers, portable filing cabinets, crane and construction machinery cabs, and components*, from Tiffin, Ohio, to points in the United States (except Alaska and Hawaii); (17) *components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (16) above, from points in the United States (except Alaska and Hawaii), to Tiffin, Ohio, under a contract in (11) through (17) above, inclusive, with Hadco Engineering Division of A–T–O Inc.; (18) *concrete mixers, mortar mixers, machines* used for applying concrete, mortar, plaster, fireproofing and similar materials, *road rollers, saws, motors, commercial air-cooling systems and their pads, and air makeup heating and cooling equipment*, from Los Angeles, Calif. and Elizabeth, N.J., to points in the United States (except Alaska and Hawaii);

(19) *Components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (18) above, from points in the United States (except Alaska and Hawaii), to Los Angeles, Calif. and Elizabeth, N.J.; (20) *air coolers and air makeup heating and cooling equipment*, from Little Rock, Ark., to points in the United States (except Alaska and Hawaii); (21) *components, materials and supplies* used in the manufacture, production and assembly of the commodities described in (20) above, from points in the United States (except Alaska and Hawaii), to Little Rock, Ark.; (22) *machinery parts*, from Los Angeles, Calif., to Little Rock, Ark. and Elizabeth N.J., under a contract in (18) through (22) above, inclusive with Essick Manufacturing Division of A-T-O Inc.; (23) *fire extinguishers*, charged and not charged, portable hand and wheeled, *fire extinguisher compounds, brass fire hose nozzles, brass fire hose couplings, brass valves and fittings,*

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brass castings, brass fire engine accessories and equipment, and firehose, from Ranson and Charles Town, W. Va., and Charlottesville, Va., to points in the United States (except Alaska and Hawaii); (24) *components, materials and supplies* used in the manufacture, production and assembly of the commodities described in (23) above, from points in the United States (except Alaska and Hawaii), to Ranson and Charles Town, W. Va., and Charlottesville, Va.; (25) *firehose* with or without brass nozzles, *brass firehose couplings, and brass valves,* from North Bergen, N.J., to points in the United States (except Alaska and Hawaii);

(26) *Components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (25) above, from points in the United States (except Alaska and Hawaii), to North Bergen, N.J.; (27) *components, materials and supplies* used in the manufacture, production and assembly of fire engines and apparatus, from points in the United States (except Alaska and Hawaii), to Elmira, N.Y.; (28) *replacement parts and apparatus* for fire engines and apparatus, from Elmira, N.Y., to points in the United States (except Alaska and Hawaii); (29) *fire extinguishers,* charged and not charged, portable hand and wheeled, *fire extinguishers compounds,* from Elmira, N.Y., to points in the United States (except Alaska and Hawaii); (30) *components, materials and supplies* used in the manufacture, production and assembly of the commodities described in (29) above, from points in the United States (except Alaska and Hawaii), to Elmira, N.Y., under a contract in (23) through (30) above, inclusive, with Badger-Powhatan-Blaze Guard Division of American La-France, Inc., a subsidiary of A-T-O, Inc.; (31) *ornamental iron work, partitions or partition doors, steel and wire combined in sections or panels, conveyors, gravity roller, steel wire tote and storage bins,* from Louisville, Ky., to points in the United States (except Alaska and Hawaii);

(32) *Components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (31) above, from points in the United States (except Alaska and Hawaii), to Louisville, Ky., under a contract in (31) and (32) above with Logan Company a subsidiary of A-T-O, Inc.; (33) *running gear hitches and fenders,* used for mobile homes, motor homes and trailers and recreational vehicles, from Dayton, Oreg., to points in the United States (except Alaska and Hawaii); (34) *components, materials, and supplies* used in the manufacture, production and assembly of the commodities described in (33) above, from points in the United States (except Alaska and Hawaii), to Dayton, Oreg.; and (35) *electric and gas refrigerators and their parts* for mobile homes, motor homes and trailers, from Dayton, Oreg., to points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, in (33) through (35) above, inclusive, with Hadco Engineering Division of A-T-O, Inc.; restricted in all of the above against the transportation of commodities in bulk in tank vehicles.

NOTE.—The purpose of this republication is to clarify the requests for authority in parts (18) through (22), part (19) and part (23) as described above, and add the requests for authority in parts (33) through (35) in amendment to the previous notice. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133119 (sub-No 23), filed July 23, 1973. Applicant: HEYL TRUCK LINES, INC., 235 Mill St., Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 So. 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles* distributed by meat packinghouses as described in sections A, B, and C, of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Wagner, S. Dak., on the one hand, and, on the other, points in Arizona, California, Connecticut, Delaware, Idaho, Maryland, Massachusetts, Nevada, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, and Washington, restricted to transportation of traffic originating at the above-named origins and destined to the named destinations.

NOTE.—Applicant states that the requested authority cannot be tacked with its present authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 133917 (sub-No. 2), filed June 21, 1973. Applicant: CARTHAGE FREIGHT LINE, INC., a corporation, P.O. Box 174, Carthage, Tenn. 37030. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between South Carthage, Tenn., and Union Springs, Ala.: From South Carthage over Tennessee Highway 53 to its junction with Interstate Highway 40, thence over Interstate Highway 40 to its junction with Interstate Highway 65, thence over Interstate Highway 65 to Montgomery, Ala., thence over U.S. Highway 82 to Union Springs, Ala., and return over the same route, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 134017 (sub-No. 5), filed July 31, 1973. Applicant: R. M. HENDERSON, doing business as H & M MOTOR LINES, One Furman Hall Road, Greenville, S.C. 29608. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Plastic articles, burlap articles, and paper articles* (except in bulk), from Atlanta, Ga., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Packaging Products and Design Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 134233 (sub-No. 4), filed July 11, 1973. Applicant: ANGELO ACACIO, doing business as ANGELO TRUCKING COMPANY, 363 North Washington Street, Wilkes-Barre, Pa. 18705. Applicant's representative: Philip F. Hudock, Suite 506, 7900 Westpark Drive, McLean, Va. 22101. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Glass containers,* used in the manufacture and distribution of nonalcoholic carbonated beverages, from Salem, Bridgeton, Milville, Freehold, and Cliffwood, N.J., and Orangeburg, N.Y., to Wilkes-Barre, Pa., under contract with Ma's Old Fashion Bottling, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wilkes-Barre, Pa., or Washington, D.C.

No. MC 134473 (sub-No. 3), filed June 7, 1973. Applicant: NATIONAL TRAILER CONVOY OF CANADA, LTD., 61 Hymus Boulevard, Pointe Claire, Quebec, Canada. Applicant's representative: Leonard A. Jaskiewicz, 1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Trailers,* designed to be drawn by passenger automobiles, (2) *buildings in sections,* mounted on wheeled undercarriages, and, (3) *campers and camper coaches,* between the international boundary line between the United States and Canada, on the one hand, and, on the other, Ports of Entry at Blaine, Oroville, Ferry, Danville, Laurier, Sumas Northport, and Metaline Falls, Wash.; Porthill and Eastport, Idaho; Port of Roosville, Port of Chief Mountain, Port of Piegan, Sweetgrass, Simpson, Port of Morgan, Port of Scobey, and Raymond, Mont., Fortuna, Ambrose, Noonan, Portal, Northgate, Sherwood, Westhope, Hansboro, Walhalla, Neche, and Pembina, N. Dak.; Noyes, Pinecreek, International Falls, and Grand Portage, Minn.: Sault Ste. Marie, Port Huron and Detroit, Mich.; Niagara Falls, Buffalo, Alexandria Bay, Ogdenburg Rooseveltown, Fort Covington, Trout River, and Rouses Point, N.Y.; Highgate Springs, Franklin Richford, North Troy, Derby Line, Norton, and Beecher Fallas, Vt.; Coburn Gore, Jackman, Fort Kent, Madawaska, Van Buren, Limestone, Fairfield, Easton, Houlton, Vanceboro, and Calais, Maine; restricted to traffic in interchange operations with National Trailer Convoy, Inc., and further restricted to traffic originating in or destined to the dominion of Canada.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., and Great Falls, Mont.

No. MC 134494 (sub-No. 6), filed July 13, 1973. Applicant: WAYNE DANIEL, doing business as WAYNE DANIEL TRUCK, P.O. Box 303, Mt. Vernon, Mo. 65712. Applicant's representative: Lee K. Mathews, 411 North 7th St., Room 1302, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Candy and confectioneries,* (1) from Elk Grove Village, and Itaska, Ill., to points in Washington, Oregon, Idaho, California, Nevada, Utah, New Mexico, Arizona, Colorado, and St. Louis, Mo.; and (2) from St. Louis, Mo., to points in New Mexico, Washington, and Idaho, under contract with Sunline, Inc., of St. Louis, Mo.

NOTE.—Applicant also holds common carrier authority in MC 133591 (Sub-No. 3), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 134599 (sub-No. 87), filed July 30, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Motorcycles and materials, parts and supplies* used in assembling motorcycles between, York, Pa. and Pennsauken, N.J., on the one hand, and, on the other, points in Alabama, California, Texas, Oklahoma, Arizona, Utah, Colorado, New Mexico, Nevada, Georgia, North Carolina, South Carolina, and Wisconsin, under continuing contract with AMF Incorporated.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134806 (sub-No. 14), filed July 9, 1973. Applicant: B-D-R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Tanned leather,* from Manchester and Pittsfield, N.H., to Wilton and Portland, Maine, and (2) *footwear,* from (a) Peace Bridge, N.Y., to Brattleboro, Vt., and Wilton, Maine and (b) from Brattleboro, Vt., and Exeter, N.H., to Wilton, Maine, under a continuing contract with G. H. Bass & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Portland, Maine.

No. MC 135152 (sub-No. 1), filed July 16, 1973. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, West Harrison, Ind. 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies, and crated caskets* in mixed loads with uncrated caskets, from Toccoa, Ga., to points in the United States (except Alaska and Hawaii).

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136008 (sub-No. 10), filed July 2, 1973. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, Northeast, P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 2400 Northwest 23rd Street, P.O. Box 75124, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fly ash,* in bulk, in tank trucks, (a) from the plantsite known as Big Brown Steam Electric Station, located twelve miles northeast of Fairfield, Tex., to points in Oklahoma and (b) from the plantsite of Kansas City Power & Light Montrose Plant, at or near Ladue, Mo., to points in Oklahoma.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 136343 (sub-No. 11) (amendment), filed May 3, 1973, published in the FEDERAL REGISTER issue of August 2, 1973, and republished as amended, this issue. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 207, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper bags, plastic bags, paper boxes and wrapping paper,* (1) between facilities of Equitable Bag Co., Inc., at Long Island City, N.Y., and Moonachie, N.J., on the one hand, and, on the other, points in Pennsylvania, New Jersey, Maryland, Delaware, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, New York, Connecticut, Rhode Island, Massachusetts, Alabama, Florida, and the District of Columbia, and (2) between the facilities of Equitable Bag Co., Inc., at or near Florence, Ky., on the one hand, and, on the other, points in Ohio, Illinois, Michigan, Pennsylvania, New York, New Jersey, Maryland, Delaware, Massachusetts, Rhode Island, Connecticut, Florida, Alabama, and the District of Columbia.

NOTE.—The purpose of this republication is to reflect that applicant seeks radial operations in lieu of a from and to movement as previously published. Applicant also holds contract carrier authority under MC 96096 and subs, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136713 (sub-No. 2), filed July 23, 1973. Applicant: AERO LIQUID TRANSIT, INC., 834 West Main Street, Lowell, Mich. 49331. Applicant's representative: Daniel J. Kozera, Jr., 715 McKay Tower, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquified petroleum gases,* in bulk, in tank vehicles, from Lowell, Mich., and the plantsite of the Alto Underground Storage Co., at or near Alto, Mich., to points in Indiana.

NOTE.—Applicant holds contract carrier authority in MC 135012, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., Chicago, Ill., or Detroit, Mich.

No. MC 138277 (sub-No. 2), filed July 27, 1973. Applicant: GEER TRUCKING CO., INC., P.O. Box 11993, Tampa, Fla. 33610. Applicant's representative: Clayton Geer, Sr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Lighting fixtures, and materials, and supplies* used in the installation thereof, from Scottsboro, Ala., to points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota; and (2) *materials and supplies* used in the manufacture of lighting fixtures, from points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota to Scottsboro, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Tampa, Fla.

No. MC 136882 (sub-No. 4), filed July 5, 1973. Applicant: BTA TRUCKING CO., INC., 502 Lester Street, Woodbury, Tenn. 37190. Applicant's representative: Robert L. Baker, 500 James Robertson Parkway, Nashville, Tenn. 57201. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Aluminum storm doors and windows,* from Woodbury, Tenn., to Newton, Kans., Kingston, Pa., Goshen, Ind., Elsie, Mich., Blytheville, Ark., Kings Mountain and Havelock, N.C., Bradenton and Lakeland, Fla., Muscle Shoals, Ala., and Atlanta, Ga., under contract with V. E. Anderson Manufacturing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 138104 (sub-No. 3), filed July 9, 1973. Applicant: MOORE TRANSPORTATION CO., INC., 3509 North Grove Street, Fort Worth, Tex. 76106. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common*

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carrier, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies, containers, and refuse bodies*, in initial truckaway service, from Fort Worth, Tex., to points in the United States, including Alaska, (but excluding Hawaii), and (2) *trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies, containers, and refuse bodies*, in secondary truckaway service, between points in the United States, including Alaska (but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 138331 (sub-No. 2), filed July 13, 1973. Applicant: ELLA BIGELOW, P.O. Box 25, Cobalt, Ontario, Canada. Applicant's representative: William J. Hirsch, 35 Court Street, Suite 444, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grinding mill liners*, from the port of entry on the international boundary line between the United States and Canada, at Sault Ste. Marie, Mich., to points in Michigan and *returned, refused and rejected shipments* from points in Michigan, to the port of entry on the international boundary line between the United States and Canada at Sault Ste. Marie, Mich., under contract with The Wabi Iron Works Limited.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 138552 (sub-No. 2), filed July 9, 1973. Applicant: MILTON McCOMBS, JR., 2006 North Central Avenue, Tifton, Ga. 31794. Applicant's representative: Ronald D. Peterson, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* including calcium sulfate, from points in Florida to points in Alabama and Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 138586 (Sub-No. 1), filed July 12, 1973. Applicant: FRIGATE FREIGHT, a corporation, 37171 Sycamore Street, Newark, Calif. 94560. Applicant's representative: Michael J. Stecher, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric and gas water heaters, range boilers, hydropneumatic tanks, and component parts* thereof, between Newark, Calif., and points in Arizona, Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, under contract with National Steel Construction Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 138608 (sub-No. 1), filed July 12, 1973. Applicant: BAY TRUCKING & LEASING LTD., 153 Huron Crescent, Thunder Bay P, Ontario, Canada. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 63703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from ports of entry on the international boundary line between the United States and Canada at Grand Portage and International Falls, Minn., and Sault Ste. Marie, Mich., to points in Wisconsin, Minnesota, Iowa, Illinois, Indiana, Michigan, North Dakota, and South Dakota, and (2) *lath*, from points in the above-named destination States, to ports of entry on the international boundary line between the United States and Canada at Grand Portage and International Falls, Minn., and Sault Ste. Marie, Mich., restricted to traffic moving in foreign commerce and restricted to service performed under contract or continuing contracts with Great West Timber, Ltd., Thunder Bay, Ontario.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 138622 (sub-No. 2), filed July 16, 1973. Applicant: BOBBY E. LOWTHER, doing business as BOB LOWTHER TRUCKING, Ireland, W. Va. 26376. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Logs, lumber, and wood products*, from the plantsite of Rexroad Lumber Corporation at or near Sutton, W. Va., to points in Kentucky, Maryland, Ohio, North Carolina, Pennsylvania, Tennessee, and Virginia, under contract with Rexroad Lumber Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Charleston, W. Va., Columbus, Ohio, or Washington, D.C.

No. MC 138637 (sub-No. 2), filed July 5, 1973. Applicant: L. J. GOATER, INC., 88 Birchbrook Drive, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Swimming pool kits and accessories*, between Bergen, N.Y., and points in De Kalb County, Ga., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Tallman Enterprises, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 138687 (sub-No. 2), filed July 5, 1973. Applicant: BYNUM TRANSPORT, INC., 1010 Wilwood Drive, Lakeland, Fla. 33801. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Dried citrus pulp and citrus pulp pellets*, in side and rear dump vehicles, from points in Manatee, Lake, Orange, Pasco, and Polk Counties, Fla., to Tampa, Fla.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 138774 (correction), filed May 10, 1973, published in the FR issue of July 12, 1973, and republished, as corrected, this issue. Applicant: AA TRIANGLE TRANSFER AND WAREHOUSE CO., INC., 300 Northeast 67th Street, Miami, Fla. 33138. Applicant's representative: Bernard C. Pestcoe, 511 Biscayne Building, 19 West Flager Street, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in containers, restricted to traffic having a prior or subsequent movement beyond the points authorized, and further restricted to the performance of a pickup and delivery service in connection with packing, crating, or containerization or unpacking, uncrating, or decontainerization of such traffic, between points in Citrus, Hernando, Lake Marion, Sumter, Pasco, Pinellas, Flagler, Volusia, Orange, Osceola, Hardee, Palm Beach, Monroe, Broward, Brevard, Seminole, Indian River, Martin, Okeechobee, St. Lucie, Charlotte, Collier, Glades, Hendry, Lee, Highlands, Polk, Dade, De Soto, Manatee, Sarasota, and Hillsborough Counties, Fla.

NOTE.—The purpose of this republication is to indicate that applicant seeks to perform operations between 7 additional Florida Counties as described above, which were inadvertently omitted in the previous notice. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 138857, filed June 18, 1973. Applicant: W. L. BURGESS, d/b/a BURGESS TRUCKING COMPANY, P.O. Box 137, Clinton, Ky. 42031. Applicant's representative: Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk (except lime), and those requiring special equipment), (1) Between Clinton, and Anna, Ill., serving all intermediate points: From Clinton over U.S. Highway 51 to Anna, and return over the same route; (2) Between Anna and Jonesboro, Ill., serving all intermediate points: From Anna over Illinois Highway 146 to Jonesboro, and return over the same route; (3) Between Anna and Vienna, Ill., serving all intermediate points: From Anna over Illinois Highway 146 to Vienna, and return over the same route; (4) Between Clinton and Louisville, Ky., serving all intermediate points west of the junction of U.S. Highway 45 and Kentucky Highway 58: From Clinton over Kentucky Highway 58 to its junction with U.S. Highway 45, thence over U.S. Highway 45 to Mayfield, Ky., thence over the Purchase Parkway to its junction with U.S. Highway 62 (near Gilbertsville, Ky.), thence over U.S. 62 to its junction with Western Kentucky Parkway, thence over Western Kentucky Parkway to its junction with Interstate Highway 65, thence over Interstate Highway 65 to Louisville, and return over the same route;

(5) Between Clinton and Fulton, Ky., serving all intermediate points: From Clinton over U.S. 51 to Fulton, and return over the same route; (6) Between Clinton and Hickman, Ky., serving all intermediate points: From Clinton over Kentucky Highway 239 to Cayce, thence over Kentucky Highway 94 to Hickman, and return over the same route; (7) Between Hickman and Fulton, Ky., serving all intermediate points: From Hickman over Kentucky Highway 125 to its junction with Tennessee Highway 5, thence over Tennessee Highway 5 to Union City, Tenn., thence over U.S. Highway 51 to Fulton, and return over the same route; (8) Between Fulton, Ky., and Martin, Tenn., serving all intermediate points: From Fulton, Ky., over U.S. Highway 45E to Martin, Tenn., and return over the same route; (9) Between Cairo, Ill., and Cape Girardeau, Mo., serving all intermediate points: From Cairo, Ill., over Illinois Highway 3 to its junction with Illinois Highway 146, thence over Illinois Highway 146 to Cape Girardeau, Mo.; (10) Between Cayce, Ky. and Union City, Tenn., serving all intermediate points: From Cayce, Ky. over Kentucky Highway 235 to junction with Tennessee Highway 21, thence over Tennessee Highway 21 to Union City, Tenn., and return over the same route; and (11) Between Cape Girardeau, Mo. and Anna, Ill., serving all intermediate points: From Cape Girardeau, Mo. over U.S. Highway 61 to the Missouri-Illinois State line, thence over Illinois Highway 146 to Anna, Ill., and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Paducah, Ky., Nashville, Tenn., or Louisville, Ky.

No. MC 138888 (sub-No. 2), filed July 3, 1973. Applicant: JOHN T. MARONEY, doing business as L&J TRANSPORTING & TOWING, 36–15 Queens Blvd., Long Island City, N.Y. 11101. Applicant's representative: John P. Tynan, 65–12 69th Place, Middle Village, N.Y. 11379. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, between New York, N.Y., Boston, Mass., Fairfield, N.J., and Philadelphia, Pa., under contract with Transportation Vehicles, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 138904, filed May 29, 1973. Applicant: CARGO AND TRANSPORTATION SERVICES, INC., P.O. Box 1268, Pueblo, Colo. 81002. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General Commodities* (except commodities in bulk, in tank vehicles), Regular route: Between Pueblo, Colo., and Manzanola, Colo.; From Pueblo over U.S. Highway 50 to Manzanola and return over the same route, serving all intermediate points within fifteen (15) miles of Fowler, Colo.; Irregular route: Between points with a fifteen (15) mile radius of Fowler, Colo., on the one hand, and, on the other, points in Colorado.

NOTE.—The instant application seeks to convert the Certificate of Registration of Fowler Truck Line in MC 98205 (sub-No. 1) into a Certificate of Public Convenience and Necessity and also is related to the pending transfer proceeding in MC–FC 74593. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 138947, filed June 29, 1973. Applicant: C. P. TRANSPO INC., 71 Glen Road, Cranston, R.I. 02920. Applicant's representative: John J. Keller, 145 West Wisconsin Ave., Neenah, Wis. 54946. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, mats, matting, rugs, tile, and materials and equipment* used in the manufacture, installation, and maintenance of the above-named commodities, (1) (a) from points in the United States (excluding Alaska and Hawaii), to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and (b) from the warehouse and factory of Carpet Products, Inc., at Cranston, R.I., to points in the United States (excluding Alaska and Hawaii), under continuing contract to Carpet Products, Inc.; and (2) (a) from points in the United States (excluding Alaska and Hawaii), to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and (b) from the warehouse and factory of Belfred Floor Covering Co., at East Providence, R.I., to points in the United States (excluding Alaska and Hawaii), under continuing contract to Balfred Floor Covering Co.

NOTE.—Common control may be involved. If a hearing deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 138971, filed July 19, 1973. Applicant: HOWARD LANE, 429 Knollwood Drive, Somerville, N.J. 08876. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Automobile internal combustion engines* from Tonawanda, N.Y., Flint and Lansing, Mich., to Placentia, Calif., and (B) *marine type internal combustion engines* from Placentia, Calif., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, under contract with Guardian Marine, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

MOTOR CARRIER OF PASSENGERS

No. MC 29890 (sub-No. 38), filed June 20, 1973. Applicant: ROCKLAND COACHES, INC., 126 North Washington Ave., Bergenfield, N.J. 07621. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Paramus, N.J., and River Edge, N.J., serving no intermediate points: From the Junction of Forest Avenue and Howland Avenue in Paramus (a service point of applicant's present route), over Forest Avenue to the Bergen Mall Shopping Center adjacent to the junction of Forest Avenue with New Jersey Highway 4, thence over New Jersey Highway 4 to junction access road between Kinderkamack Road and New Jersey Highway 4 in River Edge (a service point on applicant's present route); and return over the same route.

NOTE.—Common control may be involved. Applicant states that the proposed route would be a diversion between intermediate points on the present route operating between Bergen County, N.J., on the one hand, and, on the other, New York, N.Y. Its purpose is to enable discharge and pickup of intrastate passengers at Bergen Mall as authorized by the State of New Jersey. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 118832 (sub-No. 7) (clarification), filed April 16, 1973, published in the FEDERAL REGISTER issue of June 28, 1973, and republished, as clarified, this issue. Applicant: WESTOURS MOTOR COACHES, INC., 900 IBM Building, Seattle, Wash. 98101. Applicant's representative: A. T. Wendells, 3933 Seattle-First National Bank Building, Seattle, Wash. 98154. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special and charter operations, (A) regular route, between the junction of Alaska Highways 2 and 5, and the international boundary line between the United States

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and Canada at the Yukon Territory: From the junction of Alaska Highways 2 and 5 at Tetlin Junction, Alaska over Alaska Highway 5 to junction unnumbered Alaska Highway, thence over unnumbered Alaska Highway to the international boundary line between the United States and Canada at the Yukon Territory, and return over the same route; (B) irregular routes; (1) between Seattle, Wash., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada located in Washington, Idaho, and Montana, restricted to traffic originating at or destined to points in Alaska; and (2) (a) between points in Alaska, and (b) between points in Alaska, on the one hand, and, on the other, points in the United States (except Hawaii) including points on the international boundary lines between the United States and Canada.

NOTE.—Applicant indicates that the requested authority can be tacked with its subs 2 and 4 at points in Alaska, Seattle, Wash., and points along the international boundary lines between the United States and Canada, but no additional service could be rendered. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Anchorage, Alaska.

No. MC 138828 (sub-No. 1), filed July 2, 1973. Applicant: MAPLEWOOD EQUIPMENT COMPANY, a corporation, 419 Anderson Avenue, Fairview, N.J. 07022. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at Fort Lee, N.J., and extending to the Yale Bowl at New Haven, Conn., in seasonal operations from September 1, to December 30, inclusive.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 138833, filed June 6, 1973. Applicant: LARUE A. YOUNG AND BARBARA B. YOUNG, a partnership, doing business as HOME TO PORT TRANSFER SERVICE, 40 West Fourth Street, Williamsport, Pa. 17701. Applicant's representative: John A. Felix, 322 Court Street, Williamsport, Pa. 17701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nine passengers or less and their baggage*, from points in Lycoming, Snyder, Tioga, Union, Northumberland, Columbia, Clinton, Montour, and Sullivan Counties, Pa., to points in New York, New Jersey, Maryland, Virginia, Connecticut, Rhode Island, Massachusetts, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Williamsport, Pa., or Washington, D.C.

No. MC 138948, filed July 23, 1973. Applicant: JOHN L. CANNADA, doing business as CANNADA BUS SERVICE, 1625 Main Street, Hartford, Conn. 06120. Applicant's representative: John L. Cannada (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, restricted to traffic originating in the territory indicated, in charter operations, between points in Connecticut, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Boston, Mass.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 134129 (Sub-No. 6), filed July 5, 1973. Applicant: WILLIAM A. LONG, Bealeton, Va. 22712. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles*, from Remington, Va., to points in the United States in and east of Louisiana, Arkansas, Missouri, Iowa, and Minnesota, and (2) *materials and supplies and equipment* used in the manufacture of plastic articles, from points in the destination territory in (1) above, to Remington, Va., under a continuing contract or contracts with Remington Plastics, Inc.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-18349 Filed 8-29-73;8:45 am]

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PART II

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Industrial Slings

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Industrial Slings

Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12–71 (36 FR 8754) and 29 CFR Part 1911, it is hereby proposed to adopt new standards for slings made from alloy steel chain, wire rope, metal mesh, natural or synthetic fiber rope, and synthetic webbing.

The proposed standards are based on the consensus standard, American National Standards Institute (ANSI) B30.9–1971, though the following changes have been made:

1. The frequency of sling inspections as required by the American National Standards Institute was increased so that all slings will be inspected each day they are in use. The daily inspections shall be conducted before the slings are put into service. In addition, slings made from alloy steel chain, wire rope and metal mesh shall receive a more thorough, periodic inspection at least every three months based on the extent of sling usage. The criteria for time lapse between inspections is based on 29 CFR 1918.64(b).

2. The proposed standards require the employer to designate a knowledgable person to conduct the periodic inspections and to assume responsibility for the maintenance of safe equipment. This was not required by the ANSI standard in all cases.

3. The ANSI requirement that employers shall have the sling manufacturer perform the repairs and tests on the slings was changed to allow any organization, capable of performing the same repairs and tests with equal competence, do the work.

4. The provisions in the ANSI standard covering storage of slings have not been included because they do not directly concern employee safety.

5. A number of provisions within the ANSI standard which were advisory in nature have been made mandatory.

Interested persons are invited to submit written data, views, and arguments concerning the proposal to the Office of Standards, Room 508, Railway Labor Building, 400 First Street NW., Washington, D.C. 20210 by October 26, 1973. The data, views, and arguments will be available for public inspection and copying at the Office of Standards located at the above address.

Pursuant to 29 CFR 1910.11(b) and (c), interested persons may, in addition to filing written matter as provided above, file objections to the proposal requesting an informal hearing with respect thereto, in accordance with the following conditions:

(1) The objections must include the name and address of the objector.

(2) The objections must be postmarked on or before October 26, 1973.

(3) The objections must specify with particularity the provision of the proposed rule to which objection is taken, and must state the grounds therefor.

(4) Each objection must be separately stated and numbered.

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

1. A new § 1910.190 would be added to 29 CFR Part 1910 to read as follows:

§ 1910.190 Slings.

(a) *Scope.* This section applies to slings made from alloy steel chain, wire rope, metal mesh, natural or synthetic fiber rope, and synthetic webbing, and used in conjunction with other equipment to move material by hoisting in general industrial operations. Specialized operations involving slings are covered by the following standards in this chapter: Ship Repairing, § 1915.62; Shipbuilding, § 1916.62; Shipbreaking, § 1917.62; Longshoring, §§ 1918.62, 1918.63, 1918.641 and Construction, § 1926.251. Slings of a size or made of a type of material not considered by this section shall be used only in accordance with the recommendations of the sling manufacturer.

(b) *Definitions applicable to this section.* (1) "Angle of loading" is the inclination of a leg or branch of a sling measured from the horizontal or vertical plane as shown in Fig. N–190–5; provided that an angle of loading of five degrees or less from the vertical may be considered a vertical load.

(2) "Braided wire rope" is a rope formed by plaiting component wire ropes.

(3) "Braided wire rope sling" is a sling made from braided wire rope.

(4) "Bridle wire rope sling" is a sling composed of multiple wire rope legs with the top ends gathered in a fitting that goes over the lifting hook.

(5) "Cable body endless sling-mechanical joint" is a wire rope sling made endless by joining the ends of a single length of cable laid rope with one or more metallic fittings.

(6) "Cable laid grommet-hand tucked" is an endless wire rope sling made from one continuous length of rope wrapped six times around a core formed by hand tucking the ends of the rope inside the six wraps.

(7) "Cable laid rope" is a wire rope composed of six wire ropes wrapped around a fiber or wire rope core.

(8) "Cable laid rope sling-mechanical joint" is a wire rope sling made from a cable laid rope with eyes fabricated by pressing or swaging one or more metal sleeves over the rope junction.

(9) "Coating" is an elastomer or other suitable material applied to a sling to impart desirable properties.

(10) "Cross rod" is a wire used to join spirals of metal mesh to form a complete fabric. (See Fig. N–190–2)

(11) "Designated" means selected or assigned by the employer or employer's representative as being qualified to perform specific duties.

(12) "Equivalent entity" is an organization which, by possession of technical equipment and knowledgeable personnel can perform with equal competence the same repairs and tests as the organization with which it is equated.

(13) "Fabric (metal mesh)" is the flexible portion of a metal mesh sling consisting of a series of transverse coils and cross rods.

(14) "Handle" is a terminal fitting to which metal mesh fabric is attached. (See Fig. N–190–1)

(15) "Female handle (choker)" is a handle with a handle eye and a slot of such dimension as to permit passage of a male handle thereby allowing the use of a sling in a choker hitch.

(16) "Handle eye" is an opening in a handle shaped to accept a hook, shackle or other lifting device.

(17) "Male handle (triangle)" is a handle with a handle eye.

(18) "Hitch" is the method by which a load is supported by a sling.

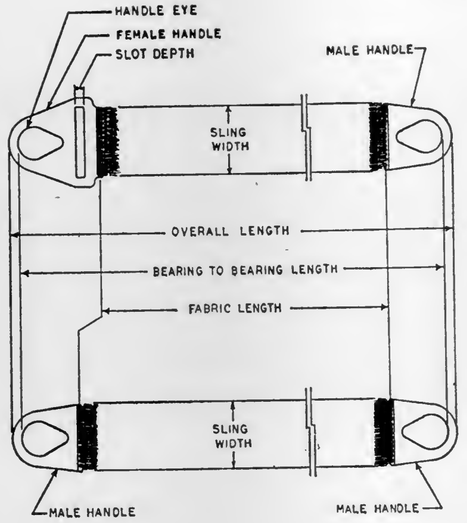


FIG. N-190-1

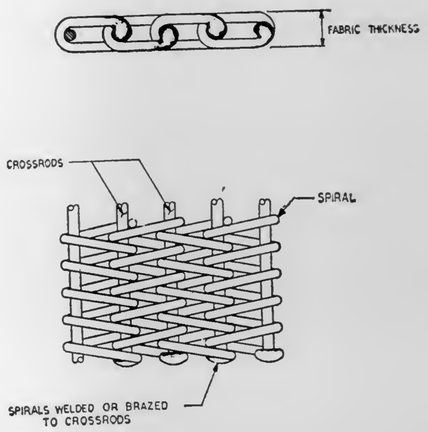


FIG. N-190-2

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(19) "Basket hitch" is a method of supporting a load with the sling passed under the load with both ends, end attachments, eyes or handles on the hook or a single master link. (See Fig. N–190–4)

(20) "Choker hitch" is a method of supporting a load with one end of the sling passing through an end attachment, eye or handle on the other end and supporting the load. (See Fig. N–190–4)

(21) "Vertical hitch" is a method of supporting a load by a single, vertical part or leg of the sling. (See Fig. N–190–4)

(22) "Link" is a single ring of a chain.

(23) "Master coupling link" is an alloy steel welded coupling link used as an intermediate link to join alloy steel chain to master links. (See Fig. N–190–3)

(24) "Master link (Gathering ring)" is a forged or welded steel link used to support all members (legs) of an alloy steel chain or wire rope sling. (See Fig. N–190–3)

(25) "Mechanical coupling link (Alloy steel chain)" is a nonwelded, mechanically closed link used primarily to attach master links, hooks, etc., to running alloy steel chain.

(26) "Minimum breaking strength" is the minimum load at which the sling will break when loaded to destruction in direct tension.

(27) "Nominal breaking strength" is the load at which the sling could be expected to break when loaded to destruction in direct tension.

(28) "Proof load" is the specific load applied in performance of the proof test.

(29) "Proof test" is a nondestructive tension test made by the sling manufacturer or equivalent entity to verify construction and workmanship of the individual sling.

(30) "Rated capacity (Working load limit)" is the maximum allowable working load.

(31) "Reach (Alloy steel chain)" is the effective length of an alloy steel chain sling measured from the top bearing surface of the master link to the bearing surface in the base (bowl) of the hook.

(32) "Safety factor" is the ratio of nominal or minimum breaking strength to the rated capacity of the sling.

(33) "Selvage edge" is the finished edge of synthetic webbing designed to prevent unraveling.

(34) "Sling manufacturer" is a person or company that assembles sling components into their final form.

(35) "Spiral" is a single transverse coil that is the basic element from which metal mesh is fabricated.

(36) "Strand laid endless sling—mechanical joint" is a wire rope sling made endless from one continuous length of rope with the ends joined by one or more metallic fittings.

(37) "Strand laid grommet—hand tucked" is an endless wire rope sling made from one continuous length of wire wrapped six times around a core formed by hand tucking the ends of the wire inside the six wraps.

(38) "Strand laid rope" is a wire rope made with strands of wire (usually six or eight) formed around a fiber core, wire strand core, or independent wire rope core (IWRC).

(c) *General requirements.* (1) *Safe operating practices.*—Whenever any sling is to be used, the employer shall require that the following practices be observed:

(i) Slings that are unsafe shall not be used.

(ii) Slings shall not be exposed to temperatures in excess of the manufacturer's recommendations.

(iii) A sling shall be used that is long enough to provide the maximum practical angle between the sling leg and the horizontal (minimum practical angle at the crane hook if vertical angles are used).

(iv) Slings shall not be shortened with knots, bolts, or similar methods.

(v) Twisting and/or kinking the legs of a sling is prohibited.

(vi) A sling shall not be loaded in excess of its rated capacity.

(vii) The load shall be centered in the base (bowl) of the hook to prevent point loading.

(viii) Slings used in a basket hitch shall have the load balanced to prevent slippage.

(ix) A sling shall be padded or protected from the sharp edges of its load.

(x) Hands and fingers shall not be placed between the sling and its load.

(xi) Each sling shall be securely hitched to its load.

(xii) The load shall be free to move before lifting and shall be kept clear of all obstructions.

(xiii) Shock loading shall be avoided.

(xiv) All personnel must stand clear of a suspended load.

(xv) A sling shall not be pulled from under a load when the load is resting on the sling.

(2) *Inspections.*—(i) All slings, including end fastenings and attachments, shall be given a visual inspection for damage each day before being used. A thorough inspection of all alloy steel chain, wire rope, and metal mesh slings in use shall be made on a regular basis, to be determined on the basis of (A) frequency of sling use; (B) severity of service conditions; (C) nature of lifts being made; and (D) experience gained on the service life of slings used in similar circumstances. However, such inspection shall in no event be at intervals greater than once every three months.

(ii) Each sling shall bear an indication of the month in which it was thoroughly inspected.

(iii) The thorough inspection shall be performed by designated personnel and shall include inspection for wear, defective welds where applicable, deformation and increase in length. Where such deterioration results in a loss of original strength, the sling shall be removed from service.

(d) *Alloy steel chain.* (1) *Chain properties.*—(i) The employer shall obtain and retain a certificate of proof test from the manufacturer or an equivalent entity for each new, repaired or reconditioned sling used showing that it has been tested in accordance with ASTM Specification for Alloy Steel Chain, A391–65 (ANSI G61.1–1968).

(ii) Minimum proof loads for alloy steel chain shall be equal to twice the working load limit values shown for single branch slings.

(2) *Chain use.*—Alloy steel chain slings shall not be used with loads in excess of those prescribed in Table N–190–1.

(3) *Sling identification.*—Welded alloy steel chain slings shall have permanently affixed durable identification stating size, grade, rated capacity and sling manufacturer.

(4) *Attachments.*—(i) Hooks, rings, oblong links, pear shaped links, welded or mechanical coupling links or other attachments shall have a rated capacity at least equal to that of the alloy steel chain with which they are used.

(ii) Attachments shall be of a size recommended by the manufacturer.

(iii) All welded components in the sling assembly shall be proof tested by the sling manufacturer or an equivalent entity before use. The employer shall retain a certificate of this proof test.

TABLE N-190-1
RATED CAPACITY (WORKING LOAD LIMIT), FOR ALLOY STEEL CHAIN SLINGS*
RATED CAPACITY (WORKING LOAD LIMIT), POUNDS

Chain Size, Inches	Single Branch Sling—90 degree Loading	Double Sling Vertical Angle (1) 30 degree	45 degree	60 degree	Triple and Quadruple Sling (3) Vertical Angle (1) 30 degree	45 degree	60 degree
		Horizontal Angle (2) 60 degree	45 degree	30 degree	60 degree	45 degree	30 degree
1/4	3,250	5,650	4,550	3,250	8,400	6,800	4,900
3/8	6,600	11,400	9,300	6,600	17,000	14,000	9,900
1/2	11,250	19,500	15,900	11,250	29,000	24,000	17,000
5/8	16,500	28,500	23,300	16,500	43,000	35,000	24,500
3/4	23,000	39,800	32,500	23,000	60,000	49,500	34,500
7/8	28,750	49,800	40,600	28,750	74,500	61,000	43,000
1	38,750	67,100	54,800	38,750	101,000	82,000	58,000
1-1/8	44,500	77,000	63,000	44,500	115,500	94,500	66,500
1-1/4	57,500	99,500	81,000	57,500	149,000	121,500	85,000
1-3/8	67,000	116,000	94,000	67,000	174,000	141,000	100,500
1-1/2	80,000	138,000	112,500	80,000	207,000	169,000	119,500
1-3/4	100,000	172,000	140,000	100,000	258,000	210,000	150,000

(1) Rating of multileg slings adjusted for angle of loading measured as the included angle between the inclined leg and the vertical as shown in Figure 5.
(2) Rating of multileg slings adjusted for angle of loading between the inclined leg and the horizontal plane of the load, as shown in Figure 5.
(3) Quadruple sling rating is same as triple sling because normal lifting practice may not distribute load uniformly to all 4 legs.

TABLE N-190-2
MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain Size, Inches	Maximum Allowable Wear, Inch
1/4	3/64
3/8	5/64
1/2	7/64
5/8	9/64
3/4	5/32
7/8	11/64
1	3/16
1-1/8	7/32
1-1/4	1/4
1-3/8	9/32
1-1/2	5/16
1-3/4	11/32

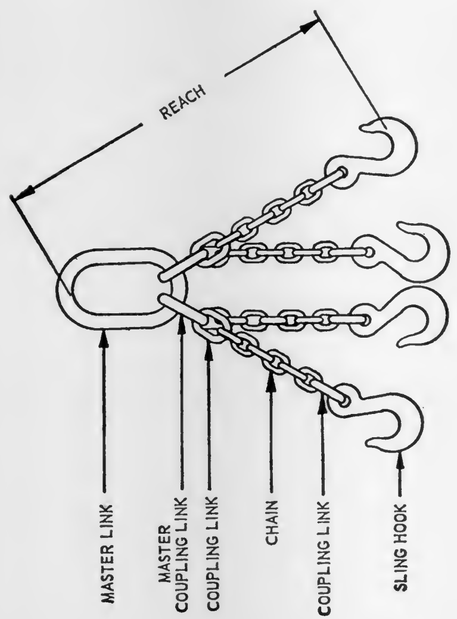


FIG. N-190-3 MAJOR COMPONENTS OF A QUADRUPLE SLING.

V 38 168 AUG 30 73 XUM

(iv) Homemade links, makeshift fasteners formed from bolts, rods, or other such attachments shall not be used.

(5) *Repair and reconditioning alloy steel chain slings.*—(i) Worn or damaged alloy steel chain slings or attachments shall not be used until they are repaired by the sling manufacturer or an equivalent entity. (See paragraph (d) (1) (i) of this section.)

(ii) Slings shall not be used where mechanical coupling links or low carbon steel repair links were used to repair broken lengths of chain.

(6) *Effects of wear.*—If wear at any point of any chain link exceeds that shown in Table N-190-2, the assembly shall be removed from service.

(7) *Deformed attachments.*—(i) Assemblies with deformed master links or coupling links shall be removed from service.

(ii) Assemblies shall be removed from service if hooks are cracked, have been opened more than 15 percent of the normal throat opening measured at the narrowest point or twisted more than 10 degrees from the plane of the unbent hook.

(e) *Wire rope.* (1) *General.*—The wire rope slings covered by this subsection are set forth in Tables N-190-3 to 14. Other grades, types, sizes and constructions may be used. When such slings are used, they shall be used only in accordance with the recommendations of the sling manufacturer.

(2) *Factor of safety.*—The factor of safety for wire rope slings of all grades shall be a minimum of five (5). Rated capacities for wire rope slings are shown in Tables N-190-3 through 14, which apply this safety factor.

TABLE N-190-3
RATED CAPACITIES FOR SINGLE LEG SLINGS
6 x 19 AND 6 x 37 CLASSIFICATION IMPROVED PLOW STEEL GRADE ROPE
WITH FIBER CORE (FC)

Rope Dia (Inches)	Constr	Rated Capacities, Tons (2,000 lb)								
		Vertical			Choker			Vertical Basket*		
		HT	MS	S	HT	MS	S	HT	MS	S
1/4	6 x 19	0.49	0.51	0.55	0.37	0.38	0.41	0.99	1.0	1.1
5/16	6 x 19	0.76	0.79	0.85	0.57	0.59	0.64	1.5	1.6	1.7
3/8	6 x 19	1.1	1.1	1.2	0.80	0.85	0.91	2.1	2.2	2.4
7/16	6 x 19	1.4	1.5	1.6	1.1	1.1	1.2	2.9	3.0	3.3
1/2	6 x 19	1.8	2.0	2.1	1.4	1.5	1.6	3.7	3.9	4.3
9/16	6 x 19	2.3	2.5	2.7	1.7	1.9	2.0	4.6	5.0	5.4
5/8	6 x 19	2.8	3.1	3.3	2.1	2.3	2.5	5.6	6.2	6.7
3/4	6 x 19	3.9	4.4	4.8	2.9	3.3	3.6	7.8	8.8	9.5
7/8	6 x 19	5.1	5.9	6.4	3.9	4.5	4.8	10.0	12.0	13.0
1	6 x 19	6.7	7.7	8.4	5.0	5.8	6.3	13.0	15.0	17.0
1-1/8	6 x 19	8.4	9.5	10.0	6.3	7.1	7.9	17.0	19.0	21.0
1-1/4	6 x 37	9.8	11.0	12.0	7.4	8.3	9.2	20.0	22.0	25.0
1-3/8	6 x 37	12.0	13.0	15.0	8.9	10.0	11.0	24.0	27.0	30.0
1-1/2	6 x 37	14.0	16.0	17.0	10.0	12.0	13.0	28.0	32.0	35.0
1-5/8	6 x 37	16.0	18.0	21.0	12.0	14.0	15.0	33.0	37.0	41.0
1-3/4	6 x 37	19.0	21.0	24.0	14.0	16.0	18.0	38.0	43.0	48.0
2	6 x 37	25.0	28.0	31.0	18.0	21.0	23.0	49.0	55.0	62.0

HT = Hand Tucked Splice and Hidden Tuck Splice
For hidden tuck splice (IWRC) use values in HT columns.
MS = Mechanical Splice
S = Swaged or Zinc Poured Socket
*These values only apply when the D/d ratio for HT slings is 10 or greater, and for MS and S slings is 20 or greater where:
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of rope.

TABLE N-190-4
RATED CAPACITIES FOR SINGLE LEG SLINGS
6 x 19 AND 6 x 37 CLASSIFICATION IMPROVED PLOW STEEL GRADE ROPE
WITH INDEPENDENT WIRE ROPE CORE (IWRC)

Rope Dia (Inches)	Constr	Rated Capacities, Tons (2,000 lb)								
		Vertical			Choker			Vertical Basket*		
		HT	MS	S	HT	MS	S	HT	MS	S
1/4	6 x 19	0.53	0.56	0.59	0.40	0.42	0.44	1.0	1.1	1.2
5/16	6 x 19	0.81	0.87	0.92	0.61	0.65	0.69	1.6	1.7	1.8
3/8	6 x 19	1.1	1.2	1.3	0.86	0.93	0.98	2.3	2.5	2.6
7/16	6 x 19	1.5	1.7	1.8	1.2	1.3	1.3	3.1	3.4	3.5
1/2	6 x 19	2.0	2.2	2.3	1.5	1.6	1.7	3.9	4.4	4.6
9/16	6 x 19	2.5	2.7	2.9	1.8	2.1	2.2	4.9	5.5	5.8
5/8	6 x 19	3.0	3.4	3.6	2.2	2.5	2.7	6.0	6.8	7.2
3/4	6 x 19	4.2	4.9	5.1	3.1	3.6	3.8	8.4	9.7	10.0
7/8	6 x 19	5.5	6.6	6.9	4.1	4.9	5.2	11.0	13.0	14.0
1	6 x 19	7.2	8.5	9.0	5.4	6.4	6.7	14.0	17.0	18.0
1-1/8	6 x 19	9.0	10.0	11.0	6.8	7.8	8.5	18.0	21.0	23.0
1-1/4	6 x 37	10.0	12.0	13.0	7.9	9.2	9.9	21.0	24.0	26.0
1-3/8	6 x 37	13.0	15.0	16.0	9.6	11.0	12.0	25.0	29.0	32.0
1-1/2	6 x 37	15.0	17.0	19.0	11.0	13.0	14.0	30.0	35.0	38.0
1-5/8	6 x 37	18.0	20.0	22.0	13.0	15.0	17.0	35.0	41.0	44.0
1-3/4	6 x 37	20.0	24.0	26.0	15.0	18.0	19.0	41.0	47.0	51.0
2	6 x 37	26.0	30.0	33.0	20.0	23.0	25.0	53.0	61.0	66.0

HT = Hand Tucked Splice
For hidden tuck splice (IWRC) use Table I values in HT column.
MS = Mechanical Splice.
S = Swaged or Zinc Poured Socket.
*These values only apply when the D/d ratio for HT slings is 10 or greater, and for MS and S Slings is 20 or greater where:
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of rope.

PROPOSED RULES

TABLE N-190-5
RATED CAPACITIES FOR SINGLE LEG SLINGS
CABLE LAID ROPE – MECHANICAL SPLICE ONLY
7 x 7 x 7 & 7 x 7 x 19 CONSTRUCTIONS GALVANIZED AIRCRAFT GRADE ROPE
7 x 6 x 19 IWRC CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE

Rope Dia (Inches)	Constr	Rated Capacities, Tons (2,000 lb)		
		Vertical	Choker	Vertical Basket*
1/4	7 x 7 x 7	0.50	0.38	1.0
3/8	7 x 7 x 7	1.1	0.81	2.0
1/2	7 x 7 x 7	1.8	1.4	3.7
5/8	7 x 7 x 7	2.8	2.1	5.5
3/4	7 x 7 x 7	3.8	2.9	7.6
5/8	7 x 7 x 19	2.9	2.2	5.8
3/4	7 x 7 x 19	4.1	3.0	8.1
7/8	7 x 7 x 19	5.4	4.0	11.0
1	7 x 7 x 19	6.9	5.1	14.0
1-1/8	7 x 7 x 19	8.2	6.2	16.0
1-1/4	7 x 7 x 19	9.9	7.4	20.0
3/4	7 x 6 x 19 IWRC	3.8	2.8	7.6
7/8	7 x 6 x 19 IWRC	5.0	3.8	10.0
1	7 x 6 x 19 IWRC	6.4	4.8	13.0
1-1/8	7 x 6 x 19 IWRC	7.7	5.8	15.0
1-1/4	7 x 6 x 19 IWRC	9.2	6.9	18.0
1-5/16	7 x 6 x 19 IWRC	10.0	7.5	20.0
1-3/8	7 x 6 x 19 IWRC	11.0	8.2	22.0
1-1/2	7 x 6 x 19 IWRC	13.0	9.6	26.0

*These values only apply when the D/d ratio is 10 or greater where:
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of rope.

TABLE N-190-6
RATED CAPACITIES FOR SINGLE LEG SLINGS
8-PART AND 6-PART BRAIDED ROPE
6 x 7 AND 6 x 19 CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE
7 x 7 CONSTRUCTION GALVANIZED AIRCRAFT GRADE ROPE

Component Ropes Diameter (Inches)	Constr	Rated Capacities, Tons (2,000 lb)					
		Vertical		Choker		Basket, Vertical to 30 degree	
		8-Port	6-Port	8-Port	6-Port	8-Port	6-Port
3/32	6 x 7	0.42	0.32	0.32	0.24	0.74	0.55
1/8	6 x 7	0.76	0.57	0.57	0.42	1.3	0.98
3/16	6 x 7	1.7	1.3	1.3	0.94	2.9	2.2
3/32	7 x 7	0.51	0.39	0.38	0.29	0.89	0.67
1/8	7 x 7	0.95	0.71	0.71	0.53	1.6	1.2
3/16	7 x 7	2.1	1.5	1.5	1.2	3.6	2.7
3/16	6 x 19	1.7	1.3	1.3	0.98	3.0	2.2
1/4	6 x 19	3.1	2.3	2.3	1.7	5.3	4.0
5/16	6 x 19	4.8	3.6	3.6	2.7	8.3	6.2
3/8	6 x 19	6.8	5.1	5.1	3.8	12.0	8.9
7/16	6 x 19	9.3	6.9	6.9	5.2	16.0	12.0
1/2	6 x 19	12.0	9.0	9.0	6.7	21.0	15.0
9/16	6 x 19	15.0	11.0	11.0	8.5	26.0	20.0
5/8	6 x 19	19.0	14.0	14.0	10.0	32.0	24.0
3/4	6 x 19	27.0	20.0	20.0	15.0	46.0	35.0
7/8	6 x 19	36.0	27.0	27.0	20.0	62.0	47.0
1	6 x 19	47.0	35.0	35.0	26.0	81.0	61.0

*These values only apply when the D/d ratio is 20 or greater where:
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of component rope.

TABLE N-190-7
RATED CAPACITIES FOR 2-LEG & 3-LEG BRIDLE SLINGS
6 x 19 AND 6 x 37 CLASSIFICATION IMPROVED PLOW STEEL GRADE ROPE
WITH FIBER CORE (FC)

Rope Dia (Inches)	Constr	Rated Capacities, Tons (2,000 lb)											
		2-Leg Bridle Slings						3-Leg Bridle Slings					
		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree	
		HT	MS	HT	MS	HT	MS	HT	MS	HT	MS	HT	MS
1/4	6 x 19	0.85	0.88	0.70	0.72	0.49	0.51	1.3	1.3	1.0	1.1	0.74	0.76
5/16	6 x 19	1.3	1.4	1.1	1.1	0.76	0.79	2.0	2.0	1.6	1.7	1.1	1.2
3/8	6 x 19	1.8	1.9	1.5	1.6	1.1	1.1	2.8	2.9	2.3	2.4	1.6	1.7
7/16	6 x 19	2.5	2.6	2.0	2.2	1.4	1.5	3.7	4.0	3.0	3.2	2.1	2.3
1/2	6 x 19	3.2	3.4	2.6	2.8	1.8	2.0	4.8	5.1	3.9	4.2	2.8	3.0
9/16	6 x 19	4.0	4.3	3.2	3.5	2.3	2.5	6.0	6.5	4.9	5.3	3.4	3.7
5/8	6 x 19	4.8	5.3	4.0	4.4	2.8	3.1	7.3	8.0	5.9	6.5	4.2	4.6
3/4	6 x 19	6.8	7.6	5.5	6.2	3.9	4.4	10.0	11.0	8.3	9.3	5.8	6.6
7/8	6 x 19	8.9	10.0	7.3	8.4	5.1	5.9	13.5	15.0	11.0	13.0	7.7	8.9
1	6 x 19	11.0	13.0	9.4	11.0	6.7	7.7	17.0	20.0	14.0	16.0	10.0	11.0
1-1/8	6 x 19	14.0	16.0	12.0	13.0	8.4	9.5	22.0	24.0	18.0	20.0	13.0	14.0
1-1/4	6 x 37	17.0	19.0	14.0	16.0	9.8	11.0	25.0	29.0	21.0	23.0	15.0	17.0
1-3/8	6 x 37	20.0	23.0	17.0	19.0	12.0	13.0	31.0	35.0	25.0	28.0	18.0	20.0
1-1/2	6 x 37	24.0	27.0	20.0	22.0	14.0	16.0	36.0	41.0	30.0	33.0	21.0	24.0
1-5/8	6 x 37	28.0	32.0	23.0	26.0	16.0	18.0	43.0	48.0	35.0	39.0	25.0	28.0
1-3/4	6 x 37	33.0	37.0	27.0	30.0	19.0	21.0	49.0	56.0	40.0	45.0	28.0	32.0
2	6 x 37	43.0	48.0	35.0	39.0	25.0	28.0	64.0	72.0	52.0	59.0	37.0	41.0

HT = Hand Tucked Splice.
MS = Mechanical Splice

TABLE N-190-8
RATED CAPACITIES FOR 2-LEG & 3-LEG BRIDLE SLINGS
6 x 19 and 6 x 37 CLASSIFICATION IMPROVED PLOW STEEL GRADE ROPE
WITH INDEPENDENT WIRE ROPE CORE (IWRC)

Rope Dia (Inches)	Constr	Rated Capacities, Tons (2,000 lb)											
		2-Leg Bridle Sling						3-Leg Bridle Sling					
		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree	
		HT	MS	HT	MS	HT	MS	HT	MS	HT	MS	HT	MS
1/4	6 x 19	0.92	0.97	0.75	0.79	0.53	0.56	1.4	1.4	1.1	1.2	0.79	0.84
5/16	6 x 19	1.4	1.5	1.1	1.2	0.81	0.87	2.1	2.3	1.7	1.8	1.2	1.3
3/8	6 x 19	2.0	2.1	1.6	1.8	1.1	1.2	3.0	3.2	2.4	2.6	1.7	1.9
7/16	6 x 19	2.7	2.9	2.2	2.4	1.5	1.7	4.0	4.4	3.3	3.6	2.3	2.5
1/2	6 x 19	3.4	3.8	2.8	3.1	2.0	2.2	5.1	5.7	4.2	4.6	3.0	3.3
9/16	6 x 19	4.3	4.8	3.5	3.9	2.5	2.7	6.4	7.1	5.2	5.8	3.7	4.1
5/8	6 x 19	5.2	5.9	4.2	4.8	3.0	3.4	7.8	8.8	6.4	7.2	4.5	5.1
3/4	6 x 19	7.3	8.4	5.9	6.9	4.2	4.9	11.0	13.0	8.9	10.0	6.3	7.3
7/8	6 x 19	9.6	11.0	7.8	9.3	5.5	6.6	14.0	17.0	12.0	14.0	8.3	9.9
1	6 x 19	12.0	15.0	10.0	12.0	7.2	8.5	19.0	22.0	15.0	18.0	11.0	13.0
1-1/8	6 x 19	16.0	18.0	13.0	15.0	9.0	10.0	23.0	27.0	19.0	22.0	13.0	16.0
1-1/4	6 x 37	18.0	21.0	15.0	17.0	10.0	12.0	27.0	32.0	22.0	26.0	16.0	18.0
1-3/8	6 x 37	22.0	25.0	18.0	21.0	13.0	15.0	33.0	38.0	27.0	31.0	19.0	22.0
1-1/2	6 x 37	26.0	30.0	21.0	25.0	15.0	17.0	39.0	45.0	32.0	37.0	23.0	26.0
1-5/8	6 x 37	31.0	35.0	25.0	29.0	18.0	20.0	46.0	53.0	38.0	43.0	27.0	31.0
1-3/4	6 x 37	35.0	41.0	29.0	33.0	20.0	24.0	53.0	61.0	43.0	50.0	31.0	35.0
2	6 x 37	46.0	53.0	37.0	43.0	26.0	30.0	68.0	79.0	56.0	65.0	40.0	46.0

HT = Hand Tucked Splice
MS = Mechanical Splice

TABLE N-190-9
RATED CAPACITIES FOR 2-LEG & 3-LEG BRIDLE SLINGS
CABLE LAID ROPE – MECHANICAL SPLICE ONLY
7 x 7 x 7 AND 7 x 7 x 19 CONSTRUCTIONS GALVANIZED AIRCRAFT GRADE ROPE
7 x 6 x 19 IWRC CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE

Rope Dia (Inches)	Constr	Rated Capacities, Tons (2,000 lb)					
		2-Leg Bridle Sling			3-Leg Bridle Sling		
		Vert 30 deg Horz 60 deg	45 degree Angle	Vert 60 deg Horz 30 deg	Vert 30 deg Horz 60 deg	45 degree Angle	Vert 60 deg Horz 30 deg
1/4	7 x 7 x 7	0.87	0.71	0.50	1.3	1.1	0.75
3/8	7 x 7 x 7	1.9	1.5	1.1	2.8	2.3	1.6
1/2	7 x 7 x 7	3.2	2.6	1.8	4.8	3.9	2.8
5/8	7 x 7 x 7	4.8	3.9	2.8	7.2	5.9	4.2
3/4	7 x 7 x 7	6.6	5.4	3.8	9.9	8.1	5.7
5/8	7 x 7 x 19	5.0	4.1	2.9	7.5	6.1	4.3
3/4	7 x 7 x 19	7.0	5.7	4.1	10.0	8.6	6.1
7/8	7 x 7 x 19	9.3	7.6	5.4	14.0	11.0	8.1
1	7 x 7 x 19	12.0	9.7	6.9	18.0	14.0	10.0
1-1/8	7 x 7 x 19	14.0	12.0	8.2	21.0	17.0	12.0
1-1/4	7 x 7 x 19	17.0	14.0	9.9	26.0	21.0	15.0
3/4	7x6x19 IWRC	6.6	5.4	3.8	9.9	8.0	5.7
7/8	7x6x19 IWRC	8.7	7.1	5.0	13.0	11.0	7.5
1	7x6x19 IWRC	11.0	9.0	6.4	17.0	13.0	9.6
1-1/8	7x6x19 IWRC	13.0	11.0	7.7	20.0	16.0	11.0
1-1/4	7x6x19 IWRC	16.0	13.0	9.2	24.0	20.0	14.0
1-5/16	7x6x19 IWRC	17.0	14.0	10.0	26.0	21.0	15.0
1-3/8	7x6x19 IWRC	19.0	15.0	11.0	28.0	23.0	16.0
1-1/2	7x6x19 IWRC	22.0	18.0	13.0	33.0	27.0	19.0

PROPOSED RULES

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TABLE N-190-10
RATED CAPACITIES FOR 2-LEG AND 3-LEG BRIDLE SLINGS
8-PART AND 6-PART BRAIDED ROPE
6×7 AND 6×19 CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE
7×7 CONSTRUCTION GALVANIZED AIRCRAFT GRADE ROPE

Component Rope		Rated Capacities, Tons (2,000 lb)									
		2-Leg Bridle Slings						3-Leg Bridle Slings			
		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree	
Dia (Inches)	Constr	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part
3/32	6×7	0.74	0.55	0.60	0.45	0.42	0.32	1.1	0.83	0.90	0.68	0.64	0.48
1/8	6×7	1.3	0.98	1.1	0.80	0.76	0.57	2.0	1.5	1.6	1.2	1.1	0.85
3/16	6×7	2.9	2.2	2.4	1.8	1.7	1.3	4.4	3.3	3.6	2.7	2.5	1.9
3/32	7×7	0.89	0.67	0.72	0.55	0.51	0.39	1.3	1.0	1.1	0.82	0.77	0.58
1/8	7×7	1.6	1.2	1.3	1.0	0.95	0.71	2.5	1.8	2.0	1.5	1.4	1.1
3/16	7×7	3.6	2.7	2.9	2.2	2.1	1.5	5.4	4.0	4.4	3.3	3.1	2.3
3/16	6×19	3.0	2.2	2.4	1.8	1.7	1.3	4.5	3.4	3.7	2.8	2.6	1.9
1/4	6×19	5.3	4.0	4.3	3.2	3.1	2.3	8.0	6.0	6.5	4.9	4.6	3.4
5/16	6×19	8.3	6.2	6.7	5.0	4.8	3.6	12.0	9.3	10.0	7.6	7.1	5.4
3/8	6×19	12.0	8.9	9.7	7.2	6.8	5.1	18.0	13.0	14.0	11.0	10.0	7.7
7/16	6×19	16.0	12.0	13.0	9.8	9.3	6.9	24.0	18.0	20.0	15.0	14.0	10.0
1/2	6×19	21.0	15.0	17.0	13.0	12.0	9.0	31.0	23.0	25.0	19.0	18.0	13.0
9/16	6×19	26.0	20.0	21.0	16.0	15.0	11.0	39.0	29.0	32.0	24.0	23.0	17.0
5/8	6×19	32.0	24.0	26.0	20.0	19.0	14.0	48.0	36.0	40.0	30.0	28.0	21.0
3/4	6×19	46.0	35.0	38.0	28.0	27.0	20.0	69.0	52.0	56.0	42.0	40.0	30.0
7/8	6×19	62.0	47.0	51.0	38.0	36.0	27.0	94.0	70.0	76.0	57.0	54.0	40.0
1	6×19	81.0	61.0	66.0	50.0	47.0	35.0	122.0	91.0	99.0	74.0	70.0	53.0

TABLE N-190-11
RATED CAPACITIES FOR STRAND LAID GROMMET – HAND TUCKED
IMPROVED PLOW STEEL GRADE ROPE

ROPE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
1/4	7×19	0.85	0.64	1.7
5/16	7×19	1.3	1.0	2.6
3/8	7×19	1.9	1.4	3.8
7/16	7×19	2.6	1.9	5.2
1/2	7×19	3.3	2.5	6.7
9/16	7×19	4.2	3.1	8.4
5/8	7×19	5.2	3.9	10.0
3/4	7×19	7.4	5.6	15.0
7/8	7×19	10.0	7.5	20.0
1	7×19	13.0	9.7	26.0
1-1/8	7×19	16.0	12.0	32.0
1-1/4	7×37	18.0	14.0	37.0
1-3/8	7×37	22.0	16.0	44.0
1-1/2	7×37	26.0	19.0	52.0

* These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which rope is bent.
d = Diameter of rope body.

TABLE N-190-12
RATED CAPACITIES FOR CABLE LAID GROMMET – HAND TUCKED
7×6×7 AND 7×6×19 CONSTRUCTIONS IMPROVED PLOW STEEL GRADE ROPE
7×7×7 CONSTRUCTION GALVANIZED AIRCRAFT GRADE ROPE

CABLE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
3/8	7×6×7	1.3	0.95	2.5
9/16	7×6×7	2.8	2.1	5.6
5/8	7×6×7	3.8	2.8	7.6
3/8	7×7×7	1.6	1.2	3.2
9/16	7×7×7	3.5	2.6	6.9
5/8	7×7×7	4.5	3.4	9.0
5/8	7×6×19	3.9	3.0	7.9
3/4	7×6×19	5.1	3.8	10.0
15/16	7×6×19	7.9	5.9	16.0
1-1/8	7×6×19	11.0	8.4	22.0
1-5/16	7×6×19	15.0	11.0	30.0
1-1/2	7×6×19	19.0	14.0	39.0
1-11/16	7×6×19	24.0	18.0	49.0
1-7/8	7×6×19	30.0	22.0	60.0
2-1/4	7×6×19	42.0	31.0	84.0
2-5/8	7×6×19	56.0	42.0	112.0

* These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which cable body is bent.
d = Diameter of cable body.

PROPOSED RULES

TABLE N-190-13
RATED CAPACITIES FOR STRAND LAID ENDLESS SLINGS-MECHANICAL JOINT
IMPROVED PLOW STEEL GRADE ROPE

ROPE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
1/4	6×19 IWRC	0.92	0.69	1.8
3/8	6×19 IWRC	2.0	1.5	4.1
1/2	6×19 IWRC	3.6	2.7	7.2
5/8	6×19 IWRC	5.6	4.2	11.0
3/4	6×19 IWRC	8.0	6.0	16.0
7/8	6×19 IWRC	11.0	8.1	21.0
1	6×19 IWRC	14.0	10.0	28.0
1-1/8	6×19 IWRC	18.0	13.0	35.0
1-1/4	6×37 IWRC	21.0	15.0	41.0
1-3/8	6×37 IWRC	25.0	19.0	50.0
1-1/2	6×37 IWRC	29.0	22.0	59.0

* These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which rope is bent.
d = Diameter of rope body.

TABLE N-190-14
RATED CAPACITIES FOR CABLE LAID ENDLESS SLINGS-MECHANICAL JOINT
7×7×7 AND 7×7×19 CONSTRUCTIONS GALVANIZED AIRCRAFT GRADE ROPE
7×6×19 IWRC CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE

CABLE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
1/4	7×7×7	0.83	0.62	1.6
3/8	7×7×7	1.8	1.3	3.5
1/2	7×7×7	3.0	2.3	6.1
5/8	7×7×7	4.5	3.4	9.1
3/4	7×7×7	6.3	4.7	12.0
5/8	7×7×19	4.7	3.5	9.5
3/4	7×7×19	6.7	5.0	13.0
7/8	7×7×19	8.9	6.6	18.0
1	7×7×19	11.0	8.5	22.0
1-1/8	7×7×19	14.0	10.0	28.0
1-1/4	7×7×19	17.0	12.0	33.0
3/4	7×6×19 IWRC	6.2	4.7	12.0
7/8	7×6×19 IWRC	8.3	6.2	16.0
1	7×6×19 IWRC	10.0	7.9	21.0
1-1/8	7×6×19 IWRC	13.0	9.7	26.0
1-1/4	7×6×19 IWRC	16.0	12.0	31.0
1-3/8	7×6×19 IWRC	18.0	14.0	37.0
1-1/2	7×6×19 IWRC	22.0	16.0	43.0

* These values only apply when the D/d value is 5 or greater where:
D = Diameter of curvature around which cable body is bent.
d = Diameter of cable body.

(3) *Proof test.*—Slings of all grades terminated by mechanical splices, sockets, and pressed or swaged terminals shall be proof tested by the sling manufacturer or an equivalent entity prior to initial use. The employer shall retain a certificate of this proof test.

(i) The proof load for single leg slings and endless slings shall be two times the vertical rated capacity.

(ii) The proof load for multiple leg bridle slings shall be applied to the individual legs and shall be two times the vertical rated capacity of a single leg sling of the same size, grade, and the construction of rope.

(4) Minimum sling lengths. (i) Cable laid and 6 x 19 and 6 x 37 slings shall have a minimum clear length of wire rope 10 times the rope diameter between splices, sleeves or end fittings.

(ii) Braided slings shall have a minimum clear length or wire rope 40 times the component rope diameter between the loops or end fittings.

(iii) Grommets and endless slings shall have a minimum circumferential length of 96 times the body diameter of the grommet or endless sling.

(5) *End attachments.*—(i) All components welded prior to assembly in the sling shall be proof tested by the sling manufacturer or an equivalent entity prior to initial use. The employer shall retain a certificate of the proof test.

(ii) Welding of handles or of any other accessories to end attachments shall be performed prior to the assembly of the sling.

(6) *Removal from service.*—A wire rope sling that exhibits any of the following conditions shall be immediately removed from service:

(i) Six randomly distributed broken wires in one rope lay, or three broken wires in one strand in one rope lay.

(ii) Wear or scraping of one-third the original diameter of outside individual wires.

(iii) Kinking, crushing, bird caging or any other damage resulting in distortion of the wire rope structure.

(iv) Evidence of possible heat damage;

(v) End attachments that are cracked, deformed, or worn.

(vi) Hooks that have been opened more than 15 percent of the normal throat opening measured at the narrowest point or twisted more than 10 degrees from the plane of the unbent hook.

(vii) Corrosion of the rope or end attachments.

(f) *Metal mesh sling.* (1) *Metal mesh sling classification.*—Metal mesh slings are classified in accordance with Table N-190-15. Only metal mesh slings that are manufactured in accordance with the provisions of this paragraph shall be used.

TABLE N-190-15

Type	Classification	Designation
Heavy Duty	Carbon Steel	35-CS
	Stainless Steel	35-SS
Medium Duty	Carbon Steel	43-CS
	Stainless Steel	43-SS
Light Duty	Carbon Steel	59-CS
	Stainless Steel	59-SS

PROPOSED RULES

TABLE N-190-16
FABRIC CONSTRUCTION

	HEAVY DUTY	MEDIUM DUTY	LIGHT DUTY
Nominal Spiral Turns per Foot of Sling Width	35	43	59
Spiral Wire Size USSWG	10 Ga. (0.135 in.)	12 Ga. (0.105 in.)	14 Ga. (0.080 in.)
Nominal Cross Rods per Foot of Fabric Length	21	30	38
Size of Cross Rods USSWG	8 Ga. (0.162 in.)	10 Ga. (0.135 in.)	14 Ga. (0.080 in.)
Nominal Fabric Thickness	1/2 in.	3/8 in.	5/16 in.

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(2) *Construction.* (i) *Fabric construction.*—Fabric shall be constructed in accordance with the provisions in Table N–190–16.

(ii) *Handle construction.*—The handle shall have a rated capacity at least equal to the metal fabric and exhibit no deformation after proof testing.

(iii) *Attachment of handles to fabric.*—The fabric and handles shall be joined so that:

(A) The rated capacity of the sling is not reduced.

(B) The load is evenly distributed across the width of the fabric.

(C) Sharp edges do not damage the fabric.

(iv) *Sling coatings.*—Slings may be painted, plated, impregnated with elastomers such as neoprene or polyvinyl chloride, or otherwise suitably coated. Coatings which diminish the rated capacity of a sling shall not be applied.

(3) *Sling testing.*—All new and repaired metal mesh slings shall be proof tested at a minimum of 1½ times their rated capacity. Elastomer impregnated slings shall be proof tested before coating.

(4) *Sling marking.*—All metal mesh slings shall have permanently affixed durable identification stating the manufacturer's name or trademark and the rated capacity for vertical basket hitch and choker hitch loadings.

(5) *Proper use of metal mesh slings.*—Metal mesh slings shall not be used to lift loads in excess of those prescribed in Table N–190–17 which applies a safety factor of five (5). The sling manufacturer's specifications shall be complied with for slings which differ in width, materials, or design from those shown in Table N–190–17.

TABLE N-190-17
RATED CAPACITIES
(lb)

SLING WIDTH IN INCHES	VERTICAL OR CHOKER	VERTICAL BASKET	EFFECT OF ANGLE ON RATED CAPACITIES IN BASKET HITCH		
			30 deg Vertical 60 deg Horizontal	45 deg Vertical 45 deg Horizontal	60 deg Vertical 30 deg Horizontal
25-CS and 25-SS					
2	1,500	3,000	2,600	2,100	1,500
3	2,700	5,400	4,700	3,800	2,700
4	4,000	8,000	6,900	5,600	4,000
6	8,000	12,000	10,400	8,400	6,000
8	8,000	16,000	13,800	11,300	8,000
10	10,000	20,000	17,000	14,100	10,000
12	12,000	24,000	20,700	16,900	12,000
14	14,000	28,000	24,200	19,700	14,000
16	16,000	32,000	27,700	22,600	16,000
18	18,000	36,000	31,100	25,400	18,000
20	20,000	40,000	34,500	28,300	20,000
45-CS and 45-SS					
2	1,350	2,700	2,300	1,900	1,400
3	2,000	4,000	3,500	2,800	2,000
4	2,700	5,400	4,700	3,800	2,700
6	4,500	9,000	7,800	6,400	4,500
8	5,000	12,000	10,400	8,500	6,000
10	7,500	15,000	13,000	10,600	7,500
12	9,000	18,000	15,600	12,700	9,000
14	10,500	21,000	18,200	14,800	10,500
16	12,000	24,000	20,800	17,000	12,000
18	13,500	27,000	23,400	19,100	13,500
20	15,000	30,000	26,000	21,200	15,000
99-CS and 99-SS					
2	900	1,800	1,600	1,300	900
3	1,400	2,800	2,400	2,000	1,400
4	2,000	4,000	3,500	2,900	2,000
6	3,000	6,000	5,200	4,200	3,000
8	4,000	8,000	6,900	5,700	4,000
10	5,000	10,000	8,600	7,100	5,000
12	6,000	12,000	10,400	8,500	6,000
14	7,000	14,000	12,100	9,900	7,000
16	8,000	16,000	13,900	11,300	8,000
18	9,000	18,000	15,600	12,700	9,000
20	10,000	20,000	17,300	14,100	10,000

(6) *Repairs.* (i) Metal mesh slings shall be repaired only by a metal mesh sling manufacturer or an equivalent entity.

(ii) The sling shall be permanently marked to identify the repairing agency and the date of repair.

(g) *Rope slings: Natural and synthetic fiber.* (1) *Type of fiber & safety factor.*—The following safety factors shall be used for the four basic fiber types covered by this paragraph:

Fiber type	*Safety factor*
Manila	5 minimum
Nylon	9 minimum
Polyester	9 minimum
Polypropylene	6 minimum

(2) *Rope: Grade, size, construction.*—This paragraph covers sling made from conventional three-strand construction fiber rope. For each fiber type, essential descriptive data (diameter, weight, and strength) is given in Tables N–190–18 through N–190–21.

(3) *Rated load capacities.*—Rope slings shall not be used to lift loads in excess of those prescribed in Tables N–190–18 through N–190–21 which apply the appropriate safety factor.

(4) *Sling configurations.*—(explanation of Fig. N–190–4 and N–190–5) The several sling configurations encompassed here are identified in Fig. N–190–4 & 5. For both Figures, the following symbols are used to indicate the minimum contact surface which shall be provided between a portion of the sling and a load or support:

TABLE N-190-18
MANILA ROPE SLINGS

ROPE DIAMETER Nominal In Inches	Nominal Weight Per 100 ft In Pounds	Minimum Breaking Strength In Pounds	RATED CAPACITY IN POUNDS (Safety Factor = 5)									
			EYE AND EYE SLING					ENDLESS SLING				
			VERTICAL HITCH	CHOKER HITCH	BASKET HITCH				VERTICAL HITCH	CHOKER HITCH	BASKET HITCH	
					Angle of Rope to Horizontal						Angle of Rope to Horizontal	
					90 deg	60 deg	45 deg	30 deg			90 deg	60 deg	45 deg	30 deg
					Angle of Rope to Vertical						Angle of Rope to Vertical			
					0 deg	30 deg	45 deg	60 deg			0 deg	30 deg	45 deg	60 deg
1/2	7.5	2,650	550	250	1,100	900	750	550	950	500	1,900	1,700	1,400	950
9/16	10.4	3,450	700	350	1,400	1,200	1,000	700	1,200	600	2,500	2,200	1,800	1,200
5/8	13.3	4,400	900	450	1,800	1,500	1,200	900	1,600	800	3,200	2,700	2,200	1,600
3/4	16.7	5,400	1,100	550	2,200	1,900	1,500	1,100	2,000	950	3,900	3,400	2,800	2,000
13/16	19.5	6,500	1,300	650	2,600	2,300	1,800	1,300	2,300	1,200	4,700	4,100	3,300	2,300
7/8	22.5	7,700	1,500	750	3,100	2,700	2,200	1,500	2,800	1,400	5,600	4,800	3,900	2,800
1	27.0	9,000	1,800	900	3,600	3,100	2,600	1,800	3,200	1,600	6,500	5,600	4,600	3,200
1 1/16	31.3	10,500	2,100	1,100	4,200	3,600	3,000	2,100	3,800	1,900	7,600	6,600	5,400	3,800
1 1/8	36.0	12,000	2,400	1,200	4,800	4,200	3,400	2,400	4,300	2,200	8,600	7,500	6,100	4,300
1 1/4	41.7	13,500	2,700	1,400	5,400	4,700	3,800	2,700	4,900	2,400	9,700	8,400	6,900	4,900
1 5/16	47.9	15,000	3,000	1,500	6,000	5,200	4,300	3,000	5,400	2,700	11,000	9,400	7,700	5,400
1 1/2	59.9	18,500	3,700	1,850	7,400	6,400	5,200	3,700	6,700	3,300	13,500	11,500	9,400	6,700
1 5/8	74.6	22,500	4,500	2,300	9,000	7,800	6,400	4,500	8,100	4,100	16,000	14,000	11,500	8,100
1 3/4	89.3	26,500	5,300	2,700	10,500	9,200	7,500	5,300	9,500	4,800	19,000	16,500	13,500	9,500
2	107.5	31,000	6,200	3,100	12,500	10,500	8,800	6,200	11,000	5,600	22,500	19,500	16,000	11,000
2 1/8	125.0	36,000	7,200	3,600	14,500	12,500	10,000	7,200	13,000	6,500	26,000	22,500	18,500	13,000
2 1/4	146.0	41,000	8,200	4,100	16,500	14,000	11,500	8,200	15,000	7,400	29,500	25,500	21,000	15,000
2 1/2	166.7	46,500	9,300	4,700	18,500	16,000	13,000	9,300	16,500	8,400	33,500	29,000	23,500	16,500
2 5/8	190.8	52,000	10,500	5,200	21,000	18,000	14,500	10,500	18,500	9,500	37,500	32,500	26,500	18,500

See Figs. 4 & 5 for Sling Description

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TABLE N-190-19
NYLON ROPE SLINGS

ROPE DIAMETER Nominal In Inches	Nominal Weight Per 100 ft In Pounds	Minimum Breaking Strength In Pounds	RATED CAPACITY IN POUNDS (Safety Factor = 9)											
			EYE AND EYE SLING						ENDLESS SLING					
			VERTICAL HITCH	CHOKER HITCH	BASKET HITCH				VERTICAL HITCH	CHOKER HITCH	BASKET HITCH			
					Angle of Rope to Horizontal						Angle of Rope to Horizontal			
					90 deg	60 deg	45 deg	30 deg			90 deg	60 deg	45 deg	30 deg
					Angle of Rope to Vertical						Angle of Rope to Vertical			
					0 deg	30 deg	45 deg	60 deg			0 deg	30 deg	45 deg	60 deg
1/2	6.5	6,080	700	350	1,400	1,200	950	700	1,200	600	2,400	2,100	1,700	1,200
9/16	8.3	7,600	850	400	1,700	1,500	1,200	850	1,500	750	3,000	2,600	2,200	1,500
5/8	10.5	9,880	1,100	550	2,200	1,900	1,600	1,100	2,000	1,000	4,000	3,400	2,800	2,000
3/4	14.5	13,490	1,500	750	3,000	2,600	2,100	1,500	2,700	1,400	5,400	4,700	3,800	2,700
13/16	17.0	16,150	1,800	900	3,600	3,100	2,600	1,800	3,200	1,600	6,400	5,600	4,600	3,200
7/8	20.0	19,000	2,100	1,100	4,200	3,700	3,000	2,100	3,800	1,900	7,600	6,600	5,400	3,800
1	26.0	23,750	2,600	1,300	5,300	4,600	3,700	2,600	4,800	2,400	9,500	8,200	6,700	4,800
1 1/16	29.0	27,360	3,000	1,500	6,100	5,300	4,300	3,000	5,500	2,700	11,000	9,500	7,700	5,500
1 1/8	34.0	31,350	3,500	1,700	7,000	6,000	5,000	3,500	6,300	3,100	12,500	11,000	8,900	6,300
1 1/4	40.0	35,625	4,000	2,000	7,900	6,900	5,600	4,000	7,100	3,600	14,500	12,500	10,000	7,100
1 5/16	45.0	40,850	4,500	2,300	9,100	7,900	6,400	4,500	8,200	4,100	16,500	14,000	12,000	8,200
1 1/2	55.0	50,350	5,600	2,800	11,000	9,700	7,900	5,600	10,000	5,000	20,000	17,500	14,000	10,000
1 5/8	68.0	61,750	6,900	3,400	13,500	12,000	9,700	6,900	12,500	6,200	24,500	21,500	17,500	12,500
1 3/4	83.0	74,100	8,200	4,100	16,500	14,500	11,500	8,200	15,000	7,400	29,500	25,500	21,000	15,000
2	95.0	87,400	9,700	4,900	19,500	17,000	13,500	9,700	17,500	8,700	35,000	30,500	24,500	17,500
2 1/8	109.0	100,700	11,000	5,600	22,500	19,500	16,000	11,000	20,000	10,000	40,500	35,000	28,500	20,000
2 1/4	129.0	118,750	13,000	6,600	26,500	23,000	18,500	13,000	24,000	12,000	47,500	41,000	33,500	24,000
2 1/2	149.0	133,000	15,000	7,400	29,500	25,500	21,000	15,000	26,500	13,500	53,000	46,000	37,500	26,500
2 5/8	168.0	153,900	17,100	8,600	34,000	29,500	24,000	17,000	31,000	15,500	61,500	53,500	43,500	31,000

See Figs. 4 & 5 for Sling Description

TABLE N-190-20
POLYESTER ROPE SLINGS

ROPE DIAMETER Nominal In Inches	Nominal Weight Per 100 ft In Pounds	Minimum Breaking Strength In Pounds	RATED CAPACITY IN POUNDS (Safety Factor = 9)											
			EYE AND EYE SLING						ENDLESS SLING					
			VERTICAL HITCH	CHOKER HITCH	BASKET HITCH				VERTICAL HITCH	CHOKER HITCH	BASKET HITCH			
					Angle of Rope to Horizontal						Angle of Rope to Horizontal			
					90 deg	60 deg	45 deg	30 deg			90 deg	60 deg	45 deg	30 deg
					Angle of Rope to Vertical						Angle of Rope to Vertical			
					0 deg	30 deg	45 deg	60 deg			0 deg	30 deg	45 deg	60 deg
1/2	8.0	6,080	700	350	1,400	1,200	950	700	1,200	600	2,400	2,100	1,700	1,200
9/16	10.2	7,600	850	400	1,700	1,500	1,200	850	1,500	750	3,000	2,600	2,200	1,500
5/8	13.0	9,500	1,100	550	2,100	1,800	1,500	1,100	1,900	950	3,800	3,300	2,700	1,900
3/4	17.5	11,875	1,300	650	2,600	2,300	1,900	1,300	2,400	1,200	4,800	4,100	3,400	2,400
13/16	21.0	14,725	1,600	800	3,300	2,800	2,300	1,600	2,900	1,500	5,900	5,100	4,200	2,900
7/8	25.0	17,100	1,900	950	3,800	3,300	2,700	1,900	3,400	1,700	6,800	5,900	4,800	3,400
1	30.5	20,900	2,300	1,200	4,600	4,000	3,300	2,300	4,200	2,100	8,400	7,200	5,900	4,200
1 1/16	34.5	24,225	2,700	1,300	5,400	4,700	3,800	2,700	4,800	2,400	9,700	8,400	6,900	4,800
1 1/8	40.0	28,025	3,100	1,600	6,200	5,400	4,400	3,100	5,600	2,800	11,000	9,700	7,900	5,600
1 1/4	46.3	31,540	3,500	1,800	7,000	6,100	5,000	3,500	6,300	3,200	12,500	11,000	8,900	6,300
1 5/16	52.5	35,625	4,000	2,000	7,900	6,900	5,600	4,000	7,100	3,600	14,500	12,500	10,000	7,100
1 1/2	66.8	44,460	4,900	2,500	9,900	8,600	7,000	4,900	8,900	4,400	18,000	15,500	12,500	8,900
1 5/8	82.0	54,150	6,000	3,000	12,000	10,400	8,500	6,000	11,000	5,400	21,500	19,000	15,500	11,000
1 3/4	98.0	64,410	7,200	3,600	14,500	12,500	10,000	7,200	13,000	6,400	26,000	22,500	18,000	13,000
2	118.0	76,000	8,400	4,200	17,000	14,500	12,000	8,400	15,000	7,600	30,500	26,500	21,500	15,000
2 1/8	135.0	87,400	9,700	4,900	19,500	17,000	13,500	9,700	17,500	8,700	35,000	30,500	24,500	17,500
2 1/4	157.0	101,650	11,500	5,700	22,500	19,500	16,000	11,500	20,500	10,000	40,500	35,000	29,000	20,500
2 1/2	181.0	115,900	13,000	6,400	26,000	22,500	18,000	13,000	23,000	11,500	46,500	40,000	33,000	23,000
2 5/8	205.0	130,150	14,500	7,200	29,000	25,000	20,500	14,500	26,000	13,000	52,000	45,000	37,000	26,000

See Figs. 4 & 5 for Sling Description

TABLE N-190-21
POLYPROPYLENE ROPE SLINGS

ROPE DIAMETER Nominal In Inches	Nominal Weight, Per 100 ft In Pounds	Minimum Breaking Strength In Pounds	RATED CAPACITY IN POUNDS (Safety Factor = 6)											
			EYE AND EYE SLING						ENDLESS SLING					
			VERTICAL HITCH	CHOKER HITCH	BASKET HITCH				VERTICAL HITCH	CHOKER HITCH	BASKET HITCH			
					Angle of Rope to Horizontal						Angle of Rope to Horizontal			
					90 deg	60 deg	45 deg	30 deg			90 deg	60 deg	45 deg	30 deg
					Angle of Rope to Vertical						Angle of Rope to Vertical			
					0 deg	30 deg	45 deg	60 deg			0 deg	30 deg	45 deg	60 deg
1/2	4.7	3,990	650	350	1,300	1,200	950	650	1,200	600	2,400	2,100	1,700	1,200
9/16	6.1	4,845	800	400	1,600	1,400	1,100	800	1,500	750	2,900	2,500	2,100	1,500
5/8	7.5	5,890	1,000	500	2,000	1,700	1,400	1,000	1,800	900	3,500	3,100	2,500	1,800
3/4	10.7	8,075	1,300	700	2,700	2,300	1,900	1,300	2,400	1,200	4,900	4,200	3,400	2,400
13/16	12.7	9,405	1,600	800	3,100	2,700	2,200	1,600	2,800	1,400	5,600	4,900	4,000	2,800
7/8	15.0	10,925	1,800	900	3,600	3,200	2,600	1,800	3,300	1,600	6,600	5,700	4,600	3,300
1	18.0	13,300	2,200	1,100	4,400	3,800	3,100	2,200	4,000	2,000	8,000	6,900	5,600	4,000
1 1/16	20.4	15,200	2,500	1,300	5,100	4,400	3,600	2,500	4,600	2,300	9,100	7,900	6,500	4,600
1 1/8	23.7	17,385	2,900	1,500	5,800	5,000	4,100	2,900	5,200	2,600	10,500	9,000	7,400	5,200
1 1/4	27.0	19,950	3,300	1,700	6,700	5,800	4,700	3,300	6,000	3,000	12,000	10,500	8,500	6,000
1 5/16	30.5	22,325	3,700	1,900	7,400	6,400	5,300	3,700	6,700	3,400	13,500	11,500	9,500	6,700
1 1/2	38.5	28,215	4,700	2,400	9,400	8,100	6,700	4,700	8,500	4,200	17,000	14,500	12,000	8,500
1 5/8	47.5	34,200	5,700	2,900	11,500	9,900	8,100	5,700	10,500	5,100	20,500	18,000	14,500	10,500
1 3/4	57.0	40,850	6,800	3,400	13,500	12,000	9,600	6,800	12,500	6,100	24,500	21,000	17,500	12,500
2	69.0	49,400	8,200	4,100	16,500	14,500	11,500	8,200	15,000	7,400	29,500	25,500	21,000	15,000
2 1/8	80.0	57,950	9,700	4,800	19,500	16,500	13,500	9,700	17,500	8,700	35,000	30,100	24,500	17,500
2 1/4	92.0	65,550	11,000	5,500	22,000	19,000	15,500	11,000	19,500	9,900	39,500	34,000	28,000	19,500
2 1/2	107.0	76,000	12,500	6,300	25,500	22,000	18,000	12,500	23,000	11,500	45,500	39,500	32,500	23,000
2 5/8	120.0	85,500	14,500	7,100	28,500	24,500	20,000	14,500	25,500	13,000	51,500	44,500	36,500	25,500

See Figs. 4 & 5 for Sling Description

(i) The symbol Ⓐ represents a contact surface which shall have a diameter of curvature at least double the diameter of the rope from which the sling is made.

(ii) The symbol Ⓧ represents a contact surface which shall have a diameter of curvature at least 8 times the diameter of the rope.

(iii) The symbol Ⓒ represents a load in a choker hitch and illustrates the rotary force on the load and/or the slippage of the rope in contact with the load. Diameter of curvature of the load surface shall be at least double the rope diameter.

(5) *Splicing.*—All splices shall be made in accordance with the fiber rope sling manufacturer's recommendations.

(i) In manila rope, eye splices shall contain at least three full tucks, and short splices shall contain at least six full tucks, three on each side of the splice center line.

(ii) In synthetic fiber rope, eye splices shall contain at least four full tucks, and short splices shall contain at least eight full tucks, four on each side of the splice center line.

(iii) Strand end tails shall not be trimmed short (flush with the surface of the rope) immediately adjacent to the full tucks. The precaution applies to both eye and short splices and all types of fiber rope. For fiber ropes under one inch in diameter the tails shall project at least six rope diameters beyond the last full tuck. For fiber ropes one inch in diameter and larger, the tail shall project at least 6 inches beyond the last full tuck. In applications where the projecting tails may be objectionable the tails shall be tapered and spliced into the body of the rope using at least two additional tucks (which will require a tail length of approximately six rope diameters beyond the last full tuck.)

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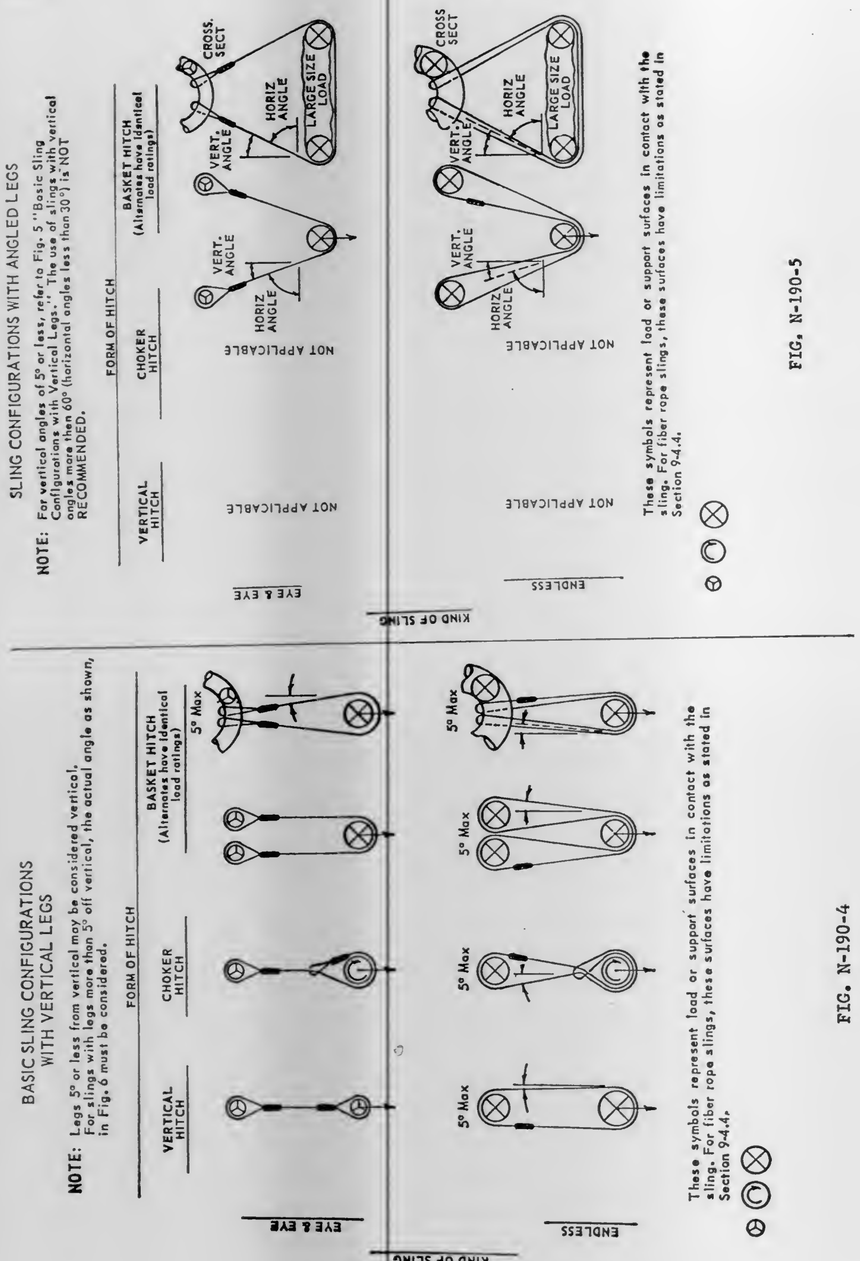


FIG. N-190-5

FIG. N-190-4

(iv) Fiber rope slings shall have a minimum clear length of rope between eye splices equal to 10 times the rope diameter.

(v) Knots shall not be used in lieu of splices.

(vi) Clamps not designed specifically for fiber ropes shall not be used.

(vii) For all eye splices, the eye shall be sufficiently large to provide an included angle of not greater than 60 degrees at the splice when the eye is placed over the load or support. (See Fig. N–190–4)

(6) *End attachments.*—(i) End attachments in contact with the rope shall not have sharp edges, projections, etc. that might weaken the fiber rope.

(ii) Appropriately rated thimbles shall be used.

(h) *Synthetic webbing slings.* (1) *Construction.*—(i) Only synthetic webbing slings that are manufactured in accordance with the provisions of this paragraph shall be used.

(ii) *Webbing.*—Synthetic webbing shall be of uniform thickness and width and selvage edges shall not be split from the webbing's width.

(iii) *Thread.*—The thread used in the manufacture of sling shall be of the same type material as the webbing.

(iv) *Fittings.*—Fittings shall be:

(A) Of sufficient strength to sustain twice the rated capacity without permanent deformation;

(B) Of a minimum breaking strength equal to that of the sling; and

(C) Free of all sharp edges that would in any way damage the webbing.

(v) *Attachment of end fittings to webbing and formation of eyes.*—Stitching shall be the only method used to attach end fittings to webbing and to form eyes. The thread shall be in an even pattern and contain a sufficient number of stitches to develop the full breaking strength of the sling.

(vi) *Coatings.*—Slings may be coated with elastomers or other suitable material that will impart desirable characteristics.

(2) *Safety factor.*—Factor of safety for synthetic web slings shall be a minimum of five (5).

(3) *Marking.*—Each sling shall be marked or coded to show:

(i) Name or trademark of manufacturer;

(ii) Rated capacities for the type of hitch; and

(iii) Type of material.

(4) *Environmental considerations.*—When slings made from synthetic webbing are to be used the following precautions shall be taken:

(A) Nylon slings shall not be used where acid conditions exist.

(B) Polyester and polypropylene slings shall not be used where caustic conditions exist. .

(C) Polyester and nylon slings shall not be used at temperatures in excess of 180° F nor polypropylene in excess of 200° F.

(D) Aluminum fittings shall not be used where caustic conditions exist.

(5) *Repairs.*—(i) Synthetic web sling shall be repaired by a sling manufacturer or an equivalent entity.

(ii) All repaired slings shall be proof tested and certified by the sling manufacturer or an equivalent entity prior to their return to service.

(iii) Temporary repairs to either the webbing or the fittings shall not be permitted.

2. Subparagraph (2) of § 1910.179(j) would be amended by deleting the words "or load attachment" from subdivision (iv) and by revoking subdivision (v) as this material is the subject matter of the proposed new § 1910.190. The amended provisions of § 1910.179(j)(2) would read as follows:

§ 1910.179 Overhead and gantry cranes.

* * * * * *

(j) *Inspection.* * * *

(2) *Frequent inspections.* * * *

(iv) Hoist chains, including end connections, for excessive wear, twist, distorted links interfering with proper function, or stretch beyond manufacturer's recommendations. Visual inspection daily; monthly inspection with signed report.

(v) [Revoked]

* * * * * *

§§ 1910.182, 1910.183, 1910.184 [Redesignated]

3. The following section redesignations would be made in Subpart N:

Old section number	*New section number*
§ 1910.182	§ 1910. 208
§ 1910.183	§ 1910. 209
§ 1910.184	§ 1910. 210

(Sec. 6, Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655))

Signed at Washington, D.C., this 18th day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73–17909 Filed 8–29–73;8:45 am]

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federal register

FRIDAY, AUGUST 31, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 169

Pages 23505–23763

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[Amendment No. 7]

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

ARIZONA-DESERT VALLEY CITRUS

Correction

In FR Doc. 73-16949 appearing at page 21994 of the issue for Wednesday, August 15, 1973, the following changes should be made in clause 23 of § 409.25:

1. In the thirty-fourth line of paragraph (g), the word "its" should read "it".

2. In the eighth line of paragraph (i), the word "pensions" should read "persons".

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 601]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period September 2-8, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.901 Lemon Regulation 601.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons has eased and is expected to continue to ease, reflecting decreased order business, since the trade is well stocked, and next week will be a short selling week due to Labor Day. Average f.o.b. price was $7.76 per carton the week ended August 25, 1973, compared to $7.30 per carton the previous week. Track and rolling supplies at 117 cars were down 3 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opporunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 28, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 2, 1973, through September 8, 1973, is hereby fixed at 225,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674))

Dated August 29, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-18702 Filed 8-30-73;11:29 am]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Expenses and Rate of Assessment

This document authorizes expenses of $18,105 by the Northwest Fresh Bartlett Pear Marketing Committee, under Marketing Order No. 931, for the 1973-74 fiscal period and fixes a rate of assessment of $0.01 per standard western pear box of Bartlett pears.

On August 9, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 21499) regarding proposed expenses and the related rate of assessment for the fiscal period July 1, 1973, through June 30, 1974, pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington. This notice allowed interested persons until August 24, 1973 to submit written data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Northwest Fresh Bartlett

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Pear Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 931.208 Expenses, and rate of assessment.

(a) *Expenses.*—Expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee during the fiscal period July 1, 1973, through June 30, 1974, will amount to $18,105.

(b) *Rate of assessment.*—The rate of assessment for said period, payable by each handler in accordance with § 931.41, is fixed at $0.01 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Shipments of the current crop of Bartlett pears grown in Oregon and Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable pears handled during the aforesaid period; and (3) such period began on July 1, 1973, and said rate of assessment will automatically apply to all such pears beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: August 27, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-18560 Filed 8-30-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 102—LICENSES AND PERMITS FOR BIOLOGICAL PRODUCTS

PART 105—SUSPENSION OF BIOLOGICS LICENSES OR PERMITS

Miscellaneous Amendments

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), Subchapter E, Chapter I of Title 9 of the Code of Federal Regulations is amended by adding a new Part 105 and redesignating § 102.51 as § 105.1, section 102.5 (d)(4) as § 105.2, § 102.52 as § 105.3, and § 102.5(d)(2) as § 105.4 as follows:

§ 102.5 [Amended]

1. Subparagraphs (2) and (4) of § 102.5(d) are reserved.

§§ 102.51 and 102.52 [Deleted]

2. Sections 102.51 and 102.52 to be deleted.

3. Part 105 to read:

Sec.
105.1 Suspension or revocation.
105.2 Notification of infractions.
105.3 Notices re worthless, contaminated, dangerous, or harmful biological products.
105.4 Termination of licenses for inactivity.

AUTHORITY: The provisions of this Part 105 issued under 37 Stat. 832–833 (21 U.S.C. 151–158).

§ 105.1 Suspension or revocation.

(a) An establishment license, product license, special license or permit issued under the Virus-Serum-Toxin Act may be formally suspended or revoked after opportunity for hearing has been accorded the licensee or permittee as provided in Part 123 of this subchapter if the Secretary is satisfied that the license or permit is being used to facilitate or effect the preparation, sale, barter, exchange, shipment, or importation contrary to said Act of any worthless, contaminated, dangerous, or harmful biological product. Such use may be found to exist if:

(1) The construction of the establishment in which the biological product is prepared is defective, or the establishment is not conducted as required by the regulations in Parts 101 through 117 of this subchapter;

(2) The methods of preparation of the product are faulty, or the product contains impurities or lacks potency;

(3) The product is so labeled or advertised as to mislead or deceive the purchaser in any particular;

(4) The licensee or permittee has violated or failed to comply with any provision of the Virus-Serum-Toxin Act or the regulations in Parts 101 through 117 of this subchapter;

(5) The license or permit is otherwise used to facilitate or effect the preparation, sale, barter, exchange, shipment, or importation, contrary to the Virus-Serum-Toxin Act, of any worthless, contaminated, dangerous, or harmful biological product.

(b) In case of willfulness or where the public health, interest, or safety so requires the Secretary may, without hearing, informally suspend such establishment license, product license, special license, or permit upon the grounds set forth in paragraph (a) of this section pending determination of formal proceedings under Part 123 of this subchapter for suspension or revocation of the license or permit.

§ 105.2 Notification of infractions.

If an infraction of a requirement of a product license or special license is brought to the attention of the licensee by written notification thereof by Veterinary Services, a subsequent violation of similar nature occurring with the same licensed biological product within 6 months of the said written notification shall be primafacie evidence of willful violation and the license for the product shall be subject to suspension or revocation under the provisions of § 105.1(b).

§ 105.3 Notices re worthless, contaminated, dangerous, or harmful biological products.

(a) If at any time it appears that the preparation, sale, barter, exchange, shipment, or importation, as provided in the Virus-Serum-Toxin Act, of any biological product by any person holding a license or permit may be dangerous in the treatment of domestic animals, the Secretary may without hearing notify the licensee or permittee, and pending determination of formal proceedings instituted under Part 123 of this subchapter for suspension or revocation of the license or permit insofar as it authorizes the manufacture or importation of the particular product, no person so notified shall thereafter so prepare, sell, barter, exchange, ship, deliver for shipment, or import such product.

(b) If a serial of biological product is found to be unsatisfactory according to applicable Standard Requirements, the Deputy Administrator may notify the licensee to stop distribution and sale of the serial.

§ 105.4 Termination of licenses for inactivity.

If a licensed biological product has not been prepared by the licensee for a period of 5 years, the Deputy Administrator may require that the licensee show intent to resume production within 6 months or the product license or special license whichever is applicable be terminated.

These amendments are merely editorial and make no substantive change in the regulations. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective upon issuance.

Done at Washington, D.C., this 28th day of August 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[F.R. Doc.73-18515 Filed 8-30-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Payment of Time Deposits Before Maturity

On July 24, 1973, the Board of Governors invited public comments to be submitted by August 13, 1973, on a proposed amendment to its Regulation Q that would treat, as a payment of a time deposit before maturity, any amendment to the time deposit contract that results in either an increase in interest rate or a change in the maturity of the deposit (38 FR 20108.). Such treatment would mean that the penalty for early withdrawals, provided in § 217.4(d) of Regulation Q, would apply at the time of any such amendment to the contract.

After consideration of all comments received, the Board has decided to adopt the proposal. At the same time, the Board decided to revoke its interpretations of Regulation Q published at 12 CFR 217.102, 217.122, and 217.123.

Effective September 10, 1973, § 217.4(d) of its Regulation Q (12 CFR Part 217) is amended by adding a new sentence at the end thereof to read as follows:

§ 217.4 Payment of time deposits before maturity.

* * * * * * *

(d) *Penalty for early withdrawals.* * * *

Any amendment of a time deposit contract that results in an increase in the rate of interest paid or in a change in the maturity of the deposit constitutes a payment of the time deposit before maturity.

* * * * * * *

The effective date was deferred for less than the 30-day period referred to in Title 5, United States Code, section 553(d), because the Board found the general credit situation and the public interest compelled it to make the action effective no later than the date adopted. See § 262.2(e) of the Board's Rules of Procedure (12 CFR 262.2(e)).

By order of the Board of Governors, August 23, 1973.

[SEAL] THEODORE ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18488 Filed 8-30-73;8:45 am]

[Reg. Z]

PART 226—TRUTH IN LENDING

Add-on and Discount Finance Charges as Prepaid Finance Charges

This interpretation intends to make that the typical "add-on" or "discount" charge or other precomputed finance charge on an instalment contract or other obligation need not be labeled a "prepaid" finance charge.

Part 226 of Title 12 is amended by adding the following section.

§ 226.819 Prepaid finance charges; add-ons and discounts.

(a) Section 226.8(c)(6), 226.8(d)(2) and 226.8(e)(1) require that certain finance charges be disclosed as "prepaid finance charges." They also require that such prepaid finance charges be excluded or deducted from the credit extended in arriving at the "amount financed." The question arises whether add-on, discount or other precomputed finance charges which are reflected in the face amount of the debt instrument as part of the customer's obligation, but which are excluded from the "amount financed," must be labeled as "prepaid" finance charges.

(b) The concept of prepaid finance charges was adopted to insure that the "amount financed" reflected only that credit of which the customer had the actual use. Precomputed finance charges which are included in the face amount of the obligation are not the type contemplated by the "prepaid" finance charge disclosure concept. Although such precomputed finance charges are not to be included in the "amount financed," they need not be regarded as finance charges "paid separately" or "withheld by the creditor from the proceeds of the credit extended" within the meaning of § 226.8(e) to require labeling "prepaid" under §§ 226.8(c)(6) and 226.8(d)(2). They are "finance charges", of course, to be disclosed under §§ 226.8(c)(8) and 226.8(d)(3).

(Interprets and applies 15 U.S.C. 1638 and 15 U.S.C. 1639).

By order of the Board of Governors, August 23, 1973.

[SEAL] THEODORE ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18488 Filed 8-30-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-WE-9-AD, Amdt. 39-1707]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell International Model NA-265 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of the wings for cracks and repair, if necessary, on Rockwell International Model NA-265 Series airplanes was published in 38 FR 17248.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ROCKWELL INTERNATIONAL. Applies to Sabreliner Model NA-265 Series airplanes certificated in all categories.

Compliance required as indicated after the effective date of this A.D.

To detect possible cracks, corrosion, or breaks in the surface finish in the wing spars and related areas, accomplish the following:

(a) On or before June 18, 1974, unless previously accomplished within one year, and at intervals not to exceed two years thereafter, inspect the upper and lower flanges of the front and rear spars in the area of the wing center section, and the lugs on the rear spar and wing trailing edge panel rib, per the instructions of Rockwell International, Inc., Sabreliner Division Service Bulletin No. 73-11, dated June 18, 1973, or later FAA-approved revisions, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Prior to further flight, if cracks, corrosion, or breaks in the surface finish are found in the front or rear spars in the area of the wing center section, replace with like serviceable parts, or repair in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Prior to further flight, if cracks are found in the lugs on the rear spar and wing trailing edge rib, replace with like serviceable parts, or repair in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Airplanes may be operated in accordance with FAR 21.197 to a base where maintenance is to be performed.

This amendment becomes effective October 8, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); (Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., August 23, 1973.

ROBERT O. BLANCHARD,
Acting Director, FAA Western Region.

[FR Doc.73-18501 Filed 8-30-73;8:45 am]

[Airspace Docket No. 73-AL-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Colored Federal Airways, Redesignation of Control Zone, Transition Area, and Designation of Reporting Point

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to redesignate the Nenana, Alaska, control zone and transition area and redescribe colored Federal Airways and reporting points.

This action is based on the conversion of the Nenana low frequency range to a nondirectional radio beacon and the need to eliminate the duplication of navaid location names at Nenana, Alaska, in compliance with current criteria. The VORTAC will retain the name "Nenana VORTAC" with the identification "ENN." The nondirectional radio beacon is renamed "JULIUS" with a new identifier "JUS."

On March 1, 1971, the Federal Aviation Administration issued a Notice under Aeronautical Study No. 71-AL-18NR, proposing to convert all four-course radio ranges in Alaska to nondirectional radio beacons. No objections were received.

Therefore, the Nenana low frequency range will be permanently converted to a nondirectional radio beacon with a new name and identifier effective October 11, 1973.

Since these amendments change only the type and name of the navigational aid on which the airspace is described

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and make no change to the current airspace configuration, notice and public procedure hereon are unnecessary. However, in order to allow sufficient time to make appropriate editorial changes to aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 11, 1973, as hereinafter set forth.

1. Section 71.107 (38 F.R. 306) in R-27 • • • "Nenana, Alaska, RR;" is deleted and • • • "Julius, Alaska, RBN;" • • • is substituted therefor.

In R-39 • • • "Nenana, AK., RR;" • • • is deleted and • • • "Julius, Alaska, RBN;" • • • is substituted therefor.

2. Section 71.171 (38 FR 351) Nenana, Alaska, control zone is amended to read:

NENANA, ALASKA

Within a 5-mile radius of the Nenana airport (latitude 64°32'56" N, longitude 149°-04'24" W); and within 4 miles each side of the 132° bearing from the Julius RBN extending from the 5-mile radius zone to 8.5 miles southeast of the RBN. This control zone is effective during the specific days and times established in advance by Notice to Airmen. The effective times will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

3. Section 71.181 (38 FR 435) Nenana, Alaska, transition area is amended to read:

NENANA, ALASKA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Nenana airport (latitude 64°32'56" N, longitude 149°04'24" W); and within 4 miles each side of the 132° bearing from the Julius RBN extending from the 5-mile radius area to 10.5 miles southeast of the RBN.

4. Section 71.211 (38 FR 618) low altitude reporting points, delete "Nenana, Alaska, RR" and add "Julius, Alaska, RBN."

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Anchorage, Alaska, on August 23, 1973.

THOMAS J. CRESWELL,
Director,
Alaskan Region.

[FR Doc.73-18503 Filed 8-30-73;8:45 am]

[Airspace Docket No. 72-CE-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 28190 of the FEDERAL REGISTER dated December 21, 1972, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Scottsbluff, Nebraska.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., November 8, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on August 16, 1973.

JOHN M. CYROCKI,
Director,
Central Region.

In § 71.181 (37 FR 2143), the following transition area is amended to read:

SCOTTSBLUFF, NEBR.

That airspace extending upward from 700 feet above the surface within a 9½-mile radius of the Scottsbluff County Airport (latitude 41°52'30" N., longitude 103°35'40" W.); within 4.5 miles south and 9.5 miles north of the Scottsbluff VORTAC 079° radial; extending from the 9½-mile radius area to 13 miles east of the VORTAC, within 4.5 miles southwest and 9½ miles northeast of the ILS localizer southeast course extending from the 9½-mile radius area to 13 miles southeast of the outer marker; and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Scottsbluff VORTAC.

[FR Doc.73-18504 Filed 8-30-73;8:45 am]

[Airspace Docket No. 72-WA-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Terminal Control Area; Correction

On May 24, 1973, FR Doc. 73-10331 was published in the FEDERAL REGISTER (38 FR 13635), designating the Dallas-Ft. Worth, Tex., Group I terminal control area (TCA) effective September 30, 1973, coincidental with the opening of the new Dallas-Ft. Worth Airport.

The official opening of the Dallas-Ft. Worth Airport has been delayed until 0601 G.m.t., October 28, 1973. Accordingly, the effective date of the related terminal control area should be postponed to coincide with the opening of the new airport.

Since it is desirable that the public be made aware of this postponement immediately, notice and public procedure thereon are impracticable and good cause exists for making this amendment effective immediately.

In consideration of the foregoing, FR Doc. 73-10331 (38 FR 13635) is amended, effective on August 31, 1973, as here hereinafter set forth.

The effective date "0901 G.m.t. September 30, 1973" is deleted and "0601 G.m.t. October 28, 1973" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on August 17, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-18505 Filed 8-30-73;8:45 am]

[Airspace Docket No. 73-WA-34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Cod VHF Reporting Point and the Haddock VHF Reporting Point.

The Cod LF Reporting Point is designated at the INT of the Nantucket, Mass., RBN 089° bearing and the W boundary of the New York Oceanic Control Area. The Haddock LF Reporting Point is designated at the INT of a rhumb line from Nantucket, Mass., RBN to Kindley AFB, Bermuda RBN and the W boundary of the New York Oceanic Control Area. Designation of VHF reporting points at these same locations is required to ensure that VHF-equipped aircraft report when passing over Cod and Haddock. Such action is taken herein.

Since designation of reporting points is a minor matter upon which the public would not have particular reason to comment, notice and public procedure thereon are unnecessary. However, in order to allow sufficient time for these additions to be reflected on appropriate aeronautical charts, good cause exists for making the amendment effective more than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 8, 1973, as hereinafter set forth.

Section 71.209 (38 FR 616) is amended by adding the following:

1. Cod INT: INT Nantucket, Mass., 089° radial and the W boundary of New York Oceanic Control Area.

2. Haddock INT: INT Nantucket, Mass., 157° radial and the W boundary of New York Oceanic Control Area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on August 21, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-18502 Filed 8-30-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES, NATURAL GAS ACT

[Docket No. R-472; Order No. 489]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; ETHICAL STANDARDS

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Reports of Gas Supply and Requirements

AUGUST 24, 1973.

By notice issued February 12, 1973, and published in the FEDERAL REGISTER on February 22, 1973 (38 FR 4779), in Docket No. R-472 pursuant to section 553 of Title 5 of the U.S. Code and section 16 of the Natural Gas Act (52 Stat. 830 (15 U.S.C. 717o)) the Commission proposes to add a new § 260.12 to Part 260, Statements and Reports (Schedules), Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, to require the filing, by natural gas pipeline companies making sales in interstate commerce of natural gas for resale, of reports of supply and requirements on a new schedule prescribed herein and designated as FPC Form No. 16.

Nineteen responses to the notice of proposed rulemaking have been received.[1]

During the summer of 1971 and the spring and summer of 1972, our Staff held a series of informal conferences with representatives of most of the major pipeline companies making sales in interstate commerce of natural gas for resale to review their capability to serve anticipated requirements and to discuss any identifiable problem areas that might affect an individual company's ability to meet requirements. The data on supply and requirements presented by the pipeline companies were required by the Commission and Staff in evaluating supply problems and in anticipating the location and extent of deficiencies during the 1972–73 heating season.

[1] Independent Natural Gas Association of America; United Gas Pipe Line Company; Natural Gas Pipeline Company of America; Transcontinental Gas Pipe Line Corporation; Northern Natural Gas Company; Panhandle Eastern Pipe Line Company and Trunkline Gas Company; El Paso Natural Gas Company; Montana-Dakota Utilities Co.; Texas Gas Transmission Corporation; Orange and Rockland Utilities, Inc.; Tennessee Gas Pipeline Company, a division of Tenneco, Inc.; Equitable Gas Company; Columbia Gas Transmission Corporation; Union Light, Heat and Power Company and Lawrenceburg Gas Transmission Corporation; Cascade Natural Gas Corporation; Colorado Interstate Gas Company, a division of Colorado Interstate Corporation; Northern Illinois Gas Company; Southern California Edison Company; and General Motors Corporation, and Johns-Manville Corporation.

This proceeding was instituted because the likelihood of supply shortages continuing into the future is apparent; therefore, it is necessary that the Commission be periodically informed of the actual and anticipated supply and requirements status of natural gas pipeline companies making sales in interstate commerce of natural gas for resale. Accordingly, in order to have available such data, on a systematic basis, a new gas supply and requirements report, Form No. 16 (Attachment A and Schedules I through IV), to be filed by all natural gas pipeline companies making such sales, is herein prescribed.

The prescribed report will be filed twice each year: April 30 and September 30. The April 30 filing will present actual supply and requirements data on a monthly basis for the past year, April through March, and projected data for one year, April through March. The September 30 filing will present actual data on a monthly basis for the past year, September through August, and projected data for one year, September through August. Thus the new form will make data on supply and requirements available to the Commission prior to and at the end of each heating season.

Several respondents suggest that Schedule IA, peak day data by months, be deleted. These respondents indicate that information pertaining to gas supply is maintained generally on a monthly rather than a daily basis, and that, consequently, this information is generally not available in the form required and that requiring the companies to compile and report such data would be an unwarranted burden.

Peak day data is vital to an understanding of the pipeline companies' supply and requirements status. The data required to be reported in Schedule No. I is for an average day, and requirements on peak day are often much in excess of average day requirements. Thus some of the pipeline companies would show curtailment to customers on peak day but not on an average day. However, we agree with the suggestion of several respondents that adequate information can be obtained from reported supply and requirements on the annual peak day. Accordingly, we shall combine Schedule Nos. I and IA by adding a column titled "Peak Day" to Schedule No. I, and this peak day is defined as the coincidental peak day of maximum requirement.

Several respondents expressed concern that requiring actual data for April through March to be filed on April 15, and actual data for September through August to be filed on September 15, will allow only 15 days to prepare and file the March and August data. A supply and requirements form requiring substantially the same data as that required by the proposed Form No. 16 was mailed to 37 of the jurisdictional pipeline companies on March 20, 1972, to be completed on a voluntary basis. More than half of the companies responding supplied the requested data, including the March figures, on or before April 15. Thirty-two of the 35 companies responding supplied the data by April 25. Accordingly, the filing dates shall be changed to April 30 and September 30, thus allowing the companies 30 days after the end of the last month of the reporting period to compile and file the data.

Several respondents state that much of the information to be reported on Form No. 16 is already being reported to the Commission through other reports. They cite as examples that curtailment of sales are now reported in Form No. 17; storage injections and withdrawals are reported semimonthly for the period December 1 through March 31 and monthly for the period April 1 through March 30 in Form No. 8, peak data are reported in Form No. 2 and sales data are reported in Form No. 11.

In our view the proposed Form No. 16 gives a comprehensive picture of a pipeline company's supply and requirements, i.e., actual data for the year past and projected data for one year. Form No. 17 is a monthly statement of volumes curtailed and is filed only by companies in a curtailment status and only on an actual basis. Hence no data pertaining to future supply and requirements are available from these sources. Form No. 2 provides peak day and 3-day peak totals; however, the detailed breakdown on supply and requirements to be reported in the proposed Form No. 16 is not available to the Commission from this source. Although some of the raw data from which other Commission forms are now prepared by the pipeline companies will be used to prepare the proposed Form No. 16, the data to be reported in Form No. 16 differ, we believe, in form and content from that of the other forms cited by the respondents. Form No. 16 provides a uniform and convenient format to analyze this essential information.

Some respondents suggest that only companies in curtailment should file the proposed form. Others suggest that companies selling less than some stated volume of gas be excluded from reporting, while still others suggest an end-use criterion be used for reporting requirements. One respondent questioned the use of the terms "Firm Demand" and "Interruptible Market" on Schedule I and suggests that the terms "firm" and "interruptible" be defined. Another respondent asks for clarification of the "Full Requirements" and "Partial Requirements" headings on Schedule III, and one respondent requests clarification of the term "Curtailment of Pipeline to Pipeline Sales" appearing on Schedule I. One respondent urges that the proposed Form No. 16 be revised to require five-year supply and requirements projections rather than one-year projections, and another suggests that Form No. 16 contain a glossary of terms and instructions.

A comprehensive picture of the status of supply and requirements for all jurisdictional pipeline companies making sales in interstate commerce of natural gas for resale is needed, since the supply position of a pipeline company may

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change markedly over the reporting period designated. However, we will consider a request by any company for waiver of our requirement to file Form No. 16 and will grant such request when good cause has been shown. Requiring filing of requirements by end use goes beyond the subject of the instant proceeding; end use policy is the subject of pending rulemaking proceedings in Docket Nos. R–467 and R–468.

The definition of terms such as "firm" and "interruptible" is the subject of the pending rulemaking proceeding in Docket No. R–474. The terms "Full Requirements" and "Partial Requirements" refer to classes of customers for which the reporting pipeline is the sole supplier or partial supplier, respectively. The term "Curtailment of Pipeline to Pipeline Sales" means curtailment of supply by the reporting pipeline company to customers that are jurisdictional interstate pipeline companies. With respect to the suggestion for a glossary of terms and instructions, few requests for clarification of terms by responding companies were made; and, as stated above, substantially the same form was completed by a representative group of jurisdictional pipeline companies on a voluntary basis.

Because of the present volatile gas supply situation, we do not believe that the data resulting from the suggestion that five-year forecasts be made a reporting requirement would be meaningful.

As suggested by some of the respondents, minor editorial changes have been incorporated in the form.

Section 3.170 of the general rules will be amended to include Form No. 16.

The Commission finds.

(1) The notice and opportunity to participate in this proceeding through the submission in writing of data, views, comments, and suggestions in the manner described above are consistent and in accordance with the procedural requirements in 5 U.S.C. 553.

(2) The amendment and schedule hereinafter set forth are necessary and appropriate in carrying out the provisions of the Natural Gas Act.

(3) The amendment adopted herein will provide the Commission periodically with information of the actual and anticipated supply and requirements status of natural gas pipeline companies making sales in interstate commerce of natural gas for resale and should be made effective upon issuance of this order.

The Commisssion, acting pursuant to authority granted by the Natural Gas Act, as amended, particularly section 16 thereof (52 Stat. 830, 15 U.S.C. 717o), and in accordance with 5 U.S.C. 553, *orders:*

A. Effective upon the issuance of this order, Part 260, Statements and Reports (Schedules), in Subchapter G—Approved Forms, Natural Gas Act, Chapter 1, Title 18 of the Code of Federal Regulations, is amended by adding a new § 260.12, Report of Gas Supply and Requirements, which reads as follows:

§ 260.12 Form No. 16, Report of gas supply and requirements.

(a) The form of Report of Gas Supply and Requirements, designated herein as FPC Form No. 16, is prescribed.

(b) Each natural gas pipeline company making sales in interstate commerce of natural gas for resale shall prepare and file with the Commission an original and three copies of Report of Gas Supply and Requirements, FPC Form No. 16, on or before April 30 and September 30 of each year.

B. The schedule, FPC Form No. 16, Report of Gas Supply and Requirements, is adopted in the form set forth in Attachment A below.

C. Effective upon the issuance of this order, Part 3, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by the addition of Form 16 to the list in § 3.170—Approved Forms, etc., to read as follows:

§ 3.170 Approved forms, etc.

(a) The following is a list of approved forms, statements, and reports under the Natural Gas Act, descriptions of which have been published in Subchapter G, Parts 250 and 260 of this chapter.

* * * * *

(21) Form No. 16, report of gas supply and requirements (§ 260.12 of this chapter).

(b) The approved forms listed in paragraph (a) (1) to (11), inclusive, and (18) of this section are published in the regulations, copies of which regulations may be obtained from the Secretary or OPI upon written request. Copies of statements and reports listed in paragraph (a) (12) to (21), inclusive, of this section may be obtained from the OPI of the Commission.

D. The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

ATTACHMENT A

GAS SUPPLY AND REQUIREMENTS INSTRUCTIONS FOR REPORTING

1. On or before April 30, and September 30 of each year report as provided in the attached form the volumes of gas as set forth in Schedules I through IV.[1] Report in the April 30 filing actual volumes for the past year, April through March and projected data for one year April through March. Report in the September 30 filing actual volumes for the past year, September through August and projected data for one year September through August. Report the coincidental peak day of maximum requirements for the reporting period. Projections shall be based on weather conditions normally anticipated. State such weather conditions including the design temperature.

2. An original and three copies of the report shall be filed with the Commission. Address the report to the Secretary, Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

[FR Doc.73-18512 Filed 8-30-73;8:45 am]

[1] Filed as part of the original document.

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 42—NONDISCRIMINATION: EQUAL OPPORTUNITY: POLICIES AND PROCEDURES

Subpart E—Equal Employment Opportunity Guidelines

On March 9, 1973, the Law Enforcement Assistance Administration of the Department of Justice (LEAA), promulgated equal employment opportunity guidelines (28 CFR 42.301, et seq., Subpart E). The second paragraph of those guidelines reads as follows:

> In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data or arguments to the Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C. 20530, Attention: Office of Civil Rights Compliance, within 45 days of the publication of the guidelines contained in this part. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, Part 42, Subpart E as set forth herein shall remain in effect, thus permitting the public business to proceed more expeditiously.

In accordance with the preceding paragraph, written comments, suggestions, data or arguments, have been received by the Administrator of the Law Enforcement Assistance Administration. Material submitted has been evaluated and changes deemed by LEAA to be appropriate have been incorporated into revised equal employment opportunity guidelines, the text of which follows.

By virtue of the authority vested in it by 5 U.S.C. 301, and section 501 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90–351, 82 Stat. 197, as amended, the Law Enforcement Assistance Administration hereby issues Title 28, Chapter I, Subpart E of Part 42 of the Code of Federal Regulations. In that the material contained herein is a matter relating to the grant program of the Law Enforcement Assistance Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

Subpart E—Equal Employment Opportunity Guidelines

Sec.
42.301 Purpose.
42.302 Application.
42.303 Evaluation of employment opportunities.
42.304 Written Equal Employment Opportunity Program.
42.305 Recordkeeping and certification.
42.306 Guidelines.
42.307 Obligations of recipients.
42.308 Noncompliance.

AUTHORITY: 5 U.S.C. sec. 501 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90–351, 82 Stat. 197, as amended.

Subpart E—Equal Employment Opportunity Guidelines

§ 42.301 Purpose.

(a) The experience of the Law Enforcement Assistance Administration in implementing its responsibilities under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, (Pub. L. 90–351, 82 Stat. 197; Pub. L. 91–644, 84 Stat. 1881) has demonstrated that the full and equal participation of women and minority individuals in employment opportunities in the criminal justice system is a necessary component to the Safe Streets Act's program to reduce crime and delinquency in the United States.

(b) Pursuant to the authority of the Safe Streets Act and the equal employment opportunity regulations of the LEAA relating to LEAA assisted programs and activities (28 CFR 42.201, et seq., Subpart D), the following Equal Employment Opportunity Guidelines are established.

§ 42.302 Application.

(a) As used in these guidelines "Recipient" means any state, political subdivision of any state, combination of such states or subdivisions, or any department, agency or instrumentality of any of the foregoing receiving Federal financial assistance from LEAA, directly or through another recipient, or with respect to whom an assurance of civil rights compliance given as a condition of the earlier receipt of assistance is still in effect.

(b) The obligation of a recipient to formulate, implement, and maintain an equal employment opportunity program, in accordance with this Subpart, extends to state and local police agencies, correctional agencies, criminal court systems, probation and parole agencies, and similar agencies responsible for the reduction and control of crime and delinquency.

(c) Assignments of compliance responsibility for Title VI of the Civil Rights Act of 1964 have been made by the Department of Justice to the Department of Health, Education, and Welfare, covering educational institutions and general hospital or medical facilities. Similarly, the Department of Labor, in pursuance of its authority under Executive Orders 11246 and 11375, has assigned responsibility for monitoring equal employment opportunity under government contracts with medical and educational institutions, and non-profit organizations, to the Department of Health, Education, and Welfare. Accordingly, monitoring responsibility in compliance matters in agencies of the kind mentioned in this paragraph rests with the Department of Health, Education, and Welfare, and agencies of this kind are exempt from the provisions of this subpart, and are not responsible for the development of equal employment opportunity programs in accordance herewith.

(d) Each recipient of LEAA assistance within the criminal justice system which has 50 or more employees and which has received grants or subgrants of $25,000 or more pursuant to and since the enactment of the Safe Streets Act of 1968, as amended, and which has a service population with a minority representation of 3 percent or more, is required to formulate, implement and maintain an Equal Employment Opportunity Program relating to employment practices affecting minority persons and women within 120 days after either the promulgation of these amended guidelines, or the initial application for assistance is approved, whichever is sooner. Where a recipient has 50 or more employees, and has received grants or subgrants of $25,000 or more, and has a service population with a minority representation of less than 3 percent, such recipient is required to formulate, implement, and maintain an equal employment opportunity program relating to employment practices affecting women. For a definition of "employment practices" within the meaning of this paragraph, see § 42.202(b).

(e) "Minority persons" shall include persons who are Negro, Oriental, American-Indian, or Spanish-surnamed Americans. "Spanish-surnamed Americans" means those of Latin American, Cuban, Mexican, Puerto Rican or Spanish origin. In Alaska, Eskimos and Aleuts should be included as "American Indians."

(f) For the purpose of these guidelines, the relevant "service population" shall be determined as follows:

(1) For adult and juvenile correctional institutions, facilities and programs (including probation and parole programs), the "service population" shall be the inmate or client population served by the institution, facility, or program during the preceding fiscal year.

(2) For all other recipient agencies (e.g., police and courts), the "service population" shall be the State population for state agencies, the county population for county agencies, and the municipal population for municipal agencies.

(g) "Fiscal year" means the twelve calendar months beginning July 1, and ending June 30, of the following calendar year. A fiscal year is designated by the calendar year in which it ends.

§ 42.303 Evaluation of employment opportunities.

(a) A necessary prerequisite to the development and implementation of a satisfactory Equal Employment Opportunity Program is the identification and analysis of any problem areas inherent in the utilization or participation of minorities and women in all of the recipient's employment phases (e.g., recruitment, selection, and promotion) and the evaluation of employment opportunities for minorities and women.

(b) In many cases an effective Equal Employment Opportunity Program may only be accomplished where the program is coordinated by the recipient agency with the cognizant Civil Service Commission or similar agency responsible by law, in whole or in part, for the recruitment and selection of entrance candidates and selection of candidates for promotion.

(c) In making the evaluation of employment opportunities, the recipient shall conduct such analysis separately for minorities and women. However, all racial and ethnic data collected to perform an evaluation pursuant to the requirements of this section should be cross classified by sex to ascertain the extent to which minority women or minority men may be underutilized. The evaluation should include but not necessarily be limited to, the following factors:

(1) An analysis of present representation of women and minority persons in all job categories;

(2) An analysis of all recruitment and employment selection procedures for the preceding fiscal year, including such things as position descriptions, application forms, recruitment methods and sources, interview procedures, test administration and test validity, educational prerequisites, referral procedures and final selection methods, to insure that equal employment opportunity is being afforded in all job categories;

(3) An analysis of seniority practices and provisions, upgrading and promotion procedures, transfer procedures (lateral or vertical), and formal and informal training programs during the preceding fiscal year, in order to insure that equal employment opportunity is being afforded;

(4) A reasonable assessment to determine whether minority employment is inhibited by external factors such as the lack of access to suitable housing in the geographical area served by a certain facility or the lack of suitable transportation (public or private) to the workplace.

§ 42.304 Written Equal Employment Opportunity Program.

Each recipient's Equal Employment Opportunity Program shall be in writing and shall include:

(a) A job classification table or chart which clearly indicates for each job classification or assignment the number of employees within each respective job category classified by race, sex and national origin (include for example Spanish-surnamed, Oriental, and American Indian). Also, principal duties and rates of pay should be clearly indicated for each job classification. Where auxiliary duties are assigned or more than one rate of pay applies because of length of time in the job or other factors, a special notation should be made. Where the recipient operates more than one shift or assigns employees within each shift to varying locations, as in law enforcement agencies, the number by race, sex and national origin on each shift and in each location should be identified. When relevant, the recipient should indicate the racial/ethnic mix of the geographic area of assignments by the inclusion of minority population and percentage statistics.

(b) The number of disciplinary actions taken against employees by race, sex,

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and national origin within the preceding fiscal year, the number and types of sanctions imposed (suspension indefinitely, suspension for a term, loss of pay, written reprimand, oral reprimand, other) against individuals by race, sex, and national origin.

(c) The number of individuals by race, sex and national origin (if available) applying for employment within the preceding fiscal year and the number by race, sex and national origin (if available) of those applicants who were offered employment and those who were actually hired. If such data is unavailable, the recipient should institute a system for the collection of such data.

(d) The number of employees in each job category by race, sex, and national origin who made application for promotion or transfer within the preceding fiscal year and the number in each job category by race, sex, and national origin who were promoted or transferred.

(e) The number of employees by race, sex, and national origin who were terminated within the preceding fiscal year, identifying by race, sex, and national origin which were voluntary and involuntary terminations.

(f) Available community and area labor characteristics within the relevant geographical area including total population, workforce and existing unemployment by race, sex, and national origin. Such data may be obtained from the Bureau of Labor Statistics, Washington, D.C., state and local employment services, or other reliable sources. Recipients should identify the sources of the data used.

(g) A detailed narrative statement setting forth the recipient's existing employment policies and practices as defined in § 42.202(b). Thus, for example, where testing is used in the employment selection process, it is not sufficient for the recipient to simply note the fact. The recipient should identify the test, describe the procedures followed in administering and scoring the test, state what weight is given to test scores, how a cut-off score is established and whether the test has been validated to predict or measure job performance and, if so, a detailed description of the validation study. Similarly detailed responses are required with respect to other employment policies, procedures, and practices used by the applicant.

(1) The statement should include the recipient's detailed analysis of existing employment policies, procedures, and practices as they relate to employment of minorities and women, (see § 42.303) and, where improvements are necessary, the statement should set forth in detail the specific steps the recipient will take for the achievement of full and equal employment opportunity. For example, The Equal Employment Opportunity Commission, in carrying out its responsibilities in ensuring compliance with Title VII has published Guidelines on Employee Selection Procedures (29 CFR Part 1607) which, among other things, proscribes the use of employee selection practices, procedures and devices (such as tests, minimum educational levels, oral interviews and the like) which have not been shown by the user thereof to be related to job performance and where the use of such an unvalidated selection device tends to disqualify a disproportionate number of minority individuals or women for employment. The EEOC Guidelines set out appropriate procedures to assist in establishing and maintaining equal employment opportunties. Recipients of LEAA assistance using selection procedures which are not in conformity with the EEOC Guidelines shall set forth the specific areas of nonconformity, the reasons which may explain any such nonconformity, and, if necessary, the steps the recipient agency will take to correct any existing deficiency.

(2) The recipient should also set forth a program for recruitment of minority persons based on an informed judgment of what is necessary to attract minority applications including, but not necessarily limited to, dissemination of posters, use of advertising media patronized by minorities, minority group contacts and community relations programs. As appropriate, recipients may wish to refer to recruitment techniques suggested in Revised Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.24(e).

(h) Plan for dissemination of the applicant's Equal Employment Opportunity Program to all personnel, applicants and the general public. As appropriate, recipients may wish to refer to the recommendations for dissemination of policy suggested in Revised Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.21.

(i) Designation of specified personnel to implement and maintain adherence to the Equal Employment Opportunity Program and a description of their specific responsibilities suggested in Revised Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.22.

§ 42.305 Record keeping and certification.

The Equal Employment Opportunity Program and all records used in its preparation shall be kept on file and retained by each recipient covered by these guidelines for subsequent audit or review by responsible personnel of the cognizant state planning agency or the LEAA. Prior to the authorization to fund new or continuing programs under the Omnibus Crime Control and Safe Streets Act of 1968, the recipient shall file a certificate with the cognizant state planning agency or LEAA regional office stating that the equal employment opportunity program is on file with the recipient. The form of the certification shall be as follows:

I, ---------- (person filing the application) certify that the ---------- (criminal justice agency) has formulated an equal employment opportunity program in accordance with 28 CFR 42.301, et seq., Subpart E, and that it is on file in the Office of ---------- (name), ---------- (address), ---------- (title), for review or audit by officials of the cognizant state planning agency or the Law Enforcement Assistance Administration, as required by relevant laws and regulations.

The criminal justice agency created by the Governor to implement the Safe Streets Act within each state shall certify that it requires, as a condition of the receipt of block grant funds, that recipients from it have executed an Equal Employment Opportunity Program in accordance with this subpart, or that, in conformity with the terms and conditions of this regulation no equal employment opportunity programs are required to be filed by that jurisdiction.

§ 42.306 Guidelines.

(a) Recipient agencies are expected to conduct a continuing program of self-evaluation to ascertain whether any of their recruitment, employee selection or promotional policies (or lack thereof) directly or indirectly have the effect of denying equal employment opportunities to minority individuals and women.

(b) Post award compliance reviews of recipient agencies will be scheduled by LEAA, giving priority to any recipient agencies which have a significant disparity between the percentage of minority persons in the service population and the percentage of minority employees in the agency. Equal employment program modification may be suggested by LEAA whenever identifiable referral or selection procedures and policies suggest to LEAA the appropriates of improved selection procedures and policies. Accordingly, any recipient agencies falling within this category are encouraged to develop recruitment, hiring or promotional guidelines under their equal employment opportunity program which will correct, in a timely manner, any identifiable employment impediments which may have contributed to the existing disparities.

(c) A significant disparity between minority representation in the service population and the minority representation in the agency workforce may be deemed to exist if the percentage of a minority group in the employment of the agency is not at least seventy (70) percent of the percentage of that minority in the service population.

§ 42.307 Obligations of recipients.

The obligation of those recipients subject to these Guidelines for the maintenance of an Equal Employment Opportunity Program shall continue for the period during which the LEAA assistance is extended to a recipient or for the period during which a comprehensive law enforcement plan filed pursuant to the Safe Streets Act is in effect within the State, whichever is longer, unless the assurances of compliance, filed by a recipient in accordance with § 42.204(a)(2), specify a different period.

§ 42.308 Noncompliance.

Failure to implement and maintain an Equal Employment Opportunity Program as required by these Guidelines shall subject recipients of LEAA assistance to the sanctions prescribed by the Safe Streets Act and the equal employment opportunity regulations of the Department of Justice. (See 42 U.S.C. 3757 and § 42.206).

Effective date.—This Guideline shall become effective on August 31, 1973.

Dated August 24, 1973.

DONALD E. SANTARELLI,
Administrator, Law Enforcement Assistance Administration.

[FR Doc.73-18555 Filed 8-30-73;8:45 am]

Title 38—Pensions, Bonuses and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Interest Rate Change

The Veterans Administration is amending §§ 36.4212(a)(1), (2) and (3), 36.4311 and 36.4503, Title 38 of the Code of Federal Regulations to increase the maximum allowable interest rates on new loans.

Sections 36.4311 and 36.4503, Title 38 of the Code of Federal Regulations are being amended to increase the maximum interest rate on new guaranteed, insured and direct loans from 7¾ to 8½ percent. Section 36.4212(a)(2) and (3), Title 38 of the Code of Federal Regulations relating to that portion of a mobile home which finances the purchase of a lot and the cost of necessary site preparation is amended to increase the maximum interest rate from 7¾ to 8½ percent. Thus, the interest rate on such loans will be consistent with that in effect on other guaranteed and insured loans for real estate purposes. Section 36.4212(a)(1), which relates to the financing of the mobile home unit and that portion of § 36.4212(a)(3) relating to a loan that does not exceed $2,500 made for the purpose of site preparation to a lot owned by the veteran, are being increased from 10¾ to 12 percent.

Compliance with the provisions of § 1.12 of this chapter is waived in this instance. The availability of mortgage funds from the private sector is dependent upon the interest rate being competitive with other available investments. Compliance with § 1.12 would create an acute shortage of mortgage funds pending the effective date of the amendments, which would necessarily be more than 30 days after it was published in proposed form.

1. In § 36.4212, paragraph (a) is amended to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima:

(1) 12 percent simple interest per annum for that portion of the loan which finances the purchase of a mobile home unit.

(2) 8½ percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 8½ percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 12 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed $2,500.

* * * * *

2. In § 36.4311, paragraph (a) is amended to read as follows:

§ 36.4311 Interest rates.

(a) Excepting non-real-estate loans insured under 38 U.S.C. 1815 effective August 25, 1973, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 8½ per centum per annum on the unpaid principal balance.

* * * * *

3. In § 36.4503, paragraph (a) is amended to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after May 7, 1968, shall not exceed an amount which bears the same ratio to $21,000 (or to such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of title 38, United States Code) as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $12,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 8½ percent per annum, except where a commitment to make the loan at a lower rate was issued prior to August 25, 1973, in which case the rate of interest shall be that applicable on the date such commitment was issued.

* * * * *

These VA Regulations are effective August 25, 1973.

Approved: August 24, 1973.

By direction of the Administrator:

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-18591 Filed 8-30-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER D—RANGE MANAGEMENT (4000)

[Circular No. 2347]

PART 4110—GRAZING ADMINISTRATION (INSIDE GRAZING DISTRICTS) (THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS)

Wild Free-Roaming Horse and Burro Management

Correction

In FR Doc. 73-17067 appearing at page 22003 of the issue for Wednesday, August 15, 1973, in the penultimate line of § 4115.2-1(d), the number "4712.12-3" should read "4712.1-3".

Title 47—Telecommunication

[Docket No. 19648; FCC 73-880]

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

Licensing of Non-Type Accepted Transmitters to U.S. Government Contractors

Report and order. In the matter of amendments of Parts 81, 83, and 87 of the Commission's rules, to permit the licensing of non-type accepted transmitters to U.S. Government contractors, Docket No. 19648.

1. On December 5, 1972, we released a notice of proposed rule making in this Docket. The notice was published in the FEDERAL REGISTER on December 8, 1972 (37 FR 26136). The notice made provisions for the filing of comments and reply comments by specified times that have now passed.

2. The Notice of Proposed Rule Making was issued to permit the licensing of non-type accepted transmitters whenever such transmitters are furnished by a government agency to a contractor, or subcontractor, in the performance of a government contract. It was felt that the proposed rule amendments would result in considerable time and cost savings to both the government agencies and U.S. contractors.

3. Comments were filed by the Government Products Division of the Electronic Industries Association (EIA); Aerospace and Flight Test Radio Coordinating Council (AFTRCC); and Mackay Marine.

4. EIA and AFTRCC fully endorsed the Commission's proposal and urged its adoption.

5. Mackay Marine opposes the proposed rule amendments on the grounds that the non-type accepted transmitters licensable to U.S. contractors under the proposal would have to comply with all of the technical requirements of the rules. Mackay Marine stated that the proposed rule making is unnecessary if the subject transmitters must meet the technical requirements of the rules because this class of transmitter could be type-accepted upon proper application with the Commission and that the cost and time saving would be negligible.

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6. In order to minimize harmful interference to other authorized users, the Commission's proposal intended to relieve the government contractor from the formal application to the Commission for acceptance of the transmitter for licensing, and did not intend to permit the use of transmitters which did not comply with all the technical requirements of the rules. To permit the use of transmitters which do not comply with the technical requirements of the rules, could cause harmful interference to other licensees and adversely affect various other radio services. The Commission does not agree with Mackay's contention that the cost and time saving of the proposal would be negligible. The preparation and amount of data which must be filed for formal application to the Commission for acceptance of a transmitter for licensing is costly and time consuming to both the applicant and the Commission's staff.

7. In view of the foregoing: *It is ordered*, That pursuant to the authority contained in sections 4(i), 303(r), and 318 to the Communications Act of 1934, as amended, Parts 81, 83 and 87 of the Commission's rules are amended, effective October 4, 1973, as set forth below.

8. *It is further ordered*, That the proceeding in this Docket is terminated.

(Secs. 4, 303, 318, 48 Stat., as amended, 1068, 1082, 1089 (47 U.S.C. 154, 303, 318))

Adopted August 22, 1973.

Released August 24, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. Section 81.137(a) is amended and paragraph (e) added to read as follows:

§ 81.137 Acceptability of transmitters for licensing.

(a) Each radiotelephone transmitter authorized in a coast station, marine-utility, marine-fixed station, or Alaska-public fixed license (other than transmitters authorized solely for developmental stations and except as provided in paragraph (e) of the section) must be type accepted by the Commission. This requirement shall be applicable as follows:

* * * * *

(e) Type acceptance is not required for U.S. Government furnished transmitters in the performance of a U.S. Government contract if the use of type accepted equipment would increase the cost of the contract or if the transmitter will be incorporated in the finished product: *Provided, however*, That such equipment shall comply with all the technical requirements contained in this subpart.

[1] Commissioners Johnson, Reid, and Hooks absent.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

2. Section 83.139(a) is amended and paragraph (f) added to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

(a) Except as provided by paragraphs (c), (d), and (f) of this section, each radiotelephone transmitter authorized in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission.

* * * * *

(f) Type acceptance is not required for U.S. Government furnished transmitters in the performance of a U.S. Government contract if the use of type accepted equipment would increase the cost of the contract or if the transmitter will be incorporated in the finished product: *Provided, however*, That such equipment shall comply with all the technical requirements contained in this subpart.

PART 87—AVIATION SERVICES

3. Section 87.77 is amended by adding subparagraph (8) to paragraph (d):

§ 87.77 Acceptability of transmitters for licensing.

* * * * *

(d) * * *

(8) Type acceptance is not required for U.S. Government furnished transmitters in the performance of a U.S. Government contract if the use of type accepted equipment would increase the cost of the contract or if the transmitter will be incorporated in the finished product: *Provided, however*, That such equipment shall comply with all the technical specifications contained in this subpart.

[FR Doc.73-18556 Filed 8-30-73;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-12; Notice No. 73-21]

PART 392—DRIVING OF MOTOR VEHICLES

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Safe Loading of Commercial Motor Vehicles; Revision

The Director of the Bureau of Motor Carrier Safety is issuing revised rules pertaining to loading of cargo on commercial motor vehicles operated in interstate or foreign commerce and to equipment which prevents cargo on those vehicles from shifting or falling while in transit. The new rules are effective on October 1, 1973. They replace the safe loading rules now found in § 393.85 of the Motor Carrier Safety Regulations (49 CFR 393.85).

As the Director said in his June 13, 1973, notice of proposed rulemaking (38 FR 16080), the primary objectives of the revision are twofold. First, by recasting some of the material now found in § 393.85, dividing that material among four new sections of the regulations, and placing the safe loading rules in a separate Subpart I, the Bureau is seeking to make the rules as clear and easy to understand as is possible in a field as technical and inherently complex as this. Secondly, the Bureau is attempting to resolve problems which carriers of certain metals had in applying the regulations to specific situations without, at the same time, compromising safety on the highways.

The notice invited interested persons to comment on the text of the proposed revision. The Bureau has analyzed the comments received in response to that invitation, as well as other available data. As a result, the rules now being issued vary from those proposed in two principle respects.

First, § 393.100, which contains the general rules for protection against shifting or falling cargo, is being amended to make it clear that motor carriers must comply with the rules on specific elements of safe loading, contained in other sections of Subpart I, in addition to the general provisions in that section. For example, a motor carrier who transports cargo in a closed van in compliance with Option A of § 393.100 (b)(1) must, in addition, have the cargo securely blocked and braced in accordance with the rules on blocking and bracing in § 393.104. Similarly, vehicles transporting metal articles in compliance with Option C (§ 393.100(b)(3)) must be equipped with front-end structures that conform to the rules in § 393.106. This was clearly the purport of the revised rules as originally proposed, but the comments have indicated that some interested persons have not understood it.

Second, the Director is amending the version of § 393.100(e) that appeared in the notice to permit intermodal cargo containers to move not more than one inch in a vertical direction when they are fastened to the vehicle chassis with special-purpose devices. As it appeared in the notice, this rule would have forbidden vertical movement in excess of one-half inch. Several respondents requested an even larger tolerance, stressing that the trailer chassis to which a container is secured will flex, but the container will not, when the tractor used to tow the trailer is unhitched and the trailer is left to rest on its "landing gear." The Director has concluded, however, that a larger tolerance would present an unreasonable risk to highway safety. Trailers carrying containerized shipments are often transported in "trailer-on-flat-car" rail operations, during which they experience acceleration stresses far greater than those encountered on the highway. By allowing the additional tolerance requested in the comments, the Bureau would be sanctioning a situation in which securement "pins" used to hold containers to the vehicle would be subjected to excessive fatigue. This, in turn, would create a safety hazard when the same securement pins are used during highway transportation. The operational problem cited in the comments—flexing of the trailer at the time of hook-up—can be overcome by changes in operational practice, e.g., inserting the securement pins after, rather than before, the tractor is hitched to the trailer.

Phillips Petroleum Company's comment asked the Director to change § 393.106, relating to front-end structures, so that equivalent devices (presumably tie-down assemblies), could be used in lieu of the required front-end structure, just as Option D in § 393.100 (b)(4) permits the use of similar and equivalent means to those specified in Options A, B, and C. The purport of § 393.106, however, is to require that a physical barrier be located between the cargo and the driver, and to require the barrier to have sufficient strength to prevent injury to the driver if the cargo shifts forward. The provisions of § 393.106(f), which permit the use of devices equivalent to, and performing the same function as, front-end structures do not in any way alter the requirement for a protective device located between the cargo and the driver. Hence, the Director has not changed § 393.106.

Truck Trailer Manufacturers Association (TTMA) suggested that the special provisions for intermodal containers in § 393.100(e) should be eliminated because the safe loading of those containers could adequately be accomplished under the general provisions of § 393.100(d). The Bureau has concluded, however, that the loading and securement of intermodal containers present special problems which should be dealt with in specific rules applicable to those containers. TTMA has also asked for a change in the rules applicable to penetration resistance of front-end structures (§ 393.104(e)) so that the front-end structures would, at a minimum, have to be capable of withstanding penetration only from cargo items in direct contact with the structures in the event of vehicle deceleration at a 20 ft./sec./sec. rate. Such a change would appear to be beyond the scope of the notice. It would, moreover, open a vast loophole for violation of the rule's purport: a shipper or carrier could, merely by loading a vehicle so that no cargo contacts the front-end structure, effectively dispense with any minimum strength requirements for that structure.

TTMA has requested certain changes in the maximum allowable tolerances for movement of intermodal cargo containers secured to motor vehicles. Its comments relating to vertical movement have been dealt with above. TTMA has also called the Bureau's attention to a possible ambiguity in the proposal with respect to horizontal movement. As proposed, the rule would have forbidden horizontal movement in excess of one-half inch when the container is subject to certain relative accelerations. In response to informal inquiries, the Bureau has interpreted this tolerance to allow movement not in excess of one-half inch forward, one-half inch aft, one-half inch to the right, and one-half inch to the left. TTMA suggests that the intention to permit a tolerance of one-half inch both forward and aft, for example, be fully spelled out in the final rule. The Bureau agrees, and an appropriate change has been made.

TTMA's comments also requested a reduction in the minimum strength of front-end structures (§ 393.106(d)). It is however, too late in the day for consideration to be given to changes in the safe loading rules other than those which fall within the scope of the notice of proposed rulemaking. The question of minimum strength of front-end structures has previously been fully studied and resolved, and the purpose of the notice was to invite comment on issues related to the problems of carriers of metals and problems of organization, format, and wording of the rules. In addition, the Director notes that there is no justification for a strength reduction of the magnitude that TTMA has sought, one which would require front-end structures to withstand a horizontal forward static load equal to only 30 percent of the weight of the cargo, rather than 50 percent of the cargo weight. Hence, the request has been denied. TTMA's request for exemption of converter dollies from the front-end structure requirements has also been denied. The Bureau quite agrees with TTMA that a converter dolly is a "motor vehicle" under various Federal safety regulations and standards. Conceding that to be the case does not, however, dispose of the issue. A converter dolly, by itself, is not a cargo-carrying motor vehicle. The requirements for front-end structures meeting certain specifications, as contained in § 393.106 apply only to a "cargo-carrying motor vehicle." See paragraph (a) of § 393.106. Hence, no change is necessary.

The Professional Drivers Safety and Health Organization (PROD) filed comments seeking several major substantive changes in the rules, changes which also go beyond the scope of the notice of proposed rulemaking in several respects. PROD objects to permitting heavy metal articles to be carried in a closed van, saying that "[t]he walls of such vehicles are totally inadequate to prevent heavy metal objects from penetrating them." Other provisions of the rules do, however, require that cargo, including metals, must be adequately blocked and braced and must also be secured by tiedown assemblies, if that is necessary. Assuming that shippers and carriers comply with these latter provisions, it should make little difference, from the standpoint of safety, whether the vehicle used to transport metal cargoes is a flat-bed trailer or a closed van. PROD also argues that coils having diameters of less than two-thirds of their widths should not be loaded with eyes vertical, and the rules should prohibit any shipper or carrier from doing so. It is, in the final analysis, impractical to include in the regulations a specification for each item that may be transported on a motor vehicle; to a large extent, the good judgment and self-interest of shippers and carriers must be relied upon to anticipate obvious pitfalls and to select and use suitable methods of orienting cargo on vehicles in order to secure it in the prescribed manner. PROD further argues that metal articles should not be loaded on trailers having steel floors, because those articles will tend to slide. Of course, an article that is not securely braced and tied down will slide, regardless of the composition of the floor of the vehicle on which it is loaded. The intent of the regulations, carried out in §§ 393.102 and 393.104, is to require the use of tiedown assemblies, blocking and bracing, and other techniques to ensure that cargo will not slide.

PROD has made a number of specific suggestions relating to the transportation of coils of metal. It urges that more blocking should be required for coils mounted with eyes crosswise because the coils can roll in the direction of maximum acceleration and deceleration forces. The comment does not, however, include data or engineering calculations to indicate that the present requirements are inadequate. Careful analysis by the Bureau and its best engineering judgment have indicated that the present requirements provide an adequate measure of safety for coils loaded with eyes crosswise. PROD has also suggested that a specified method of chaining down coils with eyes lengthwise be required. The difficulty with this suggestion is that the techniques it would mandate are not necessarily universally optimum ones; there are cases in which more secure methods of tying down coils with eyes crosswise could be used. It is, the Bureau has concluded, a better practice to specify minimum requirements and to permit carriers and shippers to innovate better methods of securing cargo within the ambit of general criteria, rather than to freeze all persons concerned with securing cargo into an identical mold.

The Steel Carriers Conference filed comments in which it, in essence, restated its earlier position in favor of (a) requiring all shipments of flat-rolled coiled steel to be secured as specified in its original petition for rule making (substantially identical to the manner specified in Option C of § 393.100(b)); and (b) giving special treatment to coils of bar, wire, and rod steel. Upon review of the material submitted, the Bureau has concluded that it would not be in the interests of safety to amend the rules as the Conference has requested. From the standpoint of safe operations, there is no valid distinction between coils of flat-rolled material and coils consisting of bar, wire, or rod stock. The operational problems to which the Conference has alluded can be adequately resolved either by use of one of the other options or by using Option C. There are, moreover, instances in which alternative methods of

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securing coils of metal are at least as safe as those required by Option C. The Bureau cannot, therefore, mandate the use of the Option C techniques in all cases, even though the conference may be unanimous in its desire to see that single set of techniques compelled by Federal law without permitting any alternatives. Furthermore, the fact that, in the steel-hauling industry, vehicles are commonly loaded by shippers for subsequent pick-up and transportation by motor carriers, tends to support the conclusion that the rules for loading and securing metals should leave ample room for development of innovative, and safer, techniques.

As a final matter, the Steel Carriers Conference has pointed to a discrepancy between § 393.100(b)(2), which requires at least one tiedown device per 10 linear feet of lading, and § 393.100(c)(4)(i), which requires loads consisting of miscellaneous metal articles to have at least one tiedown assembly for each eight feet of length with a minimum of two assemblies. The Bureau intends to give these matters further study and to resolve the discrepancies by additional rule making.

In consideration of the foregoing, the Director of the Bureau of Motor Carrier Safety amends the Motor Carrier Safety Regulations (Subchapter B in Chapter III of Title 49, Code of Federal Regulations) as set forth below.

Except as specifically provided in the text of a particular provision, these amendments are effective on October 1, 1973.

These amendments are issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at §§ 1.48 and 389.4, respectively, of Title 49.

Issued on August 24, 1973.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

I. Section 392.9(a)(1) in Part 392 is amended to read as follows:

§ 392.9 Safe loading.

(a) *General.* No person shall drive a motor vehicle and a motor carrier shall not require or permit a person to drive a motor vehicle unless—

(1) The vehicle's cargo is properly distributed and adequately secured as specified in §§ 393.100—393.106 of this subchapter.

* * * * *

§ 393.85 [Revoked].

II. Section 393.85 in Part 393 is revoked.

III. A new Subpart I is added at the end of Part 393, reading as follows:

Subpart I—Protection Against Shifting or Falling Cargo

Sec.
393.100 General rules for protection against shifting or falling cargo.
393.102 Securement systems.
939.104 Blocking and bracing.
393.106 Front-end structure.

AUTHORITY.—Sec. 204, Interstate Commerce Act, as amended (49 U.S.C. 304), sec. 6, Department of Transportation Act (49 U.S.C. 1655), and delegations of authority at 49 CFR 1.48 and 389.4.

Subpart I—Protection Against Shifting or Falling Cargo

§ 393.100 General rules for protection against shifting or falling cargo.

(a) *Application and scope of the rules in this section.*—This section applies to trucks, truck tractors, semitrailers, full trailers, and pole trailers. Each of those motor vehicles must, when transporting cargo, be loaded and equipped to prevent the shifting or falling of the cargo in the manner prescribed by the rules in paragraph (b) of this section. In addition, each cargo-carrying motor vehicle must conform to the applicable rules in §§ 393.102, 393.104, and 393.106.

(b) *Basic protection components.*—Each cargo-carrying motor vehicle must be equipped with devices providing protection against shifting or falling cargo that meet the requirements of either subparagraph (1), (2), (3), or (4) of this paragraph.

(1) *Option A.*—The vehicle must have sides, side-boards, or stakes, and a rear endgate, endboard, or stakes. Those devices must be strong enough and high enough to assure that cargo will not shift upon, or fall from the vehicle. Those devices must have no aperture large enough to permit cargo in contact with one or more of the devices to pass through it.

(2) *Option B.*—The vehicle must have at least one tiedown assembly that meets the requirements of § 393.102 for each 10 linear feet of lading or fraction thereof. (However, a pole trailer or an expandable trailer transporting metal articles under the special rules in paragraph (c) of this section is required only to have two or more of those tiedown assemblies at each end of the trailer.) In addition, the vehicle must have as many additional tiedown assemblies meeting the requirements of § 393.102 as are necessary to secure all cargo being transported, either by direct contact between the cargo and the tiedown assemblies or by dunnage which is in contact with the cargo and is secured by tiedown assemblies.[1]

(3) *Option C (for vehicles transporting metal articles only).*—A vehicle transporting cargo which consists of metal articles must conform to either the rules in subparagraph (1), (2), or (4) of this paragraph, or the special rules for transportation of metal articles set forth in paragraph (c) of this section.

(4) *Option D.*—The vehicle must have other means of protecting against shifting or falling cargo which are similar to, and at least as effective as, those specified in subparagraph (1), (2), or (3) of this paragraph.

(c) *Special rules for metal articles.* (1) *Scope of the rules in this paragraph.*—The rules in this paragraph apply to a motor vehicle transporting cargo consisting of metal articles if that vehicle does not conform to the rules in subparagraph (1), (2), or (4) of paragraph (b) of this section.

(2) *Application of other sections.*—A motor vehicle transporting property consisting of metal articles must, regardless of whether the rules in this paragraph apply to it, conform to the rules in § 393.102 (relating to securement systems), § 393.104 (relating to blocking and bracing of cargo), and § 393.106 (relating to front-end structure requirements).

(3) *Coils.*—Whenever a motor carrier transports one or more coils of metal which, individually or as a combination banded together, weigh 5,000 pounds or more, the coils shall be secured in the following manner:

(i) Coils with eyes vertical: one or more coils which are grouped and loaded side by side in a transverse or longitudinal row must be secured by—

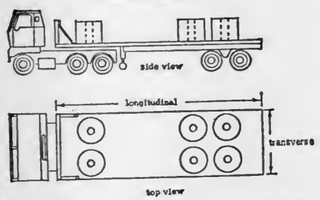
(*a*) A tiedown assembly against the front of the coil or row of coils, restraining against forward motion;

(*b*) A tiedown assembly against the rear of the coil or row of coils, restraining against rearward motion; and

(*c*) A tiedown assembly over the top of each coil or transverse row of coils, restraining against vertical motion.

The same tiedown assembly shall not be used to comply with more than one of the requirements of (*a*), (*b*), or (*c*) of this subdivision.

COILS - EYE VERTICAL



(ii) Coils with eyes crosswise: Each coil or transverse row of coils loaded side by side and having approximately the same outside diameters must be secured by—

(*a*) A tiedown assembly through the eye of each coil, restricting against forward motion and making an angle of less than 45° with the horizontal when viewed from the side of the vehicle;

(*b*) A tiedown assembly through the eye of each coil, restricting against rearward motion and making an angle of less than 45° with the horizontal when viewed from the side of the vehicle; and

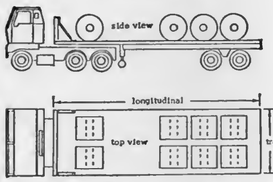
(*c*) Timbers, having a nominal cross section of 4 x 4 inches or more and a length which is at least 75 percent of the width of the coil or row of coils, tightly placed against both the front and rear sides of the coil or row of coils and restrained to prevent movement of the coil or coils in the forward and rearward directions.

(*d*) If coils are loaded to contact each other in the longitudinal direction and relative motion between coils, and between coils and the vehicle, is prevented by tiedown assemblies and timbers—

(*1*) Only the foremost and rearmost coils must be secured with timbers; and

(*2*) A single tiedown assembly, restricting against forward motion, may be used to secure any coil except the rearmost one, which must be restrained against rearward motion.

COILS - EYE CROSSWISE



(iii) Coils with eyes lengthwise: A coil or transverse row of coils having approximately equal outside diameters and loaded side by side or a longitudinal row of coils having approximately equal outside diameters and loaded end to end must be secured as follows:

(*a*) The coil or coils must be restrained against side-by-side and fore-and-aft movement by—

(*1*) One or more tiedown assemblies over the top of each coil or transverse row; or

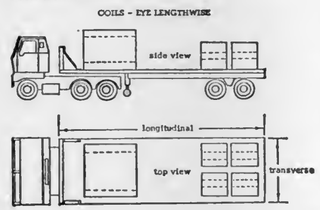
(*2*) Two or more tiedown assemblies through the eye of each coil or longitudinal row; or

(*3*) One or more tiedown assemblies, crossing from one side of the vehicle to the other, through the eye of each coil or longitudinal row of coils in a transverse row.

(*b*) Timbers having nominal cross section of 4 x 4 inches or more must be tightly placed against the sides of each coil or against the outboard sides of each transverse row of coils which are loaded side by side so that the timbers restrain against side-to-side movement.

(*c*) If, in accordance with (*a*)(*1*) of this subdivision, only one tiedown assembly over the top of each coil or transverse row of coils is used to restrain against side-to-side movement and fore-and-aft movement, timbers having a nominal cross section of 2 x 4 inches or more and which are firmly secured to longitudinal blocking must be tightly placed against the front and back of each coil, each longitudinal row of coils, and each transverse row of coils in a manner which restricts forward and rearward movement.

COILS - EYE LENGTHWISE



(iv) Timber which is used for blocking must be sound lumber which is free of defects (such as knots or cracks) that materially reduce its strength.

(v) Timbers need not be used on vehicles which have depressions in the floor or are equipped with other restraining devices which perform the functions specified for timbers by the rules in this section.

(vi) As used in this section, the term "nominal", when used to describe timber, means commercially dressed sizes generally designated by the dimensions indicated.

(4) *Miscellaneous metal articles.*—Except as provided in subdivision (iv) of this subparagraph, whenever a motor carrier transports metal articles consisting of cut-to-length bars, plates, rods, sheet and tin mill products, billets, blooms, ingots, slabs, structural shapes, or pipe, and other tubular products and those articles, either individually or as a combination of articles banded or boxed together and handled as a single unit, weigh more than 2,000 pounds, the article shall be secured in the following manner:

(i) A single article, a group of articles, or a combination of articles loaded side by side across the width of the vehicle must be secured by at least one tiedown assembly over its top for at least every 8 feet of its length and at least two tiedown assemblies securing each individual article or combination of articles banded or otherwise secured together and handled as a single unit. However, articles which individually have a length of 8 feet or less and which are securely butted against each other in the fore-and-after direction may be secured by metal angles secured by tiedown assemblies, or they may be secured by a timber having a nominal cross section of 4 x 4 inches or more placed longitudinally over the articles and secured by tiedown assemblies. Tiedown assemblies may not be located beyond the ends of the article which they secure.

(ii) If articles are tiered and each tiered article rests securely on the one beneath it, the tier may be secured in the same manner as a single level of those articles is secured in accordance with the rules in this section.

(iii) Pole trailers must either comply with the requirements of subdivisions (i) and (ii) of this subparagraph or have at least two tiedown assemblies securing the load to the forward bolster and at least two tiedown assemblies securing the load to the rear bolster.

(iv) The rules in this subparagraph do not apply to special loads consisting of machinery or fabricated structural items, such as beams, girders, and trusses, which are fastened by special methods. However, those loads must be securely and adequately fastened to the vehicle.

(d) *Special rule for special-purpose vehicles.*—The rules in this section do not apply to a vehicle transporting one or more articles which, because of their size, shape, or weight, must be carried on special-purpose vehicles or must be fastened by special methods. However, any article carried on that vehicle must be securely and adequately fastened to the vehicle.

(e) *Special rule for intermodal cargo containers.*—Containers designed for the transportation of containerized, intermodal cargo and having integral securement devices must be fastened to the chassis of the motor vehicle with securement devices that prevent them from being unintentionally unfastened. The securement devices must restrain the container from moving more than one-half inch forward, more than one-half inch aft, more than one-half inch to the right, more than one-half inch to the left, or more than one inch vertically when the container is subjected to the following accelerations relative to the vehicle:

Direction of force relative to longitudinal axis of vehicle:	*Acceleration in G's*
Downward	1.70
Upward	0.50
Lateral	0.30
Longitudinal	1.80

(f) *Effective date.*—This section is effective on October 1, 1973.

§ 393.102 Securement systems.

(a) *Application and scope of the rules in this section.*—The rules in this section apply to tiedown assemblies (including chains, cables, steel straps, and fiber webbing), other securement devices, and attachment or fastening devices used in conjunction therewith, which are used to secure cargo to motor vehicles in transit. All devices which are used to secure cargo to a motor vehicle in transit under the rules in this Subpart must conform to the requirements of this section.

(b) *Tiedown assemblies.*—Except for containers designed for the transportation of containerized, intermodal cargo which conform to the rules in § 393.100(e), the aggregate static breaking strength of the tiedown assemblies used to secure an article against movement in any direction must be at least 1½ times the weight of that article. Chain used as a component of a tiedown assembly must conform to the requirements of the August 1961 edition of the National Association of Chain Manufacturers' Welded Chain Specifications[2] applicable to all types of chain. Steel strapping used as a component of a tiedown assembly must conform to the requirements of Federal Specification No. QQ-S-781 (1969).[3] Steel strapping that is one inch wide or wider must have at least two pairs of crimps in each seal and, when end-over-end lap joints are formed, must be sealed with at least two seals.

(c) *Load binders and hardware.*—The strength of load binders and hardware that are part of, or used in conjunction with, a tiedown assembly must be equal to, or greater than the minimum

[1] Tiedown assemblies or dunnage in contact with sufficient exterior (including topmost) pieces of the cargo and securely holding each interior or lower piece comply with this requirement.

[2] Copies of these specifications may be secured by writing to the National Association of Chain Manufacturers, 111 West Washington Street, Chicago, Illinois 60602.

[3] Copies of these specifications may be secured from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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strength specified for that tiedown assembly in paragraph (b) of this section.

(d) *Attachment to the vehicle.*—The hook, bolt, weld, or other connector by which a tiedown assembly is attached to a vehicle, and the mounting place and means of mounting the connector, must be at least as strong as the tiedown assembly when that connector is loaded in any direction in which the tiedown assembly may load it.

(e) *Winches or other fastenings.*—The anchorages of a winch or other fastening device mounted on a vehicle and used in conjunction with a tiedown assembly must have a combined tensile strength equal to, or greater than, the strength of the tiedown assembly.

(f) *Adjustability.*—A tiedown assembly and its associated connectors and attachment devices must be designed, constructed, and maintained so that the driver of an in-transit vehicle can tighten them. However, the rules in this paragraph do not apply to a securement system in which the tiedown assembly consists of steel strapping or to a tiedown assembly which is not required by the rules in this section.

(g) *Effective date.*—This section is effective on October 1, 1973.

§ 393.104 Blocking and bracing.

(a) *Protection against longitudinal movement.*—When a motor vehicle carries cargo that is not firmly braced against a front-end structure that conforms to the requirements of § 393.106, the cargo must be secured so that, when the vehicle decelerates at a rate of 20 feet per second, the cargo will remain on the vehicle and will not penetrate the vehicle's front-end structure.

(b) *Protection against lateral movement.*—When a vehicle carries cargo that may shift sideways in transit, the cargo must either be securely blocked or braced against the sides, sideboards, or stakes of the vehicle or be secured by devices that conform to the requirements of paragraph (b)(2), (b)(3), or (b)(4) of § 393.100.

(c) *Effective date.*—This section is effective on October 1, 1973.

§ 393.106 Front-end structure.

(a) *General rule.*—(1) Except as provided in paragraph (g) of this section, every cargo-carrying motor vehicle must be equipped with a headerboard or similar device of sufficient strength to prevent load shifting and penetration or crushing of the driver's compartment.

(2) On and after the effective dates specified in paragraph (h) of this section, every cargo-carrying motor vehicle must have a front-end structure that conforms to the rules in this section.

(b) *Location.*—The front-end structure must be located between the vehicle's cargo and the vehicle's driver.

(c) *Height and width.*—The front-end structure must extend either to a height of 4 feet above the floor of the vehicle or to a height at which it blocks forward movement of any item of cargo being carried on the vehicle, whichever is lower. The front-end structure must have a width which is at least equal to the width of the vehicle or which blocks forward movement of any item of cargo being transported on the vehicle, whichever is narrower.

(d) *Strength.*—The front-end structure must be capable of withstanding the horizontal forward static load specified in either subparagraph (1) or (2) of this paragraph.

(1) For a front-end structure less than 6 feet in height, a horizontal forward static load equal to one half (½) of the weight of the cargo being transported on the vehicle uniformly distributed over the entire portion of the front-end structure that is within 4 feet above the vehicle's floor or that is at or below a height above the vehicle's floor at which it blocks forward movement of any item of the vehicle's cargo, whichever is less.

(2) For a front-end structure 6 feet in height or higher, a horizontal forward static load equal to four-tenths (0.4) of the weight of the cargo being transported on the vehicle uniformly distributed over the entire front-end structure.

(e) *Penetration resistance.* — The front-end structure must be designed, constructed, and maintained so that it is capable of resisting penetration by any item of cargo that contacts it when the vehicle decelerates at a rate of 20 feet per second per second. The front-end structure must have no aperture large enough to permit any item of cargo in contact with the structure to pass through it.

(f) *Substitute devices.*—The requirements of this section may be met by the use of devices performing the same functions as a front-end structure, if the devices are at least as strong as, and provide protection against shifting cargo at least equal to, a front-end structure which conforms to those requirements.

(g) *Exemptions.*—The following motor vehicles are exempt from the rules in this section:

(1) A vehicle which is designed and used exclusively to transport other vehicles, if each vehicle it transports is securely tied down by devices that conform to the requirements of § 393.102.

(2) A pole trailer or semitrailer being towed by a truck tractor that is equipped with a front-end structure that conforms to the rules in this section.

(3) A full trailer being towed by a vehicle that is equipped with a front-end structure that conforms to the requirements of this section for a front-end structure.

(4) A full trailer being towed by a vehicle that is loaded in such a manner that the cargo on the towing vehicle conforms to the requirements of this section for a front-end structure.

(5) The rules in paragraphs (d) and (e) of this section do not apply to a motor vehicle manufactured before January 1, 1974.

(h) *Effective dates.*—Cargo-carrying motor vehicles which are not exempted by paragraph (g) of this section must conform to the rules in this section as follows:

If the vehicle was manufactured—	It must conform to the rules in paragraph—	On and after—
Before January 1, 1974.	(a), (b), and (f)	October 1, 1973 or the date it was manufactured, whichever is later.
Before January 1, 1974.	(c)	January 1, 1975.
On or after January 1, 1974.	(a) through (f) inclusive.	The date it was manufactured.

Paragraphs (d) and (e) of this section do not apply to a motor vehicle that was manufactured before January 1, 1974.

[FR Doc.73-18439 Filed 8-30-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755 (16 U.S.C. 703) et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By a notice of proposed rulemaking published in the FEDERAL REGISTER of May 17, 1973 (38 FR 12926), notification was given that the Secretary of the Interior proposed to amend Part 10 of Title 50 of the Code of Federal Regulations. These amendments would specify open seasons, shooting hours, and bag and possession limits for migratory game birds for the 1973–74 hunting seasons.

Interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, on or before June 17, 1973. After analyses of the migratory game bird survey data obtained through investigations conducted

by the Bureau of Sport Fisheries and Wildlife, by State game departments, and by other sources, the Director informed the State game departments of the outside dates, season lengths, shooting hours, and daily bag and possession limits for the 1973–74 seasons on waterfowl, coots, cranes, snipe, and gallinules. The State game departments were invited to submit recommendations for hunting seasons which complied with the shooting hours, daily bag and possession limits, and season lengths specified in the frameworks of opening and closing dates published by this Department.

The taking of the designated species of migratory birds is presently prohibited except for those species for which seasons were established in the FEDERAL REGISTER of August 1, 1973, 38 FR 20456, and Federal Regulatory Announcement 91. The amendments will permit taking of the designated species within specified periods of time beginning as early as September 29, 1973, as has been the case in past years. Therefore, since these amendments benefit the public by relieving existing restrictions, they shall become effective on September 29, 1973.

By a notice of proposed rulemaking published in the FEDERAL REGISTER of April 25, 1973, in 38 FR 10208, notice was given that Part 10—Migratory Birds would be redesignated Part 20—Migratory Bird Hunting. In the FEDERAL REGISTER of July 5, 1973, in 38 FR 17841, Subchapter B of 50 CFR, Chapter I, was retitled Subchapter B—Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife, and Part 10 was redesignated Part 20 and added to 50 CFR Ch. I.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Subpart K of Part 20 be amended as follows:

Section 20.104 is amended to read as follows:

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe (Wilson's).

(a) Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows.

(b) The season dates, bag limits, and shooting hours published in this paragraph in the FEDERAL REGISTER of August 1, 1973 (38 FR 20459), have been expanded to include season dates for previously deferred seasons and to include snipe season dates for the Pacific Flyway.

	Rails (Sora and Virginia)	Rails (King and Clapper)	Woodcock	Common Snipe (Wilson's)
Daily bag limits	25 [1]	See footnote 2	5	8.
Possession limits	25 [1]	See footnote 2	10	16.

Shooting hours: ½ hour before sunrise until sunset daily on all species.

Check State regulations for additional restrictions and delineations of geographical areas within States

SEASONS IN THE ATLANTIC FLYWAY

Connecticut	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 20-Dec. 22	Oct. 20-Dec. 22.
Delaware	do	do	Oct. 17-Nov. 7, Nov. 19-Dec. 31.	Oct. 17-Nov. 7, Nov. 19-Dec. 31.
Florida	do	do	Nov. 10 Jan. 13	Nov. 10 Feb. 24.
Georgia	Sept. 10-Nov. 18	Sept. 10-Nov. 18	Nov. 20-Jan. 23	Dec. 21-Feb. 23.
Maine:				
Northern zone	Sept. 1-Nov. 9	Closed	Sept. 24-Nov. 15	Sept. 24-Nov. 15.
Southern zone	do	do	Oct. 1-Nov. 15	Oct. 1-Nov. 15.
Maryland	do	Sept. 1-Nov. 9	Oct. 5-Dec. 8	Oct. 6-Nov. 23, Dec. 3-Dec. 18.
Massachusetts	Sept. 8-Nov. 16	Closed	Oct. 10-Nov. 30	Sept. 8-Nov. 11.
New Hampshire	Closed	do	Oct. 1-Dec. 1	Oct. 1-Dec. 1.
New Jersey [3]	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 13-Dec. 8, Dec. 20-Dec. 27.	Oct. 13-Dec. 15.
New York: [4]				
Long Island area	Closed	Closed	Oct. 1-Nov. 23	Closed.
Southern zone	Sept. 1-Nov. 9	Sept. 1-Nov. 9	do	Oct. 1-Nov. 23.
Remainder of State	do	do	Sept. 29-Nov. 23	Sept. 29-Nov. 23.
North Carolina	do	do	Dec. 8-Feb. 9	Nov. 17-Jan. 19.
Pennsylvania	do	Closed	Oct. 13-Dec. 15	Oct. 13-Dec. 15.
Rhode Island	Sept. 10-Nov. 18	Sept. 10-Nov. 18	Oct. 20-Dec. 7, Dec. 17-Jan. 1.	Oct. 20-Dec. 7, Dec. 17-Jan. 1.
South Carolina	Sept 14-Nov. 22	Sept. 14-Nov. 22	Dec. 26-Feb. 28	Dec. 10-Jan. 19, Feb. 5-Feb. 28.
Vermont	Sept. 29-Dec. 7	Closed	Sept. 29-Dec. 2	Sept. 29-Dec. 2.
Virginia	Sept. 8-Nov. 16	Sept. 8-Nov. 16	Oct. 15-Dec. 18	Nov. 9-Jan. 12.
West Virginia	Oct. 13-Dec. 21	Closed	Oct. 13-Dec. 16	Oct. 13-Dec. 16.

SEASONS IN THE MISSISSIPPI FLYWAY

Alabama	Nov. 12-Jan. 20	Nov. 12-Jan. 20	Dec. 26-Feb. 28	Dec. 26-Feb. 28.
Arkansas	Sept. 1-Nov. 9	Closed	Dec. 1-Feb. 3	Dec. 1-Feb. 3
Illinois	do	do	Oct. 15-Dec. 15	Oct. 15-Dec. 15.
Indiana	do	do	Sept. 22-Nov. 25	Sept. 22-Nov. 25.
Iowa	Sept. 1-Nov. 4	do	do	Sept. 1-Nov. 4.
Kentucky	Nov. 15-Jan. 20	do	Oct. 15-Dec. 18	Oct. 15-Dec. 18.
Louisiana	Nov. 3-Jan. 11	Nov. 3-Jan. 11	Dec. 8-Feb. 10	Dec. 15-Feb. 17.
Michigan:				
Zones 1 and 2	Sept. 15-Nov. 14	Closed	Sept. 15-Nov. 14	Sept. 15-Nov. 14.
Zone 3	do	do	Oct. 20-Nov. 14	Do.
Minnesota	Sept. 1-Nov. 9	do	Sept. 1-Nov. 4	Sept. 1-Nov. 4.
Mississippi	Oct. 27-Jan. 4	Oct. 27-Jan. 4	Dec. 15-Feb. 17	Dec. 15-Feb. 17
Missouri	Sept. 1-Nov. 9	Closed	Oct. 1-Dec. 4	Oct. 1-Dec. 4.
Ohio	do	do	Sept. 17-Nov. 20	Sept. 17-Nov. 20.
Tennessee	Dec. 12-Jan. 20	do	Nov. 22-Jan. 25	Dec. 21-Feb. 23.
Wisconsin	Oct. 1-Oct. 7, Oct. 13-Nov. 19.	do	Sept. 15-Nov. 18	Oct. 1-Dec. 4

SEASONS IN THE CENTRAL FLYWAY

Colorado [5]	Sept. 1-Nov. 9	do	Closed	Sept. 1-Nov. 4.
Kansas	Sept. 8-Nov. 16	do	Oct. 13-Dec. 16	Sept. 8-Nov. 11.
Montana [5]	Closed	do	Closed	Closed.
Nebraska	Sept. 1-Nov. 9	do	do	Sept. 15-Nov. 18.
New Mexico [5]	Closed	do	do	Closed.
North Dakota	do	do	do	Sept. 14-Nov. 16.
Oklahoma	Sept. 1-Nov. 9	do	Nov. 20-Jan. 23	Oct. 20-Dec. 23.
South Dakota	Closed	do	Closed	Sept. 1-Oct. 31.
Texas	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Nov. 17-Jan. 20	Dec. 25-Feb. 28.
Wyoming [5]	Oct. 6-Dec. 14	Closed	Closed	Oct. 6-Nov. 4, Nov. 26-Dec. 31.

SEASONS IN THE PACIFIC FLYWAY

Arizona	Closed	do	do	Nov. 17-Jan. 20.
California:				
Southern zone	do	do	do	Oct. 13-Nov. 23, Dec. 1-Jan. 20.
Remainder of State	do	do	do	Oct. 20-Jan. 20.
Colorado [5]	do	do	do	Sept. 29-Oct. 12, Nov. 3-Jan. 20.
Idaho:				
Columbia Basin	do	do	do	Oct. 6-Jan. 13.
Remainder of State	do	do	do	Oct. 6-Jan. 6
Montana	do	do	do	Do.
Nevada:				
Clark and Lincoln Counties	do	do	do	Nov. 17-Jan. 20.
Remainder of State	do	do	do	Oct. 6-Jan. 6.
New Mexico [5]	do	do	do	Closed.
Oregon	do	do	do	Oct. 13-Jan. 13.
Utah	do	do	do	Closed.
Washington	do	do	do	Oct. 13-Jan. 13.
Wyoming [5]	do	do	do	Oct. 6-Dec. 30.

[1] The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these 2 species.
[2] In addition to the limits on sora and Virginia rails, in the States of Connecticut, Delaware, Maryland, New Jersey, New York, and Rhode Island, there is a daily bag limit of 7 and possession limit of 14 king and clapper rails, singly or in the aggregate of these 2 species, and in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 king and clapper rails, singly or in the aggregate of these 2 species.
[3] In New Jersey the season for woodcock is closed on Nov. 9 and reopens on Nov. 10 at 9 a.m.
[4] In the State of New York, shooting hours for woodcock are sunrise to sunset daily.
[5] Seasons apply to Central Flyway portion of State only.
[6] Seasons apply to Pacific Flyway portion of State only.

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Paragraph (c), (e), (g), (h), (i), and (j) of § 20.105 are amended to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

* * * * *

(c) *Gallinules.*

Limits in the Atlantic, Mississippi, and Central Flyways:

Daily bag limit	15
Possession limit	30

Limits in the Pacific Flyway:—The daily bag and possession limits are 25 gallinules and coots, singly or in the aggregate of these two species.

Shooting hours: One-half hour before sunrise to sunset daily.

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Atlantic Flyway

Connecticut	Sept. 1–Nov. 9.
Delaware	Do.
Florida [1]	Do.
Georgia	Nov. 12–Jan. 19.
Maine	Sept. 1–Nov. 9.
Maryland	Do.
Massachusetts	Sept. 8–Nov. 16.
New Hampshire	Closed.
New Jersey	Sept. 1–Nov. 9.
New York:	
Long Island area	Closed.
Remainder of State	Sept. 1–Nov. 9.
North Carolina	Do.
Pennsylvania	Do.
Rhode Island	Sept. 10–Nov. 18.
South Carolina	Sept. 14–Nov. 22.
Vermont	Sept. 29–Dec. 7.
Virginia	Nov. 24–Jan. 12.
West Virginia	Oct. 13–Dec. 21.

Seasons in the Mississippi Flyway

Alabama	Nov. 12–Jan. 20.
Arkansas	Nov. 7–Jan. 15.
Illinois	Closed.
Indiana	Sept. 1–Nov. 9.
Iowa	Closed.
Kentucky	Nov. 15–Jan. 20.
Louisiana	Sept. 1–Sept. 30, Nov. 3–Dec. 12.
Michigan	Oct. 10–Nov. 23.
Minnesota	Oct. 1–Oct. 10, Oct. 20–Nov. 18.
Mississippi	Oct. 27–Jan. 4.
Missouri	Sept. 1–Nov. 9.
Ohio	Do.
Tennessee	Dec. 12–Jan. 20.
Wisconsin	Oct. 1–Oct. 7, Oct. 13–Nov. 19.

Seasons in the Central Flyway

Colorado [2]	Closed.
Kansas	Do.
Montana [3]	Do.
Nebraska	Do.
New Mexico [3]	Nov. 6–Jan. 14.
North Dakota	Closed.
Oklahoma	Sept. 1–Nov. 9.
South Dakota	Closed.
Texas	Sept. 1–Nov. 9.
Wyoming [2]	Closed.

Seasons in the Pacific Flyway

Arizona	Oct. 1–Oct. 28, Nov. 17–Jan. 20.
California:	
Tehachapi area	Oct. 13–Nov. 23, Dec. 1–Jan. 20.
Remainder of State	Oct. 20–Jan. 20.
Colorado [3]	Sept. 29–Oct. 12, Nov. 3–Jan. 20.
Idaho:	
Columbia Basin	Oct. 6–Jan. 13.
Remainder of State	Oct. 6–Jan. 6.
Montana [3]	Do.
Nevada:	
Clark and Lincoln Counties	Oct. 6–Oct. 28, Nov. 17–Jan. 20.
Remainder of State	Oct. 6–Jan. 6.
New Mexico [3]	Oct. 20–Jan. 20.
Oregon:	
Columbia Basin	Oct. 13–Jan. 20.
Remainder of State	Oct. 13–Jan. 13.
Utah [4]	Oct. 6–Jan. 6.
Washington:	
Columbia Basin	Oct. 13–Jan. 20.
Remainder of State	Oct. 13–Jan. 13.
Wyoming [3]	Oct. 6–Dec. 30.

* * * * *

[1] The gallinule season in Florida applies to the Florida gallinule only. No open season on purple gallinules in Florida.

[2] Seasons apply to Central Flyway portion of State only.

[3] Seasons apply to Pacific Flyway portion of State only.

[4] Shooting hours on October 6 are noon till sunset.

(e) *Atlantic, Mississippi, and Central Flyways.*

ATLANTIC FLYWAY

Flywaywide restrictions.—In all States in the Atlantic Flyway, no more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be in possession. No more than 1 hooded merganser daily nor 2 in possession may be taken. The season is closed on canvasback and redhead ducks, blue and snow geese, and brant.

Check State regulations for additional restrictions and delineations of geographical areas within States.

	Bag	Possession
Flywaywide limits:		
Wood ducks	2	4
Mergansers (except hooded)	5	10
Hooded mergansers	1	2
Maximum merganser limits	5	10
Coots	15	30

Shooting hours: One-half hour before sunrise to sunset daily.

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits: Bag	Limits: Possession
Connecticut:			
Ducks	Oct. 20–Oct. 27/Nov. 30–Jan. 5	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Oct. 20–Dec. 28	3	6
Delaware:			
Ducks	Nov. 3–Nov. 24/Dec. 14–Jan. 5	5	10
Black ducks		1	2
Maximum duck limits		5	10
Geese	Nov. 3–Dec. 8/Dec. 14–Jan. 16	3	6
Florida:			
Ducks	Nov. 22–Dec. 9/Dec. 20–Jan. 20	(1)	(1)
Geese	Closed		
Georgia:			
Ducks	Dec. 6–Jan. 19	5	10
Black ducks		1	2
Maximum duck limits		5	10
Geese	Closed		
Maine:			
Ducks (noon opening on Oct. 1)	Oct. 1–Oct. 13/Nov. 7–Dec. 8	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Oct. 3–Dec. 11	3	6
Maryland:			
Ducks	Nov. 9–Nov. 23/Dec. 21–Jan. 19	5	10
Black ducks		1	2
Maximum duck limits		5	10
Geese	Nov. 2–Nov. 23/Dec. 3–Jan. 19	3	6
Massachusetts:			
Coastal Zone:			
Ducks	Nov. 16–Dec. 25	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Dec. 8–Jan. 17	3	6
Inland Zone:			
Ducks	Oct. 20–Nov. 28	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Oct. 20–Nov. 17	3	6
New Hampshire:			
Ducks	Oct. 6–Oct. 27/Nov. 17–Dec. 9	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Oct. 6–Oct. 27/Nov. 17–Jan. 3	3	6
New Jersey:			
Ducks	Oct. 13–Oct. 20/Nov. 21–Jan. 1	(1)	(1)
Geese	Oct. 13–Dec. 21	3	6
New York:			
Long Island area:			
Ducks	Nov. 19–Jan. 2	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Nov. 19–Jan. 20	3	6
Lake Champlain area:			
Ducks	Oct. 6–Oct. 21/Nov. 3–Dec. 1	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Oct. 6–Dec. 14	3	6
Remainder of State:			
Ducks	Oct. 1–Nov. 4/Dec. 14–Dec. 23	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Oct. 1–Dec. 9	3	6

See footnotes end of table.

Check State regulations for additional restrictions and delineations of geographical areas within States.

	Bag	Possession
Flywaywide limits, except as noted:		
Wood ducks	2	4
Mergansers (except hooded)	5	10
Hooded mergansers	1	2
Maximum merganser limits	5	10
Coots	15	30
Geese	5	5

Shooting hours: One half-hour before sunrise to sunset daily, except that under the point system, the shooting hours for ducks are sunrise until sunset daily.

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits: Bag	Limits: Possession
Alabama:			
Ducks	Dec. 12-Jan. 20	5	10
Mallards		2	4
Maximum duck limits		5	10
Geese	Closed season		
In remainder of State	Nov. 12-Jan. 20		
In Russell and Barbour Counties		1	2
Canada geese		2	4
White-fronted geese		2	4
Canada and white-fronted combined		5	8
Maximum goose limits			
Arkansas:			
Ducks	Nov. 24-Dec. 8/Dec. 20-Jan. 19	4	8
Geese (except Canada geese)	Nov. 12-Jan. 20	2	5
White-fronted geese		2	5
Maximum goose limits		(1)	(1)
Illinois:			
Ducks [1]	Oct. 20-Dec. 3		
Geese:			
In Alexander, Jackson, Union and Williamson Counties	Nov. 19-Jan. 20		
In the remainder of the State	Oct. 20-Dec. 28		
For the entire State:			
Canada geese		2	4
White-fronted geese		2	4
Canada and white-fronted combined		2	4
Maximum goose limits		5	8
Indiana:			
Ducks	Nov. 3-Dec. 3/Dec. 22-Dec. 30	4	8
Geese	Oct. 20-Dec. 15/Jan. 8-Jan. 20	1	2
Canada geese		2	4
White-fronted geese		2	4
Canada and white-fronted combined		2	4
Maximum goose limits		5	8
Iowa:			
Ducks	Dec. 13-Jan. 20	(1)	(1)
Geese (except Canada geese)	Oct. 1-Dec. 9	1	2
Canada geese	Oct. 1-Nov. 9	2	4
White-fronted geese		3	5
Maximum goose limits			
Wisconsin	In the Mississippi River Zone, all that part of Wisconsin west of the CB&Q Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin, and Pierce Counties. Also, Dodge and Winnebago Counties and the water area and land area extending 100 yards from the shoreline of Lake Poygan, Waushara County, Lake Winnebago, Calumet and Fond du Lac County, and Rush Lake, Fond du Lac County.	5	10
		2	4
		5	10
		(1)	(1)
	Oct. 20-Dec. 3		
		2	4
		2	4
		2	4
		5	8
	Oct. 20-Dec. 28		
		4	8
		2	4
		4	8
	Dec. 12-Jan. 20	5	10
		2	4
		5	10
	Nov. 3-Dec. 8/Dec. 20-Jan. 19	4	8
		2	4
		4	8
	Nov. 3-Dec. 11	3	6
	Nov. 9-Nov. 23/Dec. 21-Jan. 19	5	10
		1	2
		5	10
	Nov. 2-Nov. 23/Dec. 3-Jan. 19	3	6
	Nov. 16-Dec. 25	4	8
		2	4
		4	8
	Dec. 8-Jan. 17	3	6
	Oct. 20-Nov. 28	4	8
		2	4
		4	8
	Oct. 20-Nov. 17	3	6
	Oct. 6-Oct. 27/Nov. 17-Dec. 9	4	8
		2	4
		4	8
	Oct. 6-Oct. 27/Nov. 17-Jan. 3	3	6
	Oct. 13-Oct. 20/Nov. 21-Jan. 1	(1)	(1)
	Oct. 13-Dec. 21	3	6
	Nov. 19-Jan. 2	4	8
		2	4
		4	8
	Nov. 19-Jan. 20	3	6
	Oct. 6-Oct. 21/Nov. 3-Dec. 1	4	8
		2	4
		4	8
	Oct. 6-Dec. 14	3	6
	Oct. 1-Nov. 4/Dec. 14-Dec. 23	4	8
		2	4
		4	8
	Oct. 1-Dec. 9	3	6

[1] Point system.

[2] In the Pennsylvania counties of Butler, Clarion, Crawford, Erie, Forest, Jefferson, Lawrence, Mercer, Venango, and Warren, on October 13, the shooting hours for ducks and geese are 9 a.m. to sunset.

MISSISSIPPI FLYWAY

Flywaycide restrictions.—In all States in the Mississippi Flyway, no more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be in possession. No more than 1 hooded merganser daily nor 2 in possession may be taken. In no State of the Flyway may the daily bag and possession limits include more than 2 white-fronted geese.

Except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession. Under the point system canvasbacks and redheads count 100 points each except in closed areas. The areas closed to canvasback and redhead hunting are:

		Season dates	Limits: Bag	Limits: Possession
Alabama	Baldwin and Mobile Counties.	Dec. 6-Jan. 19	5	10
Louisiana	Caddo, St. Charles, and St. Mary's Parishes.	Dec. 1-Jan. 19	5	10
Michigan	Bay, Muskegon, Huron, McComb, St. Clair, Tuscola, Wayne, and Monroe Counties.	Oct. 13-Oct. 20/Nov. 2-Dec. 8	4	8
		Oct. 13-Oct. 20/Nov. 2-Dec. 8	2	4
		Oct. 13-Oct. 20/Nov. 2-Dec. 8	4	8
		Oct. 13-Oct. 20/Nov. 2-Dec. 8	3	6
Minnesota	Itasca, Becker, Otter tail, Polk, Cass, Big Stone, Douglas, Grant, Kandiyohi, Lyon, Pope, Traverse, Nicollet, Wabasha, Wright, and Sibley Counties.	Oct. 18-Dec. 14	1	2
		Oct. 18-Dec. 14	2	4
		Oct. 6-Dec. 14	5	5
		Oct. 20-Oct. 22/Nov. 17-Dec. 28	4	8
		Oct. 20-Oct. 22/Nov. 17-Dec. 28	2	4
		Oct. 20-Oct. 22/Nov. 17-Dec. 28	3	6
Missouri	St. Charles County.	Nov. 21-Dec. 1/Dec. 17-Jan. 19	5	10
Ohio	Ottawa County.	Dec. 1-Jan. 19	5	10
Tennessee	Kentucky Lake lying north of Interstate Highway 40.	Oct. 6-Oct. 21/Nov. 3-Dec. 1	4	8
		Oct. 6-Dec. 14	2	4
		Oct. 6-Dec. 14	3	6
		Oct. 13-Dec. 21	4	8
		Oct. 13-Dec. 21	2	4
		Oct. 13-Dec. 21	3	6

See footnotes end of table.

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	Season dates	Limits: Bag	Limits: Possession
Ohio:			
In Pymatuning area:			
Ducks	Oct. 13-Oct. 20/Nov. 2-Dec. 8	(1)	(1)
Geese	Oct. 13-Dec. 14	3	6
In remainder of State:			
Ducks	Oct. 19-Nov. 24/Dec. 26-Jan. 2	(1)	(1)
Geese:	Oct. 19-Dec. 19/Dec. 26-Jan. 2		
Canada geese		1	2
White-fronted geese		2	4
Canada and white-fronted combined		2	4
Maximum goose limits		5	5
Tennessee:			
Ducks	Dec. 12-Jan. 20	4	8
Geese	Nov. 12-Jan. 20		
Canada geese:			
Shelby, Lake, Tipton, Dyer, Lauderdale, and Obion Counties.		2	2
Remainder of State		1	2
White-fronted geese		2	2
Canada and white-fronted combined:			
Shelby, Lake, Tipton, Dyer, Lauderdale, and Obion Counties.		4	4
Remainder of State		3	4
Wisconsin:			
Ducks	Oct. 1-Oct. 7/Oct. 13-Nov. 19	(1)	(1)
Geese:			
Horicon zone	Oct. 11-Oct. 28	1	2
Remainder of State	Oct. 1-Dec. 9		
Canada geese[2]		2	2
White-fronted geese		2	4
Canada and white-fronted combined			

[1] Notwithstanding the provisions of § 20.39, geese taken in the States of Illinois, Kentucky, and Missouri may not be transported or delivered for transportation by common carrier, the Postal Service, or by any person except as the personal baggage of the hunter who took the birds.

[2] In the States of Illinois and Missouri, should the Mississippi Valley Canada geese will be limited to 28,000 birds in each State. When it is determined by the Director, Bureau of Sport Fisheries and Wildlife, that the quota of Canada geese allotted to the State of Illinois or to the Swan Lake area of Missouri will have been killed, the season for taking Canada geese in the respective areas will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and day of closing.

[3] Shooting hours for geese are sunrise until 3 p.m.

[4] Point system.

	Season dates	Limits: Bag	Limits: Possession
Kentucky:			
Ducks	Dec. 12-Jan. 20	4	8
Geese[1]	Nov. 12-Jan. 20		
Canada geese:			
In Fulton, Hickman, Fulton and Carlisle Counties.		2	4
In remainder of State		1	2
White-fronted geese		2	4
Canada and white-fronted combined		4	5
In Fulton, Hickman, Fulton, and Carlisle Counties.		3	4
In remainder of State		5	5
Maximum goose limits			
Louisiana:			
Ducks	Nov. 10-Nov. 24/Dec. 22-Jan. 20	(4)	(4)
Geese (except Canada geese):			
In areas east of Mississippi River (31°-33° N. lat.)	Same as Mississippi		
In remainder of State	Nov. 10-Nov. 24/Dec. 22-Feb. 14	2	2
White-fronted geese		5	5
Maximum goose limits			
Canada geese	Closed season		
Michigan:			
Ducks	Oct. 10-Nov. 23	(4)	(4)
Geese:			
Zones 1 and 2	Oct. 1-Nov. 30	1	2
Zone 3	Oct. 10-Nov. 30	2	3
Canada geese		1	2
White-fronted geese		2	3
Canada and white-fronted combined			
Maximum goose limits			
Minnesota:			
Ducks	Oct. 1-Oct. 10/Oct. 20-Nov. 18	4	8
Canvasbacks	Closed season		
Redheads	do		
Geese: Southeastern Zone: Canada, snow, and blue	Oct. 1-Dec. 9		
In remainder of State: snow and blue	Oct. 1-Nov. 18		
Canada	Oct. 1-Oct. 21		
In both areas:			
Canada geese		1	2
White-fronted geese		2	5
Canada and white-fronted combined		2	5
Maximum goose limits			
Mississippi:			
Ducks	Dec. 8-Dec. 10/Dec. 15-Jan. 20	4	8
Geese:			
In areas west of Mississippi River (31°-33° N. lat.)	Same as Louisiana		
In remainder of State	Oct. 6-Nov. 7/Dec. 15-Jan. 20		
Canada geese:			
In Issaquena, Sharkey and Washington Counties.	Closed season		
In Lafayette, Marshall, and Panola Counties.		1	2
In remainder of State		2	2
White-fronted geese		2	2
Canada and white-fronted combined		3	4
In Lafayette, Marshall, and Panola Counties.		4	4
Remainder of State		5	5
Maximum goose limits			
Missouri:			
Ducks	Nov. 1-Dec. 15	(4)	(4)
Geese[1]	Nov. 1-Jan. 9		
Canada geese:			
Southeast Area, east of Interstate Highway 55 and south of Crystal City.	Dec. 1-Jan. 20	2	2
In remainder of State	Nov. 1-Jan. 9	1	2
In remainder of State	Nov. 1-Dec. 10	2	2
White-fronted geese		2	4
Canada and white-fronted combined		5	5
Maximum goose limits			

	Season dates	Limits: Bag	Limits: Possession
North Dakota	All that portion east of State Highway 3, including all or portions of 27 counties.		
South Dakota	The counties of Brookings, Codington, Day, Kingsbury, Lake, Roberts, Marshall, and Hamlin Counties.		
Texas	The counties of Aransas, Brazoria, Calhoun, Cameron, Chambers, Galveston, Harris, Jackson, Jefferson, Kenedy, Kleberg, Matagorda, Nueces, Refugio, San Patricio, and Willacy.		

Check State regulations for additional restrictions and delineations of geographical areas within States.

CENTRAL FLYWAY

Including Central Flyway portions only of Colorado, Montana, New Mexico, and Wyoming.

Flywaywide restrictions.—In all States in the Central Flyway, no more than 2 wood ducks and 2 hen mallards may be taken daily nor more than 4 wood ducks and 4 hen mallards may be in possession. No more than 1 hooded merganser daily nor 2 in possession may be taken. In no State of the Flyway may daily bag and possession limits include more than 2 white-fronted geese or more than 1 Ross' goose.

Except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession. Under the point system canvasbacks and redheads count 100 points each except in closed areas. The areas closed to canvasback and redhead hunting are:

	Bag	Possession
Flywaywide limits, except as noted:		
Wood ducks	2	4
Hen mallards	2	4
Mergansers (except hooded)	5	10
Hooded mergansers	1	2
Maximum merganser limits	5	10
Coots	15	30
Geese, Ross'	1	1

Shooting hours: One-half hour before sunrise to sunset daily.

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits: Bag	Limits: Possession
Colorado:			
Ducks	Sept. 29-Oct. 9/Nov. 10-Jan. 13	(1)	(1)
Geese	Oct. 27-Jan. 20	2	4
Kansas:			
Ducks:			
In High Plains area	Oct. 6-Oct. 21/Nov. 10-Jan. 8	(1)	(1)
In remainder of State	Oct. 6-Oct. 21/Nov. 10-Dec. 23	(1)	(1)
Geese:			
Snow and blue	Oct. 6-Oct. 21/Nov. 3-Dec. 28	5	5
Canada	Oct. 6-Oct. 21/Nov. 3-Dec. 16	1	2
White-fronted	do	1	1
Canada and white-fronted combined		2	2
Maximum goose limits		5	5
Montana:			
Ducks	Sept. 29-Nov. 27/Dec. 15-Dec. 30	(1)	(1)
Geese	Sept. 29-Dec. 30	2	4
Nebraska:			
Ducks:			
In High Plains area	Oct. 6-Dec. 4/Dec. 22-Jan. 6	(1)	(1)
In remainder of State	Oct. 6-Dec. 4	(1)	(1)
Geese	Sept. 29-Dec. 9		
West of Highway 183, through Nov. 25:			
Canada geese		2	2
White-fronted geese		1	1
Canada and white-fronted combined		2	2
East of Highway 183 and west of Highway 183 after Nov. 25:			
Canada geese		1	2
White-fronted geese		1	1
Canada and white-fronted combined		2	2
Maximum goose limits statewide		5	5
New Mexico:			
Ducks (except Mexican)	Nov. 6-Jan. 20	(1)	(1)
Mexican ducks	Season closed		
Geese:			
In Bernalillo, Sandoval, Sierra, Socorro, and Valencia Counties.	Dec. 29-Jan. 13	1	2
In remainder of State	Nov. 6-Jan. 20	2	4
North Dakota:			
Ducks	Sept. 29-Nov. 18	5	10
Geese	do		
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	2
Maximum goose limits		5	5
Oklahoma:			
Ducks:			
In High Plains area	Oct. 20-Nov. 18/Dec. 8-Jan. 22	(1)	(1)
In remainder of State	Oct. 27-Nov. 18/Dec. 8-Jan. 13	(1)	(1)
Geese:			
In Alfalfa, Bryan, Johnson, and Marshall Counties.	Oct. 27-Nov. 11/Nov. 30-Jan. 3		
In remainder of State	Oct. 8-Nov. 11/Nov. 30-Jan. 5		
Canada geese		2	2
White-fronted geese		1	1
Canada and white-fronted combined		2	2
Maximum goose limits		5	5
South Dakota:			
Ducks:			
In High Plains area	Oct. 6-Dec. 4/Dec. 16-Dec. 31	(1)	(1)
In remainder of State	Oct. 6-Dec. 4	(1)	(1)
Geese	Oct. 6-Dec. 2		
Canada geese		1	2
White-fronted geese		1	1
Canada and white-fronted combined		2	2
Maximum goose limits		5	5
Texas:			
Ducks (except Mexican):			
In High Plains area	Oct. 25-Nov. 25/Dec. 8-Jan. 20	(1)	(1)
In remainder of State	Nov. 10-Nov. 25/Dec. 8-Jan. 20	(1)	(1)
Mexican ducks (statewide)	Closed season		
Geese	Oct. 29-Nov. 25/Dec. 8-Jan. 20		
East of Highway 81:			
Canada geese		1	2
White-fronted geese		1	1
Canada and white-fronted combined		1	2
West of Highway 81:			
Canada geese		2	2
White-fronted geese		1	1
Canada and white-fronted combined		2	2
Maximum goose limits statewide		5	5
Wyoming:			
Ducks	Oct. 6-Nov. 4/Nov. 22-Jan. 6	(1)	(1)
Geese	Oct. 13-Jan. 13	2	4

[1] Point system.

(f) *Pacific Flyway.*—including Pacific Flyway portions only of Colorado, Montana, New Mexico, and Wyoming.

Flywaywide restrictions.—In all States in the Pacific Flyway, no more than 1 hooded merganser daily nor 2 in possession may be taken. No more than 1 Ross' goose daily and 1 in possession may be taken, and no more than 3 geese of the dark species may be included in the daily bag.

Except in closed areas, the limit on canvasbacks is 1 canvasback daily and 1 in possession. The areas closed to canvasback hunting are:

California — San Francisco Bay—Suisun area—beginning at the Golden Gate Bridge, north on U.S. Highway 101 to State Highway 37; then east on State Highway 37 to U.S. Highway 80; then north on U.S. Highway 80 to State Highway 12 at Fairfield; then east on State Highway 12 to Rio Vista at State Highway 84 (160); then south on State Highway 84 (160) to State Highway 4; then west on State Highway 4 to U.S. Highway 80; then south on U.S. Highway 80 to State Highway 17; then south on State Highway 17 to U.S. Highway 101 at San Jose; then north on U.S. Highway 101 to point of beginning. Salton Sea—entire water area of Salton Sea.

Nevada — Churchill County.

Oregon — Lincoln and Harney Counties.

Washington — Grays Harbor and Pacific Counties.

Check State regulations for additional restrictions and delineations of geographical areas within States.

	Bag	Possession
Flywaywide limits, except as noted:		
Mergansers (except hooded)	5	10
Hooded mergansers	1	2
Maximum merganser limits	5	10
Coots and/or gallinules, singly or in the aggregate of both species	25	25
Geese:		
Dark species	3	6
Ross' geese	1	1

Shooting hours: One-half hour before sunrise to sunset daily, except extended ½ hour after sunset in Columbia Basin areas.

The season dates for mergansers, coots, and gallinules are the same as those for ducks in the following tables:

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New Mexico:			
Northern Highway 66:			
Ducks (except Mexican)	Oct. 20-Jan. 20	5	10
Mexican ducks	Closed season.		
Geese	do		
Canada geese	do		
Southern Highway 66:			
Ducks (except Mexican)	Oct. 20-Jan. 20	5	10
Mexican ducks	Closed season.		
Geese	Nov. 3-Jan. 6	6	6
Canada geese	do	2	2
Maximum goose limits	do	2	6
California:			
Tulelake area:			
Ducks	Oct. 13-Jan. 13	5	10
Geese	do	6	6
Colorado River area:			
Ducks	Oct. 1-Oct. 28/Nov. 17-Jan. 20	5	10
Geese	Nov. 17-Jan. 6	5	6
Canada geese	do	2	2
Maximum goose limits	do	2	6
District 22:			
Ducks	Oct. 13-Nov. 23/Dec. 1-Jan. 20	6	12
Geese	do	6	6
Canada geese	Oct. 27-Nov. 23/Dec. 1-Jan. 6	1	1
Maximum goose limits	do	6	6
South of Tehachapi area:			
Ducks	Oct. 13-Nov. 23/Dec. 1-Jan. 20	6	12
Geese	do	6	6
Canada geese	Oct. 27-Nov. 23/Dec. 1-Jan. 6	2	2
Maximum goose limits	do	6	6
Remainder of State:			
Ducks	Oct. 29-Jan. 20	6	12
Geese	do	6	6
Canada geese	January 19-Feb. 20	4	4
Maximum goose limits	do	6	6
Grand (statewide):			
Ducks	Sept. 29-Oct. 12/Nov. 3-Jan. 20	5	10
Geese	Oct. 13-Dec. 16	2	2
Canada	do	2	2
Maximum goose limits	do	2	6
Idaho:			
Ducks:			
Columbia Basin	Oct. 6-Jan. 13	6	12
Remainder of State	Oct. 6-Jan. 6	6	6
Geese:			
East of Highway 93	do	3	6
Canada geese	Oct. 13-Dec. 9	2	2
Maximum goose limits	do	3	6
10 north counties	Oct. 6-Jan. 6	3	6
Remainder west of Highway 93	do	2	2
Canada geese	Oct. 13-Dec. 30	2	6
Maximum goose limits	do	3	6
Montana:			
East of Continental Divide:			
Ducks	Oct. 6-Jan. 6	5	10
Geese	Oct. 6-Dec. 9	2	2
Canada geese	do	2	6
Maximum goose limits	do	2	6
West of Continental Divide:			
Ducks	Oct. 6-Jan. 6	5	10
Geese	Oct. 6-Dec. 30	2	2
Canada geese	do	2	6
Maximum goose limits	do	2	6
Nevada:			
Clark and Lincoln Counties:			
Ducks	Oct. 6-Oct. 28/Nov. 17-Jan. 20	5	10
Geese	Nov. 17-Jan. 6	2	2
Canada geese	do	2	6
Maximum goose limits	do	2	6
Remainder of State:			
Ducks	Oct. 6-Jan. 6	5	10
Geese	Oct. 20-Jan. 20	2	6

(g) *Point system—ducks, mergansers, and coots.*—The States listed in this paragraph have selected the point system bag limits on designated species on a statewide basis in place of the conventional bag limits.

(1) The point values for the species and sexes taken are as follows:

ATLANTIC FLYWAY

100 points	70 points	10 points	25 points
Fulvous tree duck (Florida only).	Hen mallard, black duck, mottled duck, wood duck, hooded merganser.	Blue-winged teal, scaup, sea ducks, widgeon, mergansers (exc. hooded).	All other sexes and species of ducks except canvasbacks and redheads.

MISSISSIPPI FLYWAY

100 points	90 points	15 points	25 points
Canvasback and redhead, except where closed.	Hen mallard, wood duck, hooded merganser, black duck in Michigan only.	Blue-winged teal, green-winged teal, scaup, sea ducks, widgeon, shovelers, gadwalls, mergansers (except hooded).	All other sexes and species of ducks.

CENTRAL FLYWAY

100 points	70 points	10 points	20 points
Canvasback and redhead, except where closed.	Hen mallard, wood duck, hooded merganser.	Blue-winged teal, cinnamon teal, widgeon, scaup, merganser (except hooded).	All other sexes and species of ducks (season is closed on Mexican ducks in Texas and New Mexico).

Pacific Flyway: There is no point system in the Pacific Flyway.

Coots have no point value but conventional bag limits of 15 daily and 30 in possession apply.

(2) The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have legally been taken in 2 days. Shooting hours are one-half hour before sunrise until sunset daily in the Atlantic and Central Flyways and sunrise until sunset daily in the Mississippi Flyway.

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Atlantic Flyway

Florida	Nov. 22–Jan. 10.
New Jersey	Oct. 13–Oct. 20/ Nov. 21–Jan. 1.
Virginia	Nov. 24–Jan. 12.

Seasons in the Mississippi Flyway

Illinois	Oct. 20–Dec. 3.
Iowa	Dec. 12–Jan. 20.
Louisiana	Nov. 10–Nov. 24/ Dec. 22–Jan. 20.
Michigan	Oct. 10–Nov. 23.
Missouri	Nov. 1–Dec. 15.
Ohio:	
Pymatuning area	Oct. 13–Oct. 20/ Nov. 2–Dec. 8.
Remainder of State	Oct. 19–Nov. 24/ Dec. 26–Jan. 2.
Wisconsin	Oct. 1–Oct. 7/ Oct. 13–Nov. 19.

Seasons in the Central Flyway

Colorado[1]	Sept. 29–Oct. 9/ Nov. 10–Jan. 13.
Kansas:	
High Plains area	Oct. 6–Oct. 21/ Nov. 10–Jan. 8.
Remainder of State	Oct. 6–Oct. 21/ Nov. 10–Dec. 23.
Montana	Sept. 29–Nov. 27/ Dec. 15–Dec. 30.
Nebraska:	
High Plains area	Oct. 6–Dec. 4/ Dec. 22–Jan. 6.
Remainder of State	Oct. 6–Dec. 4.
New Mexico[1]	Nov. 6–Jan. 20.
Oklahoma:	
High Plains area	Oct. 20–Nov. 18/ Dec. 8–Jan. 22.
Remainder of State	Oct. 27–Nov. 18/ Dec. 8–Jan. 13.
South Dakota:	
High Plains area	Oct. 6–Dec. 4/ Dec. 16–Dec. 31.
Remainder of State	Oct. 6–Dec. 4.
Texas:	
High Plains area	Oct. 25–Nov. 25/Dec. 8–Jan. 20
Remainder of State	Nov. 10–Nov. 25/Dec. 8–Jan. 20
Wyoming[1]	Oct. 6–Nov. 4/Nov. 22–Jan. 6

Seasons in the Pacific Flyway

None.

(h) *Scaup only season.*—A special open hunting season for scaup only is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the respective States.

Daily bag limit	5
Possession limit	10

Shooting hours: One-half hour before sunrise until sunset.

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Atlantic Flyway

Connecticut	Jan. 11–Jan. 26.
Florida	Jan. 12—Jan. 27
Massachusetts	Dec. 26–Jan. 10.
New Hampshire	Dec. 15–Dec. 30.
New Jersey	Nov. 5–Nov. 20.
Rhode Island	Dec. 29–Jan. 13.

Seasons in the Mississippi Flyway

Michigan	Nov. 24–Dec. 9.
Ohio	Nov. 27–Dec. 12.
Wisconsin	Nov. 20–Dec. 5.

(i) *Extra teal during regular season.*—An open hunting season for teal ducks (blue-winged only) is prescribed according to the following table. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

Daily bag limit	2
Possession limit	4

Shooting hours: One-half hour before sunrise until sunset.

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Atlantic Flyway

Connecticut	Oct. 20–Oct. 27.
Delaware	Nov. 3–Nov. 10.
Maine (noon opening on Oct. 1)	Oct. 1–Oct. 9.
Maryland	Nov. 9–Nov. 17.
New Hampshire	Oct. 6–Oct. 14.
New York:	
Lake Chaplain area	Oct. 6–Oct. 14.
Long Island area	Closed.
Remainder of State	Oct. 1–Oct. 9.
North Carolina	Dec. 6–Dec. 14.
Rhode Island	Oct. 20–Oct. 22.
South Carolina	Jan. 11–Jan. 19.
Vermont	Oct. 6–Oct. 14.
West Virginia	Oct. 13–Oct. 20.

Seasons in the Mississippi Flyway

Kentucky	Dec. 12–Dec. 20.

Seasons in the Central Flyway

North Dakota	Sept. 29–Oct. 7.

Seasons in the Pacific Flyway

None.

(j) *Extra scaup during regular season.*—The following States may take an extra bag limit on scaup of two daily and four in possession during the regular duck hunting season. This extra limit is in addition to the regular duck bag limits and unless otherwise specified, it may be taken during the entire regular duck season.

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Atlantic Flyway

Delaware	Nov. 3–Nov. 24/Dec. 14–Jan. 5.
Georgia	Dec. 6–Jan. 19
Maine (noon opening Oct. 1)	Oct. 1–Oct. 13/Nov. 7–Dec. 8.
Maryland	Nov. 9–Nov. 23/Dec. 21–Jan. 19.
New York:	
Lake Champlain Area	Nov. 3–Dec. 1.
Long Island Area	Jan. 12–Jan. 27.
Remainder of State	Oct. 1–Nov. 4/Dec. 14–Dec. 23.
North Carolina	Dec. 6–Jan. 19.
Pennsylvania	Oct. 13–Oct. 20/Nov. 2–Dec. 8.
South Carolina	Nov. 21–Dec. 1/Dec. 17–Jan. 19.
Vermont	Nov. 3–Dec. 1.
West Virginia	Oct. 13–Oct. 20/Dec. 14–Jan. 19.

Seasons in the Mississippi Flyway

Alabama	Dec. 12–Jan. 20.
Arkansas	Nov. 24–Dec. 8/Dec. 26–Jan. 19.
Kentucky	Dec. 12–Jan. 20.
Mississippi	Dec. 8–Dec. 10/Dec. 15–Jan. 20.

Section 20.106 is amended as follows:

§ 20.106 Seasons, limits, and shooting hours for little brown cranes.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking little brown cranes with a daily bag limit of three and a possession limit of six, and with shooting hours from one-half hour before sunrise until sunset, in the following areas for the dates indicated:

(a) In the Central Flyway portion of Colorado, except in the San Luis Valley area, season dates are October 1 through November 5, 1973.

(b) In the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay,

[1] Central Flyway portion of State only.

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and Roosevelt, and in that portion of the State of Texas lying west of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 and including all of Howard and Lynn Counties to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio, season dates are October 27, 1973, through January 27, 1974.

(c) In that portion of Oklahoma lying west of U.S. Highway 81, and in that portion of Texas lying east of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and lying west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border, season dates are December 1, 1973, through January 27, 1974.

(d) In the North Dakota counties of Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh, and in part of South Dakota described as follows: from the North Dakota border, south on U.S. Highway 83 to U.S. Highway 212, west on U.S. Highway 212 to the Promise Road, north on the Promise Road to State Highway 20, north on State Highway 20 to U.S. Highway 12, northwest on U.S. Highway 12 to State Highway 63, north on State Highway 63 to the North Dakota border, the season dates are November 10 through December 9, 1973.

(e) In Phillips County, Montana, the season dates are September 29 through November 4, 1973.

(f) In Platte and Goshen Counties, Wyoming, the season dates are October 13 through November 11, 1973.

Section 20.107 is amended as follows.

§ 20.107 Seasons, limits, and shooting hours for whistling swans.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking a limited number of whistling swans in the tSates of Montana, Nevada, and Utah, subject to the following conditions:

(a) The season must run concurrently with the season for ducks.

(b) In Montana, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the County of Teton.

(c) In Nevada, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the county of Churchill.

(d) In Utah, no more than 2,500 permits may be issued authorizing each permittee to take one whistling swan.

(e) Permit forms and correspondingly numbered metal locking seals furnished by the Bureau must be issued by the appropriate Department of Game and Fish on an equitable basis without charge. Each person must have been issued, and carry on his person while hunting, a properly validated 1973–74 whistling swan permit. When a whistling swan has been killed by a hunter and reduced to possession, the hunter must immediately attach and lock the metal seal and the proper portion of his numbered permit around the right wing of the swan close to its body.

Effective September 29, 1973.

(40 Stat 744 (16 U.S.C. 703 et seq.))

CHARLES M. LOVELESS,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 24, 1973.

[FR Doc.73-18361 Filed 8-30-73;8:45 am]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on August 13, 1973.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, and coots on the Kirwin National Wildlife Refuge, Kansas, is permitted as follows: Ducks and coots, from October 6, through October 21, 1973, inclusive, and from November 10, through December 23, 1973, inclusive; geese, from October 6, through October 21, 1973, inclusive, and from November 3, through December 28, 1973, inclusive, but only Snow and Blue geese may continue to be hunted on a statewide basis December 17, through December 28, 1973, inclusive; only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West 6th Ave., Denver, Colorado 80215. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special condition:

(1) Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 28, 1973.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kansas.

AUGUST 21, 1973.

[FR Doc.73-18518 Filed 8-30-73;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge; Delaware

The following special regulation is issued and is effective during the period September 20, 1973 through January 31, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Bombay Hook National Wildlife Refuge, Delaware, is permitted on areas designated by signs as open to hunting including the South Public Hunting Area, the West Public Hunting Area, the Youth Hunt Area, and the Upland Game Hunting Area. These open areas are delineated on maps available at the refuge headquarters, Smyrna, Delaware, or from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Hunting is permitted on the West Public Hunting Area from one-half hour before sunrise to 12 noon local standard time, Tuesdays, Thursdays, and Saturdays during the goose season.

(2) Hunting in the South, West, and Youth Hunt Public Hunting Areas shall be from existing numbered blinds. The possession of a loaded gun or shooting while outside of a blind is prohibited on these areas.

(3) No person shall have in his possession or use in one day more than 10 shells on the West Public Hunting Area.

(4) Hunting is permitted in the South Public Hunting Area during the State duck season.

(5) The necessary permit to enter the South Public Hunting Area may be obtained from one hour before shooting time until 3:00 p.m. local standard time at the checking station located at Port Mahon. The necessary permit to enter the West Public Hunting Area may be obtained by applying to the Refuge Manager for advance reservation. The permits for advance reservations will be canceled if the holder is not present one hour prior to the start of legal shooting time on the date of his reservation. These forfeited permits and permits not reserved by advance reservation will be awarded to other hunters by lot on the morning of the hunt. All hunters will check out through the headquarters checking station prior to leaving the refuge.

(6) Each hunting permitee using the West Public Hunting Area will pay a blind fee of $5.00 on the day of the hunt. A User Fee of $1.00 per hunter will be charged on the South Public Hunting Area.

(7) Not more than four persons may occupy a blind at any one time on the West Public Hunting Area nor more than three on the South Public Hunting Area.

(8) The Youth Hunt Area will be open on Saturdays and holidays to young hunters who present evidence of having completed the prescribed training program. Two youths, accompanied by an instructor who may not discharge a firearm, may use one blind.

(9) On designated days on the South and West Public Hunting Areas, migratory waterfowl will be hunted with 12-gauge shotguns using iron shot. Ammunition will be provided by the refuge at a charge of $0.16 per round.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1974.

WILLARD M. SPAULDING Jr.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1973.

[FR Doc.73-18494 Filed 8-30-73;8:45 am]

PART 32—HUNTING

Erie National Wildlife Refuge; Pennsylvania

The following special regulation is issued and is effective during the period September 1, 1973 through March 15, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of hares, rabbits, woodchucks, raccoons, squirrels, grouse, quail, pheasants, skunks, opossums, and foxes is permitted on portions of the Erie National Wildlife Refuge, Pennsylvania. Copies of a map delineating the open hunting areas are available at refuge headquarters, Guys Mills, Pennsylvania, or from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State regulations governing hunting of small game, furbearers, and foxes during the period September 1, 1973 through March 15, 1974, subject to the following special condition:

(1) That portion of the refuge situated between Pennsylvania Routes 27 and 173 is closed to hunting with firearms from September 1, 1973 through November 25, 1973.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 15, 1974.

WILLARD M. SPAULDING Jr.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1973.

[FR Doc.73-18496 Filed 8-30-73;8:45 am]

PART 32—HUNTING

National Elk Refuge; Wyoming

The following special regulation is issued and is effective August 31, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

NATIONAL ELK REFUGE

Public hunting of elk on the National Elk Refuge, Wyoming, is permitted from October 27 through November 9, 1973, only on the area designated by signs as open to hunting. This open area, comprising 18,247 acres is delineated on maps available at refuge headquarters, Jackson, Wyoming, and from the Area Manager, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Billings, Montana 59102. Hunting shall be in accordance with all applicable State regulations covering the hunting of elk subject to the following special conditions:

(1) A special permit is required in addition to a valid 1973 State Elk Hunting license. Forty special permits shall be issued to applicants by drawing at refuge headquarters at 12:30 p.m. on Friday, October 26, 1973 and every Friday thereafter through November 2, 1973. These permits are good for the Saturday through Monday period following each Friday drawing. Forty special permits shall be issued by drawing at refuge headquarters at 12:30 p.m. on Monday, October 29, 1973, and every Monday thereafter through November 5, 1973. These permits are good for the Tuesday through Friday period following each Monday drawing.

(2) Access to the refuge shall be only through the main gate east of refuge headquarters in Jackson.

(3) Motorized vehicle travel in the hunting area is restricted to the roads designated by appropriate signs and delineated on maps available at refuge headquarters. This is interpreted to mean that motor vehicles may not leave designated roadways for the purpose of loading or picking up a kill.

(4) Persons without permits may accompany special permit holders in the same vehicle but only permit holders are allowed to possess a firearm.

(5) Persons successful in drawing a permit may not draw again in succeeding drawings.

(6) Permits will be revoked in the event of a violation of refuge regulations and violations can result in denial of future privileges as per the Code of Federal Regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 9, 1973.

DON E. REDFEARN,
Refuge Manager, National Elk Refuge, Jackson, Wyoming.

AUGUST 14, 1973.

[FR Doc.73-18497 Filed 8-30-73;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge; Delaware

The following special regulation is issued and is effective during the period September 1, 1973 through January 31, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer on Prime Hook National Wildlife Refuge, Delaware, is permitted within the regularly established 1973–74 hunting season of the State of Delaware. This open deer hunting area, comprising approximately 6,100 acres, is delineated on a map available at the refuge headquarters, Rural Delivery No. 1, Box 195, Milton, Delaware 19968, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Archery hunters must show proof of completion of a weapons qualification test. This test will consist of placing 2 out of 5 arrows in the 9- x 14-inch chest area of a standard-size deer target at 25 yards.

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(2) Primitive weapons hunters must show proof of completion of a weapons qualification test. This test will consist of placing 3 consecutive rounds in a 12-inch circle at 50 yards, firing from the offhand position. The type of weapon used for the qualification test must be the same type that is to be used for the hunt—percussion or flintlock.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1974.

WILLARD M. SPAULDING, Jr.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1973.

[FR Doc.73-18495 Filed 8-30-73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1129]

MILK IN THE AUSTIN-WACO, TEXAS, MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agriculture Marketing Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Austin-Waco marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, on or before September 7, 1973. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

In § 1129.20, which defines a "fluid milk product", the language "cultured sour cream."

The proposed action would result in sour cream being classified as a Class II product rather than as a Class I product.

The suspension was requested by the only two pool plant operators regulated under the Austin-Waco order. Handlers in the North Texas and San Antonio Federal order markets, where sour cream is a Class II product, account for a substantial amount of the total sour cream sales in the Austin-Waco marketing area. The Austin-Waco handlers contend that the lower classification of sour cream under these other orders places them at a competitive disadvantage on their own sour cream sales. The proposed suspension, it is claimed, would eliminate this disadvantage.

Signed at Washington, D.C., on August 27, 1973.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.73-18561 Filed 8-30-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 317]

LABELING POLICY FOR CURED PRODUCTS

Correction to Proposed Changes in Interpretation

The notice published in the FEDERAL REGISTER of August 10, 1973, (38 FR 21648, FR Doc. 73-16506) concerning declaration of curing ingredients on the labels of certain products contains an error. In the text proposed for § 317.17, the citation "§ 312.2(j)" should read "§ 317.2(j)".

Done at Washington, D.C., on August 27, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-18517 Filed 8-30-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGD 73-137 PH]

MARKING OF PACKAGES

Notice of Proposed Rulemaking

The Coast Guard is considering amending the dangerous cargo regulations to require the marking of packages containing redioactive materials with the proper shipping name and to prescribe markings for portable tanks.

Written comments. Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council, U.S. Coast Guard Headquarters (GCMC/82), Room 8234, 400 Seventh Street SW. Washington, D.C. 20590. (Telephone 202-426-1477). Each person submitting comments should include his name and address, identify the notice (CGD 73-137 PH), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. Copies will be furnished upon payment of fees prescribed in 49 CFR 7.81.

Public hearing. The Coast Guard will hold a hearing on September 25, 1973, at 0930 a.m. in Conference Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to attend the hearing notify the Executive Secretary at least ten days in advance of the time needed for his presentation. Written summaries or copies of oral presentations are encouraged.

Closing date for comments.—All communications received before October 5, 1973 will be evaluated before final action is taken on this proposal. The proposal regulations may be changed in the light of comments received.

By a separate document published at page 15512 of the July 27, 1973, issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation amended Title 49, Code of Federal Regulations. For reasons fully stated in that document the Board has made these changes.

The hazardous materials regulations of the Department of Transportation in Title 49 apply to shippers by water, air, and land, and to carriers by air and land. The adoption of this proposed amendment to Title 46 would make the proposal of the Hazardous Materials Regulations Board applicable to carriers by water.

The Coast Guard proposes to incorporate the substance of the Board's proposal in 46 CFR Part 146.

In consideration of the foregoing, it is proposed to amend Part 146 of Title 46 of the Code of Federal Regulations by:

1. Adding to § 146.05-15(a) after the words "poisonous articles" the words "radioactive materials".

2. Revising § 146.05-15(e)(1) to read as follows:

(1) Packages containing hazardous materials other than explosives must be marked, unless exempted, with the proper shipping name as shown in the commodity list of the regulations in this part. For tank cars, this marking must appear either on the placards or commodity cards. For other than domestic shipments, where the proper shipping name of a commodity is an "N.O.S." entry in the particular table, this marking shall be qualified by the chemical name of the commodity in parentheses e.g. "Corrosive liquid, N.O.S. (caprylyl chloride)".

(i) Each portable tank used for the transportation of a hazardous material must be conspicuously and legibily marked, on a background of sharply contrasting color with a sign or lettering on the tank, such as "Corrosive Liquid", "Compressed Gas", or "Flammable Compressed Gas" as appropriate, and with the proper shipping name as shown in the list of hazardous materials. The height of all required lettering must be at least 2 inches or one-tenth the diameter of the tank, whichever is greater. Each portable tank must be marked with

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the owner's name. In addition to these markings, the trade name for the contents may be marked on the portable tank: *Provided, however,* That no such marking will be of such size and character as to render the required markings inconspicuous.

(R.S. 4472, as amended, R.S. 4417a, as amended; Sec. 1, 19 Stat. 252, 49 Stat. 1889, sec. 6(b)(1), 80 Stat. 937 (46 U.S.C. 170, 49 U.S.C. 1655(b)(1)) 49 CFR 1.46(b))

Dated: August 27, 1973.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.73-18530 Filed 8-30-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-EA-54]

AREA LOW ROUTES

Proposed Designation; Withdrawal

On April 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 FR 8161) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate six area low navigation routes to be used between airports in the Washington, D.C., New York, N.Y., and Boston, Mass., areas.

Subsequent to the publication of the notice, a task force consisting of FAA and industry personnel issued a comprehensive report on the Application of Area Navigation in the National Airspace System. Since future policy governing application of area navigation will be determined after completion of certain research and development efforts called for in the report, it is deemed prudent to withdraw the notice of proposed rulemaking at this time. After completion of these research and development efforts, a decision will be made concerning issuance of any future notice of proposed rulemaking for the designation of area low navigation routes.

The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

In consideration of the foregong, notice is hereby given that the proposal contained in Airspace Docket No. 71-EA-54 (36 FR 8161) is withdrawn.

This withdrawal of the notice of proposed rulemaking is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 23, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-18506 Filed 8-30-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-WE-13]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Nut Tree Airport, Vacaville, California.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Blvd., P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Blvd., Hawthorne, California 90260.

A new instrument approach procedure has been developed for Nut Tree Airport utilizing the 259° T (242° M) radial of the Sacramento VORTAC. The proposed 700-foot transition area is required to provide controlled airspace protection for aircraft executing the new procedure while operating between 1,500 and 700 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (38 FR 435) the following transition area is added:

VACAVILLE, CALIFORNIA

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Nut Tree Airport, California (latitude 33°22'18" N., longitude 121°57'33" W.) and within 2.5 miles each side of the Sacramento VORTAC 259° radial, extending from the 3-mile radius area to 13 miles W. of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on August 21, 1973.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.73-18507 Filed 8-30-73;8:45 am]

Office of the Secretary

[41 CFR Ch. 12]

DETERMINATION OF RIGHTS TO INVENTIONS

Notice of Proposed Rule Making

The Department of Transportation is developing regulations to govern the allocation of rights to inventions made under DOT contracts containing either the Patent Rights (Title) clause or the Patent Rights (Deferred) clause prescribed by §§ 12-9.6102 and 12-9.6104 of the DOT procurement regulations.

The proposed regulation is consistent with the policies of the Presidential Memorandum and Statement of Government Patent Policy issued August 23, 1971 (36 FR 16887-16972) which provide guidance to government agencies regarding the disposition of rights to inventions made under government contracts.

Interested parties are invited to participate in the development of the regulations by submitting such written data, views, or arguments as they may desire. Communications should be submitted, preferably in triplicate, to the Department of Transportation, Office of Installations and Logistics, TAD-60, Washington, D.C. 20590. Communications received by October 17, 1973, will be considered prior to adoption of the final regulations. A copy of each communication will be available for public inspection in the Office of Installations and Logistics, Room 9100, 400 Seventh Street, SW, Washington, D.C.

The proposed regulation is to be issued under the authority of section 205(c) of the Federal Property and Administrative Services Act of 1949.

In consideration of the foregoing, the Department proposes to amend Chapter 12 of Title 41 of the Code of Federal Regulations by adding a new Subpart 12-9.64 as set forth below.

Issued in Washington, D.C., on August 17, 1973.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

Subpart 12-9.64—Determination of Rights to Inventions

Sec.
12-9.6400 Scope of subpart.
12-9.6401 Definitions and terms.
12-9.6402 Policy.
12-9.6403 Advance waivers.
12-9.6404 Waiver after reporting inventions.
12-9.6405 Waiver of foreign rights.
12-9.6406 Reservations.
12-9.6407 License to contractor.
12-9.6408 Voidability of waivers.
12-9.6409 Content of petitions.
12-9.6410 Submission of petitions.
12-9.6411 Notice of proposed Board action and reconsideration.
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12-9.6413 Findings and recommendations of the Board.
12-9.6414 Action by the Secretary.
12-9.6415 Filing of patent applications.
12-9.6416 Publication.

AUTHORITY: Sec. 205(c), Federal Property and Administrative Services Act of 1949.

Subpart 12-9.64—Determination of Rights to Inventions

§ 12-9.6400 Scope of subpart.

(a) This subpart sets forth policies and procedures for the granting of waivers of rights to inventions made in the course of or under DOT contracts which contain the Patent Rights (Title) clause or the Patent Rights (Deferred) clause.

(b) It does not apply to contracts subject to section 106(c) of the National Traffic and Motor Vehicle Safety Act of 1966, 80 Stat. 721 (15 U.S.C. 1395(c)).

§ 12-9.6401 Definitions and terms.

As used in this subpart:

(a) "Government agency" includes any executive department, independent commission, board, office, agency administration, authority, Government corporation, or other Government establishment of the executive branch of the Government of the United States of America.

(b) "Invention" or "Invention or discovery" includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States of America or any foreign country.

(c) "Contractor" means any individual, partnership, public or private corporation, association, institution, or other entity which is a party to the contract.

(d) "Contract" means any actual or proposed contract, agreement, grant or other arrangement, or subcontract entered into with or for the benefit of the Government where a purpose of the contract is the conduct of experimental developmental, or research work.

(e) "Made" when used in relation to any invention or discovery means the conception or first actual reduction to practice of such invention in the course of or under the contract.

(f) "Government purpose" means the practice (making, using or selling) of an invention throughout the world by or on behalf of the Government of the United States (including any Government agency) and States and municipal governments.

(g) "To the point of practical application" means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(h) "Board" means the Department of Transportation Patent Rights Review Board, TGC-15, Washington, D.C. 20590.

(i) "Chairman" means the Chairman of the DOT Patent Rights Review Board.

(j) "Petitioner" means a party who requests that the Secretary waive rights in an invention or class of inventions made or which may be made under a DOT contract.

(k) "The Secretary" means the Secretary of the U.S. Department of Transportation, or his duly authorized representative.

(l) "States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam and the Trust Territory of the Pacific.

(m) "Patent Rights (Title)" means that clause specified in § 12-9.6102(c).

(n) "Patent Rights (Deferred)" means that clause specified in § 12-9.6104(b).

(o) "Statement of Government Patent Policy" means the Presidential Memorandum and Statement of Government Patent Policy, issued August 23, 1971 (36 FR 16887-16892) (See § 12-9.6101).

§ 12-9.6402 Policy.

(a) In determining whether to grant a waiver of rights to inventions made in the course of or under a DOT contract, the Secretary will be guided by the objectives set forth in, and the basic policy of the Statement of Government Patent Policy. Expeditious development and civilian use of these inventions will be encouraged so as to stimulate inventors and meet the needs of the Government, while at the same time, recognizing the equities of the contractor and serving the public interest.

(b) Section 1(a) and 1(c) of the Statement of Government Patent Policy recognize various situations in which waiver of domestic rights may be granted. In exceptional circumstances the contractor may at the time of contracting, be allocated greater rights than a nonexclusive license in inventions made under contracts containing the Patent Rights (Title) clause if the Secretary determines that the granting of such waiver will best serve the public interest.

(c) Waivers may also be granted at the time of contracting in special situations, even though the contractor does not have an established commercial interest and the contract includes the Patent Rights (Deferred) clause, where the Secretary determines that such waiver will best serve the public interest.

(d) Waiver of rights to an identified invention made and reported under a contract may also be granted where the Secretary determines that the waiver is consistent with the intent of section 1(a) and is either a necessary incentive to call forth risk capital and expense to bring the invention to the point of practical application, or that the Government's contribution is small compared to that of the contractor.

(e) A waiver may be granted for an identified invention not directly related to the primary object of the contract, taking into account the contractor's intention to bring the invention to the point of practical application when this intention will create the greatest likelihood that the invention will be developed and put into commercial use.

§ 12-9.6403 Advance waivers.

(a) This section applies to petitions for advance waiver of domestic rights to inventions which may be made in the course of or under a contract which includes the Patent Rights (Title) clause or the Patent Rights (Deferred) clause. Such petitions may be submitted by the contractor prior to his signing of the contract or within 30 days thereafter.

(b) In exceptional circumstances waiver of domestic rights to any or all of the inventions which may be made in the course of or under a contract which includes the Patent Rights (Title) clause may be granted if the contractor has an established or identified plan that is reasonably expected to bring the invention(s) to the point of practical application in an expeditious manner, and one or more of the following conditions exists.

(1) A qualified contractor will not participate without the grant of a waiver, and the contract is deemed essential to a DOT program.

(2) The contract calls for a cooperative endeavor requiring significant contribution of funds by the contractor to the work to be performed.

(3) The objectives of the research will be materially advanced by leaving greater rights to the contractor: *Provided,* That the public interest is otherwise protected.

(4) The public interest would be advanced by leaving greater rights with a nonprofit institution that agrees to administer the invention in the public interest.

(c) Waiver of domestic rights to all of the inventions which may be made in the course of or under a contract which includes the Patent Rights (Deferred) clause may be granted in special situations where the public interest in the availability of the inventions would best be served by a waiver of domestic rights. Following are examples of such special situations.

(1) A newly formed company having a definite program for establishing a nongovernment commercial position in the field of the contract or in an area related thereto.

(2) An established company not having a nongovernmental commercial position in the field of the contract or a directly related field, but having established plans and programs for achieving such a position.

(3) An educational institution having a promulgated policy and an effective program for acquiring rights to inventions and for acting by itself or through others to bring the results of such inventions to practical application.

§ 12-9.6404 Waiver after reporting inventions.

(a) This section applies to waiver of domestic rights to identified inventions which have been reported under contracts containing either the Patent Rights (Title) clause or the Patent Rights (Deferred) clause where an advance waiver has not been granted.

(b) Waiver of domestic rights to identified inventions may be granted if the Board finds that granting a waiver is a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application, or that the Government's contribution to the invention is small compared to that of the petitioner, and also that:

(1) The invention is not directly related to a Governmental program for creating, developing, or improving products, processes, or methods for use by the general public at home or abroad; and

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(2) It is reasonably expected that Government regulations will not require use of the invention by the general public at home or abroad; and

(3) The invention does not directly concern the public health, safety or welfare; and

(4) The invention is not (i) in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or (ii) in a field in which the Government has been the principal developer of the field, and the acquisition of exclusive rights in the invention would likely confer on the petitioner a preferred or dominant position; and

(5) The incentives provided by waiver will, in view of petitioner's plans and intentions to bring the invention to the point of practical application, and the known plans of others, increase the likelihood that the benefits of the invention will be readily available to the public at an early date.

(c) If the Board finds a special situation including, but not limited to, a situation identified in § 12–9.6403(c) to exist, and the public interest in the availability of the invention would best be served by the granting of waiver, the Board will, with respect to an identified invention which is not a primary object of a contract, recommend to the Secretary on a case-by-case basis, that waiver of greater rights be granted even though all of the findings of paragraph (b), of this section cannot be made.

§ 12–9.6405 Waiver of foreign rights.

(a) The Board will consider waiver of domestic and foreign rights concurrently, when requested by the petitioner, in accordance with the statement of Government Patent Policy. If the Board finds waiver of domestic rights justified, the petitioner will normally be permitted to secure patents in any country in which he elects to file. The Board may recommend the granting only of foreign rights, in accordance with the Statement of Government Patent Policy, when in the national interests.

(b) The Board will consider separate petitions for waiver of the right to secure a patent in any foreign country. Waiver of foreign rights may be granted for countries in which the Secretary does not desire to file an application for patent.

§ 12–9.6406 Reservations.

(a) Each waiver of domestic or foreign rights granted will be subject to the reservation by the Secretary of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of the invention throughout the world by or on behalf of the United States Government or any agency thereof, any foreign government pursuant to any existing or future treaty or agreement with the United States, or any State, or domestic municipal government, unless the Secretary determines, after consideration of the recommendation of the Board, that it would not be in the public interest to acquire the license for the States and municipal governments.

(b) Each waiver of domestic rights granted will be subject to the reservation by the Secretary of the right to require the granting of a nonexclusive or exclusive license for the practice of the invention to any responsible applicant, upon reasonable terms, including the right to require the granting of such a license royalty free:

(1) Unless the waiver recipient, his licensees, or assigns have taken effective steps within three years after a U.S. patent issues on the invention to bring the invention to the point of practical application and thereafter continue to work the invention and make its benefits reasonably accessible to the public; or

(2) Unless within three years after a U.S. patent issues on the invention, the waiver recipient, or his assigns have taken effective steps to make such patent available for licensing to responsible applicants, royalty free or on reasonable terms; or

(3) (i) As may be appropriate to satisfy the requirements which may be made by Governmental regulations for public use of the invention; or

(ii) As may be necessary to fulfill health needs or safety needs; or

(iii) For public purposes set forth in the contract.

(c) Each waiver granted for domestic or foreign rights will be subject to additional conditions which may be imposed by the Secretary.

(d) At the expiration of the time set forth in paragraph (b) (1) and (2) of this section, the waiver recipient will be given an opportunity to show cause before the Board why he should not be required to grant a license under paragraph (b) of this section or why he should otherwise retain the full benefits of waiver for a further period of time.

§ 12–9.6407 License to contractor.

Each contractor reporting an invention will be offered a license on terms at least as favorable as those offered to any other firm that may be offered a license for that invention.

§ 12–9.6408 Voidability of waivers.

(a) Each waiver of domestic rights is voidable and may be voided at the option of the Secretary unless:

(1) Within eight months from the date of reporting an invention under a contract, subject to a waiver granted under § 12–9.6403, or eight months from the date of the granting by the Secretary of a waiver under § 12–9.6404, the waiver recipient causes an application for U.S. Letters Patent to be filed disclosing and claiming the invention and includes within the first paragraph of the specification following the abstract, the following statement:

> The invention described herein was made in the course of or under a contract (or grant) with the U.S. Department of Transportation.

(The waiver recipient will promptly furnish to the Board a copy of the U.S. Patent application, its identifying serial number and filing date, and properly executed instruments fully confirmatory of the rights reserved by the Government);

(2) The waiver recipient notifies the Board if he elects not to continue prosecution of a patent application, and delivers to the Board the documents necessary to inspect the application in the U.S. Patent Office within sufficient time to allow assumption of prosecution by the Government, and delivers to the Board duly-executed instruments necessary to vest title in the United States Government, represented by the Secretary, including an instrument of assignment to the patent application.

(3) The waiver recipient grants any license which the Secretary requires under § 12–9.6406.

(4) The waiver recipient files a utilization report with the Board by September 1 of the second year following the grant of the waiver and subsequently upon the Secretary's written request, which request shall not be made more than once annually. The report will set forth in detail the progress, development, application and commercial use being made and intended to be made of the waived invention.

(b) Each waiver granted is voidable and may be voided at the option of the Secretary if a patent claiming such invention is held, in a final determination by an authority properly constituted to hear such matters, to have been used in violation of the antitrust laws.

(c) Waiver of foreign rights as to any foreign country shall be voidable and may be voided at the option of the Secretary unless:

(1) A patent application is filed in the foreign country within nine months from the date a corresponding U.S. application is filed, or six months from the date permission is granted to file foreign applications where such filing has been prohibited for security reasons, or such longer periods as may be expressly approved by the Secretary; and

(2) The waiver recipient furnishes promptly to the Board the identifying serial number and filing date of each foreign patent application filed; and, upon request, a copy of the foreign patents or applications; and

(3) The waiver recipient executes and furnishes to the Board instruments fully confirmatory of the rights reserved by the Government; and

(4) The waiver recipient notifies the Board, if he elects not to continue prosecution of any foreign application filed on such invention or if he intends to abandon a foreign patent by the nonpayment of a maintenance tax, within sufficient time to allow assumption of prosecution by the Government, or payment of the maintenance tax, respectively, and delivers to the Board duly executed instruments necessary to vest in United States Government, as a represented by the Secretary, title, including an instrument of assignment.

§ 12–9.6409 Content of petitions.

(a) *Forms.*—Forms for use in filing petitions and utilization reports are available from the Board.

(b) *All petitions for waiver.*—Each petition will be addressed to the Board and will include:

(1) An identification of the petitioner, his place of business and address, and the name and address of petitioner's counsel, if any;

(2) An identification by number and date of the pertinent DOT contract or proposed contract;

(3) A specification of the type of waiver requested and a citation to the section of this regulation under which the petition is submitted; and

(4) The signature of the petitioner or his authorized representative, and date of signature.

(c) *Petitions for Advance Waiver Under § 12–9.6403.*—In addition to the information specified in paragraph (b) of this section, each petition for advance will include:

(1) A copy of the statement of work of the pertinent DOT contract;

(2) A full and detailed statement of facts sufficient to enable the Board to make findings regarding the contract and the petitioner as specified in § 12–9.6403, or a statement explaining exceptional circumstances under § 12–9.6403(b); and

(3) The date of contractor's signing of the contract, if the petition is filed after such signature.

(d) *Petitions for waiver for identified inventions under § 12–9.6404.*—A separate petition shall be submitted for each identified invention. In addition to the information specified in paragraph (b) of this section, each petition will include:

(1) The full names of all inventors;

(2) A statement whether a patent application has been filed on the invention, together with a copy of such application if filed; or, if not filed, a complete description of the invention;

(3) If a patent application has not been filed, any information which may indicate a potential statutory bar to the filing of a patent application under 35 U.S.C. 120, or a statement that no bar is known to petitioner to exist;

(4) A full and detailed statement of facts sufficient to enable the Board to make the findings regarding the invention as specified in § 12–9.6404; and

(5) If the petitioner is the inventor, a statement in writing from the contractor that the contractor has conveyed sufficient rights to enable the petitioner to carry out the obligations of the waiver.

(e) *Petitions for waiver of foreign rights under § 12–9.6405.*—A petition for waiver of foreign rights may accompany and be a part of a petition for waiver of domestic rights under either § 12–9.6403 or § 12–9.6404, or may be submitted independent of a request for domestic rights. In addition to the information specified in paragraph (b) of this section, each petition for waiver of foreign rights will include, where feasible, an identification of the foreign countries in which petitioner intends to file patent applications.

§ 12–9.6410 Submission of petitions.

Petitions for advance waiver of domestic or foreign rights under §§ 12–9.6403 and 12–9.6405 presented prior to contract award must be submitted through the contracting officer to the Board. All other petitions shall be submitted directly to the Board.

§ 12–9.6411 Notice of proposed Board action and reconsideration.

(a) *Notice.*—The Board will consider the petition and notify the petitioner:

(1) That the Board proposes to recommend to the Secretary the petition be:

(i) Granted to the extent requested; or

(ii) Granted to an extent different from that requested; or

(iii) Denied.

(2) Of the reasons for any recommended action different from the waiver of rights requested by the petitioner.

(b) *Request for reconsideration and statements required.*—(1) If the Board notifies the petitioner that the Board proposes to recommend action different from the waiver requested, the petitioner may within such period as the Board may set, but not less than fifteen days, request reconsideration by the Board.

(2) If reconsideration has been requested within the prescribed time limit, the petitioner will, within such time as the Board may set, file a statement setting forth the points, authorities arguments, and any additional material on which he relies.

(3) Upon filing of the reconsideration statement by the petitioner, the petition will be reconsidered based upon the contents of the petition, the record, and the reconsideration statement submitted by the petitioner.

(4) After reconsideration of the petition, the Board will notify the petitioner of its proposed recommendations to the Secretary. If the Board's proposed action is different from the waiver requested, the petitioner may request an oral hearing within such time as the Board may set.

§ 12–9.6412 Hearing procedure.

(a) If the petitioner requests an oral hearing the Board will set the time and place for hearing and will so notify the petitioner.

(b) Oral hearings will be conducted in an informal manner, to provide the petitioner with a full opportunity to present facts and arguments in support of the petition. Evidence may be presented through witnesses, exhibits, or visual aids arranged for by the petitioner. A petitioner may be represented by any authorized person (including an attorney). Proceedings will be ex parte, and members of the Board and its counsel may address questions to witnesses called by the petitioner, and the Board may, at its option, consult or call technical, advisory, or expert witnesses. Any person present at the hearing may make a statement for record.

(c) A transcript of the proceeding will be arranged for by the Board. Petitioner will submit for the record a copy of any exhibit or visual aid offered or utilized during the hearing.

§ 12–9.6413 Findings and recommendations of the Board.

(a) *Findings of the Board.*—The Board will consider the petition, the DOT contract (if relevant), the policies of this part, the effect of the waiver on the objectives of related DOT programs, and any other available facts and information presented to the Board by an interested party. The Board will determine and make, if applicable, each specific finding of fact required by § 12–9.6403, § 12–9.6404, or § 12–9.6405, under which the petition was submitted. The Board shall document its findings in a written report.

(b) *Recommendation of Board.*—(1) After making the findings of fact, the Board will formulate its proposed recommendation to the Secretary.

(2) If the Board proposes to recommend, initially or upon reconsideration, that the petition be granted to the extent requested or, if it proposes to recommend that waiver be granted to a different extent, or denied, and petitioner does not request reconsideration or a hearing, or fails to file the required statements within the prescribed time limit, the Board will transmit the petition, its findings of fact, and its recommendation upon reconsideration if any, to the Secretary.

(3) After hearing, the Board will consider the entire record and transmit its recommendations and findings of fact, with the petition and a summary record of the proceedings to the Secretary.

§ 12–9.6414 Action by the Secretary.

(a) After receiving the transmittal from the Board, the Secretary will determine whether to grant any waiver of rights.

(b) If the Secretary denies the petition, written notice of such denial will be transmitted promptly by the Board to the petitioner. The written notice will be accompanied by the statement of the grounds for denial.

(c) If the Secretary grants the waiver, the petitioner will be furnished an instrument of waiver confirming the conditions and reservations of the waiver for his execution and prompt return to the Board.

§ 12–9.6415 Filing of patent applications.

(a) To protect the interests of the Government and of petitioners in inventions, petitioners are encouraged to file patent applications prior to the final disposition of their petitions for waiver.

(b) If a petitioner files a U.S. patent application on an identified invention while the petition is pending or within 60 days prior to the receipt of the petition by DOT, DOT will reimburse the petitioner for the reasonable costs of filing the U.S. patent application and such patent prosecution as may have ensued, if:

(1) Similar patent filing and prosecution costs are not otherwise reimbursable to the petitioner as direct or indirect costs chargeable to Government contracts; and

(2) The petition is ultimately denied with respect to domestic rights, or if both are requested, to foreign and domestic rights; and

(3) Prior to reimbursement, the petitioner assigns the application to the United States as represented by the Secretary.

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Costs of filing patent applications before award of contract are not reimbursable if the petitioner is not awarded the contract.

§ 12–9.6416 Publication.

The findings and recommendations of the Board with respect to each petition for waiver will be maintained by the Board and available for public inspection. Findings and recommendations of the Board in cases of significant or novel interest will be published.

[FR Doc.73–18526 Filed 8–30–73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 526]

[General Order 8, Part 1; Docket No. 73–55]

PORT OF NEW YORK

Uniform Rules and Regulations Governing Free Time on Import Containerized Cargo

The Federal Maritime Commission's General Order No. 8, 46 CFR Part 526, sets forth rules and regulations regarding free time and demurrage on breakbulk import cargo applicable to common carriers by water serving the Port of New York. General Order No. 8 does not apply to containerized cargo. Notice is hereby given that the Federal Maritime Commission is considering amending General Order No. 8 to make the provisions thereof applicable to containerized cargo.

The exclusion of containerized cargo from the provisions of General Order No. 8 results from Docket No. 65–14, "In the Matter of Free Time and Demurrage Practices on Inbound Cargo at New York Harbor," 11 F.M.C. 238 (1967), and Docket No. 659, "Free Time and Demurrage Charges at New York," 3 U.S.M.C. 89 (1948), wherein the Commission held that information available did not indicate the existence of problems regarding free time and demurrage on containerized cargo.

Since those decisions, the volume of containerized cargo moving through the Port of New York has increased enormously resulting in a need for reappraisal of the present application of General Order No. 8.

The matter of free time and demurrage as it relates to containerized cargo became particularly significant following the longshoremen's strike of 1971. Because the specific strike provisions of General Order No. 8 applied only to breakbulk cargo, consignees of containerized cargo as distinguished from their breakbulk counterparts were assessed normal demurrage charges upon expiration of free time.

Additionally, there appears to be no consistency in the free time and demurrage provisions of the many carriers serving the Port of New York. Many carriers have confused free time on containers prior to pickup by the consignee (demurrage free time) with the time allowed the consignee to unload and return the container to the carrier's facility (container detention free time). Several carriers combine the two into a single time period beginning with vessel discharge, during which period the consignee must effectuate pickup, transport the container to its facility, and return the container to the carrier's terminal. It is the Commission's position that container detention time should be distinct from demurrage free time and should begin upon removal of the container from the terminal facility. General Order No. 8 applies only to demurrage free time and this proposed amendment makes no findings as to the sufficiency of the current container detention rules.

After review of effective import and container tariff provisions relating to free time and demurrage and consideration of numerous inquiries from the public concerning the applicability of General Order No. 8, the Commission is of the opinion that the earlier distinction made between containerized cargoes and breakbulk cargoes is no longer valid and a rulemaking proceeding should be instituted to amend General Order No. 8 to make the provisions in that rule applicable to containerized cargoes.

In accordance with the above, General Order No. 8, Part 1, 46 CFR Part 526 would be amended as follows:

A new paragraph (a) will be inserted in § 526.1 to read as set forth below.

Former paragraphs (a) and (b) are combined into a new paragraph (b) with an additional sentence added at the end as follows: "However, free time on cargo in temperature controlled or insulated trailer(s)/container(s) and bulk liquid tank trailer(s)/container(s) shall not be less than two days, Saturdays, Sundays, and holidays excluded." The remaining paragraphs of General Order No. 8 will remain unchanged.

Therefore it is ordered, That the Commission pursuant to Section 4 of the Administrative Procedure Act (5 U.S.C. 553) and Sections 17, 22, and 43 of the Shipping Act, 1916, (46 U.S.C. 816, 821, and 841(a)) is considering promulgation of the proposed rules set forth below.

It is further ordered, That notice of this order and proposed rules below be published in the FEDERAL REGISTER; and

It is further ordered, That all interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 1, 1973, an original and 15 copies of their views and arguments pertaining to the proposed rules. All suggestions for changes in the text of said proposed rules should be accompanied by the language thought necessary to accomplish the desired change and statements and arguments in support thereof. Hearing Counsel shall reply to said comments on or before October 22, 1973, by serving an original and 15 copies on the Commission and one copy to each party who filed written comments. Answers to Hearing Counsel shall be submitted to the Commission on or before November 1, 1973; and

It is further ordered, That should any such person or Hearing Counsel feel that an evidentiary hearing or oral argument be required, that person shall accompany any such request with a statement setting forth in detail the facts to be proven, their relevance to the issue in this proceeding, and why such proof cannot be submitted through affidavit. An original and 15 copies of such requests shall be filed with the Secretary, Federal Maritime Commission, on or before October 1, 1973; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding be published in the FEDERAL REGISTER, and in addition be mailed directly to all persons filing comments in accordance with the procedures enumerated above and all other persons who notify the Secretary, Federal Maritime Commission, of their desire to receive such notice.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant Secretary.

§ 526.1 Free time and demurrage charges at the port of New York.

(a) (1) For purposes of this section, the words "cargo" and "import property" refer to cargo in containers as well as breakbulk cargo.

(2) Container detention time is to be applied separately from demurrage free time and will commence upon removal of the container from the terminal facility.

(b) (1) Free time of five days (exclusive of Saturdays, Sundays, and legal holidays), computed from the start of business on the first day after complete discharge of the vessel, is adequate free time on import property at New York under present conditions.

(2) Free time on import property at New York shall not be less than five days, except on property of such a special nature as to require earlier removal because of local ordinances or other governmental regulations, or because piers are not equipped to care for such property for such period, or except as the Commission may hereafter direct. However, free time on cargo in temperature controlled or insulated trailer(s)/container(s) and bulk liquid tank trailer(s)/container(s) shall not be less than two days, Saturday, Sundays, and holidays excluded.

(c) Where a carrier is, for any reason, unable, or refuses, to tender cargo for delivery during free time, free time must be extended for a period equal to the duration of the carrier's disability or refusal. If such condition arises after the expiration of free time, either no demurrage or first period demurrage, whichever is specified in the appropriate tariff, will be charged for a period equal to the duration of the carrier's inability or refusal.

(d) Where a consignee is prevented from removing his cargo by factors beyond his control (such as, but not limited to, longshoremen's strikes, trucking strikes, or weather conditions) which affect an entire port area or a substantial portion thereof, and when a consignee is prevented from removing his cargo by a longshoremen's strike which affects only one pier or less than a substantial portion of the port area, carriers shall (after expiration of free time) assess demurrage against imports at the rate applicable to the first demurrage period, for such time as the inability to remove the cargo may continue. Every departure from the regular demurrage charges shall be reported to the Commission.

(e) The Commission makes no finding approving or disapproving demurrage rates presently effective as to import property at the Port of New York.

(f) Following a longshoremen's strike of five (5) days or more:

(1) Free time shall be extended for a period not less than five (5) days (exclusive of Saturdays, Sundays, and legal holidays) beyond the time at which it would normally terminate, for cargo which was in a free time period at the commencement of the longshoremen's strike.

(2) First period demurrage shall be extended for a period not less than five (5) calendar days beyond the time at which it would normally terminate, for cargo which was subject to first period demurrage at the commencement of the longshoremen's strike. The extensions set forth in subparagraphs (1) and (2) of this paragraph, immediately above, shall apply only (i) if the cargo is actually picked up within such extended time, or (ii) if, pursuant to an appointment system adopted by both carriers and consignees, cargo is picked up within twenty-four (24) hours of advance notification that cargo is available for pickup and readily accessible, in which latter event time shall not be extended more than twenty-four (24) hours beyond the additional free time or demurrage period.

[FR Doc.73–18566 Filed 8–30–73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

RETAIL MOBILE HOME DEALERS

Small Business Size Standards

For the purpose of receiving financial assistance from the SBA, the size standard applicable to retail dealers of mobile homes is $1 million in sales or receipts.

Recent developments in the mobile home industry indicate that the industry has grown rapidly and that the trend is expected to continue generally upward. In 1971, manufacturers shipped a record total of 496,570 mobile homes with an estimated retail value of $3.0 billion. The 1971 level represents a gain of 24 percent over 1970, a year that exhibited the first decline in shipments in nine years and a gain of 107 percent over the 1967 level (the latest year for Census benchmark data). Shipments of mobile homes in 1971 comprised nearly one-fourth of the nonfarm housing starts and over one-half of single-unit residential construction in the Nation.

Because the industry has expanded to such an extent, the Technical Committee on Standard Industrial Classification, Office of Management and Budget, now recognizes the retail sale of mobile homes as a separate and distinct industry. Heretofore, such dealers were combined with retail dealers of campers, mounted coaches and automobile passenger trailers. To be recognized as a separate industry, the establishments, as a group, must have significance from the standpoint of persons employed, volume of business and of other economic factors such as number of establishments, payroll, and value added.

Maintenance of the $1 million receipt size standard in recent years was based principally on 1967 Census data which indicated that the $1 million standard covered 94 percent of all such dealers, including campers, coaches and automobile trailer dealers. However, because the industry has expanded considerably since 1967 and since retail dealers of mobile homes have been broken out as a separate and distinct industry, the $1 million annual receipts size standard probably covers much less than the percentage reflected by the 1967 Census data. More recent data shows that since 1967 the sales volume for the industry has increased at an annual rate of about 30 percent, while the number of dealers have increased at an average annual rate of approximately 5 percent. Dealers now have to carry numerous brands and have more than one location to remain competitive. Further, a study of 165 financial statements of retail dealers of mobile homes shows that a significant proportion of these concerns have annual sales of nearly $1 million or over.

Accordingly, notice is hereby given that the Small Business Administration proposes to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by adding to Schedule D, a $3 million annual receipts size standard for Standard Industrial Classification Code 5271, Mobile Home Dealers to read as follows:

SCHEDULE D—ANNUAL RECEIPTS SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN RETAILING

Industry, sub-industry code	Industry, sub-industry, or class of products	Annual sales size standards (maximum in millions)
•	•	•
5271	Mobile home dealers.	$3.0
•	•	•

Interested parties may file with the Small Business Administration by October 1, 1973, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington, Director, Office of Industry Studies and Size Standards, 1441 L Street NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.012, Small Business Loans.)

Dated: August 21, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–18415 Filed 8–30–73;8:40 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

REPORTS BY SCHOOLS

Proposed Requirements

The following regulatory change provides that schools should also report any break within a school year if the interval is for a full calendar month or more.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before October 1, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address of the above room number.

Notice is also given that it is proposed to make any regulation that is adopted effective the date of approval.

In § 21.4203(b), subparagraph (1) is amended to read as follows:

§ 21.4203 Reports by schools; requirements.

• • • • •

(b) *Entrance or reentrance.*—The certification must clearly specify the program objective. Upon receipt of a certification of enrollment, an official authorization will be issued showing the beginning and ending dates of each period for which an allowance may be paid. The authorization will be for the period of enrollment or the extent of the eligible person's entitlement, whichever is the lesser.

(1) Schools organized on a term, quarter or semester basis may generally report enrollment for the term, quarter or semester or the complete course to the

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expected date of graduation. Certifications for the ordinary school year may include the summer session. Certifications for the complete course will include a report of the dates between school years if the school does not offer a summer session that includes all or a part of each month between the spring and fall term, or the veteran or eligible person does not intend to attend the summer session. Schools should also report any break within a school year if the interval is for a full calendar month or more. No allowances are payable for these intervals. Enrollment certifications for the complete course are encouraged, except where the student is a veteran or eligible person pursuing a program on a less than half-time basis or is a serviceman. For these students a separate enrollment certification will be required for each term, quarter or semester.

* * * * *

Approved August 24, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-18528 Filed 8-30-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Allison, Ivan D., 1002 Front Avenue, St. Paul, Minnesota, convicted on October 10, 1968, in District Court, 2nd Judicial District, Ramsey County, Minnesota.

Baker, Donna J., Walters, Route 2, Box 1158, Christiansburg, Virginia, convicted on January 7, 1970, in Pulaski Circuit Court, Pulaski County, Virginia.

Bauccio, William, 509 17th Street, Brooklyn, New York, convicted on February 18, 1947, January 17, 1952, and on June 30, 1958, by the King County Criminal Court, New York.

Borst, Timothy James, 719 Grove Street, Oshkosh, Wisconsin, convicted on July 30, 1971, in Winnebago County Court, Branch II, Oshkosh, Wisconsin.

Engelking, Donald L., Jr., 3320 E. 36th Court, Des Moines, Iowa, convicted on February 7, 1969, in District Court, Ida County, Iowa.

Grohs, Thomas H., 10138 Southeast Rex, Portland, Oregon, convicted on June 17, 1970, in Circuit Court of the State of Oregon for Multnomah County.

Herron, Richard L., 3125 Mariposa, Fresno, California, convicted on September 16, 1966, by the Superior Court in and for the County of Los Angeles, California, and on October 3, 1968, by the Superior Court of San Joaquin, Stockton, California.

Hines, Thomas E., Route 3, Box 149, Elkton, Virginia, convicted on November 17, 1964, and December 19, 1966, in Rockingham County Circuit Court, Harrisonburg, Virginia, and on November 1, 1967, in Augusta County Circuit Court, Staunton, Virginia.

Jolly, Wayne T., 915½ North Harvey, Oklahoma City, Oklahoma, convicted on February 28, 1967, in the 7th District Court, State of Oklahoma.

Latham, Darrell L., 2073 North Columbia, Springfield, Missouri, convicted on November 19, 1965, in Circuit Court, Greene County, Missouri, Division No. 1.

Lentz, Loran T., R.R. No. 1, Birchwood, Wisconsin, convicted on December 11, 1969, in United States District Court, Southern District, Illinois.

Miller, George, 200-A Putnam Avenue, Brooklyn, New York, convicted on May 6, 1954, in Kings County Criminal Court, New York.

Rinkel, Robert William, 1908 Fourth Avenue, Mankato, Minnesota, convicted on November 29, 1971, in the 5th Judicial District Court, County of Blue Earth, Mankato, Minnesota.

Wiegers, Lyle, Vesta, Minnesota, convicted on March 30, 1968, in the District Court, 9th Judicial District, Lyon County, Minnesota.

Young, Thomas H., 4728 Quinwood Lane, Virginia Beach, Virginia, convicted on December 17, 1970, in Virginia Beach Circuit Court, Virginia.

Signed at Washington, D.C. this 24th day of August, 1973.

[SEAL] REX D. DAVIS,
Director Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73-18521 Filed 8-30-73;8:45 am]

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Barnum, Eugene J., P.O. Box 454, Lake Havasu City, Arizona, convicted on September 19, 1938, in Superior Court, Maricopa County, Arizona, on November 3, 1943, in a General Court-Martial convened by Commanding General Ninth Service Command, Fort Douglas, Utah, and on October 21, 1948, in Husting Court, Part II, Richmond, Virginia.

Deiro, John LeRoy, Route 15, Box 65, Olympia, Washington, convicted on July 22, 1966, in the Superior Court for the State of Washington for the County of King.

Evans, Joseph R., 409 North 23d Street, Richmond, Virginia, convicted on June 25, 1968, in Hustings Court, Part One, Richmond, Virginia.

Fairchild, Ralph L., Route 6, Box 325, Eight Mile, Alabama, convicted on October 22, 1965, in United States District Court, Southern District, Alabama.

Fuson, Ernest L., Route No. 2, Pineville, Kentucky, convicted on November 12, 1951, in United States District Court, London, Kentucky.

Pritchard, Warren F., 1911 East 40th Avenue, Spokane, Washington, convicted on or about May 21, 1945, in Circuit Court, Klamath County, Oregon.

Schiefelbein, Frederick T., 988½ South Fifth Street, Coos Bay, Oregon, convicted on April 1, 1970, in Circuit Court, Coos County, Oregon.

Shipley, Robert Lynn, R.F.D., Box 135-H, Yamhill, Oregon, convicted on December 1, 1959, in Circuit Court, State of Oregon for County of Yamhill.

West, Earl C., 1125 Polk, Apartment 28, Topeka, Kansas, convicted on March 7, 1960, in the District Court of Shawnee County, Kansas.

Signed at Washington, D.C., this 22nd day of August, 1973.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73-18520 Filed 8-30-73;8:45 am]

[T.D. ORDER NO. 150-83]

Office of the Secretary

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority to Act as Competent or Taxation Authority Under Tax Treaties

The purpose of this order is to formalize the authority of the Commissioner of Internal Revenue with respect to acting as the competent authority or taxation authority under tax treaties with foreign countries.

The authority conferred upon the Secretary of the Treasury in all tax treaties to act as the competent authority or taxation authority is hereby delegated to the Commissioner of Internal Revenue, with the right to redelegate such authority to any officer or employee of the Internal Revenue Service.

To the extent that any action heretofore taken by the Commissioner of Internal Revenue or his delegate consistent with the delegation set forth in the preceding paragraph may require ratification, such action is hereby affirmed and ratified.

Dated August 21, 1973.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.73-18522 Filed 8-30-73;8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

AUGUST 23, 1973.

Notice is hereby given that the Wyoming State Multiple Use Advisory Board will meet at 7:30 p.m., September 19 and at 8 a.m., September 20 and 21, 1973, at the Ramada Inn motel, Casper, Wyoming. The agenda will include discussions of the national resource lands in relation to energy mineral development in the Powder River Basin, a tour of energy minerals operations sites in the Glenrock area, and discussions of the district reorganization study.

Some of the minerals operations sites to be toured are the private property of the companies to which the government can not guarantee entrance by the public.

The meeting will be open to the public insofar as seating is available. Interested persons will be permitted to appear before the board or file a written statement for its consideration. Those wishing to appear before the board must inform the chairman in writing prior to the meeting. Written statements and requests to appear before the board should be submitted to Howard E. Miller, Chairman, c/o State Director, Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 82001.

JESSE R. LOWE,
Acting State Director.

[FR Doc.73-18498 Filed 8-30-73;8:45 am]

Bureau of Reclamation

HAYDEN-AULT 345-KV TRANSMISSION LINE & AULT SUBSTATION

Notice of Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Hayden-Ault 345-kV Transmission Line & Ault Substation. This statement (INT DES 73-53 dated August 21, 1973) was made available to the public on August 21, 1973.

The draft environmental statement deals with the construction of a proposed 160 mile long, joint-use 345-kV transmission line in northern Colorado and southern Wyoming, together with the proposed Ault Substation near Ault, Colorado. Construction is scheduled to begin in 1974 and to be completed in 1977.

A public hearing will be held in the Albany County Courthouse, Laramie, Wyoming, on October 2 and 3, 1973, starting at 9 a.m. and in the Larimer County Courthouse in Fort Collins, Colorado, on October 4 and 5, 1973, starting at 9 a.m. to receive views and comments from interested organizations or individuals relating to the environmental impacts of this line. Oral statements at the hearing will be limited to a period of 10 minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing to make comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request, whenever possible, and any scheduled speaker not present when called will lose his or her privilege in the scheduled order and his name will be recalled at the end of the scheduled speakers. Requests for scheduled presentation will be accepted up to September 25, 1973, and any subsequent requests will be handled on a first-come, first-served basis following the scheduled presentation.

Organizations or individuals desiring to present their statement at the hearing should contact Regional Director James M. Ingles, Bureau of Reclamation, Building 20, Denver Federal Center, Denver, Colorado 80225, Telephone (303)234-4441, and announce their intention to participate. Written comments from those unable to attend, and from those wishing to supplement their oral presentation at the hearing should be sent on or before October 19, 1973, so that they can be included in the hearing record.

Dated August 28, 1973.

WARREN FAIRCHILD,
Commissioner,
Bureau of Reclamation.

[FR Doc.73-18565 Filed 8-30-73;8:45 am]

Office of the Secretary

KALISPEL INDIAN RESERVATION

Notice of Change of Jurisdiction

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant to the Secretary for Indian Affairs in Amendment 2 to Secretarial Order 2950. Pursuant to Resolution 73-23 enacted by the Kalispel Business Committee, and subsequently affirmed in Resolution 1973-12 enacted by the Spokane Tribal Council, the Kalispel Indian Reservation is transferred from the jurisdiction of the Northern Idaho Agency, Lapwai, Idaho, to the jurisdiction of the Spokane Agency, Wellpinit, Washington.

This transfer is effective July 1, 1973.

W. L. ROGERS,
Deputy Assistant
Secretary of the Interior.

AUGUST 24, 1973.

[FR Doc.73-18493 Filed 8-30-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Battle Creek, Michigan, Inspection Point

Statement of considerations.—James P. Magers has requested that his designation under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official grain inspection agency at Battle Creek, Michigan, be transferred to J. P. Magers, Inc., with ownership by Kenneth R. Hagleshaw.

Other interested persons are hereby also given opportunity to make application pursuant to the requirements set forth in § 26.96 of the regulations (7 CFR 26.96) under the Act to operate as an official inspection agency at Battle Creek, Michigan.

NOTE: Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Any interested persons who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate as an official inspection agency at Battle Creek, Michigan. All such views and comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All material submitted should be in duplicate and mailed to the Hearing Clerk not later than September 30, 1973. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on August 28, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-18563 Filed 8-30-73;8:45 am]

GRAIN STANDARDS

Illinois Grain Inspection Points

Statement of considerations.—The Champaign-Danville Grain Inspection Departments (also doing business as the Champaign Chamber of Commerce and the Danville Chamber of Commerce) have formed a corporation, and have requested that their designation under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official grain inspection agency at Champaign and Danville, Illinois, be transferred to the Champaign-Danville Grain Inspection Departments, Inc., with ownership by Charles H. Cratz and Thomas C. King.

Other interested persons are hereby also given opportunity to make application pursuant to the requirements set forth in § 26.96 of the regulations (7 CFR 26.96) under the Act to operate as an official inspection agency at Champaign and Danville, Illinois.

NOTE: Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Any interested persons who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate as an official inspection agency at Champaign and Danville, Illinois. All such views or comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All materials submitted shall be in duplicate and shall be mailed to the Hearing Clerk not later than September 30, 1973. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to all written views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on August 28, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-18564 Filed 8-30-73;8:45 am]

GRAIN STANDARDS

Texas Inspection Point

Statement of considerations.—Tulia, Texas, is assigned to the Plainview Grain Inspection and Weighing Service, Inc., Plainview, Texas, as a designated inspection point, in accordance with the provisions of § 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (sec. 3, 39 Stat. 482, as amended 82 Stat. 762 (7 U.S.C. 75(m))). By definition, a designated inspection point is a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspections, and within which the official inspection agency or one or more of its licensed inspectors is located (7 CFR 26.1(b)(13)). Because of the low volume of grain inspection work at Tulia and the feasibility of meeting inspection needs from Happy, Texas (another designated inspection point assigned to the Plainview Grain Inspection and Weighing Service, Inc.), the Plainview Grain Inspection and Weighing Service, Inc., has requested that the assignment of Tulia as a designated inspection point be revoked.

It appears that through no fault of the Plainview Grain Inspection and Weighing Service, Inc., the volume of grain inspection work no longer warrants stationing a licensed inspector at Tulia. Accordingly the Agricultural Marketing Service proposes to revoke the assignment of Tulia as a designated inspection point without prejudice to the Plainview Grain Inspection and Weighing Service, Inc. Interested organizations and persons are hereby given opportunity to submit comments in writing with respect to the proposed revocation.

Opportunity is hereby afforded all interested persons to submit written data, views, or arguments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions shall be in duplicate and shall be mailed to the Hearing Clerk not later than September 30, 1973. All submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the written data, views, or arguments so filed with the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on August 28, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-18562 Filed 8-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2), Pub. L. 92-463, that the next meeting of the National Advisory Council on Education Professions Development will be held on Thursday, September 13, 1973, 10:00 a.m. to 6:00 p.m., and Friday, September 14, 1973, 9:00 a.m. to 1:00 p.m., local time, at the Statler Hilton Hotel, Sixteenth Street between K and L Streets NW, Washington, D.C.

The National Advisory Council on Education Professions Development is established under section 502 of the Education Professions Development Act (Pub. L. 90-35). The Council is charged with the review of the Education Professions Development Act and of all other Federal programs for the training and development of educational personnel.

The meeting of the Council shall be open to the public. The proposed agenda includes discussion of Federal policies on evaluation, and educational manpower forecasting. Records shall be kept of all Council proceedings and shall be available for public inspection at the Council office, located at 1111-20th Street NW, Room 308, Washington, D.C. 20036.

Signed at Washington, D.C., on August 28, 1973.

JOSEPH YOUNG,
Executive Director.

[FR Doc.73-18523 Filed 8-30-73;8:45 am]

TRAINING GRANTS

Notice of Closing Dates for Receipt of Applications

Pursuant to the authority contained in sections 631 and 634 of the Education of the Handicapped Act (84 Stat. 175, 184, 185, 20 U.S.C. 1431, 1434) notice is hereby given that the U.S. Commissioner of Education has established the final closing date of October 1, 1973, for receipt of applications for new training grants and October 15, 1973, for receipt of applications for continuation grants under Part D of the Act by institutions of higher education. Such applications must be postmarked on or before the aforementioned dates.

A notice of proposed rulemaking governing grants for teacher training, authorized under Part D of the Act, will soon be published in the FEDERAL REGISTER and will govern the program when republished in the FEDERAL REGISTER as final regulations.

(Catalog of Federal Domestic Assistance Program No. 13.448 Handicapped Physical Education and Recreation Training and No. 13.451 Handicapped Teacher Education)

PETER P. MUIRHEAD,
Acting U.S. Commissioner
of Education.

AUGUST 28, 1973.

[FR Doc.73-18589 Filed 8-30-73;8:45 am]

National Institute of Mental Health

ADVISORY COMMITTEES

Notice of Renewals

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the National Institutes of Health announces the following action by the Secretary, DHEW:

Extending the life of the following advisory committees of the National Institute of Mental Health on June 30, 1973:

Clinical Projects Research Review Committee. The function of this committee is to advise the Director, NIMH, the Division of Extramural Research Programs, NIMH, and the National Advisory Mental Health Council regarding applications for research grants involving the causation of mental illnesses, diagnosis and treatment (except by drugs) and studies of the symptoms and disturbances of biological and psychological functions. Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Clinical Psychopharmacology Research Review Committee. The function of this committee is to advise the Director, NIMH, the Division of Extramural Research Programs, NIMH, and the National Advisory Mental Health Council regarding research grant applications in the area of clinical drug evaluation, collaborative studies comparing treatments

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and special studies designed to improve research methodology or to gain clinical research information. The area of concern also includes toxicology, patterns of drug usage in normals and medical outpatients, and public health problems related to the use of psychopharmacologic agents.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Experimental and Special Training Review Committee. The function of this committee is to advise the Division of Manpower and Training Programs, NIMH, the Director, NIMH, and the National Advisory Mental Health Council regarding applications from training centers for grants-in-aid for projects for development of methods of training; development of special training programs in significant mental health problem areas; expansion and improvement of mental health content of the curriculum for all students in schools of public health; training activities such as conferences, institutes, workshops, demonstrations, and surveys; and evaluation of teaching and training methods in the mental health disciplines.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Juvenile Problems Research Review Committee. The function of this committee is to advise the Director, NIMH, the Division of Extramural Research Programs, NIMH, and the National Advisory Mental Health Council regarding applications for applied research grants in such project areas as children and youth problems, school and college mental health, and primary prevention of maladjustive behavior.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Mental Health Small Grant Committee. The function of this committee is to advise the Director, NIMH, the Division of Extramural Research Programs, NIMH, and the National Advisory Mental Health Council regarding applications for research grants limited to one year and to a maximum of $6,000 for direct costs.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Personality and Cognition Research Review Committee. The function of this committee is to advise the Director, NIMH, the Division of Extramural Research Programs, NIMH, and the National Advisory Mental Health Council regarding applications for research grants in the areas of personality, human motivation, and cognitive processes. These include research on personality structure and dynamics, personality development, perception-personality relationships, and interpersonal relations, in addition to human problem solving, thinking, intelligence, decision making, concept formation, creativity, psycholinguistics. Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

ROBERT S. STONE,
Director, NIH.

AUGUST 26, 1973.

[FR Doc.73-18519 Filed 8-30-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-73-250]

OFFICE OF GENERAL COUNSEL

Designation and Redelegation

SECTION A. *Designation.*—Deputy General Counsel Robert R. Elliott, Assistant General Counsel Paul R. Boesch and the Regional Counsels are designated Deputy Counselors to give advice and guidance to current and prospective employees and special Government employees with respect to matters involving conflicts of interest and other matters pursuant to 24 CFR Part 0.

SEC. B. *Authority redelegated.*—The Deputy Counselors Robert R. Elliott and Paul R. Boesch are each authorized to exercise the power and authority of the Secretary of Housing and Urban Development under section 208(b) of Title 18 of the United States Code, as implemented by § 0.735-205(b)(2) of the Department's Standards of Conduct, with respect to determining whether the financial interest of a Government officer or employee is so substantial as to be deemed likely to affect the integrity of the services which the Department may expect from such officer or employee.

SEC. C. *Supersedure.*—This redelegation supersedes the redelegation of authority issued May 19, 1971 (unpublished). (24 CFR 0.735-104)

Effective date.—This document is effective as of August 24, 1973.

JAMES L. MITCHELL,
Department Counselor.

[FR Doc.73-18532 Filed 8-30-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-450, 50-451]

DELMARVA POWER & LIGHT CO. AND PHILADELPHIA ELECTRIC CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matter

Delmarva Power & Light Company, 800 King Street, Wilmington, Delaware 19899 and Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19101 (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application which was docketed on August 16, 1973, for authorization to construct and operate two generating units utilizing high temperature gas-cooled reactors. The application was tendered on April 30, 1973. Following a preliminary review for completeness, it was accepted on June 15, 1973.

The proposed nuclear facilities, designated by the applicants as the Summit Power Station, Units 1 and 2 will be located on a site in New Castle County, Delaware, approximately 1.2 miles south of the Chesapeake and Delaware Canal, 5 miles northeast of Middletown, Delaware and 15 miles southwest of Wilmington, Delaware. Each reactor is designed for initial operation at approximately 2,000 megawatts thermal, with a net electrical output of approximately 785 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 30, 1973. The request should be filed in connection with Dockets Nos. 50-450-A and 50-451-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and at the Newark Free Library, Elkton Road and Delaware Avenue, Newark, Delaware 19711.

The applicants also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated April 1973. Following a preliminary review for completeness, it was rejected on June 15, 1973 for lack of sufficient information. The applicants submitted a supplement to the environmental report on July 30, 1973 and the report was accepted. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Summit Power Station, Units 1 and 2 is also being made available at the Delaware State Planning Office, Tomas Collins Building, 530 South Dupont Highway, Dover, Delaware 19901 and at the Wilmington Metropolitan Area Planning and Coordinating Council, 4613 Robert Kirkwood Highway, Wilmington, Delaware 19808.

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After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 20th day of August 1973.

For the Atomic Energy Commission.

DARRELL G. EISENHUT,
Acting Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.73-18380 Filed 8-30-73;8:45 am]

[Docket Nos. 50-450, 50-451]

DELMARVA POWER & LIGHT CO. AND PHILADELPHIA ELECTRIC CO.

Notice of Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Delmarva Power & Light Company and the Philadelphia Electric Company (the applicants), for construction permits for two high temperature gas-cooled nuclear reactors designated as the Summit Power Station, Units 1 and 2 (the facilities), each of which is designed for initial operation at approximately 2,000 thermal megawatts with a net electrical output of approximately 785 megawatts. The proposed facilities are to be located in New Castle County, Delaware, about 1.2 miles south of the Chesapeake and Delaware Canal, 5 miles northeast of Middletown, Delaware and 15 miles southwest of Wilmington, Delaware. The hearing will be scheduled to begin in the vicinity of the site of the proposed facilities.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Dr. Robert F. Holton, Mr. Frederick J. Shon, and Thomas W. Reilly, Esq., Chairman. Dr. Richard F. Cole has been designated as a technically qualified alternate, and Douglas V. Rigler, Esq. has been designated as an alternate qualified in the conduct of administrative proceedings.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicants:

Issues Pursuant to the Atomic Energy Act of 1954, as amended.—1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicants have described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicants are technically qualified to design and construct the proposed facilities;

3. Whether the applicants are financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

Issue Pursuant to National Environmental Policy Act of 1969 (NEPA).—5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permits should be issued to the applicants.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held at such time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a. Notice of the special prehearing conference will be published in the FEDERAL REGISTER.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference, after discovery has been completed, or within such other time as may be appropriate, at a time and place to be set by the Board for the purpose of dealing with the matter specified in 10 CFR 2.752.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102(2)(C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceedings with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits dated April 30, 1973, and amendments thereto, and the applicants' Environmental Report and Environmental Report Supplement dated April, 1973 and July, 1973, respectively, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents will also be made available at the Newark Free Library, Elkton Road and Delaware Avenue, Newark, Delaware 19711 for inspection by members of the public between the hours of 10:00 a.m. and 9:00 p.m. Monday through Friday and 10:00 a.m. and 4:00 p.m. on Saturday. As they become available, a copy of the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statements on environmental considerations, the report of the Advisory Committee on

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Reactor Safeguards (ACRS), the proposed construction permits, other relevant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation and the Commission's final detailed statement on environmental considerations, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than October 1, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than October 1, 1973. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicants to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicants not later than September 20, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to George C. Freeman, Esq., Hunton, Williams, Gay and Gibson, 700 East Main Street, Richmond, Virginia 23213, attorney for the applicants.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 24th day of August 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-18377 Filed 8-30-73;8:45 am]

[Docket Nos. 50-448, 50-449]

POTOMAC ELECTRIC POWER CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matter

Potomac Electric Power Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed on August 9, 1973 for authorization to construct and operate two single cycle, forced circulation, boiling water nuclear reactors. The application was tendered on July 2, 1973. Following a preliminary review for completeness, it was found acceptable for docketing on August 6, 1973.

The proposed nuclear facilities, designated by the applicant as the Douglas Point Nuclear Generating Station, Units 1 & 2 are located on the east bank of the Potomac River, about 30 miles south-southwest of Washington, D.C., in Charles County, Maryland and are designed for initial operation at approximately 3,579 megawatts (thermal), with a net electrical output of approximately 1,178 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 30, 1973. The request should be filed in connection with Dockets Nos. 50-448-A & 50-449-A.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated August 8, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations relative to the proposed construction of the Douglas Point Nuclear Generating Station, Units 1 and 2, is also being made available at the Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201, and at the Metropolitan Washington Council of Governments, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 14th day of August 1973.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Boiling Water Reactors, Branch 1, Directorate of Licensing.

[FR Doc.73-18379 Filed 8-30-73;8:45 am]

[Docket Nos. 50-448, 50-449]

POTOMAC ELECTRIC POWER CO.

Notice of Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, Rules of Practice, notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Potomac Electric Power Company (the applicant), for construction permits for two boiling water nuclear reactors designated as the Douglas Point Nuclear Generating Station (the facilities), each of which is designed for initial operation at approximately 3,579 thermal megawatts with a net electrical output of approximately 1,178 megawatts. The proposed facilities are to be located on the east bank of the Potomac River, about 30 miles south-southwest of Washington, D.C., in Charles County, Maryland. The hearing will be conducted by an Atomic Safety and Licensing Board (Board) which has been designated by the Chairman of the Atomic Safety and Licensing Panel, consisting of Glenn O. Bright, Dr. Richard F. Cole, and Elizabeth S. Bowers, Esq., chairman. Dr. Walter H. Jordan has been designated as a technically qualified alternate, and Robert M. Lazo, Esq. has been designated as an alternate qualified in the conduct of administrative proceedings.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

Issues Pursuant to the Atomic Energy Act of 1954, as amended.—1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

Issue Pursuant to National Environmental Policy Act of 1969 (NEPA).—5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permits should be issued to the applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held at such time as may be appropriate, at a place to be set by the Board for the purposes of dealing with the matters specified in 10 CFR 2.751a. Notice of the special prehearing conference will be published in the FEDERAL REGISTER.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference, after discovery has been completed, or within such other time as may be appropriate, at a time and place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102 (2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits dated August 8, 1973, and amendments thereto, and the applicant's Environmental Report dated August 8, 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents will also be made available at the Charles County Public Library, Garrett and Charles Streets, La Plata, Maryland 20646 for inspection by members of the public between the hours of 9:00 a.m. and 8:00 p.m. Monday through Thursday and from 9:00 a.m. to 5:00 p.m. on Friday. As they become availabe, a copy of the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statement on environmental considerations, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, other relevant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation and the Commission's final detailed statement on environmental considerations, the proposed construction permits, and the ACRS report may be obtained, when available,

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by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than October 1, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than October 1, 1973. A copy of the petition for leave to intervene shall be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545, and to George Trowbridge, Esq., Shaw, Pittman, Potts and Trowbridge, 910 17th Street NW., Washington, D.C. 20006, attorney for the applicant. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the right to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant not later than September 20, 1973.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 24th day of August 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-18376 Filed 8-30-73;8:45 am]

[Docket Nos. 50-272, 50-311]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Notice and Order for Prehearing Conference

In the matter of Public Service Electric and Gas Co. (Salem Nuclear Generating Station, Units 1 and 2).

Take notice that, pursuant to the Atomic Energy Commission's "Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing" dated October 6, 1972, the Atomic Safety and Licensing Board will hold a special prehearing conference in this proceeding on September 7, 1973, at 10 a.m., local time, at the City Council Chambers, Public Building, 3d Floor, 10th and King Streets, Wilmington, Del. The purposes of this special prehearing conference are to: (1) Permit identification of the key issues in the proceeding; (2) take any steps necessary for further identification of the issues; (3) consider petitions for intervention in the proceeding; and (4) establish a schedule for further actions in the proceeding. In addition to the purposes specified above, the prehearing conference will also deal with such of the matters stated in § 2.752 of the Commission's rules of practice (10 CFR 2.752) as may be appropriate.

Members of the public may attend this prehearing conference as well as the evidentiary hearing which will be held at a later time to be fixed by the Board. However, members of the public who may wish to participate in the proceeding by way of limited appearances will not be permitted to do so at the prehearing conference. Oral or written statements offered by way of limited appearances will be received by the Board at the time of the aforementioned evidentiary hearing.

It is ordered, That counsel for the Applicant, the Regulatory Staff of the Commission, and any petitioners for intervention conduct such informal conferences, including telephone conferences to the extent they may be practicable, to expedite the proceeding and in particular to advance the purposes of the prehearing conference.

Issued at Washington, D.C., this 29th day of August, 1973.

THE ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.73-18676 Filed 8-30-73;10:39 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25827]

AIR TRAFFIC CONFERENCE OF AMERICA

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of August, 1973.

The members of the Air Traffic Conference of America (ATC) have filed under section 412 of the Federal Aviation Act of 1958, as amended, (the Act) the following agreement entitled "Public Air-Ground Telephone Service,"[1]

"Resolved that:

1. In view of the recommendations of the Air Lines Communications Administrative Council, no member shall install, permit the installation of, or maintain, public air-to-ground telephone facilities in aircraft operated by it which are used in its own or certificated scheduled service.

2. The Executive Secretary shall arrange with ALCAC and/or other appropriate industry technical experts, to advise him from time to time of any new technological developments which might indicate the desirability of Conference review or modification of this resolution, and the Executive Secretary shall periodically report to the Conference with respect to the advice he has so received."

[1] The agreement was filed May 22, 1963 to become effective June 9, 1963.

The recommendations referred to in the resolution were the result of a report submitted concerning public air-ground telephone service. The report was based on a study undertaken in 1962 by the Air Lines Communications Administrative Council (ALCAC)[2] with the cooperation of the Aeronautical Radio, Inc. (ARINC). Under actual operating conditions, using four aircraft which operated between Chicago and the East Coast, it was found that the service was feasible and that passenger reaction was generally favorable. The experiment did, however, reveal that certain technical inadequacies could be expected due to insufficient ground facilities and limitations of the radio frequencies available for this purpose.

ALCAC concluded that any extensive program to install and use the existing equipment would be a waste of money and inevitably result in passenger dissatisfaction due to continually busy circuits.[3] ALCAC estimated that it would be at least three years before airborne and ground equipment could be re-engineered and converted to meet airline industry standards.

The joint refusal of the carriers to participate in the development, for airline use, of what may be a practical and useful public service is, in our view, prima facie adverse to the public interest. No action has been taken by the carriers nor by the Executive Secretary of ATC since March 1965 to determine if new technological developments may justify modification or termination of the resolution. Whatever technological difficulties may have been involved in expanding the utilization of the available radio frequencies and the geographical augmentation of ground facilities, it does not appear that meaningful progress in their solution can be achieved without some evidence of interest in the project by the airlines and ATC. It has been the past policy of the Board that agreements with objectionable features or methods of administration should not be approved unless there is a clear showing that the agreement is required by a serious transportation need or in order to secure important public benefits.[4] Under the circumstances of this case, no showing has, as yet, been made and approval cannot be justified.

In view of the foregoing, the Board tentatively concludes that ATC Resolution 10.55 (Agreement CAB 17117) should be disapproved as being inconsistent with the public interest. Our action herein should not be interpreted as favoring the installation of air-ground telephone facilities regardless of the technical problems involved. Rather it is predicated on the belief that a restrictive agreement such as this, which prohibits the members of ATC from taking any part in the solution of such problems, is adverse to the public interest. Following past procedures utilized by the Board,[5] interested persons will be given opportunity to show cause why the tentative findings and conclusions reached herein should not be adopted. We anticipate that such persons will support their objections with specific information illustrating where action has been taken with respect to the subject matter.

Accordingly, It Is Ordered, That:

1. All interested persons are directed to show cause why the Board should not make final its tentative findings and conclusions herein, and issue an order which would disapprove the agreement pursuant to section 412(b) of the Act;

2. Any person supporting or having objection to the issuance of an order making final the proposed findings and conclusions set forth herein shall file such comments with the Board within twenty-eight days of the date hereof;[6]

3. This order shall be served on the applicants; each air carrier holding a certificate of public convenience and necessity; the Air Lines Communications Administrative Council (ALCAC); Aeronautical Radio, Inc. (ARINC); the Radio Technical Commission for Aeronautics (RTCA); the ATA Operation Department; the Departments of Justice and Transportation; the Federal Communications Commission; the National Passenger Traffic Association; and

4. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-18573 Filed 8-30-73;8:45 am]

[2] ALCAC is composed of communications officials of all scheduled U.S. carriers.

[3] The airborne equipment and installation costs were estimated at approximately $5,000 per aircraft.

[4] *Cf. IATA Credit Agreement Case*, 30 CAB 1553 (1960).

[5] Cf. Seaboard and Western Air Lines, Inc., Order E-15891, October 7, 1960; Eastern-Caribair, Order 70-11-26, November 5, 1970.

[6] Such comments shall comply with the requirements of the Board's Procedural Regulations, 14 CFR Part 302.

[Docket No. 25424]

GATEWAY AVIATION LIMITED

Notice of Postponement of Prehearing Conference and Hearing

Notice is hereby given that the prehearing conference and hearing in the above-entitled proceeding previously scheduled for September 13, 1973 (38 FR 22179), is hereby postponed until September 21, 1973, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

Dated at Washington, D.C., August 27, 1973.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.73-18572 Filed 8-30-73;8:45 am]

[Docket No. 23333]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding North/Central Pacific Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of August, 1973.

By Order 73-5-38 dated May 8, 1973 procedural dates were established for the receipt of justification, comments, and responses regarding an agreement of the International Air Transport Association (IATA) for the establishment of North/Central Pacific cargo rates through September 30, 1973.[1] Numerous responses from interested persons and parties have been received, and the matter is now ready for the Board's decision.

The agreement before us is in many respects similar to a previous IATA agreement which attempted to close the open-rate situation which has existed in respect to North/Central Pacific cargo rates since October 1971. In Order 72-6-138 of June 29, 1972, the Board disapproved the proposed increases in minimum charges, general cargo rates, and directional rates for specific commodities in containers.[2] The Board approved increases in bulk specific commodity rates and adjustments in bulk unitization charges, but applied a condition to stipulate that specific commodity rates for any U.S. point could not be higher for another U.S. point having an intermediate position relative to the shortest operated mileages.

The instant agreement would increase general cargo rates between the United States, and the Far East by approximately three percent, while specific commodity rates which are being retained would be increased by amounts ranging up to 34 percent.[3] The highest increases in commodity rates occur for items where, as a result of open-rate filings by individual carriers, the presently effective rate is considerably lower than the previous IATA-agreed rate. The resolution governing unit load devices and the attendant bulk unitization charges would be amended to bring the North/Central Pacific into conformance with practice in other world areas. In this connection pivot weights, minimum charges, and over-pivot rates would be reduced. Rates for shipments exceeding the present

[1] The Mexico City Worldwide Cargo Conference has adopted a new North/Central Pacific cargo rate agreement intended for effectiveness from October 1, 1973 through September 30, 1975. The agreement will be subject to Board procedures to be outlined by future order.

[2] The Board stated that these directional rates involved a substantial rate advantage for inbound shipments for which no adequate justification had been provided.

[3] Increases would be substantially higher for specific commodity rates proposed to be canceled, since the appropriate general cargo rate would then apply.

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pivot weight would be increased ranging from two to five percent.[4]

The agreement additionally provides for an across-the-board increase of five percent in all rates and charges for U.S.-originating shipments to account for the recent devaluation of the U.S. dollar.[5]

Statements of justification in support of the agreement have been received from Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA), The Flying Tiger Line Inc. (Tigers), and Northwest Airlines, Inc. (Northwest). The carriers have provided forecasts of traffic, revenue, and return on investment in all-cargo service for the coming year under the existing and proposed rates. We have adjusted the carrier forecasts, outlined in Appendix D, to include the five-percent currency adjustment where it was omitted in the profit-loss statements. The carriers point out that an open-rate situation has existed on the North/Central Pacific since October 1971; that numerous uneconomic tariff filings since then have diluted yields, revenues and rates of return accordingly; that the proposed rates represent moderate increases over the previous IATA rates agreed upon in 1969 at Athens; that many of the increases as previously proposed were approved by the Board in Order 72-6-138; and that the five-percent currency adjustment due to dollar devaluation is needed to offset revenue losses of foreign-flag carriers operating to/from the United States as well as increased costs in terms of local currencies incurred by the U.S. carriers for their operations abroad.

Tigers has also offered justification in support of certain elements of the agreement which were previously disapproved by the Board in Order 72-6-138. Tigers supports the incorporation of directional rates for certain specific commodities in containers under Resolution 590x, and points out that the lower, eastbound rates were initially introduced during the open-rate period to attract to scheduled service traffic moving on cargo charters which were originally the byproduct of westbound one-way MAC charters. Tigers contends that the proposed rates are significantly higher than present charter rates and that the carriers are endeavoring to bring the rates into line with other commodity rates as soon as possible. Corresponding rates have not been maintained for westbound traffic in order to avoid introduction into the westbound direction of an undesirable rate development which is gradually being phased out for eastbound traffic. The carrier points out that the Board has previously approved other directional transpacific rates for bulk specific commodities, and alleges that the Board has generally permitted directional rates which have been adequately justified. Tigers also believes the Board should stay the effectiveness of the condition it placed upon specific commodity rates for intermediate points until September 30, 1973, anticipating that an acceptable solution will have been worked out at the Mexico City conference.

Comments and objections to the agreement have been received from Bud Antle, Inc. (Antle); Fairchild Semiconductor (Fairchild); Radio Corporation of America (RCA); and General Instrument Corporation (GIC).

Antle complains against the proposed specific commodity rate for Item 0097N (Fresh fruits and vegetables, nonpriority carriage) from Los Angeles to Hong Kong. Antle alleges that the new rate is substantially higher than the rates it is presently using to ship lettuce to Hong Kong and would impose such severe increases (up to 61 percent) that the traffic would transfer to surface transport. Antle also contends that the general five-percent currency surcharge on U.S.-originating shipments is unjustified since the devaluation has not affected the carriers' revenue positions and there is no showing that the costs of the U.S. carriers' operations overseas have increased significantly.

Fairchild, RCA and GIC complain against the directional specific commodity rates proposed under Resolutions 590 and 590x for certain electronic components between the United States and the Far East. Elimination of the low westbound rates on these items, the complainants contend, would impose such severe increases in shipping costs as to seriously undermine their competitive positions vis-a-vis their foreign competitors, who would be advantaged by rates which will still remain significantly lower for the same items shipped in the opposite, eastbound direction.

Specifically, Fairchild opposes the rates proposed for specific commodity Item 4435 (Electronic tubes, transistors and solid state semiconductor devices) from San Francisco to the Far East, alleging the proposal would effect increases of up to 34 percent over the present rates and induce a reversion to surface transport if Fairchild is to remain competitive. Fairchild also states that the proposed rates from the West Coast to the Far East for a more generic specific commodity, Item 4416 (Automobile radios, electrical appliances, electronic tubes and semiconductors) are substantially higher than corresponding eastbound rates under the same or similar commodity classifications and therefore discriminate against westbound traffic. RCA also complains of the proposed elimination of certain westbound rates which would accentuate the directional differentials, and opposes the proposed container rates for Item 4506 (T.V. tuners and parts) which would be available from Taipei to Chicago only in the eastbound direction. GIC raises the same objections to the Item 4506 rates as RCA, and additionally contends that they will reduce carrier revenue through traffic loss.

Tigers and TWA have each filed consolidated answers to the complaints. With reference to the complaints of Fairchild, RCA and GIC, Tigers points out that each of the complainants will still be benefited by specific commodity and container rates. Elaborating the points raised in their justification, Tigers contends that the new westbound rates incorporate only modest increases (averaging upwards of five percent) over the rates embodied in the previous Board-approved IATA agreement which expired in October 1971. Tigers further alleges that the complainants were using the old IATA-agreed rates before the present open-rate period, and that only recently have these shippers enjoyed the fortuitous rate cuts which should not form the basis for long-range production and marketing decisions. Tigers alleges that the carriers' policy is to gradually raise the eastbound rates, now proposed at levels about 57 percent above the charter rates, fully consistent with the Board's policy of encouraging increases in discount rates no longer considered promotional.

In answer to Antle's complaint, Tigers points out that during the open-rate period they worked closely with Antle to analyze the market potential for fresh produce and through promotional commodity rates succeeded in creating a new scheduled service market for perishables. Most other carriers were not, however, convinced of the generative effect of these rates, and refused to incorporate them in the agreement. Tigers claims that they have now succeeded in securing adoption of their rates at the Mexico City Cargo Conference and that an appropriate agreement will be filed for early August 1, 1973, effectiveness.[6]

TWA, in its consolidated answer to the complaints, asserts that the complainants are endeavoring to maintain unreasonably low rates which were the result of destructive competitive practices during the open-rate period, and that only moderate increases over the previous IATA-agreed rates are involved.

Fairchild, GIC and Antle have filed answers to the carrier justifications. Fairchild cites the carriers' projected load factors, and contends that the carriers are in fact offering excess capacity when they should be concentrating on increasing traffic to achieve better load factors. Fairchild alleges that increased traffic would more than offset any dilution in revenue due to lower yields. Fairchild asserts that the goods they typically ship possess such inherent advantages in density, packaging and handling characteristics, and carrier costs, as to justify lower rates than most commodities. GIC reiterates the points raised in their complaint, and contends further that rates should be justified on their own merits as regards carrier costs,

[4] In general, the rating concept of the bulk unitization program provides for point-to-point charges to apply regardless of the commodities being shipped (except for valuable and restricted articles). A fixed charge applies up to a specified pivot weight, above which the excess weight is charged at a specified rate per kilogram. (See Appendix C)

[5] Comparisons of present and proposed rates and charges, with and without currency adjustments, are presented in Appendices A, B, and C.

[6] Such an agreement was received by the Board on June 19, 1973.

and packaging and handling characteristics for the commodities transported, rather than on the basis of comparisons with rates in effect at any given point in the past. In addition to points raised in their complaint, Antle claims that no previously existing rates, or carrier cost data in North/Central Pacific service, relate directly to the cost characteristics of fresh fruits and vegetables, and accordingly the carriers' submissions on general costs for all goods provide no basis for an unreasonably high rate on this particular commodity. Antle also quotes Tigers' contention in its consolidated answer to the complaints that the low open-rate levels for lettuce were in fact developing new traffic. Finally, Antle states that if Tigers is correct in its assertion that the Mexico conference has agreed to reintroduce the rates effective August 1, the Board should not permit a gap in the continued availability of these promotional rates.

As indicated above, the carriers have submitted detailed forecasts of the effects of the proposed changes upon their earnings positions in North/Central Pacific all-cargo service.[7] Pan American forecasts an increase in freight revenue of $1.1 million, or 5.8 percent, for the year ending April 30, 1974 absent the currency surcharge. With the currency adjustment the increase would be over $2.1 million or about 11.1 percent. Tigers anticipates that in the year ending June 30, 1974, it will receive a 6.1-percent increase in frieight revenue under the proposed tariffs, from $67.5 million to $71.6 million, without the currency adjustment. With the currency adjustment revenue would be $73.6 million, an increase of about 9.0 percent Northwest forecasts a $574,000 increase in freight revenue for the year ending June 30, 1974, approximately 6 percent. Unlike Pan American and Tigers, Northwest does not predict any shift in traffic distribution to unit-load devices as a result of the new container rates which would adjust pivot weights to conform more closely to the densities of most transpacific traffic. The forecast rates of return on investment with the rate increase are: Pan American, 10.1 percent; Tigers, 16.0 percent; and Northwest, 6.6 percent.

Although these improvements in revenue appear moderate, we note that even without the proposed rate increases the carriers forecast traffic and revenues which, on the whole, represent significant improvement over their experience in the recent past. For fiscal 1974, Northwest forecasts a 59-percent increase in all-cargo traffic over the year ending December 31, 1972, and a 57-percent increase in revenue. These results may be attributed to resumption of service after the Northwest pilot strike which lasted from July to October of 1972. It is therefore more realistic to compare the forecast traffic and revenue with the carrier's experience for the year ending June 30, 1972, the last full year before the strike. Here the increases are 5.1 percent and 6.7 percent, respectively. Since Pan American picked up considerable northwest traffic during the strike, it seems logical to use the year ending June 30, 1972, as a basis of comparison for that carrier also.[8] Pan American's forecasts show increases of 12.7 percent and 5.2 percent, respectively, in traffic and revenue over the 1972 base period.[9] Tigers anticipates a much more dramatic change; the same basis of comparison shows an increase in traffic of over 44 percent and a revenue improvement of almost 51 percent. Using the last reported period (12 months ended December 31, 1972) as a base Tiger's increases would be 23 percent and 29 percent, respectively.[10] The revenue increases for all the carriers would be even greater with the proposed rate increases.

On the other hand, the carriers anticipate a drop in their rates of return on investment over the same period which is somewhat puzzling in the face of the above-mentioned gains in traffic and revenue. Pan American states that their 1972 return on investment was 14.5 percent and claims that this will drop to 7.1 percent in the coming year without a rate increase; similarly, Tigers states their 1972 return was 14.1 percent which will drop to 11.0 percent without a rate hike. These figures do not comport with Form 41 data reported to the Board which shows Tigers with a 24.1-percent return for the year ended December 31, 1972. Even if Pan American's return is not also understated it is clear that at least two of the carriers are now in an excess earnings position which is now expected to drop suddenly below the Board's 12-percent yardstick. Northwest makes no direct comparisons and in any case their experience is suspect for rate-making purposes due to the effects of the recent strike.

Cost increases do not appear sufficient to explain the predicted decline in return for Pan American and Northwest, although Tigers forecasts an extensive expansion in capacity and, accordingly, expenses. Pan American is reducing capacity 10.1 percent below that offered during fiscal 1972, and Northwest forecasts a modest 5.7-percent rise over the same period. Tiger's predicted 48.9-percent capacity increase, with an attendant 49.2-percent rise in costs and a drop in load factor from 67.6 to 64.4 percent, appears to be behind the dramatic decline forecast in Tiger's return position. (See Appendix G.) Additional capacity now projected by Tigers offers no justification for an increase in North/Central Pacific rates.

Pan American and Northwest attribute the forecast decline in return to a severe erosion of freight yields during the open-rate period due to commodity and container rates filed unilaterally at uneconomic levels. The carriers cite their reported 1971 and 1972 yield experience in this regard and contend that yields will continue to be eroded without a rate increase. Yet we find it curious that Tigers' forecast of revenue and traffic shows a substantial (7.67 percent) improvement in yields over last year, indicating that the other carriers' yield, revenue and return forecasts may be significantly understated.

We cannot conclude that the increases proposed in general cargo rates are warranted. Last year the Board disapproved a similar proposal for a general rate increase on grounds that the earning positions of the three carriers offering all-cargo service over the North/Central Pacific showed very high rates of return, and that increased costs associated with devaluation and enroute facilities charges could be absorbed without an increase. Two of the carriers—Pan American and Tigers—were clearly in excess earnings positions in 1972, and nothing in the data submitted convinces us that their returns would drop off to unsatisfactory levels in the coming year. As outlined above, we believe the forecasts to be significantly understated. The erosion of yields which the carriers bemoan has not occurred in the area of general cargo rates, and the carriers' own forecasts indicate that the proposed increases in general cargo rate revenues would be relatively unimportant in their total revenue position. In this connection we note that the carriers' figures on traffic distribution show that general cargo rates will still move only about 30 percent of the traffic.

Neither can we conclude that the general 5-percent increase in all charges for U.S.-originating shipments is justified. In most cases where a currency is devalued, it is reasonable to conclude that some upward adjustment in rates is necessary to restore the previously existing balance of carrier revenues and expenses. For the same reasons stated in Order 73-7-54 (July 12, 1973) disapproving similar adjustments in North/Central Pacific passenger fares, we cannot make such a finding in this case, and none of the carriers have provided any data to warrant these increases.[11] We will also disapprove a similar 5-percent surcharge proposed on special rates for personal effects, and on all cargo rates between IATA Conference areas 2 and 3, on the

[7] TWA, which has only recently inaugurated transpacific freighter service, forecasts only an increase of $995,000, or 8.6 percent, in transpacific freight revenue (both all-cargo and combination services).

[8] Traffic and revenue for Pacific all-cargo service reported by Pan American under C.A.B. Form 242 are not further broken down into North/Central versus South Pacific. Pan American inaugurated South Pacific freighter service in August 1972, therefore, the year ending June 30, 1972, is also the last reported period for which a direct comparison can be made with the carrier's forecasts for North/Central Pacific all-cargo service.

[9] We note that in its March 26 justification for a general five-percent increase in transpacific fares and rates to cover dollar devaluation, Pan American anticipates an 18.5-percent increase in Pacific sector cargo sales for 1973 as compared to 1972. This indicates that the carrier's forecast 12.7-percent increase in traffic over the year ending June 30, 1972, may be understated.

[10] These changes are summarized in Appendix E.

[11] Tigers examines the impact of the devaluation upon foreign carriers by analyzing the effect on its own revenues and return position as if it were a foreign carrier. We consider this exercise meaningless, as the relationship of revenue to expenses in each country is different for each carrier.

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one hand, and Guam, on the other hand.[12]

It appears that although Tigers' revenue will more than keep pace with increased traffic, Pan American and Northwest anticipate some lag in revenues absent some improvement in yield. All the carriers have stressed the severe erosion of yields due to low specific commodity rates and bulk unitization charges filed unilaterally during the open-rate period. Under these circumstances we do not believe the proposed increases in these rates to be unreasonable and it has been the Board's policy to encourage the carriers to reduce reliance on specific commodity rates by increasing them.[13]

Finally, we turn to the complaints. Upon consideration of the carrier justifications, the complaints and the answers thereto, we cannot conclude that the directional specific commodity rates complained against by Fairchild, RCA and GIC warrant approval, and accordingly we will herein disapprove Resolution 590x, and Resolution 590 insofar as it would establish rates for Items 4416, 4417, and 4435 in either direction.[14] No adequate justification has been provided for the directional discrepancies. Although the lower eastbound rates were initially introduced during an open-rate period to attract to scheduled service traffic which had been moving on charters, we see no reason for the perpetuation of this dilutionary element within the overall rate structure. The carriers themselves have stressed the severe erosion of yields due to low open-rate filings, and there is no reason why these particular rates should be excepted from the general return to previous IATA-agreed levels by virtue of the unusual circumstances attending their introduction during the open-rate period. The Board is well aware of the carriers' contention that low levels are still required to continue to move this traffic in the eastbound direction. We believe, however, that the carriers have available other options which would avoid the marked directionality now proposed for incorporation into the regular scheduled rate structure.

Although specific commodity rates are by their nature directional, in this instance the extreme differentials advocated are not warranted, and we are unable to find them consistent with the public interest. Movement of large volumes of substantially identical commodities between the same points in opposite directions demands consideration not only of the economic impact upon carriers operating in air transportation, but also of the effect upon the competitive positions of the manufacturers of the goods being transported. This is particularly the case when an extremely competitive range of commodities is involved, and we believe the impact upon the competitive positions of Fairchild, RCA and GIC would be unduly severe if the rates were approved. The particular electronic components involved are high density items which have a very low unit value, and accordingly the cost of shipping each item to the point of final assembly has a critical effect on the selling price of the finished good.

In any event, we expect any solution which may be forthcoming to be cost-justified and equitable in its treatment of shippers of the same commodities on each side of the Pacific.

We believe Antle's problem has been resolved by subsequent action of the IATA Mexico City Conference by which the current rates supported by Antle for fresh lettuce and celery were incorporated in the specific commodity rate structure proposed for effectiveness through September 30. We will therefore approve Resolution 590 establishing specific commodity rates, with the exception outlined above for Items 4416, 4417, and 4435.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
23620: R-6	556a	Joint Conference 31 Cargo Rates-North and Central Pacific (NEW).	3/1.
R-7	590	Specific Commodity Rates Board (Readopting and Amending) insofar as it applies to rates for commodity Item Nos. 4416, 4417 and 4435.	3/1;1/2/3 (N. & C. Pacific).
R-8	590x	JT31 Specific Commodity Rates (NEW)	3/1.
R-9	022p	JT31 (North & Central Pacific) Special Rules for Sales of Cargo Air Transportation (NEW).	3/1 (N. & C. Pacific); 1/2/3 (TC1/TC3 via TC2).
23628	314a	Special Rates for Personal Effects (North & Central Pacific) (NEW).	3/1 (N. & C. Pacific); 1/2/3 (TC1/TC3 via TC2).
23748: R-5	590 II	Specific Commodity Rates Board (Expedited) (Amending) insofar as it applies to rates for commodity Item Nos. 4416, 4417, and 4435.	3/1.
R-6	590x	JT31 Specific Commodity Rates (Expedited) (Amending).	3/1 (N. & C. Pacific).
23608: R-6	022b	JT23/JT123 Special Rules for Sales of Cargo Air Transportation (NEW) (insofar as it applies in air transportation to/from Guam).	2/3;1/2/3.

2. It is not found that the following resolutions, incorporated in Agreement C.A.B. 23620 as indicated, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
23620: R-1	002	Readoption Resolution—North and Central Pacific	3/1;1/2/3 (via N. & C. Pacific).
R-3	501	Minimum Charges for Cargo (Amending)	1/2/3 (except N. & C. Pacific).
R-4	501	Minimum Charges for Cargo (Readopting and Amending).	3/1;1/2/3 (N. & C. Pacific).
R-5	536a	North and Central Pacific-Bulk Unitization Charges (Readopting and Amending).	3/1 (N. & C. Pacific).
23608: R-1	003h	Special Recission Resolution	2/3;1/2/3.
R-6	022b	JT23/JT123 Special Rules for Sales of Cargo Air Transportation (NEW) (insofar as it applies in air transportation to/from American Samoa).	2/3;1/2/3.

3. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act provided that approval is subject to the conditions hereinafter stated:

Agreement CAB	IATA No.	Title	Application
23620: R-2	115k	Meeting Non-IATA Competition-North and Central Pacific (NEW).	3/1 (N. & C. Pacific).
R-7	590	Specific Commodity Rates Board (Readopting and Amending) insofar as it applies to rates other than those for commodity Item Nos. 4416, 4417, and 4435.	3/1; 1/2/3 (N. & C. Pacific).
23748: R-4	590 I	Specific Commodity Rates Board (Expedited) (Amending).	3/1.
R-5	590 II	Specific Commodity Rates Board (Expedited) (Amending) insofar as it applies to rates other than those for commodity Item Nos. 4416, 4417 and 4435.	3/1.

[12] The corresponding five-percent surcharge in rates between TC3 and TC2, on the one hand, and American Samoa, on the other hand, will be approved consistent with our action in Order 73-4-126 (April 30, 1973).

[13] We will not, however, accommodate Tigers' desire that we stay our condition on intermediate application of specific commodity rates.

[14] We will also take similar action with respect to expedited resolution 590 II and 590x adopted at Mexico which would revalidate until September 30, 1973, specific commodity rates agreed under those resolutions and scheduled to expire on September 29, 1973.

Provided that with respect to Resolution 115k:

All notices sent or received pursuant to said resolution shall be filed with the Board at the same time and in the same manner (by cable) as circulated to the carriers; provided further that any unprotested amendment, change, deletion or addition to the North/Central Pacific cargo rate structure and related resolutions, whether or not in air transportation as defined by the Act, shall be filed with the Board under Section 412 of the Act and approved by the Board prior to being placed in effect; and

Provided that with respect to Resolutions 590;

Notwithstanding any provisions of said resolution or any other resolution, specific commodity rates established pursuant thereto with respect to any United States point as an origin or destination shall be applicable at the same levels to any other United States city having an intermediate position relative to shortest operated mileages, unless a specific commodity rate under the same description and requiring the same minimum weight is specifically established at a lower level for such intermediate point.

Accordingly, It Is Ordered, That:

1. Those portions of Agreements C.A.B. 23620, C.A.B. 23628, C.A.B. 23748, and C.A.B. 23608 set forth in finding paragraph 1 above be and hereby are disapproved;

2. Those portions or Agreements C.A.B. 23620 and 23608 set forth in finding paragraph 2 above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board; and

3 Those portions of Agreements C.A.B. 23620 and C.A.B. 23748 set forth in finding paragraph 3 above be and hereby are approved subject to the conditions staated therein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-18574 Filed 8-30-73;8:45 am]

CIVIL RIGHTS COMMISSION

ARIZONA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a planning meeting of the Arizona State Advisory Committee to this Commission will convene at 9:00 a.m. on September 8, 1973, in Rooms 101 and 103 of the Rodeway Inn, at 1202 South 24 Street, Phoenix, Arizona 85034.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, Ross Building, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting shall be to discuss a revised proposal and review plans for the Arizona State Advisory Committee's forthcoming Administration of Justice Study of Arizona Prisons.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C. August 24, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-18535 Filed 8-30-73;8:45 am]

CIVIL SERVICE COMMISSION

CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Citizens' Advisory Committee on Environmental Quality to fill by noncareer executive assignment in the excepted service the position of Executive Director—Citizens' Advisory Committee on Environmental Quality.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18549 Filed 8-30-73;8:45 am]

CIVIL AERONAUTICS BOARD

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Civil Aeronautics Board to fill by noncareer executive assignment in the excepted service the position of Special Assistant to Director, Bureau of Economics, Office of Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18548 Filed 8-30-73;8:45 am]

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Intelligence Assessment), Office of the Assistant Secretary of Defense (Intelligence), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR. Doc.73-18542 Filed 8-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Education (Policy Communication), Office of the Assistant Secretary for Education, Education Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18544 Filed 8-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Commissioner, Assistance Payments Administration, Social and Rehabilitation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18545 Filed 8-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner for External Affairs, Office of Education.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18551 Filed 8-30-73;8:45 am]

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DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Fish and Wildlife and Parks, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18546 Filed 8-30-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Energy Data and Analysis, Office of the Assistant Secretary—Energy and Minerals.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18547 Filed 8-30-73;8:45 am]

DEPARTMENT OF JUSTICE

Notice of Title Change in Noncareer Executive Assignment

By notice of August 18, 1970, FR Doc. 70-10818 the Civil Service Commission authorized the Department of Justice to fill by noncareer executive assignment the position of Confidential Assistant to the Attorney General, Office of the Attorney General. This is notice that the title of this position is now being changed to Special Assistant to the Attorney General, Office of the Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18554 Filed 8-30-73;8:45 am]

DEPARTMENT OF LABOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Executive Director for Jobs for Veterans, Office of the Assistant Secretary for Manpower.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18552 Filed 8-30-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Communications Commission to fill by noncareer executive assignment in the excepted service the position of Deputy Chief, Cable Television Bureau.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18543 Filed 8-30-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Communications Commission to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Chairman for Planning, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18550 Filed 8-30-73;8:45 am]

UNITED STATES TAX COURT

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the United States Tax Court to fill by noncareer executive assignment in the excepted service the position of Executive Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-18553 Filed 8-30-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

NATIONAL AIR QUALITY CRITERIA ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the National Air Quality Criteria Advisory Committee will be held at 9:00 a.m. on September 20, 1973, in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

The agenda will include briefings and consultations on (1) a draft titled, "Health Consequences of Sulfur Oxides: Summary and Conclusions Based Upon CHESS Studies of 1970–1971"; (2) ongoing reviews of health effects data relating to air quality criteria for sulfur oxides, particulate matter, carbon monoxide, photochemical oxidants, and nitrogen oxides; (3) a draft titled, "Position Paper on Polychlorinated Biphenyls (PCBs)"; and (4) the EPA fuels and fuel additives research program as it relates, in particular, to mobile source nonregulated emissions. CHESS is the acronym for the Community Health and Environmental Surveillance System conducted by the Environmental Protection Agency in cooperation with local and State governments, universities, and private research organizations.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Executive Secretary, Mr. Ernst Linde, Scientist Administrator, National Environmental Research Center, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

The telephone number is 919-549-8411, extension 2266.

STANLEY M. GREENFIELD,
Assistant Administrator for Research and Development.

AUGUST 27, 1973.

[FR Doc.73-18537 Filed 8-30-73;8:45 am]

OCCUPATIONAL SAFETY REQUIREMENTS FOR PESTICIDES

Notice of Hearings

There was published in the FEDERAL REGISTER on July 31, 1973, a notice of this Agency's intent to hold public hearings on the question of farm worker protection and on proposed standards published with the notice. This Agency has cooperated with the Occupational Safety and Health Administration (OSHA) of the Department of Labor in public hearings on the question of worker reentry and protective clothing with respect to certain organophosphorus chemicals for use on apples, citrus, grapes, peaches, and tobacco. The OSHA hearings which have been concluded werc pursuant to the provisions of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655).

The extent of issues and the range of standards proposed to be considered by the EPA hearings were delineated in the July 31 FEDERAL REGISTER notice. These isues are broader in scope than those covered by the OSHA hearings. The purpose of the EPA hearings is to obtain meaningful information on which to base necessary additional standards for registration, field reentry, protective clothing and related agricultural worker areas for all pesticides. The OSHA will cooperate with EPA in these hearings.

After consideration of the record of both OSHA hearings and EPA hearings together with written views, arguments, and data received in response to the July 31 notice, and other available information, EPA will promulgate as deemed appropriate standards or regulations in any or all of the areas identified for any or all pesticides.

Interested parties were requested to advise the Hearing Clerk, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, of their desire to present evidence at any of the proposed hearings so that further plans and duration of the hearings could be worked out. Expressed interest has largely favored one of the regional sites or the concluding hearing in Washington, D.C., on October 23 and 24. For this reason, the hearing scheduled for August 29 and 30 in Washington, D.C., is canceled with Sacramento, California, being the site of the opening hearing. Any persons planning to attend the August 29 and 30 hearing may attend one of the other hearings. After consideration of the responses to the July 31 notice, we have scheduled public hearings in 12 locations as listed below:

Dates	Address	Time
September 11-12..	Assembly Room, California Department of Food and Agriculture, 1220 N St., Sacramento, Calif. 95814.	9:30 a.m.
September 14.....	Nisqually Room, Seattle Center, 305 Harrison St., Seattle, Wash. 98109.	9:30 a.m.
September 18.....	Ocotillo Room, Holiday Inn, 2247 East Van Buren St., Phoenix, Ariz. 85034.	9:30 a.m.
September 20.....	Ramada Inn, 123 West E St., Casper, Wyo. 82601.	9:30 a.m.
September 25.....	Room 302, Federal Building, 911 Walnut St., Kansas City, Mo. 64106.	9:30 a.m.
September 28.....	Conference Rooms A & B, 11th Floor, 1600 Patterson St., Dallas, Tex. 75201.	9:30 a.m.
October 2.....	Conrad Hilton Hotel, Willowford Room, Parlor A, 720 South Michigan Ave., Chicago, Ill. 60605.	9:30 a.m.
October 9.....	Tull Auditorium, Gambrell Hall, Emory University, 1364 Clifton Rd., NE., Atlanta, Ga. 30322.	9:30 a.m.
October 12.....	West Tennessee Room, Admiral Benbow Hotel, 2201 Winchester Rd., Memphis, Tenn. 38116.	9:30 a.m.
October 16-17.....	New York State Department of Environmental Conservation, Conference Room 106, 550 Wolf Rd., Albany, N.Y. 12201.	9:30 a.m.
October 19.....	Baystate Room, Statler Hilton, Park Square, Boston, Mass. 02117.	9:30 a.m.
October 23-24.....	Jefferson Auditorium, USDA, South Bldg., 14th and Independence Ave., SW Washington, D.C. 20250.	9:30 a.m.

Persons wishing to submit evidence or make their views known to this Agency on these issues are invited to participate in one of these hearings. Persons who have responded to the July 31 notice, asking to participate, will be scheduled for the appropriate hearing. To the extent time permits, others may participate by registering and requesting to testify at the hearing site of their choice. Oral statements will be limited to a reasonable period of time; however, written statements may be filed for the record. Four copies of written statements will be required.

Written views may be submitted, on or before October 30, 1973, to the Hearing Clerk, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (preferably in quintuplicate). All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk. Such written submissions will be considered along with the hearing record.

Done this 28th day of August 1973.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.73-18623 Filed 8-30-73;8:45 am]

POLLUTANTS IN PUBLICLY OWNED TREATMENT WORKS

Pretreatment Guidelines

Pursuant to section 304(f) of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500), the Environmental Protection Agency (EPA) gave notice on August 20, 1973 (38 FR 22429) of a proposal to issue guidelines for pretreatment of wastewaters introduced into publicly owned treatment works.

The last sentence of that notice, which reads "All such submissions received on or before October 4, 1973, will be considered prior to publication of final guidelines", is in error. It should read "All such submissions received on or before September 25, 1973, will be considered prior to publication of final guidelines".

Under a decree entered in the case of "N.R.D.C. v. Fri" (U.S. District Court for the District of Columbia, Civil No. 849-73), EPA is obligated to issue pretreatment guidelines on or before October 15, 1973. The decree also requires the Agency to allow at least 20 days for review of public comment. Accordingly, it is necessary to close the public comment period at least 20 days prior to October 15, 1973.

For this reason, the public comment period noticed for the pretreatment guidelines under section 304(f) of the Federal Water Pollution Control Act will close on September 25, 1973.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

AUGUST 27, 1973.

[FR Doc. 73-18538 Filed 8-30-73;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD. AND CHO YANG SHIPPING CO., LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

W. R. Purnell, Assistant Vice President, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, Calif. 94108.

Agreement No. 10080 between American Mail Line, Ltd. (AML) and Cho Yang Shipping Co., Ltd. (Cho Yang) covers the through movement of cargo in containers under through intermodal bills of lading issued by AML or by AML and/or U.S. inland carriers in the trade between ports in Korea and ports or points in the United States, with transshipment at ports in Japan to and from ports of discharge or loading in Korea.

By Order of the Federal Maritime Commission.

Dated August 28, 1973.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-18567 Filed 8-30-73;8:45 am]

PORT OF SEATTLE AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

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Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the Federal Register. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreements Filed by:

George H. Sutter, Esq., Assistant Director of Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Agreement No. T-2005-9, between the Port of Seattle (Port) and Sea-Land Service, Inc. (Sea-Land), amends the basic lease between the parties providing for the lease to Sea-Land of certain marine terminal facilities at Seattle, Washington. The purpose of the modification is to: (1) Change the monthly amortization payment schedule; (2) adjust the land area rental computation by decreasing the land area by 90,906 square feet and increasing the total monthly land rental by $3,158.37; and (3) increase the lease bond amount by $2,144.

Agreement No. T-2451-2, also between the Port and Sea-Land, amends the basic agreement which provides for the lease of container cranes at the facility in Seattle leased by Sea-Land under the terms of Agreement No. T-2005, as amended. The purpose of the amendment is to change the monthly amortization payment schedule.

By Order of the Federal Maritime Commission.

Dated August 27, 1973.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-18568 Filed 8-30-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP67-9 and Permian Basin Area Rate Proceeding; Docket Nos. AR61-1, etc.]

EL PASO NATURAL GAS CO.

Notice of Compliance Filing

AUGUST 24, 1973.

Take notice that on August 9, 1973, El Paso Natural Gas Company (El Paso), in accordance with Article IV of the Stipulation and Agreement approved by the Commission order issued April 3, 1967, at Docket No. RP67-9, and in compliance with ordering paragraph (K) (1) of the order implementing Opinion Nos. 468 and 468-A, issued August 9, 1968, at Docket Nos. AR61-1, et al., submits herewith its report of refunds received from its producer-suppliers during the period April 1, 1973, through June 30, 1973.[1]

During the period January 1, 1973, through June 30, 1973, El Paso states that it has received refunds aggregating $8,326.57 from certain of its Southern Division System producer-suppliers, which refunds have been submitted to El Paso pursuant to ordering paragraph (H) of the Commission Order Implementing Opinion Nos. 468 and 468-A issued August 9, 1968, at Docket Nos. AR61-1, et al. Details respecting the said refund amount of $8,326.57 are set forth on the sheet attached thereto designated as Schedule A. Pending accumulation of sufficient producer-supplier refunds to flow through the jurisdictional portion thereof to its Southern Division System customers, El Paso states that it has retained and commingled with its corporate funds the above amount in accordance with Article IV of its Stipulations and Agreements in Docket Nos. G-4769, et al. and RP67-9. As further provided by the said Stipulations and Agreements, El Paso says that it is accuring interest on such refund amount at the prime rate of interest, as it may exist from time to time, until the date of flow through by El Paso to its Southern Division System customers.

With respect to Northwest Division System refunds pending flow through, El Paso, through June 30, 1973, maintains that it has received from its Northwest Division System producer-suppliers refunds aggregating $125,596.43. According to El Paso, details regarding said refund amount of $125,596.43 are set forth on this attached sheet designated as Schedule B. Pursuant to the provision of its Stipulations and Agreements approved by the Commission at Docket Nos. G-13202 and RP67-9, El Paso says that it has commingled such amount with its corporate funds, pending accumulation of sufficient amounts to flow through the jurisdictional portion thereof its Northwest Division System customers. As provided by the said Stipulations and Agreements, El Paso states that it is accruing interest on the commingled refund amount of $125,596.43 at the prime rate of interest as it may exist from time to time.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18509 Filed 8-30-73;8:45 am]

[1] As reported February 23, 1973, as of December 31, 1972, El Paso has flowed through all refunds received prior to that date in accordance with the Commission's said order issued at Docket No. AR61-1, et al.

[Docket No. CP74-18]

UNITED GAS PIPE LINE CO.

Order Modifying Procedural Dates

AUGUST 24, 1973.

On August 7, 1973, the Presiding Judge certified a motion for modification of the procedural dates in this proceeding in the following respects:

	July 20 order	Proposed modifications
United's evidence	Aug. 27, 1973	Oct. 23, 1973
Staff and intervenors' evidence	Sept. 24, 1973	Dec. 21, 1973
Rebuttal evidence	Oct. 8, 1973	Jan. 25, 1974
Cross-examination	Oct. 15, 1973	Feb. 25, 1974

For the reasons set forth at the August 6, 1973 prehearing conference in this proceeding (Tr. 1-59), a transcript of which was certified to the Commission with the August 7 Presiding Judge's certification of the motion, we order the following procedural dates in Docket No. CP74-18, which shall supersede those prescribed in our July 20, 1973 order initiating this proceeding:

(A) United Gas Pipe Line Company shall file its testimony and evidence on October 23, 1973.

(B) A prehearing conference shall be held on October 31, 1973, in a hearing room of the Federal Power Commission, in Washington, D.C.

(C) Staff and intervenors shall file their evidence, including testimony and exhibits, on December 21, 1973.

(D) Rebuttal evidence shall be filed on January 18, 1974.

(E) Cross-examination shall commence on February 11, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18510 Filed 8-30-73;8:45 am]

[Docket No. CP72-60]

UNITED GAS PIPE LINE CO.

Notice of Application [1]

AUGUST 27, 1973.

Take notice that on September 7, 1971, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana 71102, filed in Docket No. CP72-60 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval for the abandonment of natural gas service to Mississippi Power Company (Mississippi Power) and the facilities employed therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that natural gas service to Mississippi Power for use in its Eaton Plant, near Hattiesburg, Forrest County, Mississippi, commenced on January 14, 1945. The amended gas sales contract for this service is to expire on January 1, 1972, and Applicant states that because of the natural gas shortage, it has declined to renew this contract.

Therefore, Applicant proposes to abandon in place approximately 751 feet of 8-inch pipeline and to abandon and salvage metering and regulating facilities which have been used exclusively for service to Mississippi Power.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18533 Filed 8-30-73;8:45 am]

[1] This notice, which was first issued September 16, 1971, is being reissued (without change except for the due date for filing protests and petitions to intervene) because the original notice was not published in the FEDERAL REGISTER.

FEDERAL RESERVE SYSTEM

FIRST NEWTON BANKSHARES, INC.

Order Approving Formation of Bank Holding Company

First Newton Bankshares, Inc., Topeka, Kansas, has applied for the Board's approval under section 3 (a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of the First National Bank, Newton, Kansas (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, recently organized for the purpose of becoming a holding company, has engaged in no business activities and has no subsidiaries. Bank (deposits of $14.7 million) is the smallest of three banks in Newton, Kansas, ranks third of eight in the relevant banking market approximated by Harvey County, and controls approximately 21 percent of the area deposits. (All banking data are as of December 31, 1972). The transaction is merely a reorganization whereby the shareholders who control bank at the present time will control Bank through Applicant. Accordingly, the Board concludes that consummation of the proposal will not eliminate any existing or potential competition, increase concentration of banking resources, or have an undue adverse effect on the other banks in the relevant area.

The management, financial condition and prospects of Bank are all satisfactory. The management of Applicant is essentially the same as that of Bank, and the financial condition of Applicant, which will depend largely upon Bank at least initially, appears to be satisfactory. A moratorium on dividends by Bank for the first year and a reduction thereafter from the level of recent years will permit Bank to achieve a greater degree of capital adequacy. It appears that the acquisition debt by Applicant will be satisfactorily amortized. Bank's capital has been steadily increased over the past five years. Considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that the proposed transaction would be consistent with the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] effective August 23, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc. 73-18489 Filed 8-30-73;8:45 am]

FORT WORTH NATIONAL CORPORATION

Order Approving Acquisition of Bank

The Fort Worth National Corporation, Fort Worth, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to Commercial Bank & Trust Co., Midland, Texas (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls six banks[1] with aggregate deposits of about $878 million, representing 2.5 percent of the total deposits of commercial banks in the State. Applicant ranks as the fifth largest multibank holding company and the sixth largest banking organization in Texas and the largest in the Fort Worth banking market, where it controls approximately 31 percent of the total commercial bank deposits in the market. (All banking data are as of December 31, 1972, and reflect bank holding company formations and acquisitions approved by the Board through June 15, 1973.) In addition, Applicant controls approximately 24 percent of the voting shares of each of two other banks located in the Fort Worth market, holding aggregate deposits of $74.1 million. Applicant also owns in excess of 5 percent of the shares of the First National Bank, Paducah, Texas. Upon consummation of the acquisition of Bank ($30.3 million in deposits), Applicant's share of commercial bank deposits in the State would increase by 0.08 percent and its rank would remain unchanged.

[1] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

[1] Bank of Fort Worth, Riverside State Bank, and Tarrant State Bank, all located in Fort Worth, are deemed subsidiaries for purposes of the Bank Holding Company Act by virtue of Applicant's fiduciary holdings in said banks and § 2(a)(5)(A) of the Act.

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Bank is located in Midland, Texas, and, as the sixth largest of nine banking organizations serving the Midland-Odessa banking market, controls 6 percent of that market. Applicant's closest existing subsidiary bank is located approximately 250 miles north of Bank. (Applicant has filed an application to acquire 100 percent of Levelland State Bank, Levelland, Texas, approximately 140 miles north of Bank; if approved, the Levelland State Bank would become Applicant's subsidiary nearest to Bank.) It appears that no meaningful competition exists between any of Applicant's existing or proposed subsidiary banks and Bank.

The second, third, fourth, and fifth largest banks in the Midland-Odessa banking market are members of bank holding company organizations. Bank's small size would preclude its engaging in meaningful competition with these organizations. Consummation of the proposal herein may produce procompetitive effects by introducing into the market an organization of sufficient financial strength to make Bank a vigorous competitor in its market. In view of the distances involved, and the Texas law prohibiting branch banking consummation of the proposal herein would not appear to have an adverse effect on future competition between Bank and any of Applicant's subsidiaries. The Board concludes, on the basis of the record before it, that consummation of the proposed transaction will not have an adverse effect on competition in any relevant area and may, in fact, serve to stimulate competition in the Midland-Odessa banking market.

The financial and managerial resources and future prospects of Applicant and its subsidiaries appear satisfactory. The financial condition and managerial resources of Bank are fair. As a subsidiary of Applicant, however, Bank's prospects for future growth and service as a meaningful competitor in the Midland-Odessa area would be significantly improved. The expected strengthening of Bank's financial position by Applicant lends weight to approval of the application.

Although there is no evidence in the record to indicate that the banking needs of most residents of the Midland-Odessa area are not being adequately served by existing institutions, provision of Applicant's expertise in trust department operations, international banking, and petrochemical financing through Bank should provide a more convenient source for these sophisticated services to customers located in Bank's market. The convenience and needs considerations of the community to be served are consistent with and lend support to approval of this application. It is the judgment of the Board that the proposed transaction is in the public interest and that the applicaion should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority, and further provided that the transaction shall be in compliance with the provisions of section 3(e) of the Act (12 U.S.C. 1842(e)) regarding status as an insured bank as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)).

By Order of the Board of Governors,[1] effective August 23, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18490 Filed 8-30-73;8:45 am]

HAWKEYE BANCORPORATION

Order Approving Acquisition of Bank

Hawkeye Bancorporation of Des Moines, Iowa, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 79 percent or more of the voting shares of Farmers Savings Bank, Grundy Center, Iowa (Bank).[1]

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant presently controls 12 banks with aggregate deposits of approximately $275 million, and is the fifth largest banking organization in Iowa. Consummation of the proposed acquisition would increase Applicant's percentage of the total commercial deposits in the State from 3.3 percent to 3.4 percent, and Applicant would become the fourth largest banking organization in Iowa. (All banking data are as of December 31, 1972.)

Bank, with deposits of approximately $10 million, and 12 percent of the total market deposits, is the third largest of the eleven banks competing in the Grundy Center banking market which is composed of Grundy County and portions of Butler, Hardin and Tama Counties.

Applicant's banking subsidiary nearest to Bank is approximately 59 miles away in Newton. There is currently no competition between Applicant and Bank, and in view of the distance separating the facilities, little likelihood of future competition.

The composite financial condition of Applicant's member banks is considered satisfactory and Applicant has reasonably sound financial resources. Although the proposed acquisition would entail the assumption of additional debt, the amount of this indebtedness is not considered excessive in view of the overall capital position of Applicant and its subsidiary banks. Applicant has proposed issuing debentures before the end of 1973, the proceeds to be used to retire a portion of its short-term debt.

There is no evidence that the convenience and needs of the Grundy Center market are not being adequately met. However, if the application is approved, Applicant's experience and expertise would enable Bank to improve the quality of service it offers the community. Specifically, Applicant proposes to widen the range of loans made by Bank under a more progressive loan policy, to improve the trust services offered by Bank through Applicant's lead bank's specialized "Trust Committee," and assist Bank in bidding on local bond issues. Thus, the factors relating to convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective August 23, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18491 Filed 8-30-73;8:45 am]

HERITAGE BANCORPORATION

Acquisition of Bank

Heritage Bancorporation, Cherry Hill, New Jersey, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of First Charter National Bank, Jamesburg, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 23, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18534 Filed 8-30-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

[1] Holders of the remaining 21 percent are to be offered the same price per share as agreed to be paid for the 79 percent.

[2] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

UNITED VIRGINIA BANKSHARES INC.

Order Approving Acquisition of Bank

Before the Federal Reserve Bank of Richmond acting under delegated authority from the Board of Governors of the Federal Reserve System.

United Virginia Bankshares Incorporated, Richmond, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of United Virginia Bank of Charlottesville, Charlottesville, Virginia (Bank), an organizing State chartered institution. The application is to be acted upon by the Federal Reserve Bank of Richmond (Reserve Bank) under authority delegated by the Board of Governors (12 CFR Part 265).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act and the time for filing comments and views has expired. The Reserve Bank has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

As of December 31, 1972, the Applicant was the State's largest banking organization controlling 12 banks operating 123 offices with aggregate deposits of $1.5 billion or 14.1 percent of the total commercial bank deposits in Virginia. It recently received approval to acquire another small bank and, in addition, owns subsidiaries engaged in bank-related activities of factoring, mortgage lending, leasing, and investment advisory services. Inasmuch as the Applicant's closest office to that of the proposed new bank is 35 miles away, no existing competition would be eliminated, nor would concentration be increased in any relevant area. Bank would be located in the city of Charlottesville which, along with the surrounding county of Albemarle, would constitute the relevant geographic market. The four banking organizations currently competing in this market include the second, sixth, eighth and eleventh largest in Virginia. The largest bank in the market holds approximately 44.5 percent of the total deposits while the two leading banks hold approximately 79 percent. Thus, it appears that the consummation of the proposal should stimulate competition and tend to reduce the presently high degree of market concentration.

The financial and managerial resources and future prospects of Applicant and its bank and bank-related subsidiaries are regarded as generally satisfactory. As an alternative source of banking service, prospects for Bank appear favorable, particularly in view of the significant growth forecast for the area. Considerations relating to the convenience and needs of the area to be served are consistent with approval of the application. It is the Reserve Bank's judgment that the proposed acquisition would be in the public interest and that the application may be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after that date; and United Virginia Bank of Charlottesville, Charlottesville, Virginia, shall be opened for business not later than six months after the effective date of this Order. Each of the latter periods may be extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective August 22, 1973.

[SEAL] ROBERT P. BLACK,
President.

[FR Doc.73-18492 Filed 8-30-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

AMERICAN COAL CO. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20128, AMERICAN COAL COMPANY, Beehive Mine, MESA ID No. 42 00082 0, Huntington, Utah,
Section ID No. 006 (3rd West),
Section ID No. 005 (2nd West).

(2) ICP Docket No. 20228, HELVETIA COAL COMPANY, Lucerne No. 6 Mine, MESA ID No. 36 00917 0, Indiana, Pennsylvania,
Section ID No. 003 (West Mains),
Section ID No. 004 (West Mains),
Section ID No. 005 (North Mains),
Section ID No. 027 (7 Butt East Mains),
Section ID No. 031 (9 Butt North Mains),
Section ID No. 033 (1 Right 7 Butt East Mains),
Section ID No. 035 (2 Right 7 Butt East Mains),
Section ID No. 037 (10 Butt North Mains),
Section ID No. 039 (11 Butt North Mains),
Section ID No. 041 (11 East North Mains),
Section ID No. 043 (3 Right 7 Butt East Mains).

(3) ICP Docket No. 20463 UNITED STATES STEEL CORPORATION, Somerset Coal Mine, MESA ID No. 05 00294 0, Somerset, Colorado,
Section ID No. 012 ("C" Seam Section),
Section ID No. 006 (4 West—3 Dip "B"),
Section ID No. 009 (4 East—3 Dip "B"),
Section ID No. 010 (5 West—3 Dip "B"),
Section ID No. 013 (6 Left—3 South "B"),
Section ID No. 014 (8 Right—3 South "B").

(4) ICP Docket No. 20479, KAISER STEEL CORPORATION, Sunnyside Mine No. 1 MESA ID NO. 42 00093 0, Sunnyside, Utah,
Section ID No. 017-0 (16th Left),
Section ID No. 019-0 (2nd South),
Section ID No. 020-0 (17th Left),
Section ID No. 021-0 (Motor Road Extension),
Section ID No. 022-0 (Outside Raise—1st Left),
Section ID No. 023-0 (Outside Raise—2nd Left),
Section ID No. 024-0 (Outside Raise—1st Right).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, N.W., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

AUGUST 27, 1973.

[FR Doc.73-18499 Filed 8-30-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR RESEARCH

Notice of Ad Hoc Task Group Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463) notice is hereby given that a meeting of Ad Hoc Task Group No. 2 of the Advisory Committee for Research will be held at 9 a.m. on September 25 and 26, 1973, in room 511, at 1800 G Street, NW., Washington, D.C. 20550. The purpose of the Committee is to provide advice and counsel concerning research activities and potential in the United States and to consult on problems in the administration of research support. This informal subgroup of the Committee is meeting to consider and discuss specific topics of interest to the full Committee.

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The agenda for this meeting shall include the following topics:

1. Evaluation of the Peer Review System.

2. Impact of NSF Research Support.

The meeting shall be open to the public and attendance will be limited to space available on a first-come basis. Individuals who plan to attend should notify Dr. Jerome H. Fregeau, Executive Assistant to the Deputy Assistant Director for Research, Directorate for Research, by telephone (202–682–4248) or by mail (room 320, 1800 G Street, NW., Washington, D.C. 20550) not later than close of business on September 21, 1973.

For further information concerning this Committee, contact Mr. Leonard F. Gardner, Special Assistant, Directorate for Research, room 320, 1800 G Street, NW., Washington, D.C. 20550. Summary minutes of this meeting may be obtained by contacting the Management Analysis Office, room K–720, 1800 G Street, NW., Washington, D.C. 20550.

ELDON D. TAYLOR,
Acting Assistant Director for Administration.

AUGUST 24, 1973.

[FR Doc.73–18500 Filed 8–30–73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 23–1]

SPOKANE STOCK EXCHANGE ET AL.

Supplemental Information Filed With Respect to Applications for Exemption From Provisions of Rule 17a–15

In the matter of Spokane Stock Exchange, Spokane, Washington 99204; Intermountain Stock Exchange, 39 Exchange Place, Salt Lake City, Utah 84111; Chicago Board Options Exchange, LaSalle at Jackson, Chicago, Illinois 60604; Quotron Systems, Inc., c/o O'Melveny & Myers, 611 West Sixth Street, Los Angeles, California 90017; GTE Information Systems, Inc., 1 Stamford Forum, Stamford, Connecticut 06904; and Bunker Ramo Corp., Trumbull Industrial Park, Trumbull, Connecticut 06609.

Notice is hereby given that supplemental information has been filed by GTE Information Systems, Inc., and Bunker Ramo Corporation in support of their applications pursuant to paragraph (h) of rule 17a–15 under the Securities Exchange Act of 1934 for exemptions from various provisions of rule 17a–15.[1] Rule 17a–15 provides for the reporting of volume and prices of completed transactions with respect to securities registered on exchanges. Paragraph (h) of Rule 17a–15 provides that the Commission may "exempt from the provisions of [the] rule, either unconditionally or on specified terms and conditions, any exchange, association, broker, dealer, vendor or specified type of security if [it] determines that it is not necessary in the public interest or for the protection of investors that such exchange, association, broker, dealer, vendor or type of security be subject to the provisions of [the] Rule." The supplemental filings contain certain financial and other information relating to the appropriateness of the exemption requests. All interested persons are referred to the applications and supplements on file with the Commission for a statement of the representations contained therein.

Notice is further given that any interested person may, not later than September 14, 1973, submit to the Commission written comments on the supplemental filings. Any such communication should refer to File No. 23–1 and should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All comments will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–18536 Filed 8–30–73;8:45 am]

[1] Notice of the applications, including a summary of the representations contained therein, was given in Securities Exchange Act Release No. 10135 (May 4, 1973).

SMALL BUSINESS ADMINISTRATION

[Proposed License 02/02–0302]

SYNERGY CAPITAL CORP.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1973)) under the name of Synergy Capital Corporation (Synergy), 810 Porter Place, Woodmere, Long Island, New York 11598, for a license to operate in New York as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended, (the Act), and the rules and regulations promulgated thereunder.

The proposed officers and directors and major shareholders are as follows:

Names and addresses	Title	Percentage of shares beneficially owned
Alvin Abrams, 810 Porter Pl., Woodmere, N.Y. 11598.	President, Director, Treasurer.	80%
David Abrams, 150 West End Ave., New York, N.Y. 10023.	Vice President, Secretary, Director.	-0-

It is proposed to obtain Synergy's private capital through the sale of its common stock to a maximum of 20 investors. The company will begin operations with an initial capital of $310,000 consisting of 100,000 shares at $1.00 per share, and 105,000 shares at $2.00 per share to the original subscribers. The proposed location of the Licensee is Room 2–A, 76 South Central Avenue, Valley Stream, New York 11580.

The applicant will establish a broad financing policy in order to meet the diverse requirements of prospective applicants. However, emphasis will be placed on equity investments with attention to growth potential. The applicant will conduct its operations primarily in New York State, and the major portion of its business is expected to be outside of New York City.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company in accordance with the act and regulations.

Notice is further given that any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA in writing, relevant comments on the proposed licensing of this company. Any such communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed Licensee in a newspaper of general circulation in Valley Stream, New York.

Dated: August 23, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73–18414 Filed 8–30–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 117]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 27, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in

field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 6607 (sub-No. 13 TA) filed August 17, 1973. Applicant: J. J. MINNEHAN, INC., Libby Road, Box 433, Scarborough, Maine 04074. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar and blends of sugar with other sweeteners*, and *corn products and blends of corn products with other sweeteners*, in bulk, in tank vehicles, from Boston, Mass., to Naugatuck, Conn., for 180 days. Supporting Shipper: Revere Sugar Refinery, 333 Medford Street, Charlestown, Mass. 02129. Send Protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 167, PSS, Portland, Maine 04112.

No. MC 41116 (sub-No. 47 TA), filed August 14, 1973. Applicant: FOGLEMAN TRUCK LINE, INC., 1724 West Mill Street, P.O. Box 1504, Crowley, La. 70526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* (Refrigerated Grade) in tank vehicles, from the plantsite of Monsanto Company located at Luling, La., to Houston, Tex., for 180 days. Supporting Shipper: Monsanto Company 800 North Lindberg, St. Louis, Mo. 63166, Mr. Robert W. Bradshaw, Supervisor Bulk Transportation. Send Protests to: Ray C. Armstrong, Jr. District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T–9038, U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 106278 (sub-No. 34 TA), filed August 16, 1973. Applicant: E. B. LAW AND SON, INC., 300 South Archuleta Road, P.O. Box 1381, Las Cruces, N. Mex. 88001. Applicant's representative: G. H. Sanger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, (1) from Artesia, N. Mex., to Phoenix, Ariz., and (2) from El Paso, Tex., to Tucson, Ariz., for 180 days. Supporting Shippers: Salt River Project, P.O. Box 1980, Phoenix, Ariz. 85001, and Tucson Gas & Electric Company, 220 West Sixth Street, Tucson, Ariz. 85702. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 112750 (sub-No. 300 TA), filed August 10, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except currency and negotiable securities), as are used in the business of banks and banking institutions, (1) between Quincy, Ill., and Fort Madison, Iowa, and (2) between Chicago, Ill., and Evansville, Ind., for 90 days. Supporting shippers: (1) The Citizens National Bank of Evansville, Evansville, Ind., and (2) The Citizens National Bank of Decatur, Landmark Mall, Decatur, Ill. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 116457 (sub-No. 13 TA), filed August 17, 1973. Applicant: GENERAL TRANSPORTATION, INCORPORATED, P.O. Box 670, Springerville, Ariz. 85938. Applicant's representative: Donald Parker Cosby, P.O. Box 189, Eagar, Ariz. 85925. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products including particle board*, from points in Arizona, to points in Utah, Colorado, Kansas, and Missouri, for 180 days. Supporting shipper: J & M Lumber Inc., P.O. Box 1328, Reno, Nev. 89504, and Fleishel Lumber Company, 11048 Manchester Road, Saint Louis, Mo. 63122, and Southwest Forest Industries Inc., 3443 North Central Avenue, Phoenix, Ariz. 85013. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 4327 Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 116457 (sub-No. 14 TA), filed August 17, 1973. Applicant: GENERAL TRANSPORTATION, INCORPORATED, P.O. Box 670, Springerville, Ariz. 85938. Applicant's representative: Donald Parker Crosby, P.O. Box 189, Eagar, Ariz. 85925. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, roofing, roofing products, composition and prepared roofing, insulation materials, and materials and equipment* necessary and incidental to the installation of the above-named items, no delivery will be made in tank vehicles, (1) from points in Colorado, Kansas, Missouri, Arkansas, to points in Arizona, Nevada and New Mexico; (2) from points in Texas (excluding Dallas and Houston) and Oklahoma (excluding Stroud), to points in Nevada, Arizona, and New Mexico; and (3) from points in Missouri, Arkansas, Texas, and Oklahoma, to points in Colorado, for 180 days. Supporting shipper: Roofing Wholesale Co., Inc., 1918 West Grant Street, Phoenix, Ariz. 85009. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 123392 (sub-No. 57 TA), filed August 17, 1973. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive, Route 1, Box 400, Amarillo, Tex. 79106. Applicant's representative: Weldon M. Teague (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen*, in bulk, in cryogenic trailers, from points at or near Cape Kennedy, Mims, and West Palm Beach, Fla., to NASA Research Center, Hampton, Va., for 180 days. Supporting shipper: Curtis L. Wagner, Jr., Chief, Regulatory Law Office, OTJAG, Washington, D.C. 20310. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 125023 (sub-No. 17 TA), filed August 16, 1973. Applicant: SIGMA–4 EXPRESS, INC., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Paul F. Sullivan, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Fort Wayne, Ind., to points in West Virginia, for 180 days. Supporting shipper: Falstaff Brewing Corp., 5050 Oakland Avenue, St. Louis, Mo. 63110. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 129480 (sub-No. 9 TA), filed August 17, 1973. Applicant: TRI-LINE EXPRESSWAYS, LTD., P.O. Box 5245 Station A, 550 71st Avenue SE., Calgary, Alberta, Canada. Applicant's representative: Hugh Sweeney, Mutual Benefit Life Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burned clay brick, vitrified clay pipe and joints, and vitrified clay flue lining*, from the international boundary line between the United States and Canada situated in the State of Minnesota, to points in Minnesota, for 180 days. Supporting shipper: I–XL Industries, Ltd., P.O. Box 70, Medicine Hat, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 134477 (sub-No. 35 TA), filed August 17, 1973. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas Fischbach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products*, from Grand Forks, N. Dak., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Virginia, for 180 days. Supporting shipper: Western Potato Service, Inc., P.O. Box 518, Grand Forks, N. Dak. 58201. Send protests to: District Supervisor A. N. Spath, Bureau of Operations, Interstate Commerce Commission, 448

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Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 138892 (sub-No. 1 TA), filed August 17, 1973. Applicant: BRUCE D. KING, 202 Cliff Street, Mohawk, Mich. 49950. Applicant's rpresentative: Robert W. Hansley, 120 North Sixth Street, Escanaba, Mich. 49829. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust and bark*, in bulk, from points in Keweenaw County, Mich., to Goodman, Wis. and Mellen, Wis., including points within a 2-mile radius of each point of destination, for 180 days. Supporting shipper: Goodman-Staniforth Division, Universal Oil Products, Inc. 2501 14th Avenue South, Escanaba, Mich. 49829. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 138928 (sub-No. 1 TA), filed August 17, 1973. Applicant: WESTERN TRANSPORTATION, INC., 708 North Main Street, Lamar, Colo. 81052. Applicant's representative: Doyle C. Tucker, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between points in Colorado, on the one hand, and, points in Kansas and Oklahoma and that part of Texas lying north of a tier of counties consisting of Parmer, Castro, Swisher, Briscoe Hall, and Childress on the other, for 180 days. Supporting shippers: Hilltop Service, Springfield, Colo. 81073; Traveler Oil Company, Lamar, Colo. 81052; Ramel's Mobil, Vilas, Colo. 81087; Wallace Oil Company, Box 1107, Lamar, Colo. 81052; Springfield Coop Sales, 288 West 13th, Springfield, Colo. 81073. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 138933 (sub-No. 1 TA), filed August 13, 1973. Applicant: DEUTZ & CROW CONCRETE CORP., Marshall, Minn. 56258. Applicant's representatives: Johnson & Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in pneumatic trailers, from Sioux Falls, Watertown, Chamberlain, and Aberdeen, S. Dak.; the Des Moines, Iowa, commercial zone and Mason City, Iowa; Minneapolis and Burnsville, Minn., to Madison, Canby, Marshall, Luverne, Worthington, and Jackson, Minn.; Estherville and Swea City, Iowa, for 180 days. Supporting shipper: Deutz & Crow Co., Inc., 800 West College Drive, Marshall, Minn. 56258. Send protests to: District Supervisor A. N. Spath, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 138982 (sub-No. 1 TA), filed August 13, 1973. Applicant: NEW (TRANS) PORT, INC., P.O. Box 188, Highway 17S, Riceboro, Ga. 31323. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reject fibres*, from the facilities of ITT Rayonier at or near Fernandina Beach, Fla., to the facilities of ITT Rayonier at or near Jesup, Ga., for 180 days. Supporting shipper: ITT Rayonier, Inc., P.O. Box 528, Jesup, Ga. 31545. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 138998 TA, filed August 17, 1973. Applicant: BEE CEE BOAT MOVERS LTD., 771 Forsman Avenue, North Vancouver, B.C. Canada. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park E., Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats* on especially constructed trailers, between points in Washington west of the Cascade Mountain range and the International Boundary line, between the United States and Canada at or near Blaine, Lynden, or Sumas, Wash., for 180 days. Supporting shippers: Cruise-A-Home, Ft. Phillip, North Vancouver, B.C. Canada, Doug's New & Used Boats, Ltd., 765 West 16th Street, North Vancouver, B.C. Canada; Fairtide Industries Ltd., 7048 Hudson Street, North Vancouver, B.C. Canada (14); and Western Chris Craft Sales, Ltd., 5776 Marine Drive, Fisherman's Cove, West Vancouver, B.C. Canada. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC 138996 TA, filed August 15, 1973. Applicant: HUNT's TRUCKING, INC., 112 Sunset Drive, Gallatin, Tenn. 37066. Applicant's representative: Robert L. Baker, 500 Court Square Bldg., Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fabric woven from synthetic fibers and synthetic yarn*, from Waynesboro, Va., to points in North Carolina, South Carolina, and Georgia, for 180 days. Supporting shipper: Thiokol, Fibers Division, Box 460, Waynesboro, Va. 22980. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803–1808 West End Building, Nashville, Tenn. 37203.

MOTOR CARRIERS OF PASSENGERS

No. MC 138024 (sub-No. 2 TA), filed August 17, 1973. Applicant: MAYNARD ROTRUCK, Route #3, Box 143D, Rawlings, Md. 21557. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, between Westernport, Md., and Cumberland, Md., serving all intermediate points, over the following routes: from Westernport, over Maryland Highway 36, across the Potomac River, to Piedmont, W. Va., then over W. Va. Highway 46 to Keyser, W. Va., thence over U.S. Highway 220, to Cumberland, Md., and return over the same routes, for 180 days. Supporting shipper: Various residents in the Keyser, W. Va. area. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-18570 Filed 8-30-73;8:45 am]

[Notice No. 344]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 20, 1973. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74568. By order of August 24, 1973, the Motor Carrier Board approved the transfer to Thompson Transport Systems, Inc., Bakersfield, Calif., of Certificate of Registration No. MC-121692 issued November 15, 1972 to Jack Thompson Trucking, Inc., Bakersfield, Calif., evidencing a right to engage in transportation in interstate commerce as described in Certificate of Public Convenience and Necessity granted in Decision No. 60965, as amended, issued by the Public Service Commission of California. Errol G. Shaw, 330 H St., Bakersfield, Calif. 93304, attorney for applicants.

No. MC-FC-74595. By order of August 24, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to R. C. Filkins, Inc., Dalton, Mass., of a portion of the Certificate No. MC-116647 (sub-No. 3), issued to Carl B. Liebnow, Inc., Cummington, Mass., authorizing the transportation of: Lime and limestone products, from points in Berkshire County, Mass., to points in Connecticut and New York. Thomas W. Murrett, attorney, 342 N. Main St., W. Hartford, Conn. 06117.

No. MC-FC-74620. By order of August 23, 1973, the Motor Carrier Board approved the transfer to Dick's Trucking, Inc., Spenard, Alaska, of Certificate No. MC-118516 (sub-No. 2), issued to DeJong Trucking, Inc., Renton, Wash., authorizing the transportation of: General commodities, usual exceptions, between specified points in Alaska. George R. LaBissoniere, attorney, 130 Andover Park, E. Seattle, Wash. 98188.

No. MC-FC-74626. By order of August 23, 1973, the Motor Carrier Board approved the transfer to John W. Nelson, Doing Business As Nelson Trucking, Atkinson, Ill., of Permit No. MC-134760 (sub-No. 2) issued to Phillip W. Slightom, Doing Business As P. & B. Trucking, Bettendorf, Iowa, authorizing the transportation of: Construction materials, except in bulk, between Davenport, Iowa, and points in Illinois. James J. Coryn, attorney, 312 1st Nat. Bank Bldg., Rock Island, Ill. 61201.

No. MC-FC-74644. By order of August 23, 1973, the Motor Carrier Board approved the transfer to B. & B. Trucking Company, Inc., P.O. Box 744, Kimball, Nebr. 69145, of Certificate No. MC-65105 issued to George L. Bradt, Doing Business As B. & B. Trucking Company, Kimball, Nebr. 69145, authorizing the transportation of Livestock and agricultural commodities, and other specifically named commodities, between specified points in Nebraska, Colorado, and Wyoming.

No. MC-FC-74653. By order of August 23, 1973, the Motor Carrier Board approved the transfer to Richardson Brothers Moving & Storage, Inc., Bristol, Conn., of the operating rights in Certificate No. MC-72730 and MC-72730 (sub-No. 1), issued July 6, 1949 and September 18, 1972, respectively, to Ernest Richardson, doing business as Richardson Brothers, Bristol, Conn., authorizing the transportation of various commodities from, to and between specified points and areas in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Thomas W. Murrett, 342 North Main St., West Hartford, Conn. 06117, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.73-18571 Filed 8-30-73;8:45 am]

[Notice No. 332]

ASSIGNMENT OF HEARINGS

AUGUST 28, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35820, Big Mac Trucking Co., Thunderbird Cartage Corporation, and Thyssen Steel Corporation—Investigation of Operations and Practices, now assigned September 10, 1973, at Houston, Texas is postponed indefinitely.

MC-F-11866, Mid-States Trucking Co.—Control and Merger—(A) Govan Express, Inc., and (B) Denton Produce, Inc., now assigned September 13, 1973, at Dallas, Tex., is canceled.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-18569 Filed 8-30-73;8:45 am]

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federal register

FRIDAY, AUGUST 31, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 169

PART II

COST OF LIVING COUNCIL

■

PHASE IV PAY REGULATIONS

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Title 6—Economic Stabilization

Chapter I—Cost of Living Council

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Recodified Pay Rules for Phase IV

Part 152 is added to Title 6, Chapter I of the Code of Federal Regulations to read as follows:

Subpart A—General

Sec.
152.1 Scope.
152.2 Definitions.
152.3 Determination of base rates subsequent to reductions in wages and salaries.
152.4 Pay adjustments subsequent to reduction in wages or salaries.
152.5 Pay submissions to the Council.

Subpart B—Pay Adjustments Subject to Voluntary Controls

152.11 Standards.
152.13 General wage and salary standard.
152.14 Retroactive pay adjustments for work performed on or before January 10, 1973.

Subpart C—Voluntary Sector Reporting and Recordkeeping

152.21 Scope.
152.22 Pay adjustments to be reported; reporting requirements.
152.23 Pay adjustments subject to recordkeeping; recordkeeping requirements.
152.24 Imposition of prenotification requirement.
152.25 Special reports of pay adjustments.

Subpart D—Exemptions From Controls

152.31 Scope.
152.32 Low wage employees.

Subpart E—Small Business Exemption

152.41 Exemption of firms with 60 or fewer employees.

Subpart F—Challenge Procedures

152.51 Purpose and scope.
152.52 General.
152.53 Notice of challenge.
152.54 Temporary orders.
152.55 Public hearings.
152.56 Reply.
152.57 Order.
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Subpart G—Reassertion of Mandatory Controls

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PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Subpart A—General

§ 152.1 Scope.

(a) This part supersedes the provisions of Part 101 and Chapter II (Pay Board Regulations), and Part 130 of this title, except insofar as hereinafter provided with respect to the food industry, the health industry, and the construction industry, and except with respect to executive and variable compensation. However, the provisions of Chapter II of this title serve as a guide in applying the general pay standards set forth in subpart B of this part.

(b) Renegotiation provisions in wage or salary contracts, which depend for their operation upon the modification or termination of the Economic Stabilization Program, were previously declared to be inoperative as unreasonably inconsistent with the goals of the Economic Stabilization Program. Such renegotiation provisions continue to be inoperative on the same ground. This part shall not operate to permit:

(1) A retroactive wage or salary increase for work performed while wages and salaries were subject to past or present provisions of this title, or

(2) A prospective increase in wages and salaries under the terms of an employment contract subject to a decision and order issued at any time pursuant to this title, except to an extent consistent with such decision and order.

§ 152.2 Definitions.

"Act" means the Economic Stabilization Act of 1970, as amended.

"Annual sales or revenues" means the total gross receipts of a firm during the most recently completed fiscal year, from whatever source derived, except that it does not include gross receipts of or from a foreign branch or division of such a firm, or the gross receipts of or from a wholly or partially owned foreign entity such as a corporation, partnership, joint venture, association, trust, or subsidiary, if the gross receipts of such foreign entity, branch, or division are derived primarily from transactions with other foreign firms. A foreign entity, branch, or division is one located outside the several States and the District of Columbia. However, gross receipts of domestic entities from U.S. exports sales and from sales to firms in the Commonwealth of Puerto Rico are included in the determination of annual sales of revenue.

"Appropriate employee unit" means a group composed of all employees in a bargaining unit or in a recognized employee category. Such bargaining unit or employee category may exist in a plant or other establishment or a department thereof, or in a company, or in an industry, or in a government unit or in an agency, or instrumentality thereof, and shall be determined so as to preserve, as nearly as possible, contractual or historical wage and salary relationships.

"Code" means the Internal Revenue Code of 1954, as amended.

"Control year" means, with respect to an appropriate employee unit, the period of time determined pursuant to § 201.52 of this title.

"Council" means the Chairman of the Cost of Living Council established by Executive Order 11615 (3 CFR, 1971 Comp., p. 199) and continued under the provisions of Executive Orders 11695 and 11730, or his delegate.

"Employee" includes any individual residing in a State or the District of Columbia who is either an employee within the meaning of section 3121(d) of the Code, or an agent-driver or commission-driver engaged in the distribution of milk for his principal, or an employee within the meaning of the National Labor Relations Act, as amended, 29 U.S.C. §§ 151 et seq.

"Employer" means a firm which employs one or more individuals who are employees within the meaning of this section.

"Employment contract" or "contract" means a collective bargaining agreement or an individual contract of employment.

"Exception" means a waiver directed to an individual firm in a particular case which relieves it from the requirements of a rule, regulation, or order issued pursuant to the act.

"Exemption" means a general waiver of the requirements of all rules, regulations, and orders issued pursuant to the act.

"Firm" means any individual, company, corporation, association, estate, partnership, trust, joint-venture, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal government including Federal agencies, departments, corporations and other instrumentalities, and State and local governments. For purposes of this definition, a firm includes any entity listed in the preceding sentence that is part of or is directly or indirectly controlled by the firm. A person will be deemed to control any firm which is controlled directly or indirectly by such person, his spouse, children, grandchildren, or parents. An entity directly or indirectly controlled by any other entity listed in the first sentence of this definition is not a firm. Whenever the Council considers it appropriate, it may treat as a firm any, part, or all of the entities which comprise the firm.

"Food" means items produced or manufactured for human ingestion except alcoholic beverages, tobacco products, or drugs. An item is not food within the meaning of this definition until it enters into a processing stage where it is intended for use as or in a product for human ingestion.

"Food operations" means the growing, harvesting, manufacture, production, raising, packaging, storage, distribution, transportation, or sale of food or the rendering of administrative or support functions for such activities.

"Pay adjustment" means a change in wages and salaries which includes all forms of direct and indirect remuneration or inducement to employees by their employers for personal services, which are reasonably subject to valuation, including but not limited to: Vacation and holiday payments; bonuses; layoff and severance pay plans; supplemental unemployment benefits; night shift, overtime, and incentive pay; employer contributions for insurance plans (but not including Federal public plans, e.g. old-age, survivors, health, and disability insurance under the social security system, Railroad Retirement Acts, Federal Insurance Contributions Acts, Federal Unemployment Tax Acts, and Civil Service Retirement Acts, and not including any workman's compensation or unemployment insurance plan pursuant to State law whether the participation of the employer is optional or obligatory), savings, pension, profit sharing, annuity funds, and other deferred compensation and welfare benefits (including payments to or on behalf of retirees); payments in kind; job perquisites; housing allowances; uniform and other work clothing allowances (but not including employer-required uniforms and work clothing whether or not for safety purposes); cost-of-living allowances; commission rates; stock options; fringe benefits; and benefits which result in more pay per hour or other unit of work or production (e.g. by shortening the workday without a proportionate decrease in pay). Notwithstanding the foregoing definition of pay adjustment, increases in contributions by any employer for:

(a) Any pension, profit sharing, or annuity and savings plan which meets the requirements of section 401(a), 404(a)(2), or 403(b) of the Internal Revenue Code of 1954;

(b) Any group insurance plan; or

(c) Any disability and health plan;

are not to be considered increases in wages and salaries unless such contributions are determined to be unreasonably inconsistent with the standards issued pursuant to section 203(b) of the Act.

"Pay Board" means the Board established pursuant to section 7 of Executive Order 11627 (3 CFR, 1971 Comp., p. 218).

"Prenotification" means notice submitted to the Council relating to a proposed pay adjustment.

"Report" means notice submitted to the Council relating to a pay adjustment put into effect.

§ 152.3 Determination of base rates subsequent to reductions in wages or salaries.

A wage or salary increase payable with respect to a job or an appropriate employee unit pursuant to a collective-bargaining agreement entered into or a pay practice established after January 10, 1973, shall be computed by taking into account a base wage or salary rate (or level of compensation) that does not exceed the rate (or level) permitted to be paid with respect to such job or such unit pursuant to a decision and order issued by the Pay Board or the Council or pursuant to the operation of any regulation or ruling issued under the Economic Stabilization program.

§ 152.4 Pay adjustments subsequent to reduction in wages or salaries.

(a) *General.*—If—

(1) A wage or salary rate for a job, or

(2) An annual aggregate wage or salary increase with respect to an appropriate employee unit,

payable with respect to a control year pursuant to a contract or pay practice, was reduced as a result of a decision and order of the Pay Board or the Council or the operation of any regulation or ruling issued under the Economic Stabilization program, it shall be unlawful as unreasonably inconsistent with the standards and goals of such program to pay or receive in a succeeding control year, without prior approval of the Council, pursuant to such contract or pay practice, a wage or salary rate for the same job (if a rate for a job was reduced) or a wage or salary increase with respect to such unit (if an annual aggregate increase was reduced) that does not reflect such prior reduction. Notwithstanding the preceding sentence, this section shall not operate to prevent an annual aggregate wage and salary increase for a unit which is not in excess of the general wage and salary standard in effect prior to January 11, 1973.

(b) *Application for approval.*—In specific situations, payment of a wage or salary rate or a wage or salary increase which does not reflect a prior reduction, as required under paragraph (a) of this section, may be appropriate. An application for approval of such a rate or such an increase may be submitted to the Council on forms prescribed by and pursuant to instructions issued by the Council. Payment of such a rate or such an increase or a portion thereof may be approved only upon a demonstration by means of written documentation that historical relationships have been distorted or gross inequities have been created by a decision and order of the Pay Board or the Council or by operation of any regulation or ruling issued under the Economic Stabilization program. Payment of such a rate or such an increase shall be considered to be approved by the Council if the Council takes no action with respect to such payment within 60 days after receipt of an application submitted under the provisions of this paragraph.

(c) *Increases paid prior to May 30, 1973.*—In the case of a wage or salary rate for a job, or a wage or salary increase with respect to an appropriate employee unit, referred to in paragraph (a) of this section, paid after January 10, 1973, and prior to May 30, 1973, without taking into account a prior reduction, the payment or receipt thereof prior to May 30, 1973, shall not be a violation under the act solely because of such failure to take into account a prior reduction. However, any such rate or increase put into effect after January 10, 1973, and prior to May 30, 1973, must be reported to the Council on forms prescribed by and pursuant to instructions issued by the Council not later than June 29, 1973. The failure to make such a report shall constitute a violation under the act. Upon review of such a report, the Council may by order direct the reduction of such rate or increase to an appropriate level consistent with the provisions of this section.

(d) *Service.*—An employer or employer association making any submission to the Council under the provisions of this section shall at the same time serve copies of each such submission on the collective bargaining agent, if any, for the affected employee unit. If such a submission is made by a collective bargaining agent for the employee unit, such collective bargaining agent shall at the same time serve copies of each such submission on the affected employer or employer association. A certification of service shall accompany all documents submitted to the Council under the provisions of this section.

(e) *Submissions to the Council.*—(1) *General.* Except as provided in paragraph (e)(2) of this section, a report or application submitted under the provisions of this section shall be sent to Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

(2) *Special addresses.* A report or application submitted under the provisions of this section, with respect to pay adjustments affecting employees in the food industry, shall be sent to Office of Wage Stabilization, P.O. Box 6185, Washington, D.C. 20044. A report or application with respect to pay adjustments affecting employees in the health industry shall be sent to Office of Wage Stabilization, P.O. Box 472, Washington, D.C. 20044.

(3) *Appropriate address required.* An application not sent to the appropriate address may not be considered received for purposes of the last sentence of paragraph (b) of this section.

§ 152.5 Pay submissions to the Council.

(a) *General.*—Unless otherwise provided in this part or by order of the Council, a prenotification, report, challenge, or request for approval of a pay adjustment submitted to the Council shall be made using the Council's Form PB–3 (or optional Form PB–3A, for units containing fewer than 1,000 employees). Such form shall be completed according to instructions issued by the Council. In addition, any such submission shall include the supplemental information described in paragraph (b) of this section. The requirements imposed under the provisions of paragraph (b) of this section shall not be considered to modify the Form PB–3 or PB–3A or the instructions thereto, or the manner in which such forms are to be completed. Unless otherwise provided in this part, the provisions

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of this section shall not apply to submissions under the provisions of subpart J (Special Rules Applicable to the Construction Industry) or subpart K (Executive and Variable Compensation) of this part. Further, unless otherwise provided in this part, the requirements imposed under the provisions of paragraph (b) of this section shall not be applicable to submissions with respect to pay adjustments affecting employees in the food industry.

(b) *Supplemental information.* (1) *Narrative description of all changes with potential economic impact.* (i) *Wages, salaries and benefits.*—Specify both the old and new wage and salary and benefit levels, as well as the extent of such changes within the following categories:

(A) *Straight-time hourly rates.*—Straight-time hourly rates, including, but not limited to:

(*1*) Pattern of base pay increase, e.g., merit increases on a variable timing basis; across the board occupational differences, etc. Describe increases in terms of percent and cents per hour increases;

(2) Basis of cost of living adjustments, limitations on adjustments, formula for adjustments, and total as well as time-weighted estimates of these adjustments;

(3) Individual occupational rate changes resulting from consideration of factors such as rate inequities, job evaluation plan changes, skill or craft rate adjustments, etc.:

(*4*) Changes affecting rates of pay or costs under production incentive programs;

(5) Progression program increase changes such as accelerated step changes or accelerated automatic changes between job levels, etc.; and

(*6*) Reduction in scheduled hours worked which affects the base rate.

(B) *Included benefits.*—Included benefits (with changes expressed in cents per hour), including, but not limited to:

(*1*) Premium pay for overtime, shift work, weekend and holiday work, special schedules, etc.;

(2) Vacation and holiday provisions such as eligibility requirements, compensation provided, amounts of time off provided, etc.;

(3) Pay for time off such as sick leave, bereavement, military, jury duty, etc.;

(*4*) Severance pay, supplemental unemployment benefit plans, or other pay for terminated employees, etc.;

(5) Pay-as-you-go pension plans;

(*6*) Paid rest, wash-up and meal time; and

(*7*) Major subsidized training and educational programs.

(C) *Qualified benefits.*—Qualified benefits, including, but not limited to:

(*1*) Pension plan eligibility requirements, benefit level, vesting provisions, survivor benefits, contributory rates, etc.;

(2) Health insurance eligibility requirements, dependent coverage, type and level of benefits, contributory rates, etc.;

(3) Life insurance eligibility requirements, type and levels of benefits, contributory rates, etc.;

(*4*) Disability insurance eligibility requirements, type, level and duration of benefits, contributory rates, etc.;

(5) Sickness and accident benefits; and

(*6*) Changes in other qualified benefit plans such as employee savings plans, etc.

(D) *Other changes.*—Other changes with potential significant economic impact, including, but not limited to:

(*1*) Occupational lines of demarcation;

(2) Crew size;

(3) Apprentice-journeyman ratios;

(*4*) Temporary assignment rules;

(5) Overtime scheduling requirements;

(*6*) Other work rule or pay practice changes; and

(*7*) Geographic adjustments or allowances.

(ii) *Differential treatment.*—Where specific employee groups within an appropriate employee unit are treated differentially, this should be noted and the reasons given. Provide both the old and new levels as well as the extent of all changes in straight-time hourly rates, included benefits, qualified benefits, and other changes with potential significant economic impact, for each employee group treated differently. An employee group is a subgroup of an appropriate employee unit and may be determined by skill, occupation, job grade or level, geographic location, or organization, etc.

(2) *Information on changes in pay rates*—

(i) For represented employees not covered by an established merit pay plan, submit a copy of the collective bargaining agreement covering the changes in pay rates, and a copy of the prior succeeded agreement, if any.

(ii) For nonrepresented employees not covered by an established merit pay plan, submit appropriate documentation in lieu of a collective bargaining agreement.

(iii) For employees covered by an established merit pay plan, submit a description of the plans, practices and controls used to govern wage and salary increases.

(iv) For purposes of paragraphs (b) (2) (i) and (ii) of this section, include sufficient information to describe any change in rates of pay except that where rate information is treated as confidential and regarded as proprietary, data which reflect the average changes in pay may be submitted.

(v) If pay adjustments are to be made differentially across groups, submit additional information indicating the amounts and reason for such expenditures and expressing amounts in both cents per hour and percentages.

Subpart B—Pay Adjustments Subject to Voluntary Controls

§ 152.11 Standards.

This subpart establishes standards for private behavior which are intended to be applied voluntarily and on a self-administered basis and which are consistent with achieving the national goals of the economic stabilization program. The standards do not apply to pay adjustments affecting employees in the food industry, the health services industry, or the construction industry.

§ 152.13 General wage and salary standard.

The general wage and salary standard is a 5.5 percent increase per annum. The standard shall apply to any pay adjustment payable with respect to an appropriate employee unit after January 10, 1973. Adjustments in excess of the standard may be made only as necessary to reflect qualified fringe benefits or to prevent gross inequities, serious market disruptions, or localized shortages of labor. The policies and principles, including the computation methods, contained in the Pay Board's regulations in effect on January 10, 1973, can be used in applying the standard. No wage or salary increase should be placed into effect which is unreasonably inconsistent with the standard or the goals of the Economic Stabilization Program.

§ 152.14 Retroactive pay adjustments for work performed on or before January 10, 1973.

(a) *General.*—Subject to the provisions of this section, an increase in wages and salaries with respect to employees subject to the standards for voluntary compliance set forth in this subpart may be paid retroactively for work performed on or before January 10, 1973, as follows:

(1) To the extent that an annual aggregate wage and salary increase with respect to an appropriate employee unit (taking into account only increases scheduled to be paid for work performed on or before January 10, 1973), does not exceed the general wage and salary standard (or applicable exception thereto for which prior approval was not required under the rules and regulations of the Pay Board in effect prior to January 11, 1973), such increase may be paid.

(2) To the extent that an increase is in excess of the increase permitted to be paid under the provisions of paragraph (a) (1) of this section, such increase may be paid if the parties at interest determine that such increase is justified under the criteria for approval of exceptions to the general wage and salary standard set forth in the policies, rules, and regulations of the Council and the Pay Board in effect prior to January 11, 1973.

(b) *Report.* (1) *Content.*—A report of a wage and salary increase put into effect under the provisions of paragraph (a) (2) of this section shall be submitted to the Council on forms prescribed by and pursuant to instructions issued by the Council, not later than 10 days after such increase is put into effect. The report shall include a statement of the facts and other pertinent information sufficient to enable the Council to review the basis for the wage and salary increase under the applicable criteria. In addition—

(i) *Collective bargaining agreements.*—A report of pay adjustments pursuant to a collective bargaining agreement shall include copies of such agreement and the prior succeeded agreement, if any, and a summary of such pay adjustments.

(ii) *Pay practices.*—A report of pay adjustments pursuant to a pay practice shall include a summary of such pay adjustments.

(2) *Control year.*—A report submitted under the provisions of this paragraph shall include all pay adjustments paid, or scheduled to be put into effect during the control year with respect to which the retroactive payment is made.

(c) *Consideration by the Council.*—Wage and salary increases which are reported to the Council pursuant to the provisions of paragraph (b) of this section shall be reviewed by the Council under the policies, rules and regulations of the Council and the Pay Board in effect prior to January 11, 1973. The Council may by order direct the repayment of all or a portion of such increases, prescribe specific wage or salary levels, prospectively, or impose any other requirements which are reasonable and appropriate to accomplish the purposes of the Economic Stabilization program. An order issued by the Council under the provisions of this paragraph may apply to the period ending January 10, 1973, or to one or more control years, including periods of time after January 10, 1973.

(d) *Special rule.*—If a proposed retroactive wage and salary increase is in excess of the increase permitted to be paid under the provisions of paragraph (a) (1) of this section, and the parties at interest are unable to determine that such increase may be paid under the provisions of paragraph (a) (2) of this section, a party at interest may submit an application for exception with respect to such increase to the Council. The Council will consider such application under the policies, rules, and regulations of the Council and the Pay Board in effect prior to January 11, 1973. The Council may by order defer the implementation of such increase, approve such increase, prescribe specific wage or salary levels prospectively, or impose any other requirements which are reasonable and appropriate to accomplish the purposes of the Economic Stabilization program. An order issued by the Council under the provisions of this paragraph may apply to the period ending January 10, 1973, or to one or more control years, including periods of time after January 10, 1973.

(e) *Inapplicability.*—The provisions of this section shall not be applicable to—

(1) Any pay adjustment with respect to which a prenotification or exception request was filed with the Pay Board or its delegate on or before January 10, 1973;

(2) Any pay adjustment with respect to a control year covered by the terms of a decision and order issued by the Pay Board or its delegate or by the Council or

(3) Any payment or award with respect to executive and variable compensation of the types described in subpart K of this part, whether or not such payment or award is treated as a wage and salary increase.

(f) *Service.*—An employer or employer association making any submission to the Council under the provisions of this section shall at the same time serve copies of each such submission on the collective bargaining agent, if any, for the affected employee unit. If such a submission is made by a collective bargaining agent for the employee unit, such collective bargaining agent shall at the same time serve copies of each such submission on the affected employer or employer association. A certification of service shall accompany all documents submitted to the Council under the provisions of this section.

(g) *Voluntary compliance after January 10, 1973.*—Application of Phase II standards by the parties or by the Council under the provisions of this section shall extend only to the period ending January 10, 1973. Payment of wages or salaries after such date remains subject to the rules for self-administration and voluntary compliance set forth at section 152.13 and elsewhere in this part, even if retroactive payments are made with respect to work performed on or before such date pursuant to the provisions of this section. In all cases, payment of wages or salaries for work performed after January 10, 1973, remains subject to the challenge procedures set forth in subpart F of this part, whether or not any orders are issued by the Council under the provisions of this section.

(h) *Liability for violations.*—The operation of this section shall not be deemed to relieve any person of liability arising from any violation which has been committed under the Act or the regulations in this title.

(i) *Submissions to the Council.*—A report or application for exception submitted under the provisions of this section must be sent to Office of Wage Stabilization, PO Box 672, Washington, D.C. 20044.

Subpart C—Voluntary Sector Reporting and Recordkeeping

§ 152.21 Scope.

The provisions of this subpart apply to all pay adjustments that are subject to the provisions of Subpart B of this Part.

§ 152.22 Pay adjustments to be reported; reporting requirements.

(a) A pay adjustment which applies to or affects 5,000 or more employees must be reported to the Council within 10 days after such adjustment has been put into effect. For purposes of this section, individual increases which apply to or affect an appropriate employee unit of 5,000 or more employees and are paid on a random or variable timing basis (e.g., pursuant to a merit plan) shall be reported for an appropriate 12-month period within 10 days after the first individual increase has been put into effect.

(b) Reports of such pay adjustments shall be submitted to the Council on forms prescribed by and pursuant to instructions issued by the Council.

§ 152.23 Pay adjustments subject to recordkeeping; recordkeeping requirements.

(a) A pay adjustment which applies to or affects 1,000 or more employees is subject to recordkeeping requirements.

(b) Records with respect to each such pay adjustment shall be maintained on forms prescribed by and pursuant to instructions issued by the Council.

§ 152.24 Imposition of prenotification requirement.

(a) *General.*—Subject to the provisions of this section, the Council may require, with respect to a proposed or scheduled pay adjustment applicable to or affecting a specific firm or appropriate employee unit, that such pay adjustment shall not be put into effect until 30 days after prenotification of such pay adjustment has been received by the Council.

(b) *Applicability.* — Prenotification pursuant to the provisions of paragraph (a) of this section may be required if the Council has reason to believe that—

(1) A proposed or scheduled pay adjustment, whether pursuant to a collective bargaining agreement or pay practice, may be in excess of the general wage and salary standard set forth in § 152.13.

(2) Such pay adjustment, if put into effect, may unduly influence the collective bargaining process in a destabilizing manner or may affect pay adjustments applicable to or affecting other firms or appropriate employee units; and

(3) Such pay adjustment appears to be unreasonably inconsistent with the standards and goals of the Economic Stabilization Program.

(c) *Control year.*—A prenotification submitted pursuant to the provisions of paragraph (a) of this section shall include all pay adjustments put into effect, scheduled, or proposed to be put into effect with respect to the applicable control year, determined pursuant to § 201.52 of this title.

(d) *Service.*—An employer submitting a prenotification under the provisions of paragraph (a) of this section shall at the same time serve a copy of each such submission on the collective bargaining agent, if any, for the affected employee unit.

(e) *Receipt by Council.*—A prenotification submitted pursuant to the provisions of paragraph (a) of this section shall be addressed to Office of Wage Stabilization, Cost of Living Council, Washington, D.C. 20508. Such prenotification shall not be considered submitted until actually received at such address.

(f) *Content of prenotification.* (1) *General.*—A prenotification submitted pursuant to the provisions of this section shall be submitted by the employer on

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the Council's Form PB–3; pursuant to instructions issued by the Council. In addition, such prenotification shall include the supplemental information described in § 152.5(b). The Council may, under the circumstances of a specific case, waive one or more of the foregoing requirements in whole or in part, or may require the submission of additional information.

§ 152.25 Special reports of pay adjustments.

Whenever the Cost of Living Council considers it necessary for the effective administration of the economic stabilization program, it may order any person to file special or separate reports, setting forth information relating to the economic stabilization program, in addition to any other reports required by this part.

§ 152.26 Submissions with respect to State and local governments.

Any submission with respect to pay adjustments affecting employees of a State or local government, to be put into effect on or after July 1, 1973, must be sent to Office of Wage Stabilization, P.O. Box 6194, Washington, D.C. 20044.

Subpart D—Exemptions From Controls

§ 152.31 Scope.

Pay adjustments with regard to the wages and salaries set forth in this section are exempt from and not included in the coverage of this title.

(a) *Federal pay adjustments.*—Federal Government employees' pay adjustments which are based upon Federal law and regulations and are determined by Presidential directives, including therein pay adjustments in the compensation and allowances of members of the Armed Forces; employees of the Judicial and of the Legislative Branch of the Federal Government: *Provided, however,* This section shall not exempt pay adjustments affecting employees of the U.S. Postal Service.

(b) *Pay adjustments affecting certain U.S. citizens.*—Pay adjustments which apply to or affect U.S. citizens who reside and are employed outside the United States and the District of Columbia.

(c) *Professional athletes.* (1) *General.*—Pay adjustments of professional athletes, and pay adjustments of managers and coaches of professional athletes, when such managers and coaches are employed by professional sports organizations employing professional athletes.

(2) *Definition.*—For purposes of this section, the term "professional athlete" means any individual who undertakes or engages in, as a means of livelihood or for economic gain, either individually or as an employee of a professional sports organization, competitive sporting events requiring physical agility or strength.

§ 152.32 Low wage employees.

(a) *Coverage.*—Unless otherwise limited in this section, the provisions of this section are applicable to employers and employees in all sectors of the economy, whether subject to self-administration or to mandatory controls under this chapter.

(b) *Exemption.*—In accordance with the provisions of section 203(d) of the Act, wages or salaries paid to an employee earning a straight-time hourly rate that is equal to or less than $3.50 are exempt from the limitations imposed under the provisions of this chapter.

(c) *Prior provision inoperative.*—The rules governing payments to low wage employees provided by the Pay Board during Phase II of the Economic Stabilization Program, which are set forth in § 201.19 of this title, are inoperative on and after May 1, 1973.

(d) *Employees earning more than $3.50.*—The provisions of this paragraph are applicable to employees who are paid straight-time hourly rates in excess of $3.50, and who are members of an appropriate employee unit in which low wage employees are paid wage or salary increases which are exempt under the provisions of paragraph (b) of this section.

(1) *Industries subject to self-administration* (i) *Application of customary practice.*—The Council recognizes that where wages or salaries of lower wage employees within a unit have been increased, employers and employees have customarily adjusted wage or salary rates for higher rated employees in the same unit pursuant to a variety of procedures. Such procedures have included, but have not been limited to—

(A) Increasing wages or salaries for the employees by an amount (expressed in dollars and cents) equal to the amount of increase (expressed in dollars and cents) paid to the lower-paid employees.

(B) Increasing wages or salaries for the employees by a percentage equal to the percentage increase paid to the lower-paid employees.

(C) Increasing wages or salaries for the employees by amounts or percentages which decrease as base wages or salaries increase, in a tapering process.

(D) Other procedures which reflect methods or aligning the occupational structure of the unit and differentials among job classifications.

(ii) *Wage adjustments.*—Employers and employees subject to self-administration under this chapter may adjust wages or salaries paid to employees subject to the provisions of this paragraph in a manner that recognizes the impact of such factors as the occupational structure of the unit and differentials among job classifications, and that is consistent with their past practice in such situations (as described in paragraph (d)(1)(i) of this section) and with the standards and goals of the Economic Stabilization Program as set forth in § 152.13 and elsewhere in this chapter.

(iii) *Reporting.*—When, pursuant to any regulation in this part or pursuant to an order or request of the Council, an employer submits to the Council a prenotification or report of pay adjustments, and wages or salaries in the subject appropriate employee unit have been adjusted or are proposed to be adjusted as described in paragraph (d)(1)(ii) of this section, such employer shall include in such prenotification or report a description of such adjustments for the entire appropriate employee unit and the manner in which the adjustments were calculated. Such prenotification or report should include a Form PB–3 or PB–3A that covers separately those employees whose straight-time hourly rates on the base date (determined individually) are equal to or in excess of $3.50.

(2) *Food industry.*—For rules with respect to pay adjustments affecting employees in the food industry, see § 152.74(i).

(3) *Health services industry.*—The Tripartite Health Industry Wage and Salary Committee shall develop one or more methods for reporting and evaluating wage or salary increases paid to employees who are paid straight-time hourly rates in excess of $3.50, and who are members of an appropriate employee unit in which low wage employees are paid wage or salary increases which are exempt under the provisions of paragraph (b) of this section.

(e) *Outstanding decisions and orders.*—Decisions and orders issued by the Council which limit wage or salary increases that are below a straight-time hourly rate of $3.50 are rendered inoperative with respect to payment of any such increases for work performed on or after May 1, 1973, without further action by the Council. Such decisions and orders remain in effect for the periods specified with respect to wages or salaries paid to employees earning $3.50 per hour or more.

(f) *Conflict.*—To the extent that the provisions of this section may conflict with any other provisions of this chapter, the provisions of this section shall control.

(g) *Effective date.*—The provisions of this section shall be effective May 1, 1973, with respect to work performed on and after such date.

Subpart E—Small Business Exemption

§ 152.41 Exemption of firms with 60 or fewer employees.

(a) *Applicability—firms existing on or before March 31, 1973.* (1) *General.*—Subject to the provisions of paragraphs (a) (2) and (3) of this section, pay adjustments of any firm existing on or before March 31, 1973, including a local government, with an average of 60 or fewer employees (determined as provided in paragraph (a)(3) of this section) are exempt from and not included in the coverage of this part.

(2) *Exemption not applicable.*—The exemption provided for in paragraph (a)(1) of this section shall not be applicable to:

(i) The pay adjustments of a firm which in its fiscal year ending prior to August 13, 1973, had annual sales or revenues of $50 million or more.

(ii) The pay adjustments of a firm which on August 13, 1973, was an institutional or noninstitutional provider of health services (as defined in Subpart O of Part 150 of this chapter).

(iii) The pay adjustments of a firm which on August 13, 1973, engaged in construction operations as defined in § 152.102(f).

(iv) The pay adjustments of a firm, if the pay adjustments immediately preceding August 13, 1973, applicable to or affecting 50 percent or more of the firm's employees, were set by a master employment or other employment contract which was negotiated on a joint or association basis or on an industry, area, group, or other similar basis and which covered more than 60 employees; or

(v) Pay adjustments applicable to or affecting those employees in firms otherwise exempt under this paragraph whose pay adjustments immediately preceding August 13, 1973, were set or which are set at any time thereafter by a master employment or other employment contract described in (a)(2)(iv) of this section which covered more than 60 employees.

(vi) Pay adjustments affecting employees in the food industry subject to the provisions of subpart H, with respect to work performed prior to September 12, 1973.

(vii) Pay adjustments affecting employees in the construction industry subject to the provisions of subpart J of this part.

(3) *Determination of average number of employees.*—The average number of employees for firms in existence on or before March 31, 1973, shall be computed by dividing the sum of the number of employees employed in the pay periods which included September 30, and December 31, 1972, and March 31, and June 30, 1973, by the number of such pay periods for which any such firm was in existence.

(b) *Applicability—firms coming into existence on or after April 1, 1973.* (1) *General.*—Subject to the provisions of paragraph (b)(2) and (3) of this section, pay adjustments of any firm coming into existence on or after April 1, 1973, including a local government, with an average of 60 or fewer employees (determined as provided in paragraph (b)(3) of this section) are exempt from and not included in the coverage of this part.

(2) *Exemption not applicable.*—The exemption provided for in paragraph (b)(1) of this section shall not be applicable to:

(i) The pay adjustments of a firm which at any time during its first four calendar quarters after June 30, 1973, had annual sales or revenues of $50 million or more.

(ii) The pay adjustments of a firm which at any time during its first four calendar quarters after June 30, 1973, was an institutional or noninstitutional provider of health services (as defined in Subpart O of Part 150 of this chapter).

(iii) The pay adjustments of a firm which at any time during its first four calendar quarters after June 30, 1973, was engaged in construction operations as defined in § 152.102(f).

(iv) The pay adjustments of a firm, if the pay adjustments at any time during its first four calendar quarters after June 30, 1973, applicable to or affecting 50 percent or more of its employees, were set by a master employment or other employment contract which was negotiated on a joint or association basis or on an industry, area, group or other similar basis and which covered more than 60 employees.

(v) Pay adjustments applicable to or affecting those employees in firms otherwise exempt under this paragraph whose pay adjustments immediately preceding August 13, 1973, were set or which are set at any time thereafter by a master employment or other employment contract described in paragraph (b)(2)(iv) of this section which covered more than 60 employees.

(vi) The pay adjustments of a firm which is deemed to have an average of more than 60 employees in any calendar quarter in its first four calendar quarters, including its fourth calendar quarter, after June 30, 1973.

(vii) Pay adjustments affecting employees in the food industry subject to the provisions of subpart H, with respect to work performed prior to September 12, 1973.

(viii) Pay adjustments affecting employees in the construction industry subject to the provisions of subpart J of this part.

(3) *Determination of average number of employees.*—The average number of employees for firms coming into existence on or after April 1, 1973, shall be computed as follows:

(i) For its first calendar quarter after June 30, 1973, the average number of employees shall be deemed to be 60 or fewer until such time as the number of employees in that first calendar quarter after June 30, 1973, exceeds 60;

(ii) If the firm was deemed to have an average of 60 or fewer employees in the pay period which included the last day of its first calendar quarter after June 30, 1973, it shall be deemed to have 60 or fewer employees during its second calendar quarter after June 30, 1973;

(iii) A firm shall compute its average number of employees for its third calendar quarter after June 30, 1973, by dividing by two the sum of the number of employees employed in the pay period which included the last day of its first two calendar quarters after June 30, 1973;

(iv) A firm shall compute its average number of employees for its fourth calendar quarter after June 30, 1973, by dividing by three the sum of the number of employees employed in the pay period which included the last day of its first three calendar quarters after June 30, 1973; and

(v) If the firm's average number of employees was deemed to be 60 or fewer for its first four calendar quarters after June 30, 1973, its average number of employees shall be permanently established for the purpose of this paragraph by dividing by four the sum of the number of employees employed in the pay period which included the last day of its first four calendar year quarters after June 30, 1973.

(c) *Definitions.*—For purposes of this section—

(1) "Employee" means any person residing in and employed in the several States or the District of Columbia for whom an employer is required to pay taxes imposed pursuant to the Federal Insurance Contributions Act, 1939, as amended, 26 U.S.C. sec. 3101, et seq. (FICA), and any person otherwise excluded from FICA coverage, who (i) performs services for any firm as an agent-driver, or commission-driver engaged in the distribution of milk for his principals; or (ii) is defined as an "employee" in 26 U.S.C. sec. 3121(d).

(2) "Local government" includes any town, village, city, or similar entity which was incorporated by authority of the State and which has and exercises local legislative powers, and any county, town, township, or similar entity which is a subdivision of the State or county and which possesses and exercises some powers of local self-government; any school district which is an independent governmental unit and any special district classified as an independent governmental unit created for the sole purpose of performing one or more municipal functions. An "independent governmental unit" is one which meets the criteria for classifying governmental units used by the Department of Commerce, U.S. Bureau of the Census, in the 1967 Census of Governments, "Governmental Organizations," beginning at p. 13.

(d) *Withdrawal of exemption with respect to certain pay adjustments.*—The Council may by order direct prospectively that the exemption provided in paragraph (a) or (b) of this section shall not be applicable with respect to the pay adjustments of an appropriate employee unit or a firm, if—

(1) Such pay adjustments have been historically related to the pay adjustments of another appropriate employee unit or another firm;

(2) The pay adjustments of such other appropriate employee unit or such other firm are not exempt under the provisions of this section; and

(3) Such action is found to be necessary to the furtherance of the goals of the Economic Stabilization Program.

Subpart F—Challenge Procedures

§ 152.51 Purpose and scope.

This subpart establishes the procedures under which the Council may challenge pay increases which have occurred or are proposed.

§ 152.52 General.

When any report required by this part or any audit or investigation discloses, or the Council otherwise discovers, that a person appears to have implemented or is about to implement a wage or salary increase which is unreasonably inconsistent with the general pay standards set forth in this chapter or the goals of the Economic Stabilization Program, the

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Council may conduct proceedings to challenge such conduct and issue appropriate orders in accordance with the provisions of this subpart.

§ 152.53 Notice of challenge.

The Council shall begin proceedings under this subpart by issuing a notice of challenge to the person involved stating that the Council has reason to believe that conduct which is unreasonably inconsistent with the standards set forth in this chapter has occurred or is about to occur.

§ 152.54 Temporary orders.

If the Council finds that such action is necessary to further the goals of the Economic Stabilization Program, it may, in the notice of challenge, order the persons to whom it is directed to take steps temporarily to suspend or halt the conduct being challenged.

§ 152.55 Public hearings.

If the Council determines that such action is necessary to further the goals of the Economic Stabilization Program, it may order public hearings to be held with respect to the conduct being challenged.

§ 152.56 Reply.

(a) Within 10 days of receipt of a notice of challenge issued under § 152.53, the person to whom the notice of challenge is issued may file an answer in writing. In addition, a person may respond to the Council by personal appearance and may be accompanied by counsel. If a person wishes to appear in person, he must request an appointment; the request must be made promptly so that a time and place may be set within the period provided for reply. The Council will extend the period for reply for good cause shown.

(b) If a person does not reply within the time allowed by a notice of challenge, the challenged conduct will be considered unreasonably inconsistent with the general standards as alleged and the Council may issue whatever permanent order would be appropriate.

(c) The burden of producing evidence that the challenged conduct is not unreasonably inconsistent with the standards is upon the person who has taken or proposed the conduct.

(d) An order promulgated under this section is not subject to judicial or any other review with respect to any finding of fact or conclusion of law which could have been raised in proceedings before the Council but was not.

§ 152.57 Order.

(a) If the Council finds, after the person has filed a reply under § 152.56, that no conduct has occurred or is about to occur which is unreasonably inconsistent with the standards or the goals of the Economic Stabilization Program or that for any other reason the issuance of an order would not be appropriate, it will issue a decision so stating, and if necessary an order revoking or modifying any prior temporary order.

(b) If the Council finds that conduct unreasonably inconsistent with the standards or the goals of the Economic Stabilization Program has occurred or is about to occur and that an order is appropriate, it will issue a decision so stating, specifying the nature and extent of the unreasonably inconsistent conduct and, if necessary, issue an order implementing the decision. The decision will state the findings and conclusions upon which it is based.

(c) Orders issued hereunder may prescribe prospectively (from the time of the first action by the Council under the provisions of this subpart):

(1) A specific price or wage or salary;

(2) Special reporting requirements; and

(3) Any other requirement which is reasonable and appropriate to accomplish the purposes of the Economic Stabilization Program.

§ 152.58 Modification or rescission.

(a) *General.*—The person to whom an order is issued under § 152.57 may file a request for modification or rescission of that order in accordance with the procedures set forth in this section.

(b) *Where to file.*—A request for modification or rescission may be filed with the Cost of Living Council, Washington, D.C. 20508.

(c) *When to file.*—A request for modification or rescission shall be filed within 10 days of receipt of the order issued under § 152.57.

(d) *Contents of request.*—A request for modification or rescission shall—

(1) Be in writing and signed by the applicant;

(2) Be designated clearly as a request for modification or rescission;

(3) Identify the order which is the subject of the request;

(4) Point out the alleged error in the order;

(5) Contain a concise statement of the grounds for the request for modification or rescission and the requested relief;

(6) Be accompanied by briefs, if any; and

(7) Be marked on the outside of the envelope "Request for Modification or Rescission."

(e) *Preliminary processing by the Council.*—

(1) A request for modification or rescission of an order issued under § 152.57 will be considered by the Council only if it:

(i) Is made by a person to whom the order sought to be modified or rescinded was issued;

(ii) Is timely; and

(iii) Makes a prima facie showing of error.

(2) The Council may summarily reject a request for modification or rescission which is not made by a person to whom the order was issued, or which is not timely filed, or which fails to make a prima facie showing of error.

(3) When the request for modification or rescission meets the requirements set forth in paragraph (e)(1)(i) of this section, the Council on its own motion or for good cause shown may temporarily suspend the order appealed from and then proceed in accordance with § 152.57.

Subpart G—Reassertion of Mandatory Controls

§ 152.61 Purpose and scope.

This subpart describes the circumstances under which the Council may reassert mandatory controls over an industry, sector of the economy, or a part thereof.

§ 152.62 Issuance of special rules.

Whenever the Council in the course of administering the Economic Stabilization Program determines that the goals of the program would be significantly advanced by reasserting controls over an industry, sector of the economy, or a part thereof, it may issue a special rule providing, on a prospective basis, for the stabilization of wages and salaries, on a mandatory basis, in that industry, sector of the economy or part thereof.

§ 152.63 Public hearings.

If the Council determines that such action is necessary to further the goals of the Economic Stabilization Program, it may order public hearings with respect to special rules issued or to be issued pursuant to this subpart.

Subpart H—Special Rules Applicable to the Food Industry

§ 152.71 Scope.

This subpart establishes special mandatory rules applicable to pay adjustments affecting employees in the food industry. This subpart does not apply to the pay adjustments of any manufacturer, service organization, wholesaler or retailer which both derives less than 20 percent of its annual sales or revenues from sales of food and less than $50 million of annual sales or revenues from sales of food.

§ 152.72 Pay adjustments affecting employees in the food industry.

(a) Pay adjustments affecting employees in the food industry remain subject to the classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Pay Board in effect on January 10, 1973, with respect to such pay adjustments put into effect prior to 9 p.m., e.s.t., March 29, 1973. After such time, the classification, prenotification, and reporting requirements set forth in § 152.73, together with such rules and regulations of the Pay Board not inconsistent therewith, shall apply to such pay adjustments. The Council shall succeed to and assume all applicable rights, duties, and obligations of the Pay Board contained in the regulations of the Pay Board in effect on January 10, 1973. Whenever authorizations from or reports to the Pay Board or the Council, as appropriate, are required under the appropriate rules and regulations, such authorizations shall be obtained from and reports made to the Council in the

form and within the time required under such appropriate rules and regulations.

(b) For purposes of paragraph (a) of this section, and except as provided in paragraph (c) of this section, "Pay adjustments affecting employees in the food industry" means pay adjustments by any manufacturer, service organization, wholesaler, or retailer which derives at least 20 percent or at least $50 million of its annual sales or revenues from the sales of food, with respect to:

(1) Employees who are members of an appropriate employee unit (regardless of size) in which 50 percent or more of the employees are engaged on a regular and continuing basis in food operations; and

(2) Employees engaged on a regular and continuing basis in food operations and who are members of an appropriate employee unit (other than a unit referred to in paragraph (b)(1) of this section) in which 60 or more of such employees are engaged in food operations.

(c) On and after June 25, 1973, for purposes of paragraph (b) of this section, "Pay adjustments affecting employees in the food industry" does not include pay adjustments with respect to employees engaged on a regular and continuing basis in the operation of an eating place (described in Standard Industrial Classification Code 5312) or drinking place (described in Standard Industrial Classification Code 5812) or in the rendering of administrative or support functions with respect to such operation, unless—

(1) Such eating place or drinking place is part of or is controlled, directly or indirectly, by a manufacturer, service organization, wholesaler, or retailer, and

(2) At least 20 percent or at least $50 million of the total annual sales or revenues of such manufacturer, service organization, wholesaler, or retailer, excluding sales or revenues attributable to eating places and drinking places, is attributable to the sales of food.

This paragraph applies only to employees of the firm which operates the eating place or drinking place.

§ 152.73 Prenotification and reporting requirements for pay adjustments made after 9 p.m., e.s.t., March 29, 1973.

(a) *Prenotification required.*—Except as provided in paragraph (c) of this section and § 152.75, a pay adjustment affecting employees in the food industry shall not be put into effect after 9 p.m., e.s.t., March 29, 1973, unless prenotification of such proposed pay adjustment has been submitted to the Council and the Council has approved such proposed pay adjustment, or such pay adjustment has been permitted to be put into effect pursuant to the provisions of paragraph (b) of this section. Generally, prenotification shall be submitted not less than 60 days prior to the effective date of such proposed pay adjustment or as soon thereafter as the amount and timing of such proposed pay adjustment have been determined. Pay adjustments which were approved by the Pay Board or its delegate are considered to have been approved by the Council for purposes of this paragraph.

(b) *Contracts or pay practices in existence prior to 9 p.m., e.s.t., March 29, 1973.* (1) *60-day rule.*—If a proposed pay adjustment is scheduled to be put into effect on or after November 1, 1973, pursuant to a contract entered into or pay practice established prior to 9 p.m., e.s.t., March 29, 1973, and—

(i) Prenotification of such pay adjustment has been submitted after 9 p.m., e.s.t., March 29, 1973, under the provisions of this section, and

(ii) The Council has not issued an order with respect to such pay adjustment, _____

then such pay adjustment may be put into effect 60 days after submission of such prenotification. Such pay adjustment, however, remains subject to review by the Council, which may by order prescribe specific wages or salaries and impose any other requirements which are reasonable and appropriate to accomplish the purposes of the economic stabilization program.

(2) *Submission.*—For purposes of this section, prenotification will be considered to be submitted on the date when it is stamped and dated by the Council. The Council will notify the parties, in writing, of the date of submission. If the information submitted is incomplete, the Council will not accept the submission, and will so notify the parties.

(c) *Limitation on prenotification under this section for certain individual increases.*—Notwithstanding the provisions of paragraph (a) of this section, a pay adjustment scheduled to be put into effect for one or more individual employees on a random or variable timing basis (e.g., through operation of a merit plan) under the terms of a contract entered into or a pay practice established prior to 9 p.m., e.s.t., March 29, 1973, in a control year beginning prior to such time, shall be permitted to be put into effect after such time without prenotification if the total of all wage and salary increases with respect to the appropriate employee unit for such control year does not exceed the general wage and salary standard (or applicable exception thereto for which prior approval was not required under the rules and regulations of the Pay Board in effect on January 10, 1973).

§ 152.74 Procedures for prenotification and reporting.

(a) *Content of prenotification and reports.*—Prenotification and reports shall be submitted on forms prescribed by and pursuant to instructions issued by the Council. All forms must be sent to Office of Wage Stabilization, P.O. Box 6185, Washington, D.C. 20044.

(b) *Collective bargaining agreements.*—Prenotification and reports of pay adjustments pursuant to a collective bargaining agreement shall include copies of such agreement and the prior succeeded agreement, if any, and a summary of such pay adjustments.

(c) *Pay practices.*—Prenotification and reports of pay adjustments pursuant to a pay practice shall include a summary of such pay adjustments and information as to all pay adjustments with respect to the appropriate employee unit during the 2 years prior to the control year in which such pay adjustments are put into effect.

(d) *Computation rules.*—For purposes of this subpart the computation rules in subpart E of part 201 of this title shall apply. For example, wage or salary increases attributable to promotions or certain longevity, automatic in-grade progression, apprenticeship, and probationary programs are not considered "pay adjustments" for which prior approval is required under the provisions of this section.

(e) *Individual increases.*—For purposes of §§ 152.73 and 152.75 prenotification of proposed pay adjustments affecting employees in the food industry shall be submitted to the Council in the manner set forth in this paragraph if such pay adjustments apply to individual employees within an appropriate employee unit during a control year, e.g., through operation of a merit plan which provides individual increases on a random or variable timing basis:

(1) *Budgeted pay adjustments.*—If the pay adjustments fora control year are budgeted in advance of such control year, prenotification shall be submitted to the Council not less than 60 days prior to the first day of such control year, or as soon thereafter as the amount and timing of such proposed pay adjustments have been determined.

(2) *Nonbudgeted pay adjustments.* (i) *Initial prenotification.*—If such pay adjustments are not budgeted in advance of a control year, prenotification shall be submitted to the Council not less than 60 days prior to the first day of such control year, or as soon thereafter as reasonable and supportable estimates of the amount and timing of pay adjustments anticipated or planned for during such control year can be provided. Such prenotification shall include such estimates and the grounds therefor.

(ii) *Second prenotification.*—If initial prenotification has been submitted under the provisions of paragraph (e)(2)(i) of this section, further prenotification shall be submitted to the Council not later than 60 days prior to the midpoint of the control year, or as soon thereafter as reasonable and supportable estimates of the amount and timing of all pay adjustments anticipated or planned for in such control year can be provided. Such further prenotification shall include such estimates and the grounds therefor and shall also include information as to all pay adjustments previously put into effect during the control year.

(3) *Limitation on pay adjustments.*—The total of wage and salary increases put into effect during a control year in a unit for which prenotification has been submitted under the provisions of this paragraph shall at no time exceed the maximum permissible annual aggregate wage and salary increase which has been approved by the Council following such

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prenotification, or which has been permitted to be put into effect pursuant to the provisions of § 152.73(b).

(f) *Cost of living allowance increases.*—For purposes of §§ 152.73 and 152.75, where pay adjustments affecting employees in the food industry include cost of living allowances increases (e.g., pursuant to an escalator formula), prenotification of such proposed cost of living allowance increases shall be submitted to the Council in the following manner:

(1) *Initial prenotification.*—The initial prenotification of pay adjustments for such control year shall include reasonable and supportable estimates of such cost of living allowance increases, if the precise amounts of such increases are not known when such prenotification is submitted.

(2) *Further prenotification.*—If, when the precise amounts of such cost of living allowance increases become known, such amounts do not exceed the amounts prenotified under paragraph (f)(1) of this section and approved by the Council pursuant to such prenotification, such increases may be put into effect as scheduled. However, if the precise amounts exceed amounts previously prenotified and approved or permitted to be put into effect, the portion of such increases in excess of the amounts previously prenotified and approved or permitted to be put into effect may not be put into effect unless such increases are specifically prenotified to and are approved by the Council or permitted to be put into effect pursuant to the provisions of § 152.73(b). Such further prenotification shall be submitted to the Council as soon as practicable after the precise amounts of such increases are determined.

(g) *Exclusion for executive and variable compensation.*—The rules with respect to prenotification and reporting of pay adjustments affecting employees in the food industry shall not apply to executive and variable compensation of the type described in subpart K of this part, except to the extent such compensation is treated as a wage and salary increase.

(h) *Service.*—An employer or employer association filing any document pursuant to the provisions of this section shall at the same time serve copies of each such document on the collective bargaining agent, if any, of the affected employee unit. If any such document is filed by a collective bargaining agent, such collective bargaining agent shall at the same time serve copies of each such document on the affected employer or employer association. A certification of service shall accompany all documents submitted to the Council under the provisions of this section.

(i) *Low wage employees.*—If an appropriate employee unit includes an employee earning a straight-time hourly rate on the base date that is equal to or less than $3.50, and a prenotification or report is submitted with respect to such unit pursuant to the provisions of this subpart, then such prenotification or report shall include—

(1) A Form PB–3 or PB–3A (as appropriate) that covers all employees in the appropriate employee unit, and that reflects—

(i) A base compensation rate computed on the basis of wages and salaries actually in effect on the base date; and

(ii) All increases in the base compensation rate actually put into effect or proposed to be put into effect; and

(2) A Form PB–3 or PB–3A (as appropriate) that covers separately those employees whose straight-time hourly rates on the base date (determined individually) are equal to or in excess of $3.50.

§ 152.75 Interim rules for the period ending October 31, 1973.

(a) *Contracts and pay practices in existence prior to November 14, 1971.*—Notwithstanding the provisions of § 152.73, a pay adjustment scheduled to be put into effect after 9 p.m., e.s.t., March 29, 1973, and prior to November 1, 1973, under the terms of a contract or pay practice previously set forth which existed prior to November 14, 1971, may be put into effect according to the terms of such contract or pay practice (provided that in the case of a pay practice such pay adjustment is put into effect with respect to a control year beginning prior to November 14, 1972). However, a report of such pay adjustment shall be submitted to the Council not later than 10 days after such pay adjustment is put into effect. Pay adjustments put into effect pursuant to the provisions of this paragraph are subject to challenge by any party at interest or by the Council. A challenge by a party at interest shall be submitted to the Council. In the event of a challenge, the terms of the contract or pay practice shall be allowed to remain in effect unless and until the Council rules otherwise. The Council will review a challenged pay adjustment to determine whether any wage or salary increase is unreasonably inconsistent with the standards and goals of the economic stabilization program. Following such review, the Council may approve such pay adjustment, prescribe specific wages or salaries, or impose any other requirements which are reasonable and appropriate to accomplish the purpose of the economic stabilization program.

(b) *Contracts and pay practices in existence after November 13, 1971, and prior to 9 p.m., e.s.t., March 29, 1973.*—Notwithstanding the provisions of § 152.73, a pay adjustment scheduled to be put into effect prior to November 1, 1973, under the terms of a contract entered into or a pay practice established prior to 9 p.m., e.s.t., March 29, 1973, which is not within the provisions of paragraph (a) of this section, may be put into effect without prenotification, to the extent that the total of all pay adjustments for the control year with respect to the appropriate employee unit does not exceed the general wage and salary standard (or applicable exception thereto for which prior approval was not required under the rules and regulations of the Pay Board in effect on January 10, 1973). A report of a pay adjustment put into effect pursuant to the provisions of this paragraph shall be submitted to the Council not later than 10 days after such pay adjustment has been put into effect. Such a pay adjustment remains subject to review by the Council, which may by order prescribe specific wages or salaries and impose any other requirements which are reasonable and appropriate to accomplish the purposes of the economic stabilization program. If the total of all scheduled pay adjustments subject to the provisions of this paragraph exceeds the general wage and salary standard (or exception), the provisions of § 152.73(a) shall continue to apply to the portion of such pay adjustments in excess of such standard (or exception).

(c) *Contracts and pay practices in existence after 9 p.m., e.s.t., March 29, 1973.*—Notwithstanding the provisions of § 152.73 a pay adjustment scheduled to be put into effect prior to November 1, 1973, under the terms of a contract or pay practice which is not within the provision of paragraph (a) or (b) of this section may be put into effect without prenotification, to the extent that the total of all pay adjustments for the control year with respect to the appropriate employee unit does not exceed the general wage and salary standard (or applicable exception thereto for which prior approval was not required under the rules and regulations of the Pay Board in effect on January 10, 1973). A report of a pay adjustment put into effect pursuant to the provisions of this paragraph shall be submitted to the Council not later than 10 days after such pay adjustment has been put into effect. Such a pay adjustment remains subject to review by the Council, which may by order prescribe specific wages or salaries and impose any other requirements which are reasonable and appropriate to accomplish the purposes of the economic stabilization program. If the total of all scheduled pay adjustments subject to the provisions of this paragraph exceeds the general wage and salary standard (or exception), the provisions of § 152.73(a) shall continue to apply to the portion of such pay adjustments in excess of such standard (or exception).

Subpart I—Special Rules Applicable to Providers of Health Services

§ 152.91 Scope.

This subpart establishes mandatory rules applicable to pay adjustments by providers of health services.

§ 152.92 Pay adjustments affecting employees in the health industry.

Pay adjustments affecting employees in the health industry remain subject to the classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Pay Board in effect on January 10, 1973. The

Cost of Living Council shall succeed to and assume all applicable rights, duties, and obligations of the Pay Board contained therein. Whenever authorizations from or reports to the Pay Board are required under those rules and regulations, such authorizations shall be obtained from and reports made to the Council in the form and within the time required under regulations of the Pay Board in effect on January 10, 1973.

§ 152.93 Submissions to the Council.

Prenotification and reports of pay adjustments shall be submitted on forms prescribed by and pursuant to instructions issued by the Council. All submissions must be sent to Office of Wage Stabilization, P.O. Box 472, Washington, D.C. 20044.

Subpart J—Special Rules Applicable to the Construction Industry

§ 152.101 Scope.

This subpart establishes special rules applicable to pay adjustments affecting employees in the construction industry.

§ 152.102 Definitions.

For purposes of this subpart, the term—

(a) "Annual sales or revenues" means the total gross receipts of a firm in the construction industry during its most recent fiscal year, except that it does not include gross receipts of or from a foreign branch or division of such a firm, or the gross receipts of or from a wholly or partially owned foreign entity such as a corporation, partnership, joint venture, association, trust, or subsidiary, if the gross receipts of such foreign entity, branch, or division are derived primarily from transactions with other foreign firms. A foreign entity, branch, or division is one located outside the several States and the District of Columbia. However, gross receipts of domestic entities from U.S. export sales and from sales to firms in the Commonwealth of Puerto Rico are included in the determination of annual sales or revenues. For purposes of this subpart annual sales or revenues shall also include the firm's pro rata share of annual sales and revenues derived from the construction operations of any joint venture of which it is a part.

(b) "Appropriate employee unit" means the same as under § 152.2, except that such unit shall be restricted in the case of nonunion construction employees to those employees who work at a job site or job sites in a particular craft or similar classification.

(c) "Base date" means, with respect to an appropriate employee unit, the day prior to the first day of a control year.

(d) "Basic wage rate" means the highest straight-time hourly rate approved by the Construction Industry Stabilization Committee for payment to union construction employees in a local labor market area. Such rate shall be expressed in dollars and cents.

(e) "Construction industry" means every firm engaged in or undertaking any construction operations, and every employee employed by such firm.

(f) "Construction operations" means all work relating to the erecting, construction, altering, remodeling, painting, or decorating of installations such as buildings, bridges, highways, and the like when performed on a contract basis, but shall not include maintenance work performed by workers employed on a permanent basis in a particular plant or facility for the purpose of keeping such plant or facility in efficient operating condition. The term also means the transporting of materials and supplies to or from a particular building or project by the workers of the contractor or subcontractor performing the construction or the manufacturing of materials, supplies, or equipment on the site of a project by such workers. In addition, the term means all other work classified as construction in 29 CFR 5.2(g).

(g) "Control year" means, with respect to an appropriate employee unit, the period of time determined pursuant to § 201.52 of this title.

(h) "Craft" means a classification of mechanic or laborer engaged in construction operations at a job site.

(i) "Local labor market area" means the geographical area in the United States within which labor is normally recruited for work at a construction job site.

(j) "Nonunion contractor" means an employer of nonunion construction employees.

(k) "Nonunion construction employees" means members of a particular craft or similar classification who are not covered by a collective-bargaining agreement and are engaged in construction operations at a job site.

(l) "Union construction employees" means members of a particular craft who are covered by the terms of a collective-bargaining agreement and are engaged in construction operations at a job site.

(m) "Union contractor" means an employer of union construction employees.

§ 152.103 Pay adjustments affecting employees in the construction industry.

(a) Pay adjustments prior to June 13, 1973, affecting employees in construction remain subject to the classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Pay Board and the Construction Industry Stabilization Committee in effect prior to such date. The prenotification and reporting requirements set forth in § 152.104 shall apply to pay adjustments put into effect on or after June 13, 1973, except that annual reports required pursuant to § 152.104(b)(2)(iii) shall be required on and after August 30, 1973. The Cost of Living Council shall succeed to and assume all applicable rights, duties, and obligations of the Pay Board contained in chapter II of this title.

(b) In addition to those pay adjustments determined to be pay adjustments affecting employees in the construction industry under the rules and regulations of the Construction Industry Stabilization Committee in effect on January 10, 1973, and except as provided in paragraph (c) of this section, the term "pay adjustments affecting employees in the construction industry," within the meaning of paragraph (a) of this section, means—

(1) Pay adjustments under the terms of a construction industry collective-bargaining agreement which covers both construction and nonconstruction operations;

(2) Pay adjustments under the terms of any collective-bargaining agreement which (i) continues a close historical relationship established with respect to a construction industry collective-bargaining agreement or sequence of agreements, or provides substantially the same levels of compensation as provided in a construction industry collective-bargaining agreement, and (ii) covers delivery of materials to a construction site under circumstances in which a dispute involving such agreement would cause on-site operations to be more than marginally interrupted; and

(3) Pay adjustments under any collective bargaining agreement (not referred to in paragraph (b)(1) or (2) of this setcion) or any pay practice which covers employees of a firm which derives 20 percent or more of its annual sales or revenues from construction operations.

(c) If a firm referred to in paragraph (b)(3) of this section is separated functionally into divisions, affiliates, or other clearly recognizable business entities, and if the wages and salaries referred to in such subparagraph with respect to employees of the entity engaged in construction operations and the wages and salaries with respect to employees of other entities of the same firm not engaged in construction operations have been historically separated in preparing the firm's financial statements, the wages and salaries with respect to employees of an entity not engaged in construction operations shall be excluded from the definition of "pay adjustments affecting employees in construction."

§ 152.104 Prenotification and reporting requirements after June 12, 1973.

(a) *Pay adjustments subject to jurisdiction of the Construction Industry Stabilization Committee.*—(1) Any pay adjustment which is referred to in paragraph (b)(1) or (2) of § 152.103, or which applies to or affects any number of employees engaged in construction operations and is made pursuant to a collective-bargaining agreement, shall not be put into effect unless prenotification of such proposed pay adjustment has been submitted to the Construction Industry Stabilization Committee and the Committee has approved such proposed pay adjustment, or such proposed pay adjustment has been permitted to be put into effect pursuant to regulations issued by the Committee.

(2) Prenotification of any pay adjustment referred to in paragraph (a)(1) of this section shall be made on forms and in the manner prescribed by the Construction Industry Stabilization Committee.

(b) *Pay adjustments subject to jurisdiction of the Cost of Living Council.*—

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A pay adjustment referred to in § 152.103 (b)(3), put into effect on or after June 13, 1973, shall be reported to the Council in the following manner:

(1) *Off-site and other employees.*—If the pay adjustment is made with respect to off-site and other employees (within the meaning of § 152.106) of a union or nonunion contractor, and applies to or affects an appropriate employee unit containing 1,000 or more off-site and other employees, a report shall be submitted on the Council's Form PB–3 not later than 10 days after such pay adjustment is put into effect.

(2) *Nonunion construction employees.* (i) *Increase in basic wage rate.*—If the pay adjustment is made under the provisions of § 152.107(d)(1) with respect to nonunion construction employees and such adjustment is in excess of the standard a report shall be submitted to the Council by the employer on the Council's Form PB–4 or CLC–32 (at the election of the employer) not later than 10 days after such increases have been put into effect.

(ii) *New labor market area.*—A nonunion contractor that first enters a local labor market area and pays its employees a rate pursuant to § 152.107 shall submit a report on the Council's Form PB–4 or CLC–32 (at the election of the employer) not later than 10 days after such payment.

(iii) *Annual report.*—Notwithstanding the requirements of paragraphs (b)(2)(i) and (ii) of this section, if a nonunion contractor employs 10 or more employees (determined by adding the number of employees employed on November 13, 1972, to the number of employees employed on June 13, 1973, and dividing such total by 2) and is not required to file a special report pursuant to paragraph (b)(3) of this section, such nonunion contractor shall report annually to the Council not later than 10 days after the close of each control year all pay adjustments made with respect to its nonunion construction and on-site supervisory employees. Such annual report shall be submitted on forms prescribed by and pursuant to instructions issued by the Council. The annual report required pursuant to this subdivision (iii) shall be submitted irrespective of whether the wage and salary increases in a control year are within the general wage and salary standard and irrespective of the number of employees in any partticular craft or the number of employees performing on-site supervisory work affected by such increases.

(3) *Special reporting requirements.*—In addition to the general reporting requirements set forth in paragraphs (b)(1) and (2) of this section, any pay adjustment referred to in § 152.103(b)(3) shall be reported to the Council not later than 10 days after being put into effect by a firm, if the total annual sales or revenues of the firm derived from construction operations equals or exceeds $50 million. Special reports required pursuant to this subparagraph (3) shall be submitted irrespective of whether the wage and salary increases in a control year are within the general wage and salary standard and irrespective of the number of employees in a craft or other appropriate employee unit affected by the increases. In the case of off-site and other employees, special reports shall be submitted on the Council's Form PB–3. In the case of nonunion construction employees, special reports shall be submitted on the Council's Form CLC–32. Pay adjustments of union construction employees which have been forwarded to the Construction Industry Stabilization Committee for approval shall not be included in the special report.

§ 152.105 Procedures for reporting.

Any report required to be filed pursuant to § 152.104 shall be made in the following manner:

(a) *Content.*—Reports shall be submitted on forms prescribed by and pursuant to instructions issued by the Council. Any such report shall contain a written summary of such pay adjustments. All forms must be sent to the Construction Division, Office of Wage Stabilization, PO Box 992, Washington, D.C. 20044.

(b) *Computation rules.*—For purposes of the subparagraph, the computation rules in subpart E of part 201 of this title shall apply. For example, wage or salary increases attributable to promotions or to certain longevity, automatic in-grade progression, apprenticeship, and probationary programs are not considered pay adjustments required to be reported.

(c) *Individual increases.*—Reports required with respect to pay adjustments affecting employees in the construction industry shall be submitted to the Council in the manner set forth in this paragraph if such pay adjustments apply to individual employees within an appropriate employee unit during a control year, e.g., through operation of a merit plan which provides individual increases on a random or variable timing basis;

(1) *Budgeted pay adjustments* (i). *Initial report.*—If the pay adjustments for a control year are budgeted in advance of a control year, a report of all such pay adjustments shall be submitted to the Council not later than 10 days after the start of such control year.

(ii) *Further report.*—If the total of pay adjustments actually put into effect during the control year does not exceed the total of budgeted pay adjustments reported under the provisions of paragraph (c)(1)(i) of this section, no further report is required with respect to such control year. However, if the total of pay adjustments actually put into effect during the control year exceeds the total of budgeted pay adjustments reported under the provisions of such subdivision, a further report of all pay adjustments actually put into effect during the control year shall be submitted to the Council as soon as practicable after the amount and timing of such pay adjustments are known, but in no case later than 10 days after the close of the control year: *Provided, however,* That the total of pay adjustments in the unit for the control year shall not exceed the general wage and salary standard of 5.5 percent or any applicable self-executing exception thereto without prior approval of the Council.

(2) *Nonbudgeted pay adjustments,* (i) *Initial report.*—If the pay adjustments for a control year are not budgeted in advance of such control year, a report of all pay adjustments anticipated or planned for during such control year shall be submitted to the Council not later than 10 days after the first pay adjustment is put into effect during such control year. Such report shall include reasonable and supportable estimates as to the amount and timing of pay adjustments.

(ii) *Second report.*—If an initial report of nonbudgeted pay adjustments has been submitted under the provisions of paragraph (c)(2)(i) of this section, a second report shall be submitted to the Council not later than 10 days after the midpoint of the control year. Such second report shall include information as to all pay adjustments previously put into effect during the control year and all pay adjustments anticipated or planned for during the remainder of such control year. Such report shall include reasonable and supportable estimates as to the amount and timing of all pay adjustments not previously put into effect.

(iii) *Further report.*—If the total of pay adjustments actually put into effect during the control year does not exceed the total of pay adjustments reported in the second report submitted under the provisions of paragraph (c)(2)(ii) of this section, no further report is required with respect to such control year. However, if the total of pay adjustments actually put into effect during the control year exceeds the total of pay adjustments reported in such second report, a further report of such pay adjustments actually put into effect shall be submitted to the Council as soon as practicable after the amount and timing of such pay adjustments are known, but in no case later than 10 days after the close of the control year: *Provided, however,* That the total of pay adjustments in the unit for the control year shall not exceed the general wage and salary standard of 5.5 percent or any applicable self-executing exception thereto without prior approval of the Council.

(d) *Nonunion construction employees reports.*—Every report with respect to pay adjustments for nonunion construction employees required by § 152.104(b)(2)(iii) or § 152.104(b)(3) shall be submitted on a craft or similar basis for each project or job site at which the nonunion contractor has performed or is performing work during the control year, except that pay adjustments made to comply with any Federal, State, or local prevailing wage law (e.g., under the Davis-Bacon Act) need not be reported. However, if the same wage rates for each craft are paid for services performed at more than one project or job site, the nonunion contractor may submit a single report on wage rates for each craft and identify the location of the projects or job sites covered by the report.

§ 152.106 Off-site and other employees.

Off-site employees of a union contractor or a nonunion contractor (e.g., office personnel, officers of the corporation, etc.) or on-site employees not actually engaged in construction operations and not covered by a collective bargaining agreement (e.g., supervisors, superintendents, foremen, field engineers, etc.) are subject to the provisions of subparts A, B, C, D, E, and F of part 201 of this title and are subject to the reporting requirements set forth in § 152.104(b).

§ 152.107 Nonunion construction employees.

(a) *Coverage.*—This section provides rules for the treatment of wage and salary increases paid to nonunion construction employees in a particular craft or similar classification working at job sites in a local labor market area.

(b) *General rule.*—The general wage and salary standard (hereinafter referred to as the "standard") for an appropriate employee unit of nonunion construction employees is established at 5.5 percent. The standard shall apply to any wage and salary increase payable with respect to an appropriate employee unit of nonunion construction employees pursuant to a pay practice established, modified or admin.stered with discretion after November 13, 1971. Except as otherwise provided in this section, the standard shall be the maximum permissible annual aggregate wage and salary increase for an appropriate employee unit of nonunion construction employees.

(c) *Limitation.*—Notwithstanding the provisions of paragraph (b) of this section, an increase in wages and salaries for an appropriate employee unit of nonunion construction employees may be otherwise limited during a control year to an amount less than the standard if such action is determined by the Cost of Living Council or its delegate to be necessary to preserve historical wage and salary relationships, to foster orderly economic growth or to prevent gross inequities, hardships, serious market disruptions, or localized shortages of labor.

(d) *Exceptions.* (1) *Increase in union construction employees basic wage rate.*—Nonunion construction employees in a particular craft (or similar classification) working in a local labor market area may be paid a wage and salary increase (expressed in dollars and cents) that exceeds the standard, if union construction employees perform the same or substantially similar work at job sites in the same local labor market area: *Provided, however,* That, except as provided in paragraph (d)(2) of this section, no wage and salary increase for the control year may be paid to such nonunion construction employees under this paragraph in excess of the increase (expressed in dollars and cents) in the basic wage rate put into effect during such control year for union construction employees performing the same or substantially similar work at job sites in the same local labor market area.

(2) *Essential employees.*—An exception may be granted to a nonunion contractor that is unable to recruit or retain employees of a particular craft essential to the efficient operation of such contractor's business. Thus, nonunion construction employees otherwise subject to the provisions of this subpart may be paid a wage and salary increase in excess of the general wage and salary standard or the exception provided in paragraph ((d)(1) of this section, or, if appropriate, may be paid at a rate in excess of the basic wage rate for the local labor market area, if the payment of such excess has received prior approval of the Council. A request for such exception shall be submitted on the Council's Form PB–4 or CLC and shall provide, in sufficient detail, evidence to support the grant of such exception.

(3) *Percentage relationships to standard.*—For purposes of subparagraph (1) of this paragraph, a percentage shall be determined by dividing the annual aggregate wage and salary increase with respect to the appropriate employee unit of nonunion construction employees for the control year, by the base compensation rate in effect for such unit on the base date. Any request for an exception pursuant to paragraph (d)(2) of this section shall also include the computation prescribed in the preceding sentence.

(e) *Fringe benefits.* (1) *Included benefits.*—Increases in included benefits attributable to the secondary effect of increases in the straight-time hourly rate shall be excluded from the computation of pay adjustments for purposes of this section. Increases in the total cost of included benefits, other than secondary effect increases refered to in the preceding sentence, shall be treated in the same manner as in § 201.58 of this title.

(2) *Qualified benefits.*—Increases in qualified benefits attributable to the secondary effect of increases in the straight-time hourly rate shall be excluded from the computation of pay adjustments for purposes of this section. Any increase in an employer's total cost of qualified benefits (as defined in § 201.59(b) of this title), other than secondary effect increases referred to in the preceding sentence, which is paid to nonunion construction employees subject to the provisions of this section, shall be subject to the qualified benefits standard and other appropriate rules in the same manner as in § 201.59 of this title.

(f) *New jobs or labor market area.*—Where a nonunion contractor establishes pay rates for newly created jobs, job classifications, or positions, or where such contractor enters a local labor market area for the first time, such contractor may pay wage or salary rates which do not exceed the wage or salary rates paid by the majority of contractors in the local labor market area for similar jobs, job classifications, or positions.

Subpart K—Executive and Variable Compensation [Reserved]

Subpart L—Violations, Sanctions, Fines, and Penalties

§ 152.151 Violations.

(a) *In general.*—Except as provided in paragraph (b) of this section, it shall be a violation of the provisions of this title, subject to the sanctions, fines, penalties, and other relief provided in the Act, for any person to engage in any act, conduct, or attempt which constitutes a means to pay or receive a wage or salary higher than that permitted by the regulations in this part. Such prohibited conduct includes any act, conduct, or attempt by any person to:

(1) *Payment or receipt of pay adjustments subject to mandatory controls.*—Pay or receive, directly or indirectly, immediately or on a deferred basis, any wage or salary increase with respect to employees subject to mandatory controls that exceeds a wage or salary increase authorized under the provisions of this part or approved in a decision and order of the Council.

(2) *Payment or receipt of pay adjustments subject to self-administration.*—Pay or receive, directly or indirectly, immediately or on a deferred basis, any wage or salary increase with respect to employees subject to the provisions of subpart B of this part, that is prohibited under the provisions of this part, or is in excess of an increase approved in a decision and order of the Council.

(3) *Accessorial acts or attempts.*—Induce, solicit, encourage, force, or require, or attempt to induce, solicit, encourage, force, or require, any other person to pay or to receive, directly or indirectly, any portion of a wage or salary increase not authorized under the mandatory control provisions of this part or approved in a decision and order of the Council.

(4) *Compliance.*—Fail or refuse to comply with a decision and order of the Council or with any regulation issued pursuant to the Act, or induce, solicit, encourage, force, or require any other person to fail or refuse to comply with any decision and order of the Council, or with any regulation issued pursuant to the Act.

(5) *Executive or variable compensation.*—Pay, award, grant, receive, accept, establish, or make changes in any item of executive or variable compensation without timely filing of such notices or reports or receiving approval thereof to the extent required by the provisions of this chapter and chapter II of this title.

(6) *Forbearance of rights.*—Force or require any party at interest (as defined in § 201.2 of this title) to refrain or forbear from filing a pay challenge, request for exception, request for interpretation or ruling, prenotification, report, appeal, motion for reconsideration, or any other document or information permitted or required to be filed with the Council, or to force or require any party at interest to withdraw any such document already filed.

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(7) *Filings.*—Fail or refuse to file on a timely basis any prenotification, report, or other document required by the regulations issued pursuant to the Act.

(8) *Notices of challenge and temporary orders.*—Fail or refuse to comply with a notice of challenge and temporary order issued by the Council requiring that a person suspend or halt the conduct being challenged.

(9) *Final orders.*—Fail or refuse to comply with a final order issued by the Council pursuant to § 152.57 that prescribes, prohibits, or limits the payment or receipt of any wage or salary increase.

(b) *Excepted acts.* (1) *Agreements for wage and salary increases.*—Notwithstanding the provisions of paragraph (a) of this section, it shall not be a violation to bargain for, request, contract for, or agree to (as contrasted with paying or receiving) a wage or salary increase in excess of the standard.

(2) *Limitation on excepted acts.*—The exception provided in paragraph (b) (1) of this section shall not apply in any situation where the Council has denied an appeal from a determination by the Internal Revenue Service, or rendered a decision on a pay challenge, request for an exception, or other submission.

§ 152.152 Criminal fine.

Any person who willfully violates any provision of this chapter or, if applicable, Chapter II of this title, or any final order issued thereunder shall be subject to a fine of not more than $5,000 for each violation.

§ 152.153 Civil penalty.

Any person who violates any provision of this chapter, or, if applicable, Chapter II of this title, or any final order issued thereunder shall be subject to a civil penalty of not more than $2,500 for each violation.

§ 152.154 Injunction and other relief.

Whenever it appears to the Council that any person has engaged, is engaged, or is about to engage in any action or practice constituting a violation of the regulations in this chapter or, if applicable, Chapter II of this title, or any order issued thereunder, the Council may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin that act or practice. The relief sought may include a mandatory injunction commanding that person to comply with such order or regulation and restitution of moneys received in violation of such order or regulation.

APPENDIX—Cross Reference Table

The following cross reference table is provided to assist the public in identifying provisions of the Council's pay regulations in effect under Phase III of the Economic Stabilization Program and the regulations in effect during Phase IV of that program.

6 CFR Part 130 Old Section	*6 CFR Part 152 New Section*
130.1	152.1
130.5	152.3
130.6	152.4
130.9(a)	152.25
130.10	152.12
130.11	152.11
130.12	152.13
130.15	152.14
130.20	152.21
130.23	152.22
130.24	152.23
130.34	152.31
130.36	152.32
130.40	152.41
130.51	152.71
130.58	152.72
130.58a(a) (1)	152.73(a)
130.58a(a) (2)	152.73(b)
130.58a(a) (3) (introductory)	152.74(a)
130.58a(a) (3) (i)	152.74(b)
130.58a(a) (3) (ii)	152.74(c)
130.58a(b)	152.74(d)
130.58a(c)	152.74(e)
130.58a(d)	152.74(f)
130.58a(e)	152.74(g)
130.58a(f)	152.74(h)
130.58a(g) (1)	152.74(c)
130.58a(g) (2)	152.75
130.58a(h)	152.74(1)
130.60	152.91
130.62	152.92
130.70	152.101
130.71	152.102
130.76	152.103
130.77(a)	152.104(a)
130.77(b) (1)	152.104(b)
130.77(b) (2)	152.105 (introductory)
130.77(b) (2) (i)	152.105(a)
130.77(b) (2) (ii)	152.105(b)
130.77(b) (2) (iii) (introductory)	152.105(c) (introductory)
130.77(b) (2) (iii) (a) (*1*)	152.105(c) (1) (i)
130.77(b) (2) (iii) (a) (2)	152.105(c) (1) (ii)
130.77(b) (2) (iii) (b) (*1*)	152.105(c) (**2**) ((i)
130.77(b) (2) (iii) (b) (2)	152.105(c) (2) (ii)
130.77(b) (2) (iii) (b) (3)	152.105(c) (2) (iii)
130.78	152.106
130.79	152.107
130.90	152.51
130.91	152.52
130.92	152.53
130.93	152.54
130.94	152.55
130.95	152.56
130.96	152.57
130.97	152.58
130.100	152.61
130.101	152.62
130.102	152.63
130.110	152.2

Effective date August 31, 1973.

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JOHN T. DUNLOP,
Director, Cost of Living Council.

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PART III

COST OF LIVING COUNCIL

■

EXECUTIVE AND VARIABLE COMPENSATION

Notice of Proposed Rulemaking

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COST OF LIVING COUNCIL

[6 CFR Part 152]

EXECUTIVE AND VARIABLE COMPENSATION

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Cost of Living Council. Since the rules set forth in Part 152 are essential to the expeditious implementation of the Economic Stabilization Act of 1970, as amended, the Council finds that the time for submission of comments or suggestions by interested persons in accordance with usual rulemaking procedures is impracticable and that good cause exists for making these regulations effective in less than 30 days. Prior to final adoption of the regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing and received by the Council on or before September 17, 1973. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508, and should be designated in bold type EXECUTIVE AND VARIABLE COMPENSATION COMMENTS. Any written comments or suggestions not specifically designated as confidential may be inspected by any person upon written request.

The public is cautioned to note that these proposed regulations, when adopted in final form, *will be effective retroactively to August 29, 1973*, the date of issuance of the proposed rules.

The proposed rules are to be issued pursuant to authority vested in the Council under the Economic Stabilization Act of 1970, as amended, Public Law 92–210, 85 Stat. 743; Public Law 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1473, E.O. 11730, 38 FR 19345; and Cost of Living Council Order No. 14, 38 FR 1489.

Subpart K of Part 152 proposes to establish rules and standards to be utilized in the control of executive and variable compensation in Phase IV of the Economic Stabilization Program. The basic rules previously applied to executive and variable compensation by the Pay Board during Phase II (previously contained in Subpart F of Part 201) and additional rules governing self-administration under the Phase III program (originally contained in Part 130) are now combined in one subpart. In addition, Subpart K contains new rules and standards which the Council proposes to adopt as a result of an intensive review of the operation of executive and variable compensation plans, practices, and programs thus far in the Economic Stabilization Program.

In general, the new rules (primarily set forth in the new § 152.130) will require every firm subject to the Economic Stabilization Program, regardless of industry, to designate an executive control group which shall consists of the firm's employee directors and officers whose aggregate direct remuneration is required to be reported on proxy statements under the Rules and Regulations of the United States Securities and Exchange Commission or would be required to be reported if the firm were subject to such Rules and Regulations. Special mandatory rules are proposed to be applied to compensation paid to members of an executive control group, limiting aggregate increases in base salaries and establishing proportional limitations on bonus payments. These rules applicable to executive control groups will be in addition to the prior rules applicable to wage and salary increases for members of appropriate employee units and to bonus payments to members of plan or practice units. A procedure is proposed to be established whereby an exception to these limitations may be requested, in cases of hardship or inequity. Further, the new rules will require certain reports to be filed with the Council and records to be maintained with respect to compensation paid to members of executive control groups. Prior approval will be required for new, revised, or replacement incentive plans or practices covering members of an executive control group.

A number of other changes are proposed to be made in the rules governing executive and variable compensation, affecting not only the members of executive control groups but also other employees in industries subject to mandatory controls or self-administration under the Economic Stabilization Program. For example, the prior rules permitting "excess" bonus payments to be charged against the general wage and salary standard for appropriate employee units will be eliminated, except in situations in which the membership of the plan or practice unit and the membership of one appropriate employee unit are coextensive. Also, certain stock options that were formerly valued and charged as a wage and salary increase for members of an appropriate employee unit will be subject to the rules governing incentive compensation plans and practices. Other changes and additions, which are described below in greater detail, are for the most part technical revisions proposed to clarify provisions of the prior regulations. In addition, conforming and technical changes have been made to reflect the placement of the regulations in the new Part 152.

These amendments to the Economic Stabilization Program are proposed to be adopted for a number of reasons. Soon after the commencement of Phase III in January 1973, the Council directed an audit of the executive and variable compensation plans and practices of many firms in various industries. The Council subsequently determined that although wage and salary increases for appropriate employee units which included top executives were generally within the general wage and salary standard, such units often included numerous other management and salaried personnel in addition to the top executives. Later in 1973, various business periodicals published survey data (many of which contained inaccuracies), based on reports of aggregate remuneration reported to the U.S. Securities and Exchange Commission. The survey data appeared to indicate that in 1972 the highest paid executives received salary increases in excess of the general wage and salary standard, as well as substantial increases in bonus awards.

The Council undertook a comprehensive review of the Phase III regulations then applicable to executive and variable compensation, in order to determine whether changes were required for more effective control of such compensation. The Council recognized that it was also important that such control not impair unnecessarily the operation of incentive compensation plans and practices, which are an integral part of the compensation of executives throughout private industry. In conducting its review, the Council's staff secured comments and suggestions for changes in the regulations from businessmen, attorneys, and other experts in the field of executive and variable compensation.

On the basis of its review, the Council determined that special rules applicable to top management employees of firms were essential to insure the continued integrity of the Economic Stabilization Program. The following considerations were particularly significant:

1. During any period of wage and salary stabilization, it is appropriate to adopt a program which treats equitably all levels of wage earners, which requires all segments of the economy to make generally comparable sacrifices, and which inspires public confidence in the stabilization goals to be achieved. It is difficult to evaluate the impact on public confidence that resulted from the assertions made by the often erroneous public surveys of executive compensation. However, the Council believes that such surveys often did lead many persons to conclude that the Phase III rules on executive and variable compensation did not achieve the desired balance of generally comparable sacrifices by all segments of the economy.

2. Top executives of a firm generally participate in or at the very least strongly influence the decisions relating to aggregate increases in compensation for all employee groups and the internal allocation of those increases among employee groups in a firm. Permitting the top executives to be included in an appropriate employee unit with other employees, without any constraints on the manner in which compensation increases are allocated within the unit, can lead to a lack of confidence that the Economic Stabilization Program requires the same degree of wage restraint for all employees within a firm.

3. The published reports of executive compensation trends are inadequate for stabilization purposes since these reports do not adequately differentiate between salary increases and changes in incentive compensation payments. Since the Council must be able to provide accurate reports as to trends in compensation for all groups of employees subject to the Economic Stabilization Program, and must of course possess such information in order to administer the program effectively, identification and reporting of executive compensation trends covering

only the clearly-recognized top management personnel are essential. Under former regulations, salary increases and bonus payments made by firms subject to voluntary compliance were generally not required to be reported to the Council. The imposition of mandatory rules relating to reporting and recordkeeping with respect to such increases and payments to top management personnel will assist in keeping the compensation of such personnel under reasonable restraint.

Additional details with respect to provisions of Subpart K, compared to the prior regulations are provided below under each section heading:

Section 152.121 Scope.—This section is an expansion of the former § 201.71. Paragraph (d) is a clarifying rule which provides that the exclusions from adjustment computations, set forth in § 201.60 (relating to promotions, longevity plans, etc.) are not applicable to payments, awards, or grants under incentive compensation plans or practices, sales or commission plans or practices, or production incentive programs.

Section 152.122 Definitions.—This section is the former § 201.72 with the definitions placed in alphabetical order. In addition, a definition of "performance share plan" has been added. Only plans which meet the requirements of this definition are subject to the valuation approach set forth in § 152.124(d)(3)(ii).

Section 152.123 Executive salaries and job perquisites.—This section is essentially the same as the former § 201.73.

Section 152.124 Incentive compensation plans.—This section contains portions of the former § 201.74, with new material. Paragraph (a) defines the applicability of the regulation: it provides guidance to be used by firms subject to self-administration under the Phase IV rules; mandatory rules to be observed by firms in the food, health, and construction industries; and mandatory rules which are to be applied by all firms in determining the amounts pursuant to incentive compensation plans which may be paid to members of executive control groups.

Paragraph (c)(3)(i) makes clear that the allowable amount may be increased by 5.5 percent (compounded) for each year subsequent to the first plan year for which payment is made on or after November 14, 1971, or for each year subsequent to the last year during which the plan operated under § 201.35. This computation is illustrated by an example in paragraph (g).

Paragraph (d)(2)(i) provides that an amount in excess of the allowable amount may not be paid. This is a mandatory rule with respect to industries subject to mandatory controls and with respect to members of executive control groups; the rule shall serve as guidance for members of plan units subject to self-administration who are not members of an executive control group. Formerly the rules permitted such excess payment to be charged as a wage and salary increase to the members of the appropriate employee unit or units which included plan participants. An exclusion from application of the new rule is provided only for a case in which the employee membership of one plan unit is coextensive with the employee membership of one appropriate employee unit. Since an excess may be paid only in this situation, the former rules with respect to the treatment of an excess have been simplified by deletion of the provisions respecting apportionment to appropriate employe units. A new rule provides that an excess shall be considered to be a wage and salary increase not later than the last day of the sixth month after the end of the plan year.

Paragraph (f) contains a special rule which is a clarification of the former rules. If payments, awards, or grants of items of incentive compensation exceed the amount determined by application of the terms of the plan itself, then even if this amount is less than the allowable amount determined under § 152.124, the full amount paid shall be considered as paid pursuant to a new, modified, or replacement plan or practice which would be subject to any applicable rules for prior approval.

Section 152.125 Incentive compensation practices.—This section contains portions of the former § 201.75, with new material. The additions, deletions, and modifications are substantially parallel to those in § 152.124. The special rule in § 152.124(f) with respect to payments pursuant to an incentive compensation plan is paralleled by § 152.125(b)(1).

Section 152.126 Certain stock options.—This section contains portions of the former § 201.76, and is applicable to fiscal years beginning on or after August 29, 1973. The rules for determining the aggregate share limitation have been modified. The period for determining the total number of shares granted under a plan is terminated as of December 16, 1971. A new provision has been added in the adjustment factor in paragraph (c)(1)(iii)(B) to define the "number of employees in the plan unit on the first day of the fiscal year." Rules have also been prescribed for determining the aggregate share limitation for a plan which is approved by the Council under the provisions of § 152.128.

A new special rule in paragraph (e) provides that where a firm has two or more qualified plans, the aggregate share limitation for each plan is determined separately; however, options may be granted under any or all of the plans, so long as the total number of option grants does not exceed the total of the aggregate share limitations.

Under the provisions of former § 201.76 (e), stock options not "qualified" under § 201.76(b) were treated as wages and salaries and subjected to particular valuation computations. Stock options formerly subject to § 201.76(e) are now subject to the provisions of §152.131.

§ 152.126 has no special application to executive control groups.

Section 152.127 Sales or commission plans or practices and certain production incentive programs.—This section is essentially the same as the former § 201.77, § 152.127 has no special application to executive control groups.

Section 152.128 New or revised plans, practices, or programs.—This section contains the provisions of the former § 201.78 with no significant changes. This section is applicable to firms in the food, health, and construction industries, and to plans, practices, and programs which affect members of executive control groups.

Section 152.129 New organizations and changes in organizational form.—This section contains the provisions of the former § 201.79. There are no significant changes, although a clarifying rule in paragraph (b)(2) provides that the incorporation of an existing proprietorship or partnership is considered the creation of a new organization rather than a change in organization form. This section is applicable to firms in the food, health, and construction industries, and to plans, practices, and programs which affect members of executive control groups.

Section 152.130 Executive control groups.—This section provides mandatory rules with respect to all firms not exempt from the requirements of the Economic Stabilization Program under subpart D or subpart E (the Small Business Exemption). Each such nonexempt firm is required to designate an executive control group, which shall consist of all officers and those employee directors whose aggregate direct remuneration exceeds $30,000 per year. The term "firm" has a specialized definition for purposes of this section, as does "affiliated group of entities" and "parent". These definitions are set forth in paragraph (c). The membership of an executive control group need not bear any relationship to the composition of an appropriate employee unit, and the rules provided in this section are in addition to any limitations imposed under the Economic Stabilization Program on compensation to members of appropriate employee units or plan, practice, or program units.

The term "officer" is defined in paragraph (c)(1) in the same terms as in Rule 3b–2 of the U.S. Securities and Exchange Commission. Since the limitations imposed under this section apply to fiscal years, rather than to control years or to plan, practice, or program years, a new term, "fiscal base date" (the day before a fiscal year) is defined in paragraph (c)(3). The terms "base year", "base group salary," "base group salary additions," "base group salary deletions," and "base period," are defined in paragraph (c) for purposes of applying the limitations on incentive compensation set forth in paragraph (e).

Paragraph (d) contains limitations on salary increases. These limitations are based on a new concept, the "average group salary rate," which is the average annual salary per position in the executive control group. The average group salary rate is permitted to be increased by no more than 5.5% in a fiscal year, as measured against the average group salary rate in effect on the day before the

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fiscal year. A rule is provided in paragraph (d)(2)(ii) which requires that the average group salary rate must be adjusted to reflect the addition or deletion of positions to the executive control group. Since the average group salary rate is determined with reference to positions rather than individual employees, no exclusions for promotions are made in computing increases in the average group salary rate. Paragraph (d)(3) contains a special rule which, for purposes of applying the limitations on salary increases only, permits a firm to treat its executive control group as though the group were a separate appropriate employee unit. If this election is made, the average group salary rate computation is not applied. A base compensation rate (including fringe benefit expenditures) must be constructed, and the computation methods set forth in §§ 201.53 through 201.60 are applied, as appropriate.

Paragraph (e) sets forth limitations on incentive compensation payments, grants, or awards to members of an executive control group. These limitations are applicable only to plans or practices operating under § 152.124 or § 152.125 (including stock options subject to § 152.131, but not stock options subject to § 152.126). The limitation is applied by determining the allowable amount for the plan or practice in the usual manner, by multiplying the allowable amount by an "apportionment factor," and then multiplying the product by an "adjustment factor." The "apportionment factor" represents the share of payments, grants, or awards under the plan or practice which had been assigned to the members of the executive control group in the base period; the base period, at the election of the firm, is either the last 4 plan or practice years ending prior to November 14, 1972, for which payments were made prior to that date, or the most recent plan or practice year ending prior to August 29, 1973, for which a payment was made prior to that date. The "adjustment factor" is similar in approach to the adjustment factors provided in §§ 152.124(c)(5) and 152.125(c)(5), and its application has the effect of adjusting the limits on incentive compensation payments to correspond to growth or contraction (in terms of salary) of the executive control group since the last day of the base year. It is important to note that the adjustment factors set forth in § 152.124(c)(5) and § 152.125(c)(5) are no applied at any point in the computation of the limitations on incentive compensation under § 152.130(e).

Paragraph (f) sets forth reporting requirements for firms which derive annual sales or revenues in excess of $250 million. This report is to be filed on forms which will be issued by the Council in the near future. Paragraph (g) requires that firms with annual sales or revenues in excess of $50 million must keep records sufficient to permit the filing of a complete report upon request by the Council.

Paragraph (h) permits a firm to submit an application for exception to the limitations on salary increases or incentive compensation which are established in this section. The Council will approve such an application only upon a showing of "extreme hardship" or "severe inequity."

Paragraph (i) is included in recognition of the fact that the new rules with respect to executive control groups, which apply to fiscal years, are to be made effective on a date which will necessarily not represent the start of most fiscal years. However, all salary increases and incentive compensation payments, awards, or grants made prior to August 29, 1973, in a fiscal year which ends on or after such date, are considered in applying the limitations under paragraph (d) or (e).

Section 152.131 Stock option plans deemed to be incentive compensation plans or practices subject to § 152.124 or § 152.125.—This is essentially a definitional section which relates to stock options not subject to § 152.126(b) or (c) (formerly § 201.76(a) or (b)). These stock options, which were formerly charged as wage and salary increases under § 201.76(e) and (f), are now considered to be payments pursuant to an incentive compensation plan or practice, as appropriate. While these stock options continue to be valued as before, through application of an "option premium," the amount so determined is subject to the application of an "allowable amount" limitation under § 152.124 or §152.125, and is not considered to be an increase in the base compensation rate. Grants of § 152.131 stock options to members of executive control groups are necessarily subject to the limitations of § 152.130(e).

Section 152.132 Qualified stock bonus plans.—This section represents a policy change intended to implement the provisions of § 203(g) of the Act. The Council has determined that stock bonus plans which are qualified under § 401(a) of the Code shall be treated as qualified benefits in accordance with the provisions of § 201.59. Computations are to be made as in the case of qualified deferred profit sharing plans.

Section 152.133 Prior decisions and orders.—This section contains the provisions of former § 130.1(d), and adds in paragraph (d) a provision that prior decisions and orders which apply to members of executive control groups also remain in effect.

Section 152.134 Submissions to the Council.—This section establishes a postal address to which all submissions relating to subpart K must be sent. The address is: Office of Wage Stabilization, P.O. Box 983, Washington, D.C. 20044.

Section 152.135 Executive and variable compensation guidance.—This section contains the provisions of the former § 130.14 and Appendix B to Part 130, and is to be applied to pay adjustments that are subject to self-administration and that do not apply to members of executive control groups.

In consideration of the foregoing, it is proposed to amend Part 152 of Chapter I, Title 6, Code of Federal Regulations, as follows.

Issued in Washington, D.C. on August 29, 1973.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

Subpart K—Executive and Variable Compensation

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Subpart K—Executive and Variable Compensation

§ 152.121 Scope.

(a) *Purpose.*—The purpose of this subpart is to provide rules and standards to stabilize items of executive and variable compensation whether or not payable to an executive. This subpart provides standards for self-administration of those pay adjustments that are subject to the provisions of subpart B of this part. This subpart also provides standards which are to be applied with respect to pay adjustments subject to mandatory controls under this part. Further, this subpart establishes special rules which are to be applied to certain types of employees, without regard to industry. Except as provided in § 152.126(a)(2), the provisions of Subpart F of Part 201 of this title are superseded, effective August 29, 1973.

(b) *Conflict with other provisions.*—To the extent that any provision of this title is inconsistent with the provisions of this subpart, the provisions of this subpart shall control. Thus, in the area of executive base salaries and job perquisites only those existing contracts meeting the requirements of § 152.122(c) and in the area of incentive compensation plans and practices only those existing contracts meeting the requirements of § 152.122(c) and pay practices previously set forth meeting the requirements of § 152.122(f) shall be allowed to operate under the terms and conditions imposed under § 201.35 of this title.

(c) *Exception.*—The provisions of this subpart are not applicable to pay adjustments pursuant to and shall not affect the provisions of a collective bargaining agreement.

(d) *Exclusions inapplicable.*—The exclusions from adjustment computations set forth in § 201.60 of this title are inapplicable to any payment, award, or grant pursuant to an incentive compensation plan or practice or to a sales or commission plan or practice or to a production incentive program referred to in § 152.127, even if such payment, award, or grant is required to be charged as a wage and salary increase.

§ 152.122 Definitions.

For purposes of this subpart, the term—

(a) "Base salary" means cash remuneration paid, whether currently or deferred, to an employee by an employer on account of the performance of services.

(b) "Executive compensation" includes base salary, job perquisites, and incentive compensation.

(c) "Existing contract" means a contract with respect to employment in effect on November 13, 1971, all the elements of which have been reduced to a writing which has been signed by the employee and the employer prior to November 14, 1971.

(d) "Incentive compensation" includes the following items: Bonuses (whether payable in cash or other property); stock options; phantom stock awards (including both dividend and share units); performance share awards; employer contributions to stock purchase plans or stock bonus plans not qualified under section 401(a) of the Code or the regulations thereunder; and employer contributions to profit-sharing plans which fail to meet the requirements of section 401(a) of the Code. This term, however, does not include profit-sharing plans or stock bonus plans which meet the requirements of section 401(a) of the Code.

(e) "Job perquisite" means any item paid or furnished to or on behalf of an employee by an employer on account of the performance of services including, but not limited to, such items as reimbursement or payment by an employer of country club membership fees, dues, or other similar items; reimbursement or payment by an employer of uninsured medical expenses which are not covered by the employer's usual insurance program with respect to such expenses; reimbursement or payment by an employer for financial consulting or advisory services relating to an employee's personal financial affairs; the personal use of an automobile furnished by an employer; and payment by an employer for or in-kind furnishing of housing; and other such similar items.

(f) "Pay practice previously set forth" means an incentive compensation plan or practice in effect on November 13, 1971, which meets all the following requirements—

(1) The plan or practice had been communicated to the affected employees;

(2) The aggregate amount of the payment or award cannot be increased or withheld in its entirety by the exercise of any discretion;

(3) The aggregate amount of the payment or award is determined by a definite method or clear formula; and

(4) The definite method or clear formula is applied only to a wage or salary amount on a percentage or other similar basis without reference to profits, earnings, or any factor or item other than the actual wage or salary amount.

(g) "Performance share plan" means a plan—

(1) Pursuant to which phantom (or restricted) shares of employer stock are awarded to plan participants to be earned out and paid over (in stock and/or cash) at the end of an award period if a predetermined performance objective (or objectives) is achieved and a service requirement met;

(2) Which is approved by the employer's stockholders within 12 months of its adoption if awards are to be made in shares of stock;

(3) Which establishes a performance objective (or objectives) that adequately recognizes stockholders' interests;

(4) Which provides an earnout period of at least three years; and

(5) Which stipulates a maximum number of shares that may be distributed under the plan.

(h) "Plan, practice, or program unit" means the employees covered by an incentive compensation plan or practice, a sales or commission plan or practice, or a production incentive program.

(i) "Plan, practice, or program year" means the 12-month period with respect to which an incentive compensation plan or practice, a sales or commission plan or practice, or a production incentive program operates.

(j) "Wages and salaries" means the same as under § 152.2 except that items constituting incentive compensation shall not be treated as wages and salaries unless otherwise provided in this subpart.

§ 152.123 Executive salaries and job perquisites.

(a) *In general.*—Increases in executive base salaries paid to or on behalf of and job perquisites paid or furnished to or on behalf of the employees in an appropriate employee unit during any control year shall be subject to the general wage and salary standard.

(b) *Deferred payments.*—(1) *Items deferred from an earlier year.*—An item of base salary paid to the employees in an appropriate employee unit during any control year which was earned by any such employees during an earlier control year (or it not during a control year, during the applicable 12-month period beginning on November 14 and ending on November 13) shall not be considered as an item of base salary for such employees for the control year during which such item is paid.

(2) *Items deferred to a later control year.*—An item of base salary paid to the employees in an appropriate employee unit during any control year shall include all such items which were earned by all such employees during such control year.

(3) *Definition.*—For purposes of this paragraph, an item is considered as being "earned" during the control year in which services are performed giving rise to the obligation to pay for the performance of such services whether or not such obligation is contingent upon the performance of future services or any other condition or restriction (including, but not limited to, an agreement not to compete).

(c) *Valuation of items constituting job perquisites.*—The amount of any job perquisite shall be determined by computing:

(1) The employer's current expenditure where such expenditure constitutes the only cost of the item; otherwise

(2) The reasonable cost of providing the item, to be determined from all the facts and circumstances involved.

§ 152.124 Incentive compensation plans.

(a) *Applicability.* (1) *Persons subject to this section.* (i) *Firms subject to self-administration.*—The provisions of this section should be used as guidance in the administration of incentive compensation plans by firms subject to self-administration under the provisions of subpart B of this part.

(ii) *Firms subject to mandatory controls.*—This section provides mandatory rules applicable to the administration of incentive compensation plans by firms subject to mandatory controls under the provisions of this part.

(iii) *Executive control groups.*—This section provides mandatory rules that are to be applied in determining the amounts of payments, awards, or grants under incentive compensation plans that may be made to members of an executive control group subject to the provisions of § 152.130.

(2) *Payments, awards, and grants subject to this section.*—The provisions of this section are applicable to—

(i) Payments, awards, or grants made on or after August 29, 1973, and

(ii) Payments, awards, or grants made with respect to plan years which end on or after August 29, 1973.

(3) *Stock options.*—The provisions of this section are not applicable to stock options subject to the provisions of § 152.126, but are applicable to stock options subject to the provisions of § 152.131.

(b) *In general.* (1) *Plans in effect on November 13, 1971.*—Subject to the provisions of this section, an employer having an established written plan with respect to items of incentive compensation in effect on November 13, 1971, where the aggregate maximum amount of incentive compensation under the plan is determined according to a definite method or clear formula, may continue to administer such a plan providing the following conditions are met—

(i) There has been a payment prior to November 14, 1971, under the plan with respect to any one of the last 3 plan years ending prior to November 14, 1971;

(ii) Administration of the plan (including application of the definite method or clear formula) is clearly in accordance with all conditions and limitations expressed therein (other than those terms and conditions as may be restricted by this section); and

(iii) Administration of the plan is in the customary manner without any deviation from such manner for purposes of circumventing the intent of the wage and salary stabilization program.

(2) *Plans established on or after November 14, 1971.*—An employer having an incentive compensation plan described in—

(i) Section 152.128(d) (with respect to adoption of new plans) and approved by the Council pursuant to § 152.128,

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(ii) Section 152.129(b) (with respect to plans of new organizations) and reported to the Council pursuant to § 152.129,

shall administer such a plan subject to the provisions of paragraphs (b), (c), (d), and (f) of this section (but not including the condition contained in paragraph (b)(1)(i) of this section).

(3) *Certain other plans.*—An employer having an incentive compensation plan described in § 152.128(e) (with respect to certain expiring plans) shall administer such a plan subject to the provisions of paragraphs (b), (c), (d), and (f) of this section (but not including the condition contained in paragraph (b)(1)(i) of this section).

(c) *Computation of allowable amount.* (1) *First plan year.* (i) *Plans described in paragraph (b)(1) of this section.*—The allowable amount of any item of incentive compensation granted to the employees in a plan unit under a plan described in paragraph (b)(1) of this section with respect to the first plan year for which payment is made on or after November 14, 1971, shall not exceed an amount determined as follows: the base year amount plus 5.5 percent of such base year amount.

(ii) *Plans described in paragraph (b)(2) of this section.*—The allowable amount of any item of incentive compensation

granted to the employees in a plan unit under a plan described in paragraph (b)(2)(i) or (ii) of this section with respect to the plan year consisting of the first consecutive 12-month period under which the plan operates shall not exceed the base year amount.

(2) *Certain plan years with respect to plans operating under § 201.35.*—The allowable amount of any item of incentive compensation granted to the employees in a plan unit under a plan which operates under § 201.35 of this title shall not exceed the amount granted with respect to such plan as allowed under § 201.35 with respect to any plan year the plan operated under that section.

(3) *Subsequent plan years.*—The allowable amount of any item of incentive compensation granted to the employees in a plan unit with respect to a plan described in paragraph (b)(1), (2), or (3) of this section with respect to any plan year other than a plan year described in paragraph (c)(1) or (2) of this section shall not exceed an amount equal to the product of:

(i) The allowable amount described in paragraph (c)(1) of this section with respect to such plan, multiplied by 105.5 percent for each year of operation subsequent to the first plan year described in paragraph (c)(1) of this section, or for each year subsequent to the last plan year during which the plan was allowed to operate under § 201.35; and

(ii) The adjustment factor described in paragraph (c)(5) of this section.

For purposes of paragraph (c)(3)(i) of this section the allowable amount with respect to any plan described in paragraph (b)(3) of this section shall be such amount which was granted with respect to the last plan year such plan operated under § 201.35.

(4) *Definition.*—For purposes of this paragraph, the term "base year amount" means—

(i) In the case of a plan described in paragraph (b)(1) of this section, the amount (in dollars, or where applicable, in dividend or share units) of an item of incentive compensation granted to the employees in a plan unit with respect to one of the last 3 plan years ending prior to November 14, 1971, for which there has been a payment under the plan prior to November 14, 1971;

(ii) In the case of a plan described in paragraph (b)(2)(i) of this section, the amount (in dollars, or where applicable, in dividend or share units) of an item of incentive compensation established by the Pay Board or Council as the amount allowed to be granted with respect to the first consecutive 12-month period under which the plan operates; and

(iii) In the case of a plan described in paragraph (b)(2)(ii) of this section, the amount (in dollars, or where applicable, in dividend or share units) of an item of incentive compensation granted under the plan with respect to the first consecutive 12-month period under which the plan operates, provided such amount is not unreasonably inconsistent with the standards and goals of the Economic Stabilization Program.

(5) *Adjustment for change in size of plan unit.* (i) *Method.*—The adjustment factor indicated in paragraph (c)(3) of this section with respect to the change in the size of any plan unit shall be a fraction, the numerator of which is the sum of the base unit salary plus base unit salary additions, less base unit salary deletions, and the denominator of which is the base unit salary.

(ii) *Definitions.*—For purposes of paragraph (c)(5)(i) of this section, the term—

(A) "Base unit salary" means the aggregate of the base salaries of all employees in the plan unit on the last day of the base year with respect to the plan at the annual salary rate in effect with respect to each employee on such day;

(B) "Base unit salary additions" means the aggregate of the base salaries of all employees in the plan unit (except those employees added to such unit solely on account of a merger or other type of acquisition occurring on or after November 14, 1971) on the last date of the plan year for which the adjustment is being made who were not in the plan unit on the last day of the base year with respect to the plan at the annual salary rate in effect with respect to each employee on the last day of the plan year for which the adjustment is being made;

(C) "Base unit salary deletions" means the aggregate of the base salaries of all individuals who were in the plan unit on the last day of the base year with respect to the plan but not in the plan unit on the last day of the plan year for which the adjustment is being made at the annual salary rate in effect with respect to each such individual on the last day of the base year; and

(D) "Base year" means—

(*1*) With respect to a plan described in paragraph (b)(1) or (2) of this section the plan year used to determine the base year amount with respect to such plan; and

(*2*) With respect to a plan described in paragraph (b)(3) of this section the last plan year the plan operated under § 201.35 of this title.

(d) *Rules with respect to computation of allowable amount.* (1) *Deferred or delayed payments.* (i) *Items deferred or delayed from an earlier plan year.*—For purposes of computing the allowable amount of any item of incentive compensation granted with respect to any plan year, an item of incentive compensation paid to the employees in a plan unit during any plan year which was granted to any such employees with respect to an earlier plan year shall not be considered as an item of incentive compensation for such employees for the plan year during which such item is paid.

(ii) *Items deferred or delayed to a later plan year.*—For purposes of computing the allowable amount of any item of incentive compensation granted with respect to any plan year, an item of incentive compensation granted to the employees in a plan unit with respect to any plan year which is deferred or delayed to a later plan year shall be considered as an item of incentive compensation with respect to such employees for the plan year during which such item is granted.

(iii) *Granted with respect to a plan year.*—For purposes of this section, an item is granted with respect to the plan year for which the amount generated under the plan is computed whether or not such amount is paid during that year.

(iv) *Item deferred or delayed.*—For purposes of this section, an item shall be considered deferred or delayed if it is paid after the close of the plan year with respect to which granted within the meaning of paragraph (d)(1)(iii) of this section.

(2) *Amounts in excess of allowable amount.* (i) *General.*—Except as provided in paragraph (d)(2)(ii) of this section, a firm shall not pay, and employees shall not receive, without the prior approval of the Council, an amount of any item of incentive compensation in excess of the allowable amount determined pursuant to this section. The preceding sentence shall serve as guidance with respect to members of a plan unit who are not members of an executive control group (determined pursuant to § 152.130) and subject to self-administration under the provisions of subpart B of this part.

(ii) *Coextensive appropriate employee unit and plan unit.* (A) *Coverage.*—The provisions of paragraph (d)(2)(ii) of this section are applicable to the grant of an item of incentive compensation only where the employee membership of the plan unit and to the membership of one appropriate employee unit are coextensive.

(B) *Excess charged as wage and salary increase.*—If the amount of any item of incentive compensation granted pursuant to a plan described in paragraph (b)

of this section to which paragraph (c)(1)(ii) of this section does not apply is in excess of the allowable amount of such item with respect to any plan year determined pursuant to the rules contained in paragraph (c) of this section, such excess shall be deemed to be an increase in wages and salaries with respect to the appropriate employee unit during the control year with respect to such appropriate employee unit when paid to such employees in such appropriate employee unit (or if not paid within 6 months after the end of the plan year with respect to which such amount is paid, then such amount shall be considered paid on the last day of the sixth month after the end of such plan year).

(C) *Treatment of excess.*—The amount of any excess shall be considered as an increase in wages and salaries during the control year with respect to the appropriate employee unit when paid to such employees in such appropriate employee unit (or if not paid within 6 months after the end of the plan year with respect to which such amount is paid, then such amount shall be considered paid on the last day of the sixth month after the end of such plan year). Such amount shall also be considered as a pay adjustment for purposes of the prenotification and reporting requirements of this title with respect to such appropriate employee unit when such amount is considered as wages and salaries.

(D) *Reduction of maximum permissible increase.*—Any amount in excess of an allowable amount as described in paragraph (d)(2)(ii) of this section shall not be allowed to increase the maximum permissible annual aggregate wage and salary increase with respect to the appropriate employee unit, but shall reduce the maximum permissible aggregate wages and salaries payable to such appropriate employee unit by such amount for the control year such amount is paid (or if not paid within 6 months after the end of the plan year with respect to which such amount is paid, then such amount shall be considered paid on the last day of the sixth month after the end of such plan year).

(E) *Rule with respect to phantom stock awards.*—For purposes of determining the amount of any excess with respect to phantom stock awards, each phantom dividend or share unit shall be deemed to be an actual share of stock not subject to any restriction.

(3) *Valuation of items of incentive compensation.*—The amount of an award shall be determined as follows—

(i) For phantom stock awards: In dividend or share units;

(ii) For performance share awards: Subject to prior approval pursuant to § 152.128, in dollars in an amount equal the present fair market value of the stock to be awarded assuming attainment of at least 75 percent of the performance goal (or such other percentage or amount as established by the Council) allocated evenly over the performance period under the plan;

(iii) For bonuses awarded in stock: In dollars in an amount equal to the fair market value of such stock at the time of the award regardless of any conditions or restrictions, less the amount (if any) paid for such stock by the employee;

(iv) For bonuses awarded in property other than stock: In dollars in an amount equal to the fair market value award, regardless of any conditions or of such property at the time of the award, regardless of any conditions or restrictions, less the amount (if any) paid for such property by the employee;

(v) For employer contributions in money such as contributions to stock bonus plans or profit sharing plans which do not meet the requirements of Section 401(a) of the Code, and stock purchase plans: In dollars in an amount equal to the employer's contribution, regardless of any deferral in time of the employee's rights under such a plan or any other condition or restriction;

(vi) For employer contributions in property other than money (including the right to purchase property, such as stock, at less than the fair market value) to plans described in paragraph (d)(3)(v) of this section: In dollars in an amount equal to the fair market value of such property (less the amount of any employee contributions, if any), regardless of any conditions or limitations, any deferral in time of the employee's rights under the plan, or any other condition or restriction. Stock options not within the provisions of § 152.126 shall be valued in accordance with the provisions of § 152.131.

(e) *Rules with respect to certain plans.*—(1) Any plan described in paragraph (b)(1) of this section which fails to meet the condition of having made the payment or award required under such paragraph shall be considered as a new plan subject to the provisions of § 152.128(d) and paragraphs (b) through (d) of this section (but not including the condition contained in paragraph (b)(1)(ii) of this section).

(2) Any plan described in paragraph (b)(1) of this section which meets the definition of § 152.122 (c) or (f) and operates under § 201.35 shall not operate under such paragraph (b)(1).

(3) Any plan described in paragraph (e)(2) of this section which no longer operates under § 201.35 shall be considered as an expired incentive compensation plan within the meaning of § 152.128 (e) and shall operate under the applicable provisions of this subpart.

(f) *Special rule.* If the amount of payment, award, or grant of any item of incentive compensation exceeds the amount determined by application of the definite method or clear formula in the plan described in paragraph (b) of this section (even if such amount is less than the allowable amount for the plan year involved), then the total amount of such payment, award, or grant shall be considered to be pursuant to the terms of a new, modified, or replacement plan or practice subject to the provisions of § 152.128 or § 152.135, as applicable.

(g) *Application illustrated.*—The provisions of paragraph (c)(3) of this section (relating to subsequent plan years) may be illustrated by the following example:

Example: The base year amount for Corporation X is $100,000. For the first plan year the allowable amount, computed in accordance with paragraph (c)(1) of this section, was $105,500. Assuming no base unit salary additions or deletions requiring the use of the adjustment factor described in paragraph (c)(5), the allowable amount for the second plan year would be $111,303 ($105,500×105.5%). Again assuming no base unit salary additions or deletions, the allowable amount for the third plan year would be $117,424 ($111,304×105.5%).

§ 152.125 Incentive compensation practices.

(a) *Applicability.* (1) *Persons subject to this section.* (i) *Firms subject to self-administration.*—The provisions of this section should be used as guidance in the administration of incentive compensation practices by firms subject to self-administration under the provisions of subpart B of this part.

(ii) *Firms subject to mandatory controls.*—This section provides mandatory rules applicable to the administration of incentive compensation practices by firms subject to mandatory controls under the provisions of this part.

(iii) *Executive control groups.*—This section provides mandatory rules that are to be applied in determining the amounts of payments, awards, or grants under incentive compensation practices that may be made to members of an executive control group subject to the provisions of § 152.130.

(2) *Payments, awards, or grants subject to this section.*—The provisions of this section are applicable to—

(i) Payments, awards, or grants made on or after August 29, 1973; and

(ii) Payments, awards, or grants made with respect to practice years which end on or after August 29, 1973.

(3) *Stock options.*—The provisions of this section are not applicable to stock options subject to the provisions of § 152.126, but are applicable to stock options subject to the provisions of § 152.131.

(b) *In general.* (1) *Practices in effect on November 13, 1971.*—Subject to the provisions of this section, an employer having a practice (other than a plan described in § 152.124(b)) with respect to items of incentive compensation in effect on November 13, 1971, may continue to administer such a practice providing the following conditions are met—

(i) There has been a payment prior to November 14, 1971, under the practice as a matter of custom or habit with respect to two of the last 3 practice years ending prior to November 14, 1971 (or if the practice has been in existence less than 2 practice years ending prior to November 14, 1971, then with respect to 1 practice year ending prior to such date);

(ii) Administration of the practice is clearly in accordance with demonstrated past custom or habit (other than those customs or habits as may be restricted by this section); and

(iii) Administration of the practice is in the customary manner without any

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deviation from such manner for purposes of circumventing the intent of the wage and salary stabilization program.

For purposes of paragraph (b)(1)(ii) and (iii) of this section, where the aggregate maximum amount of incentive compensation under a practice is determined according to a definite method or clear formula, such method or formula shall continue to apply. Where the aggregate maximum amount of incentive compensation under a practice is not so determined the following formula shall be deemed to apply with respect to such a practice: The base year amount with respect to such practice divided by profits of the employer prior to Federal taxes with respect to such base year. The formula so deemed to apply shall continue to apply for purposes of computing the aggregate amount of incentive compensation. If the amount of payment, award, or grant of any item of incentive compensation pursuant to a practice described in this paragraph exceeds the amount determined by application of the formula set forth in this paragraph (even if such amount is less than the allowable amount for the practice year involved), then the total amount of such payment, award, or grant shall be considered pursuant to the terms of a new, modified, or replacement practice subject to the provisions of § 152.128 or § 152.135, as applicable.
pursuant to § 152.129,

(2) *Practices established on or after November 14, 1971.*—An employer having an incentive compensation practice described in—

(i) Section 152.128(d) (with respect to adoption of new practices) and approved by the Council pursuant to § 152.128, or

(ii) Section 152.129(b) (with respect to practices of new organizations) and reported to the Pay Board or Council

shall administer such a practice subject to the provisions of paragraphs (b) through (d) of this section (but not including the condition contained in paragraph (b)(1)(i) of this section).

(3) *Certain other practices.*—An employer having an incentive compensation practice described in § 152.128(e) (with respect to certain expiring practices) shall administer such a practice subject to the provisions of paragraphs (b) through (d) of this section (but not including the condition contained in paragraph (b)(1)(i) of this section).

(c) *Computation of allowable amount.* (1) *First practice year.* (i) *Practices described in paragraph (b)(1) of this section.*—The allowable amount of any item of incentive compensation granted to the employees in a practice unit under a practice described in paragraph (b)(1) of this section with respect to the first practice year for which payment is made on or after November 14, 1971, shall not exceed an amount determined as follows: the base year amount plus 5.5 percent of such base year amount.

(ii) *Practices described in paragraph (b)(2) of this section.*—The allowable amount of any item of incentive compensation granted to the employees in a practice unit under a new or revised practice described in paragraph (b)(2)(i) or (ii) of this section with respect to the practice year consisting of the first consecutive 12-month period under which the practice operates shall not exceed the base year amount.

(2) *Certain practice years with respect to practices operating under § 201.35.*—The allowable amount of any item of incentive compensation granted to the employees in a practice unit under a practice which operates under § 201.35 of this title shall not exceed the amount granted with respect to such practice as allowed under § 201.35 with respect to any practice year the practice operated under that section.

(3) *Subsequent practice years.*—The allowable amount of any item of incentive compensation granted to the employees in a practice unit with respect to a practice described in any one of paragraphs (b)(1) through (3) of this section with respect to any practice year other than a practice year described in paragraph (c)(1) or (2) of this section shall not exceed an amount equal to the product of:

(i) The allowable amount described in paragraph (c) of this section with respect to such practice multiplied by 105.5 percent for each year of operation subsequent to the first practice year described in paragraph (c)(1) of this section, or for each year subsequent to the last practice year in which the practice was allowed to operate under § 201.35; and

(ii) The adjustment factor described in paragraph (c)(5) of this section.

For purposes of paragraph (c)(3)(i) of this section, the allowable amount with respect to any practice described in paragraph (b)(3) of this section shall be such amount which was granted with respect to the last practice year such practice operated under § 201.35.

(4) *Definition.*—For purposes of this paragraph the term "base year amount" means—

(i) In the case of a practice described in paragraph (b)(1) of this section, the amount (in dollars, or where applicable, in dividend or share units) of an item of incentive compensation granted to the employees in a practice unit with respect to one of the last 3 practice years ending prior to November 14, 1971, for which there has been a payment under the practice prior to November 14, 1971;

(ii) In the case of a practice described in paragraph (b)(2)(i) of this section, the amount (in dollars, or where applicable, in dividend or share units) of an item of incentive compensation established by the Pay Board or Council as the amount allowed to be granted with respect to the first consecutive 12-month period under which the practice operates; and

(iii) In the case of a practice described in paragraph (b)(2)(ii) of this section, the amount (in dollars, or where applicable, in dividend or share units) of an item of incentive compensation granted under the practice with respect to the first consecutive 12-month period under which the practice operates, provided such amount is not unreasonably inconsistent with the standards and goals of the Economic Stabilization Program.

(5) *Adjustment for change in size of practice unit.* (i) *Method.*—The adjustment factor referred to in paragraph (c)(3) of this section with respect to the change in the size of any practice unit shall be a fraction, the numerator of which is the sum of the base unit salary plus base unit salary additions, less base unit salary deletions, and the denominator of which is the base unit salary.

(ii) *Definitions.*—For purposes of paragraph (c)(5)(i) of this section, the term—

(*A*) "Base unit salary" means the aggregate of the base salaries of all employees in the practice unit on the last day of the base year with respect to the practice at the annual salary rate in effect with respect to each employee on such day;

(*B*) "Base unit salary additions" means the aggregate of the base salaries of all employees in the practice unit (except those employees added to such unit solely on account of a merger or other type of acquisition occuring on or after November 14, 1971) on the last day of the practice year for which the adjustment is being made who were not in the practice unit on the last day of the base year with respect to the practice at the annual salary rate in effect with respect to each employee on the last day of the practice year for which the adjustment is being made;

(*C*) "Base unit salary deletions" means the aggregate of the base salaries of all individuals who were in the practice unit on the last day of base year with respect to the practice but not in the practice unit on the last day of the practice year for which the adjustment is being made at the annual salary rate in effect with respect to each such individual on the last day of the base year; and

(*D*) "Base year" means—

(*1*) With respect to a practice described in paragraph (b)(1) or (2) of this section the practice year used to determined the base year amount with respect to such practice; and

(*2*) With respect to a practice described in paragraph (b)(3) of this section the last practice year the practice operated under § 201.35.

(d) *Rules with respect to computation of allowable amount.*—(1) *Deferred or delayed payments*—(i) *Items deferred or delayed from an earlier practice year.*—For purposes of computing the allowable amount of any item of incentive compensation granted with respect to any practice year, an item of incentive compensation paid to the employees in a practice unit during any practice year which was granted to any such employees with respect to an earlier practice year shall not be considered as an item of incentive compensation for such employees with respect to the practice year during which such item is paid.

(ii) *Items deferred or delayed to a later practice year.*—For purposes of computing the allowable amount of any item of

incentive compensation granted with respect to any practice year, an item of incentive compensation granted to the employees in a practice unit with respect to any practice year which is deferred or delayed to a later practice year shall be considered as an item of incentive compensation for such employees for the practice year during which such item is granted.

(iii) *Granted with respect to a practice year.*—For purposes of this section, an item is granted with respect to the practice year for which the amount generated under the practice is computed whether or not such amount is paid during such year.

(iv) *Item deferred or delayed.*—For purposes of this section, an item shall be considered deferred or delayed if it is paid after the close of the practice year with respect to which granted within the meaning of paragraph (d)(1)(iii) of this section.

(2) *Amounts in excess of allowable amount.* (i) *General.*—Except as provided in paragraph (d)(2)(ii) of this section, a firm shall not pay and employees shall not receive, without the prior approval of the Council, an amount of any item of incentive compensation in excess of the allowable amount, determined pursuant to this section. The preceding sentence shall serve as guidance with respect to members of a practice unit who are not members of an executive control group (determined pursuant to § 152.130) and who are subject to self-administration under the provisions of subpart B of this part.

(ii) *Coextensive appropriate employee unit and practice unit.* (A) *Coverage.*—The provisions of this subdivision (ii) are applicable to the grant of an item of incentive compensation only where the employee membership of the practice unit and to the membership of one appropriate employee unit are coextensive.

(B) *Excess charged as wage and salary increase.*—If the amount of any item of incentive compensation granted pursuant to a practice described in paragraph (b) of this section to which paragraph (c)(1)(ii) of this section does not apply is in excess of the allowable amount of such item with respect to any practice year determined pursuant to the rules contained in paragraph (c) of this section, such excess shall be deemed to be an increase in wages and salaries with respect to the appropriate employee unit during the control year with respect to such appropriate employee unit when paid to such employees in such appropriate employee unit (or if not paid within 6 months after the end of the practice year with respect to which such amount is paid, then such amount shall be considered paid on the last day of the sixth month after the end of such practice year). Such amount shall also be considered as a pay adjustment for purposes of the prenotification and reporting requirements of this title with respect to such appropriate employee unit when such amount is considered as an increase in wages and salaries.

(D) *Reduction of maximum permissible increase.*—Any amount in excess of an allowable amount as described in paragraph (d)(2)(ii) of this section shall not be allowed to increase the maximum permissible annual aggregate wage and salary increase with respect to the appropriate employee unit, but shall reduce the maximum permissible aggregate wages and salaries payable to such appropriate employee unit by such amount for the control year such amount is paid (or if not paid within 6 months after the end of the plan year with respect to which such amount is paid, then such amount shall be considered paid on the last day of the sixth month after the end of such plan year).

(E) *Rule with respect to phantom stock awards.*—For purposes of determining the amount of any excess with respect to phantom stock awards, each phantom dividend or share unit shall be deemed to be an actual share of stock not subject to any restriction.

(3) *Valuation of items of incentive compensation.*—Items of incentive compensation shall be valued according to the provisions of § 152.124(d)(3.

(e) *Rules with respect to certain practices.*—(1) Any practice described in paragraph (b)(1) of this section which fails to meet the condition of having made the payment or award required under such paragraph shall be considered as a new practice subject to the provisions of § 152.128(d) and paragraphs (b) through (d) of this section (but not including the condition contained in paragraph (b)(1)(i) of this section).

(2) Any practice described in paragraph (b)(1) of this section which meets the definition of § 152.122 (c) or (f) and operates under § 201.35 shall not operate under such paragraph (b)(1).

(3) Any practice described in paragraph (b)(2) of this section which no longer operates under § 201.35 shall be considered as an expired incentive compensation practice within the meaning of § 152.128(e) and shall operate under the applicable provisions of this subpart.

§ 152.126 Certain stock options.

(a) *Applicability.* (1) *Persons subject to this section.* (i) *Firms subject to self-administration.*—The provisions of this section should be used as guidance in the administration of stock option plans by firms subject to self-administration under the provisions of subpart B of this part.

(ii) *Firms subject to mandatory controls.*—This section provides mandatory rules applicable to the administration of stock option plans by firms subject to mandatory controls under the provisions of this part.

(2) *Plans subject to this section.*—The provisions of this section are effective with respect to fiscal years beginning on or after August 29, 1973. The provisions of § 201.76 (a) and (b) of this title remain applicable to fiscal years beginning prior to such date.

(b) *Certain existing stock options.*—Stock options granted to the employees in a plan unit in writing prior to the close of business on December 16, 1971, under a stock option plan adopted by an employer prior to November 14, 1971, and in effect on November 13, 1971, may be exercised. The grant of such options shall not count against the allowable number of shares that may be issued under new stock options granted during an employer's fiscal year pursuant to paragraph (c)(1) or (d) of this section.

(c) *Stock options not deemed to be an increase in wages and salaries.* (1) *Grant.* (i) *Plan requirements.*—New stock options under a stock option plan adopted by an employer prior to November 14, 1971, and in effect on November 13, 1971, may be granted to the employees in a plan unit under such a stock option plan but only in writing provided that such plan—

(A) Is approved by the employer's stockholders within 12 months of its adoption;

(B) Stipulates a maximum number of shares to be made available for stock option grants;

(C) Establishes and maintains the option price of shares that may be issued at not less than 100 percent of the fair market value of such shares on the date of grant of options for such shares; and

(D) Is administered in accordance with the customary manner.

(ii) *Aggregate share limitation with respect to the fiscal year beginning prior to November 14, 1972.* The allowable number of shares that may be issued under new stock options granted during an employer's fiscal year which began prior to November 14, 1972, under a stock option plan described in paragraph (c)(1)(i) of this section which meets all the requirements of that paragraph shall not exceed the number of shares determined as follows: The number of shares (adjusted to reflect stock splits and stock dividends) covered under stock options granted under such plan during the last 3 fiscal years of the employer ending prior to November 14, 1971, divided by 3; provided, however, if the plan was in effect on November 13, 1971, for at least 1 fiscal year of the employer ending prior to November 14, 1971, but less than 3 such fiscal years, the allowable number of shares that may be issued under new stock options granted during an employer's fiscal year which began prior to November 14, 1972, shall not exceed the number of shares (adjusted to reflect

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stock splits and stock dividends) covered under stock options granted during the existence of the plan through the end of the fiscal year ending before November 14, 1971, that such plan was in existence divided by the number of such fiscal years;

(iii) *Aggregate share limitation with respect to fiscal years beginning on or after November 14, 1972.*—Except for fiscal years of an employer covered by paragraph (d) of this section, the allowable number of shares that may be issued under new stock options granted during an employer's fiscal year beginning on or after November 14, 1972, under a stock option plan which meets all the requirements of paragraph (c)(1)(i) of this section shall not exceed the number of shares (adjusted to reflect stock splits and stock dividends) determined:

(A) By dividing the total number of shares covered under stock options granted under such plan prior to the close of business on December 16, 1971, by the number of fiscal years during which the plan operated prior to the close of business on December 16, 1971; and

(B) By multiplying the number determined in paragraph (c)(1)(iii)(A) of this section by a fraction, the numerator of which is the number of employees in the plan unit on the first day of the fiscal year with respect to which the allowable number of shares is determined and the denominator of which is the average number of employees in the plan unit during the fiscal years the plan operated prior to the fiscal year for which the allowable number of shares is determined. The term "number of employees in the plan unit on the first day of the fiscal year" means the number of employees who held options during the immediately preceding fiscal year, less the number of employees who became ineligible to receive options during such preceding fiscal year because of termination or transfer, plus those employees to whom, in accordance with past practice, the employer intends to grant options during the fiscal year who were not eligible to receive option grants during the immediately preceding fiscal year because of tenure, position, salary level, or similar eligibility requirement. For purposes of computing the average number of employees in the plan unit, the plan unit shall be deemed to consist of all employees at the end of each fiscal year of the employer during which the plan operates who held options granted under such plan or who exercised options which had been granted under such plan.

(2) *Exercise.*—New stock options covering shares within the applicable aggregate share limitations of this paragraph and paragraph (d) of this section under a stock option plan which meets all the requirements of paragraph (c)(1)(i) of this section may be exercised by the employees in a plan unit under such a stock option plan.

(3) *Excess.*—Options for shares in exces of the aggregate share limitation with respect to new stock options granted during an employer's fiscal year determined according to the rules contained in paragraph (c)(1) of this section (or where applicable under paragraph (d) of this section) under a stock option plan which meets all the requirements of paragraph (c)(1)(i) of this section shall not be granted without the prior approval of the Council pursuant to § 152.128 and options granted without such approval shall not be exercised unless prior approval has been obtained.

(d) *Rules for determining aggregate share limitation with respect to certain existing and new plans.*—(1) *Certain plans in effect on November 13, 1971.*—For purposes of determining the allowable number of shares that may be issued under new stock options granted during an employer's fiscal year under a stock option plan described in paragraph (c)(1)(i) of this section if any plan was—

(i) In effect on November 13, 1971, and no stock options were granted during the life of the plan prior to the employer's fiscal year beginning on or after November 14, 1972, the allowable number of shares that may be issued under new stock options granted during an employer's fiscal year beginning on or after November 14, 1972, shall not exceed 25 percent of the number of shares (adjusted to reflect stock splits and stock dividends) authorized for stock options at the time the plan was adopted, or, if amended to increase share authorization, at the time last amended. After such fiscal year, the aggregate share limitation, computed as though the plan were subject to the provisions of paragraph (d)(2)(ii) of this section shall apply.

(ii) In effect on November 13, 1971, for less than a full fiscal year of the employer, (A) the allowable number of shares that may be issued under new stock options granted during an employer's fiscal year beginning prior to November 14, 1972, shall not exceed the greater of the number of shares (adjusted to reflect stock splits and stock dividends) subject to options actually granted prior to November 14, 1971, during such period of less than a full fiscal year, or 25 percent of the number of shares authorized for stock options during the life of the plan, and (B) the allowable number of shares (adjusted to reflect stock splits and stock dividends) that may be issued under new stock options pursuant to such plan during an employer's fiscal year beginning on or after November 14, 1972, shall be determined pursuant to the provisions of paragraph (d)(1)(i) of this section or shall be computed as though the plan were subject to the provisions of paragraph (d)(2)(ii) of this section, whichever is applicable.

(iii) In effect on November 13, 1971, for three or more fiscal years of the employer ending prior to November 14, 1971, and no stock options were granted during the 3 fiscal years ending before such date, (A) the allowable number of shares that may be issued under new stock options granted during an employer's fiscal year beginning prior to November 14, 1972, shall not exceed 25 percent of the number of shares (adjusted to reflect stock splits and stock dividends) authorized for stock options but not granted during the life of the plan; and (B) the allowable number of shares that may be issued under new stock options pursuant to such plan during an employer's fiscal year beginning on or after November 14, 1972, shall be determined pursuant to the provisions of paragraph (d)(1)(i) of this section or shall be computed as though the plan were subject to the provisions of paragraph (d)(2)(ii) of this section, whichever is applicable.

(2) *Plans approved pursuant to § 152.128.*—The allowable number of shares that may be issued under new stock options granted under a stock option plan which is approved pursuant to § 152.128 and which meets all the requirements of paragraph (c)(1)(i) of this section shall be:

(i) For the first fiscal year grants are made pursuant to such plan approval the number of shares established by the Pay Board or Council as the aggregate share limitation.

(ii) For each subsequent fiscal year the aggregate share limitation for the first fiscal year multiplied by the adjustment factor established in paragraph (c)(1)(iii)(B) of this section. For the purposes of this computation the plan unit for the first fiscal year the plan operated shall be deemed to consist of all employees who held options at the end of, or exercised options during such fiscal year. The plan unit on the first day of the fiscal year with respect to which the allowable number of shares is determined shall be the plan unit for the first fiscal year the plan operated plus those employees that the employer intends to grant options to during the fiscal year described in this paragraph who were not eligible to receive option grants during the first fiscal year because of tenure, position, salary level or similar eligibility standard, less those employees who terminate employment or are transferred to positions in which they become ineligible for options under the plan.

(3) *Plans reported pursuant to § 152.129.*—The allowable number of shares that may be issued under new stock options granted under a stock option plan which was reported to the Council pursuant to § 152.129 and which meets all the requirements of paragraph (c)(1)(i) of this section shall be: (i) For the first fiscal year grants are made with respect to the reported plan, the number of shares reported as to be covered by grants during such fiscal year, provided such grants are not for the purpose of circumventing the intent of the wage and salary stabilization program and are not unreasonably inconsistent with the standards and goals of the Economic Stabilization Program; and (ii) for each fiscal year thereafter, using the number of shares reported for the first fiscal year (and not disapproved by the Council) as the aggregate share limitation for the first fiscal year, and computing the aggregate share limitations for subsequent fiscal years as though the plan were subject to the provisions of paragraph (d)(2)(ii) of this section.

(4) *Plans described in § 152.128.*—The allowable number of shares that may be issued under new stock options granted under a stock option plan which is described in § 152.128(e) and which meets all the requirements of paragraph (c)(1)(i) of this section shall be: (i) For any fiscal year the plan operates under § 201.35, the number of shares allowed to be covered by grants under § 201.35; and (ii) for each fiscal year thereafter the number of shares determined pursuant to paragraph (c)(1)(iii) of this section if the plan operated for 3 or more fiscal years which ended prior to the close of business on December 16, 1971, or, if the plan did not operate for such period, determined as though the provisions of paragraph (d)(2)(ii) of this section were applicable, using the number of shares granted during the last fiscal year the plan operated under § 201.35 as the aggregate share limitation for the first fiscal year.

(e) *Special rules.*—(1) For purposes of determining the allowable number of shares to be issued under new stock options during an employer's fiscal year pursuant to paragraphs (c) or (d) of this section the term "fiscal year" means the 12 month period constituting the employer's fiscal year. Parts of such a fiscal year shall be measured in months, such months constituting twelfths of a fiscal year. Parts of such a month shall be counted as a full month.

(2) For purposes of this paragraph the term "new stock option" shall include—(i) an option not previously granted with respect to shares covered under a stock option plan regardless of whether the shares covered under such new option were previously covered under another stock option, and (ii) an option previously granted where the exercise period with respect to such option is modified.

(3) Where an employer has two or more plans which meet all the requirements of paragraph (c)(1)(i) of this section, the aggregate share limitation applicable to each plan shall be determined separately; however, options may be granted pursuant to any or all of the plans if the total shares subject to option grants during the fiscal year do not exceed the sum of the aggregate share limitations applicable to the several plans.

(f) *Other stock options.*—For rules with respect to the treatment of stock options which are not within the provisions of paragraph (b) or (c) of this section, see § 152.131.

(g) *Rules with respect to certain plans.*—(1) Stock options granted under a stock option plan described in paragraph (c)(1)(i) of this section which meets the definition of § 152.122 (c) or (f) and operates under § 201.35 shall not operate under such paragraph (c)(1).

(2) Any plan described in paragraph (g)(1) of this section, which no longer operates under § 201.35, shall be considered as an expired stock option plan within the meaning of § 152.128(e) and shall operate under the applicable provisions of this subpart.

§ 152.127 Sales or commission plans or practices and certain production incentive programs.

(a) *Applicability.*—(1) *Firms subject to self-administration.* The provisions of this section should be used as guidance in the administration of sales or commission plans and practices and production incentive programs by firms subject to self-administration under the provisions of subpart B of this part.

(2) *Firms subject to mandatory controls.*—This section provides mandatory rules applicable to the administration of sales or commission plans and practices and production incentive programs by firms subject to mandatory controls under the provisions of this part.

(b) *In general.* (1) *Established plans, practices, or programs.*—A sales or commission plan or practice established and in effect on November 13, 1971, or a production incentive program established, and in effect on such date may continue to operate in accordance with its provisions and subject to the provisions of this chapter. Generally, such plans, practices, or programs are those which directly reflect the performance of the employee participant in the form of sales or production output. Thus, for example, an incentive award related to profits is generally not a sales or commission plan or practice or a production incentive program within the meaning of this section. A plan, practice, or program under which payments, awards, or grants are based on sales or production output does not operate under this section if the plan, practice, or program unit includes employees (e.g., top management) whose primary responsibilities are not directly related to sales or production output.

(2) *New plans, practices, or programs.*—An employer having a sales or commission plan or practice or a production incentive program described in § 152.128(d) (with respect to new plans, practices, or programs), and approved by the Council pursuant to § 152.128 or described in § 152.129(b) (with respect to new organizations) and reported to the Council pursuant to § 152.129 shall administer such a plan, practice, or program subject to the provisions of this chapter.

(c) *Change in method of calculating earnings.*—Amounts paid under a plan, practice, or program described in paragraph (b) of this section shall not be considered as an increase in wages and salaries with respect to the appropriate employee units of the employees participating in the plan, practice, or program units unless there has been a change in the method of calculating the earnings under such a plan, practice, or program resulting in an increase in the aggregate amount of compensation with respect to such plan, practice, or program unit for the plan, practice, or program year such change occurs. Thus, a downward revision of the rate or formula with respect to a plan, practice, or program where there is an increase in the aggregate amount of compensation attributable to factors unrelated to the change in rate or formula, such as an increase in volume, either in dollars or units, under such plan, practice, or program, does not result in an increase with respect to the appropriate employee units of the employees participating in the plan, practice, or program unit.

(d) *Increases in wages and salaries.*—The amount of the increase in wages and salaries described in paragraph (c) of this section shall be deemed to be an increase in wages and salaries with respect to the appropriate employee units of the employees participating in the plan, practice, or program unit. Such increase shall be apportioned to the appropriate employee units of the employees participating in the plan, practice, or program unit. The amount of such increase which shall be apportioned to an appropriate employee unit shall be determined when the amount constituting the increase is paid as follows: The number of employees in an appropriate employee unit who are participating in such a plan, practice, or program unit multiplied by a fraction, the numerator of which is the amount of the increase and the denominator of which is the number of employees in the plan, practice, or program unit. The amount so apportioned to each appropriate employee unit with respect to any plan, practice, or program year shall be considered as an increase in wages and salaries during the control year such amount is paid (or if not paid, the control year such amount would have been paid had such amount been paid). Such amount shall also be considered as a pay adjustment for purposes of the prenotification and reporting requirements of this title with respect to each such appropriate employee unit when such amount is considered as an increase in wages and salaries. Such amount shall not be allowed to increase the maximum permissible annual aggregate wage and salary increase with respect to an appropriate employee unit, but shall reduce the maximum permissible aggregate wages and salaries payable to an appropriate employee unit by such amount for the control year such amount is paid. For purposes of this section, a plan, practice, or program without a specified plan, practice, or program year shall be considered as operating during the 12-month period beginning on November 14 and ending on November 13.

(e) *Certain productivity programs.*—Notwithstanding the provisions of this section and §§ 152.128 and 152.129, any productivity incentive program described in § 201.61 of this title shall be governed by the provisions of that section.

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§ 152.128 New or revised plans, practices, or programs.

(a) *Scope.* (1) *Firms subject to self-administration.*—With respect to firms subject to the provisions of subpart B of this part, the provisions of this section are applicable to incentive compensation plans and practices, sales or commission plans and practices, and production incentive programs which apply to or affect one or more members of an executive control group (as determined pursuant to § 152.130).

(2) *Firms subject to mandatory controls.*—With respect to firms subject to mandatory controls under this part, the provisions of this section are aplicable to all incentive compensation plans and practices, sales or commission plans and practices, and production incentive programs.

(b) *Replacement of existing plans, practices, or programs.*—(1) An employer may, without the approval of the Council, adopt a new incentive compensation plan or practice, sales or commission plan or practice, or production incentive program replacing such a plan, practice, or program operating under the provisions of this subpart which has lapsed or terminated on account of the operation of time only when such new plan, practice, or program does not increase the aggregate amount of compensation that would have been granted (whether or not currently) the plan, practice, or program unit had the replaced plan, practice, or program not lapsed or terminated on account of the operation of time. Such new plan, practice, or program shall continue to operate under the applicable provisions of this subpart. Thus, an incentive compensation plan in effect on November 13, 1971, described in § 152.124 (b)(1) and operating under § 152.124 which is replaced under the provisions of this subparagraph shall continue to operate under § 152.124 (including any limitations with respect to the allowable amount with respect to such plan applicable prior to replacement).

(2) Replacement of an existing plan, practice, or program other than a replacement described in paragraph (b)(1) of this section shall be submitted to the Council for prior approval pursuant to paragraph (d) of this section.

(3) For purposes of paragraph (b)(1) of this section, a stock option plan under which all of the authorized shares have been the subject of option grants shall be considered as having lapsed or terminated on account of the operation of time.

(c) *Modification or revision of existing plans, practices, or programs.*—(1) An employer may, without the approval of the Council modify or revise an incentive compensation plan or practice operating under the provisions of this subpart only when such modified or revised plan or practice does not increase the aggregate amount of compensation that would have otherwise been granted (whether or not currently) a plan or practice unit under the plan or practice without taking such modification or revision into account.

(2) Any modification or revision of an incentive compensation plan or practice not described in paragraph (c)(1) of this section shall be submitted to the Council for prior approval. Modifications or revisions requiring such approval include the reduction of performance goals or targets from those in the base year under an incentive compensation plan or practice, the decrease in the price under a stock option plan at which a stock option may be exercised, and the alteration of eligibility requirements for participation in an incentive compensation plan or practice which would increase the number of employees eligible to participate in the plan or practice unit.

(3) For the treatment of a modification or revision of a sales or commission plan or practice or a production incentive program resulting in an increase in the aggregate amount of compensation that would otherwise have been granted (whether or not currently), see § 152.127.

(d) *Adoption of new plans, practices, or programs.*—(1) *Approval.* An employer may adopt a new incentive compensation plan or practice, sales or commission plan or practice, or production incentive program where such a plan, practice, or program did not exist prior to November 14, 1971, only upon the prior approval of the Council and under such terms and conditions as may be imposed by the Council. In the case of a stock option plan requiring the prior approval of the Council, no stock options shall be granted in anticipation of or subject to such approval.

(2) *Performance share plans.*—An employer may utilize the valuation for performance share awards set forth in § 152.124(d)(3)(ii) only upon the prior approval of the Council (pursuant to paragraph (d)(1) of this section) of a performance share plan under which performance share awards are to be granted, and subject to such terms and conditions as may be imposed by the Council.

(e) *Rules with respect to certain expired plans, practices, and programs.*—Any plan, practice, or program which meets the definitions of § 152.122(c) or (f) and operated under the provisions of § 201.35 of this title, but which no longer operates under such section shall be allowed to operate only as provided under the provisions of this subpart; provided, however, that to the extent incentive compensation attributable to such plans, practices, or programs is not treated as wages and salaries, or as an increase thereto, under the provisions of this subpart such compensation shall not be included in computing the base compensation rate of any appropriate employee unit of which employees in the plan unit are a part. Thus, for example, items granted under an incentive compensation plan described in § 152.124(b)(1) which meets the definition of § 152.122(c) or (f) and operated under § 201.35 are not treated as an increase in wages and salaries and are not included in computing the base compenstation rate of any appropriate employee unit of which employees in the plan or practice unit are a part.

(f) *Rules with respect to plans, practices, or programs described in paragraph (b), (c), or (d) of this section.*—A new plan, practice, or program adopted pursuant to paragraph (b) or (d) of this section or a plan, practice, or program modified or revised pursuant to paragraph (c) of this section or allowed to operate pursuant to paragraph (e) of this section shall comply with other relevant sections of this subpart applicable to plans, practices, or programs in effect on November 13, 1971.

(g) *Criteria.*—In considering applications for approval pursuant to the provisions of this section, or for exceptions from the provisions of this section or other provisions of this subpart, the Council will review the facts and circumstances of each case and utilize the criteria set forth in § 201.30 of this title as such may be applicable.

§ 152.129 New organizations and changes in organizational form.

(a) *Scope.* (1) *Firms subject to self-administration.*—With respect to firms subject to the provisions of subpart B of this part, the provisions of this section are applicable to incentive compensation plans and practices, sales or commission plans and practices, and production incentive programs which apply to or affect one or more members of an executive control group (as determined pursuant to § 152.130).

(2) *Firms subject to mandatory controls.*—With respect to firms subject to mandatory controls under this part, the provisions of this section are applicable to all incentive compensation plans and practices, sales or commission plans and practices, and production incentive programs.

(b) *New organizations.* (1) *General.*—Any business, enterprise, partnership, corporation, association, or any other organization organized or established on or after November 14, 1971, which is not a successor to any such organization in existence before such date, may establish incentive compensation plans or practices, sales or commission plans or practices, or production incentive programs provided that within 90 days after establishment of such business, enterprise, partnership, corporation, association, or other organization, all such plans, practices, or programs shall be filed in report form with the Council. The report filed shall in detail describe such plans, practices, of programs including the amount of each item of actual or anticipated compensation (including items described in § 152.123) with respect to each appropriate employee unit (or, where appropriate, the employees in such unit). Also, where available, this description shall include compensation levels of appropriate employee units (or, where appropriate, the employees in such unit) in comparable jobs in nearby

firms. The report filed shall also demonstrate that the establishment of the entity and such plans, practices, or programs was not for the purpose of circumventing the intent of the wage and salary stabilization program and are not unreasonably inconsistent with the standards and goals of the Economic Stabilization Program.

(2) *Incorporation of an existing proprietorship or partnership.*—For purposes of this section, the incorporation of an existing proprietorship or partnership shall be treated as the creation of a new organization subject to the provisions of this paragraph, and not as a change in organization form subject to the provisions of paragraph (c) of this section.

(c) *Changes in organization form (other than mergers and similar reorganizations).*—If an employer is doing business in a particular organizational form and thereafter reorganizes and conducts its business in a different organizational form and, before, after, or as part of and on account of such reorganization establishes new incentive compensation plans or practices, sales or commission plans or practices, or production incentive programs which are successors to plans, practices, or programs in effect before such reorganization and which operate under the provisions of this subpart, it shall, within 90 days after such reorganization file in report form all such plans, practices, or programs with the Council. The report filed shall in detail describe such plans, practices, or programs including the amount of each item of actual or anticipated compensation (including items described in § 152.123) with respect levels of appropriate employee units (or, where appropriate, the employees in such unit). Also, when available, this description shall include compensation levels of appropriate employee units (or, where appropriate, the employees in such unit) in similar positions in the predecessor organization (or organizations) prior to the reorganization. The report filed shall also demonstrate that the reorganization and establishment of such plans, practices, or programs were not for the purpose of circumventing the intent of the wage and salary stabilization program and are not unreasonably inconsistent with the standards and goals of the Economic Stabilization Program. For purposes of this paragraph a plan, practice, or program is considered as a "successor" to another plan, practice, or program where such plan, practice, or program does not increase the aggregate amount of compensation that would have otherwise been granted (whether or not currently) a plan, practice, or program unit without taking the reorganization into account. Plans, practices, or programs which are not successor plans, practices, or programs shall be considered as new plans, practices, or programs subject to the provisions of § 152.128(d)(1).

(d) *Mergers and similar reorganizations.*—If an employer merges with, or otherwise acquires, another business, enterprise, partnership, corporation, association, or any other organization, such employer may continue its incentive compensation plans and practices, sales or commission plans and practices, and production incentive programs pursuant to the applicable provisions of this subpart and the employees of such other organization may be added to such plans, practices, or programs pursuant to the applicable provisions of this subpart. The employer may continue the incentive compensation plans and practices, sales or commissions plans and practices, and production programs of such other organizations pursuant to the applicable provisions of this subpart and the employees of the employer may be added to such plans, practices, or programs pursuant to the applicable provisions of this subpart. Plans, practices, or programs which are not successor plans, practices, or programs within the meaning of paragraph (c) of this section shall be considered as new plans, practices, or programs subject to the provisions of § 152.128(d)(1). Employers who wish to combine plans, practices, or programs on account of such a merger shall submit such combined plans, practices, or programs to the Council for prior approval.

(e) *Carryover of attributes.*—For purposes of this subpart, a change in organizational form described in paragraph (c) or (d) of this section shall not affect the applicable attributes of the employer, such as appropriate employee units, plan, practice, or program units, plan, practice, or program years, or control years. Such attributes shall be carried over by the employer undertaking such a change in form, unless otherwise clearly required by the organizational change.

§ 152.130 Executive control groups.

(a) *Scope.*—This section is applicable to the pay adjustments of all firms not exempt under the provisions of subpart D or E of this part, and establishes special mandatory rules with respect to pay adjustments to members of executive control groups. The rules provided in this section are in addition to any rules provided elsewhere in this title with respect to pay adjustments to members of appropriate employee units or to members of plan, practice, or program units. To the extent that the provisions of this section are inconsistent with any other provision of this title, the provisions of this section shall control; however, see § 152.133(d) for the effect of outstanding decisions and orders.

(b) *Designation of executive control group.*—Every firm shall designate one executive control group. An executive control group may consist of employees who are members of the same appropriate employee unit (but not necessarily all of the members of the same appropriate employee unit) or members of more than one appropriate employee unit. The executive control group of a firm shall consist of—

(1) All officers of the firm; and

(2) All employee directors of the firm whose aggregate direct remuneration from the firm, (or in the case of an affiliated group of entities, from any or all such entities) including salary, fees, perquisites, per diem reimbursement, and other forms of remuneration, individually exceeds $30,000 in the fiscal year.

(c) *Definitions.*—For purposes of this section—

(1) "Officer" means a president, vice president, treasurer, secretary, comptroller, or any other employee who performs for a firm, whether incorporated or unincorporated, functions corresponding to those performed by the foregoing officers. In the case of a firm subject to the Rules and Regulations issued by the United States Securities and Exchange Commission, the term "officer" means the same as in Rule 3b-2 of such Rules and Regulations.

(2) "Fiscal year" means a firm's customary 12-month fiscal accounting year.

(3) "Fiscal base date" means with respect to a fiscal year, the day before the first day of such fiscal year.

(4) "Base year" means the same as in § 152.124(c)(5)(ii)(D) or § 152.125(c)(5)(ii)D), whichever is applicable.

(5) "Base group salary" means the aggregate of the base salaries of all members of an executive control group on the last day of the base year, at the annual salary rate in effect with respect to each employee on such day.

(6) "Base group salary additions" means the aggregate of the base salaries of all members of the executive control group on the last day of a fiscal year who were not in such group on the last day of the base year, at the annual salary rate in effect with respect to each employee on the last day of the fiscal year.

(7) "Base group salary deletions" means the aggregate of the base salaries of all members of the executive control group who were in such group on the last day of the base year but who are not in such group on the last day of a fiscal year, at the annual salary rate in effect with respect to each employee on the last day of the base year.

(8) "Base period" means, at the election of a firm—

(i) The last 4 plan or practice years ending prior to November 14, 1972, for which there have been payments under an incentive compensation plan or practice prior to November 14, 1972; or

(ii) The most recent plan or practice year ending prior to August 29, 1973, for which a payment has been made prior to such date.

(9) "Firm" means the same as in § 152.2, except that in the case of an affiliated group of entities it shall mean only the parent.

(10) "Affiliated group of entities" means a parent and those entities diparent.

(11) "Parent" means a firm that is not controlled, directly or indirectly, by another person unless such other person is an individual, group, or entity whose

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control is essentially of an investment nature. Any firm that constitutes an issuer within the meaning of Regulation 14A of the United States Securities and Exchange Commission shall in any event be deemed a parent for purposes of this section.

(d) *Limitation on salary increases.* (1) *General.*—Except as provided in paragraph (d)(3) of this section, the average group salary rate with respect to an executive control group in a fiscal year shall at no time exceed 105.5 percent of the average group salary rate determined with respect to the composition of the executive control group on the fiscal base date, computed in accordance with the provisions of paragraph (d)(2) of this section.

(2) *Computation of average group salary rate.* (i) *General.*—The average group salary rate shall be expressed in terms of dollars per year, and shall be determined by constructing a fraction, the numerator of which shall be the sum of the annual base salaries with respect to the positions in the executive control group, and the denominator of which shall the number of positions in such group.

(ii) *Rules with respect to changes in composition of group*—

(A) If, during a fiscal year, a position is deleted from an executive control group, the base salary for such position shall be excluded from the computation of the average group salary with respect to the fiscal base date.

(B) If, during a fiscal year, a new position is added to an executive control group, and such position is actually filled during the fiscal year, the base salary for such position shall be included in the computation of the average group salary with respect to the fiscal base date. For purposes of the preceding sentence, a position shall be considered filled only if an employee actually performs work in such position during the fiscal year. The rules in § 201.62 of this title shall apply with respect to the determination of base salary for a new position.

(C) If, during a fiscal year, solely as a result of retrospective recomputations required under paragraphs (d)(2)(ii)(A) and (B) of this section, the average group salary is determined to exceed 105.5 percent of the average group salary determined with respect to the fiscal base date, then no further salary increase may be put into effect in the executive control group with respect to the fiscal year.

(iii) *Promotions.*—For purposes of the computation of increases in the average group salary set forth in this subparagraph, no exclusion shall be made for increases attributable to promotions.

(3) *Special rule.*—For purposes of this paragraph, a firm may elect to treat an executive control group as though such group were a separate appropriate employee unit. If such an election is made, wage and salary increases in such group shall not exceed the general wage and salary standard, applied to a base compensation rate computed for such group. Such base compensation rate shall incorporate an average straight-time hourly rate determined with respect to the employees who are members of such group, and an average hourly rate of employer contributions to fringe benefits (both included and qualified) attributable to such employees. The provisions of this subparagraph shall not operate to permit any actual change of appropriate employee units and do not affect any other provisions of this part.

(e) *Limitation on incentive compensation.* (1) *General.*—Payments, awards, or grants of incentive compensation pursuant to incentive compensation plans or practices subject to the provisions of § 152.125, as applicable, and before adjustment for changes in size of plan or practice unit) and the apportionment factor for the plan or practice determined pursuant to paragraph (e)(2) of this section, multiplied by the adjustment factor for the executive control group, shall not exceed an amount which is equal to the product of the allowable amount for the plan or practice unit (determined pursuant to § 152.124 or § 152.125, as applicable) and the apportionment factor for the plan or practice determined pursuant to paragraph (e)(2) of this section, multiplied by the adjustment factor for the executive control group determined pursuant to paragraph (e)(3) of this section.

(2) *Apportionment factor.*—For purposes of this paragraph, an apportionment factor for an incentive compensation plan or practice shall be computed by constructing a fraction, the numerator of which shall be the total of payments, awards or grants pursuant to such plan or practice made to the executive control group with respect to the base period, and the denominator of which shall be the total of payments, awards, or grants pursuant to such plan or practice made to all employees in the plan, practice or program unit with respect to the base period.

(3) *Adjustment factor.*—For purposes of this paragraph, an adjustment factor for an executive control group shall be computed by constructing a fraction, the numerator of which shall be the sum of the base group salary plus base group salary additions less base group salary deletions through such fiscal year, and the denominator of which shall be the base group salary.

(f) *Reporting.*—A firm which derives annual sales or revenues in excess of $250 million (including the sales or revenues attributable to any affiliated group of entities of which such firm is the parent) shall submit a report to the Council not later than 10 days after any payment, award, or grant of any item of incentive compensation subject to § 152.124 or § 152.125 is made with respect to a member of an executive control group. If no payments, awards, or grants are made pursuant to an incentive compensation plan or practice subject to § 152.124 or § 152.125, a firm shall submit a report to the Council not later than 30 days after the end of a fiscal year. A report submitted under this paragraph shall be submitted on forms prescribed by and pursuant to instructions issued by the Council and shall contain, with respect to the members of the executive control group—

(1) Separate listings of aggregate base salaries for the fiscal year with respect to which such payment, grant, or award is made, and all items of incentive compensation under plans or practices subject to § 152.124 or § 152.125 paid, awarded, or granted with respect to the same fiscal year;

(2) The same information for the prior fiscal year;

(3) A listing of all increases in the aggregate base salaries of members of the executive control group attributable to promotions for the fiscal year with respect to which such payment, award, or grant is made, and for the prior fiscal year; and

(4) A listing of all items of deferred compensation payable to members of the executive control group with respect to such fiscal year. In addition, such report shall include individual compensation data with respect to all directors that are members of the executive control group, identified by name and position, and with respect to the three officers, identified by name and position, whose aggregate direct remuneration most exceeds $30,000, if any. Other officers need not be identified individually by name or position, unless such information is requested by the Council.

(g) *Recordkeeping.*—A firm which derives annual sales or revenues in excess of $50 million (including the sales or revenues attributable to any affiliated group of entities of which such firm is the parent) shall maintain records sufficient to permit the submission of a report described in paragraph (f) of this section, upon request by the Council.

(h) *Exceptions.*—An application for exception to the limitations imposed under the provisions of paragraph (d) or (e) of this section may be submitted to the Council. Such an exception may be approved by the Council only upon a demonstration of extreme hardship or severe inequity caused by the application of such limitations.

(i) *Prior increases, payments, awards, or grants.* Notwithstanding any other provision of this section, wage and salary increases or payments, awards, or grants subject to the provisions of this subpart, lawfully made or put into effect with respect to members of an executive control group prior to August 29, 1973, shall not constitute a violation under the Act. However, if such increases, payments, awards, or grants exceed, with respect to a fiscal year ending on or after August 29, 1973, the increase, payment, award, or grant permissible for such fiscal year under the provisions of this section, then no further increase, payment, award, or grant may be made or put into effect with respect to such fiscal year without the prior approval of the Council. Notwithstanding the preceding sentence, increases, payments, awards or grants subject to the terms of a prior decision and order issued by the Pay Board or Council are subject to the provisions of § 152.133(d).

§ 152.131 Stock option plans deemed to be incentive compensation plans or practices subject to § 152.124 or § 152.125.

(a) *Applicability.* (1) *Persons subject to this section.*—This section shall be applicable to stock option plans for all nonexempt firms whether subject to self-administration or subject to mandatory controls and to all executive control groups in the same manner as if such plans were incentive compensation plans or practices under §§ 152.124 and 152.125, respectively.

(2) *Grants and exercises subject to this section.*—This section shall be applicable to—

(i) Grants and exercises of stock options made on or after August 29, 1973; and

(ii) Grants and exercises made with respect to plan or practice years which end on or after August 29, 1973.

(b) *General.* (1) *Grant.*—Except for stock options granted pursuant to the provisions of § 152.126(b), the grant of any stock option under a stock option plan (whether or not such plan operated under § 201.35) failing to meet all the requirements of § 152.126(c)(1)(i) where such plan—

(i) Was adopted prior to November 14, 1971, and was in effect on November 13, 1971, or

(ii) Was adopted on or after November 14, 1971, and was approved by the Pay Board or Council,

shall be deemed to be pursuant to the operation of an incentive compensation plan or practice subject to the provisions of § 152.124 or § 152.125, as appropriate. Except as provided in § 152.128(b) (with respect to replacement of stock option plans under which options covering all of the authorized shares have been granted), options under stock option plans adopted on or after November 14, 1971, shall not be granted until such plan is approved by the Council pursuant to § 152.128.

(2) *Exercise.* Except for stock options granted pursuant to the provisions of § 152.126(b), the exercise of any stock option granted under a stock option plan (whether or not such plan operates under § 201.35) failing to meet all the requirements of § 152.126(c)(1)(i) where such plan—

(i) Was adopted prior to November 14, 1971, and was in effect on November 13, 1971, or

(ii) Was adopted on or after November 14, 1971, and was approved by the Pay Board or Council,

shall be deemed to be pursuant to the operation of an incentive compensation plan or practice subject to the provisions of § 152.124 or § 152.125, as appropriate. Except as provided in § 152.128(b) (with respect to replacement of stock option plans under which options covering all of the authorized shares have been granted), options under stock option plans adopted on or after November 14, 1971, shall not be granted or exercised until such plan is approved by the Council pursuant to § 152.128.

(c) *Valuation of stock options.*—For purposes of paragraph (b) of this section the value of a stock option—

(1) When granted shall be an amount equal to the value of such option at the time of grant (without taking into account any conditions or restrictions imposed under the stock option or on the shares under option) determined as follows: the sum of the option premium plus the excess of the fair market value of the shares under option at the time of the grant over the price of the shares under the option, and

(2) When exercised shall be an amount equal to the value of such option at the time of exercise (without taking into account any conditions or restrictions imposed under the stock option or on the shares under option) determined as follows: the excess of the fair market value of the shares under option at the time of exercise over the sum of the option premium plus the fair market value of the shares under the option at the time of the grant.

For purposes of this paragraph the term "option premium" means the value of the shares under option. Such value shall be an amount equal to 25 percent of the fair market value of the shares under option at the time of grant without taking into account any conditions or restrictions imposed under the stock option or on the shares under option.

§ 152.132 Qualified stock bonus plans.

Stock bonus plans which meet the requirements of Section 401(a) of the Code shall not be subject to the provisions of this subpart, but shall be treated as qualified benefits in accordance with the provisions of § 201.59 of this title. Nonchargeable employer contributions to such qualified stock bonus plans shall be computed under the rules applicable to contributions to qualified deferred profit sharing plans set forth in § 201.59(f)(2) of this title.

§ 152.133 Prior decisions and orders.

(a) *General.* This part shall not operate to permit prospective payments, awards, or grants under an executive and variable compensation plan, practice, or program, where such plan, practice, or program is subject to a Pay Board or Council decision and order, except to the extent consistent with such decision and order.

(b) *Pay adjustments subject to self administration.* Notwithstanding the provisions of paragraph (a) of this section, a decision and order relating to executive and variable compensation, not affecting employees in the food, health services, or construction industry, shall be effective only for payments, awards, or grants made with respect to plan, practice, or fiscal years (as appropriate) which begin prior to January 11, 1973. Where such a decision and order requires that payments, awards, or grants are to be charged as wages and salaries, and such payments, awards, or grants are made after January 10, 1973, such payments, awards, or grants, together with any other wage and salary increases subject to voluntary controls, shall be subject to the general wage and salary standard set forth in § 152.13, unless such payments, awards, or grants are made during a control year covered by a Pay Board or Council decision and order which limits wage and salary increases paid in an appropriate employee unit which includes plan, practice, or program participants. In such latter cases, the payments, awards, or grants which are to be charged as wage and salary increases may be paid only to the extent consistent with such other decision and order, as provided in § 152.1(b)(2).

(c) *Pay adjustments subject to mandatory controls.*—Where a decision and order relating to executive and variable compensation affecting employees in the food, health services, or construction industry, requires that payments, awards, or grants are to be charged as wages and salaries, then such payments, awards, or grants made after January 10, 1973, together with any other wage and salary increases, shall be subject to the rules for pay adjustments in the applicable industry, as set forth in this part.

(d) *Executive control groups.*—A decision and order of the Pay Board or Council issued prior to August 29, 1973, which applies to or affects members of an executive control group (determined pursuant to § 152.130), shall remain in effect with respect to payments, awards, or grants of items of incentive compensation with respect to the plan, practice, or program year covered by such decision and order, as provided in paragraphs (a), (b) and (c) of this section. Any payments, awards, or grants lawfully made pursuant to the terms of such decision and order shall not constitute a violation of the provisions of § 152.130.

§ 152.134 Submissions to the Council.

Any prenotification, report, or application under the provisions of this subpart must be sent to Office of Wage Stabilization, P.O. Box 983, Washington, D.C. 20044.

§ 152.135 Executive and variable compensation guidance.

(a) *Scope.*—The provisions of this section are applicable to pay adjustments that are subject to self-administration under the provisions of subpart B of this part, and that do not apply to or affect a member of an executive contol group (determined pursuant to § 152.130).

(b) *Adjustments subject to standards.*—The rules contained in this subpart, and the guidance set forth in paragraph (c) of this section, relating to executive and variable compensation, should be used in determining whether payments, awards, or grants are charged as wage and salary increases which, when added to other wage and salary increases, are subject to the general wage and salary standard set forth in § 152.13.

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Stock option grants under plans which meet all the requirements of § 152.126 (c)(1)(i) should not exceed the aggregate share limitation applicable to such plans, except to the extent necessary to prevent gross inequities, serious market disruptions, or localized shortages of labor. Except as provided in § 152.124 (d)(2)(ii) and § 152.125(d)(2)(iii), payments, awards, or grants of items of incentive compensation pursuant to plans operating under § 152.124 or practices operating under § 152.125 should not exceed the allowable amounts determined pursuant to § 152.124(d) or § 152.125(d), as applicable, except to the extent necessary to prevent gross inequities, serious market disruptions, or localized shortages of labor.

(c) *Guidance for replacement, modified, and new executive and variable compensation plans.* (1) *General.*—The guidance set forth in this paragraph should be used by employers subject to self-administration with respect to the implementation after January 10, 1973, of replacement, modified, or new executive and variable compensation plans, practices, or programs of the types covered in this subpart. For employers subject to voluntary controls, such implementation does not require prior approval. This paragraph provides the principles, policies, and conditions that have been used by the Pay Board and Council in their consideration of such plans, practices, or programs submitted for approval during Phase II and Phase III of the Economic Stabilization Program.

(2) *Replacement incentive compensation plans or practices.*—When an employer adopts a new incentive compensation plan or practice (other than a stock option plan) replacing such a plan or practice which has lapsed or terminated on account of the operation of time, the new plan or practice is not considered to increase wages and salaries if the aggregate amount of compensation attributable to the new plan or practice is not an increase over the aggregate amount which would have been granted under the replaced plan or practice had it not terminated. If the amount of compensation is increased over that attributable to the replaced plan or practice, the amount in excess should be treated as an increase in wages and salaries.

(3) *Modified or revised incentive compensation plans or practices.*—When an employer modifies or revises an incentive compensation plan or practice (other than a stock option plan), the modification or revision is not considered to increase wages and salaries if the aggregate amount of compensation attributable to the modified or revised plan or practice is not an increase over the aggregate amount attributable to the plan or practice had it not been modified or revised. If the amount of compensation is increased over that attributable to the plan or practice prior to modification or revision, the amount in excess should be treated as an increase in wages and salaries.

(4) *New incentive compensation plans or practices.*—When an employer adopts a new incentive compensation plan or practice (other than a stock option plan) which is neither a replacement nor modification or revision of an existing plan or practice, the amount granted with respect to the first 12 months of the operation of the plan or practice should be treated as an increase in wages and salaries. The amount so granted with respect to the first 12-month period should (within the meaning of §§ 152.124 (c)(4) and 152.125(c)(4)) become the "base year amount" for such plan or practice in computing the "allowable amount" with respect to future plan years. Payments in subsequent plan years that exceed the "allowable amount" should also be considered an increase in wages and salaries.

(5) *Special rules for certain incentive compensation plans and practices.*—For purposes, paragraph (c)(4) of this section, the amount of certain types of awards should be determined as follows—

(i) *For performance share awards.*—In an amount equal to the fair market value of the stock at the time of the award assuming attainment of at least 75 percent of the performance goal allocated over the performance period.

(ii) *For phantom stock awards.*—In an amount equal to 25 percent of the fair market value of an equivalent number of actual shares of the employer at the time of the award.

(6) *Replacement stock option plans.*—If an employer subject to voluntary compliance adopts a new stock option plan which meets all the requirements of § 152.126(c)(1)(i), and the new plan replaces a stock option plan which had met those requirements but which had lapsed—

(i) On account of the operation of time, or

(ii) Because all of the authorized shares had been the subject of option grants, or

(iii) Because the authorized shares available for award were insufficient to grant options covering the applicable aggregate share limitation; then

for purposes of determining the aggregate share limitation applicable to the new plan, the new plan and the replaced plan should be treated as a single plan. If such an employer adopts a new stock option plan described in § 152.131, which replaces a prior plan that has lapsed or terminated, then the increases in wages and salaries attributable to grants and exercises of stock options under the replacement plan should be considered pursuant to the operation of an incentive compensation plan under § 152.124.

(7) *Modified or revised stock option plans.*—If an employer modifies or revises a stock option plan which meets all the requirements of § 152.126(c)(1)(i), the aggregate shares to be granted under the modified or revised plan should not exceed the aggregate shares which would have been granted under the plan had it not been modified or revised. If such an employer modifies or revises a stock option plan described in § 152.131, any increase in wages and salaries attributable to awards under such plan should be considered pursuant to the operation of an incentive compensation plan under § 152.124.

(8) *New stock option plans.*—If an employer adopts a new stock option plan which is neither a replacement nor a modification or revision and which meets all the requirements of § 152.126(c)(1)(i), the aggregate share limitation for the first fiscal year of operation should be 25 percent of the number of shares authorized for stock options at the time the plan was adopted. The aggregate share limitation for subsequent fiscal years should be determined in accordance with the provisions of § 152.126(d)(2)(ii). If such an employer adopts a new stock option plan described in § 152.131, the increase in wages and salaries attributable to the options granted or exercised under the new plan should be considered pursuant to the operation of an incentive compensation plan under § 152.124.

(9) *Replacement sales or commission plans or practices and certain incentive programs.*—When an employer adopts a new sales or commission plan or practice or a production incentive program (other than a program described in § 201.61 of this title) replacing such a plan, practice, or program, the payments under the new plan, practice, or program are not considered to increase wages and salaries if the aggregate amount of compensation attributable to the new plan, practice, or program (using the new formula or method for determining payments) is not an increase over that which would have been granted (using the old formula or method for determining payment) under the plan, practice, or program had it not been terminated. If the amount of compensation is increased solely due to the change in formula or method for determining payments over that attributable under the replaced plan, practice, or program, the amount in excess should be treated as an increase in wages and salaries in the control year such amounts are paid, should be apportioned to the appropriate employee units of the plan, practice, or program participants as provided in § 152.127, and should be included in the respective units' base compensation for subsequent control years.

(10) *Modified or revised sales or commission plans or practices and certain incentive programs.*—When an employer modifies or revises a sales or commission plan or practice or a production incentive program (other than a program described in § 201.61 of this title), the payments under the modification or revision are not considered to increase wages and salaries if the aggregate amount of compensation attributable to the modified or revised plan, practice, or program (using the modified formula or method for determining payments) is not an increase over that which would have been granted (using the old formula or method for determining payments) under the plan, practice, or program had it not been modified or revised. If the amount of compensation is increased solely due to the change in formula or method for determining payments over that attributable under the modified or revised plan, practice, or program, the amount in excess should be treated as an increase in wages and salaries in the control year such amounts are paid, should be apportioned to the appropriate employee units of the plan, practice, or program participants as provided in § 152.127, and should be included in the respective units' base compensation for subsequent control years.

(11) *New sales or commission plans or practices and certain incentive programs.*—When an employer adopts a new sales or commission plan or practice or production incentive program (other than a program described in § 201.61 of this title), which is neither a replacement, nor modification or revision, of an existing plan, practice or program, the amount granted with respect to the new plan, practice, or program should be treated as an increase in wages and salaries in the control year such amounts are paid, should be apportioned to the appropriate employee units of the plan, practice, or program participants as provided in § 152.127, and should be included in the respective units' base compensation for subsequent control years.

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PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions

No. 169—Pt. IV——1

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended (40 U.S.C. 276a)) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes these procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended (40 U.S.C. 276a)) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

New General Wage Determination Decision No. AQ–21 for the States of Kansas, Missouri, and Nebraska respectively.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications to General Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Arkansas:	
AP–701	Feb. 9, 1973
AQ–2	July 13, 1973
California:	
AQ–1007; AQ–1008	Aug. 3, 1973
Florida:	
AP–198; AP–1101; AP–1104	June 8, 1973
Connecticut:	
AP–848; AP–849; AP–850; AP–851; AP–852; AP–853; AP–854; AP–855	June 29, 1973
Iowa:	
AQ–11	Aug. 11, 1973
Kentucky:	
AP–170; AP–171	Mar. 23, 1973
AP–188	Apr. 20, 1973
AP–189	May 18, 1973
AP–194	May 25, 1973
Louisiana:	
AP–736	June 1, 1973
AQ–4 AQ–5; AQ–6	July 20, 1973
AQ–8	July 27, 1973
Massachusetts:	
AP–813	May 11, 1973
Montana:	
AP–913; AP–914; AP–917	June 29, 1973
Nebraska:	
AP–525	Apr. 13, 1973
AP–526	Apr. 30, 1973
New Hampshire:	
AP–420	Mar. 23, 1973
AP–906	May 11, 1973
Texas:	
AP–722; AP–725; AP–729	Apr. 27, 1973
Virginia:	
AP–833	May 25, 1973

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Supersedeas Decisions to General Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decision being superseded):

California:	
AP–287 (AQ–1015)	Apr. 6, 1973
AP–905 (AQ–1016)	May 18, 1973
Massachusetts:	
AP–811 (AQ–3002); AP–812 (AQ–3003); AP–814 (AQ–3004); AP–815 (AQ–3006); AP–816 (AQ–3007)	May 11, 1973
AQ–2003 (AQ–3005)	Aug. 3, 1973
Montana:	
AP–910 (AQ–1018)	June 22, 1973
AP–915 (AQ–1020); AP–916 (AQ–1019)	June 29, 1973
New Hampshire:	
AP–498 (AQ–3001)	Apr. 6, 1973
Oklahoma:	
AP–364 (AQ–23)	Dec. 8, 1972
AP–731 (AQ–22)	May 11, 1973
Rhode Island:	
AP–483 (AQ–2006)	Mar. 23, 1973
Utah:	
AP–254 (AQ–1017)	Dec. 8, 1972

Signed at Washington, D.C., this 24th day of August 1973.

WARREN D. LANDIS,
Assistant Administrator
Wage and Hour Division.

NEW DECISION

STATE: Kansas, Missouri and Nebraska

DECISION NO.: AQ-21

DESCRIPTION OF WORK: Dredging Construction

COUNTIES: Atchison, Doniphan, Leavenworth, and Wyandotte Counties, Kansas; Andrew, Atchison, Boone, Buchanan, Calleway, Carroll, Charlton, Clay, Cole, Cooper, Franklin, Gasconade, Holt, Howard, Jackson, Lafayette, Moniteau, Montgomery, Osage, Platte, Ray, Saline, St. Charles, St. Louis and Warren Counties, Missouri; Nemaha and Richardson Counties, Nebraska

DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Atchison, Doniphan, Leavenworth and Wyandotte Counties, Kansas; Andrew, Atchison, Boone, Buchanan, Calleway, Carroll, Charlton, Clay, Cole, Cooper, Franklin, Gasconade, Holt, Howard, Jackson, Lafayette, Moniteau, Montgomery, Osage, Platte, Ray and Saline Counties, Missouri; Nemaha and Richardson Counties, Nebraska:						
Dredging Construction						
Leverman, Engineer, Mechanic and Boatman	$8.11	.40	.40	.50	.05	
Oiler	6.76	.40	.40		.05	
Deckhand	5.825	.40	.40		.10	
Boone, Callaway, Cole, Franklin, Gasconade, Moniteau, Montgomery, Osage, St. Charles, St. Louis and Warren Counties, Missouri:						
Dredging Construction						
Leverman, Engineer, Mechanic and Boatman	8.19	.35	.40	.50	.02	
Oiler	6.84	.35	.40		.02	
Deckhand	5.825	.40	.40		.10	

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-701 - Mod. #1 (38 FR 4087 - February 9, 1973) Statewide, Arkansas						
Change: Description of work to read "Construction, Alteration, and/or repair of streets, highways, runways, and water and sewer utilities."						
DECISION #AQ-2 - Mod. #1 (38 FR 18830 - July 13, 1973) Union County, Arkansas						
Change: Plumbers - Pipefitters	$7.82		.30		.05	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-1,007 - Mod. #1 (38 FR 21,038 - August 3, 1973) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Benardino, San Luis Obispo, Santa Barbara and Ventura Counties, California						
Change:						
Cement Masons	$6.36	.90	1.20	.80	.0325	
Cement floating and Troweling machine operators	6.61	.90	1.20	.80	.0325	
Electricians:						
Riverside County						
Electricians	8.92	.60	1%+.40		.02	
Cable splicers	9.22	.60	1%+.40		.02	
Inyo, Mono and San Bernardino Cos.						
Electricians	8.97	.40	1%+.75		.02	
Cable splicers	9.27	.40	1%+.75		.02	
Santa Barbara County (Vandenberg AFB)						
Electricians	10.10	.65	1%+.85		.05	
Cable splicers	11.10	.65	1%+.85		.05	
Remainder of County						
Electricians	8.85	.65	1%+.85		.05	
Cable splicers	9.85	.65	1%+.85		.05	
Ventura County						
Electricians	9.43	.60	1%+.45			
Cable splicers	10.37	.60	1%+.45			
Line Construction:						
Riverside County						
Groundmen	6.83	.60	1%+.40		.02	
Linemen; Line equipment operators	8.93	.60	1%+.40		.02	
Cable splicers	9.23	.60	1%+.40		.02	
Ventura County						
Groundmen	8.35	.60	1%+.45			
Linemen	9.43	.60	1%+.45			
Cable splicers	10.37	.60	1%+.45			
Plasterers:						
Los Angeles and Orange Counties	7.495	.53	1.60	.55	.07	
Add:						
Los Angeles County						
Electricians (Sound Technicians):						
Sound Technicians (on building construction)	9.50	.50	1%			
Sound Technicians (on modification of existing building and structures)	7.66	.50	1%			

DECISION #AQ-1,007 (cont'd)

Change:

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
WAREHOUSEMAN and Teamster	$6.42	.75	.65	1.00		
DRIVERS OR VEHICLES or combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load	6.50	.75	.65	1.00		
TRUCK MOUNTED power broom	6.56	.75	.65	1.00		
DRIVERS OR VEHICLES or combination of vehicles of 3 axles; Water truck, 2 axles	6.65	.75	.65	1.00		
BOOTMAN; Cement distributor; Fuel truck; Driver of road oil spreader truck	6.68	.75	.65	1.00		
TRANSIT-MIX, Under 3 yds.; Dumpcrete, less than 6½ yds.	6.74	.75	.65	1.00		
WATER TRUCK, 3 or more axles; Truck repairman helper	6.75	.75	.65	1.00		
TRUCK CREASER AND TIREMEN (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline and utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline and utility work, where a composite crew is used	6.83	.75	.65	1.00		
TRANSIT-MIX, 3 yds. or more; Dumpcrete, 6½ yds. and over	6.88	.75	.65	1.00		
DRIVERS OR VEHICLES or combination of vehicles of 4 or more axles	6.90	.75	.65	1.00		
A-FRAME OR SWEDISH CRANE, or similar type of equipment; Fork lift; Ross carrier (Hwy)	7.20	.75	.65	1.00		
ALL OFF-HIGHWAY EQUIPMENT WITHIN TEAMSTERS JURISDICTION (Off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman	7.45	.75	.65	1.00		
TRUCK REAPIRMAN - Welder	7.55	.75	.65	1.00		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-1,008 - Mod. #1 (38 FR 21,047 - August 3, 1973) Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura, California						
Change:						
Cement masons	$6.36	.90	1.20	.80	.0325	
Cement floating and Troweling machine operators	6.61	.90	1.20	.80	.0325	
Electricians:						
Riverside County						
Electricians	8.92	.60	1%+.40		.02	
Cable splicers	9.22	.60	1%+.40		.02	
San Bernardino County						
Electricians	8.97	.40	1%+.75		.02	
Cable splicers	9.27	.40	1%+.75		.02	
Santa Barbara County (Vandenberg AFB)						
Electricians	10.10	.65	1%+.85		.05	
Cable splicers	11.10	.65	1%+.85		.05	
Remainder of County						
Electricians	8.85	.65	1%+.85		.05	
Cable splicers	9.85	.65	1%+.85		.05	
Ventura County						
Electricians	9.43	.60	1%+.45			
Cable splicers	10.37	.60	1%+.45			
Plasterers:						
Los Angeles and Orange Counties	7.495	.53	1.60	.55	.07	

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DECISION #AQ-1,008 (cont'd)

MODIFICATIONS P. 5

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
WAREHOUSEMAN and Teamster	$6.42	.75	.65	1.00		
DRIVERS OR VEHICLES or combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load	6.50	.75	.65	1.00		
TRUCK MOUNTED power broom	6.56	.75	.65	1.00		
DRIVERS OR VEHICLES or combination of vehicles of 3 axles; Water truck, 2 axles	6.65	.75	.65	1.00		
BOOTMAN; Cement distributor; Fuel truck; Driver of road oil spreader truck	6.68	.75	.65	1.00		
TRANSIT-MIX, Under 3 yds.; Dumpcrete, less than 6½ yds.	6.74	.75	.65	1.00		
WATER TRUCK, 3 or more axles; Truck repairman helper	6.75	.75	.65	1.00		
TRUCK CREASER AND TIREMEN (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline and utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline and utility work, where a composite crew is used	6.83	.75	.65	1.00		
TRANSIT-MIX, 3 yds. or more; Dumpcrete, 6½ yds. and over	6.88	.75	.65	1.00		
DRIVERS OR VEHICLES or combination of vehicles of 4 or more axles	6.90	.75	.65	1.00		
A-FRAME OR SWEDISH CRANE, or similar type of equipment; Fork lift; Ross carrier (Hwy)	7.20	.75	.65	1.00		
ALL OFF-HIGHWAY EQUIPMENT WITHIN TRAMSTERS JURISDICTION (Off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman	7.45	.75	.65	1.00		
TRUCK REAPIRMAN - Welder	7.55	.75	.65	1.00		

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-198 - Mod. #2 (38 FR 15233 - June 6, 1973) Dade County, Florida						
Change:						
Bricklayers:						
Bricklayers	$8.60	.40	.39			
Stonemasons	8.60	.40	.39			
Marble Masons	8.60	.40	.39			
Terrazzo	8.60	.40	.39			
Tile Setters	8.60	.40	.39			
Plasterers	8.60	.40	.39			
Cement Masons	8.60	.40	.39			
DECISION #AP-1101 - Mod. #2 (38 FR 15239 - June 4, 1973) Hillsborough County, Florida						
Change:						
Painters:						
Brush & roller	6.45	.25	.20		.06	
Swing stage & window jacks, spray & sandblasting	6.70	.25	.20		.06	
Dry wall tapers	7.30	.25	.20		.06	
Structural steel, bridge & Ind.:						
Brush, roller, swing, stage boe'n chair	7.05	.25	.20		.06	
Spray & Sandblasting	7.30	.25	.20		.06	
Paperhangers	6.95	.25	.20		.06	
Roofers	6.15	.25	.15			
Roofers' helpers	3.30	.25	.15			
Roofers, Kettlemen	4.20	.25	.15			

NOTICES

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-1104 - Mod. #1 (38 FR 15245 - June 8, 1973) Pinellas County, Florida						
Change:						
Carpenters:						
Carpenters	$6.865	.30	.20	.10	.02	
Piledrivermen	7.115	.30	.20	.10	.02	
Soft floor layers	6.865	.30	.20	.10	.02	
Millwrights	7.31	.45	.45		.04	
Electricians:						
Electricians	8.15	.25	1%		3/4of 1%	
Cable splicers	8.65	.25	1%		3/4of 1%	
Painters:						
Brush & roller	6.45	.25	.20		.06	
Swing stage & window jacks, spray & sandblasting	6.70	.25	.20		.06	
Dry wall tapers	7.30	.25	.20		.06	
Structural steel, bridge & Ind.:						
Brush, roller, swing, stage boe'n chair	7.05	.25	.20		.06	
Spray & sandblasting	7.30	.25	.20		.06	
Paperhangers	6.95	.25	.20		.06	
Roofers	6.15					
Roofers' helpers	3.30					
Roofers' kettlemen	4.20					

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-848 - Mod. #1 (38 FR-17359 - June 29, 1973) Fairfield County, Connecticut						
Change						
Building, Heavy and Highway Construction:						
Bricklayers, cement masons-finishers, marble setters, plasterers, terrazzo workers, tile setters (Building Only); Norwalk, New Canaan, Westport, Weston, Wilton & Ridgefield	$8.65	.50	.50			
Carpenters, soft floor layers (Building Only): Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Westport, Weston	8.85	.50	.30	f		
Plumbers, Steamfitters:						
Greenwich	9.25	.30	.50		.01	
Sprinkler fitters	9.08	.40	.60		.05	
OMIT: Footnote: K.						
DECISION #AP-849 - Mod. #1 (38 FR-17363 - June 29, 1973) Hartford County, Connecticut						
Change:						
Building, Heavy and Highway Construction:						
Bricklayers, cement masons-finishers, marble setters, plasterers, stonemasons, terrazzo workers, tile setters (Building Only): Berlin-Kensington-New Britain-Newington-Plantsville-Southington	8.70	.40	.25			
Carpenters, soft floor layers, piledrivermen (Building Only): Southington	8.85	.50	.30	g	.03	
Glaziers: Outside	8.71	.52	.47			
Plumbers:						
Berlin-Bristol-New Britain-Plainville-E. Berlin-Kensington-Newington-Farmington	9.45	.55	.50	i		
Roofers:						
Composition	8.20	.425	.50	.30		

NOTICES

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DECISION #AP-849 - Mod. #1 (cont'd.)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Slate, Tile precast concrete	8.70	.425	.50	.30		
Sprinkler fitters	9.08	.40	.60		.05	
OMIT:						
Roofers Helpers-Class A	7.325	.425	.35	.30		
Roofers Helpers-Class B	3.60	.425	.35	.30		
DECISION #AP-850 - Mod. #1 (38 FR-17367 - June 29, 1973) Litchfield County, Connecticut						
CHANGE:						
Building, Heavy and Highway Construction:						
Carpenters, soft floor layers, piledrivermen (Building Only):						
Northfield, Thomaston, Watertown Morris	8.85	.50	.30	g	.03	
Plumbers:						
Canaan-Torrington	7.94	.55	.50	j		
Roofers:						
Remainder of County:						
Composition	8.20	.425	.50	.30		
Slate and tile	8.70	.425	.50	.30		
Sprinkler fitters	9.08	.40	.60		.05	
OMIT:						
Roofers helpers-Class A	7.325	.425	.35	.30		
Roofers helpers-Class B	3.60	.425	.35	.30		
DECISION #AP-851 - Mod. #1 (38 FR-17371 - June 29, 1973) Middlesex County, Connecticut						
Change:						
Building, Heavy and Highway Construction:						
Glaziers (Outside)	8.71	.52	.47			
Roofers:						
Composition	8.20	.425	.50	.30		
Slate, tile precast concrete	8.70	.425	.50	.30		
Sprinkler fitters	9.08	.40	.60		.05	
OMIT:						
Roofers Helpers-Class A	7.325	.425	.35	.30		
Roofers Helpers-Class B	3.60	.425	.35	.30		

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-852 - Mod. #1 (38 FR-17375 - June 29, 1973) New Haven County, Connecticut						
Change:						
Building, Heavy and Highway Construction:						
Bricklayers, cement masons-finishers, marble setters, plasterers, stonemasons, terrazzo workers, tile setters (Building Only):						
Ansonia-Derby	~~$~~8.62	.50	.50	n		
Meriden	8.70	.40	.25			
Remainder of County	8.95	.35+.15	.50			
Carpenters, soft floor layers, piledrivermen (Building Only).						
Milford and that part of Orange from Orange Center Road to Milford and the Oyster River	8.85	.50	.30	f		
Cheshire-Middlebury-Prospect Southbury-Waterbury-Wolcott-Beacon Falls-Naugatuck-Bethany	8.85	.50	.30	g	.03	
Remainder of County	8.80	.50	.30			
Glaziers (Wallingford)	8.71	.52	.47			
Roofers:						
Cheshire-Meriden-Prospect-Wallingford-Wolcott:						
Composition	8.20	.425	.50	.30		
Slate and tile	8.70	.425	.50	.30		
Sprinkler fitters	9.08	.40	.60		.05	
OMIT:						
Roofers:						
Composition, Helpers, Class A	7.325	.425	.35	.30		
Composition, Helpers, Class B	3.60	.425	.35	.30		
DECISION #AP-853 - Mod. #1 (38 FR-17379 - June 29, 1973) New London County, Connecticut						
Change:						
Building, Heavy and Highway Construction:						
Glaziers (Outside)	8.71	.52	.47			
Roofers:						
Composition	8.20	.425	.50	.30		
Slate, tile, precast concrete	8.70	.425	.50	.30		
Sprinkler fitters	9.08	.40	.60		.05	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-853 - Mod. #1 (cont'd)						
OMIT:						
Roofers:						
Composition, helpers, Class A	7.325	.425	.35	.30		
Composition, helpers, Class B	3.60	.425	.35	.30		
DECISION #AP-854 - Mod. #1 (38 FR-17383 - June 29, 1973) Tolland County, Connecticut						
Change:						
Building, Heavy and Highway Construction:						
Glaziers (Outside)	$8.71	.52	.47			
Roofers:						
Composition	8.20	.425	.50	.30		
Slate, tile, precast concrete	8.70	.425	.50	.30		
Sprinkler fitters	9.08	.40	.60		.05	
OMIT:						
Roofers:						
Composition Helpers, Class A	7.325	.425	.35	.30		
Composition Helpers, Class B	3.60	.425	.35	.30		
DECISION #AP-855 - Mod. #1 (38 FR-17386 - June 29, 1973) Windham County, Connecticut						
Change:						
Building, Heavy and Highway Construction						
Glaziers (Outside)	8.71	.52	.47			
Roofers:						
Composition	8.20	.425	.50	.30		
Slate, tile, precast concrete	8.70	.425	.50	.30		
Sprinkler fitters	9.08	.40	.60	.05		
OMIT:						
Roofers:						
Composition Helpers, Class A	7.325	.425	.35	.30		
Composition Helpers, Class B	3.60	.425	.35	.30		

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-11 - Mod. #2 (38 FR 21055 - August 3, 1973) Woodbury County (City of Sioux City and abutting municipalities), Iowa						
Change:						
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories.						
A new wage rate survey of heavy and highway construction projects will be completed in the immediate future. As soon as the survey is completed a new general determination reflecting the results will be published. In the interim, wage determinations for this type of construction will be handled on a project decision basis. See Regulations Part 1 (29 CFR) Section 1.5.						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-170 - Mod. #4 (38 FR 7735 - March 23, 1973) Boyd County, Kentucky						
Change:						
Power Equipment Operators:						
Class A	$7.75	.25	.25			
Class B	6.11	.25	.25			
Class C	5.67	.25	.25			
DECISION #AP-171 - Mod. #3 (38 FR 7738 - March 23, 1973) Jefferson County, Kentucky						
Change:						
Power Equipment Operators:						
Class A	$7.75	.25	.25			
Class B	6.11	.25	.25			
Class C	5.67	.25	.25			
DECISION #AP-188 - Mod. #4 (38 FR 9935 - April 20, 1973) McCracken County, Kentucky						
Change:						
Power Equipment Operators:						
Class A	$7.75	.25	.25			
Class B	6.11	.25	.25			
Class C	5.67	.25	.25			
DECISION #AP-189 - Mod. #2 (38 FR 13248 - May 18, 1973) Warren County, Kentucky						
Change:						
Power Equipment Operators:						
Class A	$7.75	.25	.25			
Class B	6.11	.25	.25			
Class C	5.67	.25	.25			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-194 - Mod. #2 (38 FR 13926 - May 25, 1973) Fayette County, Kentucky						
Change:						
Lathers	$6.99		.10			
Line Construction:						
Linemen and equipment operators	9.80	.20	1%		½ of 1%	
Groundmen truck driver	7.84	.20	1%		½ of 1%	
Groundmen truck driver with winch or pole steel handling	8.33	.20	1%		½ of 1%	
Power Equipment Operators:						
Class A	7.75	.25	.25			
Class B	6.11	.25	.25			
Class C	5.67	.25	.25			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-736 - Mod. #4 (38 FR 14609 - June 1, 1973) Rapides Parish, Louisiana						
Change:						
Carpenters:						
Millwrights	$6.65					
Carpenters	5.90					
Piledrivermen	6.40					
DECISION #AQ-4 - Mod. #1 (38 FR 19645 - July 20, 1973) Calcasieu Parish, Louisiana						
Change:						
Laborers:						
Laborers	4.94	.15	.10			
Air tool operator (except jackhammer)	5.04	.15	.10			
Mason tenders	4.94	.15	.10			
Mortar mixers & jackhammer operators	5.09	.15	.10			
Pipelayers (concrete & clay)	5.19	.15	.10			
Plasterers' tenders	4.94	.15	.10			
Roofers	6.52		.10			
Roofers' helpers	5.09		.10			
DECISION #AQ-5 - Mod. #1 (38 FR 19647 - July 20, 1973) Caddo & Bossier Parishes, Louisiana						
Change:						
Bricklayers	7.25	.20	.20			
Stonemasons	7.25	.20	.20			
DECISION #AQ-6 - Mod. #1 (38 FR 19649 - July 20, 1973) Caddo & Bossier Parishes, Louisiana						
Change:						
Bricklayers	7.25	.20	.20			
Stonemasons	7.25	.20	.20			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-8 - Mod. #3 (38 FR 20204 - July 27, 1973) Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes, Louisiana						
Change:						
Bricklayers-Stonemasons: Iberia, Lafayette, St. Martin & St. Mary Parishes	$7.65					
Carpenters:						
Carpenters: Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes	6.30					
Millwrights: Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes	7.025					
Electricians:						
Electricians: Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (that portion south of Iberia Parish), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes	8.18	.30	1%+.20		.03	

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DECISION #AQ-8 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Electricians (Cont'd):						
Cable splicers:						
Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (that portion south of Iberia Parish), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes	$8.18	.30	1%+.20		.03	
Laborers:						
Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes:						
Building and general laborer; tenders (carpenter, plasterer, cement finisher, mason); tank and vessel cleaners	4.94	.15	.10			
Air tool operators (except jackhammer); interior of closed tanks and vessels power equipment	5.04	.15	.10			
Mortar mixers and jackhammer operators	5.09	.15	.10			
Blasterers	5.85	.15	.10			
Blaster helpers; concrete cutters behind paving machine and puddlers; form setters and lines asphalt worker	5.44	.15	.10			
Wiping joints, laying pipe and tile from purperete	5.19	.15	.10			
Interior of closed tanks and vessels manually	4.99	.15	.10			
All of Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Parishes; Parts of Assumption (See Footnote "g"), St. James (See Footnote "g"), St. John the Baptist (See Footnote "g") & Tangipahoa (See Footnote "h") Parishes:						
Building and general laborers, carpenter tenders	4.58	.10	.10			

DECISION #AQ-8 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Laborers (Cont'd):						
All of Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Parishes; Parts of Assumption (See Footnote "g"), St. James (See Footnote "g"), St. John the Baptist (See Footnote "g") & Tangipahoa (See Footnote "h") Parishes:						
Power tool operators (hammer men, tamper men, vibrator, power buggies, concrete chippers or cutters, chain saw operators, etc.); pipelayers (non-metallic)	4.68	.10	.10			
Mason tenders, plastor tenders, cement mix (wet or dry) tenders, hod carrier tender; mortar mixers & cement mixers (wet or dry)	4.73	.10	.10			
Marble setters:						
Iberia, Lafayette, St. Martin & St. Mary Parishes	7.65					
Plumbers-Pipefitters:						
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (eastern 1/2 of Parish), Iberville, Lafourche (small portion of western part of Parish), Livingston (except northeast corner), Pointe Coupee (except northwest corner), St. Helena, St. James (western 1/3 of Parish), St. Landry (eastern 2/3 of Parish), St. Martin (southern part of eastern 1/2 of Parish), St. Mary (except western tip), Tangipahoa (northern 1/2 of Parish), Terrebonne (western 2/3 of Parish), West Baton Rouge & West Feliciana Parishes	7.55	.415	.525		.035	
Roofers:						
Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis & Vermilion Parishes:						
Roofers	6.52		.10			
Roofers' helpers	5.09		.10			

DECISION #AQ-8 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Roofers (Cont'd):						
Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge & West Feliciana Parishes:						
Roofers	$5.845	.35	.25		.04	
Roofers' helpers	4.34	.35	.25		.04	
Line Construction:						
Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Barnard, St. Charles, St. James, St. John the Baptist, St. Martin (that portion south of Iberia Parish), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes:						
Linemen	8.18	.30	1%+.20		.03	
Operator hole digging equipment; operator, tractor with winch & derrick; operator line truck with winch & derrick working hot lines	75%JR	.30	1%+.20		.03	
Operator using hole truck and trailer, or pole hauling and setting truck (not in energized lines)	65%JR	.30	1%+.20		.03	
Operator using truck without winch	45%JR	.30	1%+.20		.03	
Groundmen (1½ years service or over)	50%JR	.30	1%+.20		.03	
Groundmen (Starting rate to 1½ years service)	45%JR	.30	1%+.20		.03	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-813 - Mod. #3 (38 FR 12546 - May 11, 1973) Hampden County, Massachusetts						
Change:						
Sprinkler fitters	$9.08	.40	.60		.05	
Steamfitters	8.55	.45	.45	g		
DECISION #AP-913 - Mod. #1 (38 FR 17392 - June 29, 1973) Flathead, Lake, Lincoln, and Missoula Counties, Montana						
Change:						
Cement Masons:						
Lake (Northern area) and Remaining Counties	$6.15	.20				
Laborers						
Flathead, Lake (northern area) and Lincoln Counties:						
Laborers	$5.405	.37	.27			
Nozzlemen (air and water); Sandblast tail hoseman; Powderman helper; Powerdriven wheelbarrow; Rodder and spreader; Form setters (paving); Bucketman	5.555	.37	.27			
Small air tool operator incl. blow pipes, small power tools; Chuck tenders; Asphalt rakers; Dumpman; Rip rapping; Pipe wrapper; Pot tender	5.585	.37	.27			
Jackhammer; Pavement breaker; Vibrator; Mechanical tamper and other air tools; Cement handlers (sack or bulk)	5.64	.37	.27			
Lake (southern area) and Missoula Counties:						
Laborers	5.455	.37	.27		.03	
All power tools, creosote workers; Jackhammer; Marble and tile setters' tenders; Pipelayers; Pipewrappers; Pot tenders; Small concrete mixers;						
Vibrators	5.705	.37	.27		.03	
Cement masons and plaster tenders; Mason tenders; Pumpcrete, gunnite and plaster pump	5.855	.37	.27		.03	

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MODIFICATIONS P. 21

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-914 - Mod. #4 (38 FR 17396 - June 29, 1973) Statewide, Montana						
Change:						
Cement Masons (Eastern Counties): Cement masons	$5.99	.35	.25			
Grinder, bush hammer and chipping gun preparing finish surface; Epoxy	6.14	.35	.25			
Cement Masons (Western Counties): Cement masons	6.24	.35	.25			
Grinder, bush hammer and chipping gun preparing finished surface; Epoxy	6.39	.35	.25			
DECISION #AP-917 - Mod. #2 (38 FR 17415 - June 29, 1973) Big Horn, Custer, Dawson, Richland, Roosevelt, Rosebud and Yellowstone Counties, Montana						
Change:						
Custer and Dawson Counties						
General laborers	$5.24	.37	.27		.03	
Jackhammer operator; Mechanical tampers; Pipelayers (all types); Pavement breakers; Pneumatic and electric tools operators; Pipewrappers	5.46	.37	.27		.03	
Mason and plaster tenders	5.74	.37	.27		.03	
Big Horn, Rosebud and Yellowstone Cos.						
General laborers; Concrete laborers; Chuck tenders and nippers	5.39	.37	.27		.03	
Cement handler (sack or bulk); Jackhammer operator; Mortarman; Pipelayer (all types); Pipewrapper; Primerhouseman	5.16	.37	.27		.03	
Mason and plaster tenders	5.64	.37	.27		.03	
Richland and Roosevelt Counties						
Laborers	5.17	.37	.27		.03	
Air tool operator (jackhammer, vibrator)	5.42	.37	.27		.03	
Brick tenders	5.57	.37	.27		.03	
Mortar mixers	5.67	.37	.27		.03	
Pipelayers (concrete and clay)	5.42	.37	.27		.03	
Plasterers' tenders	5.67	.37	.27		.03	
Sheet Metal Workers	7.05	.32	.20		.02	

MODIFICATIONS P. 22

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-525 - Mod. #4 (38 FR 9413 - April 13, 1973) Statewide, Nebraska (except Douglas and Sarpy Counties)						
Change:						
Description of work to read "Construction, alteration and repair of streets, roads, highways (excluding bridges across navigable waterways), runways, and water and sewer utilities." Cass, Washington and that portion of Saunders County, East of Highway 109						
Cement Finishers	$7.03	.25	.25			
DECISION #AP-526 - Mod. #6 (38 FR 9937 - April 30, 1973) Douglas and Sarpy Counties, Nebraska						
Change:						
Heavy and Highway Construction: Cement Finishers	7.03	.25	.25			
DECISION #AP-420 - Mod. #3 (38 FR-7689 - March 23, 1973) Hillsboro County, New Hampshire						
Change:						
Building Construction: Glaziers	6.57	.25	.36		.02	
Laborers, Building: Common laborers, wreckers, tenders and hod carriers, asphalt rakers	5.41	.40	.35		.05	
Plasterers' tenders	5.56	.40	.35		.05	
Drillers, pavement breakers, jackhammer operators, and chipping gun operator	5.81	.40	.35		.05	
All other pneumatic tool operators on boiler and stack work	6.31	.40	.35		.05	
Boiler and stack work	5.91	.40	.35		.05	
Line Construction: Linemen	6.68	.25	17.	d		
Equipment operator	6.54	.25	17.	d		
Groundman	4.45	.25	17.	d		
Driver groundman	4.64	.25	17.	d		

MODIFICATIONS P. 23

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-806 - Mod. #2 (38 FR-12503 - May 11, 1973) Rockingham County, New Hampshire						
Change:						
Building Construction: Glaziers	6.57	.25	.36		.02	
Laborers: Building Auburn, Candia, Chester, Danville, Deerfield Center, Derry, E. Derry, Fremont, Hampstead, Londonderry, Raymond, Sandown, W. Epping, Windham and Deerfield: Common laborers, wreckers, tenders and hod carriers, asphalt rakers	5.41	.40	.35		.05	
Plasterers tenders	5.56	.40	.35		.05	
Drillers, pavement breakers, jackhammer ops., and chipping gun ops.	5.81	.40	.35		.05	
All other pneumatic tool operators on boiler and stack work	6.31	.40	.35		.05	
Boiler and stack work	5.91	.40	.35		.05	
Salem, Rockingham Park, Building and Demolition	6.80	.40	.40		.05	
Remainder of County: Building						
Laborers and pipelayers	5.41	.40	.35		.05	
Pneumatic tool operator, drillers pavement breakers	5.81	.40	.35		.05	
Blasters and powdermen	5.91	.40	.35		.05	
Plasterers' tenders	5.56	.40	.35		.05	

MODIFICATIONS P. 24

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-722 - Mod. #3 (38 FR 10588 - April 27, 1973) Harris County, Texas						
Change:						
Building Construction: Electricians[1]	$7.90	.25	3%		.04	
DECISION #AP-725 - Mod. #6 (38 FR 10597 - April 27, 1973) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas						
Change:						
Building Construction: Plumbers & Pipefitters: Zone 1 - shall extend a distance of 25 road miles beyond the police station in Amarillo & Borger	7.03	.25	.30	.35	.	
Zone 2 - shall extend a distance of 25 road miles beyond the outer perimeter of Zone 1	7.28	.25	.30	.35		
Zone 3 - shall apply to all areas not within Zone 1 or 2	7.53	.25	.30	.35		
DECISION #AP-729 - Mod. #4 (38 FR 10609 - April 26, 1973) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties, Texas						
Change:						
Building Construction: Plasterers: Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.465	.35		.50	.03	

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MODIFICATIONS P. 25

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Decision #AP-833 - Mod. #3 (38 FR 14078 - May 25, 1973) The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia						
CHANGE:						
Sheet Metal Workers	$6.10	.35	.20			

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba

DECISION NUMBER: AQ-1,015

DATE: Date of Publication

Supersedes Decision No. AP-287 dated April 6, 1973, in 38 FR 8874.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oths
ASBESTOS WORKERS	$8.75	.90	.65	1.07	.06	
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, and Trinity Counties	8.68	.83	.58	.70		
Alameda and Contra Costa Counties	9.25	.85	.65			
Fresno, Kings, Madera, Mariposa and Merced Counties	7.73	.42	.50			
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	9.60	.40	.40			
Monterey and Santa Cruz Counties	7.71	.78	.65	.75		
San Benito and Santa Clara Counties	8.50	.85	.65	.75	.01	
Amador, Alpine, Calaveras, San Joaquin, Stanislaus and Tuolumne Cos.	7.77	.33	.30	1.00		
Tulare County	7.80	.40	.40	.30	.05	
BRICK TENDERS:						
Alpine, Amador, Eldorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	6.075	.395	1.15	.50		
Alameda and Contra Costa Counties	7.20	.50	.70		.10	
Marin County	6.60	.60	.40	.65		
Napa County	6.74	.50	.60	.60		
San Benito and Santa Clara Counties	6.58	.45	.40			
Lassen, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties	5.75	.55	1.05	.70		
Stanislaus and Tuolumne Counties	5.80	.55	1.05	.70		
San Francisco and San Mateo Counties	7.45	.25	.40	.60		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
CARPENTERS:						
Carpenters	$8.25	.60	.80	.75	.02	
Hardwood floor layers; Power saw operator; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	8.40	.60	.80	.75	.02	
Millwrights	8.65	.60	.80	.75	.02	
Piledrivermen; Bridge, Wharf and dock builders	8.38	.60	.80	.75	.02	
CEMENT MASONS:						
Cement masons	7.13	.56	.75	.75		
Mastic; Magnesite; All comp. masons	7.38	.56	.75	.75		
Men working from swinging or slip form scaffolds	7.38	.56	.75	.75		
DRYWALL INSTALLERS	8.37	.60	.55	.75	.04	
ELECTRICIANS:						
Alameda County						
Electricians	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Tunnel:						
Electricians	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Amador, Colusa, Sacramento, Sutter, Yolo,Yuba and those portions of Alpine, Eldorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed						
Electricians	9.03	.41	1%+.65		.045	
Cable splicers	9.93	.41	1%+.65		.045	
Tunnel:						
Electricians	8.96	.31	1%+.55		.045	
Cable splicers	9.86	.31	1%+.55		.045	
Lake Tahoe Area:						
Electricians	9.84	.53	1%+.25		.02	
Cable splicers	10.82	.53	1%+.25		.02	
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties						
Electricians	8.64	.55	1%+.35		.005	
Cable splicers	9.50	.55	1%+.35		.005	
Tunnel:						
Electricians; Cable splicers' helpers	9.00	.42	1%+.30		.005	
Cable splicers	9.90	.42	1%+.30		.005	
Calaveras and San Joaquin Counties						
Electricians; Technicians	9.00	.49	1%		.01	
Cable splicers	10.13	.49	1%		.01	
Contra Costa County						
Electricians	9.60	.60	1%+.50		.02	
Cable splicers	10.85	.60	1%+.50		.02	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ELECTRICIANS (cont'd)						
Del Norte and Humboldt Counties						
Electricians	$8.60	.47	1%+.35		.01	
Cable splicers	9.29	.47	1%+.35		.01	
Tunnel:						
Electricians	9.46	.47	1%+.35		.01	
Cable splicers	10.32	.47	1%+.35		.01	
Fresno, Kings, Madera and Tulare Cos.						
Electricians	8.96	.50	1%+.50		.05	
Cable splicers	9.36	.50	1%+.50		.05	
Lake, Marin, Mendocino and Sonoma Cos.						
Electricians	9.45	.40	1%+.20		.02	
Cable splicers	10.35	.40	1%+.20		.02	
Mariposa, Merced, Stanislaus and Tuolumne Counties						
Electricians	9.14	.62	1%		1%	
Cable splicers	9.98	.62	1%		1%	
Monterey County						
Electricians	10.15	.55	1%		.01	
Cable splicers	11.22	.55	1%		.01	
Napa and Solano Counties						
Electricians	8.92	.58	1%+.25		.02	
Cable splicers	9.42	.58	1%+.25		.02	
San Benito and Santa Clara Counties						
Electricians	9.03	.64	1%+.35		.02	
Cable splicers	10.16	.64	1%+.35		.02	
San Francisco County						
Electricians	9.67	.705	1%+.50		.04	
Cable splicers	10.88	.705	1%+.50		.04	
San Mateo County						
Electricians	9.55	.69	1%+.25		.03	
San Cruz County						
Electricians; Technicians	9.23	.20	1%		.02	
Cable splicers	10.38	.20	1%		.02	
ELEVATOR CONSTRUCTORS	9.48	.345	.23	2%+a	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS:						
Alpine, Amador, Butte, Calaveras, El Dorado, Mariposa, Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Tuolumne, Yolo, Yuba, and Merced (North of the City of Livingston) Counties	7.77	.25	.55	8%		
Alameda, Contra Costa, Lake, Marin, Mendocino (Southern half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (SW from E. of Fairfield), Sonoma Counties	8.455	.35	.55	.24	.01	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GLAZIERS: (cont'd)						
Merced (Remainder of County), Fresno, Kings, Madera and Tulare Counties	$7.25	.35	.55	.61	.05	
IRONWORKERS:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.75	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	
LATHERS:						
Alameda and Contra Costa Counties	7.84	.34	.385		.025	
Butte, Colusa, Glenn, Humboldt, Lake, (That portion of County from Lakeport up to county line), Nevada, Placer, Plumas, Shasta, Sierra, Tehama and Trinity Counties	7.68	.43	.40		.01	
Calaveras and San Joaquin Counties	7.20	.25	.20	.80		
Lake (from City of Lakeport down to county line), Marin, Mendocino and Sonoma Counties	6.71	.37	.45	.91	1/8%	
Monterey and Santa Cruz Counties	7.10	.40	.40	.20	.01	
Napa and Solano Counties	6.83	.60	.40	1.00	.01	
San Francisco County	8.23	.46	.65	1.00	.01	
San Benito and Santa Clara Counties	7.73	.30	.25			
LINE CONSTRUCTION:						
Alameda County						
Groundmen	6.575	.50	4%			
Linemen	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer, and Sierra Counties excluding Lake Tahoe Area						
Line Equipment Operators	6.19	.31	1%+.55		.045	
Linemen	6.88	.31	1%+.55		.045	
Cable splicers	7.57	.31	1%+.55		.045	
Remaining portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties (Lake Tahoe Area)						
Groundmen	6.59	.33	1%+.25		.01	
Line Equipment Operator	7.91	.33	1%+.25		.01	
Linemen	8.79	.33	1%+.25		.01	
Cable splicers	9.67	.33	1%+.25		.01	
Contra Costa County						
Groundmen	7.33	.60	1%+.50		.02	
Line equipment operator	8.69	.60	1%+.50		.02	
Linemen	9.60	.60	1%+.50		.02	
Cable splicers	10.85	.60	1%+.50		.02	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION: (cont'd)						
Fresno, Kings, Madera & Tulare Cos.						
Line equipment operators	$8.96	.50	1%+.50		.05	
Linemen	8.96	.50	1%+.50		.05	
Cable splicers	9.36	.50	1%+.50		.05	
Mariposa, Merced, Stainslaus and Tuolumne Counties						
Linemen	9.14	.62	1%		1%	
Cable splicers	9.98	.62	1%		1%	
Monterey County						
Groundmen	7.62	.55	1%		.01	
Equipment operators; Linemen	10.16	.55	1%		.01	
Cable splicers	11.23	.55	1%		.01	
Napa and Solano Counties						
Groundmen	6.69	.58	1%+.25		.02	
Line equipment operators	8.02	.58	1%+.25		.02	
Linemen	8.92	.58	1%+.25		.02	
Cable splicers	9.42	.58	1%+.25		.02	
Santa Cruz County						
Groundmen	8.09	.20	1%		.02	
Cable splicers	10.38	.20	1%		.02	
Linemen	9.23	.20	1%		.02	
MARBLE SETTERS	8.23	.74	.51	1.03		
PAINTERS:						
Butte, Colusa, Glenn, Lassen (except extreme S.E. corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties						
Brush; Roller	5.40	.35	.25	1.05		
Spray; Sandblast; Structural steel; Swingstages; Tapers	5.65	.35	.25	1.05		
Alpine, Amador, Calaveras, and San Joaquin Counties						
Brush	6.62	.50	.55	.80		
Spray; Sheetrock taper; Swingstage; Scaffold; Sandblaster; Structural steel	6.92	.50	.55	.80		
Fresno, Kings, Madera, Tulare Cos.						
Brush; Tapers	7.32	.40	.20			
Spray	7.57	.40	.20			
Structural steel	7.57	.40	.20			

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PAINTERS: (cont'd)						
Alameda, Contra Costa, Eldorado, Lake, Marin, Mendocino, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, Sao Mateo, Santa Clara, Santa Cruz, Sierra, Solano, Sonoma and Yolo Counties (Excluding portions of Counties in the Lake Tahoe Area):						
Brush	$7.77	.64	.65	.80		
Spray	8.02	.64	.65	.80		
Tapers	8.27	.64	.65	.80		
Del Norte, Humboldt Counties						
Brush	6.40	.35	.20			
Paperhangers; Spray; Steel; Tapers	6.65	.35	.20			
Mariposa, Merced, Stanislaus and Tuolumne Counties						
Brush	6.30	.35		.75	.02	
Paperhangers; Spray; Tapers	6.55	.35		.75	.02	
Lake Tahoe Area						
Brush	8.10	.30	.20			
Spray; Structural steel; Tapers	8.35	.30	.20			
PAINTERS:						
Parking Lot Striping Work and/or Highway Markers:						
Fresno, Kings and Tulare Counties						
Traffic delineating device applicator	6.27	.20	.20	b		
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	5.88	.20	.20	b		
Helper, Traffic surface sandblaster; Wheel stop installer, traffic surface protective coating applicator, striper	5.38	.20	.20	b		
Remaining Counties						
Traffic delineating device applicator; Traffic surface protective coating applicator; Wheel stop installer; Traffic surface sandblaster	6.27	.35	.20	b		
Helper (Traffic surface sandblaster; Wheel stop installer, protective coating applicator)	5.77	.35	.20	b		
Striper	7.37	.35	.20	b		
Helper (Striper)	6.37	.35	.20	b		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PLASTERERS:						
Alameda and Contra Costa Counties	$8.24	.575	.45		.01	
Butte, Colusa, Glenn, Lassen (southeastern half of Lassen County), Plumas, Sierra, Sutter, and Yuba Cos.	6.05	.25	.25	.50	.01	
Fresno, Kings, Madera and Tulare Cos.	7.59	.56	.50			
Monterey County	8.03	.46	.35		.01	
El Dorado, Nevada, Placer, Sacramento and Yolo Counties	7.65	.245	.25	.65		
San Benito and Santa Clara Counties	7.63	.59	.50	.80	.01	
San Francisco County	7.27	.48	.85	1.50	.02	
San Mateo County	7.45	.43	.55	1.17		
Del Norte, Humboldt, Lassen (northwestern half of Lassen Co.), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties	7.55	.53	.35	1.00	.01	
Mariposa, Merced, Stanislaus and Tuolumne Counties	6.30	.65	.60	1.00		
PLASTERERS' TENDERS:						
Alameda and Contra Costa Counties	7.97	.50	.80		.10	
Fresno, Kings, and Madera Counties	5.55	.55	1.05	.70		
Marin County	6.30	.60	.40	1.00		
Napa County	6.65	.55		.80		
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra, and Yolo Counties	6.45	.395	1.05	.70		
San Francisco and San Mateo Counties	7.50	.25	.40	.95		
San Benito and Santa Clara Counties	7.75	.60	.55			
Lassen, Modoc, Shasta, Siskiyou, Tehama, and Trinity Counties	5.75	.55	1.05	.70		
Stanislaus and Tuolumne Counties	5.95	.55	1.05	.70		
Monterey and Santa Cruz Counties	6.12	.55	1.05	.46		
PLUMBERS:						
Alameda County	9.88	.65	1.00		.10	
Contra Costa County	10.02	.53	1.00		.16	
PLUMBERS; Steamfitters:						
Del Norte and Humboldt Counties	7.60	.48	1.06	1.00	.05	
Amador (northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer, and Sierra Counties (excluding Lake Tahoe Area)	8.98	.75	1.05		.11	
Lake Tahoe Area	7.85	.30	.60	1.55	.07	
Marin, Mendocino, San Francisco and Sonoma Counties	8.23	1.47	.705	.755	.135	
San Benito and Santa Clara Counties	8.81	.61	.95	.72	.10	
San Mateo County	8.305	.635	.95	.97	.175	
Alpine, Amador (southern portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, and Yuba Counties	8.39	.77	.79		.03	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PLUMBERS; Steamfitters (cont'd)						
Lake, Napa and Solano Counties	$9.40	.60	.58		.07	
ROOFERS:						
Alameda and Contra Costa Counties						
Roofers	7.55	.48	.75	.30	.01	
Mastic workers; Kettlemen (2 kettles w/o pumps)	7.80	.48	.75	.30	.01	
Bitumastic; Enamelers; Pipewrapper; Coal tar built up	8.55	.48	.75	.30	.01	
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus and Tuolumne Counties						
Roofers (slate, tile composition and built up)	6.94	.50	.30	.75		
Felt machine operator	7.19	.50	.30	.75		
Butte, Colusa, Eldorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties						
Roofers	7.54	.50	.40			
Fresno, Kings, Madera, and Tulare Cos.						
Roofers	7.95	.50	.50			
Lake, Mendocino, and Sonoma Counties						
Roofers	7.09	.50	.70	.78	.01	
Kettlemen (2 kettles w/o pumps)	7.34	.50	.70	.78	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar pitch built up	8.09	.50	.70	.78	.01	
Marin County						
Roofers	6.77	.45	.70	1.15	.01	
Mastic workers; Kettlemen (2 kettles w/o pumps)	7.02	.45	.70	1.15	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	7.77	.45	.70	1.15	.01	
Monterey and Santa Cruz Counties						
Roofers	7.45	.30	.50	1.00		
San Francisco and San Mateo Counties						
Roofers	7.00	.50	.70	.85	.01	
Mastic workers and kettlemen (2 kettles) without pumps	7.25	.50	.70	.85	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	8.00	.50	.70	.85	.01	
Napa and Solano Counties						
Roofers	6.88	.35	.55	.62		
Amador, Sacramento and Yolo Counties						
Roofers (slate, tile and composition)	6.72	.58	.50			
Enameler and pitch	7.47	.58	.50			
Santa Benito and Santa Clara Counties						
Roofers; Kettlemen (1 kettle)	7.11	.46	.63	1.00		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
SHEET METAL WORKERS:						
Alameda and Contra Costa Counties	$7.25	.39	.505	10%c	.015	
Alpine, Calaveras, & San Joaquin Cos.	6.375	.36	.50	1.00		
Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	7.76	.46	1.00	12%	.07	
Del Norte, Humboldt, & Trinity Cos.	8.18	.38	.83			
Fresno, Kings, Madera & Tulare Cos.	8.20	.48	.79		.07	
Lake, Marin, Mendocino, Napa, Sonoma, and Solano Counties	8.55	.36	.44		.15	
Mariposa, Merced, Stanislaus and Tuolumne Counties	8.83	.36	.60		.03	
Monterey, San Benito, Santa Clara, and Santa Cruz Counties	8.10	.38	.81	10%		
San Francisco County	8.48	.38	.55		10%	
San Mateo County	8.35	.38	.62		2%	
SOFT FLOOR LAYERS:						
Alameda, Contra Costa, Napa and Solano Counties	7.50	.36	.30	.92d	.05	
Alpine, Amador, Butte, Calaveras, Colusa, Glenn, Lassen (excluding Honey Lake Area), Merced (east of the San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area	7.455	.495	.45	1.00	.07	
Honey Lake Area and Lake Tahoe Area	8.35	.30	.20			
Fresno, Kings, Madera, Tulare Cos.	8.80	.20				
Lake, Marin, Mendocino, San Francisco, San Mateo, and Sonoma Counties	7.60	.50	.55	e	.04	
Monterey, San Benito, Santa Clara and Santa Cruz Counties	7.39	.35	.30	.89	.05	
SPRINKLER FITTERS:						
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties	10.71	.30	.50		.02	
SPRINKLER FITTERS:						
Remaining Counties	11.30	.30	.50		.05	
STEAMFITTERS:						
Alameda and Contra Costa Counties	9.415	.30	.65		.005	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TERRAZZO WORKERS:						
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, Trinity Cos.	$7.89	.83	.58	1.00		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	9.60	.40	.40			
Fresno, Kings, Madera and Tulare Cos.	7.12	.30				
TILE SETTERS:						
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Siskiyou, Solano, Sonoma, Trinity, Counties	7.65	.62	.70	.80	.015	
Alpine, Amador, Calaveras, San Joaquin Counties	7.17	.33		.65		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	7.25	.56	.35	.80	.015	
Fresno, Kings, Madera and Tulare Cos.	7.12	.30				
Monterey and Santa Cruz Counties	8.27	.665	.64			
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation in 1st year's service, $.20 per hour after 1 year's service but less than 5 years' service, $.30 per hour after 5 years' service but less than 10 years' service, and $.40 per hour after 10 years' service.

c. Four paid holidays: C, D, E, and Washington's Birthday.

d. 1st year employment employer contributes $.14 per hour to Vacation; 2nd thru 5th year $.30 per hour; 6th year and thereafter $.46 per hour.

e. Employer contributes $.75 1st 5 years; $.90 after 5 years to Vacation and Holiday Fund.

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
BRIDGE; Brush loaders and piler; Cleanup; Dumpman; General; Landscape; Limbers; Tool room attendant	$ 5.535	.65	1.35	.80	.10	
ASPHALT SHOVELERS; Cement dumper; Chipper; Choker setter and rigger; Chucktender; Concrete; Guinea chaser; High pressure nozzleman; Hydraulic monitor; Nipper; Pneumatic, gas and electric tool operator (not otherwise classified); Sloper; Loading, unloading, handling materials for reinforcing concrete construction	5.635	.65	1.35	.80	.10	
ASPHALT IRONERS AND RAKERS; Bucker; Buggymobile; Chainsaw; Compactors; Concrete saw and pan work; Cribber and/or shoring; Curb setter; Form raiser; Faller; Headerboard man; Post hole digger (air, gas, or electric); Jackhammer; Kettlemen; Log loader; Magnesite and mastic workers; Pavement breaker; Pipelayers; Pipewrappers; Power broom sweeper; Riprap stonepaver and rockslinger; Rotary scarifier; Rototiller; Sandblaster; Barko, wackers and similar type tampers; Tank cleaners; Tree climber; Vibrator; Vibra-screed bull float	5.785	.65	1.35	.80	.10	
BURNING AND WELDING	5.835	.65	1.35	.80	.10	
BLASTERS; Drills (diamond or wagon); High scaler; Powderman; Tree topper	6.01	.65	1.35	.80	.10	
LABORERS on general construction work on or in bell hole footings and shaft	6.335	.65	1.35	.80	.10	
GUNITE LADOKERS:						
NOZZLEMEN; Rodmen; Gunmen; Groundmen	6.245	.65	1.35	.80	.10	
REBOUNDMEN	5.655	.65	1.35	.80	.10	
CONTRA COSTA COUNTY ONLY: PIPELAYERS, Caulkers, Banders	5.985	.65	1.35	.80	.10	

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TUNNEL LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Diamond Driller; Groundmen; Gunite or Shotcrete Nozzlemen; Rodmen; Shaft Work & Raise (below actual or excavated ground level)	$6.565	.55	1.05	.70	.06
Bit Grinder; Blaster, Drillers, Powdermen-Heading; Cherry Pickermen-where car is lifted; Concrete Finisher in Tunnel; Concrete Screed Man; Grout Pumpman & Potman; Gunite & Shotcrete Gunmen & Potmen; Headermen; High Pressure Nozzleman; Miners-Tunnel, including top & bottom man on shaft & raise work; Nipper Nozzleman on slick line; Sandblaster-Potman (work assignment interchangeable) Steel Form Raisers & Setters; Timberman, Retimberman-Wood or Steel or substitute materials therefore; Tugger	6.315	.55	1.05	.70	.06
Cabletender; Chucktender; Powderman-Priner House; Vibratormen, Pavement Breakers	6.165	.55	1.05	.70	.06
Bull Gang-Muckers, Trackmen; Concrete Crew-Includes rodding & Spreading; Dumpmen (Any method); Grout Crew; Reboundmen; Swamper	6.065	.55	1.05	.70	.06
Compressed Air Operations:					
1 lb. - 14 lbs., 6 hrs. work	60.13	.55	1.05	.70	.06
Over 14 lbs. - 18 lbs., 6 hrs. work	63.24	.55	1.05	.70	.06
Over 18 lbs. - 22 lbs., 4 hrs. work	63.18	.55	1.05	.70	.06
Over 22 lbs. - 26 lbs., 4 hrs. work	68.07	.55	1.05	.70	.06
Over 26 lbs. - 32 lbs., 4 hrs. work	70.83	.55	1.05	.70	.06
Over 32 lbs. - 38 lbs., 3 hrs. work	73.93	.55	1.05	.70	.06
Over 38 lbs. - 44 lbs., 2 hrs. work	75.43	.55	1.05	.70	.06
Outside lock and guage tender per 6 hour shift	52.69	.55	1.05	.70	.06

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I					
ASSISTANTS TO ENGINEERS (Brakeman; Fireman; Heavy duty repairman helper; Oiler; Deckhand; Signalman; Switchman; Tar pot fireman); Partsman (Heavy duty repair shop parts room) AREA 1	$6.63	.80	1.00	.60	.24
AREA 2	7.76	.80	1.00	.60	.24
GROUP II					
COMPRESSOR OPERATOR; Concrete mixer (up to & incl. 1 yd.); Conveyor belt op. (tunnel); Fireman hot plant; Hydraulic monitor; Mechanical conveyor (handling building materials); Mixer box operator (concrete plant); Pump operator; Spreader boxman (with screeds); Tar pot fireman (power agitated) AREA 1	6.91	.80	1.00	.60	.24
AREA 2	8.04	.80	1.00	.60	.24
GROUP III					
BOX OPERATOR (bunker); Locomotive; Motorman; Oiler; Rodman or chainman; Ross carrier(construction job site); Rotomist operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching machine (maximum digging capacity 3 ft. depth); Tugger hoist, single drum AREA 1	7.08	.80	1.00	.60	.24
AREA 2	8.21	.80	1.00	.60	.24
GROUP IV					
BALLAST JACK TAMPER; Ballast regulator; ballast tamper multi-purpose; boxman (asphalt plant); Fork lift or lumber stacker (construction job site); Line Master; Lubrication & service engineer (mobile and grease rack); Material hoist (1 drum); Shuttlecar; Tie spacer Towermobile AREA 1	7.53	.80	1.00	.60	.24
AREA 2	8.66	.80	1.00	.60	.24
GROUP V					
COMPRESSOR OPERATOR (2 to 7); Concrete mixers (over 1 yd.); Concrete pumps or pumpcrete guns; Generators (100 K.W. or over); Press-weld (air-operated); Pumps (2 to 7); Welding machines (gasoline or diesel) (2 to 7) AREA 1	7.70	.80	1.00	.60	.24
AREA 2	8.83	.80	1.00	.60	.24

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP VI						
BLH LIMA ROAD PACTOR or similar; Boom truck or dual purpose A-frame truck; Concrete batch plants (wet or dry); Concrete saws (self-propelled unit) on streets, highways, airports, and canals; Drilling and boring machinery, vertical & horizontal (not to apply to waterliners, wagon drills or jackhammers); Gradesetter, grade checker (mechanical or otherwise); Highline cableway signalman; Locomotives (steam or over 30 tons) Maginnis internal full slab vibrator (on airports, highways, canals & warehouses); Mechanical finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical burm, curb and/or curb and gutter machine, concrete or asphalt; Portable crushers; Power jumbo operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene & similar) (asphaltic concrete paving); Self-propelled compactor (single engine); Self-propelled pipeline wrapping machine (perault, CRC, or similar types); Slip forms pumps (lifting device for concrete forms); Small rubber tired tractors; Surface heater AREA 1	7.81	.80	1.00	.60	.24	
AREA 2	8.94	.80	1.00	.60	.24	

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POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP VII CONCRETE CONVEYOR OR CONCRETE PUMP, Truck or equipment mounted (boom length to apply); Concrete conveyor, building site; Deck engineers; Dual drum mixer; Fuller Kenyon pump and similar types; Instrument man; Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene and similar; Mine or shaft hoist; Mixer-mobile; Pavement breaker with or without compressor combination; Pavement breaker, Truck mounted with compressor combination; Pipe bending machine (pipe lines only); Pipe cleaning machine (tractor propelled & supported); Pipe wrapping machine (tractor propelled and supported); Refrigeration plant; Self-propelled boom type lifting device; Self-propelled elevating grade plane; Slusher operator; Small tractor (with boom); Soil tester; Truck type loader	AREA 1	7.94	.80	1.00	.60	.24
	AREA 2	9.07	.80	1.00	.60	.24
GROUP VIII ARMOR-COATER (or similar); Asphalt plant engineer; Cast-in-place pipe laying machine; Combination slusher and motor operator; Concrete batch plant (multiple units); Dozer; Heavy duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; Loader (up to 2 yds.); Mechanical shield operator (or similar); Mechanical trench shield; Portable crushing & screening plants; Push cat; Rubber tired earth moving equipment (up to & incl. 45 cu. yds. "struck" m.r.c., euclids, T-pulls, DW-10,20,21 and similar); Tractor drawn scraper; Self-propelled compactor with dozer; Sheepfoot; Tractor; Trenching machine; Tri-batch paver; Tunnel mole boring machine operator; Welder; Woods-mixer (and other similar pugmill equipment)	AREA 1	8.26	.80	1.00	.60	.24
	AREA 2	9.39	.80	1.00	.60	.24

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POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP IX CANAL FINGER DRAIN DICCER; Chicago boom; Combination mixer & compressor (gunite); Combination Slurry mixer and/or cleaner; Highline cableway (5 tons & under); Lull hi-lift or similar (20 ft. or over); Mucking machine; Tractor (with boom) (D-6 or larger and similar)	AREA 1	8.44	.80	1.00	.60	.24
	AREA 2	9.57	.80	1.00	.60	.24
GROUP X BOOM-TYPE BACKFILLING MACHINE; Bridge crane; Cary-lift (or similar); Chemica grouting machine; Chief of party; Combination backhoe & loader (up to and incl. 1/2 cu. yd. m.r.c.); Derricks (2 operators required when swing engine remote from hoist); Derrick barges (except excavation work); Do-more loader & Adams elegrader; Elevating grader op.; Rubber tired scraper, self-loading (paddle wheels, etc.); Heavy duty rotary drills rigs (incl. caisson foundation work & Robbins type drills) Koehring Skooper (or similar); Lift slab machine (Vagtborg & similar types); Loader (2 yds. up to & incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple engine earth-moving machine (euclids, dozers, etc.) (no tandem scraper); Prestress wire wrapping machine; Shuttle car (reclaim station); Soil stabilizer (P & H or equal); Subgrader (gurries or other automatic type); Track laying type-Earth moving machine (single engine with tandem scrapers); Tractor, compressor drill combination; Train loading station; Vacuum cooling plant; Single engine scraper over 45 yds.; Whirley crane (up to & incl. 25 tons)	AREA 1	8.60	.80	1.00	.60	.24
	AREA 2	9.73	.80	1.00	.60	.24

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POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP X - A BACKHOE (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination backhoe and loader over 1/2 cu. yd. m.r.c.); Continuous flight tie back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead & gantry); Grade all (up to and incl. 1 cu. yd.); Power shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power blade; Self-propelled boom-type lifting device (center mount) (over 10 tons); Self-propelled boom-type lifting device (center mounted) (over 15 tons)	AREA 1	8.69	.80	1.00	.60	.24
	AREA 2	9.82	.80	1.00	.60	.24
GROUP XI AUTOMATIC CONCRETE SLIP FORM PAVER; Automatic railroad car dumper; Canal finger drain backfiller; Canal trimmer; Canal trimmer w/ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous flight tie back Auger over 1 cu. yd. (incl. crane); Drott travelift 650-A-1 or similar (45 tons or over); Rubber tired earth moving machines (multiple propulsion power units & two or more scrapers) (up to & incl. 75 cu. yds. "struck" m.r.c.); Highline cableway (over 5 tons); Loader (over 4 yds. up to & incl. 12 cu. yds.); Power blades operator (multi-engine); Power shovels, Clamshells, Draglines, Backhoes, Gradalls, (over 1 yd. up to & incl. 7 cu. yds. m.r.c.); Self-propelled compactor (with multiple propulsion power units); Slip form paver (concrete to asphalt); Tandem cats; Tower cranes mobile; Trencher (pulling attached shield); Tower cranes mobile; Single engine rubber tired earth moving machine (with tanden scrapers); Universal Liebher and Tower cranes (and similar types); Wheel excavator (up to & incl. 750 cu yds. per hour); Whirley cranes (over 25 tons)	AREA 1	8.83	.80	1.00	.60	.24
	AREA 2	9.96	.80	1.00	.60	.24

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POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP XI - A LOADER (over 12 cu. yds. up to & incl. 18 cu. yds.); Rubber tired multi-purpose earth moving machine (2 units) (over 75 cu. yds. "struck" m.r.c.); Power shovels & draglines (over 7 cu. yds. m.r.c.); Band wagons (in conjunctien with wheel excavator) Wheel excavator (over 750 yds. per hour); Cranes (over 125 tons)	AREA 1	9.70	.80	1.00	.60	.24
	AREA 2	10.83	.80	1.00	.60	.24
GROUP XI - B LOADER (over 18 cu. yds.)	AREA 1	9.92	.80	1.00	.60	.24
	AREA 2	11.05	.80	1.00	.60	.24
GROUP XI - C OPERATOR OF HELICOPTER (when used in erection work); Remote controlled earth moving equipment	AREA 1	10.15	.80	1.00	.60	.24
	AREA 2	11.28	.80	1.00	.60	.24

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PILEDRIVING	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1 ASSISTANT TO ENGINEER (Fireman, Oiler, Deckhand)	$6.69	.80	1.00	.60	.24
GROUP 1a COMPRESSOR OPERATOR	6.96	.80	1.00	.60	.24
GROUP 1b TRUCK CRANE OILER	7.08	.80	1.00	.60	.24
GROUP 11a TUGGER HOIST (Hoisting material only)	7.59	.80	1.00	.60	.24
GROUP 11b COMPRESSOR OPERATOR (2-7); Generator (100 k.w. or over); Pump (2-7); Welding machine (2-7) powered other than by electricity)	7.76	.80	1.00	.60	.24
GROUP 111 DECK ENGINEER; Fork lift; A-frame; Self-propelled boom-type lifting device	8.00	.80	1.00	.60	.24
GROUP 111a HEAVY DUTY REPAIRMAN AND/OR WELDER	8.31	.80	1.00	.60	.24
GROUP IV OPERATING ENGINEER IN LIEU OF ASSISTANT TO ENGINEER TENDING BOILER OR COMPRESSOR ATTACHED TO CRANE PILEDRIVER; Operator of piledriving rigs, skid or floating and derrick barges; Operator of diesel or gasoline powered crane piledriver (w/o boiler) up to & incl. 1 cu. yd.; Truck crane (up to & incl. 25 tons hoisting material only)	8.76	.80	1.00	.60	.24
GROUP V OPERATOR OF DIESEL OR GASOLINE POWERED CRANE PILEDRIVER WITHOUT BOILER, OVER 1 cu. yd.; Operator of crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered crawler, or Universal type driver (Raymond or similar type); Truck crane (over 25 tons hoisting material or performing piledriving work)	8.88	.80	1.00	.60	.24

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HYDRAULIC SUCTION DREDGES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BARGEMEN; Deckhand; Fireman; Leveehand; Oiler	$6.71	.65	1.00	.60	.19
WINCHMAN (stern winch on dredge)	7.30	.65	1.00	.60	.19
DECKMATE	7.40	.65	1.00	.60	.19
WATCH ENGINEER; Welder	7.95	.65	1.00	.60	.19
LEVERMAN	8.64	.65	1.00	.60	.19
CLAMSHELL & DIPPER DREDGES					
DECKHAND; Fireman; Oiler	6.71	.65	1.00	.60	.19
DECK ENGINEER	8.04	.65	1.00	.60	.19
WELDER; Mechanic welder	8.36	.65	1.00	.60	.19
CLAMSHELL OP. (up to & incl. 7 cu. yds. m.v.c.)(long boom pay)	8.94	.65	1.00	.60	.19
CLAMSHELL OP. (over 7 cu. yds. m.v.c) (long boom pay)	9.02	.65	1.00	.60	.19

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver; Concrete pump machine; Concrete pump truck(when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Vacuum truck helpers; Warehousemen	$6.075	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dumpcrete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit-industrial lift, mechanical tailgate); Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	6.17	.765	.50	.75	
JETTING TRUCK & WATER TRUCK (under 2,500 gals)	6.185	.765	.50	.75	
LIFT JITNEYS, Fork lift	6.205	.765	.50	.75	
TRANSIT MIX, AGITATOR (under 6 yds.)	6.225	.765	.50	.75	
TRUCK REPAIRMAN HELPER	6.245	.765	.50	.75	
VACUUM TRUCK (under 3,500 gals)	6.255	.765	.50	.75	
SCISSOR TRUCK; Single unit flat rack (3 axle unit-industrial lift truck, mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	6.27	.765	.50	.75	
JETTING TRUCK & WATER TRUCK (2,500 gals under 4,000 gals)	6.285	.765	.50	.75	
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds.& under 8 yds.)	6.325	.765	.50	.75	

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TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
VACUUM TRUCK (3,500 gals & under 5,500 gals)	6.335	.765	.50	.75		
RUBBER-TIRED MUCK CAR (not self-loaded)	6.345	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	6.37	.765	.50	.75		
A-FRAME, WINCH TRUCKS; Buggymobile; Hydro-lift, Swedish crane type (jetting) Jetting & water truck (4,000 gals & under 5,000 gals); Rubber tired jumbo	6.385	.765	.50	.75		
HEAVY DUTY TRANSPORT (high bed)	6.39	.765	.50	.75		
ROSS HYSTER & SIMILAR STRADDLE CARRIER	6.415	.765	.50	.75		
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	6.425	.765	.50	.75		
VACUUM TRUCK (5,000 gals & under 7,500 gals)	6.435	.765	.50	.75		
JETTING TRUCK & WATER TRUCK (5,000 gals & under 7,000 gals)	6.485	.765	.50	.75		
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	6.525	.765	.50	.75		
HEAVY DUTY TRANSPORT (gooseneck lowbed)	6.62	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, 8 yds. & incl. 12 yds. water level); Dump (8 yds. & incl. 12 yds. water level);Dumpcrete (8 yds. & incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. & incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds & incl. 12 yds. water level); Dumpster (8 yds. & incl. 12 yds. water level)	6.61	.765	.50	.75		

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TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	6.625	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 12 yds. & incl. 18 yds. water level); Dump (over 12 yds. & incl. 18 yds.water level); Dumpcrete (over 12 yds. & incl. 18 yds. water level); Dumpster (over 12 yds. & incl. 18 yds. water level); Skids (debris box, over 12 yds. & incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. & incl. 18 yds. water level)	6.65	.765	.50	.75		
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	6.71	.765	.50	.75		
TRUCK REPAIRMAN	6.745	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); ~~Combination dump & dump trailer;~~ Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	6.735	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35. yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneaupuls, Toucnorocker, Euclid & similar type equipment when pulling Aqua/Psk or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	6.81	.765	.50	.75		

TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds & incl. 50 yds. watar level)	6.96	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	7.11	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	7.26	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level); Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level); Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	7.41	.765	.50	.75		

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundery of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N,range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W.corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

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CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Amador, Calaveras, Contra Costa, Del Norta, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba

DECISION NUMBER: AQ-1,016

DATE: Date of Publication

Supersedes Decision No. AP-905 dated May 18, 1973, in 38 FR 13139.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.75	.90	.65	1.07	.06	
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	8.68	.83	.58	.70		
Alameda and Contra Costa Counties	9.25	.85	.65	.70		
Fresno, Mariposa and Merced Counties	7.73	.42	.50			
Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	9.60	.40	.40			
Monterey and Santa Cruz Counties	7.71	.78	.65	.75		
San Benito and Santa Clara Counties	8.50	.85	.65	.75	.01	
Amador, Calaveras, San Joaquin and Tuolumne Counties	7.77	.33	.30	1.00		
BRICK TENDERS:						
Alameda and Contra Costa Counties	7.20	.50	.70		.10	
Marin County	6.60	.60	.40	.65		
Napa County	6.74	.50	.60	.60		
San Benito and Santa Clara Counties	6.58	.45	.40			
San Francisco and San Mateo Counties	7.45	.25	.40	.60		
Shasta and Tehama Counties	5.75	.55	1.05	.70		
Amador, Eldorado, Nevada, Placer, Sacramento and Yolo Counties	6.075	.395	1.15	.50		
CARPENTERS:						
Carpenters	8.25	.60	.80	.75	.02	
Hardwood floor layers; Power saw op.; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	8.40	.60	.80	.75	.02	
Piledrivermen; Bridge, wharf and dock builders	8.38	.60	.80	.75	.02	
Millwrights	8.65	.60	.80	.75	.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CEMENT MASONS:						
Cement masons	$7.13	.56	.75	.75		
Mastic; Magnesite; All comp. masons Men working from swinging or slip form scaffolds	7.38	.56	.75	.75		
DRYWALL INSTALLERS	7.38	.56	.75	.75		
ELECTRICIANS:	8.37	.60	.55	.75	.04	
Alameda County						
Electricians	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Tunnel:						
Electricians	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Amador, Sacramento, Sutter, Yolo, Yuba, and those portions of Eldorado, Nevada, and Placer Counties West of the Main Sierra Mountain Watershed						
Electricians	9.03	.41	1%+.65		.045	
Cable splicers	9.93	.41	1%+.65		.045	
Tunnel:						
Electricians	8.96	.31	1%+.55		.045	
Cable splicers	9.86	.31	1%+.55		.045	
Lake Tahoe Area						
Electricians	9.84	.53	1%+.25		.02	
Cable splicers	10.82	.53	1%+.25		.02	
Shasta and Tehama Counties						
Electricians	8.64	.55	1%+.35		.005	
Cable splicers	9.50	.55	1%+.35		.005	
Tunnel:						
Electricians; Cable splicers' helpers	9.00	.42	1%+.30		.005	
Cable splicers	9.90	.42	1%+.30		.005	
Calaveras and San Joaquin Counties						
Electricians; Technicians	9.00	.49	1%		.01	
Cable splicers	10.13	.49	1%		.01	
Contra Costa County						
Electricians	9.60	.60	1%+.50		.02	
Cable splicers	10.85	.60	1%+.50		.02	
Del Norte and Humboldt Counties						
Electricians	8.60	.47	1%+.35		.01	
Cable splicers	9.29	.47	1%+.35		.01	
Fresno County						
Electricians	8.96	.50	1%+.50		.05	
Cable splicers	9.36	.50	1%+.50		.05	
Marin and Sonoma Counties						
Electricians	9.45	.40	1%+.20		.02	
Cable splicers	10.35	.40	1%+.20		.02	
Mariposa, Merced and Tuolumne Counties						
Electricians	9.14	.62	1%		1%	
Cable splicers	9.98	.62	1%		1%	
Monterey County						
Electricians	10.15	.55	1%		.01	
Cable splicers	11.22	.55	1%		.01	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ELECTRICIANS: (cont'd)						
Napa and Solano Counties						
Electricians	$8.92	.58	1%+.25		.02	
Cable splicers	9.42	.58	1%+.25		.02	
San Benito and Santa Clara Counties						
Electricians	9.03	.64	1%+.35		.02	
Cable splicers	10.16	.64	1%+.35		.02	
San Francisco County						
Electricians	9.67	.705	1%+.35		.04	
Cable splicers	10.88	.705	1%+.35		.04	
San Mateo County						
Electricians	9.55	.43	1%+.15		.03	
Santa Cruz County						
Electricians - Technicians	9.23	.20	1%		.02	
Cable splicers	10.38	.20	1%		.02	
ELEVATOR CONSTRUCTORS	9.48	.345	.23	2%+a	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS:						
Amador, Calaveras, Eldorado, Mariposa, Nevada, Placer, Sacramento, San Juaquin, Shasta, Sutter, Tehama, Tuolumne, Yolo, Yuba and Merced (North of the City of Livingston), Counties	7.77	.25	.55	8%	.01	
Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (SW from E. of Fairfield), Sonoma Cos.	8.455	.35	.55	.24	.01	
Merced (Remainder of County) and Fresno County	7.25	.35	.55	.61	.05	
IRONWORKERS:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.75	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	
LATHERS:						
Alameda and Contra Costa Counties	7.84	.34	.385		.025	
Nevada, Placer and Shasta and Tehama Counties	7.68	.43	.40		.01	
Calaveras and San Joaquin Counties	7.20	.25	.20	.80		
Marin and Sonoma Counties	6.71	.37	.45	.91	1/8%	
Monterey and Santa Cruz Counties	7.10	.40	.40	.20	.01	
Napa and Solano Counties	6.83	.60	.40	1.00	.01	
San Francisco County	8.23	.46	.65	1.00	.01	
San Benito and Santa Clara Counties	7.73	.30	.25			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PAINTERS:						
Shasta, Sutter, Tehama, and Yuba Cos.:						
Brush; Roller	$5.40	.35	.25	.105		
Spray; Sandblast; Structural steel; Swing stages; Tapers	5.65	.35	.25	.105		
Amador, Calaveras and San Joaquin Cos.:						
Brush	6.62	.50	.55	.80		
Spray; Sheetrock taper, Swingstage; Scaffold; Sandblaster; Structural steel	6.92	.50	.55	.80		
Fresno County						
Brush; Tapers	7.32	.40	.20			
Spray	7.57	.40	.20			
Structural steel	7.57	.40	.20			
Alameda, Contra Costa, Eldorado, Marin, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)						
Brush	7.77	.64	.65	.80		
Spray	8.02	.64	.65	.80		
Tapers	8.27	.64	.65	.80		
Del Norte and Humboldt Counties						
Brush	6.40	.35	.20			
Paperhangers; Spray; Tapers	6.65	.35	.20			
Mariposa, Merced and Tuolumne Counties						
Brush	6.30	.35		.75		
Paperhangers; Spray; Tapers	6.55	.35		.75		
Lake Tahoe Area						
Brush	8.10	.30	.20			
Spray; Structural steel; Tapers	8.35	.30	.20			
PLASTERERS:						
Alameda and Contra Costa Counties	8.24	.575	.45		.01	
Sutter, and Yuba Counties	6.05	.25	.25	.50	.01	
Fresno County	7.59	.56	.50			
Monterey County	8.03	.46	.35		.01	
Eldorado, Nevada, Placer, Sacramento Yolo Counties	7.65	.245	.25	.65		
San Benito and Santa Clara Counties	7.63	.59	.50	.80	.01	
San Francisco County	7.27	.48	.85	1.50	.02	
San Mateo County	7.45	.43	.55	1.17		
Del Norte, Humboldt, Marin, Napa, Shasta, Solano, Sonoma and Tehama Cos.	7.55	.53	.35	1.00	.01	
Mariposa, Merced and Tuolumne Counties	6.30	.65	.60	1.00		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PLASTERERS' TENDER:						
Alameda and Contra Costa Counties	$7.97	.50	.80		.10	
Fresno County	5.55	.55	1.05	.70		
Marin County	6.30	.60	.40	1.00		
Napa County	6.65	.55		.80		
Amador, Eldorado, Nevada, Placer, Sacramento, and Yolo Counties	6.45	.395	1.05	.70		
San Francisco and San Mateo Counties	7.50	.25	.40	.95		
San Benito and Santa Clara Counties	7.75	.60	.55			
Shasta County	5.75	.55	1.05	.70		
Monterey and Santa Cruz Counties	6.12	.55	1.05	.46		
Shasta and Tehama Counties	5.75	.55	1.05	.70		
Tuolumne County	5.95	.55	1.05	.70		
PLUMBERS:						
Alameda County	9.88	.65	1.00		.10	
Contra Costa County	10.02	.53	1.00		.16	
PLUMBERS; Steamfitters						
Amador (northern half of County, Eldorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area)	8.98	.75	1.05		.11	
Lake Tahoe Area	7.85	.30	.60	1.55	.07	
Marin, San Francisco, and Sonoma Cos.	8.23	1.47	.705	.755	.135	
San Benito and Santa Clara Counties	8.81	.61	.95	.72	.10	
Del Norte and Humboldt Counties	7.60	.48	1.06	1.00	.05	
San Mateo County	8.305	.635	.95	.97	.175	
Amador (southern portion of County), Calaveras, Fresno, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Shasta, Sutter, Tehama, Tuolumne and Yuba Counties	8.39	.77	.79		.03	
Napa and Solano Counties	9.40	.60	.58		.07	
ROOFERS:						
Alameda and Contra Costa Counties						
Roofers	7.55	.48	.75	.30	.01	
Mastic workers; Kettlemen (2 kettles w/o pumps)	7.80	.48	.75	.30	.01	
Bitumastic; Enamelers; Pipewrapper; Coal tar built up	8.55	.48	.75	.30	.01	
Calaveras, Mariposa, Merced, San Joaquin, and Tuolumne Counties						
Roofers (slate, tile composition and built up)	6.94	.50	.30	.75		
Felt machine operator	7.19	.50	.30	.75		
Eldorado, Placer, Shasta, Sutter, and Yuba Counties						
Roofers	7.54	.50	.40			
Fresno County						
Roofers	7.95	.50	.50			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ROOFERS: (cont'd)						
Sonoma County						
Roofers	$7.09	.50	.70	.78	.01	
Kettlemen (2 kettles w/o pumps)	7.34	.50	.70	.78	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar pitch built up	8.09	.50	.70	.78	.01	
Marin County						
Roofers	6.77	.45	.70	1.15	.01	
Mastic workers; Kettlemen (2 kettles without pumps)	7.02	.45	.70	1.15	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	7.77	.45	.70	1.15	.01	
Monterey and Santa Cruz Counties						
Roofers	7.45	.30	.50	1.00		
San Francisco and San Mateo Counties						
Roofers	7.00	.50	.70	.85	.01	
Mastic workers and kettlemen (2 kettles) without pumps	7.25	.50	.70	.85	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	8.00	.50	.70	.85	.01	
Napa and Solano Counties						
Roofers	6.88	.35	.55	.62		
Amador, Sacramento and Yolo Counties						
Roofers (slate, tile and composition)	6.72	.58	.50			
Enameler and pitch	7.47	.58	.50			
San Benito and Santa Clara Counties						
Roofers; Kettlemen (1 kettle)	7.11	.46	.63	1.00		
SHEET METAL WORKERS:						
Alameda and Contra Costa Counties	7.25	.39	.505	10%b	.015	
Calaveras and San Joaquin Counties	6.375	.36	.50	1.00		
Amador, Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	7.76	.46	1.00	12%	.07	
Fresno County	8.20	.48	.79		.07	
Del Norte and Humboldt Counties	8.18	.38	.83			
Marin, Napa, Sonoma and Solano Cos.	8.55	.36	.44		.15	
Mariposa, Merced, and Tuolumne Cos.	8.83	.36	.60		.03	
Monterey, San Benito, Santa Clara and Santa Cruz Counties	8.10	.38	.81	10%		
San Francisco County	8.48	.38	.55		10%	
San Mateo County	8.35	.38	.62		.02	
SOFT FLOOR LAYERS:						
Alameda, Calaveras, Contra Costa, Napa and Solano Counties	7.50	.36	.30	.29c	.05	
Merced (east of the San Joaquin River) San Joaquin, Shasta, Sacramento, Amador, Sutter, Tuolumne, Yolo, and Yuba Counties, and those portions of Nevada, Placer and Eldorado Counties (excluding Lake Tahoe Area)	7.455	.495	.45	1.00	.07	
Lake Tahoe Area	8.35	.30	.20			
Fresno County	8.80	.20				
Marin, San Francisco, San Mateo, and Sonoma Counties	7.60	.50	.55	d	.04	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
SOFT FLOOR LAYERS: (cont'd)						
Monterey, San Benito, Santa Clara and Santa Cruz Counties	$7.39	.35	.30	.89	.05	
SPRINKLER FITTERS:						
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	10.71	.30	.50		.02	
SPRINKLER FITTERS:						
Remaining Counties	11.30	.30	.50		.05	
STEAMFITTERS:						
Alameda and Contra Costa Counties	9.415	.30	.65		.005	
TERRAZZO WORKERS:						
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano, Sonoma Counties	7.89	.83	.58	1.00		
Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	9.60	.40	.40			
Fresno County	7.12	.30				
TILE SETTERS:						
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	7.65	.56	.60	.80	.015	
Amador, Calaveras, San Joaquin Cos.	7.17	.33		.65		
Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	7.25	.56	.35	.80	.015	
Fresno County	7.12	.30				
Monterey and Santa Cruz Counties	8.27	.665	.64			

RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Four Paid Holidays: C, D, E, and Washington's Birthday.

c. 1st year employment employer contributes $.14 per hour to Vacation; 2nd year thru 5th year $.30 per hour; 6th year and thereafter $.46 per hour.

d. Employer contributes $.75 1st 5 years $.90 after 5 years to Vacation and Holiday Fund.

	Basic Hourly Rates	Fringe Benefits Payments			
LABORERS		H & W	Pensions	Vacation	App. Tr.
BRIDGE; Brush loaders and piler; Cleanup; Dumpman; General; Landscape; Limbers; Tool room attendant	$ 5.535	.65	1.35	.80	.10
ASPHALT SHOVELERS; Cement dumper; Chipper; Choker setter and rigger; Chucktender; Concrete; Cutnea chaser; High pressure nozzleman; Hydraulic monitor; Nipper; Pneumatic, gas and electric tool operator (not otherwise classified); Sloper; Loading, unloading, handling materials for reinforcing concrete construction	5.635	.65	1.35	.80	.10
ASPHALT IRONERS AND RAKERS; Bucker; Buggymobile; Chainsaw; Compactors; Concrete saw and pan work; Cribber and/or shoring; Curb setter; Form raiser; Faller; Headerboard man; Post hole digger (air, gas, or electric); Jackhammer; Kettlemen; Log loader; Magnesite and mastic workers; Pavement breaker; Pipelayers; Pipewrappers; Power broom sweeper; Riprap stonepaver and rock-slinger; Rotary scarifier; Roto-tiller; Sandblaster; Barko, wackers and similar type tampers; Tank cleaners; Tree climber; Vibrator; Vibra-screed bull float	5.785	.65	1.35	.80	.10
BURNING AND WELDING	5.835	.65	1.35	.80	.10
BLASTERS; Drills (diamond or wagon); High scaler; Powderman; Tree topper	6.01	.65	1.35	.80	.10
LABORERS on general construction work on or in bell hole footings and shaft	6.335	.65	1.35	.80	.10
GUNITE LABORERS:					
NOZZLEMEN; Rodmen; Gunmen; Groundmen	6.245	.65	1.35	.80	.10
REBOUNDMEN	5.655	.65	1.35	.80	.10
CONTRA COSTA COUNTY ONLY: PIPELAYERS, Caulkers, Banders	5.985	.65	1.35	.80	.10

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I					
ASSISTANTS TO ENGINEERS (Brakeman; Fireman; Heavy duty repairman helper; Oiler; Deckhand; Signalman; Switchman; Tar pot fireman); Partsman (Heavy duty repair shop parts room) AREA 1	$6.63	.80	1.00	.60	.24
AREA 2	7.76	.80	1.00	.60	.24
GROUP II					
COMPRESSOR OPERATOR; Concrete mixer (up to & incl. 1 yd.); Conveyor belt op. (tunnel); Fireman hot plant; Hydraulic monitor; Mechanical conveyor (handling building materials); Mixer box operator (concrete plant); Pump operator; Spreader boxman (with screeds); Tar pot fireman (power agitated) AREA 1	6.91	.80	1.00	.60	.24
AREA 2	8.04	.80	1.00	.60	.24
GROUP III					
BOX OPERATOR (bunker); Locomotive; Motorman; Oiler; Rodman or chainman; Ross carrier(construction job site); Rotomist operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching machine (maximun digging capacity 3 ft. depth); Tugger hoist, single drum AREA 1	7.08	.80	1.00	.60	.24
AREA 2	8.21	.80	1.00	.60	.24
GROUP IV					
BALLAST JACK TAMPER; Ballast regulator; ballast tamper multi-purpose; boxman (asphalt plant); Fork lift or lumber stacker (construction job site); Line Master; Lubrication & service engineer (mobile and grease rack); Material hoist (1 drum); Shuttlecar; Tie spacer Towermobile AREA 1	7.53	.80	1.00	.60	.24
AREA 2	8.66	.80	1.00	.60	.24
GROUP V					
COMPRESSOR OPERATOR (2 to 7); Concrete mixers (over 1 yd.); Concrete pumps or pumpcrete guns; Generators (100 K.W. or over); Press-weld (air-operated); Pumps (2 to 7); Welding machines (gasoline or diesel) (2 to 7) AREA 1	7.70	.80	1.00	.60	.24
AREA 2	8.83	.80	1.00	.60	.24

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP VI						
BLH LIMA ROAD PACTOR or similar; Boom truck or dual purpose A-frame truck; Concrete batch plants (wet or dry); Concrete saws (self-propelled unit) on streets, highways, airports, and canals; Drilling and boring machinery, vertical & horizontal (not to apply to waterliners, wagon drills or jackhammers); Gradesetter, grade checker (mechanical or otherwise); Highline cableway signalman; Locomotives (steam or over 30 tons) Meginnis internal full slab vibrator (on airports, highways, canals & warehouses); Mechanical finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical burm, curb and/or curb and gutter machine, concrete or asphalt; Portable crushers; Power jumbo operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene & similar) (asphaltic concrete paving); Self-propelled compactor (single engine); Self-propelled pipeline wrapping machine (perault, CRC, or similar types); Slip forms pumps (lifting device for concrete forms); Small rubber tired tractors; Surface heater AREA 1	7.81	.80	1.00	.60	.24	
AREA 2	8.94	.80	1.00	.60	.24	

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POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP VII						
CONCRETE CONVEYOR OR CONCRETE PUMP, Truck or equipment mounted (boom length to apply); Concrete conveyor, building site; Deck engineers; Dual drum mixer; Fuller Kenyon pump and similar types; Instrument man; Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene and similar; Mine or shaft hoist; Mixer-mobile; Pavement breaker with or without compressor combination; Pavement breaker, Truck mounted with compressor combination; Pipe bending machine (pipe lines only); Pipe cleaning machine (tractor propelled & supported); Pipe wrapping machine (tractor propelled and supported); Refrigeration plant; Self-propelled boom type lifting device; Self-propelled elevating grade plane; Slusher operator; Small tractor (with boom); Soil tester; Truck type loader	AREA 1	7.94	.80	1.00	.60	.24
	AREA 2	9.07	.80	1.00	.60	.24
GROUP VIII						
ARMOR-COATER (or similar); Asphalt plant engineer; Cast-in-place pipe laying machine; Combination slusher and motor operator; Concrete batch plant (multiple units); Dozer; Heavy duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; Loader (up to 2 yds.); Mechanical shield operator (or similar); Mechanical trench shield; Portable crushing & screening plants; Push cat; Rubber tired earth moving equipment (up to & incl. 45 cu. yds. "struck" m.r.c., euclids, T-pulls, DW-10,20,21 and similar); Tractor drawn scraper; Self-propelled compactor with dozer; Sheepfoot; Tractor; Trenching machine; Tri-batch paver; Tunnel mole boring machine operator; Welder; Woods-mixer (and other similar pugmill equipment)	AREA 1	8.26	.80	1.00	.60	.24
	AREA 2	9.39	.80	1.00	.60	.24

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POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP IX							
CANAL FINGER DRAIN DIGGER; Chicago boom; Combination mixer & compressor (gunite); Combination Slurry mixer and/or cleaner; Highline cableway (5 tons & under); Lull hi-lift or similar (20 ft. or over); Mucking machine; Tractor (with boom) (D-6 or larger and similar)	AREA 1	8.44	.80	1.00	.60	.24	
	AREA 2	9.57	.80	1.00	.60	.24	
GROUP X							
BOOM-TYPE BACKFILLING MACHINE; Bridge crane; Cary-lift (or similar); Chemical grouting machine; Chief of party; Combination backhoe & loader (up to and incl. 1/2 cu. yd. m.r.c.); Derricks (2 operators required when swing engine remote from hoist); Derrick barges (except excavation work); Do-more loader & Adams elegrader; Elevating grader op.; Rubber tired scraper, self-loading (paddle wheels, etc.); Heavy duty rotary drills rigs (incl. caisson foundation work & Rohbins type drills) Koehring Skooper (or similar); Lift slab machine (Vagtborg & similar types); Loader (2 yds. up to & incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple engine earth-moving machine (euclids, dozers, etc.) (no tandem scraper); Prestress wire wrapping machine; Shuttle car (reclaim station); Soil stabilizer (P & H or equal); Subgrader (gurries or other automatic type); Track laying type-Earth moving machine (single engine with tandem scrapers); Tractor, compressor drill combination; Train loading station; Vacuum cooling plant; Single engine scraper over 45 yds.; Whirley crane (up to & incl. 25 tons)	AREA 1	8.60	.80	1.00	.60	.24	
	AREA 2	9.73	.80	1.00	.60	.24	

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POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP X - A						
BACKHOE (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination backhoe and loader over 1/2 cu. yd. m.r.c.); Continuous flight tie back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead & gantry); Crade all (up to and incl. 1 cu. yd.); Power shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power blade; Self-propelled boom-type lifting device (center mount) (over 10 tons); Self-propelled boom-type lifting device (center mounted) (over 15 tons)	AREA 1	8.69	.80	1.00	.60	.24
	AREA 2	9.82	.80	1.00	.60	.24
GROUP XI						
AUTOMATIC CONCRETE SLIP FORM PAVER; Automatic railroad car dumper; Canal finger drain backfiller; Canal trimmer; Canal trimmer w/ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous flight tie back Auger over 1 cu. yd. (incl. crane); Drott traveliff 650-A-1 or similar (45 tons or over); Rubber tired earth moving machines (multiple propulsion power units & two or more scrapers) (up to & incl. 75 cu. yds. "struck" m.r.c.); Highline cableway (over 5 tons); Loader (over 4 yds. up to & incl. 12 cu. yds.); Power blades operator (multi-engine); Power shovels, Clamshells, Draglines, Backhoes, Gradalls, (over 1 yd. up to & incl. 7 cu. yds. m.r.c.); Self-propelled compactor (with multiple propulsion power units); Slip form paver (concrete to asphalt); Tandem cats; Tower cranes mobile; Trencher (pulling attached shield); Tower cranes mobile; Single engine rubber tired earth moving machine (with tandem scrapers); Universal Liebher and Tower cranes (and similar types); Wheel excavator (up to & incl. 750 cu yds. per hour); Whirley cranes (over 25 tons)	AREA 1	8.83	.80	1.00	.60	.24
	AREA 2	9.96	.80	1.00	.60	.24

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POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP XI - A						
LOADER (over 12 cu. yds. up to & incl. 18 cu. yds.); Rubber tired multi-purpose earth moving machine (2 units) (over 75 cu. yds. "struck" m.r.c.); Power shovels & draglines (over 7 cu. yds. m.r.c.); Band wagons (in conjunction with wheel excavator) Wheel excavator (over 750 yds. per hour); Cranes (over 125 tons)	AREA 1	9.70	.80	1.00	.60	.24
	AREA 2	10.83	.80	1.00	.60	.24
GROUP XI - B						
LOADER (over 18 cu. yds.)	AREA 1	9.92	.80	1.00	.60	.24
	AREA 2	11.05	.80	1.00	.60	.24
GROUP XI - C						
OPERATOR OF HELICOPTER (when used in erection work); Remote controlled earth moving equipment	AREA 1	10.15	.80	1.00	.60	.24
	AREA 2	11.28	.80	1.00	.60	.24

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PILEDRIVING	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I ASSISTANT TO ENGINEER (Fireman, Oiler, Deckhand)	$6.69	.80	1.00	.60	.24
GROUP Ia COMPRESSOR OPERATOR	6.96	.80	1.00	.60	.24
GROUP Ib TRUCK CRANE OILER	7.08	.80	1.00	.60	.24
GROUP IIa TUGGER HOIST (Hoisting material only)	7.59	.80	1.00	.60	.24
GROUP IIb COMPRESSOR OPERATOR (2-7); Generator (100 K.W. or over); Pump (2-7); Welding machine (2-7) powered other than by electricity)	7.76	.80	1.00	.60	.24
GROUP III DECK ENGINEER; Fork lift; A-frame; Self-propelled boom-type lifting device	8.00	.80	1.00	.60	.24
GROUP IIIa HEAVY DUTY REPAIRMAN AND/OR WELDER	8.31	.80	1.00	.60	.24
GROUP IV OPERATING ENGINEER IN LIEU OF ASSISTANT TO ENGINEER TENDING BOILER OR COMPRESSOR ATTACHED TO CRANE PILEDRIVER; Operator of piledriving rigs, skid or floating and derrick barges; Operator of diesel or gasoline powered crane piledriver (w/o boiler) up to & incl. 1 cu. yd.; Truck crane (up to & incl. 25 tons hoisting material only)	8.76	.80	1.00	.60	.24
GROUP V OPERATOR OF DIESEL OR GASOLINE POWERED CRANE PILEDRIVER WITHOUT BOILER, OVER 1 cu. yd.; Operator of crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered crawler, or Universal type driver (Raymond or similar type); Truck crane (over 25 tons hoisting material or performing piledriving work)	8.88	.80	1.00	.60	.24

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver; Concrete pump machine; Concrete pump truck(when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dump-crete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Hipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Vacuum truck helpers; Warehousemen	$6.075	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dump-crete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit-industrial lift, mechanical tailgate); Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	6.17	.765	.50	.75		
JETTING TRUCK & WATER TRUCK (under 2,500 gals)	6.185	.765	.50	.75		
LIFT JITNEYS, Fork lift	6.205	.765	.50	.75		
TRANSIT MIX, AGITATOR (under 6 yds.)	6.225	.765	.50	.75		
TRUCK REPAIRMAN HELPER	6.245	.765	.50	.75		
VACUUM TRUCK (under 3,500 gals)	6.255	.765	.50	.75		
SCISSOR TRUCK; Single unit flat rack (3 axle unit-industrial lift truck, mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	6.27	.765	.50	.75		
JETTING TRUCK & WATER TRUCK (2,500 gals under 4,000 gals)	6.285	.765	.50	.75		
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds.& under 8 yds.)	6.325	.765	.50	.75		

TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
VACUUM TRUCK (3,500 gals & under 5,500 gals)	6.335	.765	.50	.75		
RUBBER-TIRED MUCK CAR (not self-loaded)	6.345	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dump-crete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	6.37	.765	.50	.75		
A-FRAME, WINCH TRUCKS; Buggymobile: Hydro-lift, Swedish crane type (jetting) Jetting & water truck (4,000 gals & under 5,000 gals); Rubber tired jumbo	6.385	.765	.50	.75		
HEAVY DUTY TRANSPORT (high bed)	6.39	.765	.50	.75		
ROSS HYSTER & SIMILAR STRADDLE CARRIER	6.415	.765	.50	.75		
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	6.425	.765	.50	.75		
VACUUM TRUCK (5,000 gals & under 7,500 gals)	6.435	.765	.50	.75		
JETTING TRUCK & WATER TRUCK (5,000 gals & under 7,000 gals)	6.485	.765	.50	.75		
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	6.525	.765	.50	.75		
HEAVY DUTY TRANSPORT (gooseneck lowbed)	6.62	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, 8 yds. & incl. 12 yds. water level); Dump (8 yds. & incl. 12 yds. water level);Dump-crete (8 yds. & incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. & incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds & incl. 12 yds. water level); Dumpster (8 yds. & incl. 12 yds. water level)	6.61	.765	.50	.75		

TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	6.625	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 12 yds. & incl. 18 yds. water level); Dump (over 12 yds. & incl. 18 yds.water level); Dumpcrete (over 12 yds. & incl. 18 yds. water level); Dumpster (over 12 yds. & incl. 18 yds. water level); Skids (debris box, over 12 yds. & incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. & incl. 18 yds. water level)	6.65	.765	.50	.75		
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	6.71	.765	.50	.75		
TRUCK REPAIRMAN	6.745	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	6.735	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35. yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneaupuls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	6.81	.765	.50	.75		

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TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level), Trucks (dry pre-batch concrete mix, over 35 yds & incl. 50 yds. water level)	6.96	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	7.11	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	7.26	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level); Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level); Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	7.41	.765	.50	.75	

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crossing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 26N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W.corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

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*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocena.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Barnstable
DECISION NO.: AQ-3,002 DATE: Date of Publication
Supersedes Decision No. AP-811, dated May 11, 1973, in 38 FR 12539.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and marine construction.

1-MASS-1-2-3-z (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS:						
Barnstable, Bourne, Falmouth, Mashpee, & Sandwich	$8.80	.505	.45		.005	
Remainder of County	8.955	.55	.50		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; CEMENT MASONS; Cement finishers; Plasterers; Stonemasons	8.25	.60	.60		.02	
CARPENTERS; Soft floor layers	7.80	.35	.50			
ELECTRICIANS:						
Electrical contracts under $12,000.00	7.25	.25	1%+.25		a	
Electrical contracts over $12,000.00	8.63	.25	1%+.25		a	
ELEVATOR CONSTRUCTORS	9.125	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70% JR	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50% JR					
GLAZIERS	8.55	.25	.36		.02	
IRONWORKERS:						
Ornamental; Reinforcing; & Structural	7.70	.45	.80+f		.02	
LABORERS (BUILDING):						
Laborers; Carpenter tenders; Cement finisher tenders; wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	6.55	.40	.40		.05	
Helper	6.67	.40	.40		.05	
Bottom men	7.30	.40	.40		.05	
Driller	7.42	.40	.40		.05	
LATHERS	7.50	.45	.50		.01	
LEADBURNERS	8.25	.30		d	.01	
LINE CONSTRUCTION:						
Linemen	7.14	.25	1%	e		
Truck driver - groundman	5.58	.25	1%	e		
Groundmen	5.07	.25	1%	e		
Equipment operators	6.31	.25	1%	e		
MARBLE SETTERS; Terrazzo workers	7.65	.50	.50			
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	8.20	.50	.30		.02	

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1-MASS-1-2-3-z (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Brush	$6.25	.30	.20			
Structural steel - 1' to 50'	6.75	.30	.20			
Spray	7.25	.30	.20			
PILEDRIVERMEN	8.65	.50	.30			
PLUMBERS	8.47	.45	.50		.01	
ROOFERS:						
Roofers, kettlemen & waterproofers	7.85	.25	.05			
Roofers' helpers, Class A	7.15	.25	.05			
SHEET METAL WORKERS	8.50	.30	.25			
SPRINKLER FITTERS	8.75	.30	.50		.05	
STEAMFITTERS	8.55	.45	.45	g		
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS	8.20	.20	.25			
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes $1.00 per journeyman Electrician per week.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years' service as Vacation pay credit.

c. 6 paid holidays: A through F.

d. 9 paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 4% days during the 120 calendar days prior to the holiday & the regular scheduled work days immediately preceding and following the holiday.

e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has been employed 10 working days prior to the holiday.

f. Employer contribution of $.50 to Annuity Fund.

g. 1 paid holiday: 4th of July.

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MASS-1-PEO-1-2-3-c (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour					
Master mechanic	9.86	.55	.60	a	.02
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02

MASS-1-PEO-1-2-3-c (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02
Assistant engineers (firemen)	8.31	.55	.60	a	.02
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

MASS-LAB-2-3-f

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS: Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.30	.40	.40		.05
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.55	.40	.40		.05
Air track operators; Block pavers; Rammers; Curb setters	6.80	.40	.40		.05
Blasters; Powdermen	7.05	.40	.40		.05

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TRUCK DRIVERS-BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Two axle equipment	$3.97	.24	.35	a+b	
Three axle equipment	4.02	.24	.35	a+b	
Four and five axle equipment	4.12	.24	.35	a+b	
Low bed trailer	4.22	.24	.35	a+b	
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b	
Helpers on low beds	3.97	.24	.35	a+b	

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

MASS - 1 - TD - 2-3 D

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$5.91	.35	.50	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.01	.35	.50	a+b	
Three axle equipment and tiremen	6.06	.35	.50	a+b	
Four and five axle equipment	6.16	.35	.50	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	6.26	.35	.50	a+b	
Specialized earth moving equipment over 35 tons	6.51	.35	.50	a+b	
Trailers for earth moving equipment, (double hookup)	6.76	.35	.50	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

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37-MASS-4-p (1-2)

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derrick boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers	$9.11	.55	.60	a	.02
Booms over 150' including jib - additional $.35 per hour Booms over 180' including jib - additional $.70 per hour Booms over 210' including jib - additional $1.00 per hour Booms over 250' including jib - additional $1.50 per hour Booms over 295' including jib - additional $2.00 per hour					
Master mechanic	9.86	.55	.60	a	.02
Swinger engines	9.16	.55	.60	a	.02
Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance	8.99	.55	.60	a	.02

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37-MASS-4-p (2-2)

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Or
Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	
Oilers on scows	7.525	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Essex
DECISION NO.: AQ-3,003 DATE: Date of Publication
Supersedes Decision No. AP-812, dated May 11, 1973, in 38 FR 12542.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and marine construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 5-MASS-1-2-3-c (1-4)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.955	.55	.50		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Stonemasons: Andover, Boxford, Danvers, Lawrence, Lynn, Lynnfield, Marblehead, Methuen, Middleton, Nahant, North Andover, Peabody, Salem, Saugus, Swampscott, & Topsfield	8.91		.65		.04	
Remainder of County	8.80	.55	.60		.04	
CARPENTERS; Soft floor layers: Gloucester, & Rockport	7.20	.20	.20			
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Lynn, Lynnfield, Merrimac, Nahant, Newbury, Newburyport, Rowley, Salisbury, Saugus, Swampscott, & West Newbury	8.35	.50	.50		.02	
Andover, Ballardvale, Lawrence, Methuen, North Andover, & West Andover	7.93	.50	.50		.02	
Remainder of County	8.60	.30	.30			
CEMENT MASONS; Plasterers: Amesbury, Andover, Boxford, Georgetown, Groveland, Haverhill, Lawrence, Merrimac, Methuen, North Andover, Salisbury, & West Newbury	7.80	.385	.30			
Danvers, Lynn, Lynnfield, Marblehead, Middleton, Nahant, Peabody, Salem, Saugus, Swampscott, & Topsfield	8.91	.39	.65		.04	
Remainder of County	8.80	.55	.60		.04	
ELECTRICIANS: Andover, Lawrence, Methuen, & North Andover	9.02	.25	1%+.10		.02	
Lynn, Lynnfield, Nahant, Saugus, & Swampscott	9.10	.35	1%+.95		.05	
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley, Salisbury, & West Newbury	8.35	.25	1%+.20		.02	
Remainder of County	8.45	.30	1%+.10		.02	
ELEVATOR CONSTRUCTORS	9.125	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.55	.25	.36		.02	
IRONWORKERS	8.29	.45	.80+c		.03	

AQ-3,003 P. 2

5-MASS-1-2-3-c (2-4)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (Building): Laborers; Carpenter tenders; Cement finisher tenders; wrecking laborers	$6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers						
Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Open air caisson; Cylindrical work & boring crew: Laborer; Top man	6.55	.40	.40		.05	
Helper	6.67	.40	.40		.05	
Bottom men	7.30	.40	.40		.05	
Driller	7.42	.40	.40		.05	
LATHERS: Beverly, Danvers, Gloucester, Hamilton, Ipswich, Lynn, Lynnfield, Salem, Saugus, Swampscott, Topsfield, and Wenham	7.15	.45	.50		.01	
Remainder of County	7.15	.45	.50		.01	
LEADBURNERS	8.25	.30		d	.01	
LINE CONSTRUCTION: Linemen	8.08	.25	1%	e		
Equipment operators	7.17	.25	1%	e		
Driver groundman	5.41	.25	1%	e		
Groundman	5.16	.25	1%	e		
MARBLE SETTERS; Terrazzo workers	7.65	.50	.50			
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	8.83	.50	.30		.02	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Essex, Gloucester, Manchester, & Rockport						
Brush	$6.20	.30				
Spray	6.65	.30				
Roller	6.50	.30				
Andover, Boxford, Lawrence, Methuen, & North Andover						
Brush	4.10	.15				
Structural steel	4.60	.15				
Spray	5.10	.15				
Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley, Salisbury, & West Newbury						
Brush (Under $3,500.00)	3.00					
Brush (Over $3,500.00)	3.75					
Steel	4.05					
Remainder of County						
Brush	6.55	.20	.15			
Steel	6.80	.20	.15			
Spray	6.925	.20	.15			
PILEDRIVERMEN	8.65	.50	.30			
PLASTERERS' TENDERS:						
Lynn, Lynnfield, Nahant, Saugus and Swampscott	7.05	.40	.40		.05	
PLUMBERS; Steamfitters:						
Amesbury, Haverhill, Merrimac, Salisbury and West Newbury	6.50	.30	.30		.02	
Andover, Georgetown, Groveland, Lawrence, Methuen and North Andover	8.49	.30	.25		.05	
Lynn, Lynnfield, Nahant, Saugus and Swampscott						
Plumbers	9.35	.50	.60		.03	
Steamfitters	9.26	.51	.65		.05	
Remainder of County	8.50	.40	.40		.05	
ROOFERS:						
Haverhill and Lawrence	6.00			f		
Remainder of County	8.00	.30	.20		.02	
SHEET METAL WORKERS	8.73	.46	.45		.05	
SPRINKLER FITTERS	8.75	.30	.50			
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS	8.20	.20	.25			
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. 6 Paid Holidays: A through F
c. Employer contribution of $.25 to Annuity Fund.
d. 9 Paid Holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked 45 full days during the 120 calendar days prior to the holiday & the regular scheduled work days immediately preceding and following the holiday.
e. 7 Paid Holidays: A through F, & Bunker Hill Day provided the employee has been employed 10 working days prior to any 1 of the listed holidays.
f. 9 Paid Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Da

TRUCK DRIVERS-BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OT
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02
Assistant engineers (firemen)	8.31	.55	.60	a	.02
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS:						
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.30	.40	.40		.05	
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.55	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.80	.40	.40		.05	
Blasters; Powdermen	7.05	.40	.40		.05	

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TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Station wagons, panel trucks and pick-up trucks	$5.91	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.01	.35	.50	a+b		
Three axle equipment and firemen	6.06	.35	.50	a+b		
Four and five axle equipment	6.16	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	6.26	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	6.51	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	6.76	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

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MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derrick boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers	$9.11	.55	.60	a	.02
Booms over 150' including jib - additional $.35 per hour					
Booms over 185' including jib - additional $.70 per hour					
Booms over 210' including jib - additional $1.00 per hour					
Booms over 250' including jib - additional $1.50 per hour					
Booms over 295' including jib - additional $2.00 per hour					
Master mechanic	9.86	.55	.60	a	.02
Swinger engines	9.16	.55	.60	a	.02
Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance	8.99	.55	.60	a	.02

37-MASS-4-p (2-2)

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors	$7.625	.55	.60	a	.02
Assistant engineers (firemen)	8.31	.55	.60	a	.02
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02
Oilers on scows	7.525	.55	.60	a	.02

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day & Veterans' Day.

37 FR 17683 CFR
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SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Middlesex
DECISION NO.: AQ-3,004 DATE: Date of Publication
Supersedes Decision No. AP-814, dated May 11, 1973, in 38 FR 12550.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and marine construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 9-MASS-1-2-3-c (1-5)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.955	.55	.50		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Stonemasons:						
Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, & Stow	8.45	.50	.50		.04	
Acton, Ashby, Ayer, Bedford, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Ft. Devens, Groton, Littleton, Lowell, N. Acton, Pepperell, Shirley, S. Acton, Tewksbury, Townsend, Tyngsboro, W. Acton, Westford, & Wilmington	8.75	.60	.60		.04	
Newton	8.25	.50	.70		.04	
Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Watertown, Wayland, Weston, Winchester, & Woburn	8.95	.50	.50		.04	
Arlington, Cambridge, Everett, Malden, Medford, Melrose, & Somerville	8.65	.60	.70		.04	
Reading, N. Reading, & Wakefield	8.91	.39	.65		.04	
CARPENTERS; Soft floor layers:						
Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Sherborn, & Stow	8.50	.50	.30		.07	
Arlington, Burlington, Lexington, Melrose, N. Reading, Reading, Stoneham, Wakefield, Wilmington, Winchester, & Woburn	8.35	.50	.50		.02	
Bedford, Concord, Lincoln, Natick, Newton, Sudbury, Waltham, Watertown, Wayland, Weston, & vicinity	8.35	.50	.50		.02	
Ashby, Ayer, & the entire boundaries of Ft. Devens which are the townships of Lunenburg, Shirley, Lancaster, & Harvard; Groton, Pepperell, Shirley, the entire boundaries of Shirley Industrial School, Townsend, W. Groton, & W. Townsend	8.35	.50	.50		.02	
Acton, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Littleton, Lowell, Tewksbury, Tyngsboro, Westford	8.35	.50	.50		.02	
Belmont, Cambridge, Everett, Malden, Medford, & Somerville	8.55	.50	.30		.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CEMENT MASONS:						
Acton, Bedford, Burlington, Lowell, Tyngsboro, & Westford	$8.60	.55				
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Wilmington, Winchester, & Woburn	8.90	.35	.20		.04	
Reading, N. Reading	8.05	.385	.30			
Ashland, Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, Stow, & Tewksbury	8.75	.60	.60		.04	
Newton	8.25	.50	.70		.04	
Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland, Weston	8.95	.50	.50		.04	
ELECTRICIANS:						
Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington	9.09	.25	1%+.20		.02	
Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley, & Townsend	8.30	.45	1%+.25		.02	
Ashland, Hopkinton, Hudson, Marlboro, Stow	9.33	5%	1%+.24		.01	
N. Reading	9.02	.25	1%+.10		.02	
Remainder of County	9.10	.35	1%+.95		.05	
ELEVATOR CONSTRUCTORS	9.125	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.55	.25	.36		.02	
IRONWORKERS	8.29	.45	1.05		.03	
LABORERS (BUILDING):						
Laborers; Carpenter tender; Cement finisher tender; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer operator; Pavement breakers; Wagon drills, Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	6.55	.40	.40		.05	
Helper	6.67	.40	.40		.05	
Bottom men	7.30	.40	.40		.05	
Driller	7.42	.40	.40		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LATHERS:						
Acton, Ashby, Ayer, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Littleton, Lowell, Pepperell, Tewksbury, Townsend, Tyngsboro, W. Acton, Westford, & Wilmington	$7.50	.45	.55		.01	
Ashland, Bedford, Belmont, Concord, Framingham, Holliston, Hudson, Lexington, Lincoln, Maynard, Natick, Newton, Sherborn, Stow, Sudbury, Waltham, Watertown, Wayland, & Weston	7.15	.45	.50		.01	
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Stoneham, Winchester, & Woburn	7.15	.45	.55		.01	
Marlboro	7.82	.40	.10		.01	
LEADBURNERS	8.25	.30		c	.01	
LINE CONSTRUCTION:						
Linemen	8.08	.25	1%	d		
Equipment operator	7.17	.25	1%	d		
Groundman	5.16	.25	1%	d		
MARBLE SETTERS; Terrazzo workers	7.65	.50	.50			
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	8.83	.50	.30		.02	
PAINTERS:						
Arlington, Belmont, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Winchester, & Woburn						
Brush; Taper	7.71	.62	.40		.04	
Steel	7.71+e	.62	.40		.04	
Spray $1.00 per hour premium						
Ashby, Ayer, Groton, Pepperell, Shirley, & Townsend						
Brush	7.83	.50	.25		.02	
Sandblasting; Spray	8.83	.50	.25		.02	
Steel	8.455	.50	.25		.02	
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington						
Brush; Taping	7.27	.33	.20			
Spray	8.02	.33	.20			
Paperhangers	7.12	.33	.20			
Steel	7.07	.33	.20			
N. Reading, Reading						
Brush	4.10	.15				
Steel	4.60	.15				
Spray	5.10	.15				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS (CONT D):						
All the Newtons, Acton, Ashland, Boxboro, Concord, Framingham, Hopkinton, Hudson, Lexington, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Watertown, Wayland, Westboro, & Weston						
Brush	$7.00	.35	.25			
Sandblasters; Spray	7.95	.35	.25			
Steel	7.25	.35	.25			
PILEDRIVERMEN	8.65	.50	.30			
PLASTERERS:						
Arlington, Cambridge, Everett, Malden, Medford, Somerville, Stoneham, Wakefield, Winchester, & Woburn	7.75	.45	1.00		.02	
Ashland, Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, Stow, & Tewksbury	8.75	.60	.60		.04	
Newton	8.25	.50	.70		.04	
Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland, & Weston	8.45	.50	.50		.04	
Acton, Bedford, Burlington, Lowell, Tyngsboro, & Westford	8.60	.55				
N. Reading, Reading	8.05	.385	.30			
PLASTERERS' TENDERS	7 05	.40	.40		.05	
PLUMBERS:						
Acton, Ayer (except portion lying west of the Greenville Branch of the Boston & Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford, & Wilmington	8.50	.40	.40		.02	
Ashby, Ayer (portion lying west of the Greenville Branch of the Boston & Main RR), Ft. Devens, Groton, Shirley & Townsend	8.50	.30	.20	4%	.02	
Ashland, Belmont, Concord, Framingham, Holliston, Hopkinton, Lexington, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Wayland, & Weston	8.675	.53	.55		.025	
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, N. Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, & Woburn	9.35	.50	.60		.03	
ROOFERS	8.00	.30	.20			
SHEET METAL WORKERS	8.73	.46	.45		.02	
SPRINKLER FITTERS	8.75	.30	.50		.05	

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9-MASS-1-2-3-c (5-5)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
STEAMFITTERS:						
Acton, Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, N. Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, & Woburn	9.26	.51	.65		.05	
Ayer (except portion lying west of the Greenville Branch of the Boston & Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford, & Wilmington	8.59	.40	.40		.02	
Ashby, Ayer (portion lying west of the Greenville Branch of the Boston & Main RR), Ft. Devens, Shirley, & Townsend	8.50	.30	.20	4%	.02	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS (except cities & towns of Acton, Ashby, Ayer, Boxboro, Dunstable, E. Pepperell, Ft. Devens, Groton, Littleton, N. Acton, N. Pepperell, Pepperell, Shirley, S. Acton, Townsend, & W. Acton)	8.20	.20	.25			
TILE SETTERS (Acton, Ashby, Ayer, Boxboro, Dunstable, E. Pepperell, Ft. Devens, Groton, Littleton, N. Acton, N. Pepperell, Pepperell, Shirley, S. Atton, Townsend, & W. Acton)	8.75	.60	.60		.04	
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. 6 paid holidays: A through F
c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
d. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has been employed 10 working days prior to any one of the listed holidays.
e. Employer pays $5.00 per day extra above the brush rate.

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HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS:						
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.30	.40	.40		.05	
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.55	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.80	.40	.40		.05	
Blasters; Powdermen	7.05	.40	.40		.05	

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MASS - 1 - TD - 2-3 D

TRUCK DRIVERS:
HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$5.91	.35	.50	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.01	.35	.50	a+b	
Three axle equipment and tiremen	6.06	.35	.50	a+b	
Four and five axle equipment	6.16	.35	.50	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	6.26	.35	.50	a+b	
Specialized earth moving equipment over 35 tons	6.51	.35	.50	a+b	
Trailers for earth moving equipment, (double hookup)	6.76	.35	.50	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

AQ-3,004 P. 8

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TRUCK DRIVERS-BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Two axle equipment	$3.97	.24	.35	a+b	
Three axle equipment	4.02	.24	.35	a+b	
Four and five axle equipment	4.12	.24	.35	a+b	
Low bed trailer	4.22	.24	.35	a+b	
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b	
Helpers on low beds	3.97	.24	.35	a+b	

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

XUM 37 13 9CA 69 18 3V

AQ-3,004 P. 9

MASS-1-PEO-1-2-3-c (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumprete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

AQ-3,004 P. 10

MASS-1-PEO-1-2-3-c (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02
Assistant engineers (firemen)	8.31	.55	.60	a	.02
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

AQ-3,004 P. 11

37-MASS-4-p (1-2)

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derrick boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers	$9.11	.55	.60	a	.02	
Booms over 150' including jib - additional $.35 per hour Booms over 185' including jib - additional $.70 per hour Booms over 210' including jib - additional $1.00 per hour Booms over 250' including jib - additional $1.50 per hour Booms over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Swinger engines	9.16	.55	.60	a	.02	
Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance	8.99	.55	.60	a	.02	

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37-MASS-4-p (2-2)

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors	$7.625	.55	.60	a	.02
Assistant engineers (firemen)	8.31	.55	.60	a	.02
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02
Oilers on scows	7.525	.55	.60	a	.02

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day.

XUM 37 FR 23CA 69-1-83V

SUPERSEDEAS DECISION

STATE: Massachusetts
COUNTY: Middlesex
DECISION NO.: AQ-3,005
DATE: Date of Publication
Supersedes Decision No. AQ-2,003, dated August 3, 1973, in 38 FR 21001.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

RESIDENTIAL — 9-R-MASS-a (1-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BRICKLAYERS; Stonemasons:						
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville	$8.65	.60	.70		.04	
Ashland, Framingham, Holliston, Hopkinton, Hudson Marlboro, Maynard, Natick, Sherborn, & Stow	8.45	.50	.50		.04	
Bedford, Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington	8.75	.60	.60		.04	
Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Watertown, Wayland, Weston, Winchester, & Woburn	8.95	.50	.50		.04	
Acton, Ashby, Ayer, Boxboro, Ft. Devens, Groton, Littleton, Pepperell, Shirley, Townsend	8.60	.45	.40			
N. Reading, Reading, & Wakefield	8.91	.39	.65		.04	
Newton	8.25	.50	.70		.04	
CARPENTERS; Soft floor layers:						
Ashland, Framingham, Hudson, Hopkinton, Marlboro, Maynard, Holliston, Sherborn, & Stow	8.50	.50	.30		.07	
Belmont, Cambridge, Everett, Malden, Medford, Somerville	8.55	.50	.30		.02	
Remainder of County	8.35	.50	.50		.02	
CEMENT MASONS:						
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Wakefield, Stoneham, Wilmington, Winchester, Woburn	8.90	.35	.20		.04	
Acton, Bedford, Burlington, Tyngsboro, Westford, & Lowell	8.60	.55				
N. Reading, Reading	8.05	.385	.30			
Newton	8.25	.50	.70		.04	
Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland, Weston	8.95	.50	.50		.04	
Remainder of County	8.75	.60	.60		.04	
ELECTRICIANS:						
Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, Wilmington	9.09	.25	1%+.20		.02	
Ashby, Ayer, Groton, Pepperell Shirley, & Townsend	8.30	.45	1%+.25		.02	
Ashland, Hopkinton, Hudson, Marlboro, & Stow	9.33	5%	1%+.24		.01	
North Reading	9.02	.25	1%+.10		.02	
Remainder of County	9.10	.35	1%+.95		.05	
IRONWORKERS	8.29	.45	1.05		.03	

9-R-MASS-a (2-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Laborers	$6.80	.40	.40		.05	
Asphalt rakers; Diamond head & carbide core drilling machines; Mason tenders; Plasterers' tenders; Pneumatic-gas-electric tool op.; Stone rakers, & Spreaders; Wagon drill	7.05	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
LATHERS:						
Ashland, Bedford, Belmont, Concord, Framingham, Holliston, Hudson, Lexington, Lincoln, Maynard, Natick, Newton, Sherborn, Stow, Sudbury, Waltham, Watertown, Wayland, Weston, Marlboro	7.15 7.82	.45 .40	.50 .10		.01 .01	
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Stoneham, Winchester, & Woburn	7.15	.45	.55		.01	
Remainder of County	7.50	.45	.55		.01	
PAINTERS:						
Arlington, Belmont, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Winchester, & Woburn						
Brush; tapers	7.71	.62	.40		.04	
Sandblasting; Spray	8.71	.62	.40		.04	
Steel	7.71+a	.62	.40		.04	
Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley, & Townsend						
Brush	7.83	.50	.25		.02	
Sandblasting; Spray	8.83	.50	.25		.02	
Steel	8.455	.50	.25		.02	
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington						
Brush	7.27	.33	.20			
Spray	8.02	.33	.20			
Acton, Ashland, Boxboro, Concord, Framingham, Hopkinton, Hudson, Lexington, Lincoln, Marlboro, Maynard, Natick, Newton, Sherborn, Stow, Sudbury, Waltham, Watertown, Wayland, & Weston						
Brush	7.00	.35	.25			
Sandblasting; Spray	7.95	.35	.25			
Steel	7.25	.35	.25			
Reading						
Brush	4.10	.15				
Spray	5.10	.15				
Steel	4.60	.15				

9-R-MASS-a (3-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS:						
Newton	$8.25	.50	.70		.04	
Arlington, Cambridge, Everett, Malden, Medford, Somerville, Stoneham, Wakefield, Winchester, & Woburn	7.75	.45	1.00		.02	
Ashland, Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, Stow, & Tewksbury	8.75	.60	.60		.04	
Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland, & Weston	8.45	.50	.50		.04	
Acton, Bedford, Burlington, Lowell, Tyngsboro, & Westford	8.60	.55				
Reading, N. Reading	8.05	.385	.30			
PLUMBERS:						
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, & Woburn	9.35	.50	.60		.03	
Ashland, Belmont, Concord, Framingham, Holliston, Hopkinton, Lexington, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Wayland, & Weston	8.675	.53	.55		.025	
Acton, Ayer (except portion lying west of the Greenville Branch of the Boston & Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford, & Wilmington	8.50	.40	.40		.02	
Ashby, Ayer (portion lying west of the Greenville Branch of the Boston & Main RR), Ft. Devens, Groton, Shirley, & Townsend	8.50	.30	.20	4%	.02	
ROOFERS	8.00	.30	.20			
SHEET METAL WORKERS	8.73	.46	.45		.02	
STEAMFITTERS:						
Acton, Arlington, Cambridge, Everett, Malden, Melrose, Medford, Newton, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, & Woburn	9.26	.51	.65		.05	
Ashland, Belmont, Concord, Framingham, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Wayland, & Weston	8.675	.53	.55		.025	
Ashby, Ayer (portion lying west of the Greenville Branch of the Boston & Main RR), Groton, Shirley & Townsend	8.50	.30	.20	4%	.02	
Remainder of County	8.59	.40	.40		.02	

9-R-MASS-a (4-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TILE SETTERS	8.20	.20	.25			
TILE SETTERS' HELPERS	6.50	.20	.10			

FOOTNOTE:
a. Employer pays $5.00 per day extra above brush rate.

TRUCK DRIVERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

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(1-7)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

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(2-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Pumps (1-3 grouped), compressors, welding machines (2-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02
Assistant engineers (firemen)	8.31	.55	.60	a	.02
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

NOTICES

SUPERSEDEAS DECISION

STATE: Massachusetts
COUNTY: Suffolk
DECISION NO.: AQ-3,006
DATE: Date of Publication
Supersedes Decision No. AP-815 dated May 11, 1973, in 38 FR 12554.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, marina construction and dredging.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 13-MASS-1-2-3-g (1-2)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.955	.55	.50		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Stonemasons	8.65	.60	.70		.04	
CARPENTERS; Soft floor layers	8.55	.50	.30		.02	
CEMENT MASONS	8.90	.35	.20		.04	
ELECTRICIANS	9.10	.35	1%+.95		.05	
ELEVATOR CONSTRUCTORS	9.125	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.55	.25	.36		.02	
IRONWORKERS:						
Ornamental; Reinforcing; Structural	8.29	.45	1.05		.03	
LABORERS (BUILDING):						
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	6.55	.40	.40		.05	
Helper	6.67	.40	.40		.05	
Bottom men	7.30	.40	.40		.05	
Driller	7.42	.40	.40		.05	
LATHERS	7.15	.45	.55		.01	
LEADBURNERS	8.25	.30		c	.01	
LINE CONSTRUCTION:						
Linemen	8.08	.25	1%	d		
Equipment operators	7.17	.25	1%	d		
Groundman-truck driver	5.41	.25	1%	d		
MARBLE SETTERS; Terrazzo workers	7.65	.50	.50			
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	8.83	.50	.30		.02	
PAINTERS:						
Brush	7.61	.32	.30		.04	
Structural steel	7.61+e	.32	.30		.04	
Spray	8.61	.32	.30		.04	
PILEDRIVERMEN	8.65	.50	.30			
PLASTERERS	7.75	.45	1.00		.02	
PLASTERERS' TENDERS	7.05	.40	.40		.05	

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION 13-MASS-1-2-3-g (2-2)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
PLUMBERS	9.35	.50	.60		.03	
ROOFERS; Waterproofers	8.00	.30	.20			
SHEET METAL WORKERS	8.73	.46	.45		.02	
SPRINKLER FITTERS	9.68	.30	.50		.02	
STEAMFITTERS	9.26	.51	.65		.05	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS	8.20	.20	.25			
TILE SETTERS' HELPERS	6.30	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. 6 paid holidays: A through F.
c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked at least 4 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
d. 7 paid holidays: A through F, and Bunker Hill Day, provided the employee has been employed 10 working days prior to any one of the listed holidays.
e. Employer pays $5.00 per day extra above the trush rate.

NOTICES

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TRUCK DRIVERS-BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP TR.
Two axle equipment	$3.97	.24	.35	a+b	
Three axle equipment	4.02	.24	.35	a+b	
Four and five axle equipment	4.12	.24	.35	a+b	
Low bed trailer	4.22	.24	.35	a+b	
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b	
Helpers on low beds	3.97	.24	.35	a+b	

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

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MASS-1-LAB-2-3-1

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.30	.40	.40		.05	
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.55	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.80	.40	.40		.05	
Blasters; Powdermen	7.05	.40	.40		.05	

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TRUCK DRIVERS:
HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Station wagons, panel trucks and pick-up trucks	$5.91	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.01	.35	.50	a+b		
Three axle equipment and firemen	6.06	.35	.50	a+b		
Four and five axle equipment	6.16	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	6.26	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	6.51	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	6.76	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

NOTICES

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MASS-1-PEO-1-2-3-c (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Shovels, cranes, truck cranes, dragglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour					
Master mechanic	9.86	.55	.60	a	.02
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02

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MASS-1-PEO-1-2-3-c (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02
Assistant engineers (firemen)	8.31	.55	.60	a	.02
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

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MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derrick boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers	$9.11	.55	.60	a	.02
Booms over 150' including jib - additional $.35 per hour Booms over 185' including jib - additional $.70 per hour Booms over 210' including jib - additional $1.00 per hour Booms over 250' including jib - additional $1.50 per hour Booms over 295' including jib - additional $2.00 per hour					
Master mechanic	9.86	.55	.60	a	.02
Swinger engines	9.16	.55	.60	a	.02
Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance	8.99	.55	.60	a	.02

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	
Oilers on scows	7.525	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day.

DREDGING	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Dredge operator	$5.935	.225	.25	c+d		
Mates	4.05	.742	.197	c+d		
Scowmen	3.31	.742	.161	c+d		
Deckhand	3.36	.742	.163	c+d		
Tug engineer	4.10	.742	.197	c+d		
Hydraulic Dredges						
Leverman	5.47	.25	.15	a+5%		
Engineer and derrick operators	5.40	.25	.15	a+5%		
Maintenance engineer	5.29	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders & boilerman	5.17	.25	.15	a+5%		
Mates	4.80	.25	.15	a+5%		
Oiler, Fireman, carpenter's helper, welder's helper & blacksmith helper	4.24	.25	.15	a+5%		
Deckhands and shoreman	4.00	.25	.15	a+5%		
Tug engineer	4.86	.25	.15	a+5%		
Tug deckhand	4.06	.25	.15	a+5%		
Drill Boats						
Engineer	6.3475	.25	.15	b		
Blaster	6.4375	.25	.15	b		
Driller; Welder Machinist	6.3487	.25	.15	b		
Firemen	6.0975	.25	.15	b		
Oilor; Drill helper	5.97	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veterans Day.
b. Holidays: A through F; Washington's Birthday and Veterans Day (6½) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.
c. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Veterans Day; Thanksgiving Day; Christmas Day.
d. One week's vacation after one year of employment.

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SUPERSEDEAS DECISION

STATE: Massachusetts
COUNTY: Worcester
DECISION NO.: AQ-3,007
DATE: Date of Publication
Superseded Decision No. AP-816, dated May 11, 1973, in 38 FR 12558.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 6 stories), heavy and highway construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 14-MASS-1-2-3-z (1-3)
TOWNSHIPS OF: Fitchburg, Grafton, Harvard, Holden, Lancaster, Leicester, Leominster, Millbury, N. Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.62	.47	.20		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Cement finishers; Plasterers; Stonemasons; & Tile setters: Harvard, Lancaster, Fitchburg, & Leominster	8.75	.60	.60		.04	
BRICKLAYERS; Cement masons; Marble setters; Plasterers; Stonemasons; Terrazzo workers; & Tile setters: Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	8.50	.50	.45		.02	
CARPENTERS; Soft floor layers: Fitchburg, Harvard, & Leominster	8.35	.50	.50		.02	
Grafton, Holden, Lancaster, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Whitinsville, Worcester	8.65	.40	.30		.02	
Westboro	7.95	.50	.30		.07	
ELECTRICIANS: Fitchburg, Harvard, Lancaster, & Leominster	8.30	.45	1%+.25		.02	
Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	9.33	5%	1%+.24		.01	
ELEVATOR CONSTRUCTORS	8.13	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.55	.25	.36		.02	
IRONWORKERS: Ornamental; Reinforcing; Structural	8.29	.45	1.05		.03	
LABORERS (BUILDING): Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 14-MASS-1-2-3-z (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (BUILDING) CONT'D: Open air caisson; Cylindrical work & boring crew: Laborer; Top man	6.55	.40	.40		.05	
Helper	6.67	.40	.40		.05	
Bottom men	7.30	.40	.40		.05	
Driller	7.42	.40	.40		.05	
LATHERS	7.82	.40	.10		.01	
LEADBURNERS	8.25	.30		c	.01	
LINE CONSTRUCTION: Lineman	8.08	.25	1%	d		
Equipment operator	7.17	.25	1%	d		
Driver groundman	5.41	.25	1%	d		
Groundman	5.16	.25	1%	d		
MARBLE SETTERS; Terrazzo workers: Fitchburg, Harvard, Lancaster, & Leominster	7.65	.50	.50			
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	8.83	.50	.30		.02	
PAINTERS: Westboro Brush	7.00	.35	.25			
Steel	7.25	.35	.25			
Sandblasters; Spray	7.95	.35	.25			
Remaining portion Brush	7.83	.50	.25		.02	
Structural steel	8.455	.50	.25		.02	
Sandblasting; Spray	8.83	.50	.25		.02	
PILEDRIVERMEN	8.65	.50	.30			
PIPEFITTERS	9.725	.35	.25		.05	
PLASTERERS' TENDERS: Grafton, Holden, Leicester, Millbury, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	7.05	.40	.40		.05	
PLUMBERS; Steamfitters: Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	8.725	.55	.30			
Fitchburg, Harvard, Lancaster, & Leominster	9.225	.65	.45			
ROOFERS; Damp-proofers	8.50					
SHEET METAL WORKERS	9.00	.55	.25		.05	
SPRINKLER FITTERS	8.75	.30	.50		.05	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS' HELPERS	6.50	.20	.10			

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 14-MASS-1-2-3-z (3-3)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. 6 paid holidays: A through F
c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
d. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has worked 10 days prior to the listed holidays.

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TRUCK DRIVERS-BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	O
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION MASS-1-PEO-1-2-3-c (1-2)

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke, loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

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MASS-1-PEO-1-2-3-c (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

MASS-.-LAB-2-3-i

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.30	.40	.40		.05	
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.55	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.80	.40	.40		.05	
Blasters; Powdermen	7.05	.40	.40		.05	

MASS - 1 - TD - 2-3 D

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
Station wagons, panel trucks and pick-up trucks	$5.91	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.01	.35	.50	a+b		
Three axle equipment and firemen	6.06	.35	.50	a+b		
Four and five axle equipment	6.16	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	6.26	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	6.51	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	6.76	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Montana

COUNTIES: Blaine, Broadwater, Cascade, Chouteau, Hill, Fergus, Glacier, Judith-Basin, Lewis & Clark, Liberty, Meagher, Phillips, Pondera, Teton, Toole, Valley and Wheatland

DECISION NUMBER: AQ-1,018
Supersedes Decision No. AP-910 dated June 22, 1972, in 38 FR 16615
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$7.96	.44	.72			
BOILERMAKERS	8.25	.30	1.00	.02	.02	
BRICKLAYERS:						
Broadwater, Lewis & Clark, and Meagher Counties	6.65					
Cascade, Chouteau, Glacier, Pondera and Teton Counties	7.65	.25				
Remaining Counties	6.25					
CARPENTERS:						
Blaine and Hill Counties						
Carpenters	4.75	.225	.25			
Sawfilers, Stationary power saw operator; Piledriver	4.90	.225	.25			
Millwrights	5.00	.225	.25			
Broadwater, Lewis and Clark Counties						
Carpenters	6.25	.30	.45		.02	
Piledrivermen	6.40	.30	.45		.02	
Millwrights	6.50	.30	.45		.02	
Wheatland County						
Carpenters	6.27	.30	.45		.02	
Floor sander; Sawmen	6.395	.30	.45		.02	
Piledrivermen	6.42	.30	.45		.02	
Millwrights	6.57	.30	.45		.02	
Valley and Phillips Counties	6.00	.30	.45		.02	
Remaining Counties						
Carpenters	6.47	.30	.45		.02	
Piledrivermen; Saw filers; Sawmen	6.72	.30	.45		.02	
Millwrights	6.97	.30	.45		.02	
CEMENT MASONS:						
Wheatland County	6.00	.35				
Broadwater, Lewis and Clark and Meagher Counties	6.22					
Glacier County	6.15	.20				
Remaining Counties	6.55	.35				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ELECTRICIANS:						
Broadwater, Lewis & Clark and Meagher Counties						
Electricians	$7.00		1%		½%	
Blaine, Hill, Liberty, and Phillips Cos.						
Electricians	6.80		1%		½%	
Valley County						
Electricians	6.40		1%		½%	
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Cos.						
Electricians	7.83	.32	1%		½%	
Cable splicers	8.08	.32	1%		½%	
Fergus and Wheatland Counties						
(Electrical Contracts less than $20,000)	5.40		1%		½%	
(Electrical Contracts $20,000 or more)	6.10		1%		½%	
ELEVATOR CONSTRUCTORS	6.74	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS:						
Cascade, Chouteau, Glacier, Judith-Basin, Lewis & Clark, Pondera, Teton Counties	6.01	.29	.20	4%		
IRONWORKERS:						
Ornamental, Reinforcing, Structural						
Lewis and Clark (South portion)	7.10	.40	.65		.05	
Lewis and Clark (Northern area) and Remaining Counties	7.03	.40	.65		.05	
MARBLE MASONS:						
Broadwater, Lewis and Clark and Meagher Counties	6.65					
Cascade, Chouteau, Glacier, Pondera, and Teton Counties	7.65	.25				
Remaining Counties	6.25					
PAINTERS:						
Broadwater, Lewis & Clark (Southern portion) and Meagher Counties						
Brush	6.11	.25	.20			
Paperhanging	6.36	.25	.20			
Taping, Hand Taping	6.86	.25	.20			
Brush on steel; Spray	7.11	.25	.20			
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Lewis & Clark (Northern portion), Pondera, Teton and Toole Cos.						
Brush	5.85	.34	.30			
Paperhanger	6.10	.34	.30			
Brush on steel	6.35	.34	.30			
Spraying; Sandblasting	8.10	.34	.30			
Phillips and Valley Counties						
Brush or roller	5.84	.25	.20			
Structural steel	6.09	.25	.20			
Spray	6.82	.25	.20			

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PLASTERERS:						
Blaine, Cascade, Chouteau, Liberty, Pondera, Teton and Toole Counties	$6.04	.20				
Hill, Phillips and Valley Counties	6.25					
Glacier County	6.45	.20				
Broadwater, Lewis & Clark and Meagher Counties	6.30	.25	.15		.05	
Wheatland County	6.05	.35				
PLUMBERS:						
Wheatland County	7.30	.40	.40		1¾%	
Broadwater, Lewis & Clark Counties	7.50	.25	.35		.05	
Remaining Counties	7.35	.35	.50		1%	
ROOFERS:						
Broadwater, and Meagher Counties	5.33	.35	.30	.50		
Wheatland County	6.155					
Remaining Counties	6.15					
SHEET METAL WORKERS:						
Lewis and Clark, Broadwater and Meagher Counties	6.88	.22	.10			
Fergus, Phillips, Valley and Wheatland Counties	7.05	.32	.20		.02	
Remaining Counties	6.81	.32	.10	.50	.02	
SPRINKLER FITTERS	7.65	.30	.30		.05	

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Cascade, Chouteau, Fergus, Glacier, Judith Basin, Pondera, Teton, and Toole Counties						
Laborers:						
General laborers; Concrete (wet or dry); Dumpman (spotter); Fence erectors and installer; Scalemen	$5.52	.37	.27		.03	
Brick tenders; Dumpman (grade); Small concrete mixers	5.92	.37	.27		.03	
Air-Track; Asphalt raker and tampers; Barco tampers; Concrete nozzlemen; High scaler; Hod carriers; Plaster tenders	6.02	.37	.27		.03	
Car or truck mounted air operated drills and other air tools; Mechanica tampers; Jackhammers; Pavement breakers, wagon drillers; Pipelayers (non-metallic); Power driven wheel-barrow; Power saw (bucking and falling)	5.77	.37	.27		.03	
Blaine, Hill, Liberty and Valley Cos.						
Laborers: Car and truck loaders; Carpenter tender and form stripper; Concrete laborers; Dumpman (spotter); Small power tools, chippers; Clay spades, pogo stick; Fence erectors and installers	5.17	.37	.27		.03	
Dumpman (Grade)	5.29	.37	.27		.03	
Caisson workers (free air); Concrete saw; Small concrete mixer; Concrete nozzleman; Barco tamper; Jackhammer; Pavement breaker; Placo operator; Pipe layers (non-metallic); Power driven concrete buggies or wheel-barrows; Nozzleman; Sandblaster; Pot tender; Tar pot tender; Tailhoseman; Vibrator (over 2½"); Vibrator turtle; Bull gang; Chuck tender; Muckers and nippers pot tender; Primerhouseman	5.42	.37	.27		.03	
Brick tenders (handling bricks and blocks only)	5.57	.37	.27		.03	
Concrete nozzleman; Miner	5.67	.37	.27		.03	
Lazer tools and equipment; Powderman	5.92	.37	.27		.03	

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LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Broadwater(Northern area), Lewis & Clark and Meagher Counties						
General laborer; Car and truck loader; Concrete handler; Form stripper; Fence erector and installer	$ 5.20	.37	.27	.10	.03	
Concrete buggy; Vibrator; Jackhammer; Wagon driller; Barco tamper; Pavement breaker; Powderman helper	5.355	.37	.27	.10	.03	
All power tools; Rodder and spreader; Non-metallic pipe layers; Pipe wrappers; Sandblasters; Pot tenders; Curb form setter; Concrete tenders	5.455	.37	.27	.10	.03	
Mortar mixer; Powderman	5.55	.37	.27	.10	.03	
Wheatland County						
Common laborers	5.19	.37	.27		.03	
Semi-skilled; Hod carriers; Jackhammer operator; Vibrator; Mixer operator; Concrete pump tender; Nozzleman; Concrete machiner; Curb form setter	5.44	.37	.27		.03	

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Broadwater, Fergus, Judith-Basin, Lewis & Clark, Meagher, Phillips, Valley and Wheaton Counties

MONT-1-PFO-2-3-L (1-4)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
A-Frame Truck Crane, Winch Truck and similar	$6.86	.45	.45		.03	
Air Compressor, Single	6.55	.45	.45		.03	
Air Compressor, two or more	6.72	.45	.45		.03	
Air Doctor	7.02	.45	.45		.03	
Asphalt Paving Machine	7.02	.45	.45		.03	
Asphalt Paving Mechine Screed	7.02	.45	.45		.03	
Automatic Finegrader, Curries and other similar types	7.15	.45	.45		.03	
Belt Finish Machine	6.72	.45	.45		.03	
Bit Grinder	7.02	.45	.45		.03	
Bituminous Mixer Paving, Travel Plant	7.02	.45	.45		.03	
Boring Machine (small). Jeep, pickup or farm tractor mounted	6.61	.45	.45		.03	
Boring Machine (large)	7.02	.45	.45		.03	
Broom, self-propelled	6.69	.45	.45		.03	
Cableway Highline	7.53	.45	.45		.03	
Cement Silo	6.81	.45	.45		.03	
Central Mixing Plants, Concrete dam & stationary	7.27	.45	.45		.03	
Chain Bucket Loader	6.74	.45	.45		.03	
Chip or Gravel Spreader, self-propelled	6.74	.45	.45		.03	
Concrete Batch Plant, one & two mixers	7.02	.45	.45		.03	
Concrete Batch Plant, three and four mixers	7.22	.45	.45		.03	
Concrete Batch Plant, five mixers & over	7.42	.45	.45		.03	
Concrete Batch Plant Oiler, up to & incl. two mixers	6.54	.45	.45		.03	
Concrete Batch Plant Oiler, three mixers and over	6.85	.45	.45		.03	
Concrete Bucket Dispatcher	7.02	.45	.45		.03	
Concrete Curing Machine	7.02	.45	.45		.03	
Concrete Finish Machine Paving	7.02	.45	.45		.03	
Concrete Float-Spreader	7.02	.45	.45		.03	
Concrete Mixer, three bags & under	6.61	.45	.45		.03	
Concrete Mixer, four bags and over	6.78	.45	.45		.03	
Concrete Power Saw, self-propelled	7.02	.45	.45		.03	
Concrete Travel Batcher	7.02	.45	.45		.03	
Conveyor Loader, up to & incl. 42" belt	6.60	.45	.45		.03	
Conveynr Loader, over 42 inch belt	6.72	.45	.45		.03	
Crane, to & incl. 80' boom wfth jib	7.18	.45	.45		.03	
Crane, 81' to 130' boom	7.33	.45	.45		.03	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth-
Crane, 131' to 150' boom	$7.38	.45	.45		.03	
Crane, 151' boom & over	7.43	.45	.45		.03	
Crane Oiler	6.59	.45	.45		.03	
Crusher	7.02	.45	.45		.03	
Crusher Oiler & Helper	6.51	.45	.45		.03	
Crusher Conveyor, when required	6.48	.45	.45		.03	
Distributor	7.02	.45	.45		.03	
DW 10, 15, or 20 Tractor pulling roller	6.74	.45	.45		.03	
Electric Overhead Cranes	7.20	.45	.45		.03	
Elevating Grader	7.02	.45	.45		.03	
Farm Type Tractor, up to & incl. 50 HP Engine	6.48	.45	.45		.03	
Farm Type Tractor, over 50HP Engine	6.56	.45	.45		.03	
Field Equipment Serviceman	6.94	.45	.45		.03	
Field Equipment Serviceman Helper	6.51	.45	.45		.03	
Fireman	6.61	.45	.45		.03	
Forklift, on construction job site	6.83	.45	.45		.03	
Form Grader	6.79	.45	.45		.03	
Gradall	7.02	.45	.45		.03	
Grade Setter	6.48	.45	.45		.03	
Heavy Duty Drill, all types	7.02	.45	.45		.03	
Heavy Duty Driller Helper	6.61	.45	.45		.03	
Herman-Nelson Heaters & similar type	6.56	.45	.45		.03	
Hoist, Single drum	6.79	.45	.45		.03	
Hoist, two or more drums	7.02	.45	.45		.03	
Helicopter Hoist	7.52	.45	.45		.03	
Hot Plant	7.02	.45	.45		.03	
Hot Plant Firemen, when in Operation	7.02	.45	.45		.03	
Hot Plant Oiler, 100 ton per hour or over	6.51	.45	.45		.03	
Hydra lift and similar types	6.92	.45	.45		.03	
Industrial Locomotive all classes	7.02	.45	.45		.03	
Mechanic and/or Welder on job	7.12	.45	.45*		.03	
Mechanic and/or Welder Helper on job	6.51	.45	.45		.03	
Mixermobile	7.10	.45	.45		.03	
Motor Patrol	7.15	.45	.45		.03	
Mountain Logger or smilar type	7.02	.45	.45		.03	
Mucking Machine	7.02	.45	.45		.03	
Oiler-Driver, Tubber Tired Cranes	6.59	.45	.45		.03	
Oilers, other than Shovels & Cranes	6.51	.45	.45		.03	
Oiler, hoist house, dams	6.92	.45	.45		.03	
Pavement Breaker, Emsco & similar	7.02	.45	.45		.03	
Paving & Mixing Machine	7.15	.45	.45		.03	
Power Auger, Large Truck or Tractor Mounted	7.02	.45	.45		.03	
Power Mixer, single or double drum	7.02	.45	.45		.03	
Power Saw, Multiple cut, self-propelled	7.02	.45	.45		.03	
Pumpcrete or Grout Machine	7.02	.45	.45		.03	
Pumpman	6.55	.45	.45		.03	

MONT-1-PEO-2-3-b (3-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Push Tractor	$7.02	.45	.45		.03	
Quad Cat	7.32	.45	.45		.03	
Refrigerator Plant	7.02	.45	.45		.03	
Retort	6.61	.45	.45		.03	
Roller, on blade or hot mix oil paving	7.02	.45	.45		.03	
Roller, on other blade or hot mix paving	6.72	.45	.45		.03	
Roller, 25 ton or over	7.02	.45	.45		.03	
Ross & similar type carriers, on construction site	7.02	.45	.45		.03	
Rubber-tired Dozer	7.02	.45	.45		.03	
Rubber-tired Front End Loader, 1 yd. & under	6.73	.45	.45		.03	
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	7.02	.45	.45		.03	
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	7.14	.45	.45		.03	
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	7.24	.45	.45		.03	
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	7.34	.45	.45		.03	
Rubber-tired Front End Loader, over 15 yds.	7.44	.45	.45		.03	
Scraper, DW 15, 20, 21 & similar type if power unit is not used	7.02	.45	.45		.03	
Scraper, single or twin engine pulling belly dump trailer	7.40	.45	.45		.03	
Scraper, single engine	7.15	.45	.45		.03	
Scraper, twin engine	7.25	.45	.45		.03	
Scraper, tandem engine	7.51	.45	.45		.03	
Self-pupelled Sheepfoot and similar type	7.02	.45	.45		.03	
Shovels, incl. all attachments, under 1 cu. yd.	7.02	.45	.45		.03	
Shovels, incl. all attachments, 1 cu. yd. to & incl. 3 cu. yd.	7.20	.45	.45		.03	
Shovels, incl. all attachments, over 3 cu. yd. to & incl. 5 cu. yd.	7.47	.45	.45		.03	
Shovels, incl. all attachments, over 5 cu. yd.	7.60	.45	.45		.03	
Shovel Oiler, 3 yds. & under	6.51	.45	.45		.03	
Shovel Oiler, over 3 cu. yds.	6.92	.45	.45		.03	
Slip form paver	7.15	.45	.45		.03	
Stiff leg derrick & guy derrick	7.47	.45	.45		.03	
Track-type front end loaders; up to & incl. 5 cu. yds.	7.02	.45	.45		.03	
Track-type front end loaders; over 5 cu. yd. to & incl. 10 cu. yd.	7.25	.45	.45		.03	
Track-type front end loaders, over 10 cu. yd. to & incl. 15 cu. yd.	7.35	.45	.45		.03	

MONT-1-PEO-2-3-b (4-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Track-type front end loaders, over 15 cu. yd.	$7.45	.45	.45		.03	
Track-type tractor with or without attachments	7.02	.45	.45		.03	
Track-type tractor, on Euclid Loader	7.20	.45	.45		.03	
Trenching Machine	7.02	.45	.45		.03	
Turnhead Conveyor, or Head Tower on Batch Plant	7.02	.45	.45		.03	
Wagner Roller & similar type	7.02	.45	.45		.03	
Whirley Crane	7.55	.45	.45		.03	
Whirley Crane Oiler	6.92	.45	.45		.03	
Water Pull when used for compaction	7.02	.45	.45		.03	
Washing and Screening Plant	7.02	.45	.45		.03	
Washing and Screening Plant Oiler	6.51	.45	.45		.03	

Remaining Counties

MON-4-PEO-1-g (1-4)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
SHOVELS, incl. all attachments, over 5 yds.; Stiff-leg derrick and guy derrick; Cableway highline; Helicopter hoist; Tower crane; Whirley crane	$7.64	.45	.45		.03	
SCRAPER, tandem engine; Shovels, incl. all attachments, over 3 yds. to and incl. 5 yds.	7.51	.45	.45		.03	
RUBBER-TIRED FRONT-END LOADERS, over 15 yds.; Track-type front-end loaders, over 15 cu. yds.	7.45	.45	.45		.03	
RUBBER-TIRED FRONT-END LOADERS, 10 yds. to and incl. 15 yds.; Track-type front-end loaders, 10 cu. yds. to and incl. 15 cu. yds.; Concrete conveyor; Crane, to and incl. 80' boom with jib	7.35	.45	.45		.03	
QUAD CAT	7.32	.45	.45		.03	
CENTRAL MIXING PLANT, concrete and stationary	7.27	.45	.45		.03	
RUBBER-TIRED FRONT-END LOADERS, over 5 yds. to and incl. 10 yds.; Scraper, twin engine; Track-type front-end loaders, over 5 cu. yds. to and incl. 10 cu. yds.; Scraper single or twin engine, pulling belly dump trailer	7.25	.45	.45		.03	
CRANE, ELECTRIC OVERHEAD, ALL; Shovels, incl. all attachments, 1 yd. to and incl. 3 yds.; Track-type tractor on euclid loader	7.21	.45	.45		.03	
HOIST, TWO OR MORE DRUMS; Motor patrol; Ross and similar type carriers on construction site	7.18	.45	.45		.03	
AUTOMATIC FINEGRADER, Gurries and other types; Paver; Slip form; Paving and mixing machine; Roller, 25 tons or over; Rubber tired front-end loader, over 3 yds. to and incl. 5 yds.; Scraper, single	7.15	.45	.45		.03	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
MIXERMOBILE	$7.11	.45	.45		.03	
BORING MACHINE; Jeep, pickup or farm tractor mounted; Boring machine, large; Power auger large truck or tractor, mounted and punch	7.05	.45	.45		.03	
AIR DOCTOR; Asphalt paving machine; Asphalt paving machine screed operator; Bit grinder; Bituminous mixer paving travel plant; Concrete batch plant operator; Concrete curing machine; Concrete finish machine, paving; Concrete float and spreader; Concrete Power saw, self-propelled; Concrete travel batcher; Crusher; Distributor; Elevating grader; Forklift on construction job site; Gradall; Heavy duty drills, all types, Hot plant; Hot plant fireman, when in operation; Industrial locomotive; Mountain logger or similar type machine; Mucking machine; Pavement breaker, Emsco and similar; Power mixer, single or double drum; Pumpcrete or grout machine; Refrigerator plant; Roller, steel and self-propelled rubber on blade or hot mix oil paving; Roller, Wagner and similar types, rubber-tired dozer; Rubber-tired front-end loaders, 1 yd. to and incl. 3 yds.; Shovels, incl. all attachments, under 1 yd.; Track-type tractor, with or without attachments; Track-type tractor with or without attachments incl. track-type front-end loaders up to and incl. 5 cu. yds.; Trench machine; Belt finishing machine; Concrete batch plant, 1 and 2 mixers; DW 10, 15, 20 tractor pulling roller; Power saw self-propelled, multiple cut; Push tractor; Scraper, DW 15, 20, 21 and similar type if power unit is not used; Self-propelled sheepsfoot; Turnhead conveyor, or head tower, on batch plant; Wagner roller; Water pull operator	7.02	.45	.45		.03	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
FIELD EQUIPMENT SERVICEMAN; Hydralift and similar type; Oiler, hoist-house, dams; Shovel oiler, over 3 yds.; Winch truck with boom	$6.92	.45	.45		.03	
CONCRETE MIXER, 4 bags and over	6.89	.45	.45		.03	
HOIST, SINGLE DRUM	6.81	.45	.45		.03	
A-FRAME TRUCK CRANE, winch truck and similar	6.80	.45	.45		.03	
CEMENT SILO; Form grader	6.79	.45	.45		.03	
HYDRO TAMPER	6.77	.45	.45		.03	
CHAIN BUCKET; Chip or gravel spreader, self-propelled; Conveyor loader, over 42" belt	6.72	.45	.45		.03	
AIR COMPRESSOR, two or more; Roller, steel and self-propelled rubber other than blade or hot mix oil paving; Rubber-tired front-end loaders, under 1 yd.	6.71	.45	.45		.03	
BROOM, self-propelled	6.67	.45	.45		.03	
CONCRETE MIXER, 3 bags and under; Fireman	6.61	.45	.45		.03	
CONVEYOR LOADER, up to and incl. 42" belt; Crusher conveyor	6.60	.45	.45		.03	
RETORT OPERATOR	6.57	.45	.45		.03	
MECHANIC AND/OR WELDER HELPER; Concrete batch plant oiler; Crane oiler; Farm type tractor, over 50HP engine; Hot plant oiler, 100 tons per hr. and over; Oiler driver, rubber-tired crane	6.56	.45	.45		.03	
PUMPMAN	6.55	.45	.45		.03	
AIR COMPRESSOR, SINGLE; Concrete batch plant oiler, up to and incl. 2 mixers	6.52	.45	.45		.03	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SHOVEL, OILER, 3 yds. and under	$6.51	.45	.45		.03	
CRUSHER OILER AND HELPER; Farmtype tractor, up to and incl. 50 HP engine; Field equipment service helper; Grade setter; Heavy duty drill helper; Heaters, Herman Nelson and similar type; Oilers, other than shovels and cranes; Washer and screening plant oiler	6.48	.45	.45		.03	
CONCRETE BATCH PLANT, 3 and 4 mixers	7.22	.45	.45		.03	
CONCRETE BATCH PLANT, 5 mixers and over	7.42	.45	.45		.03	
CONCRETE BATCH PLANT OILER, 3 mixers and over	6.83	.45	.45		.03	
CONCRETE PUMP	7.80	.45	.45		.03	
CRANE 81' to 130' BOOM	7.50	.45	.45		.03	
CRANE 131' to 150' BOOM	7.55	.45	.45		.03	
CRANE 151' BOOM AND OVER	7.60	.45	.45		.03	
MECHANIC AND/OR WELDER	7.12	.45	.45		.03	
WHIRLEY CRANE OILER	6.85	.45	.45		.03	

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
COMBINATION Truck; Concrete Mixer and Transit Mixer:						
To and incl. 4 cu. yds.	$6.30	.475	.325			
Over 4 cu. yds. to and incl. 6 cu. yds.	6.38	.475	.325			
Over 6 cu. yds. to and incl. 8 cu. yds.	6.46	.475	.325			
Over 8 cu. yds. to and incl. 10 cu. yds.	6.54	.475	.325			
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER AND HELPER	6.23	.475	.325			
DRY BATCH TRUCKS:						
3 Batch or under	6.05	.475	.325			
Over 3 Batch to and incl. 5 Batch	6.18	.475	.325			
Over 5 Batch to and incl. 10 Batch	6.34	.475	.325			
Over 10 Batch to and incl. 15 Batch	6.50	.475	.325			
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment						
DUMPMAN, GRAVEL SPREADER BOX: Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters and Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	6.05	.475	.325			
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:						
7 cu. yds. or less	6.05	.475	.325			
Over 7 cu. yds. to and incl. 10 cu. yds.	6.18	.475	.325			
Over 10 cu. yds. to and incl. 15 cu. yds.	6.34	.475	.325			
Over 15 cu. yds. to and incl. 20 cu. yds.	6.48	.475	.325			
Over 20 cu. yds. to and incl. 25 cu. yds.	6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. to and incl. 35 cu. yds.	6.66	.475	.325			
Over 35 cu. yds. to and incl. 40 cu. yds.	6.72	.475	.325			
Over 40 cu. yds. to and incl. 45 cu. yds.	6.78	.475	.325			
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
DUMPSTERS	6.18	.475	.325			

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MONT-1-TD-1-2-3-h (2-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:						
To and incl. 25 cu. yds.	$6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
SERVICEMEN	6.79	.475	.325			
POWDER TRUCK DRIVER (bulk unloader type)	6.23	.475	.325			
FLAT TRUCKS:						
To and incl. 3 Tons	6.05	.475	.325			
Over 3 tons Factory rating	6.40	.475	.325			
FUEL TRUCK; SERVICE TIREMEN	6.52	.475	.325			
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	6.40	.475	.325			
LUMBER CARRIERS, LIFT TRUCKS; Power broom	6.14	.475	.325			
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:						
2,500 gals. and under	6.05	.475	.325			
Over 2,500 gals. to and incl. 4,500 gals.	6.34	.475	.325			
Over 4,500 gals. to and incl. 6,000 gals.	6.54	.475	.325			
Over 6,000 gals. to and incl. 8,000 gals.	6.60	.475	.325			
Over 8,000 gals. to and incl. 10,000 gals.	6.68	.475	.325			
Over 10,000 gals. - additional $.08 per hour each additional 2,000 gals. increment						
WINCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, GROUTCRETE, AND COMBINATION MULCHING, SEEDING AND FERTILIZING	6.30	.475	.325			
TRUCK MECHANIC	6.79	.475	.325			

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MONT-SW-LINE CONSTRUCTION-2-3-f

LINE CONSTRUCTION: (Jobs 69,000 volts or less)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Cable splicer	$7.18	.25	1%		½%	
Linemen	6.49	.25	1%		½%	
Line equipment operators; Powdermen	6.38	.25	1%		½%	
Experienced groundmen (2 yrs.); Truck drivers	5.05	.25	1%		½%	
Groundmen	4.49	.25	1%		½%	
(Jobs over 69,000 volts) and/or (projects of $400,000 or over) Cable splicers	7.36	.25	1%		½%	
Linemen; Pole spreyer	6.99	.25	1%		½%	
Line equipment operators; Powdermen	6.42	.25	1%		½%	
Groundmen	5.31	.25	1%		½%	

SUPERSEDEAS DECISION

STATE: Montana

COUNTIES: Beaverhead, Deer Lodge, Gallatin, and Silver Bow

DECISION NUMBER: AQ-1,019

DATE: Date of Publication

Supersedes Decision No. AP-916 dated June 29, 1973, in 38 FR 19609

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$7.96	.44	.72			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS:						
Deer Lodge County	6.35					
Beaverhead, and Silver Bow Counties	7.50					
Gallatin County	7.10					
CARPENTERS:						
Beaverhead, and Silver Bow Counties	6.11	.30	.45	.50	.02	
Deer Lodge County	6.01	.30	.35		.01	
Gallatin County	6.13	.30	.45		.02	
CEMENT MASONS:						
Beaverhead, Deer Lodge, and Silver Bow Counties	4.90	.30		.60		
Gallatin County	5.95	.25				
ELECTRICIANS:						
Beaverhead and Silver Bow Counties	7.10	.30	1%		½%	
Deer Lodge County	6.95		1%		½%	
Gallatin County	6.60	.20	1%		½%	
ELEVATOR CONSTRUCTORS	6.74	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Structural; Reinforcing	7.10	.40	.65		.05	
LATHERS:						
Deer Lodge, Gallatin and Silver Bow Counties	5.95				.01	
MARBLE MASON:						
Gallatin County	6.65					
PAINTERS:						
Beaverhead and Silver Bow Counties						
Brush	5.56					
Roller, over 8 ft.	6.06					
Spray	8.34					

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
PLASTERERS:						
Beaverhead, Deer Lodge and Silver Bow Counties	$4.90	.30		.60		
Gallatin County	5.80	.25				
PLUMBERS	7.50	.25	.35		.05	
ROOFERS:						
Beaverhead, Deer Lodge, and Silver Bow Counties	5.33	.35	.30	.50		
Gallatin County	5.27					
SHEET METAL WORKERS:						
Gallatin County	6.56	.27	.10		.02	
Beaverhead, Deer Lodge and Silver Bow Counties	6.55	.27	.20			
SPRINKELR FITTERS	7.65	.30	.50		.05	
TERRAZZO WORKERS & Tile Setters:						
Gallatin County	7.10					

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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Beaverhead, Deer Lodge and Silver Bow Counties

4-MONT-1-AB-1-b (1-2)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
General laborer; Axeman; Carpenter tender; Car and truck loaders, Scissorman; Chuck tender and nipper (above ground); Cosmolene, applying and removing; Fence erector and installer incl. the installation and erection fences, guard rails, median rails, erference posts, guide posts and right-of-way markers); Form stripper; Form setter; Landscape laborer; Nozzleman-air and water, gunnite and place machine; Pilot car; Riprap helper; Scaleman; Sod cutter (hand operated) (General laborer); Stake jumper for equipment; Tool checker, toolhouseman	$5.00	.37	.27	.50	.03
Riprapper; Sandblaster; Sandblaster tailhouseman; Pot tender	5.07	.37	.27	.50	.03
Hand faller	5.08	.37	.27	.50	.03
Post hole digger (power Auger)	5.09	.37	.27	.50	.03
Concrete or asphalt saws; Tar pot operator	5.10	.37	.27	.50	.03
Powderman helper	5.12	.37	.27	.50	.03
Caisson workers (free air); Chocker setter; Pipe wrapper; Power saw (bucking); Spike driver, single or dual or hand	5.16	.37	.27	.50	.03
Drills, air-tract, self-propelled car or truck mount air operated drills; Jackhammer, pavement breaker, wagon driller, mechanical tamper, vibrating roller hand steered and other power tools	5.17	.37	.27	.50	.03
Asphalt raker; Dumpman (grademan)	5.18	.37	.27	.50	.03
High pressure machine nozzleman	5.22	.37	.27	.50	.03
Pipe layer (all types); Cutting torch operator	5.25	.37	.27	.50	.03
Powderman	5.27	.37	.27	.50	.03
Grade setter	5.28	.37	.27	.50	.03

4-MONT-1-AB-1 - b (2-2)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
High scaler	$5.35	.37	.27	.50	.03
Dumpman (spotter)	5.38	.37	.27	.50	.03
Power saw (falling)	5.40	.37	.27	.50	.03
Rigger	5.50	.37	.27	.50	.03
Core drill operator	5.60	.37	.27	.50	.03
Concrete worker, wet or dry; Tending masons when pouring and finishing concrete	5.08	.37	.27	.50	.03
Vibrator operator; Tending stonesetters, Marble setters, Tile setters, Skagiola and Terrazzo workers; Tending brick masons or brick or stone work; Tending plasterers or stuccoing or plastering; (This does not include rubbing down of foundation or concrete walls), Surekete, Stonehard and Rubberslate; Concrete conveyor swinger operator	5.24	.37	.27	.50	.03
Power driven concrete buggies	5.12	.37	.27	.50	.03
GALLATIN COUNTY					
Laborers: General laborers	5.19	.37	.27		.03
Hod carriers; Jackhammer operator; Vibrator; Mixer; Concrete pump tender; Nozzleman; Concrete curb machine; Curb form setter	5.44	.37	.27		.03

GALLATIN COUNTY

MONT-1-PEO-2-3-b (1-4)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
A-Frame Truck Crane, Winch Truck and similar	$6.86	.45	.45		.03	
Air Compressor, Single	6.55	.45	.45		.03	
Air Compressor, two or more	6.72	.45	.45		.03	
Air Doctor	7.02	.45	.45		.03	
Asphalt Paving Machine	7.02	.45	.45		.03	
Asphalt Paving Machine Screed	7.02	.45	.45		.03	
Automatic Finegrader, Gurries and other similar types	7.15	.45	.45		.03	
Belt Finish Machine	6.72	.45	.45		.03	
Bit Grinder	7.02	.45	.45		.03	
Bituminous Mixer Paving, Travel Plant	7.02	.45	.45		.03	
Boring Machine (small). jeep, pickup or farm tractor mounted	6.61	.45	.45		.03	
Boring Machine (large)	7.02	.45	.45		.03	
Broom, self-propelled	6.69	.45	.45		.03	
Cableway Highline	7.53	.45	.45		.03	
Cement Silo	6.81	.45	.45		.03	
Central Mixing Plants, Concrete dam & stationary	7.27	.45	.45		.03	
Chain Bucket Loader	6.74	.45	.45		.03	
Chip or Gravel Spreader, self-propelled	6.74	.45	.45		.03	
Concrete Batch Plant, one & two mixers	7.02	.45	.45		.03	
Concrete Batch Plant, three and four mixers	7.22	.45	.45		.03	
Concrete Batch Plant, five mixers & over	7.42	.45	.45		.03	
Concrete Batch Plant Oiler, up to & incl. two mixers	6.54	.45	.45		.03	
Concrete Batch Plant Oiler, three mixers and over	6.85	.45	.45		.03	
Concrete Bucket Dispatcher	7.02	.45	.45		.03	
Concrete Curing Machine	7.02	.45	.45		.03	
Concrete Finish Machine Paving	7.02	.45	.45		.03	
Concrete Float-Spreader	7.02	.45	.45		.03	
Concrete Mixer, three bags & under	6.61	.45	.45		.03	
Concrete Mixer, four bags and over	6.78	.45	.45		.03	
Concrete Power Saw, self-propelled	7.02	.45	.45		.03	
Concrete Travel Batcher	7.02	.45	.45		.03	
Conveyor Loader, up to & incl. 42" belt	6.60	.45	.45		.03	
Conveyor Loader, over 42 inch belt	6.72	.45	.45		.03	
Crane, to & incl. 80' boom with jib	7.18	.45	.45		.03	
Crane, 81' to 130' boom	7.33	.45	.45		.03	

MONT-1-PEO-2-3-b (2-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Crane, 131' to 150' boom	$7.38	.45	.45		.03	
Crane, 151' boom & over	7.43	.45	.45		.03	
Crane Oiler	6.59	.45	.45		.03	
Crusher	7.02	.45	.45		.03	
Crusher Oiler & Helper	6.51	.45	.45		.03	
Crusher Conveyor, when required	6.48	.45	.45		.03	
Distributor	7.02	.45	.45		.03	
DW 10, 15, or 20 Tractor pulling roller	6.74	.45	.45		.03	
Electric Overhead Cranes	7.20	.45	.45		.03	
Elevating Grader	7.02	.45	.45		.03	
Farm Type Tractor, up to & incl. 50 HP Engine	6.48	.45	.45		.03	
Farm Type Tractor, over 50HP Engine	6.56	.45	.45		.03	
Field Equipment Serviceman	6.94	.45	.45		.03	
Field Equipment Serviceman Helper	6.51	.45	.45		.03	
Fireman	6.61	.45	.45		.03	
Forklift, on construction job site	6.83	.45	.45		.03	
Form Grader	6.79	.45	.45		.03	
Gradall	7.02	.45	.45		.03	
Grade Setter	6.48	.45	.45		.03	
Heavy Duty Drill, all types	7.02	.45	.45		.03	
Heavy Duty Driller Helper	6.61	.45	.45		.03	
Herman-Nelson Heaters & similar type	6.56	.45	.45		.03	
Hoist, Single drum	6.79	.45	.45		.03	
Hoist, two or more drums	7.02	.45	.45		.03	
Helicopter Hoist	7.52	.45	.45		.03	
Hot Plant	7.02	.45	.45		.03	
Hot Plant Fireman, when in Operation	7.02	.45	.45		.03	
Hot Plant Oiler, 100 ton per hour or over	6.51	.45	.45		.03	
Hydra lift and similar types	6.92	.45	.45		.03	
Industrial Locomotive all classes	7.02	.45	.45		.03	
Mechanic and/or Welder on job	7.12	.45	.45		.03	
Mechanic and/or Welder Helper on job	6.51	.45	.45		.03	
Mixermobile	7.10	.45	.45		.03	
Motor Patrol	7.15	.45	.45		.03	
Mountain Logger or smiilar type	7.02	.45	.45		.03	
Mucking Machine	7.02	.45	.45		.03	
Oiler-Driver, Tubber Tired Cranes	6.59	.45	.45		.03	
Oilers, other than Shovels & Cranes	6.51	.45	.45		.03	
Oiler, hoist house, dams	6.92	.45	.45		.03	
Pavement Breaker, Emsco & similar	7.02	.45	.45		.03	
Paving & Mixing Machine	7.15	.45	.45		.03	
Power Auger, Large Truck or Tractor Mounted	7.02	.45	.45		.03	
Power Mixer, single or double drum	7.02	.45	.45		.03	
Power Saw, Multiple cut, self-propelled	7.02	.45	.45		.03	
Pumpcrete or Grout Machine	7.02	.45	.45		.03	
Pumpman	6.55	.45	.45		.03	

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MONT-1-PEO-2-3-b (3-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Push Tractor	7.02	.45	.45		.03	
Quad Cat	7.32	.45	.45		.03	
Refrigerator Plant	7.02	.45	.45		.03	
Retort	6.61	.45	.45		.03	
Roller, on blade or hot mix oil paving	7.02	.45	.45		.03	
Roller, on other blade or hot mix paving	6.72	.45	.45		.03	
Roller, 25 ton or over	7.02	.45	.45		.03	
Ross & similar type carriers, on construction site	7.02	.45	.45		.03	
Rubber-tired Dozer	7.02	.45	.45		.03	
Rubber-tired Front End Loader, 1 yd. & under	6.73	.45	.45		.03	
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	7.02	.45	.45		.03	
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	7.14	.45	.45		.03	
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	7.24	.45	.45		.03	
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	7.34	.45	.45		.03	
Rubber-tired Front End Loader, over 15 yds.	7.44	.45	.45		.03	
Scraper, DW 15, 20, 21 & similar type if power unit is not used	7.02	.45	.45		.03	
Scraper, single or twin engine pulling belly dump trailer	7.40	.45	.45		.03	
Scraper, single engine	7.15	.45	.45		.03	
Scraper, twin engine	7.25	.45	.45		.03	
Scraper, tandem engine	7.51	.45	.45		.03	
Self-propelled Sheepfoot and similar type	7.02	.45	.45		.03	
Shovels, incl. all attachments, under 1 cu. yd.	7.02	.45	.45		.03	
Shovels, incl. all attachments, 1 cu. yd. to & incl. 3 cu. yd.	7.20	.45	.45		.03	
Shovels, incl. all attachments, over 3 cu. yd. to & incl. 5 cu. yd.	7.47	.45	.45		.03	
Shovels, incl. all attachments, over 5 cu. yd.	7.60	.45	.45		.03	
Shovel Oiler, 3 yds. & under	6.51	.45	.45		.03	
Shovel Oiler, over 3 cu. yds.	6.92	.45	.45		.03	
Slip form paver	7.15	.45	.45		.03	
Stiff leg derrick & guy derrick	7.47	.45	.45		.03	
Track-type front end loaders; up to & incl. 5 cu. yds.	7.02	.45	.45		.03	
Track-type front end loaders; over 5 cu. yd. to & incl. 10 cu. yd.	7.25	.45	.45		.03	
Track-type front end loaders, over 10 cu. yd. to & incl. 15 cu. yd.	7.35	.45	.45		.03	

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MONT-1-PEO-2-3-b (4-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Track-type front end loaders, over 15 cu. yd.	$7.45	.45	.45		.03	
Track-type tractor with or without attachments	7.02	.45	.45		.03	
Track-type tractor, on Euclid Loader	7.20	.45	.45		.03	
Trenching Machine	7.02	.45	.45		.03	
Turnhead Conveyor, or Head Tower on Batch Plant	7.02	.45	.45		.03	
Wagner Roller & similar type	7.02	.45	.45		.03	
Whirley Crane	7.55	.45	.45		.03	
Whirley Crane Oiler	6.92	.45	.45		.03	
Water Pull when used for compaction	7.02	.45	.45		.03	
Washing and Screening Plant	7.02	.45	.45		.03	
Washing and Screening Plant Oiler	6.51	.45	.45		.03	

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MON-3-PEC-1-f (1-4)

Remaining Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
A-FRAME TRUCK CRANE	$6.86	.45	.45		.03	
AIR COMPRESSOR, single	6.55	.45	.45		.03	
AIR COMPRESSOR, 2 or more; Belt finishing; Conveyor loader, over 42" belt; Roller, steel & self-propelled rubber on other than blade or hot-mix oil paving	6.72	.45	.45		.03	
AIR DOCTOR; Asphalt paving machine, or screed; Bit grinder; Bituminous mixer, paver; Boring machine, large (for guard rail holes); Bulldozer, rubber-tired or otherwise; Concrete batch plant, 1 & 2 mixers; Concrete bucket dispatcher; Concrete Curing Machine; Concrete finishing machine, paving; Concrete float & spreader; Concrete Power saw, self-propelled; Concrete travel batcher; Crusher and/or screening plant; Distributor; Elevating grader; Gradall; Heavy duty rotary drills (Quarry Master, Joy drills & similar types); Hoist, or air tugger, 2 or more drums; Hot plant; Hot plant; Hot plant fireman (when in operation); Industrial Locomotive, all types; Loaders, rubber-tired, over 1 yd. to & incl. 3 yds.; Loaders, track-type, up to & incl. 5 yds.; Loaders, traxcavator & Athey; Loader & Hoe combination, rubber-tired, loader 1 yd. & under, hoe 1 yd. & under; Mountain logger or similar; Mucking Machine; Pavement breaker, Emsco & similar; Power auger, large truck or tractor, mounted & punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Push tractor; Refrigerator plant; Roller, steel & self-propelled rubber on Blade on hot-mix oil paving Roller, 25 tons, working weight or over, any type or make; Roller, Wagner & similar; Ross & similar type Carriers (on Constr. site); Scraper DW 10; Scraper, DW 15, 20, 21 & similar if Power unit is not used; Self-propelled sheepsfoot & similar; Shov-						

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MON-3-PEO-1-f (2-4)

POWER EQUIPMENT OPERATORS: (Cont)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
els, incl. all attachs, under 1 yd.; Trenching machine; Turnhead conveyor or head tower op. on batch plant; water pull, when used for compaction; Washing & screening plant	7.02	.45	.45		.03	
AUTOMATIC FINEGRADER, gurries & similar; Motor patrol; Paving & mixing machine; Scraper, DW 15, 20, 21 & similar if power unit is used; Screper, single engine; Slip form paver	7.15	.45	.45		.03	
BORING MACHINE; Concrete mixer, 3 bags & under; Fireman; Heavy duty rotary drill helper; Retort op.	6.61	.45	.45		.03	
BROOM OP., self-propelled	6.69	.45	.45		.03	
CABLEWAY OP.	7.53	.45	.45		.03	
CEMENT SILO	6.81	.45	.45		.03	
CENTRAL MIXING PLANTS, concrete dams & stationary	7.27	.45	.45		.03	
CHAIN BUCKET LOADER; Chip-gravel spreader self-propelled; DW 10, 15, 20 trector pulling roller	6.74	.45	.45		.03	
CONCRETE BATCH PLANT OP., 3 & 4 mixers	7.22	.45	.45		.03	
CONCRETE BATCH PLANT OP., 5 mixers & over	7.42	.45	.45		.03	
CONCRETE BATCH PLANT OILER, up to & incl. 2 mixers	6.54	.45	.45		.03	
CONCRETE BATCH PLANT OILER, 3 mixers & over	6.85	.45	.45		.03	
CONCRETE MIXER OP., 4 bags & over	6.78	.45	.45		.03	
CONVEYOR LOADER, to & incl. 42" belt	6.60	.45	.45		.03	
CRANE, to & incl. 80' boom with jib	7.18	.45	.45		.03	
CRANE, 81' to 130' boom	7.33	.45	.45		.03	
CRANE, 131' to 150' boom	7.38	.45	.45		.03	

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MON-3-PFO-1-f (3-4)

POWER EQUIPMENT OPERATORS: (Cont)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
CRANE, 151' boom & over	$7.43	.45	.45		.03	
CRANE OILER; Oiler driver, rubber-tired cranes	6.59	.45	.45		.03	
CRANES, electric overhead; Shovels, incl. all attachs. 1 yd. to & incl. 3 yds.; Track type tractor, on euclid loader	7.20	.45	.45		.03	
CRANE, TOWER; Scraper, tandem or (engine)	7.51	.45	.45		.03	
CRANE, WHIRLEY	7.55	.45	.45		.03	
CRANE, WHIRLEY OILER; hydralift & similar; Oiler, hoist house, dams; Shovel oiler, over 3 yds.; Winch truck with boom	6.92	.45	.45		.03	
CRUSHER AND/OR SCREENING PLANT HELPER, (If over 2 separate units); Crusher oiler; Field equip. service helper; Hot plant oiler, 100 tons per hr. or over; Mechanic and/or welder helper on job; Oilers, other than shovels & cranes; Shovel oiler, 3 yds. & under; Washing and screening plant oiler	6.51	.45	.45		.03	
CRUSHER CONVEYOR, when required; Farm type tractor, up to & incl. 50 H.P.; Grade setter	6.48	.45	.45		.03	
DRILLING MACHINE (does not include Jack-hammer, Wagon drillers or waterlines)	6.93	.45	.45		.03	
EUCLID LOADER & similar; Loader & hoe combination, rubber-tired, loader 1 yd. to & incl. 3 yds., hoe over 1 yd.	7.21	.45	.45		.03	
FARM TYPE TRACTOR, over 50 H.P.; Heaters, Herman Nelson & similar	6.56	.45	.45		.03	
FIELD EQUIPMENT SERVICE MAN	6.94	.45	.45		.03	
FORK LIFT (On constr. site)	6.83	.45	.45		.03	
HOIST, OR AIR TUGGER, single drum; Farm grader	6.79	.45	.45		.03	

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MON-3-PFO-1-f (4-4)

POWER EQUIPMENT OPERATORS: (Cont.)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
FULLER KENYON PUMP; Loaders (Barber Green & similar)	$6.67	.45	.45		.03	
HELICOPTER HOIST	7.52	.45	.45		.03	
LOADERS, RUBBER-TIRED, 1 yd. & under	6.73	.45	.45		.03	
LOADERS, RUBBER-TIRED, over 3 yds. to & incl. 5 yds.	7.14	.45	.45		.03	
LOADERS, RUBBER-TIRED, 5 yds. to & incl. 10 yds.	7.24	.45	.45		.03	
LOADERS, RUBBER-TIRED, over 10 yds. to & incl. 15 yds.	7.34	.45	.45		.03	
LOADERS, RUBBER-TIRED, over 15 yds. (factory rating not to incl. side-boards)	7.44	.45	.45		.03	
LOADERS, TRACK-TYPE, over 3 yds. to & incl. 10 yds. Scraper, twin engine	7.25	.45	.45		.03	
LOADERS, TRACK-TYPE, over 10 yds. to & incl. 15 yds.	7.35	.45	.45		.03	
LOADERS, TRACK-TYPE, over 15 yds.	7.45	.45	.45		.03	
MECHANIC AND/OR WELDER, on job	7.09	.45	.45		.03	
MIXERMOBILE	7.10	.45	.45		.03	
PILEDRIVER (when shovel equip. is not used)	6.67	.45	.45		.03	
QUAD CAT	7.32	.45	.45		.03	
SCRAPER, single or twin engine pulling belly dump trailer	7.40	.45	.45		.03	
SHOVELS, incl. all attachs., over 3 yds. to & incl. 5 yds., Stiff-leg derrick & guy derrick	7.47	.45	.45		.03	
SHOVELS, incl. all attachs., over 5 yds.	7.60	.45	.45		.03	

AQ-1,019 P. 13

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Gallatin County						
Truck Drivers:						
Dump, 7 yds, or less; Pickup, hauling materials; Flat, less than 2 ton; Service and A-Frame trailers	$4.76	.45	.25			
House movers	4.80	.45	.25			
Flat, 2 - 5 tons	4.91	.45	.25			
Dump, over 7 yds. to and incl. 10 yds.; Flat, 5 - 8 tons; Semi and four wheel trailers	5.01	.45	.25			
Dump, over 10 yds. to and incl. 15 yds.	5.17	.45	.25			
Dump, over 15 yds. to and incl. 20 yds.	5.31	.45	.25			

AQ-1,019 P. 14

Beaverhead, Deer Lodge and Silver Bow Counties

MONT-1-TD-1-2-3-A (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
COMBINATION Truck; Concrete Mixer and Transit Mixer:						
To and incl. 4 cu. yds.	$6.30	.475	.325			
Over 4 cu. yds. to and incl. 6 cu. yds.	6.38	.475	.325			
Over 6 cu. yds. to and incl. 8 cu. yds.	6.46	.475	.325			
Over 8 cu. yds. to and incl. 10 cu. yds.	6.54	.475	.325			
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER AND HELPER	6.23	.475	.325			
DRY BATCH TRUCKS:						
3 Batch or under	6.05	.475	.325			
Over 3 Batch to and incl. 5 Batch	6.18	.475	.325			
Over 5 Batch to and incl. 10 Batch	6.34	.475	.325			
Over 10 Batch to and incl. 15 Batch	6.50	.475	.325			
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment						
DUMPMAN, GRAVEL SPREADER BOX: Pickup Driver, hauling Materials; Pilot Car Driver, Teamsters and Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	6.05	.475	.325			
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:						
7 cu. yds. or less	6.05	.475	.325			
Over 7 cu. yds. to and incl. 10 cu. yds.	6.18	.475	.325			
Over 10 cu. yds. to and incl. 15 cu. yds.	6.34	.475	.325			
Over 15 cu. yds. to and incl. 20 cu. yds.	6.48	.475	.325			
Over 20 cu. yds. to and incl. 25 cu. yds.	6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. to and incl. 35 cu. yds.	6.66	.475	.325			
Over 35 cu. yds. to and incl. 40 cu. yds.	6.72	.475	.325			
Over 40 cu. yds. to and incl. 45 cu. yds.	6.78	.475	.325			
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
DUMPSTERS	6.18	.475	.325			

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MONT-1-TO-1-2-3-h (2-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:						
To and incl. 25 cu. yds.	$6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
SERVICEMEN	6.79	.475	.325			
POWDER TRUCK DRIVER (bulk unloader type)	6.23	.475	.325			
FLAT TRUCKS:						
To and incl. 3 Tons	6.05	.475	.325			
Over 3 tons Factory rating	6.40	.475	.325			
FUEL TRUCK; SERVICE TIREMEN	6.52	.475	.325			
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	6.40	.475	.325			
LUMBER CARRIERS, LIFT TRUCKS; Power broom	6.14	.475	.325			
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:						
2,500 gals. and under	6.05	.475	.325			
Over 2,500 gals. to and incl. 4,500 gals.	6.34	.475	.325			
Over 4,500 gals. to and incl. 6,000 gals.	6.54	.475	.325			
Over 6,000 gals. to and incl. 8,000 gals.	6.60	.475	.325			
Over 8,000 gals. to and incl. 10,000 gals.	6.68	.475	.325			
Over 10,000 gals. - additional $.08 per hour each additional 2,000 gals. increment						
WINCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, GROUTCRETE, AND COMBINATION MULCHING, SEEDING AND FERTILIZING	6.30	.475	.325			
TRUCK MECHANIC	6.79	.475	.325			

AQ-1,019 P. 16

MONT-SW-LINE CONSTRUCTION-2-j-f

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION: (Jobs 69,000 volts or less)						
Cable splicer	$7.18	.25	1%		½%	
Linemen	6.49	.25	1%		½%	
Line equipment operators; Powdermen	6.38	.25	1%		½%	
Experienced groundmen (2 yrs.); Truck drivers	5.05	.25	1%		½%	
Groundmen	4.49	.25	1%		½%	
(Jobs over 69,000 volts) and/or (projects of $400,000 or over) Cable splicers	7.36	.25	1%		½%	
Linemen; Pole sprayer	6.99	.25	1%		½%	
Line equipment operators; Powdermen	6.42	.25	1%		½%	
Groundmen	5.31	.25	1%		½%	

NOTICES

SUPERSEDEAS DECISION

STATE: Montana
COUNTY: Silver Bow
DECISION NUMBER: AQ-1,020
DATE: Date of Publication
Supersedes Decision No. AP-915 dated June 29, 1973, in 38 FR 17403
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$7.50					
Carpenters	6.11	.30	.45	.50	.02	
Cement Masons	4.90	.30		.60		
Electricians	7.10	.30	1%		½%	
Ironworkers:						
Structural, Ornamental and Reinforcing	7.10	.40	.65		.05	
Painters, brush	5.56					
Plumbers	7.50	.25	.35		.05	
Sheet Metal Workers	6.55	.27	.20			

AQ-1,020 P. 2

4-MONT-1-AB-1-h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
General laborer; Axeman; Carpenter tender; Car and truck loaders, Scissorman; Chuck tender and nipper (above ground); Cosmolene, applying and removing; Fence erector and installer incl. the installation and erection fences, guard rails, median rails, erference posts, guide posts and right-of-way markers); Form stripper; Form setter; Landscape laborer; Nozzleman-air and water, gunnite and place machine; Pilot car; Riprap helper; Scaleman; Sod cutter (hand operated) (General laborer); Stake jumper for equipment; Tool checker, toolhouseman	$5.00	.37	.27	.50	.03	
Riprapper; Sandblaster; Sandblaster tailhouseman; Pot tender	5.07	.37	.27	.50	.03	
Hand faller	5.08	.37	.27	.50	.03	
Post hole digger (power Auger)	5.09	.37	.27	.50	.03	
Concrete or asphalt saws; Tar pot operator	5.10	.37	.27	.50	.03	
Powderman helper	5.12	.37	.27	.50	.03	
Caisson workers (free air); Chocker setter; Pipe wrapper; Power saw (bucking); Spike driver, single or dual or hand	5.16	.37	.27	.50	.03	
Drills, air-tract, self-propelled car or truck mount air operated drills; Jackhammer, pavement breaker, wagon driller, mechanical tamper, vibrating roller hand steered and other power tools	5.17	.37	.27	.50	.03	
Asphalt raker; Dumpman (grademan)	5.18	.37	.27	.50	.03	
High pressure machine nozzleman	5.22	.37	.27	.50	.03	
Pipe layer (all types); Cutting torch operator	5.25	.37	.27	.50	.03	
Powderman	5.27	.37	.27	.50	.03	
Grade setter	5.28	.37	.27	.50	.03	

NOTICES

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AQ-1,020 P. 3

4-MONT-LAB-1 - b (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
High scaler	$5.35	.37	.27	.50	.03	
Dumpman (spotter)	5.38	.37	.27	.50	.03	
Power saw (falling)	5.40	.37	.27	.50	.03	
Rigger	5.50	.37	.27	.50	.03	
Core drill operator	5.60	.37	.27	.50	.03	
Concrete worker, wet or dry; Tending masons when pouring and finishing concrete	5.08	.37	.27	.50	.03	
Vibrator operator; Tending stonesetters, Marble setters, Tile setters, Skagiola and Terrazzo workers; Tending brick masons or brick or stone work; Tending plasterers or stuccoing or plastering; (This does not include rubbing down of foundation or concrete walls), Surekete, Stonehard and Rubberslate; Concrete conveyor swinger operator	5.24	.37	.27	.50	.03	
Power driven concrete buggies	5.12	.37	.27	.50	.03	

AQ-1,020 P. 4

MON-3-PEO-1- f (1-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
POWER EQUIPMENT OPERATORS						
A-FRAME TRUCK CRANE	$6.86	.45	.45		.03	
AIR COMPRESSOR, single	6.55	.45	.45		.03	
AIR COMPRESSOR, 2 or more; Belt finishing; Conveyor loader, over 42" belt; Roller, steel & self-propelled rubber on other than blade or hot-mix oil paving	6.72	.45	.45		.03	
AIR DOCTOR; Asphalt paving machine, or screed; Bit grinder; Bituminous mixer, paver; Boring machine, large (for guard rail holes); Bulldozer, rubber-tired or otherwise; Concrete batch plant, 1 & 2 mixers; Concrete bucket dispatcher; Concrete Curing Machine; Concrete finishing machine, paving; Concrete float & spreader; Concrete Power saw, self-propelled; Concrete travel batcher; Crusher and/or screening plant; Distributor; Elevating grader; Gradall; Heavy duty rotary drills (Quarry Master, Joy drills & similar types); Hoist, or air tugger, 2 or more drums; Hot plant; Hot plant; Hot plant fireman (when in operation); Industrial Locomotive, all types; Loaders, rubber-tired, over 1 yd. to & incl. 3 yds.; Loaders, track-type, up to & incl. 5 yds.; Loaders, traxcavator & Athey; Loader & Hoe combination, rubber-tired, loader 1 yd. & under, hoe 1 yd. & under; Mountain logger or similar; Mucking Machine; Pavement breaker, Emsco & similar; Power auger, large truck or tractor, mounted & punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Push tractor; Refrigerator plant; Roller, steel & self-propelled rubber on Blade on hot-mix oil paving Roller, 25 tons, working weight or over, any type or make; Roller, Wagner & similar; Ross & similar type Carriers (on Constr. site); Scraper DW 10; Scraper, DW 15, 20, 21 & similar if Power unit is not used; Self-propelled sheepsfoot & similar; Shov-						

AQ-1,020 P. 5

MON-3-PEO-1-f (2-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
POWER EQUIPMENT OPERATORS: (Cont)						
els, incl. all attachs, under 1 yd.; Trenching machine; Turnhead conveyor or head tower op. on batch plant; water pull, when used for compaction; Washing & screening plant	7.02	.45	.45		.03	
AUTOMATIC FINEGRADER, gurries & similar; Motor patrol; Paving & mixing machine; Scraper, DW 15, 20, 21 & similar if power unit is used; Scraper, single engine; Slip form paver	7.15	.45	.45		.03	
BORING MACHINE; Concrete mixer, 3 bags & under; Fireman; Heavy duty rotary drill helper; Retort op.	6.61	.45	.45		.03	
BROOM OP., self-propelled	6.69	.45	.45		.03	
CABLEWAY OP.	7.53	.45	.45		.03	
CEMENT SILO	6.81	.45	.45		.03	
CENTRAL MIXING PLANTS, concrete dams & stationary	7.27	.45	.45		.03	
CHAIN BUCKET LOADER; Chip-gravel spreader self-propelled; DW 10, 15, 20 tractor pulling roller	6.74	.45	.45		.03	
CONCRETE BATCH PLANT OP., 3 & 4 mixers	7.22	.45	.45		.03	
CONCRETE BATCH PLANT OP., 5 mixers & over	7.42	.45	.45		.03	
CONCRETE BATCH PLANT OILER, up to & incl. 2 mixers	6.54	.45	.45		.03	
CONCRETE BATCH PLANT OILER, 3 mixers & over	6.85	.45	.45		.03	
CONCRETE MIXER OP., 4 bags & over	6.78	.45	.45		.03	
CONVEYOR LOADER, to & incl. 42" belt	6.60	.45	.45		.03	
CRANE, to & incl. 80' boom with jib	7.18	.45	.45		.03	
CRANE, 81' to 130' boom	7.33	.45	.45		.03	
CRANE, 131' to 150' boom	7.38	.45	.45		.03	

AQ-1,020 P. 6

MON-3-PEO-1- f (3-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
POWER EQUIPMENT OPERATORS: (Cont)						
CRANE, 151' boom & over	$7.43	.45	.45		.03	
CRANE OILER; Oiler driver, rubber-tired cranes	6.59	.45	.45		.03	
CRANES, electric overhead; Shovels, incl. all attachs. 1 yd. to & incl. 3 yds.; Track type tractor, on euclid loader	7.20	.45	.45		.03	
CRANE, TOWER; Scraper, tandem or (engine)	7.51	.45	.45		.03	
CRANE, WHIRLEY	7.55	.45	.45		.03	
CRANE, WHIRLEY OILER; hydralift & similar; Oiler, hoist house, dams; Shovel oiler, over 3 yds.; Winch truck with boom	6.92	.45	.45		.03	
CRUSHER AND/OR SCREENING PLANT HELPER, (If over 2 separate units); Crusher oiler; Field equip. service helper; Hot plant oiler, 100 tons per hr. or over; Mechanic and/or welder helper on job; Oilers, other than shovels & cranes; Shovel oiler, 3 yds. & under; Washing and screening plant oiler	6.51	.45	.45		.03	
CRUSHER CONVEYOR, when required; Farm type tractor, up to & incl. 50 H.P.; Grade setter	6.48	.45	.45		.03	
DRILLING MACHINE (does not include Jackhammer, Wagon drillers or waterlines)	6.93	.45	.45		.03	
EUCLID LOADER & similar; Loader & hoe combination, rubber-tired, loader 1 yd. to & incl. 3 yds., hoe over 1 yd.	7.21	.45	.45		.03	
FARM TYPE TRACTOR, over 50 H.P.; Heaters, Herman Nelson & similar	6.56	.45	.45		.03	
FIELD EQUIPMENT SERVICE MAN	6.94	.45	.45		.03	
FORK LIFT (On constr. site)	6.83	.45	.45		.03	
HOIST, OR AIR TUGGER, single drum; Farm grader	6.79	.45	.45		.03	

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MON-3-PEO-1-f (4-4)

POWER EQUIPMENT OPERATORS: (Cont.)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	?
FULLER KENYON PUMP; Loaders (Barber Green & similar)	$6.67	.45	.45		.03	
HELICOPTER HOIST	7.52	.45	.45		.03	
LOADERS, RUBBER-TIRED, 1 yd. & under	6.73	.45	.45		.03	
LOADERS, RUBBER-TIRED, over 3 yds. to & incl. 5 yds.	7.14	.45	.45		.03	
LOADERS, RUBBER-TIRED, 5 yds. to & incl. 10 yds.	7.24	.45	.45		.03	
LOADERS, RUBBER-TIRED, over 10 yds. to & incl. 15 yds.	7.34	.45	.45		.03	
LOADERS, RUBBER-TIRED, over 15 yds. (factory rating not to incl. side-boards)	7.44	.45	.45		.03	
LOADERS, TRACK-TYPE, over 5 yds. to & incl. 10 yds. Scraper, twin engine	7.25	.45	.45		.03	
LOADERS, TRACK-TYPE, over 10 yds. to & incl. 15 yds.	7.35	.45	.45		.03	
LOADERS, TRACK-TYPE, over 15 yds.	7.45	.45	.45		.03	
MECHANIC AND/OR WELDER, on job	7.09	.45	.45		.03	
MIXERMOBILE.	7.10	.45	.45		.03	
PILEDRIVER (when shovel equip. is not used)	6.67	.45	.45		.03	
QUAD CAT	7.32	.45	.45		.03	
SCRAPER, single or twin engine pulling belly dump trailer	7.40	.45	.45		.03	
SHOVELS, incl. all attachs., over 3 yds. to & incl. 5 yds., Stiff-leg derrick & guy derrick	7.47	.45	.45		.03	
SHOVELS, incl. all attachs., over 5 yds.	7.60	.45	.45		.03	

MONT-1-TD-1-2-3-h (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
COMBINATION Truck; Concrete Mixer and Transit Mixer:						
To and incl. 4 cu. yds.	$6.30	.475	.325			
Over 4 cu. yds. to and incl. 6 cu. yds.	6.38	.475	.325			
Over 6 cu. yds. to and incl. 8 cu. yds.	6.46	.475	.325			
Over 8 cu. yds. to and incl. 10 cu. yds.	6.54	.475	.325			
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER AND HELPER	6.23	.475	.325			
DRY BATCH TRUCKS:						
3 Batch or under	6.05	.475	.325			
Over 3 Batch to and incl. 5 Batch	6.18	.475	.325			
Over 5 Batch to and incl. 10 Batch	6.34	.475	.325			
Over 10 Batch to and incl. 15 Batch	6.50	.475	.325			
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment						
DUMPMAN, GRAVEL SPREADER BOX; Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters and Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	6.05	.475	.325			
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:						
7 cu. yds. or less	6.05	.475	.325			
Over 7 cu. yds. to and incl. 10 cu. yds.	6.18	.475	.325			
Over 10 cu. yds. to and incl. 15 cu. yds.	6.34	.475	.325			
Over 15 cu. yds. to and incl. 20 cu. yds.	6.48	.475	.325			
Over 20 cu. yds. to and incl. 25 cu. yds.	6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. to and incl. 35 cu. yds.	6.66	.475	.325			
Over 35 cu. yds. to and incl. 40 cu. yds.	6.72	.475	.325			
Over 40 cu. yds. to and incl. 45 cu. yds.	6.78	.475	.325			
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
DUMPSTERS	6.18	.475	.325			

MONT-1-TD-1-2-3-h (2-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:						
To and incl. 25 cu. yds.	$6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
SERVICEMEN	6.79	.475	.325			
POWDER TRUCK DRIVER (bulk unloader type)	6.23	.475	.325			
FLAT TRUCKS:						
To and incl. 3 Tons	6.05	.475	.325			
Over 3 tons Factory rating	6.40	.475	.325			
FUEL TRUCK; SERVICE TIREMEN	6.52	.475	.325			
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	6.40	.475	.325			
LUMBER CARRIERS, LIFT TRUCKS; Power broom	6.14	.475	.325			
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:						
2,500 gals. and under	6.05	.475	.325			
Over 2,500 gals. to and incl. 4,500 gals.	6.34	.475	.325			
Over 4,500 gals. to and incl. 6,000 gals.	6.54	.475	.325			
Over 6,000 gals. to and incl. 8,000 gals.	6.60	.475	.325			
Over 8,000 gals. to and incl. 10,000 gals.	6.68	.475	.325			
Over 10,000 gals. - additional $.08 per hour each additional 2,000 gals. increment						
WINCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, GROUTCRETE, AND COMBINATION MULCHING, SEEDING AND FERTILIZING	6.30	.475	.325			
TRUCK MECHANIC	6.79	.475	.325			

SUPERSEDEAS DECISION

STATE: New Hampshire COUNTY: Hillsboro
DECISION NO.: AQ-3001 DATE: Date of Publication
Supersedes Decision No. AP-498, dates April 6, 1973, in 38 FR 8853
DESCRIPTION OF WORK: Residential Construction (consisting of single family homes and garden type apartments up to and including 4-stories).

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RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.705	.40	.30		.01	
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers and tile setters:						
Remainder of County	6.95	.40	.35		.01	
Hillsboro Antrim, Hancock, N. Branch, Hillsboro Upper and Lower Villages	7.25	.25				
Carpenters:						
Pelham:						
Carpenters and soft floor layers	8.35	.50	.50		.02	
Remainder of County:						
Carpenters and soft floor layers	6.56	.25	.20		.01	
Piledrivermen	7.36	.25	.20		.01	
Electricians:						
Pelham:						
Electricians	7.95	.25	1%		.02	
Remainder of County:						
Electricians	4.85	.25	1%		.01	
Glaziers	6.57	.25	.36		.02	
Ironworkers:						
Structural, ornamental and reinforcing	7.70	.45	.80		.02	
Laborers, Bldg.:						
Common laborers, wreckers, tenders, and hod carriers, asphalt rakers	5.41	.40	.35		.05	
Plasterers tenders	5.56	.40	.35		.05	
Drillers, pavement breakers, jackhammer operators, and chipping gun operator	5.81	.40	.35		.05	
All other pneumatic tool operator on boiler and stack work	6.31	.40	.35		.05	
Boiler and stack work	5.91	.40	.35		.05	
Marble setters' helpers	5.05	.15	.10			
Painters:						
Brush	4.70	.175				
Steel, open structural and spray	5.95	.175				
Steel, enclosed over 25'	5.80	.175				
Steeplejack	6.80	.175				
Plumbers and Steamfitters:						
Hudson and Pelham	8.10	.40	.40		.02	
Remainder of County	8.23	.35	.25		.02	
Roofers:						
Composition	5.65					
Helpers	4.90					
Sheet Metal workers	8.02	.31	.32			
Terrazzo workers' helpers	7.40	.20	.10			
Tile setters' helpers	5.05	.15	.10			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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N.H.-1-PEO-1 P 1 of 2

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Shovels, cranes, draglines, derricks, elevators with Chicago boom, backhoes, gradalls, elevating graders, pile driving rigs, concrete road, pavers, all three drum hoisting and trenching machines	$8.00	.25	.40	a	.05	
Rotary drill (with mounted compressor) compressor house (3 to 6 compressors) rock and earth boring machines (excluding McCarthy and similar drills), graders, 4 yards and over front end loader, two drum hoists, high fork lifts with capacity of 15 feet and over	7.75	.25	.40	a	.05	
Bulldozers, push cats, scrapers, (self-propelled or tractor drawn), asphalt paver, front end loader (3/4 yard up to 4 yards), well drillers, mechanics, pumpcrete machines, concrete pumps, and similar type pumps, engineer or fireman on high pressure boiler (on job), self-loading batch plant, well point operators, (including installing), engineer-in-charge of powered grease truck, all automatic elevators (permanent or temporary) operated manually or by remote controls	7.55	.25	.40	a	.05	
Single drum hoist, self-powered roller, self-propelled compactors, power pavement breakers, concrete pavement finishing machines, two bag mixers with skip, front end loaders (under 3/4 yard), McCarthy and similar drills, batch plant (not self-loading), bulk cement plants, self-propelled material spreaders, A-frame trucks, and fork lifts (up to fifteen feet)	7.125	.25	.40	a	.05	
Compressor 315 cubic feet and over, one or two), pumps (4 inches and over-total discharge) when total discharge is over 12 inches, classification 3 will be paid, tractor (without blade or bucket) drawing roller, compactors or other machines used for pulverizing, grading or seeding	7.10	.25	.40	a	.05	

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N.H.-1-PEO-1 P 2 of 2

RESIDENTIAL CONSTRUCTION (Continued)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Compressors (up to 315 cubic feet) small mixers, pumps (up to 4 inches), power heaters, welding machines (when 3 or more heaters or welding machines are used on one job, classification 4 rate will be paid), conveyor, oiler, including helpers on grease trucks and grease trucks with hand greasing equipment	$6.55	.25	.40	a	.05	
Cranes with boom lengths of 200 feet or more	9.00	.25	.40	a	.05	
Crane with boom length of 150 feet or more	8.50	.25	.40	a	.05	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F and Veterans Day, ~~Washington's Birthday and~~ Columbus Day.

AQ-3001 P. 4
N.H.-1-TD-1-B 1 of 1

TRUCK DRIVERS, RESIDENTIAL	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Two Axle Equipment	$4.16	.25	.25	a		
Three Axle Equipment including low beds	4.38	.25	.25	a		
Special earth hauling equipment other than conventional type on the road trucks and semitrailers trailer dumps	4.60	.25	.25	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, plus Washington's Birthday. Veterans' Day and Columbus Day; (provided employee works two days in the calendar week in which the holidays falls; reports for work the last day assigned prior to the holiday and the first day assigned following the holiday).

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTIES: Oklahoma, Cleveland, Canadian, Lincoln and Pottawatomie

DECISION NO.: AQ-22 DATE: Date of Publication

Supersedes Decision No. AP-731 dated May 11, 1973 in 38 FR 12592

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.45	.25	.30		.02	
Boilermakers	6.80	.30	.50		.02	
Bricklayers-Stonemasons:						
Oklahoma, Cleveland, & Canadian Cos.	7.37	.40	.35		.05	
Lincoln & Pottawatomie Counties	7.00					
Carpenters:						
Northern 1/2 of Lincoln County bound on the South by Interstate 35 on the East of Highway 99:						
Carpenters	5.70					
Power Saw Operator	5.95					
Millwrights	6.15					
Piledrivermen	6.15					
Pottawatomie County and part of Lincoln County South of Turner Turnpike; the city limits of Moore in Cleveland County; all of Oklahoma County and that portion of Canadian County lying east of a line of Highway #4 (called Piedmont Road):						
Carpenters	7.40	.20			.02	
Power Saw Operator	7.65	.20			.02	
Millwrights	7.65	.20			.02	
Piledrivermen	7.65	.20			.02	
Cleveland County (except that area covered by the city limits of Moore):						
Carpenters	6.55	.20			.02	
Power Saw Operator	6.80	.20			.02	
Millwrights	6.80	.20			.02	
Piledrivermen	6.80	.20			.02	
Canadian County West of Highway #4 (called Piedmont Road):						
Carpenters	5.50	.20			.02	
Power Saw Operator	5.625	.20			.02	
Millwrights	5.825	.20			.02	
Piledrivermen	5.825	.20			.02	
Cement Masons (Lincoln, Oklahoma, Cleveland, and Canadian Counties)	6.825					
Electricians:						
ZONE I - the area within the ten mile radius of the main Post Office located in one of the cities listed as follows: El Reno, Moore, Norman, and Oklahoma City						
ZONE II - the area between the ten mile zone 1 radius to thirty mile radius of the zone 1 Post Office, except where zone 2 intercepts another zone 1 area						

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS (CONT'D)						
ZONE III-the area ourside zones 1 and 2 and within the local union area						
Electricians:						
Zone 1	$7.65	.30	1%+.20		1%	
Zone II	7.90	.30	1%+.20		1%	
Zone III	8.15	.30	1%+.20		1%	
Cable Splicers:						
Zone I	7.90	.30	1%+.20		1%	
Zone II	8.15	.30	1%+.20		1%	
Zone III	8.40	.30	1%+.20		1%	
Elevator Constructors	6.67	.17	.185	2%+a+b		
Elevator Constructors' Helpers	4.67	.17	.185	2%+a+b		
Elevator Constructors' Helpers (Prob)	3.335					
Glaziers	6.46					
Ironworkers	7.74	.30	.35		.05	
Laborers (Oklahoma, Canadian, Lincoln, and Cleveland Counties):						
Unskilled laborers	4.50					
Air tool operator (jackhammer, vibrator); mason tenders; mortar mixers; pipelayers (concrete and clay); plasterers' tenders	4.65					
Laborers (Pottawatomie County):						
Unskilled laborers	4.03					
Air tool operator (jackhammer, vibrator); mason tenders; mortar mixers; pipelayers (concrete and clay); plasterers' tenders	4.17					
Lathers	7.75				.01	
Marble masons	5.95		.30			
Painters:						
Brush	6.05	.35	.25	.15	.02	
Spray under 30 feet	6.55	.35	.25	.15	.02	
Spray over 30 feet	7.05	.35	.25	.15	.02	
Paperhangers	7.05	.35	.25	.15	.02	
Sandblasterers	6.55	.35	.25	.15	.02	
Smoke stacks, towers, swing stage, chair work and window jack	6.55	.35	.25	.15	.02	
Plasterers (Pottawatomie County)	7.475				.01	
Plasterers (Canadian, Cleveland, Oklahoma, and Lincoln Counties)	7.75				.01	
Plumbers-Steamfitters	7.60	.55	.40		.10	
Roofers	6.75		.25		.04	
Sheet Metal Workers	7.40	.30	.25		.05	
Soft Floor Layers:						
Resilient Floor Layers	6.05	.30				
Carpet Layers	6.05	.30				
Sprinkler Fitters	8.35	.30	.50		.05	
Terrazzo Workers	5.95		.30			
Terrazzo Workers' Helpers	4.80					
Terrazzo floor machine Man	5.00					
Terrazzo Base Machine Man	5.30					
Tile Setters	5.95		.30			
Tile and Marble Helpers:						
Experienced helpers	4.30					

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Truck drivers for heavy equipment such as lowboys, heavy winch, and floats	$5.17					
Heavy earth moving equipment such as Euclids, Mississippi wagons, 10 yards, and tail dumps	5.37					
Truck drivers and swampers, such as dump truck, flat beds, stake bodies, and 3/4 & 1/2 ton pick-up trucks	5.17					

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.

b. Paid Holidays A through F

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independance Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

NOTICES

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77-Oklahoma-1-H (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
All Crane Type equipment with 100' of boom or over (including jib), all Tower Cranes and all Cranes and all Cranes type equipment of 3 cu. yd. or more	$7.65	.35	.25		.07	
Heavy Duty Mechanic; Welder; Crane-Hook & Overhead Monorail; Whirley; Derrick; Piledriver Engineer; Dragline; Shovel; Clamshell; Backhoe; Sideboom; Gradell; Hydro Crane; Hoists while operating 2 or more drums; Cherry picker	7.40	.35	.25		.07	
Motor Patrol (Blade); (Engine H.P. 65 or more); Scraper type equipment; Tournapull; DW 10, 15, 16, 20, 21 & similar rubber-tired equipment; Euclid, TS-24 and similar; Loader Operator or Hi-Lift (Engine H.P. 65 or over); Asphalt Lay Machine; Tail Boom; Conveyor-Multiple, Panel Board Control; Power Driver Hole Digger; Trenching Machine; Fordson Tractor or like equipment with hoe or loader equipment or ditcher	7.15	.35	.25		.07	
Locomotive Engineer; Boring Machine; Tug Boat; Mixer, 18 cu. ft. and over; Sand Barge; Dredging Machine; Tugger; Hoist-when operating one drum; Welding machine, 3 to 6; Air Compressor, 3 to 6, 500 cu. ft. and under; Air Compressor, over 500 cu. ft. (1); Pumps, Battery, 3 to 6; Forklift and similar equipment; Generator Plant Engineers, Diesel Elec; Winch Truck with A-Frame; Pumps, Battery, 3 to 6; Batch Plant Operator (Portable); Roller, all types; Elevator, building type or personnel hoist; Concrete Buster or Tamper; Heaters under jurisdiction of Op. Engrs.; Fireman; Boiler Operator; Crushing Plants; Oiler Distributor; Pulvimixer; Farm Tractor - with or without attachments; Conveyor Operator dual, continous or Belt-Bulk Handling; Screed Operator; Concrete Pump; Form Grader; Screening Plant; Well Point Pump Operator; Signal Man on Large whirleys when & if required	6.90	.35	.25		.07	

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77-Oklahoma-1-H (2-2)

POWER EQUIPMENT OPERATORS CONT'D	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Operator for rotary drilling machines when operated from console or machine	$6.90	.35	.25		.07	
Concrete mixer, with hopper less than 13 cu. ft.; Air compressor, 500 cu. ft. & under (1 or 2); Welding Machine (1 or 2); Pump (1 or 2); Fuelman; Conveyor Operator - Single - Continous Belt Bulk Handling	6.40	.35	.25		.07	
Greaser; Tilt Top Trailer Operator	6.30	.35	.25		.07	
Asphalt Lay Machine Back End Man; Helpers	6.20	.35	.25		.07	
Track crane oiler or Truck crane driver	6.10	.35	.25		.07	

Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.

Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above all the above listed rates.

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OKLAHOMA LINE CONSTRUCTION

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Linemen	$6.86		1%		1/2%	
Cable splicers	7.26		1%		1/2%	
Hole digger operator	6.24		1%		1/2%	
Heavy equipment operator (or pole cats equivalent)	6.24		1%		1/2%	
Line truck driver (winch op.)	5.64		1%		1/2%	
Jackhammer man	5.15		1%		1/2%	
Powdermen	6.24		1%		1/2%	
Truck driver (flat bed, ton and half and under)	4.85		1%		1/2%	
Groundmen	4.59		1%		1/2%	

SUPERSEDES DECISION

STATE: Oklahoma COUNTY: Tulsa
DECISION NO.: AQ-23 DATE: Date of Publication
Supersedes Decision No. AP-3641, dated December 8, 1972 in 37 FR 26249
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.70		.20		.015	
Boilermakers	6.80	.30	.50		.02	
Bricklayers; Stonemasons	7.38	.30	.40	.33	.04	
Carpenters	6.91	.25	.25		.03	
Cement Masons:						
Cement Masons	6.07			.70	.06	
Power tool operator	6.32			.70	.06	
Electricians	6.50	.35	1%+.15	.30	.06	
Cable splicers	6.75	.35	1%+.15	.30	.06	
Elevator constructors	6.23	.175	.20	2%+a+b		
Elevator constructors' helpers	70%JR	.175	.20	2%+a+b		
Elevator constructors' helpers (prob. 6 mos.)	50%JR					
Glaziers	6.125	.25	.30		.01	
Ironworkers:						
Structural; Ornamental; Reinforcing	7.74	.30	.35		.05	
Laborers:						
Laborers	5.15	.20	.15			
Air tool op. (jackhammer, vibrator); Mason tender; Mortar mixers; Pipelayers (concrete & clay); Plasterers tenders	5.35	.20	.15			
Wagon drill operator	5.55	.20	.15			
Powderman or Blaster	6.00	.20	.15			
Lathers	6.50		.10		.01	
Marble setters	4.95	.25	.10	.25	.05	
Millwrights	7.21	.25	.25		.03	
Painters:						
Brush	6.15		.25	.20	.02	
High work & stage	6.55		.25	.20	.02	
Spray and sandblasting	6.80		.25	.20	.02	
Hot or Bituminous	7.45		.25	.20	.02	
Sheetrock handtools	6.15		.25	.20	.02	
Sheetrock Power tools	6.50		.25	.20	.02	
Hazardous work	8.35		.25	.20	.02	
Piledrivermen	7.21	.25	.25		.03	
Pipefitters	7.51	.35	.40		.05	
Plasterers	6.45				.01	
Plumbers	7.51	.35	.40		.05	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Roofers	$6.75		.25		.04	
Sheet Metal workers	7.36	.30	.40		.06	
Soft floor layers	5.12		.15	.18	.03	
Sprinkler fitters	8.35	.30	.50		.05	
Terrazzo workers	6.65					
Terrazzo workers' & tile layers; helper	5.30					
Terrazzo workers' helpers floor machine operator	5.40					
Terrazzo workers' helpers base machine operator	5.60					
Tile layers	6.65					
Truck drivers:						
Truck drivers, including pick-up 1½ tons or 2½ yds. up to but not including 3 tons or 4 yds. such as dump trucks, flat beds, stake body or bus driver	5.58					
3 tons or 4 yds. up to but not including 4 tons or 6 yards	5.63					
5 tons or 6 yds. and over, including heavy equipment	5.73					
Truck drivers' helpers	5.53					
Tractor-trailer and similar equipment	5.73					

FOOTNOTES:

a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 years. - 4% of basic hourly rate

b. Paid Holidays - A through F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
All Crane Type equipment with 100' of boom or over (including jib), all Tower Cranes and all Cranes type equipment of 3 cu. yd. or more	$7.65	.35	.25		.07	
Heavy Duty Mechanic; Welder; Crane-Hook & Overhead Monorail; Whirley; Derrick; Piledriver Engineer; Dragline; Shovel; Clamshell; Backhoe; Sideboom; Gradall; Hydro Crane; Hoists while operating 2 or more drums; Cherry picker	7.40	.35	.25		.07	
Motor patrol (blade); Dozer (Engine HP 65 or more); Scraper type equipment; Tournapull; DW 10, 15, 16, 20, 21 & similar rubber-tired equipment; Euclid, TS-24 and similar; Loader Operator or Hi-Lift (Engine HP 65 or over); Asphalt Lay Machine; Tail Boom; Conveyor-Multiple, Panel Board Control; Power Driver Hole Digger; Trenching Machine; Fordson Tractor or like equipment with hoe or laoder equipment or ditcher	7.15	.35	.25		.07	
Locomotive Engineer; Boring Machine; Tug Boat; Mixer, 18 cu. ft. and over; Sand Barge; Dredging Machine; Tugger; Hoist-when operating one drum; Welding machine, 3 to 6; Air Compressor, 3 to 6, 500 cu. ft. and under; Air Compressor, over 500 cu. ft. (1); Pumps, Battery, 3 to 6; Forklift and similar equipment; Generator Plant Engineers, Diesel Elec; Winch Truck with A-Frame; Pumps, Battery, 3 to 6; Batch Plant Operator (Portable); Roller, all types; Elevator, building type or personnel hoist; Concrete Buster or Tamper; Heaters under jurisdiction of Op. Engrs.; Fireman; Boiler Operator; Crushing Plants; Oiler Distributor; Pulvimixer; Farm Tractor - with or without attachments; Conveyor Operator dual, continous or Belt-Bulk Handling; Screed Operator; Concrete Pump; Form Grader; Screening Plant; Well Point Pump Operator; Signal Man on Large whirleys when & if required	6.90	.35	.25		.07	

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POWER EQUIPMENT OPERATORS CONT'D	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Operator for rotary drilling machines when operated from console or machine	$6.90	.35	.25		.07	
Concrete mixer, with hopper less than 13 cu. ft.; Air compressor, 500 cu. ft. & under (1 or 2); Welding Machine (1 or 2); Pump (1 or 2); Fuelman; Conveyor Operator - Single - Continous Belt Bulk Handling	6.40	.35	.25		.07	
Greaser; Tilt Top Trailer Operator	6.50	.35	.25		.07	
Asphalt Lay Machine Back End Man; Helpers	6.20	.35	.25		.07	
Track crane oiler or Truck crane driver	6.10	.35	.25		.07	
Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.						
Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above all the above listed rates.						

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Lineman	$6.86		1%		1/2%	
Cable splicers	7.26		1%		1/2%	
Hole digger operator	6.24		1%		1/2%	
Heavy equipment operator (or pole cats equivalent)	6.24		1%		1/2%	
Line truck driver (winch op.)	5.64		1%		1/2%	
Jackhammer man	5.15		1%		1/2%	
Powderman	6.24		1%		1/2%	
Truck driver (flat bed, ton and half and under)	4.85		1%		1/2%	
Groundmen	4.59		1%		1/2%	

SUPERSEDEAS DECISION

STATE: Rhode Island
DECISION NO.: AQ-2006
COUNTIES: Bristol, Kent and Providence
DATE: Date of Publication
Supersedes Decision No. AP483, dated March 23, 1973, in 38 FR 7778
DESCRIPTION OF WORK: Building Construction, excluding single family homes and garden type apartment up to and including 4-stories), heavy and highway construction, and marine construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	8.80	.505	.45		.005	
Boilermakers	8.705	.50	10%		.01	
Bricklayers, cement masons and stone masons:						
Ashton, Berkeley, Central Falls, Cumberland, Lincoln, Lonsdale, Pawtucket and Valley Falls	8.70	.25	.25		.01	
Bricklayers, cement masons, plasterers, stonemasons, marble, tile and terrazzo workers:						
Woonsocket, N. Smithfield, Burrillville and Cumberland Hill	8.67	.25	.30		.01	
Bristol and Kent Counties; and Remainder of Providence County:						
Bricklayers and stone masons	8.57	.25	.35		.01	
Cement masons	7.95	.50	.35			
Marble, tile and terrazzo workers	8.55	.25	.35			
Plasterers	8.15	.50	.35			
Carpenters, soft floor layers, piledrivermen:						
Burrillville, N. Smithfield, Woonsocket townships	7.67	.25	.25			
Bristol & Kent Cos., & Remainder of Providence County:						
Carpenters, soft floor layers & Piledrivermen	8.25	.35	.35		.01	
Millwrights	8.50	.35	.35		.01	
Electricians	8.40	.38	17%+.25		.02	
Elevator constructors	6.87	.17	.185	½%+a+b	.005	
Elevator constructors' helpers	4.81	.17	.185	½%+a+b	.005	
Elevator constructors' helpers (Prob.)	3.435					
Glaziers	7.74	.42	.30	e	.01	
Ironworkers: Str., orn., reinf.	7.70	.45	.80+.50		.02	
Laborers:						
Laborers, Building:						
Laborers, carpenters tender, cement finisher tenders, mason tenders	6.80	.40	.40		.05	
Jackhammers, paving breaker, chain saw, pipelayers, mechanical grinder, all other pneumatic tools, barco type jumping tampers	7.05	.40	.40		.05	
Plasterers tenders	7.05	.40	.40		.05	
Powdermen Blasters	7.55	.40	.40			
Laborers, Wrecking:						
Laborers, signalmen	6.80	.40	.40		.05	
Adzeman, burner, jackhammer	7.05.	.40	.40		.05	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Lathers	$7.40	.45	.50		.01	
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	7.14	.20	1%	d		
Driver Groundman	5.58	.20	1%	d		
Groundman	5.07	.20	1%	d		
Equipment operator	6.31	.20	1%	d		
Marble, tile and terrazzo workers' helpers	7.23		.50			
Painters:						
Bristol, Kent and Providence Counties:						
Brush and Roller	7.20	.40	.40			
Structural steel & steam cleaning	7.45	.40	.40			
Spray and sand or water blasting	8.20	.40	.40			
Air power Brush	7.70	.40	.40			
Plumbers	9.17					
Roofers:						
Composition, waterproofers	7.85	.20	.25			
*Slate, tile and precast concrete	8.05	.20	.25			
Helpers, Class A	7.00	.20	.25			
Helpers, Class B	6.45	.20	.25			
Sheet metal workers	8.73	.56	.55		.05	
Sprinkler fitter	9.07	.30	.50		.01	
Steamfitters, pipefitters	8.82	.35	.80		.03	
Truck Drivers: Building						
2-axle; dumps	5.31	.30	.50			
3-axle; trailers	5.39	.30	.50			
Low beds, trailers (24 tons and over); trailers (I-Beam), specialized earth moving equipment (Euclid type)	5.64	.30	.50			
Euclid type equipment over 35 ton capacity	5.89	.30	.50			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
A. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve provided employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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... provided employee has been employed 10 ... the employee worked the scheduled work ... following the holiday.

HEAVY, HIGHWAY AND MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers, stone masons, catch basin, manhole builders	8.57	.25	.35		.01	
Carpenters, piledrivers	8.55	.35	.35		.01	
Cement masons - finishers	6.85	.35				
Electricians:						
Bristol & Kent Cos.;	8.40	.38	17%+.25		.02	
Providence County	7.70	.45	.80+.50		.02	
Ironworkers: Str., Orn., reinforcing						
Laborers:	6.80	.40	.40		.05	
Laborers						
Adzemen, asphalt rakers, barco type jumping tampers, chain saw operators concrete saw operators, demolition burners, fence and guard rail erectors grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, riprap and dry stonewall builders, setters of metal forms for roadways, stumper operators, tree toppers, tree trimmers, wagon drill operators, wood chipper operators concrete and power buggy operators	7.05	.40	.40		.05	
Air track op.	7.30	.40	.40		.05	
Blasterers and powdermen	7.55	.40	.40		.05	
Pavers, rammers, curb setters	7.30	.40	.40		.05	
Line Construction:						
Linemen	7.14	.20	1%	a		
Equipment Operator	6.31	.20	1%	a		
Groundman	5.07	.20	1%	a		
Driver groundman	5.58	.20	1%	a		
Painters:						
Bristol, Kent and Providence County:						
Brush & roller	7.20	.40	.40			
Structural steel, steam cleaning	7.45	.40	.40			
Spray sandblasting or water blasting	8.20	.40	.40			
Air power brush	7.70	.40	.40			
Plumbers	9.17	.35	.35			
Waterproofers	7.85	.20	.25			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day F-Christmas Day.

FOOTNOTE:
A- Holidays: A through F, Bunker Hill Day provided employee has been employed 10 work days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

...	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
... drivers, lighters, ... hoists, pavers and front ... yds. and over	$10.05	.40	.40		.05	
...	8.05	.40	.40		.05	
... spreaders, scrapers, rollers ... than) yds	8.65	.40	.40		.05	
...	8.35	.40	.40		.05	
...	8.85	.40	.40		.05	
... heaters, concrete ... air compressors, welding ... for light plants	8.65	.40	.40		.05	
...	10.05	.40	.40		.05	
...	8.15	.40	.40		.05	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	$9.35	.40	.40		.05	
Economobile type equipment	9.10	.40	.40		.05	
Fork lift	8.85	.40	.40		.05	
Firemen and Oilers	7.45	.40	.40		.05	
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.00	.40	.40		.05	
Pippin type backhoes	8.30	.40	.40		.05	
Maintenance Engineers	7.90	.40	.40		.05	
Well-point Installation	8.05	.40	.40		.05	
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.20	.40	.40		.05	

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POWER EQUIPMENT OPERATORS CONT'D	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Operator for rotary drilling machines when operated from console or machine	$6.90	.35	.25		.07	
Concrete mixer, with hopper less than 13 cu. ft.; Air compressor, 500 cu. ft. & under (1 or 2); Welding Machine (1 or 2); Pump (1 or 2); Fuelman; Conveyor Operator - Single - Continous Belt Bulk Handling	6.40	.35	.25		.07	
Greaser; Tilt Top Trailer Operator	6.50	.35	.25		.07	
Asphalt Lay Machine Back End Man; Helpers	6.20	.35	.25		.07	
Track crane oiler or Truck crane driver	6.10	.35	.25		.07	
Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.						
Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above all the above listed rates.						

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OKLAHOMA LINE CONSTRUCTION

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Lineman	$6.86		1%		1/2%	
Cable splicers	7.26		1%		1/2%	
Hole digger operator	6.24		1%		1/2%	
Heavy equipment operator (or pole cats equivalent)	6.24		1%		1/2%	
Line truck driver (winch op.)	5.64		1%		1/2%	
Jackhammer man	5.15		1%		1/2%	
Powderman	6.24		1%		1/2%	
Truck driver (flat bed, ton and half and under)	4.85		1%		1/2%	
Groundmen	4.59		1%		1/2%	

SUPERSEDEAS DECISION

STATE: Rhode Island
DECISION NO.: AQ-2006
Supersedes Decision No. AP483, dated March 23, 1973, in 38 FR 7778
DESCRIPTION OF WORK: Building Construction, excluding single family homes and garden type apartment up to and including 4-stories), heavy and highway construction, and marine construction

COUNTIES: Bristol, Kent and Providence
DATE: Date of Publication

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	8.80	.505	.45		.005	
Boilermakers	8.705	.50	10%		.01	
Bricklayers, cement masons and stone masons:						
Ashton, Berkeley, Central Falls, Cumberland, Lincoln, Lonsdale, Pawtucket and Valley Falls	8.70	.25	.25		.01	
Bricklayers, cement masons, plasterers, stonemasons, marble, tile and terrazzo workers:						
Woonsocket, N. Smithfield, Burrillville and Cumberland Hill	8.67	.25	.30		.01	
Bristol and Kent Counties; and Remainder of Providence County:						
Bricklayers and stone masons	8.57	.25	.35		.01	
Cement masons	7.95	.50	.35			
Marble, tile and terrazzo workers	8.55	.25	.35			
Plasterers	8.15	.50	.35			
Carpenters, soft floor layers, piledrivermen:						
Burrillville, N. Smithfield, Woonsocket townships	7.67	.25	.25			
Bristol & Kent Cos., & Remainder of Providence County:						
Carpenters, soft floor layers & Piledrivermen	8.25	.35	.35		.01	
Millwrights	8.50	.35	.35		.01	
Electricians	8.40	.38	17%+.25		.02	
Elevator constructors	6.87	.17	.185	4%+a+b	.005	
Elevator constructors' helpers	4.81	.17	.185	4%+a+b	.005	
Elevator constructors' helpers (Prob.)	3.435					
Glaziers	7.74	.42	.30	e	.01	
Ironworkers: Str., orn., reinf.	7.70	.45	.80+.50		.02	
Laborers:						
Laborers, Building:						
Laborers, carpenters tender, cement finisher tenders, mason tenders	6.80	.40	.40		.05	
Jackhammers, paving breaker, chain saw, pipelayers, mechanical grinder, all other pnuematic tools, barco type jumping tampers	7.05	.40	.40		.05	
Plasterers tenders	7.05	.40	.40		.05	
Powdermen Blasters	7.55	.40	.40			
Laborers, Wrecking:						
Laborers, signalmen	6.80	.40	.40		.05	
Adzeman, burner, jackhammer	7.05.	.40	.40		.05	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Lathers	$7.40	.45	.50		.01	
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	7.14	.20	1%	d		
Driver Groundman	5.58	.20	1%	d		
Groundman	5.07	.20	1%	d		
Equipment operator	6.31	.20	1%	d		
Marble, tile and terrazzo workers' helpers	7.23		.50			
Painters:						
Bristol, Kent and Providence Counties:						
Brush and Roller	7.20	.40	.40			
Structural steel & steam cleaning	7.45	.40	.40			
Spray and sand or water blasting	8.20	.40	.40			
Air power Brush	7.70	.40	.40			
Plumbers	9.17					
Roofers:						
Composition, waterproofers	7.85	.20	.25			
*Slate, tile and precast concrete	8.05	.20	.25			
Helpers, Class A	7.00	.20	.25			
Helpers, Class B	6.45	.20	.25			
Sheet metal workers	8.73	.56	.55		.05	
Sprinkler fitter	9.07	.30	.50		.01	
Steamfitters, pipefitters	8.82	.35	.80		.03	
Truck Drivers: Building						
2-axle; dusps	5.31	.30	.50			
3-axle; trailers	5.39	.30	.50			
Low beds, trailers (24 tons and over); trailers (I-Beam), specialized earth moving equipment (Euclid type)	5.64	.30	.50			
Euclid type equipment over 35 ton capacity	5.89	.30	.50			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
A. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve provided employee has worked 45 full days during the 190 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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d. Paid Holiday: A through F, Bunker Hill Day provided employee has been employed 10 working days prior to the Holiday and provided the employee worked the scheduled work day immediately preceding and following the holiday.

e. Paid Holiday: "D".

HEAVY, HIGHWAY AND MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers, stone masons, catch basin, manhole builders	8.57	.25	.35		.01	
Carpenters, piledrivers	8.55	.35	.35		.01	
Cement masons - finishers	6.85	.35				
Electricians:						
Bristol & Kent Cos.; Providence County	8.40	.38	17%+.25		.02	
Ironworkers: Str., Orn., reinforcing	7.70	.45	.80+.50		.02	
Laborers:						
Laborers	6.80	.40	.40		.05	
Adremen, asphalt rakers, barco type jumping tampers, chain saw operators concrete saw operators, demolition burners, fence and guard rail erectors grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, riprap and dry stonewall builders, setters of metal forms for roadways, stumper operators, tree toppers, tree trimmers, wagon drill operators, wood chipper operators concrete and power buggy operators	7.05	.40	.40		.05	
Air track op.	7.30	.40	.40		.05	
Blasterers and powdermen	7.55	.40	.40		.05	
Pavers, rammers, curb setters	7.30	.40	.40		.05	
Line Construction:						
Linemen	7.14	.20	1%	a		
Equipment Operator	6.31	.20	1%	a		
Groundman	5.07	.20	1%	a		
Driver groundman	5.58	.20	1%	a		
Painters:						
Bristol, Kent and Providence County:						
Brush & roller	7.20	.40	.40			
Structural steel, steam cleaning	7.45	.40	.40			
Spray sandblasting or water blasting	8.20	.40	.40			
Air power brush	7.70	.40	.40			
Plumbers	9.17	.35	.35			
Waterproofers	7.85	.20	.25			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
A- Holidays: A through F, Bunker Hill Day provided employee has been employed 10 work days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUBBASEMENTS, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders 3 yds. and over	$10.05	.40	.40		.05	
Firemen and Oilers	8.05	.40	.40		.05	
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders less than 3 yds	8.65	.40	.40		.05	
Maintenance Engineers	8.35	.40	.40		.05	
Well-point Installation Crews	8.85	.40	.40		.05	
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.65	.40	.40		.05	
Boat and Tug Operators	10.05	.40	.40		.05	
Apprentices (Deckhands)	8.15	.40	.40		.05	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	$9.35	.40	.40		.05	
Economobile type equipment	9.10	.40	.40		.05	
Fork lift	8.85	.40	.40		.05	
Firemen and Oilers	7.45	.40	.40		.05	
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.00	.40	.40		.05	
Pippin type backhoes	8.30	.40	.40		.05	
Maintenance Engineers	7.90	.40	.40		.05	
Well-point Installation	8.05	.40	.40		.05	
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.20	.40	.40		.05	

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BRIDGE (Incidental to Highway) and HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATOR	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers and front-end loaders 3 to 4 yds. and economobile & ross carriers	$9.15	.40	.40			
Fork lifts	8.35	.40	.40			
Firemen	7.75	.40	.40			
Oilers and apprentices	6.90	.40	.40			
Bulldozers, spreaders, rollers and front-end loaders, less than 3 yds., tractors	7.65	.40	.40			
Scrapers and graders & dozer operators	7.775	.40	.40			
Pippin type backhoe operator	8.00	.40	.40			
Maintenance engineers	7.50	.40	.40			
Gas and electric driven heaters, pumps, concrete mixers, stone crushers, air compressors, light plants and welding machines and concrete pumps	7.775	.40	.40			
Test boring machine operators	6.625	.40	.40			
Well point installation crews	7.60	.40	.40			
Operators of truck cranes with booms of 130 to 150 feet	9.65	.40	.40			
over 150 feet	9.90	.40	.40			
Operators of cat cranes with booms of 130 to 160 feet	9.65	.40	.40			
over 180 feet	9.90	.40	.40			

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
2 axle	$3.97	.24	.35	a+b		
3-axle, Ready Mix Equipment	4.02	.24	.35	a+b		
4-5 axle Dump	4.12	.24	.35	a+b		
Low bed trailer equipment-specialized earth moving equipment other than conventional type	4.22	.24	.35	a+b		
Helpers on low bed	3.97	.24	.35	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Columbus Day, Veteran's Day providing employee has worked at least two days in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive: 1 week's vacation; 5 years or more - 2 weeks vacation.

SUPERSEDEAS DECISION

STATE: Utah
DECISION NUMBER: AQ-1,017
Supersedes Decision No. AP-254 dated December 8, 1972, in 37 FR 26255

COUNTIES: Statewide
DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$7.48	.50	.65			
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS	7.83	.24	.22		.01	
CARPENTERS:						
Carpenters:						
Zone 1: (40 road miles or less from Brigham City-Cedar City-Kanab-Logan-Odgen-Price-Provo-Richfield-Salt Lake City-Vernal)	7.24	.45	.45	.25	.03	
Zone 2: (Beyond 40 thru 50 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Provo-Richfield-Salt Lake City-Vernal)	7.99	.45	.45	.25	.03	
Zone 3: (Beyond 50 thru 60 road miles from Brigham City-Cedar City-Kanab-Logan-Salt Lake City-Vernal)	8.115	.45	.45	.25	.03	
Zone 4: (Over 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	8.24	.45	.45	.25	.03	
Saw filers; Saw operators, and Carpenters handling creosote material:						
Zone 1	7.365	.45	.45	.25	.03	
Zone 2	8.115	.45	.45	.25	.03	
Zone 3	8.24	.45	.45	.25	.03	
Zone 4	8.365	.45	.45	.25	.03	
Millwrights (all zones)	7.49	.45	.45	.25	.03	
Acoustical Carpenters (all zones)	7.24	.45	.45	.25	.03	
CEMENT MASONS:						
Cement masons	7.02	.30	.35	.15		
Machine operator; Mastic floor materials; Spark proofing; Scaffold (2040 ft.)	7.145	.30	.35	.15		
DRYWALL INSTALLERS:						
Taping, finishing and texturing (hand or machine)	7.96	.21	.20		.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS:						
Zone 1						
Cache-Davis Counties (north of 41st parallel)-Weber County:						
Electricians	8.30	.30	1%		1%	
Cable splicers	8.55	.30	1%		1%	
Zone 11						
Box Elder County (east 112.5° longitude)-Morgan County:						
Electricians	8.80	.30	1%		1%	
Cable splicers	9.05	.30	1%		1%	
Zone III						
Box Elder County (east of 112.5° longitude)-Rich County:						
Electricians	10.30	.30	1%		1%	
Cable splicers	10.55	.30	1%		1%	
*Electrical contracts not exceeding $35,000, Zone I rates shall apply.						
Salt Lake County and that portion of Davis County lying south of the 41st parallel; and that portion of Utah County lying north of the 40th parallel.						
10 miles East or West from Interstate Hwy. #15:						
Electricians	8.05	.25	1%		8/10%	
Cable splicers	8.30	.25	1%		8/10%	
Over 10 miles East or West from Interstate Hwy. #15:						
Electricians	8.55	.25	1%		8/10%	
Cable splicers	8.80	.25	1%		8/10%	
Remainder of State:						
Electricians	10.05	.25	1%		8/10%	
Cable splicers	10.30	.25	1%		8/10%	
ELEVATOR CONSTRUCTORS	7.23	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.51	.21		.69		
IRONWORKERS:						
Ornamental-Reinforcing-Fence Erector-Structural	7.53	.50	.65		.05	
LATHERS	6.39	.25	.40		.01	
LINE CONSTRUCTION:						
Cable splicers	7.72	.25	1%		½%	
Linemen	7.03	.25	1%		½%	
Line Equipment Operators	6.34	.25	1%		½%	
Groundmen	5.25	.25	1%		½%	
MARBLE SETTERS	5.35			b		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Area North of 41st parallel:						
Brush	$5.84	.16	.12		.01	
Spray	6.04	.16	.12		.01	
Steeple jack work	6.24	.16	.12		.01	
Remaining part of State:						
Brush; Roller	6.02	.21	.18		.02	
Brush, Swing stage; Brush, steel and bridge; Spray; Sandblaster; Steeple jack; Wall covering hanger	6.27	.21	.18		.02	
Spray, Swing stage; Spray, steel; Bridge; Sandblaster, swing stage	6.52	.21	.18		.02	
PILEDRIVERMEN:						
Bridge, wharf, and dock carpenters, riggers, boom men	8.38	.45	.45	.25	.03	
PLASTERERS	7.56	.15	.20		.01	
PLUMBERS; Pipefitters:						
Zone 1 - 15 mi. radius from center of each city, namely Salt Lake City, Ogden and Provo	7.50	.36	.50		.04	
Zone 2 - Zone 1 plus 15 miles	7.80	.36	.50		.04	
Zone 3 - Zone 2 plus 15 miles	8.15	.36	.50		.04	
Zone 4 - All areas beyond Zone 3	9.00	.36	.50		.04	
REFRIGERATION AND AIR CONDITIONING:						
50 tons or over:						
Zone 1 - 15 mi. radius from center of each city, namely Salt Lake City, Ogden and Provo	7.50	.36	.50		.04	
Zone 2 - Zone 1 plus 15 miles	7.80	.36	.50		.04	
Zone 3 - Zone 2 plus 15 miles	8.15	.36	.50		.04	
Zone 4 - All areas beyond Zone 3	9.00	.36	.50		.04	
Under 50 tons:						
All Zones	6.45	.36	.50		.04	
ROOFERS	6.85	.15	.15			
SHEET METAL WORKERS	7.32	.31	.20		.02	
SOFT FLOOR LAYERS	6.90	.16	.12			
SPRINKLER FITTERS	8.30	.30	.50		.05	
TERRAZZO WORKERS	6.10			.20		
TILE SETTERS	6.10			.20		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.
6 Paid Holidays: A through F.

b. Seven Paid Holidays A through F plus Washington's Birthday.

UTAH-1-LAB-1-2-3-h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS That area in the State of Utah within 45 road miles of the county seats excluding Daggett County:						
GROUP I						
BOXMAN; Carpenter Tender; Cement Finisher Helper; Chat Boxman; Choker Setter; Clearing & Grading; Cleaning of Equipment & Parts in connection with concrete; Concrete Crew; Dockhand & Cleaning Man; Fence Erector & Installer (includes installation & Erection of Fences, Guard Rails, Median Rails, Reference Post, Guide Post, & Right-of-Way Markers); Flagman; Form Stripper; Gardener Helper; General Laborer; Grizzley Operator (whether by power or hand); Group Pump Operator; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking & Demolition; Nurseryman Helper; Prewaterman; Riprap man (hand placed); Sloper, Spreader & Weighman; Stake Jumper; Stripping & Cleaning of Steel & Pans; Tool Dispatcher & Checker (full time); Unloading & packing of reinforcing steel rods & mesh	$5.055	.25	.25	.15	.04	
GROUP II						
AIR TRACK HELPER; Asphalt rakers & Ironers; Dumpman; Gunnite Reboundman; Metal Form Setter (airport paving & highway); Pipe Wrapper; Pot Tender & Joint Maker; Rollers; Screen & Clean-up Man; Signal & Dumpman on Concrete Construction; Tunnel & Belt Man	5.18	.25	.25	.15	.04	
GROUP III						
BARKO VIBRATORY ROLLER & similar type, Compacting Machines; Concrete Cutting Torch; Hand & Chain Saw Operator (Bucking & Falling Timbers); High Pressure Water Nozzleman; J Tampers & similar type tampers; Jackhammer & Pavement Breaker; Mortar & Grout Mixer; Multi-plate Installer; Operators of pneumatic & electric tools & compressors & Concrete Saw; Operators of Power-Type Form Cleaner & Oiling Machine; Pipelayer; Powderman Helper;						

UTAH-1-LAB-1-2-3-h (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (Cont'd)						
Power Type Buggies; Pumpcrete Operators; Refinery Tank & Vessel Cleaners; Sand Blasters; Sandblaster Pot Tender; Vibrator Operator; Work of all type using Cutting Torches & Tools needed in wrecking	$5.305	.25	.25	.15	.04	
GROUP IV						
AIR TRACK & CORE DIAMOND DRILLERS: Drill Mechanic (on job site); High Scaler operating Jackhammer or Breaker; Main Vibrators & Similar Types - 70 lbs; Multiple Side Boom Driller; Wagon Driller	5.43	.25	.25	.15	.04	
GROUP V						
GUNNITE GROUNDMAN; Gunnite Nozzleman; Gunnite Rodman; Powderman	5.78	.25	.25	.15	.04	
TUNNEL AND SHAFT WORK:						
GROUP I						
Underground Laborers	5.18	.25	.25	.15	.04	
GROUP II						
Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler	5.28	.25	.25	.15	.04	
GROUP III						
Nipper; Screedman; Vibrator; Tapman	5.38	.25	.25	.15	.04	
GROUP IV						
Cutting Machine Operator; Drill Doctor; Finisher; Gunnite Gunman; Miners; Powder Make-up Man; Spader & Tuggers; Steelman; Timberman	5.48	.25	.25	.15	.04	
GROUP V						
Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman	5.78	.25	.25	.15	.04	

UTAH-2-LAB-1-2-3-h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS That area in the State of Utah beyond 45 road miles of the county seats and all of Daggett County:						
GROUP I						
BOXMAN; Carpenter Tender; Cement Finisher Helper; Chat Boxman; Choker Setter; Clearing & Grading; Cleaning of Equipment & Parts in connection with concrete; Concrete Crew; Dockhand & Cleaning Man; Fence Erector & Installer (includes installation & Erection of Fences, Guard Rails, Median Rails, Reference Post, Guide Post, & Right-of-Way Markers); Flagman; Form Stripper; Gardener Helper; General Laborer; Grizzley Operator (whether by power or hand); Group Pump Operator; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking & Demolition; Nurseryman Helper; Prewaterman; Riprap man (hand placed); Sloper, Spreader & Weighman; Stake Jumper; Stripping & Cleaning of Steel & Pans; Tool Dispatcher & Checker (full time); Unloading & packing of reinforcing steel rods & mesh	$5.805	.25	.25	.15	.04	
GROUP II						
AIR TRACK HELPER; Asphalt rakers & Ironers; Dumpman; Gunnite Reboundman; Metal Form Setter (airport paving & highway); Pipe Wrapper; Pot Tender & Joint Maker; Rollers; Screen & Clean-up Man; Signal & Dumpman on Concrete Construction; Tunnel & Belt Man	5.93	.25	.25	.15	.04	
GROUP III						
BARKO VIBRATORY ROLLER & similar type, Compacting Machines; Concrete Cutting Torch; Hand & Chain Saw Operator (Bucking & Falling Timbers); High Pressure Water Nozzleman; J Tampers & similar type tampers; Jackhammer & Pavement Breaker; Mortar & Grout Mixer; Multi-plate Installer; Operators of pneumatic & electric tools & compressors & Concrete Saw; Operators of Power-Type Form Cleaner & Oiling Machine; Pipelayer; Powderman Helper;						

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UTAH-2-LAB-1-2-3-h (2-2)

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Power Type Buggies; Pumpcrete Operators; Refinery Tank & Vessel Cleaners; Sand Blasters; Sandblaster Pot Tender; Vibrator Operator; Work of all type using Cutting Torches & Tools needed in wrecking	$6.055	.25	.25	.15	.04	
GROUP IV						
AIR TRACK & CORE DIAMOND DRILLERS; Drill Mechanic (on job site); High Scaler operating Jackhammer or Breaker; Mailn Vibrators & Similar Types - 70 lbs; Multiple Side Boom Driller; Wagon Driller	6.18	.25	.25	.15	.04	
GROUP V						
GUNNITE GROUNDMAN; Gunnite Nozzleman; Gunnite Rodman; Powderman	6.53	.25	.25	.15	.04	
TUNNEL AND SHAFT WORK:						
GROUP I						
Underground Laborers	5.98	.25	.25	.15	.04	
GROUP II						
Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler	6.03	.25	.25	.15	.04	
GROUP III						
Nipper; Screedman; Vibrator; Tapman	6.13	.25	.25	.15	.04	
GROUP IV						
Cutting Machine Operator; Drill Doctor Finisher; Gunnite Gunman; Miners; Powder Make-up Man; Spader & Tuggers; Steelman; Timberman	6.23	.25	.25	.15	.04	
GROUP V						
Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman	6.53	.25	.25	.15	.04	

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Utah-1B-PEO-1-2-3-h (1-1)

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1						
Assistant to Engineer (Oiler)	$7.05	.57	.725	.30	.10	
GROUP 2						
Assistant to Engineer (Truck Crane Oiler); Compressor; Generator, gasoline or diesel driven (100 KW)	7.36	.57	.725	.30	.10	
GROUP 3						
Compressors, Generators &/or Welding Machines or Combination (2 to 6); Deck Engineer; Instrument Man; Signalman (using mechanical equipment); Fork Lift	8.17	.57	.725	.30	.10	
GROUP 4						
Heavy Duty Repairman; Tractor Op.	8.29	.57	.725	.30	.10	
GROUP 4-A						
Combination Heavy Duty Repairman; Welder	8.52	.57	.725	.30	.10	
GROUP 5						
"A" Frame or Boom Truck; Boom Cat; Chicago Boom; Crawler Cranes & Truck Cranes (15 tons m.r.c. or less) Self-propelled Boom Type Lifting Device; Single Drum Hoist; Tugger Hoist; Chief of Party	8.91	.57	.725	.30	.10	
GROUP 6						
Crawler Cranes & Truck Cranes (over 15 tons m.r.c.); Derricks (2 ops. required when swing engine remote from hoist); Highline Cableway Mobile; Universal Liebher & Tower Cranes (& similar types) (In the erection, dismantling & moving of equipment, there shall be an additional Operating Engineer); Two or more Drum Hoist	9.24	.57	.725	.30	.10	

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Utah-1A-PEO-1-2-3-h (1-2)

PILEDRIVING	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1						
(a) Assistant to Engineer (Fireman, Oiler, Deckhand	$6.69	.57	.725	.30	.10	
(b) Compressor Operator (Electrically, gas or diesel powered, etc.)	6.96	.57	.725	.30	.10	
(c) Truck Crane Oiler	7.08	.57	.725	.30	.10	
GROUP 2						
(a) Operator of Tugger Hoist (Hoisting materials only)	7.59	.57	.725	.30	.10	
(b) Compressor Operator (2 to 6) (Electrically, gas or diesel powered); Generator Op. (electr (electrically, gas or diesel driven, 100 K.W.); Pump Op. (2 to 6); Welding Machine Op. (2 to 6) (Gas or diesel powered)	7.76	.57	.725	.30	.10	
GROUP 3						
"A" Frames; Deck Engineer; Fork Lift Operator; Self propelled Boom Type Lifting Device	8.00	.57	.725	.30	.10	
GROUP 3-A						
Heavy Duty Repairman and/or Welder	8.31	.57	.725	.30	.10	
GROUP 4						
Operating Engineer in lieu of assistant to engineer tending boiler or compressor attached to crane piledriver; Operator of Piledriving Rigs, Skid or Floating & Derrick Barges; Operator of Diesel or gasoline powered Crane Piledriver (w/o boiler) up to & incl. 1 cu. yd. rating; Truck Crane Op. (up to & incl. 25 tons) (hoisting material only) (Assistant to engineer required) (not driving piles)	8.76	.57	.725	.30	.10	
GROUP 5						
Operator of diesel or gasoline powered Crane Piledriver (w/o boiler) over 1 cu. yd. rating; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Op. or steam powered crawler or Universal Type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons (Hoisting material or performing piledriving work)	$8.88	.57	.725	.30	.10	

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AREA •

Utah-1-PEO 1-2-3-h (1-4)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
CHAINMAN; Rodman	6.01	.57	.725	.30	.10	
GROUP II						
ASPHALT PLANT FIREMAN; Brakeman-Locomotive; Elevator Operator; Fireman; Hydraulic Monitor; Material Loader or Conveyor Operator; Partsman - Field; Gradesetter - Repairman Helper - Field	6.26	.57	.725	.30	.10	
GROUP III						
AIR COMPRESSOR OPERATOR: Concrete Mixer Operator (skip type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinkey Operator; Generator (100 KW or over); Mixer Box Operator (Concrete or Asphalt Plant) (continuous mix or similar); Pump Operator; Self-propelled, Automatically applied concrete curing machine (on streets, highways, airports and canals); Screedman; Truck Crane Oiler	6.58	.57	.725	.30	.10	
GROUP IV						
BALLAST JACK TAMPER; Ballast Regulator Ballast Tamper - Multiple Purpose; Front End Loader up to and including 1 c. y. Struck MRC; Hoist Operator 1 Drum; Line Master; Lubrication & Service Engineer (Mobile & Grease Rack); Slip Form Pumps	6.74	.57	.725	.30	.10	
GROUP V						
AIR COMPRESSOR OPERATOR (two or more Compressors); Batch Operator (Asphalt Plant); Motorman; Pavement Breaker Operator (Emsco & similar type); Signalman; Shuttlecar; Small Rubber Tired Tractors; Small Self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more)	6.84	.57	.725	.30	.10	

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Utah-1-PEO 1-2-3- h (2-4)

AREA • Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI						
A-FRAME TRUCK & Tugger Hoist; Concrete Saws (Self-propelled unit on streets, highways, airports and canals); Engineer, Locomotive; Fork lift (construction job site); Kolman Loader (and similar); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Road Mixing Machine Operator; Ross Carrier, or similar type; Small Rubber Tired Tractor (with attachments, including backhoe); Small Tractor with Boom; Surface Heater (self-propelled); Loader Operator (over 1 c.y. up to and including 2 c.y. struck MRC); Power Jumbo Operator (setting slip forms, etc. in tunnels); Small Rubber Tired Trenching Machine	7.25	.57	.725	.30	.10	
GROUP VII						
BRIDGE CRANE; Chip Box Spreader (Flaherty type and similar); Concrete Mixer Operator (paving or batch plant); Deck Engineers (Marine); Drilling Machine Operator (well or diamond); Dual Drum Mixers; Elevating Grader Operator; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as quarry master, joy drills or equal; Hoist Operator - 2 drums; Instrument Man; Mechanical Finisher Operator (Asphalt or concrete); Mine or Shaft Hoist; Pavement Breaker (Pavement Breaker with compressor combination); Pavement Breaker, Truck mounted, compressor combination; Refrigeration Plant; Self-propelled Pipeline, Wrapping Machine (Perault, CRC, or similar types); Slusher Operator; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine; Tractor-Compressor Drill Combination; No-Joint Pipe Laying Machine; Lull High-Lift (40 ft. or similar); Roller						

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Utah-1-PEO 1-2-3 h (3-4)

AREA • Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII (Cont'd)						
Operator or self-propelled compactor	7.38	.57	.725	.30	.10	
GROUP VII-A						
SIDE BOOM OPERATOR: Asphalt Plant Engineer; Engineer Crushing Plant; Tractor Operator (Bulldozer, Scraper or drag-type shovel or boom attachment) (up to and including D-7 or similar)	7.48	.57	.725	.30	.10	
GROUP VIII						
DO-MOR LOADER and Adams Elegrader; Euclid Loader and similar types; Chicago Boom (Including Stiff Leg and Sheer Pole); Chief of Party; Combination Slusher and Motor Operator; Concrete Batch Plant (Multiple unit); Koehring Skooper (or similar, up to 5 c.y. Struck MRC); Loader Operator over 2 c.y. up to and including 5 c.y. Struck MRC; Mucking Machine Operator; Saurman Type Dragline (under 5 c.y. Struck MRC); Self-propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Subgrader (automatic subgrader - finegrader); Self-Propelled Boom Type lifting device; Mechanical Trench Shield; Rubber Tired Scraper (under 35 c.y. Struck MRC); Tri-Batch Paver; Tunnel (Mole or similar)	7.75	.57	.725	.30	.10	
GROUP VIII-A						
HEAVY DUTY REPAIRMAN or Welder; Tractor Operator Bulldozer, Scraper or Drag Type Shovel or Boom Attachment Larger than D-7 or similar	7.80	.57	.725	.30	.10	
GROUP IX						
COMBINATION MIXER & Compressor (Gunnite); Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity) (in the erection, dismantling & moving of equipment there shall be additional Operator Engineer)	7.85	.57	.725	.30	.10	

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Utah-1-PEO 1-2-3 h (4-4)

AREA • Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP X						
HIGH CABLEWAY OPERATOR (Signalman required); Lift Slab Machine (Vagtborg & similar types); Locomotive (over 100 tons) (single or multiple units); Pre-Stress wire Wrapping Machine; Saurman type dragline (5 c.y. Struck MRC and over; Tractor Tandem Scrapers; DW 10,20 etc., (Tandem Scraper); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell crane, gradeall, etc. (up to and including 5 c.y.) Struck MRC; Loader (over 5 c.y., up to and including 12 c.y. Struck MRC)	8.00	.57	.725	.30	.10	
GROUP XI						
AUTOMATIC CONCRETE SLIP FORM PAVER (Gradesetter, Screedman); Koehring Skooper (or similar) (5 cu. yds. & over Struck MRC); Multiple Propulsion Power Unit Earth Movers (up to and including 75 c.y. Struck MRC); Remote Controlled Cranes and Derricks; Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. Struck MRC; Rubber Tired Scraper (35 cu. yds. and over Struck MRC); Self-Propelled Compactor (with multiple propulsion power units); Slip Form Paver (Concrete or asphalt) (1 operator and 2 screedmen when required); Tandem Tractors; Tower Cranes Mobile	8.39	.57	.725	.30	.10	
GROUP XI-A						
MULTI-PURPOSE EARTH MOVING MACHINES: (two (2) or more scrapers (over 75 c.y. Struck MRC); Power Shovels & Draglines (over 7 c.y. Struck MRC; Loader over 12 c.y. Struck MRC)	9.25	.57	.725	.30	.10	
GROUP XI-B						
OPERATOR OF HELICOPTER (when used in erection work)	9.65	.57	.725	.30	.10	

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AREA ••

Utah-2-PEO 1-2-3-h (1-4)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
CHAINMAN; Rodman	$7.01	.57	.725	.30	.10	
GROUP II						
ASPHALT PLANT FIREMAN; Brakeman - Locomotive; Elevator Operator; Fireman; Hydraulic Monitor; Material Loader or Conveyor Operator; Partsman - Field; Gradesetter - Repairman Helper - Field	7.26	.57	.725	.30	.10	
GROUP III						
AIR COMPRESSOR OPERATOR: Concrete Mixer Operator (skip type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinkey Operator; Generator (100 KW or over); Mixer Box Operator (Concrete or Asphalt Plant) (continuous mix or similar); Pump Operator; Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Screedman; Truck Crane Oiler	7.58	.57	.725	.30	.10	
GROUP IV						
BALLAST JACK TAMPER; Ballast Regulator; Ballast Tamper - Multiple Purpose; Front End Loader up to and including 1 c.y. Struck MRC; Hoist Operator 1 Drum; Line Master; Lubrication & Service Engineer (Mobile & Grease Rack); Slip Form Pumps	7.74	.57	.725	.30	.10	
GROUP V						
AIR COMPRESSOR OPERATOR (two or more Compressors); Batch Operator (Asphalt Plant); Motorman; Pavement Breaker Operator (Emsco & similar type); Signalman; Shuttlecar; Small Rubber Tired Tractors; Small Self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more)	7.84	.57	.725	.30	.10	

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AREA ** Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI						
A-FRAME TRUCK & Tugger Hoist; Concrete Saws (self-propelled unit on streets, highways, airports and canals); Engineer, Locomotive; Fork lift (construction job site); Kolman Loader (and similar); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Road Mixing Machine Operator; Rose Carrier, or similar type; Small Rubber Tired Tractor (with attachments, including backhoe); Small Tractor with Boom; Surfate Heater (self-propelled); Loader Operator (over 1 c.y. up to and including 2 c.y. struck MRC); Power Jumbo Operator (setting slip forms, etc. in tunnels); Small Rubber Tirad Trenching Machine	$8.25	.57	.725	.30	.10	
GROUP VII						
BRIDGE CRANE; Chip Box Spreader (Flaherty type and similar); Concrete Mixer Operator (paving or batch plant); Deck Engineers (Marine); Drilling Machine Operator (well or diamond); Dual Drum Mixers; Elevating Grader Oper.; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as quarry master, joy drills or equal; Hoist Operator - 2 drums; Instrument Man; Mechanical Finisher Operator (Asphalt or concrete); Mine or Shaft Hoist; Pavement Breaker (Pavement Breaker with compressor combination); Pavement Breaker, Truck mounted, compressor combination; Refrigeration Plant; Self-propelled Pipeline, Wrapping Machine (Perault, CRC, or similar types); Slusher Operator; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine; Tractor-Compressor Drill Combination; No-Joint Pipe Laying Machine; Lull High-Lift (40 ft. or similar); Roller Operator or self-propelled compactor	8.38	.57	.725	.30	.10	

AREA ** Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII-A						
SIDE BOOM OPERATOR; Asphalt Plant Engineer; Engineer Crushing Plant; Tractor Operator (Bulldozer, Scraper or drag-type shovel or boom attachment) (up to and including D-7 or similar)	$8.48	.57	.725	.30	.10	
GROUP VIII						
DO-MOR LOADER and Adams Elegrader; Euclid Loader and similar types; Chicago Boom (including Stiff Leg and Sheer Pole); Chief of Party; Combination Slusher and Motor Operator; Concrete Batch Plant (Multiple unit); Koehring Skooper (or similar, up to 5 c.y. Struck MRC); Loader Operator over 2 c.y. up to and including 5 c.y. Struck MRC; Mucking Machine Operator; Saurman Type Dragline (under 5 c.y. Struck MRC); Self-propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Subgrader (automatic subgrader - fine - grader); Self-propelled Boom Type lifting device; Mechanical Trench Shield; Rubber Tired Scraper (under 35 c.y. Struck MRC); Tri-Batch Paver; Tunnel (Hole or similar)	8.75	.57	.725	.30	.10	
GROUP VIII-A						
HEAVY DUTY REPAIRMAN or Welder; Tractor Operator Bulldozer, Scraper or Drag Type Shovel or Boom Attachment Larger than D-7 or similar	8.80	.57	.725	.30	.10	
GROUP IX						
COMBINATION MIXER & Compressor (Gunnite) Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity) (in the erection, dismantling & moving of equipment there shall be additional Operator Engineer)	8.85	.57	.725	.30	.10	

AREA ** Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP X						
HIGH CABLEWAY OPERATOR (Signalman required); Lift Slab Machine (Vagtborg & similar types); Locomotive (over 100 tons) (single or multiple units); Pre-Stress wire Wrapping Machine; Saurman type dragline (5 c.y. Struck MRC and over; Tractor Tandem Scrapers; DW 10.20 etc. (Tandem Scraper); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell crane, gradeall, etc. (up to and including 5 c.y.) Struck MRC; Loader (over 5 c.y. up to and including 12 c.y. Struck MRC)	$ 9.00	.57	.725	.30	.10	
GROUP XI						
AUTOMATIC CONCRETE SLIP FORM PAVER (Gradesetter, Screedman); Koehring Skooper (or similar) (5 cu. yds. & over Struck MRC); Multiple Propulsion Power Unit Earth Movers (up to and including 75 c.y. Struck MRC); Remote Controlled Cranes and Derricks; Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. Struck MRC; Rubber Tired Scraper (35 cu. yds. and over Struck MRC); Self-propelled Compactor (with multiple propulsion power units); Slip Form Paver (Concrete or asphalt) (1 operator and 2 screedman when required); Tandem Tractors; Tower Cranes Mobile	9.39	.57	.725	.30	.10	
GROUP XI-A						
MULTI-PURPOSE EARTH MOVING MACHINES: (Two (2) or more scrapers (over 75 c.y. Struck MRC); Power Shovels & Draglines (over 7 c.y. Struck MRC; Loader over 12 c.y. Struck MRC)	10.25	.57	.725	.30	.10	
GROUP XI-B						
OPERATOR OF HELICOPTER (when used in erection work)	10.65	.57	.725	.30	.10	

AREA I *	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS						
DUMP TRUCKS - Water Level Capacity (Bottom end or side) (including Dumpster Trucks, Euclid Type trucks, Turnawagons, Turnarockers & Dumpcrete)						
Less than 8 yds.	$6.50	.40	.30	.30		
8 yds. & less than 14 yds.	6.65	.40	.30	.30		
14 yds. & less than 35 yds.	6.80	.40	.30	.30		
35 yds. & less than 55 yds.	7.00	.40	.30	.30		
55 yds. & less than 75 yds.	7.20	.40	.30	.30		
75 yds. & less than 95 yds.	7.40	.40	.30	.30		
95 yds. & less than 105 yds.	7.60	.40	.30	.30		
Over 105 yds.	7.72	.40	.30	.30		
Whenever doubles are used, the drivers will be paid under the appropriate yardage schedule as outlined plus 25¢ per hour.						
When three (3) or more trailers are put into operation, use the appropriate yardage rate as outlined above plus 25¢ per hour for the third (3rd) and each additional trailer which is pulled by one power unit.						
Whenever additional power units are used and operated by one driver, he shall receive an additional 50¢ per hour for operating such equipment.						
FLAT RACK TRUCKS, Bulk Cement Trucks, Transport Trucks, Semi-Trailer, (Carrying capacity):						
Pickup	6.325	.40	.30	.30		
Less than 10 tons	6.40	.40	.30	.30		
10 tons & less than 15 tons	6.55	.40	.30	.30		
15 tons & less than 20 tons	6.65	.40	.30	.30		
20 tons & over	6.80	.40	.30	.30		
Employees driving any of the above on Flat Rack Trucks with Winch, Hoist Attachments or "A" Frames shall receive $.125 additional per hour when such winch hoist or "A" Frames are in use.						

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AREA I * Cont'd TRUCK DRIVERS Cont'd	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
When drivers load and unload sack cement, explosives and/or railroad ties by hand they shall receive $.15 per hour additional for actual hours worked.						
TRANSIT MIX TRUCKS:						
4½ yds. capacity & less	$6.525	.40	.30	.30		
Over 4½ yds. capacity to & incl. 6½ yds.	6.625	.40	.30	.30		
Over 6½ yds.	6.725	.40	.30	.30		
Concrete pumping trucks	6.725	.40	.30	.30		
WATER, FUEL & OIL TANK TRUCKS:						
0 to 1200 gals.	6.375	.40	.30	.30		
1200 to 2500 gals.	6.50	.40	.30	.30		
2500 to 4000 gals.	6.65	.40	.30	.30		
4000 to 6000 gals.	6.95	.40	.30	.30		
6000 gals. to less than 10,000	7.20	.40	.30	.30		
10,000 gals. to less than 15,000 gals.	7.45	.40	.30	.30		
15,000 gals. to less than 20,000 gals.	7.70	.40	.30	.30		
20,000 gals. to less than 25,000 gals.	7.95	.40	.30	.30		
Over 25,000 gals.	8.20	.40	.30	.30		
Whenever two water tanks are pulled, driver will receive 25¢ per hour in addition to the combined water gallonage rates.						
Oil Spreader Operator (on single man operation where boot man is not required)	7.20	.40	.30	.30		
CONSTRUCTION JOB SERVICEMEN:						
Telescopic Manlift Truck	6.70	.40	.30	.30		
Fork Lift (under 6 tons) & Straddle Truck	6.70	.40	.30	.30		
Truck Driver Helper	6.275	.40	.30	.30		
Chauffeurs	6.275	.40	.30	.30		
Bunkers & Truck Loaders	6.40	.40	.30	.30		
Warehousemen (Counter Clerk)	6.45	.40	.30	.30		
Warehousemen	6.325	.40	.30	.30		
Washers, Greasers & Tiremen	6.475	.40	.30	.30		
Gas Station Attendants	6.275	.40	.30	.30		
Fork Lift (Over 6 tons)	6.80	.40	.30	.30		
Material Engineer	6.62	.40	.30	.30		

AREA I * Cont'd TRUCK DRIVERS Cont'd	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CONSTRUCTION JOB SERVICEMEN: (cont'd)						
Teamster Mechanic	$7.51	.40	.30	.30		
Teamster Mechanic helper	7.26	.40	.30	.30		
Teamster Welder	7.51	.40	.30	.30		
Teamster Driving Two Horses	7.275	.40	.30	.30		
Teamster Driving Three or More Horses	7.375	.40	.30	.30		
Sweeper or vacuum truck	6.65	.40	.30	.30		

AREA 2** TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DUMP TRUCKS - Water Level Capacity (Bottom end or side) (including Dumpster Trucks, Euclid Type Trucks, Turnawagons, Turnarockers & Dumpcrete)						
Less than 8 yds.	$7.50	.40	.30	.30		
8 yds. & less than 14 yds.	7.65	.40	.30	.30		
14 yds. & less than 35 yds.	7.80	.40	.30	.30		
35 yds. & less than 55 yds.	8.00	.40	.30	.30		
55 yds. & less than 75 yds.	8.20	.40	.30	.30		
75 yds. & less than 95 yds.	8.40	.40	.30	.30		
95 yds. & less than 105 yds.	8.60	.40	.30	.30		
Over 105 yds.	8.72	.40	.30	.30		
Whenever doubles are used, the drivers will be paid under the appropriate yardage schedule as outlined plus 25¢ per hour.						
When three (3) or more trailers are put into operation, use the appropriate yardage rate as outlined above plus 25¢ per hour for the third (3rd) and each additional trailer which is pulled by one power unit.						
Whenever additional power units are used and operated by one driver, he shall receive an additional 50¢ per hour for operating such equipment.						
FLAT RACK TRUCKS, Bulk Cement Trucks, Transport Trucks, Semi-Trailer, (Carrying capacity):						
Pickup	7.325	.40	.30	.30		
Less than 10 tons	7.40	.40	.30	.30		
10 tons & less than 15 tons	7.55	.40	.30	.30		
15 tons & less than 20 tons	7.65	.40	.30	.30		
20 tons & over	7.80	.40	.30	.30		
Employees driving any of the above on Flat Rack Trucks with Winch, Hoist Attachments or "A" Frames shall receive $.125 additional per hour when such winch hoist or "A" Frames are in use.						

AREA 2** TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
When drivers load and unload sack cement, explosives and/or railroad ties by hand they shall recieve $.15 per hour additional for actual hours worked.						
TRANSIT MIX TRUCKS:						
4½ yds. capacity & less	7.525	.40	.30	.30		
Over 4½ yds. capacity to & including 6½ yds.	7.625	.40	.30	.30		
Over 6½ yds.	7.725	.40	.30	.30		
Concrete pumping trucks	7.725	.40	.30	.30		
WATER, FUEL & OIL TANK TRUCKS:						
0 to 1200 gals.	7.375	.40	.30	.30		
1200 to 2500 gals.	7.50	.40	.30	.30		
2500 to 4000 gals.	7.65	.40	.30	.30		
4000 to 6000 gals.	7.95	.40	.30	.30		
6000 gals. to less than 10,000	8.20	.40	.30	.30		
10,000 gals. to less than 15,000 gals.	8.45	.40	.30	.30		
15,000 gals. to less than 20,000 gals.	8.70	.40	.30	.30		
20,000 gals. to less than 25,000 gals.	8.95	.40	.30	.30		
Over 25,000 gals.	9.20	.40	.30	.30		
Whenever two water tanks are pulled, driver will receive 25¢ per hour in addition to the combined water gallonage rates.						
Oiler Spreader Operator (on single man operation where boot man is not required)	8.20	.40	.30	.30		
CONSTRUCTION JOB SERVICEMEN:						
Telecopic Manlift Truck	7.70	.40	.30	.30		
Fork Lift (under 6 tons) & Straddle Truck	7.70	.40	.30	.30		
Truck Driver Helper	7.275	.40	.30	.30		
Chauffeurs	7.275	.40	.30	.30		
Bunker & Truck Loaders	7.40	.40	.30	.30		
Warehousemen (Counter Clerk)	7.45	.40	.30	.30		
Warehousemen	7.325	.40	.30	.30		
Washers, Greasers & Tiremen	7.475	.40	.30	.30		
Gas Station Attendants	7.275	.40	.30	.30		
Fork Lift (Over 6 tons)	7.80	.40	.30	.30		
Material Engineer	7.62	.40	.30	.30		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
AREA 2**						
TRUCK DRIVERS (Cont'd)						
CONSTRUCTION JOB SERVICEMEN: (Cont'd)						
Teamster Mechanic	8.51	.40	.30	.30		
Teamster Mechanic Helper	8.26	.40	.30	.30		
Teamster Welder	8.51	.40	.30	.30		
Teamster Driving Two Horses	8.275	.40	.30	.30		
Teamster Driving Three or More Horses	8.375	.40	.30	.30		
Sweeper or vacuum truck	7.65	.40	.30	.30		

UTAH
AREA DEFINITIONS
for
Truck Drivers & Operating Engineers

** AREA 2: All areas not included within Area 1 as defined below.

* AREA 1: All areas included in the description defined below which is based upon township and range-lines as referenced to the Salt Lake City Base and Meridian:

Commencing at the intersection of the Utah-Nevada border and the Northerly line of Township 36S, thence easterly along the northerly lines of Township 36S to the Northeast corner of Township 36S, Range 17W.

Thence Northerly to the N.W. corner of township 35S, range 16 W;
Thence Easterly to the N.E. corner of township 35S, range 16 W;
Thence Northerly to the N.W. corner of township 31S, range 15 W;
Thence easterly to the N.E. corner of township 31S, range 15 W;
Thence Northerly to the N.W. corner of township 26S, range 14 W;
Thence Easterly to the N.E. corner of townsnip 26S, range 14 W;
Thence Northerly to the N.W. corner of township 25S, range 13 W;
Thence Easterly to the N.E. corner of township 25S, range 13 W;
Thence Northerly to the N.W. corner of township 24S, range 12 W;
Thence Easterly to the N.E. corner of township 24S, range 12 W;
Thence Northerly to the N.W. corner of township 19S, range 11 W;
Thence Easterly to the N.E. corner of township 19S, range 11 W;
Thence Northerly to the N.W. corner of township 17S, range 10 W;
Thence Easterly to the N.E. corner of township 17S, range 10 W;
Thence Northerly to the N.W. corner of township 16S, range 9 W;
Thence Easterly to the N.E. corner of township 16S, range 9 W;
Thence Northerly to the N.W. corner of township 15S, range 8 W;
Thence Easterly to the N.E. corner of townsbip 15S, range 8 W;
Thence Northerly to the S.W. corner of township 7S, range 7 W;
Thence Westerly to the S.W. corner of township 7S, range 10 W;
Thence Northerly crossing the Salt Lake Base line to the N.W. corner of township 6N, range 10 W;
Thence Easterly to the N.W. corner of township 6N, range 8 W;
Thence Northerly to the N.W. corner of township 12 N, range 8 W;
Thence Easterly to the N.E. corner of township 12 N, range 8 W;
Thence Northerly along the Westerly line of range 7 W to the Utah/Idaho border
Thence Easterly along the Utah/Idaho border crossing the Salt Lake Meridian to the Intersection of the Utah/Idaho/Wyoming borders
Thence Southerly along the Utah/Wyoming Border
Thence Easterly along the Utah/Wyoming border to the Easterly line of range 11 E;
Thence Southerly along the East line of range 11 E, crossing the Salt Lake Base line to the N.E. corner of township 4S, range 11 E;
Thence Easterly to the N.W. corner of township 4S, range 18E;
Thence Northerly to the N.W. corner of township 1S, range 18 E;
Thence Easterly along the Salt Lake Base line to the N.E. corner of township 1 S, range 24 E;
Thence Southerly to the N.E. corner of township 3 S, range 24 E;
Thence Easterly along the Northern line of township 3S, to the Utah/Colorado border;

UTAH
AREA DEFINITIONS (Cont'd)
for
Truck Drivers & Operating Engineers (2-3)

Thence Southerly along the Utah/Colorado border, to the Southerly line of township 6 S;
Thence Westerly to the N.E. corner of township 7 S, range 23 E;
Thence Southerly to the S.E. corner of township 7 S, range 23 E;
Thence Westerly to the S.W. corner of township 7 S, range 20 E;
Thence Southerly to the S.E. corner of township 8 S, range 19 E;
Thence Westerly to the S.E. corner of township 8 S, range 16 E;
Thence Southerly to the S.E. corner of township 11 S, range 16 E;
Thence Westerly to the S.E. corner of township 11 S, range 14 E;
Thence Southerly to the S.E. corner of township 16 S, range 14 E;
Thence Westerly to the S.E. corner of township 16 S, range 12 E;
Thence Southerly to the S.E. corner of township 20 S, range 12 E;
Thence Westerly to the S.E. corner of township 20 S, range 8 E;
Thence Southerly to the S.E. corner of township 21 S, range 8 E;
Thence Westerly to the S.E. corner of township 21 S, range 6 E;
Thence Southerly to the S.E. corner of township 23 S, range 6 E;
Thence Westerly to the S.E. corner of township 23 S, range 5 E;
Thence Southerly to the N.E. corner of township 27 S, range 5 E;
Thence Easterly to the N.E. corner of towoship 27 S, range 7 E;
Thence Southerly to the S.E. corner of township 30 S, range 7 E;
Thence Westerly to the S.E. corner of township 30 S, range 4 E;
Thence Southerly to the S.E. corner of township 31 S, range 4 E;
Thence Westerly to the S.W. corner of township 31 S, range 4 E;
Thence Southerly to the S.E. corner of township 35 S, range 3 E;
Thence Westerly to the S.W. corner of township 35 S, range 3 E;
Thence Southerly to the S.E. corner of township 37 S, range 2 E;
Thence Westerly to the S.W. corner of township 37 S, range 2 E;
Thence Southerly to the S.E. corner of township 39 S, range 1 E;
Thence Westerly crossing the Salt Lake Meridian to the S.E. corner of township 39 S, range 2 W;
Thence Southerly to the S.E. corner of township 41 S, range 2 W;
Thence Westerly to the S.E. corner of township 41 S, range 4 W;
Thence Southerly along the Easterly line of range 4 W, to the Utah/Arizona border;
Thence Westerly along the Utah/Arizona border to the S.W. corner of Utah;
Thence Northerly along the Utah/Nevada border to the point of beginning;

* * * * * * *

Commencing at the intersection of the Utah/Colorado border and the Southerly line of Township 34 S,
Thence Westerly to the S.W. corner of township 34 S, range 21 E;
Thence Northerly to the S.W. corner of township 29 S, range 21 E;
Thence Westerly to the S.W. corner of township 29 S, range 19 E;
Thence Northerly to the N.W. corner of township 23 S, range 19 E;
Thence Easterly to the N.W. corner of township 23 S, range 22 E;
Thence Northerly to the N.W. corner of township 21 S, range 22 E;
Thence Easterly to the N.E. corner of township 21 S, range 24 E;

Thence Southerly to the N.E. corner of township 31 S, range 24 E;
Thence Easterly along the Northerly line of township 31 S, to the Utah/Colorado border;
Thence Southerly along the Utah/Colorado border to the point of beginning.

NOTE: Truck Drivers, only - If any part of portion of any job or project falls within Area 2, then the Area 2 rate of pay will apply for all work done on said job or project. This means, all actual on-site work, such as dams, bridges, roads, etc., including barrow pits which may be located in Area 1.

[FR Doc.73-18296 Filed 8-30-73;8:45 am]

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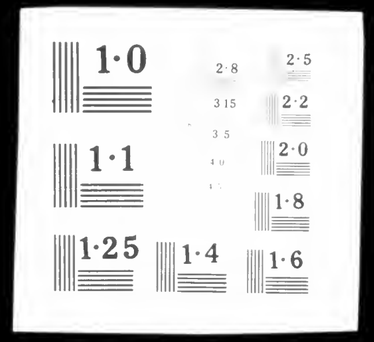
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution capacities are in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals on chart indicate the number of lines per millimeter in adjacent "E shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 200 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 ÷ 20 = 5.

Examine "E shaped" line groupings in the film with microscope, and note the number adjacent to finest group recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 × 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 × 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.